UNITED STATES OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS
SECOND SESSION

## VOLUME 126—PART 1

JANUARY 3, 1980 TO JANUARY 30, 1980
(PAGES 3 TO 1378)

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
MAY 24 1983
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1980

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

United States
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION

## HOUSE OF REPRESENTATIVES—*Thursday, January 3, 1980*

The House met at 12 o'clock noon.

The SPEAKER pro tempore (Mr. MOAKLEY). This being the day fixed by the 20th amendment of the Constitution for the meeting of Congress, the House will be in order.

The Chaplain will offer prayer.

### PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

*Love the Lord, all you his saints! The Lord preserves the faithful, but abundantly requites him who acts haughtily. Be strong, and let your heart take courage, all you who wait for the Lord.*—Psalms 31: 23, 24.

Give us a sense of Your majesty, O Creator of the world, so that we may take hope in Your power and righteousness. As Your ministers of good will to this worn and weary world, fill us with Your mighty spirit that we may meet our responsibilities with courage and with faith and thus to serve all people who have need in body or in soul. In Your name, O Lord, we pray. Amen.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the House shall conduct no organizational or legislative business until January 22, 1980, or until the House is notified of legislative business pursuant to section 4 of that concurrent resolution.

### LET US FACE THE FACTS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, Democratic National Chairman John C. White has said that those who do not criticize the President's handling of Iran and Afghanistan show "dignity and restraint."

Dignity—our national dignity, our national honor—has been already hurt by the Carter administration. And so far as "restraint" goes, Jimmy Carter has made it a kind of sacred idol, before which his administration sacrifices America's interest in the world.

Mr. White would be better advised to stop being so stuffy and start seeing what the rest of America sees: the Carter administration has brought us to the brink of international disaster with its dogma of restraint.

I realize that anyone who says we should do something is accused of being "macho" which is a cardinal sin in the Carter White House. Well, if it be "macho" to suggest we blockade Iranian ports, stop selling technology to the Soviet Union, and increase our defense budget, I say we be macho.

### GOVERNMENT SAYS DO AS I SAY, NOT DO AS I DO, ON ENERGY

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SENSENBRENNER. Mr. Speaker, I have recently made public the results of a Congressional Research Service study which graphically displays the lack of commitment, on the part of the Federal Government, to conserve our dwindling gas and petroleum resources.

With the notable exception of the Defense Department, Federal Government has, since 1975, increased usage of gasoline from 227 to 241 million gallons per year, a 6-percent rise. Diesel fuel consumption increased 7 percent, from 59 to 63 million gallons per year, and jet fuel use jumped from 43 to 54 million gallons per year or an amazing 26 percent.

Rather than take the lead in energy conservation the Government has adopted a hypocritical, do as I say, not as I do, attitude.

Mr. Speaker, the American people expect and deserve the same degree of sacrifice on the part of the Federal Government as they themselves have given. And I believe all the agencies responsible for these increases should come before Congress to explain why they have not conserved.

Finally, if the only way to make them understand we mean business here is to withhold their funding, then so be it.

I include the results of the CRS study below:

U.S. GOVERNMENT FUEL USE BY TYPE, VEHICLES, AND EQUIPMENT

[In millions of gallons; fiscal years]

| | Department of Defense | | All others[1] | | Total | |
|---|---|---|---|---|---|---|
| | Amount | Percent | Amount | Percent | Amount | Percent |
| Motor gasoline: | | | | | | |
| 1975 | 293 | 56 | 227 | 44 | 520 | 100 |
| 1978 | 259 | 52 | 241 | 48 | 500 | 100 |
| Diesel and petroleum distillate: | | | | | | |
| 1975 | 1,329 | 96 | 59 | 4 | 1,388 | 100 |
| 1978 | 1,033 | 94 | 63 | 6 | 1,096 | 100 |
| Aviation gasoline: | | | | | | |
| 1975 | 151 | 94 | 10 | 6 | 161 | 100 |
| 1978 | [2] 44 | 86 | 7 | 14 | 51 | 100 |
| Jet fuel: | | | | | | |
| 1975 | 5,217 | 99 | 43 | 1 | 5,260 | 100 |
| 1978 | 4,775 | 99 | 54 | 1 | 4,829 | 100 |
| Aviation special:[3] | | | | | | |
| 1975 | 270 | 99 | 3 | 1 | 273 | 100 |
| 1978 | [4] 92 | 97 | 3 | 3 | 95 | 100 |

| | Amount |
|---|---|
| Departments of Energy and Interior only: LPG[5] and propane: | |
| 1975 | 0.319 |
| 1978 | .329 |

[1] Totals 25 agencies.
[2] Drop due to discontinued use of propeller airplanes.
[3] Bunker C and residual fuel oil; Navy and Coast Guard only.
[4] Drop due to conversion to distillate and diesel fuels.
[5] Liquefied petroleum gas.

Note: Fiscal years 1976 and 1977 data not available.

Source: U.S. Department of Energy.

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

## CHRYSLER SUPPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Diggs) is recognized for 10 minutes.

● Mr. DIGGS. Mr. Speaker, as one of the final acts of the first session of this Congress shortly before Christmas, the House and Senate agreed on aid to Chrysler, thus avoiding a catastrophic economic depression in Detroit and elsewhere. As a strong supporter of this legislation, I received large amounts of mail from around the country urging Congress to act favorably on the measure. However, as every Member knows, it is the mail from one's constituents that must weigh most significantly in determining sentiment on such an issue.

For this reason, I would like to share with my colleagues some of the thoughts and feelings expressed by my constituents during our consideration of the Chrysler matter:

Dear Representative Diggs: I am writing to express the strong support of the entire active and retired membership of the UAW for the proposed legislation to extend a $1.5 billion loan guarantee to the Chrysler Corporation. While this legislation is not scheduled to come before the full House until after Thanksgiving, we felt it appropriate to communicate with you now to stress the importance of this issue to the UAW and the entire country, and to emphasize our need for your help in passing this legislation.

The UAW is obviously concerned about the fate of approximately 200,000 of our members whose jobs depend on Chrysler's survival. But the arguments against letting the nation's third largest auto manufacturer collapse are far broader than the well-being of our members. Permit me to briefly note some consequences that would result if Chrysler is permitted to fail:

Short-term unemployment would increase by about 500,000 at the very time the recession is deepening, and up to 200,000 of those workers who would lose their jobs would probably remain unemployed permanently.

The federal budget deficit would be increased by several billion dollars, through a combination of lost revenue and increased demand for human services. Several state and many local budgets would also suffer dramatically.

Tens of thousands of retirees, living in all parts of the country, would lose negotiated health and life insurance benefits, and a smaller number of retirees would lose negotiated pension supplements which are uninsured.

The entire fund of the Pension Benefit Guarantee Corporation would have to be used to protect insured pensions for Chrysler workers, which means pension reinsurance payments by employers throughout the economy and country would have to be increased to refund PBGC.

Our balance of trade deficit would increase by an estimated $2 billion as foreign auto manufacturers pick up a disproportionate share of the Chrysler market.

There would be a significant decrease in competition in the auto industry, which has already been attacked as not being sufficiently competitive.

This is but a brief and partial listing of the consequences of a Chrysler failure, and all of the foregoing are substantiated by government agencies or independent consultants working for the government.

No matter how serious the consequences of a Chrysler failure, House members are asking appropriate questions about whether or not Chrysler will survive even if the legislation is enacted, and about the practice of using government guarantees to prevent the collapse of a private corporation.

On the first point—Chrysler's future outlook—the Carter Administration recommended a $1.5 billion loan guarantee coupled with additional, non-guaranteed assistance to Chrysler of another $1.5 billion. All available studies, including those of outside consultants working with the Treasury Department, indicate that the additional $3 billion will be sufficient to ensure Chrysler's return to profitability. To help make this possible, the UAW negotiated a new contract with Chrysler which, for the first time in 42 years, departs from the pattern agreement reached with the other major auto companies. Recognizing their responsibility to make sacrifices, Chrysler workers are foregoing $203 million in wages and benefits in the next two years. This sum is part of the $1.5 billion which Chrysler is obliged to raise on its own. In addition, the UAW has agreed to let Chrysler defer payment of $200 million to our pension fund to provide additional help to the corporation in solving its short-term cash flow problems. Moreover, we have not closed the door on other forms of possible assistance to the corporation. The UAW is obviously doing its part to help save Chrysler, and we have every reason to expect that the states, local governments, dealers, suppliers and financial institutions—all of which have a stake in Chrysler's survival—will do their part as well. The combination of support from interested parties and federal loan guarantees provides every evidence that Chrysler can be returned to economic viability, that the federally guaranteed loans can be repaid, and that, as was the case with Lockheed, the government can actually realize a small profit by charging a fee for the guarantees.

On the second commonly asked question—is this a proper activity for the federal government—we believe the answer is also positive. There is a long history of the government providing federal loan guarantees to private companies for socially desirable goals. Most recently, the Economic Development Administration was authorized by the Congress to provide more than $500 million in loan guarantees to several troubled steel companies. There is also the successful Lockheed experience mentioned above. And less recently, but no less relevant, was the success of the Reconstruction Finance Corporation in saving private companies during the Great Depression. The Chrysler legislation is not precedent-setting. Quite to the contrary, if one agrees that the consequences of a Chrysler failure are unacceptable economic and social costs then there is ample precedent for the Chrysler legislation.

The UAW is proud of its tradition of making judgments on a wide variety of legislative issues beyond the immediate or parochial interests of its members. We are not unwilling, however, to speak out on behalf of our members when they have a direct interest in legislation such as the Chrysler loan guarantee. And it is difficult to imagine another legislative issue of such great and direct concern to all our members as the Chrysler legislation. But the essential reason why we believe this legislation should be enacted is not simply that it is important to us, but that it is important to the entire country for a wide variety of public policy reasons. It is on these grounds that we so emphatically solicit your support of the Chrysler loan guarantee legislation.

Thank you.

Sincerely,

Howard G. Paster,
*Legislative Director, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America—UAW.*

---

Dear Representative Diggs: The AFL–CIO strongly urges you to support H.R. 5860, the Chrysler Corporation Loan Guarantee Act, when this important legislation reaches the House floor.

While the United Auto Workers is not an affiliate of the AFL–CIO, we are convinced that without this legislation some 500,000 workers will lose their jobs immediately. More than half of these workers are represented by unions other than the UAW in such industries as glass, rubber, textile, and steel.

But, the issue is not simply one of lost employment. In addition to permanent unemployment for an estimated 200,000 Americans, the immediate effect on an economy heading into a deeper recession will be devastating. The federal budget deficit will be increased by a combination of lost tax revenue and increased social needs. Many state and local budgets also will suffer. The balance of trade deficit will increase by an estimated $2 billion as foreign auto makers assume a large share of the Chrysler market. Employer pension reinsurance payments will be increased to refund a Pension Benefit Guarantee Corporation depleted by the Chrysler shutdown.

H.R. 5860 seeks to avert this crisis by providing a combination of $1.5 billion in federal loan guarantees with a similar amount of nonguaranteed financing to be raised by Chrysler. UAW members are required to make an equitable contribution to Chrysler's share of the "package" through the surrender of wages and benefits.

The UAW has not objected to contributing its fair share, but—for good reason—strongly opposes the three-year wage freeze reported by the Senate Banking Committee. Such a freeze is tantamount to asking these workers to accept a 50 percent cut in their real income when inflation and productivity gains are taken into account. In addition, the duration of the wage freeze is set by the recently approved collective bargaining agreement; not by the time period spelled-out in the Chrysler rescue plan. As the corporation has rightfully pointed out, a three-year wage freeze would result in Chrysler losing many of its best employes as these skilled workers find better jobs with other employers.

It is the AFL–CIO's understanding that when H.R. 5860 reaches the House floor, an amendment will be offered mandating an increased contribution by UAW members above the level in the House bill, but below the inequitable three-year wage freeze in the Senate committee version.

The AFL–CIO urges you to support this compromise amendment and to oppose, if offered, any three-year wage freeze amendment. Upon adoption of the compromise amendment, we urge you to support passage of H.R. 5860. Such action, before the end of this Congressional session, will be a vote to save the jobs of an estimated 500,000 Americans.

Sincerely,

Kenneth Young,
*Director, Department of Legislation, American Federation of Labor and Congress of Industrial Organizations.*

---

Dear Congressman Diggs: On behalf of the over two million members of the International Brotherhood of Teamsters, I am writing to express our strong support of the proposed legislation to extend a $1.5 billion loan guarantee to the Chrysler Corporation.

By this time, you have heard many arguments, both for and against this loan, however, we feel that a number of the adverse consequences of a Chrysler bankruptcy bear repeating.

Estimates of both short-term and permanent unemployment are varied, but all concerned agree that additional unemployment will occur. The addition of these workers to already troubled state unemployment compensation systems will be a severe problem. With more economists forecasting a recession, federal bailouts of state unemployment systems might become necessary.

The bankruptcy of Chrysler Corporation and the termination of Chrysler Corporation's pension plans will place the Pension Benefit Guarantee Corporation in an untenable position. In a time when the administration is stressing wage restraint, employers will be required to significantly increase their required insurance contributions to restore the PBGC to financial stability.

Both state and federal governments would suffer a loss of tax revenues as industries tied to Chrysler would be forced to lower production and lay-off workers.

The huge trade deficit will increase as foreign car companies step up exports to fill the gap left by Chrysler, and domestically the "Big Two" would monopolize an industry already under attack as less than competitive.

It seems most clear that allowing Chrysler to go under would be as expensive, if not more so, than any possible liability under the loan guarantee.

Our concern in this matter is real.

We estimate that over 4,000 of our members in Detroit alone would face immediate unemployment if Chrysler were to go out of business.

In summary, we urge your support for Legislation that would assist this company.

Thank you for your consideration in this matter.

Sincerely,
Frank E. Fitzsimmons,
*General President,*
*International Brotherhood of Teamsters.*

---

[Mailgram]

Hon. Charles Diggs,
*U.S. House of Representatives,*
*Washington, D.C.*

Chrysler Corporation is an essential ingredient to the economic health and growth of the city of Detroit, State of Michigan, and many parts of the nation. Accordingly I sincerely request that you give favorable consideration to the urgently needed Chrysler U.S. loan guarantee which will be presented to the honorable House.

Respectfully,
Walton A. Lewis,
*Chairman,*
*Lewis and Thompson Agency, Inc.*

---

Representative Charles C. Diggs, Jr.,
*U.S. House of Representatives,*
*House Office Building,*
*Washington, D.C.*

Dear Representative Diggs: I urge you to vote for the bill that will soon come before the House of Representatives authorizing loan guarantees for Chrysler Corporation.

It is my firm belief that the City of Detroit, County of Wayne and to a large extent the State of Michigan would be devastated if Chrysler should be unable to continue as a viable business entity. I anticipate, therefore, that your constituents, and my business and all of its employees will suffer severe economic distress if the loan guarantees for Chrysler are not granted.

As a matter of equity, I believe these loan guarantees must be granted. Chrysler is spending over $1 billion dollars per year, meeting the government mandated emissions control and fleet average mileage standards. I am sure they make no claim that they are significantly smarter than General Motors Corporation. Therefore, they are spending as much money on these government mandated programs as is General Motors. Yet General Motors divides its billion dollar expenditure by 5 million vehicles produced per year, for an average cost of $200.00 per vehicle, and Chrysler divides its billion dollars by 1 million cars produced per year for an average cost of $1,000.00 per car. The merits of the mandated programs are not in question here, only the cost to comply with them.

Since the government has put Chrysler in this unfavorable position, I firmly believe that government has an irrefutable moral obligation to lend Chrysler the assistance it needs to continue to be a viable force in the nation's economy, and automobile business.

I strongly urge you to vote in favor of the legislation to guarantee the necessary loans for Chrysler Corporation.

Yours very truly,
J. W. Caskey,
*President,*
*Ken Brown Motor Co.*

---

Representative Diggs: We at Abrasive Blasting Co., encourage your support for any loan guarantee for Chrysler Corp. We feel that it is necessary for your help to Chrysler. It would greatly affect the momentum of Detroit if the company were to fold.

Thank you.
J. Forte,
*Abrasive Blasting, Inc.*
Detroit, Mich.

---

Representative Charles C. Diggs, Jr.,
*Capitol One, D.C.:*

We urge you to support the bill for guaranteed loan to Chrysler Corporation.

Robert Olejar,
*Nu-way Brake & Equipment Co., Inc.*
Detroit, Mich.

---

Dear Representative Diggs: I hope you will support the Chrysler Loan Bill and see that it is tied in with the maintenance of plants such as Dodge Main and any other inner city plants to be closed.

Yours truly,
Juanita Gardner.
Detroit, Mich.

---

[Telegram]

Charles C. Diggs, Jr.: Save Chrysler.
*Builders Assn. of Southeastern Michigan.*
James Raisin, *President.*
Irvin Yackness.

---

Hon. Charles C. Diggs, Jr.,
*Rayburn House Office Building,*
*Washington, D.C.*

Dear Representative Diggs: I have been in the communications business for 53 years, starting with Dodge before Dodge was acquired by Chrysler.

Today 142 of our 500 employees comprise a merchandising team which started working for Chrysler Corporation just a year and a half ago. I shudder at the thought of letting any of them go.

My point in all this is that outside of Chrysler Corporation there are hundreds—perhaps thousands—of vendors or suppliers who are as concerned as I am.

It is my opinion that one can hardly assess the nationwide effect of Chrysler Corporation going bankrupt. There are 4,700 Chrysler Corporation dealers—representing Chrysler Corporation in most every community. No one seems to be aware of the fact that there are 14 million owners of Chrysler Corporation passenger cars. These vehicles will need service and parts for many years to come. I'm sure that close to 100% of their owners do not want Chrysler Corporation to cease production of either vehicles or parts.

The social issue is more threatening than many realize. Many of us in Detroit recall sadly our major riot of 1967, precipitated to a great extent by unemployment particularly of blacks. If 140,000 are added to our current unemployment rolls in Detroit and Michigan, it could actually be calamitous. (Enclosed clipping from December 4 Detroit News touches upon this.)

I urge you to approve a government loan for Chrysler Corporation as soon as possible. This will be in the *national* interest. And while thinking about all this, consider the *long range* handicaps imposed on *all* of our U.S. car manufacturers who must compete with imports shipped to the U.S. from nations in which government and business *cooperate*—as compared to a relatively adversary relationship in the U.S.

Again I appeal to you—please help to get a loan program implemented as soon as possible. We must not let this great U.S. corporation go down the drain.

Regards,
Ross Roy,
*Ross Roy, Inc.*
Detroit, Mich.

---

Dear Congressman Diggs: Enclosed an "Open Letter" which was sent to all Detroit newspapers plus surrounding community papers.

I trust you are cognizant of all these facts when voting on this much needed loan to Chrysler Corporation.—Without the three-year Freeze.

Sincerely,
Jack Zeller.
Detroit, Mich.

---

[An Open Letter]

To Our Federal Legislators

Dear Senators and Congressmen: I write this letter not only on behalf of the thousands of Retirees I represent from the many Chrysler plants, but also the many, many workers within those plants. I am sure you are well aware of the terrible circumstances that face our UAW active and retired membership, if our government refuses to help Chrysler Corporation in its dire need for money to operate. In addition there are thousands in supplier plants who would lose employment and the means of making a decent living for them and their families.

You know there have been many changes in top management within Chrysler and all to the good. Chrysler has the best products on the market. The facts speak for themselves. When you buy a Chrysler made car, you not only get the best engine produced here in America, you get the safest and longest lasting product. One fault with Chrysler is they do not advertise their advanced technology as widely as they should. They have had engine improvements for years—that their competitors are now using and advertising.

If Chrysler were to go out of business, just think of the millions of dollars it would cost in unemployment compensation, federal and state plus additional millions eventually in welfare at federal, state and city levels. Those already retired plus hundreds eligible for retirement would also cost our federal government millions in pension payments as required through ERISA. Neither would these thousands unemployed be able to pay any federal, state or city income taxes.

I write all these facts from a worker's and retiree's point of view so you will know just how we feel. We have a heartless government.

If this much needed loan is not advanced to Chrysler. Not for the sake of the corporation but for the sake of its 124,000 employees plus its many supervisory employees, including top management. After all they too are workers who have had to follow the orders of top *mis*-management these many years.

Give Iacocca and Fraser a chance to salvage the Chrysler Corp. Jointly they can do the job. Iacocca for the stock owners and top management. Fraser for the thousands of workers both hourly and salary as represented by our Union, the UAW.

We retirees and workers within the Chrysler plants nation wide, have helped in no small way down through these many years, pay your salaries and expenses at all levels of government through our federal income taxes.

Congress has made many loans to other countries that have never been repaid. And we seem to take that for granted. Why the big fuss about a loan to Chrysler to help salvage nearly a half million workers who depend on Chrysler for their daily bread. Where else can they go for this kind of money except to their government whom they too have helped to support with millions in federal taxes these past 55 years.

This is the first time our Union or the Chrysler Corporation has asked our own government for a helping hand in the form of a guaranteed loan at an excessive high rate of interest. This loan will give livelihood and dignity to thousands of deserving workers.

Our government owes this much to the near half million workers involved directly and indirectly in the production of Chrysler cars and its other products.

Sincerely,

Jack Zeller,
*Advisory Council Representative,*
*Chrysler Retirees, UAW.*●

## FATHER CAVANAUGH OF NOTRE DAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Brademas) is recognized for 10 minutes.

● Mr. BRADEMAS. Mr. Speaker, I take this time to pay tribute to an outstanding citizen of the district I am privileged to represent in Congress, the Reverend John J. Cavanaugh, C.S.C., former president of the University of Notre Dame.

Father Cavanaugh died last Friday at the age of 80.

Mr. Speaker, Father John Cavanaugh was a crucial figure in the building of the University of Notre Dame into a great center of learning.

But beyond his role as an educator, Father Cavanaugh was a wise and warm and gentle priest, and I am grateful for the privilege of having known him.

For Father Cavanaugh was the 15th president of the University of Notre Dame and served in that position from 1946 to 1952.

As the present president of Notre Dame, the Reverend Theodore M. Hesburgh, C.S.C., the successor to Father Cavanaugh, remarked on Father Cavanaugh's death—

> I learned from him to dream of what Notre Dame might yet be. We are still trying to realize the Cavanaugh dreams, still traveling up the paths he pioneered, the trails he blazed.

Mr. Speaker, I ask unanimous consent to insert at this point in the Record an editorial in tribute to Father Cavanaugh published in the South Bend, Ind., Tribune of December 31, 1979:

### Father Cavanaugh

Rev. John J. Cavanaugh, C. S. C., lived long enough to see his planning and foresight help propel the University of Notre Dame into the front ranks of the nation's institutions of higher learning.

Father Cavanaugh was buried today in the Community Cemetery on the campus of the university of which he was president from 1946 to 1952. He died Friday at the age of 80.

While he was president only six years, the limit at that time, Father Cavanaugh used that short period to set up the fund raising foundation that has been so important in the building programs of the last quarter of a century.

It was during his term that the Lobund Institute was established, now a world-renowned laboratory for the study of germ-free animals. The radiation research program was established and the Medieval Institute for historical studies.

But his greatest contribution may have been the leadership, direction, and vision he gave to those who would follow him.

Rev. Theodore M. Hesburgh, C. S. C., who had become vice-president under Father Cavanaugh and who succeeded him as president, said, "He (Father Cavanaugh) had a much higher notion of Notre Dame than what it was when he took it over. It was a good school, but he wanted to make it a great university."

Father Cavanaugh gave up a promising business career to become a priest. After he was ordained, he spent the better part of three decades at Notre Dame. He was immensely popular with the South Bend community, numbering many industrial and business leaders among his friends.

He was highly respected in the field of education. And a number of government leaders who knew him personally have expressed their regard for him.

Father Cavanaugh's influence extended far beyond the Notre Dame campus. While it was left to others to carry out what he started, Notre Dame and the communities around it owe a great debt to the man who was the university's master planner, Father Cavanaugh.●

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. White) to revise and extend their remarks and include extraneous material:)

Mr. Diggs, for 10 minutes, today.

Mr. Brademas, for 10 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Derwinski.
Mr. Patten.
Mr. Dellums.
Mr. Findley.
Mr. Schulze.
Mr. McDonald.
Mr. Biaggi in two instances.

## ADJOURNMENT

Mr. WHITE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the House stands adjourned until 12 o'clock meridian, Monday, January 7, 1980.

Thereupon (at 12 o'clock and 4 minutes p.m.), pursuant to House Concurrent Resolution 232, the House adjourned until Monday, January 7, 1980, at 12 o'clock noon.

# SENATE—*Thursday, January 3, 1980*

The 3d day of January being the day prescribed by House Concurrent Resolution 232 for the meeting of the 2d session of the 96th Congress, the Senate assembled in its Chamber at the Capitol.

Hon. Bill Bradley, a Senator from the State of New Jersey, called the Senate to order at 12 o'clock meridian.

The PRESIDING OFFICER. The Senate will come to order for the 2d session of the 96th Congress, and will start with a moment of silent prayer.

[There was a moment of silent prayer.]

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Magnuson).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
*Washington, D.C., January 3, 1980.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Bill Bradley, a Senator from the State of New Jersey, to perform the duties of the Chair.

Warren G. Magnuson,
*President pro tempore.*

Mr. BRADLEY thereupon assumed the chair as Acting President pro tempore.

## VETO MESSAGE—S. 2096

The ACTING PRESIDENT pro tempore. Yesterday, the Senate received a veto message from the President on S. 2096, which message, without objection, will be printed in the Record at this point and entered on the Journal.

The message follows:

*To the Senate of the United States:*

I am returning without my approval S. 2096, a bill requiring the Secretary of Health, Education, and Welfare to conduct a study of the long-term health effects in humans of exposure to a class of chemicals known as dioxins.

I strongly support the effort to investigate the effects of dioxins. The exposure of individuals to these substances has been a matter of concern to this Administration and is the subject of a number of studies currently being carried out by several Federal agencies, including the Department of Defense, the

Environmental Protection Agency, the Veterans Administration, and the Department of Health, Education, and Welfare. However, I cannot approve S. 2096 because it includes what I believe to be an unconstitutional requirement that the Secretary of HEW conduct a study only after the protocol for that study has been approved by the Director of the Office of Technology Assessment, which is an office and an arm of the Congress.

I have previously informed Congress of my view that legislative veto devices are unconstitutional intrusions into the day-to-day administration of the law by the Executive Branch. Congress is constitutionally empowered to direct Executive Branch decisions executing the law only by enacting legislation subject to the veto power of the President under Article I, section 7 of the Constitution. In my view, such legislative power may not constitutionally be delegated to committees of the Congress or to offices subordinate to committees of the Congress.

I recently signed into law a bill (H.R. 3892, P.L. 96-151) containing a similar provision requiring the Veterans Administration to conduct a study—subject to the approval of the Office of Technology Assessment—of the effect of dioxins on Vietnam-era veterans. I approved P.L. 96-151 because it extended the appropriation authorizations for several veterans medical programs and because it included provisions affecting veterans medical care which had been the subject of lengthy discussions between the Administration and the Congress. I viewed the provision in that bill requiring approval of the study by the Office of Technology Assessment as being constitutionally defective, and I am instructing the VA Administrator not to treat that provision as legally binding.

This Administration intends to continue its support of efforts to ascertain the health effects of dioxin exposure. Enactment of S. 2096 is unnecessary, since HEW is already planning to conduct the study called for by the bill under the authority of the Public Health Service Act. I am requesting Secretary Harris to move forward expeditiously on this study. In addition, my Assistant for Domestic Affairs and Policy recently ordered the establishment of an interagency work group to study the long-term health effects of exposure to this class of chemicals. I believe the studies currently being conducted will result in an improved and a more well-coordinated Federal response to whatever dangers these chemicals pose to the health of American citizens.

JIMMY CARTER.

THE WHITE HOUSE, *January 2, 1980.*

The ACTING PRESIDENT pro tempore. Pursuant to the provisions of House Concurrent Resolution 232, further action on the message will be delayed until Tuesday, January 22, 1980.

## MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Pursuant to the order of the Senate of December 20, 1979, the Secretary of the Senate, on December 24, 1979, received a message from the House of Representatives, reporting that the Speaker has signed the following enrolled bills and joint resolutions:

S. 440. An act to revise and extend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970;

S. 525. An act to amend the Drug Abuse Office and Treatment Act of 1972, and for other purposes;

H.R. 600. An act to incorporate United Service Organizations, Incorporated;

H.R. 894. An act for the relief of Gina Marie S. Hernandez;

H.R. 900. An act for the relief of Grace Maria Salazar Santos;

H.R. 901. An act for the relief of John A. Townsley;

H.R. 918. An act for the relief of Maryrose and Rosemary Evangelista;

H.R. 1489. An act for the relief of In Sun Pineiro;

H.R. 1619. An act for the relief of Rolando R. Gaza, Teresita C. Gaza, and Rolynne Therese Gaza;

H.R. 1827. An act for the relief of Emiko Okuma Colona;

H.R. 1887. An act for the relief of Solomon Mani;

H.R. 2043. An act to amend the Water Bank Act for the purposes of authorizing the Secretary of Agriculture to adjust payment rates with respect to initial conservation agreements and to designate certain areas as wetlands, and for other purposes;

H.R. 2584. An act to amend the provisions of chapters 83 and 89 of title 5, United States Code, which relate to survivor benefits for certain dependent children, and for other purposes:

H.R. 2593. An act for the relief of Mariana de Jesus Roca and Francisco Rubira Roca;

H.R. 2771. An act to change the name of the Palmetto Bend Reservoir on the Navidad River in Texas to Lake Texana;

H.R. 3091. An act to extend for one year the provisions of law relating to the business expenses of State legislators;

H.R. 3234. An act for the relief of Rodolfo Jose Kozul;

H.R. 3320. An act for the relief of Eileen Ferraren Fair;

H.R. 3951. An act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for the cost of construction of the rapid transit system of the National Capital Region, to provide an orderly method for the retirement of bonds issued by the Washington Metropolitan Area Transit Authority, and for other purposes;

H.R. 4998. An act to authorize transfer accounts at commercial banks, remote service units at Federal savings and loan associations, and share draft accounts at Federal credit unions during the period beginning on December 31, 1979, and ending on April 1, 1980;

H.R. 5010. An act to amend the Federal Election Campaign Act of 1971 to make certain changes in the reporting and disclosure requirements of such Act, and for other purposes;

H.R. 5015. An act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes;

H.R. 5025. An act to amend title 10, United States Code, to provide that any person eligible for medical care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who is a veteran with a service-connected disability may not be denied care and treatment for such disability under CHAMPUS solely because such person is eligible for care and treatment for such disability in Veterans' Administration facilities;

H.R. 5079. An act to provide for participation of the United States in the International Energy Exposition to be held in Knoxville, Tennessee, in 1982, and for other purposes;

H.R. 5174. An act to amend section 209 of title 18, United States Code;

H.R. 5224. An act to continue through May 31, 1981, the existing prohibition on the issuance of fringe benefit regulations, and for other purposes;

H.R. 5523. An act to establish an improved program for extra long staple cotton;

H.R. 5537. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia;

H.R. 5860. An act to authorize loan guarantees to the Chrysler Corporation;

H.J. Res. 462. A joint resolution expressing the sense of Congress concerning the White House Preservation Fund; and

H.J. Res. 467. A joint resolution making an urgent appropriation for administrative expenses of the Chrysler Corporation loan guarantee program, and to provide financial assistance to the Chrysler Corporation for the fiscal year ending September 30, 1980.

The enrolled bills and joint resolutions were subsequently signed by the Vice President.

### ENROLLED JOINT RESOLUTION SIGNED

Pursuant to the order of the Senate of December 20, 1979, the Secretary of the Senate, on December 31, 1979, received a message from the House of Representatives, reporting that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 468. A joint resolution extending the dates for the submission of the President's Budget and Economic Report.

The enrolled joint resolution was signed on January 3, 1980, by the Acting President pro tempore (Mr. BRADLEY).

---

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 20, 1979, he presented to the President of the United States the following enrolled bill:

S. 2096. An act to provide for a study by the Secretary of Health, Education, and Welfare of the long-term health effects in humans of exposure to dioxins.

The Secretary of the Senate also reported that on December 24, 1979, he presented to the President of the United States the following enrolled bills:

S. 440. An act to revise and extend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970; and

S. 525. An act to amend the Drug Abuse Office and Treatment Act of 1972, and for other purposes.

## ADDITIONAL STATEMENTS

---

### PROPOSED AMENDMENT TO SALT II

● Mr. LEVIN. Mr. President, the Soviet aggression in Afghanistan is reprehensible. While delaying Senate consideration will not get the Soviets out of Afghanistan any more than it will get them out of Eastern Europe, it seems unlikely that Senate debate will be successful or even meaningful in this atmosphere. While I support the delay in consideration of SALT, because delay is better than defeat, I hope we can consider the treaty in the near future because of its importance to our security. Indeed, the more tense the relations between us and the Soviets are, the greater the need for restraints on nuclear weapons.

To further indicate my continuing support of SALT, I am today having printed in the Record an amendment to the SALT ratification resolution. The amendment is cosponsored by Senator Exon and pins down further the Soviet commitments relative to the Backfire bomber.

I also am placing in the Record an excellent article on SALT from a recent New Yorker magazine, written by John Newhouse entitled "Reflections—The SALT Debate."

The proposed amendment and the article follow:

After the parenthesis in paragraph 3B of the Resolution of Ratification, insert the following: "a copy of which is attached hereto in the original Russian along with a United States English translation thereof,".

[Russian language not reproducible in Record]

#### State Department Translation of Soviet Backfire Statement

The Soviet side informs the U.S. side that the Soviet "TU-22M" airplane, called "Backfire" in the U.S.A., is a medium-range bomber and that it does not intend to give this airplane the capability of operating at intercontinental distances. In this connection, the Soviet side states that it will not increase the radius of action of this airplane in such a way as to enable it to strike targets on the territory of the U.S.A. Nor does it intend to give it such a capability in any other manner, including by in-flight refueling. At the same time, the Soviet side states that it will not increase the production rate of this airplane as compared to the present rate.

---

[From the New Yorker magazine]

#### Reflections—The SALT Debate

For a variety of reasons, the case for the second-stage agreement in the Strategic Arms Limitation Talks, or SALT, has never emerged clearly. It has been obscured by the performance of a resourceful anti-SALT lobby and various skeptics, including some who feel that it is not really possible for us to work out agreements of this kind with our major adversary which do justice to the national interest. There developed in recent years a vigorous tendency not only to emphasize the steadily growing strategic power of the Soviet Union but to exaggerate Soviet capability and potential, in part by minimizing America's own strength. This tendency has strongly influenced consideration of SALT—both the current deliberations in the Senate and a kind of facsimile ratification debate that began to take place in and beyond the Senate nearly two years before Presidents Carter and Brezhnev signed the SALT II treaty, in Vienna, last June. Even earlier, as the concept of détente was seen to fall from fashion, with the word formally expunged from the Ford Administration's official vocabulary, a decline in the fortunes of SALT was under way. During much of this period, what many ritual arms-control advocates were saying was not particularly convincing, or even relevant; for a time, some of them tended to equate moderation and good sense chiefly with opposition to the so-called B-1 bomber—an expensive but otherwise blameless weapon system, for whose production and deployment a strong case was made. The case for the B-1 failed when President Carter, whether wisely or unwisely, cancelled the program, thereby arousing the numerous partisans of the aircraft, many of whom have made it an issue in the SALT debate. Some in the anti-B-1 lobby have joined various opponents of SALT in and out of the Senate in criticizing the SALT II agreement as containing too little arms control—as, indeed, implicitly endorsing a continued arms race.

The coverage by the press, with some distinguished exceptions, has added little to society's perspective on SALT II. Because reader resistance to so forbidding a subject is presumed to be strong, the problem for the press in dealing with it is considerable. Both news editors and readers are easily drawn to public statements alleging a dangerous decline in our military capabilities and warning of the related pitfalls of SALT, and to accounts of contesting positions on SALT taken by prominent political figures; obviously, the ins and outs, the pros and cons of abstruse SALT matters are far more difficult for editors and their readers to cope with.

Television news, with its sharp constraints on the time that can be allotted to one subject, has had a particularly difficult problem in dealing with SALT as a stage-center topic; inevitably, television news has been swept up by the controversial aspects, thus enlarging them, and sometimes finding controversy in SALT II when in fact there was little, if any, meaningful controversy. Moreover, during the negotiations the press was to a large extent victimized, if not inundated, by a stream of inspired leaks; in both the Ford and the Carter Administration, competing interests within the government sought to advance their positions by leaking them, far more than had been done during the SALT I negotiations. The leaks added to the general tension about SALT and, what was more serious, helped to polarize the discussion. The normal constituency for SALT—the informed, bi-partisan, middle-ground consensus on which American foreign policy has relied—became confused, if not intimidated, by the shrillness and intensity of the small but dedicated adversary bloc. The burden of proof gradually shifted from the opposition to the Administration, first of Ford, then of Carter. Both found the going heavy. (For the record, I should note that I followed the SALT II debate from within the government, serving from early in the negotiations until recently as an official of the Arms Control and Disarmament Agency.)

Now, more than seven years after the start of SALT II, the end seems to be in sight, but the outcome is in doubt. A vote on the treaty will probably be taken in the Senate sometime after the holidays. Nobody is quite sure, though. The Majority Leader, Senator Robert Byrd, of West Virginia, wants a decision on the treaty before it is overwhelmed by Presidential politics; that should mean scheduling a vote before the New Hampshire primary, on February 26th, but a date sometime in March is more likely. Approval requires that two-thirds of those members present vote yes. Adversaries of the treaty would like to make a sufficiently strong show of strength during the debate to discourage a vote; an indefinite deferral would free them from whatever political liability accompanied the act of killing the treaty—and, conceivably, the SALT process itself—in a roll-call vote. They have momentum, chiefly because almost anything that happens around the world seems easily convertible into an argument against the SALT treaty. The outrages in Iran have become an especially disruptive problem. The Assistant Minority Leader, Senator Ted Stevens, of Alaska, said recently that "the Iranian situation . . . is hardening the stance of many people as far as SALT is concerned." He added that if it was not resolved soon, the treaty would be forced back into committee, because many members felt that "our defenses need to be reappraised," and that this was "no time to be entering into a treaty so many of us feel is one-sided."

Senator Byrd's problems have far less to do with the content of the treaty than with the hosts of Islamic fundamentalism and with Presidential politics. He has reluctantly delayed the start of the Senate floor debate so as to avoid the risk of its becoming a focus for the anger and frustration that the drama in Teheran has created. However, the continuing and more relevant problem is the political one. His colleague Senator Howard Baker, of Tennessee, the leader of the Senate Republicans and a Presidential candidate, is playing for high stakes in the SALT debate, having publicly tied the credibility of his qualifications for higher leadership responsibilities to the part he intends to have in defeating the SALT II agreement. So it is the Majority Leader versus the Minority Leader, each seeking to win the hearts and minds of a sizable group of supposedly undecided members. If it is true that the larger number of these are moderate Republicans who would normally follow Senator Baker, particularly in view of his higher goal, then the dimension of Senator Byrd's problem is obvious. He and they are in a difficult position. Foremost among the curiosities of this solemn occasion is precisely its partisan quality. SALT has always been a bipartisan process; the pending agreement was negotiated by three Administrations, two Republican and one Democratic. For that and other reasons, Senator Baker may have staked the fate of his campaign on the wrong issue. It will be a mistake eventually forgotten if the treaty passes. If it fails, Baker's place in history will be secure, even if he doesn't capture the nomination.

The next curiosity of the struggle over the treaty is the lack of predictability, let alone certainty, about the outcome. Senator Byrd, who is managing the ratification process with a sensitivity and restraint designed to catch the mood of undecided colleagues, is not yet able to measure the exact strength of his forces. An interested citizen of this—or, for that matter, almost any—country can be excused for wondering why. The SALT I agreements were overwhelmingly approved, as everyone knew they would be. And although support for SALT II in Congress and among groups that follow defense matters has fallen off, there is no sign that the new agreement, in contrast with the Panama Canal treaties, arouses passions at the popular level, or that the country, by and large, now takes a different view either of SALT or of the Russians from the one it seemed to take in 1972, when the first SALT agreements were concluded. There is an interesting asymmetry—to borrow a word from the basic SALT vocabulary—between the Panama Canal treaties and the SALT II treaty.

Congress, particularly the Senate was sympathetic to Panama's case but more than a little intimidated by the deep hostility of much of the country toward the agreement. Conversely, SALT is currently viewed with greater skepticism and doubt—by some nominal liberals as well as by conservatives—in the Senate than in most other places. No one can say with authority how most of the country beyond Washington really feels about SALT. The polls do not reveal much.

The form in which questions are asked generally determines the response: a question that links Russian trustworthiness to the merits of SALT tends, statistically, to produce a different response from a question that keeps the two things separate. Still, many people in Washington sense a broad, if shallow, approval of SALT around much of the country (although it is also true that some shift is under way as a result of the increasingly partisan nature of the discussion); the theory is that although most people regard the substance as beyond comprehension, a large proportion tends instinctively to equate SALT with more stability in East-West relations and less risk that nuclear weapons might one day be used. A Midwstern senator who favors SALT has often said that the Senate was ahead of the country on the Panama Canal treaties but is well behind the country on SALT. If the latter part of that proposition is still true, it speaks well for the country, or its instincts, given the generally shrill and confusing nature of the debate, the curious and occasionally contradictory positions taken by some senior political figures, and, by no means least, the persistent and heavily financed anti-SALT campaign.

A world with nuclear weapons deployed by adversary powers is uncertain and dangerous enough. To say that it is more dangerous and threatening than we know it to be is to risk making it more dangerous and threatening. In the era of nuclear weapons, given the abstractions and uncertainties underlying their deployment, things tends to become what we say they are. Perceptions create reality. Our gloomiest pessimists and "worst case" analysts, however articulate, will never convince the Soviet Union that the strategic-power balance is weighted in its favor; but with such critiques we could persuade ourselves and our allies that our position had declined unacceptably. In that event, our position vis-à-vis the Soviet Union, as a practical political matter, assuredly would decline in some significant sense. For that reason and others, comments on SALT should meet some standard of sobriety, detachment, and relevance. Society deserved a better debate on the SALT II treaty—a debate focused more clearly on the major considerations, and less caught up in secondary, often irrelevant issues. The controlling considerations ought to be the balance of strengths between the forces of the United States and the Soviet Union, including a sense of their relative positions in the world; the degree to which the essential, or core, provisions of the agreement would increase our security, by reducing uncertainty and strengthening the over-all stability of the nuclear balance; and, finally, the consequences of failure of the SALT II agreement.

The Administration did well in making its case to three Senate committees during the hearings on the agreement last summer—well enough, in fact, so that when the Senate went into recess on August 6th both friends and opponents of SALT felt that the treaty would in all likelihood be ratified. Then, as had often happened before with SALT II, a patch of fair weather turned blustery, thanks mainly to a foot-shooting display in Washington. The existence of the famous Soviet brigade in Cuba was revealed at the end of August; for a time, the issue it created—intolerable Soviet mischief offshore—was dealt with by the Administration (and a few nimble congressional personalities as well) in a fashion that seemed to tie approval of the SALT II agreement to removal of the brigade. The effect was to revive, in a particularly acute form, the "linkages" concept, which relates the acceptability of SALT to Soviet behavior in the world. The linkages issue, which once divided senior Administration figures, had started to fade earlier in the year. However, the furor over the brigade restored the doubts about doing this kind of business with the Soviet Union, thereby returning the SALT II agreement to its normal state of political fragility.

The country seems to have been thoroughly confused by then. Much was unclear, including the role of the brigade and its significance. Beyond Washington, many people are said to have believed that the Administration either had found or would find Soviet missiles along with the brigade; others saw that something trivial had been ballooned into a major event but could see no rational motive for such exaggeration. Probably, most people didn't know what to make of the brigade, just as a good many of them, by then, must also have been wondering how and what to think about SALT. They had been told on all sides that SALT was a bipartisan process. They had been told, correctly, that the treaty was actually an elaboration of the historic understanding reached by President Ford and Mr. Brezhnev in Vladivostok in 1974 but never completed as a treaty. Indeed, the present Administration noted, again correctly, that about eighty percent of the substance of the treaty reflected agreement, or agreement in principle, achieved by the last Administration. How, then, were people to interpret former President Ford's recent statement apparently opposing ratification of an agreement rooted in the Vladivostok understanding? Henry Kissinger's testimony on the treaty helped the Administration; however, the strenuously hedged quality of his endorsement doubtless bewildered most people, to whom Mr. Kissinger had once seemed to be the major proponent of SALT. After all, he had had a great deal to do with working out the SALT I agreements, the Vladivostok understanding, and much that led up to the SALT II treaty.

A heavy irony lies within this sequence of SALT milestones. The SALT I agreements, although they were endorsed almost unanimously, contained one controversial feature: the five-year Interim Agreement limiting offensive weapons authorized the Soviet Union to deploy within the period stipulated larger numbers of land-based and sea-based missile launchers than the United States. The effect of this asymmetry was meaningless, for the United States did not have any plans to build more such weapon systems during the five-year period of the agreement, whereas the Soviet Union did; moreover, certain American advantages were judged at a minimum to balance any numerical advantage accorded the Soviets. Congress, however, feared that the temporary Soviet advantage could become permanent, and formally instructed the Nixon Administration to achieve a better approximation of equality in SALT II. At Vladivostok in 1974, Mr. Brezhnev agreed that the sides should be entitled to equal aggregate numbers of strategic-weapon systems. In short, the most politically sensitive feature of SALT I was removed at Vladivostok. However, the support for the Vladivostok understanding, even in retrospect a distinguished achievement, was gradually shown to be far less than the support that Nixon and Kissinger had been able to rely upon for SALT I. Much of the Republican Party and many Democrats were retreating from SALT. Senator Henry Jackson, of Washington, never an admirer of SALT, and a leader among Democrats on defense matters, drifted closer to open opposition. Paul Nitze—Democrat, ex-Deputy of Defense, ex-member of the SALT delegation, and a widely respected figure—emerged as a dedicated opponent of SALT II, as it is embodied in the Vladivostok understanding and in the current agreement.

Clearly, between the signing of the SALT I agreements, in May, 1972, and the serious stage of SALT II—the period following Mr. Ford's visit to Vladivostok in November, 1974—attitudes in Washington had changed; the SALT process, after being viewed as a self-evidently good thing, had fallen under suspicion. The alteration in attitudes is traceable to a number of factors, some related to each other and some not. First, the Soviet Union was seen to have flouted the spirit of SALT, by developing a new generation of land-based intercontinental ballistic missiles, or ICBMs; three of the four new systems would be larger, and thus more powerful, than any corresponding American missile system; and the apparent pace of this program, combined with other improvements in Soviet military capabilities, sharpened the perception of significant threat. Second, the stock of Mr. Kissinger, then Secretary of State, had declined from its extraordinary peak, leaving him life-size and vulnerable to attack—as attacked he was, especially by the right wing of the Republican Party, which had by then made a target of SALT II. Opponents of the Vladivostok deal (some within the Ford Administration) blocked Mr. Kissinger's strenuous efforts to complete it and apparently reinforced Mr. Ford's own hesitation to push it to the point of formal agreement with the Soviet Union during the period prior to the 1976 Presidential election.

Mr. Ford said approximately that in responding to questions about SALT II during a televised interview with NBC's John Chancellor on April 26, 1978 "An American Presidential election preempts an awful lot [laughing] of time of an incumbent who's seeking to be elected in November. So, whether we like it or not, there is a hiatus that takes place in an election year as far as foreign policy is concerned. I don't think it's necessarily right—but that's the way the situation is, and we have to accept it."

Now, as before, the motives and concerns of the SALT adversaries vary from one to another. In a few cases, opposition in 1979 seems to be, as it was in 1975–76, mainly a function of domestic politics. In other cases, it may be a combination of politics and a sense that the agreement is neither timely nor wholly adequate, given the exuberant buildup of Soviet missile forces. In nearly all cases, however, the potential threat that is represented by three of the new Soviet ICBMs—the SS–17, SS–18, and SS–19—is at or near the head of the list of things to worry about. The concern, specifically, is that these missile systems—especially the SS–18 and SS–19, which are being deployed in significant numbers—could destroy America's thousand Minuteman ICBMs in a first strike. A first principle of stable deterrence—of the rules of the game, at least as they are interpreted in Washington—is that each side's strategic forces should be invulnerable to attack from the other's, so as to remove from both sides the incentive to strike first. At this stage, only ICBMs have the potential to change the rules, by acquiring the first-strike punch; it will be a decade or more before missiles launched from submarines have comparable accuracies. (And because submarine forces are the least vulnerable to attack, they have become the mainstay of America's deterrent.) Each of the three new Soviet missile systems, like most of America's, is deployed with MIRVs—multiple independently targetable reentry vehicles (warheads). The SS–18 is being deployed with as many as ten of these warheads, the SS–19 with as many as six. The MIRV capability is, of course, a force multiplier. As of the moment, these Soviet weapons are not sufficiently accurate to threaten the American missile force. However, we know from observing their tests that by the early nineteen-eighties these missile systems will have the requisite combination of accuracies and numbers of MIRVs to threaten the survival of most of our Minuteman ICBMs.

Some of the people who think and write about these matters say that because of Minuteman's impending vulnerability the rules of deterrence have already lost their meaning and relevance. Our strategic doctrine, these people argue, which rested on the proposition that each side's population centers should be held hostage to an invulnerable destructive power on the other side, has been shoved aside by events. Here we have a serious misunderstanding. It is true that deterrence does ultimately rely on the so-called assured-destruction capability of each side, but the matter is not—and never was—that simple. I said as much in this magazine more than six years ago, observing that, like "most of what passes for strategic doctrine in the nuclear age, assured destruction is an abstraction, not reality. . . . It is unthinkable that, short of a massive nuclear attack, an American President actually *would* retaliate instantly against the aggressor's cities and thus invite the destruction of his own." Reality lies closer to the scenarios devised by planners, in which the accidental or limited use of nuclear weapons against the United States (or Western Europe) would be met with a selective and limited response that would seek to avoid population centers and rapid escalation. Substantial flexibility has been built into American strategic forces, so that the President may have a wide range of options in deciding at what level and against what targets to respond to an attack. Taking the extreme case, Secretary of Defense Harold Brown says that with the weapons currently deployed "we can target all significant military objectives in the Soviet Union, even after undergoing a first strike by the Soviets." He is referring to a bolt-from-the-blue attack against the entire Minuteman force, which, even if it was successful, would leave America with between four and six thousand nuclear weapons for use against Russian military targets.

Both critics and advocates of SALT do worry, though, about the *perception* of a Soviet capability of doing something over a period of time in which the United States may have no comparable capability. The phrase "window of vulnerability" crept into the Senate hearings on SALT II. It describes a period of time, in the early to mid-nineteen-eighties, when the Soviet Union will supposedly have a far greater capability of destroying our land-based missiles in a first strike than we will have of destroying theirs. Any such unilateral strategic advantage, however theoretical, could conceivably be translated into political advantage during a period of great-power confrontation. No one doubts that Soviet ICBMs will in a few years have the so-called first-strike capability; it is unlikely, however, that this capability will be unilateral—that by then a diverse and growing American capability of the same kind will not constitute as great a concern to the Soviet Union, and probably greater. In any event, it is hard to see what our ICBM-vulnerability problem has to do with the SALT II agreement, which it considerably predates, except insofar as the treaty, by restricting Soviet potential, will bound the threat and enable American force planners to work around it.

SALT is certainly complex, though less so than it is made to seem. Choosing sensibly between the contesting arguments means ignoring the side issues and sideshows and, again, keeping in focus the three dominant considerations: the nature of the balance of American and Soviet forces; the simple core elements of the agreement; and the consequences of a failure of SALT.

It is basic to the nature of armed forces that they modernize. And modernization of the forces of one's adversary awakens the darkest assumptions as to his purposes. Soviet forces—strategic and conventional—have for some time been undergoing substantial modernization all along the line. The United States is modernizing each part of its triad of strategic forces—the ballistic-missile-firing nuclear submarines, the land-based ICBM force, and the heavy-bomber force. Both sides modernize, but do so at different rhythms, And one side's rhythm is only partly animated by the other's programs; force improvements also proceed independently, at more or less the pace of what some have called "technology creep."

The strategic forces of the United States and the Soviet Union cannot be compared glibly, because they are dissimilar in many respects. The forces reflect the widely different technological attainments of the two countries and also their different geographical positions, which obviously matter in strategic terms. The land is the natural strategic environment for the Soviet Union, while the United States can comfortably deploy strategic weapons on both land and sea. Each side's strategic forces have advantages that tend to be offset by the forces of the other. Hence, a rough parity, or equivalence, between the two aggregations of force has emerged.

The Soviet Union currently has more ICBMs. Moreover, its ICBMs are larger and can therefore carry larger numbers of weapons, which are, in addition, more powerful. The Soviet Union also has more ballistic-missile-firing submarines; hence it deploys more submarine-launched ballistic missiles, or SLMBs. The United States has the advantage in strategic bombers, deploying many more of these aircraft and incomparably better ones. And its sea-based strategic forces are substantially more capable than those of the Soviet Union; its ballistic-missile-firing submarines are much quieter, hence harder to track; with long coastlines affording easy access to the open seas, and with various technical advantages, they can spend far more time on patrol at sea than Soviet boats can; furthermore, American SLBMs are considerably more advanced than their Soviet counterparts.

The United States began deploying missile systems with the force multiplier—MIRVs—many years before the Soviet Union acquired this capability. Thus, for some time the United States will continue to lead in the actual number of nuclear weapons—warheads and bombs, as distinct from their launchers—that can be delivered. At present, America's combined strategic forces can deliver nearly twice as many weapons on target as can the Soviet forces, and can do so, in all probability, with greater reliability and accuracy. It is doubtful whether any informed military expert, for or against the treaty, would disagree with the judgment expressed by General David C. Jones, Chairman of the Joint Chiefs of Staff, in the most recent of the annual "posture" statements that he presents to the Armed Services Committees of both houses of Congress: "I would not swap our present military capability with that of the Soviet Union, nor would I want to trade broader problems each country faces."

Any so-called advantage for America in the current balance of strategic forces is small and not especially significant, since the Soviet Union's strategic forces could destroy American society as effectively as American forces could destroy Soviet society. Moreover, some, though not all, of our advantages will eventually be overcome by the other side. This is particularly true of America's current advantage in aggregate numbers of deliverable weapons, notably MIRVed weapons. The Soviet Union has the capability of exploiting the extravagant "throwweight" of its ICBMs by deploying very large numbers of deliverable weapons and closing the gap. "Throwweight" is the jargon term for the usable payload of a missile system—the weight of its reëntry vehicles, or warheads, and the mechanisms that target and release them.) However, if SALT continues, the rhythm of American deployments will eventually open another, though smaller, gap.

The superior throwweight of Soviet missiles is understandably a source of concern and deserves to be seen in perspective. Throw-weight advantages permit larger warhead yields, thereby compensating in part for guidance deficiencies. Throw-weight roughly determines the number of reëntry vehicles of a given yield that a MIRVed missile system can carry. The United States, after initially building and deploying large missiles similar to some of those deployed by the Soviet Union, turned away from such weapons and concentrated on smaller, more accurate missiles with far better yield-to-weight ratios. Few, if any, American weapon designers would wish to reverse the decision. Throw-weight is a useful measure of destructive potential against industrial areas and population centers. Against "hardened" (reinforced) targets, such as ICBM silos and command posts, other factors are more important. Against these, accuracy is the dominant value. In the terms of missile-duel scenarios, each twofold improvement in accuracy is equivalent to an eightfold increase in yield. And the superior accuracy of American missiles is an advantage likely to last well into the nineteen-eighties.

The single greatest threat to stable deterrence is currently perceived to be, and therefore may be, the impending vulnerability of our Minuteman ICBMs to Soviet missiles. Yet the United States can and probably will develop a comparable first-strike threat. It is improving a substantial portion of its MIRVed Minuteman force, and in the early nineteen-eighties it will start equipping its heavy bombers with highly accurate long-range cruise missiles. When the next generation of America's MIRVed missiles begins to be deployed, probably in 1986, the threat to Russian ICBMs will be explicit. It must be recognized, however, that the vulnerability of either side's land-based missiles to the first-strike potential of the other is highly theoretical. The would-be aggressor would confront staggering risks. For example, the other side, if it saw the incoming attack clearly and early, might launch its own missiles before the attack arrived. To the degree that the first-strike threat is at all credible, it applies with far greater force to the Soviet Union, because about seventy per cent of its aggregate strategic power is represented by silo ICBMs—the systems that will become vulnerable to a first strike. Only twenty-five per cent of America's strategic arsenal is deployed in this fashion; indeed, one of America's most important strategic advantages lies in the more balanced mixture of the weapons that it deploys. Thus, in considering an attack against the Minuteman force the Russians would have to reckon with America's other strategic capabilities, which are immense—with its SLBMs and "alert" heavy-bomber units, which would not be knocked out in a first strike and would be available to inflict devastating retaliation. Even if the Russians were prepared to accept such risks, they would require confidence that a paper calculation of the vulnerability of American Minuteman silos to their forces would be borne out in an actual attack—an attack that could become the apocalyptic moment in the brief and troubled history of the species.

Confidence of that kind and on such a scale is hard to imagine, but—who can say?—perhaps not unimaginable. Thus, the United States must respond in some fashion to the first-strike threat, while recognizing that no single response will remove the problem. America can respond by expanding its own capability to threaten Soviet ICBMs; by deploying some or all of its ICBMs in a different and less vulnerable manner; and by trying in SALT to retard and contain the development of the threat through a series of agreed-upon restraints. The Administration is responding in all three ways. The President has decided to deploy a new land-based missile, currently called MX (for Missile Experimental), which will be as formidable a first-strike weapon as even the heaviest and most potent of the Soviet systems.

The MX will be mobile: instead of being launched from a silo, it will be installed in a huge, seven-hundred-thousand-pound vehicle, and the vehicle will travel its own private loop of roadway. All the roadways, called race tracks, will be in remote parts of Utah and Nevada—that is, if the scheme manages to survive environmental and other local obstacles. Each roadway is to have twenty-three shelters, in any one of which the missile and its vehicle can find protection, and from which the missile, if necessary, can be launched. It is the shell-game concept, with each pea, or missile, moving at between twenty and thirty miles per hour from one shelter to another. The plan is to deploy, starting in 1986, two hundred MX missiles within a network of two hundred separate roadways and forty-six hundred shelters, all this taking up about three thousand miles of special reinforced roadbed. At times, the missile and its launcher will be made visible, through ports in the roof of the shelters, and thus verifiable according to the terms of the SALT II treaty. At substantial cost, this verification attribute will be built into a rather deceptively based weapon system.

The success of the project will depend on the Soviet reaction to it and on whether the SALT process is sustained. The two conditions are linked. But for the verification constraints of SALT, the Soviet Union could deploy a similar ICBM even more deceptively, and prevent America's intelligence apparatus from keeping track of the numbers. And without some of the other SALT II restrictions the Russians, if they chose, could do something worse; they could fully exploit the throw-weight of their heavier missiles by equipping them with many more warheads—so many as to enable them to salvo all forty-six hundred of the MX shelters, any of which might contain a missile. Such a move by the Russians would oblige the Americans to build more and more MXs, each one protected by as many as twenty-three additional shelters. We would then have arrived at what technicians call an "aim-point-warhead race," and each side would have little, if any, way of knowing whether it was ahead or behind in such a race. It is a prospect for adversaries of SALT to ponder. Adversaries and advocates alike might ponder the additional prospect of opposite "windows of vulnerability"—that period starting sometime in the nineteen-eighties when the silo-based forces of each side will become vulnerable to the other's ICBMs. By then, we and the Russians may have created a metaphor of an old American cliché—two gunfighters face to face in a deserted street, each fearful that the other will fire first. It is fair to ask how this clear threat to stability can be avoided other than by a sequence of SALT agreements, starting with the one now before the Senate.

Arms control is not a function that comes naturally to bureaucracies. Political leaders and other opinion molders can easily agree on the need to curb the competition in destructive weapons. And, judged as a process, SALT probably does have a high acceptance rating. However, the process, if it is to be sustainable, periodically requires an agreement, or deal. A deal means something for both sides, and it is when the deal is about to be closed—a contractual arrangement with the adversary sealed—that the unnatural quality looms larger and deep doubts surface. If, as advocates of SALT insist, the deal is a good one for our side, why is the other side so keen to close? Senior officials have a hard time with this question; they are understandably reluctant to speculate seriously on Mr. Brezhnev's motives and priorities. This inhibition may help to explain why there is so little public understanding of the Soviet government's heavy stake in SALT. Heavy it must be, however, for the provisions lying at the heart of the SALT II agreement impose significant restrictions on the Soviet Union and, as a practical matter, none on the United States.

All these restrictions are in the treaty, although the agreement also contains several related documents, two of which have points of some controversy. One of them is a statement from the Soviet Union about what is probably the world's most famous bomber, known in Russia as the TU-22M and in the United States (and most other places) as Backfire. Depending on one's point of view, Backfire is either the world's smallest strategic, or heavy, bomber, and therefore countable under the numerical limits of SALT II, or its largest theatre or medium bomber, and therefore excluded from SALT. The statement which Mr. Brezhnev handed to President Carter in Vienna, and which has the same legal force as the treaty provisions, provides that the Soviets will not increase the production rate of Backfire or its modest capability of attacking the United States.

The other rather sensitive related document is a protocol, lasting through the end of 1981; among other things, it limits to six hundred kilometers the range at which certain kinds of cruise missiles can be deployed in that period. Cruise missiles differ from ballistic missiles in that they are propelled by jet engines, have wings, and never leave the earth's atmosphere. Cruise missiles travel about as fast as airliners—hence at only a fraction of the speed attained by ballistic missiles—and they have qualities that interest many NATO governments besides our own. Support has developed steadily for the deployment of a new generation of American cruise missiles in Western Europe as a partial response to the Soviet Union's deployment against NATO allies of ultra-modern intermediate-range weapons; one of these is the Backfire bomber, the other a MIRVed and mobile ballistic-missile system called the SS-20. For a time, some opponents of SALT charged that by accepting range limits on these particular cruise missiles the Administration was denying NATO an important military option.

The Administration said that it was doing no such thing—that none of these new American cruise missiles would emerge from their development phase prior to the expiration of the protocol and each of its limits in 1981. In reply, opponents warned of the precedent that would be established by temporary limitations, arguing that these could easily be extended in SALT III. The issue gradually faded as, first, it became clear that any extension of the protocol would require the approval of two-thirds of the Senate and, second, it also became clear that NATO was close to formal agreement to deploy the new American cruise missiles, probably as early as 1983 or 1984.

The dominant and genuinely restrictive document is the treaty itself, reinforced by innumerable interpretive statements and understandings. Although it is remarkably detailed, its intended effect—to limit equitably the size and the destructive potential of both strategic forces—clearly emerges in mutually reinforcing provisions that, first, impose numerical ceilings on strategic nuclear-delivery vehicles; second, restrict modernization of the forces; and, third, pin down the broad verification requirements of the agreement. There are actually four numerical ceilings. One places an outer limit of two thousand two hundred and fifty on each side's total number of ICBM launchers, SLBM launchers, and heavy bombers. The three others are subceilings that limit each side's entitlement to the force multipliers—launchers of land-based ballistic missiles with MIRVs, launchers of submarine-based ballistic missiles with MIRVs, and heavy bombers equipped with long-range cruise missiles. Most experts regard the subceiling of eight hundred and twenty on the permitted number of MIRVed ICBMs as the most important of the three, since, again, MIRVed ICBMs are seen as the most direct threat to a stable nuclear balance. This limitation will have no effect on the United States, which does not intend to deploy nearly that many ICBMs with MIRVs, but it will restrict the Soviet Union; by official American estimates made public in the Senate hearings, the Soviet Union, if it should be unrestricted in this way, could by 1985, when the agreement expires, deploy as many as seventy-five per cent more MIRVed ICBMs than the subceiling stipulates.

There is no particular logic underlying the levels at which the various ceilings are pegged. However, they do harbor important political and strategic advantages. Each of them would hold the Russians far beneath their potential during the period of the agreement and also beneath what American intelligence believes they would otherwise deploy by 1985. The aggregate limit of two thousand two hundred and fifty on launchers and heavy bombers requires that the Soviet Union dismantle slightly more than two hundred and fifty such systems—or about ten percent of its total strategic force—which are currently targeted against the United States. The United States will not reduce any deployed systems, since it deploys fewer than two thousand two hundred and fifty. Moreover, without the agreement the Soviet Union would be expected to deploy several hundred additional systems, and then the United States would need to do a great deal more than is currently envisaged—and that's quite a lot—in order to keep peace.

The fact of equal entitlements has obvious political value, deriving mostly from perceptions. Moreover, parity, numerically expressed, gives each side a reliable estimate of the other's capabilities over a period of years. This kind of estimate, in turn, offers a hedge against exaggeration—against "worst case" force-planning decisions that might arise from uncertainties and the gloomiest assumptions of the other side's potential. Finally, in considering the merits of the ceilings provisions, a distinction must be made between delivery systems and actual weapons, the latter being the warheads and bombs. It is the delivery systems, and not the weapons themselves, that are explicitly limited, and hence stabilized, by the ceilings provisions. However, it is the numbers of weapons on both sides that are currently rising most dramatically (owing mainly to the MIRV phenomenon), and the significance of the ceilings on the delivery system lies partly in their function as an indirect brake on this pernicious trend.

A direct brake is found in Article IV, the section that restricts modernization of existing forces. In fewer than fifty words, it forbids the parties to night-test or deploy any existing ICBM with more warheads than the maximum number with which it had been tested as of May 1, 1979. There is probably no more important provision in the treaty, from either a political or a strategic point of view. It restricts the Soviet Union's advantage in missile throw-weight, by closing off the possibility—certainly through 1985—that its ICBMs would be loaded with more warheads than the maximum number they now carry.

Without this restriction, the SS-18, the heaviest Soviet ICBM, instead of being deployed with ten warheads, could within the span of the agreement reach a point at which twenty—some would say as many as thirty—warheads could be stacked, like so much cordwood, on each of the missiles.

"If you like MX, you'd better like SALT" is a favorite admonition of treaty advocates.

Without the limit on numbers of warheads per missile, known as the fractionation limit, the SS-18's potential in a first strike could make nonsense of the theory that two hundred mobile missile launchers would be significantly less vulnerable to attack than their silo-based cousins. Some opponents say that there is less to the fractionation limit than meets the eye, since it will expire with the treaty in 1985 and the deployment of MX will not begin until 1986. It is a strange argument. The parties are agreed that SALT III should build upon the SALT II treaty restrictions by sustaining some and improving others; and American acceptance of a SALT III agreement that did not continue the fractionation limit is unimaginable. It is true that if there were no SALT III agreement the Soviet Union would be free on January 1, 1986, though not before, to begin testing its missiles with larger numbers of warheads. In that event, however, the United States would hedge by expanding the planned deployment of its MX missiles, and the world would begin to witness the aimpoint-warhead race that is probably avoidable only through the SALT process.

A number of American strategic calculations are tied to various Article IV restraints on modernization besides the ICBM-warhead limit. For example, according to the so-called new-types provisions of Article IV, each side may deploy no more than one new type of ICBM for the period of the treaty. This provision, like each of the other restrictions on modernization, was written to accommodate American programs. The United States intends to design and deploy only one new ICBM, the MX; the Russians, however, have several new ICBMs in the development stage, and the new-types provision forces them to make a difficult choice.

The provision also restricts the one permitted new ICBM system to no more than ten warheads per missile—the number that America's MX will be armed with. Finally, the new-types provision sets limits on the degree to which existing ICBMs can be modified in size, throw-weight, and launch-weight, and forbids any changes in the number of stages and the type of propellant. Here, again, none of the constraints on modification will affect American programs, whereas they will limit, though not altogether prevent, Russian efforts to make essentially new ICBMs of existing systems. During the Senate hearings on the treaty, some Administration witnesses used automobile analogies to characterize the effect of the missile-modification restrictions, saying, for instance, "They [the Russians] will be able to make a 1976 Chevrolet into a 1979 Chevrolet but could not upgrade it into a Cadillac."

If the treaty is rejected—or side-tracked by an unwillingness to bring it to a vote—these prospective Article IV limits will recede from view, and the United States will confront some painful choices. For example, will an arms competition uninhibited by SALT dictate a major expansion of the MX program, now officially estimated to cost about thirty-three billion dollars? And will the race-track-basing scheme have to be scrapped in favor of an even more elusive, and thus more deceptive, method? Or will the government decide to move all or a large portion of the American ICBMs out to sea, or into the air, or in both directions? Useful answers to these and related questions might not be available, in part because American intelligence might not be able any longer to offer the necessary guidance on exactly what the Russians were doing. It is assumed that the Russians, if unconstrained by the verification provisions of SALT II, some of which are carried over from SALT I, would make a dedicated effort to conceal their missile-development programs from the American satellites, radars, and earth-based sensors that closely monitor their progress.

Verification, the third of the agreement's major prongs, is a matter of surpassing sensitivity. In general, government officials adopt a defensive position in discussing it, noting, correctly, that SALT agreements rely not on our trusting the Russians but on our capability of monitoring their activities. The reality is that the verification provisions amount to one of the major advantages to the United States of the SALT process. It is obvious that, with or without SALT, the United States must monitor Soviet strategic programs very carefully. The larger part of American intelligence activity is devoted to that task. Without SALT, the task could and would be far more difficult, since this agreement and its predecessor sanction each side's right to monitor the other. And the value of the intrusive rights provided by SALT to an open society, such as the United States, competing against the Soviet Union, a closed society, should be obvious.

The treaty carries over from the SALT I agreements a provision that denies either side the right to conceal from the other's intelligence-gathering systems those of its activities which are covered by the agreement. It also forbids either side to "interfere with the national technical means of verification of the other Party." And, because this treaty is an incomparably broader and more detailed agreement than its predecessor, its verification provisions are correspondingly broader and more extensive; indeed, a large part of the document is primarily concerned with vertification. To take one example, verifying the ceilings on MIRVed-missile launchers requires that American intelligence be able to distinguish between launchers of MIRVed systems and launchers of single-warhead missiles. Once missiles are deployed in their silos, it is virtually impossible to determine whether they are MIRVed or non-MIRVED. The Soviet Union's SS-17s, 18s, and 19s have all been tested with and without MIRVs. And it is precisely then—in the testing stage—that American intelligence can establish the characteristics of a missile system, including the question of whether it has MIRVs and, if so, exactly how many. Thus, the United States sought over a period of years, and finally obtained, Soviet agreement to a number of rules for counting, two of which relate to the MIRV-verification problem. One of these is that any launcher that has ever contained or launched a MIRVed missile system counts against that side's entitlement to such systems. The second is that any missile system that has been flight-tested with two or more warheads is considered a MIRVed missile for the purposes of the agreement. With these two complementary rules inscribed in the agreement, the United States has high confidence in its capability of monitoring compliance with the ceilings on launchers of MIRVed missiles; in effect, these rules would frustrate any mischievous temptation to work around the ceilings on MIRVed-missile launchers.

Confidence is probably the critical value in an official judgment of whether an agreement, or any one of its provisions, is adequately verifiable. Verification is not itself an absolute value or condition. The ability to verify, or lack thereof, is relative. Thus, verification is a political judgment. The intelligence community estimates the degree of certainty or confidence with which it can monitor Soviet activities covered by a SALT agreement. The President and his senior advisers must then decide whether the bands of uncertainty are acceptably narrow, the confidence factor acceptably high. To put it differently, the government must satisfy itself that the risk to the other side of cheating on a scale of military significance is high enough to discourage the act of cheating. Some provisions of this agreement, inevitably, are more verifiable than others. And it is conceivable that in a few cases a modest degree of cheating might go undetected. However, the probability that anything more frequent—a pattern of significant cheating—could go undetected is generally considered acceptably low: no agency of our government believes that the Soviet Union has an incentive to cheat on the SALT II agreement, and even many opponents of the agreement, including some in the Senate, do consider it adequately verifiable. A few disagree, and one persistent worrier about vertification, Senator John Glenn, Democrat of Ohio, may not yet have made up his mind.

Intelligence gathering is a very expensive enterprise, and the techniques for monitoring Soviet weapons programs are especially costly—having very little to do with human spies and relying instead on ultra-sophisticated hardware. The loss of highly valued intelligence assets in Iran adds to a continuing requirement to broaden and refine the technologies on which the over-all capability relies. What was lost in Iran, actually, was a portion of America's capability of monitoring elements of Article IV—notably the limits on throw-weight and launch-weight. However, the United States does not depend on any one system for monitoring compliance with SALT restrictions. There is substantial redundancy running through its intelligence-collection apparatus. Intelligence gathering is a dynamic business, subject to constant change—as technology creates new possibilities and also as American assets situated in one country may evaporate and, in some form or another, reappear elsewhere. Both collection techniques and the management and retrieval of information are improving all the time, and though it may take several years to compensate altogether for what was lost in Iran, it will not take nearly so long to make up for this loss from the point of view of SALT verification. Stated simply, verifying SALT restrictions is a less exacting task than keeping track of the full sweep of Soviet weapons development. The Administration has always said that the SALT agreement would be adequately verifiable on the day that it was signed. Three Senate committees were fully briefed during the hearings on how compliance would be monitored, and the same sensitive briefings were available to any individual senator who wished to look behind the official position.

In part, the value of the agreement must be measured against the alternative of no agreement. The probability is that rejection of SALT II would lead to more of everything—more existing delivery systems, more new delivery systems, and even greater increases in the numbers of weapons. The great powers would, at best, be maintaining a roughly equivalent strategic balance with mutually rising levels of unusable power. It seems doubtful, however, whether they could also maintain the same degree of security, given the uncertainties and instabilities inherent in another major buildup. The uncertainties would be that much greater if American intelligence, denied the access to Soviet programs which SALT assures, was unable to do its job properly. In such a situation, each side would doubtless base its plans on the most pessimistic assumptions about the other. Each would assume that the other sought to acquire some exploitable strategic advantage, even though the time had passed when either side would permit the other to acquire any such advantage. Just the prospect of a major new cycle in the arms competition could create uncertainties that would foster instability. The SALT II agreement, on the other hand, would foster stability, through the interaction of its principal parts: the numerical ceilings on strategic systems, the restraints on upgrading the destructive potential and versatility of missiles, and all the rules and prohibitions that fall under the rubic of verification.

Opponents and skeptics, by and large, fall into two groups. In one group are those who find the agreement inadequate. In the other are those who have no particular quarrel with the agreement but worry that it might create an excess of complacency, thereby discouraging the necessary public support for the kinds of defense programs that will enable America to keep pace with the Russians. Many in the latter group worry even more about Soviet behavior in the world; they oppose agreements on matters as sensitive as these with an adversary engaged in activities that are wholly uncongenial to American interests. (Admittedly, I am ignoring a segment of opinion that is flatly and unconditionally opposed to the SALT process.)

The first group spans a wide range of opinion: it includes those who argue that the agreement is insufficiently restrictive and will serve mainly to invite unnecessary spending for strategic weapons, and it also covers a bloc—a larger one—that worries about things the agreement doesn't do. The second bloc's two major complaints, in ascending order of intensity, are these: the agreement fails to provide that the Backfire bomber will count against the Soviet Union's total entitlement, and it accords the Soviet Union the right to three hundred and eight "heavy" ICBMs, whereas the United States is not entitled to any of these behemoths. The argument that the treaty doesn't go far enough misses the point. Agreements of this kind reach the heart of security and society's perception of its security. And the stately pace of the negotiations owes as much to internal political drag as to the difficulty of bargaining between adversaries on matters such as these. It is not a perfect agreement from any point of view; any SALT buff could design an agreement that fully satisfied every American preference, but it would not be negotiable. In fact, this agreement is a considerable advance over SALT I; if it is approved, it will be a sizable step on the circuitous path toward stabilizing, if not eventually tending, the sort of competition it is concerned with. The test of the agreement is not its scope. The test is whether it is or is not in the national interest. Those who say that the treaty should go further than it does should recognize that the best is the enemy of the good. They should try to see that SALT cannot remove all their concerns in one agreement. Instead, SALT should be seen for what it was intended to be—a process leading to a series of complementary, sequential agreements, each of them making possible subsequent broader ones.

The Backfire bomber, a celebrity among weapon systems, will not be counted in Russia's SALT II aggregate. The issue of counting Backfire arose shortly after the Vladivostok accord was reached. The Soviet Union categorically rejected the American argument that since Backfire can reach American territory on one-way missions without refueling, it should be counted. The Soviet leadership took the position that Backfire was not intended to be and will not be deployed as a strategic weapon—that whatever American experts may think about its capabilities Soviet experts know better, since it is their airplane. Actually, most American experts do not ascribe to Backfire a significant capability against the United States; on any such extended-range mission, it would have to fly like an airliner—at high altitudes and subsonic speeds. And nobody doubts that Backfire is intended chiefly for use against Western Europe, China, and ships at sea. It is replacing older Soviet medium bombers deployed for such purposes. It is clear that the plane was designed for just that kind of activity. Still, Backfire is an awfully large medium bomber, and the issue of counting or not counting it as times inflamed the discussion of SALT II. The dominant view within the American bureaucracy is that the Soviet Union would not be tempted to attack America with Backfire, if only because Backfire would not then be available to carry out the missions for which it is deployed. Perhaps more important, the United States has always rejected Soviet efforts to define a SALT-countable weapon system as one capable of reaching the other side's territory. To have accepted any such proposition would have meant that a large portion of the several hundred American long-range nuclear weapons deployed in and around Europe were covered by SALT. At the start of SALT, in 1969, and for many years thereafter, the Russians sought to use the presence of these forward-deployed American weapons, along with the nuclear weapons of Britain and France, to justify a claim to larger numbers of Soviet strategic weapons countable under SALT. America's continued rejection of the Soviet claim became the foremost priority of its NATO allies. At Vladivostok, Mr. Brezhnev withdrew his claim and agreed to equal numerical aggregates. However, these European-based American weapons—certainly the ones that can strike at Russia—are a kind of analogue to Backfire, though less capable. To have insisted on counting Backfire would have eventually reopened the issue of Soviet compensation for them. Still, neither the logic of the situation nor the binding assurance provided by the Russians has silenced the Backfire issue.

As for the even more persistent issue of heavy missiles, the treaty does have the effect of allowing the Russians to deploy up to three hundred and eight silo-based ICBMs of a size in excess of all other existing missile systems, while the United States is not allowed to deploy any such weapons. However, the United States has never, under any Administration since President Eisenhower's, had an interest in developing ICBMs of that size. Besides being far more expensive, they are considered less reliable than the American missiles now deployed or under development, and there is simply no requirement for them. During the nineteen-sixties, when the Russians were designing the strategic weapons that they now deploy, they lagged far behind the United States in the capability of designing small, on-board computers and small but relatively high-yield warheads. In order to compensate for such deficiencies and to acquire adequate target coverage, they developed larger missiles. Whether other considerations—political, military, or both—may also have contributed to their emphasis on heavy missiles is an imponderable. We simply don't know.

The heavy-missile issue is rooted in SALT I. The Nixon Administration wished to put a lid on the number of SS–9s, then the heaviest Soviet ICBM. So the 1972 agreement was written in a fashion that froze the number of silos of a size that housed SS–9s—and now contain its follow-ons, the MIRVed SS–18s—at the actual number then in use or under construction. The Russians had three hundred and eight of these, but since the United States had no operational silos for modern missiles of that size, it was denying itself the right to them. At Vladivostok, Mr. Brezhnev gratified President Ford's two principal wishes—agreement to equal numerical ceilings and to the shelving of the issue of America's forward-based weapons. However, the understanding also sustained the Soviet Union's solitary right to three hundred and eight heavy silo-based ICBMs. It has been widely reported to have been a trade. If so, it was a good one for the Americans: they obtained what they wanted most, and surrendered the right to a category of weapons in which they had no interest.

Conspicuous among the dissenters is Senator Baker; he has singled out the "heavies" issue for special attention, going so far as to suggest that if the Russians would eliminate their heavy missiles he "would be predisposed to consider a most generous reconciliation of the remaining points" (a reference to his other reservations). Senator Baker first announced in a press conference last June 27th that he would vote against the treaty. On November 9th, in a meeting of the Senate Committee on Foreign Relations, he voted against reporting the treaty favorably to the Senate. On both occasions, he noted his support for the SALT I agreements and for the Vladivostok understanding. And on both occasions he stressed the heavy-missile question. On neither occasion did his remarks reflect an awareness of the conflict between supporting the earlier accords—SALT I and Vladivostok—and attacking SALT II for the manner in which the heavy-missile question was disposed of. That kind of lapse is in the well-worn pattern of the debate on SALT II over the past four years. The simple, lapidary truth of the heavy-missile matter is that without the treaty the Russians can deploy far large numbers of SS–18s, with much higher numbers of warheads per missile, and the United States will continuee to deploy no such weapons, because its interest in such a misuse of resources is no greater than before. Also, those who follow these matters and look ahead to a time of matching first-strike capabilities—to the opposite, or facing, "windows of vulnerability"—will observe that a substantial portion of Soviet strategic power is concentrated in just three hundred and eight heavy-missile silos; that is to say, in three hundred and eight vulnerable targets. There is sober paradox in the heavy-missile issue, but it is not to be found in the SALT debate.

In his November 9th statement, Senator Baker bridged the two main adversary groups—the one that opposes the content of the agreement and the one that is troubled by broader considerations, the notable examples being, again, a treaty-induced complacency that could enfeeble the sense of national purpose, and the need to link SALT with Soviet behavior around the world. Senator Baker, toward the conclusion of his remarks, said, "This treaty might be a good treaty at another time." But for now, he said, the United States should strengthen its defenses, improve its offensive strategic capability, and plug gaps in its verification capability. "It is not that this treaty is bad per se, but it is bad at this time."

The complacency argument has a number of prominent partisans from both parties. They are concerned about priorities. They favor SALT, and worry less about its provisions than about the effect they fear it may have on public support for adequate national defense. President Ford made clear his position in a statement in the Washington *Post* on September 26th: "I am against the treaty unless the necessary defense spending decisions have been made and have been written into law." In short, Mr. Ford opposes ratifying the treaty at any time early enough to avoid indefinitely deferring it. His former colleague Mr. Kissinger, though he conditionally favors ratification, takes a similar line, as does one of the Senate's leading authorities on defense matters, Georgia's Sam Nunn (whose position on ratification is not yet clear). They complain about the cancellation and delay of major defense programs. They mean the B-1 bomber, the Trident submarine, and the MX missile system. The B–1, of course, was cancelled—a decision that genuinely troubled many of those who figure in the SALT debate. It was cancelled because President Carter and his senior defense advisers determined that as a hedge against improvements in Soviet air defenses a new penetrating bomber would be less effective than a new generation of long-range cruise missiles that will be deployed on aircraft loitering well away from Russia. Whatever the merit of this reasoning, the cancellation of America's one new strategic bomber weakened SALT's political moorings, particularly among Republicans. Delays in the other programs—the Trident submarine and the MX missile—were unavoidable. The new submarine has had more than its share of problems. The MX missile has been a weapon system in search of an acceptable mobile-basing concept. Since the late nineteen-fifties, American defense planners have wrestled with the question of whether and how to move ICBMs around on land. Placing them on unused rolling stock was considered and rejected, as were other variants of the shell-game concept, including submerging them in pools of water. None of those survived the test of common sense or tests arising from environmental, legal, and technological considerations. Even now, there are undertones of doubt about whether the race-track-basing mode for MX will clear some of these obstacles.

No one should have the impression that the United States is or has been standing still. In recent years, the Russians have invested enormous sums in new strategic weapons. During this same period, the United States, at far less cost, was improving existing missile forces by MIRVing them, thereby multiplying their capabilities. Now the United States is modernizing more expansively, not only by developing the MX and the Trident submarine but by starting to deploy a new and longer-range SLBM (known as Trident I), by improving the Minuteman force, and by scheduling deployments of the air-launched, long-range cruise missiles in the early nineteen-eighties.

There is an apparent irony in the situation in which we find ourselves—pursuing SALT on the one hand and modernizing each component of America's strategic forces on the other. However, given the scope of Russia's buildup and the perceptions it creates, together with the inexorable tug of modernization, both activities are essential. They can and should be made complementary. Some degree of modernization is not merely desirable but unavoidable. The question is how much. The SALT process, if it is sustained, will be a check on both the scale and the character of modernization. Without SALT, the uncertainties would be far greater (the point bears repeating), thus the competition more intense and efforts to maintain equivalence correspondingly greater. Secretary of Defense Harold Brown guesses that without the treaty the United States would have to spend an additional thirty billion dollars on strategic forces in the nineteen-eighties. Estimates vary, depending on individual assessments of how far the Russians would go in sustaining the present momentum of their strategic growth. Moreover, the exact consequences of rejection are not obvious. They would be influenced in part by the world's reaction, which would be strongly negative. Over the years, the American attitude toward heavy defense spending has been uneven and somewhat mercurial, and a failure of SALT, combined perhaps with sharpening impatience with double-digit inflation, might provoke a change in the currently favorable climate here for increasing levels of defense expenditure. In short, it is conceivable, though perhaps not probable, that if SALT failed, public support for keeping up with the Russians in strategic forces might decline, particularly since the defense establishment is determined to improve America's conventional forces as well—a requirement that should, and in the end probably will, have a higher priority.

Finally, there is linkages, the spongiest but most corrosive issue. SALT advocates find it easier to deal with attacks on the treaty than to deal with the argument that approval of it should be withheld until the Russians curb their efforts to undermine peace and stability. The linkages issue offers an attractive out for someone in public life who wants to take a stand against the treaty: he is excused from attacking it on the merits, an arduous exercise and one that is hard to carry out convincingly, and can instead suggest that while SALT is a laudable enterprise, it should discourage undesirable Soviet initiatives, and not be interpreted as excusing them. Anyone adopting such a line finds himself in eminent company. Henry Kissinger, for example, in his heavily conditioned endorsement, said that he could support the treaty only if "it is accompanied by a vigorous expression of the Senate's view of the linkage between SALT and Soviet geopolitical conduct." He also recommended that the Senate attach to its instrument of ratification certain "principles," including a requirement for an annual report from the Administration on whether the Soviet Union was refraining from activities such as intervention with proxy military forces, Cuban or otherwise, and attempts by other means to undermine governments friendly to the United States. A related principle would require a vote by the Senate on whether the Soviet Union was living up to such criteria. (One wondered how Secretary of State Kissinger would have reacted to such suggestions.)

The linkages issue does lie at the heart of the matter, both because it is the decisive issue and because there is a less conspicuous reverse linkage that must be reckoned with: a perception, shared by much of the world, that SALT and the maintenance of peace and stability are connected. In that perception lies the basic significance of SALT. It is a process that concerns many matters, strategic, economic, and political. But it has more to do with politics—call it world politics, East-West politics, or the politics of survival—than with anything else. It is a convention between rival powers; it reflects their common interest in meeting the contentious demands of an adversary relationship with greater confidence that neither side will feel driven to use, or will threaten to use, nuclear weapons against the other. SALT, in short, offers some protection against the harsher unknowns and uncertainties of the nuclear age. The case against linkages proceeds along roughly the following lines: A debate on SALT should not be skewed by controversy over whether the agreement should or should not be linked to an event, or events, whose import—or even whose origin—may be obscure and whose bearing on fundamental United States interests may be doubtful.

Whenever a vital American interest is threatened, or a genuine confrontation or major crisis develops, the impact on SALT will be obvious and will not require any explicit linkage. For example, the invasion of Czechoslovakia in August of 1968 scuttled plans to begin SALT the following month. Another Berlin crisis, or its equivalent, would have a similar effect. Russian adverturism in Yugoslavia would plunge relations to a point at which otherwise useful transactions would be brushed aside. A Soviet-inspired threat to stability in the Middle East or to American access to major sources of petroleum would doubtless have the same effect. This list is not exhaustive; the United States has many vital interests. The point is that if the Russians took actions that showed their priorities to have shifted away from seeking more productive relations with the West and toward accepting the risks attached to a less stable East-West situation, the arms-control process would necessarily be sidetracked. SALT can do much to head off problems of that gravity. If, on the other hand, there were no problems or Soviet challenges, we might not require SALT. But if there were no such challenges or threats, we would have a world unlike any we've known, certainly over the past forty years or so.

Although the Nixon Administration was initially attracted to linking SALT to Soviet behavior, the attraction faded as the logic of SALT began to be borne in. Each Administration has tried with varying degrees of success to insulate SALT from the inevitable ups and downs in America's relations with the Soviet Union. And it is worthwhile pausing to compare the threat from the Russians to Western interests at various moments in the past when negotiations either were under way or had been completed. The early rounds of SALT, for example, coincided with the India-Pakistan war, an event in which the Russians were judged by the Administration in Washington to be playing a villainous role: In 1972, when the SALT I agreements were signed, the United States was engaged in a hot war with North Vietnam, which relied heavily on the Soviet Union for military support. Just two weeks before the May, 1972, summit in Moscow, the United States mined the coastal waters of North Vietnam, closing them to Soviet shipping. The years 1973 and 1974 were a time of continuing strife in Vietnam, and 1973 also provided a war—and, with it, the prospect of American-Russian confrontation—in the Middle East. But Mr. Brezhnev visited the United States in 1973 and the Prevention of Nuclear War agreement was concluded. In November of 1974, President Ford went to Vladivostok to transact major SALT business.

The combination of increasing Soviet military power and Soviet moves in Africa, South Yemen, Afghanistan, and Southeast Asia are correctly perceived as threatening to Western interests. The use of proxy Cuban forces in Africa is particularly disturbing. It is also true that the Soviet Union is usually doing something that can be perceived as threatening. However, the intensity of the threat is far from constant, even though the essentially adversary, or competitive, nature of Soviet-American relations changes little, and slowly at that. There has rarely been a moment since the late nineteen-forties when the Soviet Union was not challenging or threatening Western interests—often fundamental interests. In the Cold War period, confrontation carrying the risk of crisis was as much the rule as the exception. Since then, Soviet military power has increased all along the line; the importance of that to Russia's capability to project its power politically cannot be ignored. America's own defenses, however, along with those of its allies, have also been substantially improved. In some ways, moreover, the United States is in a better position today to deal with Soviet military power and, to a degree, its political projection. That is, first, because the United States is no longer bogged down in Vietnam and, second, because domestic political pressure to reduce American troop strength in Europe (and South Korea) is no longer a factor. Indeed, the dominant congressional sentiment advocates upgrading American forces committed to Europe's defense, and that is being done.

A good deal is said about how well the Russians have done in recent years, and too little about their problems, external and internal. In both respects, the Soviet Union's problems have worsened. It is true that Mr. Brezhnev will pass on a stronger legacy than he acquired. But the considerable value of his legacy lies mainly in military power and in the strength of the leadership and the Party structure today compared with the near shambles into which they are said to have declined in the Khrushchev era. For those reasons, there is probably more confidence, perhaps even optimism, at the higher levels of the Soviet system. Many of Russia's problems, however, are changeless and intractable. Moreover, the world is changing in ways that dramatically complicate life for both the nuclear superpowers. The Russian potential for threatening fundamental

Western interests appears, on balance, to be no greater today than it was at the time of SALT I. The leadership's incentive to mount seriously destabilizing threats should be modest if it can show some returns on a foreign policy oriented in large measure toward a lessening of tensions in its relations with the West.

Any review of Russian gains and losses over the years since SALT I must record that until the autumn of 1973 the Soviet Union was the dominant external power in the Middle East, with Egypt wholly dependent on Moscow for military support. Today, Soviet influence in most of the area is negligible or nonexistent, while the United States has emerged as the major external influence. The expulsion from Egypt was catastrophic for Russia, particularly since it resulted in the acquisition by the United States of a role that would not otherwise have fallen to it. And Russia today is a lesser military threat in the Mediterranean than it was before. Improving relations with the West was doubtless viewed in Moscow as, among other things, essential to a policy directed toward the political confinement of China. The success of that policy can be judged by the recent improvements in China's relations with Japan and the United States (along with continuing agreements of various kinds with Western Europe). The political crisis in Portugal in the mid-seventies caused the Soviet Union, after some hesitation, to turn its back on the last of Western Europe's clearly Stalinist Communist Parties, which was buried in the elections by essentially moderate and Western-oriented political parties. At about the same time, various meetings of European Communist Parties helped to inspire the term Eurocommunism, a concept (of apparently declining force) that was widely judged to be a threat to Western societies but is certainly a more serious longterm threat to the Soviet Union.

In comparing the degree of Soviet threat today with that at the time of the SALT I agreements, we see one aspect that has not changed. The Soviet Union did not have then and does not have now reliably good political relations with any of the major governments of the world (except, possibly, India), whereas the United States maintains consistently close relations with all or most of the world's centers of political, economic, and military power. Recent Russian successes, if they can yet be adjudged clear successes, appear to be confined largely to moves in Central Africa, Southeast Asia, and, in a sense, Afghanistan, although the implications of that exploit are especially unclear. However, all these developments are disturbing and troublesome, and none of them seem susceptible to any particular American response or remedy. Moreover, if the United States cannot reestablish and sustain a moderate, middle-ground. constituency for its security and foreign policies, time might begin to work in Russia's favor, with the threat from Moscow to Western interests developing considerably more weight and staying power.

Some senators wonder aloud why the Soviet Union is so strongly committed to a SALT II agreement. Although the answer may not be obvious, neither is it obscure. The Soviet interest arises from a range of considerations—political, strategic, and economic—that overlap somewhat. In strictly political terms, SALT benefits Russia by pointing up its status as the other superpower: SALT confirms the lofty position of a state whose nonmilitary attributes are relatively unimpressive, and of a society that has always felt inferior to the West—a society intimidated by its past. Several years ago, probably during a Party Congress in the spring of 1971, the Soviet leadership apparently elected to have a period of smoother relations with the West. In 1971 and 1972, the No. 1 Soviet priority was sealing a nonaggression treaty with West Germany. The meeting at Vladivostok in 1974 and subsequent experience showed that SALT had become the priority goal of Soviet foreign policy. The reasons for that cannot be arranged in any reliable order of importance; however, the emphasis on détente does seem to arise from factors having mainly to do with security. The Russians feel encircled by eternally hostile peoples, and they seem to feel that they can deal most effectively with this presumed array of threats by injecting some stability into the strategic balance and, in general, into their relations with the West. Considering that the four other members of the club of states possessing nuclear weapons target these weapons against the Soviet Union, and considering that the Russians have an obsessive tendency to think of the West German nonmember as the potential leader of a hostile West European coalition, it is not surprising that Soviet leadership seeks more stable, or less unstable, relations with the West. And there is no reason to doubt that the Russians share our interest in lowering the risk of nuclear war. Any SALT agreement is a distinct advantage internationally. For the Russians, it can be advertised as evidence of their commitment to détente, and it may be an additional means of discouraging nuclear proliferation, another of the threats that they feel viscerally.

The economic incentives are less clear, but the Russians may very well have decided to use SALT to contain the costs of a continuing competition with the United States for ever more refined and destructive weapons and also to improve their prospects for continuing access to Western credits and technology. Their economy is lagging; productivity is not increasing at anything like the desired rate. Operating from a smaller and less developed technological base, they must feel themselves to be at a disadvantage vis-a-vis America as they consider the prospects and implications of an uninhibited competition in strategic weapons—particularly when they must devote substantial resources to dealing with the threat they see from China, which has more men under arms (even if they are less well armed) than Russia, and with the long-range threat from NATO, which the Soviet leadership probably exaggerates. Add to these considerations the sober recognition that all the East Europeans, except perhaps the Bulgarians, have a strong anti-Russian bias.

The litany of Russian complaints is beginning to include a warning from Moscow of an impending energy shortage in the Soviet Union—a development that Wshington had already foreseen. Unfavorable demographic trends are being acknowledged by Soviet writers on that subject. These writers express concern over the declining rate of population growth in recent years—a problem that could complicate many matters, including productivity and the mixture of nationalities in the armed forces. Soviet demographers foresee a sharp reduction in the growth of the labor force in the nineteen-eighties, along with a significant increase in the population of the southern, essentially Muslim, Soviet republics. The lowest population growth, they say, is in the areas where the bulk of Soviet industry is situated and in the Russian population, which supplies the bulk of the literate and skilled work force.

The best short answer to the linkages argument is that SALT agreements are not a reward for better Soviet behavior but, rather, goals that embody hardheaded assessments of America's national interest. While some in Washington preoccupy themselves with linkages, America's allies and various other friendly states worry deeply about the reverse linkage. East-West political tensions affect Europeans more directly and immediately than they affect Americans. A rejection of SALT, given the heavy Soviet commitment to the process, would seriously damage the credibility of the United States' efforts to maintain some degree of East-West stability. The point was forcefully made by West Germany's Chancellor Helmut Schmidt in an interview in the October 6th issue of The Economist. He said:

> This treaty has been negotiated by three American presidents, Nixon, Ford and Carter, by three American secretaries of state, Rogers, Kissinger and, nowadays, Vance, and their aides and security advisers and so on. If, after such a long period of negotiation and agreement, in the end parliaments refused to ratify that sort of treaty, the world becomes rather incalculable. How could you in the future depend on a policy carried out by an American president? It would be a disastrous blow to the necessary leadership of the United States as regards the west as a whole.

Europeans don't know how the Soviet leadership would react to a rejection of the treaty. They worry, however, that owing to the Soviet Union's large stake in SALT, rejection would invite Russian pressure against them. European governments, particularly West Germany's, might be told something like this by the Russians: Our agreements with you rely on the assumption that the West is committed to less tense and more productive relations, but your leader, America, is moving in the wrong direction; if you wish to continue in the right direction, you had better put your relations with us on a basis similar to that of your relations with the Americans or accept the consequences. Any West German government could probably be counted on to reject the warning; but the pressure would create a distinctly unwelcome change in the local environment.

The matter of blame would not be trivial. In the eyes of the world, the United States would carry all the blame for a failure of the agreement. In general, the American position in the so-called Third World would become even more complicated. For example, it would become more difficult for the United States to discourage various countries from acquiring a nuclear-weapons capability, since it was itself refusing to accept a measure of self-denial. Europeans, along with many Americans, are certain that a failure of SALT would guarantee a decline in American leverage for influencing Soviet behavior on matters fundamental to Western interests and in places like Iran, where major threats to general stability are posed. An even better example over the longer run might be Turkey, where persistent political and economic difficulties could invite serious Soviet mischief. Turkey has been judged vital to Western security since the time of the Truman Doctrine.

The dénouement of SALT II coincides with the fading moments of the Brezhnev era. If the treaty fails, the chances of resuming the SALT process will depend on such variables as whether the American government in 1981 elects to pursue the matter again and, if it does, whether the Russians agree. There is genuine concern that Brezhnev and some of his elderly confederates, on the verge of leaving the scene will interpret a failure of the treaty as the failure of a policy they have pressed for several years. They may conclude that the United States is heading away from the goals of SALT and into a major cycle in the arms competition aimed at obtaining strategic advantage. An even harsher view might be taken by the group beneath the top leadership—the group that will be in charge sooner or later. It may conclude that, *faute de mieux,* Soviet purposes would be best served by a return to basics—to a traditional, more confrontation attitude toward the capitalists to the west. The politics of succession might well push the next Soviet leader in that direction, given the normally uncompromising style of any new Soviet regime in its transitional phase, combined with the predictable dependence of any Brezhnev heir on support from the senior military establishment.

Looking back, the Russians should have known that détente, if that is the right word, can probably not be applied selectively. However illogical the linkages notion, our elected officials find it difficult to appear to be acquiescing in Soviet opportunism by transacting business as usual—even SALT business. In the United States, the discussion of SALT II should have brought out some approximation of the best in us. What it brought out is something else, and whatever that is, it held back an agreement that could have been completed and formally adopted in the 1975–76 period or in 1978. The clock became the enemy of the process. SALT is a hardy plant, but it is not indestructible. As the clock ticked on, the case for the agreement receded in the face of events, few, if any, of them related to SALT. To the degree that such events, particularly the Iran crisis, have underlined the rising violence and instability in the world, the case for the treaty should have emerged clearly. It may yet be ratified. If it isn't, the world may in some ways become a different place. Certainly it will be perceived to be a less safe one.

—JOHN NEWHOUSE.●

## GORDIE HOWE

● Mr. LEVIN. Mr. President, last night Gordie Howe played a National Hockey League game at Edmonton. In doing so, he has now played major league hockey for all or part of five decades, a feat that can only be described as herculean.

Gordie Howe began his National Hockey League career with the Detroit Red Wings on October 16, 1946. Since then he scored 797 regular season goals and 1,034 assists in the National Hockey League, 174 goals and 334 assists in the World Hockey Association, has been named the most valuable player in the National Hockey League six times, was its scoring champion six times, and played in 21 NHL All Star games. His records for games played, goals scored, assists made, and total points so far outdistance the runner-up, it is nearly impossible they can ever be surpassed.

There has never been a hockey player like Gordie Howe. There probably has never been an athlete like him. Not only does he successfully participate in one of the most grueling professional sports at the age of 51, but he could have been a premier professional baseball player or golfer.

Gordie Howe was born March 31, 1928 on the Canadian prairies near Saskatoon. His parents, Albert and Katherine, were strong, self-reliant people who eked out an existence during the depression through sheer self-determination and pride. Gordie Howe was 4 when he and his younger sister each received one skate of a pair of used skates that his mother obtained from a neighbor. Shortly after, he was able to pester his sister sufficiently so she sold him the second skate of the pair for 10 cents.

From that pair of skates came a legend that is more than a legend—a flesh and blood human saga where one boy—man—grandfather has so dominated the sport for all or part of five decades that one cannot think of hockey without thinking of Howe.

Off the ice he is as gentle and shy as he is strong and aggressive on the ice. He has been the idol of generations of children and their parents, including this Senator.

A few months ago, my wife and I took our children to Capital Centre to watch Gordie Howe and to introduce them to Gordie. I wanted the magic name they had heard so often to become part of their reality.

I wanted them to have the thrill, as I had more than 30 years ago, of watching athletic perfection seem so effortless and of standing by a dressing room door to say hello to someone who always made you feel good about sports and whose conduct off the ice set the kind of fine example which adds lustre to a legend.●

## IOWA SHOWED STRONG INDUSTRIAL GROWTH IN 1979

● Mr. CULVER. Mr. President, Iowa is, of course, a predominantly rural State and agriculture is the backbone of our vital and prosperous economy. People who are not familiar with my State, however, may be surprised to know that Iowa has been undergoing rapid industrial growth. The Iowa Development Commission recently released figures which show that businesses plan to invest a record $766.8 million in new or existing industrial plants this year. This is a substantial increase of 63 percent over last year, and the number of new industrial starts or expansions of existing plants announced this year is also up 35 percent.

These encouraging figures indicate that Iowa is building upon its strong agricultural foundations by diversifying and expanding its industrial sector. We must continue to provide a healthy economic climate so that important industrial growth can proceed in the future.

Earlier this year I had the opportunity to help improve Iowa's promising industrial development climate by working with State and Federal officials to change the U.S. Environmental Protection Agency's (EPA) clean air policy regarding "rural fugitive dust"—the dust which comes from plowed fields and unpaved roads. The Agency's original policy, based upon insufficient evidence concerning the nature of the air particle problem in Iowa, could have resulted in unnecessarily strict sanctions against industrial growth and farming in order to control "rural fugitive dust."

As a member of the Senate Environmental Pollution Subcommittee, which oversees the Clean Air Act, I told Agency officials that they had misapplied their "offset" policy regarding communities failing to meet standards for dust particles. Under the "offset" rules, communities that violated the standard would have to reduce the existing level of air pollution before a new plant could be built. I convinced the Agency that this severe sanction was not meant to apply to cities exceeding the secondary (non-health related) air standard because of high counts of rural fugitive dust occurring from normal farm operations. As a result, "offsets" will not be required in the eight Iowa cities—Muscatine, Council Bluffs, Marshalltown, Sioux City, Waterloo, Keokuk, Ft. Dodge, and Clinton—that violate the secondary dust standard, and important industrial growth in these cities can move forward.

My action to get the EPA to revise its "rural fugitive dust" rule is an example of how industrial growth and environmental concerns need not conflict with one another. The Agency's new "fugitive dust" rule continues to protect the health and welfare of Iowa citizens, without the threat of unnecessary restrictions which would limit economic growth and farming operations without improvements in environmental quality. The result will be a healthier Iowa: Healthier industrially, healthier economically, and healthier environmentally.●

## A PIONEERING ENERGY ANALYSIS BY PENDLETON THOMAS

● Mr. PERCY. Mr. President, to be effective, our Nation's energy policy must draw on the best data that can be assembled. Beyond any straight information needs, however, is the importance of tapping the expertise of experienced leaders from the public and private sectors. One such person from the business community, the past chairman and chief executive officer of B. F. Goodrich, O. Pendleton Thomas, has taken the time to put forth a most cogent statement on what can and cannot be done in the energy policy field.

In his paper, "A Program To Reduce Oil Imports," Mr. Thomas has shown the linkages between conservation, alternative resources, and expansion of domestic production. The analysis draws on recent studies as well as the author's direct contact with the forces driving the country's economy.

Perhaps the most important observations made by Mr. Thomas as he leads us through the complex series of events which brought us to our current difficulties are reflected in these two quotes:

> We Americans are accustomed to thinking that any problem can be solved speedily—particularly if we spend enough money. However, increased dependence on foreign energy has been developing for a long period of time and the situation cannot be reversed with quick fixes. We must have the patience and determination to carry out a well-planned and long-term effort.
>
> The government must establish our goals and objectives for increased energy production. . . . However, the carrying out of the program must be turned over to industry. Economic incentives will have to be provided and the economic uncertainties and risks will have to be minimized.

These points are the necessary philosophical starting point for any workable energy policy. The historical perspective must be understood and a functioning partnership between government, business, and public interest groups must be forged. With those thoughts in mind, Mr. Thomas then goes on to identify his views on what can be accomplished in the various commercial, residential, industrial, and transportation sectors. In doing this, he ties together many study results with his own, comprehensive knowledge of the subject.

Mr. President, I commend Mr. Thomas for the contribution he has made to understanding and resolving the energy questions facing the country. His participation is a most welcome addition to the on-going energy debate.

I submit for the Record Mr. Thomas' excellent paper:

## A Program To Reduce Oil Imports

### THE NATURE OF THE PROBLEM

The President, on the evening of July 15, pointed out that increasing imports of petroleum represented a clear and present danger to our country. He said, "In little more than two decades we have gone from a position of energy independence to one in which almost half the oil we use comes from foreign countries, at prices that are going through the roof. Our excessive dependence on OPEC has already taken a tremendous toll on our economy and our people."

On August 16, in an address to The National Press Club, Secretary of Energy Schlesinger was even more explicit in describing the extreme peril to our country caused by our dependence on imports for about 50% of our oil. He went on to say that failure to deal with the situation ". . . would mean the end of the world as we have known it since 1945 and of the association of free nations."

I am in full agreement with the President that we must reduce our dependence on foreign crude oil and petroleum products. Failure to reduce this dependence places the future of this nation at jeopardy as surely as abandoning our military defenses against the missiles of a foreign power.

Even before the President's speech of July 15, there was broad recognition that action is required to reduce the growing dependence on imports.

Three studies published in the last six months by the Ford Foundation, by the Harvard Business School and by Resources for the Future focus on this problem and evaluate various possibilities of restoring a safe equilibrium of domestic and imported energy sources.

There are similarities in the conclusions of the studies that warrant attention:

All three studies argue that decontrol of domestic oil and natural gas prices is essential. The Ford report states, "The market—if it is allowed to operate—can be expected to produce, conserve, and allocate energy with reasonable efficiency and without causing major inequities or hardships."

All three studies forecast that U.S. energy consumption will grow much more slowly for the rest of the century.

They agree that environmental constraints will play a major role in developing energy policy, but that some environmental goals must be postponed.

There is general agreement about the need for the United States to achieve a multiple source energy network within the next two decades, a network that lessens dependence upon imported crude oil.

The central question is whether the nation can overcome conflicting interests and establish programs required to arrive at this equilibrium. Solutions to near-term supply problems must be addressed within the context of long-term programs, for we should plan on continuing energy dislocation until these programs produce results.

The President outlined a program to reduce this growing dependence on imported oil. As I understand that program, there are many aspects with which I am in agreement. It is my purpose in this paper to fill in what I believe are reasonable elements of a program that will decrease the total amount of future energy consumption based on foreign sources. I urge that we work together to develop a consensus that will allow us to carry out this program in an effective manner.

We Americans are accustomed to thinking that any problem can be solved speedily—particularly if we spend enough money. However, increased dependence on foreign energy has been developing for a long period of time and the situation cannot be reversed with quick fixes. We must have the patience and determination to carry out a well-planned and long-term effort.

Another consideration is that we are dealing with a very complex problem which has no single, simple solution.

The citizen is confused by an energy supply that swings from apparent shortage to apparent surplus overnight, with large variations in the supply situation from even one state to the next, and claims of inadequate financial incentives for oil companies at the same time that those companies report record profits. Distribution problems are confused with supply problems which are, in turn, confused with reserve problems.

Those of us with more experience in dealing with the problem have an obligation as citizens to try to explain the nature of this dilemma to the public in a factual manner. We should not seek villains; we should avoid being trapped by those who would use the energy problem to accomplish only political goals.

My background and experience is 35 years in the production of oil and gas and in industries using large quantities of those energy materials. Admittedly, my point of view is influenced by this background. I regard it as my obligation as a citizen with some knowledge of the subject to make that knowledge and point of view based on a broad spectrum of backgrounds and experience, we can come together on a program that can be supported by a majority of the citizens of this country.

A program to reduce, over a period of time, our dependence on imported crude oil must include four components.

1. Conservation of energy through its efficient use throughout all sectors of the economy.

2. Preservation of scare forms of energy such as oil and gas by replacing them with other domestic energy sources in uses where these alternate materials are suitable.

3. Development of new forms and sources of domestic energy at the most rapid rate that is technically feasible and economically sound.

4. For a period of time, maximum production of domestic oil and gas in order to ease the period of transition to the use of new energy forms and sources not dependent on imported petroleum.

What I will describe is an overall program consisting of elements designed to simultaneously carry out these components. Implicit in this massive undertaking is a critical governmental role. However, the essential step is to permit maximum market influence and allow the basic forces of supply and demand to seek equilibrium.

Essentially, the government can make its largest contribution by removing extant regulations which cause inefficient marketplace activities and by reducing or eliminating national goals which are in conflict.

You will note that I have described this as a program to reduce, over a period of time, this dependence on imports. We have been increasing our import dependence for a number of years, and it will take a long time before this situation can be significantly reversed.

### CONSERVATION THROUGH EFFICIENT USE OF AVAILABLE ENERGY SUPPLIES

Ben Franklin said, "A penny saved is a penny earned." While a penny doesn't go very far today, the concept certainly applies to energy. The cheapest potential additional source of energy available to us today in all energy sectors is energy which we save through conservation.

#### *Alternate approaches to conservation*

Conservation can be approached in several ways. The effects upon life-style and our economy of these approaches differ widely. Each approach can be applied with varied degrees of effectiveness in all of the energy-consuming sectors of the economy.

1. One approach we may have to come to is absolute prohibition of use by withholding of supplies. Such a course would include a rationing or allocation system or the shortage of products resulting from a quantitative limit on imports.

2. A second approach to conservation to which we may be forced is a change in life-style which reduces the consumption of energy. Such an approach might include prohibiting new suburban developments or the use of dishwashers or the use of automobiles for recreational travel or to close the national parks.

3. The third approach to energy conservation which I believe is the only acceptable method—the only one which is compatible with our American democratic system—is conservation through more efficient use of energy. This method is not simple because it requires a combination of education, encouragement, and promotion. It is a long-term program. However, it has the great advantage that it is conservation by choice of the energy user rather than as a result of government edict or mandate. This approach treats conservation as merely efficient use of energy—not sacrifice. Once adopted, it will have long-term and continuing impact. It does not require a massive government establishment and a constantly growing morass of regulation.

#### *Patterns of inefficient energy use*

In a number of cases, we are using energy inefficiently today, not because of our desire to be wasteful, but because past energy cost was so low that we could not justify the cost of greater energy efficiency. Today, regulatory, institutional, societal, and/or economic barriers lock us into these past inefficient practices. Such inefficiencies exist throughout all energy-using sectors. Let me give you some examples.

The residential and commercial sector consumes about 38% of all energy used in the United States. It is the largest and fastest growing sector of energy use.

In the residential sector, houses were built with little or no insulation. Storm windows or double glazing were not installed. Today, the house owner finds his heating bills spiralling up rapidly and the economic burden of retrofitting to reduce heating costs almost prohibitive.

The same situation applies to new housing. With the rapidly rising cost of homes, the contractor or the developer finds it difficult to justify the additional initial cost of a house designed and built to minimize heating costs. And yet, the investment may show an excellent payout based on the marginal cost of energy saved.

The same applies to household appliances. There are many steps which can be taken to reduce energy consumption in the design of appliances such as hot water heaters, refrigerators, air conditioners, dishwashers, and clothes washers and dryers. These steps will all add to the initial cost. And, obviously, the householder who has already bought an appliance anticipating a 5- to 15-year life cannot easily replace it with the new energy-saving model. The potential savings in utility bills must be explained to the appliance buyers.

In the residential sector, we must make the necessary changes in utility rates, tax structures, and financing terms so that it will be both economically desirable and possible for the consumer to use energy more efficiently. Some of these changes have already been proposed by the government.

In addition to the improvements which can be achieved through improved construction of the house itself, such as insulation, improved window design and a better HACV system and more energy-efficient appliances, significant improvements can be made by location of houses with respect to each other, orientation of windows with respect to the winter sun and plantings of trees and shrubbery.

Moreover, better overall planning of new housing developments has the potential for significant residential energy conservation. A new suburb currently being planned for Erlangen in West Germany anticipates an overall reduction in heating bills of over 20 percent through intense attention to the planning of new homes.

One of the more comprehensive programs to stimulate residential energy conservation is in Portland, Oregon. The Portland plan has two steps; first, a study of each residential and commercial building to determine what the potential is for energy conservation, and second, retrofit of the building to bring it within acceptable energy conservation standards. Costs of both steps are financed by utilities who are allowed to add the costs to their rate base. The costs are repaid by the beneficiaries in their utility bills, which are held to an amount not more than the bill would have been if the improvements had not been made. A building owner may refuse to take advantage of the plan, but he may not transfer title of his building until it meets minimum energy conservation standards.

Commercial buildings also offer the potential for significant reduction in energy consumption through improved design. One estimate is that office buildings account for 15 percent of the total national energy consumption. By the use of reduced outside wall surface, reduced windows, improved insulation and improved HACV systems, energy consumption has been reduced by 30 percent or more in newly designed buildings.

Industry is another large user of energy (36 percent of the total). The rate of growth of the use of energy has slowed in recent years as a result of the increase in energy costs. In fact, a recent study of industrial energy use showed that use of energy per unit of output was down 16 percent. However, industry still has many additional opportunities to reduce consumption.

As evidence of this, the Chemical Manufacturers Association (CMA) recently announced that its member companies had established a goal of decreasing energy use per unit of output by 1985 as compared to 1972 by 30 percent. By the end of 1978, the members of CMA had already achieved a reduction per unit of output as compared to 1972 of approximately 18 percent.

New industrial facilities are being designed for efficient use of energy as a result of increasing energy costs. However, older facilities that were designed and built at a time when energy costs were much lower remain in operation. Most of these facilities can be improved only marginally and will continue to use energy less efficiently than new plants.

Tax incentives, such as faster rates of write-off and new investment incentives, are required to speed the replacement of these older facilities with more energy-efficient structures.

In some cases, there are regulatory impediments to more efficient use of energy. One example is in the use of recycled materials. In most cases, it is more energy-efficient to use recycled materials such as paper, aluminum or steel. However, freight rates are frequently so high that the cost to deliver the used material to the point of recycling makes its use economically unsound.

Another example of a regulatory impediment to a more efficient use of energy relates to cogeneration of steam and electricity by industry. Cogeneration is a process by which the useful energy recovered from fuel is increased approximately 10% by producing both electricity and steam. However, the generation of electricity can subject industry to restrictions which were designed to apply to public utilities. These restrictions can be so costly that industry finds it uneconomic to cogenerate. Other cogeneration obstacles lie in the need for interties to public utilities or the very high cost of backup power.

Transportation is the third sector of energy consumption (26% of the total). Crude oil is the major fuel source and the U.S. uses almost 60% of all petroleum energy in transportation. This amounts to some 10 million barrels per day or about 17% of the total world production of crude oil. This is the area where there is the greatest theoretical potential for speedy energy conservation. It will take a very slight average improvement for the automotive fleet in order to achieve a large reduction in crude oil consumption. For example, it is estimated that one million barrels a day of gasoline could be saved by:

Reducing miles driven by 10%, or

Improving existing passenger automobile performance by two miles per gallon by improved driving habits and better automobile maintenance.

One way to conserve the use of gasoline is by more rigorous enforcement of the 55-mile-per-hour speed limit. It has been estimated that such enforcement would reduce gasoline consumption by 2%. Considering the large share of crude oil required for gasoline, even the smaller percentage represents one of the few means of achieving an immediate significant reduction in the use of crude oil.

The study by Resources for the Future suggests that the current fuel economy law requiring that the U.S. auto fleet average 27.5 miles per gallon by 1985 will result in total consumption of gasoline dropping even though the automobile population continues to grow. Additionally, we need to develop a position on the potential advantages offered by the diesel engine in automobiles. Diesel engines are not only energy-efficient, but they use a portion of the crude oil fraction which is unsuitable for gasoline use. Unfortunately, diesel engine use in automobiles is being held up to a significant extent by questions with respect to emissions. If necessary, we should provide temporary exemptions from the emissions standards to encourage the development of a more suitable diesel automobile engine.

For the longer term, increased use of mass transit would reduce use of gasoline significantly. The success of the Washington, D.C., Metro demonstrates that the public will use mass transit when it is an effective, clean, safe, and economical method of commuting. Portland, Oregon, is another example of success in the establishment of a very effective urban transportation system.

### *Regulatory obstacles to energy efficiency*

One obstacle to the more efficient use of energy is the fact that the prices of some forms of energy are controlled at levels that are less than replacement costs. This is particularly true when the price of "old" crude oil is compared with the cost of replacing this oil with more expensive "new" oil. Decontrol of the cost of crude oil, petroleum products, and natural gas will achieve the result not only of stimulating the maximum production of supplies, but also promoting and encouraging the most efficient use. There are those who argue against decontrol because they believe that it will provide an unjustified bonus to the producers of crude oil and natural gas. I think there are some good arguments against this position, as I will discuss later. However, in opposing decontrol of energy prices, they are discouraging energy conservation.

The moral and ethical implications of selling non-renewable energy sources at less than its replacement cost need to be recognized. I believe that we have a responsibility to future generations to provide them with access to adequate energy supplies. We should not saddle our children and grandchildren with mortgages resulting from our profligate use.

A major obstacle to the more efficient use of energy is conflicting regulatory objectives. An example is the phasedown of the use of certain gasoline additives and the prohibition of others in order to achieve air quality objectives. The consequence of these actions has been that the amount of gasoline produced from a barrel of crude oil is reduced. Conflicting goals between the EPA and the Department of Energy have led to a continuing delay in resolving the problem. Despite the fact that the President on April 5 recognized the supply problem caused by the phasedown in the use of lead in leaded gasoline and said that this phasedown would be deferred, it was not until September 7—five months later—that the EPA issued the final rules carrying out this Presidential directive. Another example is the use of relatively large amounts of energy to achieve air quality objectives in certain locations. It seems likely that the generation of that energy creates at least equal amounts of emissions in other locations.

### *Conservation in refining crude oil*

Still another potential conservation area in the use of crude oil would be elimination of small, inefficient refineries built, to a large degree, to take advantage of government incentives.

In the past, as the demand for petroleum products grew, small refineries were replaced by large, technically sophisticated, and highly efficient refineries. Some small refineries remained or were built to supply special needs which could not be economically supplied from larger refineries. An example might be a Wyoming refinery processing local crude oil to supply limited local gasoline markets at a lower cost than transporting local crude oil to a large Gulf Coast refinery and then bringing the gasoline and fuel oil back. Another such example of continuing efficient, small refineries are those designed to produce asphalt to supply local seasonal markets. These small refineries are not involved in the problem which I am discussing.

By contrast, as a result of government intervention in the refining business, a new type of small refinery has emerged, designed solely to take advantage of the financial benefits which the government provides in the form of entitlement payments—the small refiner bias. These new small refineries in most cases make inefficient use of the crude oil that they use because they lack sophisticated processing equipment such as reformers, catalytic crackers, and desulfurization units. In fact, in some cases, the large efficient refineries have had to provide special fractions to be blended with the products of these small refineries to make these products suitable for use.

Further, these small refineries actually raise the overall cost of petroleum products and thus contribute to inflation, in addition to consuming capital which could be better spent on other facilities.

Without the benefit of the various government subsidies they receive, these refineries would never have been built and, in most cases, without such subsidies, they will be shut down.

The government that provided the incentives to these small refineries as a result of intense political pressures has seen the folly of this action and has begun to phase out the benefits. I urge that the small refiner bias be phased out rapidly. We need to eliminate this and similar wasteful and inflationary practices which have resulted from government interference in the marketplace.

*Economics as a stimulus of conservation*

The most powerful stimulus of conservation is the pocketbook. Our present system of regulated energy prices hides the true cost of energy. It discourages both thrift and energy efficiency. We need to move aggressively forward on the decontrol of energy prices in order to allow the energy consumer—individual and business—to make the necessary conservation decisions.

The strongest incentive for energy conservation by business and industry is the potential for decreased costs. The tax structure needs to be altered to provide maximum incentive for business and industry to redesign its processes and make the necessary investments to reduce energy consumption.

*Recognition of conservation achievements*

To ameliorate the natural tensions that stem from the energy problems, accomplishments in energy conservation should be recognized. The government should grant awards or citations to individual citizens, groups, local governments, business, and industry for outstanding achievements in energy conservation. In the same fashion as we once gave awards for exports, war production, and purchase of savings bonds, we should now provide double E awards for those who have demonstrated their energy efficiency.

The government also could provide a valuable information service by publicizing specific items of equipment, appliances, automobiles, etc., and techniques that are efficient users of energy.

CONSERVATION OF OIL AND GAS THROUGH THE MAXIMUM FEASIBLE USE OF OTHER SOURCES OF DOMESTIC ENERGY

Conservation of energy is usually considered on an overall basis. However, energy conservation needs to be considered also from the standpoint of each individual energy type. The real problem in our country today is a long-term shortage of domestic supplies of oil and gas. As a result, we are importing increasing amounts of crude oil. One way to reduce those imports of crude oil is to substitute other forms of energy where possible for petroleum.

There are some uses where no substitute is presently practical or technically feasible. Most of these non-substitutable uses come from the light end of the petroleum barrel. A prime example is the use of petroleum hydrocarbons as petrochemical feedstocks. We need to make an all-out effort to use substitutes wherever possible in order to preserve the available supplies of oil and gas for non-substitutable uses. We also need to maximize the production of the products required to supply the non-substitutable uses. More will be included on this subject later.

*Coal*

The U.S. has large proven reserves of coal. These reserves represent this nation's largest readily available potential energy source.

There is considerable interest in the conversion of this coal to synthetic fuels. I will discuss this further, but for now suffice it to say that it will require a very long time and many billions of dollars before any significant quantity of synthetic fuels can be produced from coal. However, recent developments in scrubber technology make it possible to use coal in an environmentally acceptable fashion to replace a large amount of oil and gas, particularly oil and gas used as fuel in electrical utilities and large industrial boilers.

Despite the abundant proven reserves of coal, this energy source in 1978 provided only 18 percent of total U.S. energy requirements, a smaller percentage than 10 years before when the share was over 20 percent. Further, the use of coal in this country grew over the 10-year period at a rate only one-third as fast as total energy consumption. There are a number of reasons for this lack of growth in the use of coal.

The problems with the use of coal have been summarized as:

You can't mine it!
You can't haul it!
You can't burn it!

Among the obstacles to mining coal are delay in leasing of government land for coal mining. Changing federal policies on setting aside land as wilderness areas and on requirements for restoration of strip-mined land have impeded exploitation of reserves. As a result of regulations to improve worker safety and to reduce environmental damage, productivity in underground coal mining has decreased dramatically.

In 1969, an average of 19.9 tons of coal were produced each day per coal miner. By 1977, that figure had dropped to 14.3 tons. This drop was largely a result of the restrictions of the Federal Coal Mine Health and Safety Act passed in 1969.

Transportation is an increasing obstacle to the use of coal. Many of the railroads which have been the traditional haulers of coal are in financial difficulty and their road beds and rolling stock are in a state of disrepair. There have also been shortages of cars and locomotives on some major coal-hauling railroads.

A new obstacle to the use of coal has been the establishment of exorbitant rates for hauling coal by a number of roads. Rates for hauling coal from the western coal fields to Texas have become so high that the city of San Antonio, which built a large coal-fired electrical generation station, is now considering conversion back to oil or gas. Between 1973 and 1979, the rate to haul a ton of coal from Wyoming to San Antonio increased from $7.90 to $17.23. On the Gulf Coast, coal can be imported at a lower cost from Poland, South Africa, and Australia than transported by rail from the U.S. coal fields. Coal can be delivered to Tampa, Florida, from Poland at $6 per ton less than from Kentucky or Tennessee.

A new method of coal transportation—slurry pipelines—has been technically demonstrated. However, the railroads have blocked coal slurry pipelines by refusing to grant permission to cross their rights-of-ways. Also, obstacles to the use of coal slurry pipelines have been raised on environmental and water rights grounds by the states producing the coal. As a result, construction of coal slurry pipelines has been blocked.

Another dampener to coal consumption has been threats by some western coal-producing states to impose large severance taxes on coal.

However, the largest obstacle to increased use of coal has been environmental barriers. The proliferation of air quality and other environmental regulations make it almost impossible to burn coal in applications where its use would be completely satisfactory as a replacement for oil or natural gas as a stationary fuel.

The most severe such barrier is probably the regulations implementing the Clean Air Act. Siting of a new coal-fired boiler in areas not meeting Clean Air Act standards is especially difficult since anyone proposing to build a new source of air pollution such as a coal-fired boiler must first eliminate a larger amount of air pollution than the new source will create. If a company has such a source of air pollution, the offset may be achieved by shutting down the existing source. If a company does not own such a source, the company must purchase and shut down a greater source of air pollution in the area in order to obtain the pollution offset. In other words, an existing source of pollution becomes a valuable asset.

The recently issued New Source Performance Standards for new coal-fired power plants impose unreasonable requirements for scrubbing of the stack gases—even when low-sulfur coal is being used. These new regulations interpret the Clean Air Act in a manner to impose an additional major obstacle in the path of the use of coal as a boiler fuel.

Another possible environmental obstacle to the use of coal as a boiler fuel may lie in the regulations implementing the Resource Conservation and Recovery Act of 1976. The final implementing regulations have not yet been issued, but there is a strong possibility that the EPA may decide that coal-fired boiler ash and scrubber sludge are hazardous wastes and, as a result, very expensive waste disposal techniques will be required. One estimate is that these new regulations may increase the cost of utility waste disposal practices by $4.4 billion a year—a 30 percent increase over current practices.

A major impediment to the use of coal is the large amount of additional capital required to burn coal as compared to oil and gas. Coal is one of the most capital-intensive energy sources. A 25 megawatt coal-fired boiler costs approximately four times more than a comparable oil-fired boiler. The only way that such an investment can be economic is for the price of coal compared with oil to be approximately $2,25 MM Btu less than oil over the life of the boiler. This fuel price "differential" is necessary to compensate for the additional capital cost of using coal (which will vary depending on transportation rates, pollution control requirements, etc.) and is a convenient way of determining whether coal is equally as attractive as oil, assuming that there are no technical or process limitations. In April of 1979, the reported average cost of coal delivered to U.S. electric utilities was $1.20 per MM Btu as compared to a delivered cost of $2.64 for No. 6 fuel oil or a differential of only $1.44 per MM Btu.

This fuel price differential is narrowed as oil is kept below market clearing prices, which, in turn, discourages investment in capital-intensive facilities that could use coal. The differential is aggravated even further when coal prices escalate as a result of inflation, high transportation rates, and increased labor costs.

Imposition of more rigorous standards on the emissions from coal-fired boilers will increase the problem either through the prohibition of the use of low-cost coal or the requirements for the installation of additional emissions control facilities.

Financial encouragement through fast tax write-offs and/or investment tax credits are required in order to speed the replacement of old oil- and gas-fired boilers with new boilers designed to use coal as a fuel.

In summary, a plethora of current regulatory roadblocks and uncertainties have combined to restrict a major effort in developing and ultilizing the most available energy resource in America. The decline in the use of coal as a source of energy is stark testimony to the state of affairs in this nation.

*Heavy-crude oil*

The United States has large reserves of heavy, less valuable crude oil, particularly in California. In the past, the production of such crude oil has been discouraged by control of the maximum price at which it could be sold. However, the President has recently decontrolled the price of heavy crudes and I believe that barriers to its production will be reduced to the point where we can anticipate that as much as 500,000 barrels per day of heavy crude oil could be produced in this country.

However, special refining facilities are required to process this type of oil. Generally, available refinery facilites need to be expanded and new units constructed.

There is an immediate need to provide incentives for building facilites for refining heavy crude oil. In the past, price control regulations on gasoline did not permit refiners to include in their gasoline prices a return on new refinery investments. The Administration has recently proposed a change in the regulations to permit a return on such new investments, but gasoline still cannot carry its full share of refinery costs.

### *Conversion of residual to light ends*

The major shortage of petroleum products in the U.S. is in the light ends required to make gasoline, heating oil, and petrochemical feedstocks. Unfortunately, an increasing share of the crude oil supplies available to U.S. refiners produce large amounts of the heavy end of the barrel or heavy residual oil (HRO) which frequently has a high sulfur content. The U.S. refining industry does not have adequate equipment or facilities to convert this HRO to light ends. In many instances it is unable to process all the high sulfur crude that is available due to equipment limitations.

As a consequence, we have had excess supplies of HRO at the very time that we were short of the light ends. Also, other forms of energy can be substituted in the applications where HRO is used, but there are no substitutes for most uses of light ends.

We must provide incentives to build or modify refining facilities used to convert this HRO into gasoline, middle distillates, and petrochemical feedstocks. So-called "super refineries," which are costlier, can convert essentially 100% of a barrel of the HRO into products that are in short supply. To meet present patterns of consumption of light ends, it would probably be practical to convert as much as 50% of the HRO which is now being used as boiler fuel with the HRO being replaced with coal. A new DOE proposal to provide returns on new refinery investments should help to solve this problem.

While I wholeheartedly endorse the proposals to allow returns on new refinery investments to be passed through in the cost of petroleum products, a far better solution would be to decontrol the prices of these petroleum products. The very fact that shortages of certain kinds of U.S. refining capacity exist, along with many other aspects of our energy problem, is proof of the counterproductive results of government interference in the free market process. Supply only equals demand when price is allowed to seek an equilibrium. Government controls which hold down the price of a material in short supply result in continued shortages. Only when producers are allowed to obtain an adequate return for their products can they be expected to make the necessary investments to increase production and adjust production schedules to meet optimum requirements.

By the same token, only when prices accurately reflect supply/demand status will consumers reduce their consumption or seek alternative sources.

### *Transportation and distribution*

In many cases, inefficiencies in transportation and distribution result in inefficient use of energy.

At the present time, there is an excess supply of crude oil on the West Coast. Some of this oil which comes from Alaska must be transported by small tankers on all or part of its journey through the Panama Canal to the Gulf Coast and then by pipeline to the Midwest where it is needed.

There have been several proposals to build a pipeline from the West Coast to the Midwest to permit the efficient transportation of this crude oil. To date, essentially no progress has been made in building such pipelines. Part of the problem is the conflict in regulatory jurisdictions. Secretary of Energy Schlesinger on August 21 released a letter to the Secretary of the Interior urging ". . . an early resolution of this critical energy transportation issue," and went on to say, ". . . The time has come for construction of a West-to-East crude oil transportation system. Further delay is unacceptable."

In the interim, while we are waiting for this pipeline to be built, we need to reduce the cost and energy required to transport Alaskan crude oil. There is a simple interim solution to this dilemma. Oil from Mexico, which we could be using, is currently being transported to Japan, while Alaskan crude oil is passing north to south along the West Coast of Mexico and south to north along the East Coast of Mexico to supply the Midwest. A three-way swap, moving Alaskan crude oil to Japan in exchange for Mexican crude oil delivered to the Midwest, could reduce the cost of the oil to both Japanese and U.S. consumers and reduce the energy required for its transportation.

### *Nuclear power*

Despite the many problems, electricity generated from nuclear energy must play a major role in any program to reduce our increased dependence on imported oil. The chief objections to nuclear energy lie in three areas.

Obviously, nuclear energy must be treated with great care to prevent the hazards of either a nuclear catastrophe or health hazards from exposure to nuclear radiation. In my opinion, both problems can and are being dealt with. The loss of cooling water supply at Three Mile Island demonstrated that additional attention must be devoted to the design and operation of nuclear plants. I believe this is underway. With respect to the hazards of exposure to nuclear radiation. it has been demonstrated that the level of risk is low—far lower than the hazards which result from other aspects of our modern standard of living. A nation, which is willing to permit smoking, cannot logically prohibit generation of electricity in nuclear power plants, because of the relatively low cancer risk.

Nuclear plants to generate electricity have experienced lengthy delays in permitting, design, construction, and start-up. These delays, in turn, have caused the final costs to escalate rapidly. The present permitting process for nuclear plants is completely unacceptable. The numerous lengthy steps and unpredictable delays must be eliminated. Presently, it requires 12 to 15 years to build a nuclear power plant. Legislation has been introduced to the Congress by the Administration which would have the effect of reducing this time by four to five years. It is essential that we move in this direction. not only to speed the availability of nuclear power as a replacement for oil and gas power, but also to reduce the escalation in costs due to the large amounts of invested capital not yet producing income.

Lack of permanent disposal methods for the waste products from nuclear power plants is offered as another reason for opposing construction of nuclear electric plants. These waste materials are currently being satisfactorily stored on an interim basis while research is done to determine the best method of permanent disposal.

The amount of wastes from the nuclear electric plants is relatively small. One recent study indicates that interim storage already exists to store 90 percent of the wastes from such plants until the year 2000. The real problem of disposal is the large amount of high-level nuclear wastes generated as a by-product of weapons production. This is the waste material which is causing a current problem and for which a disposal answer is urgently needed. Unfortunately, this problem has been used as justification for delaying the building of nuclear electric plants.

Nuclear electricity offers the promise for providing economical energy with minimum environmental damage. If we are to meet the energy demands of the next 20 years, we must expedite the construction of nuclear plants.

### MAXIMUM PRODUCTION OF DOMESTIC OIL AND GAS DURING THE PERIOD OF TRANSITION

The first step in the production of oil and gas is the exploration phase followed, hopefully, by an economic discovery. Then, the extent of the discovery must be determined and proven. Following discovery, the development of the reservoir is undertaken. At the conclusion of development, the oil and gas delineated are referred to as proven reserves and are available for production and use. Recent discoveries of oil and gas have generally been relatively smaller, deeper, and more expensive.

Reserves of oil and gas in a reservoir constitute a total finite quantity which depends on the size of the deposit and producing conditions. The most easily discovered portion of domestic supplies have been found. As a result, total domestic proven reserves of oil and gas are unlikely to grow significantly over the presently available amounts because it will be difficult to discover and develop more oil and gas each year than we produce.

Despite this, I believe that it is critically important that we make a maximum effort now in the exploration, discovery, and production of additional supplies of domestic oil and gas. This step is essential during the period of transition, as we try to switch to new domestic energy forms and sources. Further, it will allow us to extend almost indefinitely the supply of domestic oil and gas required to meet certain essential needs where alternate fuels are not presently substitutable.

### *Land use limitations*

As a first step in maximizing domestic potential, we must review land use regulations and make additional lands available for exploration and production.

A large amount of acreage that offers good potential for new discoveries of oil and gas lies under the control of the federal government—both offshore and onshore. In the past, we have had a policy of deliberately delaying the leasing of offshore lands. We should accelerate this leasing schedule and make available a clear plan for future lease sales so that the potential bidders can undertake the financial planning required for prompt lease development. The offshore Continental Shelf offers excellent potential for future domestic production of oil and gas.

There is also a large amount of federally controlled onshore land with good potential for the discovery of additional oil and gas. There have been lengthy and continuing delays in making this land available, and there are proposals to set aside even larger amounts of this land for wilderness areas. I certainly agree that we need to protect our natural environment from ruthless exploitation and destruction. However, I believe it is possible to provide reasonable safeguards to protect the public interest while making the land available for exploration.

Oil can be produced in an environmentally acceptable fashion. There are examples in the Los Angeles area and elsewhere of producing oil wells in the midst of attractive residential and commercial areas. There are oil wells on the Capitol grounds in Oklahoma. Oil wells in Long Beach, California, are in the midst of an oceanfront, park-like setting.

Recently, large amounts of land in Alaska have been set aside for some future determination of their potential use. During this period of set-aside, they are unavailable for exploration even though such areas appear to have attractive potential. Alaska contends that the federal government has not lived up to its commitment to transfer a substantial quantity of these lands to the state for such developmental purposes.

Another problem of land use lies in the restrictions on pipeline rights-of-way across government lands, particularly in the West where there are large sections of federal land. Much as we permitted the railroads to have rights-of-way across these federal lands to provide for the national good, we need to provide rights-of-way for pipelines carrying oil, gas, and other energy materials such as coal slurry.

Exploration for new domestic sources of oil and gas are being delayed by surveys of federal lands aimed at selecting tracts for addition to the National Wilderness Preservation System (NWPS). Surveys by the U.S. Forest Service—RARE II (Roadless Area Review and Evaluation)—and the Bureau of Land Management contemplate the addition to the wilderness system of large, additional areas that have good potential for production of additional supplies of domestic oil and gas.

The U.S. government controls 760 million acres—one-third of the land area of the U.S.—and two-thirds of that is effectively off limits to mineral exploration.

The problem is particularly acute in Alaska where large acreages with high potential for oil and gas have been placed off limits for exploration.

### *Profits in oil and gas*

There are mistaken views about the high level of earnings of the oil industry. Oil industry profits levels are illusory.

Some of the so-called profits of the oil industry are inventory profits. That is, the profits represent changes in the inventory value of materials on hand. Such profits do not equate to money in the bank and are no more real than the profit a homeowner has when his house appreciates in value. Moreover, even when inventories are sold, higher costs for labor and materials to replace these inventories consume the profits just as the homeowner discovers his "profits" are consumed by the higher price of a new house.

The replacement cost of domestic oil and gas now being produced is substantially higher than the cost of the present production. As indicated earlier, the controlled selling price of "old" oil is significantly lower than the average cost of "new" oil.

The cost of exploration and production of oil and gas in the U.S. has increased greatly because new sources are in more and more remote and hazardous areas, are deeper and result from smaller individual reservoirs. As an example of this cost increase, oil companies drilled 44,000 wells in the U.S. in 1961, at an average cost of $50,000 per well. In 1977, almost the same number of wells were drilled but the average cost was $230,000, an increase of approximately 350 percent. Between 1967 and 1977, the cost of drilling the average onshore well increased by 230 percent, and the cost increased by more than 275 percent offshore.

Very large sums of money have been paid for offshore leases. For example, in 1973, oil companies paid the federal government nearly $1.5 billion in cash bonuses for leases in the Eastern Gulf of Mexico. Eighteen wells were drilled on these leases, none of which resulted in any producible oil or gas. Another example is the Baltimore Canyon area off the Mid-Atlantic Coast, where $1.1 billion has been paid for leases. Drilling began in the spring of 1978, and by mid-April 1979, 17 wells have been started at an estimated total drilling expenditure of $121 million. Of the 17 wells started, one has resulted in a discovery, 12 have been dry holes, and drilling is still going on in the remaining four. No commercial oil or gas has yet been produced.

A recent study at Harvard estimated that in present-day dollars the marginal cost of additional imported oil is at least $35 and may be as high as $85 per barrel. Certainly, we need to recognize the higher cost of replacing such imports.

Oil and gas are "wasting assets" that must be replaced through exploration and development and the costs of such endeavors have gone up dramatically. Oil and gas reserves are becoming much more difficult and expensive to find. And unless new deposits can be found to replace those being produced, the industry will be out of business.

Reported profits of the oil industry are computed using depletion charges based on the original costs of the oil and gas which is now being produced.

We should change the method of computing these profits to reflect the present cost of discovering and developing oil and gas regardless of when the oil and gas now being produced was found and developed. An alternate would be to aggregate all costs and compute the depletion charges based on the aggregate cost. Such a method of determining profits would be far more realistic and consonant with the wasting asset nature of the oil and gas production business.

It only makes sense, at a time when we are talking of large sums of money to be spent by the federal government on developing new energy sources, to permit more realistic accounting systems to be used by the oil and gas production industry. This would place the profits of the industry in appropriate perspective, lower reported earnings significantly, and reduce the public's suspicion that oil companies are exploiting shortages.

It is fashionable to talk about the high profits of oil companies. However, oil company earnings need to be considered over a period of time and then compared with other industries. Citibank made a study of the profitability of the leading U.S. oil companies and compared this profitability with that in the total manufacturing sector. Over the ten-year period, from 1969 through 1978, the net income, as a percent of stockholder's equity, of the leading U.S. oil companies was 13.9 percent. During the same period, the net income on the same basis for all U.S. manufacturing was 13.7 percent—essentially the same.

It is also important to consider what happens to earnings. Earnings are returned to stockholders and also reinvested to find and to develop new energy resources.

### *Necessary economic incentives*

National economic incentives need to be provided for the production of domestic oil and gas. Failure to do so will only discourage such domestic production and increase the amount of imports required.

One step to provide these incentives is to speed up the programs which have been proposed for the decontrol of prices of crude oil, natural gas, and petroleum products.

Domestic crude oil prices are being decontrolled under a program announced by the President that is scheduled to complete decontrol in 1981. Such decontrol is mandated by law. However, there are a number of objections to the program, and there are threats in the Congress to pass legislation to continue controls.

Following a long battle in the Congress, the Natural Gas Policy Act was passed in 1978. It was claimed that this Act provides for the decontrol of natural gas. However, in fact, the Act provides for the decontrol over a long and tenuous schedule of only limited classifications of newly discovered natural gas, while controls remain on other categories of natural gas.

The advantages of decontrol of natural gas are clearly demonstrated by contrast between the intrastate market, where, previously, natural gas prices were not controlled, and adequate supplies existed; and the interstate market, where natural gas prices were controlled at unrealistically low levels, which produced continuing and increasingly severe shortages.

Prices of some petroleum products, such as gasoline, remain under control despite the criticism of economists, both in and out of the government. At the same time, other petroleum products such as heating oil, which are nominally decontrolled, remain under the constant threat of reimposition of controls.

Decontrol of the price of crude oil, natural gas, and petroleum products will not only serve to stimulate the supply but will also encourage conservation by removing the hidden subsidies for wasteful consumption.

At the same time that the Administration has talked of decontrol of crude oil prices, it has proposed to levy what has been called a windfall profits tax. In fact, this is not a tax on profits, but a use or excise tax on domestic crude oil. While it will be collected by the government from the producer of the oil, in fact, it will be paid by the consumer—you and me. In this sense it is not different from any other tax.

The proposed tax would continue indefinitely and would deliver large sums of money into the Federal Treasury. It would bear no relation to the profits earned on the production of the oil or the efforts and ingenuity shown by the oil companies who produced it.

As I have discussed earlier, finding and producing crude oil from new domestic sources is increasingly expensive. The oil industry badly needs the cash flow if it is to achieve maximum new production of domestic crude oil and provide the modern facilities to convert it into the products most needed by our economy.

The capital structure of the oil industry has changed dramatically in recent years. Previously, the industry had a low debt ratio and based new investments largely on internal cash flow. Today, the capital structure of this high-risk industry is much more debt-oriented, reaching levels that cause concern to many economists.

### *Potential new domestic supplies*

We must provide maximum encouragement, through tax incentives and other means, for the exploration and development of new supplies of domestic oil and gas. Remaining oil and gas reserves have been declining in recent years even though demand has been increasing.

Experts feel that substantial quantities of domestic oil and gas remain to be discovered. However, these are high risk efforts. Incremental costs, even when successful, are very high. Further, there must be enough profit from the successful efforts to support the costs of the failures.

There are a number of potential areas for new domestic discoveries of oil and gas. These include the Continental Shelf areas of the United States, Alaska, the Overthrust belt in the Western States, and other unexplored onshore lands. Currently, there is a major exploration effort in the Overthrust belt which has resulted in several significant discoveries. Much of this exploration effort can only be justified on the basis of higher prices for domestic supplies of oil.

### *Increased recovery of oil*

There is considerable potential for increased recovery of oil and gas from known or proven reserves if there are adequate economic incentives.

Oil in the ground does not exist in the form of large pools—like water in a well. Instead, it occurs in the interstices of sand and in the pores of rocks between layers of impermeable rock. On the average, only about 30 percent of the oil in a reservoir can be recovered by conventional means.

In some cases, additional oil can be recovered by pumping water into the reservoir to displace the oil. Once this is done, the only way to recover additional oil is by tertiary recovery processes.

There are a number of tertiary porcesses such as fire flooding (building a fire underground to drive the oil out), steam injection to heat the underground oil, injection of chemicals, and other such complex and expensive steps. Experimental work is usually required to determine what sort of tertiary recovery techniques will work in a particular reservoir.

Tertiary recovery is a lengthy process, and there can be a considerable time lapse between commencing efforts to drive the oil out of the ground and the actual recovery of the oil.

More research and development is needed to discover and prove tertiary recovery processes, including the possible environmental impact of such complex underground operations.

Obviously, tertiary recovery is a very expensive way of increasing the domestic production of oil. However, it appears that it can be considerably cheaper than other more unconventional methods of producing energy.

The government has recently announced a program to provide front-end economic incentives for the tertiary production of crude oil. Given enough incentive, I believe that in 5 to 10 years tertiary recovery can produce a significant additional amount of crude oil from existing reservoirs.

I have previously discussed the problems in the production of heavy crude oil. One method of production involves the intermittent injection of steam to heat and force the oil out. The decontrol of prices of heavy crude oil should increase the amount of recovery of this type of oil.

### *Increased gas production*

Gas in the ground, like oil, is in reservoirs, in sand, or in rock. In some cases, the gas will flow freely from the ground; in other cases, the gas is removed from the ground only with great difficulty because of so-called tight formations.

There are a number of formations such as the Clinton sands in Ohio where the gas flow from the ground is so slow, or the well life is so short, that drilling could not be justified at past prices of natural gas. However, as gas prices have been allowed to increase, the economic justification now exists for drilling wells in such slow-producing formations.

As a result of the increased price for gas, recently a new gas-producing formation has been discovered in Ohio called the Rose sands, which offers good promise for production of natural gas.

There are also reservoirs containing natural gas in which the reservoir rock has very low permeability and, as a result, the flow of gas within the reservoir is so low that it is impractical to produce gas. Such reservoirs are called tight sands. A recent Department of Energy program has indicated that there is potential for recovery of large amounts of gas from these tight formations at increased prices.

There is also a large formation called Devonian shale in Appalachia which contains large amounts of natural gas which we do not yet know how to recover economically.

One process for increasing the recovery of natural gas from reservoirs is called fracturing. This involves pumping fluids at very high pressures into the sand or rock formations containing the gas in order to cause fracture in the formation, allowing the flow of the gas to the well. There are other approaches for improving the flow, depending on the nature of the reservoir, such as underground explosions and treatment with various chemicals. Government and industry have done experimental work to improve the gas flow using nuclear charges.

The government should sponsor research or offer incentives to develop new and improved processes for producing more gas from these tight formations and other potential sources.

### *Gas from coal mines*

One problem in coal mining is the possibility of gas explosions. The gas in this case is methane, the principal component of natural gas. It appears that there is a good potential for recovering natural gas from coal seams even though there are a large number of technical obstacles which have to be solved.

There are also legal and regulatory obstacles. From a legal point of view, there is disagreement about the ownership of gas produced that is mingled with coal; from a regulatory point of view, there is disagreement as to the regulatory agency responsible for production of gas in conjunction with coal.

### *Incentives for high production costs*

It is clear that all of these processes for the increased production of oil and gas will involve far higher costs than conventional production processes, but such processes offer the potential for additional production of considerable amounts of oil and gas. Some technical problems need to be solved. However, the major problem is to make certain that adequate economic incentives exist to justify the high production costs and the technical uncertainties.

## DEVELOPMENT OF NEW ENERGY TYPES AND SOURCES FROM DOMESTIC RESOURCES

### *Shale oil*

In Colorado, Utah, and Wyoming, there are large quantities of oil shale rock which when heated under controlled conditions produces shale oil or kerogen which, in turn, can be chemically processed to produce products similar to the light ends made from crude oil. This shale oil can be used as a replacement for imported crude oil.

There are very large reserves of oil shale in the West—in fact, reserves that are estimated to be greater than the crude oil reserves of Saudi Arabia.

Shale oil is the synthetic fuel which appears to be closest to commercialization, both from the point of view of technology and economics. A number of companies are actively working on the commercialization of shale oil, and with the removal of several obstacles—chiefly, in the regulatory area—we can expect significant amounts of shale oil to be available by the end of the decade of the 1980's.

However, there are obstacles which, so far, have held up the commercialization of shale oil.

Most of the oil shale is on federal lands. The uncertainties and limitations of government leasing policies have delayed energetic development of this source. While these obstacles have now, to some extent, been overcome, the federal government should adopt a clear policy to make the required land available for the commercialization and production of shale oil.

Commercialization of oil shale has faced major environmental obstacles. The production of oil from shale leaves tailings which have expanded during processing and hence cannot be contained within the mined area. The piles of these tailings appear in the form of hills and valleys on an already rugged landscape which some find objectionable. We need to decide on an environmentally acceptable method of disposal of the residue from shale oil production.

There are others who object to the environmental impact on the barren area of the development of a large new industry.

Another obstacle to the production of shale oil is the water required for the production process. There are adequate supplies of water available for oil shale commercialization, but some want to reserve this water for other purposes, such as new irrigation projects for arid lands.

Shale oil offers one of the best near-term potentials, from both a technical and economic point of view, to produce synthetic fuels that can reduce crude oil imports.

To speed commercialization, the President has proposed to grant a $3 per barrel tax credit for shale oil and to permit it to be sold at world oil prices. In addition, to provide greater economic encouragement, the government should provide two additional incentives.

1. The government should agree to act for a period of time as purchaser of last resort of fixed volumes of shale oil at a price which will insure a return of the capital invested.

2. The government must establish a procedure for resolving in an expeditious manner both the procedural and the substantive regulatory conflicts that could delay commercialization.

### *Synthetic liquid fuels from coal*

Considerable attention has been given to the production of synthetic fuels from coal. I have already described the extent of our large reserves of coal. The problem is to make sure that we do not rush into an uneconomic or unsound large-scale program of producing synthetic fuels from coal, or for that matter, from any other non-conventional source.

There is technology available to make liquid fuels from coal. During World War II, the Germans made gasoline from coal, and South Africa is currently producing gasoline and other synthetic fuels on a limited scale from coal. The very fact that these nations have this technology and are still relying on crude oil for a large portion of their petroleum products makes clear that the problem is one of economics. The first generation technology now available to produce synthetic gasoline from coal appears to be inefficient and uneconomic. Any fuel produced from it would be high cost. Plants built to make liquid fuels based on this technology would be extremely expensive and would take large amounts of investment capital.

Another liquid fuel that can be produced from coal is methanol. The process for this is fairly well known. However, vast investments would be required to build plants to produce large quantities of methanol. Further, the use of methanol as a direct replacement for gasoline results in many problems, including lower useful energy per gallon consumed and at levels above 10 percent, reported damage to the materials of construction of the automotive fuel system.

There are many questions about the economic feasibility of the scale-up of plants to make large quantities of methanol from coal. Because of this, I believe that only the construction of demonstration modules is appropriate at this time.

We need to develop and test new and improved technology for making liquid fuels from coal. The research and development required to establish this technology should be assisted with government funds and incentives, if necessary. We should develop efficient processes which eventually will be economically competitive with other sources of energy.

New technology needs to be commercially proven in demonstration plants or modules. Demonstration plants need to be built to prove the commercial feasibility of the various processes. Based on my experience in building new process units, I would urge that initially we build only one plant to demonstrate each process in order to determine the problem areas—technological, environmental, economic, etc.

Regardless of the source, there is a limit to the amount of money available for investment in new energy production facilities, great care must be used to make sure that these funds are directed to the most productive uses. Failure to do this could leave us with a large number of "white elephants" in the form of uneconomic or inoperable synthetic fuel plants.

The development of an industry to produce synthetic fuels from coal may require government support, guarantees, and incentives. Before anyone invests capital in plants to make synthetic fuels from coal, a market must be assured that will cover the production costs plus a return on the capital employed. If the federal government can provide that assurance, private industry will develop a synthetic fuels industry. Until that potential market is guaranteed, we should not proceed beyond the demonstration facilities.

I would argue strongly against allowing the federal government to build and/or operate synthetic fuel plants. Time and again, the government has demonstrated its inability to efficiently operate manufacturing facilities. A number of people have compared the need to build a synthetic fuels industry with the development of the synthetic rubber industry during World War II. In this instance, the government gave the job of developing the technology, building, and operating the plants to private industry. In most instances the experience has been the same in building and operating weapons production plants and shipyards. In my opinion, operation by industry is more efficient and effective than governmental control.

Government financing for synthetic fuels plants may be necessary, but if a synthetic fuels industry is to be established by the end of the decade of the 1980's, the job can only be done by industry.

Another requirement for building a synthetic fuels industry is government action to prevent lengthy delays in the environmental permitting process for the initial plants. Failure to do this will prevent timely construction of the initial plants required to demonstrate the process.

Let me emphasize the procedure I believe we must follow to develop a synthetic fuels industry based on coal.

First, build one plant, using the best available technology, of adequate size to demonstrate each major process on a commercial scale. It should be recognized that these are demonstration plants—not production facilities.

Operate the demonstration plant to prove the technology and economics and to find solutions to environmental problems.

Not until the value of the process has been proved and compared with other processes should we proceed to build production plants.

### *Synthetic gas from coal*

Before natural gas became widely available in areas outside of the Southwest, many cities used fuel gas made from coal. This was called manufactured gas or town gas. This gas had a low-heat content and tended to be dirty.

The technology exists today to produce clean gas from coal with a heat content approximating natural gas. However, it will probably be significantly more expensive than today's price of natural gas. Further, very large and expensive plants will be required to produce it.

For the intermediate term, there is considerable doubt as to the economic jutification of building commercial-scale coal gasification plants, because there appears to be good potential that adequate supplies of natural gas can be provided to meet the requirements of those users who must have a gaseous fuel.

The passage of the Natural Gas Policy Act, which promises to eventually deregulate certain types of gas—including newly discovered natural gas—and which provides for increased gas prices, has removed some of the uncertainties facing producers and users.

There are also potential additional supplies of natural gas available from Canada, Mexico, and Alaska. Moreover, there is the potential for offshore imports of liquefied natural gas (LNG). Each of these potential sources of natural gas from outside the lower 48 states faces some regulatory obstacles. But it appears that all of them will probably be cheaper than synthetic gas produced from coal.

Another possible source of supply for gaseous fuel is to produce low and intermediate Btu gas from coal for uses in a number of industrial processes where such fuel is technically feasible. Facilities to produce such gas can be constructed at a cost that is materially less than high Btu gas. Tax incentives should be provided to encourage industry to build plants to produce low and intermediate Btu gas in order to release supplies of natural gas for high-priority uses, such as residential and petrochemical feedstock consumers.

Because of the potential for additional supplies of natural gas, I believe that we have time to develop and test improved processes for coal gasification. We should build demonstration modules to evaluate new processes before we build a number of large-scale production plants.

### *Alcohol as a fuel*

Beverage alcohol is made by fermenting agricultural products such as grain, potatoes, or sugar. This alcohol—ethanol—can also be used as a fuel, and a number of service stations are currently selling gasohol, which is a mixture of gasoline with a maximum of 10% ethanol.

Traditionally, there have been strong pressures from powerful agricultural interests to use agricultural products to make various chemicals by fermentation. During World War II, we built several very large plants to make butadiene from alcohol. These plants were uneconomic and were abandoned. The basic processes for making alcohol from grain are well known. However, the overall energy efficiency is low, particularly if the aggregate energy required to grow the grain is included—not just tractor and grain drying fuels, but also the natural gas required to make the fertilizer and other hydrocarbons used as feedstocks to produce agricultural chemicals.

As an example of the poor energy efficiency of certain processes to make synthetic fuels, recently a producer of alcohol filed an application with the DOE for entitlements based on its production of alcohol from corn. The alcohol will be blended with gasoline to make gasohol. As part of the application, the alcohol producer certified that the energy needed to convert the corn kernel into alcohol suitable for blending with gasoline equaled 89% of the energy in the alcohol. This did not include any of the energy required to produce the corn or transport it to the alcohol plant. It seems quite clear that, at least for this process, when the hydrocarbons required to make the fertilizer used to raise the corn, the farm fuel required to prepare the land, plant and harvest the corn, and the energy to dry the corn are all added together, the total energy consumption for making alcohol from grain by this process is likely to be far higher than the energy produced.

Alcohol used to replace gasoline presents some problems. When used in mixtures over 10%, there are severe operating and maintenance difficulties. Alcohol as a fuel will produce less miles per gallon consumed than gasoline. On the positive side, there is some improvement in engine performance using alcohol as compared to low octane gasoline.

The major questions about using alcohol as a synthetic fuel are economic.

What will be the cost of the fuel on an equivalent basis to gasoline if the grain which is used is priced on a full-cost basis?

What will be the effect on the price of grain if massive quantities of grain are used to make alcohol?

Another area of concern is the ability of American agriculture to produce the necessary grain to supply synthetic fuel plants on a steady basis. We cannot build a synthetic fuels industry based on the availability of only periodic surpluses of grain.

Also, there is the seldom discussed moral issue of using a foodstuff to manufacture fuels when there is hunger in the world.

I believe that it would be wise to continue research on processes for the production of synthetic fuel from grain. It may be advisable to provide government incentives to build demonstration plants or modules to test the technical and economic feasibility of the processes.

However, I would urge that we resist the strong political pressures which we can expect from agricultural interests to build large synthetic fuels plants based on fermentation of grain. Such plants are likely to be uneconomic and could prove highly inflationary by driving up the price of grain. Further, this could have the effect of reducing the large positive balance of payments earned by export sales of grain.

### *Heat from the Earth*

Geothermal energy is energy based on heat from the earth. It may be in the form of steam such as is currently used in Northern California to generate a small amount of electricity, or in the form of hot water.

There are some operating problems with the use of geothermal steam to generate electricity, including the high content of corrosive materials in the steam and the disposal of the condensate. However, these problems can probably be solved with a limited amount of research. The major problem of energy from geothermal steam is the limited supply in very limited locations of the country. I do not anticipate that geothermal steam will supply a very significant part of our future energy needs, but research and development work should continue.

Use of hot water from the ground offers considerable potential in certain locations for the production of low-level heat. The DOE currently has a research and development program to drill test wells in various locations to determine the potential supply. Some industrial companies are studying the possibility of using hot water produced from wells at their plant locations to supply low-level heat. In addition to the fact that the low-level heat from this source has only limited uses, there is need to find a satisfactory method of disposal of the brines produced along with the energy. I believe that this source will provide energy for some limited uses in the future. I doubt that it will have widespread application.

Even geothermal energy has its regulatory and legal uncertainties. One question which is yet to be answered is who is the owner of the geothermal energy—the owner of the mineral rights or the owner of the water rights?

### *Geopressured gas*

Geopressured methane refers to natural gas which is dissolved under high pressure in brine in various geological formations. The quantity of methane per unit of brine is small, but there are indications that there are potentially large quantities of such brines. There is an active research program to determine the feasibility of recovering the natural gas from the geopressured brines. Present indications are that there are a number of technical and economic problems to the commercialization of this source of energy.

A major problem is the disposal of the large quantity of brine that is produced. Presently, the thinking is that this brine will have to be reinjected into the ground for disposal. This could potentially present a significant environmental problem.

There are also major problems of equipment design and construction.

Natural gas from geopressured brine is likely to be quite expensive as contrasted to present sources of natural gas. Potentially, this could be a large future source of energy, but I do not believe that we can anticipate it becoming available in significant quantities in less than 10 to 15 years.

### *Biomass*

Another potential new source for producing energy is from organic material frequently called biomass. Such biomass can either be intentionally grown in the sea (kelp, for example) or on land (kudzu, for example) or it can be collected from waste products such as corn stalks or wood scraps. Another similar source is municipal solid waste—garbage. Such sources can certainly be used to produce energy either by combustion or fermentation.

About 20 U.S. localities have tried to use garbage as an energy source and success to date has varied widely. This source merits additional attention.

Some municipal projects are in trouble and special help should be provided to correct the problems being encountered before they are beyond rehabilitation.

However, it should be recognized that the potential for energy from such sources is relatively small, and there are a number of obstacles in bringing the fuel to the place of use.

### *Solar energy*

Solar energy has been offered as a solution to the nation's energy problems. In fact, many have suggested that we defer development of other energy sources because of the belief that we have, or will have, abundant supplies of energy from the sun available to us.

The sun is certainly a practical source of energy. There are a number of immediate possibilities for taking better direct advantage of the energy supplied by the sun. This would include improved architectural design of our homes to better absorb the sun's heat in the winter.

The use of solar energy is usually divided into soft or passive technology and hard or active technology. There are many opportunities to use soft technology today in such applications as solar-heated hot water tanks, windmills, and residential heating. The hard technology involves such sophisticated devices as space satellites with large numbers of solar cells in stable orbits with microwave beams transmitting the energy to earth. Power towers are large elevated tanks, filled with water, surrounded by vast arrays of mirrors focusing the sun's light on the tank on the tower. The heat causes the water to turn to steam, which is then used to generate electricity.

Soft solar technology offers some potential over the intermediate term, particularly if incentives are provided. However, hard solar technology is at least 20 years into the future as far as producing any significant quantities of energy.

In the meantime, more publicity and information should be provided relating to passive systems that can be utilized in homes and commercial structures. Implementation of these techniques in aggregate, would contribute significantly to less demand for other energy sources.

### *Other nonconventional energy sources*

There are a number of other sources of energy which are being studied. These include large-scale production of electricity from the force of the winds, the tides and the waves or temperature gradients of the ocean. We should continue to explore such processes, but we must recognize that they offer no prospects for generation of significant amounts of energy in the next 10 to 20 years.

### *Policy on nonconventional energy*

I have described a number of energy sources which might be called unconventional. We must encourage the development of these sources. However, it is important that we not encourage unrealistic public expectations about their near-term potential. We should examine the potential economics of such sources and communicate information on this subject to the public so that the limitations can be understood.

There is a danger that the public could become so enthused about the near-term potential of highly publicized low-cost energy from unconventional sources that it will fail to make the hard choices required now to produce the energy using the sources and technology available to us today.

## THE ROLE OF THE GOVERNMENT

Obviously, the government must be very involved in the planning and setting of objectives for a program to reduce our dependency on foreign crude oil. As is obvious from what I have said earlier, my background and experience leaves me with a firm belief that the program also must be carried out by relying on the free market system. I do not apologize for this belief. Much of our present problem is due to the intrusion of the government into the energy business.

Conflicting regulatory policies and jurisdictions have delayed and even blocked many major projects that, if they had been allowed to proceed, would have resulted in less dependence today on imported crude oil. It is not just the regulatory requirements—it is the lengthy delays and uncertainties in determining what the regulatory requirements are and will be in the future. The problem is not just the adverse decision, it is the lack of decision, the numerous reversals, stops and starts, etc.

I can provide numerous examples; here are two.

There is an excess of crude oil on the West Coast as a result of increased supplies, an inability of West Coast refineries to process certain types of crude oil, and a slowdown in the rate of growth of demand for gasoline on the West Coast.

That oil which is available on the West Coast is needed in the Midwest for several reasons, including a reduction in the amount of oil which formerly was shipped to the Midwest from Western Canada.

In 1974, Standard Oil of Ohio proposed to build a pipeline to transport that oil.

However, the process of obtaining the necessary city, regional, state, and federal permits went on for so long and became so expensive that the project was finally dropped after over $50 million had been spent on it—just for design and permits.

A second example is the Seabrook nuclear power plant in New Hampshire, where the possible impact of the discharge of warm water on a clam resulted in numerous delays, shutdowns of construction, and ballooning of cost. The plant is still not built. One major utility involved finds itself in severe financial difficulties because of the capital invested—which will eventually have to be recovered in some fashion from the ratepayers—and there is the prospect of future brownouts and blackouts in the area due to shortages of electricity.

I could provide numerous similar examples of refineries not built, wells not drilled, coal not mined, transportation facilities for supporting all forms of energy not completed, etc.

The point is, we must find a way of expediting the completion of energy projects by speeding the regulatory process and resolving the conflicts.

The President has proposed an Energy Mobilization Board (EMB) which would have the responsibility of cutting through regulatory delays on energy projects. However, it is not clear if the authority of the EMB would be substantive or just procedural.

While the EMB is a step in the right direction, even if the EMB is established with adequate authority to solve the problem which the President has recognized, we still need to correct the broad national problem by removing the root cause of the overly complex regulatory structure that is strangling our country, rather than just bypassing one part of it.

The obstacles resulting from environmental regulations and procedural barriers have been one major cause of the expansion of imports of crude oil.

I do not argue against the need to protect and, in many cases, improve the quality of the air and the water. I, too, object to denuded and eroded lands and monuments that are decaying because of chemical attack.

However, we must seek a balance between conflicting objectives rather than trying to regulate inside of compartments without regard to the fact that delays in resolving conflicts may be resulting in critical new problems. In many cases, regulators in positions of authority have delayed decisions by refusing to attempt to reach an acceptable compromise and have, in turn, actually caused a more severe problem.

A prime example was the shortage of lead-free gasoline early this summer due, in large part to refusal of the EPA to recognize that the auto emissions standards resulted in a demand for lead-free gasoline which could not be supplied by the oil industry if that industry was required simultaneously to meet phasedown requirements for lead in leaded gasoline. Added to that was a decision to prohibit the use of an additive called MMT, which served to extend supply of lead-free gasoline. Lead-free gasoline became so short that increasing numbers of motorists began using leaded gasoline in cars designed for lead-free and, as a result, they destroyed the emissions controls systems of these cars. The potential problem was well recognized by industry and the Department of Energy which, at least six months earlier, urged that EPA provide relief. However, EPA took no action. As long gasoline lines developed in early spring, the President announced that there would be a suspension of the lead phasedown regulations. Despite this, for two months, EPA took no action, and the gasoline shortage became worse. Finally, the EPA issued "interim" regulations which dealt with the problem in a half-hearted and temporary way. It was another three months before "final" regulations were issued, and there are still many uncertainties about what gasoline additives can be used and for how long.

This situation cannot continue. The Administration must appoint individuals to positions of authority in environmental agencies who are willing to support overall national policy once it is determined by responsible governmental authority.

Projects must be examined on a cost-benefit ratio, and energy and national security costs must be evaluated and compared to potential environmental benefits.

The out-of-pocket costs, alone, of regulation have become enormous.

The Department of Energy, which produces no oil or gas, cost consumers about $8.5 billion per year as a result of its direct expenditures. Note that this is a cost of $40 for each man, woman, and child in our country, or 8.5 cents for each gallon of gasoline consumed.

Added to this is the massive cost to industry and business for management who must plan strategy under conditions of uncertainty, for clerks and accountants who collect information and complete forms for the DOE, for lawyers who interpret and protest a continually changing and expanding body of rules and regulations.

Still greater costs stem from the delays and the inefficiencies resulting from the massive intervention of the government into the energy business.

We must reduce the role of the government in the energy business through decontrol of prices and distribution and thus return the industry to the free market system. That system has demonstrated that it is far better able to bring supply and demand into balance. The federal government does not have the capability or competence to effectively administer such a broad-based program.

Despite the sad experience of failures by government in the energy business, some people in the Administration and DOE are now attempting to develop a program to establish mandatory limits for oil imports. Any such program to fix by government order the amount of crude oil which will be imported over a period of time will be counterproductive for a number of reasons.

1. Since the amount of oil imported will be less than that demanded by the market, we will also have to establish a permanent allocation system for petroleum products. This system will have to determine who will receive the limited supply and who will be forced to do without. There is no equitable answer for such a rationing system. This is demonstrated by the failure of Congress to agree on even a program for rationing gasoline in the event of an emergency.

2. A program of mandatory limits by the U.S. government on oil imports will give the OPEC countries a free hand to raise the price of oil without fear of loss of sales. Once oil use is restrained by government edict rather than the marketplace, there will be no concern by the producer countries with the price elasticity of demand.

3. Restraints on imports will mean that the right to import will have a significant value which will add to the cost of imported oil and increase the cost to the consumer of petroleum products. Thus, U.S. energy prices will be increased over world levels, discouraging U.S. exports and encouraging imports of products with a high-energy content.

I do not disagree with the need to decrease oil imports. I do believe that the way to do this is to carry out an effective effort to encourage (1) conservation, (2) the use of alternate energy sources to replace oil and gas, and while these efforts are taking effect, (3) the maximum production of domestic supplies of oil and gas.

In considering the role of the government in reducing oil imports, we need to keep in mind that the technical parts of the problem can be solved. The difficulty is resolving the political conflicts. We need to search out a consensus solution to what I believe is the most serious challenge to the future of our nation and way of life since the attack on Pearl Harbor forty years ago.

### SUMMARY

My program to reduce our growing dependence on foreign petroleum can be accomplished only by maximum concurrent efforts to:

1. Use energy efficiently in all sectors of our economy,
2. Replace oil and gas, where feasible, with available other energy sources, and
3. Develop new energy sources and forms.

Our dependence on foreign oil has been increasing for a number of years. It will be a long time before steps to correct the situation will have a significant impact.

During the transition period, we must maximize the domestic production of oil and gas.

Existing regulatory obstacles which will prevent prompt and speedy action on this program must be removed.

We must educate the energy-using public about ways in which it can use energy efficiently and provide, where necessary, the economic incentives to such efficient energy use. We should provide recognition to those in all sectors who achieve outstanding results in energy conservation.

The government must establish our goals and objectives for increased energy production from domestic sources. However, the carrying out of the program must be turned over to industry. Economic incentives will have to be provided and the economic uncertainties and risks will have to be minimized.●

## THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION REAUTHORIZATION—S. 241

● Mr. HEFLIN. Mr. President, it has just come to my attention that a statement made on the House floor on passage of the conference report on S. 241, the legislation reauthorizing and reorganizing the Law Enforcement Assistance Administration, indicates a misunderstanding of one aspect of the compromise we arrived at relative to the funding of civil programs by LEAA and the newly created National Institute of Justice and Bureau of Justice Statistics. This misunderstanding has led a House Member to conclude that the compromise would prohibit use of LEAA discretionary funds to help support operations of the National Center for State Courts. It is my belief, Mr. President, that the compromise formula would permit such funding, but more importantly the legislation specifically authorizes it under section 602(1) which was in both the House and Senate bills and not at issue in the conference.

This section authorizes LEAA to fund programs and projects "to stimulate and encourage the improvement of justice and the modernization of State court operations by means of financial assistance to national nonprofit organizations operating in conjunction with and serving the judicial branches of State governments." Clearly, then, the legislation authorizes use of LEAA funds for the critical work the Center is doing to improve the quality of justice, both criminal and civil, administered by our State court systems. These courts, of course, handle the great bulk of the Nation's criminal caseload.●

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting majority leader, the Senator from Hawaii (Mr. MATSUNAGA).

## RECESS UNTIL THURSDAY, JANUARY 10, 1980

Mr. MATSUNAGA. Mr. President, pursuant to the provisions of House Concurrent Resolution 232, I move that the Senate stand in recess until 12 o'clock meridian, January 10, 1980.

The motion was agreed to; and at 12:02 p.m. the Senate recessed until Thursday, January 10, 1980, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES—*Monday, January 7, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

*O my strength, I will sing praises to Thee, for Thou, O God, art my fortress, the God who shows me steadfast love.*—Psalms 59: 17.

Gracious Lord, at this time when our hearts are heavy with the burdens of the day, we earnestly pray for Your strength. Allow us to receive the full measure of Your steadfast love that we may truly serve others in justice and in peace. Be with those innocents who suffer privation and anxiety in their lives and may all people gain assurance through the knowledge of Your providence and care for them. Amen.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the approval of the Journal of the last day's proceedings will be postponed until January 22, 1980.

## BILLS AND RESOLUTIONS INTRODUCED AND REFERRED

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 232, bills and resolutions introduced today or any day prior to January 22, 1980, will be numbered as of the day introduced but not noted until the RECORD of January 22 and not referred to committee by the Speaker until January 22. Likewise, executive communications, petitions, and memorials will not be numbered or referred until January 22, 1980.

## PRESIDENT'S GRAIN EMBARGO

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, I take this time to mention a golden opportunity that has come up in light of the President's speech the other night. I refer to the embargo of grain to the Soviet Union. I think it presents a golden opportunity. The President has talked

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

about storing grain which I believe provides us with a golden opportunity to move forward as fast as we can with gasohol production. I am looking into legislation at the moment that would empower the Farmers Home Administration to make loans for this purpose and also to look into any other regulations that are impeding the production of gasohol at the moment.

## SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. HARRIS) to revise and extend his remarks and include extraneous material:)

Mr. MOORHEAD of Pennsylvania, for 60 minutes, today.

## JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on January 3, 1980, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 468. Joint resolution extending the dates for submission of the President's Budget and Economic Report.

## ADJOURNMENT

Mr. HARRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 3 minutes p.m.), pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the House stands adjourned until 12 o'clock meridian, Thursday, January 10, 1980.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5504: Mr. ROYBAL and Mr. GRAY.

H.R. 5771: Mr. GRAY and Mr. EDWARDS of Oklahoma.

H.R. 6008: Mr. SIMON, Mr. WOLPE, and Mr. JEFFORDS.

H. Res. 491: Mr. JENRETTE.

# EXTENSIONS OF REMARKS

## PRODUCTIVITY AND INFLATION

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 7, 1980*

● Mr. ROTH. Mr. Speaker, we are all concerned about the tremendous increase in the inflation rate which our Nation has experienced in the past few years. This year, for example, the inflation rate is expected to be above 13 percent.

Another matter which has been a cause of our economic problems is the decline in the productivity rate. Productivity among American workers has fallen in the first three quarters of 1979 and all indications are that it will fall for the fourth quarter as well. If that happens it will mark only the second time since 1947, when such records were first kept, that productivity declined for the entire year for the Nation as a whole.

I would recommend for reading on this subject an editorial which appeared recently in one of the fine newspapers in my district, the Oconto County Times Herald. This editorial offers a clear and thoughtful discussion on this subject.

The editorial follows:

[From the Oconto County Times Herald, Dec. 5, 1979]

INFLATION CURE—MORE PRODUCTIVITY

There is a pervading disease infecting America which depresses our spirits. The symptoms of the sickness are seen in our paychecks and when we go to the store. The illness is inflation.

Although much has been written about this malady lately, further study needs to be done if we are to shake inflation's grip. One area that is receiving a lot of attention lately is productivity and its relationship to inflation. The Joint Economic Committee of Congress says that the relationship is double-edged; i.e., neither acts independently of the other.

For that reason it is important that all of us know what productivity is and how it affects inflation. Productivity is that output which results from one hour of labor input. That translates into the amount of materials that a worker produces for each hour that he or she is on the job.

That may not seem terribly important at first glance, but upon examination one finds definite links between this productivity figure and the rise of inflation. The National Association of Manufacturers quotes figures showing that in 1955 wages increased 3.7 percent and productivity rose 4.1 percent. That means the unit labor cost dropped 0.4 percent. That same year, the Consumer Price Index (CPI), a key inflation indicator, dropped 0.4 percent. Correspondingly, in 1978 wages rose 9.3 percent against a productivity increase of only 0.4 percent. Unit labor costs, then, increased 8.9 percent. Inflation for 1978, as measured in the CPI, rose 9 percent. From this one sees the tie between productivity and inflation.

In order, then, to keep inflation down, we have to keep productivity up. But since World War II, America's productivity has been slipping. Many causes account for this slowdown—personal savings are down, energy prices are up, government regulations are increasing and service-oriented jobs are growing, taking workers out of production jobs.

The path before us is clear. America lags behind almost every industrialized nation in the world in her productivity growth rate. The ravages of inflation demand that our policymakers in Washington and labor union leaders recognize that inflation's cure lies in greater productivity.●

---

## ASSISTANCE TO CHRYSLER CORP.

### HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 7, 1980*

● Mr. FISHER. Mr. Speaker, I would like to take this opportunity to share with my colleagues the reasons why I voted against the Chrysler loan guarantee legislation, which was considered by the House in late December. This was not an easy vote, for it involved balancing the worthy principles of fiscally responsible Government and free enterprise against the humanitarian concerns which arise out of the prospect of a significant increase in unemployment and the failure of a major business firm. After closely analyzing the issues involved and actively seeking information and advice from knowledgeable individuals, I concluded that the Chrysler bill would not be in the best interest of the Government and most likely would only delay, but not avert, a severe reorganization of Chrysler's automaking operations and the attendant economic dislocations.

When I first started looking at the Chrysler question, I thought it imperative that the Congress focus first of all on the chances that the proposed assistance, if granted, would actually save the company from bankruptcy. I was disturbed that the information coming from the Chrysler Corp. and the relevant congressional committees seemed to be made up of vague generalities and unsubstantiated assurances that the loan guarantees would restore Chrysler to economic health. I understand that the economic projections in this regard cannot be definitive. However, I had hoped for a more thorough analysis.

I, therefore, attempted to piece together from the facts available my own picture of the chances for Chrysler to succeed with the help of the proposed assistance. In this analysis, I found several factors to be crucial.

According to its own plans, Chrysler would have to expand its total U.S. market share from 10 to 12 percent by 1985. In addition, it hopes to expand its small car market share in the United States from 13 to 20 percent in 1980 to 24 percent in 1981. Under any circumstances, such an expansion would be difficult, and there was testimony before the House Banking Committee to that effect. However, Chrysler carries the additional burden of not being in the clearly superior competitive position vis-a-vis other domestic and foreign automakers that would make its prospective market expansion more readily attainable. In checking comparable models of other automakers, I found that Chrysler's most popular high mileage small cars are more expensive than are most other similar models. While it is true that Chrysler intends to introduce a new high mileage small car in the future, other automakers have similar plans. Preliminary information indicates that Chrysler will not be selling its new cars at lower prices than the competition will be selling theirs.

There are, of course, other factors besides mileage and size which individuals consider when they are purchasing a car, such as style and ride. To a large degree these factors are subjective and, therefore, difficult to calculate. Chrysler has focused on these factors as a way of asserting its future competitive position. However, there is another factor which Chrysler must also focus on if it is to assess its competitive position accurately. This is the question of warranty. Regardless of what the Chrysler warranty says on paper, I believe that it would be a normal human reaction for prospective purchasers to pause before placing full faith in that warranty. Given the fact that a car is normally an individual's second largest purchase after his home, the reliability of the warranty will be an important factor in the purchasing decision, and it is one which does not work to Chrysler's advantage in view of Chrysler's recent experience and its outlook.

Nevertheless, Chrysler's market expansion plans might still be achievable if the other automakers could not meet customer orders for Chrysler cars. Secretary of the Treasury Miller addressed this issue in his testimony before the House Banking Committee, and I read his remarks as not offering Chrysler encouragement in this regard. He stated that Chrysler's U.S. competitors should be able to meet the 1980 customer demands by themselves, including the demand for Chrysler cars, except if total auto sales during that year reached the upper limits of sales forcasts. Given the steady flow of economic projections that the automobile market will be depressed through 1980, I do not believe that the exception which Secretary Miller stipulated is likely to occur.

Taken as a whole, then, I think that the odds are strongly against Chrysler's surviving in its current form even if it does receive Federal assistance. As I have indicated before, no one can be sure in these matters, but I do not believe that the available information justified risking the taxpayer's money in this manner at a time when we are seeking to hold down Federal Government obligations and balance the budget.

I was also concerned by the precedent which this assistance to Chrysler would

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

set with respect to the Federal Government in the free market and especially in coming to the rescue of particular firms. I believe that it is time to look for ways to restrict Government involvement of this kind and not to expand it. Our basic economic system supports this approach by its presumption that business ventures should be allowed to thrive or to fail on their own merits. Giving assistance to firms such as Chrysler injects a new element into the economic equation. Are we saying that any business has the right to succeed, but not the risk of failing? Is this the proper incentive to achieve greater economic productivity? Does this potential for assistance apply only to larger corporations where admitted mismanagement on a broad scale, affecting many individuals, has occurred? Is this a rational distinction? Or is it a fuzzy minded one born of the absence of a comprehensive policy?

On this last point, I offered an amendment which was accepted by the House and retained by the conference committee that called for a study of the issue of Federal financial assistance to corporations with the objective of determining what general guidelines might be appropriate in the future. I look forward to the results of this study which will consider, among other factors, whether the size of a corporation, a special national need for its product, the consequences of corporate failure on the existing economic environment, and a yearly limitation on the total level such governmental assistance are appropriate considerations for determining the merit of aid requests in the future.

I am not saying that under no circumstances would I support assistance similar to that to be given to Chrysler, if other corporations should seek it. What I am saying, however, is that any such corporation should have to bear the burden of proof that it deserves Government assistance. A crucial element of that burden will be demonstrating the likelihood that, if the assistance is granted, the corporation will be restored to economic health. As I have indicated, I do not believe that Chrysler met this burden with the sufficient degree of certainty that would justify putting the taxpayers' money on the line and placing the free enterprise principle in abeyance.

During consideration of this issue, Federal aid to New York City and to the Lockheed Corp., had been cited as precedents. The differences between these and the Chrysler case should be noted. New York City is a public entity; the health and safety of its citizens were at stake. Lockheed was predominantly involved in military production important to our national defense.

Neither economic theory nor my estimate of the chances for success was the only consideration which entered into my decision on this vote. I was also aware through hundreds of letters and many phone calls of the effect which the immediate demise of Chrysler would have on the lives of Chrysler workers in my district and throughout the country. I have long believed that one of the purposes of government should be to help people who are in trouble. Acting in this spirit, if I believed that Federal assistance to Chrysler was likely to insure the financial viability of the company and the jobs of its employees, then I might have voted in favor of the legislation. I do not like the thought of the individual hardships which would probably result from Chrysler's demise. There are, of course, unemployment and other compensation programs to deal with such a situation which would help to ease the transition. But, some individuals certainly would encounter difficulties. However, it would not be a service to either these people or to the average taxpayer, who would have to share the burden of a Chrysler loan default, to prolong the life of this company artificially. Why build up expectations which are likely to be dashed? Why delay a transition period which in all probability will have to be endured eventually? Why contribute to a situation which is likely to increase the Federal deficit, which we all suffer from? It is far more compassionate to evacuate a village, even knowing the relocation problems involved, than to give false assurances of safety while attempting to repair a dam which is unlikely to hold back the flood waters.

These, then, were the reasons supporting my vote on the Chrysler legislation. I hope that I am wrong about the future viability of the company. However, viewing the available data as I did, the only responsible course of action for me was to vote against the bill.●

---

## BRADEMAS REMAINS THE MAN OF ARTS ON THE HILL

## HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 7, 1980*

● Mr. YATES. Mr. Speaker, one of the most respected Members of the House of Representatives is our distinguished colleague and majority whip, the gentleman from Indiana, the Honorable John Brademas.

I would like to call the attention of my colleagues to an excellent article concerning the guiding role of John Brademas in the creation and continuing support of the National Endowments for the Arts and Humanities and his leadership in general of Federal support for the arts. I am pleased to learn that, despite his many leadership duties, he will continue to play an active role during the Endowment reauthorization hearings, to be held soon by my good friend from Michigan, the Honorable William Ford.

Mr. Speaker, those of us in the Congress and around the country who recognize the importance of the arts for the benefit of society, owe a debt of gratitude to John Brademas.

At this point in the Record, Mr. Speaker, I insert an article by Ruth Dean entitled, "Brademas Remains the Man of Arts on the Hill," from the Washington Star, of Saturday, January 5, 1980:

### Brademas Remains the Man of Arts on the Hill

(By Ruth Dean)

When Rep. John Brademas visited Raphael Soyer's retrospective at the Hishhorn and was introduced to the 80-year old artist, the old artist told him: "Oh, I know all about you; you're the artist's congressman."

The fact that one of Soyer's paintings hangs in his U.S. Capitol office along with the works of other contemporary artists he favors underscores the conclusion that Brademas indeed still is "the artist's congressman." The press of his duties as House Majority Whip forced him early last year to relinquish his 10-year chairmanship of a House Education and Labor subcommittee through which he pushed the authorizing legislation creating the National Federation on the Arts and Humanities and the Institute of Museum Services.

But the Indiana Democrat made it quite clear in an interview yesterday that "the fact I'm not chairing that subcommittee in no way diminishes my deep interest in the arts and humanities, museums and libraries." In fact, he said, "Brademas of Indiana is putting in a great deal of his own time on this" by keeping in close touch with the subcommittee staff through his own staff, personal contacts with old friends like Rep. Frank Thompson, R–N.J. and Rep. William Ford, D-Mich., and key officials in the arts he meets at the many official social occasions he attends.

Ford is chairman of the post-secondary education subcommittee to which the arts and humanities, museums and libraries were transferred last year when Brademas stepped down from chairing the select education subcommittee of which he's still a member. Thompson is a member of Ford's subcommittee.

Weighing his priorities, he said, "I'll be spending more time personally to extend the life of the arts and humanities endowments, the Institute of Museum Services and the Arts and Artifacts Indemnity Act," the three major pieces of legislation with which he's been most closely identified.

He expects to play an active role in the reauthorization hearings which will be chaired by Ford, he said. No date has been set. "We're working on that now," he said. "But we don't expect to hold all the hearings in Washington. We'll probably go to several cities so we can get the broadest input from people associated with the arts, humanities and museums."

Will the hearings be as introspective of endowment activities as those held last summer by Sen. Claiborne Pell, D–R.I., the Senate colleague with whom he "fathered" the original legislation creating the National Foundation for the Arts and Humanities?

Pell often referred in the hearings to the controversial House Appropriations Committee investigators report on the endowments which Rep. Sidney Yates, D–Ill., commissioned for his appropriations hearings last spring. Yates denounced the reports and both endowments filed rebuttals with the committee detailing the investigators' "errors."

Brademas said he was "not impressed" by the two investigators' reports, "and from what I can gather, Mr. Yates was not impressed either and said so publicly."

One of the reports' key charges was that both endowments were permeated by "a closed circle of friends" philosophy in grants panel decisions and administrative operation.

As to the operation of the panels in the Arts Endowment, Brademas said: "Certainly, I think we want to have openness. We want to be sure that applications are being fairly considered. And I have read in Mr. Biddle's 1978 annual report, he himself has had some criticisms of the operation of the panels, and ordered a study of it. I'm delighted they're looking at it themselves."

But what about outside criticism of "favoritism" in grants awards at the endowments? "My own attitude on that," said Brademas, "is, as the old television series goes, I just want to have the facts m'am. I want the evidence."

A former Rhodes Scholar, Brademas indicated the committee would take a fair-minded approach. "If it can be demonstrated that there is favoritism or that there is slovenly processing of applications, we want to know that," he said. "At the same time, we want to be sure that criticisms are not generated solely by disgruntled applicants who for good reason found their petitions rejected. I'm very familiar with that. People can always say, they didn't treat me fairly. The fact of the matter is they did not have a very impressive application.

"But I'm sure in a country as big as this is, and with as many applications as come in, and with the frailty of finite human beings, you're going to find instances of both. What we want to do, it seems to me, in our oversight capacity is to separate the wheat from the chaff. We want to get at the legitimate criticisms, and separate them from the ones that don't seem to have much merit."

Would the House re-authorization hearings be influenced by the Pell committee's five-year projection of a 15 per cent anti-inflation ceiling on appropriations for the endowments?

Brademas didn't think it prudent at this time to guess at what the House will do on this point, especially before submission of the President's 1981 budget message to Congress. But he reiterated his own oft-expressed view that he doesn't regard the arts and humanities "as a frill which will be financed only if money is left over from everything else. Because money will never be left over from everything else. The arts and humanities must be supported because they are perceived as indispensable, as important in their own right. I do not think that you're going to find we in the House are going to be wild-eyed, profligate spenders on the arts and humanities.

"If you look at the amount of federal support for the arts compared to other items in the federal budget, we're talking about an area that is very modest. These are not vast sums of money by comparison to what is spent in other domestic programs, not to speak of defense. So 'the orders of magnitude,' as the mathematicians say, in respect to arts and humanities are quite modest. And I hope we are somewhat more generous than our Senate colleagues have so far been."●

## MILLARD C. BROWNE AND HIS EXTRAORDINARY JOURNALISTIC LEGACY TO COMMUNITY AND COUNTRY

## HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 7, 1980*

● Mr. KEMP. Mr. Speaker, Thomas Jefferson wrote that—

> The basis of our government being the opinion of the people, the very first object should be to keep that right.

Written nearly 5 years before the 1791 ratification of the first amendment to the Constitution which guarantees the freedom of the press, Jefferson added that—

> Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

Mr. Speaker, the wisdom of Thomas Jefferson and the first amendment has nourished the growth of democracy and the expansion of human freedom abundantly, to the benefit of succeeding generations and the improvement of government, local and State as well as National.

That the American people are the best informed in the history of the world is the result of this wisdom and the first amendment. Credit, too, for safeguarding the basic right of freedom of the press is due to past and present American journalists, the most skilled and most responsible in the exercise to freely chronicle, and comment on, human affairs.

Epitomizing this standard of excellence and dedication to truth and responsibility is the staff of one of America's most respected newspapers, the Buffalo Evening News, and the News' outstanding editorial page editor, Millard C. Browne.

For 35 years, Millard's incisive and studious editorials and columns have served as beacons for the betterment of our western New York community, the State of New York, our Nation, and the American people. These have left an indelible stamp for the benefit of all.

This past Sunday, Millard's retirement from the News became effective. He is embarking upon a new career, focusing on research and writing on his favorite subject, the first amendment and constraints on the press in England, Canada, and the United States.

In this endeavor, and as my personal friend, I wish him Godspeed.

Mr. Speaker, Millard Browne's record of public service is both legend and a benchmark for all who labor in the fourth estate. Some of that record is contained in an editorial which appeared in the News, January 7 and in a News article, announcing his retirement, on January 4.

The articles follow:

### Tribute to an Editor

Millard C. Browne has been so much a part of The News for so long that it is hard to accept the reality of his retirement. He has helped to shape and express the editorial policies of this newspaper for more than 35 years, a period that spanned great changes and challenges in the history of this community and the nation. Throughout this period—first as an editorial writer, then chief editorial writer and finally editorial page editor—he was undeviating in his fidelity to responsible journalism and in his devotion to the betterment of Buffalo and Western New York.

He brought to these columns an incisive mind, a broad knowledge of public affairs and exceptional writing talent. Although he was an especially close student of national issues and of the U.S. Supreme Court, he was also a well-informed generalist who could comment with authority and insight on a wide spectrum of subjects, including sports and the arts. He sought always to appeal to reason, and he delighted in critical analysis. But he was capable of righteous indignation when the circumstances warranted it.

He took seriously the watchdog role of the press and was ever alert to opportunities to promote civic improvement. Not content merely to "view with alarm," he encouraged his staff to suggest positive solutions wherever possible; "you can't beat something with nothing," was one of his pet admonitions. He sought the mantle of a constructive critic, not a common scold.

His primary aim was not to tell readers how to think, but to help them form their own judgments. He sought to make the editorial page a marketplace of diverse and competing opinions, including those opposed to The News editorial positions.

What many News readers may not know is the measure of his contributions to the general advancement of journalism—in the leadership he gave to the improvement of America's editorial pages as president of the National Conference of Editorial Writers; in his active role in the affairs of the American Society of Newspaper Editors and the International Press Institute; in his pacesetting as a founder and first president of the Greater Buffalo International Chapter of the Society of Professional Journalists/Sigma Delta Chi; in his important contributions to the formulation of free press-fair trial guidelines in this state.

A newspaper's credibility, its dedication to the common good, is its badge of honor, the standard by which it is judged. News editorials, of course, speak for The News as an institution and reflect the ideas of many persons. But Millard Browne played an especially large and distinguished role in maintaining The News tradition of fair, responsible commentary and public service.

Those who worked with him are pledged to do their best to carry on the legacy of his brilliant career. And we join in wishing him well as he undertakes new retirement projects of research and writing that promise to keep him, at 65, almost as busy as he was during his active days as a newspaperman.

### Editorial Page Editor, Millard C. Browne, Retires From News

Millard C. Browne retires Sunday as editorial page editor of The Buffalo Evening News, ending a 35-year career that began in 1944 when he came to Buffalo as an editorial writer for The News.

From 1953 to 1966, Mr. Browne was chief editorial writer and since 1966, editorial page editor.

A native of the Spokane, Wash., area and a resident of California from the age of 11 to his early adulthood, he will move to a home in Palo Alto, Calif., near the Stanford University campus where he earned his bachelor's degree in 1936 and master's degree in 1939.

His newspaper career began as a sportswriter with the Modesto, Calif., Bee and city editor for the Santa Paula, Calif., Chronicle.

He was a 29-year-old editorialist, political writer and associate editor of the Sacramento, Calif., Union in 1944 when his response to an ad in the trade publication Editor & Publisher brought him to The News.

During his early years here, one of his jobs was to read prospective editorials to Edward H. Butler.

"He was editor as well as publisher," Mr. Browne recalls, "and he took that job seriously. He was extremely courteous and thoughtful.

"Sometimes he would say, 'That's very well written, but let's hold it for a while.' That means that editorial never would see the light of day."

After Mr. Butler's death in 1956, Mr. Browne worked closely with Alfred H. Kirchhofer, editor of The News for nearly four decades.

Sometimes Mr. Kirchhofer would allow the editorial writers to take stands that were in opposition to his personal views, Mr. Browne says.

The most abrasive controversy Mr. Browne remembers was The News campaign for a full investigation into alleged irregularities in the Police Department during the first administration of Mayor Frank A. Sedita.

"That got very personal, and Peter J. Crotty (then Erie County Democratic chairman) was a bitter opponent," he remembers.

One of the first congratulatory notes he received on his retirement came from Mr. Crotty.

"We're less partisan and feisty now," Mr. Browne says, "but we still take strong stands on issues."

He says The News has supported fiscal conservatism in government, but has been liberal on many questions such as civil rights. The News has a tradition of battling even the hint of corruption in public life.

Mr. Browne likes to think of his own editorial direction as reformist.

"We have fought for improvement in the mechanisms of government," he says. "We have been for metropolitan government for the county."

Mr. Browne early rejected the "off the top of your head" style of editorializing, insisting on careful research. News editorial writers work as hard collecting facts for their editorials as reporters do for their stories.

He likes to be timely. But, in cases of complex controversies where passions heat quickly, he prefers to wait a few days to get the facts sorted out and identify the real issues.

He rates as his most trying times the 1964 Johnson-Goldwater campaign, the Vietnam War and the Watergate investigations. They were days of heated debate inside his own department as well as in the nation at large.

He is proud that The News had the courage to change its editorial positions as new facts came to light and changing national needs emerged.

The return of The Sunday News in November 1977 brought the weekly Sunday column, "An Editor's Reflections," in which Mr. Browne gave his views as an individual on subjects from Western New York weather (he considers it delightful) to the philosophy of The News editorial page.

In one column, he wrote that editorial writing represents "an effort in group policymaking—in speaking not for ourselves individually . . . but for The News as an institution."

During the 20 years the Brownes lived in Clarence before moving to Snyder, he "enjoyed" 12 years on the Clarence Central Board of Education.

Mr. Browne served as president of the National Conference of Editorial Writers and has been head of the International Communications Committee of the American Society of Newspaper Editors.

For the International Press Institute, he took part in drawing up a charter on world press freedom that is regarded as a rallying point for opinion against repressions.

He helped found the Greater Buffalo International Chapter of Sigma Delta Chi, national professional journalism society, and was its first president. He has been active in the Thursday Club, Torch Club and the Scriptores. He is active in the Society of Nieman Fellows, having studied as a fellow at Harvard during his Sacramento years.

In 1953, he toured the NATO countries and took a world tour in 1958. In the fall of 1972, he was in a group of the first newsmen to visit post-revolutionary mainland China, discovering, he says, "that the trip was one for learning, not judging."

He and Jane Sweet, a fourth-generation Californian, were married Aug. 25, 1939, just one week before World War II began.

Before going to California where both of their mothers live, Mr. and Mrs. Browne will travel to New York City for the wedding of their son, Millard Warren Browne, general counsel of Phillip A. Hunt Chemical Co.

Another son, Jeffrey C. Browne, is a reporter for the Milwaukee Journal, and Jeffrey Browne's wife is a copy editor at the Journal.

A daughter, Barbara Jane, a buyer for a Chicago department store, is married to a financial reporter for the Chicago Tribune.

Another daughter, Katherine Anne of Vienna, Va., is married to a U.S. Forest Service hydrologist.

Two years ago in "An Editor's Reflections," Mr. Browne wrote, "For me, this has been a matter of personal belief: that a newspaper's editorial policy and editorial page should always be pointed forward, and therefore generally should not be edited by nostalgic old men."

He admits now that retirement will be "wrenching," but adds, "I hate to think of it as retirement; it's a change of positions."

The focus of his continuing interest will be the First Amendment in today's world. He expects to research and write about differing constraints on the press in the United States, Canada and England.

In September, Mr. Browne will begin a study-and-writing sojourn at Wolfson College of Cambridge, England, exploring the British and American experiences with press freedom.

He leaves behind him at The News a sturdy tradition of debate with civility and a dedication to the belief that people can disagree without being disagreeable.

He also leaves a firm commitment to careful research and considered judgments, reached without the flaw of individual bias.

His view of the future reflects the words of Robert Louis Stevenson—"To travel hopefully is a better thing than to arrive."●

# SENATE—*Thursday, January 10, 1980*

*(Legislative day of Thursday, January 3, 1980)*

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Acting President protempore, Hon. BILL BRADLEY, a Senator from the State of New Jersey.

## PRAYER

The Reverend Ernest T. Gatta, St. Bernard's Catholic Church, Riverdale, Md., offered the following prayer:

Let us direct our minds and hearts to God who is always present to His people.

God of all graciousness, may Your face shine on this assembly as they carry the responsibility of leading this blessed country in the ways of justice and peace.

Send them the Spirit of wisdom and understanding to discern Your will in all their deliberations; the Spirit of fortitude and courage to strengthen their resolve of leadership in the service of Your people; the Spirit of reverence so that Your will may hold priority in their lives and their decisionmaking.

We thank You for the blessings of harmony, joy, peace, and prosperity with which You have graced our Nation in the past. We seek Your hand of blessing today and in time to come. Blessed be Your name now and forever. Amen.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. BRADLEY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## ADDITIONAL STATEMENTS

## WEST VIRGINIA COMMISSIONER OF AGRICULTURE DISCUSSES FARM ENERGY USES—AGRI-ENERGY ROUNDTABLE TO BE HELD SOON

● Mr. RANDOLPH. Mr. President, over the past several years we Americans have watched the cost of energy and its many byproducts rising continually as a major force in the inflationary spiral. One of the most important, yet least understood, of energy's interrelationships is its interaction with agricultural production.

Agriculture is one of our most efficient fuel consumption sectors. For example, it is not generally recognized that 3 percent of the total energy consumed in the United States is used in agriculture. Yet, at the same time, American agriculture feeds our Nation and many additional millions of people all over the world. Energy price hikes and shortages could threaten this production.

Last month's OPEC meeting in Caracas and the need to accelerate alternate fuel source development are cause for us to focus on these energy/agriculture relationships in the decade ahead. Utilization of synthetic fuels and the conversion of agricultural products to energy are two important examples. Agriculture and technology, as great strengths of our economic system, could also be utilized to forge new cooperative relationships with the energy-rich nations.

I understand these subjects will be studied in a conference, the Agri-Energy Roundtable, which will convene agricultural leaders from all over the world with U.S. agribusinessmen, February 7–9, in New Orleans.

At the same time, we can better understand the future agri-energy balance by reading a realistic article by Gus R. Douglass, commissioner of agriculture for the State of West Virginia.

The article follows:

### FARM ENERGY USES

Energy conservation has been a national necessity for some time, but the "Iranian situation" is again calling it to our attention.

Energy from fuels is used in agriculture because it is profitable to do so. One indication of why is that statistics indicate that for the amount of work done labor is more than 800 times as expensive as is energy used in the form of electricity.

Approximately 3% of the total energy consumed in the United States, less than the amount used to fuel jet aircraft, is used in production agriculture. In 20 years, this has enabled American agriculture to feed an additional 50 million persons while cutting labor requirements in half.

It's vital that production agriculture be given a Number 1 priority status in any program established to ration fuels. To do less will ultimately result in domestic food shortages, and the attendant problems, and a lessening of food exports, which now pays for the bulk of the country's oil imports.

But, if it becomes necessary to ration fuel and the farm segment of the economy is given the needed priority status, the farmer must do his very best to use it wisely. Since the best place to conserve is in areas where large amounts of fuel are used, this means a step-by-step analysis of all farm operations. Let's do it now.

Energy is used in West Virginia's agriculture in about the same ways and amounts as in American agriculture. One reference says that the largest energy use is for ferilizer—35% of the total energy used on the farms. One reason is that nitrogen fertilizer is nearly all made from natural gas. To save, farmers should test their soil before each application, calibrate their equipment accurately and make more efficient use of manure. Another main use is in cars and trucks—20%. Here, we can help by selecting economical vehicles, by maintaining and servicing them regularly and by asking "Is this trip necessary?" before each departure. Overall field operations account for about 20% of the fuel used. To cut it back, we need to maintain and service our tractors regularly, match tractor power to implement requirements, use proper ballasting to control, slippage and gear up and throttle down. In harvesting, which utilizes a big 12%, we need to select, operate and maintain equipment carefully. As an example, silage systems use only half the labor of hay-feeding systems, but they require at least twice the energy. The question is "Which is best for our specific needs?" Other ways to reduce on-the-farm energy consumption is to consider reduced tillage, to apply pesticides carefully and only when needed, to consider high moisture corn and crib drying of ear corn as alternatives to fuel-using drying systems, and for those practicing irrigation to do so only when and only as much as is needed.

The cost of energy is going to rise continually. We will never again have as much oil or gas; nuclear energy has been a disappointment, and solar energy will be quite expensive and slow in developing. We, as farmers, need to practice conservation in every way we can so that should rationing become necessary, we can get and maintain the Number 1 priority needed to produce the food this country must have.●

## THE GREAT IDEAS PROGRAM

● Mr. TALMADGE. Mr. President, I wish to take this opportunity to commend the Container Corp. of America on the 30th anniversary of its great ideas program, a unique advertising series built upon the moral, philosophical, and political principles of many of the world's most outstanding thinkers and doers throughout the history of civilization.

In a significant and innovative union of art and business with great ideas of Western man—and as a public service—the Container Corp., since launching the program in February 1950, has commissioned 198 paintings, graphics, and sculpture for the great ideas advertising series. In addition to appearing in national magazines and periodicals, they have been exhibited in 118 galleries and museums throughout the world and viewed by more than 1 million people in the United States, Europe, and Latin America.

I am very pleased that the Container Corp. is bringing its great ideas art exhibit to Atlanta in January and I know that this outstanding and unique collection based on visual interpretations of philosophical ideals, which have guided mankind for centuries, will be a source of inspiration to the people of Atlanta and all Georgians who have an opportunity to see it.

There will be two special preview receptions, the first on January 18 in connection with the city's annual Beaux Arts Ball and another special government preview on January 20 for the Georgia General Assembly, now in session, and other officers and members of the State government.

I commend this exhibit to all Georgians and thank the Container Corp. for making it possible. The great ideas program demonstrates concern about the human condition that we all share and has done much over the past three decades to expand the imagination and uplift the spirit.●

## S. 521—A BILL TO PROVIDE PAYMENTS FOR LOSSES INCURRED AS A RESULT OF THE BAN ON THE CHEMICAL TRIS

● Mr. THURMOND. Mr. President, on December 20, 1979, the Senate passed S. 521, a bill that would allow manufacturers of children's sleepwear to pursue in the U.S. Court of Claims their claims for losses incurred because of the ban by the Government on the chemical flame-retardant Tris.

When the report accompanying that bill was filed in the Senate, two items that are required to be included in the report were inadvertently left out of the printed version of the report. Although I do not believe it is necessary to request a star print of the report because the bill has passed the Senate, I submit the following materials for printing in the RECORD in regard to S. 521:

### REGULATORY IMPACT

The Committee in its consideration of S. 521 has determined that there would be no adverse regulatory impact on the Federal Government as a result of its enactment.

To the contrary, the Committee believes that the passage of this legislation will result in a substantial savings to the Government. The effect of the bill is to consolidate in the United States Court of Claims all outstanding claims that may have arisen as a result of the Government's ban on the chemical Tris. Without this legislation, individual companies who believe they have meritorious claims would be left with the prospect of filing separate lawsuits against the Government in the Federal judicial district where they are situated. Thus, absent S. 521, a multiplicity of lawsuits could result which would further tie up the Federal courts and result in a substantial cost to the taxpayers. Therefore, the Committee has concluded that enactment of S. 521 would have no adverse regulatory impact on the Federal Government.

CONGRESSIONAL BUDGET OFFICE,
*Washington, D.C., December 19, 1979.*
Hon. EDWARD M. KENNEDY,
*Chairman, Committee on the Judiciary, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 521, a bill to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn or fiber, and for other purposes.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
*Director.*

### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 521.

2. Bill title: A bill to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn or fiber and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on the Judiciary, December 18, 1979.

4. Bill purpose: The bill authorizes the U.S. Court of Claims to hear, determine and render judgment upon any claim by a producer, manufacturer, distributor, or retailer of children's sleepwear for losses due to the government's ban on Tris-treated apparel issued on April 8, 1977. Payment for such judgments is to be made in the same manner as any other claims filed in the court.

5. Cost estimate:

*Payments for claims (maximum)*

[By fiscal years, in millions of dollars]

| | |
|---|---|
| 1980 | — |
| 1981 | 25 |
| 1982 | 26 |
| 1983 | — |
| 1984 | — |

The costs of this bill fall within budget function 800.

6. Basis of estimate:

The table above indicates the maximum cost to the government of this bill. The actual cost will depend on the extent to which claims are filed and on the magnitude of these claims. It is expected that claims will be entered for most of the 100 to 110 children's sleepwear producers but that many of the small producers may not file claims. Therefore, actual payments are expected to range from 60 to 80 percent of the maximum cost shown above.

Based on a 1978 survey by the American Apparel Manufacturers Association, it is estimated that the actual losses suffered by children's sleepwear manufacturers totaled approximately $50 million. It is estimated that retailers currently have in stock Tris-treated apparel which costs approximately $1 million. Because of the time needed to prepare the litigation, and the provision in the bill which requires all claims to be filed within two years after enactment, it is assumed that 50 percent of these amounts will be awarded in 1981 and 50 percent in 1982.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Mike Horton (225–7760).

10. Estimate approved by: James Blum.

JAMES L. BLUM,
*Assistant Director for Budget Analysis.*●

## REFLECTIONS ON U.S. FOREIGN POLICY

● Mr. MOYNIHAN. Mr. President, there is a quality to large events such that often they can be described in simple words. Woodrow Wilson began his first Inaugural Address 77 years ago with the plain statement: "There has been a change of government."

In just such simple terms it may be stated that there has been a change in American foreign policy. This change has been initiated by President Carter. It is my purpose to declare my support, as one Senator, for what he has done and to offer some thoughts as to what now should follow.

The change, of course, has to do with our relationship with the Soviet Union. It has been the deepest purpose of American foreign policy in this period to reach an accommodation with the rulers of that nation, to establish a "code of detenté" by which our respective actions would be as little threatening and unpredictable as possible, and above all to bring stability and finally reductions in our respective strategic nuclear forces. The President's letter of January 3, 1980 to the majority leader, Senator BYRD, requesting that consideration of the SALT II treaty be delayed may be regarded as the precise moment when this fundamental change took place. In the aftermath of the Soviet invasion of Afghanistan the President had no choice save to make this proposal, and the Senate will have no choice save to accede.

There will be a tendency to think of our policy as reverting now to an earlier stage, that of the cold war as it was termed. This would be a profound error. For just as the term denotes, that earlier period was one of relative immobility, even stalemate. It was a period of maneuver without essential movement. A great burst of Soviet expansion had been contained; was stopped. American military and economic power was sufficient to that purpose; and just as importantly so was the morale of this Nation and the prestige of our institutions.

So much was this the case that the time came when it seemed both reasonable and eminently desirable that Soviet intentions might themselves change, and the imbalance of power between our nations might become less salient in our relations. All such hopes came to a crashing end in Kabul on December 24, 1979.

There will be a tendency also to look back upon these hopes as illusions, and perhaps especially to indict the President for having embraced them with an intensity that partook of the passionate. It seems to me, however, that any such indictment must fail. If it be said of the President that his hopes for the success of a policy of accommodation were more than the evidence might have warranted, then so be it. If it be said of the Secretary of State that he genuinely felt that President Carter and Chairman Brezhnev shared "similar dreams and aspirations" about the future of the world, let that stand also. Would they be forgiven if they had thought the opposite and had been wrong? No. Our failings, if they have been failings, have been of the category which Dr. Johnson described as the triumph of hope over experience. As at no time since Winston Churchill said it in the darkest moments of the Second World War, if we open up a war between the present and the past, we will surely lose the future.

But what of this future? Here I would ask to be permitted a quite small diversion from the point I have just made for a limited but in my view utterly essential point.

For some time now there have been those of us who have contended that the steady expansion of Soviet military strength was incompatible with a policy of peacemaking, and that elemental prudence dictated that we should pay attention more to what they did than to what they said. This was a view which I believe in retrospect we will come to see as more widely held than was generally recognized. In an address I gave at the Naval Academy in March of 1979 I cited a white paper of the British Ministry of Defense released the previous month. Speaking of Soviet arms the white paper declared:

> The growth in quantity in the Soviet forces, together with continued qualitative improvements, has extended their capability well beyond what can be considered necessary for purely defensive purposes.

During this period, which is to say the 1970's, there was a corresponding decline in the quantity, perhaps even in the quality of American and allied forces. This too was the subject of increasing comment.

This is the object of my diversion. In the course of that decade a body of opinion grew which held that a principal source of instability in the world was the excess of American power. This was not a hallucination. For some years—decades even—American world power had been unprecedented. That power of such extent is an invitation to excess is hardly an indefensible view. But it ceased to be a relevant one as the reality of American power declined. That this new reality was slow in impressing itself upon us is nothing new in human affairs.

But it is indispensible to the survival of the West that it should now do so. And this then is our moment of maximum peril. For it is entirely possible that those who have until now so deplored the extent of American power, will now be tempted to wield a fantacized power which once so obsessed them. Let no one misunderstand this point. American power is enormous; the American will to use it is unshaken. It is simply, in relative terms less than it has been, and less than it will be in the not far distant future.

It will be both the irony and the gravest reality of the time now ahead that the counsel of restraint in foreign affairs must come from those who have been depicted in the recent past as somehow the most bellicose. I put it plainly: when we spoke of danger we meant just that. May I refer to an article in the New York Times of this past Monday, January 7, by Drew Middleton who in a career of distinguished journalism has cast a cold eye on more crises than just this most recent. The headline stated: "U.S. Military Can Match Soviet, Officials Say, But Not Before 1990."

At the risk of seeming contradiction—and we shall face worse risks than this—I would turn to rather the opposite of the temptation I have just described. On January 7 we also learned of the proposal the Secretary of Defense made a day earlier in Peking that China and the United States join in finding complementary actions to counter Russian expansion. The proposal evidently took the Chinese leaders by surprise, and so also, I believe, the American people. Certainly the terms in which the matter was raised surprised the journalists reporting the visit. One has written that Dr. Brown's banquet toast was so vehement he almost seemed to have taken his text from a New China News Agency denunciation of Moscow.

Can it be that in yet other circles of government the perception of American weakness is so advanced that in response to the Soviet conquest of Afghanistan we turn for help to the people who conquered Tibet?

If we so underestimate our power, we are more surely ruined than if we overestimate it.

And this, for what the Senate may make of it, is the heart of my contention. For the power of the United States rests upon and derives from the ideas we represent: In international affairs from the standards of conduct which we aver and which we seek to uphold.

For three generations now—for somewhat more than seven decades—these standards have been under more or less unremitting assault from totalitarianism. There have been peaks and valleys, slow times and crisis times; the assault has sometimes come from the totalitarian right, but in the first instance, and most often, and now exclusively from the totalitarian left. It may be we have grown used to this and no longer see it for the changed condition it represents. Certainly this Chamber will have become used to hearing from me that the high point of the influence of democratic ideals in the world came toward the end of Woodrow Wilson's presidency. No man before and none since has been so looked to in the world at large. Never before and never since has the expectation been so widespread that liberal democracy would become a near universal form of government. For totalitarianism had appeared in Russia in a second revolution, following an earlier, democratic one, all in 1917.

In one way or another we have been locked in ideological struggle ever since; and we will continue so. Recurrently there have been those who have hoped to see an end to this struggle, who have questioned whether its origin does not lie in the behavior—admittedly often squalid—of the democracies. Or, the most dangerous temptation of all, there have been those who would distinguish among totalitarian regimes, preferring some to others, or positively siding with some against others.

The recent American past has provided more than a few examples of each of these tendencies, but to repeat, none that is more dangerous than the last. It is the danger best summarized by George Orwell's characterization of those persons in Europe in the 1930's who wished to be anti-Fascist without being antitotalitarian. It is a lie in the soul and it destroys.

Playing the Chinese card, as it is termed, as if this were all one great game of chance, is the central instance of that tendency in our time. I think it is fair to say of the American position in world affairs in recent years that we have had principles without policy. An excess of principle and a shortage of policy. Is it now to be the reverse?

Policy is principle in action. If it is a lesser calling in the divine order of things, it is of considerably larger significance in what is known as the real world. The object of policy is to make one's nation understood. George Will is only the most recent commentator to note that the Soviets have been obliging in this as in no comparable matter. For seven decades they have declared their purpose to see their principles which we define as totalitarian, prevail the world over. As a result, the essentials of world politics have not changed for decades. Every postwar administration has understood them, or has come to understand them. They are that the Soviet Union is an implacable, dangerous enemy—not a potential adversary—that the Soviets will advance just as far as we, the United States, allow them; that American weakness in this regard, not American strength, threatens world stability and peace; and that only with forceful U.S. leadership can governments based on liberty be defended and hope to prevail.

The essential task of leadership, then, is so to expound American policy that its connection with our principles is made clear, and its application in practical circumstances is made predictable.

This President Carter has yet to do. I do not fault him; the transformation has been sudden. But much more must be forthcoming, and something in the administration resists this. After all, if the transformation was sudden, the buildup to it was gradual and the need for some accounting for changed views has been plain for some time.

Consider the matter of defense expenditures. I was a member of the Democratic Platform Committee in 1976 and well recall the letter received from the President, then a candidate, in which he declared:

> Without endangering the defense of our nation or our commitments to our allies, we can reduce present defense expenditures by about $5 billion to $7 billion annually.

Since then, as administration spokesmen increasingly point out, the President has in fact raised the defense budget each year, and is the only President in memory to do so in peacetime. I have supported him in this, as has the majority of the Senate. But there came a time when something was required by way of explanation, some accounting for a point of view honestly held and honestly revised.

On September 19 I spoke to this point at some length as the Senate debated the President's proposal for a true 3 percent increase in the 1980 defense budget:

> The fact is that those in charge of policy today seem to be changing their minds. A great shift is taking place.

I then asked if we could not hear from the President on this point: "What has he learned to change his mind? * * * We need to hear from him."

Would it be wrong to state that so far we have not? Which does not mean we will not. The State of the Union address no doubt will be focused on military and strategic issues. But we may hope also to hear more of what the President now proposes as foreign policy.

In particular we may hope to hear that the events of the past few months have brought into place an explicit and enduring policy; one that will persist in the face of the huge political difficulties, already in evidence, it will make for the President here at home and the difficulties it will cause abroad, particularly as the Soviets begin their spring peace offensive and once again commence to depict the United States as the primary menace to the sovereignty of small nations around the world.

Henry Kissinger has put this well. We and the world need to know "what the countries who rely on us can expect of us and what we can expect of them." What, I would add, can countries which do not share particularly close ties with us, such as China, expect of us and we of them. We do not depend on one another in any ideological sense. The Chinese regime is as totalitarian and oppressive as any on Earth. But in certain circumstances no doubt there are "parallel actions" which we can undertaken. Let them be understood, and in particular let them be understood as an undertaking with a regime whose practices we in no way condone. Else let us have no further complaints that the French do not seem to share the thrill of it all.

Clearly it is even more important that the Soviets themselves should know what they can expect of us and what, in a general sense, we expect of them. Here I would offer a final complexity. The Soviets will have reason to be surprised: even, to their view, offended by the response of the President to their invasion of Afghanistan. There has been a succession of events of not less magnitude—sending the Cuban Army to Africa was a logistic and strategic decision of perhaps even greater magnitudes—to which there has been little or no American response. Most emphatically this sequence did not begin with this administration. Indeed in the early days of this administration a Presidential aide was quoted as saying that the Soviets had "viewed the United States under the Ford and Nixon administrations * * * as running a kind of defensive, rearguard foreign policy of retreat."

What did change with this administration was the term in which we described these policies. Or to put it differently, our behavior did not change, but our pronouncements became more consistent with that behavior, with the effect of making it seem more a matter of policy in place. This was first signaled, of course, in the President's commencement address at Notre Dame on May 22, 1977:

> Being confident of our own future, we are now free of that inordinate fear of communism which once led us to embrace any dictator who joined us in that fear. I'm glad that that's being changed.
>
> For too many years, we've been willing to adopt the flawed and erroneous principles and tactics of our adversaries, sometimes abandoning our own values for theirs. We've fought fire with fire, never thinking that fire is better quenched with water. This approach failed, with Vietnam the best example of its intellectual and moral poverty . . .
>
> * * * * *
>
> Our policy during this period was guided by two principles: a belief that Soviet expansion was almost inevitable but that it must be contained . . . Historical trends have weakened its foundation. The unifying threat of conflict with the Soviet Union has become less intensive . . .
>
> The Vietnamese war produced a profound moral crisis, sapping worldwide faith in our own policy and our system of life, a crisis of confidence made even more grave by the covert pessimism of some of our leaders.
>
> * * * * *
>
> . . . We can no longer separate the traditional issues of war and peace from the new global questions of justice, equity, and human rights.
>
> * * * * *
>
> Now, I believe in détente with the Soviet Union. To me it means progress toward peace. But the effects of détente should not be limited to our own two countries alone. We hope to persuade the Soviet Union that one country cannot impose its system of society upon another, either through direct military intervention or through the use of a client state's military force, as was the case with Cuban intervention in Angola.

The President proposed that the sterile conflict of East versus West give way to a new era of cooperation in narrowing the great economic gulf that separated North from South.

Three weeks later, on June 9, 1977, I gave the commencement address at Baruch College in New York City and I addressed this matter in terms which I hope were as respectful and admiring as these today, but which I see now were not understood if indeed they were even heard:

> Eight years ago, at a very different time, it fell to me to give the commencement address at the University of Notre Dame. It will recall the temper of the times if I tell you I published it in The American Scholar under the title "Politics as the Art of the Impossible." Further, that I took as my theme a sentence from the French theologian Georges Bernanos: "The worst, the most corrupting, lies are problems poorly stated."
>
> In a spirit of respect and affection, I would like to put this test to some of the principal themes of Persident Carter's recent commencement address at Notre Dame which was devoted to the subject of foreign policy. It was a major address, his first comprehensive statement of the administration's views, and has been the subject of wide comment . . .
>
> In listing the basic premises of American policy, he declared:
>
> First, we have reaffirmed America's commitment to human rights as a fundamental tenet of our foreign policy.
>
> This is everything I could hope to hear from an American President.
>
> But the matter cannot stop there. The next question is what this commitment requires of us, and where. Here the President leads where I for one would not wish to follow—and I genuinely wonder whether he fully intends what he plainly proposes. The central thrust of his speech has to do with the developing world, and its central proposition as follows:
>
> "Abraham Lincoln said that our nation could not exist half slave and half free. We know that a peaceful world cannot long exist one-third rich and two-thirds hungry."
>
> This is a most startling and extraordinary transition. His first sentence reminds us, truly, that by human standards, the world today is half slave and half free. Out of four billion persons, something approaching a billion and a half live in totalitarian Marxist states. We have come to think of this opposition in East-West terms.
>
> But all of a sudden the President directs our concern to quite a different matter, that of relations between the industrial North and the developing South. Indeed, he calls on the Soviets, as part of the former group, to join in "common aid efforts" to help the latter.
>
> It is—as if with no further consideration—we should divert our attention from the central political struggle of our time—that between liberal democracy and totalitarian Communism—and focus instead on something else.
>
> And, are not the consequences of such a transposition already apparent in other places in the President's speech? He says that we are now "free" of our "inordinate fear of Communism . . .", a fear, which led us at times to abandon our values for the values of the totalitarians, which in turn led us to the "intellectual and moral poverty" of the war in Vietnam.
>
> Now, it is not that one ought to have an inordinate fear of anything that causes me to wonder whether this characterization of our experience in Vietnam is quite so self-evident. Neither the Secertary of State (then Deputy Secretary of Defense) nor the Secretary of Defense (then Secretary of the Air Force)—men who at one time or another directed the Vietnam enterprise—are men one readily associates with "intellectual and moral poverty." That the enterprise was doomed, we need not dispute. Some of us said so at the time. But must we so readily embrace what is so very near to our adversaries' depiction of our purposes?
>
> And, perhaps of greater importance, to whom does the President refer when he says that through the failure of Vietnam, we have found our way back to our own principles and values, and we have regained our lost confidence.
>
> Is this really so, or have we merely regained our composure by an addictive and deepening habit of avoiding reality? For if you say that we never should have fought the war in Vietnam, it is possible to avoid having to face the fact that we lost it.
>
> All manner of defeats can be avoided in that way. We tell ourselves the nation faces an energy crisis. But we do not tell ourselves that this problem has come about through a massive defeat in foreign policy, which is to say the successful quadrupling of oil prices by the OPEC oil cartel at the time of the 1973 Mid-East war. A foreign cartel restricts supply: we tell ourselves that a problem of supply is a problem of demand. A foreign cartel raises the price: we tell ourselves that a problem of price is a problem of profligacy.
>
> The President, in my view, is entirely correct in the fresh emphasis he has given to what we call North-South relations. But I wish to suggest that this must not be allowed to divert us from the reality of the military and ideological competition with the Soviet Union which continues and, if anything, escalates. I cite Michael Novak on what he calls the "significantly growing imperial power of the Soviet Union."
>
> It is difficult for one who is a liberal to try to sound alarms about grave military dangers. Yet there are such dangers. If we do not awaken from our slumber soon, Israel may be lost and much of Europe, too.
>
> And there is a further consideration. If we genuinely care about the developing world, then we must look to the behavior of the Soviet Union, for with respect to the non-Communist regions of the world, be they developed or undeveloped, there is one Soviet policy: the worse the better. I speak from what is no longer a brief experience of international affairs. In nation after nation, at conference after conference, what the Soviets seek is failure, breakdown, bitterness, mistrust. They judge that they thrive on this, and history certainly does not disprove them. Our task is twofold. First, to see this ourselves. It is not necessarily a confidence building exercise, but it is indispensable. Second, to bring the developing Nations to see it as well. This is never easy. It is at times excruciatingly painful, and ensures a good deal of near term obloquy. But it is the true measure of commitment.

I would not much change those words today, but I would add to them the complexity to which I have alluded. This has to do with the mounting evidence that the Soviet Union is a seriously troubled, even sick society. The indices of economic stagnation and even decline are extraordinary. The indices of social disorder—social pathology is not too strong a term—are even more so. In a symposium which Newsweek recently sponsored on the 1980's I was so bold as to suggest that the defining event of the decade might well be the breakup of the Soviet Empire. But that, I continued, could also be the defining danger of the decade. There is a Western expression: "as mean as a gut-shot grizzly." There is seomething about the behavior of the Soviets that does indeed suggest a wounded bear, and all the more then is an ordinate fear of communism quite in order for the present and for much time to come.

This brings me now to some brief conclusions which I address as much or more to the Senate as to the administration.

The first is that if we have entered a period of new realism and resolve in our relations with Soviets, then it is quite out of the question that we should simply drop the SALT II treaty, and the whole subject of strategic arms and move on eagerly to a debate of the merits of the Federal Trade Commission.

This would verge on the irresponsible, on the avoidance of difficulty. It would be the worst possible signal to send friend or foe.

We must not allow ourselves to pretend that the President asked us to defer the treaty. He asked us to withdraw it. It will not now be considered by this Congress. The highest and foremost of his foreign policy objectives has been dropped for now, and possibly for good.

This has the makings of a disaster.

We all know why the President acted as he did. It is because we did not have the votes to adopt a resolution of ratification. We did not have them before Afghanistan, and it was only more evident that we did not have them afterward. As a supporter of the treaty—a qualified supporter, I will admit, for I much wanted to see if we could strengthen the likelihood of obtaining "significant and substantial" reductions in SALT III—I have sat for many hours with the majority whip, Senator CRANSTON, counting our votes, and at no time did we have anywhere near the two-thirds we needed. Before Afghanistan.

It seems to me absolutely in order that when the Senate begins the second session we devote a week, if not two, if not three, to reviewing this experience and asking what are we to do now. We should expect to hear from the President on the subject.

In the simplest terms, we were in the process of shaping our strategic forces for the rest of this century according to what would and would not be compatible with the terms of SALT II. It seemed to me, as one Senator, that a good deal of distortion resulted from this exercise. The MX, in my view, is an absurd and dangerous weapons system. Far better to go to sea. But the MX was possible under SALT II. First, because one new system was permitted. Second because the limitations on warheads and missiles themselves would have made it impossible to neutralize the MX as planned. What of these arrangements, these plans? Are they to be scrapped? Or what? Will the Soviets resume testing greater fractionation limits; more than one system? Or will they wait for us? Or what? And what will we do?

But there is an even prior question. Many of us have remarked to one another that had there been a secret vote on the Panama Canal treaties they would have passed by a margin of 88 to 11 or something such. Most Senators thought the treaties were sound; some understandably and legitimately felt that their constituencies did not and that their constituencies ought to have a say in how they voted. By contrast, I doubt if a secret ballot on SALT would have received 50 votes in the last days of the first session of this Congress. Why? In part because of the deep distress which so many of us felt when we learned just how little the treaty would actually limit strategic arms. (Indeed, how much it provided for their increase.)

There is, of course, another case to be made for such agreements: an open acknowledgment such as one arms control student has written that "SALT II is not an arms control agreement, but one that primarily ensures the orderly accounting of the strategic forces of one signatory party by the other." Is that something we should think more about? Was it the administration's rhetoric that was flawed, more than its agreement?

Whatever the case, this surely is not a matter which we can record as having been disposed of simply because we have decided not to deal with it.

A second issue, obviously, is that of Middle Eastern oil. The Soviets have been pursuing a deliberate geopolitical course of enveloping it in a giant pincer movement. They are now, or shortly will be, on the borders of the Iranian Baluchistan and the pincer is all but completed. The only way we can have any reason to suppose they will not soon move toward the oil fields of the gulf—a move which their economy may make desperately desirable in a handful of years—is to make equally clear that we will stop them.

The only way we can make this clear is to deploy the arms capable of doing so. To say more is to compound the obvious, and in my case to enter a realm of strategy in which there are Members of this body who possess far more expertise than I.

A third issue has to do with our interpretation of the Soviet decision to invade Afghanistan. It was scarcely their first interference there. It happens I was Ambassador to India when the first Marxist coup took place in Kabul. One felt the tremors in the subcontinent even then. We have now witnessed the third. This one a packaged coup, complete with a new leader, a new currency, a new official newspaper. In each case a pro-Soviet, or at least pro-Marxist regime was replaced by one hoped to be yet more subservient to Moscow. Is the meaning of this that the Brezhnev doctrine, as it is known, has been extended to Marxist regimes outside the until now established perimeter of the Soviet Union and the satellite nations? Certainly there have been evidences of this elsewhere, as in South Yemen. If so, then the clear possibility is that Yugoslavia is next. That is where a general war could begin, and that is why the United States and NATO must make explicitly clear what we will and what we will not accept. We will not accept that the descent on Kabul was a dress rehearsal for the taking of Belgrade. Again, to say more is to compound the obvious.

As for the subcontinent, clearly we must be prepared to resume military aid to Pakistan, for all the difficulties this will cause with India. But I emphasize the phrase that we must "be prepared." Our long postwar experience of arming Pakistan brought us little save bitterness in India, a bitterness which has seemed to me to endure longer than warranted by the outcome of Pakistani recklessness, but a reality still. The present regime in Pakistan took its time coming to the relief of our Embassy when it was being sacked and burned by a Rawalpindi mob not many weeks ago. Even so, we must respond to their needs, having due regard for the sensibilities of neighboring India.

I have not intended a tour of the troubled areas of the world: Southern Africa, the western Sahara, Central America, the Caribbean. We encounter the Soviets everywhere, and must decide how much we can tolerate.

But before reaching any such array of decisions there is the general question of our commitment. It is a question that can surely be raised first of all here in the Congress. For if America has sent a weak signal to the world—a world increasingly characterized by what Neal Kozodoy has called a general "thuggishness"—to the Soviets, that signal has largely come from Capitol Hill. Consider the matter of our intelligence services, of which I speak as a member of the select committee. With what security are we to mount even the most routine clandestine activity when the law requires that eight committees, some 180 Congressmen, and almost as many staff members be informed in advance? What nation which takes its intelligence community seriously would open its archives under a Freedom of Information Act to foreign governments, including of course Marxist governments?

But this is the least of it. The issue of the second session of the 96th Congress, and probably of the remaining Congresses of this century—as has been the issue of most of the Congresses of this half century—is whether we as a people will bear the costs of defending our liberty and the cause of liberty generally. I have been shaken by the response of so many Presidential candidates to the President's decision not to permit the

Soviets to purchase the additional 17 million tons of grain which they had arranged to do. Surely the President had to do something. Surely this was a very small something. Disrupting to a segment of our economy and to whole States even. But disrupting in ways that can be compensated, and should be and will be. I would almost dare to say that the effect of the minimal actions the President did take in the aftermath of the Afghanistan invasion was near to offset by the evidence that there would be those who would attempt to make him pay a political cost for doing so.

I offer the thought that it should be just the other way around. Those who would impose such costs should be made to pay them. The President should be rewarded in direct measure as the effort is made to punish him. How can men who would lead the richest Nation on Earth—yes, we are still that and let us have no statistics about Scandinavia make a political issue over withholding grain shipments at a time when we are asking the whole of the world, the poorest countries included, to impose economic sanctions on the Government of Iran for allowing the seizure by terrorists of our Embassy and its personnel?

The American people have never hesitated to take on whatever burdens have been put to them as necessary, as national, and as equitable. We cannot ask the wheat farmers of Iowa to bear it all. And we will not. But we can ask our political leaders to show enough faith in this system to allow it 3 months to sort things out.

And there is a cost the President must endure also if he is to be followed in his new resolve. This is not going to be a pleasant time. It is not a pleasant subject to raise, but a necessary one. And that is this. New policies must to some extent mean new people. To say more once again compounds the obvious, but perhaps just a moment of compounding is in order. The leaders of Europe and Asia and certainly those of the Soviet Union will be watching closely now to see whether the President's new pronouncements and actions are accompanied by changes in the administration itself which will signal that the new positions arise not in response to the immediate necessity to do something, anything in the face of overwhelmingly hostile acts, a response that could soon fade as other events come to the fore. Or whether, to the contrary, persons whose past judgments comport with the administration's new policies will appear in the ranks of the administration, with the clear implication that the new positions are to be sustained.

And so, in concluding, I declare once more my support for the President in his new course, and if I may be allowed a personal statement, my sense of reunion in matters where I have sensed an estrangement I never expected in those heady days when the 1976 Democratic platform was being drafted. All the more then do I welcome another Presidential year, and prospects of further debate within my party on the issues that so dominate our era.

Having said that, allow me to close with another line from that inaugural address of Woodrow Wilson:

> The success of a party means little except when the nation is using that party for a large and definite purpose.●

## PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on January 7, 1980.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, D.C., January 7, 1980.*

In reply refer to: I-12683/79ct.

Dr. HANS BINNENDIJK,
*Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR MR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
*Lieutenant General, USA, Director, Defense Security Assistance Agency.*●

## PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million, or in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that four such notifications were received on January 2, 1980.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, D.C., January 2, 1980.*

In reply refer to: I-12808/79ct.

Dr. HANS BINNENDIJK,
*Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The American Institute in Taiwan is considering an offer to the Coordination Council for North American Affairs for major defense equipment tentatively estimated to cost in excess of $25 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERNEST GRAVES,
*Lieutenant General, USA, Director, Defense Security Assistance Agency.*

---

DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, D.C., January 2, 1980.*

In reply refer to: I-12807/79ct.

Dr. HANS BINNENDIJK,
*Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The American Institute in Taiwan is considering an offer to the Coordination Council for North American Affairs for major defense equipment tentatively estimated to cost in excess of $7 million. Shortly after the letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERNEST GRAVES,
*Lieutenant General, USA, Director, Defense Security Assistance Agency.*

DEFENSE SECURITY ASSISTANCE AGENCY.
*Washington, D.C., January 2, 1980.*

In reply refer to: I-11236/79ct.

Dr. HANS BINNENDIJK,
*Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The American Institute in Taiwan is considering an offer to the Coordination Council for North American Affairs tentatively estimated to cost in excess of $25 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERNEST GRAVES,
*Lieutenant General, USA, Director, Defense Security Assistance Agency.*

---

DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, D.C., January 2, 1980.*

In reply refer to: I-12805/79ct.

Dr. HANS BINNENDIJK,
*Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The American Institute in Taiwan is considering an offer to the Coordination Council for North American Affairs for major defense equipment tentatively estimated to cost in excess of $25 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERNEST GRAVES,
*Lieutenant General, USA, Director, Defense Security Assistance Agency.*●

---

## PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the Chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the Committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the record in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on December 21, 1979.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

The notification follows:

DEFENSE SECURITY
ASSISTANCE AGENCY,
*Washington, D.C.*

In reply refer to: I-8830/79ct.

Dr. HANS BINNENDIJK
*Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
*Lieutenant General USA, Director, Defense Security Assistance Agency.*●

---

## NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 43, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 43 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Mr. Eugene Iwanciw, legislative assistant to Senator SCHMITT, to participate in a program sponsored by a foreign educational organization, Tunghai University in Taichung, Taiwan from January 4 to January 12, 1980.

The committee has determined that participation by Mr. Iwanciw in the program in Taiwan, at the expense of Tunghai University, to discuss economics and international relations is in the interest of the Senate and the United States.●

---

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President the Committee on Energy and Natural Resources has scheduled an oversight hearing to review the program for the rehabilitation and resettlement of Bikini and Enewetak Atolls. The hearing will be held on February 1 and 15 in Honolulu, Hawaii, in order to facilitate the appearance of representatives of the Bikini and Enewetak peoples.

The hearing will review the history of the removal of the Bikini and Enewetak Atolls, the efforts to rehabilitate the atolls, the prospects of resettlement, and the options available to the peoples in the event that resettlement, is not possible. The committee would like assurance that the anticipated return of the Enewetak people to Enewetak in April of this year, will not result in a replication of the recent Bikini experience.

Those wishing further information regarding this hearing may contact either James P. Bierne or Barbara J. Haugh on the committee staff at 202-224-2564.●

### HEARINGS ON GASOLINE RATIONING

● Mr. JOHNSTON. Mr. President, the Subcommittee on Energy Regulation of the Committee on Energy and Natural Resources will hold a hearing on Thursday, January 2, 1980, on the Department of Energy's proposed standby motor fuel rationing plan. This hearing, which will be restricted to Government witnesses, will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Questions about this hearing should be directed to Ben Cooper at 224-9894 or Owen Malone at 224-7141.

---

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Hawaii, the acting majority leader, is recognized.

---

## RECESS TO THURSDAY, JANUARY 17, 1980

Mr. INOUYE. Mr. President, pursuant to House Concurrent Resolution No. 232, I move that the Senate stand in recess until 12 o'clock meridian on January 17, 1980.

The motion was agreed to; and at 12:03 p.m., the Senate recessed pursuant to House Concurrent Resolution No. 232 until Thursday, January 17, 1980, at 12 o'clock meridian.

---

## NOMINATIONS

Executive nominations received by the Senate January 10, 1980;

### THE JUDICIARY

Robert B. Propst, of Alabama, to be U.S. district judge for the northern district of Alabama vice a new position created by Public Law 95-486 approved October 20, 1978.

E. B. Haltom, Jr., of Alabama, to be U.S. district judge for the northern district of Alabama vice a new position created by Public Law 95-486 approved October 20, 1978.

Fred D. Gray, of Alabama, to be U.S. district judge for the middle district of Alabama vice Frank M. Johnson, Jr., elevated.

U. W. Clemon, of Alabama, to be U.S. district judge for the northern district of Alabama vice a new position created by Public Law 95-486 approved October 20, 1978.

# HOUSE OF REPRESENTATIVES—*Thursday, January 10, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We ascribe to You, O Lord, all our thanks, for the gifts of life that we have received—for creation, for promises and hope, and for Your spirit that brings us together. Teach us to use our power as a nation in ways that bring good will among people and reconciliation among the nations, that trusting in Your way of love, we may be patient with our might, generous with our resources, and always aware of Your grace and forgiveness, every day of our lives. This we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore (Mr. Moakley). Pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the approval of the Journal of the last day's proceedings will be postponed until January 22, 1980.

## HAGEDORN-SYMMS BILL WOULD PROTECT FARMERS FROM EFFECTS OF GRAIN EMBARGO

(Mr. HAGEDORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGEDORN. Mr. Speaker, Tuesday's blockbuster announcement by the administration to shore up the farm economy because of the grain embargo is grossly inadequate. The administration has spoken and the grain market has answered with 2 days of wheat and corn opening limit down. I find it incredible that the administration would do so little when the stakes for our farmers are so high.

With runaway inflation and production costs expected to skyrocket 20 to 30 percent in the next year, these actions represent less than what should have been done anyway. It is a ruse, perpetrated by the Carter administration against the farmers, to get credit where it is not due.

Therefore, I am today introducing legislation to fully protect the farmers from any adverse consequences of the President's decision to cut off grain sales to the Soviet Union. I strongly feel that it is unfair to expect American farmers to pay the price for Russian aggression and weak U.S. leadership.

Even though the administration announced certain measures seemingly designed to protect the farmers, they are far too little to amount to much. Our farmers demand and deserve more. They need strong, assertive measures to protect their place in world and domestic markets.

My legislation would guarantee farmers that these agricultural commodities—696 million bushels of corn, wheat, and soybeans—will, in fact, be purchased by the Government in equivalent quantities to the amount previously committed to the Soviet Union. Equally important, my legislation requires that this grain will be permanently isolated from the market until each commodity respectively reaches parity on the open market. This provision is needed to prevent the Government from holding the grain over the market and subsequently manipulating the supply and demand balance.

For example, if the Government would flood the market with these commodities and drive down prices, our farmers would feel the pinch in the marketplace. It is grossly unfair to expect American farmers to pay repeatedly for past foreign policy mistakes of the Carter administration.

My legislation, Mr. Speaker, would protect the American farmers from this possibility. I urge all my colleagues to support it.

## HAGEDORN-SYMMS BILL WOULD PROTECT FARMERS FROM EFFECTS OF GRAIN EMBARGO

(Mr. SYMMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYMMS. Mr. Speaker, I would like to commend the gentleman from Minnesota for the legislation that he has introduced and, which I have cosponsored with him today.

I think it is very important that the American people understand that the President most certainly is within his rights to embargo the exporting of American grain, and we must make sure the costs of this will be uniform and equally shared by all the taxpayers in the United States. It will be expensive.

We hope that the President will be able to achieve the goals that he wishes with it.

I personally am of the opinion that we need to make stronger, and more assertive measures, that the Soviets understand.

I would hope that coupled with the present steps the President has made that he would call for reinstallation of the Navy shipbuilding program that we had under President Ford, and also bring back the B-1 system and the other systems that have been delayed.

## LEGISLATIVE PROGRAM

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, I have asked to proceed for 1 minute for the purpose of asking the distinguished acting majority leader, the gentleman from Wisconsin (Mr. Kastenmeier) the legislative program for next week.

Mr. KASTENMEIER. Mr. Speaker, will the distinguished gentleman from Alabama yield?

Mr. BUCHANAN. Certainly.

Mr. KASTENMEIER. Mr. Speaker, in response to the gentleman's inquiry, I would like to say that the House will meet in pro forma session on January 14 and 17.

On Tuesday, January 22, we will resume business of the House to meet at 12 noon. We have no suspensions that day, but we will take under consideration H.R. 2417, U.S. International Trade Commission and Customs Service authorization, fiscal year 1980, under an open rule with 1 hour of general debate.

Following that we will take up H.R. 4788, Water Resources Development Act of 1979, under an open rule with 1 hour of general debate.

On Wednesday the House will meet at 3 p.m. and will take up as its first order of business House Concurrent Resolution 204, extension of nondiscriminatory treatment to products of China.

I should specifically announce that the state of the Union message by the President will begin on Wednesday, January 23, at 9 p.m. in this Chamber.

On Thursday and the balance of the week the House will meet at 11 a.m. to take up H.R. 3051, the John F. Kennedy Center authorization, under an open rule with 1 hour of general debate.

H.R. 2492, tariff treatment of crude feathers and downs, under an open rule with 1 hour of general debate. That program is subject to the normal reservations.

Conference reports may be brought up at any time and any further program will be announced later.

I should say furthermore to the gentleman from Alabama that the House will adjourn by 5:30 p.m. on all days except Wednesday and Friday.

Mr. BUCHANAN. Mr. Speaker, could the gentleman enlighten us, does this mean we are resuming the 3 p.m. Wednesday schedule?

Mr. KASTENMEIER. Mr. Speaker, if the gentleman from Alabama will yield on that point, I am informed that it is the intent of the leadership to seek resumption of that policy which prevailed early in the last session, until perhaps May of last year, and House concurrence will be sought on Tuesday, January 22.

Mr. BUCHANAN. Mr. Speaker, I note also there is no adjournment time for Friday, as well as Wednesday. Can we still assume there will be an effort for an early adjournment on Friday, since no hour is listed?

Mr. KASTENMEIER. At this point I can give the gentleman no assurance on that point. I am sure the majority leader not later than Tuesday, January 22, would be able to tell us what the program will permit the House to do in terms of concluding its business for the week. I think it is the intent that if we are in session on Friday there will be a midafternoon conclusion. It may well be, as the gentleman can surmise by examination of the existing program, that we might be able to conclude on Thursday, but the majority leader will make a more definitive statement on that at a later point in time.

Mr. BUCHANAN. Mr. Speaker, I thank the distinguished gentleman from Wisconsin.

## PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. Synar) is recognized for 10 minutes.

● Mr. SYNAR. Mr. Speaker, on Thursday, December 20, 1979, I was absent from the House because of previous commitments in my district. Had I been present and voting on that day, I would have voted as follows:

Rollcall No. 752: Chrysler appropriation (H.J. Res. 467); "no."

Rollcall No. 753: conference report on H.R. 2440, airport development (H. Res. 511); "yes."

Rollcall No. 754: use of chemical agents in Indochina (H. Res. 512); "yes."

Rollcall No. 755: Refugee Act amendment to H.R. 2816; "yes."

Rollcall No. 757: motion to limit debate on House Concurrent Resolution 468; "yes."

Rollcall No. 758: conference report on Chrysler loan guarantees, H.R. 5680; "no."●

## SPECIAL ORDER GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Kastenmeier) to revise and extend his remarks and include extraneous material:)

Mr. Synar, for 10 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Moorhead of Pennsylvania.

Mr. Bailey.

Mr. Clausen.

## ADJOURNMENT

Mr. KASTENMEIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 9 minutes p.m.), pursuant to House Concurrent Resolution 232, the House adjourned until Monday, January 14, 1980, at 12 o'clock noon.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to pubic bills and resolutions as follows:

H.R. 5033: Mr. Beilenson and Mr. Boland.

H.R. 6008: Mr. Mitchell of Maryland.

H.R. 6070: Mr. McDade, Mr. Gramm, Mr. Robinson, and Mr. Moore.

H. Con. Res. 225: Mr. Erdahl, Mr. Horton, Mr. AuCoin, Mr. Bingham, Mr. Oberstar, Mr. Hubbard, Mr. Jenrette, Mr. Mottl, Mr. Downey, Mr. Dougherty, Mr. Drinan, Mr. Solarz, Mr. Sharp, Mr. Markey, and Mr. Synar.

# EXTENSIONS OF REMARKS

## GRAIN EMBARGO: A MISGUIDED METHOD OF RETALIATION

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 10, 1980*

● Mr. MICHEL. Mr. Speaker, I am opposed to the Carter administration's termination of grain sales to the Soviet Union. It is not because I am opposed to the use of food as a weapon. When one nation becomes openly hostile to another, grain is more than food, it is an armament more powerful than automatic rifles. When our national security is threatened, I would not hesitate to use food as a weapon in our defense. Nor is my opposition based on an unwillingness to ask the American farmer to sacrifice more than others for the sake of national security. If the Nation's safety were threatened, farmers would be the first on whom I would depend for sacrifice and they would be the first to volunteer. They will give more and ask for less than any group of people I know.

My opposition to the termination of grain sales is very simple. It will not work. It will not tell the Russians anything about us they do not know already. It will not force the Russians to withdraw their forces from Afghanistan. It will not change Soviet attitudes toward world domination.

If it were part of a coherent foreign policy aimed at securing our national interests in the long term, a grain embargo might work; as an isolated, hastily conceived gimmick it only serves to underscore the lack of coordination and planning in this administration.

The Carter administration suggests that the grain embargo is a symbol of our national will, a gesture to which the Soviet Union will respond.

Once again, the Carter administration has badly misread the Soviets. A symbol of national will to the Russians is not a grain embargo, but an invasion the likes of which we are witnessing in Afghanistan. If our grain embargo is a symbol, then to the Russians it is a symbol of weakness.

In 1978, in a speech to the graduating class at the Naval Academy, President Carter said:

> Our long term objective must be to convince the Soviet Union of the advantages of cooperation and the costs of disruptive behavior.

What the President did not realize is that the Soviets have already considered the cost of their behavior in Afghanistan and found that the price is right.

They calculated our response very carefully and prepared for it. Economic retaliation from the United States is precisely what the Russians anticipated. A grain embargo is typical Carter. It is typical of his foreign policy.

The problem with the administration is not that it has placed an embargo on grain sales but that for 3 years it has placed an embargo on initiative, determination, boldness, and willingness to use power in foreign affairs.

Instead of gestures what we need as a reaction to the Soviet Union's latest outrage are four things: First, not only an increased defense budget but an imaginative use of current military strength, immediately, to protect our interests in the Persian Gulf; second, a declared policy of aid in the form of weapons and money, either direct or indirectly, to any people actively engaged in defense from Soviet domination. This means, of course, an expanded and revitalized Central Intelligence Agency; third, a recognition that we are going to survive only by our own actions. Neither the United Nations nor our allies can help us gain what we have lost during 3 years of this administration—the will to defend our own interests; and fourth, a summit meeting of the Western industrial democracies, plus Japan, Australia and developed Latin American countries. At this meeting policy should be set regarding sale of high-technology items and food to the Soviet Union. It is high-time we had coordinated policy instead of case-by-case decisions. Embargoes are useless unless all exporting nations capable of filling the particular order agree to the embargo. We must confront our allies—and, yes, ourselves—with the necessity of facing the Soviet threat with economic as well as military solidarity when crises occur.●

## JOSEPH FERACE HONORED

### HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 10, 1980*

● Mr. BAILEY. Mr. Speaker, it is a pleasure for me to bring to your attention and the attention of our colleagues a very fine man from Greensburg, Pa., Postmaster Joseph Ferace, who for the past 21 years has given loyal service to the Postal Service and now is retiring.

Mr. Ferace began his postal career as a substitute clerk in the Greensburg office in November of 1958 and was appointed acting postmaster in 1964 and was confirmed as postmaster in 1965.

He then became manager of a management sectional center which encompasses 217 post offices serving a population of nearly 740,000 in Greensburg, Uniontown, and Indiana. During this period his concerns and responsibilities grew in proportion to the increasing population and volume of mail, and he was able to guide the various offices through this hectic time of expansion. His leadership qualities and managerial skills are to be admired for successfully overseeing such a huge organization.

The longtime resident of Greensburg also has been active in many community service activities including March of Dimes campaigns, cancer drives, and United Fund activities. He organized the Combined Federal Campaign for the Westmoreland County area which enabled all Federal employees to help support eligible voluntary charitable organizations through payroll deductions.

The Postal Service and the Greensburg, Uniontown, and Indiana communities are very fortunate to have benefited by Mr. Ferace's superior abilities. I commend the exceptional energy, integrity, and character of this fine man and wish him continued success in the future. His service to our community and our Nation have far exceeded the demands and requirements of his job. We can only say in simple words: Thank you.●

## MOORHEAD ANNOUNCES PLANS NOT TO SEEK REELECTION

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 10, 1980*

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the following is a statement I delivered in Pittsburgh on the morning of Tuesday, January 8:

> My friends, for over two decades, I have enjoyed pursuing the highest calling for any citizen—public service to my community and my country.
>
> When I announced my candidacy almost 22 years ago, I held many dreams for Pittsburgh and America. I believe that I helped make many of these dreams come true.
>
> I look out my window and see a city that has enjoyed an economic and cultural rebirth since the literally dark days of the early 50's. I see millions of dollars in Federal housing built under laws which I helped write. I see buses and bridges—and, I hope before long, a subway,—that I helped to secure for this city and county.
>
> I look out at a country that is more realistic and just. I worked to create a more sensible use of our energy resources, I helped to rebuild our cities; I strived to bring an end to the long night of racial injustice.
>
> I think my voting record on the floor of the House is marked by independence and judgment as well as respect for and reflection of the views of those who sent me to Washington.
>
> Now, I am announcing that I will not seek re-election to Congress. I am happy to have had the opportunity to serve the community and the country I love.
>
> For every nagging problem without a solution; for every constituent who cannot be satisfied; for every critic who has doubted; for every bitter session of debate and occasional defeat in the Congress; there have been, in my public life, dozens of achieve-

ments, a hundred victories, and a multitude of well served citizens.

A fiercely loyal and competent staff, some of whom have been with me since I started in 1959, and other who have toiled for more than a dozen years, have made my job much easier.

I have been blessed also in my career by a remarkable and understanding family, my wife Lucy and sons Bill, Steve and Jim, and my daughter, Perrin.

There are so many men and women in this city and country who are my friends, who have helped me and whom I have helped, that I cannot name them all. Pittsburgh and Pittsburghers never will be far from my thoughts.

When I leave public life in January 1981, I expect to return to the practice of law, a pursuit which channeled my interests toward. public service long ago and a vocation—after 22 years of writing and voting on the laws for the country—I wish to resume.

Until then, I pledge to my constituents and friends the same degree of work and service in the coming year as they have known in the preceding 21.

As someone close to me noted recently, it is interesting that I should choose to end my career when my star is the highest, when my legislative capacity is the greatest, and my record of legislative achievement is extraordinary.

In recent weeks I successfully managed the enactment of the very difficult Chrysler legislation. A year ago I performed a similar feat for New York City. Last year I introduced and passed the first synthetic fuels bill ever to pass the House of Representatives. Today I am Chairman of the Energy Conference Committee composed of fifty Senators and eighteen House Members. Because of the absolute necessity for our country to achieve energy independence I consider the enactment of this legislation the most important task I have ever undertaken.

In past years I have authored and passed such legislation as the Arts and Humanities Foundation, the Privacy Act, the Freedom of Information Act, the Community Block Grant concept and numerous other bills and amendments to help our nation's cities.

My decision to retire is unusual—yes. But I prefer to go out on top; as a winner.

On a personal basis I believe I have established a standard for public service that will serve as an excellent benchmark for my successor. In addition, I think that final passage of my synthetic fuel legislation by the Congress would be an appropriate legacy to my 22 years in Congress. This program could turn around the economic, political and industrial life of the United States.

To my good friends and allies, to all of those who support me, and to every resident of the 14th Congressional District, let me just say "Thank You".●

---

## THE END OF A FAIR ERA

## HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 10, 1980*

● Mr. CLAUSEN. Mr. Speaker, it was my privilege to participate recently in a community event of major significance—the retirement of my lifelong friend, C. Jo Hindley from his position as manager of the Humboldt County Fair in Ferndale, Calif.

It not only marked the retirement of C. Jo but also the end of an era of fair management by the entire Hindley family. Anyone familiar with this great family from Humboldt County, Calif., can attest to their dedication, commitment, and extraordinary service to the cause they believed in—the Humboldt County Fair. They have literally devoted their entire lifetime to "the Fair" and what it meant to the thousands of people who came to enjoy it and participate year after year.

In order to acquaint my colleagues and the people of America with what one family has done for a community, I would like to record permanently in the CONGRESSIONAL RECORD an interpretive and descriptive reporting of the event by the highly respected journalist Muriel Dinsmore.

[From the Eureka (Calif.) Times-Standard,
Oct. 8, 1979]

### THE END OF A FAIR ERA

(By Muriel Dinsmore)

It was the largest dinner crowd ever assembled on the Humboldt County Fair grounds. . . .

And rightfully so: It was "Hindley Family Night."

It was a time to mark the end of an era.

And it was, most importantly, a time for the North Coast to pay tribute to C. Jo Hindley, retiring as fair manager, the post he held since 1958, as successor to his father, the late Dr. J. N. D. Hindley.

The tributes were many, varied and ranged from the local to the national level, but they all had a common denominator: They were deserving. They were also well-earned and they were in honor of a kind, unselfish man, who had devoted his life to helping others and making the North Coast community a better place in which to live.

The title of "All American Man of Western Fairs" was one of the first honors paid to Hindley, with George Gomes, chief of the Division of Fairs and Expositions, as representative of the state organization.

### TOWNSEND SUCCESSOR

Chuck Townsend, formerly with the Sonoma County Fairs, and the man named as Hindley's successor, was introduced by master of ceremonies J. Dwight O'Dell, as a man with some "tough shoes to fill."

Townsend, however, received immediate assistance in "filling those shoes" when Hindley presented him with the western tie he wore, as a symbol of the fair and his dedication to the job.

Congressman Don Clausen, like Hindley, also originally from Ferndale, paid tribute to Hindley's wife, Dolly, his mother, Cecil, and his family, including Katie Hindley Russ, who had worked with her father as assistant fair manager, and was a coordinator for the dinner.

Clausen cited Hindley as an example of "a man who is rich according to what he is, not what he has." And as a man who has enriched the lives of thousands of people through his warm personality, his dedication, his countless contributions and his commitment to service.

And then the Congressman paid tribute to all of the Hindley family, plus making special presentations of gifts to his wife, his mother, and his sister, Jean Hindley Myers, who had also served as fair secretary for many years.

George Hindley paid his own tribute to his brother by noting how he had been hired, since his own retirement, to "work two or three hours a day on the fairgrounds," but also like his brother, found himself there from 7 a.m. until 8 p.m.

Fanny Givens of the Humboldt State University Athletic Department, and a former fair board president, quipped that Hindley "was the master of the budget transfer. And through the years, he was always rehired, because everytime his contract came up we had to rehire him, because we never knew where we were . . . and only he could tell us."

Les Fearrien of Hydesville, speaking for the present board reassured Hindley about his retirement, saying, "you're never going to retire; you're just going to be in another pasture . . . you'll never quit working. But if you ever take a day off and go out to your Mattole property and look into a Mattole pool, you'll always see a reflection of your life and the nice things you have done for others."

Tony Leonardo, Ferndale rancher, spoke for the "farmers of the valley" who remember the life-saving assistance given them by Hindley during the 1964 flood, and the youth activities that Hindley had always supported and encouraged on the fairgrounds.

### STATE TRIBUTES

State recognition was paid to retiring manager Hindley by Erv Renner of the county board of supervisors, who read resolutions from State Senator Barry Kenne and Assemblyman Doug Bosco, noting his "invaluable service to the people of the North Coast."

And in Keene's statement, the state senator recognized Hindley's popularity in Sacramento, his advocacy of the Humboldt Fair as the finest in the state, and the fact that Humboldt County is the best place in the state to live.

Scotty Turner of the Redwood Empire Fair in Ukiah brought his message from a neighboring fair board, paying, like the others, a recognition and appreciation of service.

### COUNTY SUPERVISORS

Harry Pritchard, president of the Humboldt County Board of Supervisors, brought a resolution in honor of Hindley's work, again, as a service tribute.

And as the recognitions continued, from the introduction of Delphine Belotti, widow of the late Assemblyman Frank P. Belotti, for whom the fair hall was named, to the board of supervisors to the fair board itself, it remained, without doubt, Hindley family night.

And as the man, C. Jo Hindley, who had served in so many other capacities than as "just fair manager" and for whom everyone gathered on that night, paid his own special tributes, he started with his family, including son David, daughters, Joann and Katie, his wife, Dolly, and mother, Cecil. He also thanked Joe Leonardo, who, with his staff, was responsible for the dinner.

Then, in typical Hindley fashion he described himself as just part of the crowd.

After all, he had said earlier in the evening, alluding to the number present, "some people will use anything as an excuse to go out to dinner . . ."

And after the ceremonies, when a young 4–H'er, Mary Enos of the West Ferndale Club, came up to present her group's appreciation plaque to Hindley, and he accepted it with the same graciousness and humility, and with the same degree of importance, as he had all scheduled parts of the program, it was obvious, from that act alone, why so many people used "Hindley Night" as an "excuse to go out to dinner . . ." ●

# HOUSE OF REPRESENTATIVES—*Monday, January 14, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Lord, we open our hearts to You in prayer and petition, seeking Your favor and grace. Grant that Your word may so enlighten us that we may not walk in darkness, but that we may go through difficult days with the knowledge that You are with us, Your rod and staff do comfort us.

Specially we pray for all in need, those who are hungry, alone, or uncertain about the future. Give all Your people the strength to believe in Your abiding power and the promise of life eternal. Amen.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the approval of the Journal of the last day's proceedings will be postponed until January 22, 1980.

## ANNOUNCEMENT OF INTENTION NOT TO SEEK REELECTION

(Mr. HARSHA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, at the conclusion of my 10th term I will say a fond farewell to the House of Representatives.

The citizens of my district have afforded me the highest possible honor in allowing me to serve them for 20 years, and for that privilege, I offer them my undying gratitude.

When I end that service at the close of my present term, I shall do so with a feeling of deep appreciation for the tremendous and unfailing support I have received and with a sense of immeasurable personal fulfillment.

No district could have given to any man so many opportunities, responsibilities, and such continuous support.

I have enjoyed the challenges offered by public service, and I shall miss this great deliberative body.

I shall not seek reelection in 1980.

## DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, if Martin Luther King, Jr., had not been murdered in 1968, if he were still alive, he would celebrate his 51st birthday tomorrow.

That seems surprisingly young, considering the passage of almost 12 years since his death.

He was young, in fact, at the time he was killed, only 39.

He was deprived of the great and good years of what we call "middle age," and that loss is no less sad in light of his willingness, often expressed, to risk death in the fight for justice and freedom.

It is equally sad that the Nation and the world have been deprived all these years of the presence, the voice, and the wisdom of Martin Luther King, Jr.

I know that I still miss his voice of inspired leadership, as deeply now as during the first months after his death.

But I also believe that the immense contributions of Martin Luther King, Jr., to the Nation and to humanity all live on.

The faith I expressed almost 5 years ago at a meeting of the Southern Christian Leadership Conference endures for me. I said then and fully believe now:

> They shot down the man—and they snuffed out his life—and the man died. But they could not shoot down his dream. For his dream was stronger than life and more powerful than death—and the dream lives on.
>
> The man, Dr. Martin Luther King, was the embodiment of an idea that armies cannot penetrate nor defeat, and which at this very moment is as alive as our memory of Dr. King and as powerful as the message he spoke and the cause he led.

His message was vibrantly and eloquently articulated many times, perhaps most powerfully when he stood at the Lincoln Memorial on August 28, 1963, and ended his description of his dream this way:

> Let freedom ring, for when we allow freedom to ring from every city and every hamlet, from every state and every city we will be able to speed up that day when all of God's children, black and white, Jew and Gentile, Protestant and Catholic, will be able to join hands and sing in the words of the old Negro spiritual, "free at last, free at last; great God almighty, we are free at last."

That was the essence of his dream. It lives now in this land. And it will continue to live—if we devote our unwavering respect to the man who had the faithful vision to describe it.

Tomorrow, January 15, is the anniversary of the birth of Martin Luther King, Jr. Many of us, as individual citizens, will renew our commitment to the fulfillment of his dream by reflecting on his magnificent life and work.

On Friday, January 18 the Black Heritage Parade Committee of Newark will celebrate the memory of Dr. King at its first annual Scholarship Award Dinner. The members of the committee, through their support of the Black Heritage Scholarship Fund, are helping to keep alive the dream of Martin Luther King, Jr. He told the youth of America that the message they should look to is not "burn baby burn," but "learn baby learn."

I am proud of the efforts of the committee's members toward the achievement of Dr. King's dream. It is fitting that this event for the scholarship fund is taking place in the week of the anniversary of Dr. King's birthday.

I hope that after action by the Congress, all of us as a nation will be able to honor him by observing Martin Luther King, Jr. Day—a national holiday.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Horton) to revise and extend his remarks and include extraneous material:)

Mr. Livingston, for 60 minutes, on January 22, 1980.

(The following Member (at the request of Mr. Kildee) to revise and extend his remarks and include extraneous material:)

Mr. Rodino, for 10 minutes, today.

## ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 3 minutes p.m.), pursuant to House Concurrent Resolution 232, the House adjourned until Thursday, January 17, 1980, at 12 o'clock noon.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

**H.R. 6071: Mr. Beilenson.**
**H.R. 6072: Mr. Beilenson.**
**H.R. 6109: Mr. Watkins and Mr. Coughlin.**

---

**☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.**

**● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

# EXTENSIONS OF REMARKS

## VIKTOR BELENKO AND THE MEANING OF FREEDOM

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 14, 1980*

● Mr. DORNAN. Mr. Speaker, I was somewhat taken aback earlier this month when it was reported that President Carter had changed his assessments of the goals and intentions of the Kremlin leadership in the wake of their invasion of Afghanistan. Though I confess to being somewhat surprised at such a statement, I think that we all agree that such a change is certainly better late than never.

Much of our understanding of the Soviet political mentality is drawn from theoretical texts of Marxism-Leninism: The nature and goals of this ideological commitment are not difficult to fathom. The Soviets claim that the world is undergoing an inexorable historical development that will insure the triumph of socialism and, eventually, communism. This is not the subjective interpretation of the gentleman from California, or specialists on the International Relations Committee, but an understanding that comes from a reading of explicit Soviet texts.

There is another aspect of our understanding of Soviet society that comes from personal experiences and revelations, from men and women who have escaped, in the language of Solzhenitsyn, from the "dragon's belly." Most of these are Jewish or Christian dissidents. But I was especially taken by the defection of Viktor Belenko, a Soviet fighter pilot. I am intimately familiar with fighter pilots; it was my own military experience. The defection of a Soviet fighter pilot has a special meaning, not only in terms of what intelligence of a military nature he must bring with him, but also in terms of our political intelligence. John Barron, of Reader's Digest, has written an excellent account of the defection of Belenko, detailing the reasoning behind his decision. I ask my colleagues to take some time to reflect on Belenko's decision for freedom.

The article follows:

### MIG PILOT

(By John Barron)

For more than 50 years the Soviet Union has been attempting to mold the New Communist Man, a creation able and willing to carry forward the banner of triumphant Marxism-Leninism. Lt. Viktor Belenko appeared to be just such a man—handsome, dedicated, ideologically pure, a skilled airforce pilot of the deadly MIG-25. Yet, on September 6, 1976, Viktor Belenko defected to the West—dramatically flying his plane to freedom, bringing with him not only the secrets of the MiG-25, but also vital insights into the mentality of a talented member of the Soviet military elite.

Reader's Digest Senior Editor John Barron has spent hundreds of hours with Belenko, and in this penetrating account describes first the whys and hows of the Russian's escape, then the startling effects of a free society on a hitherto imprisoned soul.

As he had done every day except Sunday for four weeks, MiG pilot Viktor Ivanovich Belenko awoke early. The first light was promising. He knew, almost certainly, this would be the day.

Above the vast forests stretching along the coast of the Soviet Far East, the sky was cloudless. In all likelihood he would fly as scheduled. Lieutenant Belenko figured it should all be over in the next six hours. At age 29 we would be either dead or reborn into a new world.

The awareness that he was looking for the last time at his pretty wife and three-year old son, both sleeping, evoked little emotion. The marriage had disintegrated. He was tempted to pick up his son. No! He might cry. You wouldn't ordinarily pick him up at this hour. Don't do one thing you wouldn't ordinarily do.

Belenko dressed quickly, then jogged to the bus stop about a mile away. An hour later, after a briefing at the air base, he drew his flight helmet, oxygen mask and gloves. "Lieutenant, you forgot your life preserver," a sergeant called.

Don't take it! Fool them!

"Thanks, but I won't be over water today."

The aircraft—twenty MiG-25s—were poised wing to wing on the runway. Weighing 22 tons, with twin tail fins, short, swept-back wings, two enormous engines and a long rocket-like nose, the MiG-25 was one of the most feared and closely guarded weapons in the Soviet arsenal. Even among themselves the Russians referred to it simply as Product No. 84. The comparatively few young men chosen to fly the aircraft were an elite in the Soviet armed forces.

On September 6, 1976, swarms of men were making the planes ready at the Sakharovka air base, near Chuguyevka, 120 miles northeast of Vladivostok. Trucks filled each plane with 14 tons of jet fuel and half a ton of coolant alcohol, and pumped oxygen into life-support systems. Lieutenant Belenko climbed a 14-foot ladder and settled into the cushioned seat. The various dials and levers in the green cockpit were easily accessible. Conspicuous among them was a red button labeled "Danger." Pilots were instructed to press the button should they be forced down or have to eject from the aircraft outside the Soviet Union. Supposedly it activated a timed mechanism that would destroy the most secret components of the plane.

Belenko released the brakes at exactly 12:50 p.m., and the MIG[1] surged down the runway. While still perilously low, he shut off the afterburner to conserve fuel. Also to conserve, he ascended more slowly than usual to 24,000 feet and took five minutes instead of the normal four to enter Training Zone No. 2. Beginning the wide 360-degree turn that ground controllers were expecting, he saw numerous other MIG-25s in the area. He rapidly was approaching the point of no return. For upon completion of the circle, he would have to proceed either with the programmed training flight or with his own secret plan.

*You can still go back, and nobody will know. If you go, it's forever.*

He let the plane glide downward, hoping the descent would be so gradual that the radar controllers would not notice at first. At 19,900 feet, Belenko suddenly jammed the stick forward and plunged the MiG into a power dive toward the valley ahead, hurtling straight down to 100 feet. Here he would be safe from the thickets of SAMs (surface-to-air missiles) and anti-aircraft batteries.

He thundered through the valley and in two minutes shot over the Sea of Japan, then pushed an emergency button which broadcast a signal indicating his plane was on the verge of crashing. Seconds later he shut down his radar and switched off his radio. He did not want to be distracted by what any pursuers might be saying or doing.

To avoid detection, Belenko flew so low that twice he had to swerve to miss hitting fishing boats. But at sea level the MiG was devouring fuel gluttonously. Unless he drastically reduced fuel consumption by climbing to at least 20,000 feet, he never would make land. Yet he had not flown far enough to go up safely to that height; he still would be within reach of Soviet SAMs.

Better possible death than certain death, Belenko reasoned, pulling up into the clouds.

He had flown on a course of 110 degrees, dead-reckoning his way toward Hokkaido, the northernmost of the main Japanese islands, the one closest to his base. At approximately 1:20 p.m. he figured he was nearing Japanese airspace and interception by Phantom fighters of the Japanese interceptors to lead him to a safe landing field. But they would have to find him on their own—his radio frequency band was so narrow he could communicate only with other MiGs.

Both Phantoms and MiGs were all around at that moment, desperately searching for Belenko in the swirling gray clouds. His plane had first appeared on Japanese radar screens at 1:11 p.m., when he rose to 20,000 feet. Nine minutes later, with the blip moving toward the center of the screens, the commander of the military base at Chitose had ordered Phantoms to take off for interception. At 1:22, Belenko breached Japanese airspace, and the Phantoms closed on him. However, at 1:26, as Belenko started to drift down in quest of clear sky, his MiG disappeared from the radarscopes. Without any more guidance from the ground, the Phantoms flew about futilely in the overcast.

At 1,800 feet Belenko found clear sky, but no Japanese interceptors. He began to take visual bearings. Chitose, he calculated, lay to the northeast, toward the middle of the island, behind a range of mountains still shrouded in clouds. The guage indicated he had sufficient fuel for another 16 to 18 minutes of flight. Had his purposes been different, he might have considered probing for a safe passage downward until his fuel was gone, then bailing out. But to Belenko, preservation of the MiG was more important than preservation of his own life. He decided to stay below the clouds, fly eastward past the southern end of the mountain range, then turn north toward Chitose.

A red warning light flashed in the cockpit at 1:42 p.m., and an instant afterward a panel lit up, illuminating the words "You have six minutes of fuel left." Belenko turned off the warning lights. Why be bothered? Straight ahead he saw another mass of clouds, but he elected to maintain altitude and plunged into them.

---

[1] The MiG series was named for its designers, Mikoyan and Gurevich.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Suddenly he was startled by a dulcet female voice—emanating from a recording he did not know existed: "Caution, 068! Your fuel supply has dropped to an emergency level."

Belenko replied aloud: "Woman, wherever you are, tell me something I don't know. Tell me where that airfield is."

The fuel gauge stood at empty, and Belenko guessed he had, at most, two minutes. The clouds had not dissipated: there was nothing left to do. He pointed the MiG-25 down toward land and the unknown.

### A CHILD ALONE

At 29, Belenko was a protoype of the New Communist Man the Party spoke endlessly of creating. He stood just over five feet, eight inches, and had an athletic physique, developed by years of boxing and calisthenics. A Soviet television program once pictured him—blond hair and large, blue eyes widely set in a handsome, boyish face—as the very model of a pilot. In their initial consternation, the Russians could not bring themselves to believe that Belenko had vanished voluntarily. They preferred to think that he had been lured by invisible forces beyond his control. In a way they were correct. In his flight from the Soviet Union, Belenko was continuing a quest that had motivated and dominated most of his life.

Belenko grew up a child alone. He was born on February 15, 1947, in a village between the Black and Caspian seas. When he was two, his father divorced his mother, took him away to stay with relatives in the Donbas, the great mining region of southwestern Russia, and subsequently prohibited her from seeing him. Winter confined Viktor to their hut because until he was six, he had no shoes. Alone all day, he could amuse himself only by the exercise of his imagination and curiosity.

In December 1953 his father summoned him to Siberia, and Viktor stayed temporarily on a collective farm, with relatives of a friend. The family—father, mother and four children—was crowded into one room. On his first evening Viktor stared in wonderment as a cow was led into the hut for the night so she would not freeze to death.

His father retrieved him in September the following year, and brought him to the industrial city of Rubtsovsk. Only once did his father discuss his future with him. "You will find your own way in life. If you wish a life different from mine, you can find it only through education."

Viktor needed no encouragement. Schooling excited him from the outset and offered, so he thought, the opportunity to learn the answers to all questions about life. And it was through school that he sought an answer to the first question about Soviet life that ever seriously troubled him.

A web of concentration camps had developed around Rubtsovsk, and shifts of prisoners, or zeks, as the Russians called them, were trucked in to keep the industries going 24 hours a day. Viktor first sighted some zeks while leaning into a stinging wind on his way to school. They were shivering and huddled against one another for warmth inside cages on the back of trucks, guarded by Central Asians armed with submachine guns. The thin coats, painted with white numerals, the canvas boots, caps partially covering their shaved heads—all were ragged.

The concept of political prisoners was unknown to Viktor. Criminals were criminals, and he was sure that each of the gaunt figures he saw must have done something terrible. Yet he cried out to himself, Kill them or set them free! I would not treat a rat that way.

His recurrent vision of the zeks subsequently caused him to wonder: What made them that way? In time, as schools taught him the verities of Marxism-Leninism, he felt he understood. Man is but the product of his social and economic environment. Capitalism created an inherently defective socioeconomic environment based on selfishness and greed, and exploitation of the many by the few. Given such a defective environment, defective human behavior was inevitable. The criminality, alcoholism, indolence and other aberrant behavior that persisted in the Soviet Union were merely the malignant remnants of capitalism.

His school maintained a superb library with a large collection of politically approved classics. The room was warm and quiet, and it became a sanctuary for Viktor. The authors he read became his true parents, their characters his teachers and, in some cases, his models. He saw in Spartacus, who had led Roman slaves in revolt, the virtues he desired in himself. Then the works of the French aviator and author Antoine de Saint-Exupery unveiled to him the vistas of flight.

On a wintry Sunday afternoon a light aircraft crashed near the factory where his father worked. The wreckage was still smoldering and ambulance attendants were taking away the body of the pilot, wrapped in a sheet, when Viktor arrived. The scene transfixed him.

Why did he die? Is there a God who decides who will die and when? They say that God is only the product of superstitution and that the whole world happened by chance. Is that so? Do the trees and berries grow, do the cockroaches scoot, does the snow fall, do we breathe and think all because of chance?

Viktor wanted to find meaning, to dedicate himself to some higher purpose, to be all the Party asked. Yet he could not give himself unquestioningly to the Party on the basis of its pronouncements. He had to comprehend for himself. As he searched and tried to understand, his reasoning exposed troublesome contradictions between what he saw and what he was told.

### "TAKE YOUR PAIL TO THE RADIO"

His inner conflict probably had begun with the announcement in school that First Party Secretary Nikita Khrushchev had delivered a momentous address to the 20th Party Congress. Stalin, the father of the Soviet people, whose benign countenance still looked at him from the first page of each of his textbooks, now was revealed to have been a depraved monster. Everything he had heard and read about Stalin throughout his life was a lie. For the leader of the Party himself—and who could know better—had shown that Stalin was a tyrant who imprisoned and inflicted death upon countless innocent people.

Khrushchev worked with Stalin for years. Why did it take him so long to find out? If everything the Party said before was untrue, is it possible that what it is saying now is also untrue?

Khrushchev returned from his 1959 visit to the United States persuaded that corn represented a panacea for Soviet agricultural problems. Accordingly, corn was sown on huge, tracts of theretofore uncultivated land—uncultivated in some areas because soil or climate was such that nothing would grow in it.

The most stupid peasant knows you can't grow corn in Siberia. I have seen it with my own eyes. It is not even a foot high. How can the Party allow something so ridiculous?

The effort to amend the laws of nature by decree, combined with adverse weather, resulted not in a plethora of corn but rather in a dearth of all grain, which forced the slaughter of livestock. Serious shortages of meat, milk, butter and bread followed. Nevertheless, the radio continued to blare forth statistics demonstrating that under the visionary leadership of the gifted agronomist Khrushchev, Soviet agriculture was overcoming the errors of Stalin and producing ever-larger quantities of meat, milk, butter, bread.

If we have so much bread, why am I standing in line at 4 a.m., hoping I can buy some before it runs out? There has been no milk in all of Rubtsovsk for five days and no meat for two weeks. Well, as they say, if you want milk, just take your pail to the radio.

The population of Rubtsovsk included an abnormally high percentage of former convicts because most inmates of the surrounding concentration camps were confined to the city for life upon completing their sentences. Many were irredeemable criminals habituated to assault, robbery, rape and murder. Armed with knives or with lead taped to their hands, they killed people for no more than the gold in their teeth.

They say the criminals are the remnants of capitalism. But the Revolution was in 1917. That was nearly half a century ago. All these criminals grew up under communism, not capitalism. Why has our system brought them up so poorly?

Viktor was graduated from high school with honors in the spring of 1965. As part of the final examinations, he artfully wrote three papers entitled "Progress of the Soviet System," "Crisis of the Western World" and "Principles of the New Communist Man," which faithfully regurgitated the dogma of the day. He achieved a perfect grade of five in social philosophy, but was not entirely proud because he suspected that not all he wrote was true.

Certainly, he believed, his assessment of the crisis of the Western world was valid. The Dark Forces, that shadowy cabal composed of the U.S. CIA, the American military, the Mafia, Wall Street, corporate conglomerates and their foreign lackeys, clearly were in retreat. Everywhere in the West, signs of decay and impending collapse were apparent. However, he dobuted that the progress of Soviet society was as real as his paper asserted.

Still, he had his academic degree and a letter attesting to his good character and ideological soundness. He also had a plan.●

---

## THE PLIGHT OF VLADAS CESIUNAS

## HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 14, 1980*

● Mr. DORNAN. Mr. Speaker, I would like to bring to the attention of my colleagues, an article which appeared in ELTA, the information bulletin of the Supreme Committee for the Liberation of Lithuania, concerning the plight of Lithuanian defector, Vladas Cesiunas, former Olympic and world champion canoeist.

I believe this tract vividly brings to mind the ruthless tactics of a Soviet regime in their treatment of basic human rights.

I urge you to read, reflect, and remember what a jewel is our freedom:

### LITHUANIAN DEFECTOR KIDNAPPED BY SOVIET AGENTS

### FORMER OLYMPIC CHAMPION VANISHES IN WEST GERMANY

Vladas Cesiunas, a former Olympic and world champion canoeist, vanished without trace in West Germany on September 13, 1979. He had defected on August 18, 1979,

**in Dusburg, West Germany where he had come as a tourist to follow the world championship races in rowing.**

**The defector, 39, asked the West German authorities for political asylum. He took temporary residence in the town of Altena, near Dusburg, and attended German-language lessons at the Goethe Institute nearby. He left for school on September 13, but never arrived there. One week after his disappearance, some West German newspapers and the radio began discussing the possibility that he was kidnapped by Soviet agents.**

**The disappearance of Vladas Cesiunas sent tremors through the Lithuanian community in West Germany. Community leaders made inquiries with West German parlimentarians and the security organs. Andrius Smitas, chairman of the Lithuanian community in West Germany, discussed the Cesiunas case by phone with Helmut Schmidt, Chancellor of the Federal Republic of West Germany. Schmidt was asked if West German security organs provided Cesiunas with adequate protection. A thorough investigation by the West German government was requested, since the case of Cesiunas affected many persons of East European descent residing in West Germany.**

**The German Press Agency (DPA) reported that Cesiunas was brought to Moscow against his will and is in a Vilnius, Lithuania, security hospital (psychiatric, of course).**

**Cesiunas' illustrious athletic career includes a gold medal in the 1972 Munich Olympic Games, where he came in first in the 1000 meter race for two-seater canoes, together with a Russian, Lobanov. He also won four world championships. In 1973 and 1974 he was elected by the sports fans as the top Lithuanian athlete.**

**In an interview with a correspondent for the Lithuanian-language daily, Draugas, (Chicago, Sept. 4, 1979), Cesiunas disclosed that he had received several Soviet medals and the title of "meritorious physical culture worker", which entitles the bearer to old-age pension of at least 120 rubles. He added ironically that the average Lithuanian's old age pension is 12, 30 or 40 rubles.**

**To a question, why he did choose the West, Cesiunas replied that it was a "dream since his childhood and adolescence." During his participation in athletic competitions abroad, he saw the "difference between the free world and the communist 'paradise'."**

**In commenting about the recent Spartakiade, he called it a "very well-organized dress rehearsal for the Olympic Games". He was astonished by the very large contingents of militiamen and soldiers there: "This also may have been a dress rehearsal for eventual political outbursts at the Olympic Games."**

**When asked about the Olympic Games, to be held in Moscow next year, Cesiunas defined them as "pure propaganda." He was planning to write his memoirs, in which he was to expose the "true face of sports in the Soviet Union."** ●

# SENATE—*Thursday, January 17, 1980*

*(Legislative day of Thursday, January 3, 1980)*

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. SPARK M. MATSUNAGA, a Senator from the State of Hawaii.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray:

We thank Thee, our Father-God, for this good land which Thou hast given us for our heritage. Make us a people mindful of Thy favor and glad to do Thy will. Strengthen and support all those who serve this Nation in any way, anywhere. Especially draw near to our countrymen who suffer detention and imprisonment as hostages of another country. Give Thy special grace to the President and all others who conduct the affairs of this Government with other nations. Establish justice and peace throughout the world. May goodness and mercy follow us all our days. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., January 17, 1980.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN MELCHER, a Senator from the State of Montana, to perform the duties of the Chair.

WARREN G. MAGNUSON,
*President pro tempore.*

Mr. MELCHER thereupon assumed the chair as Acting President pro tempore.

## ADDITIONAL STATEMENTS

## PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million, or in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that three such notifications were received on January 10 and 14, 1979.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, room S–116 in the Capitol.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, D.C., January 10, 1980.*
Dr. HANS BINNENDIJK,
*Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Central European country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
*Director.*

DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, D.C., January 10, 1980.*
DR. HANS BINNENDIJK,
*Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
*Director.*

DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, D.C., January 14, 1980.*
Dr. HANS BINNENDIJK,
*Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country tentatively estimated to cost in excess of $25 million.

Sincerely,

ERNEST GRAVES,
*Director.*●

## PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I submit for the RECORD the notification I have just received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
*Washington, D.C., January 14, 1980.*
HON. FRANK CHURCH,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80–26, concerning the Department of the Army's proposed Letter of Offer to Denmark for defense articles and services estimated to cost $8.7 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERNEST GRAVES,
*Director.*●

## NOTICE OF HEARING

● Mr. MUSKIE. Mr. President, I wish to announce that the Budget Committee will hold hearings on January 24, and January 25, 1980, in room 6202 of the Dirksen Senate Office Building at 10 a.m. to examine legislative approaches to balancing the budget.

On January 24, the committee will hear testimony from Senators PROXMIRE, ROTH, STONE, DOLE, and DOMENICI, and on January 25, from Senators PACKWOOD, BAYH, PERCY, and HART, all of whom have legislation pending before the Budget Committee regarding legislative approaches to controlling Federal spending.

In addition to the legislative hearings, the committee will begin its hearings on the first concurrent resolution on the Budget for fiscal year 1981 on January 30, 1980 at 9:30 a.m. On that date, a panel comprised of G. William Miller, Secretary of the Treasury; Charles Schultze, chairman of the Council of Economic Advisers; and Jim McIntyre, Director of the Office of Management and Budget will testify regarding the President's budget for fiscal year 1981. This

---

**● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

hearing will also take place in room 6202 of the Dirksen Senate Office Building.

The committee will announce at a later date its plans for the remainder of hearings on the first concurrent resolution on the Budget for fiscal year 1981.

For further information contact Karen Randall of the Senate Budget Committee, at 224-0542.●

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

## RECESS TO JANUARY 22, 1980

Mr. MATSUNAGA. Mr. President, pursuant to the provisions of House Concurrent Resolution No. 232, I move that the Senate stand in recess until 12 o'clock meridian on Tuesday, January 22, 1980.

The motion was agreed to; and, at 12:02 p.m., the Senate recessed, pursuant to House Concurrent Resolution No. 232, until Tuesday, January 22, 1980, at 12 o'clock meridian.

# HOUSE OF REPRESENTATIVES—*Thursday, January 17, 1980*

The House met at 12 o'clock noon.

Dr. Edward G. Latch, former Chaplain, U.S. House of Representatives, offered the following prayer:

*With God all things are possible.*—Mark 10: 27.

O God, our Father, strong in Thy strength we greet the coming of another day. May the hours be radiant with Thy presence and the minutes reflect the glory of Thy love. In everything we do may we be mindful of Thy Spirit, eager to do Thy will, and ready to serve our country with all our hearts.

We pray for those who represent our country in other lands, especially those who are held prisoners. May they face their experiences with courage and live through these days with confidence knowing that Thou art with them always and all the way.

Bless Thou our President, our Speaker, Members of Congress, and all who work with them as they seek to do their best for our country. May we ever be a strong nation of great people seeking to build a better world with liberty and justice for all for the good of the human race and the glory of Thy holy name. Amen.

## THE JOURNAL

The SPEAKER pro tempore (Mr. MOAKLEY). Pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the approval of the Journal of the last day's proceedings will be postponed until January 22, 1980.

## RESOLUTION TO CHANGE SITE OF 1980 SUMMER OLYMPICS GAMES

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BAUMAN. Mr. Speaker, I am today introducing a resolution requesting that the International Olympics Committee hold the 1980 summer Olympic games at a site other than Moscow and as well suggesting that, failing this, the United States boycott the Olympics or finance and assist in holding a Free World Olympics in another suitable site.

I first made the suggestion on January 5. I am pleased to see that in the ensuing days Mrs. Carter, the Secretary of State, and a number of other prominent officials have agreed to my suggestion. It is the very least we can do under the circumstances.

The resolution is as follows:

H.J. RES. —

Joint resolution to request that the International Olympic Committee hold the 1980 summer Olympic games at a site other than within the Soviet Union, with assurance of United States financial assistance for the change of venue, and failing the relocation, to urge the United States Olympic Committee to withdraw from participation in the 1980 summer Olympic games in Moscow and to assist in the creation of a "Free World Olympics" at another suitable site

Whereas the Soviet Union, slated to host the 1980 summer Olympic games in Moscow, has invaded the nation of Afghanistan with tens of thousands of its troops, and this blatant violation of international law has been overwhelmingly condemned by the members of the United Nations;

Whereas participation at the Moscow games after this blatant act of aggression could signal the Soviets that the world condones their actions;

Whereas world attendance at the 1936 summer games in Berlin lent an air of legitimacy to another, similarly ruthless and militaristic dictatorship, much to the world's later regret;

Whereas this threat to world peace should not go unpunished, but rather should be met with determined opposition and punitive actions directed against the Soviet Union; and

Whereas the Soviets have spent considerable amounts of money in preparation for the 1980 summer Olympic games in an effort to earn worldwide attention and respectability for their regime, and a removal of the games from Moscow or a boycott would underline global indignation over the Afghanistan invasion, hurt the Soviets economically, and deny them the legitimacy they so desperately seek: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and requested to ask the International Olympic Committee to move the 1980 summer Olympic games to a site other than within the Soviet Union;

That, failing such a change of venue for the games, the President shall ask the United States Olympic Committee to boycott the Moscow games, encourage other nations to do the same, and assist in the organization of a "Free World Olympics" at another suitable site, composed of those nations opposed to the Soviet invasion of Afghanistan; and

That the Congress hereby authorizes such sums as may be appropriated for the use of the President to promote the removal of the 1980 summer Olympic games from Moscow and to assist in the financing for the creation of another Olympic site or the renovation of an existing facility.

## YES TO THE OLYMPICS—NO TO MOSCOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 5 minutes.

(Mr. BUCHANAN asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. BUCHANAN. Mr. Speaker, I listened with great interest as my leader, the gentleman from Maryland (Mr. BAUMAN), announced to us that a few moments ago he dropped into the hopper legislation implementing an earlier suggestion that he has made with which others have identified themselves. I listened with great interest. I am today introducing legislation which is self-explanatory and which I will now read.

H. CON. RES. —

Whereas the Soviet invasion of Afghanistan and its continued military presence in South Asia constitute a threat to world peace;

Whereas these blatant acts of aggression violate international law, the United Nations Charter, and numerous other international treaties and agreements;

Whereas the international community, through an overwhelming vote in the United Nations, has condemned the Soviet invasion of Afghanistan;

Whereas the Olympic games are held to foster closer ties and greater understanding among the peoples of the world;

Whereas Soviet aggression in Afghanistan, Soviet curbs on news media coverage of the Olympic games, and other repressive actions of the Soviet Government serve to thwart the spirit of the Olympics; and

Whereas holding the 1980 summer Olympic games in Moscow will compound the mistake of holding the 1936 Olympic Games in Berlin: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) strongly condemns the Soviet Union for its aggression in South Asia and its continued presence in Afghanistan;

(2) calls upon the President to take substantive actions to express United States concern over this aggression, including encouraging the removal of the Olympic games from Moscow; and

(3) urges the International Olympic Committee and the United States Olympic Committee to seek an alternative site for the Olympic games scheduled for this summer which would more accurately reflect the spirit of the Olympics.

Mr. Speaker, the Olympics have had the tradition of not being influenced by politics, but Adolph Hitler was more than politics. It is not politics when a superpower invades a small, weak, helpless neighbor, a friendly neighbor, and with blatant aggression violates international law and human rights and the sovereignty and self-determination of a people—that is more than politics; it is a crime, and the world should react accordingly.

It is not enough for one or two nations to boycott the Olympics. We do not need to say no to the Olympics. We should say yes to the Olympics and no to Moscow.

The whole world should cry out with one voice: Yes to the Olympic Games, but no to Moscow as the site of those games, because holding them there, as was the case in 1936 with Adoph Hitler's Germany, would violate everything the Olympics stand for. We should begin forthwith to make a major effort to get the world to stand with us.

It is my profound hope, Mr. Speaker, that the President will act and the Olympic Committee will follow that leadership and do what is simply right, in this matter.

## PITTSBURGH: CITY OF CHAMPIONS

(Mr. MOORHEAD of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, through the achievements of the Pittsburgh Steelers and the Pittsburgh Pirates, the city of Pittsburgh is receiving nationwide recognition as a city of champions. With the Pirates winners of the World Series and with the Steelers the undisputed favorites in the Super Bowl, the label City of Champions is certainly Pittsburgh's due. Yet, the spectacular successes of our sports teams has also meant increasing national focus on the city of Pittsburgh itself. As all we Pittsburghers know, Pittsburgh is one terrific town. Pittsburgh is cultural, friendly, an industrial and business center, safe, clean, and beautiful—all those things which so many other cities strive to be and yet fall so far short. Pittsburgh is, in its own right, a City of Champions.

Mr. Speaker, I include the following article from the January 13 Washington Post by Tony Kornheiser entitled "Sports Just the Icing on This Town's Cake" at this point in the RECORD:

### SPORTS JUST THE ICING ON THIS TOWN'S CAKE

(By Tony Kornheiser)

(Other than welcoming the passengers on board and telling them the cruising altitude and the weather, the pilot of Northwest Orient's flight 311 from Washington to Pittsburgh said nothing at all until the plane began to circle its destination, and then he said nothing about the steel mills that line the banks of the Monongahela River or the confluence of the Monongahela and the Allegheny where the two meet to form the Ohio. No, what the pilot said was, "On your right is Three Rivers Stadium, home of the undefeatable Steelers.")

PITTSBURGH.—It is no longer The Smoky City, a city so polluted by the soot and the ash that spewed from the mills that a man wearing a white shirt to work at 8 in the morning would be wearing a gray shirt by noon. In fact, there is only one mill left within the city boundary and downtown's Golden Triangle is so clean and striking that at twilight the view of it from across the Monongahela on Mount Washington is enough to make a travelogue photographer weep with joy. Pittsburgh's post-World War II "Renaissance," effected by Mayor David Lawrence and Richard Mellon, cleansed that title.

This is not to suggest that Pittsburgh doesn't have problems, it has slums and potholes the size of desks and insufficient mass transit. But it no longer has smoke the thickness of brick.

Really, it is no longer even The Steel City Chicago is. You can make sure the case—certainly most pop sociological sports features do—that this is simply a tough-guy, shot-and-a-beer town, a shooter of bar whiskey and an Iron City chaser, that you don't have to open an overcoat too far to see a blue collar underneath. Like Chicago, hog butcher to the world, called by Carl Sandburg "city of the Big Shoulders." Pittsburgh was settled by fleshy men of broad backs and ethnic diversity. Slavs, Poles, Irish, Italians, Jews, Germans, Serbs, blacks, in naturally isolated pockets formed by rivers and hills, a topography not unlike that of San Francisco. Because of this natural isolation there wasn't the massive suburban flight that characterized Eastern cities in the '50s and '60s.

It is said that 75 percent of all Pittsburghers can trace their roots here back for three generations. People stay. Probably 50 percent of those people in Los Angeles, Houston, and Dallas cannot trace their roots there back one generation; some neighborhoods in Washington are so transient that people can hardly trace their roots back three months. All this gives Pittsburgh a sense of permanence and stability, so its vestigial image is easily perpetuated.

Fifteen years ago, the mill workers—"the hunkies"—represented 35 percent of the population. Now, with industrial diversification and the rise of Pittsburgh to status as the nation's third largest corporate city. Headquarters of such Fortune 500 corporations as Gulf Oil, U.S. Steel, Alcoa, Westinghouse Electric and Rockwell International, the hunkies account for only 15 percent.

At core it may be a hardhat town, but Jonas Salk discovered the cure for polio at the University of Pittsburgh, Andre Previn conducts the Pittsburgh Symphony Orchestra, there is a Civic Light Opera and an inner-city mall, Station Square, that may become the East's answer to Ghirardelli Square. There are a few cobblestone streets downtown and a trolley, and just recently Frank Deford, writing in Sports Illuustrated, called Pittsburgh "a heterosexual San Francisco."

But most of all what Pittsburgh is now, in the eyes of the nation and in its own psychic mirror, is The City of Champions. Not since 1969 with the Mets and Jets—and never before that—has a city produced a World Series and a Super Bowl champion in the same year. Pitt's Panthers won the national football championship in 1976 and went 11–1 this year. Both Pitt and Duquesne have fine basketball squads, and last week, for the first time in their history, hockey's Pittsburgh Penguins went into first place in their division, briefly though it was, and over Montreal no less. Sports, the glue that supposedly holds this city together, has never been so invigorating as it is now.

So important is sports to the psyche of Pittsburghers that on the day after the Steelers beat Houston in the AFC championship game, The Pittsburgh Press devoted the entire top half of its front page to the story. Articles about the continuing crises in Iran and Afghanistan were played below the fold.

"Sports dominate the minds in this city so much, it's almost scary," said Jim O'Brien, a Press sports reporter who was born and raised here and returned last spring after spending 10 years in New York City. "All I can tell you is that in July I woke up one morning and turned on a radio sports call-in show, and before breakfast I heard people calling in asking about the Steelers. In July. Before breakfast. Where else do they do that?"

"On Monday mornings you can find a president of a Fortune 500 company, a regular salesman and a maintenance man in front of the U.S. Steel building talking football, and from the way they were talking there would be no way in the world to distinguish their stations in life."—Andy Staursky, public relations, U.S. Steel.

Art Rooney, the 79-year-old owner of the Steelers and the only man in the world who talks exactly the same way with or without a cigar in his mouth, is sitting in his office at Three Rivers surrounded by pictures of some of his favorite people: Bobby Lane, Terry Bradshaw, Billy Conn, Byron White, Pope John Paul II.

If this is a sports town first, it is a football town foremost, and Art Rooney is Pittsburgh football. Everyone calls him Mr. Rooney. Everyone loves him. He has gone from running booze and making book in Northside to being Pittsburgh's uncanonized saint. He appears at more funerals and hospitals than any man in town without a clerical collar. He has never lived anywhere else. Never will.

"People ask me what's best about Pittsburgh," he says. "Number one it's the people. It's what we have that's best of all. You ask someone where some street is, he won't just tell you—he'll take you there. I don't know, maybe we're not as busy as other people; I think it's because there are so many natives, and they're so friendly."

He is wearing very thick glasses, so thick that behind them, his eyes appear only as slits between folds as big as hunks of bread. He leans forward.

"A dyed-in-the-wool Pittsburgher was always proud of this place. You never met a guy from Pittsburgh who hesitated to tell you so. Let me tell you something. I can tell a Pittsburgher by his handshake. By the warmth, I can do it most all the time, unless he's only been here six months. Any more and I can tell."

He is asked if Pittsburghers have been winning for so many years now that they are beginning to take it in stride. The question amuses him.

"Eight years ago we came into this park and they never stopped yelling all year long, win or lose. My feeling this year was that they weren't as enthusiastic. Not in the playoffs, mind you, but the regular season. Still, I admit I was surprised before the Miami game. They had a TV crew outside and they interviewed 10 or 12 people. The younger ones said, 'Aw, it's dull, they win all the time.' Not the older ones. The older ones saw us lose so long they hope we win forever."

"The way some of these guys talk about the City of Champions you'd think they were the ones out there winning all the games. I hear people tell me that they are getting so tired of the bragging—they wish they'd go back to losing."—John DeFazio, Steelworkers Union.

There are four of them sitting around a table in the 2001 disco in Bridgeville, Chuck Puskar, who sells insurance; Johnny Brown, who manages shopping centers; Ray Mansfield, who played center on the Steelers' first Super Bowl team, and Myron Cope, Pittsburgh's answer to Howard Cosell, a man incapable of making an "ow" sound so he pronounces "downtown" as "donton," the way a true Pittsburgher does. A true Pittsburgher pronounces "this" as "dis" and "Steelers" as "Stillrz." Maybe pronounce is a bad term. A true Pittsburgher doesn't pronounce words, he bites them. A true Pittsburgher doesn't move his mouth up and down, but side to side. Myron Cope's voice is a rockslide.

Cope does radio and TV here. He invented "The Terrible Towel," an ordinary yellow towel that Pittsburghers believe does magical terrible things to the opposition when waved at them. Every bar in town has a terrible towel. Every fan has one. The highest compliment a Pittsburgher can pay you is to call you terrible.

The Terrible Towel has made Cope a hero here, just as "Babushka Power" and "The Green Weenie" made Bob Prince, the former Pirates announcer, a hero before him. Once a hero, always a hero in Pittsburgh. Ask Dick Groat, who does color on Pitt basketball games: Paul Martha, the former Pitt All-America football player who is now general manager of the Penguins; Frank Gustine, the former Pirate who owns a big restaurant here.

Many Pittsburgh athletes stay here because they are so beloved here. Mansfield is one. When he first came here from the Eagles he expected to find, to quote James Parton, "Hell, with the lid off." He and his wife once drove across Pennsylvania, and when he saw the highway sign for Pittsburgh he looked around "for a big black cloud." Mansfield is here for keeps now. At this moment he is sitting around a table in a disco where they play Frankie Valli records with three other men talking about image and reality.

Cope: "People come here thinking they'll hate it, but they love it. Thing is, Pittsburghers have always been defensive about it. They have a complex. There's no need for it. To me it's a nifty place."

Brown: "Hell in 1947 I got off a streetcar and I swear, I couldn't see my hand. But that's all gone now. Now nobody asks about that, they want to know about the Steelers and Pirates. I think they've put Pittsburgh on the map."

Puskar: "I hope so. I've always been skeptical. When I was a kid and Green Bay was winning I could name all the Packers. I wonder if our guys are household names in Green Bay? I guess I'm still a little defensive. I really want to take pride in Pittsburgh, it's my home. You know, when they put 'Skag' on TV, and it was set in Pittsburgh. I was so proud. Hell, a series about us hunkies. That's great."

Mansfield: "The town's got a new pride since the winners. I know it. I never felt it before, but now all around me I see it. That picture in Sports Illustrated, with all those mill workers, all those beautiful ethnic faces, now that's Pittsburgh. I'll tell you what, this is still a town that represents America, where men are men and women are proud of it."

Puskar: "It was great. Steelworkers. But not dirty. That's us. We're all hunkies here. You talk football, baseball, broads and hunting. What else is there?"

Cope: "The only thing that gets me is that everyone says this is just a shot-and-a-beer town. We've got culture. Me. I drink martinis. But what they're saying is right. There's a real pride here"

"As far as building a civic mind, I think it's wearing off quite rapidly. Repeat the stimulus, dull the response . . . if you come to say that it's a myth that winning changes things, you've come at the right time. It didn't change the crime rate. It didn't produce any lasting sociological change."—Jack Weisgerber, public relations, Western Psychiatric Institute.

"It's momentary. It doesn't make it any easier to pay off a 13 percent mortgage."—Ron Hough, Pittsburgh banker.

Richard Caliguiri, who used to set pins in a bowling alley, is the No. 1 salesman in Pittsburgh. Then again, if the mayor isn't the city's cheerleader, who is? In the lobby of the City-County Building there are black and gold signs proclaiming the City of Champions, and though there are none in Caliguiri's office, the spirit is there, especially when he talks about his master plan for the city, his Renaissance Two. Richard Caliguiri is not the kind of man to put Aladdin's lamp in a Cuisinart.

"I understand the shot and the beer," he says. "The mill worker is a tough man. He had to be. He came here as an immigrant and went right into the mill. In the winter he froze. In the summer he baked. If not in the mill, then in the mine, if not in the mine, then in the ditch. He had to clear his lungs from the dirt and dust, so he took a shot and a beer. What upsets me about the image is that those mill workers were unfairly made synonymous with dirt and ignorance, and that's the image we had—crude. I'm not upset with Pittsburgh being a great industrial town. Just the stereotype."

Caliguiri is sitting down, and sitting down he seems almost swallowed by his chair. He is a small man, 5 feet 7 at the most, but these are not small words and this is no small vision.

"We've never been able to get people to visit Pittsburgh but the City of Champions is giving us the favorable exposure we need. Last year I got 400 mayors to come here and they left as 400 ambassadors for Pittsburgh. The City of Champions is a common denominator; we're all caught up in this. It makes it easier for me to sell my program. We had the cake built, but the Steelers and Pirates are the icing on the cake."

And now the mayor is getting to the nugget.

And for this he stands up.

"What I am saying is that if the teams don't continue to win, and that sometimes happens, the city is still here. We want to be a City of Champions as a city, not just in sports."

"The last two Monday Night Football games, the blimp came. The blimp never used to come here."—Bill Kessler, public relations, U.S. Steel.

Short takes: In Pittsburgh's airport they sell a gold and black lollipop for 80 cents with the inscription, "Lick 'Em Steelers." Downtown in the bakeries they sell sheet cakes decorated with the Steelers' helmet insignia. Women in town wear tiny gold and black knit caps pinned to their overcoats like corsages. In the office buildings in the Golden Triangle there are letters pasted onto the windows—they spell out signs like "Kick Their Bum" and "Steelers Go In Style With a Touch of Class." The building with the longer sign is the Pennsylvania State Office Building. In the mail Myron Cope routinely receives things made in gold and black and pictures of dogs and cats dressed up in gold and black hats. Last week he was mailed a gold and black jockstrap by a man who claimed to be dying of cancer. The man said only the Steelers and the jockstrap were keeping him alive.

"In the old days when we weren't good enough to win, the only thing we wanted to do was beat up the other team."—Bob DePasquale, building inspector.

"What our program really needs is a few good hunkies from up there."—Johnny Majors, former Pitt coach, now head coach at Tennessee.

Paul Martha thinks he knows this town and knows he loves this town. He was born here, went to college here, made All-America here, played pro football here, got a law degree here, married the daughter of a former chairman of the board of U.S. Steel and now works as general manager of the Penguins, the pro team that is significantly absent from the billboard on Rte. 60 South advertising The City of Champions with a Steeler helmet and a Pirate cap.

He would like his team to be the third champion. But if that cannot happen right away he at least wants his team to look like the other two champions, and toward that end he is trying, as quickly as possible, to outfit the Penguins in the colors of champions, black and gold. "We're going to jump on the bandwagon," he says. "The opportunity is perfect for us."

Martha is a hero here still. He has styled hair and wears banker's suits, and is equally at home in the local millgate bars and the corporate boardrooms. This is what being a hero in Pittsburgh can do for you.

He is eating cheese ravioli in clam sauce at The Pleasure Bar in Bloomfield, an Italian section, and he is talking about his hometown, a place he chose to live in over all others including California, a place a man who looks like Paul Martha could own.

"It wasn't for me," he is saying. "Too much radical change. I don't like radical change. Pittsburgh is a stable place. You go away for a while, you see the same faces when you come back. You can get hold of this city.

"Let me tell you something about Pittsburgh. You can go downtown, get rolling smashed drunk, stagger out of the bar and walk three or four blocks to your hotel without getting killed. It's the safest place I've ever been in. I know how Pittsburghers like to think of themselves as tough, and they're right, they are tough—it took tough people to build this town, tough people to make all that steel during World War II. But these are nice people here, kind people. It's a blue-collar citizenry and sports is what they care about. You've got a 15 percent interest rate, you've got troubles in Iran, troubles in Afghanistan, layoffs in the mills, a lot of down things except for our sports teams. If we had losing teams here it could get very depressing."

Sports is the savior. Sports is it. If you don't talk sports here, you're a fag. I can't tell you what an elated feeling being the city of champions has given this town.

"It's a tough town. In Northside they built a park with a pond in it, and put ducks in the pond. A day later, no ducks. Folks caught them and cooked them."—Rufus Jackson, cab driver.

Pittsburgh is by no means a glamorous city. Fashions come late and stay long past their prime. Miniskirts never went out of style. Neither did argyle socks. People don't make a fuss over the width of their lapels because, after all, how many lapel widths does Sears carry? Gucci? Yeah, sure, runs a cannoli bakery in Bloomfield.

Homestead is by no means half as glamorous as Pittsburgh. Homestead is a workingman's town in a workingman's city. Home of the Homestead Grays, the team that Josh Gibson played for because Gibson's skin was black, and black men did not play in the major leagues then—they weren't permitted. Homestead was also the site of the 1892 Carnegie Steel strike, and there is a monument dedicated to those workers who died in the violence that marked that strike. Homestead is a mill town, and since 1892 a union town.

The monument stands outside Chiodo's Tavern, on the main street in Homestead, two blocks up from the U.S. Steel mill. Chiodo's is clustered with sports memorabilia, a jersey that Ernie Stautner wore, a jersey that Ted Marchibroda wore, a kicking shoe worn by Lou Michaels, items of significance that make Chiodo's a cathedral to Pittsburgh athletics.

They talk sports here.

If someone says "Well, my broker's E. F. Hutton, and E. F. Hutton says . . ." nobody turns around to listen.

Joe Chiodo is behind the bar. He buys drinks for strangers, he's that kind of guy. Most of his customers drink shooters and Iron, and Joe Chiodo runs a clean bar, a friendly bar. No one is turned away, except that one day when Karl Malden came because he was shooting "Skag" down the block and it was before Chiodo's was open for business and the girl at the door didn't recognize him. If Malden were to come in tomorrow, Joe Chiodo would buy him a drink.

There are six or seven people at the bar, each wearing a face that generations ago came from Europe. Big men. Fleshy men. United by the mill and a love of sports. You ask them about the image of Pittsburgh and they all but take a swing at you with their answer.

"What's wrong with Pittsburgh?"

Homestead is the Pittsburgh of the mind.

"I went to Hawaii last year." Chiodo says. "The bellhops found out. 'Pittsburgh? Pittsburgh Steelers?' They all wanted to know about the Steelers."

Across the bar George Janocsko is nodding. "Didn't the pictures on TV tell the story? That view from Mount Washington, how nice it is? We knew it. But the country didn't."

"Safest city in the world," Sid Klein says.

"Friendliest too," Jim Lesko says.

Ed Ingle is drinking his beer and listening. He clears his throat. The others let him speak. "What it all means is that we're the best. We always knew it. Now everybody knows it. I'm from Pittsburgh and damn proud of it. Hey, when you're the best, you're the best. Sports in Pittsburgh is like people in Pittsburgh. When they get their backs up against the wall, they come out and do it."

Joe Chiodo buys him a round.

These men do not like Los Angeles. They do not like Houston. They say that places with big money produce big snobs. In fact, they don't like any city on Pittsburgh's schedule. But most of all they don't like Dallas. They do not like Dallas being thought of as America's Team. They did not take maximum joy watching Dallas get beat by Los Angeles. Maximum joy would have been watching Pittsburgh beat Dallas, 40–0.

They agree that sports is good in Pittsburgh now. Larry Churma thinks that the fans helped make it good by supporting the teams, by yelling and screaming. "Maybe if we had gone and screamed 15 years ago, they'd have been winners then," he says.

"You see," Sid Klein says, "people are in better spirits because of this. It helps overcome the bad things, Gas lines. Iranians. It doesn't bother us as much. Sports is our escape."

Joe Chiodo is a quiet man.

Through most of this he has been listening, trying to help out by soliciting more people at his bar to join in. Now he wants to join in.

It is short and sweet.

"In a way we don't want people here. We don't want a lot of people to come. It's so beautiful here, and we want it to stay that way."

He hits the bottom line.

"We're like Paris compared to Cleveland."

Someone buys Joe Chiodo a round, and they all drink to that.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Erdahl) to revise and extend his remarks and include extraneous material:)

Mr. Buchanan, for 5 minutes, today.

(The following Members (at the request of Mr. Kildee) to revise and extend their remarks and include extraneous material:)

Mr. Weiss, for 60 minutes, on January 22.

Mr. Thompson, for 60 minutes, on January 22.

## EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Record, or to revise and extend remarks was granted to:

Mr. Moorhead of Pennsylvania, and to include extraneous material notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $884.25.

## ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p.m.), pursuant to the provisions of House Concurrent Resolution 232, the House adjourned until Tuesday, January 22, 1980, at 12 o'clock meridian.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on Ways and Means. House Concurrent Resolution 204. Resolution approving the extension of nondiscriminatory treatment to the products of the People's Republic of China. (Rept. No. 96–733). And ordered to be printed.

# EXTENSIONS OF REMARKS

## U.S.S.R. SHOULD GIVE EXIT VISAS TO THE MARAT OSNIS FAMILY

### HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 17, 1980*

● Mr. SENSENBRENNER. Mr. Speaker, on October 8, 1979, Marat Osnis, his wife Klaudia, and their son, Boris, of Chernovitz, U.S.S.R., were denied exit visas to emigrate from the Soviet Union.

This action was particularly arrogant since the Osnis family were informed in May of last year that they could expect their visas in the near future. Since people came to look at his flat, having been told that it would soon be vacant, a last minute change of Soviet policy prevented the Osnises from being reunited with his parents in Israel. They were told to reapply for visas in 1981.

Marat Osnis first applied for an exit visa on March 3, 1972. That application was denied on the grounds that he had access to secret information at his place of work. His parents and grandmother applied for exit visas at the same time and those applications were granted. The grounds for refusal of Marat's visa—that he had access to secret information at work—was an obvious sham since Marat Osnis never received a security clearance and never had access to U.S.S.R. state secrets. Foreigners were working at Marat's place of employment, giving further credence to the notion that the alleged grounds for refusal to grant the visa were for reasons other than those stated.

Klaudia Osnis was in the third year of her studies at the university when she applied for her exit visa. She was expelled at that time and has not been able to complete her degree. Both Marat and Klaudia have been forced to sell many of the possessions left behind by his parents in order to supplement their income to pay their living expenses.

The reason given by the Soviet authorities for refusing Klaudia's application to emigrate was that they did not wish to separate her from her family. However, in February 1977, Klaudia's parents, Yakov and Bella Shekhtman, applied for exit visas to Israel together with their younger daughter, Sheila. Yakov was fired from his job as a textile technician and they, too, were denied permission to leave the Soviet Union.

Meanwhile, Sheila married Boris Kogan, and they, too, applied for and were denied exit visas.

Several times during 1977, Marat Osnis was summoned to the KGB, the Soviet secret police, for questioning in connection with Anatoly Shcharansky and with regard to his contact with tourists. He and his friend, Mark Grauer, were accused of meeting with tourists in order to smuggle out information about the Soviet Union, in an article in a magazine.

Last year, the KGB told Marat Osnis that he could expect his exit visa shortly. But that permission was refused in October of 1979 and Marat Osnis was told to try again in 1981.

Mr. Speaker, how many times must Marat Osnis try again for permission to leave the U.S.S.R. and to join his parents in Israel? His efforts for the past 8 years have been completely in vain.

This story is just another example that the Soviet Union treats its commitments made in the 1975 Helsinki Declaration as just another scrap of paper. The Osnis family is separated. Those remaining in the Soviet Union have been subjected to the vilest form of discrimination.

Marat Osnis' torture should end. He, his wife and son, his in-laws and his sister-in-law's husband should get their exit visas—just like they were promised in May of 1979.●

---

## AMENDMENTS TO H.R. 4788

### HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 17, 1980*

● Mr. EDGAR. Mr. Speaker, on January 22 the House is scheduled to consider the Water Resources Development Act, H.R. 4788, a bill consisting of more than 200 provisions and costing over $4 billion in new authorizations. There are many reasons why this bill should be extensively amended. The bill as reported by the committee is random and ad hoc in nature, authorizing projects and programs without consistent rationale, waiving laws, eliminating agreements by local interests to repay costs, and declaring by decree that benefits exceed costs.

As reported, this bill represents a gigantic waste of tax dollars. It is important to cut out provisions which would place an extraordinary drain on hard-pressed taxpayers. Many of the provisions are so open ended that it is not possible to put a price tag on the entire package. Passage of a bill filled with special exemptions for influential Members and authorization of projects known to be uneconomical, subjects the whole Congress to ridicule as pork-barrel spenders feathering their own nests.

The American public is deeply concerned about inflation, and one of the prime causes is wasteful runaway Government spending. My amendments are intended to provide a check on this runaway spending. In addition to objections to this bill on grounds of inflation and economics, I want to point out that spending on water resources projects creates fewer jobs per dollar than almost any other Federal program. The bill as it now stands is thus an antiemployment bill in the sense that there would be more jobs nationwide if money were left in the private sector to be spent as people wish.

There are two categories of amendments which I am proposing to H.R. 4788. The first category consists of the elimination of provisions in the bill which—

First, reduce, waive, or weaken local cost-sharing requirements;

Second, declare by fiat that benefits exceed costs;

Third, authorize projects in the absence of a report from the Chief of Engineers on costs or effectiveness;

Fourth, set dangerous new precedents such as putting the Corps of Engineers into the business of controlling landslides caused by housing developers where no rivers or harbors issues are involved;

Fifth, have only a few beneficiaries; and

Sixth, waive standard procedures and policy without explanation.

The second category of amendments is designed to achieve positive policy reform in water resources program. One of the most badly needed reforms is the setting of fixed ceilings on the costs of water projects. H.R. 4788 contains an open-ended authorization for over 90 projects which means that the Army Corps never has to report back to Congress for additional approval even if costs are two or three times as great as originally estimated.

Another significant reform completely omitted from this gigantic bill is water conservation. The committee makes no attempt to encourage water conservation even though it would save consumers on their water and sewer bills and their hot water heating bill. Nor would they have to pay the higher costs associated with expansion of reservoir or sewage treatment plant capacity. Indeed, the committee's procedure really rewards those localities which have been the least responsible in taking care of themselves. The bill does so by giving them a Federal project with much of the cost—in some cases all of the cost—borne by the U.S. taxpayer.

I wish to emphasize that each of the amendments I am proposing makes an improvement in the bill and increases the likelihood that the bill will not be voted. I respectfully urge my colleagues to consider these amendments carefully, before casting their vote.●

---

● **This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.**

# SENATE—*Tuesday, January 22, 1980*

*(Legislative day of Thursday, January 3, 1980)*

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Mr. WENDELL H. FORD, a Senator from the State of Kentucky.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Almighty God, in whose providence and by whose grace this Nation has been sustained from generation to generation, come to us now with all Thy renewing power. May Thy spirit descend upon us to warm our hearts, to quicken our minds, and to strengthen our wills. Bless all who serve this Nation at home and abroad. Be with those who suffer loneliness and confinement in a distant land. Give Thy higher wisdom to the President and his counselors. Guide by Thy Holy Spirit all of us who labor in this place. And may goodness and mercy abide with us all our days that we may abide with Thee eternally. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., January 22, 1980.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

WARREN G. MAGNUSON,
*President pro tempore.*

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

## CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1 Leg.]

Baker
Bentsen
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cohen
Dole
Durenberger
Ford
Garn
Goldwater
Gravel
Hart
Hatch
Helms
Humphrey
Inouye
Jackson
Javits
Jepsen
Laxalt
Leahy
Long
McClure
McGovern
Metzenbaum
Morgan
Moynihan
Nelson
Packwood
Pryor
Ribicoff
Schweiker
Stafford
Stevens
Talmadge
Thurmond
Tower
Wallop
Warner
Weicker
Zorinsky

The ACTING PRESIDENT pro tempore. A quorum is not present. The clerk will call the names of absent Senators.

The second assistant legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. BRADLEY), the Senator from New Hampshire (Mr. DURKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from North Carolina (Mr. MORGAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. EXON) is absent because of illness.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Maryland (Mr. MATHIAS), the Senator from New Mexico (Mr. SCHMITT), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 84, nays 2, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—84

Armstrong
Baker
Baucus
Bayh
Bellmon
Bentsen
Boren
Boschwitz
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Eagleton
Ford
Garn
Glenn
Gravel
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
McClure
McGovern
Matsunaga
Melcher
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schweiker
Simpson
Stafford
Stevens
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Zorinsky

NAYS—2

Goldwater
Weicker

NOT VOTING—14

Biden
Bradley
Cochran
Durkin
Exon
Hollings
Kennedy
Magnuson
Mathias
Morgan
Schmitt
Stennis
Williams
Young

So the motion was agreed to.

The ACTING PRESIDENT pro tempore. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## NOTIFICATION TO THE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 331

*Resolved,* That a committee consisting of two Senators be appointed by the Presiding Officer to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. TOWER. Mr. President, is the resolution pending?

The ACTING PRESIDENT pro tempore. It is pending.

Mr. TOWER. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

UP AMENDMENT NO. 912

Mr. TOWER. Mr. President, I send an amendment to the desk and ask that it be reported.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The Senator from Texas (Mr. TOWER) proposes an unprinted amendment numbered 912:

On page 1, on the last line, Strike the "." and insert "; and be it further". Then, add the following at the end thereof:

"*Resolved*, That since the SALT II Treaty is the first item of business on the Executive Calendar which, under Senate rules, must be considered ad seriatim except by unanimous consent, thereby presenting a possible impediment to the expeditious conduct of other Senate executive business during the present session, it is the sense of the Senate that the two Senators appointed to wait upon the President also inform him that he should withdraw the proposed SALT II Treaty, thereby allowing the removal of this possible impediment on the Senate's Executive Calendar."

Mr. ROBERT C. BYRD. Mr. President, I move to lay the amendment on the table.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. BRADLEY), the Senator from New Hampshire (Mr. DURKIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Nebraska (Mr. EXON) is absent because of illness.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Maryland (Mr. MATHIAS), the Senator from New Mexico (Mr. SCHMITT), the Senator from Vermont (Mr. STAFFORD), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

THE PRESIDING OFFICER (Mr. DECONCINI). Are there any other Senators wishing to vote?

The result was announced—yeas 50, nays 36, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—50

Baucus
Bayh
Bentsen
Boren
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cranston
Culver
DeConcini
Eagleton
Ford
Glenn
Gravel
Hart
Huddleston
Inouye
Jackson
Javits
Johnston
Leahy
Levin
Long
McGovern
Matsunaga
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Pell
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stevenson
Stewart
Stone
Talmadge
Tsongas
Zorinsky

NAYS—36

Armstrong
Baker
Bellmon
Boschwitz
Byrd,
Harry F., Jr.
Cohen
Danforth
Dole
Domenici
Durenberger
Garn
Goldwater
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Humphrey
Jepsen
Kassebaum
Laxalt
Lugar
McClure
Packwood
Percy
Pressler
Roth
Schweiker
Simpson
Stevens
Thurmond
Tower
Wallop
Warner
Weicker

NOT VOTING—14

Biden
Bradley
Cochran
Durkin
Exon
Hollings
Kennedy
Magnuson
Mathias
Schmitt
Stafford
Stennis
Williams
Young

So the motion to lay on the table UP amendment No. 912 was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, the yeas and nays have been ordered on the adoption of the resolution. I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDING OFFICER. Pursuant to the provisions of the resolution, the Chair appoints the majority leader and the minority leader as the committee on the part of the Senate.

Mr. STONE. Mr. President, I wish to state that had the Tower amendment not been an attempt to amend the formal and normal opening resolutions of the leadership to organize this session, I would have supported it. But it was in the wrong place, and for that reason I voted to table. Nevertheless, I think that the strong vote that it received is some indication of the feeling of a number of Senators as to the present form of the SALT II treaty.

Mr. ROBERT C. BYRD. Mr. President, in conformity with the resolution which has just been adopted, and wherein the minority leader and I have been selected to serve on the committee, we shall try to call on the President to inform him that a quorum of the Senate is present, and that we are ready to receive any communications.

### NOTIFICATION TO THE HOUSE

Mr. BAKER. Mr. President, I send a resolution to the desk and ask that it be stated.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 332

*Resolved*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

### UNANIMOUS-CONSENT AGREEMENT—VETO MESSAGE ON S. 2096

Mr. ROBERT C. BYRD. Now, Mr. President, I make this request after having cleared it with the leadership of the minority and with the Senators on my side of the aisle. I ask unanimous consent that the President's veto message on S. 2096 be held at the desk and that the majority leader be authorized to call it up at any time after consultation with the distinguished minority leader.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

### ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the order for the recognition of the two leaders, I believe which order was entered last session for the entire Congress, there be a period for the transaction of routine morning business for the purpose of statements only and the conduct of legislative business only, that that period not extend beyond 1 hour and that Senators may speak therein up to 5 minutes each.

Mr. BAKER. Mr. President, reserving the right to object, might I ask the majority leader if I understood the request to be for the remainder of this session of Congress?

Mr. ROBERT C. BYRD. No. I merely commented on the fact that the order for the recognition of the two leaders each for not to exceed 10 minutes of each day was entered in the last session, but it applied to the entire Congress. I was getting consent here that following that standing order for the two leaders today, there be a period for the transaction of routine morning business not to exceed 1 hour, that Senators may speak therein up to 10 minutes, and that it be for the purpose of statements and legislative business only.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I understand the request now and I, of course, have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECOGNITION OF THE MAJORITY LEADER

Mr. ROBERT C. BYRD. Mr. President, am I recognized now under the leader's time?

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROBERT C. BYRD. I thank the Chair.

## A CHALLENGING AND CRITICAL PERIOD

Mr. ROBERT C. BYRD. As we enter the decade of the 1980's we are in the midst of a challenging and critical period in international affairs.

The delicate fabric of international relations, already strained by the barbaric seizure of the U.S. Embassy and the taking of hostages in Tehran, has been torn asunder by the Soviet invasion of Afghanistan.

As the Senate begins this 2d session of the 96th Congress, it is important to put these threatening events into perspective, so that we can proceed with the policies and actions necessary to protect our interests. What we must avoid are unthinking, spasmodic policy shifts which are, at best, responsive to the provocations of the moment, but which fail to anticipate either the perils or the opportunities of the months and years ahead.

I need not review how international events impinge on our daily lives. International economic interdependence is made clear to American citizens every time they go to the gas pump and discover that the price of a fill-up has risen once again. And the existence of weapons of mass destruction, capable of devastating not only entire nations, but entire regions of the world within a few hours, is a sobering reminder of the degree to which the fate of all the world's nations is intertwined.

Interdependence became the political cliche of the 1970's, and in this age of interdependence, a neat distinction between foreign and domestic policy is no longer possible. We in the Senate have to keep this in mind as we carry out our legislative responsibilities. In the 1980's, we face the challenge of turning this political cliche into practical policies consistent with our national needs and interests.

Given the nature of the problems that we face—the satisfaction of basic human needs, the meeting of aspirations for material progress, the necessity of preserving a habitable environment—no nation alone can solve these problems. Cooperative international efforts are essential.

But in recent weeks these problems which are so symbolic of these final decades of the 20th century have been further complicated by ominous developments in an already-troubled region of the world. We have seen a resurgence of some of society's oldest problems—anarchy within nations, and war between nations. First, we witnessed the seizure of the U.S. Embassy and its personnel by an Iranian mob, contrary to the covenants of international law and the practices of civilized society. And, second, we witnessed the brutal and cynical Soviet invasion of Afghanistan.

Iran is a badly fragmented nation which seems to be held together only by a wave of xenophobia. The Ayatollah Khomeini reigns, but it is not clear that he rules. Thus far, the mob has ruled and anarchy has prevailed. The U.S. hostages are the most prominent victims, but all Iranians suffer. Iran may become so weakened that its national integrity will be shattered, with serious long-term implications for Iran and the world.

Iran and Afghanistan share borders with each other and with the Soviet Union. Afghanistan is smaller, less economically developed, and less strategically located than Iran.

The Soviet invasion of Afghanistan, and the installation of a puppet regime there—violently overthrowing a government which was already heavily dependent on the Soviets—should cause Iran and other nations around the world to shudder at the implications of Soviet imperialism for international relations. The Afghans are the specific victims in this case, but all nations—Moslem nations in particular—should learn from this experience.

In tandem, the events in Iran and Afghanistan pose a serious challenge to the ability of the international community to restrain brute force and uphold respect for the norms of law and reciprocal good conduct in international affairs. All nations are threatened by this deterioration in international relations.

The United States is a powerful nation, and we could expect to work our will in most circumstances if we were to revert to the law of the jungle. But, unwilling to do so, we are vulnerable to the kind of unreasoning threat that the seizure of our personnel in Tehran represents. Much more threatened are the smaller, less-powerful nations of the world: Respect for law and civility is often their best and only defense against potential predation.

The international community must respond to these challenges by taking steps that will raise the price of aggression and anarchy, and, in so doing, deter future outbreaks. The United Nations Security Council has shown strong support for the immediate and unconditional release of the American captives in Tehran; only a Soviet veto prevented the Security Council from approving binding sanctions. The Security Council also showed strong support for a demand for the withdrawal of all foreign troops from Afghanistan. Again, only a Soviet veto prevented binding action. The call for the withdrawal of foreign troops from Afghanistan received overwhelming support in the U.N. General Assembly—where the Soviets could not exercise a veto. It is important to note that the General Assembly resolution on Afghanistan was drafted by a group of Third World and Moslem nations, and most Third World nations supported the resolution.

We are calling upon individual nations and groups to respond to the developments in Iran and Afghanistan in an even more substantial way. Economic restrictions against Iran are being implemented by a number of nations, particularly in Western Europe and Japan. Similar measures restricting trade with the Soviet Union are being discussed, as well as proposals to move the Olympic summer games from Moscow, or to withdraw from participation. We should continue to seek the widest possible cooperation in these efforts.

President Carter has already instituted a number of actions which I fully support, including the freeze on the export of grain and on high technology equipment to the Soviet Union. The administration has also acted to suspend plans for establishing new consulates in the U.S. and the U.S.S.R., and is canceling or postponing several economic, cultural, and scientific exchange programs.

The action to halt the grain sales—which will necessitate some recompense to American farmers and grain firms—could have some significant impact on the Soviets, as could the restrictions on technology exports, particularly if Japan and West European nations could be persuaded to limit their exports.

### LOOKING AHEAD

The kinds of threats we have seen in Afghanistan and Iran are not new. Nations have periodically lapsed into anarchy, and aggression against neighbors is a recurring historical theme. Nor is it clear to what extent opportunism, coincidence, or careful calculation may have brought about these developments.

But these events are nonetheless important. Indeed, these two events will, through their symbolic and practical effects, do much to shape the international politics of the 1980's, and our response will do much to shape our foreign policy for the coming decade.

Before turning to what I believe should be the hallmarks of American foreign policy in the 1980's, let me state what we should not do.

We cannot return to the days of the cold war, when rigid, black and white, conceptions of international politics governed all elements of our foreign policy, with the containment of a monolithic world communism as our all-consuming goal. A return to the cold war is not possible because the world has changed even more than our perceptions of it have changed. There is no reason, for example, why we cannot have correct relations with the People's Republic of China, cooperating closely with that nation on matters of mutual interest, despite the differences in our political systems. Shortly, the Senate will begin consideration of legislation which will open the way for greatly increased commerce between the United States and the People's Republic of China. Secretary of Defense Harold Brown has just returned from a series of important discussions in Beijing which focused on possible security collaboration between our two countries.

A return to the cold war is not desirable because its outmoded stereotypes would blind us to the opportunities that may present themselves for cooperation in critical areas with governments with which we have fundamental differences. For example, the search for means of limiting dangerous and wasteful competition in nuclear arms remains in the interests of the United States, the Soviet Union, and the world.

The SALT II treaty is, I am convinced, in our interests, and in the interest of all the world's nations, and I would hope that at some point we might be able to turn to consideration of the treaty, although I foresee no such likelihood in the near future.

We have been open to cooperation and negotiation, but that does not mean we will retreat from serious confrontation, or will back away when our national interests and those of our allies are at stake.

In the last decade, during the period which some labeled as the era of détente, cooperation and negotiation too often became ends in themselves. The fact that there was some meaningful cooperation and negotiation created an aura of optimism. But, in fact, the foundation of détente was always shaky, and we have seen how fragile the structure of peace proved to be.

I believe that the critical and challenging period we are now facing will differ from the cold war and the era of détente in two important respects: First, because opportunities for cooperation on a limited, case-by-case basis between the United States and nations with very different political systems should be consciously—but cautiously—sought and promoted, when such efforts coincide with our national interests. Second, the needs and interests of the maturing Third World—a force that had not even come into being in the cold war era—will be given much more attention. Third World nations will not be seen as pawns of competition between the United States and U.S.S.R., but as valued allies and trading partners and, yes, even, in some cases, as respected potential adversaries.

We are likely to see a period in which cooperation with the Soviet Union and other nations will be more limited and more self-interested. Negotiations will be justified by their results, not their duration.

We face the prospect of recurring crisis in various parts of the world, each of which must be responded to in its own terms. We recognize that the Soviet Union has the ability to project its military power into the far corners of the globe. But for this country, military strength has always been only one of a number of sources of national power. Our cultural and economic strength, for example, has been a source of considerable influence and prestige in the world. When we have deemed it necessary, we have invoked our military power. Our use of power is governed and restrained by an informed and politically active public, but I am convinced that our citizenry is prepared to respond to the challenges we may face.

Soviet power is essentially military power. Its culture is stagnating; its social system inspires no one outside the orbit of the Red Army. Certainly European communists see little in the Soviet society and culture that is worth emulating. The Soviet economy, incapable of innovation, is hard pressed to meet the needs of Soviet consumers.

The Soviets are highly dependent on imported grain and foodstuffs, despite the fact that 30 percent of the Soviet work force is on the farm; and they rely on high technology from the West.

When he headed the Soviet Union, Nikita Khrushchev once boasted that the Soviet economy would equal that of the United States by 1980. That time is now at hand, and despite significant advances by the Soviets in the military-industrial sphere, the Russian economy is, at best, about 60 percent the size of ours, and the gap is not being closed.

The Soviets also fact serious internal problems with dissatisfied ethnic groups.

Thus, we will be dealing in this challenging decade with a nation which possesses enormous military strength, but is burdened with a variety of serious weaknesses and an aging leadership.

### THIRD WORLD

A second major challenge of the decade is not really new: That of building a relationship with Third World nations which is mutually beneficial and which is compatible with national self-determination and international peace and stability.

The problems created by the unresolved social and economic problems of the Third World are the greatest source of temptation for intervention by outside forces. The United States and European powers have intervened in the Third World in the past, but the frequency and intensity of those interventions have greatly diminished. Now, however, we see an increasing willingness of the Soviets to intervene in the Third World—either through surrogates, such as the Cuban troops in Africa, or with their own troops in Afghanistan.

We can and must aid nations threatened by intervention and subversion from outside. This includes military aid as well as economic and technical cooperation. But we must remember that military solutions are, at best, partial solutions. We should not overlook the economic, diplomatic, and political aspects, and the need to deal with the underlying problems of unrest and discontent in the Third World.

### OPPORTUNITIES

If the challenges of the 1980's are not altogether new, then neither are the opportunities. We have an opportunity to continue solidifying our relations with established friends and potential allies. We should further strengthen our defense cooperation through the North Atlantic Alliance. We need to increase our collaboration with Japan, and, as I have already noted, there are prospects for a steady increase in our cooperation with China.

We should be particularly attentive to the need to work with and bolster friendly nations in the strategic area of the Middle East and Asia, a region I have referred to as the "Belt of Instability." I have been especially concerned about the importance of assisting Egypt and Turkey, two strategically situated and valuable allies. I will continue efforts, during this session, to strengthen our ties with these two nations.

Overall, we should seek to improve the terms of international trade and aid so that the material bases of a stable and defensible world order can be achieved.

With the blurring of the distinction between foreign and domestic policies, we have come to realize that a key to reducing American vulnerability to political and economic crisis is through enactment and implementation of a sound national energy policy.

We have the opportunity to creatively transform our dependence on foreign oil into greater national self-sufficiency—a move that would serve not only our own national interests, but also those of nations which do not have the range of alternatives available to us. We must conserve more, develop synthetic fuels production, and move ahead with alternative energy sources such as solar and biomass conversion. The Senate has already taken important steps to provide the framework for these advances. This is an opportunity—an opportunity to develop new techniques and new industries, to create new jobs and new lifestyles. This is an opportunity the importance of which has been dramatically and painfully brought home to us by the turn of international events.

As a result of these international events, the Senate will be, in the coming weeks and months ahead, considering various steps to strengthen our international position and make clear our national resolve.

### A STRONGER NATION

In the coming decade, we will have to live with crisis, while seizing opportunities, as they present themselves, meeting these goals will tax our ingenuity and resources. But I am hopeful that if we begin now, in this session, to build on the existing foundation, we will emerge at the end of the decade as a stronger nation, with steadfast friends, in a world that has made progress in reconciling the satisfaction of human aspirations with international peace and stability.

---

## RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The Senator from Alaska is recognized for not to exceed 10 minutes.

Mr. STEVENS. Mr. President, I yield such time to the Senator from Virginia (Mr. Warner) as he may require, and the remainder of the time, after he completes his statement, to the Senator from South Carolina (Mr. Thurmond).

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished minority leader.

I wish to compliment the distinguished

majority leader for a very important message.

I thank the Senator very much.

## S. 2190—ARMED FORCES COMPENSATION

Mr. WARNER. Mr. President, I send to the desk a bill to provide additional compensation for the men and women of our Armed Forces.

I believe that this legislation is necessary and I believe it deserves the prompt attention of the Senate.

Mr. President, I am pleased to say that some action on this important matter has already taken place.

Just this morning under the distinguished leadership of Senator NUNN of Georgia, the Manpower and Personnel Subcommittee of the Senate Armed Services Committee held hearings on the matter of military compensation and considered the legislation I have today proposed. The subcommittee also considered other pending legislation on this matter principally that introduced earlier by Senator ARMSTRONG.

Mr. President, the subcommittee members heard some shocking facts about the manpower problems our Armed Forces are experiencing. The members heard that the Air Force is over 2,000 pilots short. They heard that the Army has a current shortfall of over 45,000 noncommissioned officers and they heard that the Navy is over 20,000 short of the senior petty officers who are so critical to fleet readiness.

Mr. President, military manpower issues have become quite serious in recent years and more attention needs to be given to them by the Congress. Today the problem is of crisis proportions.

The old adage of "the Army runs on its stomach" should be modified. It should be "the Army runs because of people." We simply cannot have an effective military force without qualified—trained—people in sufficient numbers.

We have today reached a point where our military forces are on the threshold of failing our Nation. They are on the threshold of being unable to perform their mission—to protect our Nation.

The recently publicized results of the Nifty Nugget exercises, the DOD mobilization exercise conducted in 1978, are examples of the sorry state of our military readiness.

More recently, there has been public mention of a memo from the Joint Chiefs of Staff to the Secretary of Defense. That memo sent just 2 months ago outlined the declining readiness of U.S. military forces caused by the failure to retain sufficient numbers of skilled career military people.

I have read that memo and I urge my colleagues to do so. It shows a shocking state of military readiness—a reduced readiness caused by severe personnel shortages as well as other more traditional problems.

More recently, a memo from the Chief of Naval Operations to the Secretary of Defense has been publicized. In that memo, the CNO reported that the decline in retention of second-term personnel is rapidly approaching crisis proportions. Second-term retention in the Navy is down from 59 percent in 1975 to 36 percent last September. In effect, the CNO said we will have to tie up ships at the pier because we do not have the qualified manpower to man them.

This is the situation of the Navy at a time when we need more ships in general, and more ships in the Indian Ocean in particular.

We all are aware of the recent crises that have confronted the United States in the important Persian Gulf region. We are also aware that the President has had to consider military options as a potential response to these crises.

Regrettably, the President may well have gotten quite a surprise as to the limitations on the military options available because of this declining readiness posture.

Mr. President, in my view, our military manpower problem has gone critical. At a time when we need to be in a high state of military readiness, our military forces are in declining readiness.

One of the major reasons for our manpower problems is military compensation.

Mr. ARMSTRONG, of Colorado, has placed before the Senate his proposals. While I support his philosophy, I believe we should also consider another approach in our committee's overall responsibility to consider the short- and long-term remedies to the readiness problem.

My bill provides for three separate means of compensation, as opposed to the single-method approach of the Armstrong amendment.

The bill I have proposed would:

First. Add a 3.4-percent pay raise to the 7-percent raise given all military personnel last October. The 3.4-percent raise would be retroactive to January 1 and would be given only to senior enlisted ranks (E-4 through E-9), warrant officers (W-1 through W-4), and the middle of the officer corps (O-3 through O-5).

Second. Authorize a variable housing allowance for all military personnel to give added help to those who live in areas of the Nation with high residential costs.

Third. Authorize additional funding for reimbursement of moving expenses of military personnel. This provision has already been submitted this year as a part of the DOD legislative program.

The costs of this bill would be approximately $675 million in fiscal year 1980.

Readiness of forces is more dependent on personnel structure than on equipment. The degrading of our combat readiness today is directly attributable to the loss of skilled career personnel.

New recruits can in no way replace these losses. In fiscal year 1979, for the first time since the All-Volunteer Force was started, all four services were unable to meet their annual recruiting goals.

The men and women of the Armed Forces, in their pay compensation, are lagging not only behind inflation but way behind the compensation received by their civilian counterparts. Consequently, they see no evidence that gives them hope for timely relief.

It is imperative that we, the leadership of the Congress with the responsibility for the military, show a clear determination now to provide a short-term solution to this problem, together with a commitment to work on a long-term solution. Serious damage to the career force and readiness has already occurred. Our responsibility is to promptly act to reverse this continuing decline.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2190

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the rates of basic pay and allowances in effect on January 1, 1980, for each of the pay grades E-4 through E-9, W-1 through W-4, and O-3 through O-5, as prescribed by the President pursuant to section 1009 of title 37, United States Code, are increased to the amount each such pay grade would have been increased to if the President had not submitted an alternative pay plan under section 5305(c) of title 37, United States Code, with respect to the pay for Federal classified employees.

SEC. 2. (a) Section 403(a) of title 37, United States Code, relating to basic allowance for quarters, is amended by inserting "(1)" after the subsection designation "(a)" and by adding at the end thereof the following new paragraph:

"(2) Under such regulations as the Secretary of Defense shall prescribe, whenever the average housing costs for members of the uniformed services assigned to duty in any area of the United States, except Alaska and Hawaii, exceed by more than 15 percent the amount of the basic allowance for quarters to which members of the uniformed services assigned to duty in such area are entitled, the Secretary concerned may pay a station housing allowance to a member of a uniformed service assigned to duty in such area. The amount of such station housing allowance may not exceed an amount equal to the amount by which such average housing costs exceed the amount of the quarters allowance to which such member is entitled, except that no member of a uniformed service may be paid a station housing allowance under this section for any period prior to January 1, 1981, in any amount in excess of an amount equal to one-half of the maximum amount otherwise authorized to be paid under this section for such period.".

(b) The catchline of section 403 of such title is amended to read as follows:

"Basic allowance for quarters; station housing allowances".

(c) The table of sections at the beginning of chapter 7 of such title is amended by striking out the item relating to section 403 and inserting in lieu thereof the following:

"403. Basic Allowance for Quarters; Station Housing Allowance.".

Sec. 3. Section 404(d) of title 37, United States Code, relating to travel and transportation allowances, is amended—

(1) by striking out "that is not more than 7 cents a mile based on" in clause (1) and inserting in lieu thereof "per mile prescribed by the Secretaries concerned multiplied by the"; and

(2) by striking out "of not more than 10 cents a mile based on" in clause (3) and inserting in lieu thereof "at a rate per mile prescribed by the Secretaries concerned multiplied by the".

Sec. 4. Section 411(b) of title 37, United States Code, relating to travel and transportation allowances, is amended—

(1) by striking out "first-class transportation, including sleeping accommodations," in clause (1) and inserting in lieu thereof "common carrier transportation";

(2) by inserting "and designating areas as high cost areas" after "rates" in clause (2); and

(3) by striking cut "first-class transportation, including sleeping accommodations and current economic data on the cost of subsistence, including lodging and other necessary incidental expenses relating thereto, when prescribing mileage rates" in clause (3) and inserting in lieu thereof "transportation and current economic data on the cost of subsistence, including lodging and other necessary incidental expenses relating thereto, when prescribing mileage allowances".

Sec. 5. This Act shall become effective on the first day of the first month following the month in which this Act is enacted.

Mr. WARNER. I yield the floor to my distinguished colleague from South Carolina (Mr. Thurmond).

Mr. THURMOND. I wish to compliment the able Senator from Virginia and to commend him and others on this particular piece of legislation. I think it is badly needed.

I ask unanimous consent that I be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SOVIET INVASION OF AFGHANISTAN AND ITS IMPACT ON SALT II AND U.S. FOREIGN POLICY

Mr. THURMOND. Mr. President, the deception, cruelty, and brute force which the Soviet Union employed in surpressing the will of the Afghanistan people in order to expand its power and control is a lesson I hope the President and the Congress will not soon forget.

Less than 1 month ago, the proponents of SALT II in the administration and the Congress had pushed aside the recent issue of Soviet ground forces in Cuba by rejecting linkage as an ill-conceived policy in dealing with the Soviet Union. Now the President himself has embraced linkage by asking the Senate to halt consideration of the SALT agreement because of the Afghanistan invasion.

This shift in policy comes from a President who warned us early in his administration that we must overcome our "inordinate fear of communism" and then negotiated a SALT agreement clearly unequal and weighted heavily toward trust of the Soviets in its verification provisions.

Tomorrow night, in the State of the Union address, the President plans to reveal a new foreign policy already being touted as the "Carter Doctrine." I presume the architects of this policy will be the same Cabinet members and advisors who recommended the disastrous defense and foreign policies of the past 3 years.

Mr. President, the deception used by the Soviet Union to insert its military forces into Afghanistan represents a new low in bilateral relations. Afghan forces were tricked into turning in their ammunition and in many cases were later gunned down when they resisted the Soviet takeover. Trickery—I repeat, trickery—was also used to isolate the President of Afghanistan who was encouraged to move to another location, then surrounded and murdered along with his family.

All of these deceptions and cruelties should be placed on the public record for the world to see and ponder. While censorship has hidden the killing of Afghan troops and tribesmen from the cameras of the press, our Government should take all steps possible to reveal these crimes to the world.

These actions climax a long trail of Soviet activities which have led to the overthrow of the Governments of South Vietnam, Cambodia, Angola, Ethiopia, Nicaragua, South Yemen, and now Afghanistan. How many countries must fall before we muster the courage to draw the line and support those who resist Communist expansion?

Mr. President, the Afghanistan attack violated a longstanding Soviet treaty with that nation. On August 31, 1926, the U.S.S.R. and Afghanistan signed a treaty of neutrality and nonaggression wherein "each of the contracting parties undertakes to abstain from all kinds of aggression against the other." This treaty has been renewed twice since 1926. Thus, the recent aggression in Afghanistan is yet another Soviet treaty violation and underscores the great concern which the United States must have concerning any potential relationship with the Soviet Union.

Based upon this experience and past performances, if the Senate ratifies the SALT II agreement, our Nation can look forward to a repetition of treaty violations.

Our experience with SALT I infractions should be a sufficient lesson in dealing with the Soviets. On this treaty alone, two major and many minor violations have occurred.

First, the SALT I treaty clearly stated that heavy ICBM's could not be substituted for light ICBM's. However, it is clear that the Soviets placed a heavy SS–19 in a slightly enlarged SS–11 silo and circumvented the treaty safeguards.

Second, during the SALT I negotiations, the United States conceded to the Soviets the right to build a larger number of ballistic missile submarines than the United States, based on a Soviet geographical disadvantage.

In parallel with their negotiations, however, the Soviets were designing an extended range capability into the SSN-8 missile on the *Delta* class ballistic missile submarine. This extended range capability greatly reduced the significance of their "geographical disadvantage," a premise on which the United States put great weight during the negotiations.

In addition, the Soviets have hidden their nuclear-armed submarines; they have jammed permissible U.S. electronic detection devices; they have concealed missile silos along the trans-Siberian railroad; and they developed an ABM radar system—all in direct opposition to the SALT treaty language.

SALT I has not been the only treaty violated by the Soviets. At least seven other major treaties or agreements have been violated since World War II. These include:

First. The Lend Lease Agreement;

Second. The Berlin Occupation Agreement;

Third. The U.N. Charter;

Fourth. The Geneva Agreement on German free elections;

Fifth. The Khrushchev-Cuban Agreement;

Sixth. The Helsinki accord; and

Seventh. The Threshold Nuclear Test Ban Treaty.

We can add to this list an additional 44 instances of Soviet violations of treaties and agreements with other nations.

Mr. President, the invasion of Afghanistan is simply a continuation of a long record of Soviet duplicity in agreements with nations.

The Soviets view treaties as agreements which serve to restrict their enemies, and not commitments to which they should subvert their own interests. They have proven this approach time and time again.

While the situation in the Middle East demands new policies and new actions by the United States, it should also serve as a further reminder that the Soviets only respect military strength which they cannot defeat.

I have already suggested the United States needs to establish permanent military bases for naval and air units in the Middle East, not merely temporary supply facilities as the administration is now considering. We also must aid the people in Afghanistan who have moved to the mountains to begin a war of attrition against the Soviets. Further, Pakistan must be assisted if they are to survive military and diplomatic pressure by the Soviets, who now stand so close to the warm water ports in the Indian Ocean they have sought for so long.

These goals can be achieved only through sharply increased defense spending at a level of at least 10 percent in real growth and preferably 20 percent. Once our determination to maintain our own strength and support our allies is clear, only then can we deal successfully with the expansionist policies of the Soviet Union.

The decline in our defense strength as a result of the administration's defense policies and congressional inaction will make the 1980's a dangerous decade. The Soviet invasion of Afghanistan and the holding of U.S. hostages in Iran should serve as a warning that we must break away from the mind control of SALT agreements and anchor our hopes for peace and freedom to a military strength second to none.

## REPORT OF COMMITTEE APPOINTED TO WAIT UPON THE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, in accordance with the resolution which was adopted earlier, the distinguished minority leader and I have called upon the President of the United States to inform him that the Senate has established a quorum and is ready to do business and is ready to accept any communications which he might have to offer.

The President's answer was that he was appreciative of the call and that he hoped that, as soon as possible, the energy legislation could be placed on his desk.

The President wished us a happy and successful session. We wished him a good new year. Both Mr. BAKER and I—and he will speak for himself shortly—indicated to the President that based on our conversations with our respective conferees, we have every good reason to believe that there will be some legislation on his desk dealing with energy in the near future and that all of the legislation that is now in conference that deals with energy, which includes the windfall profit tax, will be expedited as rapidly as possible and, hopefully, will be on his desk at an early date.

I yield to the distinguished minority leader.

Mr. BAKER. I thank the majority leader for yielding.

Mr. President, the President indicated his great concern for the prompt dispatch of the remaining legislative schedule, as the majority leader has pointed out.

For the minority, I indicated to the President that we, too, were anxious to see the energy package enacted by Congress as soon as possible, including a windfall profit tax or its equivalent, and that, based on the conversations I had with conferees from this side of the aisle, I was hopeful and optimistic that a satisfactory resolution of the remaining items in disagreement might be accomplished soon and that a bill might reach the floor for consideration sometime in February.

The President indicated his pleasure at that report and I reiterated my support for that concept. I joined the majority leader in wishing the President well. As President of the United States, we all wish him well. As one politician speaking to another, I, of course, wished him well in all of his personal endeavors but not too well in his political endeavors.

## AMERICA'S QUEST IN THE 1980'S

Mr. THURMOND. Mr. President, the American Legion has approximately 2.7 million members and is the largest veterans organization in this country. The 1980 National Commander of the Legion is Frank I. Hamilton, and he is the spokesman for this very patriotic group of men and women.

In the January issue of the American Legion, Commander Hamilton authored an article entitled "America's Quest in The 1980's" in which he issued several challenges to Americans in the years ahead. These challenges are based on a 35-year review of various events which demonstrate the decline of this country's influence in world affairs, national resolve and military superiority.

Commander Hamilton, in concluding his article, states, "Our only guarantee of freedom is a militarily invincible nation, so strong in its resolve that no potential foe dare test our mettle." Mr. President, I believe this statement is timely and very relevant to the recent problems that this Nation has encountered.

Mr. President, I ask unanimous consent that the article, "America's Quest in the 1980's" by American Legion National Commander Frank I. Hamilton, be placed at this point in the RECORD, and I urge my colleagues to carefully consider it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### AMERICA'S QUEST IN THE 1980'S

This month marks the beginning of a new decade—a decade laden with nagging problems, yet rich with opportunity. Most magazines, including this one, contain articles about the "challenges of the 1980s." Without exception, they address brave new technologies and predictions in such diverse disciplines as energy, economics and medicine.

But these are not our only concerns: I propose an additional set of challenges for the coming decade:

I challenge you to make known your untiring support for a national defense posture second to none;

I challenge you to rededicate yourselves to the principles that made this nation "America";

I challenge you to proclaim to our allies in a loud, collective voice: "Your security is our security. Our commitment is unwavering, we will never desert you."

For more than 30 years, we have watched this country's influence in world affairs wane, and our national resolve and military might sink to an all-time low. In spite of The American Legion's diligent efforts to promote a state of military preparedness, the United States has declined in relative military strength.

We emerged from World War II a proud and victorious nation—the most magnanimous and powerful in history. A haven for the oppressed, America opened her ports to millions seeking unparalleled freedom and opportunity. Not willing that even the vanquished should live in poverty or slavery, we sent billions of American dollars to former enemies so they could rebuild their shattered homelands.

Despite our efforts to maintain peace, Americans again faced an aggressor five years later. Not wanting to plunge the world into a third world war—and understandably reluctant to encourage military escalation—we took steps to "limit" the war in Korea.

Some misinterpreted our action as an indication of military or moral weakness. Others saw it as the setting of a precedent.

U.S. officials concluded in the 1960s that the Soviet Union, "hopelessly" behind in the arms race, would be satisfied with a status of permanent nuclear and strategic inferiority. In the face of a massive Soviet military buildup in the 1970s, U.S. officials concluded that the Soviets would be satisfied with being our military equal. Today as we enter the 1980s, officials, who hope our defenses will be adequate, watch as the Soviets surpass us militarily in nearly every area. Still, our government is reluctant to commit more resources to national defense.

Never before in history has a world power so apathetically accepted such a drastic change in the balance of power.

That apathy has taken its toll in both national morale and world prestige. Incident after incident has underscored the need for decisive action and enlightened leadership. Consider a few humiliations we have suffered since the end of WWII:

A quarter century ago, American soldiers were ordered to stop pursuit at the banks of Korea's Yalu River while the enemy retreated to safety.

We fought a 14-year-long conventional war in Vietnam without trying to defeat, but only to contain the enemy. That effort cost us more than 55,000 American lives.

We took virtually no action when two American Army officers were hacked to death by North Korean soldiers in Panmunjom, or when the *USS Pueblo* was seized.

In recent months, we have witnessed an ambassador murdered; our embassy in Iran overrun twice; the tragedy of Americans held hostage in Iran; and our embassy in Beirut occupied by students who ripped down our flag and publicly burned it.

These and other examples lead many in America—and in the world—to conclude that we are either unable or unwilling to take a firm stand regardless of the offense.

Yet there is hope. At last a few high government officials are concluding that the time is at hand when "harsh measures" may have to be considered to combat a growing international feeling that the might and interests of America can be flouted without fear. But exactly where will we draw the line?

And, when the day comes that we will concede no more, will we be strong enough to act?

At least twice in the last 25 years, the United States has taken an unmistakable stand for right. In each we prevailed because we had the military might and we were not willing to back down. Consequently, the Cuban Missile crisis and the *Mayaguez* incident shine as bright spots in our recent history. After each incident, Americans held their heads a little higher and our allies were proud to be called "friend."

The American Legion believes that negotiation is the proper procedure for the conduct of international relations. But we also believe the United States invites armed conflict when we have no position of military strength from which to negotiate.

We must reestablish ourselves as a nation which cannot be abused at will.

Our challenge is clear: we must let our voices proclaim that we will neither relinquish our national self-esteem, nor have it stripped from us by a government unwilling "to provide for the common defense."

Never in history has national apathy or military weakness ensured world peace. Our only guarantee of freedom is a militarily invincible nation, so strong in its resolve that no potential foe dare test our mettle.

## S. 2200 AND SENATE CONCURRENT RESOLUTION 64—SOVIET TRADE EMBARGO

Mr. WEICKER. Mr. President, I am introducing legislation which addresses and refutes the Soviet invasion of Afghanistan. The actions I propose are unequivocal and demanding of sacrifice by all Americans; but the future we face in the absence of such measures is infinitely more costly.

There is a common law standard of international behavior. Spelled out in the U.N. charter, it includes respect for basic human rights, respect for the right of self-determination of all peoples, and the repudiation of aggressive use of military force against a sovereign nation. When these minimal standards are broken, as they were in Hitler's Germany, Amin's Uganda, and Pol Pot's Cambodia, it is the obligation of civilized nations to immediately and concretely respond. Crimes against humanity gone unanswered proliferate—eventually to encompass us all.

The Soviet invasion of Afghanistan is such an act. With scarcely the pretense of a credible justification, Soviet military strength has conquered a nation at peace. In response, we, with freedom's other advocates, but alone if need be, must utilize every resource at our command to spell out literally and figuratively an uncompromising "No" to the Soviet Union.

The legislation I submit today has such purposes. First it states the sense of the Congress that the United States should not participate in the Moscow Olympic games scheduled for this summer. Second it recommends and proposes a total embargo on trade with the Soviet Union.

I do not believe the United States can conscientiously send a single American athlete to participate in Moscow's Olympic media and propaganda spectacular while one Russian soldier remains in Afghanistan. Needless to say, you will not be seeing any Afghanis participating in Moscow, at least of their own free will.

A total trade embargo such as I am proposing is a very serious foreign policy weapon. In severity it is much like a total invasion. And without question economic sanctions have a strong impact on the nation which initiates them as well as the nation embargoed. Many will say, that actions against the Soviet Union should stop short of the point at which they begin to inconvenience American society, represented by farmers, manufacturers, or bright, young Olympic hopefuls. Well, Mr. President, they could not be more wrong.

The idea that somehow we can effect real solutions to the dilemmas facing this country, without the slightest sacrifice by our people, has been elevated to the level of national achievement rather than the national deception which it is.

What must it take for us to recognize that our basic interests around the world are being challenged and that effectively addressing that challenge will cost all Americans—in money, in lifestyle, or both?

Mr. President, I recognize that the Soviet Union is a large and profitable new market for U.S. goods. I recognize the Olympic games are a source of national pride and enjoyment for Americans. But the time has come to show the Soviet Union that more so than dollars or diversions we are a nation built on principles, the compromise of which can only result in our eventual extinction.

The time has come to say no to the sophisticated rationalizing which has us pampering ourselves and ignoring the world.

We have done so in the energy problem, which I will address tomorrow.

If it is going to stick in the Soviet Union, Iran or anywhere else it had best stick at home first.

People ask:

What about the farmers?

What about the athletes?

What about the merchants?

What about the candidates?

Answer right on what about America and all is right with the rest.

Mr. President, I ask unanimous consent that the bill and resolution be printed at this point in the Record.

There being no objection, the bill and resolution were ordered to be printed in the Record, as follows:

S. 2200

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) notwithstanding any other provision of law, after the date of enactment of this Act, no corporation, institution, group, or individual may import, directly or indirectly, into the United States or its territories or possessions any article grown, produced, or manufactured in the Union of Soviet Socialist Republics until the President determines and certifies to the Congress that the Government of the Union of Soviet Socialist Republics has withdrawn its combat troops and their support units from Afghanistan.

(b) Section 6 of the Export Administration Act of 1979 is amended by adding at the end thereof the following:

"(1) Exports to the Union of Soviet Socialist Republics.—No goods, technology, or information subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, may be exported to the Union of Soviet Socialist Republics until the President determines and certifies to the Congress that the Government of the Union of Soviet Socialist Republics has withdrawn its combat troops and their support units from Afghanistan.".

S. Con. Res. 64

Whereas the invasion of Afghanistan by the Soviet Union represents a blatant and brutal act of military aggression against a sovereign nation;

Whereas this action is in violation of the United Nations Charter and the shared principles of all civilized nations with respect to the use of military force, the right of self-determination of all peoples, and the recognition of human rights;

Whereas the Soviet Union, by violating norms of behavior of the community of nations, has forfeited the benefits of mutual trust and association between nations; and

Whereas it is imperative that the United States, as the leader of the free nations of the world, demonstrates through concrete action to the Soviet Union and to the rest of the world its rejection of the invasion of Afghanistan: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) the United States should not participate in the 1980 Summer Olympics, scheduled to be held in Moscow, unless the Soviet Union immediately withdraws its troops from Afghanistan; and

(2) the President should impose further economic restrictions against the Soviet Union, including an embargo on the exportation to the Soviet Union of any goods, technology, or information subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill introduced by the Senator from Connecticut (Mr. Weicker) relative to a trade embargo against the Soviet Union be referred jointly to the Committee on Finance and the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATE RESOLUTION 333—SUBMISSION OF A RESOLUTION WITH RESPECT TO RELOCATING THE SITE OF THE 1980 SUMMER OLYMPIC GAMES

Mr. PRYOR (for himself, Mr. Stone, Mr. Bentsen, Mr. Heinz, Mr. Robert C. Byrd, Mr. DeConcini, Mr. Bellmon, Mr. Levin, Mr. Cohen, Mr. Thurmond, Mr. Durenberger, Mr. Randolph, Mr. Humphrey, Mr. Hayakawa, Mr. Wallop, Mr. Durkin, Mr. Stewart, Mr. Simpson, Mr. Young, and Mr. Chiles) submitted the following resolution, which was referred to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations, jointly, by unanimous consent:

S. Res. 333

Whereas the Olympic Games are a major international event receiving worldwide attention and are symbolic of the highest principles of peaceful international competition;

Whereas the Soviet Union is scheduled to be the host nation for the 1980 Summer Olympic Games;

Whereas the Soviet invasion of Afghanistan is a serious threat to world peace and is incompatible with the principles of peaceful competition; and

Whereas participation by the United States in Olympic competition held in Moscow would condone this Soviet action: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States Olympic Committee should petition the International Olympic Committee to relocate the 1980 Summer Olympic Games from Moscow to a site outside the Soviet Union.

Sec. 2. In the event that efforts to relocate the Games are not successful, it is the sense of the Senate that a team representing the United States should not participate in the 1980 Summer Olympic Games.

Mr. PRYOR. Mr. President, on December 27, the entire free world was jolted by the grim news of Soviet planes, tanks and troops invading Afghanistan. As tolerant and numb as we have become to the raw use of Soviet power within its own sphere of influence, we must now recognize that this most recent brutal and ruthless attack on a previously unalined and relatively defenseless country is a major setback in the quest for world peace. It constitutes a serious assault to all nations on the periphery of the Soviet Union and a calamitous tearing apart of the frail fabric of détente. This threat cannot go unchecked. There must be a clear and meaningful response to this most recent Soviet activity. Throughout its history, the Soviet Union has not hesitated to take advantage of a situation if it felt it could do so at a minimum risk. For us to allow the risk to be minimum is an open invitation to further aggression. The Soviet Union must be aware that there are tangible and heavy costs to its conduct. No longer can Russian aggression flourish in a sea of free men's passivity and ambivalence.

It is time once again when strong words must be backed with strong acts. For America to participate in the 1980 summer Olympics in Moscow as if nothing had happened is unthinkable. For Americans to pay homage and give credibility to the Kremlin's concept of fair play would make a mockery of what we profess to believe and to practice.

Today I am submitting, along with numerous cosponsors, a sense of the Senate resolution calling upon the U.S. Olympic Committee to petition the International Olympic Committee to move the 1980 games from Moscow to a site outside of the Soviet Union.

The resolution further provides that if efforts to move the games are not successful, it is the Sense of the Senate that the USOC and U.S. athletes should not participate in the games in Moscow. The second part of the resolution is not meant as a threat. It is not meant to prejudge the IOC's decision. I do believe we owe it to our athletes, who have been training for years, to provide an opportunity to compete against the world's best and to take every step within our power to move the competition before we call on them to stay home.

I also feel we should make our ultimate position perfectly clear to the international community and especially to the Soviet Union.

In introducing this resolution, I understand fully that neither the Congress nor the President has any direct authority over the U.S. Olympic Committee; that, while the USOC was chartered by the Congress, it operates independently from our Government. I also understand that, short of revoking passports, the Government cannot enforce a boycott of the Olympics if that becomes necessary. But for the U.S. Senate not to express itself on this critical issue, in my opinion, would be totally unthinkable.

In any event, a strong vote in this body will let this Nation, the President, the IOC, and the Soviet Union know that we are serious in our opposition to Soviet aggression. Our action would be a signal to other nations as well and, I hope, would solidify the resolve and commitment of some of our allies who are wavering at this moment.

Mr. President, even before the Soviets' latest act of naked power, there were sufficient reasons for considering moving the Olympic games. Recent reports from the Soviet Union indicate that the Soviets are taking extraordinary steps to "cleanse" Moscow of those the Government believes are "undesirable." Berlin 1936 revisited it seems. Arrangements have been made for virtually all schoolchildren to be shipped out of Moscow during the summer to relatives or to "Young Pioneer" camps. Lists are being compiled of dissidents, would-be émigrés, "emotionally unstable" citizens, and "complainers," who will also be "invited" to leave Moscow while the games are in progress. According to one report, some Soviet schoolteachers are telling their students that American tourists will offer poisoned or bacteria-infested chewing gum to Soviet children. The students have been warned to avoid any contact with the foreigners that come to the Olympic games. What kind of oppressive atmosphere have the Soviet insecurity and paranoia created to "further the cause of world peace," which is one of the purposes for the Olympic games?

We have accepted these actions with a shrug. We have turned our heads and looked the other way. It is now time to draw the line, and the starting line in Moscow Stadium is the place where the Soviets will feel it most.

In calling on the IOC to relocate the Olympics, I am not unaware of the difficulties involved. The summer games are presently scheduled to open on July 19. A postponement of this starting date or a dispersal of the Olympic events among several countries should be considered. But the difficulties involved should not cause us not to proceed. The international situation today requires a discontinuance of "business as usual" and any disruption or possible postponement is simply the price we must pay.

Since the idea of an Olympic shift or boycott was first raised, a number of critics, notably national and international Olympic officials, have come forward with a number of reasons as to why we should go forward with the games as if nothing had happened. Some say that a boycott or shift of the games is a less than terrifying response to the Soviet aggression, Robert Kane the President of the U.S. Olympic Committee, recently called the possibility of a boycott a "petty, crybaby tactic." A spokesman from France recently said he saw "no reason not to go to Moscow." Where is our moral indignation, or is Afghanistan just another little country the Soviets are gobbling up? Mr. President, what price are we actually willing to pay for a gold medal in Moscow?

Shifting or boycotting the Olympics may not bring the Soviets to their knees, nor will it necessarily bring freedom to Afghanistan, but going to Moscow means acceptance of the Soviet aggression. It would be hypocritical. It would be condoning the recent invasion of Afghanistan. In my opinion, it would be inexcusable. It would be taken, justifiably so, as a sign of weakness and a lack of American resolve and backbone. Moreover, I am convinced that a shift or boycott would have very serious consequences for the Kremlin leadership. For one, the Soviet Union has an enormous financial stake in the 1980 Olympic games. One estimate is that over $3 billion have already been spent in preparations for the games. But more than money, the Soviets hope to use the games to confirm the legitimacy of their government. It will be a propaganda festival the likes of which the world has not seen since Adolph Hitler hosted the Olympics in Berlin in 1936. In what has become a widely cited article, Robert Kaiser described the importance the Russians place in the Olympics.

I quote from his article in the Washington Post:

> No other nonmilitary move could so directly challenge the Soviet leadership, or so startle the Soviet public,

According to Kaiser:

> An effective boycott of the Games this summer would be a tremendous blow to Soviet prestige; but perhaps more significant, the collapse of this Olympiad would send a genuine shock through Soviet society . . . The failure of these Olympics could cause the first serious challenge to the legitimacy of Soviet power in many years.

This would be one calamity the Government could not explain away to its citizens, who will know from Radio Liberty and Radio Free Europe exactly why this country and other nations were backing out. It could have a profound effect on the relationship between the Soviet Government and its people.

The President of the U.S. Olympic Committee was also quoted as saying that the international committee would not cancel the Moscow games unless there were a "warlike atmosphere in the Persian Gulf." I guess what is a "warlike atmosphere" is in the eyes of the beholder. At the moment, between 85,000 and 100,000 Russian troops are in Afghanistan. Hundreds of Afghanis have been executed, and resistance by Moslem tribesmen is being met with ruthless Soviet force. Has this man's head, like the ostrich's, been buried in the sand for the last 4 weeks? Or have we all become so insensitive to the Soviet aggression and ultimate hypocrisy that we, too, have finally become a victim of their propaganda? The most monotonous and ludicrous refrain that I hear is, "We mustn't mix sports and politics." Such a view, in my opinion, is not only naive, but it ignores historical precedent. One need not look any further than the IOC to find "politicizing" of the Olympics.

In 1968, under the threat of a boycott, the IOC banned the South African team from competing, even though South Africa had integrated its squad and fulfilled all the other requirements set forth by the IOC.

Even though South Africa was still banned in 1976, 29 teams boycotted the games because New Zealand was allowed to compete. The reason for the boycott was that New Zealand had competed against an integrated South African rugby team several months earlier.

Right now, the IOC is excluding the Republic of China (Taiwan) from competing in the games unless it changes its name, flag, and anthem.

Berlin was, notwithstanding the heroic victories of Jesse Owens, a political demonstration for the Third Reich, and a show of power and support for Adolf Hitler.

The Soviets certainly have not hesitated to use sports to promote Communist Party politics, notwithstanding their pious remarks to the contrary. Kevin Klose of the Washington Post points out that the widely disseminated "Little Book for the Party Activist" contains a 13-page section on the meaning of the Olympic games. I quote from that section:

> The forces of reaction are trying to use the Olympic movement and the games in the interests of the exploiting classes, in the

> interest of commerce and business, of the propaganda of the bourgeous way of life, of the capitalist system and its ideology, to divert youth from the political class struggles. . .
>
> The forces of (socialism) strive to propagate far and wide noble Olympic ideals, to put the Olympic movement and sports at the service of education and bettering man's health, using them as a means of greater understanding of friendship between peoples of all countries and nations. . .

Last week the Soviet Union's most prominent sports journal accused President Carter of "using sport as an instrument of political blackmail." The Russians seem to feel that they may move their troops into neighboring countries but we must not move our athletes from Moscow.

Mr. President, today the Soviets are suspending the civil liberties of Soviet citizens. They are sealing off their people from the outside influences coming to the Olympic games. They are strangling dissent and free expression. The argument that the Olympics must be above and separate from politics is pallid and impotent.

There has been much in the press comparing our situation today to the situation in 1936 and our participation in the Berlin Olympics. Secretary of State Vance is quoted as saying that "in hindsight it was a mistake for us to attend the 1936 Olympics." A book I have just read by Julia Holmes, entitled "Olympiad 1936—Blaze of Glory for Hitler's Third Reich," tells step-by-step how a totalitarian government can manipulate an international sporting event for its own purpose. Look at the comparisons between Berlin of 1936 and Moscow of 1980:

The Germans reoccupied the Rhineland shortly before the games.

Through the Nuremberg laws, the German Government clamped down on the civil liberties of some of its citizens.

The games were intended to give the host government respectability.

The German Propaganda Ministry offered foreign visitors conducted tours by specially trained guides. They saw only what the government declared was on limits.

There was talk of a boycott by a number of countries, and several countries refused to send teams.

A great controversy surrounded the question of U.S. participation in the Berlin games. In this very Chamber, Senators Gerry (Rhode Island) and Walsh (Massachusetts) asked that the United States consider withdrawal from the games. Participation was opposed by AFL, Governor Al Smith, Mayor LaGuardia, and even Father Coughlin. Louis Remet, who was president of the French National Sports Committee, stated admirably that "one must be a Frenchman first and an Olympic competitor second." As would be expected, Nevil Chamberlain of Great Britain, then Chancellor of the Exchequer, was ambivalent about his country's participation in the event. In the end, the American Olympic Committee voted 61 to 55 to send a team to Berlin. So, in a sea of swastikas we went. It was a tragic mistake, which gave Adolph Hitler precisely what he wanted—legitimacy—exactly the same coveted prize the Soviets hope to gain in the summer of 1980.

I am not insensitive to the sacrifice we would be asking of our athletes, who have dedicated such a great part of their lives to their Olympic dream. Our society is unused to the idea of sacrifice. In recent days, however, I have heard the reaction to the boycott from a number of prospective Olympians, and I am proud that so many of them are willing to put aside their own interests to support their Government's policy.

Many Americans have expressed their support for some sort of punitive action through the Olympics: President Carter, Vice President Mondale, Secretary of State Vance, many of the Nation's leading editorial and sports writers, the chairman of the NCAA, Muhammed Ali, and some of the athletes who expected to participate in Moscow. A poll by the San Francisco Chronicle showed that 75 percent of its sample favor a boycott, and the Washington Star poll published on Sunday showed 86 percent of its respondents in favor of a boycott.

Mr. President, I sincerely hope that we will gain the support of other nations in our efforts to move the 1980 Olympics from Moscow. If this fails, then I feel it would be in order to boycott Moscow with our athletes, our dollars, and our support. Our answer to this raw Russian power play must not be weak or passive. That is precisely what they expect from us. We may be forced to stand alone on this issue, but if we do, then let us do it with pride. Let us do it with a sense of honor that we have taken the stand as the leader of the free world and that we are exercising our obligation of leadership. Some have implied that our action to move the site would be "unfair" to the Soviets after the billions of dollars spent in preparation and construction of projects which are now being completed. When we talk about what is fair, why do not we ask the people of Poland, Czechoslovakia, Hungary, and Afghanistan for a good definition of the Soviet sense of "fair play." If no one else stands, then let us stand alone. Let us express our outrage. We will not only be making a statement of policy, but one of conviction. It will become a restatement of our beliefs and principles and will go to the very heart of what this country used to be—and still is—all about.

Mr. President, I ask unanimous consent that a number of recent newspaper and magazine articles dealing with this issue be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, Jan. 21, 1980]

## PRO AND CON—SHOULD U.S. BOYCOTT OLYMPICS?

### YES—SOVIET AGGRESSION IS A VIOLATION OF THE BASIC PRECEPTS OF THE OLYMPICS

(By Representative EDWARD J. DERWINSKI)

Q. Representative Derwinski, why do you favor an American boycott of the 1980 Summer Olympic Games in Moscow?

A. The latest reason is the Soviet aggression in Afghanistan. It is a flagrant violation of the basic precepts of the Olympics, which favor peaceful competition among the peoples of the world. The Soviet Union has been in violation of many international standards in its diplomatic, military, economic activities for years, and there has been a tolerance in the world about it. But this naked aggression may be the straw that breaks the camel's back.

On top of the Afghanistan invasion, you have to look at the Soviets' propaganda role against the U.S. in Iran and throughout the Middle East, the buildup of Soviet military forces and the threat this poses to the North Atlantic Treaty Organization, and the Soviet military buildup in the islands north of Japan. You get a picture of an aggressive, belligerent power. In these circumstances, I don't think the Soviet Union is the proper host for the Olympics.

Q. Do you believe Soviet conduct would really be influenced by a U.S. boycott?

A. The Soviets have grandiose plans for maximum propaganda use of the Olympics. Surely the Soviet Union expects that television coverage will show the good side of life in the Soviet Union. The Soviets are taking elaborate pains to accommodate the spectators who will come to Moscow for the games. And just like Hitler in 1936, they are building up their own athletes to win medals and score maximum propaganda impact.

The fact is that in this age of mass communications, propaganda is the key to many of the actions that governments take. So, if you take away the Soviets' propaganda card, you've done great damage to them.

Q. Do you think the U.S. made a mistake when it participated in the 1936 Olympics in Nazi Germany?

A. Hindsight is always better than foresight. The answer, I think, would be mixed. It would have been a mistake had not Jesse Owens done surprisingly well.

But there's another aspect this time. Even if there weren't an Afghanistan crisis, I think one could make a very good case against Soviet sponsorship based on their noncompliance with Olympic rules limiting competion to nonprofessionals.

Unlike the athletes sent to the Olympics by most countries of the Western World, Soviet athletes are not amateurs. They're either given career positions in the military or they are, in effect, career competitors. This includes their hockey team. It includes their track-and-field team. It includes their specialized athletic performers. There's no doubt that by a strict interpretation of the rule, they'd have to be considered professionals.

Q Many people think the Olympics ought to be kept out of politics in every way—

A I agree. But that's where we have a failing. We keep politics out of the Olympics. They don't. There's a dual standard, and we're on the short end of it. The battle lines should have been drawn a long time ago. They were not. But at this point, given the worldwide reaction to their Afghanistan invasion, we have an issue we can use against the Soviets.

Q Are there other steps that might be more effective than boycotting the Olympics in exerting pressure on the Russians?

A Well, if the United Nations could impose proper sanctions against the Soviet Union, that would make the Olympic card less necessary. But the Russians sit there with a veto power that effectively neutralizes the U.N. The Allies of the U.S. are perfectly willing to stand with us when NATO is threatened, but they're not going to do anything to help us develop a more effective front in Asia.

Take a look at the other practicalities of the case, and you see that there isn't any immediate and direct major countermove we can make against the Soviets.

Q What about all of the American athletes who have trained so long and so hard? They are looking forward to the Moscow games—

A That would be one of the hardest parts of this action. But if our government reached a decision—in concert with the U.S. Olympic Committee and others, of course—to institute a boycott of the Olympics, then U.S. public opinion, and therefore the cooperation of our athletes, would obviously follow.

Q Do you see any possibility of organizing some kind of countercompetition to the games somewhere else?

A No, not unless it were something dramatic, such as the government of Greece offering to stage a symbolic Olympic event in the land that fathered the Olympic spectacle.

Q Have you found many in Congress who feel as you do?

A Well, I think in general we all recognize, and *I* certainly do, that under our system the U.S. Olympic Committee is independent.

Q Congress couldn't stop U.S. participation even if it wanted to?

A Not really. It is up to the Olympic Committee to make the decision.

The Olympic Committee should have been much more militant all along in pointing out the standards the Russians apply or do not apply, and the type of athlete structure that exists in the Soviet Union.

The Olympic Committee should be much more energetic in defending the rights of real amateurs against what I consider the professionals of the Soviet Union, East Germany and a few of the other bloc countries.

### NO—THE GAMES SHOULD BE KEPT FREE OF POLITICS AS MUCH AS POSSIBLE

(By Robert J. Kane)

Q Mr. Kane, why do you believe it would be a mistake for the U.S. to boycott the Olympic Games?

A I don't favor the concept of a boycott at all in the Olympic Games. The Olympic Games should be kept free of politics as much as possible, and it's up to those within the movement to protect it from politics. A boycott is an internal device which must be necessarily instituted by the members themselves.

And I don't think it would be conducive to the continuance of the games if boycotts became common practice. There are always differences between nations, and if there were a boycott every time this happened, there would never be Olympic Games.

Q Do you think that a boycott would have any effect on the Russians' international behavior if it were attempted?

A I doubt it very much. It would seem to be a minimal kind of response, and I think that there are other means that could be far more discouraging to the Soviets and their desires. It seems to me that a boycott would not do the job its advocates would like to have done.

Q How about the view of those who say that a boycott would be one way of demonstrating to the Soviets that actions such as the invasion of Afghanistan are incompatible with détente with the U.S.?

A I can see why this could be thought of as such a demonstration. But the Olympic Games don't belong to the Soviet Union. They belong to the International Olympic Committee. Moscow is just the site of the games for 1980.

Q Are the Soviets already making propaganda use—in other words, political use—of sponsorship of the games?

A I wouldn't doubt that. Any nation where the games are held probably uses them for propaganda purposes. That is not worrisome unless it's a pernicious use.

Q Do you expect it to become pernicious?

A No, I don't.

Q Do you have adequate assurances from Moscow on that score?

A Yes. We do have adequate assurances. But that wouldn't convince me as much as believing that the Soviets would like to look good in the eyes of the world when the focus of the world is on them via television cameras.

Q Haven't the Olympics already been politicized in many cases? In 1976, for example, several African countries boycotted the Montreal games, and Canada, in effect barred Taiwan—

A Yes. It's quite true that politics has been a part of the games. In fact, anything as global as the Olympic Games would have great trouble steering clear of politics. But for the most part, politics has been inflicted on the games by outside forces, as it was in the Montreal games or the Arab terrorist attack on Israeli athletes at the Munich games.

Q Who could actually initiate an American boycott? Could Congress do it?

A I would think that Congress could ask the United States Olympic Committee to stay out of the games.

Q But would the committee be bound to obey?

A No, it would not be bound to obey, because the U.S. Olympic Committee is a private organization. But we would, of course, be receptive to any admonition from our government.

Q Under what circumstances would you agree to a boycott?

A If there's a serious problem at the site of the games, then I believe that the United States ought to consider pulling out of the games for that year. In other words, if the situation worsens in the Persian Gulf, and if Moscow becomes a dangerous place and lives could conceivably be placed in jeopardy, then I think that either the International Olympic Committee ought to call off the games or the United States, for the protection of its own athletes, should consider staying out of the games for that year. That's a far different thing from a boycott. That would be a matter of security, not politics.

Q The U.S. didn't boycott the games in Nazi Germany in 1936. Do you think that was a mistake?

A It might seem as though we didn't handle that very well. But we came out not only looking good but making the Nazis look bad. Jesse Owens and six other black American athletes won more medals in track and field than the whole German Olympic team.

Q Could a U.S. boycott of the Moscow games invite counteraction by other countries?

A That's right, because if we were to stay out of the Moscow games because we disagreed with what the Soviets did in Afghanistan, there could be people who disagree with what we did to, say, Taiwan, and stay out of the winter games in Lake Placid next month or the summer games in Los Angeles in 1984. It becomes a never-ending thing when we use the Olympics as a tool on political issues.

Q What about the effect it would have on U.S. athletes if they were told they couldn't go to Moscow? Wouldn't that be serious?

A It certainly would, because an athlete usually has only one chance to take part in the Olympic Games. And many of them have trained all their young lives to get there, and a boycott would snatch away their one opportunity.

Q When the International Olympic Committee meets in Lake Placid on the 10th of February, do you expect that it will consider this question of boycott?

A I'm sure that they will discuss it, because it's a very serious consideration for them. The IOC is deeply concerned that there might be some nations that would boycott the games. There would be at least three alternatives: If the situation does not worsen, the games could go on as planned. If the situation worsens, the games could be canceled or they could be awarded to another site in another country. However, it's so late now that a change in site would not be possible until 1981.

---

[From the Arkansas Democrat, Jan. 16, 1980]

### BOYCOTT THE OLYMPICS

The Summer Olympics will take place in Moscow—no doubt about that: the International Olympics Committee says so. The U.S. Olympics Committee, moreover, wants to participate and says it has a duty to keep politics out of the games. That's how matters stand as a deputy chief of the State Department meets with the NATO ministers to see whether boycott sentiment among them is as strong as it appears to be. These European allies are certainly considering a boycott, and if they should declare one, it's likely that Mr. Carter, who has threatened boycott, would pressure our committee (and perhaps our athletes) to stay home.

The president of the American committee, Robert J. Kane, says his committee has a duty to keep politics out of the games but that it would probably "be receptive to any admonition from government," adding, however, that he has assured Moscow that we won't use the games for "pernicious propaganda"—whatever that means. How equivocal can you get?

But the president of the International Olympics Committee, Lord Killanian of Ireland, isn't guilty of any such equivocation. He says that Moscow is the place and that the games will go on. The IOC, he declares, never goes back on its word—and that even if Olympic officials weren't averse to mixing politics with the games, it's too late anyway now to shift them elsewhere. The Russians chime in to say that the boycott talk will "flop," just as it has always flopped in the past.

Maybe it will, but all this talk about keeping politics out is a farce. The IOC was guilty of bowing to political pressure in excluding Taiwan from the last games—and the Communist countries, particularly Russia, have for years drug the spirit of the Olympics in the dirt by politicizing the games to their own ends. Athletics there is a state industry. Communist athletes are nothing more or less than cold war soldiers—kept men and women assigned to demonstrate the superiority of "Socialist Man" over lesser breeds, whose disruption of normal Soviet life must be borne this summer in the interest of two goals: emblazoning Soviet physical superiority on world consciousness and furthering the fraud that Soviet society is happy and peaceful.

To assure the illusion of sweet calm, the Russians will confine Soviet "troublemakers" to their homes during the games or ship them out for the duration. The people in general are being warned against sociopolitical contamination from contacts with the outlanders, and Russian children are being warned not to take gum or candy from Americans—that it'll be poisoned. How's that for "pernicious propaganda"? How's that for the non-political spirit that the IOC and our own committee are standing up for?

Tainted as they are, the Olympics will continue, but an American boycott, at least of the Moscow games, would assert the old Olympic ideal by declaring that freedom loving people won't make sport for its destroyers in the capital of the very country that most symbolizes contempt for the Olympic spirit—and whose soldiers are, at this very minute, killing Afghans and mocking the human freedom from which alone the Olympic spirit can spring. Free people, we can say, have too much contempt between their teeth for murderers and tyrants and enemies of that spirit to endorse the final degradation of the games by taking part in them in such a place at such a time.

### Boycott of Games Obligatory for U.S.

(By Shirley Povich)

In 1977, the mayor of Moscow proclaimed his nation's pride in the International Olympic Committee's decision to have the Soviet Union host the 1980 Games. Vladimir Promoslov said, "It is a welcome recognition of the Soviet Union's notable contributions to the promotion of peace and international friendship."

Last week, the Soviets made their latest "contribution," as Soviet tanks, attended by a committee of 50,000, paid a call on the folks in bordering Afghanistan.

But President Carter said in a speech Friday night that it was not the act of a good neighbor, an angel of peace. He said it was an outright armed invasion by the Soviets and contemptible, and the U.S. was taking a very serious view of it. He would crack down on the Soviets in many ways, and one possibility was that the U.S. would pull out of the 1980 Moscow Olympics, and ask other nations to do the same.

And that's what the United States should do: pull out of the Olympics. It would be no great cause for heartbreak. The games aren't as important as self-perpetuating Olympic officials think.

The Olympics have long been overrated as a festival of international harmony that would make the whole world just peachy in future years. The Games have bred more ill will than goodwill. Their image of friendly strife is a hoax and the amateurism of the athletes, particularly in the Soviet bloc, a complete sham.

Olga Korbut was bankrolled by the Soviet Army. Their super weightlifter, Vassily Alexyev, used to get $1,500 from the minister of finance for every record he broke, and one night he broke eight.

The 1936 Berlin Olympics were used by Hitler as a showpiece to glorify the Nazi part, with displays that exceeded all previous pageantry. He had already invaded the Rhineland, was meddling in Spain and had Austria and Czechoslovakia in mind. The Olympics were supposed to give him some kind of international dignity.

And now 44 years later, the Games are being given over to another totalitarian tyranny, which already has begun to get its dissenters off the Moscow streets and into hiding, while trying to showcase itself as a worthy member of the family of nations.

They should have called off the 1972 Olympics at Munich after masked Arab terrorists climbed the fences at dawn, snuck into the Israeli compound with Soviet-made guns, and murdered 11 Israeli athletes. But at a memorial service the next day in the huge Olympic stadium, the late Avery Brundage brushed off the shocking massacre of Israelis with a mere 28 words in a long speech that in the main defended his position on the attempt to oust Rhodesia from the Games. The Olympics must go on, after a one-day hiatus, he ruled in the best tradition of obsessed Olympic chiefs.

On the last day of those Olympics the Soviets won the basketball gold medal by browbeating timid officials into putting two more seconds onto the game clock after the United States team walked off the winner in regulation time.

They went on and the Games finished in an armed camp atmosphere. Four years later at Montreal security was so heavy it seemed a war was about to begin, rather than another Olympics.

Are the Games, held in that climate, and now a certain attraction for terrorists, worth it? No. The security in Moscow can be conjectured. One armed soldier for every visa issued.

President Carter said in his speech that Premier Brezhnev told him falsely that those Soviet troops in Afghanistan were there by that country's request. In other words, Brezhnev lied to Carter. People who lie also cheat, and that's what the Soviets did in the Montreal Olympics in 1976.

Boris Onishchenko is an Honored Master of Sport in the Soviet Union. He won medals in two previous Olympics as a fencer. In Montreal, he cheated. He rigged his epee, which electrically records hits so that it would register hits even when there was no contact. When a Swedish opponent complained, officials agreed that Onishchenko had doctored his epee. They booted him out of the Games.

As for the American athletes, all the good counsel that parents give them about keeping good company, is jeopardized in the Olympic Games when the Soviets are present.

They tried to fix the Olympic springboard diving event at Montreal, according to Tom Goff, U.S. diving team manager.

The Soviets are asking that the International Olympic Committee ban reporters representing organizations "hostile to the spirit of peace and friendship," from coming to the Moscow Games. Among those they have in mind are correspondents for Voice of America and Radio Liberty but by the same premise, the Soviets could bar their own correspondents.

To hold the 1980 Games in Moscow would be an honor for the Soviets. To have the United States team there and competing would be a dishonor to America.

President Carter had an opportunity, when he spoke of possible U.S. withdrawal from the Olympics to fire another shot to be heard 'round the world. He could have said, finally and positively, that America had scorn for Olympics in Moscow, for reasons well known.

---

[From the Washington Star, Jan. 18, 1980]

### An Olympic Boycott, Now

It is "Moscow or nothing" for the Summer Games. Thus declares the director of the International Olympic Committee. Monique Berlioux said in Geneva that she was but echoing the position already cast in concrete by Lord Killanin, the chairman of the IOC. "We cannot change the venue and we cannot cancel the games," that gentleman maintains.

Very well. Make it "nothing"—so far as American participation is concerned.

The Carter administration in the past few days has seemed to be fashioning a position—sending up a number of "trial balloons." What has merged is a "well, yes, maybe, if" position on a U.S. boycott.

Secretary of State Cyrus Vance has been the bluntest in counseling against U.S. participation in the Moscow Games if Soviet troops are not out of Afghanistan by mid-February. The presidential press secretary, Jody Powell, said that Mr. Carter shares that view "under existing circumstances." That is something less than a clear sounding of the trumpet.

Mr. Vance, who is not noted for bellicosity, put the case precisely: "The plain fact is that the Soviet Union committed aggression in a naked way by moving their forces in vast numbers into a neighboring country; in short, it invaded that country. The consequence of that is that there must be a sharp and a firm response." Amen.

Even as Mr. Carter delays taking a sharp stand on the issue of the Summer Games, the U.S.S.R. is happily cranking its propaganda mill. The publication of the Soviet Committee for Physical Culture and Sport, Sovietski Sport, gleefully huffed earlier in the week that "a tidal wave of support for the 1980 Olympics is rising and sweeping away all barriers raised by the foes of the Olympic movement and the enemies of peace and detente."

There are complications, though the issue is not really a complicated one. The International Olympic Committee is an independent, trans-national body. The U.S. Olympic Committee is a member—and confused in its priorities. Robert Kane, president of the American committee, said Wednesday that "the idea of a boycott is inappropriate and gauche . . . A boycott is just not the right way to do it. It's disloyal to the organization we belong to—the International Olympic Committee."

What does Mr. Kane think is involved here—disagreement in scoring the long jump?

A meeting tentatively has been scheduled at the White House today between administration representatives and members of the U.S. Olympic Committee to discuss the matter. Mr. Kane said the American body would not defy a presidential call for a boycott.

That is exactly what President Carter should issue.

It is glib to argue that such a decision inappropriately mingles politics and sports. It is important, but not controlling, whether America's friends and allies, and other nations, endorse a boycott or not. We believe an impressive number would.

The moral case is clear. The U.S. should act on it. If we do not, if American athletes routinely participate in the Summer Games, it will amount to—will be inevitably perceived as—acquiescence in a brutal Soviet aggression.

As has been pointed out, it nowhere is engraved in stone that the Summer Games must take place in 1980. A 1981 Olympic Games in some other nation is an alternative worth exploring.

What is needed is a decision by Mr. Carter. A U.S. boycott of the Moscow Olympics would constitute both a symbolic retort and substantial punishment to Soviet imperialism; in combination with the grain embargo and restriction on sales of high technology, it might go some way toward convincing the Kremlin's tactical thinkers that they have committed an intolerable offense against international stability and there must be a quid for that quo.

The 1980 Summer Olympics will be the first time the Games have been held in a communist nation, and the USSR has made an enmorous investment of national pride in them. If the Olympics are held in Moscow while Russian troops police Afghanistan—and if American athletes participate—the Games can be seen as nothing else than timid acceptance of Soviet aggression.

---

[From the New York Times, Jan. 4, 1980]

### Boycott the Moscow Olympics

(By Red Smith)

Neville Trotter is as right as two martinis at lunch. He is the Conservative member of the British Parliament who has asked the Prime Minister, Margaret Thatcher, to lead a worldwide boycott of the Olympics in Moscow to protest the Soviet invasion of Afghanistan.

"Another venue should be found," Mr. Trotter says, "and if necessary the games should be postponed for a year. This is the one lever we have to show our outrage at this naked aggression by Russia. We should do all we can to reduce the Moscow Olympics to a shambles."

The boycott movement hasn't gained much momentum as yet. It was discussed as a possibility at a meeting of the North Atlantic Treaty Organization nations in Brussels. On the "MacNeil/Lehrer Report" on television, Senator Carl Levin of Michigan said a boycott should be considered, and Senator Richard G. Lugar of Indiana said it would be "small potatoes."

At the International Olympic Committee headquarters in Lausanne, Switzerland, Lord Killanin, president of the I.O.C., declared the games would go on and pleaded for politicians to stay out of Olympic affairs. If horses ran as true to form as the Olympic oligarchy, the favorite would never lose. Ever since they learned to speak with heads buried in sand, the badgers have been saying that politics has no place in the Olympic movement, and as long as any of them can remember, the games have been a stage for political discord and social protest.

The official—and inflexible—position of the Olympic brass on these matters was enunciated almost half a century ago by the noblest badger of them all, the late Avery Brundage. In 1935 there was strong sentiment in this country against participation in the 1936 Olympics in Berlin, on the grounds that sending a team to that carnival of Nazism would be tantamount to endorsing Hitler.

"Frankly," said Brundage, then president of the United States Olympic Committee, "I don't think we have any business to meddle in this question. We are a sports group, organized and pledged to promote clean competition and sportsmanship. When we let politics, racial questions or social disputes creep into our actions, we're in for trouble."

### WE SHOULD HAVE KNOWN

The boycott movement was defeated, and Avery in victory was even franker than before. "Certain Jews must now understand," he wrote, "that they cannot use these games as a weapon in their boycott against the Nazis."

Hitler's anti-Semitism eventually led to the unspeakable Holocaust, but in 1935 the only known fatality was the suicide of Fritz Rosenfelder after his expulsion from an athletic club in Wurttemberg.

When Americans look back to the 1936 Olympics, they take pleasure only in the memory of Jesse Owens's four gold medals, in the discomfiture of Joseph Goebbels at the success of America's "black auxiliaries." Except for that, we are ashamed at having been guests at Adolf Hitler's big party.

We should have known better. As early as 1933, Julius Streicher's Der Sturmer had carried this comment on Rosenfelder's suicide: "We need waste no words here. Jews are Jews and there is no place for them in German sports. Germany is the Fatherland of Germans and not Jews, and the Germans have the right to do what they want in their own country."

### STRENGTH OF AN IDEAL

We didn't know better, and we were painfully slow to learn. Gen. Charles E. Sherrill. an American member of the I.O.C., asked that Helene Mayer be invited to compete for Germany to prove that Jews would not be discriminated against. Daughter of a Christian mother and Jewish father, she was a champion fencer who had represented Germany in the 1928 and 1932 Olympics. On his return to America, General Sherrill said:

"I went to Germany for the purpose of getting at least one Jew on the German Olympic team, and I feel that my job is finished. As for obstacles placed in the way of Jewish athletes or any others in trying to reach Olympic ability, I would have no more business discussing that in Germany than if the Germans attempted to discuss the Negro situation in the American South or the treatment of the Japanese in California."

Jews were barred from swimming facilities in Germany, from the ski resort of Garmisch-Partenkirchen and from all private and public practice fields, and of course they were not permitted to compete in Olympic tryouts. Yet Frederick W. Rubein, secretary of the United States Olympic Committee, said:

"Germans are not discriminating against Jews in their Olympic tryouts. The Jews are eliminated because they are not good enough as athletes. Why, there are not a dozen Jews in the world of Olympic caliber."

Said General Sherrill: "There was never a prominent Jewish athlete in history."

The Olympic brass won that time. We did not meddle in the internal affairs of Germany.

The games went on in Australia almost immediately after Soviet tanks crushed a revolt in Hungary, though blood flowed when Hungarians met Russians in water polo. The games went on in Mexico City two weeks after Army machine guns massacred more than 30 students in the Plaza of the Three Cultures. The games went on in Munich while Arab terrorists were murdering 11 members of the Israeli delegation. On that occasion, though, they took time out for a memorial service that Avery Brundage turned into a pep rally.

"We have only the strength of a great ideal," Avery said. "I am sure the public will agree that we cannot allow a handful of terrorists to destroy this nucleus of international cooperation and good will we have in the Olympic movement. The games must go on."

That day it was written here: "The men who run the Olympics are not evil men. Their shocking lack of awareness can't be due to callousness. It has to be stupidity."

---

[From the New York Times, Jan. 16, 1980]

## THE GAMES UNITED STATES NEED NOT PLAY

(By Red Smith)

Last week there was an intramural difference of opinion regarding a column advocating that the United States withdraw from the Moscow Olympics. The Times killed the column. Editors felt it was simply a restatement of views I had expressed in a column the previous week. I felt differently.

By that time, President Carter had suggested that we might withdraw from the Games in protest against the Soviet Union's invasion of Afghanistan, and since then Vice President Mondale has urged that the carnival be moved out of Moscow, a "setting where we are granting legitimacy to a country that has just committed this outrageous and indefensible act of aggression." Rosalynn Carter has seconded the motion. So has Senator Daniel Patrick Moynihan.

Joe Clark, Prime Minister of Canada, has said his country "questions the appropriateness" of holding the Games in the Soviet Union and would take the lead in attempting to have them moved. Saudi Arabia has already announced it is pulling out, and the Netherlands said it was withdrawing all financial support for Dutch athletes training for Moscow.

Secretary of State Vance said yesterday that both he and the President were personally opposed to American participation in Moscow while Soviet troops are in Afghanistan. He said a final decision would have to be made by mid-February at the latest. Warren Christopher, Deputy Secretary of State, said it was highly preferable that the Games be held somewhere other than Moscow. Though Lord Killanin, president of the International Olympic Committee, said it would be "virtually impossible" to move the carnival now, more than 100 members of the British Parliament, representing all shades of political opinion, signed motions calling on the I.O.C. to reconvene and take the show out of the Soviet capital.

### PULL OUT NOW

Recent White House policy has been to sit still and "let the sentiment grow." So all right, let us restate the position: It is unthinkable that in existing circumstances we could go play games with Ivan in Ivan's yard and participate in a great lawn party showing off Russian splendors to the world.

We should pull out now, ending uncertainty among American athletes and serving notice on the Russians that, no matter what happens in Afghanistan, their offense against international law will not be quickly forgotten.

A boycott by America would cause deep disappointment to American kids who have been training for four years for the biggest moment in their athletic lives. Chances are, some have dreamt of this opportunity since childhood, and in sports like gymnastics and swimming the opportunity seldom comes to an individual more than once.

Yet as Pete Axthelm writes in Newsweek: "Although it would be inconvenient for our athletes to seek new places in which to run or jump for glory, their problems tend to pale next to those of people dying in various corners of Afghanistan."

Col. Don Miller, executive director of the United States Olympic Committee, says that a boycott or a cancellation of the Moscow Games might kill the Olympics. He suggests that the Russians would boycott the Games if they were held anywhere except in Moscow. The answer is that the Olympics got along swimmingly without Czarist or Soviet participation from 1896 to 1952.

### A 12-YEAR POSTPONEMENT

Perhaps it is logistically impossible to prepare a substitute site by next summer. Cities like Montreal and Munich have facilities for competition but do not now have housing for 8,000 athletes and officials. It might, however, be possible to prepare another site in a year and a half.

There is nothing in the sacred writings that forbids a year's postponement. The 1916 Olympics were canceled because of World War I. The Games were postponed for 12 years because of World War II. Yet the movement survived.

It can be argued, and has been, that the IOC violated its own rules by assigning the festival to the Soviet Union, for the rules forbid holding the Olympics in any nation that discriminates against citizens for racial, religious or political reasons

Writing in The New York Times, Michael T. Harrigan, director of the President's Commission on Olympic Sports from 1975 to 1977, says: "The Russians are sure to use the Games for every ounce of propaganda possible, and will ensure the discomfort of our athletes, officials and tourists. . . . Perhaps the recognized Israeli and Chilean national Olympic committees and those of any other country on the Soviet 'hit' list will be denied entry; perhaps these countries' athletes will be admitted and harassed as the Israelis were in 1973 during the World University Games in Moscow."

Heads in sand, the Olympic fathers repeat the threadbare argument that the Games are above politics. Yet the official report on the 1976 Olympics, prepared by the Organizing Committee in Montreal, concedes that "perhaps when all is said and done, the controversies which surround successive Games are inevitable.

Although it is ironic that a movement based upon noble ideals of brotherhood, equality and the unification of mankind should also be such an ongoing subject of dispute, it is possibly the price that must be paid for their popularity.

"Because, with the eyes of the entire world focused upon them, the Games become a readily available stage upon which to parade the tensions and frictions of a tormented society. Their very importance makes them a prime showcase for social injustice and discontent."

---

[From the Washington Post, Jan. 22, 1980]

## 1936: A MOVE TO BOYCOTT FAILED

(By Jane Leavy)

In September 1935 Adolf Hitler had been in power less than three years; the invasion of the Rhineland was six months away;

Auschwitz, Buchenwald and Dachau were still just names of far away places, not landmarks of horror.

In the summer of 1936 Eleanor Holm, "the champion American mermaid," was caught sipping champagne aboard the S.S. Manhattan on the way to the Olympics in Berlin and was barred from competition. "I got more publicity than Hitler," she says now.

On Sept. 15, 1935, Hitler enacted the Nuremberg Laws that deprived Jews of German citizenship. Not everyone in the United States thought he was "Joe Zilch."

Members of the American Jewish community of labor unions and of leftist organizations, all led by Judge Jeremiah T. Mahoney, president of the Amateur Athletic Union, tried and failed to organize a boycott of what has come to be known as "the Nazi Olympics."

Compared to 1980, "it (the boycott movement) was feeble and abortive," said Sam Balter, who won a gold medal on the U.S. basketball team and was the first Jewish athlete selected for the 1936 team. "The American public knew practically nothing about it." A Gallup poll taken in 1936 found a 57–43 percent majority against boycotting.

In recent weeks, as President Carter's proposed withdrawal from the 1980 Olympics in Moscow has gained momentum, government officials, athletes and sportswriters have pointed to the 1936 Games as evidence that the U.S. should or should not compete in July.

On Jan. 1, Rolf Pauls, the West German ambassador to NATO said, "If the world had boycotted Hitler's 1936 Olympics, the course of history might have been different."

Last week, Secretary of State Cyrus R. Vance said, "I look back to the 1936 Games, when I was in college, and I think in hindsight that it was a mistake for us to attend the 1936 Olympics. Obviously that affects my thinking about the current situation."

One State Department official said the historical precedent had entered his thinking—particularly the potential for propaganda. But athletes who participated in the 1936 Games, and historians, do not believe the situations are necessarily parallel.

"It's not similar," said Eleanor Holm, who supports the 1980 boycott. "Here the Russians are a definite threat, they've already gone into another country. I don't think Hitler was believed to be such a threat back then."

Back then, in the early 1930's, America was still "wollowing in the Depression," said James Shenton, professor of American History at Columbia University. "We were singularly preoccupied with domestic affairs, to the exclusion of international affairs."

In the six months prior to the 1936 Summer Olympics, "The Talk of the World," as the Universal Newsreels were known, mentioned Hitler once and the Winter Olympics, which also took place in Germany, and the possible boycott not at all.

"If you had asked the man on the street about the boycott," said Eddie Rosenblum, 86, then Washingon's AAU representative, "he wouldn't have known what the hell you were talking about."

In 1936, the boycott movement "flowed from the bottom up," said Mark Mason, a professor of history at Fordham University. "It was grass roots."

In 1980, Mason points out, "this is a movement from the top down."

President Roosevelt was largely silent on the boycott issue.

In April 1936 Secretary of State Cordell Hull felt compelled to issue a statement saying that Roosevelt's tenure as honorary president of the American Olympic Committee "carries no international political implications."

Helen Stephens, a gold-medalist sprinter in the 1936 Olympics, said Olympic officials told the athletes that the "reason he (Roosevelt) did not wish us bon voyage was because he was opposed (to sending a team)."

Opposition to the Games was led by the Tammany Hall politician Mahoney, a Catholic who later ran for mayor of New York and lost to Fiorello LaGuardia. The American Jewish Congress and the AAU, led by Mahoney, went on record in 1933 as opposing participation in the Games in Berlin as long as the Nazis continued persecuting the Jews.

The following summer, Avery Brundage, head of the American Olympic Committee, went to Germany and reported that there was nothing to worry about, and the invitation was accepted.

But the issue was not decided until the AAU convention in December 1935 at New York's Commodore Hotel. AAU delegates, whose organization controlled the Olympic trials, passed a resolution by 2½ votes not to boycott the Games. Eddie Rosenblum, who voted for the boycott, said, "They recounted that vote at least four or five times."

Mahoney resigned as AAU president shortly thereafter and tried to organize a counter-Olympics in Spain. "The People's Olympics" never took place because the Spanish Civil War broke out.

Most American athletes were unaware of the boycott movement. Sam Balter, now a retired sportscaster, says he was the exception to the rule, and the subject of lively debate in the Jewish press.

"I spent a lot of time soul searching, looking for the answer," he said. "Some told me it was important to compete and show a Jew could win. Others said it was immoral to attend Games in Germany. Even now after 50 years, I'm not sure I made the right decision."

Jack Shea, a speed skater from Lake Placid, N.Y. (and an official on this year's Lake Placid Olympic Committee) won a gold medal in the 1932 Olympics. Although he is not Jewish, Shea decided not to attend the 1936 Games when members of the Jewish community asked him not to go.

Helen Stephens, the gold medalist in the 100-meter sprint, received a box of letters before she left for Germany "asking me to line up and then refuse to run and say it was because of his (Hitler's) treatment of the Jews," she recalled. "Of course, the Olympic officials said, 'Pooh, pooh, we don't want to get involved.' "

Stephens also received "calls and letters in Germany asking me not to participate. That was a little more upsetting."

Stephens says she was the one American athlete formally received by Hitler. She says he asked her for her autograph and wondered if she wanted to spend a weekend with him at his summer retreat.

Stephens' coach interceded on her behalf.

Mack Robinson, Jackie Robinson's older brother, was a silver medalist on the 1936 team. He had heard about Hitler's ideas of Aryan supremacy but "questioned whether or not he had an attitude (toward blacks). I wondered whether it was propaganda from the States or whether it was trumped up by the media."

In Germany, Robinson saw "sketches that had blacks with monkey tails running" but says, "They were comic to me."

Robinson was more upset about the tepid reaction the American team received when it returned home. Black athletes won 12 medals in track and field, including nine gold.

Marty Glickman, one of two Jewish sprinters on the American track team (Sam Stoller was the other) decided to go to Germany "because," he said, "if I could win in Nazi Germany, (I could) help disprove the myth of Aryan supremacy.

"Of course," he added, "I couldn't do that."

The following summer, Avery Brundage, head of the American Olympic Committee, went to Germany and reported that there was nothing to worry about, and the invitation was accepted.

But the issue was not decided until the AAU convention in December 1935 at New York's Commodore Hotel. AAU delegates, whose organization controlled the Olympic trials, passed a resolution by 2½ votes not to boycott the Games. Eddie Rosenblum, who voted for the boycott, said, "They recounted that vote at least four or five times."

Mahoney resigned as AAU president shortly thereafter and tried to organize a counter Olympics in Spain. "The People's Olympics" never took place because the Spanish Civil War broke out.

Most American athletes were unaware of the boycott movement. Sam Balter, now a retired sportscaster, says he was the exception to the rule, and the subject of lively debate in the Jewish press.

Glickman and Stoller were scratched from the 400-meter relay team on the morning of the race. They were told the coaches merely wanted to field the best team, one that included Jesse Owens, who already had won three gold medals.

"The Nazis had already been embarrassed by the supremacy of the black athletes," Glickman said. "It is my belief that we were replaced to save the Nazis from not having Jews run and win."

Although he "was victimized by the politics of the Olympics," Glickman is one of a handful of athletes who participated in the 1936 Games to oppose the 1980 boycott.

"The propaganda argument is nonsense," he said. "Who was the hero in 1936, Hitler or Owens? Jesse was a black hero. The best man won."

Some American athletes who advocate participating in the Moscow Games talk about showing up the Russians the way Jesse Owens showed up Nazi Germany. But one State Department official said, "The Nazis were very successful in using the Olympics as propaganda. Jesse Owens was a footnote.

"The Games led Hitler to assume he had acceptance in Europe for what he had done four months earlier (invading the Rhineland). It led him to take the next bite," he said.

Sam Balter recalls that the Germany "left little brochures in the athletes' rooms in the Olympic village advocating the ideals of the new Germany" and "lebensraum, the need for elbowroom."

"I found I had been deceived and Germany was using the Olympics for propaganda," Balter said. He is convinced the Russians will do the same thing.

Eleanor Holm, who met "Hitler six times . . . but never learned to care for him," according to Dorothy Kilgallen's column, said, "We were just amazed with the Nazis' organization. They were showing off. They had parades with tanks and guns before the Olympics. Even in the stadium, they showed off the lockers. They were underground shelters for the future made of concrete.

"I want to tell you something, hon," she added. "I'd think twice about going to Russia. I wouldn't go. Of course, it's easy for me to say, an old broad who's had her day."

---

[From the Washington Post, Jan. 10, 1980]

### OLYMPIC BOYCOTT: "A GENUINE PUNISHMENT"

(By Robert G. Kaiser)

For the Soviet Union, the Olympic Games are a matter of legitimacy, and that makes them a matter of grave concern. Participants in the debate over whether to boycott the Games in Moscow this year to protest the invasion of Afghanistan should realize that no other non-military move could so directly challenge the Soviet leadership, or so startle the Soviet public.

The quest for legitimacy has been one of the principal themes of Soviet history since the Bolshevik Revolution. This is not surprising in a system controlled by revolutionary usurpers. No Soviet leader has ever won a legitimate election, nor even inherited legitimate sovereign power. This simple fact guarantees the insecurity of Soviet leaders—insecurity that leads, for example, to the harsh repression of Soviet dissidents even as they are dismissed in official accounts as a meaningless fringe element. Dissidents of any kind must terrify insecure autocrats.

The contemporary generation of Soviet leaders has sought to enhance its claim on the loyalty of 260 million citizens by increasing Soviet stature in the world and maintaining peace and prosperity at home. In Soviet terms, it has succeeded quite well on both counts. These have been good years for the Soviet autocrats.

But the fear of illegitimacy haunts the Soviet leaders still, partly because they know their society contains many potentially restless elements and partly because the Soviets have never been able to establish reliable, stable relationships with foreign countries—even countries that they occupy militarily, like Czechoslovakia.

For many years the Russians sought to host an Olympiad, and repeated rejections of their applications caused anger and resentment. Finally, at a time when the era of détente seemed firmly established and when no other major country wanted to compete for the honor, the International Olympic Committee picked Moscow as the venue for this year's summer Olympics.

There should be no underestimating the significance the Soviets themselves put on their selection. They have been treating this Olympiad as one of the great events of their modern history, and the preparations have been lavish. The entire budget for new construction in the Soviet capital for several years has been devoted to building Olympic facilities. At the same time, the authorities have been making preparations to deport potential troublemakers—including political and religious dissidents—from Moscow during the Olympics. And until now, at least, they have refused to make arrangements to sell Western publications in Moscow during the Games.

Like Hitler in 1936 (and participants in this debate should also study that Olympiad), the Soviets are preparing a great propaganda offensive for this summer. Olympic committees in the West may see a distinction between politics and sports, but the Soviets do not, and never have. Only in the Soviet bloc do the same athletes represent their country in both professional and amateur world championships.

An effective boycott of the Games this summer would be a tremendous blow to Soviet prestige; but perhaps more significant, the collapse of this Olympiad would send a genuine shock through Soviet society. The leaders would explain it as a hostile manifestation of imperialism and, in the short run, might fan Russian xenophobia on their own behalf; but in the longer term, the failure of these Olympics could cause the first serious challenge to the legitimacy of Soviet power in many years.

The Soviet public today is not totally isolated from the outside. Tens of millions of Russians listen daily to foreign radio broadcasts; thousands more travel abroad or meet visiting foreigners. The idea that an Olympiad could collapse because of international disapproval of actions by the Soviet government would certainly sink in. The consequences of this are unpredictable, but they must terrify Soviet leaders. It might turn out that the Soviet people decide they have been humiliated by their own rulers. This is not necessarily likely, but it is possible.

A boycott of the Olympics will not retrieve the national sovereignty of Afghanistan, nor ensure the future tranquillity of Pakistan and Iran, nor preserve Western interests in South Asia. But it would be a genuine punishment to the Soviet regime.

Moreover, a successful Olympiad would persuade the Soviet leadership that it has little to fear from the outside world, no matter what it has done to Afghanistan and the norms of international behavior. (Hitler reoccupied the Rhineland a few months before the 1936 Olympics.) Western Olympic committees may declare that by going to Moscow they are not endorsing the Soviet regime or its behavior, but the Russians will surely see it differently.

---

[From the Washington Star, Jan. 13, 1980]

### Games Must Be Secondary to World Political Order

(By Dr. David Sweet)

Given that the Soviet Union has invaded Afghanistan with 100,000 soldiers, should U.S. athletes participate in the 1980 Olympic Games in Moscow?

Despite assertions to the contrary by the Olympic Committee, among others, the Olympic Games are permeated by politics. Specifically, the Games can occur only if there exists an international political order which supports peaceful international competition, including the free movement of athletes, spectators, journalists, television and radio broadcasts, etc.

When the international political order has been fundamentally disrupted—most especially when such a disruption has occurred at the hands of the nation hosting the Games—then every nation which respects the fundamental international order necessary to the conduct of the Games should make participation in the Games secondary to the primary objective of restoring the fundamental international political order. To do otherwise, it seems to me, is to deny the very system which makes the Games both possible and desirable.

Not to take firm action to support the fundamental international political order against a major disrupting challenge by the nation hosting the Olympic Games would be a denial of the spirit and purpose of Olympic competition. The Games will not long survive such blatant hypocrisy.

From the moment I first heard about Russia's invasion of Afghanistan, I believed it was essential for the U.S. government to respond firmly in rejecting the legitimacy of that action, insisting that Russia had no right to impose its will by armed force upon a peaceful neighbor.

To be effective, however, the U.S. response demands sacrifices on the part of Americans in support of their government's decisions. Aggression cannot be stopped without someone making sacrifices. There is no painless way to resist aggression—or to achieve any other worthwhile goal.

The plans announced thus far by President Carter for responding to the Russian invasion have resulted in many thousands—perhaps millions—of Americans making sacrifices. Grain farmers, grain shippers, those working in high technology industries, members of the armed forces and their families are all directly affected.

The president has additionally indicated that it may be necessary for him to call upon U.S. Olympic athletes to make a similar sacrifice. If the president determines that participation in the Olympics is not in the best interests of the nation and will undermine his efforts to restore international political order, U.S. athletes should support him by refraining from participating. They should make this sacrifice in order to make clear to the Russian government that the American people are united in their rejection of the Russian invasion of Afghanistan.

Such a sacrifice by U.S. athletes is essential if the Olympic Games are to reflect the spirit which produced their modern revival. The Games were created to foster peace and cooperation among nations through athletic competition conducted in accordance with agreed-to rules. An armed invasion of a peaceful neighbor by the nation hosting the Games is a flagrant violation of the spirit of Olympic competition.

Athletes understand better than most people the need for self sacrifice in order to achieve important shared goals. Their entire preparation for Olympic competition exemplifies this.

Should President Carter call on them to make such a sacrifice, I hope and expect that they will respect his call. Certainly the adoption last Tuesday by the national convention of the NCAA of a resolution supporting the President is a most encouraging sign.

Should the athletes not support the president, they will lend credibility to the invasion of Afghanistan, demonstrate a fundamental misunderstanding of the spirit and purpose of the Olympics, and demonstrate a misunderstanding of the crucial relationship between an orderly political system—domestic and international—and the conduct of athletic competition.

Finally, it is my hope that the actions already taken by the president, supported by actions of other nations, will convince the Russians to reverse their Afghanistan policy. The president will then not find it necessary to call for a boycott of the Olympics. In my view, however, all of us should support the president in this situation. Our Constitution vests in him responsibility for the conduct of foreign policy. Whatever his limitations in this regard, he is better able to do this than the U.S. Olympic Committee or individual U.S. athletes.

The Olympic Games represent the strongest moral force in today's society. No one can deny that there is no other movement in the world today which has survived 80 years of success and growth and acceptance by the peoples of the world.

It is regrettable that at this time politicians, pundits and those attempting to save the world are using the Olympic Games as a whipping boy. The Olympic Games were never created to free the world from warfare. However, by all odds, no other movement has done more to bring about the better understanding of another man's view. The youth of the world do gather and socialize, fraternize and attack sports seriously every four years in a city selected by the International Olympic Committee.

The IOC has done a remarkable job of keeping itself free of domination by political governments. However, every four years when a crisis erupts, politicians immediately try to tie up the future of the Games. Today there is a move within the United States to ask the United States Olympic Committee to pay heed to the voices in Washington calling for help in having the IOC move the Games.

May I point out to official Washington that the IOC, with sportsmen representing more than 60 countries in the world, unanimously selected Moscow as the host city for the 1980 Games in 1974. This is the same IOC which in 1978 selected Los Angeles to host the 1984 Games.

Further, may I emphasize that the IOC "owns" the Games. I would further believe that the contract between the IOC and the Moscow Olympic Organizing Committee would remain in force, just the same as any other contract, so long as none of the provisions were abrogated—and thus far none have been.

All of us abhor the violation of human rights in the USSR. But this condition must be recognized as a condition in the USSR and a condition which is under the control of the Soviet government. Certainly there have been movements in the United Nations seeking redress for the violations of these human rights. However, the IOC does protect the human rights of all athletes entered in the Games.

All patriotic Americans would like to see a redress of conditions in the USSR. I am one of the loudest to decry the actions of the USSR in invading Afghanistan, regardless of any treaties which might have existed between the two countries. The actions of the USSR against Afghanistan are irresponsible.

However, despite the gloom along the international front, there is still no valid reason to involve sports, particularly the Games. Avery Brundage, for many years president of the IOC, was frequently quoted as saying, "If we cancelled the Olympic Games every time there was an international disagreement, we would never get to hold the Games."

Perhaps that is an oversimplification. But history records that the only times the Olympic Games were canceled were during World War I and World War II, although individuals have withdrawn in protest of international political actions.

Let's talk plain facts. Should the United States, for any reason short of war, withdraw from the Olympic Games, we may expect much of the rest of the world—especially the Eastern Bloc and the Third World—to point their fingers and say, "poor sports." It is conceivable that as many as half of the 137 countries in the world with national Olympic committees would be told: "The United States simply wasn't going to have a strong Olympic Team. That's why they didn't go to Moscow."

The United States' foreign policy has many alternatives to exercise in order to bring the USSR to its senses, but having the USA withdraw its athletes from the Olympic Games is not a viable one.

I say let's beat them at their own game. I'm for the wonderful American athletes who will have an opportunity to experience the same thrills I did at London in 1948 and Helsinki in 1952.

---

[From the Washington Post, Jan. 12, 1980]

### MOSCOW SHOULD BE BOYCOTTED

(By Dave Kindred)

Whatever we want to see, we can see. Is Ted Kennedy prince or pirate? Is Bob Knight genius or ogre? We can make arguments. We can argue the Olympic Games. As Roone Arledge insists, for his television work made it so, Americans think of the Olympics as a religious rite. Even as terrorists escaped Munich, even as the 11 dead athletes were put in coffins, the Olympics went on. "There is more good here than criminals can erase," said a Japanese coach who woke in the night to the sound of gunshots in the next room.

Is there more good than criminals can erase?

No.

The Olympics are naked politics. It is not Moscow's desire to put on the Olympic Games because it is smitten with the idea of an international sports festival in which peace, brotherhood and lots of sweat replace power, anger and brass knuckles as a way of life. Moscow wants these Olympics so that NBC will carry to the world a thousand pictures of Misha, which is the name of the cute little teddy bear designed as the mascot and symbol of these Games. See the teddy bear, how cute it is? Welcome to Moscow, a teddy bear of a town.

Meanwhile, the Russian grizzly swipes claws of steel across Kabul.

Only the hopeless innocents who think of the Olympics as nothing more than two weeks of Jim McKay coming into the living room on the tube can be upset with President Carter's suggestion of a United States boycott of the Moscow Olympics. The athletes wear U.S.A. on their uniforms, they carry the flag, they stand for the national anthem. Corporations pony up big bucks to be sure our boys and girls get all the stuff they need to keep running faster than those Iron Curtain kids, the ones not driving tanks. The Games are not Arledge's religious rite; they are pagan armwrestlings for the greater glory of the homeland.

Which is not all bad. Competition begets excellence. But when the competition is perverted, when it becomes a way to pass off a grizzly as a cute little teddy bear, then it is time to say that the available good—the proof of human majesty made evident by wonderful athletic work—is not worth consorting with criminals.

"What we should do," a Washington man said yesterday, "is send Bobby Knight to Moscow with our basketball team. Imagine that. A strategic missile right in Moscow."

Another man said, "Better yet, let's have the U.N. debate whether we should send our Olympic team or not. That way, the U.N. can debate Iran, Afghanistan and the Olympics until everyone forgets about all of them."

What we should do is send no American to Moscow for the Olympics.

Leave the teddy bear to play with his tanks.

That proposition was put to Steve Garvey yesterday, the true blue Dodger first baseman having called to promote a TV series he hosts called "Road to Moscow 1980." The series is 30 one-hour shows telling us about the beautiful athletes who have given up their lives for the Olympic dream. Should we, Garvey was asked, even go down that road to Moscow?

"If I hadn't done this series," Garvey said, "I'd probably say the same thing you're saying: Just drop out. But I've been too close to all these athletes, some of whom have been affected by politics already and have fought back. Dwight Stones, Kate Schmidt, Jane Frederick.

"All they want to do is compete. They're not dealing here with something that happens every four years for them. This is their life. They have given up careers, given up their homes and families. To say all of a sudden, 'Hey, no Moscow, you're not going to Moscow,' that would be tough."

As President Carter has implied by only suggesting a boycott and not requesting it from the U.S. Olympic Committee, Garvey wants to wait and see what the Russian grizzly does next.

"If the Russians continue to be aggressive, there'll be no recourse except to boycott," Garvey said. "But the Olympics are very important to them. For a communist country, this is the time to impress. They've spent millions and they'll make millions, so I think they'll fall short of trying anything else that offends people."

Which brings up the question: When tanks roll over a free country, do we need more reason to say we won't come play in the tank drivers' backyard? But before that question could be asked, Garvey was saying a thing that made his listener gulp.

"Three things unify this country," he said. "Two things happen this year. The political elections. People rally together to elect a president. The second is the Olympics. This is a chance for our country to go against the world. We can maintain prestige."

And what, we asked, expecting Garvey to say something like "the World Series, you dummy, is that third unifying event?

"The other thing, we don't want to happen. A world war."

Gulp.

It requires extraordinary mental agility to make the leap from an Olympic boycott to World War III. The distance is shortened, of course, if we believe an Olympic boycott would be the freezing point of a new cold war. And Garvey, to name one American, thinks such a boycott might produce cold-war situations.

"If you boycott 1980 in Moscow, there's a good chance the Russians will do the reverse in 1984 in Los Angeles," he said. "The Russians would be saying, 'If you don't come to our Games, we won't come to yours.' The Olympics could be decimated."

Which may not be such a bad idea. The Games are too important, too political, too much a weapon and not enough a dream. Break them up. Have 20 championships at the same time in different places around the world. Take the runners to Paris, the basketball players to Kentucky, the boxers to Sydney. Leave the flags at home.

---

[From Newsweek, Jan. 21, 1980]

### BOYCOTT THE OLYMPICS

(By Pete Axhelm)

A United States boycott of the Moscow Olympics would be a tremendous blow to the lofty principles of the Olympic movement. It would be an admission that sports cannot be held aloof from politics. It would be vengeful and jingoistic, and it might signal the end of the Olympic Games as we know them. These are only a few of the reasons why I am in favor of a boycott.

I do not assume that a boycott will alter the game plan of a single Soviet tank in Southwest Asia. I am also aware of the sacrifices that will be forced on the athletes who have trained so hard for this summer's Games. But a boycott looks like the only logical option we've got. To participate in the Games would be to legitimize a propaganda charade and to help divert the world's attention from the reality of Soviet aggression. And although it will be inconvenient for our athletes to seek new places in which to run and jump for glory, their problems tend to pale to those of people dying in various corners of Afghanistan. At a time of delicate and potentially explosive crises, President Carter has all too few measures that can get his message across without giant risks. An Olympic boycott is one such measure. To deny him that leverage in the interest of sports, it seems to me, is to reduce the idea of sports to the level of the ridiculous.

#### HYPOCRISY

Such a reduction would be nothing new for the Olympic movement. With every Olympiad, the Games seem to drift farther into their own distorted wonderland. Every nation plays by its own rules for subsidizing its "amateurs," and those who break the rules in the most efficient fashion, like East Germany and Cuba, use their medals as advertisements for their systems. The lords of the Olympics not only go along with this hypocrisy in order to perpetuate their own jobs; they actually maintain, with straight faces, that politics has nothing to do with their Games.

Television adds to the unreality, financing the Games with huge payments for rights and then packaging the action for its eager audiences. The networks do this very well, and so every four years the world sits riveted by a new, made-for-TV heroine, usually a tiny teen-age Communist. The vision of an Olga or a Nadia brightens the living rooms of millions who otherwise would not know a balance beam from a bar rail. This phenomenon can be described as pleasant, exhilarating and as worthwhile as the fall's hot new sitecom. The word that does not come to mind is important. If the loss of such fleeting entertainment is the price of an effective foreign-policy move, I think most of us will cheerfully accept the burden.

To the Soviets, on the other hand, the importance of the Games is staggering. They have waited for years for this chance to show off the best aspects of their system to thousands of tourists and millions of viewers. They have already warned some visiting journalists to cover "only the sporting events, not the politics." And government officials have reportedly prepared to ship potential dissidents out of Moscow during the Games. Considering the Carter Administration's stand on human rights, that policy probably should have raised the boycott issue even before the Afghanistan crisis. Now it is only a footnote to the central arguments: do Americans want to help the Russians sell themselves to the world? And will the keep-politics-out-of-sports theory encourage a Soviet belief that the good sports of the world are willing to ignore little things like invasions?

The lesson of history is compelling. In 1936, the Olympic movement faced a problem somewhat larger than amateur purity or rule enforcement. It was called Nazism. Three years before the Berlin Olympics, Jews had been excluded from German sports clubs. By 1935, the Nuremberg Laws deprived Jews of their citizenship and protection under German law. In response, U.S. Olympic officials were content to extract promises of token Jewish participation on the German team. The late Avery Brundage toured Germany in 1934 and pronounced himself impressed; Brig. Gen. Charles Sherrill, an American on the International Olympic Committee, rejected boycott proposals by U.S. Jews on the ground "that it would be overplaying the Jewish hand in America as it was overplayed in Germany before the present suppression."

### CIRCUS

As a result of this kind of reasoning, the Berlin Games went on as scheduled. The best account of them, Richard D. Meandell's book "The Nazi Olympics," is recommended for some chilling reading. His conclusion: Hitler used the Games, the athletes and the benighted Olympic officials to stir his Aryan followers to new heights of frenzied and evil patriotism. The propaganda circus of Berlin stood for decades as the darkest episode in Olympic history. Then it was almost matched in 1972, when Arab terrorists used Munich as a stage for the murder of Israelis—and Brundage, never one to be mellowed by his mistakes, obscenely insisted, "The Games must go on."

A Moscow Olympics might be an interesting spectacle. Certainly the joining of the Olympic movement and the Soviet Government seems a perfect marriage of undemocratic bureaucracies, and together they would be a cinch to break all Olympic records for ominous security and endless red tape. But that's a curiosity I'm willing to forgo. Last week Vice President Walter Mondale proposed a change of venue for the Games. Given the make-up of the entire Olympic movement, a worldwide agreement on such a switch seems unlikely. At this point, it seems more sensible to think along the lines that should have been charted in 1936 and again in 1972. The Olympics have simply grown too big, too political, too artificial. Avery Brundage was wrong. The Games need not go on.

---

[From the Washington Star, Jan. 4, 1980]

## MAKING THE CASE FOR THE WEST TO BOYCOTT MOSCOW OLYMPIC GAMES

(By Mary McGrory)

It makes all kinds of sense for the West to boycott the Olympic Games, which is probably reason enough for it not to be done.

People who talk philosophically about the onset of World War III as a consequence of the Soviet invasion of Afghanistan, regard talk of boycotting the Moscow games as madness.

First off, we are told we can't do it—we don't finance our athletes, we don't control them. Then we are told we mustn't do it because it would "politicize the games."

It is to laugh. Getting the Olympic concession was the single political triumph the Russians have had in 60 years. When the Olympic torch is lit in the Moscow stadium, the bear becomes officially a member of the human community, a neighbor in good standing on the planet.

But when several members of the British and West German parliaments suggested that if we really wanted to show we meant business we would decline invitations from the international bullies there were cries of shock and horror from the Olympic establishment.

Lord Killanin, president of the International Olympic Committee, reminded us that "the athletes come first."

That may be, but they would also be the first to go—in the war that could come if the Soviets don't stop sending tanks to foreign countries.

The Olympic chairman of Britain, Dennis Follows, said haughtily, that "it is not for governments to meddle in matters of this kind. I really do believe that sport is above all this carrying on."

The Soviets obviously agree with him.

The most fatuous statement comes from an official of Britain's Olympic Association, Dan Palmer. He has been to Moscow five times for Olympic planning, he announced, and has not seen any evidence that the games will be used for political purposes."

The fact is that they are already being used for political purposes by the Kremlin, which is engaged in the brutal human housecleaning undertaken by totalitarian regimes when company is coming. The clean-cut young athletes are serving as unwitting agents of further repression.

"Undesirables," that is citizens who differ with their government, are being shipped out to the countryside so that no Western javelin thrower or relay runner will be exposed to the shattering idea that Soviet Russia is not a paradise.

People caught grumbling in lines are picked up by the KGB, hauled off to the police station and threatened with exile from Moscow if they don't shut up.

The dissidents in their mental hospitals and gulags are being treated to extra layers of barbed wire for the big event. They make the darling little teddy bears that are the official symbols of the games.

The authorities are making plans to keep out foreign periodicals, to circumscribe the movements of tourists and in general to give visiting sports-lovers a taste of totalitarian life.

Mr. Palmer says: "The Russians want to stage the games well and project a good image, but so does every country that stages the games."

Precisely. And why is it in our interests to give them a chance to "project a good image?"

But you have not noticed any rush to the banners of the boycotters. And you won't.

Offending sports fans is not considered politic in an election year. Even John Connally, the "tough" candidate, urges people who go to the winter games in Lake Placid and the summer games in Moscow to notice the difference between a democracy and a dictatorship.

It isn't just the jocks or the parents of the young men and women who have trained their hearts out for the last four years who must not be alienated. Big business has invested millions of dollars in concessions for the games. NBC has paid a fortune for the television rights.

No candidate wishes to upset any of these folks during the primaries.

But not playing seems much better than the grisly alternatives, which include selling arms to China and Pakistan, dropping rifles on rebellious Afghan tribesmen, tripling our defense budget and drafting our young men.

People who are opposed to the idea sniff that it's only "symbolic" and wouldn't really hurt the Soviets. It's hard to think of much, short of a nuclear strike, that would inflict more pain.

It would cost them more money than they have ever seen at any one time. It would cost them prestige. The collapse of the games is the one failure they could not hide from their own people, who are said to be looking forward to August with pride and anticipation. They can conceal their casualties in Afghanistan, but not an empty stadium in Moscow.

We are told that they kicked over the traces and smashed into Afghanistan because they believed that SALT was lost in the U.S. Senate. Would they have rolled forward if they thought it would lose them the games?

We're hearing the same arguments that was advanced when Hitler was the Olympic host in 1936 and some people suggested we boycott the games because they thought, obviously mistakenly, that some things are more sacred than sport.

---

[From the Washington Post, Jan. 6, 1980]

## GAMES PEOPLE SHOULDN'T PLAY

(By George F. Will)

For several years, and for a steadily lengthening list of reasons, many sensible people have favored two actions, one supremely important, the other less so but still worth doing: blocking SALT II and boycotting the Moscow Olympics.

SALT II, the critical matter, was blocked before the Soviets invaded Afghanistan. The Soviets know it was blocked. So when President Carter, responding to the invasion, made much of his decision to defer consideration of an agreement that he did not have the votes to ratify, the Soviets had one more reason for despising us.

Boycotting the Olympics would, needless to say, not be adequate as a full response to the invasion. But it would injure Soviet interests, at least a bit, which is more than the Carter administration has done in three years of unilateral and unreciprocated weapons curtailments, and record grain sales and liberalized technology transfers. More important, boycotting the Olympics would help put an end to the dangerous delusion that, regarding the Soviet Union, the period of maximum danger has passed. A boycott would be a fireball in the night, arousing Americans from the slumbers of detente.

President Carter, the surprised president, was so rudely awakened when Brezhnev lied to him about Afghanistan that he says he is undergoing a "dramatic change in his opinion of what the Soviets' ultimate goals are." Dramatic, perhaps, but how serious is change brought on by a 55-year-old man suddenly noticing a 62-year-old reality, the nature of Soviet statecraft?

The New York Times solemnly reported: "Some experts believe that relations may not be restored to normal again until after the elections next November." Some experts are expert at begging the question, which is: what should "normal" relations be with a regime that is increasingly expansionist abroad, and domestically has begun purges and other measures to "cleanse" Moscow for the summer games? To discourage them from having "corrupting" contacts with visitors, some Soviet teachers are telling children that Americans will offer them chewing gum that is poisoned or infected with bacteria to spread disease. The regime is compiling lists of "troublemakers," such as dissidents or Jews who have applied for emigration. Many will be sent from Moscow or put under house arrest before the games begin.

For the first time in 44 years, the Olympics will occur under the auspices of an aggressively totalitarian regime. One difference is that in 1936 the host country had not yet begun genocide; in 1980 the host country is an active participant in genocide in Cambodia.

The Nazis came to power in 1933, after the decision had been made to hold the 1936 games in Berlin. The U.S. Amateur Athletic Union then voted to boycott the games. But as sportswriter Jim Murray reminds us, America's "Olympics lobby," aided by German lies (such as the 21 Jews had been appointed to the German team), undid the boycott. This, in spite of the fact that the Nazis published the odious "Nuremberg Laws" two months before the decision was taken to overturn the boycott in the spirit of detente, mid-1930s style, the Germans did remove, temporarily, the "Jews not wanted" signs from Garmisch before the Winter Olympics.

It is, of course, unrealistic to hope that our allies will act allied in boycotting the Olympics. And the United States alone cannot stop the 1980 games. But by boycotting, the United States could strip much of the glamour from them, sharply diminish their value as a media event, and minimize the Soviets' ability to use the 1980 games the way the Nazis used the 1936 games: to put a human face on an inhuman system.

The other big loser would be NBC, which bid more than $80 million for the broadcasting rights. NBC took a risk when it paid so much for the right to do business with a totalitarian regime. What NBC did was perhaps defensible as business, but it was certainly dubious (to say no more) as citizenship. If NBC takes a bath, perhaps that will have a usefully chilling effect on the entire business community, which scrambles for Soviet contracts.

The Olympics, which are big business for a few and mere amusement for millions, will be a progaganda bonanza for the Soviets, if we let them be. If we do, we will confirm the Soviets' belief in our pursuit of commerce to the point of self-destruction, and our pursuit of amusement to the point of decadence.

Especially in recent years, we have given the Soviets too many reasons for despising us. But it is a depressingly safe wager that when the Olympic flame is lit in Moscow, it will illuminate one more reason.

---

[From the Washington Post, Jan. 13, 1980]

## "WE WON'T GO TO MOSCOW"

(By Carl T. Rowan)

The debate rages hotter and hotter, now that President Carter has decided that he will not support U.S. participation in the summer Olympics in Moscow if Soviet troops remain in Afghanistan.

The debate may appear to be academic, given the fact that Robert J. Kane, president of the U.S. Olympic Committee, has stated that while the committee would not be bound to obey an edict either from the president or the Congress, "we would, of course, be receptive to any admonition from our government."

The National Broadcasting Co., which has rights to telecast the Olympics to the United States, also has said that it will follow the U.S. lead.

Evidence mounts that there will not be any U.S. athletes participating in Moscow this summer, and the same is probably true for athletes from Germany, Canada, Saudi Arabia and many other countries whose people are outraged by the Soviet Union's brutal aggressions in Afghanistan.

Why should the U.S. government try to pull the Olympics out of Moscow or boycott them if a change of site is not possible? I hear and read a lot of reasons:

In warring on Afghanistan, the Soviets violate the fundamental Olympic principle of free competition.

The Soviets will reap a propaganda bonanza from having the games in their capital city.

The Russians have the deck rigged, training government-fed pros to compete against our anemic amateurs.

These are factors that were known to the world long before Moscow was awarded the 1980 Olympics, and they are irrelevant to today's debate. The only question that matters is this: Will shifting the Olympics from Moscow to Montreal and-or Munich, or boycotting the Olympics, help convince the Kremlin by peaceful means to halt military aggression so the United States will not have to use its military force to halt the Soviets?

Those who stand to profit handsomely if the Olympics go forward in Moscow have an assortment of rationalizations, one being that a pullout or a boycott could only be "a powder-puff blow" to the Soviets.

That is nonsense. To shift the Olympics from Moscow now would be a harsh blow to the Soviet Union, in terms of both money and prestige.

It may be that no gesture like an Olympics boycott, or no combination of peaceful protests, will steer the Kremlin off a course that carries the certain risk of war. But the stakes are so high for all mankind that the world is obligated to try every non-military measure it can to jar Soviet leaders into a realization that they are playing with nuclear fire.

But what about all those athletes who have trained so hard and might miss their only chance to compete in an Olympics?

Let us hope that, as President Carter prefers, the Olympics can go forward outside the Soviet Union. If not, our athletes will learn early, as they surely must later, that there are aspects of life infinitely more important then athletic competitions.

What U.S. athlete would insist on running in Moscow if it means ultimately having to fight in Tehran or Riyadh?

The White House says that a remarkable number of messages have come in from would-be Olympic participants, saying that as much as they want to participate, if the president asks them not to go, they will not go.

These are young people who apparently understand the larger implications of Soviet aggression in Afghanistan. They don't want the Kremlin to force upon the rest of the world the kind of oppressive society from which they have seen so many Soviet bloc athletes, dancers and others defect.

These athletes who offer to give up their one chance at Olympic glory are saying that they appreciate the magnificence of a society in which people can worship or not, without fear of punishment; where journalists can assail the president, even call one "a crook," with no fear of secret policemen exacting reprisals in the dark of night.

Considering the stakes, in terms of human freedom, and the ruthlessness of Russia's occupation of Afghanistan, the Olympics pale in significance.

Every nation that voted to condemn the Soviet Union in the United Nations General Assembly ought to say now, loudly and clearly: "None of our athletes is going to Moscow this summer."

---

[From the Washington Post, Dec. 17, 1980]

## MOSCOW PREPARES PURGE BEFORE SUMMER OLYMPICS—"UNDESIRABLES" TO BE SENT FROM CAPITAL, ACCESS TO FOREIGN TOURISTS CURTAILED

(By Kevin Klose)

Moscow, December 16.—One recent evening, a Moscow housewife standing in an endless line at her local food store lost patience and began doing what Muscovites have always done—complaining about shortages.

Suddenly, a man stepped out of the crowd, seized her and forced the woman out of the store. She was bundled off to a local station house, where, to her astonishment, she found about 30 other shoppers who also had been seized in other stores for complaining. The stunned Soviets were harangued by an official for "spreading rumors and falsehoods about Soviet life" as the 1980 Moscow Olympics approach.

When the woman left, she discovered the authorities had another unpleasant surprise: her internal passport, with its vital permission allowing her to live in Moscow, had been freshly stamped to require an official review of her conduct in six months to be sure she behaves.

The Moscow Olympics purge is gathering momentum in the Soviet capital as authorities prepare for the 1980 summer games when an estimated 300,000 foreign tourists, including about 20,000 Americans, are expected here.

The Soviets, intent upon presenting their society as an ideal unmatched elsewhere in the world, are planning Draconian measures to "cleanse the city," in the words of one person, of people the government believes are "undesirable." They are also taking steps to limit sharply Muscovites' access to Westerners in general and Americans in particular. In recent weeks, the following examples have come to light here.

Some Soviet schoolteachers are telling their students that American Olympic tourists will offer poisoned chewing gum to Soviet children. Some teachers are said to have warned that if not poisoned, the chewing gum will contain bacteria to spread disease and infection. The students have been warned sternly to avoid any contact with foreign tourists and athletes.

Directors of factories and enterprises in Moscow have been ordered by local Communist Party officials to compile lists by April 1 of drunkards, psychotics, disorderly persons and Jews who have applied to emigrate so the party can decide who will be sent out of the city during the games, which open July 19 and close Aug. 2.

Schools are requiring students to fill out forms specifying where they will spend the months of June, July, and August. Those who plan to be in the city then will be sent to summer camps away from Moscow.

Human rights activists and dissidents said they believe the KGB secret police will institute tight surveillance and, possibly, house arrest of certain well-known dissident figures, similar to the house arrests made during President Nixon's visit here in 1974.

Adult vacation spas and rest homes and children's summer camps throughout the country apparently are being prepared to handle Muscovites who are to be sent out of the city during the games.

Beyond the usual anti-Western, anti-capitalist propaganda attacks, there is nothing to be seen here in the official press of these measures. But reliable, unofficial sources tell of these pre-Olympic preparations. They sardonically use the Russian word *chistka* or "cleaning" to describe what is going on. It is a word with dread connotations for Soviets, because it is the term used in designating the Stalinist purges that swept millions to their deaths in slave labor camps beginning in the late 1930s.

The 1977 Soviet constitution, which President Leonid Brezhnev likes to hail as one of the supreme achievements of his 15-year rule, guarantees a place to live for all Soviet citizens. But where a Soviet lives is controlled tightly by the state through extensive bureaucratic checks on individual freedom that center on the internal passport, which every Soviet is required to carry from the age of 16.

Thus, the threat to the housewife—likely to be repeated many times between now and the summer—falls into a gray administrative area where internal Soviet security organizations exercise virtually unlimited power.

The same gray area seems to cover the lists of "undesirables" now being drawn up. According to knowledgeable sources, the lists are to include as "disorderly persons" any citizens who has had at least two court appearances, of any kind, whether or not the incidents resulted in acquittal or dismissal. The category of "psychotics" is thought to include not only those who may have spent time in mental institutions or been treated for mental illness, but others whom officials deem unreliable.

A further category will be used to list "suspicious" or worrisome citizens who do not fall cleanly into the other definitions. The potential numbers could thus reach into the tens of thousands.

It is being said here that virtually every repository for Soviets—jails, prisons, psychiatric wards, rest homes, sanitariums, and summer camps—in the Moscow area will be specially cleared and readied solely for Muscovites sent from the city. The undesirables will be given vacations and if space in rest homes runs out, others will be dispatched on official business trips elsewhere in the Soviet Union.

It is also thought that measures are being organized to bar the city to any provincial Soviets without specific travel permission to enter Moscow, either by establishing a new pass system or simply shutting down incoming commuter bus and train service. About a million peasants and other country folks are estimated to be in Moscow any day during the summer months, in search of meat and domestic goods unavailable in the countryside.

The Soviets used similar measures once before, during the 1957 International Youth Festival here during Nikita Khrushchev's leadership.

---

[From the Wall Street Journal, Sept. 6, 1979]

### Games Russians Play

(By Vladimir Bukovsky)

Who can forget the greatest Olympic Game of modern times, when Berlin became the scene of widespread gaiety? Scarlet banners with black swastikas flew in the wind, parades and festive ceremonies crowded the city and choirs sang. And who can forget that memorable moment when children presented a visibly moved Hitler with an olive branch?

Such peaceful scenes, far removed from the heat of politics, are about to be repeated in Moscow, the "capital of smiles," as they say there nowadays. Preparations for the Summer Olympics are going on at top speed. Construction may be behind schedule, but in a totalitarian state this sort of difficulty is easily overcome. All civic and housing construction has been halted in order to concentrate on the Olympic facilities.

The labor is provided by Soviet Army soldiers, in exchange for free passes to watch the Games. The building of the facilities has been declared a Komsomol shock-worker project, which means that free labor will be provided; indeed as of next autumn scientists, scholars, students will be taken from their own work and forced to labor on building sites and clean-up campaigns. Moscow is undergoing a complete face-lift: houses are being decorated, buildings are getting repainted, even the cobblestones in Red Square are being renewed.

Moscow is "cleaning up" in other spheres as well. One reason for the recent trials of dissidents was to get them out of Moscow, and to persuade the West that there is no dissent in the U.S.S.R. but merely parasites, agitators, malicious hooligans, spies and madmen. Potential troublemakers will be kept under close watch or barred from coming to Moscow. Indeed, the city will be closed for the whole summer, which also means that apart from registered Muscovites, ordinary Soviet citizens won't be able to see the Games.

#### "PIONEER" CAMPS

Schoolchildren are undesirable, too. They have already been asked to state where they intend to spend next summer. Those who have no specific plans will be organized into groups and sent to special "pioneer" camps in order to be saved from the corrupting influence of foreigners. The authorities, on the other hand, will be saved from the embarrassment of having children ask for chewing gum or jeans. One never knows what to expect from them and the unpredictable cannot be permitted.

American tourists will be organized into 15-day tours costing about $1,500 a person. They will spend three days in Moscow, but the Olympic events they attend will be chosen by Intourist. Then they will depart for Central Asia, the Caucasus or Siberia. They won't be able to make friends or mix with local people; 10,000 students are being specially trained as guides, and Soviet guides are obliged to report to the KGB about every move tourists make.

Even when they actually attend an event they will probably find themselves next to a soldier or some official—only 35% of the tickets will be sold to Muscovites (at a price up to $37.50) and about 30% to foreigners. It doesn't take a lot of imagination to guess where the rest go. (During the Berlin Olympics the predominance of officials was also noted by the foreign press. But in Moscow they will be wearing civilian clothes and won't differ much from "ordinary" people.) The events will be scattered all over Moscow and other towns to avoid people assembling in greater numbers than can be observed by the watchful eyes of the KGB.

Originally the Soviets were giving assurances that access to the Olympics would be free; there was even talk that visas wouldn't be needed to enter the country and about two million people were expected to come. Now the estimated number is down to 300,000 and there is no question of "opening the borders."

Representatives of "unfriendly" media such as Radio Liberty or Radio Free Europe won't be allowed to cover the Games. And there are signs that emigration will be stopped on the pretext that the authorities are too busy dealing with visas for foreign visitors to the Games.

The estimated cost is about $330 million to $345 million. The whole financial burden will fall on the Soviet people. The government is diverting all available resources to the Olympics, so the production and supply of food and consumer goods are being severely cut back. In addition, house-building has been stopped. In 1968, lack of food in the shops was blamed on Czechoslovakia—it was necessary to feed the Soviet soldiers there. Now the Olympics are the scapegoat.

For the Soviet government the economic gains are very real—the Games will bring in desperately needed hard currency.

The basic Olympic principles haven't changed much from 1936. They are aimed to create international respect and goodwill. German officials also invoked "the goodwill and readiness of nations to dedicate all their forces and faculties to the pursuit of friendly combat for the benefit of mankind" to achieve "universal understanding among the world's peoples."

International respect for the Soviet authorities means approval of its aggressive international policy, a policy aimed at undermining the stability and independence of other countries, unlawful occupation of sovereign territories and permanent ideological warfare against all noncommunist countries. Soviet propaganda is tirelessly hammering into the heads of people that the country is surrounded by enemies and any attempt to escape from Russia is treated as high treason, as it would be during war.

Holding the Olympics in Moscow means giving silent consent to the imprisonment of people like Kovalyov, Shcharansky, Shelkov, Osipov, Orlov and many others whose opinions are in conflict with official ideology. It means consenting to the severe persecution of organizations like the Human Rights Movement and the Helsinki Monitoring Group, whose activities are aimed at the observance of legal and humanitarian principles which are in accordance with those of the Olympic Games.

By signing the contract with Moscow, the International Olympic Committee has violated its own rules, which forbid holding the Games in countries where there is racial, national, religious or political discrimination.

The committee is giving respectability and legitimacy to this totalitarian regime and its aggressive, oppressive and chauvinistic policies. It allows the Soviet authorities the opportunity to use the Games as a rostrum for political propaganda. The highest government and party officials are involved in organizing the Games, among them Goncharov, head of the Communist Party Central Committee Propaganda Department, and Gres'ko, expelled from England in 1971, and former controller of British spies Philby, Burgess and Maclean.

#### PROOF OF SUPERIORITY

The Soviet press calls the Games the greatest event in the history of mankind and has emphasized that they will take place in the first socialist country. Any success by Soviet or Eastern European sportsmen is always interpreted by their countries as yet another victory for the Communist system and proof of its superiority. The large number of medals are secured by the fact that Soviet sportsmen are highly trained professionals. Only Komsomol or Party members are allowed into international teams and they enjoy privileges only the Soviet elite enjoys—the best salaries, roomy flats, access to special shops, trips abroad. This is a direct breach of the first principle of the Olympic Games' intention "to promote the development of those fine physical and moral qualities which are the basis of amateur sport."

About a year ago, I appealed for the first time to world opinion to press for the removal of the Olympic Games from Moscow. Recently members of the Helsinki Monitoring Group also appealed to the IOC to make a "ceasefire" in the war against humanitarianism and mercy a necessary precondition for holding the Olympics in the USSR. The IOC remains deaf to the appeal.

It would be possible to hold the Games in Montreal; it would be possible for sportsmen to boycott the Games for moral reasons; the same applies to tourists. The Soviet authorities would find it embarrassing and difficult to explain this to the people.

But if you still decide to go or participate in the Games, remember that some of the Olympic souvenirs you buy are made by prisoners in Soviet labor camps.

---

[From the New York Times, Dec. 13, 1979]

### Soviet Is Said To Hinder Olympic Periodical Sales

(By Thomas Lask)

Roland Algrant, president of Distripress, an international organization of distributors and publishers of newspapers, periodicals and paperback books from 70 countries, charged yesterday that his organization is "meeting a lot of frustration in getting the Russians to agree to the distribution of newspapers and magazines during next summer's Olympics."

This means in effect that the 300,000 foreign visitors expected at the 22d Olympic games in Moscow as well as the athletes themselves will not be able to see any Western newspapers or magazines during their stay.

The Soviet stand, Mr. Algrant said, violates the Code of the Olympic Games, to which the Russians agreed when Moscow was picked for the site of the games. It also violates the Final Act of Helsinki and the

Unesco Charter, both of which were signed by the Soviet Union.

### TIME FACTOR CITED

"Unless the matter is resolved soon, there will be no time to organize the distribution of these publications," Mr. Algrant said. He also pointed out that the Russians would need time to arrange for the publications to get to the points of sale.

At the present time publications that are shipped into the Soviet Union are limited to quantities of 50 or 60, according to Mr. Algrant, and these are not available to the public. That figure may be increased to as many as 2,000 or 3,000 during the Olympics, Mr. Algrant said, with as many as 100 or more publications participating.

For the last two months, Mr. Algrant and Arnold Kaulich, permanent director of Distripress, have been dealing with a number of organizations that might have helped to resolve the problem. These have included the Moscow Olympic Committee, the International Olympic Committee in Lausanne, the official Soviet agency for the importation of periodicals, the Soviet Embassy in Switzerland and the States Commission on Publishing, Printing and the Book Trade in the Soviet Union. Each, when it has replied, has placed the responsibility on one or the other groups.

---

[From the Washington Post, Oct. 21, 1979]

## Soviets Exiling Schoolchildren

Moscow, October 20.—Soviet authorities are taking steps to clear Moscow of all troublesome schoolchildren during next summer's Olympic Games.

Children between the ages of seven and 10 are being told by teachers to inform their parents that they will not be allowed to remain in the capital during the months of July and August.

As is normal every year, parents are being asked to write to their children's schools detailing plans they have for their children for the summer.

But this year, parents are being told that if they do not plan to send their children to stay with relatives in the country or to summer camps, alternative arrangements will be made for them.

A spokeswoman for the Education Ministry confirmed that schoolchildren will not be allowed to stay in Moscow next summer. She said schools will organize special camps outside Moscow for youngsters whose parents do not make other arrangements for them.

Three reasons appear likely for the unusual evacuation plan: to reduce the number of general headaches during the games, to prevent foreign visitors to the games from being pestered by children asking for chewing gum, ballpoint pens, and other exotic items and to avoid the possible risks of ideological contamination of the younger generation.

---

[From the Los Angeles Times, Nov. 2, 1979]

## Soviet Crackdown Linked to Olympics

(By Dan Fisher)

Moscow.—Soviet security police arrested three prominent dissidents Thursday and conducted a wave of apartment searches. Western diplomatic sources here speculated that the action might be the beginning of a pre-Olympics crackdown to clear active critics of the regime from Moscow and other large Soviet cities.

Among those arrested, according to friends and relatives, was a Lithuanian nationalist, a Russian Orthodox priest and a longtime human rights activist.

In addition, dissident physicist Andrei D. Sakharov said, at least eight apartments—five of them belonging to religious activists—were searched Thursday by KGB secret police.

"There have been rumors for the last couple of weeks about a new crackdown," one Western source commented. "They were in the context of a cleanup prior to the Olympics." About 300,000 foreign tourists are expected to visit the Soviet capital and other large cities here next summer during the 1980 games, and the government-controlled press has carried a number of articles lately about the need to remove undesirable elements and make Moscow a model city.

An earlier crackdown—begun in 1977 and directed primarily at the so-called Helsinki human rights group formed to monitor Soviet performance under the 1975 European agreements on security and cooperation—brought widespread criticism of the regime. More than 20 Helsinki group members from several Soviet cities were imprisoned during that campaign, which peaked more than a year ago with the widely publicized trials of Anatoly Shcharansky, Yuri Orlov and Alexander Ginzburg.

While that crackdown appears to have crippled the Helsinki groups, there remains a large dissident subculture here led by lesser-known, but equally active critics of the regime. Many of them put out underground journals that feature critical material censored from the official press.

Antanas Terleckas, a 50-year-old economist and historian who was "detained" Thursday in Vilnius, the capital of Soviet Lithuania, is an outspoken Lithuanian nationalist who has been active in publishing underground journals there. Dissident sources said his home had been searched early last month. Terleckas also has been an outspoken supporter of imprisoned Soviet dissidents.

A large and commanding man with a booming voice, he had gathered around him many sympathizers who also spoke openly for a breakaway of their Baltic republic from the Soviet Union. Lithuania was independent between the two world wars, but the Soviets took it over just before the outbreak of World War II.

Also arrested Thursday was Tatyana Velikanova, 47, a veteran of the Moscow dissident movement who was a member of a human rights group that was a forerunner of the Helsinki organizations. While not a member of the Moscow Helsinki group, she sympathized with it and participated as recently as two days ago in one of its press conferences here.

The Rev. Gleb Yakunin, the third dissident arrested, heads a group called the Christian Committee for the Defense of the Rights of Believers. The 45-year-old Russian Orthodox priest was taken from his home Thursday and his interrogator later told his wife by telephone that he was being held in Moscow's Lefortovo Prison and that she should bring warm clothes for him today.

Specific charges against the three are not known. Technically, they have all been "detained," since under Soviet law a person is not "arrested" until he has been held for three days.

The security police searched the Moscow homes of at least five other religious activists Thursday, Sakharov told Western reporters from a pay telephone. The physicist said his own phone had been cut off Thursday afternoon.

One of the other homes searched was that of Viktor Kapitanchuk, also a member of the Christian committee. He said that police took letters, documents and a typewriter.

Sakharov said he had heard of eight apartment searches Thursday. He called the arrest of Miss Velikanova "a very serious matter," adding that she has been of "colossal significance" to the human rights movement here.

As has been previously reported, the authorities have also been pressuring two other underground journals lately. One called Poiski (Search) seeks to provide an open forum for various points of view on the problems of Soviet society. The other is a cultural, historical and literary journal called Jews in the U.S.S.R.

The homes of a number of editors of those journals have been searched in recent months, articles were confiscated and one man was arrested on criminal charges.

---

[From the Washington Star, Jan. 13, 1980]

## Boycotting the Olympics

Should the Olympic flame be lighted in Moscow on July 19, and, if it is, should American athletes be there?

As the Soviet Union pursues its armed subjugation of Afghanistan, the possibility of a U.S. boycott of the Summer Olympic Games has been casually discussed. President Carter, in his address to the nation January 4, said, "Although the United States would prefer not to withdraw from the Olympic Games . . . the Soviet Union must realize that its continued aggressive actions will endanger both the participation of athletes and the travel to Moscow by spectators who would normally wish to attend the Olympic Games."

The Kremlin does not yet appear to have reached that realization.

Vice President Mondale suggested Thursday that the Summer Games be moved from Moscow, perhaps to Montreal or Munich where the Olympics were held in 1976 and 1972. The world's athletes, he said, would then not have to compete "in a setting where we are in effect giving legitimacy to a country that has just committed this outrageous and indefensible act of aggression."

Mr. Mondale's sentiment is appropriate. But it is not at all clear if the Summer Games could be moved to another country between now and mid-July. Robert Kane, president of the U.S. Olympic Committee, said on the MacNeil/Lehrer Report he felt such a move was "not feasible." The decision would, in any event, have to come from the International Olympic Committee; a decision to transfer the site seems fairly unlikely from an organization not known for looking far beyond the playing field. But on Friday, Canadian Prime Minister Joe Clark said his country would take the lead in urging removal of the Games from Moscow.

That leaves a boycott. Saudi Arabia so far is the only nation to announce that its athletes will stay away from Moscow.

From the initial questions come two more: Is a boycott a proper expression of condemnation? Would it make any impression on the Soviet Union, a country routinely contemptuous of world feeling?

Opinion is divided on the propriety of a boycott, in the U.S. and elsewhere. A primary objection is that it would mingle politics and sports.

The two may exist more or less discretely in uncomplicated minds. In reality, however, such a division is largely artificial. This unity of politics and sports is especially true of the Soviet Union, and its totalitarian cousins, where sport is a blunt instrument of state policy—like all other aspects of life. And not an insignificant one.

To permit the Soviet Union to revel in the global spotlight of the Moscow Games while her combat troops infest Afghanistan is not an edifying prospect. Comparisons are being made of Hitler's capitalization on the 1936 Olympics, and that is worth reflection.

Would a disruption of the Summer Olympics cause the Politburo to lose sleep? "No other non-military move could so directly challenge the Soviet leadership, or so startle the Soviet public," writes the *Post's* former Moscow correspondent Robert Kaiser. The Soviets have been treating this Olympiad "as one of the great events of their modern history," involving an enormous investment of pride and money.

Another objection is that a boycott would penalize the young Americans who have disciplined themselves toward the Olympic pinnacle of competition. It would, of course, be an awful disappointment for them to miss the opportunity—for some their only or last chance. But in the scale of values, should that be set above the principles of the Olympics, principles which Soviet sponsorship would mock?

Red Smith, columnist for The New York *Times* and perhaps the most admired sportswriter in the country, has no difficulty aligning the priorities. "We ought to deliver the message to the Soviets that even if they withdraw troops from Afghanistan, they have done something on the international scene we will not soon forget," he said on the MacNeil/Lehrer show Thursday. "I'd love to see America lead a world boycott."

That is a tough prescription. The Soviet Union has made it tough. We ought to think hard—and quickly—about seconding, and encouraging, the Saudi Arabian initiative.

---

[From the Washington Post, Jan. 20, 1980]

### OLYMPIAN LORDS—USOC REACHES PEAK OF ARROGANCE

(By Shirley Povich)

Those strutting peacocks who are impressed with their own U.S. Olympic Committee blazers have sent a clear message to the president of the United States on the issue of boycotting the Moscow Olympics: It is they who will decide what is in the best interests of the United States; not Mr. Carter, who was elected for that purpose by 49,825,939 voters.

They reject President Carter's view that the U.S. team should pull out of the Moscow games, right now, as a thumping rebuke to Soviet Russia for its unconscionable invasion of Afghanistan. Secretary of State Cyrus Vance has said flatly that we should. Hodding Carter, the State Department spokesman who does not speak without clearance, praised the proposal the other day as "a straightforward statement to the Soviets that we do not intend to participate as if nothing had happened."

To proceed as usual, as if nothing had happened, is the intent of the U.S. Olympic officials, as if 85,000 uninvited Soviet soldiers were not inside Afghanistan, as if U.S. interests were not affected and as if U.S. participation in Moscow would not be an endorsement of the Soviets as everybody's good neighbor.

Yet another example of the USOC's exorbitant sense of importance was rendered Friday when its people left the White House after a 2½-hour conference on a U.S. boycott. Newsmen were reminded by Don Miller, executive director of the USOC, that when Olympic invitations are sent out by the international committee they go not to governments but to the various Olympic committees of the several nations. "Decisions of this kind must be made within the system," he said. In other words, this whole thing was none of the government's business.

The USOC believes it is so sovereign that even the government can't interfere with the sacred rights of their Olympics. Oh, if it came to a shooting war, said USOC President Robert Kane recently, "then we'd have to reassess our thinking." Then they would dwell upon whether or not to pull our team out of Moscow. At least give it some thought.

A statement sufficient to cause a laughing fit among those who know the USOC people best is their declaration that if President Carter requests a boycott, they will "immediately poll prospective members of the U.S. team to ascertain their feelings about such an action," and be guided by it.

This new gimmick of asking the athletes if they still want to go to Moscow would delude nobody. They are asking athletes conditioned to believe there is no greater glory than being in the Olympics and are playing on the passions of young men and women who have trained long for the chance, and they know what the answer would be before they ask the question. That would be the ultimate charade.

Also, a good question at this point is: When were the Olympic committees ever before concerned by what the U.S. athletes thought about anything? Why this sudden solicitude toward their tender feelings? A good answer is that they desperately want the athletes to give them an out, spurious as it may be, to take them off the hook, and to get them all on this glorious junket to Moscow where the caviar and the champagne and the chauffered limousines and the gifts await the committee elite.

I have covered five of these things, and there is no scene to compare with the social activity of the Olympic committee horde before and during the games. In the host nation, they are royalty. They have their own castes, dictating who gets the best hotel suites, the best cars and drivers, the most goodies from the commercial sponsors of the games.

The handouts are exciting. Those sweat suits the athletes wear, gorgeous ones and expensive, go to certain committee men for the requisitioning. One of 'em hears about the officials Olympic luggage they are giving away to certain privileged folk somewhere in the Olympic Village, and there's a stampede in that direction. At Munich, any committee man who wasn't wearing Adidas or Puma footwear simply wasn't aware where they could be had, for free. There is much more.

A contrast with the values of the USOC people was offered by Muhammad Ali, who has a history of saying bright things. ("I ain't got nothing against those Viet Congs.") Coming out strongly in favor of boycotting the Moscow games, Ali said, "I feel the American people should do every thing they can to show their dislike for what they (the Soviets) are doing . . . Sports don't mean nothing. When war breaks out we can forget everything. If it means sacrificing the Olympics to wake these people up, it's all worth while."

He was a gold medalist in the 1969 games, and seems to be telling the USOC people something that should have been hammered into their heads many years ago: that other things in the world are as precious as their Olympic joy ride, and that the Olympics are not bigger than life.

The American sense of self-respect should figure somewhere in this, too. At a time when Soviet behavior has outraged the American government and people (and governments and peoples all around the world). Olympic teams determined to accept an invitation to Moscow would be going there on bended knees—yet the shameless USOC is willing.

---

[From the Washington Star, Jan. 20, 1980]

### 86 PERCENT IN POLL BACK BOYCOTT OF OLYMPICS

(By William Taaffe)

An overwhelming majority of readers who responded to a Washington Star poll said the United States should boycott the Moscow Olympics this summer because of the Russian invasion of Afghanistan.

Of the 2,666 readers who responded to the poll's lead question—"Should the U.S. boycott the Moscow Olympics?"—a total of 2,289 (85.8 percent) answered yes. A total of 377 (14.2 percent) said no.

The poll, based on a ballot that readers could clip from the paper and mail to The Star, was not scientifically weighted. Nevertheless, the high percentage of participants in favor of a boycott suggests that the mood in the Washington area is strongly against Olympic "business as usual."

The ballot ran last Sunday and Monday, shortly after President Carter said he would "prefer not to withdraw" the United States from the Moscow Games, but that "continued aggressive actions" by the Soviet Union would "endanger" U.S. participation.

Secretary of State Cyrus R. Vance has since said he and Carter were both opposed to taking part in the Olympics as long as Soviet troops were in Afghanistan.

Dozens of readers who favored a boycott jotted remarks on their ballots indicating deep anxiety over the invasion of Afghanistan.

Many of them said that however unfair it may seem, the interests of American athletes must take second place to the interests of peace.

"What if the Russians had an Olympics and nobody showed up!" wrote one reader in Potomac. "At last we have a way to get through the maze of lies directly to the Russian people!"

Added a local athlete who is a few steps from world-class form:

"I am a 2:41 marathoner and understand very well the effects of a boycott on our athletes. However, there are other considerations which must take precedence. . . . A worldwide boycott of the Olympic Games would be a devastating blow to Russia's ego, a blow which may hurt even more than military or other retaliation."

For some, the boycott question has become a litmus test of U.S. moral courage.

"If Saudi Arabia has guts enough to boycott the games in Moscow," said John L. Stephenson of First Church, "our failure to do so, would indicate real cowardice on our part to the rest of the 'free world.' "

Those who opposed a boycott generally argued that it would do little to change a fait accompli, would not embarrass Russia as much as imagined and would further politicize the Olympic Games—perhaps to their eventual demise.

"True, we should make some waves," said Donald L. Eck of Landover. "But it is not the same as if Russia invaded a non-Communist state (because) Afghanistan was Communist to begin with."

Daniel J. Sheridan of Indian Head, Md., said flatly:

"A boycott will not affect the Soviet Union. All it will do is dash the hopes and dreams of this year's Olympians from America—and maybe those for years to come."

While a boycott of the Moscow Games was exceedingly popular, so was the idea of holding the Olympics in some other city.

Moving the Olympics was the second subject of the poll. "If the U.S. does boycott the games," The Star asked, "should an effort be made to hold an alternative Olympics in a city such as Montreal?"

Although International Olympic Committee President Lord Killanin said last week it is "physically impossible" to switch the games from Moscow, U.S. Olympic Committee President Robert Kane said a transfer could be accomplished by mid-1981.

Of 2,663 readers who responded to the question, a total of 2,144—80.5 percent—answered yes. There were 519 "no" votes (19.5 percent).

The final area of The Star's poll focused on the Winter Olympics to be held in upper New York state next month. The question read: "Should the United States ban the Russian team from the Winter Olympic Games at Lake Placid?"

Opinion here was almost evenly divided. Of the 2,462 persons who responded to the question, 1,192 (48.4 percent) answered no and 1,270 (51.6 percent) answered yes.

Those who opposed Soviet participation in the winter games generally did so for the the same reason they urged a boycott: The move would embarrass Soviet leaders and be difficult for them to hide. Those who were against a ban said it would be unjustified.

"I think banning the Soviet Union would hurt more than a U.S. boycott," said Charles Trifiletti of Berksley, Md. "The entire country of Russia gears itself for Olympic competition. Banning their athletes would be a great blow to their national pride."

But even Nagy of Kensington objected. "Punish the Russian," he said, "but don't punish the athlete."

Several members of Congress commented on the findings of The Star Poll. A spokesman for Rep. Michael D. Barnes, Md., said the poll "confirms our view of the sentiment that exists for moving the Olympics, and if that's not possible, to go onward with a formal boycott."

Rep. Thomas Luken, D-Ohio, introduced a resolution last week calling for U.S. withdrawal if the Soviets stay in Afghanistan. Luken said:

"The poll shows the overwhelming sentiment is there for not participating and for not giving the Russians any advantage they might realize from the games. I'm convinced the American people are more anti-Soviet than the administration has been up until now."

Meanwhile, there were these other reactions to a possible Olympic boycott:

In Charleston, W. Va., Senate Majority Leader Robert C. Byrd, D-W.Va., yesterday said U.S. participation at Moscow would be "hypocritical."

"It would be wonderful if international sports transcended international politics as some claim. However, we must face the fact that the games would constitute a political propaganda windfall for the Soviets in the wake of their outrageous invasion of Afghanistan."

Sen. Edward M. Kennedy took a different tack. Campaigning in Iowa Friday, he said he would be "reluctant" to boycott the games. "We should send the best athletes we have to Moscow and bring back all the gold."

The State Department yesterday voiced opposition to U.S. participation in a Jan. 22 boxing and wrestling competition in the Soviet Union.

The department indicated, however, it will not try to prevent American athletes from going to Moscow on the trip sponsored by the American Athletic Union.

Two boxers, from the Muhammad Ali Amateur Sports Club in Santa Monica, Calif., have pulled out of the scheduled competition.

Sen. Frank Church, D-Idaho, and Rep. Clement J. Zablocki, D-Wis., chairmen of the Senate and House committees dealing with foreign relations, have both indicated they favor moving the games.

Both lawmakers indicated they'd give high priority to resolutions calling for an alternative "Free World Olympics" when Congress reconvenes this week.

In Columbus, Ohio, Olympic gold medal winner Glenn "Jeep" Davis said, "Something should be done about it. Move it out or boycott it.

"It's a pretty rotten thing to happen now for the athletes," said Davis, 45, "but you have to take a stand someplace."

Davis, now a high school track coach, won the gold medal in the 400-meter hurdles in 1956 in Australia. He repeated in the 400-meter hurdles in the 1960 games in Rome and won another gold medal as a member of the 1,600-meter relay team.

The New York Times quotes from the 1980 Soviet Communist "Party Activist's Handbook," recently published in Moscow:

"The decision to give the honor of holding the Olympic Games in the capital of the world's first Socialist state was convincing testimony to the general recognition of the historic importance and correctness of the foreign policy course of our country, of the enormous services of the Soviet Union in the struggle for peace."

**Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the resolution submitted by the Senator from Arkansas (Mr. Pryor) for himself and others, relative to U.S. participation in the summer Olympic games in Moscow, be jointly referred to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations.**

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. DURENBERGER. Mr. President, I share with all my colleagues, and with all Americans, a great sense of outrage over the Soviet invasion of Afghanistan. This blatant act of aggression represents the most stark threat to regional stability and world peace in many decades. It illustrates clearly the cynical contempt which Soviet authorities have for smaller and weaker nations, whether friend, foe, or neutral. It makes ludricrous any claims by apologists or propagandists that the Soviets are concerned about the welfare and independence of Third World nations.

This action cannot and should not be judged out of context. It is merely the latest in a litany of threats and provocations by Kremlin authorities. For instance, in the past few years the Soviets have been caught at least twice in attempts to upgrade their presence in Cuba. They have established by force of arms a substantial military foothold in Angola, Ethiopia, and South Yemen, relying on both their own troops and on the troops of their Cuban underlings. They have greeted with a combination of bluster and specious proposals any attempts by the NATO allies to offset Soviet military gains in Europe. They have steadily amassed a military force which far exceeds any reasonable military requirements, even for a nation as historically fearful as the Soviet Union. In short, the Soviets have acted in terms of a pattern with which they are quick to label their adversaries; that pattern is imperialism.

Yet although the invasion of Afghanistan is consistent with this larger pattern of behavior, it is also qualitatively different from past Soviet actions. It represents the first use of Soviet military forces in a direct combat role outside the satellite states which were erected after World War II. Moreover, it places heavily armed Soviet troops within 350 miles of the Persian Gulf and the Arabian Sea. Finally, when taken in the context of Soviet gains in Ethiopia and South Yemen, the invasion threatens the encirclement of several nations which are vital to United States and Western interests.

The seriousness of this breach of civilized behavior is widely recognized. It was manifested in the astonishingly lopsided vote in the United Nations General Assembly, which condemned the invasion. It was manifested in the President's address to the Nation on January 4. It was manifested in the maturity and willingness to sacrifice for the common good which were demonstrated by our farmers once the grain embargo was fully explained. It will be manifested many times more.

History clearly teaches that aggression unchecked is aggression unleashed. Throughout this session of Congress, and for many months thereafter, we will be considering the steps necessary to restore our strength, sustain our vigilance, and demonstrate our resolve. The process will not be an easy one, for the remedies will not be immediate or the costs always easy to bear. Moreover, we must carefully avoid the risks of overreaction as much as the sure folly of underreaction. In other words, we must meet new challenges with measured responses, seeking to rebuild what has been allowed to atrophy over many years. However, I have no doubt that we will succeed, for it is the unique strength of a great democracy that it can arrive at decisions which reflect the wisdom of the many rather than the few.

Our long process of deliberation begins today. As a first step, I commend to my colleagues the resolution introduced by Senator Pryor concerning the Olympics. I am pleased to cosponsor this resolution, and I urge its favorable consideration by the Senate.

Simply stated, the resolution combines several distinct advantages. By urging the relocation of the Olympic games to a site outside the Soviet Union, it seeks to deny the Soviets the benefits of financial gain and self-esteem which come from hosting a great international event. Yet is does so without imposing significant costs on either the athletes or the law-abiding governments which have an interest in the games. Finally, it leaves open an honorable option for the United States in the event that the International Olympic Committee decides not to accede to our request.

Clearly, this resolution will not cause the Soviets to withdraw their troops. It will not end the bloodshed in Afghanistan. It will neither compensate the latest victims of Soviet aggression nor will it put an end to the vision of expansion which apparently tempts Soviet authorities. But it will signal to the Soviets that we and others have no intention of belittling the spirit of the Olympics by conducting games of peace in a nation at war. It will make pointless the Soviet attempts to prepare for international visitors by relocating or jailing those Soviet citizens who might embarrass their rulers with candid speech. It will treat the Olympic Village in Moscow as merely another Potemkin Village in Russia, a facade rather than a reality. And it will be an indication that Americans care more about long-term principles than about short-term gratification.

Mr. President, having spent the last 4 weeks in Minnesota, I am convinced that my constituents do care about principle. I visited more than a dozen communities. Much of my time was spent listening to the concerns and ideas of Minnesotans. One message stood out clearly. The people of Minnesota are ready to make the necessary sacrifices; every Minnesotan is willing to contribute to the common good.

However, because the invasion of Afghanistan represents a challenge to the entire Nation, my constituents wish to insure that the entire Nation is involved in the costs and inconveniences of a firm American response. No American or group of Americans should be called upon to bear a disproportionate price. When all Americans face a common challenge, no Americans should suffer under a policy of selective sacrifice.

Each American can make a contribution deriving from his or her position in society, his or her skills and talents. So long as all Americans are involved, this is both reasonable and effective. Therefore, I was not surprised to find that fans of the Olympics—even former participants and the families of current participants—are ready to take positive and firm action. Even in the hockey hotbeds of Roseau, Warroad, and Eveleth—home of the U.S. Hockey Hall of Fame—the people are willing to forego the Olympics. They are worried about the effects of this action on the winter games in Lake Placid, but they are even more concerned that we must take a stance against Soviet aggression.

I am therefore firmly convinced of the merits of Senator PRYOR's resolution. I urge its prompt adoption by the Senate.●

Mr. PRYOR. Mr. President, I yield back the remainder of my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from Michigan.

Mr. LEVIN. Mr. President, I rise in support of the resolution of the Senator from Arkansas expressing the sense of the Senate that the summer Olympic games in Moscow should be moved or boycotted.

The decision to boycott Moscow will be made by the Olympic Committee and by individual athletes. And that is the way it should be. We do not need to force any decision upon our citizens as do totalitarian regimes. But I do not believe that our athletes could sleep well in Moscow while Soviet troops are occupying Afghanistan. They are international athletes—yes. But they are American citizens of conscience as well. To let them know how we feel will lend strength to their difficult, but correct decision to boycott the 1980 Olympic games in Moscow.

Some say that the Olympic games must remain isolated from political pressures and considerations. But the issue before us now is not "just" politics. It is an issue rooted in fundamental conceptions of human rights—the rights individuals and peoples to determine their own destinies. Those rights are at the heart of any event which symbolizes, as the Olympics do, the attempts by individuals to excel in activities to which they have freely chosen to devote years of their lives.

The Soviet invasion of Afghanistan violates all norms of international relations. And in the face of that behavior and that violation, we are now asked to bring the international community to Moscow to help advance, as the Olympic charter puts it, "international goodwill" and the cause of a "better and more peaceful world." I just do not believe that those goals can be fostered in Moscow while Russia forcefully occupies Afghanistan. And I do not think we ought to pretend that they can be.

Boycotting the Moscow games will probably not cause the Soviets to withdraw their troops. But it will demonstrate to the Soviet people and government precisely what we think of the presence of their troops in Afghanistan.

We know what we think. It is time to show the world that our thoughts are the father of our deeds; that we will not compromise with aggression; that we will not even symbolically support oppression.

Mr. President, I commend the Senator from Arkansas for his resolution. I hope that the Senate overwhelmingly and promptly supports it and sends a decisive message to Moscow.

Mr. PRYOR. Will the Senator yield for a comment and a unanimous-consent request?

Mr. LEVIN. I am happy to.

Mr. PRYOR. Mr. President, I am deeply honored that the distinguished junior Senator from Michigan is an original cosponsor of this resolution.

I had the opportunity of journeying to the Soviet Union in August with the Senator from Michigan. I think we learned a great deal, and I hope we can profit from the experiences we gained there during that week.

Mr. President, I ask unanimous consent that the Senator from Alabama (Mr. STEWART) and the Senator from Wyoming (Mr. SIMPSON) be included as original cosponsors to Resolution No. 333.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Will the Senator yield?

Mr. LEVIN. Mr. President, I am happy to yield 1 minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I wish to take 30 seconds to commend the Senator from Arkansas on this resolution which I am privileged to cosponsor. I think he has given the matter a great deal of thought. I think he is absolutely right. I support him wholeheartedly in this instance.

Mr. President, I point out that it is quite unfortunate and tragic that we are reduced to being put in a position where we are taking rather last minute measures to protest something that should never have been allowed to happen at all. I think it is a grievous situation that the Soviets have acted as they have in Afghanistan and, equally serious, the fact that they for 1 minute doubted our intentions.

The means we have of signaling that we are serious are more limited today than we would like. One of these is embodied in the resolution of the Senator from Arkansas (Mr. PRYOR).

I make the point, Mr. President, that there is no substitute for a strong foreign policy before the fact. Admittedly, what we are doing is after the fact. We are doing it to deny the Soviet Union the kind of recognition and publicity opportunity that Nazi Germany was able to exploit in 1936.

It is my hope, however, that we can find a way of dealing with the Soviets that would prevent the kind of impasse, the kind of adventurism, they have engaged in, in the same way as I wish this country and others had been much more farsighted about the Nazi threat in the 1930's.

Mr. President, I wish today to join with my colleague, Senator DAVID PRYOR of Arkansas, in calling on the U.S. Olympic Committee to respond to recent armed aggression in Afghanistan by petitioning its international governing body—the International Olympic Committee—to relocate the 1980 summer games outside the Soviet Union.

I am making this request with the full knowledge that the task put before the USOC is a difficult one. However, despite international pressure and prospects of failure, this action remains a necessary step if our Nation is to keep its moral and substantive commitment to fight aggression and to help preserve the integrity of free nations around the world.

We must be prepared, short of gaining a change in the Olympic site through USOC deliberations, ultimately to inform the IOC that Americans will not travel to Moscow while Soviet troops remain within Afghanistan's borders. We must make a strong, unbending commitment to the rights of freedom and self-determination in the face of the Soviet Union's blatant disregard for international law. That commitment must be consistent. As such, we must hold resolutely to President Carter's demands that all Soviet troops be withdrawn from Afghanistan by February 20 as a condition for American participation in the summer games.

This call, I know, is unprecedented. For the first time Congress, and this country's President, call on our athletes to enter not the arena of sport, but the arena of international politics. We do so reluctantly. We know that each athlete has labored long toward that coveted prize—proof of excellence in international competition. For many the opportunity will come only once in a lifetime.

But we must recognize, too, that the challenges facing our country are unparalleled. Fifty American hostages are now in their 80th day of captivity in Iran; our long held hopes of détente and a SALT II accord are dashed for the immediate future; our continued call for respect for human rights go unanswered in many countries. Now, Soviet soldiers occupy neighboring Afghanistan.

A greater necessity, a greater good leads us to make this request.

International athletic competition, we know, remains for the Soviet Union a means of promoting its international policy and political ideology. To them the upcoming Olympics in Moscow is a show of national honor, prestige and legitimacy. For American athletes to travel now to Moscow acknowledges this and condones the Soviet invasion of Afghanistan and the philosophy of aggression that led it. As a free nation, and as representative to a free world, that is something that, in principle, we cannot do under any circumstances.

Regrettably, we ignored this principle in 1936 when we, as a nation, and as athlete-citizens of that nation, remained quiet in the face of another moral challenge. Instead of making the difficult choice that world interest would be best served if Americans stayed out of Berlin for the 1936 summer games, we ignored our principles and contributed, by our appearance to the legitimacy of Hitler's emerging Nazi regime. We were left then to face the unconscionable holocaust and war that was to follow.

We cannot today repeat that mistake. We must use every avenue possible to make a stand against aggression and a Soviet policy that threatens world peace and the ideals embodied in the Olympics.

We do not wish to dictate to the USOC or America's athletes. Indeed, by law we cannot. But we wish today to appeal to them for help on behalf of this country and all free countries. We ask to link the aspirations of America's extraordinary young men and women to the challenge imposed on our Nation. And we ask them, like the ancient Greek, Pheidippides, to carry a message for the American people to the Soviet people and all people around the world.

This Athenian messenger ran from a battle site at the ancient Greek city of Marathon to Athens 26 miles away. There the citizens of his nation-state were anxiously awaiting word of victory or defeat against Persian invaders. Upon this news, they knew, depended the preservation of the world's first democracy.

Pheidippides was aware of the importance of his charge. He pushed himself to ultimate exhaustion in a run that climaxed in his announcement of a victory for Athens over the militant, invading Persians. News he proclaimed with his last breath.

Today the Olympic event— the marathon—commemorates Pheidippides run. It has become a symbol of the Olympic ideal.

I for one would like to believe that Pheidippides ran his inspirational course because he wished to share with his countrymen the knowledge that the higher ideals that had made them a nation had been defended at all cost—and won. To him a way of life that was as important as life itself had been preserved against an aggressor who had sought through force to impose its will on a free nation.

In this spirit I hope that all Members of Congress and all Americans—and especially those 10,000 athletes who have worked so hard for a chance to compete in the Olympics—will join me in supporting this resolution.

Mr. President, I thank the Senator from Michigan for yielding.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I will have more complete remarks to make later on this subject. But, for the time being, let me just point out a few things that concern me about this resolution.

In the first place, we had noticed that the Russians were in Afghanistan several weeks before the President made an issue out of it. I, for one, would like to hear more voices on the floor of the Senate talking about the hostages in Iran, who are still being held, and not talk about the Olympics that will not be held until later on this year.

The difficulty is that I think the President, sensing he was not going to get the sanctions from the United Nations on Iran that he sought, has conveniently used the old system of moving the pea under another shell.

When the President's people called and asked for my advice concerning Afghanistan, I urged him not to overreact and urged him to tell the Islamic world that we were prepared to assist to defend Pakistan, to defend Iran, to defend even Afghanistan, if necessary, provided the Islamic world realized that we were not going to have business as usual as long as 50 Americans were still hostage in Iran.

Now I find that, having raised enough hullabaloo over Afghanistan, the President has moved on to the Olympics, and we are supposed to take action concerning the Olympics.

The call for the Olympics in Russia has not even gone out yet. The Olympics Committee and the athletes of this country are as patriotic as the President of the United States or as any Member of the Senate. I, for one, would like to have seen the American athletes have the opportunity to determine whether it was proper for them to go to Russia.

Many people are forgetting that we have the Lake Placid Olympic schedule. The winter Olympics next month are in this country, and the summer Olympics of 1984 are in this country. If there is a propaganda advantage in the Olympics, we have it, not the Russians.

This country is the country of freedom. We will not bar their people or their newsmen, we will not prevent them from looking all over Los Angeles or Lake Placid; but I am told that we are afraid that our newsmen might not be able to have freedom in Russia. Does anyone think those newsmen are going to have corks put in their throats? They will surely let the world know if they are mistreated.

We have the greatest opportunity to get the mass media of the world into Russia, during the summer Olympics to take a close look at their system. It will not be a mirror of Russia; it will be a two-way mirror. The entire world will see clearly what goes on in Russia, during the Olympics, should they be held in Moscow.

I, for one, have not stated as yet whether the Olympics should or should not be boycotted, whether they should or should not be postponed, or whether the venue should be changed for the Olympics. That is a matter for the athletes of the world to determine. The President of the United States is a President of limited powers. He does not control the world.

With all due respect to my friend from Michigan, he said that we are asked to bring the international community to Moscow. The United States would not bring the international community to Moscow. The Olympics would bring the international community to Moscow, if the athletes decide to go there. When the Russians issue the invitation, the athletes of the world through national sports organizations have the opportunity to respond.

Instead of keeping our eye on the ball, which to me still is the 50 hostages in Iran, we constantly are being asked to look at other issues—the invasion of Afghanistan or the Olympic games.

Before the recess I notified the Secretary of State that industry circles had told me there was Russian armor in Afghanistan at least 3 weeks before the President of the United States said one word about it. The only time he said something about it was when he knew he was going to lose the U.N. sanction vote on Iran.

So far as I am concerned, I pledged to support the President in his effort to get the hostages released. I did not pledge to support the President or anyone else in political maneuvers to increase the President's popularity or, somehow or other, to make the Olympic movement of the world a political target.

I hope we will have some debate on this resolution. I hope the Senate will take its time in considering this resolution, in terms of when it is called up.

Incidentally, the International Olympic Committee is scheduled to meet in Lake Placid in February, just prior to President Carter's welcoming the athletes of the world to the United States. What is going to happen to the Lake Placid games if the Senate considers this resolution before they begin. We must, with due respect for the Senators who have cosponsored this resolution, have some sober consideration.

For myself, having devoted a considerable portion of my time, trying to understand the Olympics movement and working to have it be one of the mechanisms for world peace, I would hate to be part of the Senate when the Senate hurriedly determines to back the President in what I consider to be political efforts and, as a consequence, effectively assassinates the Olympic movement of the world.

It is time for sober reflection as to where we are going. Some people have said to me that we never should have been in Berlin in 1936, and they are absolutely right. We should not have been in Berlin in 1936. But to say that this is 1936 all over again means that we are just a few years from World War III.

Afghanistan was not such a surprise. Ambassador Toon said he was surprised that the administration was so surprised about Afghanistan. I was surprised that the administration was so surprised over Afghanistan because, as I said, I knew Soviet armor was in Afghanistan in early December and I told the Secretary of State that.

I say to the Senate that when we really look at what is going on, I hope we come back again to the question: What are we doing to get the 50 Americans out of Iran? Have we a determined course of action which will lead us to something other than war over Iran?

So far as this Senator is concerned, he sees nothing that indicates a change of policy of the administration, other than the sanction course, which ultimately seems to lead to war, if it does not succeed. Now we are on notice that the nations of the world do not support the sanctions. Many do, but the United Nations has not.

I hope we get back to considering the question of how we can secure the release of the hostages.

While the situation in Afghanistan is terrible and the idea of repression there is terrible, what happened in Cambodia? What is happening in other nations throughout the world should alert this Government of ours and should astound it a great deal more, I think, than being surprised about Afghanistan.

If Afghanistan is the reason for assassinating the Olympics, then it needs to be articulated to this Senator a little more as to why we were surprised and what has happened there about which we had no knowledge prior to the time the President made so much of it on January 2.

As I said, I hope we will look at this. I expect to have something more definitive to say concerning the future of the Olympics, the summer Olympics, at a later date. But for now, we should keep two things in mind:

First, the hostages are still kept hostage. The article that appeared in the Washington Post, about the letter written by one of our senior career officials who is imprisoned there, shocked this Senator. I would much rather see our time being spent, the first day we are back in session, expressing again our complete disdain for the actions of those who have kidnapped 50 Americans than to see us worrying about whether the Olympic games are going to be held in Moscow this summer.

Second, if we are the host of the world at the winter Olympic games, as I think we are, I believe that, at the very least, we should be doing our best to show the world what it means for athletes to come to the bastion of freedom—the United States. Does it mean that the Senate debates whether those same athletes should be permitted to participate at all in the Olympic games for the summer of 1980? Not to this Senator. As I said, I hope we will have an opportunity to review and consider this matter.

I understand that a similar resolution has been introduced in the House, but it is distinct in this situation, as I understand it. It calls on the International Olympic Committee to review this situation and to take action. I have not read the Senator's resolution; but as I understand it from the way it was outlined, it calls on the Senate to express an opinion. I believe that the International Olympic Committee should consider the situation and that the nations of the world should consider it. I think the athletes of the world are as patriotic and as interested in freedom as is anyone else, and I rely on their judgment. I particularly rely on it much more with 1980 being a Presidential election year and the apparent Presidential politicization of the Olympic movement that is underway. We should not allow the President of the United States to be the one to destroy the Olympics scheduled for the summer of 1980.

Mr. PRYOR. Mr. President, will the Senator yield?

Mr. STEVENS. My time has expired.

Mr. PRYOR. Mr. President, I should like to respond briefly to the distinguished Senator from Alaska. There is no Member of this body for whom I have more respect. I do feel strongly, however, that I should point out at least two things.

First, this is not the first debate that has been held on whether or not an American Olympic team should participate in the Olympic games. In 1935 there was a debate held in this very Chamber on whether or not we should send Olympic teams to Berlin, Germany, in 1936.

Second, Mr. President, there is another point that I think we should make very clearly today. We must establish, I think, some values in this country—some values that are higher than sports or higher than the Olympics. There are some things in this country that we must value, things we have been taught to believe this country stands for, and one thing that this country stands for is a sense of decency and fair play. The way that we can demonstrate that sense of decency and fair play is by either, one, getting the games moved from Moscow or, two, if that fails, calling for a boycott of our own athletes from the Olympic games in Moscow.

The distinguished Senator from Alaska has brought up some points that I hope will be discussed in the coming days. I disagree with his point of view, however.

This is our best opportunity to express ourselves and our best opportunity to say to the Soviet Union that we are not going to continue conducting business as usual in view of the 85,000 or more troops which are in Afghanistan illegally and uninvited.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PRYOR. I am happy to yield.

Mr. STEVENS. Mr. President, it is not a question in my mind of our conducting business as usual. The question is whether the athletes of the world will have an opportunity to make the assessment for themselves.

As I understand it, there have been threats that passports would be suspended for athletes and that the amounts of currency that could be negotiated abroad by the Olympics committee and athletes would be limited. As I understand it that would take a finding of a national emergency by the President of the United States. I am looking into that. But the real question is not a question of whether the games should or should not be held, whether Moscow is the proper place, but it is the question of the timing of the consideration of such a resolution.

On February 13 the President of the United States is to welcome some of these very same athletes to Lake Placid, and the International Olympics Committee, as I said, is meeting there just prior to those games.

To be in the position where our athletes are told that unless they follow the advice of the President they are liable not to get their passports and their teams may not be able to have the freedom of currency that every other American has, I think is blackmail in and of itself.

What freedom of choice do those athletes have? For myself I trust the athletes. I have had a series of calls from athletes, some agree, some disagree, but from my point of view, knowing the Olympic movement as I know it, it is a movement of athletes; it is not a movement of politicians. This is not something to be decided here.

This says,

> If the efforts to relocate the games are not successful it is the sense of the Senate that a team representing the United States should not participate in those summer Olympic games.

Are we to vote on that before the Lake Placid games? If we are to vote on that before the Lake Placid games I think we could endanger the Lake Placid games. I hope that the Senate takes some time in considering this, and I understood even the President was willing to extend the time frame for consideration of his proposal. This issue takes some time.

There are some 160 nations which are members of this Olympic movement. All of them have to have a chance to determine it.

I see the Senator from California in the Chamber. I have very grave doubts that the 1984 Olympics will take place in California if we overreact on this matter. I hope they will take place because the nations of the world want to come there. If we assassinate the Olympic movement now there will not be any games in California in 1984 either.

I believe that the Olympics movement is a way for the athletic young people of the world to meet, to participate in games that are peaceful, to compete peacefully, and to have a great exchange in the fullest sense of the freedom of athletes to come together in a meeting that is meaningful to the world, and I do not know why we should politicize it. Do not tell me it is not being politicized, Mr. President, because it was the President of the United States, without consulting anyone, athletes or anyone else, who suggested they ought to be moved. I do not think that the Constitution of the United States yet gives him the power over the international Olympic movement.

Mr. PERCY. Mr. President, I beg to differ with my distinguished assistant minority leader. I think I spoke out on this issue before the President came to his conclusion.

I did so for the purpose of sending a message to the President that I for one, and I noticed that Senator MOYNIHAN, of New York, did the same thing, felt very strongly about this issue. To those who say you cannot and should not politicize the Olympics, I just wonder what we will see in August if the Soviets conduct the Olympics. I wonder really why in heaven's name they wanted it so desperately for a decade or two if they did not intend to politicize it.

We saw in the papers this morning the swastikas in the background at the 1936 Olympics. Does anyone really feel that Adolf Hitler was all that interested in athletics, or was he looking for world prestige? Was he looking for the opportunity to politicize the Olympics and politicize those young athletes? In the picture that we saw this morning, in all the pictures I remember, the Olympics held in Germany were politicized by Hitler from morning until night and he wrung every bit of prestige he could out of them.

Does anyone think that Moscow does not intend to do exactly the same thing? Why should the Kremlin pour the hundreds and hundreds of millions of dollars into this program if they did not think there was some real benefit to be derived from it?

When I appeared on "Meet the Press" and took the position that I supported an embargo on grain because I felt we had to send a message to Moscow, I said on that program, "I intend to leave here and go immediately back to Illinois," because Illinois is the largest grain exporting State in the Nation. One out of three acres planted in Illinois is devoted to export, and our farmers have been counting for years on a growing market from both Communist and non-Communist countries. They were not looking at the ideology of their customers so long as they paid cash on the barrelhead. That demonstrated the great advantage of our economic and farming system over the nonincentive system in the Communist world.

But I had to go back and talk to those farmers and say that this is a part of a much bigger picture. What the Soviet Union has done in Afghanistan is a dastardly, brutal attempt to impose their will with their armed might on a poor defenseless Third World nation. And if they get by with it there is no stopping them. We have to make it hurt. We have to make them know that the calculation made in the Politburo, or wherever it was made, by that hard-line group that said this is the way to go, was a wrong decision.

They have got to know they are going to hurt, and hurt plenty, from it.

So, by appealing to our Illinois farmers, by calling the American Farm Bureau at their national convention in Phoenix, by asking the President of the United States to call them and tell them the story, we finally convinced the farmers that they should be Americans first and farmers second.

I am proud of the American Farm Bureau that, after hearing all the arguments, they are supportive of a grain embargo, providing it is an economic boycott across the board. Manufacturers cannot send sensitive goods which strengthen the Soviet economy at the very time troops are pouring into Afghanistan from the Soviet Union.

The American Farm Bureau took its position, coupling it with a resolution that we should not participate in the Olympics if they are held in Moscow. This is the way to send a message to the Soviet people.

How much do the Soviet people know about what is happening in Afghanistan today? I do not think very much. They would have to explain what happened to the Olympics. They are prepared to tell the whole world what a great system they have and to reap world prestige by sponsoring the Olympics. We have got to send a message to them that we cannot play games in Moscow while they are brutally killing people in Afghanistan and endangering the peace of the world. Not to send the message would be wrong.

I cannot believe it is not possible to move those games. They can be moved to some other place. They do not have to be held on the scheduled dates. There can be a delay.

I support every effort to see that we send this message to Moscow: "So long as you have troops in Afghanistan which endanger world peace, we do not think it appropriate or right for the young people of this world to be adding to your prestige and adding millions of dollars to your economy."

When the President of the United States says that this is the most serious breach of the peace since World War II—and I concur with that, having seen intelligence reports on that area—I know our young people are willing to sacrifice, along with the farmers, along with the businessmen, along with all Americans, and I hope that so long as those troops are there any Americans planning on going to Moscow for the Olympics will change their plans. I just do not think it appropriate at this time to hand a propaganda weapon to the Soviets when they have used their weapons of war against the defenseless people of Afghanistan, placing in peril all the nations in the gulf, an absolutely crucial area to the free world.

Mr. ROBERT C. BYRD. Mr. President, how much time remains under morning business?

The PRESIDING OFFICER. Nine minutes remain.

Mr. ROBERT C. BYRD. Nine minutes. Mr. President, I ask unanimous consent that there be 3 additional minutes so that Mr. MUSKIE may have the 10 to which he is entitled when he gets recognition, and I would like 2 minutes to wind it up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Mr. MUSKIE. Mr. President, I thank the majority leader for his courtesy. I may not use the 10 minutes.

---

## SENATE RESOLUTION 334—SUBMISSION OF A RESOLUTION WITH RESPECT TO WITHDRAWAL OF OLYMPIC GAMES FROM MOSCOW

Mr. MUSKIE (for himself, Mr. ROBERT C. BYRD, Mr. DURKIN, and Mr. BAYH) submitted the following resolution, which was referred to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations, jointly, by unanimous consent:

S. RES. 334

Whereas, the Soviet Union initiated a massive invasion of Afghanistan on December 27, 1979;

Whereas, this invasion constitutes a flagrant violation of international law and the sovereignty of Afghanistan;

Whereas, this invasion is a threat to the peace, security and stability of the world;

Whereas, the Soviet Union is violating all standards of international conduct;

Whereas, the world community has denounced this Soviet act of aggression overwhelmingly in the United Nations Security Council and in the U.N. General Assembly resolutions calling for the immediate and total withdrawal of foreign troops in Afghanistan; and

Whereas, the Soviet Union is scheduled to host an international event, the Olympics: Now, therefore, be it

*Resolved*, that it is the sense of the Senate that if the Soviet Union has not withdrawn its troops from Afghanistan within 30 days, the President should seek United States withdrawal from participation in the 1980 Olympic games in Moscow; seek to encourage all other participating countries to withdraw; and encourage the relocation of the 1980 Olympic games to a suitable location outside the Soviet Union.

Mr. MUSKIE. Mr. President, I am today introducing a resolution on behalf of myself, Mr. ROBERT C. BYRD, Mr. DURKIN, and Mr. BAYH, which expresses the sense of the Senate that the United States should withdraw from participation in the summer Olympics scheduled in Moscow if the Soviet Union has not recalled its troops from Afghanistan within 30 days.

I have no doubt about the appropriateness of this course of action. The United States simply cannot by participation in an international athletic event lend legitimacy to a regime which refuses to accept or comply with the basic rules of international law and sovereignty.

Eleven Olympics ago this country did not withdraw from the games. As a result Adolph Hitler was able to use those games as a propaganda forum.

Unlike the current situation the Nazis waited until after the games to take aggressive action against their neighbors. But, Mr. President, in 1940 and again in 1944, when we were at war, the Olympics were cancelled. The fact that no country has chosen to challenge the Soviet occupation of Afghanistan militarily does not make the Soviet action any less an act of war. Nor should world opinion respond in any other way.

For 60 years the Soviet Union has mixed policies of oppression, aggression, terrorism, and subversion with overtures toward peace in the world. Since the ignominy of Czechoslovakia, while the Soviet Union has been engaged in peace initiatives, its attempts at subversion have been carried out largely by surrogates. And surely it has taken advantage of every source of instability in the world.

At the same time the Soviet Union's armies have stayed within its borders. That is no longer true. Russian armies now occupy the soil of Afghanistan. Every country which borders the Soviet Union or its satellites must now lie alert to further Soviet adventurism.

A dozen years of détente have been wiped out by a single act of international cannibalism. The Soviet Union must be made to understand that fact.

Mr. President, I have supported efforts to reduce tension with the Soviet Union. I have supported the SALT process though I agree with the decision to delay consideration of the treaty so long as the Soviet Union lives outside basic tenets of international law.

The Soviet Union miscalculated the will of the United States. It interpreted our vigorous debate over SALT II and increase in our military budget to be an open invitation to escalation on their part. The Soviets decision to become expansive will lead inevitably to more rather than less military spending. It will lead to more rather than less investment in both conventional and strategic weapons. It will lead to more rather than less international instability.

International denunciation of the Soviet aggression is clear and overwhelming. In dramatic votes of 13 to 2 in the United Nations Security Council and 104 to 18 in the General Assembly the world community deplored the Soviet invasion and called for immediate withdrawal of all "foreign troops" from Afghanistan. Although the Soviet veto effectively blocked the decision of the Security Council, these two votes ought to make it clear to the Soviet Union that if it wishes to be accepted as a responsible world leader, it must act like one.

We have said the United States will limit trade with the Soviet Union until it rejoins the community of civilized nations. We must also say to the Soviet Union we will only send our athletes to a civilized nation. American men and women will compete and do well in the summer Olympic games in Moscow if the Soviet troops leave Afghanistan. Otherwise, as a country and as a people, we must turn our backs on the Moscow Olympic games.

Mr. President, I realize the Olympic games are, in the eyes of many in the world community, one of the few opportunities for peaceful competition among men and women of varying nations. The competition is among individuals. It is also competition among nations. Our national team is a source of national pride, and other people feel just as strongly as we do.

The Olympics have been the vehicle by which all manner of political view has been expressed. And surely government investments in athletics and the pseudoamateurism of Eastern bloc countries attest to the political importance those countries place on the quadrennial events.

The people of the United States encourage individual athletes to excel. We encourage them to work hard so that our flag will fly and our anthem will play at the award ceremonies. And thousands of men and women train for years for one chance to capture the gold. If we adopt this resolution we are telling the athletes "not this time"; we are saying as a nation, "not this time."

Mr. President, I think the athletes will understand. It is in the nature of true competitors to understand the importance of not permitting the Soviet Union the opportunity to regain respectability in the sports arena when they have forfeited respectability in the community of nations.

I think our athletes will understand that, as in 1940 and 1944, a greater calling, a greater demand on national will, a greater commitment on national prestige, take precedence over that for which they have worked so hard.

I would hope the Olympics could find another home. I would hope that the International Olympic Committee and the respective National Olympic Committees actively consider another home for the Olympics. Many nations are seriously considering recommending that the International Olympic Committee adopt this option. The United States is pursuing this effort in conjunction with these countries. But short of that and short of an immediate change in Soviet policies, we must stay home.

I yield the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the resolution submitted by the Senator from Maine (Mr. MUSKIE) for himself and others, relative to U.S. participation in the summer Olympic games in Moscow, be jointly referred to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I had the good fortune of being reared in a family where my father spent literally 53 years of his life in our public educational system in the area of physical education. He was a basketball coach, a football coach, a baseball coach, and a track coach. I am proud of the fact that in a State like Indiana that prides itself in "Hoosier hysteria," where roundball hoops abound on every barn and every garage door in almost every community, that a man whose name I am proud to bear holds the record for refereeing 10 straight final games in the Indiana High School Athletic Association finals of the basketball tourney.

I say that only as a preface to the remarks I am about to make, following the distinguished Senator from Maine (Mr. MUSKIE).

Because I have inherited my father's love for athletics—perhaps not the quality of his participation, but indeed his love for sports and competition—I deeply regret to see athletics in the purest American form—Olympic competition—commingled with politics of what appears to be a reemerging cold war.

However, Mr. President, it seems to me that, as trying as these times are, as great as the tensions are between ourselves and the Soviet Union, it would be most irresponsible not to take steps necessary to keep those tensions from increasing.

It appears to me that the only responsible way to accomplish this is to convince the Russians of the severity of their present course of action and to also convince the Soviet Union and, indeed, the rest of the free world, of our resolve to remain dedicated to the principles which distinguish our society from most others on the face of the Earth.

For that reason, Mr. President, our President has called upon us as a nation to join in support of certain sanctions against the Soviet Union. Many of us have deep reservations about the use of grain, for example, as a sanction. We were concerned when President Nixon and President Ford used it in an entirely different circumstance.

However, Mr. President, if that is the message of resolve, and it appears we can be wise enough to not require the farmers of America themselves to have to singularly bear this burden unnecessarily, it seems to me——

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. BAYH. Mr. President, may I have 2 additional minutes?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for morning business be extended sufficiently to allow Mr. BAYH to complete, up to 10 minutes, as was accorded to other Senators earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I appreciate the courtesy of the majority leader. I will try not to take that much time.

If we are to pursue this course, it seems to me we must join together and utilize every avenue available to convey this message to the Soviet Union.

As much as the Senator from Indiana regrets to see politics and athletics commingled, I find it the ultimate in inconsistency for us to say to the Soviet Union: "We will not trade with you in grain, we will not trade with you in technology, but we will trade with you in athletic events."

For that reason, Mr. President, I think we really have no alternative, if we are serious about this, but to join in the effort being made to try to get the Olympics transferred elsewhere and, failing that, to ask our athletes to join in this all-out commitment to convince the Soviet Union that this kind of aggression in Afghanistan does not pay, so that it does not lead, like that of a couple of generations ago, to a major world confrontation that in this day and age could destroy civilization as we know it.

I have come to this decision more in sorrow than in anger. My sorrow is for persons like Indiana State University gymnast Kurl Thomas along with many other Hoosier men and women who have prepared for this so long.

Nevertheless I believe that we must pursue this course of action.

I ask unanimous consent that my name be added as a cosponsor to the proposed resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an additional 2 minutes for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## OLYMPICS

Mr. ROBERT C. BYRD. I strongly favor changing the site of the 1980 summer Olympics games from Moscow. If that is not done, the United States should withdraw from the games.

I am joining as a sponsor of a resolution on this subject being introduced by the Senator from Arkansas, Mr. PRYOR, and a resolution being introduced by the Senator from Maine (Mr. MUSKIE) I understand that other legislation on this issue will be offered, and I hope that these matters will receive prompt committee consideration.

Ideally, of course, the Olympic games should be above politics. But we have to recognize reality. The Olympics are an important international event. Successful sponsorship of the Olympics goes to the very heart of Soviet prestige and legitimacy.

We simply cannot condone participation in the games in Moscow, as scheduled, under the present circumstances.

President Carter has said that if the

Soviet troops are not out of Afghanistan within 30 days, the Olympics must be moved or the United States should not participate.

We are reminded that in 1936, despite the rise of nazism in Germany, the Olympics games proceeded as scheduled. However, as Richard Mandell points out in his book, "The Nazi Olympics":

> The Olympic games of 1936 were an important episode in the establishment of an evil political regime.

Mandell writes that the 1936 Olympics "were an obscuring layer of shimmering froth on a noxious wave of destiny."

I recognize the practical difficulties involved in relocating the summer games. And I would readily acknowledge that if the games are not held, or if they are held without the participation of the United States and other nations, it will involve great sacrifice and disappointment for many individuals.

I know that many athletes have worked countless hours, weeks, months, and perhaps years, pointing toward the Olympiad, which occurs only every 4 years. But I believe that most of our athletes will recognize that higher principles are involved here.

I believe we should explore the possibility of alternative international competition if the Olympics cannot be relocated. If our athletes have to forgo the Olympics, I would favor giving those who have qualified for the competition some form of special congressional recognition.

If the United States withdraws from competition this year, I realize that the 1984 Summer Games, scheduled for Los Angeles, could be jeopardized.

I agree with the President that serious consideration should be given to establishing a permanent home for the Olympics? Some have suggested that the games be permanently located in Greece, where such competition originated. If the Olympics are to be continued, this would seem to be the wisest course. Another possibility would be to hold various segments of the competition—swimming, track and field, gymnastics, et cetera—at different venues. Perhaps that could be done this year as an alternative to the Moscow site.

I believe the American people will stand united in opposing participation at Moscow under the current circumstances. I do not believe we can countenance a "business as usual" attitude toward the Olympics, and I strongly hope that other nations will join the United States in this position.

## WORDS THAT DEFINE THE LIFE OF A GREAT LABOR LEADER

Mr. ROBERT C. BYRD. Mr. President, last week, hundreds of mourners gathered at St. Matthew's Cathedral here in Washington to pay their final respects to one of the outstanding men of our era. For nearly a quarter century, as the president of the AFL–CIO, George Meany was the primary national spokesman for the labor movement in this country, and his passing was the occasion for the expression of both sorrow and admiration.

One of the most succinct and eloquent statements in response to the loss of Mr. Meany was a eulogy delivered at St. Matthew's by Mr. Meany's presidential successor, Mr. Lane Kirkland. As the heir to the mantle of leadership that George Meany so meticulously wove, Lane Kirkland captured well the essence of the accomplishments and spirit of George Meany's life and work.

Mr. President, I ask unanimous consent that Mr. Kirkland's eulogy be printed in the RECORD.

There being no objection, the eulogy by Mr. Kirkland was ordered to be printed in the RECORD, as follows:

### PRESIDENT LANE KIRKLAND'S TRIBUTE TO GEORGE MEANY

"The whole earth is the sepulchre of illustrious men."

So it was said on such an occasion in a golden age many centuries ago. And so it is now with George Meany.

There were no boundaries to his mind and spirit, save those of his own constant principles.

There is a Book here which tells us that wheresoever men are in chains, we are bound with them. George Meany endeavored to live by the full scope of that Writ.

Strangers did come and try to teach him their ways. Some, indeed, scorned him just for being what he was. But they came and went and George Meany abided.

Certainly he was not of the right. Surely he was not of the left, nor was he anchored in the center. He stood above such transient categories in resistance to all power directed against the rights of man and woman, and in affirmation of the role and the interests of plain people.

And it is to the honor and credit of this trade union movement that we clung to his leadership as long as we could; that we kept him as long as the Lord would let us, for he was, to his last day, the best there was.

For many years he presided with a gavel and wooden block made and given him by the Carpenters' Union. His last light tap of that gavel, before he yielded it, split that old battered block apart—a sign, perhaps, of the honorable completion of his apprenticeship here and of an impending summons to a higher call.

That call came 63 years to the day of his admission to membership in the United Association that was his pride.

Now he is young and strong again, free of pain, blessed with a teeming store of grace, starting over with the steadying—and, when needs be, humbling—force of Eugenie at his side.

And we now have faith that better days lie ahead for the working people of America, and of the world, because George Meany is up there, negotiating the matter with God.

Now we take our last leave of what remains of him here.

Good bye, George. Fare thee well.

## GEORGE MEANY—HE DARED TO FIGHT FOR SOCIAL AND ECONOMIC JUSTICE

Mr. RANDOLPH. Mr. President, the going away of George Meany at age 85 after a lengthy illness was not wholly unexpected, yet his passing left many of us searching for meaningful words to express tribute to his life and leadership.

He was, indeed, an "American institution" and a "towering figure of the national scene." Millions of American workers enjoy a better life today because of his efforts.

I think perhaps the comment George Meany would have liked above all other eulogies was one that was not intended to praise him. The Chicago Sun-Times noted that Tass, the Soviet news agency, called him an "apologist of the capitalist system, a rabid anti-Communist."

George Meany was indeed a champion of free enterprise, as long as it enhanced the dignity of the workers who were shaping it to create history's most prosperous society.

In his almost quarter-century as president of the 13.6-million-member AFL–CIO, he built a fragmented and divisive organization into the most powerful and progressive force for the good of our American workers society. In addition to his efforts to advance the economic wellbeing of workers, he turned his forces toward the championing of social legislation, particularly the Civil Rights Act.

He encouraged activist young unionists to become involved in communities, in government, and to the lending a hand to the shaping of a better society. I recall the extraordinary activities of a good personal friend, Miles Stanley, who served as the first president of the West Virginia Labor Federation, AFL–CIO, from 1957 until his death in 1974.

Joe Powell, now president of the West Virginia Labor Federation AFL–CIO, is a worthy successor. Meany brought Miles Stanley into the power centers of Washington and elsewhere to serve on a number of advisory groups, commissions and boards meeting the needs of Appalachia, in antipoverty programs, in education, in economic development and health projects.

In 1967, a turbulent time of Vietnam escalation and social unrest, George Meany delivered a Labor Day address that sought to answer our critics at home and abroad. He recognized the shortcomings of our American society, but defended our efforts in ringing words that are appropriate to today's troubled times. George Meany said the critics were wrong:

> Because progress toward the security of other free peoples are inseparable parts of a single objective.
>
> America can remain free and secure only in a word where freedom is secure. Freedom can be secure everywhere only if it is assured to all Americans.
>
> This is what Americans must bear in mind during this period of national decision. It is my hope and my faith they will decide wisely and well.

George Meany served America and its people well in his 50 years as a fighter for economic and social justice. His hope for the wise decisions we must make now and in the troubled years ahead is one that hopefully can be shared by all of us.

President Meany, in his farewell address at the AFL–CIO convention in Washington, D.C., on November 15 of last year, spoke in part as follows:

> To my God go my prayers of thanks for granting me more than one man's share of happiness and reward, and for his continuing blessing on this Nation and this movement and on each of you.

## JOINT MEETING OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the distinguished Republican leader (Mr. BAKER), the distinguished acting Republican leader (Mr. STEVENS), and the distinguished acting Republican leader (Mr. TOWER) is present.

I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

H. CON. RES. 241

*Resolved by the House of Representatives (the Senate concurring)*, That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 23, 1980, at 9 o'clock postmeridiam, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 241) was agreed to.

## EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROBERT C. BYRD. Mr. President, I have notified Mr. BAKER and Mr. STEVENS that it was my intent now to move to take up Senate Concurrent Resolution 47, a concurrent resolution to approve the extension of nondiscriminatory treatment with respect to the products of the People's Republic of China.

Mr. TOWER is here representing the minority at this time. Without making a motion, I simply ask unanimous consent that the Senate proceed to the consideration of that resolution.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

S. CON. RES. 47

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the People's Republic of China transmitted by the President to the Congress on October 23, 1979.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ROBERT C. BYRD. Mr. President, I believe under the agreement the time is divided between the majority and minority leaders. Is that correct?

The PRESIDING OFFICER. Or their designees. The Senator is correct.

Mr. ROBERT C. BYRD. I yield the time under the majority leader's control to the Senator from Connecticut (Mr. RIBICOFF).

Mr. TOWER. Mr. President, I yield the time under the control of the minority leader to the distinguished Senator from Delaware (Mr. ROTH).

Mr. RIBICOFF. Mr. President, on July 7, 1979, the United States and the People's Republic of China signed a trade agreement which, among other things, provides for reciprocal most-favored-nation treatment in United States-China trade. The President negotiated this agreement under the authority of title IV of the Trade Act of 1974, and pursuant to the provisions of the Trade Act, submitted the agreement to Congress for its approval on October 23, 1979. The concurrent resolution now before the Senate would give the Senate's approval to this trade agreement, and if concurred in by the House of Representatives, would permit the agreement to become effective and permit China to join Romania and Hungary as countries which have received most-favored-nation treatment under the Trade Act's provisions.

Passage of the concurrent resolution would mark a significant movement toward establishing a basis for trading with China which would be secure and would result in mutually beneficial trade and remove unnecessary barriers to such trade. Like all such agreements, it is a framework, and there is a need in the future for continued good will and dedicated effort so that both countries can achieve the potential that exists from normal, expanded trade relations.

The Subcommittee on International Trade of the Finance Committee held a public hearing on Senate Concurrent Resolution 47 and trade relations between the United States and the PRC on November 15, 1979. The testimony received was generally favorable regarding approval of the trade agreement and extension of MFN treatment, and the subcommittee's questions developed the issues relevant to consideration of the agreement. On December 14, 1979, the Finance Committee met with Deputy Secretary of State Warren Christopher regarding emigration and other matters relating to the PRC. Based on these sessions, the committee met on December 18 and unanimously ordered the resolution of approval favorably reported, and filed its report on January 10, 1980.

The trade agreement under consideration contains provisions similar to the provisions contained in the agreements the United States has with Romania and Hungary which were previously approved by the Senate. General commitments are included to promote the development of U.S.-PRC bilateral trade. It provides that such trade shall be effected on the basis of commercial contracts and customary international trade practice and commercial considerations such as price, quality, delivery and terms of payment.

The agreement provides for reciprocal nondiscriminatory (MFN) treatment of the parties' imports and exports, including nondiscriminatory tariff treatment. It commits each party to reciprocate satisfactorily concessions made by the other in the area of trade and services.

The agreement addresses issues related to the facilitation of business activities, including, subject to national laws and physical abilities, the stationing of business representatives and the establishment of business offices and the improvement in the conditions under which these offices operate. It contains provisions regarding international payments and facilities for international financial, currency, and banking transactions. Payments for transactions may not be restricted except in time of declared national emergency. It provides for the participation on an MFN basis of finanical institutions of each country in appropriate banking services related to international trade and finance in the other country. Each party is to provide on an MFN basis, subject to its laws, all required authorizations for international payments, remittances and transfers, and uniform application of rates of exchange. In addition, the two parties agree to facilitate the availability of official export credits in accordance with applicable laws and procedures.

The agreement provides for reciprocal and equivalent protection of patents, trademarks, and copyrights. It also includes provisions for the protection of other industrial rights and processes.

Bilateral trade problems, including market disruption due to rapidly rising imports, will be the subject of prompt consultations. Should such consultations not result in a satisfactory resolution within a reasonable period of time, either party may take whatever action it believes appropriate. In an emergency, action may be taken before consultations are held.

The agreement leaves the parties free to take whatever actions they deem necessary to protect their security interests.

While the PRC will benefit from the trade agreement, the agreement is reciprocal, and the United States will also benefit. The United States has demonstrated a strong export performance with respect to the PRC, ranking as its third principal supplier. The United States has run favorable balances of trade with the PRC in 1978 and 1979 of about $500 million and $1 billion, respectively. U.S. exports will be facilitated as a result of the approval of the trade agreement in a number of ways. The provisions relating to patent and copyright protection, facilitation of commercial and financial activities, and dispute settlement should enhance prospects for U.S. exports and investment in the PRC. In particular, the agreement contains a commitment to make purchases on the basis of customary international trade practice and commercial considerations, including price, quality, delivery, and terms of payment.

Thus, commercial considerations, as opposed to political considerations, are intended now to determine trade between the United States and the PRC. Some

U.S. exports which are likely to benefit include exports of grain and other agricultural products, mining equipment and technology for the development of the iron ore, coal, and nonferrous metal industries, oil-drilling equipment and technology for the petroleum industry, equipment and technology for the electric and hydroelectric power industries, transport equipment, communications equipment, and hotel construction.

It is difficult to assess the precise effect which approval of the trade agreement and the provision of MFN treatment to the PRC will have on imports from the PRC and on U.S. producers. The reduction of duties that will be experienced will result in some increases in imports and some effect on U.S. producers. However, the increases and effects will be limited to a certain extent by supply and infrastructure constraints in the Chinese economy, the extent to which the duty reduction results in lower prices of PRC imports, whether some of the increase in PRC imports will result in a displacement of imports from other countries as opposed to additional imports from the PRC. Of course, to the extent that market disruption occurs from rapidly increasing imports, relief will be available under section 406 of the Trade Act of 1974. It is expected that the joint economic committee which has been formed between the United States and the PRC to manage the further development of the U.S.-PRC economic relationship will keep track of developments in trade between the United States and the PRC, with a view toward identifying potential opportunities and problems and helping resolve disputes that may arise. The trade agreement is for a 3-year period, subject to renewal for additional 3-year periods. At the end of the initial 3-year period, we will be able to review the results of the agreement to assure ourselves that it has worked satisfactorily.

As the Senators in this Chamber are aware, in order for the MFN treatment provided for in the trade agreement to become effective, not only must the trade agreement be approved, but the President must either waive or certify that freedom of emigration exists in the PRC. The President exercised this waiver with respect to China on October 23, 1979. Under the Trade Act, the President's exercise of the waiver must be based upon his receipt of assurances that the emigration practices of the PRC will lead substantially to the achievement of the objective of freedom of emigration.

The President based his waiver determination on recent public statements of Chinese leaders, observed trends and practices relating to emigration, and confidential diplomatic discussions with Chinese officials.

The committee carefully examined the question of Chinese emigration and the waiver exercised by the President. The issues were discussed during the hearing before the International Trade Subcommittee and were the subject of the committee's meeting with Deputy Secretary Warren Christopher. With this review, the committee believes that the President has a sound basis in the law for the exercise of the waiver, and properly exercised it. In saying this and in recommending approval of the trade agreement, it should be borne in mind that the Senate is not being asked to approve everything that occurs in China with respect to human rights or even emigration. Rather, approval indicates that the law's requirements have been satisfied, and that the agreement is of significant benefit to the United States. It should also be noted the exercise of this waiver will be subject to specific congressional review on an annual basis, beginning this summer.

Mr. President, Senate Concurrent Resolution 47 should be approved by the Senate. The agreement stands on its own as beneficial to U.S. interests in establishing a useful, normal trading relationship with a country containing one-fourth of the world's population. Approval of the trade agreement will significantly enhance U.S. export opportunities and will provide basic protection for U.S. trade and investment interests. The PRC has had relatively little economic relations with the United States, and indeed with the industrial market-economy countries as a whole. I believe such relations should be encouraged, as good economic relations are the foundation for strong, peaceful, and mutually beneficial relations generally. This agreement, representing as it does a strong commitment to responsible actions by the PRC to advance these relations, should be approved for the benefit of the United States.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I endorse the remarks of my good friend (Mr. RIBICOFF) in urging that this body approve the trade agreement with the People's Republic of China and the extension of nondiscriminatory treatment to the products of that country. Within the Finance Committee, there was bipartisan support for this agreement, primarily because it will advance our trade and commercial interests in a large and growing market. By the provisions of the Trade Act of 1974, we cannot amend Senate Concurrent Resolution 47. We must vote it up or down, and it is therefore imperative that each of us weigh carefully the agreement and its consequences before making a decision.

Mr. President, I approached this agreement with caution. Like many of my colleagues, I was concerned that we not rush into an agreement extending most-favored-nation treatment unless such an agreement would be in the economic interest of the United States and would be consistent with our other national interests. As strongly as I deplore the conduct of the U.S.S.R., I should not support this agreement if it were merely an effort to take a slap at the Soviet Union. Nor would I support an agreement or a policy which threw caution to the wind in dealing with China because of recent favorable economic and foreign policy developments.

In extending MFN to China, we should not be under any illusion that all our differences with the People's Republic will be bridged. Make no mistake: China remains Communist. No one can predict what course Chinese policy will take in the future, but we will undoubtedly continue to differ, sometimes sharply, over important philosophical, political, and economic matters.

We can take small comfort in knowing that China is turning to the West for technology to strengthen its ability to counter the Soviet threat. International relations, like politics, sometimes makes for strange bedfellows. That we find ourselves on the same side as the Chinese in opposing Soviet expansionism should not blind us to our longer term interests.

We have, however, both short-term and long-term interests in expanding our economic relations with China. In the short term, we cannot ignore the intentions of our free world competitors who want to participate in the modernization of the Chinese economy. The Japanese and Europeans are already vigorously competing for a piece of the action. In our free enterprise international system, this is as it should be. But we in Congress must give our exporters the opportunity to compete on an equal footing.

Over the longer term, we have a strong interest in bringing China into a more responsible role in the international community. There are some signs that the Chinese leaders themselves, in seeking more normal economic relations with the rest of the world, are giving higher priority to the economic welfare of China's vast populace. While not losing sight of the fact that the People's Republic is a Communist nation, we have both opportunities and challenges to meet as we move to a fuller and more mutually beneficial relationship.

Mr. President, I am satisfied that this agreement advances our trade interests on its own merits, without overcommitting the United States or sacrificing our capacity to take necessary actions in our trade or national security interests. Over the last 2 years, the PRC has evidently decided to make major purchases of Western goods and technology in an effort to develop its petroleum, mining, and industrial capacity. Efforts to better feed its population will require expanded food imports from the West. U.S. exporters have already benefited from these changes. We exported more than $800 million in goods to the PRC in 1978, and enjoyed a trade surplus of over half a billion dollars. This was a dramatic improvement over 1977, which continued in 1979 according to preliminary data.

This improvement came about in the absence of this agreement, of course, but in the context of improving relations and the negotiation of this agreement. The Chinese have demonstrated in the past that they will descriminate on political grounds in making import decisions. We should be under no illusions about that; if this agreement is not approved, there could be negative consequences for our export interests.

With the agreement, on the other hand, we will gain important affirmative benefits and protections which should enhance our ability to expand this export market. The agreement provides not only for nondiscriminatory treatment, but affirms that purchase decisions will be made on the basis of "customary international trade practices and commercial considerations, such as price, quality, delivery and terms of payment." Political discrimination—except for a general national security exception—is thus affirmatively barred.

There are several other important economic benefits in this agreement. For the first time, the PRC has agreed to provide reciprocal protection of copyrights, patents, trademarks, and industrial processes. China's law in this area has been rudimentary or nonexistent. The agreement provides for trade facilitation measures such as visits and governmental and business trade offices, subject to domestic laws and physical limitations. The agreement provides most-favored-nation treatment with respect to banking operations and payments in hard currencies unless otherwise agreed in commercial contracts.

Mr. President, these are important provisions, affording protections American businesses and farmers would not have absent this agreement. I will not, however, oversell these provisions. It must be acknowledged that the PRC has relatively little experience with Western commercial practices, and there will doubtless be problems for the unwary. While some qualifications in the agreement are necessary for our own protection, the executive branch will need to be attentive to assure faithful reciprocal implementation of this agreement. Nevertheless, the agreement meets the required statutory criteria, and I have no trouble concluding that our export interests are better served with the agreement than without.

On the import side, I am well aware that some domestic industries are concerned that competing Chinese products could flood our markets. Despite protracted negotiations, we have not been able to arrive at an agreement restraining PRC exports of textiles to the United States. As a result, we have needed to impose unilateral restrictions on several textile items from the PRC. Other domestic producers have expressed concern that the PRC could suddenly enter our market on a large scale with products traded in only nominal amounts under current high tariffs. Some of these producers, such as footwear manufacturers, already face serious competition from other countries.

The agreement provides important protection for our domestic industry against potentially unfair competition from low-priced imports such as textiles or footwear from China. The consultation provisions afford a means to prevent potential problems from becoming market disruptive. If market disruption nevertheless occurs, the agreement preserves our right to take unilateral action under section 406 of the Trade Act. But the administration will have to monitor the trade very closely, and Congress will be monitoring the administration.

Mr. President, I should like to add that the committee paid special attention to the question of China's emigration policies, as called for by the Jackson-Vanik amendment. After extensive and confidential consultations with the Deputy Secretary of State, the committee concluded, and I concur in that conclusion, that the President had received sufficient assurances to justify a waiver.

In any event, Congress will have another opportunity to examine this question when an extension of the waiver will come up for congressional review next summer.

I also note that nothing in this agreement should be regarded as prejudicial to our traditional economic ties with Taiwan. The Taiwanese economy is one of the great success stories of the mid-20th century. America not only played a crucial part in that success, but we as a nation derive substantial benefit from the dynamism and talents of the people on Taiwan. We fully intend to maintain our mutually profitable economic and social relations with Taiwan.

As I have indicated previously, Mr. President, the China MFN agreement stands on its own merits, but it is, in a way, fortuitous that it has come up for the Senate's consideration at this time. In denying the Soviet Union access to American resources, food, and technology, the President has sought to bring home to the leaders in the Kremlin our outrage over the shameless invasion of Afghanistan. In addition to the political and strategic elements in our growing relationship with China, it is particularly important to assure American access to the China market when we are foreclosing avenues to the Soviet market. American exporters will now have equal footing with other nations in competing for the vast and growing China market.

The 1980's have opened with the Soviet invasion of Afghanistan. The coming decade promises to be turbulent. If we are to meet the Soviet and other challenges, a firm and reciprocal relationship with China is absolutely essential. This MFN agreement is an important step in that direction. The China agreement further opens the door to developing lasting ties with the most populous nation on Earth. It serves not our own interests but those of the entire world.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LEVIN). Who yields time?

Mr. RIBICOFF. Mr. President, I yield as much time as the distinguished Senator from California may desire.

Mr. CRANSTON. I thank the Senator very much.

Mr. President, I am pleased to support this resolution approving the trade agreement between the United States and the People's Republic of China, which extends most-favored-nation treatment to Chinese goods.

This pact represents a very important step in the ongoing process of normalizing our political and economic relations with the PRC. Once ratified by Congress, this agreement will provide a sound framework for the rapid expansion of our trade with China.

The benefits of this trade promise to be very significant. If the aims of the proposed agreement are fully realized, we may see the volume of trade between the United States and the PRC grow to nearly $21 billion over the next 5 years, as compared with a total of less than $1.2 billion in 1978 and just $2 billion last year. This potential expansion of trade also promises to aid the serious U.S. balance-of-trade problem by providing, according to Department of Commerce estimates, a $9 billion surplus in the U.S. balance of trade with the PRC during the first half of the new decade. This trade will be especially important to Californians, because our productivity, reserves, and geographical location will insure that a large percentage of this trade will be with California firms.

The administration has submitted the trade agreement to Congress together with a Presidential waiver of restrictions in section 402 of the 1974 Trade Act which would prohibit extension of credits and investment guarantees to the PRC. The terms of this Presidential waiver are fully consistent with the provisions of the so-called Jackson-Vanik amendment, which places curbs on trade with Communist countries denying emigration rights to their citizens.

I support the President's determination that the PRC should now be made eligible for trade credits and investment guarantees.

I am concerned, however, that not enough effort has been made to insure that sufficient Export-Import Bank credits will be available for full implementation of the trade agreement. If we are to make this thing go, we are going to have to move expeditiously on the credit issue. I intend to work with other Senators to see that this is done.

The administration has assured the Chinese that sufficient credit will be available—Vice President MONDALE publicly promised in Beijing last August to make available to the Chinese at least $2 billion in credits over the next 5 years.

But this promise has not yet borne fruit. The administration has not supported the $1.9 billion increase in Export-Import Bank credit authority contained in the Senate version of the fiscal year 1980 Foreign Assistance Appropriations Act.

Even if the higher Senate figure were to prevail in the contentious House-Senate conference on the fiscal year 1980 appropriations bill, more will have to be done to make certain sufficient credit is available for PRC trade, as only a small portion of this additional $1.9 billion could be committed to China trade.

A number of firms in the United States, including several in my own State of California, are anxiously awaiting further action on Export-Import funding from the administration, the Congress and the Export-Import Bank. The Chinese trading partners of a number of these firms need credit assurances before their contracts can go forward.

These deals are in a number of important fields, including copper and iron ore mining, aluminum production, and aircraft sales and coproduction agreements. These contracts promise to bring significant benefits both to Americans and to the Chinese. Therefore, I will continue to support increased Export-Import credit authority in fiscal year 1980, fiscal year 1981 and beyond, in order to help these projects move forward.

Mr. President, it is important to state clearly just what we are doing and what we are not doing when we consider extension of most-favored-nation treatment to a Communist country like the PRC.

First of all, we are not, by any stretch of the imagination, "rewarding" a country for its domestic policies. Nor are we approving of its system of government. We are simply facilitating a growth of trade and economic intercourse in pursuit of our own political and economic interests. This is why the United States has extended such treatment to virtually every country in the world, except for the most totalitarian dictatorships, such as Albania, North Korea, and the Soviet Union.

Second, in extending MFN, we are not offering benefits which are at all unusual. The term "most favored nation" is very misleading. "Nondiscriminatory trade treatment" is more exact. MFN treatment simply makes a nation eligible for those basic tariff reductions which we routinely make available to all our trading partners. Again, the expansion of trade facilitated by such action is to the direct benefit of American workers and American consumers.

Finally, and most importantly, extension of certain trade benefits to countries like the PRC does not mean that the U.S. Government has in any way reduced its commitment to human rights and free emigration. The United States promises to have greater leverage to encourage continued improvement of emigration policies once MFN and trade credits have been granted than we would have in their continued absence. Armed with the existing authority of annual review, and if necessary, of withholding extension of the President's authority to waive trade restrictions, Congress remains in a position to make known its concerns regarding emigration practices in Communist countries.

Mr. President, I welcome the new trade agreement with the PRC. I urge my colleagues to join with the members of the Finance Committee who unanimously adopted a resolution approving this agreement and MFN treatment for Chinese goods—and vote shortly for adoption of this important pact.

Mr. RIBICOFF. I thank the distinguished Senator.

Mr. President, I yield as much time as the distinguished Senator from Washington may desire.

I do not believe there is another Member of this body or in this country who is more intimately knowledgeable, in depth and breadth, of the entire American relationship with the PRC.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, I thank my friend and colleague, the senior Senator from Connecticut, and the chairman of the subcommittee that held the hearings on this legislation.

This resolution would not be before the Senate at this time had it not been for his leadership and determination to get early action on it.

I also commend the distinguished Senator from Delaware (Mr. ROTH) for his important contribution in moving the legislation on a truly bipartisan basis.

I commend both of our colleagues for their efforts in this important matter that is now before the Senate.

Mr. President, the trade agreement between the United States and the People's Republic of China has come before the Senate at a crucial moment in history.

For the first time in 35 years, the Soviet leaders have used their military forces to invade a country outside the empire they inherited at the end of World War II. Clearly, the Soviets are on the move. They may continue beyond Afghanistan, driving toward control of the Persian Gulf oil and a warm-water port.

The administration's expectation that an accommodation with the Soviets could be achieved primarily through a policy of reciprocal cooperation has been destroyed by Soviet aggression. National policy can no longer be based on the illusion that the Soviets will forbear from adventurism as a reward for U.S. cooperation and concessions. There has always been much more to a livable United States-Soviet relationship than seeking areas of accommodation. What U.S. leaders have overlooked, played down, and, indeed, ignored is the necessity to maintain our strength in the overall military balance, to continue to convince the Soviets that we would use our military strength to restrain their aggression when our vital interests are threatened, and to work effectively with friends and allies with whom we share common or parallel interests in safeguarding the future of freedom.

A basic difficulty in getting this trade agreement with China before the Congress has been the position of top administration officials favoring a policy of "evenhanded treatment" of Russia and China.

According to this notion, if we give the benefits of MFN and credits to China, we must also give them to the Soviet Union. If China is in conformity with our law and the Soviets not in conformity, then it is argued, efforts must be made to interpret the law to accommodate the country that has chosen not to conform. In the present case, the country that has chosen not to conform is the Soviet Union and the law in question is section 402 of the Trade Act of 1974.

Mr. President, if it was not perfectly clear before, it must be abundantly clear now—after the invasion of Afghanistan—that China and the Soviet Union are two very different countries. They have different interests and ambitions, different associates and allies, and different attitudes and intentions toward this country.

They should be treated on separate tracks, and in our own national interest, they cannot be treated alike. I wish I was convinced that administration officers—notably in the State and Commerce Departments—have finally seen the error of their ways in promoting the misguided policy of evenhandedness.

In fact, the United States shares with China a common interest in key strategic areas. The People's Republic is playing a central role in the geopolitical balance of power in the world, including the struggle to deter Soviet aggression and expansionism in critical areas of tension. For example:

In Southwest Asia and the Persian Gulf region, China has long understood the threat of Soviet involvement, particularly Russian pressure on Afghanistan, Iran, and Pakistan. China has been the most faithful champion of beleaguered Pakistan.

In Southeast Asia, China is resisting Vietnam's effort—undertaken with Soviet blessing and large-scale material support—to dominate Cambodia, Thailand, and other parts of Southeast Asia.

In the Far East, Chinese leaders have developed a constructive and helpful relationship with Japan.

Beyond this, the Chinese recognize that their security is affected by what happens in Europe, and they are outspoken advocates of a strong North Atlantic Treaty Organization. They are proponents of an independent Yugoslavia, recognizing that, in this delicate period of transition, it could become a target for another application of the Brezhnev doctrine.

Just 4 days ago, Chinese leaders indefinitely suspended their normalization talks with Moscow on the ground they are now inappropriate given the Soviet invasion of Afghanistan which, in their words, "threatens world peace and China's security, creating new obstacles for normalizing relations between the two countries."

The truth is the United States has a significant stake in the continued existence of a strong, independent China. U.S. efforts to aid China in its drive to become a modern industrial state, and to work with her where our strategic and bilateral concerns run parallel are in American as well as Chinese interests.

I strongly support the United States-China Trade Agreement now before the Senate. It lays the foundation for the expansion of trade and financial ties between our two countries, with major mutual benefits. China's pursuit of a long-term modernization program calls for ongoing high levels of imported capital goods and technology, and China's leaders are counting on placing substantial orders with firms in this country.

As my colleagues know, section 402 of the Trade Act of 1974, the Jackson-Vanik amendment, prohibits the extension of most-favored-nation treatment and official credits, credit guarantees, or investment guarantees, to any nonmarket-economy country which restricts the right of its citizens to emigrate freely. The President, however, may waive these prohibitions with respect to a particular country, if he reports to the Congress that: First, he has determined that such waiver will substantially promote the objective of free emigration, and second, he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objective of free emigration.

The President has determined that these two requirements have been met by the People's Republic of China, and he has issued an Executive order waiving the application of section 402 (a) and (b).

I am pleased to see that the President has based his case for MFN to China both on assurances regarding future emigration practices provided by Chinese leaders in official exchanges, and on assurances publicly stated by senior Chinese leaders.

Administration spokesmen have told us that during his visit to this country last January, Vice Premier Deng Xiaoping, in personal talks with top U.S. officials, gave assurances on China's future emigration practices. The administration has also informed us that before the trade agreement was signed last year on July 7, top U.S. Embassy officers discussed Chinese emigration policy and practice with the Ministry of Foreign Affairs in Beijing in light of the legal requirements of the Jackson-Vanik amendment. The Chinese were fully apprised of these requirements, including the requirement that assurances regarding future emigration practices be given, and at that time senior Chinese officials provided the assurances the law requires. There is a written record of these official exchanges on the basis of which administration officials have informed the Senate Finance Committee regarding the substance of these assurances.

On several occasions, Chinese leaders have publicly given assurances regarding their Government's future policies on emigration.

For example: In a Washington, D.C., speech before the National Association of Chinese-Americans & Overseas Chinese in the United States on January 30 last year, Vice Premier Deng Xiaoping said:

> Many of you may have relatives living on the mainland of China and wish that they may come over for a family reunion, and others may wish to go back to China to visit their relatives. This is quite natural and understandable. The Chinese Government will treat these legitimate wishes favorably and with sympathy and will adopt effective measures to satisfy these wishes. You may rest assured on this score.

For another example: On the occasion of the formal establishment of the Embassy of the PRC in the United States in March of last year, Ambassador Chai Zemin gave the following public pledge:

> Among the Americans and overseas Chinese residing in the United States, who have relatives living in China, some may wish to have their relatives come to the U.S. for family reunion and some may wish to visit relatives in China. This is quite natural and understandable, and is in accord with the interest and desire of the two peoples and is also beneficial to the enhancement of mutual understanding and friendship. Now that relations between our two countries have been normalized, the movement of people between the two sides will certainly increase significantly. I avail myself of this opportunity to solemnly declare: Our Government will adopt positive and effective measures to satisfy the reasonable wishes of people who wish to visit their relatives or reunite with them.

Of all the individual liberties contained in the U.N. Declaration of Human Rights, we in Congress have particularly emphasized the right to emigrate. It is the touchstone of all human rights. As cosponsor of the Jackson-Vanik amendment, I—and its host of supporters—can take satisfaction as our amendment encourages greater respect for freer emigration.

Mr. President, I urge the Senate to move expeditiously to pass Senate Concurrent Resolution 47, the resolution to approve this promising agreement on trade with the People's Republic of China.

Again, I commend my distinguished colleague Senator RIBICOFF, who has worked long and arduously on this matter, ably assisted in all this, in a truly bipartisan effort, by the Senator from Delaware (Mr. ROTH).

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield such time as the Senator from Arizona may require.

Mr. GOLDWATER. Mr. President, I oppose granting most-favored-nation treatment to Communist China.

This proposal is built on dreams. Some people dream that Communist China is the new savior of freedom on Earth, standing between the Soviet Union and what is left of the free world. Others dream of Communist China only as a vast, untapped market of consumers supposedly eager to buy billions of dollars worth of American commodities. Still others dream of Communist China as a progressive society that will help to solve all the world's problems.

Mr. President, these dreams, these hopes, are nothing more than myths. Those who would pursue these dreams would chase a will-o'-the-wisp.

Let us examine the real China. The Communist Chinese have not become overnight paragons of virtue. This is the same totalitarian society that killed American troops in Korea during the 1950's. At least 5,145 Americans were killed and 16,460 wounded after Communist China entered the Korean war on a massive scale in October 1950.

As we know, the Soviet Union was condemned recently by the United Nations for invading Afghanistan. It might be remembered that in 1950, the United Nations not only condemned Communist China, but organized an armed force, under U.S. leadership, to combat Chinese intervention in the Korean war.

In 1980, the Soviet Union has mounted a deplorable and brutal invasion of a Third World country. Similarly, in 1959, Communist China savagely put down an independence movement in Tibet, killing at least 65,000 persons. In fact, China was officially found guilty of the worst offense any nation can commit against humanity, genocide, for its actions in Tibet. In 1960, the International Commission of Jurists found that Communist China had committed genocide by attempting to destroy Buddhism as a religion in Tibet.

Among other crimes which the International Commission discovered were incidents of small babies being ripped out of the arms of their mothers and sent away to China in order to prevent them from having a religious upbringing at home. Also, proof was given that Tibetan religious leaders were placed in pits where the Chinese forced villagers to urinate on them. These and other of the savage atrocities perpetrated by the Chinese in Tibet are on the public record, and I commend the International Commission's report to anyone who is misled by the smiles and sweet talk of the present Communist rulers. The true character of the system we are dealing with is revealed in this study.

And if anyone thinks the Communist Chinese are kinder toward their own citizens than they are to minority groups, such as the Tibetans, I suggest they read the booklet entitled "Political Imprisonment in the People's Republic of China," which Amnesty International published in late 1978. This report concludes that in China:

> Trials are a mere formality. Rather than "trials," they are, in fact, meetings to announce the sentence.

Amnesty International summarizes report of millions of Chinese having been murdered or imprisoned in slave labor camps because of their political beliefs. The paper will provide interesting reading for anyone who believes Communist China is an orderly society with whom we can have normal and reliable business, political, and cultural dealings.

And if anyone thinks the Communist China is more trustworthy or friendly toward the United States than the Soviet Union, they are badly misled. The Chinese are still flaunting their support of Vietnam in the war that caused thousands of American deaths.

In a press release from the embassy of the People's Republic of China, dated November 21, 1979, which was circulated to all Congressional offices, the Communist Chinese proudly assert—

> From October 1965 to March 1968, China dispatched to Vietnam support forces [which the Chinese call "troops"] of over 320,000 men to undertake air defense, engineering, railway and logistics work.

This same news release brags that—

> In the four years from 1969 to 1972, the Chinese Government signed and executed over 30 agreements on its economic and military aid given gratis to Vietnam.

What I am suggesting is that Communist China is no proven friend that can be counted on to rescue the United States from the threat of the Soviet Union. The Soviet-Sino disagreement is not ideological. It is a geocultural struggle. If the United States assists in creating a parity of power between China and Russia, by such means as the pending trade agreement, the risk we take is that the conflict between those two powers will not be prolonged, but rather that the split may be mended.

Returning to the specifics of the trade agreement with Communist China, I cannot see how it will do anything more than give China a considerable advantage, while offering very little for the United States.

If most-favored-nation status is given to Chinese exports, the tariff rate will drop from about 34 percent to an average of 5.7 percent. However, as Prof. John Coppers has testified before the Finance Committee:

> It is unlikely that granting China MFN . . . will facilitate U.S. exports to China very much because of the fact that most of the commodities China imports from the United States are purchased under government contract and are not subject to tariff.

Moreover, MFN treatment may well lead to the Chinese obtaining the same preferential tariffs given to developing nations. The resolution now before us would eliminate one of the blocks to this privileged status for Communist China. When granted, it would allow Chinese goods to enter at virtually zero tariff rates.

Another feature of great advantage to Communist China that may follow MFN status is Export-Import Bank credits to help develop China's industrial facilities, facilities that could be used for war as easily as for peace.

Vice President MONDALE has told the Chinese that once they are given MFN status, the United States is prepared to offer subsidized credits totaling $2 billion over a 5-year period. For example, this financing may be at a rate of approximately 7.5 percent over a 35-year period. When compared with the 15 percent that most American consumers are forced to pay, it represents a major giveaway to a Socialist economy.

And, I should add that these subsidized loans may be used to build China into a major competitor of the United States. Dr. Rudolf Oswald, director of research for the AFL–CIO, testified in November that the Chinese trade agreement, because of the lower tariffs, will probably result in the Chinese producing manufactured products, such as steel, which will be exported to the United States. This will add to the problems which our domestic industries already are facing with massive and often unfair foreign competition.

My question is this: Why should we go out of our way to favor Communist China with great advantages that we know may be used to disrupt our own economy? Japan has cornered most of the market of any possible exports of coal and oil, so that will not help us, even if there is any excess left over for export purposes.

Now, one item we know the Chinese want to export a lot of is textiles. Yet, after six unsuccessful rounds of negotiations last year, the Carter administration failed to achieve a bilateral agreement to prevent market disruption because of increased textile imports. The textile and apparel makers are apparently satisfied with a 1 year, unilateral import quota which the administration has placed on seven categories of textile products.

I remind my friends in the textile business that these quotas can be lifted at any time; and I think a bilateral agreement in hand would be far preferable than relying exclusively on one man's word. As our faithful ally Taiwan discovered, when President Carter abrogated the defense treaty without any consultation, expediency may cause a reversal of Government policy from one day to the next.

Mr. President, in conclusion, I believe the trade agreement with Communist China is shortsighted. Whether or not China had a state-controlled economy run by dictators, who have brutally suppressed human rights, we would be foolish, without any true reciprocity, to strengthen the economic muscle of a giant who may some day flood the United States with exports of the very kind that will cause the worst harm to our own work force. I believe this trade agreement is onesided against us, and I urge its rejection.

I thank the Senator for his time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield such time as the Senator from New York may need.

Mr. JAVITS. I thank my colleague.

Mr. President, I am honored to speak immediately after my colleague, Senator GOLDWATER, though my position is other than his own, but it is always tremendously illuminating to me to hear him and to have his point of view.

Mr. President, I should support this measure and I support it because of all the times when it might have been brought up it is the most seasonable right now.

Let us remember that we have a 1-year tether on this particular proposition because according to the law the President has sent this matter to us on the basis of a waiver respecting emigration requirements and that waiver is renewable every year. The agreement itself would be for 3 years. But the waiver is for 1 year. Therefore, we have a very short tether on any arrangement which we make with the People's Republic of China.

Mr. President, the trade agreement which is before us for consideration today accomplishes far more than altering the tariff schedules applicable to United States-China trade. Bilateral trade between the United States and the PRC, which amounted to more than $1 billion in 1978, is sure to expand under a most-favored-nation trading arrangement to the considerable benefit of both countries. Yet, the added importance of this agreement is in the fact that it greatly accelerates the normalization of relations between the two countries and ratifies the PRC's entry into the mainstream of world trade.

The potential economic benefits of increased bilateral trade between the United States and the PRC at both the national and local levels cannot be underestimated. As a member of the President's Export Council and Senate Export Caucus, I am very much aware that a more aggressive U.S. national export policy can help remedy our economic problems at home and stabilize the dollar abroad. I am also very hopeful that New York City will be chosen by the Government of the PRC as the site of its first trade mission in the United States.

I am equally sensitive to the extent to which the PRC has sought to reenter the world community of trading nations and how this agreement formally marks a vital step in that normalization process. In the past several years, we have witnessed the rapid maturation of China in the areas of trade and finance, which has been necessitated by China's ambitious industrial development plans which have required the Chinese to go in search of both industrial technology and the credit with which to finance it. Given the clear limits to the PRC's ability to generate foreign exchange, credit will be the key to the expansion of the PRC's world trade.

Within the ability of the PRC to service its debt, we should encourage this development. The PRC has pursued already both official and private lines of credit to finance its industrial development. To date, this credit has been sourced mainly from official government agencies, specifically the export credit facilities of our major trading partners. These export credit agreements have amounted to about $17 billion with the largest package, $7 billion, coming from France. In the future, we are clearly going to have to go head-to-head with our major competitors to finance our exports to PRC. At the moment we are way behind, but this agreement clears the way for official export credits to the PRC; and we should encourage our Export-Import Bank to pursue aggressively export opportunities to the PRC.

In addition to the granting of MFN status to the People's Republic of China and the establishment of an expanded Eximbank program, we should establish an OPIC program for the PRC, which will permit U.S. business to compete effectively with businessmen from Europe and Japan who, because their countries have earlier normalized relations with the PRC, are already very active there. I very much hope that the Congress will quickly act on the bill (S. 1916) that Senator PELL and I introduced in this body and that Congressman BINGHAM introduced in the other House (H.R. 5252) which would authorize Overseas Private Investment Corporation (OPIC) operations in China.

This bilateral trade agreement will thus pave the way for impressive advances in our export performance with the PRC. But it will also serve as the foundation for a more cooperative relationship with long-term benefits for the U.S. economy and a more accelerated integration of the PRC economy with the world economy.

It is this last consideration which deserves our support and consideration. Clearly, the global economy cannot afford to exclude the PRC with its 900 million consumers and vast resources and productive capacity. Fortunately, it appears that the PRC's leadership has come to a similar conclusion and, as a result, has opted for the benefits and concurrent responsibilities of membership in the world trading community.

We should not content ourselves with simple normalization of trade relations as characterized by this resolution. But as this document looks forward to establishing trade and financial ties between the two countries, so too should the Congress look ahead to other innovative and positive ways peacefully to maximize the benefits of our improved relations.

Mr. President, this is a very important moment in United States-China relations for this reason. I believe it is the right policy for the United States not to play the China card. By that I mean we not enter into any alliance with the People's Republic of China or to ship it any important military goods in pursuance of any such alliance or otherwise pit the People's Republic of China, with our support, against the Soviet Union. I hope very much that notwithstanding the great provocation which the Soviet Union has imposed on us we will not fall for the China card idea.

The point that I make now is that we are satisfied that an effort is really being made to forge bonds of mutuality of interest which will avoid further wars as the Korean war, where we were at war with the People's Republic of China in reality. If an effort will be made to have those bonds of interest so strong that they create a mutual self-interest in keeping the peace and in encouraging the mutual development of both parties, then, by all means, the strands of such bond should be woven.

Another big argument which has been made against the proposition we have here is that it would have been better if at one and the same time we could have extended MFN to the Soviet Union and to the People's Republic of China. Mr. President, I thoroughly agree with that. I think it would have been better, and I wish we could have done it, and I wish the Soviet Union had made it possible for us to do it, but they did not. That is their choice.

So, Mr. President, while we do not play the China card, we are not going to have the China card played against us either. In short, because the Soviet Union chooses to take the headstrong attitude which it has taken in respect of aggression, in respect of emigration, in respect of applications of human rights, which the United States cannot accept as the proper conduct for a superpower, that is the choice of the Soviet Union and we must respond accordingly.

So this measure represents, in my judgment, a well-considered resolution of accommodation and compromise and worth enacting for the reasons I have explained.

But, Mr. President, the effect of this kind of association with the Peoples Republic of China will be far greater than the amount of trade which it engenders. It is a necessary element in the true normalization of relations between our country and the People's Republic, and I hope that very promptly the Senate will enact it and make it law.

I thank my colleague for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. I yield as much time as the distinguished Senator from Idaho, the chairman of the Committee on Foreign Relations, may desire.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. Mr. President, first I pay my respects to the able Senator from Connecticut (Mr. RIBICOFF) and the able Senator from Delaware (Mr. ROTH) for the leadership they have shown in bringing this measure to the floor. I think it is salutary that this is the first bill to be considered by the Senate in the new session, and I am happy to give it my full support.

I listened with interest to the remarks of my good friend, the Senator from New York (Mr. JAVITS), in connection with extending most favored nation status to the People's Republic of China, despite that country's wretched record in the field of human rights.

I agree with my colleague from New York. If we traded only with those countries whose human rights standards are acceptable to us, we would trade with precious few.

I remember Hubert Humphrey once saying that he was in favor of selling grain to the Soviet Union, when that was a controversial issue. If I recall his statement correctly, he said, with his typical humor and verve, "I am for selling them anything they cannot shoot back!"

Others have observed that, when it comes to selling food to Communist countries, we would do well to remember that, as a general rule, well-fed Communists are less dangerous than hungry ones.

Having said that, let me hasten to endorse the embargo invoked against the Soviet Union which calls to a halt planned sales of some 12 million metric tons of corn and wheat and other grain.

This embargo was occasioned by an extraordinary circumstance—the invasion of Afghanistan by Russian forces. Countermeasures on our part were thus made necessary, for President Carter remembered full well our experience with Adolf Hitler prior to the Second World War. We learned then that, when we permitted a great power to undertake aggression with impunity, the first invasion was followed by another, and then another, until we were finally forced into war.

While I have criticized the administration for failing to fully protect American farmers—a subject I will elaborate upon in the future—I have endorsed the embargo as an appropriate reprisal on the part of the United States, in face of this act of bald aggression by the Russians in Afghanistan. Still, I hope that we are not embarked upon another cold war that will last for a decade or a generation; I hope that the Russians will have cause to reassess their new belligerancy, and that the day is not too distant when we can again pursue better relations between the United States and the Union of Soviet Socialist Republics. If and when that day comes, we should reinstate peaceful trade, for it serves the interest of both countries, in the long run.

Mr. President, so it is with China. More than 30 years passed, following the Second World War, during which the United States pretended that Peking was not there; that the Government of China was, in fact, located on Formosa. Such a policy never made sense, in my view, since its tendency was to push the two great titans of the Communist world closer together. It lacked realism. In the end, it was abandoned by nearly every other country of the world and finally by the United States, itself.

I give President Carter his full measure of credit for having taken the final step to normalize relations between the United States and the People's Republic of China.

In line with this newfound realism, the Senate today considers Senate Concurrent Resolution 47—a resolution to extend "most favored nation" treatment to China. This action marks yet another step along the historic path toward establishing full relations—economic as well as diplomatic—with the People's Republic of China. The first step was taken in February, 1972, with the Shanghai Communique which symbolized the removal of the political barriers between the United States and China. The next step was taken a year ago, when President Carter normalized relations with China. Both of these steps were crucial in forging the diplomatic links between our two nations. Extension of "most favored nation" status, as provided in this resolution, will help to establish normal and expanding economic relations.

Since 1972, trade between the United States and China has increased tenfold to $1.1 billion in 1978. With the extension of nondiscriminatory treatment with respect to the products of China—the purpose of Senate Concurrent Resolution 47—the U.S. Department of Commerce estimates that trade between the two countries may reach $5 billion by 1985.

The establishment of full economic relations with China will open up a huge potential market to American exporters. China—a developing nation with ambitious economic goals—will surely be interested not only in U.S. agricultural exports, but also U.S. technical expertise and capital goods—the best in the world. Particularly in the area of energy exploration and development, American expertise will prove invaluable. Current estimates place China's oil reserves at three times our own. Bringing this oil on stream will benefit all nations of the world in this era of energy scarcity.

Future commerce with China will be of particular importance to Idaho, as well as the entire Pacific Northwest. This region will be a major transshipment point for American goods destined for the Chinese market, and a major supplier of agricultural commodities.

Mr. President, I would note that another vital step remains to be taken if the full potential of this trade is to be realized. The United States must make available to China U.S. Export-Import Bank credit. I am confident that President Carter will quickly conclude an agreement on the details for using Eximbank credits with the government of China so that this can be done. Eximbank credits, together with Commodity Credit Corporation financing already available, will provide American businessmen the wherewithal to effectively compete for their share of the expanding Chinese market.

Mr. President, Senate Concurrent Resolution 47 is sound economic policy and sound foreign policy. It is a crucial step in cementing our relations with mainland China. I urge my colleagues to support this resolution.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I yield to the majority leader such time as he may desire.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Connecticut (Mr. RIBICOFF).

Mr. President, the business before the Senate at this time is the resolution to implement a trade agreement between the United States and the People's Republic of China. It is the first legislative business before the Senate in 1980.

The agreement to remove barriers to normal economic relations marks an historic turning point in the relationship between these two countries. It signals an end to a long period of unsettled and, at times antagonistic relations with the world's most populous country.

We begin consideration of Senate Concurrent Resolution 47 in the shadow of disturbing events: We face international lawlessness and aggression which seriously threaten world stability. However, it should be clearly understood that this legislation is aimed at no country. The United States and China in this trade agreement will both benefit from the agreement. It stands on its own merits, and would have received speedy consideration in the Senate regardless of recent events.

I strongly support this legislation, just as I strongly supported the normalization of relations with the Peoples' Republic of China: New political prospects are opened up, as well as potentially important avenues of trade.

This trade agreement is the consequence of a long and deliberate process which stretches over three administrations. It has the support of both parties. It is the logical continuation of a process which began with President Nixon's signing of the Shanghai Communique on February 27, 1972, and which continued under President Ford.

The establishment by President Carter of diplomatic relations between the United States and the People's Republic of China on January 1, 1979, enabled our two countries to move ahead toward normal economic and trade relations. This 3-year renewable trade agreement is the next natural step.

Three administrations have wisely understood that it was in the interest of the United States, and in the interest of world peace, to encourage and strengthen China's ties to the West. For a decade, under the leadership of Presidents Nixon, Ford, and Carter, this has been a principal objective of American diplomacy, an objective which I have supported.

We should work with China in solving long-term global problems relating to population, food, energy, and environment. In short, we need to work with China in the global effort to make a better world for generations to come.

The trade agreement provides for reciprocal nondiscriminatory treatment, that is, "most favored nation" status, of the exports and imports of each country. It provides patent, copyright, and trademark protection. It arranges for the settlement of commercial disputes.

The agreement also includes safeguards against market disruptions caused by imports.

The trade potential between the United States and China is impressive, and the opportunity for U.S. firms is considerable.

The United States is already China's second largest supplier following Japan. In 1979, U.S. exports to China grew to more than $1.5 billion, from $818 million in 1978.

Our trade surplus was almost $1 billion this year, and the administration estimates that the surplus could reach $2.5 billion by 1985.

China is a significant net purchaser of agricultural commodities. American firms will have an excellent opportunity for participation in nonferrous and ferrous mining development; petroleum exploration and sale of petroleum equipment and petrochemical facilities; and for competition in the sale of transport equipment, computers, communications equipment, and electronic components.

China can offer us a number of natural resources which are in short supply in the United States, including petroleum, tin, chrome, tungsten, and cobalt.

This trade agreement is in the interest of the United States. It is in the interest of the People's Republic of China. It is in the interest of world stability and world peace.

Mr. President, I congratulate the distinguished Senator from Connecticut (Mr. RIBICOFF) and the members of the Finance Committee, both the majority and minority, Mr. ROTH and others, on the very thorough examination which they have given to this agreement and for the leadership that they have displayed in bringing it to the point where the Senate is now debating it and will vote on it not today but within due time.

I thank them on the part of the Senate and on the part of the leadership.

● Mr. HEINZ. Mr. President, I support the trade agreement with the People's Republic of China and the extension of most-favored-nation status associated with it. This agreement is important not just because it represents improved relations with the People's Republic, but because it also represents a major turning point in the development of economic and political relations with Communist nations.

The Soviet invasion of Afghanistan has reminded us of what some in this country had apparently forgotten—that competition between superpowers is a fact of life; that threats to peace and freedom exist; that armed conflict remains a way of life for some on this planet. At the same time, this trade agreement represents a growth in the maturity and sophistication of our own world view, a recognition that the world is not bipolar and that nations cannot simply be labeled friends or enemies on the basis of their economic or political systems.

It was not too many years ago that we were not even talking to the Chinese, much less doing business with them. Clearly both nations views of the other have evolved, and while this agreement does not represent accord on every issue or constitute an eternal bond of friendship or political agreement, it does represent a recognition of the present reality and the congruence of our present economic and political interests. While we should be cautious in building on it, we should not hesitate to accept this initial step and to explore additional means of cooperation.

To do so is to open doors to what has historically been a closed society and, therefore, to influence the future by bringing the Chinese into the marketplace—of Western ideas as well as commodities.

At the same time, however, opportunities bring both promises and problems. We have the promise of better political relations and expanding trade to the benefit of both nations. We have the problem of potential trade disruption through import surges from this new market source, and through artificial pricing by an economy controlled by the government, where prices can be set to achieve political goals as well as economic ones, and where both lead far away from a free market climate.

It is inevitable that the expansion of trade relations with the People's Republic of China will bring immediacy to the thus far largely theoretical problem of fitting various trade practices by a nonmarket economy into the legal framework we have established for dealing with unfair practices by our traditional, free market trading partners. Application of our dumping and countervailing duty laws is difficult when prices and costs are set by the government, and where the amount of a subsidy in an economy where everything is owned by the state is impossible to determine.

The Treasury Department, when it administered these laws, sought to cope with the problem through regulation, and the Congress has dealt with it through section 406 of the Trade Act of 1974. Both approaches, in my view, are inadequate and in need of overhaul.

To stimulate public debate on such an overhaul, Senator ROTH and I recently introduced S. 1966, which embodies new approaches to the problem of nonmarket economies and makes major changes in section 406 and the Antidumping Act of 1921. We introduced this bill to bring the problem to public attention. Our trade relations with nonmarket states have been so limited in recent years that this problem has been more academic than real. Thus, in this beginning stage of the debate we are not irrevocably attached to every detail of our bill. We are, however, determined to see the issue debated and discussed, precisely because of the problems posed by this trade agreement. An identical bill has been introduced in the House by Congressmen Schulze and Cotter, and I look forward to early hearings on the legislation.

Mr. President, I ask that a summary of the bill be printed at this point in the Record.

The summary follows:

### SECTION-BY-SECTION ANALYSIS—S. 1966

This bill amends the Tariff Act of 1930 and the Trade Act of 1974 to provide a more coherent and easily administered body of trade law concerning imports from countries that do not have free-market economies.

### SECTION 1

Section 1 of the bill amends subsection (c) of section 773 of the Tariff Act of 1930, as amended, which specifies the methods for determining foreign market value when non-market economies are accused of dumping.

The term "non-market economy country" would replace the term "State-controlled economy." This change would bring subsection 773(c) into line with the bill's amendment to section 406 of the Trade Act of 1974; section 406 is amended by replacing "Communist country" with "non-market economy country." Both subsection 773(c) and section 406 are concerned with the same countries and the same problem of non-market pricing; using the same terminology clarifies their interrelationship.

Section 1 would also amend section 773(c) to make it clear that the foreign market value of goods from non-market economy countries should be determined by examining the prices or costs of the most comparable free-market producer or producers, i.e., the producers that are located in a free-market economy country, including but not limited to the United States, and that are most nearly comparable to the non-market economy producer in size, sophistication, and technology. Although it was the Treasury Department's practice at the time subsection 773(c) was first enacted to compute the foreign market value of non-market imports by looking to prices or costs in third countries with comparable producers, that policy has since been changed in favor of seeking out the most comparable country. This change has not been a success. Trying to measure the "comparability" of market and non-market countries is virtually impossible; in practice, the new policy confers undue discretion upon administrators and contributes to great uncertainty about what our trade laws require. This amendment would correct the problem.

### SECTION 2

Section 2 of the bill amends section 406 of the Trade Act of 1974. At present, section 406 authorizes the International Trade Commission ("the Commission") to recommend relief whenever it determines that products of a Communist country are causing market disruption with respect to an article produced by a domestic industry. As now written, section 406 recognizes only one form of market disruption—a rapid surge in imports constituting a significant cause of material injury, or threat thereof, to a domestic industry. Because there is nothing unfair about importers increasing their market share in open competition, section 406 as now written offers only temporary relief to U.S. industries, and even that relief is subject to modification by the President. It is true that non-market economies are especially prone to volume surges and other erratic supply patterns, but they also pose a special danger of unfair pricing, because non-market enterprises need not operate at a profit if they serve other goals, such as bringing in hard Western currency. The proposed amendment would broaden the definition of market disruption to include artificial pricing.

Subsection 2(a). This subsection would strike out the term "Communist country" and replace it with the term "non-market economy country." Because the primary focus of this bill is on a country's economic structure and not its politics, using an economic rather than a political term seems appropriate.

This subsection also recognizes the danger that non-market countries will engage in below-cost pricing by permitting the Commission to find market disruption caused by increased imports or artificial pricing or both.

Subsection 2(b). This subsection establishes a special procedure for modifying the relief recommended by the Commission. If the Commission recommends relief for market disruption caused by artificial pricing, the President may report that he intends to take action differing from the recommendation. His modification may be put into effect if within 90 days Congress adopts a concurrent resolution approving it. Thus a domestic industry that has proven its case to the Commission may be denied relief by Congress and the President. This is because relief under section 406 will sometimes implicate large issues of foreign policy, and supervision by elected officials serves as a safety valve for the exceptional case in which overriding national interest justifies disregarding a proven injury to U.S. industry.

Nonetheless, artificial pricing is an unfair international trade practice, akin to dumping or subsidizing exports. Neither dumping nor subsidy (countervailing duty) cases are subject to a Presidential override. Non-market countries should not escape the consequences of engaging in unfair artificial pricing unless the President and Congress agree that an exception is necessary. By placing the burden of persuasion on the President, the bill ensures that exceptions will be recommended by the Executive only in a small number of genuinely important cases.

This subsection also proposes other procedural changes in section 406; the changes are necessitated by the nature of the artificial-pricing problem. For example, the relief rewarded by the Commission would not be subject to subsections (d), (h) or (j) of section 203 of the Trade Act of 1974.

Subsection 203(d) is inapplicable because it prohibits increasing the rate of duty to (or imposing) a rate which is more than 50% ad valorem above the rate (if any) existing at the time of the proclamation. But if the Commission is to have the power to impose duties sufficient to eliminate artificial pricing, it must have the power to impose substantial specific duties on products that ordinarily have no ad valorem duty or no duty at all. Because nonmarket economies control the price of their goods, the declared value is subject to manipulation, so that any relief awarded by the Commission could easily be defeated if an *ad valorem* limitation applied. And, of course, it would be entirely appropriate to impose duties on artificially priced goods even though the goods ordinarily enter duty-free.

Subsection 203(h) provides that relief shall terminate 5 years after the day it takes effect and recommends that relief be reduced gradually over this period. While this may be a valid rule of thumb when imports have increased substantially but no unfair practice has been shown, artificial pricing is an intentional breach of the rules of international trade. If the danger of further violations continues, so should the relief. Therefore, the new bill states that relief for artificial pricing may be granted or extended for more than 5 years, but only if the danger of such disruption is likely to continue for more than five years.

Subsection 203(j) is equally inapplicable. It provides that no investigation shall be made with respect to an article which has received relief under section 201 (or section 406) unless two years have elapsed since the last day on which import relief was provided with respect to such articles. Again, requiring a domestic industry to wait two years before renewing its claim for relief seems sensible with respect to a provision offering only temporary refuge from surging imports, but the requirement is out of place in a provision dealing with an unfair practice like artificial pricing. The bill provides instead that the granting of relief for market disruption caused by artificial pricing shall not operate to prevent the initiation of an investigation based on allegations that circumstances have changed since the end of the investigation leading to relief. Without a provision of this nature, non-market countries could continue to maintain an artificial advantage by dropping their prices even further once duties have been imposed under section 406. The provision is also necessary to permit a showing that inflation, or some other recent development, requires adjustment in the relief granted by the Commission.

Subsection 2(c). At present, section 406(c) permits the President to request a Commission investigation and to take emergency action with respect to market disruption caused by increased imports. The bill would permit him to do the same with respect to market disruption caused by artificial pricing.

Similarly, 406(d) now permits the President to initiate international consultations if he determines that there are reasonable grounds to believe that a country's increased imports are causing market disruption. This subsection would permit him to take the same action with respect to disruption caused by artificial pricing.

Subsection 2(d). The definitions contained in this section are the heart of the bill.

At present, section 406 applies only to countries "dominated or controlled by Communism." While this definition has the virtue of indisputably identifying the most obvious non-market economies, it does not deal with the economic nature of the problem. Accordingly, the bill supplements this definition by adding an economic concept drawn from the antidumping laws, specifically section 773(c) of the Tariff Act of 1930. A non-market economy country is defined as a country whose economy is controlled to an extent that sales or offers of sales of merchandise in that country or to countries (including any country dominated or controlled by Communism) other than the United States do not reflect the true market value of the merchandise.

The subsection also makes several improvements in the existing definition of market disruption caused by increased imports. Under the proposed amendment, such disruption would be held to exist within a domestic industry whenever direct or indirect imports of articles, like an article produced by such domestic industry, are increasing, either absolutely or relatively, so as to be either alone or in combination with imports from other non-market economy countries, a cause of material injury, or threat thereof, to such domestic industry or a cause of material retardation of the establishment of a domestic industry. This definition takes into account the possibility that an increased volume of indirect imports from non-market countries will cause injury. The current test for comparable articles has been streamlined by dropping the phrase "or directly competitive with" in favor of defining "like article" in a manner parallel to the definition used in antidumping and countervailing duty cases (section 771(10) of the Tariff Act of 1930). A like article is defined as an article which is like, or in the absence of like, most similar in characteristics and uses with an article subject to an investigation under this section.

The bill deletes the requirement in section 406 that imports be increasing "rapidly." This resolves a discrepancy between section 406 and the other provision for relief against increasing imports, section 201 of the Trade Act of 1974. The amendment also provides for cumulation of all non-market economy imports in determining the cause and extent of injury. This is because many non-market countries are part of a single, close knit economic community, so that coordinated export policies are a likelihood. The bill would also delete the requirements that nonmarket imports be a "significant" cause of material injury; it adopts instead the standard of the antidumping and countervailing duty laws, which require that the challenged imports be a cause of material injury. See Tariff Act of 1930, §§ 701 and 731. The bill also borrows from these laws the rule that relief may be awarded when the challenged imports are a cause of material retardation of the establishment of a domestic industry.

As has been explained, the bill adds a provision to section 406 permitting relief for market disruption caused by artificial pricing. It is similar in many details to the definition of disruption by increased volume discussed above. Because artificial pricing is so similar to other unfair trade practices, such as dumping and export subsidies, it is especially important to make the rules and remedies parallel in all three areas. Market disruption by artificial pricing is held to exist within domestic industry whenever an article, like an article produced by such domestic industry, is imported directly or indirectly from a non-market economy country or countries at a price below the lowest free-market price of like articles, so as to be, either alone or in combination with imports from other non-market economy countries, the cause of material injury, or threat thereof, to such domestic industry or a cause of material retardation of the establishment of a domestic industry.

The key to the new provision is the rule that non-market imports should not be priced below the "lowest free-market price of like articles." This price is defined as the lowest average price, adjusted for the differences in quantity, level of trade, duties or other factors required to insure comparability charged for like articles in this country by either: (a) a producer from an appropriate free market country, including the United States, if that producer provides more than 5% of the apparent United States consumption of like articles; or (b) the aggregate of all producers from any appropriate free-market country, including the United States, that supplies more than 5% of the apparent United States consumption of like articles.

In essence, this definition permits non-market producers to charge the lowest price offered by any significant individual supplier or by all suppliers from any country responsible for a significant portion of domestic consumption. The five-percent requirement is designed to exclude anomalous producers or countries, whose prices may be affected by unusual circumstances (including ownership by a non-market enterprise). Ordinarily, the Commission can be expected to use the prices charged by an aggregate of producers from a single country in preference to the prices of a single producer. Using an aggregate price forestalls serious confidentiality problems and is generally more appropriate; the output of an entire non-market country should ordinarily be compared to the output of another entire country and not to that of a single firm. Nonetheless, the bill gives the Commission discretion to administer the new provision, in a flexible manner consistent with the bill's intent. For example, the Commission may adjust prices to reflect differences in quantity, level of trade, duties, and other factors necessary to assure comparability. It may determine the prices of importers from a particular country by conducting a sample. Generally, the principles established in the countervailing duty and antidumping laws will assist the Commission in administering the new law.

In order to avoid the choice of an inappropriate country for purposes of comparison, the bill forbids comparisons to goods from other non-market economy countries or to articles that are subject to countervailing duty or antidumping determinations.

Finally, the bill defines domestic industry as any industry producing an article in whole or in part in the United States, including any territory or possession of the United States. Watch producers in the Virgin Islands and Guam have already been hard-hit by the importation of watch subassemblies from the Soviet Union at extremely low prices. If the Soviet Union is granted MFN status and if it begins to import watches directly at artificial prices, a major portion of the insular possessions' economy could be wiped out. This provision would make it clear that section 406, as amended, protects the workers and industries of American possessions as vigilantly as it protects labor and business elsewhere in the United States.

Mr. HEINZ. It is also clear even at this early stage that problems with PRC imports will arise with respect to particular commodities. We have already sought to meet this challenge in one very important area—textiles and apparel—through the imposition of quotas when bilateral negotiations did not produce the desired result.

Another area of danger of particular interest to Pennsylvania, is mushrooms. Imports of mushrooms, primarily from Taiwan and Korea, now approach 50 percent of domestic consumption. Even though these imports are of canned mushrooms, the interdependence of the canned and fresh mushroom industries in this country guarantees that both are seriously harmed. The International Trade Commission has twice in the past unanimously found injury to the domestic industry due to imports. On both occasions the President refused to provide meaningful relief.

The mushroom industry in this country is currently considering what further action could provide appropriate relief, particularly in view of the threat posed by the sudden importation of mushrooms from the PRC, and I ask that the recent statement of the American Mushroom Institute on the trade agreement be printed at this point in the RECORD.

The statement follows:

### STATEMENT OF THE AMERICAN MUSHROOM INSTITUTE

This statement on behalf of the American Mushroom Institute urges that the Committee give careful consideration to the import sensitivity of processed mushrooms and the advisability of exchanging information on this problem with the People's Republic of China to avoid future consultations and actions.

The American Mushroom Institute (AMI) is a nationwide Trade Association consisting of over 300 growers who account for approximately 95% of the mushrooms grown in the United States. In addition, 18 processors, accounting for a majority of the mushrooms canned in the United States, are also members of AMI. The AMI, is thus representative of the domestic mushroom industry and qualified to speak for its members in matters of collective concern.

The impact of increased imports of processed mushrooms has become critical. Over the past five crop years 1974/75 to 1978/79 the International Trade Commission has reported to the President that imports have increased 72 percent (from 50.1 million pounds to 86.2) and the ration of imports to consumption from 40 percent to 47 percent. The number of domestic processors has decreased from 29 firms in 1975/76 to an estimated 17 in 1978/79. This has caused unemployment and operating losses in the domestic mushroom industry.

As to market disruption caused by increased imports the Committee is urged to consider the following:

When imports were 40 million pounds in 1971/72 the domestic industry requested the President to use Section 204 of the Agricultural Act of 1956 to negotiate an orderly marketing arrangement.

In June 1973 the International Trade Commission reported to the President the industry was being threatened and serious consideration should be given to some form of relief.

When imports rose to 50 million pounds in 1974/75 the domestic industry petitioned the USITC for relief. The President ordered fast processing of adjustment assistance for mushroom growers, processors and workers.

Finally in 1975/76 when imports rose to 57 million pounds (67 million for calendar 1976) the President through the Special Trade Representative asked the ITC to reexamine the situation, particularly in regard to remedy.

In January 1977 the Commission found imports had caused serious injury and recommended a tariff rate quota of 48 million pounds.

In March 1977 the President chose not to proclaim the recommended tariff adjustment and to rely upon voluntary restraints by Taiwan and Korea and the monitoring of future imports to avoid disruptive impacts on the U.S. market.

On August 10, 1977, the domestic industry, citing the failure of the voluntary assurances (imports increased 21 percent in 1976/77 over 1975/76 and totaled 69.4 million pounds) again petitioned the President to use his discretionary powers under Section 204 to negotiate an orderly marketing arrangement. This Petition is apparently under consideration along with the monitoring and surveillance of the Special Trade Representative and the International Trade Commission.

Imports have continued at a disruptive rate in the last two crop years 1977/78 and 1978/79, particularly as shipments from Hong Kong were added to the total. The ITC reported that imports accounted to 52 percent of apparent consumption in the second quarter of 1979. If the observed trends continue (imports in the third quarter of 1979 exceeded the same period of 1978) this ratio will increase.

Certainly this appears to be the market disruption envisaged by the President in his Import Relief Action memorandum of March 11, 1977, and the Market isruption Notice of the Office of Special Trade Representation of June 8, 1977.

Under the circumstances the American Mushroom Institute has urged the Special Trade Representative to expeditiously consult with the Governments of the Republics of China, Korea, and Hong Kong to remedy this market disruption, preferably by the use of Section 204 of the Agricultural Act of 1956.

As to Hong Kong, Ambassador Strauss on February 27, 1979 advised Senator Richard S. Schweiker,

"I should also note that we share your concern about the increase in mushroom imports from Hong Kong. In our consultations with the Taiwanese Government we were informed that Hong Kong was repacking mushrooms from Taiwan with those from the Peoples' Republic of China and exporting them to the United States. Thus, we have requested the Customs service to investigate the correct origin of mushrooms classified in our import statistics as being imported from Hong Kong."

Mushrooms are not grown in Hong Kong, however, bulk processed mushrooms imported from Taiwan, and the People's Republic of China either in brine or frozen, are repacked in Hong Kong and shipped to the U.S. The ITC reported imports from Hong Kong to be 963 thousand pounds in 1976/77; 7.4 million pounds in 1977/78; and 12.6 million pounds in 1978/79.

On April 5, 1979 the Commissioner of Customs advised Senator Schweiker that four out of the five mushroom canners in Hong Kong (Four Seasons Canning Factory, Ltd.; Tie Chance Food Products Industrial Company (H.K.), Ltd.; Manchester Food Products Factory, Ltd.; and New Pacific Canners' Food & Can-Manufacture Industrial Company, Ltd.) imported mushrooms in brine from the People's Republic of China, canned these mushrooms and exported them to the United States. The Commissioner has ruled that there was a substantial transformation of these PRC mushrooms which allowed them a Most Favored Nation (MFN) dutiable status. A penetration of the U.S. market place by the PRC, which began in 1976 with indirect exports through Hong Kong is only a prologue as to what can be expected if increased direct exports from the PRC are attracted by MFN rates of duty.

Although exports of canned mushrooms from PRC to the U.S. are not dutiable at MFN rates they are dutiable at lower MFN rates in the EC. The current statutory rate in the U.S. for canned mushrooms is 10 cents per pound plus 45 percent ad valorem while the EEC rate is 16 percent ad valorem or about the same as the U.S. most favored nation rate. The PRC's dominant share of EC imports of canned mushrooms (other than from EC countries) illustrates the increased pressure on the U.S. market to be expected if the Agreement on Trade Relations Between the United States and the People's Republic of China designating MFN rates for the PRC is approved.

PERCENT AND METRIC TONS OF IMPORTS OF CANNED MUSHROOMS BY THE EC FROM PRC[1]

| | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 |
|---|---|---|---|---|---|---|---|
| Percent | 0.6 | 17.2 | 48.8 | 42.7 | 59.9 | 50.7 | 39.3 |
| Metric tons | 113 | 6,474 | 21,568 | 16,347 | 16,184 | 15,319 | 18,229 |

[1] Other than EEC countries.

Over the last four years PRC has been the principal third country supplier of canned mushrooms to the EC.

This was achieved first by low prices and later by a special trade agreement.

In 1970 there were no imports of canned mushroom from PRC into the EC. Apparently the PRC determined it was in its national interest to enter and expand this market. The PRC as a non-market economy chose price as the device to enter the EC market place. Consider the following price and quantity relationship for the period 1972–74.

IMPORTS AND PRICES OF CANNED MUSHROOMS INTO FEDERAL REPUBLIC OF GERMANY

| | 1972 | | 1973 | | 1974 | |
|---|---|---|---|---|---|---|
| | Metric tons | Deutsche marks per kilogram | Metric tons | Deutsche marks per kilogram | Metric tons | Deutsche marks per kilogram |
| People's Republic of China | 113 | 2,877 | 6,474 | 1,642 | 21,568 | 2,000 |
| Republic of China | 16,953 | 3,305 | 25,545 | 2,467 | 15,808 | 2,402 |
| Republic of Korea | 1,050 | 3,943 | 5,195 | 2,300 | 6,102 | 2,210 |

In this three year period the PRC paying the same MFN rate of duty as other Far Eastern suppliers to the EC cut its prices to an extent to increase its market share from 6% to 48.8%.

It should be noted that the EC has a major mushroom canning industry of its own in France and the Netherlands. When imports from the Far East absorbed 40% of the market in 1974 restrictions were instituted by means of a minimum import/price licensing system provided for in EEC regulation No. 2107/74. Subsequent regulations specified import quotas in terms of percentages that took place in certain reference periods until May 1978. At this time action was taken by the Commission to curb "third" country imports, whereby creating a market roughly on a 60% EEC and 40% "third" country basis. Commission regulation 1102/78 suspended the licenses for imports of canned mushrooms except as to PRC. This special Community arrangement with the PRC allows it free access with restrictions as to imports from South Korea and Taiwan.

This EC ban of imports of canned mushrooms from South Korea and Taiwan has caused a diversion of these shipments to the United States. Increased market disruption has been the result.

While the AMI is not advised of the specific intentions of the PRC as to exports of canned mushrooms to the United States, if S. Con. Res. 47 is approved, trade information indicates that imports of this article would increase rapidly and constitute an additional significant cause of material injury to the domestic industry. Perhaps the most authoritative source for the impact of MFN on the future trade of the United States with the PRC is the China Business Review published by the National Council for U.S.-China Trade (1050 17th Street, N.W., Washington, D.C. 20036). In the July-August 1979 edition of this Review the following statements were published:

"Most importers of Chinese products are still uncertain about what effect the extension of MFN tariff status will have on their businesses, but most agree that it will definitely do nothing but help.

"It should unquestionably open up a load of opportunities, especially in areas where duties were prohibitive. It will be a real stimulant to our business," said a representative from one of the largest US importers of PRC goods.

"Some of the anticipated effects are:

"The Chinese will probably raise their prices on most items, although not by the full amount of the tariff differential.

* * * * *

"Several importers have already signed contracts with the Chinese *for such goods as canned mushrooms* or carpets—items with prohibitively high Column II tariffs—by agreeing to pay higher prices, including the duty, for these items than they would if they bought them from other countries. The Chinese in turn agreed to sell at lower price than normal, with the difference being the amount of the tariff. (Emphasis added)

"When MFN comes into effect, those with long-term contracts in which the Chinese have agreed to these lower prices stand to gain tremendously. The Chinese have written into some contracts a clause eliminating special discount prices if MFN is granted. Even so, importers in these cases will benefit because they have some assurance of supply during the early time period when other importers are just starting negotiations on these goods.

* * * * *

"Items which now have prohibitively high tariffs under Column II—especially light manufactures—will become profitable to import when China has MFN. Among the light industrial items that might be imported in larger quantities: sporting equipment, toys, light machine tools, hand tools, small transistor radios, nuts and bolts, ball bearings, furniture, footwear, *and some canned foods such as mushrooms*." (Emphasis added)

The PRC has exported canned mushrooms directly to the U.S. since 1971 and indirectly through Hong Kong since 1975. Direct exports have been restrained primarily by the statutory or non-MFN duties; indirect imports through Hong Kong have increased at a rapid rate.

PRC, benefiting from MFN rates is now the largest exporter from the Far East to the EC. What are the chances that if MFN rates were applied to PRC exports of canned mushrooms to the U.S. the PRC would become the primary supplier of this article.

Excellent; since opportunity and incentive are outstanding. The opportunity will appear in the form of a duty reduction from 10 cents per pound on drained weight plus 45 percent ad valorem to 3.2 cents per pound on drained weight plus 10 percent ad valorem. The incentive is the most urgent need of PRC to earn dollars with which to pay for imports.

The PRC a few months ago outlined her import needs for development goods and services from the United States but has since sharply scaled back the prospective imports until ways can be found to pay for them. Shipments of canned mushrooms to this country will be one of those ways.

The Trade Agreement under consideration by the Committee (S. Com. Res. 47) provides:

"The contracting parties shall exchange information on any problems that may arise from their bilateral trade, and shall promptly hold friendly consultations to seek mutually satisfactory solutions to such problems."

It is respectfully urged by the American Mushroom Institute that the Subcommittee on International Trade request the Office of the United States Trade Representative to exchange information with the People's Republic of China as to this problem, on the view of avoiding rapid increased exports of canned mushrooms to the United States if MFN rates of duty were assessed on its exports of canned mushrooms to the U.S. Such consultations would avoid intensifying the existing market disruption caused by an unreasonable high level of imports of canned mushrooms.

---

### QUESTIONS SUBMITTED BY SENATOR HEINZ

1. In March of 1977 the President denied the tariff rate quota which was recommended by the U.S. International Trade Commission to give the domestic mushroom industry re-

lief from imports. Instead of a quota, the President instituted a monitoring program which instructed the Special Trade Representative to consult with the governments of Taiwan and South Korea when import penetration disrupted the domestic market. In the last eighteen months, large amounts of canned mushrooms have been imported into the United States from Hong Kong. Mushrooms are not grown in Hong Kong. These mushrooms are coming from either Taiwan or the People's Republic of China. What effort has the STR taken to determine the country of origin of these mushrooms? If they are from the People's Republic of China, will our government collect the proper duty? If they are from Taiwan what efforts are going to be taken to terminate this disruption of the domestic market?

STR is in contact with the Customs Service concerning the questions of the origin of canned mushroom imports and whether fresh mushrooms imported into Hong Kong for processing undergo sufficient transformation to be considered products of Hong Kong. The U.S. Embassy in Beijing also has been alerted to the concerns of American mushroom growers and processors and is now seeking information on the Chinese mushroom industry. If mushrooms from Hong Kong are determined to be products of China, the Customs Service can be expected to collect the appropriate duty.

The question of transshipment of mushrooms has been raised with Taiwan, and that nation has denied the charge. They claim that the method they use to pack mushrooms makes transshipment to the U.S. uneconomic.

We will continue to closely monitor this situation and report to interested Congressional members.

Question 2. In view of the severe hardship that imports, which are now 45 percent of the American market, have caused domestic mushroom producers, what are the administration's plans to keep the People's Republic of China from disrupting the domestic market should the PRC obtain most favored nation trading status?

The administration does not intend to permit mushroom imports from the PRC to disrupt the domestic market. If the PRC were granted MFN status, the duty levied on its mushroom exports to the United States would fall from 45% ad valorem and 10¢ per pound (drained weight) to 10% ad valorem and 3.2¢ per pound. If this resulted in a disruptive increase in exports to the U.S., we would use one or more of the range of mechanisms available for relief.

Question 3. In the past crop year the Government of Taiwan expressed an intention to export 44.9 million pounds of mushrooms to the United States. Does the STR intend to ask Taiwan to express an intention for the crop year which will begin December 1, 1979?

We are planning interagency consideration of this matter in October.

Question 4. One of the problems with the monitoring program is that consultations do not begin with the exporting nations until after there has been an excessive level of import penetration. Is there anything which might be done to encourage those nations which export mushrooms to the United States not to send huge shipments to the United States in excess of their stated intentions?

The expressions of intent made by foreign governments are an informal and unofficial means of controlling imports. A more substantial pledge, such as an Orderly Marketing Agreement, may be sought if it is determined that there is an excessive level of import penetration.

Taiwan argues that it is conforming to its expression of intent, and trade figures show that both Taiwan and world imports of canned mushrooms, except for Hong Kong and Korea, dropped last year (below):

Shipments in Standard Cases (24 lbs. drained weight):

| | *1977–78* | *1978–79* |
|---|---|---|
| World ------------- | 3,740,000 | 3,487,000 |
| Taiwan ----------- | 2,304,000 | 1,678,000 |
| Hong Kong--------- | 306,000 | 526,000 |
| Republic of Korea-- | 98,600 | 1,125,000 |

Question 5. Other countries have taken action to protect their own domestic mushroom industries. The Common Market on several occasions has simply shut the door by setting up immediate import restrictions. When this happens all of the mushrooms which are being grown for the market which became closed are diverted to the United States causing severe disruption. One Taiwan exporter told a domestic importer "When the Common Market closes us out, it is better for us to ship our mushrooms to the U.S. Then negotiations begin, your government expresses its displeasure, but at least we get rid of our mushrooms." What can the administration do to eliminate this unfortunate situation?

The EEC has a licensing mechanism for many agricultural products, whereby it grants an import license for a product only when the exporter agrees in advance to limit exports. The license is revoked if import limits are exceeded. Under new import licensing code provisions and remedies available to domestic producers under the fair trade practice provisions of the Trade Agreements Act of 1979, hopefully this imbalance can be corrected.

Question 6. There is presently pending a GSP petition for fresh mushrooms from the Dominican Republic. Do you believe that fresh and canned mushrooms are like or directly competitive products, and if so, how can you justify the petition?

I don't know. The petition will be reviewed by the interagency Trade Policy Staff Committee (TPSC). Public hearings on the petition will be held next week. In reviewing the case the TPSC will consider testimony from the hearings, an economic analysis by the U.S. International Trade Commission as well as reviews of the petitions from each participating agency to determine whether fresh mushrooms are import sensitive in the context of GSP. In reaching a decision the TPSC will consider the competitive relationship between imported fresh mushrooms and domestic canned mushrooms. I have informed my staff of your concerns and instructed them to keep me informed of the status of the TPSC review on fresh mushroms.

Mr. HEINZ. Mr. President, in an effort to be of assistance to the industry and to encourage the office of the U.S. Trade Representative to focus on this problem, which admittedly is sometimes pushed aside in favor of matters involving larger industries, I have twice submitted a series of questions to Governor Askew on his plans for the mushrooms industry. One set was submitted at his confirmation hearing, the second at the hearing on the PRC trade agreement.

I ask that those questions and answers be printed at this point in the Record.

### Mushrooms

Question 1. In your written responses to my questions at your confirmation hearing, you indicate that our Embassy in Beijing is gathering information on the Chinese mushroom industry, particularly with respect to whether mushrooms exported from Hong Kong originated in the PRC. You also indicated in your response that you would keep in touch with interested Members of Congress. I haven't heard anything since then. What have you learned?

Answer. There is no doubt that mushrooms are being exported from the PRC to Hong Kong and are being further processed for shipment to the United States. In 1978, my predecessor, Ambassador Strauss, requested that the U.S. Customs Service investigate these shipments to determine whether or not they are being properly classified as shipments from Hong Kong. He was concerned that mushrooms were being transshipped from the PRC through Hong Kong to the United States receiving a lower column 1 rate of duty rather than the higher column 2 rate of duty which would have applied to shipments directly from the PRC.

Customs completed their investigation and concluded that: "On the basis of Hong Kong processing and canning, a new and different article of commerce was fashioned and in this respect a substantial transformation was effected. Accordingly, no 'transshipments' are here involved; the canned sliced mushrooms are regarded as products of Hong Kong."

As a result of this finding, no change has been made in the assessment of duties on imported canned mushrooms from Hong Kong. We would be pleased to make a copy of the Customs report available to you at your request.

Question 2. In the event of market disruption by PRC mushrooms, what "mechanisms for relief" are available to us, and which would you use?

Answer. There are two mechanisms to avoid market disruption as a result of increased imports of canned mushrooms from the PRC. First, under Section 406 of the Trade Act of 1974, the industry can petition for import relief if increased imports from the PRC disrupt the U.S. market. Secondly, in Article 6 of the Trade Agreement itself, the United States and the PRC are committed to consultations concerning problems of import disruption and are free to take unilateral emergency action to prevent the disruption of their markets.

Question 3. Your response to my question as to whether or not you indeed intend to ask Taiwan to express an intention for its mushroom exports in the next crop year was that you would consider this question on an interagency committee in October. What have you decided? Why?

Answer. The interagency committee is still reviewing the issue. There is more in question than the understanding with Taiwan. The interagency committee has undertaken an entire review of our canned mushroom import policy to decide what action should be taken with respect to all exporters of canned mushrooms to the United States, not just Taiwan.

Question 4. When I raised the issue of import diversion to the U.S. due to Common Market restrictions on mushrooms, you responded that the new import licensing code in the MTN and new unfair trade practice legislation of the Trade Agreements Act of 1979 would help deal with this problem. How?

Answer. Section 1102 of the Trade Agreements Act of 1979 lists the authorities under which import licensing can be used to administer quantitative restrictions. If, under Section 406 of the Trade Act of 1974, the decisions were taken to impose quantitative restrictions on imports of canned mushrooms from the PRC, import licenses could be used to administer the new quotas.

Question 5. What is the status of the GSP petition for fresh mushrooms from the Dominican Republic? You will recall that I have expressed great concern about that. What have been the various agency recommendations on that petition?

Answer. The petition we have received from the Dominican Republic for GSP on fresh mushrooms is under formal consideration. The petition from the Dominican Republic was one of many such petitions, all of which are now being carefully and thoroughly reviewed. During recent hearings on these petitions, the American Mushroom Institute testified in opposition to granting GSP status to imported mushrooms. We are also aware of the Congressional interest in this matter. The interagency recommendations on these petitions will be made over the ensuing months and a final Presidential proclamation implementing the changes in the GSP program will be issued in April 1980.

Question 6. What discussions have you had with PRC officials concerning the potential mushroom problem? Specifically, when was this issue raised and with which Chinese officials? Who raised the issue for the United States? What was the Chinese response?

Answer. To my knowledge, the issue of canned mushroom imports was not specifically raised with the Chinese during the trade talks. Therefore, I have asked the State Department to express to appropriate Chinese officials our concern over the potential increase in imports.

While the responses to these questions are not entirely satisfactory, and while they reflect a willingness on the part of the midlevel bureaucracy to deal with the issue only when forced to, private meetings I have had with Governor Askew on this subject have impressed me with this knowledge of the matter and his commitment to try to be helpful to an exceptionally hard-pressed sector of the economy. Hopefully, his last response to the final question which includes a commitment to raise this matter directly with PRC officials will start us on the road to a fair and effective solution.

Of course, I do not believe a matter of such importance to the entire country as this trade agreement should hinge on the problems of one particular industry, and I will continue to support better trade relations with China regardless of my dissatisfaction with the mushroom situation. I do want to make clear, however, that I intend to continue pressing the administration on this issue, until I get some satisfactory answers and some meaningful action on behalf of the industry.●

● Mr. KENNEDY. Mr. President, I support the agreement on trade relations between the United States and the People's Republic of China, together with the extension of nondiscriminatory tariff treatment to the PRC. This agreement is essential to the positive development of our overall relations with China, and it will provide a framework of mutual benefit for future commercial dealings between our two countries.

In light of China's recent liberal emigration practices, the administration has waived sections 402(a) and 402(b) of the 1974 Trade Act. As required under title IV of the act, the President has notified Congress that he has received satisfactory assurances from China pertaining to freer emigration.

Mr. President, I have had, and will continue to have, a deep and abiding concern for the right of people in all countries to emigrate freely. During my 17 years in the Senate, I have worked repeatedly to unite divided families not only from China, but from the Soviet Union, Czechoslovakia, Romania, Cuba, and other countries. That is why I am particularly heartened by the significant relaxation that has taken place in China's emigration policies. I am confident that Chinese officials will continue to move in this direction.

The trade agreement, however, is more than a token reward for China's positive stance on emigration. The agreement is in America's national interest; it is in China's national interest. It provides tangible benefits—economic, political, and strategic—to both countries.

In economic terms, we will gain several important advantages. First, with respect to the rapidly expanding Chinese market, U.S. exporters will be better able to compete with exporters from Europe and Japan, who have already benefited from the extension of most-favored-nation treatment to China. In particular, the lowering of trade barriers will enable China to buy more American goods.

Although we should not overestimate the short-term prospects for a sharp increase in U.S. exports to China, the PRC in the long term represents a large and important market for U.S. products, particularly for high technology and advanced industrial items. Furthermore, passage of the trade agreement will be instrumental in clearing the way for China to become eligible for Eximbank credits. The lack of such credits until now has seriously weakened the position of U.S. suppliers, who find themselves unable to compete against government-guaranteed exports from Europe and Japan. In this regard, I will support an increase in the fiscal year 1980 lending authority of the Eximbank to allow for the extension of credits to China, while preserving funds allocated to other nations.

Second, the agreement obliges the PRC to facilitate the conduct of American business in China. The Chinese are committed to providing improved office and residential space and to expediting the issuance of visas for business and trade representatives. In addition, the agreement establishes a framework for unrestricted financial, banking, and currency operations; provides for the prompt settlement of commercial disputes; and arranges for trade promotion activities.

Third, under article VI of the agreement, China must provide patent, trademark, and copyright protection equivalent to that which the United States accords to China. This will increase the incentive for U.S. manufacturers to sell certain brand-name and specially-designed goods to the PRC and will help foster an atmosphere of trust and confidence between the two trading partners.

Fourth, China undertakes to enforce contractual provisions relating to the protection of industrial property. Although broader protections for American industrial property are needed, the undertakings in the present agreement constitute an important basis from which to proceed. These provisions meet the requirements mandated by section 405 of the 1974 Trade Act.

Fifth, the granting of MFN to China will benefit U.S. importers as well as exporters. We should not underestimate the long-term importance of China as a supplier of petroleum and other mineral resources, and—particularly at a time of spiraling inflation—we should welcome the reduced prices of imports of all kinds from the PRC.

Moreover, the trade agreement defines explicit procedures to guard against market disruption that might otherwise result if a rapid increase in Chinese exports to the United States were to take place. These important new safeguards, combined with existing U.S. trade legislation, will protect U.S. industry and labor against injurious or unfair import competition.

Equally important, the granting of MFN will undoubtedly result in a greater diversification of Chinese exports to the United States. The PRC will be able to reduce its dependence on such traditional exports as textiles, which have been the main source of concern for domestic U.S. producers. Thus, U.S. imports from China will increase in quality as well as quantity.

There is no question that the trade agreement is economically desirable from our point of view. Furthermore, the agreement will also provide significant economic benefits to China. The Chinese have embarked on an ambitious economic modernization drive, seeking to propel their economy into the front ranks of the industrialized world by the turn of the century. A central element in this plan is foreign trade. Although it is clear that China will not allow itself to become completely dependent on foreign-made goods, PRC officials still consider trade to be a necessary component of rapid economic progress.

Rising levels of exports to the United States will be particularly valuable to China as a means of earning greater amounts of foreign exchange, which can in turn be used to purchase the high technology needed for modernization. Because the most serious constraint on China's purchasing capacity is its limited ability to pay, increased exports will be crucial in determining the ultimate success of China's modernization program.

In addition, the Chinese have been genuinely concerned by the imbalance in Sino-American trade over the past decade, with U.S. exports outnumbering U.S. imports by a ratio of 3 to 1. Although the extension of MFN treatment to Chinese products entering the United States will not cause a sudden or dramatic shift in this pattern, the gap will definitely be narrowed.

Moreover, the quality of China's purchases will also improve. The lowering of U.S. trade barriers will allow the Chinese to purchase more from the top line of American goods.

In short, Mr. President, both sides will benefit economically from the trade agreement. Even more important, however, is the positive impact the agreement will have on the broader political and strategic aspects of our relations with China. Approval of the agreement will enhance the cooperative relationship we have developed with the PRC in recent years. By contrast, failure to approve the trade agreement will cast doubt on the sincerity of our commitment to improving relations with China.

China has turned to the United States and the other industrial democracies in the hope of obtaining vital economic assistance through foreign trade. The degree of success China has in its modernization drive will have a significant impact on its relationship with the United States. I believe that our two countries should not delay in pursuing our common economic objectives. It is in our interest—and in the interest of world peace and stability—to insure that China is economically strong. Should the United States be unresponsive to China's economic needs, the Chinese might eventually seek to accommodate their goals in ways less favorable to U.S. foreign policy interests.

Mr. President, the United States shares a broad range of common interests with China. Among these is our stake in a stable, secure, and prosperous China able to defend itself against aggression. In this regard, we should help promote China's economic growth and insure that Sino-American relations remain as close and cooperative as possible. The trade agreement will be a major contribution to both these objectives.●

Mr. McGOVERN. Mr. President, we have been considering today most-favored-nation trading status for China, the largest and most populous country in the world.

I have long believed that normal diplomatic and economic relations between nations, as well as mutually beneficial trade relations, are essential elements in building a more effective foreign policy for the United States.

It is clearly in our national interest, except in the most extreme circumstances, for us to have the benefit of commercial trade and exchange with other countries. Those kinds of relationships are also prerequisites for a more civil international order.

Chinese imports of American grain currently form the foundation for the United States-China trade. I am pleased that the farmers of my State of South Dakota are able to play a significant role not only in meeting the food needs of China but strengthening the balance-of-payments and dollar position of the entire Nation.

So I wish to express my support for the provisions of the trade agreement between the United States and China signed on July 7, 1979.

However, Mr. President, all of us recognize that the debate today involves much more than bilateral trading relations between the United States and China. It involves a fundamental question of American global strategy because relations with China cannot be understood apart from the larger context of triangular diplomacy involving the United States, the Soviet Union, and China.

Quite frankly, I have more questions than answers at this stage about how we should conduct our future relations with China in the context of triangular geopolitical considerations.

The events in Afghanistan and the general worsening of United States-Soviet relations over the past few years certainly require us to reevaluate the original premises of triangular diplomacy.

Mr. President, I think the American people have a right to a full and comprehensive explanation of the future direction of our policy, and I believe the Congress has a responsibility to hold serious hearings about any future U.S. security relationships with China.

There are several areas open to question, Mr. President, that need to be carefully evaluated. One of those areas is the question of what has been the impact thus far of playing the so-called China card; in other words, are we safer today and more confident, have we been able to reduce dangers, reduce tensions, in the world that might lead to war more successfully in the last couple of years when we have been moving into a closer relationship with China as compared with the Soviet Union than would have otherwise been the case? Those, I think, are questions that need to be evaluated.

A second set of questions involves the need for a sharper set of definitions of our own national security interests vis-a-vis China. Are the interests of the United States parallel to China's interests or do they diverge? In other words, to what extent does a close relationship with China serve certain interests of the Chinese that may be the antithesis of American interests? So those are questions that need to be evaluated.

A third set of concerns represents or would include the question of the security relationship which may already be developing between the United States and China. Where are we going in terms of mutual security arrangements or possibilities? What security commitments have been made thus far? These are questions on which most of us here in the Senate have not been fully briefed or apprised by the administration.

A fourth set of questions that needs to be considered has to do with the nature of our future relations with the Soviet Union. What are our long-term plans for United States-Soviet relations after Afghanistan? Do we still have some common interests that could form the basis of détente? What is the impact of our relationship with China in terms of any hopes for a more stable relationship between the two great superpowers, the United States and the Soviet Union?

In any event, Mr. President, I raise these questions not in opposition to the proposal pending before the Senate to grant most-favored-nation trading status to China but simply because I think they are questions that probably should have been more thoughtfully addressed before this matter was presented to the Senate but which, in any event, need to be considered in the months ahead?

Mr. President, I have only hit the highlights of my statement on this matter that I have prepared for the consideration of my colleagues.

Mr. President, I support granting most favored nation trading status to China. I have long believed that normal diplomatic relations between nations as well as mutually beneficial trade and commercial relations are essential elements in building a more effective foreign policy for the United States. They are also prerequisites for a more civil international order.

Chinese imports of American grain currently form the foundations for United States-China trade, and I am pleased that the farmers of South Dakota are able to play a role in meeting the food needs of China.

Therefore, I wish to express my support for the provisions of the trade agreement between the United States and China signed on July 7, 1979.

However, all of us recognize that the debate today involves much more than bilateral trading relations between the United States and China—it involves a fundamental question of American global strategy. Relations with China cannot be understood apart from the larger context of triangular diplomacy involving the United States, the Soviet Union and China.

Quite frankly, I have more questions than answers about how we should conduct our future relations with China in the context of triangular geopolitics. The events in Afghanistan and the general worsening of United States-Soviet relations over the past 3 years certainly require us to reevaluate the original premises of triangular diplomacy.

A basic purpose of the opening to China was to establish leverage over the Soviet Union. Our relations with China were intended to act as a check and balance on Soviet behavior. By strengthening Chinese diplomatic, economic and perhaps even military capabilities, the United States hoped to force the Soviets to pursue a détente-oriented strategy which would be defensive and conservative rather than aggressive and assertive.

It seems clear that this strategy has failed—or at least we can no longer continue to justify each new step in our relations with China on this basis.

But if the original premise is no longer valid, what should replace it? What should be the guiding principles of our unfolding and expanding contracts with China?

The administration has not hidden the fact that it has sought to move closer to China over the past several years to pressure the Soviet Union by threatening Moscow with the prospect of a possible Sino-American alliance against them, including perhaps NATO and Japan as well.

Although the administration still rules out direct American arms sales to China, it is no secret that Secretary of Defense Harold Brown's trip to China was intended to deepen Moscow's concern that direct military relations may be established. There is talk of deep U.S. involvement in Chinese military activities, including training and other technical services for the Chinese armed forces and even the possibility of joint United States-Chinese planning and maneuvers further down the road.

The problem we face is that the establishment of a security relationship between the United States and China is happening one step at a time with little congressional or public discussion about the implications for American national security.

I feel it is time for the administration to tell us exactly where we stand now in our relationship with China and where we intend to go. For the stakes are very high in this game—they involve global realinements, military confrontation and ultimately the possibility of nuclear war.

Unfortunately, the China policy is the foreign policy issue on which the Carter administration has been the most inconsistent. During the past several years, there has been no clear single voice on United States-China policy. After Secretary Vance's trip to Beijing, we heard of a careful and moderate approach. After Zbignew Brzezinski's trip to Beijing, we heard of so-called parallel interests. After Vice President Mondale's trip to Beijing, we heard of mutual security concerns. After Secretary Brown's trip to Beijing, we heard of coordinated responses to security issues.

These developments reflect an incremental policy formulated in the context of confusion and uncertainty. The American people have a right to a full and comprehensive explanation of the future direction of our policy and Congress has a responsibility to hold a wide-ranging set of hearings about any future U.S. security relationship with China.

I would like to raise some of the major questions which a thorough review of our China policy should address.

The first question to ask is, What has been the impact thus far of playing the China card?

The original premise of détente was to use a combination of carrots and sticks to influence Soviet foreign policy—the carrots of diplomatic equality and trade and the stick of a United States-China alliance. The Soviet invasion of Afghanistan shows that this policy is not succeeding.

I have spoken out strongly against the Soviet invasion of Afghanistan. I support the U.N. rebuke of the Soviet Union by over 100 nations. I support the President's decision to seek a shift in the site of the 1980 Olympic games from Moscow or to encourage a boycott by our athletes in case the site cannot be moved. Taking exception to the grain embargo, I have supported the other measures we have taken as well.

While it is imperative to have strong national unity in the face of this intervention, we also need to have a dispassionate debate on the policies we had developed to discourage Soviet interventions. Some Soviet experts have suggested that the failure of détente to head off an anti-Soviet alliance between the United States and China could lead the Soviet Union to act in a more aggressive manner. Is there any validity to this thesis? Was there a tilt toward China which had an impact on triangular diplomacy? What did the sending of the American Secretary of Defense to China or seeking MFN for China without seeking it for the Soviet Union mean? In short, did détente fail because it was inherently flawed or because of the mis-management of relations between the three key powers?

These questions are important to investigate if we are to formulate effective policies to convince the Soviet leadership that their use of force cannot succeed.

These questions are all the more pressing if an alliance with China is to become the goal of American policy. Has playing the China card made the Soviets more cautious and accommodating as its proponents said it would? And therefore is a new alliance the best way to convince the Soviets of our firm resolve to deter their adventures?

A second set of questions involves the need for a sharper set of definitions of our own national security interests vis-a-vis China. Are they completely parallel to China's interests? Or do they diverge?

In the broadest sense, the United States has a basic interest in preventing either a Sino-Soviet war or a renewal of a Sino-Soviet alliance.

A war between China and the Soviet Union could turn into a regional and even global conflagration involving a possible escalation to nuclear war. A new Sino-Soviet alliance, although rapproachment seems unlikely now, would radically shift the balance of power.

American policy should be designed to head off either of these extreme developments. To accomplish this, we will need a long-term policy to guide us, not a series of short-term tactical moves leading us into a dangerous and unchartered direction.

However, on a series of important issues our national interests appear to diverge from those of China. First, how are our relations with our European allies affected by the China card? China has a basic interest in opposing relaxation of tensions in Europe because it seeks to divert Soviet military and other assets from its own border to the West. China believes, as part of its national policy, that the more the Soviet Union is concerned about its relations with Europe the less it will be able to commit to its relations with China.

Our allies, of course, have a different priority. Because of the geographical proximity to the Soviet Union and also because of the continued division of Germany, many European leaders have sought to moderate military and political confrontation with the Soviet Union. Indeed, détente was a reality in Europe before it was an American policy. The division of opinion between the United States and our allies in NATO on the issue of appropriate responses to the Soviet invasion are a reflection of this different policy orientation.

A security alliance with China could cause unnecessary tension between the United States and the NATO countries which might lead them to put more distance between themselves and the United States. We have just gone through an unfortunate period of discord within NATO and a new questioning of American leadership. How we balance our relations with China and our relations with NATO is an important further test of that leadership.

A second issue where American security interests may be inconsistent with China's interests is the political alinement in Southeast Asia. Political developments in the Indochina region after the American withdrawal from Vietnam have involved diplomatic setbacks as well as the series of human tragedies. Soviet influence in Vietnam has grown as the cold war—and sometimes military confrontation—between China and Vietnam has continued.

China's interest is to compete with Vietnam for regional influence and to oppose projection of Soviet power into Southeast Asia. The policy it is applying involves both military and diplomatic pressure on Vietnam. We can recall that shortly after Vice Premier Deng's visit to the United States last winter, China invaded Vietnam in an attempt to bloody its nose.

But the results of this Chinese policy appear to be just the opposite. Soviet influence in Vietnam is greater than ever before, because the Vietnamese have turned to the Soviets to counterbalance Chinese pressure. The proxy war between China and Vietnam which was played out in Cambodia—involving Chinese support for the Pol Pot regime—led to the Vietnamese invasion of Cambodia.

The opportunity I see is that the United States has an opportunity—by taking a different policy course from China's—to improve our position in Southeast Asia. The United States could effectively counteract some of the new Soviet influence in the region by providing an alternative to Vietnam's exclusive reliance on the Soviet Union. We could increase our influence in the area and reduce the tensions which prevent effective large-scale humanitarian and diplomatic solutions to the underlying problems.

In addition, the tension between China and Vietnam impedes greater cohesiveness among the Association of Southeast Asian Nations—the ASEAN grouping which unites our friends for effective regional cooperation. Singapore and Thailand are edging toward a pro-Chinese position while Indonesia and Malaysia seem to be turning more toward an anti-Chinese orientation.

As in the case of Europe, our policy in Southeast Asia must balance the needs of pursuing our own interests and those of our allies in the region with the costs and benefits of a China alliance.

A third area of potentially conflicting national interests involves the future of arms control. With the delay in the SALT debate, the whole future of negotiated restraints on strategic weaponry is unclear. At this moment, however, neither the United States nor the Soviet Union has indicated any intention to scrap the SALT framework. Thus, it is still necessary, despite the delay in SALT, to evaluate how the China card affects the prospects for significant and substantial reductions in nuclear weapons—a theme which emerged clearly from the Foreign Relations Committee's consideration of the SALT treaty.

Here again we have potentially competing American interests. We have a clear interest in achieving negotiated mutual reductions in nuclear arsenals as a prudent military defensive measure. On the other hand, China is seeking military-related technology from the United States to improve and expand its small strategic arsenal and thus far China has been unsupportive of the SALT process. China's view has been closer to the American opponents of SALT than to the administration.

A more powerful Chinese nuclear arsenal may be one of the payoffs of the China card for China. But what impact will it have on Soviet willingness to negotiate nuclear arms reductions? For the Soviets, the Chinese nuclear wild card will have to be factored into future SALT negotiations since the Soviets have a two-front nuclear targeting problem whereas we have only a one-front targeting problem. Unless there is some consensus with China about the role of future SALT-type reductions in our security planning, we may end up caught in a fundamental contradiction.

So if we make a preliminary examination of American security interests in these three key areas—relations with NATO, the American role in Southeast Asia and the role of SALT—it turns out that we cannot presume a parallelism of United States and Chinese interests. We cannot automatically assume that moving closer to China now that the whole triangular context has changed will help us secure these national interests better.

A third major set of questions involves the nature of the security relationship which may already be developing between the United States and China. Where are we going? What security commitments have been made thus far?

Has the United States made an explicit or implicit commitment to aid China in the event of a war between China and the Soviet Union or between China and Vietnam?

Clearly we are being enticed by the Chinese. They have sought to develop a relationship with the United States as a strategic counterweight to the Soviet Union and as a source of capital and high technology to carry out their program of four modernizations, including military modernization.

They have also sought to have the United States line up with them in a world united front against the Soviet Union and have indicated that such an alliance should have a military dimension. Thus, they have sought arms from the United States not only to improve their own ability to deter and, if necessary, to fight the Soviet Union but also to signify a U.S. commitment to defend China.

Earlier this month, Secretary Brown responded favorably to China's move toward greater security cooperation but did not go all the way to consummate this courtship. And the Chinese, fearing rejection, literally backed off from their call for a formal alliance. Nevertheless, the infatuation continues and the prospects are for an even closer military relationship between the United States and China.

But before we go further, it is important to ask how far have we already gone? What commitments have been made? Do the Chinese have a misperception that we will do more than we are actually prepared to do to come to their aid in event of a Soviet attack? Is an American willingness to use nuclear weapons to protect China the bottom line?

These questions are important because there is a danger in creating the impression that a commitment exists when it does not. Here again we return to the need to examine the development of détente over the past decade. Did détente serve as an important contraint on Soviet pressure against China? Will the unraveling of détente loosen Soviet restraints against China?

Could the Soviet fear of encirclement by China, Japan, NATO and the United States lead to a so-called "breakout" by an attack against the weakest, most vulnerable member of this incipient alliance before it is able to organize its 1 billion population to build a modern industrialized economic and military machine?

Would we back up the Chinese now that we have implicitly encouraged them to take a provocative stance against Moscow?

Stated another way, are we compelled to come to China's aid if China provokes the Soviet Union? The United States could become hostage to its own security commitment to China. This may become a clear cost of going even further with the China alliance. Are we willing to pay it?

On the other hand, our relationship with China cannot be reversed or significantly altered without severely damaging our ties with Beijing and leading the Soviet Union to conclude that a decline in U.S. support makes China more vulnerable to Soviet pressure.

That is why our China policy must be constructed in the larger context of triangular relations.

Thus, the fourth set of questions about the China policy involves the nature of our future relations with the Soviet Union. What are our long-term plans for United States-Soviet relations after Afghanistan? Do we still have common interests at all? Or are all bets off other than perpetual and risky confrontation?

The current deterioration in détente is an inevitable byproduct of the Soviet invasion of Afghanistan. In my view, détente should have prevented this type of unilateral military intervention. Whether the failure of détente is to be found in its original conception or in its implementation by a series of administrations we shall have to examine closely in the coming weeks.

And part of that examination must include some sense of realism about the reasons why we made the attempt to regulate our rivalry with the Soviet Union. The basic reason was to avoid a confrontation which could lead to nuclear war. It was the fear of mutual and inescapable annihilation which led the United States and the Soviet Union to seek arms control negotiations in the first place. The national self-interest involved in SALT cannot be ignored for long by either party. Thus, our national interest may compel us to seek in the future new negotiations to reduce the threat of nuclear war whether by ratification of SALT II and negotiations for SALT III or by some other means.

If this is close to the truth over the long run, then we must pose the question now: Will our budding military relationship with China close the door to any future constructive relations with the Soviet Union which the United States may decide to seek out of self-interest? We cannot let our measures for a convincing short-term response to the Soviet invasion of Afghanistan—or our concern for Chinese sensibilities—preclude all options for renewing the strategic dialog with the Soviets.

These are some of the considerations regarding a move toward closer United States-Chinese security ties which need to be addressed in our national debate. I do not regard favorable action today on the most-favored-nation trade package for China as ending this debate or providing all the answers to these challenging and difficult questions. If anything, it makes the questions all the more pressing.

Mr. RIBICOFF. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STEWART). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Connecticut yield me 1 minute?

Mr. RIBICOFF. I am pleased to yield as much time as the distinguished majority leader may desire.

### UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Connecticut.

Mr. President, this request has been cleared with the Republican leader (Mr. BAKER) and the acting leader (Mr. STEVENS), with the minority manager of the concurrent resolution (Mr. ROTH), and with the distinguished manager of the concurrent resolution (Mr. RIBICOFF).

I ask unanimous consent that after the debate has been brought to a close today on the pending concurrent resolution, Senate Concurrent Resolution 47, there then be 2 hours for debate remaining thereon to be equally divided between Mr. RIBICOFF and Mr. ROTH or their designees; and that, at the close of business today, the concurrent resolution be set aside; that the majority leader be authorized to call up the concurrent resolution at any time after today following consultation with the distinguished Republican leader or the acting Republican leader if the Republican leader is not available at that time, and after consultation with the manager of the bill (Mr. RIBICOFF) and the ranking manager (Mr. ROTH).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, this request will make possible the setting aside of this measure after today until such time as the House of Representatives adopts the resolution and sends it over to the Senate. At that time, then, under the order, it would be in order, by unanimous consent, for the majority leader to call up the House resolution and that there be 2 hours remaining thereon and the final vote could occur. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I make that by unanimous consent.

The PRESIDING OFFICER. It has been ordered by unanimous consent.

Mr. ROBERT C. BYRD. The earlier order did not include the House concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, under the order previously entered, it will be in order for the majority leader, after consultation with the minority, to call up either the Senate concurrent resolution or the House concurrent resolution dealing with the extension of nondiscriminatory trade policy with respect to the People's Republic of China, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. I ask unanimous consent that it may be in order at any time to order the yeas and nays on whichever of the two measures the majority leader calls up.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on both measures with one show of seconds, with the understanding, of course, that the yeas and nays would only occur on the measure called up by the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, under the request of the majority leader, I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator specify on both measures?

Mr. ROBERT C. BYRD. That was done earlier in the order.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RIBICOFF. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, with the understanding of Senator RIBICOFF and Senator ROTH, I ask unanimous consent that the pending matter be temporarily laid aside; that there be some morning business, for not to exceed 1 hour; that Senators may speak therein up to 5 minutes each; and that if Senators appear on the floor later today who wish to make speeches on the pending business, I have been authorized by Senator RIBICOFF to yield time and at that point I will call up the concurrent resolution again.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Now, Mr. President, we are under morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## "DEFROSTING" THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, as we begin another session I find it my duty to renew the call for our entire Nation—and thus this body—to take the necessary steps in pushing for worldwide human rights. And, as I have often stated, we should revive this effort by ratifying what is perhaps the most basic and surely one of the most necessary of all human rights treaties. I, of course, am referring to the Genocide Convention of 1949.

Time and again I have stood here and reiterated the need for this treaty. I have continued to press for it as the entire world has watched tragedies unfold in the area of human rights.

Therefore, Mr. President, is not now—the start of a new session—the best time to make a firm commitment to preserving each person's most basic right—the right to live?

Mr. President, I am sure that the failure of the Senate to act on human rights issues has not escaped the attention of any member. Nor has it gone unnoticed by the public. In the New York Times of November 11, 1979, there appeared an editorial entitled "Defrosting Human Rights in the Senate."

The first line of this editorial set the stage for the piece. It noted that "In 1965, the Senate somehow found the time to ratify the Vienna Convention on Diplomatic Relations." An ensuing line digs to the heart of the matter:

> Yet, samefully, the Senate has never found time to vote on other covenants of a far broader scope addressed to the urgent concern for basic human rights—a concern that President Carter has called "the heart and soul" of his foreign policy.

The editorial hits the nail on the head. We have neglected the human rights aspect of foreign policy for too long. And in failing to act, we are exposing ourselves to questions about our human rights commitment. In taking note of this, the New York Times editorial states:

> America is thus left open to the charge of hypocrisy, a charge that cannot be persuasively countered by civic lectures on the difficulties of getting 67 senators to vote for ratification.

Sadly, it is difficult to dispute that view. There remain few valid explanations that can account for our absence from the Genocide Convention's list of signatories.

Mr. President, can we continue this "hypocrisy" any longer? Can we rightfully continue to withhold our support from human rights treaties—treaties which are a cornerstone of the administration's international policies and treaties which we denounce other nations for violating?

The answer to these questions, Mr. President, is "no." We should not sidestep this issue any longer. We must forge ahead and "defrost" human rights in the Senate. And I know of no better start than ratification of the Genocide Convention.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUPREME COURT JUSTICE WILLIAM O. DOUGLAS

Mr. METZENBAUM. Mr. President, last week, America lost a truly great man when former Supreme Court Justice William O. Douglas died here in Washington at the age of 81.

For those of us who had the good fortune to know him personally, Justice Douglas was a good friend, a source of personal inspiration, a gaint whose passing leaves us all the poorer.

But the death of Justice Douglas is also a profound loss to all the people of this country—because each and every American is deeply in his debt for the leadership, the vigilance, the courage and the sheer intellectual brilliance he brought to our highest Court.

There can be no doubt that William O. Douglas ranks among the very greatest jurists in American history. He stood, forthright and always unafraid, for the very best in our American tradition. And the courage he showed in his personal life and the intellectual courage that rings throughout his opinions is something in which we and future generations of Americans can take pride.

In the course of his long and productive life, this towering human being brought unsurpassed strength and vigor to everything he undertook. His energy and his intellect were prodigious. His passion and vitality forced others to examine the causes he espoused, and, in the end, turned the tide in his favor.

If I were to seek another great figure in our history with whom to compare Justice Douglas, there is only one name that would come to mind—and that is Thomas Jefferson. Like Jefferson, Justice Douglas had enormously varied interests and a mind that was always vibrantly alive and irrepressibly curious. He was the kind of man who could accomplish in passing what for others took a lifetime.

He was a conservationist who deeply loved the mountains and woods, especially those of his native State of Washington. As a young boy, he was stricken with polio, but, determined to overcome that serious illness, he walked those beautiful Cascade Mountains and regained the use of his legs. His love for nature stayed with him throughout his life, and he fought to preserve that natural heritage for future generations.

But it will be his court opinions for which Justice Douglas will be most remembered.

William O. Douglas was not a passive custodian of the Constitution. He embraced that document and imbued it—especially those sections which guarantee fundamental rights to every American citizen—with new life and meaning. And through these efforts, Justice Douglas greatly influenced all of our lives. He played a central role in bringing us an expansion of human liberties unknown to any other nation in history.

Justice Douglas was constantly vigilant against the abuses of Government itself. When others were willing to sweep aside the restrictions placed on Government by the first amendment and other provisions of the Bill of Rights, it was William O. Douglas whose voice was heard in protest. He believed deeply in the freedom of individual citizens to think freely and clearly, and he refused to concede the right of Government to impinge on that freedom in the slightest. He had a tremendous faith—a Jeffersonian faith—in the American people. Let the information, all of it, come out, and let it be tested in the marketplace of ideas. Government may be embarrassed by disclosures, but Government has no right to suppress information; for once that starts, where can we draw the line? He expressed this during the Pentagon papers debate when he said:

> The dominant purpose of the first amendment was to prohibit the widespread practice of government suppression of embarrassing information. It is common knowledge that the first amendment was adopted against the widespread use of common law of seditious libel to punish the dissemination of material that is embarrassing to powers that be.
>
> Secrecy in government is fundamentally anti-democratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health. On public issues there should be open and robust debate.

Justice Douglas insisted that public officials must set the example. They cannot be allowed to abuse the law, even in pursuit of their official duties. As he stated in a Government wiretapping case, even the doctrine of "domestic security" must give way to the right of an individual to live without fear of official intimidation.

> That domestic security is said to be involved here—

He wrote—

> does not draw this case outside the mainstream of fourth amendment law. Rather, the recurring desire of reigning officials to employ dragnet techniques to intimidate their critics lies at the core of that prohibition. For it was such excesses as the use of general warrants and the writs of assistance that led to the ratification of the fourth amendment. We have as much to fear from the erosion of our sense of privacy and independence by the omnipresent electronic ear of the government as we do from the likelihood that fomenters of domestic upheaval will modify our form of government.

Time and again, as individual liberties collided with the self-interest of Government officials, Justice Douglas sided with the individual.

We see that concern of his for individual rights in his strong opposition to restrictive definitions of "standing," the right to bring a case to the courts. A judge's workload, he argued, should not override the imperatives of justice.

> The American dream teaches that if one reaches high enough and persists there is a forum where justice is dispensed. I would lower the technical barriers and let the courts serve that ancient need.

And Justice Douglas recognized that government, including the court system, can play cruel tricks on the poor. On the one hand, the system promises a fair trial in the pursuit of justice. But on the other hand, if the system limits the individual's access to the court and to legal counsel, it thereby insures that the citizen cannot use the court system to obtain justice.

> There is lacking that equality demanded by the fourteenth amendment,

He wrote:

> where the rich man, who appeals as of right, enjoys the benefit of counsel's examination into the record, research of the law, and marshaling of arguments on his behalf, while the indigent, already burdened by a preliminary determination that his case is without merit, is forced to shift for himself. The indigent, where the record is unclear or the errors are hidden, has only the right to a meaningless ritual, while the rich man has a meaningful appeal.

Mr. President, Justice Douglas was a great American, and a great human being. He was often at the center of controversy, but that is often the case with truly great men. During his term on the Supreme Court—the longest term of any justice in American history—he wrote a total of 1,306 opinions, including 550 expressing the majority view, 583 in dissent and 173 others. But throughout that astounding volume Justice Douglas maintained a clear vision of the relationship between Government and its citizens in a Democracy. He never wavered from passionate commitment to the defense of American Liberties or from his insistence that government in our democracy must be an instrument of justice for all its citizens. His life has touched us all.

My wife, Shirley, and all the Metzenbaum family join me in offering to his brilliant and devoted widow our condolences and our warmest good wishes for the future.

Mr. President, on January 20, the New York Times published a moving editorial on Justice Douglas, entitled "a dangerous great American." I ask unanimous consent that the text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### A DANGEROUS GREAT AMERICAN

"Ideas," William O. Douglas once said, "have been the most dangerous forces in the history of mankind." That being the case, Mr. Justice Douglas was a very dangerous man. He trafficked openly in ideas—some new and challenging, others imbedded in the Constitution but under attack. In hundreds of Supreme Court opinions he argued to his colleagues, and over their heads to the nation, that vagabonds have rights; that freedom of expression is America's preferred value; that the Bill of Rights sanctifies liberty of conscience and the right to privacy; that if corporations deserved to be treated as humans, trees and other endangered things should have the right to go to court. He challenged his countrymen to live dangerously with dissent and he told Government to "get off the backs of the people."

This free trader took his faith in freedom to distant lands and brought back contrary notions, always confident that America's open marketplace had nothing to fear from totalitarianism. Some detractors mistook his faith for appeasement or even subversion, overlooking the way he detested Communism's thought control. Rather than suppress Communist writings, he argued for circulating them: "If they are understood, the ugliness of Communism is revealed, its deceit and cunning are exposed, the nature of its activities becomes apparent and the chances of its success less likely."

His 36½ years of Supreme Court service surpassed even the record of his ally, Hugo Black. All told, he sat with a third of the justices ever on the Court. He saw dissents become law but kept on dissenting, never satisfied that the Court was doing enough for liberty and equality. His love for mountains and sky deepened the tragedy of his last years when a stroke drove him from the bench. Hiking and outdoor living, which helped conquer childhood polio, were ended by paralysis that, cruelly, did not numb excruciating pain.

Some of the Justice's monuments are as big as all outdoors, like the Potomac River vistas he saved from being paved over a quarter of a century ago, or the cleaner air and water he fought for in his opinions and prodigious off-the-bench writings. Other monuments are more abstract matters of privacy and freedom. We hold, over the inevitable dissent of Mr. Justice Douglas, that his career and jurisprudence constitute a national treasure.

## EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROBERT C. BYRD. Mr. President, under the order entered previously, I now ask that the Chair lay before the Senate, Senate Concurrent Resolution 47, to approve the extension of nondiscriminatory treatment with respect to the products of China.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 47) to approve the extension of nondiscriminatory treatment with respect to the products of China.

Mr. ROBERT C. BYRD. Mr. President, I have been authorized by Mr. RIBICOFF to control time.

I yield such time as he may require to the distinguished Senator from Ohio (Mr. GLENN).

Mr. GLENN. I thank the distinguished majority leader.

Mr. President, I rise to speak in support of Senate Concurrent Resolution 47, a resolution to approve the extension of most-favored-nation status to China. Passage of this resolution will further advance the normalization of U.S. economic relations with China and bring to an end restrictions on commercial ties between the United States and China that have been in effect for 30 years.

It should be noted that, despite the apparent implication, the granting of most-favored-nation status does not confer special privileges. Rather, it denotes exactly the opposite, that is, a completely nondiscriminatory treatment in commercial relations. As a general trade policy, the United States has extended unlimited and unconditional most-favored-nation status to its trading partners since 1923. As a signatory of the 1947 General Agreement on Tariffs and Trade (GATT) and in a number of bilateral commercial agreements since, the United States has formally agreed to extend most-favored-nation status on a reciprocal basis to its trading partners.

The major departure from this general, most-favored-nation policy occurred in response to the outbreak of the Korean war. In June 1951, the United States withdrew most-favored-nation status from all countries under the control of international communism. Since that time the restoration of most-favored-nation status has been granted to four Communist countries, Poland, Yugoslavia, Romania, and Hungary.

Under the terms of the Trade Act of 1974, restoration of most-favored-nation status to Communist countries is contingent upon negotiation of a bilateral agreement of friendship and commerce and the abolition of the Communist nation's restrictive and arbitrary emigration policies. China has met both these requirements. In May 1979, Secretary Kreps initialed a bilateral commercial agreement with China. This agreement contains safeguards against market disruption, agreements for the settlement of commercial disputes, provisions for bilateral consultations, and protection of the individual property rights of U.S. nationals. On January 10, 1980, after lengthy deliberations, the Senate Finance Committee voted to accept diplomatic assurances from the Chinese regarding future PRC emigration policies and recommend the extension of most-favored-nation status to China.

Over and above China's compliance with the technical requirements for most-favored-nation status, Senate Concurrent Resolution 47 merits approval because it is in our national interest. As recent events in the Middle East and South Asia demonstrate, the security and prosperity of the United States are inextricably bound up with the balance of economic and strategic power around the world. It is in our national interest, therefore, to expand peaceful relations with countries with whom we share mutual interests. Passage of this resolution will provide the necessary conditions for building trade and commercial relations between the United States and China that can be of great mutual benefit to both nations. Whether this potential is realized depends on future cooperation, but the potential is there and it merits our support.

The United States and China share mutual strategic and economic interests. We are both Pacific nations and we share a common interest in the peace and stability of the Asian-Pacific region. China has played and will continue to play a key role in geopolitical balance of power. A China that is strong and independent, that can feed and fuel itself can play a constructive and stabilizing role in Asia. Passage of this resolution will give China access to as much as $2 billion in Ex-Im Bank credits and thereby enhance its ability to finance and accomplish its modernization goals. These credits are important to China in its attempts to overcome the physical restraints on its economic development in such critical areas as energy production, mining, and transportation.

China's needs in these areas offer opportunities for us to improve our balance of payments. Since the OPEC oil crisis of 1973 several important traditional markets for U.S. goods have grown slowly. The slow growth of these markets has slowed growth of U.S. exports. Although still small by comparison, U.S. trade with China doubled in the last year and shows a favorable balance for the U.S. Prospects for long-term growth of this market are promising. China's modernization plans call for sizable imports of capital goods and technology in the areas of mining, energy, transportation, communications, and tourism. These are all export markets where U.S. industry has much to offer. Passage of this resolution will give American exporters the opportunity to compete for sales in the China market with exporters from other nations.

Realistically, passage of this resolution will not bring our trade deficit into balance, nor will it alter the nature of China's economic system and political regime. Nonetheless, in my view, passage of this resolution is in our national interest. It will contribute to the balance of economic power in Asia and the Pacific, strengthen ties and broaden understanding between the United States and China, and expand markets for U.S. goods exporters. I urge my colleagues to vote in support of Senate Concurrent Resolution 47.

I add, Mr. President, that I think in recent years most Americans have not been fully aware of the importance of the expanding trade that we have experienced in Far Eastern nations, and we are just seeing the burgeoning, the beginning, the real birth of this trade with regard to the People's Republic of China which comprises about one-fourth of the total population of the whole globe.

But we have seen a shift in trade to the Far East from our traditional trading partners of heritage in Europe to the point in the last few years where we now have more trade with the Far East than we do with any other part of the world.

Let me put this in personal terms with regard to my home State of Ohio. One out of every eight industrial jobs in Ohio goes to furnish material, manufactured products for the export market. Ohio is fourth in export among the 50 States of the United States. Also from Ohio last year we sent out some $957 billion of agricultural products while we sent industrial products of about $6.9 billion. The good part of that, of course, did go to the Far East.

So, Mr. President, I think we cannot possibly overestimate the importance of the action that we will take on Senate Concurrent Resolution 47. It can open up major trading markets with approximately one-quarter of the world's population, and as we deal with that part of the world, which also includes Japan and the oceanian countries, we come up with an area of the world with one-third of the world's population, if we combine that East Asian periphery.

Mr. President, it is extremely important, I believe, that we do pass Senate Concurrent Resolution 47 and give most-favored-nation status to the People's Republic of China so we can start building that trade in the peaceful world, the stable world in the Far East that I believe this can contribute to.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, are we under controlled time?

The PRESIDING OFFICER. The Senator is correct.

Mr. McGOVERN. Mr. President, the majority leader has designated me to control the time on this side for the time being, so I yield myself such time as I may consume on a number of matters.

## THE RUSSIAN GRAIN EMBARGO OF 1980

Mr. McGOVERN. Mr. President, there has been great discussion in the country and in Congress about the grain embargo that President Carter invoked on January 4 against the Soviet Union following the invasion of Afghanistan.

I think all of us were outraged by the Soviet action in invading a weak country on its own border, killing the leader of

**that country, and then proceeding to occupy Afghanistan over a large part of its territory.**

**Nevertheless, while I support the concern and the sense of outrage of the administration over what has happened, I have had a longtime bias against the use of grain as a policy weapon, and I think it is still an open question whether or not this particular form of punishment of the Soviet Union will not damage the economy of the United States more than it does that of the Soviet Union.**

**In any event, Mr. President, I testified this morning before the Senate Subcommittee on International Finance, chaired by the Senator from Illinois (Mr. STEVENSON), and I ask unanimous consent that the text of that testimony be made a part of the RECORD, along with the testimony of the Secretary of Agriculture Bob Bergland before our Committee on Agriculture this afternoon.**

**There being no objection, the statements were ordered to be printed in the RECORD, as follows:**

### THE RUSSIAN GRAIN EMBARGO OF 1980

(Statement of Senator GEORGE MCGOVERN)

Mr. Chairman, thank you for inviting me to be a witness at the opening Congressional assessment of the Russian Grain Embargo announced by the President on January 4th of this year. As the Congress reconvenes for the second session of the 96th Congress, I applaud your wisdom and foresight for convening your subcommittee at such an early date. Your subcommittee is the legislative custodian of the Export Administration Act, the statutory authority under which the embargo was declared. It is thus fitting that this subcommittee is the forum for the first hearings.

As you know, Secretary Bergland will appear later in the day before the full Senate Committee on Agriculture, Nutrition, and Forestry to further elaborate on the administration's position in imposing this embargo.

Prior to entering into my formal testimony, Mr. Chairman, let me applaud your efforts and the efforts of Senator Roth for the leadership you have taken in the formation last year of the Senate Export Caucus. I was one of the first to sign on in this important undertaking. I think that the quality of work already done by the Caucus is worthy of commendation and congratulations for you, Senator Roth, and your professional staff. I look forward to a continuing association with the group you have brought together.

As a seventeen-year veteran of the Senate Agriculture Committee and its ranking majority member, I welcome the opportunity to share with you my thoughts with respect to the President's announcement early this year.

### HISTORY TREATS EMBARGO POORLY

Mr. Chairman, we are all familiar with the wisdom of George Santayana's thought that those who ignore the lessons of history are bound to repeat them. January 4th marked the fourth time in less than a decade that U.S. officials have embargoed or suspended sales of agricultural products.

In 1973, President Nixon suspended soybean export sales because of short domestic supply. Prices fell from $12 a bushel to $7 a bushel in a matter of weeks. More seriously, we so drastically disrupted the Japanese economy that they turned to Brazil for new soybean production that has permanently damaged American export sales.

In October of 1974, President Ford requested the voluntary withdrawal of 125 million bushels of wheat and corn to Russia and the United States Department of Agriculture adopted a "prior approval requirement." Markets dropped sharply and wheat went off 80 cents a bushel and corn about 60 cents in a six-week period.

In the summer of 1975 in the middle of the growing season, President Ford again ordered a slowdown of sales to the USSR. It amounted to an embargo of new sales of wheat, corn and soybeans. Involved also was a loading boycott by the longshoremen. Soybeans were down $1 by October first, wheat about 50 cents and corn 30 cents a bushel.

Later that year, on October 20, 1975, the U.S. and the USSR signed the five-year grain sales agreement.

On January 4, 1980, President Carter announced suspension of sales of 17 million metric tons of wheat and corn, but allowed the 8 million metric ton commitment under the 1975 agreement to go forward.

After a suspension of trading on the major exchanges for two days, commodities went down the limit.

Mr. Chairman, the obvious failure of past embargoes, at least in terms of the devastating effect they have on farmers and farm prices, lead all aspirants to high office to deplore them and promise not to make them a part of public policy. This includes the present occupant of the Oval Office. Food and food products have always been suspect as a tool of foreign policy on both humanitarian and economic grounds. Though I deplore the Russian presence in Afghanistan as an act of aggression, I think that the question of whether the blow we are delivering is equal to or greater than the blow we are called upon to absorb is open to debate. I will go into this later in my testimony. For the moment I want to make it clear that history is not on our side in view of past events and past embargoes.

### WHO DOES THE EMBARGO HURT?

Total United States-Soviet trade in 1979 was valued at 3.4 billion dollars of export value to the United States. Grains accounted for 2.6 billion dollars, manufactured goods amounted to $600 million and high technology around $200 million. Agricultural products amounted to nearly 75 percent of all our business with the Soviets. Consequently, if we did anything at all, the farm community, amounting to only 3 percent of the population, would be called upon to bear 75 percent of the response.

1978 was a record year for Russian crop production and amounted to 237 million metric tons. 1979 was a disaster for the Soviets and domestic production fell to 180 million metric tons.

As a consequence, the Soviets had planned to purchase 37 million metric tons of grain abroad—25 million from the U.S. and 12 million elsewhere in the world. Domestic needs were calculated at 217 million metric tons.

By denying the Soviets 17 million metric tons we are denying them only about 8 percent of their projected domestic needs.

Since the embargoed grain represents about 13 million tons of corn and 4 million tons of wheat all earmarked for animal feed, we are denying some Russians, at least at first blush, a slightly better meat and poultry diet for the present and the future.

Americans consume an average of slightly over 200 pounds per year retail weight of red meat and poultry. The Congressional Research Service of the Library of Congress estimates Russian red meat and poultry consumption at something like 120 pounds per year, retail weight. How much red meat and poultry are we denying the Soviets by cutting their feed allocations by 8 percent? Hardly enough for any real application of the term "belt tightening." Even Secretary Bergland estimates decreased Soviet meat production in the 5 to 8 percent range.

In the near term, all economists agree that any feed shortfall will result in expanded herd slaughter and deep herd culling. This means that at least for 1980, Russians will eat more meat and poultry. The long range effect is for years to come and is incalculable.

With possible expanded purchases elsewhere in the world and the possible transshipments of U.S. grain, I question that either the short term or the long term effects will devastate the Soviet Union, especially if the 1980 domestic crop returns to record levels.

On the U.S. side of the equation, experts predict that U.S. farmers will suffer a decline in prices estimated at 50 cents a bushel on wheat and 35 cents a bushel on corn. Additionally, American taxpayers will foot the bill for possibly 2.5 to 3 billion dollars in the purchases of 14 million tons from grain traders to isolate the embargoed grain from the market, over a half a billion dollars for a billion dollars for a paid diversion program, 200 million dollars for an expanded P.L. 480 program, and other costs that make a grand total of 3.8 billion dollars as estimated by the Congressional Budget Office, with other estimates ranging to 5 billion dollars.

And these equations do not take into consideration the tremendous increase in cost of production for crop year 1980 for farmers, coupled by depressed markets, and a tremendous psychological overhang of the markets caused by C.C.C. ownership of 14 million metric tons of grain purchased from the traders. Even the dramatic upturn of the futures market on Thursday and Friday of last week can be traced to the artificial spurt in the price of gold rather than any intrinsic strength in the grain market itself.

I think the conclusion is clear. The U.S. domestic blow to the agricultural community can reasonably be concluded to be greater than the one we are delivering. History again prevails.

### WILL THE U.S. LOSE RELIABLE SUPPLIER STATUS?

As the world's largest exporter of agricultural commodities—one planted acre in three ends up in export status—the U.S. has a monumental stake in its credibility as a dependable supplier of agricultural commodities. We have carefully cultivated and expanded our export markets to the point where we sell well over 30 billion dollars of commodities each year. Agricultural exports amount to the largest single cushion in our balance of payments position and offset the high cost of energy imports to a greater degree than any other single segment of the domestic economy. This move must be viewed in the community of nations as making us at least suspect as a steady supplier to such important markets as Japan and the Economic Community. At the very least, it amounts to tampering with a finely tuned and carefully developed world trade market. If we want to keep the image of the American farmer as the world's model, as the modern day miracle of food production, we had better think twice or even more than twice before we tarnish that image through public policy decisions that make delivery of expanded production available to the world's buyers. If we wish to continue as the most important supplier of food to the world, we must have the reputation of a dependable supplier.

### ADEQUACY OF USDA RESPONSE TO AMERICAN FARMERS

Immediately after the announcement of the embargo the Department of Agriculture traders who had signed commitments to the USSR. This amounted to about 22 firms and 14 million metric tons of the 17 million that were embargoed. Trading on the major exchanges was suspended for two days. Pre-embargo prices received by farmers on a national average were about $3.85 for wheat and $2.40 for corn. Upon resumption of trading on January 9th, both commodities went down the limit and trading stopped.

I am advised by my South Dakota grain elevators that wheat is still off between 40 cents and 50 cents a bushel and corn off about 30 cents.

Though the Secretary has announced modest increases in loan rates, together with an expanded Public Law 480 program, waiver of first year interest rates for grain moving into the farmer-owned reserve, and the promise of a paid diversion program, these remedies are generally viewed as inadequate by producers. Uncertainty exists as to the status of farmers who participated in the program and those who did not. This is significant because only 20 percent of the 1979 corn acres and 55 percent of the wheat acres were program acres.

Mr. Chairman, the embargo is a reality and it is now national policy. Though its effects are open to question, let us move forward to protect our domestic producers with as much vigor as we seek to punish the enemy.

In this connection, let me advance a position taken only recently by the National Farmers Union. It is in N.F.U. terms a conservative position, at least in light of the past goals of that organization. The Farmers Union has expressed support for the action of the President, given the following safeguards for domestic producers:

1. Increase 1979–80 loan levels to $3.90 on wheat, $2.50 on corn and $6.25 on soybeans, with semi-annual adjustments.

2. Prohibit C.C.C. releases at less than 10 percent above the call levels or 20 percent above the loan.

3. Announce a paid diversion for 1980.

4. Provide effective safeguards to prevent transshipments through third world countries or trading firms.

5. Immediately initiate a strong and effective gasohol program to spur alcohol fuel production from feed grains diverted from export shipment, and a major expansion of the Food for Peace program with particular emphasis on market development activities.

Hopefully, such a program would stem the tide and prevent economic dislocation for domestic producers. It is a program that the Department could live with on an emergency basis if it in fact is fully committed to its announced position of making domestic farmers whole from the numerous financial consequences brought on by the embargo announcement.

---

STATEMENT BY THE HONORABLE BOB BERGLAND

Mr. Chairman, I sincerely welcome your invitation to meet with your Committee today to discuss an unprecedented series of actions which are important to the stability and security of the world, to the economy of the United States, and especially to the pocketbooks of American farmers.

Moreover, I welcome especially the helpful and constructive suggestions in your letter of January 18 and your willingness to work with us to explore whatever legislation may be required to protect America's food and fiber producers.

First, I will describe in brief the steps taken by the President, although they are familiar to all of you, as well as the administrative actions undertaken at his direction to minimize the effects on agriculture.

Then I will review the preliminary results and our best estimates of the long-term effects of those actions, and follow my prepared statement with a discussion of your most useful suggestions of ways in which we in the administration and you in the Congress can cooperate in the best interests of all.

THE BACKGROUND

In the closing days of last year, the Soviet Union mounted the most naked sort of campaign of aggression that this world has witnessed in recent years.

Tens of thousands of Soviet troops were airlifted into Afghanistan—an independent, non-aligned country—in a clear and uncontrovertible example of aggression. President Carter describes the Soviet action as the most dangerous act of international aggression since World War II. I agree without reservation.

The Soviet action demanded a response. The severity and brutality of Moscow's violation of the rules of civilized international order could not go unanswered.

President Carter acted swiftly, firmly, and decisively.

On January 4, he announced to the nation and the world a series of steps designed to make it clear to the leadership of the Soviet Union that their actions would cost them dearly. These were his steps:

He asked the Congress to defer action on the SALT II treaty.

He postponed indefinitely the opening of new Soviet and American consular offices.

He deferred economic and cultural exchanges.

He ordered no further licenses of high technology and other strategic items, including computers and oil-drilling equipment the Soviets want very much, and a full-scale revision of U.S. export licensing policy.

He severely curtailed Soviet fishing privileges in U.S. waters.

And he suspended the delivery to the Soviet Union of any U.S. grain exceeding the 8 million tons which we are obligated to supply.

The President's actions were unprecedented in two principal ways. First, he chose to use trade and relations across the board, not just those in agriculture, for his response to Soviet aggression. Second, he stated his complete determination that the government would take whatever steps it needed to neutralize the effect of the suspension on American agriculture.

It is important to look at the decisions of January 4 in their hitsorical context, especially as they compare with earlier suspension of trade which have had serious impacts on U.S. producers.

NO COMPARISON WITH 1973, 1975

There are two essential similarities between President Carter's order suspending agricultural sales to the USSR and those orders of his predecessors in 1973 and 1975, but there are two distinctions which are even more critical to point out.

The actions are similar in that the authority for all three suspensions came from the Export Administration Act, as amended, and in that, stated simply, the decision to withhold the sale of agricultural products has a potential for substantially decreasing domestic farm prices.

But the differences are far more crucial.

The 1973 and 1975 decisions were taken after a determination of short supply conditions for the affected commodities—in other words, simply to drive down prices or to halt their anticipated increase. These actions succeeded in that purpose.

President Carter's decision was taken on two other grounds specified in the act—for reasons of urgent national security and foreign policy considerations.

The second essential difference is that, in the first two instances, not a finger was lifted by this government to mitigate any potential losses to the American farmer. In this instance, the President said in his address to the nation on January 4, and I quote:

"I am determined to minimize any adverse effect on the American farmer from this action."

I am proud to say that the President's determination is a firm one and an absolute one. We have been taking steps, almost every day, to assure that his commitment is upheld.

Given the steps we have taken, and considering those we are pledged to take if they should prove necessary, I think that any reasonable observer must conclude that this administration is living up to that commitment.

MARKET REACTION TO NEW PROGRAMS

I am not here to suggest to anyone that we have succeeded in our every objective. But I will state without hesitation that the record of the past two weeks has been extremely positive, especially when contrasted with immediate predictions of disaster, and that the outlook remains upbeat.

Mr. Chairman, market prices for most affected commodities have recovered most if not all of the decreases of the first few days after the suspension.

Our outlook for total exports, even without the Soviet Union, is for another new record and for continued growth.

This nation's commitment to expanded food aid, and our ability to deliver on that commitment, has been broadened—a step that not only alleviates the market impact on farmers but surely will be welcomed by nations with growing food deficits.

To illustrate the immediate impact of the suspension and the short-term results of our administrative steps to alleviate that impact, I have attached to my prepared statement a number of tables which display price and trade information.

Both cash and futures prices of soybeans not only have recovered to the levels of before January 4, but in fact yesterday exceeded those levels. Wheat, both on the cash market and futures contracts, has recovered almost to that level and the trend appears to be upward. Inasmuch as corn was the commodity principally affected by the decision, corn prices dropped sharply in the first days after trading resumed but the recovery is well under way and I am not even slightly hesitant in stating that those prices will be fully recovered within a very short time.

What does this mean? Put in the simplest possible terms, the series of program changes and decisions which we have put into place in the days following the suspension are successfully fulfilling the President's commitment that farmers do not bear the full burden of the suspension.

To my knowledge, this is the first time that the U.S. government ever has undertaken such a broad-based effort to protect producers from the potential effects of such a decision of the government.

The longer-term impact of the suspension and our subsequent administrative actions can best be understood in terms of how the events of the past several days may affect our collective outlook, our agricultural system and our export markets.

It is critical to understand that a good deal of the market strength of recent days is coming from the fundamental understanding that the Soviet Union is not the whole ball game for American farm exports.

If the suspension does nothing else, one of its important side-effects may be ultimately to help us shake off this notion that the Kremlin and our export fortunes are synonymous.

The Soviet Union is not and never has been our most significant export customer. Even without additional Soviet purchases this year, U.S. agricultural exports will set new records both in volume and in dollar value. Suspending the USSR sales over and above the 8 million metric tons included in the long-term agreement, we are projecting wheat and feed grain exports this fiscal year of about 99 million tons, compared with 93 million tons last fiscal year, and export earnings of around $14.5 billion, compared with $11.4 billion for the previous fiscal year.

The Soviet share of our export market can be understood more clearly by recognizing that all other export markets have accounted for most of the growth in our export sales—and it is steady, sustainable growth that is less dependent on the rapidly shifting currents of weather and international politics.

### OFFSETTING ACTIONS

The results and the outlook I have described are possible because of actions which I can best describe in three stages.

First, we had to deal with the potential immediate impact of the suspension. Approximately 13 million tons of corn and 4 million tons of wheat that had been expected to go to the Soviet Union were not going to go. Contracts between U.S. exporters and the Soviet Union for much of that grain had been executed; behind those contracts were hundreds of others—with local elevators and dealers, all the way back to the grain producer.

Failure to meet the export contracts would have resulted in a complete collapse of the market. Creditors who financed the exporters would have required that undelivered grain and forward contracts for delivery of grain be resold to minimize losses. The effect would have been a cascading of panic sales as creditors of local elevators and producers would have forced additional sales.

In short, it could have meant hundreds of millions of dollars of losses throughout the market chain, ultimately hitting the farmer hardest of all.

To avert such a collapse, we have offered to assume the contractual obligations for the undelivered grain.

The Commodity Credit Corporation (CCC) will assume contractual obligations from the exporters of corn to the Soviet Union. In this instance, the CCC can either take physical delivery of the corn, or it can sell the contract to another party.

If the CCC takes physical delivery of the corn, it cannot be sold back into the market at a price lower than $3.15 a bushel at the farm, because the law requires that the selling price must be at least 150 percent of the loan rate. If the CCC can sell the contracts to a third party, that corn will not be moved back onto the market until the farm price is above the level of January 4, before the grain shipments were suspended.

Although the President stated clearly his intention to fulfill the United States obligation to fulfill our agreement to ship the 8 million tons of corn and wheat specified in the five-year agreement with the Soviet Union, it became clear at the end of last week that the International Longshoremen's Association would not load the unshipped portion of that quantity, approximately 2.5 million tons.

Therefore, we announced on last Saturday that, in addition to assuming the contractual obligations for those quantities over 8 million tons, we would work closely with exporters and their suppliers to purchase or divert grain intended for immediate shipment to the Soviet Union in an effort to unclog the transportation and storage system.

In addition, to speed the recovery of local cash markets in those areas most seriously affected by the transportation bottleneck, we will offer to buy corn at the local level as necessary to relieve congestion.

### FOOD SECURITY RESERVE LEGISLATION

The CCC also will assume all of the contractual obligations for wheat intended for shipment to the Soviet Union. However, unlike the corn, none of the wheat will move back into the commercial market. Instead, we have pledged that we will reserve it for use in our foreign food assistance programs and we have renewed our request to the Congress for legislation which will guarantee that it never will be used for any purpose other than humanitarian assistance.

For the past two years, we have had before the Congress a request for legislation which would permit us to hold up to 4 million tons of wheat in reserve for international food assistance during periods of tight supplies and high prices. We do have authority to purchase, and we will use that authority for these purposes. But we renew our request for enactment of legislation which would require this and any future administration to use these commodities only to honor our food assistance commitments, no matter what the circumstances.

For instance, when supplies were tight in 1974, one of the first areas that were cut was food aid shipments. That reduction came precisely at a time when the need for foreign food assistance was greater than it had ever been. The cuts weren't made because policymakers were insensitive; the legal authorities available at the time precluded any other result. One had to reduce food aid allocations when supplies were tight.

This does not do much for this country's reputation as a humanitarian nation. We need precise authority that assures that government-owned grain can be used in situations where we otherwise would have to cut back on food assistance.

As you know, our appropriation for fiscal year 1980 for the Public Law 480 program is less than is required to meet our targets for food assistance. This is due in part to the fact that market prices increased substantially after the budget was submitted a year ago and, therefore, with available funds we were not able to allocate the quantities anticipated.

Late last year we submitted an urgent supplemental appropriation request for $96 million to meet our quantity targets. As a part of our effort to alleviate the effects of the suspension, the President soon will submit to the Congress an amendment to that appropriations request for an additional $100 million to further increase our P.L. 480 program.

The requested $196 million, added to the $1.5 billion already appropriated, is expected to permit us to finance the purchase of 6.5 million tons of U.S. farm products for international food assistance in the current fiscal year, compared with 6.1 million tons in fiscal year 1979.

Finally, we announced on Saturday that the department will invite offers for the purchase of additional chicken for our domestic food distribution programs such as schools and other institutions, in an effort to remove from the market supplies which had been contracted for delivery to the Soviet Union.

### FARM PROGRAM MODIFICATIONS

The second set of actions was taken to isolate from the market grain still owned by farmers, as well as the grain farmers had intended to plant during the current crop year to meet expected Soviet demand.

We decided to expand the farmer-owned grain reserve by offering greater incentives for farmers to participate in that program. By doing so, the supply of grain available to the commercial market would decline, and prices would be further protected.

Specific actions taken by the department include:

increasing the wheat loan price from $2.35 to $2.50 a bushel;

increasing the corn loan price from $2.00 to $2.10 a bushel, with comparable increases in loan prices for the other feed grains;

increasing the reserve release price for wheat from $3.29 to $3.75 a bushel—which represents 150 percent of the new loan price;

increasing the reserve call price for wheat from $4.11 to $4.63 a bushel, which represents 185 percent of the new loan price;

increase the reserve release price for corn from $2.50 to $2.63 a bushel, which represents 125 percent of the new loan price;

increasing the reserve call price for corn from $2.80 to $3.05 a bushel, which represents 145 percent of the new loan price;

increasing the reserve release and call prices for the other feed grains comparable to corn;

waiving the first year interest costs for the next 13 million tons of corn entering the reserve;

increasing the reserve storage payments from 25 to 26.5 cents per bushel for all reserve commodities except oats, which is increased from 19 to 20 cents a bushel.

The third part of the package consists of longer-term steps together with continuous assessment of other steps which might be taken if they should prove necessary.

On Saturday, January 5, the day following the President's announcement, I disclosed that we were making available in the current fiscal year a record amount of export financing credit—$1.8 billion, and that in the coming year, fiscal 1981, we will make available a new record $2 billion in export credit.

This additional financing source will make it easier for both our traditional customers and for developing countries to meet more of their import needs through commercial contracts, with the ultimate effect of expanding even further our already growing export volumes.

We are confident that the steps we have already taken will offset the effect of the suspension on farmers now and in the near future.

But we do not know—nobody knows—how long the suspension will remain in effect. For this reason, we need to consider those actions which will keep farm prices at reasonable levels over the long term.

Although there will be no set-aside in 1980, we have full legal authority to offer a paid diversion program which would have the same effect on supply as a set-aside. We will not hesitate to implement a diversion program if the situation requires it.

### ALCOHOL FUELS

The production of grain for alcohol fuels, better known as gasohol, could be a significant factor in future grain production and demand. Realizing that this could be a new, and rapidly developing market for our grain products, the administration has unveiled a program which could quadruple gasohol production this year, and provide enough to replace 10 percent of the nation's supply of unleaded gasoline next year.

To encourage gasohol production, especially through small plants that can be constructed and brought on line quickly, and to encourage farmers to distill their own alcohol for fueling farm equipment, the administration is proposing a series of new and additional aids and incentives. These include:

Permanent extension of the exemption of gasohol from federal gasoline taxes;

A 30 to 40 cent a gallon income tax credit for farmers who use alcohol as a fuel without mixing it with gasoline;

$1 to $2 billion in loans and other assistance over the next ten years, under existing authorities, for the construction of production facilities;

An additional $3 billion in loans and loan guarantees, under new authority, for the construction of small and medium scale production facilities.

### IMPACT OF THE SUSPENSION

During times of national crisis, the American people have always been willing to make whatever sacrifices are necessary to meet the challenges that such events pose. This is a time when some sacrifice will be called for. But I am firmly convinced that the actions we have taken will reduce the amount of sacrifice to much lower levels than one might expect.

We expect these measures to cushion any reduction in farm income that might have resulted from the Soviet suspension. U.S. net farm income has been forecast to decline about a fifth in 1980, but that decline will be due primarily to increased costs of production, especially energy. Reduced cash receipts for hogs and poultry also are a factor in the expected decline.

We are convinced that prices, over the season, will be at least as high as they would have been had we not taken the suspension action.

What we have done is to pull out all the stops to make sure that the suspension does not alter supply and demand fundamentals. By taking out of the market the bushel grain destined for the Soviet Union, there is no more grain available for trade than there would have been had the grain been delivered.

But that minimizes the scope of our actions. There are producers in your states who are going to put more into reserve than they had originally planned. The grain will not be available to the market unless wheat prices rise above $3.75 a bushel, and corn prices surpass $2.63 a bushel.

What will push prices up? Movement of grain into the reserve is one key factor. That will further tighten the available supply and exert upward pressure on prices.

### ADDITIONAL EXPORT MARKETS

Another way to tighten the supply is to move the grain into other export channels. We are working to aggressively promote our agricultural products to other countries, and already have had considerable success.

This past week, Mexico agreed to buy 4.8 million tons of U.S. agricultural commodities during 1980, for a total of 7.15 million tons this year. Added to earlier commitments, this will be about 1 million tons, mostly feed grains, above what we had expected them to buy this year, and almost double what they purchased from us in 1979.

China has told us they expect to buy 5 to 6 million tons of corn and wheat this year, and while their contracts to date have not reached these levels, we have no reason to believe that they will not. Japan and the European Community—both of which bought more of our products than the Soviet Union—can be expected to maintain their high import levels this year.

Taxpayers will not suffer appreciably from the cost of the actions taken to offset the effects of the suspension. We expect the total cost of those actions—the assumption of contracts, and the changes in the farmer-owned reserve—to range between $2.5 and $3.0 billion for the combined fiscal years 1980 and 1981. That comes to less than $14 per person for that two-year period.

Further, that $14 is not by any means a net cost. A significant chunk of the money we spend on these programs is in the form of loans or credits. Farmers will be putting more commodities into reserve, but these commodities will be available to come back into the market when prices move above the reserve levels. When that happens, reserve loans will be repaid, and a receipt will go back to the taxpayers. I believe that at least half the total expenditure will come back to the Treasury—which means that the net cost of these actions will be about $7 per person.

### THE COST TO THE SOVIET UNION

While we have calculated the impact of the suspension on Americans to be relatively small, we expect that the reverse will be true for the Soviet Union.

Without 17 of the 25 million tons of grain that they had counted on, Soviet policymakers will be unable to sustain their long-term effort to improve their people's diets by increasing the amount of available meat. There will be substantially less grain to feed to livestock—5 to 11 percent less as a result of this suspension.

Nor is it likely that the Soviets will be able to purchase the grain they need elsewhere. Most of our grain trading partners—Canada, Australia, and the European Community—have promised not to replace the 17 million tons of grain we have withheld from the Soviets. The shipments from these countries together with our own grain exports account for about 85 percent of the world trade in grains.

These actions could not have come at a worse time for the Soviet Union. The Soviet agricultural plant is particularly vulnerable to weather-related caprices, and this last year's grain crop was an especially disappointing 179 million tons. That is 58 million tons below the previous year's record, and 48 million tons below what their plans called for.

The Soviets have been depending on the United States for two-thirds of their grain imports. A grain suspension, together with a cutoff of high technology imports needed for industrial production, and curtailed fish supplies is likely to spell more difficulty for an already troubled domestic situation.

Mr. Chairman, it is my firm conviction that this suspension action, together with the other actions announced by the President, will serve notice on the Soviet Union that naked aggression against independent, non-aligned countries will not be tolerated by the United States. I strongly believe that by taking these steps, we will be accomplishing a great deal without nearly as much sacrifice on the part of the American people as other measures would have entailed.

I will be happy to respond to your questions.

U.S. EXPORTS OF WHEAT AND COARSE GRAINS BY MAJOR DESTINATIONS, 1976/77–1979/80 MARKETING YEARS[1]

[In million metric tons]

| Destination | Wheat | | | | Coarse grains | | | | Total | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1976/77 | 1977/78 | 1978/79 | Forecast 1979/80 | 1976/77 | 1977/78 | Estimate 1978/79 | Forecast 1979/80 | 1976/77 | 1977/78 | 1978/79 | Forecast 1979/80 |
| EC–9 | 1.5 | 2.3 | 2.3 | 2.2 | 17.4 | 10.6 | 9.4 | 11.0 | 18.9 | 12.9 | 11.7 | 13.2 |
| Other Western Europe | .5 | .8 | 1.0 | 1.3 | 5.9 | 7.5 | 6.5 | 7.0 | 6.4 | 8.3 | 7.5 | 8.3 |
| Eastern Europe | 1.5 | 1.2 | .7 | 3.2 | 4.7 | 4.1 | 6.0 | 6.4 | 6.2 | 5.3 | 6.7 | 9.6 |
| U.S.S.R | 2.6 | 3.4 | 2.6 | 4.5 | 3.1 | 11.1 | 11.3 | 5.0 | 5.7 | 14.5 | 13.9 | 9.5 |
| Japan | 3.3 | 3.2 | 3.2 | 3.3 | 10.9 | 11.3 | 11.7 | 12.5 | 14.2 | 14.5 | 14.9 | 15.8 |
| High income Asia[2] | 3.0 | 2.9 | 3.1 | 3.2 | 2.5 | 3.9 | 4.9 | 6.0 | 5.5 | 6.8 | 8.0 | 9.2 |
| Middle East (Western Asia) | 2.0 | 2.0 | 2.9 | 2.1 | 1.5 | 1.5 | 1.5 | 2.0 | 3.5 | 3.5 | 4.4 | 4.1 |
| China | | | 2.7 | 1.5 | | | 2.9 | 2.0 | | | 5.6 | 3.5 |
| Other Asia | 2.6 | 2.0 | 2.7 | 2.6 | .1 | .1 | | .1 | 2.7 | 2.1 | 2.7 | 2.7 |
| Africa | 3.5 | 4.6 | 4.2 | 4.9 | 1.0 | 1.3 | 1.0 | 1.8 | 4.5 | 5.9 | 5.2 | 6.7 |
| Latin America | 3.6 | 6.3 | 6.1 | 6.2 | 3.7 | 3.6 | 3.6 | 6.5 | 7.3 | 9.9 | 9.7 | 12.7 |
| Other | 1.7 | 1.9 | 1.0 | 1.1 | 1.3 | 1.2 | 1.3 | 2.4 | 3.0 | 3.1 | 2.3 | 3.5 |
| Total | 25.8 | 30.6 | 32.5 | 36.1 | 52.2 | 56.1 | 60.2 | 62.7 | 78.0 | 86.7 | 92.7 | 98.8 |

[1] Marketing year begins June 1 for wheat, barley, and oats and Oct. 1 for corn and grain sorghum. [2] Korea, Taiwan, Singapore, Hong Kong, Indonesia.

U.S. EXPORTS OF SOYBEANS AND SOYBEAN MEAL, BY DESTINATION, 1976/77–1979/80 MARKETING YEARS[1]

[In million metric tons]

| Destination | Soybeans | | | | Soybean meal | | | |
|---|---|---|---|---|---|---|---|---|
| | 1976/77 | 1977/78 | 1978/79 | Forecast 1979/80 | 1976/77 | 1977/78 | 1978/79 | Forecast 1979/80 |
| West Germany | 1.23 | 1.18 | 1.30 | 1.70 | .19 | .28 | .28 | .32 |
| Netherlands | 3.64 | 4.21 | 4.30 | 4.58 | .94 | 1.23 | 1.14 | 1.15 |
| Italy | .88 | .98 | .98 | 1.09 | .48 | .81 | .70 | .70 |
| France | .50 | .56 | .66 | .76 | .14 | .21 | .35 | .35 |
| Other Western Europe | 2.48 | 3.67 | 3.67 | 4.00 | .41 | .58 | .68 | .70 |
| Eastern Europe | .17 | .57 | .55 | .55 | .92 | 1.07 | 1.43 | 1.45 |
| U.S.S.R | .89 | .80 | 1.19 | .68 | | | .03 | |
| Japan | 3.75 | 3.90 | 4.18 | 4.18 | .22 | .26 | .20 | .22 |
| China | | .05 | .14 | .50 | | | | |
| Taiwan | .78 | .97 | 1.37 | 1.39 | .02 | | | |
| Western Hemisphere | 1.01 | 1.06 | 1.25 | 1.40 | .75 | .74 | .91 | .95 |
| Others | .96 | 1.12 | 1.16 | 1.35 | .09 | .31 | .21 | .51 |
| Total | 16.29 | 19.07 | 20.76 | 22.18 | 4.16 | 5.49 | 5.92 | 6.35 |

[1] Marketing year begins Sept. 1 for soybeans and Oct. 1 for soybean meal.

### U.S. AND SOVIET GRAIN PRODUCTION AND TRADE

| Marketing year | Million metric tons | | | | | U.S. average annual price (per bushel)[2] |
|---|---|---|---|---|---|---|
| | U.S. production | Total U.S. exports | U.S. exports to U.S.S.R.[1] | U.S.S.R. production | Total U.S.S.R. imports[1] | |
| 1970/71: | | | | | | |
| Wheat | 36.8 | 19.9 | 0 | 99.7 | 0.5 | $1.33 |
| Coarse grains | 145.2 | 18.9 | 0 | 76.9 | .3 | 1.33 |
| 1971/72: | | | | | | |
| Wheat | 44.1 | 16.9 | 0 | 98.8 | 3.5 | 1.34 |
| Coarse grains | 188.3 | 24.5 | 2.9 | 72.6 | 4.3 | 1.08 |
| 1972/73: | | | | | | |
| Wheat | 42.1 | 31.8 | 9.5 | 86.0 | 15.6 | 1.76 |
| Coarse grains | 181.3 | 39.1 | 4.2 | 72.5 | 6.9 | 1.57 |
| 1973/74: | | | | | | |
| Wheat | 46.6 | 32.9 | 2.7 | 109.8 | 4.5 | 3.95 |
| Coarse grains | 186.1 | 40.4 | 5.2 | 101.0 | 6.4 | 2.55 |
| 1974/75: | | | | | | |
| Wheat | 48.4 | 27.4 | 1.0 | 83.9 | 2.5 | 4.09 |
| Coarse grains | 150.5 | 35.7 | 1.3 | 99.7 | 2.7 | 3.03 |
| 1975/76: | | | | | | |
| Wheat | 57.8 | 31.7 | 4.0 | 66.2 | 10.1 | $3.56 |
| Coarse grains | 184.7 | 50.0 | 9.9 | 65.8 | 15.6 | 2.54 |
| 1976/77: | | | | | | |
| Wheat | 58.2 | 25.5 | 2.9 | 96.9 | 4.6 | 2.73 |
| Coarse grains | 193.5 | 50.6 | 4.5 | 115.0 | 5.7 | 2.15 |
| 1977/78: | | | | | | |
| Wheat | 55.4 | 30.6 | 3.3 | 92.2 | 6.7 | 2.33 |
| Coarse grains | 203.4 | 56.3 | 9.2 | 92.6 | 11.7 | 2.02 |
| 1978/79: | | | | | | |
| Wheat | 48.9 | 32.5 | 2.9 | 120.8 | 5.1 | 2.94 |
| Coarse grains | 217.4 | 60.2 | 8.3 | 105.3 | 10.0 | 2.20 |
| 1979/80:[3] | | | | | | |
| Wheat | 58.3 | 36.1 | (4) | 86.0 | 9.8 | 3.60–3.90 |
| Coarse grains | 233.9 | 62.7 | (4) | 84.0 | 14.9 | 2.25–2.45 |

[1] July–June year.
[2] Coarse grain price is for corn only.
[3] Forecast.
[4] The U.S.S.R. may purchase up to 8,000,000 tons of U.S. grain in the 4th agreement year (October 1979 to September 1980).

### U.S. GRAIN SUPPORT AND RESERVE PRICES: 1979 AND 1980 CROPS

[In dollars per bushel]

| | Loan rate | Target price[1] | Reserve release level | Reserve call level |
|---|---|---|---|---|
| Wheat | 2.50 | 3.40 | 3.75 | 4.63 |
| Corn | 2.10 | 2.20 | 2.63 | 3.05 |
| Soybeans | 4.50 | | | |
| Oats | 1.08 | | 1.35 | 1.57 |
| Barley | 1.71 | 2.40 | 2.14 | 2.48 |
| Sorghum | 2.00 | 2.34 | 2.50 | 2.9 |

[1] For 1979 crops only.

[In billion dollars]

| | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 |
|---|---|---|---|---|---|---|---|---|---|---|
| Net farm income | 14.1 | 13.2 | 17.8 | 29.9 | 27.7 | 21.1 | 21.2 | 20.1 | 28.1 | 32 |

### SOVIET LIVESTOCK INDUSTRY

| Year | Numbers (as of Jan. 1, million head) | | | Total meat production (million tons) |
|---|---|---|---|---|
| | Cattle | Hogs | Poultry | |
| 1970 | 95.2 | 56.1 | 590.3 | 12.3 |
| 1971 | 99.2 | 67.5 | 652.7 | 13.3 |
| 1972 | 102.4 | 71.4 | 686.5 | 13.6 |
| 1973 | 104.0 | 66.6 | 700.0 | 13.5 |
| 1974 | 106.3 | 70.0 | 747.7 | 14.6 |
| 1975 | 109.1 | 72.3 | 792.4 | 15.0 |
| 1976 | 111.0 | 57.9 | 734.4 | 13.6 |
| 1977 | 110.3 | 63.1 | 796.0 | 14.7 |
| 1978 | 112.7 | 70.5 | 882.3 | 15.5 |
| 1979 | 114.1 | 73.5 | 953.2 | [1] 15.3 |

[1] Estimate.

### TOTAL GRAIN CONSUMPTION AND STOCKS

[In million metric tons]

| Year | Consumption | | | Stocks | | |
|---|---|---|---|---|---|---|
| | World total | United States | U.S.S.R. | World | United States | U.S. Farmer-owned reserve[1] |
| 1970/71 | 1,138 | 164 | 187 | 166 | 56 | |
| 1971/72 | 1,166 | 175 | 181 | 183 | 74 | |
| 1972/73 | 1,191 | 181 | 187 | 141 | 48 | |
| 1973/74 | 1,251 | 177 | 214 | 147 | 31 | |
| 1974/75 | 1,217 | 141 | 206 | 134 | 28 | |
| 1975/76 | 1,238 | 154 | 180 | 140 | 37 | |
| 1976/77 | 1,305 | 152 | 221 | 196 | 62 | |
| 1977/78 | 1,339 | 161 | 227 | 191 | 75 | 20 |
| 1978/79 | 1,415 | 179 | 231 | 227 | 73 | 27 |
| 1979/80[2] | 1,418 | 182 | 222 | 207 | 87 | 32 |

[1] Included in U.S. stocks total; instituted in 1977/78.
[2] United States and U.S.S.R. forecasts as cf Jan. 15, 1980; world forecasts as of Jan. 17, 1980.

### MONTHLY EXPORT INSPECTIONS

[In million bushels]

| Month | Wheat | | | Corn | | |
|---|---|---|---|---|---|---|
| | Total inspections | Shipped to U.S.S.R. | Percent of total | Total inspections | Shipped to U.S.S.R. | Percent of total |
| 1978: | | | | | | |
| January | 76.7 | 13.0 | 16.9 | 121.4 | 30.3 | 25.0 |
| February | 80.2 | 15.7 | 19.6 | 133.4 | 37.9 | 28.4 |
| March | 100.5 | 13.0 | 12.9 | 150.7 | 55.9 | 37.1 |
| April | 96.6 | 19.9 | 20.6 | 166.6 | 49.2 | 29.5 |
| May | 121.7 | 5.4 | 4.4 | 195.9 | 60.8 | 31.0 |
| June | 110.0 | 5.6 | 5.1 | 216.0 | 56.4 | 26.1 |
| July | 111.0 | 8.4 | 7.6 | 168.2 | 25.5 | 15.2 |
| August | 125.7 | 13.9 | 11.1 | 186.9 | 36.1 | 19.3 |
| September | 116.1 | .8 | .7 | 166.9 | 17.3 | 10.4 |
| October | 116.5 | 4.7 | 4.0 | 136.0 | 19.3 | 14.2 |
| November | 92.7 | .9 | 1.0 | 155.6 | 9.8 | 6.3 |
| December | 91.5 | 4.0 | 4.4 | 157.0 | 6.2 | 3.9 |
| Total | 1,239.2 | 105.3 | 8.5 | 1,954.6 | 404.7 | 20.7 |
| 1979: | | | | | | |
| January | 70.0 | 7.1 | 10.1 | 125.9 | 6.7 | 5.3 |
| February | 59.9 | 8.0 | 13.4 | 128.3 | 11.7 | 9.1 |
| March | 73.7 | 15.3 | 20.8 | 164.8 | 34.5 | 20.9 |
| April | 73.2 | 14.2 | 19.4 | 183.9 | 28.1 | 15.3 |
| May | 83.4 | 11.2 | 13.4 | 203.9 | 48.7 | 23.9 |
| June | 100.6 | 15.7 | 15.6 | 225.1 | 49.6 | 22.0 |
| July | 129.4 | 16.8 | 13.0 | 241.9 | 75.2 | 31.1 |
| August | 119.9 | 16.6 | 13.8 | 222.1 | 73.3 | 33.0 |
| September | 112.5 | 20.4 | 18.1 | 188.4 | 47.2 | 25.1 |
| October | 141.4 | 25.2 | 17.8 | 198.4 | 28.5 | 14.4 |
| November | 116.2 | 18.3 | 15.7 | 232.2 | 39.8 | 17.1 |
| December | 113.8 | 22.2 | 19.5 | 220.5 | 51.0 | 23.1 |
| Total | 1,194.0 | 191.0 | 16.0 | 2,335.4 | 494.3 | 21.2 |

FUTURES AND CASH PRICES FOR CORN, WHEAT, AND SOYBEANS [1]

| Month and date | Futures | | | Cash | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Corn | | | | | | Wheat | | |
| | Corn [2] | Wheat [2] | Soybeans [2] | Chicago [3] | Omaha [3] | Iowa [4] | Western Kansas [5] | Columbia, S.C. [6] | Portland [7] | Chicago [8] | Kansas City [9] | Soybeans, Chicago [10] |
| Jan. 3 | 2.87 | 4.46 | 6.70 | 2.63 | 2.35 | 2.18 | 2.44 | 2.83 | 3.14 | 4.36 | 4.40 | 6.23 |
| Jan. 4 | 2.84 | 4.46 | 6.66 | 2.56 | 2.33 | 2.15 | NQ | 2.83 | 3.12 | 4.36 | 4.39 | 6.15 |
| Jan. 7 | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ |
| Jan. 8 | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ | NQ |
| Jan. 9 | 2.74 | 4.26 | 6.36 | 2.39 | 2.02 | 1.94 | NQ | NQ | NQ | 3.96 | 4.05 | 5.63 |
| Jan. 10 | 2.65 | 4.15 | 6.52 | 2.30 | 2.09 | 1.86 | 2.21 | 2.48 | NQ | 4.05 | 4.01 | 5.97 |
| Jan. 11 | 2.73 | 4.25 | 6.58 | 2.53 | 2.21 | 2.04 | 2.28 | 2.48 | 3.02 | 4.15 | 4.14 | 6.05 |
| Jan. 14 | 2.70 | 4.27 | 6.58 | 2.51 | 2.24 | 2.02 | 2.26 | 2.63 | 3.00 | 4.17 | 4.20 | 6.06 |
| Jan. 15 | 2.71 | 4.33 | 6.56 | 2.52 | 2.25 | 2.04 | 2.26 | 2.64 | 3.06 | 4.23 | 4.26 | 6.16 |
| Jan. 16 | 2.70 | 4.35 | 6.55 | 2.50 | 2.23 | 2.06 | 2.26 | 2.64 | 3.04 | 4.25 | 4.28 | 6.20 |
| Jan. 17 | 2.77 | 4.54 | 6.77 | 2.57 | 2.29 | 2.11 | 2.34 | 2.70 | 3.11 | 4.44 | 4.35 | 6.42 |
| Jan. 18 | 2.73 | 4.51 | 6.71 | 2.53 | 2.25 | 2.10 | 2.34 | 2.70 | 3.08 | 4.41 | 4.35 | 6.36 |
| Jan. 21 | | | | | | | | | | | | |
| Jan. 22 | | | | | | | | | | | | |
| Jan. 23 | | | | | | | | | | | | |
| Jan. 24 | | | | | | | | | | | | |
| Jan. 25 | | | | | | | | | | | | |

NQ—No quote.

[1] Dollars per bushel.

[2] March contracts, Chicago Board of Trade.

[3] Cash prices at terminals for No. 2 Yellow corn.

[4] Midpoint of price range bid to farmers at elevators in Central Iowa.

[5] Midpoint of price range bid to farmers at elevators in Eastern Colorado and Western Kansas.

[6] Prices at elevators for Central areas of South Carolina.

[7] Prices at elevators at Eastern origins No. 2 Yellow.

[8] Prices at terminals for No. 1 Soft Red Winter.

[9] Prices at terminals for No. 1 Hard Red Winter.

[10] Prices at terminals for No. 1 Yellow.

---

## SENATOR McGOVERN REPORTS ON HIS RECENT TRIP TO ISRAEL

**Mr. McGOVERN.** Mr. President, I recently, during the recess, made a brief but intensive trip to Israel. It was my first visit to the Middle East since 1975. I was able to renew old acquaintances with Mayor Teddy Kollek as well as gain new insights into the current state of the peace process from Prime Minister Begin and Defense Minister Weizman, all of whom were extraordinarily generous with their time.

Rather than make a formal report about this trip, I decided to describe my experiences in the form of a letter to a number of my friends and colleagues around the country. I would like to share this letter with the Senate by inserting it in the RECORD.

I am also inserting an article on my tour of Jerusalem from the Jerusalem Post.

I ask unanimous consent to insert the letter and the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, D.C., January 11, 1980.*

DEAR FRIEND: This is my first letter of the new decade. It follows a brief but intensive December visit to Israel—the highlights of which I would like to pass on to you.

At 6:00 p.m. on Saturday, December 8th, I had a fascinating ninety-minute visit with Prime Minister Menahem Begin at his residence in Jerusalem. At no previous time did I find him more vigorous, clearminded, witty and high-spirited.

The Prime Minister talked with great enthusiasm about the Camp David peace process—a process which I fully and actively support. He spoke of the miraculous gains that have been made by Egypt and Israel in laying the basis for lasting peace between the two major military powers in the Middle East. He expressed his concern over the problems of the Egyptian economy and told me of the quiet efforts Israel is making to assist Egypt technically and economically.

He believes, quite properly, that Israel is contributing very substantially to the peace process by yielding the Sinai with two highly sophisticated airbases and valuable oil fields.

What is clear is that Mr. Begin is fully committed to the Camp David agreement and seems to feel confident of his relationship with Mr. Sadat. There is a noticeable tone of affection and admiration in his voice when he speaks of Sadat and what the two men have accomplished.

On the issues of Palestinian concerns and the PLO in particular, Mr. Begin spoke at considerable length. He does not see the day when Israel would ever sit down at the conference table with leaders of the PLO. To do so, he argues, would be to negotiate with an organization officially dedicated to the destruction of Israel. When I asked him what his position would be if the PLO recognized Israel's right to exist as a free and independent State, he said that he preferred not to speculate on a hypothetical impossibility.

But Mr. Begin did underscore his view that there could be autonomous Palestinian authority in the so-called West Bank area. He does not see this evolving into an independent Palestinian State. He made a special point of emphasizing that autonomy for the Palestinians within the Camp David framework conveys no "legislative" power. Rather, the West Bank Palestinians would have certain "administrative" functions that would stop short of nationhood in that they would not maintain independent military power, or conduct foreign policy, or legislate in any way comparable to a sovereign State such as Israel or the United States.

I suspect that we are going to see much discussion in the days ahead on the meaning of "autonomy." But I also believe this is an issue that can be resolved through negotiations.

The day before I met with Prime Minister Begin, I had a frank and rather lengthy discussion with the Israeli Defense Minister, Ezer Weizman. I found him, as on earlier occasions, to be one of the most affable and engaging politicians one can encounter. While he is a tough-minded, dedicated patriot, the permanent crinkles around his eyes and mouth are ever ready to break into a laugh or a quip. Referring to a current argument he was involved in with some of his colleagues in the Knesset, he said laughingly: "I've been fighting Arabs all my life; now I'm fighting Jews!" When I congratulated him for resolving a dispute with a West Bank mayor that had led to the temporary resignation of the other West Bank mayors, he said simply: "Well, we made a mistake and we had to back out of it." Not many defense ministers or politicians in general are ever heard saying: "I made a mistake." It would be well for the cause of peace and humanity if more of us had the self-confidence to be able to admit error.

Listening to Ezer Weizman discuss Israel's military and political struggle for survival the last thirty years, a struggle he has been involved in since the beginning, sharpened my appreciation for the bravery, the brilliance and the incredible tenacity that has defended and inspired the Israeli nation. I expect that the world will hear much more from Ezer Weizman before his career is over. He is an uncommon political leader with a common touch and a great military authority with obvious political and diplomatic skills.

And then there was the day touring Jerusalem with perhaps the world's most charming Mayor, Teddy Kollek. I have known Mayor Kollek as a friend for many years. He once gave me a ring dating back to the second century, which I wore for many years. This ageless man is one of my two or three favorite politicians around the globe. He knows his city and his people in a way that is astounding to behold. As we walked through the streets, the shops, the cafes, the holy places of Jerusalem, Teddy Kollek carried on a constant banter with Moslems, Christians and Jews with apparent ease and enjoyment. I hope that I'll never have to seek re-election against a political personality like Teddy Kollek!

I last toured Jerusalem with Mayor Kollek in April of 1975. Since then, the excavations around the wall and the painstaking restoration of other parts of the city represent a marvelous devotion to history and culture. I see no basis at all for the criticism directed at these carefully developed excavations and restorations. They are being carried out with reverence and care for the accomplishments of earlier cultural and religious movements.

I completed my day with Mayor Kollek more convinced than ever that Jerusalem must remain a unified city under Israeli administration. I hope that the negotiations lead to this outcome. It is important that Christians, Moslems, Jews and other religious groups all have full access to their holy places. This assurance is fully recognized by the Israelis, who have given loving care to the religious shrines of all faiths in Jerusalem.

The remaining highlights of my visit to Israel were two delightful and stimulating dinners given by Mr. and Mrs. Zalman Shoval at their home in Tel Aviv and by Mr. Hanan Bar-On at the Plaza Hotel in Jerusalem. Mr.

Shoval is a young, highly articulate member of the Likud Party. Hanan Bar-On, now the Deputy Director-General of the Israeli Foreign Ministry, is a friend whom I came to know when he was with the Israeli Embassy in Washington. He is one of the finest and wisest men in Israel.

I came away from this enjoyable, but all too brief, visit to Israel with refreshed faith in the important role which this small but amazingly dynamic nation plays in the life of the world. The seizure of the American Embassy and our diplomatic personnel in Iran has given us as Americans a new appreciation of the anger and fear which Israel has long experienced from terrorists. It is regrettable that we have to live through a personal tragedy of this kind to comprehend some of the anguish which Israelis have experienced at the hands of terrorists over the years. And to understand why the Israelis quite properly do not talk to the PLO and why we should not do so either. To do otherwise would confer legitimacy on their terrorist activities.

Given the alarming developments in Iran and Afghanistan, along with the instability that characterizes much of the Middle East, it is imperative that Israel remain a strong and dependable ally of the United States. Indeed, Israel is a key factor in our security in that part of the globe. Thus we must be prepared to increase our military and economic assistance to this vitally important ally.

As this New Year and this new decade open, my prayer is that we may find the ways that make for peace and security in the Middle East, in Iran, in suffering little Cambodia, and around this shrinking globe, on which all mortals must survive or perish.

Sincerely,

George McGovern.

### U.S. Senator Tours Jerusalem: "Dove" McGovern a "Hawk" on Terror

(By Judy Siegel)

The holding of American hostages in Iran "has given Americans a better appreciation of the fear of terrorism that Israel has had for 30 years," Democratic Senator George McGovern said in Jerusalem last night.

"This situation is something new for us Americans," the South Dakota senator told *The Jerusalem Post*. "Now we know how Israel has felt about terrorism."

McGovern, whose "dovish" views scared many American Jewish voters when he ran unsuccessfully for the presidency against Richard Nixon in 1972, said that he supports "for the time being," the U.S. policy not to make official contacts with the PLO. "We shouldn't jeopardize the peace negotiations," he explained.

Aware that top members of the Ayatollah Ruhollah Khomeini's government have contacts with the PLO, McGovern said he is worried about terrorists of all kinds. "The PLO probably comes as close as any group to speaking for the Palestinians, but it's not the only one," he said.

The senator, who leaves Israel this morning after nearly two days of touring and meetings with Prime Minister Menahem Begin, Defence Minister Ezer Weizman and other officials, said he came to get a feeling of Israel's mood and of how it has changed since his last visit, in 1975.

"I think Jerusalem must stay unified," said the senator, who walked and rode around the city yesterday with Mayor Teddy Kollek. He said he was impressed by the way the mayor was warmly greeted by Arabs in the Old City. The "religious shrines in the city have been maintained with almost loving care . . . they've never been better cared for. I don't think it can be improved," he said.

If an "airtight commitment" can be written into an agreement between Israel and the Arabs that all religions can have access to the city, we can surely push to keeping Jerusalem unified under the Israeli administration," he told *The Post*. Although as a presidential candidate he had come out in favour of moving the U.S. embassy to Jerusalem, McGovern said he now views his position as an error because it was impractical and difficult to deliver."

Asked if he had changed his views on foreign affairs as a result of the Iran crisis, the senator said that "people misunderstood critics of the Vietnam War; they thought we were not interested in protecting the security of the U.S. But in Iran, the U.S. embassy was seized by a terrorist group and they were backed by the host country. On this I'm an out-and-out hawk."

If the 50 U.S. hostages are harmed, McGovern advocates a military attack against Iran. He added that "it wasn't the absence of U.S. military power that encouraged or allowed the terrorists to take over the embassy. The U.S. is still the most powerful country in the world."

---

## AMBASSADOR ANNE MARTINDELL

Mr. McGOVERN. Mr. President, the United States is well-served throughout the world by foreign service men and women of dedication, intelligence, and diplomatic skill. In my foreign travels, I am always impressed by the caliber of the American Ambassador and our Embassy staffs. Almost without exception, they are informed and effective representatives of this country.

One ambassador whom I have known for many years is Mrs. Anne Martindell, newly appointed to New Zealand. Although women ambassadors are still rather few in numbers, Ambassador Martindell is demonstrating that they are accepted and admired for their competence and ability. As an article published in the New Zealand Herald of November 28, 1979, points out, Ambassador Martindell has quickly won the acceptance and esteem of the New Zealanders. They are discovering her perception, affability and pragmatism.

I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record as follows:

[From the New Zealand Herald, Nov. 28, 1979]

### Woman Diplomat Enjoys Local View From "Fortress"

Mrs. Anne Clark Martindell is quickly establishing a reputation as being one of the most affable and popular United States ambassadors to New Zealand of recent times.

Sought as a public speaker, forthright, independent, friendly and a dedicated fan of the Kiwi lifestyle, Mrs. Martindell, aged 64, has had few moments to herself since taking over the fortress-like American embassy in Wellington three months ago.

"My tongue's hanging out," she says of the pace of her work, "but of course, I like that, it becomes your recreation, almost."

#### "SILLY" FUSS

Mrs. Martindell, a former New Jersey state senator, arrived amid a blaze of publicity over what her predecessor, Mr. Armistead Seldendjun, was authorized to say about nuclear warships and a furore over whether the Prime Minister, Mr. Muldoon, had said to her that he did not like lady politicians.

She quickly made it clear she thought the fuss was "silly" and now brushes the affair off as a misunderstanding. Far more important things occupy her attention.

Mrs. Martindell says her main task in New Zealand will be to promote goodwill—and trade—with the United States.

In January she plans a return visit to America to talk about improving trade and cultural ties between the two countries.

As far as greater access for our beef is concerned, Mrs. Martindell purses her lips in thought.

"Our producers don't want to be closed out of their own market. It's a strong lobby, and the dairy lobby is even more so.

"But carpets and lamb, I see a window there."

She says there could be a big opportunity for lamb sales to America. A lack of interest in eating sheep-meat ought to be overcome.

New Zealand firms have already notched up successes with carpet sales, and Mrs. Martindell said that was another area much easier than the vexed beef question, because America had few sheep and so not much wool.

"Woolen carpets are something we are getting back to in the States. I had what was probably a typical experience. I moved into a new house about seven years ago and thought I couldn't possibly afford wool so I put all-acrylic carpets in. They were just no good at all, and others have found the same thing."

#### LACK OF MONEY

Cultural exchanges are another topic Mrs. Martindell will look at on her visit home.

She wants to bring some of America's "interesting people and organizations" here, but says there are limits because of lack of money.

"I'm thinking of anyone who would be of interest to New Zealanders. Leaders in various fields, the arts . . . politicians. I'm going to try to find as many of what my husband used to describe as 'self-feeders,' people who can pay their own way."

Mrs. Martindell, a former politician who turned public servant, considers herself more a political rather than a career diplomat because of her background.

She said she could work in very well with New Zealand politicians.

"I've had a very interesting series of meetings with your cabinet ministers, and I'm very impressed with their competence and intelligence. I'm sure there are other good people who are not in office, though most of the ones I have talked to have been members of the present Government."

If Labour won office, Mrs. Martindell foresaw no problems. "I've found them extremely competent and able people also."

But Labour remains firmly opposed to nuclear vessels in New Zealand ports. Would that be a stumbling block to relationships with a Labour Government?

#### DOESN'T AGREE

"I discussed that with Mr. Rowling and he raised his worries about it. I tried to convince him those worries were unnecessary. He does agree that they aren't potentially dangerous because I told him about my feeling that I had to be convinced myself. I was skeptical but I was convinced . . .

"I talked to our naval people and they've taken all possible safeguards. The level of radiation used in their power plants is miniscule compared with commercial plants and naval training in safety is far superior to the commercial people."

Mrs. Martindell is emphatic that visits of nuclear warships are inextricably tied to the Anzus treaty and any ban would harm the relationship.

She takes out notes for that subject, saying the prepared words are better than her own.

### HAMPERED

"The ability of the United States to fulfill its commitments under the Anzus treaty and to assist in maintaining security in the South Pacific region would, indeed, be hampered."

Mrs. Martindell said American warships were increasingly becoming nuclear-powered for the simple reason oil was getting even more scarce.

"The Anzus treaty is still realistic. I should certainly think we would come to the aid if you were invaded, though it's highly unlikely you would be invaded. You're not a primary target, you're lucky."

Mrs. Martindell, the mother of four children, has an impressive background of public life, though she was aged 50 before taking up full career interests.

Much of her public life has been concerned with women's affairs.

"Women are moving into most fields and in bigger numbers but I don't think we'll ever become a matriarchy," she laughs.

"But . . . as far as women in the diplomatic field goes, it's something I've been working at."

The United States now has 10 or 11 women ambassadors, she says, still a small proportion of diplomatic staff. But many more women were working up the levels in the State Department.

Mrs. Martindell professes to a lifelong interest in New Zealand, though it was not until this year that she managed to get here.

Now here, she hopes to stay as long as possible, emphasising the words. But ambassadors are appointed at the pleasure of the president.

If President Carter loses the election, she has to tender her resignation, though the incoming president need not accept it. The matter is one of protocol.

"New Zealand is so peaceful and beautiful, it's the kind of country and lifestyle I like. I'm a bad painter, but if I have any spare time I shall be painting outdoors. I picked up a little booklet on courses . . ."

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum if there is no one else ready to speak at the present time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IS THIS JOURNEY NECESSARY?

Mr. McGOVERN. Mr. President, I yield myself such time as I may consume.

Mr. President, Prof. Arthur Schlesinger, Jr., has written a very provocative and, I think, important piece in the Wall Street Journal of Friday, January 18, relative to the reaction in this country to the Soviet invasion of Afghanistan, and suggesting some of the considerations that we need to keep in mind if this entire incident, this tragedy, is to be kept in proper perspective.

Believing that it will contribute to more thoughtful consideration of the challenge that we face as a consequence of Soviet behavior in that part of the world, I ask unanimous consent that Professor Schlesinger's article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### IS THIS JOURNEY NECESSARY?

(By Arthur Schlesinger, Jr.)

"The superpowers often behave like two heavily armed blind men feeling their way around a room, each believing himself in mortal peril from the other whom he assumes to have perfect vision. . . . Each tends to ascribe to the other side a consistency, foresight and coherence that its own experience belies. Of course, over time even two blind men can do enormous damage to each other, not to speak of the room."

This fine passage—from Henry Kissinger's fascinating memoirs—is worth recalling these days when we stand on the verge of being swept away on one of those Soviet-master-plan waves of national panic. Jimmy Carter, in an astonishing confession of presidential naivete, tells us that the scales have fallen from his eyes and he doesn't think the Russians are good guys any more. Where in the world has he been for the last half century? Having had too enraptured a view of the U.S.S.R. in the past, he now appears ready to swing to the opposite extreme. A Carter Doctrine to contain the Soviet Union in Southwest Asia is reportedly in the offing: our master plan to counter their master plan.

### HAWKS AND DOVES

So we are back to playing "hawks" and "doves" again. This has never seemed to me a very useful game. Like most people, I am a hawk when I think the security of the United States is threatened, and I am less hawkish when I think that we are getting unduly excited over developments that do not threaten our security and are beyond our power to control anyway. I was therefore a hawk in 1941 and an anti-hawk in 1966. If the Soviet Union were to charge into Yugoslavia after the death of Tito, I would regard this as a *casus belli*. When the Soviet Union charges into Afghanistan, it is an outrageous act calling for condemnation by the international community. But does it justify the current national panic? Does it demand American military intervention in Southwest Asia?

The panic-mongers cry—and Jimmy Carter, judging by his January 4 speech, seems to agree—that Afghanistan is the first step in the unfolding of a giant Soviet Scheme to encircle Iran, dominate Pakistan, establish bases on the Arabian Sea and begin the conquest of the oil fields. Maybe there is such a master plan. Maybe, while our side gropes around blindly, those superhuman Russians have perfect vision. Still, before drastic conclusions rush on to drastic counteractions, leading to more drastic counteractions from the other side, let us hold our horses. Maybe there are other conceivable interpretations of the Soviet motive in invading Afghanistan.

One can imagine a meeting in the Kremlin some weeks back. A comrade says gloomly, "Look, fellows, everything is going against us these days. The Chinese are getting into bed with the Americans. I don't know whom you can count on in Eastern Europe any more. The Americans are bringing their new nukes into Western Europe. SALT II is down the drain. We're getting nowhere in Africa, and Lord Carrington has dished us in Rhodesia, and Somalia is offering bases to the Americans. We can't feed our own people or get them consumer goods. We're in trouble all over. And now that mess in Afghanistan! We can't trust that fellow we have in Kabul, Amin. He won't take orders. He may not even beat the guerrillas.

"Fellows, we've got to have a success somewhere. And we certainly can't accept the humiliation of a defeat in a country right on our own frontier. Afghanistan is slipping away. If we don't do something, we will lose all credibility everywhere. When the Americans were in trouble in Vietnam, they threw out Diem and put in a new government. Let's do that. Then they made their big mistake and didn't follow up with their own combat units for another fifteen months. Let's learn from that. Incrementalism is hell. Let's put in a big force at once and get it over with."

Our hard-liners like to think that the Soviet Union is a dynamic and purposeful state following a policy laid down with consistency, foresight and coherence. But it may as well be that the Soviet Union is a weary, drab country, led by sick old men, beset by insuperable problems at home and abroad and living from crisis to crisis. It may well have invaded Afghanistan out of weakness, not out of strength, for reasons that are essentially defensive rather than aggressive, local rather than global, despairing rather than joyously premeditated.

Of course the Soviet Union enters any situation with minimum and maximum objectives. It expands by targets of opportunity: if the noncommunist world does not handle the problem intelligently, the Russians may conceivably try to move on toward the Persian Gulf and the oil fields. But this will not be so simple as it sounds; even Afghanistan is not going to be all that simple. A Soviet invasion of the Persian Gulf area would estrange the Moslem world, including some of the 40 million Moslems in the Soviet Union. Moreover, little is easier to sabotage than oil fields and pipe lines—and little is harder to extinguish than Arab nationalism and Moslem fanaticism.

The problem now is to deter the Soviet Union from exploiting targets of opportunity. International condemnation, especially from Third World countries, is essential. As for President Carter's roster of symbolic gestures, I am in favor of cancelling our participation in the Olympic Games—and in the Winter Olympics too, Senator Moynihan. The cancellation of the grain sales is one of those spurious "decisive" actions that imposes a disproportionate sacrifice on a single group, the farmers, and gives the rest of us the pleasurable feeling that we can be tough without personal discomfort to ourselves. It will have no great impact on the Russians. They are used to eating poorly.

If we want real sacrifices that would have real impact, let us sharply reduce our dependence on Middle East oil by cutting down on our oil consumption—and the way to do that quickly, visibly and equitably is through a system of gasoline rationing.

But instead of seizing the opportunity to appeal to an aroused nation to conserve energy, the administration talks of a Carter Doctrine for Southwest Asia. A Carter Doctrine doubtless has a good ring for domestic politics in a presidential year. But it will raise a host of expectations and imply a multitude of commitments on the international scene; or else it will be worse than useless. What kind of action does the President intend under his Doctrine?

The idea of a rapid deployment force makes me nervous. Such a force would have been of no use in Iran or in Afghanistan. Suppose we create such a force now, send it to the Persian Gulf and it gets into trouble. Then what? By this time our national prestige will have been engaged. We will be told that we can't accept the humiliation of a defeat. We will send in conventional units to save the rapid deployment force. Then, with our troops committed to the Persian Gulf, Tito might die, and the Red Army might think it safe in such circumstances to go into Yugoslavia—as it went into Hungary in 1956 when England and France were preoccupied with Suez.

Sending arms into the area in any serious quantity is problematic too. Such arms are all too likely to be used against us at the next spin of the dial. Consider what has happened to all the arms we shipped into Iran. I would, though, keep American naval and air power in the area to discourage the Russians from trying something fancy.

#### TOUGH TALK AND FLAG WAVING

The presidential campaign confuses our reactions. Tough talk and flag waving bring cheers from the crowd and improvement in the polls. But let's keep Afghanistan in proportion. We have been through crises with the Soviet Union before, and we will go through them again. The Cuban missile crisis was an infinitely graver threat to American security than Afghanistan. Yet 10 months later the test ban treaty was negotiated in Moscow.

And let us also resist the demagoguery that invokes patriotism in order to suppress debate. The Iran blackout of the presidential campaign was just starting to wear thin when Afghanistan came along to give President Carter a free ride for another few weeks. The administration will try to convert every primary into a referendum on backing the President in a time of national emergency.

The blackout of debate endangers us all. Unless the American people insist on discussing the issues that will truly decide their future, they will in effect hand over the choice of our next President to the Ayatollah Khomeini and Brezhnev. And unless voices of realism and reason speak out, the two blind men are going to do enormous damage to each other—and to the room.

Mr. McGOVERN. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR CONSIDERATION TOMORROW OF S. 870, GI BILL AMENDMENT ACT OF 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators on tomorrow, but no later than 12 noon, the Senate proceed to the consideration of Calendar Order No. 329, S. 870. I cleared this with the distinguished acting minority leader (Mr. STEVENS), and with the manager of the bill, Mr. CRANSTON. I understand it has been cleared all the way around.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized, the following Senators be recognized, each for not to exceed 15 minutes: Mr. WEICKER, Mr. BOREN, and Mr. RIEGLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RAMAH BAND OF THE NAVAJO TRIBE TRUST FUNDS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 500.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1730) to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That on and after the date of the enactment of this Act, title to the following described lands shall be held by the United States in trust for the Ramah Band of the Navajo Tribe:

Township 7 north, range 15 west, New Mexico principal meridian: sections 7, 19, and 31.

Township 7 north, range 16 west, New Mexico principal meridian: sections 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, and 35.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HEFLIN). Without objection, it is so ordered.

### EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

The Senate continued with the consideration of the concurrent resolution (S. Con. Res. 47) to approve the extension of nondiscriminatory treatment with respect to the products of China.

Mr. HELMS. Mr. President, the distinguished assistant minority leader (Mr. STEVENS) has authorized me to yield myself such time as I may require in connection with the pending business, and I so do.

Mr. President, I suppose there has to be one in every crowd, and on this afternoon I am nominating myself as, apparently, the lone Senator to speak in opposition to most-favored-nation status to the so-called People's Republic of China.

I feel obliged to sound a note of warning to the American people about this proposal. I do not relish being alone or in a very small minority, but there are occasions when it is essential that a Senator posture himself in that fashion.

Let us examine what it really means to grant most-favored-nation status to Communist China. Please note, Mr. President, I do not say the People's Republic of China, because that is a misnomer. It is Communist China. I am going to address myself to that aspect a little later on in my comments.

This proposal is the keystone of a policy to "normalize" relations with what can only be described as an abnormal regime.

I would point out parenthetically that this regime, Mr. President, is one that has slaughtered more than 60 million of its own people. That is enough to give us pause, but there are more reasons than that.

I know, Mr. President, there are some who argue that it is expedient to pretend that China is a decent nation, emerging as a reliable partner and a potential customer for our agricultural and industrial products.

I have even heard it said that the act of granting MFN status constitutes a blow against the Soviet Union.

Well, we will see what lies down the road, Mr. President, in terms of the relationship between Peking and Moscow.

Would it really take more than a telephone call from Peking to Moscow or Moscow to Peking to patch up the differences between these two tyrannical Communist nations? We had better give that some thought.

I would caution the Senate that what is important to our policy is consistency and loyalty to our friends. I think the advantages of trade with Communist China have been overblown in all of the rhetoric that I have heard and read.

Trade with Communist China may be temporarily beneficial to certain interests, but the advantages will be nonexistent for established sectors of our economy. Indeed, most-favored-nation status for Communist China will be detrimental.

I want it to be said in years to come that the Senator from North Carolina stood alone on this Senate floor and pleaded with the Members of the Senate to consider really what is being proposed.

I shall go into these matters, particularly with regard to the textile industry and the tobacco industry, in a moment. But the fundamental base of our policy toward Communist China is totally inadequate.

What is important to the United States in the long run is that we display consistency and loyalty to our allies. I have said it before and I will say it again for emphasis. Yet look at our record. We have not kept faith with the Republic of China on Taiwan—our friends, our ally. We have not even kept the promises that we made when we set up a special relationship with Taiwan in the so-called Taiwan Relations Act, approved by this Congress last year.

So, Mr. President, it is the opinion of the Senator from North Carolina that we should not grant most-favored-nation status to Communist China unless and until the Peking regime gives firm guarantees that the sovereignty and territorial integrity of the Republic of China will not be violated.

It will be recalled that the Joint Communique on the Establishment of Diplomatic Relations Between the United States and the PRC stated:

> The United States continues to have an interest in the peaceful resolution of the Taiwan issue and expects that the Taiwan issue will be settled peacefully by the Chinese themselves.

Mr. President, those of us who opposed the recognition of the so-called People's Republic of China were deeply disturbed by this statement, particularly because the joint communique also said, on behalf of Communist China, that the way of reunifying Taiwan with the mainland is "entirely China's internal affair."

I remember rising on this floor at the time, trying my best to point out that it is entirely within the norms of international law to use force to put down internal rebellions. So the net effect of the two statements seemed to be acquiescence in the proposition that Taiwan was entirely an internal affair. Indeed, Vice Premier Teng Hsiao-ping in his statements of January 5 and 30, 1979, continued to maintain the People's Republic of China's right to force to invade Taiwan.

What has been the administration's posture in all of this? The administration has maintained that a PRC military attack against Taiwan is extremely unlikely, both for military reasons and for diplomatic reasons. But this view does not take into consideration the subsequent effect of deemphasizing the Republic of China's independence as a result of U.S. actions.

Indeed, there has been little in our relationship with the Republic of China since the passage of the Taiwan Relations Act to dissuade the so-called People's Republic of China from assuming that we are phasing out our interest in the Republic of China.

If Taiwan is to have a credible deterrent against attack from the mainland, for example, it should have the capability to attack mainland air bases in Fukien, Kianghsi, Kuangtung, and Chekiang provinces, and some industrial complexes in the Shanghai area.

In the Taiwan Relations Act of 1979, it is explicitly provided:

> It is the policy of the United States . . . to provide Taiwan with arms of a defensive character; and to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, or the people on Taiwan.

Yet the United States has steadfastly refused to provide Taiwan with sales of high performance military aircraft necessary for the kind of deterrence that would be adequate. Indeed, the United States promised the PRC that there would be a moratorium on all arms sales to Taiwan for the year preceding the abrogation of the Mutual Defense Treaty with the Republic of China. The United States faithfully kept that promise to the Communists. It was not until January 2, 1980, that the United States agreed to a list of some defense articles. But the key item, the high performance aircraft, was not approved.

Does this not give Peking the signal that we are not really serious about the obligations we undertook in the Taiwan Relations Act? Does it not encourage Peking to believe that it can begin to move against Taipei, particularly when we grant MFN to Communist China?

A similar situation exists with regard to diplomatic immunity for the representatives of the Republic of China here in the United States, operating under the function of the Coordination Council for North American Affairs. On March 29, 1979, both houses of the Congress passed the act, but President Carter waited until the last day to sign it, that is, April 10. The President then waited for more than two months to issue an executive order on June 22 implementing the act. The order authorizes the Department of State to issue orders to grant privileges and immunities to Taiwan delegations in the United States. Yet to date, the State Department has not yet issued that order. There has been a lot of discussion, and drafts back and forth, but no order.

Meanwhile, this lack of privileges and immunities has encouraged extremists to attack the offices of the council, not only in Washington, but elsewhere. I am informed that the office of China Airlines in San Francisco was bombed this morning at 3 a.m. If our administration fails to provide the most elementary protections of international law for Taiwan, will it not encourage Peking to take steps against Taiwan itself?

Another example is the termination of the U.S. ROC Air Transport Agreement of December 20, 1946. When it recognized the PRC, the administration assured us that, with the exception of the 1954 Mutual Defense Treaty, all other treaties with the ROC would be maintained. Indeed, when Deputy Secretary of State Warren Christopher came before the Foreign Relations Committee, he told us:

> First, we have moved to assure that with the exception of the mutual defense treaty and related agreements, our many treaties and other agreements with Taiwan—more than 55 in all—will remain in force.

And the distinguished Senator from Florida, Mr. STONE, submitted the following question to the State Department for a written reply:

> Question 17. What specifically would the State Department plan to do, following "normalization" with the (a) FCN (Friendship, Commerce and Navigation Treaty of 1946), (b) Air Transport Agreement . . .

The reply was:

> All international agreements will remain in force, except for the Mutual Defense Treaty and related agreements which will terminate on January 1, 1980.

Of course, we all know what happened. When the Vice President visited the PRC last August, he announced that the administration had decided to terminate the 1946 Air Transport Agreement and to replace it with an "unofficial" agreement. Only because of strenuous objections from the Foreign Relations Committee members and from other good friends of Taiwan did the administration agree, in November, to replace the agreement with a new one. Because of congressional pressure, the agreement—which is not yet operative, by the way—is satisfactory from an operational standpoint, it is still ambiguous about its legal status. Once again, we send a dangerous signal to Peking.

And now we propose MFN status for the Communists. This could be the most powerful weapon against the Republic of China that the Communists will ever have.

Taiwan has a heavy dependence on foreign trade. In 1978, Taiwan's worldwide exports comprised 48 percent of its GNP—$11 billion out of more than $22 billion. This makes the ROC very vulnerable to PRC interference in its trade. Even a paper blockade, or an order requiring foreign shipping to Taiwan to get approvals from Peking would greatly affect the economy of Taiwan. Peking could demand that any country that wanted to trade with Taiwan would have to get Peking's approval to keep trading with the mainland.

We should not strengthen the possibility of this kind of blackmail to normalizing trade relations with the Communist regime.

For the same kind of reasons, the Senator from North Carolina opposes any kind of military relationship with the PRC. We should not sell them military weapons. We should not develop an intelligence interchange. We should not give them our technology to enable them to develop their military capability. We should do none of these things unless Peking gives an ironclad guarantee of the sovereignty and independence of the Republic of China.

Mr. President, there is a myth circulating in Washington that the People's Republic of China is a potentially valuable military ally. Part and parcel of this myth is that the PRC is a serious threat to the Soviet Union; that the Soviets have what amounts to a fixation about the PRC and fear the Chinese militarily. Why else, it is argued, do the Soviets have more than 40 divisions tied down on the Sino-Soviet border?

The hard reality, Mr. President, is that the PRC does not pose a serious military threat to the Soviet Union, nor will it do so for years to come. While the PRC does have a minimum deterrence in its small nuclear force, it is questionable whether Peking would seek a massive Soviet retaliation to a PRC nuclear attack.

Nor does the PRC tie down Soviet forces. The 40 Soviet divisions on the Chinese border are surplus divisions. Less than half are even first-class quality, with the remainder either class two or class three troops. Equipment, though being upgraded significantly as excess Soviet production is absorbed, is not first rate either. The troops on the PRC–Soviet border are not needed immediately in Europe, where the Soviets are saturated to the point of being overloaded with men and material to fight a NATO-Warsaw Pact war.

The PRC does not pose a threat to the Soviet Union as an invading army. PRC lines of supply and communication are strung out already; these lines are thin and easily cut by Soviet aircraft. The bulk of PRC forces in the border area are not even at the border, but in a defensive line hundreds of miles from the actual border.

The truth of the matter is, Mr. President, that the PRC armed force is underequipped, essentially nonoffensive, almost purely defensive in character. PRC military strategy is Maoist strategy, geared to the defense of the Chinese homeland from foreign attack or internal strife.

Will the Soviet Union be so foolish to invade the PRC? No one can say, with assurance. It appears, however, that the Soviet Union has ample targets of opportunity enough to busy the Soviet war machine. To risk a war with the PRC would mean risking a large Soviet force tied down in a guerrilla war inside unfriendly territory. This is not the Soviet preference.

Nor do the Soviets need to invade the PRC for any reason. The PRC is unstable politically; internal factions still vie for power; there are many ways to destabilize the situation in the PRC—short of war—and instability in the PRC is an acceptable situation for the Soviets.

Much as U.S. strategists would prefer to believe that the billion people of the PRC are willing to risk themselves in a war with the Soviets in order to pull American chestnuts out of the fire, this is a naive belief. Rather, the PRC's stated objective is to involve the two superpowers in a confrontation with each other, with the PRC the ultimate winner. The United States should understand this strategy, and deal with the PRC accordingly.

While there may be potential benefits to relations with the PRC, military benefits are minimal.

Mr. President, approval of most-favored-nation status for Communist China is being presented with something of a rush. It is a little bit ironic, but it is a bit reminiscent of the drive back in 1972 to trade with the Soviet Union when détente was unfurled. Senators will remember that. I wonder if they thought of it in terms of what the Soviet Union is doing today in Afghanistan, in Africa, and in our own hemisphere, using the surrogate in Cuba, Mr. Castro.

I say again, we had better evaluate what we are doing before we rush pell-mell to approve this most-favored-nation status for a bunch of tyrants on the mainland of China.

Nobody is more fully aware than the Senator from North Carolina that trade has to be a two-way street. But I am not at all convinced that the vast difference in circumstances between the United States and the Chinese market is going to operate to any substantial benefit, indeed to any benefit at all in the long run, of American farmers and workers.

Perhaps nowhere will this be more true than with regard to the textile, apparel and tobacco industries.

While we are talking about trade with Communist China, where do Senators think that the Red Chinese will get the money to do all of this trading with us? We had better consider the Export-Import Bank and who puts up the lion's share of the money for that. The American taxpayer puts it up. So what we are going to be doing in a sort of shorthand, slight-of-hand way is paying the Chinese to do business with us.

As for textiles, and we have a lot of textile plants in my State, China is both the world's largest textile producer and the world's largest tobacco grower. Granting China most-favored-nation status would have two major effects: one, it would reduce tariffs on Chinese imports to the same level as most other nations, and it would make China eligible, as I said earlier, for Export-Import Bank financing, and the resulting economic impact upon North Carolina's two leading industries, textiles and tobacco, is not at all likely to be favorable.

I do not view this thing, Mr. President, in a provincial way. It concerns me to be trading with a tyrannical regime. I think the question of decency could be raised about it. I think the question of morality could be raised about it. And, of course, the question of practicality must be raised about it.

### TEXTILES AND APPAREL

It is commonly known that Communist China plans to expand textile production rapidly over the next few years, relying on the industry principally as a major foreign exchange earner and a means of meeting rapidly rising domestic consumer demand. New policies intended to improve management, marketing, and profitability are being implemented. Quality problems are being addressed in an industry effort to become more market-oriented special programs have been embarked upon to improve China's competitiveness in foreign markets.

Exports of textiles and apparel have made up 20–25 percent of total Chinese exports in recent years. Chinese exports to the United States have grown very rapidly. The People's Republic of China already ranks fifth in textiles and apparel sold to the United States, even without MFN.

The textile industry is clearly expected to play an important role in the readjustment of the Chinese economy over the next few years, especially in the early stages of the new drive for economic modernization. Government planners expect the industry to provide employment opportunities for the rapidly-growing labor force. The textile-apparel industry is labor intensive, and the Chinese have labor in abundance. The Chinese also hope that increased textile output will generate large profits and government revenues, and will do so both rapidly and at relatively low investment cost.

In view of these extensive Chinese production goals, the Peking regime's stubborn unwillingness to agree to a bilateral agreement limiting the amount of textiles and apparel they can ship here signifies serious trouble ahead in future negotiations.

The central reality is this: As a developing country, China will need to export clothes and textiles if they are to buy more advanced goods from industrialized countries.

Because of the enormous potential of the People's Republic in this labor-intensive industry, I feel that an acceptable textile and apparel bilateral agreement should have been negotiated prior to any consideration of MFN status. The unilateral curbs that have been imposed by the United States on certain categories of Chinese products should only be viewed as a stop-gap measure. The United States simply must insist upon a comprehensive, multiyear bilateral agreement limiting China's exports.

Red Chinese wages average 7 to 14 cents an hour, while U.S. textile workers receive an average of $5 per hour. Add to this the lack of costly environmental and regulatory controls in China, with which American manufacturers must cope, and it is clearly evident why the Chinese enjoy such a competitive advantage in world markets.

About 3 million people are employed in the textile industries which include the natural and man-made fibers, yarn, textile and apparel workers in the United States. For many people entering employment for the first time, textiles and apparel are a traditional first step in obtaining employment and becoming productive members of society. North Carolina has more textile and apparel workers than any other State in the Union; 375,000 North Carolina families depend upon the vitality of this industry.

The only protection our workers have is the goodwill of the administration in unilaterally limiting Red Chinese imports. And it certainly remains to be seen whether that goodwill will survive the administration's drive to improve relations with the Chinese Communists. For their part, the Red Chinese probably can be counted upon to continue their resistance to export limitations simply because of their need to ship as much as they can to the United States in order to earn the dollars they need to pay for their huge economic development program.

Although the administration's unilateral restraints have effectively muted—for the most part—official industry opposition to the China trade agreement, there still remains the widespread belief among many in the industry that the haste and the manner in which the United States is extending MFN status to China is a profound mistake. The industry is understandably skeptical about the long-term effects of such action. The administration's promises to take a tougher stance against excessive imports and to promote textile exports will have to be closely monitored.

The Chinese objective is patently obvious. It presents, in this Senator's opinion, a substantial threat to the growth and stability of the American textile and apparel industry. Communist China will eventually develop the capacity to destroy our domestic industry, and I do not find the outlook for stricter import restraints in the long term encouraging.

### TOBACCO

The People's Republic of China currently exports tobacco to the United States at a tariff rate of $0.35 per pound. With MFN status, the gross tariff rate will be reduced to 12¾ cents per pound.

Specialists at the U.S. Department of Agriculture have pointed out that such a tariff reduction for the Communist Chinese has the potential of increasing their export advantage by 40 percent immediately on price alone. Currently they pay $0.35 on 275,000 pounds equals $96,250; will pay $0.1275 on 275,000 pounds equals $35,020, which is 36.4 percent of $96,250.

Now, the last thing the tobacco farmer needs is to have increased volumes of cheap foreign tobacco flooding this country. The volume China currently exports to the United States is small—approximately 125 metric tons last year out of 36,000 metric tons total exports. However, there is already too much foreign tobacco being imported in direct competition to U.S. farmers, and we do not need to encourage a pound more.

Every tobacco farmer has a direct stake in putting a stop to the flood of foreign imports, and for that reason they have been insistent that the tariff situation be corrected in the matter of incorrect classification of so-called scrap imports. The North Carolina Farm Bureau Federation and thousands of farmers from all across the tobacco-producing belts have petitioned the U.S. Customs Service to assure that the flood of scrap be turned off by the correct classification of such foreign scrap. The effect of the change that the Customs Service must make is to cause a tariff of $0.45 per pound to be collected on those imports rather than the $0.16 now being collected.

Farmers strongly support the efforts to correct that classification, because they know the danger these imports pose to them and to the security of the tobacco program. Surely, reducing the effective tariffs to the Communist Chinese is contrary to every effort made by farmers on the question of reducing foreign imports in recent months.

A further reason it is adverse to the interests of tobacco farmers for the United States to grant MFN status to China lies in the basic structure of tobacco production and consumption in that country.

China produces more tobacco than the United States, some 965,000 metric tons last year, including some 580,000 tons of flue-cured tobacco. These totals are somewhat below 1978 because of adverse weather conditions in their tobacco-growing regions. Production in 1978 was in the 975,000-metric-ton range.

There is a tremendous consumer demand for tobacco in China, and the government is severely pressed by the short fall in the 1979 crop. And, they are pressed by a need to provide maximum acreage for production of food. These factors might cause some observers to foresee strong potential markets for U.S. leaf. But the reality of the situation is that China has virtually no foreign exchange to purchase U.S. tobacco, and the per capita income of the Chinese people is so incredibly low that the Chinese consumer could never afford substantial amounts of U.S. leaf at $1.50 per pound.

It is more likely that the Chinese are interested in the kind of trade with the United States that would enhance their competitive edge with U.S. producers. For instance, they would like very much to have U.S. cigarette manufacturing technology. By modernizing their manufacturing processes and facilities they could substantially reduce the amount of tobacco they use in their cigarettes. I am informed that Chinese cigarettes have about 25 percent more tobacco than cigarettes currently produced in the United States.

To the extent that the Communist Chinese could decrease the weight of their cigarettes they would realize a 25 percent increase in available leaf. They could use that leaf to meet domestic demand or they could export it to pay for the manufacturing technology imported to create the available leaf in the first place.

Because they have virtually no available foreign exchange the Communist Chinese do not think in terms of paying for technology or other imports. They think in terms of bartering for it. If their proposals in other trade areas are any indication, we can bet our bottom dollar that the Chinese have in mind selling their tobacco in the United States and the rest of the world to obtain the technology they want. Even if they should not be able to sell any substantial amounts in the U.S.A., we just do not need to have them flooding the world with tobacco in competition with our export markets.

It is also likely that the Red Chinese are interested in importing our production and genetic technology. The present quality of Chinese leaf is marginal by our standards. If they can improve the quality and flavor of their leaf, they will become more competitive in world markets. Their tobacco would have more value and consequently would be more desirable in export markets; and they would have less need for full flavor tobaccos such as U.S. flue-cured. I just do not see how it is in the interest of the United States to provide this kind of expertise to the Chinese. There is certainly nothing but trouble in it for U.S. farmers.

In addition, it should be noted that the quality of the very best comparable Chinese tobacco is roughly equivalent to the "filler" grades that are in such oversupply in the world, and particularly in the stocks of the Flue-Cured Tobacco Stabilization Cooperative. The very survival of the tobacco program depends in large measure on the orderly disposition of the excess stabilization stocks, and the prospect of increased amounts of Chinese tobacco in the world trade diminishes the opportunities to accomplish this.

Finally, granting MFN status to Communist China could damage and jeopardize the favorable trading balance we now have with the Republic of China on Taiwan.

Taiwan is one of the most important customers of U.S. flue-cured tobacco. They have eagerly tried to promote the friendship of the United States, and have pointedly emphasized the advantages to the United States that result from their friendship. Nowhere has that been more certain than in tobacco.

Here are the amounts and value to Taiwanese tobacco purchases from the U.S.A., according to USDA's Foreign Agricultural Service:

| Year | Amount (metric tons) | Value (millions) |
|---|---|---|
| 1975 | 5,600 | $21.8 |
| 1976 | 5,100 | 17.1 |
| 1977 | 7,500 | 27.5 |
| 1978 | 9,600 | 40.9 |
| 1979 | 14,800 | 71.6 |

Taiwanese trade officials have estimated that they intend to purchase approximately $100 million of U.S. tobacco in 1980.

The People's Republic of China has as the cornerstone of its policy the complete destruction of the Republic of China and the reassimilation of Taiwan with the mainland. It is an understatement to relate that our friends on Taiwan find that prospect appalling. To the extent that we abandon them, insult them, and discourage them, we undermine their considerable good will toward the United States and jeopardize our very substantial and growing markets there.

Mr. President, in conclusion, the American farmer has had to bear the brunt of this Nation's bankrupt foreign policies in Southwest Asia and, speaking as a North Carolina Senator trying his best to represent North Carolina tobacco growers and North Carolina textile workers, I feel obliged to emphasize again that workers all over this country, in my judgment, are going to suffer in the long run as the result of granting most-favored-nation status to Communist China.

That will compound the tragedy and lead to further weakening of the United States and I just cannot remain silent, let alone be a party to it, because I was not sent to Washington to preside over the possible destruction of the American farmer, especially our tobacco growers and, also, the workers in our textile plants.

I know that circumstances have occurred which have required spokesmen for the textile industry to go along with this proposal. It was not unanimous. There was considerable discussion, as I understand it, in the high levels of textile manufacturing circles. But a commitment has been made unilaterally by a prominent official of the textile association and it was not felt, as I understand it, that the association should embarrass that official. Nor do I want to embarrass him.

My motive here, this afternoon, is simply to say to the Senate and have it as a matter of record that we had better think twice about what we are proposing to do. In the long run, in my judgment, this Nation will sorely regret having extended most-favored-nation status to Communist China.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Th PRESIDING OFFICER. Without objection, it is so ordered.

## BASIC REAPPRAISAL OF U.S. FOREIGN POLICY AND DEFENSE OBJECTIVES NEEDED

Mr. BELLMON. Mr. President, we are presently confronted with a very serious global situation which has demonstrated the inadequacy of U.S. action in the realm of international affairs. Today, the Persian Gulf region, an area of the world which is vital to the United States for an increasing amount of its oil needs, is falling apart politically from within and simultaneously succumbing to Soviet aggression from outside.

I am very disturbed by the apparently ad hoc reactive U.S. policy moves that are currently taking place. The administration seems to be moving in an impulsive fashion to respond to a situation with which its foreign policy up to now has not been able to cope. I am concerned that these responses may represent inappropriate quick fixes which will prove to be both ineffective and wasteful. What is badly needed is a basic reappraisal of U.S. defense and foreign policy objectives which could serve as the basis for our response to international crises. I suggested that the Senate initiate such a reappraisal last September. This reappraisal has not occurred and the Senate, the Congress, and the entire country are again faced with the prospect of reacting to a crisis situation with no perspective on how the actions we may take fit into our overall global strategy, assuming such a strategy exists.

Today, we are addressing the issue of special trade status for China.

Last week, the Secretary of Defense was in China discussing the prospects of increased cooperation between the United States and Peking.

This is all fine, but how does it fit into our China policy? What is our China policy? How does it fit into our global policy?

In another area of the world, there is talk of establishing U.S. military bases in the Persian Gulf and increasing military aid to Pakistan and Egypt. Again, this is all well and good, but what is the long-term U.S. strategy context in which this is all occurring? Who knows? I think we ought to know before we continue to commit the country to additional actions.

In a different area of international relations President Carter recently instituted an embargo on grain sales to the Soviet Union, at an eventual total cost of $4 billion. This may be a weapon that has backfired already. Nonetheless, it would have been useful to know that this action was part of some coherent strategy and doctrine of U.S. response, rather than an exemple of scrambling for some quick response.

We could each present our own list of quick responses which have been recently discussed. They are all totally reactive. Rather than a policy based on goals, we see a policy of opportunity based on whatever is possible on the spur of the moment. This is not good enough.

The inclination now appears to be to fund all of these ad hoc responses uncritically. For the moment, we may have no other option. But it smacks of a blank check philosophy in which we try to buy a foreign policy, rather than develop one based upon a clear understanding of our long-term goals. The Senate will shortly face the necessity of passing judgment on sizable increases in the defense budget. We need to know our foreign policy objectives in order to shape a supportive defense capability.

Furthermore, I am very concerned that these type of "shoot from the hip" responses to the international situation of the moment will lock us into situations in the future which will only create additional difficulties.

In September of 1979 I proposed initiating such an examination of U.S. foreign policy goals and objectives which the Senate could use as a tool in assessing the implications of major policy proposals for the long-term national interest. Let me be so bold as to suggest that if we had moved quickly on that idea, the Senate might be in a better position to judge events today.

The recent events in the Middle East and Persian Gulf region reinforce the original concern I had that there is a need for the Senate to engage in an activity to define the present international environment and the changes that are occurring. The administration is too bound up in the process of reelection to do this, but the Senate is not. The Senate can move to define the situation for itself and the country. I feel we have a responsibility to undertake this task.

I have discussed this notion with the Foreign Relations Committee on two separate occasions. I was willing to wait and see if some alternative to a formal Senate activity was possible. My conclusion is that other procedures will not succeed. What I am suggesting is not the business of just one committee, or just a few committees. It is the business of the entire Senate to develop a clear assessment of U.S. goals in the changing international environment. The full weight of the entire Senate must be thrown behind this exercise for it to be effective. The full Senate must make up its mind that it needs and wants to know what our long-term objectives ought to be.

Senate Resolution 299 proposes the creation of a special Senate select committee, lead by the Senate leadership to undertake this task. We have wasted crucial time during a very sensitive period. I urge the leadership and the Senate to move quickly in meeting what I feel to be a pressing need.

## MESSAGE ON SMALL BUSINESS—MESSAGE FROM THE PRESIDENT—PM 147

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Select Committee on Small Business:

*To the Congress of the United States:*

I am sending the Congress this Message on Small Business to emphasize the vital importance of the small business sector to the American economy, and to report to you on the steps taken by my Administration to strengthen it.

Our efforts to control inflation, maintain high levels of employment, and stimulate productivity and economic growth depend in large measure upon a strong small business sector. Yet too often in the past the Federal government has been insensitive to the needs and concerns of small business.

It is essential, not just for the sake of the small businessmen and businesswomen of America, but for the economic welfare of the Nation as a whole, that the voice of small business be heard and heeded. I have made a special effort to open my Administration to small business and to maintain a continuing dialogue with its leaders. In addition, in order to focus that dialogue and to provide a forum in which the small business community can develop and transmit its policy recommendations, I have convened a White House Conference on Small Business, which meets in Washington this week. Senator Gaylord Nelson and Congressman Neal Smith have been at the forefront of those urging such a conference. I look forward to receiving the recommendations of the Conference. As the conferees begin their deliberations, I want to report to you on the state of small business, our progress thus far in dealing with its problems and concerns, and our plans for the future.

At the root of the problem of governmental insensitivity is the popular misconception that small business is not a significant factor in our economy. Viewed in the aggregate, there is nothing small about small business. Small businesses account for more than fifty percent of all private employment, forty-three percent of the gross national product, and over half of all inventions.

The small business sector is critically important not just because of its sheer size, but because of the unique way it affects the economy. In the years between 1969 and 1976, small and medium size businesses accounted for virtually all of the net new private sector jobs added to our economy. Employment in firms with 500 or fewer employees increased by 7.5 million, while employment in firms with over 500 employees dropped by 1.2 million.

There is, as well, an aspect of small business which cannot and need not be quantified to demonstrate its importance. Our Nation has grown strong as the land of opportunity in which each individual can aspire to financial security through hard work and enterprise. The pursuit of economic self-realization by free citizens has fueled the most productive economy in the history of the world. And throughout our own history, economic opportunity and political freedom have gone hand in hand, each supporting and reinforcing the other.

Given the crucial roles which small businesses play in our economy and our society, it is incumbent upon us to identify and address those conditions which inhibit their formation and growth. Among the problems small business confronts today, the most acute are:

—the burden of excessive and needless governmental regulation and paperwork requirements.

—the need to improve access to capital to start up new enterprises and finance growth.

—inflation, which often places special strains on smaller businesses less able to pass along cost increases.

—the special problems of members of minority groups and women in starting and building business enterprises.

### REGULATION AND PAPERWORK

When I took office in 1977 I found that 90 separate Federal agencies were issuing regulations at a rate of 7,000 new rules every year. Yet there was no mechanism to assure the cost-effectiveness of such rules, to eliminate overlapping and obsolete rules, or even to require that they be expressed in plain English.

Unnecessary or poorly designed regulations and paperwork requirements hurt the whole economy, but they particularly hurt small business. For example, reporting requirements which may be no more than minor irritants for large enterprises may well involve unacceptable costs for small entrepreneurs.

During the past three years I have taken a number of steps to reform the regulatory process and eliminate needless burdens. These actions include:

—Issuance of an Executive Order subjecting major regulations to cost-benefit analyses; imposing annual sunset reviews on various regulations; providing for the publication of a Regulatory Calendar to facilitate public participation in the rulemaking process; and requiring that regulations be written in plain English.

—Creation of the Regulatory Council to improve coordination of Federal regulatory activities.

—A direction to Federal agencies to develop flexible regulations which take into account the size of the regulated business, and which provide for reduced burdens for smaller businesses where possible.

—As a result of a paperwork reduction program I have initiated, we have reduced by 15% the number of hours Americans spend filling out Federal government forms.

### CAPITAL NEEDS

A major impediment to the creation of a new business or the expansion of a small one is the difficulty in obtaining financing. During the period immediately prior to my Administration, access to the public capital markets was virtually closed to small businesses. In 1969 there were 548 public offerings of the securities of new or small companies; in 1976 there were a mere 29. At the same time, the cost of debt financing has increased as a result of the actions taken by the Federal Reserve System to reduce inflationary pressures in the economy.

In the face of these serious problems, Congress and this Administration have acted to encourage investment in small and innovative businesses:

—The maximum tax on long-term capital gains has been reduced from 49% to 28%.

—The three-step corporate income tax has been replaced by a five-step rate structure, which lowers the tax on the first $100,000 of corporate income by $7,750.

—The ERISA rules which define the fiduciary responsibility of the Nation's pension fund managers have been amended to encourage prudent investments in small and innovative businesses. These funds, which contain approximately $500 billion in assets, can be a major source of venture capital for our economy.

—The Small Business Administration has greatly expanded its lending activity in the past three years. SBA loans rose from $1.8 billion in 1976 to $3.1 billion in 1979, an increase of 72 percent.

### INFLATION

Inflation is one of the most vexing and intractable problems we face as a Nation. It afflicts all segments of our society, but some elements are especially vulnerable. Small business is one of the sectors that is particularly hard hit.

Cutting down oil imports must be a top priority in fighting inflation. Virtually all of last year's increase in our inflation rate came from OPEC, and we will never control inflation until we control our appetite for imported oil. To help do so I have put in place a national energy policy which will encourage production through a rational deregulated pricing policy and will encourage a shift to coal, our most abundant resource. We have devised effective incentives for energy conservation, and have strongly encouraged the use of solar and renewable resources. I have also called on Congress to enact a Windfall Profits Tax to finance the most massive peacetime effort in American history to develop synthetic alternatives to foreign oil.

Another major line of defense continues to be strict budgetary discipline by the Federal government. My Administration has succeeded, with the cooperation of the Congress, in reducing the Federal deficit from $67 billion to $30 billion in less than three years. The budget that I shall propose for Fiscal Year 1981 will call for a further significant reduction.

In 1976 the Federal deficit represented 4.6% of our gross national product. In 1979, the fiscal year just completed, it was 1.2% of gross national product. In the 1981 budget, shortly to be released, the proposed deficit will be no more than one-half of one percent of gross national product.

We cannot afford to backtrack on our commitment to further deficit reductions. I urge you to join with me in the year ahead in resisting expensive and improvident pressures on the budget which would surely undermine our efforts to contain inflation.

I also urge business and labor to continue to work with us under the voluntary wage and price guidelines which I have put in place.

During a period of high inflation and accompanying high interest rates, many small businesses may face special financing problems. Chairman Volcker has recognized the need for banks to take particular care that small businesses, home buyers, and farmers receive a reasonable share of available funds. I know that the Nation's banking community has responded favorably to the Chairman's suggestion, and I expect it will continue to assure that adequate credit is available to finance the basic needs of the economy.

In addition, I would hope that the banking community would be sensitive to the pricing of small business credit. Decisions regarding rates and availability of credit must be made by each individual institution on a case-by-case basis and in response to local market conditions. At the same time, I hope that banks will act in a manner which recognizes both the critical role small businesses play in our economy and their special needs in a time of increased credit cost.

### MINORITY BUSINESS ENTERPRISE

Members of minority groups are greatly underrepresented in the ranks of small business. Although minorities comprise roughly 18% of the population, only 4% of the Nation's firms are minority owned, and those firms account for less than 2% of all business receipts. Minority entrepreneurs confront unique problems in obtaining capital and often have special requirements for technical assistance. These problems require, and are receiving, the attention of the Federal government.

—Since 1977 we have more than doubled Federal purchases of goods and services from minority firms from $1.1 billion to $2.5 billion in 1979. I am confident that such purchases will exceed $3.5 billion this year.

—In order to promote and coordinate Federal activities in support of minority business development, I have revitalized the Interagency Council for Minority Business Enterprise and asked the Undersecretary of Commerce to report to me on its progress regularly.

—Last year I signed Public Law 95–507 which requires plans for subcontracting to minority and small businesses before sizeable contracts are awarded. I have taken steps to ensure that this legislation is vigorously implemented.

—SBA has greatly expanded its activities in placing Federal procurement contracts with small businesses owned by socially and economically disadvantaged persons under the Section 8(a) program. The value of such contracts rose from $368 million in 1976 to more than $1 billion in 1979.

—In my 1981 budget, I shall propose a new initiative within SBA to provide necessary financial assistance to support the growth and expansion of existing minority firms which have demonstrated their viability.

—I have restructured minority business programs within the Department of Commerce to provide a broad range of technical, advocacy, and support services, and I shall be sending proposed legislation to the Congress to establish a statutory base for the Minority Business Development Agency within the Commerce Department, to administer these programs.

### WOMEN IN BUSINESS

Although women make up more than half of the work force, less than 5% of all United States firms are owned by women, and these firms account for less than one half of one percent of all business receipts. Businesses owned by women tend to be among the smallest and the most vulnerable to the vicissitudes of the economic cycle. Such businesses face major barriers in raising capital and often require considerable management assistance.

To help deal with these problems, I have issued an Executive Order which directs Federal agencies to strengthen the role of women in business and to take affirmative action to include women in management assistance and other business related programs. I have also created an Interagency Committee on Women's Business Enterprise to assure effective implementation of my directive. My Administration is responding with initiatives such as:

—SBA's new pilot mini-loan program which offers women entrepreneurs direct loans with flexible terms.

—In 1981, SBA will increase direct loans targeted to women business owners.

—My 1981 budget will also contain additional funding for SBA management and technical assistance programs designed for women-owned firms.

—The Farmers' Home Administration has targeted $50 million of its Business and Industry Loan Program funding for Fiscal Year 1979 for rural women's projects.

In addition, the Federal Reserve Board is considering actions to strengthen protections against sex discrimination in commercial credit.

### OTHER SMALL BUSINESS INITIATIVES

In addition to the actions I have mentioned, we have initiated a number of other steps which are no less important in our efforts to create a more favorable environment for individual enterprise:

—At my direction, a major interagency review was undertaken to identify policy options to encourage industrial innovation. Because of the key role small business plays in the innovative process, many of the program components which will be implemented as a part of our comprehensive innovation policy will directly benefit small businesses. These include the creation of Corporations for Innovation Development in partnership with States and regions to provide seed capital for promising, innovative enterprises. We will also expand the existing National Science Foundation program which provides funding to small companies to assist in the commercial development of new technologies. We are seeking to strengthen and rationalize the patent system, and we will establish Patent Counsels for Small and Minority Business in the Small Business Administration and the Department of Commerce to assist inventors in bringing their innovations to market.

—I have instructed the Small Business Administration to accelerate the establishment of a small business data base to provide the information needed to guide effective policymaking for the small business sector.

—The Small Business Administration has taken steps to expand and strengthen its advocacy function. With the appointment of the first Chief Counsel for Advocacy in the SBA, the establishment of SBA advocacy offices, and the addition of the SBA to the Regulatory Council, I have moved to ensure that the problems and issues facing small business are addressed wherever relevant policy decisions are made within the Federal government.

### THE PENDING LEGISLATIVE AGENDA

Congress can be justifiably proud of the legislative actions it has taken over the past three years to help create a more favorable climate for small business. There are, however, a number of legislative proposals of great importance to small business now pending or shortly to be submitted which require urgent consideration:

—*Comprehensive Regulatory Reform.* I urge Congress to adopt the comprehensive regulatory reform legislation which I proposed last March. This bill will make permanent and extend to the independent regulatory agencies the regulatory reforms I have already instituted by executive order. Such legislation should also require agencies to give appropriate consideration to alternative forms of regulation which minimize the adverse impacts of agency rules on small business.

—*Paperwork Reduction.* In a Message to Congress last November I called for passage of a Paperwork Reduction Act. This bill will ensure coordination among agencies to avoid duplicative reporting requirements and will strengthen central oversight of paperwork requirements. I urge its prompt approval.

—*Trucking Deregulation.* The trucking industry is enmeshed in a complex, anti-competitive web of regulation. The existing statutory scheme limits entry, restricts the goods truckers can carry and the routes they can drive, and allows them to meet in secret and fix prices. As a result, transportation costs are inflated by billions of dollars, and precious fuel is wasted. These regulations are particularly harmful to small businessmen who depend on common carriers, as opposed to large corporations which can establish their own private trucking fleets.

I have submitted a bill to open up entry, lift restrictions on commodities and routes, improve service to small towns, and ensure vigorous price competition in the trucking industry. I hope that the Congress will follow its extremely salutory action on airline deregulation with comparable action for the trucking industry.

—*Uniform Patent Policy.* In my Message to Congress on Industrial Innovation last year, I noted that the patent process has become increasingly expensive, time-consuming and unreliable. Its deficiencies have tended particularly to penalize small and independent entrepreneurs. In particular, confusion generated by conflicting policies regarding the disposition of proprietary rights in Federally supported work has seriously inhibited the commercial application of patents resulting from such work. I will shortly submit to Congress proposed legislation to remove this confusion through the establishment of a uniform patent policy. Under this bill, small businesses and universities will retain patent ownership.

—*Securities Law Simplification.* Last month I sent to Congress a proposed "Small Business Issuers' Simplification Act" which will significantly reduce the paperwork and regulatory burdens of small businesses which sell their securities to institutional investors, such as banks, insurance companies and pension funds, and others making investments of at least $100,000. The high costs of compliance with the registration provisions of the Federal securities laws have effectively prevented smaller businesses from raising capital in the public securities markets. Existing paperwork requirements constitute a needless impediment to the raising of capital where the securities are sold to a purchaser well able to fend for itself in the marketplace. This legislation would exempt such transactions from existing statutory registration requirements, while preserving all the present protections of law for small investors. I urge Congress to give it early and favorable consideration.

These initiatives represent parts of a larger process by which we can, working together, make the Federal government the ally of small business, not its adversary. We must recognize that our aspirations for a free and productive society rest to a significant extent upon the fate of America's entrepreneurs, and we must act accordingly. Our job is to provide a climate in which their energies, their enterprise, and their dynamism can work for all Americans. I ask you to join with me in meeting that challenge.

JIMMY CARTER.

THE WHITE HOUSE, *January 14, 1980.*

---

## STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 148

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on

Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Veterans' Affairs, the Select Committee on Intelligence, the Select Committee on Indian Affairs, and the Select Committee on Small Business, jointly, by unanimous consent:

*To the Congress of the United States:*

My State of the Union Address will be devoted to a discussion of the most important challenges facing our country as we enter the 1980's.

Over the coming year, those challenges will receive my highest priority and greatest efforts. However, there will also be many other significant areas which will receive my personal commitment, as well as that of my Administration, during the 2nd Session of the 96th Congress.

It is important that Congress, along with the public, be aware of these other vital areas of concern as they listen to my State of the Union Address. In that way, the context of the Address, and my Administration's full message for 1980, can best be understood.

For that reason, I am sending this State of the Union Message to the Congress today, several days before my State of the Union Address.

### CONGRESS

During the last three years, my Administration has developed a very cooperative and productive record with Congress. Landmark legislation has been enacted; major domestic and international problems have been addressed directly and resolved; and a spirit of mutual trust and respect has been restored to Executive-Legislative relations. Indeed, in no other three-year period in our recent past has there been a comparable record of progress and achievement for the American people.

But much more remains to be done. We cannot afford to rest on our record. We cannot fail to complete the agenda begun in the 1970's; we cannot ignore the new challenges of the 1980's.

By continuing to work together, my Administration and the Congress can meet these goals. Our cooperative efforts can help to ensure stable prices and economic growth; a return to energy security; an efficient, responsive government; a strong, unsurpassed defense capability; and world peace.

The program that I have placed before the Congress since 1977, combined with the few new initiatives I will be placing before the Congress this year, will enable us to reach these goals. Our task in this Session is to complete the work on that program. I have no doubt that we can do it. There is no time to waste.

### RECORD OF PROGRESS

When I took office in 1977, our Nation faced a number of serious domestic and international problems:

—the economy had still not recovered from the most serious recession since World War II;

—unemployment was near 8%, and almost 8 million American workers were unemployed;

—no national energy policy existed, and our dependence on foreign oil was rapidly increasing;

—public trust in the integrity and openness of the government was extremely low;

—the Federal government was operating inefficiently in administering essential programs and policies;

—major social problems were being ignored or poorly addressed by the Federal government;

—our defense posture was declining as a result of a continuously shrinking defense budget;

—the strength of the NATO Alliance was at a post-World War II low;

—tensions between Israel and Egypt threatened another Middle East war; and

—America's resolve to oppose international aggression and human rights violations was under serious question.

Over the past 36 months, clear progress has been made in solving the challenges we found in January of 1977:

—the unemployment rate at the end of last year of 5.9% representing a 25% decrease in three years; 9 million jobs have been created, and more Americans, 98 million, are at work than at any time in our history;

—major parts of a comprehensive energy program have been enacted; a Department of Energy has been established to administer the program; and Congress is on the verge of enacting the remaining major parts of the energy program;

—confidence in the government's integrity has been restored, and respect for the government's openness and fairness has been renewed;

—the government has been made more effective and efficient: the Civil Service system was completely reformed for the first time this century; 13 reorganization initiatives have been proposed to the Congress, approved, and implemented, two new Cabinet departments have been created to consolidate and streamline the government's handling of energy and education problems; inspectors general have been placed in each Cabinet department to combat fraud, waste and other abuses; zero-based budgeting practices have been instituted throughout the Federal government; cash management reforms have saved hundreds of millions of dollars; the process of issuing regulations has been reformed to eliminate unneeded and incomprehensible regulations; procedures have been established to assure citizen participation in government; and the airline industry has been deregulated, at enormous savings to the consumer.

—critical social problems, many long ignored by the Federal government, have been addressed directly and boldly: an urban policy was developed and implemented, reversing the decline in our urban areas; the Food Stamp program has been expanded and the purchase requirement eliminated; the Social Security System was refinanced to put it on a sound financial basis; the Humphrey-Hawkins Full Employment Act was enacted; Federal assistance for education was expanded by 75%; the minimum wage was increased to levels needed to ease the effects of inflation; affirmative action has been pursued aggressively—more blacks, Hispanics and women have been appointed to senior government positions and to judgeships than at any other time in our history; the ERA ratification deadline was extended to aid the ratification effort; and minority business procurement by the Federal government has more than doubled;

—the decline in defense spending has been reversed; defense spending has increased at a real rate of over 3% in 1979, and I am proposing a real increase in the defense spending level of more than 20% over the next 5 years;

—the NATO Alliance has been revitalized and strengthened through substantially increased resources, new deterrent weapons, and improved coordination; increased emphasis has also been given to conventional force capabilities to meet crises in other areas of the world;

—Egypt and Israel have ended more than 30 years of war through a Peace Treaty that also established a framework for comprehensive peace in the Middle East;

—the commitment of our Nation to pursue human rights throughout the world, in nations which are friendly and those which are not, has been made clear to all;

—our resolve to oppose aggression, such as the illegal invasion of the Soviet Union into Afghanistan, has been supported by tough action.

### LEGISLATIVE PRIORITIES

In the coming legislative session, the last in this Presidential term, I am deeply committed to finishing the agenda that I have placed before the Congress. That agenda has been comprehensive and demanding, but it has also been absolutely essential for our Nation's well-being.

I do not plan to add significantly to the agenda this year. Because of the importance of enacting the proposals already before the Congress, and the relatively short Congressional session facing us, I will be limiting my major *new* proposals to a critical few:

—Youth Employment;

—General Revenue Sharing;

—Utility Oil Use Reduction;

—Nuclear Waste Management and Nuclear Regulatory Commission Reorganization;

—Standby Gasoline Rationing Plan; and

—Initiatives implementing my response to the Soviet invasion of Afghanistan.

I am convinced that these new initiatives, along with the major proposals I previously made to the Congress, can be enacted this year, if we have a dedicated, all-out effort on the part of the Administration and the Congress. I pledge such an effort on my part, and that of my Administration.

As in the previous three years, I will be working with you toward the basic goals of:

—Ensuring our economic strength;
—Creating energy security for our nation;
—Enhancing basic human and social needs;
—Making our government more efficient and effective;
—Protecting and enhancing our rights and liberties;
—Preserving and developing our natural resources;
—Building America's military strength;
—Working to resolve international disputes through peaceful means;
—Striving to resolve pressing international economic problems;
—Continuing to support the building of democratic institutions and protecting human rights; and
—Preventing the spread and further development of nuclear weapons.

My highest legislative priorities in each of these areas this year will be:

### ENSURING ECONOMIC STRENGTH

*The FY 1981 Budget*—This is a responsible, restrained budget, whose enactment will help control Federal spending, significantly reduce the Federal deficit, and aid in our fight against inflation.

*Hospital Cost Containment*—This long overdue legislation is a major weapon in our fight against inflation; it will save consumers more billions of dollars and is the single most important anti-inflation bill before the Congress.

*Youth Education, Training and Employment Program*—This new initiative, which is designed to educate and train youth to secure and hold meaningful jobs, will provide enhanced opportunities for disadvantaged youth as well as improve the productivity of our work force.

### CREATING ENERGY SECURITY FOR OUR NATION

*Windfall Profits Tax*—The size of this important energy and tax measure has been agreed to by the conferees, but it is imperative that final agreement on a tax reflecting sound energy policy occur at the outset of this session and that Congress act promptly on that agreement.

*Energy Mobilization Board*—It is also essential that this vital measure in the effort to eliminate unnecessary red tape in the construction of needed energy facilities be agreed to promptly by the conferees and the Congress, without substantive waivers of law.

*Energy Security Corporation*—The conferees and the Congress also need to act expeditiously on this legislation. This bill is critical to our Nation's beginning a serious, massive program to develop alternative energy fuels so that our dependence on foreign oil can be severely reduced. It is necessary to remove this critical national effort from the constraints which can bind government agencies.

This legislation contains, as well, vital energy conservation and gasohol provisions. They are needed if we are to move forward in our national efforts in these areas.

*Utility Oil Use Reduction*—This new initiative will aid in the effort to reduce our reliance on oil by requiring our Nation's utilities to substantially convert from oil to coal-burning or other energy facilities by our Nation's utilities over a defined timetable. This bill is a key tool in our effort to increase the use of coal, our most abundant natural fuel source.

*Standby Gasoline Rationing Plan*—Under the legislation enacted last year, I will propose to the Congress a Standby Gasoline Rationing Plan; its prompt approval will be required if we are to be prepared for a significant energy supply interruption.

### ENHANCING BASIC HUMAN AND SOCIAL NEEDS

*National Health Plan*—The time for improving the health care provided to our citizens is long overdue, and I am convinced that the health plan I proposed last year provides a realistic, affordable and beneficial way of providing our citizens with the health care they need and deserve. It will provide millions of low-income Americans with health coverage for the first time, improved Medicare coverage for the elderly, and protect every American against the disastrous costs of extended illness.

Our national health effort also needs prompt enactment of two other important bills—Child Health Assurance Program, which will provide needed health care for disadvantaged children, and Mental Health Systems Act, which is needed to reform our mental health programs.

*Welfare Reform*—Our nation's welfare system remains a disgrace to both the recipient and the taxpayers. It encourages family instability and encourages waste. It is a crazy-quilt of differing provisions from state-to-state. The House has approved a sound welfare reform proposal. I call upon the Senate to act rapidly on this issue so that welfare reform can become a reality this Session.

*General Revenue Sharing*—I will propose a reauthorization of this important program to our state and local governments, in order to continue providing them with the funds that they depend upon to meet essential social and operating needs. This program is an essential element of the partnership I have forged with state and local governments and is critical to the continued economic health of our states, cities and counties.

*Countercyclical Revenue Sharing*—I will again work with the Congress to provide the aid needed to help our most financially pressed local areas. The Senate has already acted and I urge prompt House passage early in the Session.

*Low-Income Energy Assistance*—I am committed to seeking authority to continue the low-income assistance program enacted at my request last year to give the poor protection against rising energy costs.

*Economic Development*—This legislation will reauthorize and improve the government's ability to provide economic development assistance. It is a key ingredient in implementing both my urban and rural policy and I urge prompt action on it by the House-Senate Conference.

### MAKING OUR GOVERNMENT MORE EFFICIENT AND EFFECTIVE

*Regulatory Reform*—I will continue to pursue efforts to eliminate unnecessary regulatory burdens, and will concentrate on seeking approval this year of my regulatory process reform bill, my trucking and rail deregulation proposals, my banking reform measures, and passage of sunset legislation and communications reform measures. Progress has been made on each of these during the First Session. Final passage should come before this Session ends.

*Nuclear Regulatory Commission Reorganization*—As I stated in responding to the Kemeny Commission Report, I will propose a reorganization of the Nuclear Regulatory Commission in order to improve its management and its emergency operating capabilities. This is an essential step to the improvement of safety in the nuclear industry.

### PROTECTING AND ENHANCING OUR RIGHTS AND LIBERTIES

*Equal Rights Amendment*—While the Congress has passed the Equal Rights Amendment, and the possibility for ratification now lies with the State Legislatures, it is essential that the Members of Congress help with their State Legislatures. Toward that end, we will be working with Members from States which have not yet been ratified. We cannot stand tall as a Nation seeking to enhance human rights at home so long as we deny it to American women here at home.

*Fair Housing*—I will continue to press for enactment of this important civil rights initiative; it will enable the government to enforce our fair housing laws effectively and promptly. It is the most critical civil rights legislation before the Congress in years. The promise of equal housing opportunity has been far too long an empty promise. This bill will help make that promise a reality.

*Intelligence Charters*—I have already proposed a legislative charter for the FBI; I will soon be proposing a legislative charter for the intelligence community. These charters will protect our citizen's rights while enabling the agencies to meet their responsibilities.

### PRESERVING AND DEVELOPING OUR NATURAL RESOURCES

*Alaska D-2 Lands*—My highest environmental priority in this Congress continues to be enactment of legislation that will preserve and protect Alaska lands. I urge the Senate to follow the House's lead in this area.

*Oil and Hazardous Wastes Superfund*—This program is needed to mitigate the effects of oil hazardous substance spills and releases from uncontrolled hazardous waste dumps, which is a growing national problem.

*Nuclear Waste Management*—I will propose a series of legislative and administrative initiatives to implement our Nation's first comprehensive nuclear waste program.

### BUILDING AMERICA'S MILITARY STRENGTH

*Defense Department Authorizations and Appropriations*—I will be proposing a defense budget containing a 3.3% real growth in outlays. It is essential that the Congress support an increase of that amount if we are to strengthen our defense capabilities.

### WORKING TO RESOLVE INTERNATIONAL DISPUTES

*Refugee Legislation and Funding*—This legislation is necessary to improve our refugee program and to provide needed domestic assistance to refugees. Prompt House action would assure that we have a sound framework within which to accommodate the increasing flow of refugees.

### STRIVING TO RESOLVE INTERNATIONAL ECONOMIC PROBLEMS

*Bilateral and Multilateral Foreign Assistance*—I will be proposing foreign assistance legislation which provides the authority needed to carry forward a cooperative relationship with a large number of developing nations. Prompt Congressional action is essential.

*China Trade Agreement*—I will be seeking early approval by the Congress of the Trade Agreement reached with China; the Agreement represents a major step forward in the process toward improved economic relations with China.

### CONTINUING TO SUPPORT THE BUILDING OF DEMOCRATIC INSTITUTIONS AND PROTECTING HUMAN RIGHTS

*Special International Security Assistance for Pakistan*—I am sending to Congress a military and economic assistance program to enable Pakistan to strengthen its defenses. Prompt enactment will be one of my highest legislative priorities.

*Human Rights Conventions*—I will continue to press the Senate to ratify five key human rights treaties—the American Convention on Human Rights, the Convention on Racial Discrimination, the UN Covenants on Civil and Political Rights, and on Economic and Social and Cultural Rights, and the Genocide Convention.

### PREVENTING THE SPREAD AND FURTHER DEVELOPMENT OF NUCLEAR WEAPONS

*SALT II*—I firmly believe that SALT II is in our Nation's security interest and that it will add significantly to the control of nuclear weapons. But because of the Soviet invasion of Afghanistan, I do not believe it is advisable to have the Senate consider the Treaty now.

### I. ENSURING ECONOMIC STRENGTH

My economic program, since I took office, has been designed to achieve several goals:

—restore and continue economic growth;

—reduce unemployment; and

—restrain inflation.

Over the past three years, considerable progress has been made in each of these areas:

—The economy has recovered from its deepest recession since World War II; and we have had a sustained economic recovery during the last three years.

—Unemployment has been reduced by 25% and employment is at its highest level in history.

—Inflation has increased to unacceptable levels, in large part because of OPEC price increases, but a program has now been put in place which will moderate inflation in an equitable and effective way.

In 1980, we will continue the steady economic policies which have worked to date. We can only succeed in making our economy strong, however, if we have Congress' cooperation. I am confident that we can work together successfully this year to achieve our economic goals.

### INFLATION

Inflation continues to be our most serious economic problem. Restraining inflation remains my highest domestic priority.

Inflation at the current, unacceptably high levels is the direct result of economic problems that have been building, virtually without letup, for over a decade. There are no easy answers, or quick solutions to inflation. It cannot be eliminated overnight; its roots in our economy are too deep, its causes are too pervasive and complex. We know we cannot spend our way out of this problem.

But there is hope—for a gradual reduction in the inflation rate, for an easing of the economic pressures causing inflation.

The hope lies in a program of public and private restraint in the short-run and a program to attack the structural causes of inflation over the longer-run. This is the policy I have pursued and will continue to pursue.

Last year was an especially difficult time for anti-inflation policies. OPEC increased its prices by more than 80% and thus added more than three points to the inflation rate. If energy price increases are excluded, inflation last year would have been nearly three percentage points lower.

The biggest challenge to anti-inflation policy is to keep energy price increases from doing permanent damage, to prevent a dangerous acceleration of the wage-price spiral. My program has been successful in accomplishing this. Inflation will slow this year. In 1981 it should be even lower. This progress is the result of our persistence in the battle against inflation on many fronts:

*Budget Restraint:* The budget deficit for FY 1979 was lowered to $27.7 billion, more than 50% below the FY 1976 level.

*Regulatory Reform:* The flood of new, costly government regulations was slowed as our procedures to ensure that we achieve our regulatory goals in the most cost-effective manner took hold.

*Wage-Price Guidelines:* The guideline standards were followed by the vast majority of unions which negotiated contracts and by nearly every major corporation in the country.

*Energy:* The energy legislation put into place over the past two years began to reduce our dependence on foreign oil and our consumption of such important energy fuels as gasoline, thereby reducing the ability of oil producing nations to disrupt our economy.

*Productivity:* We began to introduce policies to increase industrial innovation and thereby productivity; the decline in productivity growth must be reversed if we are to improve our real living standards over the long term.

In 1980, with the Congress' cooperation, we will continue our aggressive fight against inflation on each of these major fronts:

*Budget Restraint:* The deficit for the FY 1981 budget will be less than half of the FY 1980 budget deficit and will represent a 75% reduction from the deficit I inherited.

*Regulatory Reform:* We will be pursuing deregulation legislation for the trucking, rail, banking, and communications industries, as well as regulatory management reform legislation; these bills will enable us to further eliminate unnecessary regulatory burdens.

*Labor Accord:* The Pay Advisory and Price Advisory Committees, established as a result of last year's historic Accord with organized labor will enable us to better implement, and coordinate with both labor and business, the private restraint necessary as part of our anti-inflation efforts. The Accord signals a willingness of labor to be a full partner in our fight against inflation.

*Energy:* We expect to enact major energy legislation—the Windfall Profits Tax, the Energy Mobilization Board, and the Energy Security Corporation—early in this Session; this legislation, when combined with the voluntary and mandatory energy conservation measures that will take an even stronger hold this year, should enable us to further reduce our dependence on foreign oil.

*Productivity:* We will be implementing our industrial innovation program and further expanding our commitment in the budget to research and development.

### COUNCIL ON WAGE AND PRICE STABILITY

The Council on Wage and Price Stability has played a vital role in our anti-inflation efforts. The Council and its staff have lead responsibility within the Executive branch for implementing the voluntary wage and price monitoring program. Without the Council's continuing role, the anti-inflation effort could not begin to assess whether the private sector is cooperating with our standards.

It is therefore essential that the Council, along with its staff operation, be reauthorized early this year. The reauthorization should not contain amendments that interrupt or restrain the important and essential work of the Council or its staff.

### THE 1981 BUDGET

The budget I will send to the Congress for FY 1981 will meet this Nation's critical needs; and it will continue the sound budgetary policies that my Administration has pursued throughout my term in office.

No single year's budget can accurately portray the philosophy of an Administration. However, there is a clear pattern in the budgets I have proposed—restraint in spending, coupled with careful targeting of resources to areas of greatest need. My 1981 budget continues this pattern by lowering the deficit roughly $50 billion below what it was when I ran for office. At the same time, I will recommend increases for programs of critical national concern.

Last year, my budget was austere. I proposed eliminating some programs and reducing spending for others; and these tough decisions have proven correct and have provided the country with clear benefits. I am pleased that the Congress approved my budget in virtually the form I proposed. As a result of our actions, the rate of Federal spending growth has been slowed. Just as importantly, the widespread expectation that the Federal budget would continue its upward spiral unchecked has been proven false. We have moved on to the path necessary for achieving a balanced budget in the very near future. And we have helped the fight against inflation.

The 1981 Budget will continue my policy of restraint. Real growth in spending will be close to zero. The deficit will be cut by more than half from last year. The deficit as a percent of the budget and of GNP will be at the second lowest point in this decade. We will have the smallest deficit in seven years. And if the economy were to continue to grow at a rate which held the unemployment rate at the current level, *this* budget would be in surplus.

At the same time, I am proposing some vital spending increases in the 1981 Budget. Most of these increases will be in "uncontrollable" programs (those in which increases are automatically required by existing law). There will also be discretionary increases; in part, to strengthen our defense forces and enhance our crucial investments in energy production and conservation. In addition, I will propose a major new initiative to reduce youth unemployment, and State and local governments will receive continued fiscal support from the General Revenue Sharing extension I will propose.

Developing the budget this year has been, in several respects, more difficult than in previous years. International turmoil threatens our vital interests, energy problems dampen the economy and alter our domestic priorities, and inflation erodes basic programs, all adding new pressures for Federal spending. But I am confident that this budget responds responsibly—and with needed resources—to our Nation's most pressing needs and positions us for responsible and effective government in the 1980's.

### FISCAL POLICY

As President, I have been concerned about the tax burden on our citizens and have, as a result, worked with the Congress to enact two major tax cuts. In 1977, I proposed, and Congress passed, an $8 billion individual tax cut as part of the economic stimulus package. In 1978, I proposed, and Congress passed, a $21 billion individual and business tax cut. This year, those two cuts will reduce Americans' tax burden by $31 billion.

I recognize that there is interest in another tax cut this year, but my 1981 budget proposes no tax cuts. As long as double-digit inflation continues and there is no sign of a recession, our top budgetary priority must be reduction of the deficit.

Over the long run, continued tight control over budget expenditures will hold down the share of Federal spending in GNP. Inflation, on the other hand, is raising the percentage of national income collected in taxes. Over time, because of these two developments, tax reductions will be possible while still maintaining the fiscal restraint needed to control inflation. However, the timing and structure of any tax reductions is of critical importance and must be dictated by our economic circumstances: the urgency of the anti-inflation fight requires that we defer such tax reductions at this time.

Tax reductions put into effect prematurely, and under the wrong economic conditions, could make inflation worse by overstimulating the economy. Inflation is still running at unacceptably high levels.

Virtually all ecoomic forecasters predict the onset of a mild recession and my Administration's estimates of budget receipts and expenditures in the FY 1981 budget assume a recession. However, none of the current economic statistics yet show any overall economic decline. In recent months the economy has displayed much more strength than earlier forecasts had predicted. Forecasts of impending recession may therefore prove to be as wrong as previous ones. Employment has held up well—in part due to unsatisfactory productivity performance. To enact tax cuts now would run a serious risk of adding inflationary demand pressures to an economy which continues to grow more strongly than predicted by the forecasts. With the present high inflation, we cannot afford that risk.

When tax reductions are timely, they should be designed insofar as possible in a way that achieves multiple objectives—not only reducing the tax burden and stimulating growth, but raising investment and productivity and reducing inflation as well.

In particular, a significant part of any tax reduction should be directed to the provision of incentives for increased investment, to improve productivity, expand capacity, and adjust to higher energy prices. Serious consideration should be given, in the case of tax cuts for individuals, to lowering social security payroll taxes, since half of such reductions would go toward lowering business costs and prices.

The necessities of the inflation fight require that we be very cautious about *when* taxes are reduced, and *how* it is done. But they do not require that we ignore changes in economic conditions. Should the economic situation and prospects sharply worsen, I will consider recommendations to deal with the situation. Under those circumstances, tax cuts and other measures could be taken to improve the prospects for employment and growth, to reduce business costs, and to assist those most severely damaged by recession, without threatening to set off inflationary demand pressures. However, the current economic situation does not warrant such measures and it would be inappropriate to propose them at this time.

### EMPLOYMENT

My Administration, working closely with Congress, has made significant progress in reducing the serious unemployment problems that existed three years ago.

—The December unemployment rate of 5.9% represents a 25% reduction from the December 1976 rate.

—Over 9.2 million more people have jobs than before the beginning of the Administration.

—Total employment has reached an all-time high of 98 million in December.

—Nonwhite employment has increased by 1.4 million persons or 15.5%.

—Adult female employment has increased by 5 million persons.

—Employment of black teenagers, which had actually decreased during the 1969–1975 period, has increased by more than 15% since I took office. Although unemployment rates for all youth, especially minority youth, are still too high, progress has been made.

We will continue to make progress in the 1980's as a result of the framework which has already been established and which will be strengthened this year.

—The Comprehensive Employment and Training Act (CETA) was reauthorized in 1978 for four years.

—The Humphrey-Hawkins Full Employment Act became law after many years of effort.

—The Private Sector Initiatives Program, a new partnership between the government and the private sector to assist the most disadvantaged unemployed is being successfully implemented.

—A targeted jobs tax credit has been enacted to provide employers with the economic incentives needed to increase their hiring of unemployed low-income youth and others who historically have difficulty finding jobs.

—A massive effort to reduce the problems causing excessive youth unemployment rates is being strengthened and revitalized this year with a new $2 billion youth education, training, and employment program.

This year, we will work aggressively to make certain that this framework continues to be successfully implemented. Even that effort may not be sufficient, if economic forecasts are accurate, to keep the unemployment rate from rising. We will be monitoring the economy closely. If unemployment should dramatically increase, I will be prepared to consider actions to counter that increase, consistent with our overriding concern abut accelerating inflation. At this time though, when unemployment is at its lowest level in years, it would be premature and unwise to propose measures that might be helpful in a time of recession-induced high unemployment.

### YOUTH EMPLOYMENT

The fact that we have had persistently high unemployment among poor and minority youth for three decades demonstrates clearly the inadequacies of our system for teaching, training and helping young people to find and keep decent jobs.

The economic challenges of the 1980's will require the energy and commitment of the entire American work force. We cannot afford to waste anyone's talents.

If we are to become the society of our ideals, we must provide economic opportunity for all.

My Administration is committed to a renewed national effort to remove any unnecessary obstacles to a productive life for every American.

Over the past three years, we have developed a solid record. We have increased resources for youth employment and training programs from $2.5 to over $4 billion. We have conducted the largest experimental youth program effort ever attempted. We have reduced overall youth unemployment rates by 15%. But this is not good enough. Youth unemployment, especially for the poor and minorities, is still unacceptably high.

Based on the experience we have gained over the past three years, and on the advice of the thousands of Americans who helped the Vice President's Task Force on Youth Employment over the last nine months, my Administration has devised a new approach, which I announced two weeks ago. Under my program, the most significant new domestic initiative I will be sending to Congress this year, the Federal government will be making its most comprehensive effort ever to eradicate the causes of excessive and harmful youth unemployment.

By 1982 this new program will have increased Federal resources committed to reducing youth unemployment by $2 billion, to a total of $6 billion. The program will have two key components: for in-school youth, we will have a major effort through the Department of Education to teach basic skills to low-achieving youth in junior and senior high schools located in low-income communities, while providing work experience and training after school hours. For disadvantaged out-of-school youth, we will provide, through the Department of Labor, redesigned and expanded work experience and training programs, as well as basic skills programs managed by the Department of Education.

The Department of Education's basic education and skill training program, when fully implemented, will provide basic education and employment skills to approximately 1 million low-achieving junior and senior high school students in about 3,000 of the poorest urban and rural school districts around the country. The new program will emphasize:

—basic skills for low-achieving youngsters, including help for students with limited ability in English;

—school-wide planning with the active involvement of teachers, parents, employers, and the community;

—using the link between work and classroom-learning as a way to motivate students to stay in school; and

—a major role for vocational education in preparing young people for work.

The Department of Labor's new Youth Employment Program, when fully implemented, will provide education, work experience, training, labor market information and other services to more than 500,000 additional young people in each year. The new resources, when added to current programs, will serve over 2.5 million 14- to 21-year olds each year.

The program will emphasize:

—additional training and work experience opportunities for older and out-of-school youth;

—stringent performance standards for both participants and program operators;

—financial incentives to encourage greater cooperation between CETA sponsors, local employers, and school officials; and

—consolidation of three of the existing CETA youth programs and closer coordination with the summer employment program to simplify local administration and reduce paperwork.

We have learned from the 1960's and the 1970's. We know we must concentrate on administration and management. We know that we must have tough performance standards, not merely allocation formulas. We know that the partnership between government and all elements of the private sector must be made a reality, and that focusing on basic skills now is the key to job success in the future.

We also know that the hope our young people have for their lives in this great country is our most precious resource. We must keep that hope alive.

We will be working closely and intensively with the Congress to enact and carry out this youth employment program as soon as possible.

### TRADE

This past year was one of unmatched and historic achievement for a vital component of the U.S. economy—exports and trade. In 1979, nearly 3 million jobs in our manufacturing industries, or one out of every seven jobs in manufacturing, depended upon our export performance in overseas markets. Our exports were a key contributor to the growth of the U.S. economy in 1979.

Exports of agricultural and industrial goods grew by an unparalleled $35 billion, reaching a level of $180 billion. This represented an increase of 25% over exports in 1978. This record increase in exports, coupled with a slower rate of growth of imports, resulted in substantial improvements of $5 billion in our balance of trade. Furthermore, a rapid growth of service exports in 1979 led to a $13 billion improvement in the current account, bringing that account from a deficit in 1978 to near balance in 1979.

I expect that in 1980 our exports will continue to strengthen and that, if we can continue to further conserve and limit imports of oil, we will further improve our trade balance position and that of the dollar. The future for American exports is bright, and will remain so, despite the necessity of suspending certain exports to the Soviet Union.

This Administration has accomplished several goals in the last year in assuring that there will continue to be greater exports and, therefore, job possibilities for U.S. workers and farmers.

To improve the condition of access of U.S. exports to foreign markets, I signed into force in July of last year a new trade act which reflected two years of hard bargaining in the recently concluded round of multilateral trade negotiations. These negotiations, which included all major developed and lesser developed countries, resulted in agreements to strengthen the rules of conduct of international trade and open new markets to U.S. exports. These negotiations were of historic importance in their scope and accomplishment, and their success is attributable to close cooperation that existed during and after the negotiations between the Congress, the private sector and the Administration.

Our negotiating success now challenges us to take advantage of the opportunity for improving further our export performance. To meet this challenge, I proposed in 1979 a major reorganization of the government's trade policy and export promotion activities. The reorganization will strengthen government coordination in the trade field and provide an improved basis for protecting American interest in the recently negotiated trade agreements. I put this reorganization into effect, with Congressional approval, earlier this month. With the changes initiated in my trade reorganization, we will ensure that trade between the United States and its trading partners will be conducted fairly and openly.

Consistent with my decisions on suspending certain types of trade with the Soviet Union, my Administration will be seeking this year to find additional ways to foster U.S. export expansion. We are studying the possibility of further agreements on expanded trade with both traditional and newer trade partners, including China. I look forward to working with the Congress on ways we can continue to improve our trading position which, in turn, will help maintain a prosperous American economy.

### SMALL BUSINESS

This year marks the high point of three years of accomplishment for small business under my Administration, and the beginning of a decade of continuing effort to strengthen this large and vital sector of our economy.

The White House Conference on Small Business, which I convened eighteen months ago and which has just concluded its deliberations, fulfills a pledge I made in 1976 that the voice of small business would be heard in my Administration. In anticipation of the Conference, I called on the head of every executive Department and agency to propose at least one initiative of benefit to small business. Over 160 separate initiatives have been proposed and are under examination, and many of them have already been put in effect.

We have made great strides in reforming our regulatory process, cutting down Federal paperwork and developing flexible regulations which provide for minimizing or eliminating burdens on smaller businesses. The capital gains tax has been significantly reduced, and corporate taxes on small businesses have been lowered.

We have also increased Small Business Administration lending activity, from $1.8 billion in 1976 to $3.1 billion in 1979, an increase of 72%. Since 1977 we have more than doubled Federal purchases of goods and services from minority firms from $1.1 billion to $2.5 billion in 1979. I am confident that such purchases will exceed $3.5 billion this year.

I have put into place a comprehensive policy to strengthen the role of women in business, and have directed Federal agencies to take affirmative action to include women in management assistance and other business-related programs.

SBA's advocacy role has been strengthened at my direction, and SBA has been added to the membership of the Regulatory Council and the Productivity Council, to help assure that the problems and issues facing small business are addressed wherever relevant policy decisions are made with the Federal government.

To reduce the paperwork and regulatory burdens small businesses face in raising capital, I have recently proposed a Small Business Issuers' Simplification Act. This legislation will exempt from the burdensome registration requirements of the Federal securities laws sales of securities by small businesses to institutional investors, such as banks, insurance companies and pension funds, and others making investments of at least $100,000.

Finally, last week I sent to the Congress a Message on Small Business to emphasize the vital importance of small business and to report to you on the steps we have already taken and plan to take in 1980 to strengthen small business.

### MINORITY BUSINESS

From the beginning of my term, I have worked with the Congress to increase opportunities for minority business. As a result of our efforts, enormous progress has been made in the last three years:

- Federal procurement from minority-owned firms has increased by nearly two and a half times;
- Federal deposits in minority-owned banks have nearly doubled;
- minority ownership of radio and television stations have increased by 65%;
- almost 15% of the funds spent under the Local Public Works Act of 1977 went to minority-owned firms;
- the Section 8(a) program operated by the Small Business Administration has been reformed and strengthened.

This year, my Administration is committed to expanding upon the progress made to date. This year, I am committed to more than tripling the 1977 level of federal procurement from minority-owned firms, and I have no doubt we can meet that goal.

My 1981 budget improves the targeting of Small Business Administration loans to minority-owned businesses. We will also expand management, technical, and training assistance for minority firms and provide substantial funding increases for minority capital development under the SBA's minority enterprise small business investment company (MESBIC) program.

I will also be proposing to the Congress a minority business legislative initiative to establish in the Department of Commerce a Minority Business Development Agency. That Agency, a successor to the Office of Minority Business Enterprise, was established last year under administrative authority, but I believe Congressional authorization would strengthen its operating abilities.

### WOMEN IN BUSINESS

Last year I announced a new policy to strengthen and foster the growth of women-owned businesses. My new budget includes funds to make this policy a reality by increasing SBA direct loans to women by 50%, by assisting women in gaining access to sources of financing, and by expanding management and technical assistance to women. By insuring that women have fuller access to opportunities to start and maintain their own enterprises, we will start a genuine momentum to take full advantage of the contribution which women can make to the growth and productivity of our economy.

### II. CREATING ENERGY SECURITY

Since I took office, my highest legislative priorities have involved the development of our Nation's first comprehensive energy policy. The struggle to achieve that policy has been difficult for all of us, but the accomplishments of the past three years leave no doubt that our country is finally serious about the problems caused by our over-dependence on foreign oil. The accomplishments can be lost, however, and the progress stopped, if we fail to move forward even further this year. There is no single panacea that will solve our energy crisis. We must rely on and encourage multiple forms of production—coal, crude oil, natural gas, solar, nuclear, synthetics—and conservation.

It is therefore essential that Congress enact the major energy bills I proposed last year; and their enactment will be my most immediate and highest legislative priority this year.

### WINDFALL PROFITS TAX

My highest, most immediate legislative priority during this Session is prompt passage of a sound windfall profits tax on crude oil.

Last April, I proposed a tough windfall profits tax to recoup a portion of the unearned income that would accrue to the oil companies as a result of the phased decontrol of domestic crude oil prices and OPEC price increases. It is essential that these revenues be invested on behalf of all Americans to help us become an energy secure nation. The revenues from the tax will be used to support key national energy goals: low-income energy assistance, improved and expanded mass transit and energy supply and conservation programs.

The windfall tax that I proposed was also carefully designed to provide incentives needed to increase domestic oil production. Under my proposal, we expect a million barrels per day increase in domestic production due to decontrol and higher world prices. Without any windfall profits tax production would be only marginally higher by 1985.

The American people clearly want and our national energy needs clearly require—a tough windfall tax. We cannot afford further delay.

The House-Senate Conference Committee has reached agreement on a tax raising $227 billion over the next ten years. A tax at that level is acceptable, provided the components of the tax are consistent with sound energy policy. I urge the conferees and the Congress to approve forthwith a tax that I can sign. There can be no higher legislative priority.

### ENERGY MOBILIZATION BOARD

Last July, together with a comprehensive energy program, I asked Congress to join with me to create an Energy Mobilization Board (EMB). The Board can cut through burdensome and unnecessary red tape and reach prompt decisions on designated priority energy projects. Decision-making can be streamlined without overriding of substantive law, which I strongly oppose. The Board is a key element of our strategy to attain energy security by cutting foreign oil imports in the coming years. Prompt passage of the EMB is one of my highest priorities this year, and I urge the Congress to complete its action on this proposal without delay.

### ENERGY SECURITY CORPORATION

Last year, I proposed the creation of an Energy Security Corporation to lead our national effort to develop and produce synthetic fuels, coal-based synthetics, oil shale and biomass. The Corporation would be an independent body, chartered by the government and authorized to use a variety of financing tools—principally price guarantees, Federal purchases, and loan guarantees—to stimulate private sector development of synthetic energy alternatives to imported oil.

I have recommended that the Corporation be given a goal to develop the capacity to produce 1.75 million barrels per day of synthetic fuels, oil shale, and biomass by 1990. With an ability to produce commercially synthetic alternatives to foreign crude oil, our Nation will have effectively capped the price which foreign oil producers can charge for crude oil.

We cannot do the job we must do for our Nation's security by operating this program from within the government. The Corporation can much more easily obtain the needed talent and operate without the constraints binding a government agency.

Enactment of the legislation containing the Energy Security Corporation is one of my highest legislative priorities for this Session. I urge the conferees to complete this work expeditiously so that the Corporation can open its doors as early as possible this year.

### REDUCTION IN UTILITY OIL USE

I will soon send to the Congress legislation which will assist utilities in the use of coal, and encourage them to retire existing oil burning plants for generating electricity. The Department of Energy and my staff have worked very closely with Congressional energy leadership over the last several months to develop a legislative proposal which can be acted upon quickly.

My proposed utility oil use reduction legislation will help us to achieve two of our basic energy goals—decreasing our dependence on foreign oil and increasing our production of more abundant and secure energy supplies, such as coal. For that reason, passage of this legislation will be one of my highest energy priorities this year.

### GASOLINE RATIONING

I will soon be sending to Congress for its approval a standby gasoline rationing plan, under the authority of legislation I signed into law last year. In developing this plan, we have given priority attention to accommodating essential gasoline usage, bearing in mind the need to design a plan which is workable and which can be put into place quickly if a severe emergency arises.

I recognize the difficulty of developing a plan that meets the many competing State and local concerns. Last year's experience demonstrated that difficulty very well. I am determined, as I am certain Congress is, to avoid repeating it.

My Administration will work very closely with Congress on the standby plan. I hope the Congress will recognize the overriding national importance of emergency preparedness and will take action early to approve my proposed plan.

I do not intend, under our current supply conditions, to implement a rationing program. But we can no longer afford to be unprepared for the possibility of further severe interruptions in energy supplies.

### ENERGY CONSERVATION

In my very first energy address to the Nation in April 1977, I stressed the importance of conservation as the cornerstone of our national energy policy. It is the cheapest and fastest means of reducing our dependence on imported oil and it constitutes an alternative source of supply. To the extent that we conserve—in our homes, factories, cars, and public buildings—we make the task of providing secure sources of energy for the future that much more attainable.

In November, 1978, I signed into law our country's first energy conservation tax credits. These provide up to $300 for home conservation investments, and an additional 10 percent investment tax credit for industrial investments in energy efficient equipment. At the same time, we put in place a requirement that utilities provide energy audits for their customers and offer to arrange financing. We also established stiff taxes on new gas guzzling automobiles. As a result of my April 1977 initiatives, we are also providing a total of $900 million over three years to weatherize schools and hospitals across the Nation.

Last July, I proposed a program to provide $5.8 billion over the next decade to subsidize interest rates on homeowner loans for conservation investments. This program will be targeted to low- and moderate-income homeowners and apartment owners for whom the tax credits are less effective as an incentive. Under this program it is expected that consumers' total monthly bills will decline since the financial savings resulting from lower energy use will be greater than the monthly payments on the subsidized loans.

I consider this new program to be an essential piece of my overall conservation strategy and urge the House-Senate Conference Committee now working on the bill containing this provision to complete work promptly.

Energy conservation must also go forward at the State and local levels. To help that important effort, I am again urging Congress to pass my proposal, under the authority of the proposed Energy Management and Partnership Act, to provide grants to local governments to meet national energy conservation goals.

### SOLAR ENERGY

Last June, I sent the Congress a Message on Solar Energy outlining my Administration's solar program and setting a national goal for the year 2000 of deriving 20% of this Nation's energy from solar and renewable resources. A firm and ambitious course—not only by the Federal government but also by State and local governments, private industry, academia and private citizens—is required to reach this goal.

As part of my solar program announced in June, I proposed a number of initiatives to the Congress to assist in solar energy development. Among those were the establishment of a Solar Energy Development Bank funded at $150 million per year to provide subsidized loans for the installation of solar equipment on homes and commercial structures, and additional tax credits for passive solar construction, wood stoves, industrial and agricultural solar applications, and gasohol. These initiatives have yet to be enacted by the Congress and I urge prompt action on these measures to help speed the penetration of solar technologies in the marketplace.

In addition, my FY 1980 program for solar energy exceeded $1 billion government-wide. This is more than three times greater than the program in place when I took office. In FY 1981 government-wide expenditures for solar and renewable energy will be nearly $1.4 billion and will include programs administered by the Departments of Energy, Agriculture, Interior, Defense, State, Housing and Urban Development, and the Tennessee Valley Authority. The Federal solar program has as its overall objectives, the emphasis on basic research and development of solar technologies not currently economic such as photovoltaics, where electricity is generated directly from the technical information to accelerate the use of marketable solar technologies which are available now. Solar heat and hot water and wood energy are among these technologies.

We will continue to work with the Congress this session on passage of critical solar energy legislation. We are making progress on the transition away from our dependence on fossil fuels and towards the widespread use of renewable sources of energy. We must maintain an aggressive policy to achieve this transition.

### NUCLEAR SAFETY

Immediately following the accident at Three Mile Island, I established a Presidential Commission, chaired by the President of Dartmouth College, to report to me on actions needed to prevent recurrence of this kind of accident. Safety is and will remain my Administration's primary priority in the regulation and management of nuclear power. I have taken steps to correct virtually all problems identified by the Kemeny Commission and have acted to implement most of its specific recommendations, including:

—A reorganization of the NRC to strengthen the role of the Chairman. I will soon send to Congress a reorganization plan to give the Chairman power to select key personnel and act on behalf of the Commission during an emergency.

—Appointment of a new Chairman of the NRC from outside the agency when the next vacancy occurs. In the meantime, I have designated Commissioner Ahearne as Chairman with a mandate to initiate changes needed to assure the safety of nuclear power plant operations.

—Direction to the Federal Emergency Management Agency to lead all off-site emergency activities and review all emergency plans in States with operating reactors by June.

—A request to the NRC to accelerate its program to place a resident Federal inspector at every reactor site, and to upgrade training and evaluation programs for reactor operators.

I endorsed the approach the NRC adopted to pause in licensing, but have urged the Commission to complete its work as quickly as possible, and in any event no later than June of this year.

Once we have instituted the necessary reforms to assure safety, we must resume the licensing process promptly so that the new plants which we need to reduce our dependence on foreign oil can be built and operated. Nuclear power is an option that we should keep open.

### GASOHOL

I have recently proposed a program to accelerate dramatically America's production and use of gasohol, as yet another important way on which we can wage—and win—our energy war.

My Administration is committed to a program which will provide between $8.5 billion and $12.8 billion of assistance to stimulate production of alcohol fuels over the coming decade. We will quadruple current gasohol production capacity by the end of this year. During 1981, we should be capable of producing ethanol at an annual rate of 500 million gallons—more than six times the current rate. If this entire amount of ethanol were turned into gasohol, it would replace almost 10 percent of our anticipated demand for unleaded gasoline in 1981.

Our overall gasohol program will spur the investments that we together must make for a more secure energy future. We will create new markets for our farmers. We will no longer have to throw away waste materials which can be turned into profitable, essential fuels.

Our Nation's enormous agricultural and fiber resources can be used to help provide a secure source of energy for our future. By producing gasohol from fiber and agricultural by-products, we can meet fuel needs for millions of Americans, including our farmers. I am eager to work with the Congress on my alcohol fuels program, so that we can soon have legislation that will authorize and provide the funding for this important energy development.

### ENERGY IMPACT ASSISTANCE

As new domestic energy resources are developed, particularly in rural or isolated areas of the country, we must provide for the needs of rapidly developing communities. My Administration will continue to work with the Congress to enact legislation establishing an Inland Energy Assistance program, with funding of $150 million per year, to aid those States and local areas which are experiencing a rapid growth in population as a result of new energy supply development. These communities often cannot plan for or meet increased need for new public facilities or services, since the population increases occur before the new energy supply activities are fully developed and producing local revenues. This legislation is essential to ensure that the burdens associated with solving our energy problems are borne equitably by all citizens and regions of the country.

## III. ENHANCING BASIC HUMAN AND SOCIAL NEEDS

For too many years immediately preceding my Administration, too many of our Nation's basic human and social needs were being ignored or dealt with insensitively by the Federal government. Over the past three years, we have significantly increased funding for many of the vital programs in these areas; developed new programs where needs were unaddressed; targeted Federal support to those individuals and areas most in need of our assistance; and removed barriers that have unnecessarily kept many disadvantaged citizens from obtaining aid for their most basic needs.

Our efforts over the past three years have produced clear progress in our effort to solve some of the country's fundamental human and social problems. The Administration and the Congress working together, have demonstrated that government must and can meet our citizens' basic human and social needs in a responsible and compassionate way.

But there is an unfinished agenda still before the Congress. If we are to meet our obligations to help all Americans realize the dreams of sound health care, decent housing, effective social services, a good education, and a meaningful job, we still have important legislation to enact this year. The legislation is before the Congress, and I will be working with you toward its enactment.

### HEALTH

### NATIONAL HEALTH PLAN

Last June, I proposed to Congress a National Health Plan which will enable the country to reach the goal of comprehensive, universal health care coverage. The legislation I submitted lays the foundation for this comprehensive plan and addresses the most serious problems of health financing and delivery. It is realistic, affordable, and enactable. It does not overpromise or overspend, and, as a result, can be the solution to the thirty years of Congressional battles on national health insurance. My Plan includes the following key features:

—nearly 15 million additional poor would receive fully-subsidized comprehensive coverage;

—pre-natal and delivery services are provided for all pregnant women and coverage is provided for all acute care for infants in their first year of life;

—the elderly and disabled would have a limit of $1,250 placed on annual out-of-pocket medical expenses and would no longer face limits on hospital coverage;

—all full-time employees and their families would receive insurance against at least major medical expenses under mandated employer coverage;

—Medicare and Medicaid would be combined and expanded into an umbrella Federal program, Healthcare, for increased program efficiency, accountability and uniformity; and

—strong cost controls and health system reforms would be implemented initiatives, including greater incentives for Health Maintenance Organizations.

If enacted this year, my Plan would begin providing benefits in 1983.

I urge the Congress to compare my Plan with the alternatives—programs which either do too little to improve the health care needs of Americans most in need or programs which would impose enormous financial burdens on the American taxpayers. When that comparison is completed, I am convinced the Congress will see the need for and the benefits of my Plan and work toward prompt enactment. We cannot afford further delay in this vital area.

### HOSPITAL COST CONTAINMENT

Hospital Cost Containment remains the single most important piece of legislation that the Congress can pass to demonstrate its commitment to fight inflation. This legislative initiative will save billions of dollars for our Nation's consumers by eliminating unnecessary and wasteful hospital services. We can no longer allow hospital inflation to put needed health care out of the reach of the average American. In a sector where there is an absence of competitive forces, Hospital Cost Containment legislation is necessary to restrain spending, while the process of developing other effective measures proceeds. The longer we delay enacting Cost Containment, the more expensive our fight against hospital inflation will become. I am asking the Senate to move quickly on this legislation.

### HEALTH PROMOTION AND DISEASE PREVENTION

Last July, the Surgeon General released *Healthy People*, a landmark report on health promotion and disease prevention. The report signals the growing consensus that the Nation's health strategy must be refocused in the 1980's to emphasize the prevention of disease. Specifically, the report lays out measurable and achievable goals in the reduction of mortality which can be reached by 1990.

Consistent with this report, the health strategy I will propose in my FY 1981 budget places unprecedented emphasis on prevention. This strategy includes increased funding for many new and continuing programs in the areas of environmental hazards, workplace health and safety, commercial product safety, traffic safety, community water fluoridation, and health education, promotion and information.

### MATERNAL AND CHILD HEALTH

Ensuring a healthy start in life for children remains not only a high priority of my Administration, but also one of the most cost effective forms of health care.

When I took office, immunization levels for preventable childhood diseases had fallen to 70 percent. As a result of a concerted nationwide effort during my Administration, I am pleased to report that now at least 90 percent of children under 15, and virtually all school-age children are immunized. In addition, reported cases of measles and mumps are at their lowest levels ever.

Under the National Health Plan I have proposed, there will be no cost-sharing for prenatal and delivery services for all pregnant women and for acute care provided to infants in their first year of life. These preventive services are recognized to have extremely high returns in terms of improved newborn and long-term child health.

Under the Child Health Assurance Program (CHAP) legislation which I have already submitted to this Congress, an additional two million low-income children under 18 will become eligible for Medicaid benefits, which will include special health assessments. CHAP will also improve the continuity of care for the nearly 14 million children now eligible for Medicaid. An additional 100,000 low-income pregnant women will become eligible for prenatal care under the proposal. We must work together this year to enact CHAP and thereby provide millions of needy children with essential health services.

For the third consecutive year, I am requesting expansion of the special supplemental food program for women, infants, and children. Under my proposal, over 2 million low-income nutritionally needy mothers, their nursing infants, and children will receive special food supplements each month. These food supplements have been shown to prevent ill health thereby reducing later medical costs.

In addition to these legislative initiatives, I will propose increased funding in the FY 1981 budget for the successful Family Planning program, which targets services on low-income women and adolescents at high risk for unwanted pregnancy. Further, the 1981 budget contains continued funding for my Adolescent Health initiative, which is designed to provide and coordinate services to pregnant teenagers as well as reduce the incidence of unwanted pregnancies.

### EXPANSION OF SERVICES TO THE POOR AND UNDERSERVED

My health proposals for FY 1981 will place high priority on expanding other improvements which have been made during my Administration in the access and continuity of care for medically underserved groups. I will propose substantially increased funding for the most successful programs in this area, including Community and Migrant Health Centers, and the National Health Service Corps program, which places health professionals in rural and urban medically underserved areas. In addition, I am proposing legislation to make coverage of clinics providing comprehensive primary care services a mandatory benefit under Medicaid.

### MENTAL HEALTH

Last year, I submitted a Mental Health Message to Congress and proposed the Mental Health Systems Act, which is based upon recommendations of my Commission on Mental Health. The Act is designed to inaugurate a new era of Federal and State partnership in the planning and provision of mental health services. In addition, the Act specifically provides for prevention and support services to the chronically mentally ill, to prevent unnecessary institutionalization, prevention services, and for the development of community-based mental health services.

This year, my Administration will be working intensively with the Congress for prompt enactment of this important legislation, and the First Lady will continue her substantial work in this area, as an effective spokesperson and advocate for mental health reform throughout the country.

### WORKER HEALTH AND SAFETY

My Administration will continue to enforce fully laws protecting worker health and safety in a sensible and efficient manner. We will be making further efforts to eliminate frivolous and unneeded rules, while concentrating greater enforcement efforts on the most dangerous and particularly the most unhealthy occupational environments. More effective management of our worker safety programs will serve the interest that both labor and management have in better working conditions.

### DRUG ABUSE PREVENTION

At the beginning of my Administration there were over a half million heroin addicts in the United States. Our continued emphasis on reducing the supply of heroin, as well as providing treatment and rehabilitation to its victims, has reduced the heroin addict population to 380,000, reduced the number of heroin overdose deaths by 80%, and reduced the number of heroin related injuries by 50%. However, drug abuse in many forms continues to detract from the quality of life and is of great concern to us and the people of all nations.

I am particularly concerned over the increasing quantities of heroin originating in Iran and Southwest Asia and we will continue to be especially alert to this threat in 1980. During 1980, we will also strive to reduce the supply of illegal drugs, both at their overseas sources and within the United States. While continuing a comprehensive treatment program, our priority will be to reduce drug abuse among adolescents. One of the important goals of my Administration at the beginning of this decade is to change the social acceptance of drug use.

### FOOD AND NUTRITION

Building on the comprehensive reform of the Food Stamp Program that I proposed and Congress passed in 1977, my Administration and the Congress worked together last year to enact several other important changes in the Program. These changes will further simplify administration and reduce fraud and error, will make the program more responsive to the needs of the elderly and disabled, and will increase the cap on allowable program expenditures. In this session, I will continue to work with the Congress to achieve additional improvements in the Food Stamp Program and to eliminate permanently the expenditure cap. I will also propose this year that Congress pass the Administration's Child Nutrition Amendments to target assistance under our school meal programs to those most in need.

### EDUCATION

The stern challenges of the 80's place new demands on every sector of our society. Education is the insurance we have to provide the talent and capability to meet every demand on our National agenda. The challenge of the 80's in education is to see that quantity education becomes quality education. That is a challenge we can meet. Last year, my Administration and the Congress successfully collaborated to create a new Department of Education. The Department will give education a stronger voice at the Federal level, while at the same time reserving the actual control and operation of education to states, localities, and private institutions. The Department combines nearly 150 existing Federal education programs into a cohesive, streamlined organization that will be more responsive to the needs of educators and students. The Department will cut red tape and paperwork to make the flow of Federal dollars to school districts and institutions of higher education more efficient, thereby providing students and educators with more benefits per dollar of Federal funds. We are determined to work closely with the Congress this year in making certain that the Department begins on a sound basis, consistent with the purposes and hopes Congress had when creating it.

To ensure adequate financial resources for education, I have requested, since taking office, an overall increase in Federal aid to education of 75% above the previous Administration's last budget. Many programs, including those serving disadvantaged and handicapped students and those providing financial aid to students enrolled in postsecondary education, have benefited from ever larger percentage increases during my Administration.

My FY 1981 budget request in education will represent a generous increase over last year's budget. There will be particularly significant increases in a number of programs serving special populations, in addition to the major new program designed to give youth the basic skills needed to get and keep a job. I am also recommending a substantial increase in the programs which deal with international education, to improve our understanding of other nations.

In addition, proposals I submitted last July to reauthorize the Higher Education Act are still under consideration in the Congress. The centerpiece of my proposals for the student financial aid programs is a major reform of the student loan programs. My proposal would, for the first time, provide a comprehensive program of loans from the Federal government for higher education students who need them. Our proposals would eliminate much of the paperwork and confusion that have plagued students, parents, and colleges by mandating a single application form for all Federal need-based assistance.

It is essential that this reauthorization be enacted this year. But the reauthorization legislation must be consistent with my commitment to a restrained, responsible budget. We are eager to work with the Congress to achieve this goal as soon as possible.

### INCOME SECURITY

### WELFARE REFORM

Last year, I proposed a welfare reform package which offers solutions to some of the most urgent problems in our welfare system. This proposal is embodied in two bills—The Work and Training Opportunities Act and The Social Welfare Reform Amendments Act. Within the framework of our present welfare system, my reform proposals offer achievable means to increase self-sufficiency through work rather than welfare, more adequate assistance to people unable to work, the removal of inequities in coverage under current programs, and fiscal relief needed by States and localities.

Our current welfare system is long overdue for serious reform; the system is wasteful and not fully effective. The legislation I have proposed will help eliminate inequities by establishing a national minimum benefit, and by directly relating benefit levels to the poverty threshold. It will reduce program complexity, which leads to inefficiency and waste, by simplifying and coordinating administration among different programs.

Last year the House passed The Social Welfare Reform Amendments Act, which addresses the major problems in our cash assistance programs. This year, we must continue this momentum toward welfare reform. I am determined to do whatever I can to help enact the two bills needed for the most comprehensive reform of the welfare system in our history.

### CHILD WELFARE

My Administration has worked closely with the Congress on legislation which is designed to improve greatly the child welfare services and foster care programs and to create a Federal system of adoption assistance. The work of the Congress on this legislation is now almost completed. The well-being of children in need of homes and their permanent placement are primary concerns of my Administration, and I am determined to see improvement in the system which cares for these children. This legislation will help ensure that.

### LOW-INCOME ENERGY ASSISTANCE

Last year, I proposed a program to provide a total of $2.4 billion per year to low-income households which are hardest hit by rising energy bills. With Congress' cooperation, we were able to move quickly to provide $1.6 billion for assistance needed this winter. Of that amount $1.2 billion was provided for grants to eligible households and $400 million for an energy crisis assistance program. The first checks were received by eligible families and individuals in early January.

I have already proposed, and will continue to press for, legislation which provides $2.4 billion a year for low-income energy assistance. Funding from this program will come from the Windfall Profits Tax. Continuing this assistance is one of my high priorities in this session of Congress.

### SOCIAL SECURITY

I have been deeply committed to restoring the public's confidence and trust in the Social Security System. With the passage of the Social Security Amendments of 1977, the financial stability of the System was improved. Each month 35 million Americans received pension and disability checks. They can rely on doing so without fear of interruption.

We must, however, address the continuing financial viability of the Social Security System in light of changing economic circumstances. We must also review the equity of the sex-related distinctions contained in the system's benefit provisions.

To help ensure the system's viability, I will propose legislation to permit borrowing among the separate trust funds. This measure will strengthen the Social Security System for current and future beneficiaries. I will also review closely the work of several major study groups, and will consult with experts in the Department of Health and Human Services and the Congress to assess their recommendations.

### DISABILITY INSURANCE REFORMS

As a result of the legislation we enacted in 1977, which strengthened the financing of the Social Security System, the Social Security disability insurance program is now in stable financial condition. Last year, my Administration proposed modifications in the program to further improve its administration and to increase incentives for disabled beneficiaries to seek rehabilitation and to return to work. In 1980, we will work with the Congress to enact these reforms. I hope the Congress will stay as close as possible to my original proposal.

### HOUSING

My Administration has brought improved stability to the Nation's housing market. Housing starts from 1977 through 1979 averaged more than 1.9 million units per year. We have been and remain committed to assuring the availability of an adequate level of mortgage credit during a period of record high interest rates. Toward that goal, we developed the six-month money market certificate and broadened the secondary market activity of the Government National Mortgage Association and the Federal Home Loan Mortgage Corporation. Most recently, the bank regulators introduced two and one-half year certificates which should become valuable sources of funds for savings institutions, enabling them to continue a high level of mortgage lending.

I am pleased that our anti-inflation policies have begun to slow the rate of growth in home prices. Within the context of our overall economic strategy, we will continue to support measures which provide for improved stability in the housing industry, avoiding the boom and bust cycles that led to unemployment, business failures and dislocation in the past. I have sent to the Congress legislation to update the government's emergency authority, under the Brooke-Cranston program to purchase mortgages in times of economic stress. The current authority could not be used effectively. I urge quick Congressional action on this legislation, so that the Administration will be in a position to use this program, if necessary.

We have also brought improved stability and predictability and higher production to the provision of assisted housing for low- and moderate-income Americans, including the elderly and the handicapped. During the period from 1978 through 1981, my Administration will have committed nearly 1.3 million units of housing for lower income renters and homeowners. Actual construction starts reached 175,000 units in 1979, a level which we will sustain through the next several years.

I will be proposing in my FY 1981 budget a level of 300,000 assisted rental units and 25,000 assisted homeownership units, a total 25% increase over 1980 levels. This recommendation reflects my Administration's concern about the number of poor Americans still living in substandard housing. I will also propose this year to extend HUD's home ownership assistance and interest subsidies to low-income tenants in designated revitalization areas. That will help address the particular problem of displacement of low-income persons and the elderly by urban revitalization and condominium conversions.

My Administration will again be working with the Congress to pass the condominium reform legislation that I proposed last year. That legislation will provide basic protections for the purchasers of condominium units. Many unit owners lack adequate remedies to redress serious inequities under existing law, and expeditious Federal action in this area is a priority.

In 1980 we will also propose a number of significant new legislative initiatives. I will be proposing a comprehensive simplification and consolidation of the Nation's basic housing laws on mortgage insurance and mortgage credit activities of the Federal Housing Administration and the Government National Mortgage Association. This proposal will make the services of these agencies more understandable and accessible to the American public.

I will also be recommending prompt Congressional action to extend the Home Mortgage Disclosure Act, which has been an important factor in aiding the availability of mortgage credit in inner city areas.

Finally, building on the urban partnership we have established with the cities, we will continue to increase the control local governments exercise over the operation of Federal housing programs. We will propose a fundamental change in HUD's public housing modernization program to allow local authorities to use up to 50% of their public housing production funds for modernization and repair of the existing, deteriorated stock of public housing. And in recognition of the severity of the housing problems in America's rural communities, we will be implementing the Action Agenda of 12 Rural Housing Initiatives which I announced last month.

### NEIGHBORHOOD DEVELOPMENT

Neighborhood development is an essential component of my policies designed to revitalize our Nation's urban areas. My Administration has taken a number of steps to assist non-governmental, neighborhood groups carry out community improvement plans.

In Fiscal Year 1981, I will propose increased funding for the Neighborhood Self-Help Development Program. This program aims to build the capacity of independent, neighborhood organizations to implement conservation and revitalization projects in low- and moderate-income neighborhoods.

In 1980, I will strongly support the renewal of the Home Mortgage Disclosure Act in order to encourage neighborhood reinvestment. My Administration will also continue to support fully the neighborhood reinvestment actions of independent regulatory agencies, such as the Federal Home Loan Bank Board's Community Investment Fund.

### TRANSPORTATION

A major goal during the 1980's is to bring about a dramatic increase in the economic and energy efficiency of our transportation systems. While this Nation's transportation facilities are among the best in the world, they were planned, designed and constructed in an era of abundant and cheap energy. The country now faces a totally different situation of scarce and increasingly expensive energy. To help combat this problem, I have proposed to use $16.5 billion over the next decade from the windfall profits tax revenues to increase the energy efficiency of transportation. Of that, $13 billion would be allocated to increase transit capacity; $2.5 billion would be directed to promote the energy-efficient use of the automobile; and $1 billion for research on automotive fuel efficiency. I urge the Congress to enact this proposal without delay.

To further promote energy conservation, stimulate urban growth and create new employment opportunities in the inner cities, I urge the Congress to support mass transportation authorization legislation. This year I will seek reauthorization and extension of the public transportation grant program.

With the assistance of the Congress, we have taken a number of positive steps to reform outmoded transportation regulation. The Airline Deregulation Act of 1978 is working well, with reduced passenger fares per mile, and with the airlines better able to withstand the effects of recession and fuel price increases than would have otherwise been possible. To continue that type of progress, last year I submitted truck and rail regulatory reform bills and I am committed to seeking their enactment in 1980. These important bills will save consumers billions of dollars annually and reduce wasted fuel consumption.

To further improve America's railroads, I have introduced legislation to direct Federal railroad financial assistance toward restructuring of failing railroads and improved employment efficiency.

I will also ask Congress to increase funding for and extend the life of the Northeast Corridor Improvement Project to improve passenger rail services in the Northeast.

Statutory authority for present airport programs and related aviation taxes will expire during 1980. I have already sent to the Congress a proposal to use nearly $15 billion from the Airport and Airways Trust Fund over the next five years for airport and aviation expenses. I urge Congress to enact this proposal this year.

Finally, I am committed to the further development of our maritime industry. To achieve maximum export competitive position for the United States, the ties between our port facilities and our land transport facilities must be greatly improved. Last year, my Administration conducted a comprehensive review of maritime policy and transmitted to the Congress our goals for liner regulation and merchant marine promotion. This year, we will be working with the Congress to pass legislation that embodies our interest in expanded trade and a strong merchant marine fleet.

### SPECIAL NEEDS

#### WOMEN

The efforts of my Administration over the last several years have been concentrated on providing American women with a full range of opportunities. Programmatic initiatives have been developed to overcome the widespread discrimination and disparities which women have faced in education, in health, and in employment.

The Women's Education Equity Act has been funded in both Titles I and II to provide school boards with grants for programs designed to end discrimination in education. The avoidance of discrimination in education has been also stressed through improvements in the enforcement of existing civil rights legislation.

The particular health problems faced have been addressed with increases in the family planning funds under Title XX, as well as improved teenage pregnancy funding and programs. Further, my National Health Plan provides complete coverage to pregnant mothers and infants without cost.

Employment still continues to be a major problem with a wide gap between the average week wage of men and women. This is being addressed through major improvements in the funding for the Women's Bureau of the Department of Labor for model training programs and research projects.

CETA prime sponsors have been matched on a four-to-one basis to improve the amount of funding for these programs.

In the year ahead, the Administration will be supporting the passage of legislation to decrease domestic violence and provide shelters for battered spouses.

#### FAMILIES

As part of my Administration's effort to focus attention upon and strengthen the family structure, last year I established the Office of Families within the Department of Health, Education, and Welfare. That office will help coordinate our activities in this vital area. Later this year, we will hold the White House Conference on Families, which I initially proposed during my 1976 campaign. This conference, the culmination of three years of work, will help focus public attention on the problems affecting families and on the means needed to solve or avoid those problems.

#### OLDER AMERICANS

My Administration has taken great strides toward solving the particular problems faced by senior citizens. Early in this term we worked successfully with the Congress to assure adequate revenues for the Social Security Trust Funds. I have also signed into law legislation prohibiting employers from requiring retirement prior to age 70, and removing mandatory retirement for most Federal employees. Further, the Administration worked closely with Congress to amend the Older Americans Act in a way that has already improved administration of its housing, social services, food delivery, and employment programs.

This year, I will be submitting to Congress a budget which again demonstrates my commitment to programs for the elderly. It will include increased funding for nutrition, senior centers and home health care, and will focus added resources on the needs of older Americans. I will also be seeking to strengthen further the Social Security System by proposing legislation to permit borrowing among the separate trust funds.

With the 1981 White House Conference on Aging approaching, my Administration is making every effort to assure an effective and useful conference. This form should enable older Americans to voice their concerns and give us guidance in our continued efforts to ensure the quality of life so richly deserved by our senior citizens, with special attention to those in need of long-term care.

#### REFUGEES

In 1979 my Administration made significant progress in resolving a number of problems arising from the increase in refugees. Last March, I proposed comprehensive refugee legislation, and I regard its passage as a high priority this year. The legislation—which is the first comprehensive reform of our refugee immigration and domestic resettlement policies in twenty-eight years—will bring common sense and cohesion to an unnecessarily fragmented approach to international and domestic refugee needs. Under vigorous new leadership, the Office of the U.S. Coordinator for Refugee Affairs, which I created last year, will aggressively address the needs of refugees at home and abroad. We will also encourage greater cooperation with the private sector and other actions to ensure successful refugee resettlement.

#### VETERANS

As our commitment to peace and our national security remains as strong as ever, so too is our Nation's obligation to those whose past service to our country helped to keep peace in the world. For that reason, my Administration's commitment to the needs of America's veterans will remain a high priority.

My Administration is committed to sustain high quality health care in the V.A. hospital system, the largest in the free world, and to encourage its growth in the most effective and efficient manner. That commitment will be reflected in my budget for FY 1981. The system must maintain its independent integrity.

In 1980, we will continue to honor and seek recognition of all our Nation's veterans, but we must acknowledge that veterans of the Vietnam War have yet to be accorded the full honor bestowed upon veterans of past wars. We will continue this year to assist Vietnam-era veterans with special needs and concerns, building on my initiative last year for these veterans. Accordingly, this year, I will again ask the Congress to reform and revitalize the VA's vocational rehabilitation program, and to extend eligibility for the G.I. Bill to those veterans of the Vietnam War era who are most in need of advanced job training opportunities. In addition, I will seek increased benefits for the recipients participating in the current G.I. Bill program. The Nation's veterans deserve these benefits, and I am committed to serving them.

My Budget also proposes legislation to grant a cost-of-living increase for the recipients of compensation for disabilities incurred while in the service of their country.

### GOVERNMENT ASSISTANCE

### GENERAL AID TO STATE AND LOCAL GOVERNMENTS

Since taking office, I have been strongly committed to strengthening the fiscal condition of our Nation's State and local governments. I have accomplished this goal by maintaining consistent and strong economic growth, and by encouraging economic development of local communities, and by supporting the General Revenue Sharing and Counter-Cyclical Fiscal Assistance programs.

### GENERAL REVENUE SHARING

This year I will propose the renewal of General Revenue Sharing. My Administration's proposal will forge a closer partnership among the Federal, State and local governments and will further emphasize the pivotal role of the States in our Federal system. My proposal for GRS renewal also will provide additional aid to the cities and counties that are most strained fiscally.

I will soon send legislation to Congress that will extend GRS for five years at the current funding level of $6.9 billion. One-third of the money will be provided to State governments on the basis of the current distribution formula. As a condition for continued payments to the States, each State will be required to constitute a broadly-based Commission to assess and address the fiscal problems confronted by the State and by the local governments within the State. These Commissions will provide a mechanism for involving the States to a greater extent in the Federal-State-local government partnership.

Two-thirds of GRS payments will be provided to local governments on the basis of population, tax effort and per capita income. While I will propose retention of the basic distribution formula for local governments, I also will propose a number of modest formula changes to provide greater aid to localities with large service responsibilities and with insufficient fiscal resources.

My proposal for GRS renewal will be the cornerstone of my policy for Federal-State-local government relations in the 1980's. This policy will emphasize the need for all levels of government to cooperate in order to meet the needs of the most fiscally strained cities and counties, and also will emphasize the important role that GRS can play in forging this partnership. I urge Congress to move quickly on my GRS proposal, to assure that our Nation's States and localities can begin the 1980's in sound fiscal condition.

### COUNTER-CYCLICAL AND TARGETED FISCAL ASSISTANCE

Last year, I submitted to Congress a two-part fiscal aid package designed to strengthen further the fiscal condition of our Nation's States and localities. The first part of this legislation provided standby counter-cyclical legislation to protect States and localities from unexpected changes in the national economy. The second part provided transitional highly targeted fiscal assistance in FY 1980 to only the most distressed local governments.

Substantial progress has been made on this legislation in the past year. The Senate passed legislation providing both targeted fiscal assistance and counter-cyclical aid in August, 1979, and similar legislation is now ready for House action. It is important that Congress complete its action on this legislation early this year.

### URBAN POLICY

Two years ago, I proposed the Nation's first comprehensive urban policy. That policy involved more than one hundred improvements in existing Federal programs, four new Executive Orders and nineteen pieces of urban-oriented legislation. With Congress' cooperation, fifteen of these bills have now been signed into law. Additional action is expected to put into place more of these proposals this year.

### ECONOMIC DEVELOPMENT

One of the principal goals of my domestic policy has been to strengthen the private sector economic base of our Nation's economically troubled urban and rural areas. With Congress' cooperation, we have substantially expanded the Federal government's economic development programs and provided new tax incentives for private investment in urban and rural communities. These programs have helped many communities to attract new private sector jobs and investments and to retain the jobs and investments that already are in place.

When I took office, the Federal government was spending less than $300 million annually on economic development programs, and only $60 million of those funds in our Nation's urban areas. My FY 1980 budget requested more than $1.5 billion for economic development grants, loans and interest subsidies and more than $2.5 billion for loan guarantees. Approximately 60% of these funds will be spent in our Nation's urban areas. My FY 1981 budget continues these programs at these already high levels. In addition, we have extended the 10% investment credit to include rehabilitation of existing industrial facilities as well as new construction.

This year we need to continue our progress by extending and expanding the programs of the Economic Development Administration. With Congress' cooperation, this legislation already has passed both the House and the Senate. Both the House and the Senate bills include the key elements of my original National Development Bank proposal and provide a substantial expansion of the economic development grant, loan, loan guarantee and interest subsidy programs of the Federal government. This legislation is vitally important to the economic revitalization and redevelopment of our Nation's economically troubled urban and rural areas. I am hopeful that the conferees will complete their work shortly so that we can get these essential programs underway.

I continue to believe that the development of private sector investment and jobs is the key to revitalizing our Nation's economically depressed urban and rural areas. To ensure that the necessary economic development goes forward, the Congress must enact legislation reauthorizing the programs of the Economic Development Administration. That legislation is now in Conference, and I urge the conferees to complete their work soon, so that we can provide a foundation for the economic development of our Nation in the 1980's.

### COMMUNITY DEVELOPMENT

The partnership among Federal, State and local governments to revitalize our Nation's communities has been a high priority of my Administration. When I took office, I proposed a substantial expansion of the Community Development Block Grant (CDBG) program and the enactment of a new $400 million Urban Development Action Grant (UDAG) program. Both of these programs have provided essential community and economic development assistance to our Nation's cities and counties.

This year, I will ask Congress to reauthorize both the CDBG and UDAG programs. I will propose that the CDBG program be reauthorized for three more years, and that a $150 million increase in funding be provided for FY 1981. I also will propose that the UDAG program be extended for three years, and that $675 million be provided for this program in the upcoming fiscal year. These actions should help our Nation's cities and counties to continue the progress they have made in the last three years.

### RURAL POLICY

Since the beginning of my Administration, we have taken steps to address the pressing needs of a changing and rapidly growing rural America. For many rural areas, and for most rural residents, the last decade was a time of rapid growth and development. While this growth and development has produced higher income and increased jobs in rural communities, it has also created substantial housing, energy, transportation, health, and management problems.

Last December I announced our Small Community and Rural Development Policy, which is the culmination of several years' work and is designed to address these pressing problems now affecting rural areas. The major elements of the policy involve:

- —Creation of the position of Under Secretary of Agriculture for Small Community and Rural Development to provide leadership in carrying out this policy.
- —Establishment of an inter-agency working group to assist in the implementation of this policy.
- —Appointment of a citizens Advisory Council to advise the President on the performance of the Federal government in the implementation of this policy and to recommend needed changes.
- —An invitation to the Nation's government-formed rural development councils to work in partnership with

Federal agencies in delivering State and Federal programs to rural areas.

—A directive to the working group to annually review existing and proposed policies, programs, and budget levels to determine their adequacy in meeting rural needs and fulfilling the policy objectives and principles.

This is a landmark policy. It is the first time rural affairs has been given the prominence of a Presidential policy. Although many new program authorities for dealing with rural problems have been provided over the past two or three decades, there has been no institutional capacity at the Federal level for coordinating and focusing these efforts in a coherent and effective way. This policy provides that capacity, backed by my personal commitment to make it work.

My Administration will be working with the Congress this year to pass legislation needed to fulfill the commitment of this rural policy initiative.

### CONSUMERS

#### CONSUMER REPRESENTATION

Last September I signed an Executive Order designed to strengthen and coordinate Federal consumer programs and to establish procedures to improve and facilitate consumer participation in government decisionmaking. Under the Order, each Federal agency must adopt and implement its own strong consumer program.

I also established an interagency Council to coordinate the Agencies' actions in responding to the Executive Order. This year, under the leadership of my Special Assistant for Consumer Affairs, we will be working to make certain that the Order is faithfully implemented and that consumers receive better protection and assistance from Federal agencies.

My Administration will continue to support efforts to provide financial assistance in regulatory proceedings to citizen groups, small businesses and others whose participation is limited by their economic circumstances. These programs are needed to balance the regulatory process by assuring opportunities for broad public involvement in these proceedings.

Finally, the Administration will continue to support reform of class-action procedures to ease the unnecessary burdens and costs of class actions, while at the same time preventing their use as an harassment technique.

#### NATIONAL CONSUMER COOPERATIVE BANK

My Administration worked closely with the Congress to create the National Consumer Cooperative Bank. The Bank is to provide loans, loan guarantees, and other financial services to non-profit consumer cooperatives, operating in such areas as food, housing, health, and auto repair.

To demonstrate my commitment to this innovative institution, I have signed legislation increasing appropriations for the Bank from $4 million in fiscal 1979 to $74 million in fiscal 1980. Legislation has also been signed adding two members to the Bank's board of directors—one to represent the interests of small business and one to represent the general public.

This year we will continue our efforts with Congress to make the Bank a strong and vital resource for consumers.

#### CONSUMER SERVICES INFORMATION

Genuine competition is lacking in many service industries because consumers generally lack comparative cost and quality information. To help alleviate this problem, my Administration will assist non-profit groups and State and local government agencies to develop local consumer information systems to provide accurate cost and quality data on locally provided services. An essential part of this effort will be an evaluation of the impact of better consumer information on inflation and productivity in the service sector.

### SCIENCE

#### SCIENCE AND TECHNOLOGY

Since the beginning of my Administration, I have been committed to strengthening our Nation's research and development capability and to advancing those areas of science and technology which are vital to our economic and social well-being. That commitment has been reflected in: a 40% increase in basic research funding, resulting in the highest research and development funding in our Nation's history; a new Automotive Research initiative in which the industry, in partnership with the Federal government, will undertake basic research essential to help improve future automobiles; an acceleration of scientific and technological exchanges with the People's Republic of China; a major review of space activities and needs, resulting in a 60% increase in space funding and in the development of a space policy that will set the direction of our space efforts over the next decade; and a major new program to encourage industrial innovation.

Each of the undertakings will be pursued, in cooperation with the Congress, in this year.

#### SPACE

The diversity of our activities in space shows that space technology has become an integral part of our lives—in communications, in remote sensing for defense and civilian purposes, and in studies of the earth and the universe. Guided by a sound, aggressive, and fiscally responsible space policy, my Administration has undertaken a concerted effort to support and further our space activities.

During my Administration, the expenditures for Federal space programs have increased by 75%. Much of this increase is to meet the increasingly operational nature of our space activities. Nearly half of our expenditures are now for defense purposes; photo-reconnaissance satellites, for example, are enormously important in stabilizing world affairs and thereby make a significant contribution to the security of all nations. And my new initiative to establish an oceanic satellite system will provide invaluable ocean data for both the civil and defense sectors, thereby avoiding unnecessary duplication.

I have also emphasized space science and exploration, continuing to fund such spectacular programs as the Voyager missions that provided us with the remarkable close-up views of Jupiter and its moons. I am proposing two new measures—the space telescope and the new Gamma Ray Observatory to provide a unique capability to observe distant galaxies and to obtain information about our universe from outside the earth's obscuring atmosphere.

In 1980, I will continue my strong support for the space program. That will be reflected in my budget and in my continued commitment to the space shuttle.

### ARTS & HUMANITIES

#### ARTS

The arts provide fundamental enrichment for our Nation. The National Endowment for the Arts has played a major role in focusing public attention on the arts. In doing so, the Endowment has brought wider audiences from all parts of the country into contact with all of the arts.

Since the beginning of my term, I have increased the government's support for the Endowment's activities. I will continue that record of expanded support again this year. This will enable the Endowment to strengthen its efforts to open the arts to new audiences, new forums, and new parts of the country.

#### HUMANITIES

The humanities play a vital role in deepening our understanding of culture and society. To enable the National Endowment for the Humanities to continue its important efforts, I will again be proposing increased funding for the Endowment.

While maintaining the on-going programs aiding scholarly research, education, and cultural interpretation, the Endowment will use these increased funds to augment its support for:

—research designed to increase our understanding of the traditions, cultures, and directions of countries in the Third World;

—studies exploring the complex public and ethical issues created by an increasingly technological society; and

—efforts to preserve the priceless documents and other materials that constitute the heritage of this Nation and of its regional and ethnic communities.

To bring the fruits of this work to increasing numbers of the public at large, support will be provided for humanities activities in libraries, museums, and media, as well as for a variety of special activities tailored to the needs of groups that have traditionally not had ready access to opportunities for learning in the humanities.

In pursuing these objectives, the Endowment will concentrate on using Federal funds to stimulate support from non-Federal sources, in order to enhance our tradition of private philanthropy and to expand the financial base of our cultural institutions.

#### DISTRICT OF COLUMBIA

No longer is our Nation's Capital a convenient target for misdirected political attacks. My Administration has developed a partnership for progress with the District of Columbia.

My Administration worked with the last Congress to pass a proposed Constitutional amendment granting full voting representation to the citizens of our Nation's Capital. The ratification process for this proposed amendment has begun and I urge the State legislatures which have not ratified the resolution to join those which have. We will continue our efforts this year in the ratification effort.

Last year, progress was made toward strengthening the District's ability to meet its citizens' needs. With the Congress' help, we enacted legislation authorizing construction of the full METRO Mass Transit System and legislation funding the District's pension plan for municipal employees.

In 1980, we will build on this record. My Administration will continue to work closely with the Congress and Mayor Barry to expand home rule for the District, including development of a sensible formula for determining the Federal payment to the District.

I will continue working with Mayor Barry to make our Nation's Capital City a model for the rest of the Nation.

### COMMISSION ON THE HOLOCAUST

Last year, I received and approved the recommendations of the President's Commission on the Holocaust, which I established to assess how our government might officially recognize, for the first time, the tragedy of the Holocaust. I will shortly be appointing a Council of distinguished Americans to develop ways to implement the Commission's proposals. The Council and my Administration will work closely with the Congress as we establish an appropriate memorial to the six million Jews and the millions of other victims of Nazism during World War II.

## IV. MAKING GOVERNMENT EFFECTIVE AND EFFICIENT

One of my major commitments as a candidate was to make the Federal government more effective and efficient. Over the past three years, with Congress' help, I believe that enormous progress has been made toward that goal. Reforms thought to be impossible—such as Civil Service Reform—have been enacted. Regulatory burdens—such as airline regulation and government paperwork—have been reduced or eliminated. This coming year, I intend to work with the Congress to improve further the government's ability to serve the nation effectively.

### GOVERNMENT REORGANIZATION

One of my highest priorities has been to improve the quality and efficiency of Federal programs through reorganization. Since I took office, we have submitted 13 reorganization initiatives to Congress, and Congress has approved all of them. These initiatives have strengthened the Federal government's capacity to deal effectively with such critical issues as energy, civil service, disaster relief, civil rights, international development assistance, education and trade.

In 1979, Congress approved legislation that I sought to consolidate education programs in a new Cabinet department. The Department of Education will provide full-time leadership, improved management and direct accountability for its performance to me, to the Congress and to those involved in education at every level.

This month I put into effect a major reorganization of the Federal government's trade functions approved by Congress last year. In conjunction with the Multilateral Trade Negotiations Agreements this reorganization will ensure that expanded trade opportunities for American business abroad are fully realized, and that my goal of trade expansion is given a higher priority by the Federal government.

Organizational initiatives are also an important part of my energy program. We have consolidated enforcement functions for the Alaska Natural Gas Transportation System under a single Federal Inspector to ensure timely completion of the natural gas pipeline. To reduce our dependence on foreign oil, I have proposed the creation of an Energy Mobilization Board which will expedite Federal, State, and local decisions on proposed energy facilities. I am also urging the Congress to approve creation of an Energy Security Corporation to spur development of a domestic fuels industry.

This year I will propose to Congress another significant reorganization: a plan which will strengthen the internal management and effectiveness of the Nuclear Regulatory Commission. Safety is our highest concern in regulating nuclear power development, and my reorganization plan will help improve the NRC's ability to ensure nuclear safety.

### GENERAL MANAGEMENT REFORM

To simplify the government for our citizens and to reduce the burden of unnecessary requirements and regulations, we will pursue a number of initiatives this year. We have instituted a government-wide management system to mandate the cost effectiveness of new regulations and the sunsetting of old ones. In 1980, we will continue to pursue further reform of regulations through legislation designed to make permanent a new framework for managing the regulatory process, and legislation to reduce paperwork and red tape. We will also pursue initiatives to simplify the eligibility requirements for human services programs and to improve the management and delivery of social services through increased use of private sector skills and talent. This reform will reduce the obstacles for needy citizens seeking assistance and improve our ability to remove fraud from the system.

Last year, we implemented a program to manage the government's cash flow more efficiently. We have saved over $450 million a year, and we expect further annual savings of $600 million through more timely collection of cash payments, tighter control over disbursements and reductions in idle balances.

We have vigorously implemented legislation passed last year to establish independent inspectors general in each department and coordinated their work through the Executive Group to Combat Fraud and Waste in Government. To spot areas where management reform is especially likely to increase efficiency, I have created a Management Improvement Council to diagnose such circumstances and prescribe a cure.

We will continue to pursue vigorously our efforts to improve the structure and management of government programs. This is tough, unglamorous work, but it is essential to reduce the cost of government and to provide better service to the American people.

### CIVIL SERVICE AND COMPENSATION REFORM

In March 1978 I said that civil service reform would be the centerpiece of my government reorganization efforts. The Congress supported it, and I am pleased to report it is working very well. In the first real test of the reform act, over 98% of the eligible top-level managers joined the Senior Executive Service, choosing the challenge and accountability demanded by this new corps of top executives. The Office of Personnel Management, the Merit Systems Protection Board, and the Federal Labor Relations Authority authorized by the Act have operated effectively in their first year. And the agencies throughout the government continue to make substantial progress in implementing the other important civil service reforms. For the first time in the hundred year history of the civil service system Federal employees can get and hold jobs, and be paid, on the basis of actual on-the-job performance—not merely length of service.

Last year, I asked the Congress to take the next step in my Federal Employee Compensation Reform Message. I urged you to pass a pay reform bill which would modernize the Federal compensation system. This legislation is fair to Federal employees and to American taxpayers alike. Our white collar, blue collar and military compensation systems must be reformed in order to make certain that we neither overpay nor underpay Federal employees. It is a fair bill, and one which will help restore public confidence in the Federal service. I urge Congressional action on it.

### REGULATORY REFORM

Over the past three years, we have put into place a comprehensive program to overhaul the Federal regulatory establishment and eliminate unnecessary regulatory burdens. For 1980, I am determined to continue the progress of this effort; it is the most important part of my ongoing campaign to make our government more efficient and effective.

*Airline deregulation.* The Airline Deregulation Act of 1978 has revolutionized air transportation. In the first year of its operation, the new environment of free competition created by the law produced a record number of flights and passengers, a much wider variety of service packages, and a savings of approximately $2.5 billion in the fares paid by the travelling public. Under the Act, regulatory controls will continue to be relaxed, until in 1985, the CAB itself will be completely phased out of existence.

*Trucking deregulation.* The trucking industry is enmeshed in detailed regulations that control the routes truckers can drive and the goods they can carry. In addition, truckers are allowed to fix prices through industry rate bureaus. This regulatory system works to stifle competition, waste fuel, reduce service to small towns, and inflate prices.

My appointees to the Interstate Commerce Commission have started modernizing the system, but we need legislation to provide comprehensive reform. I have submitted a bill to open up entry, lift restrictions on the goods truckers may haul and the routes they may use, promote vigorous price competition, reduce regulatory delays, and improve safety on the road.

This bill is an important step in fighting inflation, and I look forward to passage of a sound bill by early summer. If appropriate legislation is not enacted, I would expect the ICC to proceed under its authority to implement reform initiatives.

In addition, we need legislation to increase competition in the household moving industry. The Senate recently passed a constructive bill, and I urge the House to strengthen and pass it.

*Railroad deregulation.* Railroads have traditionally been one of the most overregulated industries in America. As a result, management initiative, service, and competitive pricing have been stifled. Railroad plants and equipment have deteriorated, and the average railroad industry rate of return on investment is far too low. My Administration will continue to work to eliminate these wasteful conditions and the regulatory structure which helps cause them. Our principal weapon in that effort is the railroad deregulation bill that I proposed last year. Enactment of significant railroad deregulation legislation this year is essential to restoring our railroad system to its former strength.

*Financial institutions regulation.* Last year the combination of deposit rate ceilings and outmoded restrictions on the asset powers of thrift institutions produced severe inequities for the small saver, substantial savings outflows from many thrift institutions, and disruptions in the availability of mortgage credit. Contrary to its intended purpose, the Regulation Q system has contributed to the cyclical nature of the housing market and has destabilized the flow of mortgage funds. In a related area, changing competitive relationships, as well as innovations in the market, have increased inequities and produced a continuing decline in Federal Reserve membership. Now is the time to take the actions necessary to prepare for the financial environment of the 1980's.

The Congress passed legislation in 1979 which increased the ability of many Americans to obtain mortgage credit. In addition, the Congress made major progress toward enactment of the historic financial reform legislation I proposed last year.

This year we will work closely with Congress to achieve final approval of our financial reform objectives: the phaseout of Regulation Q deposit rate ceilings, the broadening of the asset and liability process of thrift institutions, the approval of legislation to stem the decline in Federal Reserve membership, and the elimination of other unwarranted regulatory restraints. Prompt action is necessary to avert a significant decline in Federal Reserve membership and to assure a fair rate of return to the saver, a steadier flow of housing credit, and a stable financial environment for all classes of depository institutions.

This spring I will submit to the Congress the Administration's findings on the McFadden Act and other geographic restraints on banking activity.

*Telecommunications deregulation.* Technological advances, such as satellites, computers, and microwave relays, have made it practical to move much of the telecommunications industry from a regulated monopoly to a deregulated, competitive market. This shift is already underway and is benefitting individual customers as well as companies.

Toward that end, I will continue to support strongly ongoing efforts in Congress to pass a bill that will encourage and protect competition, remove needless regulation, and maintain universal, reliable service. In addition, we need this legislation to smooth the transition to a competitive environment by protecting workers' rights, ensuring against any large increases for rural telephone rates and providing needed national security and emergency preparedness powers.

*Regulation Reform Act.* In March of 1979, I sent to Congress the Regulation Reform Act. When enacted, this bill will assure that new and existing regulations will be rigorously scrutinized before they can be issued or retained, that wasteful delays are eliminated from the regulatory process, that key regulatory officials be selected purely on grounds of integrity and competence, and that the public will be assured meaningful opportunities to participate in regulatory decision-making. The reform steps I have taken administratively have already avoided billions of dollars in unnecessary regulatory costs, erased thousands of useless regulations from the books of OSHA and other agencies, and opened up the regulatory process across the Executive Branch. Enactment of my regulatory reform bill legislation is needed in this Congress, to strengthen these reforms, and extend their benefits to the independent regulatory commissions.

*Presidential oversight of regulation.* Many regulatory programs are vital to the protection of the health, safety and welfare of our citizens. These we must manage effectively, while cutting out wasteful red tape, rigidity, and costs imposed on industry and the public, and enhancing opportunities for public participation in decision-making. From the outset of my Administration, I have actively used my authority as from the Office of Management and Budget, through a Regulatory Analysis Review Group to assure that regulatory costs are accurately evaluated, and through a Regulatory Council to eliminate duplication and overlap among individual agencies. We will pursue these efforts in 1980.

*Legislative Veto.* While supporting the Regulation Reform Act, I will strongly oppose proposals that would undermine the ability of the President to manage the regulatory process, or would cripple the effectiveness of needed programs. In particular, my Administration will oppose proposals to subject individual agency rules to veto by one or two houses of Congress, to transfer regulatory policy decision-making authority to the Federal courts, and to create rigid statutory procedures for Presidential supervision of Executive Branch regulatory agencies.

This last year has seen Congress besieged by assaults on various important regulatory statutes, especially the Federal Trade Commission Act, seeking groundless exemptions, crippling loopholes, and unprecedented Congressional interference with ongoing proceedings. I will resist strenuously all such efforts to confuse special interest pressure with regulatory reform.

### COMMUNICATIONS

My highest priority in the communications area is passage of regulatory reform legislation covering the telecommunications industry. In addition, in 1980 we will continue our program to make the media more diverse and to ensure that the public gets the full benefit of the advances in communications technologies. Administration efforts include:

- —working to increase minority participation; already our program has helped produce a two-thirds increase in minority ownership of broadcast stations, and we will continue that progress;
- —working with the Federal Communications Commission to continue to eliminate needless paperwork and regulations;
- —pursuing plans to open up channels for as many as 1,000 new radio stations, to improve service to rural areas and provide more opportunities for minorities;
- —developing proposals to improve the way frequencies are assigned, including incentives for users to conserve the increasingly crowded radio spectrum;
- —encouraging the use of satellites, cable TV, and other technologies to deliver public services and to improve rural communications;
- —working with Congress and the FCC to protect First Amendment rights and the free flow of information, through such measures as my bill on police searches of newsrooms; and
- —continuing to support a strong, independent public broadcasting system and working to increase its coverage to reach all Americans.

In addition, I will submit to the Senate, later this year, the Treaty and Protocol that resulted from the World Administrative Radio Conference concluded in Geneva in December. This conference, and the follow-up conferences that will be held in the next few years, will determine the utilization of the radio spectrum for the rest of the century. We prepared for this conference for over two years; our delegation has secured for the United States all allocations necessary for its civilian and military services while also responding to the legitimate needs of the Third World nations.

### SUNSET

We will continue to work with Congress to pass sunset legislation. This legislation will overcome the inertia that lets Federal programs continue when they have outlived their purpose. It will ensure that Congress regularly reviews programs to decide whether they should be changed or eliminated. A comprehensive sunset bill, with a strong mechanism to force action when programs need change, is a vital building-block toward making the government more efficient.

### PAPERWORK REDUCTION

In the past three years, my Administration has cut the amount of time Americans spend filling out Federal forms by 127 million hours—almost 15%. I recently issued an Executive Order to continue this progress by strengthening our management program. However, Congress is enacting new paperwork requirements in energy, environmental protection, and other areas, and we must have legislation to provide the strong administrative controls that will be needed to minimize these burdens.

I urge Congress to pass a Paperwork Reduction Act to close the wide loopholes in Executive Branch oversight power and create new authority to halt duplicative data collection. In addition, I urge legislation be enacted to improve Federal statistical systems by strengthening central management and by encouraging agencies to share data, under new, tough confidentiality safeguards.

### LOBBY REFORM

The American people have a right to know what significant influences affect their national legislature. The proliferation of well-financed, organizational lobbying activities during recent years has demonstrated the clear need for reform of the outdated and ineffective lobby disclosure law now in effect. This year my Administration will again work with Congress to pass a sound lobby law reform bill—one that respects the First Amendment rights of all Americans and minimizes paperwork burdens, yet allows meaningful disclosures.

### PUBLIC FINANCING OF CONGRESSIONAL ELECTIONS

The impact of special interest contributions on congressional campaigns has grown dramatically in recent years. It is time to adopt public financing for congressional elections before it is too late. Such public financing will avoid even the appearance of undue special interest influence, and will allow worthy candidates without adequate funds to run for Congress. I urge the Congress to act on this legislation.

### JUDICIAL REFORM

In my Civil Justice Reform Message last year, I made proposals to increase the efficiency, cut the cost, and enhance the integrity of our Federal court system. Last year, I signed the Federal Magistrates Act of 1979. Both the Senate and the House have passed the Dispute Resolution Act, which would develop simple and informal means of resolving citizen disputes, and I look forward to early final action on this legislation. The Federal Courts Improvement Act has passed the Senate, and I urge the House to act on it early in this session. I hope that the Congress will also pass the other bills recommended in my Message, such as the one which would curtail diversity jurisdiction.

### LEAA

LEAA's potential to improve and strengthen State and local criminal justice programs has never been realized. Two years ago, I proposed far-reaching reforms in its structure and programs. Last month, Congress passed, and I signed, a bill which incorporated most of those reforms and which reauthorized LEAA for four more years. These reforms will preclude excessive expenditure of funds for equipment, enable better information and research about crime problems and permit funding only of innovative programs which have a high probability or record of proven success. During this year we will implement the new legislation in a way that makes certain the agency is efficiently carrying out its mission of providing meaningful law enforcement assistance.

### PATENT REFORM

As part of the Industrial Innovation policy that I announced last year, we will be seeking to reform our patent laws in a way which will spur creativity and invention. The Administration will be working with Congress to develop a single policy to guide the Departments and Agencies dealing with patents resulting from federally-sponsored research. Such uniform treatment should encourage the commercial use of discoveries while protecting the taxpayers' investment.

## V. PROTECTING BASIC RIGHTS AND LIBERTIES

Since taking office, I have worked to protect and enhance the basic rights and liberties guaranteed to Americans under the Constitution and our other laws. With your cooperation, we have made important progress in this area. This year, though, important work remains to be done if our goal of ensuring equality and basic freedoms for all Americans is to be realized. The dream of equal opportunity remains unfulfilled. I will do whatever I can to bring that dream closer to realization.

### EQUAL RIGHTS AMENDMENT

I am committed as strongly as possible to the ratification of the Equal Rights Amendment. Its ratification this year will be one of my highest priorities.

As a result of our efforts in 1978, the Equal Rights Amendment's deadline for ratification was extended for three years. We have now two years and three States left. We cannot afford any delay in marshalling our resources and efforts to obtain the ratification of those three additional States. With your help, I believe we can succeed this year.

Although the Congress has no official role in the ratification process at this point, you do have the ability to affect public opinion and the support of State Legislators for the Amendment. I urge Members from States which have not yet ratified the Equal Rights Amendment to use that ability.

### CIVIL RIGHTS

The completion of the civil rights reorganization and significant operational improvements in the agencies that carry out equal employment opportunity functions have enabled the federal government to shift its focus for the first time to large-scale enforcement efforts. These have been buttressed by our vigorous and successful posture in several landmark affirmative action cases. At the same time, the reorganization mandate to eliminate unnecessary costs, paperwork and other burdens to businesses is being vigorously implemented by the Equal Employment Opportunity Commission. That will continue with increased resources this year.

To make certain that civil rights activities are given the highest priority in the Agencies, we have created a civil rights unit in the Office of Management and Budget. This new unit will monitor civil rights enforcement and advise the Director of OMB on the funding and management resources needed for effective enforcement.

### MARTIN LUTHER KING, JR.

Dr. Martin Luther King, Jr. led this Nation's effort to provide all its citizens with civil rights and equal opportunities. His commitment to human rights, peace and nonviolence stands as a monument to his humanity and courage. As one of our Nation's most outstanding leaders, it is appropriate that his birthday be commemorated as a national holiday, and I will continue to work with the Congress to enact legislation that will achieve this goal.

### FAIR HOUSING

Enforcement of laws against housing discrimination has lagged in comparison with the employment area. Because there is no adequate enforcement mechanism, Title VIII of the Civil Rights Act, which prohibits discrimination in housing, has been largely ineffective. I have strongly supported legislation which seeks to provide the Department of Housing and Urban Development with the power to hold administrative hearings and to issue "cease and desist orders" in cases where Title VIII has been violated. We will continue to work with the Congress during 1980 to enact this long-overdue authority. Its enactment will continue to be my highest legislative priority in the civil rights area.

### INTELLIGENCE CHARTERS

A legislative charter for the intelligence agencies and a charter for the FBI are long overdue. The failure to define in law the duties and responsibilities of these agencies has made possible some of the abuses which have occurred in recent years.

Several months ago, I submitted to the Congress a legislative charter for the FBI which protects the rights of our citizens while preserving the Bureau's ability to meet its important responsibilities. In 1980, we will continue to work with the Congress toward enactment of this legislation.

Events of the past year indicate the need for a strengthened and clearly defined role for our intelligence community. On the basis of the sound consultative work done already with Congress, I plan to submit a proposed charter early this year.

### HATCH ACT REFORM

Federal employees who work in nonsensitive positions should have the right to participate in off-the-job political activities. My Administration will continue to support legislation which would reform the Hatch Act to accomplish this goal, and would prevent any on-the-job political abuse.

### CRIMINAL CODE

The Federal criminal laws are often archaic, frequently contradictory and imprecise, and clearly in need of revision and codification. My Administration will continue to work with the Congress to develop a Federal criminal code which simplifies and clarifies our criminal laws, while maintaining our basic civil liberties and protections.

### LABOR LAW REFORM

Our labor laws are vital to ensuring that a sound labor-management relationship exists in collective bargaining. Efforts to abuse those labor laws, especially by unduly slowing or blocking their implementation, have increased in recent years. As a result, a reform of our labor laws is badly needed to guarantee that their intended spirit is fully observed and enforced.

I am again ready to work with the Congress to develop legislation which improves the fairness and effectiveness of our labor laws.

### HANDICAPPED

During my Administration, we have made great strides toward ending discrimination against handicapped people through broadened employment opportunities, educational opportunities, and greater access to public facilities and services. Just after I came to office, the Department of Health, Education and Welfare issued the first regulations on Section 504 of the Rehabilitation Act. Since then, numerous other Federal agencies have issued final regulations, and we expect to have regulations from all the necessary agencies by the end of 1980.

Last year I supported legislation which would prohibit discrimination against the handicapped in private employment and housing. I will continue to support that initiative this year and to clarify legislative and administrative uncertainty about provisions of the Acts affecting the rights or programs affecting handicapped individuals.

While my Administration has worked to improve programs serving the handicapped, we must continue to push for removal of psychological and physical barriers against handicapped people in our society. We are actively organizing and preparing for next year's International Year of the Disabled. The International Year will enable this country—with the public and private sector working together—to demonstrate its commitment to the disabled and to teach or learn from other nations about ways to advance the quality of life of handicapped individuals.

### PRIVACY

Changes in our society are threatening the rights to personal privacy. Government and private institutions collect increasing amounts of information about individuals. Many decisions that once were made face-to-face are now based on recorded data, and modern technology allows this data to be transferred throughout the country instantaneously. Much of this information must be collected and used to enforce the laws, provide financial services, and for other important services. However, these needs must be balanced against the right to privacy and against the harm that unfair uses of information can cause.

Last year, I announced the government's first comprehensive privacy program, building on legislation already passed to prevent improper use of wiretaps and improper access to personal bank records. This new program has five separate bills—establishing privacy safeguards for medical, research, bank, insurance, and credit records and providing special protections, modeled on the wiretap laws, for electronic funds transfer systems. In addition, I have proposed legislation limiting police searches of newsrooms to deal with the problems created by the Supreme Court's *Stanford Daily* decision.

My privacy program includes non-legislative action as well. We have improved the handling of Federal records—we stopped the growth of personnel records and started cutting back, and we established rules to control computer matching of Federal files. I have called upon employers to establish voluntary privacy codes for the records concerning their employees and launched nationwide hearings to promote that effort.

International guidelines are needed to protect the privacy of personal information transferred from one country to another, while avoiding disruption of needed information flows. We have spearheaded work in the Organization for Economic Cooperation and Development toward this end, and guidelines have been drafted for adoption this year.

The key protections, however, need legislation. I urge Congress to act now on the five privacy bills I have submitted.

### VI. PROTECTING AND DEVELOPING OUR NATURAL RESOURCES

Two of our Nation's greatest natural resources are our environment and our fertile agricultural capacity. Since I have been in office, I have worked with the Congress to preserve, protect and where appropriate, develop our natural resources. In the environmental areas, I have been concerned about the importance of preserving a clean environment, and have taken a number of major actions designed to foster such an environment.

In the agricultural area, I have taken the steps needed to improve farm incomes and increase our agricultural production to record levels. With your help we can continue to make progress in both of these areas in 1980.

### ENVIRONMENT

Balancing the need for resource development and conservation has been a major environmental theme of my Administration. I remain strongly convinced that this Nation can have economic and energy development and adequate environmental protection. As we open the decade of the 80's, all Americans can be proud of their natural and cultural heritage which continues to satisfy economic, recreational, and spiritual requirements.

1980 is the tenth anniversary of a decade of environmental awareness that began on Earth Day, 1970. During this past decade, monumental legislative achievements have occurred. These include: the National Environmental Policy Act, the Clean Air and Clean Water Acts, additions to our National Parks, Trails, and River Systems, and the Endangered Species Act. I was pleased to sign into law the reauthorization of the Endangered Species Act last year. During 1980 as we celebrate this tenth anniversary let us rededicate ourselves to the creation and maintenance of a safe and healthy environment, to the wise use and development of our natural resources, to the fair implementation of environmental statutes, to preserving unique wildlife resources, and to even greater achievements for improving the quality of life for all Americans.

During the next year, my Administration will vigorously pursue the protection of Alaskan lands; the implementation of an effective water resources policy; a careful implementation of domestic energy production programs, with proper regard for environmental values; a review of wilderness potential on the public lands; creation of a hazardous waste management program; fisheries development and coastal management policies.

### ALASKA LANDS

Passage of legislation which adequately resolves the allocation of Federal lands in Alaska continues to be my highest environmental priority. At stake is the fate of tens of millions of acres of beautiful land, outstanding and unique wildlife populations, native cultures, and the opportunity to ensure that future generations of Americans will be able to experience and benefit from these nationally significant resources.

The proposals which I have supported in the 95th Congress, and again during the first session of this Congress, assure that Alaska's great national treasures can be preserved, while providing for increased domestic energy production and for the economic needs of all Alaskans.

In addition to recommendations for designating National Parks, Wildlife Refuges, Wilderness Areas, National Forests, and Wild and Scenic Rivers on the Federal lands in Alaska, I have or will be proposing aggressive but environmentally sensitive oil and gas development programs in Alaska's outer continental shelf and National Petroleum Reserve. My Administration is also stepping up the transfer of 103 million acres of Federal land to the State of Alaska and 44 million acres to Alaskan natives so that both the State of Alaska and the Native Corporations can build their economic base.

However, in order to maintain the

proper balance between resource protection and development in Alaska, the Congress must now enact the comprehensive legislation which has been before that body for over two years. The 96th Congress will soon be asked to vote on what clearly amounts to the conservation decision of the century.

The House of Representatives has already passed a strong conservation bill and the Senate will shortly take up debate on this issue. I urge that the Congress carry out its responsibility to enact legislation which truly protects and preserves our natural heritage in Alaska.

### HAZARDOUS WASTE/TOXIC SUBSTANCES

One of the most important environmental and public health issues facing our Nation is the threat caused by the improper disposal of hazardous substances. Accidents like those at Love Canal and Valley of the Drums have highlighted the inadequacy of the existing laws and inability of governments at all levels to respond quickly and efficiently to these dangerous incidents. In the coming years, there may be thousands of hazardous waste sites which will need attention, the cost of which could be enormous. Clearly an effective public policy is needed to deal with this situation.

Last June, I submitted to Congress a comprehensive $1.6 billion legislative proposal that establishes a system to deal with releases from uncontrollable hazardous waste sites as well as spills of oil and hazardous substances. This system includes provisions for emergency government response, effective enforcement, liability and in some cases, economic compensation. The system also calls for a partnership with the States in cleaning up and containing this problem. This legislation is absolutely essential if we are to meet our responsibilities to the public and I urge the Congress to act on it expeditiously.

### NUCLEAR WASTE MANAGEMENT

The problems related to the management, disposal and storage of nuclear wastes remains one of the most serious problems with nuclear power. My Administration has been deeply concerned with this problem for the past three years. An exhaustive study and review of this problem has been undertaken by the Administration over the past year.

Based on the findings and recommendations of that study, I will soon be proposing to Congress comprehensive legislation that deals directly with this problem. My proposals, if enacted, will represent the biggest step forward in the area of nuclear waste management since the dawn of the nuclear age. I urge the Congress to take action in this area this year.

### RARE II

In 1979, I submitted to Congress my recommendations on wilderness for the National Forests under the RARE II procedure. These proposals include 15.4 million acres of new wilderness—the most desirable areas within the vast review. Over 10 million acres are undergoing further study. In addition, I directed the Forest Service to release for multiple use management the 36 million acres of land that was designated for non-wilderness. I urge the Congress to approve my recommendations this year.

### WATER POLICY LEGISLATION

Sound water management is vital to the economic and environmental health of our Nation.

Administrative implementation of the comprehensive water policy initiatives which I announced in June of 1978 is nearing completion. We will continue to work with the Congress to pass legislation needed to improve further Federal water resources program and to support the States in their primary responsibilities for water allocation and management.

I am pleased that last fall the Senate authorized an expanded grant program to the States for water management and water conservation technical assistance, and I expect the House to soon pass this legislation. The cost sharing bill which I have proposed is critically needed to give the States a more effective voice in setting water project priorities in state and Federal water policy decisions.

I believe the establishment of an independent review unit in the Water Resources Council is essential, and I urge the Congress to act quickly on the pending authorization. The independent review unit will provide an objective, impartial, technical analysis to the Administration and to the Congress, of water projects proposed for authorization or new-start construction funding. This information will enable the Administration and the Congress to make better informed decisions on where to invest the taxpayers' water resource dollars.

It should be clear that my Administration supports sound water resources development, and has taken several steps to improve the quality of projects sent to Congress for authorization and funding. I am concerned that the water projects authorization bills now under consideration by Congress threaten to overturn the progress made in recent years. I urge the Congress to give this legislation the careful and thoughtful scrutiny required by our joint commitment to restraining Federal spending and ensuring a sound environment.

### FISHERIES DEVELOPMENT

Last May, my Administration proposed a fisheries development policy that recognizes both the importance of the U.S. commercial fishing industry to the Nation's economy and that fish is an important food source. This policy includes a recognition of the potential for fisheries expansion within the Nation's 200-mile fisheries conservation zone, and the importance of the Federal government's creating a positive climate for fisheries development. In conjunction with this policy, my Administration has sent a legislative proposal on fisheries development to the Congress.

It is time that the United States begin taking action to more fully utilize the fisheries resources of the 200-mile economic zone. I urge the Congress to join with me in this effort.

### AGRICULTURE

#### AGRICULTURAL PROGRESS

While much work remains to be done, America's agriculture is by far the best in the world. Efforts made by my Administration, in cooperation with Congress, to secure economic stability for the farmer, have produced results.

In 1979, we experienced another record year for farm production. Net farm income jumped to $32 billion in 1979, a $4 billion increase over 1978. Agricultural exports also reached new highs, rising 18% in 1979 to $32 billion. Despite the suspension of exports to the Soviet Union, we can expect a continued healthy export picture for our Nation's farmers.

Last year the Secretary of Agriculture travelled around the country and conducted an extraordinarily detailed and creative dialogue with the Nation's farmers. He obtained invaluable suggestions on economic and social issues concerning farm life; as we prepare our farm program for this year and beyond, the advice of our Nation's farmers will clearly be reflected in the policies we develop with the Congress.

#### SOVIET GRAIN SUSPENSION

In response to the Soviet armed invasion of Afghanistan on Christmas Eve, I took several actions to demonstrate our Nation's resolve to resist such hostile acts of aggression against a sovereign, independent nation. One of the most important of these actions was the suspension of grain sales to the Soviet Union beyond the 8 million tons provided under our 1975 grains agreement. The Soviet Union had intended to purchase an estimated 25 million tons of U.S. wheat and feed grains. Thus, the suspension of sales above the 8 million ton agreement level is expected to result in the freeing of about 17 million tons.

My decision to suspend these sales was a difficult one, but a necessary one. We could not continue to do business as usual with the Soviet Union while it is invading an independent, sovereign nation in an area of the world of strategic importance to the United States. I am fully committed to a policy of promoting international trade, and particularly the expanded export of U.S. agricultural products. I am proud of my Administration's record in this regard. Because of the aggressive efforts of American farmers and businessmen, working in cooperation with Federal representatives, and the provision of new authorities by Congress, we have set new export records in each of the past 3 years. Even with the Soviet suspension, we intend to set still another record in the coming year. In making my decisions on the suspension, I believed it would be unfair to ask the American farmer to bear a greater share of the burden and sacrifice than their fellow Americans were asked to bear. Farmers should not be penalized simply because they are part of an agricultural machine that is of growing strategic importance in the world.

To protect American farmers from the price depressing effects of the grain suspension, I directed the Secretary of Agriculture to take several actions:

—The Commodity Credit Corporation will assume the contractual obligations for grain previously committed for shipment to the Soviet Union.

- —The Department of Agriculture, acting through the Commodity Credit Corporation, will purchase wheat contracted for export to the Soviet Union for the purpose of forming an emergency international wheat reserve. In this connection, I will propose legislation authorizing release of this wheat for international aid purposes.
- —To encourage farmers to place additional grain in the farmer-held grain reserve, the Secretary of Agriculture has made several modifications in that important program.
- —The Commodity Credit Corporation will purchase corn at the local level to alleviate the congestion within the transportation system caused by the refusal of the International Longshoremen's Association to load grain up to the 8 million metric ton level.

In combination, these actions are expected to isolate from the market an amount of grain equivalent to that not shipped to the Soviet Union, thereby avoiding a decline in grain prices. I am pleased to report that these actions are having the desired results and that American farmers are being protected from the effects of the suspension.

If further actions are necessary to insure that American agriculture does not bear a disproportionately large share of the burden associated with this action, I will not hesitate to take them.

### CROP INSURANCE

We now have an assortment of Federal loan, grant and insurance programs designed to protect farmers from the economic risks associated with natural disasters. We recognized early in my Administration that these programs were in serious need of reform. They are marked by many shortcomings: inconsistencies in eligibility, inequities in the level of benefits to producers of different crops, and inefficiencies in the use of taxpayer money. Recent evidence of abuse in the agricultural disaster loan programs provides further evidence of the need for this reform.

I have sent the Congress a proposal to consolidate these authorities in the form of an all-risk comprehensive insurance program. Congress has made clear progress in devising an improved crop insurance program, but work remains to be done. I urge the Congress to finish its work on this legislation as soon as possible.

### INTERNATIONAL EMERGENCY WHEAT RESERVE

The Congress has not yet acted on the proposal I made in the last Session to create an International Emergency Wheat Reserve. This reserve of up to 4 million tons of wheat would be used to assure recipient nations that we will meet our international food aid commitments. The suspension of further grain sales to the Soviet Union provides an appropriate opportunity to provide this authority, and thereby establish guidelines for the release of wheat now being acquired by the Commodity Credit Corporation.

### FOREIGN POLICY

From the time I assumed office three years ago this month, I have stressed the need for this country to assert a leading role in a world undergoing the most extensive and intensive change in human history.

My policies have been directed in particular at three areas of change:

- —the steady growth and increased projection abroad of Soviet military power—power that has grown faster than our own over the past two decades.
- —the overwhelming dependence of Western nations, which now increasingly includes the United States, on vital oil supplies from the Middle East.
- —the pressures of change in many nations of the developing world, including the year old revolution in Iran and uncertainty about the future in many other countries.

As a result of those fundamental facts, we face some of the most serious challenges in the history of this Nation. The Soviet invasion of Afghanistan is a threat to global peace, to East-West relations, and to regional stability and to the flow of oil. As the unprecedented and overwhelming vote in the General Assembly demonstrated, countries across the world—and particularly the nonaligned—regard the Soviet invasion as a threat to their independence and security. Turmoil within the region adjacent to the Persian Gulf poses risks for the security and prosperity of every Western nation and thus for the entire global economy. The continuing holding of American hostages in Iran is both an affront to civilized people everywhere, and a serious impediment to meeting the self-evident threat to-widely-shared common interests—including those of Iran.

But as we focus our most urgent efforts on pressing problems, we will continue to pursue the benefits that only change can bring. For it always has been the essence of America that we want to move on—we understand that prosperity, progress and most of all peace cannot be had by standing still. A world of nations striving to preserve their independence, and of peoples aspiring for economic development and political freedom, is not a world hostile to the ideals and interests of the United States. We face powerful adversaries, but we have strong friends and dependable allies. We have common interests with the vast majority of the world's nations and peoples.

There have been encouraging developments in recent years, as well as matters requiring continued vigilance and concern:

- —Our alliances with the world's most advanced and democratic states from Western Europe through Japan are stronger than ever.
- —We have helped to bring about a dramatic improvement in relations between Egypt and Israel and an historic step towards a comprehensive Arab-Israeli settlement.
- —Our relations with China are growing closer, providing a major new dimension in our policy in Asia and the world.
- —And across southern Africa from Rhodesia to Namibia we are helping with the peaceful transition to majority rule in a context of respect for minority as well as majority rights.

The central challenge for us today is to our steadfastness of purpose. We are no longer tempted by isolationism. But we must also learn to deal effectively with the contradiction of the world—the need to cooperate with potential adversaries without euphoria, without undermining our determination to compete with such adversaries and if necessary confront the threats they may pose to our security.

We face a broad range of threats and opportunities. We have and should continue to pursue a broad range of defense, diplomatic and economic capabilities and objectives.

I see five basic goals for America in the world over the 1980's:

- —First, we will continue, as we have over the past three years, to build America's military strength and that of our allies and friends. Neither the Soviet Union nor any other nation will have reason to question our will to sustain the strongest and most flexible defense forces.
- —Second, we will pursue an active diplomacy in the world, working—together with our friends and allies—to resolve disputes through peaceful means and to make any aggressor pay a heavy price.
- —Third, we will strive to resolve pressing international economic problems—particularly energy and inflation—and continue to pursue our still larger objective of global economic growth through expanded trade and development assistance.
- —Fourth, we will continue vigorously to support the process of building democratic institutions and improving human rights protection around the world. We are deeply convinced that the future lies not with dictatorship but democracy.
- —Fifth, we remain deeply committed to the process of mutual and verifiable arms control, particularly to the effort to prevent the spread and further development of nuclear weapons. Our decision to defer, but not abandon our efforts to secure ratification of the SALT II Treaty reflects our firm conviction that the United States has a profound national security interest in the constraints on Soviet nuclear forces which only that treaty can provide.

Continuing close cooperation between the Congress and the Executive Branch will be required to achieve these goals. My most immediate legislative priorities include:

(1) Defense Department Authorization and Appropriations Bills

(2) Special International Security As-

sistance, for Pakistan and other countries

(3) Bilateral and Multilateral Foreign Assistance Bills, including Central America supplemental

(4) The China Trade Agreement

(5) Intelligence Charters

(6) Refugee Legislation and Funding

(7) Human Rights Conventions

(8) And, when appropriate, the SALT II Treaty.

One very immediate and pressing objective that is uppermost on our minds and those of the American people is the release of our hostages in Iran.

We have no basic quarrel with the nation, the revolution or the people of Iran. The threat to them comes not from American policy but from Soviet actions in the region. We are prepared to work with the government of Iran to develop a new and mutually beneficial relationship.

But that will not be possible so long as Iran continues to hold Americans hostage, in defiance of the world community and civilized behavior. They must be released unharmed. We have thus far pursued a measured program of peaceful diplomatic and economic steps in an attempt to resolve this issue without resorting to other remedies available to us under international law. This reflects the deep respect of our Nation for the rule of law and for the safety of our people being held, and our belief that a great power bears a responsibility to use its strength in a measured and judicious manner. But our patience is not unlimited and our concern for the well-being of our fellow citizens grows each day.

### ENHANCING NATIONAL SECURITY—AMERICAN MILITARY STRENGTH

The maintenance of national security is my first concern, as it has been for every President before me.

As I stated one year ago in Atlanta: "This is still a world of danger, a world in which democracy and freedom are still challenged, a world in which peace must be re-won every day."

We must have both the military power and the political will to deter our adversaries and to support our friends and allies.

We must pay whatever price is required to remain the strongest nation in the world. That price has increased as the military power of our major adversary has grown and its readiness to use that power been made all too evident in Afghanistan.

### THE U.S.-SOVIET RELATIONSHIP

We are demonstrating to the Soviet Union across a broad front that it will pay a heavy price for its aggression in terms of our relationship. Throughout the last decades U.S.-Soviet relations have been a mixture of cooperation and competition. The Soviet attack on Afghanistan and the ruthless extermination of its government have highlighted in the starkest terms the darker side of their policies—going well beyond competition and the legitimate pursuit of national interest, and violating all norms of international law and practice.

This attempt to subjugate an independent, non-aligned Islamic people is a callous violation of international law and the United Nations Charter, two fundamentals of international order. Hence, it is also a dangerous threat to world peace. For the first time since World War II, the Soviets have sent combat forces into an area that was not previously under their control, into a nonaligned and sovereign state.

On January 4 I therefore announced a number of measures, including the reduction of grain sales and the curtailment of trade and technology transfer, designed to demonstrate our firm opposition to Soviet actions in Afghanistan and to underscore our belief that in the face of this blatant transgression of international law, it was impossible to conduct business as usual. I have also been in consultation with our allies and with countries in the region regarding additional multilateral measures that might be taken to register our disapproval and bolster security in Southwest Asia. I have been heartened by the support expressed for our position, and by the fact that such support has been tangible, as well as moral.

The destruction of the independence of Afghanistan government and the occupation by the Soviet Union has altered the strategic situation in that part of the world in a very ominous fashion. It has brought the Soviet Union within striking distance of the Indian Ocean and even the Persian Gulf.

It has eliminated a buffer between the Soviet Union and Pakistan and presented a new threat to Iran. These two countries are now far more vulnerable to Soviet political intimidation. If that intimidation were to prove effective, the Soviet Union might well control an area of vital strategic and economic significance to the survival of Western Europe, the Far East, and ultimately the United States.

It is clear that the entire subcontinent of Asia and specifically Pakistan is threatened. Therefore, I am asking Congress, as the first order of business, to pass an economic and military aid package designed to assist Pakistan defend itself.

### DEFENSE BUDGET

For many years the Soviets have steadily increased their real defense spending, expanded their strategic forces, strengthened their forces in Europe and Asia, and enhanced their capability for projecting military force around the world directly or through the use of proxies. Afghanistan dramatizes the vastly increased military power of the Soviet Union.

The Soviet Union has built a war machine far beyond any reasonable requirements for their own defense and security. In contrast, our own defense spending declined in real terms every year from 1968 through 1976.

We have reversed this decline in our own effort. Every year since 1976 there has been a real increase in our defense spending—and our lead has encouraged increases by our allies. With the support of the Congress, we must and will make an even greater effort in the years ahead.

The Fiscal Year 1981 budget would increase funding authority for defense to more than $158 billion, a real growth of more than 5% over my request for Fiscal Year 1980. Therefore, requested outlays for defense during Fiscal Year 1981 will grow by more than 3% in real terms over the preceding year.

The trends we mean to correct cannot be remedied overnight; we must be willing to see this program through. To ensure that we do so I am setting a growth rate for defense that we can sustain over the long haul.

The defense program I have proposed for the next five years will require some sacrifice—but sacrifice we can well afford.

The defense program emphasizes four areas:

(a) It ensures that our strategic nuclear forces will be equivalent to those of the Soviet Union and that deterrence against nuclear war will be maintained;

(b) It upgrades our forces so that the military balance between NATO and the Warsaw Pact will continue to deter the outbreak of war—conventional or nuclear—in Europe;

(c) It provides us the ability to come quickly to the aid of friends and allies around the globe;

(d) And it ensures that our Navy will continue to be the most powerful on the seas.

### STRATEGIC FORCES

We are strengthening each of the three legs of our strategic forces. The cruise missile production which will begin next year will modernize our strategic air deterrent. B-52 capabilities will also be improved. These steps will maintain and enhance the B-52 fleet by improving its ability to deliver weapons against increasingly heavily defended targets.

We are also modernizing our strategic submarine missile force. The first new Trident submarine has already been launched and will begin sea trials this year. The second Trident will be launched in the spring of 1980. The first of our new Trident missiles, with a range of more than 4,000 miles, have already begun operational patrols in Poseidon submarines.

The new MX missile will enhance the survivability of our land-based intercontinental ballistic missile force. That is why I decided last spring to produce this missile and selected the basing mode best suited to enhance its capability. Further the MX will strengthen our capability to attack a wide variety of Soviet targets.

Our new systems will enable U.S. strategic forces to maintain equivalence in the face of the mounting Soviet challenge. We would however need an even greater investment in strategic systems to meet the likely Soviet buildup without SALT.

### FORCES FOR NATO

We are greatly accelerating our ability to reinforce Western Europe with massive ground and air forces in a crisis. We are undertaking a major modernization program for the Army's weapons and equipment, adding armor, firepower, and tactical mobility.

We are prepositioning more heavy equipment in Europe to help us cope with attacks with little warning, and greatly strengthening our airlift and sealift capabilities.

We are also improving our tactical air forces—buying about 1700 new fighter and attack aircraft over the next five years—and increasing the number of Air Force fighter wings by over 10%.

We are accelerating the rate at which we can move combat aircraft to Europe to cope with any surprise attack, and adding to the number of shelters at European airbases to prevent our aircraft from being destroyed on the ground.

### RAPID DEPLOYMENT FORCES

We are systematically enhancing our ability to respond rapidly to non-NATO contingencies wherever required by our commitments or when our vital interests are threatened.

The rapid deployment forces we are assembling will be extraordinarily flexible: They could range in size from a few ships or air squadrons to formations as large as 100,000 men, together with their support. Our forces will be prepared for rapid deployment to any region of strategic significance.

Among the specific initiatives we are taking to help us respond to crises outside of Europe are:

—the development and production of a new fleet of large cargo aircraft with intercontinental range;

—the design and procurement of a force of Maritime Prepositioning Ships that will carry heavy equipment and supplies for three Marine Corps brigades.

In addition, responding to the Soviet military presence in Cuba and the proxy role of Cuba on behalf of the USSR, we have taken or are taking the following actions in support of the rapid deployment force:

(1) We are substantially increasing our ability to monitor Cuban and Soviet/Cuban activities;

(2) We have established a Caribbean Joint Task Force Headquarters which improves our ability to respond to events in the region;

(3) We are increasing regional military exercises; and,

(4) We are intensifying assistance to countries in the region that are threatened by Soviet or Cuban intervention.

### NAVAL FORCES

Seapower is indispensable to our global position—in peace and also in war. Our shipbuilding program will sustain a 550-ship Navy in the 1990s and we will continue to build the most capable ships afloat.

The program I have proposed will assure the ability of our Navy to operate in high threat areas, to maintain control of the seas and protect vital lines of communication—both military and economic—and to provide the strong maritime component of our rapid deployment forces. This is essential for operations in remote areas of the world, where we cannot predict far in advance the precise location of trouble, or preposition equipment on land.

### MILITARY PERSONNEL

No matter how capable or advanced our weapons systems, our military security depends on the abilities, the training and the dedication of the people who serve in our armed forces. I am determined to recruit and to retain under any foreseeable circumstances an ample level of such skilled and experienced military personnel.

We have enhanced our readiness and combat endurance by improving the Reserve Components. All reservists are assigned to units structured to complement and provide needed depth to our active forces. Some reserve personnel have also now been equipped with new equipment.

### MOBILIZATION PLANNING

I have also launched a major effort to establish a coherent and practical basis for all government mobilization planning. Begun last May, this is the first such effort conducted at Presidential level since World War II. It involves virtually every Federal agency, with the aim of improved efficiency and readiness.

### OUR INTELLIGENCE POSTURE

Our national interests are critically dependent on a strong and effective intelligence capability. We will not shortchange the intelligence capabilities needed to assure our national security. Maintenance of and continued improvements in our multi-faceted intelligence effort are essential if we are to cope successfully with the turbulence and uncertainties of today's world.

The intelligence budget I have submitted to the Congress responds to our needs in a responsible way, providing for significant growth over the Fiscal Year 1980 budget. This growth will enable us to develop new technical means of intelligence collection while also assuring that the more traditional methods of intelligence work are also given proper stress. We must continue to integrate both modes of collection in our analyses.

It is imperative that we now move forward promptly within the context of effective Congressional oversight to provide America's intelligence community with Charters which can permit it to operate more effectively and within a national concern codified by law.

### REGIONAL POLICIES

Every President for over three decades has recognized that America's interests are global and that we must pursue a global foreign policy.

Two world wars have made clear our stake in Western Europe and the North Atlantic area. We are also inextricably linked with the Far East—politically, economically, and militarily. In both of these, the United States has a permanent presence and security commitments which would be automatically triggered. We have become increasingly conscious of our growing interests in a third area—the Middle East and the Persian Gulf area.

We have vital stakes in other major regions of the world as well. We have long recognized that in an era of interdependence, our own security and prosperity depend upon a larger common effort with friends and allies throughout the world.

### THE ATLANTIC ALLIANCE

At the outset of this Administration I emphasized the primacy of our Atlantic relationship in this country's national security agenda. We have made important progress toward making the Atlantic Alliance still more effective in a changing security environment.

We are meeting the Soviet challenge in a number of important ways:

First, there is a recognition among our allies that mutual security is a responsibility to be shared by all. We are each committed to increase national defense expenditures by 3% per year. There remains much work to be done in strengthening NATO's conventional defense; the work proceeding under the Alliance's Long Term Defense program will help achieve this objective.

Last month, we and our NATO allies took an historic step in Alliance security policies with the decision to improve substantially our theater nuclear capabilities. The theater nuclear force modernization (TNF) program, which includes the deployment of improved Pershing ballistic missiles and of ground-launched cruise missiles in Europe, received the unanimous support of our allies. The accelerated deployment of Soviet SS-20 MIRVed missiles made this modernization step essential. TNF deployments will give the Alliance an important retaliatory option that will make clear to the Soviets that they cannot wage a nuclear war in Europe and expect that Soviet territory will remain unscathed.

While we move forward with our necessary defense efforts in Europe, we are also proceeding with our efforts to improve European security through arms control.

As an integral part of the NATO TNF decisions, the Alliance has made it clear that it is prepared to negotiate limitations on long-range theater nuclear missiles.

On our part, our TNF modernization efforts will make possible a streamlining of our nuclear weapons stockpile in Europe, allowing us to withdraw 1,000 nuclear warheads over the next year.

In the Mutual and Balanced Force Reduction talks, we and our allies have recently put forward new proposals that are designed to simplify the negotiations and improve the prospect for early progress in limiting conventional military forces in Europe.

In a very real sense the accomplishments of the past year answered a critical question concerning NATO's future: can the Western Alliance, which has provided the foundation for one of the longest periods of peace and prosperity that Europe has ever enjoyed, still summon the essential cohesion, relevance, and resolve to deal with fundamental security issues likely to affect its member nations well into the next century? NATO's consensus in favor of modernizing and negotiating about its nuclear arsenal while continuing to improve conventional forces, dramatized Allied capacity to respond effectively to both the military and political threats posed by the Soviet Union.

Relations with our allies and friends in Europe are taking on ever broader dimensions. Our security agenda remains central; we are addressing new concerns as well.

I met with an unprecedented number of European statesmen in Washington during the year just past, including the leaders of Great Britain, West Germany, Austria, Norway, Finland, the Netherlands, Ireland, Sweden, and the European Community; in all of these meetings a common theme was the changing realities of political and economic interdependence and, as we enter a new decade, the need to promote more equitable conditions of peaceful growth and stability throughout the world.

This approach has achieved tangible form in a number of ways. For example, every West European government supports us as we have continued by every peaceful means to seek the release of American hostages held in Tehran in defiance of universal standards of international law and decency. We are consulting and cooperating closely in our responses to the Soviet Union's invasion and occupation of Afghanistan.

In the NATO area itself, we moved together vigorously to meet the serious economic problems faced by Turkey and thereby strengthen a vital part of NATO's southern flank and we have signed a new base agreement with Turkey. This action, though indispensable in its own right, also supported our continuing efforts to promote a solution to the Cyprus problem and to bring about the reintegration of Greece within the military framework of the Atlantic Alliance, objectives which retain high priority this year.

### ASIA

The United States is a Pacific nation, as much as it is an Atlantic nation. Our interests in Asia are as important to us as our interests in Europe. Our trade with Asia is even greater than our trade with Europe. We have pursued and maintained these interests on the basis of a stable balance of power in the region. Our partnership and alliance with Japan is central to our Asian policy. We are strengthening our new relationship with China. We have expanded our ties with the Association of South East Asian Nations (ASEAN) and its member governments.

My trip to the Far East helped forge closer working relationships with Japan and Korea.

### ASIAN SECURITY

The balance of power is fundamental to Asian security. We have maintained that balance through a strong United States military posture in the region, as well as close ties with our allies, Japan, Australia, New Zealand and Korea. Over the past year I have worked to stabilize the United States military presence in Asia by concluding an amended base agreement with the Philippines that will last until 1991. We have fostered the closest degree of security cooperation with Japan in the history of our two nations—exemplified by joint planning for the defense of Japan, increased Japanese contributions to United States base costs in Japan, and large-scale Japanese purchases of United States defense equipment. After examining in detail new intelligence estimates of North Korean military strength, I decided to maintain our troop strength in the Republic of Korea at its present level until at least 1981. The reaffirmation of our commitment to Korean security has been of great importance to the Koreans as they make necessary political adjustments in the wake of President Park's assassination.

Response by nations in East Asia to the Soviet aggression in Afghanistan has been gratifying. Australia in particular deserves recognition for the forthright stand it has taken. Japan and the ASEAN nations have also been strongly supportive.

### CHINA

Over the last year we have expanded our new relationship with the People's Republic of China to ensure that where our interests coincide, our separate actions will be mutually reinforcing. To this end we have enhanced our consultative relationship. We have also sought to develop an enduring institutional framework in the economic, cultural, scientific, and trade areas.

This process has been facilitated by the successful visits of Vice Premier Deng to the United States and Vice President MONDALE to China; through the signing of over 15 commercial, scientific, and cultural agreements; through numerous Cabinet-level visits; and through a significant expansion of trade and the flow of people between our two countries.

During Secretary of Defense Brown's recent trip to the People's Republic of China, wide-ranging talks were held on global and regional issues, arms control, technology transfer, and ways to sustain bilateral contacts. Although we may differ with the Chinese on some issues, our views coincide on many important issues, particularly with respect to the implications for the region of the Soviet invasion of Afghanistan.

In 1980 I look forward to passage by Congress early in the year of the China Trade Agreement and of authorization of OPIC operations in China; we plan to conclude civil aviation, maritime, and textile agreements; and continue to expand our commercial, cultural, and scientific relations, particularly through ExImBank credits to the People's Republic of China.

### SOUTHEAST ASIA

The countries comprising ASEAN are central to United States interests in Southeast Asia.

Throughout the past year, our relations with ASEAN have continued to expand as our consultative arrangements were strengthened.

The stability and prosperity of Southeast Asia have been severely challenged by Soviet-supported Vietnamese aggression in Cambodia. During this year we will continue to encourage a political settlement in Cambodia which will permit that nation to be governed by leaders of its own choice. We have taken all prudent steps possible to deter Vietnamese attacks on Thai territory by increasing our support to the Thais, and by direct warnings to Vietnam and the U.S.S.R. The other members of ASEAN have stood firmly behind Thailand, and this in great measure has helped to contain the conflict. We have been gratified by Thailand's courageous and humane acceptance of the Cambodian refugees.

### MIDDLE EAST—PERSIAN GULF—SOUTH ASIA

Events in Iran and Afghanistan have dramatized for us the critical importance for American security and prosperity of the area running from the Middle East through the Persian Gulf to South Asia. This region provides two-thirds of the world's oil exports, supplying most of the energy needs of our allies in Europe and Japan. It has been a scene of almost constant conflict between nations, and of serious internal instability within many countries. And now one of its nations has been invaded by the Soviet Union.

We are dealing with these multiple challenges in a number of ways.

### MIDDLE EAST

First, it has been a key goal of my Administration since 1977 to promote an enduring resolution of the Arab-Israeli conflict—which is so essential to bringing stability and peace to the entire region. Following the Camp David Summit of August 1978, in March 1979, I helped bring about the signing of a peace treaty between Egypt and Israel—the first time in 30 years of Middle East conflict that peace had shined with such a bright and promising flame. At the historic signing ceremony at the White House, Prime Minister Begin and President Sadat repeated their Camp David pledge to work for full autonomy for the West Bank and Gaza.

Since then Egypt and Israel have been working to complete this part of the Camp David framework and to provide an opportunity for the Palestinian people to participate in determining their future. I strongly support these efforts, and have pledged that we will be a full partner in the autonomy negotiations. We will continue to work vigorously for a comprehensive peace in the Middle East, building on the unprecedented achievements at Camp David.

At the same time, I have reinforced America's commitment to Israel's security, and to the right of all nations in the area to live at peace with their neighbors, within secure and recognized frontiers.

### PERSIAN GULF

In recent years as our own fuel imports have soared, the Persian Gulf has become vital to the United States as it has been to many of our friends and allies. Over the longer term, the world's dependence on Persian Gulf oil is likely to increase. The denial of these oil supplies—to us or to others—would threaten our security and provoke an economic crisis greater than that of the Great Depression 50 years ago, with a fundamental change in the way we live.

Twin threats to the flow of oil—from regional instability and now potentially from the Soviet Union—require that we firmly defend our vital interests when threatened.

In the past year, we have begun to increase our capacity to project military power into the Persian Gulf region, and are engaged in explorations of increased use of military facilities in the area. We have increased our naval presence in the Indian Ocean. We have been working with countries in the region on shared security concerns. Our rapid deployment forces, as described earlier, could be used in support of friendly governments in the Gulf and Southwest Asian region, as well as in other areas.

### SOUTH ASIA

The overwhelming challenge in this region will be dealing with the new situation posed by Soviet aggression in Afghanistan. We must help the regional states develop a capability to withstand Soviet pressures in a strengthened framework for cooperation in the region. We want to cooperate with all the states of the region in this regard—with India and Pakistan, with Sri Lanka, Bangladesh and Nepal.

In this new situation, we are proposing to the Congress a military and economic assistance program to enable Pakistan to buttress its defenses. This is a matter of the most urgent concern, and I strongly urge the earliest possible approval by the House and Senate. We are also working closely with other friends of Pakistan to increase the resources available for Pakistan's development and security.

We are also pursuing the possibility of gaining access to military facilities in the region in time of trouble. We are prepared to work closely with our friends in the region, on a cooperative basis, to do whatever is required to ensure that aggressors would bear heavy costs so that further aggression is deterred.

A high priority for us in the region is to manage our nuclear concerns with India and Pakistan in ways that are compatible with our global and regional priorities. The changed security situation in South Asia arising from the Soviet invasion of Afghanistan calls for legislative action to allow renewed assistance to Pakistan. But this in no way diminishes our commitment to work to prevent nuclear weapons proliferation, in Pakistan or elsewhere.

Steady growth of our economic assistance is also essential if the countries of South Asia are to achieve growth and true stability.

### AFRICA

A peaceful transition to majority rule in Southern Africa continues to be a major goal of the United States. We gave our fullest support to the successful British drive to reach an agreement among all parties in Rhodesia. The process of implementation will not be easy, but the path is now open to a peaceful outcome. With our European allies, Canada and the African states directly concerned we also are making progress toward independence and majority rule for Namibia. The momentum resulting from successful resolution of the Rhodesian conflict should aid in these initiatives.

Congressional support for the Executive Branch decision to maintain sanctions on Rhodesia until the parties reached agreement on a ceasefire and an impartial elections process had begun was instrumental in creating the conditions necessary for agreement. Now that the United States, European trading partners and the surrounding African states have lifted sanctions, the process of economic reconstruction in Rhodesia—soon to be Zimbabwe—can begin.

With the creation of an independent Zimbabwe after many years of fighting, we will be prepared to cooperate in a coherent multi-donor development plan for the poor nations in the Southern Africa region.

Our active support for self-determination and racial equality in Southern Africa has enabled the United States to develop a continuing and effective dialogue with governments throughout the continent. As Africa grows more important to us for economic, political and strategic reasons, we will be strengthening our ties of mutual interest with Africans. We will continue to participate in their first priority—economic development—and to help Africans resolve their political problems and maintain stability in their continent.

Whether in the Horn or in other areas of the continent, we will also provide to friendly nations security assistance when needed for defense of their borders.

### NORTH AFRICA

In 1979 the United States moved to help a long-standing friend by strengthening our arms supply relationship with Morocco. In assisting Morocco to deal with attacks inside its internationally recognized frontiers, we seek conditions of greater security and confidence in which a political settlement of the Western Sahara conflict can be effectively pursued. Though not itself a mediator, the United States in the months ahead will encourage the countries in the area to resolve their differences peacefully in order that the vast economic potential of North Africa can be exploited for the well-being of the people living there.

### LATIN AMERICA

Since my inauguration, I have worked hard to forge a new, collaborative relationship with the nations of Latin America and the Caribbean—one resting on a firm commitment to human rights, democratization, economic development and non-intervention. The events of 1979—even the turbulence in Central America and the Caribbean—presented us with opportunities to move toward these goals.

There was encouraging progress in the area of human rights and democratization in the Western Hemisphere this past year. The inauguration of a new democracy in Ecuador, and the strong effort by the Andean countries to preserve democracy in Bolivia were positive steps.

During 1979, I met with the President of Mexico twice to discuss the opportunities and difficult issues before our two countries. We have taken worthwhile steps, including an agreement on natural gas and on trade.

On October 1, Vice President Mondale and many leaders from Latin America traveled to Panama to celebrate the coming into force of the Panama Canal Treaties. The transition to a new relationship and a new structure to manage the Canal was smooth and effective because of the contributions and the mutual respect between Panamanians and Americans.

The Vice President also traveled to Brazil and Venezuela. The Secretary of State met with leaders in Quito at the inauguration of the new democratic President of Ecuador and in LaPaz at the OAS General Assembly. These meetings have helped us to develop further the close consultative ties which are so important to a free and balanced community of nations in the hemisphere.

Also, in 1979, the United States moved to a much closer economic and political relationship with the increasingly significant Andean Pact countries. A memorandum of understanding on economic relations was signed in Washington in November.

Central America and the Caribbean region are undergoing a period of rapid social and political change. There is a threat that intervention by Cuba may thwart the desire of the people of the region for progress within a democratic framework and we have been working closely with the governments in the region to try to aid in the developmental process of the region and are prepared to assist those threatened by outside intervention.

The Caribbean Group, which is coordinated by the World Bank and which we helped establish, has now become an important factor for development in the region, adding $260 million in concessionary resources to the region. We have increased our aid to the Caribbean, reprogrammed loans, and are seeking prompt Congressional action on a supplemental of $80 million for Nicaragua and Central America.

My Science Advisor, Dr. Frank Press, led a large delegation of scientists and educators to Barbados, Peru, Venezuela and Brazil to forge new and fruitful ties between our countries in important areas of science and technology.

### THE INTERNATIONAL ECONOMY

A growing defense effort and a vigorous foreign policy rest upon a strong economy here in the United States. And the strength of our own economy depends upon our ability to lead and compete in the international marketplace.

### ENERGY

An essential lesson to be drawn from Iran is that there are compelling foreign policy, as well as domestic economic reasons for lessening our dependence on foreign oil.

In response to a series of United States proposals, the industrial countries adopted in 1979 a cooperative energy strategy for the 1980's. Its main elements are collective restraint on oil imports; intensified efforts to conserve oil and boost production of conventional substitutes for oil; and collaborative research, development and commercialization of new fuel technologies.

At the Tokyo Economic Summit in June, the heads of government of the seven major industrial democracies agreed that they must take responsibility for curbing oil demand. By the end of the year, 20 industrialized nations, members of the International Energy Association, had agreed not only to enforce equitably allocated ceilings on their oil imports, but to create a system for quickly adjusting the ceilings to changes in the world oil supply. Completion of the detailed agreements to execute the global oil demand-allocation process is at the head of the international energy agenda for 1980.

At the 1980 Economic Summit in Venice, I intend to propose further joint action to smooth the transition from oil to more abundant fuels and to slow the growth in oil prices.

In support of the international oil strategy, the Administration and the United States coal industry are launching joint marketing efforts to make this country a major exporter of steam coal. With assurance of reliable United States coal supply at competitive prices, many of the electric power plants to be built in the 1980s and 1990s can be coal-fired rather than oil-burning. Coal exports will help us pay for our declining but costly oil imports.

A new source of natural gas supply for the United States—Mexico—was opened through the conclusion of government-to-government negotiations. Through close cooperation with our northern neighbor, Canada, the Administration cleared the way for expanding the flow of Canadian natural gas to the United States and for private development of the Alaskan gas pipeline across Canada to the lower 48 States.

We continue to believe that nuclear power will play an essential role in meeting the energy needs of many nations, but with effective safeguards against the proliferation of nuclear weapons.

### INTERNATIONAL MONETARY POLICY

We are moving forcefully to establish the fundamental economic conditions for a strong dollar. In 1979 the balance of payments was in approximate balance for the first time in three years, despite substantially higher oil import costs. Our anti-inflationary economic policies and strong energy program should provide a basis for further improvement. Of course the outcome depends in part also upon responsible pricing behavior by OPEC and other oil producers.

We support the efforts under way to strengthen the international monetary system. I urge the Congress to enact promptly legislation permitting the United States to increase its quota in the International Monetary Fund (IMF) as part of the general expansion of Fund resources. We welcome the measures being taken by the IMF to improve its ability to promote sound economic and exchange rate policies in all member countries. We also welcome the study of the possible establishment of a "substitution account" to strengthen the international monetary system by promoting the role of the Special Drawing Right as the principal reserve asset in the system.

### TRADE

Under the direction of my Special Trade Representative, we brought to a successful conclusion the multilateral trade negotiations, the most ambitious set of negotiations to reduce barriers to international trade in a decade. The resulting "MTN" agreements, covering a broad spectrum of trade issues, were concluded and ratified by overwhelming majorities of the United States Congress. These binding commitments, signed by all the major trading nations, provide the framework for a new era in international trading relations with them and with the developing nations. This makes clear my resolve and that of the American people to resist the dangers of protectionism.

The reorganization of the Federal government trade agencies which I directed will assure more effective and prompt governmental action to exploit the export opportunities afforded by the MTN. The plan, approved by Congress this fall, establishes a strong, authoritative voice in the Executive Office of the President to provide coherence and leadership to United States trade policy, negotiations, and the implementation of the MTN trade codes. The reorganization establishes the Office of the U.S. Trade Representative and strengthens the Commerce Department.

### SUGAR

In 1979, Congress ratified the International Sugar Agreement, thus fulfilling a major commitment of this Administration. The agreement is an important element in our international commodity policy with far-reaching implications for our relations with developing countries, particularly sugar producers in Latin America. This agreement and other measures my Administration has taken already have helped to stabilize sugar prices and bring high domestic prices into line with those prevailing in the world marketplace. Producers and consumers alike will benefit from a more stable market for this essential commodity. We need prompt enactment of implementing legislation for this agreement.

### TIN

At year's end, Congress approved stockpile disposal legislation which will permit the General Services Administration to sell 30,000 metric tons of tin from our strategic stockpile and contribute up to 5,000 metric tons to the International Tin Organization's (ITO) buffer stock. This fulfills a United States pledge made during the Conference on International Economic Cooperation and represents a major step forward in our relations with producing countries in the developing world. We will consult with other members of the ITO to ensure that our tin disposals do not disrupt markets and take into account the needs of both producers and consumers.

### COMMON FUND

The United States joined members of the United Nations Conference on Trade and Development, both developed and developing nations, in negotiating an agreement on the framework of a Common Fund to help international commodity agreements stabilize the prices of raw materials. Negotiations are now underway on the final articles of agreement of the Fund.

The United States also participated in successful negotiations on an international rubber agreement.

### ECONOMIC COOPERATION WITH DEVELOPING NATIONS

Our relations with the developing nations are of central importance to the United States. The fabric of our relations with these countries has both political and economic dimensions, as we witnessed in recent weeks when nations of the Third World took the lead in condemning the Soviet invasion of Afghanistan. Our ability to work together with developing nations toward goals we have in common—their political independence, the resolution of regional tensions, and our growing ties of trade for example—require us to maintain the policy of active engagement with the developing world that we have pursued over the past three years.

The foreign assistance legislation which I will be submitting to you for FY 81 provides the authority and the funds to carry on a cooperative relationship with a large number of developing nations. Prompt Congressional action on this legislation is essential in order to meet our treaty and base rights agreements, continue our peace efforts in the Middle East, provide economic and development support to countries in need, promote progress on North-South issues, protect Western interests, and counter Soviet influence.

We will also be asking Congress to enable us to honor our international agreements for mutilateral assistance by authorizing and appropriating funds for the International Financial Institutions.

Finally, the Administration and the Congress agreed in 1979 on fundamental changes in the way the United States government is organized to conduct economic and technical relations with the developing nations. I submitted and the Congress approved a plan to consolidate in a small policy-coordination body, the International Development Cooperation Agency (IDCA), responsibility for direct United States development assistance, for guidance to United States representatives in multilateral development agencies, and for presenting our long-term development interests in Federal government policy bodies dealing with trade and other economic relations with developing nations. I also submitted, and the House approved in the 1979 session of Congress, a plan to establish the Institute for Scientific and Technological Cooperation (ISTC), a constituent element of the IDCA group of agencies. Once approved, the ISTC will carry out research as well as support research by foreign scientists on technological means of reducing poverty in developing nations.

### FOOD—THE WAR ON HUNGER

One of the main economic problems facing developing countries is lagging food production. We must help these countries meet this problem—not only so that their peoples will be free from the threat of continuing hunger, but also so that their societies will be strong enough to resist external pressure. I have directed that United States bilateral and multilateral aid be geared increasingly to this goal, as recommended by our Hunger Commission, chaired by Sol Linowitz; we are urging other donor countries to join in more effective efforts to this end.

Good progress has been made since the Tokyo Economic Summit called for increased effort on this front. The World Bank is giving this problem top priority, as are some other donor countries. The resources of the consultative Group on International Agricultural Research will be doubled over a five-year period. The work of our own Institute of Scientific and Technological Cooperation will further strengthen the search for relevant new agricultural technologies.

The goal of freeing the world from hunger by the year 2000 should command the full support of all countries.

## THE HUMAN DIMENSION OF FOREIGN POLICY

### HUMAN RIGHTS

The ultimate aim of our foreign policy must be to preserve freedom for ourselves and to expand freedom for others. This is a matter both of national principle and of national interest. For we believe that free and open societies are not only better able to meet the rising expectations of their people; they are also better able to accommodate often conflicting internal pressures before popular frustrations explode in violent and radical directions.

We do not seek to impose our system or institutions on others. Rather, we seek to support, in practical and concrete ways, the efforts of other nations to build their own institutions in ways that will meet the irrepressible human drive for freedom and justice.

Human rights policy commands the strong support of our citizens, and of the Congress. The world climate increasingly favors human rights progress.

Despite new turbulence and conflict, the past year featured some encouraging positive developments. We cannot and should not claim credit for them. But it is clear that we are part of a growing movement. During 1979, we saw:

—The further strengthening of democratic practices in Spain and Portugal, with free elections in both countries;

—The disappearance of several of the world's most repressive regimes;

—The freeing of political prisoners in Asia, Africa, and Latin America;

—A return to democratic rule in several Latin American countries and widespread progress in reducing human rights violations in the region;

—The growing strength of international human rights institutions. The Inter-American Court of Human Rights held its first meeting. Preparations began for another conference to review compliance with the Helsinki accords, to be held in Madrid this November. The OAU took long strides toward establishing a human rights commission for Africa. UN bodies became increasingly active in their human rights efforts.

The United States is still not a party to the key human rights treaties that establish world standards and implementing machinery. In early 1978, I sent for Senate approval four such treaties, the American Convention on Human Rights, the Convention on Racial Discrimination, and the UN Covenants on Civil and Political Rights and on Economic and Social and Cultural Rights. Hearings were held in 1979. No single action by this country would do more to advance the cause of human rights than Senate approval of these instruments and a fifth human rights treaty sent to Congress previously, the Genocide Convention. I urge the earliest possible Senate action.

### HUMANITARIAN AID

The mass exodus of refugees from Vietnam reached a crescendo in summer 1979 with over 65,000 people a month fleeing repression and economic privation. Most fled by boat, and many were lost at sea. In July, at a special UN meeting on refugees, Vice President Mondale presented a major United States program to rescue and help support and resettle the new refugee population. I doubled to 14,000 a month the number of Indochinese refugees the United States, in accord with our finest traditions, would absorb over the year ahead.

The Vietnamese invasion of Kampuchea in late 1978 gravely jeopardized the supply of food for the already decimated and brutalized Khmer people. In October, I announced that the United States would pay one-third of the costs of the international relief program mounted jointly by UNICEF and the International Committee of the Red Cross. Leaders of thirty-five church and voluntary agencies, with White House encouragement, are engaged in their own large fund-raising program for refugees.

In early November, Mrs. Carter visited refugees on the Thai-Cambodian border and reported back to me, the United States voluntary agencies, and the American people. In response, our efforts to avert a mass famine were accelerated.

The obstacles remain daunting—continued warfare and aggression by Vietnam, non-distribution by the Phnom Penh authorities of much of the UNICEF-ICRC aid, movement of up to 900,000 hungry Khmer to and across the Thai border where they can be fed and helped.

But Americans will continue their efforts both public and private to avert the famine that looms. New help for our efforts will come from the National Committee formed in early 1980 by leading citizens to help in mobilizing and supporting the sustained effort essential to achieve this humanitarian goal.

As the year began, we are also considering new means of helping, through our contribution to the UN High Commissioner for Refugees and in other ways, the mounting Afghan refugee population in Pakistan and other desperate refugee situations such as Somalia.

It cannot be ignored that the destructive and aggressive policies of the Soviet Union have added immeasurably to the suffering in these three tragic situations.

I have asked the heads of the appropriate departments of the Executive Branch to play an active role in the Select Commission on Immigration and Refugee Policy to formulate a new approach to deal with sensitivity with the difficult subject of people arriving on our shores from Latin America.

My meeting with Pope John Paul II during his historic and unprecedented visit to the United States helped raise the world's consciousness in connection with pressing problems of famine, homelessness, and human rights. Our talks spurred positive action in many of these areas, notably Indochina, and set the stage for further action in 1980.

### THE CONTROL OF NUCLEAR WEAPONS

Together with our friends and allies, we are striving to build a world in which peoples with diverse interests can live freely and prosper. But all that humankind has achieved to date, all that we are seeking to accomplish, and human existence itself can be undone in an instant—in the catastrophe of a nuclear war.

Thus one of the central objectives of my Administration has been to control the proliferation of nuclear weapons to those nations which do not have them, and their further development by the existing nuclear powers—notably the Soviet Union and the United States.

### NON-PROLIFERATION

I entered office committed to assert American leadership in stemming the proliferation of nuclear weapons—which could create fundamental new instabilities in critical regions of the world, and threaten the security of the United States. This should not and cannot be done unilaterally. The cooperation of other suppliers of nuclear technology and materials is needed. This issue must not become a North-South confrontation.

We have been proceeding on a number of fronts:

—We have been seeking to encourage nations to accede to the Non-Proliferation Treaty, or to accept full-scope international safeguards. The Nuclear Non-Proliferation Act calls for such safeguards in connection with United States nuclear exports.

—The International Nuclear Fuel Cycle Evaluation (INFCE) has demonstrated that suppliers and recipients can work together. Its results will be published in a month. While differences remain, it will provide a broader international basis for national decisions which must balance energy needs with non-proliferation concerns.

—Finally, we are working to encourage regional cooperation and restraint. Protocol I of the Treaty of Tlatelolco which will contribute to the lessening of nuclear dangers for our Latin American neighbors has not yet been ratified by the United States Senate.

Working together with the Congress, I remain committed to the vigorous pursuit of our non-proliferation objectives.

### LIMITATIONS ON STRATEGIC ARMS

The most prominent of our nuclear arms control efforts is, of course, SALT II.

The signing of the Treaty brought to an end painstaking negotiations carried out under three administrations of both parties.

—SALT II is in our mutual interest; it is neither an American favor to the Soviet Union nor a Soviet favor to the United States.

—Ratification of the SALT II Treaty would represent a major step forward in restraining the continued growth of Soviet strategic forces.

Because SALT II reduces superpower competition in its most dangerous manifestation, this Treaty is the single most important bilateral accord of the decade:

—SALT II will permit us better to maintain strategic equivalence in nuclear weapons and devote our defense increases more heavily to our highest priority needs for conventional force improvements;

—Without it, the Soviets can add more power to their forces and better conceal from us what they are doing;

—Without SALT II, and the beginning of SALT III, deeper cuts would take many more years to achieve;

—Without SALT II, our efforts to control the proliferation of nuclear weapons will be more difficult.

I believe that the Senate will ratify SALT II because the Treaty is, in its simplest terms, in the interest of our Nation's security.

But I do not believe it advisable at this time to bring up the Treaty for consideration on the Senate floor. The Congress and the Executive Branch must first deal with the pressing matters arising from the Soviet invasion of Afghanistan.

### CONCLUSION

As we enter the decade of the 1980's, we face challenges both at home and abroad which will test our qualities as a people—our toughness and willingness to sacrifice for larger goals, our courage and our vision.

For this Nation to remain secure, for this country to prosper, we must rise above narrow interests. The dangers of disunity are self-evident in a world of major power confrontation. The rewards of a new national consensus and sense of purpose are equally clear.

We have new support in the world for our purposes of national independence and individual human dignity. We have a new will at home to do what is required to keep us the strongest nation on earth.

We must move together into this decade with the strength which comes from realization of the dangers before us and from the confidence that together we can overcome them.

JIMMY CARTER.

THE WHITE HOUSE, *January 21, 1980*.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message of the President on the state of the Union be referred jointly to all standing committees of the Senate as well as the Select Committee on Intelligence, the Select Committee on Indian Affairs, and the Select Committee on Small Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REPORT ON DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 149

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Appropriations, the Committee on the Budget, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, the Committee on Finance, and the Committee on Governmental Affairs, jointly, pursuant to order of January 30, 1975:

*To the Congress of the United States:*

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals totaling $28.7 million and three revisions to previously transmitted deferrals increasing the amount deferred by $34.5 million. These items affect programs in the Departments of Defense and Treasury, the National Consumer Cooperative Bank, the National Commission on Social Security, and the District of Columbia.

The details of the deferrals are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *December 26, 1979*.

## MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

Pursuant to the order of the Senate of December 20, 1979, the Secretary of the Senate, on December 24, 1979, received a message from the House of Representatives, reporting that the House has passed the following bill, with amendments in which it requests the concurrence of the Senate:

S. 1159. An act to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes.

The message also reported that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4685. An act to provide for the control of the importing into and the exporting from the United States of elephant and elephant products, and to provide for other purposes.

## MESSAGES FROM THE HOUSE

At 2:20 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has agreed to the following resolutions:

H. Res. 520. Resolution providing for appointment by Speaker of a committee of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make: and

H. Res. 521. Resolution informing the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 241. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union.

## HOUSE BILL REFERRED

The following bill was read twice by its title and referred as indicated:

H.R. 4685. An act to provide for the control of the importing into and the exporting from the United States of elephant and elephant products, and to provide for other purposes; to the Committee on Finance.

## REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Pursuant to the order of the Senate of December 20, 1979, the following report of a committee was submitted on January 3, 1980, during the recess of the Senate:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2189. An original bill to establish a program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy and initiate a program for the disposal of nuclear waste from civilian activities, and for other purposes (Rept. No. 96–548).

Pursuant to the order of the Senate of December 20, 1979, the following reports of committees were submitted on January 10, 1980, during the recess of the Senate:

By Mr. LONG, from the Committee on Finance, without amendment:

S. Con. Res. 47. A concurrent resolution to approve the extension of nondiscriminatory treatment with respect to the products of China (Rept. No. 96–549).

○ Mr. RIBICOFF. Mr. President, today we have filed the favorable report of the Committee on Finance on Senate Concurrent Resolution 47, a resolution to approve the trade agreement between the United States and the People's Republic of China.

This agreement, which provides for reciprocal most-favored-nation treatment, was signed on July 7, 1979, and its approval by the Congress will mark a significant step forward in normalizing trade relations between the two countries. Like all such agreements, it is a framework, and there is a need in the future for continued good will and dedicated effort so that both countries can achieve the potential that exists from normal, expanded trade relations.

The Subcommittee on International Trade of the Finance Committee held a public hearing on Senate Concurrent Resolution 47 and trade relations between the United States and the PRC on November 15, 1979. The testimony received was generally favorable regarding approval of the trade agreement and extension of MFN treatment, and the subcommittee's questions developed the issues relevant to consideration of the agreement. However, members of the subcommittee did not believe that the hearing developed sufficient information on all the issues. Therefore, on December 14, 1979, the committee met with Deputy Secretary of State Warren Christopher regarding emigration and other matters relating to the PRC. Based on these sessions, the committee met on December 18 and ordered the resolution of approval favorably reported.

The principal provisions of the proposed trade agreement are similar to the provisions contained in the agreements the United States has with Romania and Hungary which were previously concluded and approved. The provisions include the following:

First. The United States and the People's Republic of China will provide most-favored-nation tariff treatment to imports from the other country.

Second. Safeguards arrangements are provided to respond to market disruption because of rapidly increasing imports, and permit the taking of unilateral action following consultations.

Third. Arrangements for business and financial facilitation are provided, including the establishment of business representation offices and provisions encouraging visits by economic, trade, and industrial groups.

Fourth. The People's Republic of China agrees to provide copyright, patent, and trademark protection equivalent to the protection afforded the People's Republic of China by the United States.

While the PRC will benefit from the trade agreement, the agreement is reciprocal, and the United States will also benefit. U.S. exports will be facilitated as a result of the approval of the trade agreement in a number of ways. The provisions relating to patent and copyright protection, facilitation of commercial and financial activities, and dispute settlement should enhance prospects for U.S. exports and investment in the PRC. In particular, the agreement contains a commitment to make purchases on the basis of customary international trade practice and commercial considerations, including price, quality, delivery, and terms of payment. Thus, commercial considerations, as opposed to political considerations, are intended now to determine trade between the United States and the PRC. Some U.S. exports which are likely to benefit include exports of grain and other agricultural products, mining equipment and technology for the development of the iron ore, coal, and nonferrous metals industries, oil drilling equipment and technology for the petroleum industry, equipment and technology for the electric and hydroelectric power industries, transport equipment, communications equipment, and hotel construction.

Mr. President, I believe that approval of the trade agreement will significantly enhance U.S. export opportunities and will provide basic protection for U.S. trade and investment interests. The PRC has had relatively little economic relations with the United States, and indeed with the industrial market-economy countries as a whole. I believe such relations should be encouraged, as good economic relations are the foundation for strong, peaceful, and mutually beneficial relations generally. This agreement, representing as it does a strong commitment to responsible actions by the PRC to advance these relations, should be approved for the benefit of the United States.●

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 1452. A bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance (Rept. No. 96–550).

By Mr. McGOVERN, from the Committee on Agriculture, Nutrition, and Forestry with an amendment and an amendment to the preamble:

S. Res. 225. A resolution to encourage the more effective marketing of agricultural commodities by farmers (Rept. No. 96–551).

Pursuant to the order of the Senate of December 20, 1979, the following reports of committees were submitted on January 17, 1980, during the recess of the Senate:

By Mr. CHURCH, from the Committee on Foreign Relations, with an amendment and an amendment to the title:

S. 2012. A bill to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America, with special attention to reestablishing conditions of stability and growth in the Nicaraguan economy, and to provide additional economic support for other countries in Central America and the Caribbean, and for other purposes (together with additional views) (Rept. No. 96–552).

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 330. An original resolution to waive section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2012. Referred to the Committee on the Budget.

By Mr. KENNEDY, from the Committee on the Judiciary, with amendments:

S. 1722. A bill to codify, revise, and reform title 18 of the United States Code, and for other purposes (Rept. No. 96–553).

By Mr. DeCONCINI, from the Committee on the Judiciary, with amendments:

S. 114. A bill to establish rational criteria for the imposition of the sentence of death, and for other purposes (together with additional views) (Rept. No. 96–554).

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Office laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TALMADGE, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 335. An original resolution authorizing additional expenditures by the Committee on Agriculture, Nutrition, and Forestry, for inquiries and investigations. Referred to the Committee on Rules and Administration.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON (from the Committee on Energy and Natural Resources):

S. 2189. A bill to establish a program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy and initiate a program for the disposal of nuclear waste from civilian activities, and for other purposes. (Original bill reported on January 3, 1980, and placed on the calendar.)

By Mr. WARNER (for himself and Mr. THURMOND):

S. 2190. A bill to increase the rates of basic pay and allowances for certain pay grades of the uniformed services, to authorize under certain circumstances the payment of a station housing allowance to members of the uniformed services assigned to duty stations in certain areas of the United States, and for other purposes; to the Committee on Armed Services.

By Mr. CANNON (for himself and Mr. STEVENSON) (by request):

S. 2191. A bill to amend title V of the Motor Vehicle Information and Cost Savings Act, "Improving Automotive Efficiency," to exempt automobile manufacturers producing fewer than 10,000 vehicles per year from both the fuel economy standards and the semiannual reporting requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RIBICOFF (by request):

S. 2192. A bill to require the use of the Consumer Price Index for all urban consumers in certain Federal programs, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CANNON (by request):

S. 2193. A bill to provide authorizations of appropriations for the United States Railway Association, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL:

S. 2194. A bill to amend the Foreign Assistance Act of 1961 to authorize special Azores earthquake relief and reconstruction assistance; to the Committee on Foreign Relations.

By Mr. TOWER:

S. 2195. A bill to require the Secretary of the Interior, in cooperation with the Secretary of Agriculture, to implement certain requirements relating to animal damage control, and for other purposes; to the Committee on Environment and Public Works.

By Mr. RANDOLPH:

S. 2196. A bill for the relief of Zales Ong Hao; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 2197. A bill to credit, for certain purposes, each employee of the Federal Government and each member of a uniformed service who was seized and held hostage by terrorist forces in Iran with one year of service in addition to all other periods of service to which such employee or member is entitled to be credited; to the Committee on Governmental Affairs and the Committee on Armed Services, jointly, by unanimous consent.

By Mr. CHAFEE:

S. 2198. A bill for the relief of certain aliens distressed as the result of a natural calamity, and for other purposes; to the Committee on the Judiciary.

By Mr. JEPSEN (for himself, Mr. HELMS, and Mr. BOSCHWITZ):

S. 2199. A bill to authorize the Secretary of Agriculture to make price support loans available to producers on their 1979 crops of wheat, corn, and feed grains without regard to whether they participated in the Federal programs in effect for such commodities, to authorize the Secretary to announce and carry out a cropland set-aside program for the 1980 crops of wheat, corn, and feed grains, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WEICKER:

S. 2200. A bill to impose a trade embargo against the Union of Soviet Socialist Republics until its troops and their support units withdraw from Afghanistan; to the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance, jointly, by unanimous consent.

By Mr. BELLMON:

S. 2201. A bill to amend the Internal Revenue Code of 1954 with respect to the special valuation of farm property for purposes of the estate tax; to the Committee on Finance.

By Mr. MCGOVERN (for himself and Mr. LEAHY):

S.J. Res. 133. Joint resolution requesting the Secretary of Agriculture, in cooperation with the Secretary of Health, Education, and Welfare, to develop a plan for local nutrition monitoring throughout the United States; to the Committee on Agriculture, Nutrition, and Forestry.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. THURMOND):

S. 2190. A bill to increase the rates of basic pay and allowances for certain pay grades of the uniformed services, to authorize under certain circumstances the payment of a station housing allowance to members of the uniformed services assigned to duty stations in certain areas of the United States, and for other purposes; to the Committee on Armed Services.

(The remarks of Mr. WARNER when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. CANNON (for himself and Mr. STEVENSON) (by request):

S. 2191. A bill to amend title V of the Motor Vehicle Information and Cost Savings Act, "Improving Automotive Efficiency," to exempt automobile manufacturers producing fewer than 10,000 vehicles per year from both the fuel economy standards and the semiannual reporting requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### IMPROVING AUTOMOTIVE EFFICIENCY

● Mr. CANNON. Mr. President, I introduce today, at the request of the Secretary of Transportation, and on behalf of myself and my colleague, Mr. STEVENSON, a bill to amend title V of the Motor Vehicle Information and Cost Savings Act, "Improving Automotive Efficiency," to exempt automobile manufacturers producing fewer than 10,000 vehicles per year from both the fuel economy standards and the semiannual reporting requirements, and for other purposes.

I ask unanimous consent that the text of the bill, the letter of transmittal, and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2191

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 502(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002) is amended to read as follows:

"(c) The requirements of this section and section 505(a) do not apply to a manufacturer in any year in which it manufactured (whether or not in the United States) fewer than 10,000 automobiles.".

SEC. 2. Section 503(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003) is amended by adding the phrase ", other than a manufacturer whose domestically manufactured production commenced after December 22, 1975," following the word "manufacturer" in the first sentence thereof.

SEC. 3. Section 507 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2007) is amended by inserting "(a)" after the caption and by adding a new subsection as follows:

"(b) Notwithstanding subsection (a), the failure of any manufacturer to comply with any average fuel economy standard shall not be considered unlawful if:

(1) The manufacturer has already earned sufficient credits under section 508 to offset any penalty under that section, or

(2) Within six months after a manufacturer submits a mid-model year report indicating that it will not meet an applicable fuel economy standard, the manufacturer submits a plan to the Secretary showing that the manufacturer will earn sufficient credits under section 508 in subsequent years to offset any penalty under that section, provided that the manufacturer subsequently earns sufficient credits to offset such penalty.

SEC. 4. Section 508 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2008) is amended by:

(a) inserting the words "any of the three" before the first occurrence of the word "model" in each of the subparagraphs (a)(3)(A)(i)(I), (a)(3)(A)(i)(II), (a)(3)(B)(i)(I), and (a)(3)(B)(i)(II), and by deleting the word "the" which precedes the first occurrence of the word '"model" in each of these subparagraphs and by adding the letter "s" to the word "year" which follows the first occurrence of the word "model" in each of these subparagraphs; and

(b) deleting the word "manufacturer" in the first sentence of subsection (c)(2) and inserting "person" in lieu thereof.

---

THE SECRETARY OF TRANSPORTATION,
*Washington, D.C., December 17, 1979.*

Hon. WALTER F. MONDALE,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill.

To amend title V of the Motor Vehicle Information and Cost Savings Act, "Improving Automotive Efficiency," to exempt automobile manufacturers producing fewer than 10,000 vehicles per year from both the fuel economy standards and the semiannual reporting requirements, and for other purposes.

The Automotive Fuel Economy program report for January 15, 1979, as required by title V of the Motor Vehicle Information and Cost Savings Act, includes our legislative recommendations for improving the program. These proposed amendments, which are included in the enclosed bill, are discussed in depth in the enclosed combined section-by-section analysis and justification and in the enclosed 1979 report.

It is the judgment of this Department, based on available information, that neither an adverse impact on the environment nor an inflationary impact on the economy would result from the implementation of this legislation.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

NEIL GOLDSCHMIDT.

---

### SECTION-BY-SECTION ANALYSIS

Section 1. This section would amend section 502(c) of the Motor Vehicle Information and Cost Savings Act (the Cost Savings Act) to exempt automobile manufacturers producing fewer than 10,000 vehicles per year from both the fuel economy standards and the statute's semiannual reporting requirements. Section 502(c) currently permits the Secretary of Transportation to set a lower fuel economy standard for a particular low-volume manufacturer of passenger automobiles if he finds that the fuel economy standard established is more stringent than the maximum feasible average fuel economy level which such manufacturer can attain. Administration of this provision is burdensome both for the Department and the low-volume manufacturers and contributes little to achievement of the goal of fuel savings. The Department's amendment would exempt both passenger automobile and light truck manufacturers which produce fewer than 10,000 vehicles.

The Department has processed eight applications from eligible manufacturers for lower fuel economy standards since 1975 and has denied none of them. An average of ten applications annually is anticipated in the future. In each case a fuel economy standard determined to be the maximum feasible fuel economy level for that manufacturer is established. In actuality, the resources of these manufacturers (which produce an average of 200–300 vehicles annually, excepting Checker Motors and Rolls-Royce which produce respectively about 5,000 and 3,500 annually) are not sufficiently great to justify substantial commitment of resources to increasing fuel economy. Thus, the manufacturer is essentially only required to meet a level it can already attain, and an insignificant amount of fuel is saved by establishing alternate standards for these manufacturers instead of simply allowing them a complete exclusion from title V. The burdens of filing applications and reports required by title V is also disproportionately large for these manufacturers.

The low volume manufacturer would not, by this amendment, be altogether free from fuel economy considerations. Upon being certified each year by FPA, a fuel economy value for each of its base levels is established. This value becomes the basis for the Gas Mileage Guide, labeling provisions, and the "gas guzzler" excise tax. Therefore, although exemption from CAFE standards and reporting would be granted, a limited amount of pressure to improve fuel economy would remain.

Section 2. This section would amend section 503(b)(1) of the Cost Savings Act to allow a manufacturer to average U.S. assembled automobiles with its imports if U.S. production began after the Act was passed. This amendment would continue the existing statute's discouragement of job exportation by domestic manufacturers and eliminate its current disincentive to U.S. production by foreign manufacturers.

Section 503(b) currently provides that, beginning with Model Year 1980, a corporation's total fleet production of passenger automobiles shall be separated into two separate fleets for purposes of calculation of its average fuel economy—those which are "domestically manufactured" and those which are "not domestically manufactured." The purpose of this division is not fuel conservation but discouragement of the loss of jobs from the United States that might result from achieving fleet averages among the domestic manufacturers by importing increasing numbers of fuel-efficient vehicles manufactured abroad. (June 12, 1975 Cong. Rec. H 5382 (daily ed.)).

This provision has the potential for decreasing U.S. employment unintentionally. Volkswagen A.G. of Germany produces a range of vehicles from the more fuel-efficient Rabbit model to the less fuel-efficient Dasher, Microbus, Audi, and Porsche models. Volkswagen has begun manufacturing the Rabbit models in the United States. At this time, less than 75 percent of the value of these Rabbits are added in the U.S. production stage, but Volkswagen has stated its intention to increase U.S. value added above 75 percent. Volkswagen has advised Congress and the Department that it is discouraged from doing so, because the U.S. Rabbit would then qualify as a separate "domestically manufactured" fleet under § 503(b). While this domestic fleet would have no difficulty achieving presently established average fuel economy standards, the remaining less fuel-efficient production in Europe would constitute a separate fleet that would have more difficulty achieving established or contemplated standards than if Rabbit production could be averaged with it into a single corporate fleet.

Volkswagen could react by limiting its U.S. value added to less than 75 percent or by continuing to import a significant number of Rabbits that could have been built in the United States. Another similar foreign manufacturer contemplating U.S. manufacture might also take these steps, or might abandon plans to begin production in the United States. It is clear that none of these eventualities was intended by § 503(b) and that each would be counterproductive to the section's intended effect of maintaining U.S. jobs in automobile manufacturing. On the other hand, mitigation of this unintended effect would have the appearance of favoring foreign manufacturers. The Department recognizes that the fuel-savings goal of title V was never the basis for the separation of fleets, and its only intended effect was encouragement of U.S. employment.

With this in mind, the Department believes that manufacturers in Volkswagen's position should be permitted to establish manufacturing facilities in the United States without the potential drawbacks represented by § 503(b). Volkswagen has suggested that this could be accomplished by suspending the "two fleets" principle where U.S.-produced vehicles add to the total corporate fleet average in question. While this and other approaches have appealing rationales rooted in the goal of increased fuel savings, the Department prefers to tread § 503(b) consistent with its employment rationale—that the established U.S. manufacturers should not meet their fuel efficiency responsibilities by importing large numbers of fuel efficient vehicles instead of improving the fuel economy of the domestically-produced fleet.

Section 3. This section would amend section 507 of the Cost Savings Act to exempt a manufacturer from a finding of unlawful conduct for its failure to comply with a fuel economy standard if it has earned sufficient credits in the three years prior to the year of the penalty to completely offset such penalty. The section would also provide relief from a finding of unlawful conduct to a manufacturer that has not earned sufficient credits before the year of penalty, on the condition that the manufacturer submits a plan showing that it will earn sufficient credits during the succeeding three years to offset the penalties. If the manufacturer, despite its plan, has excess penalties at the end of the three-year carryback period, it would be considered to have acted unlawfully. The amendment would thus continue the statute's emphasis on compliance.

Section 4. This section would amend section 508(a)(3)(A)(i)(I) and (II) and (B)(i)(I) and (II) of the Cost Savings Act to modify the automotive fuel economy system of credits and penalties to allow the credits the manufacturer may accrue to be carried forward or backward for three years instead of the current one year. The provisions under section 508 of the statute now impose a penalty of manufacturers who fall below the specified standards, although it does not prohibit the sale of cars in such a situation. While it is the case under section 508(b) that the Federal Trade Commission is charged with determining whether the imposition of a penalty would result in a substantial lessening of competition and the Secretary of Transportation then has the authority to waive or reduce the penalty, the Department believes that it is further appropriate to allow any credits accrued to be carried forward or backward for three years. This would increase fuel conservation at an earlier date (to avoid paying penalties) and give manufacturers a buffer against the effect of unexpected shifts in the market. It is not intended that a manufacturer would be able to take advantage of credits to deliberately delay fuel economy improvements in later years.

This section would also make a technical amendment to section 508(c)(2) of the Coast Savings Act to substitute the word "person" for the word "manufacturer" in the first sentence of the subsection.●

---

By Mr. RIBICOFF:

S. 2192. A bill to require the use of the Consumer Price Index for all urban consumers in certain Federal programs, and for other purposes; to the Committee on Governmental Affairs.

● Mr. RIBICOFF. Mr. President, at the request of the Director of the Office of Management and Budget, I am introducing legislation which would require the use of the Consumer Price Index for all urban consumers in certain Federal programs.

The Director of OMB advises that the purpose of the bill is to specify that the Consumer Price Index for all urban consumers (CPI-U) published by the Bureau of Labor Statistics of the Department of Labor will be used in Federal programs that require or authorize the use of the CPI in certain calculations. This index will replace the more narrow Consumer Price Index for urban wage earners and clerical workers (CPI-W) that is currently used.

I ask unanimous consent that the text of the bill, the accompanying letter explaining in detail the need for the legislation, and a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2192

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, effective January 1, 1980, whenever the Consumer Price Index is specifically required or authorized to be used by any Federal officer to make calculations or determinations under any Act of Congress, the Consumer Price Index so utilized shall, not withstanding any other provision of law, be the "Consumer Price Index for All Urban Consumers."

SEC. 2. This act shall not apply

(a) to any usage of any escalation formula, or the use of any index described in such formula, which has been, or may be, negotiated by any employer, including any public employer, and any labor union or association of employees; and

(b) to actions undertaken, or to be undertaken, or rights, benefits or obligations between individuals, businesses, or State and local governments, or each with the other.

OFFICE OF MANAGEMENT AND BUDGET,
*Washington, D.C., September 12, 1979.*

PRESIDENT OF THE SENATE,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Enclosed herewith for consideration of the Congress is a draft bill "To require the use of the Consumer Price Index for all urban consumers in certain Federal programs, and for other purposes." A section-by-section analysis of the bill is also enclosed.

The purpose of this bill is to specify that the Consumer Price Index for All Urban Consumers (CPI–U) published by the Bureau of Labor Statistics of the Department of Labor will be used in Federal programs that require or authorize the use of the CPI in certain calculations. This index will replace the more narrow Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) that is currently used.

A number of Federal programs are based upon statutory provisions tying benefit increases and other calculations to the "cost-of-living" as reflected by changes in the CPI published by BLS. For example, Federal laws refer to the CPI as the basis for required calculations and determinations for the Federal military and civilian employee retirement systems; Social Security old age, survivor, and disability benefits; railroad retirement benefits; Supplemental Security Income payments; food stamps; child and elderly nutrition programs; and Federal Employees Compensation Act benefits.

The CPI–W is designed to represent only the consumption patterns and price experience of households headed by urban wage earners and clerical workers. This group constitutes only about 35% to 40% of the U.S. population. An expansion of coverage of this index had been under consideration for many years and had been strongly recommended by many experts prior to the initial publication of the broader CPI–U last year. Fifteen years ago, for example, a committee appointed by the National Bureau of Economic Research recommended a broader index, representative of the entire population, as more appropriate for the measurement of inflation. The new CPI–U includes about 80% of the total U.S. population.

The enclosed draft bill would require the use by Federal officials of the new "CPI for All Urban Consumers" index to make calculations under such Federal programs, effective January 1, 1980. The new "all urban" index, in doubling the population covered compared with the current index, will include retirees and other recipients of Federal program benefits that are adjusted by the CPI, but who are not represented by the current index. It will thus not only reflect more accurately the changes in prices experience of a larger proportion of the population, but will be a more appropriate base for adjustment of Federal benefits than the much more limited "wage and clerical" index in current use.

The bill would not affect discretionary or administrative use of the CPI, were not explicitly required or authorized by Act of Congress, and would not apply to negotiated labor agreements or other agreements in the private or public sectors, or to actions or rights, benefits or obligations between individuals, businesses or State and local governments.

I urge the Congress to give prompt and favorable consideration to this proposal.

Sincerely,

JAMES T. MCINTYRE, Jr.
*Director*.

---

### SECTION-BY-SECTION ANALYSIS OF THE DRAFT BILL RELATING TO THE USE OF THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS IN CERTAIN FEDERAL PROGRAMS

Section 1 of the draft bill would require use of the "Consumer Price Index for All Urban Consumers" whenever Federal law requires or otherwise specifically authorizes use of the Consumer Price Index (CPI) in making calculations or determinations affecting Federal programs. A number of Federal programs include statutory provisions tying benefit increases and other calculations to the "cost-of-living" as reflected by changes in the CPI. These include Federal military and civilian employee retirement systems; Social Security old-age, survivor, and disability benefits; railroad retirement benefits; Supplemental Security Income payments; food stamps; child and elderly nutrition programs; and Federal Employees Compensation Act benefits.

Section 1 also provides that the shift to the use of the CPI for All Urban Consumers shall occur on January 1, 1980. This date refers to the date on or after which calculations using the CPI are to be made, not the "base" date. For example, if a program statute requires calculations to be made on or about July 1, 1980, comparing the percent change in the CPI published for December 1, 1979, over that published for June 1980, the CPI–U is used for both months.

Section 2 makes clear that the draft bill deals only with use by Federal Government officials of the CPI when such use is specified under Federal law. This section states that the bill is not intended in any way to limit or affect the rights of private parties to utilize any measure of consumer prices which they may choose, or to affect negotiated agreements or other agreements, actions or rights, benefits or obligations in the private or public sectors. Thus, for example, escalation clauses under private or public collective bargaining agreements will not be affected except to the extent that the parties to such agreements themselves do determine.●

---

By Mr. CANNON (by request):

S. 2193. A bill to provide authorizations of appropriations for the United States Railway Association, and for other purposes; to the Committee on Commerce, Science, and Transportation.

● Mr. CANNON. Mr. President, today I am introducing by request of the United States Railway Association legislation which would provide an authorization for appropriations during fiscal year 1981, for the administrative expenses of the Association. This legislation would amend section 214(c) of the Regional Rail Reorganization Act of 1973 (3R Act) by authorizing $29.5 million for such purposes.

The United States Railway Association (USRA) was created under the 3R Act as a nonprofit corporation to plan and direct the reorganization of certain bankrupt railroads in the Northeast and Midwest regions, including most notably the Penn Central. This reorganization resulted in the formation of the Consolidated Rail Corporation (ConRail).

As part of its continuing responsibilities stemming from this restructuring, USRA represents the Government in litigation relating to the value of the property transferred to ConRail pursuant to the reorganization. USRA also has specific responsibilities vis-a-vis ConRail. It has the authority to provide Federal funds to ConRail through loans and the purchase of ConRail securities. In this regard, it must monitor the need for and use of these funds to insure that ConRail improves its facilities and service and moves toward financial viability. USRA analyzes data on ConRail's performance and financial status and is obligated to inform Congress periodically based on such information. As part of this oversight of ConRail, the Association recently sent to Congress a study of alternatives to ConRail's present financial and operational structure.

In reviewing this authorization request, it is important to insure that USRA has the financial capability to carry out its important functions, particularly those related to ConRail's future. It must continue to help Congress search for solutions to ConRail's financial and operational problems so that rail freight transportation in the Northeast can become more efficient without massive Federal subsidies. Until such time as is determined that the Association is no longer necessary as an independent body, USRA must be able to fulfill its mandate.

Mr. President, I ask unanimous consent that the text of the bill and letter of transmittal be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2193

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 214(c) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 724(c)) is amended to read as follows:

"(c) ASSOCIATION.—For the fiscal year ending September 30, 1981, there are authorized to be appropriated to the Association for purposes of carrying out its administrative expenses under this Act such sums as are necessary, not to exceed $29,500,000. Sums appropriated under this subsection are authorized to remain available until expended.".

---

DECEMBER 20, 1979.

Hon. WALTER F. MONDALE,
*President of the U. S. Senate,*
*Washington, D. C.*

DEAR MR. PRESIDENT: The United States Railway Association transmits herewith its proposed authorization for fiscal year 1981 administrative expenses in conformity with Section 202 of the Regional Rail Reorganization Act of 1973, as amended.

The Association is seeking a FY1981 authorization of $29.5 million. The Office of Management and Budget has approved this amount for inclusion in the President's FY 1981 budget for Association administrative expenses.

The United States Railway Association hereby requests the opportunity to appear and testify in support of its fiscal year 1981 authorization for Association administrative expenses. Detailed justifications for fiscal year 1981 appropriations are being transmitted to the appropriations committees of the Congress. The Association is prepared to provide supporting information to the Commerce Committee prior to a hearing on this request.

Please direct any questions concerning this request to John J. McFall, Vice President, Governmental Affairs.

Sincerely yours,

————.●

---

By Mr. PELL:

S. 2194. A bill to amend the Foreign Assistance Act of 1961 to authorize special Azores earthquake relief and reconstruction assistance; to the Committee on Foreign Relations.

### AZORES EARTHQUAKE RELIEF

● Mr. PELL. Mr. President, the decade of the 1980's began tragically with a devastating earthquake that took place on January 1 in the Azores islands of Portugal. Some 54 people were killed, 300 to 500 were injured, and approximately 15,000 people were rendered homeless. In the process, many towns and villages were almost entirely reduced to rubble.

The American Ambassador, Richard Bloomfield, responded immediately by declaring the Azores a disaster area, thus making the islands eligible for American disaster relief, which so far has totaled $380,000. Our air base at Lajes on Terceira island also responded quickly, in spite of the damage done to the base itself, and dispatched medical assistance teams, medical supplies, and tents to the stricken areas. In addition, private American organizations such as the American Red Cross, the Salvation Army, and the Seventh-day Adventist World Service contributed money and materials.

Yet the situation is still serious, and a tremendous amount of reconstruction remains to be done. In this connection, the most immediate need is for housing. Americans have always responded generously whenever natural disasters have occurred abroad. For example, during the past several years, extensive American aid was provided to earthquake victims in Italy, Yugoslavia and Turkey. I am therefore, today introducing a bill to authorize $10,000,000 for disaster relief and reconstruction in the Azores, and I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2194

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 9 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 4951. SPECIAL AZORES EARTHQUAKE RELIEF AND RECONSTRUCTION ASSISTANCE.—(a) The President is authorized to furnish assistance on such terms and conditions as he may determine, for disaster relief and reconstruction in the Azores to assist in alleviating the human suffering caused by a recent earthquake. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $10,000,000 for the fiscal year 1980, which amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491.

"(b) Obligations incurred, prior to the enactment of appropriations to carry out this section, against other appropriations or accounts for the purpose of alleviating the human suffering caused by the earthquake in the Azores may be charged to the appropriations authorized by this section.".

Mr. PELL. Mr. President, another need that may arise concerns the possibility that immigration relief will be required for certain individuals who are unable to sustain themselves as a result of the earthquake and, therefore, wish to join relatives or friends in the United States to make new lives. I recently wrote to President Carter urging that he exercise his parole authority under existing legislation to provide relief in these special situations, and I ask unanimous consent that the text of my letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, D.C., January 11, 1980.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: As you know, a devastating earthquake struck the Azores islands in Portugal on January 1 leaving some 15–18,000 persons homeless.

In this connection, I would appreciate it very much if, in consultation with the Portuguese government, you could give consideration to invoking your authority under the Immigration and Nationality Act to parole into the United States certain individuals suffering particularly serious dislocation as a result of the earthquake. I am thinking especially of dependent children whose parents have been killed, elderly people who have lost relatives constituting their only means of support, or other people who have little or no chance of resuming their former livelihoods.

With respect and regards.
Ever sincerely,

CLAIBORNE PELL.●

---

By Mr. TOWER:

S. 2195. A bill to require the Secretary of the Interior, in cooperation with the Secretary of Agriculture, to implement certain requirements relating to animal damage control, and for other purposes; to the Committee on Environment and Public Works.

### ANIMAL DAMAGE CONTROL AMENDMENTS OF 1980

● Mr. TOWER. Mr. President, the issue of western livestock losses to predators, particularly coyotes, continues to be one that the Congress and the administration reluctantly addressed in the past several sessions. The questions of whether livestock losses could be reduced without excessive environmental harm has been postponed in environmental impact statements and departmental studies and reports. Most of these research studies have produced positive findings. As these reports were being researched, Congress continued to express some concern with the predator control issue through the budget process with over $17 million marked for animal damage control programs for fiscal year 1980.

There exists a degree of urgency for Congress to review and amend the Animal Damage Control Act of 1931 to reduce the losses livestock producers are facing in the 1980's. Cattlemen, poultry producers, and particularly sheep and goat raisers are seriously affected. According to the economics, statistics, and cooperative service, USDA, the economic impact of predation losses to sheep and cattle producers in 16 Western States during 1977 totaled $59 million. This data needs to be carried one step further to connect predator damage to its impact on consumers. In 1977, the ESCS reported that negative impacts on consumers resulted from higher prices and reduced supplies. The cost of these losses attributable to coyote predation were $98 million for beef and $4 million for lamb. Therefore, one can conclude that the greatest economic impact of coyotes' predation is on consumers, not just on the livestock producers.

I am today introducing a bill resulting from the recent studies made by the U.S. Fish and Wildlife Service and from the experiences shared by my livestock constituents. Texas ranks third in the United States in total cash receipts for agricultural marketing with approximately $7.7 billion. However, in the area of livestock production, Texas ranked first in the areas of farm and ranch land (138.7 million acres), all cattle and calves (13.9 million head), all sheep and lambs (2.4 million head), all goats and kids (1.4 million head), and wool and mohair production (18.5/8.1 million pounds, respectively) in 1978. I understand that livestock producers need assistance, but they are not receiving it from Department of Interior interpretations of the 1931 act and Executive orders.

I want the record to show that the sheep and goat industry is affected the most from predator losses. In 1950, there were 50 million head of sheep in the United States. Today the number is approximately 12 million head. The reasons for this decline are twofold: First, economic loss; and second, lack of response by the Congress and executive branch to the severity of the producers' problems. Removal of the sheep and goat industry from the U.S. economy will result in a loss in wool and mohair production—both natural, renewable fibers which are warmth providers—and a replacement of them with energy-consuming synthetic fibers made from oil, gas or coal. This is not a wise decision for America today. The continued reduction of sheep and goat numbers minimizes the use of many forbs and grasses that cattle and wildlife seldom use. This in itself may create harmful ecosystem disruption.

Many concerned agricultural and environmental groups desire to resolve the predator problem and to provide the assurance that our livestock industry will grow to meet increasing needs of the Nation for food and fiber. This goal can be accomplished with the knowledge that predators do have a significant place in the ecosystem and that these animal resources need to be conserved or perpetuated for future generations, but not at the expense of the livestock industry.

I firmly believe that the bill which I introduce today addresses fairly all these issues. I urge my colleagues to join me in cosponsoring this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2195

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Animal Damage Control Amendments of 1980".

SEC. 2. The Congress finds that—

(1) producers of livestock provide a valuable source of food and goods to the American people;

(2) despite efforts to reduce damage caused by predators of livestock, such producers continue to suffer significant losses each year to their livestock herds as a result of predator attacks;

(3) livestock producers have cooperated extensively with Federal departments and agencies in developing and implementing reasonable animal damage control measures; and

(4) in order to reduce significantly the annual losses that livestock producers suffer as a result of predator attacks, the Secretary of Agriculture and the Secretary of the Interior should jointly develop and carry out a balanced animal damage control program that effectively utilizes both lethal and nonlethal control measures.

SEC. 3. The Secretary of the Interior, in carrying out a program relating to animal damage control, shall conduct such program, in cooperation with the Secretary of Agriculture, in accordance with the following:

(1) Use, and permit the use of effective lethal and non-lethal animal control devices, methods, and chemical toxicants, including but not limited to—

(A) steel traps;

(B) aerial gunning;

(C) the M–44 device; and

(D) snares.

(2) Undertake extended research activities relating to chemical toxicants, including compound 1080, and emphasize selective and environmentally preferred lethal and nonlethal toxicants. Such research shall analyze—

(A) the efficiency of such toxicants;

(B) the effects of such toxicants on the environment and on animals other than the offending species; and

(C) the advantages of certain toxicants. Such research efforts shall be directed toward the development and use of effective and environmentally acceptable toxicants.

(3) Use and permit the use of toxicants, including compound 1080, until such time as a more suitable selective toxicant is developed.

(4) Undertake applied field research relating to non-lethal animal damage control techniques and the effectiveness of economically feasible husbandry practices in reducing livestock losses under various field conditions. Such research shall analyze—

(A) the efficiency and cost of such techniques and practices.

(B) the effects of such techniques and practices on the environment and on animals other than the offending species; and

(C) the advantages of certain techniques and practices.

(5) Use preventive control techniques to manage offending predator populations.

(6) Establish an ad hoc committee to review the activities carried out by the Secretary of the Interior relating to animal damage control. Such committee shall be composed of members representing agricultural and other affected interests. The review of such activities shall be conducted every two years. The committee shall—

(A) assess the extent to which animal damage control activities are in compliance with the requirements of this Act;

(B) assess the success of the program in reducing animal damage; and

(C) make recommendations to the Secretary of the Interior and the Secretary of Agriculture relating to measures needed to make such activities more effective.

SEC. 4. The Secretary of the Interior and the Secretary of Agriculture shall submit to Congress, not later than one year after the date of the enactment of this Act, and annually thereafter, a joint report relating to the development and implementation of the animal damage control program provided for in section 3.●

### By Mr. BAUCUS:

S. 2197. A bill to credit, for certain purposes, each employee of the Federal Government and each member of a uniformed service who was seized and held hostage by terrorist forces in Iran with 1 year of service in addition to all other periods of service to which such employee or member is entitled to be credited; to the Committee on Governmental Affairs and the Committee on Armed Services, jointly, by unanimous consent.

#### AMERICAN HOSTAGE SPECIAL ASSISTANCE

● Mr. BAUCUS. Mr. President, I am introducing today a bill for consideration by the Senate which would give each American held hostage by Iranian extremists an additional year's credit for retirement purposes as a result of the time they were so held.

Mr. President, some 50 Americans, from a number of U.S. Government agencies, have been held hostage by brutal, thoughtless, and obviously lawless individuals for over 2 months. They have not been permitted to leave the Embassy compound. Some have been manacled or tied like common criminals. All surely have suffered mental and physical anguish as a result of this ordeal. I believe you and all my colleagues are fully aware of the difficulties and I need not elaborate further.

As a result, I think the American people should recognize the valor with which these Americans have served their country. There is already under study in the Congress a variety of measures to give them some special recognition. I support those endeavors and hope something adequate is found.

Meanwhile, however, my suggestion is a modest one which I believe will serve such purposes, be easy to administer, and will not create any inequities. All hostages would be equally eligible, and none would receive more recognition than others because of pay or tax bracket. It does not alter any existing plans and has lots of precedents. An added year of retirement credit, available only upon attainment of retirement age, has often been given for a variety of reasons, such as service in hardship posts, combat service in the military, and so on. Costs are spread out over a long period of time and therefore are negligible, and yet for the individual, it is a benefit of some value since a pension is increased in value by 1 year of service.

Mr. President, I urge that this bill be given quick consideration by the Senate and that we take this small step to recognize the difficult service rendered by these Americans.●

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill introduced by the Senator from Montana (Mr. BAUCUS), relative to special assistance to American hostages, be jointly referred to the Committee on Governmental Affairs and the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

### By Mr. CHAFEE:

S. 2198. A bill for the relief of certain aliens distressed as the result of a natural calamity, and for other purposes; to the Committee on the Judiciary.

Mr. CHAFEE. Mr. President, on January 1 of this year, a severe earthquake, measuring 7.0 on the Richter scale, devastated the Azores Islands. Latest reports indicate that more than 50 have died and approximately 22,000 Azoreans have been left homeless. Physical damage estimates exceed $100 million.

I rise today to introduce legislation to aid the victims of this natural disaster—people who have lost their homes and their belongings. Briefly, this bill would provide for the issuance of 2,000 special nonquota immigrant visas to nationals or citizens of Portugal who are unable to return to their place of abode. Under this legislation, the visa holder could also bring in a spouse and unmarried children under 21 years of age.

The legislation further provides that these visas shall be issued by consular officers, as defined in the Immigration and Nationality Act. The individuals who choose to immigrate under this measure, will not be required to demonstrate that they posess a "skill in short supply" or that they have an "immediate family relative" residing in this country. Such restrictions, in this time of tragedy, would be cumbersome and inappropriate.

Mr. President, I want to emphasize to my colleagues that this extension of special visas is a limited action. It should not and will not provide an opportunity for the more than 20,000 homeless to enter the United States. If, in the coming weeks, it becomes apparent to this body that the issuance of 2000 visas is neither necessary nor helpful to the Azores, I would certainly consider a reduction of that number.

I seek to offer immigration as an option to those most destitute individuals. I am speaking of the elderly, who have no means of support following the death of their relatives; of the children orphaned in the disaster, and of those Azoreans who have no foreseeable opportunity to resume their previous livelihood.

I am aware of the Portuguese Government's desire to maintain the population of the Azores at existing levels. In no way does this proposal seek to rob the islands of their greatest resource—the Azorean people, themselves. It is, rather, an act of friendship during a time of need.

More than 5,000 homes, located primarily on the Island of Terceira and Sao Jorge, were completely destroyed. Six thousand more are uninhabitable because of severe structural damage. Electricity may not be restored to some areas for another year.

The reconstruction of this housing is essential to the well-being of the islands. The distinguished Congresswoman from Massachusetts, Mrs. HECKLER, following her return from the Azores, has indicated to me her interest in sponsoring legislation which would provide economic assistance in the reconstruction effort. My distinguished colleague from Rhode Island, Senator PELL, has also been working along these lines, and I wholeheartedly support their initiatives.

Mr. President, we have a tradition in this country of providing asylum for those who suffer from natural disasters. In 1958, when volcanic eruptions struck the Azores, Congress quickly responded to humanitarian concerns in extending special visas.

The present situation in the Azores is equally tragic and deserves our immediate attention. The people of Portugal and the Azores, in the past, have proved to be valuable, industrious citizens. I am absolutely confident that the Azoreans, to whom we are extending this invitation, will make important contributions to American society.

My legislation, the Azorean Relief Act of 1980, offers to destitute families the shelter of this country, if there is little likelihood that their lives can be reestablished in their homeland.

I urge my colleagues to continue this country's traditional acceptance of a people in need through prompt consideration and passage of this measure.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2198

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding the provisions of any other law, there are hereby authorized to be issued two thousand special nonquota immigrant visas to aliens, specified in section 2 of this Act, seeking to enter the United States as immigrants, and to their spouses and their unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters, and sons or daughters adopted prior to January 1, 1980, if accompanying them, notwithstanding any numerical limitations.

SEC. 2. Visas authorized to be issued under this Act shall be issued only to nationals or citizens of Portugal who, because of natural calamity in the Azores Islands on January 1, 1980, are out of their usual place of abode in such islands and unable to return thereto, and who are in urgent need of assistance for the essentials of life.

SEC. 3. Visas authorized by this Act may be issued by consular officers as defined in the Immigration and Nationality Act in accordance with the provisions of section 221 of that Act if each such alien is found to be eligible to be issued an immigrant visa and to be admitted to the United States under the provisions of the Immigration and Nationality Act except as it applies in section 212(a)(14) and 212(a)(15) and if a quota number is not available to such alien at the time of his application for a visa.

SEC. 4. Aliens receiving visas under this Act shall be exempt from paying the fee prescribed in section 281 of the Immigration and Nationality Act.

SEC. 5. Except as otherwise specifically provided in this Act, the definitions contained in section 101 (a) and (b) of the Immigration and Nationality Act shall apply in the administration of this Act.

SEC. 6. No special nonquota immigrant visas shall be issued under this Act after June 30, 1981.

---

By Mr. JEPSEN (for himself, Mr. HELMS, and Mr. BOSCHWITZ):

S. 2199. A bill to authorize the Secretary of Agriculture to make price support loans available to producers on their 1979 crops of wheat, corn, and feed grains without regard to whether they participated in the Federal programs in effect for such commodities, to authorize the Secretary to announce and carry out a cropland set-aside program for the 1980 crops of wheat, corn, and feed grains, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JEPSEN. Mr. President, I rise to introduce a bill to authorize the Secretary of Agriculture to make price support loans available to producers on their 1979 crops of wheat, corn, and feed grains without regard to whether they participated in the Federal programs in effect for such commodities, and also to authorize the Secretary to announce and carry out a cropland set-aside program for the 1980 crops of wheat, corn, and feed grains, and for other purposes.

Mr. President, the people of Iowa are both bewildered and extremely upset about the Soviet embargo which cuts to the heart of our State's economy—so heavily dependent on exports of grain and farm machinery.

Bewilderment, Mr. President, because you will not find more patriotic people anywhere than Iowa. We want to support our President.

But we are very upset, Mr. President, because of the emerging pattern of reprehensible deception in the messages farmers are sent from the White House and the USDA.

Our preacher back in Davenport used to call it "the sin of omission," and that, Mr. President, is what the administration has committed.

In that first embargo message, Iowa farmers were assured that their sacrifice would turn into an effective weapon against the Russians since other countries had agreed to limit grain sales as well. Now, of course, farmers know that such assurances of cooperation from other nations "were merely false hopes held out by the administration" which was aimlessly groping for "thin threads" on which to hang an ill-advised, emotionally initiated, ineffective embargo.

Second, when the administration promised a "multipoint program" of price supports to ease the effects of the embargo, the administration knew full well that only about 1 out of 10 of Iowa's farmers were eligible for the aid.

Yes, Mr. President, USDA forecasts, and "expanding export markets" in 1979, had caused Iowa farmers not to participate in the set-aside program, thus eliminating 90 percent of them from collecting on the loan rate.

Third, the administration has offered to buy up the grain contracts for 17 million metric tons of grain headed for the Soviet Union. But the administration knew full well that the farmers, and not the taxpayers, would end up with a major burden. Yes, the grain companies are off the hook with their contracts. But that grain has not been purchased yet from the farmers. They have no contracts to sell, but they are still on the hook with their contracts to their bankers and implement dealers and chemical suppliers and lots of others.

Finally, Mr. President, the administration has continued to put out promises of new customers that are just not true. The press release on the Mexican purchase was certainly deceiving and a sham.

In addition, as Dr. Milton Friedman has pointed out, the administration knows full well that the grain embargo will have a "trivial" effect on Russia. So many sources of grain are available. Knowing all this and yet telling the American farmers otherwise, the administration continues to shamelessly equate patriotism and this pitiful embargo—an embargo whose main effect has been the immediate lowering of grain prices and general chaos in American agriculture.

President Carter pulled out his six-gun and shot the American farmer in the foot, all the while telling Russia—"Take that."

Today, Mr. President, I have introduced legislation which will allow the Secretary of Agriculture to ease some of the immediate burden on farmers that this embargo has caused.

My bill will allow the USDA to open up the 1979 feed grain program to those 90 percent of Iowa farmers who are not now eligible. This can be done with nonrecourse or emergency recourse loans.

In addition, Mr. President, it will allow the Secretary to adjust the 1980 feed grain program in light of the embargo.

I want to emphasize that I consider these measures only stopgap and only applying to the 2 years in question.

Our aim is to keep the Government off the farm whenever possible. The marketplace should provide for the farmer—not the Government.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2199

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any other provision of law—

(1) the Secretary of Agriculture may make nonrecourse loans available to producers on their 1979 crops of wheat, corn, and feed grains without regard to whether such producers participated in the 1979 Federal programs for such crops; and

(2) the Secretary of Agriculture and the Commodity Credit Corporation may make emergency loans to producers of wheat, corn, and feed grains without regard to whether such producers participated in the 1979 Federal programs for such commodities.

SEC. 2. Notwithstanding any other provision of law or any prior announcement made by him to the contrary, the Secretary of Agriculture may announce and carry out a cropland set-aside program for wheat, corn, and feed grains for the 1980 crops of such commodities if he deems such action to be in the public interest as a result of the suspension imposed on the export of grain to the Soviet Union. In order to carry out effectively a set-aside program for the 1980 crop of any such commodity, after having previously announced that no such program would be in effect for such crop of such commodity, the Secretary may make such modifications and adjustments in such program as he deems necessary because of the delay in instituting a set-aside program for such crop of such commodity.

---

By Mr. WEICKER:

S. 2200. A bill to impose a trade embargo against the Union of Soviet Socialist Republics until its troops and their support units withdraw from Afghanistan; to the Committee on Banking, Housing, and Urban Affairs and the Committee on Finance, jointly, by unanimous consent.

(The remarks of Mr. WEICKER when he introduced the bill appear elsewhere in today's proceedings.)

---

By Mr. BELLMON:

S. 2201. A bill to amend the Internal Revenue Code of 1954 with respect to the special valuation of farm property for purposes of the estate tax; to the Committee on Finance.

### SPECIAL USE VALUATION AMENDMENT

Mr. BELLMON. Mr. President, the bill I am introducing today contains revisions of certain rules affecting the special valuation of family farms under the estate tax laws.

Mr. President. under the estate tax laws in effect prior to 1976, all property was included in a decedent's gross estate at its fair market value. In determining fair market value, it was presumed that the property would change hands between a willing buyer and seller on the basis of a price which reflected the potential "highest and best use" of the property. This price did not necessarily reflect the actual use of the property by the decedent.

This valuation method resulted in higher estate taxes for decedents whose estates included farmland which was used for farming purposes but could have been used for some other, more profitable, commercial purpose. In some cases, this higher tax made it difficult for the family of the decedent to continue to use the land for farming because the income from farming was not sufficient to pay an estate tax based on a speculative, commercial use of the land rather than use of the land as a farm.

In 1976, the Congress recognized that it was inappropriate to value farm land on the basis of its potential highest and best use and changed the law to allow a special valuation of farm property. This provision allows valuation on the basis of use of the property as a farm, not on the property's speculative value under a highest and best use approach.

The provision enacted by Congress in 1976 includes two methods for valuing family farms and real estate use in certain closely held businesses. The first method, which is available only for farms, involves the use of a mathematical formula, and is intended to reduce subjectivity in farm valuation. The second method, available to all property subject to special use valuation, involves the application of a list of commonly accepted appraisal factors, such as the capitalization of income from the property.

Mr. President, my amendment is designed to make one important change in the mathematical formula method of valuation. Under this formula, the average State and local real estate taxes of comparable land are first subtracted from the average annual gross cash rental for comparable land. The result is then divided by the average annual effective interest rate for all new Federal land bank loans, and the result is the value of the farm for estate tax purposes.

The Internal Revenue Code currently provides that only comparable gross cash rentals may be used in the formula; it does not allow the use of crop share rentals in the formula. In many areas of the country, it is customary to have crop share rather than cash rental payments. Although the alternative valuation method involving the use of various commonly accepted appraisal factors is available where there is no comparable gross cash rental information, the literal application of the statute means that executors in many areas will not be able to take advantage of the objective and simple formula in the law. My amendment would remove this barrier from the law by allowing the formula to apply to "in kind" rentals for comparable property where there is no comparable property from which a cash rental may be determined.

Mr. President, this legislation simply clarifies the 1976 special use valuation amendment so that crop rent may be used in the special use valuation formula when no comparable cash rents are available. An estate should not be denied the availability of the special use valuation just because the land assets happen to be located in an area where cash rents are not used.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2201

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That

(a) paragraph (7) of Section 2032A(e) of the Internal Revenue Code of 1954 (relating to the method of valuing farms) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) In kind rentals.—Net in kind rentals (crop share rentals) from comparable real property in the locality of the farm for farming purposes may be used in the formula provided by subparagraph (A) where there is no such comparable real property from which a cash rental may be determined. For purposes of this paragraph, the term 'net in kind rental' means the excess of—

"(i) the value of the commodity received by the lessor of the land on which such commodity is produced, over

"(ii) the cash operating expenses of growing such a commodity which, under the lease, are paid by the Lessor"; and

(b) in subparagraph (C), as redesignated by paragraph (1), by inserting "or in kind rental" after "rental".

(c) Effective date.—The amendments made by this section shall apply with respect to estates of decedents dying after the date of the enactment of this Act.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

Mr. LEAHY. Will the Senator yield?

Mr. BELLMON. Yes.

Mr. LEAHY. Mr. President, I ask unanimous consent that Bob Paquin, of my staff, be granted privilege of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, my distinguished colleague from Oklahoma (Mr. BELLMON) has introduced a resolution calling, in effect, for a select committee to assess U.S. defense and foreign policy.

I have come to the floor expressly to support the efforts of my colleague from Oklahoma.

Mr. President, I fully support the efforts of my colleague from Oklahoma. Recent events have served to underscore problems that have been developing for some time with respect to American defense posture and foreign policy.

I have consistently opposed across-the-board increases in defense spending and quite often opposed across-the-board decreases because I do not believe in throwing money at a problem in a random manner. I have supported the All Volunteer Force and opposed conscription because, for me, the need for a draft has not been adequately demonstrated. Some of my colleagues disagree on these points—on each of them. I doubt, however, that they disagree with the statement that we must get to the bottom of these questions.

It may be possible that we need to spend more on defense. It may be possible that we need a draft—or registration, or the opposite of each of these. However, these and other questions must be addressed in a timely, coordinated way. My colleague from Oklahoma, and I do not always agree, but this time I am in full accord with his position, that these questions have to be asked and we must make an effort to answer them in a far better fashion than we have to date.

The United States is united today, as it has not been for a long time.

Unfortunately, the outrage of what has happened in Iran and the outrage directed toward the Soviet aggression in Afghanistan has helped bring about this unity.

I do not think we Members of the Senate can fulfill our responsibility to 220 million Americans if we squander this unity. Senator BELLMON's proposal must be viewed in this light. We in the Senate must pool our expertise, our committees, and work more closely than we ever have before.

Our defense posture is not simply a matter of money, but how that money is spent. We must not set arbitrary percentages for growth in defense spending, in effect, just throwing money at the problem. We must take a hard look at the components of our national security and act decisively to improve them. We must weigh these decisions with care and target our defense dollars where they are most needed.

Since Vietnam, our defense policy and our foreign policy have been ambiguous and drifting. The Iranian crisis, the Soviet invasion of Afghanistan, and the deterioration of United States-Soviet relations marked by the shelving of SALT II, have combined to wake us abruptly. We must act, but we must act calmly and strongly. We cannot drift any longer.

If we can direct our national unity toward a national purpose, we will salvage much of what has happened throughout the world in the past few years.

We Americans possess an unquestioned unity today, and I believe very strongly that we must direct this unity toward a national purpose. We also have today a national need: to reach a consensus on the future course of American defense and foreign policy. The pace of international events demands this.

Mr. President, it is this Senator's firm belief that the Senate should coordinate the expertise represented by several members of the appropriate committees and empower these Senators to work together in the capacity of a special temporary select committee, which will listen to what the Senator from Oklahoma has said, and we should follow his recommendations.

The need is evident. The time is appropriate—and the responsibility is ours.

Mr. BELLMON. Mr. President, I would like to express my appreciation to the distinguished Senator from Vermont for the position he has taken in this matter.

I think he and I are possibly on a little different side in the defense, but in total agreement that before we start spending additional billions of dollars for defense programs, that we need to know what it is we are trying to accomplish.

I am told that over the last 10 years, we have spent a trillion dollars for defense in this country. If we go ahead with the 5 or 6 percent a year add-ons, which seems to be the present inclination of the Senate, we will spend another trillion dollars in the next 5 years.

I am sure the Senator from Vermont feels as I do, that we need to know whether or not the defense capability we are going to buy with all these multiplied billions is truly necessary to support whatever foreign policy we finally adopt.

I would like very much, as a member of both the Appropriations and Budget Committees, to know what it is we are accomplishing with these billions of defense dollars, before we launch into these programs.

I am distressed—and I am sure the Senator from Vermont feels the same way—that, in the Senate, the Armed Services Committee makes defense policy and the Foreign Relations Committee makes foreign policy, and it seems that the twain never meet. They can meet only in the full Senate, and this is the reason I propose that we have a Senate select committee.

I do not think we can do any more than has been done to cause such a committee to be created; and I am curious to know whether the Senator from Vermont has any ideas as to what might be done now, to see that we cause the full Senate to focus on the problem and decide to take action before we appropriate for the defense budget this year.

Mr. LEAHY. I think we should talk with the leadership of the Senate. I believe, with respect to all our colleagues, that there is a great deal of unanimity on this.

I recall that when I was a member of the Armed Services Committee, periodically, Senator GOLDWATER and I sounded as though we were singing a duet when we were talking about debating our foreign and defense policies together.

Often, our foreign policy goes in a direction in such a way that it can be carried out only if it is backed up with the armed services of our country. Yet, nobody has taken the time to consider whether the Armed Forces are adequately positioned or adequately equipped to carry out that foreign policy.

Conversely, we have at times committed our military might in areas where, if we ever stopped to question it, we would have the obvious question: Does that really carry out what we want in our own citizens but also to our allies national best interests?

As the Senator from Oklahoma has wisely stated, the trillion-dollar expenditure over the last 10 years is in direct expenditures, and it has committed us to hundreds of billions of dollars in indirect expenditures, from veterans benefits on through.

As a member of the Appropriations Committee and as a Member of the Senate, I have no problem in carrying out my responsibilities in voting for such mammoth appropriations; but I do have a problem, as a Member of the Senate, in carrying out my responsibilities if I cannot be convinced that those dollars are going for our national interests.

There is no Member of the Senate and there is no person in the country, I believe, who is not willing to sacrifice and make whatever sacrifices are necessary to maintain the security of our country. But the security of our country itself becomes threatened if, in trying to maintain it, we do it in such a haphazard fashion that we do not know whether our foreign policy and defense policy combine in such a way that it fulfills the obligations of our country, not only to our own citizens but also to our allies outside our borders.

So I commend the step that the Senate from Oklahoma has taken. I think it is an absolutely necessary first step.

I believe those who feel this way are required now to bring every effort among our colleagues to coalesce it—not on a permanent, forever binding commitment, but to bring about this debate in a bipartisan fashion, with Senators who have expertise on the various committees involved, Senators who have varying political ideologies, and try to use the U.S. Senate as it should be used, as a representative form of our Government, to bring about the feelings of the people of this country.

Mr. BELLMON. I thank my friend from Vermont. We are in total agreement on this matter.

By Mr. McGOVERN (for himself and Mr. LEAHY):

S.J. Res. 133. A joint resolution requesting the Secretary of Agriculture, in cooperation with the Secretary of Health, Education, and Welfare, to develop a plan for local nutrition monitoring throughout the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. McGOVERN. Mr. President, on behalf of myself and Senator LEAHY of Vermont, I introduce a joint resolution calling for a system of monitoring the nutritional status of the American people. I think this resolution, which has been introduced in the other body by Congressman RICHMOND, is one that is deserving of the support of all of us who would like to see hunger and malnutrition ended in the United States.

The PRESIDING OFFICER. Without objection, it will be received and appropriately referred.

## ADDITIONAL COSPONSORS

### S. 1269

At the request of Mr. SCHWEIKER, the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1269, a bill to amend the Urban Mass Transportation Assistance Act of 1964 with respect to reduced fare ridership for elderly or handicapped persons.

### S. 1435

At the request of Mr. NELSON, the Senator from California (Mr. HAYAKAWA), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1435, a bill to amend the Internal Revenue Code of 1954 to provide a system of capital recovery for investment in plant and equipment, and to encourage economic growth and modernization through increased capital investment and expanded employment opportunities.

### S. 1638

At the request of Mr. ROTH, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 1638, a bill to amend the Internal Revenue Code of 1954 to provide for the amortization of startup expenditures paid or incurred in starting a new trade or business.

### S. 2079

At the request of Mr. BAYH, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 2079, a bill to improve the administration of the patent and trademark laws by establishing the Patent and Trademark Office as an independent agency, and for other purposes.

### SENATE JOINT RESOLUTION 19

At the request of Mr. WALLOP, the Senator from Wisconsin (Mr. NELSON), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Joint Resolution 19, a joint resolution to authorize the President to issue a proclamation designating March 1979 as "Youth Art Month."

### SENATE JOINT RESOLUTION 22

At the request of Mr. GARN, the Senator from New Hampshire (Mr. DURKIN), and the Senator from Florida (Mr. STONE) were added as cosponsors of Senate Joint Resolution 22, a joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons.

### SENATE CONCURRENT RESOLUTION 60

At the request of Mr. JEPSEN, the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. DECONCINI), the Senator from Oregon (Mr. HATFIELD), the Senator from Indiana (Mr. LUGAR), the Senator from Wyoming (Mr. WALLOP), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

### SENATE CONCURRENT RESOLUTION 61

At the request of Mr. JEPSEN, the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. DECONCINI), the Senator from Oregon (Mr. HATFIELD), the Senator from Indiana (Mr. LUGAR), the Senator from Wyoming (Mr. WALLOP), and the Senator from Colorado, (Mr. ARMSTRONG) were added as cosponsors of Senate Concurrent Resolution 61, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

### SENATE CONCURRENT RESOLUTION 62

At the request of Mr. BAYH, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. DECONCINI), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution urging the Soviet Union to allow Irina Astakhova McClellan to emigrate to the United States, and for other purposes.

### AMENDMENT NO. 1628

At the request of Mr. METZENBAUM, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of amendment No. 1628 intended to be proposed to H.R. 3236, a bill to amend title II of the Social Security Act to provide better work incentives and improved accountability in the disability insurance program, and for other purposes.

---

## SENATE RESOLUTION 330—ORIGINAL RESOLUTION REPORTED DURING THE RECESS WAIVING CONGRESSIONAL BUDGET ACT

Mr. CHURCH, from the Committee on Foreign Relations, reported the following original resolution, on January 17, 1980, during the recess of the Senate, which was referred to the Committee on the Budget:

### S. RES. 330

*Resolved*, that pursuant to section 402(c) of the Congressional Budget Act of 1974, provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2012, a bill to authorize assistance in support of peaceful and democratic processes of development in Central America and the Caribbean.

Such waiver is necessary to allow the authorization of (1) $80,000,000 in additional budget authority for fiscal year 1980 to provide economic assistance (2) $2,000,000 in additional budget authority for fiscal year 1980 for foreign military sales credits and (3) $1,000,000 in additional budget authority for fiscal year 1980 for international military education and training, for nations in Central America and the Caribbean.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1979 deadline because the events in Central America and the Caribbean nations which led to the request for additional funds did not occur until after May 15, 1979.

The effect of defeating consideration of this supplemental authorization will be to limit the ability of the President to provide economic assistance which can contribute to a restoration of peace and stability in Central America and the Caribbean.

---

## SENATE RESOLUTION 335—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. TALMADGE, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution, which was referred to the Committee on Rules and Administration:

### S. RES. 335

*Resolved*, That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of the rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $813,000, of which amount not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

---

## AMENDMENTS SUBMITTED FOR PRINTING

## DEPARTMENT OF ENERGY CIVIL APPLICATIONS AUTHORIZATIONS, 1980—S. 688

### AMENDMENT NO. 1629

(Ordered to be printed and to lie on the table.)

Mr. MOYNIHAN (for himself and Mr. JAVITS) submitted an amendment intended to be proposed by them, jointly, to S. 688, a bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1980 and fiscal year 1981, and for other purposes.

● Mr. MOYNIHAN. Mr. President, I am joined by my colleague Senator JAVITS in submitting this amendment to the Department of Energy civilian authorization bill, S. 688, that would authorize a nuclear waste demonstration project at West Valley, N.Y.

West Valley is the site of this Nation's only nuclear fuel reprocessing plant. Over 75 percent of the high level liquid waste at West Valley is from Federal facilities or commercial reactors under contract with the former Atomic Energy Commission. On March 8, 1977, the GAO recommended that the Nuclear Regulatory Commission develop criteria for handling the waste and decommissioning the site. The GAO report also recommended that the NRC and the Department of Energy develop a policy of Federal asisstance to New York for the site.

On March 15, 1978, the DOE task force for review of nuclear waste management stated that "DOE should accept responsibility for the high level waste at West Valley." Over a year later, Secretary James Schlesinger wrote to Gov. Hugh Carey expressing DOE's willingness to accept overall management responsibility and bear a portion of the costs of a program of high-level liquid waste solidification, storage, transfer to a Federal repository for solidified wastes, and decommissioning of all facilities associated with these activities.

Thus, we find ourselves in January 1980 with all parties in agreement that West Valley should be the responsibility of the Federal Government. The House of Representatives has already passed their version of the DOE authorization bill, H.R. 3000, with the identical language on the West Valley project.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1629

On page 38 after line 3, insert the following:

(6) West Valley Project

(A) (i) The Secretary of Energy (hereinafter in this section referred to as the "Secretary") shall carry out, in accordance with the provisions of section 104(c) (6) of this Act, a high-level liquid nuclear waste management demonstration project at the Western New York Service Center in West Valley, New York (hereinafter referred to as "the project"). The Secretary shall carry out the project by vitrifying the high-level liquid nuclear wastes located at such Center or by employing the most effective technology for solidification available. The Secretary shall, as part of the project, also (A) as soon as feasible transport such solidified wastes, in accordance with applicable provisions of law, to an appropriate Federal repository for long term burial, and (B) decontaminate and decommission facilities, materials, and hardware used in connection with the project.

(ii) During the fiscal year ending September 30, 1980, the Secretary shall:

(a) prepare a plan for safe removal of such wastes from tank numbered 8D–2 and any other storage tank at the Center containing such wastes, including safely breaching the tanks, operating waste removal equipment, and sluicing techniques, and

(b) determine the feasibility of immobilization and waste handling techniques required by the unique situation of such wastes at the Center, including initiation of detailed engineering and cost estimates as well as safety analyses and environmental impact analyses.

(iii) Title to the high level liquid wastes at the Center shall be transferred to the United States upon payment by the State of New York and other appropriate persons of an appropriate fee, as determined by the Secretary, for the perpetual care and maintenance of such wastes.

(B) There is authorized to be appropriated to the Secretary not more than $5,000,000 for the fiscal year ending September 30, 1980 for the project. Funds authorized and appropriated in subsequent fiscal years for the project shall not be used by the Secretary for such purpose until the Secretary, the State of New York, and other appropriate persons enter into such contracts and agreements as may be required—

(i) to provide for the transfer of title of such wastes and the payment therefor,

(ii) to enable the Secretary to utilize property and facilities at the Center for the project,

(iii) to share the costs of the project, except that the non-Federal share of such costs shall be limited to no more than 10 per centum thereof and in determining such share the Secretary shall consider the utilization of such Center by the Secretary for the project, the amount of money in the existing perpetual care fund originally designated to provide for ultimate disposition of the high level liquid nuclear waste at the Center, and such other factors as the Secretary deems appropriate, and

(iv) to otherwise provide for the conduct of the project in a timely manner.

(C) In carrying out the project, the Secretary shall consult with the Nuclear Regulatory Commission, the Administrator of the Environmental Protection Agency, the Secretary of Transportation, the Director of the Geological Survey, the State of New York, and the commercial operator of the Center.

(D) Not later than February 1, 1980, and on February 1 of each calendar year thereafter during the term of the project, the Secretary shall transmit to the Committee on Science and Technology, the Committee on Interior and Insular Affairs, and the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an up-to-date report containing a detailed description of the activities of the Secretary in carrying out the project, including the costs incurred, and the activities to be taken in the next fiscal year and the costs thereof. Any contract or agreement executed under subsection (b) of this section, together with summaries thereof, shall be promptly transmitted to such committees for their information and review.

(E) Other than the costs and responsibilities established by section 104(c) (6) for the project, nothing in such section shall be construed as affecting any rights, obligations, or liabilities of the commercial operator of the Center, the State of New York, or any person, as is appropriate, arising under the Atomic Energy Act of 1954 or under any other law, contract, or agreement for the operation, maintenance, or decontamination of any facilities or property at the Center or for any wastes at the Center. Nothing in such section shall be construed as affecting any applicable licensing requirements of the Atomic Energy Act of 1954 or the Energy Reorganization Act of 1974. The provisions of section 104(c) (6) shall not apply or be extended to any facility or property at the Center which is not used in conducting the project.●

---

## SOCIAL SECURITY AMENDMENTS—S. 2073

AMENDMENT NO. 1630

(Ordered to be printed and referred to the Committee on Finance.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to S. 2073, a bill to amend the Social Security Act to revise the medicaid matching formula.

● Mr. MOYNIHAN. Mr. President, last month, I introduced S. 2073, a bill that would revise and improve the formula determining a State's share of its medicaid expenses. Unfortunately, a clause was inadvertently omitted from the bill which would have insured that no State would receive lower medicaid reimbursements, as a result of this change, than it received in fiscal year 1980. I wish to correct this, and am submitting an amendment to S. 2073 that will do so. This change will cost less than $30 million in 1981, a small price to insure that no State is harmed by a change that would certainly benefit the Nation at large.

I ask unanimous consent to have printed in the Record the text of S. 2073, with my accompanying amendment incorporated into it.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2073

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1905(b) of the Social Security Act is amended to read as follows:

"(b) (1) The term 'Federal medical assistance percentage' for any State shall be equal to 100 per centum less the State percentage. The State percentage shall be 35 per centum multiplied by a fraction—

"(A) the numerator of which is equal to the per capita income of such State, and

"(B) the denominator of which is equal to (i) the per capita income of the fifty States and the District of Columbia, multiplied by (ii) the cost-of-living index (determined under paragraph (2)) for such State.

"(2) (A) The cost-of-living index for any State shall be equal to the intermediate budget for that State, divided by the national intermediate budget.

"(B) The intermediate budget for any State shall be determined by the Secretary, based upon data supplied by the Bureau of Labor Statistics, as follows:

"(i) The rural intermediate budget for a State shall be the intermediate budget for a family of four (as defined by the Bureau of Labor Statistics) in such State for the areas of such State not included in any standard metropolitan statistical area.

"(ii) The urban intermediate budget for a State shall be the sum of the following product for each of the areas in the State that is within any standard metropolitan statistical area:

"(I) the intermediate budget for a family of four (as defined by the Bureau of Labor Statistics) in such standard metropolitan statistical area, multiplied by

"(II) the percentage of the State's population that resides in such standard metropolitan statistical area.

"(iii) The intermediate budget for the State shall be (I) the rural intermediate budget for such State, multiplied by the percentage of the State's population that does not reside in any standard metropolitan statistical area, plus (II) the urban intermediate budget for such State, multiplied by the percentage of the State's population that resides in any standard metropolitan statistical area.

"(C) The Secretary, in consultation with the Bureau of Labor Statistics, shall determine the national intermediate budget for a family of four in the same manner as such budget is determined under subparagraph (B) or individual States.

"(3) In determining per capita income for purposes of this subsection, the Secretary shall exclude from income all cash transfer payments which are based on need and are made from public funds.

"(4) Notwithstanding the preceding provisions of this subsection—

"(A) the Federal medical assistance percentage shall in no case be less than 50 per centum or more than 83 per centum;

"(B) the Federal medical assistance percentage for Puerto Rico, Guam, and the Virgin Islands shall be 50 per centum;

"(C) the Federal medical assistance percentage shall be 100 per centum with respect to amounts expended as medical assistance for services which are received through an Indian Health Service Facility whether operated by the Indian Health Service or by an Indian tribe or tribal organization (as defined in section 4 of the Health Care Improvement Act); and

"(D) the Federal medical assistance percentage for any State shall in no case be less than the Federal medical assistance percentage for that State in effect for the fiscal year 1980

"(5) The Federal medical assistance percentage for any State shall be determined and promulgated in accordance with section 1101(a)(8)(B), and the Secretary shall utilize data, relating to intermediate budgets, supplied by the Bureau of Labor Statistics which the Bureau shall update at least every five years.".

Sec. 2. Section 1118 of the Social Security Act is amended—

(1) by inserting "(a)" after "Sec. 1118.";

(2) by striking out "Federal medical assistance percentage (as determined by section 1905)" and inserting in lieu thereof "Federal percentage determined under subsection (b)";

(3) by striking out the second sentence thereof; and

(4) by adding at the end thereof the following new subsection:

"(b)(1) The Federal percentage for purposes of subsection (a) for any State shall be 100 per centum less the State percentage. The State percentage shall be that percentage which bears the same ratio to 45 per centum as the square of the per capita income of such State bears to the square of a per capita income of the fifty States and the District of Columbia.

"(2) Notwithstanding the provisions of paragraph (1)—

"(A) the Federal percentage for purposes of subsection (a) shall in no case be less than 50 per centum or more than 83 per centum; and

"(B) the Federal percentage for purposes of subsection (a) for Puerto Rico, Guam, and the Virgin Islands shall be 75 per centum.

"(3) The Federal percentage for any State shall be determined and promulgated in accordance with the provisions of section 1101 (a)(8)(B).".

SEC. 3. The amendments made by this Act shall be effective with respect to expenditures made in quarters beginning after December 31, 1981.●

## NOTICES OF HEARINGS

### COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. DANFORTH. Mr. President, on Thursday, January 24 the Committee on Governmental Affairs and the Judiciary Committee will hold a joint hearing to consider S. 2079, the Independent Patent and Trademark Office Act. Interested persons should call Christopher Brewster of the Subcommittee on Federal Spending Practices and Open Government (46154) or Joe Allen of Senator BAYH's staff (49263).

The hearing will be held in room 3302 of the Dirksen Senate Office Building and will begin at 10 a.m.●

### SUBCOMMITTEE ON EMPLOYMENT, POVERTY AND MIGRATORY LABOR

● Mr. NELSON. Mr. President, I would like to announce that the Labor and Human Resources Subcommittee on Employment, Poverty, and Migratory Labor will hold an oversight hearing on the Legal Services Corporation on February 5, 1980, at 9:30 a.m. in room 4232 of the Dirksen Senate Office Building. Questions regarding the hearing should be directed to Lori Hansen or Marianne Hughes of the subcommittee staff at 224–3968.●

### SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

● Mr. CRANSTON. Mr. President, the Subcommittee on Financial Institutions of the Banking, Housing, and Urban Affairs Committee will hold oversight hearings on money market mutual funds January 24 and 30, 1980, at 10 a.m. in room 5302 of the Dirksen Senate Office Building.

The focus of the hearings will be on the impact of the growth of money market funds on regulated financial institutions and monetary policy.

The witnesses appearing before the subcommittee on January 24 will be: Irving Pollack, Commissioner, Securities and Exchange Commission; David Silver, president, Investment Company Institute; Arthur Zeikel, president, Merrill Lynch, Asset Management, Inc.; Edward C. Johnson 3d, chairman of board, Fidelity Management and Research Co.; Glen R. Johnson, president, Federated Cash Management Funds; Prof. William L. White, professor of financial management, Harvard Business School; John Heimann, Comptroller of the Currency; J. Charles Partee, Federal Reserve Board; Jay Janis, Chairman, Federal Home Loan Bank Board; Lawrence Connell, Administrator, National Credit Union Administration.

The witnesses appearing before the subcommittee on January 30 will be: Harry Albright, Jr., president, the Dime Savings Bank of New York, National Association of Mutual Savings Banks; James M. Cirona, president, First Federal Savings and Loan Association of Rochester, N.Y.; U.S. League of Savings Association; Lee E. Gunderson, president, Bank of Osceola, American Bankers Association; John J. Hutchinson, president, National Association of Federal Credit Unions; J. Alvin George, chairman of the board, Credit Union National Association; Paul Schosberg, president, Savings Association League of New York; Richard Lawton, president, Washington and Lee Savings and Loan Association, National Savings and Loan League; Dr. Maurice Mann, vice chairman, Warburg Paribas Becker, Inc.; Prof. William L. Silber, professor of economics and finance, New York University, Graduate School of Business and Daniel Brill, formerly Assistant Secretary of the U.S. Treasury.●

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate today, beginning at 2 p.m., to hold a hearing on the embargo of grain to Russia.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### IN DEFENSE OF ANDREI SAKHAROV

● Mr. CHURCH. Mr. President, over a dozen years of courageous, open defense of human rights in the Soviet Union and the world at large, the physicist Andrei Sakharov has earned the awed admiration of men and women everywhere. He has voiced his conscience and mankind's from within a society that scorned him and his beliefs. In awarding him the 1975 Peace Price, the Nobel Committee in Oslo cited his "love of truth and strong belief in the inviolability of the human being, his fight against violence and brutality, his courageous defense of the freedom of the spirit, his unselfishness and strong humanitarian convictions."

Those traits, the committee concluded, have "turned him into the spokesman for the conscience of mankind which the world so sorely needs today."

News reports from Moscow today indicate that the Soviet authorities are acting to silence Andrei Sakharov's voice of conscience. But the police who have taken him from his home and sealed his wife inside it and the officials who have revoked all the honors the Soviet Union once awarded this brilliant scientist are profoundly wrong if they believe that force can still the voices of freedom or even the voice of one free man, Andrei Sakharov. Underneath the thud of jackboots in Moscow or the rumble of tanks in Afghanistan the sound that courage and conscience make may be muffled but never obliterated.

Immediately, of course, our concern is for the safety of Andrei Sakharov. Should the Soviet Union put him on trial for his convictions, even though the verdict of guilty would be foreordained, it is the Soviet Union which would stand condemned. Should Soviet authorities expel this brave man from his homeland—following the precedent set with Alexander Solzhenitsyn almost exactly 6 years ago—again, the U.S.S.R. will be exiling itself from decency and greatness of spirit. The United States would naturally welcome Andrei Sakharov to its shores if his countrymen should prove themselves too fearful to tolerate his courage. And the United States will condemn any measure that harms the Nobel laureate.

No punishment of Andrei Sakharov can be free of cost to the Soviet Union. To mistreat him is to abuse the ideals he defended and to show the world, finally and irrevocably, the criminal nature of Soviet policy at home and abroad. Moscow could do few things better designed to brand its regime an international outcast, unfit not only to host the Olympic games but unfit as well—until its policies change—for any cooperative endeavors based on respect for law and human dignity.

Action against Andrei Sakharov would constitute action against the goals Americans share with him, against "the better and more decent society, the better world order" he advocated in his Nobel Prize speech and throughout his life. For the Soviet authorities to take such action would be deeply provocative, profoundly reckless. The rulers of the U.S.S.R. have already embarked outside their frontiers on a course of great peril to themselves and the peace of the world. They must pause before duplicating such a course at home and they must calculate, before it is too late, the damage they are inflicting on themselves. They cannot damage the vision of Andrei Sakharov or the power it holds for our world and its future.●

### DEATH OF JUSTICE WILLIAM O. DOUGLAS

● Mr. KENNEDY. Mr. President, it has been said that a man is never old until regrets take the place of dreams. By that measure—though he served on the Supreme Court with fully a third of its members—Justice William O. Douglas died a very young man.

Justice Douglas was a close personal friend of my family. He served with my father on the Securities and Exchange Commission in the 1930's. He camped at Whiskey Bend in the Olympic Mountains with my brother Robert and his family. And he was for all the Kennedys a source of counsel and inspiration, by the force of his intellect and the breadth of his compassion.

I will miss him—and especially the youth and vigor—the almost uniquely American spirit which he personified. He said once that any formula for living must include the will to "live in the future," and never "rest on the achievements of the past." His life and his work were a mirror of that vision—the vision of a world in change, always ready to seek its future. Time and again he prodded the Court forward, almost exasperated by its reluctance to see the obvious course ahead. He dissented more often than any justice—more often even than he joined the majority opinion. But those 583 dissents were not the mere venting of rebelliousness. More often, they were the beginnings of a new majority.

When the Court upheld the disqualification of a teacher for mere membership in a subversive organization in *Adler* v. *Board of Education*, 342 U.S. 485 (1952), Justice Douglas dissented. Fifteen years later, he expressed the same views in writing for the Court in *Keyishan* v. *Board of Regents*, 385 U.S. 589 (1967).

When the Court declined to speak on the assertedly political question of reapportionment in *Colegrove* v. *Green*, 328 U.S. 549 (1946) and *South* v. *Peters*, 339 U.S. 276 (1950), Justice Douglas dissented. His views were later adopted in the landmark decision in *Baker* v. *Carr*, 369 U.S. 186 (1962).

When the Court sustained a state poll tax in *Butler* v. *Thompson*, 341 U.S. 937 (1951), Justice Douglas dissented. Fifteen years later, he wrote the decision of the Court striking down such a tax in *Harper* v. *Virginia Board of Education*, 383 U.S. 663 (1966).

And when the Court upheld State-sponsored radio broadcasts on streetcars and buses in *Public Utilities Commission* v. *Pollak*, 343 U.S. 451 (1952), Justice Douglas dissented, invoking his belief that—

> Liberty in the constitutional sense must mean more than freedom from unlawful government restraint; it must include privacy as well, if it is to be a repository of freedom. The right to be let alone is indeed the beginning of all freedom.

Over a decade later, Justice Douglas wrote the opinion of the Court in *Griswold* v. *Connecticut*, 381 U.S. 479 (1965), affirming for the first time the right of privacy inherent in the penumbras of the bill of rights.

The story is told that Justice Douglas, who was colorblind, had trouble spotting traffic lights when he drove. One day he ran a red light, and the policeman who stopped him asked, "Don't you know the law?" He answered, "There are many from whom you'd get no argument about that." But the Douglas dissent was something much more than a headlong rush forward, oblivious to the lights and signs of judicial pathways. It was simply the unwillingness to accept the status quo for its own sake. It was not the drive for change but the capacity for change—the clarity of vision which heralds the freedom from fear.

Justice Douglas was not afraid of change—for his country or for himself. In 1946 he joined the Court in *Goldman* v. *United States*, 316 U.S. 129, upholding the exclusion of electronic devices from the definition of a fourth amendment search. Eight years later, in *On Lee* v. *United States*, 343 U.S. 747 (1952), he reversed himself, and dissented from an affirmance of the Goldman ruling. In *Katz* v. *United States*, 389 U.S. 347 (1967), that dissenting view became law. In *Minersville School District* v. *Gobitis*, 310 U.S. 586 (1939), Justice Douglas joined the majority in upholding the constitutionality of a flag salute order. Only 3 years later, however, he had seen the error of that judgment, and dissented from the Court's reliance on Minersville in *Jones* v. *Opelik*, 316 U.S. 586 (1942). Only a year later his view became the majority opinion in *West Virginia Board of Education* v. *Barnet*, 319 U.S. 624 (1943).

In light of this personal capacity for growth and change, it should not have been surprising that Justice Douglas became a champion of the procedural freedoms embraced in the Bill of Rights, and especially in the first amendment. From his childhood wanderings in rural Minnesota and later in Yakima County, Wash., came the love of the wilderness evident in so many environmental decisions, and crowned in his brilliant dissent in Sierra Club against Morton, seeking standing natural resources.

From his childhood bout with polio, and his summers as a migrant farmhand, and his exposure to the social consciousness of Thurmond Arnold and Wesley Sturges and Charles Clark at Yale, came the human compassion which built a special bond with the homeless and the dispossessed. From his training at Columbia and his service on the SEC came the wizardry at finance, which produced the per se pricefixing rule in Socony-Vacuum, the 60-page reorganization of the Chicago & Milwaukee Railroad, and the "flash of genuine' test for patents in *Cuno Engineering Corp* v. *Automatic Devices Corp.*, 314 U.S. 84 (1941).

But the Douglas love of liberty—of privacy and personal sanctity and the freedom to think and to speak and to worship—was a product of factors far less tangible. At bottom, it sprung from his personal alliance with change and growth, and the recognition that neither is possible without the guarantee of personal freedom. He said once that—

> The American Government is premised on the theory that if the mind of man is to be free, his ideas, his beliefs, his ideology, his philosophy must be placed beyond the reach of Government.

And though he was a shy and quiet man—less interested in converts than in his own integrity—his greatest energies were reserved for those who would challenge change or freedom. He said that his own generation was bankrupt, and closed to the forces of change. He wrote once that electronic surveillance was a "dirty business," and that Government should "keep its hands off the press." And dissenting from a 1973 obscenity ruling, he wrote:

> The materials before us may be garbage. But so in much of what is said in political campaigns, in the daily press, on T.V., or over the radio.

Across all of his opinions on the Bill of Rights was the central belief, which he expressed more than once, that "our constitution was framed to keep Government off the backs of people." And the essence of that objective is the first amendment. Dissenting in Dennis against United States, the Communist Party case, 341 U.S. 494 (1951), Justice Douglas expresed that belief with great eloquence. He wrote:

> Free speech has occupied an exalted position because of the high service it has given our society. Its protection is essential to the very existence of a democracy. The airing of ideas releases pressures which otherwise might become destructive. When ideas compete in the market for acceptance, full and free discussion exposes the false and they gain few adherents. Full and free discussions even of ideas we hate encourages the testing of our own prejudices and preconceptions. Full and free discussion keeps a society from becoming stagnant and unprepared for the stresses and strains that work to tear all civilizations apart.
>
> Full and free discussion has indeed been the first article of our faith. We have founded our political system on it. It has been the safeguard of every religious, political, philosophical, economic and racial group amongst us. We have counted on it to keep us from embracing what is cheap and false; we have trusted the common sense of our people to choose the doctrine true to our genius and to reject the rest. This has been the one single outstanding tenet that has made our institutions the symbol of freedom and equality. We have deemed it more costly to liberty to suppress a despised minority than to let them vent their spleen. We have above all else feared the political censor. We have wanted a land where our people can be exposed to all the diverse creeds and cultures of the world.

Eighteen years later, in *Brandenburg* v. *Ohio*, 395 U.S. 450 (1969), the Court adopted his view.

One evening very late, when his clerks and his assistants had left the chambers, Justice Douglas worked alone. He answered a telephone call from a friend out West who asked him, "What are you doing there so late?" The justice answered, "just dispensing justice with an even hand."

Justice Douglas did that and much more. His specific rulings may fade in memory, as they rightfully become stepping stones in the larger marches. But his spirit, his vision, his courage, and his love of freedom will always fuel the forces of growth and change. He said once, about his experiences in the Cascade Mountains, that—

> When a man knows how to live dangerously, he is not afraid to die. When he is not afraid to die, he is, strangely, free to live.

Justice William O. Douglas was free in life—as free as any person I have ever known. And in his life is the symbol of our own freedom—its promise and its richness. Beyond all else, that is his gift to us.

His life was the country's gain. For Joan and me, his death is a personal loss, and we extend our deepest sympathy to his wife Cathy.

Mr. President, I ask unanimous consent to have printed in the Record the tributes delivered to Justice Douglas yesterday by the members of the Supreme Court.

The tributes follow:

Tributes to Mr. Justice Douglas

Following are tributes to Mr. Justice Douglas from the members of the Supreme Court.

Chief Justice Warren E. Burger:

Justice Douglas' unprecedented tenure is less important than his part in shaping the law for more than three and one-half decades. During that period the Court considered issues historically comparable to the great issues in the early years of our national life. His impact on the law in his time is matched by only a small company of the 100 other Justices who have served since 1790. As a particularly forceful champion of the individual, he shared with Brandeis the right of every person "to be let alone." We mourn the loss of a friend and colleague and express our deep sympathy to Mrs. Douglas and his family.

Mr. Justice William J. Brennan, Jr.:

Mr. Justice Douglas was surely a Justice to rank with the very great of the Court's history. From the very beginning of our association on the Court some twenty-three years ago I have believed with Mr. Justice Fortas that Mr. Justice Douglas is the only true genius I have ever known. I miss his presence in our conference room. His illness did not still the brilliant, imaginative probing for answers that marked his remarkable career. No Justice in the Court's history has left a more indelible imprint upon constitutional jurisprudence. And his truly great record epitomized the truth that great judges are also great teachers. No voice has more powerfully and lucidly articulated for all Americans the values we must protect and preserve for freedom to live.

Mr. Justice Potter Stewart:

I shall remember Bill Douglas best for the rugged originality of his thought and the fierce independence of his spirit."

Skeptic though he was, Bill Douglas believed almost naively in the essential goodness of ordinary men and women. All of us are the poorer now that he has left our midst.

Mr. Justice Byron R. White:

Bill Douglas was a most remarkable man. It was a great experience and privilege to serve on this Court with him for over thirteen years and to have known him for a good many more. His spirit was unquenchable, and he had a matchless mind. Both qualities made working with him an interesting and exciting experience. I have missed him as a colleague.

Mr. Justice Thurgood Marshall:

The accolade "great American" has been overused to the point where it has become trite, but Bill Douglas was one of those rare individuals to whom it truly applies. Every ounce of his boundless energy was directed to the protection of personal rights. His devotion to the Bill of Rights, his support for the preservation of the natural environment, and his dedication to the protection of the individual citizen were perhaps the most important themes that emerged from his career on the Court. For example, consider his consistent stand in favor of First Amendment rights and his unswerving support of the individual taxpayer. Finally: we shall all remember his patient impatience with those who did not agree with his lofty principles.

Mr. Justice Harry A. Blackmun:

With the many honors that have come his way in recent years, almost all that could be said about Mr. Justice William O. Douglas already has been said. His wide-ranging interests; his facile pen; his capacity for work; his critical view of the bureaucracy; his sympathy for the humane approach; his absolutist view of the First Amendment; his antipathy, in his last years, for the tax collector; his love of nature and the outdoors; and his wide travels bespeak the individual. He could be critical and impatient, but he could also be understanding. He was an iconoclast in his special way. His beliefs were strong. Often he was a burr under the saddle, but the discomfort he produced usually resulted not only in the reexamination of principles too long assumed, but also for the good of the Country and the Court as an Institution.

Bill Douglas' long presence on the Court was a significant one. He will be missed.

Mr. Justice Lewis F. Powell, Jr.:

Justice Douglas' death, following crippling paralysis that never daunted his gallant spirit, ends one of the most remarkable careers in our public life. I am sure that he would like to be remembered primarily as a Supreme Court Justice who graced—and enlivened—this Court for more than a third of a century. He also will be remembered as a teacher, author, passionate environmentalist, social philosopher, and—perhaps most of all—as a unique and commanding personality. It was my privilege to serve with and to know him, and one who knew Bill Douglas will never forget him.

Mr. Justice William H. Rehnquist:

Since I had the pleasure of sitting with Justice Douglas as a colleague for less than four years, I will leave to others the description of his participation in Court work. Surely his was one of the great legal minds which have graced this Court in this century. My favorite recollection of him and his wife, Cathie, is the delightful and rewarding experience that my wife, Nan, and I had when we were their guests at Goose Prairie during the Summer of 1972. All four of us seemed to feel a common bond in this remote part of the Cascade Range, a bond which time will not for me erase.

Mr. Justice John Paul Stevens:

Those who had the privilege of serving with Justice Douglas are best able to attest to his great contribution to the work of this Court and to the Country. I can, however, recount two personal recollections. First, as a law clerk in the 1947 Term, I personally observed the prodigious and perceptive character of his work in the most complex cases that came before the Court. His competence was truly unique. Second, I have an especially vivid memory of his warm welcome to the Court during the hour we spent together in his Chambers on the day I was inducted. He could not have been more gracious. It is a special honor to have succeeded him on the Court.●

### RUSS SWANEY, PRESIDENT OF THE ECONOMIC CLUB OF DETROIT

● Mr. LEVIN. Mr. President, I want to take this opportunity to call to the attention of my colleagues the retirement of a truely remarkable man: Russ Swaney, President of the Economic Club of Detroit.

I have known Russ for a number of years and as a member of the Economic Club (and occasionally a speaker) I have seen him labor tirelessly to promote the interests of the organization and the community. Detroit has many images, and Russ Swaney's work over the years has helped mold a positive image of the City in the minds of a good many national leaders. Russ did more than bring speakers like Henry Kissinger, Jimmy Carter, Michael Blumenthal to the City—he has made them feel at home. A person of unfailing courtesy and consideration, Russ Swaney has served as a driving force in sustaining the Detroit Economic Club as a national platform for significant ideas and speakers. In that capacity, he has performed a valuable service for his community and his nation. Perhaps his most significant achievement is simply this: he has created a structure and a system which guarantees that even after he retires, the Economic Club will continue as a valued and valuable national forum. In that sense, The Economic Club of Detroit serves as a continuing testiment to the work of Russ Swaney.●

### UKRAINE INDEPENDENCE

● Mr. GOLDWATER. Mr. President, today marks the 62d anniversary of the proclamation of independence of Ukraine. As the entire nation focuses on the brutal invasion of Afghanistan by the Soviet Union and the suppression of independence and religion in that nation, it is fitting that we remember another brave people whose independence is being denied, and very existence as a separate cultural group is being threatened, under raw force imposed by the Russians.

Unfortunately, reports from Ukraine indicate that the Russians have intensified their program of denying basic human rights to the Ukrainian people. In a step that might be condemned as a formal act of genocide, Ukrainian children are deprived of their own birthright, the right to be taught their native language in public schools. Instruction in Ukrainian has now been replaced by the Russian language, starting with the first grade.

Moreover, the Russian persecution of religious groups in Ukraine continues unabated. The Ukrainian Orthodox and Catholic Churches have suffered especially because of the strong nationalistic identity associated with these institutions. In recent years, Ukrainian Jewish, Baptist, and other religious groups have been added as targets of the official liquidation policy of Russians.

Mr. President, in an effort to bring these terrible actions to public view, I have introduced Senate Concurrent Resolution 9, together with 11 other Senators. The resolution condemns the attempted extermination of religion in Ukraine by the Russian oppressors. I use this occasion to invite all my colleagues to join with me in seeking to make the restoration of the free exercise of religion in Ukraine a matter of national policy.

In closing, I ask that the text of Senate Concurrent Resolution 9, including the names of sponsors, may appear at this point in the Record.

The text follows:

S. Con. Res. 9

Relating to the restoration of the free exercise of religion in Ukraine.

Mr. Goldwater, Mr. Bayh, Mr. DeConcini, Mr. Dole. Mr. Hatfield, Mr. Heinz, Mr.

Humphrey, Mr. Lugar, Mr. Stone, Mr. Wallop, Mr. Williams and Mr. Zorinsky.

Whereas the Charter of the United Nations, as well as its Declaration of Human Rights, sets forth the objective of international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion . . ."; and

Whereas in the so-called Brezhnev Constitution of the Union of Soviet Socialist Republics article 52 unequivocally provides that "Freedom of conscience, that is, the right to profess any religion and perform religious rites or not profess any religion, and to conduct atheistic propaganda, shall be recognized for all citizens of the United Soviet Socialist Republic. Incitement of hostility and hatred on religious grounds shall be prohibited;" and

Whereas not just religious or civil repression but the attempted genocide—the absolute physical extermination—of both the Ukrainian Orthodox and Catholic Churches, and all other truly independent religions, in a nation of about fifty million persons brutally violates the basic civilized rights enunciated above: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that the President of the United States of America shall take in the name of human rights immediate and determined steps to—

(1) call upon the Government of the Union of Soviet Socialist Republics to permit the concrete resurrection of both the Ukrainian Orthodox and Catholic Churches and other independent religions in the largest non-Russian nation both within the Union of Soviet Socialist Republics and in Eastern Europe; and

(2) utilize formal and informal contracts with Union of Soviet Socialist Republics officials in an effort to secure the freedom of religious worship in places of both churches and all other independent religions as their own constitution provides for; and

(3) bring to the attention of all national and international religious councils the nature of this outstanding Stalinist crime and perpetuated violation of basic human rights, with an appropriate address to the mobilization of their resources toward the realization of the objective of this resolution.●

## INFLATION

● Mr. BAUCUS. Mr. President, as my colleagues in the Senate will agree, some of the most difficult constituent letters we have to answer deal with shortcomings in the national economy. Writers of the letters are understandably upset at the inability of their elected representatives to curb inflation, promote employment, and control the growth and spending of Government.

We, too, are frustrated by our failure—not only the failure to overcome the problems themselves but the failure to articulate to our constituents why these extremely complex and interrelated problems are so difficult to resolve.

I was pleased, therefore, to read in the October 14 issue of the Washington Post an article by editorial writer J. W. Anderson entitled "Inflation." It is one of the most simply written, concise descriptions I have seen on how we reached our present situation.

I highly commend the article to my colleagues, not only for their personal reading but as a possible aid in explaining this complex subject to their constituents.

Mr. President, I ask that the text of the article be placed at this point in the Record.

The article follows:

### Inflation

(By J. W. Anderson)

The great American inflation began early in 1965, when Lyndon Johnson got into a war in Vietnam without raising taxes to pay for it. The war is now long over. But unlike the other wartime inflations, this one has continued and accelerated.

In the latest desperate effort to get it under control, the government has now driven interest rates to unprecedented heights. The impact has thrown the financial markets into turmoil and raised the prospect of steadily rising unemployment in the coming election year. But not even the optimists expect the inflation rate to respond quickly or easily.

This wave of inflation, now in its 15th year, has developed a persistence and endurance beyond anything in previous American experience.

Underneath all of the technical explanations lies a political attitude that has become widespread among Americans. When a cost rises—when the price of oil goes up, or somebody gets an outsized wage raise—that presents society with a choice. It can either absorb the cost by cutting somebody else's income. Or it can keep passing the unabsorbed cost around by trying to raise everyone's income to cover it. That's inflation.

Currently, most Americans consider it unacceptably cruel and unfair, as a matter of social equity, to force income cuts on anyone. That's why most of the choices over the past decade have been, consciously or not, in favor of inflation.

An illustration: A hypothetical country is adamantly committed to an inflation rate of zero. This hypothetical country, like the United States, is in a period where labor productivity is not growing—an important condition, for it means that there is no economic growth per capita to accommodate change.

Now suppose that the price of imported oil rises. To keep the average of all prices from rising, other prices will have to be cut.

Suppose that the wages of the auto workers, or the coal miners, go up. To hold the average at zero, other workers' wages will have to fall.

Suppose that farm prices go up, raising farmers' income. To compensate, in a zero-inflation economy, consumers' incomes would have to come down.

Can you imagine an American government, or any elected government, imposing those reductions in income and prices as a matter of deliberate policy?

What happens, in the real world, is that some prices and wages go up but none come down—in dollars or, as the economists say, in nominal terms. Instead, these increases of wealth for some people are accommodated by making everybody's dollar worth a little less. That's inflation, and it serves the purpose of spreading these costs over the whole economy automatically, without any political debate or need for political decision.

Here we come to an awkward truth: There is a serious and substantial case to be made in favor of inflation, as a way to permit rapid change of the economic structure in democratic societies.

Structural change means that some people are getting richer relative to the others. If the others refuse to accept cuts in their incomes, and insist that the government has a responsibility to protect them from it, inflation has to be the government's answer.

In the hypothetical zero-inflation country, the government would assign price and wage cuts to specific industries and workers in order to balance rises elsewhere. In the real world, the government does nothing but create a few more dollars. In the absence of economic growth per capita, creating more dollars makes every dollar worth less. The process is silent, complicated and not very visible. The effect is to spread the reductions in wealth very widely throughout the whole society. Since everybody is to blame, nobody is to blame.

The case for inflation holds that this process is infinitely less divisive and inflammatory than imposing actual cuts in nominal prices and pay. People feel anxious and vaguely threatened by rising prices, but it's a threat that they share with everyone else. It inflicts none of the sense of real persecution and desperation that comes with imposed income cuts—whether through unemployment or through pay and price slashes in the manner of the early 1930s. The public reaction to a true zero-inflation policy might be dangerous to any democracy, the argument continues, but particularly dangerous in the atmosphere of mistrust and division that existed in this country after the Vietnam War. Nobody likes inflation but, you could plausibly contend, it has been preferable to any method of accommodating the enormous structural changes that have overtaken the economy of the United States, and the world, in the 1970s.

But there are fundamental flaws, unfortunately, in the inflationary argument. One is that no inflation rate remains stable. The frightening 3 per cent rate that drove President Nixon to resort to price controls was 6 per cent when President Ford left office, and is 13 per cent now. Another flaw is that inflation damages economic growth, and actually creates unemployment. As for social equity, the penalties of inflation are by no means distributed evenly throughout the economy. Inflation, for example, hurts people who save. It benefits debtors.

After 14 years' experience of high inflation, Americans are learning to adjust to it. The adjustments, unhappily, make the inflation worse.

An example: The family that buys an expensive house with a 12 percent mortgage is, in effect, gambling on the continuation of a high inflation rate. With inflation, their nominal income will rapidly rise to help them meet the mortgage payments, and the appreciation of the property's value will offset the cost of the interest. But if by some magic stroke, inflation were to sink to zero, that 12 percent mortgage would be a crushing burden—a burden so dangerous that in most states, in any period except the present one, it would have been illegal.

The same logic applies to all borrowers, from the corporations floating long-term bonds to the consumers running up big bills on their credit cards. The standard 18 percent interest rate on consumer credit sounds awfully high. But if inflation continues at 13 percent, the real interest rate is less than 5 percent—to be precise, 1.18 divided by 1.13, or 4.42 percent—and, since interest is tax-deductible, the cost of the loan is zero to anyone who is in a 20 percent tax bracket.

The same principle applies to public borrowers as well. Nobody talks much about it, but the past several years' inflation has provided a crucial element of the financial rescue of New York City.

As inflation has continued, year after year, more Americans have come to perceive these effects, to think in terms of inflation-adjusted rates, and to try to cash in on the profits to be made through it.

In the famous Malaise Speech last July, President Carter deplored the decline in Americans' saving as another indication of moral erosion and self-gratification. That's absurd. The decline in savings is a rational and well-informed reaction to inflation. But Carter is right in thinking that the savings rate is central to the operation of the economy, and that the low American savings rate is related to the lack of improvement in productivity.

Meanwhile, the decline of savings and the billowing of credit is, in itself, inflationary. People's attempts, individually, to protect themselves from inflation inevitably make the inflation spin faster.

It would be an exaggeration to say that there is a political constituency now in favor of inflation. But there are many and vigorous constituencies against all of the public policies that reduce inflation—because all of them require somebody, somewhere, to absorb income reductions. If you have learned, through borrowing heavily, to stay even with inflation and maybe a little ahead, you no longer fear inflation and you begin to lose interest in the painful measures necessary to restrain it.

To get out of inflation—assuming that anyone still wants to try it—it's useful to recall how we slid in. The inflation of the Vietnam years was nothing new in American experience. Inflation has accompanied all wars; prices doubled during World War I. Johnson signed a war tax into law in 1968 shortly before he left office. The following year President Nixon, in collaboration with the Democratic Congress, repealed it, and inflation went on. But in the early 1970s the pattern began departing from the historic path.

Citing the inflation, in the summer of 1971 Nixon put the economy under controls and abandoned the international system of fixed exchange rates based on gold. He wanted the dollar to sink a little, and give the United States a trade advantage. It did indeed sink a little, and then—to his astonishment and everyone else's—it kept right on sinking. The fixed-rate system had masked the international effects of the Vietnam inflation and, once the system was abandoned, the dollar was revealed to have been weakened far more than Americans realized. The declining dollar made most imports cost more. That was the first new cause of inflation: instability of the international monetary system.

Meanwhile, at home, the Nixon administration was resorting to highly inflationary expedients to raise employment and make the economy hum during the coming election campaign. Nixon was using the wage and price controls to postpone the consequences until after the election. That's the second cause of the inflation: Nixon's reelection tactics.

Nixon told his secretary of agriculture in 1972 to sell as much grain as possible to the Russians, to cut budget costs and raise farm prices. They sold nearly the whole national grain reserve to the Russians, with the result that bad harvests abroad, over the next two years, led to tremendous demand on American markets. The price of food rose spectacularly. Cause number three: rising worldwide demand for food, reflecting population growth and higher living standards abroad.

The oil crisis of 1973–74 hardly needs to be described again here, except perhaps to point out that it came in a moment of extraordinary political weakness in the White House. The Arab oil embargo fell into a period when Nixon was totally preoccupied by the Watergate scandals. By the time the embargo ended, in early 1974, Nixon had no standing to deal with the Arabs, or this country's allies, or, above all, the American people. Cause number four: a jolting increase in oil prices, compounded—not for the last time—by confusion in Washington.

As the controls were peeled off in 1973, after the election, prices shot up faster than ever. It now seems fairly clear that prices were higher, by the mid-1970s, than they would have been without any controls at all. Two economists, Alan S. Blinder and William J. Newton, in a study published by the National Bureau of Economic Research, estimate that by the end of 1976, prices averaged a full 1 percent higher than they would have been in the absence of controls. Cause number five: mismanaged presidential intervention in the economy.

Although the economic analyses don't touch on it, the collapse of the Nixon presidency obviously contributed to the extraordinary lift in the inflation rate during mid-1974. A failure of public faith in government and its competence always aggravates economic malfunction. The evaporation of confidence in the Hoover administration made the Depression sharply worse in the early 1930s and, similarly, the inflation hit a peak in the summer of 1974 as Nixon was being forced painfully and dramatically toward resignation. Cause number six: a collapse of public authority.

In late 1974 the recession suddenly accelerated and, by the following spring, the unemployment rate was up to 9 percent. Inflation abated. Nothing spectacular happened for the next couple of years, and people began to hope that inflation was under control at last. The new Carter administration was talking with some confidence about a reversed trend that was pointed downward. There was a quick attack of inflation in early 1977, mostly in food prices and much of it the result of a freeze in Brazil's coffee plantations. But those prices were quickly absorbed.

The rise that began at the end of 1977 was another matter. At first, it was mainly attributed to two acts of Congress—the increase in Social Security taxes and the higher minimum wage—both of which lifted wage costs. Congress knew that both were inflationary, and worried about that, but knew no other way to pursue social goals to which it considered itself committed. Cause seven; expanding social benefits at a time when the economy was not growing enough to pay for them.

But it soon became clear that the tax and wage increases were only a part of the mounting trouble in 1978, and a small part. The main cause of rising inflation was overheating throughout the economy. That is to say, federal policy was trying to force the economy to grow faster, to create more jobs and lower the unemployment rate. As production in key sectors neared full capacity, the result, instead of growth, was inflation. It has to be said that locating the point of full capacity is a highly complex matter of judgment, in which things become clear only in retrospect. But Carter, having talked much about the necessity of balancing the budget, was rolling along with a rising deficit that, as 1978 began, was up over $60 billion a year. He had set aside his own fiscal inclinations and was deferring to the traditional priority that the Democratic Party gives to low unemployment. The unemployment rate was still over 6 percent, very high in terms of past experience. But despite all the warnings, the Carter administration was very hesitant to take its foot off the accelerator. It went into 1979 with the budget deficit still over nearly $40 billion. By spring, the inflation rate was over 13 percent a year. Eighth cause of inflation: excessive stimulation of the economy, in pursuit of unrealistic employment goals. Or perhaps you might say that we are simply back at 1965 and the pressure of large and repeated budget deficits.

A year ago the dollar fell heavily again. The country got another round of inflation caused by international monetary instability—as in 1972–73. Over the past spring and summer there have again been large increases in world prices of food and oil—as in 1973–74. The process seems to have become cyclical and repetitive. So far, American policy has no answer to it.

Now the inflation, hovering around 13 per cent a year, is attacking the very principles of social equity that it earlier seemed to protect. The examples of unfairness are getting sharper. The disparities between the federal government's indexed pensions and private employers' unindexed ones are wider. The anomalies in tax treatment are clearer. The distorted relationships between borrowers and lenders are more important. Perhaps there was a period earlier in this decade when the tacit decision to choose inflation really did avoid division and conflict among the winners and the losers in a changing American economy. But that period has ended.

If the country does not act to reduce the inflation rate, inflation will continue to rise by itself as people try to protect themselves individually. At some point, impossible to predict, the inflation rate will trigger a classic panic and economic collapse—a flight from the dollar. You can see the premonitory stirrings in the hoarding of gold.

But only the darkest pessimism can suppose that the United States would let itself slide into a disaster as obvious, and as clearly marked by past experience, as that one.

Ideally, the solution to inflation is a strong incomes policy—fortified wage guidelines, for example—that could hold incomes from rising as fast as prices. That would gradually work down the inflation rate and spread the burden over the whole society. But that strategy has been tried several times without much effect. Demonstrably, it requires a degree of public support that doesn't exist.

The likeliest outcome seems to be continuation of a pattern that has become visible in the past several months. Because of a recession, personal income is now rising less rapidly than prices. In response to tightening federal budgets and high interest rates, the economy is shifting down into second gear. It will run for a time with a good deal of slack—expressed, for most people, in rising risks of unemployment, fewer wage raises, falling purchasing power and less opportunity for advancement. How effectively this will reduce inflation is still an open question.

For the past generation, Americans have regarded recessions as enemies and have fought them by rapidly raising public spending. This time, the country may react differently. There are hints of it in the very restrained attitudes in Congress, and its refusal so far to consider tax cuts. Perhaps the future, not for a few months but for years will be a flickering semi-recession in which short periods of modest growth alternate with retreat and retrenchment.

That's not a very happy prospect.

But it's far better than steadily rising inflation followed by panic and crash. It's also more realistic than the prospect for strong and effective guidelines in which all Americans join in abstaining from the attempt to catch up with inflation.

Protracted semi-recession isn't anyone's first choice. But it will be national policy, if, as I suspect, it turns out to be everyone's second choice.●

## GEORGE MEANY

● Mr. TOWER. Mr. President, the death of George Meany leaves our Nation a poorer place.

For a generation, he was a strong voice for patriotism and the national good as he saw it. We might on occasion have disagreed with him, but we always respected his honesty and firm devotion to his principles.

In many ways, George Meany's life itself was a tribute to the American dream he sought to uphold and expand. From a family of 10 children in Harlem, Meany first became a plumber's helper at the age of 16. His ability and hard work led him to a position as leader of 13.6 million workers, adviser to Presidents and frequent consultant to the Congress.

He was an untiring advocate of the people he represented in the AFL–CIO, as he should have been. But he was first and foremost an American. His unflinching opposition to Communism and outside threats to our Nation's peace and prosperity alone would give him a place of honor in a history of this century.

You never doubted where you stood with George Meany. He was never guilty of obfuscation or duplicity. In an era when too many people are guilty of trying to be all things to all people, his willingness to say what he thought—let the chips fall where they may—was especially welcome. Even for those who were the subjects for his barbs.

Meany's influence was testimony that honesty, forthrightness, and hard work are still the stuff of which success is made in America.

We shall miss his counsel. We shall miss his patriotism. Our lives were richer because we knew George Meany.●

## FIFTIETH ANNIVERSARY OF THE INAUGURATION OF HERBERT HOOVER TO BE THE 31ST PRESIDENT OF THE UNITED STATES

● **Mr. HATFIELD.** Mr. President, to commemorate the 50th anniversary of the inauguration of Herbert Hoover as our 31st President, Dr. George T. Mazuzan, Chief Historian of the Nuclear Regulatory Commission, has written an essay concerning the effect to Hoover's criticism of Franklin Roosevelt's foreign and domestic policies on Hoover's own reputation.

Dr. Mazuzan sets forth the thesis that the scholarly reexamination of Hoover's record which has taken place in the 1970's and is continuing today was delayed because of Hoover's strident criticism of Roosevelt's policies. In the domestic arena, Hoover charged that the New Deal was a massive attack on personal liberties, which could permanently tilt the traditional balance between public and private responsibilities. In foreign policy, Hoover feared that Roosevelt's policies were dragging the United States into the European conflagration step by step.

Had Hoover been content to rest on his record, Dr. Mazuzan feels his rational and principled approach to solving the Nation's dire problems would have been recognized sooner. As it is, the rethinking about Hoover underway among scholars has not yet reached the general public.

Mr. President, Dr. Mazuzan's essay, entitled "Herbert Clark Hoover, 1874–1933: A Comment on His Early Death", is a provocative paper dealing with a fundamental reason why Hoover has remained maligned in some quarters. I request that the essay be printed in the RECORD, along with a biographic sketch of the author.

The essay and biographic sketch follow:

### HERBERT CLARK HOOVER, 1874–1933: A COMMENT ON HIS EARLY DEATH

The passage of time allows the historian to form a different perspective on the past. The presidency of Herbert Clark Hoover is one of those episodes in 20th Century American history that scholars are currently reexamining. The results have been surprising. While Hoover is undoubtedly still one of the most vilified of the nation's Presidents, he has also gained a number of new admirers (although many of those have reservations) for his rational, principled approach toward the crisis of his administration.

Hoover's long and active post-presidential life—he died in 1964—is a significant reason that major earlier revision of his presidency did not occur. In particular, during the twelve years when Franklin D. Roosevelt was Chief Executive, Hoover himself added to his tarnished image as President. For during that time, the ex-President was not content to rest on his record, but instead continued to make a public record that did little more than degrade his already abused presidential years. If we look at the broad parameters of Hoover's record during the Roosevelt years, we can develop a perspective that underscores the contributing factors that worsened his public image. The impact of those years contributed to the mind-set about Hoover that continued until revisionist studies began to appear in the early 1970s.

In order to develop this perspective, let us take a drastic liberty with Hoover's life and assume that he died in 1933, shortly after his term of office was over. By removing Hoover from his post-presidential years, we can take away his voluminous retirement statements and writings. In other words, we remove, for purposes of argument, the twelve years of his record during the Roosevelt administration. Where would that leave the record of Hoover's presidential years?

After 1933, Hoover was an anachronism. He fell out of context with the new orthodoxy that developed in America in the 1930s and 1940s. On domestic issues, this orthodoxy emphasized the redefined public and private responsibilities in the social and economic sectors which resulted in a major shift toward the public role. In foreign policy issues during the period of the late 1930s and early 1940s, a form of Pax Americana became orthodox that took on interventionist overtones. Hoover, however, remained true to a philosophy and modus operandi that fitted his America of earlier times. He felt obligated to speak and write on both domestic and foreign policy issues during Roosevelt's presidency. Consequently, he became a convenient living symbol for anyone who compared his views to the popular Roosevelt policies. This significantly added to Hoover's maligned presidential legacy and did nothing to promote his position in history. Except for using Hoover as a scapegoat, few took him seriously in this period of Rooseveltian America.

In the domestic area, Hoover attacked the New Deal in his writings and through speeches to Republican gatherings. The essentials of his assault are in two books, *The Challenge to Liberty* (1934) and *Addresses Upon the American Road* (1938). His basic premise was that the New Deal's managed economy would not bring the nation out of the depression but would destroy traditional American freedoms and lead to a fascist state. The Roosevelt program, according to Hoover, was a subtle though massive assault on individual liberties. In addition, the ex-president prophesied that it would result in a self-perpetuating, growing government entity.

Hoover's argument did not equate maintenance of individual freedom with a simplistic "government that governs least" philosophy that has often been applied to both his presidential and post-presidential positions. John Hoff Wilson makes an important point in her biography, *Herbert Hoover, Forgotten Progressive* (1975), that Hoover's assault on the New Deal stressed the "decline of associationalism and participatory democracy" which had been the central theme of his own program when president. The Roosevelt program perceived by Hoover was typical of many twentieth-century industrialized nations in that it tended to eliminate all the "diverse, cooperative groupings which formerly provided the individual with protection and security." Hoover's approach had used such cooperative groups to solve the nation's problems. He saw the New Deal destroying that concept, thus eroding government protection of individual freedoms. Wilson's point is that if this Hooverian view of the New Deal is not understood in this more complex context, his anti-New Deal charges appear hyperbolic.

Americans, however, did not make subtle analyses of Hoover's position. His views showed remarkable consistency with earlier times when his philosophy and actions had acclaimed him an efficient, progressive, humanitarian leader. But as New Deal popularity soared in the middle 1930s, anything he said or wrote appeared hyperbolic and contributed only to an image that Wilson depicts as a "heartless reactionary who would not aid his own people in time of duress."

Only Hoover can be blamed for those circumstances. Undoubtedly humiliated by events when he was President and by his subsequent 1932 defeat, Hoover felt compelled to defend his philosophy and past actions. Had he died in 1933, that part of his record would have never been created. Instead he contributed to his own malignity.

After 1938, foreign policy eclipsed domestic issues in America. In this field, Hoover again placed himself in a position that was outside the mainstream of popular American thinking on the nation's role in the developing worldwide crisis. Throughout his career he had advocated a peaceful promotion of American capitalism and democracy abroad. He is on record during the period 1917–1933, for example, as being pro-League of Nations, favoring disarmament, advocating United States membership in the World Court, supporting the Kellogg-Briand Pact, and believing in an interdependent world economy managed by enlightened capitalists acting through multinational forms of cooperation. In addition, in the major political foreign policy episode of his presidency—the 1931–32 Far Eastern crisis in Manchuria—he inspired the so-called Stimson Doctrine, which brought into play, through non-recognition of Japanese gains, all the moral force America could muster but well short of economic or military intervention. To put it more simply, Hoover was a limited internationalist.

Just as he earlier had advocated an active American moral and economic role in world affairs, he consistently followed the same line in the late 1930s. Because his views were tempered by non-coerciveness in an era of interventionist feeling, he was labeled an isolationist. Nothing is further from the truth. In his recent biography, Herbert Hoover, A Public Life (1979), David Burner has suggested that a "valid interpretation of his [foreign policy] ideas lies in relating them to his pacific, essentially internationalist feeling for a sound world order—a feeling that had suggested itself in his administration's emphasis on commerce, conferences, disarmament, and the sanctity of treaties." This is consistent with Hoover's refusal to support the Neutrality Acts or to join the America First Movement.

After American entrance into World War II, Hoover supported the war effort. But even then, he attacked the administration's domestic wartime economic policies because they extended the managed economy concept he had found so abhorrent in the New Deal. But in a nation that backed Roosevelt, Hoover's views only left the impression that he still wore the isolationist label. His main synthesis can be found in two books, The Problems of Lasting Peace (1942) and The Basis of Lasting Peace (1945) which demonstrated the consistency of his thinking. Like his earlier support for Woodrow Wilson internationalism, he anticipated a postwar peace without revenge, international economic freedom, relief of famine, national sovereignty, and disarmament. This was not isolationism; yet nowhere does he suggest anything other than a pacific, cooperative American role.

This comment on Hoover's post-presidential years shows him moving out of the mainstream of the new American orthodoxy in both domestic and foreign policy areas. Because he remained consistent in his philosophy, he was viewed as a reactionary and an isolationist. Had he died in 1933, the world would have been left solely with the record of his administration. Perhaps he would have been judged more sympathetically. In other words, by living and speaking and publishing, Hoover added negatively to the already poor public image of his presidency.

Scholars presently working the Hoover era are only now attentive to the complex detail and nuances of Hoover's philosophy and actions. They are placing him in the context of the trends of the 1930s and 1940s and are explaining the man for what he was, and not in terms of what others made him out to be. Unfortunately, it will still be some time before these scholarly interpretations filter out to either change or reinforce the general negative public image Hoover still represents.

GEORGE T. MAZUZAN

Education: University of Vermont, B.S., 1959; M.A. 1964; Kent State University, Ph. D., 1969.

Work experience: Officer, U.S. Army, 1959–62; Teacher, South Burlington, Vermont High School, 1963–64; Assistant Dean of Men, University of Vermont, 1964–66; Resident Director, Kent State University, 1966–69; Assistant Professor, State University of New York, College at Geneseo, 1969–1977; Archivist, Office of Presidential Libraries, National Archives, 1977–78; Historian, U.S. Nuclear Regulatory Commission, 1978– .

Publications: Co-editor, The Hoover Presidency: A Reappraisal (State University of New York Press, 1974); author, Warren R. Austin at the United Nations, 1946–1952 (Kent State University Press, 1977); articles in Vermont History, New York History, Prologue, Mid-America, Pacific Historical Review, The Historian, Oral History Review, The Social Studies.●

## SIXTY-SECOND ANNIVERSARY OF UKRAINE'S INDEPENDENCE

● Mr. HEINZ. Mr. President, today marks the 62d anniversary of Ukraine's independence. There is an important lesson to be learned from the fate of the Ukrainian National Republic. This nation did not have a long life; shortly after its independence was won, it was invaded by the Soviet Union and has been held in captivity ever since.

Many Americans—from the highest levels on down—have apparently been rudely awakened by the Soviet Union's invasion of Afghanistan. Instead of a benign and well-intentioned partner in détente, they suddenly see the Soviet Union exposed as a nation quick to engage in the most blatant sort of imperialism. I am afraid that we Americans suffer from remarkably short memories. Ukranians here and abroad, attentive to the history of their national homeland, know that in the case of Afghanistan, the Soviet Union is simply acting the way it always has.

Ukrainians can also tell us that their basic rights to free speech, to assembly, to religion, and to travel have been consistently curtailed by the Soviet Union since the subjugation of their nation. It had been their hope that the Helsinki accords would produce some change in their treatment by the Soviet Government, but those accords are now almost 5 years old and no improvements have been seen. Several times in the past, I have written Leonid Brezhnev on behalf of a number of prominent Ukrainians imprisoned in Soviet labor camps. And I have joined other Senators in supporting resolutions protesting the Soviet Union's systematic discrimination against the Ukrainian Orthodox and Catholic Churches, as well as concerning the general plight of all the nation's held captive by the Soviet Union. It is my belief that the more the world's attention can be drawn to the Soviet Union's mistreatment of its own citizens, the better the chances are that his mistreatment will cease.

But it is especially important, at this time, that the American public be made more aware of the predicament of the Ukrainian people. There is no doubt that the Afghanistan invasion will prompt a reassessment, in the coming weeks, of the United States' stance toward the Soviet Union. If we are to arrive at an informed position that can serve as a prudent and effective guide for our long-term foreign policy, we must apply broad historical perspective in making our judgments. And no historical example from this century is more telling than that of the Ukrainian National Republic. I therefore ask all Americans to join the celebration of Ukraine's independence, and to remember its lesson for the future.●

## TRIBUTE TO THE LATE JUSTICE WILLIAM O. DOUGLAS

● Mr. RIBICOFF. Mr. President, this past weekend, the Nation lost one of its greatest public servants, and I lost a close friend. William O. Douglas passed away Saturday morning leaving behind to this country he served a dynamic living legacy of over 1,200 judicial opinions. A prolific writer and champion of civil liberties, Bill Douglas has left a lasting epitaph upon American history and American jurisprudence.

Bill's life was a model of all that is noble and resourceful in America. Rising from a childhood of illness and poverty, he established himself as one of the most influential public figures in recent times. He worked his way through college and law school, practiced law on Wall Street, taught corporate law at Columbia and Yale, was appointed to the Securities and Exchange Commission and later became its Chairman. In 1939, President Franklin D. Roosevelt nominated him to the Supreme Court to succeed to the seat vacated by another great jurist, Louis D. Brandeis. On April 4, 1939, by an overwhelming vote of 64 to 4, this body, in this Chamber, confirmed him as Associate Justice of the Supreme Court.

On the Supreme Court, Bill Douglas served longer than any other Justice. For the 36½ years of his tenure, he sat with a full one-third of all the justices ever appointed to the Supreme Court.

On the Bench, Douglas was eager to spot injustice and to find a way to cure it. He was always ready to protect the legal rights of the poor and powerless and was an early opponent of racial discrimination. He believed that judges should be in the mainstream of life, not isolated or insulated from popular feelings; yet, he saw his constitutional duty to call the shots as he saw them regardless of the temper of the times. In this regard he was commonly called an "activist." That is, he allowed his interpretation of laws and the Constitution to be infused with his system of ethical values. He cared about justice no less than he cared about law. He believed judicial restraint in its true sense entailed a deference to the great constitutional assurances of individual rights and liberties, rather than a deference to the judgment of legislatures.

One of the outstanding phases of his tenure was in the field of individual liberty. In Laird against Tatum, Douglas dissented, stating, "the Constitution was designed to keep Government off the backs of the people." Douglas emphasized the individual's rights; yet, concurrent with this view of the Constitution's design, he also believed that Government has an obligation to keep private power from infringing upon an individual's freedom.

As the foremost exponent of individual liberty, he was particularly concerned with the freedom of speech. Along with Justice Hugo Black, Douglas believed that the first amendment meant that Government could not curtail any speech.

Mr. President, this Nation is indebted to Justice Douglas for his contribution to individual freedoms enjoyed by each and everyone of us under our system of laws. Today, as I look around the world, it is not difficult to note that an individual in America enjoys greater freedom than an individual in any other country. The maintenance and protection of these freedoms are, to a large extent, the result of Justice William O. Douglas' efforts.

We shall all miss Bill Douglas, yet I know that his beliefs and thoughts will continue to live through his opinions.●

## ANOTHER YEAR OF TAXFLATION

● Mr. DOLE. Mr. President, as we begin the first legislative business of the new year and the new decade, we in Congress should pause to take note that we have allowed another year to go by without ending the inflation tax penalty, or taxflation. Since we last met, the Internal Revenue Service has mailed income tax forms for 1979 to every taxpayer. Now taxpayers will see the full effects of taxflation, as they find the "tax cut" for 1979 eradicated by inflation as they are pushed into higher tax brackets just for trying to keep up with the cost of living. With 13-percent inflation, our citizens will feel the pinch from taxflation as never before.

Mr. President, between now and April 15, taxpayers across the Nation will be asking why they must pay an inflation tax penalty in addition to needing to cope with rapidly rising prices. The answer is that Congress could have done something about it, but did not. On last December 6, the Senate had an opportunity to end taxflation by approving the Dole-Armstrong tax indexing amendment to the windfall profit tax bill. The Senate did not approve the amendment, and voters have a right to ask why. In fact, the Senator from Kansas would like to know how such a simple and equitable tax reform can fail to win the support of every Member of this Congress.

I fear it may be because elected representatives would like to retain the ability to divvy up taxflation revenues—a windfall to the Government—among favored constituencies. I wish there were a more charitable explanation, but it seems to this Senator that all other arguments against indexing have been decisively rebutted.

Mr. President, the public knows what is going on, and their awareness of this issue will be heightened as they prepare their tax returns. The Dallas Morning News is aware of the problem. Last December 15, they published an editorial reflecting their view of the taxflation problem. They also suggested an intriguing remedy that is available to our taxpayers. I believe that the editorial will be of interest to my colleagues, and I ask that it be printed in full at the conclusion of my remarks.

Mr. President, I hope this is the year Congress will respond to the needs of our citizens and index the income tax by passing the Tax Equalization Act, S. 12. I introduced this legislation a year ago, and I expect it to receive active attention this year. I intend to make sure that it does receive active attention of this Congress so long as the inflation tax penalty is eroding our citizens' purchasing power and taking away our duty to govern tax rate. This inequity in the tax structure has persisted far too long.

The editorial referred to above follows:

### No Tax Index: That's One Way

The Senate has beaten a Republican attempt to give the taxpayer at least an even break on the hidden tax of inflation. Taxpayers should keep this in mind next year, in both April and November.

Inflation causes a steady increase in the size of the bite that the income tax takes from the average American's paycheck. For most of us, though the dollars listed on the paycheck increases, the purchasing power does not. Unless you are one of the lucky ones whose dollar income has gone up faster than both inflation and taxes, you've seen yourself earning more while your earnings buy less.

But the U.S. tax system is built on the pretense that inflation does not exist, that the dollar today buys as much as the dollar did two years ago. And as the dollar figure on the paycheck goes up, the federal government takes bigger and bigger bites out of the total. It's automatic, built into the system.

What this means is that, with inflation, most Ameicans are suffering constant tax increases, just from the effect of price and wage rises. The index plan would mean that, so long as an American worker's actual purchasing power did not increase, the fraction of his pay taken by federal income tax would not increase, either.

The extra money is known as "the inflation dividend." And opponents of the index plan claim that unless Washington keeps sneaking this dividend from paychecks, it will be impossible to balance the budget and fight inflation.

Now, we're all in favor of both those things. But most householders know that there are two ways of balancing a budget. One is to keep boosting income. Another is to cut down on the outgo. In Washington's case, this would mean reducing spending.

The Senate seems to think that there is only one way, the first. But the voter may be able to remind the upper house of the second next year, at the ballot box.●

---

## FREIGHT RATES FOR COAL

● Mr. BAUCUS. Mr. President, when the Railroad Transportation Policy Act of 1979 comes to the floor, Senator Long intends to offer an amendment to provide a measure of protection for captive shippers. I strongly support Senator Long's efforts.

I wish to submit for the Record two articles which point out the need and importance of this amendment. The articles show that excessive freight rates are encouraging use of foreign coal and are an incentive for coal slurry pipelines which threaten scarce Western water supplies.

The two articles, are: "The Coal Rate Crunch, Public Power magazine, November-December, 1979; "Railroads v. Pipelines—Cashing in on Coal," National Journal, July 7, 1979. I submit these articles for the Record.

The articles are as follows:

### The Coal Rate Crunch

(By Michael Loftus)

The conflict and controversy which has characterized coal rail transportation pricing in the last several years continues unabated. Congress is considering the issues involved from the perspective of new deregulation proposals. The Interstate Commerce Commission (ICC) and the courts grappel with a host of cases involving complaints by individuals or groups of coal receivers who contend that rates for the coal transportation services they require are excessive. The railroads, too, have a number of court actions in progress, challenging decisions by the ICC which the railroads feel have unjustly limited their pricing freedom.

The basic position in the various rate cases of the coal receivers—generally utilities—has been that the rates demanded by the railroads for transporting coal are exorbitantly high, due to the monopoly which the railroads maintain over coal transportation. The receivers require the coal to fire their plants, and characteristically have long-term contracts with their sources of supply. They are locked into paying whatever the rail carriers demand unless the ICC, which has the power to set rates where an existing rate is too high, is willing to step in.

For their part, the railroads maintain that providing the facilities for transportation of the large and growing volumes of coal which move by rail is very expensive. They also defend the undeniably high profits which they seek on coal traffic on the "differential pricing" theory. It holds, in effect, that much railroad traffic, though covering its variable cost of service, does not pay a profit equal to the average to which the railroads aspire, therefore other traffic which can sustain high rates must pay higher-than-average profits to make up the difference.

#### MONOPOLY POWER OVER COAL

The crux of the matter is that the railroads see coal—for which rail transportation is ideally suited and over which they have tremendous monopoly powers—as a panacea for all of their financial woes, imagined or real. Accordingly, their profit aspirations have escalated dramatically and they tenciously resist any limitations upon their pricing initiatives. Receivers, however, demand rates which are reasonably related to the carriers' costs of providing the service.

The ICC, to which the unenviable job of resolving these conflicts devolves, has compounded the already complex issues by failing to enunciate a consistent position on coal ratemaking. In the absence of clear guidelines from the commission as to the principles which will govern its determinations of whether a given freight rate is unlawfully high, the carriers have been encouraged to adopt a trial and error approach of feeling out the upper limits of the commission's tolerance. The uncertainty created by the commission's indecisiveness has also made it extremely difficult for prospective coal shippers to attempt to forecast transportation costs in evaluating the economics of contemplated coal projects.

The Department of Energy (DOE), because of what it views as the adverse and unjustifiable impacts which excessive freight rates will have upon its efforts to promote the maximum possible use of coal, has been drawn into the fray. DOE has actively intervened on the side of coal users in a number of coal rate matters before the commission. This has generated internal discord within the administration, as the Department of Transportation has consistently backed the railroads in these rate proceedings.

#### SAN ANTONIO'S COMPLAINT

Perhaps the best example of the continuing shifts which have taken place in the ICC's views on what constitutes a reasonable rate level for coal transportation is afforded by the series of decisions it has issued in the litigation involving the coal movement to the City Public Service Board of San Antonio, Tex. The first phase of the San Antonio litigation came about through a complaint filed with the ICC by the utility, charging that the Burlington Northern (BN) and the Southern Pacific would not publish a lawful rate for the three-million-ton-per-year, 1,650-mile, unit train coal movement from Belle Ayr, Wyo. to the municipal utility's new J. T. Deely plantsite in Elmendorf, Tex. Several years before, the railroads had quoted a rate to San Antonio of $7.90 per ton. But after the OPEC oil embargo, the railroads suddenly and without explanation jumped the proposed rate from $7.90 to $11.09 per ton. By the time San Antonio filed its complaint with the ICC, the carriers were demanding $12.70 per ton.

In the proceeding before the commission, San Antonio asked the commission to set a rate no higher than $9 per ton. The commission responded in October 1976, with a rate of $10.16 per ton. This was found to be the maximum lawful rate on the basis of traditional rail ratemaking criteria. The commission noted that at this level the railroads involved would earn $6 million per year over their variable costs of service on this movement.

#### "4–R ACT" INVOLVED

In October 1977, the ICC reopened the San Antonio proceeding at the request of the railroads. They insisted that in the San Antonio I decision the commission had failed to consider the intent of the Rail Revitalization and Regulatory Reform Act of 1976 (the "4–R Act") that railroads be given a freer hand to price their services. The railroads were now seeking a rate of $18.23 per ton on the San Antonio traffic, an increase of roughly $6.25 over the rate then in effect.

Finding the railroads' arguments persuasive, the commission issued the San Antonio II decision in October 1978, prescribing a new rate of $16.12 per ton. This increased the railroads' annual earnings over variable costs by $12 million to $18 million. Finally, after reconsidering the matter once again, last June the commission in San Antonio III granted a further increase of $1.11 per ton, or more than $3 million dollars per year.

A review of the commission's three decisions in the San Antonio proceeding reveals that the only factor which accounts for the radically differing results is the commission's perception of its obligations under the 4–R Act. The judgment that the carriers' earnings on the San Antonio coal traffic should be $18 million per year, then $21 million, rather than $6 million, was premised on the theory that Congress intended that revenue inadequacy on a systemwide basis justified higher rates on captive traffic until adequate overall revenue levels are attained.

Interestingly, after casting about for a consistent approach to coal rate cases in the two and a half years between San Antonio I and San Antonio III, the commission has now settled upon a cost-of-service based formula for determining maximum coal rate levels. The commission intends to apply the formula on an interim basis until a decision is reached in a broad-scope investigation entitled "Ex Parte 347, Western Coal Investigation—Guidelines for Railroad Rate Structure." Years may elapse before that proceeding is brought to a close.

Thus the interim approach devised by the commission may prevail for some time. This will depend upon how the courts view the matter, however, because all of the cases which have been decided on this basis are now under appeal in the federal courts. Thus, for the present, uncertainty continues as to what principles the ICC will finally settle upon regarding coal rates.

### ADMINISTRATION'S S. 796 DERAILED

Congress will be taking a fresh look at this problem area, along with many others, as it considers the new rail deregulation proposals which are rising from the ashes of the administration's deregulation bill, S. 796. That bill was expected to have a relatively clear track when introduced. It was derailed as the result of intense shipper dissatisfaction, as well as squabbling among the railroads themselves over certain major provisions. Coal receivers were prominent among those voicing alarm at provisions in the bill which would have severely restricted the ICC's rate review powers and phased them out entirely over five years.

The shape of the new legislation proposals is unclear, concern is widespread that the commission's authority to regulate rates may ultimately be significantly and needlessly restricted in a misguided attempt to ensure the financial health of the nation's rail industry. Particularly in the area of coal transportation, where there are major implications for the nation's energy policy objectives, such a development would be catastrophic.

Hopefully, coal users will continue to make their voices heard as the legislative process continues, so that whatever law may ultimately be enacted will preserve the commission's rate regulatory powers for captive coal traffic. In order to make the commission's exercise of those ratemaking powers meaningful, it is also important that any such legislation give the commission much-needed guidance as to the standards which should be employed in determining maximum rate levels.

---

## RAILROADS V. PIPELINES—CASHING IN ON COAL

(By Dick Kirschten)

America's railroads grew to greatness burning coal. In 1945 alone, they consumed 125 million tons—close to one-fourth the nation's booming coal production.

But after World War II, the mighty steam locomotives were consigned to scrap in favor of diesel engines that ran on cheap oil. The rapid changeover was devastating to the coal industry.

That was 30 years ago. Today, the tables are turned. Oil is no longer cheap, the railroads are in financial distress and it is the coal industry that seems blessed by the latest turn in national energy policy.

Ironically, the rail industry is now eager to cash in on the new prosperity expected to come to coal—the fuel it once spurned.

The railroads, buoyed by a 1976 law that allows them higher freight rates, believe that revenue from increased coal hauling is the key to revitalizing their industry.

But the coal producers and their prime customers, the electric utilities, reluctant to be saddled with the cost of railroad recovery, believe the rail companies are just a bit too eager.

Aware that rail is often the only available means of coal shipment, the utilities fear being held captive to freight rates that already have begun to rise and now account for more than half the delivered cost of coal to some power plants.

For that reason, the utilities and the National Coal Association are supporting development of an alternative technology—the coal slurry pipeline—for transporting large volumes of coal over long distances.

The slurry pipelines, moving powdered coal mixed with water, are seen as a competitive force that, in the words of their proponents, would keep the railroads honest and hold down coal hauling rates in general.

Predictably, the rail industry bitterly opposes the pipeline concept, which it calls a "redundant system" that unfairly would skim off the cream of the bulk transportation business. It argues that coal pipelines would undermine efforts to strengthen the more versatile rail system and exacerbate water shortages in arid western mining regions.

The railroads have succeeded so far in blocking construction of coal pipelines by refusing to allow them to cross rail rights of way. For five years, pipeline promoters have been seeking—without success—to get Congress to pass an eminent domain law that would allow them to burrow their slurry lines beneath the tracks of the coal-hauling railroads.

This year, however, prospects for a coal slurry pipeline law appear greatly improved. The Carter Administration, which had been unable to obtain interagency agreement on details of the slurry bill that failed in the 95th Congress, is now lined up in support of eminent domain legislation.

A big reason for the stiffening of the Administration's posture is its frustration over the continuing increase in the nation's dependence upon imported oil at the same time that domestic coal reserves go begging for customers.

Improving the financial health of the railroads through a proposed deregulation plan is still an Administration goal, but the energy crisis apparently commands higher priority. With utilities and other industries complaining that high rail rates impede their ability to convert from scarce oil or gas to abundant coal, Carter's advisers are increasingly inclined to give the coal slurry pipeline promoters a chance to make good on their promises.

Perhaps the final straw comes from coastal state utilities that say they may choose to depend upon yet another foreign fuel source—imported coal. Central Power and Light Co. of Corpus Christi, Texas, recently announced that a shipload of South African coal, hauled 300 miles from the mine by rail, shipped 7,000 miles by sea and finally trucked 80 miles to one of its power plants, was delivered more cheaply than coal brought from Colorado would be at rail rates currently being quoted to the utility. The firm declined, however, to reveal the delivered price of the South African coal.

### RAILROAD COSTS

In a June 4 report to President Carter, Energy Secretary James R. Schlesinger urged that "priority be given to passage of the Administration's coal slurry pipeline legislation" (HR 4307) and to other steps "to ensure that problems in transportation do not erode coal's competitive advantage."

The Energy Secretary's report expressed concern that rising transportation costs, along with federal mining and air pollution regulations, are destroying "the cost advantage enjoyed by coal from the increase in world oil prices in the 1970s."

Coal prices, at the point of delivery, "have more than tripled over the past decade and almost doubled over the past four years," the report said. "In particular, coal imports have been rising . . . while there is unemployment and as much as 100 million tons of unused capacity in [domestic] mines."

Schlesinger's report warns that coal imports, though currently running at a "not yet significant" level of four million to six million tons a year, represent a "trend [that] is disturbing and symptomatic."

The report leaves little doubt that the Energy Department fears that the Administration's policies for the relief of the railroads may prove harmful to its energy policies, as well as to the nation's coal producers. It urges steps to "ensure that coal users do not bear a disproportionate share of the cost of upgrading and maintaining railroads," and that "proposals for railroad deregulation emphasize protection for captive shippers," such as utilities dependent upon a single carrier for high-volume coal supplies.

Where coal pipelines make economic sense, they will cut over-all energy costs. But if railroads lose traffic to pipelines in some areas, they will probably try to recoup the lost profits by raising their rates to ship coal elsewhere.

Under the terms of the Railroad Revitalization and Regulatory Reform Act of 1976 (90 Stat 31)—the so-called 4R Act—the Interstate Commerce Commission (ICC) has been caught in a pincers between coal shippers (the utilities) and coal carriers (the railroads).

"The shippers would like coal rates to be set strictly according to costs," explained ICC chairman A. Daniel O'Neal in recent congressional testmony. "They ask us to find the precise cost for individual movements and to allow rates at that level and no higher."

On the other hand, he said, "the carriers would like coal rates set at a level which will improve the poor financial performance of the railroads and to achieve an appropriate rate of return on a system-wide investment base."

Congress designed the 4R Act, however, to encourage the railroads to invest in capital improvements and to provide them with a measure of relief from regulatory interference. The act requires the ICC, O'Neal explaned, "to make a shft n emphass more in the direction of the carriers' financial well-being."

Since the ICC started handing down rate decisions under the new law, O'Neal conceded, "users have been hit by higher transportation costs and carriers are looking to coal traffic as one of the major ingredients to restore their sagging profit levels."

The ICC chairman somewhat wishfully added, "One thing that all parties should be able to agree to is that the pre-14B Act rate levels on coal were generally too low."

That argument elicits little sympathy in the Southwest, however, where industry just now is turning toward coal after long relying upon the region's once abundant natural gas. Whatever harm the railroads might have suffered from low coal rates in the past, it is not on the Southwest's conscience.

This has been made clear in recent hearings conducted by Rep. Bob Eckhardt, D-Texas, chairman of the House Interstate and Foreign Commerce Subcommittee on Oversight and Investigations, before which O'Neal gave his testimony. Following hearings on April 16 and 17 in Houston and San Antonio, Eckhardt—the sponsor of the coal slurry pipeline bill—said the prime area of agreement among coal users who testified had been "a desire to minimize future dealings with railroads."

In a memo to his subcommittee, Eckhardt focused attention on four coal rate cases, three of them affecting his state, taken up by the ICC since the railroad revitalization act took effect:

A November 1977 decision, involving coal for Houston Lighting & Power Co., that granted Burlington Northern Inc. a rate "about 40 per cent higher than the prevailing rates for shipments of comparable volume and length of haul";

Three ICC decisions that have driven coal-hauling rates from $7.90 per ton to well in excess of $17 since 1976 for San Antonio's municipally owned utility, which is considered a captive shipper because it can receive coal only via Burlington Northern and the Southern Pacific Co.;

A May 1978 coal rate granted the Denver & Rio Grand Western Railroad for service to a Celanese Chemical Co. Inc. facility at Kings Mill, Texas, that caused the firm to abandon plans for coal conversion and cogeneration projects at three other plants that would have conserved 30 billion cubic feet of natural gas annually;

A pending ICC case involving the Louisville & Nashville Railroad, which since last fall, according to Eckhardt, "has hiked rates more than 25 per cent across its entire system serving the eastern United States and, for certain of its captive coal customers, . . . by over 300 per cent in just a few months."

At a hearing on May 31, Eckhardt elicited testimony from a Tennessee Valley Authority (TVA) spokesman that eastern rail carriers have taken advantage of the fact that clean air regulations have forced TVA to purchase coal from limited markets with limited transportation alternatives." Rail rates were much lower when TVA was able to buy coal from fields served by barges or by more than one railroad, Lewis E. Wallace of TVA testified.

In a June press release promoting his pipeline bill, Eckhardt charged that the railroads "have used their monopoly position in the transportation of coal to inflict astounding rate increases . . . [with] alarming implications for our nation's energy outlook and for our economy. . . . The railroads' rate-setting activities are discouraging coal conversion by making coal an economically unattractive alternative."

### PIPE DREAMS?

The idea of moving coal through pipelines is not new. It received a big boost in recent years, however, with the opening of new mines in the western states where—unlike the East—existing rail routes do not directly serve prospective markets and where there are no navigable waterways to provide barge competition.

The nation has two coal slurry pipelines. The first—a 108-mile conduit in Ohio—began operating in 1957 but since has shut down. The second, opened in 1970 in the West, has proved a much greater success.

The Black Mesa Pipeline, stretching 273 miles from northeastern Arizona's Four Corners mining region to Southern California Edison Co.'s Mojave generating station in southern Nevada, has the capacity to move 4.8 million tons of coal a year. Built and owned by a railroad—a subsidiary of the Southern Pacific Co.—it didn't face the right-of-way problem that has stalled other pipeline proposals.

Backers of more than a half-dozen other pipeline plans point to the Black Mesa operation as proof of the technology's feasibility. Although expensive to build, the pipelines, once installed, require comparatively few operating personnel and low maintenance costs. Sponsors boast that the technology is "nearly inflation proof" because future operating costs "will be slight compared with other methods of transporting coal."

At the mine end of the pipeline, a coal preparation plant grinds coal to a particle size no greater than one-eighth of an inch and mixes it with water in large tanks equipped with mechanical agitators. The resulting slurry contains roughly equal amounts of coal and water by weight.

To move the mixture through the underground pipeline, pumping stations are required every 50 to 150 miles, depending on the terrain. Some projects include ponding areas at various intervals in case the pipeline has to be opened for repairs. The slurry travels at a speed of roughly six feet per second and must be kept moving to keep the coal in suspension.

At the power plant end of the line, the coal is "dewatered" in one of several separation processes. Before it is burned, heat is applied to achieve additional drying. The reclaimed water is used in the power plant cooling system—as in the Black Mesa project—or is discharged for other uses. In theory, the water could be pumped back to the point of origin in a return pipeline.

Most of the pending coal slurry pipeline proposals are predicated upon the expected boom in western coal production. However, the issue no longer is purely regional.

The Florida Gas Co., is promoting construction of a 1,500-mile eastern coal pipeline to link both midwestern and Appalachian coalfields to markets in Georgia and Florida. The Winter Haven, Fla., firm, which already operates a major natural gas pipeline, argues that "a coal pipeline for the Southeast can save electric utility customers billions of dollars in future transportation charges."

When the congressional Office of Technology Assessment (OTA) reported on coal pipelines last year, its researchers were surprised to discover that a hypothetical pipeline from Tennessee to Florida proved more economical than the alternative of moving the coal by rail. Existing railroad conditions turned out to be "significantly less than ideal," with 35 per cent of the track requiring replacement or upgrading.

J. Bradford Holloman, director of the OTA study, said in an interview that the particular case, though "not necessarily typical, certainly challenged the conventional wisdom that coal pipelines only made sense in the West."

Still, it is in the West that the greatest push is being made for coal slurry pipelines. The two most advanced proposals are the Energy Transport System Inc. (ETSI) plan for a 1,738-mile line from Wyoming's Powder River Basin to White Bluff, Ark., and the Texas Eastern Transmission Corp's planned WYTEX pipeline from the Powder River coal region to Houston and the Texas Gulf Coast.

The ETSI promoters, including the Bechtel Corp., a giant engineering and construction firm, have obtained conditional water rights from the state of Wyoming and have won 66 out of 67 court cases against railroads that have attempted to block their route. ETSI no longer says it needs federal eminent domain legislation and expects to begin construction in 1981 and have its pipeline operating before the end of 1983.

The WYTEX line, on the other hand, has encountered problems obtaining the water it needs. The enterprise appeared to be on its way earlier this year when the Wyoming Legislature authorized a contract to permit exporting 20,000 acre-feet of water per year. The backers of the project had acquired water rights from landowners in excess of its needs and planned to dedicate the remainder to the state. In May, however, Gov. Ed Herschler, D., refused to approve the contract, contending that the arrangement had not been adequately studied and did not appear to be in Wyoming's best interest.

Other western pipeline schemes in various stages of planning include a proposal to sluice about 10 million tons of Utah coal to the West Coast each year for export to markets in Japan and Korea and a temporarily shelved plan to pipe Wyoming coal 1,100 miles to Oregon.

An April report by the General Accounting Office (GAO) quoted industry sources as predicting that "at least four additional western pipelines may be built by the mid-1980s without federal legislation." This is attributable in large part to favorable court rulings and to the passage of eminent domain laws for coal pipelines by several key western states. While water remains a big problem, the GAO report concluded, "enough water is available."

### RAILROAD RATIONALE

The railroad's answer to the slurry pipeline is the unit train. Frequently more than a mile long, a unit train typically consists of six 3,000-horsepower locomotives pulling 100 hopper cars, each of which carries 100 tons of coal—10,000 tons a train.

Intended to shuttle between mine mouth and power plant, the unit train uses automated loading and unloading equipment and is operated to avoid switching delays or tie-ups in freight yards. The utility served by the train often owns the hopper cars and the loading and unloading facilities.

Unit trains already are widely used for long western coal hauls, and the railroad industry, backed up by several government studies, insists it can expand its coal-carrying capacity as required. With proper investment, rail systems can be put in place more quickly than either the new power plants or new coal mines that would create the demand, the industry says.

William H. Dempsey, president of the Association of American Railroads, has argued that coal slurry pipeline promoters propose to "superimpose a redundant transportation system upon an area in which transportation capability already exists."

Although he is not ready to concede that "in the real world, pipeline transportation would ever be less costly than rail transportation," Dempsey said that the over-all welfare of the railroads is a matter of greater importance to the public. "The railroads carry a wide range of essential commodities in addition to coal. Their financial stability is important to the nation," he said in congressional testimony a year ago.

"There are now two bankrupt railroads in the Midwest. . . . Many of the midwestern railroads now experiencing financial difficulties are not now major coal haulers. Coal represents new and profitable traffic for these railroads. Even one large-diameter pipeline could dash that promise," Dempsey said.

The railroad spokesman defended the ICC rate awards to his industry. "The fact is that competition already exists in coal transportation—between railroads and other transportation modes [principally barges], between coal from various regions and among the railroads themselves."

In instances such as the Texas cases where there is no competition, Dempsey said, "the ICC stands as a protection—excessive protection sometimes, in my opinion—against arbitrary or unreasonably high rail rates."

Two big selling points for the railroads' position are water and energy. It takes one ton of water to move a ton of coal through a pipeline. The unit trains, by contrast, remove no water from the regions in which they collect their cargo. The 1978 OTA study also showed that rail transportation is more energy-efficient than pipelines. It takes 610 British thermal units of energy to move a ton of coal one mile by pipeline, but only 310 Btus by rail, according to OTA.

On the negative side, however, the OTA report noted that those mile-long unit trains, moving at speeds of 20 to 50 miles an hour, create long interruptions at traffic crossings and generate "substantial amounts of noise" in their relentless shuttle between mine and power plant. For each million tons of a utility's annual coal requirement, two unit trains must make the round-trip each week.

### THE WESTERN DILEMMA

Water for the pipelines is a highly emotional issue in the West, but not in the East. Even at that, westerners have been forced to think about what other uses the water might be put to if not used by the slurry lines. Mine mouth power plants, for example, would consume far more water per ton of coal than a pipeline. The same is true of the synthetic fuel plants that have been proposed in the western coal regions.

Whether they like it or not, westerners are discovering that energy firms of one sort or another are willing to pay whatever it takes to buy into the West's limited water resources. In many areas, water already has become too valuable to be restricted to agricultural uses that produce a limited economic return.

The eminent domain legislation sought by the coal pipeline interests has not been aimed at establishing a legal claim on water. But critics fear that it might have that indirect effect by establishing that coal slurry pipelines are in the national interest.

Sponsors of the pending bill insist that it "in no way abridges the right of a state to regulate the use of its water." The bill's summary proclaims that "the states retain absolute control under their laws to grant, deny or condition the use of water for a coal pipeline" without any federal interference "in this traditional area of state authority."

Several years ago, the flurry of interest in coal slurry pipelines raised fears among western environmentalists that energy development in their region would be rushed forward with reckless abandon. The subsequent enactment in 1977 of a federal strip mining law and the Carter Administration's methodical development of a new federal coal leasing plan for the West have alleviated many of those fears.

With environmental safeguards now being set in place—whether or not universally endorsed by the ecologists—the development of western energy resources is going to proceed apace. Environmentalists in the region must now weigh one form of development against another.

"The environmental choice between coal pipelines as opposed to increased rail traffic primarily involves weighing the water use and temporary construction impacts of slurry pipelines against the noise, land use disruption, railroad crossing accidents and inconvenience resulting from increased train traffic," OTA concluded in its report to Congress last year.

### OUTLOOK

In 1974, the Senate passed a bill granting the right of eminent domain for coal slurry pipelines. That sums up the progress to date of the forces challenging the preeminent position enjoyed by the railroads in the coal-hauling business that the government wants to expand as rapidly as possible.

It took four years of intensive maneuvering—with fierce lobbying on both sides—before the issue ever reached a vote in the House. By that time, the OTA report—which said pipelines are sometimes less costly and sometimes not—had been cited by both sides in support of their opposing arguments.

Most observers of the fight were expecting a close vote last July 19, only to be surprised by the 161-246 tally by which the eminent domain bill was easily turned back. H. Pat Jennings, the former Virginia Representative and Clerk of the House who has had a brief career as chief lobbyist for the pipeline bill, explained the size of the defeat in a recent interview

"Most Members looked at it as simply a regional issue affecting Texas and parts of the Southwest. As long as they look at it that way, they'll side with the railroad interests that contact them from back in their home disricts. Every district has railroads, and that means plenty of constituents who work for them."

This year, although southwesterners still are leading the charge, pipeline proponents in the House believe they finally may be able to sell their coal slurry bill as an energy issue of national importance.

Eckhardt introduced this year's pipeline bill on June 7 with a broadside accusation that the railroads recently have moved "to inflict astounding rate increases on coal users all over the country. It started in the Southwest . . . , [but] since last fall, utilities in many other regions have experienced similar or greater increases."

Eckhardt has also displayed more than a little political muscle in lining up support for the coal slurry bill. Besides a full-fledged Carter Administration endorsement, he has had the cosponsorship of the two committee chairmen—Reps. Morris K. Udall, D-Ariz., of Interior and Insular Affairs and Harold T. Johnson, D-Calif., of Public Works and Transportation—who will share jurisdiction over the measure. A pair of fellow Texas Democrats—Majority Leader Jim Wright and Rep. Abraham Kazen Jr.—round out the sponsoring group. Hearings are expected to begin this month before Udall's committee.

Helping Eckhardt's cause is the fact that two of the most active opponents of the coal slurry bill during past skirmishes are no longer in Congress. They are former Reps. Fred B. Rooney, D-Pa., who defended the railroads' point of view, and Teno Roncalio, D-Wyo., who fought to keep the pipelines from depleting western water resources.

In addition, the ICC has muted one of the railroad industry's arguments—that pipelines have an unfair advantage in entering into long-term contacts with large-volume coal users. Last November, the ICC lifted its earlier restriction on long-term coal delivery contracts between railroads and coal consumers.

The railroads still contend, of course, that coal slurry pipelines simply are not needed. Even if the eminent domain bill should become law in this Congress, the rail industry has every right and reason to continue its fight for the business that the pipeline promoters are seeking.

But if the railroads lose the ability to block pipeline rights of way, they may have to take the advice of an arch opponent on this issue, Arizona's Udall. In a 1978 speech to a group of pipeline boosters, Udall suggested that the railroads continue their fight by quoting competitive prices.

To consumers facing suddenly increased coal rates, Udall advised: "You ought to be able to say, 'Well, Mr. Railroad Executive, . . . we think we'll talk to a company that might want to put in a coal slurry line.' And I'll bet you they'd sharpen their pencils a little bit and tell the ICC maybe they could do a little better job and haul the coal at a cheaper price."●

---

## A DECADE OF TRANSITION

● Mr. HATFIELD. Mr. President, there is little more common than our consuming effort to analyze and reanalyze the past in an effort to predict future events. This has become something of a national tradition. This tradition is often raised to the level of near obsession as the end of a decade approaches and 10 years of historical, cultural and economic events are scrutinized in the press and elsewhere.

As one interested in history, I must admit to some disappointment in these efforts to define the past. Too often the level of analysis reflects individual bias, is overgeneralized or merely superficial. It is deeply unfortunate that much history is lost, or even rewritten, by these efforts to chronicle the past.

I am, therefore, delighted to report to my colleagues that an Oregon reporter, Howard Goodman of the Oregon Statesman, has in my judgment accomplished the difficult job of describing a decade accurately: Grasping its tone, its confusions, its hopes and its disillusionment with clarity and understanding. I am, therefore, pleased to ask that his article, entitled "A Decade of Transition," be printed in the RECORD.

The article follows:

### A DECADE OF TRANSITION

(By Howard Goodman)

And so we enter the last hours of the decade. Set 'em up, bartender, and let's drink to hollow endings.

The '40s gave us FDR and Rosie the Riveter. The '50s had Ike and Edsels.

The '60s wrought the Kennedy and King assassinations, Vietnam, Height-Ashbury, Black Power, LBJ's gall-bladder scar, the Silent Majority and hellzapoppin' everywhere.

But dream on the '70s and what do you get?

A long stare at your beer. A true lull in the American epoch. A decade with an identity crisis.

How do we recon Watergate, the Symbionese Liberation Army, "Roots," Gary Gilmore, the Boat People, WIN buttons, Tom Eagleton, Three Mile Island and Ayatollah Khomeini?

What can we conclude about Farrah Fawcett, Billie Jean King, Phyllis Schlafy, Martha Mitchell, Dolly Parton, Elizabeth Ray and Annie Hall?

John Travolta and John Dean? Superfly and Andrew Young? Sam Ervin and Son of Sam? Bebe Rebozo?

What are we to make of New York City's financial problems and Bert Lance's? Of Jonestown, Guyana, and Fernwood, Ohio?

The single-parent home and home computer video games? Legionnaire's Disease, "Fear of Flying," Our National Malaise, Blazermania?

Does any of this fit together?

Author Tom Wolfe Gave the '70s the only name that stuck: The Me Decade. He meant by it the new obsession with Going Through Changes. Get happier, get holier, get mel-lower, get thinner, get organic, get in touch with your feelings. Get into the Rev. Sun Myung Moon, Werner Erhard, born-again Christianity, the Guru Maharaj Ji, Esalen, Scientology, sex therapy, TM. Have a nice day.

Others glommed onto The Me Decade to describe a growing worship of self in America, very destructive to the national fabric, evident in the rising divorce rate, "People" magazine, Cuisinart cooking and hot tubs. Proposition 13. The inability of Congress to enact an energy program. Reggie Jackson's salary.

And the '70s close with an acute sense of things running out.

America is last seen running out of gasoline. Out of clout. Out of leaders. Out of productivity. Out of time itself.

Fourteen- and 15-year-olds believe "they have been born into the sudden-death overtime of Western Civ," writes New West magazine's Charlie Haas.

"Impending disaster has become an everyday concern," echoes historian Christopher Lasch, "so commonplace and familiar that nobody any longer gives much thought to how disaster might be averted.

"After the political turmoil of the '60s, Americans have retreated to purely personal preoccupations.

"Having no hope of improving their lives in any of the ways that matter, people have convinced themselves that what matters is psychic self-improvement: Taking lessons in ballet or belly-dancing, immersing themselves in the wisdom of the East, jogging, learning how to 'relate,' overcoming the 'fear of pleasure.'"

The decade lay in the shadow of Richard Nixon. No one wanted more power for the office of president and no one in our time so weakened and debased it. Nixon gave us a new conception of the White House: Haven for bag men, money-launderers, burglars, wiretappers, enemies-list-makers, tapes-erasers, spooks. He fed the Constitution to paper-shredding machines.

Watergate unfolded like an obsessive detective story, the best Perry Mason episode ever. We weighed Dean's story against Mitchell's, Mitchell's against Magruder's, Magruder's against Ehrlichman's. We wondered when the smoking gun would finally nail the big enchilada.

From scandal came most of the decade's heroes: The reporters, Woodward and Bernstein, who became eternal inspirations to every journalistic beginner who ever held a police beat. The fired special prosecutor, Archibald Cox, whose quality shone all the more when he refused to write a Watergate book. The House Judiciary Committee, which met the moment of impeachment with unexpected conscience and eloquence.

Nixon did the impossible. He made us tired of presidents.

We were glad to get earnest, if sometimes fumbling Gerald Ford, who toasted his own English muffins in the morning and whose idea of a foreign policy coup was to rescue 40 Americans from Cambodian gunboats by sacrificing 41 Marines.

And we picked an amateur, Jimmy Carter, because he promised not to lie to us.

Let's not look upon these 10 years too sourly. The decade was not only the decimation of Cambodia or the misery of the Boat People, the terror in Belfast and Munich and Tehran and Rome, trial for Soviet dissidents, famine in the Sahara and Bangladesh.

There was at least one miracle. The superpowers, who have rigged the entire planet like an itchy mine field, managed to make it through another 10 years without blowing up all of us.

The chiefs of state of Egypt and Israel embraced in Jerusalem and pledged someday to make peace.

Deng Xiao-ping, wearing a cowboy hat and a grin, watched a Texas rodeo.

And we shouldn't toast the turning calendar without remembering the daring of Israeli commandos at Uganda's Entebbe airport, the heart behind Muhammad Ali's comebacks, the lonely heroism of George Willig, the mountaineer who climbed New York's World Trade Center.

But we'll probably remember the '70s as the decade that winters got colder and automobile travel got suddenly expensive.

We'll remember the shrinking dollar and the rising price of hamburger. We'll remember our surprise at being so hated in the Moslem world.

Raise a glass to Weatherstripping, Zero-Base Budgeting, Staying Alive, Whipping Inflation Now, Mileage-saving, Making a Deal You Can't Refuse, Stonewalling, Prioritizing, Twisting Slowly Slowly in the Wind, Coming Out, Coming On, Snorting a Line, Establishing Deniability, Interfacing, Lowering Our Expectations, Saving the Whales, Rebirthing, Streaking, Being Mad as Hell and Not Taking it Anymore.

Well?

What did we expect?

Nothing quite like this.

A look at the predictions of 1969 for the 1970s shows that most observers never expected the 1960s—for good or ill—to end.

The Statesman Journal matches the predictions of 1969 with the realities of the now-departing '70s on these pages.

Here's mud in your eye.

### BOOM AND BARRICADES

The economic boom was going to keep on booming.

"Economic growth will continue at a brisk clip, carrying the United States to levels of output and income never seen before and not even imagined two decades ago," said Business Week in the closing days of 1969.

"Consumer specialists are predicting that a second home will become as commonplace by 1980 as the second car is today," said New York's Morgan Guaranty Trust Co. "Not that autos will lose their appeal to consumers—the three-, four-, and five-car family is to grow in numbers in the decade ahead."

Detroit, innovative and progressive, would introduce the "minicar"—a car about the size of the Volkswagen, priced under $2,000 and capable of delivering gas mileage in the 25 miles-per-gallon age. Research was well under way, the Associated Press reported in 1969.

Such was optimism in 1969. The economy of the '60s, growing and bountiful, would be tomorrow's. And present travails would be tomorrow's, too.

The young were going to stay at war with the Establishment.

The nation's cities were likely to become war zones because of terror-happy radicals and black militants, said the National Commission on Violence.

If not that, then incessant strikes and mechanical breakdowns would make city life a torture.

Pollution would spread as a concern.

"God promised Noah that he wouldn't destroy the world again, but he never said that he would stop us from doing it," observed author Herman Wouk. "The challenge of the '70s is single: Conservation."

More people would adopt the hippies' quest for personal freedom and a spiritual dimension. Millions of Americans would reject money and ownership as the major yardsticks of their lives.

Time magazine, which consistently had seemed bewildered—if not frightened—by the explosive changes of the '60s, hoped the '70s would at last make sense of traumas just past.

"In the long run," wrote Time in 1969, "this decade and the next may well constitute an historical era of transition, like that which followed the Middle Ages and preceded the Renaissance."

Not everyone was so optimistic.

The Oregon Statesman editorialized on Jan. 1, 1970: "Any fair analysis of the nation's mood at the start of the 1970s would have to conclude it is one of foreboding and uncertainty."

### WAR AND PEACE

There were ample grounds for worry in December 1969.

The Vietnam war entered its ninth year that month. The American death toll had reached 40,000.

The society had fractured and the fractures were widening: Young against old, black against white, masses demanding peace against masses demanding law and order.

The Consumer Price Index was rising almost 5.5 percent annually.

Richard Nixon, professing to "Vietnamize" the war while secretly bombing Cambodia, occupied the White House. In London, 39 academics and statesmen mulled the coming 1970s at a four-day conference and warned that Nixon's "quite presidency" could turn "insulated" and dangerous.

The young—the most interviewed, dissected and self-important young in history—lived on fantasies of doom and desperate vision of new Edens.

The Rolling Stones' Mick Jagger toured America in black, a sardonic Uncle Sam's hat on his head, and end-game Omega symbol on his chest, performing songs from an album called "Let it Bleed." Hell's Angels beat a man to death at a free Stones concert in December.

In Canada, the Beatles' John Lennon embarked on a campaign the same month to make 1970 "Year One" in a new epoch of peace, and push the Woodstock Festival spirit into the new decade. Peace would come, he said, "as soon as people realize that they have the power."

"This is just the beginning," Lennon said, "What we've got to do is keep hope alive. Because without it, we'll sink.

Most people expressed relief to mark the end of what historian Arthur Schlesinger Jr. called "this slum of a decade."

But The New Yorker picked through the shards of the decade and found pieces worth preserving.

"The '60s should not be allowed to slip into history without some grateful acknowledgement of the new joyousness they brought to the texture of daily life," the magazine said.

"A new latitude in costume and manners, a new willingness to "dig" instead of judge, a new tenderness, whose symbol everywhere is the flower; the joyousness of the Beatles and of the slogan. 'Black is Beautiful' of Pop Art and of male hair; the joyousness of the tragic Kennedys, and the joyous technology of the Apollo moonshots:

"May these scattered stars light us into the future."

### OIL AND INCOME

None of the pop forecasters predicted the end of cheap oil.

No one warned that resources might get scarce, or that the United States would talk about an "energy crisis" and wait in gasoline lines, or that the Middle East would become even more central to international power equations.

No one guessed that a California governor would construct a platfrom out of the idea that America had entered an era of limits.

No one predicted recessions or double-digit inflation. No one guessed that goods which cost $1 in 1969 would cost $1.95 in 1979.

The economic and social prophets failed to see the single act of oil producers' raising prices in 1973. And that one oversight—to use a vernacular which will always say something about the '70s—rendered inoperative much of what they bothered to predict.

It was supposed to be a soaring economy. The 1960s had seen the longest-sustained Gross National Product boom on record. Fueled by federal deficits to pay for the Vietnam war, the GNP doubled between 1960 and 1970.

Business Week predicted that the GNP would leap from almost $1 trillion in 1970 to $1.5 trillion in 1979.

It didn't quite work out. By the end of decade, the GNP remained at about $1 trillion in terms of uninflated, 1970 dollars. This year's GNP was only 2 percent higher than the GNP in 1970.

Business Week said real incomes would rise about 50 percent in this decade, just less than the 53 percent they rose in the '60s.

Hardly. In 1973, manufacturing workers brought home $99.60 per week in spendable earnings, in terms of 1967 dollars. In May 1979, they brought home $98.01 in 1967 dollars.

Still, most Americans had money to spend. Real income increased over the '70s on per-capita basis by 28.5 percent.

Economists ascribed this to the explosion of non-manufacturing jobs in the workforce, hastening the growth of two-income families.

### POWER AND PROTEST

Between 1960 and 1978, about 19 million women joined the labor force, the U.S. Census Bureau said. One of 10 workers was a teen-ager in 1978; the percentage in 1960 was one out of 15.

Forecasters in 1969 seemed unaware of the effect an infusion of working women would have on the economy. But they didn't doubt that women's liberation would be a major issue.

"As women really do begin to share equally the important work of the world, then men are going to have to accept their role as partner rather than keeper, big daddy, superior brain, lord and master, etc.," wrote Cosmopolitan editor Helen Gurley Brown.

And it would be not only women who would assert themselves.

Other outsiders—Chicanos, Indians, Chinese Americans—would join blacks and student militants for their slice of the American pie.

"'Gay Power,' 'Senior Power' and 'Women Power' may not be jokes but battle cries that society will have to reckon with," Time said.

It might even become the age of Hillbilly Power.

"As the poor white man realizes he is America's new nigger and at the bottom rung of the social, economic and political ladder, his outrage will be expressed in unprecedented proportions," said comedian and activist Dick Gregory. "It might be America's first real look at revolution on the streets."

No institution would lack for barricades.

"High schools, perhaps even more than colleges, will be torn by unrest," Time warned.

But militancy, as it turned out, fared badly in the '70s.

Students for a Democratic Society (SDS) vanished by the fall of 1970. Black Panther theorist Eldridge Cleaver became a born-again Christian and the most dynamic black spokesman, Jesse Jackson, exhorted kids to stay in school. Even the Equal Rights Amendment lanquished.

Backlash against homosexual political initiatives led to well-publicized defeats in Dade County, Fla., and apparently contributed to the shooting death of San Francisco's mayor and a gay-activist city supervisor.

In 1969 it was taken as a given that the Vietnam War was virtually over.

Vietnam will be a rapidly declining factor in military calculations after 1970," Business Week declared. "The Nixon administration means to get out."

As it happened, U.S. forces did not completely withdraw from Vietnam until 1973 and before the American death toll had risen by nearly 6,000.

And U.S. involvement did not end before President Nixon invaded Cambodia with ground troops in May 1970, sparking the most bitter protests of the entire Southeast Asia war. Four students died at Kent State University, Ohio; two at Jackson State College, Mississippi.

### RUSSIA AND CHINA

Withdrawal from Vietnam, pundits said in 1969, would lead to an American reluctance to become involved in similar foreign ventures. Some commentators, like Stewart Alsop, worried that the national mood would become so isolationist as to relax U.S. wariness against the Soviet Union.

The defense budget would rapidly decline and stay relatively low. Business Week said annual defense spending would take a sharp dip from the 1969 level of $77 billion, but eventually rise with inflation to $79 billion or $80 billion by the end of the '70s.

That's turned out to be an accurate prophecy of the nation's attitude toward defense; but can it be only 10 years ago that the nation was so little concerned about inflation? Expressed in non-inflated dollars, defense spending in 1979 was an estimated $59 billion, way below Vietnam-era budgets. But in 1979 dollars, the defense budget totalled an estimated $110 billion.

With the current Iranian crisis, the nation's attitude on defense spending came a startling full circle this decade. President Carter recently asked for the first percentage increase in the Pentagon budget since Vietnam. He'll likely get it.

Almost all observers predicted that war between the United States and the Soviet Union was only a distant possibility in the '70s. War between Russia and China was not ruled out.

Many believed relations between the United States and China would improve.

Time magazine, which had waged editorial war against Red China for more than 30 years, said there "might well be an exchange of ambassadors between Washington and Peking before 1980."

And in fact the two nations resumed full diplomatic relations this year.

No one saw much hope for peace in the Arab-Israeli conflict. Even "optimists predict that it will carry on as mankind's equivalent of the Hundred Years' War," Time said.

But wholly unexpectedly this decade, Egypt and Israel signed a "framework" for a peace treaty and began to open their border. However, the issue of Palestinian statehood seemed as irresolvable as ever. And the increasing power of Arab states' "oil weapon" loomed over the conflict.

Japan was expected to come into its own as a major power. But few predicted the extent of Japan's success; over the '70s that small nation continued its post-war rise to take second place among the world's economic powers. Now only the United States produces more.

Demographers said the U.S. population would soar from 203 million in 1970 to 231 million in 1980. It's doubtful there will be that many of us next year. The population last January was estimated at 219.5 million.

### SALEM AND GROWTH

Sharp-eyed readers of Esquire magazine in December 1969 would have learned that Salem, Ore., was one of 26 towns predicted to exceed 100,000 population by 1980 "and thus become a city" in the eyes of the Urban Land Institute.

Salem in 1970 was home to 68,480 people, the U.S. census found. The town this year has an estimated population of 89,000, according to Portland State University's Center for Population Research and Census.

The Mid-Willamette Valley Council of Governments predicts Salem's population next year to hit 99,530—just shy of the Esquire prediction.

(The population of the Salem urban growth boundary, which includes unincorporated areas surrounding the city, is 140,408 this month, COG says.)

Salem's growth would be in keeping with a growing urbanization of America. By 1980, 70 percent of Americans were expected to live in cities, up from 66.6 percent in 1970.

But trends did not bear the prediction out. By 1977, the census bureau reported, the percentage of Americans in cities was unchanged from 1970.

California, Florida, the Southwest, Alaska and the Northeast were expected to be the nation's fastest-growing areas in the '70s. California, Florida and Texas were, the census bureau said this year. The Northeastern metropolitan areas of New York, Detroit and Philadelphia lost population.

"A great task of the '70s will be to reverse present trends and see middle-income whites moving back to the central city while blacks disperse into the surburbs," Business Week said in 1969.

The seemingly impossible happened.

From 1970–1978, the percentage of blacks moving to suburbs was more than three times that of whites, the census bureau said; in the '60s the percentages for both races were the same.

Meanwhile, housing and energy costs and new definitions of chic prompted the phenomenon of young middle-class whites moving to the nation's central cities and rehabilitating old houses. Their displacement of poorer families created a new social problem as older cities began to undergo this process of "gentrification."

Scientists and businessmen looked forward in 1969 to a bright "decade of technological assimilation."

Desk-top commuter terminals will be commonplace by 1980, Business Week accurately predicted. Information would be a growth industry. Companies that mastered the computer would master their competition.

The space program, which twice in 1969 had placed Americans on the moon, would continue to make great leaps for mankind.

Business Week predicted the early '70s would see "about three manned space flights each year to the moon." Scientists would make strides toward a nuclear space engine, the key to manned flights to Mars and Venus in the 1980s.

But by September 1970—a year after Apollo 11—space spending had been cut to half of 1965 expenditures. Moon excitement fizzled. By 1979, the space program was in such low standing that ducking falling Skylab pieces became a world joke.

### ARTS AND SCIENCES

By 1980, said Business Week in 1969, we would witness at least some of these scientific miracles:

Perfection of vaccines to prevent several types of cancer in humans.

Discovery of methods to alter or control man's genetic make-up.

Development of experimental devices to harness the power of atomic fusion.

Advanced applications of cryogenics (the science of low temperatures), the laser, magnetism and composite materials.

But if Science made good on some of these bets by the end of the decade, it was awfully quiet about it. The public lost faith in the omniscience of technology. It worried over DDT and the SST, nuclear power and the safety of DC–10s. Scientists worried, themselves. But in 1976 genetic scientists voluntarily decided to quit research into recombinant DNA because of possible dangers to humanity.

The arts would change—irrevocably, maybe—from new technologies like home video discs, cultural observers predicted in 1969. Opera would go multi-media. The arts would become more disposable. The novel would be in trouble.

But critic John Leonard thought youth's revolt against "the technological drift in everything" would enlarge.

"What we're having in cultural sensibility is a full retreat from these technological facts," Leonard said. "We are having a kind of atavistic binge. We should recognize that a cult of this sensibility is taking over, certainly in literature, and certainly in rock music and certainly in the theater. And to a large extent in films."

Leonard called it wrong. The runaway success of the gadget-laden "Star Wars" and the unexpected endurance of the chromium-plated disco sound suggested that most of the young wanted not to bury technology so much as tame it for pleasure.

Critics predicted the performing arts in the '70s would be calmer in reaction to the '60s shocking styles—nudity, politics, volume, audience confrontation.

Sure enough, nostalgia came in, rock got mellow, Andy Warhol extolled Andrew Wyeth.

But the '70s boom in symphony and opera attendance around the nation eluded the forecasters. So did the dance explosion.

But they were sure right about the novel. By 1979, friendly reviewers so despaired of the state of fiction that they were calling Normal Mailer's non-fiction treatment of Gary Gilmore's execution the great American novel he had promised readers for 20 years.

### MAN AND GOD

Time magazine in '69 guessed that informal group living arrangements, pioneered by the hippies, would be big in the '70s.

"There may be such things as occupational communes, in which groups of doctors and lawyers will live together with their families, and different age groups may emulate the old in banding together in Yankee-style collectives," Time said.

If anything, it seemed at times in the '70s that everyone was living alone.

The divorce rate rose 91 percent from 1970 to 1978. "Alice Doesn't Live Here Anymore," "An Unmarried Woman" and "Kramer vs. Kramer" struck the note for modern drama—how Americans cope when suddenly on their own.

But time proved Time right about one of the magazine's most startling predictions of 1969.

"The most significant trend of the '70s may well be a religious revival," Time said.

"In reaction against the trend of rising secularization, there may well be a sweeping revival of fundamentalism, particularly in its fervent, Pentecostal variety."

Amen, said a 1979 Gallup Poll. Pollsters this year found that 20 percent of adult Americans considered themselves evangelical Christians.

"The all too obvious failure of liberalism has coincided with a hunger for basic morality and a revitalization of fundamental Christianity," writes Christianity Today.

The trend was "inconceivable 25 years ago," the magazine says.

### PROPHETS AND PROSPECTS

The '60s didn't disappear entirely in the '70s.

The American self-criticism that began with the civil rights and anti-war movements found later expression in the 1975 Rockefeller report on Central Intelligence Agency misdeeds, the 1974 impeachment proceedings against Richard Nixon and the 1979 X-ray of the Supreme Court, "The Brethren."

Backers of affirmative action failed to win the clear victory they wanted from the Court. But it can be argued that blacks, women and other minorities made employment and education gains in the '70s.

And in ways not always noticed, the everyday atmosphere in America is more open-minded and yielding than it was before any of the '60s revolutions began. Styles of dress are less formal. It is more acceptable for men to show feeling and for women to exert power.

But none of these particular forms of '60s-survival was anticipated in the crystal balls of 1969.

History's habit is to foil the forecasters.

"This has been a hard century on prophets," James Reston, the New York Time's Olympus-perched columnist wrote in 1969. "Each decade has tended to misjudge the next."

The first decade of the 20th century did not foresee the awful carnage of the second, Reston wrote.

The second believed no horrors could surpass the Kaiser's.

The prosperous '20s staggered into the Depression-hit '30s.

The "war to end wars" laid the seeds for World War II.

The allies of the '40s became the enemies of the '50s and '60s, and Communism, the hated monolith, split into two or 20 competing camps.

No, Reston said, it makes little sense to predict what the next decade will bring.

And then he guessed that by 1980, the United States and Russia would have realized they have more to lose in a big war than anyone else.

"They may even form a top-dog alliance to defend their predominant positions in the world before the '80s" Reston wrote.

In December 1979 that remains only a guess or a hope.

And with world attention focusing ever more nervously on the Persian Gulf states, peace in the '80s apparently depends on the disposition of the West, the Soviets and the Arabs toward the oil fields.

Only a fool would forget H. L. Mencken and predict what might happen:

"The prophesying business is like writing fugues," Mencken wrote. "It is fatal to everyone save the man of absolute genius."●

---

## AMBASSADOR SOL LINOWITZ

Mr. MOYNIHAN. Mr. President, it is a source of no little surprise to me that even a small controversy should come to hover about the nomination of Sol Linowitz as a U.S. Ambassador. Mr. Linowitz, having been proposed by President Carter as the personal representative of the President in the ongoing Mideast negotiations, will carry major responsibilities which even the title of Ambassador seems somehow to understate.

The question that should predominate in the Senate is whether Mr. Linowitz can sustain the burden which has been placed upon him by us, on behalf of all of us. And the answer is given in his remarkable life and brilliant career. A superb lawyer, a businessman of genius, a prime mover in the major civic causes of our era, he startles us with his accomplishments and, so far as I can tell, gives more of himself than we might reasonably expect when he agrees to undertake a complex and delicate mission in the Near East. Any one of his previous missions on behalf of the country, especially the negotiation of the Panama treaties, might well have exhausted the enthusiasm of a lesser man. That he appears again to take up national work of the highest importance is a reminder—a reminder of the rarity of men of this caliber.

For I offer this additional thought. We live in a time when many come to find the public service increasingly disagreeable. We have introduced into our public life a certain sourness. But we do so at a time when leaders in every field of endeavor must be brought into the efforts of government to cope with growing problems. Let us make this no harder than it is already. The seemingly endless list of Sol Linowitz' achievements compels our confidence in him, as it offers us hope that the mission he undertakes will yet produce a successful conclusion.●

---

## THE WORLD CHAMPIONS

● Mr. SCHWEIKER. Mr. President, I congratulate the Pittsburgh Steelers on winning an unprecedented fourth Super Bowl. Once again, Art Rooney, Sr., and his outstanding Steeler organization demonstrated to the country their greatness, as they overcame the Los Angeles Rams in rugged and intense competition. Though down in points three times, the Steelers never faltered. With the help of the fearsome Terrible Towel, the Steelers continue their reign as world champions.

The names associated with this team are asssured a place in football history. Chuck Noll is clearly in the tradition of Vince Lombardi and other coaching greats. Names such as Bradshaw, Greene, Harris, Lambert, Stallworth, Swann, and others come to mind when the Steelers are mentioned. But the important thing, the key to winning, is that this is a team, not simply a collection of individual greats. Like the Pittsburgh Pirates, the Steelers can also say "We are Family." Teamwork and great leadership makes this an outstanding football team.

I know Pittsburgh is proud of its Steelers. On Sunday afternoons, Pittsburgh's streets are deserted because everyone watches the game. On warm days, when windows are open, the sounds of football on TV can be heard everywhere. When Pittsburgh wins, the city celebrates; when the team loses, the whole city is depressed. Pittsburgh is truly a town where football and the home team are taken seriously.

Pittsburgh can be proud. It is without doubt a city of champions, now that both the Pirates and Steelers are No. 1. The city wears the title well, for it reflects its teams. It is known for its hard-working steelworkers and has been called a shot-and-beer town. But Pittsburgh is also a university community and the city houses the third largest number of corporate headquarters in the United States. Over the last 30 years Pittsburghers have worked to make this hilly river town a great place to live, and they have succeeded. And the Steelers have greatly contributed to ensuring Pittsburgh's place as a great American city.

Just as the Pittsburgh Steelers proved on Sunday they are truly world champions and the team of the 1970's, they also demonstrated that they have the strength and vitality to continue as the team of the 1980's.●

---

## A BIBLIOGRAPHY ON ALCOHOL FUELS

● Mr. BAYH. Mr. President, over the past few months, my office has received literally hundreds of requests for information regarding alcohol fuels. These have ranged from letters from schoolchildren seeking information useful in the preparation of reports on gasohol, to farmers interested in setting up a still to produce alcohol to use on the farm, to others interested in commercial size facilities. This interest is, I believe, a sign of widespread public support and enthusiasm for alcohol fuels.

I have come across a bibliography of published literature on alcohol fuels which I feel would be helpful to those interested in alcohol fuels. This bibliography was prepared by the National Center for Appropriate Technology in Butte, Mont. It covers a wide range of publications on alcohol production and alcohol fuels technology, and also lists periodicals in the field, in addition to including a more expansive general resource list. I ask that this material be printed in the Record at this point for the benefit of my colleagues and those around the Nation interested in learning more about this home-grown fuel.

The material follows:

### Alcohol Fuels

Alcohols as a serious liquid fuel option have only recently come into the public eye. Thus, the literature is sketchy and limited in scope. This bibliography is a current compilation of the best publications available. As new information becomes available, the bibliography will be updated.

The source materials listed are limited primarily to the production of alcohol through fermentation. Other processes, such as cellulose hydrolysis and pyrolysis, are mentioned only briefly to help the reader obtain a more thorough understanding of alcohol production options.

The three best works in the bibliography for the serious producer and student alike are Lance Crombie's *Making Alcohol Fuel*, Robert S. Chambers' *Small Fuel-Alcohol Distillery Workbook*, and the National Alcohol Fuel Producers Association *Learning Guide for Alcohol Fuel Production*. We strongly recommend these reference guides. S.S. & J.D.K.

This publication was prepared with funds provided by the U.S. Community Services Administration to fulfill a grant requirement. The opinions expressed herein are those of the authors and do not necessarily represent the views or policies of CSA.

Bibliographies available from NCAT:

B001 Solar.

B002 Wind.

B003 Organizing Community Gardens.

B004 Economic Devlopment.

B005 Building and Energy.

B006 Alternative Waste/Recycling Systems.

B007 Methane from Anaerobic Fermentation of Manure.

B008 Biological Management of Passive Solar Greenhouses.

B009 Alcohol Fuels from Renewable Resources.

To order, write: Information, National Center for Appropriate Technology, P.O. Box 3838, Butte, Montana 59701.

### BOOKS

*Makin' It on the Farm*

Prepared by: Micki Nellis.

Available from: American Agriculture Movement, P.O. Box Box 100, Iredall, Texas 76649; 1979, 88 pages, $2.95.

A step-by-step guide to production of fuel ethanal from farm crops, based on the experiences of Eugene Schroder and family in Campo, Colorado. The booklet includes success stories (Albert Turner, Archie Zeithamer, Lance Crombe & more), information on regulations, cost figures for stills, contacts for equipment, engine modifications information and suggestions for starting out. One of the most solidly researched books on alcohol production, backed up by years of actual experience. Fully illustrated including detailed plans.

*Making Alcohol Fuel—Recipe and Procedure*

Prepared by: Lance Crombie.

Available from: Micro-Tec Laboratries, Inc. Rt. 2, Box 19, Logan, Iowa 51546; 1979, 40 pages, $4.50.

This pamphlet provides current, practical information not available from other sources, including temperatures and yeasts data, as well as how to apply for a still permit and other how-to-do-it ideas. This work precedes a larger manual on alcohol production soon to be published by Micro-Tec Laboratories.

*Making Wine, Beer and Merry*

Prepared by: Howard & Gibat.

Available from: Micro-Tec Laboratories, Inc., Rt. 2, Box 19, Logan, Iowa 51546; 1978, 182 pages, $4.50.

Howard and Gibat explain the fermentation process for beverage drinks in any easy-to-understand manner. The book is good for the beginner—before one starts fuel production.

*Methanol and Other Ways Around the Gas Pump*

Prepared by: John Ware Lincoln.

Available from: Garden Way Publishing, Charlotte, Vermont 05445; 1976, 134 pages, $5.95.

An excellent resource book on automobile conversion to methanol fuels methane and alternative engines. The author also discusses the history of alcohol and other automative information. It's an important book for those interested in alternative auto fuels.

*Chemistry of Wine Making*

Prepared by: A Dinsmoor Webb.

Available from: The American Chemical Society, 1155 16th Street, N.W., Washington, D.C., 20036, 1974, 311 pages, $22.50 hard cover $8.50 paperback.

The resource is an anthology of papers presented at a symposium sponsored by the Division of Agricultural and Food Chemistry at the 165th meeting of the American Chemical Society, Dallas, Texas, on April 12, 1973. The papers address topics such as: winemaking as a biochemical sequence; Malolactic fermentation; chemical aspects of distilling wine into brandy; and an enzymology paper. The book should be read for a thorough understanding of fermentation.

*Survey of Alcohol Fuel Technology*

Prepared by: The Mitre Corporation.

Available from: National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. NTIS Acquisition No. PB 256-007; PB 256-008; 1975, 2 volumes, $12.50.

The survey, prepared for the Office of Energy R&D Policy of the National Science Foundation, ranges from fermentation to hydrolysis. It is well documented although its analysis is dated and contains some inaccuracies. Nonetheless, the work is the most complete accumulation of alcohol technologies to date and is an important resource book.

*The Small Fuel-Alcohol Distillery: General Description and Economic Feasibility Workbook*

Prepared by: Robert S. Chambers.

Available from: ACR Process Corporation, 808 S. Lincoln Avenue, No. 14 Urbana, Il. 61801; 1979, 21 pages, Free.

Chambers documents a thorough walkthrough of the economics (including financing and payback, technology and marketing. The workbook is practical for the would-be alcohol fuel entrepreneur. Chambers, perhaps the foremost researcher in the field, reviews alcohol production in a systematic way.

*The Practical Brewer*

Prepared by: Edward H. Vogel and others.

Published by Master Brewers Association of America Second Edition.

Available from: Micro-Tec Laboratories, Inc. Rt. 2, Box 19 Logan, Iowa 51546; 1977, 475 pages, $37.50.

Written for the practical brewer working in large scale systems, this detailed book covers water, malting, safety terminology brewing control and storage. Although the book deals specifically with drinkable alcohol, the information is invaluable to the alcohol fuels producer.

*Efficiencies of methanol production from gas, coal, waste or wood*

Prepared by: Dr. Thomas B. Reed.

Available from: Solar Energy Research Institute (SERI), 1536 Cole Blvd., Golden, Colorado 80401; 1976, 12 pages, free.

Reed is one of the foremost methanol experts in the country and has published numerous papers on methanol, ethanol and biomass fuels. His papers cover automobile modifications and statistics, fuel and fertilizer production, to name a few.

*Design of a two-bushel per day continuous alcohol unit*

Prepared by: William B. Altsheller and others.

Available from: National Center for Appropriate Technology, P.O. Box 3838, Butte, Montana 59701; 1947, 5 pages (photocopied), $.60 prepaid.

This paper is one of the first appropriate technology papers on fuel production. It documents the use of sulfuric acid hydrolysis and continuous fermentation that yields 190-proof alcohol in eleven hours. The paper, prepared by five Seagram scientists, is still technically relevant and deserves attention, although it is out of print.

*Indiana grain fermentation alcohol plant*

Prepared by: A. T. Brackett and others.

Available from: Indiana Department of Commerce, State House, Room 336, Indianapolis, Indiana 46204; 1976, 80 pages, free.

The Indianapolis Center for Advanced Research and R. L. Longardner Associates prepared this excellent process and economic survey of a large scale system. The book covers anhydrous production and addresses cattle feedlots and other closed system scenarios.

*Grain alcohol study*

Prepared by: Fred S. Linsey.

Available from: Indiana Department of Commerce, State House, Room 336, Indianapolis, Indiana 46204; 1975, 67 pages, free.

The book was put together by Rock Island Refining Corp., along with Longardner and Associates for the Indiana Department of Commerce. It's an indexed handbook on alcohol blended motor fuels, alcohol production, industrial alcohol, agricultural capabilities, economics and conclusions. This fine resource handbook is set up in an easy-to-use manner, footnoted and well documented.

### *Denatured or Industrial Alcohol*

Prepared by: Rufus F. Herrick.

Published by: John Wiley and Sons, out of print; 1907, 516 pages, Library of Congress or local library.

This book is one of the first American publications to treat the subject of ethanol as a source of fuel. It is written at an elementary level, yet covers the field of power alcohol very well. After discussing the manufacture of alcohol, the book describes many different types of distillation apparatus. One chapter deals with the determination of alcohol and includes useful tables. The rest of the book addresses end-use applications, including alcohol as an illuminant, alcohol heating and cooking apparatus, as well as alcohol engines. Check for this book at your college library or used-book store. It will not disappoint your efforts to find it.

### *Motor Fuels From Farm Products*

Prepared by: P. Burke Jacobs and Harry P. Newton.

Available from: National Center for Appropriate Technology, P.O. Box 3838, Butte, MT 59701; 1938, 129 pages (photocopy), $4.00 prepaid.

This historic U.S. Department of Agriculture publication outlines the factors to consider with regard to alcohol production from farm products. The crop yield, economics and supply situations have all changed, but the basic technology and methodology are still valid. This book represents a good guide to the national alcohol fuel potential, but is out of print.

### *Food for Thought*

Prepared by: H. F. Willkie and P. J. Kolachov.

Available from: Indiana Farm Bureau, Inc., 130 East Washington Street, Indianapolis, IN 46204; 1942 (reprinted 1978), 209 pages, $2.00.

This book, prepared in 1942 by scientists from Seagram and Sons, Inc., for the Indiana Farm Bureau, discusses the technical aspects of ethyl alcohol as a motor fuel and also the availability of raw materials for the production of alcohol. The lengthy appendix contains three papers dealing with the development and design of continuous cooking, washing and fermentation systems. The experimental procedures and data will be helpful to people interested in the cooking and fermentation aspects of alcohol production.

### *Learning Guide for Alcohol Fuel Production*

Prepared by: National Alcohol Fuel Producers Association.

Available from: National Alcohol Fuel Producers Association, 2444 B Street, Lincoln, Nebraska 68502; 1979, 600 pages, $75.00 including membership.

This book has been put together as a textbook and working manual for an alcohol production course offered at Colby Community College in Colby, Kansas. It deals with a variety of subjects ranging from historical notes on brewing to markets for alcohol. There are chapters on financing an alcohol fuel production system, regulatory requirements, feedstocks for alcohol fuel, building a plant, fermentation, distillation, and more. The appendices include lists of manufacturers, ATF regulations, and a bibliography. If you want just one book for your library on alcohol fuel, obtain this one.

### *The Lore of Still Building*

Prepared by: Gibat and Gibat.

Available from: Micro-Tec Laboratories, Rt. 2, Box 19, Logan, Iowa 51546, 1978, 125 pages, $4.00.

One of the few publications to address the subject on an introductory level, this book describes the preparation and distillation of alcoholic beverages. It discusses the preparation of mash and wine in non-technical language. The chapter on distillation is a good introduction for the lay person just beginning.

### *Grain Motor Fuel Alcohol, Technical and Economic Assessment Study*

Prepared by: Ralphael Katzen Associates.

Available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 1979, 349 pages, $14.00.

This engineering and economic report deals with a large (50 millions gallons per year) fuel alcohol facility. It is a good model for those interested in large plants. The basic engineering and economic principles apply to plants of all sizes, and thus, should be of interest to all those considering the construction of an alcohol plant as a profit-making operation. It is more technically oriented than the other publications listed in the bibliography.

## ACCESS LISTINGS

### *Alcohol Fuels: Citations from the NTIS Data Base*

Prepared by Diane M. Cavagnaro.

Published by National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, NTIS No. PS-78/0673; 1978, 187 pages, $28.00.

Essentially, this resource is a technical literature search from the NTIS data base, including papers from production to automotive use. The bibliography covers Federally funded research on alcohol based fuels, as well.

### *Annotated Bibliography on Alcohol Fuels*

Prepared by Scott Sklar.

Published by: Selwyn Roberts Publications, 153 East 116 Street, New York, New York 10029, 1978, 250 pages, $16.75.

A complete bibliography on alcohol fuels from technical papers to news items, the resource is cross-referenced by topics: agriculture, automotive, biomass, coal, conversion processes, general articles, economics, health, history, implementation processes, industrial, international, policy and silviculture. There is also a co-author index.

### *Bio-Energy Directory*

Prepared by Carol Camelio and Paul Bente.

Available from: Bio-Energy Council, Suite 825 A, 1625 Eye Street, N.W., Washington, D.C. 20006, 1979, 534 pages, $40.

This very useful directory contains one-page summaries of hundreds of projects concerned with energy from biomass. There are 37 projects that deal specifically with alcohol. They are divided into sections on hydrolysis, fermentation and alcohol technology. Have your library order a copy if it does not already have one.

### *Oak Ridge National Laboratory Bibliography*

Published by: Environmental Resource Center, Information Center Complex, P.O. Box X, Building 2029, Oak Ridge National Laboratory, Oak Ridge, Tennessee 37830.

The laboratory information service has lists of technical papers on the alcohol fuel issue. The information is not always complete for each citation but the quantity of papers is impressive. The lists are constantly updated and costs vary.

## PERIODICALS

### *Alternative Sources of Energy*

Published by: Alternative Sources of Energy, Inc., Route 2, Milaca, Minnesota 56353.

Subscription Price: $6.00 per year.

The articles in this bimonthly magazine emphasize the development of alternative technologies for energy production, agriculture, architecture, transportation and communication in a decentralized society. They have run several features on alcohol fuels and will continue to do so.

### *Biotimes*

Published by: The International Biomass Institute, 1522 K Street, N.W., Suite 600, Washington, D.C. 20005.

Subscription Price: $10.00 per year including membership etc.

This monthly newsletter concerns itself primarily with energy sources not reliant on fossil fuels and scientific ecological farming which optimizes production on a long term. IBI, a membership organization, has an active alcohol fuels information program.

### *Gasohol U.S.A.*

Published by: National Gasohol Commission, Gasohol U.S.A., P.O. 9547, Kansas City, Missouri 64133.

Subscription Price: $12.00.

This monthly newsletter discusses almost every aspect of alcohol fuels including production, sales outlets, government regulations and meetings. Ethanol is emphasized in this publication.

### *The Mother Earth News*

Published by: Mother Earth News, P.O. Box 70, Hendersonville, N.C. 28739.

Subscription Price: $15.00 per year.

This popular bimonthly magazine deals with alternative technologies and do-it-yourself projects. *The Mother Earth News* has frequent articles on still plans and automobile modifications.

### *Biomass Refining Newsletter*

Published by: Dr. Larry J. Douglas, Solar Energy Research Institute, 1536 Cole Boulevard, Golden, Colorado 80401.

Subscription Price: Free.

This quarterly newsletter reports on the fermentation activities of the Biomass Energy Systems Branch at the Department of Energy. It deals with current research results and emphasizes the conversion of cellulose to ethanol. It is most relevant for researchers.

Other newsletters that provide alcohol information but do not have information in every issue are:

### *Solar Life*

Published by: SEINAM (Solar Energy Institute), 1110 Sixth Street, N.W., Washington, D.C. 20001.

Subscription Price: $5.00 per year; monthly.

### *Small Farm Energy Project Newsletter*

Published by: Center for Rural Affairs, P.O. Box 736, Hartington, Nebr. 68739.

Subscription Price: Free; bimonthly.

### *People and Energy*

Published by: Institute for Ecological Policies, 1413 K Street, N.W., 8th Floor, Washington, D.C. 20005.

Subscription Price: $15.00 per year; monthly.

## RESOURCE LIST

### *The Department of Energy Information Number*

The Office of Consumer Affairs has set up two toll-free phone numbers—800-535-2840 and 800-533-5333—for people interested in alcohol fuels. The program has the technical back up of Nicholls State College in Thibodaux, Louisiana, and the Southwest State University in Marshall, Minnesota.

The DOE contact in Washington, D.C., is Harry Loper, 202-252-5141.

Many people have been very interested in relevant "hands on" alcohol fuels data and technical assistance. The following non-profit organizations have ongoing alcohol fuels programs and are willing to assist you:

NCAT, P.O. Box 3838, Butte, Montana 59701.

National Alcohol Fuel Producers Association, 2444 B Street, Lincoln, Nebraska 68502.

Midland Energy Institute, 900 Grand, Kansas City, Missouri 64106.

The Mother Earth News, P.O. Box 70, Hendersonville, N.C. 28739.

Alternative Energy, Ltd., Rt. 1, 650 Pine, Colby, Kansas 67701.

### ALCOHOL MANUFACTURING AND ENGINEERING FIRMS

Milbrew (192 proof), Juneau, Wisconsin 53039, Phone 414–386–2691.

Archer Daniels Midland (2200 proof), Andrew McHaffle, Director, Plant and Sales, P.O. Box 1470, Decatur, Illinois 62525, Phone: 217–424–5200.

Georgia-Pacific (200 proof), 900 SW 5th Avenue, Portland, Oregon 97204, Phone: 503–222–5561.

Midwest Solvents Co., Inc. (192 proof), Ladd Seaberg, 1300 Main Street, Atchison, Kansas 66002, Phone: 913–367–1480.

Grain Processing Corp. (192 proof), Myron Brower, Sr., V.P., Muscatine, Iowa 52761, Phone: 918–264–4211.

Miles Connors, Stone and Webster Engineering Corp., One Penn Plaza, New York City, New York 10001.

Donald Miller, Vulcan Cincinnati Inc., 2900 Vernon Place, Cincinnati, Ohio 45219, Phone: 513–281–2800.

Jerry Korff, Bohler/Vogelbusch, 1625 West Belt North, Houston, Texas 77043, Phone: 713–465–8373.

Jim Kumana, Raphael Katzen Associates, 1050 Delta Avenue, Cincinnati, Ohio 45208, Phone: 513–871–7500.

E. Kirchner, A. G. McKee Association, 10 South Riverside Plaza, 12th Floor, Chicago, Illinois 60606, Phone: 312–454–3685.

William J. Jones, Day and Zimmerman, Inc., 1818 Market Street, Philadelphia, Pennsylvania 19103, Phone: 215–299–8000.

Dr. Ing. Hans Mueller, Chemapec Inc., Alte Landstrasse 415, 8708 Maennedorf, Switzerland; or U.S. contact for this firm.

Chemapec Inc., 230 Crossways Park Dr., Woodbury, New York 11797, Phone: 516–364–2100, Attention: Rene Loser.

Jackson Yu, Bechtel Corporation, 50 Beale Street, 15th Floor—Room B15, San Francisco, California 94119, Phone: 415–768–2971.

### EXAMPLES OF SMALL- AND MEDIUM-SIZED ALCOHOL STILLS

Mother Earth News, P.O. Box 70, Hendersonville, NC 28739, 33" still.

Alan and Archie Zeitheimer, Rt. 2 Box 63, Alexandria, MN 56308, 12" still.

Gene Schroeder, Campo, CO 81029, 12" still.

Pat Torgerson, Lambert, MT 59243, 2" still.

Albert Turner, SW Alabama Farm Co-ops, Selma, AL 36701, 10" still.

Paul Middaugh, South Dakota State University, Brookings, SD 57007, 12" still.

Alternative Energy Ltd., Rt. 1, 650 Pine, Colby, KS 67701, 8" still.

The following people are resource contacts on alcohol issues, automobile modification, still construction and overall technology:

Main expertise.

A—Automobiles.

I—Issues.

S—Still Construction.

T—Overall Technology.

Lance Crombie, Route No. 1, Webster, Minnesota 55088, 507–652–2804 (A, S, T).

Robert S. Chambers, 808 S. Lincoln Ave., No. 14, Urbana, Illinois 61801, 217–384–8003 (S).

Ted Landers, New Life Farms, Drury, Missouri 65638, 417–261–2553 (T).

Malcolm Lillywhite, Domestic Technology Institute, P.O. Box 2043, Evergreen, Colorado 80439, 303–674–1597 (T).

Richard Merritt, 9400 Wisconsin Avenue, N.W., Bethesda, Maryland 20014, 301–897–5437 (A, I, S, T).

Paul Middaugh, Microbiology Department, South Dakota State University, Brookings, South Dakota 57007, 605–688–4116 (S, T).

Tom Reed, Solar Energy Research Institute (SERI), 1536 Cole Boulevard, Golden, Colorado 80401, 303–231–1484, (A, I, S, T).

William Scheller, Department of Chemical Engineering, University of Nebraska, Lincoln, Nebraska 68588, 402–472–2750, (I, T).

Scott Sklar, National Center for Appropriate Technology, Washington Office, 815 15th Street, N.W., Suite 624, Washington, D.C. 2005, 202–347–9193, (A, I, S, T).

Bob Soleta, National Gasohol Commission, Executive Bldg., Suite 5, 521 S. 14th, Lincoln, Nebraska 68508, 402–475–5055, (I, T).

Chuck Stone, Project Director, Methane Car Program, California Legislature, Sacramento, California 95814, 916–445–7518, (A, I, S, T).

Albert Turner, SWAFCA (SW Alabama Farm Coops), Highway 80, Selma, Alabama 36701, 202–872–6227, (S).

Alan Zeitheimer, Route 3, Box 235, Alexandria, Minnesota 56308, 612–763–7392, (S, T).

Leo Spano, National Development Center, Natick, Massachusetts 01760, 617–653–1000, (T).

Dick Pefley, Mechanical Engineering Department, University of Santa Clara, Santa Clara, California 95053, 408–984–4325, (A).

Bill Hedrick, 844 Clarkson Street, Denver, Colorado 80218, 303–832–1407, (T).

Jim Kerstetter, National Center for Appropriate Technology, P.O. Box 3838, Butte, Montana 59701, 406–494–4572, (I, S, T).

---

## REGULATORY IMPACT OF S. 702, THE FEDERAL DIVERSION ACT OF 1979

Mr. DeCONCINI. Mr. President, in accordance with rule 29.5 of the Standing Rules of the Senate, I submit the following regulatory impact statement to accompany S. 702, Calendar Order No. 538:

Regulatory Impact of S. 702, Federal Diversion Act of 1979.

(A) Number of businesses regulated: none.

Number of persons regulated: within the discretion of the United States Attorney for each federal district.

Class of persons regulated: persons under indictment, information, or complaint meeting criteria set forth in the Act and deemed suitable for program entry by the United States Attorney for the federal district.

(B) Economic impact on regulated individuals: restitution for damages suffered by victims of crime may be agreed upon as a condition to participation in the program; participation may require voluntary community service or other activities affecting availability of regulated person for other employment.

(C) Impact on Personal Privacy of regulated individuals: restrictions on personal associations, travel, and requirements of reporting to diversion officers may be agreed upon as conditions of program participation.

(D) Estimate of Additional Paperwork: Because the number of program participants is unable to be estimated, this requirement can not be met. However, paperwork on each individual would be equivalent to that required for a bargained plea in federal district court and for paroled prisoner oversight. A rough estimate of the number of persons eligible for programs in each district is 4 to 7 percent of the annual district court criminal caseload.●

---

## ADDRESS BY SENATOR MATHIAS BEFORE AMERICAN COLLEGE OF PHYSICIANS

● Mr. SCHWEIKER. Mr. President, it has come to my attention that my distinguished colleague, the senior Senator from Maryland, recently addressed the American College of Physicians on the subject of health regulation with the specific title "Who Watches the Watchmen?" Senator Mathias, in a very articulate and persuasive manner, has developed a position on regulation which I think ought to be of interest to every Member of Congress. I ask that the text of his remarks be printed in the Record and I commend these remarks to my colleagues.

The remarks follow:

### WHO WATCHES THE WATCHMEN?

I was honored to be asked to address the American College of Physicians and I am delighted to be here.

But before I get into my subject—Developments and Directions in the Regulation of Health—I want to enter what we lawyers call a disclaimer. Others who are addressing this conference on the Federal Regulatory Process are experts. I am not.

What I hope I can bring to your deliberations is a feeling for the attitudes and the atmosphere in the Congress that shape health legislation I will try to give you some idea about where the Congress has been on health issues and regulation and where it may be heading.

Will Rogers claimed that "the only thing you can say for sure about the Congress is that it begins with a prayer and ends with an investigation."

But there is one other prediction you can make with some certainty too. It is that the Congress is quick to sniff out a new mood in the country. And recently a strong whiff of anti-regulation sentiment has been coming our way.

Today the phrase "regulatory reform" is on everyone's lips. You can't pick up a newspaper or magazine without those words leaping out at you. Every newscaster has a favorite regulation horror story to enliven the evening news. And hardly a day goes by without someone taking to the floor of the House or the Senate to denounce regulatory abuse.

Last month Dr. Alvan R. Feinstein broached the subject in Forum on Medicine. In an article entitled, "The Patient, the Physician and the Regulator," he rephrased a question that has remained unanswered since Plato's day: Who guards the guardians? Dr. Feinstein asks, "who watches the watchmen," who regulates the regulators?

It's a good question and Dr. Feinstein isn't the only person troubled by it. The whole country is worried. There's a general feeling that, if we could just get rid of big government and big government's red tape, everything would be better and cheaper and more efficient. Recent experience with deregulating the airlines feeds this perception.

But there's nothing new about this concern. In fact, James Madison, the Father of our Constitution, identified the problem quite explicitly. He wrote that:

"In framing a government which is to be administered by men over men, the greatest difficulty lies in this: you must first enable the government to control the governed; in the next place oblige it to control itself."

We have now reached the point where the people want the government to control itself. But attitudes toward regulation vary. Some see government regulation as the root of all evil; others see it as a necessary evil. Somehow we are going to have to reconcile these two points of view.

Personally, I believe the government should be the regulator of last resort. But I do not question for a moment that government has a very legitimate role to play in the regulatory process under certain circumstances.

That principle was established on November 15, 1777, when the Second Continental Congress, meeting at York, Pennsylvania, adopted the Articles of Confederation which contained provisions later written into our Constitution. Among them was the idea that a federal government is obligated "to promote the general welfare." That idea was included in the Third Article of Confederation but 10 years later the Framers of the Constitution moved it up to the Preamble to underscore its importance.

Looking at the historical development of this concept over the last 200 years, I think it is clear that it has come to mean the federal government is obliged to intervene "to promote the general welfare" of the citizenry when no one else can or will satisfy a perceived need. I'd like to repeat that qualifying phrase, "when nobody else can or will satisfy a perceived need", because it is central to the question of federal regulation.

Government regulation in the health field is by no means a new phenomenon. The idea goes back at least to the Third Century B.C. when the King of Rhodes in Lex Rhodia established the principle that seamen aboard his ships were entitled to medical care. The first federal intervention to protect the health of American citizens that I have been able to discover occurred on July 20, 1789, during the opening session of the first Congress of the United States.

The annals of that historic day note that "a committee be appointed to bring in a bill or bills providing for the establishment of a hospital for sick or disabled seamen." The following year, the Congress passed an act requiring that every ship or vessel of 150 tons or upwards be provided with "a chest of medicine" put up by a reputable apothecary and examined once every year by said apothecary. The bill specified that, if all the medicines were not found to be in order during subsequent examinations, the ship's master would then be responsible for the health costs of all his seamen for the previous year.

We can even trace the withholding tax back to "An Act for the Relief of Sick and Disabled Seamen", signed into law by President John Adams on July 16, 1798. This law directed the master of every United States ship to keep an account of the number of seamen aboard his ship during the previous year and to pay to the U.S. customs the sum of 20 cents a month for every man to be deducted from his wages. The money withheld was to help finance hospitals in the principal ports of the United States. If any ship's master failed to render a true accounting, the act specified "he shall forfeit and pay a $100 fine."

So the federal government has been involved in health regulation since the very beginning. It has even been handing out penalties for noncompliance all this time. Why then the sudden furor about health regulation now?

The answer to that question lies in the record itself For the past several decades, regulation has been coming at us so fast and furious that even a speed reader would give up in despair. In 1970 there were 54,000 pages in the Code of Federal Regulations; in 1975 there were 72,000 and last year there were 88,562. The Code weighs 224 pounds—which as any doctor knows means it's time for a diet.

For the past 45 years, the growth of the federal government has been the most striking change on our political landscape. During this period of expansion, the federal government, through various forms of carrot-and-stick regulation, has wrought striking changes of its own in virtually every area of national life.

Now, with our air, water, food, clothes, cars, drugs, even our borrowing, regulated and made safer, Americans are crying for relief. I think it would be a mistake, however, to read into these anguished cries a desire to turn back the clock to the time when air pollution alerts were routine in most of our great industrial cities. No one wants to return to the days when factories dumped their effluent into our lakes and rivers with reckless abandon. Some of you, no doubt, remember when the Schuylkill River in Philadelphia—home of the College of Physicians—looked like a giant Floating Island pudding, with great tufts of detergent dotting its surface.

I think we all agree that those days are gone forever and good riddance.

What people are asking for now and what they have every right to expect is the application of a little common sense in where and how the federal government imposes regulations. They are not seeking to amputate the regulatory hand of government. They are seeking some assurance that the federal hand will intrude itself only when absolutely necessary and then with a deftness that has been lacking up to now.

My colleague Malcolm Wallop, of Wyoming, campaigned on this issue in the last election. At that time, a regulation had just been issued requiring that there be a toilet within a one or two minute walk of every workplace. Senator Wallop ran a TV spot that started off with a shot of miles and miles of empty prairie. Then from the left a cowboy on horseback slowly enters the picture. As he passes off the screen to the right, you see that his lasso is stretched taut behind him, dragging something. That something turns out to be one of those Johnny-on-the-spot toilets. The caption read: This time they've gone too far.

Senator Wallop won a resounding victory.

Earlier I mentioned two criteria which should govern federal intervention in the private sector. One was when nobody could do anything about a perceived need—in other words when the problem was too large to be handled by the private sector alone. The other was when nobody would do anything about a perceived need.

Now I'd like to examine some of the federal activities that relate to health, to see whether governmental intervention has followed those criteria, and whether such intervention can be efficient and effective. First, let's look at biomedical research.

Since World War II, there has been a growing appreciation of the fact that basic biomedical research is the single most important factor in the solution of both the acute and chronic disease problems. The joint House-Senate Conference Committee on Labor-HEW Appropriations, on which I served, approved $3.8 billion for biomedical research for FY '80, most of it under the aegis of the National Institutes of Health.

I think you will agree that no one, other than the federal government, could have undertaken such a tremendous venture. I think you will also agree that the federal investment in biomedical research has paid off very handsomely in the past and that we will continue to reap its benefits for a long time to come. I believe that this success is due less to the inherent capacity of government to act correctly than to the willingness of the biomedical community to identify with the process and to exercise its tremendous potential for leadership on this particular issue.

Happily, the close collaboration within the biomedical research community itself, in developing and applying a strong peer-review grant system has protected the federal government from being accused of incompetence and inefficiency in its management of this remarkable undertaking.

Next, let's look at how we have dealt with some of the ethical issues raised by biomedical research. These are difficult problems. We have an obligation to protect society but, at the same time, we do not want to impose undue limitations on scientific inquiry. To deal with such areas as fetal research, the use of prisoners as guinea pigs, the protection of patients in behavioral research, we have established by legislation a National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. This Commission, appointed by the President, has produced a series of reports, so widely acclaimed for their competence and fairness to both scientist and citizen, that they have effectively set the standards in these fields, and defused some potentially explosive societal bombs. Again, the guidelines for recombinant DNA research put out by NIH have been accepted as fair and reasonable by most scientists and citizen groups. So they have short-circuited what might have been hasty and overly restrictive legislation by the Congress.

Why were these efforts successful? First, it is clear that only the federal government could have tackled these problems. But most importantly, success was almost assured by the willingness of the biomedical community to become involved and to lend the process its energy, its wisdom and its prestige.

Now let us look at the role of the federal government in the broad area of environmental health. Who is best equipped to assure the citizens of the United States that the air they breathe, the food they eat and the water they drink will be pure and safe? I think you would agree with me that the real experts are not the bureaucrats in Washington, or even the government scientists. The people who should know most about such dangers are the industrial chemists and health officers in the factories which synthesize these products and release them into our fields and streams and air; they are the sanitary engineers and other scientists who work in the factories that pour industrial waste into our rivers, and who work in the many small towns that flush raw sewage into those same rivers. In Washington we had reached the point several years ago when the Potomac River was so foul the fish had stopped swimming up stream.

But the question here is not whether all of these experts can do something "to promote the general welfare". Obviously, they can. The question is whether they will; whether they are willing to attack these dangerous pollution problems spontaneously. And our experience has shown that they are not. So here the federal government has a real duty to fill the gap.

I would be the first to admit that we may not do it as well as it might be done, but without the kind of cooperation and leadership I spoke of earlier in connection with biomedical research—in fact, in the face of much foot-dragging and vigorous opposition—we do the best job we can and we are slowly improving the system. At least the fish think so. They have returned to the Potomac in force and lovers of shad have nothing but praise for water quality regulations.

Finally, let us examine the role of the federal government in the most difficult of all the problems facing our health care system—the inflation in health care costs. The problem, as you know, is unusually complex. It involves such factors as geographic and specialty maldistribution; duplications and under-utilization of facilities; the high cost and occasional over-utilization of what Lewis Thomas has termed intermediate technologies—the list goes on and on.

The health care cost problem affects almost everything and everyone it touches, and probably accounts for one of the facts of life about the politics of national health insurance. I suspect that some sort of a national health insurance law would already have pased the Congress, except for one fact: fear that the cost would be excessive.

I don't think there's any question that we have a crisis on our hands. The public has become extremely uneasy about health costs and health services, and there is not much time-lag between the development of public concern and the appearance in congressional offices of individuals and groups, and of letters and telegrams expressing outrage and demanding action.

There are a lot of aspects to this that bewilder the average citizen—and I must admit, they puzzle the average senator and congresman too. Why is it easier to find a cardiac catheter team, an intensive care unit, a CAT scanner or a neurosurgeon in the inner cities of the United States than it is to find a general practitioner to care for minor ailments, or a pediatrician to care for a sick child? Why are there so many villages, towns and even entire counties in this county without a physician to care for the sick?

The average citizen wonders why so much more elective surgery is performed in the United States than in the rest of the western world, when published studies show that much of it is unnecessary? Why is there so much variation in the quality of diagnosis and therapy from one medical institution to another? Why does a drug which bears a proprietary name cost two, three or even five times more than the same drug by the same manufacturer but sold under a generic label? This last question bothered me so much that I introduced a bill in the Senate last year to encourage the wider use of generic drugs.

These are only a few of the perplexities in our health care system, but they provide the basis for the unease and dissatisfaction spreading among the American people. They have helped trigger the growing demand within our society for a reorganization and a rationalization of our health care delivery system. They explain why, despite the anti-regulation mood of the country, the Congress now has before it the most far-reaching set of proposals for revamping the nation's health care system that it has ever considered.

For a number of years the mood in the Congress was to wait until we had a handle on health care costs before passing such legislation. Now the mood in the Congress is changing. There is a growing realization that the inflation in health care costs is completely out of hand. There is more and more talk that the only way to control health care costs may be by a federal restructuring of the nation's health care delivery system. If that happens, we'd better all hold onto our hats.

But, we must not underestimate the growing sense of urgency behind these proposals to restructure our health care system. The people are speaking louder and louder on this issue, and their concern will surely be translated into legislation of some sort during the next few years. I, too, share the feeling that something must be done in this area. But I believe we must scrutinize very carefully the many plans that have been proposed and adopt one that takes care of the major health needs of our citizens—and especially the needy—without bankrupting our system and without lowering the high quality of our health care.

I am sure you don't think the federal government can possibly cope with this complex situation in any reasonable way.

As a part of the American health care system, you may well ask "Why is the notoriously ponderous and inefficient federal government so sure it can solve all of these problems better than anyone else? Why are we being stymied by more and more federal regulations, by more federal paperwork, by more rules about how we must operate—rules which stipulate how many hospital beds we can build, what equipment we can put in our hospitals, how we must conduct our research? Why are we hamstrung by a variety of new laws on health manpower, on PSRO's, on HMO's, on the FDA and an assortment of other alphabet-soup combinations?"

Those are all valid questions.

I'm sure you also believe that only the medical community has the competence to make sense out of, or do anything constructive about, these confusing issues.

And, do you know what? I absolutely agree with you. So do many of my colleagues in the Congress.

But I remind you that the question is not who can best approach and solve these problems so vital to the public welfare. The question is who will do the job?

In March, then Secretary of Health, Education, and Welfare Joseph Califano, Jr., testified on the Administration's Cost Containment bill before the Health Subcommittee of the Senate Finance Committee. In the course of that testimony, he made one point that interested me very much. Mr. Califano listed a variety of ways hospitals on their own, right now, could achieve savings by cutting unnecessary services, increasing productivity and introducing innovative management techniques—without cutting the quality of patient care. "These examples of waste," he said, would "yield more savings than called for by the proposed legislation."

I hope hospitals will move to control costs voluntarily, because if they don't they're going to find themselves eyeball to eyeball with new regulations one of these days.

I don't want to see that happen. But the only way to avoid it is for the medical profession to take a more active role in seeking practical voluntary solutions to the problems that plague our health care system.

None could be more suited to lead such an effort than members of the American College of Physicians, an organization which weds ethical commitment to professional excellence.

I invite you to join in a productive collaboration with those of us in government who want to solve these problems with the least government interference and with the greatest fairness to everyone affected by them. For if you do not lead the way in putting the national health care system into better order, who will?

The answer to Dr. Feinstein's question, "who watches the watchman," is that you do. And, if you do not, then the Republic is in danger.●

## NOBEL PEACE LAUREATE ANDREI SAKHAROV

● **Mr. MOYNIHAN.** Mr. President, it has been reported that Nobel Peace Laureate Andrei Sakharov has been arrested in Moscow and his apartment sealed. There is something of the most profound import, for it underscores in the most dramatic way the relationship between Soviet external and domestic conduct. I have said that, in the most meaningful way, Soviet treatment of human rights activists is a measure of Soviet attitudes toward the rest of the world. It cannot be surprising that this move against Sakharov coincides with the move into Afghanistan. It would be a great error to see both these acts as anything other than a measure of Soviet intentions toward us.

It has long been thought in the West that the eminence of Sakharov was so great as to render him "untouchable." Yet invasion and repression remind us that, for the totalitarian state, all things are possible.

The nations of the world, already declared in opposition to Soviet military aggression, must now rally against this latest Soviet attack on the world community. For there is a growing body of evidence that the Soviets are coming to treat the world with an unprecedented contempt. Here, an expression of our commitment at both the level of strategy and at the level of human rights will serve to reinforce each other.●

## THE GRAIN SUSPENSION AND THE FAMILY FARMER

● **Mr. BAYH.** Mr. President, the President's recent decision to suspend grain sales to the Soviet Union in light of Russian aggression in Afghanistan has caused deep concern in the farm community. I do not need to underscore for anyone in this Chamber the fact that the American farmer is second to none in his patriotism. Yet, the sudden loss of an important market for farm commodities is a serious problem for our farmers and all those in the agricultural community whose welfare depends on a healthy farm economy.

In making this difficult decision, President Carter indicated that the American farmer would not shoulder the full weight of the suspended sales. All of us agree with this goal but it will require a carefully crafted program to make sure that this pledge is fulfilled.

The farm community should be commended for its handling of this very difficult situation For the family farmer who entered this year hoping to sell the 1979 crop at a good price, because of anticipated sales abroad, the suspension could spell potential disaster. Like a good many others, Hoosier farmers entered 1980 economically behind because of rapidly increasing production costs. The grain suspensions must not be allowed to become another pressure on the beleaguered small farmer, too many of whom are being forced out of business by factors beyond their control.

It is certainly encouraging to see the grain markets recovering after their initial downturn. Still, much work remains to be done to protect our farmers, and not leave them holding the bag because of our displeasure over recent Soviet actions.

Last Friday, I sent a letter to Senator TALMADGE, the chairman of the Senate Agriculture Committee, outlining the concerns that were presented to me by the farmers of my State in a recent meeting I held with them at home. I share these concerns.

The first concern, which was expressed by almost every farmer with whom I spoke, is that the increase in the loan rates by USDA for corn by a dime, to $2.10 per bushel, is simply inadequate. The cost of producing corn in Indiana can easily reach $2.60 to $2.80 per bushel. The loan rate needs to be increased to at least $3 a bushel.

The second concern expressed to me was the need to be sure that the 17 million metric tons of embargoed grain be permanently removed from the market. I would like to see this problem solved in a constructive way. As Chairman of the National Alcohol Fuels Commission, I have been exploring proposals to set aside this grain to be used for alcohol production. As a result of this review, I have decided to introduce legislation to set up an energy independence reserve which will contain grain that can be used only for alcohol fuel production. This will serve to insure that this grain does not reenter the market, thus depressing prices, and can serve as a stimulus to alcohol production. It will also remove the necessity of implementing costly and unpopular set-aside and crop diversion programs by creating an important new market for our crops. I look forward to working with my colleagues and members of the Agriculture Committee on this exciting new program.

Two other concerns were expressed by Indiana farmers: First, the fact that less than 10 percent of Hoosier farmers participated in last year's set-aside program and are therefore ineligible for many of the USDA programs that have been announced. Some provision must be made for the vast majority of farmers who did not participate in these programs because they believed that large grain exports would be made in 1980; second, the fact that many groups have heavily invested in railroad cars that were to be used to transport grain to locations for export. It seems unfair to make no provision for these groups who face very real economic hardship through no fault of their own.

Mr. President, I ask that my letter to Senator TALMADGE be printed at this point in the RECORD, along with a very excellent editorial written by Mr. Tom Budd, the editor of the Indiana Prairie Farmer, who eloquently expresses the feelings of many of my constituents. I would also like to commend the members of the Senate Agriculture Committee for scheduling hearings today with Secretary of Agriculture Bob Bergland.

The material follows:

U.S. SENATE,
*Washington, D.C., January 18, 1980.*

Hon. HERMAN TALMADGE,
*Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.*

DEAR HERMAN: I understand the Agriculture Committee has scheduled hearings on the impact of the Soviet grain embargo at which Secretary of Agriculture Bob Bergland will testify, and would like to commend you for taking this prompt action. As you may imagine, there is a great deal of concern among Indiana farmers about the effects this embargo might have on them. These concerns which I share were expressed at a meeting I held recently with agricultural leaders and farmers from all over my state, and I would like to relay their observations with you.

First, and foremost, it is important to note that Indiana farmers were operating under the assumption that a significant percentage of our grain harvest this year would be exported, including a large amount to the Soviet Union. Most farmers planted fence row to fence row, and full production was the watchword. At the time the embargo was announced, many Hoosier farmers were still holding much of their 1979 crops in anticipation of attractive selling prices. Obviously, the President's decision has drastically changed this forecast, and market conditions now threaten a substantial loss in farm income unless measures are undertaken to soften the adverse effects.

Like a great many American farmers, few Hoosiers participated in last year's set-aside program because of the expected large export sales to the U.S.S.R. I feel very strongly that it is unfair for these farmers to be offered only token protection under the programs announced by USDA, and believe this is an important point to raise with Secretary Bergland when he testifies before your committee. All farmers should be permitted to participate in the USDA programs.

The government loan rate for corn was also of particular concern to Hoosier farmers. The general feeling, which I subscribe to, is that an increase of only a dime (from $2.00 to $2.10 per bushel) is totally inadequate. The estimated cost of producing corn is at least $2.60, and the National Corn Growers Association says a 10 cent increase in the loan rate is simply not enough. I believe a figure of $3.00 per bushel would be more appropriate.

I would like to note that most farmers entered 1980 already in the red economically because of the tremendous increases in production costs in recent years. The bottom line is: farmers simply cannot afford to "break even" this year. I want to be sure the President's promise that farmers will not be left to shoulder the entire burden if the grain embargo is carried out.

The holding of an additional 17 million metric tons of grain in our reserves will undoubtedly have a continuing depressing effect on the market. Prices cannot possibly rise to a reasonable level for farmers as long as this cloud hangs over the grain exchange trading pits. Alternate uses for this excess grain would certainly work to improve the situation, and that is why I am suggesting the creation of an Energy Independence Reserve. Grain placed in this reserve would be earmarked for the production of gasohol, thus providing assurances that it will not be dumped back on the market.

As chairman of the National Alcohol Fuels Commission, I have worked very hard toward the goal of expanded use of alcohol as a fuel. I certainly appreciate your efforts in this regard as well as the cooperation of your committee in considering various gasohol initiatives. Moreover, I was very pleased at the Administration's support of several measures aimed at stimulating the production of alcohol. These include extension of the exemption for gasohol from the four cent federal excise tax, simplification of regulations governing the manufacture of alcohol for use as a fuel, and establishment of a 40 cent per gallon production credit for alcohol not eligible for the excise tax exemption—such as for on-farm production. Also endorsed by the Administration are proposals to set up programs of loans and loan guarantees which will make financing possible for those who wish to build small and medium sized distilling facilities.

As you know, these measures are currently pending in conference committees. A grain reserve for gasohol production would complement these proposals by isolating the surplus embargoed corn from the market and guaranteeing an adequate supply of feedstocks for gasohol production. I believe the goal of meeting 10 percent of our liquid fuel needs with alcohol is attainable by 1985.

There are two other points which were raised during my meeting with Hoosier farmers. First, it is apparent that some sort of assistance will be needed to provide for the on-farm storage facilities that will be necessary because of increased stocks of grain. Secondly, several Indiana groups have heavily invested in railroad cars that were to be used for transporting grain to locations for export. It seems fundamentally unfair that no provision is being made for these groups, individuals who will suffer real economic hardship as a direct result of the grain embargo.

Finally, I would like to bring to your attention an excellent editorial by Mr. Tom Budd, editor of the Indiana Prairie Farmer. It represents, I think, an accurate depiction of Hoosier agriculture views on this matter.

Herman, I know you share my concerns about the impact the grain embargo will have on the agriculture community in my state, as well as in others. It will affect not only farmers, but all those whose well being is dependent on a healthy farm economy. The ripple effects could be staggering. I am looking forward to working with the Committee as we seek to solve some of these problems, and would like to request the opportunity of testifying in the event you plan to hear from witnesses in addition to Secretary Bergland.

With warmest personal regards, I am
Sincerely yours,
BIRCH BAYH.

---

### FARMERS MUST COLLECT ON THIS MAJOR IOU

It's too early to fully assess the overall impact of President Carter's decision to curtail sales of U.S. grain to the Soviet Union. However, American agriculture may not fully recover from the embargo for a long time to come.

The cutoff of grain that exceeds existing trade agreements calls for unequivocal action by the federal government to make up for any immediate as well as lingering losses to farmers. So far, you need more assurances than you have received. To settle for less will mean the continued demise of more and more family farms.

Two facts should be brought to mind: One is that many farmers were holding much of their 1979 production for higher prices with an assurance that there would be no restriction on agricultural trade.

The second is that farmers were already entering 1980 behind economically, as farm production costs exceeded farm prices by 6 percent in 1979.

Few decisions were firmed up as this was written. Our recommendations: The Carter administration should increase loan prices to the $3 range for corn and $4.50 for wheat.

The fed grain setaside should be reinstated for the 1980 crop year to bring production more in line with demand and help strengthen the weakened market position of our grains.

A crash program to produce alcohol commercially for fuel from grain and other farm products should be established immediately. This would serve as a new, broadened market for grain as well as reduce our dependence on foreign oil. We should have been moving toward self-sufficiency in energy anyway. The crises in Iran and Afghanistan merely emphasize the price we pay for delaying increased alcohol fuel production.

Although our exports to the Soviet Union may be permanently and irreparably damaged, the USDA should increase its export program for farm commodities to recoup that loss and gain a greater share of the world market.

Once again, U.S. food becomes a valuable weapon in foreign diplomacy, but at the same time, the farmer who produces it is penalized unfairly.

In less than a week after one of your major markets was taken away, President Carter signed into law $1.5 billion in federal loan guarantees to Chrysler Corp. Does that tell you anything?

Mr. BAYH. I would like to personally thank the staff of the Agriculture Committee for the information that they provided to Senate offices and farm groups and individuals after the grain suspension was announced. The Agriculture Committee staff certainly deserves credit for helping prevent a panic when there was very little information available and many rumors spreading on what would be done to protect the farm community. I am sure that the committee will continue its excellent work and am hopeful we will be successful in protecting one of our greatest national assets—the American family farmer.●

## THANK YOU, DORIS DUKE

● Mr. PELL. Mr. President, the city of Newport, R.I., has within its boundaries the largest number of original 18th-century colonial houses of any city in the Nation. For decades, however, most of these houses had been neglected and had become shabby, substandard housing. Many persons viewed these buildings not as an architectural heritage, but as a blight on their neighborhoods.

Ten years ago, one prominent Newport resident, Miss Doris Duke, set out to change that situation. With her own funds, she founded the Newport Restoration Foundation to buy and restore these colonial buildings. Once restored to their original beauty, the buildings, instead of being placed on display as museum pieces, were sold as residences, and the proceeds were put to work on further restoration.

As a resident of Newport, I know that the result of this effort has been little short of astounding. Neighborhoods which once appeared doomed to continuing decay and ultimate razing have become thriving, desirable places to live. Newport's colonial houses are now avidly sought after, and the irreplaceable architectural heritage of the city has been preserved.

We in Newport are lucky indeed to have Miss Doris Duke as a benefactor. She has given this project all of her creative energy and willingly has poured into it a substantial portion of her personal funds. The people of Newport are very grateful to Miss Duke for the work she has done to assure that Newport's unparalleled concentration of colonial buildings will be preserved as a living heritage for future generations. I join in saluting and paying my respects to her.

Recently the Newport Daily News gave a fitting editorial tribute to Miss Duke's outstanding work, and I ask that the editorial be printed at this point in the Record.

The article follows:

### Thank You, Doris Duke

Many years from now when strangers to Newport first come upon the numerous restored homes here, they may well ask: "How did so much fine restoration come about?"

And they may well receive this answer: "It's the result of an operation that has since gone out of business."

Did it fail? Is that why it went out of business?

"No. It went out of business because it was so successful."

Strange as this imaginary dialogue might sound, it is the whole true story of the Newport Restoration Foundation and its remarkable patroness, Doris Duke. When Miss Duke began buying up property all over Newport some 10 years ago, it looked as through her Newport Restoration Foundation would have enough work for the next 100 years. There were plenty of houses here that could best be described as "a shambles." The Point area, where a major share of the foundation's work was to take place, was something that most Newporters would rather not have talked about.

But today, the Point is one of Newport's most desirable neighborhoods, primarily through the efforts of the tobacco heiress who heads the Newport Restoration Foundation. No toy village, no Williamsburg or Plimoth Plantations, restored Colonial Newport is a real, living and breathing place populated by real people. This is no showplace for tourists. Newport is in truth a better, more aesthetic place to live as a result of Miss Duke's efforts.

In the process of restoring the homes she has taken over, Miss Duke has in effect priced herself out of the market. No longer can you just buy a virtually ruined Colonial house on the cheap, then put thousands and thousands of dollars into restoring it. Such properties—and a few still exist— have become so desirable that even Miss Duke finds it prohibitive to buy up the ones that are left and then spend an equal sum of money to restore them. Individuals who have retired and have some means at their disposal are more likely to find these houses a bargain than a foundation would. After all, such individuals would have to invest in only one house each.

An interesting sidelight to the Foundation's work is the effect it has had on the marketability of residences of yet another historic period. Unable to find many available Colonial houses, people are reportedly turning more and more toward Victorian structures, once considered the ugly ducklings of architecture.

The city of Florence has been dubbed an urban museum. Newport, a place already steeped in American history, is perhaps now becoming in its way an urban architectural masterpiece, encompassing many periods in our history.

And so, we doff our hats to Miss Doris Duke, through whose efforts our city has become more beautiful and liveable. We wish her luck in all her future endeavors, even as the Newport Restoration Foundation appears to be slowing down. Would that all such enterprises could post such a record of success.●

## HERSHEY MEDICAL CENTER CONFRONTS RURAL DOCTOR SHORTAGE

● Mr. SCHWEIKER. Mr. President, as the ranking Republican on the Senate Subcommittee on Health and Scientific Research, I have long been deeply concerned about health care problems in rural areas and the difficulties of getting doctors to set up permanent practice in these areas. Congress has experienced considerable frustration over this issue since efforts to direct physicians to rural areas through service scholarships provide a solution that is very expensive and usually only temporary. It has always seemed to me that a more effective means is to encourage medical schools to involve students in rural health care delivery, to show them the benefits and opportunities provided by rural practice. Programs to accomplish this purpose have been among the more successful in the 1976 Health Professions Educational Assistance Act. S. 2144, a bill I recently introduced to revise and renew this act expands this emphasis, firmly articulating that health professions schools can have a major impact on the distribution of health practitioners by providing educational experiences in rural underserved areas.

Does this approach work? Only time will tell for sure, but already there is evidence that meaningful changes in physician distribution are occurring. A leader in these efforts is the Pennsylvania State University Hershey Medical Center which has an elaborate program of perceptorships designed to involve its medical students in rural practice. The accomplishments of the Hershey program have been described in a recent Associated Press story which appeared in the Philadelphia Inquirer. This article, entitled "Medical School Program Puts Doctors Back in the Country," reinforces my pride and that of all Pennsylvanians that we have such a fine institution within our State.

Mr. President, I ask that this article be printed in the Record so that my colleagues can learn more about Hershey Medical Center and the efforts of medical schools to encourage physicians to practice in rural areas.

The article follows:

### Medical School Program Puts Doctors Back in the Country

Hershey, Pa.—George Stolzfuss knew by the time he reached high school that he wanted to be a country doctor.

So he picked a medical school where he could sample the country life, a school set amid green fields instead of city streets, a school whose curriculum was oriented toward farm communities and small towns.

Stolzfuss, 34, is now the only doctor in Friendsville, Md., a town of 650. He lives on a farm.

The Hershey Medical Center, taking a cue from its pastoral surroundings, is sending students to the country and hoping that they will like it enough to return as full-fledged physicians.

The seven-year-old Hershey preceptorship program, affiliated with Pennsylvania State University, is among 94 apprenticeship programs at medical schools in 10 states, according to a 1978 study by the American Academy of Family Physicians.

But Hershey appears to be a leader. The school has recruited 288 doctors around the country to work with medical students. None of the doctors is paid for participating.

The school has sent more than 500 students out to live and work with family doctors in rural areas plagued by skimpy medical care.

The breadth of the program is tied to Hershey's rural setting.

"Penn State is more committed than other schools," said Richard Hill, who until two months ago was chief of the U.S. Health Education and Welfare Department's health manpower branch in Region III.

"They felt it was necessary in their location and they went after it. The medical school is in a much more rural setting than most."

Stolzfuss chose Hershey because of its location. The nearest major city is Harrisburg, poplution 63,000, about 10 miles away.

"There's no other school in the country as firmly oriented toward small towns as Hershey," Stolzfuss said. "Just about every other medical center is in the middle of a big city and tends to be oriented toward big-city practices."

Stolzfuss chose Friendsville after a search committee contacted him. The old lumber town had been without a doctor for 10 years.

"Everyone in the Friendsville area that I know is just tickled to death. It's one of the best things that ever happened," said Bruce Jenkins, a retired school superintendent.

"A lot of doctors . . . just can't see coming into the sticks," Jenkins said. "Dr. Stolzfuss didn't come in with that idea. He came in with the idea that this is the kind of community he knew and understood and would like to be a part of."

Dr. Eugene Engle, 28, said the Hershey program "cemented" his decision to go into family practice. He is practicing with a partner in Manheim, a town of about 5,400 near Lancaster.

"It was an under-served area when we came here six months ago," Engle said. "Three doctors died in the last four years. We picked up their practices."

Michael Mesoras, a fourth-year student at Hershey, plans to open a rural practice in western Pennsylvania, where he grew up. He is apprenticed to Dr. Jon Schiller of Windber, a Pennsylvania coal mining town of 5,000.

Windber has five doctors, but should have eight, Schiller said.

Schiller, who has helped train about 10 students from Hershey and the University of Pittsburgh over the last five years, said the program benefits all involved, not just the students.

"The patients are glad to see them," he said, "and it makes for a stimulating atmosphere. We learn, they learn, our practices are questioned and we have to keep up."

Dr. Fergus Pope, who serves the 500 people of Bakersville, N.C., said exposure to rural patients helps students adapt to the realities of country medicine.

"It doesn't really matter what their specialty is," said Pope. "Gradually, they suit their practice to fit into the lifestyle and economies of rural people and generally poorer people."

The Bakersville Community Clinic takes 10 medical students a year from the University of North Carolina at Chapel Hill. North Carolina law requires that medical students spend a month at a small clinic.

Pope said three local doctors—including two of his partners at the clinic—are Californians who returned to the Carolina mountains after working at the clinic as students.

But Bakersville hasn't always been so lucky.

"We started originally with a nurse practitioner clinic. We didn't have any doctors," said James Henline, a funeral director who helped found the six-year-old clinic.

"For our area we have plenty of doctors now. We're in really good shape. We have better medical care now than we've ever had."

Just how many medical students follow through and set up rural practices is not known. Officials have been unable to measure the impact of such programs as Hershey's and North Carolina's.

Dione Mahoney, an HEW health education specialist, said more doctors are going into primary care residencies—hospital training for the front-line, generalized care best suited to small towns and rural settings.

"Is the upward trend due to exposure in medical school or did it start before that, with the national awareness that there are too many specialists in the country?" she asked. "We don't know, but we like to think the preceptorship programs are having an impact." ●

## ANNIVERSARY OF THE SUPREME COURT'S ABORTION DECISIONS

● Mr. GARN. Mr. President, today marks the anniversary of the Supreme Court's abortion decisions. On January 22, 1973, the Court handed down its decision in Roe against Wade and Doe against Bolton. As we can see by looking around the halls of Congress, and in the streets of the National Capital, this date is a day of mourning for thousands of people. And to the thousands who are in this city today we may add millions of others throughout America who consider January 22 as the day on which the Nation's highest court made a tragic error.

I have addressed the Court's error on many occasions, and I do not intend to spend much time on that particular issue today. It is sufficient, I think, to again quote what is probably the most devastating critique of the Court's decision, Prof. John Halt Ely's article from the spring 1973, Yale Law Journal.

Professor Ely said:

> What is frightening about Roe is that this super-protected right [abortion] is not inferable from the language of the Constitution, the framers' thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the Nation's governmental structure. Nor is it explainable in terms of the unusual political impotence of the group judicially protected vis-a-vis the interest that legislatively prevailed over it. And that, I believe * * * is a charge that can responsibly be leveled at no other decision of the past twenty years. At times the inferences the court has drawn from the values the Constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obligation to draw one been so obviously lacking.

Ely's point is unanswerable in my opinion, but Ely was right because he is a brilliant constitutional lawyer not because he could see into the judges' chambers.

Now, however, we are confronted with evidence which shows that Professor Ely had not only seen through the speciousness of the opinion itself, but also through the decisionmaking processes of the Justices. Ely's reading of the opinion is now confirmed by the new book on the high court, "The Brethren." Note this paragraph:

> The clerks in most chambers were surprised to see the justices, particularly Blackmun, so openly brokering their decision like a group of legislators. There was a ceratin reasonableness to the draft [of the abortion decision], some even thought, but it derived more from medical and social policy than from constitutional law. There was something embarrassing and dishonest about this whole process. It left the court claiming that the Constitution drew certain lines at trimesters and viability. The court was going to make a medical policy and force it on the states. As a practical matter, it was not a bad solution. As a constitutional matter, it was absurd. * * *

The abortion decisions were sweeping of course, and the breadth of the sweep is still being measured, but consider some of the consequences:

First, we have the all too bloody reality of millions of abortions. It doesn't matter what the Court says about the facts of abortion, the facts will remain regardless of what the Court says. And the facts are that the tiny creatures which are scraped, sucked or salt-washed out of their natural environment are human beings.

It is true that the Court elected to say that this class of human beings does not fall under the protection of the U.S. Constitution, that these tiny humans are not "constitutional persons," but we must avoid confusing what the Court says with what the world is. The Court has erred before, and will err again, and one only need recall a tragic Supreme Court decision (Dred Scott will do) to know that the Court has made the most momentous, tragic mistakes. The right-to-life movement faithfully adheres to the hope that this mistake too will be corrected.

As a second consequence, consider the tension between the branches of the Federal Government and between the Federal Government and the States. Federal District Judge John F. Dooling has just ordered Federal funds to be used for "medically necessary abortions provided by duly certified providers." This action was taken in the face of Congress annual restrictions on abortion funds and the clear language of the Constitution, article I, section 9:

> No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Judge Dooling has also done magic to the Supreme Court decisions of June 1977, in which Justice Powell said:

> Indeed, when an issue involves policy choices as sensitive as those implicated by public funding on nontherapeutic abortions, the appropriate forum for their resolution in a democracy is the legislature. We should not forget that "legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the Court.

Dooling's definition of "medically necessary abortions" makes it clear any abortion can be a "therapeutic" one.

Third, consider the consequences on the family. In Planned Parenthood against Danforth the Court struck down a Missouri statute which required a husband's consent to an abortion. Justice Blackmun expressed the view that a parent had rights over one's offspring only if the State had delegated you those rights. Clearly, this sort of view has the most ominous implication for the family and limited government. In Danforth, the father's right to procreate became dependent on the delegation of the State. Perhaps fathers have the right to begin the process of birth, but no right to see that process continue. We live in a society in which far too many men already take a careless attitude toward their children; that attitude is not likely to be improved by the kind of reasoning that the high court uses to exclude fathers from the decision as to whether their offspring will live or die.

In Bellotti against Baird the Court struck down a Massachusetts law requiring the consent of both parents to the abortion of a minor, with a provision for a judge to permit the abortion if he felt it was in the best interest of the minor. In striking down the law, the Court said that parents do have an interest in their daughter's abortion decision. But then, having said that, the Court denied parents the right to consent and the right to be notified of the judicial hearing in which the abortion decision would be made. Parents have lost not only the right to consent to the abortion decision, but even the right to elementary due process in which those who have an interest in a matter are at least notified that a proceeding is taking place.

Fourth, the abortion decisions have had a strange effect on good sense and good law. We have, for example, people going around declaring the right of the Government to protect whales and seals and puppy dogs (even when another constitutional right is in conflict) yet denying the right of the Government to protect unborn human beings. This is just nonsense.

A Federal judge has said, "* * * abortion and childbirth, when stripped of the sensitive moral arguments surrounding the abortion controversy, are simply two alternative medical methods of dealing with pregnancy * * *." Yes, and war and surrender, when stripped of the sensitive moral arguments, are simply two alternative ways of dealing with aggression; and bank robbery and writing a check are simply two alternative ways of withdrawing funds from the bank; and working and defrauding the welfare system, when stripped of the sensitive moral arguments, are simply two alternative methods of obtaining income.

This week, I had delivered to my office a survey taken by a national "pro-choice" lobby which opposes all restrictions on abortion and which favors Federal funding without restrictions. This organization's own survey showed that 19 percent of registered voters thought abortion should be legal under all circumstances, 64 percent thought it should be legal under only certain circumstances, and 13 percent thought it should be illegal in all circumstances. With these figures, this group has the audacity to claim that "no matter how we look at poll statistics, there are more of 'us' than there are of 'them,' more individuals who think pro-choice and will vote pro-choice in November." Such a conclusion does not follow from the evidence, of course. The great majority of pro-life people recognize the necessity of abortion under "certain circumstances" so to call the 64 percent in this poll "pro-choice" is wrong.

Finally, let us recognize that the pro-life movement is not necessarily predicated on majority sentiment. It is predicated on justice, primarily. While it is our belief that the majority of Americans agree with our position (and we appreciate the poll of the pro-abortion lobby which shows that only 19 percent of registered voters think abortion should be legal under all circumstances) and that those who disagree will change their position when they have been brought to an understanding of prenatal life and the errors of the court. The pro-life movement does not insist that it has a better poll. It only insists that it is right and like many movements for an improvement in the human condition it will endure until it prevails.●

## SAKHAROV EXILED

● Mr. DOLE. Mr. President, it has just been reported in the free press of the Western World that the lonely voice of dissent against the harsh, totalitarian regime in Moscow has been temporarily stilled. Andrei Sakharov, the emminent Russian scientist who so bravely spoke out against the violation of human rights in the Soviet Union, has been exiled to the closed city of Gorky, where newsmen and foreigners are forbidden to travel.

The dissident leader has long been a morally powerful and highly embarrassing spokesman against the travesties the Soviet Government has imposed on the will and spirit of its own people. Now, forced by worldwide condemnation of its naked aggression in the Afghanistan invasion, perhaps the Russian hierarchy believed they had nothing more to lose in the eyes of the civilized world. Never has the stature of the Russian form of government been so low, not only in the West, but now, too, among the nations of the Third World.

The politburo can use its military might to conquer free peoples. It can also exile Andrei Sakharov to a forbidden city. But the spirit of protest which Sakharov represents cannot be stilled. When the eternal Olympic flame is raised high in Moscow this summer, its light will shine on the mockery of human dignity and endeavor the Russians have brought to world attention. Andrei Sakharov, truly a hero of the Soviet Union, will not be there to see it nor will any of the other potential dissidents the Russians have been busily removing from Moscow in preparation for the Olympic games. The United States, still the home and symbol of freedom for the whole world, does honor to its principles and to the ideals Sakharov became a martyr for, by its absence from Moscow as well. All the world may go to the games as if human rights did not matter and as if wolves did not sit in the Kremlin, but Sakharov, and America—two living symbols of freedom and dissent against tyranny—will not be there.●

## REPORTING REQUIREMENTS CONCERNING REGISTRATION OF MASS MAILINGS

Mr. ROBERT C. BYRD. Mr. President, I have received a letter from the Secretary of the Senate informing me of the reporting requirements concerning the registration of mass mailings under Senate Rule 48.

The rule requires each Member to register mass mailings annually and the deadline for calendar year 1979 is February 1, 1980.

I understand that a similar letter has also been sent to each Senator but to insure that this notification receives maximum coverage, I ask unanimous consent to have the Secretary's letter to me printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Office of the Secretary,
*Washington, D.C., January 18, 1980.*
Hon. Robert C. Byrd,
*U.S. Senate, Washington, D.C.*

Dear Mr. Leader: In view of the approaching February 1st filing date, Senators should be reminded of the requirements concerning registration of mass mailings under Senate Rule 48.

Members are required to register annually such mass mailings. The 1979 calendar year filing will be due February 1, 1980. Mass mailings are also accepted on an "as mailed" basis if Members so desire.

Following is an excerpt from Rule 48 of the Standing Rules of the Senate:

"1. . . . A Senator or an individual who is a candidate for nomination for election, or election,to the Senate may not use the frank for any mass mailing (as defined in section 3210(a)(5)(D) of title 39, United States Code) if such mass mailing is mailed at or delivered to any postal facility less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office or the individual is a candidate for Senator.

2. A Senator shall use only official funds of the Senate, including his official Senate allowances, to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank.

3. (a) When a Senator disseminates information under the frank by a mass mailing (as defined in section 3210(a)(5)(D) of title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.

(b) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered, and a description of the group or groups of persons to whom the mass mailing was mailed.

4. Nothing in this rule shall apply to any mailing under the frank which is (a) in direct response to inquiries or requests from persons to whom the matter is mailed; (b) addressed to colleagues in Congress or to government officials (whether Federal, State, or local); or (c) consists entirely of news releases to the communications media . . ."

The Select Committee on Ethics, effective June 26, 1979, redefined the term Mass Mailing as any mailing (other than those specifically excepted by statute) within any thirty day period of more than 500 pieces of substantially identical contents.

Questions concerning this matter should be referred to the Ethics Committee on Ext. 4–2981, or to the Office of Public Records on Ext. 4–0758.

With best personal wishes, I am
Sincerely,
J. S. Kimmitt.

## SENATOR ALAN K. SIMPSON

Mr. WALLOP. Mr. President, this morning's Washington Post had a long article about my friend and colleague, Senator Simpson. Aptly describing him as a breath of fresh air, they have discovered what Wyoming has known for a long time. Senator Simpson, like his father before him, is gracious, full of humor, and tough. He is a loyal, capable public servant.

From our days together in the Wyoming Legislature Alan Simpson has been to me and to his friends a breath of fresh air. I am proud to call him colleague.

That others might have the opportunity to read this complimentary piece, I ask unanimous consent that the article by Ward Sinclair entitled, "Freshman Simpson—Western Breeze Through Stuffy Senate," be printed in the Record.

There being no objection, the article

was ordered to be printed in the Record, as follows:

### Freshman Simpson: Western Breeze Through Stuffy Senate

(By Ward Sinclair)

A senator who finds renewal in Thurber and Mencken, keeps Western originals by Russell and Remington on his walls and sees the Senate as something of a funny farm deserves a closer look.

Actually, the word about Alan K. Simpson, a Republican from Wyoming, got around rather quickly after he showed up in the Senate last year.

The guy is different, they were saying. He talked back to senior senators, always with courtly deference, but he talked back. Don't tell me how to vote, he cautioned committee staffers accustomed to telling senators how to vote.

Simpson, 48, came here last year labeled as one of those new hard-core conservatives hell-bent on standing big government on its head.

The game of politics, alas, is played with labels and codes and Simpson is stuck with his label. What a yuk.

He is conservative and big government does not enamor him, but his link with the label pretty much ends there. He idolizes some of the liberals he's supposed to abhor, cosponsors their bills and trades ribald stories with them.

Simpson turns out to be one of those refreshing breezes that occasionally gentles their way through the congressional pomp and fustian to remind that all is not lost; it hasn't even been found.

Unlike those who promise great deeds, Simpson says he's not here to turn things around—doesn't expect to, at least. Unlike others awed by the Senate, he says, "You have to look at it and laugh." Unlike those who profess high altruism, he says he wanted to be a senator because the title sounded nice.

Well, now.

Part of this is his wry personal theater, no doubt, but most of it is the expression of a man working mightily to retain his sense of humor and balance in a generally humorless, unbalanced arena of egotists and poseurs.

"If you don't know who you are before, you'll never find out here," he said the other day. "I'm trying to be the same person I've always been and see how it works in the U.S. Senate."

A Simpson story: He won't deliver a statement someone else prepared for him. He insists on asking his own questions at hearings. He delights in elbowing a colleague on the Senate floor who has just delivered a windy, canned statement. "I'll ask, 'What did you say?' and they just look back and say, 'I don't know.' It's half-disgusting."

Congress always has had a few of these free spirits, men who are serious about their work, but don't take it or themselves too seriously. They are important because they give the place a human dimension.

In the House, Reps. Andy Jacobs (D-Ind.), John Burton (D-Calif.) and Richard Kelly (R-Fla.) are among that number who use wit as a rapier. Until he retired a year ago, James Abourezk (D-S.D.) was the Senate's resident iconoclast.

Al Simpson got here just in time to save the Senate from complete and terminal self-importance.

Another Simpson story: Early last year he had the audacity to propose a 10 percent across-the-board budget cut on environmental programs. Sen. Edmund S. Muskie (D-Maine), who opposed the idea, tore into him. Simpson tore right back.

Muskie prevailed, but Simpson made his point. His one vote from Wyoming counted as much as any other vote and so did his opinion.

"My old neck muscles were pumping and I was scared," Simpson recalled. "I went to these hearings and I saw people I'd read about all my life. But I knew if I got awed I'd be totally ineffective."

When it was over, he encountered Muskie on an elevator. "Simpson," Muskie said gravely, "I think you're going to do all right here. To get along in the Senate you have to be about one-half sonuvabitch and I think you are."

That was Muskie's way of saying welcome to the club. Simpson loved it and they became respectful equals. "It was marvelous . . . what a remarkable man, Ed Muskie," he said.

This is the same guy who, when the days get gloomy and the hours too long, turns to James Thurber or H. L. Mencken or Robert Service for refreshment. "They push you into absurdity . . . and absurdity is the essence of life." is how Simpson explains that.

A theme that keeps wending through a conversation with Simpson, in which the profanity can reach lyrical levels, is his obsession with not allowing the institution to change him.

Simpson had enough background in politics to realize that a freshman Republican from one of the least populated states would not make much of an impact unless he carried special keys.

His key is the human approach—cultivating friendships with other members, making certain that they understand that when he speaks, it is he rather than a bright staff adviser expressing an idea.

"I realized I had to represent the people of my state. They are thoughtful, well-read—the lowest rate of illiteracy in the United States—very opinionated. They really let you know how they feel," he said.

Which led to another Simpson story: One evening during the diesel fuel crisis last year, the telephone rang in Simpson's office. The senator himself answered it.

"Where is that skinny bastard?" said an angry voice.

"Speaking," answered Simpson, who is in fact rail-thin, and at 6 feet 7 inches, thought to be the tallest man ever elected to the Senate.

The caller was a trucker out of fuel because, as he put it, "You guys are so screwed up."

Simpson conceded right off that the Senate was screwed up, but said he couldn't help get him fuel. He gave the man some phone numbers at the Department of Energy.

Later, in Wyoming, Simpson happened to meet the trucker. The man reported that he got his fuel but that he felt the Senate was still botching things.

The message is that you can't put much over on the folks from Wyoming, so don't even try. Just be yourself.

Simpson got part of that through his 13 years in the Wyoming legislature and part of it through being the son of Milward Simpson, who was a governor and U.S. senator.

"I watched my dad do it and I watched him not change," Simpson said. "People would ask if he prefered to be called governor' or 'senator' and he would say, 'Call me Simp.' "

"And in the legislature, I worked my way from the back row to speaker pro-tem. All you had to do to move ahead was stay alive."

He caught on to something else: limit your outbursts, pick your targets, know your colleagues and good things start happening. He issued one press release in 13 years. He spoke rarely, but when he did, heads would turn on the floor in attention.

"What I knew when I came here was that I had to get comfortable with the 99 people I had to work with, admit that I had to get to know them as human beings. The most fascinating thing has been getting to know them—putting aside the preliminary skirmishes and sharing with them your own vulnerability."

It seems to be working, for Simpson is recognized as a man who does prodigious amounts of homework, never speaking on an issue until he has studied it, always looking an adversary in the eye and being blunt in a gentle way.

"This is part of his legislative tool kit," said one committee staffer. "To advance his cause, he cultivates relationships with other senators. He makes them know that when he speaks to them, it is he and not his staff. That draws respect. If that were a general rule. It would restore order around this place."

Simpson has tangled with colleagues on the Environment and Public Works and Judiciary committees, where he and other Republicans have pressed conservative points of view. But they listen, and that's the important part.

So be warned. You may or may not hear about Alan Simpson again. He doesn't send out many press releases and in a year has issued only one newsletter to constituents.

"I've seen others posture to the media. It gave me a Jell-o feeling. I know it sounds goofy, because we all are here with our egos. But when I'm at a hearing, I don't know who's out there covering it. I think I limit my efficiency when I play to the media," he said.

That's part of the refreshing breeze. Which leads to another story. After he'd been here a while, Simpson was approached by a well-known reporter with a puzzled look on his face.

"Simpson," the man said, "We can't figure you out."

"Great," responded the senator.

Thurber lives.

## REDUCTION OF TIME FOR THE TWO LEADERS TOMORROW

**Mr. ROBERT C. BYRD.** Mr. President, with concurrence of the distinguished acting Republican leader, I ask unanimous consent that the time of the two leaders be reduced tomorrow to 15 minutes, to be equally divided.

**Mr. STEVENS.** There is no objection, Mr. President.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

## ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

**Mr. ROBERT C. BYRD.** Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 o'clock tomorrow morning.

**Mr. STEVENS.** I thank the Senator.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

## UNANIMOUS-CONSENT AGREEMENT—S. 870

**Mr. ROBERT C. BYRD.** Mr. President. I ask unanimous consent that with respect to Calendar No. 329, S. 870, a bill which will be taken up tomorrow at 12 noon or no later than 12 noon. there be a time agreement on the bill of 2 hours, to be equally divided between Mr. Cranston and Mr. Simpson; that there be 1 hour on any amendment, with the following exceptions; that the agreement be in the usual form, with the following exceptions:

An amendment by Mr. CRANSTON to make certain technical amendments: 20 minutes.

An amendment by Mr. CRANSTON to modify the definitions of various categories of veterans for purposes of veterans' employment assistance and to authorize Veterans' Administration disclosures of certain information: 20 minutes.

A committee amendment, to be offered by Mr. CRANSTON, to increase the rates of veterans' educational assistance benefits: 1 hour.

An amendment by Mr. THURMOND to elevate the position of Deputy Assistant Secretary of Labor for Veterans' Employment to the level of Assistant Secretary: 30 minutes.

An amendment by Mr. DOLE to provide that educational assistance benefits for incarcerated veterans shall not exceed tuition and fees or the rate for the pursuit of half-time training, whichever is less: 30 minutes.

An amendment by Mr. HUMPHREY to delete provision for a targeted delimiting date extension, 1 hour.

An amendment by Mr. BELLMON to require health systems agencies to comment on certain Veterans' Administration health care facility plans and to require the VA and the Department of Health and Human Services to consolidate their programs for approving the quality and safety of community nursing homes, 30 minutes.

An amendment by Mr. HEINZ dealing with employment vouchers, 1 hour.

An amendment by Mr. HEINZ on agent orange, 1 hour.

An amendment by Mr. HEINZ on readjustment counseling, 1 hour.

An amendment by Mr. BELLMON to terminate authorization for all flight and correspondence training, 30 minutes;

Provided further that there be 30 minutes on any amendment in the second degree, that there be 20 minutes on any debatable motion, including a motion to reconsider, point of order, if such is submitted by the Chair to the Senate or if the Chair entertains discussion thereon, or appeal, and that the agreement be in the usual form with the following proviso:

That the Cranston amendment on rate of veterans education assistance not be offered prior to 4:30 p.m. and that the bill not be advanced to third reading until Senator HEINZ has had the opportunity to offer his three amendments.

Mr. STEVENS. Mr. President, reserving the right to object, and I do not object, it is my understanding that we will go on this bill tomorrow at noon. I have spoken to the majority leader concerning the problem of the continuity tomorrow when we take into consideration the time of the President's state of the Union address that commences at 9 p.m. We will convene here, say, some 15 or 20 minutes before. But I do hope that there is an understanding, although it is not in the agreement, that we will terminate our afternoon activities in early enough time so that Senators can return to their homes and get back in time for the President's message.

I think sometimes we lose some of our people because we stay too late and then Senators feel they must go home and do not get home long enough before they have to come back, and they just do not come back. I think we will have a better attendance at the President's State of the Union message if we have an understanding that we wind up sometime around 5:30, 5:45 or 6 o'clock, something like that.

Mr. ROBERT C. BYRD. Yes. The distinguished acting leader and I do have that understanding. I incorporate into the request the following proviso: that barring an emergency, which would be recognized as such by both the acting leader and myself, the Senate at no later than 6 o'clock p.m. tomorrow stand in recess until the conclusion of the President's address before the joint meeting of the House of Representatives and the Senate, after which address by the President on the State of the Union the Senate stand in recess until the hour of 10 o'clock on Thursday morning.

Mr. STEVENS. I thank the Senator. That is our understanding, and that is subject to modification, but I do believe Senators should realize that we are trying to encourage a full attendance at this State of the Union message.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Chair and I thank all Senators.

The text of the agreement follows:

*Ordered*, That when the Senate proceeds to the consideration of S. 870 (Order No. 329), a bill to amend title 38, United States Code, to extend the delimiting date for veterans under certain circumstances; to limit the time for filing claims for educational benefits based upon disability; to modify the standards of progress requirements; to modify the 50 per centum employment requirements; to eliminate the requirements for counting BEOG's and SEOG's in the 85–15 enrollment ratio; to modify payment of educational benefits to incarcerated veterans; to permit certain foreign training; to pay benefits for certain continuing education programs; to strengthen statutory provisions on measurement of courses and on overpayment of educational benefits; to repeal the authority for pursuit of flight and correspondence training; to repeal the authority for pursuit to certain PREP training; and for other purposes, debate on any amendment in the first degree (except an amendment to be offered by Senator CRANSTON to make certain technical amendments; 20 minutes;

Senator CRANSTON, to modify the definitions of various categories of veterans for purposes of veterans' employment assistance and to authorize Veterans' Administration disclosures of certain information: 20 minutes;

Senator CRANSTON (committee amend) to increase the rates of veterans' educational assistance benefits: 1 hour;

Senator THURMOND, to elevate the position of Deputy Assistant Secretary of Labor for Veterans' Employment to the level of Assistant Secretary: 30 minutes;

Senator DOLE, to provide that educational assistance benefits for incarcerated veterans shall not exceed tuition and fees or the rate for the pursuit of half-time training, whichever is less: 30 minutes;

Senator HUMPHREY, to delete provision for a targeted delimiting date extension: 1 hour;

Senator BELLMON, to require Health Systems Agencies to comment on certain Veterans' Administration health care facility plans:

And to require the VA and the Department of Health and Human Services to consolidate their programs for approving the quality and safety of community nursing homes: 30 minutes;

Senator HEINZ, employment voucher: 1 hour;

Senator HEINZ, agent orange: 1 hour;

Senator HEINZ, readjustment counseling: 1 hour;

Senator BELLMON, flight and correspondence: 30 minutes shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill; debate on any amendment in the second degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; and debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

*Ordered further*, That on the question of final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from California (Mr. CRANSTON) and the Senator from Wyoming (Mr. SIMPSON): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

*Provided further*, That the bill not be advanced to 3rd reading until Senator HEINZ has had the opportunity to offer his 3 amendments.

## ORDER FOR THE SENATE AFTER RECESSING TOMORROW TO RECONVENE AT 8:30 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recess at no later than 6 o'clock p.m. tomorrow evening the Senate again convene at 8:30 p.m. so as to allow Senators to join in a body to proceed to the Chamber of the House of Representatives to hear the State of the Union Address by the President after which, in accordance with the order previously entered, the Senate stand in recess until the hour of 10 a.m. on the following day.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 a.m. tomorrow morning.

The motion was agreed to; and at 5:56 p.m., the Senate recessed until Wednesday, January 23, 1980, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate January 22, 1980:

### Department of Defense

Robert Harry Spiro, Jr., of Florida, to be Under Secretary of the Army, vice Walter Barber LaBerge, resigned.

Robert J. Murray, of Virginia, to be Under Secretary of the Navy, vice R. James Woolsey, resigned.

### The Judiciary

Filemon B. Vela, of Texas, to be U.S. district judge for the southern district of Texas, vice Reynaldo Garza, elevated.

### Board for International Broadcasting

Charles David Ablard, of Virginia, to be a Member of the Board for International Broadcasting for a term expiring April 28, 1982, vice John T. Murphy, term expired.

### National Council on Education Research

The following-named persons to be Members of the National Council on Educational Research for terms expiring September 30, 1981:

Thomas A. Arciniega, of California (reappointment).

Jon L. Harkness, of Wisconsin, vice John E. Corbally, term expired.

Harold L. Enarson, of Ohio, vice Robert G. Heyer, term expired.

Barbara S. Uehling, of Missouri, vice Charles A. Nelson, term expired.

Bernard C. Watson, of Pennsylvania, vice D. J. Guzzetta, term expired.

### U.S. International Development Cooperation Agency

David Bronheim, of Connecticut, to be an Associate Director of the U.S. International Development Cooperation Agency (new position).

### Ambassador

George M. Seignious II, of South Carolina, for the rank of Ambassador during the tenure of his service as U.S. Delegation Member at Large to such arms controls negotiations as the Director of the U.S. Arms Control and Disarmament Agency may designate.

### Department of State

Robert E. White, of Massachusetts, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador.

### In the Coast Guard

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral:

Frederick P. Schubert
Richard A. Bauman
Willam P. Kozlovsky
Richard P. Cueroni

### Public Health Service

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

1. For appointment:

*To be senior surgeon*

Kirk K. Barnes
Michael J. Barnes
Daniel D. Bosis
Jennie T. Button
Rupert O. Clark
Gabriel T. DeGuia, Jr.
Harrison M. Dickson
Aule H. Engle
Francis A. Ennis
Richard L. Fodor
Earl R. Fox
Luke A. Howe
Stephen T. H. Huang
Herbert S. Johnson
Czeslaw J. Kaczynski
Misael A. Moreno
Henry M. Mueller
Maria P. Ordonez
Frank J. Volpe
Robert J. Washnitzer

*To be surgeon*

Rudolph Bustamante
Julio M. Cagungun, Jr.
Mark N. Leeds
Samuel Lin
Dolores Y. Loew
Edward D. Martin
Charles A. Mella
Fitzhugh S. M. Mullan
Stanley I. Music
Bienvenido M. Samera
Stanley L. Slater
Roland B. Williams
Frank G. Witebsky

*To be senior assistant surgeon*

Garrett W. Duckworth, Sr.
Sarah K. Dye
Jeffery P. Frey
Morton H. Levitt
Tony A. Mendes
Gregory O'Keefe
Jeffrey A. Perlman
Leonard G. Quallich, Jr.
Ronald L. Reeves
Marc S. Rendell
William K. Tamplen
Donald L. Weaver
Linda L. Yang

*To be senior dental surgeon*

Ashley M. Brown
Robert R. Waller

*To be dental surgeon*

John A. Colvin
Ernest Hardaway

*To be senior assistant dental surgeon*

Charles L. Blackburn
Eric D. Bothwell
John L. Buchanan III
George E. Cathey
James E. Davis, Jr.
Charles H. Detjen
Richard C. Diederich
Robert H. Harry, Jr.
James E. Haubenreich
Stephen B. Hulen
David A. Krise
Gilbert Kunken
John H. Lee
Russell K. LeMack
Karl A. Meyer II
Joseph W. Mullarkey
William F. Schmidt, Jr.
David B. Snyder
Daniel L. Speth
Allan D. Valentine
John G. Wolf

*To be nurse officer*

Gay N. Grover
Michael J. Henchy
Henry R. LaPlante
Mary L. Raje
Janet M. Vacek

*To be senior assistant nurse officer*

Marianne M. Davenport
Michael K. Fire
Pius Gross
John D. Hoffman
Aleta J. Kessinger
G. Levering Keely, Jr.
Raymond H. Levesque
Rayda McDermott
Rhett S. McMurray
Timothy M. Murphy
Elizabeth K. Reed
Jerrilynn Regan
Susan L. B. Rogers
Rebecca S. Simons
Estelle T. Therien
Sandra S. Vorwaller

*To be assistant nurse officer*

Margaret E. Galluzzi
Marie G. Hartman
Flossie J. Jackson
Theresa A. Morse

*To be senior sanitary engineer*

James C. Meredith

*To be sanitary engineer*

Terrence O. Hausken
Wayne R. Mathis
William W. Palmer, Jr.
Robert W. Wheeler

*To be senior assistant sanitary engineer*

Victor N. Byerly
Terry L. Christensen
Alvin Chun
Douglas C. Jensen
Brian T. Leach
Laurence D. Reed

*To be assistant sanitary engineer*

William L. Buford, Jr.

*To be scientist*

Lawrence E. Chaitkin
Edward F. Dawson
Zorach R. Glaser
Jacqueline M. Muller
Neil L. Sass
William G. Sorenson
Robert Spirtas

*To be senior assistant scientist*

Thomas W. Athey III
Marion G. Clower, Jr.
Anthony D. Gilkey
Ferdinand W. Hui

*To be sanitarian*

Joseph E. Burrow, Jr.

*To be senior assistant sanitarian*

Patrick O. Bohan
Steven F. Cohen
Terrance B. Gratton

*To be assistant sanitarian*

Pierre L. Belanger
William D. Compton
Paul D. Pryor
Richard M. Taft
Gary L. White

*To be senior veterinary officer*

Keith L. Kraner

*To be veterinary officer*

Allan Lock

*To be pharmacist*

Richard P. Draper
James M. Powers, Jr.
John R. Short
Ray D. Westerlage

*To be senior assistant pharmacist*

Gary G. Adam
Sammie B. Ambrose
Timothy W. Ames
Catherine A. Byrne
Carl J. Chancey
Richard M. Church
Edward J. Dannenberg
Roger A. Goetsch
Samuel M. Hope
Andrew G. Jancosek
Allan S. Jio
Donald R. Johnson, Jr.
Stephen K. Koblick
James R. Rostedt
Donovan J. Sauter
Virginia A. Tibbetts
David S. Weick
Daniel P. Williams
Patricia T. L. Yee

*To be assistant pharmacist*

Mary P. Ackerson
Charles A. Culver
Stephan L. Foster
James R. Mellard
Marilyn S. Patton
Roger D. Prock

*To be dietitian*

Jane A. Kennedy
Elaine G. Offutt

*To be senior assistant dietitian*

Brenda Batchelor
Ainslie S. Pitcher

*To be assistant dietitian*

Pamela J. Mangrum

*To be therapist*

Marsha H. Lampert
Timothy V. Reyburn

*To be senior assistant therapist*

Barbara A. Sloop

*To be assistant therapist*

Leopold R. LaBranche
Ivana Roberts
David S. Sims, Jr.
Thomas J. Stolusky

*To be junior assistant therapist*

David E. Nestor

*To be health services officer*

Robert B. Faoro
Robert T. Handren, Jr.
John C. Hilliard
Larry J. Marwedel
Louise A. Meister
Tommy L. Mosely

*To be senior assistant health services officer*

Martin T. Abell
Susanna F. Barrett
Randal D. Carter
Gordon S. Dann
Ronnie L. Davis
Peter A. DeMonte, Jr.
Robert G. Falter
Alan S. Friedlob
John M. Garber
Stephen E. Gardner
Mark S. Gorden
Earl H. Handwerker
Glenn A. Hegamyer
Carolea Logun
Joanne B. Long
Herman B. Martinez
John L. McCrohan
Roland M. McPhearson, Jr.
Philip J. Piasecki
Vincent A. Przybyszewski
Jay A. Rachlin
Jon M. Rasmussen
Carl D. Reed
Robert Soliz
Andrew R. Tartler
Ronald C. Thomas
Wilhelmina Wilson

*To be assistant health services officer*

Edith M. Bailey
Thomas H. Bornemann
Frank G. Cooper
Ted L. Forseppi
Donald W. Gann
Barbara L. Gervis
Barry M. Goldberg
Susan G. Jarrell
John J. Jessop
Ernest H. Kimball IV
Keith C. Longie
Hector Lopez
Gary V. Meinert
Von Nakayama
Bonnie C. Oppermann
John C. Pytlik
Carol Rest-Mincberg
Alice J. Robertson
Sherilan D. Rouse
Charles A. Schable
David G. Shombert
Kathleen G. Smith
Nancy A. Tollison
Marcia E. Vogler
Gary W. Wabaunsee
Marvin W. H. Young

### Public Health Service

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefore as provided by law and regulations:

1. For permanent promotion:

*To be medical director*

Robert S. Adelstein
Scott I. Allen
N. Burton Attico
Arnold P. Barr
William Chin
Lisa S. Chung
Roy G. Clay, Jr.
Anthony N. Damato
George B. DeBlanc
Arnold Engel
James H. Erickson
Robert A. Fortuine
Joseph F. Fraumeni, Jr.
Robert J. Griep
Ernest Hamburger
John T. Hogan
Richard M. Krause
Alphonse D. Landry, Jr.

Richard B. Lyons
Bernard R. Marsh
James E. Maynard
Kenneth R. McIntire
John D. Millar
David M. Neville, Jr.
Jack D. Poland
John T. Porvaznik, Jr.
William G. Prescott
Stephen C. Pugh
Donald L. Randall
Heino Rubin
Michael B. Sporn
Arthur J. L. Strauss
David W. Templin
Theodore W. Thoburn
Richard B. Uhrich

*To be senior surgeon*

Joel G. Breman
William P. Castelli
David A. Cooney
Laurence S. Farer
William T. Friedewald
James B. Halligan
Ralph H. Henderson
King K. Holmes
Luverne A. Husen
Donald R. Jasinski
Paul H. Levine
Harold D. McDonald
Gary R. Noble
Robert H. Purcell
Robert F. Read
Kenneth C. Schneider
Robert W. Sullivan
Stephen P. Swersie

*To be surgeon*

Richard Erwin Dixon
Leonard H. Hellman
David W. Kaplan
Robert F. Knouss
Paul A. Nutting, Jr.
Joel J. Rock
William M. Ryan
Gregory I. Shorr

*To be dental director*

Donald C. Boggs
Meade E. Butler
John E. Butts
Richard L. Christiansen
Gresham T. Farrar, Jr.
James H. Greene, Jr.
Weston V. Hales
Charles H. Hayden
Orlen N. Johnson
Warren V. Judd
John E. Kehoe
Loren F. Mills
Donald L. Popkes
Thomas W. Ragland
John R. Stolpe
Powell B. Trotter III
Edward D. Woolridge, Jr.

*To be senior dental surgeon*

Thomas L. Austin
Louis F. Cannavale
William P. Hussman
Francis Y. Kihara
Regis M. Nairn
James E. Standifer
Henry J. Van Hassel
Richard G. Weaver
Richard L. Webber
William E. Wright

*To be dental surgeon*

William D. Beck
William L. Cloud, Jr.
Philip L. Graitcer
Darrell R. Hazle
Woodrow B. Lackey
John R. Ludington, Jr.
Robert F. Martin
Thomas K. O'Connor
Don C. Robertson
Donald C. Smith
Roger J. Smith
David M. Snyderman
James D. Vesbach

*To be nurse director*

Claire M. Coppage
Pawnee L. Greson
Marjorie A. Greene
Elizabeth L. Iddings
Pietrina R. Siciliano

*To be senior nurse officer*

Alicia M. Blessington
Ray Cameron
Dorothy Delooff
Lois M. Dommert
Sidney S. Louis
Richard A. Morris

*To be nurse officer*

John P. Crowley
Joan K. Mueller

*To be senior assistant nurse officer*

Anne T. Gwiazdowski

*To be sanitary engineer director*

Vernon E. Andrews
John G. Bailey
John A. Cofrancesco
Gary D. Hutchinson
Richard E. Jaquish
Andre F. Leroy
Norman J. Petersen
Gerald G. Vurek

*To be senior sanitary engineer*

Robert L. Ajax
Donald A. Anderson
William E. Barkley
Peter Y. Bengtson
David E. Bernhardt
Denis E. Body
Richard F. Boggs
Jerry L. Butler
George A. Carson
John K. Carswell
Robert M. Clark
Elmer G. Cleveland
Ronald F. Coene
William D. Conroy
Charles F. Costa
William A. Felsing, Jr.
Barry L. Johnson
Herbert F. Klein
Kenneth J. Kronoveter
Robert E. Landreth
Pong N. Lem
George B. Martin
Howard D. Metz
Thomas M. Moore
Donald G. Myer
James L. Oser
Allen H. Palmer
George L. Pettigrew
Charles R. Phillips
Maris Pubulis
Stanley J. Reno
Marvin Rosenstein
Fred G. Rueter
John L. Russell
William L. Ryan
Francis L. Schulte
Keith R. Sherer
Paul B. Smith
Morris G. Tucker
William J. Wandersee
James V. Waskiewicz
Robert B. Weidner
Richard F. Wromble
Donald T. Wruble

*To be sanitary engineer*

Charles O. Dowell
Larry S. Gaynor
Kenneth R. Harper
Joseph F. Harrison
Howard B. Kelly
Nelson A. Leidel
Gary D. McCutchen
John M. Moore
David D. Royston
Paul S. Ruggera
David C. Sanchez
Ira J. Somerset
Gale A. Wright
Gary D. Young

*To be scientist director*

Joel H. Broida
John C. Feeley III
Joseph W. Lepak
James D. Moore
Douglas L. Smith
McWilson Warren

*To be senior scientist*

John J. Bartko
Laurence T. Carroll
Eugene H. Herman
David N. McNelis
Pantelis G. Rentos
Jonathan Roberts

*To be scientist*

Robert B. Dick
Robert H. Hill, Jr.
Richard A. Lasco
Jack E. McCracken
Bradford G. Perry
Stephen W. Smith
Andrew T. Sumner
David T. Tingey

*To be sanitarian director*

Maurice Georgevich
George W. Hanson, Jr.
Dale J. Johnson
Gene W. McElyea
Bert W. Mitchell
Gail D. Schmidt
Thomas C. Sell
John G. Todd
Richard J. Van Tuinen

*To be senior sanitarian*

Larry O. Garten
Edwin O. Goodman
Edwin J. Heidig
Thomas C. Jones
James F. Lawler
James M. Stewart
Charles J. Wells

*To be sanitarian*

Bruce R. Chelikowsky
Thomas J. Hartrich, Jr.
Jerry W. Newman
Donald W. Payne
Darrell J. Schwalm
Richard M. Tanimoto

*To be pharmacist director*

Kirby I. Campbell

*To be senior veterinary officer*

William F. Cornett III
Richard A. Mason
James D. Small
Charles G. Liddle

*To be veterinary officer*

John D. Bacher
John R. Broderson
Roscoe M. Moore, Jr.

*To be pharmacist director*

Linton F. Angle
John T. Barnett
Robert P. Chandler
Robert Frankel
Harry A. Hicks
Edward E. Madden, Jr.
Bernard Shleien
Leonard C. Sisk
Donald H. Williams

*To be senior pharmacist*

Richard R. Ashbaugh
Robert L. Ashmore
Thomas S. Bozzo
Edward C. Brennan
Robert Brotman
Robert L. Childress
James V. Christian
George E. Conley
Raymond J. Farkas
Paul T. Farrell
Daniel Hausman
William P. Heffernan
Walter Jakubowski
Michael J. Kopcho
Edward L. Kruger
Philip G. Lawrence
John J. Lucas
Dan Y. Miura
Laurence D. Sykes
Jeremiah R. Toomey
Leighton H. Tooms

*To be pharmacist*

Frederick J. Abramek
Thomas A. Alpert
Alvin E. Arneson
Melvin Lessing
Donald C. Thelen

*To be senior assistant pharmacist*

Richard A. Chambers
Thomas E. Dorworth
David P. Elder
Paul W. Erickson
Joan C. Genitis
Galen R. Goeden
Patrick J. Halton
Janet M. Jones
Paul G. Ketteridge
James W. Little
Ezequiel Mendieta, Jr.
Thomas G. Phillips
Bonnie L. Pitt
Ronnie D. Thomas
William P. Tyler, Jr.

*To be dietitian director*

Mary E. Ferrell
Betty J. Shuler

*To be senior dietitian*

Carol B. Akins

*To be senior assistant dietitian*

Frank T. Logiudice, Jr.

*To be therapist director*

Ronald E. Laneve
Helen L. Ramsammy

*To be senior therapist*

Maurna E. Complita
Neil O. Hartman
Robert N. Parrette
Dale E. Swett

*To be therapist*

James H. Laursen
Gerald L. Rogers
Walter P. Schneiderwind

*To be senior assistant therapist*

Mark D. Stoff

*To be health services director*

Lawrence T. Barrett
Robert H. Bradford
Robert Jacobs
Patrick W. Samson
Roger W. Turenne

*To be senior health services officer*

Erich W. Bretthauer
David L. Duncan
Thomas R. Fewell
Neil S. Goldstein
Kenneth D. Howard
Walter Kelsey Hunter
Thomas J. Keast
Stanley J. Kissell, Jr.
Joseph Scotto
Ralph E. Shuping
Robert F. Swiecicki
Elizabeth S. Trever

*To be health services officer*

Gerald G. Akland
James H. Brannon, Jr.
James E. Brantley, Jr.
Sang R. Choi
Stephen D. Finstein
Michael Fuchs
Robert J. Garrison
William J. Gregory, Jr.
Donald A. Hensel
Joan E. P. Holloway
Gary R. Lounsberry
Douglas A. Mahy
Clyde E. Moss, Jr.
Judith L. Munsterman
William E. Murray, Jr.
William H. Oates, Jr.
Thomas R. Ohlhaber
John H. Peterson
James J. Polkabla
Marc R. Rose
Edwin L. Sensintaffar
Charles K. Showalter
Richard A. Tell
Peter K. Vaslow

*To be senior assistant health services officer*

Kurt R. Maurer
Clifford L. Moseley
Ronald A. Reddick

### IN THE AIR FORCE

Gen. James A. Hill, U.S. Air Force, (age 56), for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

*To be general*

Lt. Gen. Robert Couth Mathis, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

*To be lieutenant general*

Maj. Gen. Philip Charles Gast, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

*To be lieutenant general*

Maj. Gen. William Richard Nelson, [redacted] FR, U.S. Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapter 837, title 10, United States Code:

*To be major general*

Brig. Gen. Stuart P. French, [redacted] [redacted]FV, Air Force Reserve.

Brig. Gen. Frank E. Humpert, [redacted] [redacted]FV, Air Force Reserve.

Brig. Gen. Joseph W. Kovarick, [redacted] [redacted]FV, Air Force Reserve.

Brig. Gen. Donald T. Schweitzer, [redacted] [redacted]FV, Air Force Reserve.

Brig. Gen. Joseph A. Thomas, [redacted] [redacted]FV, Air Force Reserve.

*To be brigadier general*

Col. William W. Basnett [redacted]FV, Air Force Reserve.

Col. James L. Colwell, [redacted]FV, Air Force Reserve.

Col. Arthur W. Green, Jr. [redacted]FV, Air Force Reserve.

Col. Donald J. Licker, [redacted]FV, Air Force Reserve.

Col. Patrick J. Marckesano, [redacted]FV, Air Force Reserve.

Col. Gerald E. Marsh, [redacted]FV, Air Force Reserve.

Col. Louis C. Reiss, [redacted]FV, Air Force Reserve.

Col. Thomas F. Talbot, [redacted]FV, Air Force Reserve.

Col. James D. Thurmond [redacted]FV, Air Force Reserve.

Col. James L. Tucker, Jr. [redacted]FV, Air Force Reserve.

Col. James C. Wahleithner, [redacted]FV, Air Force Reserve.

Col. Robert A. Wheasler, [redacted]FV, Air Force Reserve.

### IN THE MARINE CORPS

The following-named officer under the provisions of title 10, United States Code, section 5232, to be assigned to a position of importance and responsibility designated by the President, in grade as follows:

*To be lieutenant general*

Maj. Gen. Paul X. Kelley [redacted], U.S. Marine Corps.

### IN THE AIR FORCE

The following-named officers for promotion in the United States Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended.

#### LINE OF THE AIR FORCE

*Lieutenant colonel to colonel*

Aars, Rallin J., [redacted].
Alexander, Joseph R., [redacted].
Allison, Gary G., [redacted].
Almeter, Francis J., [redacted].
Amann, Richard W., [redacted].
Anderson, Frederick C., [redacted].
Anderson, Wilbur E., [redacted].
Andres, Howard J., [redacted].
Archer, Curtis F., Jr., [redacted].
Archino, David T., [redacted].
Armstrong, Frederic C., [redacted].
Armstrong, Malcolm B., [redacted].
Arnaiz, Donald R., [redacted].
Arnold, John K., III, [redacted].
Atkinson, John C., Jr., [redacted].
Ator, Robert A., [redacted].
Ayres, Donald L., [redacted].
Baber, Gary P., [redacted].
Bailey, Billy T., [redacted].
Bailey, Charles H., [redacted].
Bailey, James E., [redacted].
Baker, Gary S., [redacted].
Ballentine, John W., [redacted].
Barr, Charles R., [redacted].
Barrett, Kenneth L., Jr., [redacted].
Bartlett, Leslie J., [redacted].
Battreall, Raymond J., [redacted].
Baulch, William N., [redacted].
Baushke, James L., [redacted].
Bean, Wesley W., Jr., [redacted].
Beavers, Michael L., [redacted].
Bedarf, Richard A., [redacted].
Bell, James R., [redacted].
Bender, Eduard, [redacted].
Bendrick, Frank E., [redacted].
Benjamin, Juan H., [redacted].
Bennett, Thomas S., [redacted].
Benten, William A., [redacted].
Berg, Donald J., [redacted].
Bergold, Fredrik M., [redacted].
Berle, Terence H., [redacted].
Bernard, Charles E. Jr., [redacted].
Bester, Joseph D., [redacted].
Bezek, George M., [redacted].
Bielstein, Lawrence E., [redacted].
Biggs, Dennis M., [redacted].
Billingsley, James T., [redacted].
Biron, Edward J., [redacted].
Bittle, Darrell G., [redacted].
Black, Walter D. III, [redacted].
Blocker, Norman K., [redacted].
Bohn, James N., [redacted].
Bollenbach, Merle E., [redacted].
Bopp, Charles E., [redacted].
Botticelli, Allan P., [redacted].
Bouckhout, Richard J., [redacted].
Bowers, Richard L., [redacted].
Boyd, Alfred A. Jr., [redacted].
Boyd, Darwin D., [redacted].
Boyd, Stuart R., [redacted].
Brady, Conal J. Jr., [redacted].
Brewer, Darlene K., [redacted].
Briscoe, Thomas R., [redacted].
Brooks, Richard L., [redacted].
Brown, Bruce A., [redacted].
Brown, Charles W., [redacted].
Brown, Denis M., [redacted].
Brown, Donald L., [redacted].
Brown, Garnett C. Jr., [redacted].
Brown, William M., [redacted].
Broyles, Gene T., [redacted].
Bryan, Jack B., [redacted].
Bryan, Otis F. Jr., [redacted].
Bryan, William W., [redacted].
Bunce, Donald C., [redacted].
Burba, James G., [redacted].
Burger, Philip R. Jr., [redacted].
Burr, Myron W., [redacted].
Busby, Arthur E. III, [redacted].
Bush, Roger G., [redacted].
Byrd, Joe L., [redacted].
Cairns, Douglas B., [redacted].
Caldwell, James A., [redacted].
Canfield, Kenneth W., [redacted].
Caponecchi, August J., [redacted].
Carr, Bruce L., [redacted].
Carr, Earl E., [redacted].
Carroll, David R., [redacted].
Carroll, James T., Jr., [redacted].
Carwise, Edward R., [redacted].
Casey, Bernard L., [redacted].
Ceruti, Robert E., [redacted].
Chapman, James W. II, [redacted].
Chappel, George G., [redacted].
Chase, Arthur L., [redacted].
Chichester, Warren F., [redacted].
Chick, Jason I., [redacted].
Chomicz, Donald J., [redacted].
Christy, Michael T., [redacted].
Cilvik, Reginald M., [redacted].
Clark, Phillip D., [redacted].
Clark, Thomas S., Jr., [redacted].
Clarke, Walter F., [redacted].
Clarkson, Rolland F., Jr., [redacted].
Clement, Richard B., [redacted].
Clouser, Gordon L., [redacted].
Coady, Thomas J., [redacted].
Coble, Charles A., [redacted].
Coblentz, Thomas H., Jr., [redacted].
Cochran, Henry J., [redacted].
Cohick, Mikel W., [redacted].
Colvin, Charles G., [redacted].
Conti, Thomas A. F., [redacted].
Cooper, Marcus F., Jr., [redacted].
Cooper, Sheldon H., [redacted].
Cooper, Stanley A., [redacted].
Corbett, John G., [redacted].
Corroum, William F., [redacted].
Coughran, Joe F., [redacted].
Courtney, Nyles B., [redacted].
Covert, Ronny C., [redacted].
Cowles, Stephen H., [redacted].
Crane, Benjamin D., [redacted].
Craveiro, Richard C., [redacted].
Crews, Barton P., [redacted].
Cronican, John G., Jr., [redacted].
Crook, Henry M., Jr., [redacted].
Cross, Richard W., [redacted].
Cuellar, Hector M., [redacted].
Cullinane, Eugene T. M., [redacted].
Culp, Gary, [redacted].
Culton, Robert E., [redacted].
Cummins, Jack B., [redacted].
Custer, Robert H., [redacted].
Cutter, Scott C., Jr., [redacted].
Dabbs, Travis D., [redacted].
Dahl, Gilmore M., [redacted].
Dahlemelsaether Ole I, [redacted].
Dailey, Daniel G., [redacted].
Dale, Curtis D., [redacted].
Daniel, Carey W., Jr., [redacted].
Daniels, George E., [redacted].
Davis, Jon L., [redacted].
Davis, Richard C., [redacted].
Davis, Roy L., [redacted].
Day, Lawrence E., [redacted].
Dejong, John E., [redacted].
Delacruz, Gerard, [redacted].
Delligatti, Robert S., [redacted].
Dempsey, Robert E., [redacted].
Denton, Donald L., [redacted].
Deppen, John J., [redacted].
Derrickson, Thomas G., II, [redacted].
Desjardins, Philip D., [redacted].
Dietrich, George T. M., Jr., [redacted].
Dilda, Stancil L., Jr., [redacted].
Dillon, Douglas C., [redacted].
Dillon, James S., [redacted].
Dodds, Charles L., Jr., [redacted].
Donahoe, James B., [redacted].
Donohoe, Richard J., [redacted].
Dorwaldt, Richard H., [redacted].
Doten, Eric S., [redacted].
Downs, John L., [redacted].
Dudley, Paul F., [redacted].
Duenas, Vernon, [redacted].
Dull, Rex L., [redacted].
Dumont, Douglas G., [redacted].
Dunham, Robert L., [redacted].
Dutton, Robert C., [redacted].
Dwelis, Alexander C., [redacted].
Dye, Forrest N., [redacted].
Dykes, Conley H., [redacted].
Eastburn, Loren D., [redacted].
Eckelkamp, Vincent C. J., [redacted].
Edmundson, Johnny H., [redacted].
Eggers, Thomas E., [redacted].
Eigel, Robert L., [redacted].
Ekman, Leonard C., [redacted].
Ellermets, Heiki, [redacted].
Elliott, Alton L., [redacted].
Ellis, Ronald R., [redacted].
Epler, Elmer D., [redacted].
Esser, Albert R., [redacted].
Estes, Howell M., III, [redacted].
Ettinger, Robert C., [redacted].
Ewing, David L., [redacted].
Fair, Gordon H., [redacted].
Falk, Harold C., [redacted].
Fanta, John, [redacted].
Farrell, Lawrence P., Jr., [redacted].
Farren, Michael F., [redacted].
Fathera, Lowell G., [redacted].
Fedor, William P., [redacted].
Feldman, Irwin J., [redacted].
Fero, Richard G., [redacted].
Fitzgibbon, James J., [redacted].
Fitzsimmons, Frederic S., [redacted].
Foley, Robert M., [redacted].
Foote, John A., Jr., [redacted].
Forsythe, William D., [redacted].
Friel, John, [redacted].
Gaddie, William R., [redacted].
Gagliardi, Albert A., Jr., [redacted].
Gaines, Richard L., [redacted].
Galey, Fred D., [redacted].
Gallo, Jon A., [redacted].
Gardner, Robert E., [redacted].
Gatling, Wade S., [redacted].
Gauthier, Ralph A., [redacted].
Gerber, Harry D., [redacted].
Gersh, Frederick S., [redacted].
Getchell, George L., [redacted].
Gibson, Gary D., [redacted].
Gilbertson, Malcolm K., [redacted].

Gill, Joel S., [redacted].
Glaze, Harry W., [redacted].
Goddard, Richard T., [redacted].
Golding, George W., [redacted].
Goode, John D., [redacted].
Grable, Robert T., [redacted].
Graham, Bobby G., [redacted].
Graham, Ralph H., [redacted].
Graves, John W., [redacted].
Greeley, Philip J., [redacted].
Grimes, William D. W., [redacted].
Grogan, Daniel L., [redacted].
Groshner, Robert L., [redacted].
Grow, Samuel A., [redacted].
Gruver, John C., [redacted].
Gunter, Gerald N., [redacted].
Haas, Harvey J., [redacted].
Hackett, Robert D., Jr., [redacted].
Haines, Robert G., Jr., [redacted].
Hall, Franklin D., [redacted].
Hall, Joel T., [redacted].
Hamann, Wilfred C., [redacted].
Hamer, Stephen A., [redacted].
Hamilton, Franics P., [redacted].
Hanna, Dallas R., [redacted].
Hannan, George P., [redacted].
Harbaugh, Kent E., [redacted].
Hardie, Charles W., [redacted].
Hardy, John N., Jr., [redacted].
Hargett, Mithcell G., [redacted].
Harris, Fred F., [redacted].
Hart, Herbert W., [redacted].
Hartman, Robert F., [redacted].
Hartness, Gregg, [redacted].
Haug, Kenneth G., [redacted].
Haugen, Mylan A., [redacted].
Hazlett, Howard J., Jr. [redacted].
Heacock, Phillip K., [redacted].
Heal, Earl H., [redacted].
Heath, Terry E., [redacted].
Heavner, Robert O., [redacted].
Hedden, Lloyd S., Jr., [redacted].
Hedges, Robert L., [redacted].
Heilman, James H., [redacted].
Heinz, Donald A., [redacted].
Heiss, Frederick C., [redacted].
Hemeyer, Terry, [redacted].
Henning, Hal P., [redacted].
Henry, George A., Jr., [redacted].
Herget, James D., [redacted].
Hess, Dean A., Jr., [redacted].
Hildebrand, Leland L., [redacted].
Hill, Lincoln, [redacted].
Hines, Walter E., III, [redacted].
Hinnebusch, Michael L., [redacted].
Hite, Robert E., Jr., [redacted].
Hockensmith, William R., [redacted].
Hoffman, Charles C., [redacted].
Holder, Barnes E., Jr., [redacted].
Hollrah, Gene R., [redacted].
Holman, David K., [redacted].
Holt, Dale C., [redacted].
Holtmann, Ralph B., [redacted].
Honaker, Harry R., [redacted].
Honeywill, Thomas W., [redacted].
Hoppe, Lawrence G., [redacted].
Hornbostel, William I., [redacted].
Horne, Robert M., [redacted].
House, Thomas D., Jr., [redacted].
Houser, Charles T., Jr., [redacted].
Hubbard, Perry R., [redacted].
Hudson, Sidney B., [redacted].
Huey, Frank M., [redacted].
Huffman, Leon W., [redacted].
Hughes, Carol D., [redacted].
Hughes, David R., [redacted].
Hughes, Larry B., [redacted].
Hunt, Leigh H., Jr., [redacted].
Hunt, Robert J., [redacted].
Hunt, Wells E., Jr., [redacted].
Hyatt, Donald R., III, [redacted].
Irish, Donald L., [redacted].
Ivory, James O., [redacted].
Jackey, Phillip E., Jr., [redacted].
Jackson, John E., Jr., [redacted].
Jacobcik, John D., [redacted].
James, John R., [redacted].
Jameson, Arlen D., [redacted].
Jamieson, Richard V., [redacted].
Jefferson, Joseph E., [redacted].
Johns, Delman A., [redacted].
Johnson, Carl B., [redacted].
Johnson, Harold E., [redacted].
Johnson, Howard R., [redacted].
Johnson, James D., [redacted].
Johnson, John R., Jr., [redacted].
Johnson, Joseph P. Jr., [redacted].
Johnson, Richard A., [redacted].
Johnson, Donald D., [redacted].
Jones, Herman P., [redacted].
Jones, Karl M., Jr., [redacted].
Jones, Needham B., [redacted].
Jordan, Lewis E., [redacted].
Kammeyer, Lamar D., [redacted].
Kane, Edmund T., [redacted].
Kay, James G., [redacted].
Keck, Nicholas A., [redacted].
Keeney, Colver T., [redacted].
Keetch, Edward Y., [redacted].
Kehl, Richard B., [redacted].
Keller, Kenneth F., [redacted].
Kelly, Peter C., [redacted].
Kempton, Virgil D., [redacted].
Kendall, Charles E., [redacted].
Kensok, Orville J., [redacted].
Kerr, Ted D., [redacted].
Keskinen, Kenneth B., [redacted].
Kilgus, Donald W., [redacted].
Kimball, David G., [redacted].
Kirk, John H., [redacted].
Knese, Paul B., [redacted].
Knutson, Donald E., [redacted].
Knutson, Orin L., [redacted].
Koerner Darrell K. [redacted].
Korpak, Albert L., [redacted].
Krieger, Clifford R., [redacted].
Krueger, Carl B., [redacted].
Kurowski, Wesley M., [redacted].
Kurtz, Phillip F., [redacted].
Laferriere, Roy R., [redacted].
Lagergren, Frederick G., [redacted].
Lalime, Thomas R., [redacted].
Langwell, Donald E., [redacted].
Larison, Robert J., [redacted].
Lay, Edward L., [redacted].
Lecleir, James J., [redacted].
Leger, James E., [redacted].
Lehnertz, David K., [redacted].
Leimer, Robert C., [redacted].
Leopard, David M., [redacted].
Lesher, Neal E., [redacted].
Levy, Jeffrey A., [redacted].
Lewellyn, Edwin D., [redacted].
Lewis, John F., [redacted].
Lewis, Orthus K., Jr., [redacted].
Lewis, Richard B., [redacted].
Link, Charles D., [redacted].
Liss, Lonnie L., [redacted].
Littlefield, David R., [redacted].
Livengood, John J., [redacted].
Livingston, David W., [redacted].
Lobue, Jackino P., [redacted].
Logeman, John D., Jr., [redacted].
Lohmann, David P., [redacted].
Longmire, Ernest B., Jr., [redacted].
Lotzbire, Bruce J., [redacted].
Love, Robert P., [redacted].
Lowe, Teddy R., [redacted].
Luigs, Charles F., [redacted].
Luke, David C., [redacted].
Lunt, Clarence G., [redacted].
MacFarlane, Willard R., [redacted].
Mackrill, Richard L., [redacted].
MacLennan, Bruce G., [redacted].
Majkowski, Vincent, [redacted].
Maney, Edward R., [redacted].
Manly, James H., [redacted].
Manspeaker, George S., [redacted].
Mantei, John E., [redacted].
Marsh, Paul Jr., [redacted].
Martin, Edward W., [redacted].
Martin, Frank K., [redacted].
Martindale, Charles A., [redacted].
Mason, Jack C., Jr., [redacted].
Mathis, William B., [redacted].
Mathison, Richard A., [redacted].
Maunz, Wilbert G., [redacted].
Maxwell, Lowell L., [redacted].
McCarron, Thomas J., [redacted].
McCormack, Thomas F., [redacted].
McCormick, David E., [redacted].
McCoy, Billy G., [redacted].
McDonald, Kurt C., [redacted].
McElroy, Stephen M., [redacted].
McGhee, Jarrett B., Jr., [redacted].
McGrath, Denis P., [redacted].
McGregor, Charles R., [redacted].
McIntyre, James W., [redacted].
McKessy, John D., [redacted].
McLendon, Guyton S., Jr., [redacted].
McMillan, Frank D., [redacted].
McNabb, David R., [redacted].
McNeill, Ken B., [redacted].
Meier, James W., [redacted].
Mellott, Jerre K., [redacted].
Melvin, Alan W., [redacted].
Merkle, Douglas H., [redacted].
Meuse, Barry M., [redacted].
Meyer, William C., [redacted].
Michelsen, Robert S., [redacted].
Mikus, Vincent J., [redacted].
Miller, Craig V., [redacted].
Miller, Warren L., [redacted].
Molina, Ivan A., [redacted].
Montgomery, Robert K., [redacted].
Mooney, Thomas M., [redacted].
Moore, Ernest F., [redacted].
Moore, Stephen F., [redacted].
Morain, Richard W., [redacted].
Morgan, Joseph D., III, [redacted].
Morrow, James W., Jr., [redacted].
Mulligan, Michael E., [redacted].
Mullins, Joe R., [redacted].
Munechika, Ken K., [redacted].
Murphy, Francis R., [redacted].
Murphy, James R., [redacted].
Murphy, Robert L., [redacted].
Musselman, Stephen C., [redacted].
Musson, Thomas A., [redacted].
Myers, Leroy A., [redacted].
Myers, Ronald R., [redacted].
Neal, Harold R., [redacted].
Neel, Charles B., [redacted].
Nelson, Gordon F., [redacted].
Nelson, Richard W., [redacted].
Nethercot, Hubert S., [redacted].
Nickla, Raymond H., [redacted].
Nielsen, Charles N., [redacted].
Nugent, James A., [redacted].
Nutt, Donald G., [redacted].
Nylander, Jon D., [redacted].
Oberst, John R., [redacted].
Ockerman, Donald L., [redacted].
O'Connor, Richard L., [redacted].
O'Donnell, William K., [redacted].
Oldham, Huel J., [redacted].
Olear, Richard J., [redacted].
Oliveri, Robert A., [redacted].
Olivito, Anthony A., [redacted].
O'Neil, Robert E., [redacted].
Orr, Paul J. G., [redacted].
Palmer, Albert W., [redacted].
Palmer, Roy E., Jr., [redacted].
Palmier, Patrick A., [redacted].
Pang, Frederick F. Y., [redacted].
Patterson, Thomas J., [redacted].
Paulson, Robert L., [redacted].
Peirolo, Ernest C., [redacted].
Pelini, Louis V., [redacted].
Pericola, Raymond, [redacted].
Perry, Sandra J., [redacted].
Peterson, Richard A., Jr., [redacted].
Peterson, Roy W., [redacted].
Pflumm, Basil H., [redacted].
Phillips, John D., [redacted].
Picht, Robert B., [redacted].
Pilipowskyj, Serhi J., [redacted].
Pillet, Frederick A., [redacted].
Pinckney, Scott S., [redacted].
Pontius, Earl A., [redacted].
Porter, John P., [redacted].
Powers, David S., [redacted].
Prather, Dirk C., [redacted].
Price, Richard R., [redacted].
Price, William T., III, [redacted].
Purviance, Charles S., [redacted].
Pyne, Frank B., [redacted].
Quinlan, Michael J., [redacted].
Quist, Bernard W., [redacted].

Radder, Paul E., Jr., [redacted].
Rader, John R., [redacted].
Ramsay, Allan C., [redacted].
Randall, William V., [redacted].
Ratner, George H., [redacted].
Records, Jerry L., [redacted].
Redican, Edward C., [redacted].
Reed, David C., [redacted].
Reeves, John M., [redacted].
Reichert, Robert A., [redacted].
Reinke, Earl R., Jr., [redacted].
Remson, Jack G., [redacted].
Reynolds, Jon A., [redacted].
Rice, Norman L., [redacted].
Riddle, George M., [redacted].
Rivers, James W., Jr., [redacted].
Roach, James H., [redacted].
Roberson, Paul L., [redacted].
Roberts, John E., Jr., [redacted].
Roberts, Matt A., III, [redacted].
Robertson, Jimmie R., [redacted].
Robinson, Peter D., [redacted].
Rogers, Alan V., [redacted].
Rogers, James H., [redacted].
Roof, Robert L., [redacted].
Root, John M., [redacted].
Ross, Eugene E., [redacted].
Salvadore, John J., [redacted].
Samuel Wolfgang, W. E., [redacted].
Sanchez, John P., [redacted].
Sawyer, Donald W., Jr., [redacted].
Sawyer, Keith N., [redacted].
Schaaf, Jerry C., [redacted].
Schaefer, Joseph D., [redacted].
Schaffers, Joseph J., [redacted].
Scheltens, Ronald K., [redacted].
Schick, Donald L., [redacted].
Schmoll, Ross V., [redacted].
Schwartz, Ray D., [redacted].
Seely, John C., [redacted].
Selph, James, [redacted].
Shall, Paul J., Jr., [redacted].
Shelley, Zack H., Jr., [redacted].
Shelton, Harold A., [redacted].
Shirley, Graham E., [redacted].
Shoemaker, Alan M., [redacted].
Simpson, Charles G., [redacted].
Sistrunk, William H., [redacted].
Slafkosky, Alexander R., [redacted].
Sleeper, Edward B., [redacted].
Sloan, Peter L., [redacted].
Slowey, Richard J., [redacted].
Slye, Richard H., [redacted].
Smith, Allan T., [redacted].
Smith, Clarence R., [redacted].
Smith, Jerry B., [redacted].
Smith, Jerry E., [redacted].
Smith, John S., III, [redacted].
Smith, Paul G., [redacted].
Smith, Peter B., [redacted].
Smith, Robert G., [redacted].
Smith, William R., Jr., [redacted].
Snyder, James M., [redacted].
Spacy, William L., [redacted].
Sparks, Gordon L., [redacted].
Spezia, Jimmie V., [redacted].
Squires, John M., [redacted].
Stamant, Anthony L., [redacted].
Stambaugh, William S., [redacted].
Stanley, Roy M., II, [redacted].
Staten, Kenneth E., [redacted].
Staud, John J., Jr., [redacted].
StClair, Gilbert K., [redacted].
Stephens, Seth H., Jr., [redacted].
Stevens, Donald D., [redacted].
Stiles, Dennis W., [redacted].
Stlouis, Ronald L., [redacted].
Stocks, Samuel E., [redacted].
Stoddard, David D., [redacted].
Streitmatter, Larry A., [redacted].
Studer, William A., [redacted].
Sullivan, Edwin N., [redacted].
Sullivan, James V., [redacted].
Summers, Charles E., [redacted].
Swanson, Thomas T., [redacted].
Swonson, John C., Jr., [redacted].
Talcott, Arnold R., [redacted].
Tanner, Joseph O., [redacted].
Taylor, William R., [redacted].
Teeman, William R., [redacted].
Terry, James R., [redacted].
Tessmer, Arnold L., [redacted].
Tetmeyer, Donald C., [redacted].
Thomas, Edward, [redacted].
Thompson, Kenneth R., [redacted].
Thornton, James A., [redacted].
Tippett, David F., [redacted].
Tompkins, Gary R., [redacted].
Tonge, James M., [redacted].
Tronzo, Louis C., [redacted].
Troyer, Richard H., [redacted].
Tuck, Frank K., [redacted].
Tufo, Stanley, [redacted].
Turrin, Armand L., [redacted].
Vajda, Frank S., [redacted].
Vanagas, Anthony A., [redacted].
Vandillen, Kenneth B., [redacted].
Vanpelt, Larry G., [redacted].
Waddle, James E., [redacted].
Waldron, Larry D., [redacted].
Walker, Alan E., [redacted].
Walker, Belva D., [redacted].
Walker, Richard L., [redacted].
Walker, Roy A., [redacted].
Wallace Billy J., [redacted].
Wallace, Richard P., [redacted].
Walter, Charles R., Jr., [redacted].
Warner, Norris E., [redacted].
Waterman, Quintin L., [redacted].
Watson, Harold E., [redacted].
Watson, Richard E., [redacted].
Watts, Holbrook M., [redacted].
Weatherson, James G., [redacted].
Weeks, George M., III, [redacted].
Wells, Norman E., [redacted].
Wenker, David J., [redacted].
White, John H., Jr., [redacted].
Wicker, Charles E., [redacted].
Wilhelm, James E., [redacted].
Wilkes, Quenten L., [redacted].
Willette, James F., [redacted].
Williams, Brian R., [redacted].
Williams, John D., Jr., [redacted].
Williams, Thomas O., III, [redacted].
Williams, Thomas W., [redacted].
Wilson, Arthur J., III, [redacted].
Wilson, Edwin B., [redacted].
Winkelmann, Edgar W., [redacted].
Wisely, Fred H., [redacted].
Witherspoon, Ralph P., [redacted].
Woelfel, Edward A., Jr., [redacted].
Wood, Harry F., Jr., [redacted].
Woodring, Marvin J., [redacted].
Wyatt, James L. Jr., [redacted].
Wycoff, William J., [redacted].
Yager, Walter S., [redacted].
Yates, Thomas H., [redacted].
Youngson, James Jr., [redacted].
Zannini, Robert H., [redacted].
Zimmerman, Alex D., [redacted].

CHAPLAIN CORPS

Bretscher, Forrest F., [redacted].
Carleton, Rhon V., [redacted].
Downing, Don, [redacted].
Evans, Paul R., [redacted].
Foutz, Martin F. Jr., [redacted].
Hoffman, Sydney L., [redacted].
Kaiser, Roman F., [redacted].
Labinger, Marvin L., [redacted].
Ludwig, Alexander P., [redacted].
Mallory, Jerry J., [redacted].
Martin, Christian H. Jr., [redacted].
McCausland, Joseph E., [redacted].
McDonough, John P., [redacted].
Merrell, Robert E., [redacted].
Nelson, Samuel D. Jr., [redacted].
Plummer, James R., [redacted].
Thompson, Kenneth R., [redacted].

JUDGE ADVOCATE

Douglass, Robert G., [redacted].
Dranttel, Jack G., [redacted].
Filkins, Merton F., [redacted].
Green, Henry G., [redacted].
Jeter, Thomas G. Jr., [redacted].
Joyce, William J., [redacted].
Lueders, Tommy W., [redacted].
Mowery, Charles F. Jr., [redacted].
Newhouse, Peter D., [redacted].
Perkins, Robert H., [redacted].
Rudland, William P., [redacted].
Sergi, Leo L., [redacted].
Stevens, George R., [redacted].

NURSE CORPS

Baker, Patrick J., [redacted].
Bobko, Stephen E., [redacted].
Corrado, Carol J., [redacted].
Gengler, Rita E., [redacted].
Halley, Norma D., [redacted].
Mullin, Margaret M., [redacted].
Murray, Maejane, [redacted].
Piper, Doris A., [redacted].
Prusko, Joan R., [redacted].
Remmes, Elizabeth J., [redacted].
Ruddy, Mary L., [redacted].
Soeder, Darla J., [redacted].

MEDICAL SERVICE CORPS

Archie, Julius C., [redacted].
Brown, Raymond A., [redacted].
Holley, Robert C., [redacted].
Inman, Gilbert R., [redacted].
McNally, Paul M., [redacted].
O'Donnell, Daniel J., [redacted].
Vanherpen, John, [redacted].

VETERINARY CORPS

Banknieder, August R., [redacted].
Brooks, Frank T., [redacted].
Butler, Thomas M., [redacted].
Jackson, Wesley E., [redacted].
Russell, Robert J., [redacted].
Schmidt, Robert E., [redacted].

BIOMEDICAL SCIENCES CORPS

Arledge, Robert L., [redacted].
Caldwell, Arthur P., [redacted].
Coleman, Frederick E., III, [redacted].
Dobbs, Melvin B., [redacted].
Dunton, Donald D., [redacted].
Laney, Sherrill G., [redacted].
Manders, William W., [redacted].
Myers, Stuart S., [redacted].
Rogers, Donald J., [redacted].
Williams, Carlton R., [redacted].
Witzgall, Fred L., [redacted].

## IN THE AIR FORCE

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force.

MEDICAL CORPS

*To be colonel*

Barbour, Neil G., [redacted].

*To be first lieutenant*

Mendoza, Gliceria M., [redacted].
Sarno, Ronald A., [redacted].

DENTAL CORPS

*To be captain*

Teuton, William T., Jr., [redacted].

*To be first lieutenant*

Bolger, Walton L., [redacted].
Greenley, Barry P., [redacted].
Plamondon, Thomas J., [redacted].
Raper, Rex T., [redacted].

The following persons for appointment as Reserve of the Air Force, in grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

*To be lieutenant colonel*

Babcock, Kenneth B., Jr., [redacted].
Becker, Leslie E., Jr., [redacted].
Conley, John W., [redacted].
Conway, Robert F., [redacted].
Cranford, James E., [redacted].
Degnan, Robert D., [redacted].
Dennis, Gerald H., II, [redacted].
Emmott, Ralph C., [redacted].

George, William K., [redacted].
Grose, Charles D., [redacted].
Heck, Elmer H., [redacted].
Hirsch, Bernard H., [redacted].
Hoefle, Harold H., Jr., [redacted].
Humbert, Paul V., Jr, [redacted].
Hurst, Edgar E., [redacted].
Kent, Harold W., [redacted].
Madorsky, David D., [redacted].
Miller, Howard E., [redacted].
Richardson, Joseph B., [redacted].
Smith, Theodore J. H., [redacted].
Vosburg, Robert L., [redacted].
Wallestad, Philip W., [redacted].
White, Ralph L., [redacted].
Willbern, Henry C., [redacted].

The following persons for appointment as Reserves of the Air Force (ANGUS) in the grade indicated, under the provisions of sections 593 and 8351, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

### MEDICAL CORPS

*To be lieutenant colonel*

Madrid, Dominador O., [redacted].

### VETERINARY CORPS

*To be lieutenant colonel*

Kriewaldt, Franklin H., [redacted].

The following officer for promotion in the Regular Air Force, under the provisions of chapter 835, title 10, United States Code, as amended. Officer is subject to physical examination required by law.

### LINE OF AIR FORCE

*Captain to major*

Huggins, William F., [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of sections 593 and 8376, title 10, United States Code.

### MEDICAL CORPS

*Lieutenant colonel to colonel*

Budding, Jacobus, [redacted].
Smith, Stuart J. [redacted].

### LINE OF THE AIR FORCE

*Major to lieutenant colonel*

Blair, Richard S., [redacted].
Blackburn, Thomas R., [redacted].
Bloss, James F., [redacted].
Brown, J. T., [redacted].
Byrd, Jack R., [redacted].
Cameron, Robert F., [redacted].
Capito, David A., [redacted].
Carlson, Roger W., [redacted].
Connelley, James M., [redacted].
Cooke, Douglas W., [redacted].
Dargue, James H., [redacted].
Davis, Edward P., [redacted].
Davis, Woodrow E., Jr., [redacted].
Depree, Donald C., [redacted].
Derebery, Daniel P., Jr., [redacted].
Doty, Gary L., [redacted].
Dowd, William F., [redacted].
Drauszewski, Joseph C., [redacted].
Farias, Matias, [redacted].
Grimsley, John C., [redacted].
Hamilton, James P., [redacted].
Hennessy, John M., [redacted].
Jacobson, Robert A., [redacted].
Johnson, Floyd E., [redacted].
Kosak, Robert, Jr., [redacted].
Koster, Howard C., [redacted].
Lehman, Harry A., [redacted].
Lerfald, Marvin D., [redacted].
Levesque, David A., [redacted].
McCrabb, Donald G., [redacted].
McKibben, George E., [redacted].
McNamara, Dan C., [redacted].
Morgan, Daniel L., [redacted].
Newton, Jack M., [redacted].
Nye, Larry E., [redacted].
Pannage, Charles M., Jr., [redacted].
Parker, Thomas A., [redacted].
Pickering, Willis O., Jr., [redacted].
Rogers, Willie C., [redacted].
Sabean, William E., [redacted].
Sewell, Vernon L., [redacted].
Shady, Norman D., [redacted].
Simon, Ross J., [redacted].
St. Clair, Robert G., [redacted].
Travis. Robert L., [redacted].
Tracy, John L., [redacted].
Umberger, James S., [redacted].
Wallisch, William J., Jr., [redacted].
Whitman, Donald R., [redacted].
Williams, Gerald O., [redacted].

### MEDICAL CORPS

Gallant, Judith, [redacted].
Johnson, Sherman B., [redacted].
Kindley, Robert T., [redacted].
Moss, Stanley R., [redacted].
Sabater, Gilberto M., [redacted].
Torner, James S., [redacted].
Wilcox, Harry E., [redacted].

The following-named officer for promotion in the U.S. Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended.

### LINE OF THE AIR FORCE

*Major to lieutenant colonel*

Dyches, Beverly R., [redacted].

### IN THE NAVY

The following-named lieutenant commanders of the U.S. Navy and Naval Reserve for temporary promotion to the grade of commander in the staff corps as indicated, pursuant to title 10, United States Code, sections 5773 and 5791, subject to qualification therefor as provided by law:

### MEDICAL CORPS

Aldis, John W.
Banka, Robert P.
Baral, Dante A.
Barker, David B.
Bearss, Rollin W.
Beckett, William W.
Bergin, Francis T.
Berry, Garland L.
Bethel, Robert A.
Beuttel, Stephen C.
Boddicker, James H.
Bohan, John S.
Bostrom, Paul A.
Bott, William K.
Broadman, Lynn M.
Brown, Lansing E.
Buckley, Thomas P.
Bullaboy, Charles A.
Campbell, Leonard M.
Carlson, Daniel W.
Carlstrom, Thomas A.
Chiaro, Joseph J.
Childs, Kenneth A.
Chinnapongse, Sangsiddh
Cohen, Richard
Combalecer, Rafael M.
Compagno, John
Congdon, James E. J.
Coullahan, James D.
Cowles, Sally K.
Crim, Jerry R.
Cruickshank, James C.
Curtis, Walter R. S.
Curto, Frank S., Jr.
Cusic, Marshall E., Jr.
Damm, Stephen R.
Demars, Ronald V.
Devig, Patrick M.
Drake, Terrance S.
Driver, James R.
Dupont, Philip J.
Eguiguren, Vicente L.
Emery, Jefferson C.
Fawcett, Ronald A.
Fraser, James H., Jr.
Freeland, George R.
Freeman, Roger A. J.
Froman, Michael A.
Gale, Donald I., Jr.
Gamarra, Violeta R.
Gardner, Robert D.
Gemelli, Ralph J.
Gentry, James L.
Glenn, Johnny R.
Golembieski, Michael E.
Goodreau, James J.
Gorrell, Alan L.
Goyer, Peter F., Jr.
Grady, John L.
Greer, Harry A., Jr.
Groff, Terry R.
Gunnett, Sylvia R.
Hamm, John E.
Handke, Darrell D.
Hargis, Joseph S.
Hargrove, Charles B.
Harrison, Robert W.
Hartman, Davis S.
Hartzman, Robert J.
Hashem, Mohamed S. M.
Haworth, David L.
Hendricks, Peter L.
Herndon, William A.
Hibbard, Blaine Z., Jr.
Hirokawa, Ronald H.
Hirschberg, Brendon C.
Hoover, Dennis L.
Horland, Allan A.
Hughes, Robert E.
Huhn, Wolfgang A.
Hurst, James M.
Ilka, Richard A.
Imes, Richard K.
Ingrum, David A.
Jackson, Frederic L.
Kammeyer, Steven E.
Kennedy, Joseph D.
Khan, Farrukh M.
Klam, Warren P.
Koett, John W.
Koskella, Kenneth R.
Kossow, Alan S.
Krapin, Lee C.
Krasner, Robert C. J.
Labrador, Augusto N.
Lapoint, John M.
Laughlin, Larry W.
Legaspi, Amante G.
Lenger, Mark D.
Liscomb, Jesse R., Jr.
Lombardo, Joseph V.
Lynn, William L., III
Machaffie, Bruce P.
Mangrum, John C.
Matsenbaugh, David P.
Maung, Michael A.
Maung, Noeline K.
Mayo, Richard A.
McCaughey, Brian G.
McReynolds, John W.
Mehl, Raymond G.
Miller, John S., Jr.
Miller, Richard C.
Miller, Samuel J., II
Millunchick, Edward W.
Mitchell, Charles A., Jr.
Monninger, Hilmar A.
Montalvan, Gonzalo F.
Moore, Thomas B.
Mow, Ronald
Munzel, Thomas L.
Murphy, William R. C.
Nakahara, Hank H.
Nase, Harold W.
Naulty, John S.
Neuman, Tom S.
Nielsen, Peter E.
Nirdlinger, Edwin L.
Palmer, Edward C.
Peinert, Robert A.
Peterson, Daniel R.
Pittard, Joel C.
Price, Steve F.
Rabetoy, Gary M.
Ramach, Kenneth R.
Rasmussen, Clyde M.
Regis, Marilyn L.
Rentz, Turner W., Jr.
Ricciardi, Joseph M.
Ridenour, Richard I.
Risinger, James E.
Rosenblatt, Cheryl D.
Ross, Gerald W.
Sachse, Hans P. E.
Sander, James E.
Sanford, Theodore J. J
Saul, Charles D., II
Schenk, Joseph H.
Schwab, Charles W.
Seeds, John W.
Settle, Halsey M. I.
Severson, Meryl A., II
Shewmake, Stephen W.
Shreck, James N.
Sims, Kenneth L.
Slease, Robert B.
Smiarowski, John S.
Smith, Michael L.
Song, Michael F.
Speed, Willard E.
Spevack, Stanley T.
Swafford, Albert R.
Swanson, George C.
Sweet, Robert M.
Tan Mariano
Tanksley, Marion H.
Thillet, Ives C.
Thomas, Bernard S., Jr.
Thomas, William J.
Thorp, James W.
Tibbits, Paul A.
Urban, Donald G.
Verkleeren, John L.
Voge, Victoria M.
Wagner, Luke P.
Walker, Marshall D.
Wallace Douglas W.
Watts, Michael A.
Weber, Daniel J.
Weed, Thomas M.
Westbrook, John A.
Whittle, John F.
Williams, Norman M.
Wong, Wade H. M.
Wozniak, Lance K.
Zumrick, John L.

### SUPPLY CORPS

Ashley, Robert E., Jr.
Bary, David S.
Bedle, William B.
Bezanilla, David G.
Bland, Gerald H.
Bolling, Terry L.
Boyt, George R.
Brown, William T.
Burnette, Jimmy D.
Chamberlin, Edward R.
Cheney, James C.
Chertock, Stephen H.
Chiomento, Thomas V., Jr.
Christophersen, Wilhelm G.
Clark, Richard M.
Conti, Carmen D.
Cosgrove, Patrick M.
Cottrell, Michael F.
Dagrosa, Richard L.
Dahlen, David G.
Danielson, Richard A.
Davies, David A.
Dawson, Joseph C.
Douglas, Bruce L.
Eager, Donald R.
Elliot, Ernest A.
Fabry, Steven E.
Fleming, John M., Jr.
Fronczkowski, Ralph E.
Fyfe, John K., Jr.
Gaunt, John R.
Gibson, Blair E.
Gray, Cameron R.
Griffin, Jon E.
Guth, Michael H.
Hall, David W.
Hall, Robert L.
Harris, Christopher B.
Haynes, James M.
Hiltbrand, Jon H.
Hilton, David E.
Hobbs, Wilbur N.
James, William B.
Jordan, Douglas S.
Kalas, Frank J., Jr.
Kennedy, Hunter L.
Keyworth, Richard E.
King, Lawrence A.
Kohlmann, John T.
Kosmark, Alfred C.
Krause, Ben A.
Lamm, David V.
Lester, Timothy O.
Lewis, Richard E.
Losquadro, Joseph P.
MacArthur, Chester B.
Madril, Richard J.
Mayes, Robert D.
McKechnie, Arnold W., Jr.
McLaughlin, Robert
McNabnay, James R.
McPherson, Thomas D.
Miller, Barry J.
Mitchell, Ralph M., Jr.
Moles, Robert F.
Munro, David T.
Myers, William M.
Newton, George E.
Nichael, Robert H.
O'Hare, Shamus J.
Oswald, John S., II
Paulson, John J.
Pearce, Charlie A.
Price, Clifford R.
Quirk, David J.
Robertson, Herbert M.
Robie, Ralph L., Jr.
Robinson, Richard D.
Ruppman, Heinz O.
Salmon, Robert J.

Satterthwaite, Peter L.
Sattler, Roger C.
Schandel, George W.
Schultz, Thomas C.
Schweitz, James J., Jr.
Smith, Roger J.
Sneiderman, Marshall L.
Soares, Leonard J.
Stangl, Larry F.
Steffens, Paul B., Jr.
Tarantino, David A.
Tastad, Michael L.
Tonkovich, Thomas M.
Trimpert, Eugene C.
Valenty, Patrick P., Jr.
Vanrooy, Lester A., Jr.
Walton, William H., Jr.
Wellumson, Douglas R.
Wheaton, Kenneth W.
White, Gordon R., Jr.
Whitty, Neldon V.
Williams, Gary D.
Wilson, Charles A.
Wright, Harry N.
Zidek, Michael A.
Ziegler, Lee A.
Zitzewitz, Robert F.

### CHAPLAIN CORPS

Ball, David B.
Brogan, Hugh T.
Broughton, William
Buckley, Gail E.
Calaway, Bernie L.
Dennis, Billy V.
Dickson, Grover J.
Dobes, George E.
Ellis, Larry H.
Eslinger, Harold H.
Frankel, Bernard
Freistedt, Robert R.
Garrett, Harold W.
Gnall, Julian M.
Gothard, French M.
Hammond, Hugo S.
Hary, Melvin J.
Hedwall, Ronald L.
Hiers, Homer T., Jr.
Hill, Edward T.
Howe, Merlen F.
Jackson, Colon S., Jr.
Johnson, Andrew H., Jr.
Kelley, James F.
Lapp, Charles L.
Markham, Leonard E.
Marsh, Ernest G.
McCain, James M., Jr.
McMahon, Edward J.
McNicholl, Michael P.
Mintjal, Frank D.
Moore, Paul J.
Pearson, Carl J.
Perry, William L.
Pilarski, Peter R.
Putt, Kenneth J.
Ratcliffe, Howard I., Jr.
Renfroe, Fred H.
Richmond, Joseph J.
Rimmer, Charles S.
Rivi, Geno G.
Roberts, Edward A.
Roberts, Jack W.
Schultz, Thomas A.
Schumm, William E.
Schuster, David P.
Shoberg, Lawrence A.
Smith, Aquinas J. J.
Smith, Ignatius E.
Snyder, Edgar A.
Sostrich, John L.
Stanis, Leo S., Jr.
Stewart, Douglas K.
Strickland, Merle E.
Sulouff, Nelson R.
Swann, Hoyt W.
Tumblin, William E.
Visocky, Bernard T.
Williams, James C.
Wilson, Charles D.
Wilson, James R., Jr.
Wooster, Keith E.

### CIVIL ENGINEER CORPS

Brown, Harry J., Jr.
Carlson, Richard E.
Conroy, John F.
Cugowski, Ralph M.
Dames, Thomas A.
Dodson, James W., Jr.
Dougherty, James M.
Eckloff, James C.
Elkins, John C.
Everhart, Guy F.
Fowler, Richard S.
Fucile, Eugene P.
Gant, James B.
Goodermote, Wayne K.
Hadbavny, Ronald S.
Hendrickson, Jack E.
Holm, Stanley R., Jr.
Jackson, Bruce L.
Kennedy, Ronald E.
King, Jerry W.
Laursen, Brian R.
Meeks, Kenneth W.
Michna, Thomas B.
Morris, Henry M.
Myers, Larry D.
Stamm, John A.
Taylor, Ernest T.
Vizza, William K.
Weston, James E.
Woodhull, Roger B., Jr.

### DENTAL CORPS

Akerson, Harvey A.
Ambrose, John M.
Antimarino, Ronald F.
Auclair, Paul L.
Beaudry, Robert J.
Carlson, Thomas D.
Cecil, James C., III
Chow, Roger M.
Common, John
Deangelis, Henry J.
Detsch, Steven G.
Dice, James E.
Draude, Joseph A.
Duell, Robert L.
Dunlap, Robert M.
Fertig, Steven A.
Fisher, Earl F.
Frankel, Richard L.
Fullerton, William L.
Golden, Daniel P.
Goldman, Michael S.
Gray, Jonathan L.
Groom, Robert R.
Hall, Ellis H., Jr.
Hendrickson, Dean A.
Hitchner, Larry J.
Hoyem, Stephen R.
Jones, Robert S.
Jorgensen, Michael G.
Kemp, James A.
Kucaba, Walter J.
Lamb, Courtney C.
Lehman, Joseph W.
Linville, Robert B.
Lynch, Peter G.
Maroney, William F.
McGuire, Dennis J.
Moore, Paul R.
Murray, Hugh E. III.
Myers, George R.
Nappen, Dennis L.
Parker, Michael W.
Peterson, Burke B.
Phillips, Charles C. III.
Robinson, Gary C.
Sanders, John J.
Schai, Neal A.
Schamu, Carl W.
Schatz, Ronald B.
Sharrock, Michael F.
Smith, Millard B.
Spann, Charles E.
Styrlund, Thomas F.
Towle, Herbert J.
Tyler, Martin T.
Tytell, Mark P.

### MEDICAL SERVICE CORPS

Anderson, David E.
Baldwin, Jeffrey W.
Barnhill, Russell W.
Barsness, Frederick R.
Beene, Joe R.
Beil, James A.
Bell, R. Thomas, III.
Belter, Lyle E.
Benander, Douglas N.
Bobola, Edward
Bruhn, John E.
Call, Douglas W.
Carpenter, Gordon L.
Chaput, Raymond L.
Cobet, Andre B.
Cole, Dennis E.
Cote, Robert R.
Daily, Otis P.
Deeter, Victor R.
Devine, Robert T.
Doptis, Leigh E.
Galbreath, Jerry D.
Goodhartt, William R.
Grand, Ronald S.
Greear, John F. III
Gregory, George H.
Gutshall, Richard B., Jr.
Hall, David A.
Hansel, George J.
Hayes, Charles H.
Herron, Don M.
Heston, Frank D.
House, John F.
Ingram, James T.
Jeffs, Robert A. A.
Jones, Thomas N.
Karch, Larry L.
King, William G.
Lashley, Kenneth L.
Ludwig, William C.
Maassen, Leland R.
Mann, Charles F., Jr.
McDonald, John L.
McGrath, William P.
McIntosh, Wilton W.
Medlock, Thomas P.
Moore, Leonard L.
Moroney, William F.
Moy, Michael W.
Murray, John L.
Nacrelli, Walter A.
Newman, Reginald E.
Pheeny, Harold T.
Rausch, Jack L.
Raymond, Lawrence F.
Reuter, Nancy D.
Reysen, Richard H.
Rice, Edward A., Jr.
Riesenhuber, Richard D.
Schmutz, Clinton, E.
Sherwood, Walter O.
Slater, Charles B.
Smith, James P., Sr.
Smith, James L.
Smith, William W.
Snow, Kenneth S., Jr.
Stewart, Gene N.
Strong, Douglas M.
Thome, Carl D.
Turco, Ronald F.
Walker, Jerry M.
Walker, Richard I.
Weber, Herta A.
Wienkers, Charles F.
Wildes, Dudley J.
Wilson, Everett L.
Woods, Allen O.
Wooll, Earl R.

### JUDGE ADVOCATE GENERAL'S CORPS

Albrecht, David A.
Awe, Stephen L.
Barr, Philip C.
Broach, Robert E.
Byman, William E.
Decarlo, Nicholas P.
Deddish, Michael R., Jr.
Freyer, James A.
Fridell, Lane C.
Fulkes, Duane S.
Geer, John J., Jr.
Hannas, Mike D.
Henderson, William C., II
Henkel, George E.
Hewett, Peter A., Jr.
Hughes, Winston J.
Kahn, Thomas K.
Neutze, Dennis R.
Orr, James E., Jr.
Patterson, Perry S., Jr.
Payne, Michael L.
Pitkin, Roger F.
Rank, John A., III
Reed, Richard E.
Rossi, Robert R.
Rudy, Allen C., Jr.
Runnels, Joseph D.
Sattler, Terry D.
Smiley, Clare B., Jr.
Swayze, Frank B.
Vest, William T., Jr.
Wells, George L.
Williams, Duvall M., Jr.

### NURSE CORPS

Allred, Bertha A.
Bagbey, Stanley R.
Barthmaier, Jane
Becklun, Joan K.
Cash, Carolyn J.
Colucci, Michael J.
Dault, Judith A.
Downs, Robert J.
Elsesser, Mary A.
Engel, Joan M.
Ferrell, Kirby A.
Gierman, Richard L.
Green, Bonnie J.
Hay, Mary K.
Henderson, Rebecca R.
Hicks, Patricia F.
Hooker, Florentina B. M.
Jackson, Charles R.
Johnson, Carolyn A.
Jordan, Janice Y.
Kelly, Sharon K.
Kerdus, Mary B.
Krall, Virginia M.
Leary, Cornelia A.
Lindelof, Sandra S.
Maffeo, Edith J.
Mencik, Barbara A.
Morris, Edward W.
Nelson, Anne M.
Nye, Margaret C.
O'Rourke, Amoret B.
Pollock, Linda S.
Pruchniak, Joan L.
Raach, Carolyn D.
Rieder, Karen A.
Roadhouse, Ida C.
Rodgers, Barbara C.
Sage, Victoria S.
Sakenes, Charlene R.
Snider, Stephen E.
Snyder, Eilleen E.
Spanier, Bernice C.
Stratton, Mariann
Ward, Maureen W.
Yahner, Ann, III

The following-named woman lieutenant commander of the U.S. Navy for permanent promotion to the grade of commander in the staff corps as indicated, pursuant to title 10, United States Code, sections 5771 and 5791, subject to qualification therefor as provided by law:

### SUPPLY CORPS

Hammel, Kathleen A.

### IN THE NAVY

The following-named lieutenants of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line, pursuant to title 10, United States Code, section 5769 and 5791, subject to qualification therefor as provided by law:

Abbott, Robert J.
Ackley, Victor H.
Acuff, Lucian M.
Adams, Adrian J.
Adams, James J.
Adams, Michael R.
Adkins, Joseph H.
Agnor, Robert J.
Ahart, John L.
Ahern, Timothy M.
Akins, Glendon L., Jr.
Albertson, Robert R.
Albright, James C.
Albright, Jeffrey H.
Alburger, John F.
Alden, Robert K.
Alexander, Ralph L.
Alexander, John W.
Alexander, Ronald K.
Alleman, David P.
Allen, Andrew J.
Allen, Charles E.
Allen, David M.
Allen, Michael N.
Allen, Phillip K., Jr.
Allison, George B.
Allsopp, Ralph S., Jr.
Almony, Joseph R.
Almy, Gideon W. III
Andersen, James B.
Anderson, Barton P.
Anderson, Bert M.
Anderson, Craig G.
Anderson, Kenneth G.
Anderson, Richard M.
Anderson, Robert A.
Anderson, Robert K.
Anderson, Robert L.
Anderson, Wayne H.
Andre, Duane A.
Angelo, James W.
Annis, Robert E.
Anthony, Joseph D.
Appleby, Robert T.
Armstrong, David J.
Armstrong, Keith S.
Arndt, Stephen A.
Arneson, Dennis C.
Arnold, David W.
Arnold, Hollis D.
Arnote, Stanley D.
Artis, Herbert
Atkinson, John S., Jr.
Austin, Simeon H.
Avery, Richard C.
Award, David P.
Ayers, Carleton R. II
Ayres, Kermit A.
Babetz, Jeffrey D.
Babin, Ordale P., Jr.
Bahnmiller, Michael P.
Bailey, Hubert V.
Bailey, James P.
Baittinger, Eric W.
Baker, Charles R.
Baker, James D.
Baker, Leonyx G.
Baker, Peter A.
Baker, Raleigh D., Jr.
Baker, Thomas A.
Baker, Timothy L.
Baker, William H.
Bal, Eugene III
Baldwin, Robert E.
Ball, John C.
Banellis, Charles E.
Banks, Paul E.
Barclay, Dana D.
Bardwell, Robert R.
Bargelski, Michael J.
Barker, Loyd N.
Barnett, Richard L.
Barnett, Stewart R. III
Baron, Gilbert H.
Barrett, Donald H.
Barron, James D., Jr.
Barrows, Richard D.
Barry, John M.
Barton, Walter H.
Bashore, Harry W. III
Bateman, Clifford B.
Bates, David G.
Bauer, Michael J.
Bauman, James L.
Baxter, Harry T.
Beacham, Frederick B., Jr.
Beasley, Drew W.
Beasley, Roy W.
Beason, Richard E.
Beaudet, Carl A.
Beavers, Michael C.
Beck, Wayne A.
Becker, Stephen E.
Beckman, Charles B.
Beelby, Michael H.
Beier, Werner J.
Bell, Marvin L.
Bellflower, James A.
Bellflower, Robert J.
Belrose, Benjamin G.
Bender, John P.
Benham, Webster L., III
Bennett, Robert W., Jr.
Benson, Eric J.
Bentley, Richard A.
Beresky, Michael T.
Berger, Robert D.
Bergh, Gregory H.
Bernard, Eugene P.
Bersticker, Keith P.
Betancourt, Alberto L.
Betancourt, Jose L., Jr.
Bettis, Bobby G.
Betzler, David P.
Bew, David F., Jr.
Beyatte, William E.
Bialobrzewski, Peter P.
Bickford, John C.
Bien, Jay K.
Bigos, Randall E.
Billick, Dan R.
Birkholz, Howard D.
Bishop, David A.
Bishop, Richard W.
Black, Richard A.
Blair, Coy L.
Blair, Thomas B., II
Blake, Jimmie O.
Blanford, Kenneth L.
Blauvelt, Russell M.
Block, Terry J.
Blocker, Gerald C.
Bloom, James A.
Blum, George E.

Bogdewic, Daniel D.
Bogle, Ronald C.
Bohrer, Herbert A.
Boland, Lawrence J., Jr.
Bolcar, James A.
Bolkcom, Daniel L.
Bolton, Dwight E.
Bolton, Patrick J.
Boniface, William S.
Bookwalter, James M.
Boomhower, Paul M.
Boose, Marion S., Jr.
Booth, Bryant F., III
Booth, James E.
Borns, Michael O.
Borries, William G.
Bostaph, Joseph T.
Botwright, Richard E.
Boucher, David L.
Bouck, William G.
Bouton, Edwin H., Jr.
Boutz, Allen R.
Bowen, John D., III
Bowen, Vernon R.
Bowlin, James F., Jr.
Boyd, Garland A., Jr.
Boyd, John T.
Boyd, William L.
Boyd, William K., Jr.
Boyden, John P.
Boyle, Jerome P.
Brackett, Vincent G.
Bradford, Gregory C.
Brady, Peter D.
Bragg, Noel W.
Brake, Terry A.
Braman, Frederick A.
Bramlett, William T., II
Brandes, John C.
Brandon, George A.
Brandt, Ted M.
Brattland, Michael G.
Breedlove, Rodger D.
Breitinger, Thomas L.
Brender, Mark E.
Brennan, Samuel H., Jr.
Brewer, David L., III
Bridge, Frederick L.
Briggs, Frederick L.
Brines, Stephen J.
Brinkac, Michael J.
Brinkmann, William R.
Britt, James F.
Bronson, Robert W., II
Brooke, James R.
Brooks, James A.
Brookshire, Derell T.
Brouse, Robert A.
Brown, Alan J.
Brown, Daniel E.
Brown, David N., III
Brown, Donald C.
Brown, Donald C.
Brown, Harry P., Jr.
Brown, Henry P., Jr.,
Brown, John W.
Brown, John R.
Brown, Leroy A.
Brown, Orville K., Jr.
Brown, Randall R.
Brown, Steven A.
Brown, Tommy R.
Brown, William B., Jr.
Brown, William W., Jr.
Browning, Dural W.
Bruerton, Charles J.
Brunelli, Duane L.
Bruninghaus, Ronald P.
Bryan, Timothy R.
Bryant, James B.
Bryson, Ronald L.
Bucchi, Toney M.
Buckner, John O.
Buford, Gaston R., Jr.
Bugelski, Michael T.
Bulmer, William R.
Bunce, James S.
Burgin, William E., Jr.
Burkett, Harvey B.
Burnham, Robert M.
Burns, Allen D.
Burton, John H.
Bussey, John K., Jr.
Butkus, Stephen B.
Butler, Bruce A.
Butler, Charles S.
Butler, Gregory C.
Butler, Thomas A.
Butler, William A.
Butt, Cyrus H., IV
Bynum, Ronald O.
Cadden, Charles J.
Cameron, John S., III
Cameron, Robert E.
Camp, Phillip S.
Campbell, Bruce A.
Campbell, Donald L.
Campbell, Richard L., Jr.
Campbell, Richard D.
Canfield, Frank L.
Canty, Benjamin K.
Capilla, Livio N.
Carey, Charles D., III
Carley, Norman J.
Carlin, James J., Jr.
Carlin, Thomas J.
Carlson, Donald J.
Carlson, James A.
Carmody, Michael J.
Carnahan, Thomas M.
Carnevale, Joseph A., Jr.
Carney, James M.
Carr, Russell M.
Carro, Stephen J.
Carson, Steven A.
Carson, Thomas H. III
Carter, Arthur E.
Carter, Larry J.
Casey, Paul J.
Cash, Louie O.
Cashman, Edward J. W.
Casko, John D.
Caspary, Kenneth A.
Casteel, Robert B. II
Cathcart, George R.
Chacon, Gerald M.
Chaffee, Edmund J.
Chambers, Harold D.
Champagne, Lee W.
Chandler, Michael E.
Chaplin, Robert C.
Chapple, Leroy W.
Charbonnet, Pierre N. III
Charley, Michael B.
Charvat, David E.
Chattin, James W.
Childers, Robert B.
Chin Sheck G.
Choate, John P.
Christensen, Bo G.
Christian, Robert H.
Christiansen, Terry G.
Christianson, Robert N.
Christman, John H.
Church, Larry N.
Claeboe, Gregory M.
Clark, Augustus W. III
Clark, Gerald W.
Clark, Harry E.
Clark, James
Clark, Lawrence F.
Clark, Mackenzie C.
Clark, Ray W.
Clark, Robert A.
Clark, William P., Jr.
Clayton, Frederick W. III
Cleghorn, Larry E.
Clemens, Paul D.
Closs, John W.
Cochran, Paul R. III
Cochrane, Michael J.
Cocowitch, John H.
Coen, Ronald L.
Coffer, Joe R.
Cole, Christopher W.
Cole, Fred G.
Coleman, Stephen T.
Coleridge, David T. J.
Collier, Dewey R.
Collins, David O.
Collins, Dennis W.
Collins, James P.
Collins, Martin E.
Collins, Robert S.
Collins, Wyndolin G.
Combs, Osie V., Jr.
Comer, Stephen A.
Condon, John K.
Conkey, John A.
Connell, Royal W., Jr.
Connelly, Michael J.
Conner, Hilton L., Jr.
Conners, Jeffrey D.
Conroy, James L.
Conroy, Thomas Jr.
Conte, Enrico E.
Cook, Louis J., III
Cook, Norman E.
Cook, Roger D.
Ccon, Ralph H., Jr.
Coons, William E.
Cooper, Gary D.
Cooper, Thomas C.
Cooper, Ward J.
Corbin, James H.
Corcoran, Thomas C.
Cordasco, Michael F., Jr.
Corder, Robert A.
Cornwell, Joseph H.
Cosgriff, Kevin J.
Cosgrove, Michael A.
Costello, Thomas P.
Coulter, Daley T.
Covington, George B.
Coward, Thomas W.
Cox, William T.
Cozzolino, Andrew
Cradduck, David C.
Cramer, Mark J.
Crane, Jeffrey R.
Crane, Larry S.
Cranmer, John M.
Cranston, James S.
Crawford, Lyle D., Jr.
Creath, Timothy G.
Crim, Mark A.
Crosby, Richard A.
Cross, James K.
Crowe, Robert K.
Culberson, Jerome J.
Culbertson, Frank L., Jr.
Cumming, John C.
Cummings, Brian J.
Cummings, Harold H., Jr.
Cummings, Jon R.
Curran, Donald J., Jr.
Curry, Daniel L.
Curry, Robert D.
Curry, Ronald K.
Curtis, Kendall W.
Curts, Raymond J.
Custer, Robert C.
Cuzzocrea, John L.
Dabney, Philip J.
Dahlman, Carl E., Jr.
Daigle, Valier J.
Dailey, Leroy
Dale, Charles J.
Daniel, Gerald L.
Daniel, James M.
Daniels, Thomas L.
Darcy, Thomas F.
Dargo, Ronald S.
Darrow, Edward E., Jr.
Davidson, William E.
Davies, Carl R.
Davis, Charles C.
Davis, Jack M.
Davis, Jerrie W.
Davis, John R.
Davis, Mark E.
Davis, Michael E.
Davis, Rodney M.
Day, Jeffrey J.
Day, Ralph D.
Deacon, Glenn R.
Deal, Rocklun A.
DeButts, Harry A., II
Dechene, Philip E.
Deering, Ronald D.
DeFoore, Charles W., Jr.
Delaney, Dennis M.
Delano, Kenneth H.
Deloof, Ronald M.
Demeo, Michael J.
Demmon, William, Jr.
Dennis, Ronald W.
Denny, Donald J.
Denson, Dwight E.
Dent, Michael W.
Deputy, Robert A., Jr.
Derusso, Michael P.
Dick, Lawrence L.
Dickey, Thomas P., Jr.
Dies, Gregory B.
Dietz, Donald M.
Dietz, Douglas W.
Dinger, John P.
Disney, Donald B., Jr.
Dixon, Loren K.
Doan, Carl E.
Dobbs, Gary R.
Dobson, Joseph O., III
Dodd, Carl T.
Dohse, John F.
Dolan, Robert D.
Dolle, James E.
Donahue, Charles R.
Donlon, Stephen E.
Doolin, Robert M.
Doorly, Dale M.
Dote, Michael K.
Doubleday, Michael W.
Dougherty, Patrick J.
Dougherty, Terryll, Jr.
Douglas, Terry S.
Doyle, John J.
Doyle, Martin E., Jr.
Doyle, Patrick M.
Drake, Carroll M.
Dresel, Jon W.
Dresner, Jay D.
Driscoll, Edmund F., II
Driscoll, Michael B.
Driscoll, Michael L.
Dryden, Richard A.
Dryfka, John E.
Dubois, William L.
Duclos, Edward D.
Duffy, Mark E.
Duffy, Michael E.
Duffy, Raymond A.
Duguid, Roger A.
Duke, Boyce W.
Dumas, Edward L.
Dumbauld, Jerry R.
Duncan, Michael G.
Dunlap, Philip S.
Dunne, Patrick W.
Duquette, Marc R.
Durazo, Manuel Y., Jr.
Durst, David P.
Duzy, Charles A.
Dwornik, Richard T.
Dykstra, David A.
Eakin, Philip J.
Easter, David T.
Easterday, Kenneth P., Jr.
Easterling, James T., Jr.
Ebright, Arthur L.
Eckert, Frederick F.
Eden, Michael S.
Edholm, Steven W.
Edington, Ronald J.
Edmondson, Joel M.
Edmonson, Albert C.
Edwards, Jesse D.
Edwards, Kenneth P.
Egan, John R.
Eger, John G.
Eiben, Norman G.
Eichelberger, Kenneth L.
Eldridge, John K.
Elfervig, Leonard R., II
Ellerman, Dean W., Jr.
Elles, Christopher J.
Elliott, Mach T.
Ellison, Daniel A.
Elsen, Morris E.
Emigh, Gerald L.
Enderly, Richard H.
Endo, Victor
Engel, Douglas T.
Engel, Gregory A.
Engh, Robert H.
Englehart, William P.
Ennis, James W.
Enright, Joseph E.
Epperson, Steven P.
Erndle, Daniel E.
Ersek, David A.
Erskine, Robert S.
Erwin, Robert A.
Erwin, Troy J.
Esposito, Vincent J., III
Etnyre, Terrance T.
Etter, Stephen S.
Eubanks, Gordon E., Jr.
Evans, John C.
Everett, Jon B.
Fahy, Edward J., Jr.
Faine, Levarn L.
Faith, Everett W., Jr.
Falkner, James R.
Faltisek, Dale W.
Farley, David L.
Fath, Thomas M.
Fauquet, Ronald L.
Feallock, William J., III
Feeley, Michael E.
Feldman, Brian D.
Fellin, Tom S.
Ferrara, Bernard J.
Ferree, William D.
Fetzer, William W., Jr.
Field, Philip H.
Finch, Randal C.
Finegold, Brian D.
Finley, Richard G.
Finn, Michael P.
Finney, Charles P.
Finney, Robert T.
Finney, Robert D.
Fischer, Joseph C., Jr.
Fischer, William G.
Fishel, Henry G.
Fisher, Joseph T.
Fitchet, Charles B.
Fitzsimons, Michael J.
Fitzsimons, John R.
Fjelde, John A.
Flaherty, Thomas J.
Fleming, Kenneth W.
Flemming, Richard P., Jr.
Flenniken, Michael E.
Fletcher, Patrick J.
Flood, Jeffrey L.
Flores, Pablo J.
Flowers, Philip R.
Fluker, James A.
Fluta, Raymond A.
Flynt, David B.
Fodor, Louis C.
Folkman, Stewart G.
Foltz, Ricky A.
Fontana, Stephen J.
Foraker, Allen S.
Forbes, Clarence
Ford, John F.
Ford, Johnnie E.
Ford, William P.
Formby, Roy G.
Fortik, Donald F.
Foster, Michael S.
Foster, Thomas W.
Foster, Timothy W.
Foulk, Donald L., Jr.
Fowler, Boyd C.
Fox, Jerry W.
Fox, Mark
Fox, Phillip A.
Frame, Daniel A.
Frank, Joel S.
Frankenfield, Howard
Franze; Charles R.
Fraser, Powell A., Jr.
Freedman, Robert N.
Freeland, Thomas L.
Freeman, Russell D.
French, Michael J.
Frieden, David R.
Frimenko, Michael, Jr.
Fritchman, Wilson J.
Fritsch, David G.
Froelich, Clifford A.
Frohlich, Thomas W.
Frye, Mark K.
Fulton, Thomas B.
Funk, William T.
Furrevig, Harold L.
Futral, Donald G.
Gabe, Daniel E.
Gabriel, Daniel W., Jr.
Gaffney, Michael G.
Gafney, Edward J., III
Gaines, James E., Jr.
Galdorisi, George V.
Gallemore, James B.
Gamber, Charles T.
Gann, Virgil E.
Garcia, John S.
Gardner, Grant E.
Gardner, James A.
Garman, James M.
Garnett, Claude, Jr.
Garrison, Rolland R.
Gaskins, James Y.
Gass, Michael R.
Gates, Ronald A.
Gauthier, Normand C.
Gavin, Donald E.
Gavito, Valentin F., Jr.
Gawlik, Joseph A.
Gayler, Ralph
Gearhart, Michael W.
Geddes, Stephen S.
Gee, James T.
Gehl, Michael T.
Geiger, Donald G.
Geister, Joel A., Jr.
Genin, Louis P.
Gerard, Gregory L.
Gessner, Robert L., Jr.
Gibney, William J.
Gibson, Bernard E.
Gibson, William L.
Giffen, Robert C., III
Giger, Charles E.
Gilchrist, Stanley F.
Gilchrist, Stephen D.
Giles, Blaine R.
Gilley, Edward R.
Girvin, Charles R., III
Glanzmann, Christopher F.
Glynn, Dennis W.
Goen, Lewis W.
Gokey, James W.
Golden, Larry F.
Golden, Richard F.
Goldstein, Abraham J.
Golle, Stephen J.
Good, Layne W.
Goodman, Joe A.
Goodrich, Boyd L.
Goodwin, Robert A., III
Gorans, Larry D.
Gorman, John J. Jr.
Gorski, Thomas H.
Gorton, Grant J. II.
Grace, Robert M.
Gragg, Charles H.
Graham, Thomas H.
Graham, William R.
Granade, Walter E.
Grant, Francis J. Jr.
Graves, Davie W.

Gray, Charles L.
Gray, Gary K.
Gray, Richard J.
Graybill, Jon G.
Green, James F.
Green, Kevin P.
Green, Marion W.
Green, Michael J.
Green, Richard H.
Green, Terry A.
Greene, Bobby E.
Greene, Brenton C.
Greene, Everett L.
Greene, Stephen D.
Greksouk, John G.
Griep, Raymond J.
Griffin, Paul M.
Griffin, William R.
Griffith, Russell L.
Griffiths, Charles H., Jr.
Grigsby, Stanley H.
Groenig, Stanley R.
Gross, Thomas M.
Grubb, Francis B., Jr.
Grubbs, Kenneth K.
Guertin, Stanley D.
Guest, Frank B. III
Gunn, Donald P.
Gurke, Lee S.
Gusette, Charles J. III
Gyles, Leon L.
Hafner, Kenneth D.
Haggerty, Jerry M.
Hagstrom, David W.
Hagstrom, Gary J.
Hagy, Michael R.
Hahn, Keith D.
Hahn, Raymond
Hale, John F.
Hale, Nathaniel
Hales, David D.
Hall, Allen E.
Hall, Garry R.
Hall, Gary M.
Hall, Howard R.
Hall, James B.
Hall, Larry W.
Hall, Mark G.
Hall, Ronald E.
Hallenbeck, Amos E., Jr.
Hallihan, Timothy J.
Hamilton, Robert E., Jr.
Hamilton, Thomas D.
Hamilton, William L. III
Hammock, Charles R., Jr.
Hardee, James B.
Harlow, William R., Jr.
Harmon, Sidney W.
Harmon, William C.
Harms, Alfred G., Jr.
Harper, Gregory P.
Harrell, John P., Jr.
Harris, Lester L.
Harrison, John T.
Harrop, John K.
Hart, David T., Jr.
Hart, William S.
Hartmuller, Roger L., Jr.
Harvey, Fred S., Jr.
Harwell, Michael A.
Haseltine, Raymond F.
Haskins, Michael L.
Hass, Timothy F.
Hatcher, Russell L., Jr.
Hatcher, William L. III
Hawkins, Bruce W.
Hawkins, Larry
Hawkins, Stephen G.
Hawkins, Wayne R.
Hawver, William S.
Hayes, Bradd C.
Hayes, James A.
Hayes, Thomas M.
Haynes, Arthur D.
Heard, Chester A.
Heath, Donald E.
Heath, Gregory G.
Heatley, Charles J. III
Hebert, Charles E., Jr.
Hebert, Edward R.
Hedegor, John W.
Heinz, Stephen G.
Held, John M.
Helgeson, Marc A.
Helton, James N.
Hendershot, Robert P.
Hendricks, Leon A.
Henley, Ronald W.
Hennessy, Raymond M.
Henry, Douglas D.
Henry, William D.
Henry, William J., Jr.
Henson, John W.
Herbert, Garry L.
Hergenreter, Dennis D.
Hergenroeder, James
Herger, Joseph F.
Hermanson, Bruce
Hermeling, Theodore A., Jr.
Hershey, Scott H.
Hess, Charles M.
Hess, Mark W.
Hess, Nathan M.
Hewett, Ronald E.
Heyworth, Lawrence III
Hickey, Daniel G.
Hicks, Leonard L.
Higgins, Robert A.
Higgins, Timothy
Hill, Billy P.
Hill, Ronald M.
Hillerman, Larry A.
Hilton, William R.
Himmelwright, Heber H.
Hingle, Leander L., Jr.
Hitt, Curtis W.
Hiveley, Howard D.
Hobgood, Gordon B., Jr.
Hoden, John G. II
Hodermarsky, George T.
Hoert, Michael J.
Hoewing, Gerald L.
Hoffman, James H.
Hoffoss, Peter O.
Hogan, John E.
Hoke, Mark A.
Holewa, John G.
Holland, Frank L., Jr.
Holland, James E.
Holland, William W.
Hollenbach, James W.
Hollimon, Geoffrey L.
Hollingsworth, Arnold G.
Hollister, John E.
Hollowell, Christopher W.
Holmes, Thomas R.
Holmquist, Kurt E.
Holmstrom, Garry
Holt, Benjamin L., Jr.
Holyoak, Joseph G.
Holzmann, Kenneth R.
Homier, Paul A., Jr.
Hooper, James E.
Hope, Roger K.
Hopkins, Hubert D., Jr.
Hoppus, Michael L.
Horais, Brian J.
Hormuth, Thomas P.
Horne, Charles H. Jr.
Horne, Richard A.
Hornung, Scott A.
Horsley, Russell D.
Horton, Daniel W.
Hosier, Mark S.
Houck, Andrew W.
Houck, Oran L.
Houck, Timothy L.
Houk, William A.
Houle, Normand A.
Hovermale, Mark D.
Howard, David G.
Howe, David B.
Howe, Robert H.
Howell, Wayne M.
Hubbard, John H.
Huber, Michael E.
Hughes, Charles E.
Hughes, Joseph A.
Hughes, Thomas F.
Hughes, William R.
Hull, David C.
Hume, John G., Jr.
Humphries, Arthur A.
Hunt, David E.
Hunt, James C.
Hunter, Bruce R.
Hurd, Steven L.
Husser, Louis A., Jr.
Hussey, George O.
Huston, Norman E., Jr.
Hutchins Alfred G., Jr.
Hutchins, Stephen C.
Hyster, David R.
Ibert, Peter J.
Ide, Warren H., Jr.
Inglish, Gary K.
Innella, Michael J.
Irlam, Ross E.
Jackson, David L.
Jackson, John E., Jr.
Jackson, Timothy H.
Jacobs, Robert W.
James, Charles R.
James, Dempsey D.
James, Ronald B.
Janiec, Jan D.
Jannusch, Craig M.
Jans, Jay B.
Jarabak, John P., Jr.
Jarvis, David E.
Jeffcoat, John P.
Jenkins, Craig W.
Jenkins, William F.
Jennings, Wayne D.
Jensen, Jens A.
Jensen, John A.
Jensen, Jon R.
Jerome, Douglas J.
Jewell, Glenn A.
Jimenez, Jose S.
Joel, Noble F., Jr.
Johanek, James F.
Johanson, Donald W.
Johns, George K.
Johns, Joseph H.
Johnson, Adolph W., Jr.
Johnson, Arthur L.
Johnson, Christopher F., Jr.
Johnson, Dennis J.
Johnson, Gary M.
Johnson, Garland R., Jr.
Johnson, Gregory H.
Johnson, Herman R.
Johnson, Jack M.
Johnson, James D.
Johnson, Larry C.
Johnson, Leo T., Jr.
Johnson, Michael B.
Johnson, Michael J.
Johnson, Michael D.
Johnson, Philip G.
Johnson, Troy R.
Johnson, William F.
Johnston, Phillip L.
Johnstone, Robert J.
Jones, Darrell W.
Jones, Herbert L.
Jones, Isaiah J.
Jones, Jimmie G.
Jones, John H., II
Jordan, James A., Jr.
Jordan, Kenneth S.
Jordan, Robert B.
Josefson, Carl E., Jr.
Junge, Dennis M.
Jurkowsky, Thomas J.
Kaahanui, Melvin
Kaczmarek, Michael H.
Kaider, Donald K.
Kaiser, Michael J.
Kaiser, Wayne G.
Kalil, Thomas P.
Kampen, Roy W.
Kane, Dennis L.
Kane, Jerry A.
Kane, John E., II
Kapinos, James M.
Kapololu, John A.
Karcewski, Stanley J.
Karch, George W.
Karr, William K.
Kasdorf, Roy E.
Kauffman, Jack E.
Kaye, Theodore L.
Keane, Joseph P., Jr.
Keating, Timothy J.
Keck, Alan R.
Keefer, Joel D.
Keefer, Thomas B.
Keehn, Thomas J.
Keenan, Philip V.
Kehoe, Michael J.
Keleher, William P., Jr.
Kelley, Danny B.
Kelley, Daniel W., Jr.
Kelley, Richard G., Jr.
Kellogg, Robert L.
Kelly, Edward W.
Kelly, Frank B.
Kelly, Patrick R.
Kelly, Taylor D.
Kelso, Robert B.
Keltner, Richard F.
Kemp, Curtis A.
Kendall, David C.
Kendall, Gene R.
Kenney, James F.
Kenney, Paul S.
Kent, Lowell R.
Kern, Dennis J.
Ketron, Michael G.
Keyser, Emmett M., III
Kiem, Michael C.
Kilby, William G.
Kimmel, Robert L.
Kincheloe, Everet V.
King, Kendall J.
King, Robert C.
Kirby, Wayne E.
Kirk, Robert W.
Kirkland, Ronald E.
Kissinger, Robert J.
Kismann, Ronald M.
Kleehammer, Thomas
Klein, Fred C.
Klein, William C.
Knudsen, Michael B.
Kocmich, Eugene J.
Koger, Gary L.
Kok, Timothy A.
Kopacz, Anthony J.
Kortman, Gregory M.
Koski, Carlos I.
Kozusko, Frank P. Jr.
Kraay, Earl A.
Kraemer, Francis X., Jr.
Kraft, Robert A.
Kramer, Klaas
Krattli, Robert W.
Kraus, George F. Jr.
Krayer, William E.
Kreutzer, Kenneth L.
Krug, William G.
Krupski, Paul J.
Kubic, Tad A.
Kubovchik, John F., Jr.
Kuhnert, Howard J., Jr.
Kulikowski, Joseph G.
Kutcher, Robert J.
Lafleur, Timothy W.
Lake, Gerald E.
Lake, Robert G.
Lambert, Robert B.
Lamkin, Harry B. III
Lampert, Jerry J.
Lang, Thomas C.
Lanier, Richard J.
Lanning, Robert M.
Lantz, James S.
Large, William R., III
Larkin, Robert J.
Larkins, Markel H.
Larsen, Christopher S.
Larson, David A.
Larson, Gregg D.
Larue, Larry D.
Lashbrook, Daniel F.
Laska, Andrew J.
Lasky, Ralph C.
Lassman, Abraham J.
Laughead, David C.
Laughter, Selwyn S.
Lautares, Peter G., II
Lavigne, David E.
Lawhon, James C.
Lawler, John C.
Leach, John W.
Leard, Ernest L.
Leary, Dennis J.
Lee, Robert E.
Lee, Thomas E.
Leestma, David C.
Legacy, Alan E.
Legrow, Allan W.
Lehman, Jeffrey A.
Lehmann, Ralph H.
Leith, David M.
Lemcool, Richard J.
Lemkin, Bruce S.
Lenfant, Philippe M.
Lengerich, Anthony W.
Lennon, Gerard T., Jr.
Leo, Barry L.
Lepick, Mark H.
Leroy, Richard D.
Leuschner, James W.
Levinge, Charles A.
Levy, James M.
Lewis, Charles S.
Lewis, Jeffrey E.
Lewis, Jerry L.
Lewis, Lowell G.
Lewis, Timothy B.
Ley, Gary W.
Liberatore, Donald J.
Lichwala, Stanley J.
Ligett, Robert D.
Linder, Bruce R.
Lindquist, Robert G.
Lindroos, John F. II
Linnehan, John J. II
Linquist, James E.
Lipscomb, Jeffrey R.
List, Gary H.
Litchko, James P.
Little, Charles E.
Little, William H.
Littleton, Leland K., Jr.
Littleton, Joseph S. III
Livelsberger, Francis S.
Locke, Edward S.
Locke, William N., Jr.
Loessin, Michael M.
Logan, Johnnie M.
Lohrmann, Walter R.
Loiselle, James W.
Long, John H.
Long, Paul B.
Longworth, Michael W.
Lopardo, John P.
Lopresti, Joseph M., Jr.
Loria, Louis C.
Louden, Peter E.
Love, Glenn E.
Love, Robert C., Jr.
Lowe, Allan F.
Loyd, Robert C.
Loynes, James L.
Luce, Robert E.
Luengen, David W.
Luhan, John B.
Lukaszewicz, Joseph T.
Lulu, Michael J.
Lundeen, Roy A.
Lunghofer, Dennis M.
Lutkenhouse, Michael A.
Lydiard, Jeffrey R.
Lynch, Michael J.
Lynch, Ronald
Lynch, William D.
Lyon, Scott R.
MaoDonald, Douglas T.
MacDonald, Thomas L.
MacKenzie, Thomas L.
Mackin, Thomas G.
Mader, James F.
Madey, Stephen L., Jr.
Madurski, Paul E.
Magee, Terry E.
Maggi, Robert W.
Magnino, John D.
Mahaffey, Vaughn E.
Mahoney, Dan M.
Mahoney, Stanton V., Jr.
Main, Glenn A.
Maixner, Michael R.
Maligrave, Fred J., III
Malloch, James E.
Mallory, Harry B., III
Manes, Ezra E., Jr.
Manly, John B., Jr.
Mann, Elmer H.
Mannel, Robert P.
Manning, Robert J.
Manning, Walter W.
Manning, William B., III
Marcell, Frederick C., Jr.
Marchi, John A.
Marecic, Terrence J.
Marion, Kenneth T.
Maris, James R.
Marlow, Francis J.
Marschalk, Peter V.
Marshall, Raymond L.
Marshall, Thomas G.
Martel, Reginald T.
Martin, John T. O.
Martin, John F., III
Martin, Robert R.
Martin, Ronald R.
Martin, Stephen D.
Martini, Perry J., Jr.
Martiny, Leon E.
Marvin, Richard B.
Mason, Charles M., Jr.
Mason, James T.
Mason, Lewis G.
Massenburg, Walter B.
Massengale, Saint E. M.
Mast, Peter A.
Masters, William D.
Mathews, Carl L.

Mathews, Monty G.
Mathewson, Raymond L., Jr.
Mathis, Michael G.
Mattison, Dennies L.
Mattix, Thomas M.
Mattos, John C.
Mauro, Charles T.
Maxey, James R., II
Maxey, John D.
Maxwell, Clarke A.
May, Michael D.
Mayberry, Jack B.
Mayers, Joseph
Mazzeo, Daniel P.
McAllister, James P.
McBride, Michael P.
McCampbell, David P.
McCarley, Theodore K.
McCarthy, Morton E., Jr.
McCarty, Franklin B.
McCarty, James D.
McClane, James L.
McClendon, Erwin L.
McCleskey, Dale L.
McClund, Doyle C.
McClure, Bruce P.
McComb, Lorne B.
McCombie, Ryan J.
McCort, Daniel R.
McCoy, Ernest V.
McCroskey, Bruce A.
McCuddin, Michael E.
McDermott, James K.
McDevitt, Gerald R.
McDougal, James M.
McDougal, Willard B.
McDougall, Fred D.
McDowell, Joel G.
McElraft, Ronald D.
McFalls, Tommy R.
McFee, Michael G.
McGalliard, Gene R.
McGill, John B.
McGillvray, John W., Jr.
McGlothen, James B.
McGrath, Thomas R.
McHale, Robert V.
McKinney, George R.
McLaughlin, David E.
McLaughlin, Timothy M.
McLean, Bruce D.
McLochlin, John M.
McMacken, John C.
McManus, Donald E.
McManus, Michael P.
McMunn, Brock A.
McNamara, Robert J.
McPherron, Charles A.
McQuaig, Michael G.
McQueeney, Michael E.
McWane, Rodney R.
Meacham, George E., II
Mead, Willie J.
Meadowcraft, Robert A.
Meister, John T.
Mellin, Peter J.
Mello, Gerald C.
Melson, Frank B., Jr.
Melton, Daryl K.
Merkl, Richard L.
Merrill, Wayne R.
Merwin, Ronald J.
Meurer, Robert H., Jr.
Meyers, William J.
Meyers, William A.
Middle, James L.
Mikusi, Frank C.
Millar, Randall H.
Miller, Alexander A.
Miller, Arlington R., Jr.
Miller, Bruce L.
Miller, Charles K., Jr.
Miller, David B.
Miller, Donald D.
Miller, Donald P.
Miller, Paul L.
Miller, Steven M.
Miller, William H.
Miller, William G., Jr.
Mills, Phillip H.
Milsted, Charles E., Jr.
Minor, Donald A.
Miskill, Donald K., Jr.
Mitchell, Billie E.
Mitchell, James P.
Mitchell, Larry J.
Mitchum, Kenneth R.
Mocock, William R.
Modes, Ronald W.
Moe, George L.
Molochko, Gerald A.
Moloney, Rodger T.
Montemarano, Anthony S.
Montgomery, Glenn H.
Montgomery, Henry E., Jr.
Moody, Jack O.
Moon, Raymond L.
Moore, Edmund E.
Moore, Gerald L.
Moore, Richard S., Jr.
Moore, Wayne T.
Morgan, James C., Jr.
Mori, Donald P.
Morneau, Michael L.
Morris, Ernest L., Jr.
Morris, Fredericke M.
Morris, John T.
Morris, Leon
Morton, Thomas W.
Moseley, James R.
Mosey, David M.
Motolenich, Stephen E., Jr.
Mowrey, Gary S.
Muetzel, Michael P.
Mulder, Keith P.
Mulkern, Trent C.
Mullins, Patrick C.
Mulvany, Gregg P.
Murchison, Grover R.
Murdock, Thomas E.
Murphy, Brian F.
Murphy, Daniel J., Jr.
Murphy, Patrick J., Jr.
Murphy, Timothy J.
Murray, Craig H.
Musso, Thomas F.
Nacht, John J.
Nadeau, James C.
Nadeau, Walter H., Jr.
Naifeh, William C.
Nance, Roger A.
Neasham, Edwin L.
Nededog, Jose T.
Neel, Frederick H.
Neely, Frederick C.
Neil, Robert H.
Nelms, Larry W.
Nelson, Frederick D.
Nelson, George R., Jr.
Nelson, Neal J.
Nelson, Robert E.
Nelson, Robert C.
Nelson, William H.
Nemec, Johnnie F.
Neuhart, Mark D.
Newman, Micajah W.
Nichols, Raymond J., Jr.
Nicholson, Harry X., III
Nickelson, Bobby L.
Nickens, Donnell J.
Nicolin, Kevin C.
Niedenthal, William J.
Nielsen, Eugene K.
Niemczyk, Robert R.
Nintzel, Christopher A.
Nise, James R.
Nolan, Carl W.
Noland, James T., Jr.
Nold, William F.
Nolin, Bruce E.
Noll, John B.
Nord, Michael J.
Norris, John A.
Norris, Rick J.
Norris, Richard D.
Nottke, Bruce A.
Nute, John P.
Nye, Eric B.
Nye, Richmond R.
Oakes, Delbert, Jr.
Oatley, Eugene T.
Obannon, Kenneth L.
Obrien, Paul E., Jr.
Obryon, Raymond T.
Oconnell, Patrick M.
Oconnor, Michael L.
Odea, James E.
Odell, James M.
O'Dell, Paul Jr.
Odland, David J.
O'Donnell, Brendan J.
Offerdahl, David C.
Offerle, Robert A.
Ogurek, Robert F.
Ohlemeyer, Richard T.
Olde, Frederick G., III
O'Leary, Joseph L.
O'Neill, John P., Jr.
O'Neill, Richard P.
Organek, William E.
Ormsbee, Richard B.
Ortmann, Robert A.
Orton, Frederick C.
Osier, Christopher
Oslund, Dwayne A.
O'Sullivan, Patrick L.
O'Sullivan, John
O'Sullivan, George D.
Oswald, Louis J., III
Oswald, Thomas J.
Othmer, John A.
Ottesen, James J.
Overall, Vernon H.
Oyler, John M.
Pacentrilli, Larry A.
Padgett, Gerald A.
Paleck, Robert H.
Palmer, James D.
Palsgrove, Russell T.
Panzigrau, Jerome E.
Para, Alan E.
Parish, Richard J.
Parker, David J.
Parker, Jay P.
Parker, Lutrelle F., Jr.
Parker, Wendell E.
Parkes, Thomas J.
Parks, Edward J.
Parks, Philip D.
Parlet, Robert D.
Parr, Larry S.
Parrish, Joseph V.
Parsons, Robert E.
Partin, Thomas L.
Patch, Gregory R.
Patrick, Peter D.
Patterson, Shonnie J.
Patterson, Thomas G., Jr.
Patton, John A.
Paul, James
Paulson, John J.
Paulus, Richard A.
Payne, Robert L., Jr.
Payton, John D.
Peairs, Gregory R.
Pearce, Richard I.
Pearl, John E., Sr.
Pearson, Charles W., II
Peck, James E.
Peele, Franklin D.
Penix, Larry E.
Percival, William L.
Perin, Jeffery M.
Perkins, Kevin P.
Perras, Wayne I.
Perrault, Thomas J.
Perrin, Robert W.
Perry, Eugene J.
Perry, James E.
Perry, James S.
Perry, Oliver H., III
Persson, Michael E.
Peterman, Ronald R.
Peters, Kerry A.
Peters, Wayne A.
Petersen, John S.
Petersen, Richard M.
Petrea, Howard A., Jr.
Petrie, John N.
Pety, Marion A.
Petty, Randolph A.
Pfuhl, John F.
Phillips, Donald W.
Pichardo, Fortunato, Jr.
Pickelsimer, Billy M.
Pierce, Roger A.
Pierce, Steven D.
Pierson, David A.
Pilnick, Steven E.
Pine, John S.
Pittman, Charles W., III
Pittman, Norward T.
Plank, Richard G., Jr.
Plautz, Dennis H.
Plunkett, Eddie L.
Poch, Henry W., Jr.
Pokrywka, James M.
Polatty, David P., III
Pollack, Michael A.
Poole, Timothy E.
Poorman, Kenneth A.
Popikas, Charles F.
Porritt, Richard H., Jr.
Porter, David G.
Porter, Thomas P.
Porterfield, Richard B.
Posnett, William L., III
Post, Richard A.
Potter, David L.
Pounds, John W., Jr.
Powell, Frank R.
Powell, John R.
Powers, Lynn F.
Powrie, Stuart R.
Prather, David W.
Prendergast, Timothy E.
Prestidge, Ronald O.
Prevar, John E.
Prevette, Henry S., Jr.
Price, Michael L.
Prior, Melville E., Jr.
Pruter, Thomas J.
Ptak, Alan C.
Purvis, Johnny G.
Puryear, Eric P.
Pyles, Steve
Quadri, Anton S.
Quartano, Anthony G.
Quigley, Thomas K.
Quinn, Richard E., Jr.
Quinn, Timothy J., Jr.
Radack, James P.
Radeackar, Randy J.
Radich, Thomas F.
Ragen, Michael W.
Ragghianti, Charles F.
Ragnetti, Michael J., Jr.
Raines, Thomas S.
Rankin, Robert H.
Rannells, David A.
Ratliff, Perry M.
Rauch, Dale A.
Reasoner, James D., Jr.
Redmond, Douglas C.
Redshaw, Michael D.
Reece, Stephen M.
Reed, Billie M.
Reed, Kenneth J.
Reed, Michael R.
Reese, Gary A.
Reese, James C.
Reese, Michael J.
Reeve, Edward J.
Reeves, Donald R.
Reeves, Thomas E.
Reeves, Wayne R.
Reilly, David J.
Reitz, Stephen L.
Remer, James W.
Repicky, John J., Jr.
Resing, David C.
Revolinsky, Joseph A.
Reynolds, John C.
Rhodes, John A.
Rhodes, Thomas W., Jr.
Rhudy, Carl E.
Rice, Robert E., Jr.
Richards, Neil R.
Richards, Philip E.
Richardson, Donald C.
Richardson, Isaac E., III
Richardson, Jack
Richardson, James D.
Richardson, Kenneth A.
Rickman, Loy D., Jr.
Rickman, William L.
Riddle, Richard A.
Ridgway, Donald C.
Riedy, John A.
Riegger, Robert R.
Riggs, Marvin J.
Ringer, Charles E., Jr.
Riordan, Michael E.
Rish, Robert D.
Rivenes, Iver J., III
Rivera, Jaime
Rivera, Robert
Robbins, Brian A.
Roberson, William H., III
Roberts, Dana A.
Roberts, John D. F.
Roberts, Michael C.
Roberts, Paul E.
Roberts, Peter G.
Roberts, Ralph D., Jr.
Robertson, Ronald L.
Robey, Richard E., Jr.
Robillard, Ronald W.
Robinson, John G.
Robinson, John D., Jr.
Robison, Richard A.
Roble, Woodrow J.
Rocklein, Timothy A.
Rockwell, Donald E., III
Rodeffer, Ronnie L.
Roderick, Dennis P.
Rodgers, Richard L.
Rodgers, William K.
Roemer, Geoffrey S.
Rogers, James E.
Rogers, John D.
Rogers, Mark A.
Rohlfs, H. Warren, Jr.
Rollins, David C.
Romann, John E.
Roper, John N., III
Rosenberg, Leo C.
Ross, Jessie C., Jr.
Ross, Jim A.
Ross, John C.
Ross, Robert J.
Ross, Robert R.
Ross, Stephen C.
Ross, Walter L., Jr.
Route, Ronald A.
Rowe, Daniel J.
Royal, Robert L.
Rubel, Robert C.
Rubino, Woody M.
Ruggles, Clifford L.
Rundall, David G.
Rundberg, Edward E.
Ruryk, Mirian E.
Russell, Howard S.
Russell, Paul K.
Russell, Robert W.
Rutherford, Allan
Rutkowski, Edwin G.
Rutledge, William C.
Ryan, Dennis L., III
Rybinski, Michael
Sack, Alvin L.
Sackett, Craig P.
Sagi, John P.
Sakre, Larry L.
Salemi, Edward M.
Salinas, Manuel G.
Samar, Jack J., Jr.
Sampson, John A.
Samuel, Gary B.
Sanders, John R.
Sandknop, John B.
Sanford, Leslie M., Jr.
Santangelo, James A.
Sassen, Grant W.
Sauls, Aubrey P.
Saunders, Kennth P.
Saur, Joseph M.
Savage, Robert R.
Savidge, Patrick J.
Sax, Karl, II
Scamihorn, Marvin R.
Scarbo, Kurt M.
Schack, Robert P.
Schaeffer, Jacob D.
Schalk, John E.
Schall, George E., Jr.
Scheine, Murray
Schempf, Peter W.
Schepman, Dennis W.
Scherr, Michael R.
Schild, William A.
Schmidt, Joseph D., Jr.
Schmidt, Robert H.
Schmidt, William R.
Schmiemann, John A.
Schneberger, Scott L.
Schneider, James E.
Schneider, Richard C.
Schnellenberger, James E.
Schobert, Frederick G. Jr.
Schoonover, Robert A.
Schopp, Dean W.
Schork, John F.
Schoulda, Craig C.
Schrobo, Stephen M.
Schroeder, Milton D.
Schuknecht, Richard E.
Schuler, John J.
Schutzman, Jay S.
Schwab, John B.
Schwaller, Gregory A.
Schwartz, Robert W.
Schwenke, George W.
Scott, Charles R.
Scott, Donald G.
Scott, Jeff C.
Scott, John E.
Scott, Kenneath H., Jr.
Sebastian, Stacy E.
Seckinger, David N.
Secorsky, Thomas A.
Seeley, John R., Jr.
Seelos, Robert C.
Seefers, William J.
Seitz, Thomas A.
Selde, Peter J.

Sellers, Ronald E.
Sentman, Orville L.
Serhan, Marvin T.
Shannon, John T.
Sharp, Larry R.
Sharpe, Bruce E.
Shatzer, Lewis A., Jr.
Shaver, Eric B.
Shaw, Daniel N.
Shaw, David R.
Shaw, Samuel D.
Sheffield, Harold L.
Shekem, Murat
Shepard, Douglas L.
Shepherd, Wilbur F.
Shepherd, William M.
Sheppard, Bruce E.
Sheppard, Walter T.
Sheppard, William L., Jr.
Sherer, Charles T., III
Sherfesee, Louis, III
Sherrard, John C.
Sherrard, Martin V.
Sherry, Kevin J.
Shields, Robert D.
Shoaff, Ray L., Jr.
Shockley, William R.
Shonk, Merwyn R.
Shuff, Allen R.
Shuk, John G.
Shuman, Edward S.
Shutt, William L.
Sides, John E.
Sigmon, Kennis L.
Silvers, Richard A.
Simmons, John W., II
Simmons, Michael L.
Simpkins, Earl L., Jr.
Simpson, Paul L.
Sinclair, William F., Jr.
Sipe, Charles R., Jr.
Siple, Roy C.
Sirmans, Lance D.
Sitler, Stephen D.
Skahan, Michael W.
Skidmore, Maynard B.
Skille, Alan J.
Skinner, William E.
Skirm, George L., III
Skurski, Paul R.
Slater, Arthur F.
Slaton, Steven G.
Slattery, Patrick J.
Slowik, Robert L.
Smartt, Douglas A.
Smith, Charles H.
Smith, Chester B.
Smith, Douglas V.
Smith, Gary J. E.
Smith, Gary L.
Smith, Gregory C.
Smith, Harris L.
Smith, Jeffrey T.
Smith, Jerry C.
Smith, Lawrence D.
Smith, Paul T.
Smith, Richard C.
Smith, Richard M.
Smith, Richard M., Jr.
Smith, Stephen W.
Smith, Steven M.
Smith, Stuart W.
Smith, Thomas E.
Smith, Thomas M.
Smith, Thomas P.
Smoogen, James L.
Snell, Dean A.
Snell, Stephen F.
Snigg, Steven W.
Snyder, Michael D.
Sohl, John H. III
Solomon, Robert
Somers, Larry L.
Sontag, William C.
Sorrentino, Ludwig A.
Sowa, Phillip L.
Sowers, Bobby G.
Sowers, Gary G.
Sowers, James R.
Spangler, Gary G.
Spaulding, Robert P., Jr.
Speer, John P.
Speer, Robert G.
Spencer, Charles H., Jr.
Sperberg, Lester W., Jr.
Sponholz, Richard O.
Spratt, Warren E., Jr.
Squires, Monte A.
Stables, Thomas B., III
Staehli, Christopher P.
Staehr, James P.
Stamets, Jon A.
Stankoski, John S.
Stansfield, James D., III
Staples, Ralph E., Jr.
Stark, Richard R.
Stark, Terry M.
Stark, Thomas A.,
Starr, Kenneth W.,
Stasi, Frank A., Jr.,
St Clair, Kenneth M., Jr.
Steding, Michael W.
Steelman, William J.
Steffen, David J.
Stephens, Robert C.
Stepenson, Thomas R.
Steussy, William H.
Stevens, Ira B.
Stevens, Paul H.
Stevenson, Charles A.
Steward, Paul E., Jr.
Stewart. Frank W.
Stewart, Richard K.
Stewart, Richard M.
Stewart, William D.
Stites, Lloyd T., Jr.
Stoddard, David V.
Stoddard, Larry C.
Stomboli, James R.
Stone, James B., Jr.
Stone, Timothy G.
Stoner, Donald W.
Storer, David G.
Storez, Robert A.
Strain, Hugh J.
Strait, Chester E.
Strickland, Leroy H.
Strickland, Peter B.
Strohofer, Clifford J., Jr.
Struble, James F.
Stuart, Robert W.
Stuckert, Bruce T.
Stuermann, Walter P.
Stuhlman, Robert H.
Stull, Mark J.
Sturm, James R.
Stutler, Frank O., Jr.
Subalusky, William T., Jr.
Sullivan, Edward L.
Sullivan, Kerry J.
Suman, Steven M.
Summerlin, Michael D.
Sundin, Melvin L.
Sutter, Ellis D., III
Swain, Donald A.
Swanberg, Geoffrey M.
Swanson, Raymond P.
Swartz, Lowell F.
Sweet, John L.
Szemborski, Stanley R.
Szydlowski, Chester P.
Tabing, Mark D.
Tackett, Kevin J.
Talipsky, Richard W.
Talton, George M., III
Taplett, Kenneth J.
Tate, Russell E.
Taylor, Arch E.
Taylor, Donald W.
Taylor, James E.
Taylor, Joseph E.
Taylor, Lee B.
Taylor, Robert E.
Taylor, Ronald D.
Taylor, Samuel W.
Tennant, John W.
Terlizzi, Thomas P.
Terrell, Mark R.
Tetlow, Philip C.
Tetlow, Thomas G.
Thaggard, Robert S., Jr.
Thalman, David M.
Thames, Charles M.
Thayer, Paul L.
Therrien, Alfred E.
Thomas, Donald R.
Thomas, Francis F.
Thomas, Harry F.
Thomas, Joseph W.
Thomas, Mark A.
Thomas, Michael C.
Thompson, Alan J.
Thompson, Charles E.
Thompson, Clarence E.
Thompson, George A.
Thompson, James J.
Thompson, Jerry D.
Thomson, David D.
Thornton, James T.
Thorpe, Lloyd A.
Thurman, Alan B.
Thyfault, Marion E.
Tierney, Glenn P.
Tilden, Averill E.
Timmester, Terry W.
Timms, Terry W.
Tipps, Richard D.
Tipsword, William H., Jr.
Tody, Stephen L.
Toennies, Peter E.
Tomlinson, Phillip F.
Toney, James H.
Torres, Alexander G.
Tosatto, Francis L.
Towcimak, William R., Jr.
Townes, John W., III
Townsend, James L.
Townsend, Ronald D.
Travis, Thomas L.
Tribelhorn, Ronald W.
Trudell, Michael A.
Truitt, Benjamin
Trytten, Dean O.
Tucker, Charles W.
Tucker, Malcolm R.
Tuggle, Richard H.
Turnbull, Steven S.
Turner, Donald P.
Turner, James S., Jr.
Turner, Jay E.
Turner, Terry L.
Turriff, David J.
Turville, William C., Jr.
Tuttle, Larry J.
Tyler, Warner R.
Ulaszewski, Terence J.
Ulrich, Henry G., III
Underwood, Jefferson G.
Uplinger, Joseph C.
Usis, Felix M., III
Utermohlen, Frank H.
Utsch, Frank R.
Utschig, Thomas J.
Utterback, Robert A.
Uttich, Richard M.
Valenta, David M.
Vandeman, Frank L., IV
Vandover, David L.
Vanhoy, William A.
Varley, John C.
Vassar, William L.
Veldstra, Daniel R.
Venable, Ted J.
Verbrugge, Kenneth E.
Vercher, John B.
Vetsch, William J.
Vick, Paul S.
Viglienzone, Dennis E.
Villarosa, John P.
Vines, Larry P., Sr.
Vogel, Paul H.
Wade, Phillip M.
Wadington, Clair A.
Wagemaker, Wallace J.
Wagner, Cort D.
Wagner, Randall D.
Wais, Richard J.
Wakefield, Stanley I.
Wakeman, Mark
Wales, Richard A.
Walker, David L.
Walker, Donald B.
Walker, Frank T., Jr.
Walker, John B.
Wall, Allan D.
Wallace, David K.
Wallace, Edward C.
Wallace, Howard A., Jr.
Walsh, Thomas M.
Walters, Chester H.
Walters, John J.
Walters, Ronald W.
Walton, Jerry E.
Ward, Charles R.
Wargo, Joseph W.
Warren, Floyd D., Jr.
Washam, Gary I.
Watson, Chester A., Jr.
Watson, John L.
Watson, John R.
Watt, Alexander Y., Jr.
Weatherington, Michael W.
Weaver, Charles S.
Weaver, Christopher E.
Webber, Thomas C.
Webber, William L., Ill.
Wedding, Gregory L.
Wegrzyn, Raymond R.
Weiss, Christopher L.
Welch, Daniel R.
Weller, Wayne L.
Welling, David C.
Wellman, William E.
Welsh, Edward J., III
Welsh, Harold K., Jr.
Wendling, Joseph A.
Werner, Gerald C.
Wesselhoff, Stephen T.
Wessman, Mark D.
West, James C., Jr.
West, Michael C.
Westbrook, Gary M.
Westhoff, Dennis A.
Westmoreland, William D.
Wharton, Darryl M.
Wheeler, Richard C.
Whiddon, William D.
Whilden, Francis C.
Whitaker, Charles H., Jr.
White, Bradley T.
White, Grover L., III
White, Harold K.
White, Joseph M.
White, Paul M.
White, Phillip J.
Whitmire, Dewey L.
Whitney, Darrell E.
Whitney, John D.
Whitt, David F.
Whittle, Alfred J., III
Wick, Carl E.
Wiggins, Bryan D., Jr.
Wiggins, Ronald L., Jr.
Wile, Ted S.
Wiley, Ronald A.
Wilhelm, John R., Jr.
Wilkins, Bruce A.
Willard, Jimmy W.
Willenbrock, Eric F.
Williams, Bruce A.
Williams, Charles B.
Williams, Douglas H.
Williams, David M.
Williams, Donald G., Jr.
Williams, Galbraith D., Jr.
Williams, Gary E.
Williams, Marcus S.
Williams, Michael L.
Williams, Willie L.
Williams, William R.
Williamson, John D.
Willis, Thurman L.
Wilmoth, James W.
Wilson, Bryan P.
Wilson, Eric T.
Wilson, Geoffrey P.
Wilson, James T.
Wilson, John E.
Wilson, Larry L.
Wilson, Millard J.
Wilson, Steven D.
Winsted, Bradley Y.
Winter, Dennis A.
Winter, John H.
Wise, John R.
Wittkamp, Thomas M.
Wittmann, William W.
Wnek, Francis M.
Wolfe, Wayne L.
Wolford, Earl L.
Wolking, Fred L.
Wood, Don A.
Wood, Robert A., Jr.
Woodard, John H.
Woodford, Joseph P.
Woolard, Reginald W., II
Wooldridge, Gregory C.
Worley, James L.
Worms, Brent L.
Worwetz, Harry J.
Wright, Jon R.
Wright, Richard F.
Wright, Wilbur G.
Wunsch, Charles S.
Wylie, James M., Jr.
Yeatman, Lawrence L.
Yee, Thomas H.
Yonce, William S.
York, William J.
Young, Cassin, II
Young, David K.
Young, Kerry A.
Youngblood, David R., Jr.
Youngman, Kenneth R., Jr.
Yount, Richart F.
Zajicek, Richard G.
Zakem, Jeffrey S.
Zambernardi, Paul A.
Zell, William B., Jr.
Zeilinski, Leon J.
Zeitler, George D.
Zitzelman, Philip W.
Zysk, Thomas S.

The following-named women lieutenants of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the line, pursuant to title 10, United States Code, sections 5771 and 5791, subject to qualification therefor as provided by law:

Adams, Mary P.
Almendinger, Sylvia S.
Batchellor, Mary P.
Berger, Janellyn L.
Berkowitz, Anne L.
Beuerlein, Susan C.
Blackwood, Elizabeth A.
Bradshaw, Norine A.
Brenneman, Cynthia A
Brown, Nellie R.
Civiello, Constance E.
Clemons, Patricia E.
Coffey, Rickee E.
Darnstaedt, Gloria J.
Day, Sharon P.
Deal, Carolyn F.
Debien, Margaret S.
Elkins, Marlene M.
Estrada, Carmen C.
Evans, Carol A.
Ferris, Judith B.
Foley, Kathleen J.
Froman, Veronica Z.
George, Caroline W.
Golden, Mary F. S.
Grabiel, Marolee
Gramprie, Gail L.
Gurke, Sharon M.
Hallahan, Dorothy E.
Hammer, Susan C.
Hanel, Lynne E.
Haney, Connie L.
Harlow, Margaret A.
Harrisonbrown, Dorothy S.
Heil, Frances T.
Hoag, Trudy L.
Hufford, Harriett M.
Janssens, Carol J.
Keefer, Jolene K.
Latsch, Bonnie C.
Lentz, Linda M.
Liberatore, Mary A.
Maulin, Margaret A.
McLean, Carolyn J.
Meldrum, Mary S.
Messier, Dorothy L.
Miller, Barbara J.
Miskelly, Elizabeth T.
Mullen, Kathleen A.
Nevins, Linda G.
Oliver, Diane E.
O'Meara, Jacqueline
O'Sullivan, Kathleen
Paige, Kathleen K.
Prevatte, Carolyn V.
Ricker, Margaret A.
Robinson, Sherry L.
Rose, Marilyn R.
Schmidt, Dorothy J.
Shaughnessy, Ruth C.
Shipman, Mary C.
Smith, Linda M.
Stevenson, Susan M.
Turrentine, LuAnne A.
Vatikiotis, Darlene W.
Walker, Mary A.
Washington, Audrey L.
Wiechert, Annette M.
Wiegand, Sue L.
Williams, Arrena S.
Winkler, Valerie B.
Wood, Nancy E.
Wright, Catherine S.

### In the Marine Corps

The following-named U.S. Naval Academy graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, pursuant to title 10, U.S. Code, section 5573, subject to the qualifications therefor as provided by law:

Adams, John H.
Albertson, Scott A.
Allen, John J.
Allen, Travis M.
Aller, Robert C.
Anderson, David R.

Baczkowski, Ronald F.
Baden, Kurt A.
Barkell, Leland H.
Barker, Howard F.
Barnhill, Leander D.
Bartow, Allen B.
Bergman, Kenneth R.
Berry, John L.
Bizzaro, Michael J.
Blackwell, William B.
Bott, Richard P.
Brownlowe, James F.
Burke, Nancy L.
Burke, Thomas L.
Burlingham, Donald M.
Burnham, Lyle J.
Burr, Monte L.
Bush, Jeffrey L.
Cadwell, Stephen P.
Cassiano, Francis A., Jr.
Castagnero, Michael C.
Chandler, Gerald R., Jr.
Clement, William I.
Cline, Richard G.
Cloninger, John L.
Colvin, Jeffrey T.
Cotsonas, Peter J.
Cotterell, Robert A.
Crabbe, James A.
Dambra, David F.
Damm, Raymond C., Jr.
Davis, William W.
Dimarco, Edward P., Jr.
Dorsey, Joshua W., IV
Durham, Elizabeth W.
Edmonson, Richard D.
Elliott, Kris
Emerick, David P.
Ferguson, Bert M.
Flack, Kenneth N.
Forde, Eric J.
Forni, Ernest H., III
Futch, Lee P.
Galli, John E.
Garrett, Joseph D., Jr.
Gaskill, Peyton T.
Glosser, Gordon W.
Good, Patrick R.
Grabbe, Michael T.
Graham, John B.
Griffith, Edwin J.
Griggs, Frederick R., III
Haines, David C.
Hayes, Mark E.
Haynes, James R.
Heidhausen, Eric
**Henderson, Kathleen G.**
Henry, Hugh A.
Hill, Jean-Pierre
Houck, Richard G.
**Howard, Charlton T., III**
Howard, Glen W.
Huetteman, Mark A.
Hunter, Gregory B.
Igel, John R.
Ingram, Donald M.
Jamison, James F.
Janisko, Robert P.
Jones, Ronald C., Jr.
Jones, Russell I.
Josiah, Arcelio H.
Kirby, John C., Jr.
Kish, David A.
Kluba, Robert F., Jr.
Kohlman, Ralph H.
Korzan, Lee
Lampugnano, Matthew
Lefler, Patrick F.
Lehenbauer, Dale L.
Lengyel, David M.
Levin, Ross M.
Lindblad, Thomas J.
Lloyd, Scot D.
Lohneiss, Robert F., Jr.
Loviza, Thomas P.
Lowe, John A.
Lynch, Robert E., Jr.
MacInnes, Richard L.
Manns, Edwin
Martinez, George G., Jr.
Martynenko, Alexander V.
McDonald, Michael G.
McKinney, Franklin D., Jr.
McLean, Gary D.
McMaster, John D.
Meek, Virgil D. D.
Miller, George T.
Mines, Janie L.
Mislick, Gregory K.
Mullikin, Michael E.
Nagao, Daniel R.
Nivala, Gregg R.
O'Donoghue, Dennis P.
Olsen, Mark T.
Padilla, Reuben A.
Paris, Jon E.
Pickering, Richard A.
Porr, Walter H., Jr.
Quinn, Michael E.
Raggo, Steven L.
Randall, Jerome T.
Raum, Henry G.
Raymond, Darryl K.
Riedel, David A.
Rives, Ronald H.
Saballa, Alexis C.
San Agustin, Joseph A.
Schmidt, Christopher W.
Schrader, David L.
Scott, Kevin M.
Sebrechts, Claire A.
Sheffield, Sharon L.
Shultis, Keith C.
Sieczkowski, Keith B.
Skidmore, Harley T., III
Slater, Richard S.
Smith, Gerald G., Jr.
Smith, Lee A., Jr.
Sneed, Marcus
Sorenson, Jeffrey L.
Spehn, Stephen L.
Stoddard, Harold C.
Supchak, Paul H.
Taisey, Bradley C.
Taylor, John G.
Taylor, Patricia R.
Thompson, Charles T.
Thompson, Kenneth J Jr.
Thoreson, Brian E.
Turnock, William S.
Tuset, Jeffrey H.
Ullrich, Thomas S.
Verducci, Anthony J.
Von Lipsey, Roderick K.
Walsh, Kathleen A.
Watkins, Stanley H.
Wenzel, Martin J., Jr.
Williams, Douglas L.
Williams, Montel B.
Woollett, Donald E.
Wykoff, Michael D.
Yates, Thomas M.
Young, Jerry T.

---

# HOUSE OF REPRESENTATIVES—*Tuesday, January 22, 1980*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

*Blessed is the nation whose God is the Lord.*—Psalms 33: 12.

Almighty God, we invoke Your blessing upon us as we begin this new session. With the background of turmoil and anxiety in our world, we open our hearts to Your spirit as You fill our lives with Your love. Take from us all selfishness and undue pride that we may be free to do the works of righteousness. As we experience the power of Your forgiveness and grace, may we live our faith in deeds of service and compassion. Always give us understanding, patience, and wisdom that we may desire reconciliation and peace all our days. Amen.

## CALL OF THE HOUSE

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 232, 96th Congress, the House will now proceed to organizational business.

The Clerk will utilize the electronic system to ascertain the presence of a quorum.

Members will record their presence by electronic device.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 1]

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Ashbrook
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Campbell
Carney
Carter
Cavanaugh
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Daniel, Dan
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frost
Fuqua
Garcia
Gaydos
Giaimo
Gibbons
Gingrich
Ginn
Glickman
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Harkin
Harris
Hawkins
Heckler
Hefner
Hightower
Hillis
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
O'Neill
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Quillen
Rahall
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolpe
Wright
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

☐ 1220

The SPEAKER. On this rollcall, 353 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

## THE JOURNALS

The SPEAKER. The Chair has examined the Journals of January 3, 7, 10, 14,

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

and 17 and announces to the House his approval thereof.

Pursuant to clause 1 of rule I, these Journals stand approved.

## COMMITTEE TO NOTIFY THE PRESIDENT

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 520) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 520

*Resolved,* That a committee of three Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 520

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas (Mr. WRIGHT), the gentleman from Indiana (Mr. BRADEMAS), and the gentleman from Arizona (Mr. RHODES).

## NOTIFICATION TO THE SENATE

Mr. WRIGHT. Mr. Speaker, I offer a privileged resolution (H. Res. 521) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

*Resolved,* That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## DAILY HOUR OF MEETING

Mr. BOLLING. Mr. Speaker, I offer a privileged resolution (H. Res. 522) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 522

*Resolved,* That until otherwise ordered, the hour of meeting of the House shall be, 12 o'clock meridian on Mondays and Tuesdays; 3 o'clock postmeridiem on Wednesdays; 11 o'clock antemeridiem on all other days of the week up to and including May 14, 1980; and that from May 15, 1980, until the end of the second session, the hour of daily meeting of the House shall be 12 o'clock meridian on Mondays and Tuesdays and 10 o'clock antemeridiem on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The gentleman from Texas (Mr. WRIGHT), the gentleman from Indiana (Mr. BRADEMAS), and the gentleman from Arizona (Mr. RHODES) will kindly inform the President of the actions of the House and report back forthwith.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
*January 14, 1980.*

Hon. THOMAS P. O'NEILL, Jr.,
*The Speaker, House of Representatives,*
*Washington, D.C.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:25 P.M. on Monday, January 14, 1980, and said to contain a message from the President concerning Small Business.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
*Clerk, House of Representatives.*
By W. RAYMOND COLLEY,
*Deputy Clerk.*

## VITAL IMPORTANCE OF SMALL BUSINESS TO AMERICAN ECONOMY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–249)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

*To the Congress of the United States:*

I am sending the Congress this Message on Small Business to emphasize the vital importance of the small business sector to the American economy, and to report to you on the steps taken by my Administration to strengthen it.

Our efforts to control inflation, maintain high levels of employment, and stimulate productivity and economic growth depend in large measure upon a strong small business sector. Yet too often in the past the Federal government has been insensitive to the needs and concerns of small business.

It is essential, not just for the sake of the small businessmen and businesswomen of America, but for the economic welfare of the Nation as a whole, that the voice of small business be heard and heeded. I have made a special effort to open my Administration to small business and to maintain a continuing dialogue with its leaders. In addition, in order to focus that dialogue and to provide a forum in which the small business community can develop and transmit its policy recommendations, I have convened a White House Conference on Small Business, which meets in Washington this week. Senator Gaylord Nelson and Congressman Neal Smith have been at the forefront of those urging such a conference. I look forward to receiving the recommendations of the Conference. As the conferees begin their deliberations, I want to report to you on the state of small business, our progress thus far in dealing with its problems and concerns, and our plans for the future.

At the root of the problem of governmental insensitivity is the popular misconception that small business is not a significant factor in our economy. Viewed in the aggregate, there is nothing small about small business. Small businesses account for more than fifty percent of all private employment, forty-three percent of the gross national product, and over half of all inventions.

The small business sector is critically important not just because of its sheer size, but because of the unique way it affects the economy. In the years between 1969 and 1976, small and medium size businesses accounted for virtually all of the net new private sector jobs added to our economy. Employment in firms with 500 or fewer employees increased by 7.5 million, while employment in firms with over 500 employees dropped by 1.2 million.

There is, as well, an aspect of small business which cannot and need not be quantified to demonstrate its importance. Our Nation has grown strong as the land of opportunity in which each individual can aspire to financial security through hard work and enterprise. The pursuit of economic self-realization by free citizens has fueled the most productive economy in the history of the world. And throughout our own history, economic opportunity and political freedom have gone hand in hand, each supporting and reinforcing the other.

Given the crucial roles which small businesses play in our economy and our society, it is incumbent upon us to identify and address those conditions which inhibit their formation and growth. Among the problems small business confronts today, the most acute are:

—the burden of excessive and needless governmental regulation and paperwork requirements.

—the need to improve access to capital to start up new enterprises and finance growth.

—inflation, which often places special strains on smaller businesses less able to pass along cost increases.

—the special problems of members of minority groups and women in starting and building business enterprises.

### REGULATION AND PAPERWORK

When I took office in 1977 I found that 90 separate Federal agencies were issuing regulations at a rate of 7,000 new rules every year. Yet there was no mechanism to assure the cost-effectiveness of such rules, to eliminate overlapping and obsolete rules, or even to require that they be expressed in plain English.

Unnecessary or poorly designed regulations and paperwork requirements hurt the whole economy, but they particularly hurt small business. For example, reporting requirements which may be no more than minor irritants for large enterprises may well involve unacceptable costs for small entrepreneurs.

During the past three years I have

taken a number of steps to reform the regulatory process and eliminate needless burdens. These actions include:

—Issuance of an Executive Order subjecting major regulations to cost-benefit analyses; imposing annual sunset reviews on various regulations; providing for the publication of a Regulatory Calendar to facilitate public participation in the rule-making process; and requiring that regulations be written in plain English.

—Creation of the Regulatory Council to improve coordination of Federal regulatory activities.

—A direction to Federal agencies to develop flexible regulations which take into account the size of the regulated business, and which provide for reduced burdens for smaller businesses where possible.

—As a result of a paperwork reduction program I have initiated, we have reduced by 15% the number of hours Americans spend filling out Federal Government forms.

### CAPITAL NEEDS

A major impediment to the creation of a new business or the expansion of a small one is the difficulty in obtaining financing. During the period immediately prior to my Administration, access to the public capital markets was virtually closed to small businesses. In 1969 there were 548 public offerings of the securities of new or small companies; in 1976 there were a mere 29. At the same time, the cost of debt financing has increased as a result of the actions taken by the Federal Reserve System to reduce inflationary pressures in the economy.

In the face of these serious problems, Congress and this Administration have acted to encourage investment in small and innovative businesses:

—The maximum tax on long-term capital gains has been reduced from 49% to 28%.

—The three-step corporate income tax has been replaced by a five-step rate structure, which lowers the tax on the first $100,000 of corporate income by $7,750.

—The ERISA rules which define the fiduciary responsibility of the Nation's pension fund managers have been amended to encourage prudent investments in small and innovative businesses. These funds, which contain approximately $500 billion in assets, can be a major source of venture capital for our economy.

—The Small Business Administration has greatly expanded its lending activity in the past three years. SBA loans rose from $1.8 billion in 1976 to $3.1 billion in 1979, an increase of 72 percent.

### INFLATION

Inflation is one of the most vexing and intractable problems we face as a Nation. It afflicts all segments of our society, but some elements are especially vulnerable. Small business is one of the sectors that is particularly hard hit.

Cutting down oil imports must be a top priority in fighting inflation. Virtually all of last year's increase in our inflation rate came from OPEC, and we will never control inflation until we control our appetite for imported oil. To help do so I have put in place a national energy policy which will encourage production through a rational deregulated pricing policy and will encourage a shift to coal, our most abundant resource. We have devised effective incentives for energy conservation, and have strongly encouraged the use of solar and renewable resources. I have also called on Congress to enact a Windfall Profits Tax to finance the most massive peacetime effort in American history to develop synthetic alternatives to foreign oil.

Another major line of defense continues to be strict budgetary discipline by the Federal government. My Administration has succeeded, with the cooperation of the Congress, in reducing the Federal deficit from $67 billion to $30 billion in less than three years. The budget that I shall propose for Fiscal Year 1981 will call for a further significant reduction.

In 1976 the Federal deficit represented 4.6% of our gross national product. In 1979, the fiscal year just completed, it was 1.2% of gross national product. In the 1981 budget, shortly to be released, the proposed deficit will be no more than one-half of one percent of gross national product.

We cannot afford to backtrack on our commitment to further deficit reductions. I urge you to join with me in the year ahead in resisting expensive and improvident pressures on the budget which would surely undermine our efforts to contain inflation.

I also urge business and labor to continue to work with us under the voluntary wage and price guidelines which I have put in place.

During a period of high inflation and accompanying high interest rates, many small businesses may face special financing problems. Chairman Volcker has recognized the need for banks to take particular care that small businesses, home buyers, and farmers receive a reasonable share of available funds. I know that the Nation's banking community has responded favorably to the Chairman's suggestion, and I expect it will continue to assure that adequate credit is available to finance the basic needs of the economy.

In addition, I would hope that the banking community would be sensitive to the pricing of small business credit. Decisions regarding rates and availability of credit must be made by each individual institution on a case-by-case basis and in response to local market conditions. At the same time, I hope that banks will act in a manner which recognizes both the critical role small businesses play in our economy and their special needs in a time of increased credit cost.

### MINORITY BUSINESS ENTERPRISE

Members of minority groups are greatly underrepresented in the ranks of small business. Although minorities comprise roughly 18 percent of the population, only 4 percent of the Nation's firms are minority owned, and those firms account for less than 2 percent of all business receipts. Minority entrepreneurs confront unique problems in obtaining capital and often have special requirements for technical assistance. These problems require, and are receiving, the attention of the Federal government:

—Since 1977 we have more than doubled Federal purchases of goods and services from minority firms from $1.1 billion to $2.5 billion in 1979. I am confident that such purchases will exceed $3.5 billion this year.

—In order to promote and coordinate Federal activities in support of minority business development, I have revitalized the Interagency Council for Minority Business Enterprise and asked the Undersecretary of Commerce to report to me on its progress regularly.

—Last year I signed Public Law 95–507 which requires plans for subcontracting to minority and small businesses before sizeable contracts are awarded. I have taken steps to ensure that this legislation is vigorously implemented.

—SBA has greatly expanded its activities in placing Federal procurement contracts with small businesses owned by socially and economically disadvantaged persons under the Section 8(a) program. The value of such contracts rose from $368 million in 1976 to more than $1 billion in 1979.

—In my 1981 budget, I shall propose a new initiative within SBA to provide necessary financial assistance to support the growth and expansion of existing minority firms which have demonstrated their viability.

—I have restructured minority business programs within the Department of Commerce to provide a broad range of technical, advocacy, and support services, and I shall be sending proposed legislation to the Congress to establish a statutory base for the Minority Business Development Agency within the Commerce Department, to administer these programs.

### WOMEN IN BUSINESS

Although women make up more than half of the work force, less than 5% of all United States firms are owned by women, and these firms account for less than one half of one percent of all business receipts. Businesses owned by women tend to be among the smallest and the most vulnerable to the vicissitudes of the economic cycle. Such businesses face major barriers in raising capital and often require considerable management assistance.

To help deal with these problems, I have issued an Executive Order which directs Federal agencies to strengthen the role of women in business and to take affirmative action to include women in management assistance and other business related programs. I have also created an Interagency Committee on Women's Business Enterprise to assure effective implementation of my directive. My Administration is responding with initiatives such as:

—SBA's new pilot mini-loan program which offers women enterpreneurs direct loans with flexible terms.

—In 1981, SBA will increase direct loans targeted to women business owners.

—My 1981 budget will also contain additional funding for SBA management and technical assistance programs designed for women-owned firms.

—The Farmers' Home Administration has targeted $50 million of its Business and Industry Loan Program funding for Fiscal Year 1979 for rural women's projects.

In addition, the Federal Reserve Board is considering actions to strengthen protections against sex discrimination in commercial credit.

### OTHER SMALL BUSINESS INITIATIVES

In addition to the actions I have mentioned, we have initiated a number of other steps which are no less important in our efforts to create a more favorable environment for individual enterprise:

—At my direction, a major interagency review was undertaken to identify policy options to encourage industrial innovation. Because of the key role small business plays in the innovative process, many of the program components which will be implemented as a part of our comprehensive innovation policy will directly benefit small businesses. These include the creation of Corporations for Innovation Development in partnership with States and regions to provide seed capital for promising, innovative enterprises. We will also expand the existing National Science Foundation program which provides funding to small companies to assist in the commercial development of new technologies. We are seeking to strengthen and rationalize the patent system, and we will establish Patent Counsels for Small and Minority Business in the Small Business Administration and the Department of Commerce to assist inventors in bringing their innovations to market.

—I have instructed the Small Business Administration to accelerate the establishment of a small business data base to provide the information needed to guide effective policy-making for the small business sector.

—The Small Business Administration has taken steps to expand and strengthen its advocacy function. With the appointment of the first Chief Counsel for Advocacy in the SBA, the establishment of SBA advocacy offices, and the addition of the SBA to the Regulatory Council, I have moved to ensure that the problems and issues facing small business are addressed wherever relevant policy decisions are made within the Federal government.

### THE PENDING LEGISLATIVE AGENDA

Congress can be justifiably proud of the legislative actions it has taken over the past three years to help create a more favorable climate for small business. There are, however, a number of legislative proposals of great importance to small business now pending or shortly to be submitted which require urgent consideration:

—*Comprehensive Regulatory Reform.* I urge Congress to adopt the comprehensive regulatory reform legislation which I proposed last March. This bill will make permanent and extend to the independent regulatory agencies the regulatory reforms I have already instituted by executive order. Such legislation should also require agencies to give appropriate consideration to alternative forms of regulation which minimize the adverse impacts of agency rules on small business.

—*Paperwork Reduction.* In a Message to Congress last November I called for a passage of a Paperwork Reduction Act. This bill will ensure coordination among agencies to avoid duplicative reporting requirements and will strengthen central oversight of paperwork requirements. I urge its prompt approval.

—*Trucking Deregulation.* The trucking industry is enmeshed in a complex, anti-competitive web of regulation. The existing statutory scheme limits entry, restricts the goods truckers can carry and the routes they can drive, and allows them to meet in secret and fix prices. As a result, transportation costs are inflated by billions of dollars, and precious fuel is wasted. These regulations are particularly harmful to small businessmen who depend on common carriers, as opposed to large corporations which can establish their own private trucking fleets.

I have submitted a bill to open up entry, lift restrictions on commodities and routes, improve service to small towns, and ensure vigorous price competition in the trucking industry. I hope that the Congress will follow its extremely salutory action on airline deregulation with comparable action for the trucking industry.

—*Uniform Patent Policy.* In my Message to Congress on Industrial Innovation last year, I noted that the patent process has become increasingly expensive, time-consuming and unreliable. Its deficiencies have tended particularly to penalize small and independent entrepreneurs. In particular, confusion generated by conflicting policies regarding the disposition of proprietary rights in Federally supported work has seriously inhibited the commercial application of patents resulting from such work. I will shortly submit to Congress proposed legislation to remove this confusion through the establishment of a uniform patent policy. Under this bill, small businesses and universities will retain patent ownership.

—*Securities Law Simplification.* Last month I sent to Congress a proposed "Small Business Issuers' Simplification Act" which will significantly reduce the paperwork and regulatory burdens of small businesses which sell their securities to institutional investors, such as banks, insurance companies and pension funds, and others making investments of at least $100,000. The high costs of compliance with the registration provisions of the Federal securities laws have effectively prevented smaller businesses from raising capital in the public securities markets. Existing paperwork requirements constitute a needless impediment to the raising of capital where the securities are sold to a purchaser well able to fend for itself in the marketplace. This legislation would exempt such transactions from existing statutory registration requirements, while preserving all the present protections of law for small investors. I urge Congress to give it early and favorable consideration.

These initiatives represent parts of a larger process by which we can, working together, make the Federal government the ally of small business, not its adversary. We must recognize that our aspirations for a free and productive society rest to a significant extent upon the fate of America's entrepreneurs, and we must act accordingly. Our job is to provide a climate in which their energies, their enterprise, and their dynamism can work for all Americans. I ask you to join with me in meeting that challenge.

JIMMY CARTER.

THE WHITE HOUSE, *January 14, 1980.*

---

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *January 21, 1980.*

Hon. THOMAS P. O'NEILL, Jr.,
*The Speaker, House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:56 p.m. on Monday, January 21, 1980, and said to contain a message from the President on the State of the Union.

With kind regards, I am,

Sincerely,
EDMUND L. HENSHAW, Jr.,
*Clerk, House of Representatives.*
By W. RAYMOND COLLEY,
*Deputy Clerk.*

---

## STATE OF THE UNION ADDRESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–250)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

*To the Congress of the United States:*

My State of the Union Address will be devoted to a discussion of the most important challenges facing our country as we enter the 1980's.

Over the coming year, those challenges will receive my highest priority and greatest efforts. However, there will also be many other significant areas which will receive my personal commitment, as well as that of my Administration, during the 2nd Session of the 96th Congress.

It is important that Congress, along with the public, be aware of these other vital areas of concern as they listen to my State of the Union Address. In that way, the context of the Address, and my Administration's full message for 1980, can best be understood.

For that reason, I am sending this State of the Union Message to the Congress today, several days before my State of the Union Address.

### CONGRESS

During the last three years, my Administration has developed a very cooperative and productive record with Congress. Landmark legislation has been enacted; major domestic and international problems have been addressed directly and resolved; and a spirit of mutual trust and respect has been restored to Executive-Legislative relations. Indeed, in no other three-year period in our recent past has there been a comparable record of progress and achievement for the American people.

But much more remains to be done. We cannot afford to rest on our record. We cannot fail to complete the agenda begun in the 1970's; we cannot ignore the new challenges of the 1980's.

By continuing to work together, my Administration and the Congress can meet these goals. Our cooperative efforts can help to ensure stable prices and economic growth; a return to energy security; an efficient, responsive government; a strong, unsurpassed defense capability; and world peace.

The program that I have placed before the Congress since 1977, combined with the few new initiatives I will be placing before the Congress this year, will enable us to reach these goals. Our task in this Session is to complete the work on that program. I have no doubt that we can do it. There is no time to waste.

### RECORD OF PROGRESS

When I took office in 1977, our Nation faced a number of serious domestic and international problems:

—the economy had still not recovered from the most serious recession since World War II;

—unemployment was near 8%, and almost 8 million American workers were unemployed;

—no national energy policy existed, and our dependence on foreign oil was rapidly increasing;

—public trust in the integrity and openness of the government was extremely low;

—the Federal government was operating inefficiently in administering essential programs and policies;

—major social problems were being ignored or poorly addressed by the Federal government;

—our defense posture was declining as a result of a continuously shrinking defense budget;

—the strength of the NATO Alliance was at a post-World War II low;

—tensions between Israel and Egypt threatened another Middle East war; and

—America's resolve to oppose international aggression and human rights violations was under serious question.

Over the past 36 months, clear progress has been made in solving the challenges we found in January of 1977:

—the unemployment rate at the end of last year of 5.9% representing a 25% decrease in 3 years; 9 million jobs have been created, and more Americans, 98 million, are at work than at any time in our history;

—major parts of a comprehensive energy program have been enacted; a Department of Energy has been established to administer the program; and Congress is on the verge of enacting the remaining major parts of the energy program;

—confidence in the government's integrity has been restored, and respect for the Government's openness and fairness has been renewed;

—the Government has been made more effective and efficient: the Civil Service system was completely reformed for the first time this century; 13 reorganization initiatives have been proposed to the Congress, approved, and implemented, two new Cabinet departments have been created to consolidate and streamline the government's handling of energy and education problems; inspectors general have been placed in each Cabinet department to combat fraud, waste and other abuses; zero-based budgeting practices have been instituted throughout the Federal Government; cash management reforms have saved hundreds of millions of dollars; the process of issuing regulations has been reformed to eliminate unneeded and incomprehensible regulations; procedures have been established to assure citizen participation in government; and the airline industry has been deregulated, at enormous savings to the consumer.

—critical social problems, many long ignored by the Federal government, have been addressed directly and boldly: an urban policy was developed and implemented, reversing the decline in our urban areas; the Food Stamp program has been expanded and the purchase requirement eliminated; the Social Security System was refinanced to put it on a sound financial basis; the Humphrey-Hawkins Full Employment Act was enacted; Federal assistance for education was expanded by 75%; the minimum wage was increased to levels needed to ease the effects of inflation; affirmative action has been pursued aggressively—more blacks, Hispanics and women have been appointed to senior government positions and to judgeships than at any other time in our history; the ERA ratification deadline was extended to aid the ratification effort; and minority business procurement by the Federal government has more than doubled;

—the decline in defense spending has been reversed; defense spending has increased at a real rate of over 3% in 1979, and I am proposing a real increase in the defense spending level of more than 20% over the next 5 years;

—the NATO Alliance has been revitalized and strengthened through substantially increased resources, new deterrent weapons, and improved coordination; increased emphasis has also been given to conventional force capabilities to meet crises in other areas of the world;

—Egypt and Israel have ended more than 30 years of war through a Peace Treaty that also established a framework for comprehensive peace in the Middle East;

—the commitment of our Nation to pursue human rights throughout the world, in nations which are friendly and those which are not, has been made clear to all;

—our resolve to oppose aggression, such as the illegal invasion of the Soviet Union into Afghanistan, has been supported by tough action.

### LEGISLATIVE PRIORITIES

In the coming legislative session, the last in this Presidential term, I am deeply committed to finishing the agenda that I have placed before the Congress. That agenda has been comprehensive and demanding, but it has also been absolutely essential for our Nation's well being.

I do not plan to add significantly to the agenda this year. Because of the importance of enacting the proposals already before the Congress, and the relatively short Congressional session facing us, I will be limiting my major *new* proposals to a critical few:

—Youth Employment;

—General Revenue Sharing;

—Utility Oil Use Reduction;

—Nuclear Waste Management and Nuclear Regulatory Commission Reorganization;

—Standby Gasoline Rationing Plan; and

—Initiatives implementing my response to the Soviet invasion of Afghanistan.

I am convinced that these new initiatives, along with the major proposals I previously made to the Congress, can be enacted this year, if we have a dedicated, all-out effort on the part of the Administration and the Congress. I pledge such an effort on my part, and that of my Administration.

As in the previous three years, I will be working with you toward the basic goals of:

—Ensuring our economic strength;

—Creating energy security for our nation;

—Enhancing basic human and social needs;

—Making our government more efficient and effective;

—Protecting and enhancing our rights and liberties;

—Preserving and developing our natural resources;

—Building America's military strength;

—Working to resolve international disputes through peaceful means;

—Striving to resolve pressing international economic problems;

—Continuing to support the building of democratic institutions and protecting human rights; and

—Preventing the spread and further development of nuclear weapons.

My highest legislative priorities in each of these areas this year will be:

ENSURING ECONOMIC STRENGTH

*The FY 1981 Budget*—This is a responsible, restrained budget, whose enactment will help control Federal spending, significantly reduce the Federal deficit, and aid in our fight against inflation.

*Hospital Cost Containment*—This long overdue legislation is a major weapon in our fight against inflation; it will save consumers more billions of dollars and is the single most important anti-inflation bill before the Congress.

*Youth Education, Training and Employment Program*—This new initiative, which is designed to educate and train youth to secure and hold meaningful jobs, will provide enhanced opportunities for disadvantaged youth as well as improve the productivity of our work force.

CREATING ENERGY SECURITY FOR OUR NATION

*Windfall Profits Tax*—The size of this important energy and tax measure has been agreed to by the conferees, but it is imperative that final agreement on a tax reflecting sound energy policy occur at the outset of this session and that Congress act promptly on that agreement.

*Energy Mobilization Board*—It is also essential that this vital measure in the effort to eliminate unnecessary red tape in the construction of needed energy facilities be agreed to promptly by the conferees and the Congress, without substantive waivers of law.

*Energy Security Corporation*—The conferees and the Congress also need to act expeditiously on this legislation. This bill is critical to our Nation's beginning a serious, massive program to develop alternative energy fuels so that our dependence on foreign oil can be severely reduced. It is necessary to remove this critical national effort from the constraints which can bind government agencies.

This legislation contains, as well, vital energy conservation and gasohol provisions. They are needed if we are to move forward in our national efforts in these areas.

*Utility Oil Use Reduction*—This new initiative will aid in the effort to reduce our reliance on oil by requiring our Nation's utilities to substantially convert from oil to coal-burning or other energy facilities by our Nation's utilities over a defined timetable. This bill is a key tool in our effort to increase the use of coal, our most abundant natural fuel source.

*Standby Gasoline Rationing Plan*—Under the legislation enacted last year, I will propose to the Congress a Standby Gasoline Rationing Plan; its prompt approval will be required if we are to be prepared for a significant energy supply interruption.

ENHANCING BASIC HUMAN AND SOCIAL NEEDS

*National Health Plan*—The time for improving the health care provided to our citizens is long overdue, and I am convinced that the health plan I proposed last year provides a realistic, affordable and beneficial way of providing our citizens with the health care they need and deserve. It will provide millions of low-income Americans with health coverage for the first time, improved Medicare coverage for the elderly, and protect every Amercan against the disastrous costs of extended illness.

Our national health effort also needs prompt enactment of two other important bills—Child Health Assurance Program, which will provide needed health care for disadvantaged children, and Mental Health Systems Act, which is needed to reform our mental health programs.

*Welfare Reform*—Our nation's welfare system remains a disgrace to both the recipient and the taxpayers. It encourages family instability and encourages waste. It is a crazy-quilt of differing provisions from state-to-state. The House has approved a sound welfare reform proposal. I call upon the Senate to act rapidly on this issue so that welfare reform can become a reality this Session.

*General Revenue Sharing*—I will propose a reauthorization of this important program to our state and local governments, in order to continue providing them with the funds that they depend upon to meet essential social and operating needs. This program is an essential element of the partnership I have forged with state and local governments and is critical to the continued economic health of our states, cities and counties.

*Countercyclical Revenue Sharing*—I will again work with the Congress to provide the aid needed to help our most financially pressed local areas. The Senate has already acted and I urge prompt House passage early in the Session.

*Low-Income Energy Assistance*—I am committed to seeking authority to continue the low-income assistance program enacted at my request last year to give the poor protection against rising energy costs.

*Economic Development*—This legislation will reauthorize and improve the government's ability to provide economic development assistance. It is a key ingredient in implementing both my urban and rural policy and I urge prompt action on it by the House-Senate Conference.

MAKING OUR GOVERNMENT MORE EFFICIENT AND EFFECTIVE

*Regulatory Reform*—I will continue to pursue efforts to eliminate unnecessary regulatory burdens, and will concentrate on seeking approval this year of my regulatory process reform bill, my trucking and rail deregulation proposals, my banking reform measures, and passage of sunset legislation and communications reform measures. Progress has been made on each of these during the First Session. Final passage should come before this Session ends.

*Nuclear Regulatory Commission Reorganization*—As I stated in responding to the Kemeny Commission Report, I will propose a reorganization of the Nuclear Regulatory Commission in order to improve its management and its emergency operating capabilities. This is an essential step to the improvement of safety in the nuclear industry.

PROTECTING AND ENHANCING OUR RIGHTS AND LIBERTIES

*Equal Rights Amendment*—While the Congress has passed the Equal Rights Amendment, and the possibility for ratification now lies with the State Legislatures, it is essential that the Members of Congress help with their State Legislatures. Toward that end, we will be working with Members from States which have not yet been ratified. We cannot stand tall as a Nation seeking to enhance human rights at home so long as we deny it to American women here at home.

*Fair Housing*—I will continue to press for enactment of this important civil rights initiative; it will enable the government to enforce our fair housing laws effectively and promptly. It is the most critical civil rights legislation before the Congress in years. The promise of equal housing opportunity has been far too long an empty promise. This bill will help make that promise a reality.

*Intelligence Charters*—I have already proposed a legislative charter for the FBI; I will soon be proposing a legislative charter for the intelligence community. These charters will protect our citizens' rights while enabling the agencies to meet their responsibilities.

PRESERVING AND DEVELOPING OUR NATURAL RESOURCES

*Alaska D-2 Lands*—My highest environmental priority in this Congress continues to be enactment of legislation that will preserve and protect Alaska lands. I urge the Senate to follow the House's lead in this area.

*Oil and Hazardous Wastes Superfund*—This program is needed to mitigate the effects of oil hazardous substance spills and releases from uncontrolled hazardous waste dumps, which is a growing national problem.

*Nuclear Waste Management*—I will propose a series of legislative and administrative initiatives to implement our Nation's first comprehensive nuclear waste program.

BUILDING AMERICA'S MILITARY STRENGTH

*Defense Department Authorizations and Appropriations*—I will be proposing a defense budget containing a 3.3% real growth in outlays. It is essential that the Congress support an increase of that amount if we are to strengthen our defense capabilities.

WORKING TO RESOLVE INTERNATIONAL DISPUTES

*Refugee Legislation and Funding*—This legislation is necessary to improve our refugee program and to provide needed domestic assistance to refugees. Prompt House action would assure that we have a sound framework within which to accommodate the increasing flow of refugees.

STRIVING TO RESOLVE INTERNATIONAL ECONOMIC PROBLEMS

*Bilateral and Multilateral Foreign Assistance*—I will be proposing foreign assistance legislation which provides the authority needed to carry forward a cooperative relationship with a large number of developing nations. Prompt Congressional action is essential.

*China Trade Agreement*—I will be seeking early approval by the Congress of the Trade Agreement reached with China; the Agreement represents a major step forward in the process toward improved economic relations with China.

### CONTINUING TO SUPPORT THE BUILDING OF DEMOCRATIC INSTITUTIONS AND PROTECTING HUMAN RIGHTS

*Special International Security Assistance for Pakistan*—I am sending to Congress a military and economic assistance program to enable Pakistan to strengthen its defenses. Prompt enactment will be one of my highest legislative priorities.

*Human Rights Conventions*—I will continue to press the Senate to ratify five key human rights treaties—the American Convention on Human Rights, the Convention on Racial Discrimination, the UN Covenants on Civil and Political Rights, and on Economic and Social and Cultural Rights, and the Genocide Convention.

### PREVENTING THE SPREAD AND FURTHER DEVELOPMENT OF NUCLEAR WEAPONS

*SALT II*—I firmly believe that SALT II is in our Nation's security interest and that it will add significantly to the control of nuclear weapons. But because of the Soviet invasion of Afghanistan, I do not believe it is advisable to have the Senate consider the Treaty now.

### I. ENSURING ECONOMIC STRENGTH

My economic program, since I took office, has been designed to achieve several goals:

—restore and continue economic growth;

—reduce unemployment; and

—restrain inflation.

Over the past three years, considerable progress has been made in each of these areas:

—The economy has recovered from its deepest recession since World War II; and we have had a sustained economic recovery during the last three years.

—Unemployment has been reduced by 25% and employment is at its highest level in history.

—Inflation has increased to unacceptable levels, in large part because of OPEC price increases, but a program has now been put in place which will moderate inflation in an equitable and effective way.

In 1980, we will continue the steady economic policies which have worked to date. We can only succeed in making our economy strong, however, if we have Congress' cooperation. I am confident that we can work together successfully this year to achieve our economic goals.

### INFLATION

Inflation continues to be our most serious economic problem. Restraining inflation remains my highest domestic priority.

Inflation at the current, unacceptably high levels is the direct result of economic problems that have been building, virtually without letup, for over a decade. There are no easy answers, or quick solutions to inflation. It cannot be eliminated overnight; its roots in our economy are too deep, its causes are too pervasive and complex. We know we cannot spend our way out of this problem.

But there is hope—for a gradual reduction in the inflation rate, for an easing of the economic pressures causing inflation.

The hope lies in a program of public and private restraint in the short-run and a program to attack the structural causes of inflation over the longer-run. This is the policy I have pursued and will continue to pursue.

Last year was an especially difficult time for anti-inflation policies. OPEC increased its prices by more than 80% and thus added more than three points to the inflation rate. If energy price increases are excluded, inflation last year would have been nearly three percentage points lower.

The biggest challenge to anti-inflation policy is to keep energy price increases from doing permanent damage, to prevent a dangerous acceleration of the wage-price spiral. My program has been successful in accomplishing this. Inflation will slow this year. In 1981 it should be even lower. This progress is the result of our persistence in the battle against inflation on many fronts:

*Budget Restraint:* The budget deficit for FY 1979 was lowered to $27.7 billion, more than 50% below the FY 1976 level.

*Regulatory Reform:* The flood of new, costly government regulations was slowed as our procedures to ensure that we achieve our regulatory goals in the most cost-effective manner took hold.

*Wage-Price Guidelines:* The guideline standards were followed by the vast majority of unions which negotiated contracts and by nearly every major corporation in the country.

*Energy:* The energy legislation put into place over the past two years began to reduce our dependence on foreign oil and our consumption of such important energy fuels as gasoline, thereby reducing the ability of oil producing nations to disrupt our economy.

*Productivity:* We began to introduce policies to increase industrial innovation and thereby productivity; the decline in productivity growth must be reversed if we are to improve our real living standards over the long term.

In 1980, with the Congress' cooperation, we will continue our aggressive fight against inflation on each of these major fronts:

*Budget Restraint:* The deficit for the FY 1981 budget will be less than half of the FY 1980 budget deficit and will represent a 75% reduction from the deficit I inherited.

*Regulatory Reform:* We will be pursuing deregulation legislation for the trucking, rail, banking and communications industries, as well as regulatory management reform legislation; these bills will enable us to further eliminate unnecessary regulatory burdens.

*Labor Accord:* The Pay Advisory and Price Advisory Committees, established as a result of last year's historic Accord with organized labor will enable us to better implement, and coordinate with both labor and business, the private restraint necessary as part of our anti-inflation efforts. The Accord signals a willingness of labor to be a full partner in our fight against inflation.

*Energy:* We expect to enact major energy legislation—the Windfall Profits Tax, the Energy Mobilization Board, and the Energy Security Corporation—early in this Session; this legislation, when combined with the voluntary and mandatory energy conservation measures that will take an even stronger hold this year, should enable us to further reduce our dependence on foreign oil.

*Productivity:* We will be implementing our industrial innovation program and further expanding our commitment in the budget to research and development.

### COUNCIL ON WAGES AND PRICE STABILITY

The Council on Wage and Price Stability has played a vital role in our anti-inflation efforts. The Council and its staff have lead responsibility within the Executive branch for implementing the voluntary wage and price monitoring program. Without the Council's continuing role, the anti-inflation effort could not begin to assess whether the private sector is cooperating with our standards.

It is therefore essential that the Council, along with its staff operation, be reauthorized early this year. The reauthorization should not contain amendments that interrupt or restrain the important and essential work of the Council or its staff.

### THE 1981 BUDGET

The budget I will send to the Congress for FY 1981 will meet this Nation's critical needs; and it will continue the sound budgetary policies that my Administration has pursued throughout my term in office.

No single year's budget can accurately portray the philosophy of an Administration. However, there is a clear pattern in the budgets I have proposed—restraint in spending, coupled with careful targeting of resources to areas of greatest need. My 1981 budget continues this pattern by lowering the deficit roughly $50 billion below what it was when I ran for office. At the same time, I will recommend increases for programs of critical national concern.

Last year, my budget was austere. I proposed eliminating some programs and reducing spending for others; and these tough decisions have proven correct and have provided the country with clear benefits. I am pleased that the Congress approved my budget in virtually the form I proposed. As a result of our actions, the rate of Federal spending growth has been slowed. Just as importantly, the widespread expectation that the Federal budget would continue its upward spiral unchecked has been proven false. We have moved on to the path necessary for achieving a balanced budget in the very near future. And we have helped the fight against inflation.

The 1981 Budget will continue my policy of restraint. Real growth in spending will be close to zero. The deficit will be cut by more than half from last year.

The deficit as a percent of the budget and of GNP will be at the second lowest point in this decade. We will have the smallest deficit in seven years. And if the economy were to continue to grow at a rate which held the unemployment rate at the current level, *this* budget would be in surplus.

At the same time, I am proposing some vital spending increases in the 1981 Budget. Most of these increases will be in "uncontrollable" programs (those in which increases are automatically required by existing law). There will also be discretionary increases; in part, to strengthen our defense forces and enhance our crucial investments in energy production and conservation. In addition, I will propose a major new initiative to reduce youth unemployment, and State and local governments will receive continued fiscal support from the General Revenue Sharing extension I will propose.

Developing the budget this year has been, in several respects, more difficult than in previous years. International turmoil threatens our vital interests, energy problems dampen the economy and alter our domestic priorities, and inflation erodes basic programs, all adding new pressures for Federal spending. But I am confident that this budget responds responsibility—and with needed resources—to our Nation's most pressing needs and positions us for responsible and effective government in the 1980's.

### FISCAL POLICY

As President, I have been concerned about the tax burden of our citizens and have, as a result, worked with the Congress to enact two major tax cuts. In 1977, I proposed, and Congress passed, an $8 billion individual tax cut as part of the economic stimulus package. In 1978, I proposed, and Congress passed, a $21 billion individual and business tax cut. This year, those two cuts will reduce Americans' tax burden by $31 billion.

I recognize that there is interest in another tax cut this year, but my 1981 budget proposes no tax cuts. As long as double-digit inflation continues and there is no sign of a recession, our top budgetary priority must be reduction of the deficit.

Over the long run, continued tight control over budget expenditures will hold down the share of Federal spending in GNP. Inflation, on the other hand, is raising the percentage of national income collected in taxes. Over time, because of these two developments, tax reductions will be possible while still maintaining the fiscal restraint needed to control inflation. However, the timing and structure of any tax reductions is of critical importance and must be dictated by our economic circumstances: the urgency of the anti-inflation fight requires that we defer such tax reductions at this time.

Tax reductions put into effect prematurely, and under the wrong economic conditions, could make inflation worse by overstimulating the economy. Inflation is still running at unacceptably high levels.

Virtually all economic forecasters predict the onset of a mild recession and my Administration's estimates of budget receipts and expenditures in the FY 1981 budget assume a recession. However, none of the current economic statistics yet show any overall economic decline. In recent months the economy has displayed much more strength than earlier forecasts had predicted. Forecasts of impending recession may therefore prove to be as wrong as previous ones. Employment has held up well—in part due to unsatisfactory productivity performance. To enact tax cuts now would run a serious risk of adding inflationary demand pressures to an economy which continues to grow more strongly than predicted by the forecasts. With the present high inflation, we cannot afford that risk.

When tax reductions are timely, they should be designed insofar as possible in a way that achieves multiple objectives—not only reducing the tax burden and stimulating growth, but raising investment and productivity and reducing inflation as well.

In particular, a significant part of any tax reduction should be directed to the provision of incentives for increased investment, to improve productivity, expand capacity, and adjust to higher energy prices. Serious consideration should be given, in the case of tax cuts for individuals, to lowering social security payroll taxes, since half of such reductions would go towards lowering business costs and prices.

The necessities of the inflation fight require that we be very cautious about *when* taxes are reduced, and *how* it is done. But they do not require that we ignore changes in economic conditions. Should the economic situation and prospects sharply worsen, I will consider recommendations to deal with the situation. Under those circumstances, tax cuts and other measures could be taken to improve the prospects for employment and growth, to reduce business costs, and to assist those most severely damaged by recession, without threatening to set off inflationary demand pressures. However, the current economic situation does not warrant such measures and it would be inappropriate to propose them at this time.

### EMPLOYMENT

My Administration, working closely with Congress, has made significant progress in reducing the serious unemployment problems that existed three years ago.

—The December unemployment rate of 5.9% represents a 25% reduction from the December 1976 rate.

—Over 9.2 million more people have jobs than before the beginning of the Administration.

—Total employment has reached an all-time high of 98 million in December.

—Nonwhite employment has increased by 1.4 million persons or 15.5%.

—Adult female employment has increased by 5 million persons.

—Employment of black teenagers, which had actually decreased during the 1969–1975 period, has increased by more than 15% since I took office. Although unemployment rates for all youth, especially minority youth, are still too high, progress has been made.

We will continue to make progress in the 1980's as a result of the framework which has already been established and which will be strengthened this year.

—The Comprehensive Employment and Training Act (CETA) was reauthorized in 1978 for four years.

—The Humphrey-Hawkins Full Employment Act became law after many years of effort.

—The Private Sector Initiatives Program, a new partnership between the government and the private sector to assist the most disadvantaged unemployed, is being successfully implemented.

—A targeted jobs tax credit has been enacted to provide employers with the economic incentives needed to increase their hiring of unemployed low-income youth and others who historically have difficulty finding jobs.

—A massive effort to reduce the problems causing excessive youth unemployment rates is being strengthened and revitalized this year with a new $2 billion youth education, training, and employment program.

This year, we will work aggressively to make certain that this framework continues to be successfully implemented. Even that effort may not be sufficient, if economic forecasts are accurate, to keep the unemployment rate from rising. We will be monitoring the economy closely. If unemployment should dramatically increase, I will be prepared to consider actions to counter that increase, consistent with our overriding concern about accelerating inflation. At this time though, when unemployment is at its lowest level in years, it would be premature and unwise to propose measures that might be helpful in a time of recession-induced high unemployment.

### YOUTH EMPLOYMENT

The fact that we have had persistently high unemployment among poor and minority youth for three decades demonstrates clearly the inadequacies of our system for teaching, training and helping young people to find and keep decent jobs.

The economic challenges of the 1980's will require the energy and commitment of the entire American work force. We cannot afford to waste anyone's talents.

If we are to become the society of our ideals, we must provide economic opportunity for all.

My Administration is committed to a renewed national effort to remove any unnecessary obstacles to a productive life for every American.

Over the past three years, we have developed a solid record. We have increased resources for youth employment and training programs from $2.5 to over $4 billion. We have conducted the largest experimental youth program effort ever attempted. We have reduced overall youth unemployment rates by 15 percent. But this is not good enough. Youth unemployment, especially for the poor and minorities, is still unacceptably high.

Based on the experience we have gained over the past three years, and on the advice of the thousands of Americans who helped the Vice President's Task Force on Youth Employment over the last nine months, my Administration has devised a new approach, which I announced two weeks ago. Under my program, the most significant new domestic initiative I will be sending to Congress this year, the Federal government will be making its most comprehensive effort ever to eradicate the causes of excessive and harmful youth unemployment.

By 1982 this new program will have increased Federal resources committed to reducing youth unemployment by $2 billion, to a total of $6 billion. The program will have two key components: for in-school youth, we will have a major effort through the Department of Education to teach basic skills to low-achieving youth in junior and senior high schools located in low-income communities, while providing work experience and training after school hours. For disadvantaged out-of-school youth, we will provide, through the Department of Labor, redesigned and expanded work experience and training programs, as well as basic skills programs managed by the Department of Education.

The Department of Education's basic education and skill training program, when fully implemented, will provide basic education and employment skills to approximately 1 million low-achieving junior and senior high school students in about 3,000 of the poorest urban and rural school districts around the country. The new program will emphasize:

—basic skills for low-achieving youngsters, including help for students with limited ability in English;
—school-wide planning with the active involvement of teachers, parents, employers, and the community;
—using the link between work and classroom-learning as a way to motivate students to stay in school; and
—a major role of vocational education in preparing young people for work.

The Department of Labor's new Youth Employment Program, when fully implemented, will provide education, work experience, training, labor market information and other services to more than 500,000 additional young people in each year. The new resources, when added to current programs, will serve over 2.5 million 14- to 21-year olds each year.

The program will emphasize:

—additional training and work experience opportunities for older and out-of-school youth;
—stringent performance standards for both participants and program operators;
—financial incentives to encourage greater cooperation between CETA sponsors, local employers, and school officials; and
—consolidation of three of the existing CETA youth programs and closer coordination with the summer employment program to simplify local admission and reduce paperwork.

We have learned from the 1960's and the 1970's. We know we must concentrate on administration and management. We know that we must have tough performance standards, not merely allocation formulas. We know that the partnership between government and all elements of the private sector must be made a reality, and that focusing on basic skills now is the key to job success in the future.

We also know that the hope our young people have for their lives in this great country is our most precious resource. We must keep that hope alive.

We will be working closely and intensively with the Congress to enact and carry out this youth employment program as soon as possible.

### TRADE

This past year was one of unmatched and historic achievement for a vital component of the U.S. economy—exports and trade. In 1979, nearly 3 million jobs in our manufacturing industries, or one out of every seven jobs in manufacturing, depended upon our export performance in overseas markets. Our exports were a key contributor to the growth of the U.S. economy in 1979.

Exports of agricultural and industrial goods grew by an unparalleled $35 billion, reaching a level of $180 billion. This represented an increase of 25% over exports in 1978. This record increase in exports, coupled with a slower rate of growth of imports, resulted in substantial improvements of $5 billion in our balance of trade. Furthermore, a rapid growth of service exports in 1979 led to a $13 billion improvement in the current account, bringing that account from a deficit in 1978 to near balance in 1979.

I expect that in 1980 our exports will continue to strengthen and that, if we can continue to further conserve and limit imports of oil, we will further improve our trade balance position and that of the dollar. The future for American exports is bright, and will remain so, despite the necessity of suspending certain exports to the Soviet Union.

This Administration has accomplished several goals in the last year in assuring that there will continue to be greater exports and, therefore, job possibilities for U.S. workers and farmers.

To improve the condition of access of U.S. exports to foreign markets, I signed into force in July of last year a new trade act which reflected two years of hard bargaining in the recently concluded round of multilateral trade negotiations. These negotiations, which included all major developed and lesser developed countries, resulted in agreements to strengthen the rules of conduct of international trade and open new markets to U.S. exports. These negotiations were of historic importance in their scope and accomplishments, and their success is attributable to close cooperation that existed during and after the negotiations between the Congress, the private sector and the Administration.

Our negotiating success now challenges us to take advantage of the opportunity for improving further our export performance. To meet this challenge, I proposed in 1979 a major reorganization of the government's trade policy and export promotion activities. That reorganization will strengthen government coordination in the trade field and provide an improved basis for protecting American interest in the recently negotiated trade agreements. I put this reorganization into effect, with Congressional approval, earlier this month. With the changes initiated in my trade reorganization, we will ensure that trade between the United States and its trading partners will be conducted fairly and openly.

Consistent with my decisions on suspending certain types of trade with the Soviet Union, my Administration will be seeking this year to find additional ways to foster U.S. export expansion. We are studying the possibility of further agreements on expanded trade with both traditional and newer trade partners, including China. I look forward to working with the Congress on ways we can continue to improve our trading position which, in turn, will help maintain a prosperous American economy.

### SMALL BUSINESS

This year marks the high point of three years of accomplishment for small business under my Administration, and the beginning of a decade of continuing effort to strengthen this large and vital sector of our economy.

The White House Conference on Small Business, which I convened eighteen months ago and which has just concluded its deliberations, fulfills a pledge I made in 1976 that the voice of small business would be heard in my Administration. In anticipation of the Conference, I called on the head of every executive Department and agency to propose at least one initiative of benefit to small business. Over 160 separate initiatives have been proposed and are under examination, and many of them have already been put in effect.

We have made great strides in reforming our regulatory process, cutting down Federal paperwork and developing flexible regulations which provide for minimizing or eliminating burdens on smaller businesses. The capital gains tax has been significantly reduced, and corporate taxes on small businesses have been lowered.

We have also increased Small Business Administration lending activity, from $1.8 billion in 1976 to $3.1 billion in 1979, an increase of 72%. Since 1977 we have more than doubled Federal purchases of goods and services from minority firms from $1.1 billion to $2.5 billion in 1979. I am confident that such purchases will exceed $3.5 billion this year.

I have put into place a comprehensive policy to strengthen the role of women in business, and have directed Federal agencies to take affirmative action to include women in management assistance and other business-related programs.

SBA's advocacy role has been strengthened at my direction, and SBA has been added to the membership of the Regulatory Council and the Productivity Council, to help assure that the problems and issues facing small business are addressed wherever relevant policy decisions are made with the Federal government.

To reduce the paperwork and regulatory burdens small businesses face in raising capital, I have recently proposed a Small Business Issuers' Simplification Act. This legislation will exempt from the burdensome registration requirements of the Federal securities laws sales of securities by small businesses to institutional investors, such as banks, insurance companies and pension funds, and others making investments of at least $100,000.

Finally, last week I sent to the Congress a Message on Small Business to emphasize the vital importance of small business and to report to you on the steps we have already taken and plan to take in 1980 to strengthen small business.

### MINORITY BUSINESS

From the beginning of my term, I have worked with the Congress to increase opportunities for minority business. As a result of our efforts, enormous progress has been made in the last three years:

—Federal procurement from minority-owned firms has increased by nearly two and a half times;

—Federal deposits in minority-owned banks have nearly doubled;

—minority ownership of radio and television stations has increased by 65 percent;

—almost 15 percent of the funds spent under the Local Public Works Act of 1977 went to minority-owned firms;

—the Section 8(a) program operated by the Small Business Administration has been reformed and strengthened.

This year, my Administration is committed to expanding upon the progress made to date. This year, I am committed to more than tripling the 1977 level of Federal procurement from minority-owned firms, and I have no doubt we can meet that goal.

My 1981 budget improves the targeting of Small Business Administration loans to minority-owned businesses. We will also expand management, technical, and training assistance for minority firms and provide substantial funding increases for minority capital development under the SBA's minority enterprise small business investment company (MESBIC) program.

I will also be proposing to the Congress a minority business legislative initiative to establish in the Department of Commerce a Minority Business Development Agency. That Agency, a successor to the Office of Minority Business Enterprise, was established last year under administrative authority, but I believe Congressional authorization would strengthen its operating abilities.

### WOMEN IN BUSINESS

Last year I announced a new policy to strengthen and foster the growth of women-owned businesses. My new budget includes funds to make this policy a reality by increasing SBA direct loans to women by 50%, by assisting women in gaining access to sources of financing, and by expanding management and technical assistance to women. By insuring that women have fuller access to opportunities to start and maintain their own enterprises, we will start a genuine momentum to take full advantage of the contribution which women can make to the growth and productivity of our economy.

## II. CREATING ENERGY SECURITY

Since I took office, my highest legislative priorities have involved the development of our Nation's first comprehensive energy policy. The struggle to achieve that policy has been difficult for all of us, but the accomplishments of the past three years leave no doubt that our country is finally serious about the problems caused by our over-dependence on foreign oil. The accomplishments can be lost, however, and the progress stopped, if we fail to move forward even further this year. There is no single panacea that will solve our energy crisis. We must rely on and encourage multiple forms of production—coal, crude oil, natural gas, solar, nuclear, synthetics—and conservation.

It is therefore essential that Congress enact the major energy bills I proposed last year; and their enactment will be my most immediate and highest legislative priority this year.

### WINDFALL PROFITS TAX

My highest, most immediate legislative priority during this Session is prompt passage of a sound windfall profits tax on crude oil.

Last April, I proposed a tough windfall profits tax to recoup a portion of the unearned income that would accrue to the oil companies as a result of the phased decontrol of domestic crude oil prices and OPEC price increases. It is essential that these revenues be invested on behalf of all Americans to help us become an energy secure nation. The revenues from the tax will be used to support key national energy goals: low-income energy assistance, improved and expanded mass transit and energy supply and conservation programs.

The windfall tax that I proposed was also carefully designed to provide incentives needed to increase domestic oil production. Under my proposal, we expect a million barrels per day increase in domestic production due to decontrol and higher world prices. Without any windfall profits tax production would be only marginally higher by 1985.

The American people clearly want and our national energy needs clearly require—a tough windfall tax. We cannot afford further delay.

The House-Senate Conference Committee has reached agreement on a tax raising $227 billion over the next 10 years. A tax at that level is acceptable, provided the components of the tax are consistent with sound energy policy. I urge the conferees and the Congress to approve forthwith a tax that I can sign. There can be no higher legislative priority.

### ENERGY MOBILIZATION BOARD

Last July, together with a comprehensive energy program, I asked Congress to join with me to create an Energy Mobilization Board (EMB). The Board can cut through burdensome and unnecessary red tape and reach prompt decisions on designated priority energy projects. Decision-making can be streamlined without overriding of substantive law, which I strongly oppose. The Board is a key element of our strategy to attain energy security by cutting foreign oil imports in the coming years. Prompt passage of the EMB is one of my highest priorities this year, and I urge the Congress to complete its action on this proposal without delay.

### ENERGY SECURITY CORPORATION

Last year, I proposed the creation of an Energy Security Corporation to lead our national effort to develop and produce synthetic fuels, coal-based synthetics, oil shale, and biomass. The Corporation would be an independent body, chartered by the Government and authorized to use a variety of financing tools—principally price guarantees, Federal purchases, and loan guarantees—to stimulate private sector development of synthetic energy alternatives to imported oil.

I have recommended that the Corporation be given a goal to develop the capacity to produce 1.75 million barrels per day of synthetic fuels, oil shale, and biomass by 1990. With an ability to produce commercially synthetic alternatives to foreign crude oil, our Nation will have effectively capped the price which foreign oil producers can charge for crude oil.

We cannot do the job we must do for our Nation's security by operating this program from within the government. The Corporation can much more easily obtain the needed talent and operate without the constraints binding a government agency.

Enactment of the legislation containing the Energy Security Corporation is one of my highest legislative priorities for this Session. I urge the conferees to complete this work expeditiously so that the Corporation can open its doors as early as possible this year.

### REDUCTION IN UTILITY OIL USE

I will soon send to the Congress legislation which will assist utilities in the use of coal, and encourage them to retire existing oil burning plants for generating electricity. The Department of Energy and my staff have worked very closely with Congressional energy leadership over the last several months to develop a legislative proposal which can be acted upon quickly.

My proposed utility oil use reduction legislation will help us to achieve two of our basic energy goals—decreasing our dependence on foreign oil and increasing our production of more abundant and secure energy supplies, such as coal. For that reason, passage of this legislation will be one of my highest energy priorities this year.

### GASOLINE RATIONING

I will soon be sending to Congress for its approval a standby gasoline rationing plan, under the authority of legislation I signed into law last year. In developing this plan, we have given priority attention to accommodating essential gasoline usage, bearing in mind the need to design a plan which is workable and which can be put into place quickly if a severe emergency arises.

I recognize the difficulty of developing a plan that meets the many competing State and local concerns. Last year's experience demonstrated that difficulty very well. I am determined, as I am certain Congress is, to avoid repeating it.

My Administration will work very closely with Congress on the standby plan. I hope the Congress will recognize the overriding national importance of emergency preparedness and will take action early to approve my proposed plan.

I do not intend, under our current supply conditions, to implement a rationing program. But we can no longer afford to be unprepared for the possibility of further severe interruptions in energy supplies.

ENERGY CONSERVATION

In my very first energy address to the Nation in April 1977, I stressed the importance of conservation as the cornerstone of our national energy policy. It is the cheapest and fastest means of reducing our dependence on imported oil and it constitutes an alternative source of supply. To the extent that we conserve—in our homes, factories, cars, and public buildings—we make the task of providing secure sources of energy for the future that much more attainable.

In November, 1978, I signed into law our country's first energy conservation tax credits. These provide up to $300 for home conservation investments, and an additional 10% investment tax credit for industrial investments in energy efficient equipment. At the same time, we put in place a requirement that utilities provide energy audits for their customers and offer to arrange financing. We also established stiff taxes on new gas guzzling automobiles. As a result of my April 1977 initiatives, we are also providing a total of $900 million over three years to weatherize schools and hospitals across the Nation.

Last July, I proposed a program to provide $5.8 billion over the next decade to subsidize interest rates on homeowner loans for conservation investments. This program will be targeted to low- and moderate-income homeowners and apartment owners for whom the tax credits are less effective as an incentive. Under this program it is expected that consumers' total monthly bills will decline since the financial savings resulting from lower energy use will be greater than the monthly payments on the subsidized loans.

I consider this new program to be an essential piece of my overall conservation strategy and urge the House-Senate Conference Committee now working on the bill containing this provision to complete work promptly.

Energy conservation must also go forward at the State and local levels. To help that important effort, I am again urging Congress to pass my proposal, under the authority of the proposed Energy Management and Partnership Act, to provide grants to local governments to meet national energy conservation goals.

SOLAR ENERGY

Last June, I sent the Congress a Message on Solar Energy outlining my Administration's solar program and setting a national goal for the year 2000 of deriving 20% of this Nation's energy from solar and renewable resources. A firm and ambitious course—not only by the Federal government but also by State and local governments, private industry, academia and private citizens—is required to reach this goal.

As part of my solar program announced in June, I proposed a number of initiatives to the Congress to assist in solar energy development. Among those were the establishment of a Solar Energy Development Bank funded at $150 million per year to provide subsidized loans for the installation of solar equipment on homes and commercial structures, and additional tax credits for passive solar construction, wood stoves, industrial and agricultural solar applications, and gasohol. These initatives have yet to be enacted by the Congress and I urge prompt action on these measures to help speed the penetration of solar technologies in the marketplace.

In addition, my FY 1980 program for solar energy exceeded $1 billion government-wide. This is more than three times greater than the porgram in place when I took office. In FY 1981 government-wide expenditures for solar and renewable energy will be nearly $1.4 billion and will include programs administered by the Departments of Energy, Agriculture, Interior, Defense, State, Housing and Urban Development, and the Tennessee Valley Authority. The Federal solar program has as its overall objectives, the emphasis on basic research and development of solar technologies not currently economic such as photovoltaics, where electricity is generated directly from the sun, and the provision of funding and technical information to accelerate the use of marketable solar technologies which are available now. Solar heat and hot water and wood energy are among these technologies.

We will continue to work with the Congress this session on passage of critical solar energy legislation. We are making progress on the transition away from our dependence on fossil fuels and towards the widespread use of renewable sources of energy. We must maintain an aggressive policy to achieve this transition.

NUCLEAR SAFETY

Immediately following the accident at Three Mile Island, I established a Presidential Commission, chaired by the President of Dartmouth College, to report to me on actions needed to prevent recurrence of this kind of accident. Safety is and will remain my Administration's primary priority in the regulation and management of nuclear power. I have taken steps to correct virtually all problems identified by the Kemeny Commission and have acted to implement most of its specific recommendations, including:

—A reorganization of the NRC to strengthen the role of the Chairman. I will soon send to Congress a reorganization plan to give the Chairman power to select key personnel and act on behalf of the Commission during an emergency.

—Appointment of a new Chairman of the NRC from outside the agency when the next vacancy occurs. In the meantime, I have designated Commissioner Ahearne as Chairman with a mandate to initiate changes needed to assure the safety of nuclear power plant operations.

—Direction to the Federal Emergency Management Agency to lead all off-site emergency activities and review all emergency plans in States with operating reactors by June.

—A request to the NRC to accelerate its program to place a resident Federal inspector at every reactor site, and to upgrade training and evaluation programs for reactor operators.

I endorsed the approach the NRC adopted to pause in licensing, but have urged the Commission to complete its work as quickly as possible, and in any event no later than June of this year.

Once we have instituted the necessary reforms to assure safety, we must resume the licensing process promptly so that the new plants which we need to reduce our dependence on foreign oil can be built and operated. Nuclear power is an option that we should keep open.

GASOHOL

I have recently proposed a program to accelerate dramatically America's production and use of gasohol, as yet another important way on which we can wage—and win—our energy war.

My Administration is committed to a program which will provide between $8.5 billion and $12.8 billion of assistance to stimulate production of alcohol fuels over the coming decade. We will quadruple current gasohol production capacity by the end of this year. During 1981, we should be capable of producing ethanol at an annual rate of 500 million gallons—more than six times the current rate. If this entire amount of ethanol were turned into gasohol, it would replace almost 10% of our anticipated demand for unleaded gasoline in 1981.

Our overall gasohol program will spur the investments that we together must make for a more secure energy future. We will create new markets for our farmers. We will no longer have to throw away waste materials which can be turned into profitable, essential fuels.

Our Nation's enormous agricultural and fiber resources can be used to help provide a secure source of energy for our future. By producing gasohol from fiber and agricultural by-products, we can meet fuel needs for millions of Americans, including our farmers. I am eager to work with the Congress on my alcohol fuels program, so that we can soon have legislation that will authorize and provide the funding for this important energy development.

ENERGY IMPACT ASSISTANCE

As new domestic energy resources are developed, particularly in rural or isolated areas of the country, we must provide for the needs of rapidly developing communities. My Administration will continue to work with the Congress to enact legislation establishing an Inland Energy Assistance program, with funding of $150 million per year, to aid those States and local areas which are experiencing a rapid growth in population as a result of new energy supply development. These communities often cannot plan for or meet increased need for new public facilities or services, since the population increases occur before the new energy supply activities are fully developed and producing local revenues. This legislation is essential to ensure that the burdens associated with solving our energy problems are borne equitably by all citizens and regions of the country.

### III. ENHANCING BASIC HUMAN AND SOCIAL NEEDS

For too many years immediately preceding my Administration, too many of our Nation's basic human and social needs were being ignored or dealt with insensitively by the Federal government. Over the past three years, we have significantly increased funding for many of the vital programs in these areas; developed new programs where needs were unaddressed; targeted Federal support to those individuals and areas most in need of our assistance; and removed barriers that have unnecessarily kept many disadvantaged citizens from obtaining aid for their most basic needs.

Our efforts over the past three years have produced clear progress in our effort to solve some of the country's fundamental human and social problems. The Administration and the Congress, working together, have demonstrated that government must and can meet our citizens' basic human and social needs in a responsible and compassionate way.

But there is an unfinished agenda still before the Congress. If we are to meet our obligations to help all Americans realize the dreams of sound health care, decent housing, effective social services, a good education, and a meaningful job, we still have important legislation to enact this year. The legislation is before the Congress, and I will be working with you toward its enactment.

### HEALTH

#### NATIONAL HEALTH PLAN

Last June, I proposed to Congress a National Health Plan which will enable the country to reach the goal of comprehensive, universal health care coverage. The legislation I submitted lays the foundation for this comprehensive plan and addresses the most serious problems of health financing and delivery. It is realistic, affordable, and enactable. It does not overpromise or overspend, and, as a result, can be the solution to the thirty years of Congressional battles on national health insurance. My Plan includes the following key features:

—nearly 15 million additional poor would receive fully-subsidized comprehensive coverage;

—pre-natal and delivery services are provided for all pregnant women and coverage is provided for all acute care for infants in their first year of life.

—the elderly and disabled would have a limit of $1,250 placed on annual out-of-pocket medical expenses and would no longer face limits on hospital coverage;

—all full-time employees and their families would receive insurance against at least major medical expenses under mandated employer coverage;

—Medicare and Medicaid would be combined and expanded into an umbrella Federal program, Healthcare, for increased program efficiency, accountability, and uniformity; and

—strong cost controls and health system reforms would be implemented initiatives, including greater incentives for Health Maintenance Organizations.

If enacted this year, my Plan would begin providing benefits in 1983.

I urge the Congress to compare my Plan with the alternatives—programs which either do too little to improve the health care needs of Americans most in need or programs which would impose enormous financial burdens on the American taxpayers. When that comparison is completed, I am convinced the Congress will see the need for and the benefits of my Plan and work toward prompt enactment. We cannot afford further delay in this vital area.

#### HOSPITAL COST CONTAINMENT

Hospital Cost Containment remains the single most important piece of legislation that the Congress can pass to demonstrate its commitment to fight inflation. This legislative initiative will save billions of dollars for our Nation's consumers by eliminating unnecessary and wasteful hospital services. We can no longer allow hospital inflation to put needed health care out of the reach of the average American. In a sector where there is an absence of competitive forces, Hospital Cost Containment legislation is necessary to restrain spending, while the process of developing other effective measures proceeds. The longer we delay enacting Cost Containment, the more expensive our fight against hospital inflation will become. I am asking the Senate to move quickly on this legislation.

#### HEALTH PROMOTION AND DISEASE PREVENTION

Last July, the Surgeon General released *Healthy People*, a landmark report on health promotion and disease prevention. The report signals the growing consensus that the Nation's health strategy must be refocused in the 1980's to emphasize the prevention of disease. Specifically, the report lays out measurable and achievable goals in the reduction of mortality which can be reached by 1990.

Consistent with this report, the health strategy I will propose in my FY 1981 budget places unprecedented emphasis on prevention. This strategy includes increased funding for many new and continuing programs in the areas of environmental hazards, workplace health and safety, commercial product safety, traffic safety, community water fluoridation, and health education, promotion and information.

#### MATERNAL AND CHILD HEALTH

Ensuring a healthy start in life for children remains not only a high priority of my Administration, but also one of the most cost effective forms of health care.

When I took office, immunization levels for preventable childhood diseases had fallen to 70%. As a result of a concerted nationwide effort during my Administration, I am pleased to report that now at least 90% of children under 15, and virtually all school-age children are immunized. In addition, reported cases of measles and mumps are at their lowest levels ever.

Under the National Health Plan I have proposed, there will be no cost-sharing for prenatal and delivery services for all pregnant women and for acute care provided to infants in their first year of life. These preventive services are recognized to have extremely high returns in terms of improved newborn and long-term child health.

Under the Child Health Assurance Program (CHAP) legislation which I have already submitted to this Congress, an additional two million low-income children under 18 will become eligible for Medicaid benefits, which will include special health assessments. CHAP will also improve the continuity of care for the nearly 14 million children now eligible for Medicaid. An additional 100,000 low-income pregnant women will become eligible for prenatal care under the proposal. We must work together this year to enact CHAP and thereby provide millions of needy children with essential health services.

For the third consecutive year, I am requesting expansion of the special supplemental food program for women, infants, and children. Under my proposal, over 2 million low-income nutritionally needy mothers, their nursing infants, and children will receive special food supplements each month. These food supplements have been shown to prevent ill health thereby reducing later medical costs.

In addition to these legislative initiatives, I will propose increased funding in the FY 1981 budget for the successful Family Planning program, which targets services on low-income women and adolescents at high risk for unwanted pregnancy. Further, the 1981 budget contains continued funding for my Adolescent Health initiative, which is designed to provide and coordinate services to pregnant teenagers as well as reduce the incidence of unwanted pregnancies.

#### EXPANSION OF SERVICES TO THE POOR AND UNDERSERVED

My health proposals for FY 1981 will place high priority on expanding other improvements which have been made during my Administration in the access and continuity of care for medically underserved groups. I will propose substantially increased funding for the most successful programs in this area, including Community and Migrant Health Centers, and the National Health Service Corps program, which places health professionals in rural and urban medically underserved areas. In addition, I am proposing legislation to make coverage of clinics providing comprehensive primary care services a mandatory benefit under Medicaid.

#### MENTAL HEALTH

Last year, I submitted a Mental Health Message to Congress and proposed the Mental Health Systems Act, which is based upon recommendations of my Commission on Mental Health. The Act is designed to inaugurate a new era of Federal and State partnership in the planning and provision of mental health services. In addition, the Act specifically provides for prevention and support services to the chronically mentally ill, to prevent unnecessary institutionalization, prevention services, and for the development of community-based mental health services.

This year, my Administration will be

working intensively with the Congress for prompt enactment of this important legislation, and the First Lady will continue her substantial work in this area, as an effective spokesperson and advocate for mental health reform throughout the country.

### WORKER HEALTH AND SAFETY

My Administration will continue to enforce fully laws protecting worker health and safety in a sensible and efficient manner. We will be making further efforts to eliminate frivolous and unneeded rules, while concentrating greater enforcement efforts on the most dangerous and particularly the most unhealthy occupational environments. More effective management of our worker safety programs will serve the interest that both labor and management have in better working conditions.

### DRUG ABUSE PREVENTION

At the beginning of my Administration there were over a half million heroin addicts in the United States. Our continued emphasis on reducing the supply of heroin, as well as providing treatment and rehabilitation to its victims, has reduced the heroin addict population to 380,000, reduced the number of heroin overdose deaths by 80%, and reduced the number of heroin related injuries by 50%. However, drug abuse in many forms continues to detract from the quality of life and is of great concern to us and the people of all nations.

I am particularly concerned over the increasing quantities of heroin originating in Iran and Southwest Asia and we will continue to be especially alert to this threat in 1980. During 1980, we will also strive to reduce the supply of illegal drugs, both at their overseas sources and within the United States. While continuing a comprehensive treatment program, our priority will be to reduce drug abuse among adolescents. One of the important goals of my Administration at the beginning of this decade is to change the social acceptance of drug use.

### FOOD AND NUTRITION

Building on the comprehensive reform of the Food Stamp Program that I proposed and Congress passed in 1977, my Administration and the Congress worked together last year to enact several other important changes in the Program. These changes will further simplify administration and reduce fraud and error, will make the program more responsive to the needs of the elderly and disabled, and will increase the cap on allowable program expenditures. In this session, I will continue to work with the Congress to achieve additional improvements in the Food Stamp Program and to eliminate permanently the expenditure cap. I will also propose this year that Congress pass the Administration's Child Nutrition Amendments to target assistance under our school meal programs to those most in need.

### EDUCATION

The stern challenges of the 80's place new demands on every sector of our society. Education is the insurance we have to provide the talent and capability to meet every demand on our National agenda. The challenge of the 80's in education is to see that quantity education becomes quality education. That is a challenge we can meet. Last year, my Administration and the Congress successfully collaborated to create a new Department of Education. The Department will give education a stronger voice at the Federal level, while at the same time reserving the actual control and operation of education to states, localities and private institutions. The Department combines nearly 150 existing Federal education programs into a cohesive, streamlined organization that will be more responsive to the needs of educators and students. The Department will cut red tape and paperwork to make the flow of Federal dollars to school districts and institutions of higher education more efficient, thereby providing students and educators with more benefits per dollar of Federal funds. We are determined to work closely with the Congress this year in making certain that the Department begins on a sound basis, consistent with the purposes and hopes Congress had when creating it.

To ensure adequate financial resources for education, I have requested, since taking office, an overall increase in Federal aid to education of 75% above the previous Administration's last budget. Many programs, including those serving disadvantaged and handicapped students and those providing financial aid to students enrolled in postsecondary education, have benefited from ever larger percentage increases during my Administration.

My FY 1981 budget request in education will represent a generous increase over last year's budget. There will be particularly significant increases in a number of programs serving special populations, in addition to the major new program designed to give youth the basic skills needed to get and keep a job. I am also recommending a substantial increase in the programs which deal with international education, to improve our understanding of other nations.

In addition, proposals I submitted last July to reauthorize the Higher Education Act are still under consideration in the Congress. The centerpiece of my proposals for the student financial aid programs is a major reform of the student loan programs. My proposal would, for the first time, provide a comprehensive program of loans from the Federal government for higher education students who need them. Our proposals would eliminate much of the paperwork and confusion that have plagued students, parents, and colleges by mandating a single application form for all Federal need-based assistance.

It is essential that this reauthorization be enacted this year. But the reauthorization legislation must be consistent with my commitment to a restrained, responsible budget. We are eager to work with the Congress to achieve this goal as soon as possible.

### INCOME SECURITY

### WELFARE REFORM

Last year, I proposed a welfare reform package which offers solutions to some of the most urgent problems in our welfare system. This proposal is embodied in two bills—The Work and Training Opportunities Act and The Social Welfare Reform Amendments Act. Within the framework of our present welfare system, my reform proposals offer achievable means to increase self-sufficiency through work rather than welfare, more adequate assistance to people unable to work, the removal of inequities in coverage under current programs, and fiscal relief needed by States and localities.

Our current welfare system is long overdue for serious reform; the system is wasteful and not fully effective. The legislation I have proposed will help eliminate inequities by establishing a national minimum benefit, and by directly relating benefit levels to the poverty threshold. It will reduce program complexity, which leads to inefficiency and waste, by simplifying and coordinating administration among different programs.

Last year the House passed The Social Welfare Reform Amendments Act, which addresses the major problems in our cash assistance programs. This year, we must continue this momentum toward welfare reform. I am determined to do whatever I can to help enact the two bills needed for the most comprehensive reform of the welfare system in our history.

### CHILD WELFARE

My Administration has worked closely with the Congress on legislation which is designed to improve greatly the child welfare services and foster care programs and to create a Federal system of adoption assistance. The work of the Congress on this legislation is now almost completed. The well-being of children in need of homes and their permanent placement are primary concerns of my Administration, and I am determined to see improvement in the system which cares for these children. This legislation will help ensure that.

### LOW-INCOME ENERGY ASSISTANCE

Last year, I proposed a program to provide a total of $2.4 billion per year to low-income households which are hardest hit by rising energy bills. With Congress' cooperation, we were able to move quickly to provide $1.6 billion for assistance needed this winter. Of that amount $1.2 billion was provided for grants to eligible households and $400 million for an energy crisis assistance program. The first checks were received by eligible families and individuals in early January.

I have already proposed, and will continue to press for, legislation which provides $2.4 billion a year for low-income energy assistance. Funding from this program will come from the Windfall Profit Tax. Continuing this assistance is one of my high priorities in this session of Congress.

### SOCIAL SECURITY

I have been deeply committed to restoring the public's confidence and trust in the Social Security System. With the passage of the Social Security Amendments of 1977, the financial stability of the System was improved. Each month 35 million Americans receive pension and disability checks. They can rely on doing so without fear of interruption.

We must, however, address the continuing financial viability of the Social economic circumstances. We must also review the equity of the sex-related distinctions contained in the system's benefit provisions.

To help ensure the system's viability, I will propose legislation to permit borrowing among the separate trust funds. This measure will strengthen the Social Security System for current and future beneficiaries. I will also review closely the work of several major study groups, and will consult with experts in the Department of Health and Human Services and the Congress to assess their recommendations.

### DISABILITY INSURANCE REFORMS

As a result of the legislation we enacted in 1977, which strengthened the financing of the Social Security System, the Social Security disability insurance program is now in stable financial condition. Last year, my Administration proposed modifications in the program to further improve its administration and to increase incentives for disabled beneficiaries to seek rehabilitation and to return to work. In 1980, we will work with the Congress to enact these reforms. I hope the Congress will stay as close as possible to my original proposal.

### HOUSING

My Administration has brought improved stability to the Nation's housing market. Housing starts from 1977 through 1979 averaged more than 1.9 million units per year. We have been and remain committed to assuring the availability of an adequate level of mortgage credit during a period of record high interest rates. Toward that goal, we developed the six-month money market certificate and broadened the secondary market activity of the Government National Mortgage Association and the Federal Home Loan Mortgage Corporation. Most recently, the bank regulators introduced two and one-half year certificates which should become valauble sources of funds for savings institutions, enabling them to continue a high level of mortgage lending.

I am pleased that our anti-inflation policies have begun to slow the rate of growth in home prices. Within the context of our overall economic strategy, we will continue to support measures which provide for improved stability in the housing industry, avoiding the boom and bust cycles that led to unemployment, business failures and dislocation in the past. I have sent to the Congress legislation to update the government's emergency authority, under the Brooke-Cranston program to purchase mortgages in times of economic stress. The current authority could not be used effectively. I urge quick Congressional action on this legislation, so that the Administration will be in a position to use this program, if necessary.

We have also brought improved stability and predictability and higher production to the provision of assisted housing for low- and moderate-income Americans, including the elderly and the handicapped. During the period from 1978 through 1981, my Administration will have committed nearly 1.3 million units of housing for lower income renters and homeowners. Actual construction starts reached 175,000 units in 1979, a level which we will sustain through the next several years.

I will be proposing in my FY 1981 budget a level of 300,000 assisted rental units and 25,000 assisted homeownership units, a total 25 percent increase over 1980 levels. This recommendation reflects my Administration's concern about the number of poor Americans still living in substandard housing. I will also propose this year to extend HUD's home ownership assistance and interest subsidies to low-income tenants in designated revitalization areas. That will help address the particular problem of displacement of low-income persons and the elderly by urban revitalization and condominium conversions.

My Administration will again be working with the Congress to pass the condominium reform legislation that I proposed last year. That legislation will provide basic protections for the purchasers of condominium units. Many unit owners lack adequate remedies to redress serious inequities under existing law, and expeditious Federal action in this area is a priority.

In 1980 we will also propose a number of significant new legislative initiatives. I will be proposing a comprehensive simplification and consolidation of the Nation's basic housing laws on mortgage insurance and mortgage credit activities of the Federal Housing Administration and the Government National Mortgage Association. This proposal will make the services of these agencies more understandable and accessible to the American public.

I will also be recommending prompt Congressional action to extend the Home Mortgage Disclosure Act, which has been an important factor in aiding the availability of mortgage credit in inner city areas.

Finally, building on the urban partnership we have established with the cities, we will continue to increase the control local governments exercise over the operation of Federal housing programs. We will propose a fundamental change in HUD's public housing modernization program to allow local authorities to use up to 50% of their public housing production funds for modernization and repair of the existing, deteriorated stock of public housing. And in recognition of the severity of the housing problems in America's rural communities, we will be implementing the Action Agenda of 12 Rural Housing Initiatives which I announced last month.

### NEIGHBORHOOD DEVELOPMENT

Neighborhood development is an essential component of my policies designed to revitalize our Nation's urban areas. My Administration has taken a number of steps to assist non-governmental, neighborhood groups carry out community improvement plans.

In Fiscal Year 1981, I will propose increased funding for the Neighborhood Self-Help Development Program. This program aims to build the capacity of independent, neighborhood organizations to implement conservation and revitalization projects in low- and moderate-income neighborhoods.

In 1980, I will strongly support the renewal of the Home Mortgage Disclosure Act in order to encourage neighborhood reinvestment. My Administration will also continue to support fully the neighborhood reinvestment actions of independent regulatory agencies, such as the Federal Home Loan Bank Board's Community Investment Fund.

### TRANSPORTATION

A major goal during the 1980's is to bring about a dramatic increase in the economic and energy efficiency of our transportation systems. While this Nation's transportation facilities are among the best in the world, they were planned, designed and constructed in an era of abundant and cheap energy. The country now faces a totally different situation of scarce and increasingly expensive energy. To help combat this problem, I have proposed to use $16.5 billion over the next decade from the windfall profits tax revenues to increase the energy efficiency of transportation. Of that, $13 billion would be allocated to increase transit capacity; $2.5 billion would be directed to promote the energy-efficient use of the automobile; and $1 billion for research on automotive fuel efficiency. I urge the Congress to enact this proposal without delay.

To further promote energy conservation, stimulate urban growth and create new employment opportunities in the inner cities, I urge the Congress to support mass transportation authorization legislation. This year I will seek reauthorization and extension of the public transportation grant program.

With the assistance of the Congress, we have taken a number of positive steps to reform outmoded transportation regulation. The Airline Deregulation Act of 1978 is working well, with reduced passenger fares per mile, and with the airlines better able to withstand the effects of recession and fuel price increases than would have otherwise been possible. To continue that type of progress, last year I submitted truck and rail regulatory reform bills and I am committed to seeking their enactment in 1980. These important bills will save consumers billions of dollars annually and reduce wasted fuel consumption.

To further improve America's railroads, I have introduced legislation to direct Federal railroad financial assistance toward restructuring of failing railroads and improved employment efficiency.

I will also ask Congress to increase funding for and extend the life of the Northeast Corridor Improvement Project to improve passenger rail services in the Northeast.

Statutory authority for present airport programs and related aviation taxes will expire during 1980. I have already sent to the Congress a proposal to use nearly $15 billion from the Airport and Airways Trust Fund over the next five years for airport and aviation expenses. I urge Congress to enact this proposal this year.

Finally, I am committed to the further development of our maritime industry. To achieve maximum export competitive position for the United States, the ties between our port facilities and our land transport facilities must be greatly improved. Last year, my Administration conducted a comprehensive review of maritime policy and transmitted to the Congress our goals for liner regulation and merchant marine promotion. This year, we will be working with the Congress to pass legislation that embodies our interest in expanded trade and a strong merchant marine fleet.

### SPECIAL NEEDS

#### WOMEN

The efforts of my Administration over the last several years have been concentrated on providing American women with a full range of opportunities. Programmatic initiatives have been developed to overcome the widespread discrimination and disparties which women have faced in education, in health, and in employment.

The Women's Education Equity Act has been funded in both Titles I and II to provide school boards with grants for programs designed to end discrimination in education. The avoidance of discrimination in education has been also stressed through improvements in the enforcement of existing civil rights legislation.

The particular health problems faced have been addressed with increases in the family planning funds under Title XX as well as improved teenage pregnancy funding and programs. Further, my National Health Plan provides complete coverage to pregnant mothers and infants without cost.

Employment still continues to be a major problem with a wide gap between the average week wage of men and women. This is being addressed through major improvements in the funding for the Women's Bureau of the Department of Labor for model training programs and research projects.

CETA prime sponsors have been matched on a four-to-one basis to improve the amount of funding for these programs.

In the year ahead, the Administration will be supporting the passage of legislation to decrease domestic violence and provide shelters for battered spouses.

#### FAMILIES

As part of my Administration's effort to focus attention upon and strengthen the family structure, last year I established the Office of Families within the Department of Health, Education, and Welfare. That office will help coordinate our activities in this vital area. Later this year, we will hold the White House Conference on Families, which I initially proposed during my 1976 campaign. This conference, the culmination of three years of work, will help focus public attention on the problems affecting families and on the means needed to solve or avoid those problems.

#### OLDER AMERICANS

My Administration has taken great strides toward solving the particular problems faced by senior citizens. Early in this term we worked successfully with the Congress to asure adequate revenues for the Social Security Trust Funds. I have also signed into law legislation prohibiting employers from requiring retirement prior to age 70, and removing mandatory retirement for most Federal employees. Further, the Administration worked closely with Congress to amend the Older Americans Act in a way that has already improved administration of its housing, social services, food delivery, and employment programs.

This year, I will be submitting to Congress a budget which again demonstrates my commitment to programs for the elderly. It will include increased funding for nutrition, senior centers and home health care, and will focus added resources on the needs of older Americans. I will also be seeking to strengthen further the Social Security System by proposing legislation to permit borrowing among the separate trust funds.

With the 1981 White House Conference on Aging approaching, my Administration is making every effort to assure an effective and useful conference. This forum should enable older Americans to voice their concerns and give us guidance in our continued efforts to ensure the quality of life so richly deserved by our senior citizens, with special attention to those in need of long-term care.

#### REFUGEES

In 1979 my Administration made significant progress in resolving a number of problems arising from the increase in refugees. Last March, I proposed comprehensive refugee legislation, and I regard its passage as a high priority this year. The legislation—which is the first comprehensive reform of our refugee immigration and domestic resettlement policies in twenty-eight years—will bring common sense and cohesion to an unnecessarily fragmented approach to international and domestic refugee needs. Under vigorous new leadership, the Office of the U.S. Coordinator for Refugee Affairs, which I created last year, will aggressively address the needs of refugees at home and abroad. We will also encourage greater cooperation with the private sector and other actions to ensure successful refugee resettlement.

#### VETERANS

As our commitment to peace and our national security remains as strong as ever, so too is our Nation's obligation to those whose past service to our country helped to keep peace in the world. For that reason, my Administration's commitment to the needs of America's veterans will remain a high priority.

My Administration is committed to sustain high quality health care in the V.A. hospital system, the largest in the free world, and to encourage its growth in the most effective and efficient manner. That commitment will be reflected in my budget for FY 1981. The system must maintain its independent integrity.

In 1980, we will continue to honor and seek recognition of all our Nation's veterans, but we must acknowledge that veterans of the Vietnam War have yet to be accorded the full honor bestowed upon veterans of past wars. We will continue this year to assist Vietnam-era veterans with special needs and concerns, building on my initiative last year for these veterans. Accordingly, this year, I will again ask the Congress to reform and revitalize the VA's vocational rehabilitation program, and to extend eligibility for the G.I. Bill to those veterans of the Vietnam War era who are most in need of advanced job training opportunities. In addition, I will seek increased benefits for the recipients participating in the current G.I. Bill program. The Nation's veterans deserve these benefits, and I am committed to serving them.

My Budget also proposes legislation to grant a cost-of-living increase for the recipients of compensation for disabilities incurred while in the service of their country.

### GOVERNMENT ASSISTANCE

#### GENERAL AID TO STATE AND LOCAL GOVERNMENTS

Since taking office, I have been strongly committed to strengthening the fiscal condition of our Nation's State and local governments. I have accomplished this goal by maintaining consistent and strong economic growth, and by encouraging economic development of local communities, and by supporting the General Revenue Sharing and Counter-Cyclical Fiscal Assistance programs.

#### GENERAL REVENUE SHARING

This year I will propose the renewal of General Revenue Sharing. My Administration's proposal will forge a closer partnership among the Federal, State and local governments and will further emphasize the pivotal role of the States in our Federal system. My proposal for GRS renewal also will provide additional aid to the cities and counties that are most strained fiscally.

I will soon send legislation to Congress that will extend GRS for five years at the current funding level of $6.9 billion. One-third of the money will be provided to State governments on the basis of the current distribution formula. As a condition for continued payments to the States, each State will be required to constitute a broadly-based Commission to assess and address the fiscal problems confronted by the State and by the local governments within the State. These Commissions will provide a mechanism for involving the States to a greater extent in the Federal-State-local government partnership.

Two-thirds of GRS payments will be provided to local governments on the basis of population, tax effort and per capita income. While I will propose retention of the basic distribution formula for local governments, I also will propose a number of modest formula changes to provide greater aid to localities with large service responsibilities and with insufficient fiscal resources.

My proposal for GRS renewal will be the cornerstone of my policy for Federal-State-local government relations in the 1980's. This policy will emphasize the need for all levels of government to cooperate in order to meet the needs of the most fiscally strained cities and counties, and also will emphasize the important role that GRS can play in forging this partnership. I urge Congress to move quickly on my GRS proposal, to assure that our Nation's States and localities can begin the 1980's in sound fiscal condition.

#### COUNTER-CYCLICAL AND TARGETED FISCAL ASSISTANCE

Last year, I submitted to Congress a two-part fiscal aid package designed to strengthen further the fiscal condition of our Nation's States and localities. The first part of this legislation provided standby counter-cyclical legislation to protect States and localities from unexpected changes in the national economy. The second part provided transitional highly targeted fiscal assistance in FY 1980 to only the most distressed local governments.

Substantial progress has been made on this legislation in the past year. The Senate passed legislation providing both targeted fiscal assistance and counter-cyclical aid in August, 1979, and similar legislation is now ready for House action. It is important that Congress complete its action on this legislation early this year.

### URBAN POLICY

Two years ago, I proposed the Nation's first comprehensive urban policy. That policy involved more than one hundred improvements in existing Federal programs, four new Executive Orders and nineteen pieces of urban-oriented legislation. With Congress' cooperation, fifteen of these bills have now been signed into law. Additional action is expected to put into place more of these proposals this year.

### ECONOMIC DEVELOPMENT

One of the principal goals of my domestic policy has been to strengthen the private sector economic base of our Nation's economically troubled urban and rural areas. With Congress' cooperation, we have substantially expanded the Federal government's economic and development programs and provided new tax incentives for private investment in urban and rural communities. These programs have helped many communities to attract new private sector jobs and investments and to retain the jobs and investments that already are in place.

When I took office, the Federal government was spending less than $300 million annually on economic development programs, and only $60 million of those funds in our Nation's urban areas. My FY 1980 budget requested more than $1.5 billion for economic development grants, loans and interest subsidies and more than $2.5 billion for loan guarantees. Approximately 60% of these funds will be spent in our Nation's urban areas. My FY 1981 budget continues these programs at these already high levels. In addition, we have extended the 10% investment credit to include rehabilitation of existing industrial facilities as well as new construction.

This year we need to continue our progress by extending and expanding the programs of the Economic Development Administration. With Congress' cooperation, this legislation already has passed both the House and the Senate. Both the House and the Senate bills include the key elements of my original National Development Bank proposal and provide a substantial expansion of the economic development grant, loan, loan guarantee and interest subsidy programs of the Federal government. This legislation is vitally important to the economic revitalization and redevelopment of our Nation's economically troubled urban and rural areas. I am hopeful that the conferees will complete their work shortly so that we can get these essential programs underway.

I continue to believe that the development of private sector investment and jobs is the key to revitalizing our Nation's economically depressed urban and rural areas. To ensure that the necessary economic development goes forward, the Congress must enact legislation reauthorizing the programs of the Economic Development Administration. That legislation is now in Conference, and I urge the conferees to complete their work soon, so that we can provide a foundation for the economic development of our Nation in the 1980's.

### COMMUNITY DEVELOPMENT

The partnership among Federal, State and local governments to revitalize our Nation's communities has been a high priority of my Administration. When I took office, I proposed a substantial expansion of the Community Development Block Grant (CDBG) program and the enactment of a new $400 million Urban Development Action Grant (UDAG) program. Both of these programs have provided essential community and economic development assistance to our Nation's cities and counties.

This year, I will ask Congress to reauthorize both the CDBG and UDAG programs. I will propose that the CDBG program be reauthorized for three more years, and that a $150 million increase in funding be provided for FY 1981. I also will propose that the UDAG program be extended for three years, and that $675 million be provided for this program in the upcoming fiscal year. These actions should help our Nation's cities and counties to continue the progress they have made in the last three years.

### RURAL POLICY

Since the beginning of my Administration, we have taken steps to address the pressing needs of a changing and rapidly growing rural America. For many rural areas, and for most rural residents, the last decade was a time of rapid growth and development. While this growth and development has produced higher income and increased jobs in rural communities, it has also created substantial housing, energy, transportation, health, and management problems.

Last December I announced our Small Community and Rural Development Policy, which is the culmination of several years' work and is designed to address these pressing problems now affecting rural areas. The major elements of the policy involve:

—Creation of the position of Under Secretary of Agriculture for Small Community and Rural Development to provide leadership in carrying out this policy.

—Establishment of an inter-agency working group to assist in the implementation of this policy.

—Appointment of a citizens Advisory Council to advise the President on the performance of the Federal government in the implementation of this policy and to recommend needed changes.

—An invitation to the Nation's government-formed rural development councils to work in partnership with Federal agencies in delivering State and Federal programs to rural areas.

—A directive to the working group to annually review existing and proposed policies, programs, and budget levels to determine their adequacy in meeting rural needs and fulfilling the policy objectives and principles.

This is a landmark policy. It is the first time rural affairs has been given the prominence of a Presidential policy. Although many new program authorities for dealing with rural problems have been provided over the past two or three decades, there has been no institutional capacity at the Federal level for coordinating and focusing these efforts in a coherent and effective way. This policy provides that capacity, backed by my personal commitment to make it work.

My Administration will be working with the Congress this year to pass legislation needed to fulfill the commitment of this rural policy initiative.

### CONSUMERS

#### CONSUMER REPRESENTATION

Last September I signed an Executive Order designed to strengthen and coordinate Federal consumer programs and to establish procedures to improve and facilitate consumer participation in government decisionmaking. Under the Order, each Federal agency must adopt and implement its own strong consumer program.

I also established an interagency Council to coordinate the Agencies' actions in responding to the Executive Order. This year, under the leadership of my Special Assistant for Consumer Affairs, we will be working to make certain that the Order is faithfully implemented and that consumers receive better protection and assistance from Federal agencies.

My Administration will continue to support efforts to provide financial assistance in regulatory proceedings to citizen groups, small businesses and others whose participation is limited by their economic circumstances. These programs are needed to balance the regulatory process by assuring opportunities for broad public involvement in these proceedings.

Finally, the Administration will continue to support reform of class-action procedures to ease the unnecessary burdens and costs of class actions, while at the same time preventing their use as an harassment technique.

#### NATIONAL CONSUMER COOPERATIVE BANK

My Administration worked closely with the Congress to create the National Consumer Cooperative Bank. The Bank is to provide loans, loan guarantees, and other financial services to nonprofit consumer cooperatives, operating in such areas as food, housing, health, and auto repair.

To demonstrate my commitment to this innovative institution, I have signed legislation increasing appropriations for the Bank from $4 million in fiscal 1979 to $74 million in fiscal 1980. Legislation has also been signed adding two members to the Bank's board of directors—one to represent the interests of small business and one to represent the general public.

This year we will continue our efforts

with Congress to make the Bank a strong and vital resource for consumers.

### CONSUMER SERVICES INFORMATION

Genuine competition is lacking in many service industries because consumers generally lack comparative cost and quality information. To help alleviate this problem, my Administration will assist non-profit groups and State and local government agencies to develop local consumer information systems to provide accurate cost and quality data on locally provided services. An essential part of this effort will be an evaluation of the impact of better consumer information on inflation and productivity in the service sector.

### SCIENCE

### SCIENCE AND TECHNOLOGY

Since the beginning of my Administration, I have been committed to strengthening our Nation's research and development capability and to advancing those areas of science and technology which are vital to our economic and social well-being. That commitment has been reflected in: a 40% increase in basic research funding, resulting in the highest research and development funding in our Nation's history; a new Automotive Research initiative in which the industry, in partnership with the Federal government, will undertake basic research essential to help improve future automobiles; an acceleration of scientific and technological exchanges with the People's Republic of China; a major review of space activities and needs, resulting in a 60% increase in space funding and in the development of a space policy that will set the direction of our space efforts over the next decade; and a major new program to encourage industrial innovation.

Each of the undertakings will be pursued, in cooperation with the Congress, in this year.

### SPACE

The diversity of our activities in space shows that space technology has become an integral part of our lives—in communications, in remote sensing for defense and civilian purposes, and in studies of the earth and the universe. Guided by a sound, aggressive, and fiscally responsible space policy, my Administration has undertaken a concerted effort to support and further our space activities.

During my Administration, the expenditures for Federal space programs have increased by 75%. Much of this increase is to meet the increasingly operational nature of our space activities. Nearly half of our expenditures are now for defense purposes; photo-reconnaissance satellites, for example, are enormously important in stabilizing world affairs and thereby make a significant contribution to the security of all nations. And my new initiative to establish an oceanic satellite system will provide invaluable ocean data for both the civil and defense sectors, thereby avoiding unnecessary duplication.

I have also emphasized space science and exploration, continuing to fund such spectacular programs as the Voyager missions that provided us with the remarkable close-up views of Jupiter and its moons. I am proposing two new measures—the space telescope and the new Gamma Ray Observatory to provide a unique capability to observe distant galaxies and to obtain information about our universe from outside the earth's obscuring atmosphere.

In 1980, I will continue my strong support for the space program. That will be reflected in my budget and in my continued commitment to the space shuttle.

### ARTS & HUMANITIES

### ARTS

The arts provide fundamental enrichment for our Nation. The National Endowment for the Arts has played a major role in focusing public attention on the arts. In doing so, the Endowment has brought wider audiences from all parts of the country into contact with all of the arts.

Since the beginning of my term, I have increased the government's support for the Endowment's activities. I will continue that record of expanded support again this year. This will enable the Endowment to strengthen its efforts to open the arts to new audiences, new forums, and new parts of the country.

### HUMANITIES

The humanities play a vital role in deepening our understanding of culture and society. To enable the National Endowment for the Humanities to continue its important efforts, I will again be proposing increased funding for the Endowment.

While maintaining the on-going programs aiding scholarly research, education, and cultural interpretation, the Endowment will use these increased funds to augment its support for:

—research designed to increase our understanding of the traditions, cultures, and directions of countries in the Third World;

—studies exploring the complex public and ethical issues created by an increasingly technological society; and

—efforts to preserve the priceless documents and other materials that constitute the heritage of this Nation and of its regional and ethnic communities.

To bring the fruits of this work to increasing numbers of the public at large, support will be provided for humanities activities in libraries, museums, and media, as well as for a variety of special activities tailored to the needs of groups that have traditionally not had ready access to opportunities for learning in the humanities.

In pursuing these objectives, the Endowment will concentrate on using Federal funds to stimulate support from non-Federal sources, in order to enhance our tradition of private philanthropy and to expand the financial base of our cultural institutions.

### DISTRICT OF COLUMBIA

No longer is our Nation's Capital a convenient target for misdirected political attacks. My Administration has developed a partnership for progress with the District of Columbia.

My Administration worked with the last Congress to pass a proposed Constitutional amendment granting full voting representation to the citizens of our Nation's Capital. The ratification process for this proposed amendment has begun and I urge the State legislatures which have not ratified the resolution to join those which have. We will continue our efforts this year in the ratification effort.

Last year, progress was made toward strengthening the District's ability to meet its citizens' needs. With the Congress' help, we enacted legislation authorizing construction of the full METRO Mass Transit System and legislation funding the District's pension plan for municipal employees.

In 1980, we will build on this record. My Administration will continue to work closely with the Congress and Mayor Barry to expand home rule for the District, including development of a sensible formula for determining the Federal payment to the District.

I will continue working with Mayor Barry to make our Nation's Capital City a model for the rest of the Nation.

### COMMISSION ON THE HOLOCAUST

Last year, I received and approved the recommendations of the President's Commission on the Holocaust, which I established to assess how our government might officially recognize, for the first time, the tragedy of the Holocaust. I will shortly be appointing a Council of distinguished Americans to develop ways to implement the Commission's proposals. The Council and my Administration will work closely with the Congress as we establish an appropriate memorial to the six million Jews and the millions of other victims of Nazism during World War II.

### IV. MAKING GOVERNMENT EFFECTIVE AND EFFICIENT

One of my major commitments as a candidate was to make the Federal government more effective and efficient. Over the past three years, with Congress' help, I believe that enormous progress has been made toward that goal. Reforms thought to be impossible—such as Civil Service Reform—have been enacted. Regulatory burdens—such as airline regulation and government paperwork—have been reduced or eliminated. This coming year, I intend to work with the Congress to improve further the government's ability to serve the nation effectively.

### GOVERNMENT REORGANIZATION

One of my highest priorities has been to improve the quality and efficiency of Federal programs through reorganization. Since I took office, we have submitted 13 reorganization initiatives to Congress, and Congress has approved all of them. These initiatives have strengthened the Federal government's capacity to deal effectively with such critical issues as energy, civil service, disaster relief, civil rights, international development assistance, education and trade.

In 1979, Congress approved legislation that I sought to consolidate education programs in a new Cabinet department. The Department of Education will provide full-time leadership, improved management and direct accountability for its performance to me, to the Congress and to those involved in education at every level.

This month I put into effect a major reorganization of the Federal government's trade functions approved by Congress last year. In conjunction with the Multilateral Trade Negotiations Agreements this reorganization will ensure that expanded trade opportunities for American business abroad are fully realized, and that my goal of trade expansion is given a higher priority by the Federal government.

Organizational initiatives are also an important part of my energy program. We have consolidated enforcement functions for the Alaska Natural Gas Transportation System under a single Federal Inspector to ensure timely completion of the natural gas pipeline. To reduce our dependence on foreign oil, I have proposed the creation of an Energy Mobilization Board which will expedite Federal, State, and local decisions on proposed energy facilities. I am also urging the Congress to approve creation of an Energy Security Corporation to spur development of a domestic fuels industry.

This year I will propose to Congress another significant reorganization: a plan which will strengthen the internal management and effectiveness of the Nuclear Regulatory Commission. Safety is our highest concern in regulating nuclear power development, and my reorganization plan will help improve the NRC's ability to ensure nuclear safety.

### GENERAL MANAGEMENT REFORM

To simplify the government for our citizens and to reduce the burden of unnecessary requirements and regulations, we will pursue a number of initiatives this year. We have instituted a government-wide management system to mandate the cost effectiveness of new regulations and the sunsetting of old ones. In 1980, we will continue to pursue further reform of regulations through legislation designed to make permanent a new framework for managing the regulatory process, and legislation to reduce paperwork and red tape. We will also pursue initiatives to simplify the eligibility requirements for human services programs and to improve the management and delivery of social services through increased use of private sector skills and talent. This reform will reduce the obstacles for needy citizens seeking assistance and improve our ability to remove fraud from the system.

Last year, we implemented a program to manage the government's cash flow more efficiently. We have saved over $450 million a year, and we expect further annual savings of $600 million through more timely collection of cash payments, tighter control over disbursements and reductions in idle balances.

We have vigorously implemented legislation passed last year to establish independent inspectors general in each department and coordinated their work through the Executive Group to Combat Fraud and Waste in Government. To spot areas where management reform is especially likely to increase efficiency, I have created a Management Improvement Council to diagnose such circumstances and prescribe a cure.

We will continue to pursue vigorously our efforts to improve the structure and management of government programs. This is tough, unglamorous work, but it is essential to reduce the cost of government and to provide better service to the American people.

### CIVIL SERVICE AND COMPENSATION REFORM

In March 1978 I said that civil service reform would be the centerpiece of my government reorganization efforts. The Congress supported it, and I am pleased to report it is working very well. In the first real test of the reform act, over 98% of the eligible top-level managers joined the Senior Executive Service, choosing the challenge and accountability demanded by this new corps of top executives. The Office of Personnel Management, the Merit Systems Protection Board, and the Federal Labor Relations Authority authorized by the Act have operated effectively in their first year. And the agencies throughout the government continue to make substantial progress in implementing the other important civil service reforms. For the first time in the hundred year history of the civil service system Federal employees can get and hold jobs, and be paid, on the basis of actual on-the-job performance—not merely length of service.

Last year, I asked the Congress to take the next step in my Federal Employee Compensation Reform Message. I urged you to pass a pay reform bill which would modernize the Federal compensation system. This legislation is fair to Federal employees and to American taxpayers alike. Our white collar, blue collar and military compensation systems must be reformed in order to make certain that we neither overpay nor underpay Federal employees. It is a fair bill, and one which will help restore public confidence in the Federal service. I urge Congressional action on it.

### REGULATORY REFORM

Over the past three years, we have put into place a comprehensive program to overhaul the Federal regulatory establishment, and eliminate unnecessary regulatory burdens. For 1980, I am determined to continue the progress of this effort; it is the most important part of my ongoing campaign to make our government more efficient and effective.

*Airline deregulation.* The Airline Deregulation Act of 1978 has revolutionized air transportation. In the first year of its operation, the new environment of free competition created by the law produced a record number of flights and passengers, a much wider variety of service packages, and a savings of approximately $2.5 billion in the fares paid by the traveling public. Under the Act, regulatory controls will continue to be relaxed, until in 1985, the CAB itself will be completely phased out of existence.

*Trucking deregulation.* The trucking industry is enmeshed in detailed regulations that control the routes truckers can drive and the goods they can carry. In addition, truckers are allowed to fix prices through industry rate bureaus. This regulatory system works to stifle competition, waste fuel, reduce service to small towns, and inflate prices.

My appointees to the Interstate Commerce Commission have started modernizing the system, but we need legislation to provide comprehensive reform. I have submitted a bill to open up entry, lift restrictions on the goods truckers may haul and the routes they may use, promote vigorous price competition, reduce regulatory delays, and improve safety on the road.

This bill is an important step in fighting inflation, and I look forward to passage of a sound bill by early summer. If appropriate legislation is not enacted, I would expect the ICC to proceed under its authority to implement reform initiatives.

In addition, we need legislation to increase competition in the household moving industry. The Senate recently passed a constructive bill, and I urge the House to strengthen and pass it.

*Railroad deregulation.* Railroads have traditionally been one of the most over-regulated industries in America. As a result, management initiative, service, and competitive pricing have been stifled. Railroad plants and equipment have deteriorated, and the average railroad industry rate of return on investment is far too low. My administration will continue to work to eliminate these wasteful conditions and the regulatory structure which helps cause them. Our principal weapon in that effort is the railroad deregulation bill that I proposed last year. Enactment of significant railroad deregulation legislation this year is essential to restoring our railroad system to its former strength.

*Financial institutions regulation.* Last year the combination of deposit rate ceilings and outmoded restrictions on the asset powers of thrift institutions produced severe inequities for the small saver, substantial savings outflows from many thrift institutions, and disruptions in the availability of mortgage credit. Contrary to its intended purpose, the Regulation Q system has contributed to the cyclical nature of the housing market and has destabilized the flow of mortgage funds. In a related area, changing competitive relationships, as well as innovations in the market, have increased inequities and produced a continuing decline in Federal Reserve membership. Now is the time to take the actions necessary to prepare for the financial environment of the 1980's.

The Congress passed legislation in 1979 which increased the ability of many Americans to obtain mortgage credit. In addition, the Congress made major progress toward enactment of the historic financial reform legislation I proposed last year.

This year we will work closely with Congress to achieve final approval of our financial reform objectives: the phaseout of Regulation Q deposit rate ceilings, the broadening of the asset and liability process of thrift institutions, the approval of legislation to stem the decline in Federal Reserve membership, and the elimination of other unwarranted regulatory restraints. Prompt action is necessary to avert a significant decline in Federal Reserve membership and to assure a fair rate of return to the saver, a steadier flow of housing credit, and a stable financial environment for all classes of depository institutions.

This spring I will submit to the Congress the Administration's findings on the McFadden Act and other geographic restraints on banking activity.

*Telecommunications deregulation.* Technological advances, such as satellites, computers, and microwave relays, have made it practical to move much of the telecommunications industry from a regulated monopoly to a deregulated, competitive market. This shift is already underway and is benefitting individual customers as well as companies.

Toward that end, I will continue to support strongly ongoing efforts in Congress to pass a bill that will encourage and protect competition, remove needless regulation, and maintain universal, reliable service. In addition, we need this legislation to smooth the transition to a competitive environment by protecting workers' rights, ensuring against any large increases for rural telephone rates and providing needed national security and emergency preparedness powers.

*Regulation Reform Act.* In March of 1979, I sent to Congress the Regulation Reform Act. When enacted, this bill will assure that new and existing regulations will be rigorously scrutinized before they can be issued or retained, that wasteful delays are eliminated from the regulatory process, that key regulatory officials be selected purely on grounds of integrity and competence, and that the public will be assured meaningful opportunities to participate in regulatory decision-making. The reform steps I have taken administratively have already avoided billions of dollars in unnecessary regulatory costs, erased thousands of useless regulations from the books of OSHA and other agencies, and opened up the regulatory process across the Executive Branch. Enactment of my regulatory reform bill legislation is needed in this Congress, to strengthen these reforms, and extend their benefits to the independent regulatory commissions.

*Presidential oversight of regulation.* Many regulatory programs are vital to the protection of the health, safety and welfare of our citizens. These we must manage effectively, while cutting out wasteful red tape, rigidity, and costs imposed on industry and the public, and enhancing opportunities for public participation in decision-making. From the outset of my Administration, I have actively used my authority as President to assure that Executive Branch regulatory agencies respect these goals, through executive orders, through oversight from the Office of Management and Budget, through a Regulatory Analysis Review Group to assure that regulatory costs are accurately evaluated, and through a Regulatory Council to eliminate duplication and overlap among individual agencies. We will pursue these efforts in 1980.

*Legislative Veto.* While supporting the Regulation Reform Act, I will strongly oppose proposals that would undermine the ability of the President to manage the regulatory process, or would cripple the effectiveness of needed programs. In particular, my Administration will oppose proposals to subject individual agency rules to veto by one or two houses of Congress, to transfer regulatory policy decision-making authority to the Federal courts, and to create rigid statutory procedures for Presidential supervision of Executive Branch regulatory agencies.

This last year has seen Congress besieged by assaults on various important regulatory statutes, especially the Federal Trade Commission Act, seeking groundless exemptions, crippling loopholes, and unprecedented Congressional interference with ongoing proceedings. I will resist strenuously all such efforts to confuse special interest pressure with regulatory reform.

### COMMUNICATIONS

My highest priority in the communications area is passage of regulatory reform legislation covering the telecommunications industry. In addition, in 1980 we will continue our program to make the media more diverse and to ensure that the public gets the full benefit of the advances in communications technologies. Administration efforts include:

—working to increase minority participation; already our program has helped produce a two-thirds increase in minority ownership of broadcast stations, and we will continue that progress;

—working with the Federal Communications Commission to continue to eliminate needless paperwork and regulations;

—pursuing plans to open up channels for as many as 1,000 new radio stations, to improve service to rural areas and provide more opportunities for minorities;

—developing proposals to improve the way frequencies are assigned, including incentives for users to conserve the increasingly crowded radio spectrum;

—encouraging the use of satellites, cable TV, and other technologies to deliver public services and to improve rural communications;

—working with Congress and the FCC to protect First Amendment rights and the free flow of information, through such measures as my bill on police searches of newsrooms; and

—continue to support a strong, independent public broadcasting system and working to increase its coverage to reach all Americans.

In addition, I will submit to the Senate, later this year, the Treaty and Protocol that resulted from the World Administrative Radio Conference concluded in Geneva in December. This conference, and the follow-up conferences that will be held in the next few years, will determine the utilization of the radio spectrum for the rest of the century. We prepared for this conference for over two years; our delegation has secured for the United States all allocations necessary for its civilian and military services while also responding to the legitimate needs of the Third World nations.

### SUNSET

We will continue to work with Congress to pass sunset legislation. This legislation will overcome the inertia that lets Federal programs continue when they have outlived their purpose. It will ensure that Congress regularly reviews programs to decide whether they should be changed or eliminated. A comprehensive sunset bill, with a strong mechanism to force action when programs need change, is a vital building-block toward making the government more efficient.

### PAPERWORK REDUCTION

In the past three years, my Administration has cut the amount of time Americans spend filling out Federal forms by 127 million hours—almost 15 percent. I recently issued an Executive Order to continue this progress by strengthening our management program. However, Congress is enacting new paperwork requirements in energy, environmental protection, and other areas, and we must have legislation to provide the strong administrative controls that will be needed to minimize these burdens.

I urge Congress to pass a Paperwork Reduction Act to close the wide loopholes in Executive Branch oversight power and create new authority to halt duplicative data collection. In addition, I urge legislation be enacted to improve Federal statistical systems by strengthening central management and by encouraging agencies to share data, under new, tough confidentiality safeguards.

### LOBBY REFORM

The American people have a right to know what significant influences affect their national legislature. The proliferation of well-financed, organizational lobbying activities during recent years has demonstrated the clear need for reform of the outdated and ineffective lobby disclosure law now in effect. This year my Administration will again work with Congress to pass a sound lobby law reform bill—one that respects the First Amendment rights of all Americans and minimizes paperwork burdens, yet allows meaningful disclosures.

### PUBLIC FINANCING OF CONGRESSIONAL ELECTIONS

The impact of special interest contributions on congressional campaigns has grown dramatically in recent years. It is time to adopt public financing for congressional elections before it is too late. Such public financing will avoid even the appearance of undue special interest influence, and will allow worthy candidates without adequate funds to run for Congress. I urge the Congress to act on this legislation.

### JUDICIAL REFORM

In my Civil Justice Reform Message last year, I made proposals to increase the efficiency, cut the cost, and enhance the integrity of our Federal court system. Last year, I signed the Federal Magistrates Act of 1979. Both the Senate and the House have passed the Dispute Resolution Act, which would develop simple and informal means of resolving citizen disputes, and I look forward to early final action on this legislation. The Federal Courts Improvement Act has passed the Senate, and I urge the House to act on it early in this session. I hope that the Congress will also pass the other bills recommended in my Message, such as the one which would curtail diversity jurisdiction.

### LEAA

LEAA's potential to improve and strengthen State and local criminal justice programs has never been realized. Two years ago, I proposed far-reaching reforms in its structure and programs. Last month, Congress passed, and I signed, a bill which incorporated most of those reforms and which reauthorized LEAA for four more years. These reforms will preclude excessive expenditure of funds for equipment, enable better information and research about crime problems and permit funding only of innovative programs which have a high probability or record of proven success. During this year we will implement the new legislation in a way that makes certain the agency is efficiently carrying out its mission of providing meaningful law enforcement assistance.

### PATENT REFORM

As part of the Industrial Innovation policy that I announced last year, we will be seeking to reform our patent laws in a way which will spur creativity and invention. The Administration will be working with Congress to develop a single policy to guide the Departments and Agencies dealing with patents resulting from federally-sponsored research. Such uniform treatment should encourage the commercial use of discoveries while protecting the taxpayers' investment.

## V. PROTECTING BASIC RIGHTS AND LIBERTIES

Since taking office, I have worked to protect and enhance the basic rights and liberties guaranteed to Americans under the Constitution and our other laws. With your cooperation, we have made important progress in this area. This year, though, important work remains to be done if our goal of ensuring equality and basic freedoms for all Americans is to be realized. The dream of equal opportunity remains unfulfilled. I will do whatever I can to bring that dream closer to realization.

### EQUAL RIGHTS AMENDMENT

I am committed as strongly as possible to the ratification of the Equal Rights Amendment. Its ratification this year will be one of my highest priorities.

As a result of our efforts in 1978, the Equal Rights Amendment's deadline for ratification was extended for three years. We have now two years and three States left. We cannot afford any delay in marshalling our resources and efforts to obtain the ratification of those three additional States. With your help, I believe we can succeed this year.

Although the Congress has no official role in the ratification process at this point, you do have the ability to affect public opinion and the support of State Legislators for the Amendment. I urge Members from States which have not yet ratified the Equal Rights Amendment to use that ability.

### CIVIL RIGHTS

The completion of the civil rights reorganization and significant operational improvements in the agencies that carry out equal employment opportunity functions have enabled the federal government to shift its focus for the first time to large-scale enforcement efforts. These have been buttressed by our vigorous and successful posture in several landmark affirmative action cases. At the same time, the reorganization mandate to eliminate unnecessary costs, paperwork and other burdens to businesses is being vigorously implemented by the Equal Employment Opportunity Commission. That will continue with increased resources this year.

To make certain that civil rights activities are given the highest priority in the Agencies, we have created a civil rights unit in the Office of Management and Budget. This new unit will monitor civil rights enforcement and advise the Director of OMB on the funding and management resources needed for effective enforcement.

### MARTIN LUTHER KING, JR.

Dr. Martin Luther King, Jr., led this Nation's effort to provide all its citizens with civil rights and equal opportunities. His commitment to human rights, peace and non-violence stands as a monument to his humanity and courage. As one of our Nation's most outstanding leaders, it is appropriate that his birthday be commemorated as a national holiday, and I will continue to work with the Congress to enact legislation that will achieve this goal.

### FAIR HOUSING

Enforcement of laws against housing discrimination has lagged in comparison with the employment area. Because there is no adequate enforcement mechanism, Title VIII of the Civil Rights Act, which prohibits discrimination in housing, has been largely ineffective. I have strongly supported legislation which seeks to provide the Department of Housing and Urban Development with the power to hold administrative hearings and to issue "cease and desist orders" in cases where Title VIII has been violated. We will continue to work with the Congress during 1980 to enact this long-overdue authority. Its enactment will continue to be my highest legislative priority in the civil rights area.

### INTELLIGENCE CHARTERS

A legislative charter for the intelligence agencies and a charter for the FBI are long overdue. The failure to define in law the duties and responsibilities of these agencies has made possible some of the abuses which have occurred in recent years.

Several months ago, I submitted to the Congress a legislative charter for the FBI which protects the rights of our citizens while preserving the Bureau's ability to meet its important responsibilities. In 1980, we will continue to work with the Congress toward enactment of this legislation.

Events of the past year indicate the need for a strengthened and clearly defined role for our intelligence community. On the basis of the sound consultative work done already with Congress, I plan to submit a proposed charter early this year.

### HATCH ACT REFORM

Federal employees who work in nonsensitive positions should have the right to participate in off-the-job political activities. My Administration will continue to support legislation which would reform the Hatch Act to accomplish this goal, and would prevent any on-the-job political abuse.

### CRIMINAL CODE

The Federal criminal laws are often archaic, frequently contradictory and imprecise, and clearly in need of revision and codification. My Administration will continue to work with the Congress to develop a Federal criminal code which simplifies and clarifies our criminal laws, while maintaining our basic civil liberties and protections.

### LABOR LAW REFORM

Our labor laws are vital to ensuring that a sound labor-management relationship exists in collective bargaining. Efforts to abuse those labor laws, especially by unduly slowing or blocking their implementation, have increased in recent years. As a result, a reform of our labor laws is badly needed to guarantee that their intended spirit is fully observed and enforced.

I am again ready to work with the Congress to develop legislation which improves the fairness and effectiveness of our labor laws.

### HANDICAPPED

During my Administration, we have made great strides toward ending discrimination against handicapped people through broadened employment opportunities, educational opportunities, and greater access to public facilities and services. Just after I came to office, the Department of Health, Education and Welfare issued the first regulations on Section 504 of the Rehabilitation Act. Since then, numerous other Federal agencies have issued final regulations, and we expect to have regulations from all the necessary agencies by the end of 1980.

Last year I supported legislation which would prohibit discrimination against the handicapped in private employment and housing. I will continue to support that initiative this year and to clarify legislative and administrative uncertainty about provisions of the Acts affecting the rights or programs affecting handicapped individuals.

While my Administration has worked to improve programs serving the handicapped, we must continue to push for removal of psychological and physical barriers against handicapped people in our society. We are actively organizing and preparing for next year's International Year of the Disabled. The International Year will enable this country—with the public and private sector working together—to demonstrate its commitment to the disabled and to teach or learn from other nations about ways to advance the quality of life of handicapped individuals.

### PRIVACY

Changes in our society are threatening the rights to personal privacy. Government and private institutions collect increasing amounts of information about individuals. Many decisions that once were made face-to-face are now based on recorded data, and modern technology allows this data to be transferred throughout the country instantaneously. Much of this information must be collected and used to enforce the laws, provide financial services, and for other important services. However, these needs must be balanced against the right to privacy and against the harm that unfair uses of information can cause.

Last year, I announced the government's first comprehensive privacy program, building on legislation already passed to prevent improper use of wiretaps and improper access to personal bank records. This new program has five separate bills—establishing privacy safeguards for medical, research, bank, insurance, and credit records and providing special protections, modeled on the wiretap laws, for electronic funds transfer systems. In addition, I have proposed legislation limiting police searches of newsrooms to deal with the problems created by the Supreme Court's *Stanford Daily* decision.

My privacy program includes nonlegislative action as well. We have improved the handling of Federal records—we stopped the growth of personnel records and started cutting back, and we established rules to control computer matching of Federal files. I have called upon employers to establish voluntary privacy codes for the records concerning their employees and launched nationwide hearings to promote that effort.

International guidelines are needed to protect the privacy of personal information transferred from one country to another, while avoiding disruption of needed information flows. We have spearheaded work in the Organization for Economic Cooperation and Development toward this end, and guidelines have been drafted for adoption this year.

The key protections, however, need legislation. I urge Congress to act now on the five privacy bills I have submitted.

### VI. PROTECTING AND DEVELOPING OUR NATURAL RESOURCES

Two of our Nation's greatest natural resources are our environment and our fertile agricultural capacity. Since I have been in office, I have worked with the Congress to preserve, protect and where appropriate, develop our natural resources. In the environmental areas, I have been concerned about the importance of preserving a clean environment, and have taken a number of major actions designed to foster such an environment.

In the agricultural area, I have taken the steps needed to improve farm incomes and increase our agricultural production to record levels. With your help we can continue to make progress in both of these areas in 1980.

#### ENVIRONMENT

Balancing the need for resource development and conservation has been a major environmental theme of my Administration. I remain strongly convinced that this Nation can have economic and energy development and adequate environmental protection. As we open the decade of the 80's, all Americans can be proud of their natural and cultural heritage which continues to satisfy economic, recreational, and spiritual requirements.

1980 is the tenth anniversary of a decade of environmental awareness that began on Earth Day, 1970. During this past decade, monumental legislative achievements have occurred. These include: the National Environmental Policy Act, the Clean Air and Clean Water Acts, additions to our National Parks, Trails, and River Systems, and the Endangered Species Act. I was pleased to sign into law the reauthorization of the Endangered Species Act last year. During 1980 as we celebrate this tenth anniversary let us rededicate ourselves to the creation and maintenance of a safe and healthy environment, to the wise use and development of our natural resources, to the fair implementation of environmental statutes, to preserving unique wildlife resources, and to even greater achievements for improving the quality of life for all Americans.

During the next year, my Administration will vigorously pursue the protection of Alaskan lands; the implementation of an effective water resources policy; a careful implementation of domestic energy production programs, with proper regard for environmental values; a review of wilderness potential on the public lands; creation of a hazardous waste management program; fisheries development and coastal management policies.

#### ALASKA LANDS

Passage of legislation which adequately resolves the allocation of Federal lands in Alaska continues to be my highest environmental priority. At stake is the fate of tens of millions of acres of beautiful land, outstanding and unique wildlife populations, native cultures, and the opportunity to ensure that future generations of Americans will be able to experience and benefit from these nationally significant resources.

The proposals which I have supported in the 95th Congress, and again during the first session of this Congress, assure that Alaska's great national treasures can be preserved, while providing for increased domestic energy production and for the economic needs of all Alaskans.

In addition to recommendations for designating National Parks, Wildlife Refuges, Wilderness Areas, National Forests, and Wild and Scenic Rivers on the Federal lands in Alaska, I have or will be proposing aggressive but environmentally sensitive oil and gas development programs in Alaska's outer continental shelf and National Petroleum Reserve. My Administration is also stepping up the transfer of 103 million acres of Federal land to the State of Alaska and 44 million acres to Alaskan natives so that both the State of Alaska and the Native Corporations can build their economic base.

However, in order to maintain the proper balance between resource protection and development in Alaska, the Congress must now enact the comprehensive legislation which has been before that body for over two years. The 96th Congress will soon be asked to vote on what clearly amounts to the conservation decision of the century.

The House of Representatives has already passed a strong conservation bill and the Senate will shortly take up debate on this issue. I urge that the Congress carry out its responsibility to enact legislation which truly protects and preserves our natural heritage in Alaska.

#### HAZARDOUS WASTE/TOXIC SUBSTANCES

One of the most important environmental and public health issues facing our Nation is the threat caused by the improper disposal of hazardous substances. Accidents like those at Love Canal and Valley of the Drums have highlighted the inadequacy of the existing laws and inability of governments at all levels to respond quickly and efficiently to those dangerous incidents. In the coming years, there may be thousands of hazardous waste sites which will need attention, the cost of which could be enormous. Clearly an effective public policy is needed to deal with this situation.

Last June, I submitted to Congress a comprehensive $1.6 billion legislative proposal that establishes a system to deal with releases from uncontrollable hazardous waste sites as well as spills of oil and hazardous substances. This system includes provisions for emergency government response, effective enforcement, liability and in some cases, economic compensation. The system also calls for a partnership with the States in cleaning up and containing this problem. This legislation is absolutely essential if we are to meet our responsibilities to the public and I urge the Congress to act on it expeditiously.

#### NUCLEAR WASTE MANAGEMENT

The problems related to the management, disposal and storage of nuclear wastes remains one of the most serious problems with nuclear power. My Administration has been deeply concerned with this problem for the past three years. An exhaustive study and review of this problem has been undertaken by the Administration over the past year.

Based on the findings and recommendations of that study, I will soon be proposing to Congress comprehensive legislation that deals directly with this problem. My proposals, if enacted, will represent the biggest step forward in the area of nuclear waste management since the dawn of the nuclear age. I urge the Congress to take action in this area this year.

#### RARE II

In 1979, I submitted to Congress my recommendations on wilderness for the National Forests under the RARE II procedure. These proposals include 15.4 million acres of new wilderness—the most desirable areas within the vast review. Over 10 million acres are undergoing further study. In addition, I directed the Forest Service to release for multiple use management the 36 million acres of land that was designated for nonwilderness. I urge the Congress to approve my recommendations this year.

#### WATER POLICY LEGISLATION

Sound water management is vital to the economic and environmental health of our Nation.

Administrative implementation of the comprehensive water policy initiatives which I announced in June of 1978 is nearing completion. We will continue to work with the Congress to pass legislation needed to improve further Federal water resources programs and to support the States in their primary responsibilities for water allocation and management.

I am pleased that last fall the Senate authorized an expanded grant program to the States for water management and water conservation technical assistance, and I expect the House to soon pass this legislation. The cost sharing bill which I have proposed is critically needed to give the States a more effective voice in setting water project priorities in state and Federal water policy decisions.

I believe the establishment of an independent review unit in the Water Resources Council is essential, and I urge the Congress to act quickly on the pending authorization. The independent review unit will provide an objective, impartial, technical analysis to the Administration and to the Congress, of water projects proposed for authorization or new-start construction funding. This information will enable the Administration and the Congress to make better informed decisions on where to invest the taxpayers' water resource dollars.

It should be clear that my Administration supports sound water resources development, and has taken several steps to improve the quality of projects sent to Congress for authorization and funding. I am concerned that the water projects authorization bills now under consideration by Congress threaten to overturn the progress made in recent years. I urge the Congress to give this legislation the careful and thoughtful scrutiny required by our joint commitment to restraining Federal spending and ensuring a sound environment.

### FISHERIES DEVELOPMENT

Last May, my Administration proposed a fisheries development policy that recognizes both the importance of the U.S. commercial fishing industry to the Nation's economy and that fish is an important food source. This policy includes a recognition of the potential for fisheries expansion within the Nation's 200-mile fisheries conservation zone, and the importance of the Federal government's creating a positive climate for fisheries development. In conjunction with this policy, my Administration has sent a legislative proposal on fisheries development to the Congress.

It is time that the United States begin taking action to more fully utilize the fisheries resources of the 200-mile economic zone. I urge the Congress to join with me in this effort.

## AGRICULTURE

### AGRICULTURAL PROGRESS

While much work remains to be done, America's agriculture is by far the best in the world. Efforts made by my Administration, in cooperation with Congress, to secure economic stability for the farmer, have produced results.

In 1979, we experienced another record year for farm production. Net farm income jumped to $32 billion in 1979, a $4 billion increase over 1978. Agricultural exports also reached new highs, rising 18 percent in 1979 to $32 billion. Despite the suspension of exports to the Soviet Union, we can expect a continued healthy export picture for our Nation's farmers.

Last year the Secretary of Agriculture travelled around the country and conducted an extraordinarily detailed and creative dialogue with the Nation's farmers. He obtained invaluable suggestions on economic and social issues concerning farm life; as we prepare our farm program for this year and beyond, the advice of our Nation's farmers will clearly be reflected in the policies we develop with the Congress.

### SOVIET GRAIN SUSPENSION

In response to the Soviet armed invasion of Afghanistan on Christmas Eve, I took several actions to demonstrate our Nation's resolve to resist such hostile acts of aggression against a sovereign, independent nation. One of the most important of these actions was the suspension of grain sales to the Soviet Union beyond the 8 million tons provided under our 1975 grains agreement. The Soviet Union had intended to purchase an estimated 25 million tons of U.S. wheat and feed grains. Thus, the suspension of sales above the 8 million ton agreement level is expected to result in the freeing of about 17 million tons.

My decision to suspend these sales was a difficult one, but a necessary one. We could not continue to do business as usual with the Soviet Union while it is invading an independent, sovereign nation in an area of the world of strategic importance to the United States. I am fully committed to a policy of promoting international trade, and particularly the expanded export of U.S. agricultural products. I am proud of my Administration's record in this regard. Because of the aggressive efforts of American farmers and businessmen, working in cooperation with Federal representatives, and the provision of new authorities by Congress, we have set new export records in each of the past 3 years. Even with the Soviet suspension, we intend to set still another record in the coming year. In making my decisions on the suspension, I believed it would be unfair to ask the American farmer to bear a greater share of the burden and sacrifice than their fellow Americans were asked to bear. Farmers should not be penalized simply because they are part of an agricultural machine that is of growing strategic importance in the world.

To protect American farmers from the price depressing effects of the grain suspension, I directed the Secretary of Agriculture to take several actions:

—The Commodity Credit Corporation will assume the contractual obligations for grain previously committed for shipment to the Soviet Union.

—The Department of Agriculture, acting through the Commodity Credit Corporation, will purchase wheat contracted for export to the Soviet Union for the purpose of forming an emergency international wheat reserve. In this connection, I will propose legislation authorizing release of this wheat for international aid purposes.

—To encourage farmers to place additional grain in the farmer-held grain reserve, the Secretary of Agriculture has made several modifications in that important program.

—The Commodity Credit Corporation will purchase corn at the local level to alleviate the congestion within the transportation system caused by the refusal of the International Longshoremen's Association to load grain up to the 8 million metric ton level.

In combination, these actions are expected to isolate from the market an amount of grain equivalent to that not shipped to the Soviet Union, thereby avoiding a decline in grain prices. I am pleased to report that these actions are having the desired results and that American farmers are being protected from the effects of the suspension.

If further actions are necessary to insure that American agriculture does not bear a disproportionately large share of the burden associated with this action, I will not hesitate to take them.

### CROP INSURANCE

We now have an assortment of Federal loan, grant and insurance programs designed to protect farmers from the economic risks associated with natural disasters. We recognized early in my Administration that these programs were in serious need of reform. They are marked by many shortcomings: inconsistencies in eligibility, inequities in the level of benefits to producers of different crops, and inefficiencies in the use of taxpayer money. Recent evidence of abuse in the agricultural disaster loan programs provides further evidence of the need for this reform.

I have sent the Congress a proposal to consolidate these authorities in the form of an all-risk comprehensive insurance program. Congress has made clear progress in devising an improved crop insurance program, but work remains to be done. I urge the Congress to finish its work on this legislation as soon as possible.

### INTERNATIONAL EMERGENCY WHEAT RESERVE

The Congress has not yet acted on the proposal I made in the last Session to create an International Emergency Wheat Reserve. This reserve of up to 4 million tons of wheat would be used to assure recipient nations that we will meet our international food aid commitments. The suspension of further grain sales to the Soviet Union provides an appropriate opportunity to provide this authority, and thereby establish guidelines for the release of wheat now being acquired by the Commodity Credit Corporation.

## FOREIGN POLICY

From the time I assumed office three years ago this month, I have stressed the need for this country to assert a leading role in a world undergoing the most extensive and intensive change in human history.

My policies have been directed in particular at three areas of change:

—the steady growth and increased projection abroad of Soviet military power—power that has grown faster than our own over the past two decades.

—the overwhelming dependence of Western nations, which now increasingly includes the United States, on vital oil supplies from the Middle East.

—the pressures of change in many nations of the developing world, including the year old revolution in Iran and uncertainty about the future in many other countries.

As a result of those fundamental facts, we face some of the most serious challenges in the history of this Nation. The Soviet invasion of Afghanistan is a threat to global peace, to East-West relations, and to regional stability and to the flow of oil. As the unprecedented and overwhelming vote in the General Assembly demonstrated, countries across the world—and particularly the nonaligned—regard the Soviet invasion as a threat to their independence and security. Turmoil within the region adjacent to the Persian Gulf poses risks for the security and prosperity of every Western nation and thus for the entire global economy. The continuing holding of American hostages in Iran is both an affront to civilized people everywhere, and a serious impediment to meeting the self-evident threat to widely-shared common interests—including those of Iran.

But as we focus our most urgent efforts on pressing problems, we will continue to pursue the benefits that only change can bring. For it always has been the essence of America that we want to move on—we understand that prosperity, progress and most of all peace cannot be had by standing still. A world of nations striving to preserve their independence, and of peoples aspiring for economic development and political freedom, is not a world hostile to the ideals and interests of the United States. We face powerful adversaries, but we have strong friends and dependable allies. We have common interests with the vast majority of the world's nations and peoples.

There have been encouraging developments in recent years, as well as matters requiring continued vigilance and concern:

—Our alliances with the world's most advanced and democratic states from Western Europe through Japan are stronger than ever.

—We have helped to bring about a dramatic improvement in relations between Egypt and Israel and an historic step towards a comprehensive Arab-Israeli settlement.

—Our relations with China are growing closer, providing a major new dimension in our policy in Asia and the world.

—And across southern Africa from Rhodesia to Namibia we are helping with the peaceful transition to majority rule in a context of respect for minority as well as majority rights.

The central challenge for us today is to our steadfastness of purpose. We are no longer tempted by isolationism. But we must also learn to deal effectively with the contradiction of the world—the need to cooperate with potential adversaries without euphoria, without undermining our determination to compete with such adversaries and if necessary confront the threats they may pose to our security.

We face a broad range of threats and opportunities. We have and should continue to pursue a broad range of defense, diplomatic and economic capabilities and objectives.

I see five basic goals for America in the world over the 1980's:

—First, we will continue, as we have over the past three years, to build America's military strength and that of our allies and friends. Neither the Soviet Union nor any other nation will have reason to question our will to sustain the strongest and most flexible defense forces.

—Second, we will pursue an active diplomacy in the world, working—together with our friends and allies—to resolve disputes through peaceful means and to make any aggressor pay a heavy price.

—Third, we will strive to resolve pressing international economic problems—particularly energy and inflation—and continue to pursue our still larger objective of global economic growth through expanded trade and development assistance.

—Fourth, we will continue vigorously to support the process of building democratic institutions and improving human rights protection around the world. We are deeply convinced that the future lies not with dictatorship but democracy.

—Fifth, we remain deeply committed to the process of mutual and verifiable arms control, particularly to the effort to prevent the spread and further development of nuclear weapons. Our decision to defer, but not abandon our efforts to secure ratification of the SALT II Treaty reflects our firm conviction that the United States has a profound national security interest in the constraints on Soviet nuclear forces which only that treaty can provide.

Continuing close cooperation between the Congress and the Executive Branch will be required to achieve these goals. My most immediate legislative priorities include:

(1) Defense Department Authorization and Appropriations Bills

(2) Special International Security Assistance, for Pakistan and other countries

(3) Bilateral and Multilateral Foreign Assistance Bills, including Central America supplemental

(4) The China Trade Agreement

(5) Intelligence Charters

(6) Refugee Legislation and Funding

(7) Human Rights Conventions

(8) And, when appropriate, the SALT II Treaty.

One very immediate and pressing objective that is uppermost on our minds and those of the American people is the release of our hostages in Iran.

We have no basic quarrel with the nation, the revolution or the people of Iran. The threat to them comes not from American policy but from Soviet actions in the region. We are prepared to work with the government of Iran to develop a new and mutually beneficial relationship.

But that will not be possible so long as Iran continues to hold Americans hostage, in defiance of the world community and civilized behavior. They must be released unharmed. We have thus far pursued a measured program of peaceful diplomatic and economic steps in an attempt to resolve this issue without resorting to other remedies available to us under international law. This reflects the deep respect of our Nation for the rule of law and for the safety of our people being held, and our belief that a great power bears a responsibility to use its strength in a measured and judicious manner. But our patience is not unlimited and our concern for the well-being of our fellow citizens grows each day.

### ENHANCING NATIONAL SECURITY—AMERICAN MILITARY STRENGTH

The maintenance of national security is my first concern, as it has been for every President before me.

As I stated one year ago in Atlanta: This is still a world of danger, a world in which democracy and freedom are still challenged, a world in which peace must be re-won every day.

We must have both the military power and the political will to deter our adversaries and to support our friends and allies.

We must pay whatever price is required to remain the strongest nation in the world. That price has increased as the military power of our major adversary has grown and its readiness to use that power been made all too evident in Afghanistan.

### THE U.S.-SOVIET RELATIONSHIP

We are demonstrating to the Soviet Union across a broad front that it will pay a heavy price for its aggression in terms of our relationship. Throughout the last decades U.S.-Soviet relations have been a mixture of cooperation and competition. The Soviet attack on Afghanistan and the ruthless extermination of its government have highlighted in the starkest terms the darker side of their policies—going well beyond competition and the legitimate pursuit of national interest, and violating all norms of international law and practice.

This attempt to subjugate an independent, non-aligned Islamic people is a callous violation of international law and the United Nations Charter, two fundamentals of international order. Hence, it is also a dangerous threat to world peace. For the first time since World War II, the Soviets have sent combat forces into an area that was not previously under their control, into a non-aligned and sovereign state.

On January 4 I therefore announced a number of measures, including the reduction of grain sales and the curtailment of trade and technology transfer, designed to demonstrate our firm opposition to Soviet actions in Afghanistan and to underscore our belief that in the face of this blatant transgression of international law, it was impossible to conduct business as usual. I have also been in consultation with our allies and with countries in the region regarding additional multilateral measures that might be taken to register our disapproval and bolster security in Southwest Asia. I have been heartened by the support expressed for our position, and by the fact that such support has been tangible, as well as moral.

The destruction of the independence of Afghanistan government and the occupation by the Soviet Union has altered the strategic situation in that part of the world in a very ominous fashion. It has brought the Soviet Union within striking distance of the Indian Ocean and even the Persian Gulf.

It has eliminated a buffer between the Soviet Union and Pakistan and presented a new threat to Iran. These two countries are now far more vulnerable to Soviet political intimidation. If that intimidation were to prove effective, the Soviet Union might well control an area of vital strategic and economic significance to the survival of Western Europe, the Far East, and ultimately the United States.

It is clear that the entire subcontinent of Asia and specifically Pakistan is threatened. Therefore, I am asking Congress, as the first order of business, to pass an economic and military aid package designed to assist Pakistan defend itself.

### DEFENSE BUDGET

For many years the Soviets have steadily increased their real defense spending, expanded their strategic forces, strengthened their forces in Europe and Asia, and enhanced their capability for projecting military force around the world directly or through the use of proxies. Afghanistan dramatizes the vastly increased military power of the Soviet Union.

The Soviet Union has built a war machine far beyond any reasonable requirements for their own defense and security. In contrast, our own defense spending declined in real terms every year from 1968 through 1976.

We have reversed this decline in our own effort. Every year since 1976 there has been a real increase in our defense spending—and our lead has encouraged increases by our allies. With the support of the Congress, we must and will make an even greater effort in the years ahead.

The Fiscal Year 1981 budget would increase funding authority for defense to more than $158 billion, a real growth of more than 5% over my request for Fiscal Year 1980. Therefore, requested outlays for defense during Fiscal Year 1981 will grow by more than 3% in real terms over the preceding year.

The trends we mean to correct cannot be remedied overnight; we must be willing to see this program through. To ensure that we do so I am setting a growth rate for defense that we can sustain over the long haul.

The defense program I have proposed for the next five years will require some sacrifice—but sacrifice we can well afford.

The defense program emphasizes four areas:

(a) It ensures that our strategic nuclear forces will be equivalent to those of the Soviet Union and that deterrence against nuclear war will be maintained;

(b) It upgrades our forces so that the military balance between NATO and the Warsaw Pact will continue to deter the outbreak of war—conventional or nuclear—in Europe;

(c) It provides us the ability to come quickly to the aid of friends and allies around the globe;

(d) And it ensures that our Navy will continue to be the most powerful on the seas.

### STRATEGIC FORCES

We are strengthening each of the three legs of our strategic forces. The cruise missile production which will begin next year will modernize our strategic air deterrent. B–52 capabilities will also be improved. These steps will maintain and enhance the B–52 fleet by improving its ability to deliver weapons against increasingly heavily defended targets.

We are also modernizing our strategic submarine missile force. The first new Trident submarine has already been launched and will begin sea trials this year. The second Trident will be launched in the spring of 1980. The first of our new Trident missiles, with a range of more than 4,000 miles, have already begun operational patrols in Poseidon submarines.

The new MX missile will enhance the survivability of our land-based intercontinental ballistic missile force. That is why I decided last spring to produce this missile and selected the basing mode best suited to enhance its capability. Further, the MX will strengthen our capability to attack a wide variety of Soviet targets.

Our new systems will enable U.S. strategic forces to maintain equivalence in the face of the mounting Soviet challenge. We would however need an even greater investment in strategic systems to meet the likely Soviet buildup without SALT.

### FORCES FOR NATO

We are greatly accelerating our ability to reinforce Western Europe with massive ground and air forces in a crisis. We are undertaking a major modernization program for the Army's weapons and equipment, adding armor, firepower, and tactical mobility.

We are prepositioning more heavy equipment in Europe to help us cope with attacks with little warning, and greatly strengthening our airlift and sealift capabilities.

We are also improving our tactical air forces—buying about 1700 new fighter and attack aircraft over the next five years—and increasing the number of Air Force fighter wings by over 10 percent.

We are accelerating the rate at which we can move combat aircraft to Europe to cope with any surprise attack, and adding to the number of shelters at European airbases to prevent our aircraft from being destroyed on the ground.

### RAPID DEPLOYMENT FORCES

We are systematically enhancing our ability to respond rapidly to non-NATO contingencies wherever required by our commitments or when our vital interests are threatened.

The rapid deployment forces we are assembling will be extraordinarily flexible: They could range in size from a few ships or air squadrons to formations as large as 100,000 men, together with their support. Our forces will be prepared for rapid deployment to any region of strategic significance.

Among the specific initiatives we are taking to help us respond to crises outside of Europe are:

—the development and production of a new fleet of large cargo aircraft with intercontinental range;

—the design and procurement of a force of Maritime Prepositioning Ships that will carry heavy equipment and supplies for three Marine Corps brigades.

In addition, responding to the Soviet military presence in Cuba and the proxy role of Cuba on behalf of the USSR, we have taken or are taking the following actions in support of the rapid deployment force:

(1) We are substantially increasing our ability to monitor Cuban and Soviet/Cuban activities;

(2) We have established a Caribbean Joint Task Force Headquarters which improves our ability to respond to events in the region;

(3) We are increasing regional military exercises; and,

(4) We are intensifying assistance to countries in the region that are threatened by Soviet or Cuban intervention.

### NAVAL FORCES

Seapower is indispensable to our global position—in peace and also in war. Our shipbuilding program will sustain a 550-ship Navy in the 1990s and we will continue to build the most capable ships afloat.

The program I have proposed will assure the ability of our Navy to operate in high threat areas, to maintain control of the seas and protect vital lines of communication—both military and economic—and to provide the strong maritime component of our rapid deployment forces. This is essential for operations in remote areas of the world, where we cannot predict far in advance the precise location of trouble, or preposition equipment on land.

### MILITARY PERSONNEL

No matter how capable or advanced our weapons systems, our military security depends on the abilities, the training and the dedication of the people who serve in our armed forces. I am determined to recruit and to retain under any foreseeable circumstances an ample level of such skilled and experienced military personnel.

We have enhanced our readiness and combat endurance by improving the Reserve Components. All reservists are assigned to units structured to complement and provide needed depth to our active forces. Some reserve personnel have also now been equipped with new equipment.

### MOBILIZATION PLANNING

I have also launched a major effort to establish a coherent and practical basis for all government mobilization planning. Begun last May, this is the first such effort conducted at Presidential level since World War II. It involves virtually every Federal agency, with the aim of improved efficiency and readiness.

### OUR INTELLIGENCE POSTURE

Our national interests are critically dependent on a strong and effective intelligence capability. We will not shortchange the intelligence capabilities needed to assure our national security.

Maintenance of and continued improvements in our multi-faceted intelligence effort are essential if we are to cope successfully with the turbulence and uncertainties of today's world.

The intelligence budget I have submitted to the Congress responds to our needs in a responsible way, providing for significant growth over the Fiscal Year 1980 budget. This growth will enable us to develop new technical means of intelligence collection while also assuring that the more traditional methods of intelligence work are also given proper stress. We must continue to integrate both modes of collection in our analyses.

It is imperative that we now move forward promptly within the context of effective Congressional oversight to provide America's intelligence community with Charters which can permit it to operate more effectively and within a national concern codified by law.

### REGIONAL POLICIES

Every President for over three decades has recognized that America's interests are global and that we must pursue a global foreign policy.

Two world wars have made clear our stake in Western Europe and the North Atlantic area. We are also inextricably linked with the Far East—politically, economically, and militarily. In both of these, the United States has a permanent presence and security commitments which would be automatically triggered. We have become increasingly conscious of our growing interests in a third area—the Middle East and the Persian Gulf area.

We have vital stakes in other major regions of the world as well. We have long recognized that in an era of interdependence, our own security and prosperity depend upon a larger common effort with friends and allies throughout the world.

### THE ATLANTIC ALLIANCE

At the outset of this Administration I emphasized the primacy of our Atlantic relationship in this country's national security agenda. We have made important progress toward making the Atlantic Alliance still more effective in a changing security environment.

We are meeting the Soviet challenge in a number of important ways:

First, there is a recognition among our allies that mutual security is a responsibility to be shared by all. We are each committed to increase national defense expenditures by 3% per year. There remains much work to be done in strengthening NATO's conventional defense; the work proceeding under the Alliance's Long Term Defense Program will help achieve this objective.

Last month, we and our NATO allies took an historic step in Alliance security policies with the decision to improve substantially our theater nuclear capabilities. The theater nuclear force modernization (TNF) program, which includes the deployment of improved Pershing ballistic missiles and of ground-launched cruise missiles in Europe, received the unanimous support of our allies. The accelerated deployment of Soviet SS-20 MIRVed missiles made this modernization step essential. TNF deployments will give the Alliance an important retaliatory option that will make clear to the Soviets that they cannot wage a nuclear war in Europe and expect that Soviet territory will remain unscathed.

While we move forward with our necessary defense efforts in Europe, we are also proceeding with our efforts to improve European security through arms control.

As an integral part of the NATO TNF decisions, the Alliance has made it clear that it is prepared to negotiate limitations on long-range theater nuclear missiles.

On our part, our TNF modernization efforts will make possible a streamlining of our nuclear weapons stockpile in Europe, allowing us to withdraw 1,000 nuclear warheads over the next year.

In the Mutual and Balanced Force Reduction talks, we and our allies have recently put forward new proposals that are designed to simplify the negotiations and improve the prospect for early progress in limiting conventional military forces in Europe.

In a very real sense the accomplishments of the past year answered a critical question concerning NATO's future: can the Western Alliance, which has provided the foundation for one of the longest periods of peace and prosperity that Europe has ever enjoyed, still summon the essential cohesion, relevance, and resolve to deal with fundamental security issues likely to affect its member nations well into the next century? NATO's consensus in favor of modernizing and negotiating about its nuclear arsenal while continuing to improve conventional forces, dramatized Allied capacity to respond effectively to both the military and political threats posed by the Soviet Union.

Relations with our allies and friends in Europe are taking on ever broader dimensions. Our security agenda remains central; we are addressing new concerns as well.

I met with an unprecedented number of European statesmen in Washington during the year just past, including the leaders of Great Britain, West Germany, Austria, Norway, Finland, the Netherlands, Ireland, Sweden, and the European Community; in all of these meetings a common theme was the changing realities of political and economic interdependence and, as we enter a new decade, the need to promote more equitable conditions of peaceful growth and stability throughout the world.

This approach has achieved tangible form in a number of ways. For example, every West European government supports us as we have continued by every peaceful means to seek the release of American hostages held in Tehran in defiance of universal standards of international law and decency. We are consulting and cooperating closely in our responses to the Soviet Union's invasion and occupation of Afghanistan.

In the NATO area itself, we moved together vigorously to meet the serious economic problems faced by Turkey and thereby strengthen a vital part of NATO's southern flank and we have signed a new base agreement with Turkey. This action, though indispensable in its own right, also supported our continuing efforts to promote a solution to the Cyprus problem and to bring about the reintegration of Greece within the military framework of the Atlantic Alliance, objectives which retain high priority this year.

### ASIA

The United States is a Pacific nation, as much as it is an Atlantic nation. Our interests in Asia are as important to us as our interests in Europe. Our trade with Asia is even greater than our trade with Europe. We have pursued and maintained these interests on the basis of a stable balance of power in the region. Our partnership and alliance with Japan is central to our Asian policy. We are strengthening our new relationship with China. We have expanded our ties with the Association of South East Asian Nations (ASEAN) and its member governments.

My trip to the Far East helped forge closer working relationships with Japan and Korea.

### ASIAN SECURITY

The balance of power is fundamental to Asian security. We have maintained that balance through a strong United States military posture in the region, as well as close ties with our allies, Japan, Australia, New Zealand and Korea. Over the past year I have worked to stabilize the United States military presence in Asia by concluding an amended base agreement with the Philippines that will last until 1991. We have fostered the closest degree of security cooperation with Japan in the history of our two nations—exemplified by joint planning for the defense of Japan, increased Japanese contributions to United States base costs in Japan, and large-scale Japanese purchases of United States defense equipment. After examining in detail new intelligence estimates of North Korean military strength, I decided to maintain our troop strength in the Republic of Korea at its present level until at least 1981. The reaffirmation of our commitment to Korean security has been of great importance to the Koreans as they make necessary political adjustments in the wake of President Park's assassination.

Response by nations in East Asia to the Soviet aggression in Afghanistan has been gratifying. Australia in particular deserves recognition for the forthright stand it has taken. Japan and the ASEAN nations have also been strongly supportive.

### CHINA

Over the last year we have expanded our new relationship with the People's Republic of China to ensure that where our interests coincide, our separate actions will be mutually reinforcing. To this end we have enhanced our consultative relationship. We have also sought to develop an enduring institutional framework in the economic, cultural, scientific, and trade areas.

This process has been facilitated by the successful visits of Vice Premier Deng to the United States and Vice President Mondale to China; through the signing of over 15 commercial, scientific, and cultural agreements; through numerous Cabinet-level visits; and through a significant expansion of trade and the flow of people between our two countries.

During Secretary of Defense Brown's recent trip to the People's Republic of China, wide-ranging talks were held on global and regional issues, arms control, technology transfer, and ways to sustain bilateral contacts. Although we may differ with the Chinese on some issues, our views coincide on many important issues, particularly with respect to the implications for the region of the Soviet invasion of Afghanistan.

In 1980 I look forward to passage by Congress early in the year of the China Trade Agreement and of authorization of OPIC operations in China; we plan to conclude civil aviation, maritime, and textile agreements; and continue to expand our commercial, cultural, and scientific relations, particularly through ExImBank credits to the People's Republic of China.

### SOUTHEAST ASIA

The countries comprising ASEAN are central to United States interests in Southeast Asia.

Throughout the past year, our relations with ASEAN have continued to expand as our consultative arrangements were strengthened.

The stability and prosperity of Southeast Asia have been severely challenged by Soviet-supported Vietnamese aggression in Cambodia. During this year we will continue to encourage a political settlement in Cambodia which will permit that nation to be governed by leaders of its own choice. We have taken all prudent steps possible to deter Vietnamese attacks on Thai territory by increasing our support to the Thais, and by direct warnings to Vietnam and the U.S.S.R. The other members of ASEAN have stood firmly behind Thailand, and this in great measure has helped to contain the conflict. We have been gratified by Thailand's courageous and humane acceptance of the Cambodian refugees.

### MIDDLE EAST—PERSIAN GULF—SOUTH ASIA

Events in Iran and Afghanistan have dramatized for us the critical importance for American security and prosperity of the area running from the Middle East through the Persian Gulf to South Asia. This region provides two-thirds of the world's oil exports, supplying most of the energy needs of our allies in Europe and Japan. It has been a scene of almost constant conflict between nations, and of serious internal instability within many countries. And now one of its nations has been invaded by the Soviet Union.

We are dealing with these multiple challenges in a number of ways.

### MIDDLE EAST

First, it has been a key goal of my Administration since 1977 to promote an enduring resolution of the Arab-Israeli conflict—which is so essential to bringing stability and peace to the entire region. Following the Camp David Summit of August 1978, in March 1979, I helped bring about the signing of a peace treaty between Egypt and Israel—the first time in 30 years of Middle East conflict that peace had shined with such a bright and promising flame. At the historic signing ceremony at the White House, Prime Minister Begin and President Sadat repeated their Camp David pledge to work for full autonomy for the West Bank and Gaza.

Since then Egypt and Israel have been working to complete this part of the Camp David framework and to provide an opportunity for the Palestinian people to participate in determining their future. I strongly support these efforts, and have pledged that we will be a full partner in the autonomy negotiations. We will continue to work vigorously for a comprehensive peace in the Middle East, building on the unprecedented achievements at Camp David.

At the same time, I have reinforced America's commitment to Israel's security, and to the right of all nations in the area to live at peace with their neighbors, within secure and recognized frontiers.

### PERSIAN GULF

In recent years as our own fuel imports have soared, the Persian Gulf has become vital to the United States as it has been to many of our friends and allies. Over the longer term, the world's dependence on Persian Gulf oil is likely to increase. The denial of these oil supplies—to us or to others—would threaten our security and provoke an economic crisis greater than that of the Great Depression 50 years ago, with a fundamental change in the way we live.

Twin threats to the flow of oil—from regional instability and now potentially from the Soviet Union—require that we firmly defend our vital interests when threatened.

In the past year, we have begun to increase our capacity to project military power into the Persian Gulf region, and are engaged in explorations of increased use of military facilities in the area. We have increased our naval presence in the Indian Ocean. We have been working with countries in the region on shared security concerns. Our rapid deployment forces, as described earlier, could be used in support of friendly governments in the Gulf and Southwest Asian region, as well as in other areas.

### SOUTH ASIA

The overwhelming challenge in this region will be dealing with the new situation posed by Soviet aggression in Afghanistan. We must help the regional states develop a capability to withstand Soviet pressures in a strengthened framework for cooperation in the region. We want to cooperate with all the states of the region in this regard—with India and Pakistan, with Sri Lanka, Bangladesh and Nepal.

In this new situation, we are proposing to the Congress a military and economic assistance program to enable Pakistan to buttress its defenses. This is a matter of the most urgent concern, and I strongly urge the earliest possible approval by the House and Senate. We are also working closely with other friends of Pakistan to increase the resources available for Pakistan's development and security.

We are also pursuing the possibility of gaining access to military facilities in the region in time of trouble. We are prepared to work closely with our friends in the region, on a cooperative basis, to do whatever is required to ensure that aggressors would bear heavy costs so that further aggression is deterred.

A high priority for us in the region is to manage our nuclear concerns with India and Pakistan in ways that are compatible with our global and regional priorities. The changed security situation in South Asia arising from the Soviet invasion of Afghanistan calls for legislative action to allow renewed assistance to Pakistan. But this in no way diminishes our commitment to work to prevent nuclear weapons proliferation, in Pakistan or elsewhere.

Steady growth of our economic assistance is also essential if the countries of South Asia are to achieve growth and true stability.

### AFRICA

A peaceful transition to majority rule in Southern Africa continues to be a major goal of the United States. We gave our fullest support to the successful British drive to reach an agreement among all parties in Rhodesia. The process of implementation will not be easy, but the path is now open to a peaceful outcome. With our European allies, Canada and the African states directly concerned we also are making progress toward independence and majority rule for Namibia. The momentum resulting from successful resolution of the Rhodesian conflict should aid in these initiatives.

Congressional support for the Executive Branch decision to maintain sanctions on Rhodesia until the parties reached agreement on a ceasefire and an impartial elections process had begun was instrumental in creating the conditions necessary for agreement. Now that the United States, European trading partners and the surrounding African states have lifted sanctions, the process of economic reconstruction in Rhodesia—soon to be Zimbabwe—can begin.

With the creation of an independent Zimbabwe after many years of fighting, we will be prepared to cooperate in a coherent multi-donor development plan for the poor nations in the Southern Africa region.

Our active support for self-determination and racial equality in Southern Africa has enabled the United States to develop a continuing and effective dialogue with governments throughout the continent. As Africa grows more important to us for economic, political and strategic reasons, we will be strengthening our ties of mutual interest with Africans. We will continue to participate in their first priority—economic development—and to help Africans resolve their political problems and maintain stability in their continent.

Whether in the Horn or in other areas of the continent, we will also provide to friendly nations security assistance when needed for defense of their borders.

### NORTH AFRICA

In 1979 the United States moved to help a long-standing friend by strengthening our arms supply relationship with Morocco. In assisting Morocco to deal with attacks inside its internationally recognized frontiers, we seek conditions of greater security and confidence in which a political settlement of the Western Sahara conflict can be effectively pursued. Though not itself a mediator, the United States in the months ahead will encourage the countries in the area to resolve their differences peacefully in order that the vast economic potential of North Africa can be exploited for the well-being of the people living there.

### LATIN AMERICA

Since my inauguration, I have worked hard to forge a new, collaborative relationship with the nations of Latin America and the Caribbean—one resting on a firm commitment to human rights, democratization, economic development and non-intervention. The events of 1979—even the turbulence in Central America and the Caribbean—presented us with opportunities to move toward these goals.

There was encouraging progress in the area of human rights and democratization in the Western Hemisphere this past year. The inauguration of a new democracy in Ecuador, and the strong effort by the Andean countries to preserve democracy in Bolivia were positive steps.

During 1979, I met with the President of Mexico twice to discuss the opportunities and difficult issues before our two countries. We have taken worthwhile steps, including an agreement on natural gas and on trade.

On October 1, Vice President Mondale and many leaders from Latin America traveled to Panama to celebrate the coming into force of the Panama Canal Treaties. The transition to a new relationship and a new structure to manage the Canal was smooth and effective because of the contributions and the mutual respect between Panamanians and Americans.

The Vice President also traveled to Brazil and Venezuela. The Secretary of State met with leaders in Quito at the inauguration of the new democratic President of Ecuador and in LaPaz at the OAS General Assembly. These meetings have helped us to develop further the close consultative ties which are so important to a free and balanced community of nations in the hemisphere.

Also, in 1979, the United States moved to a much closer economic and political relationship with the increasingly significant Andean Pact countries. A memorandum of understanding on economic relations was signed in Washington in November.

Central America and the Caribbean region are undergoing a period of rapid social and political change. There is a threat that intervention by Cuba may thwart the desire of the people of the region for progress within a democratic framework and we have been working closely with the governments in the region to try to aid in the development process of the region and are prepared to assist those threatened by outside intervention.

The Caribbean Group, which is coordinated by the World Bank and which we helped establish, has now become an important factor for development in the region, adding $260 million in concessionary resources to the region. We have increased our aid to the Caribbean, reprogrammed loans, and are seeking prompt Congressional action on a supplemental of $80 million for Nicaragua and Central America.

My Science Advisor, Dr. Frank Press, led a large delegation of scientists and educators to Barbados, Peru, Venezuela and Brazil to forge new and fruitful ties between our countries in important areas of science and technology.

### THE INTERNATIONAL ECONOMY

A growing defense effort and a vigorous foreign policy rest upon a strong economy here in the United States. And the strength of our own economy depends upon our ability to lead and compete in the international marketplace.

### ENERGY

An essential lesson to be drawn from Iran is that there are compelling foreign policy, as well as domestic economic reasons for lessening our dependence on foreign oil.

In response to a series of United States proposals, the industrial countries adopted in 1970 a cooperative energy strategy for the 1980's. Its main elements are collective restraint on oil imports; intensified efforts to conserve oil and boost production of conventional substitutes for oil; and collaborative research, development and commercialization of new fuel technologies.

At the Tokyo Economic Summit in June, the heads of government of the seven major industrial democracies agreed that they must take responsibility for curbing oil demand. By the end of the year, 20 industrialized nations, members of the International Energy Association, had agreed not only to enforce equitably allocated ceilings on their oil imports, but to create a system for quickly adjusting the ceilings to changes in world oil supply. Completion of the detailed agreements to execute the global oil demand-allocation process is at the head of the international energy agenda for 1980.

At the 1980 Economic Summit in Venice, I intend to propose further joint action to smooth the transaction from oil to more abundant fuels and to slow the growth in oil prices.

In support of the international oil strategy, the Administration and the United States coal industry are launching joint marketing efforts to make this country a major exporter of steam coal. With assurance of reliable United States coal supply at competitive prices, many of the electric power plants to be built in the 1980s and 1990s can be coal-fired rather than oil-burning. Coal exports will help us pay for our declining but costly oil imports.

A new source of natural gas supply for the United States—Mexico—was opened through the conclusion of government-to-government negotiations. Through close cooperation with our northern neighbor, Canada, the Administration cleared the way for expanding the flow of Canadian natural gas to the United States and for private development of the Alaskan gas pipeline across Canada to the lower 48 states.

We continue to believe that nuclear power will play an essential role in meeting the energy needs of many nations, but with effective safeguards against the proliferation of nuclear weapons.

### INTERNATIONAL MONETARY POLICY

We are moving forcefully to establish the fundamental economic conditions for a strong dollar. In 1979 the balance of payments was in approximate balance for the first time in three years, despite substantially higher oil import costs. Our anti-inflationary economic policies and strong energy program should provide a basis for further improvement. Of course the outcome depends in part also upon responsible pricing behavior by OPEC and other oil producers.

We support the efforts under way to strengthen the international monetary system. I urge the Congress to enact promptly legislation permitting the United States to increase its quota in the International Monetary Fund (IMF) as part of the general expansion of Fund resources. We welcome the measures being taken by the IMF to improve its ability to promote sound economic and exchange rate policies in all member countries. We also welcome the study of the possible establishment of a "substitution account" to strengthen the international monetary system by promoting the role of the Special Drawing Right as the principal reserve asset in the system.

### TRADE

Under the direction of my Special Trade Representative, we brought to a successful conclusion the multilateral trade negotiations, the most ambitious set of negotiations to reduce barriers to international trade in a decade. The resulting "MTN" agreements, covering a broad spectrum of trade issues, were concluded and ratified by overwhelming majorities of the United States Congress. These binding commitments, signed by all the major trading nations, provide the framework for a new era in international trading relations with them and with the developing nations. This makes clear my resolve and that of the American people to resist the dangers of protectionism.

The reorganization of the Federal government trade agencies which I directed will assure more effective and prompt governmental action to exploit the export opportunities afforded by the MTN. The plan, approved by Congress this fall, establishes a strong, authoritative voice in the Executive Office of the President to provide coherence and leadership to United States trade policy, negotiations, and the implementation of the MTN trade codes. The reorganization establishes the Office of the U.S. Trade Representative and strengthens the Commerce Department.

### SUGAR

In 1979, Congress ratified the International Sugar Agreement, thus fulfilling a major commitment of this Administration. The agreement is an important element in our international commodity policy with far-reaching implications for our relations with developing countries, particularly sugar producers in Latin America. This agreement and other measures my Administration has taken already have helped to stabilize sugar prices and bring high domestic prices into line with those prevailing in the world marketplace. Producers and consumers alike will benefit from a more stable market for this essential commodity. We need prompt enactment of implementing legislation for this agreement.

### TIN

At year's end, Congress approved stockpile disposal legislation which will permit the General Services Administration to sell 30,000 metric tons of tin from our strategic stockpile and contribute up to 5,000 metric tons to the International Tin Organization's (ITO) buffer stock. This fulfills a United States pledge made during the Conference on International Economic Cooperation and represents a major step forward in our relations with producing countries in the developing world. We will consult with other members of the ITO to ensure that our tin disposals do not disrupt markets and take into account the needs of both producers and consumers.

### COMMON FUND

The United States joined members of the United Nations Conference on Trade and Development, both developed and developing nations, in negotiating an agreement on the framework of a Common Fund to help international commodity agreements stabilize the prices of raw materials. Negotiations are now underway on the final articles of agreement of the Fund.

The United States also participated in successful negotiations on an international rubber agreement.

### ECONOMIC COOPERATION WITH DEVELOPING NATIONS

Our relations with the developing nations are of central importance to the United States. The fabric of our relations with these countries has both political and economic dimensions, as we witnessed in recent weeks when nations of the Third World took the lead in condemning the Soviet invasion of Afghanistan. Our ability to work together with developing nations toward goals we have in common—their political independence, the resolution of regional tensions, and our growing ties of trade for example—require us to maintain the policy of active engagement with the developing world that we have pursued over the past three years.

The foreign assistance legislation which I will be submitting to you for FY 81 provides the authority and the funds to carry on a cooperative relationship with a large number of developing nations. Prompt Congressional action on this legislation is essential in order to meet our treaty and base rights agreements, continue our peace efforts in the Middle East, provide economic and development support to countries in need, promote progress on North-South issues, protect Western interests, and counter Soviet influence.

We will also be asking Congress to enable us to honor our international agreements for multilateral assistance by authorizing and appropriating funds for the International Financial Institutions.

Finally, the Administration and the Congress agreed in 1979 on fundamental changes in the way the United States government is organized to conduct economic and technical relations with the developing nations. I submitted and the Congress approved a plan to consolidate in a small policy-coordination body, the International Development Cooperation Agency (IDCA), responsibility for direct United States development assistance, for guidance to United States representatives in multilateral development agencies, and for presenting our long-term development interests in Federal government policy bodies dealing with trade and other economic relations with developing nations. I also submitted, and the House approved in the 1979 session of Congress, a plan to establish the Institute for Scientific and Technological Cooperation (ISTC), a constituent element of the IDCA group of agencies. Once approved, the ISTC will carry out research as well as support research by foreign scientists on technological means of reducing poverty in developing nations.

### FOOD—THE WAR ON HUNGER

One of the main economic problems facing developing countries is lagging food production. We must help these countries meet this problem—not only so that their peoples will be free from the threat of continuing hunger, but also so that their societies will be strong enough to resist external pressure. I have directed that United States bilateral and multilateral aid be geared increasingly to this goal, as recommended by our Hunger Commission, chaired by Sol Linowitz; we are urging other donor countries to join in more effective efforts to this end.

Good progress has been made since the Tokyo Economic Summit called for increased effort on this front. The World Bank is giving this problem top priority, as are some other donor countries. The resources of the consultative Group on International Agricultural Research will be doubled over a five-year period. The work of our own Institute of Scientific and Technological Cooperation will further strengthen the search for relevant new agricultural technologies.

The goal of freeing the world from hunger by the year 2000 should command the full support of all countries.

### THE HUMAN DIMENSION OF FOREIGN POLICY

### HUMAN RIGHTS

The ultimate aim of our foreign policy must be to preserve freedom for ourselves and to expand freedom for others. This is a matter both of national principle and of national interest. For we believe that free and open societies are not only better able to meet the rising expectations of their people; they are also better able to accommodate often conflicting internal pressures before popular frustrations explode in violent and radical directions.

We do not seek to impose our system or institutions on others. Rather, we seek to support, in practical and concrete ways, the efforts of other nations to build their own institutions in ways that will meet the irrepressible human drive for freedom and justice.

Human rights policy commands the strong support of our citizens, and of the Congress. The world climate increasingly favors human rights progress.

Despite new turbulence and conflict, the past year featured some encouraging positive developments. We cannot and should not claim credit for them. But it is clear that we are part of a growing movement. During 1979, we saw:

—The further strengthening of democratic practices in Spain and Portugal, with free elections in both countries;

—The disappearance of several of the world's most repressive regimes;

—The freeing of political prisoners in Asia, Africa, and Latin America;

—A return to democratic rule in several Latin American countries and widespread progress in reducing human rights violations in the region;

—The growing strength of international human rights institutions. The Inter-American Court of Human Rights held its first meeting. Preparations began for another conference to review compliance with the Helsinki accords, to be held in Madrid this November. The OAU took long strides toward establishing a human rights commission for Africa. UN bodies became increasingly active in their human rights efforts.

The United States is still not a party to the key human rights treaties that establish world standards and implementing machinery. In early 1978, I sent for Senate approval four such treaties, the American Convention on Human Rights, the Convention on Racial Discrimination, and the UN Covenants on Civil and Political Rights and on Economic and Social and Cultural Rights. Hearings were held in 1979. No single action by this country would do more to advance the cause of human rights than Senate approval of these instruments and a fifth human rights treaty sent to Congress previously, the Genocide Convention. I urge the earliest possible Senate action.

### HUMANITARIAN AID

The mass exodus of refugees from Vietnam reached a crescendo in summer 1979 with over 65,000 people a month fleeing repression and economic privation. Most fled by boat, and many were lost at sea. In July, at a special UN meeting on refugees, Vice President Mondale presented a major United States program to rescue and help support and resettle the new refugee population. It doubled to 14,000 a month the number of Indochinese refugees the United States, in accord with our finest traditions, would absorb over the year ahead.

The Vietnamese invasion of Kampuchea in late 1978 gravely jeopardized the supply of food for the already decimated and brutalized Khmer people. In October, I announced that the United States would pay one-third of the costs of the international relief program mounted jointly by UNICEF and the International Committee of the Red Cross. Leaders of thirty-five church and voluntary agencies, with White House encouragement, are engaged in their own large fund-raising program for refugees.

In early November, Mrs. Carter visited refugees on the Thai-Cambodian border and reported back to me, the United States voluntary agencies, and the American people. In response, our efforts to avert a mass famine were accelerated.

The obstacles remain daunting—continued warfare and aggression by Vietnam, nondistribution by the Phnom Penh authorities of much of the UNICEF-ICRC aid, movement of up to 900,000 hungry Khmer to and across the Thai border where they can be fed and helped.

But Americans will continue their efforts both public and private to avert the famine that looms. New help for our efforts will come from the National Committee formed in early 1980 by leading citizens to help in mobilizing and supporting the sustained effort essential to achieve this humanitarian goal.

As the year began, we are also considering new means of helping, through our contribution to the UN High Commissioner for Refugees and in other ways, the mounting Afghan refugee population in Pakistan and other desperate refugee situations such as Somalia.

It cannot be ignored that the destructive and aggressive policies of the Soviet Union have added immeasurably to the suffering in these three tragic situations.

I have asked the heads of the appropriate departments of the Executive Branch to play an active role in the Select Commission on Immigration and Refugee Policy to formulate a new approach to deal with sensitivity with the difficult subject of people arriving on our shores from Latin America.

My meeting with Pope John Paul II during his historic and unprecedented visit to the United States helped raise the world's consciousness in connection with pressing problems of famine, homelessness, and human rights. Our talks spurred positive action in many of these areas, notably Indochina, and set the stage for further action in 1980.

### THE CONTROL OF NUCLEAR WEAPONS

Together with our friends and allies, we are striving to build a world in which peoples with diverse interests can live freely and prosper. But all that humankind has achieved to date, all that we are seeking to accomplish, and human existence itself can be undone in an instant—in the catastrophe of a nuclear war.

Thus one of the central objectives of my Administration has been to control the proliferation of nuclear weapons to those nations which do not have them, and their further development by the existing nuclear powers—notably the Soviet Union and the United States.

### NON-PROLIFERATION

I entered office committed to assert American leadership in stemming the proliferation of nuclear weapons—which could create fundamental new instabilities in critical regions of the world, and threaten the security of the United States. This should not and cannot be done unilaterally. The cooperation of other suppliers of nuclear technology and materials is needed. This issue must not become a North-South confrontation.

We have been proceeding on a number of fronts:

—We have been seeking to encourage nations to accede to the Non-Proliferation Treaty, or to accept full-scope international safeguards. The Nuclear Non-Proliferation Act calls for such safeguards in connection with United States nuclear exports.

—The International Nuclear Fuel Cycle Evaluation (INFCE) has demonstrated that suppliers and recipients can work together. Its results will be published in a month. While differences remain, it will provide a broader international basis for national decisions which must balance energy needs with nonproliferation concerns.

—Finally, we are working to encourage regional cooperation and restraint. Protocol I of the Treaty of Tlatelolco which will contribute to the lessening of nuclear dangers for our Latin American neighbors has not yet been ratified by the United States Senate.

Working together with the Congress, I remain committed to the vigorous pursuit of our non-proliferation objectives.

### LIMITATIONS ON STRATEGIC ARMS

The most prominent of our nuclear arms control efforts is, of course, SALT II.

The signing of the Treaty brought to an end painstaking negotiations carried out under three administrations of both parties.

—SALT II is in our mutual interest; it is neither an American favor to the Soviet Union nor a Soviet favor to the United States.

—Ratification of the SALT II Treaty would represent a major step forward in restraining the continued growth of Soviet strategic forces.

Because SALT II reduces superpower competition in its most dangerous manifestation, this Treaty is the single most important bilateral accord of the decade:

—SALT II will permit us better to maintain strategic equivalence in nuclear weapons and devote our defense increases more heavily to our highest priority needs for conventional force improvements;

—Without it, the Soviets can add more power to their forces and better conceal from us what they are doing;

—Without SALT II, and the beginning of SALT III, deeper cuts would take many more years to achieve;

—Without SALT II, our efforts to control the proliferation of nuclear weapons will be more difficult.

I believe that the Senate will ratify SALT II because the Treaty is, in its simplest terms, in the interest of our Nation's security.

But I do not believe it advisable at this time to bring up the Treaty for consideration on the Senate floor. The Congress and the Executive Branch must first deal with the pressing matters arising from the Soviet invasion of Afghanistan.

### CONCLUSION

As we enter the decade of the 1980's, we face challenges both at home and abroad which will test our qualities as a people—our toughness and willingness to sacrifice for larger goals, our courage and our vision.

For this Nation to remain secure, for this country to prosper, we must rise above narrow interests. The dangers of disunity are self-evident in a world of major power confrontation. The rewards of a new national consensus and sense of purpose are equally clear.

We have new support in the world for our purposes of national independence and individual human dignity. We have a new will at home to do what is required to keep us the strongest nation on earth.

We must move together into this decade with the strength which comes from realization of the dangers before us and from the confidence that together we can overcome them.

JIMMY CARTER.

THE WHITE HOUSE, *January 21, 1980.*

---

□ 1230

## REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT OF THE UNITED STATES OF THE ASSEMBLY OF THE CONGRESS

Mr. WRIGHT. Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

The President asked us to report that he will be pleased to deliver his message at 9 p.m., Wednesday, January 23, 1980, to a joint session of the two Houses.

The SPEAKER. The Chair recognizes the gentleman from Arizona (Mr. Rhodes).

Mr. RHODES. Mr. Speaker, I have nothing to add to the report of the majority leader, except to say that the President appeared to be very pleased with the reconvening of the House of Representatives.

The SPEAKER. Did not the gentleman offer his cooperation for the new year?

Mr. RHODES. I offered him my best wishes for as happy a new year as possible under the circumstances.

The SPEAKER. The Chair accepts the statements made by both gentlemen.

---

## JOINT SESSION OF CONGRESS—STATE OF THE UNION ADDRESS

Mr. WRIGHT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 241) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

### H. CON. RES. 241

*Resolved by the House of Representatives (the Senate concurring)* That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 23, 1980, at 9 o'clock postmeridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING SPEAKER TO DECLARE RECESSES ON WEDNESDAY, JANUARY 23, 1980

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Wednesday, January 23, 1980, it may be in order for the Speaker to declare recesses at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tomorrow when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

Members will remember that the first three rows are reserved for the Senate and will request all Members to adhere to the traditional middle aisle separation of parties during the joint session.

## BOYCOTT THE OLYMPICS IN MOSCOW

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HUBBARD. Mr. Speaker, because of the unwarranted, savage Soviet invasion of Afghanistan, the United States and every other country in the free world have good reason to boycott the 1980 summer Olympics if they are held in Moscow. Staying away from the Olympics would be an obvious sign that the entire American public is aware of the seriousness of this latest act of Soviet aggression and that we no longer believe in the illusions of détente. Some people protest that the Olympic games are purely sport and are somehow beyond politics. That is ridiculous. The athletes do not participate as individuals, but as members of national teams. The Soviets understand this. It is precisely for political reasons, both internal and external, that they are so very anxious to have the Olympics held in Moscow in 1980. It legitimatizes their regime both to their own people and to the world at large. If the Olympics remain in Moscow, the Soviet leadership can believe that it has nothing to fear from the international community even though it has flagrantly violated the rights of a sovereign nation. By going to Moscow we will be accepting their unacceptable behavior. My colleagues in the Congress, the question now is, do Americans believe in an important athletic event more than international law and order? Let us not go to Moscow for the Olympics.

☐ 1240

## EXPRESSION OF SUPPORT FOR OLYMPICS BOYCOTT

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, unquestionably today much will be said about the Olympics and the resolution that may be offered. I, too, am joining with those who are offering this resolution to support the President of the United States and to let the Olympic Committee know the feelings of the Members of Congress as soon as possible.

Mr. Speaker, I share the disappointment of the athletes who would be precluded from participating if this resolution were to go through, but in many ways I would rather have these young men and women of America be disappointed about not taking part in an athletic event than to be giving their lives on battlefields in Iran or Pakistan. So I think that any work we can do today to help end that situation is worthwhile, and I hope the Members will support this resolution.

## EXPECTATIONS FOR THE STATE OF THE UNION MESSAGE

(Mr. AMBRO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AMBRO. Mr. Speaker, tomorrow the President of the United States will come to this great hall to deliver his appraisal of the state of the Union.

As we stand on the threshold of the eighties, we already know that this perilous decade is fraught with the worst economic problem these United States has seen in 50 years, the worst energy problem in its history, and the most deteriorating international situation in 40 years. We know the President has embargoed grain, called for a boycott of the Olympics, stopped shipment of a variety of products to the Soviet Union, and sought suspension of consideration of SALT II. We know the President wants a real 5 percent increase in the defense budget and a variety of piecemeal energy bills.

We ask the President to tell us not what we know but what we yearn to know, and that is the true state of this Nation. We want to know his priorities within the Federal budget, and his vision of America and the true role and position of the United States as the protector of freedom and the guardian of the balance of power in this world of crisis. We ask the President to relate our world situation to our flagging and inflationary economy, and tell us how he would like to see this branch of government—in concert with the Executive—deal with all of this.

## PROCEDURAL VOTES

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LLOYD. Mr. Speaker, last year was the year of the energy crisis. We in Congress certainly found ways to waste energy. In fact, over 17,500 hours of our time and energy were wasted running to answer those legislative bells for imaginary battle stations, only to find out there was no attack at all. Let me tell you how often we have been called out of an important appointment, committee hearing, or dozens of necessary activities to push a button and make known our presence so we can go back to necessary work. Twenty-one percent of all recorded votes were wasted procedural votes with no legislative purpose. I realize some of my colleagues miss the camaraderie in this Chamber. They cannot bear us being away from the floor for more than an hour or so. But personally, I think we have seen the enemy and they are us. I am including a study of the wasted procedural votes for the RECORD.

WASTED PROCEDURAL VOTES

Votes included in the study (1st Session, 96th Congress)

| | |
|---|---|
| Quorum calls (not notice quorums) | 76 |
| Resolve into the Committee of the Whole | 34 |
| Rules (85 percent or more agreeing) | 30 |
| Approval of the Journal | 20 |
| Permit reading of the document | 1 |
| Total out of 758 recorded votes (21 percent) | 161 |

17,508 hours and 45 minutes of Members' time wasted (based on 435 Members of 15 minutes each vote).

$479,544.12 of Members' salaries wasted (based on 40 hour week).

111 or 69 percent of the votes were demanded by Republicans.

50 or 31 percent of the votes were demanded by Democrats.

## A TRIBUTE TO THE LATE R. SHAEFER HEARD

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, more than 250 years ago Jonathan Swift, writing in "Gulliver's Travels," said that the man who could make two blades of grass grow where only one had grown before would do more essential service to mankind than the entire race of politicians put together.

Roland Shaefer Heard was such a man. He passed away in West Point, Ga., on Christmas Day. We express our deepest sympathy to his dear wife Janie and to his nephew, Roland Shaefer Heard II, who is here with us together with his family.

During his lifetime Roland Shaefer Heard said the two greatest moments of his life were the day of his 50th wedding anniversary and the day he saw the fruition of the West Point Dam and Reservoir in the land of his birth and in which he had played such an important leadership role.

Mr. Speaker, that reservoir will serve not only the States of Georgia and Alabama but it will serve generations yet unborn.

It is for that reason, Mr. Speaker, that I am introducing today a bill to redesignate in his honor, in his memory, on his life, and his service, a park now referred to as the East Lake Park, which is located within my district, to be hereinafter known as the Roland Shaefer Heard Park.

Mr. Speaker, I commend this especially to the attention of my friend, the gentleman from Texas, RAY ROBERTS, chairman of the subcommittee through which this legislation passed in the House during the 95th Congress.

## IN SUPPORT OF BOYCOTTING THE SUMMER OLYMPICS

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, we should not accord respectability to an outlaw country. Therefore, we should boycott the summer Olympics. We have turned the other cheek for so long the leaders in the Kremlin have concluded they could trample on virtually defenseless people with impunity. The time has come when we can no longer afford the luxury of temporizing with brutal and reprehensible behavior.

## A TRIBUTE TO THE LATE HONORABLE JUSTICE WILLIAM O. DOUGLAS

(Mr. McCORMACK asked and was given permission to address the House for 1 minute.)

Mr. McCORMACK. Mr. Speaker, I know we all join in mourning the passage of Justice William O. Douglas, a man whose long and courageous tenure on the Supreme Court was an inspiration to all people who value individual freedom and the rights guaranteed under our Constitution. We also join in extending our deep sympathy to Mrs. Cathy Douglas.

I was especially privileged in that Justice Douglas was my constituent—a fact that he never let me forget—and I share a sense of loss with his friends and neighbors from his home near Yakima, Wash., as well as the people of the Nation, and, indeed, the world.

Bill Douglas grew up in Yakima County, in the shadow of the Cascade Mountains. Through countless days of hiking and climbing in those rugged mountains to overcome the effects of polio, Douglas learned the importance of independence, self-reliance, and personal courage. There in the Cascades, where he indulged his love of the freedom which nature afforded, he developed his lifelong commitment to individual liberty and his willingness to stand alone in adversity.

I think this is reflected in the Justice Douglas that the world of jurisprudence knew for the 36 years he served on the Supreme Court. He was always a man of unexcelled courage, of outstanding intellect, and of dedication to his country, its Constitution, and its rule of law—but most particularly to the Bill of Rights, the first 10 amendments to the Constitution. This set him apart as the man who, more than any other, lived through and helped to mold the most profound social revolution in human history.

Douglas looked upon the law as the safeguard of individual freedoms:

> The first amendment says, "Congress shall pass no law abridging freedom of speech or of press." I take it to mean what it says. That's strict construction.

These are the words of William O. Douglas. He lived by them and the other protections bound up in the first 10 amendments with a tenacity that established him as one of the great men of American history. He did more than any other human being to bring to reality the concept of meaningful freedom, dignity, and equality for all persons living under the Constitution of the United States—male or female; black, red, brown, white or yellow; young or old; rich or poor; well placed or not; brilliant or hopelessly unable to protect themselves.

I shall always recall the gripping account that Douglas wrote in his book "Of Men and Mountains," of his experience in climbing Rock Kloochman in the Cascades. Douglas and a boyhood friend set out to climb the sheer high face of Kloochman and presently found themselves having to take off their shoes to hang on with their toes, unable to go backward and virtually unable to move forward. At one point Douglas had to literally hold his climbing partner in midair with one hand while holding himself to the rock with his other hand and his bare feet.

This typifies the kind of courage and loyalty that Bill Douglas personified throughout his life and his career on the Supreme Court. He never retreated, and he never lost courage. He overcame such obstacles as ridicule and the ignorance of those less inspired, and he, more than anyone, made the Bill of Rights a meaningful instrument.

Douglas once said:

> In the oscillating movement of the planets, man is a tiny speck—a microcosm. We seek truth, and in that search, a medley of voices is essential. That is why the first amendment is our most precious inheritance. It gives equal time to my opponents, as it gives to me.

Mr. Speaker, I am grateful that William O. Douglas was one of the medley of voices in our search for truth. He stood atop the mountain in more ways than one. All Americans, and indeed all humans yet to be born, are better for it.

Mr. Speaker, Justice Douglas will lie in state at the National Presbyterian Church from noon today until 10 a.m. tomorrow. The funeral will be at 11 a.m. tomorow, following by interment at Arlington National Cemetery.

□ 1250

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for his moving remarks. All Americans and, indeed, all the world will miss Bill Douglas.

Mr. Speaker, I would like to share with my colleagues some of my reflections on the life of a man respected by all of us and a dear friend to many of us. I had a great affection for Bill Douglas. I owe him a lot. He made me feel better about the human condition and the law. I suppose that he and Hugo Black had more influence on me than any two men in history. Bill was a rugged individualist, a true American genius. He was thousands of miles ahead of his time. He was an absolutist with respect to such areas as free speech and freedom of the press. Most of his dissenting opinions are now law. As a champion of civil liberties and rights and a crusader of justice, he served more than 36 years and remained unprecedented in voicing his defense of the "firstness" of the first amendment.

I wish to share with my colleagues some of the tributes paid to Mr. Douglas in recent days by our media. The January 28, 1980 issue of Time magazine states:

> William Orville Douglas liked to say that he could easily do his job as a Justice of the Supreme Court in four days a week. That sounds arrogant, and Douglas was, but he was also brilliant, and he did not waste time making up his mind. The purpose of the U.S. Constitution he stated with characteristic bluntness, "is to keep the Government off the backs of the people." Widely criticized for trying to impose his own liberal political views on the law, he often found himself in dissent during his nearly 37 years on the court, the longest term ever served by a Justice. Some saw him as a radical who threatened to wreck the system. He was in fact an evergreen liberal devoted to preserving the system by making it more humane. When he died last week at 81, he left a bold legacy of uncompromising devotion to the rights of individuals.

An article which appeared Sunday, January 20, 1980, in the New York Times states:

> "Ideas", William O. Douglas once said, "have been the most dangerous force in the history of mankind." That being the case, Mr. Justice Douglas was a very dangerous man. He trafficked openly in ideas—some new and challenging, others imbedded in the Constitution but under attack. In hundreds of Supreme Court opinions he argued to his colleagues, and over their heads to the nation, that vagabonds have rights; that freedom of speech is America's preferred value; that the Bill of Rights sanctifies liberty of

> conscience and the right to privacy; that if corporations deserved to be treated as humans, trees and other endangered things should have the right to go to court. He challenged his countrymen to live dangerously with dissent . . .

The void that was felt with Bill Douglas' retirement is sensed now twofold. The fruits of his labor are manifest in every court of justice nationwide. We can now pay him true homage by emulating his efforts and his crusade for equality and justice for all.

The New York Times and Time magazine articles follow in full:

### THE EVERGREEN LIBERAL—WILLIAM O. DOUGLAS: 1898–1980

William Orville Douglas liked to say that he could easily do his job as a justice of the U.S. Supreme Court in four days a week. That sounds arrogant, and Douglas was, but he was also brilliant, and he did not waste time making up his mind. The purpose of the U.S. Constitution, he stated with characteristic bluntness, "is to keep the Government off the backs of the people." Widely criticized for trying to impose his own liberal political views on the law, he often found himself in dissent during his nearly 37 years on the court, the longest term ever served by a Justice. Some saw him as a radical who threatened to wreck the system. He was in fact an evergreen liberal devoted to preserving the system by making it more humane. When he died last week at 81, he left a bold legacy of uncompromising devotion to the rights of individuals.

Pornographic movies, political protest, the Pentagon papers—in his view, they were all protected by the First Amendment. Dissenting in 1951 from the conviction of Communist Party leaders for advocating the overthrow of the Government, Douglas wrote: "Free speech—the glory of our system of Government—should not be sacrificed on anything less than plain and objective proof of danger that the evil advocated is imminent."

Douglas was suspicious of the coercive power of Government. He anticipated the *Miranda* decision of 1966 by arguing, usually in dissent, that the criminally accused should have immediate access to a lawyer and the right to remain silent after arrest. He voted against letting the state use evidence obtained by "unreasonable search and seizure." Privacy was almost an obsession with him; in 1973 he said he was "morally certain" that the court's conference room had been bugged. In a famous 1965 decision striking down a Connecticut law that banned the use of contraceptives, Douglas stated that whether or not one uses contraceptives is a private matter and that a right to privacy is implicit in the Constitution. No friend of the IRS, he consistently used the Bill of Rights to curtail the reach of the taxman by protecting private financial records from Government scrutiny.

By keeping the Government off the backs of the people, Douglas did not mean the people who run Big Business. He was a classic New Deal liberal. As chairman of the SEC from 1937 to 1939, he responded with a resounding "Hooey!" to stockmarket leaders who insisted they could regulate themselves. Appointed to the Supreme Court in 1939 by President Franklin Roosevelt, Douglas brought with him a thorough knowledge of corporate finance that he later used to shape many little-known but far-reaching decisions affecting the Government's power to regulate the economy.

Douglas had a way of cutting straight through legalisms to tackle practical problems. In decisions like those in the desegregation and one-man, one-vote cases, Douglas and other liberal activists on the Warren court discarded limiting precedents and gave real meaning to the equal protection and due process clauses of the 14th Amendment. "He did not write for the law school professors," remarked one of his admiring clerks; law professors, in fact, scolded him for sloppiness and sometimes for indifference to law in drafting his opinions. Douglas was also criticized by his own colleague Justice Felix Frankfurter for disregarding the procedural boundaries on the court's power. In addition, Frankfurter was furious with Douglas, a potential vice-presidential candidate in 1944 and 1948, for continuing to hold political ambitions while he was serving on the court.

Douglas' fierce individuality and his support of the little man grew out of a boyhood of poverty in Yakima, Wash. To help support his family, he labored as a field hand alongside migrant workers; he climbed mountains to rebuild legs weakened by polio. It was on these hikes that Douglas developed a love for the wilderness that he would later celebrate with dozens of books on travel and wildlife. Throughout his career, he would flee the U.S. capital to return to the Western mountains or explore remote areas of the world from the high Himalayas to the Dead Sea.

But as a young man, his ambition to become a lawyer led him to New York City. In 1922, at 24, Douglas boarded a freight train to shepherd 2,000 sheep East. He graduated three years later from Columbia Law School and migrated downtown to a Wall Street law firm.

When Douglas was nominated to the Supreme Court after teaching at Columbia and Yale and running the SEC, his only opposition came from Senators who, astonishingly, thought he might be too conservative. Congress soon learned otherwise. Three times Congressmen wanted to impeach him: in 1953, when he temporarily stayed the executions of Julius and Ethel Rosenberg for giving the U.S.S.R. atom bomb secrets; in 1966, when the thrice-divorced Douglas, then 67, married Cathleen Heffernan, then 23, and was accused by Kansas Republican Robert Dole of using "bad judgment from a matrimonial standpoint"; and in 1970, when House Minority Leader Gerald Ford accused Douglas of accepting a salary from the Parvin Foundation, which was set up by a man with links to Las Vegas gambling.

None of the impeachment efforts got very far, or deserved to. But in the '70s Douglas grew increasingly isolated from his own colleagues on the court. "Bill Douglas is positively embarrassed if anyone on the court agrees with him," said one. Douglas was proud of his lonely stands. Said he: "I haven't been much of a proselytizer on the court. Ive got the theory that the only soul I've got to save was my own." In late 1974 a stroke confined him to a wheelchair. His colleagues delayed any case that Douglas could decide with a tie-breaking vote, but Douglas refused to leave the bench. He was determined, he told a friend, to stay on the court until a Democratic President was elected who could appoint his successor. But his pain became so unbearable that he could no longer sit through oral arguments, and in November 1975 he reluctantly retired.

That did not mean he stopped working. Remaining in Washington, D.C., he wrote his as yet unpublished memoirs, which may reveal some of the still untold workings of the high court. They may also expose his acerbic views of other Justices over the years. But then, a book that speaks freely and frankly would be a fitting Douglas legacy.

---

### A DANGEROUS GREAT AMERICAN

"Ideas," William O. Douglas once said, "have been the most dangerous forces in the history of mankind." That being the case, Mr. Justice Douglas was a very dangerous man. He trafficked openly in ideas—some new and challenging, others imbedded in the Constitution but under attack. In hundreds of Supreme Court opinions he argued to his colleagues, and over their heads to the nation, that vagabonds have rights; that freedom of expression is America's preferred value; that the Bill of Rights sanctifies liberty of conscience and the right to privacy; that if corporations deserved to be treated as humans, trees and other endangered things should have the right to go to court. He challenged his countrymen to live dangerously with dissent and he told Government to "get off the backs of the people."

This free trader took his faith in freedom to distant lands and brought back contrary notions, always confident that America's open marketplace had nothing to fear from totalitarianism. Some detractors mistook his faith for appeasement or even subversion, overlooking the way he detested Communism's thought control. Rather than suppress Communist writings, he argued for circulating them: "if they are understood, the ugliness of Communism is revealed, its deceit and cunning are exposed, the nature of its activities becomes apparent and the chances of its success less likely."

His 36½ years of Supreme Court service surpassed even the record of his ally, Hugo Black. All told, he sat with a third of the justices ever on the Court. He saw dissents become law but kept on dissenting, never satisfied that the Court was doing enough for liberty and equality. His love for mountains and sky deepened the tragedy of his last years when a stroke drove him from the bench. Hiking and outdoor living, which helped conquer childhood polio, were ended by paralysis that, cruelly, did not numb excruciating pain.

Some of the Justice's monuments are as big as all outdoors, like the Potomac River vistas he saved from being paved over a quarter of a century ago, or the cleaner air and water he fought for in his opinions and prodigious off-the-bench writings. Other monuments are more abstract matters of privacy and freedom. We hold, over the inevitable dissent of Mr. Justice Douglas, that his career and jurisprudence constitute a national treasure.

Mr. McCORMACK. I thank the gentleman for his remarks.

Mr. KOSTMAYER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, the life of William O. Douglas cannot be measured by the ordinary standards of human achievement.

For he lived out the ideas and ideals of the land he loved.

He insisted that those ideas be honored not just by school children learning their lessons, but by those charged with making and enforcing the laws of the land.

His standards of dissent and individualism were too high for most, but he refused to lower them. Unlike his adversaries he was not frightened by ideas, he was challenged by them and knew, as he once wrote:

> When ideas compete in the market, full and free discussion exposes the false and they gain few adherents.

The kinds of people and ideas he often defended, when no one else would, offended the status quo. But, he knew, that whether defending Communist party members, Nazi marchers, draft-card burners, or simple vagabonds he was defending us all. For in their defense was surely ours. Douglas cherished the most precious American right of all, the right to disagree, to be different or even to be wrong and to be despised for it.

He knew there was no danger in an idea or in its expression either in print or on film, on a street corner or in this sacred Chamber.

Some in this country, found him dangerous. But of course it was not this quiet and rather shy man from an impoverished and lonely background that frightened them, rather it was his absolute devotion to the free exchange of ideas that frightened them.

Authoritarians of every stripe whether left of or right regarded him as dangerous because he knew the true meaning of the Constitution and he insisted that it be made to work.

Behind his faith in dissent was a faith in the common man to judge wrong notions and right ones without the Government's help.

Too often this Chamber has heard the voices of his reactionary critics. He fought hard the political reaction of left and right, the economic exploitation of our people and our land and he sought to expand rather than curtail our freedoms.

By his life and work he honored us all. And he honored the human mind and spirit for its refusal to shut out that which it did not understand.

We can best honor his memory by carrying on his work and conducting ourselves in a way which would make him proud rather than ashamed of his countrymen.

And so let us honor his memory and his contributions to our system of government not just by our words, but by our deeds.

Mr. McCORMACK. I thank the gentleman from Pennsylvania for his remarks.

Mr. Speaker, at a later date I will request a special order to honor William O. Douglas.

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, when William Orville Douglas died last Saturday in Bethesda Naval Hospital some people may say that part of this Nation's judicial heritage died too. I doubt it and I hope not. Mr. Justice Douglas's heritage lies in the over 1,000 opinions he wrote while serving his over 36 years on the Court. The heritage he left is very much alive for the law has a life of its own and even though the people pass on who helped develop it the law continues to live. That is one of the beauties of the law and which helps to make it just.

However, I believe that it can be well argued that with the death of William Douglas we as a nation may have lost one of our greatest judicial consciences. He was never scared to say or write what he thought, even if it meant he had to stand alone, or if it meant that he would be controversial. Indeed, there is no question but that William Douglas was called a lot of names besides "Bill" in his life. Among those to which I would heartily subscribe are liberal, activist, environmentalist, dissenter, compassionate. To the extent he put his conscience into his opinions—which was a considerable extent—his conscience lives. But we have lost the voice which stirred us to right the wrongs from the past for the future.

In his autobiography "Go East, Young Man," Douglas tells of his journey from the depths of poverty to the heights of judicial power. It is—in a profoundly real way—the story of the American dream come true—of the little guy who became, through sweat and brains, a big guy and made good, and then tried to make things better for all of us. Perhaps his belief in the rights of the individual—rights which no other fought more to protect than he for so long or so hard—stemmed from his experience that a person needs basic liberties to fulfill their potential and to achieve individual dignity. For this, I think, was his legacy: That it was the individual—the little guy—who mattered. To the best of his ability, he tried to incorporate this into our law.

We are all the richer for it. It is a wonderful legacy.●

● Mr. BROWN of California. Mr. Speaker, I would like to take a moment to note the death of a great patriot, Justice William O. Douglas. If only we had more leaders like him.

The Congress has already paid tribute to this extraordinary American, and published those tributes during the 94th Congress to commemorate the retirement of Justice Douglas from the U.S. Supreme Court.

At this time I wish to simply include in the CONGRESSIONAL RECORD an editorial from the Los Angeles Times which highlights one significant part of Justice Douglas' multifaceted life.

The editorial follows:

### CHAMPION OF THE FIRST AMENDMENT

Justice William O. Douglas, like other great judges, looked on the law as a living thing, and brushed aside legal abstractions that failed to take into account the realities of the world beyond the courtroom.

In affirming the right of a juvenile to counsel, note how he explored the feelings of a boy confronted with the police in a precinct at night: "Age 15 is a tender and difficult age for a boy . . . He cannot be judged by the more exacting standards of maturity. That which would leave a man cold and unimpressed can overwhelm a lad in his early teens. This is a period of great instability which the crisis of adolescence produces. Mature men might possibly stand the ordeal from midnight to 5 a.m. But we cannot believe that a lad of tender years is a match for the police in such a contest. He needs counsel and support if he is not to become the victim first of fear, then of panic."

Such sensitivity and a determination to fit the law to the realities of modern society marked the entire judicial career of Douglas, who served on the U.S. Supreme Court longer than any other member and who during all those many years consistently invoked the Constitution as a shield between the individual and the power of the state, and between unpopular dissent and the majority passions of the moment.

In his dissent from a conviction of student demonstrators for engaging in mass protest, his opinion, as usual, dealt not with an abstraction but with the reality of the political process. "The right to petition for redress of grievances," he said, "is not limited to writing a letter or sending a telegram to a congressman . . . or writing letters to the President, or governor or mayor." He concluded that the actions of mass demonstrators should not be condemned "as long as the assembly and petition are peaceable."

Yet Douglas drew a clear line between peaceable protest and deliberate provocation to violence, observing near the end of his days on the bench, "The social compact has room for tolerance, patience and restraint, but not for sabotage and violence."

In the long history of the court, no other justice exceeded Douglas in his unswerving and rugged defense of the First Amendment. The American government, he insisted, "is premised on the theory that if the mind of man is to be free, his ideas, his beliefs, his ideology, his philosophy must be placed beyond the reach of government."

To Douglas, the First Amendment was written to preserve freedom of the mind, and he opposed all forms of censorship from the outlawing of obscenity to the government's plea to restrain the publication of the historic Pentagon Papers.

"What can be done to literature under the banner of obscenity," he wrote in one opinion, "can be done to other parts of the spectrum of ideas when party or majoritarian demands mount and propagandists start declaiming the law."

In the Pentagon Papers case, he simply said, "The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information."

Throughout his long years on the bench, the justice opposed the legal philosophy that "balanced" First Amendment rights against competing claims. "My belief," he said, "is that all the 'balancing' was done by those who wrote the Bill of Rights. By casting the First Amendment in absolute terms, they repudiated . . . watered-down, emasculated versions of the First Amendment."

The boy indeed may have been the father of the man who became Justice Douglas. He learned early to overcome adversity. When he was 6, he was severely shaken by the death of his father. As a youngster, he suffered a crippling attack of infantile paralysis, and through intense effort drove himself to a complete recovery. He grew up poor, and rode freight trains from Yakima, Wash., to New York to enter law school at Columbia University.

His energy and high intelligence brought success quickly, and, at 41, he became the youngest member of the Supreme Court in 128 years. But William O. Douglas never forgot his origins. On the court, he always came down against the abuse of power as he saw it. His weapon in all these battles over nearly four decades was the Bill of Rights.●

● Mr. BRADEMAS. Mr. Speaker, the death of Justice William O. Douglas brings to an end a famous era in the history of the Supreme Court of the United States.

Justice Douglas was the last appointee of President Franklin D. Roosevelt to serve on the Court. Taking his seat in 1939, Mr. Justice Douglas served for more than 36 years, longer than any other Justice in our history, and he was the last sitting Justice to have been born in the 19th century.

But Justice Douglas' contributions to American jurisprudence set him apart in other, more important, ways. He was a leading member of that Court which under Chief Justice Earl Warren finally put an end to invidious legal distinctions based on race. A vigorous defender of the rights of individuals, Justice Douglas' opinions bridged the gap between the Founding Fathers' concern for the sanctity of a citizen's home and 20th century concepts of the right to privacy. Moreover, he yielded to no one in his firm defense of the rights of free expression guaranteed to all Americans by the first amendment, which he described as "the great postulate of our democracy."

A man of prodigious energy, Justice Douglas had a broad range of interests. He spoke out for the preservation of wild and scenic places well before "environmentalism" became fashionable, and in his autobiography confessed his dream not only of being a professor of English literature but as well "of being simultaneously a professor both at the Harvard Business School and at the Yale Law School."

Of his service on the Court he wrote:

> The worst thing is to make it a fixation. The important thing is to stay in the stream of history, be in the forefront of events—and carve out a career that will be satisfying in all other respects.

Mr. Speaker, William O. Douglas was, in short, the quintessential American—a plain spoken man who did not believe in half measures and who gave everything he had to everything he did. His life and his example enrich our Nation's heritage.●

## GENERAL LEAVE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the life, character, and public service of the late Justice William O. Douglas.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

## TWENTY-FIVE YEARS OF CONTINUOUS CONTROL OF CONGRESS BY DEMOCRATS

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RHODES. Mr. Speaker, as Congress returns this month, the Nation's attention is focused on foreign events—the Russian invasion of Afghanistan and its aftermath; our hostages in Iran—and what these imply about the U.S. position in the world.

In such circumstances, it would be easy to overlook another event much closer to home—but with implications for the American people every bit as important as—and not unrelated to—those abroad.

I am referring to the fact that this January marks 25 years of continuous control of Congress by the Democrats. Never before has the Nation's chief lawmaking body been held by the same party without a break for so many years.

For 25 years the Democrats have been the majority party in Congress. They have set the rules by which we operate. They have chosen the chairmen of the committees and subcommittees. For 25 years the Democrats have decided the Nation's legislative priorities—which issues shall be taken up and which ignored, which measure passed and which defeated.

Normally, a silver anniversary is an event that calls for rejoicing—for pausing to look back with pride—to measure the distance traveled—to count the obstacles hurdled, the challenges met, the gains achieved over the intervening years.

But, when one examines the achievements after a quarter-century of Democrat control of Congress, the word rejoice seems out of place. A better word might be lament.

After 25 years of running Congress, Democrats have achieved record Government spending, record peacetime tax burdens, a record national debt and record high inflation.

In 25 years the Democratic Congresses have spent over $5 trillion. They have collected $4,700 billion in taxes from the American people and borrowed over $500 billion more. They have constructed a gigantic maze of Federal agencies whose regulations have required nearly 700,000 pages to print and which add $130 billion a year to consumer prices.

In return, the American people have a tax burden that has more than quadrupled, an economy that is strangling in bureaucracy and a dollar that is now worth 35 cents. No wonder the rate of inflation is 24 times what it was when the Democrats began.

With achievements like these, it is no wonder that perhaps the Democrats would prefer to see this silver anniversary pass without notice. It is an anniversary of sadly tarnished silver.

In the months ahead, we Republicans intend to drive home this Democrat legacy. We intend to point out these counter-achievements of 25 years of Democrat control of Congress. We will ask the American public: Is this what they really bargained for when they elected the Democrats to control Congress? Or, would they prefer what we Republicans want—reduced taxes, stabilized spending, a healthy economy, and a dollar that will buy what it once did. I think the American voter wants what we Republicans want, and will demonstrate that in November

### SCORESHEET AFTER 25 YEARS OF DEMOCRATIC CONGRESSES

The last Republican Congress, the 83d, completed its work in 1954. Since January 1955, when the 84th Congress first met, the Democrats have been in continuous control of the Nation's principal lawmaking body. Below is a scoresheet contrasting the scope of change that has occurred under the Democrats. Note that not only have taxes as a percentage of income increased under the Democrats, but the tremendous rise in inflation means that consumers can buy even fewer goods and services with aftertax dollars. In other words, they have been socked both ways under the Democrats.

| Category | 1955 | 1980 |
|---|---|---|
| PERSONAL COST BURDENS | | |
| Federal income and social security tax for a median income family | $714 | $3,219 |
| Percentage of taxes to income | 11.9 | 16.9 |
| Rate of inflation (percent) | 0.4 | 12.2 |
| Buying power of the dollar | $1.00 | $0.35 |
| AGGREGATE TAX BURDENS | | |
| Taxes as a percent of GNP | 16.8 | 20.7 |
| Total taxes (billions) | $65.5 | [1] $519.5 |
| Total outlays (billions) | $68.5 | [1] $555 |
| Outlays as a percent of GNP | 17.6 | 22 |
| Deficit that year (billions) | $3 | [1] $29.2 |
| Accumulated public debt to date (billions) | $271.3 | [1] $886.4 |
| Interest on public debt (billions) | $6 | [1] $65 |
| Per capita public debt | $1,670 | $4,011 |
| Per capita interest on public debt | $37 | $290 |
| Total spent by all Congresses to 1955 (billions) | $1,006.3 | |
| Total spent by Congresses since 1955 (billions) | | $4,700 |
| Total number of pages printed in Federal Register 1955 through 1979 | | 698,532 |

[1] Estimates.

## UNITY

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I am pleased to report a remarkable show of unity by the people of Panama City, Fla., which is symbolic of our country. During this era of international confrontation, the forces which divide nations, communities, and people throughout the world have never been more apparent. Recently, a new feeling has appeared. Unity. The citizens of all free nations are recognizing the strength of unity in our dedication to freedom and the democratic principles upon which it stands.

During the Christmas holidays 25,000 people in Panama City, Fla., took time from their holiday plans to sign a giant Christmas card for our hostages in Iran. Many of you no doubt saw on national news the presentation of this card to the captive Americans. A special commendation is in order for radio station WGNE which sponsored the signing. The card is a tribute not only to the people of my home town, but to all Americans who are drawn together in their sincere hope for a peaceful solution to this and all of our national security challenges.

Mr. Speaker, I am hopeful that the people of America will remain relentless in their demand that all who are being held captive will be released. We cannot forget the suffering which they are facing daily. Our people are willing to go the limit to protect our homeland and the indelible right of all humanity to be free.

## RECONSTRUCTION OF LEBANON IMPERATIVE

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, recently, I and four of my colleagues were charged by the Speaker of the House on a factfinding mission concerning the country of Lebanon. Because of internal and external forces, Lebanon, which has historically been our ally, is in a state of devastation. It is imperative, particularly in this critical era in the Middle East, that our country concern itself with the reconstruction of our ally. I and my colleagues will be making constructive recommendations to this Congress. We hope this Congress will heed our warnings and recommendations. We can no longer afford to ignore this ally.

---

## PITTSBURGH: CITY OF CHAMPIONS

(Mr. MOORHEAD of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I rise to reveal a secret that has been kept from all Members of the House of Representatives except for 435 of us. Mr. Speaker, I rise to reveal the fact that on Sunday the Pittsburgh Steelers won their fourth Super Bowl. They did so despite the highly effective and strongly determined game played by the Rams of Los Angeles.

I congratulate the Rooney family, coach Chuck Noll, quarterback Terry Bradshaw and his pass receivers and all the members of the offensive and defensive team.

The Steelers' victory is a victory of teamwork, of leadership, of pride. It is the victory of persistence and of sacrifice. It is the victory of fundamentals. It was a victory over hard opponents who never quit, who gave a good account of themselves and forced the Steelers to their best. It was a victory of the Steelers best.

It was to me a victory of excellence and spirit. It was a victory which symbolized the character of Pittsburgh.

Pittsburgh is a wonderful place with wonderful people. It is a wonderful place to live. The people are good, warm, hardworking, hearty, proud, and humble. The city is vibrant, clean and safe. That is an exceptional statement perhaps to make about any city in America as we begin the 1980's. But it is true. Pittsburgh is vibrant, tolerant, clean, and safe. That is a tribute to its people, its culture, and its ideal geography.

Our championship teams, the Steelers and the Pirates, are bringing the light of publicity to Pittsburgh. Be it the World Series or the Super Bowl, Pittsburgh is No. 1. But this is a situation where sports symbolize life—the city is No. 1, too. Pittsburgh. No. 1. The city that works for its citizens. The city which works for America. The city where life is good and clean.

Pittsburgh—the City of Champions.

---

## THE HOUSE SHOULD HAVE AN IMPACT ON FOREIGN POLICY

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I would like to take this opportunity to address my colleagues on the area of foreign policy. I do not think what we see in the world today is the result of any one administration but, rather, 20 or 30 years of foreign policy that we as a Congress need to review. I think we need to set forth and clarify our goals. This is the message that was given to me in this recess period. Set forth goals, review our policies and use the power of the purse that is given to this body to have an impact on foreign policy with an eye toward fairness and justice but in a way that may be starting to say "What is good for America first."

□ 1300

The withdrawal from the Olympics certainly is a good step, but every dollar, every action, every alliance should be reviewed. Now, in the face of the Soviet threat, would seem an appropriate time to forge new alliances throughout the world and this body, this House, can take that lead and have an impact; and I think this is what the American people are desirous of.

---

## UNITED STATES SHOULD NOT PARTICIPATE IN MOSCOW OLYMPICS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, we are all appalled at the actions of the Soviet Union in Afghanistan. These actions are a basic violation of human rights and territorial sovereignty of the Afghan peoples. However, we must not overreact to this situation. In our nuclearized age, backing the Soviets into a corner may only make the world situation go from bad to catastrophic.

There are strong actions that we can take. The Soviets have been using the Olympic Games to legitimize their presence in Afghanistan. I recently read a news item which quoted the 1980 Soviet Party Activist's Handbook as saying that—

> The decision to give the honor of holding the Olympic Games in the capital of the world's first socialist state was convincing testimony to the general recognition of the historic importance and correctness of the foreign policy course of our country, of the enormous services of the Soviet Union in the struggle for peace.

For the United States and other free world countries to participate in the Moscow Olympics would be a testimonial of our support for the Soviet's expansive doctrine. I believe that the Moscow Olympics ought to be moved. And if they cannot be feasibly moved to another less politically explosive part of the world, then I think the United States and its Allies ought to boycott the Olympic games. Finally, I think we ought to take politics out of the Olympic games by funding a permanent site at which we can hold the summer and winter Olympic games. In this way, athletes will be athletes and politics will be politics.

I am introducing a resolution today which will deal with all these proposals. I hope that my colleagues will join me in urging the U.S. Olympic Committee not to condone Soviet actions, and in suggesting that the International Olympic Committee find a permanent site to hold future Olympic competitions.

---

## TRIBUTE TO WILLIAM O. DOUGLAS

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of California. Mr. Speaker, the news of the death of Bill Douglas on Saturday struck me as would the death of a cherished family member. Although the opinions of the Supreme Court are written in legal abstractions, it was always obvious that Justice Douglas' concern for people was not impersonal. As a tireless and brilliant champion of individual rights and natural beauty, he set the standard for the very best we can accomplish as public servants. His defense of the underprivileged and oppressed in our society has been for a generation a major part of the conscience of this Nation. Perhaps more than any other individual in our lifetime, Bill Douglas has been responsible for what we Americans justly admire about ourselves and for which we are admired abroad.

---

## A TRIBUTE TO GEORGE MEANY

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PERKINS. Mr. Speaker, the tributes that have been paid to George Meany during these past few sad days are indicators of the genuine respect Americans hold for an honest and forthright man—when he grows old.

In the prime of life, those qualities often lead a man to be described as "controversial." An instant willingness to call an outrage an outrage or a crook a crook does not contribute to a peaceful and serene environment. But it has to be done if the outrage is corrected or the crook is routed.

George Meany was such a man. Completely honest and completely forthright, he spent a lifetime in battle against injustice—or in instant readiness to jump into the fray.

For most of his life, he was described by such phrases as "tough-talking," and "two-fisted," and "uncompromising," especially by those unsympathetic to his fight for justice for the working men and women of America.

Of course, those for whom he fought took great pride in his direct, bluff manner and his use of tough talk to get his point across.

Of course, those for whom he fought had another view. They took pride in his tough talk and his head-on, bull-in-a-china-shop manner. He was their guy, and they loved him.

Unfortunately, it is only when a man grows old that those qualities which set George Meany apart are really appreciated by the broad spectrum of society. It is only when a man reaches threescore and ten that he can tell the truth with impunity—no matter how outrageous. Then the great mass of people will call him, with real admiration, "a real character," "a loveable old curmudgeon," or even "a tough old bird."

You could talk with George Meany for 5 minutes, or even watch a news clip on television, and know immediately that he enjoyed his role as America's Tough Old Bird—and he played it to the hilt.

A man cannot do as much good in the world as George Meany without puncturing an awful lot of stuffed shirts and making a lot of enemies. He made his share.

He outlived them all. And when, on the 10th of January past, his stout old heart finally stopped, the horizon of his world encompassed only friends, admirers, and fellow citizens of all parties, all creeds, and all walks of life who held him in respect.

From all across the Nation, from all across the world came the well deserved tributes to this larger-than-life man who occupied a dominant peak in his country's landscape for decades on end.

I was privileged to know George Meany during his middle years as well as in his later years, and to have worked with him in pursuit of those goals of social justice for all the citizens of this country.

He was as tireless and tenacious as he was resourceful. You could not meet George Meany without knowing you were in the presence of American greatness.

No man loved his country more, no one worked harder for its people, and no one served it better.

Peace to you, George Meany.

## LEBANESE SITUATION CONTINUES ALMOST UNNOTICED

(Mr. MOFFETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker, the distinguished gentlewoman from Cleveland, Ohio (Ms. OAKAR), mentioned the experience that some of us had in the Middle East, and I, as chairman of that delegation, want to reiterate and attempt to inform my colleagues of what we think was the essence of the trip. That is, that for the first time a congressional delegation visited Lebanon, Syria, and Israel, but focused on Lebanon and the Lebanese situation. We have had international tragedies one after another—Bangladesh, the boat people, Cambodia. They continue. But this international tragedy of a pro-Western ally, a democracy—and goodness knows we need all the friends we can get in the Middle East—has gone in many, many ways almost unnoticed in our country.

We hope that we will be able to talk to our colleagues about our trip and receive support in terms of economic and military aid for this tiny country in the Middle East which indeed remains a dear and close friend of the United States today. We are anxious to talk to our colleagues more about it.

## COLUMBIA, S.C., GETS GAVEL-TO-GAVEL COVERAGE OF HOUSE PROCEEDINGS

(Mr. SPENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SPENCE. Mr. Speaker, beginning today, Columbia Cable TV of Columbia, S.C., will provide daily gavel-to-gavel coverage of House sessions to approximately 22,000 homes in Columbia, Cayce, West Columbia, Springdale, and other areas of Richland and Lexington counties. It is a pleasure to welcome these new viewers of the House proceedings.

Columbia Cable TV has made this possible by adding the services of the cable satellite public affairs network (C-SPAN). This special event is being marked by appropriate ceremonies to which public officials and dignitaries have been invited.

I would like to commend the officials of Columbia Cable TV for expanding their broadcast services in this way. It is important that all Americans know what their Government is doing, and it is public mindedness such as this that will achieve that end.

I believe that increased accessibility to live coverage of these proceedings will not only generate greater public awareness and understanding of this institution, but also promote greater public interest and participation in civic affairs.

## BIG OIL SHOULD NOT CONTROL FLOW OF NATION'S LIFEBLOOD

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I want all the folks down there in Columbia, S.C., to know they have got a good Congressman here in the Congress.

Mr. Speaker, as our attention is drawn to the international scenario developing in the Middle East, we must not abandon the American consumer at home.

The major oil companies are once again scheduled to announce their quarterly profiteering picture. One company, Amoco, already has broadcast its 70 percent increase in profits over its 4th quarter, 1978 figures.

Mr. Speaker, we all are acutely aware that in a recent OPEC meeting in Caracas the moderates were unable to persuade the other Middle Eastern oil producing states to fix their prices at any level. We also know that the price of this black gold has been steadily increasing at a rate almost as dramatic as gold bullion.

Therefore, it is incumbent upon these major oil companies to realize the significance of their present profiteering. As the cost of this necessity to the consumer skyrockets, the number of people who can afford it plummets.

We must not allow big oil to control the flow of this Nation's lifeblood. This Congress must pass a responsible windfall profits tax so that these anticipated windfall profits may be recouped, and better spent on energy production and satisfy consumer needs.

## FEASTING AT THE TABLE OF A CRIMINAL: WHAT PRICE OLYMPIC GOLD

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, 3 weeks ago two mechanized Soviet divisions ruthlessly thundered across Afghanistan. With alarming swiftness, Soviet muscle installed a puppet government, occupied the streets of Kabul and moved 20,000 well-equipped troops ever closer to rich Middle East oil fields and precious warm-water ports. As though history had experienced a terrifying time lapse, the world shuddered as Moscow's steel fist slammed Afghanistan just as it had pounded Hungary in 1956 and Czechoslovakia in 1968.

Considering these circumstances, a concise expression of concern from the Congress in response to Moscow hosting the 1980 summer Olympic games is a must. We have to speak as one. The guardians of human rights, the protectors of the Olympic flame and those who cherish the integrity of Olympic ideals are listening. Just as the shock waves of Soviet military hardware rolling into Kabul shattered Afghanistan, so too must the impact of that Soviet invasion impress upon this Congress our responsibility to act. The Congress cannot condone the vulgar aggression of the Soviet Union by remaining silent. The games must be moved. An international community dedicated to the principles of justice cannot, in good conscience, journey to Moscow. It would be similar to our feasting at the table of a known criminal. Just as there are other places to eat, there are other places to hold the summer Olympic games.

Moscow is now anxiously awaiting the arrival of the summer games with a red carpet that, in actuality, is stained with the blood of the casualties of the Soviet Union's imperialistic actions.

I am introducing today, Mr. Speaker, a house concurrent resolution, simple in wording, broad in scope, and worthy of swift and positive action by the Congress.

The resolution reads:

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President should call upon the International Olympic Committee to relocate the 1980 Summer Olympic Games to a site other than the Soviet Union.

The resolution purposefully avoids language advocating a boycott. America pulling out of the Olympics altogether will only make our athletes additional victims of the Soviet invasion. At this point, discussions in this increasingly grave situation should focus first on holding the Olympics elsewhere.

On January 11, Canadian Prime Minister Joseph Clark said that his government "questions the appropriateness of holding the Olympic games in Moscow, and will take the lead in discussing alternative (sites) with others". Britain's Prime Minister Margaret Thatcher agreed on January 17. Greece has since renewed its offer to have the games returned to that nation permanently. Vice President Mondale stated only 12 days ago that holding the summer games in Moscow grants legitimacy to a country that "has just committed an indecent act of aggression." Former world champion miler, Jim Ryun, told my office last week that the "Soviet Union does not deserve to be host for the Games," and Robert Kaiser reported in the January 10 Washington Post:

> There should be no underestimating the significance the Soviets themselves put on their selection. They have been treating this Olympiad as one of the great events of their modern history. Like Hitler in 1936 . . . the Soviets are preparing a great propaganda offensive for this summer. Olympic committees in the West may see a distinction between politics and sports, but the Soviets do not, and never have.

Intelligence sources estimate that Soviet expenditures for the Moscow games will total about $3 billion—or twice the amount spent for the 1976 Olympics in Montreal. The games will attract worldwide attention and bring badly needed foreign and "hard" currency to Moscow. Of greater importance, however, the summer games will give Russia the chance to work off its massive national inferiority complex—at the expense of this country, our athletes and our allies around the globe.

The Soviets should be denied that opportunity. As the Miami Herald stated emphatically: "There is no gold medal for appeasement." Our colleague from New York, Mr. KEMP, offered convincing arguments against going to Moscow well in advance of the Soviet Union's invasion of Afghanistan. I do not think this great country—and the people we represent in this august Chamber—want to help the Soviets sell themselves to the world. We can take a giant step toward avoiding that by going on record in support of this resolution. We can lift the voice of this Congress in one clear and indivisable statement to the IOC: "Move the Games."

If history is to be at all respected, and lessons from the past are applied to the present, then let us remember Berlin, 1936 and the darkest chapter in the long, illustrious history of the games. The Berlin Olympics became a repulsive showcase for goose-stepping Nazi propaganda and racial purity. In the wake of Afghanistan, and as the international community stands at the threshold of another Olympics, I am haunted by echoes of Berlin. If the International Olympic Committee does not share that concern, and blatantly ignores the frightening similarities between Berlin 1936 and Moscow 1980, then the international athletic community is condemned, with Moscow being the executioneer and the preservation of Olympic ideals the victim.

## FAIRPORT STUDENTS TAKE PRIDE IN AMERICA

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, patriotism and pride in America are experiencing a resurgence today. The crises in Iran and Afghanistan have unified the Nation around a common cause. Across the United States, Americans of all walks of life are demonstrating that patriotism by showing the flag and supporting our Nation's policies designed to free the hostages and rebuke the Soviets for their invasion of Afghanistan.

On Friday, January 18, I had the opportunity to witness that patriotism at the Martha Brown Junior High School in Fairport, N.Y. In connection with my visit to the school to present an American flag, the school's principal, Calvin Dyermond, organized a very impressive and moving program, beginning with the school's choir. Under the direction of Miss Patricia Smith, the choir first sang their rendition of the "Hallelujah" followed by "America the Beautiful." The patriotic tone of the occasion, enhanced by a variety of posters depicting what each student felt best expressed his or her idea of America, was further carried out when two students presented to me their winning essays entitled, "What America Means to Me."

The two students, Lisa Monopoli, 7th grade, and Diana Meiggs, 8th grade, competed with their respective classmates in the essay contest. In my opinion, their essays capture the attitude of the country and the pride Americans have in the United States. Their essays follow and I commend them to my colleagues.

### WHAT THE AMERICAN FLAG MEANS TO ME

(By Diana Meiggs)

When I see the American Flag it reminds me of a stable and concerned government, with the people's welfare at heart. The fact that it is recognized throughout the world because of the many humanitarian efforts the U.S. has done. It makes me proud to be an American because of the things this country stands for. Foremost concerning the human rights and freedom we have. It also gives me encouragement and a feeling of confidence that we will continue to overcome our problems as we did in the past. The stars, to me, represent the unity between the people, states and our government.

### WHAT THE AMERICAN FLAG MEANS TO ME

(By Lisa Monopoli)

The American Flag has lots of meaning to me. One of the meanings is our freedom. In the Revolutionary War we fought for freedom and won. This means everyone in the United States is free to do as he or she wishes within the law. The flag is a symbol of the ups and downs of our country. It is a symbol of the wars we went through; such as the Civil War, War of 1812, World War I and II, and the Vietnam War. We have survived where other countries would have failed. We have gone through the depression and also recessions but we were first to make a car for consumer use We also had the first telephone, the first light bulb, and the first plane. We have gone through a lot and will probably go through a lot more. The flag is an important symbol of how far we have gone and how far we have to go. The most important symbol is that the flag represents freedom.

## IF OUR HOSTAGES ARE TRIED

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, as the 2d session of the 96th Congress convenes, America is faced with a serious international crisis. The callous Soviet invasion of Afghanistan and the accompanying controversy over a possible Olympic boycott, have taken over frontpage precedence from Iran.

No American needs to be reminded, however, that 50 Americans remain hostage of the radical Islamic students in our Embassy in Tehran. Now the Iranian Government has expelled American television correspondents and journalists from that country. This has been viewed as a move toward two possible ends: First, allowing the Revolutionary Council to deal more directly with the students; and/or second, the possible trial of some or all of the hostages. I am terribly concerned that the ouster of the American news organizations may be a pretext to bringing some of the hostages to trial.

At the same time, Iranian Foreign Minister Ghotbzadeh continues to call for a United Nations inquiry into the possible human rights violations committed by the Shah. This particular possibility was discussed with Secretary General Kurt Waldheim when he recently visited Iran. Waldheim has admitted that such a United Nations inquiry into the Shah's regime might be used as part of a conciliatory effort to obtain the release of the hostages.

The fact that the Iranian Government is seeking United Nations inquiry of this type demonstrates their recognition of the United Nations as a valid forum for human rights issues. It certainly indicates a willingness to submit to the jurisdiction of the United Nations. Why not submit the Khomeini regime to the same scrutiny by an international tribunal into human rights violations in Iran?

Mr. Speaker, the United States should not overlook the possibilities the state of facts today presents to help our hostages. A United Nations inquiry would bring worldwide attention to Iran's outrageous illegal actions.

I propose the United States call on the United Nations to make it clear that, should any of the hostages be brought to trial, an inquiry by the United Nations Commission on Human Rights would proceed immediately.

Today I am introducing a concurrent resolution calling on the President to ask the Secretary General of the United Nations to convene an international inquiry by the Commission on Human Rights, should any of the American hostages be brought to trial. The call for the inquiry is contingent on a move to bring the Americans to trials. Such an international forum, falling under the jurisdiction of the United Nations Commission on Human Rights and the overall authority of the Economic and Social Council of the United Nations, should review alleged violations of the principles of the United Nations Charter, the Universal Declaration on Human Rights, and the Vienna Convention on Diplomatic Relations. While stronger steps may well be essential in the event of any trials, I nevertheless feel that the threat of a possible international forum reviewing the activities of the Khomeini regime might serve to discourage such trials to begin with. I ask the Members of the House to join with me in supporting this effort.

The text of the resolution follows:

H. CON. RES. —

Whereas Iran is a member of the United Nations and officially espouses the principals of the United Nations Charter and the Universal Declaration of Human Rights; and

Whereas Iran is a signatory party to the Vienna Convention on Diplomatic Relations; and

Whereas Iran recognizes the functions and authority of the Economic and Social Council of the United Nations, and its subsidiary, the Commission on Human Rights; and

Whereas Iranian students illegally seized the United States Embassy in Tehran on November 4, 1979, taking United States citizens hostage in violation of international law and human rights of the hostages; and

Whereas the Ayatollah Khomeini and the Revolutionary Council of Iran have indicated their support of the students and these actions: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that should any of the American hostages be brought to trial, the President of the United States should call upon the Secretary General of the United Nations to direct the Commission on Human Rights to convene an international inquiry committee on this matter. The Committee should be instructed to consider all the facts and evidence concerning possible violations of international law and individual human rights by the Iranian students, and the current government in Iran. Further, the Committee should make appropriate recommendations back to the Secretary General, the General Assembly and the Security Council.

## STATE DEPARTMENT

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, the United States is faced today with serious conflicts around the world. Much of our difficulty has been brought on by the human rights policy of our State Department.

We find strong resentment from these countries when the U.S. State Department tells them how to run their internal affairs.

As the Bible states:

> Let he who is without sin cast the first stone.

It should be the policy of the United States to concentrate its efforts on our own human rights program and to discontinue advising other countries.

As an example, in Argentina we have a country where we had a history of friendship. They had a very serious matter in Argentina with kidnaping. In order to meet this situation, they took firm action against the kidnapers and the terrorists.

The State Department said this violated human rights and has applied economic pressure and unlimited verbal abuse from the State Department.

One of the most constructive steps forward that America could make would be to concentrate on improvements within our own country. Tell the State Department to stop this human rights advice for the world.

Now that we want to embargo wheat from going to Russia, Argentina feels no ties to the United States. Why does the State Department run off our good friends?

## WHAT IS THE QUID PRO QUO FOR MOST-FAVORED-NATION STATUS FOR PEOPLE'S REPUBLIC OF CHINA?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, it is my understanding that most-favored-nation status for the People's Republic of China has been pulled from consideration today as a result of the motion we intended to make on the floor.

I think the decision was a sound one. I intended to seek the delay because I have a real problem with the White House release yesterday of a State of the Union Message.

It is bloated with facts and information on foreign policy. But it is no doctrine and it gives us no direction. None.

We need to know what our foreign policy is and what it is going to be tomorrow. We need to know whether we are going to be strong or weak, timid or tough, direct or deceptive. Carter's foreign policy reminds me of a grade school Christmas pageant. It is the first performance for the players and most of them do not know their lines.

How can we, in the absence of any foreign policy direction, consider most-favored-nation status for the People's Republic of China. I am inclined to support the move at some point, but to enact such a significant measure without knowing where we are going and without knowing what we are going to get in return is just ridiculous. We do not even know whether the Chinese will support us in an Olympic boycott. We do know they will not support economic sanctions against Iran.

## TRIBUTE TO GEORGE MEANY

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, today I would like to pay tribute to George Meany, a man who I consider to be one of the great Americans of the 20th century. Some may think it strange or insincere that I, as a Republican, am paying such tribute to a man who normally supported the Democratic Party. But I do not consider it insincere to praise a man who was one of the staunchest defenders of freedom and democratic capitalism.

George Meany was a man who understood truths that continue to elude many of our intellectuals, opinionmakers and members of both political parties. He understood that with the establishment of a Communist regime, one of the first freedoms to be destroyed is the freedom of workers to organize for collective bargaining. This is a freedom we often take for granted but which we should appreciate as fully as did George Meany; for it is truly one of the foundations of our free society. George Meany's understanding of such truths led him never to condone the visits of Soviet "trade unionists" who are really agents of the Soviet Government. Here Meany held firm in his refusal to succumb to illusions about the nature of the U.S.S.R.

Just as he never deluded himself about communism, George Meany never failed to defend the fundamental features of our free enterprise system. Never flagging in his struggle to secure better wages and working conditions for America's working men and women, he also realized that labor cannot have jobs unless business can make a profit. On these questions, George Meany was one of the great defenders of the idea of a fair trade: Workers deserve fair compensation for their labor, and investors deserve fair compensation for risking their capital. Meany also fought courageously against one of the great threats to both freedom and fairness: Wage and price controls. He knew, like Adam Smith, that when the Government takes such powers into its own hands, it is invariably the worker and his wages who bear the brunt of such a government assault on the free market.

George Meany also understood that only under the kind of political-economic system that we have can working people on any rung of the economic ladder achieve true upward mobility—the real essence of the American dream. He knew that it was no accident that Americans had achieved the highest standard of living in the world. Knowing this, he was one of the country's great conservatives—a conservator of true liberal values. An honest and stubborn man of compassion, George Meany deserves to be remembered as a man who helped protect our liberties and our welfare in a way that few others have. We all owe him and his legacy an immense debt of gratitude.

## IMMIGRATION OF IRANIANS INTO UNITED STATES SHOULD STOP

(Mr. WHITTAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTAKER. Mr. Speaker, on Tuesday, January 15, the Associated Press wire carried a most disturbing story concerning the admission of Iranians to the United States. It seems that since mid-November, or about the time our fellow Americans were taken hostage in Tehran, nearly 7,600 Iranians—including about 1,200 "students"—have entered this country with the blessing of the Immigration and Naturalization Service.

A spokesman who gave the AP the figures said INS saw no inconsistency in admitting Iranians at a time when Americans were being held hostage in Tehran and he added, INS did not have the authority to block the entry of qualified Iranians.

I hope you share my sense of outrage and bewilderment that this situation exists, given the state of our relations with the Islamic Republic of Iran. I find it truly incredible that we continue to allow aliens from Iran, as if nothing had happened, to freely enter this country, to reap the benefits of American culture, education, and technology, perhaps even to become part of the American labor force, while the Government of Iran holds Americans hostage at our own Embassy.

Today I am introducing a concurrent resolution expressing the sense of the Congress that the President should, under authority granted him in the Immigration and Nationality Act, temporarily suspend the entry of Iranian nationals into the United States until such time as the hostages are released, or until normal diplomatic and economic relations are restored with the Islamic Republic, except in individual circumstances of grave humanitarian concern.

I hope you will join me in cosponsoring this important resolution.

## THE SAD TRUTH OF EVENTS IN IRAN AND AFGHANISTAN

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, recent events in Iran and Afghanistan have brought home to many Americans the sad truth that our military strength has been so eroded that we are unable to protect our people and our honor in Iran, much less deter naked Soviet aggression throughout the world.

The pattern of rapid Soviet naval construction and ship deployment demonstrate that the Kremlin is moving ahead with plans for possible further hostile action against the Persion Gulf, Cape route, or Caribbean Sea choke points, through which Western European and U.S. oil and minerals must pass.

The United States must pursue a positive forward strategy of vastly improved military capabilities and a reversal of appeasement policy in order to blunt these Soviet objectives.

In addition to substantial increases in our U.S. defense budget, I believe that Congress must now move ahead to build the B-1 bomber to counter the new Soviet Backfire bomber fleet, and insist on deployment of the neutron artillery shell.

We must get NATO to extend its nuclear and conventional umbrella to the Middle East, and maybe even to such countries as Pakistan.

The President should replace the entire group of State Department policymakers who have been responsible for the discredited soft-line policies of appeasement and détente with the Soviet Union, in order to convince the world that the United States means business in preventing further Soviet aggression.

The President and Congress must also take decisive positive action to improve and increase U.S. intelligence capabilities in every conceivable way. This includes ending the cumbersome and duplicative requirements that the Central Intelligence Agency report its covert operations to no fewer than eight congressional committees, which have virtually eliminated CIA help to pro-Western and anti-Communist forces abroad.

The United States should support with money and arms the Afghan rebels, as well as pro-Western anti-Communist freedom fighters, such as Dr. Jonas Savimbi, the African guerrilla leader leading the fight against the repressive pro-Soviet Angola regime. Congress should also cut off U.S. foreign aid to all pro-Communist nations.

Mr. Speaker, these are only a few of the needed actions in response to recent events in Iran and Afghanistan, in order to prevent further Soviet expansionism at the expense of freedom and peace throughout the world.

## THE B-1, YES; THE OLYMPIC GAMES, NO

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, on this first day of the 2d session of the 96th Congress I have good news and bad news for the President of the United States from the loyal opposition.

The good news is that I believe an overwhelming response will come from the minority side of the aisle to support both his grain boycott and his proposal to move the Olympic site. If moving the site is not possible, then I have no doubt the minority will support a withdrawal from the games. I am today submitting a resolution, one of many, I am happy to see, and I hope under majority leadership we can put all of the resolutions together and, concurrently with the other body, take direct and decisive action.

The bad news I have for the President is that I will be circulating a "Dear Colleague" letter with the original delivery schedule of the great B-1 Peacemaker bomber. If this great aircraft had been in production, it would have put the President in a much tougher position in dealing with the nightmare now unfolding in the Middle East. I expect to have over two-thirds of this House signed on a resolution to resurrect the great B-1 bomber. This time it will be built in the great State of Ohio, no longer in my State. I will expect that resolution to be on his desk before the week is out and I will personally try and give him a record of today's session tomorrow so that he will have it as a reminder.

The B-1, yes; the Olympic Games, no.

The Soviet invasion of Afghanistan has shocked the world. Even the Third World countries, for so long alined with the Soviet Union in matters of international concern, have voted in the United Nations to condemn the Soviet action. American allies are deeply troubled. The Islamic nations of the Middle East and Central Asia have clearly called for Soviet withdrawal. For the first time in many years the Soviet Union has been isolated from its traditional base of support and stands before the glare of adverse international opinion.

The irony of this situation is that it is only now that the world has seemingly awakened to the dangers of Soviet imperialism. For too many years we in the United States have deluded ourselves into thinking that we could work closely with our Soviet friends to build a peaceful and stable world. We believe that this was in our common interest, and that the Soviets would do nothing to seriously prejudice that interest. Detente was a given in United States-Soviet relations, and a starting point for many of our subsequent policies.

So now we know the truth. Our President has told us that he learned more about the Russians in 1 week than he had learned in his first 3 years of office. This just confirms to me the serious and tragic errors which many of us saw being made for those 3 years at the highest levels of our government. And now we face the problem of what to do about it. We have been presented with a fait accompli, and to our dismay we have found that we are all but powerless to act. As a result not only of the policies of the last 3 years, but in fact of the last 10 years, our military strength has declined to such an alarming point that we are today unable to credibly project American power or influence to those key areas of the world where our interests are seriously threatened. To rebuild that strength, so that we can indeed defend both ourselves and our allies, will take time. And it is precious time. The coming years of rebuilding will be perilous ones for the friends of freedom in the world. The boldness of the Soviets' move into Afghanistan suggests a new aggressiveness on their part, and a confidence that they can with complete impunity ignore and humiliate not only the United States, but the world community as well.

The problem we now face is therefore long-term. So our solution must also be long-term—if we still have the time. In the meantime both we and the world community do have one means at our disposal for demonstrating to the Soviets that they cannot operate in the world like pirates, plundering and pillaging other nations without fear of retribution. They must be shown that their actions will have consequences, and that other nations do have the will to say "no" to barefaced aggression. We, the free nations of the world, can choose to boycott the Olympic games now scheduled to be held in Moscow this coming summer.

The United States should not and cannot in good faith participate in these games so long as they are being held under Soviet sponsorship, in the very city where the decision to launch the latest war of Soviet imperialism was made. I therefore believe that the United States must, if we are to retain any honor at all, withdraw from the Olympic games if the site is not moved from the shadow of the Kremlin.

Definitely the games should be moved from Moscow to some acceptable and neutral site. The United States should offer to assist in the financing of such a move if that proves necessary. While some dislocation and inconvenience can naturally be expected from this move, I believe that is a small price to pay for what would be a clear and resounding statement from the international community that such behavior by the Soviet Union or any nation is unacceptable and will have inevitable and swift consequences.

For the United States to go to Moscow this summer and march through the Olympic stadium that the Soviets have built there, under the Olympic flag of international cooperation and harmony, would be the cruelest of farces and a tragic slur on the honor of this nation and that of all other free nations. The United States cannot do this and remain the leading nation of the free world.

I believe the world community cannot do this either. For the nations of the world to assemble under the Soviet flag—the same flag that flies over the invading Soviet divisions in Afghanistan—like frightened sheep will be the clearest signal of all to the Soviet Union that it does have a free hand in the world, that it can act arbitrarily and with impunity. The Russians cannot challenge the United States or even the small helpless nations along its border without expecting the Spirit of '76 to rise gloriously across our fair land. The majority of the world's citizens expect no less.

---

## DISASTER ASSISTANCE TO THE AZORES

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HECKLER. Mr. Speaker, earlier this month, two Azorean islands were devastated by a major earthquake which left at least 54 dead and an estimated 20,000 homeless.

Virtually every church on the islands of Terceira and Sao Jorge was destroyed.

These figures, however, do not begin to reflect the magnitude of the disaster which I saw during my trip there in the immediate aftermath of the earthquake. Nor do they reflect the extent of the damage nor the scope of the personal tragedy for these people.

Because of the U.S. base at Lajes Field on Terceira, American personnel and equipment were there and began massive and immediate emergency relief and recovery operations. The response of the Portuguese American community here at home was equally immediate and generous.

But much more is needed. Reconstruction costs are estimated to approach $100 million, which is a heavy burden for an ally in need.

Therefore, I will today introduce legislation to authorize an additional $10 million in international disaster assistance funds to assist with this recovery effort and I would urge the support of our colleagues to help a longtime ally and friend recover from this disaster.

## SOVIET MILITARY SUPERIORITY

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, when the Soviet Communists invaded Afghanistan with tens of thousands of troops and heavy artillery and tanks, and chemical warfare capability, they were doing more than just taking over an independent nation outside the normally accepted scope of the Soviet satellites. They were, in fact, announcing to the world that they now believe that their nuclear forces, as well as their conventional forces, are superior to any other in the world.

☐ 1320

Mr. Speaker, if the United States and the free world should ignore that warning; if we do not take it seriously when they signal us that they consider themselves to be superior; if we do not take the appropriate steps, we have made one of the most serious mistakes that the free world has ever made.

---

## SMALL BUSINESS—FACING BIG PROBLEMS

(Mr. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CLAUSEN. Mr. Speaker, like many of my colleagues who spent the most recent working recess holding meetings and talking to their people, I return with a strong and fortified feeling of concern for the problems our people are facing out in the country.

In particular, I want to focus my remarks on the special and unique problems of the men and women involved in the conduct of their small businesses that are the backbone of our economy and a major supplier of jobs.

To my northern California congressional district, the small business community is vital to the economic and social well-being of the employers and employees living and working there.

The principle areas of concern expressed center around inflation, energy, government overregulation, high interest rates, and taxes. They are saying "Get the government off our backs and out of our pockets."

I want to relate some legislative proposals and suggestions to my colleagues in the Congress and to the executive branch, asking that they give priority attention to them.

First, I want to urge my colleagues support of a number of tax proposals which will bring about a major tax revision and reverse the trend of the current system of disincentives to save, invest, and produce. H.R. 4646, the Capital Cost Recovery Act of 1979, will encourage economic growth and modernization through increased capital investment and expanded employment opportunities. Through accelerated depreciation the small business will experience faster recovery of capital costs. The bill scraps the complicated depreciation system now used and substitutes the following quicker and simpler system of writeoffs: 10 years for buildings, 5 years for equipment, and 3 years for most commercially used autos and light trucks. Capital formation and increased earnings are fuel for future growth. I fully support legislation to increase the corporate surtax exemption from $100,000 to $200,000 thus allowing small incorporated businesses to retain enough of their own earnings for this growth.

Another measure which I have cosponsored is H.R. 5050, the Tax Relief Act of 1979. This measure is designed to reduce personal and small business tax rates to encourage work, initiative, and economic success. Additionally, I support a revision of the social security tax to ease the payroll tax burden on small business. This rollback would allow employers to hire more workers for increased production with the same payroll dollars.

Second, the Congress must take the necessary steps to check the overregulation by the regulators. The placement of a "sunset" provision in all Federal programs to require them to justify their existence on a regular basis has my full support. Further, I have cosponsored legislation that would authorize Congress to review and veto executive branch regulations which needlessly impede the operation and growth of small businesses. To carry this check on regulators one step further, I support the establishment of a small business Administrative Review Court where small business people could take a dispute with a Federal regulator and get a binding decision at minimum cost.

Finally, I fully support and have cosponsored legislation to amend the Constitution to require a balanced budget as well as legislation to place a ceiling on the total amount of our tax dollars the Government can spend. These are two of the most important steps we can take to control inflation—with positive results for small businesses and the economy generally.

These measures form a broad tax revision and regulatory reform program. A program that is vital to provide incentives to save, invest, and produce. Initiative and innovation are the keystones of productivity and economic diversification—and that is what it will take to get this country moving again in the decade of the eighties.

---

## WELCOME ABOARD, MR. PRESIDENT

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, trick or treat usually comes in October, this year it came over the Christmas-New Year's holiday. I am sure that it came as a bit of a surprise—maybe a shock—to many of my conservative friends when, over our recess, we witnessed the chameleon-like transition of President Carter from an appeasement-oriented liberal to a hard fighting, two-fisted anti-Communist. Maybe even a died-in-the-wool conservative. Was it a public relations move? Now, some of my friends who have long possessed conservative credentials might be a little skeptical. Some of them find it a little hard to believe that a

President who lobbied strenuously for SALT II, canceled the production of the B–1 bomber, delayed Trident submarines, canceled the neutron bomb and the MX missile, kicked our anti-Communist friends of the Republic of China in the face while saddling up to Communists on the mainland, could all of a sudden begin to change his tired tune. It is an election year, some of them complain. He is playing politics with an international crisis, others mutter. Nonsense, I say. Remember, he admitted that the Communists had betrayed him, that he had learned his lesson—and moreover, it only took him 3 years of on-the-job training.

Mr. Speaker, over the last 19 years that I have been a Member of Congress, there have been some lonely times. My liberal friends have questioned the legitimacy of my anti-Communist position. The leadership of this body has refused to consider the historical patterns of Communist aggression and the savagery of their attacks. So I, for one, am heartened by Mr. Carter's turnabout on international affairs. I am pleased that all it took was a full-scale invasion of an independent nation, the assassination of a president and the execution or imprisonment of hundreds, maybe thousands of Afghani citizens.

I must, however, warn the President. We conservatives do not compromise very often. We will watch his actions, not Hodding Carter or Jody Powell. We want substance not public relations. Since our Commander in Chief has been in the White House, we have watched while his State Department has negotiated and settled for strategic inferiority. They fight to send our aid to Communist nations. We are now paying the price and if we do not change course quickly, the entire free world will soon pick up the tab.

So, Mr. Speaker, I say to our new conservative President, welcome aboard. And we will be watching.

---

### "THE SONG DOES END AND QUIET COMES"—A MEMORIAL TO THE HONORABLE F. EDWARD HÉBERT

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

**Mr. PRICE.** Mr. Speaker, leave it to an old newspaper reporter on sabbatical to write his own obit better than any of us. I quote from his farewell to the House on the occasion of his retirement after serving 36 years in the Congress:

> This is goodbye. I leave without joy or regret. I leave only because it is time to leave . . . The foxtrot has turned into a waltz, and regardless of what the poet says, time is not an endless song. The song does end and quiet comes.

Quiet came for Eddie Hébert on December 29, 1979. His courageous fight to live ended at 5 p.m. in a hospital room in his beloved New Orleans. He faced the last challenge as he faced all the others in his life—with courage, dignity, and perhaps most importantly, a sense of humor. During the last 3 years of his life, as progressive heart disease left him weak and debilitated, he described his situation thusly:

> The grim reaper will win in the end, but he'll know he's been in a hell of a fight.

And fight he did—until his gallant heart was stilled by a massive coronary at 78 years of age.

We said farewell to Eddie in the serene grandeur of historic St. Louis Cathedral in New Orleans on the last day of the decade of the seventies. As the congregation softly sang the benediction, "The Star Spangled Banner," one could almost hear him say, "Our strength stands as the world's best hope for peace."

He is gone, but the influence he had on the direction and shape of this Nation during his time in public service lives on. He believed passionately in a strong national defense and dedicated his entire legislative career to insuring that the President of the United States would always be able to negotiate from strength— never weakness. How forcefully have we recently been made aware of the correctness of his vision.

His legacy remains, but the warmth and camaraderie of his personal presence will be sorely missed by those of us who knew and called him friend.

In those last months of declining health, Eddie's interest in politics and public events never waned. Many of us enjoyed telephone calls from him if something particularly tweaked his interest—always the news reporter seeking the reliable source. We appreciated his wisdom, enjoyed his wit, and valued his counsel.

Certainly, no eulogy of mine can pay proper tribute to this great American. The real tributes to Eddie are the private and personal memories that will remain keen and vivid in the minds of those who loved him. He was an exceptional human being—as husband, father, political leader, and loyal and supportive friend.

While we grieve at his loss, we shall forever remember his joyful life and give thanks that we could share a portion of it together. Our sympathy and our prayers are with his beloved wife, Gladys, his daughter, and his four grandchildren.

On a more personal note, I shall cherish the memory of the warmth of his friendship as long as I live.

I would like to share with my colleagues the eulogy delivered by Archbishop Philip M. Hannan at the requiem mass held for Eddie Hebert in the St. Louis Cathedral, New Orleans, on December 31, 1979, and the commentary published through the Newhouse News Service by our former colleague, Otis Pike:

> "Act like free men, not using your freedom for malice but as servants of God."

These words epitomize the life of Congressman F. Edward Hebert. He devoted his life to the freedom and support of his family—domestic and national. He was utterly dedicated to his family—his beloved wife, Gladys, and his daughter Dawn, her husband and their four children. His love for them was so deep that he was even proud of the way they at times upbraided him. To them, especially his wife whose sorrow is multiplied by the fact that she could not be here, we offer our heartfelt and deepest sympathy.

Congressman Eddie's devotion to his family was a paradigm of his service to the country. The Nation was his personal concern. That service first was rendered as a fearless reporter and editor for the states newspaper. His characteristic defense of the truth launched his unique career in Congress—"a reporter on a sabbatical leave" whose 36 years in Congress is the longest in history for any Louisianian.

He knew the use of power. He knew that freedom rests on power and right needs might. He was relentless in his efforts to maintain the strength of this country especially during his tenure as chairman of the Armed Services Committee.

The ruthless seizure of Afghanistan by the Russian Communists just a few days before his death demonstrated too clearly how correct was his vision. As chairman he was noted for permitting a free and full discussion at the meetings. While he respected the positions and duties of those in the Armed Forces, he rigorously insisted on the moral obligations of those in the honorable profession of arms. He demanded the investigation of the My Lai massacre in the Vietnam war. He was just "Mr. Eddie" to some of the chiefs.

He was always very suspect of pomposity. "The Last of the Titans" did not fully describe his attitude towards pomp. When according to custom his picture was to be installed in the meeting room of the Committee on Armed Services, he called it "my hanging". "Do you wish to come to my hanging?" Was his invitation to attend the event. During the ceremony of unveiling his picture, which certainly was not done with intemperate haste, he leaned over to me and said, "Look at them. There're all here, from the President down. There's only one reason why they are here—the power of this office." He had no illusions about himself, and as far as he could prevail, he allowed no one else to have any illusions about self-importance.

To me, the greatest proof of his understanding of the proper use of position and power was his decision not to run again for office in 1976. His principle about office holding was, "You have got to be able to be tough. To show leadership and to say 'no' when the occasion demands it." Accordingly, he said "no" when he decided not to run again for office.

He loved dearly the people of this area, of his congressional district and of this Nation. His many accomplishments were a demonstration of that love—from the Junior ROTC's in the high schools to the medical school for the Armed Forces and all the catalogue of institutions and measures taken for the welfare of this country. He was proud of Louisiana. He fought corruption in this state; he spoke admiringly of colleagues like Hale Boggs who served so well this state and this nation. National honors and recognition never meant more than recognition by his peers and the home town institutions—Jesuit high school and Tulane, his alma maters, Delgado and other institutions.

His accomplishments were an expression of his concept of stewardship. He knew that the good God who gave him his life and talents would also ask for a reckoning. He prepared himself for that. He even wrote his Epitaph, a simple "Rest in Peace" in Latin. Characteristically, he chuckled about it and said, "I like that punch line."

May the good and compassionate God grant Eddie Hébert rest and peace forever in his divine presence.

---

### EDDIE HÉBERT COULD LAUGH AT ANYTHING, INCLUDING HIMSELF

(By Otis Pike)

WASHINGTON.—I got a letter from an editor last month, critical of something I had written. So delightfully abusive was this letter that, breaking a habit of some 40 years, I answered it forthwith, noting the foolishness of the editor's views, the absense of his logic, the confusion of his syntax.

For good measure, I threw in a couple of irrelevant but damaging allegations about the quality of his education and raised some questions about his ancestry.

I have fought with and loved that man for years.

In his spare time, the editor had served for 36 years in the House of Representatives.

The letter he sent was handwritten, for as he stated without apology, he could no longer see his typewriter. The eyes had gone.

A lot of other things had gone, too—and he laughed about them. But a newspaperman who likes to type his own stuff and can't see his typewriter has troubles.

F. Edward Hébert was a reporter before I was born and an editor when I was in high school. His repertorial beat included New Orleans' entertainment spots.

He knew by first name the jazzmen who made Bourbon Street's reputation and the madams who made that of New Orleans. The latter, he said, he only knew "professionally." Asked whether he referred to his profession or theirs, he laughed.

Eddie Hébert laughed a great deal when I knew him as a congresman—great belly laughs befitting a very large man. He could laugh at anything, including himself—which is a precious quality among both editors and committee chairmen.

Long before he became chairman of the House Armed Services Committee, it was a joy to watch him interrogating witnesses before that committee.

Robert Strange McNamara was secretary of defense under Kennedy and Johnson and as brilliant a man as ever appeared before the committee. Most secretaries and deputy secretaries appeared backed up by platoons of generals and squadrons of admirals carrying briefcases filled with facts. McNamara came almost alone; he carried the facts in his head.

Eddie Hébert had facts in his head, too—and judgments that differed greatly from those of the secretary of defense. He always spoke of the secretary by his full name, Robert Strange McNamara, and lingered over the middle one. The secretary was too nice to respond in kind and call the congressman by his first name, which was Felix and never mentioned.

Watching and hearing Eddie Hébert and Robert McNamara joust was a great experience for any young congressman, or reporter. In those days reporters didn't get into the Armed Services Committee.

It was like a great tennis match, and the heads of 30 congressmen went back and forth with the questions and answers, ideas and judgments. The former editor shaped questions precisely, and demanded precise answers.

On statistics, the former business executive had all the answers. On judgments, they disagreed. Vietnam was the principal issue.

The secretary of defense was trying to limit the war. The congressman believed any war worth fighting was worth going all out to win.

Vietnam hurt them both. The secretary got out better, retiring with honor to the World Bank. The anti-military fever which gripped the nation at the end of the debacle left no room for a hawk, even as chairman of the Armed Services Committee.

If those who served under and disagreed with him on that committee—but knew him—had made the decision, he would have continued as chairman. The decision, however, was made by the Democratic Caucus, which was as liberal as Eddie Hébert was conservative, as dovish as he was hawkish. It was made by people, most of whom didn't know the man. After 34 years in Congress, Eddie Hébert was dumped as chairman by his own Democrats in 1974.

It hurt him badly, but he served two more years and continued to laugh at everything, still including himself. People who had voted against him got to know him and knew, and said, that they had made a mistake. It was too late. After 36 years, he went home to New Orleans and great honors. His alma mater, Tulane, honored him. His Republican successor has his New Orleans office in the F. Edward Hébert Building. The military, of course, had already dumped more installations on the area than Louisiana could possibly utilize. He made no apologies for that—just laughed, and took the credit with the home folks.

In retirement, the editor replaced the congressman again. His pronouncements were pithy, critical, earthy and funny. Last week he died.

It is doubtful that editors ever make it to Heaven, but I hope there is room somewhere pleasant and not too warm for a big, tough, courageous man whose eyes continued to twinkle even after they could no longer see.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed the following resolution:

### S. Res. 331

*Resolved,* That a committee consisting of two Senators be appointed by the Presiding Officer to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

### S. Res. 332

*Resolved,* That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

## U.S. INTERNATIONAL TRADE COMMISSION AND CUSTOMS SERVICE AUTHORIZATION, FISCAL YEAR 1980

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 514 and ask for its immediate consideration.

The Clerk read the resolution as follows:

### H. Res. 514

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2471) to authorize appropriations for the United States International Trade Commission and the United States Customs Service for fiscal year 1980, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment recommended by the Committee on Ways and Means now printed in the bill, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI, are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MINETA). The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 514 is the rule providing for the consideration of the bill, H.R. 2471, to authorize appropriations for the U.S. International Trade Commission and U.S. Customs Service for fiscal year 1980. This is an open rule providing 1 hour of general debate, with the time to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

This rule provides for the consideration of a committee amendment now printed in the bill. It is an amendment to the Customs Procedural Reform and Simplification Act of 1978, which is amended by this bill. But the particular amendment in question provides adjustments of authorization levels to reflect automatic salary supplementals for Customs Service employees for fiscal year 1980 and for each fiscal year thereafter and is not germane simply because it provides an authorization beyond the fiscal year addressed by the bill as introduced. As a result, House Resolution 514 includes a waiver of clause 7, rule XVI—the germaneness rule—simply to allow that one amendment to be considered by the full House.

Upon conclusion of the consideration of the bill, one motion to recommit will be in order.

Mr. Speaker, H.R. 2471 provides authorizations for fiscal year 1980 of $14,150,000 for the International Trade Commission and $446,857,000 for the Customs Service. Since this bill was reported, both Agencies have submitted supplemental budget requests. The appropriations were adopted last September. Due to the supplementals the amount appropriated to each Agency is slightly higher than that contained in this bill.

The Committee on Rules received testimony in support of the authorization level equal to the final appropriation of $15,130,000 for the International Trade Commission and $447,457,000 for the Customs Service.

Mr. Speaker, this bill provides the congressional mandate to require the Customs Service to implement the long-recommended regional headquarters consolidation from the current nine-region structure to a six-region structure. It also would require reimbursement for expenses of the International Trade Commission in connection with certain studies during fiscal year 1980 requested by other agencies.

Mr. Speaker, there was no minority opposition to this rule when it was considered by our committee. I support this bill and urge my colleagues to adopt House Resolution 514 so that H.R. 2471 might be considered by the House.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, I think it is noteworthy at this point to say that the House, after being in session one hour and a half for the second session of this Congress, is taking up an important matter. I know of no objections to this measure. It was reported out of the Ways and Means Committee by a voice vote. It authorizes funds for the U.S. International Trade Commission and the U.S. Customs Service.

Mr. Speaker, it just goes to show that this is a working Congress.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 362, nays 0, answered "present" 1, not voting 70, as follows:

[Roll No. 2]

YEAS—362

Abdnor
Addabbo
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Clausen
Clay
Cleveland
Clinger
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derwinski
Devine
Dickinson
Diggs
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gibbons
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Hefner
Hightower
Hillis
Holland
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutto
Ichord
Ireland
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCormack
McDonald
McEwen
McHugh
McKay
Maguire
Markey
Marks
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Natcher
Neal
Nedzi
Nelson
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Pickle
Preyer
Price
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolpe
Wright
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

NAYS—0

ANSWERED "PRESENT"—1

Daniel, Dan

NOT VOTING—70

Anderson, Ill.
Aspin
AuCoin
Bonker
Bowen
Brown, Ohio
Burton, John
Cheney
Chisholm
Coelho
Crane, Philip
Daniel, R. W.
Danielson
Derrick
Dicks
Early
Eckhardt
Evans, Del.
Flood
Fowler
Gephardt
Giaimo
Gilman
Goldwater
Goodling
Hall, Ohio
Harsha
Heftel
Hinson
Hollenbeck
Holtzman
Horton
Hyde
Jacobs
Jeffords
Kemp
LaFalce
Leach, La.
Lott
McCloskey
McDade
McKinney
Madigan
Marlenee
Marriott
Montgomery
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Nichols
Peyser
Pritchard
Pursell
Richmond
Rodino
Roth
Rousselot
Solarz
Solomon
Thompson
Treen
Whitten
Wilson, C. H.
Wolff
Wyatt
Wydler
Wylie
Yates
Zeferetti

☐ 1340

The Clerk announced the following pairs:

Mr. John L. Burton with Mr. Wylie.
Mr. Giaimo with Mr. McDade.
Mr. Richmond with Mr. Rousselot.
Ms. Holtzman with Mr. Russell.
Mr. LaFalce with Mr. Anderson of Illinois.
Mr. Montgomery with Mr. Brown of Ohio.
Mr. Murtha with Mr. Harsha.
Mr. Murphy of Illinois with Mr. Hinson.
Mr. Myers of Pennsylvania with Mr. Kemp.
Mr. Nichols with Mr. Madigan.
Mr. Rodino with Mr. McKinney.
Mr. Thompson with Mr. Wyatt.
Mr. Charles H. Wilson of California with Mr. Treen.
Mr. Wolff with Mr. Solomon.
Mr. Zeferetti with Mr. Roth.
Mr. Yates with Mr. Pritchard.
Mr. Bowen with Mr. Myers of Indiana.
Mrs. Chisholm with Mr. Goodling.
Mr. Early with Mr. Hall of Ohio.
Mr. Heftel with Mr. Hyde.
Mr. Peyser with Mr. Jeffords.
Mr. Solarz with Mr. Lott.
Mr. Whitten with Mr. Marlenee.
Mr. Jacobs with Mr. Gilman.
Mr. Dicks with Mr. Goldwater.
Mr. AuCoin with Mr. Hollenbeck.
Mr. Coelho with Mr. Cheney.
Mr. Danielson with Mr. Philip M. Crane.
Mr. Gephardt with Mr. Evans of Delaware.
Mr. Leach of Louisiana with Mr. Horton.
Mr. Aspin with Mr. McCloskey.
Mr. Bonker with Mr. Marriott.
Mr. Derrick with Mr. Robert W. Daniel, Jr.
Mr. Fowler with Mr. Flood.
Mr. Eckhardt with Mr. Wydler.

Mr. MOLLOHAN and Mr. PICKLE changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. VANIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2471) to authorize appropriations for the U.S. International Trade Commission and the U.S. Customs Service for fiscal year 1980, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. VANIK).

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2471, with Mr. LONG of Louisiana in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Ohio (Mr. VANIK) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I yield myself such time as I may consume.

H.R. 2471 combines two separate agency authorizations which are under the jurisdiction of the Committee on Ways and Means.

For the U.S. International Trade Commission, it would authorize $14,150,000 for fiscal 1980 and require that the Commission be reimbursed by other agencies for studies requested by those agencies. The authorization for the Commission is $550,000 below the amount originally requested, but $718,000 above the original fiscal 1979 level. The committee believed this was adequate to meet the increased workloads involving antidumping complaints, section 337 unfair trade practice investigations and the follow up to the Tokyo round of the multilateral trade negotiations. Since reporting the bill, the ITC has submitted a justifiable supplemental, and I would now support an authorization level equal to the final appropriation level of $15.13 million.

The bill also authorizes $446,857,000 for the Customs Service and provides for adjustments in authorization levels to reflect automatic salary supplementals. In addition, the bill would require the Customs Service by the end of fiscal 1981 to implement a long-recommended regional headquarters consolidation program (from the current nine-region structure to a six-region structure) designed to reduce overhead and administrative expenses. The Customs Service authorization request was unchanged by the committee and is only $4 million above fiscal 1979.

Again, since this bill was reported, the Customs Service has submitted a supplemental, and I would now support a new authorization level equal to that contained in the Appropriation Act—a total of $447,457,000.

Let me stress that the authorization levels we are recommending contain no increase over the President's budget. In fact, for the small ITC budget, the Appropriation Act is over $1 million less than the Agency's request. The customs appropriation bill is nearly $3 million below the final budget request.

H.R. 2471 was reported to the House last March. Because the authorization totaled about $460 million, it was not able to come up under suspension, even though I believe it to be noncontroversial.

The appropriations for these agencies went through, without a point of order concerning the lack of authorization, because we did not want to hold up the appropriations process, and because the appropriations figures tended to be generally consistent with the authorization figures.

Nevertheless, passage of this bill is important, because it provides an essential oversight device over two agencies whose proper operation are essential in the conduct of our Nation's international trade. Failure to pass the bill could be interpreted by the Agencies as a sign of lack of oversight interest. As one example of our oversight work this year, we have helped encourage a revision in the way that customs measures oil imports. The new system—which has just been agreed to—will guarantee a more accurate picture of our oil import situation.

Second, we do have language providing for the elimination of some customs management overhead and the movement of personnel into field operations. The bill provides that by the end of fiscal 1981, customs is to reduce its regional headquarters from nine to six—thus resulting in some long-range savings. We leave to customs as a management decision the choice of the offices to consolidate.

Third, our expressed concern with the heavy use by customs of overtime in the inspection process has resulted in internal analysis in this area that we hope will result in future economies in manpower use.

Due to supplementals, the amount appropriated to these agencies is slightly higher than that contained in our bill. I believe that in the conference with the Senate Finance Committee that we will agree to figures identical to the appropriations figures.

□ 1350

Mr. GUARINI. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from New Jersey, a member of the Trade Subcommittee.

Mr. GUARINI. Mr. Chairman, I thank the gentleman. I would like to discuss the matter of Customs Regulations that recently have been promulgated.

As the gentleman from Ohio knows, during May and June of last year, 1979, some very serious questions were raised about the Customs Service's ability to monitor and measure accurately oil imports into the United States. The issue arose because of some proposed regulations advanced by customs which could have been read as meaning less monitoring by customs officers and more reliance on data that was given by the oil company sources. This issue was discussed at great length in our hearings in our Trade Subcommittee hearing on July 16.

As a result of the concerns expressed by the subcommittee members and as a result of several meetings with customs officials on this issue, the Custom Service issued new proposed regulations in the Federal Register on November 7.

I would like to ask the gentleman from Ohio, does the Trade Subcommittee chairman share my view that these new, proposed regulations, are an improvement and should help assure the American public that we have an accurate count on the amount of oil now entering the country?

Mr. VANIK. Well, I would like to say to the distinguished gentleman from New Jersey that the gentleman has been a leader in calling this important issue to the attention of the subcommittee and I want to thank him for his vigilance in this area. Import statistics on oil have been one of the only areas in which the public has received information on oil which is independent and which is not prepared by the oil companies themselves. It is important to maintain this independent measuring service. In addition, in the event that oil quotas are imposed, it will be particularly important that we insure the most accurate measurement possible of oil imports.

I believe that the Service regulations—which I understand will soon be issued in final form with only minor corrections—will insure the maintenance of an independent and accurate measurement of oil imports.

Mr. GUARINI. Mr. Chairman, I hope that the Trade Subcommittee of the Committee on Ways and Means, chaired by the gentleman from Ohio, will continue to monitor this issue. I hope that the subcommittee will follow up on the new regulations to see that they are being carried out. If there is any laxity in this area, I hope that we could consider amendments in the fiscal year 1981 authorization bill to insure that the Service does, indeed, provide careful monitoring of these vital imports.

Mr. VANIK. Mr. Chairman, I would agree with the distinguished gentleman from New Jersey. I would say that we will certainly make this an area of active oversight during the coming year. I am sure that the gentleman, who is a member of the subcommittee, will help insure that these new regulations are carried out with vigor.

I would like to enter into the record at this point portions of the November 7 regulations, which indicate that the service is acting to insure that public officials are present for at least one of the two points of measurement, that the quality of public gagers will be improved, and that the treatment of oil imports among various customs regions will be made more uniform.

I want to thank the gentleman from New Jersey.

Ms. MIKULSKI. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to my distinguished colleague, the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. Mr. Chairman, I notice that consideration of this authorization bill has been moved up to today. This change has not allowed many of us who are returning today the opportunity to examine the bill very carefully. I have some concerns about the language in the authorization bill and how it might affect my port, as well as the gentlewoman from Louisiana and some others.

We are concerned about the concept of reorganization in the bill. It is my understanding that the customs office is now administered through 9 regional offices and 45 district offices, but that the language of the bill under the framework of reorganization will call for 6 regional offices. Therefore, I have some questions and would appreciate a colloquy with the gentleman from Ohio.

First. In voting for this bill, does reorganization mean, (first), that we will be closing customs offices?

Second. What criteria would be used, if that is a fact?

Third. What is the timetable for that?

Mr. VANIK. Well, in response to the issue that is raised by the gentlewoman from Maryland, let me point out that over the past 14 years, since the 1966–67 reorganization of customs, there have been nine separate studies on the structure of the customs service. The studies have all supported the need to reduce the number of regions. As a matter of fact, the customs service itself has stated their approval of the need to reorganize. In last year's hearing on this bill, H.R. 2471, the Deputy Commissioner of Customs testified that, and I am quoting him exactly:

> It is my opinion that we could decrease the number of regions we have and that this would increase our effectiveness.

Furthermore, the General Accounting Office analyzed all of the nine studies and agreed with the need to increase customs efficiency by reducing the number of regions. The General Accounting Office report also states that while customs has recognized for some time the need to reduce the number of regions, it has been unwilling to do so because of external congressional concern. Therefore, this bill gives customs the congressional mandate it needs to carry out such a reorganization. It comports with the recommendations of nine separate studies, as well as the testimony of the Customs Service itself.

Now, this bill provides that the reorganization must take effect by the end of fiscal year 1981. I agree that there ought to be some logical criteria by which the agency makes this kind of determination.

□ 1400

I know the feelings the gentlewoman from Louisiana (Mrs. Boggs), and the concern the gentlewoman from Maryland have with respect to the Baltimore and New Orleans districts. While these ports are lower in volume compared with some of the others at the present time, I am impressed with the growth rate involved in these ports. I sincerely hope and expect that the growth rate would be a part of the criteria, and when we are reorganizing the supervisory function, we will take into consideration this important criteria as to the future potential of the regions.

Ms. MIKULSKI. Mr. Chairman, I thank the gentleman for his sensitivity, because my concern is exactly that very often the analysis has a time lag or a port lag. My own port in this last year alone has increased its activity by 15 percent. The year before we had a tremendous drop because of the strike.

I am concerned, and there is a concern not only about New Orleans and Baltimore but Los Angeles, Galveston, Milwaukee, and Savannah. They are all potentials of this, and from what I understand from the gentleman, No. 1, we are going to close some of them and we are going to consolidate some.

I would hope two things. I wonder if the gentleman could assure me, No. 1, that as the agency shares the criteria within its office, we will also be privy to the criteria. Second, when the gentleman goes to conference, I hope that he will approach it in a flexible manner, because I do feel that should be done and I am well aware of the GAO reports.

I am very much for efficiency, but I do want to protect my port. My port is undergoing tremendous change now, particularly in the areas of collections, and I am afraid that this will hamper new port activity.

Mr. Chairman, I certainly want to work with the gentleman.

Mr. VANIK. Mr. Chairman, I certainly can assure the gentlewoman that I will do everything in my power to protect the ports and I will follow this in subcommittee. We are going to share all information we have in relation to possible changes of policy and the criteria under which these changes will be undertaken.

I want the gentlewoman to know that we will pursue a positive approach. We are certainly going to be mindful of the growth factor in Maryland, in the Port of Baltimore, and in the Port of New Orleans.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Texas.

Mr. de la GARZA. Mr. Chairman, I appreciate my colleague's yielding.

Mr. Chairman, I want to join with my colleagues, the gentlewoman from Maryland (Ms. Mikulski) and the gentlewoman from Louisiana (Mrs. Boggs). I appreciate the position the gentleman from Ohio (Mr. Vanik) has taken in this respect.

As the gentleman knows, I represent some very important ports of entry on the Mexican border. My concern with Customs is that many times they adopt criteria for personnel levels which are possibly workable if we take the Customs Service as a whole throughout the United States, but this creates tremendous hardships on some important ports of entry such as I have in my district and we have on the Mexican border.

So I bring this matter up only to ask for the assistance of my colleague, the chairman of the subcommittee, in seeing that the criteria used, as I understand the gentleman, is such that would be compatible with the needs of each individual port so that we might have sufficient personnel at peaktimes and at the necessary times in the individual ports.

Mr. Chairman, I appreciate the interest of the gentleman and the work he has done in this respect.

Mr. VANIK. Mr. Chairman, I want to say to my distinguished colleague, the gentleman from Texas (Mr. de la Garza), that I heartily agree with what he has suggested. We expect to use very careful monitoring over the criteria, and it is going to be our objective to be sure the Service carries out its mandate to provide efficient, prompt service to our ports of entry in the United States.

Mr. de la GARZA. Mr. Chairman, I thank my colleague, the gentleman from Ohio (Mr. Vanik), and again I commend him for the excellent job he always does in this matter.

Mr. FRENZEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support passage of H.R. 2471, a bill providing separate authorizations of appropriations for two agencies over which the Ways and Means Committee has jurisdiction—the U.S. Customs Service and the International Trade Commission (ITC). Actually, appropriations bills covering both these agencies, which incorporated the amounts authorized by H.R. 2471, were passed by the Congress during the first session. The bill before us, however, has significance beyond the funds authorized.

As outlined by the chairman earlier, H.R. 2471 authorizes $14,150,000 in appropriations for the ITC in fiscal year 1980, and $446,857,000 in appropriations for the Customs Service in the same fiscal year. The ITC authorization represents a reduction of $550,000 in the amount initially requested by that agency. Part of the reason for the reduction is the provision in the bill that will require reimbursement by other agencies for studies, investigations, and reports conducted by the ITC on behalf of those agencies. Outside studies and investigations have represented a considerable cost for the ITC in the past, and the committee felt that cost-sharing by the other agencies involved will provide a more realistic budgetary approach.

An important aspect of the bill before us is the statutory language provided in section 3. This section requires that by the end of fiscal year 1981, the Customs Service must be administered through not more than six regional offices. Numerous studies over the past several years have evaluated the operation of the current system of nine regional offices, and these studies almost unanimously have recommended a reduction in the number of regions and districts in an effort to improve operational efficiency as well as consistency in the application of laws and regulations. This legislation gives specific direction to the Customs Service to consolidate their organizational structure over the next 2 years and yet leaves them discretion as to how best to accomplish the end result.

In addition to the statutory language of the bill, this legislation contains carefully prescribed report language which indicates congressional intent in three key areas. In the first case, the report commends Customs for its recent internal reports that point to the need for more effective use of agency funds, and indicates congressional support for action on the specific problems outlined in these reports.

Second, the report language of H.R. 2471 expresses serious concern over the increasing amount of overtime which is expected to cost the Customs Service $70 million in fiscal year 1980. The committee is aware of the problems this is creating for many Customs' personnel and their families and hopes the Customs Service can take added initiative to alleviate hardships for their personnel and reduce costs in this area.

Finally, the report language expresses strong disapproval of the OMB recommendation to collect estimated customs duties within 3 days after entry of merchandise. Any such requirement violates the spirit of the Customs Procedural Reform Act (Public Law 95-410) which the Congress labored so long on during the last session. This earlier bill provided for a deferment tperiod of not more than 10 days, and a drastic reduction of this time period to 3 days is totally unacceptable to the Congress.

Mr. Chairman, I hope I have convinced my colleagues that this is an important bill even though appropriation bills covering the amount authorized have already been passed. I urge my colleagues to approve H.R. 2471.

Mr. Chairman, I would like now to underscore the fact that the committee report indicates that there are certain regulations which have been proposed and not carried out by the Customs Service relating to the collections of duties within a certain period after entry into this country, and that part of our report ought to be, I think, underscored and stressed in this dialog.

The Customs Service proposed to make early duty collections which were inconsistent with reasonable business practice. I think the committee report is quite specific in that regard, and we expect that the Customs Service will go along with it.

Mr. Chairman, in regard to the regional offices which have been discussed and the reorganization which this bill mandates at least by the end of 1981, it is important that we reorganize. I am sure that the committee will do everything it can to see that the reorganization is carried out on a businesslike basis.

But in this bill, as many of us know, there were not enough customs agents authorized to do the kind of job the committee really thought was necessary. The committee's attempt will be to have a better Customs Service by reducing some of the overhead and trying to put more agents on the job to do a better job in each of our ports. We are not going to try to reorganize or establish a regional office for each port that wants one. What we need is good local customs service and enough customs agents to do the job.

Mr. Chairman, I think that is what this committee is going to try to do.

Mr. Chairman, I yield such time as he may consume to the distinguished ranking minority member of the Subcommittee on Trade of the Committee on Ways and Means, the gentleman from Michigan (Mr. Vander Jagt).

Mr. VANDER JAGT. Mr. Chairman, I rise in support of H.R. 2471, the authorization for the International Trade Commission and the Customs Service.

The authorization for the International Trade Commission is slightly above that of the last fiscal year, but somewhat below the request of the Commission. The committee thought that it was in order to provide somewhat of an increase because of the increased load of antidumping and unfair trade practices that the Commission is considering at this time.

In real dollars the authorization for the Customs Service is less than that of the last fiscal year, but the committee has some concern about that. In enforcement sometimes the spending of a dollar actually increases revenue to the Treasury.

We are all concerned also about possibly beefing up activities directed against the smuggling of dope and narcotics into this country. However, because of the tight budgetary restrictions we are under on the committee, that amount was not increased.

The third section of the bill was directed to the reorganization recommended in nine separate studies by the GAO. We ask the Customs Service to reorganize into six different districts before the end of fiscal year 1981.

There are three other recommendations we make in the report of the committee. They have been discussed by the distinguished and able chairman of the Subcommittee on Trade and by my colleague, the gentleman from Minnesota (Mr. Frenzel).

Mr. Chairman, I urge my colleagues to support this bill. I believe it is essential legislation, and it should pass overwhelmingly.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman from Michigan (Mr. Vander Jagt) for his contribution.

Mr. Chairman, I yield such time as he may consume to the ranking minority member of the Committee on Ways and Means, the distinguished gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Chairman, I support this measure and urge my colleagues to vote for it. The amount of money involved is appropriate to the increasingly difficult mission of the Custom Service and the growing case load of the International Trade Commission. While criticisms can be levied at these institutions for the inadequateness of the past, we have little choice but to extend and finance their functions and I believe the committee has done a good job in balancing against our fiscal pressures the importance of the Government functions.

I support the measure without reservation.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman from New York (Mr. Conable) for his contribution.

Mr. Chairman, I yield myself such time as I may consume, and I yield to the distinguished chairman of the Subcommittee on Trade, the gentleman from Ohio (Mr. Vanik).

□ 1410

Mr. VANIK. Mr. Chairman, I just want to take this time to express my gratitude to the distinguished ranking minority Member, the gentleman from Michigan (Mr. Vander Jagt), and to the gentleman from Minnesota (Mr. Frenzel) for their splendid cooperation and support of this legislation.

On our subcommittee, we have no partisan positions. We make what I believe are solid, economic decisions. I want to express my gratitude for the very high level of objectivity in our process.

Mr. FRENZEL. Mr. Chairman, I thank the chairman for his contribution and I concur in his estimate of how the committee works and the way we hope we produce bills.

Mr. Chairman, I have no further requests for time.

Mr. VANIK. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. Jones).

Mr. JONES of North Carolina. Mr. Chairman, I rise in support of H.R. 2471 providing fiscal year 1980 authorization for the U.S. International Trade Commission and the U.S. Customs Service.

As chairman of the House Tobacco Subcommittee I am particularly interested in an item under the jurisdiction of the Customs Service. The Service has before it a petition requesting that it change its present practices of classifying imported tobacco. Since the decision on this petition will have a direct economic impact on thousands of tobacco producers, I hope that the Customs Service can make a speedy decision on the petition.

The petition alleges that the Customs Service has been incorrectly classifying large quantities of imported tobacco as "scrap" instead of "stemmed filler leaf." The duty on imported scrap tobacco stands at 16.1 cents per pound while the duty on stemmed filler cigarette leaf is 45 cents per pound. Obviously, there is a tremendous financial incentive for an importer to have his tobacco classified as scrap.

The General Accounting Office has concluded that the Custom Service has indeed been misclassifying tobacco imports, costing the taxpayers as much as $188 million in import duties over the last 10 years. In addition, scrap imports may be depressing the market price for tobacco produced by American farmers.

Scrap tobacco imports have increased tremendously in recent years, but imports of stemmed leafs have held constant. In 1969 scrap imports totaled fewer than 59 million pounds. By 1978 they had jumped to over 119 million pounds. This rising trend has continued according to the December 1979 Tobacco Situation published by the U.S. Department of Agriculture. It states that U.S. tobacco imports increased by one-fifth above the previous year. Scrap tobacco accounted for the gain.

The present tariff schedules were never intended to allow the greatest volume of tobacco imports to be classified as scrap. The term "scrap" implies waste. The imports being classified as scrap do not consist of waste tobacco, but are instead good quality tobacco cut into small strips for subsequent use in the manufacturing of cigarettes.

In conclusion, Mr. Chairman, I want to indicate my concern about this growing problem and urge that the customs Service address itself to the situation promptly by expediting its decision on the pending petition for reclassification.

Mr. VANIK. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. Rose).

Mr. ROSE. Mr. Chairman, I want to underline what the gentleman from North Carolina (Mr. Jones) has just said and, Mr. Chairman, view with alarm that the Government has lost in 10 years $188 million because, as the GAO said in a very thorough report that they gave us in November 1979, the Customs Service has misinterpreted its own regulations. The tobacco companies like tobacco being classified as scrap because it is 16 cents a pound. But they use it as filler in a tobacco product like a cigarette. The import duty should be 45 cents a pound, as the gentleman from North Carolina (Mr. Jones) has just pointed out.

At the end of the GAO summary, they say:

> Because of these circumstances, legislation clearly setting forth congressional wishes on tobacco classification may be a quicker means of settling the matter. However, the fault lies with Customs' interpretation of the tariff schedule rather than the schedules themselves.

Mr. Chairman, we support this legislation and want to see it overwhelmingly passed. But we hope that the chairman will send a good, strong message to this part of our Government that they should not give special preference of this type to imported tobacco but should follow their own regulations so that we do not lose another $200 million in import duties.

Mr. VANIK. Mr. Chairman, if the gentleman will yield, in response to my distinguished colleague, the gentleman from North Carolina (Mr. ROSE), and in response to the distinguished gentleman from North Carolina (Mr. JONES), the chairman of the Subcommittee on Tobacco, I want to thank both Members for raising these issues which are raised in the General Accounting Office report of November 6.

As both gentlemen have indicated, the report is an extraordinarily strong one in indicating the recent Customs classification has been in error. The report concludes that legislation clearly setting forth congressional wishes on tobacco classification may be a quicker means of settling the matter.

What I want to say to the Members is that, before legislating in the area, I would like to obtain the comments of the Department, the Customs Service, and the International Trade Commission. I will be happy to ask that these reports come to us on an expedited basis.

I think that if the Service fails to come up with a proper classification within a reasonable time, I would assure both gentlemen that our subcommittee would be very happy to entertain legislation to deal with the reclassification problem. But I think we ought to give the administration an opportunity to correct it through the administrative process during this short period of time; and if it does not come, then the gentlemen can be assured that our subcommittee will be very happy to take up legislation to deal with the reclassification issue in conformity with the objectives and with the issues that have been raised in this discussion.

Mr. ROSE. I thank the gentleman.

Mr. VANIK. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ATKINSON).

Mr. ATKINSON. Mr. Chairman, I spent 7 years in the Bureau of Customs under the Kennedy and Johnson administrations as Director of Customs for the Port of Pittsburgh and as an adviser to the regional commission of customs in Baltimore at the time when there were 47 ports in this country and before the reduction to 9 districts. So I naturally have an interest in what happens in the subcommittee involving the Bureau of Customs.

Beyond that, I tried unsuccessfully to obtain information relative to the assessments and fines that are charged to importers for illegal dumping in this country, and without too much success. As a result of that, I have gone to the Department of Commerce, and the Department of the Treasury, under the Freedom of Information Act, to try to acquire these figures. They have asked for an extension. I hope that we will obtain it.

I will ask the chairman, during his activities in this subcommittee effort, that we try to find just how much steel and other commodities are dumped into this country, what fines and assessments have been levied, and what the collection record has been.

Mr. Chairman, I regret that H.R. 2471, providing fiscal year 1980 funding for the International Trade Commission and the Customs Service, will be considered as the first item of business after reconvening the 2d session of the 96th Congress. I sincerely wish Members could have had more time after the district work period to carefully consider the many problems being experienced by Customs and possible solutions to those problems.

As the committee report indicates, Customs will inspect "only about 1 percent of all containerized shipments, despite tests showing that increased inspection would result in significant increase in revenue." Customs "is able to intercept and inspect only a small proportion of the aircraft illegally entering the United States, many of which carry narcotics." Customs will be stretched thin by its many responsibilities under the new trade laws enacted last year. Customs has been shocked by reports of illegal activities by inspectors at certain ports. And, for Members like myself who are interested in determining how effectively our antidumping and other trade laws are being enforced, customs continues unable to provide needed data in usable form.

I am encouraged by the fact that this year marks the first annual budget review for Customs. Such close oversight is necessary. And I am very encouraged by the statement in the Ways and Means Committee report that—

> It is the intention of the Trade Subcommittee to conduct an in-depth examination of the customs budget request for fiscal year 1981. This will involve a follow-up on the problem areas raised this year, as well as looking into other matters within customs jurisdiction.

Customs is an important Federal agency and its importance will increase in the years ahead as international trade continues to grow. It is vital that Customs do an effective, efficient job of collecting duties and enforcing the laws of the United States as Congress intended those laws to be enforced. I look forward to the "in-depth examination" the committee has promised for the coming year.

In closing, I want to mention to the distinguished chairman of the committee and the distinguished chairman of the Trade Subcommittee that the Commerce, Consumer, and Monetary Affairs Subcommittee of the Government Operations Committee, the very able Mr. ROSENTHAL, has initiated hearings into trade matters affecting the steel industry and is considering hearings into the reports of alleged wrongdoing by customs inspectors. I am sure that Chairman ROSENTHAL'S subcommittee will be generating data that the ways and Means Committee will find most useful during the coming year.

Thank you for the opportunity to comment on this legislation.

Mr. VANIK. Mr. Chairman, if the gentleman will yield, I might say, in response to the gentleman, that we are currently going over this issue. We expect to have a statement made sometime by the middle of February on this very issue. The gentleman has raised a very important, essential matter that we have to deal with. I am going to have a report for the gentleman sometime by the middle of February.

Mr. ATKINSON. I thank the gentleman.

Mr. VANIK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before we conclude, there have been questions about recent Federal Grand Jury investigations of U.S. Customs' Service employees in New York and New Jersey. Let me say that the evidence for these charges was collected by an ongoing, intensive, internal probe by Customs Service Special Agents. In fact, the U.S. attorney for New Jersey who is heading up the inquiry has stated that "the Customs Service is to be commended for its efforts, for vividly demonstrating such integrity and resolve."

I can assure my colleagues that I am deeply concerned with the charges of bribery and corruption within the Customs Service. The Trade Subcommittee, which has jurisdiction over the Agency, will continue its active oversight of Customs' operations. We certainly need to examine the conditions and practices that allowed, and perhaps even fostered, the development of these activities. For example, allowing Customs employees—from the chief supervisory personnel to the on-line inspector—to remain in one location for a prolonged period of time creates an environment where the opportunities for bribery and corruption are greatly increased. The subcommittee will be looking into all of these problems throughout the year.

However, let me again emphasize that I have received personal assurances from the Commissioner of Customs that the Internal Integrity Unit of the Agency is continuing to work closely with the U.S. attorney's office in pursuing allegations of corruption within the Service. In a meeting with the Commissioner earlier this week, I emphasized the great need to have the existing investigations continue, with vigor, wherever the evidence may lead.

Mr. Chairman, I have no further requests for time.

☐ 1440

Mr. FRENZEL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### H.R. 2471

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. AUTHORIZATION FOR THE UNITED STATES INTERNATIONAL TRADE COMMISSION.

Paragraph (2) of section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2) There are authorized to be appropriated to the Commission for necessary expenses for fiscal year 1980 not to exceed $14,150,000. No part of any sum that is appropriated under the authority of this paragraph may be used by the Commission for the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

SEC. 2. AUTHORIZATION FOR THE UNITED STATES CUSTOMS SERVICE.

Section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075) is amended—

(1) by inserting "(a)" immediately after "SEC. 301."; and

(2) by inserting at the end thereof the following:

"(b) There are authorized to be appropriated to the Department of the Treasury not to exceed $446,857,000 for the salaries and expenses of the United States Customs Service for fiscal year 1980.".

SEC. 3. ORGANIZATION OF THE UNITED STATES CUSTOMS SERVICE.

The Secretary of the Treasury shall take such action as may be necessary to insure that the United States Customs Service is administered through not more than six regional offices by the close of fiscal year 1981.

Mr. VANIK (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

### COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, strike out line 23 and insert in lieu thereof the following: for fiscal year 1980.

(c) For the fiscal year beginning October 1, 1979, and for each fiscal year thereafter, there are authorized to be appropriated to the Department of the Treasury for salaries of the United States Customs Service such additional sums as may be provided by law to reflect pay rate changes made in accordance with the Federal Pay Comparability Act of 1970.

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LONG of Louisiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2471) to authorize appropriations for the United States International Trade Commission and the United States Customs Service for fiscal year 1980, and for other purposes, pursuant to House Resolution 514, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. LIVINGSTON) is recognized for 60 minutes.

## GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

Mr. SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## F. EDWARD HÉBERT

Mr. LIVINGSTON. Mr. Speaker, F. Edward Hébert, the last of the titans, the 36-year veteran of the U.S. House of Representatives, and the powerful chairman of the House Armed Services Committee, was my predecessor in the First Congressional District of Louisiana. He was one of the truly great men in this Nation's colorful history, and I am proud to have known him. He loved his country, and he fought all his life to keep it strong and secure.

As Armed Services chairman, F. Edward Hébert fought constantly to maintain a strong national defense. He did not believe in appeasement; he did not put much stock in arms agreements with the Russians; he believed that only through strength will we preserve our freedoms.

But he also believed in tight fiscal control of defense spending, and more than 20 years ago lead an investigation of waste in military contracts that resulted in tighter controls and increased military efficiency.

Mr. Hébert believed in a strong military, an honorable military, one which upholds the highest ideals of our country. In line with those beliefs, he insisted that the armed forces adhere to strong moral principles and was stringent in his criticism when they did not.

During the Vietnam war, Mr. Hébert headed an investigation of the My Lai massacre, criticizing the military and the State Department for covering up evidence that reflected on the armed services.

In these matters, as in all others, Chairman Hébert refused to compromise his beliefs, regardless of political consequences, and he suffered certain political reverses because of it.

But, while his political enemies were successful in attacking his seniority and depriving him of the chairmanship of the House Armed Services Committee, they were unable to break his spirit or to erase his powerful influence on our Nation's defense forces while he remained in the House. Even after his retirement from the House, and continuing to his death, Chairman Hébert refused to be quieted, and he spoke out publicly whenever events troubled him.

Speaking at a ceremony just before his retirement, Chairman Hébert spoke against downgrading the military. He said:

> It is something the American people had better understand, that this is their country. That this is the country they were born into and without the defenses you gave them—in the uniform you wear—Army, Navy, Marine, Air Force or Coast Guard—they would not have the country of freedom they have. . . .

He was a tower of strength, beating back death on two previous occasions over the last 2 years. But that was a war that even the powerful F. Edward Hébert could not win, and on December 29, 1979, 2 days before his entrance into his ninth decade, he died. It is a time for sadness for all who knew him, but our grief must be tempered with the knowledge that this was one life that was well lived.

In his autobiography, "The Last of the Titans," he captures the essence of that life in his own words:

> . . . Despite the handicaps of the loss of one eye and partial blindness in the other, I can say that I have had not one, but two successful careers: one as a newspaperman, the other as a Congressman. I have put together what talent and intelligence, wit and charm, nature has bestowed upon me to grab life's brass ring. I am guilty of vanity and, on occasion, autocracy. I am not beyond reproach.

And in chronicling some of his many accomplishments he added:

> Most importantly, I believe I have played a major role in keeping America safe, and free. I have always sought to leave the world a better place than I found it. All this I did while serving my district, my State, and my Nation with an attitude and lifestyle which refuses to surrender individualism. And I have enjoyed it all so much.

Whatever strength America has in its defense forces, it owes much of that strength to policies set down by F. Edward Hébert during his years on the House Armed Services Committee. Whatever forces we now have to face the Russian threat in Afghanistan, or any other conflict around the world—much of that force is owed to the leadership of F. Edward Hébert. In fact, I believe it safe to say that if in the 94th Congress, more of our colleagues had listened to what he had to say, we would not be faced with many of the problems we find in the world today.

As his successor, I can attest to the love and affection which his constituents had for him. They, together with my wife, Bonnie, and myself, offer our sincere sympathy to his wife Gladys, and his daughter Dawn Hébert Duhé, for his loss.

His life is over, but Chairman Hébert's

strength, his vitality, his wit, his love of country, are standards of excellence that all of us as Americans would do well to emulate.

God bless him.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Speaker, today I am introducing legislation to amend title XIV of the Public Health Service Act to extend the date by which certain exempt public drinking water systems will be required to meet contaminant level and treatment requirements. It is my belief—and it is shared by many others—that the deadlines set forth in the 1974 act cannot possibly be met without sacrificing the thorough study and deliberation that is necessary if optimum action is to be taken. If safe, potable water is our ultimate goal, which I believe it is, the deadlines should and must be extended.

The Safe Drinking Water Act requires that all communities with maximum contaminant level (MCL) violations correct them by January 1, 1981, unless they are able to combine with another system having acceptable limits, in which case they have until January 1, 1983. While the attainment of these MCL standards seemed reasonable when the act was passed in 1974, many developments have occurred since then which serve to make their attainment highly unlikely today. One of the foremost obstacles facing those who would like to comply with the act is the fact that communities now known to be in violation have been advised of this only recently. This is due primarily to the fact that State and Federal officials have only recently perfected the technique of detecting the contaminants proscribed in the act. Consequently, there has been little leadtime provided for those communities that, under the present law, are expected to be in compliance with MCL standards less than a year from now.

Unfortunately, the process that must be gone through by a community to come into compliance is both time consuming and costly. Such a community must first contract for an engineer to do a feasibility study to determine both the treatment options and their costs. After determining the type of treatment, and having it installed, the community will still have to provide training for its plant operators, especially in the instances where fluoride and radium are being removed.

While the leadtimes required for proper compliance are clearly formidable under the present regulations, the greatest concern of communities now in violation of the MCL standards is how they are going to pay for the cost of treatment. An example from my own immediate experience underlines the problem: the estimated costs of treating the radium violation in Sioux City, Iowa in my district have ranged up to $4 million, and that does not include the cost of hiring an engineer for an initial review. A very real economic hardship will be imposed on scores of communities around the Nation, especially the smaller ones. The per capita cost of the same level of treatment for small systems is considerably greater than the corresponding costs for larger systems. As we approach a period of worsening inflation and reduced economic activity, the burden of increased water treatment costs on small communities will be even more severe. Consequently, more time is needed for these communities to identify alternative funding sources to assist them in their compliance efforts.

The Iowa Department of Environmental Quality, Chief of Water Supply Operations, has said that—

> Probably our greatest obstacle to reasonable enforcement of any of the Safe Drinking Water Act standards are the dates of compliance fixed in Federal law.

The Southern Governors Conference has passed a resolution stating that—

> The Safe Drinking Water Act does not allow time for completion of appropriate technical and sociological studies before the January 1, 1981 exemption deadlines.

And the National Association of Regulatory Utility Commissioners has noted that—

> If left unamended, the act will add greatly and without proven need to the inflating spiral of costs to the consumer.

The fixed date will not solve the problems for all drinking water supplies and all State enforcement agencies, but the 7 to 9 year extension period provided in my bill—starting when the violation is confirmed—treats all supplies equally and allows a reasonable time for planning, design, construction, and financing. While we must not shirk our responsibilities to provide safe drinking water for our citizens, we must also insure a reasonable time limit for a comprehensive analysis of the standard violation and a detailed, competent study of the necessary treatment. Communities should not be compelled to commit their resources to hastily contrived solutions to meet the act's standards, especially when a good faith intent has been demonstrated.

As I have indicated, Mr. Speaker, the purpose of my legislation is simple and direct—to extend the date by which the safe drinking water standards are required to be met. I am confident that my colleagues will recognize the need for this legislation, and I urge that they lend it their full support. If there is no objection, I would ask that the bill be printed in its entirety following my remarks.

Thank you.

H.R. —

A bill to amend title XIV of the Public Health Service Act relating to safe drinking water to extend the date by which certain exempt public water systems will be required to meet contaminant level and treatment technique requirements

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1416(b)(2)(A)(i) of the Public Health Service Act (42 U.S.C. 300g–5(b)(2)(A)(i)) is amended by striking out "January 1, 1981" and inserting in lieu thereof "seven years after the date such requirement takes effect".

SEC. 2. Section 1416(b)(2)(B)(i) of the Public Health Service Act (42 U.S.C. 300g-5(b)(2)(B)(i)) is amended by striking out "January 1, 1983" and inserting in lieu thereof "nine years after the date such requirement takes effect.".

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. I thank the gentleman for yielding, and I commend him for taking this time to honor a great Member of the House.

Mr. Speaker, I wish to join my colleagues today in expressing my deepest regrets on the loss of our former colleague, Felix Edward Hébert. Congressman Hébert devoted 36 long, eventful years to the service of his country in this Chamber. Louisiana had a native son in Hébert that it could be truly proud of.

His dedication to public service began long before he arrived here. The son of a streetcar motorman and a schoolteacher, Hébert's original interest in the study of law was waived for a career in journalism. In the capacity of newspaper city editor his sense of integrity made successful the task he undertook of investigating scandals in the administration of one-time Louisiana Gov. Huey Long. Earning the distinction of receiving the award for "courage in journalism" from the Sigma Delta Chi journalism fraternity for his work, he was soon involved in politics himself.

In his many years as the representative of the First Congressional District of New Orleans, Hébert has to his credit a record of fine performance and astute dedication to the goals he saw necessary for the good of the United States. He served in the House through World War II, the Korean war and the Vietnam war. As the esteemed chairman of the Armed Services Committee, his tireless efforts to maintain a solid American defense, though oftentimes the center of controversy, never faltered. He was wise in the ways of getting Federal installations to Louisiana and would describe himself as no less than "the most hawkish of hawks."

Despite his staunch support of the Pentagon, Hébert never lost sight of the clear, often ignored, distinction between right and wrong. Heading an investigation into the My Lai massacre in Vietnam, his committee's findings resulted in a report that implicated both military and State Department officials of covering up that disgusting war crime. He would not be an apologist for wrongdoing by the Department of Defense.

As a fellow Member of the House of Representatives, Hébert was a fine Congressman and a dear friend. In frequent displays of oratorical know-how he proved himself to be a master in the art of parliamentary procedure. While we often differed in our opinions I can honestly say that I held him in the highest esteem.

Hébert will be missed by those closest

to him. The people of the Bayou State have lost a sincerely devout individual the likes of which are difficult to come across in our troubled times. His memory, however, remains on the records of his accomplishments which earned respect in the eyes of those whose lives he touched.

I want to extend my sincere sympathy to Gladys Hébert, her daughter, and four grandchildren on their loss.

I would be pleased at this time, Mr. Speaker, to yield to the gentlewoman from Louisiana, my colleague, LINDY BOGGS.

Mrs. BOGGS. I thank the gentleman for yielding. I thank him very much as a worthy successor of the last of the titans to take this time in memory of our colleague, F. Edward Hébert, from our home city of New Orleans.

My association with Eddie Hébert and with Gladys, his valiant and remarkable wife, goes back, of course, to my early teens. I was so pleased when years later, not too many years later, we came to Washington together in January of 1941, when my husband, Hale and Eddie entered the Congress.

Eddie Hébert, before that time, as a newspaper editor, as a reporter, as an investigator, and after that time as a Member of this House, stood for all of the things that all of us believe in that have made this country great. He was a man, of course, of courage, of great physical courage, as the gentleman from Louisiana has told us, but also he was a man of wit, of humor, and of great human friendships. I remember so well when the five new Members from Louisiana, five out of the eight, came to Congress that year and we were going to our first White House party. We were very impressed with ourselves. As Eddie has said in his book, we are not above vanity.

But when we were going to this party we decided that we would, the five couples, rent two limousines and ride the whole two blocks from the Washington Hotel to the White House in a limousine. It was during Franklin Roosevelt's tenure in the White House. Of course, he insisted upon receiving his guests standing up when he was President, and because of his own physical afflictions he could only stand supported for a very short amount of time. Hence, there would be a few people who would go in to see the President, and then the doors would close and everyone would have to wait in the East Room.

We were all standing there waiting for a long time, discussing what the new Members from Louisiana were going to say to the President to give him a lot of good advice about what should be done in this country and in the world. Well, the doors closed just as we arrived to shake hands with the President. When they were opened again, we were ushered through in a very great haste, and as we got to the other side of the room, having barely said "How do you do, Mr. President," Eddie turned around and said, "Impressed with our views, wasn't he?"

Well, I think this was the way Eddie felt about himself, even though he may have confessed to vanity, because I think he took this country seriously, he took his work seriously, but I do not think he took himself so seriously.

I would like to remember him for many things, but especially for two. Those are his interests in the youth of this country by his insistence upon having an ROTC program in high schools.

The other is that he recognized the need for great medical attention and great medical training for the members of the Armed Forces. He was really a one-man establishment who inaugurated and then fostered the Armed Forces Medical College in Bethesda.

There are so many, many other aspects of his life, his character, his career that I would like to reminiscence about with my colleagues here today. But I would just end by saying that I am going to miss him as a person very, very much. I extend to Gladys and to his beautiful daughter, Dawn, and to her children my deepest sympathy, but also my feeling of rejoicing that we were able to have this great titan among us for so long.

Mr. LIVINGSTON. I thank the gentlewoman for her most kind and generous remarks about a friend that she has had for so many years.

At this time, Mr. Speaker, I would like to yield to another gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Speaker, I am deeply saddened by the recent death of Congressman F. Edward Hébert who served the First District of Louisiana for 36 years, retiring at the end of the 94th Congress.

I did not personally know Mr. Hébert, having met him only once, but I was certainly familiar with him because he was an institution in Louisiana. He was respected by us all, and we were all proud of him and his service to his district, the State of Louisiana, and the Nation.

In fact, my administrative assistant served on Mr. Hébert's staff for 11 years, and it is obvious that he learned at the hands of a master.

I remember the only time I met Mr. Hébert. It was my first run for Congress, and it was against an incumbent member of the delegation. Some friends were holding a reception for me here in Washington in an effort to raise money.

I recognized that this presented a difficult situation for the incumbent members of the delegation. Nevertheless, Mr. Hébert came. I was flattered. I was in awe. I was with a living legend; one of the 10 most powerful men in Washington.

His curiosity, cultivated over a 23-year career as a distinguished newspaperman, and his interest in a political newcomer willing to tackle an established incumbent, had gotten the better of him. I was grateful for his presence and for the opportunity to meet and talk with him, if only for that brief time.

Unfortunate political events which cost him the chairmanship of the Armed Services Committee led to his retirement from public office, and I did not have the opportunity to serve with him following my successful election effort.

His contributions will long live with us. Recent world developments point up how right Mr. Hébert was in his untiring efforts to maintain a strong national defense. We should all be thankful we had someone with his foresight and love of country in a position of power and influence on the Armed Services Committee or we could be in even bigger trouble than we are today.

He left a record of service for Louisiana that may never be equaled and a stature and affection by the people of his district and the State that we can only strive to attain.

We will all miss him, and I extend my deepest sympathy to his wife, his daughter, and his grandchildren.

□ 1440

Mr. LIVINGSTON. I thank my friend from Louisiana.

Mr. SPEAKER. I will now yield to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I thank my colleague for yielding, and I thank him even more so for making this opportunity possible by asking for this special order, because Eddie Hébert was a special friend of mine as he was of nearly everyone that knew him.

I served with Eddie for 12 years on the Armed Services Committee, and I was very intimately acquainted with him. I was thrown in with him on numerous occasions; traveled with him and with Gladys. I certainly want to extend best wishes and to extend my condolences to Gladys and Dawn.

Mr. Speaker, I would just like to take this brief moment to comment on the fact that I think one of the giants of the House and of the American political scene has just recently passed. One of the committees that I served on with Eddie was the Special Committee to Investigate the My Lai Massacre, when Lieutenant Calley was one of the people being charged. It was a very sensational event, as we all remember from reading the press. It was very emotional, it was a very sensitive thing because of the position of the Army and whether or not the Army was doing the correct thing or whether or not they were in fact covering up. The Vietnam war was building in intensity, and also the animosity toward it at home was building. We realized that whatever we did on this subcommittee could be meaningful and helpful to the armed services, or it could be sensationalized and be very damaging.

I see my colleague from New York on the floor, Mr. STRATTON, who also served on this special subcommittee, and I am sure that he will remember what I am saying and perhaps have something to add to it, but because of Eddie's sensitivity, his leadership, he was able to keep all of us together. Nobody broke security or breached silence. We made a very thorough investigation. We went to My Lai, and those of us who knew Eddie know that he was not in very good health. During most of his last years in Congress he did not see well, but he was a real trooper. He went to Vietnam; he stayed in those hot hotels; he did everything that everybody else did because he was so concerned.

When we got back the publicity attendant thereto was very high, and they asked us to appear on two television shows to be interviewed. We had agreed that we were not going to say anything of a sensational nature, and we were going to seal the report of our findings until the last trial had been completed. When we went in Eddie said, "We will all act as a body." When they said on one television station, at least, that they wanted only the chairman, the chairman said, "You will have all or none," and we all got up and walked out and there was no interview.

That is the way he felt. We worked as a team, and we were a team. I visited with him in New Orleans on more than one occasion. He was the most affable, likable fellow one could hope to meet. He was a raconteur par excellence. He could regale one from the years when he was a top reporter, a top investigative reporter and lived in the hotel on Bourbon Street. He was just an outstanding fellow.

Then, when he came to chairing the Armed Services Committee, he was firm and he was fair. To those of us on the minority side, we could never discern one bit of difference in his treatment toward us and his attitude, whether majority or minority. He treated everyone fairly. I never heard any criticism of his treatment of anyone on the committee, whether they were of liberal or conservative persuasion, Democrat or Republican.

He built a reputation for himself for fairness and for evenhandedness that will be remembered by all who served with him. He was a good man. He was a good leader.

The strength that this country enjoys militarily now is in very large measure due to the efforts of Ed Hébert. I think, in his passing, it should be noted by all who admire leadership and fairness, both of which are exemplified in the extreme by Eddie Hébert.

Three great and meaningful words, duty, honor, country, are used frequently to describe and characterize the essence of statesmen and patriots. These three words aptly fit the character of this giant of an American we honor today.

I have a special place in my heart for the memory of F. Edward (Eddie) Hébert of Louisiana. When I first came to Congress in 1965, and became a member of the House Committee on Armed Services, I quickly identified Eddie Hébert as one of those members of the committee and this great body, who truly understood the realities of the dangerous world in which we live and who knew what it took to insure our Nation's continued security. Although I was a new member, and affiliated with the other party, I enjoyed the priviledge and honor of having Eddie take me under his wing and teach me the ropes. I was a member of the Subcommittee on Investigations, which Eddie chaired.

As a fiscal conservative—dedicated to being a good steward of the taxpayers money—I grew to respect the seriousness with which Eddie accepted his duty as guardian of the public's wealth and resources, and toward eliminating waste, inefficiency and any misuse of power or authority within the defense establishment. As a member of the special panel, chaired by Eddie, to investigate My Lai, I was impressed by his devotion to fairness and justice, while at the same time getting to the truth about an incident which rocked the consciousness of the American people and focused intense, negative publicity on our armed forces while they were executing a difficult war in Vietnam.

Eddie set the example for all of us on what it means to earn the congressional title—honorable. On Mr. Rivers untimely death, the chairmanship of the Armed Services Committee was thrust upon Eddie—at a most difficult time in our history (1971–75)—when patriotism and national security were being subjected to much abuse. It was a time when the "doves" and "pacifists" were dominating the newscasts and headlines—when it was politically popular to be antidefense.

That is where Eddie taught us what duty and honor mean. He maintained a realistic, pragmatic view of the dangerous world in which our Nation existed. Upon Eddie Hébert fell the politically difficult responsibility of continually reminding the Congress and the Nation that our enemies had not become our friends—that we more than ever needed to maintain a strong national defense. It was because Eddie would not compromise his honor and duty as a guardian of our Nation's security, that a liberal coalition of his own party removed him from chairmanship of the committee. He would not compromise principle!

F. Edward Hébert—patriot and statesman-personified—duty, honor, country. Recent U.S. foreign policy defeats and the continuing aggressiveness of the international Communist community prove Eddie Hébert was right. If the Nation had listened to Eddie, perhaps we would not be in the mess we are in today. Maybe now we will heed Eddie's example and advice.

It was a privilege and honor to have served with Eddie. I want Gladys and the members of his family to know first hand, from one who loved and worked closely with Eddie, that we are all the richer because Eddie came our way.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for his remarks. I might add that I too, while I did not know him in Congress, I knew him in the years after his retirement. I too enjoyed many hours of sitting and listening to him and his accounts of the Congresses of years past. He was a delightful, entertaining, witty individual without a doubt.

Mr. Speaker, at this time I would like to yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I appreciate my colleague yielding to me. I too would like to join in paying tribute to our departed friend, our former chairman, a great American, a great Congressman, Eddie Hébert.

I first came to know Mr. Hébert back in 1941 when I first came to this body. I was here as a staff member to a newly elected Member of Congress from Massachusetts. That was the same year Eddie Hébert and Hale Boggs were elected from Louisiana. They both got national coverage. As a matter of fact, the young Mr. Boggs, who had been a college hero in his college days and a very promising leader, was one of the youngest Members, as I recall, up to that time who had ever been elected to Congress. Eddie Hébert was also already a national figure because of the hard-hitting investigative work he had done as editor of the New Orleans States. I remember observing both men from the gallery. Of course, staff members were not allowed on the floor, but Hale and Eddie were a very impressive combination.

Eddie had even then that flamboyance about him that always characterized his activities, and yet it was obvious that he also had a great understanding of political developments and was well on the way to being a leading Congressman. Of course, Hale Boggs rose quickly to the position of majority leader, when his great career was suddenly cut short.

And then, some 18 years later, I had the opportunity to come to this body as a Member in my own right. I joined the Armed Services Committee, then under the leadership of Carl Vinson. Ed Hébert at that time, I think, was either the third or the fourth ranking Member on the Democratic side. But, he was always a very active Member, always pushing his belief in a stronger defense, and his special expertise at that time had gained a good deal of public attention because he was the chairman of the Investigation Subcommittee.

☐ 1415

My friend, the gentleman from Alabama (Mr. DICKINSON), has already referred to his investigation of the My Lai incident. But Eddie had a number of other investigations too. He was a tireless investigator and a very tough questioner. He brought out details of some very substantial waste in the armed services. He called it his "Chamber of Horrors." He was not a patsy for the Pentagon in any sense.

I remember that he also conducted, long before we got into our ethical phase here in the Congress, hearings on legislation that could prevent military officers from leaving the service and immediately going to work for some company with which they had been dealing during their Government service.

The My Lai investigation, I think, was, as the gentleman from Alabama (Mr. DICKINSON) has already indicated, one of the high points of his career because it was a tough job and a difficult one for the reasons that the gentleman from Alabama (Mr. DICKINSON) has already cited. To me the amazing fact of that investigation was that Mr. Hébert and the staff had penetrated to the real nub and the key of what had gone on at My Lai while others in the executive department supposedly carrying on a similar investigation never really came up with the full story.

It was unfortunate from the point of view of public knowledge that the Hébert hearing record was, as has been indicated, sealed until the courts-martial were over because by that time much of the public interest in the details of My

Lai had been lost, and the release of the final document did not get anything like the public attention it deserved. But in spite of a good deal of pressure from the administration, from some of his colleagues and possibly even from the chairman of the full committee at the time, Eddie Hébert called the shots exactly as he saw them.

I think that investigation and the document that resulted from it deserve to mark one of the high points of investigative activity on the part of the House of Representatives. In fact, I was surprised the other day when General Peers' book came out on his official investigation of My Lai that he gave so little credit to the Hébert subcommittee's work. I do not think he realized fully, exactly what we had done and how, as the gentleman from Alabama (Mr. DICKINSON) has said, we kept our eyes focused on the ball itself and had some very significant conclusions.

One of the saddest things in my judgment in Mr. Hébert's career was the bum rap he took from the House of Representatives back in 1975 when he was deposed as chairman of the Committee on Armed Services. At that time we had initiated a technique of having the caucus vote on chairmanships. The caucus, as a result of Watergate, had been largely filled with new Members who had no real understanding of Congress, nor any appreciation of the Members involved. The charge leveled against Mr. Hébert was that he was out of date and also that he was very tough on those Members who disagreed with him. Both of those charges were totally erroneous and totally false, as anybody who had any experience with him on the committee was well aware. In fact, he was probably in many ways ahead of some of the younger Members in not only sartorially but otherwise as well. And what these new Members objected to was actually Eddie's sardonic humor.

Actually, his treatment of younger members of the committee, or those who disagreed with him, was in fact outstanding. The gentleman from New York, Mr. Otis Pike, for example, I remember once referred to Eddie Hébert on the floor, in jest, as a "riverboat gambler." But this did not bother Eddie. He named Otis Pike to one of the more prestigious subcommittees. And another Member who voted almost consistently against the Hébert point of view, the gentleman from Michigan (Mr. NEDZI) was named chairman of the very exclusive CIA Subcommittee, back in the days, unfortunately long past, when the Committee on Armed Services had some real responsibility for what went on in the CIA. Both of those Members distinguished themselves, and there was no requirement that they should vote with Mr. Hébert in return for his action.

So I think that we need at this point, as we pay tribute to Eddie's service, to recognize that he did get a bum rap and that the record that stands in his memory should certainly be made clear on those points.

I also want to reiterate what the gentlewoman from Louisiana (Mrs. BOGGS) has already said about Mr. Hébert's tremendous leadership in bringing into being the Armed Services Medical School, which is a great tribute to his memory. I think it is also worth mentioning that again, although he was regarded by those who did not know him as a fall guy for the Pentagon, he led a hard and unpopular fight against "recomputation" of military retirement, something that has saved the taxpayers of this country literally billions of dollars and would have been a budget-busting undertaking of massive proportions had it prevailed.

One other thing is perhaps also worth mentioning, and that is that throughout his career Eddie was pushing constantly for a new manned bomber. He said:

> You are never going to fill out the Triad of our nuclear deterrent without a bomber that has a crew in it.

One of the interesting developments of the last few weeks has been, that with the problems facing us in the Persian Gulf, even those who participated in the execution of the B-1 bomber are now talking about its revival. I do hope we can resurrect it, but it would have been a great deal better to have had it available when we needed it. If Eddie had been here, that bomber might never have gone down the drain.

So today we are paying tribute to one of the real leaders of the House, a titan as he called himself and as he was referred to. But he was a true leader because he was not afraid to take an unpopular position. He was not afraid to stick his neck out. He was not afraid to call it exactly as he saw it.

Mr. Speaker, at this point I would like to include in my remarks an article by Dan Rapoport which appeared in Congressional Focus for the 16th of January on the subject of Mr. Hébert. Dan Rapoport was one who covered the Hill for many years and was oftentimes a critic of Eddie Hébert. But this tribute to Eddie really deserves to be read by all of our Members.

The article is as follows:

### The Last Tyrant

(By Daniel Rapoport)

It's been a lot longer than three days since he died, and we have yet to witness the resurrection of F. Edward Hebert.

Five years ago Hebert, then serving his 34th year in the House and at the top of the congressional world, returned from a trip to his New Orleans district with the news that he had bought a sarcophagus. It was the first hint that Hebert might believe himself mortal. Still, he didn't go overboard confirming the point.

"You know what a friend of mine said?" Hebert asked. " 'What did you spend all that money for? You're only going to be there three days.' Ain't that something?"

Hebert enjoyed jokes like that, and there were plenty of people willing to play straight men to the former press agent and high-flying city editor.

Hebert died on Dec. 29. He was 78 and had been out of Congress for three years. Although the odds are against his rising from his $15,000 sarcophagus—he said he paid "all cash"—Hebert's presence is very much felt by those who live in New Orleans or Washington. His service in the House, including four years as chairman of the Armed Services Committee, produced an awesome legacy.

New Orleans has its Hebert Hall, Hebert Drive, F. Edward Hebert Boulevard and F. Edward Hebert Federal Building, and the F. Edward Hebert Environmental Center and F. Edward Hebert Library are on the campus of Tulane University.

The F. Edward Hebert Defense Complex embraces a host of military activities, some of which chairman Hebert snared from other sections of the country. The F. Edward Hebert Naval Hospital is nearby, a gleaming 250-bed facility that the Navy built to treat all the naval personnel and families Hebert was bringing to New Orleans. As it turned out, the hospital was woefully under-used, and the Navy recently leased it to a civilian medical center.

In the Washington area there is just one Hebert edifice, but it is a lulu. Rising from the grounds of the Bethesda National Naval Medical Center is a cluster of buildings known as the Uniformed Services University School of Medicine. It ought to be called the F. Edward Hebert Military Medical School; of all the facilities and roadways named for him, this one especially owes its existence to Hebert's machinations, persistence and clout.

For years, Hebert had been pushing the idea of a medical school for the military and nobody paid him any mind. Even the military couldn't get excited about it. But sentiment throughout the government changed dramatically in 1971, when Hebert assumed the chairmanship of the Armed Services Committee. President Nixon and Defense Secretary Melvin R. Laird decided that the medical school was an acceptable price to pay for Hebert's support on the Vietnam war and other controversial defense issues.

Deeds of this sort earned Hebert the right to be called a "powerful chairman." Nobody in the House is described this way by the news media anymore, and it's correct to say that Hebert was the last.

One of the reasons there are no more powerful House committee chairmen is that Hebert was dethroned by his fellow Democrats. They felt he had become a bit too powerful. Other chairmen were also considered too powerful, and when reforms were put in place to do something about it, Hebert was the first to go. The other chairmen soon got the point and started behaving as if they believed in a modicum of democracy, and their authority was eventually redistributed throughout the Democratic membership.

Hebert thus became what one newsmen described as "the last of the titans." He liked the phrase so much that he used it for the title of his biography, an epic that he not only authorized but for which he paid to have written and published.

All things considered, Hebert accepted his shattering defeat with relative grace. He did, however, allow himself an occasional commentary on what the House was doing to itself by curbing the powers of committee chairmen. He predicted that the quality of leadership would suffer.

"You've got to be a bastard to be a good chairman or leader," he once said. "Who was more of a tyrant than Sam Rayburn? Yet Mr. Sam was one of the great Speakers."

Most House watchers think the country is better off since the passing of the old order. Still, there are times when an autocrat comes in handy. Such an instance took place in 1973, and although Hebert emerged as something of a hero, the event attracted little notice.

The stakes were enormous. Hebert almost single-handedly saved the American taxpayers in the neighborhood of $50 billion.

The issue was a bill that would have recomputed the retirement pay of careerists who left the military before 1972. To most Members of Congress, the measure seemed terribly unimportant and dull. The Senate pretty much placed its trust in then Sen. Vance Hartke, D-Ind., who was the bill's chief sponsor. Hartke said the measure wouldn't cost much and the retirees deserved the adjustment. The Senate thereupon approved it, 82–4. The majority included such critics of defense spending as Sens. William Proxmire, D-Wis., and George McGovern, D-S.D.

Hebert, however, viewed "recomp"—as the retiree groups called it—differently. Pentagon actuaries had told him that the bill's formula, tied as it was to the rising cost of living, could lead to staggering costs. They figured them at $46 billion, but with the way inflation has gone in recent years, a figure of about $50 billion would be more appropriate.

Hebert, the unabashed friend of the military, decided the country couldn't afford recomputation. He pulled out all the stops—including some tricky moves in a closed conference with the Senate—and saw to it that the House never had a chance to vote on the measure.

Not long afterward, Hebert alluded to his role on the recomputation proposal in the context of the growing House reform movement. "Don't you know," he told a visitor, "I'm an autocratic son of a bitch. I'm a dictator."

Mr. LIVINGSTON. I thank the gentleman from New York (Mr. STRATTON) for his comments.

Mr. GRASSLEY. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Iowa.

Mr. GRASSLEY. I thank the gentleman for yielding. I appreciate the tributes that have been given to Mr. Hébert. I remember when I was a freshman in my first term. Mr. Hébert was serving his last term, that was a period of time when there was not the concern that there ought to have been about our capabilities. In fact, there was even a feeling prevalent throughout the House that there was no worry whatsoever. I remember Mr. Hébert's prophetic statements about what was happening to the military establishment of America, and now as we look back to those 6 years since then, we know how right he was. Consequently, I hope we will learn this experience.

Mr. LIVINGSTON. I thank the gentleman from Iowa (Mr. GRASSLEY) for his comments. Both he and the gentleman from New York (Mr. STRATTON) have abundantly shown the truth of the position of the chairman, Mr. Hébert, over the last many years. I am afraid that had he had his way back in the 94th Congress, we would not be facing a lot of the problems we are today.

Mr. Speaker, at this time I would be pleased to yield to the gentleman from Virginia (Mr. DAN DANIEL).

□ 1500

Mr. DAN DANIEL. Mr. Speaker, the passing of Eddie Hébert was an occasion for sorrow. Chairman Hébert was a giant of a man in his role as chairman of the Committee on Armed Services. His grasp of our international military problems has been unexcelled but there were other facets to Eddie Hébert.

He was a man of high humor who was not the least reluctant to let his humanity show. Though he served in this body for 35 years, he was at the end as he was at the beginning, a newspaper reporter on temporary leave.

Cicero once said:

> Give me a young man in whom there is something of the old, and an old man with something of the young; guided so, a man may grow old in body, but never in mind.

These are words which amply describe our friend.

Now I yield to the gentlewoman from Maryland.

Mrs. HOLT. Mr. Speaker, thank you for yielding, and I thank the gentleman for taking this time.

I want to associate myself with those who have spoken here today in tribute to F. Edward Hébert. When he retired from this House 3 years ago, we lost a courageous and great member.

I had the privilege of serving under his chairmanship of the House Armed Services Committee, and I cannot imagine any presiding officer who could be fairer or more respected by the members of his committee.

He was a strong and effective combatant for the goals he perceived to be in the interest of the Nation. He was a great patriot.

He was much more. He was a gentleman, kindly and considerate of others, and I shall always remember the generous help and advice he gave me when I arrived here as a freshman 7 years ago.

I also know that time has proven him right on so many of the positions he took. Today we find ourselves needing the manned penetrating bomber he advocated for our strategic forces and the university of medicine to provide better health care for our military services. He warned us that military manpower needs could not be met through the all-volunteer system.

Many Members of this House may not have realized that he labored under a serious handicap, blindness in one eye and serious problems with the other, but he never complained and was never deterred from his work.

Eddie Hébert lived a grand life and loved his native New Orleans, where he served as a reporter for the States and Times Picayune and later as city editor of the States, where he led his newsmen in investigations that exposed corruption in State government.

Throughout his 36-year career in Congress, he never lost his zeal to fight waste and corrupt practices, and he always had a spirited independence that often defied the party line of the moment.

He was committed to his constituents and his country, and knowing him was one of the great experiences of my life.

Mr. LIVINGSTON. I thank the gentlewoman for her comments.

At this time I would be pleased to yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I wish to join in paying tribute to our former colleague and my good friend, the Honorable F. Edward Hébert of Louisiana, who passed away 3 weeks ago in his beloved New Orleans where he was a forceful and respected journalist before coming to Congress as one of the city's distinguished U.S. Representatives for 36 years.

Eddie Hébert was a southern gentleman of tremendous ability, loyalty and steadfastness. He will long be remembered in the Halls of this Capitol as one whose patriotism was second to none and whose legislative skills ranked him as one of the greatest parliamentarians in the history of this House of Representatives.

He had already acquired a national reputation as a first rate investigative reporter and editor of the New Orleans States-Item when elected to Congress in 1940. He had uncovered political wrongdoings that shook the State of Louisiana. His fearless seeking after facts and trust won Eddie Hébert professional recognition for courage in journalism. He brought that same courage, determination and dedication to ferreting out the facts to his congressional career as a distinguished Member and finally chairman of the Armed Services Committee.

Mr. Speaker, Eddie Hébert was one of the mighty stalwarts of the House during my career in Congress. He was a workhorse and not a showhorse. When it would have been easier to "go along" for the sake of compromise, Eddie Hébert stood by his convictions. He has left us a legacy of moral courage and strength of character which are never properly rewarded. But he was rewarded with the inner satisfaction that he had been a mighty influence on his congressional colleagues and on national and defense policies.

One of our former colleagues, the Honorable Otis Pike of New York, served for many years with Eddie Hébert on the Armed Services Committee. While they did not always agree on issues before that committee, Otis Pike certainly knew Eddie Hébert's thought process as well as any of his colleagues and had great admiration for his chairman. I include with my remarks a tribute to Eddie Hébert which Otis Pike wrote for the Newhouse News Service and which appeared in the Springfield, Mass., Morning Union on January 2, 1980:

[From the Springfield Morning Union, Jan. 2, 1980]

### IF EDITORS MAKE IT TO HEAVEN, F. EDWARD HÉBERT SHOULD

(By Otis Pike)

WASHINGTON.—I got a letter from an editor last month, critical of something I had written. So delightfully abusive was this letter that, breaking a habit of some 40 years, I answered it forthwith, noting the foolishness of the editor's views, the absence of his logic, the confusion of his syntax.

For good measure, I threw in a couple of irrelevant but damaging allegations about the quality of his education and raised some questions about his ancestry.

I have fought with and loved that man for years.

In his spare time, the editor had served for 36 years in the House of Representatives.

The letter he sent was handwritten, for as he stated without apology, he could no longer see his typewriter. The eyes had gone.

A lot of other things had gone, too—and he laughed about them. But a newspaperman who likes to type his own stuff and can't see his typewriter has troubles.

F. Edward Hébert was a reporter before I was born and an editor when I was in high school. His reportorial beat included New Orleans entertainment spots.

He knew by first name the jazzmen who made Bourbon Street's reputation and the madams who made that of New Orleans. The latter, he said, he only knew "professionally." Asked whether he referred to his profession or theirs, he laughed.

Eddie Hébert laughed a great deal when I knew him as a congressman—great belly laughs befitting a very large man. He could laugh at anything, including himself—which is a precious quality among both editors and committee chairmen.

Long before he became chairman of the House Armed Services Committee, it was a joy to watch him interrogating witnesses before that committee.

Robert Strange McNamara was secretary of defense under Kennedy and Johnson and as brilliant a man as ever appeared before the committee. Most secretaries and deputy secretaries appeared backed up by platoons of generals and squadrons of admirals carrying briefcases filled with facts. McNamara came almost alone; he carried the facts in his head.

Eddie Hébert had facts in his head, too—and judgments that differed greatly from those of the secretary of defense. He always spoke of the secretary by his full name, Robert Strange McNamara, and lingered over the middle one. The Secretary was too nice to respond in kind and call the congressman by his first name, which was Felix and never mentioned.

Watching and hearing Eddie Hebert and Robert McNamara joust was a great experience for any young congressman, or reporter. In those days reporters didn't get into the Armed Services Committee.

It was like a great tennis match, and the heads of 30 congressmen went back and forth with the questions and answers, ideas and judgments. The former editor shaped questions precisely, and demanded precise answers.

On statistics, the former business executive had all the answers. On judgments, they disagreed. Vietnam was the principal issue.

The secretary of defense was trying to limit the war. The congressman believed any war worth fighting was worth going all out to win.

Vietnam hurt them both. The secretary got out better, retiring with honor to the World Bank. The anti-military fever which gripped the nation at the end of the debacle left no room for a hawk, even as chairman of the Armed Services Committee.

If those who served under and disagreed with him on that committee—but knew him—had made the decision, he would have continued as chairman. The decision, however, was made by the Democratic Caucus, which was as liberal as Eddie Hebert was conservative, as dovish as he was hawkish. It was made by people, most of whom didn't know the man. After 34 years in Congress, Eddie Hebert was dumped as chairman by his own Democrats in 1974.

It hurt him badly, but he served two more years and continued to laugh at everything still including himself. People who had voted against him got to know him and knew, and said, that they had made a mistake. It was too late. After 36 years, he went home to New Orleans and great honors. His alma mater, Tulane, honored him. His Republican successor has his New Orleans office in the F. Edward Hebert Building. The military, of course, had already dumped more installations on the area than Louisiana could possibly utilize. He made no apologies for that—just laughed, and took the credit with the home folks.

In retirement, the editor replaced the congressman again. His pronouncements were pithy, critical, earthy and funny. Last week he died.

It is doubtful that editors ever make it to heaven, but I hope there is room somewhere pleasant and not too warm for a big, tough, courageous man whose eyes continued to twinkle even after they could no longer see.

Mr. LIVINGSTON. Mr. Speaker, I would now yield to my friend, the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Speaker, when I think of our world situation today—our American citizens being held hostage in Iran, the Soviet invasion of Afghanistan—I cannot help reflecting on the thoughts our departing colleague F. Edward Hébert left with us when he retired from the House of Representatives in 1976: Weakness invites aggression. We now gather to honor his memory, and I believe that Chairman Hébert would want us to remember his admonishments that a strong national defense was indeed the way to insure our basic freedoms and our way of life. F. Edward Hébert's 36 years as the U.S. Representative from the first district of Louisiana were dedicated to conveying this idea to his colleagues, his constituents and the country he loved.

Few were in a better position to do so; F. Edward Hébert began serving on the old House Naval Affairs Committee in 1943, 2 years after he came to Washington. House reorganization eventually joined the Naval and Military Affairs Committee and it became the House Armed Services Committee, which Hébert chaired during his last 4 years in the House. It was my privilege to serve with Chairman Hébert on the Armed Services Committee, and it was during those years that I built up a respect and admiration for a man whose ideas and ideals matched my own.

Chairman Hébert's tireless dedication and his never-ending fight to insure that our country maintained a military posture strong enough to discourage foreign aggression were not always rewarded, however. During his stewardship as chairman, he witnessed decreases in the defense budget and a prevailing mood in the Congress and the Nation that reflected a public sentiment against military strength and toward disarmament. Chairman Hébert expressed alarm at the drift of the Nation and warned against underestimating the resolve of foreign aggressors.

Now, 4 years after F. Edward Hébert departed the ranks of the House, we are seeing the type of aggression that he sought to discourage. Would that he were with us now, to help us continue to fight for a military capability that would insure worldwide peace.

● Mr. NICHOLS. Mr. Speaker, I rise to pay tribute to an outstanding former Member of this Congress, a giant from the State of Louisiana and an outstanding American patriot. Eddie Hébert will long be remembered in this Congress by those of us who were privileged to have served with him. To those of us who shared that special honor of serving under his guidance as chairman of the House Committee on Armed Services he was, indeed, one of the greatest supporters of a strong defense system that this Nation has ever known.

I recall Eddie Hébert during the years he was engaged in newspaper and editorial work in New Orleans and I recall the deep interest which he shared in good government. I remember also his interest in sports and in more recent years he related to me the coverage he shared as a sports writer with the all time greats in the world of sports.

Eddie Hébert was a fighter and he will always be remembered for the leadership he provided in the establishment of the Uniformed Services University of the Health Sciences. This institution now in its fourth year will be graduating career doctors who will significantly contribute to the medical services of both the active duty and retired segment of America's military.

The likes of Eddie Hébert pass this way rarely. He loved his Nation and he loved people and above all he believed so very strongly that the answer to a more peaceful world could come about only through a strong national defense and he championed those issues which would improve the defense system of his beloved country.

Only a few days prior to his untimely death, Eddie called me and we discussed many things including the progress of the Uniformed Services University and he jokingly asked that my Auburn team might lose to the University of Alabama as he wanted Alabama to represent the Southeastern Conference in the Annual Sugar Bowl Game on New Year's Day. Eddie was, indeed, my good friend, a man whom I admired and for whom I had tremendous respect. I shall miss him in so many ways and I wish to extend my deepest sympathy to his wife Gladys and daughter Dawn in this time of deep sorrow.●

● Mr. O'NEILL. Mr. Speaker, I join my colleagues in paying tribute to a distinguished former Member of the House of Representatives, F. Edward Hébert. Eddie Hébert had a long and outstanding career in the House which spanned 36 years, the longest of anyone who has served in Congress from Louisiana. His years of experience in this Chamber made him one of the most respected and knowledgeable Members of the House on the need for quality defense spending to protect America's national security interests. His greatest achievement was his chairmanship of the House Armed Services Committee from 1971 to 1974. In his capacity as chairman, Eddie Hébert consistently supported a strong defense and made sound budget recommendations for Defense Department and military construction spending.

Our country is strong and secure today because of his lifetime of dedication and hard work. We all owe him a debt of gratitude for his vigilence and fervor on behalf of our national security and in defense of America's democratic way of life.

We should all recall Eddie Hébert's tenacious and inspiring leadership in the cause of the Armed Services Medical Institute. Long a dream of his, he used all the power at his command to enact into law and then to bring to reality the Nation's medical school which would train doctors for our armed services. Through his vision and perseverence, thousands of servicemen and women will be able to receive essential medical care and treatment.

Perhaps Eddie Hébert will be remembered most by those of us who served with him as a dedicated representative of his beloved people in the First Congressional District of Louisiana.

My wife, Millie, joins me in expressing our condolences and sympathies to the family of Eddie Hébert.●

● Mr. RHODES. Mr. Speaker, I share with my colleagues our sadness over the passing of a colleague of many years service, the Honorable J. Edward Hébert.

It was my privilege to serve with him for nearly a quarter of a century. He was a man of great resolve who, as chairman of the Armed Services Committee, pressed for a strong national defense.

Eddie served three and a half decades in the House. During that time our Nation's defense posture underwent change. Throughout his career, Edward Hébert worked diligently to maintain our Armed Forces. His advice was not always heeded, and our Nation paid the penalty in unpreparedness.

I knew Eddie not only as a colleague, but as a friend of long standing. His most lasting monument will be the record of outstanding service he gave to his country. He has been called "the last of the titans," and his career reflected an era in our defense, and in Congress, that now is part of our country's history.

I join my fellow House Members in our sense of loss at his passing, and in expressing our respect and admiration for him as a person, and as a hard-working leader in the House.●

● Mr. ROSTENKOWSKI. Mr. Speaker, it is with a sense of great loss and sorrow that I now pay tribute to the late F. Edward "Eddie" Hébert, the former chairman of the Committee on Armed Services.

Eddie capably chaired the Committee on Armed Services for 4 years. However, it was not only as chairman, but throughout his entire career that Eddie had been a strong and vigorous proponent of America's military preparedness. A man of unwaivering convictions he demonstrated courage and independence in supporting the measures he felt would further strengthen the Nation's defense.

Over the years I had the privilege of chairing the Committee of the Whole for defense authorization bills during the tenure of Chairman L. Mendel Rivers and Chairman Eddie Hébert. Having watched Eddie in action on the House floor I can say that I have never met a more patient and sensitive individual.

Chairman Hébert would never abruptly attempt to cut off debate. He knew most literally the meaning of the phrase freedom of expression. I have to confess that on several occasions I grew impatient while presiding over the Committee of the Whole, but Eddie always maintained his poise.

A fact not well known to many is that before coming to Congress Eddie was a member of the fourth estate. I can say without any reservation that with his gentlemanly qualities he was a credit to the American press.

I always enjoyed visiting with Eddie in the so-called New Orleans Room in his Rayburn office. I can remember on several occasions going to the New Orleans Room and listening to recordings of Al Hirt and Pete Fountain with the compliments of Eddie Hébert.

Chairman F. Edward Hébert—a dedicated public servant, a man of unquestioned integrity, a dear friend—will long be missed by this Member of Congress.●

● Mr. DERWINSKI. Mr. Speaker, I join with my colleagues in paying a special tribute to the life and accomplishment of one of our former colleagues, F. Edward "Eddie" Hébert was a fine man, an outstanding legislator, and a distinguished statesman.

Serving in the Congress for 36 years, Eddie Hébert was a leader in the great tradition of southern legislators. When he left the Congress, Eddie Hébert had served longer than any other congressional Member from Louisiana, and his passing is not only a loss to the Nation but also to the great State of Louisiana.

During his congressional career, he was recognized as a productive, energetic, and dedicated leader. He served with special distinction as chairman of both the House Armed Services Committee and the Armed Services Investigations Subcommittee. Eddie became known for his sharp investigative skills, his willingness to listen, and his ever-present sense of humor.

Eddie Hébert compiled a great record of achievement during his illustrious career, caring not only for the needs of his constituents but also for the welfare of all Americans. He will long be remembered for his knowledge and devotion to the strength of our Armed Forces. One of our most effective Members in his contributions toward national defense preparedness, Eddie Hébert's legislative record attested to his understanding of the importance of a strong military.

Mrs. Derwinski joins me in extending our sincere condolences to his wife, Gladys.●

● Mr. ROE. Mr. Speaker, I rise today to honor the memory of a great American, our former colleague F. Edward Hébert.

For 36 years, this exemplary lawmaker from Louisiana served his State and our Nation with both strong devotion and enduring conviction.

As chairman of the House Armed Service Committee, Congressman Hébert was a tough taskmaster in seeking passage of legislative programs he believed would secure the U.S. position as the world's primary military power. Events in the world today prove that he was on the right course in those efforts.

An outspoken man, Hébert never apologized for his staunch support of sometimes unpopular military spending programs. But he was also quick to point out what he believed were wrongdoings by the Pentagon.

In 1970, he established a special My Lai Investigating Committee which surprised many by issuing a strong report against both the Army and the Pentagon for covering up the incident.

Under Congressman Hébert's direction ROTC programs on our Nation's college campuses were expanded and the Armed Forces Academies were upgraded to the point where they can now compete scholastically with other fine schools.

Perhaps it will be best to remember F. Edward Hébert in his own words. "I have never been wishy-washy," he once said. "I have never been a fence straddler. I have never avoided confrontation."

● Mr. MOORE. Mr. Speaker, while in Louisiana over the holidays, I was saddened to learn of the death and attend the funeral of our former colleague, the Honorable F. Edward Hébert, who, after 18 terms in office, served the State of Louisiana in the House of Representatives longer than anyone before or since. His longevity in office can be singularly attributed to his leadership in office. He was a man of conviction and courage, not compromise or expediency.

Edward Hébert's service cannot be accurately assessed merely on the basis of longevity; nor should he be judged only on how well he served the people of the first district, though he served them surpassingly well. He was a man whose breadth of vision and record of achievement were truly national in scope.

Congressman Hébert began his career as a newspaper reporter for the New Orleans States. He had a nose for the big story and the perseverance to seek it out. He was the first American journalist to interview Fulgencio Batista after that dictator began his career by overthrowing the Cuban Government in 1933.

Later, as city editor of the States, he investigated and published the story of the Louisiana scandals. He detailed the corruptions of Governor Long and his successors, and won for the States Delta Sigma Chi's award for courage in journalism in 1939.

Edward Hébert's career in Congress has been characterized by the same clarity of perception and bulldog tenacity. In his early years in the House he served on the Naval Affairs Committee and the Un-American Activities Committee, where he took part in the famous investigation of Alger Hiss.

He had been a member of the Armed Services Committee since its inception, serving as its chairman from 1971 to 1975. It was in that position that he made his greatest contributions to the security of the United States.

He became chairman of the committee in 1971, following the death of L. Mendel Rivers, of South Carolina. Both Mr. Rivers and his predecessor, Carl Vinson, had been strong, effective chairmen, whose efforts had helped build and maintain our national defense.

From the very start, Chairman Hébert made it clear that he intended to follow the same course, but he was to face, during his tenure as head of the committee, a far greater challenge than had confronted either of his predecessors.

America, in 1971, was engaged in the seemingly endless Vietnam conflict. The citizens of the United States were weary, and certain elements capitalized on this feeling in a misguided effort to seriously reduce our military strength.

In this difficult period, Chairman Hébert stood like a rock against criticism of our National Military Establishment. He fought with success against rash attempts to slash the defense budget, and hence, American military strength, below the minimum required to safeguard the Nation.

Congressman Hébert was primarily responsible for bestowing a great honor on the capital city of Baton Rouge, my hometown, when he saw to it that the Navy named one of its nuclear-powered attack submarines the U.S.S. *Baton Rouge*. This is the only warship ever named for the city of Baton Rouge. Mrs. Hébert christened this vessel at its launching and the Congressman gave one of his greatest speeches calling for a strong national defense at this occasion on April 26, 1975.

He believed that a powerful, well-equipped Army, Navy, Air Force, and Marine Corps are the best safeguard of our security and the peace of the entire world. He correctly judged that the nations which count themselves enemies of our democratic political system and free enterprise economy will respect us and honor their agreements with us only so long as we maintain our forces at peak strength and readiness. I concur strongly and absolutely in his wise judgment.

It is largely due to the tireless efforts of F. Edward Hébert that our Armed Forces have come through the difficult post-Vietnam period without serious injury; furthermore, their strength and efficiency are actually improving. This is also due to the labors of the distinguished chairman from the First District of Louisiana.

I served but one term with him, the 94th Congress, my first. He was responsible for my being seated without any difficulty as I was elected in a special election shortly before the convening of that Congress. I shall forever be thankful for that support. Although it was only 2 years, my association with him was very memorable and valuable. I wish it could have been longer as he was a mentor and friend by whom you could only profit.

I extend to his gracious wife, Gladys, and their daughter, Dawn, my deepest sympathies.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable F. Edward Hébert, the former chairman of the House Committee on Armed Services who served as Congressman from New Orleans for 36 years until his retirement 3 years ago. The death of Chairman Hébert has left a void in the public life and leadership of our Nation for he served the American people and his Louisiana constituents with devotion and dedication.

Edward Hébert began his career of leadership with his election to the House of Representatives to the 77th Congress in 1940, after working with distinction as a newspaper reporter and editor. He served diligently as a member of the Armed Services Committee, and focused his attention on eliminating waste in military contracts and other military spending.

Serving longer in the House than any other person from Louisiana, Chairman Hébert remained a staunch advocate of a strong military defense for our Nation, and repeatedly warned of the dangers of blindly cutting defense expenditures when the Soviets continued to increase their own military budget and greatly expanded their naval forces, especially in the Indian Ocean near the Middle East.

He was a farsighted man who worked successfully to expand the Reserve Officers' Training Corps, and he gave unceasing attention to cutting the fat and the waste out of the military budget. His record of excellence and creative accomplishment was most commendable, and this record, along with his unfailing courtesy and reputation for fairness, will long be remembered here in Congress.

F. Edward Hébert was a man of deep conviction, independent in thought and action, and was willing to challenge any person or institution in the pursuit of his high ideals. Mrs. Annunzio and I extend our deepest sympathy to his wife, Gladys, and to his daughter, Dawn, as well as to her family.●

● Mr. HALL of Texas. Mr. Speaker, there are many in this great body who knew Eddie Hébert more closely and longer than I. Unfortunately, I only served with him for a period of 6 months, but Eddie Hébert had a personality and character that compelled you to know and admire him all your days.

Eddie Hébert was a gentleman, a man who never apologized for America and never apologized for a zest for life so characteristic of that wonderful city he represented so long, New Orleans.

He loved the House. He loved politics. And, he loved a fight. Many Presidents felt his wrath, especially President Harry Truman. But when the dust cleared, it was Truman whom Eddie Hébert termed the best, at least during the 36 years and seven Presidents that Hébert encountered.

Now that Eddie Hébert is gone, it seems appropriate to mention a few things that the younger generation may not know about him. It was always assumed that Eddie Hébert was a so-called reactionary conservative, unresponsive to the aspirations of young political activists who sprang forth from the Vietnam war and have been pontificating about what they view as a morale malaise in America.

Eddie Hébert was a conservative, and there is nothing wrong with that. He is to be commended for defending America, fighting for the taxpayer, and standing up for the little man.

He was a reformer in the classic sense. A courageous, hard-hitting newspaper man, he took on the Louisiana political machine just before World War II and turned it inside out.

He never lost the reporter's eye for investigation and exposure of wrongdoing in public life. When everyone was wringing hands over the My Lai tragedy in Vietnam, Eddie Hébert was appointed to ferret out the truth. Despite the fact that he defended a strong military establishment, he would have no part of atrocities committed by American troops. His report on My Lai stunned the Nation.

Just after World War II when everyone was trying to avoid doing something about the resettlement of Jews, Eddie Hébert appealed to President Truman and the Nation to support a national homeland. He was one of the first Americans to view the horrors of Dachau, and from that moment on, Jews everywhere had a friend and staunch supporter in Eddie Hébert for a national homeland.

Pronounced "A-Bear," he was a bear. He stood up and met his critics head on—the very epitomy of the American political battler. He hated injustice and loved a fair fight. He left a marvelous legacy, and the country, especially its ability to deter aggression, is better off because F. Edward Hébert served in the Congress.

He saw it all—from being with Richard Nixon moments before his resignation as President—to that momentous day in this Chamber when Franklin Roosevelt proclaimed "A day that will live in infamy."

The Nation will miss Eddie Hébert. To his wife Gladys and his daughter, I extend my deepest sympathy. He served his Nation well.●

● Mr. MITCHELL of New York. Mr. Speaker, I am saddened by the passing of F. Edward Hébert. This veteran legislator was serving as chairman of the House Armed Services Committee when I was privileged to join that distinguished panel as a freshman Member of Congress. His diligence in the development of a strong defense policy for this Nation served as both an inspiration and a standard for many Members. The continued vitality of the ideals he wished to preserve—American strength and liberty—will serve as a lasting memorial to his liberty, dedication, and patriotism.●

● Mr. CARR. Mr. Speaker, F. Edward Hébert served in the House of Representatives for 36 years. As one of his colleagues on the Armed Services Committee before his retirement as chairman, I join all his friends in regretting his passing. I had my share of differences with the chairman—as must almost inevitably occur between a young man entering this body and an older man who has spent many years here—but I know that he served his district and his country as truly and as well as he knew how. For his service and his dedication we, his former colleagues, offer our gratitude. To his family we extend our sympathy for their loss.●

● Mr. MONTGOMERY. Mr. Speaker, I appreciate the gentleman for yielding and would like to congratulate him for providing this time this afternoon for us to pay tribute to the late Congressman Hébert.

Over the years, there were those who characterized Eddie Hébert as a "friend of the military." I always thought it would be more appropriate to characterize him as a friend of the American people because he had the wisdom and the good sense to press for a strong and viable national defense for his fellow Americans. His primary concern and consideration while a Member of Congress and as chairman of the House Armed Services Committee was always to provide an adequate defense for our Nation and for the United States to remain in a position of strength in our dealings with other countries of the world.

I had the privilege and pleasure to serve under Eddie Hébert and always found him to be fair and forthright. I appreciated his leadership when he served with us and am now even more keenly aware of his leadership and contributions now that he has passed away.

Mr. Speaker, I really do not think Chairman Hébert would have wanted us to dwell on his passing. Rather he would want the Congress to be about its work of providing for this Nation's defense. The greatest tribute we can pay Eddie Hébert is to pledge we will work for a strong defense for America and never allow the United States to become a second rate power. While we feel sadness at his passing, we can also take solace that this Congress and this Nation had the benefit of his leadership for 36 years.●

● Mr. MAZZOLI. Mr. Speaker, I join with all my colleagues in expressing sorrow upon the death of our former colleague in expressing sorrow upon the death of our former colleague, the Honorable F. Edward Hébert, late, chairman in the House of our Armed Services Committee.

Though I did not serve with Chairman Hébert on his committee, I served in the House for several years of "Eddie" Hébert's chairmanship.

There were many occasions when I disagreed with Chairman Hébert and voted accordingly. However, I must not, Mr. Speaker that Mr. Hébert—even during the heat of an argument—was mannerly and restrained in dealing with those who opposed him.

Eddie Hébert was the first one to mention that his manners were made considerably easier because he "always had the votes." However, I sense that Chairman Hébert was a gentleman at heart and recognized the value of civility, manners, and restraint in House debate.

He established a substantial record in the House during his lengthy service.

I extend to his family and to his loved ones my condolences and sympathies upon his death.●

● Mr. UDALL. Mr. Speaker, the press was fond of calling Ed Hébert, "the Last of the Titans," and it is a fitting epitaph

Ed was a giant in these halls. He saw the House change dramatically during his time here, and he never wavered in his purpose nor in his pursuit of goals in which he deeply believed.

Ed Hébert was a fiercely independent man who possessed a keen mind. He was also a practical politician who truly left his mark on his country and the First Congressional District of Louisiana, which he served so long and so well.

I am sad that Ed Hébert is gone. I will miss him.●

● Mr. JOHNSON of California. Mr. Speaker, although it was with great sadness that I learned of his death on December 29, 1979, I am pleased to have this opportunity to pay tribute to a great American—our former colleague, the Honorable F. Edward Hébert.

Prior to his election to the House of Representatives in 1940, Eddie Hébert enjoyed a fine career in journalism where he displayed the same courage we learned to expect from him here in the Congress.

Eddie Hébert loved his country and was destined to devote nearly half his lifetime in this august body where he served with pride and distinction. As a member of the House Armed Services Committee, and eventually as its chairman, Eddie devoted his time and dedicated his efforts toward building a strong national defense to keep America strong and free.

I learned to know and respect Eddie Hébert during the many years we were together in the House of Representatives and I found that, along with his determination and dedication, he also had a keen sense of humor. It was a privilege and honor to serve with this fine patriot, who served his constituents, his State of Louisiana, and his Nation so diligently and loyally. His achievements and contributions are numerous.

To Eddie's wife Gladys, his daughter Dawn, and other members of his family, my wife Albra and I extend our deepest sympathy.●

● Mr. LENT. Mr. Speaker, I commend my colleague from Louisiana (Mr. LIVINGSTON) for making possible this tribute to one of the truly outstanding Members of the House of Representatives, the Honorable F. Edward Hébert.

Mr. Speaker, no citizen of the United States was more dedicated to maintaining the strength and security of this great Nation of ours, and no Member of Congress accomplished more in achieving that goal than did my good friend Eddie Hébert.

In his selfless devotion to the best interest of our Nation Eddie Hébert found himself the target of a tremendous amount of criticism from those who failed to realize the importance of maintaining our national security in a vastly troubled and increasingly hostile world. That irresponsible criticism culminated in one of the tragedies of our time, the deposing of Eddie Hébert as chairman of the House Armed Services Committee.

How ironic it is that at the time of his death, we find many of his most vitriolic critics lamenting our weakened military competence and supporting the same posture of national strength and determination which was the focus of Eddie Hébert's entire career in the U.S. Congress.

Pilloried as he was, and deprived of his rightful position as committee chairman, Eddie Hébert never gave way in the slightest to his detractors. To the end of his days he asserted his total support for a national defense second to none.

Furthermore, his dedication to a strong, secure United States included a fierce determination to prevent waste and misconduct in our Military Establishment. With the investigative ability which won him a "Courage in Journalism" award from the journalism fraternity Sigma Delta Chi, Eddie Hébert relentlessly pursued those who would waste the tax dollars supporting our defense effort. In the 1950's Hébert's investigative subcommittee uncovered case after case of waste in handling of military contracts. During the Vietnam war, Hébert's investigation of the My Lai massacre brought to national attention the efforts of the military and State Department officials to cover up the evidence.

Mr. Speaker, our Nation has suffered a great loss in the passing of Eddie Hébert. But for those of us who knew and worked with this amiable, witty, courteous and gentlemanly man, the personal loss is even greater. I know that the fine example of courageous public service his career established will long serve as an inspiration to every Member of this body. It will be F. Edward Hébert's most enduring memorial.

My wife Barbara and I extend our deepest sympathy to Eddie's lovely wife Gladys and to the Hébert family.●

● Mr. BREAUX. Mr. Speaker, I rise today to pay tribute to the late Congressman, and gentleman from Louisiana's First District, F. Edward Hébert. Certainly, at this particular time of our Nation's history, in which we are faced with crisis, it is most fitting that we, his former colleagues and friends, recognize and honor his excellent contributions as an outstanding patriot and American.

This man, who was a friend and protector of all Americans, is needed today. This man, who lead and guided his colleagues, to a strong national defense is needed today. This man, who advised Presidents, is needed today. Unfortunately, for all of us, F. Edward Hébert is not here today. But we can draw strength and guidance from his words and actions expressed during the 36 years he served as a Member of Congress and as member and chairman of the House Armed Services Committee.

Distinguished is the term which best describes F. Edward Hébert's public career. As chairman of the House Armed Services Committee, his unyielding belief in the need for a strong and proud America distinguished him and his accomplishments. His constancy and determination to keep America strong distinguished him as a leader and patriot.

Indeed, F. Edward Hébert stands today as a model of a true American patriot to those who, in this time of crisis, find themselves experiencing a revitalized patriotism. Americans today can look back to the F. Edward Hébert era in the history of this country and the Congress to find an example of the resolve requisite to build and maintain a nation strong and proud.

I had the privilege of serving with F.

Edward Hébert for 4 years. I consider myself fortunate and honored for the opportunity to work and learn from him during these years. I know I echo the sentiments of each of us who served with him when I say he was a most able and respected colleague. He is missed by family and friends, by his former colleagues, by Louisianians and by Americans. And, though he is needed in this time of crisis, his spirit and example will continue to guide us now and always.●

● Mr. SPENCE. Mr. Speaker, I was very fortunate to have known and served with F. Edward Hébert during my first three terms in the House. Eddie Hébert represented the First District of Louisiana for 36 years, and for 34 of those years he served on committees which were charged with the responsibility of studying the needs of our armed services. The Armed Services Committee could not have had a stronger advocate for military preparedness, nor a more qualified judge of what resources were necessary to meet that objective. I was privileged to serve on this committee during his able chairmanship from 1971 to 1974, and I am indebted to him for his leadership and advice during those years. He was especially considerate of me, even though we sat on different sides of the aisle. His concern for our country transcended political considerations, and he exercised his responsibilities as chairman in a nonpartisan manner.

In recent days I have had a number of opportunities to reflect on the wisdom and prophetic counselings of our late colleague. Eddie viewed the Soviet Union as an "implacable enemy," and he expressed his views on U.S. policy very succinctly during his final remarks on the House floor in 1976. Simply stated, he said that "Weakness invites aggression." The taking of American hostages by the Iranian students, and the invasion of Afghanistan by the Soviets, underline the truth of his statement.

The Russians are increasing their military presence throughout the world, and our response to date has been halfhearted at best. The nations of the world now feel that the United States lacks the will and the resolve to defend freedom, and this view is reflected in the growing boldness of the Soviets and other countries who feel they can capitalize on our unwillingness to act militarily when necessary.

If Eddie were still here, I am sure that he would be deeply concerned about these recent developments. He was a student of history, and one of his major concerns was that we had failed to learn the lessons of World War II, when the United States was caught unprepared. We need individuals like him who are willing to speak out in support of freedom, and who recognize that progress and success nearly always require sacrifice and hard work. He was not afraid to challenge so-called experts who he felt were overlooking crucial points which would affect our military preparedness. We will all miss Eddie Hébert, and we are indebted to him for his outstanding example of what an American representative must strive for—honesty, accountability, and the willingness to make the hard decisions which will insure the survival of our great country.●

● Mr. LONG of Louisiana. Mr. Speaker, many of us in this Chamber knew F. Edward Hébert as a friend and colleague. He served in the Congress 18 terms as a Representative from the First Congressional District of Louisiana. He served the interests of his constituents faithfully and distinguished himself among his peers as an able legislator and dedicated public servant.

We, in Louisiana, have been fortunate to have had a history of strong and influential legislators as Representatives. Eddie Hébert will be remembered as one of the most influential.

As chairman of the House Armed Services Committee, he shared and implemented his conviction that our country must maintain a strong national defense to survive. He was tough when he needed to be. He was aggressive. He was persistent. But he was also evenhanded in the work he did as a congressional investigator, even when it was not the popular thing to do. As head of the subcommittee investigating the My Lai massacre, he refused to condone the conduct of the military, reprimanding the Army and the Department of State for their apparent coverup. He did not hesitate to buck the Military Establishment again when his investigations uncovered waste in military contracts. His patriotism was well-grounded in a belief in truth and honesty.

It is well worth remembering the convictions of Eddie Hébert in the face of recent challenges to our national security. The ordeal in Iran and the move of the Soviet Union into Afghanistan have made even more relevant the fact that U.S. military strength must remain formidable. These events are forceful reminders that we need the kind of military capability which can be mobilized and deployed rapidly, and can fight on any battlefield at any time. I am hopeful that the defense budget this year will include funds for a rapid deployment force which is capable of handling military crises in the Persian Gulf and other volatile regions of the world. I know that if Eddie were alive today, this would be his position.

Mr. Speaker, it is with deep sorrow that I offer this tribute to my former colleague, and former dean of Louisiana's delegation, F. Edward Hébert. The strength of the Congress depends upon the integrity and dedication of its individual Members. These qualities clearly marked Eddie Hébert's career both in this institution and in his private life. His death is a loss to us all.●

● Mr. HANLEY. Mr. Speaker, I rise to pay tribute to a man who spent close to two generations in these halls serving his country. The passing of F. Edward Hébert is, indeed, a sad occasion.

In his 36 years representing the First Congressional District of Louisiana, F. Edward Hébert never wavered from his commitment to this Nation's security. A colorful, courteous and fair man, he stood his ground in the fierce budget debates over defense spending and this country's military might. He was a firm believer that the United States must deal from strength, and he took great pride in calling himself "the most hawkish of the hawks."

An outspoken, often flamboyant and witty man, Ed Hébert made it clear on the day he announced he would not seek reelection that he was unapologetic about his support of a national defense second to none. "There has never any secret about my position on national defense and the security of the Nation," he said. "I accepted the responsibility of defending that position without hesitation."

Ed Hébert's background as an investigative reporter served us well, as he spearheaded a probe which led to the far-reaching elimination of waste in military contracts. During the Vietnam war, he headed an investigation of the My Lai massacre, and produced a report that accused both military and State Department officials in Vietnam of trying to cover up the evidence.

Ed Hébert was a great influence in this chamber. He was honest, he was able and he was a leader who truly believed in the greatness of this Nation and in the essentiality of preserving that greatness. We will miss him.●

● Mr. BENNETT. Mr. Speaker, the passing of former Congressman and former chairman of the Armed Services Committee, F. Edward Hébert at New Orleans recently is indeed a matter of grave sorrow to all of us here in Congress and to his many friends and admirers throughout the country. He was an outstanding advocate of a strong national defense as a means of deterring war and in this he was second to none. He was also an amiable person who had longtime admiring friends everywhere, including myself I am honored to say.

I hope that the knowledge that Mrs. Hébert and the family have of his outstanding accomplishments for his country and for mankind may be of some comfort to them in their grief. Certainly without him this country would not be as strong as it is today; and neither would the many officers and enlisted men in the Armed Services be entitled to the benefits which they now have for that good service they render.●

● Mr. ANDERSON, of California. Mr. Speaker, F. Edward Hébert was a Member of the House for over three decades. Chairman Hébert was so concerned about the need for a national defense second to none that the name Hébert became almost synonymous with a strong defense posture for our Nation.

Among the achievements he was proudest of were expansion of the ROTC program, equalization of armed services academies, and reduction of waste in defense spending.

Coming to the Hill with a background in journalism, Hébert built a well-deserved reputation in Congress as an investigator. He confided to close associates that he did not truly consider himself a politician. "I'm an old reporter on a long sabbatical," he said.

He was an expert on defense and would have been pleased to see the current trend toward increased emphasis on defense. We have lost a distinguished former colleague and a fine man.

I join with my colleagues in extending sympathy to the wife and daughter of Edward Hébert.●

● Mr. NEDZI. Mr. Speaker, perhaps the central fact about Eddie Hébert was his likability.

There was a special joy in the man, a love of action and anecdote that, despite our political differences, made working with him a pleasure.

I can hear those mellifluous Hébert tones even now. Those tones were for the ear rather than for the pen, and even he could not convey the full flavor of his personality in his autobiography, "Last of the Titans."

I served with F. Edward Hébert on the House Armed Services Committee for 14 years.

When I first went on the committee in 1963, I was assigned to Subcommittee No. 3, chaired by Mr. Hébert. It was the style of the committee in those days to list subcommittees by number, with the chairman asserting the unchallenged right to assign bills to any of four numbered subcommittees. At worst, the chairman could act on whim. At best, each subcommittee came to handle essentially a well-recognized set of issues every session. In any event, that is where I got to know Eddie Hébert.

Our backgrounds were different, our voting records were different, and he was of an older generation. But we got along.

All through the 1960's I was part of a small minority on the committee which dissented from the conventional committee position on some issues. The then-chairman seized upon the device of the "special subcommittee" to partially drain the numbered subcommittees of their duties and to punish dissent. During one year he appointed 18 special subcommittees and I was not even appointed to one of them.

A dramatic change took place in 1971 when F. Edward Hébert became chairman.

Formerly, it was commonplace to see $20 billion military authorization bills whooped through the House with less than an hour of debate. Now, under Hébert, important defense bills were debated fully and for several days. No unfair restrictions were placed on the offering of amendments. I can testify to this personally as the coauthor of the Nedzi-Whalen amendment of 1972, when the House cast its first substantive vote on ending the Vietnam war.

He was fair in the scheduling of debate time and he was fair in making subcommittee assignments.

True, the makeup of the House Armed Services Committee did not reflect the ideological makeup of the Democrats in the House of Representatives as a whole. But part of the fault for this was that of liberals and moderates who preferred to go on committees dealing with politically attractive social issues rather than dealing with the nuts and bolts of the military budget.

Most of us remember, of course, that the House Democratic Caucus voted against F. Edward Hébert in 1975 and he lost his cherished chairmanship. This rejection soon brought to an end the closing chapter of his long public career. But I do not believe he left the House a bitter and unforgiving man.

Eddie Hébert has his inning. Indeed, he had served for far longer than most Members—36 years. And he had come to Congress after a considerable and colorful career as a newspaperman in New Orleans.

It can be fairly said, therefore, that he lived life fully.

In the concluding pages of his "Last of the Titans," Eddie has written of himself:

> I have put together what talent and intelligence, wit and charm, nature bestowed upon me to grab life's brass ring. I am guilty of vanity, and, on occasion, autocracy. I am not beyond reproach. But I hope I have brought moments of enjoyment and entertainment to many through my personal pleasures at reporting sports, reviewing night club acts, and squiring beautiful ladies through the night. I had the pleasure of working on a newspaper with complex and colorful characters in a simpler, more romantic time. This gave me the opportunity to play a role in freeing Louisiana from the corrupt grasp of the Long machine, and Congress was part of my reward . . .

And then he ended his book with a quotation which indicated he was an optimist as well as a determined man. The words were from Shelley's "Prometheus Unbound" . . .

To defy Power, which seems omnipotent;
To love, to bear; to hope til Hope creates
From its own wreck the thing it contemplates;
Neither to change, nor falter, nor repent;
This, like thy glory, Titan, is to be
Good, great and joyous, beautiful and free;
This is alone Life, Joy, Empire, and Victory.

As disparate as were our political views, so warm was our friendship. He will always be remembered with deep affection. I wish more of our colleagues could have known him as well as was my good fortune.

To his dear wife, Gladys, and his daughter, Dawn, as well as his grandchildren, I extend profound sympathy.●

Mr. LIVINGSTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ROSE). Under a previous order of the House the Chair recognizes the gentleman from New York (Mr. WEISS).

---

## TRIBUTE TO GEORGE MEANY

Mr. WEISS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the life, character, and the service of the late George Meany.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEISS. Mr. Speaker, I requested this time today, together with the gentleman from New Jersey (Mr. THOMPSON) to pay tribute to George Meany, the great leader of the AFL-CIO who died January 10, of this year while the House was in recess.

As the Congressman from New York City where Mr. Meany was born and raised I feel a special honor in opening this tribute.

Indeed he was born in Manhattan on August 16, 1894, and later moved to the Bronx. Parts of those two boroughs constitute the 20th Congressional District which I represent.

Mr. Meany first established his name and reputation as a labor leader in New York City and subsequently throughout the State of New York. He began as a workingman, an apprentice plumber at the age of 16 and 5 years later, upon completing his apprenticeship at the age of 21 in the year 1915 joined the union.

He was soon to head the plumbers' union local and in 1922 at the age of 28 became the secretary of the New York Building Trades Council. From there he was elected vice president of the New York State Federation of Labor and became president of the New York State Federation of Labor 2 years later.

It was in this position that George Meany developed and practiced the skills which would make him a national figure. At the State level, Mr. Meany became an active proponent of President Roosevelt's New Deal legislation.

This new joining of political and labor strength which Meany initiated resulted in the creation of one of the most influential and effective political forces of our time. In New York State alone, in 1935, three-quarters of the bills which Mr. Meany helped to formulate were enacted by the State legislature.

Five years later, in 1940, he moved to Washington, D.C., where he assumed the post of secretary-treasurer of the American Federation of Labor. The move to Washington helped to establish his position as a labor figure of national influence.

□ 1510

As an executive board member of the A.F. of L., Mr. Meany joined the War Labor Board. On the Board he was a strong advocate of the rights of labor to organize and opposed moves to curtail the right to strike.

In 1952, Mr. Meany became president of the A.F. of L. and 3 years later forged the merger between his union and the then rival CIO—the Congress of Industrial Organizations.

This merger, which ended two decades of intense factionalism and bitterness between the two groups was perhaps the greatest accomplishment of his presidency. Succeeding in bringing these disparate and feuding sectors together, where everyone else had failed, George Meany created the most powerful and influential labor organization in the world. He understood perhaps as no other labor leader had before him in the potential power of this joint federation.

And it is his leadership and his federation to which we owe in great part, the enactment of many of the social programs of the sixties. These include the numerous improvements in labor law—the extension and raising of unemployment compensation benefits, creation of the Occupational Safety and Health Administration which continues to help insure a safe working environment, and the passage of the Civil Rights Act of 1964. Enactment of title VII, the section which prohibits discrimination in employment is due directly to the persistence of George Meany.

And in recent years, under his leadership, the AFL-CIO has been involved in the development of national public works programs, working for a higher minimum wage, pressing for wage-price and profit controls and obtaining increased financial aid for the Nation's distressed urban areas, guarding the right to organize and strike, and support Israel's capacity to survive.

Among his chief concerns throughout his 37 years as president of the 13.6 million members of the AFL-CIO was the protection and promotion of the economic well-being of the working people of America. And in this role George Meany enjoyed great success.

History will mark him as perhaps the most influential figure in the history of the labor movement.

He will of course, be missed by his family, his associates and friends in the labor movement and the membership of the AFL-CIO. But beyond them, his loss will be felt by all of us, the entire people of this Nation, for the dedication and integrity which he brought to his endeavors even though his strong views were not popular with all of us at all times.

In attendance at his funeral mass was the President of the United States and members of his Cabinet, leaders and Members of the Senate and House, and other political leaders from across the country.

We heard eloquent words of farewell spoken by the Reverend Monsignor George G. Higgins and Lane Kirkland who has succeeded Mr. Meany as president of the AFL-CIO. I would like to enter their remarks into the CONGRESSIONAL RECORD at this point:

AFL-CIO President Lane Kirkland delivered the following tribute to George Meany at the Mass of the Resurrection concelebrated January 15, 1980 in St. Matthew's Cathedral, Washington, D.C.:

"The whole earth is the sepulchre of illustrious men."

So it was said on such an occasion in a golden age many centuries ago. And so it is now with George Meany.

There were no boundaries to his mind and spirit, save those of his own constant principles.

There is a Book here which tells us that wheresoever men are in chains, we are bound with them. George Meany endeavored to live by the full scope of that Writ.

Strangers did come and try to teach him their ways. Some, indeed, scorned him just for being what he was. But they came and went and George Meany abided.

Certainly he was not of the right. Surely he was not of the left, nor was he anchored in the center. He stood above such transient categories in resistance to all power directed against the right of man and woman, and in affirmation of the role and the interests of plain people.

And it is to the honor and the credit of this trade union movement that we clung to his leadership as long as we could; that we kept him as long as the Lord would let us, for he was, to his last day, the best there was.

For many years he presided with a gavel and a wooden block made and given him by the Carpenters' Brotherhood. His last light tap of that gavel, before he yielded it, split that old battered block apart—a sign, perhaps, of the honorable completion of his apprenticeship here and of an impending summons to a higher call.

That call came 63 years to the day of his admission to membership in the United Association that was his pride.

Now he is young and strong again, free of pain, blessed with the rich store of grace, starting over with the steading—and, when need be, humbling force of Gena at his side.

And we now have faith that better days lie ahead for the working people of America, and of the world, because George Meany is up there, negotiating the matter with God.

Now we take our last leave of what remains of him here.

Good-by, George, Fare thee well.

---

### REV. MSGR. GEORGE G. HIGGINS, HOMILY AT THE FUNERAL MASS OF GEORGE MEANY

I, John, heard a voice from heaven say to me, "write down: Happy are those who die in the Lord! Happy, indeed, the Spirit says: Now they can rest forever after their work, since their good deeds go with them." (Book of the Apocalypse C. XIV)

On November 15—exactly two months ago this very day, in fact, this very hour—George Meany briefly presided over his last trade union convention, sadly but inevitably bringing to a close the extraordinary career of one of the truly great figures in the history of the American labor movement. To judge from the serene but rather hauntingly far-away look in his eyes, he knew perfectly well that his days were strictly numbered. As he was ushered to the podium in a wheelchair, looking very frail and gaunt, to deliver what was to be the last of hundreds, perhaps thousands of speeches he had given at similar gatherings during his 60 years in the labor movement, most of those who were present undoubtedly feared, as I did myself, that the strain might prove to be too much for him and that, overcome with emotion, he might, understandably enough, go to pieces and not be able to finish reading his prepared text. We should have known better than that. We should have known that, despite his fatal illness and despite the highly emotional setting in which he found himself, he would rise to the occasion and carry it off with impressive dignity and grace. And that's precisely what he did, of course.

Even though Mr. Meany knew that the Grim Reaper was standing right beside him at the podium, he characteristically dispensed with the usual formalities and, without any fuss or feathers, immediately launched into his text, speaking as bluntly as ever and with the vigor of a perfectly healthy man. There was not a trace of sentimentality in his speech, much less any trace of self-pity or self-adulation. He spoke prosaically, but very effectively, in a matter-of-fact style, not about himself, but about the state of the nation and the state of the American labor movement over which he had presided so skillfully and with such great distinction ever since the merger in 1955 of the American Federation of Labor and the Congress of Industrial Organizations.

It was only when he reached the concluding sentence of his text that his voice momentarily wavered and cracked ever so slightly. Tears came into his eyes as he said, manfully trying to regain his composure: "To my God go my prayers—prayers of thanks for granting me more than one man's share of happiness and rewards, and prayers for His blessing on this nation and on this movement and on each of you."

It was altogether fitting that George Meany's valedictory message—his last will and testament, so to speak—should have ended on this prayerful note. In this one sentence, this one brief but, under the circumstances, profoundly moving prayer of thanksgiving, he told us in capsule form the story of his life and told us also, for the record, by what set of priorities he had been guided in his long and distinguished career as one of the most influential public figures in recent American history.

As his farewell message clearly indicates, he was, first and foremost, a man of deep, but simple, down-to-earth and unpretentious religious faith. He did not wear his religion on his sleeve and would have found it difficult, I should imagine, to understand or to cope with the mentality of those who did. For his own part, he simply wasn't built that way. His religous faith, however, was an essential and deeply-rooted part of his makeup. It directly—but, again, unostentatiously—influenced both his public and private life to the very moment of his death. Fortified by the sacraments of the Church just a few hours before he took his last breath, but while he was still fully conscious and in full possession of his faculties, and comforted by the loving care of his devoted daughters and the priestly ministrations of his Pastor and very good friend, Father Reddy, he died peacefully in the Lord. "Happy are those who die in the Lord! Happy indeed, the Spirit says: Now they can rest forever after their work, since their good deeds go with them."

George Meany's good deeds, performed at all times with granite-like integrity—which, through thick and thin, was his essential hallmark—have been catalogued in ample detail by the media in recent weeks and days. It will not be necessary, then, nor would it be appropriate for me on this occasion to recapitulate even the principal highlights of his amazing career as the nation's outstanding labor leader, a career which stretched back farther than most of us can remember.

Coming back again to the prayer with which he so appropriately concluded his farewell address at the AFL-CIO convention two months ago this very day, let me simply underline the fact that his priorities as a public figure were always kept in the proper order. After giving thanks to God for granting him more than one man's share of happiness and rewards, he prayed, in this order, for the nation which he loves so dearly and the labor movement which he served so effectively for more than half a century.

A brief word about both—both our nation and the labor movement—may be in order as we bid farewell to this truly great American.

I have already indicated that George Meany was instinctively diffident, in a manly sort of way, about parading or publicizing his deeply held religious faith. By contrast, however, he wore his patriotism on his sleeve, and unashamedly so. The quality of his patriotism was misunderstood by some of his critics. Mainly because they thought he was too inflexibly anti-communist, they wrote him off—sometimes rather disdainfully—as a myopic and narrow-minded chauvinist. They were wrong about that—completely wrong, in my opinion. In standing up consistently not only against communism but against any and all forms of totalitarianism, George Meany was not defending the so-called American way of life as such. He was defending the cause of human rights which, for him, were indivisible and were meant to be universal in their application.

Mr. Meany's anti-communism derived directly and, from his point of view, very logically from his unshakeable commitment to the cause of freedom and, more specifically, the freedom of workers to organize into autonomous trade unions of their own choice. In his 1979 Labor Day Statement, the last of 25 such Statements he had written as president of the AFL–CIO, he succinctly stated his position as follows: "One cannot have a trade union or a democratic election" without freedom of speech, freedom of association and assembly. "Without a democratic election, whereby the people choose and remove their rulers, there is no methods of securing human rights against the state. No democracy without human rights, no human rights without democracy, and no trade union rights without either. That is our belief; that is our creed."

Throughout his entire lifetime, Meany never deviated from this belief or this creed and was prepared at all times to do battle with any form of political tyranny, whether fascist of communist, which denied or unjustly restricted the right of workers to organize.

In large measure, then, Meany's anti-communism grew out of his life-long commitment to the cause of organized labor which, next to his family, was his greatest love. "I have no other interest in life outside my family and the federation," he said when he was first elected president of the old American Federation of Labor. "To me this is the greatest honor that could possibly come to me in my lifetime. I do not relish the work in the sense of the time which it will take, but I am prepared to give it all of my time and give it the very best that I have in me. . . . There is a job to be done. I hope to be able to do that job."

We honor him this morning, with sincere gratitude and affection, for having done that job so diligently and with such great integrity in the service of the working people of the nation and to the great benefit of the nation as a whole. The cause of freedom everywhere, both at home and abroad, has been greatly enhanced and, in these dangerously troubled times, is now the more secure because he did his job so well.

We mourn his passing. Of course we do—but none of us so much as Regina, Eileen, and Genevieve who, to their great sorrow, which we share with them, have lost both their mother and their father within less than a year. To them and to their families we offer our heartfelt sympathy and very sincere condolences. May they be comforted and consoled by the conviction, deriving from their own deep religious faith, that their mother and father, so lovingly devoted to one another during 60 years of married life, have now been reunited in heaven.

We shall now proceed to celebrate the Mass of the Resurrection, hoping that by the renewal of the sacred signs and symbols of this ancient liturgy, we may be able to make some sense out of death, may be able to discern in George Meany's passing some transcendent meaning or significance. The mystery of death utterly beggars the human imagination even in the case of a man who lived, as George Meany did, well beyond the average span of years allotted to the sons and daughters of Adam. We know by the intuition of the human heart, however, and are persuaded by our faith that this is not the end. We have come together, then, to articulate this intuition and proclaim this ancient faith of ours. Our purpose is to celebrate, by word and by sacred sign and symbol, the good news that the God Who made us and Who raised Jesus Christ from the dead will also bring to life our mortal bodies because of His Spirit Who dwells in us. (Romans 8:11)

"Happy are those who," like George Meany, "die in the Lord! Happy indeed, the Spirit says: Now they can rest forever after their work, since their good deeds go with them."

The nature of the labor movement was forever changed when George Meany assumed the presidency of the AFL. Throughout the years he has helped to initiate enormous change in our society. He will be missed and certainly never forgotten.

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I would be pleased to yield to the distinguished gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, first I would like to compliment the gentleman for taking this special order and compliment him for what he has said about George Meany.

It was my privilege over many years, all the years that he was the president of the AFL–CIO, to work very closely with Mr. Meany and with his legislative agent, Andy Biemiller who was a former Congressman with whom I served in my first term.

The gentleman has stated very well George Meany's extraordinary role in the labor movement. He has stated also his role in a variety of other pieces of legislation that did not directly affect labor.

I would like to emphasize the fact that in my opinion, as one of those who has worked on every civil rights bill that has passed since reconstruction, that the absolute key person in the passage of all those bills, from the beginning bill in 1957 which demonstrated that a civil rights bill could pass the Senate to the great bills of the 1960's, that the most important single force in support of the enactment of civil rights legislation was the great American labor movement, mobilized and led by George Meany. I think this country owes to him specifically and personally an enormous debt. It was not a coincidence that his agent on the Hill was a former Congressman who played a key role in the 1948 convention, Andy Biemiller, who had represented a Milwaukee district, was with Hubert Humphrey the leader in the fight on the floor of the Democratic convention which led to the passage of a strong civil rights plank, an historic event, which changed the nature of American politics and the Democratic party.

I believe that these two gentlemen deserve a major share of the credit for the enactment of all civil rights legislation. They, working with two other remarkable leaders, Clarence Mitchell of the NAACP and Joe Rauh of the ADA, were the heart and soul of the persistent determined effort of the leadership conference on civil rights.

I think it is terribly important that members of this institution and the people of this country understand that a labor leader was the key leader in the civil rights movement.

Mr. Speaker, I thank the gentleman for yielding.

Mr. WEISS. Mr. Speaker, I thank the gentleman for his very eloquent remarks.

I am pleased to yield to the gentleman from Connecticut (Mr. Dodd).

Mr. DODD. Mr. Speaker, I thank the gentleman from New York for yielding.

I, too, would like to compliment the gentleman in the well for his statement. I would ask that I may join in the gentleman's remarks.

I would further like to associate myself with the remarks of the gentleman from Missouri. I think we all too often see today by too many groups a single vision view, a very narrow view of the problems that this Nation and the world faces. If there was anything that George Meany stood for, he stood for the principle that that which affects working people is not limited to paychecks and fringe benefits and working conditions, but that the activities that affect all of us throughout the globe affect every individual citizen in this country.

I would hope that in the years to come there would be other such leaders that would surface to provide that same type of leadership that he has to this country, not just to the labor movement during his brilliant career.

I thank the gentleman from New York for yielding.

Mr. WEISS. Mr. Speaker, I thank the gentleman from Connecticut for those distinguished remarks.

I am pleased to yield to the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Speaker, I want to join with the distinguished gentleman from New York in paying tribute to one of the great labor leaders of our time and perhaps in any time in the history of this Nation.

Mr. Speaker, the death of George Meany marks the end of one of the most distinguished eras in the history of the American labor movement.

For many people, George Meany was the personification of organized labor. In a career that spanned 58 years of service as a professional trade unionist, he constantly strove to improve the lives of working men and women. As the first, and, until his retirement in November of 1979, the only president of the AFL–CIO, Meany built an organization dedicated to serving as a champion for the interests of workers throughout the world. Under his leadership, the AFL–CIO battled for higher wages, shorter hours and safer working conditions to protect workers during their employable years, and better pension plans and medical benefits to make their retirements more secure. Most of the significant gains made by labor in the last 50 years have been directly attributable to the efforts of George Meany and the AFL–CIO.

George Meany's influence on American life extended far beyond the affairs of labor. His counsel was sought by eight Presidents on a wide range of domestic and foreign policy issues. He was blunt and candid so that his position on any matter was never in doubt. He had a strong love of America and her traditions and a strong distaste for totalitarianism in general and communism in particular. When his hard line position on foreign affairs was criticized in later years, it was frequently overlooked that his fight against the Communist Party's attempts to take over unions in the 1950's had preserved the credibility of the labor movement.

Mr. Speaker, George Meany's dedication to insuring the dignity of his fellow man became the impetus for the AFL–CIO's commitment to a policy of social responsibility. Without the support of organized labor, as galvanized by George Meany, most of the civil rights legislation of the last two decades might not have been enacted. His leadership on civil rights issues required extraordinary courage in view of the opposition to his views by many people, both inside and outside of organized labor.

George Meany believed that "little people should not be kicked around." He served as a spokesman for those who would not have been heard without his efforts. Pope John Paul II recently provided a critique of those efforts when he said, "You do good work for your people." I believe that that compliment really captures the life of George Meany. I doubt that he would want to be remembered in any other way.

Mr. WEISS. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I want to join with my colleagues in paying tribute to George Meany, the former great president of the AFL–CIO, and at one time a working plumber in my own State of New York.

George Meany was of course a great labor leader, probably the greatest we have had since Samuel Gompers. But what especially impressed me about Mr. Meany was his sound, outspoken, and eminently sensible approach to American foreign policy. While George Meany fought hard and successfully for the multitude of progressive domestic programs developed and supported by the American labor movement, George Meany did not hesitate to speak out with equal force and effectiveness, and in strong terms, against foreign policies which he opposed and in support of those he favored.

Mr. Meany knew better than many of his colleagues that America could not be prosperous and humane unless we were also secure. Not only did he fight Communists within the labor movement, but he also spoke out in no uncertain terms against Soviet military and political aggression. Needless to say, many of these comments were not always popular with some of his colleagues in the labor movement. But that did not deter him.

Mr. Speaker, I cannot help but observe that Mr. Meany's death came at just about the time the Soviet invasion of Afghanistan. This watershed event, as we all now recognize, has served to awaken much of America to the threat which a militarily strong, and unhesitatingly aggressive Soviet Union poses to the security of the United States.

If this country is able, as I believe it will be, to unite and respond effectively to this threat to our own country and to the peace of the entire world, it will certainly be in no small measure a result of the inspired leadership which Mr. Meany has provided on this matter during his long and constructive lifetime.

Mr. WEISS. Mr. Speaker, I thank the very distinguished gentleman for his eloquent remarks.

□ 1520

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Speaker, I would like to join with the gentleman from New York (Mr. WEISS) in recognizing a great American and a person who typified the American labor movement in many respects, one who deserves a moment of real commendation here and recognition of his contribution to our country.

Mr. Speaker, it is ironic that George Meany's death at the age of 85 came on January 10—63 years from the day he was enrolled into union membership by Plumbers Local 2 in New York after completing his apprenticeship. George Meany's cause, from that day forward, became trade unionism.

A man with great leadership abilities, he quickly moved upward through the ranks of his local, the New York State Federation of Labor, the national AFL, and to the presidency of the AFL–CIO.

As president, Mr. Meany helped to bring about the merger of the American Federation of Labor and Congress of Industrial Organizations in 1955, after 20 years of division and bitter rivalry. He regarded this merger as his major trade union accomplishment. But this man is known for other great achievements. His voice and leadership helped bring about improvements in the living and working conditions of all American workers. Today's better wages, healthier on-the-job surroundings, and minimum wage and unemployment programs are all because of George Meany.

George Meany was truly a great American who defended democracy and capitalism. I think it very appropriate to close with a quotation of his which is very applicable in our world situation today. "Workers are not blind to the imperfections and injustices of the system, but they are deaf to the cries of those who would wreck the best system of Government yet devised by man in the vain hope that something better might replace it."

● Mr. DERWINSKI. Mr. Speaker, George Meany, a genuine 20th-century giant in the American labor movement, was a strong and responsible leader. Those characteristics made him a tower of strength in influencing the free enterprise system which he understood and within which he nurtured responsible unionism.

Mr. Meany's departure leaves an unfillable void in the ranks of organized labor. One can only hope his successors will never lose sight of the legacy he bequeathed to the working men and women of America and the world.

A fierce patriot, Mr. Meany always was in the forefront of the battle against Soviet aggression. In his list of priorities, his country came first.

In his long career as the unchallenged leader of the AFL–CIO, Mr. Meany always made his position clear to friend and foe. He never was devious. His straight-from-the-shoulder approach contributed to his effectiveness.

Mr. Meany exemplified the respectability and responsibility of the labor movement which he helped to shape. He truly was a man with vision and a mission.●

● Mr. OBERSTAR. Mr. Speaker, George Meany spent a lifetime fighting to insure that the American worker enjoyed his fair share of the wealth produced by his labor. In his profoundly felt commitment to this Nation, to democracy, and to the superiority of the capitalist system over socialism and Marxism, George Meany established the AFL–CIO as a champion of economic justice and of equal rights for all Americans. George Meany saw clearly, as few men did, that our economic and political system would survive only if all Americans enjoyed the benefits of that system.

George Meany believed in a democracy and a free enterprise economy that provided the American worker a living wage and the opportunity to share in the enormous wealth of this country. He knew that if the working person could not benefit from the enormous productivity of this country, that we faced overproduction and recession.

Just as George Meany believed that the worker could not be denied the benefits of his labor, he also believed that an individual could not be denied the benefits of our economic system on the basis of race. In the 1960's, he raised not only the voice, but the power, of organized labor in the fight for the enactment of the landmark civil rights legislation of that decade.

Mr. Speaker, as the son of an iron ore miner, I know what organized labor has meant to the working people of America and their families. I know what it has meant to have courageous, committed leaders like George Meany to demand a fair wage for a day's labor. I know the strength to achieve economic and social justice which organized labor gives the worker, and in the absence of which, he is powerless. Without George Meany to fight for a fair wage, who would buy all the goods and services produced in this country by workers paid a dollar an hour?

Meany knew that the more unified labor was, the greater would be its ability to champion the cause of the workingman.

In 1952, the pragmatic George Meany and the visionary Walter Reuther drafted the plan which in 1955 unified America's great labor organizations. Committed to the unity of the labor movement, he remained equally committed to democracy in the labor movement. Unity did not mean authoritarianism. For Meany, the AFL–CIO represented democratic unionism, not the parody of democratic trade unionism existing in the so-called worker republics of the U.S.S.R. On major social issues, labor often spoke with the multiplicity of voices accepted and encouraged in a democratic society.

George Meany was not always right; history will record his errors. History will, however, also record that George Meany spent 63 years of his life fighting for the workingman and democracy. It is a record of which the American labor movement can be justly and deeply proud, and which will not soon be equaled.●

● Mr. MOFFETT. Mr. Speaker, this country has suffered the loss of a great man, a great labor leader, a great humanitarian. For both quality and length of public service, George Meany has set standards that few can equal. From the day he joined Plumbers Local No. 2 in New York, he gave 63 years of selfless service to labor and the labor movement. Moving up through the ranks, he became the president of the American Federation of Labor. And, after managing the merger of the AFL with the Congress of Industrial Organizations, he led the most powerful voice of the working man and woman, the AFL–CIO.

George Meany looked back at the creation of the AFL-CIO as the landmark of his career. But, his contributions to our country cannot be adequately measured or described by a simple list of his formidable achievements. Instead, we must look at his love for the United States, his love for the working man and woman, and his dedication and unfailing support for both. Like the legendary labor leader Joe Hill, George Meany may be gone but his spirit lives on. Our country can only be the better for it.●

● Mr. DUNCAN of Oregon. Mr. Speaker, I rise today to pay tribute to a plumber from the Bronx who for six decades gave his life to improving the plight of working men and women. From his trade union roots, George Meany fought for more than just better wages and working conditions. He was considered an authority on the Nation's economic, social and international issues. Meany also pushed for greater industrial peace and was a strong proponent in the fight for civil rights. But by far his finest moment occurred on December 5, 1955, when the merger of the AFL–CIO took place. A merger engineered by Meany because he knew a house divided could not stand.

Today some would like to turn back the clock; some would like to see the accomplishments of American labor give way to "new realities." George Meany's farewell statement to the AFL–CIO stands as a warning to those forces. Meany said:

> Yours is a good labor movement. Now go out and make it better.

It is clear that the flame of hope for American working men and women has not been extinguished, but because of his strong leadership has merely changed hands.●

● Mr. MATSUI. Mr. Speaker, America lost a great citizen with the passing of George Meany.

George Meany stands with the giants of the American labor movement. During his long career, his hard work, dedication, and belief in the dignity of labor elevated the lives of all working men and women.

Meany's greatest accomplishment—the merger of diverse unions into the powerful AFL–CIO—insured that the American labor movement would speak in a unified voice to promote the worker's interest.

Only a man with the vision and will of George Meany could forge that coalition and guide it for 25 years.

Many qualities are the making of a great leader. So it was with George Meany. He was outspoken and would not shirk from the fight for labor's rights.

He was a patriot. He believed in this Nation, its ideals, and its people.

He was a humanitarian. He genuinely cared about the lives and welfare of all people.

But most important was his ability to view the world through the eyes of the working man. His colleagues were presidents and world figures. Yet he never let the power of his office get in the way of his goals. He never forgot that it was for the rank and file of American labor that he worked.

America will miss George Meany.●

● Mr. O'NEILL. Mr. Speaker, in George Meany there was a great man among us, and now he is gone. His passing leaves an impressive and unmatched legacy which has improved the lives and livelihoods of every working man and woman in America and throughout the entire free world.

He was one of the most honorable and decent human beings I have had the privilege to know. Despite the gruff and blunt exterior George Meany had a heart filled with compassion, a strident loyalty and fearless dedication to the needs and concerns of his constituents—the working men and women of America. In 1955 he forged a merger of the rival AFL with the CIO, his greatest accomplishment for the labor movement. For a quarter of a century until his retirement last November, George Meany was the preeminent spokesman for organized labor, wielding immense power and prestige. He became the personification and symbol of the American labor movement.

George Meany was no labor innovator; rather he was a stabilizer, a consolidator. He was the only man who could keep together the disparate factions of the labor movement.

As the most influential and powerful labor leader in America, George Meany disdained formal ties with Government and political parties; he believed in rewarding labor's friends, and punishing its enemies, and advocated what he called were the meat and potatoes issues of wages, hours, and working conditions of union members.

To chronicle George Meany's labor accomplishments and legislative achievements would not pay him the tribute he deserves. He understood as well as any contemporary that politics is the art of the possible. He was no ideologue; rather he possessed pragmatic political instincts and knew how and when to attain legislative success. His legislative achievements were numerous, yet he had often said his greatest was the passage of the Civil Rights Act of 1964. To George Meany this issue was a matter of principle, something in which he personally and deeply believed. No one was tougher, more tenacious or more outspoken than George Meany lobbying for an issue to enhance the dignity and to improve the standard of living of working men and women; and no one was more stubbornly uncompromising when he opposed an issue because he felt labor had been wronged.

A vigorous advocate of the American worker George Meany nevertheless gave firm endorsement of capitalism and the free enterprise system. Fiercely patriotic, George Meany was staunchly opposed to communism. He often defended his anti-Communistic position by pointing out that free trade unionism was always the first victim of every totalitarian regime, and once that was destroyed all the other freedoms of a society quickly fell. George Meany began his life-long struggle to benefit working men and women as a plumber in the Irish slums in the Bronx and rose to the heights of the labor movement step by step: First, as business agent of his local; next as president of the State federation; then, as secretary-treasurer of the AFL; and finally, as the president of the giant federation, the AFL-CIO, which he almost single handedly created.

George Meany was sometimes a friend and often a foe to a succession of American Presidents from Franklin Roosevelt to James Carter, and he worked with each succeeding President on a personal basis. Regardless of the relationship, every Chief Executive in the last 40 years would concur with the statement of President Carter that George Meany "changed the shape of our Nation for better in hundreds of ways, great and small, through the force of his character and the integrity of his beliefs."

Whether he was talking to Presidents, rival labor union leaders, or rank and file working people George Meany was sharp and frontal in his advocacy. He was a straight shooter.

Once he made a commitment, he never deviated, he never waivered, he never played games; he called the shots as he saw them, and he told it like it was. As he often said, "I've always spoken my mind."

That was George Meany, a labor leader in the finest sense of the word. He had a great hope in America; he never betrayed his country's trust, never defaulted on a promise and never let his beloved trade union workers down. He always gave his best, and that best was always more than enough. Such is the measure of an extraordinary human being. Such a man was George Meany.●

● Mr. YOUNG of Missouri. Mr. Speaker, George Meany's life exemplified the very best in America. He was a man who rose from modest beginnings on the strength of his outstanding ability to lead. That success story, and his unfailing belief in our great system, truly are a monument to his memory and an inspiration for us all.

On a personal level, as a fellow member of the United Association of Plumbers and Pipefitters, I found in our many dealings that he was always brilliantly knowledgeable on matters relating to the working conditions of the American people.

But George Meany had a wide range of interests that went beyond such important legislative issues as minimum wage and job safety.

He focused as well on educational opportunities for the disadvantaged, on civil rights, on housing. His impact in these areas—especially as they affected urban life in this Nation—was immeasurable. So many of the major legislative initiatives would not have been passed without his backing.

Today, in view of all that George Meany did to improve life in the cities, I want to suggest consideration of establishing George Meany chairs in urban affairs at universities around the country. Creation of these chairs at selected universities would represent a living memorial to one of the great Americans of this century.●

● Mr. ABDNOR. Mr. Speaker, even those of us who did not agree very often with George Meany's views, had great respect for him as an individual, for his integrity, his dedication and his tenacity.

He was a tough fighter—a tough negotiator for the principles in which he believed. Indeed, he set an example for tough negotiating which might well be emulated at the international level by our governmental officials.

George Meany was a credit not only to the American labor movement, but to America.●

● Mr. BRADEMAS. Mr. Speaker, I join my colleagues today in paying tribute to an outstanding American, the late George Meany, who rose from humble beginnings to become the undisputed leader of the American labor movement. Mr. Speaker, George Meany was a living American institution, a vigorous spokesman for the millions of working men and women whom he represented as head of the AFL–CIO.

One of the most influential private citizens in American politics, George Meany was 85 when he died. He started working for the "little guy" in America before most of us were born.

Outwardly gruff, he was inwardly compassionate. Because of Mr. Meany's leadership and the labor movement he headed for so many years, millions of Americans have better lives. His energy and dedication helped enable more people to own their own homes, provide better education for their children, enjoy improved health care, spend more time with their families, and have more resources with which to pursue the American dream.

Mr. Meany not only championed the labor movement but he also supported the free enterprise system.

He was unashamedly patriotic and a vigorous foe of totalitarianism, whether of left or right. He was a champion of the processes of democracy through the legislative processes he used so well.

Mr. Speaker, those of us who serve in public office can benefit from reflecting on the life of George Meany. He never forgot where he came from. He never forgot whom he represented, the 14 million American workers. He was frank, direct and outspoken. He was loyal to his friends and supporters. He kept his word. He believed in free and vigorous political parties. He was a strong family man and devout Roman Catholic. He was a tireless worker. He believed that human rights for all men and women, regardless of their background, were fundamental.

George Meany was a man who was admired and loved by his friends and colleagues and respected by his detractors. His impact on the American trade union movement and on our entire Nation was unmatchable.

Mr. Speaker, perhaps no tribute to Mr. Meany could sum up the whole of the person more humanly and simply than the way he was greeted by Pope John Paul II at the White House late last year, a statement of which President Carter has just reminded us.

The Pope told Mr. Meany, "You do good work for your people." ●

● Mr. SYMMS. Mr. Speaker, I would like to join with my colleagues in the House today in tribute to Mr. George Meany, one of the most influential men in America during the last three decades. I have to admire Mr. Meany for his drive and forceful pursuit of his ideals and convictions even if I did not always agree on specific issues. One of the greatest contributions that Mr. Meany made to the cause of freedom was his sponsorship of the Russian author and dissident Alexander Solzhenitsyn. Had it not been for George Meany and the AFL–CIO the American people would not have had the opportunity to hear Solzhenitsyn's warnings concerning the Soviet Union's drive for world hegemony.

George Meany is also to be commended, Mr. Speaker, for his strong anticommunism during his leadership of the American Labor movement. His dedication to a strong America was unquestioned, and I hope that the present leadership of the AFL–CIO will continue in Mr. Meany's footsteps on these matters of national security.●

● Mr. DELLUMS. Mr. Speaker, I join my colleagues today in paying tribute to a giant in the labor movement, a man vitally concerned with working people, Mr. George Meany. Known to many as "Mr. Labor," George Meany was relentless in his efforts to make organized labor a significant national force in the struggle for bettering the human condition.

It has been said, "A man who fights for his ideas is truly alive." George Meany made his life's work a fight, for the cause of the labor movement and America's workers. Today his ideas are truly alive for they are the platform of the labor movement. Today, all Americans are diminished by his passing. America has lost an ardent combatant and spirited patron of the American worker.●

● Mrs. SPELLMAN. Mr. Speaker, more than 150 years ago, a great American named Daniel Webster characterized labor in this country as "independent and proud" and beholden to no one. I rise today, Mr. Speaker, to join my colleagues in paying tribute to another great American, one who, perhaps more than any other, worked to keep labor "independent and proud" in the middle decades of the 20th century.

George Meany, who died just 12 days ago, was truly an institution in this country. As a national figure, he will not soon—nor easily—be replaced. From World War II until the moment of his passing, George Meany cast such an imposing shadow across the Nation's landscape as to have forever changed its horizon.

The son of a Bronx plumber and a high school dropout, George Meany rose up through the ranks of his father's trade to become the preeminent American labor leader of his day. His greatest achievement is generally regarded as the reuniting, in the mid-1950's, of the American Federation of Labor and the Congress of Industrial Organizations. At the time, he had already risen to the presidency of the AFL. He went on to lead the combined AFL–CIO, and the American labor movement in general, for more than two decades.

Of course, George Meany was more than just a "labor leader" or even "the labor leader" of his time. He was a friend and worthy adversary of Presidents and the equal of any great American of his day. His views, if not always agreed with, had always to be reckoned with by those who wielded power in this country.

That he achieved all this with little formal education makes George Meany's accomplishments just that much more remarkable.

George Meany was known as a blunt, gruff man who never hesitated to say what was on his mind. But how gracious he could be on a person-to-person basis; for instance, he never failed to greet me by name, even when hundreds of people were around him. And he never failed to ask how things were going and if there was anything he might do to be of help. And, although he spoke out on a wide variety of topics and issues, his mind rarely strayed from his lifelong concern, the betterment and well-being of the American worker.

He was the symbol of the American labor movement and its chief spokesman for the better part of three decades. His name was well known to those who knew little of the AFL–CIO and nothing of the other labor chieftains of the post-war era.

Walter Lippmann wrote that "the final test of a leader is that he leaves behind him in other men the conviction and the will to carry on." This George Meany did, too. His legacy is a rich one that will serve to aid working men and women for decades more to come. Those who follow in his footsetps will find their way more easily because George Meany has gone before them. They will reach for difficult goals with more confidence because of the example George Meany set for them. His achievements will inspire them; his ideals will define their objectives.

Mr. Speaker, I am proud to join my colleagues in paying tribute to this truly great American as we begin the second session of the 96th Congress. The country is poorer for George Meany's death but richer for the lasting contributions he has made to the labor movement and the Nation as a whole. In the years ahead, I am confident that labor in this country will remain "independent and proud" and beholden to no one. That George Meany lived is one reason why.•

• Mrs. HECKLER. Mr. Speaker we cannot say that the labor movement of this country is the poorer for George Meany's death because his life was so rich with dedication and talent that his legacy is as powerful as the man was himself.

George Meany represented the fulfillment of the American dream—a self made individual who rose from modest beginnings to the pinnacle of power and prominence. His success was an opportunity for service—service to the American labor movement—service to the millions of men and women who have been and are part of that movement.

George Meany's stewardship was an inspiration to thousands of leaders throughout the country and a source of reassurance to the vast ranks of organized workers who looked to him for clear direction and courageous defense.

George Meany's statesmanship rose above differences and made us all stronger—as workers, as management, and as citizens of the America he loved so much and served so well. George Meany did the job for American labor and his outstanding career will stand as a lasting tribute to this respected gentleman.•

• Mr. BARNES. Mr. Speaker, George Meany was one of my most prominent constituents in the Eighth Congressional District in Maryland, and I was honored to receive his advice and counsel from time to time with respect to issues before the Congress. His death is a great loss not only for the American labor movement, but for the cause of freedom which millions cherish and which has been under assault in various parts of the world in recent weeks.

George Meany will be remembered, in my judgment, basically for two things. First and foremost, he was a preeminent leader of the American labor movement who sought to improve the economic and social well-being of millions in difficult times, and his zeal did not flag even when conditions improved and prosperity became more the rule than the exception. He was always concerned about what the future might bring.

George Meany will also be remembered as a symbol of opposition to oppression, be it from the right or the left. He kept the AFL-CIO in the forefront of opposition to tyranny around the world. He was active in the defense of basic constitutional rights in the United States, regardless of the political climate.

Mr. Speaker, America will miss the leadership that George Meany exercised on so many fronts. While other able men and women have replaced him in the American labor movement, George Meany had a unique style which can never be replaced. He was truly one of a kind. We in Maryland, who knew him as a neighbor for so many years, feel a very special sense of loss.•

• Mr. RUSSO. Mr. Speaker, I would like to take this opportunity to pay homage to George Meany—a great man who was the courageous leader of the AFL-CIO through six U.S. Presidents. While these U.S. Presidents relinquished the reigns of power, while administrations volleyed between Republicans and Democrats, George Meany stood firm, always being the spokesman of the workingman, and a man revered for his steadfast commitment to one goal—that of being a leader of the free trade union movement in the United States and the world.

To look back at George Meany's life is to look back at 63 years of accomplishments unsurpassed by few. As a counselor to Presidents, a pioneer of the civil rights movement, and a relentless negotiator for labor; George Meany was awed by his contemporaries. His accomplishments were numerous—the merger of the AFL, the skilled labor unions, to the CIO, the industrial workers unions, to form the very powerful AFL-CIO 25 years ago, an advocate of progressive labor, social, and health policy, an outspoken critic of communism, but most importantly a giant of the international labor movement. He made the AFL-CIO an institution which unquestionably represents the needs, wants, and desires of those 13.6 million Americans who work in our Nation's factories, sweatshops, stores, repair our goods, and build our homes.

I am saddened by his passing, and I hope that the scope of his goals and accomplishments live on. May the future generations never forget his achievements.•

• Mr. BLANCHARD. Mr. Speaker, workers in our country and around the world, and indeed, our Nation as a whole, suffered a great loss last week at the passing of George Meany. He was a man who combined many diverse yet admirable traits.

George Meany was as hard-nosed as they come when it came to fighting for the basic bread and butter issues that were of most immediate concern to those he represented. Yet, at the same time he also had the vision to recognize the vital importance of fighting for the future, not only of the labor movement, but of all free men and women in the global battle against totalitarianism and oppression.

Meany possessed a rare mixture of toughness and compassion that served as the formula for the countless accomplishments that he achieved through his lifetime. Those achievements live on today and fortunately for us all they embody his strength and his vision in such a way that our country will continue to benefit from his efforts.

George Meany helped build a great Nation. In his earlier years he helped make the United States a leader in the world, and he spent the remainder of his life fighting to keep it that way. The qualities of leadership, compassion, commitment and character that George Meany possessed are precisely the qualities that all of us will need to face the challenges of the future. By his example and his influences throughout our society, George Meany leaves a legacy of progressive activism which will continue well into the 21st century.•

• Mr. ROE. Mr. Speaker, I take great honor today in joining my colleagues in saluting George Meany, a man who leaves a record of unmatched achievements in the annals of the American labor movement.

George Meany was a giant on the American scene. His efforts over the past 25 years as president of the largest labor organization in the free world helped better the lives of millions of workers.

He was a man of dedication and strength who fought all who stood in the path of his objective to protect the interests of the American worker. George Meany had no qualms about fighting either Presidents of the United States or his fellow labor leaders in seeking the "best" for the working man and woman.

While Meany would often repeat that as president of his union he had no authority to negotiate a contract, call a strike, or tell the rank and file how to vote, his opinions on key issues were legendary in their influence. For example, in 1978 he made the statement that postal workers had been given a "raw deal" in a contract offer. Soon after he uttered those words, the contract was soundly defeated.

His greatest labor accomplishment was the successful merging in 1955 of the rival American Federation of Labor with the Congress of Industrial Organizations. But perhaps the victory he was most proud of was his highly important role in helping secure congressional passage of the civil rights bill of 1964.

George Meany was a man for all the people and his efforts in that regard earned him a worldwide reputation. His Holiness Pope John Paul II, in a meeting with him during his historic visit here last year, told the labor leader: "You do good work for your people."

George Meany will be sorely missed. He rose from Irish slums in the Bronx to become the Nation's most powerful labor leader. And during that journey he helped make America a better place to live and work.

• Mr. DERWINSKI. Mr. Speaker, I join this afternoon in eulogizing a great symbol as well as a genuine giant of the American labor movement for much of the 20th century, George Meany. During his illustrious career, George Meany was a tower of strength in influencing the free enterprise system and in safeguarding our democratic principles.

Tough, blunt, and even undiplomatic at times, George Meany was always dedicated to the needs of the labor force. His passing leaves a serious void in the ranks of organized labor. We can only hope that his successors will never lose sight of the legacy he bequeathed to the working men and women of America and of the world.

George Meany believed that our Nation's defense should be second to none. He used his experience and his position to influence such policy decisions that would affect international affairs as well as domestic issues. A fierce patriot, Mr.

Meany was always in the forefront in the battle against Soviet aggression. In his list of priorities, his country came first.

The success of the Marshall plan in Western Europe was owed much more to the efforts of Mr. Meany and his associates than was ever fully recognized. He abhorred Communist efforts to misuse and abuse the labor movement.

George Meany was respected by all for his courage to speak and act on his convictions. His contributions to his country will long stand as a remembrance of his outstanding mark on history.●

● Mr. HANLEY. Mr. Speaker, I rise to add my voice to those honoring a giant in the history of the American labor movement. With the passing of George Meany, freedom has lost a friend.

George Meany's 24-year presidency of the AFL–CIO is a textbook study of the improving conditions of the American worker. Although he came from the ranks of skilled craftsmen, he tirelessly dedicated himself to the betterment of the lives of all American workers.

Throughout George Meany's presidency, AFL–CIO maintained a broad and generous definition of public interest expressed in its support—always vigorous, frequently crucial—for the volumes of social legislation that most Americans now take for granted. While always a spirited advocate of the American worker, he also firmly endorsed the American capitalist system. He was one of the labor officials who recognized early the nature of the Communist Party, and fought off its attempts to capture unions. In the 1950's, he moved the AFL–CIO into a fiercely anti-Communist position on all issues of foreign policy, but he understood equally well the nature of Senator Joseph McCarthy's anti-Communist campaign, and kept his distance from it.

Throughout the late 1950's and the 1960's, George Meany steadfastly wielded the considerable legislative clout of his giant organization in behalf of civil rights legislation being considered by the Congress. Under him, the AFL–CIO carried on a continuous political campaign to make the process of earning a living easier, healthier and more humane for all.

George Meany was a man of deep compassion, conviction and strength. During Pope John Paul II's historic visit to the United States last October, His Holiness met George Meany and said to him, "You do good work for your people." A higher tribute could not be paid to this towering figure whose efforts will continue to benefit millions in the years to come.●

● Mr. DIGGS. Mr. Speaker, George Meany is a classic example of upward mobility within a democratic society. Only within that kind of a political structure could a person rise from a humble origin to a role of such significant influence.

His life further demonstrated how the labor movement has expounded its interest far beyond question of wages and hours and mundane working conditions into related matters which have a bearing upon the conduct of domestic and foreign affairs throughout the world.

Additionally his involvement in the economic problems of the worker made him a prime factor in national leadership decisions affecting the great social and political controversies of our times. Here, too, he met the test for fairness and displayed his renowned characteristics of tenacity and candidness.

Mr. Speaker, not many people in the 13th Congressional District of Michigan had the privilege of meeting George Meany. Their contact with the AFL–CIO is through local union affiliates and Tom Turner who heads the Metropolitan Detroit office. However George Meany's stature and commitment to a better life for the worker was known to a broad cross section of people I am honored to represent.

It is with genuine respect, therefore, Mr. Speaker, that I join in this tribute to George Meany, a great humanitarian. May generations to come draw inspiration from his achievements.●

● Mr. MOAKLEY. Mr. Speaker, on January 10 at 10 p.m., George Meany, the voice of American labor, passed away.

I have had the privilege of working with Mr. Meany since I came to Congress in 1972, on a variety of issues critical to the economic well-being of laborers in Boston, in the Commonwealth of Massachusetts, and throughout the Nation. It would be incorect to say that I knew George Meany well; few persons were able to actually befriend this gruff-spoken, iron willed, but often self-effacing, man.

George Meany will best be remembered, not personally, but rather by his outstanding accomplishments in the American labor movement.

Premier amongst these accomplishments was the merger of two vastly different and often competing labor organizations; the American Federation of Labor and the Congress of Industrial Organizations, forming the 15 million-member AFL–CIO. Meany also figured predominantly in the passage of much civil rights legislation, most notably title VII of the Civil Rights Act, barring discrimination in employment.

Among his lesser known credits, perhaps, George Meany, in his fight against corruption, instituted the first "house cleaning" in the history of the labor movement. While president of the New York State Federation of Labor, Meany helped to push through New York's first unemployment insurance law.

Even though the integrity and personality of George Meany were central to his success as a labor leader, his greatness was due in large amount to his ability in perceiving the interrelatedness of labor problems with broader social issues.

Meany fought for the basics: Higher wages, shorter hours, and safer working conditions. He was a staunch believer in the American way of life, only advocating change within the existing socio-economic system.

As a result of Meany's determination to provide the rank and file with economic dignity, the American worker now has the highest standard of living among the world's workers.

Mr. Meany possessed a keen wit, a sharp tongue, an unbreakable will and an almost infallible memory, all of which he used to the benefit of labor everywhere.

An enemy of totalitarianism of all kinds, George Meany leaves America the legacy of a more just, equitable, and freer society.

A comparison of George Meany to Samuel Gompers is inevitable and fitting, as Meany has surpassed even the accomplishments of labor greats such as Walter Reuther and John L. Lewis.

Meany embraced Reuthers' vision that the labor movement was at the forefront of social change. While always tempering that vision with conservative pragmatism.

I join with Meany's daughters, Genevieve Lutz, Regina Mayer, Eileen Lee, grandchildren, and the American people in mourning the passing of this great man. He was living proof that a single outstanding person can positively affect the course of social history.●

● Mr. ROYER. Mr. Speaker, I commend my colleagues, Mr. WEISS of New York and Mr. THOMPSON of New Jersey for having this special order to honor a great American. George Meany spent 60 years in the labor movement, dedicating his life to the improvement of conditions for the workingman in this country. He sought no special gain for himself, and disdained the trappings of power that his position afforded him. All he asked was that the workingman be given a greater share of the enormous wealth that America produced. In this endeavor there can be no doubt that George Meany's career was a huge success.

But what is especially telling about the man was his extraordinary integrity. He was totally dedicated to his vision of labor's place in American life. He did not make short-term compromises which would have deflected him from his long-term goals. He saw himself as a leader, not only of the organized portion of American labor, but the unorganized part as well. Finally, he displayed a deep compassion for the underdog in our society. Much of the social legislation of the sixty's would not have been passed in its current form without the support of this titan.

He was able to realize these dreams for the American workingman because of his telling gifts of leadership. Certainly many of labor's goals could not have been achieved if George Meany had not been at the head of the AFL–CIO, an organization brought about by the merger of the AFL and the CIO in 1955. It is an often overused phrase, but in this case it is apt; for the American labor movement, George Meany was the indispensable man.●

● Mr. ZABLOCKI. Mr. Speaker, Samuel Gompers, the founder of the American Federation of Labor, said that trade unions were formed:

> To protect the workers in their inalienable rights to a higher and better life . . . to secure to them the right to be full sharers in the abundance which is the result of their brain and brawn, and the civilization of which they are the founders and the mainstay.

Dedication to that principle, and a life's work toward it, was carried forth by the late George Meany. Through his leadership, American workers realized the fruits of their efforts and reached, in fact, the highest standard of living in the world. This country—its workers and all its people have suffered a great loss in the passing of George Meany.

While attending George Meany's wake and funeral, I grieved along with individuals of all walks of life: President Jimmy Carter, members of this administration, Members of Congress, renowned leaders of this age and years past, foreign dignitaries, statesmen, and above all, the hundreds of workers who came to pay their last respects. The latter particularly came to honor the man who, for more than two decades led them forcefully, yet honorably, and assisted them in obtaining hard-earned benefits. This man, this plumber from the Bronx, commanded the respect and gratitude of persons of all backgrounds, colors and creeds.

Mr. Speaker, over the years, George Meany stopped by my congressional office from time to time. In discussing legislative issues, I was always impressed with his mastery of national economic issues as well as foreign affairs. He was refreshingly gruff, to the point, and often used a favorite word, "baloney." Yet his unusual straightforwardness was based on a comprehensive foundation of what was best for this country in the domestic realm and in international relations.

A couple of instances come to mind. One, when Mr. Meany was in to see me about the possibility of our Government reentering the ILO. He minced no words in registering his disapproval. Another occcasion was when we discussed the U.S. policy on violation of human rights. Puffing on the newly lit cigar I offered him, he let out a bellow of smoke that to some degree almost matched the criticism of U.S. policy in this regard:

> Mind you I am 100 percent for basic human rights—

He began—

> but our (United States) hard line toward the two-bit banana republic dictators is not matched with the policy toward the big dictators and large countries. We don't take on the big bear with similar determination nor are we objecting to violations of human rights on the part of England in North Ireland. And then—the People's Republic of China—does that country have a record of human rights? But we complain of violations in Taiwan. My God, those guys in Foggy Bottom are really something. And some of you fellas on the Hill need an education. Present company of course excluded.

He added after another big puff of his cigar—

As you know, Mr. Speaker, George Meany on these occasions was lecturing/preaching to the Chair. Of course, I wholeheartedly agreed with assessments. We usually agreed.

Meany never lost sight of the immediate goals of the AFL–CIO, namely, better wages and working conditions, but he worked within the framework of a sound political system and recognized the importance of foreign affairs and trade to the American worker.

Mr. Speaker, in remembering George Meany, I emphasize three traits which this great man carried: power, patriotism, and courage.

He was one of the most powerful men of the century, but he wielded that power with honesty, integrity and honor. When necessary, he went to the top. He worked with eight Presidents and was never hesitant to tell any of them exactly what he thought. He knew that his 14 million members carried weight and he was willing to use that leverage when fighting to raise the workers' standard of living.

His patriotism was unquestioned. George Meany despised communism almost to a fault and was a staunch supporter of democracy. As far back as 1945, Meany went before the British Trades Union Congress meeting in Blackpool, England, and denounced the World Federation of Trade Unions as an agency destined to become a Communist front. This prophetic speech helped to expose the plans of the Communist International to use the WFTU as an instrument for subversion of free labor movements throughout the world.

His prophetic pronouncement on that occasion was but one of many which demonstrated that he was courageous enough to voice opinions that sometimes were controversial even among his own labor experts. On occasion he questioned the high costs of strikes and suggested that labor and management might make prior agreements to abide by terms set by a third on deadlocked issues. He spoke out on issues that some individuals deemed outside of the realm of labor. But Meany was always ready to defend his well-thought-out opinions, no matter who challenged them.

Mr. Speaker, George Meany was a man who gave his talents, totally and selflessly, for the betterment of the workingman. He fostered one of the most powerful, strongest, and responsive labor movements in the world. We owe him a great debt, for this country is indeed a better place, thanks to George Meany. As Lane Kirkland said, "He left us with much more than memories of a strong, warm, and compassionate man. His legacy is the AFL–CIO itself."

Mr. Speaker, we are saddened by the passing of George Meany and I extend my heartfelt sympathy to his daughters, Genevieve, Regina, and Eileen, his grandchildren, and his entire family.●

● Mr. RHODES. Mr. Speaker, there are very few times when the ending of an era is sharply defined. The death of George Meany clearly marks such an historical event.

George Meany was a unique American institution. He spent a half century in the labor movement, and was a mover and a shaker, both in unifying unionism, and in battling for the causes in which he believed so deeply.

George Meany and I frequently found ourselves on the opposite sides of national issues, but we still were friends on a personal basis. I cherished this friendship throughout the many years I knew him.

George Meany was a man of candor who could present his case with earthy precision and without equivocation. He came up through the labor movement during tumultous times, five decades of change and progress in labor relations, from confrontation to negotiation.

I share with the members of organized labor a sense of loss that George Meany has passed from the scene. Our Nation is the richer for his dedicated service to the workingmen and women of America.●

● Mr. KEMP. Mr. Speaker, I am pleased and deeply honored to join my colleagues in eulogizing George Meany, one of the greatest and most productive leaders America has ever known.

In the words of my friends in the New York State labor movement and all who knew him, George Meany was a "giant" in the best and most positive sense of that description.

His accomplishments, during his lifetime, and the legacy he has bestowed upon us and future generations, have indelibly enshrined him as the unrivaled, uncompromising champion of not only better wages, more decent working conditions and fuller opportunities for the workingmen and women of our Nation but much, much more.

Above all, George Meany was a truly great American. He was an ardent patriot and an implacable foe of communism, even when others were lulled into complacency when the Soviets wore the thin, disguising cloak of détente.

It was George Meany who prevailed against efforts to take the AFL into the World Federation of Trade Unions, contending 35 years ago it would be wrong to affiliate with a body which admitted Soviet unions. Consistent with his abiding belief in human rights, it was the AFL–CIO, under the leadership of George Meany, who sponsored congressional meetings with Alexandr Solzhenitsyn when détente minded others initially shunned the courageous foe of Soviet oppression.

George Meany, who threw back attempts of Communists to subvert America's labor unions, understood, better than most, when Solzhenitsyn spoke of what détente had meant for his friends in the Soviet Union: the strengthening of the state's oppressive hand against them, the dangerous and unprecedented growth of the Soviet military force and subversion outside Soviet borders.

The brutal invasion of Afghanistan simply substantiates George Meany's acute perception.

George Meany, the son of a plumber, a plumber himself in his younger days, and a man of the street, understood opportunities of a free-enterprise system, free-union elections, and the imperative to both preserve and expand American freedom.

Under his guiding hand, organized labor helped to propel, first with President Kennedy and then President Johnson, congressional enactment of the 1964 Civil Rights Act and its historic, equal employment provisions.

Many of us had disagreements with George Meany. But on most basic issues, we agreed. Every American benefited from his relentless and fearless efforts against corruption and attempts at corruption, in unions and in the halls of government. Quite literally, George Meany made unionism work, for his members, the free economy and the uplifting of the quality of life and dignity of every American.

He had the unique quality of being able to get the ear of a President and the most powerful policymakers of our Nation while listening attentively to the voices, individually and collectively, of the American people.

Until the end, George Meany was never too old nor too busy to learn. Nor did he ever shrink from speaking out in defense of his beloved country, the working people he was entrusted to represent, or the disadvantaged for whom he had boundless compassion.

Cynical of big, bureaucratic Government and its ability to deliver the hollow promises of misguided, even well-meaning politicians, George Meany had the strength of character to call programs and their proponents the way he saw them.

In what was often characterized as his "gruff" but incisive way, he had the knack of seeing through ambiguities to the heart of issues and events. More often than not, he was proved right.

George Meany could bargain, cajole, and reason. Yet he exercised amazing and effective patience in the pursuit of worthy, ultimate goals, not for himself, but for the Nation and the people he served.

A devout Catholic, George Meany faithfully adhered to the Christian-Judaic tenets of brotherhood, truth, and honesty in his dealings with all, and in his personal life. He was a devoted father and a zealous believer in the sanctity and responsibilities of the family. By his deeds, all of us were a part of George Meany's American family.

Most appropriately, the President ordered the lowering of the Stars and Stripes on all Federal buildings, grounds, and naval vessels in memory of this extraordinary patriot. That George Meany, by his life of dedication and service to his country, has left a bright star of example for us to follow, we all agree.

What we can best do in his memory is to uphold the principles of strength, defense of freedom and the expansion of opportunities, to which he devoted a lifetime. We must reward, as George Meany strived so hard to do, the labor of the workingmen and women of America. We must not excessively tax, by omission or commission, the fruits of their labor. We must fight and discard big government overregulation which thwarts the expansion of the American economy, the greatest engine of production in the history of the world.

For the laboring people and the country George Meany so passionately loved and served so superbly, we cannot fail.

Mr. Speaker, the love, the countless contributions, the positive passion, and the great American dream of George Meany live on. For this and his journey with us, we are much the better.●

● Mr. CONTE. Mr. Speaker, I would like to join my colleagues in paying tribute to George Meany, truly one of the great Americans of this century. His passing on January 10 may have marked the end of his lifelong career in the labor movement, but his legacy lives on in the AFL-CIO.

A union member for 63 years, Meany's career began in New York when he was enrolled in the local plumbers' union. His rise to the top of the AFL, and his success in creating the AFL-CIO, is a story that will surely place Meany in history books as a legendary humanitarian figure of the 20th century.

Meany's capacity for kindness definitely began at home. He was a devout Catholic, a devoted husband, and a loving father and grandfather. His compassion, his honesty, and his determination that were rooted at home became manifest in his lifetime struggle to better the quality of life for the American worker.

I was a union member in the 1940's, and, in judging from workplace conditions for Americans today, I can attest to the great strides that Meany and the AFL-CIO have made just since then. The unions have had to face fierce opposition; threats to life and home have not been uncommon to union organizers. Today the struggle continues; there are still many battles to take on.

Millions of Americans owe their lifestyles, and indeed their lives, to the worker's champion, George Meany. Through his life's work, he challenged the average American worker to band together with others like him to work for the common good. Meany gave his talents selflessly, and needs no monument to his memory—he leaves behind the legacy of his work and the successes of the AFL-CIO in championing our American workers.●

● Mr. ANDERSON of California. Mr. Speaker, there are few Americans who would fail to recognize the name of George Meany. A former plumber from the Bronx, Meany became a powerful spokesman for workingmen everywhere in our Nation.

He was a strong advocate for the free-enterprise system. He believed it could work best when the workingman was adequately represented in the political and business arenas.

Having played a central role in the 1955 merger of the AFL and the CIO, Meany became the new organization's first president, helping make it politically powerful and tremendously effective.

We will miss George Meany, because he was an important public figure who genuinely cared about and worked on behalf of the American workingman. Not only will he be missed by those involved in the labor movement, but all Americans will feel the loss of a man who played an important role in national politics. I join with my colleagues in expressing sympathy to the family of George Meany.●

● Mr. GUARINI. Mr. Speaker, today I join my distinguished colleagues in remembering one of the great labor leaders of our time.

George Meany, who died 2 weeks ago at the age of 85, left a legacy of accomplishments which is unparalleled.

For nearly a quarter of a century, he headed the AFL-CIO, the alliance he forged out of more than 100 diverse unions and which today represents millions of workers across the country.

George Meany made numerous contributions to his country, but perhaps his most singular contribution was bringing the voice of working men and women from the factories, offices, and construction sites of this Nation to Washington, and the highest levels of Government—the Congress, the Federal agencies, and the White House. With unfailing perseverance, he kept the faith, expressing with clarity and forcefulness the concerns of workers, whether or not they carried a union card. He championed their cause with respect to such basics as safer working conditions, higher wages, a shorter workweek, and he lent the prestige and influence of the AFL-CIO to a variety of progressive legislative initiatives.

The AFL-CIO will miss George Meany's extraordinary leadership and the Nation as a whole will miss his strength, vision, integrity, and compassion.

Thank you.●

● Mr. PASHAYAN. Mr. Speaker, when the history of the American labor movement in the 20th century comes to be written, no man will be set forth above George Meany. Garrulous, witty, incisive, demanding, he strode mightily in the affairs of the Nation for a half-century, and brought the labor movement to the highest echelons of Government.

Born to a working class family in New York City in 1894, George Meany took labor by storm. Working as a plumber in 1910, he rose through the ranks of New York City's Local 463 Plumbers Union where he served from 1922 to 1934 only to become president of the New York State Federation of Labor in 1934. As the president of the American Federation of Labor in 1952, he worked arduously in joining the Federation with the Congress of Industrial Organizations. Once that dream was won in 1955, he became its strong and able leader until his retirement last year.

Few men have led as long and fulfilling a life as George Meany. Fewer still, however, have made the kind of lasting impact that George Meany has left on American history. To his family and to the labor organizations he help found, I extend my sincere condolences.●

● Mr. PATTEN. Mr. Speaker, George Meany was not a mere man, he was an institution that will live in perpetuity. He was an adviser to Presidents and the Congress. He was also a true friend of mine.

George Meany rose from an apprenticeship in the plumbers trade to become labor's most powerful and respected spokesman. It was at Plumbers Local No. 2 in New York that I first came to meet this man. It was clear even at that time that George commanded the respect and admiration of his colleagues. One in particular, my own brother, a fellow member of local No. 2, called my attention to this great man.

Not only was George a hero to members of his union, he was an inspiration to the entire Nation. Both management and labor knew him well. George recognized that management and labor had more interests in common than they had apart, and he worked long and hard to achieve industrial peace.

George was the spokesman for freedom

from Communist oppression all over the world. Because of his contributions to world peace and freedom, Meany was twice named by President Eisenhower as a U.S. Delegate to the United Nations General Assembly. There he represented people of all affiliations. Domestically, he also spearheaded the movements for social legislation, and worked to break down the racial barriers in and out of the labor market.

In short, through George Meany's leadership, all American workers were extended their share of the promise, prosperity, and reward which is part of our great Nation. Our Nation's history and the history of the international labor movement will forever record the accomplishments of this great man.●

● Mr. VENTO. Mr. Speaker, America has lost a good friend, a loyal defender, and a great leader.

George Meany was many things to many people. To business, he was the tough negotiator who understood and respected the capitalist system and worked within its framework. To Presidents, Senators, and Members of Congress, he was the confidant and the vigorous watchdog of the rights of the poor, the workers, and even the middleclass. To the labor community, he was the hero and the champion of their every cause and effort. He epitomized working America.

I admired George Meany and trusted him. His longstanding, unequivocal commitment to working men and women was unmatched. His strenuous efforts for the human rights and human dignity of all peoples brought him international recognition and acclaim.

George Meany will leave a lasting impression on our Nation. I hope we can carry on his efforts to protect the rights of workers, both union and nonunion, and of all Americans.●

● Mr. BIAGGI. Mr. Speaker, I am proud to join my colleagues today in paying tribute to one of our Nation's greatest patriots and leaders—George Meany. I take special pride in saluting this legendary labor leader because he comes from my district in the Bronx, where he began his career at the age of 16 as an apprentice plumber.

History will record that he died on January 10, 1980, and while all of us who knew him and his work mourn his death, we are comforted by the fact that his legacy will live on for years to come.

He will be remembered each time we consider legislation dealing with such issues as minimum wage, civil rights, improved health and safety standards in the workplace, or pension benefit guarantees—causes of which he championed.

He will be remembered each time we reflect on the strength and good of the American labor movement, and particularly the AFL–CIO, which he protected from Communist penetration and the influence of organized crime.

He will be remembered for as long as ours is a democratic society. George was totally committed to democracy, and everything it stood for, including the ballot box, the legislative process, and the freedom to assemble and bargain collectively.

We could go on and on because George Meany did not limit his areas of interest or leadership. He was involved in anything and everything that affected the working class, including politics, foreign affairs, and in more recent years, he focussed his efforts on our Nation's energy problems.

George Meany's distinguished and active career officially ended on November 19, 1979, when he retired as the first president of the AFL–CIO. At that time, George reminded us of an important philosophy that he adhered to:

> To achieve our goals, the labor movement cannot be content with defending the status quo, or reliving past glories. We must constantly look to the future, develop new leadership, adapt policies to changing conditions and new technologies—but—always, always—with unswerving loyalty to the mission of the trade union movement as the instrument for improving and enhancing the working and living conditions of those who work for wages.

As we mourn the death of this great American, George would want us to remember that philosophy. In death, it is natural to recognize a person's accomplishments. However, it would be inconsistent with George's philosophy to reflect upon his past glories. Rather, we should look to the future and see what we have to look forward to as a result of George Meany's life.

George worked hard to achieve the AFL–CIO's current status, and he was careful to mold a leadership base that would carry on in his tradition. With this in mind, it is easy to predict that someday soon such goals as national health insurance, full employment, equal rights for women, and labor law reform will be obtained.

These accomplishments would be appropriate testimonials to the positive vision George Meany had for America.●

● Mr. KOSTMAYER. Mr. Speaker, the death of George Meany is a loss to all Americans and particularly to those who sought to improve the lives of our Nation's work force.

Beginning as a plumber in the city of New York, he rose to head this Nation's labor movement and was its guiding force for nearly a quarter century.

His life was dedicated to those who labor in our Nation's factories, mines, mills, and offices.

Meany's greatest accomplishment was the unification of the American Federation of Labor and the Congress of Industrial Organizations. In creating one powerful and active organization from the two often warring factions, he was truly able to speak for American labor during his years as the first and only president of the AFL–CIO.

He fought for a better life for the American working man and woman, seeking higher wages, job safety measures, and job security. He was often controversial and critized, but never quiet on issues affecting labor.

Few men have contributed more to our country during their turbulent lifetime. George Meany was a giant, and he left his country, which he loved fiercely, a stronger, safer, and better place for all of us to work and live.●

● Mr. ALBOSTA. Mr. Speaker, both America and Americans lost a great man when George Meany died at the age of 85 on the night of January 10, 1980. Up until only 3 months ago, George Meany had ruled the AFL–CIO with an iron hand for 24 years.

Known for being extremely straightforward and honest, it was largely because of his expertise as an organizer and amalgamator that the AFL–CIO remained strong and united. He was a skilled lobbyist, an innovative executive, and a crafty legislator.

George Meany was labor's voice in Washington. He was a tenacious advocate of the American worker and the American form of capitalism. Through his efforts civil rights legislation was increasingly considered by Congress. He was a champion of the cause for equality and justice as the President of the AFL–CIO.

Originating from a humble background as a plumber in New York, Meany eventually became the friend, foe, and watchdog of eight American Presidents. His efforts for uniting the AFL and the CIO in the historic merger of 1955 will long be remembered by Americans. But no one should ever forget the man's determination, his wisdom, and his wish for America to be continually blessed.

Dorothy and I would like to express our sincere, heartfelt sympathy to the George Meany family. He was truly a renowned man of great stature.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I rise to speak about George Meany. People will be speaking about George Meany for a long time. He was a giant of a man, a man who knew what leadership was, what organization was, and knew what dedication was. Unquestionably—and there is little in contemporary America that is today unquestionable—George Meany was the preeminent force in American labor for the past quarter of a century and a real force in the development of the American labor movement for the past 50 years.

He will be missed. And his values will be missed. It is ironic that he should die at a time when Soviet aggressiveness is at its most visible for he, as much if not more than any other responsible American leader, continuously and publicly warned about the dangers posed to the free world by the Soviet state. I fear that in the days and months and years ahead that the same kind of toughness and pugnaciousness which characterized George Meany's feelings toward the Soviet Union will indeed be necessary attitudes for all of us as we face the Soviet threat.

Yet, even though he was a man of toughness—a man indeed of granite as the new AFL–CIO President Lane Kirkland recently described him—he was fair and he was honest. He believed in individual and organizational integrity and practiced his belief. He was—in a very real way and, indeed, in a way which perhaps was a function of our society at the turn of the century in which his character was forged—a fundamental man.

The millions for whom he spoke in organized labor will miss him. The millions more outside organized labor who benefited from the gains of organized labor he engineered will miss him. And America will miss him, his toughness, his persistence, his leadership.

America has lost a guiding light.●

● Mr. CORRADA. Mr. Speaker, I am pleased to join my colleagues TED WEISS and FRANK THOMPSON in this special order honoring George Meany, late president of the AFL–CIO.

In his lifetime of public service, Mr. Meany laid the cornerstone of the labor movement in America with constant concern for the well-being of the workingman. Puerto Rico unites with the mainland in lending tribute to this man whose life touched so many and whose selfless dedication to the furtherance of employees' rights has irrevocably changed the direction of American labor policy.●

● Mr. LONG of Louisiana. Mr. Speaker, the likes of George Meany will not soon appear again. But how lucky are America's workingmen and women to have had him guide the American labor movement through the last six decades. George Meany as "Mr. Labor" and his efforts brought immeasurable benefits to the lives of America's workers and enhanced the cause of freedom throughout this country.

George Meany was a man of unflagging integrity. Throughout his life he continued to fight for equity and justice for all Americans. His advocacy of the interests of America's working class was combined with his fervent anticommunism and support of the American free enterprise system. He used his keen understanding of the relationship between politics and legislation to help advance every major piece of civil rights legislation enacted.

George Meany will be long remembered for his efforts and his successes on behalf of all Americans. He will be sorely missed.●

● Mr. VANDER JAGT. Mr. Speaker, earlier this month, the United States lost one of its greatest national figures, George Meany. Despite our political differences, I am honored to have this opportunity to pay tribute to one of the greatest patriots and leaders in American history.

No one can challenge Meany as the greatest leader in the American trade union movement. He joined the union on January 10, 1917—exactly 63 years from the day of his death at age 85—as a plumber in New York's Local 2. But Meany was more than a plumber, he was a builder. After his rise through the ranks of union leadership, he was able to architect the merger of the AFL and the CIO, then direct the AFL–CIO for 24 years. During this period of his stewardship at the AFL–CIO, American workers made great gains in their working conditions and standard of living, and the organization itself became the strongest trade union in the world. He passed on the leadership of the AFL–CIO, but he will never be replaced.

But Georgy Meany was more than a great American trade union leader, he was a giant in the international labor movement. Workers from around the world have been inspired and influenced by him and his never-ending support for democratic trade unions which would not be dominated by communism or totalitarianism.

Above all, George Meany should be regarded as a patriot. The direction he led the American union movement—away from communism and toward international democracy—has had an unestimable influence on the history of the United States. His abhorrence of communism and totalitarianism in all forms is a legend. If there has been anyone in the United States with the courage to stand up in defiance of Communist aggression, it has been George Meany, usually in the bluntest of terms, never mincing words.

No, George Meany was not a diplomat in the truest sense, but he is among the greatest of world leaders. He has advised seven Presidents, and all but the current one have come and gone while the institution of George Meany continued.

Now, the life of George Many is gone—a life richer than almost any other in terms of accomplishment. But the labor and influence of George Meany will live on.

The eulogy of new AFL–CIO President Lane Kirkland, which I read in the most recent edition of AFL–CIO News on the passing of his dear friend says it best. It reads as follows:

> FARE THEE WELL
>
> "The whole earth is the sepulchre of illustrious men."
>
> So it was said on such an occasion in a golden age many centuries ago. And so it is now with George Meany.
>
> There were no boundaries to his mind and spirit, save those of his own constant principles.
>
> There is a Book here which tells us that wheresoever men are in chains, we are bound with them. George Meany endeavored to live by the full scope of that Writ.
>
> Strangers did come and try to teach him their ways. Some, indeed, scorned him just for being what he was. But they came and went and George Meany abided.
>
> Certainly he was not of the right. Surely he was not of the left, nor was he anchored in the center. He stood above such transient categories in resistance to all power directed against the rights of man and woman, and in affirmation of the role and the interests of plain people.
>
> And it is to the honor and the credit of this trade union movement that we clung to his leadership as long as we could; that we kept him as long as the Lord would let us, for he was, to his last day, the best there was.
>
> For many years he presided with a gavel and a wooden block made and given him by the Carpenters' Brotherhood. His last light tap of that gavel, before he yielded it, split that old battered block apart—a sign, perhaps, of the honorable completion of his apprenticeship here and of an impending summons to a higher call.
>
> That call came 63 years to the day of his admission to membership in the United Association that was his pride.
>
> Now he is young and strong again, free of pain, blessed with a rich store of grace, starting over with the steadying—and, when needs be, humbling—force of Eugenie at his side.
>
> And we now have faith that better days lie ahead for the working people of America, and of the world, because George Meany is up there, negotiating the matter with God.
>
> Now we take our last leave of what remains of him here.
>
> Goodbye, George. Fare thee well.●

● Mr. FARY. Mr. Speaker, on January 10 of this year, America and the American labor movement lost a man who had contributed greatly to the well-being of the working people of this country. We lost a man who was the prime mover and architect of the merger that created the AFL–CIO in 1955 which united the principal factions of American labor. This united free trade union movement which allows working people throughout the country to speak with one voice now stands as an enduring monument to its creator, George Meany.

George Meany's trade union principle revolved around the right of workers to organize into unions for the purpose of addressing their employees with a united voice. This principle of collective bargaining must remain strong in order to give the American workers the unity and consolidation they need to address the issues of wages, benefits, and health and safety conditions. This same unity and strength is needed in the future as the labor movement advances to organize workers in the South, workers in the service industries, clerical workers, and white-collar workers. This same unity is needed on national scale as the labor movement addresses legislative issues which affect all workers. These include such issues as job safety, assisting disabled workers, export of jobs, jobs for the unemployed, social legislation in health care, education, housing, and taxing windfall profits.

We praise George Meany as a man of strength, forcefulness, and compassion and as the man who constructed the strongest, most democratic, most independent labor movement in the world. Let us also take the time to praise the American labor movement which this man represented. Let us praise both the leaders of past and present and the rank and file. Through their struggles and victories of the past and ongoing work of the present, they are working to enhance the quality of life for all working Americans.●

● Mr. CLINGER. Mr. Speaker, George Meany will be sorely missed in my district—the 23d of Pennsylvania.

Last week's news was hard to believe—George Meany, the energetic, fierce defender of the workingman's rights, had died. But even in these dark days of mourning, George Meany's tremendous accomplishments continue to brighten the paths of all workers.

Americans will never forget Meany's role in bringing about the extraordinary merger of two great unions—the AFL and the CIO. Although many in 1955 predicted that it would be almost impossible to hold together the over 110 unions under the AFL–CIO umbrella, Meany was immensely successful in creating common bonds that continue to grow today.

But George Meany never lost sight of the overriding objective—to get the American worker a square deal. He succeeded admirably: The American worker remains the world symbol of resourcefulness and productivity. But Meany's concern for the worker stretched far beyond national boundaries—particularly to country's ruled by oppressive regimes.

I, on behalf of the constituents of Pennsylvania's 23d District, offer my sincere condolences to the family in mourning. I also offer my best wishes to the new AFL–CIO president, Mr. Lane

Kirkland, in his future efforts to expand the hard-fought progress made by the late George Meany.●

● Mr. JOHNSON of California. Mr. Speaker, I was greatly saddened at the recent loss of George Meany, who for so many years has been the driving force behind the growth and influence of the American labor movement.

The United States and George Meany grew up together. While one became a nation which demanded respect and received it, the other became a man who insisted upon the power of labor and obtained it. Born the son of a plumber at the turn of the century, George Meany realized that the working conditions of the American laborer could not be improved through the tools of his trade, but rather through the organization of these trades. Being knowledgeable of this organization, he helped guide the administrations of eight American Presidents, beginning with Franklin D. Roosevelt. Through his hard work, we have all become more aware of the contributions of the blue-collar worker in America.

George Meany's concern was not limited to the labor industry, but encompassed the realms of social legislation, economic policy, and foreign affairs as well. He was, first and foremost, a concerned American, and used his position to take care of the many workers he represented.

Envisioning full unity of the labor industry, George Meany took steps to combine the energies of the American Federation of Labor and the Congress of Industrial Organizations, resulting in the AFL–CIO merger in 1955. His knowledge of the link between politics and the welfare of the American worker spawned such benefits as improved unemployment compensation, medicare coverage, and wages. Recently, he had been concerned about the effects of unemployment and was very much interested in various antirecession measures.

As George Meany has surely been described in every superlative available, I can only add my personal testament to his accomplishments as both a tough AFL–CIO chief and as a man who cared passionately about his country and his fellow citizens. My wife Albra and I extend our deepest sympathy to his family and friends.●

● Mr. RATCHFORD. Mr. Speaker, as we begin the 1980 session of the 96th Congress, and turn our attention once again to the national issues before the House which so deeply affect working men and women across the Nation, we can only begin with a sense of sadness and loss.

We begin with this sense of sadness because we have lost one of the great champions of the labor movement, a rare leader who added so much to the cause of improved safety and living standards for working men and women. On January 10, with the loss of George Meany, an historic era for labor in the 20th century has drawn to a close.

Of course, we will go on fighting in the 1980's—George Meany would not have it any other way. And the challenges before us—the challenges before the labor movement in America—are as great, if not greater, than those of the past three decades over which George Meany presided. Yet we shall never forget the great contributions of George Meany, which have brought organized labor so very far in its pursuit of safe and rewarding work opportunities.

Reflecting on the life of George Meany, it is remarkable to remember that he began in a situation identical to those of the working men and women for whom he dedicated his life's work. The son of a Bronx plumber, Meany worked his way through the rank and file as the business agent of New York City Plumbers Local No. 463, rising to secretary-treasurer of the American Federation of Labor in 1939 and president of the AFL in 1952. His life story will forever remain an inspiration to us all.

The accomplishments of George Meany were simply amazing—for a man who survived eight U.S. Presidents and charted the path of countless bills through Congress, it is impossible to summarize his achievements in this brief tribute. In the labor movement, he may be most remembered for his landmark success in reuniting American labor in the AFL–CIO merger of 1955, and perhaps more importantly for holding that union umbrella together through 24 years of strain and controversy. Yet for working men and women all across the Nation, the great strides which George Meany brought in job safety and living standards will long be felt and enjoyed.

The labor movement now faces new challenges in the 1980's—challenges which will be all the more difficult because of the absence of George Meany. The friends of labor must constantly turn to his memory, to his commitment and dedication, in fighting the battles of the future and preserving the victories of the past. But the struggle will never seem quite the same without the outspoken and courageous plumber from the Bronx.●

● Mr. FLORIO. Mr. Speaker, our Nation has lost one of the truly great leaders in the history of the American labor movement, George Meany. It is now appropriate to reflect on his achievements both in the labor movement and as a leader in the fight for freedom, justice, and dignity for all men and women.

Members of all political parties can share in praise of his efforts to unify and reconcile feuding factions of labor while also promoting social progress through the influence of the organization he served as first president of, the AFL–CIO. Mr. Meany performed his work not along ideological lines, but out of a deep respect for American democracy and its economic institutions.

Born the son of a plumber's union member in New York, George Meany ascended the ranks of union leadership to a position of unequaled importance in labor affairs. During the depression he became labor's chief advocate for New Deal legislation on the State level as secretary-treasurer and later president of the New York State Federation of Labor. In this role Meany helped forge a historic new relationship between labor and the government by working closely with elected officials for a mutually determined program.

George Meany's appreciation of the link between legislation and politics, and his regard for the ideal of political compromise, made him one of the most effective proponents of progressive legislation. He will long be remembered for his efforts to have the Civil Rights Act of 1964 enacted into law.

George Meany's passing has touched us all and I am pleased to lend my voice in tribute to this great American.●

● Mr. DRINAN. Mr. Speaker, I join my colleagues in mourning the death last week of George Meany.

George Meany rose from humble beginnings to become an international symbol of freedom and hope for peoples of all colors and creeds. A tireless fighter for civil rights and human dignity, Mr. Meany sought to broaden the horizons of labor in America. Although family circumstances forced him to leave high school, he never forgot the value of an education. And in a town such as Washington, he was refreshingly frank in his language and his style.

George Meany touched the lives of millions, yet his concern was always for the individual. He saw himself as a representative of working men and women, whose only desire was to live in a land where they may speak as they please, worship as they please, and create a better world for themselves and their children. We here must continue George Meany's struggle to translate the rights affirmed by Congress into living reality. We must continue, as George Meany did, to speak out against oppression abroad. The spirit of George Meany shall live on in the hearts of all who yearn to be free. I extend my deepest sympathies to the Meany family on their loss.●

● Mr. STOKES. Mr. Speaker, at this time, I would like to thank Congressman Ted Weiss and Congressman Frank Thompson for taking out a special order so that my colleagues and I can salute a fallen warrior—Mr. George Meany. As you know, Mr Meany died on January 10, 1980.

George Meany was undoubtedly the most powerful force in the American labor movement. He was the champion of all working women and men—black and white, young and old. He never lost touch with the people he represented.

"Mr. Labor," as his comrades fondly called him, used his sensitivity to the needs of the working class and his dreams of the working man's rightful place in our society to propel this group to the forefront of the often promised "American Dream." For a generation of Americans, he personified the labor movement.

He was the cofounder and president of the AFL–CIO for 24 years until failing health forced him to retire in 1979. He was so inseparable from the labor movement that inevitably when unionized workers spoke, it was through the mouth of George Meany.

In his own rough, but persuasive style, he was a great communicator. He maintained ties with many government officials and U.S. Presidents as well as members of organized labor. But in his dealings with anyone, he was always the advocate of the workers of America. Accordingly, he was at home both in the union shop as well as in the Halls of Congress or in the White House.

His activities and interaction with government officials often transcended strictly labor-oriented issues. He played a vital role in the passage of the 1964 Civil Rights Act.

He constantly worked with all of his colleagues with his characteristic blunt candor. His goal was to keep America strong. This dedication was rooted in his great love for this Nation, its people, and the potential of the two groups working harmoniously.

It is ironic that Meany's death at the age of 85 came on January 10—63 years from the day he was enrolled into union membership in New York. But, it is a fitting tribute to a man who achieved so much for the people he loved and represented.

Mr. Speaker, we have all lost a great American and friend with the passing of George Meany. When historians record this century, they undoubtedly will note that the greatest tribute to George Meany is the American labor movement which he nurtured.●

● Mr. KILDEE. Mr. Speaker, it is with honor that I join my colleagues in the Congress in extending a special tribute of recognition to the late George Meany, who for so many years led the largest democratic labor movement in the free world as president of the AFL–CIO. This special order is a befitting gesture of honor and respect to Mr. Meany for the profound and positive impact that his great leadership had on the lives of American workers and on the vitality of the labor movement in the United States.

One can remember when and where they meet the great people of history. I certainly can remember when I met Dr. Martin Luther King, Jr., and President John F. Kennedy, and George Meany. Meeting these men who have had such a tremendous influence on American life was a memorable moment, for their lives touched all of us.

I would like to quote from George Meany's farewell address to the AFL–CIO convention of November 15, 1979, when he spoke of the goals of the labor movement, saying:

> Labor's agenda and labor's platform are the issue of human concern. Labor's goals are economic and social justice, and because human beings are fallible, achieving those goals requires ever new horizons and commands all of our energy. To achieve those goals, the labor movement cannot be content with defending the status quo, or reliving past glories. We must constantly look to the future, develop new leadership, adapt policies to changing conditions and new technologies—but always, always with unswerving loyalty to the mission of the trade union movement as the instrument for improving and enhancing the working and living conditions of those who work for wages.●

● Mr. ADDABBO. Mr. Speaker, 2 months ago, the first and, till then, only president of the American Federation of Labor and Congress of Industrial Organizations, George Meany, presided over his last meeting passing down the reins of authority to his second-in-command for the past 10 years, Lane Kirkland. Upon his retirement from a 63-year career in organized labor, Meany, appropriately dubbed "Labor's Iron Man" by Newsweek magazine, had been a moving force in the active reform of working conditions for the American laborer in a timespan that covered the administrations of this country's last seven Presidents.

Having accomplished the mission he had set out on and seeing his efforts often rewarded, the organization which he created well on the way to a promising future on the power he helped it build throughout the years, William George Meany, a one-time plumber from the Bronx, has been laid to rest. A dedicated individual whose life was exemplary of the Horatio Alger tradition, George Meany will not be forgotten.

As a leader of the Nation's largest, unified group of labor unions, Meany's work and the success of his efforts display a lifetime of dedication to the working man, leaving behind a legacy of accomplishment in the field of labor relations. Under his leadership, first, the AFL and, later, the AFL–CIO fought with determination for legislation regulating and establishing minimum wage, child labor, workmen's compensation plans, et cetera. A vicious adversary of any policy that might effect the rights of the laborer, Meany fought such regulations as the Taft-Hartley Act in the 1950's and, more recently, former-President Nixon's wage-price freeze proposals.

Sincere devotion to the fundamental tenets of democracy made him staunchly anti-Communist in his disdain for the shackles of totalitarianism. He epitomized worker's rights in labor's role as the backbone of an industrialized society.

The code by which Meany sought fair and judicious treatment of his worker was as strictly maintained within as it was employed outside of the organization. His success could be attributed, in part, to careful maintenance of a clean house from which he could effectively merit the respect necessary to lend credence to a cause whose acceptance took time in coming.

In the history of the American labor movement, this great man's place is secure. George Meany can be praised many times over for the various accomplishments of his life individually, but his greatest rewards have come in the results of the fine work he did.●

● Mr. MINETA. Mr. Speaker, I rise today to pay a special tribute to George Meany, a man whose life's work affected millions of Americans and played a major role in shaping the 20th century American workplace. For 24 years at the helm of the 13.6 million member AFL–CIO, Mr. Meany repeatedly brought the concerns and conditions of American labor to the forefront of our Nation's attention.

Yet, George Meany was not simply an organizer and mover of a large segment of American workers. During his long tenure as head of the AFL–CIO, Mr. Meany fought nonstop against serious injustices in the living and working conditions of all workers. His accomplishments for the AFL–CIO—better wages, better and safer job conditions, equality in the workplace—have become the standards and rights of all workers.

So many of us admired Mr. Meany's dedication to positive progress of our society. He led the labor movement in pushing for needed social reforms, particularly in the area of civil rights. He was also known as one of the hardest critics of America's political leaders, never shying from the right to disagree with policies he felt were harmful, unjust, or ill-considered. His criticism of regressive social policies or economic policies was often pointed and always mindful of the needs of the American worker.

Mr. Speaker, the spirit, voice, and intelligence Mr. Meany brought to the labor movement and to the public sector will be missed, but his real accomplishments have formed a foundation that will continue to carry his important messages of justice and equality into the future of American working life.●

● Mr. CARR. Mr. Speaker, for 63 years George Meany devoted himself indefatigably to the service of the working people of America. Over those years he struggled and fought for a working world which we once might not have believed possible but which we now take simply for granted. His commitment to social justice and his tireless work for the welfare of the men and women on whose work our country's welfare depends provide an example to all Americans. We may not all have his capacity for accomplishing the impossible and making it seem inevitable, but we can all share his vision of a just and equitable society. We can, if we cannot move mountains, at least rededicate ourselves toward a full realization of that vision. To paraphrase his last charge to the AFL–CIO: "It's a good country. Now go out and make it better."●

● Mr. LENT. Mr. Speaker, I want to express my appreciation to my colleagues from New York (Mr. WEISS) and New Jersey (Mr. THOMPSON) for inviting me to join in this tribute to a great American.

Mr. Speaker, we are hearing today tremendous accolades to the extraordinary contribution George Meany made to the American trade union movement. Certainly such accolades are deserved. George Meany's leadership brought the trade union movement to a peak of influence and power in this country never before experienced. History will emphasize Mr. Meany's achievements in that regard.

But to me, the most impressive factor

in George Meany's long career in public life was his intense and unflagging devotion to his country. Throughout his long career devoted to the cause of organized labor and the protection and benefits to which he felt organized labor was entitled, George Meany always kept the best interests of his country foremost.

He knew well the dangers that Marxism posed to organized labor and fought tirelessly to prevent Communist infiltration within the trade union movement. He refused to have anything to do with Soviet trade unions. He also refused to follow the divisive leadership of those who sought to create a labor-oriented third party, insisting that the AFL–CIO work through the two-party political structure to achieve its goals.

Meany met with Presidents on a person-to-person basis from Franklin D. Roosevelt to Jimmy Carter and never hesitated to disagree with them, whether or not he had supported their candidacy. He said of those disagreements: "I have always spoken my mind. We enjoy in this country a right to criticize, and I like the way this country operates." Meany's loyalty to his country never flagged. And his life offers eloquent testimony to the vast opportunity our great country offers to those individuals willing to seize it.

A high school dropout at age 16, George Meany became, as he himself said, "a good honest plumber." But his tremendous energy and dedication, and his intense desire to serve and improve the trade union movement brought him from obscurity in the Bronx to a position of power and influence never before seen in the trade union movement.

Mr. Speaker, George Meany's lifelong fight for his convictions, his unassailable integrity, his lifelong devotion to the labor movement and to his country should serve as an inspiration to every person.

Our Nation has lost a great American. We shall miss George Meany.●

● Mr. BROOMFIELD. Mr. Speaker, I will always remember George Meany as one of the most influential Americans of our time. Staunchly anti-Communist, he was a great American patriot and a dedicated defender of democratic principles within our country and throughout the world.

A recipient of the Presidential Medal of Freedom, George Meany played an important role in the AFL–CIO's international activities by attempting to strengthen anti-Communist forces in labor and by strongly supporting American foreign policy initiatives directed against Communist expansionism. In particular, he led the fight against participation by American labor in the Soviet dominated World Federation of Trade Unions, instead of advocating affiliation with the anti-Communist International Confederation of Free Trade Unions.

Moreover, he was a proud warrior whose major policy premises included a general suspicion of the Communist powers and in particular, a distrust for the intentions and the activities of the Soviet Union. George Meany always believed that Soviet totalitarianism was one of the world s greatest evils and that the Soviet Government could never be trusted. Recent events in Afghanistan now serve as grim reminders of this colorful leader's prior policy pronouncements.

In his long and historic career, George Meany always epitomized American freedom. As a soldier of freedom, now dead at age 85, he will truly be missed by all Americans.●

● Mr. ANDERSON of Illinois. Mr. Speaker, Washington is a city of monuments. And, for a generation, George Meany was as prominent a Washington monument as could be found. His plain talk, outspokedness, and ever-present cigar were indelible trademarks of a man whose love of America was rivaled only by his love for working men and women.

Being on the other side of an issue from George Meany was not always the most pleasant of experiences, but you could always count on knowing exactly where George stood. He was as much a believer in the democratic experience as almost anyone in our times. He thoroughly immersed himself in that system and used it to better not only the interests of organized labor but to champion many of the people who are so often lost in the shuffle of everyday events.

In an era when too many Americans chose to opt out when their voices and efforts were most needed, George Meany stood in unmistakable counterpoint to the resignation and laziness of others. His imprint can be found in the legislation he fought for, but more than that, his legacy of aggressive involvement in public affairs will live on in those who were drawn to public life through George Meany's example.●

● Mr. FISH. Mr. Speaker, I join my colleagues today in expressing my respect for and admiration of an outstanding American, George Meany.

For two generations of Americans, George Meany's name has been synonomous with Labor. He chaired the historic merger of the American Federation of Labor and the Congress of Industrial Organizations one quarter century ago and, as first president of the AFL–CIO, presided over a truly difficult period during which he blended these two great organizations into a single, unified whole.

He was a man of immense strength and vigor who devoted his entire career to improving the condition of life in the United States, and indeed, throughout the world. As the great champion of American labor, it is important to note that his interests were not exclusively labor-oriented. The record of legislative activities during his leadership will show involvement in a wide range of issues affecting, not only the working man and woman, but also the consumer, blacks, and all ethnic groups. Nor did his interests stop at the shores of our country. He is universally recognized as one of the committed champions of democratic principles throughout the world.

He was stubborn, tough, and determined and, frequently, his vigorous stance on a wide range of issues were not always met with approval. While he had his critics—as is the case with great men—no one can deny he commanded the respect of all who knew him.

The foundations for the house of labor were laid by Samuel Gompers, but the structure was completed by George Meany. Meany shares with Gompers an important place in history as the greatest of American labor leaders. I wish to extend my deepest sympathies to his family and loved ones.●

● Mr. PEYSER. Mr. Speaker, in the passing of George Meany the world has lost a truly vigorous advocate of equality and justice. I had the great privilege to be personally acquainted with George Meany and knew him to be a champion of all people. He was a strong supporter of equal opportunity in the area of education and employment for all Americans and pressed for legislation which would achieve these ends.

George Meany gave six decades of his life to serving the labor movement. Beginning as a business agent in a plumber's local in New York City, Meany rose up through the ranks of the AFL and in 1952 became their president. Until his retirement last year he headed the AFL and since 1955 the combined AFL–CIO.

One of the qualities which I most admired about George Meany was that he fought for what he believed in. He had a certain strength of conviction that is rare in this world. George Meany was a man of great integrity and he will be sorely missed by all of us.●

● Mr. BALDUS. Mr. Speaker, I am pleased that the House of Representatives has allowed this time to honor one of the greatest labor leaders of our time, George Meany. His accomplishments as the founder of the AFL and the president of the merged AFL–CIO are well documented. Through his leadership, the workers of America have come to enjoy one of the highest standards of living in the world. As this country's foremost advocate for the working man, George Meany spoke for more than 14 million laborers. He led this movement with a forcefulness and caring seldom seen today. George Meany dedicated all 67 years of his union service to the betterment of the blue-collar worker's life. He believed in that cause because he was once a laborer himself and he never forgot it.

Yet, George Meany's work went far beyond the boundaries of the AFL–CIO. As president of the largest union organization in this country, Meany knew and advised six Presidents. He used his position and influence to see that all segments of our society received fair and equal treatment. His constant and unwaivering support for civil and human rights around the world showed his true greatness. He played a major role in making the Civil Rights Act of 1964 a reality. Meany loved this country and was deeply patriotic fiercely opposing all totalitarian forms of government whether Communists or fascist because, in his words "There is no democracy without human rights and no human rights without democracy."

George Meany was truly a great man and his passing should be mourned by all Americans.●

● Mr. RODINO. Mr. Speaker, I want to join the gentleman from New Jersey and the gentleman from New York in this tribute to George Meany. As a longtime friend, George Meany had my respect, my admiration and my sincere gratitude for his seven decades of determination and work to improve the lives of Americans.

Mr. Speaker, George Meany succeeded in this great goal, and it is fitting that we, as a people, pay him tribute.

In leading the cause of labor, his objectives were successful not just for the workers of the labor movement. In fact, his efforts for equality and social justice resulted in better lives for millions of our citizens.

Mr. Speaker, I will miss most the integrity of purpose and the tremendous drive which were George Meany's hallmarks. As Americans, we can appreciate this plumber from the Bronx who rose in stature to speak for his fellow workers and lead their struggle.

There was never any question where George Meany stood in speaking for America's workers. He voiced his convictions with blunt honesty—and at all times he was a man of his word.

His record of leadership earned him a prominent place in the history books of the 20th century, and his candor has given him a place in the hearts and minds of the American people.

Mr. Speaker, I will miss terribly this great American, but I will cherish his memory and be glad that what he lived for continues. ●

● Mr. OTTINGER. Mr. Speaker, I welcome this opportunity to honor America's great labor leader, George Meany. I commend my colleagues, Representatives WEISS and THOMPSON, for arranging for this special tribute to one of our Nation's most influential leaders.

George Meany's rise to the leadership of the AFL–CIO is synonymous with the growth and success of our Nation's trade union movement. But his contribution to our Nation, through that movement, reached far beyond his immediate labor constituency. His tenacious commitment to the betterment of the human condition for all Americans extended to the poor, the underprivileged, toward the realization of civil rights for the unrepresented and toward keeping alive the human rights vigil at home and abroad.

To honor George Meany is to honor the most basic principles of freedom and justice upon which this Nation was founded. Meany, a plumber from the Bronx, rose to the height of success in the political arena, ultimately advising numerous Presidents on key domestic and foreign policy issues. But Meany's personal success arose from his commitment to insuring that workers had the freedom and the benefits that would allow them the opportunity to realize their own fulfillment.

George Meany also stands as a towering example of dedication to freedom of speech, freedom of association and assembly, and free and open union elections. These have all been indispensable to the vitality of the American labor movement. George Meany's uncompromising campaign to give labor a unified voice by joining the AFL and the CIO, and the AFL–CIO's subsequent success, reconfirms the theme of unity and indivisibility that has always been a source of strength to our Nation.

There are those who choose to praise Meany for his victories on behalf of labor—establishing the minimum wage standard, providing countless benefits, upholding the right to organize and picket, and maintaining the integrity of collective bargaining and the signed contract. He is also praised extensively for his contribution to our Nation's social welfare programs—fighting for better housing, low-cost health care, equal education, and protecting basic human dignity from the assaults of our automated society. I too have only admiration and praise for him and all his success in these arenas. But I also must take this opportunity to pay tribute to this great labor leader for his effectiveness in infusing new life and meaning into the 200-year-old principles of freedom and justice upon which our forefathers founded this Nation.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to George Meany, the titan of the American labor movement who died on January 10, 1980, after dedicating his long and brilliant career to human justice and to the betterment of the living conditions of the working man. He became a legendary figure in his own time, and his success at turning ideals into living, working, everyday reality will long remain the standard for which future leaders of the movement will strive to attain.

George Meany was born in 1894 in New York City's Bronx section, and at a young age went to work as a plumber. In 1916 his father died, which made it necessary for him to support his mother, seven younger brothers and sisters, as well as his grandfather. He married Eugenia A. McMahan in 1919 and remained devoted to his wife "Gena" for 60 years, until the day she died in March 1979.

George began his career of leadership in the labor movement in 1922, when he became the business agent for his Bronx local, and by 1934, he had risen to the presidency of the New York State Federation of Labor. In 1939, he moved to Washington as the secretary-treasurer of the American Federation of Labor, becoming the craft union federation's president in 1952.

After 3 years of hard work and intricate negotiation, George performed his greatest accomplishment, which was the merger of the American Federation of Labor and the Congress of Industrial Organizations in 1955. He then became president of the new united organization and remained its beloved president until his retirement late last year.

Recognized as a powerful and persuasive leader, George Meany knew that the effectiveness of leadership rested on the power of wise compromise and persuasion. Although he was known for his blunt candor and gruff style, he was a man of deep humility, and he pointed out repeatedly that as head of the AFL–CIO he did not have the power to negotiate contracts, call strikes, or tell individual union members how to vote. Asked several years ago whether admitting error was difficult for him, he replied "no," and said, "When you're wrong, you're wrong. And I've lived a long time and I've made a lot of mistakes."

Under George's statesmanlike leadership the AFL–CIO is credited with doing more than any other organization to win medicare legislation for our Nation's senior citizens, extend and raise unemployment compensation, and win the battle against discrimination in employment through Federal legislation. In addition, George Meany ranks second to none in his lifelong fight against communism in the international labor movement, and the generation of today forgets how bitter those struggles became.

During his illustrious lifetime, George Meany earned many honors from admirers because of his splendid record of achievement, including the Cross of Merit with Star and Ribbon from West Germany, the Order of Merit from Italy, the Americanism Gold Medal from the Veterans of Foreign Wars, the John La Farge Award for Interracial Justice, awards and honorary doctorates from many universities, and other awards and honors from organizations and societies too numerous to mention.

He served as a delegate to the United Nations' 12th and 14th General Assemblies, and during World War II, served on President Roosevelt's Advisory Committee on Wartime Labor-Management Problems, FDR's War Labor Board, and on the President's Committee to Establish Wartime Labor Policy. He also served on the board of directors of the Communications Satellite Corporation.

Mr. Speaker, the passing of George Meany is truly the end of an era, for few men have given more of themselves to progress for the working man and woman or had a more compassionate understanding of human problems. His dedication to high standards was an inspiration to his friends and fellow citizens, and his devotion to human betterment and compassion will long be remembered by generations to come.

Mrs. Annunzio and I extend our deepest sympathy to his three daughters, Regina Clare, Eileen, and Genevieve, as well as to their families.●

---

## LEGISLATION REPORTED BY THE SUBCOMMITTEE ON PUBLIC ASSISTANCE AND UNEMPLOYMENT COMPENSATION IN THE 1ST SESSION OF THE 96TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CORMAN) is recognized for 15 minutes.

• Mr. CORMAN. Mr. Speaker, the 1st session of the 96th Congress was a busy and productive year for the Public Assistance and Unemployment Compensation Subcommittee of the Committee on Ways and Means. My purpose here is to provide a summary of the bills approved by the subcommittee in 1979 and to inform the Members of the legislative status of each bill.

The subcommittee has jurisdiction over the Nation's major cash assistance and social services programs. This includes the supplemental security income (SSI) program—which provides cash assistance to 4.2 million needy, aged, blind, or disabled individuals—and the aid to families with dependent children program (AFDC)—which assists over 7 million children of poverty stricken families or children from poor families who are in need of foster care.

The subcommittee also has jurisdiction over the title XX social services program, under which States receive Federal funds to be used for a wide variety of social services for over 5 million aged or disabled persons and individuals in low-income families. Approximately one-half of the individuals and families receiving such services are recipients of SSI or AFDC cash assistance benefits. Under the title IV–B child welfare services program, a relatively small amount of Federal matching funds ($56.5 million in fiscal 1980) is available to States, in addition to funds provided under title XX, to be used for social services to foster care children and other children in need of protective services.

In addition to the public assistance programs, the subcommittee has jurisdiction over the basic unemployment insurance programs. This includes the provisions of Federal law relating to State unemployment insurance programs and the Federal/State extended benefits program.

During the first session of this Congress, the subcommittee approved bills affecting all of these programs. All of the subcommittee bills but one, which is now pending before the Rules Committee, were adopted by the House in 1979. The public assistance legislation approved by the House included major and long-overdue modifications in cash assistance and social services programs that will greatly improve the effectiveness of these programs in assisting the Nation's poor.

The status and a summary of the major provisions of the following subcommittee bills are provided below:

(1) H.R. 3434, the "Social Services and Child Welfare Amendments of 1979";

(2) H.R. 3464, the "Supplemental Security Income Disability Amendments of 1979";

(3) H.R. 4904, the "Social Welfare Reform Amendments of 1979";

(4) H.R. 3920, a bill extending the life of the National Commission on Unemployment Compensation;

(5) H.R. 4007, a bill pertaining to the repayment of Federal unemployment insurance loans to States; and

(6) H.R. 5507, a bill pertaining to the treatment of retirement or pension benefits under State and Federal unemployment compensation programs.

### (1) H.R. 3434, THE "SOCIAL SERVICES AND CHILD WELFARE AMENDMENTS OF 1979"

H.R. 3434, which contains amendments to the Federal AFDC foster care and child welfare services law and the Title XX program, was approved by the House on August 2, 1979 and by the Senate on October 29, 1979. House and Senate conferees have been appointed and a conference is expected to be scheduled soon.

The bill attempts to improve State foster care programs by increasing Federal funding, removing some current limitations on the use of Federal funds, and imposing certain conditions on the use of the additional funds authorized in the legislation.

There are presently over 500,000 children in this country who are without the security of a permanent home. More than 100,000 of those children are being cared for under State AFDC Foster Care programs, which are jointly financed by the State and Federal government.

Most State Foster Care programs emphasize the placement and maintenance of children in foster care homes or institutions, rather than the development of a social services system that focuses on preventing the need for removal of children from their homes, restoring foster children to their families, or finding appropriate families willing to adopt foster children who for some reason cannot be returned to their parents. In many States, there is little if any continuing review of the appropriateness of foster care placements. Often children are simply "lost" in the system—shuttled from home to foster home or simply left in institutional or other care without any assessment of their needs or review of their circumstances or their families'.

H.R. 3434 would redirect the present emphasis from long-term maintenance of children in foster care homes and institutions to a system aimed at assuring permanent, loving homes for all children. New funds appropriated for child welfare services pursuant to the legislation would be used by States to do a comprehensive review of all children who have been in foster care for over 6 months and to provide services that will attempt to prevent removal of children from their natural homes and, where possible, to reunite foster care children with their families.

In addition, to be eligible to receive additional funds, States would be required to provide for the placement of foster care children in the least restrictive setting within reasonable proximity to their homes, to have individualized case plans for each child in foster care, to provide for a 6 month case review of each foster child and a dispositional hearing within 18 months after placement to determine his or her long-term status and service needs.

The bill would also allow Federal AFDC funds to be used for adoption assistance payments in the case of a child with special needs. Under current law, Federal AFDC matching funds are not available for adoption assistance. H.R. 3434 would authorize the use of Federal AFDC matching funds for adoption assistance payments in the case of an AFDC foster care-eligible child or an SSI-eligible child if it has been determined by the State that (1) the child cannot or should not be returned to his or her own home; (2) that there is a specified condition (such as age; physical, mental, emotional or medical handicap; or membership in a minority or sibling group) because of which it may be reasonably concluded that the child cannot be placed without assistance and (3) efforts have been made to place the child without assistance.

H.R. 3434 contains several important amendments to the title XX social services program, including a modest increase in the ceiling on Federal funds. Federal title XX funds are used by States to meet the social service needs of children, the aged and the disabled. For example, these funds can be used to provide child day care for a low-income working mother, to relieve the isolation and loneliness of an aged individual through a "senior citizen center program," or to meet some of the special needs of a handicapped child.

Inflation has seriously eroded the purchasing power of Federal title XX funds. Accordingly, H.R. 3434 would raise from $2.9 billion in fiscal 1979 to $3.1 billion in fiscal 1980 the statutory ceiling on Federal funds available for State title XX social services. Of that amount, $200 million would be available in fiscal year 1980 and 1981 for child care, with no State matching requirements, and States could use their share of such funds for grants to employers who hire welfare recipients as child care workers.

For fiscal 1980 only, a cap would be placed on Federal title XX matching funds for staff training. Such funds would be subject to HEW approval in future years. Other provisions aimed at improving the scope and administration of title XX services include: a requirement that local officials be consulted in the development of the proposed State title XX plan; the option of using a 1, 2, or 3 year program period; permanent authority to use Federal title XX funds to provide certain detoxification services to alcoholics and drug addicts; and permanent authority for funding of emergency shelter provided to endangered adults.

Further, the bill would provide a separate $16.1 million title XX social services entitlement for Puerto Rico, Guam, the Virgin Islands and the Northern Marianas.

### (2) H.R. 3464 THE "SUPPLEMENTAL SECURITY INCOME DISABILITY AMENDMENTS OF 1979"

H.R. 3464 was passed by the House on June 6, 1979 by the overwhelming margin of 374–3. Similar provisions are included in H.R. 3236 as reported by the Senate Finance Committee. H.R. 3236 is presently pending on the floor of the Senate.

The objective of H.R. 3464 is to eliminate certain work disincentives for the severely disabled that currently exist under the supplemental security income (SSI) program. Vocational rehabilitation and social services have significantly improved the potential for severely disabled persons to become employed and live outside institutions. The legislation proposed by the subcommittee and adopted by the House is a major step toward assisting such individuals to live more independent and self-supportive lives.

Under present law, there are substantial disincentives for severely disabled individuals to seek and maintain employment. By regulation, if a disabled individual demonstrates a capacity to earn a specified amount of income each month (currently $280), he or she is subject to the loss of all SSI benefits as well as any supportive services or medical assistance to which he or she is entitled as an SSI beneficiary. Further, if a handicapped individual begins to work and subsequently loses his or her job, the person is likely to face a lengthy period without earnings before becoming reentitled to SSI benefits and medical care.

During recent hearings, Subcommittee members were presented with the following case examples of the effects of these provisions of the current SSI law.

A quite severely mentally retarded young man living with his family in Michigan lost all SSI, Medicaid and social services benefits because he got a part-time job as a dishwasher.

A severely disabled young woman from Los Angeles committed suicide in February, 1978 when earnings from her part-time employment exceeded the earnings limit, and therefore disqualified her for necessary SSI and Medicaid assistance.

A business college graduate with muscular dystrophy from Omaha, Nebraska, although trained, capable and eager to work, could not "risk" employment because of the potential loss of needed SSI and other assistance.

A paraplegic in San Francisco was forced to turn down a CETA job which could have started him on the road to total independence because he would lose vital services before his earnings were sufficient to pay for the services himself.

For purposes of reducing these work disincentives, H.R. 3464 would make the following changes in the SSI disability program, effective July 1, 1980.

The present "substantial gainful activity" (SGA) earnings limit, currently $280 a month, would be raised to the level at which an individual's monthly "countable earnings" equal the basic Federal SSI benefits for that month. (Based on the July 1, 1979 monthly Federal SSI benefit of $208, under this bill the SGA earnings limit would be $481 a month for a disabled individual with no excludable "impairment related work expenses.") In determining countable earnings for SGA purposes, an individual's gross monthly earnings would be reduced by the first $65 of such earnings; plus—for certain severely disabled persons—the cost of those impairment related expenses, such as a wheelchair or attendant, necessary to enable the individual to work; plus 50 percent of remaining earnings.

In determining an individual's monthly SSI benefits, countable earnings would be reduced by a 20 percent "standard work related expense disregard" and, for severely handicapped individuals, the cost of impairment related work expenses, in addition to the first $65 plus 50 percent of remaining allowed under current law.

A disabled SSI recipient would be permitted to retain disability status, without receiving benefits, for one year after exceeding the earnings limitation and to retain presumptive disability status for four subsequent years. This provision would reduce the work disincentive created by the frequently lengthy disability determination process. It would do this by providing that, if a disabled individual lost his job within one year after SSI benefits had terminated as a result of the earnings limitation, he or she could automatically begin receiving benefits again. If the individual lost his or her job within the subsequent 4 years, he or she would be considered presumptively disabled and eligible for benefits upon a determination of need, but would thereafter be subject to a new disability determination.

The bill would also authorize certain SSI demonstration projects, terminate the attribution of parents' income to disabled students between the ages of 18–21, provide improved notice to persons denied SSI benefits, and permit disabled persons in approved vocational rehabilitation programs to continue receiving SSI for the duration of the program.

### (3) H.R. 4904 THE "SOCIAL WELFARE REFORM AMENDMENTS OF 1979"

The House passed H.R. 4904 on November 7, 1979. This legislation is now pending before the Senate Finance Committee.

H.R. 4904 contains a number of significant reforms in our present welfare system and is the most important public assistance bill to pass the House since 1971 when the legislation containing the present SSI program and a new "Family Assistance Program" for children and their families was approved. The provisions of H.R. 4904 address the key problems in our public assistance programs: targeting assistance to the truly needy, strengthening work incentives, improving the adequacy of benefits and coverage, streamlining and coordinating administration, and reducing error and fraud.

The bill will tighten current programs and more effectively target funds to the neediest families by requiring that benefits be based on actual rather than projected income, establishing limits on certain income disregards, requiring income to be reported on a monthly basis, improving the child support enforcement program, and taking into account the income of all individuals living in a household. The standardization and coordination of certain AFDC and food stamp administrative procedures will streamline administration and reduce error and fraud.

At the same time, the bill will provide more equal and adequate treatment of needy families with children by establishing a national minimum AFDC/food stamp benefit standard of 65 percent of the poverty level, requiring all States to provide coverage of two-parent families with children, and increasing the earned income tax credit for the working poor. Cashing out food stamps for aged, blind and disabled SSI recipients will both simplify administration and improve benefits.

The major provisions of the bill include the following:

*National Minimum Benefit.*—The bill will raise AFDC benefits in the lowest benefit States by requiring all States to provide a minimum AFDC plus food stamp benefit equal to 60 percent of the poverty level as of January 1, 1981, increasing to 65 percent on October 1, 1981. (Sixty-five percent of poverty is approximately $4,654 in 1979 dollars.)

*AFDC-Unemployed Parents Program.*—Beginning in FY 1982, all States would be required to establish an AFDC–UP program to assist low-income, two-parent families. Under this provision, the entire family would become ineligible for benefits if the principal earner refuses employment, unless the other parent complies with the work requirement.

*Earned Income Tax Credit.*—For taxable years beginning December 31, 1981, the EITC would be increased from 10 percent to 11 percent of up to $5,000 of earned income, with a maximum credit of $550.

*AFDC Earned Income Disregards.*—To improve administration and target assistance on the neediest families, there would be established a new, simplified set of earned income disregards for the determination of eligibility and the calculation of benefits for AFDC (one-parent) and AFDC-UP (two-parent) families. For example, the current itemized work expense disregard would be standardized at 20 percent of monthly wages, salary or net earnings from self-employment. Where a recipient failed without good cause to make a timely report of earned income, the earnings disregards would not be applied to any earned income which was reported late.

*Reduction in Error and Fraud.*—States would be required, effective October 1, 1981, to use a "one-month retrospective accounting" system. This means that, except at initial application, a family's eligibility and benefit amount would be determined and paid on the basis of the preceding month's circumstances. Recipients would be required to report income and assets every month. The income and assets definitions would be standardized and coordinated with the Food Stamp program. Ninety percent Federal matching funds would be provided to States for the cost of developing and implementing computerized AFDC management systems; and, the Secretary of HEW would be authorized to provide 75 percent Federal matching for the costs of improved or innovative administrative techniques.

*Assistance to Meet Emergency Needs.*—A $200 million Federal block grant program to assist States in meeting emergency needs of families with children would be established. These funds would be available to assist AFDC families and other families with children as determined by the State. Such assistance could not be provided to families with gross income higher than twice the poverty level or more than $1,750 in assets.

*Federal Share of AFDC Costs.*—Beginning January 1, 1981, each States' AFDC and AFDC–UP matching fund requirement would be reduced by 10 percent. Beginning October 1, 1981, each States' AFDC–UP matching requirement would be reduced by an additional 20 percent (to a total of 30 percent).

For purposes of holding States harmless for the costs resulting from the bill and to provide some financial relief, beginning January 1, 1981, and continuing through FY 1986, the Federal government would reimburse a State the amount by which its AFDC expenditures, Medicaid and administrative costs resulting from caseload growth exceeds 95 percent of its 1979 AFDC costs. For three subsequent years (FY 1987–1989), this "hold harmless" payment would decline by one-third until phased out in 1990.

*Food Stamp Cash-Out for SSI Recipients and Other Individuals Over 65.*—Effective FY 1982, cash payments in lieu of food stamps would be provided for all SSI recipients who live alone, with an SSI eligible spouse, or with other SSI beneficiaries. In addition, food stamps could be cashed-out, at State option, for individuals in households eligible for food stamps and where all individuals in the household are 65 or over.

*Other SSI Provisions.*—For a period of three years following an alien's legal entry into this country, income and resources of his sponsor would be considered to be available to him for SSI eligibility determination purposes. Eligibility for SSI benefits would be delayed for those who dispose of assets in order to qualify for SSI. The bill includes other SSI amendments that would improve benefits for the disabled who are employed in sheltered workshops, encourage care of the handicapped in the home, and improve and simplify administration.

### (4) H.R. 3920, A BILL EXTENDING THE LIFE OF THE NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

H.R. 3920, which extends until July 1, 1980 the due date of the final report of the National Commission on Unemployment Compensation, was enacted into law on October 10, 1979. This extension will permit the Commission sufficient time to engage in the thorough and comprehensive study of the unemployment compensation programs required under the provision of P.L. 94–566.

The measure also provides per diem compensation for the members of the Commission to offset the financial burden imposed by the heavy schedule and work load of the Commission. Further, the bill provides that Commission reports shall be made directly to Congress without clearance by the Office of Management and Budget and exempts the Commission from the requirements of the Federal Reports Act.

Finally, the law extends for two years a provision that exempts employers of certain alien farm workers from the Federal unemployment tax. Under present law, the Federal unemployment insurance tax is imposed on farm operators who employ 10 or more agricultural workers in 20 weeks or have a quarterly payroll for agricultural services of at least $20,000. A temporary provision in Federal law excludes from this tax certain alien farm workers admitted to the U.S. under provisions of the Immigration and Nationality Act. H.R. 3920 extends this provision from January 1, 1980 to January 1, 1982. The bill changes current law to provide that services performed by such alien farm workers will be counted in determining whether an employer pays sufficient wages for farm services or employs enough farm workers to make him subject to the Federal unemployment tax for other farm workers in his employ.

### (5) H.R. 4007, A BILL PERTAINING TO THE REPAYMENT OF FEDERAL UNEMPLOYMENT INSURANCE LOANS TO STATES

H.R. 4007 passed the House on November 7, 1979 and is presently pending in the Senate Finance Committee.

Under present law, a State that has depleted its unemployment insurance (U.I.) trust fund may receive interest free Federal loans as necessary to pay regular State U.I. benefits. A State has two years to repay such loans. If after two years a State has not repaid the entire amount of the loan, the Federal U.I. tax on employers in the State is automatically increased by at least 0.3 percent per year until sufficient revenues have been raised by this additional tax to repay the State's outstanding loan balance.

H.R. 4007 would permit States with outstanding Federal unemployment insurance loans to avoid the automatic increase in the Federal Unemployment Insurance tax specified under current law by either (1) repaying the full outstanding amount of the loan (as under current law); or (2) repaying out of State Unemployment Insurance funds the amount that would have been collected during the year if the increase in the Federal tax had taken place, plus the amount of any additional Federal loans received during the year. A State could use the second option only if it had enough reserves in its unemployment insurance trust fund to cover benefits for a specified 6-month period.

During the period from 1972 through 1979. 25 States had to borrow from the Federal government in order to pay State U.I. benefits. At present, 13 States have outstanding Federal loans. H.R. 4007 would require these States to begin repaying the U.I funds they have borrowed in a manner that is least disruptive to the State economy.

### (6) H.R. 5507, A BILL PERTAINING TO THE TREATMENT OF RETIREMENT OR PENSION BENEFITS UNDER STATE AND FEDERAL UNEMPLOYMENT INSURANCE PROGRAMS

H.R. 5507, which would modify certain provisions of the Federal unemployment compensation law regarding retirement benefits, was reported by the Ways and Means Committee on October 19, 1979. It is presently awaiting action by the Committee on Rules. A similar provision was reported from the Senate Finance Committee on December 10, 1979.

Under current Federal law, as of April 1, 1980, all States will be required to reduce a person's unemployment insurance benefits by the amount of any private or public pension or retirement benefit he or she is receiving. H.R. 5507 would modify this provision so that States would be required to make such a reduction in unemployment insurance benefits only in the case of a pension or other retirement benefit maintained or contributed to by a "base-period" employer or an employer who would be charged for any unemployment insurance benefits received by the claimant. The treatment of pensions or retirement benefits maintained or contributed to by employers other than "base-period" or "chargeable" employers would be left to State law. In addition, a State would be allowed to limit any such reduction in unemployment insurance benefits by an amount related to any contributions toward the pension or retirement benefits made by the unemployment insurance claimant. The effective date of the Federal requirement as amended would be changed from March 31, 1980 to January 1, 1982.

The bill would also establish a 2-year limit on the time within which a person can collect any "extended unemployment compensation benefits" to which he or she is entitled. The 2-year period would begin 1 year after the individual initially filed for regular State unemployment benefits. This would allow an individual up to 3 years to collect any regular plus extended benefits to which he or she is entitled and would allow States to dispose of benefit files 3 years after the date of initial application.

Many people—members of Congress, Administration officials, State and local government officials, private citizens and representatives of a wide variety of interest groups—were instrumental in the development and House passage of these bills. The tireless effort of these individuals on behalf of the elderly, disabled, homeless children and needy families should be recognized. I am grateful to the members of the Public Assistance and Unemployment Compensation Subcommittee for their diligent, bipartisan efforts to develop sound legislative responses to our most pressing problems.

I hope these efforts have not been in vain; that before the end of the 96th Congress the Senate will have acted and that measures dealing with the problems addressed in the Subcommittee bills described above will have been signed into law.

---

## THE STATE OF SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. HARRIS) is recognized for 30 minutes.

Mr. HARRIS. Mr. Speaker, the calculated invasion of Afghanistan by the Soviet Union brings a new dimension to the question many of us have been asking for so many years: What is next for Soviet Jews? The new angle, of course, is that with no reason to please the West, the Soviets can easily cut back on emigration and step up harassment and intimidation of Soviet Jews. In a gloomy forecast by the Union of Councils for Soviet Jews it is stated, "Monthly figures of thousands leaving the Soviet Union could well become a pleasant memory. The anti-Semitic campaign prominently featured in the Soviet press could lead to violence against the Jews in a society which needs a scapegoat for its ills."

With this in mind, we must make it perfectly clear to the Russians that we have in no way abandoned our friends and families in the Soviet Union who are locked inside because of cruel and arbitrary emigration policies. I remind the Soviets that they willingly signed the Helsinki accords which allow for the reunification of families separated by political boundaries.

One of the individuals most on my mind today is Anatoly Shcharansky who just spent another birthday locked in a Soviet prison. He was sentenced to 13 years in prison and labor camps on July 14, 1978, following a closed trial at which no lawyer of his choice nor any witnesses for the defense were allowed. Anatoly was charged with treason and anti-Soviet agitation. In fact, Shcharansky broke no Soviet laws, but was actively engaged in working for the human rights of Jews and other minorities in the Soviet Union, all in accord with Soviet law and international agreements signed by the U.S.S.R. He was actually upholding the requirements of the Helsinki accords which require citizens to monitor their own country's behavior toward their own people. A footnote to this tragic story is that on Anatoly's 32d birthday this past Sunday, his father died of a heart attack, on a subway car, alone, while on his way to a small birthday observance for his son. What a cruel twist of fate.

There are many more stories to be told. They will be spelled out during the course of the year by many of my colleagues during the "Spirit of Helsinki, Vigil 1980." The policy tool of repression has hit so many individuals and families under the arbitrary and inequitable Soviet system. Two of the families I will speak of are Victor and Batsheva Yelistratov as well as Yakov Rachlenko and his mother, Vina Belkina. In both instances, they have been denied their basic human rights, of which, the right to emigrate is only one.

I will continue to bring to the attention of the Soviet authorities my concern for human rights, including the rights to emigrate, and my concern for the plight of those who suffer imprisonment and exile for their beliefs. I want to stress to the Soviets the seriousness with which the American people take our mutual commitments under the U.N. Charter, the U.N. Universal Declaration of Human Rights, and the Helsinki Final Act. Soviet leaders must understand that our commitment to human rights is not transient and will continue to occupy a central place in our dialog.

### GENERAL LEAVE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. Mr. Speaker, I am pleased to yield to my distinguished colleague, the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, the gentleman from Virginia (Mr. HARRIS) and I have taken this opportunity to join with our colleagues in reviewing the plight of Soviet Jews.

Mr. Speaker, Anatoly Shcharansky was forced to spend his 32d birthday last Sunday in a cell in Chistopol Prison where he is serving an unjust term for alleged complicity with agents of the U.S. Government—a charge which has been expressly denied by the President of the United States on numerous occasions. This is not the first time this body has expressed its concern about the Soviet treatment of the Shcharansky case, or of its treatment of other dissidents and "refusniks." Time and time again, the Congress has spoken out to condemn Soviet violations of the Helsinki accords and fundamental principles of human rights.

In 1973, Shcharansky was employed as a mathematical engineer at the All Union Research Institute on Petroleum and Gas. When he applied for a visa to leave the Soviet Union and so that he could live in Israel, his request was refused. He was dismissed from his job immediately and had to give private lessons in order to earn a living. Anatoly became an active and well-respected member of the movement to insure the rights of Soviet Jews to emigrate. I was honored to have Shcharansky serve as my guide and translator when I visited the Soviet Union in 1975. I found Shcharansky to be enormously committed to his belief in the letter of the Helsinki

Final Act, and extremely effective in mobilizing the Moscow Helsinki Group from its inception. Until his arrest in March 1977, he was constantly shadowed by groups of KGB operatives, and the press was vicious in its slander of his humanitarian efforts.

During the time of his arrest in 1977, until July 1978 when he was tried, over 100 people were questioned in over 20 Soviet cities about the case. Nearly all of them declined to take part in this blatant show of injustice or described the accused as an honorable, law-abiding man. A number of Soviet citizens signed letters of defense and his case has evoked an unprecedented number of protests from concerned individuals all over the world.

In the Shcharansky case, numerous violations of Soviet criminal procedures occurred. Prof. Alan Dershowitz and Prof. Irwin Cotler, and others, have submitted hundreds of pages of legal testimony which document some 40 violations by the Soviet Union of its own law—some of which require that the charges be abandoned.

In spite of the absurdity and falseness of the charges, the court, on July 14, 1978, sentenced Shcharansky to 13 years imprisonment, the first 3 years in prison, and the remainder in a labor camp. Clearly, the U.S. Government must redouble its efforts to seek the release of Shcharansky at the earliest possible moment.

Mr. Speaker, today Anatoly Shcharansky is suffering from severe headaches, eye failure, constant shivering fever, and weight loss. He has been denied the right to be visited by his mother and brother in their scheduled meeting next month, and his future, indeed, appears bleak.

In a tragic footnote to an already somber birthday celebration, Anatoly's father, Boris, died on his way to Prof. Alexander Lerner's home in Moscow where a birthday observance was underway. Boris died of a heart attack and had not seen his son since before his arrest in March 1977.

Unfortunately, the Soviet Union's record on upholding the rights of its citizens has not been good. In its report on the human rights conditions in the Soviet Union during 1979, Amnesty International reports that the Soviet Union has been conducting a major new crackdown on dissidents. Amnesty reported that more than 40 people had been arrested or tried in the last 3 months for the nonviolent exercise of human rights. Further, they continue to receive reports about the ill-treatment of prisoners of conscience, and the deplorable conditions in Soviet corrective labor colonies and prisons. Inadequate medical treatment, arbitrary deprivation of the limited rights to correspondence and family visits are among the violations of fundamental human rights committed this past year.

The Soviet record on the treatment specifically of Soviet Jews has been the subject of intense concern by many knowledgeable people in this country. The most recent figures indicate that 51,500 Jews were allowed to emigrate in 1979—more than in any other year in the recent past. Yet the number of people who have applied for exit visas has also increased dramatically so that the refusal rate remains high. In addition, some visas have been reclaimed after the recipients waited long months and suffered many inconveniences to obtain them. In the first 11 days of this month, 900 Jews were allowed to leave for Vienna, 70 percent less than the same period in December. While this may be too small a statistical sample to definitively identify a new trend, serious attention must continue to be focused on the emigration issue.

An equally serious issue which directly affects the Jewish community in the Soviet Union is the problem of access to education. As recently as 3 years ago, Jews held 9 percent of all candidate of science degrees, the Soviet equivalent of the Ph. D. and 14 percent of doctor of science degrees.

A disturbing trend is becoming evident however. Between 1968 and 1976, Jewish enrollment in Soviet universities decreased from 112,000 to 67,000, a decline of 40 percent. Only 2 to 4 Jews are reportedly admitted to Moscow State University each year.

To discriminate in education against any ethnic minority is unjust; to do so against Jews, who value learning so much, is particularly cruel. The importance Jews place on education has made them especially vulnerable under the vagaries of the Soviet system. In August 1972, the Soviet Union imposed the infamous education tax on emigrants to recompensate the government for expenditures on their professional training. Collection of the tax was abandoned 7 months later after international protests.

Jews who were unable to pay the tax, which exceeded $30,000 in some cases, were in effect refused emigration because they were educated. Now Jews are being refused education because they might emigrate. Jews with aspirations for education are increasingly being told, "We do not intend to train specialists for Israel." But such comments only mask the Soviets' institutionalized and long-present anti-Semitism. Jewish university enrollment has been declining since the formation of the Soviet state; the largest reported drop of 40 percent began before significant numbers of Jews started emigrating in 1970.

By limiting Jewish access to education and the knowledge, prestige, and income that accompanies it, Soviet authorities are in fact providing incentives for emigration. By placing obstacles in the path of Jews who wish to emigrate, the Soviets are placing the Jewish community in a deplorable predicament.

As the new year unfolds I hope that the Congress, the administration, and the American people will continue to express their concern about the Soviet Jewish community, and the human rights of Soviet citizens in general. Clearly we have entered an uncertain period in our relationship with the Soviets. Let us not forget those who are denied fundamental human rights.

Anatoly Shcharansky continues to languish in prison unable to join his wife Avital in Israel. Countless others are denied their right to emigrate to rejoin their families. I urge this Nation to demand that the Soviet Union release Shcharansky now and insure the rights of all its citizens to live without fear.

● Ms. FERRARO. Mr. Speaker, it has been 1 year now since I first became involved with the movement to release the Soviet prisoners of conscience, and the right for the human rights of all Soviet Jews. I am pleased to have this opportunity to speak about my experience.

My involvement with the Conscience of Congress program has been many things to me. It has been rewarding; I am rewarded with the respect and trust of the family members of prisoners who have come to me seeking help—these rewards are immeasurable. It has been educational; I now have a greater understanding of the plight of the Soviet Jews and the harsh treatment prisoners of conscience are forced to withstand. It has been emotional and frustrating; for when we put the time and effort into making a plea for the release of these prisoners, and continuously our pleas are ignored, how can we help but be frustrated.

The program has also been gratifying. In a few cases our efforts have finally been recognized, the prisoners released and reunited with their loved ones. But this gratification is entirely too rare.

Considering the letters written, the resolutions signed and the numerous statements made by this Congress, it is simply criminal that the Soviet authorities continue to refuse these people their exit visas. Such an obvious violation of human rights is a slap in the face of a country dedicated to the rights of all people.

The case histories of the prisoners are appalling. They tell of dismal living conditions, harsh winters and little or no health care. Faith is perhaps the only thing which keeps the prisoners alive. Faith that their families will tell of their plight, and work toward their release.

At this time of political tension, and in light of increasing violations of human rights by the Soviet Union, it is especially important that we respond to the pleas of the Soviet Prisoners of Conscience. This Nation represents freedom to the people of the world, and it is our responsibility to uphold that impression.

I sincerely hope that we will all continue our work for the Soviet Prisoners of Conscience, and that in 1980 we will find more gratification in our efforts.●

● Mr. MAZZOLI. Mr. Speaker, I rise to join my colleagues in a special order honoring Anatoly Shcharansky on the occasion of his birthday, and take this opportunity, once again, to call upon the Soviet Union to release Mr. Shcharansky who has been sentenced to 13 years at hard labor. He was convicted of "treason."

I was fortunate to have the opportunity in July 1978 to meet Mrs. Avital Shcharansky, the wife of Anatoly Shcharansky. At that time, I reiterated to her my determination to stand by her husband and the other victims of Soviet repression. It is the responsibility of all free, democratic countries to protect each violation of fundamental human rights. United voices of protest and alarm must be sounded in order to cease the continuation of these flagrant abuses.

The Soviet Union's total disregard of its obligations under its own Constitution, and the Helsinki accord—which guarantees basic human rights to the 38 signatory nations and specifically requires adherence to provisions relating to freer movement of citizens—has tragic setbacks during the last several weeks as the Soviet troops invaded and continue to occupy Afghanistan.

During these most precarious times, I offer birthday congratulations to Anatoly Shcharansky and extend a wish to him and his family that he will be able to celebrate his next birthday in their company and in an environment that nurtures the preservation of human rights for all its citizens.●

● Mr. SENSENBRENNER. Mr. Speaker, it is most fitting, following the birthday of Anatoly Shcharansky, to address the continued denial by the Soviet Union of human rights and free emigration.

The plight of Anatoly Shcharansky is well known and apalling. He has been unjustly imprisoned, with little hope of release. In ill health, he has been refused proper medical care as well as any personal contact with his family. Yesterday, it was reported by the Boston Globe that the reknowned Russian dissident, Andrei Sakarov, was seized on the street of Moscow by Soviet officials. The Soviets refuse to provide any reason for his detention. Here is another glaring example of the denial of human and legal rights, in direct violation of the Helsinki accord.

In 1979, a total of 51,000 Jews emigrated from the Soviet Union. Even though this represents a record number, there are indications that Russia is stepping up her efforts to hinder emigration. In order to apply for emigration, one must have an affidavit of invitation from the sponsor country. Recently the Soviet Government stipulated that one must not only have the invitation, but it must come from a 1st degree relative; that is, father, mother, sister, brother, son, or daughter. Initial indications are that the number of emigrants reaching Vienna will be substantially lower this January than in the previous year, due to this regulation. In addition, the number of "refusenik" families has more than tripled over the past year, from 800 to 2,700. These families are harassed and threatened repeatedly for their efforts to emigrate, again, in direct violation of the Helsinki accord.

At the start of this new decade, the future of Soviet Jewry is increasingly precarious. With Russia's invasion of Afganistan, and our subsequent embargo of grain sales, the United States has lost much of its leverage to press for free emigration and the immediate release of Prisoners of Conscience. However, this does not imply that we should halt our efforts. While traveling in Israel this month, I had the opportunity to meet with a number of Soviet immigrants. They repeatedly stressed the importance of pressure from the United States and increased publicity of the gross behavior by the Soviet Union in dealing with Jewish emmigration. They felt that this had been the most effective means of opening up emigration.

While reassessing our relations with the U.S.S.R., we must address these issues, human rights and an equitable emigration system in the Soviet Union. In addition, we should call upon the other nations of Western Europe who signed the Helsinki accord to help us in our efforts to enforce compliance by the Soviet Union.●

● Mr. MATSUI. Mr. Speaker, I am proud to join my colleagues in this effort to bring the terrible injustice suffered by Anatoly Shcharansky to public attention, and to voice my deep concern for the plight of all Soviet Jews. Recent headlines protesting the Soviet invasion of Afghanistan underscore the grave importance of speaking out, not only against the Soviet repression of foreign nations, but against the persecution of Russia's own people. There is no better example, no more important rallying point, than the man who has endured so much, Anatoly Shcharansky.

We dare not forget Mr. Shcharansky, his colleagues, or the persecution they have suffered in attempting to exercise basic human rights. We must focus world attention on the Soviet Union's continuing oppression and harassment of Soviet Jews and its unceasing efforts to subjugate essential human freedoms. We, as Americans, enjoy the right to worship without fear of governmental interference. But Anatoly Shcharansky, because of his commitment to ideals which we sometimes take for granted, has lost years of his life to anguish and suffering, with no visible end to his plight.

We are all aware of Mr. Shcharansky's history, his courage, and his sacrifices. We are inspired by the history, courage, and sacrifices of his family. Nearly 3 years have passed since his imprisonment, yet Anatoly Shcharansky's situation remains as bleak as ever. When will the Soviet Union honor the Helsinki accords which they voluntarily signed in 1975? More importantly, when will the Soviet Union respect the right which Mr. Shcharansky so eloquently spoke in favor of, and for which he now must suffer, that of religious freedom?

On this, the occasion of his 32d birthday, we reaffirm our commitment to Anatoly Shcharansky, to his cause, and to the many others who dare to pursue basic freedoms despite the framework of Soviet society. For almost 3 years his suffering has cried out to us. Much time has passed, world events have come and gone, but we are speaking here today because we demand a solution. We have not forgotten.●

● Mr. ROE. Mr. Speaker, the Soviet invasion of Afghanistan has shaken the world awake to the fact that Moscow simply cannot be trusted.

That revelation would come as no surprise to a young man who observed his 32d birthday last Sunday. You notice I said "observed" rather than "celebrate" because Anatoly Shcharansky sits gravely ill in a Soviet prison camp. And because of Moscow's continued indifference to human rights, Shcharansky may very well not survive his 3 year prison term on trumped up charges of spying for the CIA.

Just as Russia lied to the world to justify its blatant invasion of Afghanistan, the Soviets have continued to harass and punish Shcharansky and other Jewish dissidents because they had the courage to speak aloud for freedom and conscience.

Of course, Shcharansky's only real crime was his membership in a group formed to monitor the Soviet's compliance with the Helsinki accords. His severe punishment was Russia's way of saying in a loud clear voice that dissent of any type will not be tolerated.

Reports from underground groups in Russia indicate that Shcharansky, because of repeated beatings and interrogations, was nearly blind and suffered from neurological disorders, high fevers, and substantial weight loss.

Soviet authorities have refused requests by Shcharansky's friends and relatives living in the United States that he be allowed treatment by a top American neurologist.

I have had the privilege of meeting Anatoly Shcharansky's wife and I can say that in her vigil, she expresses the same bravery that has allowed her husband to sustain himself through 3 torturous years of Soviet imprisonment.

The current situations in Afghanistan and Iran must not let us forget the plight of the Anatoly Shcharanskys who want to flee Soviet oppression for a new life in Israel and other parts of the free world. Silence would only give the Soviets the false impression that the world does not care what happens inside its borders, no matter how heinous the crimes.

Anatoly Shcharansky, I send you this birthday message. You will not be forgotten. As long as free men have a breath of life in them they will and must speak out against oppression and wrongdoing. You are a symbol to the dissidents still active in Russia. Stay strong, because the day of reckoning is rapidly approaching for your captors.●

● Mr. STACK. Mr. Speaker, today, as we reflect on the fact that Anatoly Shcharansky has spent his 32d birthday—January 20—thousands of miles from his loved ones, I recollect that all of the nations which signed the Helsinki Final Act, including the Soviet Union, pledged to do everything possible to reunite families separated by political boundaries.

Because the Soviet Union has failed to honor that promise, I would like to once again bring to the attention of my colleagues, the plight of Ida Nudel. This courageous and giving woman has repeatedly requested a visa to emigrate to Israel since 1971, and has been refused each time. As a result of her efforts to obtain the visa, on June 21, 1978, she was sentenced to 4 years of exile in Siberia. Her crime was displaying a banner from her apartment which read: "KGB, Give Me My Visa." She was tried in a Moscow court where she was allowed no representation, and no witnesses in her favor were allowed to testify.

This wonderful woman, suffering from a deteriorating heart condition, articulated her situation well when she wrote:

> The tiny piece of paper that we call a visa cost nine hundred rubles in Soviet money. But nobody has established the measure of suffering that must be paid for that tiny piece of paper.

On October 19, 1979, I introduced House Concurrent Resolution 202, urging Soviet officials to allow Ida Nudel to be reunited with her family in Israel. Over 125 of my colleagues joined me in this effort. The House and the Senate have now both passed this resolution expressing the sense of the Congress. May I say, that I am extremely grateful for this unified expression of support.

Mr. Speaker, our labors have not been fulfilled. We must continue our vigil until the countless number of Soviet Jewish families who have been continually harassed and denied the rights which are guaranteed by the Helsinki Final Act, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, are reunited with their loved ones.

Ida Nudel continues to hope, fervently—

> I can never cease looking forward to the wonderful moment when I clasp in my hand that fateful piece of paper, the longed for exit visa. For, though I came into the world and was reared here and I am a part of this country, I am at the same time a part of another land, a country which has been the dream of my nation—an ancient and wise nation with its tragic lot . . .

Mr. Speaker, until all the Ida Nudels and Anatoly Shcharanskys are allowed to enjoy the basic inalienable rights to which every human being is entitled, we, in Congress, must be ever vigilant and mindful of those repressed by Soviet tyranny.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it is certainly nothing new to report that Jews are subject to persecution in the Soviet Union. Indeed, Jews have been subject to persecution in many places at many times throughout history. Today, persecution of Jews—because they are Jews—is occurring with intensity in the Soviet Union. It is nothing new to say that such persecution has been wrong, is wrong, and will continue to be wrong for as long as persecutors persecute and for as long as people care that certain things are innately contrary to any moral code of civilized justice. The Soviets are wrong.

Perhaps the best known—and thus one of the most persecuted—symbols of this continuing injustice is Anatoly Shcharansky. He was 32 this past Sunday, January 20. By accounts in the Western press, Mr. Shcharansky is a good man, a decent man, a family man, an educated man. He is also a stubborn man, a man with a conscience and the courage to exercise it—which has made him an imprisoned man. In a show trial in Moscow 2 years ago, open to no one but his brother, Mr. Shcharansky was convicted of high treason. Notwithstanding trumped-up charges of spying for the West—charges which could be labeled comic if they were not so serious—his crime against the Soviet state was the crime of taking literally the government's promises of providing civil rights to its own citizens.

He thought that the assurances which the Soviet Government made to the West under the Helsinki accords should mean something. Under these assurances, he attempted to exercise his "right" to emigrate to Israel. He also did what he could to keep the Western press informed on the Soviet's compliance with Helsinki. Such was Mr. Shcharansky's high treason that he spent his 32d birthday in a Soviet prison camp. And such was Mr. Shcharansky's high treason that he can expect to spend another 11 birthdays in Soviet incarceration. If he lives that long.

But, what is high treason in one country is but another's example of unbelievable courage for what is right. In these times of great international tension, it is important to remember that freedom means something. Liberty is a joy, a condition precedent to official recognition of individual dignity. What we in this country find all too easy to forget—or take for granted, if you will—is that the liberties that we enjoy are something which many have fought and died for—yes, died for. They are something which many have been imprisoned for. They mean something—in fact, they mean everything.

Ask Anatoly Shcharansky.●

● Mr. PEYSER. Mr. Speaker, almost 2 years ago the world heard the sentencing of Anatoly Shcharansky and mourned with his wife, friends, family and concerned citizens. Two days ago, Mr. Shcharansky observed his 32d birthday behind bars and is still uncertain of his precarious future. He remains a victim of continual harassment and persecution.

Aside from this unsettling predicament, I had been informed that on Anatoly's birthday a small commemoration was to have taken place in Russia to reaffirm his friend's and family's determination to afford him the human rights and freedoms granted to all human beings. On the way to this observance, Mr. Shcharansky's father suffered a severe and fatal heart attack. How much more must the Shcharansky family suffer before the Soviet Union adheres to the Helsinki Agreement. As a signatory of the United Nations Universal Declaration on Human Rights and as a party to the Helsinki Final Act, the Soviet Union had indicated its commitment to internationally recognized human rights. The world's regard for the Soviet Government is now at a new low and it is at this time that we must remember those who suffer the greatest.

I join with my colleagues at this time in remembering this man and request that he be given permission to emigrate to Israel and to join his family in the passing of his father in the traditional Jewish custom. I would also like to state that the New York Conference on Soviet Jewry is reinforcing its efforts on behalf of Anatoly Shcharansky and will be holding a memorial service today at the Soviet Union's Aeroflot airline office in New York City. I urge that all Americans continue to fight for the freedom of Mr. Shcharansky as well as for those individuals who cannot speak out for freedom. Human rights for all shall not be silenced.●

● Mr. DOUGHERTY. Mr. Speaker, a year has gone by since we first paid tribute to a courageous young man who has become a symbol of the tragic plight of countless Soviet Jewish citizens who are being denied their basic human rights by the Soviet Government. Surely as Anatoly Shcharansky spent his 32d birthday in his prison cell last week, his heart cried out to all who love freedom, "Is anybody there? Does anybody care?" And he must wonder, Mr. Speaker, how many more birthdays he will spend in that lonely cell because of the Soviet Union's denial of his basic human rights.

As a signatory to the Helsinki agreement and the Universal Declaration of Human Rights, the Soviet Union is obligated to uphold the cause of human rights. One wonders why the Soviet Government bothered to sign the agreements in Helsinki. It is obvious that they have no intention of abiding by their own agreement.

When the number of Soviet Jews allowed to leave Russia increased in 1979, some of us were encouraged. But Jewish dissidents maintained that the increase in exit visas was not a result of any new Soviet policy toward Jewish citizens, but rather the product of an increase in visa applications. A true measure of the intent of the Soviet Government toward the emigration of citizens is not how many are allowed to leave, but how many ask to leave. And it is becoming increasingly apparent, to put it mildly, that the actions of the Soviet Union are carefully calculated to get what the Soviet Union wants, with complete disregard to the human rights of any who stand in their way.

Anatoly Shcharansky's so-called crime was to monitor Soviet compliance with the Helsinki agreements on human rights, to apply for an exit visa to Israel, and attempt to tell the West what life is like as a Jew in the Soviet Union. His harsh and unfair treatment, is, no doubt, an attempt by the Soviet Government to intimidate others who might attempt to speak out on human rights violations and express their desire to leave the country.

Again this year, for Anatoly Shcharansky, there was no birthday celebration, no family, no friends. Forbidden to write to his Avital in Jerusalem, he wrote to his parents in Moscow as the Jewish New Year began, "In just a few hours the Jewish New Year will begin. Next year in Jerusalem—together with Avital and you, my dear ones."

Mr. Speaker, when one man's human rights are violated anywhere in the world, those of us who are free must rise in protest. Anatoly Shcharansky's courage is an inspiration to all of us. Ill and in prison, his spirit soars free. Again, I call on the Soviet Union to release him and allow him to join his wife in Israel.

May this brave champion of human rights be granted his prayer before yet another birthday: "Next year in Jerusalem—together with Avital."●

● Mr. GREEN. Mr. Speaker, the recent Soviet invasion of Afghanistan has precipitated unusually tense relations between the United States and the Soviet Union that may become the norm and not the exception for quite some time. The United States must strive for adequate and effective military capabilities and international alliances to preserve a balance of peace in the world.

However, as we work on these crucial matters of military and diplomatic responses, we cannot ignore the human suffering in the Soviet Union as a result of Russian Government-inspired oppression. This human injustice is epitomized by the suffering of Anatoly Shcharansky who, on January 22, spent his birthday thousands of miles away from his loved ones. He remains in ill health and is unjustly imprisoned with no sign of his possible release.

The Soviet Union signed the Helsinki Declaration in 1975 that guarantees they will observe certain undeniable human rights. As the current atmosphere of confrontation develops, one Soviet response will be even harsher treatment of those in the Soviet Union who wish to exercise their rights under the Helsinki Declaration. Today I learned of the arrest of noted physicist Dr. Andrei Sakharov, who has lead the effort to monitor Soviet compliance with the Helsinki Declaration. This Congress must continue to decry the indefensible treatment of Shcharansky, Sakharov, and the thousands of other Soviet citizens who wish only the simplest of human rights. We must not forget the human elements as we respond to the Soviet Union, and we must continue to press for compliance with the Helsinki Declaration.●

● Mr. KILDEE. Mr. Speaker, the Soviet invasion of Afghanistan has brought our attention once again to the brutal repression that characterizes the Soviet system. As outrageous as that action was, it is also incumbent upon those of us concerned with basic human rights not to ignore the violations which continue within the Soviet Union.

The Soviet Union has persisted in making a mockery of internationally agreed upon human rights. It should not be necessary to remind the Soviet leaders that their country is a signatory of such documents as the Universal Declaration of Human Rights and the Helsinki accords. In signing such documents the Soviet Union has pledged to permit freedom of religion, freedom of expression, and freedom of emigration. Those pledges have been violated time after time.

Although these basic rights have been denied to many people, one group within the Soviet Union has been the victim of a systematic denial of these rights. Conditions for the Soviet Jewish community have reached the point where they are intolerable, and we in the Congress have a responsibility to strongly protest against such repression.

Last Sunday, one of the foremost advocates of human rights within the Soviet Union and a leader within the Jewish community there, Anatoly Shcharansky, spent his 32d birthday imprisoned with yet no sign of possible release. In what I feel is a particularly appropriate manner, we are observing his birthday by once again focusing attention on the plight of Jews in the Soviet Union.

Mr. Shcharansky's offense was to monitor Soviet compliance with the Helsinki accords. One of the strongest indictments of the Soviet system must be in the way in which they treat those who act as a conscience within their society. Within the United States, those who ask us to live up to our basic principles have sometimes made many feel uncomfortable, but we recognize that they play a necessary role. Toleration of criticism and unpopular views is the ultimate test of any society. The fact that the Soviet Union views religious observances, expressions of dissent, and the desire to emigrate as threats to their Government can only be seen as a failure to establish a just society. Despite protestations to the contrary, such actions can only be seen as the brutal face of tyranny.

On the occasion of Anatoly Shcharansky's birthday, we renew our call for his release. Beyond that, we call upon the Soviet Union to observe the international agreements which bear its signature. The systematic harassment and repression to the Jewish community violates these agreements and should cease. All citizens of the Soviet Union should be allowed to worship God in their own way, and those who desire to do so should be free to leave the country.●

● Mr. WEISS. Mr. Speaker, this is an especially appropriate moment to honor Anatoly Shcharansky and his fellow "refuseniks." Both the gentlemen from Massachusetts and Virginia (Mr. DRINAN and Mr. HARRIS) are to be commended for convening this time on the House floor for this purpose.

January 20 marked Anatoly Shcharansky's 32d birthday, and his third since being imprisoned in 1977. By all reports, he is in ill health and is completey isolated from loved ones and friends. The future status of Shcharansky and other Soviet dissidents continues to be in doubt. And as relations between the United States and the U.S.S.R. deteriorate, our ability to both monitor and affect their well being diminishes.

Shcharansky has come to symbolize the total disregard within the Soviet Union for the human rights of self-expression and dissent. He was arrested on trumped up charges in order to end his activist role as a monitor of Soviet compliance with the Helsinki Final Act. After being subjected to a trial by a kangaroo court proceeding, he was sentenced to the brutal isolated Soviet prison system where he is underfed and not provided sufficient medical attention.

There are many others in Shcharansky's situation in the Soviet Union who do not receive the same attention and publicity but who nevertheless share his plight. I would like to bring a few of them to the attention of the House.

Iosif Mendelevich—originally arrested in 1970 as part of a group of seven who attempted to takeover an airplane flight in order to flee to freedom. Mendelevich was sentenced to 12 years in prison—2 years beyond the maximum sentence—which was extended for an additional 3 years solely because he practiced the Jewish faith. Soviet authorities declared this "a defiance of orders and having a bad influence on others." Mendelevich continues to be confined although his other codefendants have since received pardons.

Vladimir Prestin—active in monitoring Soviet compliance with the Helsinki Final Act and denied permission to emigrate to Israel since 1970. He helped to arrange the departure of well-known dissident Alexander Ginzburg and four others. The Soviets then created a case against Prestin saying that as an electronic engineer he acquired state secrets and that his departure along with his family would therefore compromise national security.

The Vashcehenko family—living in the basement of the U.S. Embassy in Moscow as refugees from Soviet persecution. They were subjected to harassment because they steadfastly practiced their Pentecostal faith. The family has been living in the Embassy since 1978 and continue to seek permission to emigrate abroad.

These are but a few of many others who long for freedom in the U.S.S.R. We must be ever vigilant in drawing the world's eyes to their struggle to win their liberty and to exercise their right to free expression.

I hope that when we commemorate Anatoly Shcharansky's 33d birthday he will be free to join us in celebration and that the repressive policies that now pervade daily life in the Soviet Union will have been reversed.●

● Mrs. HECKLER. Mr. Speaker, the 32d birthday of Anatoly Shcharansky comes at a time of deteriorating relations between the United States and the Soviet Union. The impact of these international developments on the lives of individual Soviet Jews is not yet clear, but the outlook is certainly dim. Many of the advances we have made may be lost as the Soviets continue to show their disregard for worldwide public opinion.

In view of these events, we must redouble our efforts in behalf of Soviet Jewry. And we can have an impact even under these adverse circumstances as we did recently when it was brought to my attention that Anatoly Shcharansky's health was deteriorating.

At that time 70 Members of Congress joined me in calling on Soviet Ambassador Dobrynin to take action to provide proper medical care to Shcharansky who is confined to Christopol prison.

I have just received a letter from Avital Shcharansky, Anatoly's wife. Her words show clearly that our efforts can have positive results, and that more must be done. I am privileged to have this opportunity to share Avital Shcharansky's letter with you.

December 26, 1979.

Hon. Margaret M. Heckler,
*Congress of the United States, House of Representatives, Washington, D.C.*

Dear Mrs. Heckler: We have just received from you a copy of the letter to the Embassy of the USSR, regarding Anatoly's health and attempts of Dr. Wasserman to receive visa to visit him.

I deeply appreciate this important humanitarian initiative of yours and other Members of Congress. I also hope that it not only helps to stop deterioration of Anatoly's health, but will also bring about his release from prison soon. The first results of it are definite. We were able to talk to Anatoly's mother by phone last week, and she informed us that Anatoly has been visited by three physicians (for the first time!). And though they did not give him proper attention, I think it is direct result of your appeal and clear sign that the Soviet authorities can not leave such appeals without reacting to them. I am sure that if we continue in this way, we will be able to get Anatoly out.

I thank you very much, and, please give my deep gratitude to those who supported your appeal.

Sincerely yours,

Avital Shcharansky.●

● Mr. ANDERSON of California. Mr. Speaker, this past Sunday, January 20, Anatoly Shcharansky celebrated his 32d birthday. Of course, this brave young man was unable to spend his birthday in the same manner as the rest of us. He spent it in a Soviet prison camp. And if he celebrated at all, it was to thank God that he is still alive.

Mr. Shcharansky would like to leave the Soviet Union, and in accordance with the Helsinki accords, he is entitled to that right. But as is the case with so many other Soviet Jews, and Soviet citizens of other religions and nationalities, he has been denied that right. The Russian Government allowed his wife, Avital, to emigrate the day after they were married, with the promise that Anatoly would be allowed to follow. That promise was reneged upon, and as a result the Shcharansky's have not seen each other since. Very few people do see Mr. Shcharansky in his cell at Chistopol Prison, but all reports are that he is gravely ill. Nevertheless, he spends his time imprisoned for the "crime" of wanting to leave the country.

Mr. Speaker, there has been a great deal of speculation recently that the Soviets are clamping down on the emigration of Jews. There is some belief that with the serious problems that now exist between our countries, and with much of the world newly disgusted with Soviet imperialist policies, the Kremlin no longer feels an obligation to appease the West by allowing its citizens to emigrate. I hope this is not the case. But still, the world must take note. Not only should Jews in this country be concerned. And not only should all Americans be concerned. All people of this world must be concerned. A basis freedom is being systematically denied the people of the Soviet Union by their government.

Just this morning, we have received more startling news out of the U.S.S.R. Andre Sakharov, the Soviet Nobel laureate scientist has been arrested and stripped of his honors and awards. It is uncertain at this time what crimes he may be accused of. We do know that Mr. Sakharov is a cofounder of the Helsinki Accord Watch Committee.

Soviet style repression is now being exported to Afghanistan. Where next? The Soviets would like to court Islamic nations in the Middle East and Persian Gulf areas. Let those nations see how the Soviet Union treats its own citizens who try to practice their religion within its borders. The Soviets have little tolerance for religion. This is not a new feature of the current Soviet regime. It is a basic tenet of communism that can be clearly traced back to the writings of Karl Marx.

Anatoly Shcharansky has turned 32 in jail because he wants to practice his religion, and wants to leave the country. This must be understood by everyone. In understanding the plight of Anatoly Shcharansky, and now Andre Sakharov, one can clearly understand the Soviet Union and its system of government. Everywhere around the world, those interested in the practice of religion, or in freedom of movement or expression, must work against Soviet repression, and redouble our efforts to see that it is not allowed to spread.●

● Mr. GLICKMAN. Mr. Speaker, U.S. attention has been consumed lately by the Soviet invasion of Afghanistan. That Soviet aggression has created severe instability in that region of the world, and we have reacted swiftly and directly. Even during such threatening times, however, we cannot forget the Soviet dissidents who are continuing to be victimized within Soviet borders by repressive internal policies of that nation's leaders. These dissidents whose only crime is their desire to emigrate from the U.S.S.R. endure extremely difficult ordeals at the hands of the Soviet authorities. We must remember that even after the Afghan crisis is resolved we will need to continue to push to see the spirit of the Helsinki accords fulfilled.

This week an individual who especially symbolizes the courage and sacrifice of the Soviet dissidents, Anatoly Shcharansky, passes his birthday, still imprisoned with no sign of possible release. His situation leaves no cause for celebration. I call on the Soviet authorities, in an act of reconciliation which is sorely needed at this time, to release Anatoly.

The situations of other dissidents also demand our attention. One example is a Moscow family, Victor and Irina Breilovsky, who were fired from their jobs as scientists the day after they applied to emigrate from the U.S.S.R. several years ago. Their son, Leonid, is in a particularly precarious position since he is eligible to be inducted into the Soviet Army possibly to help pursue the aggressive policy in Afghanistan. Once in, Leonid could never emigrate because military service would expose him to the infamous "state secrets" restriction to emigration.

I have just learned that the most recent Breilovsky appeal to obtain a visa for Leonid was abruptly turned down. This all too clearly illustrates the plight of Soviet dissidents. We must not forget them in these difficult and complex times.●

● Mr. CONTE. Mr. Speaker, I would like to join my colleagues today in expressing my concern over the plight of the Soviet Jews. The tragic news of the arrest of Andre Sakharov and his wife in the Soviet Union only serves to augment the timeliness of this special order today. Refusenik, political prisoner, or dissident—their story is based upon a common theme—the denial of political or civil liberties by the nation under which they are governed.

As a consistent supporter of both human rights and political liberties, I feel obliged to raise my voice on behalf of not only Anatoly Shcharansky who today sits rotting in a Russian prison, or the Sakharovs, the most recent victims of Soviet injustice, but for men everywhere denied what we consider inalienable rights. Anatoly, arrested for disseminating information to the Western press concerning human rights violations in his homeland, has become a focal figure in exemplifying the ludicrous character of Soviet justice and rights. This most recent travesty only serves to underscore that the issue of human rights in the Soviet Union is in fact a nonissue of rights.

The tragedy of men like Shcharansky and the Sakharovs has become a familiar one as the injustices which they face are communicated worldwide. Our voices too must transcend mere national boundaries as we continue to champion the causes of both refuseniks and political prisoners. And to those who believe that such efforts hold no promise of success, I offer the recent example of Jacobo Timerman. We must continue to pursue with vigilance the cause of human rights, realizing that however soft, our voices are heard.●

● Mr. DERWINSKI. Mr. Speaker, the continued persecution of Soviet Jews remains a source of anger and sadness for all freedom-loving people around the world. The imprisonment of Anatoly Shcharansky and others like him remind the world of the plight of those held captive under Soviet rule.

Expressions of concern like the ones we are making today are important parts of the efforts to obtain the release of Anatoly Shcharansky and others unjustly incarcerated because of their yearning for freedom and willingness to stand up against the massive weight of the Soviet Government. This special order keeps the spotlight on our disapproval of the actions of the Soviet authorities, and reminds them that this most fundamental concern for Soviet Jews will not go away. We must continue to protest Shcharansky's treatment and to speak out for human rights and civil liberties in the Soviet Union.

It is important to understand the policy of the Soviet Government and it is important to put the present and past into the perspective of the future. As we approach the 1980 Moscow Olympic games, we must register our complaints against such injustices that exist in the U.S.S.R.

While today we condemn the Soviet Union for their treatment of Soviet Jewry, we also express hope that Anatoly and others will one day be free. As we recall Anatoly Shcharansky's courage and his commitment to human freedom, let us rededicate ourselves to the struggle for human liberty in the Soviet Union and throughout the world.●

● Mr. BRODHEAD. Mr. Speaker, another year has passed in the continuing efforts to effect the release of Anatoly Shcharansky. Another year he has suffered the humiliation and loneliness of Soviet prison life. For the "crime" of requesting to emigrate from the Soviet Union to Israel, his punishment is 13 years of imprisonment. And now, after 2 years of degradation, Mr. Shcharansky celebrates his 32d birthday in ill health, and thousands of miles away from his family.

Shcharansky's plight is shared by thousands of other Soviet Jews wishing to emigrate. Many of them are forbidden to seek employment and educational opportunities within their own country, nor are they allowed to go abroad to seek these opportunities elsewhere. Some hundreds, like Shcharansky, are imprisoned because of their desires and beliefs. Treatment of these Jews is a blatant transgression of the Helsinki accords, despite the Soviet Union's professed support of the agreement. As we enter the new decade, we must not only reaffirm our own commitment to the principles of that agreement, but strongly urge the Soviet Government to adhere to those principles as well.

I join with my colleagues today, on behalf of Anatoly Shcharansky and all those wishing merely to live in freedom, to express my strongest protest to the Soviet Government and my most fervent hope that those now oppressed will soon be released.●

● Mr. PATTEN. Mr. Speaker, with the recent tensions arising between the Soviet Union and the rest of the world community, one very important aspect of Soviet domestic policy—which is highly relevant to the rest of the world—has been relegated to a "back burner." This is the issue of Soviet Jewry and the Kremlin's unyielding policies with respect to emigration.

Anatoly Shcharansky's recent and continuing ordeal in Russia serves to exemplify the situation. His only crime was trying to emigrate to his homeland of Israel; and, yet, he is now in a Russian prison. He just celebrated his 32d birthday alone and in ill health. He must serve to remind us of the plight and persecution of the Soviet Jew as he tries to leave a country that holds nothing for him.

The Soviet position on emigration is a grave danger to the freedom and human rights that every individual is endowed with from birth.

Anatoly Shcharansky is not the exception, but the rule. If the United States was founded on any one principle, it was the proposition that people are inherently free and must be given their liberty. The Soviets are denying these liberties to their Jewish population, and we must use every opportunity to relay our unified message to Russia—human rights violations can not be tolerated in a civilized society.

During this time of crisis, when the eyes of the world community are turned toward Russia in condemnation of their recent activities, we must not let the peoples of the world forget the plight of the Soviet Jewish people.●

● Mr. BLANCHARD. Mr. Speaker, last Sunday, January 20, Anatoly Shcharansky turned 32 years old. The day passed with no fanfare and no celebration. For Anatoly Shcharansky and thousands of others like him who have been imprisoned or persecuted simply because of their desire to emigrate, there is little to celebrate.

There have been some encouraging signs such as the large increase this past year in the number of people who have been allowed to emigrate from the Soviet Union. We would be negligent not to be thankful for that increase. Yet, at the same time we must remember that much of the credit for that increase must go to the brave men and women such as Anatoly Shcharansky who have sacrificed so dearly in the struggle for the right to emigrate. For that reason people like Anatoly Shcharansky deserve the strongest efforts that we can put forth to help them obtain their freedom.

These are tense and uncertain times when the Soviet Union feels able to flaunt their injustices through such contemptible actions as the invasion and occupation of Afghanistan. The dissident movement in general and the Soviet Jewry movement in particular remain the strongest voice for human rights and justice within the Soviet Union. We in the United States must do everything in our power to help that voice to grow louder and stronger. I believe that we must send clear signals to the Soviets that we will not stand still and watch them blatantly abuse the rights of innocent people through force as they have in Afghanistan. I applaud President Carter's decision to halt grain sales to the Soviets and to call for a boycott of the 1980 Olympics as long as they are held in Moscow.

Our country should take a similar posture toward the Soviet Union's emigration policies. The better news of this past year's emigration figures must not lead to any lessening of our resolve to help those who are seeking to emigrate.

Last Sunday Anatoly Shcharansky turned 1 year older. He now suffers from severe headaches and a loss of vision. Yet, while his physical health is poor, he has miraculously fought to keep his spirit strong. That spirit exemplifies the bravery and relentless efforts of so many thousands of others in the Soviet Union who continue to seek their basic human rights. We in the United States and indeed throughout the free world must ensure that their spirit stays alive and grows until the day when all of the men and women like Anatoly Shcharansky realize their freedom.

● Mr. FRENZEL. Mr. Speaker, here in America, birthdays are special and happy occasions. Even for those of us who have reached an age at which we dread the passage of time, anniversaries are usually spent in happy reminescence with family and friends.

But on the other side of the world, Anatoly Shcharansky celebrated his 32d birthday yesterday in poor health, in a Russian prison far from family and friends. He is unjustly incarcerated without real hope of release.

Anatoly Shcharansky, sadly, is not the only Russian who has been harassed.

He is only the best known symbol of Soviet persecution and human rights.

Among the most abused citizens in Russia are those Jewish people who have attempted to assert the rights of immigration guaranteed in the Constitution of the U.S.S.R. and the Helsinki final resolution. They have been harassed, imprisoned, lost their jobs, and suffered general persecution and humiliation. Worst of all, most of them have been denied their fundamental right, emigration.

The increase in emigration this year from Russia, mostly to Israel, has been a cause for great joy, but the emigrants represent only a fraction of those who want to leave. The human suffering that has resulted from the Soviet Government's recalcitrant attitude on emigration and religious freedom is incalculable.

As we observe this special order, we hope and pray that all people who seek religious and personal freedom, or the right of emigration, will be able to enjoy those rights without restriction, especially in Russia.●

● Mr. PEPPER. Mr. Speaker I would like to take this moment to reflect upon not only the grief and tragic imprisonment of Anatol Shcharansky, but also upon the situation of the thousands of Soviet Jews separated from their relatives and denied the right to emigrate from the Soviet Union in order to join their loved ones.

Today it is almost 3 years since the arrest of Anatoly Shcharansky on charges of treason and crimes against the state. His imprisonment is an unfortunate indicator of the direct violation of human rights in the Soviet Union; those rights which have so much meaning and importance to people everywhere.

The fate of Anatol Shcharansky and other oppressed Jews does depend on the goodwill of the people of the world. Let us continue to honor him and remember the extreme pressure and cruelty imposed upon him and others by the Soviet regime.●

● Mr. BARNES. Mr. Speaker, I join my colleagues and the free people of the world in extending to Anatoly Shcharansky on his 32d birthday the wish that he shall be restored to good health and reunited with his beloved wife Avital in the land of Israel.

January 20, 1980, should have been a day of glory and happiness for this brilliant young man of promising future and many friends whose "crime" it was to help his country live up to the Helsinki accords, which the Soviet Union signed in 1975. Instead—following 16 months in solitary confinement and some 18 months in Christopol Prison, where Shcharansky is serving out a 13-year sentence for "treason"—the day dealt him more grief.

While refuseniks at home and supporters in the United States, Israel, England, Canada, and elsewhere gathered to mark Anatoly Shcharansky's birthday, his 75-year-old father Boris died suddenly. After 3 years of fruitless efforts to see and talk with his son and gain his freedom, Mr. Shcharansky's heart simply ceased.

Five weeks ago, I wrote to President Leonid Brezhnev asking him to grant amnesty to Anatoly Shcharansky and to the other prisoners of conscience before the 1980 summer Olympics begin to "demonstrate a new era of goodwill for the sake of humanity and in the spirit of these ancient Greek games."

There has not been a written reply. Rather, the chilling responses to pleas for decent treatment have been the crackdown on human rights activists and—most pointedly—the arrest today of Nobel-laureate Andrei Sakharov, the stripping of all Sakharov's titles and honors, and the Soviet search to arrest or expel his wife, Elana Bonner.

And in recent weeks, all of us have witnessed not only man's inhumanity to the individual, but what an oppressor nation can do against the territorial integrity of a sovereign state.

Mr. Speaker, I fully support President Carter's efforts to move, postpone, cancel or boycott the Olympics if Soviet troops are not pulled from Afghanistan within 1 month. And if the Olympics are able to proceed in the Soviet Union, I ask my colleagues to rally against the purging of Jews who have applied to emigrate as well as the so-called "cleansing of other undesirables" from Moscow during these games.

I intend to monitor closely and press for the continued emigration of Soviet Jews and other minorities.

What is the fate of Anatoly Shcharansky? Shall he be regarded as a gauge of Soviet contempt for human life, liberty, and justice?

Let us forcefully decry his incarceration as boldly as we protest the move of Soviet armies against innocent people, so that we do not succumb to tyranny on any front.●

---

## UKRAINIAN INDEPENDENCE DAY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, 62 years ago, on January 22, 1918, the independence of Ukraine was declared by the Ukrainian Central Rada, the spokesman and Parliament for the Ukrainian people consisting of representatives of right of the Ukrainian people, as well as Ukrainian political parties, and other societies and groups.

Freedom for the Ukrainian National Republic, however, was short lived. because the Soviet Communists had by force taken control over Ukraine by 1922, thus reestablishing the imperialistic colonial policies begun by the Czar hundreds of years ago. A Communist puppet State was formed, based on brutality and outright genocide of Ukrainians, and the Soviets began a systematic attempt to destroy the cultural birthright of the Ukrainian people, as well as their religion and their national heritage.

Under the Stalin regime, many millions of Ukrainians lost their lives in the famine resulting from the forced collectivization of agriculture, and millions more were deported from their homeland to remote parts of the Soviet Union. During the terrible years of occupation by the Nazis, millions more died or were made slaves.

When looking at the years that have elapsed since the independence of Ukraine, one can only marvel at the tremendous spirit of the Ukrainian people, who have maintained their sense of ethnic identity and an undiminished yearning for independence and human dignity.

To this day, the brutal oppressive policies of the conquerors continue, just as those policies are continuing in their most recent colonial acquisition, Afghanistan. According to the World Congress of Free Ukrainians:

> The record of Communist Russia's inhuman treatment and persecution of the Ukrainian people is appalling and terrifying.
>
> What has the Soviet Russian alien regime brought to Ukraine since the incorporation of Ukraine into the USSR in 1922?
>
> Here are the particulars:
>
> Genocide, the physical destruction of millions of Ukrainians through man-made famines, executions, arrests and deportations;
>
> Ethnocide through the systematic Russification of the Ukrainian language and educational system, and the obliteration of the Ukrainian national identity;
>
> Suppression of Ukrainian culture and distortion of Ukrainian history and literature;
>
> Decimation of the Ukrainian intelligentsia through the physical destruction of thousands of Ukrainian writers, artists, scholars, scientists and other intellectuals;
>
> Wanton "liquidation" of the Ukrainian Orthodox and Catholic Churches through arrests, deportations and executions of their hierarchies, thousands of priests, monks and nuns and church lay leaders, and through confiscation of church properties and the closing down of the church as an established organization;
>
> Economic exploitation of Ukraine's natural resources for the purpose of Moscow's totalitarian expansion and aggression;
>
> Destruction of the political structure (political parties, associations) of the Ukrainian people;
>
> Violation of national and human rights in Ukraine on a massive scale.
>
> Among the best known Ukrainian intellectuals who have been sentenced to severe terms of imprisonment are Valentyn Moroz, a historian; Vyacheslav Chornovil, a journalist; Svyatoslav Karavansky, poet and writer, Ivan Svitlychny, literary critic and author; Yuriy Shukhevych, son of Gen. Roman Shukhevych, commander-in-chief of the UPA (Ukrainian Insurgent Army); Evhen Sverstyuk, literary critic and publicist; Mykhailo Osadchy, university professor and poet-writer; Ihor Kalynets, poet, and his wife Iryna Stasiv-Kalynets, poetess and college teacher; Stefania Shabatura, artist; Rev. Vasyl Romaniuk, Ukrainian Orthodox priest, and many others. Of the original eleven founding members of the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords in Ukraine, six have already been sentenced to severe terms:
>
> Mykola Rudenko, writer and head of the group—seven years at hard labor and five years of exile; Oleksiy Tykhy, language teacher—ten years in prison and five of exile; both were tried at the end of 1977.
>
> In March, 1978, Mykola Matusevych and Myroslav Marynovych were sentenced to seven years of imprisonment and five years of internal exile each. Finally, in August 1978, Lev Lukyanenko was sentenced to ten years of imprisonment and five years of exile, and Petro Vins, to one year of imprisonment.
>
> ### THE USSR: A COLONIAL EMPIRE
>
> The August 14, 1978 issue of Fortune Magazine carried a concise and penetrating article by Herbert E. Meyer on "The Coming Soviet Ethnic Crisis." Its overall leit-motif is that the non-Russian nationalities in the USSR will soon outnumber the ethnic Russians, and "the fabric of Soviet society might come apart at the seams if no solution is found to the 'nationalities problem.'"
>
> It goes on to state that the Soviet Union is not just a "country," in the modern sense of the word. Rather, it is the world's last surviving nineteenth-century style empire. There are Slavs, such as Russians, Ukrainians and Byelorussians; non-Slavic Europeans, such at Moldavians, Estonians, Latvians and Lithuanians; non-European Christians, such as Georgians and Armenians, and non-European Muslims, such as Azerbaijanis, Uzbeks, Tartars, Turkmen and Tadzhiks.
>
> The empire was originally stitched together by the Russian Czars who pushed to all sides in expanding their empire, in the process they subjugated many smaller nations.
>
> After sixty-one years of Communist rule, the Czar's empire has been considerably extended and the alien, non-Russian populations have increased. But Russian control of all life in the USSR is overwhelming and brutal.
>
> The most aggressive challenges to Soviet Russian domination have come and will continue to come from elites in the Soviet Union's most advanced countries—the Baltic States, Ukraine, Byelorussia and the Transcaucasus, where national traditions are strongest and deeply rooted in history.

Mr. Speaker, it was for these reasons that I have cosponsored House Concurrent Resolution 72, relative to the rights of Ukrainian citizens, and the text of that resolution follows:

### HOUSE CONCURRENT RESOLUTION 72

Concurrent resolution relative to rights of Ukrainian citizens

Whereas the Charter of the United Nations, as well as its Universal Declaration of Human Rights, sets forth the objective of international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion . . ."; and

Whereas in the so-called Brezhnev Constitution of the Union of Soviet Socialist Republics article 52 unequivocally provides that "Freedom of conscience, that is, the right to profess any religion and perform religious rites or not profess any religion, and to conduct atheistic propaganda, shall be recognized for all citizens of the Union of Soviet Socialist Republics. Incitement of hostility and hatred on religious grounds shall be prohibited"; and

Whereas not just religious or civil repression but the genocide—the absolute physical extermination—of both the Ukrainian Orthodox and Catholic Churches in a nation of over fifty million brutally violates the basic civilized rights enunciated above: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that the President of the United States of America shall take in the name of human rights immediate and determined steps to—

(1) call upon the Government of the Union of Soviet Socialist Republics to permit the concrete resurrection of both the Ukrainian Orthodox and Catholic Churches in the largest non-Russian nation both within the Union of Soviet Socialist Republics and in Eastern Europe; and

(2) utilize formal and informal contacts with Union of Soviet Socialist Republics officials in an effort to secure the freedom of religious worship in places of both churches that their own constitution provides for; and

(3) bring to the attention of all national and international religious councils the nature of this outstanding Stalinist crime and perpetuated violation of basic human rights, with an appropriate address to mobilization of their resources toward the realization of this resolution's objective.

Mr. Speaker, it is indeed appropriate for us here in the Congress to remember, on the 62d anniversary of the proclamation of the Ukrainian Republic, the millions of people still in the Ukraine, and their national compatriots in my own 11th District of Illinois, throughout our Nation, and all over the world who continue to cherish the hope of eventual independence and a free Ukraine. These dauntless people desire only that which is the right of all peoples—a nation of their own.

Let us, therefore, reaffirm our belief in freedom for all peoples and our hope that the valiant Ukrainians shall one day again enjoy the blessings of liberty in their own homeland for which they have courageously struggled for so long.●

---

□ 1530

## JUDGE WEBSTER AND JUDGE WOOD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

● Mr. GONZALEZ. Mr. Speaker, I have often stressed to the House the imperative and absolutely urgent need to find the person or persons who planned and carried out the coldblooded, daylight murder of Judge John Wood. This event occurred just outside the home of Judge Wood, and it was clearly well planned. No one has been arrested to date, despite months of diligent effort by law enforcement agencies.

The nature of this crime makes it a Federal offense, and the Federal Bureau of Investigation has put enormous resources into its effort to solve the murder. Some of those efforts were described in a letter I received from the Director of the FBI, and in a press conference he held in San Antonio. I want to share these reports with my colleagues and at the same time urge that the FBI and all other agencies redouble their efforts to clear up this terrible case, an assault on the very roots of our system of law and justice.

FEDERAL BUREAU OF INVESTIGATION,
*Washington, D.C., December 13, 1979.*
Hon. HENRY B. GONZALEZ,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN GONZALEZ: On November 28–29, 1979, I visited our San Antonio Field Office. I was accompanied by Assistant Director Francis M. Mullen, Jr., Criminal Investigative Division. We were afforded a very comprehensive briefing on the Kerr and Wood investigations and I had an opportunity to discuss these efforts in detail with the supervisors and the 17 Special Agents who are working full time on the case. I also reviewed the computer program designed to increase our analytical effectiveness. United States Attorney Boyd was out of the city but Mr. Mullen called on the office and visited the Assistant United States Attorneys working on the case.

I am satisfied that the investigation has retained its momentum and the dedication of the Agents assigned to the case. There was as you know very little to work from initially. No eyewitnesses to the shooting and virtually no forensic evidence at the crime scene, which I also visited. The enclosed transcript of a press conference which I held in response to repeated calls and inquiries during my stay in San Antonio sets forth what I have been able to say publicly about the investigation.

I know of your own intense interest in a resolution of this case and wanted you to be aware of the efforts, both in the field and at Headquarters, to solve it.

With best wishes,
Sincerely,
WILLIAM H. WEBSTER,
*Director.*

---

DIRECTOR'S PRESS CONFERENCE, SAN ANTONIO, TEX. (PALACIO DEL RIO HILTON HOTEL), THURSDAY, NOVEMBER 29, 1979

Good morning gentlemen.

I was detained a few minutes—I received a call of some interest, which will be of interest to you, from Washington. The Attorney General has announced the request for and appointment of a Special Prosecutor in the Hamilton Jordan case—Mr. Arthur Christy, an attorney in New York.

I am in San Antonio to visit the field office and to have an on-site briefing of the investigation in the assassination of Judge John Wood and I have brought with me Assistant Director Francis Mullen who is in charge of our Criminal Investigations—Bud Mullen—and I have no prepared statement this morning. This was a convenient time for me to be here; it also coincides with the 6 month anniversary of the shooting of Judge Wood. This was not planned to coincide but it did happen to coincide. The FBI is committed to the solution of this murder. I want to reinforce the efforts of the squad that is working full time and has been working full time during the past 6 months and will continue to explore all available leads. I do want to say at the outset that I am not prepared to make any announcements of any break-throughs. This is a slow, tedious, meticulous investigation, as is often the case in planned assassinations; very similar in many respects to the investigation of the disappearance of James Hoffa.

I can say that a result of the investigation we expect other significant criminal prosecutions as well as the resolution of the assassination of John Wood and the attempted assassination of Assistant United States Attorney Jim Kerr.

I can tell you a few things about the investigation to date, but I cannot discuss the specific leads. We had some briefings this morning, some briefings yesterday afternoon, and I will be back again this afternoon for more detailed briefings with the squad and an inspection of the crime scene. I have seen the forensic materials that have been developed to date. It is a very complicated case with considerable attention placed upon the murder immediately following—many, many, literally hundreds of individual reported leads which had to be sifted through. We have interviewed several thousand people—probably more than we interviewed in the Hoffa case. We can measure these, in part, by the 302's, as we call them, in the reports of investigation—we have over 3,000 of those. These do not include the negative interviews which took us nowhere. We have used the most modern investigative techniques that are available to us. Every piece of information, every scrap of information, every factual data has been entered into a computer. There are currently over 118,000 separate records now stored in the computer which are now in the process of analysis and development of specific leads and theories as to the murder of Judge Wood, the attempted assassination of Jim Kerr, and some of the resulting investigations of those individuals and organizations associated with the activities involved.

Now with that kind of an introduction, I'll be glad to answer any questions that I can about the Wood assassination or any subject relative to the FBI that you wish to ask me.

Q. Mr. Webster, how close do you feel that you actually are to an arrest in this case?

A. Are you talking about the Wood case?

Q. Yes, sir.

A. I can't give you any indication of that. I don't think an arrest is imminent. The narrowing process, the winnowing process continues. There are recurring new developments, some of which are encouraging, some of which have been encouraging and then prove to be blind alleys. But there have been very recent indications of activity that I can't talk about that convince me that the investigation has retained its momentum and will retain its momentum. I can't emphasize strongly enough the position of the President of the United States and the Attorney General and my own commitment here. The assault on Federal Officers closely associated with the administration of justice cannot be tolerated in a free society. We have had entirely too much violence in this country. The prospect of terrorism—organizations dedicated to terrorist activity and the frontal assault on those who have the responsibility for protecting the system of justice under which we operate, call for a relentless commitment to which this organization, the FBI, is fully dedicated.

Q. Judge Webster, you said that you're convinced that the investigation has regained momentum?

A. Retained momentum.

Q. Retained momentum. Yet yesterday, the former leader of the Bandido Motorcycle Club was given a 6-month Federal prison term for Federal Firearms Violations and for a while it appeared like that particular organization was being looked at very closely in connection with the investigation. Can you comment on that?

A. It is difficult to comment as a matter of policy on on-going investigations, but we have learned a great deal about that organization's activities and individuals within that organization's activities that will command on-going attention in a number of ways and directions.

This investigation, I think, will serve the people of San Antonio and the people of Texas and the country before we have completed it.

Q. Was that one of your blind alleys though on this investigation?

A. Not really, No.

Q. What happened with the $100,000 reward?

A. Yes. It has been continued until September of next year.

Q Do you plan to increase the amount?

A. There are other funds available provided the information is accurate and leads to arrest and conviction. One of the concerns that we have—I've discussed this with the Attorney General—is that many associated with some of the activities here are not too impressed with what would otherwise be a very sizeable amount of money. We expect in other ways to develop leads and useful information. In the meantime the reward money does stand and we welcome the support of the public. Any information that was overlooked in the past and might be made available to us today, we want it.

Q. Are we supposed to say that it is more than $100,000?

A. Yes.

Q. Just more than that?

A. Yes.

Q. Not specifying a certain amount?

A. Some of the sources of payment do not come as reward money but as money that I am authorized to pay for confidential information, but it is substantial. And I want to also thank the Police Department here, Department of Public Safety, we have received total cooperation from all law enforcement units in the State of Texas. Lt. Zook is on full-time assignment to our staff, our squad staff here, and I couldn't be more pleased with the cooperation we've received.

Q. Judge Webster, last week in a series of interviews, the U.S. Attorney, Jamie Boyd, said he knew who was responsible for both the, well that the same people were responsible for both the Kerr and the Wood attack. Do you have any thoughts on his comments?

A. I can't comment on them—I do have some thoughts but I can't comment on them. I know that United States Attorney Boyd is very anxious to see this resolved and there is still considerable material to go before the Grand Jury. I am very optimistic that we are going to see a prosecutive action in the foreseeable future on at least one of these cases. In the meantime the investigations go forward.

Q. Have you met with Boyd or any of his staff—do you plan to?

A. I have not met with Mr. Boyd here, he's out of town today. I expect that I will see him in Washington on one of his trips back to the advisory Committee on United States Attorneys. Those here in the office, Tony Morrow, who's here, the Special Agent in Charge, has been in close working relationship with him—it's been a coordinated effort.

Q. Judge Webster, exactly how this Grand Jury investigation helped your investigation. Has it been that fruitful?

A. Well, there are two kinds of end products from the Grand Jury investigation and that is significant testimony that would not have been available to us in the form of interviews, and there have been the use of the Grand Jury to eliminate the tender of information which proves to be without foundation. We have both of those.

Q. Has it helped you?

A. Yes. It has helped us but we're going to need more of it.

Q. Judge Webster?

A. Yes.

Q. Are you displeased with Mr. Boyd's, such public comments from him?

A. No. I think that that is up to the United States Attorney to give you whatever assessment he feels he can give. At the present time, I don't think I would do anything more than add needless fuel to the fire without giving you any information if I were to express my own views based on the information that has been supplied to us. The best thing that I can tell you is that the momentum is going strong.

Q. Sir, what has the investigation cost thus far?

A. Cost?

Q. Yes.

A. That's something I sometimes know the answer to. I don't have a dollar figure for you but we started with between 40 and 50 Agents full-time for over 6 weeks. At all times there have been at least 17 Special Agents working full-time—if you want to multiply the salaries of Special Agents you see an immediate building cost. We have the computer expense and other types of expense made in connection with Laboratory efforts analyzing the slim material that was at the scene—whatever the cost.

Q. Could you approximate it for me please?

A. Oh, I can't multiply that fast in my head. It is a significant investigation in terms of cost but it is more significant in terms of the issues that are at stake.

Q. Judge Webster, in terms of those issues, the drug traffic, the organized crime forces in Texas have, for years, enlisted the aid and the support of numerous local law enforcement and public officials.

A. Correct.

Q. Is it not true that Judge Wood's assassination provided you with the opportunity to come in and do a full court press and that maybe this assassination is almost incidental to your other investigations?

A. Well, it is not incidental, but as I intimated in the case of the Hoffa investigation, the fall out from this investigation will well serve the people of Texas. The Drug Enforcement Agency under Peter Bensinger has been extremely cooperative. They are most anxious to make a contribution based upon their knowledge and their investigations in the drug field here and they have done so. State agencies, as I mentioned before, have been outstanding. When we are through, the investigations of lawless subcultures and organizations will represent a major contribution to safety and security of the people of Texas. But I can't call it incidental to say that the investigation of Judge Wood is incidental. The first time in the history of the United States that an Article III Federal Judge has been assassinated calls for effective response.

Q. Judge, you made comparisons to the Jimmy Hoffa case. Is there any chance that the results might be the same? A dead end?

A. There is always that possibility.

Q. Are you confident you will ultimately find whoever did it?

A. We—There's nothing to date that indicates we have run out of steam. The momentum is going and I do have confidence. I don't want to raise levels of expectation because there is nothing before me at the present time that indicates an imminent breakthrough in the Wood assassination, but I do have continuing confidence based on what we've been able to develop to date, and that will be our posturee for a long time to come as long as it takes to solve it.

## A SLEDGE HAMMER AGAINST GLASS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. Coelho) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, President Carter's response to Russia's invasion of Afghanistan was a courageous move. His decision has my support, and I believe Congress should demonstrate its backing in a display of unity against this act of Soviet aggression.

At the same time, it is important that we concentrate on the economic effects of the grain embargo. While the administration has committed itself to cushioning the blow from the sales suspension, the business community is understandably nervous.

A headline in the Wall Street Journal last week read, "Farmers May Face Even Tighter Credit Because of Embargo." The survival of the farmer aside, there are truckers and processors and manufacturers and retailers who must bear the brunt of this action. One industry analyst prepared us for the worst, I think, when he described the multiplier effect of the grain embargo as having the force "of a sledge hammer against glass."

When I sit with the House Agriculture Committee for its hearings on this matter next week, the President will know we stand behind him. But it is our job to be certain that the only ones to suffer from his decision are officials of the Kremlin, who are responsible for this in the first place.●

## THE STATE OF SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Lehman) is recognized for 5 minutes.

● Mr. LEHMAN. Mr. Speaker, I welcome this opportunity to speak on the current state of Soviet Jewry.

The Helsinki accords guarantee the right to emigrate and the reunification of separated families. Yet the Soviet Union, one of the original signers of this document, has failed to abide by its provisions—Soviet Jewish families are continually harassed and denied their right to emigrate. On this occasion, 2 days after the 32d birthday of Anatoly Shcharansky, we are reminded of those who, like him, speak out in defense of their basic human rights and are targets of the greatest oppression. For 2½ years Anatoly has been unjustly imprisoned, denied rights to which other prisoners are entitled, and is being withheld needed medical attention.

The situation of the Soviet Jew today is an unpredictable one. Those who have applied for exist visas are subject to loss of jobs, separation of families, and continual harrassment simply because they are asserting rights which have been guaranteed them. Recently emigration has increased slightly, but this is only a fraction of the number still awaiting permission to leave. Of the many cases our office handles, only a very small number of those wishing to emigrate have been allowed to do so while others have been waiting for as long as 9 years.

Unfortunately, this picture shows no signs of improving. Instead, it appears that these practices are increasing. As part of its preparation for the 1980 Olympics, the Soviet Union has been conducting a campaign to "cleanse" Moscow and other cities of "undesirable elements" which include Jews and other religious and political dissidents. If the Olympic Games are held in Moscow, many Soviet Jews may face the possibility of spending their summers in prison or labor camps to prevent contact with Western visitors.

In 1978 I advocated removing the Olympic site from Moscow and cosponsored a resolution calling for this action. Now, due to Soviet aggression in Afghanistan, the issue of the Olympics has again arisen. I support and urge my colleagues to support removing the games from Moscow or, if necessary, a U.S. boycott of the games. The Olympic Games should not take place in an atmosphere which would make a mockery of its ideals of international cooperation, sportsmanship and human rights.

As we look ahead to a new decade, we would like to see a brighter outlook for Soviet Jews. Sadly, their position shows few signs of change for the better. We must continue to work diligently on behalf of these people and assure them that they are not forgotten.●

## A TRAVESTY OF JUSTICE: ANATOLY SHCHARANSKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

● Mr. ADDABBO. Mr. Speaker, at this very moment somewhere in a Russian prison, Anatoly Shcharansky, a weakened human being, remains imprisoned, desperately in need of medical attention which even the most primitive of societies would furnish. On January 20, Anatoly Shcharansky spent his 32d birthday in a prison thousands of miles away from his loved ones. For most of us, our birthdays are usually occasions of great joy and hope. Unfortunately for Anatoly his was just 1 more day of loneliness and despair. Despite the vehement protests of governments and people the world over he remains hostage to a nation that refuses to acknowledge his God-given right to freedom. More specifically, the right to emigrate to Israel.

Anatoly Shcharansky, like many Jewish people residing in the Soviet Union, wishes to leave, to travel to other nations that would honor and respect his desire to practice being a Jew, and most importantly, a human being. Time and time again, the Soviet Union has shown a blatant disregard for human rights embodied in constitutions and accords throughout the world. Time and time again, the Russian Government has refused to honor the agreements of the Helsinki accords, particularly in regard to those seeking to emigrate. He is but one of countless Soviet Jews who desire to leave the Soviet Union but cannot. The Soviet Union says they are a danger to the state if released.

Why is Anatoly Shcharansky imprisoned? According to the Soviet Union he committed treason and slander against the state. But most legal experts agree that his trial, if you could call it that, was a mockery of justice, even by Soviet standards. His conviction was based on the poorest of evidence available, with even the legal rights of the Soviet citizen disregarded. His day in court only showed the world how oppressive and one-sided the Soviet system of justice can be. He was not imprisoned because he had committed treason and slander, but because he chose to speak out against the repressive policies that characterize the Soviet Union's opinion toward Jews. He chose to speak out against a nation which refuses to acknowledge the very basics of human existence, the right to self-respect, liberty, and expression in opposition to oppression. The sentence by the court of a man so ill in health as he, was not a prison sentence, it was a death sentence. It cast a death knell to him and all the other Jews in the Soviet Union who wish to emigrate from a nation which views freedom as something available to only a few.

Anatoly Shcharansky awaits his chance to be free. His only source of strength and hope is his dream that somewhere in the free world people pray for is release. If we turn our backs on him and the countless others, we will be shattering it. The poet Langston Hughes once said, "Hold fast to dreams, for when dreams die life is a broken winged bird that cannot fly." We must continue to work so that his dream of freedom may someday be realized.●

## EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I am submitting to the House today a notification from the U.S. Export-Import Bank on proposed financing to make possible the sale of 15 new Boeing jet aircraft valued at $669.7 million to Alitalia of Italy.

Eximbank is prepared to extend a direct credit of $360,072,000 and to guarantee a $100 million loan from the Private Export Financing Corporation (PEFCO) for the Instituto Mobiliare Italiano (IMI), an Italian Government economic development agency. IMI will provide matching financing to Alitalia to enable the government-owned airline to purchase the aircraft.

Alitalia proposes to buy nine new Boeing 747 jet aircraft, six new Boeing 727-200 aircraft and related spare engines and parts. The total value of the planes would be $669,735,000.

This notification has been referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, requires the Bank to notify the Congress of proposed loans or financial guarantees or combinations thereof of $100 million or more. Unless Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress following notification.

I am submitting for the RECORD correspondence from the Eximbank explaining the terms and details of the Alitalia transaction. I would welcome any comments or questions my colleagues might have about this proposed financing arrangement.

The material follows:

EXPORT-IMPORT BANK OF THE
UNITED STATES,
*Washington, D.C., December 19, 1979.*

Hon. STEPHEN L. NEAL,
*Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Washington, D.C.*

DEAR MR. CHAIRMAN: In accordance with Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, I have reported to the President of the Senate and the Speaker of the House of Representatives on an application currently pending consideration by the Bank. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

JOHN L. MOORE, Jr.

EXPORT-IMPORT BANK OF THE
UNITED STATES,
*Washington, D.C.*

SPEAKER OF THE HOUSE OF REPRESENTATIVES,
*The Speaker's Room,*
*Washington, D.C.*

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to Italy:

### A. DESCRIPTION OF TRANSACTION

#### *1. Purpose*

Eximbank is prepared to extend a direct credit of $360,072,000 and a financial guarantee of a loan by the Private Export Financing Corporation (PEFCO) of $100,000,000 to Instituto Mobiliare Italiano (IMI). The purpose of the Eximbank financing is to facilitate the purchase in the United States by Alitalia of nine new Boeing 747 jet aircraft and six new Boeing 727-200 jet aircraft and related spare engines and parts. The total U.S. export value for this transaction is estimated to be $669,735,000.

#### *2. Identity of the parties*

(a) Instituto Mobiliare Italiano: IMI was established in 1931 by the Italian Government for the purpose of assisting in the development and strengthening of the Italian economy by engaging in general credit and financial operations. The Italian Government through various agencies, owns 72% of IMI's capital stock. IMI will be the obligor for the Eximbank financing and will provide matching financing to Alitalia to enable it to purchase the aircraft.

(b) Alitalia: Alitalia is the commercial air carrier of Italy and is wholly-owned by the Government of Italy. Established in 1946, Alitalia currently flies an extensive international and domestic route system.

#### *3. Nature and use of goods and services*

The principal goods to be exported from the United States are 15 commercial jet aircraft to be used by Alitalia for its worldwide and domestic routes. The airframes for the 727's and 747's will be manufactured in the Seattle Renton-Everett area by the Boeing Company of Seattle, Washington. The engines for the 727's will be manufactured by the Pratt and Whitney Aircraft Group of United Technologies Corporation in Hartford, Connecticut and the engines for the 747's will be manufactured by the General Electric Company in Cincinnati, Ohio. In addition, other U.S. firms will furnish spare parts.

### B. EXPLANATION OF EXIMBANK FINANCING

#### *1. Reasons*

The Eximbank financing support of $460,072,000 will facilitate the export of $669,735,000 of United States goods. Sales, profits and employment for U.S. aircraft manufacturers and their subcontractors are heavily dependent upon exports. Through 1990, aircraft purchases by foreign airlines are expected to account for approximately 40 percent of total U.S. aircraft sales. Eximbank's financial support for exports of U.S. aircraft has assisted U.S. aircraft manufacturers in obtaining approximately 80 percent of the world market for commercial jet aircraft.

The export of the 15 commercial jet aircraft which are the subject of this letter will have been achieved in the face of strong competition from the A-300 jet aircraft manufactured by Airbus Industrie. The route structures served by Alitalia include substantial travel volume to Africa, the Mid-

**dle East and South Asia where alternative connecting stops can be adjusted to the ranges of A-300 or 747 aircraft. The A-300 was determined by Alitalia to be technically and economically competitive with the 747 to meet those situations. The 747, unlike the A-300, also can serve long trans-oceanic routes but Alitalia already has 747 aircraft being used for that purpose. To be competitive Airbus arranged special financing with support by the Governments of France and Germany. Adequate, comparable financing from U.S. sources was necessary to offset the A-300 financing and to enable Alitalia to proceed at this time with a purchase of this magnitude. Otherwise a smaller purchase may have been selected from Airbus, with resulting loss of economic and employment benefits to the United States. The Eximbank financing, therefore, appears to have been a decisive factor in winning this sale for the U.S. suppliers.**

**Boeing estimates that the export of the fifteen aircraft will provide 18 million manhours of work for Boeing and its subcontractors. Additional benefits which will flow to the United States from the transaction include sizeable follow-on exports of spare parts, ground support and other related equipment.**

*2. The financing plan*

| | Percentage of U.S. costs | Total |
|---|---|---|
| Cash payment | 31.3 | $209,663,000 |
| PEFCO financing (with an Eximbank guarantee) | 14.9 | 100,000,000 |
| Eximbank credit | 53.8 | 360,072,000 |
| Total | 100.0 | 669,735,000 |

(a) Charges: The aggregate costs of the financing extended by Eximbank under its credit and guarantee will be 8.75 percent per annum, payable semiannually. A commitment fee of ½ of 1 percent per annum will also be charged on the undisbursed portion of the Eximbank Credit.

(b) Repayment Terms: The financing for the aircraft will be repaid in five schedules of 20 semiannual installments beginning six months after the midpoint of delivery of each of five groups of aircraft. PEFCO would be repaid from the earlier maturities and Eximbank from the latter maturities. Details of each schedule are as follows:

Midpoint of Aircraft Delivery and First Repayment Date

Group I (3—727's): March, 1980; September 15, 1980.

Group II (3—727's): June, 1981; December 15, 1981.

Group III (3—747's): December, 1980; June 15, 1981.

Group IV (3—747's): September, 1981; March 15, 1982.

Group V (3—747's): January, 1982; August 15, 1982.

Group V (3—747's): January, 1982; August 15, 1982.

Attached is certain additional information on Eximbank Activity in and economic data on the country involved in this transaction.

Sincerely,

JOHN L. MOORE, Jr.

EXIMBANK EXPOSURE IN ITALY (AS OF OCT. 31, 1979)

| | Outstanding | Undisbursed |
|---|---|---|
| Direct loans | $188,559,022.15 | $2,488,231.85 |
| CFF loans | 53,988.85 | 1,510,536.00 |
| Financial guarantees | 6,499,144.03 | 0 |
| Bank guarantees and other | 1,887,015.36 | 6,127,146.32 |
| Insurance: | | |
| Medium term | 3,313,594.03 | 11,038,501.14 |
| Short term | 78,224,096.38 | 0 |
| Total for Italy | 278,536,860.80 | 21,164,415.31 |

Defaults and Reschedulings

In the past ten years there have been no defaults or rescheduling of Export-Import Bank direct credits for U.S. export sales in Italy.

Economic Data: Italy

Area: 116,224 square miles.

Population: 56.7 million (1978).

Population Density: 488 per square mile.

Population Growth Rate: 0.6% (1973-1978).

| | Percent |
|---|---|
| Origin of GDP (1977): | |
| Agriculture | 7.6 |
| Industry | 34.7 |
| Construction | 7.7 |
| Private services | 35.3 |
| Public administration | 11.2 |
| Import duties | 3.7 |
| Total | 100.0 |
| Expenditure of GDP (1978): | |
| Private consumption | 63.2 |
| Government consumption | 16.4 |
| Capital formation | 18.8 |
| Increase in stocks | .8 |
| Net exports | .7 |
| Total | 100.0 |

| | 1976 | 1977 | 1978 | 1979 estimate |
|---|---|---|---|---|
| GNP data: | | | | |
| Nominal (billions of U.S. dollars) | 187 | 215 | 260 | 360 |
| Rate of real change (percent) | 5.9 | 2.0 | 2.6 | 4.3 |
| Fiscal and monetary data: | | | | |
| Government deficit (billions of U.S. dollars) | 17.7 | 25.5 | 40.2 | 48.7 |
| Deficit as share of GNP (percent) | 9.4 | 12.1 | 15.5 | 13.5 |
| Increase in money supply (Mz) (percent) | 19.0 | 21.6 | 26.6 | 25.0 |
| Price data (period averages) (percent): | | | | |
| Consumer Price Index increase | 16.8 | 17.0 | 12.1 | 15.3 |
| Wholesale price index increases | 23.8 | 16.6 | 8.4 | 15.1 |
| Labor data (period averages) (percent): | | | | |
| Minimum wage increases | 20.9 | 27.3 | 16.5 | 17.1 |
| Unemployment | 3.7 | 7.1 | 7.2 | 7.6 |
| External financial position (yearend) (billions of U.S. dollars): | | | | |
| Medium and long term debt outstanding | NA | 10.8 | 20.7 | NA |
| Claims on foreigners | NA | 15.3 | 20.2 | NA |
| Net medium and long term | NA | −5.5 | −.5 | NA |
| Balance of payments (billions of U.S. dollars): | | | | |
| Exports (f.o.b.) | 36.8 | 44.8 | 55.5 | NA |
| Imports (f.o.b.) | −41.1 | −44.9 | −52.6 | NA |
| Trade balance | −4.3 | −.1 | +2.9 | −1.8 |
| Net services | +2.0 | +3.4 | +5.0 | NA |
| Transfers | −.6 | −.8 | −1.5 | NA |
| Current account balance | −2.9 | +2.5 | +6.4 | +2.0 |
| Net capital flows | +4.4 | +3.5 | +.2 | NA |
| Overall balance | +1.5 | +6.0 | +6.6 | NA |
| Reserves (billions of U.S. dollars): | | | | |
| Foreign exchange (excluding gold) | 3.3 | 8.1 | 11.1 | 18.6 |
| Gold (national valuation, 15 percent below market price) | 9.3 | 11.3 | 14.3 | 20.1 |

●

## PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WHITE) is recognized for 5 minutes.

● Mr. WHITE. Mr. Speaker, due to previously scheduled appointments in the 16th District of Texas, I was unable to be on the House floor for several recorded votes that were taken prior to adjournment of the 1st session of the 96th Congress. I would like to go on record as follows:

On rollcall No. 747 (December 19, 1979), adoption of conference report on S. 673 to authorize appropriations for the Department of Energy for national security programs for fiscal year 1980, "yes."

On rollcall No. 748 (December 19, 1979), adoption of conference report on H.R. 3875 to amend and extend certain Federal laws relating to housing, community, and neighborhood development and preservation, "yes."

On rollcall No. 749 (December 19, 1979), amendment to H.R. 2585 that prohibits use of funds by the Secretary of Transportation to endorse or administer any standard or regulation which requires any passenger car to be equipped with an occupant restraint system unless the regulation permits the purchaser to select any occupant restraint system that meets Federal requirements, "yes."

On rollcall No. 750 (December 19, 1979), passage of bill, H.R. 3927, to amend the National Visitor Center Facilities Act of 1968, "no."

On rollcall No. 751 (December 19, 1979), passage of bill, H.R. 5295, to amend title II of the Social Security Act to make the monthly earnings test available in limited circumstances in the case of certain beneficiaries, "yes."

On rollcall No. 752 (December 20, 1979), passage of House Joint Resolution 467 making an urgent appropriation for administrative expenses of the Chrysler Corp. guarantee program, and to provide financial assistance to the Chrysler Corp. for the fiscal year ending September 30, 1979, "no."

On rollcall No. 753 (December 20, 1979), adoption of House Resolution 511 waiving certain points of order against the conference report on H.R. 2440, to repeal the prohibition against the expenditure of certain discretionary funds under the Airport and Airway Development Act of 1970, "yes."

On rollcall No. 754 (December 20, 1979), adoption of House Resolution 512 condemning the use of chemical agents in Indochina, "yes."

On rollcall No. 755 (December 20, 1979), passage of H.R. 2816 to amend the Immigration and Nationality Act to revise the procedures for the admission of refugees, "yes."

On rollcall No. 757 (December 20, 1979), motion to limit general debate on bill to disapprove the location of Chanceries Amendment Act of 1979 (H. Con. Res. 228), passed by the Council of the District of Columbia, "yes."

On rollcall No. 758 (December 20, 1979), adoption of conference report on H.R. 5680 to authorize loan guarantees to Chrysler Corp., "no."●

## WHITE HOUSE CONFERENCE ON SMALL BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 5 minutes.

● Mr. SMITH of Iowa. Mr. Speaker, on January 13-17, 1980, after 57 State and regional meetings attended by 20,000 individuals 1,573 delegates came to Washington for the White House Conference on Small Business.

The Conference was divided into 12 areas and workshops were held in each: Capital formation and retention, minority business development, innovation and technology, inflation, veterans in business, Federal procurement, energy; women in business, Government regulations and paperwork, economic policy and Government programs, international trade, and education, training and assistance.

Each delegate attended 2 of the 12 workshops and 5 recommendations were selected by those attending each workshop.

Finally, the last day of the Conference some 1,302 delegates voted for 15 of these 60 recommendations as being priority items.

The Small Business Committee will be examining all of these recommendations in detail and for the information of my colleagues I am attaching those 15 priority recommendations:

### PRIORITY RECOMMENDATIONS OF WHITE HOUSE CONFERENCE ON SMALL BUSINESS

1. Replace the present corporate and individual income tax schedules with more graduated rate scales, specifying the graduated corporate tax scale up to $500,000.

2. Adopt a simplified accelerated capital cost recovery system to replace the present complex Asset Depreciation Range (ADR) regulations, with provisions such as (A) immediately expensing capital costs less than a specified amount, (B) immediately expensing government mandated capital costs, and (C) the creation of a maximum annual benefit that may be derived from the system.

3. Balance the Federal Budget by statute in Fiscal Year 1981 by limiting total Federal spending to a percentage of the GNP, commencing with 20 percent and declining to 15 percent.

4. Revise estate tax laws to ease the tax burden on family-owned businesses and encourage the continuity of family ownership.

5. Congress shall exercise its oversight function with the assistance of the General Accounting Office, instituting sunset reviews of all laws, regulations, and agencies, to ensure that none exceeds original congressional intent. Sunset reviews, in an appropriate time frame (not less than every five years) should include economic impact analysis and proposed agency budget reductions, leading to re-enactment of each agency's enabling legislation to permit its continued existence, or to reduce its size and cost.

(A) Establish a Regulatory Review Board composed of representatives from the Executive Branch, Congress and small business owners, with responsibility for impact statements and cost controls.

(B) Congress shall exercise line-item veto over regulations within a specified time through congressional oversight committees, with one-house floor vote.

6. Support and urge passage of S. 1860, the Small Business Innovation Act of 1979, and companion bill H.R. 5607, as presently drafted with flexibility for minor future amendments, covering: small business research and development set-asides; small business innovation and research programs (as already encompassed by H.R. 5126 and S. 1074); patents retention; amendments to the Internal Revenue Code; and regulatory flexibility.

7. Provide for a tax credit for initial investment in a small business, and permit deferral of taxes for roll-overs of investments affecting small businesses.

8. Reform the Social Security System by including, where constitutionally possible, all public and private sector employees as contributors and more closely tie benefits to contributions to move the system toward actuarial soundness. Limit benefits to the original old-age and survivors benefits. Freeze the tax base and tax rate at the January 1980 level. Eliminate double dipping.

9. Provide tax incentives in the form of a new security called a Small Business Participating Debenture (SBPD) to provide a source of capital for small businesses.

10. The Office of Advocacy must be maintained, reinforced and expanded so that activity be not less than 5 percent of the SBA salary and expense budget. The legislative mission of Advocacy must be considered the number one priority of SBA and the Office of Advocacy. The independence of that function of the Office of Advocacy must be protected so that it may continue to have the confidence of the small business community. SBA's Advocacy budget should be devoted to economic research and analysis, as well as small business advocacy. Small business advocates, under the direct supervision of the SBA Office of Advocacy, shall be assigned to OMB, Federal Reserve Board, Treasury, International Trade Policy Committee and other regulatory agencies.

11. Private lending institutions should be required to provide equal access to commercial credit for women in business. The Federal Reserve Board should establish record keeping requirements for commercial loans to women which will permit effective monitoring of performance under the Equal Credit Opportunity Act. The Small Business Administration should make bank certification available to as many commercial banks and other lenders as possible and establish targets for increasing the dollar volume of loans made to minority-owned and women-owned businesses, as one of the criteria for recertification.

12. Small business should be eligible for magistrate review of agency civil penalties, and reimbursed for court costs, reasonable attorney's fees, and damages from administrative action, if successful in civil disputes with the Federal Government, including IRS.

(A) Such costs and fees to come from the operating budget of the agency.

(B) Magistrates will be appointed and be responsible to the judges in each Federal Judicial District.

(C) With burden of proof on the agency to defend its action.

13. Revise minimum wage standards by freezing standards at January, 1980 levels and establishing a two-tier minimum wage by exempting teenagers, seasonal workers and part-time workers.

14. The President, by Executive Order, and Congress, by legislation, shall establish mandatory goals for all Federal procurements and Federal funds or grants to states, localities, and public and private institutions, on a contract-by-contract or agency-wide basis for small businesses (35 percent); minority-owned (Black, Hispanic, Native American, Asian Pacific American, and other racial minorities) businesses (15 percent); and women in business (10 percent).

15. Require that all government agencies which develop fiscal, monetary, legislative and regulatory policies/practices shall submit small business "economic impact" statements that require the regulatory agencies to identify the anticipated benefits and to justify the costs of Federal regulatory requirements to small business. In addition, all regulatory policies shall be subject to sunset provisions to be reviewed every 5 years in order to insure that only cost effective regulations shall be maintained and retained in the future.●

## FRANK SINATRA, THE GREATEST ENTERTAINER, BRINGS HAPPINESS TO MILLIONS

(Mr. LEWIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEWIS. Mr. Speaker, in the heart of my congressional district, in Palm Springs, there is a new wing of the Desert Hospital about to be dedicated, and its existence is largely credited to the help of my constituent, Frank Sinatra. In Las Vegas, in front of Caesars Palace, there is a fountain dedicated to Mr. Sinatra, and all the "coins in the fountain" are given to the John Wayne Memorial Cancer Foundation at UCLA. There is a Brotherhood Youth Center in Nazareth, in the country of Israel, which cares for orphans without distinction of origin, religion, or nationality. These are but a few of the monuments of the great work of this great man whose contributions to mankind have been countless.

Francis A. Sinatra is best known for his musical talents. He is the greatest entertainer in the world. He has brought happiness to millions of people for decades.

There is no one who can sustain a note as long as Frank. Sometimes, I think he can sing an entire song without taking a breath. One wag suggested he has gills.

His unequaled way with lyric and his consummate musical talents have endeared him to the hearts of all in the music business as a composer and a singer. Mr. Sinatra's lifetime dedication to the high standards of entertainment does not end with a song. Who will ever forget his oscar winning role in the film classic, "From Here to Eternity." These high accomplishments exemplify his entire career.

On stage and camera he carries with him something of the dangerous glamour of a great bandit chieftain. However, there is another side of this epic hero. A song by Sinatra is a page from the autobiography of a man who has been there—"all the way"—and back; a song of dedication and unselfish efforts over the years which have raised literally millions of dollars for care of the underprivileged of the world. He is often thought of in the same light as many of the world's greatest: Helen Keller, Jonas Salk, Winston Churchill, General George Marshall, and Father Flanagan of Boys Town. To Frank, it is people who count, and he truly cares.

Mr. Sinatra is affectionately known as "Ole Blue Eyes," this is a warm reminder of the very human side of this giant. He is loved and gives love in return. We are constantly reminded of his many well-known efforts on behalf of others: The cancer fund, hospital drives, the list goes on forever. But few know of "Ole Blue Eyes" giving so much of himself to individual people: A waitress and her son with no place to live, a poor family with no money at Christmas time. He is never too busy to respond to the real needs of one human being.

Mr. Speaker, it is an honor to recognize such an exquisite man, whose graciousness has touched all our lives. As

America's No. 1 entertainer and philanthropist, he has brought a song and a smile to the heart of a world that so needs to smile.

Frank Sinatra is the No. 1 constituent of the 37th Congressional District of California. In closing I am reminded of words written nearly 500 years ago by William Shakespeare: "The elements are so mixed in him that nature might stand up and say to all the world, 'This is a man.' "

---

## THE STATE OF THE CITIES

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

● Mr. GARCIA. Mr. Speaker, this is the first meeting of the Congress of the United States during this new decade. This is the first time I shall be speaking before this body during this decade. As the decade begins, the possibilities for the collective energy of our Nation to improve the lives of urban Americans have never been greater. At the same time, the decade begins with many of these Americans confronting a despair which has rarely been more acute.

Tomorrow evening, in this distinguished room, President Carter will speak at length about the state of the Union. Today, I would like to speak briefly to this Congress about the state of the cities.

I represent the people of the South Bronx before the other representatives of the people of this Nation. Others here represent the people of the barrio, the people of the south side, the people of Bedford-Stuyvesant, the people of Watts, the people of Roxbury. Also here are the representatives of the people of Summerhill in Atlanta, Harlem in New York, 103d street in South Los Angeles, 12th Street in northwest Detroit, and Springfield Avenue in Newark. There are others here, of course, representing other inner-city communities whose very names have come to symbolize the collective despair of an entire urban neighborhood.

How shockingly ironic that the names of communities can symbolize despair in a nation whose name symbolizes hope to the collective peoples of the world. How ironic, and how very needless and wasteful and morally wrong.

Some have said during the preceding 10 years that our cities are making a comeback. Others have said they are not. Some have said we must have new programs to help our cities. Others have said the programs only hurt them. And some have said that urbanization is the best way to conserve energy, while still others have said that cities themselves are not worth the energy.

The debate about our cities will continue, of course, and much of the national debate during the new decade will occur in the Congress. Yet, the programs will continue to be developed by us and the money will continue to come from us. Is our debate in the 1980's, then, to consist solely of the asserting of our assumptions about the cities rather than the challenging of those assumptions?

Speaking at another place in another time, we recall that President Lincoln said: "The world will little note, nor long remember what we say here.* * *" Speaking in Hamtramck and Brownsville in our time, we should recall, are those who say that the world has never noted nor rarely cared that they are here. May the debaters in this body of our Nation's urban policy never fail to hear their voices. May we, the census takers, or the others who participate in governing our Nation never assume that those who are silent are those who do not exist.

The most difficult part of a Congressman's job, I have come to believe, is to put into words the fears and hopes of one's constituents. How does one address an indigent constituent's desire for her children to have a better life than did she? How does one speak of the overwhelming despair of a constituent who faces discrimination daily and knows that her children's life will in all likelihood be no different from hers?

I know that many of those in this distinguished body speak far better than do I. But were I the greatest orator in the Congress the words which my mouth could speak would be insufficient to describe the horrors in our cities which my eyes have seen.

In my district, huge piles of uncollected trash, many with hordes of rats around them, compete for space on a crumbling sidewalk with people who are hungry and homeless. Abandoned buildings stand next to other abandoned buildings, their monotony broken only by the many vacant lots around them where once stood still more abandoned buildings. Attracted to their homes by hope and the opportunity for a better life, many of the people in my district find their lives defined instead by poverty and discrimination.

Thus it was for their parents and for their parents' parents. Thus it will be for their children and for their children's children. Does there exist any Member of this House who is so eloquent—is there any person alive who is so eloquent—that he or she can verbalize their thoughts and feelings?

In the 1960's, the National Advisory Commission on Civil Disorders stated that: "Our Nation is moving toward two societies, one black, one white—separate and unequal."

In the 1970's, the Commission on the Cities in the 1970's stated that: "Our observations convinced us that most of such changes as there have been in the conditions * * * associated with the rage that erupted in the cities in the 1960's have been changes for the worse."

What conclusion would be arrived at by the chronicler of the state of our cities in the 1980's?

I cannot now answer that question, nor will I be so presumptuous as to try to answer it. As people flee our devastated urban areas, many others move to rebuilt ones. As businesses fail in some communities, they thrive in different communities. Buildings boom in some parts of my city, and they burn in others.

All this is occurring in urban America as we enter the 1980's. This is the landscape against which Congress will consider national urban policy. The challenge of Congress in this new decade, as I see it, is to avoid the complacency of quick characterizations and easy solutions. Our goal, as I see it, is to extend the promise of our Nation.

Thank you very much.●

---

## A SALUTE TO THE FIRST BAPTIST CHURCH OF MANLIUS, N.Y.

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

● Mr. HANLEY. Mr. Speaker, human beings and the institutions they serve often mesh in ways that, even in fiction, would seem improbable. We characterize these striking happenings most often as coincidences. And to keep our sense of perspective, that is probably the wisest approach. Let me illustrate.

There have been many milestones in the long history of the First Baptist Church of Manlius, N.Y. The first organizational meetings were held in 1797, when the number of white settlers in central New York probably numbered less than 500; the erection of their first independent structure in the 1820's; the first Sunday school classes in the mid-1800's; and, 3 years after the Civil War, the hanging of the first steeple bell.

I mention these events simply to give a sense of the long and vital history of this communion of souls.

As the church moved well into its second century of involvement in the spiritual and social life of central New York, the faithful saw the need for a larger, more functional church building. Two events occurred in 1927, which serve to dramatize my opening remarks that humans and the institutions they serve often mesh in mysteriously coincidental ways.

It was in 1927 that members of the First Baptist Church of Manlius laid the cornerstone for their new church. And, also in 1927, far removed from central New York in western Pennsylvania, Frank E. Clayton was born—another "cornerstone." Today, 53 years later, Dr. Frank E. Clayton, D. Min. serves as pastor in the church structure which was given life in the same year he was.

It may be argued logically that that is a mere coincidence. But not if you examine the love and admiration which the church flock and pastor have for one another today. It seems they were made for one another.

On Sunday, January 27, 1980, the First Baptist Church in Manlius will celebrate with great joy the 25th anniversary of their pastor, Rev. Dr. Frank E. Clayton.

In 1952, Dr. Clayton received a bachelor's degree from Roosevelt University in Chicago, and continued his theological studies at Northern Baptist Theological Seminary from which he graduated in 1955. He was ordained into the christian ministry at the Irving Park Baptist Church in Chicago, January 30, 1955.

Married in 1951 to Dolores Jean Timblin, the couple has two children.

Active with scouting activity in central New York, Dr. Clayton is an active outdoorsman and is widely-known for his generous donation of blood to the Red Cross—68 pints to date.

A respected community leader, Dr. Clayton makes a point to keep himself and his church members informed of national issues, and leads them in prayer each Sunday that national leaders may have divine guidance so critical today.

I join in saluting both the long-lived First Baptist Institution itself and its young pastor in his "young" church who shared a naturally coincidental beginning 53 years ago.●

## JUSTICE WILLIAM O. DOUGLAS

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, I rise to pay tribute to a towering figure in this Nation's judicial history. The death of retired U.S. Supreme Court Justice William O. Douglas leaves a void impossible to fill.

Whether as an Associate Justice or in many of the other roles in his life—Chairman of the Securities and Exchange Commission, conservationist and outdoorsman, author, world traveler, foundation head—Mr. Douglas always devoted himself totally and never shrank from controversy.

The U.S. Supreme Court never has seen a more fierce defender of individual liberties than William O. Douglas. He wrote:

> The Constitution was designed to keep government off the backs of the people.

However, he felt equally strongly that individuals must give way to the general welfare where the quality of life is at stake.

Justice Douglas yielded to no one in his defense of the "firstness" of the first amendment. He wrote:

> Free speech has occupied an exalted position because of the high service it has given our society. Its protection is essential to the very existence of a democracy.

His own language was blunt and colorful. In a 1969 opinion in an obscenity case, he said he opposed censorship "not because, as frequently charged, I relish 'obscenity.' I think the first amendment bars all kinds of censorship."

Justice Douglas was a man of unquestioned principle. He was uncompromising in his support of civil rights. He supported labor unions until he felt that their power had grown to the point of impinging on individual rights. He supported corporations when he felt the Government had gone too far in controlling them.

During his 36 years on the Court, Justice Douglas was a fierce defender of the right of dissent. He, himself, was a great dissenter, writing on cases as he saw them, regardless of the temper of the times or even of whether he would persuade other justices to adopt his views. He lived to see many of his dissents become the law of the land, as the Court eventually adopted views that he had urged unsuccessfully earlier. They included legislative reapportionment, curtailment of police powers, and the right of all criminal defendants to free counsel if they could not afford attorneys of their own.

William O. Douglas was an individualist who believed deeply in every person's right to hold any opinion, no matter how outrageous, and express it freely. He was a loner who saw little value in conforming one's ideas and habits and personal life to the views of others. His contribution to the very fabric of our society was enormous, and this Nation will miss him dearly.●

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MURPHY of Illinois (at the request of Mr. WRIGHT), through February 1, 1980, for medical reasons.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. WYATT (at the request of Mr. WRIGHT) indefinitely, on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HARRIS, for 60 minutes, in lieu of Mr. DRINAN and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. LIVINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. CLAUSEN, for 5 minutes, today.

Mr. MILLER of Ohio, for 10 minutes, today.

Mr. SOLOMON, for 60 minutes, January 23, 1980.

(The following Members (at the request of Mr. WHITLEY) to revise and extend their remarks and include extraneous material:)

Mr. GARCIA, for 10 minutes, today.

Mr. CORMAN, for 15 minutes, today.

Mr. DRINAN, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. LEHMAN, for 5 minutes, today.

Mr. ADDABBO, for 10 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. WHITE, for 5 minutes, today.

Mr. SMITH of Iowa, for 5 minutes, today.

Mr. BLANCHARD, for 5 minutes, today.

Mr. STRATTON, for 60 minutes, January 24, 1980.

Mr. ECKHARDT (at the request of Mr. DRINAN), for 30 minutes, on January 24.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LIVINGSTON) and to include extraneous matter:)

Mr. ANDREWS of North Dakota.

Mr. MICHEL.

Mr. LUNGREN.

Mr. FINDLEY in two instances.

Mr. LENT.

Mr. ROYER.

Mr. MOORHEAD of California.

Mr. DERWINSKI in six instances.

Mr. RHODES.

Mr. BEARD of Tennessee.

Mr. COLLINS of Texas in three instances.

Mr. SHUMWAY in two instances.

Mr. BETHUNE in two instances.

Mrs. HOLT.

Mr. MILLER of Ohio in six instances.

Mr. BEREUTER.

Mr. ASHBROOK in four instances.

Mrs. HECKLER.

Mr. RUDD.

Mr. EVANS of Delaware.

(The following Members (at the request of Mr. WHITLEY) and to include extraneous matter:)

Mr. LLOYD.

Mr. MOORHEAD of Pennsylvania.

Mr. MAZZOLI in three instances.

Mr. HOLLAND in three instances.

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mrs. BYRON in 10 instances.

Mr. ROSENTHAL in 10 instances.

Mrs. BOUQUARD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Ms. HOLTZMAN in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. CAVANAUGH in five instances.

Mr. DODD in two instances.

Mr. YATRON.

Mr. MATSUI.

Mr. NOWAK.

Mr. MOAKLEY in 10 instances.

Mr. MINISH.

Mr. LEHMAN.

Mrs. SCHROEDER.

Mr. SKELTON.

Mr. ZABLOCKI in two instances.

Mr. EDGAR in two instances.

Mrs. BOGGS.

Mr. PATTERSON.

Mr. FLIPPO.

Mr. HARRIS.

Mr. BENNETT in two instances.

Mr. DELLUMS.

Mr. BLANCHARD.

Mr. WRIGHT.

Mr. STUDDS.

Mr. ECKHARDT.

Mr. HUTTO.

## ADJOURNMENT

Mr. DRINAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 23, 1980, at 3 o'clock p.m.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees, and delegations traveling under an authorization from the Speaker, concerning the foreign currencies and U.S. dollars utilized by them during the second, third, and fourth quarters of calendar year 1979 in connection with foreign travel pursuant to Public Law 95–384 are as follows:

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MAJORITY LEADER'S TRIP TO THE PEOPLE'S REPUBLIC OF CHINA (CODEL BROOKS), U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 12 AND APR. 20, 1979

| | Date | | | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Name of Member or employee | Arrival | Departure | Country | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Jack Brooks, Hon. Dante Fascell, Hon. James C. Corman, Hon. Benjamin S. Rosenthal, Hon. James W. Quillen, Hon. John W. Wydler, Hon. James J. Howard, Hon. David R. Obey, Hon. Robert A. Roe, Hon. Robert Drinan, Hon. Bill Archer, Hon. Cardiss Collins, Hon. Robert E. Bauman, Hon. John L. Burton, Hon. Martin A. Russo, Hon. Allen E. Ertel, Hon. Daniel A. Mica, Mr. Craig Raupe, Ms. Nancy Geltman, Mr. John E. Moore. | 4/12 | 4/13 | Japan | | [3] 1,944.22 | | [4] 230.00 | | [5] 150.01<br>[6] 90.00 | | 2,414.23 |
| Do | 4/13 | 4/19 | China | | [7] 4,549.41 | | [8] 5,039.03 | | | | 9,588.44 |
| Do | 4/19 | 4/20 | Hong Kong | | [9] 2,600.64 | | 184.36 | | [10] 263.00<br>[11] 442.37<br>[5] 84.36 | | 3,574.73 |
| U.S. military airlift for delegation | | | | | | | 133,903.80 | | | | 133,903.80 |
| Total | | | | | 9,094.27 | | 139,357.19 | | 1,029.74 | | 149 81.20 |

---

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] $26.25 returned by Mr. Fascell, $7.84 by Mr. Obey, $41.03 by Mr. Drinan, $40.66 by Ms. Geltman, not included.

[4] Local transportation expenses.

[5] Delegation control room.

[6] Communication expense.

[7] No per diem paid to individuals. Food and lodging for delegation paid by Embassy direct to China travel service.

[8] In country travel cost by air and train paid direct by Embassy to China travel service.

[9] $52.35 returned by Mr. Russo, $82.73 by Mr. Fascell, $7.61 by Mr. Ertel, $49.27 by Mr. Archer, $25.20 by Mr. Burton, $97 by Mr. Drinan, $85.20 by Ms. Geltman, not included.

[10] Landing and departure tax.

[11] Counsel General delegation expense.

JACK BROOKS,
Chairman.

Dec. 18, 1979.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SPEAKER-AUTHORIZED TRAVEL TO CHINA VIA JAPAN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 11 AND 24, 1979

| | Date | | | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Name of Member or employee | Arrival | Departure | Country | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Charlotte Dickson | 8/13 | 8/15 | Japan | 41,912 | 194.00 | 33,785.71 | 154.05 | 9,972.86 | 45.96 | 85,670.57 | 394.01 |
| | 8/15 | 8/22 | China | 808.25 | 525.00 | 810.80 | 526.40 | 268.28 | 174.22 | 1,887.33 | 1,225.62 |
| Military transportation | | | | | | | 1,556.49 | | | | 1,556.49 |
| Total | | | | | 719.00 | | 2,236.94 | | 220.18 | | 3,176.12 |

---

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note: No claim, of any nature, for expenses incurred during the domestic portion of this foreign travel (Hawaii—Aug. 11 and 12) was made by Charlotte Dickson.

CHARLOTTE DICKSON.

Jan. 8, 1980.

### AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1979

| | Date | | | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Name of Member or employee | Arrival | Departure | Country | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Charles H. Wilson | 8/5 | 8/7 | Japan | 42,068 | 194.00 | | | | | | 194.00 |
| | 8/7 | 8/10 | Korea | 108,900 | 225.00 | | | | | | 225.00 |
| | 8/10 | 8/12 | Hong Kong | 803.10 | 156.00 | | | | | | 156.00 |
| | 8/12 | 8/15 | Thailand | 4,594.50 | 225.00 | | | | | | 225.00 |
| | 8/15 | 8/18 | Singapore | 481.50 | 225.00 | | | | | | 225.00 |
| | 8/18 | 8/22 | Hawaii | | 410.18 | | | | | | 410.18 |
| Transportation provided by DOD (transpacific and intercountry). Have not yet received group transportation costs from Department of State. | | | | | | | 2,843.59 | | | | 2.843.59 |
| Hon. William Clay | 8/5 | 8/7 | Japan | 42,068 | 194.00 | | | | | | 194.00 |
| | 8/7 | 8/10 | Korea | 108,900 | 225.00 | | | | | | 225.00 |
| | 8/10 | 8/12 | Hong Kong | 803.10 | 156.00 | | | | | | 156.00 |
| | 8/12 | 8/15 | Thailand | 4,594.50 | 225.00 | | | | | | 225.00 |
| | 8/15 | 8/18 | Singapore | 481.50 | 225.00 | | | | | | 225.00 |
| | 8/18 | 8/22 | Hawaii | | 410.18 | | | | | | 410.18 |
| Transportation provided by DOD (transpacific and intercountry). Have not yet received group transportation from Department of State. | | | | | | | 2,843.59 | | | | 2,843.59 |
| Kenneth R. Harding | 8/5 | 8/7 | Japan | 42,068 | 194.00 | | | | | | 194.00 |
| | 8/7 | 8/10 | Korea | 108,900 | 225.00 | | | | | | 225.00 |
| | 8/10 | 8/12 | Hong Kong | 803.10 | 156.00 | | | | | | 156.00 |
| | 8/12 | 8/15 | Thailand | 4,594.50 | 225.00 | | | | | | 225.00 |
| | 8/15 | 8/18 | Singapore | 481.50 | 225.00 | | | | | | 225.00 |
| | 8/18 | 8/22 | Hawaii | | 410.18 | | | | | | 410.18 |
| Transportation provided by DOD (transpacific and intercountry). Have not yet received group transportation costs from Department of State. | | | | | | | 2,843.59 | | | | 2,843.59 |

| Name of Member or employee | Date |  | Country | Per diem[1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Howard Cook | 8/5 | 8/7 | Japan | 42,068 | 194.00 |  |  |  |  |  | 194.00 |
|  | 8/7 | 8/10 | Korea | 108,900 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/10 | 8/12 | Hong Kong | 803.10 | 156.00 |  |  |  |  |  | 156.00 |
|  | 8/12 | 8/15 | Thailand | 4,594.50 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/15 | 8/18 | Singapore | 481.50 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/18 | 8/22 | Hawaii |  | 410.18 |  |  |  |  |  | 410.18 |
| Transportation provided by DOD (transpacific and intercountry). Have not yet received group transportation costs from Department of State |  |  |  |  |  |  | 2,843.59 |  |  |  | 2,843.59 |
| John Pontius | 8/5 | 8/7 | Japan | 42,068 | 194.00 |  |  |  |  |  | 194.00 |
|  | 8/7 | 8/10 | Korea | 108,900 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/10 | 8/12 | Hong Kong | 803.10 | 156.00 |  |  |  |  |  | 156.00 |
|  | 8/12 | 8/15 | Thailand | 4,594.50 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/15 | 8/18 | Singapore | 481.50 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/18 | 8/22 | Hawaii |  | 410.18 |  |  |  |  |  | 410.18 |
| Transportation provided by DOD (transpacific and intercountry). Have not yet received group transportation costs from Department of State |  |  |  |  |  |  | 2,843.59 |  |  |  | 2,843.59 |
| Herman Thompson | 8/5 | 8/7 | Japan | 42,068 | 194.00 |  |  |  |  |  | 194.00 |
|  | 8/7 | 8/10 | Korea | 108,900 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/10 | 8/12 | Hong Kong | 803.10 | 156.00 |  |  |  |  |  | 156.00 |
|  | 8/12 | 8/15 | Thailand | 4,594.50 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/15 | 8/18 | Singapore | 481.50 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/18 | 8/22 | Hawaii |  | 410.18 |  |  |  |  |  | 410.18 |
| Transportation provided by DOD (transpacific and intercountry). Have not yet received group transportation costs from Department of State. |  |  |  |  |  |  | 2,843.59 |  |  |  | 2,843.59 |
| John Godwin | 8/5 | 8/7 | Japan | 42,068 | 194.00 |  |  |  |  |  | 194.00 |
|  | 8/7 | 8/10 | Korea | 108,900 | 225.00 |  |  |  |  |  | 225,00 |
|  | 8/10 | 8/12 | Hong Kong | 803.10 | 156.00 |  |  |  |  |  | 156.00 |
|  | 8/12 | 8/15 | Thailand | 4,594.50 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/15 | 8/18 | Singapore | 481.50 | 225.00 |  |  |  |  |  | 225.00 |
|  | 8/18 | 8/22 | Hawaii |  | 410.18 |  |  |  |  |  | 410.18 |
| Transportation provided by DOD (transpacific and intercountry). Have not yet received group transportation costs from Department of State. |  |  |  |  |  |  | 2,843.59 |  |  |  | 2,843.59 |
| Committee total |  |  |  |  | 10,046.26 |  | 19,905.13 |  | 0 |  | 29,951.39 |

---

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES M. HANLEY,
Committee on Post Office and Civil Service.

Jan. 11, 1980.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1979

| Name of Member or employee | Date |  | Country | Per diem[1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Fowler C. West | 11/20 | 11/23 | Rome | 248,400 | 300.00 |  |  |  |  | 248,400 | 300.00 |
|  | 11/23 | 11/24 | London | 52.04 | 113.34 |  |  |  |  | 52.04 | 113.34 |
| Returned 50,000 lire in Rome |  |  |  |  | −60.73 |  |  |  |  |  |  |
| Total transportation |  |  |  |  |  |  | 926.00 |  |  |  | 926.00 |
| Bert Pena | 11/20 | 11/26 | Rome | 372,600 | 450.00 |  |  |  |  | 372,600 | 450.00 |
| Total transportation |  |  |  |  |  |  | 875.00 |  |  |  | 875.00 |
| Total |  |  |  |  | 802.61 |  | 1,801.00 |  |  |  | 2,664.34 |

---

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS S. FOLEY,
Chairman.

Jan. 11, 1980.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1979

| Name of Member or employee | Date |  | Country | Per diem[1] |  | Transportation |  | Other purposes |  | Total |  |
|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Arrival | Departure |  | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Peggy Hyland | 10/28 | 10/31 | Canada | 261.78 | 225.00 | 0 | 214.16 | 8 | 6.85 |  | 446.01 |
| Joan Teague | 10/21 | 10/23 | Canada | 0 | 225.00 | 0 | 78.00 | 0 | 0 |  | 303.00 |
| Total |  |  |  |  | 450.00 |  | 292.16 |  | 6.85 |  | 749.01 |

---

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK THOMPSON, JR.,
Chairman.

Jan. 17, 1980.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1979

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. James M. Hanley | 12/11 | 12/12 | Japan | 22,504 | 97.00 | | | | | 22,504 | 97.00 |
| | 12/12 | 12/18 | China | | | | | | | | |
| Per diem and intracountry transportation in the People's Republic of China were furnished by the PRC Ministry of Posts and Telecommunications. Transpacific and intercountry transportation provided by DOD. | | | | | | | 2,778.40 | | | | 2,778.40 |
| Thomas DeYulia | 12/11 | 12/12 | Japan | 22,504 | 97.00 | | | | | 22,504 | 97.00 |
| | 12/12 | 12/18 | China | | | | | | | | |
| Per diem and intracountry transportation in the People's Republic of China were furnished by the PRC Ministry of Posts and Telecommunications. Transpacific and Intercountry transportation provided by DOD. | | | | | | | 2,792.40 | | | | 2,792.40 |
| Committee totals | | | | | 194.00 | | 5,570.80 | | 0 | | 5,764.80 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES M. HANLEY,
Committee on Post Office and Civil Service.

Jan. 10, 1980.

### EPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1979

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Pennington | 10/1 | 10/3 | Madrid | 10,148 | 154.00 | | 779.00 | | | | |
| Oliver | 11/12 | 11/14 | Paris | 796.80 | 192.00 | | 1,514.00 | | | | |
| | 11/14 | 11/16 | Geneva | 340.05 | 204.00 | | | | | | |
| | 11/16 | 11/17 | Bonn | 320.40 | 180.00 | | | | | | |
| | 11/17 | 11/20 | London | 158.50 | 348.00 | | | | | | |
| Sletzinger | 11/12 | 11/14 | Paris | 796.80 | 192.00 | | 1,514.00 | | | | |
| | 11/14 | 11/16 | Geneva | 240.05 | 144.00 | | | | | | |
| | 11/16 | 11/17 | Bonn | 320.40 | 180.00 | | | | | | |
| | 11/17 | 11/20 | London | 158.50 | 348.00 | | | | | | |
| Oliver | 11/29 | 12/1 | Brussels | 6,082 | 214.00 | | 1,909.48 | | | | |
| | 12/1 | 12/2 | Bonn | | | | | | | | |
| | 12/2 | 12/5 | West Berlin | 436.96 | 252.00 | | | | | | |
| Brescia | 12/1 | 12/8 | Geneva | 992.65 | 612.00 | | 757.00 | | | | |
| Total | | | | | 3,020.00 | | 6,473.48 | | | | 9,493.48 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE FASCELL,
Chairman.

Dec. 31, 1979.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1979

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Annette Smiley, staff | | | Europe | | 1,054.00 | | 757.00 | | | | 1,811.00 |
| James O. Bush, staff | | | Central America | | 150.00 | | | | | | 150.00 |
| | | | South America | | 409.00 | | | | | | 409.00 |
| | | | Africa | | 693.75 | | | | | | 693.75 |
| | | | Asia | | 918.25 | | | | | | 918.25 |
| | | | Europe | | 75.00 | | 3,529.24 | | | | 3,604.24 |
| Michael J. O'Neil, staff | | | Central America | | 150.00 | | | | | | 150.00 |
| | | | South America | | 409.00 | | | | | | 409.00 |
| | | | Africa | | 693.75 | | | | | | 693.75 |
| | | | Asia | | 767.25 | | 3,529.24 | | | | 4,297.49 |
| Total | | | | | 5,321.00 | | 7,815.48 | | | | 13,136.48 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD P. BOLAND,
Chairman.

Dec. 17, 1979.

## MISCELLANEOUS REPORTS

**Reports filed with the Committee on House Administration and forwarded to the Clerk to be handled in the same manner as foreign travel reports filed by committees.**

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL FALL CONFERENCE, BONN, GERMANY, UNITED STATES GROUP, INTERPARLIAMENTARY UNION, U.S. HOUSE OF REPRESENTATIVES EXPENDED BETWEEN SEPT. 2, AND SEPT. 14, 1978*

| | Date | | | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Name of Member or employee | Arrival | Departure | Country | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Del Clawson | 9/2 | 9/13 | Germany | | 961.83 | | [3] 894.67 | | 34.82 | | 1,891.32 |
| | 9/13 | 9/14 | Ireland | | 45.31 | | | | | | 45.31 |
| Robert B. Duncan | 9/2 | 9/6 | Germany | | 575.53 | | [3] 448.72 | | .83 | | 1,025.08 |
| William Lehman | 9/2 | 9/13 | Germany | | 835.07 | | [3] 894.67 | | 59.67 | | 1,789.41 |
| | 9/13 | 9/14 | Ireland | | 45.31 | | | | | | 45.31 |
| Guy Vander Jagt | 9/9 | 9/13 | Germany | | 382.91 | | 1,786.64 | | 3.32 | | 2,172.87 |
| | 9/13 | 9/14 | Ireland | | 34.77 | | | | | | 34.77 |
| Charles E. Wiggins | 9/2 | 9/9 | Germany | | 777.21 | | [3] 807.53 | | 202.86 | | 1,787.60 |
| | 9/13 | 9/14 | Ireland | | 47.38 | | | | | | 47.38 |
| Antonio Won Pat | 9/9 | 9/13 | Germany | | 326.53 | | 756.00 | | | | 1,082.53 |
| | 9/13 | 9/14 | Ireland | | 34.77 | | [3] 445.95 | | | | 480.72 |
| Edmund L. Henshaw, Jr | 9/2 | 9/13 | Germany | | 1,039.65 | | [3] 894.67 | | 26.58 | | 1,960.90 |
| | 9/13 | 9/14 | Ireland | | 56.34 | | | | | | 56.34 |
| Vance Hyndman | 9/2 | 9/13 | Germany | | 923.96 | | [3] 894.67 | | | | 1,818.63 |
| | 9/13 | 9/14 | Ireland | | 46.35 | | | | | | 46.35 |
| Ellen Rayner | 9/2 | 9/13 | Germany | | 773.01 | | [3] 894.67 | | | | 1,667.68 |
| | 9/13 | 9/14 | Ireland | | 34.77 | | | | | | 34.77 |
| Diane Stoner | 9/2 | 9/13 | Germany | | 771.75 | | [3] 894.67 | | | | 1,666.42 |
| | 9/13 | 9/14 | Ireland | | 34.77 | | | | | | 34.77 |
| Delegation expenses: | | | | | | | | | | | |
| Official meals | 9/2 | 9/13 | Germany | | 2,642.02 | | | | | | 2,642.02 |
| | 9/13 | 9/14 | Ireland | | 343.18 | | | | | | 343.18 |
| Transportation | 9/2 | 9/13 | Germany | | | | 58.51 | | | | 58.51 |
| | 9/13 | 9/14 | Ireland | | | | 266.95 | | | | 266.95 |
| Newspapers | 9/2 | 9/13 | Germany | | | | | | 122.38 | | 122.38 |
| Overtime (Embassy employees). | 9/2 | 9/13 | Germany | | | | | | 1,275.50 | | 1,275.50 |
| Control room | 9/2 | 9/13 | Germany | | 766.13 | | | | | | 766.13 |
| Hotel service charge | 9/2 | 9/13 | Germany | | | | | | 38.94 | | 38.94 |
| Miscellaneous expenses | 9/2 | 9/13 | Germany | | | | | | 254.56 | | 254.56 |
| Totals | | | | | 11,588.68 | | 9,938.32 | | 2,019.46 | | 23,546.46 |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] DOD (military) transportation provided pursuant to 31 U.S.C. 22A.

* Submission of this report was delayed by the death of thet hen Executive Secretary of the U.S. IPU Group, and the subsequent audit which was performed on the group's financial documents.

Dec. 13, 1979.

——— ———.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON DELEGATION TO NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEEN MAR. 20 AND APR. 2, 1979

| | Date | | | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Name of Member or employee | Arrival | Departure | Country | Foreign currency | U.S. dollar equivalent or U.S. currencv[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Hon. Jack Brooks | 3/29 | 4/2 | Greece | 11,140 | 300.00 | | [3] 949.00 | | | | |
| Peter A. Abbruzzese | 3/29 | 4/2 | Greece | 11,140 | 300.00 | | [3] 949.00 | | | | |
| Total | | | | | 600.00 | | 1,898.00 | | | | |

[1] Per Diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

[3] Ground transportation costs not received as of time of report.

Apr. 27, 1979.

——— ———.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL COMMITTEE ON DELEGATION TO NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 19 AND 21, 1979

| | Date | | | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Name of Member or employee | Arrival | Departure | Country | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S currency[2] |
| Elliott H. Levitas | 4/19 | 4/21 | United Kingdom | 86.76 | 182.00 | | 254.70 | | | | |
| | | | | | | 64.26 | 134.78 | | | | |
| Committee totals | | | | | 182.00 | | 389.48 | | | | |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

July 18, 1979.

——— ———.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL U.S. DELEGATE, NORTH ATLANTIC ASSEMBLY TOUR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 29 AND SEPT. 7, 1979

| Name of Member or employee | Date | | Country | Per diem[1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] | Foreign currency | U.S. dollar equivalent or U.S. currency[2] |
| Peter A. Peyser | 8/29 | 9/4 | Germany | 900.36 | 492.00 | | | | | | |
| | 9/4 | 9/7 | France | 1,147.50 | 270.00 | | 1,072.00 | | | | |
| Total | | | | | 762.00 | | 1,072.00 | | | | |

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Oct. 30, 1979

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3135. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on recissions and deferrals of budget authority as of January 1, 1980, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 96-251); to the Committee on Appropriations and ordered to be printed.

3136. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans Administration for "Compensation and Pensions" for fiscal year 1980 has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3137. A letter from the Assistant Secretary of Defense (Comptroller), transmitting certification that no use was made of funds appropriated in the Department of Defense Appropriation Act, 1979, or the Military Construction Appropriation Act, 1979, during the period April 1–September 30, 1979, to make payments under contracts in foreign countries except where it was determined that the use of foreign currencies was not feasible, pursuant to sections 835 and 109 of the respective acts; to the Committee on Appropriations.

3138. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting a report on receipts and disbursements pertaining to the disposal of surplus military supplies, equipment and material for the fourth quarter for fiscal year 1979, pursuant to section 813 of the Department of Defense Appropriation Act, 1979; to the Committee on Appropriations.

3139. A letter from the Associate Director for Legislative Affairs, Community Services Administration, transmitting the agency's first report on the energy crisis assistance program; to the Committee on Appropriations.

3140. A letter from the Comptroller General of the United States, transmitting the audit of the Office of the Attending Physician of the Capitol Revolving Fund for fiscal year 1979, pursuant to title III of the Legislative Branch Appropriation Act of 1976 (89 Stat. 283) (GGD-80-27, January 4, 1980); to the Committee on Appropriations.

3141. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a construction project proposed to be undertaken by the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3142. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3143. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment to Saudi Arabia (Transmittal No. 80-24), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3144. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice that a study has been conducted and a decision made to convert the laundry and dry cleaning services at Fort Belvoir, Va., from a function performed by Department of Defense employees to a private contractor, pursuant to section 806 of Public Law 96-107; to the Committee on Armed Services.

3145. A letter from the Deputy Assistant Secretary of the Army (Installations and Housing), transmitting a report of the 10 firms awarded the highest amounts of Architect-Engineer contracts by the Army in fiscal year 1979, pursuant to section 604 of Public Law 95-356; to the Committee on Armed Services.

3146. A letter from the Associate Director, Legislative Liaison, Department of the Air Force, transmitting a report of the 10 firms awarded the highest amounts of Architect-Engineer contracts by the Air Force in fiscal year 1979, pursuant to section 604 of Public Law 95-356; to the Committee on Armed Services.

3147. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the back of United States paper money of the denomination of $1 to be printed by a method other than the intaglio process; to the Committee on Banking, Finance and Urban Affairs.

3148. A letter from the Assistant Attorney General (Antitrust Division), transmitting the annual report for calendar year 1979 on administration of the Truth in Lending Act, pursuant to section 114 of the Consumer Credit Protection Act; to the Committee on Banking, Finance and Urban Affairs.

3149. A letter from the Secretary of Agriculture, transmitting a report on the number of rural households without access to sanitary toilet facilities and/or potable water supplies, pursuant to section 508 of Public Law 95-557; to the Committee on Banking, Finance and Urban Affairs.

3150. A letter from the Secretary of Housing and Urban Development, transmitting the third annual report on the urban homesteading demonstration program, pursuant to section 810(e) of the Housing and Community Development Act of 1974; to the Committee on Banking, Finance and Urban Affairs.

3151. A letter from the Secretary of Housing and Urban Development, transmitting a report on the feasibility of underground construction of residential housing, pursuant to section 305(c) of Public Law 95-557; to the Committee on Banking, Finance and Urban Affairs.

3152. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during November 1979 to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

3153. A letter from the Chairman, Cost Accounting Standards Board, transmitting the annual report of the Board for fiscal year 1979, pursuant to section 719(k) of the Defense Production Act of 1950, as amended; to the Committee on Banking, Finance and Urban Affairs.

3154. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3-138, "To order the closing of an east-west public alley abutting on lots 46, 66, 97, 74, 845, 852 and 853 in square 214 bounded by Vermont Avenue, 15th Street, M Street and L Street, NW. (S.O. 78-172-1) (ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3155. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3-142, "To revise group term life insurance amount limitations, to revise certain insurance fees and charges, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3156. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3-144, "To extend the minimum settlement period for tenant purchase of multiunit housing, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3157. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3-145, "To order the closing of a portion of 34th Street at Banneker Drive, Northeast in Square 4326 (S.O. 76-336) (ward 5)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3158. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3-146, "To order the closing of a public alley abutting lots 818, 15, 52 in square 163, bounded by Connecticut Avenue, L Street, K Street, and 18th Street, NW. (S.O. 75-5) (ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3159. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3-147, "To order the closing of Eye Street, from Ninth to Eleventh Streets, NW.; Tenth Street, from New York Avenue to H Street, NW.; and the public alley systems within squares 344, 373 and 374 (S.O. 77-98) (ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3160. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3-148, "To establish the University of the District of Columbia Bookstore Fund; to provide for the authorization of funds; and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3161. A letter from the Secretary of Agriculture, transmitting a report on efforts to reduce the paperwork required of State and local educational agencies, schools and other agencies participating in the child nutrition programs under the National School Lunch and Child Nutrition Acts, as amended, pursuant to section 21 of the former (91 Stat. 1338); to the Committee on Education and Labor.

3162. A letter from the Commissioner of Education, Department of Health, Education and Welfare, transmitting proposed final regulations for the Indochina refugee children assistance program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3163. Communication from the President of the United States, transmitting a report on restrictions he has imposed on agricultural commodity exports to the U.S.S.R. in response to the Soviet invasion of Afghanistan, pursuant to sections 6(e) and 7(g)(3) of the Export Administration Act of 1979 (H. Doc. No. 96-252); to the Committee on Foreign Affairs and ordered to be printed.

3164. A letter from the Under Secretary of State for Security Assistance, Science and Technology, transmitting a report on a case of discrimination on the basis of sex in a sale under the Arms Export Control Act, pursuant to section 5(c) of the act; to the Committee on Foreign Affairs.

3165. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed issuance of an export license for certain defense equipment and services sold commercially to the Federal Republic of Germany (Transmittal No. MC-6-80), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3166. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 80-9, finding that Jordan is acting in good faith to achieve further progress toward a comprehensive peace settlement in the Middle East, and that the expenditure of funds appropriated or otherwise available to Jordan in fiscal year 1980 will serve the process of peace in the Middle East, pursuant to section 25 of Public Law 96-92; to the Committee on Foreign Affairs.

3167. A letter from the Acting Administrator, Agency for International Development, Department of State, transmitting reports on economic conditions prevailing in Israel and Egypt and the ability of those two countries to meet their obligations in connection with Foreign Military Sales credits authorized by the Special International Security Assistance Act of 1979, pursuant to section 4 of the act; to the Committee on Foreign Affairs.

3168. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(e); to the Committee on Foreign Affairs.

3169. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3170. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3171. A letter from the Director, Defense Security Assistance Agency, transmitting a report covering the quarter ended December 31, 1979, listing the price and availability estimates provided to countries and the requests for issuance of letters of offer received, pursuant to section 28 of the Arms Export Control Act, as amended (93 Stat. 708); to the Committee on Foreign Affairs.

3172. A letter from the Director, Defense Security Assistance Agency, transmitting a report estimating the number of officers and employees of the U.S. Government and U.S. civilian contract personnel in foreign countries for assignment in implementation of sales and commercial exports under the Arms Export Control Act, as of June 30, 1979, pursuant to section 36(a)(7) of the act; to the Committee on Foreign Affairs.

3173. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Denmark (transmittal No. 80-26), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3174. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the number of U.S. Government personnel performing full-time functions under the Arms Export Control Act as of September 30, 1979, pursuant to section 43 (c) of the act, as amended (93 Stat. 709); to the Committee on Foreign Affairs.

3175. A letter from the Secretary of the Treasury, transmitting the combined statement of receipts, expenditures and balances of the U.S. Government for fiscal year 1979, pursuant to section 15 of the act of July 31, 1894, and section 114 of the act of September 12, 1950; to the Committee on Government Operations.

3176. A letter from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to extend to 60 days the period over which subsistence expenses may be paid to Government employees evacuated from Iran during fiscal year 1979; to the Committee on Government Operations.

3177. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Government National Mortgage Association for fiscal year 1979, pursuant to section 106 of the Government Corporation Control Act (H. Doc. No. 96-253); to the Committee on Government Operations and ordered to be printed.

3178. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during December 1979, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

3179. A letter from the Assistant Secretary of the Interior, transmitting a report on the disposal of surplus Federal real property for park, recreation, and historic monument purposes during fiscal year 1979, pursuant to section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3180. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting a report on the Department's disposal of foreign excess property for fiscal year 1979, pursuant to section 404 (d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3181. A letter from the Assistant Secretary of the Interior for Policy, Budget and Administration, transmitting a negative report for the Interior Department on disposal of foreign excess property during fiscal year 1979, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3182. A letter from the Secretary of Transportation, transmitting a report on the Department's disposal of foreign excess property during fiscal year 1979, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3183. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on NASA's disposal of foreign excess property during fiscal year 1979, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3184. A letter from the Assistant Attorney General for Administration, transmitting notice of a proposed new records system pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3185. A letter from the Secretary of Labor, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3186. A letter from the Acting Assistant Secretary of Housing and Urban Development for Administration, transmitting notice of a proposed additional system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3187. A letter from the Secretary, Railroad Retirement Board, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. section 552a(o); to the Committee on Government Operations.

3188. A letter from the Chairman, Board of Governors, United States Postal Service, transmitting the annual report on the Boards activities under the Government in the Sunshine Act during calendar year 1979, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3189. A letter from the Chairman, Copyright Royalty Tribunal, transmitting a report on the Tribunal's compliance with the Government in the Sunshine Act during calendar year 1979, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3190. A letter from the Clerk, U.S. House of Representatives, transmitting a list of reports which it is the duty of any officer or department to make to Congress, pursuant to rule III, clause 2, of the Rules of the House of Representatives (H. Doc. No. 96-254); to the Committee on House Administration and ordered to be printed.

3191. A letter from the Sergeant at Arms, U.S. House of Representatives, transmitting his annual report of funds drawn by him, the application and disbursement of the sums, and balances remaining in his hands as of January 15, 1980, pursuant to section 7 of the act of October 1, 1890 (26 Stat. 646); to the Committee on House Administration.

3192. A letter from the Assistant Secretary of the Interior, transmitting financial statements of the Colorado River Basin Project for fiscal year 1979, pursuant to section 404 of the Colorado River Basin Project Act of 1968; to the Committee on Interior and Insular Affairs.

3193. A letter from the Acting Assistant Secretary of the Interior, transmitting the final environmental impact statement and study report on the proposal recommending the designation of 83 miles of the Tuolumne River, Calif., as a component to the National Wild and Scenic River System; to the Committee on Interior and Insular Affairs.

3194. A letter from the Deputy Assistant

Secretary of the Interior, transmitting notice of a deferral of payment for construction charges for the Heights Reclamation District, Washington, pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

3195. Communication from the President of the United States, transmitting a report on the middle distillate situation during the winter of 1979–80, pursuant to section 242 (b) of Public Law 96–102; to the Committee on Interstate and Foreign Commerce.

3196. A letter from the Acting Associate Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, transmitting the fourth analysis and evaluation of Federal juvenile delinquency programs, covering fiscal year 1979, pursuant to section 204(b)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended; to the Committee on Education and Labor.

3197. A letter from Secretary of Health, Education, and Welfare, transmitting the second biennial report on research into the effects of changes in ozone in the stratosphere upon human health, pursuant to section 154(e) of the Clean Air Act, as amended; to the Committee on Interstate and Foreign Commerce.

3198. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report for fiscal year 1979 on the formula grant programs for comprehensive public health services and for hypertension services under section 314(d) of the Public Health Service Act, pursuant to section 227 of the act; to the Committee on Interstate and Foreign Commerce.

3199. A letter from the Secretary of Health, Education, and Welfare, transmitting the seventh annual report of the Director of the National Heart, Lung, and Blood Institute, pursuant to section 413(b)(2) of the Public Health Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

3200. A letter from the Secretary of Health, Education, and Welfare, transmitting notice of a delay in the submission of the annual report of the Public Health Service for fiscal year 1979, required by section 511 of the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

3201. A letter from the Secretary of Health, Education, and Welfare, transmitting the 12th annual report on the health consequences of smoking, pursuant to section 8(a) of Public Law 89–92, as amended (84 Stat. 89); to the Committee on Interstate and Foreign Commerce.

3202. A letter from the Secretary of Transportation, transmitting a report on the study of means of indemnifying Conrail for commuter service losses, pursuant to section 304(e)(8) of the Regional Rail Reorganization Act of 1973, as amended (92 Stat. 3065); to the Committee on Interstate and Foreign Commerce.

3203. A letter from the Secretary of Transportation, transmitting a report of the study on equitable rates to be charged for the rental of Alaska railroad lands, pursuant to section 6 of Public Law 95–611; to the Committee on Interstate and Foreign Commerce.

3204. A letter from the General Counsel, Department of Energy, transmitting notice of meetings relating to the international energy program to be held on January 15, 16, and 17, 1980, in Paris, France; to the Committee on Interstate and Foreign Commerce.

3205. A letter from the General Counsel, Department of Energy, transmitting notice of meetings relating to the international energy program to be held on January 22, 23, and 24 in New York, N.Y.; January 28, in London, England; and January 29 and 30 in Paris, France; to the Committee on Interstate and Foreign Commerce.

3206. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the first report on performance profiles of major energy producers, required by section 205(h) of the Department of Energy Organization Act; to the Committee on Interstate and Foreign Commerce.

3207. A letter from Associate Executive Director for Information Management, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of November 1979, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

3208. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of the Commission's inability to render a final decision in Docket No. 37202 (Sub-No. 1), "Sound Deadening Materials, Eastern Railroads," within the specified 7-month time limit, pursuant to 49 U.S.C. 10707(b)(1); to the Committee on Interstate and Foreign Commerce.

3209. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission is unable to render a final decision in docket No. 9215, "ConRail Surcharge on Paper from Mehoopany, Pennsylvania," within the specified 7-month period, pursuant to 49 U.S.C. 10707 (b)(1); to the Committee on Interstate and Foreign Commerce.

3210. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the progress of the upper atmospheric research program, pursuant to section 154(b) of the Clean Air Act as amended (91 Stat. 728); to the Committee on Interstate and Foreign Commerce.

3211. A letter from the Chairman, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, transmitting the annual report of the Commission for fiscal year 1979, pursuant to section 301 of Public Law 95–622; to the Committee on Interstate and Foreign Commerce.

3212. A letter from the President and Chief Executive Officer, U.S. Railway Association, transmitting the Department of the Treasury's comments on the draft employee stockownership plan of the Consolidated Rail Corporation, pursuant to section 216(f) (6) of the Regional Rail Reorganization Act of 1973, as amended (92 Stat. 2397); to the Committee on Interstate and Foreign Commerce.

3213. A letter from the President and Chief Executive Officer, U.S. Railway Association, transmitting the Department of Transportation's comments on the draft employee stockownership plan of the Consolidated Rail Corporation, pursuant to section 216(f) (6) of the Regional Rail Reorganization Act of 1973, as amended (92 Stat. 2397); to the Committee on Interstate and Foreign Commerce.

3214. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of October 1979, pursuant to section 308(a) (1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

3215. A letter from the President and Chief Executive Officer, Communications Satellite Corporation, transmitting the 16th annual report of the Corporation, pursuant to section 404(b) of the Communications Satellite Act of 1962; to the Committee on Interstate and Foreign Commerce.

3216. A letter from the President and Chief Justice of the United States, transmitting the proceedings of the meeting of the Judicial Conference of the United States held in Washington, D.C. on September 19 and 20, 1979, pursuant to 28 U.S.C. 331 (H. Doc. No. 96–255); to the Committee on the Judiciary and ordered to be printed.

3217. A letter from the Clerk, U.S. Court of Claims, transmitting a report on all judgments rendered by the court during fiscal year 1978, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

3218. A letter from the Assistant Attorney General for Legislative Affairs, transmitting a report on the impact of the Speedy Trial Act upon the office of each U.S. attorney, pursuant to 18 U.S.C. 3167(c) (93 Stat. 330); to the Committee on the Judiciary.

3219. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

3220. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a) (28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

3221. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

3222. A letter from the Chairman and members, U.S. Commission on Civil Rights, transmitting a report on the state of civil rights in 1979, pursuant to section 104(c) of Public Law 85–315, as amended; to the Committee on the Judiciary.

3223. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the annual proceedings of the 88th Continental Congress of the Daughters of the American Revolution held at Washington, D.C., April 16–19, 1979, pursuant to 36 U.S.C. 18(b); to the Committee on the Judiciary.

3224. A letter from the Librarian of Congress, and the Register of Copyrights, transmitting a report on voluntary licensing arrangements for the use of nondramatic literary works by public broadcasting entities, pursuant to 17 U.S.C. 118(e) (90 Stat. 2565); to the Committee on the Judiciary.

3225. A letter from the national executive director, American Veterans of World War II, Korea, and Viet Nam, transmitting the audit report of the organization for the fiscal year ended August 31, 1979, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

3226. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on the study of decentralization of Federal governmental functions, pursuant to section 901 of Public Law 95–454; to the Committee on Post Office and Civil Service.

3227. A letter from the Deputy General Counsel for Military and Civil Affairs, Department of the Army, transmitting a report on the investigation into allegations of mismanagement and waste of funds at Fort Huachuca, Ariz., pursuant to 5 U.S.C. 1206 (b)(5); to the Committee on Post Office and Civil Service.

3228. A letter from the Librarian of Congress, transmitting a report on scientific and professional positions in existence in the Library of Congress during calendar year 1979, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

3229. A letter from the Secretary of Transportation, transmitting a report on the system prescribed for the reporting of public mass transportation financial and operating data by uniform categories and a uniform system of accounts and records by grantees receiving funds under section 5 of the Urban Mass Transportation Act of 1964, pursuant to section 15(c) of the act, as amended (92 Stat. 2748); to the Committee on Public Works and Transportation.

3230. A letter from the Secretary of Transportation, transmitting a report on subsidy needs of the intercity bus service industry in rural and small communities, pursuant to section 22(d) of the Urban Mass Transportation Act of 1964, as amended (92 Stat. 2755); to the Committee on Public Works and Transportation.

3231. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Beaverdam Creek and Cabin Branch, Prince Georges County, Md., in response to a resolution of the House Committee on Public Works adopted June 14, 1972; to the Committee on Public Works and Transportation.

3232. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Mississippi River-Old Channel Mile 111.0 to 117.0, Missouri and Illinois, in response to a resolution of the House Committee on Public Works adopted December 2, 1971; to the Committee on Public Works and Transportation.

3233. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Nooksack River, Wash., in response to resolutions of the Committees on Public Works of the U.S. Senate and the U.S. House of Representatives, adopted January 4, and June 9, 1960, respectively; to the Committee on Public Works and Transportation.

3234. A letter from the Administrator of General Services, transmitting a report on a building project survey for Tallahassee, Fla., requested by a resolution of the Senate Committee on Environment and Public Works adopted December 18, 1978; to the Committee on Public Works and Transportation.

3235. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend section 11301 of title 49 of the United States Code; to the Committee on Public Works and Transportation.

3236. A letter from the Secretary of Commerce, transmitting a report on national weather modification policies and programs, pursuant to section 5(a) of Public Law 94–490; to the Committee on Science and Technology.

3237. A letter from the Under Secretary of Energy, transmitting the international photovoltaic program plan, pursuant to section 11 of Public Law 95–590; to the Committee on Science and Technology.

3238. A letter from the Under Secretary of Defense (Research and Engineering), transmitting a report on Defense Department procurement from small and other business firms for October 1978 through June 1979, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

3239. A letter from the President of the United States, transmitting notice of his intention to enter into a supplementary agreement on customs valuation with certain developing countries, pursuant to section 102 (e)(1) of the Trade Act of 1974 (H. Doc. No. 96–256); to the Committee on Ways and Means and ordered to be printed.

3240. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting the statement of liabilities and other financial commitments of the U.S. Government as of September 30, 1979, pursuant to section 402 of Public Law 89–809; to the Committee on Ways and Means.

3241. A letter from the Secretary of Health, Education, and Welfare, transmitting the fourth annual report on the child support enforcement program, pursuant to section 452(a)(10) of the Social Security Act; to the Committee on Ways and Means.

3242. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on studies related to medicare's end-stage renal disease program, pursuant to section 1881(f)(8) of the Social Security Act, as amended (92 Stat. 308); to the Committee on Ways and Means.

3243. A letter from the Chairman, National Commission on Social Security, transmitting the interim report of the Commission, pursuant to section 361(c)(2) of Public Law 95–216; to the Committee on Ways and Means.

3244. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 20th quarterly report on trade between the United States and the non-market-economy countries, pursuant to section 410 of the Trade Act of 1974; to the Committee on Ways and Means.

3245. A letter from the President of the United States, transmitting a proposed unified national program for floodplain management, pursuant to section 1302(c) of Public Law 90–448; jointly, to the Committees on Banking, Finance and Urban Affairs, Agriculture, Interior and Insular Affairs, Merchant Marine and Fisheries, and Public Works and Transportation.

3246. A letter from the Comptroller General of the United States, transmitting a report on the Agriculture Department's administration of the wheat and feed grain set-aside provisions of the 1977 Food and Agriculture Act (CED–80–9, Jan. 11, 1980); jointly, to the Committees on Government Operations and Agriculture.

3247. A letter from the Comptroller General of the United States, transmitting a report on the need for standardized contract accounting procedures in the Defense Department (FGMSD–80–10, Jan. 9, 1980); jointly, to the Committees on Government Operations and Armed Services.

3248. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the internal controls in effects at local procurement activities at military installations (PSAD–80–14, Jan. 9, 1980); jointly, to the Committees on Government Operations and Armed Services.

3249. A letter from the Comptroller General of the United States, transmitting a report on military commissaries (FPCD–80–1, Jan. 9, 1980); jointly, to the Committees on Government Operations and Armed Services.

3250. A letter from the Comptroller General of the United States, transmitting a report on Navy management of shipbuilding contracts (PSAD–80–18, Jan. 10, 1980); jointly, to the Committees on Government Operations and Armed Services.

3251. A letter from the Comptroller General of the United States, transmitting a report on the inequities of present military discharge policies and the need for congressional review of the situation (FPCD–80–13, Jan. 15, 1980); jointly, to the Committees on Government Operations and Armed Services.

3252. A letter from the Comptroller General of the United States, transmitting a report on needed improvements to the Military Postal Service (LCD-80-20, Jan. 11, 1980); jointly, to the Committees on Government Operations, Armed Services, and Post Office and Civil Service.

3253. A letter from the Comptroller General of the United States, transmitting a report on the implementation of the Federal Government's policy on acquiring and distributing commercial products (PSAD-80–13, Jan. 14, 1980); jointly, to the Committees on Government Operations, Armed Services, and Veterans' Affairs.

3254. A letter from the Comptroller General of the United States, transmitting a report on the progress, problems, and constraints in implementing the resolutions of the 1974 World Food Conference (ID–80–12, Jan. 11, 1980); jointly, to the Committees on Government Operations and Foreign Affairs.

3255. A letter from the Comptroller General of the United States, transmitting a report on the performance of and needed improvements to the Nuclear Regulatory Commission (EMD–80–17, Jan. 15, 1980); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

3256. A letter from the Comptroller General of the United States, transmitting a report on the obstacles and uncertainties impeding the widespread use of geothermal energy (EMD–80–36, Jan. 18, 1980); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Science and Technology.

3257. A letter from the Comptroller General of the United States, transmitting a report on unconventional sources of natural gas (EMD–80–8, Jan. 10, 1980); jointly, to the Committees on Government Operations and Interstate and Foreign Commerce.

3258. A letter from the Comptroller General of the United States, transmitting a report on the National Aeronautics and Space Administration's space telescope program (PSAD–80–15, Jan. 3, 1980); jointly, to the Committees on Government Operations and Science and Technology.

3259. A letter from the Comptroller General of the United States, transmitting a report on worker adjustment assistance under the Trade Act of 1974, pursuant to section 280(a) of the act (HRD–80–11, Jan. 15, 1980); jointly, to the Committees on Government Operations and Ways and Means.

3260. A letter from the Under Secretary of Energy, transmitting a copy of modification 11 to the Department of Energy contract with the Ohio Valley Electric Corp. for the supply of electric power to the Department of Energy's uranium enrichment plant at Portsmouth, Ohio, pursuant to section 164 of the Atomic Energy Act of 1954, as amended; jointly to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce.

3261. A letter from the Secretary of Health, Education, and Welfare, transmitting notice of a delay in the submission of the report concerning additional authorizations deemed appropriate for fiscal years 1981 through 1984 for programs under the Indian Health Care Improvement Act (Public Law 94–437), pursuant to section 701 of the act; jointly to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Ways and Means.

3262. A letter from the Secretary of Health, Education, and Welfare, transmitting the first annual report on the end-stage renal disease program, pursuant to section 1881(g) of the Social Security Act, as amended; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Iowa: Committee on Small Business. Report on Capital Formation and Retention (Rept. No. 96–732). Referred to the Committee of the Whole House on the State of the Union January 22, 1980.

[*Omitted from the Record of January 17, 1980*]

Mr. ULLMAN: Committee on Ways and Means. House Concurrent Resolution 204. Concurrent resolution approving the extension of nondiscriminatory treatment to the products of the People's Republic of China (Rept. No. 96–733). Referred to the Committee of the Whole House on the State of the Union January 22, 1980.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

*[Introduced January 7, 1980 and referred January 22, 1980]*

By DRINAN (for himself, Mr. Kindness, and Mr. Sawyer):

H.R. 6233. A bill to revise title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 6234. A bill to amend title 10, United States Code, to establish the office of Deputy Judge Advocate General of the Air Force, and for other purposes; to the Committee on Armed Services.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 6235. A bill to amend title 10, United States Code, to authorize the Commandant of the Defense Intelligence School to award the degree of master of science of strategic intelligence; jointly, to the Committees on Armed Services and Permanent Select Committee on Intelligence.

*[Introduced January 10, 1980 and referred January 22, 1980]*

By Mr. HAGEDORN (for himself and Mr. Symms):

H.R. 6238. A bill requiring the United States to purchase the grain the export of which to the Union of Soviet Socialist Republics is embargoed and to prohibit the disposal of such grain at less than parity; to the Committee on Agriculture.

*[Introduced January 14, 1980 and referred January 22, 1980]*

By Mr. LEACH of Iowa:

H. Con. Res. 237. Concurrent resolution disapproving the President's decision to embargo grain sales to the Soviet Union; to the Committee on Foreign Affairs.

By Mrs. SPELLMAN (for herself and Mr. Fauntroy):

H. Con. Res. 238. Concurrent resolution welcoming the National Basketball Association All-Stars to the Washington Metropolitan Area for the 30th annual NBA All-Star Game; to the Committee on Post Office and Civil Service.

*[Introduced January 17, 1980 and referred January 22, 1980]*

By Mr. ALBOSTA:

H.R. 6239. A bill to amend the Agricultural Act of 1949 to increase the levels of loans and purchases for the 1979, 1980, and 1981 crops of feed grains, wheat, and soybeans; to the Committee on Agriculture.

By Mr. BAUMAN:

H.J. Res. 473. Joint resolution to request that the International Olympics Committee hold the 1980 summer Olympic games at a site other than within the Soviet Union, with assurance of U.S. financial assistance for the change in venue, and failing the relocation, to urge the U.S. Olympic Committee to withdraw from participation in the 1980 summer Olympic games in Moscow and to assist in the creation of a "Free World Olympics" at another suitable site; to the Committee on Foreign Affairs.

By Mr. RITTER:

H. Con. Res. 239. Concurrent resolution urging the President to take certain actions with respect to the Soviet invasion of Afghanistan; to the Committee on Foreign Affairs.

By Mr. BUCHANAN:

H. Con. Res. 240. Concurrent resolution strongly condemning the Soviet invasion of Afghanistan and calling for the removal of the 1980 summer Olympic games from Moscow; to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEDELL:

H.R. 6240. A bill to amend title XIV of the Public Health Service Act relating to safe drinking water to extend the date by which certain exempt public water systems will be required to meet contaminant level and treatment technique requirements; to the Committee on Interstate and Foreign Commerce.

By Mr. BETHUNE:

H.R. 6241. A bill to amend the Congressional Budget Act of 1974 to establish procedures for setting targets and ceilings, in the congressional budget process, for loans and loan guarantees under Federal credit programs, and for other purposes; to the Committee on Rules.

By Mr. BIAGGI (for himself, Mr. Murphy of New York, Mr. Treen, and Mr. Hubbard):

H.R. 6242. A bill to establish a Towing Safety Advisory Committee in the Department of Transportation; to the Committee on Merchant Marine and Fisheries.

By Mr. BRINKLEY:

H.R. 6243. A bill to provide that the park referred to as the East Lake Park located within the West Point Lake project on the Chattahoochee River, Ga., shall hereafter be known and designated as the "R. Shaefer Heard Park"; to the Committee on Public Works and Transportation.

By Mr. COELHO:

H.R. 6244. A bill to amend the Foreign Assistance Act of 1961 to authorize special Azores earthquake relief and reconstruction assistance; to the Committee on Foreign Affairs.

By Mr. ENGLISH:

H.R. 6245. A bill to amend the Food and Agriculture Act of 1977 to establish certain loan levels whenever the export sales of certain commodities are suspended, and for other purposes; to the Committee on Agriculture.

By Mr. GIBBONS:

H.R. 6246. A bill to provide for a determination of the validity and amounts of, and for the satisfaction of, all claims of U.S. citizens, corporations, or other legal entities against the Government of Iran or Iranian citizens, corporations, or other legal entities arising out of policies of or actions taken by the Government of Iran or Iranian citizens, corporations, or other legal entities subsequent to the deposition of the Shah; to the Committee on Foreign Affairs.

H.R. 6247. A bill to amend the Internal Revenue Code of 1954 to provide that in certain cases where married individuals live apart community property laws will not apply for Federal tax purposes; to the Committee on Ways and Means.

By Mr. GORE:

H.R. 6248. A bill to amend the Petroleum Marketing Practices Act to prohibit certain discriminatory practices regarding the marketing of gasohol; to the Committee on Interstate and Foreign Commerce.

By Mr. HECKLER (for herself, Mr. Mavroules, Mr. St Germain, and Mr. Beard of Rhode Island):

H.R. 6249. A bill to amend the Foreign Assistance Act of 1961 to authorize special disaster relief assistance to the Azores on account of the earthquake of January 1, 1980; to the Committee on Foreign Affairs.

By Mr. HEFNER (by request):

H.R. 6250. A bill to extend eligibility for membership in the AMVETS to persons serving in the Armed Forces of the United States, and to citizens of the United States serving in the armed forces of allied nations, after May 8, 1975; to the Committee on the Judiciary.

By Mr. HIGHTOWER:

H.R. 6251. A bill to raise the loan level to 90 percent of parity any commodity that the commercial export sales are suspended for any reason; to the Committee on Agriculture.

By Mr. JACOBS:

H.R. 6252. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts received on the redemption of certain U.S. savings bonds which are held by the taxpayer for at least 10 years; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 6253. A bill to amend title XVIII of the Social Security Act for the purpose of mandating guidelines with respect to the return of unused home dialysis supplies; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. OBERSTAR:

H.R. 6254. A bill to incorporate the United States Submarines Veterans of World War II; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 6255. A bill to amend title II of the Social Security Act to reaffirm the fact that benefits payable thereunder are exempt from all taxation; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mrs. Chisholm, and Mr. Won Pat):

H.R. 6256. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; to the Committee on Public Works and Transportation.

By Mr. WEAVER (by request):

H.R. 6257. A bill to authorize the Secretary of Agriculture to convey certain national forest system lands, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. ADDABBO:

H.J. Res. 474. Joint resolution to authorize and request the President to issue a proclamation designating April 21 to 28, 1980, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. FISH:

H.J. Res. 475. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. HEFNER:

H.J. Res. 476. Joint resolution designating March 1980 as "Gospel Music Month"; to the Committee on Post Office and Civil Service.

By Mr. LLOYD (for himself and Mr. Dannemeyer):

H.J. Res. 477. Joint resolution to authorize and request the President to issue a proclamation honoring the memory of Walt Disney on the 25th anniversary of his contribution to the American dream; to the Committee on Post Office and Civil Service.

By Mr. MOORHEAD of Pennsylvania:

H.J. Res. 478. Joint resolution to extend by 60 days the expiration of the Defense Production Act of 1950; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MURPHY of New York:

H.J. Res. 479. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. Bennett, Mrs. Bouquard, Mr. Corman, Mr. Cotter, Mr. Dicks, Mr. Dodd, Mr. Evans of Indiana, Mr. Fazio, Mr. Florio, Mr. Guarini, Mr. Hansen, Mr. Jacobs, Mr. Lagomarsino, Mr. Lloyd, Mr. McDonald, Mr. Murphy of New York, Mr. Quayle, Mr. Quillen, Mr. Rhodes, Mr. Scheuer, Mr. Simon, Mr. Van Deerlin, and Mr. Bob Wilson):

H.J. Res. 480. Joint resolution authorizing and directing the President to issue a proclamation designating April 7 to 13, 1980, as "National Submarine Week"; to the Committee on Post Office and Civil Service.

By Mr. DODD:

H. Con. Res. 242. Concurrent resolution expressing the sense of the Congress with respect to the Olympic games; to the Committee on Foreign Affairs.

By Mr. FISH:

H. Con. Res. 243. Concurrent resolution expressing the sense of the Congress that the President should call for a United Nations inquiry into Iranian violations of human rights and international law, should any of the American hostages be brought to trial; to the Committee on Foreign Affairs.

By Mr. DORNAN:

H. Con Res. 244. Concurrent resolution with respect to the relocation or boycott of the 1980 Olympic games; to the Committee on Foreign Affairs.

By Mr. LUKEN (for himself, Mr. Kogovsek, Mr. Giaimo, Mr. Bonior of Michigan, Mr. Mollohan, Mr. Solomon, Mr. Edwards of Oklahoma, Mr. Hefner, Ms. Oakar, Mr. Satterfield, Mr. Harris, Mr. Skelton, Mr. Coleman, Mr. Waxman, Mr. Mitchell of New York, and Mr. Bedell):

H. Con. Res. 245. Concurrent resolution expressing the sense of the Congress that the Olympic games should be withdrawn from the Union of Soviet Socialist Republics and that the United States and other countries should boycott the Olympic games under certain circumstances; to the Committee on Foreign Affairs.

By Mr. MILLER of Ohio (for himself, Mr. Hubbard, Mr. Pursell, Mr. Edwards of Oklahoma, Mr. Fithian, Mr. Kemp, Mr. Mottl, Mr. Livingston, Mr. Blanchard, Mr. Erdahl, Mr. Bonior of Michigan, Mr. Jenrette, Mr. Carter, Mr. Solomon, Mr. Hansen, Mr. Bowen, Mr. Applegate, Mr. Kindness, Mr. Courter, Mr. Dornan, Mr. Duncan of Tennessee, Mr. Hanley, Mr. Dougherty, Ms. Oakar, Mr. Roe, Mr. Montgomery, Mr. Coelho, Mr. Collins of Texas, Mr. Won Pat, Mr. Cavanaugh, Mr. Sebelius, Mr. Guarini, Mr. Guyer, Mr. Ashley, Mr. Pepper, Mr. Symms, Mr. Drinan, Mr. Bedell, and Mr. Stockman):

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress with respect to the site of the 1980 summer Olympic games; to the Committee on Foreign Affairs.

By Mr. QUAYLE:

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress with respect to the 1980 summer Olympic games; to the Committee on Foreign Affairs.

By Mr. WHITTAKER:

H. Con. Res. 248. Concurrent resolution expressing the sense of the Congress that the President should temporarily suspend the entry into the United States of aliens who are nationals of the Islamic Republic of Iran, except in individual circumstances of grave humanitarian concern; to the Committee on the Judiciary.

By Mr. ZABLOCKI (for himself, Mr. Wright, Mr. Brademas, Mr. Rostenkowski, Mr. Fountain, Mr. Fascell, Mr. Diggs, Mr. Rosenthal, Mr. Bingham, Mr. Solarz, Mr. Ireland, Mr. Pease, Mr. Mica, Mr. Barnes, Mr. Wolpe, Mr. Bowen, Mr. Dodd, Mr. Minish, Mr. Cavanaugh, Mr. Rinaldo, Mr. Annunzio, Mr. Mottl, Mr. Broomfield, Mr. Derwinski, Mr. Findley, Mr. Buchanan, Mr. Winn, Mr. Gilman, Mr. Guyer, Mr. Lagomarsino, Mrs. Fenwick, and Mr. Quayle):

H. Con. Res. 249. Concurrent resolution urging the U.S. Olympic Committee, the International Olympic Committee, and the Olympic Committees of other countries to take certain actions with respect to the 1980 summer Olympic games, in accordance with the requests of the President; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H. Res. 523. Resolution providing for the expenses of investigations and studies to be conducted by the Committee on Post Office and Civil Service; to the Committee on House Administration.

By Mr. HUBBARD:

H. Res. 524. Resolution expressing the sense of the House of Representatives that the United States should not participate in the games of the XXII Olympiad, scheduled to be held in Moscow, and that the President, together with the U.S. Olympic Committee, should make prompt recommendations for alternate sites for such games; to the Committee on Foreign Affairs.

By Mr. PASHAYAN:

H. Res. 525. Resolution expressing the sense of the House with respect to balancing the Federal budget in fiscal year 1981; to the Committee on Government Operations.

By Mr. PEYSER:

H. Res. 526. Resolution expressing the sense of the House with respect to the participation of the United States in the 1980 summer Olympics in Moscow; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Res. 527. Resolution providing for the expenses of investigations and studies to be conducted by the Committee on Foreign Affairs; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[*Introduced on January 7, 1980 and referred on January 22, 1980*]

By Mr. HUBBARD:

H.R. 6236. A bill for the relief of Audrey Muriel Stenhouse and her children, Clifford Anthony Stenhouse and Jennifer Leanne Stenhouse; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 6237. A bill for the relief of M. Sgt. Paul D. Camp, Sr., U.S. Air Force (retired); to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Colorado:

H.R. 6258. A bill providing for reinstatement and validation of U.S. Oil and Gas Leases Nos. C–9496, C–9711, C–11600, C–11621, C–11622, C–11630, C–11631, C–11597, C–11599, C–13774, C–14197, C–17049, C–18262, C–26048, C–13532, C–11581, C–11585, C–11590, C–11591, and C–11595; to the Committee on Interior and Insular Affairs.

By Mr. PATTERSON:

H.R. 6259. A bill for the relief of Gladys Viviani Silberstein de Levi; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

331. By the SPEAKER: Memorial of the Legislature of the Territory of Guam, relative to property held in Guam by the Department of Defense; to the Committee on Armed Services.

332. Also, memorial of the Legislature of the Territory of Guam, relative to returning property condemned by the Federal Government; to the Committee on Government Operations.

333. Also, memorial of the Legislature of the Territory of Guam, relative to requesting exemptions from certain provisions in the event of a maritime strike; to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[*Omitted from the Record of January 17, 1980*]

H.R. 1530: Mr. Rinaldo.

H.R. 5022: Mr. Stark, Mr. Richmond, Mr. Fish, Mr. Barnes, and Mr. Kildee.

H.R. 5953: Mr. McKinney.

H.R. 5994: Mr. Harris.

H.R. 5995: Mr. Harris.

H. Con. Res. 238: Mr. Barnes.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Clausen.

H.R. 527: Mr. Barnes, Mr. Downey, Mr. Fazio, Mr. Fisher, and Mrs. Schroeder.

H.R. 628: Mr. Drinan.

H.R. 736: Mr. Symms.

H.R. 801: Mr. McCormack.

H.R. 1116: Mr. Howard.

H.R. 1918: Mr. Corrada, Mr. Chappell, Mr. Flippo, and Mr. Kildee.

H.R. 2041: Mr. Hopkins.

H.R. 2493: Mr. Carney, Mr. Ginn, Mr. Grisham, Mr. Mitchell of New York, and Mr. Traxler.

H.R. 2653: Mrs. Spellman and Mr. Walgren.

H.R. 2969: Mr. Addabbo.

H.R. 4177: Mr. Mottl, Mr. Brown of Ohio, and Mr. Pease.

H.R. 4178: Mr. Weaver, Mr. Miller of California, Mr. Stark, Mr. Stokes, Mr. Biaggi, Mr. Carney, Mr. Hanley, Mr. Kemp, Mr. Rosenthal, Mr. Solomon, Mr. Wydler, and Mr. Lundine.

H.R. 4513: Mr. AuCoin.

H.R. 4535: Mr. Edwards of California, Mr. Clay, Mr. Won Pat, Mr. Simon, Mr. Rosenthal, Mr. Beilenson, Mr. Conyers, Mr. Stokes, Mr. Dellums, Mr. Ottinger, Mr. Mitchell of Maryland, and Mr. Gray.

H.R. 4547: Mr. Downey, Mr. Guarini, and Mr. Frenzel.

H.R. 4631: Mrs. Chisholm, Mr. Courter, Mr. Downey, Mr. Ford of Tennessee, Mr. Gray, Mr. Lowry, Mr. Stark, and Mr. Maguire.

H.R. 4785: Mr. Coelho.

H.R. 4805: Mr. Guarini, Mr. Baldus, Mr. Studds, Mr. Charles Wilson of Texas, Mr. Gray, Mr. Dixon, Mr. Dellums, Mr. D'Amours, and Mrs. Chisholm.

H.R. 5022: Mr. Matsui, Mr. Rosenthal, Ms. Oakar, Mr. Howard, Mr. Dougherty, and Mr. Walgren.

H.R. 5225: Mr. Harsha, Mr. Bob Wilson, Mr. Williams of Montana, Mr. Hubbard, Mr. Bailey, Mr. Hopkins, and Mr. Hansen.

H.R. 5308: Mr. Gudger.

H.R. 5327: Mr. Barnes and Mr. Deckard.

H.R. 5433: Mr. Matsui.

H.R. 5610: Ms. Holtzman.

H.R. 5643: Mr. Albosta, Mr. Sharp, Mr. Chappell, Mr. Myers of Indiana, Mr. Fascell, Mr. Levitas, Mr. Wirth, Mr. Sebelius, and Mr. Winn.

H.R. 5813: Mr. Won Pat and Mr. Mitchell of New York.

H.R. 5919: Mrs. Chisholm.

H.R. 5965: Mr. Collins of Texas, Mr. English, and Mr. Miller of California.

H.R. 6066: Mr. Bedell, Mr. Marks, and Mr. Wirth.

H.R. 6073: Mr. Hinson, Mr. Devine, Mr. Whitehurst, Mr. Young of Alaska, Mr.

Quillen, Mr. Mottl, Mr. Benjamin, Mr. Hall of Texas, Mr. Bereuter, Mr. Young of Florida, Mr. Paul, Mr. Rudd, Mr. Lloyd, Mr. McClory, Mr. Courter, Mr. Rousselot, Mr. Dougherty, Mr. Roe, Mr. Edwards of Oklahoma, Mr. Gingrich, Mr. Moore, Mr. Fountain, Mr. Mitchell of New York, and Mr. Ashbrook.

H.R. 6103: Mr. Gore.

H.R. 6109: Mr. Hopkins, Mr. Neal, and Mr. Mitchell of New York.

H.R. 6171: Mr. Luken.

H.R. 6196: Mr. Dellums.

H.J. Res. 139: Mr. Dannemeyer.

H.J. Res. 220: Mr. Addabbo, Mr. Applegate, Mr. Beard of Tennessee, Mr. Bingham, Mr. Carter, Mr. Corcoran, Mr. Fish, Mr. Florio, Mrs. Heckler, Mr. Jenrette, Mr. Lent, Mr. Mitchell of New York, Mr. Patterson, Mr. Udall, Mr. Wolff, Mr. Bereuter, Mr. Archer, Mr. Carney, Mr. Cavanaugh, Mr. Coelho, Mr. Guarini, Mr. Jones of Tennessee, Mr. Leach of Louisiana, Mr. Matsui, Mr. Mineta, Mr. Nowak, Mr. Stump, Mr. Weaver, Mr. Zeferetti, Mr. Mazzoli, Mr. Lundine, Mr. Erdahl, Mr. Stratton, Mr. Conable, Mr. Coleman, Mr. Hammerschmidt, Mr. Fisher, Mr. Brown of Ohio, Mr. Akaka, Mr. Heftel, and Mr. Rosenthal.

H.J. Res. 372: Mr. Biaggi, Mr. Edgar, Mr. Fisher, Mr. Gray, Mr. Pickle, Mr. St Germain, and Mr. Long of Maryland.

H.J. Res. 416: Mr. Ambro, Mr. Brodhead, Mr. Phillip Burton, Mr. Corman, Mr. Corrada, Mr. Edwards of Oklahoma, Mr. Gray, Mr. Madigan, Mr. Miller of Ohio, Mr. Yatron, Mr. Lee, Mr. Solarz, Mr. Simon, and Mr. Skelton.

H.J. Res. 445: Mr. Brodhead, Mr. Wirth, Mr. Evans of Delaware, Mr. Studds, Mr. Neal, Mr. Early, Mr. Bailey, Mr. Fowler, Mr. Blanchard, Mr. Brinkley, Mr. Murphy of New York, Mr. Beard of Rhode Island, Mr. Bowen, Mr. Gore, Mr. Edwards of Alabama, Mr. Kindness, Mr. Campbell, Mr. Hall of Ohio, Mr. Barnard, Mr. Bonior of Michigan, Mr. Frenzel, Mr. Young of Missouri, Mr. Coughlin, Mrs. Bouquard, Mr. Hollenbeck, Mr. Howard, Mr. Mavroules, Mr. Hansen, Mr. Beard of Tennessee, Mrs. Fenwick, Mr. Ford of Tennessee, Mr. Ertel, Mr. Natcher, Mr. Duncan of Oregon, Mr. Skelton, Mr. Thompson, Mr. Andrews of North Dakota, Mr. Weaver, and Mr. Biaggi.

H.J. Res. 460: Mr. Akaka, Mr. Atkinson, Mr. AuCoin, Mr. Barnes, Mr. Bingham, Mr. Brodhead, Mrs. Chisholm, Mr. Clinger, Mr. Conte, Mr. Corrada, Mr. Diggs, Mr. Dixon, Mr. Dougherty, Mr. Downey, Mr. Drinan, Mr. Edgar, Mr. Emery, Mr. Fazio, Mr. Gray, Mr. Green, Mr. Guarini, Mr. Hawkins, Mr. Heftel, Mr. Howard, Mr. Hughes, Mr. Lederer, Mr. Lehman, Mr. Lundine, Mr. Maguire, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of Pennsylvania, Mr. Nolan, Mr. Oberstar, Mr. Ottinger, Mr. Patten, Mr. Pepper, Mr. Rosenthal, Mr. Sabo, Mr. Scheuer, Mrs. Schroeder, Mrs. Spellman, Mr. Stark, Mr. Traxler, Mr. Vento, Mr. Walgren, Mr. Wirth, and Mr. Wolpe.

H. Con. Res. 122: Mr. Edgar, Mr. Garcia, Mr. Giaimo, Mr. Fauntroy, Mr. Coughlin, and Mr. Horton.

H. Res. 18: Mr. Bedell.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

260. By the SPEAKER: Petition of the 20th annual meeting of the North American Maple Council, Deerfield, Mass., relative to maple research by the Forest Service; to the Committee on Agriculture.

261. Also, petition of the City Council, New York, N.Y., relative to Federal funds to assist renters meet rising home heating fuel costs; to the Committee on Banking, Finance and Urban Affairs.

262. Also, petition of the 25th annual session of the North Atlantic Assembly, Ottawa, Canada, relative to international affairs; to the Committee on Foreign Affairs.

263. Also, petition of the Italian-American Labor Council, AFL–CIO, New York, N.Y., relative to NATO; to the Committee on Foreign Affairs.

264. Also, petition of the Marshall Islands Nitijela, Majuro, Marshall Islands, relative to compensation to persons affected by the U.S. atomic testing program in the Marshall Islands; to the Committee on Interior and Insular Affairs.

265. Also, petition of the Democratic Party of Guam, Agana, Guam, relative to authorizing a plebiscite on Guam; to the Committee on Interior and Insular Affairs.

266. Also, petition of the Council, City of New York, N.Y., relative to rejecting legislation that limits the enforcement powers of the Federal Trade Commission; to the Committee on Interstate and Foreign Commerce.

267. Also, petition of the Italian-American Labor Council, AFL–CIO, New York, N.Y., relative to oil company profits; to the Committee on Interstate and Foreign Commerce.

268. Also, petition of the American Legion, Department of New Jersey, Trenton, N.J., relative to voluntary school prayer; to the Committee on the Judiciary.

269. Also, petition of Judy C. Thompson, Boring, Oreg., and others, relative to tax reduction; to the Committee on Ways and Means.

270. Also, petition of the Italian-American Labor Council, AFL–CIO, New York, N.Y., relative to social security and foreign trade economic policy; to the Committee on Ways and Means.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

*[Submitted January 17, 1980]*

### H.R. 4788

By Mr. CAVANAUGH:

—On page 185, after line 13, insert the following:

"Sec. 445. The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91–611) shall not apply to any agreements between the Federal Government and the State of Nebraska for local cooperation as a condition for the construction of the erosion protection project at the Louisville State Recreation Area on the right bank of the Platte River, near Louisville, Nebr., authorized by section 14 of the Flood Control Act of 1946. The Secretary of the Army, acting through the Chief of Engineers, is authorized to contract with the State of Nebraska on the items of local cooperation for this project, which is to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature making the necessary appropriations and funds being allocated for the same or subject to the availability of funds on the part of the State."

By Mr. EDGAR:

—Page 71, lines 22 and 23, strike "at an estimated cost of $1,670,000." and insert in lieu thereof the following: "at a cost not to exceed $1,670,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 72, lines 4 and 5, strike "at an estimated cost of $13,900,000." and insert in lieu thereof the following: "at a cost not to exceed $13,860,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 72, lines 9 and 10, strike "at an estimated cost of $8,710,000." and insert in lieu thereof the following: "at a cost not to exceed $8,710,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 72, lines 21 and 22 strike "at an estimated cost of $37,500,000." and insert in lieu thereof the following: "at a cost not to exceed $37,510,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 73, lines 3 and 4 strike "at an estimated cost of $71,300,000." and insert in lieu thereof the following: "at a cost not to exceed $71,300,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 73, lines 7 and 8 strike "at an estimated cost of $5,100,000." and insert in lieu thereof the following: "at a cost not to exceed $5,100,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justied by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 73, line 14, strike "at an estimated cost of $22,000,000." and insert in lieu thereof the following: at a cost not to exceed $22,100,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by the engineering costs indexes applicable to the types of construction involved therein.".

—Page 73, lines 18 and 19 strike "at an estimated cost of $16,300,000." and insert in lieu thereof the following: "at a cost not to exceed $16,300,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to therein.".

—Page 73, line 23, strike "at an estimated cost of $7,830,000." and insert in lieu thereof the following: "at a cost not to exceed $7,830,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 74, line 11, strike "at an estimated cost of $21,300,000." and insert in lieu thereof the following: "at a cost not to exceed $21,300,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 74, strike line 12 through line 25; and Page 75, strike line 1 through line 4.

—Page 74, line 16, strike "at an estimated cost of $48,600,000," and insert in lieu thereof the following: "at a cost not to exceed $48,590,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein,".

—Page 75, line 11, strike "at an estimated cost of $651,000." and insert in lieu thereof the following: "at a cost not to exceed $651,-

000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 75, lines 14 and 15 strike "at an estimated cost of $5,100,000." and insert in lieu thereof the following: "at a cost not to exceed $5,100,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 75, line 19, strike "at an estimated cost of $7,340,000." and insert in lieu thereof the following: "at a cost not to exceed $7,340,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 75 line 25 and page 76 line 1, strike "at an estimated cost of $27,700,000," and insert in lieu thereof the following: "at a cost not to exceed $27,700,000" (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein,."

—Page 76, line 17, strike "at an estimated cost of $33,800,000." and insert in lieu thereof the following: "at a cost not to exceed $33,800,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 76, lines 22 and 23 strike "at an estimated cost of $9,300,000." and insert in lieu thereof the following: "at a cost not to exceed $9,300,000" (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 77, line 5, strike "at an estimated cost of $21,400,000," and insert in lieu thereof the following: "at a cost not to exceed $21,400,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 77, line 10, strike "at an estimated cost of $13,100,000." and insert in lieu thereof the following: "at a cost not to exceed $13,100,000 (October 1978 private levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 77, strike line 11 through line 18.

—Page 77, lines 15 through 18, strike out "at an estimated cost of $579,000,000, except that not to exceed $125,000,000 is authorized for initiation and partial accomplishment of such project." and insert in lieu thereof the following: "at a cost not to exceed $579,000,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 77, line 22, strike "at an estimated cost of $2,600,000." and insert in lieu thereof the following: "at a cost not to exceed $2,590,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 78, lines 3 and 4 strike "at an estimated cost of $9,100,000." and insert in lieu thereof the following: "at a cost not to exceed $9,100,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 78, lines 7 and 8 strike "at an estimated cost of $3,500,000." and insert in lieu thereof the following: "at a cost not to exceed $3,490,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 78, line 15, strike "at an estimated cost of $2,600,000." and insert in lieu thereof the following: "at a cost not to exceed $2,600,000 (July 1972 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 78, strike line 20 through line 25.

Page 79, strike line 1 through line 4 and redesignate succeeding sections accordingly.

—Page 78, line 25 and pages 79, line 1, strike "at an estimated cost of $3,500,000." and insert in lieu thereof the following: "at a cost not to exceed $3,500,000 (November 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indexes applicable to the types of construction involved therein.".

—Page 79, lines 11 and 12 strike "at an estimated cost of $16,000,000." and insert in lieu thereof the following: "at a cost not to exceed $16,010,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 79, strike line 13 through line 17 and redesignate succeeding sections accordingly.

—Page 79, lines 16 and 17, strike "at an estimated cost of $650,000." and insert in lieu thereof the following: "at a cost not to exceed $650,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 79, strike line 18 through line 25.

Page 80, strike line 1 through line 24 and redesignate succeeding sections accordingly.

—Page 80, lines 6 and 7, strike "at an estimated cost of $100,000,000." and insert in lieu thereof the following: "at a cost not to exceed $100,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 81, strike line 1 through line 13 and redesignate succeeding sections accordingly.

—Page 81, lines 6 and 7, strike "at an estimated cost of $1,300,000." and insert in lieu thereof the following: "at a cost not to exceed $1,300,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 81, lines 23 and 24, strike "The estimated cost of such project is $15,000,000." and insert in lieu thereof the following: "The cost of the project shall not exceed $15,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 82, strike line 1 through line 14 and redesignate succeeding sections accordingly.

—Page 82, lines 22 and 23, strike "at an estimated cost of $4,360,000." and insert in lieu thereof the following: "at a cost not to exceed $4,360,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 83, line 4, strike "at an estimated cost of $55,700,000," and insert in lieu thereof the following: "at a cost not to exceed $55,700,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein,".

—Page 83, lines 10 and 11, strike "at an estimated cost of $2,200,000." and insert in lieu thereof the following: "at a cost not to exceed $2,200,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 83, line 20, strike "at an estimated cost of $15,300,000." and insert in lieu thereof the following: "at a cost not to exceed $15,300,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 83, line 25 and page 84, line 1, strike "at an estimated cost of $4,270,000." and insert in lieu thereof the following: "at a cost not to exceed $4,270,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 84, lines 11 and 12, strike "at an estimated cost of $31,200,000." and insert in lieu thereof the following: "at a cost not to exceed $31,200,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 87, strike line 16 through line 22 and redesignate succeeding sections accordingly.

—Page 87, lines 19 and 20, strike "at an estimated cost of $2,000,000." and insert in lieu thereof the following: "at a cost not to exceed $2,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 88, line 2, strike "at an estimated cost of $24,000,000." and insert in lieu thereof the following: "at a cost not to exceed $24,000,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 88, lines 6 and 7, strike "at an estimated cost of $34,700,000." and insert in lieu thereof the following: "at a cost not to exceed $34,700,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 88, strike line 8 through line 17 and redesignate succeeding sections accordingly.

—Page 88, lines 13 and 14, strike "at an estimated cost of $2,500,000." and insert in lieu thereof the following: "at a cost not to exceed $2,500,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 88, lines 22 and 23, strike "at an estimated cost of $4,000,000." and insert in lieu thereof the following: "at a cost not to exceed $4,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 89 strike line 3 through line 18 and redesignate succeeding sections accordingly.

—Page 89, line 8, strike "at an estimated cost of $29,400,000." and insert in lieu thereof the following: "at a cost not to exceed $29,400,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 89, strike line 19 through line 24 and redesignate succeeding sections accordingly.

—Page 89, lines 23 and 24, strike "at an estimated cost of $10,400,000." and insert in lieu thereof the following: "at a cost not to exceed $10,310,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 90 strike line 1 through line 15 and redesignate succeeding sections accordingly.

—Page 90, line 5, strike "at an estimated cost of $700,000." and insert in lieu thereof the following: "at a cost not to exceed $700,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 90, lines 20 and 21, strike "at an estimated cost of $5,800,000." and insert in lieu thereof the following: "at a cost not to exceed $5,800,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 96 strike line 6 through line 21 and redesignate succeeding sections accordingly.

—Page 96, line 11, strike "at an estimated cost of $31,400,000." and insert in lieu thereof the following: "at a cost not to exceed $31,400,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 98, strike out lines 15 through 19.

—On page 99 strike line 3 through line 9.

—On page 99 strike line 14 through line 24 and on page 100 strike line 1 and line 2 and redesignate succeeding sections accordingly.

—Page 100, line 2, after the period insert the following:

The Secretary of the Army, acting through the Chief of Engineers, shall not initiate construction of the project until the area to be benefitted has put into effect a comprehensive community water conservation program.

—Page 101, line 2, after the period insert the following:

The Secretary of the Army, acting through the Chief of Engineers, shall not initiate the maintenance work on said tunnel until the areas to be benefitted have put into effect a comprehensive water conservation program.

—On page 103 strike line 1 through line 10 and redesignate succeeding sections accordingly.

—On page 103 strike line 16 through line 21 and redesignate succeeding sections accordingly.

—On page 103 strike line 22 through line 25 and on page 104 strike line 1 through line 25 and on page 105 strike line 1 through line 14 and redesignate succeeding sections accordingly.

—On page 105 strike line 15 through line 25 and on page 106 strike line 1 through line 24 and on page 107 strike line 1 through line 13 and redesignate succeeding sections accordingly.

—On page 107 strike line 14 through line 20 and redesignate succeeding sections accordingly.

—On page 109 strike line 17 through line 25 and on page 110 strike line 1 through line 6 and redesignate succeeding sections accordingly.

—Page 110, line 6, after the period insert the following:

The Secretary of the Army, acting through the Chief of Engineers, shall not initiate construction of the project until the area to be benefitted has put into effect a comprehensive community water conservation program.

—Page 113, following line 19, insert the following new section:

Sec. 222. The Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service, shall study and report by April 1, 1981, to the appropriate committees of the Senate and the House of Representatives on the feasibility, the desirability, and the public interest involved in requiring that full public access be provided to all water impoundments, with recreation-related potential, which were authorized or are proposed to be authorized, utilizing funds authorized by Public Law 83–566, as amended.

—Page 113, following line 19, add a new section 222 and renumber any succeeding sections accordingly:

"Sec. 222. (a) The Secretary of the Army (hereinafter referred to as the 'Secretary') shall, within thirty days after enactment of this section, establish a task force to review the construction, organization, and management of the Tennessee-Tombigbee Waterway to determine the extent to which they conform to the purposes and intent of the project's authorization (Public Law 79–525). The task force, in conducting its review, shall hold no fewer than four public hearings, at least one of which shall be held within the States of Alabama and Mississippi respectively. Members of said task force shall include the Chief of Engineers, the Assistant Secretary of the Army (Civil Works), the General Counsel of the Department of the Army, the Comptroller General of the United States, the Secretary of Transportation, the Director of the Office of Management and Budget, the Federal Co-chairman of the Appalachian Regional Commission, or their representatives, three members of the general public, appointed by the Secretary, and one member representing each of the States of Alabama, Mississippi, and Tennessee respectively. The Secretary shall appoint a task force chairman who shall set the dates for hearings, meetings, workshops, and all other official task force functions in carrying out the purposes of this section. The Secretary is authorized and directed to finance from funds available to him the reasonable expenses of the task force created by this section. The task force shall dissolve on May 1, 1981.

(b) The task force shall submit to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works, no later than May 1, 1981, a report on the Tennessee-Tombigbee Waterway, including—

(1) a detailed accounting of funds expended for planning or construction of the Tennessee-Tombigbee Waterway and related projects, and the specific legislative authority for each major feature;

(2) an analysis of the compatibility of the present design and plan of the Tennessee-Tombigbee Waterway with the original design memorandum, environmental impact statement, and cost estimates;

(3) an analysis of existing cost sharing and repayment obligations, including a summary and explanation of cost sharing and repayment obligations required by statute or administrative practice that have been waived or modified with respect to the Tennessee-Tombigbee Waterway;

(4) the impact of project completion upon competing modes of transportation;

(5) the record of enforcement of the requirements of the Civil Rights Act of 1964; and,

(6) the impact of project completion upon the water and related land and wetland resources of Mobile Bay.

(c) Within nine months of the date of enactment of this section, the Secretary shall submit to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works an evaluation of the national economic development benefits and costs of the Tennessee-Tombigbee Waterway in accordance with the procedures of 18 C.F.R. Part 713, as published in the Federal Register on December 14, 1979.

(d) Nothing in this section shall be construed as diminishing or enhancing any authority of the Secretary of the Army, acting through the Chief of Engineers, to construct the Tennessee-Tombigbee Waterway.

—Page 113, line 20, insert the following new section and renumber succeeding sections accordingly:

Sec. 222. (a) Any resolution authorizing a survey by the Secretary of the Army, acting through the Chief of Engineers, is automatically deauthorized if no funds are expended for such survey within four years following its approval.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to submit to the Congress within six months of enactment of this section, a list of all existing surveys that have an inactive or deferred status, and all surveys on such list may be deauthorized within ninety days thereafter by resolution of either the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

—Page 113, strike line 21 through line 25:

Page 114, strike line 1 through line 25; and

Page 115, strike line 1 through line 6 and redesignate succeeding sections accordingly.

—Page 114, lines 6 and 7, strike "at an estimated cost of $66,000,000." and insert in lieu thereof the following: "at a cost not to exceed $66,000,000 (April 1976 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 115, line 6, after the period insert the following:

The Secretary of the Army, acting through the Chief of Engineers, shall not initiate construction of the project until the area to be benefited has put into effect a comprehensive water conservation program.

—On page 115 strike lines 7 through 25 and on page 116 strike lines 1 through 5 and redesignate succeeding sections accordingly.

—Page 116, lines 15 and 16, strike "at an estimated cost of $3,500,000." and insert in lieu thereof the following: "at a cost not to exceed $3,500,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 117, line 21, strike "at an additional estimated cost of $200,000." and insert in lieu thereof the following: "at a cost not to exceed $2,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in land acquisition costs as indicated by indexes applicable to the types of land acquisition involved therein.".

—On page 117 strike lines 22 through 25 and on page 118 strike lines 1 through 25 and on page 119 strike lines 1 through 7 and redesignate succeeding sections accordingly.

—Page 118, lines 7 and 8, strike "at an estimated cost of $18,400,000." and insert in lieu thereof the following: "at a cost not to exceed $18,400,000 (October 1977 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 119, line 7, after the period insert the following:

The Secretary of the Army, acting through the Chief of Engineers, shall not initiate construction of the project until the area to be benefitted has put into effect a comprehensive water conservation program.

—On page 119 strike lines 8 through 25 and on page 120 strike lines 1 through 7 and redesignate succeeding sections accordingly.

—On page 121 strike lines 1 through 11 and redesignate succeeding sections accordingly.

—Page 121, line 7, strike "at an estimated cost of $1,500,000." and insert in lieu thereof the following: "at a cost not to exceed $1,500,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 121, line 24, and page 122, lines 1 and 2, strike out "at an estimated cost of $270,000,000, except that not to exceed $50,000,000 is authorized for initiation and partial accomplishment of this section." and insert in lieu thereof the following: "at a cost not to exceed $270,000,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 122 strike lines 3 through 25 and on page 123 strike lines 1 through 6 and redesignate succeeding sections accordingly.

—On page 123 strike lines 14 through 25 and on page 124 strike lines 1 through 15 and redesignate succeeding sections accordingly.

—On page 124 strike lines 16 through 25 and on page 125 strike lines 1 through 5 and redesignate succeeding sections accordingly.

—On page 125 strike lines 6 through 20 and redesignate succeeding sections accordingly.

—On page 125 strike lines 21 through 25 and on page 126 strike lines 1 through 15 and redesignate succeeding sections accordingly.

—On page 125 strike lines 21 through 25 and on page 126 strike lines 1 through 15 and redesignate succeeding sections accordingly.

—Page 127, lines 1 and 2, strike "at an estimated cost of $13,200,000." and insert in lieu thereof the following: "at a cost not to exceed $13,200,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 127, strike line 3 through line 16 and redesignate succeeding sections accordingly.

—Page 127, line 9, strike "at an estimated cost of $3,500,000," and insert in lieu thereof the following: "at a cost not to exceed $3,500,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein,".

—Page 128, lines 2 and 3, strike "at an estimated cost of $21,600,000." and insert in lieu thereof the following: "at a cost not to exceed $21,590,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 128 strike lines 4 through 13 and redesignate succeeding sections accordingly.

—Page 128, lines 12 and 13, strike "The estimated Federal construction cost of this modification is $2,200,000." and insert in lieu thereof the following: "The cost of the project shall not exceed $2,200,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 128 strike lines 14 through 19 and redesignate succeeding sections accordingly.

—Page 128, lines 18 and 19, strike "at an estimated cost to the United States of $3,600,000." and insert in lieu thereof the following: "at a cost not to eceed $3,600,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 128 strike lines 20 through 25 and on page 129 strike lines 1 through 22 and redesignate succeeding sections accordingly.

—Page 128, line 25, strike "at an estimated cost of $41,000,000:" and insert in lieu thereof the following: "at a cost not to exceed $41,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein:".

—On page 129 strike lines 23 through 25 and on page 130 strike lines 1 and 2 and redesignate succeeding sections accordingly.

—Page 130, line 2, strike "at an estimated cost of $24,100,000." and insert in lieu thereof the following: "at a cost not to exceed $24,100,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 130 strike lines 3 through 9 and redesignate succeeding sections accordingly.

—Page 130, lines 3 through 9, strike out Section 323 and insert in lieu thereof:

"SEC. 323. Section 115 of the Water Resources Development Act of 1976 (Public Law 94–587) is amended as follows: (1) by striking 'the phase I design memorandum stage of advanced engineering and design of' and inserting in lieu thereof the following: 'construction of a'; and (2) by striking out 'at an estimated cost of $2,800,000.' and inserting in lieu thereof the following: 'at a cost not to exceed $170,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.'."

—On page 131 strike lines 13 through 25 and redesignate succeeding sections accordingly.

—On page 132 strike lines 1 through 14 and redesignate succeeding sections accordingly.

—Page 132, lines 10 and 11, strike "at an estimated cost of $360,000." and insert in lieu thereof the following: "at a cost not to exceed $360,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 132, line 24, strike "at an estimated additional cost of $1,130,000." and insert in lieu thereof the following: "at a cost not to exceed $1,130,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 133, lines 7 and 8, strike "at an estimated additional construction cost of $425,000." and insert in lieu thereof the following: "at a cost not to exceed $425,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 133 strike lines 10 through 16 and redesignate succeeding sections accordingly.

—Page 133, line 16, strike "at an estimated cost of $605,000." and insert in lieu thereof the following: "at a cost not to exceed $605,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 133 strike lines 17 through 24 and redesignate succeeding sections accordingly.

—Page 133, lines 23 and 24, strike "at an estimated cost of $1,000,000." and insert in lieu thereof the following: "at a cost not to exceed $1,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 134 strike lines 1 through 7 and redesignate succeeding sections accordingly.

—Page 134, line 7, strike "at an estimated cost of $14,400,000." and insert in lieu thereof the following: "at a cost not to exceed $14,400,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 134 strike lines 8 through 24 and on page 135 strike lines 1 through 3 and redesignate succeeding sections accordingly.

—Page 135, lines 2 and 3, strike "at an estimated cost of $4,810,000." and insert in lieu thereof the following: "at a cost not to exceed $4,810,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 135 strike lines 4 through 22 and redesignate succeeding sections accordingly.

—Page 135, line 8, strike "at an estimated cost of $92,600,000." and insert in lieu thereof the following: "at a cost not to exceed $92,600,000 (October 1978 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 136 strike lines 18 through 25 and redesignate succeeding sections accordingly.

—Page 136, line 25, strike "at an estimated cost of $1,600,000." and insert in lieu thereof the following: "at a cost not to exceed $1,600,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 137 strike lines 1 through 9 and redesignate succeeding sections accordingly.

—Page 137, lines 8 and 9, strike "at an estimated cost of $1,200,000." and insert in lieu thereof the following: "at a cost in either case not to exceed $1,200,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 137 strike lines 10 through 18 and redesignate succeeding sections accordingly.

—On page 137 strike lines 19 through 24 and on page 138 strike lines 1 and 2 and redesignate succeeding sections accordingly.

—On page 138 strike lines 3 through 16 and redesignate succeeding sections accordingly.

—On page 138 strike lines 17 through 21 and redesignate succeeding sections accordingly.

—On page 138 strike lines 22 through 25 and on page 139 strike lines 1 through 12 and redesignate succeeding sections accordingly.

—Page 138, lines 5 and 6, strike "at an estimated cost of $2,000,000." and insert in lieu thereof the following: "at a cost not to exceed $2,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 139 strike lines 13 through 25 and on page 140 strike lines 1 and 2 and redesignate succeeding sections accordingly.

—Page 139, line 19, strike "at an estimated cost of $1,500,000." and insert in lieu thereof the following: "at a cost not to exceed $1,500,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 140 strike lines 18 through 25 and on page 141 strike lines 1 through 14 and redesignate succeeding sections accordingly.

—Page 144, line 10, strike "at an estimated cost of $160,000." and insert in lieu thereof the following: "at a cost not to exceed $160,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 144, lines 20 and 21, strike "at an estimated cost of $190,300,000." and insert in lieu thereof the following: "at a cost not to exceed $190,300,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 145, lines 3 and 4 strike "at an estimated cost of $46,300,000." and insert in lieu thereof the following: "at a cost not to exceed $46,300,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 145, line 19, strike "at an estimated cost of $200,000." and insert in lieu thereof the following: "at a cost not to exceed $200,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 145 strike lines 20 through 25 and redesignate succeeding sections accordingly.

—Page 145, line 25, strike "at an estimated initial cost of $3,000,000." and insert in lieu thereof the following: "at a cost not to exceed $3,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 146 strike lines 1 through 9 and redesignate succeeding sections accordingly.

—Page 148, line 3, strike "at an estimated cost of $2,740,000." and insert in lieu thereof the following: at a cost not to exceed $2,740,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in land acquisition costs as indicated by indexes applicable to the types of land acquisition involved therein.".

—Page 149, lines 19 and 20, strike "at an estimated Federal cost of $1,500,000." and insert in lieu thereof the following: "at a cost not to exceed $1,500,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in land acquisition costs as indicated by indexes applicable to the types of land acquisition involved therein.".

—Page 150, lines 1 and 2, strike "at an estimated cost of $700,000." and insert in lieu thereof the following: "at a cost not to exceed $700,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 151, lines 6 and 7, strike "at a total estimated cost of $877,500." and insert in lieu thereof the following: "at a cost not to exceed $877,500 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 151 strike lines 8 through 18 and redesignate succeeding sections accordingly.

—Page 152, lines 1 and 2, strike "at an estimated cost of $4,780,000." and insert in lieu thereof the following: "at a cost not to exceed $4,780,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in land acquisition costs as indicated by indexes applicable to the types of land acquisition involved therein.".

—On page 152 strike lines 3 through 11 and redesignate succeeding sections accordingly.

—Page 152, lines 10 and 11, strike "at an estimated cost to the United States of $3,500,000." and insert in lieu thereof the following: "at a cost not to exceed $3,500,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 152, lines 18 and 19, strike "at an estimated cost of $50,000." and insert in lieu thereof the following: "at a cost not to exceed $50,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 153, line 3, strike "at an estimated cost of $100,000." and insert in lieu thereof the following: "at a cost not to exceed $100,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 153 strike lines 4 through 13 and redesignate succeeding sections accordingly.

—Page 153, lines 8 and 9, strike "at an estimated cost of $300,000." and insert in lieu thereof the following: "at a cost not to exceed $300,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 154 strike lines 8 through 14 and redesignate succeeding sections accordingly.

—Page 154, lines 13 and 14, strike "at an estimated cost of $41,000,000." and insert in lieu thereof the following: "at a cost not to exceed $41,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 154, lines 21 and 22, strike "at an estimated cost of $2,000,000." and insert in lieu thereof the following: "at a cost not to exceed $2,000,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 155, lines 12 and 13, strike "at an estimated cost of $50,000." and insert in lieu thereof the following: "at a cost not to exceed $50,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 157, following line 16, add the following new Section:

SEC. 378. The project for flood protection on the Mississippi River at Davenport, Iowa authorized by section 201 of the Flood Control Act of 1970 (Public Law 91–611) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide for mitigation and enhancement measures at a cost not to exceed $314,000 (February 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in land acquisition costs as indicated by indexes applicable to the types of land acquisition involved therein, to include the acquisition of lands, to preserve and enhance certain wetlands known as Nahant Marsh.

—Page 157, following line 16, add the following new section:

Sec. 378. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to carry out the plan for Trimble Wildlife Area replacement, in substantial accordance with the report of the Chief of Engineers dated September 22, 1976, with such changes as the Chief of Engineers determines necessary, at a cost not to exceed $4,614,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in land acquisition costs as indicated by indexes applicable to the types of land acquisition involved therein.

(b) The former owner of any land acquired by the United States under authority of this section shall be permitted to harvest any annual agricultural crop planted on such land during calendar year 1980.

—On page 157 strike lines 18 through 25 and on page 158 strike lines 1 through 12 and redesignate succeeding sections accordingly.

—On page 158 strike lines 18 through 24 and on page 159 strike lines 1 through 17 and redesignate succeeding sections accordingly.

—Page 164, line 2, strike "at an estimated cost of $200,000." and insert in lieu thereof the following: "at a cost not to exceed $200,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 165 strike lines 8 through 24 and on page 166 strike lines 1 through 25 and on page 167 strike lines 1 through 10 and redesignate succeeding sections accordingly.

—On page 167 strike lines 15 through 20 and redesignate succeeding sections accordingly.

—Page 168, lines 14 and 15, strike out "provision of necessary retaining works for" and insert in lieu thereof: "disposal of".

—Page 168, strike line 21 through 25; and Page 169, strike line 1 through 23.

—Page 172, line 1, insert the following and renumber succeeding sections accordingly:

(e)(1) That portion of the general comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1218), as modified by section 203 of the Flood Control Act of 1966 (80 Stat. 1421), which authorized the Meramec Park Lake is not authorized after the date of enactment of this Act.

(2) The Secretary of the Army, acting through the Chief of Engineers, shall immediately undertake interim management and maintenance of works, structures, and interests in lands related to the project pending further disposition of such works, structures, and interests in lands in accordance with a statute enacted after the date of enactment of this Act.

(3) The Secretary of the Army, acting through the Chief of Engineers, shall conduct an investigation and study in order to identify and assess alternatives for the future disposition and utilization of the works, structures, and interests in lands related to the project. In carrying out such investigation and study, the Secretary of the Army, acting through the Chief of Engineers, shall hold public meetings in the area and shall consult with appropriate public and private interest groups in the area, including but not limited to (1) State, county, and other local governments, (2) Federal departments, agencies, and instrumentalities, (3) private groups, clubs, and associations which have demonstrated an interest in the project, (4) former landowners of the project lands, and (5) leaders and individuals of area business and agricultural communities. Not later than one year after funds are made available to carry out such investigation and study, the Secretary of the Army, acting through the Chief of Engineers, shall report to Congress the results of such investigation and study of alternatives, and the recommendations of those consulted, including the Chief of Engineers' assessment of such recommendations.

(4) Nothing in this Act shall terminate the authority or responsibility of the United States to satisfy, pursuant to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 U.S.C. 4601 et seq.) and any other applicable provisions of law, all relocation assistance and land acquisition obligations which were incurred prior to the date of enactment of this Act as a result of carrying out the project.

(5) There are authorized to be appropriated such amounts as may be necessary to carry out this Subsection. Funds available for the project deauthorized by this Act may be used to carry out the provisions of this Act.

—Page 172, line 1, insert the following new subsection and renumber any succeeding subsections accordingly:

(e) The Union Lake flood control project, Missouri, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (Public Law 75–761), and the Flood Control Act of 1966 (Public Law 89–789), is not authorized after the date of enactment of this Act.

—Page 172, line 1, insert the following and renumber succeeding sections accordingly:

(e) The project for Helm Reservoir authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 739) as part of the Wabash River Basin Comprehensive Plan, is not authorized after the date of enactment of this Act.

—Page 172, line 1, insert the following and renumber succeeding subsections accordingly:

(e)(1) The project for a high-level lock barge canal from the Saint Johns River across Florida to the Gulf of Mexico in accordance with the Act of July 23, 1942 (chapter 520; 56 Stat. 703), is not authorized after the date of enactment of this Act.

(2) The Secretary of the Army acting through the Chief of Engineers, is authorized to operate and maintain the existing facilities (and lands appurtenant thereto) of the Cross-Florida Barge Canal project in such manner as he determines to be necessary, pending further disposition by law of the project, its facilities, and lands.

(3) The boundaries of the Ocala National Forest, Florida, are extended to include the lands north and west of the Oklawaha River as shown on the map dated July 1978, on file with the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia, and available to the public in the office of the appropriate regional forester, forest supervisor, or forest ranger.

(4) Within the boundaries of the Ocala National Forest as extended by section (3) of this subsection, lands or interests in lands and improvements owned by the United States and administered by the Corps of Engineers, Department of the Army, shall be transferred to the Secretary of Agriculture to be administered and made a part of the Ocala National Forest, Florida, at such time as the Secretary of the Army deems such action to be appropriate, but not later than January 1, 1981, except that the Secretary of the Army, acting through the Chief of Engineers, may operate and maintain the existing facilities of the Cross-Florida Barge Canal project within the extended boundaries of the Ocala National Forest pending further disposition by law with respect to such facilities.

(5) The Secretary of Agriculture shall acquire lands and interests in lands held on the date of enactment of this Act by the State of Florida within the boundaries of the Ocala National Forest, as extended by subsection (c), with donated or appropriated funds, by purchase, gift, or exchange. For acquisition of lands or interests in lands held by the State of Florida, the Secretary of Agriculture shall pay not less than the purchase price paid by the canal authority of the State of Florida plus interest compounded annually at the average rate at which the authority borrowed funds for project acquisition purposes over the total period of financial commitment by the authority.

(6) There are authorized to be appropriated for the fiscal year 1981, such sums as may be necessary to carry out the provisions of this subsection.

—Page 172, line 1, insert the following new subsections:

(e) The Grove Lake, Kansas River project authorized by section 203 of Public Law 87–874, is not authorized after the date of enactment of this Act.

(f) The project for La Farge Lake on the Kickapoo River, Wisconsin authorized by section 203 of Public Law 87–874, is not authorized after the date of enactment of this Act.

(g) The project for Lukfata Lake, Oklahoma authorized by section 203 of Public Law 85–500, is not authorized after the date of enactment of this Act.

(h) The project for Yatesville Lake, Kentucky authorized by section 204 of Public Law 89–298, is not authorized after the date of enactment of this Act.

—On page 172 strike lines 8 through 25 and on page 173 strike lines 1 through 13 and redesignate succeeding sections accordingly.

—Page 174, line 2, strike "at an estimated cost of $7,500,000." and insert in lieu thereof the following: "at a cost not to exceed $7,500,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—Page 183, line 21, strike "at an estimated cost of $300,000." and insert in lieu thereof the following: "at a cost not to exceed $300,000 (July 1979 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein.".

—On page 184 strike lines 10 through 22 and redesignate succeeding sections accordingly.

—Page 185, line 9, insert the following new section and renumber succeeding sections accordingly:

Sec. 443. The first sentence of section 12 of the Water Resources Development Act of 1974 (88 Stat. 16) is amended to read as follows:

Sec. 12. (a) As soon as practicable after the date of enactment on this section and at least once each year thereafter, the Secretary of the Army acting through the Chief of Engineers, shall review and submit to Congress a list of those authorized projects for works of improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other purposes which have been authorized for a period of at least five years without any Congressional appropriations within the last five years and which he determines, after appropriate review, should no longer be authorized."

—Page 185, line 9, insert the following new section and renumber succeeding sections accordingly:

Sec. 443. Section 301(b) of the Water Supply Act of 1958 (Public Law 85–500) as amended is amended further by striking out all beginning with *"And provided further,"* in the third proviso, to the colon at the end of the end of the third proviso and inserting in lieu thereof the following new proviso: *"And provided further,* That not to exceed 20 per centum of the total estimated cost of any project may be allocated to anticipated future demands where States or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the costs allocated to water supply within the life of the project:".

—Page 185, line 9, insert the following new section and renumber succeeding sections accordingly:

Sec. 443. The second sentence of the definition of "works of improvement", contained in section 2 of Public Law 83–566, as amended, is further amended by adding after "$250,000" the following: "but not more than $10,000,000, for any projects submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives".

—Page 185, line 9, insert the following new section and renumber succeeding sections accordingly:

Sec. 443. No appropriation for expenses of the Office of the Chief of Engineers, the Division Engineers offices, the District Engineers offices, of for any other Civil Works function, shall be expended for the purpose of meeting or entertaining newly elected members of Congress prior to their taking the oath of office: *Provided,* That this section shall not be construed to prevent any employee of the Corps of Engineers from responding to unsolicited inquiries from such newly elected Members of Congress.

—Page 185, line 9, insert the following new section and renumber succeeding sections accordingly:

Sec. 443. The Secretary of the Army, acting through the Chief of Engineers, shall when evaluating the benefits and costs of a proposed navigation project include in the benefit-cost computation the gains and losses to other transportation modes which would be affected by the proposed project.

—Page 185, line 12, insert the following new section and renumber succeeding sections accordingly:

SEC. 444. Section 2 of Public Law 83-566 is amended by deleting the period and inserting a colon, at the conclusion of the proviso, and adding the following: "*And provided further*, That each such project must contain benefits directly related to agriculture that account for at least 20 per centum of the total benefits of the project.".

—Page 185, line 12, add new section to title IV and renumber succeeding sections accordingly:

"No water resources project constructed by the Secretary of the Army, acting through the Chief of Engineers, shall be named after a Member of Congress until at least five years have elapsed since the death of said Member."

—Page 185, following line 13, add the following:

### TITLE V—WATER CONSERVATION

SEC. 501. This Title may be cited as the "Public Buildings Water Conservation Act of 1980".

### FINDINGS

SEC. 502. The Congress finds and declares that:

(1) there is an urgent need to conserve and use efficiently the water resources of our Nation;

(2) water conservation in public buildings can help alleviate water supply pressures in drought-prone areas of the United States; and

(3) water conservation in public buildings can help reduce expenditures by the Federal Government.

### PURPOSES

SEC. 503. The purpose of the water conservation program established by this Act shall be to—

(1) reduce water usage by the Federal Government by requiring the establishment of minimum water efficiency standards and the installation of efficient water supply and removal equipment in public buildings;

(2) stimulate the general use within the Federal Government of innovative and efficient water supply and removal equipment;

(3) accelerate and encourage the development of commercially viable efficient water supply and removal equipment by the use of such equipment in public buildings; and

(4) develop program performance data to support policy decisions on future programs with respect to water conservation.

### ESTABLISHMENT OF FEDERAL BUILDINGS WATER CONSERVATION PROGRAM

SEC. 504. The Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 19. (a) The Administrator shall establish a water conservation program for public buildings which shall consist of the establishment of minimum water efficiency standards for public buildings, and the installation of efficient water supply and removal equipment meeting such standards.

"(b)(1) The Administrator, after consultation with the Director of the National Bureau of Standards, shall, not later than one year after the date of enactment of this Act, prescribe minimum water efficiency standards for new public buildings, which shall be expressed in terms of the minimum amount of water necessary for the normal operation of such buildings. The Administrator may establish different standards for different categories of public buildings, depending on the type, design, location, and purpose of a public building, and any other factor deemed relevant by the Administrator.

"(2) The Administrator shall require that in the construction of each new public building, and in each extension or addition to an existing public building, water supply and removal equipment be installed which will meet the standards prescribed by the Administrator under paragraph (1). The Administrator shall establish guidelines for the procurement and installation of such equipment.

"(c)(1) The Administrator, after consultation with the Director of the National Bureau of Standards, shall, not later than one year after the date of enactment of this Act, prescribe minimum water efficiency standards for each type of water supply and removal equipment, which shall be expressed in terms of the minimum amount of water necessary for the normal operation of such equipment.

"(2) The Administrator shall require the installation of water supply and removal equipment meeting the standards established by the Administrator under paragraph (1)—

"(A) in an existing public building whenever water supply and removal equipment in such building is scheduled to undergo major repair or improvement; and

"(B) in an additional number of existing public buildings, so that the total number of existing public buildings in which such equipment is installed under this paragraph is at least equal to five hundred each year for the five-year period beginning one year after the date of enactment of this Act.

In selecting additional public buildings under subparagraph (B), the Administrator shall select the buildings most suitable for and most in need of such equipment, as determined by the survey conducted under paragraph (3), subject to the requirement that such buildings be geographically distributed so as to stimulate the development of a broad installation capability throughout the United States. The Administrator may provide for expedited installation of efficient water supply and removal equipment in existing public buildings in areas which are prone to drought.

"(3) The Administrator shall conduct an annual survey of existing public buildings for a five-year period following the date of enactment of this Act to determine the public buildings most suitable for and most in need of efficient water supply and removal equipment. The first such survey shall be completed not later than one year after the date of enactment of this Act.

"(d) The Administrator is authorized to enter into such agreements as are necessary with the head of any agency of the United States for the purpose of installing water supply and removal equipment under this section. The Administrator shall make all efforts to minimize the cost of the installation of water supply and removal equipment under this section.

"(e) The Administrator shall make an annual report to the Congress on the status of the program established by this section, including recommendations on the amount of expenditures necessary to fully implement the requirements of this Act. The Administrator shall monitor the program for the purpose of making such reports and making recommendations with respect to the extension of the program at the end of the five-year period for the installation of the water supply and removal equipment under subsection (c).

"(f) The Administrator shall provide the necessary information to Federal procurement personnel and building administrators in order to enable them to utilize the most advanced water conservation methods in the operation and maintenance of public buildings, and shall study the feasibility and need of a central training program to acquaint such personnel and administrators with such methods.

"(g) For purposes of this section, the term—

"(1) 'water supply and removal equipment' means any item owned, leased, or controlled by the United States, located entirely within a public building, which is used in whole or in part for the transport of water from a central supply source and, after usage, to a central sewage or disposal unit, and shall include, but shall not be limited to—

"(A) toilets;

"(B) dishwashers;

"(C) washing machines;

"(D) lawn and yard agricultural irrigation systems;

"(E) shower and faucet aerators;

"(F) water filters and water softeners;

"(G) evaporative air coolers;

"(H) on-site water recycling systems;

"(I) car and vehicle washing systems;

"(J) water pressure regulators and water recirculation systems;

"(K) plumbing system controls; and

"(L) water pipe insulators;

but shall not include such central supply source or central sewage or disposal unit;

"(2) 'new public building' means a public building or a proposed public building, including a building otherwise excluded from the coverage of this Act by subparagraphs (F), (G), and (H) of paragraph (1) of section 13, which does not have water supply and removal equipment under contract before the prescription of minimum water efficiency standards under subsection (b)(1) of this section;

"(3) 'existing public building' means a public building, or a proposed public building or a public building under construction if such building has water supply and removal equipment under contract before the prescription of minimum water efficiency standards under subsection (b)(1) of this section;

"(4) 'major improvement or repair' means any change made in water supply and removal equipment of a public building sufficient to cause interruption in the normal use of such equipment.".

SEC. 505. Paragraph (1) of section 13 of the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by inserting ", except as otherwise provided" after "As used in this Act".

SEC. 506. There is authorized to be appropriated $15,000,000 for each of the fiscal years ending September 30, 1981, and September 30, 1982, and $25,000,000 for each fiscal year thereafter to carry out the purposes of this title.

By Mr. FITHIAN:

—Page 171, after line 25, insert the following:

(e) The following projects are not authorized after the date of enactment of this Act:

(1) the Lafayette Lake Dam and Reservoir project, Wabash River, Indiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298);

(2) the navigation project on the Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87-874);

(3) the flood control project for the Big Blue River, Wabash River Basin, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742);

(4) the portion of the Norfolk Harbor and Thimble Shoal Channel, Virginia, improvement project (authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1250)) identified in paragraph 2(2)(b) of the report of the Chief of Engineers, Department of the Army, dated February 19, 1954 (Senate document numbered 122, Eighty-third Congress, second session, pages 1 and 2) as "an anchorage 38 feet deep and 1,500 feet square, an anchorage 35 feet deep and 1,500 feet square, and an anchorage 20 feet deep, 1,000 feet wide, and 3,000 feet long, opposite Lambert Point and south of Craney Island.";

(5) the project for Elk Creek Lake, Rogue River Basin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192);

(6) the project for Cascadia Dam and Reservoir, South Santium River, Oregon, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193);

(7) the flood control projects for South Plymouth and Genegantslet Lakes, Susquehanna River Basin, authorized by section 10 of the River and Harbor Act of December 22, 1944 (58 Stat. 893);

(8) the projects for West Oneonta Lake, Davenport Center Lake, and Copes Corner Lake, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1573);

(9) the project for improvement of the Chester River, Pennsylvania, authorized by the first section of the River and Harbor Act of March 2, 1919 (40 Stat. 1277);

(10) the project for the Connecticut River, above Hartford, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919);

(11) the project for Sixes Bridge Dam and Lake, Maryland, authorized by section 85 of the Water Resources Development Act of 1974 (88 Stat. 36).

—On page 172 strike lines 8 through 25 and on page 173 strike lines 1 through 13 and redesignate succeeding sections accordingly.

—Page 185, line 12, add new section to Title IV and renumber succeeding sections accordingly:

"No water resources project constructed by the Secretary of the Army, acting through the Chief of Engineers, shall be named after a Member of Congress until at least five years have elapsed since the death of said Member."

—Page 185, line 9, insert the following new section and renumber succeeding sections accordingly:

Sec. 443. No appropriation for expenses of the Office of the Chief of Engineers, the Division Engineers offices, the District Engineers offices, or for any other Civil Works function, shall be expended for the purpose of meeting or entertaining newly elected members of Congress prior to their taking the oath of office: *Provided*, That this Section shall not be construed to prevent any employee of the Corps of Engineers from responding to unsolicited inquiries from such newly elected members of Congress.

By Mr. SHARP:

—Page 183, line 6, strike out "projects for Big Blue Lake and" and insert in lieu thereof "project for".

Page 183, line 11, strike out "projects" and insert "project".

By Mr. WILLIAMS of Montana:

—Page 144, strike out line 13 and all that follows down through line 4 on page 145.

Redesignate succeeding sections accordingly.

[*Submitted January 22, 1980*]

By BOB EDGAR:

—Page 74, strike line 12 through line 25;
Page 75, strike line 1 through line 4;
Page 77, strike line 11 through line 18;
Page 78, strike line 20 through line 25;
Page 79, strike line 1 through line 4 and line 13 through line 25;
Page 80, strike line 1 through line 25;
Page 81, strike line 1 through line 13;
Page 82, strike line 1 through line 14;
Page 87, strike line 16 through line 22;
Page 88, strike line 8 through line 17;
Page 89, strike line 3 through line 24;
Page 90, strike line 1 through line 15; and
Page 96, strike line 6 through line 26.

—Page 103, strike line 22 through line 25;
Page 104, strike line 1 through line 25;
Page 105, strike line 1 through line 25;
Page 106, strike line 1 through line 24; and
Page 107, strike line 1 through line 8.

—Page 128, strike line 4 through line 13;
Page 131, strike line 13 through line 25; and
Page 135, strike line 4 through line 22.

—Page 121, strike line 1 through line 11;
Page 128, strike line 14 through line 19;
Page 133, strike line 10 through line 16;
Page 134, strike line 1 through line 7;
Page 136, strike line 18 through line 25;
Page 138, strike line 3 through line 16 and line 22 through line 25;
Page 139, strike line 1 through line 25;
Page 140, strike line 1 through line 2; and
Page 152, strike line 3 through line 11.

—Page 115, strike line 7 through line 25;
Page 116, strike line 1 through line 5;
Page 119, strike line 8 through line 25;
Page 120, strike line 1 through line 7;
Page 122, strike line 3 through line 25;
Page 123, strike line 1 through line 6 and line 14 through line 25;
Page 124, strike line 1 through line 25;
Page 125, strike line 1 through line 20;
Page 128, strike line 20 through line 25;
Page 129, strike line 1 through line 22;
Page 132, strike line 1 through line 14;
Page 133, strike line 17 through line 24;
Page 134, strike line 8 through line 24;
Page 135, strike line 1 through line 3;
Page 137, strike line 1 through line 24;
Page 138, strike line 1 through line 2 and line 17 through line 21;
Page 140, strike line 18 through line 24;
Page 141, strike line 1 through line 14;
Page 145, strike line 20 through line 25; and
Page 146, strike line 1 through line 9.

By Ms. HOLTZMAN:

—Page 100, strike out line 3 and all that follows down through line 2 on page 101 and insert in lieu thereof the following:

Sec. 203. The Secretary of the Army, acting through the Chief of Engineers, is authorized to prepare a report of the project for water supply within the New York metropolitan area, which report shall include—

(1)(A) a feasibility report of the New York City water tunnel numbered 3, and (B) an interim report on stage 1 of such tunnel, including a review of the detailed engineering plans for such tunnel which plans were prepared for the City of New York, which shall be submitted to Congress as expeditiously as possible; and

(2) a reexamination of the conclusions and recommendations of the Chief of Engineers relating to the Hudson River diversion project in the report dated March 28, 1979, titled Northeastern United States Water Supply Study, including, but not limited to, a reexamination of the water deficit for the study area and of the possibilities for environmental quality plan alternatives to the Hudson River diversion project.

Nothing in this section shall be construed as authorizing either the study or construction of any facility which would have, directly or indirectly, any effect on the water supply (including underground water) of Suffolk and Nassau Counties, New York. There is authorized to be appropriated to carry out the report authorized by this section not to exceed $5,000,000. There is also authorized to be appropriated not to exceed $25,000,000 for work necessary to preserve and prevent deterioration of work and facilities accomplished on such tunnel by the City of New York. Any funds expended for such purpose shall be repaid to the United States in accordance with the provision of the Water Supply Act of 1958.

—Page 113, after line 19, add the following new section:

Sec. 221. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare a feasibility report for the New York metropolitan area to determine the need for storage of water in single and multiple-purpose projects required to meet anticipated demand in the region, at an estimated cost of $5,000,000. Such study shall include consideration of treatment facilities and such regional conveyance systems, as necessary, and the interconnection of existing and proposed water storage projects.

—Page 113, after line 19, add the following new section:

Sec. 221. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare a feasibility report for the New York City metropolitan area to determine the need for repair, improvement and expansion of existing treatment, conveyance and distribution facilities to meet anticipated demand in the region, at an estimated cost of $5,000,000.

By Mr. MOAKLEY:

—Page 110, line 23, insert "in the conservation of existing water supplies and" after "interest".

Page 111, line 1, insert "through Federal construction and assistance in the repair and improvement of existing water supply systems and" after "purposes".

Page 111, line 9, strike out "for construction, single and multiple purpose water supply projects" and insert in lieu thereof "(1) projects for construction and assistance in the repair and improvement of existing water supply systems (including, but not limited to, demand-reducing techniques), and (2) projects for the construction of single and multiple purpose water supply systems".

—Page 113, after line 19, insert the following:

Sec. 222. The Secretary of the Army, acting through the Chief of Engineers, shall prepare a feasibility report of the metropolitan Boston, Massachusetts, area (including, but not limited to, Suffolk, Norfolk, and Middlesex Counties) to determine the need for repair, improvement, and expansion of existing treatment, conveyance, and distribution facilities for water to meet anticipated demand in such area, at an estimated cost of $5,000,000.

By Mr. SYNAR:

—On page 153, strike out line 23 and all that follows, down through line 7, on page 154, and insert in lieu thereof, the following:

Sec. 372. The project for Fort Gibson Lake, authorized by the Flood Control Act of 1961, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to allocate, in accordance with all of the provisions of the Water Supply Act of 1958, sufficient storage to provide up to 20,000,000 gallons of water per day to the City of Broken Arrow, Oklahoma.

—On page 153, strike out line 23 and all that follows, down through line 7, on page 154. Redesignate succeeding Sections accordingly.

—On page 154, strike out lines 6 and 7, and insert in lieu thereof the following: "gallons' of water per day to any community, communities or Rural Water District in the area of the projects, including, but not limited to, Rural Water Districts 2, 4, and 5."

Redesignate succeeding lines accordingly.

By Mr. WEAVER:

—At the appropriate place in title 1, "Water project Authorizations," add the following new section: On page 96, line 22, add the following:

Sec. 126. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct the project for navigation improvements on the Siuslaw River and Bar at Siuslaw, Oregon, in accordance with the recommendations of the Division Engineer, North Pacific Division, in the report dated June 1976, at an estimated cost of $20,291,000, except that such construction shall not begin until such recommendations have been approved by the Corps of Engineers.

—Page 78, line 9, add the following:

### CHETCO RIVER

Sec. 101. The project for construction of navigation improvements at Chetco River, Oregon: Report of the Chief of Engineers, dated May 2, 1977, at an estimated cost of $4,666,000.

# EXTENSIONS OF REMARKS

## THE PATTON PRINCIPLE

### HON. LARRY P. McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. McDONALD. Mr. Speaker, recent events in Afghanistan have caused the President to take some steps against the Soviet Union in order to show our displeasure. These actions are not really enough to hurt the Soviet economy, but they are steps in the right direction. The sad part is that we should not have been selling grain to the U.S.S.R., which has the avowed intention of eliminating our way of life from the Earth. It did not make sense before the Soviets invaded Afghanistan and does not make sense now. Sounder thinking would dictate that the United States accepts the fact that the Soviet Union is an armed ideology acting as a nation state and prepare to fight and win on all the fronts where conflict is presently being waged, political, psychological, economic, and military. We cannot continue to elect new Presidents who wage a peace offensive for the first 3 years of their term only to discover anew that the Soviets "lie" and are an aggressive military nation. Economic warfare is just one phase of the battle raging worldwide. The battle has to be fought and won on a very wide front. A recent editorial in the Wall Street Journal of January 8, 1980, discusses why the President's actions are not enough. I commend it to the attention of my colleagues:

THE PATTON PRINCIPLE

General George S. Patton told his troops that the object in war is not to die for your country but to make your enemy die for his country.

Patton's impeccable logic is worth remembering today as the Carter administration conducts its carefully orchestrated response to Soviet and Iranian armed aggression. Instead of doing the obvious thing of building a better military deterrent, the administration is setting out to punish the Soviets and the Iranians with economic sanctions. This choice is being made because the administration is prejudiced against and perhaps afraid of military power, because it is indifferent to economic costs and, we fear, because the President feels Americans need further spiritual improvement through "sacrifice."

It's true, of course, that in economic warfare there is nothing much involved but money. No one will die if you throw commodity trading into a turmoil by shutting down exchanges for two days or if you spend $2.5 billion to produce gasohol at prices above what OPEC charges for oil. But the problem is that since an economic exchange involves advantages for both parties, these weapons draw as much blood from us as from the other guy.

The U.S. has cut off purchases of Iranian oil for example, with the unimpressive result of altering world oil shipment logistics. It has frozen Iranian dollar assets, which mainly served to further disturb world confidence in the dollar and reduce the willingness to hold dollar assets. It has sought economic sanctions against Iran at the UN, which if they should ever happen would have the principal effect of making Iran more dependent on Russia.

As to curbing grain sales to the Soviets, this tactic will serve to deny grain and food to the Soviet people if other nations go along with it. But will even Canada, Australia and Argentina go along with it? And even if they do, won't they resent the U.S. pressures on them? And won't some third country, such as India, be happy to win points with the Russians by buying grain and trans-shipping it to them? This is the way economic sanctions usually work.

The gasohol idea sounds like something sent upstairs from some recent college graduate working in the White House basement. We'll deny the Russians grain, use revenues from the windfall profits tax to buy the grain to make alcohol and use the alcohol to reduce our dependence on imported oil, this young wizard no doubt said. Except for one problem: The $3 billion will buy a lot less energy through the gasohol route than it would have bought in domestic oil development if left in the oil industry. For this we shut down the commodity exchanges.

The world's opinion of these exercises has been reflected in a soaring price of gold. The world-wide deterioration in confidence in the dollar is no small threat to U.S. interests. A decline of trade and investment and the rise in inflation can only contribute to the world-wide social unrest that leads to the kind of breakdown in political authority that occurred in Iran. We should know now from long experience that the Russians and their Marxist cells around the world are far better than we are at taking advantage of such circumstances.

None of this is to say that economic warfare should never be employed. Mr. Carter's move to reduce the flow of U.S. high-technology equipment to the Soviet Union is a case that imposes higher costs on them at modest expense to the U.S. economy; it may be that the Russians would not have matched U.S. missile guidance and multiple-warhead technology had we not sold them machines to make high quality miniature ball bearings. But even in technology there is a problem of persuading other Western nations to observe the same restraint as we do.

More generally, why does anyone in the administration think that such a rubbery weapon as economic sanctions will cause the men in the Kremlin to hesitate over their next moves, let alone pull their troops out of Afghanistan? Or is this weapon merely a cheap show of decisiveness, intended less to sway the Russians than to impress the American people?

Administration spokesmen are now going on TV suggesting that the American people will not bear the sacrifice of building more arms or opening American bases in the Middle East. Of course they will not bear that sacrifice unless the administration asks them to. The $2.5 billion or so the administration so casually proposed to plow into gasohol would buy one and a half nuclear aircraft carriers, yet we are told we cannot afford a larger defense budget.

The worst part of this kind of economic warfare is what it does to public attitudes. Farmers, businessmen and allied nations are not unwilling to pay the costs of military security, but they quite rightly object to sacrifices that carry no clear benefit. They will follow leaders who articulate a cogent policy, but that is terribly hard to do if you want to use economic warfare as a substitute for a military deterrent.●

---

## JAN PALACH AWARD

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. DERWINSKI. Mr. Speaker, I wish to direct the attention of the Members to the 11th anniversary of the death of Jan Palach, a young Czechoslovakian student, who burned himself to death in protest of the Soviet invasion of Czechoslovakia. He has since become a symbol of the silent opposition of the Czechoslovak people to the Communist regime in that country and for the first time this year, in memory of his death, a Jan Palach Award was established. This year's recipient is the Committee for the Defense of the Unjustly Persecuted (VONS), located in Czechoslovakia, for their work in the human rights field.

On January 16, 1969, to protest his country's loss of freedom, Jan Palach set his gasoline soaked clothes aflame in Prague's historic Wenceslas Square. Three days later when he died, lighted candles appeared in the windows of the buildings all over Prague. Wreaths were piled on the spot where Palach had immolated himself. Feelings ran so high that the Communist regime did not dare to deny Palach a public funeral, although it did forbid all eulogies and banned his burial in Vysehrad Cemetery, where the heroes of Czechoslovakia lie.

When they buried Jan Palach in Olsany Cemetery, the Czechoslovak people marched in the tens of thousands, weeping silently and wearing black armbands knowing they were mourning not only the death of a young man but of their own freedom.

It is especially important to note that despite the 11 years of Soviet military presence in Czechoslovakia, the spirit of the people remains uncrushed. These freedom-loving men and women of Czechoslovakia continue to demand the restoration of their fundamental civil and political rights that remain arrested by the Communist oppressive rule. The recent crackdown by the Communist rulers of dissidents and intellectuals in that coun-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

try has brought much attention from the free world.

Therefore, it is of paramount importance for us to encourage the brave people of Czechoslovakia in their ongoing struggle for their fundamental rights. We must recognize that by its very nature, communism deprives people of their basic rights, and we must join to give support to the commitment of freedom for all those held captive.●

## ROSWELL PARK CANCER INSTITUTE SUCCESS STORIES

### HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. NOWAK. Mr. Speaker, we have all heard on the floor of the House debates over the effectiveness of federally aided institutions in doing the jobs the public expects of them. The article below, written by Gerald P. Murphy, M.D., D.Sc., Director of the Roswell Park Memorial Institute and president of the Association of American Cancer Institutes, shows that the cancer centers of this country are held in high esteem by their communities. I know Roswell Park Memorial Institute at Buffalo is and I am confident the vast majority of the other 65 cancer centers across this country can show similar successes.

Roswell Park gets most of its budget from the State of New York, but its scientists do receive a small amount of Federal research grant money, so it is appropriate to know how they are doing.

All health professionals know that detecting unsuspected disease is a fine art. They also know that disease, even when detected, does not translate automatically into treatment.

The money invested in cancer research in this country is paying off. The Roswell Park Memorial Institute study is an example of an alert institute, demonstrating effective detection measures, and promoting early and effective therapies.

The National Cancer Institute tells us that 40.6 percent of all cancers—as they appear in doctors' offices today—are curable. We need programs to make sure the curables are found and that therapies are, in fact, applied.

Roswell Park Memorial Institute's news story is one that can be duplicated in many parts of the country and I commend it for my colleagues' perusal:

CANCER SCREENING PRODUCES INTERESTING RESULTS

(Digested from "Community Cancer Screening," evaluation of experiences. New York State Journal of Medicine. October 1979)

Abnormal clinical findings were discovered in more than one-half the 517 participants in a community cancer screening demonstration project organized by Roswell Park Memorial Institute in Buffalo, New York, the world's oldest comprehensive cancer institute.

Nine out of ten of the persons who reported to free clinics programmed by the institute, described their health as "good to excellent." But, Roswell Park researchers said that the data suggest cancer control can't rely wholly on people's own ability to see signs of disease and recognize the signs' importance.

Roswell Park, a State of New York facility, pioneered the community outreach program aimed especially at senior citizens in the Buffalo area. Five other hospitals in the county participated in the American Cancer Society-Roswell Park joint effort. The hospitals donated clinic and staff time; clinics were manned by volunteer clerical help, usually American Cancer Society volunteers.

The public was notified of the free clinics in all major media in Buffalo. A special effort was made to reach the high-risk population via announcements at senior citizen club meetings and printed announcements distributed through the senior citizen lunch program. This was successful because 75 percent of test participants were 40 or older.

Public response to the free cancer screenings was unexpectedly large, says the Roswell Park. Over 100 callers could not be provided with appointments at any of the six participating hospitals and were referred to alternative sources of care such as the Erie County Medical Society.

Each person screened was asked to supply information on his or her marital status, education, income, family history of cancer, smoking history, alcohol use, symptomatology, physical examination history and prior Papanicolaou (Pap) test, chest X-ray, mammography and breast self-examination experience, Roswall Park reported. Then doctors made complete physical examinations, including testing for stool and urine blood.

The startling findings showed 61 percent of the males and 54 percent of the females had abnormal clinical test results. Even more disturbing: two-thirds of those tested reported having annual physical checkups.

According to a project evaluation in the October, 1979, New York State Journal of Medicine, the most frequent sites for abnormalities in men were prostate, skin, anus and heart, while the most frequent sites in women were pelvic/vaginal, skin and breast.

Participants were informed of findings by mail, and, if there were positive findings, their personal physician was also told, Roswell Park said. Two follow-up mail surveys were conducted, also. The first questionnaire was designed to elicit the participants' opinions of the clinics' quality and the success of the clinics in achieving health and education objectives. A second questionnaire was sent six months later to persons notified about their abnormal findings to see whether they had sought and received further medical care or health assessment.

The overall reaction of participants was highly favorable, the survey showed; all but 5 percent of the respondents reported that the cancer screening clinics were good or excellent; 89 percent reported that they would be likely to attend a cancer screening clinic again in the future. Of those told of findings requiring further evaluation, 85 percent had responded. Sixty-five percent reported they had seen a physician since attending the clinic; 94 percent of those who had seen a physician reported that they had discussed the clinic findings with him.

Say Roswell Park researchers, "The fact that 35 percent of the screenees showing positive findings did not report any follow-up care or evaluation is critically significant. This may indicate that the screening process ought not end with the examination and reporting of results."●

## CULTS AND THE FAMILY

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. FINDLEY. Mr. Speaker, I would like to call to the attention of my colleagues the following statements by our colleagues, CLEMENT ZABLOCKI, chairman of the Committee on Foreign Affairs and WILLIAM BROOMFIELD, ranking minority member of the committee before the White House Conference on Families, November 30, 1979.

The gentlemen from Wisconsin and Michigan focused their joint, bipartisan presentation on cults and the family. Both became concerned with the potential threats cults pose to American family life during the Foreign Affairs Committee's extensive inquiry into the assassination of our colleague, Leo Ryan, and the mass suicide-murder ritual at Jonestown, Guyana.

Noting the deleterious impact of cults on the solidity of the family and, thus, on the stability and well-being of American society, the chairman and the ranking minority member urge the White House Conference on Families to investigate cults in order to help the American family confront this challenge.

This dual statement should be mandatory reading for all Americans; I commend it to your attention.

CULTS AND THE FAMILY

(By Clement J. Zablocki)

It has been one year since we in Congress, and people all over the world, were shocked by the news of the murder of our colleague, the Honorable Leo J. Ryan, and the mass suicide/murder ritual at Jonestown claiming the lives of 909 American men, women and children.

In mandating a comprehensive inquiry into this tragedy my intentions, as Chairman of the Committee on Foreign Affairs, were twofold: (1) to assess the performance of the State Department; and (2) to bring an improved understanding of this tragic event and thereby help to avert such incidents in the future.

In fulfillment of that second objective, I am here today along with my colleague and associate, the Honorable William S. Broomfield of Michigan, ranking minority member of the House Committee on Foreign Affairs.

As you know, a six-month Committee investigation into the tragedy resulted in five major recommendations—one of which calls for the inclusion of the subject of cults on the agenda of the White House Conference on Families. Specifically, the recommendation calls on the White House Conference on Families to conduct "a comprehensive and balanced discussion on the subject of cults with special reference to their mode of operation, the style and tactics of their leaders, and means and methods by which parents and their children can avoid becoming involved with such organizations."

This recommendation was based on the major findings of the Committee investigation which concluded that People's Temple employed a variety of tactics and recognized strategies of brainwashing. Those tactics, common to modern-day cults and of special interest to this forum on the family, are:

(1) Isolation from all vestiges of former life, including the family;

(2) The leader offering himself as the single source of all knowledge, wisdom, and information;

(3) An exacting daily regimen requiring absolute obedience and humility extracted by deception, intimidation, threats, and harassment;

(4) Physical pressure, ranging from deprivation of food and sleep, to beatings, to mental pressures of offering and then withdrawing the support of the group;

(5) So-called "struggle meetings" or catharsis sessions in which recalcitrant members are interrogated, required to confess their "wrongdoing," and then punished with alternate harshness and leniency;

(6) Requiring total loyalty to the group by spreading mistrust within and outside the group.

The tragic end result of such tactics is children turning in their own parents, brothers informing on sisters, and husbands and wives reporting on spouses—all in total contradiction to the values of individual respect, mutual support, and love traditionally characteristic of the family.

The self-imposed and violent collapse of the People's Temple raised fundamental questions as to how we, as a society, should deal with groups that woo people of all ages persuading them to give up their families, their values, their individuality, and, at Jonestown, their lives.

These tactics and their effects are a direct challenge to the ultimate purpose of the White House Conference on Families: to find ways to strengthen and support American families.

It goes without saying that my colleague, Mr. BROOMFIELD, and I are not experts on the phenomenon of cults and their effect upon the family unit and the community. However, the findings of our Committee's Jonestown probe coupled with those disclosed last year regarding the Moon organization, unearthed during the course of our Committee's investigation of Korean-American relations, led us to conclude that a full and balanced discussion of the subject of cults and the potential threat they pose to American family life is sorely needed.

We are calling for a balanced and thorough discussion of cults because of the potential threat they pose to our most precious resource, the family unit. This effort compliments our commitment to the concept that families are relationships based on shared love and respect for individual freedom and dignity.

Before turning to my colleague, Mr. BROOMFIELD, I would like to leave you with the following pertinent points:

(1) We are dealing with a serious social problem—one that potentially threatens the family's integrity and well-being by breaking a child's ties with the family resulting in alienated youth, heart-broken parents, and divided families.

(2) We are guided by the realization that, above all, this is a human problem of troubled youth, heart-broken parents, and estranged families. Ultimately it is to understand and to help these people that we call upon the White House Conference on Families to make its contributions toward addressing this problem.

(3) We offer you the findings of our comprehensive investigation into one modern-day cult with the hope that they will help to avert similar tragedies in the future.

(4) We are not here today to provide easy answers to the phenomenon of cults and their effects upon the family unit—there are no easy answers!

(5) We are here today to protect the time-honored principle of religious freedom guaranteed under the First Amendment as well as to reaffirm the Thirteenth Amendment which prohibits involuntary servitude.

(6) We do not question the religious beliefs of any individual or organization. Rather, we alert you and all concerned individuals that illegal cult practices are in fact eroding and jeopardizing the Constitutionally guaranteed right of religious freedom.

(7) Finally, we are here to assert that the stated goals of the White House Conference on Families will be effectively met by a full and balanced discussion of the subject of cults and the potential threat they pose to American family life.

At this time, I call upon my colleague, Mr. Broomfield, who joins me today in this bipartisan presentation.

### CULTS AND THE FAMILY

(By Hon. William S. Broomfield)

At the outset, I wish to associate myself with Chairman Zablocki's statement and commend him for the leadership and concern he has exhibited on this important matter. I would also like to commend the planners of this meeting for including this subject on the agenda.

As Chairman Zablocki indicated, neither of us pretends to be an expert on cults. Our sensitivity to them, and the potential threat they pose to the American family, and therefore to a stable society, grow out of two Foreign Affairs Committee staff investigations concluded over the past year. While neither probe focused on cults per se, both raised questions about certain cult activities that arrested our attention and led us to discover how little is known about these groups and their methods of operation.

Our Committee's Jonestown staff investigators took special note of this information gap and pointed out in their report that within the mental health community "Research and focus on the issue have been minimal and literature is almost non-existent." They also observed that this lack of information and understanding of cults in general quite possibly contributes to their continuing success.

In view of these findings, we endorse the staff's recommendation that the "professional scientific community undertake a concentrated program of research and training" on cults. In this connection, we believe regional public hearings like this one today will serve to mobilize the support necessary to get such a program underway in both the public and private sector.

In conclusion, I would like to applaud President Carter for recognizing the need for this conference. The family is the basic building block of this or any society. When it disintegrates, society as a whole ultimately becomes unraveled.

Preserving the family's integrity in contemporary America is a national imperative. Given the unprecedented pressures which today's family faces, that's a real challenge. It is one, however, this conference is designed to meet, and I am confident it will gain the acceptance and backing it deserves. In this regard, the administration can rest assured that Chairman Zablocki and I will be doing whatever we can to generate Congressional support. ●

---

## ALEXANDR SOLZHENITSYN IN DEFENSE OF IGOR OGURTSOV

### HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. McDONALD. Mr. Speaker, as I have stated on several previous occasions, Igor Ogurtsov still languishes in a Soviet forced labor camp for his beliefs. Mr. Ogurtsov is highly regarded by the famous Russian writer Alexandr Solzhenitsyn, who spoke out in his behalf at the Third Session of the International Sakharov Hearings held in Washington, D.C., on September 26-29, 1979. Solzhenitsyn's statement, as reported in the Orthodox Monitor of September-December 1979, follows:

During the last day of the Hearings Evgeniy Vagin spoke in defense of Igor Ogurtsov and Mrs. Natalia Solzhenitsyn read the following special statement from her husband, Alexander Solzhenitsyn, in defense of this dying Orthodox Christian:

Two years ago I asked the participants of the Sakharov Hearings in Rome to devote particular attention to those who were serving long term sentences. The years march on and on, and for them they are most destructive.

At the brink of death is Igor Ogurtsov, a tortured Christian thinker, a scholar early torn away from his work, an outstanding son of Russia, who was condemned unjustly, inhumanely, and is now in his 13th year of captivity.

Those who were first graders when Igor Ogurtsov was arrested are now graduating from universities. But Igor Ogurtsov is still in prison.

Almost the entire Brezhnev era fits into this time interval. In the United States three presidential elections have come and gone, and a fourth one is in preparation. The entire Vietnamese upheaval falls within this time frame. China has turned from the rampage of the cultural revolution to cooperation with the West. But Ogurtsov has exchanged only his cell for solitary confinement, his prison for strict-regime labor camps, and once again, for prison.

The entire Czechoslovak "spring" and the ensuing icy winter occurred during this period. Portugal and Spain have changed. Euro-Communism appeared on the horizon, attained notoriety, and then sank from view. The third center of world Communism—Cuba—has stepped into Central America and roams over Africa. New states have sprung up, some toward freedom, others toward new occupiers. Dozens of governments far and near have been replaced. Yet, Ogurtsov is still in prison.

The drama of all space explorations that gripped mankind have also occurred during these same 13 years. The apprehensions about Daniel Ellsberg and Angela Davis have flared up, died down, and are forgotten. Yet Ogurtsov is still in prison.

He was already eight years into his term when the Helsinki Declaration was signed amid great publicity, beckoning the West with visions of an era of freedom in the East. It, too, has had time to fade and grow tattered, even for the most gullible. Yet, Ogurtsov is still in prison.

This period encompasses the public activity of Andrei Sakharov in its entirety, as we know it, and my affair, starting with the Writers' Congress, and ending with my forcible expatriation. The courageous seven who demonstrated on Red Square were seized and sentenced, have served their terms and have been released. But Ogurtsov, who did not commit even a minor action, is still in prison.

How many names of threatened, persecuted and arrested persons in the USSR—Sinyavsky, Daniel, Amalrik—have swept over the West, have transfixed the world's attention and evoked energetic protests; protests which have fortunately helped again and again.

A powerful public campaign long ago freed Plyushch, who was imprisoned five years after Ogurtsov. Worldwide support has brought liberty to Stern, arrested eight years after Ogurtsov. Grigorenko, Silva Zalmanson, Bukovsky, Moroz, Vins, Ginzburg and others have all been wrested from imprisonment and general oppression. How many names there are, who were denied emigration, or who were persecuted in the Soviet Union, the Panovs, Levich, various separated, married couples or persons long refused exit visas, have attained liberty in far briefer periods. But all these years, all these years, Igor Ogurtsov has remained a prisoner, and only recently has his name begun to appear sporadically.

Some prison terms are bearable in comparison to the length of our lives. Some are unbearable. The 13th in Vladimir Prison alternating with incarceration in a strict-regime labor camp is no longer an occasion for relatives to feel anxiety about the prisoner's health: it is murder, almost brought to completion. Coldly, methodically, the Communists are killing their ideological foe. Seven and one-half years in various combinations still remain in Ogurtsov's sentence, but they will not be needed: he will be finished off before this time elapses. At the moment this letter is being written, he is once again in prison, in Chistapol, for protesting in camp, and all too many such increases in severity can be invented in the future.

A pitiless and irreversible destruction of Ogurtsov's organism is taking place: atrophy of the internal organs, progressive loss of eyesight, the loss of hair and teeth. Let everyone who reads these lines apply this hopeless, desperately long duration to himself.

I call upon the Hearings to speak out resolutely in defense of Ogurtsov's life. Not everyone in the West shares his social-Christian views, which have led him to incarceration, but it is precisely cases such as these which serve to test the dedication to the principle that every human creature without exception must be defended.●

## ENVIRONMENTAL EDUCATION

## HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. EDGAR. Mr. Speaker, on January 18, I was proud to attend the Tinicum Fund Donation Ceremony in Philadelphia. Speaking at that ceremony was Hon. Robert L. Herbst, Assistant Secretary for Fish and Wildlife and Parks. Mr. Herbst was on hand to accept a gift of $113,000 from local groups who raised the money to demonstrate support for the incorporation of 78.4 additional acres into the Tinicum Environmental Center. I found the speech given by Mr. Herbst quite interesting and I have included it for the RECORD.

The speech follows:

### A NEW MILESTONE ON THE ROAD TO ENVIRONMENTAL EDUCATION

It is a particular joy for me to have this opportunity, not only because of the generous gift I am accepting—although believe me, such a pleasure is real and rare and exhilarating, but because of what the gift stands for—the coming together of private and public citizens to accomplish something that doesn't completely satisfy everyone, but that still holds real gains for the larger community of which we are all a part.

My own pleasure stems from seeing here, personified, almost the entire range of processes and events that I have been doing my level best to promote for most of my professional life. I won't try to take credit for this one, but I think I am not above saying "I told you so."

I claim no extraordinary powers of clairvoyance, but for more than a decade I have held that the course of events was running strong in the direction we celebrate here today—and I refer not just to this event but to the processes that have brought it about.

Let me just tick off quickly the themes I have been sounding for the past three years, and then examine how they fit the situation we are marking with this ceremony.

First and foremost is my total commitment to environmental education. I came to Washington, D.C. with environmental education as a large valise in my set of luggage. I had good background, in the State of Minnesota, where I helped write the legislation that became a model for many of the other States in setting their own environmental education goals, and I was determined to see it become an institutionalized part of the bureaus over which I have jurisdiction.

It hasn't been easy. I can say with all candor that if my own determination had been all that the movement had going for it, I would have failed.

But I found out very soon that it didn't matter too much how reluctant the bureaus might be. The larger systems within which they operate were on course, moving inexorably in the direction of assuming an educational function—of giving their land and their programs the added value that comes from revealing and demonstrating—from "bearing witness," if you will. There is a profound wealth that lies in human realization of how we all connect with everything outside our own skins.

I don't have to tell the people around Philadelphia who Buckminster Fuller is. In fact, no one on Earth needs to be told who Bucky Fuller is. But you of all people know him, for he chose to make Philadelphia his center for operation. He is a universal, timeless citizen if ever there was one.

Perhaps some of you were lucky enough to hear Bucky on Christmas Day. He was interviewed for an hour on public radio, and as usual his discourse was full of the charm of unexpected revelation.

At one point he was asked how he defined environment, and he said "Well—I was thinking about that back in 1928—and I wrote a little poem about it. It went like this:

> Environment, I think, must be
> All there is that is, but me.
> The universe I think must be
> All there is but me AND me!

A simple little rhyme, but like Bucky himself, deceptively simple.

It's the realization of the peculiarly unique individual that you are, and its total connection to everything else in creation, that endows environmental education with its wonder and urgency—that accounts for the hold it exerts over susceptible people, and the way it is carving its own course and widening its channels throughout our whole human scene.

I think now, that in retrospect, we can look back and see that the environmental education movement within some of its most natural homes was the victim of the enthusiasm and claims of its earliest disciples. One of our own battle-scarred veterans of the movement—a Park Service employee—recently described the past as she now sees it.

"We had our vision of the enlightenment the world needed and of how parks and refuges could become great, shining beacons for demonstrating new processes—new ways of seeing the raw materials of the biosphere and understanding their roles in relation to increasing populations and declining resources.

"So we rushed out to the parks shouting we have the answer. But it turned out that the park superintendents and refuge managers hadn't heard that there was a question."

I think this employee pretty well summed up the past. Because Services were made up of managers who had done extremely well at handling the problems of the past, there was little acceptance of any need to change. But the past was dissolving, even as they rejected the environmental education approach. Conditions in, and around, the parks and refuges were changing, and the present was speaking in increasingly insistence terms about a future that would be totally different from the past.

We have only to look around us here, to see that change now in full swing.

Let me borrow the words of Cindy Uptegraft, the outdoor recreation planner for Tinicum's National Environmental Center. In a letter she wrote right after the New Year started, she put the "turning point" as well as I have ever heard it put. She wrote: "Every day at the Tinicum National Environmental Center is an education in itself. I grew up on many remote, "typical" refuges, so I am constantly in awe of rapid urbanization in coexistence with the natural freshwater tidal marsh and its inhabitants.

"In contrast to me," she continued, "the vast majority of Tinicum's visitors are lifelong metropolitan 'survivors.' It amazes me when a group of youngsters take for granted and are completely oblivious to the roar of airplanes overhead, the sewage plant's effluent, an old incinerator's smoke, remnants of a landfill, Gulf Oil's towering storage tanks, and townhouses under construction in full view of the main hiking trail!"

"This," she says, "is Tinicum; this is the relatively 'pristine' ecosystem of today; and these are its residential neighbors."

Let me say thank you to Cindy Uptegraft for her eloquent words and let me add, this is what I foresaw a decade ago when I jumped into the environmental education fray and tackled an old guard that didn't see any point in changing its ways.

The realization of my early conviction that big changes were in store has come more rapidly than I could have imagined. Partly that speed is due to my suddenly finding myself in a post of national responsibility for the National Parks, the Fish and Wildlife Service and the Heritage Conservation and Recreation Service, and partly it's due to the radical change in our energy supplies and prospects. Everything that would have happened over decades, suddenly had to happen in years—even months.

Fortunately, the government did not have to blaze the trail and supply all the bright ideas and money and expertise by itself. If it had had to, we would not be standing here, celebrating a giant step in the challenging new directions we have only begun to explore.

I said "fortunately" but it was much more than that. The solid good sense—the delicate antennae—the ability to change course and adapt at the drop of a 55-gallon oil drum—these are parts of the rich, tough, dependable heritage that is the hallmark of humankind on this continent.

Americans have yet to fail to meet a crucial challenge, and as usual, the people have responded by moving in the directions that seemed to spell wisdom.

Most exhilarating of all, to me, is the way process in this instance has involved such a broad spectrum of people, from such a diverse range of organizational levels—how you have managed to work through your various and often conflicting interests and arrived at a place of consolidation—the platform we stand on here.

This is not to say that all the decisions are now clearly outlined and that the future of Tinicum is written on stone tablets. Far from it. If that were so, then this would be a much less significant occasion that it is. We are all feeling our way into a new future, and that goes for the general populace in and around this immediate area; for the Congress that saw the need to call specifically for an education center as part of a wildlife refuge; for the Services that are having to come around to this new area of responsibility as part of fulfilling their wildlife protection mandate; and to the judiciary—the branch of government that eventually will have to rule on how to resolve the various conflicting demands that sites like this one are placing on us.

On the one hand, we simply cannot do some of the things that you and others insist must be done here; and on the other hand, some of those things simply must be done. As the folksinger sings, "The times they are a-changing'" and those who refuse to go with the changes are scattered along the trail and left behind as the parade passes by.

So I have a good many heartfelt thanks to deliver today, as well as a sprinkling of stern warnings. The thanks go especially—through Jean Diehl and Rosalie Peirsol—to the Concerned Area Residents for Preservation of Tinicum Marsh and the Council of Leagues of Women Voters of Delaware County, Pennsylvania. They were the sparkplugs and the high octane fuel that sent this project zipping back to Congress for the full acquisition appropriation. They did it in the most attention-getting way possible: by demonstrating that if necessary they would do the entire job themselves. I am sure that much fun has been poked at your acronym—CARP. I have never known a woman who minded. You have your own methods for getting your way, and the male chauvinist pigs among us could profitably take a few choice pages from your book.

I referred a minute ago to the unforeseeable ways that environmental education is making its own channels into the social process. Being here where so much local impetus has gone into the creation of another fine center for this kind of education reminds me of something I heard in Washington just last week.

It took place at a meeting of the Federal Interagency Committee on Environmental Education, where a report from HEW was being made on the general lack of successful emergency procedures that surfaced during the Three Mile Island affair. The committee member was offering for possible group consideration the environmental education opportunities inherent in such emergency situations and what we can all learn about systems and the way they work—especially when something happens to disrupt them.

Amazingly, there were members present who felt that such a consideration had little if anything to do with environmental education . . . this despite the fact that some of the most adverse consequences of emergency conditions result from failure of the people involved to have any idea of what is happening, or how to use alternative pathways through their environmental systems—both natural and humanbuilt. Only from this kind of knowledge can come the prudence it takes to set up reserves and workable alternative procedures.

One of the members of this committee cut straight to the heart of how emergency situations and contingency planning tie in with environmental education. Education, he pointed out, has traditionally been a state matter, and seizure of the educational opportunities that emergencies present is dependent on what he called "linkages of money and will at the state level." (It is also linked to the will to survive and an honest understanding of our chances.)

He then went on to describe how some of these linkages are occurring and strangely enough, it is through the very networks that helped bring this Center into being, and that made the broad citizen support for it manifest.

The pockets of environmental education called "energy" and the ones called "ecology" and all the other special pieces of the total picture are increasingly looking for new ways to tackle new problems in a society where new awareness is painfully coming into being. At this same interagency meeting, an energy educator told the group: "More and more I am finding that the only wat to get action is to go through some state or county or local person whose job title just happens to include—way down the priority list—the tag "environmental education coordinator." "These are the people," he said, "who see the problems—they understand the total systems that have to be brought into play to start solving them."

He was talking about what we are doing right here.

Of course, many questions remain to be answered. Some will have to be worked out through the courts; others can only be worked out through the marshes and lagoons.

We know right now that certain of the activities that those who contributed to this purchase are most interested in, would be considered counter to the Wildlife Refuge designation. The situation is ambiguous and awkward. I would be less than candid if I did not say as much.

However, this is a totally new situation, and its bids fair to be only the first of many more. Obviously, new methods and new criteria must be set, because the facts that hold here—the nearness of enormous human populations and the urgent need to hold the line on some kind of acceptable wildlife habitat—are bound to keep occurring with increasing frequency and intensity.

Should we refill the lagoons to marsh levels to accommodate vegetation and wildlife? Should we work actively to keep the lagoons open for boating and skiing and swimming? Should we keep hands off and let nature take its course? How much interference with nature on behalf of humans can the wildlife tolerate? Perhaps here is where we can begin to find answers that will soon be needed everywhere. This year some of our highest research priorities have to do with public use and just how much human impact wildlife habitats can withstand.

All I can promise you is that we will try—with people as well as with wildlife in mind. Because people and wildlife simply cannot be completely separated anymore. People need wildlife, and wildlife, if it is to have any chance at all of survival, depends upon people.

This is where the environmental center becomes a tool that management can no longer ignore. It is through understanding of our mutual interdependency that we stand the best chance of continuing to exist ourselves. Places like this can impart an appreciation of the life support systems that need the wildlife and its habitat as part of the toughness and resiliency that has so far supported human systems.

The end for humanity may not be as close as it is for the snail darter or the pup fish, but the general direction is becoming clearer. Here—in places like this—we come close to composing our minds to receive the right questions so that we can embark on the search for right answers.

Let me close with a poem that I think says it all and relates so well to the kind of area Tinicum is:

If they should never fly again
Through sunlit skies or mist or rain
Those warry waterfowl that roam
The Heavens vast uncharted dome
If in the Spring's awakening
The surge of life should fail to bring
A cry of geese or drifting chains of swans
Upon the trackless lanes

If from the depths of foggy fen
The strident call of mallard hen
Is but a thing of memory
How dull and drear the spring would be

If I should lift my eyes on high
To scan the hazy autumn sky
For migrant fowl and found no trace
Just empty, lifeless, endless space
If in the sunset's afterglow
There were no lines to ebb and flow
With Thrilling majesty of flight
Into the shades of coming night
If that domain to which they come
Were lost through ruthless plundering
Then, truly, they would cease to fly
And stewardship would wane and die.

—Richard J. Dorer.●

---

## A TRIBUTE TO GEORGE MEANY

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. MAZZOLI. Mr. Speaker, it is with great sadness that I wish to join my colleagues in honoring Mr. George Meany—a great leader in the American labor movement.

George Meany was a man of deep conviction and total commitment. From his job as a plumber in the Bronx, he rose to the forefront of American public life as a vigorous advocate of the American working man and woman.

As founder of the American Federation of Labor and long-time president of the AFL-CIO, George Meany was a champion of the civil rights movement and a strong force for equity and justice in all aspects of American life.

Millions mourn this man whose patriotism and leadership have lifted the quality of life for millions of American citizens.●

---

## HISTORY OF THE UKRAINE

## HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. ANDREWS of North Dakota. Mr. Speaker, today, January 22, commemorates the 62d anniversary of the Proclamation of Independence of Ukraine and the 61st anniversary of the Act of Union, whereby the Western Ukrainian National Republic and the Ukrainian National Republic of Russia were united in Kiev in 1919.

The Ukrainian people have demonstrated throughout time their love of freedom. Their continued efforts to obtain this priceless gift for their country should be an example to which all people can look, both those who know freedom in their countries today and those people in this world who still thirst for freedom. As the Ukrainians continue to hope for freedom, it is fitting that we join them in commemorating their greatest holiday.

Mr. Speaker, I am submitting a letter to be printed in the Record from my good friend, Dr. Anthony Zukowsky of Steele, N. Dak. Dr. Zukowsky is the honorary president of North Dakota's State Branch of the Ukrainian Congress Committee of America, Inc. His letter summarizes the history of the Ukraine since their Proclamation of Independence and speaks of the Ukrainian hope for the future.

The letter follows:

### History of the Ukraine

January 22nd will mark the 62nd Anniversary of the Proclamation of Independence of Ukraine and the 61st Anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign nation. Both the Independence of Ukraine and the Act of Union were proclaimed by a duly elected parliament (Central Rada) in Kiev, capitol of Ukraine, on January 22nd, 1918 and on January 22nd, 1919.

This sovereign Ukrainian state was immediately recognized by a large number of nations including France and England. Diplomatic relations were established with them. Recognition was also granted by Soviet Russia. Despite the fact that the Soviet government had officially recognized Ukraine as an independent and sovereign state, Ukraine was attacked both by their military aggression and by subversion from within.

For 3½ years the Ukrainian people waged a gallant struggle in defense of their country, alone and without aid from western nations, but were ultimately overpowered by a numerically stronger and better equipped Russian Bolshevik aggressor. They destroyed the Ukrainian National Republic and created a Communist puppet government known as the Ukrainian Soviet Socialist Republic (Ukr.S.S.R.)

The entire history of Soviet dominated Ukraine is a ghastly record of inhumanity, outright persecution, terror, and genocide. Russification and denationalization plus violation of human rights on a scale not known in the history of mankind has occurred.

In summary, the colonial rule of Soviet Communism in Ukraine can be characterized by the following:

A. During the sixty years of Moscow rule in Ukraine, literally millions of Ukrainians have been annihilated by man-made famines, deportations, and executions.

B. Both Ukrainian Orthodox and Ukrainian Catholic Churches have been ruthlessly destroyed and their clergy and faithful have been arrested and persecuted.

C. All aspects of Ukrainian life are rigidly controlled and directed by Moscow.

D. Permanent violation of Human and National Rights was instituted in Ukraine.

Arrests, trials and convictions of thousands of Ukrainians charged with "anti-Soviet propaganda and agitation" have been made. Many have been tortured upon incarceration in concentration camps and confined to psychiatric asylums where drugs and chemicals are forcibly administered. Despite the Implementation of the Helsinki Accords, Soviet repression has intensified in Ukraine. New arrests of innocent people have been made by the Russians. Also, many murders by the Soviet Secret Police (KGB) have been committed, e.g. Mrs. Ala Horska, poet and literary critic in Kiev, and last year—murder by the KGB of Ukrainian composer Volodimir Iwasiuk in Lwiw, Ukraine, and others. Unfair trials and harsh sentences have been given to members of the Ukrainian Helsinki Accord Monitoring Groups.

Russian enslavement of Ukraine has brought much suffering to the people of Ukraine. In 1919-1920 Ukraine was the first victim of Russian Communist aggression. Thereafter, with the passive indifference of the western world, communist expansion has occurred, with the disapperance of many free countries, most recently—the invasion and occupation of Afghanistan. This gives the world its latest warning of Russian imperialism, which poses the greatest threat to the free world.

In spite of this oppressive yoke, Ukrainians have never accepted a foreign domination and are continuing to struggle for Human Rights and National Rights as well as Independence. The new breed of adamant fighters for Freedom, and Human and National Rights gives us hope that Ukraine will be free again.

At this time we would like to express our sincere thanks and appreciation to the President of the United States, to the U.S. Government, and to all members of the U.S. Senate and Congress for their untiring efforts of bringing to our Great Country many freedom fighters and dissidents from Soviet prisons and giving them asylum. God bless you all.

The Ukrainian people in the free world are celebrating the memorable January 22nd as their greatest Holiday. For many years the 22nd of January has been proclaimed in our American cities and states from coast to coast as Ukrainian Independence Day.

Therefore, it is in the spirit of liberty, faith, and justice that the American people and especially the U.S. Congress join the Ukrainians all over the world in giving moral support to the Ukrainian People in their struggle for Human Rights and National Independence of Ukraine.

We very much appreciate your support and concern for the welfare of the Ukrainian people.

Sincerely,

Dr. Anthony Zukowsky,
*Honorary President,*
*U.C.C.A. State Branch of North Dakota.*●

## CONGRATULATIONS TO VETERANS

## HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. HUTTO. Mr. Speaker, I rise today to relay the message to this body of the formation of an organization which will no doubt become a standard in veteran's groups. On September 7 Florida's secretary of state issued a charter to the Veteran's Bomber Group 451st Inc.

This group is comprised of former members of one of America's most decorated military units. The first post of this veteran's group is located in my hometown of Panama City, Fla. In this one location alone, there are four individuals who received Presidential citations for their efforts during the Second World War.

This is the newest veteran's organization in the country, and the first such group in the Florida Panhandle. Mr. Speaker, I am proud to report to you the intentions of these veterans which are just as honorable as the men themselves. Beyond the many patriotic and civic programs which the members have planned, the Bomber Group 451st is seeking the establishment of a memorial and aircraft museum near their headquarters.

The growth of this organization is guaranteed by the many dedicated individuals who fought in the bomber group during World War II. I am told that several other cities are already interested in opening posts.

Mr. Speaker, the establishment of the Veteran's Bomber Group 451st is a tribute to my district, and to our entire Nation.●

## MOTHER'S MILK PROTECTS INFANTS

## HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. DELLUMS. Mr. Speaker, new evidence has come to light regarding the beneficial effect of mother's milk on the growth and immunization of their infants. I believe that this discovery is of timely import as we deliberate over the controversy surrounding the marketing and use of infant formula, here and abroad.

I would like to share this important scientific finding with my colleagues, as reported in the New York Times, of December 4, 1979.

The article follows:

### New Studies Explain Protective Benefits of Mother's Milk

(By Jane E. Brody)

As if rediscovering the wheel, scientists studying the chemistry of breast milk are finding that it is uniquely constituted to foster the health and growth of the human infant. The new findings help to explain the considerable circumstantial evidence that breast-fed babies are healthier than those raised on bottled formulas.

Although it has been known for some time that mother's milk contains antibodies, evidence on the significance of these substances to her infant is now rapidly accumulating. Researchers have found that mother's milk harbors an arsenal of immunological weapons believed to protect the baby against infections and allergies for months until the baby's own defenses are more fully developed. Such weapons are lacking in cow's milk and other prepared formulas.

In fact, the new evidence indicates, a nursing mother can be a personalized immunological factory for her baby, preparing antibodies to combat organisms that infect the baby and transmitting these protective substances to the infant through her milk. This has suggested the possibility of deliberately infecting the mother with certain organisms to help protect her nursing infant, a technique already used in cows and sows to prevent serious diarrheal diseases in suckling calves and piglets.

Other chemicals recently found in human breast milk are thought to stimulate the development of organs, such as the intestinal tract and possibly the brain, that are immature when a baby is born. One milk factor may help to prevent atherosclerosis by changing the way the body handles cholesterol.

"What we now know about human milk is just the tip of the iceberg," remarked Dr. W. Allan Walker of Massachusetts General Hospital, a leading researcher in the field. "I think that as future research progresses, we'll discover a lot more factors in milk that enhance its protective and nutritive value."

In addition to boosting the already widespread return to breastfeeding among mothers in this and other developed countries, the new findings may lead one day to a retailoring of infant formulas to more closely simulate nature's design. For example, as Dr. Jane Pitt, pediatrician at Columbia University College of Physicians and Surgeons suggested, antibodies might be added to formulas to help prevent infections and allergies that commonly afflict newborn babies. Infant formulas have already been changed several times over the years to more closely resemble breast milk after important nutritional differences were found between human and cow's milk. For a time, these nutritional differences were dismissed as irrelevant or of unproven significance, and two generations of doctors and mothers were taught that cow's milk formulas were as good or better for babies than breast milk.

Now, having proved that the special nutritional makeup of mother's milk does matter to the baby's growth and development, pediatric researchers expect quicker acceptance of newly found immunological and other chemical differences.

At least, said Dr. Gerald Gaull, pediatric researcher at the New York State Institute for Basic Research in Mental Retardation in Staten Island, "we no longer dismiss the differences we find as insignificant. If a substance is there in nature in large amounts, it's a good working hypothesis that it must somehow be important.

"The question is not 'is it important,' but rather 'in what way is it important'," Dr. Gaull continued. "Those of us who believe that four million years of evolution are wiser than two generations of formula feeding think the burden of proof [that formula is as good or better] lies with the formula feeders."

The American Academy of Pediatrics has declared that breast milk is "the best food for every newborn infant." Even formula manufacturers now concede this point and promote their product primarily as a supplement to or replacement for breast milk when the mother cannot nurse. Mead Johnson and Company, makers of the infant formula Enfamil, for example, publishes a consumer booklet "What You Should Know About Breast Feeding," which starts with the statement, "Breast feeding is the most natural and satisfying conclusion to the normal cycle of pregnancy and birth."

After a nine-month sojourn in a sterile womb, the human infant emerges into a world filled with infectious micro-organisms and foreign proteins capable of bypassing the newborn's primitive immune responses and invading the bloodstream through its incompletely developed intestinal wall.

During pregnancy, the human fetus receives from its mother across the placenta preprogrammed antibodies of a type called IgG that protect the baby against bacterial and viral diseases to which the mother is immune, such as measles and mumps. This protection lasts for several months to a year after birth while the baby slowly develops its own ability to produce IgG.

But the baby gets no prenatal infusion of another important class of antibodies called IgA—which is particularly useful in warding off intestinal infection, a major cause of infant disease and death—and cannot make much of its own IgA for some months after birth. However, these antibodies are abundant in mothers milk.

### DEFENDERS AGAINST BACTERIA

When ingested by the nursing infant, IgA antibodies survive the acids and digestive enzymes of the gastrointestinal tract and take up surveillance posts in the infant's gut. There, the available evidence indicates, IgA programmed by the mother's body to combat infectious agents common to her and her baby prevents these agents from getting into the baby's cells. Cow's milk contains primarily IgG antibodies, and these are destroyed when the milk is pasteurized.

Dr. Pitt's studies have focused on another potent immunological weapon in mother's milk—killer cells called macrophages, or "big macs." These are front-line defenders against infection that can gobble up bacteria, fungi and viruses and kill them. Milk macrophages also produce a host of substances that enhance other search-and-destroy operations against harmful mirco-organisms, and they can stop the growth of cancer cells.

"Eighty percent of the cells in breast milk are macrophages," Dr. Pitt said. "Between 100 million and 300 million macrophages are secreted daily—more than you would expect based on an adult's production capabilities. They must have some survival value."

Indeed, a dozen studies comparing rates of infection among breast and bottle-fed infants have strongly suggested that they do. The studies showed, for example, that the overwhelming majority of babies hospitalized with severe diarrhea are bottle-fed.

In one study, breast milk mothers in the community could incapacitate the virus that caused respiratory illness primarily in the bottle-fed babies. In another study, an epidemic of bacterial diarrhea was halted by feeding babies anitbody-rich colostrum, the "pre-milk" of nursing mothers. And a study of children with leukemia showed that those who had been breast-fed survived longer.

Breast-fed infants have also been shown to suffer fewer problems with allergies, especially if they are fed nothing but mother's milk for the first six months of life. Studies by Dr. Walker and others revealed that IgA can block the entry of foreign proteins and other allergy-triggering substances through the baby's immature intestinal wall. Such substances might include cow's milk protein, a common cause of allergy in babies.

### INFANT'S ANTIBODIES STIMULATED

There is also some evidence for one or more substances in breast milk that may stimulate the maturation of the infant's own immune system and its intestinal tract. Newborn breast-fed babies have far more IgA in their nasal secretions and saliva than those who are bottle-fed, suggesting that breast milk stimulates the infant's own antibody machinery in the first days of life.

In studies at Columbia University, puppies that were nursed had better development of intestinal cells than those given a nutritionally comparable artificial formula. And Harvard Univeristy researchers recently isolated a protein from breast milk that is a potent stimulator of cell growth in laboratory cultures.

Finally, Dr. Gaull, who is also a professor of pediatrics at Mount Sinai Medical Center in New York, has been studying an amino acid called taurine that is present in mother's milk in concentrations 30 to 40 times greater than in cow's milk. The brain of the human fetus has more taurine than any other amino acid, and levels of this substance are higher at birth than in adulthood in 16 animal species, Dr. Gaull said. "This suggests that in some as yet undefined way, taurine plays a role in the development of the immature brain," he surmised.

Early in human life, taurine is known to combine with bile acids, digestive aids essential to the absorption of vital nutrients. Later on, bile acids switch to another amino acid, glycine, as a combining agent. This switch occurs much sooner in babies who are bottle-fed, Dr. Gaull said.

He pointed out that animals like dogs and cats that combine bile acids only with taurine do not get atherosclerosis, even on a high-cholesterol diet. But animals like the rabbit that use glycine exclusively to develop artery-clogging disease, Dr. Gaull reported.

While the significance of this is not known, a study started half a century ago by Harvard researchers in which persons are being followed from birth to death has shown that, compared to bottle-fed babies, those who were breast-fed exclusively for more than two months have less cholesterol in their blood as adults, even if their current diet is high in animal fat.

All told, the new studies support a conclusion reached more than 60 years ago by the late Dr. Paul Gyorgy, discoverer of two B vitamins: "Human milk is for the human infant; cow's milk is for the calf."●

---

## EDWARD WATERS COLLEGE RECEIVES ACCREDITATION

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BENNETT. Mr. Speaker, I want to take this opportunity to congratulate Edward Waters College of Jacksonville on its full accreditation by the Southern Association of Colleges and Schools. Edward Waters College was founded in 1866 by the African Methodist Episcopal Church to educate former slaves. It is Florida's oldest black private college and it continues to be church affiliated with an enrollment of nearly 700 students, mostly from the Jacksonville area.

The 20-acre campus includes buildings valued at $2.5 million, and the college operates on an annual budget of about $3.7 million. Edward Waters College offers bachelor of arts and bachelor of science degrees with 44 full-time and 10 part-time faculty members. Student activities include intercollegiate and intramural athletics for men and women, a student government association, yearbook and newspaper staffs, fraternities, sororities, and a number of other clubs and organizations.

Edward Waters College had been seeking accreditation since 1973. In order to gain accreditation, the college successfully overcame two major hurdles: the raising of $250,000 to put the college on sound financial footing and an increase in the number of books in the college library. With accreditation, students will no longer have to attend an accredited college to validate their degrees. The college is now eligible for Federal grants and participation in the United Negro College Fund.

An article on the accreditation of Edward Waters College recently appeared in the Jacksonville Journal. The article follows:

### EDWARD WATERS NOW ACCREDITED

(By Charles Patton)

ATLANTA.—Florida's oldest black private college, Edward Waters College, was accredited today by the Southern Association of Colleges and Schools, an action the college president said saved the school.

"There was no way for Edward Waters to exist as an unaccredited college," said President Cecil Cone. "If the school had not been accredited, we probably would have had to go out of business."

Edward Waters had been seeking accreditation since 1973.

If it had not been accredited this year, it would have been ineligible to seek accreditation for at least two years. That would have resulted in loss of all federal funds, Cone said.

By gaining accreditation, the college is now eligible for grants unavailable to unaccredited schools. It also can participate in the United Negro College Fund.

Besides attracting more outside funds, accredited status should enable Edward Waters to draw better students and faculty, Cone said.

"It's been a tremendous struggle," Cone said. "I've been working 16 to 17 hours a day, seven days a week, over the last three years. And the students and faculty have worked right with me.

"It has been a struggle but it was worth it. Now we're ready to build on the foundation of our accreditation."

Founded in 1866, Edward Waters had accredited status as a junior college during the 1950s, but lost that status when it became a four-year institution.

The school took a candidate status with the Southern Association in 1973 in its effort to gain accreditation. But today was the first time the association actually voted on its eligibility.

A college can have candidate status for only six years without gaining accreditation. Then it must wait two years before reapplying.

"This was it," Cone said.

His efforts in the last year have centered on raising funds and increasing the volumes in Edward Waters' library. About 30,000 library volumes have been added, bringing the total to 102,000.

It has been a good week for Duval County educational institutions. Tomorrow, Duval County will be recognized officially by the Southern Association as having the largest fully accredited school system in the country. Thirty-five schools will be accredited, and the county as a whole will receive an accreditation certificate.

Andrew Robinson, dean of education at the University of North Florida, stood with Cone as Edward Waters College was accepted unanimously for accreditation.

"This puts them in a position to run the race," Robinson said. "Now they can get better students and more funding."

UNF and other local colleges assisted Edward Waters in its accreditation drive, especially in getting library books.

"We are like lighthouses reinforcing each other," Robinson said. "The more lighthouses, the better the educational opportunities for everyone."

Cone said he will return to Jacksonville tonight to make an official announcement on accreditation and the status of fund raising. A reception for supporters of the college will be held tomorrow night.

A fund drive to raise $250,000 has resulted in "a significant sum," he said.

As for the attitude of the students and faculty, Cone said, "There's going to be so much excitement; it will be hard to believe."

On the Edward Waters campus in Jacksonville, Cone's prediction came true rapidly.

Student Angela Raysor was visibly pleased at hearing the accreditation news. "I'm happy and we'll get good benefits. It happened right on time, too," Miss Raysor, a senior, told a Journal reporter. "I passed all my tests."

Miss Raysor also said accreditation means she would not have attended an accredited college to validate her degree. Because EWC has not been accredited in the past students have had to take additional hours from an accredited institution to validate their degrees with the state.

Another student, Rachell Gaddis, who works in Cone's office, grinned about the announcement. "We heard the news, but we weren't supposed to say anything," she said.

College administrators on the campus declined to comment on the accreditation and said there would be a press conference tomorrow.

"We're on the move," student Anthony Grant said. "I'm happy for the school and we're coming to the top."

A senior, who plans to graduate in April, Laura Tolbert said she was pleased because she would not have to attend another college to validate her degree.

Sophomore Roosevelt Sands, a member of the Omega fraternity, said he and his fraternity brothers will be "stomping it down" at a party planned for this week.

"It also means athletics are going to boom," Sands said. "Now we won't have to play common little games. And someday we might just have someone go to the Olympics."

There are nearly 700 students enrolled in EWC.●

---

## A CONSTITUENT WRITES IN FAVOR OF H.R. 527

## HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. LEHMAN. Mr. Speaker, today I am speaking again on behalf of H.R. 527, legislation to give a second chance to Federal retirees who did not elect survivor benefits at the time of their retirement.

Under current law, a Federal employee must choose to elect retirement benefits at the time of his retirement or, if not married at the time, must decide within 1 year from the date of his or her marriage. This bill would give civil service retirees a year from the date of the bill's enactment or date of retirement to take advantage of this opportunity.

Our office has received numerous letters from retired senior citizens on this subject. One letter was from a constituent, Mr. Siegfried Steinhardt. He wrote:

> When I retired I was a widower and there was no law for second spouses. So I elected an annuity with no deductions.

Later, he remarried but was not aware of the opportunity to elect benefits within 1 year of his marriage. When he did learn of the bill which enabled retirees to make provisions for a new spouse, Mr. Steinhardt repeatedly applied for these benefits.

But all this went for naught, as the law stated you must have applied within 1 year after marriage.

Mr. Steinhardt's case is not unique. There are many deserving retirees who, unaware of their rights at the time, missed the opportunity to elect survivor benefits. Mr. Steinhardt, like many others, has expressed his willingness to pay back the necessary funds in order to gain a second opportunity. Passage of this bill would give these people the second chance they deserve.●

---

## SHOULD UNITED STATES BOYCOTT OLYMPICS?

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. DERWINSKI. Mr. Speaker, one of the major controversies of the day is whether the United States should boycott the Olympics in Moscow. U.S. News & World Report interviewed me and Robert J. Kane, president of the U.S. Olympic Committee, for the "Pro and Con" feature which appeared in their January 21, 1980, issue. I took the position that we should boycott the Moscow Olympics because Soviet aggression is a violation of the basic precepts of the Olympics. Mr. Kane contended that we should not, since the games should be kept free of politics as much as possible. I ask leave to insert the article in the RECORD because of the widespread interest in this issue.

### SHOULD U.S. BOYCOTT OLYMPICS?

### YES—"SOVIET AGGRESSION IS A VIOLATION OF THE BASIC PRECEPTS OF THE OLYMPICS"

(Interview With Representative Edward J. Derwinski)

Q Representative Derwinski, why do you favor an American boycott of the 1980 Summer Olympic Games in Moscow?

A The latest reason is the Soviet aggression in Afghanistan. It is a flagrant violation of the basic precepts of the Olympics, which favor peaceful competition among the peoples of the world. The Soviet Union has been in violation of many international standards in its diplomatic, military, economic activities for years, and there has been a tolerance in the world about it. But this naked aggression may be the straw that breaks the camel's back.

On top of the Afghanistan invasion, you have to look at the Soviets' propaganda role against the U.S. in Iran and throughout the Middle East, the buildup of Soviet military forces and the threat this poses to the North Atlantic Treaty Organization, and the Soviet military buildup in the islands north of Japan. You get a picture of an aggressive, belligerent power. In these circumstances, I don't think the Soviet Union is the proper host for the Olympics.

Q Do you believe Soviet conduct would really be influenced by a U.S. boycott?

A The Soviets have grandiose plans for maximum propaganda use of the Olympics. Surely the Soviet Union expects that television coverage will show the good side of life in the Soviet Union. The Soviets are taking elaborate pains to accommodate the spectators who will come to Moscow for the games. And just like Hitler in 1936, they are building up their own athletes to win medals and score maximum propaganda impact.

The fact is that in this age of mass communications, propaganda is the key to many of the actions that governments take. So, if you take away the Soviets' propaganda card, you've done great damages to them.

Q Do you think the U.S. made a mistake when it participated in the 1936 Olympics in Nazi Germany?

A Hindsight is always better than foresight. The answer, I think, would be mixed. It would have been a mistake had not Jesse Owens done surprisingly well.

But there's another aspect this time. Even if there weren't an Afghanistan crisis, I think one could make a very good case against Soviet sponsorship based on their noncompliance with Olympic rules limiting competition to nonprofessionals.

Unlike the athletes sent to the Olympics by most countries of the Western World, Soviet athletes are not amateurs. They're either given career positions in the military or they are, in effect, career competitors. This includes their hockey team. It includes their track-and-field team. It includes their specialized athletic performers. There's no doubt that by a strict interpretation of the rule, they'd have to be considered professionals.

Q Many people think the Olympics ought to be kept out of politics in every way—

A I agree. But there's where we have a failing. We keep politics out of the Olympics. They don't. There's a dual standard, and we're on the short end of it. The battle lines should have been drawn a long time ago. They were not. But at this point, given the worldwide reaction to their Afghanistan invasion, we have an issue we can use against the Soviets.

Q Are there other steps that might be more effective than boycotting the Olympics in exerting pressure on the Russians?

A Well, if the United Nations could impose proper sanctions against the Soviet Union, that would make the Olympic card less necessary. But the Russians sit there with a veto power that effectively neutralizes the U.N. The Allies of the U.S. are perfectly willing to stand with us when NATO is threatened, but they're not going to do anything to help us develop a more effective front in Asia.

Take a look at the other practicalities of the case, and you see that there isn't any immediate and direct major countermove we can make against the Soviets.

Q What about all of the American athletes who have trained so long and so hard? They are looking forward to the Moscow games—

A That would be one of the hardest parts of this action. But if our government reached a decision—in concert with the U.S. Olympic Committee and others, of course—to institute a boycott of the Olympics, then U.S. public opinion, and therefore the cooperation of our athletes, would obviously follow.

Q Do you see any possibility of organizing some kind of countercompetition to the games somewhere else?

A No, not unless it were something dramatic, such as the government of Greece offering to stage a symbolic Olympic event in the land that fathered the Olympic spectacle.

Q Have you found many in Congress who feel as you do?

A Well, I think in general we all recognize, and I certainly do, that under our system the U.S. Olympic Committee is independent.

Q Congress couldn't stop U.S. participation even if it wanted to?

A Not really. It is up to the Olympic Committee to make the decision.

The Olympic Committee should have been much more militant all along in pointing out the standards the Russians apply or do not apply, and the type of athletic structure that exists in the Soviet Union.

The Olympic Committee should be much more energetic in defending the rights of real amateurs against what I consider the professionals of the Soviet Union, East Germany and a few of the other bloc countries.

---

### SHOULD U.S. BOYCOTT OLYMPICS?

NO—"THE GAMES SHOULD BE KEPT FREE OF POLITICS AS MUCH AS POSSIBLE"

(Interview With Robert J. Kane)

Q Mr. Kane, why do you believe it would be a mistake for the U.S. to boycott the Olympic Games?

A I don't favor the concept of a boycott at all in the Olympic Games. The Olympic Games should be kept free of politics as much as possible, and it's up to those within the movement to protect it from politics. A boycott is an internal device which must be necessarily instituted by the members themselves.

And I don't think it would be conducive to the continuance of the games if boycotts became common practice. There are always differences between nations, and if there were a boycott every time this happened, there would never be Olympic Games.

Q Do you think that a boycott would have any effect on the Russians' international behavior if it were attempted?

A I doubt it very much. It would seem to be a minimal kind of response, and I think that there are other means that could be far more discouraging to the Soviets and their desires. It seems to me that a boycott would not do the job its advocates would like to have done.

Q How about the view of those who say that a boycott would be one way of demonstrating to the Soviets that actions such as the invasion of Afghanistan are incompatible with détente with the U.S.?

A I can see why this could be thought of as such a demonstration. But the Olympic Games don't belong to the Soviet Union. They belong to the International Olympic Committee. Moscow is just the site of the games for 1980.

Q Are the Soviets already making propaganda use—in other words, political use—of sponsorship of the games?

A I wouldn't doubt that. Any nation where the games are held probably uses them for propaganda purposes. That is not worrisome unless it's a pernicious use.

Q Do you expect it to become pernicious?

A No, I don't.

Q Do you have adequate assurances from Moscow on that score?

A Yes. We do have adequate assurances. But that wouldn't convince me as much as believing that the Soviets would like to look good in the eyes of the world when the focus of the world is on them via television cameras.

Q Haven't the Olympics already been politicized in many cases? In 1976, for example, several African countries boycotted the Montreal games, and Canada, in effect, barred Taiwan——

A Yes. It's quite true that politics has been a part of the games. In fact, anything as global as the Olympic Games would have great trouble steering clear of politics. But for the most part, politics has been inflicted on the games by outside forces, as it was in the Montreal games or the Arab terrorist attack on Israeli athletes at the Munich games.

Q Who could actually initiate an American boycott? Could Congress do it?

A I would think that Congress could ask the United States Olympic Committee to stay out of the games.

Q But would the committee be bound to obey?

A No, it would not be bound to obey, because the U.S. Olympic Committee is a private organization. But we would, of course, be receptive to any admonition from our government.

Q Under what circumstances would you agree to a boycott?

A If there's a serious problem at the site of the games, then I believe that the United States ought to consider pulling out of the games for that year. In other words, if the situation worsens in the Persian Gulf, and if Moscow becomes a dangerous place and lives could conceivably be placed in jeopardy, then I think that either the International Olympic Committee ought to call off the games or the United States, for the protection of its own athletes, should consider staying out of the games for that year. That's a far different thing from a boycott. That would be a matter of security, not politics.

Q The U.S. didn't boycott the games in Nazi Germany in 1936. Do you think that was a mistake?

A It might seem as though we didn't handle that very well. But we came out not only looking good but making the Nazis look bad. Jesse Owens and six other black American athletes won more medals in track and field than the whole German Olympic team.

Q Could a U.S. boycott of the Moscow games invite counteraction by other countries?

A That's right, because if we were to stay out of the Moscow games because we disagreed with what the Soviets did in Afghanistan, there could be people who disagree with what we did to, say, Taiwan, and stay out of the winter games in Lake Placid next month or the summer games in Los Angeles in 1984. It becomes a never-ending thing when we use the Olympics as a tool on political issues.

Q What about the effect it would have on U.S. athletes if they were told they couldn't go to Moscow? Wouldn't that be serious?

A It certainly would, because an athlete usually has only one chance to take part in the Olympic Games. And many of them have trained all their young lives to get there, and a boycott would snatch away their one opportunity.

Q When the International Olympic Committee meets in Lake Placid on the 10th of February, do you expect that it will consider this question of boycott?

A I'm sure that they will discuss it, because it's a very serious consideration for them. The IOC is deeply concerned that there might be some nations that would boycott the games. There would be at least three alternatives: If the situation does not worsen, the games could go on as planned. If the situation worsens, the games could be canceled or they could be awarded to another site in another country. However, it's so late now that a change in site would not be possible until 1981.●

## TVA'S PRIORITIES FOR THE 1980'S

### HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. FLIPPO. Mr. Speaker, a new decade presents new opportunities and new challenges for all of us. Perhaps the most important challenge the United States faces in the 1980's is dealing with the two edged challenge of becoming energy self-sufficient and remaining an economic world leader. Because of the presence in my home district of the Tennessee Valley Authority, my constituents have the opportunity to witness first hand a unique entity committed to the goal of blending energy sufficience, economic vitality, harmony with the environment, and social opportunity and parity for the citizens of our region. On January 10 at the first meeting in the decade of the Board of Directors of TVA, Chairman S. David Freeman eloquently stated TVA's policy commitments to the people of the valley for the next 10 years. I would like to share with my colleagues this statement of TVA's priorities for the 1980's:

TVA's PRIORITIES FOR THE 1980's

This is the first meeting of the TVA Board in the new decade. I predict that the 1980's will be the most challenging and productive period for TVA and the people of the Tennessee Valley since the Agency's first decade in the 1930's.

In most respects we face problems very different from those TVA tackled in the great depression. But there are also some basic similarities.

We have the same challenge of providing energy on which this Valley's economy depends. We must provide it at the lowest feasible rate and in amounts sufficient to support economic growth. We know also, as did TVA's founders, that our success or failure here will have repercussions far beyond the boundaries of our watershed and electric service area.

We have the additional challenge, as did the first Board, of advancing the broader economic and social development of the Valley. This means, among other things, continuing TVA's traditional responsibilities for flood control, navigation, fertilizer research and development, agriculture, and conservation of the Valley's natural resources.

But the unique opportunity afforded TVA in the 1980's is the chance to show how energy sufficiency, economic vitality, harmony with the environment, and social opportunity can flourish together, not as competing goals but as essential ingredients to enhance the quality of life in the Tennessee Valley. No other region of the country, in my view, has a comparable opportunity.

If we can succeed here in linking energy sufficiency with quality economic growth, it will point the way for the entire country. It can be, without question, TVA's greatest achievement.

Let me note several specific items that comprise this challenge:

The future of nuclear power in the United States will largely depend on how we execute TVA's commitment to construct and operate the country's largest nuclear generating system. We are determined to fulfill this trust by setting the world's standard for safe and efficient operations of our nuclear reactors.

The future of coal as a vast energy resource for the United States, a key to this country's energy self-sufficiency, will similarly depend in large part on TVA's success in demonstrating new technologies for coal's efficient and clean combustion: coal gasification, atmospheric fluidized-bed combustion, and advanced scrubbers. TVA is the Nation's leader in this effort, with potential benefits of great importance for our ratepayers, the regional economy, and the Nation.

TVA will be no less diligent in developing and using renewable energy technologies of all types in conjunction with the Nation's most aggressive and successful program of energy conservation. Investments to increase energy efficiency will remain the most cost-effective and quickest way to increase energy supplies.

This balanced energy system will produce significant economic benefits for the Valley that will become increasingly clear as the decade unfolds. We can lead the Nation in building a nonpetroleum-based economy. In a decade when skyrocketing prices and increasing scarcity are certain to characterize world oil markets, TVA's reliance on domestic, nonpetroleum energy sources will be a highly competitive asset.

We also have the opportunity to follow a course of *quality* economic growth. This will require a careful look at the Valley's strengths and its problems. It means learning how to provide jobs that will be in demand and the trained workers to fill them. It involves the creation of new high-technology industries that place little burden on the natural environment and that produce products for export outside the region and the United States. It means understanding the new demands that a rapidly changing population is likely to place on government and the private sector.

TVA is planning an unprecedented look at this multitude of factors that must be part of a regional commitment to quality growth. In particular we mean to understand what must happen in the next twenty years in order to raise per capita personal income in the Valley to 100 percent parity with the rest of the United States.

In the early 1930's, we stood at 45 percent of the national average; today we are at 80 percent. Although this progress is heartening, we must recognize a harsh truth; in some counties per capita income remains at less than 50 percent of the national average. In other words, the economic circumstance of these Valley residents is no better today relative to the rest of the country than it was during the great depression. This is simply unacceptable. We must make a special effort to help these neighbors join the economic mainstream.

Our goal is clear: full income parity for Valley citizens by the year 2000. Working cooperatively and constructively with the States, counties, local governments, and regional commissions, we are fully committed to achieving this goal.●

---

## CAN MONEY BUY EDUCATION?

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. MICHEL. Mr. Speaker, for some time now I have been inserting articles into the RECORD about the decline in American educational standards. Running through all the remarks I have made on this subject is the theme that additional funds simply cannot buy quality education. Such education results from a combination of parental attention, student motivation, societal ideals, teacher training and dedication, plus money. But the administration, it would seem, is trapped in the old "money equals quality" fallacy that has given us so many "innovative" Government programs and so many children who cannot read.

The Peoria Journal-Star recently addressed the question of the administration's new $2 billion program to reach students who have not been educated even after 12 years of schooling. The purpose is noble, but the means to the desired end are simply not sufficient.

At this time I wish to insert in the RECORD, "Carter's New Schools" from the Peoria Journal-Star, January 13, 1980.

The article follows:

[From the Peoria (Ill.) Journal-Star, Jan. 13, 1980]

CARTER'S NEW SCHOOLS

If you give a youngster 12 years of free education, providing him with classrooms, gymnasiums, buses, teachers, athletics, vocational training, and all the rest, and, when the 12 years are up, he can't cut it, what do you do?

If you are President Carter, you call upon Congress to put up $2 billion to create new schools to start all over with trying to teach and stimulate this kid.

That is what the administration is doing with the program outlined the other day by the president. One of his top officials called it "our most important domestic legislative initiative this year."

The federal government is already spending about $4 billion a year on youth employment training programs, so this would bring the spending up to $6 billion annually when fully implemented in 1982. It would increase the number of youngsters aged 14 to 21 served by these programs from the present 2 million to about 3 million.

We suspect that if you look closely at this proposed legislation, you will see a stamp upon it that says: "L. Johnson, Great Society." For it is reminiscent of so many of President Johnson's programs—the ones which created an explosion of federal spending on social experiments that, when added to the expenditures for the Vietnam War, laid the groundwork for the intolerable inflation we now are enduring.

Most of these programs, like the new one being advanced by the Carter administration, sound good on paper—except that we have had so much experience with watching them come and go with increasing expense and decreasing effectiveness.

The new program would give about half of the $2 billion to the Department of Labor to provide job training and work experience primarily for high school dropouts. The other half would be spent by the Department of Education to provide basic education to about a million low-achieving junior and senior high school students in the poorest 3,000 of the nation's 15,000 urban and rural school districts.

In other words, new schools would be set up to provide instruction in the three R's (basic education) and vocational and coop education (job training and work experience)—preparation which the public schools already provide.

New schools would be required, particularly for the dropouts, because the administration says it has discovered that youngsters who have left school will not return to those schools even to participate in entirely new programs. This was a finding of a youth employment task force headed by Vice President Mondale which operated a series of youth programs, some experimental, during the past two years.

It is hard to argue against spending for anything that sounds so enlightened as an effort to salvage poor, disadvantaged, dumb, lazy, and bored students. But there comes a time when you have to say that the schooling we now provide is enough—yes, and more than enough.

What would the federal government do, we wonder, if it were to adopt this program of new schools and they didn't work either. Create another whole layer of education? Probably.

Has the news of Proposition 13 not yet reached the Potomac? Has the administration not heard that citizens now yearn for less, not more, federal spending; less, not more, social experimentation. Give us a break.●

---

## MERCY MISSION

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. SKELTON. Mr. Speaker, it is with great pride that I inform my colleagues of a noteworthy act of mercy undertaken by two of my constituents—Mr. Joe Pyles of Boonville, Mo., and Mr. James Heether of Blackwater, Mo.

On August 5, 1979, Mr. Pyles and Mr. Heether, trained in Red Cross first aid, water safety and small craft safety, witnessed an accident involving a scuba diver who had jumped off a cliff into the water. The victim was seen to return to the surface in a prone float position rather than in a manner usually done by scuba divers.

Seeing that the victim was hurt, Mr. Pyles ran to a dock and began swimming toward the victim. At the same time, Mr. Heether began rowing a boat toward the victim. The two men worked together to bring the victim onto shore. Mouth-to-mouth resuscitation was started on shore. They continued their efforts for about 25 minutes until the arrival of an ambulance. The victim was conscious at the time the ambulance arrived. Without doubt, the rescue and use of first aid by the men cited herein saved the victim's life.

Mr. Speaker, I would like to commend Mr. Pyles and Mr. Heether for their heroic actions, and to congratulate them on their receiving the Red Cross Certificate of Merit. Surely, this is a well-deserved honor.●

---

## INCENTIVES FOR ALCOHOL PRODUCTION MOVING THROUGH CONGRESS

### HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BEREUTER. Mr. Speaker, Nebraskans have been pioneers in the development of gasohol. We, therefore, are pleased to see the administration's belated interest in spurring alcohol production through the creation of various incentive programs. Because it is likely that Congress will be taking action very soon on several key bills relating to alcohol-fuels production, I thought it might be helpful to see what those bills are and where they now stand in the legislative process.

LEGISLATION

Windfall profit tax (H.R. 3919): Extends current exemption of gasohol from the 4-cent-a-gallon Federal excise tax on gasoline. Also provides for a 40-cent-a-gallon tax credit for producers of alcohol who do not market it commercially.

Status: Pending in House-Senate conference.

Synthetic fuels (S. 932): Provides $1.2 billion in loan guarantees, purchase guarantees, and price guarantees for alcohol-based fuels. Of loans and loan guarantees authorized for the Synthetic Fuels Corp., $1 billion is earmarked for large-scale biomass projects, including alcohol fuels. Gasohol would also qualify for funds under $5.5 billion for various on-farm and other rural energy projects. Also sets a goal of having alcohol meet 10 percent of demand for gasoline by 1990.

Status: Pending in House-Senate conference.

National Alcohols and Alcohol Fuels and Farm Commodity Production Act of 1979 (H.R. 3905) (Bedell bill which I co-sponsored): Provides direct loans and loan guarantees for construction and operation of alcohol-fuel plants and provides for sale of agricultural commodities for plant operations. Both direct loans and loan guarantees are involved in H.R. 3905. For fiscal year 1980-81, the bill calls for direct loans in the amount of $200 million for construction of small on-farm facilities. No one loan should exceed $1 million. The bill calls for $600 million in loan guarantees for fiscal year 1980-81, 25 percent of the total must go for plants whose construction is less than $5 million each.

Status: Reported out of House Banking Committee on November 1, 1979, and out of House Agriculture Committee on October 12, 1979.

In related action, the Farmers Home Administration (FmHA) has announced that funds are available for loans for alcohol fuels production. Interested persons should contact State, county, or district FmHA offices.●

---

## CAUTION ON THE CHINA CONNECTION

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. DERWINSKI. Mr. Speaker, in its amazing flip-flops to correct 3 years of foreign policy mistakes, the administration has escalated its embrace of the People's Republic of China. While the timing is not surprising, the long-term picture ought to be approached quite carefully. Therefore, I was pleased to see the Chicago Sun-Times, in an editorial on January 13, made this point.

CAUTION ON THE CHINA CONNECTION

Defense Sec. Harold Brown has reaffirmed the U.S. policy against selling weapons to China. Speculation about such sales arose after the Soviet Union's blitz into Afghanistan, based on the notion that "the enemy of my enemy is my friend."

Brown's stand is right. Time is not ripe for any major Sino-American arms deal, no matter how bitter the Sino-Soviet feud.

True, the concept has appeal. A massive, modernized Chinese army along the Soviets' southwestern border, directed by U.S. allies in Peking, could inhibit Moscow's increasingly aggressive foreign actions. And pressure is building for a bold policy that joins the United States, Japan, various Southeast Asian nations and China in an alliance to counter the Soviets' stepped-up military strength.

A Rand Corp. study in December said a "loose coalition" exists among these nations that could "acquire a more explicit character as a defense alliance" if Soviet threats in Asia increase. The assault on Afghanistan and the dangers it poses to Pakistan are obvious threats. Brown said Washington and Peking have "parallel" views on strengthening nations in the region.

But talk about closer defense relations is a far cry from actually selling weapons to a China that is still a totalitarian state, despite gains toward openness. America isn't ready to add military muscle to a country whose shifting regimes have flip-flopped Chinese foreign policy four times in 30 years.

For its part, China can't afford big arms purchases now. And it has its own doubts about closer U.S. ties. As a professor at the Chinese Academy of Social Sciences recently told a group of visitors: "You Americans are so charming, you have such short memories. We can't forget so fast or so easily what happened between us in the past."

Relations are on the upswing. Plans to provide China with a ground station able to tap a U.S. satellite for information adds a defense dimension to rising co-operation in other areas. The station could have a military use. But that's a gray area, short of arms sales. Brown also wisely sidestepped Chinese talk of an anti-Soviet entente.

U.S.-China policy is being reshaped, but U.S.-Soviet ties are still the long-range key to global stability. Until that changes, the China thaw should be cautious.●

## WCVB-TV OPPOSES WEAKENING OF AIRCRAFT NOISE REGULATIONS

### HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. MOAKLEY. Mr. Speaker, I would like to share with my colleagues in the House a recent editorial presented by WCVB-TV, channel 5 in Boston. The editorial states the opinion of the management of WCVB in opposition to any attempt to weaken minimum airplane noise regulations issued by the Federal Aviation Administration.

The city of Boston is severely impacted by airplane noise, and I have been working with community leaders, elected officials, and regional officials of the FAA in an attempt to reduce airplane noise resulting from heavy airplane traffic at Logan Airport. The continuation of minimum noise standards for jet aircraft is essential to our local efforts to reduce the possible health and environmental risks to Boston-area residents who live in close proximity to Logan Airport.

I share the editorial as follows:

> An estimated six million Americans are severely affected by noise from jet aircraft using airports throughout the country, including Logan International here in Boston. Years of effort to reduce that noise at its source—the jet engine—are now threatened by action in Congress.
>
> At issue are federal regulations, adopted three years ago, that require all U.S. commercial jets to meet minimum noise standards by 1985. These standards are to be met either by retrofitting older aircraft with quieter engines, or by upgrading the airline's fleet with newer and quieter planes. Many airlines have been stalling, and this fall the industry lobbied hard in Congress to win indefinite waivers from the noise abatement regulations.
>
> Approval of such a waiver, in any form, would be a serious setback for citizens, like those in communities near Logan, who suffer from airport noise and who stand to benefit substantially from quieter jet aircraft. It would be grossly unfair to those public-spirited airlines, like Delta and Northwest, which have been actively pursuing a program of retrofitting or upgrading their fleets.
>
> The best and most practical way to provide relief from aircraft noise at an urban airport like Logan is to attack the problem at its source—the jet engine. New technology has given us much quieter engines as well as ways to reduce the sound of older engines. Congress would be making a great mistake if it backed away from the present, reasonable and necessary noise standards.●

## TRIBUTE TO DENNIS A. TOOMEY

### HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mrs. HECKLER. Mr. Speaker, it is said that the vital measure of a newspaper is not its size but its spirit. Dennis A. Toomey, publisher of the Fall River, Mass., Herald News for over a decade, passed away last month, but his spirit—his dedication to report the news fully, accurately, and fairly—remains a vital part of this respected newspaper.

Mr. Toomey will be missed deeply, but he will be long remembered with fondness and admiration by the community he served so well. I take this opportunity to share with my colleagues the highlights of his impressive career:

> Funeral services will be held Monday for Mr. Dennis A. Toomey, 68, publisher of the Fall River Herald News.
>
> He died unexpectedly at his home on Thursday. He lived at 184 Clearview Ave., Somerset and was the husband of Mrs. Josephine E. (Parento) Toomey.
>
> He was born in Fall River on Jan. 1, 1911 and was the son of the late Jeremiah and the late Mrs. Catherine (Bradley) Toomey, who lived in the Rodman Street area.
>
> In his youth he was a member of SS. Peter and Paul Parish and for the last 38 years had attended Holy Rosary Church.
>
> Mr. Toomey dedicated more than 50 years of his life to the newspaper profession, all at the Herald News, an uninterrupted association that began while he was a student at B.M.C. Durfee High School. He got his Durfee diploma in 1928 and began working full-time in the Circulation Department. He progressed from that job to a supervisory position in the business office, joining the accounting department.
>
> Mr. Toomey was appointed assistant treasurer in 1938 and was elected clerk of the corporation in 1943. He became assistant general manager in 1964 and general manager in 1966.
>
> Mr. Toomey was appointed publisher of the Herald News on April 11, 1969 by Mr. Ralph Ingersoll, president of Northeast Publishing Inc. On that date Mr. Toomey was also named vice president of Northeast Publishing Inc., with full responsibility over the operation of newspapers in Fall River, Milford, Conn., Claremont, N.H. and Pawtucket, R.I.
>
> In his early days at the Herald News, Mr. Toomey was also associated with the Feeney family in the operation of the Wilbur dance hall in Somerset, a position he relinquished as his responsibilities at the paper increased in scope.
>
> In later years as a newspaper executive, he became widely respected for his total dedication to the profession and was widely recognized for his expertise in labor-management relations.
>
> His commitment to fairness in the give and take of negotiations was recognized just recently by Local 161 of the International Typographical Union, which awarded him a plaque at a pin ceremony for 25-, 40- and 50-year members.
>
> Mr. Toomey's involvement in the labor relations field often resulted in calls to him to serve on a consultant basis in helping resolve delicate contract talks at other newspapers.
>
> This wasn't his main commitment, however. He was also a vigorous defender of the rights of a free press and was an effective, behind-the-scenes mover in getting the state's open meeting law enacted. He also fought equally hard for the public's right to know, arguing that the First Amendment was inviolate and the country's surest safeguard against the loss of all freedoms.
>
> If Mr. Toomey had a hobby, it was an avid interest in sports, particularly boxing, soccer and baseball. He played soccer in his youth. One of his disappointments was that an injury prevented him from moving up to teams of higher classification.
>
> He was a charter member of the Institute of Newspaper Controllers and Finance Officers and many New England and national newspaper organizations.
>
> He was also active in many community affairs and was involved in fund raising campaigns to support charitable and civic causes.
>
> One of his favorites was the Rev. John Sullivan Scholarship Fund, in which he collaborated with his barber and friend of many years, Orlando Conforti. The late Father Sullivan was administrator at Holy Rosary Parish in the pre-World War II years.
>
> Mr. Toomey was a trustee of the former Union Hospital and was involved in its merger with Truesdale and the designation of the consolidated facilities just this week into the Charlton Memorial Hospital. In fact, Mr. Toomey participated in a trustee meeting the day before his death.
>
> He was also a trustee of the Fall River Savings Bank; charter member of the New England Institute of Newspapers and was also a member of the Quequechan Club.
>
> He was also a member of the Chamber of Commerce, Greater Fall River Development Corporation, Community Education Council and United Way.●

## 1980: THE YEAR OF THE COAST

### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. STUDDS. Mr. Speaker, the population growth in the coastal regions of this country over the past few decades has been staggering. Today as we enter the 1980's nearly four out of every five Americans live within 100 miles of the ocean or the Great Lakes. By the end of this decade nearly 75 percent of the American people will reside within 50 miles of the sea.

As a native of the Commonwealth of Massachusetts and a summer resident of my district, Mr. Speaker, you have seen the great pressures this unprecedented growth has placed on our coastal environment. The tremendous economic incentives to develop these regions of our country have in many instances led us to build unwisely in areas far too fragile to accept such construction. In our haste we have damaged or destroyed over 40 percent of our wetlands, and we continue to do so at a rate of 300,000 acres per year. Particularly on the east coast, we have seen the elimination of public access to thousands of beautiful beaches.

We are only now beginning to recognize the consequences of these actions and what we are learning is not pleasant. It has only been in the last 10 years, for example, that we have come to understand the tremendous importance of wetlands in the chain of life. We now know, for instance, that most of the top value fish in the Atlantic and the gulf waters are directly dependent in some stage of their life upon these areas. It is particularly sobering to recognize that man himself is a part of this chain of life.

I am not suggesting, Mr. Speaker, that we have lost forever the battle to develop these regions of our country in a careful and deliberate manner. I am suggesting, however, that we are well on the way toward such a defeat. It is imperative that we begin now to carefully evaluate our actions over the past few decades and decide the wisest course of action for the future.

Nineteen hundred and eighty will present us with a unique opportunity to begin this effort. As you know, the coming year has been proclaimed "the Year of the Coast" by a number of major environmental groups and by the President of the United States—a designation which will seek to shed new light on the value of our coastal resources and on actions that can be taken today to preserve and protect them. As chairman of the Subcommittee on Oceanography, I fully intend to be in the forefront of this effort, and would urge all of my colleagues—particularly those from our coastal States—to offer their support as well.

We must keep in mind at all times that to allow unchecked development of our coastal regions is to risk the very resources which have made these areas so valuable. It is just as true on the Gold Coast of Florida, the sandy beaches of southern California, and the rocky coast of the great Northwest as it is in my own district in Massachusetts that our environment is our economy. To risk these resources unnecessarily is not only unwise from an environmental standpoint, it is foolhardy economically as well.

We must begin to decide in the coming months whether our national interest is best served by the unchecked development of our coastal zone or by tighter constraints on such construction; by limiting public access to beaches or by enhancing it; by allowing the Federal Government to fund reconstruction in vulnerable coastal areas or by prohibiting unnecessary development in the flood plain; by allowing the random siting of energy facilities on our shorelines or by insisting instead on the most thoughtful planning for water-dependent energy facilities. These questions will not be answered easily; debate on them will no doubt be long and acrimonious. We cannot, however, let the difficulty of this task deter us. We must begin to seek these answers immediately or risk losing our remaining valuable coastal resources forever.

This effort will, as I have pointed out, be the primary focus of my Subcommittee on Oceanography during the coming year. Already we have held regional hearings in New Orleans, St. Clair Shores, Mich., Seattle, and San Francisco on the Coastal Zone Management Act, the only comprehensive tool which the Federal Government has to protect our shorelines. We will very shortly visit Atlantic City and Boston to question area residents and State and local officials on the types of coastal protections they feel are necessary to safeguard their regions. The information we gather from each of these hearings will help us in the preparation of new legislation reauthorizing the Coastal Zone Management Act (CZMA), and significantly expanding its protections.

In addition to our study of the CZMA, my subcommittee has identified several other specific areas which we expect to thoroughly investigate, including the impact of Federal flood insurance on the coastal zone; ocean thermal energy conversion; protection of undeveloped barrier islands; the marine sanctuaries program; and the protection of various fisheries.

In the coming weeks I will discuss in far greater detail our goals in these crucial areas, as well as offer suggestions to my colleagues on ways in which they can get their constituents involved in this effort. For it will truly be the success we have in increasing public awareness of the issues involved that will ultimately determine the success of the Year of the Coast. This will be our single greatest challenge in the year ahead.●

---

## GRAIN ARSENAL

## HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. MINISH. Mr. Speaker, in recent weeks the civilized world has been startled by the blatantly aggressive efforts of the U.S.S.R. to increase its sphere of influence. The Russian invasion of Afghanistan is a sobering jolt to those who had hoped détente would be successful.

The response of America and her allies must be speedy and strong if we are to forestall continued attempts by the Russians to subjugate the people of the free world.

I fully support President Carter's decision to embargo grain shipments to the Russians. I urged him to take that action immediately upon learning of the invasion of Afghanistan. In the past, I have also urged the administration to be extremely wary of grain transactions with the Communists because of the possible effect on American consumers. The Russian incursion into Afghanistan makes it doubly important that we respond in a manner that will cause the Soviets to think twice about any future acts of aggression.

At this point I wish to insert in the RECORD an editorial which appeared in the Newark Star-Ledger of Wednesday, January 9. It succinctly argues for a cutoff of all grain shipments to the U.S.S.R. I recommend the reading of this commentary by all of my colleagues.

The editorial follows:

[From the Newark (N.J.) Star-Ledger, Jan. 9, 1980]

GRAIN ARSENAL

President Carter has decided to use America's huge grain surplus as a weapon in the re-emerging Cold War with the Soviet Union.

He has also ordered a halt of high technology shipments and a curtailment of fishing privileges in U.S. waters. Most cultural and economic exchanges are to be mothballed, and the Soviet consular office in New York was ordered closed.

But it was the decision to withhold wheat and corn that drew blood. Moscow predictably called Mr. Carter nasty names for hitting the Russian people in the solar plexus.

But less predictably, there was also criticism from many of the candidates—Republican and Democratic—who seek to replace Mr. Carter in the White House. Ironically, they are the same hopefuls who have been severely attacking the President for perceived indecisiveness and weakness in his response to the seizure of Americans by Iran terrorists at the U.S. embassy in Tehran.

The large-scale presence of Soviet troops in Afghanistan is a threat to the United States and the free world. It is an intervention that can neither be excused nor condoned. Only satellite East Germany sided with the Soviet Union in voting against a Security Council resolution in which the United Nations called for a withdrawal of outside military units from Afghanistan.

Mr. Carter's opponents for the presidency, however, seem to be more concerned with the immediate plight of the Midwest farmers than the nation's rapidly deteriorating position in the Middle East.

Small farmers, by all means, must be helped by a government program to cushion them from losses resulting from the grain decision. But there is no need to shape national policy to protect speculators who bet heavily on expectations of rising prices on the commodity futures' market, or to be concerned about the welfare of the giant agricultural enterprises that dominate the industry.

If President Carter is to be criticized for his grain decision, it should not be because 17 million tons of wheat and corn will be withheld from the Soviet Union. He should be berated for not going whole hog, permitting, instead, the sale of eight million tons of grain under an earlier agreement with Moscow.

Cutting off all shipments of grain would have demonstrated even greater resolve on Mr. Carter's part to get tough with the Russians. The United States can use the surplus to cushion poor future harvests, to convert into gasohol, to feed the hungry in the world, particularly the starving populace in Cambodia.●

---

## MAZZOLI URGES CONGRESSIONAL ATTENTION FOR THE SEVENTH ANNUAL MARCH FOR LIFE

## HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. MAZZOLI. Mr. Speaker, for the seventh consecutive year, tens of thousands of Americans have come together in Washington to protest the Supreme Court's January 22, 1973, abortion decision.

This decision made abortion on demand the law of the land. As we begin a new decade, today's March for Life offers hope that this unwise and debilitating policy will be reversed.

Since that Supreme Court decision, literally millions of Americans have died in abortion clinics that have sprung up around the country.

Abortion is now a business. Last December, Business Week carried an article discussing the profitability of abortion clinics and how they were diversifying services to maximize the profitability of their investments.

Fortunately, as today's March indicates, millions of Americans do not consider abortion a legitimate business. They consider it a national disgrace.

In the last session of Congress, human life constitutional amendments were introduced by over 100 Members. On several occasions, fully 200 Members of the House have voted to restrict the Federal funding of abortions.

Last year, the House overwhelmingly adopted amendments to the Social Security Act to make limited Federal funding of abortion a part of the permanent law of the land. Yet, not one day of hearings was held on the human life amendments which are pending before the House and the Senate.

Neither House nor Senate has been permitted to vote on this question in the 7 years since the Supreme Court decision.

While the Congress dawdles, grassroots support for such an amendment has grown and expanded.

There are few issues which enjoy such broad support in the country from all regions, all constituencies, all religious groups, and both the major parties. Yet, Congress continues to hesitate on this question.

While Congress has hesitated, the Federal courts have plunged ahead. Recently, the Federal district court in the eastern district of New York, ordered HEW to ignore the expressed intent of Congress—not to expend public funds for "medically necessary" abortions under medicaid—and to begin to pay for these procedures.

This attack on congressional authority to appropriate is unprecedented. Never before has a Federal court ordered funds to be expended from the U.S. Treasury without an act of Congress—as required in the Constitution—to appropriate the funds.

This decision opens a Pandora's box, and has consequences that go far beyond the abortion question. Each time Congress decides to limit the purpose and scope of some Federal program, the judgment of Congress—under the precedent of this case—will be subject to judicial review.

I believe it is precisely the hesitance and unwillingness of Congress to face this vexatious issue directly in the form of a human life amendment which has provided the vacuum into which the courts have stepped.

This situation must change. This year, the first year of a new decade, should mark the beginning of a new congressional effort to fill this void.

Congress must listen to the voices of those who marched here today and of the millions of others who could not join the march.

For my part, Mr. Speaker, I shall redouble my efforts in 1980 in behalf of prolife legislation.

And, I thank all the persons who have given such vivid and lasting testimony to their belief in and respect for human life by taking part in this march for life.●

## ABORTION

## HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. EDGAR. Mr. Speaker, abortion is clearly one of the most controversial issues facing society. Committed, concerned, and learned men and women differ profoundly in their beliefs. Abortion is not just a moral dilemma, it has become a political one, with serious effects on the Nation's legislative process. One concerned individual, Rev. Theodore Hesburgh of Notre Dame, has commented on this politicization of the abortion issue:

> We have witnessed the fact that political candidates who agree 95 percent with Catholic principles of social justice in most issues of public policy have been defeated by their opposition on this one issue, and have been replaced by candidates who, agreeing superficially on this issue of abortion, disagree with us on almost every other issue bearing on justice and equality. (Source: Washington Post editorial, January 4, 1980)

The abortion issue, while important, needs to be viewed as one of many important social and moral concerns that face our society. Furthermore, it should be remembered that congressional involvement in the abortion issue is necessarily restricted by constitutional mandates.

The issue that has faced Congress during my 5 years of office is the use of Federal funds to pay for abortions. I supported the compromise language used through fiscal year 1979 which allowed Federal funding in three cases: First, if the life of the mother were endangered; second, for the victims of rape or incest; and third, if two physicians determined that the physical health of the mother were severely threatened. This year Congress adopted even more restrictive language allowing Federal funding only in the first two cases. I voted for the new language which reads as follows:

> None of the funds provided . . . shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or public health service.

I submit the following newspaper articles on the abortion controversy:

[From the Washington Post, Jan. 4, 1980]

### "ALL-OR-NOTHING" GETS YOU NOTHING

(By Colman McCarthy)

"Ted Kennedy votes for abortion," says Nellie Gray, the president of March for Life, a national lobbying organization seeking to stop public funding of abortion. "And because of that, I can't possibly support him, regardless of his other votes, no matter how good they are. How can they be good at all, if they are based on the assumption that human life is expendable?"

The art of compromise is left gasping by such thinking. But that isn't a concern of Nellie Gray, nor of the political activists around the country who judge candidates according to their fervor against abortion.

As judgers in the 1978 elections, pro-life voters were a major force in the defeats of several senators: Brooke of Massachusetts, Clark of Iowa, McIntyre of New Hampshire, Case of New Jersey, Haskell of Colorado, as well as Rep. Don Fraser of Minnesota.

With less than three weeks remaining until the Iowa caucuses, the potential strength of the pro-life vote is worth examining.

No question exists that several senators—Culver of Iowa, McGovern of South Dakota, Church of Idaho, Bayh of Indiana—are watching to see how aggressively they will be attacked for their abortion voting record. But this time around, some who oppose abortion are asking whether single-issue politics creates progress—or merely havoc.

Rev. Theodore Hesburgh, president of Notre Dame, believes that anti-abortion political activists, or at least the many Catholics among them, are distorting elections. He said in October, "We have witnessed the fact that political candidates who agree 95 percent with Catholic principles of social justice in most issues of public policy have been defeated by their opposition on this one issue, and have been replaced by candidates who, agreeing superficially on this issue of abortion, disagree with us on almost every other issue bearing on justice and equality."

In Iowa, Carolyn Thompson, the chairperson of the Pro-Life Action Council, dismisses Hesburgh's comment as irrelevant: "A few pseudo-intellectuals may pay him heed, but out here in Iowa we aren't taken in." Mrs. Thompson says she and others in her group are "delighted" with the anti-abortion votes of Roger Jepsen, the senator they helped elect in 1978. "If some people don't like his positions on other issues, that's their concern."

How riled the Iowan pro-life movement will be about Ted Kennedy—a pro-abortion champion, in its mind—is not yet clear. In the Democratic caucus on Jan. 21, the pro-life organizations may take one of two approaches: ask their members to sit out the caucuses altogether or go to the caucuses but remain uncommitted.

Mrs. Thompson says that no true choice exists on the Democratic side. If pressed, she finds "Kennedy worse than Carter." When asked about the senator's recently enacted legislation for alternatives to abortion, Mrs. Thompson concedes that he worked hard to create a worthy program. Then comes the but: "Kennedy has some pro-life votes in his record, but when they're sandwiched in between the many pro-abortion votes, then he's not impressive."

The Carter forces can take no comfort from this. The president's double-talk before the 1976 caucuses is still remembered. His statement about favoring "a national statute" to limit abortion created the impression—Carter being a candidate of impressions, not positions—that once in office he would be an ally of the right-to-life voters. "There's no way we'll be fooled again," says a scorned Mrs. Thompson.

The danger in all-or-nothing politics is that a lot of nothings can end up in office. Jepson of Iowa is certainly one, as is Sen. Gordon Humphrey of New Hampshire. Abortion is wrong, but that doesn't justify wrong-headed politics or the elitism of political activists in the pro-life movement who think that their particular cause is the most sacred of all. They can oppose one threat to life, but be indifferent to other threats. It's to make sure that all conceived humans are born, but then not worry about the kind of society they are born into.

The rational way to oppose abortion is to replace the all-or-nothing approach with one of most-or-nothing. On most issues that are as pro-life as the protection of fetuses—refugees, lowcost health care, aid to the poor, reduction of arms—candidates like Kennedy, or Culver, McGovern and Bayh have been strong. It's regrettable they do not share the anti-abortion rage of, say, Mother Teresa. But until more saints enter U.S. politics, sacrificing the best candidates we have is about the worst politics we can pursue.

[From the Washington Post, Nov. 3, 1979]

### Two Prominent Catholics Call for Cooling Controversy Over Issue of Abortions

Two prominent Catholics have called for a cooling off of the abortion issue.

Daniel Callahan, a prominent ethicist and former editor of the Catholic magazine, "Commonweal," has urged the government to end "arbitrary discrimination" by restoring Medicaid payments to the poor for abortions that have been cut off by Congress.

He said poor women have just as much a legal right to abortions as do those who can afford to pay.

Callahan also called for less war between abortion rights advocates and those in the Right-to-Life movement.

Meanwhile, the Rev. Theodore M. Hesburgh, president of the University of Notre Dame, said that the abortion issue is "greatly distorting the electoral process in America."

Hesburgh, in a written message to a national conference on abortion at the university, deplored that political candidates who "agree 95 percent with Catholic principles on social justice on most issues of public policy have been defeated by their opposition on this issue and have been replaced by candidates who, agreeing superficially on this issue, disagree with us on almost every other issue bearing on justice and equality."

Hesburgh said the conference would "attempt to clarify the issue, to establish the facts, and, hopefully, to elevate the discussion from inflammatory rhetoric on both opposing sides to some sober and reasonable conclusions."

Callahan, now director of the Hastings Center Institute of Society, Ethics and the Life Sciences in Hastings-on-Hudson, N.Y., said an acceptable public policy on abortion should neither encourage nor discourage abortions, and protect the rights of both those who do and do not want to perform them.

The right emphasis, he said, is to "reduce the need for abortion * * * through better welfare programs for mothers in general, better sex education and contraceptive services and better across-the-board programs for teenagers at risk of pregnancy."

Callahan's comments were published in the cover story of "Family Planning Perspectives," a journal published by the Planned Parenthood Federation of America.

Callahan also cautioned abortion rights advocates against injecting the religious issue into their arguments.

To heap abuse on Catholic bishops for their opposition to abortion is to risk alienating large numbers of Catholics, he said.

[From the Catholic Standard and Times, Nov. 8, 1979]

### Bishops Call for Political Responsibility

(By Jim Lackey)

Washington.—Calling on all citizens to participate in the political process, the Administrative Board of the U.S. Catholic Conference (USCC) has issued a major statement on political responsibility for the 1980 election year.

The statement urges voters to examine the positions of candidates on the full range of issues as well as the candidates' "integrity, philosophy and performance."

Noting that the U.S. bishops do not seek the formation of a "religious voting bloc," the statement also contains synopses of more than a dozen issues which the bishops believe are important during the national debate in 1980.

The statement is markedly similar to a 1976 statement by the same board called "Political Responsibility: Reflections on an Election Year." The latest statement, titled "Political Responsibility: Choices for the 1980s," is described by USCC officals as an "updated version" of the 1976 declaration.

Both statements refer to the specific political issues but add that the board did so without reference to political candidates, parties or platforms.

"Christian social teaching demands that citizens and public officials alike give serious consideration in all matters to the common good (and) to the welfare of society as a whole," the statement remarks in a lengthy section on the church's involvement in the political process.

The statement said the church's role in the political order includes educating on the teachings of the church, analyzing issues for their social and moral dimension, measuring public policy against Gospel values, and speaking out on public issues involving human rights on basic constitutional protection of the right to life for the unborn child.●

## FREDERICK A. MUHLENBERG

## HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. YATRON. Mr. Speaker, it is with a sense of loss that I take this opportunity to inform the House of Representatives of the passing of a distinguished American and a former Member of this body, the Honorable Frederick A. Muhlenberg.

Mr. Muhlenberg, the seventh member of his family to represent the people in the Congress, served as a Member from 1946 until 1948.

Mr. Muhlenberg's illustrious service to the Nation and the people of Berks County, Pa., was not limited to his years in Congress. He distinguished himself in military service in World War I as a captain of infantry and as a reserve colonel in the Army Corps of Engineers in World War II. He was honored with the Distinguished Service Cross, the Purple Heart, and the Legion of Merit.

His life-long devotion to public service and the public good began in 1934 when he was elected to the city council of Reading, Pa. He chaired the Berks County Planning Commission for 22 years from 1950 to 1972. He compiled a record of leadership in charitable affairs as a member of the boards of Family Service, the Salvation Army Advisory Board, and the Red Cross Disaster Relief Commission.

Mr. Muhlenberg was by profession an architect and it may well be that he will be best remembered by the many landmark buildings in Berks County, Pa., which he designed. It is virtually impossible to visit Reading, Pa., or its surrounding communities without seeing, and being impressed, with the structures designed with grace, care, and vision by Frederick A. Muhlenberg.

The House has lost one of its most distinguished former Members; Berks County, Pa., has lost one of its most illustrious natives; the United States has lost a citizen of achievement whose public and private contributions constitute a reflection of a man extremely talented and at the same time committed to exercising that talent for the good of the Nation and his fellow Americans. I hope my colleagues join me in honoring a distinguished American and in paying tribute to his memory. We have seen the passing of a man all of us in public service should seek to emulate.●

## OLYMPIC GAMES

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. DERWINSKI. Mr. Speaker, there has been much emphasis placed on whether we should participate in the Olympic games held in Moscow. I am convinced that it is necessary for the United States to lead the boycott of the Moscow games; and I would like to insert an article by Allan C. Brownfeld in the Lima, Ohio, News of January 12, which supports this viewpoint. The article follows:

### Honor Demands Olympic Boycott

(By Allan C. Brownfeld)

The Soviet Union managed, for some time, to convince Jimmy Carter and others that its intentions were peaceful and consistent with Western aims.

This, of course, was the goal of "détente," a policy to pull the wool over Western eyes while Communist imperialism marched forward—in Angola, in Mozambique, in Ethiopia—throughout the world. The West, with all of its naivete and wishful thinking, was all too willing to lower its guard and permit this tactic to succeed. Now, the Soviet Union does not even feel the need to camouflage its goals. It simply marches its army into Afghanistan with impunity.

In response, the president tells us that his "opinion of the Russians has changed" and that he had revised his view about "the Soviets' ultimate goals." That anyone in today's world could not understand Soviet goals remains a mystery. After the Berlin wall, after Hungary, after Czechoslovakia, after Cuba—what right does an American president have to misunderstand the basic goals of our enemies and still claim to be qualified for office?

Still there appear to be plans to continue U.S. participation in the charade of the Moscow Olympics.

The least the president can do at the present time is announce that the U.S. is boycotting the Olympics. Even liberal columist Mary McGrory, hardly a "cold warrior," has advocated such a boycott. She recently wrote, "People who are opposed to the idea sniff that it's only 'symbolic' and wouldn't really hurt the Soviets. It's hard to think of much, short of a nuclear strike, that would inflict more pain. It would cost them more money than they have ever seen at any one time. It would cost them prestige. The collapse of the games is the one failure they could not hide from their own people, who are said to be looking forward to August with pride and anticipation. They can conceal their casualties in Afghanistan, but not an empty stadium in Moscow . . . We're hearing the same argument that was advanced when Hitler was the Olympic host in 1936 and some people suggested we boycott the games because they thought, obviously mistaken, that some things were more sacred than sport."

The Olympics are as much a political enterprise as an athletic one. South Africa, for example, is banned from participating. Taiwan can participate only if it calls itself "the Chinese Taipei Olympic Committee" and not use its flag and anthem. When he was asked about the strange double standard of excluding South Africa from an athletic event in Moscow, the capital of one of the world's most repressive societies. Lord Killanin, the president of the International Olympic Committee, replied:

". . . whereas technically in the Soviet Union there is freedom of thought, they would treat a dissident in a way which many of us would think is strange, cruel, perhaps, but this is their method of government. I have no proof that selection of sportsmen and women for the Soviet team is done on any other lines than that of the best performers . . . and not on ideological party lines. Further, the games are awarded to the city of Moscow, not the Soviet government."

Lord Killanan ignores a number of facts, among them the text of the Olympic oath in which Soviet bloc athletes promise to fight for "the great glory of communism." What does Lord Killanan mean by "technical freedom of thought?" South Africa, for all its problems, has a vigorous opposition press—Rand Daily Mail, the Johannesburg Star, the Argus—the list goes on and on. Can Lord Killanan name even one opposition newspaper in the Soviet Union?

Another liberal, usually an advocate of detente and conciliation with Moscow, has called for a U.S. boycott of the Olympics. He is Rep. Robert Drinan, D-Mass., who declared: "It seems very clear to me that we can anticipate dire consequences if we go forward with the Olympics in Moscow.

"First, the Soviet dissidents will be jailed or placed incommunicado lest they get on television around the world and create an incident—something that the Russians would obviously be embarrassed by.

"Second, will the Israelis be allowed to participate? And if they are allowed to participate, will the Arab countries not participate?

"And, third, the Soviets are violating the solemn promise they gave at Helsinki three years ago to observe all of the international regulations about sports and about human conduct. They gave that pledge in return for the legalization of all the borders of the satellite nations—something they had wanted for 20 or 30 years."

The argument that by boycotting the Olympics we could be "introducing" politics into athletics is specious—it is as morally bankrupt as when it was used to justify participation in the Nazi Olympics of 1936. Drinan states that, "The people who raise that don't want any change at all. It's a bogus argument . . . by people who don't want any fuss about moral issues. The fact is that politics is enmeshed in this. People go to the Olympics in national groups. They can't go unless a nation certifies them. It's absurd to say that politics isn't there . . ."

To continue participation in the Moscow Olympics is to announce to the world that we really are not concerned about Soviet aggression in Afghanistan, about the repression of human rights within the U.S.S.R., about the politicization of athletics. How President Carter decides this question will tell us much about whether, as he says, he has now learned something about communism's goals in today's world.●

---

## UKRAINIAN INDEPENDENCE DAY

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. RHODES. Mr. Speaker, January 22 marks the 62d anniversary of the establishment of a unified Ukrainian Republic. This new-won independence was short-lived, as the forces of communism soon invaded and took over the Ukraine.

It is fitting that we recall this anniversary of aggression, for today we find that the forces of collectivism again are on the march, and again are subjugating the peoples of a formerly independent country, Afghanistan.

While it would appear that this act of territorial seizure represents the triumph of communism, it may in the long run be the turning point of world opinion, and the starting point for united action which will halt the spread of communism.

For those of Ukrainian descent, it is a time to rekindle hope, and to appreciate the precious freedoms that so many in our Nation take for granted. It is a time to realize that only a strong America can defend those freedoms and offer hope for oppressed peoples to regain their independence.

The struggle for freedom is a never-ending battle, and though their homeland languishes under the ruthless totalitarianism of the Soviet Union today, those who strive for eventual freedom in the Ukraine show the world that their independent spirit is burning brightly.

I join my colleagues in memorializing this anniversary of the founding of the Ukrainian Republic, with the fervent wish that one day these freedom-loving people may again determine their own destinies.●

---

## 50TH ANNIVERSARY OF FOUNDING OF THE WOODS HOLE OCEANOGRAPHIC INSTITUTION

### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. STUDDS. Mr. Speaker, January 15 was the 50th anniversary of the formal founding of the Woods Hole Oceanographic Institution, which is one of our Nation's foremost institutions engaged in research in the world's oceans. During its first 50 years, the Woods Hole Oceanographic Institution has been involved in a great many important research projects to broaden man's knowledge of the oceans which cover two-thirds of the surface of the Earth. As we experience more and more competition for space and resources on land, the oceans are becoming a focus of efforts to accommodate our needs for expanded economic and recreational activities. I am certain that the Woods Hole Oceanographic Institution will continue to prove itself a national asset as it continues to broaden our knowledge of the oceans during its second 50 years.

For the information of my colleagues, I include an article describing the genesis and evolution of the Woods Hole Oceanographic Institution, and some of the important work it has performed during its first 50 years. The article is from the institution's pamphlet, "Research in the Sea."

#### WOODS HOLE AND THE OCEAN WORLD

The Woods Hole Oceanographic Institution is a part of a unique scientific community which began in the tiny village of Woods Hole more than a century ago.

In 1871, the first director of the U.S. Fish Commission, Spencer Fullerton Baird, came to Woods Hole to see if the village with its clear water and several harbors might offer a fitting site for a marine laboratory. By the mid-1880s his plans for a sustained biological survey of New England waters were well advanced. America's first specially designed research vessel, the *Albatross*, was being built, a laboratory and residence hall had just been completed at the end of Water Street, and the first of an endless stream of "summer scientists" were cheerfully descending upon the unsuspecting village.

Baird immediately realized that this combination of enthusiastic investigators working on fine collecting grounds would be the perfect environment for students, and he proposed to start a "summer university" similar in some respects to both Louis Agassiz' short-lived school of natural history on Penikese Island and the Women's Educational Association Laboratory at Annisquam. Although Baird died before implementing this plan, his friends took it up and in 1888 the Marine Biological Laboratory was begun.

The Laboratory's second director, Frank R. Lillie, became well known to the Rockefeller Foundation, and when projects were being sought, Lillie was asked for suggestions. He told the foundation that additional facilities for marine biology were needed on the east coast, and in the course of two years' correspondence the idea evolved into a plan for establishing an "Atlantic Oceanographic Institute."

This was formally recommended by the National Academy of Sciences, and in 1927 the Academy set up a committee on oceanography with Lillie as chairman. Its secretary, Henry Bryant Bigelow, was given the responsibility of writing a report on the status of American oceanography with recommendations for its encouragement.

His report suggested enlarging several established marine laboratories and creating a new oceanographic center on the east coast. It was submitted both to the Academy and to the Rockefeller Foundation. As anticipated, the Rockefeller Foundation granted the new Woods Hole Oceanographic Institution $2 million and pledged an additioanl $50,000 each year for ten years to cover operating expenses.

Within months work began on the main building (now the Bigelow building), plans were drawn up for the ketch *Atlantis*, an order was put in for the small collecting vessel *Asterias* (which the Institution still uses), and preliminary efforts were made to attract a staff for the summer of 1931.

Over the next several years, Bigelow enticed physiologists, bacteriologists, chemists, geologists, physical scientists, and an ichthyologist-business manager to come to Woods Hole for the summer months to study the complexities of the sea. The Oceanographic was started mainly as a summer institution, with an occasional oceanographer from the International Ice Patrol (which moved its headquarters to Woods Hole in 1932) using the lab in winter months while *Atlantis* made the first of her regular cruises which would cover more than one-half million miles over the next 35 years.

Then, with the advent of the Second World War, the Oceanographic radically changed its style. Columbus O'Donnell Iselin, a student of Bigelow's and the first master of the *Atlantis*, had just become the Institution's second director, and he had long been convinced that the Navy and the Oceanographic needed to cooperate on mutual problems. Consequently he accepted the challenge posed by the country's needs for military research. Projects such as those on sound transmission in seawater, marine fouling, and underwater explosives proliferated, and when the war ended, Iselin found himself with a staff of several hundred, assorted vessels, and an operating budget he could not possibly meet with the Institution's prewar endowment. Like many other laboratories, the Oceanographic had either to return to part-time, coastal work using private funds, or try to maintain its expanded level of operation by actively seeking government support.

The latter route was chosen, and soon Iselin and his staff were engaged in several large projects sponsored by the Office of Naval Research—one of the first agencies to support postwar marine work. In spite of the Navy's liberal interests, many scientists felt that a still broader base of support was needed so that disciplines lacking any apparent relevance to military needs would not be ignored. A National Science Foundation (NSF) was proposed to fill this need and was finally established in 1950. With its support—and with funds from many other sources as well—the first of the large, international programs of oceanographic and atmospheric research was launched in the International Geophysical Year of 1957. Six years later, costs for the Institution's new 210-foot *Atlantis II* were financed by NSF.

Since then the National Science Foundation share of support for Institution projects has steadily increased until it amounts to about forty-five percent of the operating budget today. *Oceanus*, our newest research vessel, was also funded by NSF. Other large oceanographic projects sponsored by NSF in which the Institution has participated include the International Indian Ocean Expedition, the Joint Oceanographic Institutions Deep Earth Sampling program, and the International Decade of Ocean Exploration (IDOE). During the '70s, IDOE has supported Institution participation in the Geochemical Ocean Sections Study designed to learn how the oceans mix over long periods of time, an extensive geophysical and geological study of the eastern Atlantic Continental Margin, submersible expeditions to plate tectonic spreading centers on the Mid-Atlantic Ridge, in the Caribbean's Cayman Trough, and in the eastern Pacific Ocean, and many other projects.

The Office of Naval Research has also continued to support the Oceanographic, providing a large share of contract funding to all departments and the all-important research platforms in the form of *Chain*, *Knorr*, and the submersible *Alvin*, whose operational support is currently shared by NSF, the Navy, and the National Oceanic and Atmospheric Administration.

Certainly, the Institution has changed a great deal in its nearly 50 years of existence. A largely summertime institution with a staff of some dozen persons and an operating budget of $85,000 has grown into an energetic full-time organization employing more than 800 people with an annual operating budget of some $25,000,000.

While growth was gradual, it quickly became apparent that space was at a premium for the expanded research programs. Expansion first began under Edward H. Smith, who succeeded Iselin as Director and served from 1950 to 1956. In 1954, the Laboratory of Oceanography (now named the Smith Laboratory) was built by the Navy to provide facilities for Navy contracts and to relieve intensifying requirements for space. Iselin returned as Director from 1956 to 1958, then was succeeded by Paul M. Fye.

The Laboratory for Marine Sciences was constructed in 1962-63 with a grant from NSF (and has since been named the Redfield Laboratory after Alfred C. Redfield, Senior Scientist Emeritus and former Associate Director of the Institution). In the late 1960s, the Oceanographic purchased a 183-acre site on Vineyard Sound in the Quissett section of Falmouth, less than two miles from Woods Hole. The Clark Laboratory, named for Institution benefactors Edna M. and Van Allen Clark, was constructed on the Quissett Campus in 1973-74 and now houses about 200 employees. Other facilities on the Quissett Campus include a Data and Earth Sample Center for sea-floor collections, a water sample library for the Geochemical Ocean Sections Study, and an Environmental Systems Laboratory for research in aquaculture and advanced treatment of waste water. Headquarters of the Atlantic-Gulf of Mexico Branch of the United States Geological Survey is also located there. John H. Steele became Director in late 1977, and Paul M. Fye continues as President of the Corporation.

Education, as well as research, has precipitated growth. In 1967, the Institution's charter was changed to permit the granting of graduate degrees in oceanography, and a program leading to a doctoral degree in oceanography was established with MIT. Still more recently, a Marine Policy and Ocean Management Program was established in cooperation with MIT, Harvard, and the Fletcher School of Law and Diplomacy at Tufts University to investigate and define the growing number of important questions concerning the uses, rights, and ownership of the ocean and its resources.

This last area of research is becoming increasingly important to Woods Hole and to the marine sciences in general. As advancing technology makes ocean resources more exploitable, conflicting concepts and interpretations of national jurisdiction over territorial waters remain, threatening the traditional freedom of the seas enjoyed by the marine sciences and necessary for their research.

In the words of Institution President Fye: "We must preserve the scientific freedoms for research at sea simply because of the intrinsic value and innate worth of knowledge about the oceans. Knowledge for the sake of knowledge is not a popular thesis today. Some would say we have too much knowledge and not enough understanding; others would downgrade the value of knowledge completely, but these philosophies do not provide a basis for man to evolve to a higher quality of life or to make progress toward greater world understanding. Knowledge does have intrinsic value, whether applied or not. I make no apology for the usefulness of what we know about the oceans or the value of such knowledge. We must, however, reestablish a respect for the value of new knowledge; we must recognize that scientific research as an intellectual endeavor is of great worth and that artificial inhibitions to man's understanding of the waters of the earth can only devalue rather than enhance our common heritage."

The oceans, as the common heritage of mankind, have been the concern of the Woods Hole Oceanographic Institution for as long as it has existed. Understanding them and seeking their wise use is our continuing challenge.●

---

## HELPING THOSE DISPLACED BY THE GOVERNMENT

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mrs. SCHROEDER. Mr. Speaker, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) was passed, after 10 years of congressional work, to address a national scandal—the administrative indifference to the plight of those left without roofs over their heads as a result of highway, urban renewal, and other Federal programs of the 1950's and 1960's.

When the URA passed the House of Representatives on December 7, 1970, Representative Fallon of Maryland praised the bill as needed legislation:

> It will give every citizen in the country an opportunity to get fair and equitable treatment from the Federal Government whenever any one of the many Federal grant or federally-assisted programs move in to replace persons' homes, apartment dwellings or acquire their property.

The severity of the national scandal still exists today. The strength of Representative Fallon's words and the assistance itself withered over the past decade. Regulatory agencies have created loopholes in the law by leaving areas of government involvement immune to assistance requirements. One such area, for example, is property which a private developer acquires pursuant to a HUD-subsidized program.

The courts have also limited relocation assistance by several narrow interpretations of the statute's definitions. In Blount against Harris, a Federal district court decided that the URA does not cover persons displaced because of HUD's acquisition of a dwelling resulting from a federally insured mortgage default. The court, however, suggested that Congress revise the statute to address this need.

The legislation I am introducing today would address the needs of those displaced but ineligible to receive assistance. My amendments to the Uniform Relocation Assistance Act would broaden the scope of eligibility by expanding the definition of displaced person. They would also, in effect, increase the number of Federal projects under which relocation assistance would be given. Business owners, homeowners, and tenants would receive relocation services or an adequate assistance payment.

The Senate has been working on this issue for some time. The Senate Subcommittee on Intergovernmental Relations held hearings last fall to study S. 1108, its revisions to the URA, introduced by Senator SASSER.

As we go into the 1980's, we have got to keep our sights on the Federal Government's tendency to ride roughshod over people in the name of progress. Confidence in Government would be restored if people knew that Washington faced up to its responsibility of taking care of those it displaces.●

---

## HAPPY BIRTHDAY RICHMOND BARTHÉ

## HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. MOORHEAD of California. Mr. Speaker, artist Richmond Barthé, one of Pasadena, California's most distinguished citizens, will be honored with a luncheon and salute to celebrate his 80th birthday on Sunday afternoon, January 27. James Garner, star of the popular TV series "The Rockford Files," will serve as honorary chairman of the event.

Mr. Barthé began his art career as a painter but changed his method of expression to sculpture in 1928. He received his early training at the Chicago Art Institute and at one time was a student of Charles Schroeder. He holds an honorary M.A. degree from Xavier University in New Orleans, La., and an honorary Ph. D. of fine arts from St. Francis College in Brooklyn, N.Y. In addition, he has received a citation and award from both the American and National Academies of Arts & Letters and is holder of the Audubon Artists' Gold Medal of Honor.

This fine artist has held a number of one-man shows and has exhibited in nearly all the well-known museums across America, as well as in Adyar, India, and St. Ann's Bay, Jamaica, W.I. His work has ranged from designing coins for the Government of Haiti to designing an 80-foot frieze for the Kingsbury housing project in New York City. He designed, also, the Touissaint L'Ouvertura and Dessalines monuments for the Haitian Government.

The work of this outstanding black artist is represented in private collections around the world—in Austria, Italy, Spain, Romania, Germany, France, England, Canada, Venezuela, Virgin Islands, Africa, Jamaica, Denmark, Switzerland, and Morocco.

Among Mr. Barthé's most famous works are the busts he did of Booker T. Washington and Dr. George Washington Carver for the Hall of Fame for Great Americans in 1976. He also fashioned a bust and a small figure of Paul Robeson for theater awards of Actors' Equity.

We of California's 22d District are justly proud of Richmond Barthé and of his outstanding contributions to America's culture. I know my colleagues join me in saying "Happy 80th Birthday! Richmond Barthé. May this day of celebration mark the beginning of your greatest year to date."●

---

## VERN CROSS—1980 SAN PEDRO MAN OF THE YEAR

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. ANDERSON of California. Mr. Speaker, I take pleasure in bringing to the attention of my colleagues today the news that Vern Cross has been selected by the San Pedro Lions Club as its Man of the Year for 1980. On January 30 the friends and associates of this outstanding citizen will gather to honor him for the countless ways in which he has contributed to the betterment of his community.

The list of leadership positions he has held is long and impressive. He is past president of the San Pedro Chamber of Commerce; past president and lieutenant governor of the San Pedro Optimist Club; past president of the Weymouth Corners Merchants Association; past commander of Veterans of Foreign Wars, Harbor Post; past chairman of the Cancer Fund; and past president of the Kings View Homeowners Association.

In addition, he is president of the Salvation Army Board; a trustee of the South Bay Economic Education Foundation; and a board member of the San Pedro Hospital Foundation, the Boys Club and the meals on wheels program. Numerous other clubs also enjoy his active participation. These include the Elks Club, the Los Angeles Harbor Shrine Club, the South Bay Pharmaceutical Association, and the American Legion.

Along with the admiration he has earned by his involvement in community organizations, Vern Cross has established himself as a success in the business community. In the early fifties, after studies at the University of South Dakota, he founded Cross Pharmacy, a neighborhood store located on the corner of Weymouth Avenue and Eighth Street in San Pedro. The store and the strong community support it received has fulfilled a life-long dream for Vern Cross.

Though he is still devoted to his work at the Cross Pharmacy and participation in civic affairs, he now spends more time with his wife, Lillian, in their home in Rancho Palos Verdes.

Mr. Speaker, a finer choice for Man of the Year honors could not have been made. Vern Cross has demonstrated time and time again through his involvement and generosity that he is truly a unique individual.

My wife, Lee, joins me in congratulating Vern Cross on receiving this well-deserved honor. We also extend to him, his wife, Lillian, and their children, Tyke Ann and Ron, our best wishes for a prosperous future.●

---

## ONE WAY TO SAVE ENERGY

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BROWN of California. Mr. Speaker, as we grope around for ways to save energy, and reduce our dependence upon foreign oil, it is necessary for us to consider the tax method. A recent guest editorial in the Los Angeles Times by Stanley Hart is one of the more cogent arguments I have seen on this subject. Our colleague, JOHN ANDERSON, is advocating a similar approach, as most Members of this body know.

What is not as well known is the fact that energy experts are increasingly reaching the same conclusion. While the recent report by the National Academy of Sciences, entitled "Energy in Transition: 1985-2010" does not explicitly endorse higher energy prices, or a federally imposed gasoline tax, the following "Policy Recommendations" from this report are worthy of review:

### EXCERPT FROM ENERGY IN TRANSITION 1985-2010

(Final report of the Committee on Nuclear and Alternative Energy Systems, National Research Council)

#### POLICY RECOMMENDATIONS

The analyses described in this chapter depend generally on the plausible assumption that energy prices will continue rising to reflect scarcity and intensified world competition for supplies; increasingly expensive discovery, extraction, and conversion of energy resources; the costs of environmental protection and repair; and so on. The willingness to invest in capital substitutions for energy and to practice energy conservation clearly rises or falls with changes in the anticipated price of energy. Conservation of energy represents a middle- to long-range investment; if the investment is to be made, the signals the economy reads from prices for energy must be unambiguous, and the trends reasonably predictable over the lifetimes of normal investments.

However, because even accurate, widely noted market signals are sometimes insufficient to guide market decisions in the direction of energy conservation—as, for example, when the total cost of owning and operating a particular facility, appliance, or process is relatively insensitive to energy efficiency—price alone cannot carry the burden of effective conservation policy.

At a minimum, energy prices should rise smoothly to levels that reflect the incremental cost to society of producing and using additional secure sources of energy. Environmental costs—coal mine reclamation, emission controls, and the like—must be incorporated in the price of energy. Subsidies to energy users, such as price controls and crude oil entitlements, should be eliminated over time.

For such a pricing policy to have its greatest effect, consumers must be provided with the most accurate possible information on its implications. That is, the energy costs of appliances, building features, and industrial equipment must be as clearly as possible referrable to the corresponding initial costs, so that consumers can make the necessary cost trade-offs with ease. Labeling appliances to indicate their energy consumptions is a good first step for the benefit of individual consumers; publicizing the energy tradeoffs in various forms of insulation and other building improvements would also yield substantial benefits.

For many industrial processes, adoption of energy-conservative technology is balked by uncertainty about its costs and benefits, and most industrial establishments tend to be conservative in making such decisions in the face of uncertainty (though when the benefits are obvious, industrial energy consumers are probably quicker to seize them than household consumers). It might therefore be beneficial to carry on a few government-supported demonstrations of promising technologies in actual industrial situations. Investment tax credits to encourage conservation investments would also be useful, especially for inducing more efficient use of oil and natural gas, as in cogeneration or integrated utility systems.

Where energy prices are insufficient to induce the appropriate, economically rational responses from consumers—as they are, for example, in the case of the automobile—they could be supplemented by nonprice measures. Mandatory fuel economy standards, installation of peak load charges or cutoff devices on certain energy-intensive-equipment, thermal integrity standards for buildings, and other similar measures may all be useful policy instruments.

The scope of this study did not allow us to explore deeply the potential conflicts between energy policy and other national goals. We are particularly concerned that higher prices for energy may affect inequitably those least able to pay—low-income households in rental housing, small businesses—or particular regions of the country. Public policy must attend to the untoward consequences of higher prices. However, compensation to disadvantaged consumers should take the form of discretionary funds rather than being tied directly to energy (as it would be, for example, with "energy stamps"). Otherwise such consumers would have no incentive to make energy-conserving investments.

Several economic analyses suggest that policies tending to reduce energy consumption per unit of output also tend to increase labor inputs. Thus, investing capital to increase energy efficiency is likely to generate more employment than investing the same capital to increase energy supply. It has been suggested that taxing energy to increase energy prices and devoting the revenue thus derived to reducing employment taxes is likely to reinforce the substitution of labor for energy.

The committee has not discussed these arguments in detail, nor has it addressed the political feasibility of such adjustments. The several implications for policy justify further investigation and evaluation. Federal and state programs to provide financial resources for conservation investments also encourage job creation.

While conservation measures can be selected with an eye to other national objectives—the most important of which may be social equity—they should not be unduly encumbered by competing demands. The resolution of social inequity, for example, deserves its own instruments. The amount of energy consumed in the future will be determined by economic evolution in the market place, and by events and forces many of which cannot now be foreseen. General directions can be selected for the growth of consumption, but attempts to plot the future in detail are likely to founder on the unexpected cumulative effects of many small decisions. We have attempted here only to sketch possible patterns of growth, and to indicate how these might be affected by various near-term choices.

Mr. Speaker, at this time I wish to include the guest editorial by Stanley Hart in the CONGRESSIONAL RECORD.

[From the Los Angeles Times, Jan. 3, 1980]

### LET'S TAX THE HELL OUT OF GASOLINE

(By Stanley Hart)

Events in Iran clearly illustrate America's overdependence on foreign oil. Our problem with oil is not its shortage, but its unbelievable misuse. Consumption must be reduced sharply. A high tax on gasoline is the best way to accomplish this.

The tax should be used to support city and county government, ultimately replacing property and sales taxes as well as the Social Security tax. Such a gas tax is justified by the heavy economic costs imposed on society by motorists.

In recent years U.S. oil consumption has risen 7 percent annually. We now consume 33 percent of the world's entire oil production. Our overuse creates the seller's market that is the crucial condition permitting the monopoly of the Organization of Petroleum Exporting Countries.

America's per-capita gasoline consumption is 4½ times that of France and more than seven times that of Japan—clearly an immoral use of an essential but diminishing commodity. Fifty percent of our consumption is devoted to transportation, mostly by private cars and freight. The inefficiency of American vehicles is well known; it would not be entirely inaccurate to say that the power of. OPEC and Iran oil power were made in Detroit. If the United States has been humiliated, it is because its industry and many of its citizens have acted irresponsibly.

The health of the nation demands that automobile use and automobile inefficiency be radically reduced, but voluntary reduction simply will not work. Those who are asked to sacrifice expect such sacrifice to be borne equally by others as well—an expectation impossible to meet in our society. Rationing would be effective only for a short time. It would also require a new and likely unwieldy bureaucracy to enforce compliance.

Much more effective would be a new, heavy tax on gasoline and diesel oil. It would be the most effective rational and equitable solution, though perhaps not the most palatable politically. The tax should be increased incrementally over two or three years, with proceeds reserved for city and county government use. This would fully replace the unfair and regressive sales and property taxes as well as the Social Security tax, thereby correcting a longstanding inequity.

Many Americans believe that the relatively small—about 11 cents per gallon—tax on gasoline pays for all costs connected with motoring. This is a dangerous misapprehension; while all forms of passenger transportation are subsidized, such support for motorists is among the strongest. Substantial subsidies are provided by local municipal services, such as funds collected through parking fees, hospital-care payments, road and street construction and maintenance, the courts, and police and fire protection.

These costs are an important part of city and county budgets. But, while government costs rose with inflation, gas-tax and license-fee contributions to local government did not. Property taxes were raised to make up the difference. This was the principal cause of the rapid rise in California's property-tax levels between 1975 and 1978, which led to the passage of Proposition 13.

Local governments are not alone in furnishing aid and comfort to motorists. Retail businesses as well as landlords are often required to furnish parking for customers and tenants—a substantial hidden cost contained in the price paid for goods.

Parking, roads and other auto-related uses take up 40 percent of all space in urban areas (60 percent in central business districts)—space that provides neither a return on investment nor taxes to support, the community. It also creates urban sprawl, thus increasing travel and real-estate costs, as well as gobbling up prime agricultural land. These costs are borne by all of society, not solely by motorists who alone benefit from the misuse of this land. In addition, motorists' subsidies, costs that are hidden in grocery and the tax bills, are matched by the demand and cost of dealing with automotive air pollution.

Smog has two sisters—acid rain and the so-called "greenhouse effect." Acid rain occurs when rain is mixed with the elements produced from burning fossil fuels. Often such acid rain falls hundreds of miles away from where it is created by cars and power plants, causing fish and plants and even trees to wither and die. Indeed, many lakes in New York and Canada can no longer support life as a result of acid rain.

The carbon-dioxide level in the earth's atmosphere—the "greenhouse effect"—is increasing at alarming rates. Its effect on the planet's climate is not yet fully understood, but it is believed that such high levels of carbon dioxide are likely to be unfavorable to all but plant life. The ecological cost will no doubt worsen if we continue to consume fuel in such a profligate manner. Synthetic fuels can only exacerbate these effects.

But, many would argue, jobs and prosperity depend on high levels of oil consumption. The contrary is true; the excessive use of oil helps create the foreign-trade deficits that are a significant cause of U.S. inflation. The resulting waste and inefficiency handicap American industry in both domestic and overseas marketing of American goods.

The elimination of American gas-guzzlers would increase the marketability of rational, efficient automobiles, thereby decreasing American costs, and permitting Detroit and American industry generally to become competitive with foreign industry. This would return many jobs to American workers. To be sure, both industry and labor would be inconvenienced, but, if gas inefficiency is not curbed, societal dislocation will be far worse—and there will be even fewer jobs.

Another often-heard argument is that an increased gasoline tax would hurt the poor—that it would be more regressive than the property and sales taxes that it would replace. Property taxes—whether paid by property owners, landlords or industry—must eventually come from consumers' pockets. The sales tax is simply more direct. But the gasoline tax could be reduced or avoided by driving less, replacing an inefficient car, walking, bicycling or using public transit.

With new patronage, truly effective public transit would be built, thus creating better transportation for everyone—the poor, the elderly, the young and the handicapped—and the motorists as well. If this were to be done, poor people no longer would be forced to support their automobiles—their costly and regressive burden.

Conservation is the best strategy for solving our energy dilemma. Nothing else will help unless oil consumption is cut back sharply. Unfortunately, most politicians believe that voters will not face the painful necessity of resource management.

Americans are a pragmatic people, and energy is a national issue. Americans are tolerant; the fuel tax is consistent with that tradition, because it gives citizens the freedom to purchase and use gasoline without inconvenience or hindrance, requiring only that the community be reimbursed for the costs imposed on it.

Full-cost pricing of motor fuels would speed the removal of American Batmobiles in favor of more fuel-efficient cars; place most of the price where it belongs, at the gas pump, and keep our money out of Arab oil-industry pockets. This may be more than a good method of solving our energy problem; it may be the only method.●

---

## REPORT TO THE PEOPLE

## HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. ZABLOCKI. Mr. Speaker, at the end of every session of Congress I traditionally submit for the record a summary of the accomplishments of the Congress. Once again, as we resume business, I am pleased to offer this report which will be shared with my constituents in the Fourth District of Wisconsin, who I have the honor of representing in the House of Representatives.

Mr. Speaker, 1979 challenged the 1st session of the 96th Congress to deal with serious problems, the foremost of which were energy and economic ills. While the earlier-predicted 1979 recession did not materialize to the extent expected, it cannot be assumed that our problems will disappear. Already we are hearing pessimistic economic forecasts for the future. The Congress, along with effective leadership from the White House and participation of the American people I believe, can, and will meet the challenges of the future.

Mr. Speaker, the 1st session of the 96th Congress laid the foundations for effective future policy. Given the uncertain economic climate, Congress has been careful to avoid drastic shifts in policy that would aggravate tenuous situations. Instead, Members have worked hard to enable the Federal Government to move quickly to cushion most of the Nation from the full impact of a recession should it arrive. Recently, the House approved a $2 billion standby local public works program to be triggered if unemployment reaches 6.5 percent. It is significant that the present national unemployment figure is down to 5.8 percent. In Milwaukee County, I am pleased to point out, the unemployment rate is well below the national average, at 4.1 percent.

The 1st session of the 96th Congress emphasized restraint and a careful review of reauthorizations. We were determined not to create new programs but stressed the importance of improving existing ones. Our second budget resolution contained the lowest deficit in real terms in 6 years. Mr. Speaker, I believe this cautious approach to the problems of our society was in keeping with the wishes of the American people and important to establishing a sound foundation for good programs. It is that strong foundation on which we will further build in the 2d session of the 96th Congress.

### ECONOMY

During the 1st session of the 96th Congress the House of Representatives took measures to address the economic ills of this country. While the complex problems are yet to be solved, economic recovery was foremost on the agenda and will remain so well into the second session. In the area in which the Congress can most directly apply pressure against inflation—the Federal budget—the Congress has followed a path of fiscal restraint.

For example, the budget deficit has been wisely reduced. The figure contained in the second budget resolution, $29.8 billion, is nearly $3 billion lower than the administration's adjusted budget, and less than one-half the sizes of the recession high $66.5 billion during the last year of the previous administration. Significantly, growth in spending is not due to new spending programs but reflects increased demands for funds for income security, defense, and energy.

In the area of economic development and public works, both Houses of Congress passed bills to assist economically distressed communities in attracting and retaining local business investment and industrial activity. That bill is presently in conference to resolve disparities but I am confident that early in the second session an equitable compromise will be reached and cleared for the President's signature.

Jobs continued to receive high priority consideration by our colleagues and me. The House passed its standby public works program as a safeguard against returning to high unemployment. In addition, to assist the predicament of the Chrysler Corp., the Congress cleared a $1.5 billion loan guarantee to prevent mass unemployment and economic decline. Of course, that bill required the corporation to obtain almost $2 billion in additional financing from non-Federal sources. It is worth noting that an estimated 100,000 jobs were saved by this measure.

Finally, in reviewing our activities in the economic recovery realm, we cannot forget actions taken in trade legislation, particularly, the Trade Agreements Act of 1979. This new law approves and implements the trade agreements negotiated in the Tokyo round of the multilateral trade negotiations (MTN). This law is the largest single trade agreement in U.S. history—one that will expand markets for U.S. products abroad and thus help create American jobs, improve our balance of trade, bolster the dollar, and ease inflation.

### ENERGY

Mr. Speaker, the recent tragic events in Iran and the uncertainty existing today in the Middle East underscore the growing necessity of reducing our reliance on foreign oil.

This country can and must develop its own resources, explore new and different alternatives to traditional energy sources, and above all, conserve.

The Congress worked on energy legislation in a comprehensive fashion. Realizing the mass chaos and disorder that could result in the event of a severe gasoline shortage, we passed legislation allowing the President to develop a standby gas rationing plan. That plan will be under constant review by Congress to assure that it responsibly and equitably prepares us in the event of a severe shortfall in supplies. In addition, the House and Senate conferees are presently working out differences in fast track legislation to expedite the licensing of energy projects. The intent of the bills is to create an Energy Mobilization Board providing the authority to cut through Government redtape and expedite urgent projects which will move us toward energy independence.

The synthetic fuels bill, presently in conference, directs the President to achieve a national goal of 2 million barrels a day in synthetic fuels by 1990. In the same vein, we passed the solar incentives bill which is expected to ultimately clear the Solar Bank to subsidize loans of up to 40 percent of the amount borrowed available to all families for the installation of solar equipment. The Low Income Fuel Assistance Act, which was signed into law, was a response to the need of our country's poor for assistance in meeting skyrocketing fuel bills during the cold winter months.

In analyzing the windfall profits which the oil companies might reap as a result of deregulation, the Congress also moved to tax the excessive profits, earmarking receipts to finance new energy development, mass transit and assistance programs. I voted for a strong version of this legislation, believing that the oil companies as well as the American people must share the burdens during this energy crisis.

### SENIOR CITIZENS AND VETERANS

Mr. Speaker, unfortunately our Nation's elderly citizens often suffer most of the brunt of our economic problems. It is the elderly who continually struggle to make ends meet which is an unfortunate and inequitable reality in this country of abundance. Over the years, previous Congresses have enacted measures which gave impetus to the elderly's plight in society. We now have a successful meal program in our Nation and in Milwaukee County as a result of Federal legislation; we have begun making progress toward the elimination of job discrimination against the elderly; and, we now see automatic social security cost-of-living increases. Importantly, this Congress cleared a bill which includes low-fare provisions for the elderly and handicapped on Amtrak.

Nevertheless, the 96th Congress must take additional action. Pending before the Congress is legislation to provide alternatives to expensive institutional health care, medicare and medicaid reform, and social security improvements for spouses and pension reform. Undoubtedly, these reform measures will be enacted in the second session of this Congress. Our elderly deserve to be given high and immediate priority.

By the same token, our Nation's veterans deserve support from their country for having given to their Nation in its time of need. The Congress, recognizing difficulties facing veterans, enacted several measures: A major new health law which establishes a readjustment counseling program for Vietnam veterans, a 5-year pilot program in preventive health care for certain disabled veterans, and a 5-year pilot program for treatment of drug and alcohol abuse which became law. We also passed a new law to provide a 9.9-percent increase in disability compensation for veterans and in survivors' benefits. The measure will benefit approximately 2.3 million disabled veterans and 345,000 survivors. In addition, the House passed a bill to revise the vocational rehabilitation program for veterans and to broaden the types of help that could be provided to eligible veterans. We are hopeful that the Senate will act favorably on this bill.

### SOCIAL SERVICES HEALTH AND EDUCATION

In the area of social services, this session made important strides forward. The House passed a landmark welfare reform bill which emphasizes family unification and added incentives for work.

The first bill of its kind, this measure is designed to ease the fiscal burden on the States and tighten and reform program administration. We also passed a bill to focus on the problems of homeless and neglected children. This bill, presently in conference, is designed to support adoption and health services for needy and abused children. In my opinion, no child in a country as advanced as ours should go neglected or unwanted.

Two new laws addressed additional health needs. First, a health systems agency planning grant was enacted to continue the health agencies which ultimately save the taxpayers' money in effective planning. Second, a new authorization for emergency medicine and a program on sudden-infant-death syndrome—crib death—provide vital assistance in response to real needs.

Education assistance was also considered by the Congress. A responsible nurse training bill was signed into law. In addition, the House passed a bill extending through fiscal 1985 the principal Federal support programs of the Higher Education Act of 1965. Funding is included for student aid programs and continuing adult education programs. Additionally, the Congress responded to the growing emphasis on improving education in this country by establishing a new Department of Education.

While I had strong reservations concerning the creation of a new Department, after receiving personal assurances from the President that the programs would be streamlined, costs would be reduced and nonpublic education would be given appropriate consideration, I ultimately supported the legislation.

### TRANSPORTATION

Mr. Speaker, the movement of goods and services as well as individual travel has always been vital in our mobile society. In view of the energy situation, transportation currently is even more important than it has been in the past.

The Congress took timely action to continue current operation of railroads that serve shipping needs of the West and Midwest. The Milwaukee Road legislation, which I was pleased to cosponsor, allowed the continued operation of the railroad while measures to bolster the ailing railroad are examined. Congress also authorized $2.2 billion over 3 years for the continued operation of Amtrak and in an effort to preserve trains with high ridership during an energy crisis, restored several of the lines recommended for cutbacks. Also related to the energy problem, the Congress is now reviewing an administration 10-year program costing $13 billion to increase the capabilities of mass transit systems across the country.

### FOREIGN AFFAIRS COMMITTEE

Mr. Speaker, as chairman of the House Foreign Affairs Committee I am pleased to highlight some of the accomplishments of this session in the field of international relations. Our committee, in reporting authorization measures, sought to achieve the Nation's long-range foreign affairs objectives while holding spending within budget ceilings in the fight against inflation.

The Congress enacted into law the authorizations required for the conduct of U.S. foreign policy. Implementing legislation was approved to protect U.S. interests in Panama following Senate ratification of treaties ultimately transferring ownership and operation of the canal to Panama. The Export Administration Act was amended to provide significant improvement in U.S. controls over strategic exports. Finally, our committee responded quickly in reporting relief measures after the hurricane disaster in the Caribbean and the famine in Cambodia. Both emergency measures were approved by Congress.

Under the auspices of the Subcommittee on International Security and Scientific Affairs, which I also have the honor of chairing, legislation improving and reauthorizing the Arms Control and Disarmament Agency was enacted into law. The subcommittee also held hearings on a wide range of subjects within its jurisidiction. We heard the testimony of experts and administration witnesses in the fields of security assistance, conventional arms transfers, the Middle East, nuclear nonproliferation, and others. Based upon testimony received, and our analysis of these issues, the subcommittee will continue to play an important role in the shaping of U.S. foreign policy.

At this point I would like to express my appreciation to you, Mr. Speaker, for your leadership and to our colleagues for their cooperation and hard work during the 1st session of the 96th Congress. While we have a great deal farther to go in the 2d session, we have laid the groundwork for important measures. We can look forward to final action on our pending energy bills. We must address inflation head-on. We must move forward with a national health security bill; we must further social justice, lessen unemployment, and respond to the needs of our elderly. We must protect the rights of the unborn and make this world a better place to live for future generations. Toward these ends I pledge my support to you, Mr. Speaker, and for our administration.●

---

## WHO CAUSED THE IRANIAN CRISIS? CARTER DID

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. ASHBROOK. Mr. Speaker, it has now been over 80 days that our citizens have gone through the hell of being hostages in the American Embassy in Tehran. Since the mobs surged into the Embassy compound in November the United States has suffered one shock wave after another as an entire region of the world has been engulfed in the maelstrom of unrest. We have even witnessed how the ever-opportunistic Soviets took the opportunity to grab Afghanistan and possibly prepare for other thrusts within the region. Americans have not gone through such turmoil abroad in recent history.

Out of a need to rally around some symbol of authority during these turbulent times the United States has chosen the traditional course of pouring out support for the President of the United States. Under most circumstances such support would greatly aid the ability of this Nation to react forcefully to bring the situation under control. However, this President is Jimmy Carter. From the beginning of his term in the White House he has tried to appease everyone but the friends and allies of America and has listened to everyone but the American people. The surge of support for the President has unwittingly provided a renewed mandate for the one person who deserves it the least.

If the current crisis in Iran and elsewhere in the Middle East resolves itself there may come a day when this Nation begins to piece together the course of events that led to the mobs in the streets of Tehran, to the Embassy takeover, to the bloodletting in the small towns and villages in Iran, and to the Soviet invasion of the region. When that day comes the record must show that the United States, or more specifically, Jimmy Carter, made some decisions that put the rest of the tragedy in motion. As usual, the reasons given for the decisions is the ongoing view that by supporting enemies and hurting friends America will somehow be better off. This time the perversity of this policy resulted in death, destruction, hostages, and Soviet expansion. Hopefully the American people will begin to understand this linkage and cast out of office the chief menace to America's position in the world—James Earl Carter.

A recent article in the Washington Post provides a lucid account of the building blocks of America's demise in Iran. I urge my colleagues, and all Americans to read and learn:

### DID WE HEAD OFF A BLOODBATH IN IRAN?—THE SHAH'S GENERALS WERE READY TO SEIZE POWER; A TOUGH AMERICAN FACED THEM DOWN

(By Richard T. Sale)

On or about Jan. 3, 1979, Air Force Gen. Robert E. (Dutch) Huyser, second in command of all U.S. forces in Europe, arrived in Tehran at the express direction of President Carter. By late 1978, it had become clear that Iran was coming apart. A series of general strikes had brought its economic life to a standstill. A military government installed by the shah in November had been unable to restore order. In December, 2 million followers of the exiled Ayatollah Khomeini marched through Tehran's streets crying, "Death to the shah!" Riots broke out in Isfahan, then in Ahwaz, where an American oilman was murdered. On Dec. 24, the U.S. embassy in Tehran was attacked.

It was plain the shah's grip was growing very weak. On Jan. 4 he agreed to take a "vacation" and he appointed Shahpour Bakhtiar to head an interim civilian government. It was at this point that the stocky, heavy-set figure of Dutch Huyser appeared on the scene.

According to press reports at the time, Huyser brought with him the shah's last hope. Huyser's job was to marshal support for Bakhtiar and make sure that the awkward, shaky new new government did not fall victim to a military coup. Huyser reportedly accomplished this mission and went home.

On Nov. 4, 1979, the first hints appeared that Huyser's trip may in fact have had a different purpose. Gen. Alexander Haig Jr., the former NATO commander and Huyser's superior officer, claimed in a private talk that Carter had sent Huyser to Iran not to help Bakhtiar but to hasten the shah's fall. The charge was soon echoed by Shah Mohammed Reza Pahlavi himself. In December, in excerpts from a book to be published this month, the shah claimed Huyser had arrived in Iran "with the clear purpose" of neutralizing the Iranian army and thus aiding in his overthrow.

After two days of denials, a high Pentagon official confirmed that the shah's statements "are essentially accurate."

Huyser, now head of the Military Airlift Command at Scott Air Force Base, Ill., has refused to be interviewed. The following account of his mission has been pieced together from U.S. intelligence sources, former officials of the U.S. embassy in Tehran and high-level State Department and National Security Council sources.

The results of these interviews challenge previous accounts of Carter administration support for the shah.

We had been told repeatedly that the president's support for the shah was unwavering; that there had been a massive "intelligence failure" of stupendous proportions because the United States had not been able to interpret correctly the depth of popular discontent in Iran. We were also told that the Carter administration had had no contact with Khomeini or his representatives, and that the rise of the ayatollah had taken U.S. policy makers by surprise.

In the light of new information, none of these assertions would appear to be true. According to high State Department and Pentagon sources, the purpose of Huyser's mission was to "pull the rug out on the shah." These sources say Huyser's marching orders were:

1. To tell the shah that his days were numbered: a new day was dawning in Iran, the U.S. policy of support had changed, and he was "to see it our way" or economic pressure would be applied "until he saw it our way."

2. To tell the shah that he was to leave Iran immediately, since his presence was a continuing source of unrest among the country's top military leaders.

3. To stop any pro-shah military coup and clear the way for Khomeini's return by warning the U.S.-trained generals that if they moved to seize power the United States would cut off all aid.

"By November 1978, our options had narrowed greatly," said a high State Department official who claims that "at a policy level" the return of Khomeini was under constant discussion at that time. There was apparently no other choice. "Any political compromise like Bakhtiar never had a chance," he said. "It was simply too late to save the Pahlavis."

Authoritive State Department sources claim that Khomeini was well known to Carter administration officials as early as March 1977, and that he was already looked on as the main opponent and probable successor to the shah.

"The shah's departure was being discussed as a serious option by early 1977," said a highly placed administration source, who named NSC staffer Robert Hunter as playing a key part. From the summer of 1977 on, military sources claim, U.S. intelligence reports in Tehran were accurately predicting that the shah would not survive. One group of military analysts, headed by Air Force Lt. Col. "Scotty" Wilson, forecast that the shah would fall by March 21, 1978, the Iranian New Year, and that the United States would be expelled from Iran shortly thereafter. "All reports went to Gen. Philippe Gast [head of the U.S. military mission in Iran], from Gast to the embassy's political officer, and from him to Ambassador [William] Sullivan," said one sensitively placed official.

By May 1978, a former diplomat has said, Sullivan was estimating in private conversations that the shah had less than a 50-50 chance of surviving. Other diplomatic officials acknowledge that in the fall of 1978, meetings between Khomeini representatives and such Carter administration go-betweens as former attorney general Ramsey Clark were taking place in Washington, New York and Paris.

In Tehran, meanwhile, the Iranian army commanders, feeling the United States gingerly withdrawing its support and uncertain as to just what American policy was, began to block out plans to save their country through the ruthless use of military force. The planners were men like Lt. Gen. Manourchehr Khosrowdad, head of army aviation and commander of the paratroops, Lt. Gen. Hussein Rabii, the air force commander, and Lt. Gen. Gholam Oveissi, commander of ground forces and martial law administrator of Tehran.

"The view of someone like Khosrowdad was that if you killed only a few demonstrators, you had only made martyrs, but if you killed 100,000, it still left you with 35 million people plus you had made an object lesson," said one insider. The shah's generals, he added, were ready to administer that lesson.

Throughout the latter part of 1978, the generals waited for word from their king to move. It never came. "What nobody counted on was the total collapse of the shah," said a State Department official. "By November, Sullivan was saying in conversations that the shah was quite incapable of making a decision." A diplomat formerly in Tehran said the generals "had expected a monarch . . . Instead, they got this boyish, fatalistic, mortally paralyzed man."

According to these men, as the shah became more confused and as his depression grew more deep, he became more willing to compromise. On or about Dec. 12, in the presence of U.S. officials and making bittersweet jokes, the shah signed a compromise plan that had been arranged by two of Khomeini's key aides. Under its terms, the shah had to leave Iran immediately but a four-man regency council headed by the old National Front leader Dr. Kerim Sanjabi would rule in his place. Free elections would be held in three months; until then, the Pahlavi dynasty would be preserved.

One of the compromise's authors was Hassan Nazih, who would become head of the National Iranian Oil Co. in the new Khomeini government. The other was Ayatollah Sayed Beheshti, whose house had been the apex of the secret Khoneini apparatus in Iran throughout the revolution, the distribution point for the flood of Khomeini speeches on printed sheets or recorded in Farsi on cassettes from Paris, speeches that called for the Pahlavi regime to be cast into "the garbage can of history."

But in Washington by then there was no unanimity of policy. Many segments of the administration were maneuvering at cross-purposes. For example, the Iran Working Group at the State Department was behind the proposal, while key NSC staffers and other high State officials were opposed. "I believe it would have failed," said one. "By that time, anything that would have kept the shah on the throne had no chance of success."

Others believed the shah signed because he'd been "playing for time." "He was trying to appease U.S. policy makers," one analyst said, "or what he thought was U.S. policy."

One thing was clear. The shah's willingness to leave his country gave his generals a bad scare. They grew ugly. One cold, bright December morning, a delegation of all the heads of Iran's armed services appeared at the shah's Niavarin Palace. "They told him that if he left the country, they'd tear the place to pieces," said a State Department official. In an interview last April with a high-level U.S. official, Gen. Gholam Reza Azhari, the shah's former chief of staff who became prime minister of the military government Nov. 6, told of having stopped the shah from leaving so many times that once the monarch had come to him and asked, almost pitifully, "Am I under arrest?"

By late December, the shah's generals were planning action. According to intelligence sources, three separate coups were being planned. The most alarming one was being brewed by the air force. On a Wednesday in late December, Pentagon officials received an urgent intelligence report from Tehran warning that a group of Iranian air force officers backed by Gen. Rabii were going to bomb the holy cities of Qom and Meshed and then fly to Saudi Arabia. "A coup will take place this Saturday," the cable said. "It was a bona fide threat," said a military official. The report had an A3 rating, meaning it was believed to be highly accurate.

Huyser flew to Tehran on Jan. 2 or 3. He stayed with Gen. Gast, the head of the U.S. military mission. Both men were often out of uniform and wore bulletproof flak vests under their suits, sources say. Gast was assigned the usual complement of submachinegun-toting Iranian guards; Huyser had brought four bodyguards from the Air Force Office of Security Investigations. When the two generals went anywhere, they rode in a sealed bulletproof car, with bodyguards in a lead car and two heavily armed chase cars following.

The shah's army had been the keystone of his power, and his passion for it had been his most sensitive personal quirk. His taste for military pomp and buying of advanced weapons had amounted to almost a mania. In 1977, Iran's army was the largest in the Persian Gulf region, numbering more than 300,000, plus 81,000 in the air force and 18,500 in the navy. It had the U.S.-made F14 Tomcat fighters, among the most advanced in the world, equipped with high-technology Phoenix missiles, also U.S.-made. Largely American-armed, its officers mainly U.S.-trained, it had suddenly become the target of U.S. foreign policy.

For 10 solid days, before 10 every morning, double-rotor helicopters, Bell UH1Hs and 214s, would appear out of the sky and then settle heavily on the helicopter pad of the parade ground northwest of the Supreme Commander's Staff Building in Tehran, nerve center of the imperial Iranian armed forces. Iranian generals, clutching their braided caps, would get out of the grounded machines and go in. Up on the second floor, inside the chief of staff's briefing room, they would reassemble before the craggy-faced Dutch Huyser.

What Huyser faced was an Iranian command that had split into hawk and dove factions. The doves had already formed a delegation to go to Paris and approach Khomeini in an attempt to avoid a collision. Huyser scotched this, sources said.

The hawks had clustered around two figures. One was Gen. Rabii, who had involved himself in a second proposed coup. But the most important faction centered on Gen. Khosrowdad, whose coup, sources say, "would have been the biggest and most violent." Iran's ambassador to Washington, Ardeshir Zahedi, who was in Tehran at the time, was to have handled the coup's "civilian aspects," sources say. Khosrowdad already was openly bragging of the coup's likely success.

"Huyser really worked on them," said a U.S. military source. "He really did a number on them."

One Iranian general said, "I saw Khosrowdad's face as he came out of one of the briefings. He looked like a private."

Khomeini by then was announcing his plans to return to Iran to install an Islamic government that he would personally control. Highly placed sources said Huyser made clear to the shah's generals that there could be no interference with Khomeini's plans. "He talked in the briefings of what would happen when Khomeini returned, of all the options available," said an intelligence source. "He was very clear as to what Iran's commanders could or could not do."

The shah and Huyser met only once, when Huyser was accompanied by Ambassador Sullivan. "The one thing that was on the minds of both of them," the shah has written in his forthcoming book, "was to know on what day and at what time I would be leaving."

The shah left Iran for good on Jan. 16.

Yet U.S. policy makers still feared that, exasperated by their defeats, Iran's generals would turn savagely on the people. As late as Jan. 30, some diehard commanders threatened they would arrest anyone who was named to the provisional government Khomeini had set up under Mehdi Bazargan.

Huyser had only planned to be in Iran for a short time. The visit stretched to two weeks, then a month. "It took time to get the fire to go down," said an intelligence source.

On Feb. 5 Huyser left Iran. "By that time his actions had destroyed Iran's armed forces," said a bitter military officer who was there. "The mullahs had been among the army and it had disintegrated."

On Feb. 10, after two days of fighting, the troops withdrew to their barracks and Bakhtiar's government collapsed. Among the first to be executed by Khomeini's Revolutionary Council was Gen. Khosrowdad. Gen. Rabii, who had said that Huyser "picked up the shah as if he were a dead mouse and threw him out of Iran," was sprayed with machinegun fire in April. More followed, until, by U.S. estimates, "30 percent of their top military commanders were killed."

Said a former U.S. ambassador, "It was a slaughter."

But it might have been even worse, some American officials argue: a bloody civil war, with substantially the same outcome. "A nation has a right to decide its own destiny in any way the majority sees fit," says one State Department official. "Khomeini was the coming power in Iran. We tried to prevent a massacre."●

## USE MOTHBALL FLEET BATTLESHIPS?

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BENNETT. Mr. Speaker, retired Marine Brig. Gen. J. D. Hittle has written and published in the Navy Times an excellent article in which he suggests that the four battleships now in the U.S. Reserve Fleet should be put to use in the present time frame; and this seems logical to me for the reasons he suggests in the following article from the Navy Times of January 21. General Hittle served as Assistant Secretary of the Navy; and commanded the Marine detachment on the U.S.S. *Washington* protecting the Murmansk convoys in World War II.

The article follows:

WE SHOULD BRING BACK BATTLESHIPS

(By Brig. Gen. J. D. Hittle, USMC (Ret.))

The Persian Gulf crisis has forcefully demonstrated the dangers of the decline of U.S. naval power.

Only by moving major fleet units from where they have been, and are needed, could the United States put meaningful power in the crisis area of the Indian Ocean approaches to the Persian Gulf.

Such a seapower switch should bring home another strategic lesson. It's this: In the face of continuing and relentless Soviet aggression, U.S. survival shouldn't have to depend on an ultimately disastrous "bulb-snatching" seapower strategy.

One fact certainly has emerged from the growing crisis. The United States must have, at the earliest possible moment, more major combatant ships. There is a need right now for big, tough, fast, long-range, heavily armed, and versatile men-of-war.

Unfortunately, design and construction of such a type of ship is at best a matter of several years. The United States simply can't afford the luxury of such a wait.

Fortunately, however, the United States does not have to wait for such ships to be built. They are here, afloat, and available. What's more, they are paid for.

The time has come to take advantage of a huge naval and national asset.

I am, as you may already suspect, referring to the four Iowa-class battleships in the Navy's reserve fleet. At present, they are mothballed, silently riding the tides in some Navy yard back-water channel.

These are not, as some cynics may claim, rusting remnants of a bygone day.

Far from it. These four battleships—Iowa, New Jersey, Wisconsin and Missouri—still rate among the toughest ships ever built.

Here are a few of their basic characteristics:

Armament: Nine 16-inch, and 20 five-inch guns. Deck space for missile installation. Tonnage: 45,000 tons. Speed: 32 knots. Length: 880 feet. Endurance: Up to three months at sea, depending, of course, on mission and crusing speeds. Combat survivability: As good, and probably better, than any of our Navy's surface combat ships today. Armor: 16-inch steel belt, heavily armored steel decking. Age: 35 or more years old. Yet, their condition is not measured by calendar age. They have benefitted from a remarkable preservation program. The operational service of these ships has been relatively brief. Consequently, in terms of useage, they are much younger than some of the ships that are the combatant backbone of the Navy.

The New Jersey, for instance, was pulled out of mothballs, reconditioned and put into action during the latter part of the Vietnam war. Her powerful guns, with range up to about 20 miles and each projectile weighing a ton, gave our troops a kind of fire support that no other weapon system could provide.

She was on the firing line, efficiently doing her job as recently as the Vietnam war. That's hardly the performance of an obsolete weapon!

Reconditioning would include upgrading electronics, and perhaps, installation of missiles.

The proposal of Adm. John S. McCain Jr., USN (Ret.), for Commander-in-Chief Pacific, deserves reconsideration. His concept was to remove the after 16-inch gun turret. This would provide a large deck space, which would be used by embarked helicopters. It is estimated that such a modification would provide room for about a dozen. Below-deck space berthing would let the ship embark a lean battalion of Marines. What would result is a powerfully armed, heavily armored, fast, long-range ship with her own Marine landing force and the helicopters and landing craft for putting it ashore.

What's more, such a ship would have the kind of guns that landing forces need, but which, unfortunately, are increasingly scare in today's Navy. Thus, the "gun gap" would be significantly narrowed.

With their large command and staff space and facilities, they could well serve, at the same time, as flagships.

These four battleships, with wisely assigned operating areas, could be moved as specific threats occur, or better, as anticipated. Such powerful and versatile ships would fit neatly into the concept of the Rapid Deployment Force, and would both complement and augment the effectiveness of the RDF.

As to their propulsion machinery, it can't be measured by ships' age, either. A high-ranking naval officer, familiar with these battleships, reportedly recently said, "These propulsion systems are among the best the Navy ever built. They are good for at least another 30 years."

While not an immediate requirement, the present 16-inch gun range of about 20 miles could be upgraded and greatly extended by such developments as the rocket-assisted projectile.

All of the Iowa-class virtues add up to the kind of ship, when reconditioned and, perhaps, modified, is just what our thinly stretched Navy needs to put our nation's seapower where it is needed in distant seas. It is the kind of ship that would, by its very presence, show that the United States means to protect her interests, and has the means of doing so.

This ability to show our power is all the more important today because so much of our power is hidden. Missiles are tucked away underground. Nuclear subs cruise long and deep. Attack carriers, so vitally valuable, stay well out to sea, and out of sight.

The visibility of our nation's power must be made manifest again.

Anyone who has seen one of these huge, big-gunned battleships on the horizon won't easily forget the sight. They seem to cover the horizon itself.

Putting these 45,000-ton modified battleships to sea would not be a seapower step toward yesterday. Rather, it would be a keen recognition of modern naval trends. There are persistent reports that Russia is taking a step upward in size from her large Sverdlov heavy cruisers and has under construction a 35,000-ton battle cruiser. This, incidentally, is the same tonnage as the North Carolina and Washington type battleships of World War II. The Iowa class is longer, but has the same basic armament and armor.

In view of her reconditioning for Vietnam service, the New Jersey could be put to sea in a relatively short time. Even without the after-turret removal and below-deck spacing for Marines, she could perform valuable service. Serious consideration should, therefore, be given to recommissioning her virtually "as is." She could later be modified when one or more of the other three have had their modifications and joined the fleet.

In summary. The fighting ships we need are here, now. They are available. They are paid for. They offer a historic opportunity—a "quick-fix" and a powerful one for our nation's under-strength Navy.●

## HON. LOUIS J. PAPAN—EASTER SEAL SOCIETY HUMANITARIAN OF THE YEAR

### HON. BILL ROYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. ROYER. Mr. Speaker, the Easter Seal Society for Crippled Children and Adults is embarking on its 35th year of dedicated service to physically disabled persons in San Mateo County. Each year the Easter Seal Society presents a Humanitarian Award to an outstanding citizen who has given unselfishly of his or her time and talent toward the development of opportunities for people in our community to lead productive lives.

On the evening of February 1, 1980, many friends and constituents will gather to honor a distinguished public servant and member of the California Legislature who is the recipient of the Easter Seal Society's Humanitarian of the Year Award—Assemblyman Louis J. Papan.

Assemblyman Papan represents the 19th assembly district which is included within the confines of my congressional district. We have, and continue to enjoy, a very close working relationship, casting partisan politics aside on behalf of service to the people in San Mateo County.

Assemblyman Papan has had a colorful career marked by many notable achievements. He graduated from the Academy for the Federal Bureau of Investigation in 1955, and served as an agent until 1958. He then opened his own successful real estate and insurance brokerage firm. In 1970 Lou was elected to the Daly City Council, serving as both councilman and vice mayor. In 1972 he was elected to represent the people of the 19th assembly district in the California Legislature and has served that district continuously to the present day.

It would be difficult to find anyone who would disagree that Lou Papan has made a name for himself in the assembly. In 1975 he served as speaker pro tem, and in 1976 was named chairman of the assembly rules committee. He authored legislation which guaranteed the right of parents to attend meetings held to determine a child's eligibility for special education programs. He coauthored legislation which established a pilot program providing diagnosis, in and out-of-home care services, counseling and legal services for brain damaged adults, and was instrumental in securing passage of legislation insuring a continuum of care for the developmentally disabled.

I am proud to serve with Assemblyman Papan as an honorary board member of the Center for the Independence of the Disabled in San Mateo County.

Louis J. Papan is certainly a most deserving recipient of the Easter Seal Society's Humanitarian of the Year Award. I am very proud to join his friends and associates, his wife Irene and children John, Gina, and Diane, in honoring this sincere and dedicated public servant.●

## OLYMPIC BOYCOTT RESOLUTION

### HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. DODD. Mr. Speaker, on this first day of the 2d session of the 96th Congress, I have introduced a House concurrent resolution expressing the sense of the Congress that the International Olympic Committee should transfer the site of the 1980 summer Olympic games to a site outside of the Soviet Union. The resolution I have introduced today calls on the International Olympic Committee to postpone the 1980 summer games if a suitable alternative site outside the U.S.S.R. cannot be found.

The resolution further states that if the IOC is unable to transfer or postpone the games, then it would be the sense of Congress that the United States should withdraw its Olympic team from competition and urge other nations to take similar action. My resolution also urges the IOC to consider establishing permanent international Olympic sites in order to avoid the politicalization of the games in the future.

I believe that the United States, together with our Western allies, should let the Soviet Union know in no uncertain terms that its brutal invasion of Afghanistan cannot be tolerated. The President has already taken a number of actions in response to the Soviet invasion which I fully support. Trade with the Soviet Union has been restricted in some of the most important and sensitive areas such as high technology items and grain. Soviet fishing rights in American waters have been canceled, and various diplomatic and scientific exchanges have been cut. The United States has also won an important international victory in the 104-18 General Assembly vote condemning the Soviet invasion. It has certainly been many years since the United States has won such an overwhelming diplomatic triumph in the United Nations.

Even more importantly, the United States is now moving toward establishing a strong military presence in the Indian Ocean and Persian Gulf regions. I believe that our future actions to increase our military capabilities in those troubled regions are by far the most important long-term responses to this recent Soviet aggression.

However, I firmly believe that the President should also unequivocally call on the International Olympic Committee to transfer the site of the 1980 summer Olympics from the Soviet Union, or postpone the Olympics until the Soviets have withdrawn their invasion forces from Afghanistan. The administration is clearly moving toward this position. I hope that the introduction of my resolution will serve as a catalyst for further action.

In introducing this resolution calling for a boycott of the Moscow Olympics if the site of the games is not changed or if the games are not postponed, I had to weigh the possible harm such a boycott might have on the Olympics movement against our interests in depriving the Soviet Union of the international prestige and legitimacy which the games confer.

I have listened to the arguments of those who maintain that a boycott of the Olympics in response to the Soviet invasion would unjustifiably politicize the Olympics movement and punish American athletes. While I agree that ideally the Olympics should be separated from politics, unfortunately this has never been the case in modern times. In fact, the Soviet Union has already added a heavy dose of politics to the 1980 summer games. It has been reliably reported that children in Moscow are being sent to summer camps outside of Moscow for the duration of the games in order not to be "contaminated" by Western ideas. Moscow children have also been warned not to accept gum or candy from westerners because it could be poisoned. Mistrust and political propaganda have already been sown in the minds of young children, yet some people oppose the politicization of the Olympic games.

It is unfortunate but practically every Olympaid has been disrupted by politics—from the 1936 Berlin games which served as a backdrop to Hitler's Nazi Germany to the brutal murder of 11 Israeli athletes in Munich during the 1972 games. In 1956, three European nations boycotted the Olympics to protest the Soviet crushing of the Hungarian revolution, and three other Arab nations stayed away from the 1956 games in protest of the Anglo-French seizure of the Suez Canal. In every Olympaid in recent memory disputes over who represents China and the participation of nations with sports ties with South Africa have become points of contentions.

The truth of the matter is that it is far too late to prevent the politicization of the Olympic games. I have great sympathy for the hundreds of young American men and women who have devoted so much time and effort to training for the games, but I believe that we as a nation must put our global interests above the interests of amateur athletics.

I hope that future Olympics will not be politicized, and in my resolution I urge that the International Olympic Committee give serious consideration to establishing permanent international Olympic sites for both the summer and winter Olympic games. In this manner, we should be able to avoid the politicization of future Olympiads.

However, this year we must show our firm resolve that we will not be a party to the legitimization of the Soviet regime by attending the summer games in Moscow. This is not simply a symbolic act, it is an action which will have a profound effect on the Soviets, especially if we can convince a significant number of other nations to join us. In order to help spur our allies to join us, I have already written to 19 members of the European Parliament who are due to arrive in Washington next week asking them to join me in urging our respective governments to boycott the games. When Members of Congress meet with these European legislators next week, I will introduce a resolution calling for a joint effort to boycott the Moscow games. I believe it is equally important for the United States to coordinate our actions with our Western European allies on the legislative as well as the executive level.

I urge my colleagues to join me in sponsoring this House concurrent resolution.

Thank you.

H. CON. RES. 242

Expressing the sense of the Congress with respect to the Olympic games.

Whereas the Soviet Union has violated the territorial integrity of Afghanistan by invading that country;

Whereas the Soviet invasion of Afghanistan constitutes a violation of the most important principles of international law and the United Nations Charter, as well as a gross interference in the internal affairs of another sovereign nation;

Whereas the Soviet Union participated in the violent overthrow of the previous government of Afghanistan and in the execution of the previous President of Afghanistan;

Whereas the Soviet Union has employed brute military force to counter the national aspirations of the Afghanistan people;

Whereas the Soviet invasion of Afghanistan constitutes a grave threat to the peace and security of the Southwest Asian region and to the world;

Whereas the United Nations General Assembly has condemned the Soviet invasion of Afghanistan;

Whereas the Olympic games embody the most noble principles of peaceful competition and cooperation between states;

Whereas the Soviet invasion of Afghanistan violates the spirit of international cooperation and respect for national integrity upon which the principles of the Olympic games are based: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That (a) the Congress strongly urges the International Olympic Committee to transfer the 1980 Summer Olympic games to a site other than in the Soviet Union or to postpone those games until the Soviet troops are withdrawn from Afghanistan;

(b) It is the sense of the Congress that—

(1) if the International Olympic Committee does not transfer the site of the 1980 Summer Olympic games, the United States should withdraw its Olympic team from competition in those games;

(2) the President should urge other nations to support the transfer of the 1980 Summer Olympic games to a site other than in the Soviet Union and, if the site is not transferred, withdraw their athletes from competition; and

(3) the International Olympic Committee should establish permanent sites for the Olympic games.●

## IN COMMEMORATION OF UKRAINIAN INDEPENDENCE DAY

### HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. RUDD. Mr. Speaker, it seems to me particularly appropriate and indeed ironic in light of the Soviet invasion of Afghanistan that we remember today is the 62d anniversary of the Declaration of Independence of the Ukraine. For it was in 1920, after only 2 brief years in which the Ukraine had joined the nations of the world as an independent state that the brutal forces of communism crossed her border and placed her people in captivity.

Today, the Ukrainian people make up the largest non-Russian national group in the Soviet Union, comprising over 48 million individuals. The Ukrainian people have courageously sought to preserve their cultural heritage and national identity, in spite of the concerted efforts of their Communist oppressors.

In our country, the Ukrainian Congress Committee of America has worked over the years to insure that an autonomous Ukrainian identity is maintained and not lost to the indistinguishable society that is the hallmark of Soviet dogma. Ukrainian-Americans have sought to aid their brethren who have been left behind, by forming support groups to enlist the aid of those who believe in the ideal of a free Ukraine. They have brought aid to individuals to escape the oppression of Soviet Russia and provide a cultural refuge in the United States.

Groups such as the Ukrainian Congress Committee of America deserve our recognition and support for their noble efforts to aid their enslaved countrymen and preserve their ancestral heritage. For all of us who love and enjoy liberty, it is fitting that we recognize their efforts to obtain that most cherished of goals—freedom. It is my fervent hope that on a January 22d in the not too distant future my colleagues will raise to celebrate the signing of the Declaration of Independence of a truly free Ukraine.●

## UKRAINIAN INDEPENDENCE DAY

### HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. LUNGREN. Mr. Speaker, in observance of the 62d anniversary of the proclamation of Ukrainian independence, I would like to join in the worldwide tribute to the strength, fortitude, and enduring idealism of the Ukrainian people.

The Ukrainian Republic was officially established on January 22, 1918, motivated by a liberation platform of democracy, federalism, and social reform. A revival of Ukrainian nationalism and a cultural renaissance in response to Soviet political domination and cultural "Russianization" culminated in the 1918 declaration of independence and unification of the Ukrainian people.

Ukrainian independence was quickly squelched by Russian aggression. In 1922, the Ukrainian Soviet Socialist Republic was established within the U.S.S.R. as a concession to Ukrainian nationalism. Continuing this trend, Stalin's drive for centralization and industrialization in the 1930's cost millions of lives and the recognition of the Ukrainian language and culture. From this time forward, the Ukrainian people have been under Soviet control, but they have never surrendered their heritage, nor desire for independence and cultural expression.

Today we salute the spirit of the Ukrainian people. Our observance of Ukrainian Independence Day recognizes the international responsibility to restore and protect human rights and the right of self-determination by the people of the Ukraine and other captive nations of the world.●

---

## FEDERAL CREDIT RESTRAINT ACT

## HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BETHUNE. Mr. Speaker, I am introducing today a bill to impose controls over Federal credit activities—Federal loans and loan guarantees. My bill, the Federal Credit Restraint Act of 1980, consists of two parts: Part I, to impose an annual ceiling on Federal credit; and part II, to make way for tighter tests and controls on individual credit programs.

There is widespread agreement on the need for credit controls. Prior to the recent and largest ever loan guarantee legislation to assist Chrysler, the White House, OMB, the Federal Reserve, the Congressional Budget Office, the House Banking Subcommittee on Economic Stabilization, economist Alan Greenspan, and our esteemed chairman of the House Budget Committee, Bob Giaimo, all expressed concern over the lack of control and understanding of Federal credit programs.

A tightening up of credit programs is imperative as this largely unknown, but mighty sector of the Government till is growing more rapidly than any other form of government assistance. Outstanding credit may climb 30 percent next year, according to CBO, and reach a level of almost $400 billion. Despite this increasing activity, Congress has no systematic method for reviewing total credit activity, and no way of knowing how effective these programs are, or how they are affecting the economy.

Mr. Speaker, I was astounded last month when Congress pushed through a $1.5 billion Federal loan guarantee program for Chrysler. How many more programs like this where the Federal Government assumes full risk of default—will quickly become law without a clear understanding of its effects on our economy? I hope none. That is why I have introduced this bill, and that is why I will be watching out for new initiatives like the one for Chrysler, where the risk is not pooled among borrowers. As you may recall, on December 13 when we were debating the rule for the Chrysler bill, I described the difference among the three types of loan guarantees, and how the newest kind of loan guarantees to large, single borrowers—like Chrysler—is the riskiest as experienced a thousandfold increase since 1960.

Imagine the multibillion-dollar economic havoc in say 1990, if the Chrysler loan program defaulted along with a couple of other major programs. Yet, I am told that the Federal Government has no idea at this moment how many programs are in default, or how many are nearing default. If the present pace of growth in this off-budget credit sector keeps up without proper control, the U.S. economy could be severely hampered.

Unlike direct Federal loans, loan guarantees are off-budget. It is only until one defaults and the Government must "pay up," that it is recognized in budget outlays. Since Federal loan guarantees skirt the budget process, they are a less painful form of Federal assistance. Consequently, they have been growing by leaps and bounds. The Federal Government's reckless deficit spending within the budget process is an atrocity. However, the off-budget approach for credit is an even more insidious time bomb that needs review, control and proper application.

As I have indicated, OMB is concerned about this problem. For the first time, this year, OMB is including recommended ceilings for credit programs in the President's budget message. This is a clear signal to Congress and the American people that the burden now lies with the legislative branch.

The first part of my bill incorporates Federal credit activities into the congressional budget process, requiring Congress to set targets and ceilings for the gross amount of direct loans and loan guarantees which the Federal Government may make or enter into during each fiscal year, beginning fiscal year 1981.

My bill will piggyback Federal credit targets and ceilings required by the Congressional Budget Act of 1974 which establishes first and second concurrent budget resolutions. Further, this legislation would check back door spending by subjecting all Federal credit programs to the annual appropriations process.

The second portion of the Federal Credit Restraint Act of 1980 would amend the House Rules to give the House Banking Committee an opportunity to establish controls on individual credit programs. A recent study on Federal credit by Peat, Marwick, Mitchell & Co., confirmed that present inconsistencies in Federal loan and loan guarantee programs create uncertainty in the extent of potential or actual U.S. liability.

This is caused by a number of factors, including a variance among agencies on definities of credit terms. For example, one agency might consider a loan in default if it is one week past due, whereas it may be months before other agencies know that a loan is no longer in current repayment status.

My bill would give the Banking Committee concurrent jurisdiction over authorization bills containing credit programs. Tighter controls like credit tests, default reserves, and greater incentives for private lending could reduce Government liability. A greater uniformity and a tightening of tests over the multitude of credit programs is needed to develop prudent lending policies.

Passage of this legislation could put the credit cart where it rightly belongs—behind the horse. There simply must be a systematic review of Federal loans and loan guarantees before this form of Federal assistance expands further.

Your support for this legislation is essential. For your information, I am submitting a section-by-section description of my bill:

### The Federal Credit Restraint Act of 1980

Title I piggybacks provisions for setting targets and ceilings for direct and guaranteed loans establishing in the first and second concurrent budget resolutions required by the Congressional Budget Act of 1974.

Section 101 amends sections 301(a) and 301(c) to include direct and guaranteed loans into the budget targets required in the first concurrent resolution. It also requires that the standing committees include in their reports to the Budget Committee their views and estimates on credit programs, as well as direct expenditures. This section also requires the Banking Committees to include their recommendation for overall credit levels.

Section 102 requires a joint explanatory statement accompanying a conference report to include targets for credits levels, as are required for budget authority and outlays. It also requires the Appropriations Committees to subdivide their allocations among their subcommittees, as they presently subdivide their allocations of budget authority and outlays.

Section 103 amends section 307 to add to the summary report a comparison of the Committee's recommendations on gross obligations on direct loans and total commitments to guarantee loan principal to the levels set forth in the concurrent budget resolution.

Section 104 expands CBO budget scorekeeping responsibilities (an up-to-date tabulation of limitations on gross lending and new commitments compared with targets in the budget resolutions).

Section 105 requires that action on bills containing credit limitations take place not later than 7 days after Labor Day, as is required of all bills providing new budget authority.

Section 106 requires the Budget Committee to report in a second resolution any revisions to the budget expenditure aggregates in the first resolution, and make necessary revisions in limits on direct loans and new commitments for guaranteed loan principal.

Section 107 states that legislation that breaches the ceiling would be subject to a point of order, as are outlays now.

Section 111 sets up a two-stage process for loan guarantee authority. Requires that authorizations for guarantee authority shall be effective for a fiscal year, only as approved in advance in appropriation acts.

Section 112 amends section 402 of the Congressional Budget Act to make the May 15th deadline for reporting authorizing bills, effective also for bills authorizing loan guarantees.

Section 121 Adds to the Declaration of Purposes section of the Budget Act, a definition of direct loans, and declares the purpose is to control direct lending and loan guarantees.

Title II. Amends the Budget and Accounting Act of 1921 to require necessary data on federal credit programs from the President.

Title III. Amends the House Rules to give the Banking Committees jurisdiction over direct loans, loan insurance, and loan guarantees from or by the Federal Government or another Federal entity.

Title IV. Establishes October 1, 1980 as the effective date for titles I and II. Title III would become effective on January 3, 1981.●

## THE UNITED STATES SHOULD BOYCOTT THE OLYMPICS

## HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. LUKEN. Mr. Speaker, I am introducing a concurrent resolution today which expresses the sense of the House that the United States should boycott the summer Olympic games at Moscow.

I fully support any move by the International Olympic Committee (IOC) to move the games from Moscow. However, every statement made by officials of the IOC leave no doubt that the games will go on as scheduled assuming the Afghanistan situation does not grow worse. Lord Killanin, president of the IOC, has stated that "It is Moscow or nothing."

We should face up to the fact that the games will not be moved. Any action that stops short at that point is an empty gesture on the part of the Congress. President Carter has called for a boycott, by the United States acting alone or in concert with other nations. This is the correct action to take. The Soviet Union must not be allowed to interpret the Olympic games in Moscow as some sort of acceptance of the Afghanistan invasion.

The greatest disappointment in supporting this action will be upon the athletes who would have represented the United States. We share only a small part of that disappointment by not being able to watch them compete. It is a tremendous sacrifice that we are asking these athletes to make. However, it is this sacrifice that will lend weight to the U.S. action. An Olympics where the United States does not compete, is no Olympics at all.

In 1936, we were confronted with an Olympics hosted by a totalitarian regime. As the Washington Post of today reports—

> The games led Hitler to assume he had acceptance in Europe for what he had done four months earlier (invading the Rhineland). It led him to take the next bite.

I believe that we are confronted today with the same mentality. We need to demonstrate to the Soviet Union, as we did not to Nazi Germany, that we will not tolerate abuses of another nation's sovereignty. More than in 1936, strong actions by the United States are necessary, as the only nation with the strength to impress the Soviet Union and as the leader in the free world.

The President has already taken a number of actions, such as the grain embargo that will have an effect on the Soviet lifestyle. A boycott of the Olympics will have an even greater effect on the Soviet government. The time and money that they have invested in this effort is testimony to the importance the Russians have attached to the Moscow Olympics. In their attempts to win approval for the Communist way of governing, the Olympics has become the centerpiece. The invasion of Afghanistan goes hand in hand with the other policies of the Soviet leadership. This is the link between the Olympics and the Soviet invasion.

I call upon all my colleagues to join with me in supporting this resolution.●

## THE GINSBURG NOMINATION: POLITICIZING THE COURT

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. ASHBROOK. Mr. Speaker, newspapers reported in December 1979 on President Carter's choice of Ruth Bader Ginsburg as a nominee to fill the vacancy on the U.S. Court of Appeals for the District of Columbia. Professor Ginsburg is a professor of law at Columbia University and, if confirmed by the U.S. Senate, would sit on a court many legal scholars regard as the Nation's second highest court.

Although recognized as a scholar in the field of law, this nomination brings up certain difficulties for those of us who are concerned with the present directions of our Federal court, particularly with the importance of judicial temperament and judicial restraint.

Ruth Bader Ginsburg has concentrated her work in the fields of constitutional law and civil procedure and has become known for drafting many arguments which have been used in major constitutional law cases concerning allegations of sexual discrimination.

We need to make an important distinction. We may have an expert on sex discrimination who is impartial or we may have an expert on sex discrimination cases who is an advocate of change in our sex discrimination laws based on militant feminist interpretations. We can always use the former on our courts; we need to carefully examine the latter type of expert when proposed for a seat on our Federal courts. Ruth Bader Ginsburg clearly fits into the latter category.

The feminist approach to sex discrimination laws is a strident approach. While seeking to remove discrimination based on sex, the approach is often eliminating all types of legislative and social restrictions which might recognize certain legitimate distinctions which may exist. This approach goes to two extremes: First, a blanket approach to law which seeks to guarantee any benefit an individual male may get as one which automatically should be guaranteed to any woman despite other considerations, and second, an attempt to remove certain distinctions in the law which may protect women in the law. Certain distinctions which have been placed in our laws may be considered discrimination by some but may be considered necessary by others, to accomplish certain purposes such as preserving the family, protecting young children, and so forth.

Mrs. Ginsburg's activities and writings definitely put her in the camp which seeks a complete sweep of laws from the books in the name of the feminist cause. She was a founding director of the women's rights project. When she took a job at Columbia Law School, she took it on condition that she could share her time with the women's rights project. Her writings in scholarly journals and other publications have indicated a strong identification with a specific movement and its interpretation of our laws. She is a strong advocate of ratification of the equal rights amendment and has written how the ERA will create major innovations in the legal field. In fact, Judith L. Lichtman, the executive director of the Women's Legal Defense Fund in Washington, described Mrs. Ginsburg as "the intellectual mentor of many of the feminist lawyers in this country" and Eleanor Smeal, national president of the National Organization of Women, highly praised the selection. Those individuals who believe the equal rights amendment will resolve all problems of sex discrimination believe that with Mrs. Ginsburg's confirmation to the U.S. circuit court of appeals they will have a firm advocate of their partial and particular viewpont on a high Federal court.

Mrs. Ginsburg has revealed a talent to use some unique judicial reasoning to come to conclusions favorable to her viewpoint, always pushing the goals of the feminist movement. One of the major controversies in constitutional law will be the constitutionality of the extension of the deadline for the equal rights amendment. Her views are firm on this matter since she testified that courts could not review a congressional decision to extend the ratification period by a majority vote. Was this opinion dictated by sound law or by commitment to the ratification of the equal rights amendment?

In addition, this law professor appears to see all cases somehow related to gender distinction. In an article she wrote for the Women's Rights Law Report, she viewed legal issues relating to a single question, namely the roles women are to play in society. She went on to note that this includes not just sex discrimation cases but also those cases relating to contraception, abortion, and illegitimacy. She has read sexual discrimination interpretations into the Bakke case and sees affirmative action cases tied to the sex discrimination cases. There is a distinction between being an expert in the area and having a fetish which dominates one's viewpoint on almost every aspect of the law.

Questions have been raised on other nominees to U.S. circuit court of appeals concerning their past record of political advocacy. We now have another nominee who has been a vocal advocate of one particular viewpoint of the law which follows the line followed by the so-called feminist movement. Can Ruth Bader Ginsburg approach cases involving sex discrimination, abortion, contraception, and so forth, with an impartial view or will she continue to see her role as she has in the past as being one to advance a certain political and ideological concept? This very idea of putting militant advocates of one particular viewpoint on this high bench goes against the very idea of having judges who can rule impartially on issues coming before the court.

The U.S. Court of Appeals for the District of Columbia should be a court interpreting the law and not presenting an individual judge's own opinion of what desirable social policy should be now and in future years.

The nomination of Ruth Bader Ginsburg raises serious questions on her impartiality and on what we will be doing to the second highest Federal court in our Nation.●

## THE NEW DECADE: A RENEWED CHALLENGE IN THE LONG STRUGGLE FOR HUMAN RIGHTS

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. LENT. Mr. Speaker, I wish to express my deep appreciation to my colleagues from Virginia (Mr. HARRIS) and Massachusetts (Mr. DRINAN) for arranging this special order. I am honored to join in this outpouring of congressional support for the cause of Soviet Jewry.

Particularly it is an honor, and a privilege to send a birthday greeting to one of the heroes in the struggle for freedom within the Soviet Union, Anatoly Shcharansky. That Anatoloy Shcharansky spent his 32d birthday on January 20 in a Soviet prison thousands of miles from his loved ones, and reportedly in ill health, is a tragic milestone in the long struggle for human rights. May his 33d birthday find Anatoly Shcharansky enjoying the fresh air of freedom.

I hope every one of my colleagues here today will join me in a renewed demand to the Soviet leaders who have so cruelly persecuted this innocent man to free Shcharansky at once. His imprisonment is a shameful violation of the human rights guarantees in the Helsinki Accords agreed to by the Soviet Union in 1975.

It is a tragic fact, however, that Anatoly Shcharansky's unhappy fate is duplicated by the thousands in the Soviet Union. I have intervened personally with Soviet officials in behalf of scores of unfortunate Soviet citizens who are being persecuted, harassed, imprisoned and separated from their families in other countries simply because of their desire to practice their own religion in a country of their own choice.

In recent months there has been some slight indication that the cruel leaders in the Kremlin may be relaxing their tactics of oppression. Last April, for example, the Soviets freed my fourth district's Prisoner of Conscience, Hillel Butman, after years of imprisonment. Several other Soviet Jews who had been sent to prison with him for their efforts to win freedom and join their families in Israel were set free also. I am happy to report to my colleagues that Hillel Butman has been reunited with his wife and two daughters in Israel. He sent me a most moving message of gratitude from his new home in Israel, along with a request that those in the Western world working for the cause of Soviet Jewry continue their efforts in behalf of the thousands of Soviet Jews still denied the freedom they seek.

I hope that the happy life in Israel now being enjoyed by Hillel Butman and his family gives us all renewed inspiration to increase our efforts to free Anatoly Shcharansky and his fellow sufferers in the Soviet Union. As we begin this new decade, I am certain that the pleas for human rights expressed here today on the floor of the House of Representatives will help in achieving that goal. The pressure of world public opinion can be brought to bear upon the Soviet leaders.

Let our call for freedom for Soviet Jews sent forth from these proceedings today command attention in the halls of the Kremlin.●

## DWI—WHO IS RESPONSIBLE?

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. COLLINS of Texas. Mr. Speaker, the question is asked on DWI—who is responsible? Seagrams shows strong civic leadership in their advertisement I read in the New York Times. Seagram Distillers Co. advised that hosts, friends, and passengers should stop anyone from driving who has been drinking too much.

We all know the dangers of DWI—driving while intoxicated. Too many good people sit idly by and say nothing. Down home I have been proud to hear our leading beer and whisky distributors take the lead in encouraging everyone to remove the DWI from behind the automobile wheel.

Here is the good advice of Seagrams:

WERE YOU AN ACCESSORY TO THIS CRIME?

Were you the host who let him have too much to drink, knowing he was going to drive?

Were you the friend who said nothing because you didn't want to offend him?

Were you the passenger who let him get behind the wheel?

When he got in his car and turned the key, he became a menace to himself and everyone else on the road.

He was committing a crime.

And by doing nothing to stop him, you became an accessory.

This is one crime we can all help stop. By refusing to be accessory to it. By convincing anyone who's had too much he shouldn't be driving.

And if we can do that, we can save a lot of lives.●

## ALEX G. SPANOS: "STOCKTONIAN OF THE YEAR"

### HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. SHUMWAY. Mr. Speaker, an outstanding individual whose efforts are appreciated throughout the southern United States has been selected to receive the "Stocktonian of the Year" award bestowed by the Stockton (Calif.) Board of Realtors. As a longtime admirer of this civic-minded individual, I am delighted to pay tribute to Alex G. Spanos, of Stockton, Calif.

Alex Spanos is indeed a self-made man and, having secured that goal, he has dedicated his life to improving the lot of others. In short, he is a philanthropist in the truest sense of the word, and has enhanced the lives and outlooks of his fellow man through countless years of service and generous contribution to the Stockton community.

Medicine, education, and recreation are but a few areas of endeavor to have benefited from Spanos' philanthropic outlook. The Dameron Hospital Burn Center, the Children's Hospital of San Francisco, and the Eisenhower Medical Center in Palm Desert have all been improved and endowed through Mr. Spanos' generosity. His contributions to the University of the Pacific are many and varied, touching athletic interests as well as education. He built the Pacific Club atop the football stadium and donated it to the university. In appreciation for his numerous gifts to the university, a new events center now under construction has been named in Mr. Spanos' honor.

Recreational programs throughout the city of Stockton have gained greatly due to Mr. Spanos' interest and support. He established the necessary funding for the seventh and eighth grade basketball league, which is now self-supporting. Additionally, his equipment donations made possible a girls' gymnastic program in local schools, the only program of its kind in the area.

Previous honors and awards bestowed upon Alex Spanos attest to the extent of his civic involvement. In 1972, he was recognized by the parks and recreation department for "outstanding service for an extended period of time." He has also received the Golden Key Award from the Stockton Teachers' Association in recognition of outstanding achievement by a graduate of local schools.

Mr. Spanos is an example worth emulating, and he stands as living proof of the greatness of the American way of life. He proves the theory that opportunity is limited only by ambition and ability, and his accomplishments and achievements are worthy of recognition in and of themselves. However, Alex Spanos has never been content to achieve—to him, success is measured by sharing. Perhaps the statement made by his mother says it all: "Alex has always had a heart as big as his ideas." His ideas have worked for him, and his heart has made sure that they also work for others.

I know that my colleagues will join with me in paying tribute to Alex Spanos, and in offering every best wish for continued success to him today.●

## THE OLYMPICS AND INTERNATIONAL POLITICS

### HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mrs. HOLT. Mr. Speaker, some well-meaning people believe that the quadrennial sports extravaganza, the Olympics, can be divorced from the hard realities of international politics. They argue that Americans and other athletes from the free world should have no qualms about participating in the 1980 summer Olympic games in Moscow.

If the free world fails to show its commitment in many ways at this critical stage, the result could be war in which our young athletes would be on the battlefields.

I hope our young athletes understand this: Peace cannot exist in a world in which the Soviet Union believes there is no price to pay for aggression. An Olympic boycott by the United States and her allies is one of many steps the free world should be taking to demonstrate our resolve to resist aggression.

I would remind the House that the Olympics represent peaceful competition and fair play, and it would be an act of incredible hypocrisy for Americans who support those ideals to participate in the scheduled Moscow games.

A mighty Soviet invasion force has invaded Afghanistan and is ruthlessly crushing resistance in a campaign of extermination against rebel freedom fighters. Villagers and farmers using primitive weapons are struggling to defend their beloved land and religion against modern Soviet armies and weapons.

In Moscow, the Soviet rulers who ordered this hideous aggression against a small neighbor are preparing to stage the Olympic games, and we should note that these preparations include violence against their own citizens. Hundreds of Soviet citizens considered politically unreliable have been deported from Moscow, at least some to forced labor camps and lunatic asylums.

The totalitarian Soviet regime hopes to give foreign visitors to the Olympics an impression of a contented population devoted to its masters in the Kremlin. The parades and music and ceremonies of the Olympics in Moscow will distract the world from the reality of the Soviet slave state.

Mr. Speaker, the free world should realize that participation in the Moscow games would provide the Soviet regime with a legitimacy it does not deserve. We should not be sending our young men and women to the Moscow games while Soviet armies murder a neighboring state and while the KGB imposes cruel exile on Soviet citizens to sanitize Moscow for the Olympics.

The invasion of Afghanistan and the oppression in Moscow demonstrate the true character of the Soviet regime, which has not changed its character since the Bolsheviks seized power 60 years ago.

The invasion of Afghanistan is no surprise to those of us who know something of Soviet history, ideology, and deeds. Think about the Gulag Archipelago. Recall the fate of Estonia, Latvia, and Lithuania. Consider the Soviet domination of Poland, Hungary, and Czechosolvakia. Consider Soviet-backed Vietnam and its war of conquest in Southeast Asia. Observe the Soviet-armed Cuban divisions in Angola, Mozambique, Ethiopia and South Yemen. Note the Soviet-armed terrorist activities in the Mideast.

Too often, we have seen American foreign policy trying to pretend that this reality did not exist. We have seen American foreign policy attempt to substitute trade, treaties, and cultural relations for the American military strength necessary to deter aggression.

Some of us have consistently demanded an American policy of strength and realism, recognizing the Soviet goal of world domination under the Communist banner, but we have been a minority in recent years.

The Soviet invasion of Afghanistan, which threatens the oil-rich Persian Gulf region on which the economy of the free world depends, has awakened President Carter.

I support his new commitment to rebuilding American military strength, his embargo against grain sales to the Soviet Union, his ban on sales of high technology to the Soviet Union. Such steps should have been taken years ago. We should stop all trade with the Soviet Union.

American citizens will be paying a price for cutting our export market and rebuilding our military strength, but it is a price most of us are willing to pay in response to Soviet aggression. I cannot believe the American sports community is unwilling to make some small sacrifice by boycotting the Moscow Olympics.●

## THE EDITORIAL PROCESS PROTECTION ACT

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. MATSUI. Mr. Speaker, there has been a much-heated debate recently regarding the constitutional protections afforded to our Nation's working press. To what extent does the Constitution protect reporters and editors in the gathering and dissemination of news? And, on the other hand, are there instances in which these protections should be waived to protect the well-established rights of other individuals?

Over the years, the Supreme Court has attempted to define the delicate balance between the press' right to gather and disseminate the news and the right of citizens to protect their reputations. Much of this debate has focused on cases involving the news coverage of public officials.

In 1964, in the landmark New York Times against Sullivan decision, the Supreme Court ruled that public officials must prove actual malice—that is, reckless disregard for the truth or falsity on the part of the press—in order to prevail in an action for defamation.

And just recently, the press protections debate has focused on the implementation and consequences of the New York Times against Sullivan ruling.

In a decision that sent shock waves throughout the news media, the Supreme Court ruled earlier this year that the "state of mind" of reporters and editors could legally be probed by a plaintiff during pretrial discovery.

The case—Herbert against Lando—marked the Supreme Court's first attempt to deal with the conflicting constitutional aspects of cases involving public figures and the news media.

This case involved a suit filed by Anthony Herbert, a former Army officer and acknowledged public figure who received widespread media attention in the early 1970's for his charges that superiors had covered up reports of atrocities and war crimes in Vietnam. Claiming that he was libeled by the 1973 CBS "Sixty Minutes" program "The Selling of Colonel Herbert," he sued reporter Mike Wallace and producer Barry Lando for $44 million in damages.

During the discovery process, when Herbert was attempting to prove actual malice, Herbert's lawyers questioned Lando as to his frame of mind when he produced the program. Lando refused to answer these questions, claiming constitutional privilege.

In a 6-to-3 decision in favor of Herbert, the Supreme Court ruled that no constitutional privilege exists to grant a working journalist protection from discovery into his or her mental processes if such discovery would lead to relevant evidence. The Court furthermore concluded that information regarding a journalist's state of mind was relevant under the New York Times standard.

Yet Justice William Brennan, in a dissenting opinion, expressed concern over the decision and its implications for the editorial decisionmaking process. "In the area of libel," Justice Brennan stated, "the balance struck by the New York Times between the values of the first amendment and society's interest in preventing and redressing attacks upon reputation must be preserved. This can best be accomplished if the privilege functions to shield the editorial process from general claims of damaged reputation."

Indeed, as Justice Brennan so clearly noted, the working press must be afforded legal protection from those plaintiffs who are unable to even prove defamatory falsehood during the discovery process.

Mr. Speaker, I have introduced legislation that seeks to remedy the legitimate concerns raised by Justice Brennan and the working press. As Herbert against Lando so clearly points out, there is a vital need for discovery protections for journalists.

This bill, based upon the insightful guidance of Justice Brennan in the Herbert decision, would provide a procedural safeguard for the working press by requiring public figure litigants to make a prima facie showing—that is, to present an adequate showing that a defamatory falsehood did in fact occur—before the court may permit discovery into the editorial processes of the press. This entails the deliberative and policymaking processes involved in the gathering and dissemination of information, including the thoughts, opinions, conclusions, and communications associated with such deliberations.

Mr. Speaker, this legislation does not unduly hamper good faith litigants who are pursuing legitimate causes of action, nor does it deny the right to discover relevant evidence. Rather, this bill would establish a procedural safeguard for journalists, thus curtailing "fishing expeditions" by litigious persons with spurious causes of action. For, under the present ruling, a plaintiff may probe into the personal thoughts and opinions of reporters and editors even though defamation may not have occurred.

I look forward to my colleagues cosponsorship of the Editorial Process Protection Act (H.R. 6224).●

---

## UKRAINIAN INDEPENDENCE DAY

## HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BLANCHARD. Mr. Speaker, today marks the 62d anniversary of the Proclamation of the Independence of Ukraine. For over 60 years Ukrainians have suffered under the yoke of Soviet occupation.

Right now the entire world is aware of the Soviets' callous and coercive expansionary incursions into Afghanistan. Today there is an outcry against this unjustice. Leaders of the free world have harshly condemned the Soviet actions and have said that steps will be taken to respond.

One must wonder how the people of nations such as the Ukraine feel in the wake of the Soviets' most recent contemptible action. For these are people who have lived under occupation for many years and are painfully aware of the oppression and persecution that have been the result. Yet, sadly many in the free world have forgotten the plight of countries such as the Ukraine whose people continue to struggle for their freedom and independence.

That is why it is so important that we take the opportunity of this 62d anniversary to remember the plight of the Ukrainian people and reassert our commitment to support them.

I want to bring to my colleagues' attention the following letter which I received from Dr. Anthony Zukowsky, president of the Ukrainian Congress Committee of America, Metropolitan Detroit Branch. His letter further describes some of the background of the Ukrainian struggle.

The letter follows:

UKRAINIAN CONGRESS COMMITTEE OF AMERICA, METROPOLITAN DETROIT BRANCH,

*Warren, Mich., January 16, 1980.*

Re January 22, Ukrainian Independence Day.

Hon. JAMES J. BLANCHARD,
*U.S. Congressman,*
*Washington, D.C.*

DEAR CONGRESSMAN BLANCHARD: We would like to call your attention to the fact that Ukrainians, all over the free world, including the United States, will celebrate the Independence of Ukraine, in January.

January 22nd will mark the 62nd Anniversary of the Proclamation of the Independence of Ukraine and the 61st Anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign nation. Both the Independence of Ukraine and the Act of Union were proclaimed by a duly elected parliament (Central Rada) in Kiev, capital of Ukraine, on January 22, 1918 and January 22, 1919.

This sovereign Ukrainian state was immediately recognized by a large number of nations, including France and England. Diplomatic relations were established with them. Recognition was granted, also, by Soviet Russia. Despite the fact that the Soviet government had officially recognized Ukraine as an independent and sovereign state, Ukraine was attacked, both by military aggression and by subversion from within.

For three and one-half years the Ukrainian people waged a gallant struggle in defense of their country, alone and without aid from Western nations, but were ultimately overpowered by a numerically stronger and better equipped Russian Bolshevik aggressor. They destroyed the Ukrainian National Republic and created a Communist puppet government known as the Ukrainian Soviet Socialist Republic (Ukrainian S.S.R.).

The entire history of Soviet-dominated Ukraine is a ghastly record of inhumanity, outright persecution, terror and genocide. Russification and denationalization plus violation of human rights, on a scale not known in the history of mankind, has occurred.

In summary, the colonial rule of Soviet Communism in Ukraine can be characterized by the following:

A. During the sixty years of Moscow rule in Ukraine, millions of Ukrainians have been annihilated by man-made famines, deportations and executions.

B. Both Ukrainian Orthodox and Ukrainian Catholic Churches have been ruthlessly destroyed and their clergy and faithful have been arrested and persecuted.

C. All aspects of Ukranian life are rigidly controlled and directed by Moscow.

D. Permanent violation of Human and National Rights was instituted in Ukraine. Thousands of Ukrainians have been charged with "anti-Soviet propaganda and agitation", tried and convicted. Many have been tortured, incarcerated and confined in psychiatric asylums where drugs and chemicals are forcibly administered. Despite the Implementation of the Helsinki Accords, Soviet oppression has intensified in Ukraine. New arrests of innocent people have been made by the Russians. The KGB, Soviet Secret Police, has committed many murders. Mrs. Ala Horska, poetess and literary critic, was murdered in Kiev. This past year, music composer, Volodimir Iwasiuk was murdered in Lwiw, Ukraine. Members of the Ukrainian Helsinki Groups were tried and given harsh sentences.

Russian enslavement of Ukraine has brought much suffering to the people of Ukraine. In 1919-1920 Ukraine was the first victim of Russian-Communist aggression. Since then, with passive indifference to the Western world, they have subjugated other countries. The recent invasion and occupation of Afghanistan is the latest warning, to the world, that Russian Imperialism poses the greatest threat to all.

In spite of this oppressive yoke, Ukrainians have never accepted this foreign domination and are continuing their struggle for Human Rights, Freedom and National Independence. A new breed of adament fighters for Human and National Rights gives us hope that Ukraine will be free again.

We would like to express our sincere thanks and appreciation to the President of the United States, to the U.S. government and to all the members of the Senate and Congress for their untiring efforts in bringing many freedom fighters and dissidents, from Soviet prisons, to our great country and giving them assylum here. God bless you all!

The Ukrainian people, in the free world, are celebrating the memorable January 22nd as their greatest holiday. For many years, the 22nd of January has been proclaimed, Ukrainian Independence Day, in American cities and states from coast to coast.

Therefore, it is in the common spirit of liberty, faith and justice that the American people, and especially the U.S. Congress, join Ukrainians all over the world in giving moral support to the Ukrainian people in their struggle for Human Rights, Freedom and National Independence.

We appreciate, very much, your support and concern for the welfare of the Ukrainian people.

Sincerely,

Dr. ANTHONY ZUKOWSKY,
*President.*●

## DR. MARTIN LUTHER KING, JR.'S BIRTHDAY: A DAY FOR NATIONAL OBSERVANCE

### HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. PATTERSON. Mr. Speaker, on January 15, 1980, concerned citizens from all over Orange County joined together at the New St. Paul Baptist Church in Santa Ana, California to celebrate the 51st birthday of the late Dr. Martin Luther King, Jr.

Unfortunately, I was unable to attend this event due to official business here in Washington, D.C. However, I joined my fellow citizens in Orange County and all around the country in a moment of prayer honoring this great American, whose dream has given millions hope, guidance and inspiration for nearly two decades.

Seven years ago, another great American, who had fought so hard for the cause of civil rights, wrote a letter to Mrs. Coretta Scott King expressing his feelings on the occasion of her husband's birthday. Hubert Humphrey wrote:

> Let us not soon forget the lessons that he taught. Let us use this event to celebrate his having been with us. However, more importantly, let us thank him for bringing us together as individuals that we might redouble our efforts to bring about human freedom and dignity.

It was about a year ago, Mr. Speaker, that I announced my cosponsorship of a bill to designate Dr. King's birthday a national holiday. It is a great personal disappointment that Congress did not complete consideration of this legislation in time for the anniversary of Dr. King's birthday this year. As we open the 2d session of the 96th Congress, I again pledge my support for this legislation and urge my colleagues to join me so that next year we may celebrate Dr. Martin Luther King, Jr.'s birthday as a national holiday.●

## IMPORTANT HEMISPHERIC MEETING ON GASOHOL

### HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mrs. BOGGS. Mr. Speaker, last November 25 through 29 the city of New Orleans was host to the First Inter-American Conference on Renewable Sources of Energy. This meeting was the first of its kind in the Western Hemisphere. The purpose of the conference was to bring together the latest technologies, the relevant economic thinkers, and government leaders to work on the development of plans to encourage production of alcohol fuels from the biomass.

The meeting was a spectacular success and attracted over 500 participants from 51 countries and 40 States of the United States. Several Members of this House addressed the delegates. The meeting was sponsored by Gov. Edwin Edwards and the State of Louisiana and the chairman of the conference was Louisiana State Representative de Lesseps S. Morrison. The focus of the conferees was on the reality of alcohol fuels, the incentives that government should provide for private enterprise, the economic benefits of various crop sources and their byproducts, the creation of an efficient marketing system and the necessity for rapid implementation.

One of the results of the conference was the formation of a committee of legislators from nine States. The purpose of the group is to facilitate a continuing dialog and positive action on renewable energy, particularly the fermentation of ethanol for use in the production of gasohol. The legislators recognize that action by State legislatures is necessary to encourage development of alcohol as an alternative fuel to lessen our dependence on the OPEC countries. The members of the committee of legislators include:

State Delegate Ward Teel, Christiansburg, Virginia.

State Representative Bruce W. Anderson, Slayton, Minn.

State Senator Jack M. Bangerter, Bountiful, Utah.

State Senator Max E. Coffey, Charleston, Illinois.

State Representative Dave M. Holbrook, Belgoni, Miss.

State Representative William Harris, Marion, Illinois.

State Senator Robert Mitschler, Oswego, Illinois.

State Representative Manuol A. Fernandez, Chalmette, La.

State Representative Don Lash, Rockville, Indiana.

State Representative Clyde W. Kinball, New Roads, La.

State Representative De Lesseps S. Morrison, New Orleans, La.

State Representative Ted Meyer, Chicago, Illinois.

State Senator Adeline J. Geo-Karis, Zion, Illinois.

State Representative Ralph Miller, Norco, Louisiana.

State Senator Loran Schmit, Bellwood, Nebraska.

State Representative Deal Shelor, Mineola, Kansas.

Mr. Speaker, because this conference was of great interest to the American agricultural movement, to the Nation's consumers, and to the many countries of the Western Hemisphere that are dependent on imported petroleum, I would like to include with my remarks an article describing the conference which appeared in the January 1980, issue of Gasohol U.S.A.

[From Gasohol U.S.A., January 1980

INTERAMERICAN ALCOHOL FUELS CONFERENCE

When an impressive roster of international gasohol experts met at the Interamerican Alcohol Fuels Conference in New Orleans last month, the issue of alcohol exports came to the fore. Whether or not the Senate-passed restrictions on alcohol imports actually make it past a House-Senate Conference Committee, many Latin nations don't believe they will have large quantities of alcohol to export. A recent Brazilian decision to sell 500 million litres of 190 proof alcohol overseas in order to improve Brazil's balance of payments picture met with a great deal of criticism. Representatives at the conference—including Costa Ricans, Nicaraguans, and Argentines—told *Gasohol U.S.A.* that is would be many years before large scale exports of alcohol could take place. The consensus seemed to be that the substitute fuel was needed in their own countries.

Re-affirming that view, several beverage alcohol traders noted that the world market for 190 proof alcohol had firmed up considerably since May 1979, when Brazil dumped a large quantity of alcohol on the Asian market at 28 cents per litre (98 cents a gallon). Prices now range from 40 cents to 45 cents per litre ($1.52 to $1.71) and are rising, while costs for production in developing nations are still hovering around the 90 cents per gallon range. Excess capacity is being bought up rapidly, they said, as a hedge against a world oil shortfall.

From the outset, speeches by U.S. spokesmen were dominated by a prairie populism, exhortations to self reliance and thinly veiled threats against OPEC that appealed only peripherally to Latin American delegates. References to a "hemispheric coalition," made by Representative Floyd Fithian and others did not, according to some Latin Americans, come close to recognizing the central question.

Keynote speaker Elliot Janeway called alcohol fuels "the simple, clean, ready at hand answer to the problem we have created for ourselves by taking the horses (octane—a reference to lead) out of the gasoline. If we put the alcohol back into the refinery, put the horses back into the gasoline, we won't have to worry about fighting a war the enemy's way. . . instead of using less and paying more, we'll use more and pay less . . ." he said.

Janeway also touched on the classic midwestern slogan by pointing out a victory for democracy's side will see a vindication of the slogan *A Bushel for a Barrel*, Janeway also said that the U.S. should build a battery of distilleries across the corn and sugar belts of the U.S., and then tell Iran "It doesn't matter to us whether you buy our grain or not . . ." since it would no longer matter if we bought their oil.

Representative Berkley Bedell told the conference that increased support for alcohol fuels was in step with support for energy forms which are decentralized and flexible, as opposed to those to which we have become accustomed to in the petroleum age. "Dependence on bigness has also had questionable impacts on development of our society and the composition of our communities," he said. "I believe that the development of a national alcohol fuels production program will lead to a re-orientation of attitudes regarding the importance of local and regional communities and will instill a spirit of self sufficiency."

The Iowa Congressman also said that large and small scale distilleries are "vital to the future economic vitality of the U.S." and did not see the two approaches as mutually exclusive. Alcohol—which Bedell labeled "sunthetic fuel"—poses none of the environmental risks of "synfuels," he said, and estimated that large scale distilleries could provide the alcohol component of gasohol on a scale that could replace unleaded gasoline by 1985.

"Farmers won't ask if it will break OPEC," Representative Fithian said. "They will ask if it will pay. Fortunately, the answer is yes. Brazil proved the point."

But proving the point and replacing the entire barrel of oil are two different things, Sergio Trindade, Director of Brazil's Centro Technico Promon, or CTP, pointed out. While gasohol blends are a "fait accompli," the demand for other products in the whole barrel—naptha, diesel, heating oil, jet fuel—has increased, leaving Brazil with the problem of having to export cheap gasoline. Mid term solutions have been to mix small amounts of alcohol with diesel, and 10 to 15% blends with heavy gasoline (naptha). In the long run, Brazil can either change the refinery configurations to get more heavy products out of heavier crude, or produce more alcohol engines for trucks and buses. Another alternative which has recently come up, he said, was to combine alcohol and ignition improvers to raise the fuel's cetane rating, so that an alcohol fuel would have the characteristics of a diesel fuel. Compounds which might be able to help are nitric esters, which, Trindade said, can be made from alcohol . . . "which is a beauty."

Trindade also said that current price per cubic meter of alcohol is $320 f.o.b. the distillery in Brazil. Concerning the export question, Trindade noted that a barrel of alcohol can bring over $50, enough for two barrels of oil. "If balance of payments questions dominate, then there may be more exports," he said. "But if energy independence questions dominate, then I think you won't see much." Trindade also indicated that exports to the U.S. are under consideration.

One Brazilian spokesman from the giant distillery corporation. Dedini S.A., said that "authorities have problem (of stillage dumping) completely under control in the Sao Paulo region," and almost under control in the northeast. High in pollutants, leftover stillage has been a major environmental problem associated with Brazil's alcohol industry.

Both the Dedini spokesman and Trindade noted that using stillage as a fertilizer is the most economic method of disposal, and that it actually saves money by replacing some fertilizers and enhancing sugar cane growth.

A U.S. researcher, recently returned from a fact finding tour of the Brazilian alcohol industry, commented later to Gasohol U.S.A. that the claims of having the stillage problem under control are not entirely correct. While the researcher did not want his name disclosed, he said that many distillery workers and managers he spoke with privately admitted that many problems remain. While "vast programs" to return stillage to the land are in place, the logistics of filling hundreds of trucks with clogging, corrosive stillage and spreading it on fields is "quite difficult." And since most distilleries are located on rivers, excess stillage is still finding its way downstream.

Francisco Aguierre of the Central American Research Institute for Industry (ICAITI), commented that over 500 small scale moonshine stills are confiscated each month in Guatemala, and that—judging from their capacity—the stills could provide between 30% and 40% of the entire beverage alcohol market in Guatemala. "I think there's room for smaller plants to develop new sources of work," he said. A design put together by ICAITI and Brazil's National Institute of Technology would cost $20,000 for equipment as well as $70,000 in overall investment while producing 50,000 litres of fuel-grade alcohol per year, he said. The design, interestingly, uses a distillation column made of wood, much like columns thrown up on an emergency basis in the U.S. during the second World War. The size of the still, Aguierre said, could be applicable in rural areas, would help with markets for crops, and would be large enough to incorporate the necessary government regulations.

Other presentations by Latin American representatives to the conference served to underscore the point that cooperation is desirable, but only the Brazilian delegates were willing to commit themselves to recommending that an international institute for alcohol fuels be created. And while the recommendation was sought by conference organizers, it was not incorporated in the recommendations given to White House Energy Advisor Elliot Cutler who spoke briefly at the conference. In fact, despite a great deal of discussion, the only recommendation made to Cutler was a resolution of support for the Senate synfuels bill which includes some $6 billion for alcohol fuels development.

While, by outward appearances, the Latin American delegates were not connecting with their American counterparts, behind the scenes business was brisk. According to sources close to the activity, Brazilian distillery manufacturers—Dedini/Codestil and Zanini—counted some 20 major projects in the U.S., Central America and the Caribbean that stood a strong chance of panning out. Dedini spokesmen said that no contracts had been signed at the conference, but that a number of very useful contacts had been made.

Sources said that among projects close to signing are: a $36 million distillery in New Iberia, Louisiana; a 250,000 litre a day plant for Salto Grande, Guatemala; two major plants in Honduras integrated with 50,000 tons per year of sugar cane facilities; a 5,000 ton per year unit for Haiti; and a 90,000 litre per year unit for Uruguay. Whether or not these particular projects are soon built, many businessmen felt that the climate for technical transfer and alcohol fuels trading had been established.

Other distillery equipment manufacturers—notably Austrian and Spanish—felt that competition was "very difficult if not impossible" due to the generous financing terms being offered by the Brazilian government for their units. According to a Brazilian government spokesman, sugar cane based distilleries purchased from Brazilian manufacturers would be 80% financed (not counting working capital or interest in construction) over 12 years at 7% interest rates with a two year grace period. Distilleries attached to sugar cane mills would be eligible for a 6% interest rate and about 40 to 45% financing. Both rates would be balanced against an official Brazilian index for inflation. In the case of a cassava (manioc) distillery, 90% of the investment would be picked up by Brazil, with a 2% interest rate plus the monetary correction. For a government to government deal, 100% financing would be available. This rate was particularly attractive to two members of the Nicaraguan government, who said plans for a 150,000 litre per year distillery are in the works. Nicaragua's borrowing power is in shambles since the Sandinista revolution replaced General Anastazio Somoza last summer.

Two major technical papers were presented at the conference. In one, Dr. Leo Spano of the U.S. Army Natick Research and Development Command reported that due to reduced costs of enzyme production, the conversion of cellulose to sugar, and thus to alcohol, was reduced to a cost of $1.22 per gallon. Economic analysis of a 25 million gallon a year plant operating 330 days a year showed, said Spano, that urban waste could be turned into alcohol for a $65,142,000 investment. Energy balance for such a plant would be 25,000 BTU per gallon to produce compared to about 80,000 BTUs contained in a gallon of ethanol.

Another major advance in alcohol production was detailed in a paper by the Central American Research Institute for Industry. Under a new extraction-fermentation process (called "Ex-Ferm"), costs of producing alcohol from sugar cane can be lowered to 21 cents to 26 cents per litre, or 80 to 98 cents per gallon. The process involves fermentation as sugar molecules are extracted from chopped cane, instead of fermenting cane juice that has been through expensive processing. Results of the process include a higher yield of alcohol per ton of cane, no need for nitrogen addition (as in molasses fermentation), and ability to store sugar cane for an entire year instead of having to process cane only during the 180-day growing season. Spokesmen for the industry said a pilot plant will be built soon to test the lab-scale technology.

In an economic analysis by Ernest Wakefield of the Third World Energy Institute, the proposal was made that the ever-increasing debts of the emerging nations be repaid through development of alcohol industries. Alcohol, said Wakefield, "will surely increase in value parallel with petroleum products. If employed, vast regions of Central and South America now wallowing either in or near bankruptcy could become a cornucopia of prosperity." Wakefield noted that an acre of sugar cane yields eight barrels of oil equivalent in alcohol per year, and said that if 10% of, for example, Guatemala were planted in sugar cane, 22.7 million barrels per year of alcohol could be produced. Brazil, according to those figures, could produce 1.7 billion barrels per year, Honduras 23 million, Jamaica 2.4 million, and so on. If all the nations of the hemisphere (south of Mexico) were to plant 10% of their land area in sugar cane and harvest it for alcohol, the annual sum would be 2.3 billion barrels.

While reducing debt for third world nations is desirable, some question the idea of putting vast new areas to the plow, and drawing on sugar cane economies of Central and South America for fueling U.S. cars. Critics of the idea see too much room for exploitation of workers in the name of increased fuel supply.

With this question in mind, this reporter met with representatives of the new government of Nicaragua to assess their feelings. Is it possible, they were asked, that the insatiable American thirst for fuel would lead to a new wave of feudalism in Latin America?

The representatives took the question seriously, but replied that it did not seem possible. "The fuel is needed for internal uses," said one, who explained that even in countries where the "campesino" has a very difficult life, new sugar markets would increase employment and the general prosperity. For Nicaragua, "the alcohol program is part of the revolutionary program," they said. "Alcohol will strengthen the rural economic sector, and lend self-sufficiency to our nation. Workers will not be exploited in the economic sense, although of course, the work is very rough. It's just something you have to do."

Predicting a "great social impact" through development of alcohol fuels in Nicaragua, the representatives said that they had "given a great deal of thought to the very difficult life of the campesino prior to the revolution, (when) the typical system of exploitation was intolerable." Alcohol fuels, they said, will help create a "highly humanized way of life" in rural areas, bringing economic incentives to move back to rural areas. Their revolution would not, they said, force people from the cities. "But we hope," they said, "that rural life will be improved and people will want to go back to rural life. This is a strategic principle of our revolution; developing some kind of equilibrium between cities and rural areas (el campo)."

Other Central American representatives echoed the sentiment, but in rather nonrevolutionary terms. Guatemalan researchers, for example, were convinced that new life could be infused into the dying rural economies through new markets for sugar cane products. Costa Rican sugar planters looked forward to increased employment for their people.

Thus, no matter the form of rhetoric, or the end of the political spectrum, alcohol fuels hold a great deal of hope for emerging nations with high oil bills and escalating unemployment. If the conference served to underscore the point, it also served to demonstrate that the U.S. and Latin America are on differenct tracks in alcohol fuels development, and it would be some years before their efforts will be mutually supporting.—**Bill Kovarik.**●

## GEORGE EVAN HOWELL

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. FINDLEY. Mr. Speaker, the hearts of many in central Illinois are saddened by the recent passing of former Member of Congress, George Evan Howell, who served much of the same area I now represent during four terms after his election to Congress in 1940. I am sure many individuals on Capitol Hill and in Washington remember the distinctive contribution Evan Howell made to his country.

His resignation from Congress in 1947 led to further service. He became a judge of the U.S. Court of Claims until 1953 and served as chairman of the Illinois Toll Highway Commission from 1953 to 1955. After this fine career of public service, Evan Howell returned to contribute further to his community of Springfield, Ill., as an attorney in private practice. In later years he continued his public service with the Federal Government in Washington.

I know that the House of Representatives will want to take note at his passing of the merited performance of his duty to his country, his State, and his community by this outstanding former Member from Illinois.●

## CONGRESS MUST NOT DECRIMINALIZE MARIHUANA

### HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BEARD of Tennessee. Mr. Speaker, just before the Christmas recess the Senate Judiciary Committee voted to report a bill establishing a revised criminal code (S. 1722) which provides for the de facto decriminalization of possession of small amounts of marihuana—less than 1 ounce. Under the bill, the possession of 30 grams or less of marihuana shall be considered an "infraction" rather than a misdemeanor. The bill stipulates that such offenders shall not be arrested but shall simply be issued a summons. This apparently applies no matter how many times the offense is repeated. The maximum penalty for a first offense is $100, and the maximum penalty for a third offense is a $500 fine.

For all practical purposes, this is tantamount to decriminalization.

Mr. Speaker, the overwhelming majority of the American public and the overwhelming majority in Congress are strongly opposed to the decriminalization of marihuana because it is as certain as death and taxes that decriminalization is bound to result in a quantum jump in the marihuana epidemic which today afflicts our country.

As one Congressman, I resent the manner in which the sponsors of S. 1722 have tried to sneak decriminalization by the congressional majority. Had they presented a straightforward bill calling for the decriminalization of marihuana, everyone in this Chamber knows that it would have gone down to crushing defeat. But tucked away as a few paragraphs in a bill that is several hundred pages long, presumably the sponsors felt that Congress would not notice it, or, if they did notice it, would subordinate the issue of decriminalization to the generally recognized need for a revised criminal code.

I earnestly hope that the House Judiciary Committee will have the good sense to strike decriminalization of marihuana from the revised criminal code when they get around to considering it. If, for any reason, the House Judiciary Committee fails to do so, then I want to put the leadership on notice that there are many Congressmen in both parties who will fight this measure to the bitter end.

It may not be understood today that every Member of the Senate and House who votes for S. 1722 in its present form would be voting for the decriminalization of marihuana. But I want to assure you, Mr. Speaker, that this fact will be amply understood by the American people long before the debate is over.

I understand that the Senate will shortly be taking up S. 1722. I appeal to the Senators of both parties to weigh carefully the massive evidence that has accumulated on the baneful effects of marihuana, both to the individual, and to society. I appeal to them to weigh the opinions of law enforcement officers who know far better than most people the devastating effect that marihuana is having on the youth of our country.

Mr. Speaker, last week, under the chairmanship of Senator **Charles Mathias** of Maryland, the Senate Subcommittee on Criminal Justice held 2 days of hearings on the effects of marihuana and the question of decriminalization. I have been enormously impressed by the statement submitted to the subcommittee by Dr. Mitchell S. Rosenthal, president of Phoenix House, New York. Phoenix House is the Nation's largest residential program for the treatment of drug abuse. Over the past dozen years, Dr. Rosenthal told the subcommittee, they have treated nearly 15,000 young people for problems related to drug abuse. All of these young men and women, he noted, had smoked marihuana and a good many of them had never moved on to abuse anything more potent.

Dr. Rosenthal originally supported decriminalization when it was approved by the New York State Legislature a few years ago. But based on his unrivalled exposure to the problem of drug abuse, he has now changed his mind completely. Indeed, he made an impassioned plea to the Senate subcommittee to strike decriminalization from the revised criminal code.

Let me quote to you Dr. Rosenthal's own words about his changed perception of the problem since decriminalization was introduced:

> . . . my own attitude has changed markedly since the issue of decriminalization was first raised in New York State. At that time, I took no public position. While I personally deplored the relaxation of penalties, I did not feel any good would be served by speaking out or campaigning against it. The problems posed by criminal penalties were then painfully apparent, while the problems that would result from decriminalization were unknown. Not that these problems were unpredictable. Indeed, it was almost inevitable that decriminalization would be interpreted by a sizeable portion of the population—particularly youngsters—as de facto legalization. And, that is exactly what transpired.
>
> . . . gentlemen, times have changed. We cannot repeat the mistakes of yesterday using yesterday's excuses. Decriminalization was a mistake that might have been avoided had we known then what we know now. Well, we now do know what we did not know then.

Speaking about the medical and psychological effects of marihuana, Dr. Rosenthal told the subcommittee:

We know that marijuana is a dangerous drug—physically dangerous—at least as threatening to health as tobacco or alcohol. We have evidence that marijuana may be potentially more damaging to the lungs than tobacco. We know it can reduce the mobility of sperm and increase the amount of abnormal sperm. Studies show that female marijuana users have three times as many defective monthly cycles as nonusers. What animal studies indicate is even more disturbing. They have shown marijuana causing the early death of embryos, diminishing the capabilities of the immune system, producing short-term changes in the brain and even structural changes in brain cells.

As dangerous or more dangerous than the physical effects of marijuana is its impact on behavior—its behavioral toxicity—the impairmant of judgment, memory or learning disability, the loss of motivation, coordination or motor skills.

Mr. Speaker, I ask unanimous consent to insert into the RECORD at this point the full text of the statement made by Dr. Mitchell S. Rosenthal on January 17, 1980, before the Senate Subcommittee on Criminal Justice.

### STATEMENT OF MITCHELL S. ROSENTHAL, M.D.

Gentlemen: I am Dr. Mitchell S. Rosenthal, a child psychiatrist and the president of the Phoenix House Foundation. As you may know, Phoenix House is the nation's largest residential program for the treatment of drug abuse. We have treated nearly 15 thousand young people during the past dozen years. And let me note here that almost all these young men and women smoked marijuana. Indeed, a good many never moved on to abuse anything more potent.

I am grateful for the opportunity to share what I know and what I feel about the question of decriminalization with members of the Judiciary Committee. I admire your patience, for I doubt that I will tell the committee anything it does not already know. I am almost equally certain that nothing I say is likely to change anyone's mind. It has been my experience, that positions on the relaxation of penalties for the possession of marijuana are usually strongly defended and hardly ever abandoned.

However, my own attitude has changed markedly since the issue of decriminalization was first raised in New York State. At that time, I took no public position. While I personally deplored the relaxation of penalties, I did not feel any good would be served by speaking out or campaigning against it.

The problems posed by criminal penalties were then painfully apparent, while the problems that would result from decriminalization were unknown. Not that these problems were unpredictable. Indeed, it was almost inevitable that decriminalization would be interpreted by a sizable portion of the population—particularly youngsters—as de facto legalization. And, that is exactly what transpired.

Yet there were few outright opponents of decriminalization within the ranks of drug abuse professions when New York changed the rules. And the reasons are simple and far from flattering. Most of us in the business of drug abuse treatment are dependent upon public support. We need the active approval of legislators and sizable State subsidies to stay in business. Clearly, we cannot challenge the wisdom of these legislators without risking their retaliation.

Nor were drug abuse professionals unaware of changing public attitudes towards the use of certain illicit drugs. We recognized decriminalization in New York and the several other States in which it has occurred as a logical legislative reflection of tolerance for the "social" or "recreational" use of marijuana.

But, gentlemen, times have changed. We cannot repeat the mistakes of yesterday using yesterday's excuses. Decriminalization was a mistake that might have been avoided had we known then what we know now. Well, we now do know what we did not know then.

We know that marijuana is a dangerous drug—physically dangerous—at least as threatening to health as tobacco or alcohol. We have evidence that marijuana may be potentially more damaging to the lungs than tobacco. We know it can reduce the mobility of sperm and increase the amount of abnormal sperm. Studies show that female marijuana users have three times as many defective monthly cycles as nonusers. What animal studies indicate is even more disturbing. They have shown marijuana causing the early death of embryos, diminishing the capabilities of the immune system, producing short-term changes in the brain and even structural changes in brain cells.

Now, I am aware that much of this evidence is challenged by marijuana apologists. And I am not here to debate them. The evidence exists. It could be more definite and more convincing—and it undoubtedly will be. After all, what we know about the physical dangers of marijuana has been learned quite recently. And it has raised almost as many questions as it has answered. Nevertheless, no one today can dare make the error of assuming that marijuana is a benign or harmless substance.

As dangerous or more dangerous than the physical effects of marijuana is its impact on behavior—its behaviorial toxicity—the impairment of judgement, memory or learning disability, the loss of motivation, coordination or motor skills. A simple and terrrifying example of behaviorial toxicity is the effect of marijuana on driving. And here we have ample evidence of the drug's fatal influence. Studies in Boston, Baltimore, Albuquerque and Oklahoma City all have shown that roughly 16 percent of the drivers involved in fatal accidents had been smoking marijuana. In California, a state-wide study, using blood samples from drivers arrested after accidents or for driving under the influence of drugs, found 16 percent were indeed high when arrested.

But gentlemen, I am willing to allow that what we now know about physical effects and behaviorial toxicity may make marijuana no more of a health risk than alcohol. But when we look at the long-term impact of regular use on adolescents, then I'm afraid we simply run out of excuses for decriminalization.

For years we have been able to avoid facing up to this issue by looking only at selected samples or marijuana-using young adults, who seemed able to work or study with no apparent ill effects. We have focused on the best outcomes and ignored the worst. We have simply failed to recognize that few adolescent users can avoid the long-term emotional and intellectual penalties of regular use.

What we have got to consider are the properties of pot that make it what one young Phoenix resident calls a "stupid making drug."

And I am not talking now about the possibility of irreversible brain damage. I'm talking about the reality of nearly irreversible immaturity . . . about intellectual loss . . . about the failure of young marijuana users to grow and learn and develop as they should.

We know how regular use of marijuana affects attention span, concentration and memory. We have evidence of dramatic short-term memory loss. We have seen the decline in intellectual performance of regular users. But even these effects are not nearly so significantly as the physchological changes that are the result of steady marijuana use for many if not most schoolage children. Smoking pot in adolescence prolongs adolescence, it inhibits maturity Young users psychologically regress towards infantilism.

During a time when youngsters must begin developing adult means of dealing with their own needs and with the needs of others, they become increasingly self-absorbed. While they should be acquiring the discipline that allows them to defer pleasure, they return to an almost infantile expectation of immediate gratification. At the very time when they most need to consider long-term goals, they are operating in a time-frame limited to days or hours.

To grow . . . to develop . . . to achieve adulthood, adolescents must cope with the emotional storms and squalls of the troubled teenage period. If they turn to marijuana or to alcohol or to other drugs to relieve the anxieties of the moment, then they establish a pattern of escaping rather than dealing with reality. They do not cope and they do not learn how to cope. They blow away their troubles in a cloud of smoke . . . and they blow away their chance of becoming mature and responsible adults.

But awareness of intellectual or psychological loss is rare on the part of the victims. Marijuana use is self-reinforcing. Youngsters do not know—and cannot tell—how much perception they have sacrificed . . . how much mental acuity they have lost. They are not aware of regression. They are not conscious of their sustained immaturity. Ask them, and they will tell you that "it's cool." Indeed, I believe that a great many young people see marijuana as the easy way to mature—while it is, in fact, no way at all.

Now, gentlemen, let's look at the numbers—the dramatic rise in youthful marijuana use that has resulted from both decriminalization and changing public attitudes. You know the number of high school seniors using pot daily nearly doubled between 1975 and 1978. You've seen the statewide studies in Maine and Maryland showing that one high school student in six is getting high pretty much on a daily basis. In New York State, after decriminalization, one quarter of a million school children started using marijuana in 1977. And the age of initial use keeps dropping each year. Nearly one-third of all New York's seventh and eighth graders have already tried the drug.

And today, fewer and fewer youngsters stop at pot. If being high relieves anxieties, makes socialization easier and is a pleasurable experience, then why not get even higher. In 1977, not only did one quarter of a million New York school children first try pot, but 118 thousand also had their first taste of cocaine and more than 125 thousand began using PCP or angel dust.

There is an aspect to this problem that I hope the committee has considered. And it is not the danger marijuana use poses to any individual adolescent user. It is the danger of escalating marijuana use within the nation's school age population. If current trends continue—if the number of regular users and daily users continues to increase—then our nation is well on its way to acquiring an unmanagable number of emotionally or intellectually handicapped individuals.

Gentlemen, the danger is a real one. And you are far better equipped than I to speculate on the consequences of adding to America's dependent population—adding relatively young men and women, socially and economically incapable of becoming productive members of society.

I recognize that there are more than 16 million Americans who use marijuana today—and only about one-quarter of them are youngsters. I am willing to allow that marijuana use may be a matter adults can decide themselves. And present penalties for possession, if enforced, would create chaos within the criminal justice system.

Decriminalization is certainly an appealing solution. But it will produce appalling consequences. Let me urge the committee to consider alternatives other than simple decriminalization for possession of an ounce or less of marijuana. Is is not possible for the law to recognize the realities, to deal specifically with the issue of youthful abuse? If this means the law must consider the age of buyers or sellers or consumers of marijuana, surely it is not beyond the capacity of this committee to make such distinctions. If this means that adult marijuana users must risk what may be excessive criminal penalties in order to protect a generation of young Americans, it would surely be a rational trade-off.

I would not presume to suggest a solution. I recognize that there is no easy answer. There may not even be a very good one. But there certainly is a best one—and simple decriminalization is not it.

By the act of decriminalization, this committee is adding another and a powerful voice to the chorus that tells young Americans that pot is okay, that getting high is acceptable behavior and it is now sanctioned even by Congress.

Our society cannot extend the privilege of smoking marijuana at minimum legal risk to adults without having more kids smoke. And we cannot have more youngsters regularly using marijuana without them risking serious physical harm, exposure to behavioral toxicity and long-range emotional and intellectual penalties that will be truly threatening to our nation.

Gentlemen, a rational society's priority should reflect a concern for the general welfare and the specific needs of its young. To sacrifice both for the comfort or convenience of some special constituency is frankly foolhardy.

Simple decriminalization exacts too great a price from young Americans today and will cost our nation too much tomorrow. We cannot pay all that just to create new rights and privileges for 12 million or so marijuana-smoking adults.

Thank you.●

## NORTHEAST CORRIDOR LEGISLATION URGENTLY NEEDED

### HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. MOAKLEY. Mr. Speaker, since entering this body I have been deeply concerned with the problems of transportation and the rail industry in the Northeast region and the rest of the country. I am pleased therefore, to offer my support to Mr. FLORIO's and the Subcommittee on Transportation and Commerce's proposed legislation regarding the Northeast Corridor Improvement project.

The Northeast Corridor improvement project was established in 1976 by the Department of Transportation in order to build fast, safe, and energy efficient rail passenger service between Boston, New York, and Washington, D.C. When first introduced, this project had been described as instrumental to the economic revitalization and development of the Northeast. Today, as the costs of gasoline and air travel skyrocket, the need for efficient rail service to the region has become ever more pressing.

Due to rising inflation, however, the NECIP will not be able to meet its goals under the $1.75 billion that was originally authorized. Mr. FLORIO's bill proposes an additional $750 million authorization, bringing the total to $2.5 billion. If passed, this legislation would enable the NECIP to meet its goals of providing greatly improved service to the Northeast corridor. By 1985, Amtrak could shorten the travel time between Boston and New York to 3 hours 40 minutes, and between New York and the District of Columbia to 2 hours 40 minutes.

As one who frequently travels the Northeast Corridor route, I fully appreciate the necessity of reducing traveling time between these three metropolitan areas. By improving rail service, the bill would also enable Amtrak to attract sufficient riders in the Northeast region to cover operating costs of the rail service.

In addition, completion of the NECIP is linked to the creation of new jobs in the region and the resurgence of some of the older urban centers along the corridor. Even more important, the NECIP could produce significant energy savings in the Northeast region hardest hit by the energy crunch.

I urge my colleagues to join me in support of this bill, which is not only instrumental in the development of the Northeast, but could also serve as a model for improved safe, energy efficient rail passenger service in other parts of the country.●

## VETERANS OF FOREIGN WARS PRAISE PAKISTANI BRAVERY IN PROTECTING U.S. SCHOOLCHILDREN

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. LENT. Mr. Speaker, the William M. Gouse, Jr., Post No. 3211 of the Veterans of Foreign Wars in Hicksville, Nassau County, N.Y., has asked me to assist in conveying to our Nation and to the people and Government of Pakistan the commendation of the members of Post 3211 to a group of Pakistanis for a notable act of selfless courage in saving U.S. schoolchildren from harm during the recent attack on the U.S. Embassy in Islamabad.

According to newspaper accounts of the incident, the students and teachers at the American School in Islamabad, just a few miles from the burning U.S. Embassy, were threatened by a band of youths who were advancing on the school. But Ishmail Khan, 62, a retired colonel, and former military attaché at the Pakistan Embassy in Washington, organized a small group of Pakistanis who met and repulsed the youths, although members of the mob were carrying crowbars and lead pipes.

The brave defenders included Khan's 15-year-old son Murad, the acting superintendent of the school, William Hamidullah, and another Pakistani employee of the school. The determined resistance of the small group of defenders succeeded in dispersing the invaders, without harm to the American children, huddled inside the school.

Mr. Speaker, I join with the members of the William M. Gouse, Jr., Post 3211 of the Veterans of Foreign Wars in commending the courageous action of Colonel Khan, his son, and the Pakistani employees of the school. Their unselfish bravery in defending American children under attack from a mob deserves the highest praise from all of us in the U.S. Congress. In order that my colleagues may read the full account of their heroic action I request that the report, as printed in Newsday, November 23, 1979, be entered into the RECORD at the conclusion of my remarks.

I am also sending a copy of this account to the President, so that he may be aware of the courageous action of the Pakistanis, and will send a copy of these remarks to the Ambassador from Pakistan at the Pakistan Embassy, asking him to convey them to Colonel Khan.

Unselfish acts of heroism such as that of Colonel Khan maintain one's faith in human decency, generosity, and brotherhood.

[From Newsday, Nov. 23, 1979]

PAKISTANIS SAVED U.S. SCHOOLCHILDREN

ISLAMABAD.—As a security measure, the children had been kept at the American School past the regular closing time of 3 PM. About 70 students, ranging in age from 8 to 17, remained behind. Many of their parents were trapped in the burning embassy just visible from the American School about five miles away.

About 4:30, the attack began.

Students fled first to the gymnasium, where teachers yelled for them to lie down, and then to a sound-proofed music room. "The younger ones were crying and the older students tried to comfort them," said Devin Haggerty, 17, son of political counselor Herbert Haggerty. "I had one sixth-grader in my lap and another hanging onto me."

Outside, however, 62-year-old Ishmail Khan, a retired colonel and one-time military attache at the Pakistan Embassy in Washington, launched a counterattack. And his small group of Pakistanis repulsed the armed youths advancing on the school.

"I was about to leave the school with my son who attends the school and a number of little tots when I saw 10 to 15 teenagers running toward me carrying crowbars and lead pipes;" Khan said. Khan said that as he disarmed one youth, a number of others ran past him and began breaking windows and pounding on the locked door of the gym.

Acting School Superintendent William Hamidullah joined Khan, taking on another band of youths trying to enter the school from another point.

With Khan's 15-year-old son, Murad, protecting him from behind, the elderly man continued to take on the youths. Soon a Pakistani employee at the school also began attacking the invaders, who by then had entered the school cafeteria.

Despite the odds, the ferocity of the counterattack, coupled with yelling by Khan's son that police were coming, seems to have frightened the youths into retreat. Within a few minutes, they had left the grounds.●

## SWAMPING THE SMALL BUSINESSMAN

### HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BETHUNE. Mr. Speaker, in this day and age when Government forms and paperwork swamp small businessmen in a sea of regulation, it should not surprise me to see an example where our Government allows some confidential information to be obtained by publishers and offered for sale to the very people from whom it was collected. Such an example was brought to my attention by a constituent of mine in Searcy, Ark. In his letter, after expressing concern over the cost and time involved in completing these forms, he states:

> It further aggravates me to think that in all probability this information cannot be kept confidential, as evidenced by the brochure I am enclosing showing where someone is selling information derived from ERISA Benefit Funds. (This information is based on Form 5500, 5500C, and 5500K—financial reports required to be filed with the U.S. Department of Labor under ERISA.) These are private funds paid for, in our case, completely by the company, and we are most unhappy that after we pay for this, tailor the program to suit their requirements, and make the report, that this personal information from a small family company such as our own is then being resold to anyone who wishes to purchase the statistics.

With government prying into our business and personal lives on a daily basis, it is no small wonder that for the first time in 40 years we are experiencing a decline in real productivity in America.●

## ESOP LEGISLATION: S. 918

### HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. NOWAK. Mr. Speaker, on December 19, 1979, the House approved Report No. 96-705, the conference report to accompany S. 918, amending the Small Business Act and the Small Business Investment Act of 1958.

The Subcommittee on Access to Equity Capital and Business Opportunities, which I chair, held hearings on May 8 and 15, 1979, on H.R. 3056, which would allow Small Business Administration assistance to Employee Stock Ownership Plans (ESOP's). As a result of these hearings the language in H.R. 3056 was revised, taking into account changes which were suggested by administration and expert witnesses. Title VI of S. 918 is the culmination of this effort and is a result of negotiations between myself, Representative J. WILLIAM STANTON, ranking minority member of the subcommittee, and Senator DONALD STEWART of the Senate Select Committee on Small Business.

Enactment of S. 918 will allow the SBA to guarantee loans made by a small business' employee stock ownership plan. Up to this time, SBA has refused to guarantee loans by ESOP's even though the small concern could have directly secured the loan guarantee.

The prime advantage of an ESOP is that a company can pass a loan through the ESOP trust and deduct interest and principal payments on the loan. The ESOP transaction always involves a sale, contribution, or transfer of stock, with the ultimate recipient of the stock being the employees. There are three basic applications.

The first and most typical situation is where a small business needs additional capital for expansion. Capital may be needed to fund higher inventory levels, new product development costs, or the cost of expanding an existing product line. Cash may be needed to purchase a new building or equipment in order to increase capacity and productivity. This may occur at a time when restrictive monetary policy results in tight money and capital markets. The business person is better off in terms of cash flow with an ESOP funding the repayment of principal out of pretax income versus after tax income. This is one advantage of an ESOP over conventional financing. The trade off is that the business person dilutes his ownership in the business.

The second situation is different from the previous transaction since the business person is using the ESOP both to finance the acquisition of stock and to act as the purchaser of the stock presently owned by some other stockholder. Usually, any cash raised does not remain or even flow to the corporation. Instead, the cash is paid over by the ESOP to the selling shareholders. The net effect is that the employees now own the business and, as in the situation at South Bend Lathe, a company is kept open where it might otherwise be closed. In this case it is important to determine that the business is economically viable.

The third situation is actually a variation of the second. In this case, the small businessman of a closely held business can use an ESOP to withdraw gradually from a business. He can insure that the proper management expertise is in place and can sell pieces of his firm over time, thereby minimizing the tax effects—an important point.

Traditionally, a small business person faced with the question of perpetuation will sell out to a larger firm or will liquidate his holdings. Any value a small business may have is usually a function of the people and as an acquisition candidate, such goodwill can create accounting and pricing problems. If he cannot find a buyer, the only course of action is liquidation, bringing a loss of jobs and a blow to the local economy.

Perhaps the greatest selling point of the ESOP concept is that it creates "new capitalists." Recent studies and surveys tend to show that ESOP firms experience an increase in productivity, sales, and earnings. These newly minted capitalists can be expected to become more involved in the free market system and are generally more concerned about their company and its prospects.

Of course, the degree of owner-worker involvement and concern is directly correlated to their degree of ownership and control. Those firms which are owned 100 percent by their employees tend to benefit dramatically from employee ownership. Productivity and profits increase markedly. However, those firms which have set up an ESOP with limited employee participation—that is, with the employees owning a small percentage of the outstanding stock—tend to have benefited on a more limited basis.

Small businesses will be able to use SBA assisted employee ownership plans to finance expansion, transfer ownership, and increase productivity. This measure will offer the small business person an alternative to selling out to a large business. It will enable a viable, economically solvent division of a major corporation to remain in business, where it might otherwise be closed or liquidated.

Finally, it will give workers a piece of the action, thereby creating new capitalists.●

## OZONE DEPLETION: THE PROBLEMS OF YESTERYEAR ARE ONLY WORSE

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BROWN of California. Mr. Speaker, several years ago this body began to examine the preliminary research results which predicted a severe depletion in the Earth's ozone layer if continued use of chlorofluorocarbons continued at the present rates. This suggestion was first considered ridiculous by most policymakers, then a possible long-term, next century concern, and then, after further research it became a real present-day problem. In a nutshell, the problem is that the production and release of chlorofluorocarbons today results in irreversible global damage in the future. We protect our future only by preventing an action today.

The Congress, much to its credit, passed comprehensive legislation in

**1977, as a section of the Clean Air Act Amendments of 1977, to research and regulate, as necessary, halocarbon compounds and other emissions which threaten our fragile ozone layer. Some regulations restricting use have already taken effect, and others are under consideration. As should be obvious to all, only international controls will be effective, and these have yet to be adopted.**

**Mr. Speaker, two new reports, authorized by our 1977 law, have been prepared by the National Academy of Sciences which even further illustrate the seriousness of this problem. A recent article from Science magazine, primarily describing the second of these two reports, follows:**

### OZONE DEPLETION WOULD HAVE DIRE EFFECTS

(By Thomas H. Maugh II)

Depletion of the earth's ozone layer resulting from the release of chlorofluoromethanes into the atmosphere may have substantial health and environmental effects, according to a new report from the National Academy of Sciences. Increased ultraviolet radiation transmitted through the stratosphere as a result of the depletion may produce large numbers of new cases of skin cancer, reduce the productivity of agricultural crops, destroy larval forms of some marine life, and produce a slight warming of the earth's atmosphere. Alternatives are available for many of the uses of the chemicals, the report says, but "further unilateral U.S. action can have only a limited impact in reducing the extent of global stratospheric ozone depletion."

The new report,[1] issued just before Christmas, is the second report on chlorofluoromethanes (CFM's, also known as chlorofluorocarbons or by the trade name Freons) issued by the Academy in the last 2 months of 1979. The first, issued in November by the Academy's Panel on Stratospheric Chemistry and Transport (Science, 7 December 1979, p. 1167), projects that there will most likely be a 16 percent reduction in the concentration of ozone in the stratosphere if CFM's continue to be released at the 1977 rate. The new report, prepared by two other panels, explores the effects of such a reduction in ozone and considers ways to reduce the use of CFM's.

Stratospheric ozone is important because it screens out most of the so-called damaging ultraviolet (DUV) radiation—light with wavelengths between 290 and 320 nanometers—emitted by the sun. A 16 percent reduction in stratospheric ozone will produce a 44 percent increase in the amount of DUV radiation reaching the earth's surface, and a 30 percent reduction in ozone will double DUV radiation. The potential hazards of such an increase were considered by the Committee on Impacts of Stratospheric Change, chaired by John W. Tukey of Bell Laboratories.

The most important health effect of DUV radiation is the induction of skin cancer. There are two principal types of skin cancer, melanoma and nonmelanoma. Nonmelanoma skin cancer is the most common form of cancer, and its incidence in the United States is variously estimated to be between 300,000 and 600,000 cases per year. Nonmelanoma skin cancers can generally be removed by simple surgery and are rarely fatal, accounting for only about 1,600 deaths per year in this country. Nevertheless they can cause substantial disfigurement of the victim. Nonmelanoma skin cancer usually develops on parts of the skin normally exposed to direct sunlight, and its incidence is correlated with cumulative lifetime exposure to DUV radiation.

Melanoma is a more severe form of skin cancer that is fatal nearly a third of the time. The U.S. incidence in 1979 is estimated at about 13,600 cases, and the number of deaths at about 4,000. The relationship of melanoma to DUV radiation is more complex than that of nonmelanoma skin cancer, but the incidence of melanoma has been increasing at an annual rate of about 3 percent in recent years, presumably as a result of greater voluntary exposure to sunlight. The greatest incidence of melanoma occurs among individuals who do not tan readily, particularly those in this group, such as white-collar workers, who are exposed to the sun only intermittently.

The committee concludes that the incidence of both types of skin cancer will increase sharply if there is an increase in DUV radiation. In the United States alone, a 16 percent reduction in stratospheric ozone would lead to "a certainty of very many thousands of additional cases every year" of nonmelanoma skin cancer and "a likely probability of thousands of new cases a year" of melanoma, of which a substantial fraction would be fatal.

It is much more difficult to predict with certainty the effects of increased DUV radiation on plants and animals, primarily because there is simply not enough experimental foundation. DUV radiation damages DNA in all types of cells, whether plant or animal: it is the degree of susceptibility to this damage that is at question.

More than 100 varieties of agricultural crops have been exposed to increased DUV radiation in controlled environment growth chambers—82 of them by Robert H. Biggs and Susan V. Kossuth of the University of Florida at Gainesville. Biggs and Kossuth found that approximately 20 percent of the varieties are sensitive to daily doses of DUV on the order of those delivered by Florida sunshine at present ozone concentrations. Increased exposure of these plants to DUV radiation led to reductions in the dry weight of the plant and changes in the proportion of plant material represented in roots, shoots, and leaves. Another 20 percent of the varieties were resistant to four times as much DUV as the present level, while the remainder showed intermediate sensitivity.

These apparently straightforward results become much more ambiguous, however, when plants growing in open fields are subjected to increased DUV radiation from lamps. Such experiments have so far been carried out on only about 15 plant species, and the results are hard to interpret because growth variations under field conditions often obscure responses to specific treatments. In most cases, plants grown in the open field appear more resistant to DUV than plants grown in a controlled environment; in a few cases where direct comparisons are possible, they are as much as four times more resistant. Nonetheless, some species, including sugar beets, tomatoes, mustard, and corn, do exhibit lower yields when exposed to increased DUV radiation. The committee thus concluded that a 16 percent reduction in ozone "might cause an appreciable reduction in yield for at least a few crops."

Another area of concern is the aquatic ecosystem. Studies on more than 60 aquatic microorganisms, protozoa, algae, and small invertebrates by, among others, John Calkins and his colleagues at the University of Kentucky indicate that most are sensitive to current water surface levels of DUV radiation. The potential for hazard is still speculative, however, since little is known about either attenuation of DUV by water or the normal depths at which the organisms spend most of their time.

John R. Hunter and his associates at the National Marine Fisheries Service in La Jolla, California, have found that the commercially important anchovy normally exists near its UV tolerance limit. A 16 percent reduction in ozone would, the committee concludes, "as a 'worst case,' kill over 50 percent of the anchovies in the top 10 meters of the clearest ocean water or else would require them to adjust their usual water depth to diminish UV exposure," with unknown consequences. Similar studies of crab and shrimp larvae show that they, too, are near their DUV tolerance limit. The overall sampling of marine species is still very small, however.

Another potential effect of continued release of CFM's is a change in climate resulting from both direct and indirect effects. The CFM's can themselves affect climate by absorbing infrared radiation given off by the earth's surface, thereby contributing to the so-called greenhouse effect that leads to atmospheric warming. A CFM-induced reduction in stratospheric ozone will also, through a complicated series of events, most likely produce atmospheric warming. The net effect of continued release of CFM's at the 1977 rate, the committee predicts, will be an average warming of the earth's surface by a few tenths of one degree Celsius, or about 10 percent of the warming that is predicted to result from increased combustion of fossil fuels.

The second half of the new report was produced by the academy's Committee on Alternatives for the Reduction of Chlorofluorocarbon Emissions, chaired by Max S. Peters of the University of Colorado. This group makes a strong case that global cooperation is necessary to ameliorate the potential hazard from CFM's. Since the United States banned the use of CFM's in most aerosol spray cans, this country's share of world output of CFM's has dropped from half to about a third. Further unilateral action by the United States can have little effect, particularly since use of CFM's elsewhere is increasing and new uses that take advantage of their inertness continue to be found. The greatest global gain, the committee contends, would result from the worldwide elimination of nonessential aerosol propellant uses. Experience in the United States has already shown that the economic impact of such an action would be small.

Beyond such a ban, however, control becomes much more difficult because the versatile chemicals have found their way into so many different applications and sometimes appear virtually impossible to replace. CFM's are ideal for commercial refrigeration and air conditioning systems, for home refrigerators and freezers, and as a solvent for cleaning electronic components. No one has yet found an acceptable alternative for such applications. CFM's will also be difficult to replace as blowing agents for the rigid polystyrene and polyurethane foams used for insulation and other purposes. Most of the CFM used to form air cells in these foams remains trapped in the foam throughout its life and contributes substantially to the insulating value. Insulating foams produced with other blowing agents are not nearly as effective.

Significant improvements can be made. The CFM's in automobile air-conditioners, for example, are routinely replaced every 1 to 2 years, Peters says, primarily because of leakage. Design and construction modifications that would minimize such leakage could yield significant reductions in CFM emissions at a relatively low cost. Improved recovery and recycling of the refrigerants during servicing of automobile air-conditioners could also yield significant reductions in emissions, but this would be much more expensive to implement since there are such a large number of service facilities.

---

[1] "Protection Against Depletion of Stratospheric Ozone by Chlorofluorocarbons" (National Academy of Sciences, Washington, D.C., 1979).

CFM's are also used as the blowing agent for soft polyurethane foams, such as those used in seat cushions, fabric backing, and the like. Nearly all of this CFM is released into the atmosphere shortly after the foam is formed. Given a few years to adjust properties and processes, the committee says, the industry could replace virtually all of this CFM with methylene chloride, with only a small loss in cushioning properties.

Other applications for which some alternatives to CFM's are available include metal cleaning and drying, solder flux removal, garment cleaning, industrial sterilization of medical equipment, and fast freezing of food. In each case, though, there is an economic incentive to remain with CFM's, and it will probably be necessary to develop a regulatory incentive to encourage change.

The panel considered a large number of ways in which use of CFM's could be controlled, and concluded that no one strategy would be effective for all uses. Instead, a combination of approaches will be necessary and their use will rely more on political and economic decisions than on scientific rationale. Among the possibilities:

Bans. It is probably impossible to ban all uses of CFM's, but certain uses, such as aerosol propellants, can easily be prohibited.

Control technology standards. It is possible to require the use of the "best available technology" for reducing emissions, including containment, recapture, and recycling in industrial and manufacturing operations. Such an approach would be expensive and hard to enforce.

Taxes on production and use. This approach could work when more expensive or less effective alternatives are available, but the tax would simply be passed on to the consumer if no acceptable alternatives were available.

Quotas implemented by marketable permits. The government might specify overall ceilings for production or use, allowing firms to buy and sell "rights" among themselves.

A deposit-refund system. The purchase of a refrigerator, for example, might require a $50 deposit for the CFM's it contains; the deposit would be refunded when the refrigerator was turned in at a recycling center at the end of its useful life.

Recycling on disposal. The government might, for instance, require and subsidize collection centers for refrigeration equipment.

Notably missing from the list are point source emission standards and "safe" disposal standards. The former were rejected because CFM emissions at a factory are difficult to monitor directly and any alternative would be prohibitively expensive. The latter were rejected because—aside from pyrolysis, which is both "expensive and polluting"—there are no feasible methods for "denaturing" CFM's or containing them in perpetuity. The only immediately practical disposal option is recycling.

Both of the Academy reports appear to be falling on deaf ears. A report from the United Kingdom's Department of the Environment issued in 1979, and typical of governmental attitudes around the world, concluded that "present understanding of ozone depletion is limited and based on model assumptions which have not been adequately identified." The fluorochemical industry itself calls the whole subject "hypothesis" and is asking for another 4 years without regulatory action to obtain conclusive scientific data. (Three years ago, the industry asked for only 3 years to obtain the data.) But the scientists who have prepared the two Academy reports are convinced that the "hypothesis" is correct and that stratospheric ozone is being destroyed by CFM's. Further delay, they argue, will merely increase the eventual problems.●

---

## 1980 HOUSE WORK SCHEDULE

### HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. WRIGHT. Mr. Speaker, following is the House work schedule for the 2d Session of the 96th Congress:

HOUSE WORK SCHEDULE—1980

Jan. 22 to Feb. 13—Washington Work Period.

Jan. 23—State of the Union Address.

Jan. 28—Receive President's Budget.

Feb. 14 to 18—Lincoln-Washington District Work Period.

Feb. 19 to Apr. 3—Washington Work Period.

Mar. 15—Committees submit reports to Budget Committee.

Apr. 4 to Apr. 14—Easter District Work Period.

Apr. 15 to May 23—Washington Work Period.

May 15—First Budget Resolution to be completed and Fiscal 1981 authorization bills to be reported.

May 24 to 27—Memorial Day District Work Period.

May 28 to July 2—Washington Work Period.

July 3 to 20—Independence Day District Work Period and Republican National Convention.

July 21 to Aug. 1—Washington Work Period.

Aug. 2 to 17—District Work Period and Democratic National Convention.

Aug. 18 to 28—Washington Work Period.

Aug. 29 to Sept. 2—Labor Day District Work Period.

Sept. 3 to Oct. 3—Washington Work Period.

Sept. 8—All spending measures completed.

Sept. 15—Second Budget Resolution to be completed.

Sept. 25—Reconciliation process to be completed.

Oct. 3—Adjournment target.●

---

## THE HORROR OF THE CHINESE GULAG ARCHIPELAGO

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. ASHBROOK. Mr. Speaker, the U.S. search for friends and allies in the face of Soviet aggression in Afghanistan has led to the headlong embracing of Communist China by the media and the White House. I am somewhat amazed at how a nation with such a bloodthirsty record as Communist China can be portrayed as so placid. Ever since President Nixon traveled to Communist China the impression has been that this is a good Communist country. The Chinese have been portrayed as a people who are not as warlike as the bad Soviets and the Government is only interested in internal reform and development. In recent weeks China has been praised for its solidarity with the United States. We have seen how its navy is only for coastal defense and its military only for home defense. Recent articles have gone so far as to say that the Chinese method of purging political opponents is somehow nicer than in the U.S.S.R. and Cuba.

Liberals in Congress are about to bestow the privilege of most-favored-nation status on Communist China. The propaganda barrage to make this privileged status seem obligatory has successfully glossed over the Chinese record on human rights. The Chinese track record on sending their fellow countrymen to the nether worlds make Hitler and Stalin pale by comparison, yet it has never entered the discussion of the good communism in China. Before my colleagues join the President in appeasing yet another Communist dictatorship I would like them to pause and consider what they are rewarding.

Since coming to power in mainland China in 1949 the Communists have obliterated the lives of some 30 to 60 million people depending on what figures you use. According to sources compiled by the Foreign Affairs Research Institute of London, 5 to 30 million Chinese were killed or starved to death during the political purges and land reforms of the 1950's. From 1960 through the cultural revolution another 15 to 30 million Chinese died in forced labor programs or outright political liquidations. The invasion of Tibet added another 200,000 deaths to this grisly total. Chinese-led insurgencies in Burma, Malaya, and the Philippines have killed over 150,000 and the murdering continues. This is hardly an exemplary record. I find it incredible that an administration that has spent so much time admonishing the world to punish Rhodesia, Nicaragua, and other nations for their human rights records can overlook the dark stain of inhumanity that the Communists in China have added to the Earth.

Until recently it has been difficult to obtain any firsthand accounts of Chinese abuses. Like the Soviets, the Chinese make sure that those who experience human rights violations do not live to tell the tale. What information we have received to this point came through Nationalist China or other sources that the media establishment wrote off as inaccurate. However, this alibi evaporated during the turbulent overthrow of the so-called Gang of Four. During a few months in late 1978 and early 1979 a number of dissident writers were able to tell their story to the outside world. These valiant defenders of freedom and humanity were quickly suppressed, but their accounts of the horrors of communism in China provide graphic evidence that behind the cheerful wave of Teng Hsiao-p'ing is the agony and pain of thousands of new political prisoners who are daily being tortured and killed in the Chinese gulags.

This vote will be one of the most serious errors we can make. The Communist Chinese have not changed. They have not recanted. Their line of terror has never been broken since 1949. Leaders have died but no change in terror and repression has followed. It is the height of stupidity to reward an enemy dedicated to murder, terror, and subversion.

One such courageous writer is Wei Chin-sheng. Through an underground newspaper called Exploration—T'an-so—he and others began to tell of the violent side of political life in China. On March 27, 1979, Wei was arrested by Communist secret police and has been sentenced to 15 years in the gulags for sabotaging unity and advocating democracy. I hope my colleagues will take a few minutes from their busy schedules to read the words of this Chinese Solzhenitsyn before they vote to reward the tyrants in Peking with improved U.S. trade relations:

### THE BASTILLE PRISON OF THE 20TH CENTURY: THE CH'IN CH'ENG PRISON NO. 1 AND THE BENEVOLENCE FOREST PRISON IN PEKING

(Translated by Chung Wei-wen)

#### FOREWORD

"The Bastille Prison of the Twentieth Century" and "The Benevolence of Benevolence Forest" are two articles which appeared in Exploration (T'an-so), an underground mimeographed magazine edited by young advocates of democracy and human rights based in Peking. It is printed on low-quality bamboo paper, which bears witness to the difficult circumstances under which they work. Its editor, Wei Chin-sheng, was on March 27 of last year arrested by the CCP authorities as a "counterrevolutionary". He is, according to Agence Francaize de Presse and Reuters, a 30 year old worker from Peking. Wei is credited with one of the wall posters concerning the fifth modernization, democracy and human rights.

According to a Reuter report on April 1, Investigation, (Tiau-ch'a) another underground magazine calling for democracy and human rights, declared in the wake of Wei's detention that "the CCP threw Wei into prison because he had been active in the spontaneous campaign for democracy. He had vehemently lambasted all negative elements which he thought impeded modernization; for him this included Marxism and Maoism." The statement continued: "The CCP suppression of the campaign for democracy reveals that the CCP regime does not like any vestige of democracy and freedom. The freedom and democracy to which they pay lip-service denotes only their prerogative to give orders to the Chinese people and to increase the prestige of the authorities. Any criticism is doomed to be suppressed relentlessly because its runs counter to the so-called socialism and the dictatorship of the proletariat. All this has laid bare nothing but the hypocrisy and cruelty of the democracy and freedom under the CCP regime."

The two articles, "The Bastille Prison of the Twentieth Century," and "The Benevolence of Benevolence Forest" in *Exploration*, No. 3, dated March 11, 1979, were exposés of the two hells-on-earth in Peking, Ch'in Ch'eng Prison No. 1 and Benevolence Forest. Ch'in Ch'eng Prison is for imprisoning high-ranking cadres in the CCP, and Benevolence Forest is a jail for innocent citizens. The murkiness, cruelty and savagery of the two prisons are beyond the imagination of any normal person.

#### CH'IN CH'ENG PRISON NO. I

If you take a ride on the highway through Ch'ang-p'ing county on the outskirts of Peking, you will soon find you are entering a picturesque rehabilitation area, namely, Hsiao-t'ang-shan Rehabilitation Center. As legend has it, the Empress Dowager, Tzu-Hsi, often came here to bathe in the hot springs.

Then if you drive north for several minutes, you will see a sign the size of a table top. It announces in several languages "No Foreigners Allowed." A visitor may have the feeling that he has entered a restricted military zone and leave with reluctance. But the place will immediately strike horror into one who knows where he is. This is because a stone's throw ahead the notorious elite political prison, Ch'in Ch'eng Prison, will be in sight.

Nevertheless, if you asked peasants in the neighborhood about the prison or looked it up on the map you would not be able to locate Ch'in Ch'eng Prison. This unknown place-name turns out to be a substitute name for the CCP political prison, which has always shunned publicity. Peasants in the neighborhood know little about these well-guarded blocks of buildings, but a story has circulated about among the people here that the Japanese set up a prison here long long ago.

North of Ch'ang-p'ing, an excellent quiet highway leads to the gate of Ch'in Ch'eng Prison. Nothing particular distinguishes its gate and information office from those of other agencies. Its outward appearance would not in all likelihood arouse in the mind of a stranger any feeling of terror or monstrosity. When the gate was opened, you would see a blank wall. What distinguishes this wall from other blank walls is that it is so large that no one would, even occasionally, see "the scenery" behind it. On the wall opposite the gate is inscribed a quotation from Mao Tse-tung on the dictatorship of the proletariat.

After going around the wall a building comes into sight, and behind that is the heart of Ch'in Ch'eng Prison. Atop a three-meter wall is a web of iron barbs and electrified wires. The iron gate, splotched with rust, can easily strike horror into one's mind. During the past thirty years, many opponents of Mao's dictatorship have entered through this iron gate and disappeared forever. Some were lucky enough to leave through this iron gate only to lose their lives soon afterwards in the face of sudden stimuli of the outside world. On account of this when the regime released political prisoners in 1975 it had to transfer them first to a hospital for a time in order to adapt them to the overwhelming amount of external stimulus. Therefore this iron gate has been nicknamed "the hell's gate for atheists."

Outside the iron gate are two guard posts, with offices for guards on duty on both sides. If you are allowed to make a visit to this hell, the way to the hell is a J-shaped asphalt path. The path slopes down to the south slightly. Lining the two sides of the road are plots of similar pattern and color. Fruit trees are planted in the plots to the west. And a row of new buildings can be seen in the eastern half. These buildings are "modernized" facilities newly built to accommodate high-ranking political prisoners who have been rushed in after the cultural revolution.

Ch'in Ch'eng Prison has been insulated from the outside world. It is known to no one besides the special guards. Soldiers guarding this prison come here after strict scrutiny and training. Their age is limited; as reported by inmates, soldiers over 20 are rarely seen in Ch'in Ch'eng Prison. Guards are also changed very frequently. The food for prisoners falls into four categories, namely, forty, twenty, fifteen and eight *yüan* worth per month. Wang Kwang-mei, the wife of Liu Shao-ch'i, was entitled to the highest grade food. But because of widespread corruption and embezzlement, prisoners, whatever category they belong to, cannot get their specified ration. In addition, Ch'in Ch'eng Prison makes it a practice to punish prisoners by withholding their food. Having been tormented by hunger for several meals the prisoner will get a bowl of greasy cold noodles for "compensation." In most cases the noodles cause vomiting and diarrhea. And then he has no appetite for several meals. This is, however, the mildest torture in Ch'in Ch'eng Prison.

All prisoners live alone. In a room three meters by a little over one meter, there is a broken wooden bed with a thin cotton quilt, a toilet and a water basin. Each prisoner is provided with only a black winter suit and a summer suit. The summer suit must be returned as soon as one gets his winter suit, therefore when the personnel in charge of clothing delay distributing clothes for the new season many prisoners still have their cotton clothes on in scorching May. A prisoner can be monitored through a glass window on the door of the room; food is also sent in through this window, which must be opened from the outside. Ordinary prisoners, if considered "honest" by the prison authorities, may be allowed to exercise their body by performing some manual labor such as weaving straw ropes or hats. Prisoners out of favor with the prison authorities will be subjected to various kinds of penalties, including being prohibited any exercise such as outdoor activities or walking in the room. Sometimes they are prohibited outdoor activities for as long as half a year. Chien Fang, former "Deputy Chief of General Staff of the PLA," "Vice Dean of the Higher Military Academy of the PLA," could not stand up and walk when he was finally allowed to have some outdoor exercises after being confined to his room for half a year.

Zones for outdoor activity are also separated from one another and closely watched. Zones of about 100 square meters lie side by side, like the farmlands in southern China. Within the confines of such a small plot prisoners have run or walked in a circle for so long that they have worn a path into the grass plot. A high wall separates two adjacent zones, with guards watching over.

Ch'in Ch'eng Prison even has special regulations for the sleeping postures of prisoners. Guards must see to it that immates face the door in sleep. If a prisoner turns his body over the guards will wake him up immediately. A Tibetan in jail for a dozen years found one of his ears became swollen, inflammed and paralyzed in long-time conformity to the regulation on sleeping posture. The sanitation conditions for prisoners are terrible. They have never been provided with soap. They are each allowed to take a bath once a month, whether it is winter or summer. They are entitled to a semi-annual physical examination, but few receive it.

The living conditions of Ch'in Ch'eng Prison are enought to bend prisoners' will. More than this, many inhuman tortures await them. For example, during interrogation judges may use scientific instruments to stimulate the brain of a prisoner, causing him intolerable headaches. Not until you are perspiring with pain and wallowing on the ground will they let you take a rest, only to continue their torture a moment later. They will continue their persecution until you plead guilty. Another form of torture is to focus a glaring light upon you incessantly until you are going mad. During the days when Wang Kwang-mei enjoyed her *wo-wo-tou* (a kind of steamed dumpling made of corn meal) in Ch'in Ch'eng Prison, she was tortured to such an extent that she was on the verge of mental collapse. Besides these tactics, beating is a common practice. Under ordinary circumstances, after the intended prisoner is summoned, a group of people will surround him and beat him nearly to death. Even more inhuman is to make a prisoner take a large quantity of drugs which will cause him to lose his will and self-control. A prisoner is often forced to take them under the pretext of his being abnormal.

Sometimes prisoners are sent to a hospital for "treatment." After such medical treatment, the prisoner will for a considerably long be in the habit of murmuring to themselves, even at meals. As a matter of fact, these murmurings are recorded for evidence to be used in the next trial. There are similar "treatment zones" with the formal name of "high-ranking cadre zones," in the "Restoration Hospital," "301 Hospital," and "Transquility Hospital." The special ward in the Transquility Hospital outside the Tesheng Gate in Peking is called Zone No. 5. On occasional visits to their relatives in prison some have encountered a short, middle-aged man with a blank look and scarred head. this man will walk straight ahead without knowing enough to turn and would crash into the wall unless the guard stopped him.

Of course, some prisoners rise to oppose these extreme cruelties. Some commit suicide under these intolerable conditions; others show their protest through fasts. The Panchen Lama, former leader of Tibet, a one-time prisoner here, had fasted and declared his intention to die. He yelled to the guards: "Take my body to the Central Committee!" The wardens here never compromise in dealing with recalcitrant prisoners. After the prisoner has fasted for several days, he is taken out for a good beating. Or the prisoner is clothed in a "peace suit," a kind of tight rubber clothes. This suit, with straitened shoulders and tightened chest, will suffocate the prisoner when inflated. Thus the prisoner who threatens to commit suicide or fast can only be "peaceful." This is how the suit derives its name. In dealing with fasting prisoners, the authorities pry their mouths open to force noodle soup down their throats. If this is still ineffectual doctors are called in to inject them with glucose.

The Ch'in Ch'eng Prison never revealed the names of its prisoners. Relatives or friends know little about their fate. Prisoners are identified by number, even the guards are not in a position to know their names or identities. Prisoners are prohibited from talking with anyone except at their trial. One cadre, in custody for ten years, got too excited to utter a word when he was finally called by name at his trial. Many long-term inmates cannot speak fluently for two years after their release. Prisoners do of course miss their families. Taking advantage of this, the authorities, besides tortures, often switch to more subtle tactics to persuade prisoners to acknowledge their guilt. They invent stories such as "Your wife has married again," "Although your son disrupted the laws of socialism, the government did not convict him but sent him to a farm to do labor," "Your daughter is very beautiful. I have been told that many young men go to see her"; "Your child has been very sick. The state is treating him." Examples similar to these are legion. More than that, with some important prisoners, women who look like their wives are brought in to induce them to plead guilty. Ch'in Ch'eng Prison exhausts every trick to squeeze every bit of information from those hopeless prisoners who are doomed to end their lives here.

Ch'in Ch'eng Prison was unknown to people because before the 1970's few inmates survived. During the Cultural Revolution more and more high-ranking cadres were held in this prison. And with the "reversal of rightist verdicts" in 1975 when some old cadres could secure release from this prison, its stories increasingly leaked to outsiders. P'eng Chen and Po I-po were among those who emerged from here. Li Sha, the Russian wife of Li Li-san, imprisoned as a "Russian agent" in the Cultural Revolution, was discharged after eight years and then set by the Public Security Ministry to Yün Ch'eng, Shansi, to undergo reform through labor under the monitoring of two educated women in the commune. Li Sha, who has been enfeebled by old age and even had to rely on others to support her, had time and again asked permission to return to Peking to live with her daughter. She did not obtain permission until December 1978. A leader of the earliest Tibetan Communist organization, The Democratic Youth League of Eastern Tibet, was imprisoned for eighteen years under the false charge of "conspiracy with foreign countries" because he had been in contact with Russian and Indian Communists in the 40's. Released in early 1978 and sent to a small prefecture of Szechwan, he was still put under the constant "care" of the United Front Ministry even when he went to see the doctor.

### THE "BENEVOLENCE" OF BENEVOLENCE FOREST

All old Peking hands know Benevolence Forest, the infamous prison located outside Te-sheng Gate. The prison is a well-designed graceful old structure. A legend runs that an architect modeled the prison after the Eight Trigrams. The life of this master architect was, however, sacrificed after he had built the prison for the Manchu rulers. He turned out to be the first to enjoy the benevolence of the Benevolence Forest he had designed and built.

Benevolence Forest, formerly Peking City Prison No. 2, was given a new name after the Cultural Revolution—Benevolence Forest No. 1. Part of the prison has been remodeled into the Peking City Reception Center. This euphemistically titled Reception Center is divided into Institutions 1, 2, and 3. Institution No. 1, a detention station for the Office of Public Security, serves the function of detaining and forwarding prisoners. People in Institution No. 1 live the life of prisoners. Most of them are visitors who came to Peking to express their grievances to the Central Committee. Institutions No. 2 and No. 3 accommodate stranded refugees on the streets. They receive better treatment than those in Institution No. 1 and enjoy freedom of movement.

There are people of all ages in this detention camp, including senile men and babies in the arms of their parents. Because they live in separate places, it is hard to estimate the exact number of inhabitants here. The condition of prisoners in Institution No. 1 is the hardest to know.

An informant from the prison, who was later transferred to another prison, told us that the prison with the name of reception center holds many visitors from throughout the nation, who have journeyed to Peking to voice their grievances to the Central Committee. Some were wronged by local leaders. Others could not afford their food and clothes. Instead of finding help, they were arrested, imprisoned, and sent back. They suffered all kinds of humiliations and tortures.

Once they entered the reception center they would first of all be searched thoroughly. Their clothes were taken off and examined. In case of any disobedience on the part of prisoners, they would either be scolded or, more seriously, beaten. A dozen people must be satisfied with occupying a cell some eight square meters large. The room is narrow, damp and smelly. Here they eat, drink, urinate and sleep. Therefore once one enters this room he has the feeling of being in a thatched house no one would bother to clean. At meals prisoners are ordered to take rice in rotation. Each gets two maize *wo-wo-tou* and a bowl of dirty vegetable soup. At night two share a terribly dirty lice-infested quilt, which has not been washed for a long time, and sleep on the bare, uneven floor. Under these bad conditions it is not surprising to find sickness and death rampant. Early in 1978 a boy in Institution No. 3 died in bed through neglect. After the doctor came "to his rescue", they found the boy's nostril full of big fat lice.

Yüan Kuo-ju, a worker of the Lanchow Railroad Bureau, freed from Benevolence Forest on February 21 of this year, informed us of his recent experience in the prison. Yüan Kuo-ju had exposed the mistakes of the commanding cadre in his work unit and thus incurred the malice of the commanding cadre and was charged as a counterrevolutionary. After two years in prison he was found innocent and released. However, this incident had rendered him homeless. Furthermore, the commanding cadre did not apologize for his mistake, nor did he clear Yüan's innocence. Yüan complained to the "Central." Instead of solving his problem, the Railroad Office of Grievances had sent him several times to the reception center for imprisonment and then sent him back. Yüan Kuo-ju said: "Director of the Office of Grievances, Kuan Shao-liang, in collusion with Chen Shou-yi of the Lanchow Railroad Bureau, has sent me to Benevolence Forest fifty-six times and to the Lanchow Reception Center sixty-five times. Each time they arrest me they make some false charges against me such as intruding into Chung-nan-hai, into the People's Hall, or into foreign embassies, causing trouble, stopping the cars of foreigners, and begging foreigners for money. It seems that I really have committed some capital crimes! During my imprisonment I suffered atrociously. They burned me with brands and used shock therapy on me for five hours. Several times they beat me nearly to death. But I never gave in. I smashed three sets of hand-cuffs. As they told me themselves, they did not expect so much difficulty "finding fault with me."

The last time Yüan Kuo-ju was held in Institution I, he was with Fu Yueh-hua (who was taken prisoner for taking part in a peasants' demonstration to protest hunger and prosecution), and Hsia Yu-ying. Although all three were unconvicted citizens, they were treated worse than convicts. First, their date of release was undecided. Second, they did not have personal freedom. Third, no relatives were allowed to visit them. Fourth, they could not communicate with others. Yüan Kuo-ju told us that this prison was worse than a pigpen. They lived and ate in a small cell the size of a closet. They slept on the cold, cement floor. Yüan remarked that a teacher from Peking University had been imprisoned for ten years and was still awaiting for trial. Another man, Lü Kuang-hui, was also imprisoned for five years. In the detention camp a piece of clothing could be exchanged for only one *wo-wo-tou* or one pack of cigarettes. Some would be beaten only because he showed some sign of dissatisfaction. Those subjected to beatings were denied medical cure. A young beggar was chased from Room No. 3 to Room No. 17 by guards and beaten into a stupor by guards just because he took an additional *wo-wo-tou.*

A woman came to Peking intending to reclaim her turban from the guards. After the guards refused to return her turban the angered woman muttered a curse: "bandits!" For this she was beaten severely and fell in a faint. A visitor from the Inner Mongolia wanted to submit a petition. Having been refused by the people's police, he flew into a fit of anger and broke a piece of glass. Therefore he was strung up and beaten for three hours. Hsia Yu-ying, who was detained for nothing, was once beaten for three hours during her fifteen-day imprisonment. Fu Yueh-hua, a well-known woman, was subjected to carrot-and-stick tactics after her arrest to force a confession from her. This proving ineffectual, Fu Yueh-hua was beaten blue and black and had to be carried back to her cell. In face of this kind of Fascist cruelties, Fu Yueh-hua protested by fasting. But the police forced open her mouth with an iron bar to force-feed her rice. After they found it was still useless to force-feed her, they injected her with glucose.

All this happened after the fall of the gang of four. What after all differentiates these cruelties of the Public Security authorities from those of the gang of four? Chang, director of the Seventh Section, Department Thirteen of the Peking Public Security Bureau, announced publicly to the prisoners: "Because you made trouble, we have to suppress you. We have put you here based on reports from other agencies. If there has been any mistake, these agencies, not we, are to be held responsible." Director Chang explained his responsibilities very ominously: "We have five teams, one thousand policemen here. They earn their bread by arresting people. We must obey the orders of our superiors. We are not allowed to neglect our task. The papers say they want democracy. They earn their living by propaganda. Those journalists and we are trains running on two different tracks." Once Director Chang added: "We don't care whether you are happy with us or not. If you are not satisfied, I will suppress you. That is easy for us to do."

Many public security agents would trick those who journey to Peking for "justice" into prison through various deceits. They would use excuses such as "come and talk with us so that the Party Central can solve your problem," or "Don't create agitation out here. That would give foreigners a bad impression. If you have any difficulties we would like to hear them." They lead these visitors to prison, where they are slowly tortured.

Similar stories abound. What crime have those citizens committed who come to Peking to voice their grievances? What law do they violate? After the fall of the gang of four, many new policies and laws have been formulated. Propaganda machines blare out that "there will be laws to follow; laws are to be enforced; laws must be enforced; offenders will be punished." However, in Benevolence Forest, not the least tinge of humanitarianism has been observed, much less law. Unknown innocent people have died in the prison and reception center in Benevolence Forest. People have died in the prison and reception center in Benevolence Forest. The Benevolence of Benevolence Forest is in fact evil founded on a pile of human skeletons. When will the true sinners of the nation be brought to account? Benevolence Forest! When will you really be benevolent to the people?

### Chronicle of Major Events on the Chinese Mainland

(April 11, 1979—May 10, 1979)

A delegation of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) left for West Germany for a visit.

The State Council recently decided to set up a general administration bureau for control of foreign exchange under its direct jurisdiction, in order to strengthen the control over foreign exchange.

The State Council recently approved a plan to place the Bank of China under the direct jurisdiction of the State Council.

An academic conference on planning the diversion of water from south to north China, was recently convened in Tientsin by the National Water Conservancy Association. The meeting was attended by 240-odd specialists, professors, scientists, and technicians.

Keng Piao, vice-premier of the State Council, met with an American airline delegation, the board of directors of Pan American, and an international advisory committee.

Fang I, vice-premier of the State Council, met and had a conversation with the American scholar Professor Man-chiang Niu.

Yü Ch'iu-li, vice-premier of the State Council, met with Roberto Kelly Vasquez, Chilean Minister of economy, development and reconstruction, and Colonel Roberto Soto Makenney, Chilean vice-minister of foreign affairs.

A Yugoslav industrial exhibition opened at the Peking Exhibition Centre.

Teng Ying-ch'ao and the NPC delegation she led called on the former Japanese Prime Minister Kakuei Tanaka at his residence.

People's Daily carried an article by Lü Cheng-ts'ao, commenting on the slogan "Literary and Arts Should Derive from Life and Be Superior to Life," which was advanced by Chiang Ch'ing's clique during the Cultural Revolution.

The Foreign Ministry lodged a strong protest with the Vietnamese Embassy in Peiping against the intrusion by Vietnamese armed vessels into China's territorial waters around the Paracel Islands on April 10 and provocatively shooting at a Chinese Communist patrol boat.●

## PAY CONTINUATION FOR FEDERAL WORKERS

## HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. HARRIS. Mr. Speaker, today I would like to offer my support and note my cosponsorship of two bills introduced recently by my friend and colleague from Maryland, Mrs. SPELLMAN.

H.R. 5994 would defer implementation of any pay increases for Members of Congress until the beginning of the following Congress. This would allow comparability adjustments to senior executives and judicial employees while allowing the electorate the opportunity to express its opinion on pay raises for Members before the effective date of that increase.

H.R. 5995 would authorize the continuation of pay for Federal employees when the enactment of appropriations measures is delayed. This measure would appropriately guarantee payment for the wages and salaries of Federal employees regardless of nonrelated issues, and effectively eliminate one of the major issues which unnecessarily faces the Congress during almost every session. I also support this measure as a cosponsor.

Although H.R. 5995 addresses one of the major issues surrounding the appropriations process, I am still very disturbed by the continuing practice of legislating through appropriations bills. House Resolution 446, which I introduced, would prohibit this practice and eliminate much of the last minute legislating which occurs without appropriate consideration.

I strongly urge my colleagues to support the bills which have been introduced by Mrs. SPELLMAN, and to favorably consider the resolution I have introduced to ban legislative riders on appropriations bills.●

## NATIONAL ACADEMY OF SCIENCES REPORT UNDERLINES NEED FOR ENERGY CONSERVATION

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BROWN of California. Mr. Speaker, the long awaited, much discussed, and inaccurately described report by the National Research Council's Committee on Nuclear and Alternative Energy Systems (CONAES) is now available. While the findings of this consensus document are probably not very surprising, I believe it is worth noting. The fact that this massive report, on top of several other major reports, repeats the prime importance of creative measures to conserve energy is worthy of special note.

Of all the accounts of this report brought to my attention, the most accurate short summary appeared in the Los Angeles Times.

I commend this article to my colleagues:

[From the Los Angeles Times, Jan. 15, 1980]

### Conservation Called Best Hope for Energy—Report, Released Monday, Urges High Priority for Synthetic Fuels

(By Robert Gillette)

Conservation is America's best, most immediate hope for alleviating its energy problems, a committee of the National Academy of Sciences said Monday in a major report on energy supply alternatives over the next 30 years.

Emphasizing the "prime importance" of energy conservation, the academy's 783-page report, released during a news conference in Washington, said that raising the energy efficiency of industrial machinery and consumer products as diverse as automobiles and houses "deserves the highest immediate priority in energy planning."

The potential for energy savings will remain "very high" between the years 1985 and 2010, Dr. Harvey Brooks, a Harvard University physicist and co-chairman of the academy's Committee on Nuclear and Alternative Energy Systems, told the news conference.

However, major energy savings "cannot be effected suddenly, except perhaps in emergencies," Brooks warned. He added that conservation would require a determined effort, involving mandatory energy efficiency goals for automobiles and other products, from now through the end of the century.

Second highest priority, the scientists said, should go to development of synthetic fuels from coal and oil shale. However, they cautioned against crash construction programs that might lock the Nation into obsolete technology. They called instead for orderly development over the next two decades.

The scientists held out little hope that solar energy—barring a massive infusion of government subsidies—could contribute more than a small fraction of the nation's energy needs by the year 2010. And, they said, there was not much chance of finding enough new domestic oil and gas to do more than sustain current levels of production.

With these constraints in mind, the academy panel strongly endorsed continued development of coal and nuclear energy, in roughly equal balance, at least until the future promise of thermonuclear fusion, solar energy and other renewable resources can be more clearly gauged in the early decades of the next century.

Political constraints, and growth in demand for electricity, not technological problems such as waste disposal, were seen as setting the future pace of nuclear energy development.

The academy—the Federal government's premier source of outside scientific advice—endorsed continued research on breeder reactors but stopped short of recommending steps toward immediate commercial deployment of this controversial technology. The academy thus sided with the Carter Administration in its two year conflict with Congress over the future of U.S. breeder development.

Breeder reactors would generate electricity while converting the unburnable bulk of natural uranium into fissionable plutonium, thereby creating more nuclear fuel than they consume and stretching uranium resources by a factor of 50 to 100. But the Administration, concerned that international safeguards are now unable to prevent governments or terrorists from diverting plutonium to make atomic weapons, has sought to delay construction of a commercial prototype breeder in the United States while urging other nations, with mixed results, to follow suit.

The Administration has maintained one of the world's largest research efforts—the current budget is $762 million—but has sought, unsuccessfully, to stop a $2.2 billion project demonstration breeder along the Clinch River in Tennessee.

Ground has not yet been broken at the Tennessee site, but the breeder's supporters in Congress have forced the Administration over the last two years to continue spending $15 million a month on components for the plant. Begun by President Richard M. Nixon in 1971, it was to have been completed this year.

(A Washington Post story in Monday's editions of the Times reported erroneously that the Carter Administration had stopped development of the breeder reactor.)

"Development of (breeder reactors) should continue, but without immediate commitment to construction of prototype reactors," the academy report said, adding that "a majority of the committee considered the Clinch River breeder reactor undesirable or unnecessary."

The academy study represents one of the largest efforts yet made to tap the views of the American scientific community on the benefits and risks of new energy technologies. Commissioned in April, 1975, it took four years, cost $4 million and ultimately incorporated the views of more than 200 scientists, engineers, economists and political analysts.

In many respects, the report's nearly 800 pages reflect orthodox wisdom on energy policy that has grown up in the scientific community since energy prices first began spiraling in 1973—and also the seemingly irreconcilable differences among scientists on the promises and the perils of new energy sources.

"It's a microcosm of all the controversy surrounding all the questions" of energy policy, academy President Philip Handler said Monday.

Noting that scientific consensus on key energy issues proved impossible, Handler said, "This is not a simple prescription for national energy policy. This is not a final statement. There isn't going to be a final statement. That is not in the nature of the energy problem, apparently."

A key area of disagreement among scientists contributing to the report was the relative balance of risks between coal and nuclear energy—seen as the two most promising means of bridging a 30- to 50-year gap to an expected—but by no means assured—era of reliance on limitless solar energy and thermonuclear fusion.

Coal-fired electric power plants pose the highest risk to human health and the environment from routine operations, while nuclear plants pose the lowest, the study said.

Nuclear energy at the same time was seen as holding the highest potential for catastrophic accidents, although the scientists reached no consensus on the probability of such accidents.

The "most serious potentially catastrophic problem" posed by nuclear power, however, was said to be the spread of nuclear weapons that might ensue from growing world commerce in plutonium—not reactor accidents or waste management.●

## TOWARD A HEALTHIER AMERICA

## HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report from December 26, 1979, into the CONGRESSIONAL RECORD:

### TOWARD A HEALTHIER AMERICA

In his recent report entitled "Healthy People," the Surgeon General of the United States stated that the health of Americans has never been better. Several facts support his statement. In this century there has been a remarkable reduction in the incidence of life-threatening infectious disease. Since 1900 the death rate in the United States has been cut from 17 per 1,000 persons per year to less than nine per 1,000 persons per year. Impressive gains have been made in preventing death among infants and children, in extending life expectancy, and in treating heart disease. The Surgeon General stated as well that further improvement in the health of Americans can and will be achieved not through better medical care alone, but also through a renewed commitment to promote health and to prevent disease.

The theme of the Surgeon General's report—a report which may become a landmark because of its emphasis on the promotion of health and the prevention of disease—is that our health can be better protected by the decisions we make and the actions we take to secure the safest and cleanest environment possible for ourselves at home, at work, and at play. The emerging consensus among scientists is that the nation's health care strategy must be dramatically overhauled. Just as the nation once struggled against infectious diseases and eventually won the struggle—not only curing the victims of those illnesses but eradicating the illnesses themselves—so the nation must now struggle against the major killers—heart disease, cancer, and stroke—with preventive measures, not only care for the sick.

Medical research is steadily increasing our ability to face and deal with these killers. As the body of research grows, it shows us that we kill ourselves with careless habits, and it tells us that we should not ignore harmful conditions in the environment which destroy health. A wealth of research reveals, for example, that the key to whether a person is healthy or sick, has a long life or dies prematurely, may be his attitude toward several common activities: diet, sleep, exercise, smoking, drinking, etc. One study found that people who practice several simple health habits live 11 years longer on the average than those who practice none of them.

The major factors which place health at risk can be identified with some assurance. Cigarette-smoking is thought by most experts to be the single most important preventable cause of death. Misuse of alcohol and drugs also exacts a substantial toll in unnecessary deaths, illnesses, and disabilities. One study went so far as to suggest that half of all deaths that occurred in the United States in 1976 were due to unhealthy behavior or lifestyle. Occupational hazards, too, represent serious threats to health. These are challenges to health promotion and disease prevention, though of course there are many others. The clear lesson is that many of today's most severe health problems can be avoided. Vast expenditures of dollars will not be required to solve them. Modest programs of health promotion and disease prevention could yield high dividends in terms of lives saved and quality of life improved.

Fortunately, almost all Americans have a deep interest in improving their health. Millions of Americans today are taking to heart the importance of healthy habits. They are exercising more, having their blood pressure checked regularly, smoking and drinking less, and watching their diets closely. They are concerned about the cleanliness of the environment in which they live and the safety of the environment in which they work. They recognize that it is within their power to do many things to enhance the prospects of continued good health. Even so, the message could be getting through more loudly and clearly. We are still a long way from achieving the truly dramatic improvement in health that scientists think possible. Personal and national commitments to health promotion and disease prevention are needed.

Some people may question the government's interest in urging the acceptance of a new health care strategy. Why should the government promote health and prevent disease instead of concentrating on treatment, especially given the fact that a habit such as smoking or drinking, or a choice of a place to live or work, is a private matter? Since the public expenditures for health now consume 11¢ of every federal tax dollar, private habits and choices that lead to chronic health problems have results that are very public. There may be controversy about the role the government should play in persuading people to abandon their unhealthy habits, but there is no controversy about the cost of those habits to the taxpayer. There may be controversy about the role the government should play in mandating environmental standards or occupational safety, but there is no controversy about the cost to the taxpayer of a polluted environment or work-related injuries.

In my view, renewed commitment to promote health and to prevent disease should lead to even greater health for the American people, and also to an improved quality of life for them, their children, and their children's children. Such a commitment, both personal and national, would reduce the heavy burden of costly medical care. The government, business, labor, schools, and health professionals must work together in a common cause. Their efforts, when joined with the individual decisions of millions of Americans to do what they can to protect their health, can lead to a healthier America.●

## TRIBUTE TO THE TRACY ROTARY CLUB

### HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. SHUMWAY. Mr. Speaker, today I ask that my colleagues join with me in honoring the Tracy Rotary Club as this extremely worthwhile organization celebrates its 50th anniversary. For half a century, the Tracy Rotary Club has left its positive and encouraging mark on the community, and it is indeed fitting that this long and dedicated service be appropriately recognized.

Although the individual contributions of this organization are far too numerous to mention, perhaps the single greatest evidence of the successful civic efforts of Tracy Rotary is embodied in the Tracy Community Memorial Hospital. In 1949, the club's physical and financial efforts gave the necessary support to the hospital's construction fund drive. The result of that determined drive is of life-saving benefit to Tracy area residents.

The underprivileged children of the Tracy area are consistently remembered and aided by the Tracy Rotary, particularly through the organization's annual Christmas program. The club has further assisted young people by financially supporting foreign exchange students placed in Tracy homes for their school year.

It is a distinct honor and privilege to represent this outstanding organization here in the Congress, and I am delighted to do so today. Virtually no facet of community life has remained untouched or unbenefited by the dedicated and concerned efforts of the Tracy Rotary Club, and I know that my colleagues will join with me in extending deserved congratulations, as well as every best wish for many more years of rewarding and fruitful community service.●

## NICARAGUA—PART VIII: THE ROLE OF THE CHURCH

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. HAMILTON. Mr. Speaker, approximately 19 of every 20 Nicaraguans profess the Roman Catholic faith, so it is hardly surprising that the church is a prominent institution in Nicaraguan life. Quite surprising, however, at least in light of historical precedents, is the role the church has played in the Nicaraguan revolution. In the person of the archbishop of Managua, Msgr. Miguel Obando y Bravo, the heirarchy of the church disassociated itself from the government of Anastacio Somoza early on. The disassociation was so complete that there are reports of Mr. Somoza's having conspired against the archbishop to blunt his outspoken criticism. Yet, Monsignor Obando was clearly a key figure in the opposition to the Somoza regime. He roundly condemned its injustices and did not hesitate to speak out against its excesses during the war, especially the aerial bombardment of the cities. In June of last year he and his six bishops openly proclaimed the right of the Nicaraguan people to engage in revolutionary insurrection. These actions and others, when added to the archbishop's well-known concern for the welfare of the poor, have earned him a special place in postrevolutionary Nicaragua.

We members of the congressional mission were keenly interested in the archbishop and his work, and we addressed many questions to him in the course of our meeting. Asked about alleged government pressure on the church, he replied that the church had criticized the former regime and had already made several of its concerns known to the new leaders. He added that a few priests had been temporarily detained in areas where government control was weak, but that the bishops themselves had felt no pressure. If attendance at mass were low in a certain parish, he suggested that the problem might be the personality of the priest, not harassment by public officials. In response to a question about the prospects for democracy in Nicaragua, Monsignor Obando set out his understanding of what democracy should be. Pluralism, freedom of expression, the existence of political parties, and education for a "responsible" rather than a "tame" citizenry were the principal items he mentioned.

In his answers and extemporaneous remarks the archbishop left little doubt that he envisioned the church as an active force in postrevolutionary Nicaragua. He spoke for some time on the matter of education, with particular reference to the government-sponsored literacy campaign. The literacy campaign would be good, he thought, if it did not concentrate solely on simple skills and socio-political development but rather sought to contribute to the growth of the "whole man" in dignity and freedom. The human resources of the church—priests, sisters, and lay workers—would be devoted to the effort to insure that integral development was the goal. Monsignor Obando told of a specific plan to have sisters and lay workers accompany the literacy brigades into the countryside, and he described in detail the educational programs of Catholic Radio, a helpful service that unfortunately did not reach remote parts of the nation because of the advanced age of the broadcasting equipment.

The archbishop also dwelt at length on the matter of the prisoners who were soldiers in the National Guard. He said that the church would be sensitive both to their human needs and to the duty of the government to treat them humanely and try them fairly. Foremost in his mind was a concern that the prisoners not be condemned to "civil death," a future of unemployment and ostracism. The seriousness with which he regarded the issue was brought home to some of us later in the day. Members who attended a mass celebrated by Monsignor Obando heard a sermon on the obligation of Christians to forgive and rehabilitate the prisoners.

An important event took place the day we met the archbishop. In union with his fellow bishops Monsignor Obando issued a major pastoral letter, "Christian Commitment for a New Nicaragua," in which the church defined its own position in the post-revolutionary era and expressed its views on the problems and promise of the revolution. This remarkable document was afforded immediate and complete front-page coverage in the print media, and it was later aired in depth on the government-controlled television system. Given what the bishops said, such interest was more than warranted. It is my impression that the pronouncement of the bishops will stand as a significant affirmation of man's right to dignity, freedom, and the benefits of a just society.

Although the pastoral letter was primarily an ecclesiastical document on the opportunities and obligations of the church to evangelize and advance Christian values, the bishops did not steer clear of controversial political issues. They began by underscoring their support for the basic motivation of the revolution. Noting the joy of the people in their liberation from oppression, they called for new laws to institutionalize liberty. Freedom of expression was described as an invaluable instrument for the correction and perfection of the revolution since, in their view, nothing in the revolution implied that the people should bow down before a new idol.

The bishops hastened to detail their own responsibilities in the political sphere. They would listen to the people, hear the people's concerns, and report those concerns to authorities. For their part, the people themselves would take an active hand in the management of their own affairs. Through participation in direct popular democracy all Nicaraguans would help form the nation's future. The bishops were firm in their condemnation of a "false socialism" that would permit dictatorship, the suppression of religious sentiments, or the denial of human rights. For them, socialism would be acceptable only if it carried with it a dedication to human welfare and provisions for political participation by all Nicaraguans. They also stressed their desire that the revolution be authentically Nicaraguan. Models adapted from other nations, they thought, would not fit unique Nicaraguan circumstances.

It is evident that the church has occupied and will continue to occupy a critical place in the Nicaraguan revolution. Acknowledgement of this fact has come from many sources, including high spokesmen in the Government of National Reconstruction. What action should we take to buttress the church in its effort to insure, as the archbishop put it, the growth of the "whole man" in Nicaragua? When asked that very question, Monsignor Obando's reply was simple and straightforward. The people must have the basic necessities—food, medicine, and shelter—but they also require the great influence of the United States to help them achieve political pluralism and secure respect for human dignity. To deny the President's request for supplemental assistance to Nicaragua would greatly weaken those forces in the country—among them, the Roman Catholic Church—which support political pluralism and human dignity.

(Note: Previous statements in this series appeared on November 27, November 29, December 3, December 4, December 11, December 14, and December 20.)●

# HOUSE OF REPRESENTATIVES—*Wednesday, January 23, 1980*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious Lord, send Your spirit upon us to give us the wisdom to do those things that are worthy in Your sight. May we put aside all envious thoughts and desire for personal gain and see clearly the needs of our Nation. Give us the integrity and compassion to serve people whatever their need. We specially remember those countrymen for whom freedom is denied. May we reach out in this our prayer with the spirit of love and concern for all those who need strength and encouragement. Give us the feeling of unity that we may praise You and serve the people committed to our care. This we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 241. A concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union, at 9 p.m., on Wednesday, January 23.

## ELECTION OF HON. DAN GLICKMAN AS MEMBER OF COMMITTEE ON THE JUDICIARY

Mr. WRIGHT. Mr. Speaker, by authority of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 528) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 528

Resolution designating membership on a standing committee of the House

*Resolved*, That the following-named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on the Judiciary: Dan Glickman, Kansas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## A TRIBUTE TO WALT DISNEY

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LLOYD. Mr. Speaker, yesterday I introduced a joint resolution asking the President to issue a proclamation honoring the memory of Walt Disney. The occasion is the 25th anniversary of Disneyland, a tangible expression of our love of children, our exhilaration with the joy and freedom of youth, and the strength which comes from the family bond. Walt Disney has made this American dream a reality in a magic land where age relives fond memories of the past, and youth may taste the challenge and promise of the future.

Mr. Speaker, my son was brought up on Mickey Mouse. That little black beanie with the big ears was much more than a hat to him. It launched whole worlds of adventure and fantasy, where the good guys always win, courage and kindness prevail, and beauty and song are everywhere. Not a bad model and not a bad dream.

Twenty-five years ago, that little mouse started it all. Since then, almost 190 million people have visited Disneyland and shared the same dreams.

I hope my colleagues will join me in my commemorative effort.

## DRAFT SHOULD BE REINSTITUTED

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, it has been reported on the news that President Carter is considering the reinstitution of registration for the Selective Service System or more commonly called draft registration.

When the President appears before us tonight in this Chamber, I do hope he will announce to the Nation that he does plan to return to draft registration as a means of strengthening America's defense structure.

Mr. Speaker, all of our promises to come to the aid of our allies and friends in Europe, the Middle East, and Southwest Asia are hollow promises unless we have the ability for rapid mobilization of manpower. And we do not have that ability at this time nor do we have an individual Ready Reserve to respond in even the first few days of fighting.

We must have registration as soon as possible and I personally feel we must institute a partial draft to refill the ranks of the individual Ready Reserve in order that our Nation can back up its words with action.

## THE PRESIDENT AND HOUSE DEMOCRATS FAIL AGAIN ON INFLATION

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, House Democrats have again turned their backs on the very grave and serious problem of inflation. In the face of this Nation's highest rate of inflation since the end of World War II the House Democratic Caucus has for the seventh straight month refused to consider providing relief for the American people. This occurred today when the Caucus voted to table a resolution, offered by myself and 20 of our colleagues, which stated that the policy of the Democrats in the House would be to give the President standby authority to impose mandatory wage and price controls.

The leadership of the Democratic Party both in the House and the administration, I can only assume, do not realize the devastating consequences of refusing to deal with this issue. I am not surprised at the failure of the Republican Party to act, although it must be noted that in 1971 with a much lower rate of inflation, Richard Nixon imposed controls. But I am shocked by the callousness of my own party, which prides itself as being the party of the people.

The latest public opinion surveys show that a majority of Americans favor mandatory wage and price controls. Ultimately the apathy and inaction of Congress and the President will backfire on all Democrats as the people reflect their distress at the polls.

The current anti-inflation policy is a disaster. The American people know this, and continue to cite keeping pace with the cost of living as their No. 1 problem. According to some White House sources, the President privately acknowledges the lack of success in his efforts, and according to U.S. News & World Report, would welcome a congressional move to give him standby authority. "Advisers say it would give Carter flexibility in the anti-inflation fight without taking the political heat the bill is sure to generate," the magazine stated.

Yet the President in the State of the Union message, released in its advanced text seeks to continue the myth of a successful program.

The struggle for wage and price controls did not end with today's vote. When the Democratic Caucus meets next I again intend to offer a resolution to put House Democrats on record in favor of standby authority for the President to impose mandatory wage and price controls. I am hopeful that this body will eventually decide to act.

## SOCIAL SECURITY CASH BENEFITS SHOULD NOT BE SUBJECT TO FEDERAL, STATE, AND LOCAL TAX

(Mr. ZEFERETTI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZEFERETTI. Mr. Speaker, the Advisory Council on Social Security recently recommended that half of social security cash benefits should be subject to Federal, State, and local income taxes. I would like to voice my vehement op-

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

position to the Council's recommendation and urge my colleagues to do the same.

In a time of high inflation when the elderly are already vulnerable to the high cost of living, we must avoid having them bear the brunt of additional taxation. The Advisory Council's proposal has alarmed many older Americans and undermined the confidence of the people in the integrity of the social security system. In addition, the average tax of $350 proposed in the Council's report would be a real hardship on social security recipients whose benefits are by no means generous and who are currently struggling to make ends meet.

At the present time, the House Subcommittee on Social Security is considering a wide range of options to refinance and insure the financial stability of the social security system. The possible alternatives include general fund financing, mandatory universal coverage for all workers, taxation of benefits, benefit reductions, and offsetting tax increases in income tax reductions.

Mr. Speaker, we must find alternative refinancing plans that do not reduce benefits. Refinancing social security must not victimize the people the system was set up to serve. Therefore, I again state my opposition to the Advisory Council's proposal to tax social security cash benefits and urge my colleagues to do the same.

## LEGISLATION TO RAISE STATUTORY LIMITS ON GUARANTEED LOANS

(Mr. LUNDINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNDINE. Mr. Speaker, today I am introducing legislation to raise the statutory limits on guaranteed loans that can be made available under the Small Business Act.

After several years of high inflation, the existing ceilings are clearly no longer at realistic levels. The regular business loan program under section 7(a) has had a $500,000 limit on guaranteed loans in effect since 1976. A similar $500,000 maximum applies to the 7(l) program, which aids companies involved in solar and other energy production, and a $350,000 maximum applies to the handicapped assistance program under section 7(h). In the economic opportunity program under section 7(i), which primarily aids minority businesses, the loan guarantee limit was last raised in 1976 to $100,000.

This bill would establish a uniform ceiling of $1 million for loan guarantees offered under the regular, handicapped, and energy loan programs. The ceiling for the economic opportunity program would correspondingly be doubled to $200,000. Except for a couple of technical points, the measure is identical to one introduced by Senator NELSON on November 27, 1979.

By raising the limits and encouraging the Small Business Administration to guarantee larger loans, we should make it possible to assist more innovative, high technology firms. It should not mean, however, that smaller establishments which have traditionally sought help from the agency will find their needs ignored.

I understand the administration is sympathetic to some upward adjustment in the loan guarantee limits, and may recommend a number of other changes in these lending programs. The agency will also be undertaking a review of the size standards used for each industrial sector to determine company eligibility for SBA assistance. Though this legislation sets a uniform upper limit on guarantees, I would hope that the agency will consider maintaining differential limits within its programs as a way of targeting assistance and stimulating jobs in areas of relatively higher unemployment.

□ 1510

## REPUBLICAN JOHN EDWARD PORTER, WINS 10TH DISTRICT CONGRESSIONAL SEAT IN ILLINOIS

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, yesterday in Illinois, an event occurred that is a repeat of several such happenings throughout the United States last year. Republican John Edward Porter handily won the 10th District congressional seat, that had been held for several years by a Democrat.

Mr. Porter, who served three distinguished terms in the Illinois General Assembly, typifies the qualified, vigorous, articulate candidates my party will be running across the Nation this year. He won with 55 percent of the vote, the widest percentage margin that his district has seen in a congressional race. I congratulate and welcome our newest Republican Member. His victory is only the beginning of a vintage Republican year at the polls, which will result in a Republican majority in the 97th Congress.

I invite my colleagues to join me tomorrow morning at 11 o'clock when Mr. Porter will be sworn in and assume his duties to represent the 10th District of Illinois.

## CONFEREES ON WINDFALL PROFITS AGREE ON SAVINGS INCENTIVES

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, I sent a "Dear Colleague" letter to all of the Members of this distinguished body serving notice that I would offer a motion today to instruct the House conferees, of which I am one, on the Windfall Profits Tax Conference Committee to accept a provision similar to one in the Senate bill in conference which gives an interest exemption from the income tax as an incentive to encourage people to increase their savings. I have been a strong supporter of such in the House Ways and Means Committee during this last year of 1979 and am the author of the Moore amendment to this end to the pending tax exempt municipal bond legislation.

I am very pleased to report that I have just left a caucus of the House conferees and they have unanimously voted to accept an interest exclusion provision. The exact details have not been worked out as yet, but this means it is no longer necessary for me to offer the motion to instruct this afternoon. I think the motion to instruct is not now necessary and I would urge one not be offered by any Member. I am pleased at this point with the progress of the House conferees toward accepting this important incentive for savings.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I yield to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Speaker, I rise to commend the gentleman from Louisiana for his efforts to instruct the House conferees on the windfall profit tax bill to accept the Senate language to allow individuals to receive $201 in combined interest and dividend income tax free annually and allow persons filing joint accounts a $400 interest and dividend exclusion. I have stated before that what we need to do is come forward with a selective revision in the tax code that would place the maximum emphasis on incentives for people to save and invest—this measure takes the necessary first step. I am pleased with this progress and to have been associated with the gentleman in advancing this tax revision effort.

Our present tax system does not provide incentives to save as is clearly indicated by the decline in our savings rate. The savings rate is at an alltime low and Americans are spending at an unprecedented rate to avoid the inflated costs of consumer goods tomorrow. Economic growth is at a minimum and in order to turn our economic situation around we need to provide the incentive to save and invest. This incentive is vital to encourage capital formation for our businesses, rejuvenate productivity and combat the effects of inflation.

I receive reports constantly from senior citizens in my congressional district letting me know how difficult it is for those living on fixed incomes to keep up with rising costs and double digit inflation. Many have just not been able to keep up and are experiencing an erosion of their savings—as well as an erosion of their hopes to enjoy their retirement years with dignity and financial security. Seniors are oftentimes small savers and this measure will help them hold onto their savings.

I strongly urge my colleagues to support this effort. The measure will benefit low- and modest-income Americans as well as seniors. It encourages savings and investment in the American economy—a sure way to spur economic growth and productivity and get this country moving again.

Mr. PETRI. Mr. Speaker, will the gentleman yield?

Mr. MOORE. I am happy to yield to the gentleman.

Mr. PETRI. Mr. Speaker, I noted with great interest the announcement by the gentleman from Louisiana (Mr. MOORE) that the House conferees on the windfall profits bill have agreed to accept a small savers tax relief proposal.

For some time I have been concerned about the low rate of savings in this country. After I came to Congress last year I introduced a small savers relief bill.

Neither the gentleman's small savers proposal nor the Bentsen amendment adopted in the Senate go as far as I would like in providing some tax exemptions for small savings depositors. Still it is an important first step in reducing the penalty we have placed on savings and interest.

These days small savers take it on the chin; not once but twice. First, inflation outstrips the amount of interest earned on savings. And then we turn around and tax the interest to boot.

Is there any wonder why people are discouraged from saving money?

There is one other point I would like to make. It is traditional for Congress to enact a tax cut in an election year. But a normal tax cut is inflationary because it puts more money in the hands of people and encourages consumer spending.

But these sorts of tax cuts are anti-inflationary. That is because the proposals encouraged people to save money rather than spend money. This amendment will reduce spending on consumption and increase capital formation and capital investment.

Fed Chairman Volcker has said the administration would not oppose a noninflationary tax cut. Both the gentleman's proposal and Senator BENTSEN'S meet that criteria.

Again I commend the House conferees for their action today. I have been pushing for this issue since I came here and I think this idea for small savers relief has the support of the majority of the House.

## REMEMBRANCE OF THINGS PAST

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, as we listen to the state of the Union address tonight, we should recall some of the things President Carter has said in the past.

In a commencement speech at Notre Dame University 2 years ago, he said we had to get rid of an "inordinate fear of communism."

Andrew Young, U.S. Ambassador to the United Nations, said communism had never been a threat to him and that Cuban mercenaries were a stabilizing influence in Africa. The President beamed with delight at those words.

In June 1977, President Carter proudly stated that "in general we're moving in the right direction with the Soviets." In December he said of the Soviets: "I think they've gotten to know me and my attitudes * * * we've had a very constructive relationship with the Soviet Union."

For 3 years Mr. Carter has acted like Wally Cox playing Mr. Peepers. Now we are asked to believe he has suddenly been transformed into John Wayne making that last-minute cavalry charge. Is it believable? We will soon see.

For 3 years the President has been singing to the Soviets the old song "Getting To Know You." Tonight we will hear his version of "Macho Man." I do not really believe he knows the tune.

## DR. KISSINGER GIVES CONCRETE ADVICE ON AMERICAN FOREIGN POLICY

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, last night I had the distinct pleasure of being among other honored guests in Milwaukee, Wis., to hear former Secretary of State Henry Kissinger. I made a special effort to attend because I feel Dr. Kissinger has a great deal of concrete advice to offer our Nation and Congress in this time of foreign policy crisis.

Dr. Kissinger advocated substantial increases in American military preparedness. He said today we are more vulnerable militarily than at any time since World War II. "For the first time since the Korean conflict," he said, "the United States has no carrier in the Pacific west of Hawaii." As a result, it is apparent that our Nation cannot react to more than one foreign crisis at a time. Therefore, we cannot adequately fulfill our commitments as leader of the free world.

Dr. Kissinger referred to the Soviet offensives in Africa and Afghanistan as a pincer movement toward the oil-rich lands of the Mideast, warning that Saudi Arabia and Jordan are becoming increasingly nervous. He called for U.S. leaders to make decisions to work with present governments around the world to stop Soviet aggression now—not wait for foreign governments to become perfect in our eyes before we join them to check the Soviets.

Dr. Kissinger said U.S. foreign policy must include three elements: military strength beyond question, determination to resist Soviet aggression, and the exploration of genuine possibilities for peace.

I think it would behoove us to at least consider Dr. Kissinger's advice.

## AL KALINE—CLASS AND CONSISTENCY

(Mr. PURSELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PURSELL. Mr. Speaker, today, along with my other fellow Michigan colleagues, I rise to pay tribute to one of our State's most well liked and respected citizens—Al Kaline. As you know, on January 9, Al became only the 10th player in history to be elected in his first year of eligibility to the Baseball Hall of Fame.

With the sports headlines filled with more and more references to such things as lawsuits, dissatisfied free agents, off-field antics, and complaining millionaire players, one often wonders what happened to the dream of the "All-Around—All American" athlete; the one who is thankful for his talent and shows his appreciation for the opportunity to play by putting forth a 100-percent effort at all times; the one who is graceful in defeat and modest in victory.

While seldom making national headlines during his 22 seasons as an outstanding outfielder with the Detroit Tigers and his subsequent years as a television broadcaster, Al has become very special to his teammates, fans, and others who have had the good fortune to be in some way associated with his conduct and contributions both on and off the field. He clearly has demonstrated that the "All-American" dream is alive and well, and we in Michigan are delighted that the Nation now has recognized and honored him for the qualities of which we long have been aware.

Without the benefit of minor league experience, Al went from the sandlots of Baltimore straight to the majors, playing his first full season with the Tigers at the age of only 19. The shy son of a broommaker soon was on his way to fulfilling Tiger manager Jack Tighe's 1972 prediction that, "He's going to be in the Hall of Fame."

A recent UPI article aptly described two of the trademarks that characterized him over the years as "class and consistency." Al never complained as he played day after day with a painful, congenital foot problem, as well as with far more than his share of bruises, broken bones, and other injuries. Meanwhile, he amassed an impressive record of achievement. For example, Al—

At only 20 years of age in 1955 hit .340 and was the youngest man ever to win the American League batting title, going on during his career to collect 3,007 hits, 399 home runs, and 1,583 runs batted in;

Won 10 gold gloves as the best fielder at his position, setting a record at one time by playing 242 consecutive games in the outfield without an error; and

Tied a major league record by playing in at least 100 games for 19 consecutive seasons.

Like all real champions, Al was best in the clutch. He was a member of the American League All-Star team 15 times, batting .324 and never making an error.

Although he had to wait until 1968 to appear in a world series, Al unquestionably was up to the task. He tied four series records, batting .379, leading the Tigers with hits, while they came from a 3 games to 1 deficit to beat the St. Louis Cardinals 4 games to 3.

Not only did his consistency come through loud and clear during that 1968 World Series, but so did his class. Because he had been injured and had missed 6 weeks of the regular season, Al told his manager to play "the guys that got him there" (outfielders Jim Northrup and Mickey Stanley), thus keeping Kaline on the bench, probably denying him of his greatest thrill in baseball.

However, Mayo Smith, the manager,

made one of baseball's most unorthodox lineup changes, resulting in gold-glove centerfielder Mickey Stanley at shortstop, and opening up Kaline's customary spot in rightfield for him. The rest is history.

Three years later, Al astonished the less greedy when he turned down a raise that would have made him the first Tiger ever to receive an annual salary of $100,000. After batting "only" .278 with 16 home runs the previous year (a successful season for most), Al humbly thought he was not worth the raise. He then proceeded to bat .313 in 1972 as the Tigers won their division and participated in the American League playoffs against the eventual world champion Oakland A's.

Upon learning of his selection to the Hall of Fame, Al continued to demonstrate his realistic, but humble character. After indicating his surprise and appreciation, he went on to say, "The fans in Detroit have not had a great deal to cheer about in the last few years. Now, in some very small way, maybe the people have something to be proud of."

We certanly do, Al. Thank you very much.

● Mr. BLANCHARD. Mr. Speaker, those of us who have followed baseball from the Detroit area have long been familiar with the career statistics that led to Al Kaline's becoming only the 10th man in history to be elected to Baseball's Hall of Fame in his 1st year of eligibility.

We know that he was the youngest batting champion ever; that he was only the 12th man in major league history to reach the 3,000 hit plateau; that he hit 399 career home runs; that he won the Golden Glove award for flawless fielding 10 times; that he batted 0.379 and hit 2 home runs and 8 RBI's in the 1968 World Series; that he made the American League All-Star team 15 of his 22 seasons as a major leaguer.

But to those of us who grew up in his shadow, Al Kaline represented more than these statistics reveal. Even as youngsters we recognized that Al was more than a hometown superstar. In his own modest way, Al taught us that decency and humility are winning attitudes. By his example we learned the value of loyalty and quiet leadership.

One of my clearest childhood memories is riding my bike from my home in Ferndale to Al's home on Morton Street in Oak Park—he only lived there for 6 months during the summer of 1955—circling the area hoping to catch a glimpse of him. Of course, every time we chose up sides to play a game I, like all the other players, wanted to play right field—Al Kaline's position. And I will always remember the way Al used to throw out baserunners, even sometimes throwing the ball while sitting down after a tumble in the grass in right field.

In retrospect, I realize that I was lucky enough to have as my hero one of the best models professional sports has ever offered.

The people of the 18th Congressional District want Al to know how proud we are of him on the occasion of his election to the Hall of Fame. We are glad to see him get the recognition that he so justly deserves. And we especially want to thank him for the inspiration and positive influence he provided to all of us.●

● Mr. FORD of Michigan. Mr. Speaker, 5 years ago, Albert William Kaline retired from baseball after 22 brilliant seasons with the Detroit Tigers of the American League. I am pleased and privileged to join today in paying tribute to this outstanding athlete and exceptional human being for his recent induction into the Baseball Hall of Fame.

Few athletes in any sport have achieved the level of skill displayed by Kaline during his sparkling career. Fewer still have combined this level of skill with the machine-like consistency of Al Kaline.

A reserved, but self-confident athlete, Kaline symbolized the best attributes of an American athlete. His dedication to excellence, both on and off the playing field, earned the respect of the entire baseball world. His steadfast determination to reach the limits of his athletic ability was unmatched in this day of accepted and rewarded mediocrity.

It was Al Kaline's determination, as well as his dedication to his team, his city, and his sport, that resulted in a list of career accomplishments unequalled in modern baseball.

It was this quiet, yet fierce determination that made Al Kaline only the 10th player in the history of baseball to be inducted into the Baseball Hall of Fame in his first year of eligibility. It was this determination and drive for perfection that made him only the ninth player in history to surpass more than 3,000 career hits.

It was this determination that produced 10 Gold Glove Awards and 16 errorless appearances in the annual All-Star game. It was this determination that made Kaline the youngest player in baseball history to win a batting championship, hitting .340 in 1955 at 20 years of age.

Kaline's career statistics speak for themselves: 3,007 career hits; 399 home runs; 75 triples; 498 doubles, and a .297 career batting average. Kaline was more than simply a great hitter. He was also an excellent base runner, as well as one of the most skilled outfielders ever to play the game.

Statistics, however, do not always reflect the true value of an athlete to his team, his city or his sport. Al Kaline was, and is, a hero to his faithful fans in Michigan. Adults admired him. Youngsters worshipped him. Youngsters playing baseball in the Detroit area wanted to play outfield just like "Al."

Kaline was at his best when it counted the most. When the Tigers needed a single in the ninth inning, Kaline got it. When the Tigers needed a great catch or perfect throw from the outfield. Kaline made it. When the Tigers needed a leader, Kaline was there.

In 1968, during the height of the racial tensions in Detroit and throughout the Nation, Kaline led his team to a stunning come-from-behind victory over the favored St. Louis Cardinals in the world's series. Residents in the Detroit area instantly, if only temporarily, forgot meaningless distinctions such as black and white. Instead, they took to the streets to cheer their team, the Tigers, and their hero, Al Kaline, who had waited 16 years to represent his city and fans in the world's series. During that thrilling, seven-game series, Kaline batted .370, belted two home runs, and drove in eight runs.

It is no surprise that Kaline now joins other Tiger greats, such as Ty Cobb, Charlie Gehringer, Mickey Cochrane, and Hank Greenberg, in the Hall of Fame. Detroit Tiger fans saw it coming for 22 years.●

● Mr. BROOMFIELD. Mr. Speaker, enshrined at the Baseball Hall of Fame at Cooperstown, N.Y., are some of the greatest names in baseball history—Ruth, Mays, Mantle, Williams, Musial, and all the others. Joining these immortals this year, will be the name and record of Al Kaline, right fielder for the Detroit Tigers for 22 years, and, of course, a "great" of baseball history.

To be elected into the Hall of Fame by veterans of the Baseball Writers Association of America is, in itself, one of the highest recognitions for a baseball player. However for Al Kaline, a special honor has been bestowed by being only the 10th person to be elected during the first year of his eligibility.

The great achievements Al Kaline compiled is a matter of public record. He has a lifetime batting average of .297, and was only the 12th man in major league history to reach or surpass the 3,000 hit plateau with 3,007 hits. He became the youngest batting champion in American League history when he hit .340 in 1955 at the age of 20, and during his career, won 10 Gold Gloves for his skill as an outfielder.

He was a member of the American League All Star team 15 times, and he has won numerous honors and awards, culminating with this year's election to the Baseball Hall of Fame with the great Duke Snyder of the Brooklyn Dodgers.

Yet with this illustrious record, Al Kaline was no grandstander, no showboat. He approached the game with a quiet dignity and performed with a skill and a consistency that won him the respect and admiration of his fans, his fellow players, and the sportswriters.

Mr. Speaker, it is with great pride that I join my colleagues in paying tribute to this great, deserving man. I share the pride of my colleagues from Michigan because Al Kaline played for our Detroit Tigers. However, this is something very special for me because Al Kaline lives in my congressional district.

Mr. Speaker, it is an honor to congratulate Al Kaline, our newest Baseball Hall of Famer, and to say how much I and every fan enjoyed watching No. 6 play baseball.●

● Mr. NEDZI. Mr. Speaker, when I was a boy growing up in the Detroit area, Detroit was known as "The City of Champions."

In 1935 the Detroit Tigers won the World Series, the Detroit Lions won the National Footbal League title, and the Detroit Red Wings the hockey championship. For good measure, Joe Louis was the best heavyweight boxer in the world.

This winning tradition continued into the 1940's and 1950's, and of course the Tigers won the world series in 1968. But for a long time we Detroiters had little to cheer about.

However, for 22 years there was always Al Kaline, thoroughly and quietly professional, playing the best right field ever played in the Detroit ballpark.

Accordingly, Michiganers were very, very pleased that Al Kaline was, a few days ago, elected to baseball's Hall of Fame on the first ballot.

Justly appreciated for his remarkable baseball performance of 22 seasons, Mr. Kaline is also respected as a decent guy, a family man, and a perceptive television color commentator. People seem to feel better just knowing he is around. The general feeling is that Al Kaline is a class guy, on and off the field.

I am tempted to underline the case by inserting Al Kaline's lifetime stats.

I will instead make reference to just one year, 1968. That was the year the Tigers won the world series and the people of the Nation got an extended opportunity to see on television what we Detroiters had been privileged to see for years: a superlative Kaline performance. He fielded flawlessly, threw with that classic accuracy, and hit a powerful .379. The Kaline of that series is etched in our memories.

And so, it is a personal pleasure for me as a Detroiter, to join in this tribute to Al Kaline, the Hall-of-Famer, and Al Kaline, the man.●

● Mr. STOCKMAN. Mr. Speaker, Al Kaline, the beloved right fielder of the Detroit Tigers, was inducted into the Baseball Hall of Fame last week becoming 1 of only 10 great players who have achieved this honor during their first year of eligibility.

Throughout his career, Al has earned numerous honors. He became the American League's batting champion in 1955 at the age of 20.

In twenty-two seasons with the Tigers, Al batted an average of .297 and had 399 homeruns, among his more than 3,000 hits. This tremendous record was amassed over a total of 2,834 games during the 22 years that he played for the Tigers.

Today, Al remains the Tiger's all-time most popular player. This was exhibited by the fact that, for the first time in the history of the Tiger's organization, they retired Al's famous No. 6.

But for more than numbers in the record book or honors bestowed, I will always remember Al Kaline as a quiet, modest and reserved man who was at the same time one of the greatest players in baseball history.●

● Mr. BONIOR of Michigan. Mr. Speaker, a congressional tribute to Al Kaline means something special to me. I was present at the very first game that Al Kaline played in Detroit, at what was then known as Briggs Stadium. The murmur that rippled through the crowd that day, was that this skinny kid was the new 18-year-old recently signed by the Tigers, out of Baltimore's Southern High School. That was 1953. None of us realized at the time what an honor it was to attend that game. For this was to be the dawn of the extraordinary, 22-year career of Al Kaline. I returned many times to that ballpark at the corner of Trumbull and Michigan Avenue to watch Kaline dazzle the crowd with sparkling defensive plays and timely base hits.

The statistics and great moments will be repeated many times; 3,007 hits, 399 home runs, a .297 career batting average, 10 Gold Glove awards, and 242 consecutive games without an error. But I prefer to remember the outstanding feats performed day in, day out, game after game. For instance, there was never a better 2-strike hitter than Al Kaline. So refined was his knowledge of the strike zone that opposing pitchers soon learned not to groove a no-balls, 2-strike pitch. Those who did, often watched it disappear into that massive sea of green seats in the upper deck of left field. Smart pitchers walked him—1,277 times.

They also learned not to brush him back. An occasional fastball, aimed at the batter, is a common tactic used by pitchers to move hitters away from the plate. After being knocked down, batters are typically intimidated and angered into swinging wildly at the next pitch, no matter where it is. Not Al Kaline. It only served to intensify his concentration. Many times I saw him calmly pick himself up, brush the dust off his uniform, and send the next pitch screaming to the wall in right-center field.

The most intimidating of his remarkable battery of talents was an awesome throwing arm. I clearly remember how the crowd would hush in excited anticipation on a medium-depth flyball to right field, with an opposition speedster standing on third base waiting for the catch to be made. The moment seemed endless, the tension building; then Kaline would make the catch and the race was on. In one smooth motion, he would snatch the ball from the webbing of his glove, take one step on his left foot, and launch a rocket to home plate. We all would leap to our feet just in time to witness the umpire's right arm ascend from that cloud of dust. Kaline had claimed another victim.

His best play, though, was his ability to turn a double into a single. The batter would line a shot over the bag at first, all the way to the wall. Kaline would race into what became known as "Kaline's Corner," whirl, and fire a strike to second base. The batter was either out or wise enough to have stopped at first base. Kaline could truly turn a double into a single.

The summer of 1967 was tragic for those of us who lived in the Detroit area. Hatred, violence, and frustration exploded in the streets in the form of fires, looting, and 43 deaths. The newspapers called it a civil disturbance for insurance purposes. We called it a riot. We were a deeply troubled community. During the winter off-season, members of the Detroit Tigers assembled to discuss what they could do to pull their people back together again. Their solution was perfect. Al Kaline and the Detroit Tigers fought, clawed, and slugged their way to a world championship. Game after game, when all seemed lost, they came from behind, never giving up hope, in glorious demonstrations of tenacity that only the people of the Detroit area could appreciate with pride. During the summer of 1968, the people were in the streets again; but this time it was to celebrate. We were the world champions.

Al Kaline may have known that this would be the only world series that he would ever play in. At any rate, he made the best of it. The Tigers fell behind in the series three games to one, and then they went to work. The likes of Norm Cash, Mickey Lolich, Jim Northrup, Bill Freehan, Gates Brown, Mickey Stanley, and Willie Horton performed the Detroit shakedown on Cardinal pitching greats, Gibson and Brilles, to steal the series. Leading the assault, as always was Al Kaline, with 11 hits, a .379 series batting average, 2 home runs, and 8 runs batted in.

I, for one, was not the least bit surprised to learn that Al Kaline had become only the 10th player in baseball history to be elected to the Hall of Fame, during his 1st year of eligibility. No player has ever been so valuable to his team—or so loved by his fans.●

● Mr. WOLPE. Mr. Speaker, Al Kaline was the complete ballplayer. He could do it all. Fresh off of the sandlots of Baltimore, having never played a game in the minor leagues, he went on to become one of baseball's premier players for over 20 years. He was a consistent .300 hitter, being the youngest player to ever win the American League batting title. He won numerous Gold Glove awards for his fielding, and his throwing arm was respected by base runners throughout the league.

But Al Kaline is much more than a great ballplayer. For over 20 years No. 6 was an inspiration to the people of Michigan. Year in and year out, Al Kaline showed up for work in right field of Tiger Stadium, ready to perform his job to the best of his considerable ability—as millions of workers do everyday throughout the State of Michigan. You could always depend on Al Kaline.

As 1968 began, the mood in Detroit was filled with tension. There were many open wounds left from the terrible Detroit riots of the summer of 1967. The world champion Detroit Tigers of 1968, led by Willie Horton, Mickey Lolich, Denny McLain, and most of all, Al Kaline, did much to help reunite that torn city, and begin the long trek down the road of urban revitalization which Detroit is now experiencing. It is only fitting that it was Al Kaline who scored the winning run to bring the first American League pennant to the Motor City since 1945.

But Al Kaline is not one to sing his own praises. He is a modest man who has always let his actions speak for him. Although it is hard to believe in this era of million dollar ballplayers, Al Kaline once turned down a raise because he thought he did not deserve it.

It is fitting tribute that this great ballplayer, and citizen of Michigan, should become only the 10th ballplayer in history to be elected to the Baseball Hall of Fame in his 1st year of eligibility. I would like to add my heartfelt congratulations to those which Al Kaline has received from around the Nation.●

● Mr. DAVIS of Michigan. Mr. Speaker, it is my sincerest pleasure to have the opportunity to publicly laud the many accomplishments of Michigan's Al Kaline. Al's recent election into Baseball's Hall of Fame on his first try is a fitting tribute to mark a career that has been an inspiration to many.

Al's achievements on the field—entering the game at age 18 without ever participating in the minor leagues, his tenacious clutch hitting, his ability to make the great defensive play commonplace, and the numerous Detroit Tiger team records he holds are testimony to only a part of this man's contributions.

Outside of the foul lines Al demonstrated the same team spirit and leadership qualities in the many civic and community endeavors he undertook. His activities should be emulated by young and old and his extraordinary efforts bring to mind the proud term—hero.

Speaking for myself and those I represent in northern Michigan I heartily salute Al Kaline and wish him and his family the best for the future.●

## GENERAL LEAVE

Mr. PURSELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my 1-minute speech today.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## AIRLINE RESERVATIONS FOR MOSCOW OLYMPICS

(Mr. DAVIS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Michigan. Mr. Speaker, in light of the President's recent statement of support for a U.S. boycott of the 1980 summer Olympic games, one consideration recently has been brought to my attention by one of my constituents and which I feel warrants all of our attention.

There are thousands of Americans who for the past year or two have been sending in installment payments to reserve tickets and air travel arrangements with the Soviet travel bureaus. In the case of two of my constituents, $3,450 has already been paid to the appropriate agencies. Under the terms of their agreement, which is the same for thousands across the Nation, any cancellation of reservation arrangements after February 1 will result in a total loss of those moneys already paid.

Thus, it is essential that if anyone who has been arranging to go to Moscow for the summer games wants to cancel those arrangements due to the recent developments relating to the Soviet invasion of Afghanistan, they must do so by the end of this month. Obviously, that does not leave very much time.

I have communicated this concern to the White House, and it is my hope that this matter will be brought to the attention of the U.S. Olympic Committee, which has scheduled a meeting for this weekend. At the moment, it is the U.S. committee which will be deciding the fate of U.S. participation in the summer games.

I would like to urge my colleagues to bring this matter to the attention of their constituencies and to encourage the U.S. Olympic Committee to make a decision regarding our participation in the games in a forthright manner so as to minimize inconveniences placed on American citizens.

□ 1520

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to make the following announcement:

The Chair anticipates that the Olympic bill will be reported out of the Foreign Affairs Committee and acted upon either tomorrow or Friday.

## THE ADMINISTRATION DISCOVERS KAMA RIVER TRUCK PLANT SUPPORTS SOVIET MILITARY MACHINE

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, yesterday we learned that the administration suspended licenses for the export of spare parts for the Soviet Union's Kama River truck plant. This action was taken because the Commerce Department finally acknowledged that vehicles produced at the plant have been used to support the Soviet military machine, particularly the invasion of Afghanistan.

We are pleased that the President is beginning to understand the Kremlin's true intentions. But why did it take so long for him to see the light. The President's intelligence experts have known for several years what the Soviets have been doing at Kama River.

A number of us in the House warned of the diversion of U.S. technology in a letter to the President a year and a half ago. We tried to offer amendments to the Export Administration Act last September to correct this problem.

Last year the former director of the Export Administration Office, Mr. Larry Brady, sounded numerous warnings on Kama River. But what did the President's adviser's do?—launch a vicious attack on his reputation to push him out of his job. It is with deep regret that we learned Monday of the resignation of Larry Brady from the Commerce Department.

I again intend to offer legislation to halt technology transfers to our adversaries. I will insert into the extension of remarks several articles concerning the Kama River plant.

## REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST HOUSE CONCURRENT RESOLUTION 204, APPROVING EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 96–734) on the resolution (H. Res. 529) waiving certain points of order against the concurrent resolution (H. Con. Res. 204) approving the extension of nondiscriminatory treatment to the products of the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

## WATER RESOURCES DEVELOPMENT ACT OF 1979

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 513 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 513

*Resolved,* That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4788) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI, are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas (Mr. FROST) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 513 provides for the consideration of H.R. 4788, the Water Resources Development Act. The resolution allows 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. This is an open rule, allowing any germane amendment to be offered under the 5-minute rule.

At the conclusion of the bill's consideration a motion to recommit with or without instructions would be in order.

The rule makes the committee amendment in the nature of a substitute in order as original text for amendment purposes, and provides that the substitute be read by titles, rather than by sections, further facilitating the amendment process. The resolution also waives points of order under clause 5 rule XXI against consideration of the substitute. This largely technical waiver was granted because prompt execution of some of the Corps of Engineers studies mandated in title II may involve slight reprograming of funds already appropriated.

Finally, House Resolution 513 waives points of order under section 402(a) of the Congressional Budget Act against consideration of the original bill. Section 402(a) requires authorizations to be reported by May 15 preceding the beginning of the fiscal year for which they are effective.

H.R. 4788 authorizes about $800 million for fiscal year 1980 for construction and studies pertaining to water projects previously authorized by Congress. Since the bill was not reported by May 15, 1979, its consideration would violate section 402(a) of the Budget Act. However, the Budget Committee has found that little or none of the $800 million authorized for fiscal year 1980 will actually be spent during that year. Also, the funding levels contained in H.R. 4788 are in line with the guidelines contained in the second budget resolution for fiscal year 1980. For these reasons, Mr. Speaker, the Budget Committee supported and the Rules Committee granted a waiver of section 402(a) to permit consideration of H.R. 4788.

Mr. Speaker, H.R. 4788 authorizes many significant new water projects, project modifications and studies. Title I contains authority for 47 new projects at an estimated cost of $952 million. Title II mandates $189,128,000 for 35 studies to be conducted by the Army Corps of Engineers. These studies will include investigations or new project requests and, in 10 instances where need has already been determined, feasibility studies of proposed remedies. Title III of the bill contains $853 million for modifications of 78 projects already begun; and title IV reauthorizes 44 separate water-related programs at funding levels totaling $378,350,000. In addition, title IV makes numerous changes in water program administration and in the current water-project authorization process. Finally, H.R. 4788 provides for the deauthorization of four water resources development projects, reducing future expenditures by an estimated $634.5 million.

Mr. Speaker, the Water Resources Development Act will have a significant impact on the problems of maintaining water distribution systems and water supply and quality in almost every part of the Nation. I urge my colleagues to allow its consideration by adopting House Resolution 513.

Mr. EDGAR. Mr. Speaker, will the gentleman yield for two questions?

Mr. FROST. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I have two questions. I appreciate the gentleman's comments, and I commend the Committee on Rules for its providing an open rule so that all the amendments can be offered in a proper way. But, I have two specific questions.

The gentleman analyzed the need for waiving of section 402(a) of the Congressional Budget Act of 1974, and indicated that there were some $800 million worth of projects that would violate the congressional budget process if in fact that waiver was not granted. Does the gentleman have available to him a listing of which are the major projects that would be covered under that particular waiver?

Mr. FROST. I will have to ask the chairman of the subcommittee, who is present. I yield to the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I would say to the gentleman that this is routine. We do it all the time because there is no way we could comply, as the gentleman knows, with the dateline. This is all this does. This gives time to get the May 15 budget estimate in.

□ 1530

Mr. EDGAR. I appreciate the gentleman's response. It was just a question as to which of the projects made up that $800 million. Should this be routine?

The second question goes to a listing of how many projects, and how many renovation projects of existing authorizations, are included in this particular bill. Does the gentleman's statistics relate specifically to the bill that was before the Committee on Rules, or has the gentleman added the additional projects that were authorized yesterday?

Mr. FROST. It is my understanding that these statistics represent the bill as it was before the Committee on Rules.

Mr. EDGAR. I thank the gentleman very much. I appreciate that.

Mr. LOTT. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, this resolution makes in order consideration of the bill, H.R. 4788, the Water Resources Development Act of 1979. It is an open rule, providing for 1 hour of general debate. The rule waives section 402(a) of the Congressional Budget Act against consideration of the bill. This section requires authorizations to be reported by May 15 preceding the beginning of the fiscal year for which they are effective.

The rule makes in order the amendment in the nature of a substitute recommended by the Commitee on Public Works as the original text for purposes of amendment. In addition, the substitute is to be read for amendment by title rather than by section.

Clause 5 of rule XXI prohibiting appropriations in a legislative bill is waived against the substitute. One motion to recommit with or without instructions is provided.

Mr. Speaker, the legislation which would be made in order under this rule is the Water Resources Development Act of 1979. This measure contains project authorizations, studies of potential water resources projects, modifications to authorized projects and other provisions relating generally to the water resources development program of the Corps of Engineers. The bill was developed following hearings by the Water Resources Subcommittee at which time testimony was heard from Members of Congress, Federal and State officials, representatives of local organizations, environmental groups and interested citizens.

Consequently the final form of this authorizing legislation is the result of input from individuals and groups with differing views on the most effective means of encouraging regional economic development and providing a sound national water policy. The end product of the commitee's efforts is a balanced piece of legislation which authorizes badly needed water-related projects, streamlines the procedures for studying potential water resources projects, and allows oversight of the corps' regulatory policies by providing a one-House veto of rules or regulations issued by the Secretary of the Army.

Specifically section 401 requires the Secretary to prepare a feasibility report of sufficient detail on which to base an authorization for construction of any recommended project. This contemplates one report and one authorization. There will, of course, be cases in which the committee will decide there is insufficient information on which to base a construction authorization, and it can then authorize more detailed studies. But the determination of whether a feasibility report meets these requirements will be made by Congress when it decides to authorize construction of a project. The intended result of this section is better, more detailed reports and reduction of time required for implementation of projects.

In addition, section 415 is especially noteworthy. This requires the Secretary to submit for review of Congress any rule or regulation promulgated under any water resources development authority within his jurisdiction. The rule would become effective at the end of 60 calendar days if no committee of either House has reported or been discharged from consideration of a concurrent resolution disapproving the rule and neither House has adopted such a resolution.

Mr. Speaker, the projects authorized under this legislation are important links in maintaining a viable water resources development program and are projects which have been thoroughly evaluated by the committee. I am fully supportive of the legislation and urge our immediate consideration of the pending resolution so that we may proceed to consideration of H.R. 4788.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. DAVIS).

Mr. DAVIS of Michigan. Mr. Speaker, in the legislation which we are considering today is a section which is of overwhelming concern to the people of my district. Section 124 provides for an authorization to the Army Corps of Engineers to operate the locks at Sault Ste. Marie, Mich., extending the navigation season for shipping on the Great Lakes. The program is authorized substantially in accordance with the report of the Chief of Engineers, with some exceptions, and provides further for a number of measures designed to alleviate problems that have been caused by or attributed to winter shipping.

Mr. Speaker, the St. Lawrence River, the Great Lakes, and their connecting channels have been an important commercial transportation means to both the United States and Canada since the 1800's. Through the years, there has been an increasing interest in keeping the system open past its normal closing date. Historically, most vessel movement had been halted on the system in mid-December due to the formation of ice on the system, especially in shallow, landlocked areas. Due to the increasing interest in an extended season, Congress authorized a study in 1965 to determine if an extended navigation season on the Great Lakes was technically and economically feasible. That study recommended a more detailed survey study which was authorized by Congress as part of the River and Harbor Act. For the past several years, a demonstration program has been conducted aimed at determining program feasibility and at identifying problems and solutions to those problems that are related to winter shipping.

Many of the problems that have been identified have concerned the impact of ice breaking by vessels on communities, individuals, and the environment, especially in areas where the shipping lanes are narrowly bordered by land. One such area is the St. Marys River which connects Lake Superior and Lake Huron. It is on this river that all traffic moving from the iron mines of Minnesota, Michigan, and Ontario must go to reach the steel mills of the lower lakes. It is this area that has borne the brunt of the effects of winter navigation. Reports of damage to property due to pressure against the ice have been numerous. Residents of four islands; Drummond, Lime, Neebish, and Sugar, have experienced severe problems with transportation disruptions, including an incident in which schoolchildren were trapped for several hours in midriver due to the ferry jamming against broken ice. The extent to which the environment, including a valuable fishery, has been effected must be determined as well as the impact on the shoreline.

It is not surprising that a great deal of opposition has been generated toward winter shipping in the St. Marys area. There has developed a feeling of frustration on the part of many residents who feel that though they have experienced many hardships for several years, there is no end in sight to their problems, and no apparent remedy forthcoming. I can certainly understand the feelings of these people and have consistently held the attitude that unless these problems are resolved, I would not support extension of the winter shipping season. I am in no way convinced that this bill represents the resolution of these problems and I have serious reservations about supporting it.

The Federal Government shares the responsibility for resolving these problems with private industry since it is a Federal decision which allows transportation to continue into the winter months. I believe private industry must accept more of the financial responsibility for this program and its effects also.

When this bill was being considered, my office was consulted regarding the interests we had in this issue. Because of the cooperation of my colleagues, Congressmen JIM OBERSTAR and DAVE BONIOR, we had the opportunity to focus attention on and address many of the problems which exist in the St. Marys River. While some of the measures provided for are direct mitigative measures, others amount to only a first step toward resolving a problem. I would have strongly preferred language in the bill providing for more immediate solutions and feel that what is contained in this legislation is the absolute minimum that is acceptable. I support these provisions only because I recognize the need for some means of specifically addressing these problems as well as the realities of how much we can statutorily provide. If it had been possible, I would have favored going much further in the measures which we have provided for.

There has been some attention given to the differences between the Senate and House language regarding this provision. One difference pertains to a subsection providing for an island transportation study; in the Senate version, five islands are named to be studied. In the House, there are only three of the islands named. I will be offering an amendment later today to correct this exclusion.

A more major difference concerns the timetable for navigation during the next 3 years. In the House version, navigation is authorized in fiscal years 1980 and 1981 through January 31, plus or minus 2 weeks, and in fiscal year 1982, through December 30. The Senate version authorizes navigation through December 30 in fiscal years 1981 and 1982 and through January 31, plus or minus 2 weeks, in fiscal years 1980 and 1983. In other words, the main difference between the two versions centers on next years shipping season.

The House version provides for an extended season, the Senate version does not. In view of the fact that we have not included provisions for direct resolution of all problems in the St. Marys River, I favor the Senate version of this subsection. Under no circumstances do I support a year-round shipping season on the Great Lakes.

The provisions for studies of damages, transportation needs and environmental hazards are good steps toward resolving these problems and I appreciate the willingness of the committee and my colleagues, JIM OBERSTAR and DAVE BONIOR, to work toward this end. We are still a long way, however, from fulfilling the Federal responsibility in providing a remedy to the problems caused by this program.

Mr. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Michigan. I yield to the the gentleman from California.

Mr. CLAUSEN. I just wanted to verify the very comprehensive explanation that the gentleman has provided for the benefit of the Members. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Michigan (Mr. BONIOR) in cooperation with the committee carried out very intense negotiation arrangements to attempt to resolve what in effect were some of the conflicting interests in that area. As a result, they came out with section 124. I am of the opinion that this is going to be further addressed because, as the gentleman from Minnesota (Mr. OBERSTAR) pointed out, during the course of the markup in the committee there has been a subsequent report filed by the Corps that may very well provide a basis on which to further address some of the concerns being expressed.

☐ 1540

I just wanted to let the gentleman know that the Committee is mindful of some of the problems the gentleman has referred to and is doing everything possible to work with those two committee members and the gentleman to resolve those problems.

Mr. DAVIS of Michigan. I appreciate that. I am aware of the report. I am concerned, however, that the Corps of Engineers' reports will indicate that some of the problems I am concerned about and that the people who live in that area are concerned about may not be addressed as specifically as they are in this language.

Mr. FROST. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, I have asked to address the House on the process of adopting the rule on the omnibus water bill primarily to protect and to save the general debate time necessary to look carefully at this particular bill. I understand from talking with the chairman of this committee that today we are going to pass the rule and deal with general debate and put off until sometime in the future specific amendments.

There has been a great deal of concern in the House of Representatives because I have introduced 184 separate amendments to this particular bill and a great deal of concern has arisen from each Member of Congress who has a project that is impacted by one or more of these particular amendments.

In the January 17, 1980, RECORD of the House of Representatives I placed a statement which listed what I think is a good summary of the kind of amendments that I plan to offer. They will not be dilatory amendments, they will not be amendments to try simply to target a particular project for some kind of ulterior purpose but, in fact, the amendments will be blocked out in two categories and I am proposing that the first category of amendments will rely primarily around provisions in the bill which deal with the following:

First. Reduce, waive or weaken local cost-sharing requirements.

Second. Declare by fiat that the benefits exceed the cost.

Third. Authorize projects in the absence of the report from the Chief of Engineers on costs or effectiveness.

Fourth. Set dangerous new precedents such as putting the Corps of Engineers into the business of controlling landslides caused by housing developers where no rivers or harbors issues are involved.

Finally, we have only a few projects which have only a few beneficiaries without cost sharing.

The second category of amendments is designed to achieve positive policy reform in water resource programs. One of the most badly needed reforms is the setting of a fixed ceiling on the cost of a water project with the appropriate cost indexes or escalation clauses.

The way in which this particular bill is drafted, we placed in the legislation in a number of projects an estimated cost to construct. We have known over the years that many times these estimated costs to construct are simply that. They are estimates. The corps is then able to go ahead and complete the construction of the project. Sometimes the project cost is doubled or tripled.

My amendments that will focus in this category of fixed costs will simply suggest that a reasonable cost be fixed for the project, that the project proceed as expeditiously as possible within the framework of that fixed cost with the appropriate cost escalation factor included.

Now, Mr. Speaker, the kinds of amendments that will be offered will be serious amendments and they will be offered to titles I, II, III, and IV. They will, as I have suggested, deal with all of those classes of projects for which there is no final report given by the Chief of the Army Corps of Engineers. They will deal with amendments where there is little or no cost sharing by local communities. They will deal with that group of amendments where we build at Government expense and 100 percent of funding for bridges and highways, determined not by the Department of Transportation but by our committee or by the corps, projects in which there will be no responsibility for local cost sharing.

Mr. Speaker, there are a number of amendments in this bill that have been outlined in press articles in the Washington Post and in an editorial in that newspaper as well as in other articles around the country about the negative impact of this legislation.

Mr. Speaker, I want to remind the House that several people beside BOB EDGAR are concerned about the contents of this legislation. I draw the attention ing in this Congress since January 1980 that comes from the Office of the Assistant Secretary, Department of Army, Mr. Michael Blumenfeld, who begins by writing our chairman, the gentleman from California, Mr. BIZZ JOHNSON:

> Mr. Chairman, I am writing to express the views of the Department of the Army on H.R. 4788, the Water Resources Development Act of 1979.

He goes on to point out that the administration has more than 125 objections to specific provisions within this legislation. He follows this document with 31 pages of projects which either do not have a final report or which are being slipped into this bill without the kind of careful consideration that a sound water policy would have.

This letter points out that the administration cannot support 54 of the projects authorized in the bill which have not received full departmental and administrative review. These include proposals relating to authorizations for study, construction or modification of various flood control, navigation, hydropower projects, and then it goes on to point out other projects which it had difficulty in supporting.

Mr. Speaker, I would also like to draw the attention of the House to letters from David Keating of the National Taxpayers' Union, who points out some of the negative problems of this legislation in addressing each Member of the House. He states that amendments to place specific cost ceilings for projects currently authorized at estimated levels without cost ceilings, there is no incentive to control costs, and he urges us not to support the legislation as written.

I have letters from the National Wildlife Federation, the Sierra Club, Common Cause, Americans for Democratic Action, and also Howard Jarvis of proposition 13 fame, who has taken out a full-page ad in the Washington Post today to help us focus on some of the waste and some of the inefficiencies that are listed out in this bill.

Mr. Speaker, I believe strongly that the House of Representatives should be involved in the water policy for the United States. I believe firmly that good projects ought to be built, that we ought to build flood-control projects and water-resource projects and levees where appropriate. We should go forward with projects that have a favorable cost/benefit ratio and are socially and economically feasible for a particular community.

I believe that the House of Representatives ought not support a bill that enables the construction of projects that are inefficient or wasteful, or whose communities do not even want the project constructed. I believe our bill should deauthorize many of the projects where no work or activity has taken place for many years. I think we ought not to be afraid as a House of Representatives to bring forward a bill based on merit that includes those specific projects that meet Federal standards, Federal criteria and follow Federal law, rules, and procedures. I believe this bill in its present form does not do that and I hope to surgically improve the bill through the opportunity to offer specific amendments along the categories that I have suggested.

□ 1550

I would just like to close by saying the committee has been very fair to me in both the committee hearings and in the markup of the legislation to listen to my point of view. It did not follow that point of view. I believe it is important for us as a whole House to address the merit-related issues of water policy. I think we can do it and I hope we will do it in a constructive and appropriate way before the whole House and the Members here.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, if I can take issue with the previous speaker to some degree, I would like to do so.

Mr. Speaker, over the last 4 or 5 years, certainly since 1976, there have been water projects of one sort or another which have been languishing in various communities throughout the United States. Communities all around the country are suffering from inadequate flood control or inefficient water supplies. They wait on the Congress to take action, but time after time they receive the same answer. The President wants to direct the water policy, they hear.

The environmentalists want to direct the water policy.

The Corps of Engineers wants to direct the water policy.

The Water Resources Congressional Committees, both on the House side and the Senate side, wish to direct the water policies.

Each State delegation in Congress and each community, each leader in each State and in each community wants to direct the water policy; but the bottom line, Mr. Speaker, is that no one is directing water policy and, hence, there is no water policy in this country.

For 2 years in the 95th Congress we tried desperately to get a water bill. After months of fighting, that bill died in the last incomplete article of business in the Congress. Despite months of planning, hundreds of hours of hearings and thousands, perhaps millions of dollars lost due to flood disasters, millions of dollars and an overwhelming amount of lost effort because of an inefficient use of our water resources, because of bad bridges or inefficient use of our energy resources, there was untold suffering throughout this country; and yet still there has been no action.

The President has vetoed our previous water appropriations bills. He opposes our authorization bill now and has indicated previously that he is going to cut a number of our projects if he can. In the name of frugality, budget cutting and inflation fighting, he has enlisted the support of such stalwart members of our country and our community as Common Cause, as Mr. Ralph Nader; in fact, as mentioned earlier, even Howard Jarvis himself.

Certainly the President has also managed to enlist the various editorial staffs throughout the country. They have labelled this bill as the pork barrel bill, the spendthrift waster of taxpayers' assets.

This bill, though, which failed to pass the 95th Congress, which has been pending in this Congress since January 1979, which was finally introduced in this Congress on July 13, 1979, and passed on October 10, 1979, this bill has continued to pend before this body, and yet only 2 days ago this bill received formal opposition from the administration by way of a letter from Michael Blumenfeld, the Assistant Secretary of the

Army, who spoke on behalf of the President and on behalf of the Corps of Engineers. Mr. Blumenfeld attacked various projects within this bill for one reason or another, notwithstanding the fact that the administration has had the facts on the projects within this bill for months, and even for years.

In fact, it was the Corps of Engineers that did most of the initial studies that declared most of these projects feasible, and yet they now attack many of those projects at the 11th hour.

Some of the objections are that the reports, the Corps of Engineers reports, are not available on some projects; but the fact is that in many instances if they are not available it is because they have been purposely held up, purposely held up by the Corps of Engineers under administration orders. The administration, presumably under the leadership of the Office of Management and Budget, has given us a hit list, a hit list of projects they say we cannot afford; but we can afford flood control projects a lot quicker than we can afford to reimburse those who have been devastated by floods.

They say there is no limit on the potential costs of many of these projects; but they know that this is only an authorization bill and that the time to limit the cost is within the appropriation stage after the proper engineering evaluations have been completed. They also know that roughly 50 percent of the projects authorized will never see the light of day.

The SPEAKER. The time of the gentleman from Louisiana (Mr. LIVINGSTON) has expired.

Mr. LOTT. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding.

The engineering stage, which cannot begin to any significant degree without this bill, will provide all of the environmental, geological, hydralogical, and economic information that is needed in order for the Appropriations Committee to proceed; but without this bill, without all these projects, hundreds of valuable, needed and vital projects, projects which are often fundamental to the very existence of the communities surrounding them, cannot get started.

Without this bill Congress is placed in the position of telling local communities, "We know you have problems. We know we can be of help. We have looked into the possibilities of assisting you where you were unable to help yourselves, but we refuse to do so."

The administration calls this bill pork barrel; but I say, tell that to the communities with inadequate water supplies, tell that to the victims of high water who are depending on many of these projects. Tell that to the municipalities on the verge of bankruptcy, but who need the benefits of this bill simply to stay alive.

These problems are not going to go away, Mr. Speaker. They are not going to disappear any more than the ayatollah is going to give back the hostages if we simply ignore him, or that the Russians are going to get out of Afghanistan if we simply hold our breath. Problems are not going to be alleviated without action.

This bill is the only action that I have seen taken to solve our water problems within the last few years, other than the appropriations bill that the President vetoed.

I say, let us stop finding eternal excuses not to solve our problems and get about the business of solving them by passing this bill, without tearing it to pieces and by passing this rule.

Mr. LOTT. Mr. Speaker, I have no further requests for time.

Mr. FROST. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appear to have it.

Mr. EDGAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 384, nays 10, not voting 39, as follows:

[Roll No. 3]

YEAS—384

Abdnor
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
Badham
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Dannemeyer
Daschle
Davis, Mich.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Diggs
Dingell
Dixon
Dodd
Donnelly
Dornan
Downey
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fisher
Fithian
Flippo
Florio
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Giaimo
Gibbons
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Kastenmeier
Kazen
Kelly
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Runnels
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stewart
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Winn
Wirth
Wolpe
Wright
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—10

Barnes
Bedell
Devine
Drinan
Edgar
Lee
Maguire
Mitchell, Md.
Seiberling
Stark

NOT VOTING—39

Addabbo
Anderson, Ill.
Andrews, N.C.
AuCoin
Bafalis
Burton, John
Chisholm
Corcoran
Daniel, R. W.
Danielson
Davis, S.C.
Dougherty
Early
Fish
Flood
Foley
Ford, Mich.
Garcia
Gilman
Goldwater
Heckler
Jeffords
Jones, Tenn.
Kemp
Mathis
Moffett
Murphy, Ill.
Myers, Ind.
Pritchard
Richmond
Russo
Stockman
Treen
Whitley
Wilson, Bob
Wilson, Tex.
Wolff
Wyatt
Yates

☐ 1610

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Anderson of Illinois.

Mr. Richmond with Mr. Fish.

Mr. Foley with Mr. Pritchard.

Mr. Ford of Michigan with Mr. Wyatt.

Mr. Jones of Tennessee with Mr. Bob Wilson.

Mr. Wolff with Mrs. Heckler.

Mr. Yates with Mr. Corcoran.

Mr. Russo with Mr. LaFalce.

Mr. Murphy of Illinois with Mr. Gilman.

Mr. Danielson with Mr. Kemp.

Mrs. Chisholm with Mr. Myers of Indiana.

Mr. Davis of South Carolina with Mr. Stockman.

Mr. Early with Mr. Treen.

Mr. Whitley with Mr. Andrews of North Carolina.

Mr. Garcia with Mr. Dougherty.

Mr. John L. Burton with Mr. Robert W. Daniel, Jr.

Mr. AuCoin with Mr. Goldwater.

Mr. Mathis with Mr. Jeffords.

Mr. Moffett with Mr. Charles Wilson of Texas.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**Mr. ROBERTS.** Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4788) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

**The SPEAKER** pro tempore (Mr. Murtha). The question is on the motion offered by the gentleman from Texas (Mr. Roberts).

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4788, with Mr. McHugh in the chair.

The Clerk read the title of the bill.

**The CHAIRMAN.** Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas (Mr. Roberts) will be recognized for 30 minutes, and the gentleman from California (Mr. Clausen) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. Roberts).

**Mr. ROBERTS.** Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I am pleased to bring to the floor H.R. 4788, the Water Resources Development Act of 1979. This bill is the product of extensive hearings, both in Washington and in the field, by the Subcommittee on Water Resources. I am deeply appreciative of the many hours the members of the subcommittee, and of the full committee, devoted to this legislation. I also wish to express my gratitude for the fine cooperation of the ranking minority member of the subcommittee, the gentleman from California (Mr. Clausen) and the ranking minority member of the full committee, the gentleman from Ohio (Mr. Harsha). I want to especially thank the chairman of the committee, the gentleman from California (Mr. Johnson) for the outstanding leadership he has again exercised in bringing this legislation to the floor.

H.R. 4788, as is traditional with water resources development bills, contains project authorizations, authorizations of water resources studies, project modifications, and general provisions affecting the overall water resources program of the U.S. Army Corps of Engineers. This bill also continues the practice of refining the manner in which the water resources program is carried out, along with its scope and direction, to meet our constantly changing water resources needs. As a result, the bill contains a number of features addressing water supply needs, environmental concerns, energy needs, and project study procedures, in addition to the traditional provisions addressing flood control, navigation, recreation, and the like.

Water supply has long been a concern of our committee, and we have warned for years that a severe water supply crisis will occur unless timely steps are taken to begin the long process which leads to selection and construction of facilities and implementation of other measures, both to increase the efficiency with which we use existing supplies and to develop new sources of supply. The water supply problem is growing more serious all of the time.

Not only do we still have the present and anticipated shortages in the Southwest and West, but now the eastern and northeastern parts of the country are experiencing problems. This is brought about primarily by two factors—the increasing pollution of available water and the deterioration of antiquated distribution facilities. The Federal interest in pollution control has been established. To date, the Federal interest in the repair of water distribution facilities has not. Yet it is a problem we must address in some fashion. In order to better understand the nature and scope of the problem we face in insuring adequate and well maintained distribution facilities, the committee, in section 219 of the bill, provides for the authorization by committee resolution of studies of single purpose water supply projects, including conveyance and distribution facilities. The carrying-out of such studies, on a selective basis, is the necessary first step in determining whether general Federal assistance is appropriate and, if so, the extent of such assistance.

H.R. 4788 also contains significant provisions relating to our Nation's energy needs. Section 167 of the Water Resources Development Act of 1976 authorized the Corps of Engineers to study the most efficient methods of utilizing the hydroelectric power resources at water resources development projects under the jurisdiction of the Secretary of the Army. Section 212 of H.R. 4788 extends the study authority and increases the authorization for appropriations. In addition, section 218 of the bill directs the Corps of Engineers to make a study of the possibility of developing the hydroelectric potential at former industrial sites, mill races, and similar types of facilities. It also authorizes the corps to provide technical assistance to local public agencies and cooperatives for the development of hydropower at such facilities. These provisions are designed to increase the supply of hydroelectric power in order to help meet our increasing energy needs.

Nuclear power has not been developed as originally forecast. Perhaps most importantly, the dramatic rise in oil prices, and those of other fossil fuels, have made previously undeveloped hydroelectric power potential much more attractive economically.

The studies of hydropower potential, both at corps projects and at other inplace facilities, will identify the amount of hydropower which can be economically developed and will assist in meeting our overall power needs with a larger source of clean, nonpolluting power.

H.R. 4788 contains a number of precedent setting provisions for the consideration of and protection of the environment in connection with the development and conservation of our water resources.

Section 360 authorizes the Corps of Engineers to modify any of its water resources development projects to provide for mitigation of damages to fish and wildlife if the estimated cost of the modification does not exceed 10 percent of the total cost of the project or $7,500,000, whichever is the lesser. The modification must be approved by resolutions adopted by our committee and the Committee on Environment and Public Works of the Senate. This procedure will expedite the provision of needed mitigation measures at projects by providing for a more simple and less time-consuming means of securing congressional approval. For the larger mitigation plans, the committee feels that it is appropriate to retain the requirement for authorization by act of Congress.

Section 220 of the bill directs the Corps of Engineers to study the feasibility of conserving wildlife and wildlife habitat where the habitat may be expected to be adversely affected by the action of a Federal agency. The study is to include the use of engineering or construction capabilities to create alternative habitats or to improve, enlarge, or develop existing habitats. The section also authorizes the corps to conduct demonstration projects of alternative or beneficially modified habitats for wildlife. Up to $10 million a year is authorized to be appropriated for the demonstration projects.

Federal projects can result in the loss of fish and wildlife habitat. Also, such projects often offer the opportunity to enhance and improve such habitat. Many techniques have traditionally been used for fish and wildlife mitigation and enhancement, including land acquisition, intensified management practices, special project operation and maintenance techniques, and establishment of wetland areas. The committee feels that there is considerable merit in studying and demonstrating a broad range of engineering and construction practices to preserve and create habitat and to enhance fish and wildlife resources. This could include such measures, for example, as artificial impoundments, creation of wetland areas, creation of habitats and nesting areas, modified operation of projects, and the like. The study authorized by this section, in conjunction with the demonstration of various measures, will provide the needed information on the feasibility and desirability of implementing such a mitigation and enhancement program on a general basis.

It is expected that the Corps of Engineers will conduct demonstration projects under section 220 authority in connection with both the Warm Springs Dam project in Sonoma County, Calif., and the Orme Dam project in the vicinity of Phoenix, Ariz.

H.R. 4788 also addresses the problem of justification of measures undertaken in connection with a water resources project for the protection of the environment. Projects traditionally are evaluated on the basis of national economic benefits and costs. This effectively limits measures for protection or enhancement of the environment to those which are demonstrably cost effective. The committee believes that this should not be the case. Environmental benefits are not quantifiable in strict economic terms. We have, therefore, provided in the case of a very few projects that the environmental benefits associated with certain project features shall be deemed to be at least equal to their cost. One example is the navigation project for Gulfport Harbor, Miss. The environmentally preferred means of spoil disposal for this project is disposal into deep waters of the gulf. However, the costs of this type of disposal are much higher than alternative methods and could result in the project being less justified from a strictly economic point of view. In order to avoid having the preferred disposal method rejected because of its high cost, the authorization for the Gulfport project provides that any benefits associated with the gulf disposal shall be deemed to at least equal the costs.

Another related feature of the bill, section 409, directs the Corps of Engineers to include specific information on the benefits and costs attributable to enhancing regional economic development, the quality of the total environment including its protection and improvement, the well-being of the people, and national economic development in any report relating to a water resources development project. This will insure that Congress, as well as others, has information on all of the benefits and costs associated with a water resources project in order to make a better informed decision with regard to the project. This will enable us to determine, for example, on a project-by-project basis whether or not measures for the protection or enhancement of the environment are desirable and should be included in the project authorization regardless of their economic costs.

With regard to project planning, section 401 of the bill establishes new requirements for studies of potential water resources projects undertaken by the Corps of Engineers. It provides that in the case of any such study, the Secretary of the Army, acting through the Chief of Engineers, shall prepare a feasibility report. This feasibility report shall define with reasonable certainty the engineering features (including hydrologic and geologic information), the environmental benefits and detriments, the costs and benefits including the objectives set forth in section 209 of the Flood Control Act of 1970, the public acceptability, and the purpose, scope, and scale of the recommended project. The feasibility report shall also define the Federal and non-Federal participation in the project and demonstrate that States and Federal agencies have been consulted and coordinated with in the development of the recommended project. The report shall contain information of sufficient detail on which to base an authorization for construction of any recommended project. The requirement for preparation of a feasibility report does not apply to any study with respect to which a report has been submitted to Congress before the date of enactment of H.R. 4788.

In the Water Resources Development Act of 1974, the committee adopted a new two-stage authorization procedure for the larger water resources projects which had unresolved or potentially unresolvable issues, such as the extent of adverse effects on fish and wildlife and suitable mitigation measures, adverse environmental impacts, and the like. Such projects were authorized only through the phase I stage of advanced engineering and design, so that the committee would have the more detailed information contained in a phase I study prior to considering a project for construction authorization. While this procedure has its merits, it also has its disadvantages.

The time required by two authorization actions and two studies adds substantially to the total time required for study, authorization, and construction of a project—the average time is now at least 19 years. Not only does this delay the realization of project benefits, it results in increased project costs caused by inflation. In addition, if it is anticipated that only a phase I authorization will result from a study performed by the Corps of Engineers, requiring yet another study, there is a tendency to reduce the amount of detail included in the original study and to do enough only to justify the conclusion that a potential project warrants more detailed study.

The procedure set forth in section 401 avoids these difficulties while maintaining the major advantage of a phase I study authorization—the preparation of a report of sufficient detail to provide the Congress with adequate information on which to base a construction authorization.

Section 401 contemplates one report and one authorization—for construction. There may, of course, be cases where the committee determines that a report does not contain sufficient information on which to base a construction authorization. In such a case the committee retains the option of authorizing only more detailed studies, either of the entire project or of particular aspects thereof, such as fish and wildlife mitigation provisions. The determination of whether a feasibility report meets the requirements of section 401 is one which will be made by the Congress when it decides whether or not to authorize construction of a project.

Many reports on proposed projects currently being prepared by the Corps of Engineers satisfy the requirements of section 401. In the case of these reports it will not be necessary to modify them or redo the study. They can simply be allowed to continue through the customary review process.

Mr. Chairman, in the time since our committee reported H.R. 4788, additional provisions relating to the corps' water resources program have been brought to our attention. Our committee met to consider these provisions, and adopted committee amendments to the bill incorporating those which we considered worthwhile. I will be offering these amendments by title at the appropriate time.

H.R. 4788 is a good bill; it is a responsible bill; it is an innovative bill. It deserves the enthusiastic support of the Members of the House of Representatives. I strongly urge its passage.

□ 1620

Mr. CLAUSEN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in strong support of H.R. 4788, the Water Resources Development Act of 1980.

At the outset, let me commend my good friend and colleague from California, BIZZ JOHNSON, the distinguished chairman of the Committee on Public Works and Transportation; as well as our ranking minority member, BILL HARSHA, for their exemplary leadership in bringing this legislation to the floor.

I would also like to take this opportunity to recognize and thank one of the finest, most able legislators that I have had the honor of serving with here in the House, RAY ROBERTS, the chairman of the Subcommittee on Water Resources, for the guidance he has always provided and for the total commitment he has always demonstrated in addressing the water-related needs of our Nation. Without his tireless legislative efforts, our country's progress in using wisely and protectively the invaluable resource that our water constitutes would not be nearly as far along as it is today.

Mr. Chairman, H.R. 4788 is a badly needed piece of legislation which is long overdue. It closely resembles H.R. 13059, the bill resoundingly passed last Congress on the floor of the House by a vote of 303 to 73. Unfortunately, that bill was not able to complete its way through the legislative process for reasons that perhaps it would be good to recall here now.

Despite the fact that, earlier, both the House and Senate had passed counterpart omnibus water project authorization bills. It was not until the final days of the 95th Congress that a compromise bill could be fashioned. In a setting that so many of us remember only too well—all-night sessions and a break-neck pace, complicated in no small measure by the presence of a filibuster on the Senate floor—the 95th Congress compromise water project authorization bill found itself on the floor of the House, on the final day of the Congress, having been passed just minutes before in the Senate. Unfortunately, the fact that the compromise bill very closely tracked the House version of H.R. 13059 came to naught because, by this time, it was so late in the evening that a quorum was no longer present.

By law, the 95th Congress was required to adjourn and the Water Resources Development Act of 1978 became an innocent victim of a most unusual set of circumstances.

Soon after the 96th Congress convened, the Subcommittee on Water Resources began in-depth hearings on the 1979 version of the Water Resources Development Act. The bill which we bring to the floor today, H.R. 4788, is the product of the information received during those hearings as well as of all the work accomplished last Congress on H.R. 13059. Testimony from the Corps of Engineers and numerous other public and private witnesses, clearly established the need for the flood control, navigation improvement, hydroelectric power, beach erosion control, recreation, water supply, and fish and wildlife enhancement projects contained in this bill.

Mr. Chairman, some criticism has been heard against this bill on the grounds that it departs from certain water project authorization policies and procedures of the past. In my opinion, most of these objections spring from an incomplete understanding of the nature of our Nation's water resources needs and of the dynamic nature of the water resource development authorization process.

Federal law relating to water resources programs and management is an ever-changing body of law which has developed over a period of 150 years. It is a fluid, dynamic body of law that has continually been modified and amended to address the existing problems and changing priorities of the Nation. It recognizes that the water resource problems and needs of the West are not the same as those of the East. It recognizes that small projects to provide for the needs of small communities must often receive different treatment and follow different authorization rules than larger projects with a greater number of beneficiaries and Federal dollars involved. And most importantly, it recognizes cost-sharing principles based upon varying project purposes, unequal economic conditions, complex benefit and cost determinations and, oftentimes, the fundamental fact that the ultimate good derived from water resource development goes far beyond what can be identified and cataloged on an accountant's balance sheet.

For 150 years, our Federal water resources law has reflected changing national emphasis and objectives. We have progressed from an early emphasis on economic growth—and, in particular, the settling and development of the West during the mid-1800's—through the environmental concerns of the 1970's, to the 1980's with all of today's special planning needs and concerns. The bill we bring to the House floor today—and the policy and procedural changes embodied therein—does no more than reflect the special set of circumstances and problems that face our Nation as we proceed into this new decade.

One of the major new water resource directions that the Public Works Committee has identified and believes must be pursued at the Federal level in the future involves the need to construct public water supply systems, including treatment, conveyance and distribution facilities. The committee held in-depth hearings last spring in Philadelphia, Buffalo, and New York City to look into this problem. Testimony was received from numerous public and private witnesses, including representatives from the environmental movement, all of whom supported the need for more Federal involvement in this area. One of the most ringing endorsements for a future Federal emphasis on urban water supply problems came from the witness representing the environmental defense fund at our New York City hearings, who said, and I would like to quote:

> In our view, assuring the long-run reliability of water supply systems like New York's should be a top priority for this subcommittee (on water resources) and for the national water resources program as a whole.

Similar statements were made by virtually every witness who appeared before us. And it is no wonder. A recent study conducted by the Northeast-Midwest congressional caucus concluded that upward of $75 billion of need exists in the Northwest and Midwest alone.

The actions we take in H.R. 4788 intentionally fall far short of attempting to solve the urban water supply problem in its entirety. Rather, the bill takes a very important first step in recognizing that there should be a Federal interest in single- and multiple-purpose water supply systems nationwide.

The bill also authorizes various aspects of a select number of water supply projects in order to begin to develop the kind of expertise that will be required to fashion a more comprehensive solution to this problem in the future. What the nature and scope should be of a comprehensive national program addressing the Federal role in water supply systems is left by this bill to be determined at some future time when better data is available concerning water supply needs nationwide. The water supply projects authorized in H.R. 4788 are by no means intended to define the metes and bounds of that comprehensive program, although events may yet determine that these projects are representative of those that will be included as part of such an effort.

Another area, Mr. Chairman, in which the Water Resources Development Act of 1980 takes an especially significant step forward in advancing important national goals, involves the establishment of new fish and wildlife mitigation authority for the Corps of Engineers. Under the provisions of section 360 of the bill, water resources projects would be able to be modified by the corps to add fish and wildlife mitigation features where those features did not exceed the lesser of $7.5 million or 10 percent of the project's costs. Necessary oversight of the corps' new authority is assured through the section's requirement for there to be a resolution approved by both the House and Senate Public Works Committees before appropriations can be made for the mitigation measures. In fashioning this new authority, the Public Works Committee hopes to address and correct environmental shortcomings associated with water resource development projects, especially some of those uncompleted projects which were authorized prior to enactment of many of the major environmental statutes of the past 10 years.

I am particularly proud of section 220 of the bill we bring to the floor today. That section, which is one of those which I authored, directs the Secretary of the Army to determine the feasibility of using the tremendous physical and intellectual assets of the Corps of Engineers to create alternative fish and wildlife habitats or to enhance existing ones. It also authorizes a demonstration program to fund projects of alternative or improved habitats for wildlife. I believe that this provision offers the hope of greatly contributing to not only the preservation but also the betterment of our Nation's fish and wildlife resources.

It can represent a major step forward in our efforts to take a positive, affirmative approach toward protecting and preserving these valuable national assets. Instead of always being reactive, after the fact and apologetic in our attempts to deal with fish and wildlife problems, section 220 allows us to go out and search for new ways to, for instance, create wetlands, establish nesting areas or possibly to construct roosting or perching locations to facilitate hunting by predatory birds. This latter opportunity appears very likely to exist in connection with a species of bald eagle and construction of Orme Dam in Maricopa County, Ariz., and the committee expects the corps to conduct one of its demonstrations there. Likewise, the committee intends that a similar demonstration project be conducted at Warm Springs Dam and Dry Creek in Sonoma County, Calif., to address habitat creation and enhancement for the peregrin falcon and any other wildlife that might reasonably be expected to benefit. Although the language of section 220 is not specific on the issue, of course we also expect the corps and the other named Federal agencies to consult and work closely with the States and appropriate State agencies in exercising the authority granted in this section.

Mr. Chairman, for quite some time now a number of us on the Public Works Committee and elsewhere have become increasingly disturbed by the inordinate amount of time that is often required to bring a water resources development project from study authorization to construction completion. The General Accounting Office, in a report requested by Senator Domenici not too long ago, claimed that the average time for project completion is approximately 26 years. I believe that figure somewhat is misleading because it includes a number of projects which were authorized as a result of the 308 studies in the Flood Control Act of 1936, many of which have never been appropriated. It also includes projects which were significantly delayed by imposition of the moratorium on public works construction during World War II.

On the other hand, I am afraid that equally as misleading is the statistic that, looking at median project time, it takes less than half a year for a project to be authorized and another year and a half to be appropriated. As with most things, the real situation is probably best described by a figure somewhere in the middle. But one thing is certain. It takes too long for badly needed water projects to be built and, in this time of runaway inflation and skyrocketing construction costs, such a situation is intolerable.

The section 360 mitigation provision which I described earlier had, as one of its primary purposes, expediting the authorization process. Another provision of our bill, which is likewise intended to reduce the amount of time needed to complete water resource development projects, is section 401. Under this provision, any water project study authorized to be undertaken by the Corps of Engineers must result in a feasibility report containing information of sufficient detail on which to base an authorization for constructon in the event that a plan for construction is being recommended to Congress by the corps.

Unfortunately, Mr. Chairman, some people have not understood the thrust of this provision. While they recognize that its purpose is to expedite the water project completion process, to avoid delays in the realization of project benefits and to minimize increased project costs caused by inflation, some have also concluded that this new one-step procedure is meant to entirely do away with the two-stage authorization procedure established in 1974. This is not the case. Instead, the section 401 feasibility report authority is meant as an adjunct to the two-stage procedures. In cases where the corps study addresses a comparatively routine problem with a noncontroversial, relatively straightforward engineering solution, it is expected that a plan for construction of such a solution will be recommended to Congress and described in sufficient detail to permit the Congress to authorize the project on the basis of the feasibility report. On the other hand, where the problems associated with an authorized project study are so involved or the scope so large or the solution so controversial, for example, because of special environmental considerations, that no plan for construction can be recommended by the corps with the level of confidence desired, the two-phase authorization process will still be available to permit further study of unresolved issues to be performed while additional project planning is ongoing by the corps but before a total commitment to construct the project has been made by the Congress.

The two authorization procedures—the first stage and the second stage—are meant to operate and be used alongside each other, not one as the repeal of the other.

Mr. Chairman, I have taken more than my share of time here today, and I very much appreciate your indulgence and that of our colleagues here on the floor. If I could just have a few more minutes, there are two other matters of great importance associated with the bill we bring before you today that I would like to discuss.

The first deals with the allegation that this water resources development act contains a number of projects which have not completed the full executive department review process. Because it is true that there are projects in the bill in that category, it is important to understand the factual circumstances leading up to and creating the need for such an approach.

It has never been a secret, Mr. Chairman, that the administration is not a strong supporter of our national water resources development program. Many think that, if some people had their way, there would never be another water project authorized and built and that the Corps of Engineers civil works program would be completely dismantled. During the 95th Congress while we were working on H.R. 13059, this bill's predecessor, the Carter administration forwarded only one project to Congress for authorization.

In committee hearings on last Congress bill, we received testimony that the Office of Management and Budget had held the reports for projects included in the introduced bill, without taking action on them, for an average of 8 months and in many cases for as long as 19 months. Other projects, we learned, were not permitted by OMB to be forwarded for subsequent review, even though the chief of engineers had completed his work on those projects' reports. Again this Congress, after about a half-year thaw in his refusal to permit water project reports to be forwarded to us for consideration, President Carter issued an executive order last summer prohibiting water project reports from being forwarded to Congress for approval.

The Public Works Committee and the Congress have always sought to cooperate with the executive branch to advance only the most responsible water resources projects. We cannot in good conscience, however, stand idly by and allow OMB and the administration to singlehandedly stop the water resources development program.

We will in essence be granting to the executive the power to veto not just individual projects but the total program through inaction. The administration itself has forced us into the posture we are in today of dealing with projects whose reports have not finished the executive branch's review process.

The second matter I would like to call to your attention involves the fact that the administration has informed us that it objects to a number of projects in this year's water resources development act because the authorizations for those projects do not conform with President Carter's recommendations concerning cost-sharing policy reform.

Mr. Chairman, it is true that this year's authorization bill does not embody the changes recommended by the President, but this was no accident. Rather, it was a conscious decision arrived at by the committee on the basis of the hearings we held on the President's suggestions. The hard, cold fact of the matter, Mr. Chairman, is that there is widespread opposition to and minimal support for the cost-sharing reform proposals offered by the administration.

About as far as any nonadministration witness was willing to go was to support the concept of cost sharing. Aside from that, the objections to and criticisms of the President's proposals were legion. We were told, for example, that the President's policy was formulated in a vacuum without adequate public involvement, that it was poorly thought-out and in need of much additional study, that it would have the effect of causing more delays and more problems in an already overburdened water project implementation process, that it would do little more than waste both Federal and local water dollars to inflationary losses, that it would lead to a situation of fiscally better off States attempting to outbid financially constrained States for Federal water dollars. The Governor of Utah, who is also the chairman of the National Governor's Association Subcommittee on Water Management, told us that there were enough problems with one section alone—section 108 of the President's proposed legislation dealing with "voluntary State contributions"—to abort the bill, the entire bill.

Governor Matheson also spoke of "the enthusiasm, insularity, and anonimity of the implementors of the President's water policy" as causing anxiety to the Governors. He quoted from a letter sent to President Carter by Governor Atiyeh, of Oregon, which characterized the administration's attempt to condition its approval of certain projects on acceptance of the President's funding scheme as an "improper" and "backdoor approach" of implementing a policy not approved by Congress. He mentioned that Gov. George Busbee from the President's own State of Georgia had objections similar to Governor Atiyeh's.

Perhaps most perceptively of all, though, Governor Matheson offered the following comment which, I believe, comes very close to summarizing the concerns so many of us have with President Carter's proposals. He said:

> My apprehension extends beyond cost-sharing to those other aspects of the national water policy that . . . are now in the process of implementation by the bureaucracy without ever being touched by human hands.

These are the kinds of things that so many find objectionable about the President's water policy reforms. And they are descriptions of a process that we on the Public Works Committee and in the Congress have always refused to accept and have strived assiduously to avoid ourselves.

It may yet develop that we may be able to put together cost-sharing reform legislation that is flexible, equitable, and addresses the objections that were raised to the administration initiative. But one thing for sure is certain. We are nowhere close to being able to do that now, and to delay this bill until some indefinite, highly uncertain time in the future would be in no one's best interests, least of all the flood victims and people most affected by these projects contained in the bill and the general American taxpayer whose water project purchasing power will be further eroded by delay and inflation.

Therefore, Mr. Chairman, I strongly support passage of the legislation we bring before you today and I urge my colleagues here in the House to do the same. We of the committee believe it to be a constructive investment on behalf of the people's interests in America.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CLAUSEN. Mr. Chairman, I reserve the balance of my time.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. Zablocki).

(By unanimous consent, Mr. Zablocki was allowed to speak out of order.)

### PASSAGE OF HOUSE CONCURRENT RESOLUTION 249 BY COMMITTEE ON FOREIGN AFFAIRS RELATING TO U.S. PARTICIPATION IN 1980 SUMMER OLYMPIC GAMES SCHEDULED FOR MOSCOW

Mr. ZABLOCKI. Mr. Chairman, I asked for this time to advise the House of the action taken by the Committee on Foreign Affairs earlier today with respect to House Concurrent Resolution 249, relating to the 1980 summer Olympic games in Moscow. After hearing the testimony of Mr. Robert J. Kane, president of the U.S. Olympic Committee; the Honorable Warren Christopher, Deputy Secretary of State; the Committee on Foreign Affairs ordered favorably reported House Concurrent Resolution 249.

The purpose of the resolution is to urge that in view of the Soviet invasion and occupation of Afghanistan: First, the U.S. Olympic Committee honor the President's request to propose either the transfer or cancellation of the 1980 summer Olympic games scheduled for Moscow; second that the International Olympic Committee adopt such a proposal; and third, that if the International Olympic Committee rejects such a proposal, the U.S. Olympic Committee and the Olympic committees of other like-minded countries not participate in the Moscow games but conduct alternate games of their own.

Mr. Chairman, with the concurrence of the leadership, it is our intention to bring this resolution to the floor tomorrow.

☐ 1640

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the full Committee on Public Works and Transportation, the gentleman from California (Mr. Johnson).

Mr. GINN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Georgia.

Mr. GINN. Mr. Chairman, I rise in support of H.R. 4788, and I might add strong support. For my first three terms in the Congress I was a member of the Public Works Committee, and the Water Resources Subcommittee which has been responsible for presenting this comprehensive legislation to the House today. I know full well of the great effort that goes into the preparation of this bill, and I would like to express my sincere appreciation to Chairman Ray Roberts and Chairman Bizz Johnson for the fine job they have done in this instance.

It disturbs me a great deal to have to listen to all the abuse these gentlemen and the Public Works Committee have to take in making this effort. The bill is referred to as a ripoff of the taxpayer, an environmental disaster, a pork-barrel bill for which there is no sound economic justification. I especially noted this morning the full page ad in the Washington Post, taken out by Howard Jarvis, whose concern over taxation I share, but whose expertise on water resource projects and knowledge of their economic impacts are abysmally lacking at best and nonexistent at worst. You would think from reading and hearing this nonsense that the Government agency that this Congress and this Nation empowers to conduct and oversee our water resource needs has no concern for the environment and pays little attention to economic justification of the projects it initiates, or that the congressional committee and its chairman, who are responsible for drafting the legislation, are careless legislators passing out plums to their friends and colleagues.

Well that is not the case, and I feel that the Members of this body should recognize the immense effort that goes into this legislation, and the importance it has on economic development. To say that the projects in this bill are pure pork does a great disservice to this Congress and to the Members who oversee them. I can assure my colleagues as well that for the last 3 years I have attempted to educate this administration on this point, and while admittedly they have been slow to learn, I hope they will see the light eventually as they appear to have in other areas that are vital to the future of this country.

To my mind, the Corps of Engineers has some of the finest engineers in the country in its employ, and they are perfectly capable of assembling the data necessary to advise the Congress on the justification of various projects. Likewise, the Public Works Committee has some of the most concerned and knowledgeable members and staff in this Congress, and they are highly qualified to analyze that data and make judgments that are in the best interests of the country.

For those of you, for whom that is not enough, there is also the point that many appear to ignore. Not only is the corps involved in the development of these projects, but also the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency. Environmental concerns are uppermost in the formulation of these projects and the laws enacted by this Congress are very clear on that.

Let me give you an example of what I mean, since I have two Atlantic ports in my district and am necessarily intensely familiar with harbor projects.

In this bill is a project to widen the harbor in Savannah, Ga. The bottom line justification for that action is safety, since the increased size of the ships has made maneuvering in the harbor hazardous. But also it is economical, since those constrictions have caused adjustments and delays in the onloading and offloading of vessels.

The Federal cost of this project is estimated to be in the neighborhood of $8 to $9 million. The added local costs could be as high as $4 million in outlays and maybe even higher if donations were considered or included. The State of Georgia already in the last year or so has made an investment of nearly $50 million in terminal facilities to handle the increased cargoes which the Savannah Harbor has experienced, and significantly more development by the State is contemplated.

Also last year, the corps spent about $11 million in maintaining the project level harbor depths for Savannah, and will spend about $8 million this year for maintenance.

In total that is a lot of money to go into the harbor in 1 year's time, but let us look at the benefits. In U.S. customs duties alone, the Federal Treasury was enhanced by more than $100 million last year as a result of shipping through the Savannah Harbor. That is not a bad payback, and I challenge anyone to better that kind of purely economical investment of Federal dollars. Of course, there is really no way to gage what the benefits to the Federal coffers are when you factor in jobs and other kinds of economic activity generated by that shipping.

This, of course, can be duplicated throughout the ports of our country, and with over 50 percent of our population living in the coastal areas and an apparent increased migration of our citizens in that direction, the significance of even more enhanced port activity becomes apparent. To disregard these economic development opportunities, especially given the tremendous payback we receive on the investment, would be foolish, and I urge my colleagues support of this important and comprehensive bill.

Mr. JOHNSON of California. Mr. Chairman, I rise in support of H.R. 4788, the Water Resources Development Act of 1979. I wish to commend the chairman of the Subcommittee of Water Resources, the gentleman from Texas (Mr. Roberts) for the excellent job he and the members of the subcommittee have done in putting this bill together and bringing it to the floor. I also want to express my deep appreciation to the ranking minority member of the subcommittee, the gentleman from California (Mr. Clausen) and the ranking minority member of the full committee, the gentleman from Ohio (Mr. Harsha) for their usual fine assistance and cooperation.

Our committee has worked long and hard to bring this bill before the House. I am proud of these efforts. This bill addresses urgent water resources needs of our country for flood protection, navigation, water supply, hydroelectric power, recreation, enhancement and mitigation of fish and wildlife habitat, and preservation and enhancement of environmental values.

The bill contains provisions for the expedited authorization of fish and wildlife mitigation measures and for research and demonstration projects for the preservation and enchancement of fish and wildlife habitat.

It recognizes the potential Federal interest in assisting in the rehabilitation of deteriorating water distribution systems, and provides a mechanism for the authorization of studies of means to correct water supply problems, including conveyance and distribution systems.

It provides for comprehensive studies to determine the extent to which hydroelectric generating facilities can be installed in existing dams, thereby increasing our supply of clean, nonpolluting hydroelectric power.

And, it mandates a new project study procedure to insure that reports on potential water resources projects of the Corps of Engineers contain the information that is needed for the Congress to more easily evaluate the merits of such projects.

Mr. Chairman, it was almost 3½ years ago, in the fall of 1976, that the last Water Resources Development Act was enacted into law. In that time, the need to address a variety of water resources problems has arisen. I would also point out that the committee has used that time wisely and well to examine not only our Nation's water resources needs, but also the manner in which the water resources program can most effectively be carried out.

All of these factors are reflected in H.R. 4788—in its project authorizations, its studies, and its general provisions. Enactment of this legislation will enable us to continue to meet our water resources needs and to be better prepared for the future. Without this legislation, essential needs will remain unmet, to the detriment not just of a few, or of scattered regions, but of the entire Nation. I urge, in the strongest possible terms, the passage of this legislation.

Mr. CLAUSEN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. HARSHA), the ranking minority member of the Committee on Public Works and Transportation.

Mr. HARSHA. Mr. Chairman, I would like to say at the outset that I support this legislation, and contrary to many of the public reports, it is not a $4 billion bill at all. The bill has approximately $3.5 billion in authorizations, and $1.15 billion in deauthorizations. So, it is more in the neighborhood of $2.4 billion rather than being a $4 billion bill as some people have alleged.

Furthermore, there is much conflicting and erroneous information circulating about this bill, some of it deliberately fallacious, much of it misleading, some of it due to failure of some people to become properly informed. But, I am sure as the proceedings on this bill go forward and the debate on the amendments bring the true facts before the Members, that they will soon understand that a lot of the propaganda that is being circulated among the Members and in the newspapers is 90 percent fallacious and has no real substance in fact, as can be established by the members of this committee.

Mr. Chairman, the administration is going all out against this bill or certain major portions of it, and I would not like to see Members misled by the meaning of this opposition. Now, this administration or any other administration is free to take whatever position it wants to on a piece of legislation. But what does that mean, particularly when you find the degree of opposition we are seeing in this case?

Normally, it means that the administration has tried to work in good faith with the authorizing committee, sharing its views on what should or should not go into the bill. That is the spirit in which most of us prefer to work; adversary relationships do not necessarily make much of a constructive contribution to the legislative process. And normally, when the administration goes all out against a bill, or tries to see it gutted, Members can take that as a pretty fair indication that the give-and-take process has somehow broken down; which sometimes can be taken as a reflection on a committee's receptiveness to suggestions.

I rise to tell my colleagues that this has not been the case with this bill. The administration did not work with us when this bill was under development in the committee. And in dealing with the House since the administration has not attempted to work with the membership. Did they communicate their position in a timely fashion when the bill was reported in October? No. They have hung back, waited until the bill was within days of floor action and weighed in with charges which are logistically difficult to rebut in the time available. In assessing the merits of the administration comments, Members would do well to keep this fact uppermost in mind.

Furthermore, Mr. Chairman, I think that the administration is in one devil of a poor position to raise the issue of inflation on this bill when the bill is for building America and is approximately $2.4 billion in projects authorized, when the administration knows that the authorization does not impact on inflation. The impact on the spending of the Government is not felt until such time as the appropriations are made, and then the money is committed to the various projects which the Appropriation Committee deems meritorious.

So, we see a bill authorizing these projects, but the history of public works legislation will prove to the Members that probably less than 50 percent of those projects that are authorized will ever be funded or constructed, and of that 50 percent the money that is used to construct them is generally spread out over a period of 10 to 15 years, so that just very small increments of the total cost of the project are spent each year, and the impact is very slight on the budgetary process at that time. Thus the appropriations process performs a continuing oversight function subsequent to authorization to assure compliance with congressional intent.

Now, to raise the question of inflation on this bill when the administration stopped the grain shipments to Russia, necessitating buying up over $3 billion of grain from grain shipping corporations, the four largest of which are foreign corporations—in most of which cases the money will never get to the American farmers but will be paid to these large foreign corporations—and to ask the Congress to appropriate an additional $3 billion to do that in one lump sum, seems to me to put the administration in a very poor light in raising the question of inflation on a bill that will have as small an impact on the budgetary process of this country as this bill will.

This legislation is usually developed every other year, but the last time we managed to enact a bill was in 1976. As some of the Members will recall, the absence of a quorum in the last hours of the 95th Congress prevented the consideration of this legislation, and as a result there has been no authorizing legislation for almost 4 years.

H.R. 4788 was developed after hearings conducted by the Subcommittee on Water Resources during both the 95th and 96th sessions of Congress. These hearings were conducted not only in Washington but in various areas throughout the country, demonstrating the commitment of the subcommittee chairman, the gentleman from Texas (Mr. ROBERTS), to go to the problems to find solutions. These hearings covered not only requests for project authorizations but also subjects ranging from policy reforms and clarifications of existing authorities to new initiatives in water resource development.

From this process we developed the bill before the Members today, the Water Resources Development Act. This legislation authorizes 47 projects for construction and 35 studies, modifies 78 authorized projects, and contains 48 other general provisions. It contains approximately $3.5 billion in authorizations and $1.15 billion in deauthorizations for a net cost of approximately $2.4 billion.

This legislation contains 16 initiatives relating to water supply or infrastructure redevelopment. Currently, the Federal interest in water supply is limited to provision of storage in Corps of Engineers reservoirs for municipal and industrial purposes. The cost of providing this storage is reimbursable, with interest, over a 50-year period.

However, the corps cannot, under existing law, build a reservoir solely to provide water supply storage. To include water supply the project must have other purposes such as flood control. In 1965, Congress approved the Northeast Water Supply Study. This authorization resulted from the catastrophic drought that had occurred in the region in the early 1960's.

Under the mandate of this act, Congress recognized that the assurance of an adequate supply of water for the metropolitan centers of the United States had become a problem of such magnitude that the welfare and prosperity of the country required the Federal Government to assist in water supply problems. Under this provision the Corps of Engineers was authorized to assist in the preparation of plans to meet the water needs of the Northeast United States, including construction of storage facilities, conveyance facilities, and purification plants.

While several projects have been formulated under this authority, none has yet been authorized for construction. In H.R. 4788 the committee has approved several requests for authorizations of water supply projects which involve treatment and conveyance facilities. In doing so the committee continues to recognize that there is a need for a Federal investment in water supply, as mentioned in the 1965 act. I should point out that the Northeast and Midwest Congressional Coalition recently published a report identifying more than $75 billion in needs for rehabilitation for existing water supply projects in the Northeast.

Section 219 of the bill, which authorizes the corps to undertake single-purpose water supply investigations, is intended to address this growing problem. It should also be pointed out that the authorizations of projects for water supply are not expected to increase the expenditure of the civil works program of the U.S. Army Corps of Engineers.

As our colleagues on the Appropriations Committee know, the appropriations for this budget function have remained nearly constant over the last decade without any adjustment for inflation. It is anticipated that the amendments made by this legislation will not increase these expenditures, but merely enlarge the focus of the program to include those subject areas.

Sections 301 and 304 authorize the construction of water treatment and conveyance facilities at Caesar Creek Lake and East Fork Lake, Ohio. These projects have been recommended for construction in the southwest Ohio water plan and are vitally necessary for the economic development of the region and to assure an adequate and safe water supply for the residents. The non-Federal sponsor is required to repay the full Federal investment over 50 years—as all beneficiaries of water supply projects are mandated since the enactment of the 1958 Water Supply Act. The repayment is staged to reflect the expected growth rate of the area. This was done in order not to overly burden the current residents and thus, phase in the repayments as the population base develops to keep the financial burden reasonable.

Mr. Chairman, section 401 of the Water Resources Development Act of 1980 directs the Corps of Engineers to provide information of sufficient detail on which to base an authorization for the construction of any recommended project. There has been much misinterpretation of this provision. Some maintain that by adopting this amendment the committee has abandoned a two-step authorization procedure enacted in 1974.

However, that is not the case. In section 101 of the 1974 Water Resources Development Act, Congress established a two-phase authorization procedure for water resource projects. It did so because some concerns had been raised with respect to the adequacy of the project information presented to Congress at the time of the construction of some projects it authorized. Therefore, the Committee on Public Works and Transportation felt that a second review of a project should be carried out before a final decision was made. In order to prevent needless delay of projects, the 1974 amendments provided that the corps could continue developing a project beyond the phase 1 advanced engineering stage as long as it was substantially in accordance with the plan presented to Congress at the time of authorization of advanced engineering and design and was without controversy.

Unfortunately, no project was ever allowed to proceed beyond phase 1 by the administration. When coupled with the infrequency of authorization bills, the effect of the 1974 amendments has been to delay projects. In some cases this is justified because some decisions are necessary about whether or not projects should proceed. However, a great number of projects are merely delayed simply because they await congressional action and because of the lengthy review required for a two-step authorization.

The committee does not wish to abandon the two-phase authorization procedure, but at the same time it feels that some projects should proceed to construction if Congress decides that this action is warranted by the facts. An example, the Gregory hydroelectric pumped storage project on the Missouri River in South Dakota, is remarkably free from controversy and will provide needed clean energy which would otherwise be provided by thermal powerplants.

However, if it were to be authorized for only phase 1 advanced engineering and design, the project could be delayed for 4 years according to some estimates; and this assumes prompt congressional action. However, there is sufficient data available to authorize this project for implementation, especially in light of the current energy situation. Thus, the committee chose to authorize the project for construction by-passing the recommended phase 1 approach proposed by the administration. Interestingly, the administration's objections to this project's authorization are based on the fact that they have not yet reviewed the project—even though they have been reviewing it for over 7 months.

Another example of the problem being experienced with the two-phase authorization is the Gallipolis lock and dam replacement on the .Ohio River. This project was recommended for construction in 1975 by the Chief of Engineers. The Congress chose, however, to authorize the project for phase-1 advanced engineering and design in accordance with the procedure established in 1974. At the time of this decision Congress was debating whether or not to impose a charge on users of the inland waterway system and the appropriateness of replacing existing navigation facilities under a discretionary authority granted to the Secretary of the Army which did not require a specific congressional authorization for each replacement project. Until this issue was resolved, as it was with the enactment of the Inland Waterway Revenue Act of 1978, the committee felt that the Gallipolis project should proceed only through advanced engineering and design.

Since that decision, over 3 years have passed and serious concern has arisen over the delay in the reconstruction of this lock. The committee received testimony from various groups who emphasized the importance of this project not only to the region but to the Nation. The Department of Transportation, in hearings before the Senate, ranked the Gallipolis project in the same high priority category of needed transportation facilities as locks and dam 26 on the Mississippi River. It should be pointed out that over 70 percent of the tonnage which moves through the Gallipolis Lock is energy related, and that traffic is expected to increase as we further develop our coal resources. Expert testimony before the Water Resources Subcommittee warned that—

> Congestion at the present locks is already a problem and will become extremely serious well before required capacity enlargement can be completed. Special arrangements to expedite movement via the existing locks, such as transit scheduling and helper boats, can provide only partial and temporary relief.
>
> Traffic at Gallipolis has been growing rapidly for many years. Transits in 1977 had risen to 37.2 million tons, and the average vessel waiting time for lock access was 2.9 hours. The earliest possible date of completion of a new lock is 1987. At the growth rate of 4.3 percent per year which has prevailed since 1955, cargo transits in 1988 may be projected at 58.7 million tons. This is conservative. In addition, new electric generating stations on the banks of the Ohio programmed for completion by 1982 will require an increase in coal transits alone of 9.3 million tons per year. Serious congestion, costly to the national economy, is therefore inevitable. It is urgent that all unnecessary delay be avoided.

The testimony also calculated the cost of delay to be on the order of $44 million per year—and this assumed utilization of nonstructural means such as helper boats to increase the existing locks capacity. This estimate does not take into account the increase in the project's cost due to inflation. In 1975, when the Chief of Engineers recommended replacement of the Gallipolis facility, the estimated cost of the project was $119,500,000. Today it is $170,000,000, and if we wait until 1983 to authorize it who knows what the cost will be. As the Ohio Valley Improvement Association points out:

> The cost of avoidable delay on the Gallipolis project prior to the initiation of construction must be measured by the inevitable and clearly foreseeable impact on the Upper Ohio Basin in the late 1980's and early 1990's. This impact would be of major proportions. In 1979 and the early 1980's, during the early procedural processes of authorization and initial funding, a few months or even years of irresolution and postponement, associated with special measures for the mitigation of current congestion, may seem, in the short-term view, of limited consequence. But the makings of a serious regional crisis accumulate, and every month lost between 1980 and 1982 must be measured as a month lost a few years later in the high magnitudes of loss which will inescapably impact upon the region at that time.

Because of these facts, Mr. Chairman, I moved to authorize this project for construction and the committee adopted my request. The corps has made their recommendation and to spend 2 or 3 more years while a further clarifying report is processed to Congress is not in the Nation's best interest, and I urge my colleagues to support the committee's action on this initiative.

Mr. Chairman, H.R. 4788 also authorizes two projects for implementation as a result of a congressional finding with respect to them. As the Members may recall, in the 1965 Water Resources Planning Act Congress mandated the development of principles and standards for planning water and related land resources development projects. Four objectives were to be evaluated in planning projects. Section 209 of the 1970 Rivers and Harbors Act further spelled out these objectives. A plan was to be formulated emphasizing maximum benefits in terms of national economic development, regional economic development, environmental quality, and social wellbeing.

However, the administration allowed the construction agencies to plan for only two objectives, national economic development and environmental quality. Also, Congress has long recognized that benefits accrue from water resource projects other than those addressed by those two objectives. For example, on the Tug and Levista Forks of the Big Sandy River, Kentucky, West Virginia, and Virginia, flooding has had serious adverse consequences for the residents of the basin. This is an area which is producing the coal used to combat our energy shortage. However, the Corps of Engineers cannot economically justify a plan to address this problem using the two objectives allowed by the administration. The committee felt that project should be implemented because of regional benefits and social wellbeing concerns as well as the national importance of this region.

The committee also has authorized ocean disposal of dredged material from the Gulfport Harbor, Miss., navigation project. This action was based on an administration recommendation, which was approved by EPA, that open water disposal of the material was the best environmental solution. A "traditional" authorization maximizing national economic development would have precluded this action—and the quality of the environment would have suffered.

Mr. Chairman, H.R. 4788 also clarifies the intent of Congress with respect to a continuing authority of the Corps of Engineers. Recently, the corps had issued a ruling that only lands physically contiguous to a Corps of Engineers project could be acquired and managed for recreation purposes. Section 425 provides that the corps has the authority to acquire lands which are not physically contiguous but are generally in the area of a project and develop them for recreation. Included in the types of projects authorized by this provision is the Riverside Park Campground in Scioto County, Ohio.

The legislation also authorizes a very necessary program for the rehabilitation and repair of publicly owned dams. Section 435 addresses a serious problem which has been brought to the committee's attention as a result of the implementation National Dam Safety Act of 1972.

Under the 1972 act, the Corps of Engineers inventoried all water impoundments in the United States and has reported that a significant number are in need of rehabilitation. There is currently no Federal program to assist in rehabilitation of these dams. Interestingly, the administration opposes the enactment of any assistance to combat this problem, stating that it is a non-Federal obligation to correct these problems. The fact that 8 years have passed since the collapse of the Buffalo Creek Dam in West Virginia and that every year we read of a tragedy resulting from collapse of a dam indicates to this Member that the problem has not been resolved by the administration's approach.

To say that it is a "non-Federal responsibility" is to close your eyes to a very serious problem which threatens our citizens. Therefore, the committee has taken a positive step to authorize long-term loans to rehabilitate dams which are in serious condition. An example of the type of project the committee received testimony which is intended to be included in this program is the Altoona water supply dam in Altoona, Pa.

Finally, Mr. Chairman, the administration had made a number of recommendations concerning cost sharing of water resources projects. The committee conducted hearings and received testimony from the administration, the Governors, State representatives, other State and local officials, and various interest groups. There was nearly unanimous opposition to the administration's proposed "reform" measures—an indication of the lack of consultation and cooperation exercised by the administration.

Some comments of the Governors were significant: Governor Matheson stated that—

> I do not believe the draft (Legislation) before us is the answer to the needs of my State and region . . .

Governor Carroll of Kentucky felt the legislation would set off a bidding war between rich and poor States for Federal projects. Governor Busbee of Georgia reminded the committee that—

> It is imperative (that) the United States maintain a strong, healthy, and viable ports system. Cost sharing for ports and harbors is, in my mind, a conflict that potentially can reduce the strength and viability of what is now an already burdened system.

Governor Busbee's point is very significant and timely. We take up H.R. 4788 at a time when developments in strategically important areas of the world remind us that international stability is a fragile commodity. The President now appears to recognize the need to upgrade our military capability. And in my view that means conventional military might, the ability to wage and win conventional conflicts or, better yet, deter their erupting in the first place.

Now I do not mean to be an alarmist or to overstate the case, any more than the President has in calling for higher defense expenditures. What I do want to do is to call for a heightened awareness of what conventional warfare—or conventional deterrence, if you will—mean in terms of the national capabilities needed. In short, any kind of warfare short of instant nuclear annihilation can be protracted, and demands capabilities resting on a vigorous, heavy-industry base. While I would be the last to attempt to drape the flag over this entire bill from a national defense standpoint, I think it valid to point out that the navigation projects—particularly those serving our heavy-industry base—in this bill strengthens the underpinnings of industries on which military mobilization will depend.

For these reasons, Mr. Chairman, the committee has deferred consideration of general cost-sharing legislation, and, in fact, since our hearings the administration has not contacted the committee to advance this initiative—I suspect because they have discovered that they are the only ones supporting it.

Mr. Chairman, I would like to conclude by expressing my appreciation to the chairman of the Subcommittee on Water Resources, Mr. Roberts, the subcommittee's ranking minority member, Mr. Clausen and our distinguished committee chairman, Mr. Johnson, for their untiring efforts to develop this legislation. With the retirement of our good friend Ray Roberts we are losing a good friend and a strong advocate of water resources development, and we will miss you Ray.

Mr. ROBERTS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. Hutto).

Mr. HUTTO. Mr. Chairman, I rise today to speak in favor of the Water Resources Development Act, H.R. 4788. I want to, first of all, compliment my colleagues on the committee and subcommittee for their hard work and outstanding efforts to bring forth a measure which includes many badly needed projects for our great Nation. It was only through the leadership of Chairman Johnson and subcommittee Chairman Roberts that a bill of this magnitude was able to progress with so few items of contention. Furthermore, the spirit of cooperation displayed by Mr. Harsha, Mr. Clausen, and the other members of the minority enabled this fine piece of legislation to come to the floor in a spirit of cooperation.

Mr. Chairman, working on this measure has taught me a great deal about the committee process and the development of a major legislative item. This measure is needed and contains provisions to allow our State and local governments to more easily deal with the executive and legislative maze laid before them. Additionally, this measure allows us to move forward with projects which have been held up for a number of years. We need to move ahead with many of these projects for numerous reasons, including safety, economic development, and environmental considerations.

To those who say that this legislation is not needed, I can only offer the record of hearings and markups for their review. Our local and State governments want them, our citizens want them, and the committee has reviewed them for cost and benefit. If this process has not adequately considered the many pros and cons, I cannot conceive of one that would.

I urge my colleagues to support the passage of this legislation.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Chairman, I rise in support of H.R. 4788.

The Water Resources Development Act of 1979 marks a major breakthrough in Federal water policy. Traditionally, Federal water resources policy has only dealt with multipurpose water supply projects in rural areas. H.R. 8788 addresses for the first time the water supply problems of the urban areas of our country, and establishes several important principles in the development of a truly national water resources program.

During consideration of this bill, Chairman ROBERTS held hearings in Buffalo, Philadelphia, and New York City on the water supply and distribution problems facing those cities. The testimony we heard in all three cities was consistent, and grim.

In all cases, the water supply and distribution systems are very old, need repairs badly, and represent potentially serious health problems for residents of those cities. For example:

Buffalo has 450 miles of water mains that are nearing 100 years old, and almost every day the city suffers breakdowns in the pumping and purification process that threaten the reliable delivery of water.

Parts of Philadelphia's water delivery system won engineering awards when they were constructed; but that was in the early 1800's. In 1978, the city lost 56.5 million gallons of water per day due to leaks in the distribution system.

Ninety percent of New York City's water is conveyed through two tunnels, 60 and 40 years old respectively, neither of which has ever been dewatered for inspection and maintenance. The city suffered over 500 water main breaks in 1979 resulting in the loss of millions of gallons of water.

The recognition in H.R. 4788 that the water supply and conveyance problems of our older urban areas require and deserve Federal attention is a great step forward. As we become more aware of the need for water conservation and demand management efforts, it is appropriate that the Congress begin a shift of priorities from the new construction projects that have always dominated public works bills to the rehabilitation and maintenance of existing facilities.

I want to commend the distinguished subcommittee chairman, RAY ROBERTS, and the ranking minority member, DON CLAUSEN, for the outstanding work they have done on this bill, and particularly for their leadership in charting the important new policy directions. I urge all my colleagues to support this important legislation.

Mr. CLAUSEN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER), a member of the committee.

Mr. SHUSTER. Mr. Chairman, in 1972 Congress authorized the U.S. Army Corps of Engineers to undertake a national dam safety inspection program. This program was initiated as a result of dam failures claiming lives and costing millions of dollars in property damage. As a result of this program, the Corps inspected approximately 3,000 dams; 559 were found to be "unsafe," and 32 of these were declared as "emergency" situations. Clearly, these statistics demonstrate the need for remedial action. Unfortunately, however, the national dam safety inspection program provides no financial assistance to States for necessary repairs to hazardous dams.

Section 435 of this act would correct this frighteningly dangerous situation. It authorizes the repair of publicly owned dams deemed hazardous by the Army Corps, and does so in a fiscally responsible manner. It requires the costs of restoration to be repaid to the United States together with interest, over a period not to exceed 50 years. It is not often that we have the opportunity to provide fiscally responsible rehabilitative support to correct deficiencies as potentially dangerous as those cited by the Army Corps.

For example, in my own congressional district two such emergencies prevail; the impounding dam in the city of Altoona and the borough of Tyrone's reservoirs. Should breaks occur, they would destroy major sections of the city of Altoona and surrounding neighborhoods. The losses are incalculable in terms of lives and dollars.

Mr. Chairman, at this point I would like to inquire as to whether the Altoona impounding dam and Tyrone reservoirs, owned by local water agencies, are the type of projects eligible for assistance under the program authorized by section 435 of this act?

□ 1700

Mr. ROBERTS. Certainly it is a publicly owned facility and it has a payback provision and it should be funded.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, I concur with the comment made by the committee chairman.

Mr. SHUSTER. Mr. Chairman, I thank the distinguished ranking minority member.

Mr. CLAUSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. ABDNOR), a member of the committee.

Mr. ABDNOR. Mr. Chairman, I thank the gentleman from California for yielding.

Mr. Chairman, I rise in support of H.R. 4788, the Water Resources Development Act.

I certainly do not need to point out the It authorizes three long-awaited, vital projects for South Dakota.

The Gregory County pumped storage facility would be of significant assistance in meeting the hydroelectric power needs of the seven-State Missouri River Basin system. It would boost the peaking power capacity by an estimated 58 percent.

Water would be pumped from Lake Francis Case behind the Fort Randall Dam and would be stored in a nearby reservoir in Gregory County. It would be released back into the reservoir for hydropower production.

The measure before us would authorize $50 million to initiate the project, which has a benefit-cost ratio of 1.5. In a time of energy shortages, here is a project that will use water—not oil—to generate energy for the entire region.

I might point out that the majority of the power produced by the four existing mainstem dams on the Missouri River in my State is transmitted to neighboring States, so my support of the project is not a parochial concern.

Second, the sum of $2 million is authorized in this bill to relocate the municipal water intake serving the city of Springfield on Lewis and Clark Lake.

For many years the city has depended on this water supply with the full knowledge and complicity of the Corps of Engineers. Because of the manner in which the dams have been operated, siltation deposits are filling the lake at Springfield, forcing relocation of the water intake.

The third project would protect Walworth County farmland that is being threatened by erosion on Lake Oahe. This is a demonstration project by the Corps of Engineers.

Mr. Chairman, for many years we have wrung our hands and complained about the delegation of powers to the executive branch. In this bill we have a classic confrontation: Which branch shall set the water development policy of this Nation—the nameless, faceless bureaucrats of the Office of Management and Budget or the elected representatives of the people?

I urge an overwhelming vote in support of this all-American bill.

Mr. CLAUSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. I thank the gentleman for yielding. I appreciate the committees' acceptance of the Shuster amendment in the earlier debate. I will offer a brief amendment which I think the committee will accept.

Mr. Chairman, I would like to pinpoint the critical situation in the area of dam safety which I am attempting to address by two amendments which I propose to offer. A national program for inspection of non-Federal dams was commenced by the Army Corps of Engineers at the direction of the President in December 1977, under the authority of Public Law 92-367.

There are many non-Federal dams which have been built where questions of safety of construction are being raised as a result of the U.S. Corps of Engineers inspections. A noted expert in the area of dam safety has testified that at least 28 percent of the non-Federal dams have been constructed under such circumstances.

My own involvement in dam safety legislation at the Federal level was prompted by a local situation in the congressional district which I represent.

In 1978, a dam in my district was designated as "unsafe" by the Army Corps of Engineers following a phase I inspection performed under the authority of the National Dam Inspection Act of 1972.

Since that time, three additional dams within the boundaries of my district have been classified as "unsafe," providing me with the rather dubious distinction of representing the most dam unsafe congressional district in the Nation.

While my district may contain a disproportionate share of such dams, the local situation is characteristic of a nationwide problem.

It is my understanding that examination of approximately 2,300 of the 50,000 major dams in the United States has been completed to date. Of the dams inspected, 24 percent have been classified as "unsafe and in need of repair."

The identification of unsafe dams is a very important matter; however, identification of any problem is merely the first step toward its eventual solution.

Unfortunately, we have not gone beyond this first step. It seems to me that the corps goes out into the field, makes an onsite inspection, deems a dam to be unsafe, and then places the entire responsibility for repairs or other remedial measures on the State or municipal level. This practice has given rise to a rather frustrating predicament which presents a real dilemma to dam owners, property owners and other community residents affected by a particular dam.

In the great majority of cases, those held responsible for repair lack the necessary funds to finance remedial measures. Many of those held responsible don't even have the means to handle the so-called phase II engineering studies to accurately determine what, if any, repairs need to be made.

I certainly don't need to point out the tremendous toll in lives lost and property damaged as a result of recent dam failures. Buffalo Creek, W. Va.; Rapid City, S. Dak.: the Teton Dam in Idaho, and Toccoa Falls, Ga., are tragic reminders of recent disasters connected with dam failures; three of these dams were non-Federal structures.

However, I think for the Federal Government to develop and finance a national dam inspection program, and then leave the entire financial obligation on State and local governments, or upon private individuals to determine what, if any repairs or replacements—or other action may be required—is clearly unfair.

My principal amendment provides for the authorization and funding for the Corps of Engineers to assume responsibility for phase II engineering analysis in cases where dams are declared unsafe after a phase I inspection.

When the corps initially declares a dam unsafe, it is not a conclusion based upon a thorough and detailed engineering analysis, rather the judgment is made upon a cursory visual inspection, even though such findings may result in certain emergency action—posting a 24-hour watch at the damsite, lowering the water level, and so forth.

The corps findings impose a tremendous liability upon the property owners or on the local community.

This is pretty serious business to take this sort of action based only upon preliminary findings and that is why I am offering my amendment. It seems to make sense for the corps to fully complete their inspection following the initial determination of an unsafe dam and to make the results of the phase II engineering analysis available to the State and local dam owners.

In conclusion, it is appropriate to review the two main thrusts of my efforts in the area of dam safety.

My first amendment which was adopted last year includes a $15 million annual authorization over the next 3 years for Federal grants to assist the States in establishing their own programs in the area of dam safety. The second amendment would permit the Army Corps of Engineers to assume responsibility for phase II engineering analysis after having found an unsafe dam in the course of a visual phase I inspection.

I thank my colleagues for considering these amendments as they address problems that exists in many, many congressional districts throughout the Nation.

Dam safety is a problem that is crying out for a solution. It is my view that the pending measure as revised by my amendments would reduce the danger from dam failures. It would help fulfill the commitment made by the Congress in the National Dam Inspection Act of 1972. This legislation can help States and committees to correct the problems created by reports of the U.S. Army Corps of Engineers.

Mr. Chairman, I will be offering one or both of these amendments when we reach the amending stage in the debate on this bill.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. Edgar).

Mr. EDGAR. Mr. Chairman, we recall the little story about the emperor's new clothes. It looks like I am the only one who is willing to see that this bill is "naked" of specific merit in certain areas of water policy. It sounds from the discusison that we have heard and from additional remarks that will be made that there is a little opposition to the bill. No one has mentioned the editorial in the Washington Post or the opinions of the tax group or the good government groups who are opposed to the bill in its present form. Little mention has been made of the approximately $2.5 billion, unadjusted-for-inflation, that the administration finds objectionable. It sounds, from listening to some of the debate so far that they are all good projects and I must admit in this bill there are some very worthy, very worthwhile water-resource projects and there are some very good initiatives in the area of providing a water policy for our Nation that is sound and meritorious. Unfortunately, sandwiched in the bill are a large group of questionable projects. For example, what about the fact that several of the projects do not have fish and wildlife mitigation plans?

What about the waiver of cost/benefit ratios simply by act of Congress without looking at specific reports? What about the maintenance costs for an Army Corps of Engineers' monument to be constructed in the city of Washington? What more unrealistic project could we see in a time of tight budgets and inflation than the Federal Government to be locked in forever, maintaining a monument here in the city of Washington for the Army Corps of Engineers. They have built monuments all over the United States. If we are going to respond to some of our problems in the world and locally, I do not think it makes sense to spend money on monuments.

What about the DuPont Corp. that received major benefits from the Gulfport Harbor project without spending a dime to help the Federal Government defray the cost?

What about the 17 projects with no final report from the Army Corps of Engineers?

What about the 29 projects with studies under way but for which the reports have not been forthcoming?

What about the opposition to people like Governor Riley of South Carolina to a dam project in his State, and yet it is reauthorized in this bill?

What about the Members of Congress who have a large host of deauthorization amendments that they plan to offer? Will the committee be as supportive of those deauthorization amendments as they are in placing amendments and projects within this bill?

Mr. Chairman, I support a national water policy based on merit and I support a national water policy that is based on sound policy initiatives.

Let us focus on waste of the tax money in this bill. As David Keating of the National Taxpayer's Union says—

> We think this legislation is a fiscal disaster. We've never been impressed with the Corps of Engineers' cost studies—so if the Corps can't support many of these, you can imagine how bad they are.

I urge my colleagues to support a major overhaul of this bill. Otherwise, we will be faced with a veto and little or no positive water policy.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. Ertel).

Mr. ERTEL. Mr. Chairman, I rise in support of H.R. 4788 and in opposition to many of the amendments which will be offered by my colleague from Pennsylvania (Mr. Edgar).

I would like to make known first that I do appreciate the gentleman's motives in offering these amendments. We sat down last year and tried to discuss water policy, trying to make some sort of agreement to pursue a consistent conscientious water policy in this country. I think water policy is a complex issue. It involves more than one House committee. The floor of this House is not the place to try to impose major legislative changes. They should be coming through the committee structure.

This is particularly so in this bill because the proposed amendments to be offered were not even offered during the committee markup.

If you look at the published amendments closely I think you will see the complexity of water policy changes and the inadequacy and inconsistency of the Edgar amendments in the absence of more comprehensive reform.

Let us talk about cost ceilings on corps projects.

The gentleman from Pennsylvania (Mr. Edgar) intends to offer a cost ceiling on most of the projects authorized by H.R. 4788. I think the intent of that is to strengthen congressional scrutiny of these particular bills.

I would suggest to you that the best tool for close congressional scrutiny of corps projects is the annual appropriations process. Because of that process, 50 percent of the authorized water projects are not constructed. The reason for this is that between the authorization and the time projects finally go to construction the conditions have changed. Therefore, the Committee on Appropriations, in fact, will not fund them. This is a very good review process.

Yet the administration and its water policy reformers—I use that term loosely—would do away with this effective check on the corps. What they want to do is have a one-time appropriations process. That means if it is a $1 billion project, they will appropriate once for that $1 billion project and never again look at it. That is not congressional scrutiny and that is not policy reform.

Let us look at another item addressed by the gentleman from Pennsylvania (Mr. EDGAR): The cost/benefit ratio. He makes the point that some of these projects do not meet the cost/benefit ratio. Frankly, I think that is overblown, the cost/benefit ratio. The cost/benefit ratio in many instances only benefits the wealthy in this Nation. Let me give an example. Let us take a small town in Appalachia which gets constantly flooded. It has 1,000 houses suffering perhaps $1,000 damage. That amounts to $1 million damage. That is $1 million in the cost/benefit ratio.

Let us then go to Palm Beach, Fla. A $1 million home owned by a millionaire as a temporary winter home, only used 3 months a year, is destroyed. This equates to the same losses as those 1,000 people in Appalachia. Yet my colleague would say the cost/benefit ratio is what we should rely upon all the time.

There are other criteria for authorizing water projects, particularly flood protection. They include loss of life, regional economic benefits, environment. I do not think this administration, or my colleague, wants to be put in a position of telling residents of a poor Appalachian town that their homes and their jobs are not worth protecting without giving any consideration to these other criteria which normally would go into a rational decision.

This last weekend the administration noted its opposition to some projects because they had not undergone a full executive agency review. My colleague, Mr. EDGAR, also notes this concern. Well, one of the reforms being proposed by the administration is an independent review of all water projects recommended by the corps. The administration, sharing all of our concerns that unnecessary delay will add to the cost of worthwhile projects, assures us that this independent review will only take 90 days. Presumedly, projects not reviewed within the 90 days would be transmitted automatically to Congress.

One of the projects cited by the administration is one in my congressional district. Well, the Chief of Engineers filed his final report on this project last May. The Environmental Protection Agency has given its OK to the project. The project has a B/C ratio of 2 to 1. Again, the administration has cited this project as one it has not had time to review and yet 8 months has gone by. This certainly does not bode well for the administration's 90-day, independent review process.

Opponents to H.R. 4788 argue that the bill is too expensive. Others have already made mention of this point and I will only reiterate what they have said. Congress generally considers omnibus legislation every 2 years. But, there was no water projects bill during the 95th Congress. H.R. 4788, therefore, necessarily has a larger number of total projects because it includes those good projects which should have been authorized previously. There would be no objection to many of these projects had they been provided for in smaller, more frequent omnibus legislation.

In the debate on these projects, I think it is important not to lose sight of the fact that H.R. 4788 contains several important environmental provisions. Some already have been mentioned. I want to center in on two. First, H.R. 4788 contains a provision deauthorizing the Dickey-Lincoln hydroelectric project. This has been a major environmental goal among some groups. Second, H.R. 4788 provides for the necessary environmental assessment of winter navigation on the Great Lakes. Again, a very important environmental objective.

To conclude, let me say that I agree with my Pennsylvania colleague that Federal water policy is in need of reform. But again, this is a complex matter that will require the work of no fewer than three committees of the House. I have initiated an effort, to mandate the formation of a Congressional task force for the purpose of coordinating a reform effort. I intend to offer an amendment to this effect.

□ 1710

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of H.R. 4788, the Water Resources Development Act of 1979. I request permission to revise and extend my remarks.

This bill contains two items of interest to my constituents in eastern North Carolina. It provides for full Federal funding for construction of two replacement bridges across the Atlantic Intracoastal Waterway at Core Creek and Hobucken. It also clears any Federal interest in the title of a section of reclaimed waterfront property along the Trent River in New Bern.

The project for navigation for Atlantic Intracoastal Waterway bridges provides for the replacement of five dangerously obsolete drawbridges with modern high-span bridges crossing this Federal waterway. The replacements were originally authorized in 1970 using a 75-to-25 Federal-State cost-sharing formula. Because the State of North Carolina's tight budget for highway construction prevented its financial participation and because the bridges are federally constructed, owned, and operated, the Corps of Engineers recommended that the bridges be replaced at Federal expense. In 1976 Congress modified the project to authorize 100 percent Federal funding for two of the bridges.

Section 332 of H.R. 4788 authorizes full Federal funding for the replacement of the bridges at Hobucken and Core Creek. This action will greatly enhance the safety of the motoring public in eastern North Carolina. I hope that in the near future Congress will see fit to change the authorization for the remaining bridge at Fairfield.

Section 422 declares to be nonnavigable a small portion of land reclaimed from the Trent River in New Bern, N.C. In cooperation with the Department of Housing and Urban Development and the State of North Carolina, the city of New Bern carried out a waterfront urban renewal project. As part of the project, and in accordance with dredge and fill permits approved by the Army Corps of Engineers, the city straightened three blocks of irregular riverfront by filling about 4 acres of the Trent River, a navigable water of the United States. Unfortunately, the anticipated sales of property for commercial development have been stymied because land titles remain subject to the prior rights of the United States by reason of Federal control over navigable waters.

Congressional policy is to enact declarations of nonnavigability only where a public purpose will be served. This is certainly the case here. Ownership of the lands are presently in public bodies, so any financial benefits brought about by clearing the title will accrue to the local, State, and Federal governments. Until the land titles are cleared so that the urban renewal project can be completed, the Federal Government will continue to be the guarantor of the outstanding private loan notes financing the city's undertaking. Ultimately, the citizens of New Bern will enjoy a revitalized downtown waterfront and an expanded tax base. Recently Craven County reaffirmed its intention to locate its new courthouse complex in this area.

Language declaring the nonnavigability of the small acreage involved will result in absolutely no cost to the Federal Government.

In conclusion, let me commend the members of the Public Works and Transportation Committee and its Water Resources Subcommittee for their past and present efforts to develop and preserve our Nation's water resources. I offer you my full cooperation in passing H.R. 4788, the Water Resources Development Act of 1979.

Mr. CLAUSEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to clarify the intent of section 353 of the bill, and for that purpose I would like to engage in a colloquy with the gentleman from California (Mr. CLAUSEN) and the gentleman from Texas (Mr. ROBERTS).

There is a navigation project at Irondequoit Bay authorized in my district over 20 years ago. The original authorization called for Federal construction of a movable railway bridge and construction of a 40-foot highway bridge. These bridges have yet to be built. The railway line using the railroad bridge has been abandoned by ConRail, so that there will be no need to replace that bridge. Section 353 modifies the original project by eliminating replacement of the railroad bridge and making the highway bridge construction a Federal responsibility, but with local and Federal cost-sharing. It should be clear that the bridge needed today is not the same design as 20 years ago.

I would like to ask the gentleman from California (Mr. CLAUSEN) if that is the gentleman's understanding.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I would be glad to yield.

Mr. CLAUSEN. That is correct. That is the committee's understanding. Because of engineering, local desires and other reasons, the original 40-foot bridge is not appropriate. The bridge that is needed and intended to be constructed under section 353 will be smaller and may be a fixed bridge or a swing bridge. In any case the original 40-foot bridge is not needed, and planning and construction should continue on the smaller bridge needed today. I want to make that clear, because in addition to eliminating the cost of replacing the railroad bridge, we are authorizing a smaller scale highway bridge. I am sure that the gentleman from Texas agrees with this.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Texas.

Mr. ROBERTS. Yes; I fully agree.

Mr. CLAUSEN. I thank the gentleman.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I rise in opposition to H.R. 4788, the Water Resources Development Act, as it is now constituted. In so doing, I would like to make known my support for several of the changes being proposed by the gentleman from Pennsylvania (Mr. EDGAR), and others.

Mr. Chairman, one of the major powers of the Congress, especially in relation to the other branches of the Federal Government, is its ability to control the purse strings—its power to authorize and appropriate taxpayer dollars. As elected representatives, it is our most fundamental responsibility to spend taxpayer dollars in the most responsible, cost effective way possible. Whether it be for the national defense, for the preservation of agricultural productivity, or, as in the measure before us today, the development of the Nation's water resources, it is incumbent upon each and every Member of Congress to subject each vote to a scrutiny that convinces him or her that the requested expenditure of taxpayer dollars will be cost effective from a national, as well as local or regional, perspective.

There is no denying that the decision as to whether a certain project is worthy of Federal support is a subjective one, and that a decision to support such a project does not mean that a Member is a profligate and a waster of taxpayer dollars. I do believe, however, that it is possible to establish some general guidelines as to whether or not a piece of legislation is consistent with the taxpayer protection responsibilities that Congress has. In my opinion, H.R. 4788 as presently drafted is not in keeping with these general guidelines, and violates the trust that we have been accorded by our constituents to make sure that their dollars are spent in a responsible manner.

Mr. Chairman, the bill before us today is a very complex and involved piece of legislation. It contains provisions that are indeed worthy of support, a fact that makes my decision to oppose its passage even more difficult. However, the Congressional Budget Office has estimated that the cost of the bill will reach $4.3 billion, and of even more concern to me is the potential for billions of dollars more in future, unworthy expenditures as a result of some of the major policy precedents established by the measure. Consequently I believe that the legislation should be opposed unless the appropriate revisions are made.

While space considerations prohibit an exhaustive listing of all of the problems I have with the bill, I would like to list several of the major policy areas that demand attention if the Congress is to responsibly perform its spending obligations.

The first problem area as I see it is that the legislation would not impose fixed cost ceilings on projects. Rather, it would merely provide for cost "estimates," and the lack of any real incentive to stay within the boundaries could likely translate into projects ultimately costing several times more than their original authorized "estimate." For that reason, I intend to support those amendments that would impose more fixed limitations on project costs.

The second dangerous policy precedent established by the bill is its waiving of established cost-sharing rules for a total of 17 projects, at a total cost of $88 million for the Federal Government. Such provisions are especially disappointing, in my view, since many had hoped that the trend would instead be in the opposite direction to impose even more meaningful cost-sharing requirements upon beneficiaries of Federal water resource development funding. Obviously, if a party has a financial stake in a project, it is more likely that such a project would be deserving of support.

Yet a third general concern I have is that this legislation has authorized certain projects in the absence of any reports from the corps' Chief of Engineers detailing the projects' cost or effectiveness. The administration, in a letter detailing its objections to this measure, has cited 54 separate project authorizations that have not been accorded full department and administration review. It seems incredible to me that the Congress can responsibly decide on the worth of water development projects that have such broad ramifications if the corp's experts have not been able to complete their initial findings and review.

There are numerous other shortcomings in the legislation as now drafted. They include the replacement of the current two-step authorization process with a more easily circumvented one-step; the authorization of projects that have only a few beneficiaries; and the authorization of projects with negative benefit/cost ratios. I intend to oppose the inclusion of such provisions, and to support such miscellaneous changes as prohibiting the naming of any project after a Congressman until 5 years after his death and the prohibition of use of Federal funds for the corps to entertain newly elected Congressmen.

I firmly believe, Mr. Chairman, that the taxpayers of this country deserve to know where its Congress stands on the fiscal responsibility issue. Amid all the talk of balancing the budget and limiting Federal spending, there comes a time for action on specific measures. I think that this bill, H.R. 4788, is one of these times, and that the Congress will have shirked its responsibilities if the legislation as it now stands is passed. I urge my colleagues to support the amendments that would make this bill more fiscally responsible.

Thank you.

Mr. ALEXANDER. Mr. Chairman, in 1969 Congress enacted the National Environmental Policy Act. During the 10 years that followed I have witnessed baseless criticism of the Corps of Engineers in the name of environmental protection and economy.

I do not question the sincerity of the critics, but much of it reminds me of the story written about the execution of Marie Antoinette, when she turned to her executioner, and said, "Oh, liberty, what crimes are committed in thy name."

I would point out to the critics of the U.S. Army Corps of Engineers that more recreation is provided by the Corps of Engineers than any other Federal agency—more than the National Park Service, more recreation than the U.S. Forest Service, more recreation than the Fish and Wildlife Service and more recreation than all of the combined efforts of the State parks in the 50 States.

Not only does the Corps of Engineers provide recreation to Americans, it also provides economic development. In the First Congressional District of Arkansas the Corps of Engineers has provided for more economic development resulting in more jobs than any other Federal or State agency. Its actions have produced a highly productive region, the citizens of which pay millions of dollars in taxes which are used to pay for health, education, welfare, transportation, police and fire protection, and other human and social needs.

In the negotiations with the People's Republic of China, which resulted in the normalization of relations between the PRC and the United States, one of the first requests of the People's Republic of China after normalization was that a team from the U.S. Army Corps of Engineers be assigned to China to begin teaching the Chinese to develop a public works policy for China. The achievements of the Corps of Engineers have resulted in economic development and flood control in the United States which is the envy of the free world.

Mr. Chairman, I rise in strong support of this bill and of the efforts of the chairman and the ranking member, and of the other members of the Committee who have contributed tirelessly, hearing thousands of witnesses over the last several years to produce the legislation that we are debating here today.

I vividly remember the warning sounded when the distinguished Speaker of the House rose in October of 1978 in opposition to the President's veto of the Public Works Appropriation bill. In those remarks the Speaker reminded us of the Paley report of 25 years ago which forecast an energy crisis in the United States. It took the power shortages of the 1970's and their accompanying push on inflation to get Congress strongly involved in developing responses and solutions to that crisis.

At that time the Speaker also cautioned us to take heed of the evil clouds of another crisis gathering over the future of our Nation. I mean the growing dilemma of how to manage our water resources in the best economic and environmental interests of our people.

Properly used water can be a valuable tool in most human endeavor, whether it is economic development, environmental preservation, foreign trade, recreation, or transportation. Improperly managed, our water resources, whether in floodtime or drought, will be as dangerous an enemy to our economic and social stability as the existing energy crisis.

I share the Speaker's belief that water is likely to be at the center of the next long-term crisis to tear at the fabric of our Nation. I believe that if we will not learn the lessons of history that the energy crisis can teach us we will surely repeat the agony when the water crisis is upon us.

We cannot let the mistakes of the past or the politics of the present cause us to back away from the response we must make to the water resource needs of our Nation.

We must respond by allocating the Federal financial and technical resources necessary to meet our water managment needs of today and those of future generations.

In formulating the bill before us, the committee was sensitive to the current and future implications of wise use and conservation of this national resource. They have tried to achieve harmonious balance between the conflicting economic needs of production and environmental needs of preservation. The committee deserves our confidence and support.

There are those of my colleagues who will oppose this measure on the grounds that it is fiscally irresponsible.

Is it fiscally irresponsible to make an investment of $8 billion in order to prevent $53 billion in flood losses—which is what our system of water projects has done already?

Is it fiscally irresponsible to improve a system of river navigation through water resource projects to make the most efficient use of scarce energy resources?

Is it fiscally irresponsible to enhance industrial development along the Nation's inland waterways to create jobs, livelihoods and, yes, to strengthen the tax base for continued economic development?

I say it is not.

There are also those of my colleagues who will oppose this measure on the grounds that it is environmentally irresponsible.

Is it environmentally irresponsible to save millions of dollars of families who would otherwise have their life savings and dreams washed away by floods?

Is it environmentally irresponsible to save the soil from wind and water erosion?

Is it environmentally irresponsible to provide opportunity for wholesome outdoor recreation for millions of city-bound Americans?

I say it is not.

When we convert a flood plain, like the Mississippi Valley, into a productive region that feeds and clothes our people and gives to Americans the highest standard of living of any nation on Earth, we have followed in the footsteps of our forebearers.

This bill is not fiscally irresponsible. This bill is not environmentally irresponsible. It is the product of an extensive and reasoned response to an urgent national need—the need to wisely manage the Nation's water resources.

□ 1720

Mr. CLAUSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas (Mr. HAMMERSCHMIDT), a member of the committee.

Mr. HAMMERSCHMIDT. Mr. Chairman, I want to associate myself with the remarks just made by my distinguished colleague, the gentleman from Arkansas (Mr. ALEXANDER). I think he made a very fine and meaningful statement, and I agree with it.

Mr. Chairman, I would like to take this opportunity to share with the Members of this House some of the history of the Cane Creek Bridge project and stress once again the importance of rectifying an old wrong by replacing the previously destroyed bridge.

In the development of the Arkansas River project and in the filling of the Dardanelle Reservoir on the Arkansas River Lock and Dam No. 10, the Corps of Engineers, which has jurisdiction over the entire river project, removed a 79-foot steel truss highway bridge across Dane Creek approximately 1.5 miles east of Morrison Bluff.

The actual removal of the bridge followed completion of a relocation contract between the county judge and the Corps of Engineers. Soon after the signing of this contract, however, many of the local citizens became aware of the adverse implications which would result from removal of this bridge and made their concerns known to county officials as well as to the Corps. These concerns dealt with the severe impact this would have on the economic and social well-being of the community, both in terms of present activities as well as placing an arbitrary limitation on future growth.

As a result of extensive community protests, the district engineer offered to modify the relocation contract, provided county officials would agree to hold the Government free and harmless from any and all damages resulting from leaving the bridge in place and operation of the Dardanelle Lake. It is clear that the officials of a rural county with very limited resources could not possibly agree to any such condition which could conceivably leave them vulnerable to financial obligations far beyond their capacity to meet, and they were left with no viable alternative but to reject the proposal. Subsequently, the bridge was removed.

At the time 10,000 acres of land in this area were innundated by the Dardanelle Reservoir pool it was recognized that removal of agricultural output from this land would have a serious economic effect on the local people. However, it was anticipated that water-use recreational activities and associated economic development would serve, in part, to offset the agricultural losses incurred. Unfortunately, this has not been the case and the county has continued to suffer a curtailed local economic structure as a result of reduced agricultural incomes.

In addition, the communities in this area of Logan County lack such mundane but essential daily public service usage as mailtrucks and schoolbuses. Economically, they are penalized by lack of transportation for commercial feed and poultry trucks as well as milk tankers to serve their respective interests. The compensatory recreation industry which was predicted has not occurred for lack of direct access to the Cane Creek Public Use Recreation Area.

While recognizing that the corps did meet its legal obligations under the relocation contract, I seriously question whether the Government, in taking land to build Lake Dardanelle, did fulfill its broader responsibility to insure that the local citizens were provided access which will serve reasonably as well as that which existed prior to the start of the project.

The citizens of this area feel that they have been denied the opportunity for normal development of their resources because their interests were not protected when agreement was reached to remove the bridge—a feeling which is supported by the impact which difficulty of access has had upon economic and living conditions. This bridge is essential to their well-being, and I strongly urge that we correct this inequity by seeing that it is constructed.

Mr. CLAUSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I want to express my thanks to the members of the Public Works Committee, and particularly the Subcommittee on Water Resources, for their efforts on behalf of section 208 of the Flood Control Act.

Early last year, I introduced legislation to increase the individual project authorization from $250,000 to $500,000 and the total Federal dollar amount from $5 million to $10 million for section 208 projects. My legislation has now been included in the bill before us today, H.R. 4788, and enables the Corps of Engineers to undertake individual projects under section 208 whose estimated cost will not exceed $500,000, rather than having to seek specific congressional authority for any project expected to exceed the present $250,000. The last increase in section 208 project levels was in 1974, and as we all know, in the past few years we have raised the limitations on other small project authorizations, such as actions 201 and 205 small flood control projects, section 103 beach erosion projects, section 107 navigation projects and others, to cover the effects of inflation.

What brought the need for this increase in funding to my attention was a specific case within my congressional district—the continuing flooding of a 7-mile section of Salt Creek that runs through Addison Township in DuPage County, Ill. The flow of this creek is hampered greatly by fallen trees, dead limbs, tires, and other various debris. A very large bend in Salt Creek experiences particularly bad flooding problems because as the debris flows downstream it becomes permanently lodged in this bend. The rubbish which collects all along the creek causes occasional flooding. Needless to say, it is a health hazard to local residents.

After conferring with the Corps of Engineer officials who made field observations in February and July of 1978 in an effort to find a solution to this flooding problem, it was determined that the minor snagging and clearing project cost approximately $300,000. The Corps of Engineers could not proceed with the Salt Creek project because they had not had specific authority from Congress to do so, although this is a qualified section 208 project, because the cost of the operation exceeded the current $250,000 limitation.

Section 408 of H.R. 4788 has been worded in a broader sense in order to include projects similar to Salt Creek throughout the country which are experiencing difficulties due to the current funding limitation.

Again, I appreciate the efforts of the members of the committee, and urge my colleagues' adoption of H.R. 4788, including section 408, a noncontroversial section of the bill, which will ultimately reduce health hazards to my constituents living along a 7-mile stretch of Salt Creek.

Mr. CLAUSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. MILLER), a member of the committee.

Mr. MILLER of Ohio. Mr. Chairman, I thank the gentleman from California (Mr. CLAUSEN) for yielding me this time.

Mr. Chairman, perhaps the most important project authorized in the comprehensive Water Resources Development Act of 1979 (H.R. 4788) is that work in section 323: construction authorization for the critically important Gallipolis Lock and Dam project on the Ohio River. The bill before the House authorizes construction of a new single 1,200-foot lock, along with rehabilitation of the existing dam, at an estimated cost of $170 million.

I testified in support of this work when H.R. 4788 was considered by the House Public Works and Transportation Committee last spring. Since then, the need to move ahead on Gallipolis has become even more essential to the economy of the Nation in general, and the Ohio Valley in particular.

The present Gallipolis facility—completed in 1937—is outdated, unsafe, and totally inadequate. The existing facility includes a fixed roller dam, a 600-foot by 110-foot main lock and a 360-foot auxiliary lock. While Gallipolis has handled more river traffic than any of the other 13 locks and dams on the Ohio between Louisville and Pittsburgh, it remains the only navigation project on this 900-mile stretch of the Ohio River that does not have at least one 1,200-foot lock chamber. This fact, combined with mounting river traffic, increasing barge tonnage and the navigational difficulties facing tows entering Gallipolis' chambers, make prompt replacement of the present obsolete facilities a matter of the highest priority.

There are two lock chambers at Gallipolis, but it is almost impossible to lock tows through both chambers simultaneously. Long vessels using the main—600 feet long—chamber essentially block the approach to the small chamber. Consequently, about 90 percent of the commercial tonnage at Gallipolis uses the larger chamber. Because of the small lock chambers, the standard Ohio River tows—which are single lockages at other navigation projects along the river—are double lockages at Gallipolis.

As described by one official, going through the Gallipolis facility is like crossing a two-lane bridge on a six-lane highway.

Movement of significant commodities along the Ohio River has been directly tied to the economic growth of the Ohio Valley for decades. From 1950 through 1976, over $56.4 billion has been invested by the private sector in major new and expanded plant facilities in counties bordering the Ohio River and its tributaries. The ton-miles of waterborne freight moved on the Ohio has increased more than five times since the end of World War II.

Critical fuels—primarily coal and petroleum—moved by the Ohio are essential to the generation of electricity, the production of iron, and the manufacturing of steel. In addition to the movement of coal and petroleum, such important items as chemicals, construction materials, aggregates, agricultural products, limestone, and raw materials are being moved with increasing regularity along the Ohio.

This increase in tonnage and traffic underscores the need to authorize the replacement of the Gallipolis project without further delay. Time is not an ally. The loss of time means a reduction in jobs and productivity, a halt to Ohio Valley industrial expansion and economic growth, and a greater dependence on nondomestic sources of energy.

As reported by the Ohio Valley Improvement Association and confirmed by Corps of Engineers reports, traffic congestion at Gallipolis is rapidly approaching crisis proportions. Volumes of traffic utilizing the locks total 37.2 million tons in 1977. The recently issued forecast of future Ohio River Basin waterway traffic prepared by Battelle Columbus Laboratories projects 1985 volume at 66,450,000 tons and 1990 volume at 70,215,000 tons.

Traffic delays at Gallipolis are now averaging in excess of 5 hours per tow, often reaching 48 hours and longer, particularly when the deteriorated main lock is closed for repairs. Delay costs are estimated at $350 per tow-hour and often exceed $5,000 per tow transit. Delay costs are estimated at $3.5 million annually and are conservatively estimated to reach $37 million in 1988 and $51 million in 1989.

I cannot, Mr. Chairman, overemphasize the value of Gallipolis and the importance of prompt House approval of this legislation. As Gallipolis goes, so goes the economic health and welfare of the Ohio Valley.

Mr. CLAUSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. TRIBLE).

Mr. TRIBLE. Mr. Chairman, the Water Resources Development Act includes an authorization for the construction of a seawall to prevent further erosion of Tangier Island in the Chesapeake Bay of Virginia.

I am advised that the gentleman from Pennsylvania (Mr. EDGAR) will offer an amendment to strike this authorization.

What is at stake here is the preservation of a distinct way of life. Approximately 900 people inhabit the island's 7 square miles. The residents of Tangier are descendants of the original settlers who arrived in 1686. Like their ancestors, today's islanders rely on the Chesapeake Bay and its rich marine resources for their livelihoods.

These watermen are fiercely independent and resourceful. They prefer to solve their own problems and are reluctant to seek outside help. They live a life unencumbered by modern technology—there are only 10 cars on the island—and many still speak with more than a trace of the Elizabethan accent of their forebears. There are few places in America where the traditions of an earlier era are so well preserved.

However, the continuing erosion of the western shore threatens the very existence of Tangier Island and its people. Erosion is progressing at such a rapid rate—about 25 to 30 feet per year—that within the coming decade, the airport (a critical link to the outside world) will become inoperable and a major portion of the island will be lost.

The assimilation of these inhabitants into other communities would be an irretrievable and immeasurable cultural loss to our Nation.

The erosion problem has been investigated on two occasions. Task forces were composed of representatives from the Army Corps of Engineers and a number of State and local agencies. Both task forces recommended to the governor of Virginia the construction of a seawall on Tangier's western shoreline. The task force study estimated the cost of the seawall at $3.5 million.

Time is short. This is an emergency. We must act now to preserve the unique part of our heritage which is Tangier Island.

I ask you to oppose the Edgar amendment.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. TRIBLE. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I want to join in the statement of the gentleman from Virginia (Mr. TRIBLE) and compliment him for his excellent representation of the great and hearty people who live on Tangier Island, which is immediately adjacent to Smith Island in my own district. The people of the two islands are very much alike, although they disagree on fishing and water rights. I know how important this project is to those people, and I know of the work the gentleman from Virginia is doing for these people.

Mr. TRIBLE. Mr. Chairman, I thank the gentleman from Maryland (Mr. BAUMAN) for his contribution.

The CHAIRMAN. The Chair will state that the gentleman from California (Mr. CLAUSEN) has 30 seconds remaining, and the gentleman from Texas (Mr. ROBERTS) has 2 minutes remaining.

Mr. ROBERTS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Chairman, I rise in support of efforts in this legislation to declare there is a national interest in the conservation of existing water supplies, through Federal construction or assistance, in the repair and improvement of existing water delivery systems.

Many older cities and towns in the Northeast and Midwest face serious problems, in maintaining and replacing the underground pipes, which distribute water for human and industrial consumption. In the city of Boston, 20 percent of the existing water pipeline was built prior to 1900. In 1979, 60 million gallons of water Boston purchased each day went unaccounted for with pipe leaks and breaks and undermetering attributed as the major causes. Estimates of national water loss due to leaks range from 11 to 12 percent.

At the present time there exists no Federal aid programs that can help cities and towns repair water delivery systems unless they divert funds from other pressing needs. In fact, in the period from 1950 to 1976, the Northeast received slightly more than 6 percent of the cumulative national water resources funds spent per capita, while the West received over 48 percent, the South 28 percent, and the north-central region 18 percent. I believe by authorizing the Army Corps of Engineers to report on the need for repair and improvement of water delivery systems, we can begin to bring a measure of equity in the distribution of the Federal water project funds.

These funds are sorely needed, for Boston estimates, that over the next 10 years, their water system rehabilitation program will cost over $100 million, and this is for work on 1 percent of the total system each year. Boston's goal for the year 2000 is to have every water main, over 100 years old, rehabilitated.

This legislation authorizes the Army corps to prepare a feasibility report of the metropolitan Boston area to address the needs of repair and improvements of the water delivery systems.

Cities and towns throughout the Northeast including Buffalo, Cleveland, Pittsburgh, and New York City, all share these serious problems of restoring water distribution systems and raising the capital costs necessary for improvements.

The time has come for us to examine the Northeast region's needs to meet future water demand. We must begin to address the problems of capital repair and improvement and introduce measures that seek to reduce water demand.

I believe that by declaring in the national interest, conservation of existing water supplies and beginning to address the need for Federal assistance in repair and maintenance, we have taken a step forward in acting on the Northeast's unique water resource problems.

Mr. CLAUSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion, I want to add to what I said before the fact that Governor Matheson, who is the Governor of Utah and who also serves as chairman of the National Governor's Association Subcommittee on Water Management, told us that there were enough problems with one section alone—section 108 of the President's proposed legislation dealing with "voluntary State contributions"—to abort the bill, the entire bill.

Governor Matheson also spoke of "the enthusiasm, insularity, and anonymity of the implementators of the President's water policy" as causing anxiety to the Governors.

Perhaps most perceptively of all, Governor Matheson offered the following comment, which, I believe, comes very close to summarizing the concerns some of us have with President Carter's proposals. He said:

> My apprehension extends beyond cost sharing to those other aspects of the national water policy that . . . are now in the process of implementation by the bureaucracy without ever being touched by human hands.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. Mr. Chairman, I rise in support of H.R. 4788, the Water Resources Development Act of 1979.

In what has become a biennial ritual, the legislation before us today is again the subject of criticism by those who allege it to be a "pork barrel" bill which has failed to accommodate certain reforms advocated by the Carter administration and others. It is said that many of the projects authorized for construction in this bill—or to be studied for future construction—have received inadequate review or are costly "white elephants." In fact it seems that many of the projects in this bill have been found objectionable on the basis of "inadequate review"—they apparently lack a report from the Chief of Engineers. And yet the GAO, in a recent report on hydro potential in the United States, "Hydropower—An Energy Source Whose Time Has Come Again," January 11, 1980, notes—

> Approval and funding for federal projects is a long and at times slow process. Before authorization by the Congress, each project must be studied and evaluated for its engineering and technical feasibility, and economically evaluated through a benefit-cost study. After projects are authorized by the Congress, the agencies must then seek appropriations before proceeding with construction.

Long and slow process indeed.

I am advised that the average time of review for many projects in this bill has been upward of 20 years. One project with which I am most familiar, the Rivergate North Portland project, has been under study by the corps and at various levels within the corps for over 14 years.

We are told that many projects in this legislation are nothing more than costly "white elephants." I might observe that critics in 1936 were calling the recently completed Bonneville Dam project a costly "white elephant"—one which would generate more electricity than could ever be utilized and one which would never pay its way. Mr. Chairman, Bonneville is now one of the smaller dams on the Columbia River system. The Pacific Northwest currently stands on the brink of regional war because the public, private, and industrial power consumers can no longer meet their needs from the output of that "white elephant," and few would deny that this project has paid for itself many times over.

I am not suggesting that the process by which we authorize, appropriate for, and ultimately construct these projects cannot be improved upon. I believe the President is sincere in his desire to achieve what he perceives to be improvements in this process and I would like to believe that he, too, has improved upon his approach to this issue since he brought his "hit list" to Congress a few years ago. But what seems to be forgotten in the rhetoric of reform is that these projects represent a capital investment in the wealth of this Nation. Few activities in the Federal Government provide a return on our investment comparable to that realized through our water resources program. Few programs are required to meet the test of cost-benefit ratio, interest rate, repayment schedule, or cost recovery as demanded of our water resources program. An aggressive water resources planning and development policy has national as well as regional benefits, and a failure to reorganize this prevents us from realizing the full potential of this most valuable natural resource. Water is the critical ingredient to the future growth and development of this Nation and quite simply is the lifeblood of the West. The use of this God-given resource for energy production, irrigation, reclamation, municipal, domestic and industrial purposes, fish and wildlife enrichment, recreation, navigation and transportation purposes ought to be carefully managed. I believe we have done this, and I would like to commend the Public Works Committee, the chairman, Mr. JOHNSON, the subcommittee chairman, Mr. ROBERTS, and the minority leadership, Mr. HARSHA and Mr. CLAUSEN, for their efforts.

● Mr. EDGAR. Mr. Speaker, as you know, I have been leading the fight against the water resources development bill, H.R. 4788. I have described my opposition to that bill on other occasions but at this time I would like to submit for the RECORD some letters and articles which express deep concern about this wasteful legislation. Included are letters from the Americans for Democratic Action, the Department of the Army, and the National Wildlife Federation. Articles from Wednesday's edition of the Washington Post have also been included. I urge my colleagues to take the time to read these persuasive materials.

National Wildlife Federation,
*Washington, D.C., January 23, 1980.*

Hon. Robert Edgar,
*Cannon HOB,*
*Washington, D.C.*

Dear Mr. Edgar: The biennial Water Resources Development Bill, H.R. 4788, is currently scheduled for debate on the House floor on Wednesday, January 23. On behalf of conservationists in Pennsylvania and nationwide, I am writing to express our deep concern about this wasteful legislation.

In agreement with President Carter's message on water policy reform in June 1978, conservationists have striven for substantial changes in the preparation of omnibus bills. The President has recommended no further project authorizations without thorough and objective administrative review. The current bill would authorize fifty-four projects that have yet to receive this review; numerous other projects lacking even the approval of the Chief of Engineers; and, at least three projects that do not even have an engineering feasibility report. Adding insult, plans for mitigating fish and wildlife losses are not prepared for three other projects in the bill. In short, the bill is a gamble on studies and planning yet to come.

The substance of the bill is equally disappointing. It provides for a significant weakening of many previous cost-sharing arrangements. Local responsibility in cost-sharing is a valid indicator of local needs and should be used as a means of determining national water development priorities as well. Furthermore, the President has suggested major policy reforms in the area of non-federal contributions toward water projects; the Public Works Committee has chosen to delete these reform provisions from projects contained in H.R. 4788.

The National Wildlife Federation is strongly in favor of a rational water resources program which takes a comprehensive approach to national needs. However, the ad hoc approach to water resources development embodied in H.R. 4788 will not, and cannot, meet these national goals. We urge you to oppose the bill in its present form, and to encourage the Committee on Public Works & Transportation to take a new look at the process by which omnibus bills are developed.

Sincerely,

Thomas L. Kimball,
*Executive Vice President.*

---

Americans for Democratic Action,
*Washington, D.C., January 22, 1980.*

Dear Member of Congress: Americans for Democratic Action urges you to oppose the Water Resources Development Act, HR 4788.

This omnibus rivers and harbors bill will cost taxpayers over four billion dollars. Many of the costs arise from the pork-barrel provisions and the waste which the bill contains:

HR 4788 ignores costs and feasibility requirements.

Many local cost-sharing requirements are waived.

The bill relieves developers and local communities from responsibilities with respect to landslides, local dredging, and stream-channelization chores.

Gulfport Harbor would be expanded—a $48 million expansion—as a favor to the DuPont Company. This is tax-payer money.

The bill provides special water deals for powerful Committee members.

It proposes to construct a memorial to the Army Corps of Engineers! Does the nation really need a memorial to the Corps at this time?

It is replete with environmental risks.

We hope you will defeat this bill. HR 4788 is a grim example of the worst kind of legislation—costly, wasteful, and destructive.

Sincerely,

Leon Shull,
*National Director.*

---

Department of the Army, Office
of the Assistant Secretary,
*Washington, D.C., January 19, 1980.*

Hon. Harold T. Johnson,
*Chairman, Committee on Public Works and Transportation, House of Representatives, Washington, D.C.*

Dear Mr. Chairman: I am writing to express the views of the Department of the Army on H.R. 4788, the Water Resources Development Act of 1979, as reported on October 10, 1979. The purpose of this letter and enclosures is to set forth our serious concerns about the many provisions in the Bill that we find objectionable. We hope that these points may lead to the development of a Bill that would be acceptable to the Administration.

While we were not invited to testify before the Committee on the Bill which was introduced in July 1979, we did attempt to express our views on many of the issues of concern by forwarding to you copies of my testimony before, and my letters to, the Chairman of the Senate Subcommittee on Water Resources of the Committee on Environment and Public Works on the pending Senate Omnibus Bill, S. 703. Furthermore, several of the key points of concern were also expressed on the then-pending 1978 versions of the Omnibus Bill in the statement of Major General Charles I. McGinnis, then Director of Civil Works of the Corps of Engineers, before the Subcommittee on Water Resources of your Committee. I refer to his statement of June 27, 1978, a copy of which is enclosed.

I have attached to this letter a descriptive listing of each of the provisions of the Bill which we find either objectionable or questionable. It should be evident from this listing, as well as from our prior testimony and statements that many highly objectionable provisions should simply be deleted, while other provisions can be modified to be acceptable.

The Administration cannot support the 54 project authorizations in the Bill which have not received full Departmental and administration review. These include proposals relating to authorizations for study, construction or modifications to various flood control, navigation and hydropower projects. We find it particularly objectionable that the Bill contains 17 such items for which there is no study available and another 29 projects with studies underway but for which there is no final report by the Chief of Engineers. If we are to evaluate—and the public is to have confidence in—the engineering, economic, environmental and social feasibility of these proposed projects, completion of the report by the Chief of Engineers and full Executive Branch review are essential.

The importance of full and adequate review from an economic viewpoint alone cannot be overstated. The 54 inadequately reviewed projects in the Bill could lead us to commitments of approximately $1.8 billion in future years, unadjusted for inflation.

Another area of serious concern to the Administration is that this Bill contains no less than nine proposals for single-purpose water supply project studies, including in most instances water conveyance and distribution and/or treatment facilities and systems.

The nine water supply projects in question would commit the Federal Government in future years to expenditures which may total as much as $174 million, unadjusted for inflation. It is abundantly clear that if only nine projects (involving either study or construction of funding) lead us to this degree of commitment, it is of the utmost importance from a fiscal standpoint that we determine carefully to what extent the Federal Government should become involved in this area. The Bill would create precedents by which the Federal budget could, in future years, be strained by tens of billions of dollars of expenditures which have traditionally been a prerogative and responsibility of local governments.

Except for studies relating to the determination of the Federal interest in this area, we strongly oppose new Federal commitments to the study or development of such water supply system projects. Once such review, now underway, will be completed this spring. On the basis of that review, it will be possible for us to make reasoned recommendations to Congress as to whether there is justification for further Federal involvement in this area beyond the Corps' traditional role in providing water supply storage in connection with projects serving other needs.

There are also other provisions in the Bill which would create new Federal responsibilities, either by imposing new work responsibilities on the Corps or by transferring financial responsibility for a non-Federal element of a traditional water resources project to the Federal Government. There would also be a substantial variation from established local cost-sharing rules for 17 projects under this Bill costing the Federal Government approximately $88 million in future years, unadjusted for inflation. We strongly oppose these ad hoc changes in policy.

Our preliminary calculations suggest that the Bill in its present form could result in Federal expenditures of approximately $2.5 billion, unadjusted for inflation, in future years for the specific projects and activities to which the Department of the Army objects. This includes substantial costs to complete projects the Bill would authorize for construction but with authority only for partial funding. It does not include potential costs associated with those provisions which create precedent for costly new Federal responsibilities.

H.R. 4788 also contains legislative encroachments (in Sections 219(b) and 415(a)) which are unacceptable for reasons stated in the President's June 21, 1978 Message to the Congress on legislative vetoes. As stated in the President's Message, these types of provisions infringe on the Executive's constitutional duty to faithfully execute the laws by authorizing Congressional action that has the effect of legislation while denying the President the opportunity to exercise his veto. Legislative encroachments thereby circumvent the President's role in the legislative process established by Article I, Section 7 of the Constitution. There are other acceptable methods available for assuring adequate opportunity for legislative oversight of Executive Branch rule-making.

I should also note that it is a serious disappointment to the Administration that no form of its cost-sharing proposal has been included in the Bill.

I have concenterated on the objectionable features of the Bill because they present so many serious problems. There are many desirable features in this Bill which the Administration could support. I would hope that the letter could initiate a dialogue leading to the development of a Bill which is acceptable. In its present form, however, the Bill is unacceptable to the Administration.

The Office of Management and Budget advises that there is no objection to the submission of this report to Congress and that enactment of this legislation would not be in accord with the program of the President.

Sincerely,

Michael Blumenfeld,
*Assistant Secretary of the Army*
*(Civil Works).*

### House Leaders Set Scene for Clash Over Costly Water-Resources Bill

(By Ward Sinclair)

House leaders set, the scene for another clash with the White House as they pushed ahead with plans to bring up a costly water-resources bill today.

House Speaker Thomas P. (Tip) O'Neill Jr. (D-Mass.) rejected a Carter administration appeal yesterday for delay of floor consideration of the $4.4 billion public works measure.

And, as though daring the White House, the Public Works and Transportation Committee reacted to presidential veto hints by adding another $107 million in new projects to the bill, which is under attack for its high cost.

O'Neill proceeded with plans to take the bill to the floor today despite a plea from Army Secretary Cecil D. Andrus to delay long enough to develop a compromise measure.

O'Neill's aide said the speaker decided to go ahead after conferring with Rep. Harold T. Johnson (D-Calif.), chairman of the committee.

The secretaries said the biennial bill, authorizing new flood control, navigation, dredging, water supply and bridge, projects, contains more than 100 items that are objectionable to the Carter administration.

In a letter to O'Neill they said, "We see virtually no possibility that we could recommend its approval" if the bill is enacted "in the present form."

But the committee then tacked on 20 new amendments that would increase the cost of the bill by at least $107 million.

Among the add-ons was a $26.6 million authorization for navigation improvements at Helena, Ark., a bridge of unspecified cost over the Tombigbee River between Alabama and Mississippi, and $15 million in recreation road building around the New Melones Reservoir in California.

On item after item, Rep. Robert W. Edgar (D-Pa.) a committee member raised questions about cost and justification.

But, just as methodically, the committee rolled over his objections, making clear that it was in no mood to scale down the pork-barrel bill that traditionally comes up in election years.

Edgar, undaunted, cautioned the committee that he has 184 amendments prepared for the bill when it hits the floor, although he indicated that he does not intend to debate each one.

"All of us have in interest in the legislation's proceeding in a fair and equitable way. And I have no intention of trying to anger individual members who have projects in the bill," he said.

Just the same, Edgar said, he plans to try to force the full House to debate the same general issues that have put the Carter administration and the environmental community against the bill.

In a number of ways, the bill goes in a direction opposite than advocated by President Carter in his foundering campaign to tighten the project review process and force more thorough economic and environmental examination of water projects. His basic goals in this are to save both water and money.

The administration also has emphasized greater cost-sharing by state and local governments, but the Committee bill moves further from that as well.

Among the amendments adopted yesterday was one that authorized $11 million to pay the full cost of new water supply and distribution systems for Berlin and Rochester, N.H.

---

### Boondoggles Unlimited

The first big legislative debate of the 1980s, scheduled to begin on the floor of the House today, does not concern anything like Iran, say, or Soviet-American relations or inflation. No, it concerns (what else?) more than 175 water projects and numerous other provisions lumped together in the authorization bill for the Corps of Engineers. The good old Corps.

These projects range from a $579 million powerhouse on the Columbia River in Oregon through a $2.6 million flood-control effort along the Schuylkill River in Pennsylvania to a $300,000 marina on Lake Texoma in Texas and Oklahoma. Some, no doubt, should be built. Others are just logrolling. In some instances, the bill goes so far as to declare that benefits from a particular project exceed costs despite studies by the Engineers that say the opposite.

The message sent by the Committee on Public Works and Transportation when it approved this awful bill last fall was that nothing has changed on Capitol Hill. Despite efforts of the Carter administration, environmental groups, some members of Congress and even the Engineers themselves to inject some planning and common sense into the biennial rivers and harbors debate, this bill is little more than just another collection of boondoggles.

It also would create some terrible precedents—for example, authorizations for the Corps to build, at no cost to the local governments, nine local water distribution systems. (Two of the nine, it will be noted, are located in the district represented by the ranking Republican on the committee, Rep. William H. Harsha, and another is in the district of the Democratic chairman of the subcommittee that handled the bill, Rep. Ray Roberts.) The Department of the Army says these nine projects will cost $174 million, unadjusted for inflation, and the precedent created could get the government into spending "tens of billions of dollars" on projects that have been traditionally a "prerogative and responsibility of local governments."

There are many more things wrong with this legislation. It alters other cost-sharing requirements on water projects so that the federal government pays more and local governments less. It authorizes projects without completed feasibility studies. It waives cost-effectiveness requirements when they stand in the way of politically favored projects.

The administration has almost, but not quite, said President Carter would veto the bill if it clears Congress in anything remotely resembling its present form. He should. Even better, the bill should not clear the House in its present form. It is so bad, so out of keeping with needs of the country and the constraints on the economy in the committee with a straightforward message that times have changed, whether the pork-barrelers in Congress have noticed it or not.●

**The CHAIRMAN.** All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate title I.

Title I reads as follows:

### H.R. 4788

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—WATER RESOURCES PROJECT AUTHORIZATIONS

SEC. 101. Sections 201 and 202 and the last three sentences in section 203 of the Flood Control Act of 1968 shall apply to all projects authorized in this title. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted by the Secretary of the Army, acting through the Chief of Engineers, substantially in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated, except as otherwise provided.

#### CAZENOVIA CREEK, NEW YORK

The project for flood control, Cazenovia Creek, Buffalo Metropolitan Area, New York: Report of the Chief of Engineers, dated September 8, 1977, at an estimated cost of $1,670,000.

#### ROBINSON'S BRANCH—RAHWAY RIVER, NEW JERSEY

The project for flood control on Robinson's Branch at Clark, Scotch Plains, and Rahway, New Jersey: House Document Numbered 96–21, at an estimated cost of $13,900,000.

#### RAHWAY RIVER AND VAN WINKLES BROOK, NEW JERSEY

The project for flood control on the main stem of the Rahway River and Van Winkles Brook, Springfield, New Jersey: House Document Numbered 96–20, at an estimated cost of $8,710,000.

#### MAMARONECK, SHELDRAKE, AND BYRAM RIVERS, NEW YORK AND CONNECTICUT

The project for flood control, Mamaroneck and Sheldrake River Basins, New York, and Byram River, Connecticut: Report of the Chief of Engineers dated April 4, 1979, except that such project shall also include flood protection for the town of Mamaroneck as recommended in the report of the Division Engineer, North Atlantic Division, dated March 28, 1978, and except that cost sharing for such project shall be as provided in the report of the Board of Engineers for Rivers and Harbors dated July 12, 1978, at an estimated cost of $37,500,000.

#### HARRISBURG, PENNSYLVANIA

The project for flood control in Harrisburg, Pennsylvania: Report of the Chief of Engineers dated May 16, 1979, except that cost sharing for such project shall be as provided in the report of the Board of Engineers for Rivers and Harbors in its report dated June 21, 1978, at an estimated cost of $71,300,000.

#### SAW MILL RUN, PENNSYLVANIA

The project for flood control on Saw Mill Run, Pittsburgh, Pennsylvania: House Document Numbered 96–25, at an estimated cost of $5,100,000.

#### CABIN CREEK, WEST VIRGINIA

The project for Cabin Creek, West Virginia: Report of the Chief of Engineers dated March 1, 1979, except that cost sharing for such project shall be as provided in the report of the Board of Engineers for Rivers and Harbors, dated January 17, 1978, at an estimated cost of $22,000,000.

#### PANAMA CITY BEACHES, FLORIDA

The project for beach erosion control and hurricane flood protection, Panama City Beaches, Florida: House Document Numbered 96–65, at an estimated cost of $16,300,000.

#### SAVANNAH HARBOR, GEORGIA

The project for navigation, Savannah Harbor, Georgia: Report of the Chief of Engineers, dated December 19, 1978, at an estimated cost of $7,830,000, except that cost sharing for such project shall be as provided in the report of the Board of Engineers for Rivers and Harbors dated June 29, 1977, and except that local interests shall be reimbursed at Federal expense for moving or modifying docks, bulkheads, warehouses, and towers necessary for project construction, at an estimated cost of $2,800,000. Such reimbursement at total Federal expense shall be based on the replacement costs, exclusive of betterment, minus the fair market value of the existing structures.

#### GREENVILLE HARBOR, MISSISSIPPI

The project for navigation, Greenville Harbor, Mississippi: Report of the Chief of Engineers, dated November 15, 1977, at an estimated cost of $21,300,000.

### GULFPORT HARBOR, MISSISSIPPI

Construction of the project for navigation, Gulfport Harbor, Mississippi: In accordance with the plan in the report of the Chief of Engineers, in House Document Numbered 96–18, at an estimated cost of $48,600,000, except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico. For the purpose of economic evaluation of this project the benefits from such open water disposal shall be deemed to be at least equal to the costs of such disposal. If the Secretary of the Army, acting through the Chief of Engineers, determines after competitive bidding and pursuant to the provisions of Public Law 95–269 that transportation and disposal of dredged material cannot be carried out by contract at reasonable prices and in a timely manner, the Secretary, acting through the Chief of Engineers, is authorized to acquire the necessary dredged material transport equipment for the prosecution of the project.

### LAKE PONTCHARTRAIN NORTH SHORE, LOUISIANA

The project for navigation and beach erosion control at Lake Pontchartrain North Shore, Louisiana: Report of the Chief of Engineers, dated February 14, 1979, except that cost sharing for such project shall be as provided in the report of the Board of Engineers for Rivers and Harbors, dated January 17, 1978, at an estimated cost of $651,000.

### ROOT RIVER BASIN, MINNESOTA

The project for flood control, Root River Basin, Minnesota: House Document Numbered 96–17, at an estimated cost of $5,100,000.

### DES MOINES RIVER BASIN, IOWA AND MINNESOTA

The project for flood control, Des Moines River Basin, Iowa and Minnesota: Report of the Chief of Engineers, dated July 22, 1977, at an estimated cost of $7,340,000.

### ST. JOHNS BAYOU AND NEW MADRID FLOODWAY, MISSOURI

The project for flood protection and other purposes, St. John Bayou and the New Madrid Floodway, Missouri: In accordance with the recommendations of the Chief of Engineers in Senate Document 95–87 at an estimated cost of $27,700,000, except that the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible after the first appropriation made to carry out this section. If the Secretary of the Army, acting through the Chief of Engineers, determines that the project authorized by this section will not be completed substantially as authorized, the land acquired for mitigation of damages to fish and wildlife shall be reconveyed to the former owners thereof in accordance with the provisions of section 11 of the River Basin Monetary Authorization Act of 1971 (Public Law 92–222), except that the purchase price to be paid by such former owners shall be a fair and equitable amount as determined by the Secretary of the Army, acting through the Chief of Engineers.

### WEARS CREEK, JEFFERSON CITY, MISSOURI

The project for flood protection for Jefferson City on Wears Creek, Missouri: House Document Numbered 94–628, at an estimated cost of $33,800,000.

### SAN FRANCISCO HARBOR, FISHERMAN'S WHARF, CALIFORNIA

The project for light-draft navigation in the Fisherman's Wharf area, San Francisco Harbor, California: Report of the Chief of Engineers, dated February 3, 1978, at an estimated cost of $9,300,000.

### BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON

The project for navigation on the Blair and Sitcum Waterways, Tacoma Harbor, Washington: House Document Numbered 96–26, at an estimated cost of $21,400,000.

### CHEHALIS RIVER AT SOUTH ABERDEEN AND COSMOPOLIS, WASHINGTON

The project for flood control on the Chehalis River at South Aberdeen and Cosmopolis, Washington: House Document Numbered 96–27, at an estimated cost of $13,100,000.

### M'NARY SECOND POWERHOUSE, OREGON AND WASHINGTON

The project for construction of a second powerhouse at McNary Lock and Dam, Columbia River, Oregon, and Washington: Senate Document Numbered 95–81, at an estimated cost of $579,000,000, except that not to exceed $125,000,000 is authorized for initiation and partial accomplishment of such project.

### LITTLE WOOD RIVER, IDAHO

The project for flood control, Little Wood River, vicinity of Gooding and Shoshone, Idaho: Senate Document Numbered 96–9, at an estimated cost of $2,600,000.

### KODIAK HARBOR, ALASKA

The project for navigation improvements of Kodiak Harbor, Alaska: Senate Document Numbered 96–6, at an estimated cost of $9,100,000.

### AGANA RIVER, GUAM

The project for flood control on the Agana River, Territory of Guam: House Document Numbered 96–16, at an estimated cost of $3,500,000.

Sec. 102. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to construct a project for flood control and other purposes for Pottstown and vicinity, Schuylkill River Basin, Pennsylvania, substantially in accordance with the plans recommended by the Chief of Engineers in House Document Numbered 93–321, at an estimated cost of $2,600,000.

(b) Congress hereby finds that the application of the provisions of section 209 of the Flood Control Act of 1970 result in the benefits from flood control measures authorized by this section exceeding their economic costs.

Sec. 103. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct an erosion control structure approximately eight thousand two hundred feet in length on the western shore of Tangier Island, Virginia, adequate to protect such island from further erosion, at an estimated cost of $3,500,000. Such project shall be carried out on an emergency basis and no study or other requirements of this Act or of any other law which would otherwise be applicable to such a project shall apply to this project.

Sec. 104. The three floodwater control structures on the John Creek Tributary, and the program of land treatment for erosion and sediment control in the Nonconnah Creek Basin, Tennessee, are hereby authorized to be constructed in accordance with the recommendations contained in the Joint Report of the District Engineer and State Conservationist contained in Senate Document Numbered 95–96 at an estimated cost of $16,000,000.

Sec. 105. The Secretary of the Army, acting through the Chief of Engineers, shall construct such facilities as may be necessary to protect Cox's Park, Jefferson County, Kentucky, from bank erosion, at full Federal expense and at an estimated cost of $650,000.

Sec. 106. (a) The Secretary of the Army, acting through the Chief of Engineers, shall design and construct, at full Federal expense, such flood control measures at or in the vicinity of Pikesville, Kentucky, and of Grundy, Virginia, on the Levisa Fork of the Big Sandy River; Pineville, Kentucky, on the Cumberland River; and Williamson and Matewan, West Virginia, on the Tug Fork of the Big Sandy River, as the Chief of Engineers determines necessary and advisable to afford these communities and other flood damaged localities and their immediate environs on both the Levisa and Tug Fork of the Big Sandy River and Cumberland River a level of protection against flooding at least sufficient to prevent any future losses to these communities from the likelihood of flooding such as occurred in April 1977, at an estimated cost of $100,000,000. Non-Federal interests shall hold and save the United States free from damages due to the construction works, and maintain and operate all the works after their completion in accordance with regulations prescribed by the Secretary of the Army.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake measures in the interest of flood control including, but not limited to, dredging, clearing, and snagging, in the main stems and tributaries of the Tug and Levisa Forks of the Big Sandy River, Virginia, West Virginia, and Kentucky, and the main stem and tributaries of the Cumberland River upstream of Cumberland Falls, Kentucky, at full Federal expense and at an estimated cost of $10,000,000.

(c) Congress hereby finds that the benefits attributable to the objectives set forth in section 209 of the Flood Control Act of 1970 exceed the cost of the flood control measures authorized by this section.

Sec. 107. The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide a channel four feet deep and ninety feet wide at mean low water, in Umbrella Creek, Georgia, connecting with the Atlantic Intracoastal Waterway alternate route by way of Dover Creek, a distance of approximately three miles, at an estimated cost of $1,300,000. The United States share of the construction costs of this channel and of related general navigation facilities in connection with such channel shall not exceed 50 per centum. Non-Federal interests shall provide a public wharf open to all on equal terms and such other requirements as the Secretary of the Army, acting through the Chief of Engineers, determines necessary.

Sec. 108. The Secretary of the Army, acting through the Chief of Engineers, shall carry out a project in the area of San Juan, Puerto Rico, extending from San Juan Bay to Pinones Lagoon along the Martin Pena Canal, providing for removal of sedimentation, silt, and other debris and objects from the canal, removal of debris and abandoned structures contiguous to the canal, and the improvement of circulation throughout the length of the canal, for the purpose of improving water quality, the environmental setting, and the quality of life in and adjacent to the canal. The estimated cost of such project is $15,000,000.

Sec. 109. The Secretary of the Army, acting through the Chief of Engineers, is authorized to perform intermittent dredging and such other work as may be required on the Yazoo River in Mississippi, from Greenwood south, to remove natural shoals as they occur, at an annual average cost of $200,000 so as to allow commerce to continue. Responsible local interests shall agree to (1) provide without cost to the United States all lands, easements, and rights-of-way required for dredging and disposal of dredged materials; (2) accomplish without cost to the United States such alterations, relocations, and rearrangement of facilities as required for dredging and disposal of dredged materials; and (3) hold and save the United States free from damages due to the dredging and disposal of dredged materials.

Sec. 110. The Secretary of the Army, acting through the Chief of Engineers, shall carry out a demonstration project for the removal of silt, aquatic growth, and other material in Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, and to construct silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River, at full Federal expense and at an estimated cost of $4,360,000.

Sec. 111. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to construct the project for flood control and other purposes on the Zumbro River at Rochester, Minnesota, substantially in accordance with the report of the Chief of Engineers dated February 23, 1979, at an estitmated cost of $55,700,000, except that cost sharing shall be in accordance with the report of the Board of Engineers for Rivers and Harbors dated April 5, 1978, and that changes to highway and foot bridges, including rights-of-way, changes to approaches, and relocations, made necessary by the project and its present plan of protection, shall be accomplished entirely at Federal expense at an additional estimated cost of $2,200,000.

(b) The Secretary of Agriculture, acting through the Soil Conservation Service, is authorized to construct the watershed plan for the South Zumbro Watershed, Dodge and Olmsted Counties, Minnesota, as described in the report on such project entitled "Watershed Plan and Environmental Impact Statement, South Zumbro Watershed, Dodge and Olmsted Counties, Minnesota", dated April 1978, and approved by the Minnesota State conservationist on October 3, 1978, at an estimated cost of $15,300,000.

Sec. 112. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Albert Lea Lake, Freeborn County, Minnesota, at full Federal expense and at an estimated cost of $4,270,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

Sec. 113. The project for harbor modification at Cleveland Harbor, Ohio, is hereby authorized for construction, generally in accordance with the recommendations of the District Engineer contained in section M of the report of the District Engineer, dated June 1976, at an estimated cost of $31,200,000. Such construction shall be undertaken in stages. The initial stage shall consist of construction of that element of the project to deepen and widen the East Basin. The existing dredged material containment site known as site 14 may be used for the containment of excavated material from such construction. Construction of the final stage shall include one or more harbor entrances, but shall not be undertaken until completion of model studies and approval by the Chief of Engineers, including his determination that such further works are engineeringly feasible, and economically justified, and environmentally acceptable.

Sec. 114. (a) The Secretary of the Army, acting through the Chief of Engineers, shall, after consultation with an advisory committee, carry out a water resources project for the development, operation, and maintenance of a recreation and greenbelt area on, and along the Des Moines River, Iowa, between the point at which the Des Moines River is intersected by United States Highway 20 to the point downstream at which relocated United States Highway 92 intersects the Des Moines River. Subject to subsections (b) and (c) of this section, such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities and streambank stabilization structures;

(2) the operation and maintenance of all structures constructed before the date of enactment of this Act (other than any such structure operated and maintained by any person under a permit or agreement with the Secretary) within the area described in the Des Moines Recreational River and Greenbelt Map and on file with the Committee on Public Works and Transportation of the House of Representatives;

(3) such tree plantings, trails, vegetation, and wildlife protection and development and other activities as will enhance the natural environment for recreational purposes; and

(4) the prohibition or limitation by the Secretary of the killing, wounding, or capturing at anytime of any wild bird or animal in such areas as may be directed by the Secretary.

The Secretary is empowered to enforce clause (4) of the preceding sentence and any rule or regulation promulgated pursuant thereto. The Secretary may delegate such enforcement authority to such Federal, State, and local agencies as the Secretary deems appropriate to accomplish the purposes of this section. Notwithstanding any other provision of law, no member of the advisory committee referred to in the first sentence of this subsection who is not an officer or employee of the United States shall receive compensation on account of his service on the committee or travel expenses or per diem in lieu of subsistence with respect to the performance of services for the committee. Members of such advisory committee who are officers or employees of the United States shall not receive additional compensation on account of their service on the committee.

(b) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the United States of the land or interests therein necessary for such purposes.

(c) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise, land and interests therein, as the Secretary determines are necessary to carry out such project. If the Secretary purchases any land or interest therein from any State or local agency, he shall not pay more than the original cost paid by such State or local agency for such land or interest therein. No land or interest therein may be acquired by the United States to carry out such project without the consent of the owner and nothing herein shall constitute an additional restriction by an owner upon the use of any land or any interest therein which is not owned by the United States.

(d) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 per centum of the cost of the project.

(e) There is authorized to be appropriated to carry out this section $6,000,000.

Sec. 115. The Secretary of the Army, acting through the Chief of Engineers, shall relocate the water supply intake facility on the Missouri River at Springfield, South Dakota, which facility is subject to severe sedimentation at an estimated cost of $2,000,000. Notwithstanding any other provision of law, the total cost of relocating such facility shall be paid by the United States.

Sec. 116. The project for navigation for Oakland Outer Harbor, California, is hereby authorized for construction in accordance with the recommendations contained in the report of the Board of Engineers for Rivers and Harbors dated June 21, 1978, at an estimated cost of $24,000,000.

Sec. 117. The project for flood control at Lock Haven, Pennsylvania, is hereby authorized for construction substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 94–577, at an estimated cost of $34,700,000.

Sec. 118. The Secretary of the Army, acting through the Chief of Engineers, shall take such emergency measures as may be necessary to correct slope failures and erosion problems along the banks of the Black Warrior River in order to protect the Mound State Monument near Moundville, Alabama, a National Historic Landmark, at an estimated cost of $2,500,000. The Secretary of the Army, acting through the Chief of Engineers, shall coordinate any action taken under authority of this section with the Secretary of the Interior and the State of Alabama.

Sec. 119. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct a water distribution system for the Island of Saint Thomas, United States Virgin Islands, including a 10,500,000-gallon storage tank in the vicinity of Krum Bay, at an estimated cost of $4,000,000. The costs of such distribution system and storage tank shall be repaid over a fifty-year period with interest at the rate established in section 301(b) of the Water Supply Act of 1958.

Sec. 120. The project for flood control for Parker Lake, Muddy Boggy Creek, Oklahoma, is hereby authorized for construction substantially in accordance with the plans and subject to the conditions recommended in the report of the Board of Engineers for Rivers and Harbors dated November 2, 1976, at an estimated cost of $29,400,000. No appropriation shall be made to construct such project until a plan for mitigation of damages to fish and wildlife in connection with such project has been approved by resolutions adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, and for the purpose of securing consideration of such approval the Secretary of the Army, acting through the Chief of Engineers, shall submit a report on such plan for mitigation, including all relevant data and all costs.

Sec. 121. The project for flood control and related purposes Rivergate—North Portland, Oregon, is hereby authorized for construction substantially in accordance with the recommendations of the division engineer, North Pacific Division, in the report dated April 23, 1976, at an estimated cost of $10,400,000.

Sec. 122. The Secretary of the Army, acting through the Chief of Engineers, shall construct such remedial measures as he deems appropriate to impede landsliding near Burkshire Terrace in southwest Jefferson County, Kentucky, at an estimated cost of $700,000. Prior to initiation of construction, the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests which shall provide that (1) such non-Federal interests will provide all lands, easements, and rights-of-way necessary for the construction work; (2) subsequent to construction all right, title, and interest of the United States in such lands and facilities shall be conveyed to such non-Federal interests, and (3) such non-Federal interests will maintain the works in accordance with the instructions of the Secretary of the Army.

Sec. 123. The project for flood control for Yakima-Union Gap, Yakima River Basin, Washington, is hereby authorized for construction in accordance with the recommendations contained in the report of the Board of Engineers for Rivers and Harbors dated November 7, 1978, at an estimated cost of $5,800,000.

Sec. 124. (a) (1) Except as otherwise provided in this subsection, the project for extension of navigation season of the Great Lakes is authorized substantially in accordance with the report of the Chief of Engineers dated November 16, 1977. There is authorized to be appropriated to carry out this subsection an amount not to exceed $6,127,000, per fiscal year for each of the fiscal years ending September 30, 1980, and September 30, 1981.

(2) The dates on which the locks at Sault Ste. Marie, Michigan, are to be closed under the project authorized by paragraph (1) of this subsection shall be determined by the Secretary of the Army, acting through the Chief of Engineers, in consultation with the United States Coast Guard and the State of Michigan. Such Secretary shall consult the United States Coast Guard and the State of Michigan in making any determination under such project concerning stopping navigation under such project because it poses unacceptable risks to the environment or island transportation.

(3) This subsection shall not be construed as authorizing any construction to mitigate shoreline damages referred to in the report of the Chief of Engineers, dated November 16, 1977.

(b) In calendar year 1981, the Secretary of the Army, acting through the Chief of Engineers is authorized to operate the locks at Sault St. Marie, Michigan, from April 1, 1981, through December 30, 1981, at an estimated additional cost of $100,000. Notwithstanding any other provision of law, neither the Secretary of the Army nor the Chief of Engineers shall take any action which will result in the breaking of ice, or the operation of any locks, on the Great Lakes or their connecting channels during the period beginning December 31, 1981, and ending April 1, 1982, except that the Secretary of the Army may take such action as may be necessary to provide emergency assistance to any ship or other vessel which is icebound on the Great Lakes or their connecting channels during such period.

(c)(1) An interagency task force shall undertake a comprehensive two-year study of the environmental and ecological effects of extending the navigation season of Lake Erie, Lake Huron, Lake Michigan, and Lake Superior and their connecting channels in accordance with the recommendations of the Chief of Engineers in his report entitled "Great Lakes and Saint Lawrence Seaway-Navigation Season Extension". The task force shall include the Great Lakes Basin Commission, Corps of Engineers, United States Fish and Wildlife Service, Environmental Protection Agency, and the National Oceanic and Atmospheric Administration. The Chairman of the Great Lakes Basin Commission shall serve as the Chairman of the task force. In conducting such study, the task force shall—

(A) consider the effects of such project on the water quality in the Great Lakes and the levels and flows of the Great Lakes;

(B) discuss with appropriate Canadian officials (including national and provincial officials) and the International Joint Commission;

(C) utilize, to the fullest extent possible, the results of the survey and demonstration program conducted pursuant to section 107 of the River and Harbor Act of 1970 (84 Stat. 1818, 1820) and other relevant research programs; and

(D) consult all appropriate Federal, State, and local agencies on the development of such study.

(2) The task force may contract with research organizations and appropriate State or local agencies to conduct any part of the study authorized by this subsection. Upon request of the task force, a Federal agency may conduct, on a reimbursable basis, any part of such study.

(3) The task force shall submit an interim report to the Public Works and Transportation Committee of the House of Representatives and the Environment and Public Works Committee of the Senate at the end of the first fiscal year during which the study authorized by this subsection is being conducted and a final report describing the results of such study before the end of the second fiscal year.

(4) To carry out the provisions of this subsection, there is authorized to be appropriated to the Great Lakes Basin Commission for fiscal years beginning after September 30, 1980, not to exceed $8,500,000.

(d)(1) The Secretary of the Army, acting through the Chief of Engineers, is authorized to conduct a study of island transportation needs (including, but not limited to, provision of new ferries) on both the Saint Mary's and Saint Clair Rivers, in particular the island transportation needs of Drummond, Neebish, and Harsen's Islands. Not later than June 30, 1981, such Secretary shall submit to the Public Works and Transportation Committee of the House of Representatives and the Environment and Public Works Committee of the Senate a report of the results of such study and his recommendations concerning such island transportation needs.

(2) The Secretary of the Army, acting through the Chief of Engineers, is authorized to study possible damages to shoreline and shoreline structures that have resulted from winter navigation activities on the Great Lakes and their connecting channels under the program to demonstrate the practicability of extending the navigation season on the Great Lakes under section 107(b) of the River and Harbor Act of 1970 (Public Law 91–611; 84 Stat. 1820) or under subsection (a) of this section and submit to the Public Works and Transportation Committee of the House of Representatives and the Environment and Public Works Committee of the Senate a report of his findings and recommendations concerning mitigation of such damages not later than June 30, 1981.

(3) The Secretary of the Army, acting through Chief of Engineers, shall, in cooperation with the other departments, agencies, and instrumentalities of the United States, and State and local governments, determine the extent of damage in the United States causally related to the program to demonstrate the practicability of extending the navigation season on the Great Lakes under section 107(b) of the River and Harbor Act of 1970 (Public Law 91–611; 84 Stat. 1820) or under subsection (a) of this section and to report to Congress not later than June 30, 1981, the results of such survey together with recommendations of a methodology for and a determination of, the cost of indemnifying individual shoreline property owners, and a recommended schedule for such indemnification.

(4) There is authorized to be appropriated to carry out this subsection not to exceed $2,000,000.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall provide adequate transportation between Lime Island, Michigan, and the mainland during the winter until such time as the Secretary shall provide for the operation of a new airboat between Lime Island, Michigan, and the mainland. The Secretary is authorized to operate bubbler-flushers in order to provide the residents of Sugar Island, Michigan, with transportation to and from the mainland during the winter navigation. There is authorized to be appropriated to carry out this subsection not to exceed $200,000.

Sec. 125. The project for flood control and other purposes for the Bushley Bayou area of the Red River backwater area, Louisiana, is hereby authorized for construction substantially in accordance with the recommendations contained in the report of the Mississippi River Commission dated August 17, 1978, at an estimated cost of $31,400,000. No appropriation shall be made to construct such project until a plan for mitigation of damages to fish and wildlife in connection with such project has been approved by resolutions adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, and for the purpose of securing consideration of such approval the Secretary of the Army, acting through the Chief of Engineers, shall submit a report on such plan for mitigation, including all relevant data and all costs.

Mr. ROBERTS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Moakley) having assumed the chair, Mr. McHugh, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4788) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, had come to no resolution thereon.

## FEDERAL FIREARMS LAW REFORM ACT NEEDED

(Mr. TRAXLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAXLER. Mr. Speaker, when the Gun Control Act of 1968 was enacted 12 years ago, it incorporated within its terms a requirement of existing law that persons engaging in business as dealers in firearms obtain a Federal license. Title 18, United States Code, section 922(a)(1) provided that—

> It shall be unlawful—for any person, except a licensed . . . dealer, to engage in the business of . . . dealing in firearms or ammunition . . .

The 1968 act broadly defined the term "dealer" as including "any person engaged in the business of selling firearms or ammunition." Such dealers were required to pay a modest ($10 per year) occupational tax to the Treasury and to maintain records on all firearms sold by them.

The Bureau of Alcohol, Tobacco, and Firearms has long used this vague definition as a justification for employing a dual standard of statutory interpretation. On the one hand, the Bureau's then Director, Rex Davis, announced to a Senate subcommittee in 1975 his intention of reducing the then 159,000 licensed firearms dealers to fewer than 30,000. This was to be done by forcing the remainder to give up their licenses on the ground that they were not "bona fide dealers" but were merely hobbyists without a formal business operation.

On the other hand, BATF was responsible for a large number of prosecutions of firearm hobbyists and collectors on precisely the ground that they had not obtained a firearm dealer's license and had violated the law by so doing. These prosecutions followed in the wake of several court decisions which held that "any person engaged in the business of selling firearms or ammunition" included any person who devoted any time or labor to improving or selling his firearms with the hope of making a profit. BATF agents soon discovered that they could approach a gun collector and offer to purchase some of his firearms for a premium price. The collector, thinking that he was selling to another gun hobbyist and that the sale was in conformity to all local laws, would engage in the transaction. After two to six sales over a period of up to 6 months, the BATF agents would arrest the collector on felony charges of engaging in dealing without a license, and generally confiscate his entire collection. This enabled them to report to their superiors a felony arrest and often over 100 firearms confiscated, all in return for little work and no risk.

In maintaining their ability to employ this dual standard, and to victimize law abiding collectors, the BATF has engaged in deception and false promises. As far back as July 1965 in hearings before the House Ways and Means Committee an official from the predecessor of the BATF testified that:

> We would intend to develop regulations which would state that he (a collector) would have to intend to be dealing in the business of selling firearms, that is, he would not have to have a license to dispose of the collection piecemeal if he was disposing of it. He would have to have it if he bought and sold two guns a month or five guns a month. At some point he becomes a dealer.

He went on to assure the committee that "I think under the regulations we intend to develop a gun collector disposing of his collection would not have a problem." Despite the specific promises, no regulations were ever promulgated. To this day, 15 years later, BATF has failed to issue any advice to the public on what "engaged in the business" means, in concrete terms. The Bureau itself has recognized the ambiguous and constantly changing nature of its policies in this area. In correspondence to Representative JOHN M. ASHBROOK, dated April 19, 1978, the Director of the Bureau stated:

> Since the term "engaged in the business" is not defined in the law, and since the courts have determined that the term must be decided on a case by case basis, it cannot be included in published regulations, as it is a question left to the court. It also follows that the 'standard' changes, not only from one year to the next but on a case by case basis.

BATF agents have abusively construed these vague provisions. As William Pace, a retired BATF agent and head of the National Association of Treasury Agents has written in regard to the Bureau's Concentrated Urban Enforcement (CUE) program:

> Enormous pressure was placed on agents sent to the CUE cities to produce statistics. One agent was given an advertisement from a Virginia newspaper, offering two guns for sale. Acting undercover, he purchased one (a 22 target pistol) and reported that the seller was not a 'dealer' and had only one other for sale, a 22 rifle. He was told to return to the citizen, purchase the rifle, and charge him with carrying on a business of a firearm dealer without a license. He did as he was told. That unfortunate citizen wound up as a criminal case statistic. . . . The special agent in charge who pressured these agents was later commended by the BATF.

Another former BATF agent, Philip Pitton, has written:

> I entered the BATF, after several years of service as a border patrolman, immigration inspector, and customs inspector to realize a long-time goal of becoming a treasury agent. It was the biggest disappointment of my life. During those four years, I witnessed entrapment and conspiracy on the part of agents and high-ranking supervisors that time and time again resulted in the arrests of honest, law-abiding citizens who had no prior arrest records. Generally these arrests resulted from the victim's selling of three firearms to an undercover BATF agent. In northern Illinois at that time, and probably so now, one only had to sell three firearms to be classified as a dealer in firearms. This gave enormous entrapment powers to an agent who desired to a lot of cases to impress his supervisors. . . . who would have thought that by selling three of his guns that he would be committing a federal felony? Yet, in this manner, hundreds of people went to jail.

The Federal Firearms Law Reform Act is intended to eliminate abuses which were sanctioned by earlier judicial interpretations of "engaging in the business." Section 101(c) provides that:

> The term engaged in the business means . . . as applied to a dealer in firearms, a person whose time, attention and labor is occupied by dealing in firearms at a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of an inventory of firearms. The term shall not include a person who makes occasional sales, exchanges, or purchases of firearms or who sells all or part of his personal collection of firearms.

By this provision gun collectors and gun enthusiasts who exhibit at gun shows and intermittently sell some of their own property would be protected from abuse of enforcement practices. The requirement of licensing would be limited to individuals to whom firearms are a matter of business inventory and profit, rather than items of collection.

This, in turn, will reduce the diversion of administrative personnel to audits and paperwork inspections of collectors who might dispose of only half a dozen or a dozen firearms per year to other collectors. It will, in short, bring the Gun Control Act of 1968 a few steps closer to a reasonable and rational system.

---

## CONGRESSIONAL ACCESS TO INFORMATION

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I bring to the attention of the House a Federal district court ruling that represents a significant victory for Congress in the assertion of its right of access to information needed for its oversight investigations.

In a strongly worded decision yesterday, Judge Charles Richey, of the U.S. District Court for the District of Columbia, denied a request by a member of the Commodity Futures Trading Commission that information subpenaed by the Subcommittee on Commerce, Consumer, and Monetary Affairs of the Committee on Government Operations be withheld. A majority of the Commission had voted to comply with the subpena but one dissenting member asked the judge to block the release of certain tapes of Commission meetings. The judge's refusal to do so was upheld last night by the U.S. Circuit Court of Appeals.

In his decision: Judge Richey stated, and I quote:

> If the coequal legislative branch, namely the Congress . . . cannot obtain access, as it has repeatedly sought, and particularly cannot obtain access to the tapes in question, it would be substantially hindered in its oversight function. And therefore the public interest would be substantially harmed . . .

I want to commend Judge Richey for the forthright manner in which he has dealt with this issue And I ask unanimous consent to include extraneous material in the RECORD so the unequivocal nature of his ruling can be brought to the attention of the members.

The tapes and other material covered by the subpena have been delivered to the subcommittee and it is proceeding with its investigation of the Commission's handling of matters involving cattle futures contracts.

### EXCERPTS FROM JUDGE RICHEY'S CONCLUDING REMARKS

The court: There are, as counsel is well aware, certain requirements before any court may grant extraordinary relief in the form of an injunction, including a temporary restraining order, which is a form of injunction. Even under the lower standard adopted by this court in 1977 . . . this court finds that the plaintiff has not demonstrated even a possibility, as distinguished from a likelihood, of success on the merits:

. . . The law, as this court sees it and as has been made crystal clear on a number of occasions in analogous cases, indicates that the privilege belongs to the government to assert—in this case, a majority of the commission to assert—and not a person who was outvoted as a member of the commission.

Accordingly, the assertion of the so-called claim of privilege here, not to honor the decision of the Congress in issuing the subpoena for all of the tapes, will not—does not give rise to a conclusion that there will be a substantial likelihood, or even a possibility, of success on the merits.

The court finds specifically that such would not be the case.

Turning now to the question of irreparable injury, the court asked counsel, Mr. Peterson, what injury would be suffered by the individual movant here, namely, the plaintiff in the case at bar.

The answer did not convince the court that his ability to function as a member of the commission would be impaired by the court's denial of the application for a temporary restraining order.

This claim on the part of the plaintiff in the case at bar, in all candor, but in an effort to be kind, is speculative, at best.

The next criterion or consideration that is faced by the court is whether the potential harm to the others on the commission and in the Congress, a coequal branch of the government, is outweighed by any potential injury to the plaintiff in the case at bar.

The court finds—and it appears obvious from this record thus far—that the harm to the majority of the members of the commission definitely outweighs the speculative harm to the plaintiff.

If the plaintiff's claim were to succeed here today, the commission would be halted by a single commissioner's opinion, despite the fact that all of the other commission members, or a majority, had voted against him.

In addition, if such a precedent were to be established, it could, and this court believes, in fact, would, hamper all other independent regulatory agencies, which are collegial bodies, by permitting members of those agencies in the minority to overturn determinations by the majority.

In effect, on this question of harm, the minority would be able to, and in all likelihood would, abolish majority rule, which is the manner by which not only the public, but the private, business in this country has been for 200 years, at least, conducted.

Now, what about the public interest?

This matter is now in the judicial branch of the government, a coequal branch with the executive and the legislative.

The plaintiff is a member of an independent regulatory agency, posited in the executive branch, with delegated legislative powers.

If the coequal legislative branch, namely, the Congress, in this instance, that is to say, at least the House of Representatives, cannot obtain access, as it has repeatedly sought, and particularly cannot obtain access to the tapes in question, it would be substantially hindered in its oversight function.

And, therefore, the public interest would be substantially harmed, when weighed against the speculative harm to the minority member of the commission in the case at bar.

In sum, this court will not interfere with the power of Congress to fulfill its investigative and oversight functions as given to it by the constitution and the rules of the House of Representatives.

* * * the court finds that any appeal from the application for a temporary restraining order would be frivolous, and that there can be no legitimate basis for a stay, and were the court to grant a stay, it only could do so upon its certification, in so doing, that there is a substantial legal question that has been raised here.

The court finds that there is no substantial legal question; that there is, as the court has previously indicated, no likelihood of success on the merits; and for the other reasons the court has previously enunciated with respect to the requirement for staying an application for the extraordinary writ of even a temporary restraining order, the court will deny the same, as it must do under the law.

And, to repeat, this court will not interfere, unless compelled to do so by the law which is not the case here, with a duly constituted member—and I use that word in quotes—of a tripartite branch of government, in this case the House of Representatives, and thus thwart its ability to perform its investigative, as well as oversight, functions.

To do so would be contrary to the court's oath, which it is not about to violate, in this case or any other.

* * * * *

The court finds that your client does not even have standing to bring this lawsuit, for the reasons cited and discussed this morning in the commission's brief and discussed in the colloquy between the court and counsel for the plaintiff.

Furthermore, even if you had standing and even if you had a cognizable claim, as former Attorney General Ramsey Clark had, it is the opinion of this court that this case represents an instance where the doctrine of judicial abstention would be most appropriate and should be applied because of the broad public interest that favors the Congress of the United States and its duly authorized committees to properly perform their legislative function.

It cannot be said that there is any reason why the Congress should not be allowed to pursue its subpoena with all deliberate speed and without interference by the disappointed minority member of the commission.

In saying all of these things, the court does not mean to cast any aspersions on the good intentions of Mr. Garnter or his counsel; but only to say that his position is not supported by the law.

Accordingly, your application for a stay of this court's order, which will be signed as soon as it is presented, will be signed by the court in accordance with the findings and remarks of the court today.

Thank you all very much.

---

[U.S. District Court for the District of Columbia]

David G. Gartner, plaintiff, *v.* Benjamin S. Rosenthal, et al., defendants, Civil Action No. 80–0169

ORDER

This matter is before the Court on plaintiff's motion for a temporary restraining order to enjoin defendants Stone, Dunn and Martin from complying with a subpoena issued by the Subcommittee on Commerce, Consumer, and Monetary Affairs of the Committee on Government Operations, and to restrain defendants Rosenthal, Matsui, At kinson, St Germain, Conyers, Levitas, Williams, Jeffries, Deckard and Barash from enforcing the aforesaid subpoena. The Court has considered the memoranda submitted in support of plaintiff's request for a temporary restraining order and in opposition thereto, the entire record herein and the oral arguments of counsel. Applying the test of *Virginia Petroleum Jobbers Association* v. *Federal Power Commission*, 259 F. 2d 921 (D.C. Cir. 1958) and *Washington Metropolitan Area Transit Commission* v. *Holiday Tours, Inc.*, 559 F. 2d 841 (D.C. Cir. 1977), the Court concludes that:

1. Plaintiff has not demonstrated a likelihood of success on the merits;
2. Plaintiff will not be irreparably injured if a temporary restraining order is not granted;
3. Other interested parties would suffer substantial harm if a temporary restraining order is granted to plaintiff;
4. The granting of a temporary restraining order would be contrary to the public interest.

Accordingly, based on the foregoing and for the reasons set forth in open court, it is by the Court this 22nd day of January, 1980,

Ordered that plaintiff's motion for a temporary restraining order is denied, and it is

Further ordered that plaintiff's motion for a stay pending appeal is denied.

---

Commodity Futures Trading Commission,
*Washington, D.C., January 23, 1980.*

Hon. Benjamin S. Rosenthal,
*Chairman, Subcommittee on Commerce, Consumer, and Monetary Affairs, Committee on Government Operations, U.S. House of Representatives, Washington, D.C.*

Dear Mr. Chairman: In response to your January 16, 1980 letter to Chairman Stone, enclosed please find copies of the tape recordings made of the Commission surveillance briefings held between July 6 and November 15, 1979, at which August 1979 cattle futures were discussed. The enclosed tape recordings include those of the surveillance briefings held on July 20 and 27, August 10 and 17, and October 19.

In addition, we have enclosed a copy of the minutes of the regularly-scheduled Commission meeting held on September 5, 1979, and a copy of the tape recording made of that meeting, as a review of our records disclosed that a request made by your Subcommittee was discussed at that meeting as well.

In response to a request made by a member of the Subcommittee staff, the Commission has prepared and enclosed an index of the enclosed tape recordings. This index indicates the point on each tape recording at which the cattle futures discussion begins.

Finally, in accordance with a request made in your January 16 letter, the Commission is preparing a report briefly describing each of the investigations which the Commission has conducted and is conducting concerning abusive trading practices on the Chicago Mercantile Exchange. This report is to be provided to the Subcommittee by February 15, 1980.

If we can be of any further assistance to you, please contact us.

Sincerely,

Read P. Dunn, Jr.,
*Commissioner.*

---

## CONGRESSMAN BOB MICHEL RESPONDS TO WHITE HOUSE PROPAGANDA

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, a few weeks ago, I came across an article in U.S. News & World Report in which Zbigniew Brzezinski, President's Carter's national security adviser, was interviewed by that magazine's reporters. Frankly, I could not believe my eyes when I read his self-serving defense of the miserable failures achieved by the Carter administration in the field of foreign affairs. Fortunately, our distinguished minority whip, Congressman Bob Michel, saw that article too, and took the time to write a response to the editor of that publication in an effort to set the record straight.

It seems that Mr. Brzezinski, who is certainly a central figure in foreign policy, had the unmitigated gall to tell his interviewer that the Republican Party is responsible for America's dangerous deterioration in national defense. This noted spokesman for the Carter appeasement policy had the audacity to claim that Republican Presidents and Republican Congressmen were to blame for the recent incidents in which unchecked Soviet expansionism became blatantly obvious to us all.

Congressman Michel's response was carried in a later edition of U.S. News but unfortunately, the readers did not get the opportunity to read it in its entirety. For that reason, I am including his letter in the Record at this point so that my colleagues may have the benefit of his intelligent observations. In case there is any doubt, I will remind my colleagues that few Presidents have reached such a dangerous level of weakness as has Mr. Carter. I believe that the Michel letter spells it out clearly.

Washington, D.C.,
*January 8, 1980.*

Mr. Marvin Stone,
*Editor, U.S. News & World Report,*
*Washington, D.C.*

Dear Mr. Stone: The December 31, 1979 U.S. News and World Report carried an interview with Assistant to the President for National Security Affairs Zbigniew Brzezinski. In that interview Mr. Brzezinski said: "After all, because of the scale of American involvement in the Vietnam War and then because of eight years of Republican neglect, our commitment to adequate defense was waning".

Eight years of Republican neglect? It takes an extraordinary amount of chutzpah on the part of a spokesman for an administration that has killed the B–1, acquiesced in Cuban mercenary intervention in Africa, delayed the MX and the Trident and left our land-based missiles vulnerable to a Soviet first strike to accuse somebody else of "neglect" in defense matters. In 1976, Mr. Brzezinski's candidate Jimmy Carter called for a seven billion dollar cut in defense spending. He obviously thought we could use more neglect!

In January of 1977, the U.S. defense effort included programs to procure 244 B–1 bombers, an accelerated MX missile program, accelerated cruise missiles development and gains in shipbuilding. Mr. Brzezinski has stood by and watched all of these programs gutted and has served as national security adviser in an administration whose disregard of our national defense needs is as universally acknowledged as it is tragic. Instead of blaming Republicans for "neglect" he should thank God that under the Nixon and Ford administrations there was the realization that calls for a seven billion dollar cut in defense spending were just what the Soviet Union would like to see. We Republicans have fought a philosophy of unilateral disarmament on the part of Democrat Congressmen for many years. Brzezinski owes both history and millions of Republicans an apology for his distortion of the record.

Sincerely,

ROBERT H. MICHEL,
*Member of Congress.*

☐ 1730

## URGENT NEED TO LOWER SUGAR TARIFFS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

● Mr. VANIK. Mr. Speaker, yesterday, the price of raw sugar, delivered to New York with duty paid was 20.4 cents per pound. This has been an increase in price of about 6 cents in the past 5 months—and every extra penny costs the American consumers about $300 million per year before ripple effects.

This price is about 2.2 cents—or $660 million per year—higher than it needs to be. There is authority to vary the tariff on sugar between 0.625 cents and 2.81 cents per pound. The tariff is currently at its maximum level of 2.81 cents. It could be lowered by the President at any time to the minimum level of 0.625 cents—thus saving the consumer about $1.8 million a day in lower sweetener costs.

In early December, the Ways and Means Committee approved legislation implementing the International Sugar Agreement. The committee did that with the understanding and expectation that the administration would soon be lowering the tariff on sugar. Nearly 6 weeks have passed—sugar prices have soared, but no action has been taken to help the consumer.

The administration's delay on this issue is contributing to inflation and is calling into question their commitment to the Congress.

The tariff must be immediately lowered to the minimum level possible.●

## NOW ACCOUNTS FAVOR THE VERY WEALTHY, SAYS NATIONAL COLUMNIST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I would like to call my colleagues attention to a recent article by Sylvia Porter entitled, "Interest-Bearing Checking Favors 'The Very Wealthy.'" Among the interest-bearing checking accounts referred to are NOW accounts—negotiable orders of withdrawal—which the House of Representatives overwhelmingly approved on a nationwide basis last September.

Ms. Porter surveyed several banks across the country which offer such accounts under various, appealing names like "interest plus", "bonus 11", and "moneysworth account." Each plan cited carries a hefty service charge for accounts with balances below the bank's arbitrary minimum. At best, the minimum balance required to escape service charges was $1,500, and at worst it was $5,000. This analysis brings Ms. Porter to the conclusion that, "the service (interest-bearing checking accounts) does appear geared toward the customer with a healthy deposit and against the small-time depositor."

Now, if that claim has a familiar ring, it is because I have been saying the same thing ever since the prospect of nationwide NOW accounts was brought before the Congress. I said it during subcommittee sessions, I said it during full committee markup, and I said it on the floor of the House—five times. But, everybody else thought it was a great idea and H.R. 4986, the Consumer Checking Account Equity Act, passed by 367 to 39 last September.

I tried to get the bill amended to help small savers by lowering the minimum balance requirement for free NOW accounts to $100, but, again, nobody thought such a provision was necessary. The bill is currently tied up in conference, and the provision for allowing NOW accounts will not be changed to accommodate the small saver. It is a shame too, for all this commotion about NOW accounts being a break for the consumer is meaningless. Most consumers will not be able to meet the minimum requirements to escape finance charges, yet they will be suckered in by promises of interest on checking accounts without reading the small print. That small print will outline service charges which will more than eat up any interest accrued on checking account balances. Of the 367 Members who voted for nationwide NOW accounts, I will be very curious to see how many actually make use of one. I predict it will not be too many, unless my colleagues are richer than I thought they were.

Sylvia Porter's article follows, and I hope that my colleagues will read it. Those of you who voted for this measure, I suggest you start drafting a form letter in response to all those constituents who are bound to write complaining that they got ripped off by NOW accounts.

### INTEREST-BEARING CHECKING FAVORS "THE VERY WEALTHY"

(By Sylvia Porter)

Item: When Bank of America begins to offer what are in reality interest-bearing checking accounts, starting Wednesday, it plans to charge $3 a month plus 10 cents a check and to require a minimum deposit of $500 for customers using this new retail banking service.

"But because of these service charges and balance requirements the only people who can truly benefit from the new service will be the very wealthy who can afford to keep large balances. The working man and woman will benefit little, if any, from this new service," says Rep. Frank Annunzio, D.-Ill., chairman of the Banking Committee's consumer affairs subcommittee.

"It appears that the customer will be earning on his checking account," Annunzio says. "But what banks won't tell customers is that this interest will be eaten up in service charges."

Item: Under the First National Bank of Oregon's "Bonus 11" accounts, holders will be charged a flat $5 per month unless they have a minimum balance of $2,000. Then the service is free.

Item: Under New York Citibank's "Interest Plus" plan, customers with accounts containing $5,000 are to pay nothing while those with balances of $1,000 or less are scheduled to pay $5 a month.

Item: Under Des Moines National Bank's "Moneysworth Account," the required balance for free use will be much smaller—only $1,500. Customers with smaller accounts will pay 25 cents per check and a maintenance fee of 50 cents per month.

Item: And under Wells Fargo Bank's transfer service plan, customers with less than $2,000 in their savings accounts are scheduled to pay $3 a month plus 10 cents per check to have their funds moved from a 5 percent savings account into their checking account.

The revolution in banking services has been accelerated by this new authority to commercial banks to offer what amounts to interest-bearing checking accounts—even though the banks are merely the latest category of financial institutions to gain the right to provide the accounts.

Many credit unions and savings and loan associations already offer the equivalent service by means of share draft accounts, telephone-transfer services or NOW accounts.

Banks that will offer the new automatic funds transfer service have been informed by their regulators that they must make it clear to customers that two accounts (savings and checking) are involved in the service.

For legal reasons, they also have been warned that advertising and promotion should "avoid referring to the automatic transfer service as equivalent or similar to paying interest on checking accounts," my Washington associate, Brooke Shearer, reports.

But no matter what the legal distinctions, these services do amount to interest-bearing checking accounts—and that's appealing enough on its face.

The crucial question is: Will you, the customer, really gain from such accounts, or will you end up earning pennies in interest while paying out dollars in service charges?

So far—and competition plus reality are still to emerge—the service does appear geared toward the customer with a healthy deposit and against the small-time depositor.

Whether you find the new transfer or other similar services worthwhile will depend on many factors—among them your check-writing habits and the amount of money you tend to keep on deposit.

If you are accustomed to writing a lot of checks while holding low balances, for instance, you could pay more in service charges than you receive in interest.

Of course, financial institutions—along with other businesses—have the right to charge customers for services that cost the institutions money to perform. And you have the right to shop around and accept the transfer service—if you accept any—that you find most fits with your habits and is least expensive to you.

What's more, essential regulation of electronic funds transfer services still is to be demonstrated as adequate.

Take your time. The banks still may go back to the drawing boards to review their plans and strategies.

The fees may not stay at initially scheduled levels. The institutions have the privilege to fix charges—and you have the privilege to say yes or no.●

## THE STATE OF SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 5 minutes.

● Mr. ROSENTHAL. Mr. Speaker, a record number of Soviet Jews—over 50,000—were allowed to leave in 1979. That is the good news. Unfortunately, the bad news is that toward the end of the year, the Soviets appeared to shift into reverse and we are beginning to hear of new repressions against Jews and other minorities.

A year ago, conditions appeared to be improving for Soviet Jews. Exit visas were more available as the Soviets appeared to be making a bid for better relations with the United States, particularly in the area of trade. But, largely as a result of the Soviets poor human rights record, the trade concessions they sought failed to materialize, and apparently along with that, so did the hopes of many refuseniks.

Now it appears the Soviet focus is shifting from trade to the Olympics. With the 1980 summer games still scheduled for Moscow, emigration has begun to decline. We already have received reports from the U.S.S.R. that serious obstacles are being put in the paths of potential emigres and a purge of sorts has begun in preparation for the games so that "undesireables"—according to Communist Party officials, that means "drunkards, psychotics, disorderly persons and Jews who have applied to emigrate"—will be removed from Moscow before the athletes, spectators, and world media arrive, Antisemitic propaganda, always present in the Soviet Union, is worsening—among the most notorious incidents is the placing on permanent display at the Minsk Central Gallery a painting depicting Jews eagerly helping the Nazis exterminate their own people. Furthermore, the Soviets have intensified their crackdown on Jewish and non-Jewish critics of the regime.

Today, the waiting period for an exit visa is from 8 months to 10 years. All too often, refuseniks are never told why their exit visas were denied, or how long they might have to wait to receive permission. Despite worldwide requests that Soviet emigration procedures be standardized and priority be given to long-term refuseniks, this has yet to materialize. It is important that pressure from Congress continue on the Soviets to honor their commitment to human rights made in signing the Helsinki accords in 1975. This international agreement guarantees the free emigration of persons with family members in other countries.

On November 13, the House of Representatives approved a resolution calling upon the Soviet Union to release Ida Nudel, who is known as the guardian angel of Soviet Jewry from Siberian exile and to allow her to join her sister in Israel. Hopefully, our House-passed resolution had some impact on the Soviets and on the life of at least one prisoner of conscience. I have been told by people who have left the Soviet Union that congressional resolutions and letters to Soviet officials from individual Members of Congress and other public officials do have positive effects.

Congress must continue to try to exert influence over Soviet and other Communist countries' emigration policies and their treatment of prisoners of conscience. For many individual refuseniks, congressional involvement has made a difference. The Jackson-Vanik amendment, which ties the granting of most-favored-nation (MFN) trading status to emigration policy, has been viewed as at least a limited success as emigration figures rise. Most-favored-nation legislation will once again be considered by the Congress shortly.

Efforts to weaken Jackson-Vanik are in the works, such as the Stevenson-AuCoin bill, which would no longer explicitly link MFN to emigration and would lengthen the time between congressional review of eligibility from 1 to 5 years. I oppose any efforts to weaken Jackson-Vanik. In my view, MFN should not be granted to the Soviets if they continue to imprison innocent citizens for their simple desire to emigrate and continue to detain citizens through years of redtape. It is important for Congress to keep in mind the attitude and actions of the Soviet Union in the area of human rights as it considers MFN and other measures that affect United States-Soviet relations.●

## INTERNATIONAL FINE ARTS COLLEGE WINS ACCREDITATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, as this 2d session of the 96th Congress met yesterday, it is my privilege to bring to your attention one of the truly outstanding schools of advanced learning in my area, which has just achieved the prestigious accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools.

Sir Edward Porter, founder and president of the International Fine Arts College, with the indispensable assistance of his beautiful wife and helpmate, Lady Anna Lee Porter, vice president of this great school, through several years' hard work has succeeded in gaining this most difficult and meaningful recognition any Southern college could attain for the International Fine Arts College in Miami. I know I speak for many Miamians, who have had contact with the college and its students, or graduates, when I point out that we are proud of the quality of standard Sir Edward, in this work of his, has brought to Florida.

It strikes me as extremely remarkable, that the International Fine Arts College is now 1 of only 2 private schools in 11 Southern States, which has passed the rigorous and quite lengthy scrutiny of the Southern Association of Colleges and Schools and we are privileged to have this college as a significant part of the international life of Miami.

I hope you will join me in wishing Sir Edward and Lady Anna Lee, the students and staff of the International Fine Arts College, as well as all other associates of this fine institution, much further success and honor, as they perservere in giving of themselves for the advancement of young people from many nations.

In addition, I would like to take this opportunity to remind all of us of the vast weight education carries for the survival of a democracy, such as ours, the full achievement of the potential represented by youth, for the attainment of economic opportunity and personal freedom, and for the strength of America in international cooperation or challenge, as changing times demand. In this light, I offer the attached article about the work of the International Fine Arts College and commend it to this session of Congress:

> International Fine Arts College is the first privately-controlled, degree-granting College in the State of Florida to be fully accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.
>
> International Fine Arts College is one of only two such privately-controlled Colleges in eleven Southern states to earn this highest degree of accreditation from the Southern Association of Colleges and Schools.
>
> International Fine Arts College is a young and dynamic institution. Its concentrated two year programs in Fashion Merchandising and Interior Design are especially designed to develop the knowledge, insight and experience required for successful careers for students from all over the world.
>
> Chartered by the State of Florida in 1965 as an independent, proprietary College, International Fine Arts College is licensed by the Florida State Board of Independent Colleges and Universities.
>
> If "the measure of an institution is but the lengthening shadow of one man", then the background of the Founder and President of International Fine Arts College is significant. This man is Sir Edward Porter.
>
> Edward Porter has the distinction of being the Founder and President of Massey Jr. College and the Fashion Institute of America in Atlanta, Georgia; of Massey College in Columbus and Marietta, Georgia; and of Porter College in Indianapolis, Indiana. In addition, this modern educator and innovator conducted more than fifty short-term business training schools throughout Georgia, Alabama, Tennessee, North and South Carolina, bringing advanced educational and business opportunities to men and women in small towns in the South. Edward Porter has literally changed the lives of thousands of men and women.
>
> Named as Consul Honorario de Mexico in 1962, Edward Porter served as business and diplomatic liaison between the United States of Mexico and the southern states of Georgia and Alabama. For only the second time in its history of more than 300 years, the University of Queretaro in Queretaro, Mexico conferred the Degree of Doctor of Philosophy, Honoris Causa, on Edward Porter for his exemplary contribution to education.
>
> On the Island of Malta, he was formally knighted by the Order of St. John of Jerusalem of the Knights of Malta. Subsequently he was made Knight Commander during private religious ceremonies at St. Paul's Basilica in Rome, Italy.
>
> Most recently, International's President, Sir

Edward Porter was awarded the Bronze Medal of Honor of Meymac, France by Vice Mayor Jean-Pierre Audy. This medieval French village has awarded the Bronze Medal only three times in its thirteen hundred year history.

Congratulatory messages have been received by Sir Edward Porter from educators, statesmen and business leaders in recognition of the singular achievement of International Fine Arts College in Miami, Florida. Among these are the following quotations.

"Congratulations on the accreditation of International Fine Arts College by the Commission on Colleges of the Southern Association of Colleges and Schools. This is excellent news and we are all very pleased." Ralph D. Turlington, Commissioner of Education, State of Florida.

"The University of Miami extends to International Fine Arts College enthusiastic congratulations on the full accreditation it has received from the Southern Association of Colleges and Schools. As a past Chairman of the Commission on Colleges and a past President of the Association, I know firsthand the academic requirements International Fine Arts College has had to fulfill and the evaluative procedures it had to undergo to attain this distinction." Henry King Stanford, President, University of Miami.

"Miami is an international city in every sense of the definition. It is also a burgeoning educational and cultural complex responding to the heritage and needs of the Americas—North, Central and South. It is appropriate that Miami has a fine, accredited institution such as International Fine Arts College which can play such a significant role in educating young people and making a valued contribution further enhancing the city's destiny." Ralph Renick, Vice President/News Director, WTVJ Television, Miami.

"Congratulations and best wishes on this very significant recognition of your fine institution." William L. Wolff, Managing Director, Saks Fifth Avenue, San Francisco, California.

"After seeing the outstanding work being done, the Design Industry and community is proud to have this fine accredited school in our area." Dr. Aaron T. Euster, Chairman Emeritus, Euster Furniture Showrooms, Miami.

"Congratulations on International Fine Arts College receiving the highest accreditation that can be held by any institution of higher learning. The contribution of International to the City of Miami, the State of Florida and cultural community of our country is outstanding!" J. F. Horkheimer, Executive Director, Miami Space Transit Planetarium; past Associate Editor of International Journal for Planetarium Educators.

"In the exciting and dynamic professions of Fashion Merchandising and Interior Design, International Fine Arts College clearly is recognized as an outstanding institution of highly specialized learning and one of the South's major educational assets." Mrs. George Russell Wackenhut, Vice President, Wackenhut Corporation.

"It is with great pride that I have witnessed the success of International Fine Arts College. I was proud to be present when International received the College Competition Design Award from the National Home Fashions League." Gloria Blake, Editor in Chief, Florida Designers Quarterly Magazine, Miami.

"This action by the Southern Association is significant and virtually unique, since only one other college in eleven southern states (in Kentucky) has been so recognized. This is a milestone in your continuing efforts to improve and expand the growth and excellence of the College." Dr. Alfred Browning Parker, Architect and Designer, President of Alfred Browning Parker Architects, Miami.

"The honor of being the first proprietary, degree-granting College in Florida to be fully accredited is a richly deserved one. The high standards in every phase of the college administration has elicited my admiration from its inception. The quality of the product is the true test of any seat of learning and this is where International Fine Arts College excels." Dr. Elizabeth Gordon Sherwin, past Regional Director of Fashion Group, Inc. of Miami.

"International has always been the first and the finest privately-controlled College of Fashion Merchandising and Interior Design in the entire South. The curriculum is many years ahead of other schools. Earning full accreditation as a degree-granting College only confirms its long history of superiority and excellence." Dr. Bette Tomar Taicher, Vice-President, Caressa Shoe Company International, Miami.

### ACADEMIC PHILOSOPHY AND PURPOSE OF THE COLLEGE

International Fine Arts College is a young and dynamic academic institution. Its concentrated two year educational programs are specially designed to develop the knowledge and insight required for a successful career within the fashion and design industries. At the end of their second year, graduating students receive the Associate of Arts Degree in Fashion Merchandising or Interior Design.

The College recognizes that its educational objectives are far more highly specialized than the standard liberal arts programs common to American education. Emphasis is placed upon those aspects of the arts which pertain most directly to future careers within the related fashion, merchandising and interior design fields.

Similarly, the business education at the College is carefully integrated to promote the development of skills and knowledge essential to the attainment of responsible positions in varied areas of fashion, merchandising and interior design. In contrast to programs currently offered by colleges of business administration, course offerings at International Fine Arts College are specifically designed to relate more fully to the specialized needs of both the business community and the students preparing for careers.

The academic program of the College is a rigorous one. The student receives those essentials which will contribute to success in an exciting and competitive career. It is the obligation of the College to assure the business community that its graduates will not be found wanting in terms of their professional qualifications. And yet, a rigorous academic program need not be a dull or grueling experience. An exceptional faculty and a close relationship between student and professor, which is largely unobtainable in institutions committed to mass educational needs, contribute to a unique and successful program of learning.

By concentrating on a carefully planned program of study which directly relates to the interests and ambitions of its students, the College has developed an unusually compact and realistic academic program which should prove as exciting as it is rewarding.

### THE COLLEGE HISTORY

International Fine Arts College in Miami, Florida was chartered by the State of Florida as a private college in 1965. The College is licensed by the Florida State Board of Independent Colleges and Universities. It was established to educate qualified high school graduates and college transfer students for careers in fashion, merchandising and interior design. The Associate of Arts Degree is conferred upon graduates of the Two Year Programs. Serving as Founder and President is Sir Edward Porter.

The College is located in a magnificent museum-like building of great beauty. Located directly on Biscayne Bay, the handsome five-story structure was designed after some of the famous palaces of Spain. To blend with this overall architectural design, the College has utilized Spanish decor, including the use of vibrant Spanish colors of red and gold, vivid blues and brilliant greens.

On the first floor of the College there are galleries, offices, a patio-courtyard, the Interior Design Studio, a two-story marble floored ballroom, the library with tall arched windows, a faculty meeting room, and various classrooms. Antiques and objet d'art, gathered from Europe, are located in various rooms of the College. The second floor of the College includes the Venetian Room, overlooking the Venetian Causeway leading to Miami Beach. Other areas serve as classrooms and labs for Creative Arts, Fashion Designing and a student lounge. Classrooms are fully equipped with a multitude of items which include sewing machines, forms and related sewing material, cosmetic and grooming facilities, platforms, drafting tables, art materials, and a wide variety of audiovisual equipment.

On the third floor of the building is a large auditorium which the College uses for speakers, exhibitions and student shows. The students are occasionally served lunches on the fourth floor of the building in a magnificent banquet room.

As environment is so formative a factor in the learning and growth experience of each individual, the dictum of Sir Edward Porter of "surround the student with beauty, art, and the elements of gracious living" is educationally highly significant. This ideal is well met in the magnificent setting of the College.●

---

## LETTER FROM ROBERT ODE, HOSTAGE IN TEHRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. Fisher) is recognized for 5 minutes.

● Mr. FISHER. Mr. Speaker, last Wednesday I received in my office a letter from Robert C. Ode, one of the American Embassy staff being held hostage in Tehran, Iran, and a constituent of mine.

Throughout the Iranian crisis I, along with all other Americans, have been deeply concerned for the safety and well-being of the hostages. I have supported President Carter's firmness and restraint in dealing with the Iranian Government, and I have joined my colleagues in Congress in supporting legislation designed to put pressure on Iran.

In spite of all this, nothing that has been said or done so far has brought home the matter to me as much as has Mr. Ode's letter. Mr. Ode has personalized the plight of the hostages for me in a way that no other incident has. I include the text of his letter, along with my response, in the Congressional Record.

December 26, 1979.

Hon. Joseph Fisher,
*House of Representatives,*
*Washington, D.C.*

Dear Congressman Fisher: I am one of approximately 65 U.S. citizen members of the American Embassy staff who have been hostages of Iranian Revolution students since November 4, 1979. It has now been 53 days.

I am a retired career foreign service officer with more than 34 years with the U.S. Government in the diplomatic service and in the U.S. Navy in World War II. I retired from the Foreign service at age 60 on September 30, 1975, but because of my many years of experience in consular work I was asked by the Department of State to take a temporary assignment of 45 days to assist in the visitor visa section of the Embassy. I arrived here October 3, 1979 and was to have returned to the U.S. about November 15.

Since we are not permitted by our captors to receive news of any kind I have no idea what is being done—or what can be done—to assist us. However, as my elected representative in the Congress, I urge you to do everything in your power to exert pressure on the President, the Secretary of State, other Members of Congress and other responsible officials of our Government to bring this terrible situation to an end promptly so that we can be reunited with our families about whom all of us are deeply concerned.

I have also written to the President and to Senator JOHN WARNER in this regard.

I am a property owner in Fairfax County, a taxpayer; and my wife and I are registered voters.

Please do whatever you can to assist us. We feel that we have been abandoned by our Government and the American people and that our rights to protection as United States citizens have been, and are, being denied us.

Sincerely,

ROBERT C. ODE,
*U.S. Foreign Service Officer (Retired).*

P.S.—Our diplomatic immunity has consistently been ignored by our captors. It would appear that reciprocal measures could be applied in the United States.

---

HOUSE OF REPRESENTATIVES,
*Washington, D.C., January 17, 1980.*

Mr. ROBERT C. ODE,
*American Embassy,*
*Tehran, Iran*

DEAR MR. ODE: I received your letter written from the American Embassy in Tehran, dated December 26, only yesterday. I am pleased that your letter finally did get through to me. I hope you will receive this reply promptly.

Earlier today I talked briefly with Mrs. Ode. I found her, of course, to be deeply concerned about you but, considering the whole situation, strong and positive in spirit. We all will do what we can to help her.

First of all, I want to assure you that not only your family, your friends, and your neighbors, but also all Americans are deeply concerned for you and the other hostages. We pray for your safety and early release. Not since World War II have I seen Americans so united as they are now in their indignation at the treatment being accorded you and the others. Patriotism and emotion are running high here at home in your support. Information about your situation is on page one of our newspapers every day and in virtually every TV and radio news report. Prayers for your safety and early release are being offered in all our churches.

Citizens from all parts of the United States have deluged the Iranian Embassy with letters and postcards asking for your release. Church bells ring periodically to remind us of your plight; they will continue to ring until you are released. The citizens in Loudoun County, in our congressional district, stopped all activity last month for a minute of silent prayer in your behalf. I hope these examples serve to assure you that you have not been forgotten.

I regret bitterly that you have not been kept informed of the efforts our government has been making to secure your safe release and return home. These efforts have been made, and will continue to be made, directly with authorities in Iran, through intermediaries in other countries, and through the United Nations. In the UN Security Council, the Soviet Union blocked a motion calling for economic sanctions against Iran. Efforts are now being made to bring the matter before the General Assembly.

The United States unilaterally has stopped all purchases of oil from Iran, has embargoed shipments to Iran, has blocked Iranian bank accounts in the United States, and has proceeded to identify and begin deportation proceedings against all Iranians who are illegally in the United States. It is my firm belief that this country should and will continue to apply pressure on Iran, consistent with your own personal safety and well-being and that of the other hostages, to obtain your release. President Carter and other high government officials have made this clear time after time.

Earlier this month the situation in the Middle East was further complicated and made more dangerous by the invasion and occupation of Afghanistan by troops of the Soviet Union. Very likely you know nothing or very little about this. Our government is taking steps to counter this disruptive and unjustified move, again having in mind your safety and release. The UN General Assembly on the initiative of the United States, has voted overwhelmingly for the removal of all foreign troops now in Afghanistan.

But mainly I want to reassure you that your government will keep on doing its best for you and that you will continue to be in the daily thoughts and prayers of your fellow Americans. I personally, as your representative in Congress, will do everything I can on your behalf.

Sincerely,

JOSEPH L. FISHER,
*Member of Congress.*●

---

## THE MEANING OF SOVIET ACTIONS AGAINST ANDREI SAKHAROV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, the meaning of the appalling actions taken by the Soviet Government against one of the world's most outstanding citizens, Dr. Andrei D. Sakharov, should be clear to all. The present Government of the U.S.S.R. is now determined to pursue an expansionistic military policy, without regard to world opinion, or the rights of the victims of Soviet policies. The fact that after years of active dissent and harassment, the Soviet leaders have just now chosen to silence Dr. Sakharov is a clear sign that they no longer care about the rest of the world.

The Soviet invasion of Afghanistan, of course, demonstrated these facts in a clear and unmistakable fashion. What the silencing of Dr. Sakharov demonstrates is that even the flimsy facade the Soviets constructed to justify that act of aggression has fallen.

It is never easy to dissent from the policy of one's government. It is especially difficult for one who enjoys benefits from the state to attack the policies of the state. Dr. Andrei Sakharov was better aware of these risks than most people. His statements, however, demonstrated a belief in the triumph of right over wrong. His convictions were certainly challenged in innumerable occasions in the past, but the very fact that he was able to continue provided some hope, especially to those who saw merit in Dr. Sakharov's theory of convergence.

The silencing of Dr. Andrei Sakharov, noted physicist and Nobel Peace prize winner, is comparable to actions which were threatened but never executed in this country during the darkest days of the Vietnam war. As one who opposed the U.S. actions in Vietnam long before U.S. public opinion turned against it, and I might add, at some peril to my own status in the U.S. Government as a Congressman, I had some experience with official and unofficial harassment. Some of the leading figures in the United States, such as Dr. Linus Pauling and Dr. Martin Luther King, both Nobel Peace prizewinners, also suffered harassment because of their opposition to the U.S. war in Vietnam. Yet no action against such prominent officials was ever undertaken comparable to the Soviet actions against Dr. Andrei Sakharov.

The recent death of Justice William O. Douglas, who vehemently defended the right to dissent under our Constitution, reminds us why no such actions occurred in this country. Our Constitution means what it says, in spite of attempts by temporary officeholders to undermine it.

While we can little more than hope the Soviet Union will turn back from the course they are now taking, we must hold out some glimmer of hope that this can happen. If the leaders in the U.S.S.R. do not heed world opinion, the rest of the world will have little choice but to take united actions to prevent raw aggression and the trampling of human rights.●

---

## PRESS FREEDOM IN THE AMERICAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 15 minutes.

● Mr. FASCELL. Mr. Speaker, at a time when world peace and the ideals of freedom appear under assault as never before in the past decade, we are fortunate to have in this hemisphere a vigorous, growing organization wholly dedicated to promoting one of the most important of human freedms—freedom of the press. I refer to the Inter-American Press Association. For many years the IAPA, which now comprises a record 1,085 members, has been in the vanguard of those fighting for the principles of a free press throughout the Americas, in UNESCO, and wherever organized efforts are made to prevent a free flow of information and the free expression of views.

The concepts of a free press and of the individual right to speak and to be informed are under the most serious attack in many years. This threat has emerged in international fora as Communist ideologues have combined with many Third World leaders in a concerted effort to frame what has been termed a "New World Order of Communications." In our own hemisphere, the past year has seen a disturbing trend of attacks on the press in several countries of the Caribbean, as well as a series of events in Central America, Cuba, and Grenada that has given us a new appreciation of the challenges facing us in this vital region on our doorstep.

One of the most distinguished leaders of the Inter-American Press Association in its fight for press freedom is Mrs. Argentina S. Hills, publisher of the daily El Mundo of San Juan and past president of the IAPA. Mrs. Hills recently delivered a speech to the Association of Caribbean Universities and Research Institutes that I would like to share with our colleagues.

Mrs. Hills offers not only a report on dangers facing the press in the Americas, but also an eloquent and insightful analysis of the threat of totalitarian expansion in the Caribbean. Further, she underscores the continuing major threat to freedom of the press and expression throughout the world by the campaign in UNESCO to establish a "New World Order of Communications.":

### THE UNIVERSITIES AND THE PRESS

Thank you very much, Dr. Standford, for that fine introduction and those kind words. It is a great privilege for me to be invited to address this group of distinguished university leaders of our region. For, while the attention of the whole world has been riveted on Iran and the dangerous and unpredictable world of Islam, there is properly a continuing focus on the Caribbean and where it is going. I am glad to be able to share some concerns on a day when your program has been dedicated to the role of the press in the Caribbean.

The recent annual assembly of the Inter American Press Association should be of interest to you. As you know, the principal function of the IAPA is to promote freedom of the press in this hemisphere. We were informed by outgoing President German Ornes, president and editor of El Caribe, of Santo Domingo, that the IAPA now has a record 1,085 members. Of course, this dramatizes the importance and strength of this organization. But it dramatizes something else. Perhaps never before in this century has there been a greater awareness of the dangers, many of them imminent, facing the press in the Americas.

I can report to you that in our sessions the Caribbean practically monopolized the debate.

In fact, the Freedom of the Press Committee suspended its first day of meetings in order to deal with an emergency. For the first time in the English-speaking Caribbean, a government has closed a newspaper. I am referring to The Torchlight in Grenada. The IAPA strongly condemned this action.

At the time, the new Prime Minister of Grenada, Mr. Maurice Bishop, was present in the same city—Toronto, Canada.

Mr. Bishop was received by the Prime Minister of Canada, interviewed by Canadian television and given the full treatment of a head of state, which, of course, he is. Yet he refused an invitation to come and discuss the Torchlight situation with us.

We are talking about Grenada. An island of 133 square miles, with a population of about 100,000. The fact that this small island dominated the proceedings of a hemisphere organization like the IAPA dramatizes the importance of the Caribbean.

The question is why. I do not have to tell this audience that the Caribbean has sometimes been an arena of superpower confrontation.

In recent weeks we saw the President of the United States address the American people on the danger of Soviet Union penetration in the Caribbean. We saw President Fidel Castro visit New York and address the United Nations in his new role as the leader of the so-called non-aligned movement. And, of course, earlier we saw representatives of over 90 "non-aligned" countries gather in Havana.

But what is happening in the Caribbean today is more than just a manifestation of superpower confrontation. It also reflects the feeling of helplessness in resolving by traditional methods the chronic economic and social problems—now aggravated by international conditions. That is what makes the region so ripe for exploitation. And that is what makes it so much easier for leaders with totalitarian tendences aided and encouraged by others, to initially deceive so many of their countrymen with their promises of new solutions.

So when we address ourselves to the question of the press in the Caribbean, I think it is no longer valid to repeat the old complaint that the Caribbean, as far as the press is concerned, is one of the most neglected areas of the world.

The importance of events in Grenada is evident. The closing by force of any newspaper, be it large or small, printed by a mimeograph machine or by multi-million dollar presses, is equally outrageous and a threat to freedom. As far as world politics is concerned, Grenada has become a symbol. I am speaking tonight largely of the printed press because the electronic media is regulated everywhere by government and there is an increasing trend in many countries for government to control and even own TV and radio.

When Mr. Castro turned the Cuban revolution towards Marxist/Leninism, many feared a cancerous growth of communist totalitarianism in the Caribbean. Indeed, Mr. Castro promised it.

But it did not happen. The fact is that there has never been "another Cuba." The dream of exporting the so-called "national liberation revolution" was a spectacular failure. Indeed, in many areas of Latin America the fear of "another Cuba" has become a prop to sustain rightist dictatorships.

But it is evident that Mr. Castro's Cuba is entering a new phase of expansionism. Instead of exporting bearded guerrillas, Cuba is exporting clean-cut dcotors and nurses, dedicated teachers and well-trained technicians. Of course, no humanitarian should oppose this if the motive were humanitarian. But we know that Mr. Castro acts and talks like the most loyal of the loyal Soviet satellites. If his actions do not respond to a much greater global strategy masterminded in the Kremlin, they are certainly in concert with it.

Indeed, Mr. Castro's courtship of the Caribbean is made so much easier by that frustration with traditional solutions in resolving serious problems to which we referred earlier. As U.S. Assistant Secretary of State Viron Vaky recently told Congress: it is a situation "made to order for anyone wanting to fish in troubled waters. And Cuba is aggressively doing so . . . exacerbating existing tensions, adding new strains to the often fragile political balance in its smaller neighbors."

Little Grenada has become a player in this global strategy. Like a tiny bolt loose in a vital section of a giant 747 aircraft, what happens there far outreaches its territorial and population size. Mr. Bishop came to power by force. He did overthrow a government grown corrupt and abusive through the years. But his decision to rely so heavily on Mr. Castro's Cuba, and then proceed to reduce the individual freedoms of the people, is indeed a significant development in this hemisphere. And it is one that could easily be repeated elsewhere.

In Toronto we heard once again the chilling reports of the enormous pressure being placed on the independent and respected Jamaican newspaper, The Gleaner, by Jamaican Prime Minister Michael Manley and his government. In what seems to be an unprecedented episode, the Cuban ambassador to Jamaica publicly threatened The Gleaner. When the newspaper demanded his expulsion from Jamaica, Prime Minister Manley endorsed the Ambassador. Subsequently, Mr. Manley himself joined a demonstration outside The Gleaner.

For two years now the Inter American Press Association has been closely following developments in Haiti. The truth is that we had practically written off Haiti during the period of absolute dictatorship under President Francois Duvalier. Now there is a gradual transition towards a softening of the dictatorship. Within this process we have been attempting to promote the establishment of a free and independent Haitian press. We were encouraged until recently, when the government approved a law that would keep Haitian journalists under government control. We have strongly urged the President of Haiti to annul this law that would make freedom of the press impossible. And recent political developments in Haiti—like the violent disruption of a meeting of human rights group where foreign diplomatic personnel were roughed up—seems to indicate a tragic regression to the dark days of Papa Doc.

Needless to say, we were informed in Toronto once more that there is no freedom of the press in Cuba. And in spite of all the publicity being given to the so-called maturing of the Cuban revolution, the brutal fact is that Cuban journalists are still languishing in Cuban prisons.

So you see why I said that the IAPA General Assembly dedicated so much time to the Caribbean.

Now the question is: What can an organization such as the Association of Caribbean Universities and Research Institutes do to reverse this process of deterioration in freedom of the press?

Perhaps it would be useful to go back to the roots of UNICA. When Sir Philip Sherlock and my very good friends, Dr. Henry King Stanford of Miami, and Don Jaime Benitez, then head of the University of Puerto Rico, decided to bring together the universities of the Caribbean, one of their primary goals was to promote the realization of one of the oldest dreams of the Caribbean—the economic, cultural and political confederation of one of the most diverse, creative and promising regions of the world. You are the experts in Caribbean history and I do not have to tell you of the legacy of centuries of colonialism that has left the Caribbean fragmented; neighboring islands looking always at the metropolitan power and never at each other.

It is also unnecessary for me to emphasize that regardless of the political and economic powers at work, there is one force that is bringing about the de facto integration of not only regions such as ours, but of our entire planet.

I am talking about, of course, mass communications. The mind-boggling technological breakthroughs in communications is the real revolutionary force at work today in the world. This technology opens marvelous opportunities for a region such as the Caribbean, composed of small and large communities separated by bodies of water.

But this opportunity may be lost. The greatest danger to freedom of the press and expression in the world today is what has come to be known as the UNESCO offensive. UNESCO is dominated by socialists and Third World countries. With the full support of the Soviet Union, UNESCO began several years ago a world-wide campaign against the idea itself of a free press. The essential element of this offensive is that the press should be an instrument of political and economic development as conceived by, and under the control of the government in power.

The UNESCO campaign argues that the concept of a free press was created by the rich and powerful in order to protect and sustain their status of privilege. Under this ideological umbrella, socialists and Third World countries are attempting to have UNESCO and thereby, the United Nations, accept the thesis that governments not only have the right to control journalists of their own country, but also foreign journalists.

It is really a supreme irony. At the precise point in history where the technological revolution is making possible the human and cultural interchange of all mankind, UNESCO is driving to establish what it calls a "new world order of communications" that would divide and isolate not only one country from another, but the people from its own governing powers.

My colleagues at the IAPA and in many other institutions dedicated to human rights and freedom of expression have literally traveled around the world attending numerous conferences, taking advantage of every possible opportunity to combat the UNESCO danger.

I would like to enlist the support of the universities of the Caribbean in this struggle so vital to human freedom. Almost all of the Caribbean is part of the Third World. You are on stage in this drama.

And the UNESCO offensive comes at a moment of true crisis in the Caribbean. Let me define this over-used and so often misused word. A crisis is not a problem or a situation that is at the end of the road. On the contrary, a crisis is a turning point. The dictionary defines it as "a stage of a sequence of events at which the trend of all future events, for better or for worse, is determined." The word, in act, comes from the Greek "krisis," which means "decision."

It is my view, shared I know by many of you in UNICA, that at the root of the economic and social problems of the Caribbean is our explosive population growth.

I have described how the Caribbean is once again the stage for superpower maneuver. But even if there were not the threat of Soviet inspired totalitarianism, the Caribbean would still be headed towards an economic and human disaster.

I do not think that I am over-dramatizing when I say that the equation of natural resources to population growth makes the disaster inevitable. And it facilitates that "fishing in troubled waters" as anyone who has witnessed the literally hundreds upon hundreds of young and unemployed loitering on the streets of nearly any Caribbean island city. In many of those islands, as you well know, half the population is unemployed or underemployed and just as many are under the age of 20.

We are experts in this in Puerto Rico. Our remarkable economic development of the 1950's and 1960's is well known to you and throughout the world. Operation Bootstrap did bring about a change in the lives of all Puerto Ricans so radical that it was indeed a revolution. A peaceful revolution without violence, without hatred, without the destructiveness of nationalistic myopia, without the sacrificing of personal liberties.

A generation of Puerto Rican leaders deserves our admiration for this peaceful revolution within a democratic context. But let me tell you that it would not have happened if Puerto Rico had continued to experience its explosive population growth of the first part of this century. It would not have happened if well over one million Puerto Ricans had not migrated to the United States continent, most of them sending part of their earnings back to our island. And many of them returning to the island with newly acquired skills, much needed in Puerto Rico. And it would not have happened without an aggressive family planning program, that effectively has reduced our birth rate by almost one half.

But I would like to emphasize that in spite of this massive migration of Puerto Ricans and of all the efforts to reduce the birth rate, Puerto Rico is still suffering from staggering social economic problems, all stemming from the fact that we lost too much time in facing up to our population problem and have become one of the most over-populated areas in the world. We have an official unemployment rate of about 17 percent, but real unemployment, that is including those that have lost hope and are no longer looking for jobs, is close to 40 percent. Over half of our people have incomes so low, compared, of course, to the United States, that they are receiving food stamps from the United States federal government. In spite of 30 years of rapid economic development, on a per capita basis, Puerto Rico is still twice as poor as the poorest state of the Union, Mississippi.

All of this in spite of the enormous economic advantages Puerto Rico enjoys through its unique form of union with the United States. We are an autonomous part of the United States. As American citizens, we receive over $2 billion a year in funds from the United States federal government—close to 800 million dollars in the food stamp program.

Now, if Puerto Rico still has such overwhelming social economic problems, what can we expect from the other islands of the Caribbean that do not have the economic benefits that we in Puerto Rico enjoy through our association with the United States. And even more important, that do not have the freedom to legally export their excess population?

Our closest neighbor, the Dominican Republic, has a much more favorable relation of people to resources. Its population density is 271 persons to the square mile. But with a population growth of 3.6 percent a year in this era of high energy cost, which surely means low GNP growth, how can the Dominican Republic lift its people from extreme poverty when its population is growing faster than its economy? And the same could be said for Jamaica with a population density of 500 and Barbados with a population density of 1,870, and on down the line of Caribbean Islands.

It would be well to add here that Barbados has demonstrated what can be done by a conscious and long-term commitment in dealing with its population problem. As one of the world's most populated pieces of real estate, it had no choice.

Now I have dwelt on population growth not only because I consider it the essential element in the Caribbean crisis, but for two other reasons. First, because this is the one problem that each Caribbean island can resolve for itself. In fact, it is the one problem that *only* can be resolved individually by each Caribbean country. After centuries of colonialism, it is understandable that many leaders in the Caribbean blame the colonial powers for most, if not all of the ills in this area. But if the Caribbean countries fail to recognize the consequences of their population explosions and fail to take the action necessary to check it, they have no one to blame but themselves.

And the other reason is that if there is one role to be played both by the educational institutions and the press in the coming decades, it is to document, disseminate and dramatize the reality that the Caribbean is now in a decisive race against poverty, ignorance and even hunger.

The universities and the press must bring home the fact that unless the trend is reversed and economic growth outpaces population growth, the level of living of the vast majority of the people in the Caribbean will actually worsen in the decade of the 1980's. And I need not describe what this will mean to the political institutions; the political stability of this area.

These, then, are the major challenges facing the Caribbean as it enters the final lap of the 20th century: the new shape and form of Cuban expansionism, the race between economic development and population growth and the UNESCO offensive against freedom of the press and expression.

UNICA was born in large part from the desire of the Caribbean intellectual community to motivate the Caribbean political leaders to face the Caribbean reality. UNICA, as I mentioned, was born of the dream to be an example and an inspiration to Caribbean confederation—to pool together the vast creative human resources of this area, to achieve the transfer of technology and experience that will permit us to find and implement practical effective answers to our problems.

All of you know much better than I how difficult and frustrating this role has been. I know that many can argue that after 15 years, although UNICA itself has progressed, having grown from 16 to 45 institutional members, the Caribbean itself seems to be moving not towards unity but back towards fragmentation.

I say to you tonight that if the UNESCO philosophy, inspired surely by the Soviet Union, is adopted and placed in practice by many nations of the Caribbean, Caribbean unity would become an impossibility.

I urge you to marshal the universities of the Caribbean to become involved in the struggle of valiant newspapers such as The Gleaner of Jamaica. To join us in the outrage against the closing down of independent newspapers like The Torchlight.

The essential task of the university is to open, not to close doors.

If the forces behind UNESCO have their way, doors will close throughout the Caribbean. We will continue in reverse, back towards fragmentation and isolation. I believe that it is your responsibility, as much as the responsibility of those of us committed to fight for freedom of the press and freedom of expression, to combat this danger. I hope you will join us.

Thank you, and goodnight.●

## TRIBUTE TO THE LATE SUPREME COURT JUSTICE WILLIAM ORVILLE DOUGLAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. CAVANAUGH) is recognized for 5 minutes.

● Mr. CAVANAUGH. Mr. Speaker, I rise in tribute to the late Supreme Court Justice William O. Douglas, who is being laid to rest today after a long and distinguished career in the service of his country and his fellow man. During his tenure on the Supreme Court, this champion of individual rights and personal freedoms worked tirelessly for those principles and ideals upon which this great Nation was founded, never losing his unique insight into the proper role of government in the lives of its citizens. As a member of the Warren Court, he was in great measure responsible for the expansion of the rights of the individual and the protection of those rights against intrusion by the awesome power of the State. A progressive, a liberal in the truest sense of the word, Bill Douglas often dissented from his colleagues, only to witness the Court come to accept his opinions in later cases. No more articulate and effective advocate of the Bill of Rights ever served on that highest of courts, and his passing will be mourned by those who truly understand the meaning of freedom and equality and human dignity.

Mr. Justice Douglas was equally as effective a spokesman for the preservation of the natural treasures of this country; the lakes, rivers, forests, mountains, and wilderness areas which he came to know and love during his life. As the author of many works on the beauty of nature, he extolled the virtues of the wild and brought them to many who otherwise would never have known or cared. The wilderness has also lost a friend with the passing of William O. Douglas.

Mr. Speaker, as we bid farewell to one of the most distinguished jurists this land has ever known, we can only hope that his legacy is not dead, that others of comparable wisdom, understanding, compassion, and fortitude will come to fill the void left today by the death of Justice Douglas.●

## EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. Neal) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I call the attention of the House to a notification from the U.S. Export-Import Bank on proposed financing to make possible the sale of $228 million in U.S.-made jet aircraft to Laker Airways Ltd. of England.

The Eximbank is prepared to extend a direct credit of $86,800,000 and to guarantee $74,400,000 in private financing to help Laker Airways purchase five new McDonnell Douglas DC-10-30 jet aircraft and related spare parts. The engines for the aircraft are made by the General Electric Co.

This notification has been referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment, and Monetary policy. Section 2(b) (3) (i) of the Export-Import Bank Act of 1945, as amended, requires the Bank to notify the Congress of proposed loans or financial guarantees or combinations thereof of $100 million or more. Unless Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress following notification.

Laker Airways, owned by Sir Freddie Laker and his wife, now has a 13-plane fleet offering low-fare passenger service from London to New York and Los Angeles. Since it began operations in 1977, Laker Airways has risen to rank eighth among North Atlantic carriers in total scheduled and charter traffic.

I am submitting for the Record correspondence from the Eximbank giving the terms and details of this proposed transaction. I welcome any comments my colleagues may have on the Bank's proposal.

Export-Import Bank
of the United States,
*Washington, D.C., December 20, 1979*
Hon. Stephen L. Neal,
*Chairman, Subcommittee on International Trade, Investment and Monetary Policy, House of Representatives, Washington, D.C.*

Dear Mr. Chairman: In accordance with Section 2(b) (3) (i) of the Export-Import Bank Act of 1945, as amended, I have reported to the President of the Senate and the Speaker of the House of Representatives on an application currently pending consideration by the Bank. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

John L. Moore, Jr.

---

Export-Import Bank
of the United States,
*Washington, D.C., December 19, 1979.*
The Speaker of the House of Representatives,
*U.S. Capitol, Washington, D.C.*

Dear Mr. Speaker: Pursuant to Section 2 (b) (3) (i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to the United Kingdom:

A. Description of Transaction.—

1. Purpose: Eximbank is prepared to extend a direct credit of $86,800,000 and to issue a guarantee with respect to $74,400,000 private financing to Laker Airways Limited. The purpose of this Eximbank financing is to facilitate the purchase in the United States by Laker Airways of five new McDonnell Douglas DC-10-30 jet aircraft and related spare parts. The engines for the aircraft are manufactured by General Electric Company. The total U.S. export value for this transaction is estimated to be $228,000,000.

2. Identity of the Parties: Laker Airways, headquartered in the United Kingdom, is a private company wholly owned by Sir Freddie Laker and his wife. Its current fleet of six DC-10-10s, five BAC-1-11s and two B-707s is used to offer low-fair air passenger service from London to New York and Los Angeles. Since its inception in 1977, Laker Airways has risen to rank eighth among North Atlantic carriers in total 1978 scheduled and charter traffic.

3. Nature and Use of Goods and Services: The principal goods to be exported from the United States are five wide-bodied commercial jet aircraft to be used by Laker Airways on both its existing and expanded routes. The airframe components will be manufactured by McDonnell Douglas Corporation of Long Beach, California. The engines for the aircraft will be manufactured by General Electric Company's jet aircraft engine division in Cincinnati, Ohio. In addition, other U.S. firms will furnish spare parts.

B. Explanation of Eximbank Financing—

1. Reasons: The Eximbank credit and financial guarantee totalling $161,200,000 will facilitate the export of $228,000,000 of U.S. goods and services. Sales, profits and employment for U.S. aircraft manufacturers and their subcontractors are heavily dependent upon exports. Through 1990, aircraft purchases by foreign airlines are expected to account for approximately 40 percent of total U.S. aircraft sales. Eximbank's financing support for the export of U.S. aircraft has assisted U.S. aircraft manufacturers in obtaining approximately 80 percent of the world market for commercial jet aircraft.

McDonnell Douglas estimates that the export of these aircraft will provide 6,635 man/years of work for McDonnell Douglas and its sub-suppliers. Additional benefits which will flow to the United States from the transaction include sizable follow-on exports of spare parts, ground support and other related equipment.

Laker Airways has undertaken an expansion of its current fleet in order to extend its low-cost air passenger service on flights from London to 37 European cities and the Far East. The export of the five U.S. aircraft which are the subject of this letter will have been achieved in the face of competition from the A-300 jet aircraft manufactured by the European consortium, Airbus Industrie. Laker Airways has already announced intentions to purchase some A-300 aircraft and they had the option to increase that order in lieu of purchasing these U.S. aircraft. Airbus Industrie offered ten-year financing at very competitive fixed interest rates. The Eximbank financing, therefore, appears to have been a decisive factor in winning this sale for the U.S. suppliers.

2. The Financing Plan: The financing plan for the total U.S. procurement supported by Eximbank is as follows:

| | Percent of U.S. Costs | Total |
|---|---|---|
| Cash payment | 18.4 | $42,000,000 |
| Eximbank credit | 38.1 | 86,800,000 |
| Supplier financing (without Eximbank guarantee) | 10.9 | 24,800,000 |
| Private financing (to be guaranteed by Eximbank) | 32.6 | 74,400,000 |
| Total | 100.0 | 228,000,000 |

(a) Eximbank Charges: The Eximbank credit will bear interest at the rate of 8.375 percent per annum, payable semiannually. Eximbank will charge commitment fees of ½ of 1 percent per annum on the undisbursed portion of the Eximbank credit and ⅛ of 1 percent per annum on the undisturbed portion of the private financing guaranteed by Eximbank. A guarantee fee of ½ of 1 percent will be charged on the amount of the private financing guaranteed by Eximbank which is disbursed and outstanding. The Eximbank financing will be secured by mortgages and restrictive covenants.

(b) Repayment Terms: Aggregate disbursements under the Eximbank credit, the supplier financing and the private financing will be repayable in 20 equal semiannual installments beginning 6 months after the mid-delivery point of the aircraft but not later than September 15, 1980. The supplier financing and private financing will be repaid from the earlier maturities and the Eximbank credit will be repaid from the later maturities.

C. Additional Information.—Attached is certain additional information on Eximbank activity in and economic data on the country involved in this transaction.

Sincerely,

John L. Moore, Jr.

### EXIMBANK EXPOSURE IN THE UNITED KINGDOM

[As of Oct. 31, 1979]

| | Outstanding | Undisbursed |
|---|---|---|
| Direct loans | $209,477,454.02 | $223,181,679.72 |
| CFF loans | 115,200.00 | |
| Financial guarantees | 6,075,000.00 | 44,628,000.00 |
| Bank guarantees and other | 4,901,152.77 | 11,670,642.00 |
| Insurance: | | |
| Medium term | 1,413,228.46 | 5,747,100.09 |
| Short term | 84,694,976.42 | 0 |
| Total for the United Kingdom | 306,677,011.67 | 285,227,421.81 |

### DEFAULTS AND RESCHEDULINGS

Loan No. 4097 rescheduled 11/3/77 in the amount of $1,619,998.84. This loan was paid in full January 17, 1979. No other defaults to date.

### UNITED KINGDOM

*Area and population*

Area: 244/sq. km.

Population (mid-1978): 55.9 million.

Working population (end-1978): 26.4 million.

Population density: 229/sq. km.

*Sources and applications of national product*

[In percent]

| | |
|---|---|
| Uses (1978): | |
| Consumption | 60 |
| Government | 20 |
| Capital formation | 18 |
| Stocks, exports, imports | 2 |
| Total | 100 |
| Sources (1977): | |
| Agriculture | 3 |
| Industry | 37 |
| Services | 60 |
| Total | 100 |

| | 1976 | 1977 | 1978 | 1979(E) | 1980(P) |
|---|---|---|---|---|---|
| GDP data: | | | | | |
| Billions (nominal) | $221 | $246 | $308 | $342 | $305 |
| Rate of change (real) (percent) | 3.6 | 1.4 | 3.3 | 1.0 | −2.0 |
| Fiscal and monetary data: | | | | | |
| Government deficit (billions) | $12.3 | $7.8 | $16.1 | $17.4 | NA |
| Deficit as percent of GNP | 5.5 | 3.2 | 5.2 | 4.5 | NA |
| Increase in money supply | 8.6 | 8.0 | 13.6 | NA | NA |
| Price data (percent increase over preceeding year): | | | | | |
| CPI | 16.5 | 15.9 | 8.3 | 17.5 | 14.0 |
| WPI | 17.3 | 19.8 | 9.1 | 12.2 | 18.0 |
| Labor data (in percent): | | | | | |
| Wages (weekly rates) | 16.5 | 10.3 | 14.6 | NA | -------- |
| Unemployment | 5.3 | 5.7 | 5.7 | 7.0 | 7.0 |
| Industrial production (average change) | 2.0 | 3.7 | 3.8 | 2.1 | −1.2 |

| | 1976 | 1977 | 1978 | 1979(E) | 1980(P) |
|---|---|---|---|---|---|
| External debt (millions): Outstanding public debt | $14.2 | $18.0 | $15.8 | NA | NA |
| Balance of payments data (billions): | | | | | |
| Exports | $45.9 | $56.1 | $68.0 | $81.6 | -------- |
| Imports | −$52.4 | −$59.2 | −$70.3 | −$82.7 | -------- |
| Trade balance | −$6.5 | −$3.1 | −$2.3 | −$1.1 | -------- |
| Current account balance | −$2.0 | $0.7 | $0.8 | $0.4 | -------- |
| Capital account | −$4.6 | $12.2 | $3.0 | NA | -------- |
| Overall balance | −$6.6 | $12.9 | −$2.2 | NA | -------- |
| Reserve data: | | | | | |
| Official reserves (billions) | $3.4 | $20.1 | $16.0 | -------- | -------- |
| Gold ($430/oz) | $9.0 | $9.6 | $9.8 | -------- | -------- |
| Cover for months of imports | 2.6 | 5.5 | 3.9 | -------- | -------- |

●

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. SOLOMON, for 1 hour, January 24.

(The following Members (at the request of Mr. ALBOSTA) to revise and extend their remarks and include extraneous material:)

Ms. HOLTZMAN, for 15 minutes, today.

Mr. VANIK, for 10 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSENTHAL, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. FISHER, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. FASCELL, for 15 minutes, today.

Mr. CAVANAUGH, for 5 minutes, today.

Mr. DOWNEY, for 5 minutes, today.

Mr. ANNUNZIO, for 1 hour, on February 13.

(The following Member (at the request of Mrs. BOGGS) to revise and extend his remarks and include extraneous material:)

Mr. NEAL, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FASCELL, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $894.50.

(The following Members (at the request of Mr. MILLER of Ohio) and to include extraneous matter:)

Mr. WYDLER.

Mr. COUGHLIN.

Mr. HINSON.

Mr. RHODES.

Mr. SCHULZE.

Mr. WHITEHURST in two instances.

Mr. MILLER of Ohio in two instances.

Mr. ASHBROOK in three instances.

Mr. MITCHELL of New York.

Mr. YOUNG of Alaska.

Mr. JOHNSON of Colorado.

Mr. DERWINSKI in two instances.

Mr. ROUSSELOT.

Mr. BADHAM.

Mr. FINDLEY.

Mr. MICHEL.

Mr. RINALDO in two instances.

Mr. DORNAN.

(The following Members (at the request of Mr. ALBOSTA) and to include extraneous matter:)

Mr. GRAMM.

Mr. GORE.

Mr. FISHER in two instances.

Mr. ROE.

Mr. DINGELL in two instances.

Mr. WOLPE.

Mr. MATHIS.

Mr. DRINAN.

Mr. NICHOLS.

Mr. HAMILTON.

Mr. FARY.

Mr. NEDZI.

Mr. FASCELL in five instances.

Mr. GINN.

Mr. KAZEN.

Mr. EDGAR in two instances.

Mr. BRODHEAD.

Mr. RANGEL in five instances.

Mr. STARK.

Mr. PEPPER.

Mr. MURPHY of New York.

(The following Members (at the request of Mrs. BOGGS) and to include extraneous matter:)

Mr. BLANCHARD.

Mr. NOLAN in three instances.

Mr. SIMON in three instances.

Mr. OBEY in five instances.

Mr. MCDONALD in five instances.

## RECESS

The SPEAKER pro tempore. Pursuant to the order of the House on Tuesday, January 22, 1980, the Chair declares the House in recess until approximately the hour of 8:40 p.m.

Accordingly (at 5 o'clock and 32 minutes p.m.), the House stood in recess subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 44 minutes p.m.

## JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 241 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Doorkeeper, the Honorable James T. Malloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as Members of the Committee on the part of the House to escort the President of the United States into the Chamber.

The gentleman from Texas, Mr. WRIGHT; the gentleman from Indiana, Mr. BRADEMAS; the gentleman from Illinois, Mr. ROSTENKOWSKI; the gentleman from Georgia, Mr. BRINKLEY; the gentleman from Georgia, Mr. MATHIS; the gentleman from Georgia, Mr. GINN; the gentleman from Georgia, Mr. LEVITAS; the gentleman from Georgia, Mr. MCDONALD; the gentleman from Georgia, Mr. BARNARD; the gentleman from Georgia, Mr. EVANS; the gentleman from Georgia, Mr. JENKINS; the gentleman from Georgia, Mr. FOWLER; the gentleman from Arizona, Mr. RHODES; the gentleman from Illinois, Mr. MICHEL; and the gentleman from Georgia, Mr. GINGRICH.

The VICE PRESIDENT. The President of the Senate appoints the following Senators as the committee on the part of the Senate to join a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber.

The Senator from Washington (Mr. MAGNUSON); the Senator from West Virginia (Mr. ROBERT C. BYRD); the Senator from California (Mr. CRANSTON); the Senator from Hawaii (Mr. INOUYE); the Senator from Idaho (Mr. CHURCH); the Senator from Wisconsin (Mr. NELSON); the Senator from Alaska (Mr. STEVENS); the Senator from Texas (Mr. TOWER); the Senator from Oregon (Mr. PACKWOOD); the Senator from Utah (Mr. GARN); the Senator from New York (Mr. JAVITS); and the Senator from Idaho (Mr. MCCLURE).

The Doorkeeper announced the Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 1 minute p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The **SPEAKER**. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

## THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–257)

The **PRESIDENT**. Mr. President, Mr. Speaker, Members of the 96th Congress, fellow citizens.

These last few months have not been an easy time for any of us. As we meet tonight, it has never been more clear that the state of our union depends on the state of the world. And tonight, as throughout our own generation, freedom and peace in the world depend on the state of our union.

The 1980's have been born in turmoil, strife, and change. This is a time of challenge to our interests and our values, and it is a time that tests our wisdom and our skills.

At this time in Iran 50 Americans are still held captive, innocent victims of terrorism and anarchy.

Also at this moment massive Soviet troops are attempting to subjugate the fiercely independent and deeply religious people of Afghanistan.

These two acts—one of international terrorism and one of military aggression—present a serious challenge to the United States of America and indeed to all the nations of the world. Together, we will meet these threats to peace.

I am determined that the United States will remain the strongest of all nations, but our power will never be used to initiate a threat to the security of any nation or to the rights of any human being. We seek to be and to remain secure—a nation at peace in a stable world, but to be secure we must face the world as it is.

Three basic developments have helped to shape our challenges:

The steady growth and increased projection of Soviet military power beyond its own borders;

The overwhelming dependence of the Western democracies on oil supplies from the Middle East;

The press of social and religious and economic and political change in many nations of the developing world—exemplified by the revolution in Iran.

Each of these factors is important in its own right. Each interacts with the others. All must be faced together—squarely and courageously.

We will face these challenges and we will meet them with the best that is in us. And we will not fail. [Applause.]

In response to the abhorrent act in Iran, our nation has never been aroused and unified so greatly in peacetime. Our position is clear. The United States will not yield to blackkmail. [Applause.]

We continue to pursue these specific goals:

First, to protect the present and long-range interest of the United States;

Secondly, to preserve the lives of the American hostages and to secure as quickly as possible their safe release;

If possible, to avoid bloodshed, which might further endanger the lives of our fellow citizens;

To enlist the help of other nations in condemning this act of violence which is shocking and violates the moral and the legal standards of a civilized world; and also

To convince and to persuade the Iranian leaders that the real danger to their nation lies in the north in the Soviet Union and from the Soviet troops now in Afghanistan, and that the unwarranted Iranian quarrel with the United States hampers their response to this far greater danger to them.

If the American hostages are harmed, a severe price will be paid. [Applause.]

We will never rest until every one of the American hostages is released. [Applause.]

But now we face a broader and more fundamental challenge in this region because of the recent military action of the Soviet Union.

Now, as during the last 3½ decades, the relationship between our country, the United States of America, and the Soviet Union is the most critical factor in determining whether the world will live in peace or be engulfed in global conflict.

Since the end of the Second World War, America has led other nations in meeting the challenge of mounting Soviet power. This has not been a simple or a static relationship. Between us there has been cooperation—there has been competition—and at times there has been confrontation.

In the 1940's, we took the lead in creating the Atlantic Alliance in response to the Soviet Union's suppression and then consolidation of its East European empire and the resulting threat of the Warsaw Pact to Western Europe.

In the 1950's, we helped to contain further Soviet challenges in Korea and in the Middle East, and we re-armed, to assure the continuation of that containment.

In the 1960's, we met the Soviet challenges in Berlin and we faced the Cuban missile crises, and we sought to engage the Soviet Union in the important task of moving beyond the cold war and away from confrontation.

And in the 1970's, three American Presidents negotiated with the Soviet leaders in attempts to halt the growth of the nuclear arms race. We sought to establish rules of behavior that would reduce the risks of conflict, and we searched for areas of cooperation that could make our relations reciprocal and productive—not only for the sake of our two nations, but for the security and peace of the entire world.

In all these actions, we have maintained two commitments: To be ready to meet any challenge by Soviet military power, and to develop ways to resolve disputes and to keep the peace.

Preventing nuclear war is the foremost responsibility of the two superpowers. That is why we have negotiated the strategic arms limitation talks, treaties—SALT I and SALT II. Especially now in a time of great tension, observing the mutual constraints imposed by the terms of these treaties will be in the best interest of both countries—and will help to preserve world peace. I will consult very closely with the Congress on this matter as we strive to control nuclear weapons. That effort to control nuclear weapons will not be abandoned. [Applause.]

We superpowers also have the responsibility to exercise restraint in the use of our great military force. The integrity and the independence of weaker nations must not be threatened. They must know that in our presence they are secure.

But now the Soviet Union has taken a radical and an aggressive new step. It is using its great military power against a relatively defenseless nation. The implications of the Soviet invasion of Afghanistan could pose a most serious threat to the peace since the Second World War.

The vast majority of nations on earth have condemned this latest Soviet attempt to extend its colonial domination of others and have demanded the immediate withdrawal of Soviet troops. The Moslem world is especially and justifiably outraged by this aggression against an Islamic people. No action of a world power has ever been so quickly and so overwhelmingly condemned.

But verbal condemnation is not enough. The Soviet Union must pay a concrete price for its aggression. [Applause.] While this invasion continues, we and the other nations of the world cannot conduct business as usual with the Soviet Union. That is why the United States has imposed stiff economic penalties on the Soviet Union. I will not issue any permits for Soviet ships to fish in the coastal waters of the United States. I have cut Soviet access to high-technology equipment and agricultural products. I have limited other commerce with the Soviet Union and I have asked our allies and friends to join with us in restraining their own trade with the Soviets and not to replace our own embargoed items. And I have notified the Olympic Committee that with Soviet invading forces in Afghanistan, neither the American people nor I will support sending an Olympic team to Moscow. [Applause.]

The Soviet Union is going to have to answer some basic questions: Will it help promote a more stable international environment in which its own legitimate, peaceful concerns can be pursued? Or will it continue to expand its military power far beyond its genuine security needs and use that power for colonial conquest?

The Soviet Union must realize that its decision to use military force in Afghanistan will be costly to every political and economic relationship it values. [Applause.]

The region which is now threatened by Soviet troops in Afghanistan is of great strategic importance. It contains more than two-thirds of the world's exportable oil. The Soviet effort to dominate Afghanistan has brought Soviet military forces to within 300 miles of the Indian Ocean and close to the Straits of Hormuz—a waterway through which much of the world's oil must flow. The Soviet Union is now attempting to consolidate a strategic position, therefore, that poses a grave threat to the free movement of Middle East Oil.

This situation demands careful thought, steady nerves, and resolute action—not only for this year but for many years to come. It demands collective efforts to meet this new threat to security in the Persian Gulf and in Southwest Asia. It demands the participation of all those who rely on oil from the Middle East and who are concerned with global peace and stability. And it demands consultation and close cooperation with countries in the area which might be threatened.

Meeting this challenge will take national will, diplomatic and political wisdom, economic sacrifice and, of course, military capability. We must call on the best that is in us to preserve the security of this crucial region.

Let our position be absolutely clear: An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America and such an assault will be repelled by any means necessary, including military force. [Applause.]

During the past three years you have joined with me to improve our own security and the prospects for peace—not only in the vital oil-producing area of the Persian Gulf region, but around the world.

We have increased annually our real commitment for defense, and we will sustain this increased effort throughout our Five Year Defense Program. It is imperative that Congress approve this strong defense budget for 1981, encompassing a five-percent real growth in authorizations without any reductions. [Applause.]

We are also improving our capability to deploy U.S. military forces rapidly to distant areas.

We have helped to strengthen NATO and our other alliances, and recently we and other NATO members have decided to develop and to deploy modernized intermediate-range nuclear forces to meet an unwarranted and increased threat from the nuclear weapons of the Soviet Union.

We are working with our allies to prevent conflict in the Middle East. The peace treaty between Egypt and Israel is a notable achievement which represents a strategic asset for America and which also enhances prospects for regional and world peace. We are now engaged in further negotiations to provide full autonomy for the people of the West Bank and Gaza, to resolve the Palestinian issue in all its aspects, and to preserve the peace and security of Israel. [Applause.]

Let no one doubt our commitment to the security of Israel. In a few days we will observe an historic event when Israel makes another major withdrawal from the Sinai and when ambassadors will be exchanged between Israel and Egypt.

We have also expanded our own sphere of friendship. Our deep commitment to human rights and to meeting human needs has improved our relationship with much of the third world. Our decision to normalize relations with the People's Republic of China will help to preserve peace and stability in Asia and in the Western Pacific.

We have increased and strengthened our naval presence in the Indian Ocean, and we are now making arrangements for key naval and air facilities to be used by our forces in the region of Northeast Africa and the Persian Gulf.

We have reconfirmed our 1959 agreement to help Pakistan preserve its independence and its integrity. The United States will take action—consistent with our own laws—to assist Pakistan in resisting any outside aggression. And I am asking the Congress specifically to reaffirm this agreement. I am also working, along with the leaders of other nations, to provide additional military and economic aid for Pakistan. That request will come to you in just a few days.

In the weeks ahead, we will further strengthen political and military ties with other nations in the region.

We believe that there are no irreconcilable differences between us and any Islamic nation. We respect the faith of Islam, and we are ready to cooperate with all Moslem countries.

Finally, we are prepared to work with other countries in the region to share a cooperative security framework that respects differing values and political beliefs, yet which enhances the independence, security and prosperity of all.

All these efforts combined emphasize our dedication to defend and preserve the vital interests of the region and of the nation which we represent and those of our allies in Europe and the Pacific and also in the parts of the world which have such great strategic importance to us, stretching especially to the Middle East and Southwest Asia.

With your help I will pursue these efforts with vigor and determination. You and I will act as necessary to protect and to preserve our nation's security.

The men and women of America's armed forces are on duty tonight in many parts of the world. I am proud of the job they are doing and I know you share that pride. I believe that our volunteer forces are adequate for current defense needs and I hope that it will not become necessary to impose a draft. However, we must be prepared for that possibility. For this reason, I have determined that the Selective Service system must now be revitalized. [Applause.] I will send legislation and budget proposals to the Congress next month so that we can begin registration and then meet future mobilization needs rapidly if they arise.

We also need clear and quick passage of a new charter to define the legal authority and accountability of our intelligence agencies. We will guarantee that abuses do not recur, but we must tighten our controls on sensitive intelligence information and we need to remove unwarranted restraints on America's ability to collect intelligence. [Applause.]

The decade ahead will be a time of rapid change, as nations everywhere seek to deal with new problems and age-old tensions. But America need have no fear—we can thrive in a world of change if we remain true to our values and actively engage in promoting world peace.

We will continue to work as we have for peace in the Middle East and Southern Africa. We will continue to build our ties with developing nations, respecting and helping to strengthen their national independence which they have struggled so hard to achieve and we will continue to support the growth of democracy and the protection of human rights.

In repressive regimes, popular frustrations often have no outlet except through violence. But when peoples and their governments can approach their problems together—through open, democratic methods—the basis for stability and peace is far more solid and far more enduring.

That is why our support for human rights in other countries is in our own national interest as well as part of our own national character. [Applause.]

Peace—a peace that preserves freedom—remains America's first goal. In the coming years as a mighty nation, we will continue to pursue peace.

But to be strong abroad we must be strong at home. And in order to be strong, we must continue to face up to the difficult issues that confront us as a nation today.

The crises in Iran and Afghanistan have dramatized a very important lesson: Our excessive dependence on foreign oil is a clear and present danger to our nation's security. [Applause.]

The need has never been more urgent. At long last, we must have a clear, comprehensive energy policy for the United States.

As you well know, I have been working with the Congress in a concentrated and persistent way over the past three years to meet this need.

We have made progress together. But Congress must act promptly now to complete final action on this vtial energy legislation.

Our nation will then have a major conservation effort, important initiatives to develop solar power, realistic pricing based on the true value of oil, strong incentives for the production of coal and other fossil fuels in the United States, and our nation's most massive peacetime investment in the development of synthetic fuels.

The American people are making progress in energy conservation. Last year we reduced overall petroleum consumption by 8 percent and gasoline consumption by 5 percent below what it was the year before.

Now we must do more. After consultation with the Governors, we will set gasoline conservation goals for each of the 50 States, and I will make them mandatory if these goals are not met.

I have established an import ceiling for 1980 of 8.2 million barrels a day—well below the level of foreign oil purchases in 1977. I expect our imports to be much lower than this. But the ceiling will be enforced by an oil import fee if necessary. I am prepared to lower these imports still further if the other oil-consuming countries will join us in a fair and mutual reduction. If we have a serious shortage, I will not hesitate to impose mandatory gasoline rationing immediately.

The single biggest factor in the inflation rate last year, the increase in the inflation rate last year was from one cause, the skyrocketing prices of OPEC oil. We must take whatever actions are necessary to reduce our dependence on foreign oil—and at the same time reduce inflation.

As individuals and as families, few of us can produce energy by ourselves. But all of us can conserve energy—every one of us, every day of our lives.

Tonight I call on you, in fact all of the people of America, to help our Nation. Conserve energy. Eliminate waste. Make 1980 indeed a year of energy conservation. [Applause.]

Of course, we must take other actions to strengthen our Nation's economy.

First, we will continue to reduce the deficit and then to balance the federal budget. [Applause.]

Second, as we continue to work with business to hold down prices, we will build also on the historic national accord with organized labor to restrain pay increases in a fair fight against inflation.

Third, we will continue our successful efforts to cut paperwork and to dismantle unnecessary government regulation. [Applause.]

Fourth, we will continue our progress in providing jobs for America, concentrating on a major new program to provide training and work for our young people, especially minority youth. It has been said that "a mind is a terrible thing to waste." We will give our young people new hope for jobs and a better life in the 1980's.

And, fifth, we must use the decade of the 1980's to attack the basic structural weaknesses and problems in our economy through measures to increase productivity, savings, and investment.

With these energy and economic policies we will make America even stronger at home in this decade—just as our foreign and defense policies will make us stronger and safer throughout the world.

We will never abandon our struggle for a just and a decent society here at home. That is the heart of America—and it is the source of our ability to inspire other people to defend their own rights abroad.

Our material resources, great as they are, are limited. Our problems are too complex for simple slogans or for quick solutions. We cannot solve them without effort and sacrifice.

Walter Lippmann once reminded us:

> You took the good things for granted. Now you must earn them again. For every right that you cherish, you have a duty which you must fulfill. . . . For every good which you wish to preserve, you will have to sacrifice your comfort and your ease.
>
> There is nothing for nothing any longer.

Our challenges are formidable. But there is a new spirit of unit and resolve in our country. We move into the 1980's with confidence and hope—and a bright vision of the America we want:

An America strong and free.

An America at peace.

An America with equal rights for all citizens and for women guaranteed in the United States Constitution. [Applause.]

An America with jobs and good health and good education for every citizen.

An America with a clean and bountiful life in our cities and on our farms.

An America that helps to feed the world.

An America secure in filling its own energy needs.

An America of justice, tolerance, and compassion.

For this vision to come true, we must sacrifice, but this national commitment will be an exciting enterprise that will unify our people. Together as one people let us work to build our strength at home and together as one indivisible union let us seek peace and security throughout the world.

Together let us make of this time of challenge and danger a decade of national resolve and of brave achievement. Thank you very much.

[Applause, the Members rising.]

At 9 o'clock and 40 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

## JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 43 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

## MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mrs. BOGGS. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

## ADJOURNMENT

Mrs. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until Thursday, January 24, 1980, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3263. A letter from the Secretary of Defense, transmitting the initial allocation of the civilian authorization among the military departments and the defense agencies and the rationale for the allocation, pursuant to section 501(b) of Public Law 96–107; to the Committee on Armed Services.

3264. A letter from the Under Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the investigation of accidents involving aircraft of an armed force, and to clarify the use of reports of those investigations; to the Committee on Armed Services.

3265. A letter from the Secretary of Commerce, transmitting the semiannual report on export administration covering the months April–September, 1977, pursuant to Public Law 91–184, as amended; to the Committee on Foreign Affairs.

3266. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Robert E. White, Ambassador-designate to El Salvador, and by members of his family, pursuant to section 6 of Public Law 93–126; to the Committee on Foreign Affairs.

3267. A letter from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting various project performance audit reports prepared by the International Bank for Reconstruction and Development and project performance or completion reports prepared by the Asian Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3268. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment to Saudi Arabia (Transmittal No. 80–24), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3269. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Saudi Arabia (Transmittal No. 80–29), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3270. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense services to Saudi Arabia (Transmittal No. 80–33), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3271. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Jordan (Transmittal No. 80–34), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3272. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Jordan (Transmittal No. 80-34), pursuant to section 813 of Public Law 94–106); to the Committee on Armed Services.

3273. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Jordan (Transmittal No. 80–35), pursuant to section 36(b) of the Arms Export Control Act to the Committee on Foreign Affairs.

3274. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Israel (Transmittal No. 80–36), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3275. A letter from the Secretary of the Interior, transmitting the first annual report on innovation grants under the urban park and recreation recovery program, pursuant to section 1015(b) of Public Law 95–625; to the Committee on Interior and Insular Affairs.

3276. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission is unable to render a final decision in docket No. 37210, Insulating Materials, Between Points in Official Territory, within the specified 7-month time limit, pursuant to 49 U.S.C. 10707(b)(1); to the Committee on Interstate and Foreign Commerce.

3277. A letter from the Chairman, Nuclear Regulatory Commission, and the Administrator, Environmental Protection Agency, transmitting a report on the feasibility of conducting epidemiologic research on the health effects of low-level ionizing radiation, pursuant to section 5(d) of Public Law 95–601; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

3278. A letter from the Administrator, U.S. Fire Administration, Federal Emergency Management Agency, transmitting a report on the Federal role in arson prevention and control, pursuant to section 24(b)(1) of Public Law 93–498, as amended; jointly, to the Committees on Science and Technology, and the Judiciary.

3279. A letter from the Comptroller General of the United States, transmitting a report recommending legislative changes to improve Federal programs affecting pregnancy outcome (HRD–80–24) January 21, 1980; jointly to the Committees on Government Operations, Interstate and Foreign Commerce, and Ways and Means.

3280. A letter from the Comptroller General of the United States, transmitting a report on hydropower (EMD–80–30) January 11, 1980; jointly to the Committees on Government Operations, Interior and Insular Affairs, Interstate and Foreign Commerce, and Public Works and Transportation.

3281. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of District of Columbia Act 3–143, "To enact a measure to stabilize the conversion of rental housing to condominium and cooperative housing in the District of Columbia," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 529. Resolution waiving certain points of order against the concurrent resolution (H. Con. Res. 204) approving the extension of nondiscriminatory treatment to the products of the People's Republic of China (Rept. No. 96–734). Referred to the House Calendar.

Mr. FOLEY: Committee on Agriculture. H.R. 4718. A bill to authorize and direct the Secretary of Agriculture to conduct a pilot program of loans providing for periodic disbursements to owners of nonindustrial private forest lands; with amendment (Rept. No. 96–735). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCORMACK:

H.R. 6260. A bill to provide for an accelerated program of research and development of magnetic fusion energy technologies leading to the construction and successful operation of a magnetic fusion demonstration plant in the United States before the end of the 20th century to be carried out by the Department of Energy; to the Committee on Science and Technology.

By Mr. ADDABBO:

H.R. 6261. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. KELLY:

H.R. 6262. A bill to amend title 17, United States Code, to authorize the nonprofit use of copyrighted works, and for other purposes; to the Committee on the Judiciary.

By Mr. ABDNOR:

H.R. 6263. A bill to amend title 38 of the United States Code to provide for and promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

H.R. 6264. A bill to authorize future appropriations to State home facilities; to the Committee on Veterans' Affairs.

By Mr. APPLEGATE (for himself and Mr. Brown of Ohio):

H.R. 6265. A bill to direct the Federal Communications Commission to conduct an experiment to test the feasibility of extended broadcasting hours of operation for amplitude modulated broadcast stations which are currently licensed for daytime operation only; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE:

H.R. 6266. A bill to promote the development of native American culture and art; jointly, to the Committees on Interior and Insular Affairs and Education and Labor.

By Mr. CORMAN:

H.R. 6267. A bill to amend the Internal Revenue Code of 1954 to provide for the allocation of the investment credit for public utility property owned in common in proportion to ownership; to the Committee on Ways and Means.

By Mr. DAVIS of Michigan:

H.R. 6268. A bill to amend title XVIII of the Social Security Act for the purpose of providing payment for physician services rendered outside the United States in certain situations; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. EVANS of Delaware:

H.R. 6269. A bill to extend the temporary suspension of duty on doxorubicin hydrochloride until the close of June 30, 1982; to the Committee on Ways and Means.

By Mr. FISHER:

H.R. 6270. A bill to amend title 10, United States Code, to provide for the payment of retired and retainer pay of members or former members of the uniformed services in compliance with the terms of any court decree, order, or property settlement made in connection with a divorce, annulment, or legal separation; to the Committee on Armed Services.

By Mr. FOUNTAIN:

H.R. 6271. A bill to provide for judicial review of administration determinations made by the Board of Veterans' Appeals; to the Committee on Veterans' Affairs.

By Mr. JACOBS:

H.R. 6272. A bill to prohibit the imposition of Executive orders limiting indoor building temperatures when the energy used to heat and cool such buildings is derived from certain nonpetroleum sources; to the Committee on Interstate and Foreign Commerce.

By Mr. LUNDINE:

H.R. 6273. A bill to increase the Small Business Administration loan guarantee limits; to the Committee on Small Business.

By Mr. MONTGOMERY (for himself, Mrs. Holt, Mr. Chappell, Mr. Hillis, Mr. Lott, and Mr. Hinson):

H.R. 6274. A bill to amend the Military Selective Service Act to provide for reactivation of registration and classification under such act, to provide authority for induction of not more than 200,000 individuals each year for training and service in the individual Ready Reserve of the Army Reserve, to provide for educational assistance for individuals so inducted, and for other purposes; to the Committee on Armed Services.

By Mrs. SCHROEDER (by request):

H.R. 6275. A bill to provide Drug Enforcement Administration executive personnel the same compensation and benefit entitlements now extended to like positions covered by the Senior Executive Service; to the Committee on Post Office and Civil Service.

H.R. 6276. A bill to amend the Civil Service Reform Act of 1978; to the Committee on Post Office and Civil Service.

By Mr. SHANNON:

H.R. 6277. A bill to amend the Internal Revenue Code of 1954 to provide that certain research or experimental expenditures will not be taken into account for purposes of the small issue exemption from the industrial development bond rules; to the Committee on Ways and Means.

H.R. 6278. A bill to suspend the duty on trimethylene glycol di-p- aminobenzoate until the close of December 31, 1982; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 6279. A bill to amend the Agricultural Act of 1949 to assure that wheat and feed grains acquired by the Commodity Credit Corporation during market year 1979 to offset canceled exports will be effectively placed in and treated as a reserve; to the Committee on Agriculture.

By Mr. HINSON:

H.J. Res. 481. Joint resolution to authorize and request the President to issue a proclamation designating Sunday, February 10, 1980, as "Energy Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. ROUSSELOT:

H.J. Res. 482. Joint resolution proposing an amendment to the Constitution of the United States to establish 2, 12-year terms of office for Judges of the Supreme Court; to the Committee on the Judiciary.

By Mr. STANGELAND:

H.J. Res. 483. Joint resolution to amend title II of the Social Security Act to reaffirm the fact that benefits payable thereunder are exempt from all taxation; to the Committee on Ways and Means.

By Mr. ALBOSTA:

H. Con. Res. 250. Concurrent resolution expressing the sense of the Congress with respect to the site of the 1980 summer Olympic games; to the Committee on Foreign Affairs.

By Mr. ALBOSTA (for himself, Mr. Wright, Mr. Kildee, Mr. Dodd, Mr. Hanley, Mr. Wolpe, Mr. Biaggi, Mr. McKinney, Mr. Scheuer, Mr. Glickman, Mr. Ambro, Mr. Bingham, Mr. Donnelly, Mr. Waxman, Mr. Skelton, Mr. Clinger, Mr. Fish, Mr. Roe, Mr. Mica, Mr. Pepper, Mr. McHugh, Mr. Lehman, Mr. Solarz, Mr. Giaimo, Mr. Atkinson, Mr. Rosenthal, Mr. Blanchard, Mr. Peyser, Mr. Brodhead, Mr. Leach of Louisiana, Mr. Downey, Mr. Lent, Mr. Levitas, Mr. Ottinger, Mr. Ford of Michigan, Mr. Stack, Mr. Ireland, Mr. Derwinski, Mr. Barnes, and Mr. Traxler):

H. Con. Res. 251. Concurrent resolution expressing the sense of the Congress with respect to the denouncement and internal exile of Nobel Laureate Andrei Sakharov; to the Committee on Foreign Affairs.

By Mr. FISHER (for himself, Mr. McCloskey, Mr. Ottinger, Mr. Jeffords, Mr. Wright, Mr. Udall, Mr. Reuss, Mr. Seiberling, Mr. Dingell, Mr. Buchanan, Mr. Brown of California, Mr. Evans of Delaware, Mr. Leach of Iowa, and Mr. Anderson of Illinois):

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress that April 22, 1980, should be celebrated as "Earth Day, 1980"; to the Committee on Post Office and Civil Service.

By Mr. MARRIOTT:

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that the President should issue a proclamation designating the week beginning on November 16, 1980, as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. ROUSSELOT:

H. Con. Res. 254. Concurrent resolution expressing the sense of the Congress with respect to the site of the 1980 summer Olympic games; to the Committee on Foreign Affairs.

By Mrs. SCHROEDER:

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress that the 1980 summer Olympic games should be moved from the Soviet Union, that the United States should withdraw from competition in the 1980 summer Olympic games if they are not moved from the Soviet Union, and that the International Olympic Committee should select permanent sites for the summer and winter Olympic games in order to avoid the possible use of those games for political purposes by host nations; to the Committee on Foreign Affairs.

By Mr. PERKINS (for himself and Mr. Ashbrook):

H. Res. 530. Resolution to provide for the further expenses of investigations and studies to be conducted by the Committee on Education and Labor; to the Committee on House Administration.

By Mr. BENNETT:

H. Res. 531. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Standards of Official Conduct; to the Committee on House Administration.

By Mr. BROOKS:

H. Res. 532. Resolution to provide for the further expenses of studies and investigations to be conducted by the Committee on Government Operations; to the Committee on House Administration.

By Mr. PATTERSON (for himself and Mr. Cleveland):

H. Res. 533. Resolution to extend the filing date of the final report of the Select Committee on Committees; to the Committee on Rules.

## MEMORIALS

Under clause 4 of rule XXII,

334. The SPEAKER presented a memorial of the House of Representatives of the State of South Carolina, relative to development of the agriculturally deprived ethyl alcohol fuel industry; jointly, to the Committees on Agriculture, Armed Services, Banking, Finance and Urban Affairs, Government Operations, Interstate and Foreign Commerce, and Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FOUNTAIN:

H.R. 6280. A bill for the relief of Clater P. Killebrew, Junior; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 6281. A bill for the relief of Carla K. Finch; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 6282. A bill for the relief of Paul Esquerra, doctor of medicine; to the Committee on the Judiciary.

H.R. 6283. A bill for the relief of Generoso Blando, doctor of medicine; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 654: Mr. Thomas.

H.R. 2139: Mr. Seiberling, Mr. Wolff, Mr. Rosenthal, Mr. Mitchell of Maryland, Mr. Coelho, Mr. D'Amours, Mr. Charles Wilson of Texas, Mrs. Chisholm, Mr. Synar, Mr. Dicks, Mr. Rinaldo, Mr. Lent, Mrs. Schroeder, Mr. Kildee, Mr. Rodino, Mr. Ratchford, Mr. Lederer, Mr. Clinger, and Mr. Hance.

H.R. 2248: Mr. Hyde, Mr. Fowler, Mr. Ritter, and Mr. Panetta.

H.R. 2289: Mrs. Schroeder.

H.R. 3171: Mr. Lungren.

H.R. 3885: Mr. Kildee.

H.R. 4624: Mr. Green.

H.R. 5038: Mr. Ford of Tennessee.

H.R. 5040: Mr. Mavroules.

H.R. 5225: Mr. Clinger, Mr. Emery, and Mr. Marlenee.

H.R. 5243: Mr. Lowry.

H.R. 5304: Mr. Beard of Rhode Island, Mr. Luken, and Mr. Weaver.

H.R. 5407: Mr. Coelho, Mr. Courter, and Mr. Edwards of Oklahoma.

H.R. 5529: Mr. Barnes.

H.R. 5548: Mr. Wirth, Mr. Rousselot, and Mr. Gudger.

H.R. 5586: Mr. Dornan and Mr. Shumway.

H.R. 5810: Mr. Cavanaugh.

H.R. 5855: Mr. Whitley.

H.R. 5856: Mr. Price, Mr. Whitehurst, Mr. McDonald, Mr. Sebelius, Mr. Jeffords, Mr. Corrada, Mr. Lott, Mr. Stokes, Mr. Derwinski, Mr. Hansen, Mr. Clay, Mr. Brown of Ohio, Mr. Skelton, Mr. Hughes, Mr. Lagomarsino, Mr. Dougherty, Mr. Montgomery, Mr. Mitchell of Maryland, Mr. Fazio, Mr. Hyde, Mr. Won Pat, Mr. Wyatt, Mr. Rangel, Mr. Fauntroy, Mr. Dellums, Mrs. Chisholm, Mr. Gray, Mr. Leland, Mr. Ford of Tennessee, Mr. Winn, Mrs. Collins of Illinois, Mr. Stewart, Mr. Dixon, Mr. Conyers, and Mr. Hawkins.

H.R. 5862: Mr. Bailey, Mr. Broyhill, Mr. Gibbons, Mr. Gramm, Mr. Guyer, Mr. Livingston, Mr. Long of Louisiana, Mr. Ireland, and Mr. Quillen.

H.R. 5889: Mr. Lee.

H.R. 5940: Mr. Patten.

H.R. 6152: Mr. Roe and Mr. Bailey.

H.J. Res. 145: Mr. Boland.

H.J. Res. 159: Mr. Fish.

H.J. Res. 417: Mr. Winn, Mr. Snyder, Mr. Daschle, Mr. Nedzi, Mr. Young of Florida, Mr. Sebelius, Mr. Bonior of Michigan, Mr. Hance, Mr. Akaka, Mr. Erdahl, Mr. Frenzel, Mr. Sabo, Mr. Stack, Mr. Skelton, Mr. Kogovsek, Mr. Jones of Tennessee, Mr. Preyer, Mrs. Spellman, Mr. O'Brien, Mr. Weaver, and Mr. Hightower.

H.J. Res. 437: Mr. Whitehurst and Mr. Kindness.

H. Con. Res. 210: Mr. Hughes.

H. Con. Res. 245: Mr. Mottl, Mr. Corrada, Mr. Whitehurst, Mr. Nichols, Mr. Mazzoli, Mr. Charles H. Wilson of California, Mr. Green, Mr. Mavroules, Mr. Fazio, and Mr. Ottinger.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

271. The SPEAKER presented a petition of the Municipal Council, Jersey City, N.J., relative to the proposed installation of a solid waste recovery facility on the Jersey City waterfront by the Port Authority of New York and New Jersey, which was referred to the Committee on Interstate and Foreign Commerce.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 4788

By Mr. ROBERT W. EDGAR:

—Page 76, strike out lines 14 through 17, inclusive.

Strike from the bill the following sections: 103, 105, 106, 107, 109, 121, and 122.

Renumber the sections of title I accordingly.

—Strike from the bill the following sections: 120 and 125.

Renumber the sections of title I accordingly.

---

# SENATE—*Wednesday, January 23, 1980*

*(Legislative day of Thursday, January 3, 1980)*

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. Robert C. Byrd, a Senator from the State of West Virginia.

### PRAYER

The Reverend James D. Ford, D.D., Chaplain, U.S. House of Representatives, offered the following prayer:

Gracious Lord, in whom we live and move and have our being, we thank Thee for the opportunities of this day. We confess our faults even as we give thanks

---

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

for Thy grace, we admit our shortcomings and failures, even as we experience Thy love and forgiveness. May we gain strength through the power of Thy spirit as we serve this Nation and all the people. Keep us sensitive to the hurt and pain of individuals that we may gain a heart of wisdom and thus serve the common good and glorify Thy name forever. In Thy name, we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, D.C., January 23, 1980.*
>
> *To the Senate:*
>
> Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair.
>
> WARREN G. MAGNUSON,
> *President pro tempore.*

Mr. ROBERT C. BYRD thereupon assumed the chair as acting President pro tempore.

## RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Alaska, the acting Republican leader.

## THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings to date be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting Republican leader (Mr. STEVENS) for any remarks that he might wish to make under the leaders' time. The majority leader will withhold his time.

Mr. STEVENS. Mr. President, I ask unanimous consent that my comments appear in the RECORD after the majority leader's comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PRYOR). The majority leader is recognized.

## ANDREI SAKHAROV

Mr. ROBERT C. BYRD. Mr. President, the Soviet Union apparently has banished to internal exile one of that country's most prominent citizens, the physicist and Nobel Peace Laureate Andrei Sakharov.

It appears that the policy of crude, blunt aggression that the Soviets have demonstrated in Afghanistan also is being carried out inside their own country.

As a brilliant physicist, Mr. Sakharov is held in high esteem in the international scientific community. He helped develop the Soviet hydrogen bomb.

But he also is an outspoken critic of the oppression of human rights in the Soviet Union. His views are widely known, especially among the community of dissenters that looked to him as a leader. He has carried news to all parts of the Soviet Union, even visiting, over the objections of the police, dissenters who had been exiled.

As a result of these activities, he lost his job, and his right to do research.

Also as a result of these activities on behalf of human rights, Mr. Sakharov was awarded the Nobel Peace Prize. The Soviet leaders would not allow Mr. Sakharov to go to Stockholm to receive the award, but they realized that Mr. Sakharov had to be accorded a certain immunity. He has been able to keep up his activities as a dissident leader.

As Mr. Sakharov persisted in these activities, the Soviet attitude hardened. Finally even the protective shield of his internal reputation was pierced by Soviet censorship.

And so Andrei Sakharov has been sent to a restricted area.

But there will be other Sakharovs. You can banish one man, but you cannot banish all men. You cannot banish ideas and thoughts, and you cannot banish human rights.

Over the past year I have had several communications and discussions with Soviet officials about dissidents and family reunification cases, and the Soviets were responsive to some of my inquiries. In several cases exit visas were granted. Therefore, in view of those recent signs of progress, I am particularly saddened and troubled to see this turn of events.

## MOVING AHEAD ON ENERGY

Mr. ROBERT C. BYRD. Mr. President, as we begin this new legislative session, we are faced with unfinished business of the greatest importance. Last year, the Congress fashioned a package of legislation directed at a basic economic and national security problem—our dangerous overdependence on imported oil. Three different bills representing, to a large measure, our Nation's energy policy for the next decade, are now in conference. These three pieces of legislation build upon the legislation that was enacted in the past Congress.

Although the shape of the legislation now in conference is clear, the details must still be refined and final passage accomplished. Enactment of this energy package will remain the highest congressional priority.

The windfall profit tax is the cornerstone of our program to produce more domestic energy.

The starting point for this initiative was the President's decision to decontrol the price of domestic crude oil, with the dual objective of increasing production while encouraging conservation. Decontrol was commenced, on a phased basis, on the condition that Congress enact a fair and meaningful windfall profit tax. Although decontrol will produce some increased domestic oil supplies, fairness and equity demand that a portion of the resulting extraordinary profits be returned to the American people, either directly or through programs which benefit the Nation as a whole.

Last month, the President took a step which I encouraged, serving notice to Congress and the oil industry alike that decontrol was tied to a meaningful windfall profit tax, the President slowed the decontrol schedule for a small portion of domestic production. The economic effect was insignificant but the message should be clear—price decontrol must not go forward until an acceptable windfall profit tax is enacted.

Last week, House-Senate conferees returned to the difficult task of devising the final structure of the windfall profit tax legislation. Competing interests among the two segments of the oil industry—the independent producers and the major oil companies—had threatened to delay action on this bill. But it appears that the conferees have achieved a responsible and reasonable compromise on the formula for the tax which will hasten final action on this vital bill. Like Solomon, the conferees sought to strike the proper balance by reducing the generous exemption for independent producers granted by the Senate—for which I did not vote—while lowering the stiff tax rate on new oil imposed by the House. In addition, the decision to merge tiers 1 and 2 and impose a uniform tax rate of 70 percent on such "old" oil, is welcomed as a means of simplifying the administration of the windfall profit tax. This is the kind of constructive action which reflects the best spirit of the legislative process. All of the conferees are to be congratulated, but most especially I must applaud the efforts of the distinguished Senator from Louisiana (Senator LONG) for his outstanding leadership in achieving this agreement. I also want to compliment his colleagues from the Senate who were working with him, both the majority and minority members of the conference.

In this period of deepening world tensions and uncertain oil supplies and prices, responsible and prompt congressional action on these energy initiatives is imperative. The respective energy conferences cannot and will not be unduly prolonged. Each Senator who is a participant in these deliberations must consider the vulnerability to which our

Nation is exposed while these questions remain unresolved. We are walking a tenuous energy path and we must demonstrate our national commitment if our energy prospects are to improve.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Alaska.

## SPIRIT OF THE WIND

Mr. STEVENS. Mr. President, in the December 12 edition of the Hollywood Reporter, famed cinema critic Arthur Knight reviewed the film "Spirit of the Wind." The film is not just an ordinary motion picture. It is an outstanding portrayal of the triumph of the human spirit as exemplified by George Attla, an Alaskan Indian who became the world champion of dog sled racing despite severe handicaps. George has become a legend in my State because of his triumph in one of the most grueling sports in the world—dog sled racing—despite being severely crippled.

This motion picture, filmed in Alaska, contains footage of some of Alaska's breathtaking scenery. The film deserves to be seen by all those who care about the indomitable spirit that has made this Nation great. I urge my colleagues to make note of this film so that they do not miss the opportunity to see it when it comes to the Washington, D.C. area.

Mr. President, I ask unanimous consent to insert at the end of my remarks the text of Arthur Knight's review of "Spirit of the Wind."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SPIRIT OF THE WIND

"Spirit of the Wind," which opens here tomorrow for a one-week Academy consideration run, is a film of more than ordinary merit. Any picture that celebrates the triumph of the human spirit automatically has that going for it. What Ralph Liddle (producer, director and cowriter of "Spirit") and John Logue (cowriter and cinematographer) have done transcends that. Using the story of George Attla, a crippled Eskimo who became the world champion of dog sled racing, they have effectively dramatized his triumph over adversity to make it one in which we all can share.

The film introduces us to the young George at about 10, an outdoor lad who loves his dogs and helps his father at logging. But he succumbs to a rare bone disease that leaves him crippled, and forces him to remain for seven years in a hospital, isolated from the life he knows and loves. Released from the hospital, a permanent cripple, he must readjust to the rigors of Eskimo life. And he does by forming his own team of huskies, and ultimately drives them to a victory that tests his own fortitude as well as theirs.

The story is simply, effectively told with the aid of such tried Hollywood hands as Chief Dan George and Slim Pickens, with a musical assist from Buffy Sainte-Marie. But its center is Pius Savage, a nonpro, playing Attla with such intensity and conviction that you'd swear he *was* Attla. I found the final race, in three heats, overly prolonged and repetitious; but it provides a stirring climax to a movie that takes its substance from its close adherence to the facts of the matter. Produced in Alaska, filmed in Alaska, based on an Alaskan hero, "Spirit of the Wind" offers solid evidence that this kind of regional film making represents the wave of the future. But I mean the immediate future. Here's a great chance to see the future *now*.

## U.S. JUDGE BLOCKS OIL-DRILLING LEASES OFF ALASKA

Mr. STEVENS. Mr. President, I ask unanimous consent that the story in the New York Times of January 22, 1980, concerning the ruling of the U.S. district court with respect to the leasing of the rights to explore for oil and gas in the Beaufort Sea off Alaska's North Slope be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### U.S. JUDGE BLOCKS OIL-DRILLING LEASES OFF ALASKA

(By Philip Shabecoff)

WASHINGTON, January 22.—In a victory for environmentalists and Eskimos, a Federal judge today blocked the leasing of oil-drilling rights in the Beaufort Sea off Alaska's North Slope.

The area is a critical habitat of the bowhead whale, an endangered species that environmentalists are seeking to protect and that Eskimos hunt for subsistence.

Last month a joint sale by the Alaskan and Federal Governments of rights to drill on 800 square miles of the Beaufort Sea floor produced bids of over $1 billion.

But today Federal District Judge Aubrey E. Robinson Jr. here enjoined execution of the sales until the Secretary of the Interior complies with requirements of the Endangered Species Act and the National Environmental Policy Act, and meets his trust responsibilities to Alaskan natives.

#### DELAY OF TWO YEARS SEEN

The decision does not void bids already submitted. But an Interior Department spokesman said that it could take as long as two years to comply with the requirements imposed by Judge Robinson.

One requirement is issuance of an opinion by the National Marine and Fisheries Service on whether the drilling would endanger the bowhead's existence. The bowhead is considered one of the most endangered of the great whales, and only about 4,000 are thought to be alive.

The Interior spokesman said the Justice Department would be asked to appeal the decision. He noted that his department had only until Feb. 10 to carry out the lease sale or call it off entirely, which would mean returning the 20 percent down payments made on the bids.

#### LAWSUIT AGAINST ANDRUS

Several environmental groups, along with Eskimos and other North Slope residents, had sued Interior Secretary Cecil D. Andrus, contending that he had not fulfilled his legal responsibilities to make sure that the bowhead whale and other wildlife in the delicate Arctic habitat would not be endangered by drilling.

Government lawyers had argued that there would be adequate safeguards and that delays in drilling would mean serious economic and national security costs for the United States.

Mr. STEVENS. For some time now, Mr. President, I have been pointing out to the Senate that the risks involved in onshore development in northern Alaska are much less than the risks offshore Alaska; that we may have to take the risks offshort Alaska, but I do believe the residents of that area, the Eskimo people of Alaska, have the right to seek as great a protection as they can obtain for the marine resources upon which they rely, particularly the bowhead whale.

A U.S. district judge has now temporarily enjoined the joint sale by the State of Alaska and the Federal Government of the right to explore the Beaufort Sea.

## LT. PATRICK M. FANT

Mr. STEVENS. Mr. President, I wish to pay tribute to Navy Lt. Patrick M. Fant, an Alaskan aviator who served his country as a fighter pilot in World War II and the Korean war, and more recently as an air traffic controller stationed in Anchorage.

Lieutenant Fant earned several Gold Star Medals, the Silver Star Medal, and the Purple Heart. Lieutenant Fant's Silver Star citation describes his heroism:

> For distinguishing himself conspicuously by gallantry and intrepidity as pilot of an Attack Bomber attached to Attack Squadron Seven Hundred-Two and serving with Carrier Air Group One Hundred One aboard the U.S.S. *Boxer* during action against enemy forces near Hyon-ni, Korea on 18 May, 1951. Lieutenant (junior grade) Patrick M. Fant, in his capacity as a low-level rescue patrol pilot, made persistent and determined runs on enemy troops and thwarted their repeated attempts at reaching a downed and injured pilot. Despite intense and accurate anti-aircraft fire that hit his plane in seven places and the fact that another rescue patrol plane with him was shot down, he coolly and efficiently remained on his low-level rescue patrol station with a low fuel supply until the arrival of a relief. His vigilance and courageous devotion to duty with complete disregard for his own personal safety were in keeping with the highest traditions of the United States Naval Service.

Beginning his career as an air traffic controller in 1963, Lieutenant Fant earned a series of rapid promotions, numerous letters of commendation and several special achievement awards from the Federal Aviation Administration. According to his FAA record, Lieutenant Fant consistently exceeded his job requirements, provided vital assistance in air rescue efforts and served as a highly respected liaison between the community and the FAA.

Lieutenant Fant is retiring from almost 30 years of dedicated service to his country. First as a Navy pilot, then as an air traffic controller, he demonstrated those qualities that comprise the ideal American character: Heroism, ambition, and altruism.

As an Alaskan and as an American, I am honored to pay tribute to Lt. Patrick M. Fant.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. RIEGLE be transferred to my control. I will be glad to yield it to any Senators who may need it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield the floor.

The PRESIDING OFFICER. Does the acting minority leader wish to utilize any more of his time?

Mr. STEVENS. Mr. President, I yield the remainder of my time to the Senator from Connecticut (Mr. WEICKER), should he desire it.

Mr. ROBERT C. BYRD. Does the Senator from Connecticut need any more time?

Mr. WEICKER. I do not need any more time. I appreciate that very much.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized for not to exceed 15 minutes.

## S. 2202—IMPORTED OIL REDUCTION ACT OF 1980

Mr. WEICKER. Mr. President, I rise to address the problem of the hostages in Iran and the problem of our economy, which is the problem of oil imports.

I realize that a lot has transpired in the last several weeks. We have had the Iowa primaries, the Super Bowl, and the invasion of Afghanistan. But the fact still remains that this is the 81st day of the hostage situation that has not been resolved, and there is no reason to believe that it does not, indeed, draw further and further away from the consciousness of this country.

I think the question has to be asked as to what it is that we can do to assist those American citizens in their plight.

As I look around, we see the 81st day of their captivity, we see the invasion of Afghanistan, and we now see this morning the exile of Mr. Sakharov. The list goes on and on. Also there are the potential problems that might occur in Yugoslavia.

I think it really boils down to the fact that the word and the will of the United States of America are not to be believed. And there is no reason why they should be believed. Until they are, believe me, no hostages are going to be freed and the aggressive intentions of any nation—the Soviet Union or any other nation—will continue across this globe.

Now, the resolution of the problem does not sit in the hands of the Pakistanis. It is not something that can be resolved immediately by the U.S. military. It will not be resolved by upping the defense budget 15 percent.

The problem that I am talking about sits on the shoulders of every single American—something that can be resolved right here at home; for example, to send the message to the world that we have the capacity for sacrifice and for depravation in defense of our principles.

Right now, all we see are Americans who will not even get out of their automobiles on behalf of their fellow Americans held hostage. We see politicians who are afraid to offend the voters in Iowa when it comes to a food embargo on the Soviet Union after a naked aggression into a nation of peace.

The greatest assistance that we can be to those hostages in Iran is to establish clearly through our own actions and our own sacrifices that America indeed is willing to stand up for the principles that we have espoused over our history; that we are willing to stand up on behalf of our fellow Americans when they are in peril, and that we are not going to rationalize our way into some form of weak and despicable behavior.

I find it appalling that as I read in the newspapers—this goes to prove how far down the road we have come—our response to Soviet aggression in Afghanistan is going to be to arm the Pakistanis, who only 1 month ago burned the U.S. Embassy and killed two U.S. Marines. They are going to be the surrogate for the United States of America? Not as long as I have a breath left on this floor.

Mr. President, I am introducing legislation today that represents what I believe to be a very necessary step in breaking the stranglehold OPEC holds on this Nation and delivering a message to the Iranians that we are willing to sacrifice on behalf of those we love and in those principles in which we believe.

The legislation consists of three basic proposals:

First, it directs the President to limit immediately the importation of crude oil and petroleum products from OPEC by at least 30 percent.

Second, it directs the President to phase out OPEC oil imports at a rate of at least 1 percent per month beginning January 1, 1981.

Third, it changes the trigger measure for the standby gasoline rationing plan from a 20-percent shortfall of petroleum products to a 5-percent shortfall.

I will tell you what this legislation means. It means we are going to have rationing and we are going to have it mighty quick, once we restrict or we limit our imports of OPEC oil to the extent called for in this legislation.

The gasoline that is going to be rationed is the gasoline which is used for pleasure driving in this country. Does anybody think it is worth getting out of his automobile on a pleasure drive if indeed it establishes the will of this Nation? If you are not willing to get out of your automobile, you are not willing to do much else on behalf of those people and the Russians know it, the Iranians know it, and the world knows it.

The price of gold is a very good, impartial rating of the United States of America by the rest of the world. We kid ourselves on a regional basis, a philosophical basis, on a partisan basis, but we do not fool the world.

That is what the gold price is. It is an indicator of world confidence in the leader of the world. That confidence is zilch right now, and it ought to be. There is no reason why anybody should believe the principles espoused in the past by the United States of America. The United States of America has become a spectator.

The news has become an entertainment spectacular to be watched each evening, and the more gory, the more the violence, the more the peril, the more people watch.

I think the time has come to have everyone understand, both the politicians and the people, that nothing will establish our credibility more in the world today than our willingness to go ahead and sacrifice, to impose upon ourselves a change in life style, rather than to be on our knees, to be totally addicted to oil, to the elimination of principle, to the encouragement of rationalization.

What have we done here in this Nation aside from ringing bells, with little boxscores in the newspapers and on television? What have we done to free those hostages? It is not just President Carter. It is not something the President can do by himself, or the Secretary of State. What have we done? Not one single thing except sit there and wring our hands. And when the hard choices come up here on the Senate floor, we duck them, the President ducks them, and the American people duck them. So the Iranians are under the proper impression that eventually we will duck our responsibility to our fellow Americans, that maybe somehow we will forget it and it will pass away.

That is the main purpose of this legislation.

I will get into the economic benefits in a minute, but the main purpose is to have the world understand that we are shucking the spectator role, that we are going to get into this, every one of us, and do everything that we can, and either by change of lifestyle or by cost of dollars, we will become the participants and we are no longer sitting there just watching the 7 o'clock news about how somebody else is faring rather badly.

Rationing is not popular. It is not popular in New England. It is not popular anywhere in the United States. But the problem has been our inability as a people to conserve. It has been the inability of the United States Senate to enact those laws which would involve minimal conservation, and have the world believing that we do not have the guts and the capacity to help ourselves, much less anyone else.

If you want an example, the President of the United States asked for a 5-percent triggering mechanism. We impose a 20-percent figure on him, which is totally unrealistic. The last 2 percent to 3 percent shortfall almost produced a panic in this country, never mind 20 percent. But we are going to saddle the President with 20 percent so it gives him a standby rationing but under totally unrealistic terms to the point where it would never be exercised.

We had an efficiency bill for small electrical motors on the floor of the Senate, a voluntary standard, which just passed by two votes. Who is kidding whom? We are not kidding anyone.

I want that triggering mechanism rolled back to the 5 percent requested by the President of the United States. I think it is a realistic figure. More importantly, I want to show that, one, we can do without, as far as OPEC oil is concerned, and, two, that we have the capacity, having done without, to make up in terms of either conservation or alternate forms of energy, or additional discovery of fossil fuels, those things which we alone can generate which will free us from the economic addiction to OPEC, which is destroying this Nation and, indeed, a good portion of the world, economically.

That really is the twofold purpose of the legislation I propose: to reestablish the word of the United States of America in the world, which is the first step to getting the hostages back, which is the first step in getting the Russians out of Afghanistan, short of war, short of armed conflict.

We are not going to be able to talk our way into these very tough solutions. The reason why we are not going to be able to talk our way into them is that nobody believes us, and there is no reason why we should be believed. The Senate of the United States on the matter of energy should not be believed. We have not produced an effective energy policy, and the world is telling us, telling us again and again.

The price to be paid is not only the price at the gas pump. It is now a far more costly price. It is 50 American lives, it is the invasion of another nation, because the Senate of the United States is not to be believed, the President of the United States is not to be believed.

The moral equivalent of war, was that not the statement? The moral equivalent of war, that was the statement made several years ago on energy. Have the actions that followed been the moral equivalent of war?

The President is not to be believed, and the House of Representatives, which ducks the tough decisions even far more than the U.S. Senate, is not to be believed.

Then we expect, when the United States objects, everybody will sit up, take notice, and pay attention.

We cannot help ourselves, I say, never minding the rest of the world.

That is what this legislation seeks to do, to help ourselves, in the sense of ridding us once and for all of this addiction to oil which has permeated and corrupted our foreign policy, which has permeated and corrupted the national will, and which only further encourages additional transgressions, both economically and in terms of human rights.

This limitation on OPEC oil imports would lead to a petroleum supply shortfall of about 10 percent nationwide. We would have to do without 1.5 to 2 million barrels of oil per day. As I said, it would trigger rationing. There is no question about it. It would force all Americans to give up their pleasure driving and radically change their lifestyles. It would force Americans to conserve and find alternate petroleum sources or else do without.

Mr. President, 7 years have gone by since the Arab oil embargo, and our Nation has still not taken positive steps to effectively reduce our perilous dependency upon OPEC oil. We have, for the record, taken a number of false steps: Petroleum allocation controls which have managed to put the Nation into a palsy whenever there is even a slight aberration in petroleum supplies, and petroleum price controls which have undermined any effort to conserve precious energy supplies by giving the public a false pricing signal.

Legislation I am introducing today, Mr. President, represents the first step in breaking the stranglehold OPEC holds on this Nation. The actions I propose are stringent and sacrificial for all Americans, but the future we face in the absence of such measures is infinitely more costly.

Mr. President, this legislation consists of three basic proposals:

First, it directs the President to limit immediately the importation of crude oil and petroleum products from OPEC by at least 30 percent.

Second, it directs the President to phase out OPEC oil imports at a rate of at least 1 percent per month beginning January 1, 1981.

Third, it changes the trigger measure for the standby gasoline rationing plan from a 20-percent shortfall of petroleum products to a 5-percent shortfall.

Mr. President, many programs have been proposed and a lot of words spoken in earnest since the Arab oil embargo of 1973, and yet our Nation still lacks a coherent energy policy.

There is no argument as to our continuing and increasing dependence on OPEC oil imports. The facts could not be more clear: In 1973 OPEC crude oil made up 68 percent of our total oil imports; in 1979 OPEC crude oil made up 78 percent of our total oil imports—an increase in our dependency on OPEC oil of 15 percent. During the same time, total oil imports from OPEC and the rest of the world rose from 36 percent of the total U.S. oil consumption in 1973 to 44 percent in 1979.

Mr. President, the time has come to face the facts of our energy dependence. The time has come to recognize and anticipate world events and to act, not react.

If our Nation wants to break the stranglehold of the OPEC cartel, we should immediately restrict OPEC oil imports by at least 30 percent, which amounts to 10 percent of the total oil consumption in the United States. Clearly this would help our balance of payments and stabilize the dollar. More importantly, it would send a message to OPEC that America is willing to sacrifice for her future. Phasing out OPEC oil would be the first step for America to regain her freedom. It would force America's leaders to stop procrastinating and appeasing various interest groups and start planning for America's transition to alternative energy supplies and an altered lifestyle for all Americans.

Placing this limitation on OPEC oil imports would lead to a petroleum supply shortfall of about 10 percent nationwide. We would have to do without 1.5 to 2.0 million barrels of oil per day. Under my proposal the impact of this shortfall would trigger the gasoline rationing plan. It would force all Americans to give up their pleasure driving and to radically change their lifestyles. It would force Americans to conserve or find alternative petroleum sources, or else do without.

Last year's debate over the President's proposed gasoline rationing plan clearly demonstrated the Congress is willing to appease every interest group in the Nation to the extent that any energy bill it passes is meaningless. In order to trigger the implementation of the rationing plan, the Nation would have to experience a 20-percent shortfall of petroleum supplies. That is absurd. Waiting until the Nation experiences a 20-percent shortfall in supplies before implementing gasoline rationing will cause unnecessary social and economic hardships and inequities for the vast majority of Americans.

Equally absurd is the fact that we do not even have a gasoline rationing plan in "standby status" yet. Only when it is too late to prepare for an oil embargo or shortage will the Nation have a gasoline rationing plan. By that time the axe will have already fallen.

Mr. President, I am convinced that unless we act now in this bold manner, our Nation will be devastated by the inevitable course of world events. The price of OPEC oil this past year increased by over 100 percent. The availability of supply may be cut off at any time. America's economic and strategic strength is wide open to attack. And the Russians and the Arabs know it. In fact everyone seems to know it but the American public.

It is time the leadership of America told them the truth.

It is time we told them what is at stake and what needs to be done.

The legislation I am introducing today is very strong medicine for a very sick patient—a country with an addiction to imported oil and dangerous delusions about its security. Unless Americans accept the sacrifice required to rebuild the waning strength of this Nation, we do not have the will to survive as a free nation in a turbulent world.

I hope, Mr. President, that, sooner or later, we shall come to the same realization so eloquently expressed by Mr. Shakespeare:

> The fault, dear Brutus, is not in our stars, but in ourselves * * *

Because if we do not come to that realization, then we shall come to another thought penned by another great author, John Donne:

> I am mine own executioner.

I am mine own executioner.

Indeed, that is the position in which the United States of America finds itself today—slowly, but surely, slowly but surely, the knife falls, the knife of our own manufacture.

I do not know anything worthwhile that has ever been created or resisted from the posture of being on one's knees, which is exactly where we are—not because of a Democrat or a Republican or a President or a Congress or a Senate or an oil company or a consumer group or anything, but because we are all in this.

We have chosen the easy way. We have eschewed the difficult decisions. When we make the hard choices, the hostages come back, and not until.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2202

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Imported Oil Reduction Act of 1980".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress finds that—

(1) the amount of crude oil and petroleum products which are imported into the United States have increased dramatically; and

(2) the mandatory reduction of imports of crude oil and petroleum products is necessary to forestall an economic crisis in this country.

(b) It is the policy of Congress in this Act to direct the President to restrict imports of crude oil and petroleum products produced in nations which are members of the Organization of Petroleum Exporting Countries.

AUTHORITY

SEC. 3. (a) Notwithstanding any other law, the President shall within ninety days after the date of enactment of this Act promulgate a regulation prohibiting the importation of not less than 30 percent of current United States imports of crude oil and petroleum products which have been produced in nations which are members of the Organization of Petroleum Exporting Countries.

(b) Not later than December 1, 1980, the President shall amend the regulation promulgated under subsection (a), to increase the prohibition on importation limits by not less than 1 percent per month beginning January 1, 1981, until such time as imports of crude oil and petroleum products from nations which are members of the Organization of Petroleum Exporting Countries have been eliminated.

(c) The regulation under subsection (a), to the maximum extent feasible, shall provide for—

(1) the protection of contracts in force on the date of enactment of this Act;

(2) the orderly transition of energy sources from imports to domestically produced sources;

(3) the preservation of public services, agricultural operations; and

(4) equitable distribution of available energy resources during the period of reduction of imports.

AMENDMENT TO ENERGY POLICY AND CONSERVATION ACT

SEC. 3. Section 201(d)(3)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6261(d)) is amended by striking "20 percent" and substituting "5 percent".

---

## RECOGNITION OF SENATOR BOREN

The **PRESIDING OFFICER.** Under the previous order, the Senator from Oklahoma (Mr. BOREN) is recognized for not to exceed 15 minutes.

---

## THE STATE OF THE UNION MESSAGE

Mr. **BOREN.** Mr. President, there are times when we have to cast aside our dreams of the world as we want it to be and confront the world as it really is. The events of the past few weeks have pierced the veil of wishful thinking for our Nation.

Tonight, our President will address us on the state of the Union. It could well be a crucial moment for our country, one which will help to chart a course for the preservation of peace or one that could encourage the kinds of miscalculations that lead to wars.

I believe that Americans of all persuasions, without regard to political allegiances, wish the President and the Congress well in this mutual and perilous voyage together.

How do we chart a course that will help to preserve the peace? How do we keep our young people out of battle and protect our civilians against the ravages of a new kind of warfare which is horrible beyond measure?

We must begin by facing reality. In one of the wisest columns written by a journalist in some time, George Will last week compared the world today with the world in 1938.

He spoke of the wishful thinking of those who hoped that the threat by Hitler would somehow go away. The leaders of the day shrank from the need to draw lines and contain the threat.

He said:

> After Hitler's first great gamble, the remilitarization of the Rhineland in 1936, there was a growing sense of the need to confront Hitler. But there were always those who said not here, not now. Now about the Rhineland, or the Sudetenland, or the rest of Czechoslovakia and, "Why die for Danzig?"

He quotes Eric Sevareid, speaking of the collapse of France in 1940, as saying—

> Their last experience (in World War I) had taught them that there is no such thing as true victory for civilized men who have no desire to conquer others. Their tragedy was that they had reached a point of human progress too soon; they were living before their time. They were the last people on earth who should have had Germany for a neighbor.

Mr. Will goes on to point out that while war, because of its terrible suffering, may never bring true victory, still there are lesser victories worth winning, such as avoiding the fate of France in 1940.

As the column points out, we must not allow our genuine hatred of war and our love of peace to blind us to the need to have a military capacity necessary to resist "barbarians." In the real world there are often "barbarians at the gates," as Mr. Will says who do not have our values and our revulsion at war.

The writer is exactly on target. Recently, I was was asked by one citizen who was shocked by the Soviet invasion of Afghanistan, "Don't the Soviets know that their action will lead world opinion to disapprove of them?"

I could not help but reflect to myself that the Soviets do not think as we do. They do not care about world opinion or standards of law unless they can manipulate them for their own purposes. They care about obtaining what they want and when they think that the balance of power favors them, they strike.

The Soviets may participate in arms reduction negotiations. They may encourage cultural and athletic exchanges but, all the while, they systematically work to tilt the balance of power in their own direction. The bottom line to them is power—American and allied power, and that alone will restrain the Soviets from aggressive behavior. It is no coincidence that reports indicate a huge increase in the presence of so-called Soviet advisers in Third World nations in the past year. Their level of activity has increased as the Soviets have perceived the balance of power shifting in their direction.

George Will aptly concludes his column by saying—

> Barbarians are a fact of life, as is the fact that nations cannot choose their neighbors. And because of its military capacity and ideological appetite for a global reach, Russia is everybody's neighbor.

If this is the real world and if the maintenance of sufficient power and the will to use it is the best course for the preservation of peace, how, then, shall we proceed? We must begin by convincing the Soviets that we mean business about repairing America's strength and positioning it where it can be effectively used if the situation merits it.

I support the President's action in recommending, at least for now, a termination of the usual exchanges, cultural and athletic, between the U.S.S.R. and our Nation. We must send a clear signal through every possible channel, even that of nonparticipation in the Olympic games, that we will not tolerate agression, particularly in an area which threatens our vital national interests. The message must be clear, it must not be mixed. Symbolic gestures have a proper place.

Likewise, the President is right to use economic weapons and I support his use of them. We must, however, assure that the farmers do not bear an undue share of the burden for this policy. In addition, in this area, the message must also be unmixed. A clear message would be to terminate all trade, both agricultural and nonagricultural.

But in the final analysis, it is American power and will which will deter Soviet aggression. Symbols involving cultural exchanges or the Olympic games or even economic weapons will not ultimately have great impact on Soviet decisions.

Too much is at stake for that. At stake potentially are energy supplies needed by the whole world, including both the United States and the Soviet Union. To put it into perspective, the oil we obtain from the Middle East is almost as much oil as we use for the total transportation system of this Nation each day to fuel everything which moves on land, water, or in the air.

It is not rhetoric which will decide the question, it is specific action to enhance our power. The Soviets coldly and logically calculate their national interests in an unemotional way. We must demonstrate that we have the ability to do the same.

This is not the time for emotionalism. The world looks to us to exercise calm, deliberate strength. To rely too much upon rhetoric and gestures and too little upon soundly conceived actions will not serve the cause of peace.

Teddy Roosevelt was far more profound than would appear from the simplicity of his words when he counseled, "speak softly and carry a big stick."

It is not the words but the size of the stick that matters. If I have any hope for the President's speech tonight, it is that it will be short of rhetoric and long on specifics with real meaning.

In a specific way, we must demonstrate that we intend to do something about a balance of forces in which the Soviets have 4 million personnel in the military and we have 2 million; in which they have 50,000 tanks and we have 10,000; in which they have twice as many war ships; in which they have the ability to deploy more rapidly in trouble spots; in which we will be inferior in missile capability by the mid 1980's; in which we are falling behind in the maintenance of a modern bomber force. Speaking loudly is not the answer, our stick has grown too small.

It is the time for specific programs to reestablish the balance of power worldwide and especially in the Middle East. Among the specifics which I hope the President will announce tonight are the following:

First, reimposition of registration for military service. We are badly outnumbered. Our units are under strength. The percentage of those enlisting who have finished high school continues to fall, while equipment becomes more complicated and complex. We have no current medical records and no persons classified for induction. In case of emergency it could take 6 months before the first persons could be inducted for training.

Hopefully registration will lead to more voluntary enlistments. If it does not, then we must have the political courage to face the issue of universal service and training, hopefully in ways that will condense training into 2 or 3 month segments so that educational and professional plans of young people will be disrupted as little as possible.

Second, we should build the B–1 bomber to replace an aging B–52.

Third, we should significantly increase the military budget over and above inflation to counter the Soviet expansion of the last decade when they outspent us 30 percent in real terms on defense outlays.

Fourth, we should establish supply bases in the Middle East by accepting the offers of friendly nations to do so. Egypt, Oman, Kenya, Israel and others have recently received public mention. Without supply bases, it could take us months to move adequate forces into the Middle East in an emergency. Troops may be moved more quickly but without needed supplies and equipment they could not function.

Fifth, we should build an effective rapid deployment force for use in endangered areas of the world where vital American interests are involved.

Sixth, we should increase our military aid to Pakistan and explore further measures for providing supplies to Afghan rebels.

Seventh, we must enhance our strategic capability by proceeding with the development and deployment of the M–X missile and the dispersal and modernization of current missile systems.

Eighth, we must strengthen our intelligence capability across the board. We cannot afford to unilaterally renounce the use of covert activities anymore than we can afford to unilaterally disarm. We must rebuild our intelligence gathering and analysis capability.

Ninth, whenever possible we should involve our allies in these actions. Even a relatively small allied presence at new American supply bases in the Middle East would be meaningful.

The list is by no means comprehensive. It is meant to be representative of some of the specifics which I hope that the President will embrace.

His task is a difficult one. This President and this administration and this Congress did not by themselves bring us to this critical point in our history. There is blame enough to be shared by all of us, officeholders past and present and even many in the American public for following policies which neglected our military strength and allowed us to become overly dependent upon foreign energy supplies.

Wish as we sometimes might, we can live in no other time. We cannot erase the mistakes of the past. We must meet the real challenge which confronts us and I believe that we will.

No one has a sure formula for peace. However, from the late 1930's we can draw lessons about mistakes which we must avoid.

George Will wrote, "in 1936 there was a growing sense of the need to confront Hitler. But there are always those who say not here, nor now."

Let us make no mistake, this is the time and here in the Middle East is clearly the place to draw the line before the Soviets and say "No further." Now is the time to rebuild our strength. This is not the time for rhetoric. It is the time to speak softly and carry a big stick. The security and lives of our loved ones depend upon it.

In the late 1930's from the Philippines General Douglas MacArthur wrote to William Allen White—

> The History of failure in war can be summed up in two words . . . Too Late. Too late in comprehending the deadly purpose of a potential enemy; too late in realizing the mortal danger; too late in preparedness; too late in uniting all possible forces for resistance; too late in standing with one's friends.

If we are to avoid war and keep the peace, we must not be too late.

Mr. President, I thank the Chair.

I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. BOREN assumed the chair.)

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

### GI BILL AMENDMENTS ACT OF 1979

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 870 which will be stated by title.

The legislative clerk read as follows:

> A bill (S. 870) to amend title 38, United States Code, to extend the delimiting date for veterans under certain circumstances; to limit the time for filing claims for educational benefits based upon disability; to modify the standards of progress requirements; to modify the 50 per centum employment requirements; to eliminate the requirements for counting BEOG's and SEOG's in the 85–15 enrollment ratio; to modify payment of educational benefits to incarcerated veterans; to permit certain foreign training; to pay benefits for certain continuing education programs; to strengthen statutory provisions on measurements of courses and on overpayment of educational benefits; to repeal the authority for pursuit of flight and correspondence training; to repeal the authority for pursuit of certain PREP training; and for other purposes.

The Senate proceeded to consider the bill (S. 870) which had been reported from the Committee on Veterans' Affairs with an amendment to strike all after the enacting clause and insert the following:

That (a) this Act may be cited as the "GI Bill Amentments Act of 1979".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

## TITLE I—GI BILL PROGRAM ADJUSTMENTS

Sec. 101. Subsection (a) of section 1662 is amended by—

(1) inserting after "application" in paragraph (1) "made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of such mental or physical disability, or (C) the effective date of the GI Bill Amendments Act of 1979, whichever is the latest" and inserting "so" after "that such veteran was" in such paragraph;

(2) adding at the end of paragraph (1) the following new sentences: "When an extension of the applicable delimiting period is granted under the exception in the preceding sentence, the delimiting period will again begin running on the first date following such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations of the Administrator, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter. For the purposes of this paragraph only, an alcohol or drug dependence or abuse disability from which the veteran has recovered shall not be considered to be the result of willful misconduct."; and

(3) adding at the end thereof the following new paragraphs:

"(3) Notwithstanding the expiration of the applicable delimiting period under paragraph (1) of this subsection and subject to any applicable counseling provisions set forth in section 1663(b) of this title, any eligible veteran who served on active duty at any time during the Vietnam era may, effective January 1, 1980, be provided educational assistance under this chapter until December 31, 1982, for the purpose of permitting such veteran to pursue—

"(A) a program of apprenticeship or other on-job training; or

"(B) an approved vocational objective or secondary education course pursuant to the provisions of section 1691(a)(1) of this title if such veteran does not have a secondary school diploma (or an equivalency certificate).

"(4) A program of education consisting exclusively of flight training may not be approved in the case of any veteran pursuing a program of education under paragraph (3) of this subsection.

"(5) Notwithstanding the provisions of section 3013 of this title, the Administrator shall pay an educational assistance allowance as provided in section 1691(b) of this title for any period of education or training completed by any veteran during any period after May 31, 1976, and before the date on which regulations to implement the amendment made by section 203(a)(1) of Public Law 95–202 are prescribed and published by the Administrator if (1) the delimiting period applicable to such veteran was extended by virtue of the exception in section 1662(a)(1) of this title, and (2) the educational assistance allowance would have otherwise been payable to such veteran had such veteran made timely application therefor.".

Sec. 102. Section 1663 is amended by inserting "(a)" before "The" at the beginning thereof and adding at the end thereof the following new subsection:

"(b)(1) A veteran who does not have a secondary school diploma (or an equivalency certificate) shall not be afforded educational assistance within three years of the date of expiration of such veteran's delimiting period as computed under paragraph (1) or (3) of subsection (a) of section 1662 of this title for any program of education leading to a vocational objective or a secondary school diploma (or an equivalency certificate) unless such veteran has received counseling under this section and the program of education to be pursued by such veteran has been approved by the Veterans' Administration counselor advising such veteran. Counseling shall not be required under this subsection in any case in which counseling furnished by the Veterans' Administration is not provided promptly after the veteran has made application for educational assistance.

"(2) The counselor advising any veteran described in paragraph (1) of this subsection may disapprove such veteran's application for an educational assistance allowance for pursuit of a program of education under paragraph (3)(B) of section 1662(a) of this title if such counselor determines that such veteran's proposed program of education is not reasonably designed to lead to a high school diploma (or equivalency certificate) or to reasonable prospects for future employment. A disapproval of any application under this paragraph shall be reviewed by the Administrator or the Administrator's designee in the Central Office of the Veterans' Administration within ninety days after the date of such disapproval unless, prior to such review, such veteran selects a different program of education, such program is approved by the counselor advising such veteran, and such veteran states in writing that he or she does not want such review of the disapproval action.

"(3) The Administrator shall advise each veteran who receives counseling under this subsection that such counseling will continue to be made available to such veteran, upon request, until the completion of his or her educational or training objective.".

Sec. 103. The second sentence of section 1671 is amended to read as follows: "The Administrator shall approve such application unless the Administrator finds that (1) such veteran or person is not eligible for or entitled to educational assistance for which application is made; (2) the veteran's or person's selected educational institution or training establishment fails to meet one or more of the requirements of this chapter or chapter 36 of this title; (3) the veteran's or person's enrollment in, or pursuit of, the program of education selected would violate one or more of the provisions of this chapter or chapter 36 of this title; or (4) the veteran or person is already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered.".

Sec. 104. Section 1673 is amended by—

(1) amending subsection (a) by—

(A) inserting "(1)" before "The" at the beginning thereof;

(B) redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively;

(C) amending clause (B) of paragraph (1), as redesignated by subclause (B) of this clause, to read as follows:

"(B) any course with a vocational objective, unless the eligible veteran or the institution offering such course presents evidence satisfactory to the Administrator showing that (i) at least one-half of the persons who enrolled in such course over the preceding two-year period completed it, and (ii) at least one-half of the persons who completed such course over such period, and who are not unavailable for employment, attained employment in an occupational category for which the course was designed to provide training and such employment constitutes the primary vocational pursuit and major source of occupational income of each such person;"; and

(D) adding at the end thereof the following new paragraph:

"(2)(A) For the purposes of clause (B) of paragraph (1) of this subsection, in computing the number of persons who discontinued or completed a course over any two-year period, there shall not be included in such number those persons who received assistance under this title for pursuing such course while serving on active duty.

"(B) The provisions of clause (B) of paragraph (1) of this subsection shall not apply in the case of a particular course offered by an educational institution in a particular year if the total number of eligible veterans and eligible persons (as defined in section 1701(a)(1) of this title) enrolled in the institution during the two-year period preceding such year did not exceed 35 per centum of the total enrollment in such institution during such period and the course has met the requirements of subclauses (i) and (ii) of such clause for any two-year period ending on or after the date of the enactment of this paragraph.

"(C) The Administrator may waive the requirements under clause (B) of paragraph (1) of this subsection in the case of any course with a vocational objective offered by any educational institution if the Administrator determines, under regulations which the Administrator shall prescribe, that such requirements would work an undue administrative hardship on the institution because of the small proportion of eligible veterans and eligible persons (as defined in section 1701(a)(1) of this title) enrolled in such institution.";

(2) amending subsection (c) to read as follows:

"(c) The Administrator shall not approve the enrollment of an eligible veteran in any course to be pursued by radio or by open circuit television, except that the Administrator may approve the enrollment of an eligible veteran in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television."; and

(3) amending subsection (d) by—

(A) inserting "(1)" before "The" at the beginning thereof;

(B) striking out "and/or" in paragraph (1), as redesignated by subclause (A) of this clause, and inserting in lieu thereof "or, except as provided in paragraph (2) of this subsection,"; and

(C) adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the Administrator may not require any educational institution to compute the number of persons enrolled in such institution who are recipients of basic educational opportunity grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 or supplemental educational opportunity grants under subpart 2 of part A of title IV of such Act unless (A) the Administrator (i) determines that it is desirable and necessary to have such recipients included in computations made pursuant to this subsection and that there is a feasible system for including such recipients in such computations, and (ii) has submitted to the Committee on Veterans' Affairs of the Senate and of the House of Representatives notification of such determination, and (B) ninety days have elapsed from the date on which such notification was submitted to such committees.".

Sec. 105. Section 1674 is amended by striking out the second sentence thereof.

Sec. 106. (a) Subsection (f) of section 1652 is amended by adding at the end thereof the following new sentence: "Such term shall also include an educational institution, which is located in a foreign country, which offers a course leading to a standard college degree, or the equivalent, and is recognized by the commissioner of education (or comparable official) of such country.".

(b) Section 1676 is amended to read as follows:

"An eligible veteran may not enroll in any course as an educational institution in a foreign country unless such course is pursued at an approved institution of higher learning. The Administrator may deny or discontinue educational assistance under this chapter in the case of any veteran enrolled in an institution of higher learning in any foreign country if the Administrator determines that such enrollment is not in the best interest of the veteran or the Federal Government.".

Sec. 107. Section 1682 is amended by—

(1) amending subsection (b) by adding at the end thereof the following new sentence: "An individual's entitlement shall be charged for institutional courses on the basis of the applicable monthly training time rate as determined under section 1788 of this title.";

(2) amending subsection (e) to read as follows:

"(e) The educational assistance allowance of an eligible veteran pursuing an independent study program which leads to a standard college degree shall be computed at the rate provided in subsection (b) of this section. If the entire training is to be pursued by independent study, entitlement shall be charged at one-half of the full-time institutional rate. In any case in which independent study is combined with resident training, the educational assistance allowance shall be paid at the applicable institutional rate based on the total training time determined by adding the number of semester hours (or the equivalent thereof) of resident training to the number of semester hours (or the equivalent thereof) of independent study that do not exceed the number of semester hours (or the equivalent thereof) required for the less than half-time institutional rate, as determined by the Administrator, for resident training; a veteran's entitlement shall be charged for a combination of independent study and resident training on the basis of the applicable monthly training time rate as determined under section 1788 of this title."; and

(3) adding at the end thereof the following new subsections:

"(f) The educational assistance allowance of a veteran pursuing a course in part by open circuit television shall be computed in the same manner that such allowance is computed under subsection (e) of this section for an independent study program.

"(g)(1) Notwithstanding any other provision of this title, the educational assistance allowance for an eligible veteran who is pursuing an institutional program of education under this chapter while incarcerated in a Federal, State, county, or local prison or jail, shall be computed and paid as follows:

"(A) If the veteran is pursuing a program of education on a half-time or more basis and has no dependents, the Administrator shall pay the veteran such amount, not in excess of the appropriate rate, as is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans pursuing the same program. The Administrator shall withhold any amount in excess of such cost and pay such amount to the veteran upon the veteran's release from prison or jail or, at the request of the veteran, purchase with such excess amount and hold for the veteran United States Government securities and deliver them to the veteran upon the veteran's release from prison or jail.

"(B) If the veteran is pursuing a program of education on a half-time or more basis and has one or more dependents, the Administrator shall pay the veteran such amount, not in excess of such appropriate rate, as is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans pursuing the same program; and the Administrator shall pay any amount in excess of such cost to the veteran's dependent or dependents (or legal guardian or guardians thereof) designated by the veteran to receive such excess amount, but only if both the veteran and the designated dependent or dependents (or legal guardian or guardians thereof) so request. If the veteran does not request the Administrator to pay any amount payable on account of any particular dependent of the veteran to such dependent or the dependent does not join in such request, the amount involved, if not payable to the veteran under the second sentence of this paragraph, will not be paid to or accrued by the veteran. The Administrator shall pay any excess amount accrued by the veteran to the veteran upon the veteran's release from prison or jail or, at the request of the veteran, purchase with such excess amount and hold for the veteran United States Government securities and deliver them to the veteran upon the veteran's release from prison or jail.

"(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a program of education under this chapter while placed and residing in a halfway house or while participating in a work-release program.".

Sec. 108. Subsection (b) of section 1691 is amended by—

(1) inserting "(1)" before "The" at the beginning thereof;

(2) inserting "(2)" after "subsection (a)"; and

(3) adding at the end thereof the following new paragraph;

"(2) The Administrator shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a)(1) of this section an educational assistance allowance (A) at the rate of established charges for tuition and fees required of similarly circumstanced nonveterans enrolled in the same course, courses, or program, or (B) at the institutional half-time rate provided in section 1682(a), whichever is the lesser.".

## TITLE II—SURVIVORS' AND DEPENDENTS' PROGRAM ADJUSTMENTS

Sec. 201. Subsection (b) of section 1712 is amended by—

(1) inserting after "application" in paragraph (2) "made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of mental or physical disability, or (C) the effective date of the GI Bill Amendments Act of 1979, whichever is the latest" and inserting "so" after "that such person was" in such paragraph;

(2) adding at the end of paragraph (2) the following new sentences: "When an extension of the applicable delimiting period is granted under the exception in the preceding sentence, the delimiting period will again begin running on the first date following such eligible person's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations of the Administrator, for such eligible person to initiate or resume pursuit of a program of education with educational assistance under this chapter. For the purposes of this paragraph only, an alcohol or drug dependence or abuse disability from which the eligible person has recovered shall not be considered to be the result of willful misconduct."; and

(3) adding at the end thereof the following new paragraph:

"(3) Notwithstanding the provisions of section 3013 of this title, the Administrator shall pay an educational assistance allowance as provided in section 1691(b) of this title for any period of education or training completed by any eligible person during any period after May 31, 1976, and before the date on which regulations to implement the amendment made by section 203(a)(1) of Public Law 95-202 are prescribed and published by the Administrator if (A) the delimiting period applicable to such eligible person was extended by virtue of the exception in section 1662(a)(1) of this title, and (B) the educational assistance allowance would have otherwise been payable to such eligible person had such person made timely application therefor.".

Sec. 202. Section 1721 is amended to read as follows:

"The Administrator shall finally approve an application if the Administrator finds that (1) section 1720 of this title has been complied with, (2) the proposed program of education constitutes a 'program of education' as that term is defined in this chapter, (3) the eligible person is not already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered, (4) the eligible person's proposed educational institution or training establishment is in compliance with all the requirements of this chapter and chapter 36 of this title, and (5) it does not appear that the enrollment in or pursuit of such person's program of education would violate one or more of the provisions of this chapter or chapter 36 of this title.".

Sec. 203. Section 1723 is amended by—

(1) amending subsection (a) by—

(A) inserting "(1)" before "The" at the beginning thereof;

(B) redesignating clauses (1), (2), (3), and (4) as clauses (A), (B), (C), and (D), respectively;

(C) amending clause (B) of paragraph (1), as redesignated by subclause (B) of this clause, to read as follows:

"(B) any course with a vocational objective, unless the eligible person or the institution offering such course presents evidence satisfactory to the Administrator showing that (i) at least one-half of the persons who enrolled in such course over the preceding two-year period completed it, and (ii) at least one-half of the persons who completed such course over such period, and who are not unavailable for employment, attained employment in an occupational category for which the course was designed to provide training and such employment constitutes the primary vocational pursuit and major source of occupational income of each such person;"; and

(D) adding at the end thereof the following new paragraph:

"(2)(A) For the purposes of clause (B) of paragraph (1) of this subsection, in computing the number of persons who discontinued or completed a course over any two-year period, there shall not be included in such number those persons who received assistance under this title for pursuing such course while serving on active duty.

"(B) The provisions of clause (B) of paragraph (1) of this subsection shall not apply in the case of a particular course offered by an educational institution in a particular year if the total number of eligible veterans and eligible persons (as defined in section 1701(a)(1) of this title) enrolled in the institution during the two-year period preceding such year did not exceed 35 percentum of the total enrollment in such institution during such period and the course has met the requirements of subclauses (i) and (ii) of such clause for any two-year period ending on or after the date of the enactment of this paragraph.

"(C) The Administrator may waive the requirements under clause (B) of paragraph (1) of this subsection in the case of any course with a vocational objective offered by any educational institution if the Administrator determines, under regulations which the Administrator shall prescribe, that such requirements would work an undue administrative hardship on the institution because of the small proportion of eligible veterans and elegible persons (as defined in section 1701(a)(1) of this title) enrolled in such institution.";

(2) amending subsection (c) to read as follows:

"(c) The Administrator shall not approve the enrollment of an eligible person in any course to be pursued by radio or by open circuit television, except that the Administrator may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television."; and

(3) adding at the end thereof the following new subsection:

"(e) An eligible person may not enroll in any course at an educational institution which is not located in a State or in the Republic of the Philippines, unless such course is pursued at an approved institution of higher learning. The Administrator, in the Administrator's discretion, may deny or discontinue educational assistance under this chapter in the case of any eligible person in such an institution if the Administrator determines that such enrollment is not in the best interest of the eligible person or the Federal Government.".

SEC. 204. Paragraph (10) of section 1701(a) is amended by adding at the end thereof the following new sentence: "Such term shall also include an educational institution, which is located in a foreign country, which offers a course leading to a standard college degree, or the equivalent, and is recognized by the commissioner of education (or comparable official) of such country.".

SEC. 205. Section 1724 is amended by striking out the second sentence thereof.

SEC. 206. Subsection (b) of section 1731 is amended to read as follows:

"(b) The educational assistance allowance of an eligible person pursuing a program of education at an educational institution shall be paid as provided in chapter 36 of this title.".

SEC. 207. Section 1732 is amended by—

(1) adding at the end of subsection (c) the following new paragraph:

"(4) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing a course in part by open circuit television shall be computed under section 1682(e) of this title for an independent study program."; and

(2) adding at the end thereof the following new subsection:

"(e) In the case of an educational assistance allowance for an eligible person who is pursuing an institutional program of education under this chapter while incarcerated in a Federal, State, county, or local prison or jail, the allowance shall be paid in the same manner prescribed in section 1682(g) of this title for incarcerated veterans without dependents.".

## TITLE III—AMENDMENTS TO ADMINISTRATIVE PROVISIONS

SEC. 301. Section 1780(a) is amended by—

(1) inserting "and pursuit" after "enrollment" in the second sentence thereof; and

(2) striking out in clause (1) "institution and the requirements of this chapter or of chapter 34 or 35 of this title" and inserting in lieu thereof "institution, with the provisions of such regulations as may be prescribed by the Administrator pursuant to subsection (g) of this section, and with the requirements of this chapter or of chapter 34 or 35 of this title, but payment may be made for an actual period of pursuit of one or more unit subjects pursued for a period of time shorter than the enrollment period at the educational institution".

SEC. 302. Section 1780(g) is amended by inserting "and define" after "determine" in the first sentence thereof.

SEC. 303. Section 1784 is amended by—

(1) amending the catchline to read as follows:

"§ 1784. Reports by veterans, eligible persons, and institutions; reporting fee";

(2) amending subsection (a) to read as follows:

"(a) The veteran or eligible person and the educational institution offering a course in which such veteran or eligible person is enrolled under chapter 34, 35, or 36 of this title shall, without delay, report to the Administrator, in the form prescribed by the Administrator, such enrollment and any interruption or termination of the education of each such veteran or eligible person. The date of such interruption or termination will be the last date of pursuit, or, in the case of correspondence training, the last date a lesson was serviced by a school.";

(3) redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection (b):

"(b) The Administrator, prior to making payment of a reporting fee to an educational institution, as provided for in subsection (c) of this section, shall require such institution to certify that it has exercised reasonable diligence in determining whether such institution or any course offered by such institution approved for the enrollment of veterans or eligible persons meets all of the applicable requirements of chapters 34, 35, 36 of this title and that it will, without delay, report any failure to meet any such requirement to the Administrator."; and

(4) amending the table of sections at the beginning of chapter 36 by amending the item relating to section 1784 to read as follows:

"1784. Reports by veterans, eligible persons, and institutions; reporting fee.".

SEC. 304. Section 1785 is amended to read as follows:

"(a) Whenever the Administrator finds that an overpayment has been made to a veteran or eligible person, the amount of such overpayment shall constitute a liability of such veteran or eligible person.

"(b) Whenever the Administrator finds that an overpayment has been made to a veteran or eligible person as the result of the willful or negligent—

"(1) failure of an educational institution to report, as required under this chapter or chapter 34 or 35 of this title, to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or

"(2) false certification by an educational institution,

the amount of such overpayment shall constitute a liability of the educational institution.

"(c) Any overpayment referred to in subsection (a) or (b) of this section may be recovered, except as otherwise provided in section 1784(c) of this title, in the same manner as any other debt due the United States.

"(d) Any overpayment referred to in subsection (a) or (b) of this section may be waived as to a veteran or eligible person as provided in section 3102 of this title without in any way releasing any educational institution from its liability under subsection (b) of this section.

"(e) Any amount collected from a veteran or eligible person pursuant to this section shall be reimbursed to the educational institution which is liable pursuant to subsection (b) of this section to the extent that collection was made from the educational institution. This section shall not preclude the imposition of any civil or criminal liability under this title or any other law. Nothing in this section or any other provision of this title shall be construed as requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.".

SEC. 305. Section 1788 is amended by—

(1) amending subsection (a) by—

(A) inserting "(a)(1)" immediately after "1775" each time it appears in clauses (1) and (2) thereof;

(B) amending clause (4) by—

(i) striking out "on a" and inserting in lieu thereof "in residence on a standard"; and

(ii) inserting "per semester" after "fourteen semester hours" the first time it appears; and

(C) adding at the end thereof the following new sentences: "For the purposes of clause (4) of this subsection, the term 'in residence on a standard quarter- or semester-hour basis' shall mean study at the site (campus) of a college or university, or off-campus at an official resident center, requiring pursuit of regularly scheduled weekly class instruction at the rate of one standard class session per week throughout the quarter or semester for one quarter or one semester hour of credit. For the purposes of the preceding sentence, the term 'standard class session' shall mean one hour (or fifty-minute period) of academic instruction, two hours of laboratory instruction, or three hours of workshop training."; and

(2) adding at the end thereof the following new subsections:

"(c) Notwithstanding any other provision of this title—

"(1) An institutional undergraduate course leading to a standard college degree offered by a college or university shall be considered a full-time course if—

"(A) the educational institution offering such course considers it a full-time course,

"(B) less than 50 per centum of the persons enrolled in such course are receiving educational assistance under this title, and

"(C) such course (i) is offered in residence, and (ii) is treated in all respects (including the payment of full-time tuition) the same as courses offered at such institution which do or would qualify as full-time courses under subsection (a)(4) of this section, except that the number of hours of regularly scheduled weekly class instruction required for such course is less than required for such courses.

"(2) The educational assistance allowance for an eligible veteran or eligible person pursuing a course considered full time under paragraph (1) of this subsection shall be computed at the rate prescribed in section 1682(a)(1) of this title for pursuit of a cooperative program and shall be paid for the entire term, quarter, or semester during which such course is offered.

"(d) Notwithstanding any other provision of this title, if an institutional undergraduate course leading to a standard college degree offered by a college or university (1) is considered full time under subsection (c)(1) of this section, and (2) during the term, quarter, or semester for which such course is offered requires a cumulative total number of standard class sessions equal to the number which for the same term, quarter, or semester would be required on a weekly basis by clause (4) of subsection (a) of this section multiplied by the total number of weeks in the term, quarter, or semester, the educational assistance allowance for an eligible veteran or eligible person enrolled in and pursuing such course shall be computed at the rate prescribed in section 1682(a)(1) of this title for pursuit of a full-time institutional program and shall be paid for the entire term, quarter, or semester during which such course is offered.".

SEC. 306. (a) Section 1631(a)(1) is amended by adding at the end thereof the following new sentence: "The 36-month maximum shall be subject to the provisions of section 1795 of this title limiting the aggregate period for which any person may receive assistance under two or more programs of educational or vocational assistance administered by the Veterans' Administration.".

(b) Clause (4) of section 1795 is amended by inserting "32," after "31,".

### TITLE IV—MODIFICATIONS OF FLIGHT AND CORRESPONDENCE TRAINING PROVISIONS

SEC. 401. (a) Subsection (b) of section 1677 is amended by striking out "90 per centum" and inserting in lieu thereof "60 per centum.".

(b) Section 1798 is amended by—

(1) striking out in the second sentence of subsection (c) "flight, apprentice or other on-job, or PREP training" and inserting in lieu thereof "or apprenticeship or other on-job training"; and

(2) adding at the end thereof the following new subsection:

"(h) In the case of a loan made to a veteran under this section to pursue a program of education consisting exclusively of flight training, the Administrator shall, as hereinafter provided in this subsection, cancel the repayment obligation (which for the purposes of this subsection shall include the obligation to pay interest), or reimburse for repayments already made, or both, as appropriate, if (1) such veterans has successfully completed such program and secured employment as a pilot or in a closely related occupation, and (2) such employment constitutes such veteran's primary vocational pursuit and major source of occupational income. Upon completion by such veteran of a full year of such employment during the first five years after the completion of such training, $1,000 of the repayment obligation under any such loan shall be canceled; and, upon the completion by such veteran of any additional three-month period of such employment during such five-year period, such repayment obligation shall be canceled at the rate of $250 for each such three-month period. In the event that a veteran meets the requirement of this section for a repayment obligation cancellation in an amount exceeding any remaining unpaid balance of such obligation, the Administrator shall, to the extent that the amount of the cancellation to which the veteran is entitled exceeds such balance, reimburse such veteran for any amounts of such obligation that such veteran has repaid.".

SEC. 402. Subsection (a) of section 1786 is amended by adding at the end thereof the following new paragraph:

"(3) No veteran, spouse, or surviving spouse may be paid an educational assistance allowance under this subsection unless the Administrator has determined that no type of education other than correspondence is reasonably and feasibly available to such veteran, spouse, or surviving spouse in order to pursue successfully the educational or vocational objective being sought.".

### TITLE V—POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS, REPEAL OF AUTHORITY TO PURSUE PREDISCHARGE EDUCATION PROGRAM (PREP) TRAINING UNDER CHAPTER 32, AND RELATED AMENDMENTS

SEC. 501. Chapter 32 is amended by—

(1) amending section 1602(1)(A) by—

(A) striking out "or" before "(ii)"; and

(B) striking out the period at the end thereof and inserting in lieu thereof a comma and "or (iii) entered military service on or after January 1, 1977, after having served on active duty before or after such date for a period of 180 days or less and was discharged or released therefrom under conditions other than dishonorable.";

(2) amending section 1641 by—

(A) inserting "1663(a)," after "sections" the first place it appears; and

(B) striking out "1696, and 1698" and inserting in lieu thereof "and 1691(a)(1)"; and

(3) amending subsection (b) of section 1631 to read as follows:

"(b) Any enlisted member of the Armed Forces participating in the program shall be eligible to enroll in a course, courses, or program of education to pursue a secondary school diploma (or an equivalency certificate), as authorized by section 1691(a)(1) of this title, during the last 6 months of such member's first enlistment and at any time thereafter.".

SEC. 502. Chapter 34 is amended by—

(1) amending section 1661(c) by striking out "subchapters V and VI" and inserting in lieu thereof "subchapter V";

(2) amending section 1691(a) by—

(A) striking out "not on active duty"; and

(B) inserting "is not on active duty and who," after "(2)";

(3) striking out subchapter VI in its entirety; and

(4) striking out in the table of sections at the beginning of such chapter the item relating to subchapter VI in its entirety.

SEC. 503. Chapter 36 is amended by—

(1) amending section 1780(d) by—

(A) striking out in the third sentence of paragraph (2) "(other than under subchapter VI of chapter 34)";

(B) striking out paragraph (3);

(C) striking out in paragraph (5) "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)";

(D) striking out in paragraph (6) "(5)" and inserting in lieu thereof "(4)"; and

(E) redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) striking out in section 1780(e) "and (3)";

(3) striking out in section 1780(f) "(except as provided by subsection (d)(3) of this section)";

(4) striking out in section 1784(c), as redesignated by section 303(3) of this Act, "1780(d)(5)" and inserting in lieu thereof "1780(d)(4)";

(5) striking out in section 1788(a)(6) "or 1696(a)(2)";

(6) striking out in section 1789(b)(5) "or VI"; and

(7) striking out in section 1798(f)(2) "1780(d)(5)" and inserting in lieu thereof "1780(d)(4)".

### TITLE VI—PROTECTION FOR CERTAIN EMPLOYEES OF THE VETERANS' ADMINISTRATION

SEC. 601. Section 1114 of title 18, United States Code, is amended by inserting "or any officer or employee of the Veterans' Administration assigned to perform investigative or law enforcement functions," after "of the Department of Agriculture assigned to perform investigative, inspection or law enforcement functions,".

### TITLE VII—TECHNICAL AMENDMENTS AND EFFECTIVE DATE

SEC. 701. Section 1790(b)(2) is amended by striking out "therefor" and inserting in lieu thereof "for".

SEC. 702. The GI Bill Improvement Act of 1977 (Public Law 95-202) is amended by—

(1) repealing section 305(a)(3) in its entirety;

(2) striking out "paragraph (1)" in section 305(b)(3) and inserting in lieu thereof "paragraph (2)"; and

(3) striking out "honor-and" in section 401(a)(1)(B) and inserting in lieu thereof "honorable".

SEC. 703. (a) Except as provided in subsections (b) and (c) of this section, the provisions of this Act shall become effective on October 1, 1979, or the first day of the second calendar month following the date of enactment, whichever occurs later.

(b) The provisions of title IV shall not apply to any person receiving educational assistance under chapter 34 or 35 of title 38, United States Code, on August 1, 1979, for the pursuit of a program of education, as defined in section 1652(b) of such title, in which such person is enrolled on that date, for as long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for the pursuit of such program under the provisions of such chapter and chapter 36 of such title as in effect on that date.

(c) The provisions of section 108 shall not apply to any person receiving educational assistance under chapter 34 of title 38, United States Code, on October 1, 1979, for the pursuit of a program of education, as defined in section 1652(b) of such title, in which such person is enrolled on that date, for so long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for pursuit of such program.

Mr. CRANSTON. Mr. President, I rise in support of S. 870, the proposed GI Bill Amendments Act of 1979, as reported from the Committee on Veterans' Affairs. This legislation includes provisions to expand and improve various aspects of the GI bill and provisions derived from S. 881, a bill to amend title 18, United States Code, with respect to the protection of certain officers or employees of the Veterans' Administration.

#### FISCAL RESPONSIBILITY

Mr. President, in reporting this measure, the Senate Veterans' Affairs Committee exercised the budget discipline that our Nation and its economy require while responding to the highest priority needs of the Nation's newest generation of wartime veterans. The committee in developing this bill, which contains five cost-savings provisions, carefully examined the VA educational assistance programs with a view toward establishing priorities, eliminating waste and abuse, and reducing costs wherever it is possible and reasonable to do so—without reneging on our commitment to veterans.

Mr. President, according to estimates received from CBO, this legislation would result in a net cost savings of $9.6 million for fiscal year 1980 and $47.8 million over the next 5 years. With another cost savings provision which I will offer shortly as a committee amendment to facilitate VA collection of education claims, cost savings from enactment of this bill will grow to around $20 million in fiscal year 1980 and $119.8 million over the next 5 years.

#### INTRODUCTION

Mr. President, S. 870 was introduced on April 4, 1979, by me as chairman of the Committee on Veterans' Affairs, at the request of the administration. I also introduced S. 881, a proposed bill to amend title 18, United States Code, with respect to the protection of certain officers or employees of the Veterans' Administration, on April 4, 1979, at the administration's request. Both bills were referred to the Veterans' Affairs Committee.

Mr. President, after carefully reviewing the testimony received by the committee and the written comments and other documents, the committee met in open session on July 27, 1979, to consider S. 870 and voted to report favorably S. 870 with an amendment in the nature of a substitute, which included a provision virtually identical to S. 881, and a title amendment.

### HIGHLIGHTS OF S. 870

Mr. President, the pending legislation makes a number of substantive amendments in order to expand and improve the current GI bill. Some of these amendments are primarily administrative in nature and others represent substantive changes. I would like to highlight briefly the five major provisions of S. 870 as reported.

### TARGETED DELIMITING DATE EXTENSION

Mr. President, one of the most significant provisions of S. 870 as reported is the authority for a targeted delimiting date extension for certain Vietnam-era veterans.

S. 870 as reported by the Veterans' Affairs Committee would extend, effective January 1, 1980, until December 31, 1982, the delimiting period of an eligible veteran who served on active duty at any time during the Vietnam era, and whose delimiting period has expired or would otherwise expire prior to December 31, 1982, in order to allow the veteran to use his or her entitlement to educational assistance benefits for pursuit of a program of apprenticeship or other on-job training or, if such a veteran does not have a secondary school diploma or, equivalency certificate, for the pursuit of an approved vocational objective, or to pursue, without charge to entitlement, a secondary education course. This provision is designed to provide for a limited extension of the delimiting period for those very veterans of the Vietnam era who have never effectively utilized GI bill benefits to which they are or were entitled and are most in need of education or training assistance during the proposed extension period.

Mr. President, in October 1978, the President of the United States, in his message on the progress of Vietnam-era veterans, noted that the readjustment benefits available under the GI bill often have not been utilized by those Vietnam-era veterans who need them most.

The needs of Vietnam-era veterans who are unskilled, unemployed, or underemployed are very much evident in rates of unemployment—especially among minority group veterans—that continue at an alarmingly high level. During the fourth quarter of calendar year 1979, the unemployment rate—not seasonally adjusted—for young Vietnam-era veterans, ages 20 through 24, was 11.5 percent. For minority group veterans, ages 25 through 29, the quarterly rate was 14.3 percent.

Of equal concern are the needs of educationally disadvantaged Vietnam-era veterans—that is, those who were discharged from active duty without having ever obtained a high school diploma or equivalency certificate. Although the average educational attainment at the time of separation for the Vietnam-era veteran was higher than that for veterans of other service periods, nearly 20 percent of the men and women who served during this period—almost 1.7 million individuals—were released from active duty with less than a high school education. Yet, only 578,000—only 34 percent—of these educationally disadvantaged Vietnam-era veterans have participated in any training under the GI bill.

These are the groups on which the committee proposal in S. 870 is targeted—those most in need of assistance—those who are basically unskilled, underemployed, or unemployed and could benefit from programs of on-job or apprenticeship training and those who are educationally disadvantaged and seeking to obtain a high school diploma or vocational skill.

In addition, Mr. President, I believe this provision can be utilized as an important supplement to the new readjustment program enacted by Public Law 96–22 earlier this year. I envision that—although we have no firm figures on this—many of those taking advantage of that program would also be benefited by the targeted delimiting date provisions proposed in the committee bill.

Thus, the committee bill represents a means of meeting the important needs of a limited, targeted group of certain Vietnam-era veterans which have not yet been served by benefits afforded under the GI bill.

Mr. President, the cost of this extension is relatively small—only $24 million in fiscal year 1980. Most importantly, however, the enactment of this modest effort to provide special assistance to veterans who have had the most difficulty in readjusting to civilian life following their service during the Vietnam era would be of great help to educationally disadvantaged and unemployed Vietnam-era veterans.

### SEAT-TIME

Second, Mr. President, the committee bill addresses the complicated issue of "seat-time" or "contact hours." This very controversial issue has been the cause of much friction between the educational community and the VA, and has, in a number of cases, been the subject of extensive and expensive litigation—much of it still unresolved—on the issue of congressional intent as to what constitutes full-time pursuit of education. The committee bill proposes to resolve these issues by clarifying the authority of the administrator in this area and by specifying new criteria under which courses that are nontraditional in nature may be considered full time for GI bill purposes and providing for appropriate benefit rates for the pursuit of such courses. It is important to point out, Mr. President, that the provision is tightly constructed so as to avoid abuses that the VA believes could otherwise occur. I am pleased that both the VA and those in the educational community with whom we have talked about our proposal believe the provisions in the committee bill are a reasonable compromise.

### INCARCERATED VETERANS

Third, Mr. President, the pending legislation proposes to modify the way in which educational benefits are to be paid to or on behalf of eligible veterans and persons in receipt of VA educational assistance while incarcerated. Under current law, these individuals receive full payment for educational pursuit while in prison. Under the committee bill, Mr. President, payment of amounts in excess of the cost of tuition and fees charged to the veteran would be held in escrow for the individual or released to the family of the incarcerated veteran at the request of the veteran and with the approval of his or her dependents. The escrowed amount would, at the request of the individual, be invested by the administrator in Federal Government securities.

### APPROVAL OF VOCATIONAL OBJECTIVE COURSES

Fourth, Mr. President, the committee bill would modify the criteria for approval of vocational objective courses for GI bill benefits purposes. The proposed changes are in keeping with the recommendations made by the VA in its July 11, 1978, report on this issue, which was required to be submitted to the Congress by Public Law 95–202. The modifications would require that, in order to be approved for VA benefits, a school would have to show that, during a 2-year period, at least 50 percent of those entering training have completed training and at least 50 percent of those completing such training have secured employment in the field for which trained. The provision would specify that such employment must constitute an individual's primary vocational pursuit and major source of occupational earnings. In order to avoid undue paperwork, S. 870 would also make provision for an exemption from computing compliance with these criteria when the school enrolls less than 35 percent GI bill trainees and has a history of compliance with the new rule, or for a waiver when the school enrolls a very small proportion of GI bill trainees. These tightening modifications are designed to curb certain abuses alleged by the VA to occur in certain vocational objective courses—particularly in correspondence and flight training.

### FLIGHT AND CORRESPONDENCE TRAINING

Fifth, Mr. President, the committee bill would modify certain provisions relating to the pursuit of flight and correspondence training. The administration has again proposed termination of GI bill benefits for the pursuit of these types of training. In our March 15 recommendations to the Budget Committee last year, we took the position that the evidence provided by the VA did not justify terminating benefits for these courses. At that time, I requested the GAO to undertake a survey to determine the validity of the VA's contentions that flight and correspondence training do not lead to jobs for the majority of trainees and that such training tends to be pursued for avocational or recreational purposes.

Mr. President we have now received the results of the GAO's survey, and they do generally confirm the VA's allegations but not, I believe, its recommendation of complete termination.

Mr. President, the committee believes it would be unwise and unfair to terminate completely the authority for GI bill benefits for pursuit of flight and correspondence courses since, in many cases, that training is appropriate and beneficial to the veteran. Flight training is a means by which the military pilot can translate his or her military experience to a civilian job—and, indeed, many have done so. Likewise, correspondence training may be the only viable means for some individuals to utilize GI bill benefits.

Thus, the committee bill does not provide for termination of GI bill benefits for these types of training. It does, however, make modifications that are appropriate to eliminate waste and abuses.

Mr. President, in the case of flight training, the committee bill would reduce the amount of the cost of the course paid by the VA from 90 to 60 percent. But it would also make persons enrolled in flight training eligible for up to $2,500 in VA educational loans and provide that, if the individual is subsequently employed on a full-time basis as a pilot or in a closely related occupation, the loan would be cancelled at the rate of $1,000 for each year of such employment. This would, in the committee's opinion, significantly curb the use of GI bill benefits for avocational flight training by requiring the veteran utilizing GI bill benefits for such training to make a substantial initial investment of his or her own in pursuing a career in the flight industry.

In the case of correspondence training, such training could continue to be approved only when the Administrator determines that there is no other appropriate program of education reasonably or feasibly available for the individual. This would mean that those who are unable to pursue training programs in a classroom setting for a variety of reasons—such as active-duty service, geographical remoteness, handicap, or parental responsibilities—would be able to utilize their GI bill benefits for correspondence training.

Mr. President, in the cases of both types of training, the modifications would not be effective with respect to persons enrolled in flight or correspondence training on August 1, 1979. So long as they are continuously enrolled in such training, these persons would continue under the current benefits structure.

### NET COST SAVINGS

Mr. President, according to estimates received from CBO, this legislation would result in a net cost-savings of $9.6 million for fiscal year 1980 and $47.8 million over the next 5 years. With another cost savings provision, which I will offer in a moment as a committee amendment to facilitate VA collection of education claims, cost savings from enactment of this bill will grow to around $20 million in fiscal year 1980 and $119.8 million over the next 5 years.

### SUMMARY OF S. 870 AS REPORTED

Mr. President, in addition to the provision for a targeted delimiting date extension and the other four items I have cited that I have described, the pending legislation makes a number of other substantive amendments in order to expand and improve the current GI bill. Some of these amendments are primarily administrative in nature and others represent substantive changes. I would like to summarize the provisions of S. 870 as reported.

Mr. President, S. 870 as reported, which I shall refer to as "the Committee bill," contains seven titles: GI bill program adjustments; survivors' and dependents' program adjustments; amendments to administrative provisions; modifications of flight and correspondence training provisions; post-Vietnam era veterans' educational assistance program adjustments; repeal of authority to pursue predischarge education program (PREP) training under chapter 32, and related amendments; protection for certain employees of the Veterans' Administration; and technical amendments and effective date.

Title I, GI bill program adjustments would amend chapter 34 of title 38, United States Code, veterans' educational assistance, to expand and improve certain provisions of the current GI bill. Included in title I of the committee bill are provisions that would:

First, limit the period of time during which a veteran may file an application for an extension of the 10-year period following discharge or release from active duty during which a veteran may receive GI bill benefits—the so-called delimiting period—on the grounds that a mental or physical disability prevented the veteran from initiating or pursuing a program of education during the 10-year delimiting period; under the committee bill, such an application must be filed within 1 year after the last date of the otherwise applicable delimiting period, the termination of the period of such disability, or the effective date of the committee bill, whichever is the latest.

Second, provide that, solely for the purposes of determining eligibility for an extension of the delimiting period as a result of a disability, an alcohol or drug dependence or abuse disability from which the veteran has recovered shall not be considered to be the result of the veteran's willful misconduct.

Third, provide that an extension of a delimiting period due to a disability shall begin on the first date following the veteran's recovery from the disability on which it is reasonably feasible for the veteran to commence pursuit of a program of education.

Fourth, require certain educationally disadvantaged veterans applying for GI bill benefits for secondary education or vocational objective training during the last 3 years of their delimiting periods or during the extension proposed for such veterans in the committee bill to receive education and vocational counseling from the VA and require approval by the VA counselor of such veterans' selection of training.

Fifth, add to the criteria for the approval of vocational objective courses a requirement that at least 50 percent of the enrollees complete the course; modify the existing requirement that at least 50 percent of those who have completed the course and are available for employment in the occupational field concerned be so employed by requiring that such employment be the individual's primary vocational pursuit and major source of occupational income; exempt from further application of these criteria those institutions having a 2-year history of compliance at which less than 35 percent of the enrollees are receiving VA educational assistance; and provide the Administrator the authority to waive these 50-percent completion and 50-percent employment rules when their application would work an undue administrative hardship on an educational institution in light of the small proportion of VA educational institution, the VA, or any other Federal agency.

Sixth, clarify and codify in title 38 current practices for computation of GI bill benefits and charges to entitlement for courses pursued by open circuit television.

Seventh, codify in title 38 the current suspension, under section 305(a)(3) of Public Law 95-202, of the inclusion of students in receipt of Federal, non-VA assistance in the computations of compliance with the so-called 85-15 rule, under which enrollment of GI bill trainees is prohibited in courses where more than 85 percent of the enrollees are in receipt of assistance from the educational institution, the VA, or any other Federal agency.

Eighth, repeal the provision linking "satisfactory progress" with the time it takes to complete a program of education.

Ninth, clarify the criteria under which a veteran may receive GI bill benefits for enrollment in an institution of higher learning in a foreign country.

Tenth, codify in title 38 current practices for charging a veteran's entitlement for less than half-time training and training while on active duty.

Eleventh, codify in title 38 current practices for computation of GI bill benefits and charges to entitlement for independent study.

Twelfth, modify the method of payment of GI bill benefits to a veteran who is incarcerated and using such benefits for training on a half-time or more basis so as to provide for direct payment of benefits to the veteran only to the extent necessary to cover the cost of tuition and fees; provide for payment of any excess (including any dependents' allowance) to dependents if both the veteran and the dependents request it; and provide for the VA to hold and invest for the veteran any excess of the single-veteran rate over the educational costs and to pay such excess to the veteran upon his or her release from incarceration.

Thirteenth, provide for the payment of tuition and fees or half-time institutional benefits, whichever is the lesser, at no charge to a veteran's entitlement, to a veteran enrolled in secondary education courses.

Mr. President, title II, survivors' and dependents' program adjustments would make changes in the chapter 35 program, survivors' and dependents' educational assistance. Included in title II of the committee bill are provisions that would:

First, make conforming changes for chapter 35 as I have described under title I, items, 1, 2, 3, 6, 7, 9, 10, and 13, and

Second, conform the method for making advance payments of educational assistance allowances to eligible persons enrolled in courses not leading to a standard college degree, to the method for making such advance payments to eligible veterans enrolled in such courses under chapter 34.

Title III, amendments to administrative provisions would amend the provisions of chapter 36, administration of educational benefits. Included in title III of the committee bill are provisions that would:

First, clarify congressional intent and the Administrator's authority with respect to the measurement of full-time institutional educational pursuit for payment of GI bill benefits.

Second, clarify the responsibilities and liabilities of GI bill trainees and educational institutions in cases of overpayments of GI bill benefits.

Third, include the chapter 32 program, post-Vietnam-era veterans' educational assistance, in the 48-month limitation on assistance under two or more educational or vocational assistance programs.

Title IV, modifications of flight and correspondence training provisions, would amend the provisions of title 38 relating to the authority for payment of GI bill benefits for flight training and correspondence courses. Included in title IV of the committee bill are provisions that would:

First, reduce from 90 to 60 percent the portion of the cost of a flight training course that the VA will pay.

Second, make veterans pursuing flight training courses eligible for VA educational loans of up to $2,500 per year, and provide that a veteran who, after completing training, obtains employment in a flight-related occupation for a period of at least 1 year can have such a loan canceled at the rate of $1,000 per year for the period of time that the veteran is so employed.

Third, provide that benefits for correspondence course training may be paid only when no other means of educational pursuit is reasonably and feasibly available for the successful pursuit of the educational or vocational objective being sought.

Title V, post-Vietnam-era veterans' educational assistance program adjustments, repeal of authority to pursue predischarge education program (PREP) training under chapter 32, and related amendments would repeal the authority for PREP training, make certain other changes in VA educational assistance provisions in light of such repeal, and provide eligibility for participation in the post-Vietnam era veterans' educational assistance program, under chapter 32, to certain active-duty personnel with pre-1977 service. Included in title V of the committee bill are provisions that would:

First, make eligible for participation in the post-Vietnam-era veterans' educational assistance program under chapter 32 those individuals who reentered military service on or after January 1, 1977, after having served a period of active-duty service of 180 days or less before that date.

Second, repeal the authority for PREP.

Third, make a member of the Armed Forces participating in the post-Vietnam-era veterans' educational assistance program eligible, at no charge to entitlement, for educational assistance benefits for pursuit of secondary education courses during the last 6 months of his or her first enlistment and at any time thereafter.

Fourth, make members of the Armed Forces participating in the post-Vietnam-era veterans' educational assistance program eligible for VA educational and vocational counseling services.

Fifth, provide that GI bill benefits may be paid for secondary education courses at no charge to entitlement while a chapter 34-eligible person is on active duty.

Title VI, protection for certain employees of the Veterans' Administration would amend section 1114 of title 18, United States Code, to include police officers and investigators employed by the VA among the specified Federal officials whom it is a Federal offense either to kill or assault while they are performing official duties or on account of their performance of such duties, or to interfere with (impede, intimidate, or the like) while they are performing official duties or on account of their performance of such duties.

Title VII, technical amendments and effective date, would make a series of technical amendments and provide that the provisions of the committee bill would become effective on October 1, 1979, or the first day of the second calendar month following the date of enactment, whichever occurs later, except that the provisions of title IV which modify provisions pertaining to flight and correspondence training would not apply to any person receiving educational assistance on August 1, 1979, for any such training for so long as such person continuously pursues such training, and the provisions of section 108 which modify the rate of benefits paid for pursuit of a secondary education program at no charge to entitlement would not apply to any person receiving educational assistance on October 1, 1979, for any such pursuit for so long as such person continues in such pursuit.

Mr. President, in order that all Senators and the public may have a full understanding of the various provisions of S. 870 as reported, I ask unanimous consent that there be printed in the Record at this point pertinent excerpts from Senate Report No. 96–314 accompanying this bill.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

### COMMITTEE REPORT ON S. 870

### No. 96–314

* * * * *

### DISCUSSION

### TITLE I: GI BILL PROGRAM ADJUSTMENTS

The Committee bill proposes a series of amendments to chapter 34, of title 38, the current GI Bill program. It would provide for a 3-year extension of the time in which certain Vietnam-era veterans have to pursue secondary education, vocational objective, or on-job training. This extension is based on Administration-requested provisions in S. 870, as introduced, reflecting the proposal made by President Carter in his October 10, 1978, Message to the Congress on the Progress of Vietnam-Era Veterans.

The Committee bill would also make several modifications relating to the implementation of the provision in current law for an extension of a delimiting period when the veteran has been prevented from pursuing a program of education during his or her delimiting period as a result of a physical or mental disability.

In addition, the Committee bill proposes to modify the means of making payments of GI Bill benefits to incarcerated veterans and the criteria for approving vocational objective courses for GI Bill benefit purposes.

S. 870 would also make a number of changes designed to clarify and codify existing practices of the VA with respect to implementation of the GI Bill.

### *Background*

On June 22, 1944—just 16 days after the D-Day Invasion in France—Public Law 78–346, the Servicemen's Readjustment Act of 1944, was signed by President Franklin D. Roosevelt. This legislation, which at that time represented an innovative concept of readjustment assistance to returning war veterans, and which came to be known as the GI Bill, created a major educational and vocational assistance program for those who had served the Nation during World War II. Since 1944, the original GI Bill and successor programs have provided education and training for 17.7 million veterans of World War II, the Korean conflict, the post-Korean period, and the Vietnam era and their survivors and dependents.

The World War II GI Bill provided assistance to approximately 7.8 million veterans—or about half of those eligible—who served during the period September 16, 1940, through July 25, 1947. The Korean conflict GI Bill, enacted by Public Law 82–550, provided assistance to nearly 2.4 million veterans—or slightly more than 43 percent of those eligible—who served in the military during the period June 27, 1950, through January 31, 1955. The third and current GI Bill, enacted by Public Law 89–358 on March 3, 1966, and often referred to as the post-Korean conflict and Vietnam-era GI Bill, provides education and training assistance to those who served (or in some cases enlisted) during the period February 1, 1955, through December 31, 1976. To date, nearly 7.5 million post-Korean-conflict and Vietnam-era veterans and servicepersons—or about 60 percent of those eligible—have participated in the current GI Bill, which is authorized by chapters 34 and 36 of title 38.

In the 13 years since its establishment, the current GI Bill program has undergone a series of seven major amendments in order to increase rates of monthly benefit payments, liberalize the scope of benefits available, and, when necessary, curb abuses of tax dollars expended for veterans' educational purposes. These measures were enacted in 1967 (Public Law 90–77), 1970 (Public Law 91–219), 1972 (Public Law 92–540), 1974 (Public Law 93–337 and Public Law 93–508), 1976 (Public Law 94–502), and 1977 (Public Law 95–202).

The current GI Bill program provides for the payment of up to 45 months of educational assistance allowances to eligible veterans while enrolled in and pursuing approved courses at colleges, universities, and business, technical, and vocational schools. Currently, the basic monthly rate for full-time institutional training for a single veteran is $311, with additional amounts paid for dependents. Chapter 34 also authorizes assistance for apprenticeship and other on-job training programs, farm cooperative, and cooperative training. Special authorities provide for pursuit of flight training and correspondence courses. Benefits are also provided eligible veterans for pursuit of high school, remedial or refresher training and tutorial assistance. In addition, eligible veterans are afforded additional financial assistance through programs of work-study and VA education loans. Generally, eligible veterans have 10 years after discharge in which to utilize their entitlement to GI Bill benefits—referred to as the veteran's "delimiting period."

To date, total expenditures under the three GI Bills have exceeded $48.3 billion. More than half of that total—over $27.6 billion—represents expenditures under the current GI Bill. According to the VA, in fiscal year 1979, GI Bill readjustment assistance payments will be made to 1.2 million individuals and will total more than $2.4 billion. During fiscal year 1980, the VA estimates that more than 988,000 Vietnam-era veterans will receive GI Bill assistance at a cost of almost $2 billion. Although the number of GI Bill trainees has continued to decline from its peak in fiscal year 1975, due to the continuing impact of the 10-year delimiting period for utilization of GI Bill benefits, the program continues to be the largest single Federal program of postsecondary educational assistance.

### *Committee bill provisions*

### Modifications related to extension of delimiting period on account of disability

Section 101 of the Committee bill would make four modifications in chapter 34 relating to the extension of the delimiting period on account of disability. Up to 45 months of educational assistance allowances under chapter 34 are generally available to an eligible veteran (who has served at least 18 months) for use during the 10 years after his or her discharge from active duty. However, in 1977, in the GI Bill Improvement Act of 1977, Public Law 95-202, the Congress created an extension of the applicable 10-year delimiting period in the case of an eligible veteran who was prevented from pursuing a program of education during that period due to a mental or physical disability not the result of the veteran's willful misconduct. Thus, the Administrator is authorized to extend the veteran's remaining delimiting period for a period of time equal to that during which the veteran was unable to pursue training because of the disability.

*Alcohol or Drug Dependence or Abuse Disabilities.*—First, the Committee has become aware of a number of instances in which the VA has denied a delimiting period extension to an otherwise eligible veteran under this authority on the grounds that the disability on which the veteran based his or her claim was an alcohol or drug abuse or addiction disability. The VA has based its denials in these cases on the legislative history of the 1977 provision which addressed the issue of how determinations of disability should be made for the purposes of the extension. In particular, the report of this Committee on the provision which was enacted as section 203(a)(1) of Public Law 95-202, in discussing the concept of "willful misconduct", stated:

"In determining whether the disability sustained was a result of the veteran's own 'willful misconduct', the Committee intends that the same standards be applied as are utilized in determining eligibility for other VA programs under title 38. (S. Rept. No. 95-468, pp. 69-70)"

The report further referenced VA regulations and manual provisions relating to the determination of willful misconduct for the purposes of determining service-connected disability. Under the VA's interpretation of those standards (38 CFR section 3.301(C)(2) and (3)), alcoholism and drug addiction and injuries proximately and immediately resulting from the effects of the deliberate ingestion of an alcoholic beverage or voluntary use of a drug—such as an injury incurred in a traffic accident caused by the veteran's driving while under the influence of alcohol or a drug—are considered to be the result of willful misconduct.

Thus, the Committee believes that, in light of the legislative history, the VA has had little choice but to deny such extensions involving alcohol and drug abuse or addiction disabilities. However, the Committee has reexamined the practical consequences of denying a delimiting period extension in such cases and the differences between awarding such an extension on the grounds of alcohol or drug disabilities and awarding other VA benefits, such as compensation or pension, for such disabilities. Based on this reexamination, the Committee sees no substantial purpose to be served by denying a veteran a GI Bill delimiting period extension when the veteran was prevented, during part or all of the ordinary 10-year delimiting period, from using GI Bill benefits by a drug or alcohol disability and the veteran has recovered from the disability. In fact, the Committee would anticipate that the GI Bill educational assistance would have considerable value to the social and economic rehabilitation of veterans who have recovered from disabilities related to alcohol or drugs.

In contrast, the Committee notes that some undesirable consequences might flow from a similar rule being applied for purposes of other VA benefit programs, such as the service-connected compensation program. In the context of that program, the rate and duration of benefits depend directly upon the severity and duration of the disability. Thus, an individual receiving benefits under that program for alcoholism or drug addiction would have a strong financial incentive—in the form of a higher rate of compensation or the continuation of receipt of compensation—in the worsening or prolongation of the disability, both of which are to some extent within his or her control because they depend upon the amount, frequency, and duration of his or her consumption of alcoholic beverages or drugs. The Committee notes that the VA has for some time been conducting an interdisciplinary review of its current approach to these cases. The Committee looks forward to receiving the results of that review and will, upon receipt thereof, consider what, if any, changes should be made in the manner in which alcohol and drug disabilities are dealt with in various VA programs.

In any event, where the issue is whether to grant a GI Bill delimiting period extension, the Committee does not perceive that considering such disabilities not to be the result of willful misconduct in the case of a veteran who has recovered from the disability will have any of the possibly undesirable consequences that may seem to arise in other contexts. The Committee sees a very insignificant likelihood that an individual would willfully incur or prolong such a disability solely for the very speculative purpose of realizing the limited gain that would result from eligibility, following recovery from the disability, for a delimiting period extension. Such an extension would at best afford the individual a somewhat less certain opportunity to use later GI Bill benefits that are available for present use.

During the Committee's June 6 hearing on this legislation, the VA expressed support for this approach. They indicated that the agency had tried to take corrective action administratively, but had been precluded by the legislative history of the provision.

Thus, section 101(2) of the Committee bill would provide that an alcohol or drug dependence or abuse disability from which the veteran has recovered shall not be considered to be the result of willful misconduct for purposes of deciding requests for delimiting period extensions, but this provision would have no effect on the application of the willful misconduct standard in any other program under title 38. The Committee also notes that, since the dependence or abuse disability itself would not be considered the result of willful misconduct for delimiting period extension purposes, the Committee intends that an injury should not be considered the result of willful misconduct if the injury or illness was incurred as the direct result of the intoxicating or hallucinogenic effect of alcohol or a drug on a veteran whose use of alcohol or the drug was a manifestation of a dependence or abuse disability from which he or she was suffering.

*Time Limit for Applications for Extensions.*—Second, section 101(1) of the Committee bill would establish a time limitation on the period in which a veteran has to make application for an extension of the delimiting period due to a disability. When the extension provision was enacted by Public Law 95-202, no such limitation was incorporated, and, as a result, it is conceivable that under current law a veteran could apply for a delimiting period extension several years after the disability had ceased to prevent pursuit of a program of education and after the veteran's delimiting period had expired. In order to avoid such results and to provide a clear rule specifying the time within which application must be made, the Committee bill would provide that an application for a delimiting period extension due to disability must be made within 1 year after (A) the last date of the otherwise applicable delimiting period, (B) the termination of the disability, or (C) the effective date of the Committee bill, whichever is the latest.

The Committee is aware that the VA has attempted, by circular (DVB Circular 20-77-97, Appendix B), practice, and proposed regulation (Federal Register, Vol. 44, No. 27, February 7, 1979, pp. 7745-7763), to implement a time limitation on the period for making application, and believes such administrative actions are generally not authorized by law and, in the form included in the circular and the proposed regulation, could result in the administrative extinguishing of a veteran's statutory entitlement to an extension. For example, in the case of a veteran who was discharged in September 1967, and who demonstrates that he or she was prevented by a physical disability from pursuing a program of education for 5 years—from September 1972, to September 1977—present section 1662(a)(1) entitles the veteran to a 5-year extension of the delimiting period. However, under the current VA practice, if application for such an extension had not been made by November 23, 1978—or 1 year after the date of enactment of the extension provision in Public Law 95-202—this veteran would be deemed ineligible for the extension by virtue of failure to make timely application. The Committee directs the VA to review any applications of veterans who have been thus wrongfully denied extensions on the grounds that such applications were not made in a timely fashion. Indeed, the Committee notes that failure to make timely application would constitute grounds for denial under the Committee bill only in the case of a delay until 1 year after enactment of the Committee bill. The Committee urges the VA to take appropriate steps, in conjunction with its current efforts to alert veterans to their remaining opportunity to use GI Bill benefits—known as Operation Boost—to advise veterans who may be eligible for extensions of their potential eligibility and the new requirement to make timely application.

*Measurement of Delimiting Period Extensions.*—Third, section 101(2) of the Committee bill would also clarify how delimiting period extensions due to mental or physical disability are to be measured. The provision authorizing these extensions does not specify how determinations are to be made as to when the extension begins in individual cases, and a review of the legislative history of the provision offers no guidance in this regard. Current VA practice, by circular (DVB Circular 20–77–16, Appendix B), however, is that the veteran, upon approval of his or her application by the Administrator, elects a commencing date for the extension. The date must be on or after the original date of expiration of the delimiting period and either on or before the 90th day following the date of the Administrator's approval of the application if the veteran is in pursuit of training in a course not organized on a term, quarter, or semester basis, or on or before the first ordinary term, quarter, or semester following the 90th day after the date of the Administrator's approval of the application, if the veteran is training in a course organized on a term, quarter, or semester basis. The Committee believes that the means by which the VA has implemented measurement of these extensions is appropriate. Thus, the Committee bill adopts the general concept of that method and would provide that in the event an extension is granted, the extension of the delimiting period would begin on the first date following a veteran's recovery from a disability on which it is reasonably feasible, as determined in accordance with regulations of the Administrator, for the veteran to initiate or resume pursuit of a program of education. In the case of a veteran pursuing training in a course organized on a term, quarter, or semester basis, the veteran could elect the first date to be that on which the net regular term, quarter, or semester begins. Thus, the veteran would be able to select a commencing date for his or her delimiting period extension that would accommodate his or her academic schedule. For example, if application for an extension was approved in May, the veteran could choose to commence training in August or September if courses available during the summer sessions were not applicable to the veteran's chosen program of study.

*Expanded Provision for Retroactive Benefits.*—Finally, section 101(3) of the Committee bill would provide relief to certain veterans who, without knowledge of their eligibility for a delimiting period extension on account of a mental or physical disability, continue to pursue—without any GI Bill assistance—programs of education after their 10-year delimiting periods expire, and, under the provisions of section 3013 of title 38 are eligible only for a maximum of 1-year retroactive benefits from the date of application. The Committee bill would suspend this 1-year limitation in the case of any eligible veteran who was enrolled after May 31, 1976, and before the regulations implementing the provision for the delimiting period extension on account of disability are published. Although the provision was enacted on November 23, 1977, final regulations implementing it have yet to be published; however, shortly after enactment of the provision, the VA issued a circular setting forth detailed instructions for implementing the provision (DVB Circular 20–77–97, Appendix B). Nevertheless, the Committee believes it is possible that there may be veterans who are potentially eligible for extensions due to disability who continued to train without GI Bill educational assistance to which they were entitled. The Committee believes the full measure of relief intended by the provision should be available to these veterans, and thus, would suspend the 1-year limit on retroactive benefits under these circumstances.

### TARGETED DELIMITING DATE EXTENSION AND RELATED COUNSELING REQUIREMENTS

On October 10, 1978, the President submitted to the Congress a Message on the Progress of Vietnam Era Veterans, in which he noted that, although many Vietnam-era veterans have successfully readjusted to civilian life, a substantial number have not, and the readjustment benefits available under the GI Bill often have not been utilized by those Vietnam-era veterans who need them most. In this connection, he stated, "The key to making our veterans' programs successful—and efficient—is to target them carefully on those who continue to need help." Thus, he proposed, for the first time, the concept of a targeted delimiting date extension. Later, his proposal was reflected in the provisions of S. 870 as submitted by the Administration and introduced by Chairman Cranston, by request, on April 4, 1979.

In 1974, in Public Law 93–337, the Congress approved an extension of the delimiting period from 8 years to 10 years. It was noted at that time by the Committee that, although it would appear on first impression that an 8-year period is a sufficient period of time for a veteran to complete his or her education or training, a variety of factors had prevented many veterans from fully utilizing their benefits before their cutoff dates—the primary reasons being the inadequate level of benefits that had existed since the enactment of the current GI Bill in 1966 until that time and the lack of adequate and aggressive outreach by the VA.

The Committee has, since that time, considered a variety of proposals designed to extend the 10-year delimiting period and has generally not been supportive of such extensions. In connection with the consideration of S. 457, the GI Bill Improvement Act of 1977, the Committee rejected, by a vote of 5 to 4, a proposal for a modified delimiting date extension for certain veterans. That proposal, later offered as an amendment to S. 457 during floor consideration and passed by the Senate, would have provided that eligible veterans enrolled in full-time training during their 10th year following discharge would be eligible for GI Bill benefits, at reduced levels, during their 11th and 12th years if they continued in full-time training. However, that provision was not acceptable to the House; in lieu therof, a provision was enacted making such veterans eligible for VA education loan assistance during the 11th and 12th years after discharge.

There are, however, significant differences between the proposals that were previously considered for general, across-the-board delimiting date extensions and the proposal for a targeted extension. After careful consideration, the Committee has adopted a delimiting date extension tightly focused on those Vietnam-era veterans who are most in need of assistance.

The Committee is deeply concerned about the needs of those Vietnam-era veterans who are unskilled, unemployed, or underemployed. The rates of unemployment—especially among minority group veterans—continue at an alarmingly high level. During the second quarter of calendar year 1979, the unemployment rate (not seasonally adjusted) for young Vietnam-era veterans, ages 20 through 24, was 9.3 percent. For minority group veterans, ages 25 through 29, the rate was 11.6 percent. Further, in three of the four age categories where comparisons can be made, the rate for Vietnam-era veterans exceeded that for nonveterans. Generally, the unemployment rates for several of the age categories of veterans of the Vietnam era have tended to be consistently higher than the rates for their nonveteran counterparts. The Committee believes that access to job training opportunities for these veterans could be of great value; and, thus, the Committee has proposed an extension, from January 1, 1980, to December 31, 1982, of the period of time in which eligible veterans who served during the Vietnam era and whose delimiting periods have expired or would expire prior to December 31, 1982, may utilize any remaining entitlement to GI Bill benefits for the pursuit of apprenticeship or on-job training programs as authorized under present law.

In this regard, the Committee notes its belief that these programs of job training should be attractive and beneficial to both the veteran and the employer—especially since the VA on-job training program—unlike other programs conducted by the Department of Labor—may be utilized in conjunction with the Targeted Jobs Tax Credit program enacted by Public Law 95–600. That program allows a private employer to take a tax credit of up to $3,000 for hiring of a member of several targeted groups—one of which is low-income Vietnam-era veterans—during the first year and up to $1,500 credit during the second year.

In addition, prime sponsors under the Comprehensive Employment and Training Act of 1973 (CETA), in conjunction with the development of their plans to provide training and employment services, are required to make arrangements, to the maximum extent feasible, to utilize VA on-job training programs as a means of providing special consideration to the needs of eligible Vietnam-era veterans.

The Committee has consistently urged the VA and the Department of Labor to work together to promote utilization of the VA apprenticeship and other on-job training programs and believes that maximum benefits may be derived from this 3-year extension only through aggressive and concerted attempts by both agencies to place eligible veterans in these training opportunities. Additionally, the Committee expects the Department of Labor to monitor prime sponsors' plans and performance in order to assure that prime sponsors are fulfilling their obligations in this regard.

Of equal concern to the Committee are the needs of educationally disadvantaged Vietnam-era veterans—that is, those who were discharged from active duty without having ever obtained a high school diploma or equivalency certificate. Although the average educational attainment at the time of separation for the Vietnam-era veteran was higher than that for veterans of other service periods, based on fiscal year 1980 data, nearly 20 percent of the men and women who served during this period—or almost 1.7 million individuals—were released from active duty with less than a high school education. Yet, only 578,143—only about 34 percent—of these educationally disadvantaged Vietnam-era veterans have participated in any training under the GI Bill.

Thus, section 101(3) of the Committee bill would also provide an extension from January 1, 1980, until December 31, 1982, of the period of time in which educationally disadvantaged veterans—those without high school diplomas or equivalency certificates—who served during the Vietnam era and whose delimiting dates have expired or would otherwise expire may use their remaining GI Bill entitlement for pursuit of any vocational objective course other than flight training or may pursue, without charge to entitlement, a secondary education or an equivalency certificate (GED) pursuant to the provisions of section 1691(a)(1).

The Committee believes that the professional counseling services available to the veteran through the VA should be particularly beneficial to educationally disadvantaged veterans when the time remaining for utilization of their benefits is limited. Current law, in section 1663, makes such services available, upon request, to all veterans training under the GI Bill but does not mandate them for any particular group of veterans. Thus, the Committee bill would provide that, during a delimiting period extended under this provision, educationally disadvantaged Vietnam-era veterans, as well as all other educationally disadvantaged Vietnam-era veterans pursuing high school, GED, or vocational training under the GI Bill during the last 3 years of their regular delimiting periods, would be required to participate in the VA educational and vocational counseling program. Because the Committee recognizes the limitations on the immediate availability of counseling, the Committee bill would provide that, if a veteran does not promptly receive counseling the counseling requirement would not apply. In implementing this requirement for counseling to be provided promptly, the Committee expects that the VA will seek to notify the veteran of the counseling requirement within 30 days of the veterans' application for educational assistance and that counseling would be provided within 90 days of the veteran's request therefor.

In order to help assure that these educationally disadvantaged veterans make the best possible choices about their educational pursuits during such limited periods of time, section 102 of the Committee bill would authorize a VA counselor to disapprove a program of education selected by a veteran (other than an apprenticeship or OJT program) if the selection is not reasonably designed to lead to a high school diploma (or equivalency certificate) or to reasonable prospects for future employment. The disapproval of the veteran's selection would be subject to review, within 90 days, by the Administrator or a designee of the Administrator in the VA's Central Office. Unless the veteran concurs with the disapproval and enrolls in an approved program of education, the Committee bill would provide for this review to be made automatically, without the need for the veteran to appeal the decision.

In addition, the VA would be required to advise all veterans training during the targeted delimiting period extension, as well as those within the last 3 years of their eligibility who are pursuing secondary education or vocational training, of the continuing availability, at his or her request, of VA counseling services.

*Philosophy of Equal Benefits.*—The Committee is aware that the proposal of a targeted delimiting period extension is at variance with the notion of "equal benefits for equal service". However, an equal benefits principle has not been central to veterans pursuits during such limited periods of time, programs under title 38 in general—as evidenced by the need-based pension program (chapter 15) or the role of inability to pay in eligibility for VA hospital care for non-service-connected disabilities (section 610(a)(1)(B))—or to the GI Bill in particular.

The current GI Bill contains numerous provisions that do not adhere to that concept, including programs authorized by subchapters V and VI of chapter 34—secondary remedial, refresher, and tutorial assistance programs and the Predischarged Education Program (PREP), which are restricted to those with certain educational deficiencies and are provided free of charge to the veteran's number of months of entitlement; by section 1682A—accelerated payment of educational assistance allowances, which is restricted to those veterans enrolled in educational institutions charging in excess of $700 per annum for fees and tuition; by section 1685—the VA work-study program, under which the Administrator is directed to prescribe regulations to target on those veterans in need of work-study allowances to augment their educational assistance allowances; and by subchapter III of chapter 36—education loans, which are available only to veterans in financial needs.

The Committee believes that there is ample precedent where strong justification exists for departure from the "equal benefits" principle in terms of the GI Bill and other title 38 programs.

*A "One-Shot" Extension.*—The Committee notes that the proposal received from the Administration for a target delimiting date extension would have provided for a 2-year extension for all educationally disadvantaged Vietnam-era veterans and those Vietnam-era veterans enrolled in apprenticeship or other on-job training programs as they reached the end of their 10-year delimiting periods.

The Committee stresses that this is not the effect of the Committee bill. The Committee bill would not provide for a general extension of the delimiting period for all veterans, nor would it provide for an extension for all educationally disadvantaged veterans or those in apprenticeship or other on-job training programs. Instead, it would provide for a "one-shot" extension—until December 31, 1982—for those who are in need of additional assistance in recognition of special circumstances that may have combined to make it difficult for these particular veterans to make effective use of their GI Bill benefits during their 10-year delimiting periods—such as events in the economy and lack of VA outreach. However, the Committee continues to believe that, generally, a 10-year period is sufficient time for most veterans to utilize their GI Bill benefits—including those who are unskilled or educationally disadvantaged and that it is preferable to reach these veterans as early as possible after discharge from active duty so that the entire gamut of GI Bill benefits may be made available to them, rather than providing for a limited delimiting period extension to compensate for educational or skill deficiencies that should have been addressed prior to the end of the regular 10-year period. The Committee believes the VA has a special obligation to strengthen attempts to outreach to all Vietnam-era veterans who need secondary education or skill training whose regular 10-year delimiting periods have not expired, and that these veterans can and should be served within their regular 10-year delimiting periods. Certainly the needs of the educationally disadvantaged veteran whose delimiting period will expire after December 1982, should be addressed by the VA prior to that time through aggressive outreach efforts.

Provisions have been included in the Committee bill to help assure that educational assistance provided under the extension—as well as assistance to all those enrolled in secondary education programs—will not be misused as a form of income maintenance, rather than for educational assistance, by those who would seek the benefit primarily for the purpose of receiving cash payments rather than for the serious pursuit of a secondary education or vocational training. Since GED and adult education programs are generally offered free of charge, or at very little cost, during the evenings in local high schools, section 108 of the Committee bill would modify the payment for all such courses under the GI Bill to pay the lesser of the cost of tuition and fees or the half-time rate.

Finally, the Committee notes that it believes that this new provision can be utilized as an important supplement to the new psychological readjustment program, enacted earlier this year in Public Law 96–22, for some of those seeking readjustment help whose delimiting periods have expired.

### *Approval of applications for educational assistance allowance*

The Committee bill would amend section 1671, relating to the approval of applications for educational assistance allowances, to include express authority for the Administrator to disapprove an application for benefits filed by an eligible veteran or serviceperson if the enrollment of the applicant would violate any of the provisions of chapter 36.

Currently, the Administrator has express authority, by virtue of present section 1671, to disapprove applications for a variety of reasons, including a finding that an individual is not eligible for the assistance for which application is made, that an individual is already qualified by reason of previous education or training, or that the program of education proposed to be pursued by the veteran is precluded by a provision of chapter 34—such as failure of the course to meet the so-called "85–15" rule.

There are, however, a variety of provisions of chapter 36 that could preclude the payment of an educational assistance allowance for enrollment in certain programs of education, and section 1671 does not give the Administrator the express authority to deny the application of a veteran for enrollment if his or her enrollment would violate any provision of chapter 36. These chapter 36 provisions include the requirements, among others, of section 1789(a), which generally provides that the Administrator shall not approve the enrollment of an eligible veteran or person in a course that has not been in operation for at least 2 years; section 1790(a), which authorizes the Administrator to disapprove the enrollment of GI Bill trainees in a particular educational institution upon certain findings; and section 1791, which limits the number of changes in a program of education which a GI Bill trainee can make.

The Committee believes that the Administrator currently has the authority under chapter 36 to disapprove applications of veterans or servicepersons for enrollment in programs of education that would be precluded by a provision of chapter 36; however, section 103 of the Committee bill would clarify that authority by making it express in section 1671.

### Modifications of criteria applicable to vocational objective courses

Section 104(1) of the Committee bill would amend section 1673(a)(2) to strengthen the criteria for approval of vocational objective courses. That section, as amended by section 203(1) of Public Law 93–508, currently provides that the Administrator shall not approve the enrollment of a veteran in any vocational objective course which fails to submit justification showing that at least one-half of the available course graduates during the preceding 2-year period have secured employment in the occupational category for which trained—the so-called 50-percent employment rule.

*Background Regarding 50-Percent Employment Rule.*—Enactment of this provision resulted from Congressional concern that vocational courses may not always be of adequate quality and intensity to prepare the trainee for employment in the chosen vocation and that some vocational courses tend to serve avocational, recreational, and other personal enrichment objectives rather than basic employment goals.

In 1976, the Committee noted, in its report accompanying legislation that was enacted as Public Law 94–502 (S. Rept. No. 94–1243), its belief that compliance with the 50-percent employment rule was "an important tool in assuring that the purposes of the GI Bill are and continue to be met". In response to the Administration's proposal, for fiscal year 1977, to terminate eligibility for GI Bill benefits for flight and correspondence training on the grounds that such training "does not lead to jobs for the majority of trainees and that the courses tend to serve avocational/recreational and/or personal enrichment rather than basic employment objectives", the Committee expressed its view that such an assertion appeared to contradict directly the flight and correspondence schools' claims that 50 percent of their course graduates had secured employment in the occupation for which they were trained.

The Committee concluded that either the Veterans' Administration's position in favor of terminating authority for these programs was based upon insufficient facts or the obvious Congressional intent underlying the 50-percent rule had not been effectuated. The Committee noted that there was a "growing suspicion" that the latter was the case. The Committee expressed its belief that rigorous application and enforcement of the 50-percent employment rule would terminate enrollment for vocational recreational purposes and training that was inferior while allowing those schools meeting basic vocational objectives to continue enrolling veterans under the GI Bill.

Thus, believing that more study was both appropriate and necessary, Public Law 94–502 mandated the Administrator to undertake a thorough study of, and to submit to Congress within 180 days after the enactment of that law a report, on vocational objective courses, compliance with the 50-percent employment rule, and the need for any legislative or administrative remedies.

The report, entitled "Study of Vocational Objective Programs Approved for the Enrollment of Veterans", was submitted to Congress on July 11, 1978. That report indicates that the average rate of employment was 81.3 percent for vocational objective course graduates in an occupation related to that for which the training was designed to prepare the trainee. Only 669 of the 28,461 courses submitting reports failed to meet the 50-percent employment rule; however, reports for approximately 7,200 additional previously-approved courses were not received with the result that the schools in question were not permitted to enroll additional veterans in those courses until those schools submitted justification of meeting the 50-percent employment rule.

Although the results of the VA's study indicate that the vast majority of courses surveyed met the 50-percent employment rule, the VA's report also suggests that much of the data may be misleading. For example, only individuals who complete a course are included when computing the 50-percent employment rule. Thus, courses with high attrition rates—such as correspondence courses—may exceed the required 50-percent employment rate by counting only a small number of graduates, and a high attrition rate may indicate that a course is promising too much or delivering too little in the way of useful vocational services. (It is also possible, it should be noted, that high attrition may indicate that a course is rigorous.) At the Committee's hearing on June 6, Guy H. McMichael III, General Counsel of the VA, testified that an on-going VA Inspector General's audit had found that of 1,100 students enrolled in one correspondence course, only 11 completed it. Of those 11, only five graduates were counted in the computation and the other six were excluded. Of those five graduates, one reported employment in the field for which trained, and the other four reported "related employment". Thus, the course demonstrated, on the basis of five graduates, a 100-percent employment ratio for graduates.

Furthermore, current law does not specify whether job placement needs to be full time. The VA's report indicates that some schools—particularly in the case of flight training—have used this lack of definition to achieve relatively high placement ratios, in technical compliance with the law, through the use of graduates as part-time instructors. In addition, individuals who work only part time or occasionally in the field for which trained may also be counted as employed for the purposes of meeting the 50-percent employment rule.

Finally, the VA report notes that the 50-percent employment rule data may be misleading because it is the school that gathers and compiles it. The VA's report contends that it is reasonable to assume that some of the data submitted is biased because the school is eager to continue to be approved for VA benefit payment purposes, and thus is interested in compiling data that produce the highest possible placement rates.

*Provisions of Committee Bill.*—In submitting the proposed GI Bill Amendments Act of 1979, the Administration proposed a series of modifications to tighten the 50-percent employment rule, including a proposal that the rule be modified to base the required computation on the number of persons initially enrolling in a course. This would have the effect of requiring that at least half of those who initiate training in a course become employed in the field for which they were trained. The Committee rejected this modification on the grounds that it would have been too harsh a criterion since many institutions would have little control over, or ability to compile data on students who drop out of courses.

Rather, in order to take account of the attrition factor, the Committee bill would add a new requirement that more than one-half of the persons enrolled in a vocational objective course during the preceding 2-year period have completed it. The Committee believes that enactment of this provision would eliminate some schools' practice of disenrolling a student prior to graduation in an effort to avoid having to include the student in the 50-percent employment computation.

With respect to the current requirement that at least one-half of those who complete a course and are not unavailable for employment obtain employment in the occupational category for which trained, the Committee bill would add the requirement, proposed in the Administration bill, that, for an individual to be counted as being employed in that occupational category, such employment be his or her primary vocational pursuit and major source of occupational income. The Committee believes that enactment of this requirement would make the employment test a more valid indication of the effectiveness of the school's training in line with Congressional intent that vocational training lead to substantial jobs. Thus, it would no longer be sufficient for a school to establish minimum compliance by including in its computation a graduate who, for example, is employed in the occupation for which trained on a limited spare-time or part-time basis. The Committee also believes that enactment of this provision would result in the disapproval for GI Bill enrollment of courses with objectives tending to be primarily a vocational or recreational in nature.

Section 104(1) of the Committee bill would provide that reporting of compliance with these two 50-percent rules would not be required in the case of a particular course if the course is determined to have a history of compliance with the rules and if the number of persons in receipt of VA educational assistance enrolled in the educational institution offering the course does not exceed 35 percent in a particular year of the institution's total enrollment. The Committee believes that the potential for abuse is substantially reduced when an institution enrolls less than 35-percent GI Bill trainees—the same test that exempts institutions from the 85–15 ratio—and can show that its performance has been in compliance with both rules. The Committee further believes that compliance reporting in these cases would not be cost effective for either the institution or the VA.

Finally, the Committee bill would also provide that the Administrator, pursuant to regulations, may waive the requirements for the 2-year computation when the Administrator determines that reporting would place an onerous and unnecessary paperwork burden on the school in light of the small proportion of GI Bill trainees enrolled there. This provision reflects the Committee's concern that many reputable institutions offering good vocational objective programs might be discouraged from seeking VA approval because of the cost of computing the 50-percent rules if they enroll only a small proportion of GI Bill trainees. Thus, this provision would allow the Administrator to waive these requirements when he determines that the small proportion of GI Bill trainees enrolled would justify such a waiver. The Administrator would, of course, be able to place reasonable and appropriate conditions and limits on such waivers, for example, to limit such waivers to a certain period of time. In addition, if the conditions justifying the waiver were no longer present, the Administrator would be authorized to withdraw it.

### Elimination of recipients of BEOG's and SEOG's From Inclusion in the "85–15 Ratio"

Public Law 94–502, the Veterans' Education and Employment Assistance Act of 1976, amended section 1673(d) to provide generally that, effective December 1, 1976, the Administrator shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Administrator finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution, the VA, or by grants from any Federal agency. This provision required that direct Federal grants which do not have to be repaid by the recipient, such as Basic Educational Opportunity Grants (BEOG's) and Supplementary Educational Opportunity Grants (SEOG's) made by the Department of Health, Education, and Welfare, be included in computations to determine compliance with the so-called "85–15 ratio" and extended application of the ratio to all courses offered by institutions of higher learning.

Public Law 94–502 further provided that the Administration may waive this requirement, in whole or in part, if the Administrator determined it to be in the interest of the eligible veteran and the Federal Government. Pursuant to this authority, on December 16, 1976, the Administrator made an across-the-board waiver of the requirement to include all Federal grant recipients, with the exception of BEOG's and SEOG's, in the 85–15 ratio. In addition, the Administrator suspended the inclusion of BEOG and SEOG recipients in the ratio and exempted institutions having fewer than 35 percent enrollment of veterans from the obligation of making the course-by-course computation (DVB Circular 20–76–84, Appendix H).

The 85–15 ratio is designed to ensure that a minimum number of nonveterans and nonfederally subsidized students find a course worthwhile and valuable in terms of investing their own funds in pursuing it. It became evident to the Committee, while reviewing the legislative history and intent of this section during consideration of the Veterans' Education and Employment Assistance Act of 1976, that Congress was concerned about schools which developed courses specifically designed to attract those veterans with the Federal assistance available to purchase such courses. The legislative history (S. Rept. No. 94–1243) indicates that, at the time the section was originally enacted, "the requirement of a minimum enrollment of students not wholly or partially subsidized by the Veterans' Administration was a way of protecting veterans by allowing the free market mechanism to operate." The legislative history also indicates that the Committee believed that the inclusion of other students receiving Federal grants in the 85–15 ratio followed from this rationale.

Since the enactment of Public Law 94–502, the education community has strongly urged the elimination from the 85–15 ratio of the requirement for inclusion of individuals in receipt of BEOG's and SEOG's. The education community believes that the imposition of this requirement would result in burdensome and costly recordkeeping requirements with little evidence that it would help in curbing abuses.

Provisions in Public Law 95-202, the GI Bill Improvement Act of 1977, were enacted in order to meet some of the concerns raised by the education community. Section 305 (a)(2)(B) of that law codified the Administrator's waiver of the 85-15 ratio in the case of a course offered by an educational institution if the total number of veterans and persons receiving VA educational assistance at an institution under chapter 31, 32, 34, 35, or 36 of title 38 equals 35 percent or less of the total student enrollment there, except that the Administrator may apply the provisions of the law in cases where there is reason to believe that the enrollment of such veterans or persons may be in excess of 85 percent of the total student enrollment in a course.

Section 305(a)(3) of Public Law 95-202 mandated the Administrator to conduct a study of, and submit a report to Congress on, the necessity for including in the 85-15 ratio those students in receipt of grants from any Federal agency or department other than the VA and the problems that would be incurred by educational institutions in meeting such a requirement. Section 305(a)(3) also provided that, until 6 months after the study was completed and "until such time as the Administrator shall determine . . . that there is an adequate and feasible system for making such computation, the Administrator shall not apply the provisions contained in section 1673(d)" requiring the inclusion in the 85-15 ratio of the numbers of students in receipt of Federal grants other than from the VA.

The findings of this study were submitted to Congress on November 16, 1978, in a report entitled, "The Necessity and Desirability of Including Recipients of Federal Grants Other Than From the Veterans' Administration in 85-15 Ratio Computation". The report concluded that:

> Prior to the change in the law requiring the inclusion of BEOG and SEOG recipients in the 85-15 ratio computations, the 85-15 ratio requirements were effective in preventing abuses found in schools' enrollments consisting entirely of VA education assistance recipients.
>
> A significant number of educational institutions do not have the administrative capability to report the ratio with BEOG and SEOG students included.
>
> The integrity of the program could be maintained without inclusion of BEOG and SEOG students.

Accordingly, the report recommended that "the law be amended to rescind the requirement that recipients of BEOG and/or SEOG benefits shall be considered in computing 85-15 ratios".

Since the report submitted by the VA found that "a significant number of educational institutions do not have the administrative capability to report the ratio with BEOG and SEOG students included," the Committee sees no reason to repeal the requirement that BEOG and SEOG recipients be included in computing the 85-15 ratio in view of the provision in Public Law 95-202 prohibiting the Administrator from applying the requirement *unless* he makes a determination that there is an adequate and feasible system for making such computations—a determination that the VA's study suggests that the Administrator is not able to make. Furthermore, the Committee does not believe that it is desirable to repeal the authority because the concept on which it is based remains valid if computations could feasibly be made on a course-by-course basis. Historically, the provision is rooted in the belief that if an institution cannot attract sufficient non-VA-subsidized students to its programs, it presents a great potential for abuse of GI Bill education programs. The Committee believes that it may, at some point, be both desirable and feasible to include BEOG and SEOG recipients in the computation in order to curb such abuses.

In response to a question by Senator Simpson at the Committee's hearing on June 6, 1979, the VA indicated that repeal of the requirement for inclusion of BEOG and SEOG recipients was not required. Guy H. McMichael III, General Counsel of the VA, pointed out that the VA has never required the inclusion of BEOG and SEOG recipients in the 85-15 ratio, and that, although the integrity of the GI Bill program could probably be maintained without the inclusion of these recipients, the rationale for the inclusion remains conceptually sound and there might very well be occasions in the future in which inclusion would be both desirable and necessary.

Thus, section 104(3) of the Committee bill would continue the statutory suspension—moved into title 38 itself—of the inclusion of BEOG and SEOG recipients in the computation of the 85-15 ratio required by section 1673(d) until such time as the Administrator determines that it is both desirable and necessary to include such recipients, and that a feasible system for the inclusion exists.

However, in order to assure that the Administrator does not frivolously or without cause revoke this suspension, section 104(3) of the Committee bill would provide that the suspension would remain in effect until 90 days after the Administrator notifies the Committees on Veterans' Affairs of the Senate and the House of Representatives that inclusion would be desirable and that there exists a feasible method for computing inclusion of such recipients. This 90-day notice period would allow time for any legislative reaction to the Administrator's action that the Congress deems appropriate.

### Satisfactory progress

Since the enactment of the current GI Bill in 1966, section 1674 of title 38 has provided for discontinuance of educational assistance allowances if the veteran's progress is unsatisfactory. Initially, the determination as to whether an individual's progress was satisfactory was to be made by the educational institution based on standards of progress set and enforced by the institution.

However, in the mid-1970's, Congress became aware that many institutions either had not established or were not enforcing standards of progress and that substantial numbers of veterans were enrolled at certain institutions and receiving GI Bill benefits for extended periods of time while making little or no progress toward obtaining a degree. In addition, the Congress found that changes in the educational practices and philosophies of educational institutions, such as "open-door" enrollments, nonpunitive grading, lax or no reporting of attendance and withdrawal of students was resulting in substantial amounts of unauthorized payments of benefits.

In order to curb abuses of this type, in 1976 Congress included provisions in Public Law 94-502 to amend section 1674 to require the Administrator to discontinue the educational assistance allowance of any veteran if the Administrator finds that the veteran's progress is unsatisfactory. Under Public Law 94-502, unless the Administrator finds mitigating circumstances, progress is deemed to be unsatisfactory, as a matter of law, at any time that the veteran is not progressing at a rate that will permit the veteran to graduate within the approved length of the course as certified by the educational institution to the VA. The effect of that amendment to section 1674 was to terminate reliance on the standards of progress of individual educational institutions as the sole determinant of what constituted satisfactory progress for the purposes of GI Bill benefits. The VA implemented the satisfactory progress requirement in DVB Circular 20-76-84, Appendix O, revised, which provided that a veteran-student is making unsatisfactory progress when he or she accumulates unsatisfactory punitive grades for courses with the equivalent of more credit hours than the minimum credit hours required for full-time pursuit.

However, this provision proved to be very difficult for the VA and educational institutions to implement because educational institutions had to make separate evaluations and determinations for veterans and nonveteran students. In addition to opposing the additional administrative burdens imposed on educational institutions by this provision, the education community has opposed the provision on philosophical grounds—as Federal intervention in setting educational policy that infringes on academic freedom.

In response to the problems found in implementing this provision and the education community's objections to it, the Congress, in section 305(b)(2)(B) of Public Law 95-202, the GI Bill Improvement Act of 1977, mandated the Administrator to conduct a study and to report to the Congress on the need for legislative or administrative action in regard to the "satisfactory progress" requirement in present sections 1674 and 1724, as amended by Public Law 94-502, and the regulations prescribed thereunder.

The findings of this study were submitted to the Congress on December 6, 1978, in a report entitled, "Progress or Abuse—A Choice". The study found that the provisions added by Public Law 94-502 linking satisfactory progress with course completion time have imposed excessive administrative burdens on schools, have led to some anomalous and often unjust results for students, and have been a great source of friction between the VA and the education community. The report states that these provisions impose "a large burden on the schools which is not commensurate with the real needs of the VA." For example, a veteran enrolled in pursuit of a full-time, 12-credit hour program of education (consisting of four 3-credit courses each semester) who accumulates over the course of four semesters 15 credit hours of failing grades ("F"s in five courses of three credits each) would be making unsatisfactory progress according to the VA's implementation of section 1674. However, the same veteran may have maintained an "A" average for all the other courses and his or her grade point average, based on a 4.0 system, would be 2.75 or "C-plus". It is highly unlikely that the school would consider this veteran not to be progressing satisfactorily.

The report also indicated that sections 1775 and 1776, as amended by Public Law 94-502, which require that schools have, publish, and enforce standards of progress in order for their courses to be approved, and section 1780(a)(4), as amended by Public Law 95-202, which prohibits payment of an educational assistance allowance for pursuit of a course not counted towards graduation requirements, when coupled with effective oversight by the State approving agencies and the VA, should substantially reduce abuses related to standards of progress.

Furthermore, the VA report questioned the wisdom of having separate standards of progress for veterans since such standards may be discriminatory. In this regard, the report stated, "[S]eparate standards of progress for veterans increase the recordkeeping burden of schools and invite charges of discrimination. It is, therefore, preferable to be able to rely on the school's standards which are applicable to all students and are, in fact, enforced."

Accordingly, the study recommended that course completion time be eliminated as a statutory factor in determining satisfactory progress in section 1674 and the VA-proposed legislation (section 105 of S. 870 as introduced) to do so.

The Committee has carefully considered the findings of the VA's report and is in agreement with its conclusion in this regard. Thus, section 105 of the Committee bill would amend section 1674 to delete the statutory linkage of satisfactory progress with course completion time.

The Committee believes that the provisions of present sections 1775 and 1776 relating to the establishment and enforcement of standards of progress by educational institutions and of present section 1780(a)(4) prohibiting payments for courses not counted toward graduation requirements, should effectively serve to prevent and curb abuses in this area by assuring that GI Bill benefit recipients consistently make adequate progress while enrolled and receiving such benefits. There continues to be, however, a real need for effective and aggressive implementation of these provisions by the VA, and the Committee expects such action by the agency.

### Computation of Educational Assistance Allowance and Charges to Entitlement

The Committee bill would make a series of amendments in order to clarify and codify existing practices of the VA with respect to determining how amount of allowances are to be computed and how entitlement is to be charged for certain types of training.

*Open Circuit Television.*—Current law provides, in section 1673(c), that an educational assistance allowance will not be paid for a course pursued by open circuit television unless the open circuit television training is an integral part of a course being pursued in residence and the major portion of the course requires conventional classroom or laboratory attendance.

Under existing practice, the VA has approved pursuit of courses when open circuit television predominates. Thus, when the number of credit hours pursued by open circuit television equal or exceed the number of credit hours pursued by conventional classroom or laboratory attendance, training time has been determined by reducing the number of television credit hours to one less than the number of credit hours of classroom and laboratory pursuit. The educational assistance allowance to be paid is then determined by adding together the actual number of credit hours of classroom and laboratory pursuit and the "reduced" number of credit hours pursued by television. For example, when 6 credit hours are awarded for open circuit television pursuant and 5 credits are awarded for classroom attendance, the VA considers the open circuit television pursuit to be only 4 credit hours—1 less than the classroom portion—and the allowance payable is based on a total of 9 credit hours. The charge to entitlement is then determined based on the applicable monthly training time rate. For example, 9 credit hours would be paid at the three-fourths time rate, and three-fourths of 1 month's entitlement would be charged for 1 month's pursuit at the three-fourths time rate.

The Committee believes that the current practice of the VA in approving these open circuit television courses is appropriate and produces sensible results. Thus, sections 104(2) and 107(3) of the Committee bill would amend the appropriate provisions of chapter 34 (sections 1673(c) and 1682) to codify the VA's current practice and policy as outlined above.

*Independent Study.*—Current law provides, in section 1682(e), for a method of computing allowances for programs consisting solely of independent study and for programs of combined independent study and resident training when resident training predominates. However, no provision is made for computing the charge to entitlement or a rate of allowance for a combination program when the independent study portion predominates.

Under current practice, the VA computes the allowance for a combined program when independent study predominates in the same manner as it computes the allowance for pursuit of courses by open circuit television, as described above. For example, 4 credit hours of resident training combined with 5 credit hours of independent study would be considered to be 7 credit hours for the purposes of GI Bill benefits—4 credit hours of resident training plus 3 credit hours of independent study (1 credit hour less than the hours of resident training). Based on a full-time course of 14 credit hours, half-time benefits would be paid for this program, and one-half month's entitlement would be charged for each month of pursuit on this basis.

When a program consists solely of independent study, current law provides, in section 1682(e), that benefits are paid on the basis of the cost of tuition and fees or one-half the full-time rate, whichever is the lesser. Although no provision is made in the law, one-half of 1 month's entitlement is charged for each month of such training.

The Committee believes that the policy and practices of the VA in these regards are both reasonable and appropriate. Thus, in order to provide statutory authority and clarification, section 107(2) of the Committee bill would codify (in section 1682(e)) the practices for computation of allowances and charges to entitlement for courses involving independent study.

*Less Than Half-Time Training and Training While on Active Duty.*—Although current law, in section 1682(b), indicates how to compute benefits for training on less than a half-time basis and for training pursued by an individual while on active duty, it does not state specifically how the individual's entitlement is to be charged in such cases. The current practice is to charge entitlement on the basis of the monthly benefits paid—that is, for each one-fourth of the full-time benefit paid, one-fourth month's entitlement is charged. The Committee bill, in section 107(1), would codify this practice by amending subsection (b) to specify that entitlement is charged based on the applicable monthly training time rate as determined under section 1788, that provides for measurement of courses. For example, for each month of training on a quarter-time basis, one-fourth month of a month's entitlement would be charged and for a 4-month period of quarter-time pursuit, 1 month's entitlement would be charged. For 1 month's full-time pursuit of training by an individual on active duty, 1 month's entitlement would be charged.

### Education outside the United States

Current law provides, in section 1676, that an eligible veteran may pursue a program of education at an educational institution not located in a State only if such institution is an approved institution of higher learning. However, the statutory definition of the term "institution of higher learning" includes only schools empowered by *State* educational authority under *State* law to grant a degree or, where no such law exists, schools accredited for degree programs by a recognized accrediting agency. This definition has been interpreted to include the entire operations of an institution with the main campus located in a *State* and overseas branches; but there is no provision in the definition for institutions located in whole or primarily in foreign countries.

In light of the Congressional intent expressed in section 1676, for GI Bill benefits to be available for the pursuit of a higher education in a foreign institution, the VA does approve enrollment in foreign institutions of higher learning on a case-by-case basis.

In order to provide a clear statutory basis for this practice, section 106 of the Committee bill would clarify the meaning of institution of higher learning in cases of foreign institutions. Thus, the effect of this amendment would be, by virtue of the provisions of 1676, which the Committee bill would modify to reflect the definitional change proposed in section 1652(f), to permit enrollment only in foreign degree-granting institutions of higher learning.

### Incarcerated veterans

Current law makes no provision for the special circumstances involved in payment of an educational assistance allowance to an eligible veteran in pursuit of a program of education while incarcerated. Thus, incarcerated veterans pursuing programs on a half-time or more basis are paid directly, in the same manner as other veterans, at the appropriate institutional rate—$311 a month in the case of a single veteran training on a full-time basis. (Payment for training on a less than half-time basis is made on the basis of charges for tuition and fees as provided in present section 1682(b).) Thus, if an incarcerated single veteran is pursuing a program of education on a three-fourths time basis, he or she is paid $233 a month regardless of the cost of the course to the veterans; if the veteran has dependents, an additional dependents' allowance is also paid directly to the veteran.

The Committee is concerned by some reports that the making of direct payments to incarcerated veterans of funds not needed to pay for the costs of training may be causing serious problems in correctional institutions. during testimony before the Committee on June 6, 1979, the VA testified that a number of complaints have been received from prison officials concerning excess funds paid to prisoners by the VA and that this additional money has precipitated narcotics traffic, thefts, and related problems. In addition, the Committee recognizes that the need for any portion of the educational assistance allowance to be used for the veteran's subsistence allowance does not exist while the veteran is incarcerated.

Thus, section 107(3) of the Committee bill would provide for the payment to the incarcerated veteran of only that portion of the appropriate educational assistance allowance, including any portion of the appropriate dependents' allowance payable to the veteran, as is necessary to cover the cost of tuition and fees for the veteran's enrollment in a program of education. Except for any payments to dependents, as discussed below, the balance of the educational assistance allowance, if any, would be held in escrow by the Administrator for the veteran until his or her release. At the request of the veteran, the Administrator would invest the veteran's escrowed funds in United States Government securities, such as U.S. Savings Bonds, Treasury bills, or the newly-proposed "energy bonds". It is the Committee's intent in this regard that when the veteran requests the Administrator to invest his or her escrowed funds, the Administration would seek to make investments in those securities that would earn the highest interest for the veteran. Veterans training while participating in work-release programs or in halfway houses would not be regarded as incarcerated for purposes of this GI Bill payment provision.

The Committee bill would further provide that in the case of an incarcerated veteran with dependents the Administrator would, at the request of the veteran, pay to the dependents (or, if appropriate, to the legal guardian of such dependents) the amount of educational assistance allowance (including the appropriate dependents' allowance) not paid to the veteran to cover the cost of tuition and fees. However, the payment would be made only if the dependents concur in the veteran's request. If no request is made by the veteran, or the dependents do not concur in the request, no dependents' allowance in excess of the cost of the veteran's program of education would be paid or accrued.

The Committee's objective in requiring both the veteran and the veteran's dependents to agree to the payment of the dependents' allowance or other funds to the dependents is to protect the dependents from the possible, unwitting loss of various forms of public assistance. In some cases, it is conceivable that receipt of a small amount of such a GI Bill allowance might make the veteran's family ineligible for far more valuable public assistance—such as Medicaid or Aid to Families with Dependent Children under the Social Security Act. In this context, since the veteran would be the one to make the initial request for payment, GI Bill benefits could not be regarded as a resource to which the dependents have access while the veteran is incarcerated.

The Committee believes that these proposed modifications in the method of making GI Bill benefit payments to an incarcerated veteran would not only solve the problem of unneeded funds within penal institutions, but, through funds held in escrow until release from incarceration, would also provide the veteran with funds at the time of release that could facilitate the veteran's readjustment to and rehabilitation in the community.

### GI Bill benefits for secondary education

Current law provides that veterans in pursuit of programs leadng to a high school diploma or an equivalency certificate authorized by subchapter V of chapter 34 are paid at the rate for institutional study—for example, $311 per month for full-time training for a veteran with no dependents. This training is provided to the veteran at no charge to entitlement. The VA estimates that the average payment to a veteran pursuing secondary education training is $1,714 per annum. Fiscal year 1978 data show 26,251 GI Bill trainees enrolled in these courses.

Adult basic education is supported substantially by programs conducted by State and local entities with support from the Federal Office of Education. As a result, most high school or equivalency programs for adults are offered at no charge, or at a nominal charge, through local high schools during the evenings or on weekends.

The Committee believes that, since this benefit is paid pursuant to section 1691(b) without charge to entitlement and the courses are generally available to the veteran at little cost and are generally offered in such a way as to permit full-time employment, it is appropriate to limit the benefit paid to the cost of tuition and fees or the half-time institutional rate—$156 a month for a single veteran— whichever is the lesser. This change, proposed by section 108 of the Committee bill, would, in the Committee's view, remove any incentive for abuse of this benefit by those seeking to utilize the payment as a means of income maintenance rather than for serious pursuit of a course of secondary education. Moreover, as so tightened against potential abuse, the justification is increased for the provisions of the Committee bill making this benefit available during the 3-year targeted delimiting date extension (section 101(3)), for chapter 34 eligibles who are still on active duty (section 502(a)), and during the last 6 months of active-duty service in the Armed Forces or anytime thereafter for participants in the Post-Vietnam Era Veterans' Educational Assistance program (section 501(3)). The Committee bill, however, would not apply these new rates to those individuals enrolled in secondary education programs on October 1, 1979, for so long as such individuals remain continuously enrolled.

## TITLE II: SURVIVORS' AND DEPENDENTS' PROGRAM ADJUSTMENTS

### *Background*

Chapter 35, Survivors' and Dependents' Educational Assistance, provides for a program of educational assistance for spouses, surviving spouses, and dependents of certain veterans. Under this chapter, the surviving spouse and other dependents of a veteran who died of a service-connected disability and the spouse and other dependents of a veteran with a total and permanent service-connected disability are eligible for educational assistance similar in most respects to that available to veterans under chapter 34. The purposes of this program of assistance are to compensate the family of the veteran who may not be able, by reason of death or disability, to provide for their educational needs and to assist the spouse or surviving spouse in attaining economic self-sufficiency. Those entitled to chapter 35 educational assistance allowances are referred to as "eligible persons", a term defined in present section 1701(a)(1). Eligible persons are entitled to 45 months of educational assistance allowance that is paid at the rate for a veteran without dependents. Generally, as to a spouse or surviving spouse, these benefits are available for a 10-year period—the so-called "delimiting period"—following the date on which the individual first establishes eligibility. Eligible dependent children generally have until age 26 to utilize these benefits. However, current law makes the same provisions for a delimiting date extension due to a disability for spouses and surviving spouses under chapter 35 as it does for veterans under chapter 34.

### *Committee bill provisions*

The amendments proposed to be made by title II of the Committee bill to chapter 35 are, in large part, similar or substantially identical to corresponding amendments proposed to be made to chapter 34 by title I of the bill. Thus, portions of the discussion of provisions of title I of the Committee bill are applicable to this title, as noted.

### Modifications related to suspension of delimiting period on account of disability

Section 201 of the Committee bill would make modifications, identical to those proposed by section 101 of the Committee bill to be made in present section 1662(a)(1) for chapter 34, related to the delimiting-period disability extension for eligible persons under chapter 35, as provided for in present section 1712(b). These include the limitations on the time for making applications, the provision for an alcohol or drug dependence or abuse disability from which the individual has recovered not to be considered the result of willful misconduct for delimiting-period-extension purposes, the provision for the measurement of such extensions, and the suspension of the 1-year limitation on retroactive benefits in certain cases.

### Approval of applications for educational assistance allowance

Section 202 of the Committee bill would make amendments to present section 1721 that are substantively identical to those proposed to be made by section 103 of the Committee bill in order to give the Administrator the same express authority to disapprove an eligible person's application for benefits if his or her enrollment would be in violation of any provisions of chapter 36, Administration of Educational Benefits.

### Modifications related to the criteria for approval of courses with vocational objectives

Section 203(1) of the Committee bill would amend present section 1723(a) to reflect the identical amendments relating to the criteria for approval of vocational objective courses proposed to be made in section 1673(a) by section 104(1) of the Committee bill.

### Satisfactory Progress, Open Circuit Television, and Education Outside the United States

The Committee bill, in sections 203(2) and (3), 204, 205, and 207(1), would conform present sections 1701(a), 1723, 1724, and 1732 to reflect the changes proposed to be made by sections 104(2), 105, 106, and 107(3) of the Committee bill in present sections 1652(f), 1673, 1674, 1676, and 1682 with respect to satisfactory progress, pursuit of courses by open circuit television, and education outside the United States.

### Advance Payment of Educational Assistance

Under current law, present section 1780 (d), advance payment of an educational assistance allowance equal to not more than 2 months of benefits is authorized in certain cases to be made to eligible veterans and eligible persons. This advance payment is intended to help meet the need for additional funds at the beginning of a school term for such expenses as books, travel, deposits, fees, and initial tuition payments. However, eligible persons training under chapter 35 are, by virtue of the provisions of present section 1731(b) and unlike veterans training under chapter 34, barred from receiving payment of an educational assistance allowance when enrolled in a course not leading to a standard college degree until the Administrator receives certifications from the eligible person and the school as to the enrollment in and pursuit of the court during the period for which payment is to be made. Notwithstanding this bar, VA policy (38 CFR 21.4137(g)) has not made this distinction in the method of making advance payments to persons training under chapter 35. The Committee does not see the merit in such a distinction between chapters 34 and 35 trainees in terms of their respective needs for advance payment. Thus, the Committee bill, in section 206, would codify VA current policy and conform the method of making advance payments to certain chapter 35 trainees to the method of making such payments to chapter 34 trainees.

### Incarcerated Persons Eligible for Chapter 35 Assistance

Section 207(2) of the Committee bill would generally make the same modifications in the method of making payment of educational assistane allowances to incarcerated chapter 35 trainees as are proposed in section 107(3) to be made in section 1682 with respect to incarcerated veterans training under chapter 34, except that the provisions relating to a veteran with dependents are not applied because the chapter 35 program makes no provision for dependents' allowances.

## TITLE III: AMENDMENTS TO ADMINISTRATIVE PROVISIONS

### *Background*

Chapter 36 of title 38, Administration of Educational Benefits, sets forth a wide variety of provisions relating to the administration of VA educational assistance. These include, among others, provisions that govern approval of programs of education for the purposes of payment of VA educational assistance allowances, that establish the authority for VA educational loans, and that specify criteria relating to the periods for which such payments is made and to the measurement of courses for purposes of such payment. S. 870, as introduced, contained several proposals to make changes that, in the Administration's view, are necessary for the improved. effective operation of VA educational assistance programs. As reported, the Committee bill proposes to make amendments to chapter 36 that are derived, with modifications, from the Administration's proposals in the original bill.

### *Committee bill provisions*

### Liabilities of veterans and eligible persons

Section 1784 currently provides that institutions that enroll students in receipt of VA educational assistance allowances have certain responsibilities to report changes in students' status to the VA; section 1785 provides that the institution will be liable to the VA for any resulting educational assistance allowance overpayments resulting from the institution's failure to fulfill those responsibilities. Although no similar statutory responsibilities are assigned to the student in receipt of VA payment, VA regulations (38 CFR 21.203(d)) require veterans and eligible students to report to the VA, in a timely and truthful manner, any changes in status—such as termination of training, reduction in course load, or disenrollment. The individual in receipt of VA educational assistance benefits is advised of this regulation in the award letter approving an application for assistance and through an enclosure with the monthly allowance check. The student's failure to report changes in status may also result in a liability against the veterans or eligible person for an overpayment to him or her.

The Committee believes that this is a reasonable responsibility to assign to an individual in receipt of benefits from the VA because the responsibility of assuring that tax dollars expended by the VA for educational assistance programs are not abused should be reasonably shared by all parties. The Committee bill, in sections 303 and 304, would amend sections 1784 and 1785 in order to provide an express statutory basis for imposition of a responsibility on the veterans or eligible person to report changes in status and to specify that overpayments made to such individuals will constitute a liability of the veteran or eligible person. Thus, the law, as proposed to be amended, would make clear that both the recipient and the institution are liable for failure to report changes in status.

### Liabilities of institutions

To offset the cost to the institution of making the reports required under section 1784, that section provides for payment of a reporting fee to the institution—generally, $7 per veteran or eligible person. As indicated, an institution is subsequently held liable, under section 1785, for overpayments of allowances that result from the willful or negligent failure of the institution to make the required reports to the VA or from a false certification. However, the reports required by present section 1784 relate only to the veteran's or eligible person's enrollment and not to the status of the institution as a whole. As a result, although the student may be properly certified for purposes of payment from the VA, the institution itself may not be in compliance with a provision of law that would prohibit payment of GI Bill benefits to veterans and eligible persons enrolled at the institution. For example, it is possible that an educational assistance allowance would be paid to a veteran enrolled in an institution that is in violation of the so-called "85–15 ratio" since the Administrator would have no means of ascertaining the violation except through after-the-fact compliance review procedures.

Section 303 of the Committee bill, therefore, would amend section 1784 to provide that, prior to the Administrator making any payment of a reporting fee to an educational institution, the institution must certify that it has exercised reasonable diligence in determining that both the institution and the course approved for veterans and eligible persons are in compliance with all the applicable requirements of law as provided in chapters 34, 35, and 36. The institution would further be required to certify that it will, without delay, report to the Administrator failure of the institution or any course to comply with these requirements.

In connection with this amendment, section 304 of the Committee bill would also modify the provisions of section 1785 to specify that in order for a false certification to make an institution liable for an overpayment, the certifying of false information must be done willfully or negligently.

Taken together, these proposed amendments to sections 1784 and 1785 would impose on the institution the duty to exercise reasonable diligence in making accurate reports and certifications to the VA and provide that the institution would be held liable for any overpayment resulting from a breach of that duty.

In connection with individual and school liabilities, section 304 of the Committee bill would also make a series of amendments, described below, to section 1785 that are designed to clarify the liabilities of individuals and institutions and the procedures for recovery of overpayments from them.

The Committee bill would provide that, if the Administrator uses his authority in section 3102 to waive an overpayment in the case of an eligible person or veteran, the fact of the waiver would have no effect on an institution that is also liable for the debt. In this regard, the Committee notes that, under the amendments proposed by the Committee bill, the only circumstances in which an institution would be held liable for an overpayment are when the overpayment results from the willful or negligent failure of the institution to make required reports or from willful or negligent false certifications. Thus, there would be no basis for the liability of the institution for the overpayment resulting from the institution's willful or negligent action being removed by virtue of the Administrator granting a waiver of the student's liability for the overpayment. This change would have the effect of codifying current VA policy as set forth in 38 CFR 21.4009(e).

## TITLE IV: MODIFICATIONS OF FLIGHT AND CORRESPONDENCE TRAINING PROVISIONS

### *Background*

The Administration has recommended on four occasions—for fiscal years 1977, 1978, 1979, and 1980—termination of eligibility for GI Bill benefits for enrollment in flight and correspondence training programs. This recommendation is made on the basis, as stated in the VA's March 26, 1979, letter transmitting the proposed "GI Bill Amendments Act of 1979" (S. 870), that "there is ample evidence that the training does not lead to jobs for the majority of trainees and that the courses tend to serve avocational/recreational and/or personal enrichment rather than basic employment objectives". Under the Administration's proposed termination, no eligible veteran would receive GI Bill benefits—after the effective date of the legislation—for participation in flight or correspondence training programs.

In the past, the Committee has declined to consider favorably such proposals. However, section 204 of the Veterans' Education and Employment Assistance Act of 1976 (Public Law 94–502) mandated that the VA conduct and submit to the President and Congress, within 180 days after the date of enactment of that law, a thorough and comprehensive study of vocational objective programs. The study was to place particular emphasis on the implementation of section 1673(a)(2) of title 38—the so called "50-percent employment rule"—which provides that the Administrator shall not approve the enrollment of a veteran in any vocational objective course which fails to submit justification annually showing that at least one-half the available course graduates have, within 2 years of completion, secured employment in the occupational category for which they were trained. As discussed earlier in this report with respect to the changes proposed by the Committee bill regarding this rule, the Committee has, in the past, expressed concern about the contradiction in the Administration's rationale which suggests less than vigorous implementation and enforcement of this rule.

The report of the study on vocational objective programs, entitled "Study of Vocational Objective Programs Approved for the Enrollment of Veterans", which was received in the Senate on July 12, 1978, indicates that the completion rate for flight training courses is the third highest of all vocational training programs—76 percent compared to 67.3 percent for all courses. In addition, the flight training course rate of employment, as computed for purposes of determining compliance with the 50-percent rule, is 90.3 percent. This is the fourth highest rate of all vocational courses.

The VA report notes that, although the 50-percent employment rule "is a step in the right direction, . . . it may not adequately reflect the real 'success' and utility of the school and course." In this regard, the report notes that completion rates for flight training courses tend to be high because "students are enthusiastic and are eager to stay with the course to the end because they are interested in flying, professionally or avocationally". The report further notes that graduates of flight training courses "often . . . accept very limited, part-time employment which will enable them to fly free of charge or at modest pay after they complete the course", and, that this part-time employment, such as making occasional messenger runs and piloting for weekend sightseeing trips, boosts the employment ratios of flight school graduates.

With regard to correspondence training courses, the report indicates that many individual correspondence courses continue to meet the requirements of the law with regard to the 50-percent employment rule, although the average completion rate for correspondence courses is low—50.3 percent.

Upon examining these VA conclusions that GI Bill benefits for flight and correspondence training should be terminated, the Committee's view, as expressed in its report, "Budget Views and Estimates for Fiscal Year 1980", submitted to the Senate Budget Committee on March 15, 1979, was that, at that time, the VA did not have available hard data sufficient to justify its recommendations. At the June 6, 1979, hearing, the VA was unable to provide this data.

In order to obtain more definitive data in connection with its consideration of the Administration's latest termination proposal, the Committee requested that the General Accounting Office (GAO) undertake a study to assess the accuracy of the VA's assertions with respect to flight and correspondence training programs. (The results of that GAO survey and its report, entitled "GI Bill Benefits for Flight and Correspondence Training Should Be Discontinued", are included as the Appendix to this Report.) In conducting the survey, the GAO compiled data from IRS returns filed by a scientifically-selected sample group of veterans who completed flight or correspondence training within a 5-year period. In addition, in the case of flight training, medical files maintained by the Federal Aviation Administration (FAA) were examined, and the results of that examination were also analyzed. It is the Committee's belief that the data compiled by GAO substantiate the VA's assertions.

Based on criteria that the GAO developed for determining whether an individual is employed as a full-time pilot, it determined from the FAA data that about 83 percent of the sampled veterans completing flight training with GI Bill assistance were subsequently not employed as full-time pilots. The accuracy of that determination is supported by the survey findings that only 16 percent of the tax returns of the sampled veterans indicated flight-related occupations. The FAA data also showed that only 15.6 percent of the former GI Bill trainees reported themselves to be engaged in an aeronautical occupation and that only another 4 percent reported were flying substantially for businesses. Further, the FAA data showed that almost 57 percent of the sampled veterans trained indicated that they fly primarily for pleasure. The Committee believes that the GAO's findings are particularly significant in light of the remarkable consistency between the data obtained from IRS and the data obtained from the FAA.

With respect to correspondence training, the GAO determined that, although the percentages vary between different vocational objective programs, the average percentage of those GI Bill trainees who completed training in the six sampled programs and who were employed in the field for which they had been trained was 33.5 percent—the lowest percentage was in auto mechanics (19.3 percent) and the highest in real estate and insurance (56 percent). When coupled with an average completion rate for these six courses of 31.7 percent, this means that only an average of 10.6 percent of those entering training are subsequently employed in the field for which trained.

The GAO report also incorporated data based on a recent telephone sample survey of former correspondence course trainees conducted by the VA's Inspector General. That survey revealed a significant difference between the 50-percent employment rule reports submitted by the schools and the telephone responses of veterans who had completed training. For example, in the case of a locksmith course offered by correspondence, only 11 percent of the survey sample indicated that they were employed in that field and only an additional 30 percent were making some use of the skill for which they had received training. However, the employment report, submitted had shown an employment rate of graduates of 80 percent.

Despite these findings, the Committee does not believe that it would be justifiable or fair to terminate totally the benefits for flight and correspendence training. The Committee believes that for some veterans, flight training is a legitimate vocational objective. In States, such as Alaska and Hawaii, flight training is sometimes necessary to acquire the ability to get to and from a job and may be essential to the performance of the job. With regard to correspondence training, the Committee is concerned that the termination of this training could deny the chance to utilize GI Bill educational assistance benefits to many who, for a variety of reasons, are not able to attend classes at an educational institution on a regular basis.

Thus, in the cases of both types of training, the Committee believes that the abuses and failures cited by the VA can be eliminated or curbed by tightening certain aspects of the administration of the programs. The Committee notes in this regard that the modifications proposed to be made by section 104(1) of the Committee bill in the criteria for approving vocational objective courses—the addition of a 50-percent completion rule and the revision of the 50-percent employment rule—are specifically designed to close loopholes in the flight and correspondence training programs and curb the alleged abuses that occur in those programs, such as employing course-completers in weekend, part-time positions and counting them as employed in the field, and disenrolling students prior to completion in order to avoid having to include them in the required computations to determine compliance with the present 50-percent rule. However, the Committee believes that further legislative action is necessary to limit the program to those really needing the training for employment purposes.

*Committee bill provisions*

With regard to flight training courses, section 401 of the Committee bill would reduce the portion of the course charge paid by the VA, under present section 1677(b) of title 38, from the current 90 percent to 60 percent, would make veterans pursuing such training eligible for VA education loans (available in amounts up to $2,500 per year), and would provide that $1,000 of the loan amount would be canceled in the event a veteran is employed full time for at least 1 year in a flight-related occupation within 5 years after completing training. Any additional 3-month period of employment subsequent to the 1-year period and within the 5-year period would qualify the veteran for cancellation of an additional $250 of the loan amount.

The Committee believes that enactment of this provision will result in curbing the abuse of GI Bill benefits by veterans pursuing flight training for recerational purposes, by providing assurance that the veteran has a substantial financial and vocational stake in the pursuit of flight training. If the veteran has already repaid all or part of the repayment obligation and the remaining unpaid balance is less than the amount of the cancellation to which the veteran is entitled, the VA would—to the extent by which the cancellation to which the veteran is entitled exceeds the unpaid balance—reimburse the veteran for the amount that the veteran has repaid.

At the same time, under the Committee bill, a veteran with a serious employment objective for pursuing flight training could be able to obtain a greater degree of initial GI Bill assistance. For example, under current law, a veteran enrolled in a program of flight training costing $5,000 would have $4,500 paid by the VA; the remaining $500 would have to be paid by the veteran. Under the proposal made by the Committee bill, of the same $5,000 cost, the VA would pay outright $3,000. However, the veteran could, if eligible, receive a $2,000 education loan to cover the balance of the cost. If, within the 5 years following completion of training, the veteran subsequently is employed full time in a flight-related occupation for 2 years (plus any additional 3-month periods necessary to cancel accrued interest), the entire amount of the loan (plus interest) would be canceled. Thus, the cost to the veteran would be less than it currently is.

In the case of correspondence training, section 402 of the Committee bill would authorize such training for those for whom the Administrator determines that no other type of training is "reasonably and feasibly available for successful pursuit of the vocational objective sought". The Committee intends to eliminate the abuse of GI Bill benefits by those taking correspondence courses even though other programs of education are available and accessible to them, but also to assure that those individuals who cannot attend classes on a regular basis—such as disabled persons, those with parental responsibilities, those with jobs not permitting them to attend classes at the times classes are offered, and certain inservice personnel—and who thus could not use their GI Bill benefits except for correspondence training would continue to be able to use their benefits for such training. In making the determinations called for by the Committee bill, the Committee expects the Administrator to resolve questions of doubts in favor of the veteran. The Committee believes, for example, that training could be approved in the case of an individual who has access to types of training other than correspondence, but who could not attend regularly or within a reasonable time period as required for successful pursuit of his or her vocational objectives.

The Committee bill would provide that, in the case of both flight and correspondence training, those modifications in the authorities would not be effective with respect to those individuals enrolled in such training as of August 1, 1979, for as long as such individuals remain continuously enrolled.

### TITLE V: POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM AMENDMENTS, REPEAL OF AUTHORITY TO PURSUE PREDISCHARGE EDUCATION PROGRAM (PREP) TRAINING UNDER CHAPTER 32, AND RELATED AMENDMENTS

*Background*

In 1976, Public Law 94-502 created a new title 38, partially contributing program of educational assistance designed to meet the needs of the All-Volunteer Armed Forces. This program, established under chapter 32, Post-Vietnam Era Veterans' Educational Assistance, is a voluntary program in which persons generally entering active duty after December 31, 1976, may make contributions—in the form of payroll deductions—of up to $75 a month to their educational funds. Their contributions are then matched on a $2-for-$1 basis by the VA when the veteran enrolls in an approved program of education. Additional contributions to the fund may be made by the Department of Defense or any service branch. As of December 31, 1978, there were 111,731 servicepersons enrolled in and making contributions to the chapter 32 program. During fiscal year 1978, 37 veterans enrolled in programs of education and received educational assistance benefits under this program.

*Committee bill provisions*

Eligibility for the chapter 32 program

Under current law, present section 1601 (1)(A), in order to be eligible for participation in the chapter 32 program, a serviceperson must initially have entered active duty on or after January 1, 1977. Eligibility for the current GI Bill program is established, as provided in section 1652(a), by active-duty service of more than 180 days, any part of which occurred after January 31, 1955, and generally before January 1, 1977.

It was brought to the Committee's attention that there is a small group of individuals now serving in the Armed Forces who fail to meet the eligibility criteria for either program. These individuals—estimated to total not more than 5,000—served on active duty prior to January 1, 1977, but were discharged or released for various reasons prior to completion of 181 days of active duty service. Subsequently, these persons have reentered the Armed Forces and are ineligible for either the chapter 34 program—because of the minimum length of service requirement—or the chapter 32 program—because of the requirement of *initial* entry into active duty after December 31, 1976.

The ineligibility of these individuals for VA educational assistance under either program seems clearly the result of an inadvertant drafting oversight, which the Committee believes should be remedied by making them eligible for participation in the chapter 32 program. Thus, section 501(1) of the Committee bill incorporates an amendment offered by the Committee's Ranking Minority Member, Senator Alan K. Simpson, to amend the definition of chapter 32 eligible veteran to include this group of servicepersons.

### VA Educational and Vocational Counseling for Chapter 32 Participants

Current law does not provide for the furnishing of VA educational and vocational counseling services at the request of persons enrolled in the chapter 32 program. It is hoped that counseling relating to future educational and vocational pursuits for chapter 32 participants, as well as other service personnel, would be generally available through the resources of the Department of Defense. However, the Committee does recognize a need to make the VA's counseling services available to chapter 32 participants seeking to utilize their educational benefits when they request these services.

Thus, section 501(2) of the Committee bill would amend present section 1641 to make this counseling available, upon request, to these individuals.

### Repeal of the Authority for the Predischarge Education Program (PREP)

Under current law, service personnel participating in the chapter 32 program are permitted to pursue PREP training during the last 6 months of their first enlistment. These programs, authorized by Public Law 91–219 in 1970, and terminated for chapter 34 Vietnam-era veterans in 1976, are designed to provide individuals the opportunity—without charge to their GI Bill entitlement—to enroll in high school and remedial courses designed to aid them in enrolling in and pursuing a program of education after discharge from the service.

The Committee believes that a substantial continued need for the PREP authority does not exist for persons serving in the current All-Voluntary Army. In order to attract qualified men and women into the nonconscripted military forces, the military services offer many inducements, of which educational opportunities are among the most attractive. Thus, the Department of Defense now operates a wide variety of inservice education programs. These benefits, which range from vocational training through graduate work, are available to active duty personnel in the military service.

In addition, the Committee is aware of the burden on military operations that PREP may have caused as the result of the provision (in present section 1698(b)(3)) regarding release from duty in order to train during on-duty hours. The possibility of replication under chapter 32 of the type of abuses, primarily related to remedial and refresher training, that led to the termination of chapter 34 PREP training in 1976 is also of great concern to the Committee. However, this is speculative since the first chapter 32 participants did not become eligible for PREP training until July 1, 1979.

The Committee believes it is vital that those chapter 32 participants who may lack high school diplomas or equivalency certificates (so-called "GED's"—General Education Diploma) have ample opportunity to undertake and complete programs of secondary education so that their contributions to the chapter 32 program may be fully and effectively utilized. It is not clear to the Committee, however, that all the needs of these individuals would be met by the inservice education programs offered by the Department of Defense.

Thus, sections 501(3) and 502(3) of the Committee bill would terminate the authority for the PREP training and, in lieu thereof, would make chapter 32 participants eligible for educational assistance to pursue programs of secondary education (high school or GED courses but not special refresher, deficiency, or preparatory courses)—at no charge to their entitlement during the last 6 months of their first enlistments or at any time thereafter. The educational assistance allowance for this pursuit would be paid, as proposed by section 108 of the Committee bill, at the rate of tuition and fees, or $156 a month, whichever is the lesser.

### Secondary education training under chapter 34

Persons who are eligible for the current GI Bill (chapter 34) and who are still on active duty are not permitted to use the free-entitlement program for secondary education under section 1691(a)(1). This exclusion was enacted in 1970 by Public Law 91–219 at the same time the PREP authority was enacted because the PREP authority was designed to prescribe the terms and conditions to be applied to such inservice education. However, when the PREP authority for chapter 34 trainees was repealed in 1976 by Public Law 94–502, the prohibition on the use of the free-entitlement program for secondary education was—apparently inadvertently—not repealed. Since chapter 34-eligible servicepersons may no longer participate in PREP, eligibility for inservice use of entitlement-free secondary education benefits should be restored.

Thus, section 502(2) of the Committee bill would provide chapter 34-eligible active-duty service personnel with eligibility for this type of training assistance (but not special refresher, deficiency, or preparatory courses). The Committee notes that, by virtue of the change proposed by section 108 of the Committee bill, the rate of assistance paid for such secondary education courses would be the cost of tuition and fees, or $156 a month, whichever is the lesser.

### TITLE VI: PROTECTION FOR CERTAIN EMPLOYEES OF THE VETERANS' ADMINISTRATION

On April 4, 1979, Chairman Cranston, at the request of the Administration, introduced S. 881, a bill to amend title 18, United States Code, with respect to the protection of certain officers or employees of the United States, to add to those afforded protection by section 1114 of that title, officers and employees of the VA assigned to perform investigation or law enforcement functions.

Section 1114 of title 18, United States Code, provides that whoever kills certain named Federal officers, while such officers are engaged in the performance of their official duties, or on account of the performance of such duties, shall have committed a Federal offense. Title 18 provides that this offense is punishable by death or imprisonment for any term of years or life in the case of murder, not more than 10 years imprisonment in the case of voluntary manslaughter, or not more than $1,000 or 3 years imprisonment, or both, in the case of involuntary manslaughter. By virtue of a reference to that section in section 111 of title 18, it is also a Federal offense to assault, resist, oppose, impede, intimidate, or interfere with such officials while engaged in, or on account of, the performance of their official duties. The penalty prescribed by title 18 of such offense is not more than $5,000 or 3 years' imprisonment, or both.

No indication is given in the langauge of the predecessor of section 1114, originally codified as section 253 and enacted in 1934, as to why certain officers are not included within the scope of this section. However, it appears, based on the legislative history, that the provision was limited to certain named Federal officers in the belief that State law, in general, adequately granted protection against the murder of all Federal officials and that considerations of Federalism dictated an attempt to limit the extension of Federal criminal jurisdiction as much as possible. This decision was made despite the fact, noted by Representative Cochran during floor debate on the provision in 1934 (78 Congressional Record 8126 (1934)), that "[t]he language of the House amendment leaves out a great many Government employees engaged in duties that are extremely dangerous."

In the conduct of its programs, which includes the maintaining of security and the protection of persons and property at hundreds of Veterans' Administration hospitals, clinics, offices, and cemeteries throughout the United States, the VA employs over 1,500 individuals appointed by the Administrator as police officers and investigators. These individuals are authorized by law to make arrests for violations of law occurring on property under the charge and control of the VA.

Many incidents have occurred on such property involving threats of violence or actual violence against VA police officers and investigators while in the performance of their duties. In attempting to cope with the overall increase in crimes committed on the agency's property over the past several years, and to provide a secure setting for patients, employees, and visitors, these individuals have been subject to increasing assaults, at times very serious in nature. Total reliance on local and State law enforcement and judicial systems may in certain instances not provide all the protection that would be desirable to enhance the effectiveness of these VA law enforcement officials.

It is the Committee's belief that Federal employees responsible for enforcing rules, regulations, and Federal laws on VA property, and investigating wrongdoing in connection with the administration of agency programs, deserve the fullest protection afforded by Federal law. If the agency is to function, and if VA hospitals, national cemeteries, and other installations are to remain secure so as to be safe for patients, visitors, and employees, the commission of all types of crimes must be discouraged to the greatest extent possible.

Thus, title VI of the Committee bill would add to those protected by sections 1114 and 111 of title 18, VA employees assigned to law enforcement or investigative functions. They would be provided the same protection that these sections now give to similarly situated employees of the Federal Bureau of Investigation, Postal Service, Department of Interior, National Park Service, National Aeronautics and Space Administration, Department of Labor, and Consumer Product Safety Commission, among others.

### TITLE VII: TECHNICAL AMENDMENTS AND EFFECTIVE DATE

Sections 701 and 702 of the Committee bill include a series of technical amendments to provisions of chapters 34, 35, and 36 of title 38 and to provisions of Public Law 95–202, the GI Bill Improvement Act of 1977.

By virtue of the amendment proposed by section 104(3) of the Committee bill, which would codify in section 1673(d) of title 38 the current suspension of the inclusion of recipients of certain non-VA educational assistance in the so-called "85–15 ratio", the provisions of section 305(a)(3) of Public Law 95–202 are no longer necessary. As discussed earlier, this free-standing provision, which would be repealed by section 702(1) of the Committee bill, required the Administrator to conduct a study of the inclusion of these recipients and sets forth the terms of the present suspension of the inclusion of such recipients in the computation.

Section 703 of the Committee bill would provide an effective date, generally, of October 1, 1979, or the second calendar month following the month in which it is enacted.

The provisions affecting flight and correspondence training, however, would not apply to any individual enrolled in either of those types of training on August 1, 1979, for as long as the individual remained continuously enrolled in the same program in accordance with the provisions in effect on that date, and the provisions related to the rate of educational assistance allowance for pursuit of a program of secondary education would not apply to any individual in pursuit of such program on October 1, 1979, for so long as the individual remains continuously enrolled in such a program.

### COST ESTIMATE

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-150, 91st Congress), the Committee, based on information supplied by the Congressional Budget Office, estimates that the 5-year cost resulting from the enactment of the Committee bill would be—$9.6 million in fiscal year 1980;—$4.6 million in fiscal year 1981; $10.3 million in fiscal year 1982;—$25.7 million in fiscal year 1983; and,—$28 million in fiscal year 1984. A detailed breakdown of the costs, as estimated by CBO, over the 5-year period as follows:

### CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE—SEPTEMBER 5, 1979

1. Bill number: S. 870.

2. Bill title: GI Bill Amendments Act of 1979.

3. Bill status: As ordered reported by the Senate Veterans' Affairs Committee, July 27, 1979.

4. Bill purpose: This bill would make a number of changes in the GI Bill education program. Four provisions would alter Federal spending. First, the bill would extend eligibility for GI Bill benefits to certain Vietnam-era veterans for an additional 3 years. Second, the bill would lower the reimbursement rate for flight training and permit reimbursement for correspondence training only when other training is not available. Finally, the bill would repeal the Predischarge Education Program (PREP) and tighten the eligibility rules for vocational training courses.

5. Cost estimate: This bill would result in additional future Federal liabilities in fiscal years 1981 and 1982 through an extension of existing entitlements and would require subsequent appropriation action to provide the necessary budget authority. The figures shown as "Required Budget Authority" represent an estimate of the additional budget authority needed to cover the estimated outlays that would result from enactment of S. 870.

Negative figures for required budget authority, as in fiscal year 1980, indicates that this bill would reduce future Federal liabilities through a change to an existing entitlement and therefore could permit subsequent appropriations action to reduce the budget authority for this program. Negative figures represent that amount by which budget authority and outlays for the program could be reduced as a result of this bill below the level needed under current law. Only those sections of S. 870 with cost impact are listed in the cost estimate.

[By fiscal years, in millions of dollars]

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|
| PROVISION I | | | | | |
| Targeted delimiting date extension: | | | | | |
| Required budget authority | 24.0 | 54.0 | 55.0 | 11.0 | 0 |
| Estimated outlays | 24.0 | 54.0 | 55.0 | 11.0 | 0 |
| PROVISION II | | | | | |
| Modification of authority for flight and correspondence training: | | | | | |
| Required budget authority | −31.0 | −43.5 | −38.9 | −31.7 | −24.5 |
| Estimated outlays | −31.0 | −43.5 | −38.9 | −31.7 | −24.5 |
| PROVISION III | | | | | |
| Repeal of PREP training for post-Vietnam era veterans: | | | | | |
| Required budget authority | −.8 | −1.8 | −1.8 | −1.3 | −1.0 |
| Estimated outlays | −.8 | −1.8 | −1.8 | −1.3 | −1.0 |
| PROVISION IV | | | | | |
| Modification of the 50-percent employment rule applicable to vocational courses: | | | | | |
| Required budget authority | −1.8 | −4.1 | −4.0 | −3.1 | −2.5 |
| Estimated outlays | −1.8 | −4.1 | −4.0 | −3.1 | −2.5 |
| Total cost of S. 870: | | | | | |
| Required budget authority | −9.6 | 4.6 | 10.3 | −25.1 | −28.0 |
| Estimated outlays | −9.6 | 4.6 | 10.3 | −25.1 | −28.0 |

The costs of this bill fall within budget function 700.

6. Basis for estimate:

### *I. Delimiting date extension*

This provision would extend the 10-year training period following discharge under certain circumstances. During a 3-year period from January 1, 1980 through December 31, 1982, all Vietnam-era veterans would be eligible to take on-the-job training. This would re-entitle some veterans whose entitlement had expired, as well as extend entitlement for those delimited during the 3-year period. In addition to on-the-job training, nonhigh school graduates would be re-entitled to training with a vocational objective, and high school or GED training. Counseling would be required for these veterans and for all other veterans without a high school diploma who start a course of vocational or high school study in their last 3 years of entitlement. Finally, this provision would require that all new trainees taking high school, GED or refresher training without charge to their entitlement would be paid only the cost of tuition and fees or $156 per month, whichever is less.

For those taking high school or GED training under the 3-year extension, only the free entitlement option is available. For those within their 10-year delimiting period, however, there is a choice between free entitlement at the lower benefit rate or training charged to their entitlement under the current benefit schedule.

CBO has analyzed historical trends of the percentage of eligibles who take on-the-job training. Based on this analysis, which relates the percentage trained to such factors as time after discharge, the real benefit level and the rate of unemployment, CBO estimates that in fiscal year 1980 this provision would result in an additional 13,000 on-the-job trainees at a cost of $17 million. A similar analysis of historical training percentages among veterans who are not high school graduates, provided CBO's estimate of the number of these veterans who would take advantage of the extension for vocational and high school training. Using this analysis, CBO expects there to be 8,000 more trainees in these areas during fiscal year 1980, at a cost of $7 million. The decreased benefit received by those using free entitlement who are within their normal 10-year entitlement period is expected to have only a minimal effect, since these veterans could request that their entitlement be charged for this training and, thereby, qualify for benefits at the old higher rate.

[By fiscal years, in millions of dollars]

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|
| EFFECT ON EXPENDITURES | | | | | |
| On-the-job training | 17 | 38 | 39 | 8 | 0 |
| Training for nonhigh school graduates | 7 | 16 | 16 | 3 | (1) |
| COST ESTIMATE | | | | | |
| Required budget authority | 24 | 54 | 55 | 11 | (1) |
| Outlays | 24 | 54 | 55 | 11 | (1) |

[1] Less than $500,000.

### *II. Modification of authority for flight and correspondence training*

This provision would reduce the reimbursement rate paid to flight trainees and restrict eligibility for correspondence training.

For flight training the reimbursement rate would drop from 90 percent to 60 percent of the cost of completed training. Veterans pursuing flight training, however, would be eligible for VA educational loans up to $2,500 per year to help make up the difference between total tuition and the amount reimbursed. These loans would be forgiven at the rate of $250 for each 3-month period the veteran spends in a flight-related occupation which is his/her primary vocational pursuit and major source of occupational income. Because flight training is often used for purposes other than a primary vocational pursuit, these loans are not expected to have a large positive impact. CBO assumes that the lower reimbursement rate would attract fewer trainees. In addition, average payments to flight trainees would decrease. CBO estimates that in fiscal year 1980 there would be 7,000 fewer trainees (out of over 20,000) as a result of this provision, and the average payment for flight would drop by one third. Total savings are estimated to be $27.7 million in 1980.

Under this provision correspondence training could be approved only if the VA determines no other type of training is available. This provision is expected to significantly curtail entrances into correspondence training. CBO estimates that in fiscal year 1980 this would result in 11,000 fewer trainees (out of over 40,000) and save $3.3 million in 1980.

[By fiscal years, in millions of dollars]

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|
| EFFECT ON EXPENDITURES | | | | | |
| Flight | −27.7 | −36.3 | −31.0 | −25.2 | −19.5 |
| Correspondence | −3.3 | −7.2 | −7.9 | −6.5 | −5.0 |
| COST ESTIMATE | | | | | |
| Required additional budget authority | −31.0 | −43.5 | −38.9 | −31.7 | −24.5 |
| Outlays | −31.0 | −43.5 | −38.9 | −31.7 | −24.5 |

### *III. Repeal of PREP training for post-Vietnam era veterans*

This provision would eliminate the Predischarge Education Program (PREP) provided under chapter 32, title 38, U.S.C. (the Post-Vietnam Era Veterans' Educational Assistance program or VEAP). It would, however, permit nonhigh school graduates among the service personnel participating in VEAP to take secondary school training during the last 6 months of their first enlistment at no charge to their entitlement. In addition as veterans, persons in this category could take high school training at no charge to their entitlement under the limitation that payments not exceed the cost of tuition and fees or the half-time benefit level whichever is less. The Veterans' Administration has estimated that the elimination of PREP training for post-Vietnam era veterans would result in 2,500 fewer trainees and save $1.0 million in fiscal year 1980. Allowing these veterans to take secondary training at no charge to their entitlement should add approximately 500 trainees and $0.2 million to GI Bill costs. CBO estimates therefore, that this provision would result in 2,000 fewer trainees and save $0.8 million in fiscal year 1980.

COST ESTIMATE

[By fiscal years, in millions of dollars]

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|
| Change in required budget authority | −0.8 | −1.8 | −1.8 | −1.3 | −1.0 |
| Change in outlays | −.8 | −1.8 | −1.8 | −1.3 | −1.0 |

### *VI. Modification of the fifty percent employment rule applicable to vocational courses*

Currently, all courses with vocational objectives are required to have 50 percent of their graduates placed in training-related jobs. This provision would strengthen that requirement in two ways; (1) a training-related job is defined to include only the primary vocational pursuit and major source of occupational income for the veteran thus eliminating counting spare-time or part-time employment; (2) fifty percent of those who enroll in a course must complete it.[1]

CBO estimates that in fiscal year 1980, 90,000 people in vocational technical schools could be affected by this provision along with 13,000 flight trainees and 29,000 correspondence trainees.[2]

CBO estimates that these changes will reduce the number of eligible vocational courses and students by 10 percent. CBO has assumed, however, that two-thirds of the displaced students will sign up for alternative training courses. The provision is estimated to save $1.8 million in 1980.

COST ESTIMATE

[By fiscal years, in millions of dollars]

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|
| Change in required budget authority | −1.8 | −4.1 | −4 | −3.1 | −2.5 |
| Change in outlays | −1.8 | −4.1 | −4 | −3.1 | −2.5 |

7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Al Peden.
10. Estimate approved by:

JAMES L. BLUM,
*Assistant Director for Budget Analysis.*

---

## SECTION-BY-SECTION ANALYSIS OF 870 AS REPORTED

### *Section 1*

*Subsection (a) of section 1* would provide that this Act may be cited as the "GI Bill Amendments Act of 1979".

*Subsection (b) of section 1* would provide that, except when otherwise expressly provided, an amendment to or repeal of a section or other provision shall be considered to be an amendment to or repeal of a section or other provision of title 38, United States Code, relating to veterans' benefits.

### TITLE I—GI BILL PROGRAM ADJUSTMENTS

### *Section 101*

Would amend present section 1662(a), relating to the period of time—the so-called "delimiting period"—within which an eligible veteran is eligible to use educational assistance benefits under chapter 34, relating to veterans' educational assistance and known as the current GI Bill, to make certain clarifications of and modifications in the delimiting period applicable to certain veterans. Chapter 34 provides for educational assistance benefits for veterans who served on active duty for a period of at least 181 days, any part of which occurred after January 31, 1955, and generally before January 1, 1977. Under present section 1662(a), the delimiting period generally expires 10 years after the veterans' last discharge or release from active duty, except that, in the case of a veteran who was prevented from initiating or completing his or her chosen program of education within the delimiting period because of a mental or physical disability not the result of the veteran's willful misconduct, the veteran is entitled to a delimiting period extension, which is determined by excluding from the computation of the veteran's delimiting period the amount of time that the disability prevented the veteran from using his or her GI Bill benefits.

*Clause (1) of section 101* would amend present section 1662(a)(1) to require that an application for an extension of a delimiting period on the grounds of a mental or physical disability must be made within 1 year after (A) the last date of the otherwise applicable delimiting period, (B) the termination of the period of such disability, or (C) the effective date of the Committee bill, whichever is the latest. Current law places no such limitation on the time within which an application for an extension must be filed.

*Clause (2) of section 101* would further amend present section 1662 (a)(1) to provide that in the event an extension of a delimiting period due to a mental or physical disability is granted, the delimiting period shall begin running on the first date following a veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations of the Administrator, for the veteran to initiate or resume pursuit of a program of education. Current law provides no specific method for determining how such extensions are to be measured. This provision is intended to provide such a method. Clause (2) would further amend present section 1662(a)(1) to specify that, solely for the purposes of determining whether a veteran is eligible for a delimiting period extension because the veteran was prevented from initiating or completing a program of education during his or her delimiting period because of a mental or physical disability not the result of the veteran's willful misconduct, an alcohol or durg dependence or abuse disability from which the veteran has recovered shall not be considered to be the result of willful misconduct.

The current provision authorizing such extension was enacted in Public Law 95–202, section 203(a)(1); the legislative history of this provision (S. Rept. 95–468, pp. 69–70) expressed the intent that, for purposes of determining whether a disability was the result of the veteran's own willful misconduct, the same standards be applied as are used in determining eligibility for other Veterans' Administration programs. With respect to disabilities, resulting from alcohol or drug usage, the VA has indicated that, under its interpretation of those standards (38 CFR section 3.301(C) (2) and (3)), alcoholism and drug addiction and injuries proximately and immediately resulting from the effects of the deliberate ingestion of an alcoholic beverage or voluntary use of a drug—such as an injury incurred in a traffic accident caused by the veteran's driving while under the influence of alcohol or a drug—are considered to be the result of willful misconduct, but that organic disease or disability that is the secondary result of the chronic use of alcohol or a drug and an infection coinciding with the injection of a drug are not considered to be the result of willful misconduct. The amendment in the Committee bill, by providing that an alcohol or drug dependence or abuse disability from which the veteran has recovered shall not be considered to be the result of willful misconduct for purposes of deciding requests for delimiting period extensions, would have no effect on the application of those standards in any other context, such as a determination of eligibility for service-connected disability compensation under chapter 11 of title 38, but would make the recovered veteran eligible for a delimiting period extension if the dependence or abuse disability prevented the veteran from pursuing a program of education. Also, since the dependence or abuse disability itself would not be considered the result of willful misconduct for delimiting period extension purposes, it is the Committee's intention that an injury should not be considered the result of willful misconduct for these purposes if the injury was incurred as the direct result of the intoxicating or hallucinogenic effect of alcohol or a drug on the veteran whose use of alcohol or the drug was a manifestation of a dependence or abuse disability from which he or she was suffering.

*Clause (3) of section 101* would amend subsection (a) of present section 1662 to add three new paragraphs, as follows:

*New paragraph (3):* Would extend until December 31, 1982, the delimiting period of an eligible veteran who served on active duty at any time during the Vietnam era, August 5, 1964 to May 7, 1975, and whose delimiting period has expired or would otherwise expire prior to December 31, 1982, in order to allow the veteran to use his or her entitlement to educational assistance benefits for pursuit of a program of apprenticeship or other on-job training, or if such a veteran does not have a secondary school diploma or equivalency certificate to use his or her remaining entitlement for the pursuit of an approved vocational objective or to pursue, without charge to entitlement, a secondary education course. In the cases of educationally disadvantaged veterans pursuing vocational objectives or high school courses, eligibility for VA educational assistance under this proposed extension would be made contingent upon meeting the counseling requirements proposed to be added to present section 1663 by section 102 of the Committee bill. This provision is designed to provide for a limited extension of the delimiting period for those veterans of the Vietnam era who have never effectively utilized GI Bill benefits to which they are or were entitled and are most in need of education or training assistance during the proposed extension period.

*New paragraph (4):* Would provide that, during the extension of the delimiting period proposed in new paragraph (3), GI Bill benefits could not be used for a program of education consisting exclusively of flight training.

*New paragraph (5):* Would provide that, notwithstanding the provisions of present section 3013, relating to effective dates for educational assistance benefits, such benefits would be payable, at the appropriate rate, for a period greater than the 1-year period permitted under present section 3013 where an otherwise eligible veteran was enrolled at any time after May 31, 1976, and before the date on which regulations are published by the Administrator to implement the provision, as enacted by Public Law 95–202, for an extension of a delimiting period on account of a disability. Although the provision for an extension based on disability was enacted on November 23, 1977, with an effective date retroactive to May 31, 1976—the earliest date on which any eligible veteran would have reached the end of his or her delimiting period—the VA has not yet published final regulations to implement this provision. However, detailed instructions to implement the provision were issued in DVB Circular 20-77-97, Appendix B, on January 6, 1978. Nevertheless, in the absence of regulations, some veterans who are potentially eligible for the extension may not have knowledge of it or of its availability to them in their particular situations. Moreover, the ordinary 1-year period of retroactive benefits would not allow full benefits to be provide veterans who were eligible for such an extension and were enrolled in approved courses during the period June through November 1976, even if they applied for benefits under that provision after the date of enactment. Thus, this new provision is designed to provide eligible veterans with the full benefit of the extension provision by providing for the VA to make payment to them of such educational assistance allowances retroactively to May 31, 1976.

---

[1] These are general requirements to which there are exceptions.

[2] This is after accounting for the effects of provisions II.

*Section 101—Cost:* Enactment of the provisions of section 101, taking into account the reductions in rates of certain educational assistance benefits as proposed to be made by section 108 of the Committee bill, is estimated to cost $24,000,000 in fiscal year 1980.

### *Section 102*

Would amend present section 1663, relating to educational and vocational counseling, to add a new subsection (b), as follows:

*Paragraph (1) of new subsection (b):* Would generally require that no educational assistance may be paid to a veteran who does not have a secondary school diploma (or equivalency certificate) and who is seeking to enroll in a program of education to achieve one or to engage in technical or vocational training during the last 3 years of such veteran's delimiting period or during an extension of the delimiting period under new paragraph (3) of present section 1662(a) (as proposed to be added by section 101(3) of the Committee bill), unless such veteran has applied for and received VA educational and vocational counseling and the program of education, selected by such veteran has been approved by the VA counselor advising such veteran. The proposed requirement for counseling would not apply if the VA does not promptly provide the counseling. This provision is designed to ensure that certain educationally disadvantaged veterans are provided with guidance in order to help assure that they use their remaining GI Bill benefit eligibility in an effective manner during the limited time available in their delimiting periods.

*Paragraph (2) of new subsection (b):* Would provide the VA counselor advising the veteran pursuant to paragraph (1) of this new subsection may disapprove such veteran's application to pursue a program of education during an extension of the delimiting period under new paragraph (3) of present section 1662(a) (as proposed to be added by section 101(3) of the Committee bill), if such program is not reasonably designed to lead to a high school diploma (or equivalency certificate) or to reasonable prospects for future employment. This provision would also require that a disapproval by such counselor be reviewed, within 90 days, by the Administrator or a designee of the Administrator in the Central Office of the VA unless the veteran selects a different program approved by the counselor and states in writing that he or she does not wish the review to be conducted. Under current law, VA counselors have no authority to disapprove a veteran's proposed program of education under chapter 34.

*Paragraph (3) of new subsection (b):* Would require the Administrator to advise each veteran who receives counseling pursuant to paragraph (1) of this new subsection of the continuing availability, at such veteran's request, of counseling.

*Section 102—Cost:* Enactment of the provisions of section 102 is estimated to entail no significant cost.

### *Section 103*

Would amend present section 1671, relating to applications for educational assistance benefits under chapter 34, to clarify, by making express, the VA's authority to disapprove an application for educational assistance if the applicant's selected educational institution or training establishment fails to meet one or more of the requirements of chapter 34 or 36 or the applicant's enrollment in the selected program of education would violate any of those provisions.

*Section 103—Cost:* Enactment of the provisions of section 103 is estimated to entail no significant cost.

### *Section 104*

Would amend present section 1673, relating to the disapproval of enrollment in certain courses.

*Clause (1) of section 104* would amend present section 1673(a), relating to the prohibition on enrollment in certain courses.

*Subclauses (A) and (B) of clause (1) of section 104* would amend subsection (a) of present section 1673 by redesignating that subsection as paragraph (1) and by redesignating clauses (1), (2), (3), and (4) of paragraph (1) (as so redesignated), as clauses (A), (B), (C), and (D), respectively.

*Subclause (C) of clause (1) of section 104* would amend clause (B) of paragraph (1) of present subsection (a) of present section 1673 (as so redesignated), relating to certain requirements for the approval of a course with a vocational objective, to add a new requirement that at least one-half of the persons enrolled in the course during the preceding 2-year have completed it; and, with respect to the current requirement that at least one-half of those who completed the course, and are not unavailable for employment, obtain employment in the occupational category for which trained—the so-called "50-percent employment rule"—to add a requirement that, for an individual to be counted as being employed in that occupational category, such employment be the individual's primary vocational pursuit and major source of occupational income.

*Subclause (D) of clause (1) of section 104* would further amend present subsection (a) by adding a new paragraph (2), as follows:

*New paragraph (2):* Would establish certain new rules regarding the requirements for approval of a course with a vocational objective.

*Subparagraph (A) of new paragraph (2):* Would provide that, for purposes of determining compliance with the new 50-percent-completion and revised 50-percent-employment requirements under clause (B) of paragraph (1) of present subsection (a) (as proposed to be redesignated and amended by subclauses (B) and (C) of clause (1) of this section), individuals who enrolled in vocational objective courses with VA educational assistance while serving on active duty shall not be counted. This is consistent with the provisions of current law under which such individuals are excluded from the computation of the number of persons who have completed the course for the purposes of determining compliance with the 50-percent employment ratio. Thus, the effect of this provision is to expand the exclusion so as to exclude from both computations active-duty personnel using GI Bill benefits.

*Subparagraph (B) of new paragraph (2):* Would exempt a particular vocational objective course from the requirement of continuing compliance with the 50-percent completion and 50-percent employment rules under clause (B) of paragraph (1) of present subsection (a) (as proposed to be redesignated and amended by subclauses (B) and (C) of clause (1) of this section), if the course has a history of compliance, for a 2-year period, with such proposed new rules and the number of persons in receipt of VA educational assistance enrolled in the educational institution offering such course in a particular year does not exceed 35 percent of the total enrollment of such institution. It is the Committee's intention that, if an educational institution demonstrates that it met these criteria during the 2-year period to be covered by the first scheduled survey of such institution to determine compliance with the proposed new rules, such institution would thereafter be exempted from the required 50-percent computations until such time as the number of VA educational assistance recipients enrolled in the institution exceeds 35 percent of the total enrollment.

*Subparagraph (C) of new paragraph (2):* Would authorize the Administrator to waive compliance with the required 50-percent completion and employment ratios under clause (B) of paragraph (1) of present subsection (a) (as proposed to be redesignated and amended by subclauses (B) and (C) of clause (1) of this section), when the Administrator determines that such computation would work an undue administrative hardship on an educational institution in light of the small number, in relation to the total enrollment of the institution, of persons in receipt of VA educational assistance who are enrolled in such institution.

*Clause (2) of section 104* would amend present section 1673(c), relating to courses pursued by open circuit television and radio, to provide that the Administrator may approve the enrollment of an eligible veteran in a course to be pursued in residence which includes, as an integral part thereof, subjects offered through open circuit television. Current law requires that for enrollment in such a course to be approved, the major portion of the course must require conventional classroom or laboratory attendance. Thus, this provision would delete the requirement that conventional classroom or laboratory attendance must predominate. This provision, in conjunction with new subsection (f) of section 1682 (as proposed to be added by section 107(3) of the Committee bill), would codify existing VA practices. Under the existing practices, if the number of credit hours pursued by open circuit television equal or exceed the number of credit hours pursued by conventional classroom or laboratory attendance, the television credit hours are considered as being reduced to one less than the number of credit hours of classroom and laboratory pursuit; and the educational assistance allowance is paid on the basis of the sum of the actual credit hours of classroom and laboratory pursuit and the "reduced" number of credit hours pursued by television. Thus, the number of television credit hours that would otherwise cause the course to be disapproved are simply disregarded. For example, when 6 credit hours are awarded for open circuit television pursuit and 5 credit hours are awarded for classroom attendance, the VA considers the open circuit television pursuit to be only 4 credit hours—1 less than the classroom portion—and the allowance payable is based on a total of 9 credit hours.

*Clause (3) of section 104* would amend present section 1673(d), relating to the disapproval of the enrollment of a veteran in a course in which more than 85 percent of the students enrolled are in receipt of financial assistance from the educational institution, the VA, or a Federal agency—the so-called "85-15 rule"—to suspend the inclusion of recipients of basic educational opportunity grants (BEOG's) and supplementary educational opportunity grants (SEOG's) in computations to determine compliance with the 85–15 rule until such time as the Administrator determines that it is both desirable and necessary to include recipients of such grants and that a feasible system for including them exists. In the event that the Administrator were to make such a determination, the suspension would remain in effect until 90 days after the Administrator provides the Committees on Veterans' Affairs of the Senate and the House of Representatives with notice of such determination. The effect of this provision is to codify the provisions of section 305(a)(3) of Public Law 95–202 (proposed to be repealed by section 702(1) of the Committee bill), which prohibit the Administrator from requiring the inclusion of recipients of BEOG's and SEOG's in the 85–15 rule computations until such time as conditions similar to those proposed by this provision are met. The purpose of the 90-day notice to the Congress is to ensure that such suspension is not revoked without adequate cause and to provide ample time for any legislative reaction that the Congress might consider appropriate with respect to such proposed revocation.

*Section 104—Cost:* Enactment of the provisions of section 104 is estimated to result in cost savings of $1,800,000 in fiscal year 1980.

### *Section 105*

Would amend present section 1674, relating to discontinuance of VA educational assistance for unsatisfactory progress or conduct, to repeal the provision linking satisfactory progress with the time it takes the veteran to complete a program of education as certified by the educational institution to the VA. Currently, for example, if the institution certifies to the VA that it will take the veteran 4 years to complete a program of education, the veteran will be determined not to be making satisfactory progress at any time when he or she could not complete the course within that 4-year period. Consequently, by repealing the linkage, enforcement of satisfactory progress would depend on the implementation of the provisions of present section 1775, relating to approval of accredited courses, present section 1776, relating to approval of nonaccredited courses, and present section 1780(a)(4), relating to the prohibition of payment of educational assistance allowances for a course not counted toward graduation requirements.

*Section 105—Cost:* Enactment of the provisions of section 105 is estimated to entail no significant cost.

### *Section 106*

*Subsection (a) of section 106* would amend present section 1652(f), relating to the definition of "institution of higher learning", to include in such definition an institution, located in a foreign country, which offers a course leading to a standard college degree, or the equivalent, which is recognized by the commissioner of education or comparable official of such country. The existing statutory definition of an institution of higher learning embraces such institutions located within a State and has been interpreted to include the entire operations of an institution with a main campus located in a State and overseas branches, but does not include institutions located in foreign countries. However, the VA currently approves college level training in foreign institutions administratively. This provision is designed to clarify the nature of an institution of higher learning located abroad in which the enrollment of an eligible veteran generally would qualify the veteran for VA educational assistance and would, in effect, codify VA current practice in this regard.

*Subsection (b) of section 106* would amend present section 1676, relating to education outside the United States, to make minor technical changes and conforming changes reflecting the amendment proposed to be made by subsection (a) of this section of the Committee bill.

*Section 106—Cost:* Enactment of the provisions of section 106 is estimated to entail no significant cost.

### *Section 107*

Would amend present section 1682, relating to the computation of educational assistance allowances.

*Clause (1) of section 107* would amend present section 1682(b), relating to the computation of educational assistance allowances for pursuit of a program of education either during a period of active duty or on less than a half-time basis, to specify the method for computation of the charges to an individual's entitlement to educational assistance benefits in the case of pursuit of training either during a period of active duty or on less than a half-time basis. Present section 1682(b), although specifying the rate of educational assistance allowance to be paid to an individual in these cases, does not provide for the method of computing the charge to entitlement. This provision in the Committee bill would codify the current practices of the VA in making such computation by providing that the entitlement of such an individual would be charged based on the applicable monthly training time rate as determined by present section 1788, relating to measurement of courses, and the period of time for which such individuals are enrolled. Thus, the effect of this provision would be that a veteran enrolled on a quarter-time basis for a 4-month period would be charged for 1 month of entitlement.

*Clause (2) of section 107* would amend present section 1682(e), relating to computation of educational assistance allowances for independent study, to prescribe a statutory method for computing payment and charge to entitlement for courses of independent study when the number of semester hours (or the equivalent) of pursuit of such courses equals or exceeds the number of such hours of pursuit of resident study. This provision would specify that, in making such a computation, the number of hours of resident study would be added to the number of hours of independent study, but that the number of such hours of independent study included in such a computation could not exceed the number of such hours required for less than half-time pursuit. The computation of benefits and the charge to entitlement would be determined by the applicable monthly training time rate as measured in section 1788. Thus, for example, in the case of a veteran enrolled in 4 credit hours of resident training and 6 credit hours of independent study, the 4 credit hours of resident training would be added to 3 credit hours of independent study—1 credit hour less than the resident training portion—for a total of 7 hours. Based on 14 credit hours as full-time, this training would be paid at the half-time rate and one-half month's entitlement would be charged for each month of such training. This provision would also specify that an individual's entitlement would be charged on the basis of one-half of the enrollment period during which a course consisting solely of independent study is pursued. The enactment of this clause would have the effect of codifying current practices of the VA with respect to computation of payment for independent study courses and charge to entitlement in the case of such courses.

*Clause (3) of section 107* would amend present section 1682 to add two new subsections, (f) and (g), as follows:

*New subsection (f):* Would provide that the educational assistance allowance for pursuit of that portion of a course offered through open circuit television would be computed in the same manner as the allowance is computed for courses of independent study. This provision is designed to conform with the amendments proposed to be made by clause (2) of this section and clause (2) of section 104 of the Committee bill and would codify current practices of the VA with respect to the method of computing payment for courses offered through open circuit television.

*New subsection (g):* Would modify the method of payment of an educational assistance allowance in the case of an eligible veteran who is pursuing a program of education on a half-time or more basis while incarcerated. In this regard, the Committee bill makes no provision for incarcerated veterans training on a less than half-time basis, since present section 1682(b) provides that, in the case of such training, payment is made only for the cost of tuition and fees, or the half-time rate, whichever is the lesser. The provisions of the Committee bill would provide as follows:

*Subparagraph (A) of paragraph (1) of new subsection (g):* Would provide that if an eligible veteran with no dependents is pursuing a program of education on a half-time or more basis, payment of an educational assistance allowance, as determined by present section 1682(a)(1), will be made directly to the veteran in an amount equal to the cost of tuition and fees for such program. Any excess of such allowance would be held in escrow by the Administrator for the veteran and would be released to the veteran at the time of his or her release from incarceration. At the request of the veteran, the Administrator would invest such excess amount in United States Government securities. If such investment is made, the Committee intends that the Administrator seek to invest the funds in the highest interest yielding securities. This provision is designed to eliminate the flow into prisons of those funds, being paid in the form of veterans' educational assistance allowances, not needed for educational costs and to provide for the accrual of funds to assist incarcerated veterans in readjustment to society upon their release.

*Subparagraph (B) of paragraph (1) of new subsection (g):* Would provide that, if an eligible veteran with dependents is pursuing a program of education on a half-time or more basis, payment would be made directly to the veteran in accordance with subparagraph (A) of paragraph (1) of new subsection (g) (as proposed to be added by this section of the Committee bill). This new subparagraph would further provide that any dependents' allowance in excess of the cost of the veteran's tuition and fees would be paid to the veteran's dependent or dependents, but only if the veteran requests such payment and the dependent or dependents concur in such request. If no such request is made, or the dependent or dependents do not concur, no dependents' allowance would be paid or accrued. The portion of the veteran's allowance in excess of the cost of tuition and fees, if any, would be held in escrow by the Administrator under the same terms and conditions specified for veterans with no dependents in such new subparagraph (A) or released to the dependents if the veteran requests such release and the dependents concur in the request. This provision is designed to meet the same objective as proposed in subparagraph (A), and would, in addition, by requiring both the veteran and dependent to agree, protect some dependents of incarcerated veterans from the unwitting loss of eligibility for various forms of public assistance through the receipt of allowances that may be of less value to the dependents than such assistance.

*Paragraph (2) of new subsection (g):* Would provide that the provisions of paragraph (1) of this new subsection would not apply in the case of eligible veterans pursuing programs of education while in halfway houses or on work-release programs. In these instances, such veterans would receive educational assistance allowances on the same basis as nonincarcerated veterans.

*Section 107—Cost:* The enactment of the provisions of section 107 is estimated to entail no significant cost.

### *Section 108*

Would amend present section 1691(b), relating to the rates of educational assistance allowance for elementary and secondary education and preparatory educational assistance.

*Clause (1) of section 108* would redesignate present subsection (b) as paragraph (1).

*Clause (2) of section 108* would amend such paragraph (1) (as so redesignated), to provide that the application of rates of educational assistance allowance specified in such paragraph would be limited to training authorized by clause (2) of subsection (a) of present section 1691, relating to refresher, deficiency, or other preparatory or special educational assistance courses. Rates for high school or equivalency training would be established in new paragraph (2) proposed to be added by clause (3) of this section.

*Clause (3) of section 108* would further amend present subsection (b) to add a new paragraph (2), as follows:

*New paragraph (2):* Would provide that, in the case of an eligible veteran pursuing a program of education as authorized by section 1691(a)(1), relating to high school or equivalency training, an educational assistance allowance would be paid, at no charge to such veteran's entitlement, at the rate of the established cost of tuition and fees, or at the rate prescribed by paragraph (1) of subsection (a) of present section 1682 for training on a half-time basis, whichever is the lesser. Currently, allowances for pursuit of such training are paid, at no charge to a veteran's entitlement, as for any other institutional program of education.

*Section 108—Cost:* The cost-savings resulting from the enactment of the provisions of section 108 are reflected in the cost of the enactment of the provisions of section 101 of the Committee bill.

## TITLE II—SURVIVORS' AND DEPENDENTS' PROGRAM ADJUSTMENTS

### *Section 201*

Would amend present section 1712(b), relating to the period of time—the so-called "delimiting period"—within which an eligible spouse or surviving spouse may use educational assistance benefits under chapter 35, relating to survivors' and dependents' educational assistance, to make certain clarifications of and modifications in the delimiting period applicable to certain eligible spouses or surviving spouses. Chapter 35 provides for educational assistance benefits for certain eligible persons—certain spouses, surviving spouses and dependents. Under present section 1712(b), the delimiting period of an eligible spouse or surviving spouse generally expires 10 years after the individual first becomes eligible for educational assistance, except that, in the case of such an eligible spouse who was prevented from initiating or completing his or her chosen program of education within the delimiting period because of a mental or physical disability not the result of such person's willful misconduct, the eligible spouse or surviving spouse is entitled to a delimiting period extension, which is determined by excluding from the computation of the eligible person's delimiting period the amount of time that the disability prevented the individual from using his or her educational assistance benefits. (Eligible dependent children generally have until the age of 26 to utilize chapter 35 benefits.)

*Clause (1) of section 201* would amend present section 1712(b)(2) to make substantially identical provision for time limitations on an eligible spouse's application for an extension of a delimiting period on the grounds of a mental or physical disability as is proposed by section 101(1) of the Committee bill with respect to veterans receiving educational assistance under chapter 34.

*Clause (2) of section 201* would further amend present section 1712(b)(2) to make substantially identical provision for the measurement of an extension of an eligible spouse's delimiting period and the determination of willful misconduct in connection with alcohol or drug dependence or abuse disabilities as is proposed by section 101(2) of the Committee bill with respect to veterans receiving educational assistance under chapter 34.

*Clause (3) of section 201* would also further amend present section 1712(b)(2) to make substantially identical provision for retroactive payment in excess of 1 year for certain eligible spouses as proposed by section 101(3) of the Committee bill with respect to veterans receiving educational assistance under chapter 34.

*Section 201—Cost:* Enactment of the provisions of section 201 is estimated to entail no significant cost.

### *Section 202*

Would amend present section 1721, relating to final approval of applications for assistance under chapter 35, to provide the same express authority to the Administrator to disapprove eligible person's application if any provision of chapter 36 would be violated as is proposed to be provided by section 103 of the Committee bill with respect to veterans receiving educational assistance under chapter 34.

*Section 202—Cost:* Enactment of the provisions of section 202 is estimated to entail no significant cost.

### *Section 203*

Would amend present section 1723, relating to the disapproval of an eligible person's enrollment in certain courses.

*Clause (1) of section 203* would amend subsection (a) to make substantially identical amendments to the requirements for the approval of a course with a vocational objective as are proposed to be made by section 104(1) of the Committee bill to such requirements under chapter 34.

*Clause (2) of section 203* would amend subsection (c) to modify the provision relating to pursuit of courses by open circuit television in substantially the same manner as the similar provisions in chapter 34 are proposed to be modified by section 104(2) of the Committee bill. However, this provision would also delete provisions relating to training outside the United States, which are proposed to be relocated, with modifications, to a new subsection (e) proposed to be added to section 1723 by clause (3) of this section.

*Clause (3) of section 203* would further amend section 1723 to add a new subsection (e) restating the provisions (currently incorporated in present subsection (c) which would be deleted by clause (2) of this section) relating to training outside the United States with modifications substantially identical to those proposed to be made in the similar chapter 34 provision by section 196(b) of the Committee bill.

*Section 203—Cost:* The cost-savings resulting from the enactment of the provisions of section 203 are included in the cost-savings estimated to result from the enactment of the provisions of section 104 of the Committee bill.

### *Section 204*

Would amend present section 1701(a), relating to the definition of "institution of higher learning", in a substantially identical manner as the definition of the same term in chapter 34 is proposed to be amended by section 106(a) of the Committee bill.

*Section 204—Cost:* Enactment of the provisions of section 204 is estimated to entail no significant cost.

### *Section 205*

Would amend present section 1724, relating to discontinuance of VA educational assistance for unsatisfactory progress or conduct, in substantially the same manner as the substantially identical provisions in chapter 34 are proposed to be amended by section 105 of the Committee bill.

*Section 205—Cost:* Enactment of the provisions of section 205 is estimated to entail no significant cost.

### *Section 206*

Would amend present section 1731(b), relating to the payment of educational assistance allowances to eligible persons, to delete the current prohibition on advance payment of such allowance to eligible persons enrolled in courses not leading to a standard college degree until the Administrator receives certifications from the eligible person and the school as to such person's enrollment and pursuit of the course during the period for which payment is to be made. This current statutory bar precludes advance payment of an educational assistance allowance to such persons enrolled in such courses. However, VA current policy (38 CFR 21.4137(g)) has not made a distinction in the method of making advance payments to such persons and advance payments under chapter 35 are made in the same manner such payments are made to veterans under chapter 34. The effect of this provision of the Committee bill would be to codify VA current policy and provide a statutory basis for such payments, of up to 2 months' allowance, to eligible persons enrolled in such courses under chapter 35 in the same manner as is provided for veterans enrolled in such courses under chapter 34.

*Section 206—Cost:* Enactment of the provisions of section 206 is estimated to entail no significant cost.

### *Section 207*

Would amend present section 1732 relating to computation of educational assistance allowances.

*Clause (1) of section 207* would amend subsection (c) by adding a new paragraph (4), as follows:

*New paragraph 4:* Would provide for an educational assistance allowance for an eligible person's pursuit of a course in part by open circuit television to be computed in the manner proposed by section 107(2) of the Committee bill in the case of a veteran's pursuit of a course in part by open circuit television under chapter 34.

*Clause (2) of section 207* would add a new subsection (e), as follows:

*New subsection (e):* Would provide for payment of an educational assistance allowance to an eligible person pursuing training while incarcerated to be made in the same manner as proposed by section 107(3) of the Committee bill in the case of an incarcerated veteran without dependents who is pursuing training under chapter 34. This equating of the treatment of payments to eligible persons to the treatment of payments to eligible veterans without dependents is appropriate since current law makes no provision for dependents' allowances for eligible persons under chapter 35.

*Section 207—Cost:* Enactment of the provisions of section 207 is estimated to entail no significant cost.

## TITLE III—AMENDMENTS TO ADMINISTRATIVE PROVISIONS

### *Section 301*

Would amend subsection (a) of present section 1780, relating to the period for which payment of an educational assistance allowance may be made, as follows:

*Clause (1) of section 301* would amend subsection (a) to restore the words "and pursuit" that were deleted—without explanation—by section 201 of Public Law 95-540, which enacted section 1780 to consolidate in chapter 36 certain provisions of law applicable to the payment of educational assistance allowances under both chapters 34 and 35. Current law states that, subject to specific exceptions provided in present section 1780(a), the educational assistance allowance will be paid only for the period of enrollment. The effect of the restoration proposed by the Committee bill would be to ensure that GI Bill trainees are paid only during periods of enrollment *and* pursuit, and not for a period of enrollment during which the individual is not actively pursuing his or her program of education.

*Clause (2) of section 301* would amend clause (1) of subsection (a), relating to the prohibition on payment of an educational assistance allowance when the veteran or eligible person is not in pursuit of a course in accordance with the policies and regulations of the institution and the applicable requirements of chapters 34, 35, and 36, to clarify that the Administrator has the authority to determine, pursuant to appropriate regulations prescribed to implement the provisions of chapter 36, what constitutes pursuit of a program of education and that payment may be made for an actual period of pursuit that is shorter than the period of enrollment. Current law is not specific with respect to the authority of the Administrator to pay benefits only for an actual period of pursuit; and several lawsuits have been brought challenging the VA's authority to determine the nature and extent of course pursuit for which educational assistance allowances are payable. The Committee bill would have the effect of making clear that the Administrator has the authority to promulgate regulations, in accordance with the provisions of chapters 34, 35, and 36, to determine the period of pursuit for the purposes of the payment of educational assistance allowances. However, it should be noted that this proposed amendment must be read in conjunction with the changes proposed to be made by section 305 of the Committee bill providing for alternative measures of full-time pursuit of programs of education meeting certain specified criteria.

*Section 301—Cost:* Enactment of the provisions of section 301 is estimated to entail no significant cost.

### *Section 302*

Would amend present section 1780(g), relating to the Administrator's authority to make determinations, for the purposes of educational assistance allowance payments, regarding enrollment, pursuit, and attendance, to clarify Congressional intent that the Administrator has, in connection with the authority to make such determinations, the authority to define, by regulation, enrollment, pursuit, and attendance. The effect of the proposed change would be to ensure that the Administrator has the authority to make certain determinations, in accordance with the provisions of title 38 and Congressional intent, to define periods for which payment of GI Bill benefits may be made.

*Section 302—Cost:* Enactment of the provisions of section 302 is estimated to entail no significant cost.

### *Section 303*

Would amend present section 1784, relating to reports by institutions and reporting fees, to make clear the responsibilities of veterans and eligible persons in receipt of educational assistance allowances, as well as the educational institutions, to make certain reports to the Administrator.

*Clause (1) of section 303* would amend the heading of present section 1784 to reflect the changes proposed to be made by this section of the Committee bill.

*Clause (2) of section 303* would amend subsection (a), relating to the responsibility of educational institutions to submit reports to the Administrator regarding enrollments of veterans or eligible persons and termination or interruption of such enrollments, so as to assign identical reporting responsibilities to veterans and eligible persons in receipt of educational assistance allowances. Current law specifies that the educational institution is responsible for reporting changes in the status of a GI Bill trainee, but no such explicit responsibility is assigned to the student. However, current VA policy, as provided in 38 CFR 21.203(d), requires the veteran or eligible person to report to the VA, timely and truthfully, changes in status. Thus, the effect of the Committee bill would be to codify this policy.

*Clause (3) of section 303* would redesignate present subsection (b) as subsection (c) and would insert a new subsection (b), as follows:

*New subsection (b):* Would provide that the Administrator, prior to making payment of the reporting fee to an educational institution, as provided in subsection (c) (as proposed to be redesignated) of section 1784, shall require that the institution certify that it has exercised reasonable diligence in determining that the institution and the courses it offers that are approved for the enrollment of veterans and eligible persons meet all of the applicable requirements of chapters 34, 35, and 36. This new subsection would further require the institution to certify that it will, without delay, report any failure to meet an applicable requirement to the Administrator. Under existing provisions of chapters 34, 35, and 36, not all violations of requirements of law are specifically required to be reported to the VA; and, in some cases, payments have been made by the VA based upon the erroneous belief that the school or the course are in compliance with the law. For example, an institution is presently not expressly required by title 38 to report to the Administrator failure to comply with the so-called "85-15 ratio" requirement. Thus, the Committee bill would have the effect of assigning to the educational institutions responsibility to report failure to comply with all the requirements under title 38 applicable to approved courses and the institutions offering them.

*Clause (4) of section 303* would amend the present table of sections of chapter 36 to reflect the changes proposed by this section of the Committee bill.

*Section 303—Cost:* Enactment of the provisions of section 303 is estimated to entail no significant cost.

### *Section 304*

Would amend present section 1785, relating to overpayments to eligible persons or veterans, to delete its existing provisions and insert in lieu thereof five new subsections, as follows:

*New subsection (a):* Would provide that an overpayment of an educational assistance allowance made to a veteran or eligible person would constitute a liability of such veteran or eligible person. Current law imposes liability on educational institutions for overpayments but imposes no similar explicit liability on the veteran or eligible person. However, current VA policy and practice as provided in 38 CFR 21.203(d), in addition to requiring the veteran or eligible person to report to the VA, timely and truthfully, changes in status, holds the veteran or eligible person liable for any overpayments resulting from a failure to so report. The effect of this provision would be to codify this policy and make clear the liability of the veteran or eligible person in the case of an overpayment.

*New subsection (b):* Would restate and modify the current requirements of present section 1785, relating to the liability of an educational institution for overpayments, under which an educational institution may be held liable if an overpayment results either from a willful or negligent failure to report changes in students' status or from a false certification. The Committee bill would modify this provision by specifying that in order for a false certification to form the basis for liability it must have been made willfully or negligently. This modified provision, together with the requirement proposed to be added in section 1784 by section 303(3) of the Committee bill, would have the effect of requiring an educational institution to exercise reasonable diligence in reporting any failure to meet the applicable requirements of law and provide for the institution to be held liable if any failure to do so results in a false certification on the grounds of willful or negligent false certification for any resulting overpayments.

*New subsection (c):* Would restate, with conforming changes to make appropriate references to other provisions of this section (as proposed to be amended by this section of the Committee bill), the provision in present section 1785 that, except for the prohibition against offsetting an indebtedness based on overpayments against the reporting fee payable to an educational institution (set forth in subsection (c) of section 1784 as proposed to be redesignated by section 303(3) of the Committee bill), overpayments for which the veteran, eligible person, or educational institution are liable may be recovered in the same manner as any other debt owed the United States.

*New subsection (d):* Would provide that if, pursuant to present section 3102, relating to waiver of recovery claims, an overpayment is waived for a veteran or eligible person, the waiver shall not release from liability the educational institution that is jointly liable for the overpayment. This would have the effect of codifying current VA policy as set forth in 38 CFR 21.4009(e) whereby the VA seeks recovery as set forth in 38 CFR 21.4009 (e) whereby the VA seeks recovery of overpayments from the school despite the granting of a waiver to the veteran or eligible person concerned. Under this amendment where an overpayment is caused by no action of the veteran, but rather as a result of a willful or negligent failure by the educational institution to report—thereby making the institution jointly liable for the overpayment as proposed to be specified in new subsection (b)—waiver of the veteran's liability would not relieve the liability of the institution.

*New subsection (e):* Would provide that any amount of an educational assistance allowance overpayment recovered from a veteran or eligible person shall be reimbursed to the educational institution to the extent that collection was also made from the institution. This would also have the effect of codifying the current policy of the VA as provided in 38 CFR 21.4009(d). It would also recodify the provisions of present section 1785 relating to civil and criminal liability and daily attendance records.

*Section 304—Costs:* Enactment of the provisions of section 304 is estimated to entail no significant cost.

### *Section 305*

Would amend present section 1788, relating to measurement of courses.

*Clause (1) of section 305* would amend subsection (a) of present section 1788, relating to the measurement of full-time courses.

*Subclause (A) of clause (1) of section 305* would amend clauses (1) and (2) of subsection (a) to make a technical amendment to clarify that the criteria for courses approved pursuant to the provisions of section 1775, relating to approval of accredited courses, apply only to courses offered by an educational institution when the courses have been accredited and approved by a nationally recognized accrediting agency or association.

*Subclause (B) of clause (1) of section 305* would amend clause (4) of subsection (a), relating to the measurement of institutional undergraduate courses, to provide that the criteria set forth by such clause are applicable only to such courses offered in residence on a standard quarter- or semester-hour basis by a college or university. Current law does not expressly limit the applicability of those criteria to courses offered in residence or define a standard quarter- or semester-hour. However, VA policy, as provided in DVB Circular 20-77-16 and 38 CFR 21.4200(g) and 21.4272, interprets this measurement criterion to mean pursuit of a program at the site of a college or university requiring regularly scheduled weekly classroom instruction at the rate of one standard class session per week throughout the quarter or semester for each quarter- or semester-hour of credit; and defines a standard class session as 1 hour (or a 50-minute period) of academic instruction, 2 hours of laboratory instruction, or 3 hours of workshop training. This means that in order for a course to be considered full time for VA benefit purposes it must offer, on campus, a minimum of 12 hours (or twelve 50-minute sessions) of traditional classroom instruction for each week of the semester. Thus, the effect of the Committee bill would be to codify current VA practice and provide statutory clarification of what constitutes a full-time program of education for GI Bill benefit purposes. The Committee bill would further make a technical amendment to clause (4) to clarify the requirement that the minimum number of semester hours for full-time pursuit must be required during the semester in which the course is offered.

*Subclause (C) of clause (1) of section 305* would further amend clause (4) of subsection (a) to incorporate definitions of the terms "in residence on a standard quarter- or semester-hour basis" and "standard class session" as such terms are currently defined in VA policy (DVB Circular 20-77-16 and 38 CFR 21.4200(g) and 21.4272) and as they are discussed above in connection with subclause (B) of this clause of the Committee bill.

*Clause (2) of section 305* would add two new subsections to sections 1788, as follows:

*New subsection (c):* Would provide that, notwithstanding any other provision of title 38, an undergraduate course offered by a college or university leading to a standard college degree would be considered full time for GI Bill benefit purposes if (A) the institution considers it to be a full-time course, (B) less than 50 percent of the enrollees are receiving GI Bill benefits, (C) it is offered in residence, and (D) it is equal in all respects (except the number of regularly scheduled weekly class sessions) to other full-time courses offered at the institution that do or would meet the criteria of section 1788(a) (4) as proposed to be amended by the Committee bill. This new subsection would further provide that veterans and eligible persons enrolled in courses meeting these criteria for full-time courses would be paid at the applicable rate for a cooperative program prescribed in present section 1682(a)(1), relating to computation of educational assistance allowances. This rate is currently $251 per month for a single veteran—or about four-fifths of the full-time rate. Under current law, such a course which fails to meet the measurement criteria of present clause (4) of section 1788(a) would be subject to the provisions of present subsection (b) of section 1788, relating to the Administrator's authority to define part-time training in the case of courses not meeting the requirements of section 1788(a) and full- and part-time training in the case of all other types of courses. Thus, based on the facts related to the course, the Administrator would determine, *administratively*, the appropriate rate of educational assistance allowance to be paid—which could range from payment for a course of independent study or less than half time pursuit (the lesser of tuition and fees or $156 a month) to payment for full-time pursuit ($311 a month). The effect of this Committee bill provision would be to recognize such a course as full time and pay an educational assistance allowance for pursuit of such course at the cooperative rate.

*New subsection (d):* Would provide that, notwithstanding any other provision of title 38, if a course, in addition to meeting the criteria for a full-time course in new subsection (c), requires, during the term, quarter, or semester for which such course is offered, a cumulative total number of standard class sessions equal to the number which for the same term, quarter, or semester would be required weekly by section 1788 (a)(4), as proposed to be amended by the Committee bill, multiplied by the total number of weeks in the term, quarter, or semester, veterans and eligible persons enrolled in such courses would be paid at the applicable rate for a full-time institutional program prescribed in present section 1682 (a)(1). This rate is currently $311 per month for a single veteran. Under current law, such a course which fails to meet the measurement criteria of present clause (4) of section 1788(a) would also be subject to the provisions of present subsection (b) of section 1788, as outlined in the discussion of clause (1) of this new subsection, above. The effect of the Committee bill would be to recognize such a course as full time and pay an educational assistance allowance for pursuit of such a course at the institutional rate.

*Section 305—Cost:* Enactment of the provisions of section 305 is estimated to entail no significant cost.

### *Section 306*

*Subsection (a) of section 306* would amend present section 1631(a)(1), relating to the maximum length of a veteran's entitlement under the program authorized by chapter 32, Post-Vietnam Era Veterans' Educational Assistance. The Committee bill would provide that the 36-month maximum entitlement under chapter 32 shall be subject to the provisions of section 1795 placing a 48-month limitation on assistance under two or more programs of educational or vocational assistance under title 38.

*Subsection (b) of section 306* would amend present section 1795, relating to the limitation on periods of assistance under two or more programs, to reflect the amendment proposed to be made by subsection (a) of this section. Section 1795 limits entitlement accorded a person eligible under two or more educational or vocational assistance provisions of title 38 to 48 months. However, this provision, enacted prior to the enactment of the provisions of chapter 32, was never amended to extend the limitation to include the new chapter 32 program. Thus, a veteran eligible for 36 months of benefits under chapter 32 could also, if eligible, receive an additional 48 months under chapter 31 or 45 more months under chapter 35. The Committee bill would include chapter 32 in the preclusion in order to be consistent with the general intent expressed in section 1795 to prohibit entitlement to multiple, similar benefits for any one person.

*Section 306—Cost:* Enactment of the provisions of section 306 is estimated to entail no significant cost.

### TITLE IV—MODIFICATIONS OF FLIGHT AND CORRESPONDENCE TRAINING PROVISIONS

### *Section 401*

Would amend provisions of chapters 34 and 36 that pertain to the authority to pursue a course of flight training.

*Subsection (a) of section 401* would amend subsection (b) of section 1677, relating to the computation of the amount of educational assistance allowance payable to a veteran pursuing a program of education consisting exclusively of flight training, to reduce from 90 percent to 60 percent the percentage of the cost of such course paid by the VA.

*Clause (1) of subsection (b) of section 401* would amend present section 1798(c), relating to education loans, to delete the exclusion of a veteran pursuing a program of education consisting exclusively of flight training from eligibility for VA education loans, which are available in amounts of up to $2,500 per academic year.

*Clause (2) of subsection (b) of section 401* would further amend present section 1798 to add a new subsection (h), as follows:

*New subsection (h):* Would provide for the cancellation of $1,000 of the amount of a veterans' repayment obligation with respect to any loan (including interest thereon) approved for a program of education consisting exclusively of flight training (as authorized under the amendment proposed to be made by clause (1) of this subsection) if the veteran completes such training and obtains employment of one year's duration within 5 years after completion. Such employment would be required to constitute the veteran's primary vocational pursuit and major source of occupational income. Each additional 3-month period of such employment within the same 5-year period would entitle the veteran to cancellation of an additional $250 of his or her repayment obligation. If the veteran has already repaid all or part of the repayment obligation and the remaining unpaid balance is less than the amount of the cancellation to which the veteran is entitled, the VA would—to the extent by which the cancellation to which the veteran is entitled exceeds the unpaid balance—reimburse the veteran for the amount that the veteran has repaid.

*Section 401—Cost:* The enactment of the provisions of section 401 is expected to result in cost-savings of $27,700,000 in fiscal year 1980.

### *Section 402*

Would amend present section 1786(a), relating to correspondence training, to add a new paragraph (3), as follows:

*New paragraph (3):* Would provide that the enrollment of an eligible veteran or eligible spouse in a correspondence course would not be approved unless the Administrator makes a determination that no other type of education is reasonably and feasibly available to such vetern or spouse for successful pursuit of the educational or vocational objective sought. (Under the current provisions of chapter 35, dependent children are prohibited from enrollment in this type of training.) This provision is designed to eliminate the use of VA educational assistance for correspondence courses where other programs of education are available while assuring that those who, for any of a variety of valid reasons—including, for example, geographical remoteness, active-duty status, parental responsibilities, and handicap—could not, as a practical matter, otherwise use their GI Bill benefits unless correspondence training continued to be available to them for such training.

*Section 402—Cost:* The enactment of the provisions of section 402 is expected to result in cost-savings of $3,300,000 in fiscal year 1980.

### TITLE V—POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM ADJUSTMENTS, REPEAL OF AUTHORITY TO PURSUE PREDISCHARGE EDUCATION PROGRAM (PREP) TRAINING UNDER CHAPTER 32, AND RELATED AMENDMENTS

### *Section 501*

Would make amendments to provisions of chapter 32, relating to Post-Vietnam Era Veterans' Educational Assistance.

*Clause (1) of section 501* would amend present section 1602(1)(A), relating to the definition of eligible veteran for the purpose of chapter 32, Post-Vietnam Era Veterans' Educational Assistance program, to make eligible those individuals who entered active duty on or after January 1, 1977, after having previously entered the service prior to that date, who served on active duty for less than 181 days and who were discharged or released from such active duty under conditions other than dishonorable. The effect of this provision would be to make eligible for participation in the chapter 32 program a very small number of individuals who under existing law would not meet the requirements for eligibility in either the chapter 34 program, due to failure to meet the 180-day minimum service requirement, or the chapter 32 program, due to failure to meet the requirement of initial entry into active duty on or after January 1, 1977.

*Clause (2) of section 501* would amend present section 1641, relating to the enumeration of the provisions of chapters 34 and 36 that are applicable to chapter 32.

*Subclause (A) of clause (2) of section 501* would amend present section 1641 to add section 1663(a), as proposed to be redesignated by section 102 of the Committee bill, relating to educational and vocational counseling. The effect of this provision would be to clarify that persons participating in the Post-Vietnam Era Veterans' Educational Assistance program would be eligible for VA educational and vocational counseling. It is anticipated, however, that such counseling would be requested generally when a participant is nearing the end of his or her enlistment period or after a participant has been discharged from active duty.

*Subclause (B) of clause (2) of section 501* would further amend present section 1641 to delete the references to the Predischarge Education Program (PREP) authority, which is proposed to be repealed by section 503 of the Committee bill, and to add a conforming reference to present section 1691(a)(1) to reflect the amendment proposed to be made by clause (2) of this section of the Committee bill.

*Clause (3) of section 501* would amend present section 1631(b), relating to eligibility for members of the Armed Forces participating in the Post-Vietnam Era Veterans' Educational Assistance program to enroll in PREP, to repeal such eligibility and, in lieu thereof, to make such participants eligible for enrollment in courses in pursuit of a secondary school diploma (or equivalency certificate) during the last 6 months of the participants' first enlistments, or at any time thereafter, at no charge to the participants' entitlements, as provided in section 1691(a)(1), as proposed to be modified by section 108 of the Committee bill. This provision is designed to assure that the needs of persons participating in the Post-Vietnam Era Veterans' Educational Assistance program for secondary educational assistance continue to be met after the PREP authority is repealed by section 503 of the Committee bill.

*Section 501—Cost:* Enactment of the provisions of section 501 is estimated to result in cost-savings of $800,000 in fiscal year 1980.

### *Section 502*

Would amend the provisions of chapter 34 that pertain to the PREP authority to repeal that authority and make other amendments in light of or to conform with such repeal.

*Clause (1) of section 502* would amend present section 1661(c), relating to time limitations for completing a program of education, to delete a reference to the PREP authority proposed to be repealed by clause (3) of this section.

*Clause (2) of section 502* would amend present section 1691(a), relating to elementary and secondary education and preparatory educational assistance, to delete the prohibition against members of the Armed Forces who are eligible for chapter 34 GI Bill benefits by virtue of having entered active duty prior to January 1, 1977, for pursuit of programs of secondary educational assistance at no charge to their entitlements while on active duty. This prohibition is, evidently, a remnant related to the authority that, prior to the enactment of the Veterans' Education and Employment Assistance Act of 1976 (Public Law 94-502), made such members eligible for PREP while on active duty.

*Clause (3) of section 502* would repeal (effective on October 1, 1979, or the first day of the second month following the enactment of the Committee bill by virtue of section 703(a) of the Committee bill), present subchapter VI of chapter 34, relating to the PREP authority, in its entirety; and would thus terminate that program.

*Clause (4) of section 502* would amend the present table of sections at the beginning of chapter 34 to reflect the repeal of subchapter VI proposed to be made by clause (3) of this section.

*Section 502—Cost:* The cost-savings estimated to result from the enactment of the provisions of section 502 are reflected in the cost-savings estimated to result from the enactment of section 501 of the Committee bill.

### *Section 503*

Would make a series of conforming amendments to present chapter 36, relating to administration of educational benefits, to reflect the repeal of the PREP authority as proposed by section 502(3) of the Committee bill.

*Section 503—Cost:* Enactment of the provisions of section 503 is estimated to entail no significant cost.

## TITLE VI—PROTECTION FOR CERTAIN EMPLOYEES OF THE VETERANS' ADMINISTRATION

### *Section 601*

Would amend present section 1114 of title 18, United States Code, relating to the protection of officers and employees of the United States, to add officers and employees of the VA assigned to perform investigative or law enforcement functions to the list of such officers and employees protected under that section and, by virtue of a reference to that section in section 111 of title 18, under the latter section as well. The provisions of this section are virtually identical to the provisions of S. 881 introduced by request of the Administration on April 4, 1979, by the Chairman of the Committee. The effect of this provision would be to make it a Federal offense, under section 1114, to kill a VA police officer or investigator while engaged in, or on account of, his or her performance of official duties, and, under section 111, to assault, resist, oppose, impede, intimidate, or interfere with a VA police officer or investigator while engaged in, or on account of, his or her performance of official duties.

*Section 601—Cost:* Enactment of section 601 is estimated to entail no significant cost.

## TITLE VII—TECHNICAL AMENDMENTS AND EFFECTIVE DATE

### *Section 701*

Would amend paragraph (2) of subsection (b) of present section 1790, relating to discontinuances of educational assistance allowances, to make a technical correction.

*Section 701—Cost:* Enactment of section 701 is estimated to entail no significant cost.

### *Section 702*

Would amend Public Law 95-202, the GI Bill Improvement Act of 1977, to make two technical corrections and repeal the provisions of section 305(a)(3), related to the inclusion of recipients of BEOG's and SEOG's in the 85-15 rule, proposed to be codified in section 1673(d)(2) by section 104 (3) of the Committee bill.

*Section 702—Cost:* Enactment of the provisions of section 702 is estimated to entail no significant cost.

### *Section 703*

*Subsection (a) of section 703* would provide that, except as otherwise provided in subsection (b) and (c) of this section, the provisions of the Committee bill become effective on October 1, 1979, or the first day of the second calendar month following the date of enactment of the Committee bill, whichever occurs later.

*Subsection (b) of section 703* would provide that the provisions of title IV of the Committee bill, relating to modifications of the flight and correspondence training provisions, would not apply to a veteran or eligible person in receipt of assistance on August 1, 1979, for enrollment in such training for as long as the veteran or eligible person continuously thereafter remains eligible for such assistance and continues such enrollment under the provisions of chapters 34, 35, and 36 as in effect on that date.

*Subsection (c) of section 703* would provide that the provisions of section 108, relating to educational assistance allowance for pursuit of a program of secondary education at no charge to entitlement, would not apply to a veteran in receipt of such assistance on October 1, 1979, for enrollment in such program for as long as such veteran continuously thereafter remains eligible for such assistance and continues such enrollment.

*Section 703—Cost:* Enactment of the provisions of section 703 is estimated to entail no significant cost.

## CONCLUSION

Mr. CRANSTON. In sum, Mr. President, this legislation would provide a renewed opportunity to use GI bill benefits to a deserving group of Vietnam-era veterans who are suffering from a lack of basic secondary education or who need job skills, and it would improve the operation of GI bill programs in a variety of ways, including tightening in order to reduce abuse. I strongly recommend that the Senate take favorable action on this legislation.

Mr. President, in closing, I want to express my particular appreciation to the ranking minority member of the committee, the distinguished Senator from Wyoming (Mr. SIMPSON), for his excellent contributions and spirit of cooperation in the development of this measure. I also want to express my appreciation to other members of the committee who are cosponsors of this bill and have been so helpful—Senators TALMADGE, RANDOLPH, STONE, DURKIN, MATSUNAGA, THURMOND, and STAFFORD.

I would also like to thank for their hard and effective work on this bill, committee staff members Babette Polzer, Ed Scott, Jon Steinberg, Kerry Shortle, Julie Susman, and Harold Carter. They were extremely ably assisted by Terri Morgan, Becky Walker, Janice Orr, Karen Anne Smith, Mikki Day, Jim MacRae, and Walter Klingner, and minority staff members Garner Shriver and John Pressly for their diligent efforts.

Mr. President, at this time I yield to my good friend and colleague from Wyoming (Mr. SIMPSON), the ranking minority member of the Senate Veterans' Affairs Committee. I would like to repeat, once again, how very pleased I am to serve with him on the committee.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HEFLIN). On whose time?

Mr. CRANSTON. Evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### MODIFICATION OF TIME LIMITATION AGREEMENT—S. 870

Mr. CRANSTON. Mr. President, I ask unanimous consent that we amend the time agreement that is governing the handling of the current bill. This has been cleared on both sides of the aisle. There would be this additional language in the unanimous-consent agreement governing the time on this bill:

On the Dole amendment, which now has a 30-minute time limitation, there will be a 1-hour time limitation. This amendment is on educational assistance benefits for incarcerated veterans.

Also, Senator PRESSLER would be added to the time agreement to offer two excepted amendments with the following time limits: First, Pressler amendment No. 689, relating to veterans' employment, 1 hour; second, a Pressler unprinted amendment relating to unemployment statistics, 30 minutes; provided further, that these two Pressler amendments are offered today prior to 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I thank the Chair.

Mr. President, I am delighted to now yield to my distinguished colleague from Wyoming who has been such a magnificent leader of this committee and about whom I made some remarks earlier which I will not now repeat, but which were very laudatory.

Mr. SIMPSON. Mr. President, may we have them reread? I did not want to miss anything. [Laughter.]

Mr. President, it has been a real privilege to work with Senator CRANSTON. He is a very able and astute gentleman.

He and the staff of the committee have been of much assistance to me in my first year here in the U.S. Senate. I thank them.

I certainly concur with regard to the time agreement and the amendments to it. I believe that will give us some clarity as we approach this legislation.

Mr. President, the bill under consideration, the GI Bill Amendments Act, contains the current recommendations of the Senate Committee on Veterans' Affairs to revise and improve the veterans education assistance program. The GI bill has been one of the most important and popular programs of the Federal Government. Many of us here in this body have benefited from our participation in the program. I know that I have, personally. I used to cash that check early when it was received when I was a student at the University of Wyoming, although I did not always see that it went to totally academic pursuits.

Since the GI bill was enacted in 1944, 17.7 million veterans of World War II, the Korean conflict, post-Korean period, and the Vietnam era, and their survivors and dependents have been provided education and training. Since 1944, four GI bills have assisted more than 17 million veterans and other eligible persons. The current GI bill program provides for the payment of up to 45 months of educational assistance allowance to eligible veterans while enrolled and while pursuing approved courses in colleges, universities, and business, technical and vocational schools. The basic benefit, of course, is the monthly payment to assist the veteran or the eligible person with living and educational expenses.

Under the present law, a veteran attending an approved educational or training institution on a full-time basis is entitled to a monthly payment of $311. That amount increases to $370 and $422 per month, respectively, for a veteran with one or two dependents. Twenty-six dollars a month additional payment is made to full-time students for each additional dependent in excess of two.

I do not intend, in these remarks, a discussion in detail of every provision of S. 870. The report accompanying the legislation contains a detailed section-by-section analysis of each and every provision of S. 870, so I shall limit these remarks to some of the major provisions of the committee bill.

On October 10 of last year, the President of the United States submitted to Congress a report on the progress of the veterans of the Vietnam era. Much has been said and stated through the media and even through the theater arts with regard to the problems of the Vietnam-era veteran. I think that we find that those who served in that conflict often need the extension of veterans benefits the most and yet, oddly enough, they are the group that has not taken full advantage of the many benefits that are present.

The President indicated that legislation would be submitted to Congress to extend eligibility beyond 10 years for those veterans the Veterans' Administration defines as in need or in educationally disadvantaged positions. So this committee bill now before us would extend until December 31, 1982, for Vietnam-era veterans whose delimiting periods expire before that date the period of time to use GI bill benefits for the pursuit of apprenticeship or on-the-job training or, in the case of non-high school graduates, for entitlement-free pursuit of secondary education or vocational objective courses. The delimiting date will be, certainly, a spirited part of the discussion in the process of this bill and its extension or limitation.

The committee bill attempts to target the extension to those Vietnam veterans who are unskilled, unemployed, or underemployed.

Also of concern to the committee are the needs of those Vietnam-era veterans who are educationally disadvantaged, those who were discharged from active duty without having obtained a high school diploma or its equivalent. There was opposition within our committee to the provision for the partial extension, as included in this bill, of the delimiting period. I must admit having personal reservations about such an extension.

The argument is made that the present 10 years is enough and there is no real basis to assume that additional years will encourage those veterans to attend school or to obtain jobs; that readjustment benefits must stop somewhere; and that the present 10-year period is the longest in GI bill history. In 1974, Congress approved an extension of the delimiting period from 8 years to 10 years. At that time, it was generally recognized that, for several years, inadequate benefits made it difficult for many veterans to complete their education in the allotted 8 years.

It should also be pointed out that not all of the veterans organizations favor the delimiting date extension. The official representative of the American Legion stated to our committee that the proposed amendment would not be fair or equitable to the many thousands of veterans whose periods of eligibility have passed, whether or not they have availed themselves of education or training under this benefit. So there is conflict even among veterans groups themselves.

There is a question, as the representative of the Legion pointed out, that this extension would only be available for a limited and selected group of Vietnam-era veterans and we are committed to the ideal that equal service should receive equal benefits.

It is the position of nearly the full committee that something should be done to assist the Vietnam-era veterans who had not taken advantage of the GI bill on time, but who still had serious education-related problems affecting their prospects for jobs. It was understood that the extension should be a one-shot deal to cope with specific problems. Thus, those who served during the 1964–75 period would be allowed to receive assistance for on-the-job training for up to 12 years after discharge. Veterans without a high school diploma would also have 12 years' eligibility for assistance in getting a job or acquiring a job skill through vocational training.

The Congressional Budget Office estimates that the delimiting date extension will cost $24 million in fiscal year 1980. A 4-year total for that feature would be $144 million.

S. 870 contains a number of technical changes in the GI bill, all fully discussed in the report. Examples of those changes are the following: Adding to criteria for approval of vocational study the requirement that at least 50 percent of enrollees complete the course and modifying the requirement that at least 50 percent of those who have completed a course be so employed by requiring that such employment be the primary vocational pursuit and major source of occupational income; providing the VA administrator the authority to waive the 50-percent completion and 50-percent employment rules due to administrative hardship on the educational institution; clarifying and codifying current practices for computation of benefits and charges to entitlement for courses pursued by open-circuit television.

A controversial issue that is, hopefully, corrected in this legislation, that has been of great concern to the VA education program and has caused considerable friction between the educational community and the VA, has been the issue of "seat time" or contact hours, a matter as to what constitutes full-time pursuit of education.

In the bill before us, the committee proposes to clarify the authority of the VA Administrator by specifying a means by which institutions offering full-time courses that are nontraditional in nature may be considered full time for VA benefits. We believe the provision can be tightly construed to avoid abuses that the VA believes could occur. That problem has arisen because, under present VA regulations, a veteran in college must take at least 12 credit hours a semester to be considered a full-time student.

Each credit hour must represent at least 1 hour a week spent by the student in the classroom. But this requirement of 12 hours a week of seat time is contrary to the trend in many schools of giving credit for work done outside the standard classroom setting. It has been the position of many schools that it is their right to determine what is a full-time course load. Consequently, our committee has attempted to resolve the matter, as reasonably and equitably as is humanly possible. My hope is that educational institutions will assert the same reason and equity and not "gimmick" the system in applying such academic standards.

The committee has attempted to correct and clarify many other areas of the GI bill with regard to basic education opportunity grants and supplemental educational opportunity grants—known in the trade as BEOG's and SEOG's, which certainly tests one's knowledge of governmental acronyms—made by HEW in the 85-15 rule, under which enrollment of GI bill trainees is prohibited in courses where more than 85 percent of enrollees are in receipt of assistance from the educational institution, the VA or other Federal agencies. We have had the problem where a number of institutions have loaded up their classrooms with those receiving Federal support in order to receive the maximum in tuition receipts possible, and without appropriate concern for the education or training provided. Hopefully such abuses will thus be avoided by reasonable application of such standards.

We have dealt with the issue of satisfactory progress with the time it takes to complete a program of education.

The criteria under which a veteran may receive benefits for enrollment in an institution of higher learning in a foreign country is clarified to permit enrollment only in foreign academic degree-granting institutions, rather than some far-flung and fashionable watering hole of the world. The VA will now approve enrollment in foreign institutions of higher learning on a case-by-case basis.

The Veterans' Administration proposed legislation to terminate flight and correspondence training, but the committee did not favorably consider a total elimination of such benefits.

I do believe that the VA proposals were very worthwhile.

There have been some serious abuses with regard to flight training and correspondence. I recall well, when I was a student at the University of Wyoming, the attitude of those who were involved in flight training, such as, "Guess what I am doing." And "Guess who's paying for it."

The problems are demonstrated in a study that we have received from the VA that flight and correspondence training programs have not achieved their intended purpose and that they have not led to continuing substantial employment for most trainees, and the courses tended to serve avocational, recreational, or personal enrichment rather than basic readjustment and employment objectives. The VA concluded that because the programs had not achieved their intended purpose and because of the potential for abuse within the programs, they should be terminated.

But before recommending change in the programs, the committee and its staff asked the General Accounting Office to survey a representative sample, or sampling, of GI bill trainees who had completed training or correspondence courses within the last 5 years to determine whether their full-time occupations were really related to the training they had received.

The GAO submitted its report and recommended that the Congress adopt the VA's legislative proposal to terminate GI bill benefits for flight and correspondence training. The GAO found that over $1 billion in educational assistance has been paid by the Veterans' Administration to veterans enrolled in flight and correspondence training since the current GI bill was enacted in 1966.

However, GAO's review of a random sample of veterans who completed such training during a recent 5-year period showed that only about 16 percent of flight-trained veterans and 34 percent of correspondence-trained veterans have full-time jobs related directly to their training.

The GAO submitted a report of its findings supporting the Veterans' Administration that flight- and correspondence-training programs have not achieved their intended purpose—they have not led to continuing substantial employment for most trainees, and, as I say, that they serve avocational, recreational, or personal enrichment, rather than the basic readjustment and employment objectives; and the employment survey reports used for compliance with the 50-percent requirement are "lacking in several respects," meaning not too good.

Our full committee, however, does not propose to eliminate, totally, the benefits of flight and correspondence training. The committee believes that for some veterans, flight training is a legitimate vocational goal. In certain States, such as Alaska and Hawaii, I think I concur with that, that there is a necessity for that training in those two States.

The committee bill then provides as an adjustment or compromise that for flight training the reimbursement rate should drop from 90 percent to 60 percent of the cost of completed training. Veterans pursuing flight training, however, will also be eligible for VA educational loans up to $2,500 per year to help make up the difference between total tuition and the amount reimbursed.

It would provide that $1,000 of the loan amount would be canceled in the event a veteran is employed full time for at least 1 year in a flight-related occupation within 5 years after completing training. Any additional 3-month period of employment subsequent to the 1-year period and within the 5-year period would qualify the veteran for cancellation of an additional $250 of the loan amount, a kind of repayment credit.

I think that the enactment of those provisions would curb the abuse of the GI bill benefits by veterans pursuing flight training for recreational purposes by providing assurance that the veteran has a substantial financial stake in the pursuit of flight training.

Correspondence training is another matter, just make it so that we authorize that type of training for those the administrator determines that no other type of training is "reasonably and feasibly available for successful pursuit of the vocational objectives sought."

There are people who simply cannot use the GI bill benefits under any circumstances whatsoever without correspondence training, and it was felt it should continue to be available to them.

Enactment of the provisions in this bill relating to flight training would save $27.7 million in 1980 as estimated by the Congressional Budget Office. In fiscal 1980, $3.3 million would be saved. These are very definite advantages to the budget.

Of course, I well realize that when savings, or elimination of programs, or cutting back governmental programs are proposed, opposition surfaces in royal fashion. As legislators, we are urged by our constituents to reduce spending and cut back on the nonessentials. We are constantly reminded of the need and importance of economy in government. At the same time, interested persons and special interest organizations jealously guard their benefits and programs. So, a judgment had to be made.

I think the committee proposes an opportunity to make significant savings of taxpayers' funds and at the same time retain the purposes of the GI bill with the full knowledge, if there is anything I have noted in my time here, it is this, that we have always met the needs of veterans and, more particularly, certainly met the needs of the Vietnam-era veterans.

We will have several amendments that will be brought to the attention of this body. I urge careful listening to the debate on those amendments.

I think the Senate Committee on Veterans' Affairs, on which I am very proud to serve as ranking minority member, under the able chairman (Mr. **CRANSTON**), has addressed a number of perplexing problems related to the GI bill. These amendments that will be presented, I think, deserve consideration and support, as does the legislation itself.

We recognized fully that all problem areas have not been addressed with recommended changes. But I think the legislation represents, as a committee judgment—and I must admit to having to compromise on many issues—a much-improved Veterans Educational Assistance Program.

I urge full and careful consideration of the proposal, and request support and assistance of my colleagues in effecting this necessary legislation.

I thank the Chair.

Mr. BOSCHWITZ. Will the Senator yield?

Mr. SIMPSON. Indeed, I will yield to my colleague (Mr. Boschwitz).

Mr. BOSCHWITZ. Mr. President, I compliment the chairman of the Veterans' Committee and the distinguished ranking member of the Veterans' Committee.

Only he could deal with the question of BOG's and SOG's and seat time, of which we have much around here, I might say.

Mr. President, I rise to commend the committee on its foresight in including the language of section 101 of S. 870, the GI Bill Amendments of 1979. That is the section that extends the time that GI benefits are available to people who have been subject to the disease of alcoholism.

Although section 101 is only a small part of a very complex piece of legislation, for many Americans suffering from the disease of chemical dependency, the language which the committee has added to the bill provides hope in a world of despair. Specifically, the committee language provides that "an alcohol or drug dependence or abuse disability from which the veteran has recovered shall not be considered to be the result of willful misconduct. "From which the veteran has recovered"—so that it adds some incentive to the idea of overcoming this illness.

I am personally aware of the problems caused by the VA's current practice of considering chemical dependency to be "willful misconduct" because of the case of a young man from St. Paul, Minn., named Dennis Curran.

Dennis is 32 years old, a veteran of the Vietnam war, and freely admits that he started drinking when he was 15. He hit the bottom shortly after leaving the service, partly because of the great difficulty Vietnam veterans have had moving back into the mainstream of society, but mainly because that was exacerbated by his alcoholism.

In 1975, Dennis decided to deal with his problem. He checked into a treatment center, quit drinking, and has been dry ever since. He now is married, has two young children, and is working on a degree at the University of Minnesota.

That brings us to the cause of Dennis Curran's difficulty and that is that the language of this bill will make such education available to him. Because of his alcoholism, Mr. Curran failed to take advantage of his GI bill benefits within the 10-year eligibility period that is now required. He therefore applied for an extension of his delimiting date, based on the VA's policy of permitting extensions when the failure to take advantage of the benefits is due to illness.

Unfortunately, existing VA policy, for benefits purposes, defines alcoholism not as a disease but as "willful misconduct." We have talked to the Veterans' Administration on several occasions, and they certainly are most cooperative, and they want to change the rules. The rules, however, are rather old, as I will point out later. Therefore, Mr. Curran and many other young men and women who have recovered from the disease of alcoholism are unable to obtain their GI benefits.

Mr. President, the time has long since passed since chemical dependency was viewed as a sign of moral weakness. Today virtually all medical and psychological authorities agree that chemical dependency is an illness—a treatable illness.

Indeed, the medical authorities within the VA itself view chemical dependency as an illness and have a good record in treating dependent veterans. But because of outdated language dating back 45 years—one of the very first rulings the VA made concerned the fact that chemical dependency was willful rather than a disease—because of language dating back 45 years, at a time when our understanding of dependency problems was minimal, the VA is unable to treat alcoholism as a disease when it comes to dispersing benefits.

Dennis Curran is just one example of a man who has served his country well only to find himself locked in a personal battle with a debilitating disease. Fortunately, he was able to overcome his illness.

We should be proud of people like Dennis, who have exhibited a willingness to overcome the disease that has afflicted them, and we should be willing to help them in the same spirit that America always has shown for its veterans.

Our support for the committee language in section 101 will be in keeping with that spirit.

Mr. CRANSTON. I am delighted to yield such time as he may need to our distinguished colleague from West Virginia (Mr. Randolph), an outstanding member of this committee and a great friend of America's veterans.

Mr. RANDOLPH. Mr. President, I am grateful for the opportunity of working with the members of our Senate Committee on Veterans' Affairs, and to share a responsibility with the chairman, Alan Cranston and, of course, another Alan who, in this instance, is even taller inches-wise than Alan is. I believe that Senator Simpson would be taller if they were to stand side by side.

But in no way was I facetious when I said this because the statute of the two men and others, who work in these fields of veterans' assistance through education programs, is such that they are making a notable contribution to writing the legislation here today, and hopefully this legislation can be passed by nightfall.

Mr. President, we are considering important legislation which would revise and improve the GI bill benefits program, which is the largest single Federal program providing post-secondary education.

S. 870, the GI bill Amendments Act of 1979, was reported by the Veterans' Affairs Committee on July 27. It is my privilege to be a member of the committee and a cosponsor of the proposed bill.

The bill will provide for a 3-year extension of the time in which certain Vietnam era veterans have to pursue their education. It also will provide certain adjustments in the survivors and dependents program; make modifications in the flight and correspondence training programs; and provide various related administrative and technical amendments.

During the consideration of the measure an amendment will be offered by Senator Cranston, myself and others, which would increase the rates of GI bill benefits by 15 percent effective September 1, 1980. The last upward adjustment occurred on October 1, 1977, almost 3 years ago.

It should be noted that with each increase in educational assistance rates, participation in the program has increased. This increase will be an investment in our future.

In West Virginia the increased rates of participation between the World War II program and the current Vietnam era bill is over 20 percent.

Since the Servicemen's Readjustment Act of 1944 was signed by President Roosevelt, the GI bill and successor programs have provided education and training for 17.7 million veterans of World War II, the Korean conflict, the post Korean period and the Vietnam era and their survivors and dependents.

I strongly urge my colleagues to support our GI bill increase amendment.

Additionally, I urge my colleagues to support an amendment to be offered by Senator Thurmond, which would elevate the Office of Deputy Assistant Secretary of Labor For Veterans Employment to that of a full Assistant Secretary.

In an effort to assist unemployed veterans, and especially hard core unemployed veterans of the Vietnam era, the Veterans' Education and Employment Assistance Act of 1976 created within the Department of Labor a separate agency, the Veterans Employment Service. The original Senate langauge proposed that the Service be headed by an Assistant Secretary of Labor, however, the House downgraded that position to Deputy Assistant Secretary.

The upgraded position would significantly increase the ability of the Veterans Employment Service to deal effectively with governmental and private sector veterans employment problems.

Now, I do not want to pass pleasantries, but I said at the beginning that I appreciated the work done by Alan Cranston and Alan Simpson, the chairman of the committee and the ranking minority member of the committee. We are not a large committee in numbers, but I can say that in this committee, in the years I have been privileged to share the responsibility of the work by that group, that, very frankly, I have yet to see the first surfacing of what I call partisan politics. I think there have been differences, and understandably so. But in working with the problems of the veterans, we have understood that our responsibility was very real, and we think of not only the veterans but their dependents.

I am just saying once again that we have a good committee, good membership, and good leadership. And that includes, of course, the staff members. Sometimes we overlook mentioning them. We speak of them rather hurriedly. But I am thinking of Jonathan Steinberg, Ed Scott, and Babette Polzer.

**Mr. CRANSTON.** Mr. President, I thank the Senator from West Virginia very much for his statement, for his very fine work on veterans' matters, and for his very generous remarks about my work in this area. I know that the Senator was one of my predecessors as chairman of the committee handling all veterans' matters for many years.

**Mr. RANDOLPH.** We had only a subcommittee, if you will remember.

**Mr. CRANSTON.** I certainly recall that very well.

**Mr. RANDOLPH.** The House, of course, had the committee, but we had a subcommittee. It was felt by many Members of the Senate that it was not a matter of trying to do what the House was doing, per se, but that the veterans of this country needed a standing committee in the Senate of the United States.

**Mr. CRANSTON.** It was my pleasure to follow the Senator as one of the chairmen of that subcommittee before we got the full committee. I know that the subcommittee under the Senator's leadership, did some very, very great work for the veterans of our country.

**Mr. RANDOLPH.** I thank my colleague.

**Mr. SIMPSON.** Mr. President, may I just say that it suddenly came to me as rather unique that Senator CRANSTON, Senator RANDOLPH, and Senator THURMOND are here together on the floor—I admit the only colleagues on the floor. I just want to state that there is the same aura of camaraderie and courtesy in the Veterans' Affairs Committee as I find on my membership on the Environment and Public Works Committee, of which Senator RANDOLPH is chairman.

He (Senator RANDOLPH) has been a source of great counsel, advice, wisdom, and good humor for me. I am deeply appreciative of his guidance. It is a distinct pleasure in the first year of my first term to serve on two committees with this most extraordinary and courteous gentleman. I thank the Chair.

### UP AMENDMENT NO. 913

(Purpose: To modify certain definitions of various categories of veterans for certain employment assistance purposes and to facilitate VA debt-collection and program-study efforts by authorizing the disclosure of certain information to consumer reporting agencies)

**Mr. CRANSTON.** Mr. President, I send a committee amendment to the desk and ask for its immediate consideration.

**The PRESIDING OFFICER** (Mr. BRADLEY). The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), on behalf of the committee, proposes an unprinted amendment numbered 913.

**Mr. CRANSTON.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 19 and 20, insert the following new title:

### TITLE VII—VETERANS' EMPLOYMENT ASSISTANCE ADJUSTMENTS

SEC. 701. Chapter 41 is amended by—

(1) amending section 2001 by—

(A) amending paragraph (1) to read as follows:

"(1) The term 'eligible veteran' has the same meaning provided in section 2011(4) of this title."; and

(B) redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively, and inserting after paragraph (1) the following new paragraphs:

"(2) The term 'veteran of the Vietnam era' has the same meaning provided in section 2011(2) of this title.

"(3) The term 'disabled veteran' has the same meaning provided in section 2011(3) of this title.

"(4) The term 'special disabled veteran' has the same meaning provided in section 2011(1) of this title."; and

(2) amending section 2007 by—

(A) inserting "veterans of the Vietnam era, and disabled veterans," after "duty," in subsection (a)(1); and

(B) amending the second sentence of subsection (c) to read as follows: "The report shall include, by State, the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, of each of these, the number who were referred to jobs, the number who were placed in permanent jobs, the number who were referred to and the number who were placed in employment and job training programs supported by the Federal Government, the number who were counseled, and the number who received some reportable service.".

SEC. 702. Chapter 42 is amended by—

(1) amending section 2011 to read as follows:

"As used in this chapter—

"(1) The term 'special disabled veteran' means (A) a veteran who is entitled to compensation under laws administered by the Veterans' Administration for a disability rated at 30 per centum or more, or (B) an eligible veteran as defined in paragraph (4)(B) of this section.

"(2) The term 'veteran of the Vietnam era' means an eligible veteran—

"(A) who served on active duty at any time during the Vietnam era, and

"(B)(i) whose delimiting period under section 1662 (a)(1) (b), or (e), as appropriate, of this title for educational assistance under chapter 34 of this title has been expired for a period of less than two years, or

"(ii) who does not meet the nature of discharge or release requirements for educational assistance under chapter 34 of this title but whose delimiting period for such assistance under such chapter would not have expired had such veteran met such disclosure or release requirements on the date of such veteran's discharge or release from active duty and had such veteran not suffered from a physical or mental disability at any time. Such term does not include a retired member of the Armed Forces (as defined in section 2108(5) of title 5) unless such member is a disabled veteran or unless such member was retired in a grade below major or the equivalent thereof.

"(3) The term 'disabled veteran' means (A) a veteran who is entitled to compensation under laws administered by the Veterans' Administration, or (B) an eligible veteran as defined in paragraph (4)(B) of this section.

"(4) The term 'eligible veteran' means a person who (A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty because of a service-connected disability.

"(5) The term 'department or agency' means any department or agency of the Federal Government or any federally owned corporation." and

(2) amending section 2012 by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other provision of this chapter, a veteran of the Vietnam era as defined in part in section 2011(2)(A) of this title (but not including a veteran excluded from such definition by the second sentence of section 2011(2) of this title) shall be considered to be a veteran of the Vietnam era for the purposes of this section until the expiration of (1) the applicable period during which such veteran would be considered a veteran of the Vietnam era under section 2011(2) of this title, or (2) a period of two years beginning on the date of the enactment of this subsection, whichever occurs later.".

SEC. 703. (a) Chapter 41 is amended by—

(1) amending section 2001(5), as redesignated by section 701(1)(B) of this title, by striking out "the" the first place it appears and inserting in lieu thereof "The";

(2) amending section 2001(6), as redesignated by section 701(1)(B) of this title, by inserting "the Commonwealth of the Northern Mariannas Islands," after "the Virgin Islands,"; and

(3) amending section 2003 by

(A) striking out in the fourth sentence "manpower" and inserting in lieu thereof "employment";

(B) inserting "system" after "public employment service" each time it appears; and

(C) striking out in clause (6) of the fifth sentence "that eligible veterans receive special consideration when required" and inserting in lieu thereof "compliance with the provisions of such Act relating to veterans".

(b) Chapter 42 is amended by—

(1) amending section 2012 by—

(A) amending the catchline to read as follows:

"§ 2012. Veterans' affirmative action under Federal contracts"; and

(B) inserting "special" after "qualified" in the first sentence of subsection (a); and

(C) inserting "special" after "If any" in the first sentence of subsection (b) and striking out "veterans who is entitled to disability compensation under the laws administered by the Veterans' Administration" and inserting in lieu thereof "disabled veteran".

(2) amending section 2013 by

(A) amending the catchline to read as follows:

"§ 2013. Eligibility requirements for veterans under Federal employment and training programs;" and

(B) striking out "a veteran (as defined in section 101(2) of this title) who served on active duty for a period of more than 180 days or was discharged or released from active duty for a service-connected disability" and inserting in lieu thereof "an eligible veteran"; and

(C) striking out "any manpower training program assisted under the Manpower Development and Training Act of 1962, or any other manpower" and inserting in lieu thereof "any employment or training program assisted under the Comprehensive Employment and Training Act of 1973, or any other employment or" and

(3) amending section 2014 by—

(A) striking out "Civil Service Commission" and "Commission" each place such terms appear and inserting in lieu thereof "Office of Personnel Management" and "Office", respectively;

(B) striking out in subsection (b) (2) "has the meaning given such term in section 2011 (2) (A)" and inserting in lieu thereof "means an eligible veteran (as defined in section 2011(4) of this title) who served on active duty at any time during the Vietnam era";

(C) striking out in subsection (c) "Public Law 93–112 (87 Stat. 391)" and inserting in lieu thereof "the Rehabilitation Act of 1973 (29 U.S.C. 791(b))"; and

(D) striking out in subsection (e) "such Public Law 93–112" and inserting in lieu thereof "the Rehabilitation Act of 1973 (29 U.S.C. 791(d))"; and

(4) amending the table of sections at the beginning of such chapter by striking out the items relating to sections 2012 and 2013 and inserting in lieu thereof the following:

"2012. Veterans' affirmative action under Federal contracts.
"2013. Eligibility requirements for veterans under Federal employment and training programs.".

SEC. 704. The Secretary of Labor shall assure that any veteran who is made ineligible for employment assistance under chapter 41 of title 38, United States Code, by virtue of the amendments made by section 701(a) (1) of this Act shall be provided with the employment assistance and services made available under the provisions of the Wagner-Peyser Act (29 U.S.C. 49–49k), the Comprehensive Employment and Training Act (29 U.S.C. 801–999), and other applicable provisions of law.

## TITLE VIII—DISCLOSURES OF CERTAIN INFORMATION BY THE VETERANS' ADMINISTRATION

SEC. 801. Section 3301 of title 38, United States Code, is amended by—

(1) inserting "or in preparation for" after "In" in clause (5) of subsection (b);

(2) redesignating subsection (g) as subsection (h) and inserting after subsection (f) the following new subsection:

"(g) (1) Subject to the provisions of this paragraph, the Administrator may, pursuant to regulations which the Administrator shall prescribe, release the name and address of an individual to a consumer reporting agency when necessary for the purpose of—

"(A) locating such individual when (i) such individual is administratively determined to be indebted to the United States by virtue of participation in any veterans' benefits program carried out under this title, or (ii) the Administrator determines under such regulations that (I) it is necessary to locate such individual in order to conduct a study pursuant to section 219 of this title or a study required by any other provision of law, (II) such individual's inclusion in such study and the cost of such inclusion, in light of any other alternatives reasonably available to develop information necessary for such study and the costs of such alternatives and any possible consequences for such individual resulting from such release, clearly warrant such release, and (III) the release of such information and of the fact that the Administrator has inquired as to such individual's present address (in order that any such study may be conducted) will not create a substantial risk of being construed as indicating that such individual is indebted to the United States or of otherwise having an adverse effect on such individual's credit worthiness, credit standing, or credit capacity; or

"(B) obtaining a consumer report in order to assess the ability of an individual so indebted to the United States to repay the indebtedness when the Administrator determines under such regulations that such individual has failed to respond appropriately to administrative efforts to collect such an indebtedness;

and may so release to such agency for either such purpose such other information as the Administrator determines under such regulations is reasonably necessary to identify such individual, but not including any information indicating expressly or implicity any indebtedness to the United States or any other information reflecting adversely on such individual. Prior to making any such release, the Administrator shall, to the maximum extent practicable and under such regulations, determine that such agency (including any consumer reporting agency described in paragraph (4) (B) (i) of this subsection to which such information is to be transmitted by a consumer reporting agency described in paragraph (4) (B) (ii) (I) of this subsection) maintains and reports information of the character involved in such release in such a manner as not to indicate in its file on such individual or in any consumer report issued or other disclosure made by it that an inquiry by the Veterans' Administration pursuant to this paragraph indicates the existence of an indebtedness to the United States or otherwise reflects adversely on such individual. A consumer reporting agency to which the Administrator releases information under this paragraph may not, on the basis of such information, indicate by any such recording or notation in such file or in any consumer report issued or disclosure made by such agency the existence of such indebtedness or any other information reflecting adversely on such individual's credit worthiness, credit standing, or credit capacity. Any willful failure of such consumer-reporting agency or of any employee of such agency to comply with the requirements set forth in the preceding sentence shall be punishable in the same manner prescribed for the violation described in the last sentence of subsection (f) of this section.

"(2) (A) When the Administrator determines under such regulations that an individual has failed to respond appropriately to reasonable administrative efforts to collect an indebtedness described in paragraph (1) (A) (i) of this subsection, the Administrator may release information relating to such indebtedness and the identity and address of such individual to one or more consumer reporting agencies for the purposes of making such information available for inclusion in consumer reports regarding such individual and, if necessary, of locating such individual if—

"(i) the individual has been provided reasonable notice of such individual's right to dispute through prescribed administrative processes the existence or amount of such indebtedness and the right to request a waiver of such indebtedness pursuant to section 3102 of this title, has been provided with a reasonable opportunity to exercise such rights, and the Administrator has made a determination with respect to any such challenge or request; and

"(ii) sixty calendar days have elapsed following the mailing to such individual at such individual's most currently available address of notice of the Administrator's intent to release such information for such purposes, notice of the name and address of each consumer reporting agency to which such release will be made by the Administrator, and the specific information intended to be released.

"(B) Following the release of information under subparagraph (A) of this paragraph—

"(i) the Administrator shall notify each consumer reporting agency (including each consumer reporting agency described in paragraph (4) (B) (i) of this subsection to which the Administrator has caused such information to be transmitted by a consumer reporting agency described in paragraph (4) (B) (ii) (I) of this subsection) to which such information has been released by the Administrator of any substantial change in the status or amount of such indebtedness by the end of the calendar month following the calendar month during which such change occurs and shall, upon the request of any such consumer reporting agency for verification of any or all information so released, promptly provide verification or correction, as appropriate, of such information; and

"(ii) if the Administrator determines that the individual concerned had not, prior to such release of information, received a communication from the Veterans' Administration providing such individual with actual notice of the indebtedness and the rights and the opportunity described in subparagraph (A) (i) of this paragraph, any information in the possession of a consumer reporting agency indicating that such indebtedness is delinquent or past due shall, notwithstanding any other provision of law, be deemed to be inaccurate for purposes of section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i), and the Administrator shall immediately advise such individual and each consumer reporting agency (including each consumer reporting agency described in paragraph (4) (B) (i) of this subsection to which the Administrator has caused such information to be transmitted by a consumer reporting agency described in paragraph (4) (B) (ii) (I) of this subsection) to which the Administrator has released information relating to such indebtedness that any such indication is inaccurate for purposes of such section and advise such individual of the provisions of such section.

"(3) No contract entered into for any of the purposes of this subsection, and no action taken pursuant to any such contract or this subsection shall result in the application of section 552a of title 5 to any consumer reporting agency or employee thereof.

"(4) For the purposes of this subsection—

"(A) The terms 'consumer report' and 'file' shall have the meaning provided in subsections (d) and (g) of section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a (d) and (g)), respectively.

"(B) The term 'consumer reporting agency' (i) shall have the meaning provided in subsection (f) of section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), and (ii) shall also mean any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of (I) obtaining credit information or other information on consumers from consumer reporting agencies (as defined in subsection (f) of section 603 of such Act) for the purpose of furnishing such information to third parties, or (II) serving as a marketing agent under arrangements enabling third parties to obtain such information from such agencies."; and

(3) amending subsection (h), as redesignated by clause (2) of this section, by striking out "Any" and inserting in lieu thereof "Except as provided in subsection (g) (3) of this section, any".

Mr. CRANSTON. Mr. President, this amendment, which I am offering on behalf of the Committee on Veterans' Affairs, would add two new titles to S. 870 as reported from committee: A new title VII—Veterans' Employment Assistance Adjustment, and a new title VIII—disclosure of certain information by the Veterans' Administration—identical to S. 1518 as reported by our committee. I would like to outline the provisions of these two proposed titles.

### TITLE VII—VETERANS' EMPLOYMENT ASSISTANCE AMENDMENTS

Mr. President, the new title VII proposed by the committee amendment derives from oversight and confirmations hearings held by the committee on March 12, and May 23, 1978, and June 9 and 17, 1977, and would amend provisions of chapters 41 and 42 of title 38. These two chapters form the basic framework for services provided to unemployed veterans by the Department of Labor through the Veterans' Employment Service, mandate administrative controls to assure special services to unemployed veterans, and authorize the mandatory listing/affirmative action program under Federal contracts for Vietnam-era veterans and disabled veterans.

### BACKGROUND

Mr. President, the definition issue has been of concern to me and the other members of the committee for a number of years. As far back as 1977, the issue was framed by Secretary Marshall, in a letter to me suggesting the need for legislative action in this regard. The problem has been raised and discussed in the last year at two hearings—the confirmation of the Deputy Assistant Secretary of Labor for Veterans' Employment on March 12, 1979, and the veterans' employment oversight hearings on May 23. The development of this legislation has been discussed with officials of the Department of Labor who basically share our concerns in this area.

I would like to outline briefly the purpose and major elements of the amendments that would be made by the proposed title VII.

### MODIFICATION OF DEFINITIONS

First, the title VII amendments would modify certain definitions of various categories of veterans so as to provide consistency between chapters 41 and 42. Hopefully, this consistency will lead to better assistance and services for veterans. The categories defined by the amendment are: Eligible veteran, veteran of the Vietnam era, disabled veteran, and special disabled veteran.

### MINIMUM-SERVICE REQUIREMENT

In this regard, Mr. President, I would like to highlight one element of the proposed amendment which is significant. With respect to the present law definition of "eligible veteran" for the purposes of chapter 41, the amendment would add a minimum-length-of-service requirement—181 days. Under current law, Mr. President, an individual is considered an eligible veteran for the purposes of chapter 41 assistance regardless of whether or not he or she served 2 days or 2 years on active duty. Given constraints on time and resources available within the public employment service system, it makes good policy sense to target assistance on those most in need of services—that is, those who have been out of the labor market for a significant period of time and those who incurred a disability during their service. Thus, the amendment would require an individual—unless released from service because of a service-connected disability—to have served about 6 months on active duty in order to be an eligible veteran.

In connection with this proposed minimum-service requirement, Mr. President, I note that there are a variety of programs conducted under other authorities—such as the Wagner-Peyser Act and CETA—that are designed to help the jobless. These individuals who do not meet the new chapter 41 180-day requirement would be eligible generally for assistance under these programs—not as an eligible veteran, but as an unemployed person. The amendment would require the Secretary to assure that these individuals have an opportunity to secure this assistance from other programs that are generally available.

### REPEAL OF 48-MONTH LIMITATION

The second major element of title VII would be the repeal of the 48-month limit on the eligibility of Vietnam-era veterans for the affirmative action/mandatory listing assistance under Federal contracts, which is provided for by section 2012 in chapter 42.

Under current law, in order to be considered an eligible veteran of the Vietnam-era under this program, a veteran must have served during the Vietnam era—August 5, 1964 through May 7, 1975—and must be within 48 months of discharge or release. As a result of this 48-month limitation, only those discharged since November 1975 are currently considered eligible veterans of the Vietnam era for the purposes of the affirmative action/mandatory listing program. This means that less than 20 percent of those veterans who served during the conflict in Vietnam and only about 9 percent of those who served in the Vietnam theater are eligible for the section 2012 assistance.

In lieu of the 48-month limitation, the committee amendment would provide for eligibility generally for the period ending 12 years after the individual's discharge or release from service—that is, for 2 years after the expiration of a veteran's 10-year delimiting period for GI bill benefits—or for a minimum of 2 years after the date of enactment.

Mr. President, the provision is tied to the delimiting period in this way for three reasons: First, because the delimiting period has become a fairly standard measure of the readjustment period during which the readjustment benefits under the GI bill are afforded basically to help the veteran into a meaningful job; second, to assure a full measure of assistance through this program for the individual whose delimiting date is deferred either on account of disability—as provided in section 1662(a) of title 38—or by virtue of the upgrading of a nonqualifying discharge—as provided in section 1662(b); and third, to assure that this chapter 42 job assistance is available in conjunction with the new VA readjustment counseling program over the next several years.

In addition, Mr. President, the amendment would specifically exclude, from eligibility as veterans of the Vietnam era, retired members of the Armed Forces unless they have a service-connected disability or held a rank lesser than major or its equivalent at the time of retirement. This is consistent with the exclusion of these individuals for veterans preference purposes for civil service positions, as enacted last year by Public Law 95–454, the Civil Service Reform Act of 1978.

### RETROACTIVE UNIVERSAL COVERAGE

Mr. President, when section 2012 was enacted in 1972, effective January 1, 1973, the 48-month limitation had the effect of excluding those veterans of the Vietnam era who were discharged prior to 1969—or roughly one-third of those who served. In addition, those discharged from 1969 through 1972 were not eligible for a full 4-year period of assistance. These are the veterans who served during the height of the conflict in Vietnam.

Mr. President, in this regard, the commitee amendment would expand eligibility for the section 2012 program to assure that all veterans of the Vietnam era who served at least 181 days and were released from service with other than a dishonorable discharge are provided with eligibility and that such eligibility is for at least a 2-year period—beginning on the date of enactment—of eligibility for the affirmative action/mandatory listing program.

### ADMINISTRATIVE APPLICATION OF NEW DEFINITIONS

Mr. President, these new provisions could, we believe, be relatively easily administered for the purposes of determining eligibility of Vietnam-era veterans for the affirmative action/mandatory listing program. For the first 2 years following enactment, eligibility may easily be determined by establishing the minimum length of service, rank at time of discharge, and service during the Vietnam era. Thereafter, eligibility may be established by reviewing a veteran's report of separation from active duty—DD 214—to determine whether the veteran has been out of the service for less than 12 years. If the veteran has been out of the service for more than 12 years, eligibility would then have to be established by determining whether the veteran ever received an extension of the delimiting period on account of disability or as a result of having his or her discharge upgraded.

### PROVISIONS CONTAINED IN THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Mr. President, the provisions of this amendment, by virtue of a cross-reference added to CETA by the Comprehensive Employment and Training Act of 1978—Public Law 95–524—would have a very limited narrowing effect for the purposes of CETA programs by excluding nondisabled, retired military personnel of the rank of major or above. In this regard, I note that there is serious concern over the provision in section 3 (31) of CETA that includes in the definition of Vietnam-era veteran only those 35 years of age or less. Since the enactment of this definition in 1977, in connection with Public Law 95–93, the Youth Employment and Demonstration Projects Act of 1977, the average age of veterans of the Vietnam era has increased to 32 years, and the needs of the Vietnam-era veteran over age 35 are growing as evidenced by increases in the rates of unemployment for this age category. However, the jurisdiction of the Senate Veterans' Affairs Committee does not extend to the provisions of CETA. That responsibility lies with the Committee on Labor and Human Resources, on which I also serve, and this amendment would make no change in these particular CETA provisions. However, it is anticipated that amendments to CETA will be considered in the next session of the 96th Congress and, as a member of that committee, I will do my utmost to assure that this issue is appropriately resolved at that time.

Mr. President, these are the primary issues addressed in new title VII as proposed by the committee amendment. I ask unanimous consent that a full explanation and analysis—including the changes it would make in existing law—and the text of correspondence from the Department of Labor relating to the subject be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Department of Labor,
*Washington, D.C., September 23, 1977.*

Hon. Alan Cranston,
*U.S. Senate,*
*Washington, D.C.*

Dear Mr. Chairman: Thank you for your inquiry concerning the General Accounting Office's (GAO) followup evaluation of services provided to veterans by the city of Wilmington, Delaware. Please forgive our delay in responding to your questions.

Since the January 23, 1976, final GAO report and the subsequent followup report, a number of corrective actions have been taken by the Philadelphia Regional Office of the Employment and Training Administration (ETA) to make certain that services to all veterans in Wilmington continue to improve. Throughout calendar year 1976, the Department of Labor Federal Representative and the Regional Veterans Employment Representative in Philadelphia have provided technical assistance to and monitored the city of Wilmington Comprehensive Employment and Training Act (CETA) program to assure that veterans remain a priority group in terms of receiving CETA services.

As noted in your letter of April 29, 1977, there was a discrepancy in the count of special veterans served during the period July 1 through December 31, 1976. Wilmington records indicate 31 special veterans served while GAO could verify only 20. The Department of Labor (DOL) reported 32 special veterans served. This variation can only be attributed to the confusion caused by various definitions used to classify veterans. It should be noted here that the title VI CETA program in Wilmington was not operational during the period August 31, 1976, to December 31, 1976.

However, in anticipation of the Public Service Employment expansion in FY 1977 and expanded emphasis on service to veterans, the Federal Representative and the Regional Veterans Employment Representative visited the program during this period to provide intensive technical assistance and minimize any referral, recruitment or certification problems. In an effort to include more veterans in the program and improve linkages, the city of Wilmington CETA staff were provided with names of specific staff in the Employment Service (ES) office and the Veterans Administration Regional Office in Wilmington who could assist them.

The city of Wilmington has been encouraged to work closely with the ES to assure compliance with Section 96.30 of the CETA regulations which concerns the listing of all title VI positions with the ES at least 48 hours before referring other applicants. For the most recent reporting period ending March 31, 1977, the total title VI enrollment in Wilmington was 271, with 50 or 18.5 percent being veterans.

In addition to the Regional Veterans Employment Representative, State Veterans Employment Representatives, and Assistant Veterans Employment Representatives have monitored and evaluated all prime sponsors in the region on a continuing basis and made appropriate recommendations to the prime sponsors and the Federal Representatives in order to improve services to veterans.

Nationally, a number of actions have been undertaken to intensify DOL's commitment to provide services to veterans. For example, in response to the President's Economic Message to Congress that the national enrollment goal of 35 percent of all new public service employment jobs under titles II and VI of CETA be filled by veterans, a field memorandum to all Regional Administrators emphasizing the urgency of similar directives to the State Employment Security Agencies and other involved agencies was issued.

To assist in the actual recruitment of veterans, outreach units staffed by disabled Vietnam-era veterans have been established within the employment services in the 100 largest cities, with at least one in each State. This effort, referred to as the Disabled Veterans' Outreach Program, over the next 18 months will provide not only 2,000 jobs for disabled veterans as outreach workers, but will place an estimated 40,000 additional veterans in jobs. Delaware has a total of five of these outreach workers onboard, with two serving the Wilmington area.

Another Presidential initiative specifically designed to assist veterans is the "Help through Industry Retraining and Employment" (HIRE) program designed as a nationwide program to emphasize employment opportunities primarily for veterans in the private sector and create approximately 100,000 new jobs under CETA title III.

Also on a nationwide basis, the Veterans Employment Service's field staff will continue to actively promote veterans' recruitment efforts with the State ES agencies and CETA prime sponsors and to foster linkages with local veterans' organizations and other community agencies to identify eligible veterans. Additionally, we have requested that the State ES agencies intensify their efforts to locate veterans by screening ES work registration files and reviewing active and inactive Unemployment Compensation for Ex-Servicemen claim records.

In regard to the variety of definitions and categories of veterans, it has been recognized as an administrative and programmatic problem for some time. We welcome this opportunity to provide the Committee with our ideas for resolving this situation. As you may know, the Department has placed this specific matter under high-level study during the 1st session of the 95th Congress as part of its legislative proposal program.

It is felt that we should seek legislative amendments which clarify and define only those categories of veterans which Congress intends to identify for special assistance. Such amendments should result in uniform definitions throughout all veteran-related legislation applicable to DOL's responsibilities and reduce the total number of veteran categories to a manageable two or three, preferably only "eligible veteran" and "disabled veteran." Because of the technical and extensive scope of the matter, it cannot be treated adequately in this correspondence.

Therefore, it is suggested that arrangements be made for appropriate DOL staff, representatives of ETA and the Solicitor of Labor in particular, and Committee staff to join in a working group to pursue the matter in-depth. If you concur, please have your staff contact the office of Mr. Ernest G. Green, Assistant Secretary for Employment and Training. I have asked Mr. Green to alert ETA staff as appropriate concerning this assignment.

In the meantime, ETA is in the process of clarifying these definitions internally in order to minimize the current confusion between the various ETA programs.

If you have need for further information on this matter, please let me know.

Sincerely,

Ray Marshall,
*Secretary of Labor.*

---

### Section-by-Section Analysis of New Title VII, Proposed to be Added to S. 870, the Proposed GI Bill Amendments Act of 1979

### TITLE VII—VETERANS' EMPLOYMENT ASSISTANCE ADJUSTMENTS

New title VII of S. 870 would amend chapters 41, "Job Counseling, Training, and Placement Service for Veterans," and 42 "Employment and Training of Disabled and Vietnam Era Veterans," of title 38, in order to make more compatible the various definitions of categories of veterans and to adjust the eligibility requirements for veterans' employment assistance.

#### *Section 701*

Would amend present chapter 41, relating to job counseling, training, and placement service for veterans.

Clause (1) of section 701 would amend present section 2001, relating to definitions. These definitions would be made by cross-references to definitions in chapter 42, relating to employment and training of disabled and Vietnam-era veterans, as proposed to be amended by section 702(1) of this new title.

Subclause (A) of clause (1) of section 701 would amend present paragraph (1), defining the term "eligible veteran," to require (by cross-reference to section 2011(4) as proposed to be added by section 702(1)), except in the case of an individual who was discharged because of a service-connected disability, a minimum length of service of 181 days. Current law requires no minimum length of service as to eligibility for assistance under chapter 41. The purpose of this new requirement is to assure that the services generally available to veterans under chapter 41 are targeted on those whose service most clearly warrants such assistance and who are most likely to be in need of this assistance—service-connected disabled veterans and veterans who have been absent from the labor market for more than six months. The following other provisions of title 38 currently have 181-day eligibility requirements; section 1652 for GI Bill purposes and section 2011(2) for employment and training assistance for Vietnam-era veterans. According to Department of Defense statistics, this minimum-service requirement would reduce the universe of veterans eligible for services under chapter 41 by approximately 45,000 to 50,000 persons annually. The provisions of section 704 of this proposed title would assure, however, that individuals made ineligible for the assistance provided under the authority of chapter 41 as a result of this new minimum-service requirement would receive services under other appropriate programs of assistance to unemployed persons.

Subclause (B) of clause (1) of section 701 would redesignate present paragraphs (2) and (3), defining the terms "eligible persons" and "State"; as paragraphs (5) and (6) and would add three new paragraphs to present section 2001 to define three categories of veterans for the purposes of chapter 41—"veteran of the Vietnam era", "disabled veteran", and "special disabled veteran". Current law contains no definitions for these three categories in chapter 41. However, present chapter 42 contains definitions of "veteran of the Vietnam era" and "disabled veteran"; these definitions would be modified by section 702 of this proposed title.

The purpose of adding these three new categories of veterans is to target services provided under chapter 41 more specifically on those veterans who are in greatest need and to promote consistency in Labor Department definitions used for administration of chapters 41 and (by virtue of section 702(1) to be added) 42.

New paragraph (2): Would (by cross-reference to section 2011(2) as proposed to be amended by section 702(1) define "veteran of the Vietnam era" as an eligible veteran, as defined in section 2001(1) as proposed to be amended by subclause (A) of section 701(1) of this title, any part of whose service occurred during the Vietnam era and as to whom the GI Bill delimiting period has been expired (or would have been expired had such veteran been eligible for chapter 34 assistance) for a period of no more than two years—generally twelve years after discharge. The definition would specifically not include a retired member of the Armed Forces who retired at or above the rank of major or its equivalent unless he or she is a disabled veteran, as proposed to be defined in new paragraph (3), below. This definition is tied to the delimiting period, rather than to the date of discharge, in order to assure that all veterans concerned receive two years of eligibility for special employment assistance after their opportunities for GI Bill training have expired. This approach would coordinate educational and employment assistance providing adequate time for a veteran to utilize fully his or her GI Bill benefits (generally ten years), which is intended to prepare the veteran for employment, and two years to initiate a job search following completion of an educational objective. Thus, veterans who receive extensions of their delimiting periods on account of disability, or whose delimiting periods extend beyond the normal ten-year period of special employment assistance eligibility following the expirations of their delimiting periods. For example, a veteran discharged in 1970, who is prevented from pursuing a course of education for five years on account of disability and subsequently is granted a five-year extension of the delimiting period, would, within the meaning of the proposed definition, be an eligible veteran of the Vietnam era, until 1987 (rather than only for twelve years after the date of discharge—1982).

Under the proposed definitions, a former serviceperson who served during the Vietnam era and is eligible for employment assistance but not GI Bill benefits, that is, an individual whose discharge does not qualify him or her for GI Bill benefits, would be eligible for employment assistance for basically the same period—generally the twelve-year period following his or her discharge—for which he or she would have been eligible if entitled to GI Bill benefits, without regard to any extension that he or she might have received based on disability.

New paragraph (4): Would (by cross-reference to section 2011(3) as proposed to be added by section 702(1)) define "disabled veteran" as a veteran who is entitled to VA service-connected disability compensation or who was discharged or released from active duty because of a service-connected disability.

New paragraph (4): Would (by cross-reference to section 2011(1) as proposed to be amended by section 702(1)) define "special disabled veteran" as a disabled veteran who is entitled to VA service-connected compensation for a disability rated at 30-percent or more or who was discharged or released because of a service-connected disability.

Clause (2) of section 701 would amend present section 2007, relating to administrative controls and annual reports by the Department of Labor.

Subclause (A) of clause (2) of section 701 would amend subsection (a)(1) of present section 2007 to require the Secretary of Labor to establish administrative controls to assure that each veteran of the Vietnam era and disabled veteran who requests assistance under chapter 41 shall be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance. At present, chapter 41 requires the Secretary to give special attention, through the establishment of administrative controls, to the employment needs of only recently separated veterans. The purpose of the amendment is thus to require the Secretary to assure that special efforts are targeted on the demonstrated needs of Vietnam-era veterans and veterans who suffer from service-connected disabilities, as well as addressing the employment needs of veterans as soon as they become evident following release from service.

Subclause (B) of clause (2) of section 701 would amend subsection (c) of present section 2007 to require that the annual report submitted to the Congress by the Secretary of Labor include numerical breakdowns of the new categories of veterans proposed to be added by section 701(1). This subclause would also make technical amendments in subsection (c) to reflect current terminology in the employment and training area.

### *Section 702*

Would amend present chapter 42, relating to employment and training of disabled and Vietnam-era veterans.

Clause (1) of section 702 would amend present section 2011, relating to definitions, to provide definitions of "special disabled veteran", "veteran of the Vietnam era", "disabled veteran", and "eligible veteran" as described in the above analysis of clause (1) of section 701 to be added. These changes would have the substantive effect of (A) repealing the current-law provision that restricts the scope of the affirmative action and mandatory listing requirements under Federal contracts for Vietnam-era veterans—in present section 2012(a)—to those who have been discharged for less than 48 months—and (B) extending the scope of such assistance to veterans whose GI Bill delimiting periods have been expired for a period of not more than two years (generally those who have been discharged or released for a period of 12 years.

In addition, this provision, in conjunction with new subsection (c) (as proposed to be added by clause (2) of this section), would expand section 2012 coverage to provide first-time eligibility for veterans who were previously never eligible under section 2012—those discharged prior to January, 1969, (i.e., four years before the effective date provided for of the existing provision by section 503 of Public Law 92-540, the Vietnam Era Veterans' Readjustment Assistance Act of 1972). It would also restore eligibility to those Vietnam-era veterans who did not receive a full measure of assistance under section 2012 (48 months of eligibility). It is estimated that this would increase by almost 7 million the number of Vietnam-era veterans eligible for affirmative action/mandatory listing assistance under section 2012, since, for the two years following enactment of this provision, all eligible veterans who served during the Vietnam era would be eligible for such assistance regardless of their date of discharge or release. In this regard, it should be noted that administration of the program would be facilitated for the first two years following enactment because the only criteria for determining eligibility would be a minimum length of service, an other-than-dishonorable discharge, and service during the Vietnam era—all readily ascertainable from a veteran's DD-214 discharge certificate.

Finally, under the proposed definitions since the current GI Bill expires on December 31, 1989, no veteran of the Vietnam era would be eligible for employment assistance under the mandatory listing/affirmative action program after December 31, 1991.

(This amendment, by virtue of a cross-reference in the Comprehensive Employment Training Assistance Act of 1978 (Public Law 95-924) (CETA) to section 101(31) would have a very limited narrowing effect for the purposes of CETA by excluding non-disabled, retired military personnel of the rank of major or above in the same way as these persons were excluded from veterans' preference eligibility under title 5, United States Code, by virtue of section 307(a) of P.L. 95-454, the Civil Service Reform Act of 1978.)

Clause (2) of section 702 would amend present section 2012, relating to veterans' employment emphasis under Federal contracts, by redesignating present subsection (c) as subsection (d) and adding a new subsection (c), as follows:

New subsection (c): Would make any eligible veteran who served on active duty at any time during the Vietnam-era (but not including a military retiree of the rank of major or above unless he or she is a disabled veteran) eligible for employment assistance under section 2012 (mandatory listing/affirmative action) for a period of at least two years. Thus, this provision would assure that those who are being restored to eligibilty for such assistance or who are being made eligible for the first time would be provided no less than two years of eligibility despite the fact that, by virtue of their dates of discharge or release, they would satisfy the definition of "veteran of the Vietnam era" (as proposed to be added by section 702 (1)) for a shorter period of time or not at all.

### *Section 703*

Would make a series of technical and conforming changes to chapters 41 and 42 to reflect the changes proposed to be made by sections 701 and 702 and to update terminology describing federal employment assistance programs.

### *Section 704*

Would require the Secretary of Labor to assure that any veteran who is made ineligible for services under chapter 41, as a result of the imposition of the minimum length of service requirement proposed to be added by section 701(1)(A), is provided with employment services through and in accordance with other appropriate employment and training provisions, such as the services provided generally through the United States Employment Service or the activities of prime sponsors under CETA. The purpose of this amendment is to assure that these individuals are perceived as fully eligible for and provided the opportunity to benefit from assistance from other appropriate sources generally available in the labor market even though they would not be eligible for chapter 41 services.

## Changes in Existing Law Made by S. 870 as Further Amended

In accordance with paragraph 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### TITLE 38—UNITED STATES CODE

* * * * *

### Part III—Readjustment and Related Benefits

* * * * *

### Chapter 41—Job Counseling, Training, and Placement Service for Veterans

Sec.
2001. Definitions.
2002. Purpose.
2002A. Deputy Assistant Secretary of Labor for Veterans' Employment.
2003. Assignment of veterans' employment representative.
2004. Employees of local offices.
2005. Cooperation of Federal agencies.
2006. Estimate of funds for administration; authorization of appropriations.
2007. Administrative controls; annual report.
2008. Cooperation and coordination with the Veterans' Administration.

#### § 2001. Definitions

For the purposes of this chapter—

(1) The term "eligible veteran" [means a person who served in the active military, naval, or air service and who was discharged or released therefrom with other than a dishonorable discharge] *has the same meaning provided in section 2011(4) of this title.*

*(2) The term "veteran of the Vietnam era" has the same meaning provided in section 2011(2) of this title.*

*(3) The term "disabled veteran" has the same meaning provided in section 2011(3) of this title.*

*(4) The term "special disabled veteran" has the same meaning provided in section 2011(1) of this title.*

[(2)](5) [the] *The* term "eligible person" means—

(A) the spouse of any person who died of a service-connected disability.

(B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this chapter, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power, or

(C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence.

[(3)] *(6)* The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, *the Commonwealth of the Northern Mariannas Islands* and the Trust Territory of the Pacific Islands.

#### § 2002. Purpose

The Congress declares as its intent and purpose that there shall be an effective (1) job and job training counseling service program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and eligible persons and that, to this end policies shall be promulgated and administered by a Deputy Assistant Secretary of Labor for Veterans' Employment, established by section 2002A of this title, through a Veterans' Employment Service within the Department of Labor, so as to provide such veterans and persons the maximum of employment and training opportunities through existing programs, coordination and merger of programs and implementation of new programs.

#### § 2002A. Deputy Assistant Secretary of Labor for Veterans' Employment

There is established within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment, appointed by the President by and with the advice and consent of the Senate, who shall be the principal advisor to the Secretary of Labor with respect to the formulation and implementation of all departmental policies and procedures to carry out (1) the purposes of this chapter, chapter 42, and chapter 43 of this title, and (2) all other Department of Labor employment, unemployment, and training programs to the extent they affect veterans.

#### § 2003. Assignment of veterans' employment representative

The Secretary of Labor shall assign to each State a representative of the Veterans' Employment Service to serve as the veterans' employment representative, and shall further assign to each State one assistant veterans' employment representative per each 250,000 veterans and eligible persons of the State veterans population, and such additional assistant veterans' employment representatives as the Secretary shall determine, based on the data collected pursuant to section 2007 of this title, to be necessary to assist the veterans' employment representative to carry out effectively in that State the purposes of this chapter. Each veterans' employment representative and assistant veterans' employment representative shall be an eligible veteran who at the time of appointment shall have been a bona fide resident of the State for at least two years and who shall be appointed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 of subchapter III of chapter 53 of such title, relating to classification and general schedule pay rates. Each such veterans' employment representative and assistant veterans' employment representative shall be attached to the staff of the public employment service *system* in the State to which they have been assigned. They shall be administratively responsible to the Secretary of Labor for the execution of the Secretary's veterans' and eligible persons' counseling and placement policies through the public employment service *system* and in cooperation with [manpower] *employment* and training programs administered by the Secretary or by prime sponsors under the Comprehensive Employment and Training Act in the State. In cooperation with the public employment service *system* staff and the staffs of each such other program in the State, the veterans' employment representative and such representative's assistants shall—

(1) be functionally responsible for the supervision of the registration of eligible veterans and eligible persons in local employment offices for suitable types of employment and training and for counseling and placement of eligible veterans and eligible persons in employment and job training programs;

(2) engage in job development and job advancement activities for eligible veterans and eligible persons, including maximum coordination with appropriate officials of the Veterans' Administration in that agency's carrying out of its responsibilities under subchapter IV of chapter 3 of this title and in the conduct of job fairs, job marts, and other special programs to match eligible veterans and eligible persons with appropriate job and job training opportunities;

(3) assist in securing and maintaining current information as to the various types of available employment and training opportunities, including maximum use of electronic data processing and telecommunications systems and the matching of an eligible veteran's or an eligible person's particular qualifications with an available job or on-job training or apprenticeship opportunity which is commensurate with those qualifications;

(4) promote the interest of employers and labor unions in employing eligible veterans and eligible persons and in conducting on-job training and apprenticeship programs for such veterans and persons;

(5) maintain regular contact with employers, labor unions, training programs, and veterans' organizations with a view to keeping them advised of eligible veterans and eligible persons available for employment and training and to keeping eligible veterans and eligible persons advised of opportunities for employment and training;

(6) promote the participation of veterans in Comprehensive Employment and Training Act programs and monitor the implementation and operation of Comprehensive Employment and Training Act programs to assure [that eligible veterans receive special consideration when required] *compliance with the provisions of such Act relating to veterans;* and

(7) assist in every possible way in improving working conditions and the advancement of employment of eligible veterans and eligible persons.

* * * * *

#### § 2007. Administrative controls; annual report

(a) The Secretary of Labor shall establish administrative controls for the following purposes;

(1) To insure that each eligible veteran, especially those veterans who have been recently discharged or released from active duty, *veterans of the Vietnam era, and disabled veterans,* and each eligible person who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance such veteran's and eligible person's employment prospects substantially, such as individual job development or employment counseling services.

(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary of Labor to be inadequate.

(b) The Secretary of Labor shall establish definitive performance standards for determining compliance by the State public employment service agencies with the provisions of this chapter and chapter 42 of this title. A full report as to the extent and reasons for any noncompliance by any such State agency during any fiscal year, together with the agency's plan for corrective action during the succeeding year, shall be included in the annual report of the Secretary of Labor required by subsection (c) of this section.

(c) The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, the [number] *numbers* of [recently discharged or released] eligible veterans, veterans [with service-connected disabilities, other eligible] *of the Vietnam era, disabled veterans, special disabled* veterans, and eligible persons who [requested] *registered* for assistance [through] *with* the public employment service *system* and of *each of* these, the number [placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training and public service employment under appropriate Federal law] *who were referred to jobs, the number who were placed in permanent jobs, the number who were referred to and the number who were placed in employment and job training programs supported by the Federal Government, the number who were counseled, and the number who received some reportable service.* The report shall also include any determination by the Secretary under section 2004, 2006 and 2007(a), of this title and a statement of the reasons for such determination.

* * * * *

## Chapter 42—EMPLOYMENT AND TRAINING OF DISABLED AND VIETNAM ERA VETERANS

Sec.
2011. Definitions.
2012. Veterans' [employment emphasis] *affirmative action* under Federal contracts.
2013. Eligibility requirements for veterans under [certain] Federal [manpower] *employment and* training programs.
2014. Employment within the Federal Government.

### § 2011. Definitions.

As used in this chapter—

(1) The term "*special* disabled veteran" means [a person] *(A) a veteran who is* entitled to [disability] compensation under laws administered by the Veterans' Administration for a disability rated at 30 per centum or more, or [a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty] *(B) an eligible veteran as defined in paragraph (4)(B) of this section.*

[(2) The term "veteran of the Vietnam era" means a person (A) who (i) served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era, and (B) who was so discharged or released within the 48 months preceding the person's application for employment covered under this chapter.]

*(2) The term "veteran of the Vietnam era" means an eligible veteran—*

*(A) who served on active duty at any time during the Vietnam era, and*

*(B)(i) whose delimiting period under section 1662 (a)(1)(b), or (e), as appropriate, of this title for educational assistance under chapter 34 of this title has been expired for a period of less than two years, or*

*(ii) who does not meet the nature of discharge or release requirements for educational assistance under chapter 34 of this title but whose delimiting period for such assistance under such chapter would not have expired had such veteran met such disclosure or release requirements on the date of such veteran's discharge or release from active duty and had such veteran not suffered from a physical or mental disability at any time thereafter.*

*Such term does not include a retired member of the Armed Forces (as defined in section 2108(5) of title 5) unless such member is a disabled veteran or unless such member was retired in a grade below major or the equivalent thereof.*

*(3) The term "disabled veteran" means (A) a veteran who is entitled to compensation under laws administered by the Veterans' Administration, or (B) an eligible veteran as defined in paragraph (4)(B) of this section.*

*(4) The term "eligible veteran" means a person who (A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty because of a service-connected disability.*

[3]*(5)* The term "department [and] *or* agency" means any department or agency of the Federal Government or any federally owned corporation.

### § 2012. Veterans' [employment emphasis] *affirmative action* under Federal contracts

(a) Any contract in the amount of $10,000 or more entered into by any department or agency for the procurement of personal property and non-personal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States shall take affirmative action to employ and advance in employment qualified *special* disabled veterans and veterans of the Vietnam era. The provisions of this section shall apply to any subcontract entered into by a prime contractor in carrying out any contract for the procurement of personal property and non-personal services (including construction) for the United States. In addition to requiring affirmative action to employ such veterans under such contracts and subcontracts and in order to promote the implementation of such requirement, the President shall implement the provisions of this section by promulgating regulations within 60 days after the date of enactment of this section, which regulations shall require that (1) each such contractor undertake in such contract to list immediately with the appropriate local employment service office all of its suitable employment openings, and (2) each such local office shall give such veterans priority in referral to such employment openings.

(b) If any *special* disabled veteran or veteran of the Vietnam era believes any contractor has failed or refuses to comply with the provisions of the contractor's contract with the United States, relating to the employment of veterans, or if any *disabled* veteran [who is entitled to disability compensation under the laws administered by the Veterans' Administration] believes that any such contractor has discriminated against such veteran because such veteran is a handicapped individual within the meaning of section 7(6) of the Rehabilitation Act of 1973 (29 U.S.C. 706(6)) such veteran may file a complaint with the Veterans' Employment Service of the Department of Labor. Such complaint shall be promptly referred to the Secretary who shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of such contract and the laws and regulations applicable thereto.

(c) *Notwithstanding any other provision of this chapter, a veteran of the Vietnam era as defined in part in section 2011(2)(A) of this title (but not including a veteran excluded from such definition by the second sentence of section 2011(2) of this title) shall be considered to be a veteran of the Vietnam era for the purposes of this section until the expiration of (1) the applicable period during which such veteran would be considered a veteran of the Vietnam era under section 2011(2) of this title, or (2) a period of two years beginning on the date of the enactment of this subsection, whichever occurs later.*

[(c)]*(d)* The Secretary shall include as part of the annual report required by section 2007(c) of this title the number of complaints filed pursuant to subsection (b) of this section, the actions taken thereon and the resolutions thereof. Such report shall also include the number of contractors listing suitable employment openings, the nature, types, and number of positions listed and the number of veterans receiving priority pursuant to subsection (a)(2) of this section.

### § 2013. Eligibility requirements for veterans under [certain] Federal [manpower] *employment and* training programs

Any (1) amounts received as pay or allowances by any person while serving on active duty, (2) period of time during which such person served on such active duty, and (3) amounts received under chapters 11, 13, 31, 34, 35, and 36 of this title by [a] *an eligible* veteran [as defined in section 101(2) (of this title) who served on active duty for a period of more than 80 days or was discharged or released from active duty for a service-connected disability], and any amounts received by an eligible person under chapters 13 and 35 of such title, shall be disregarded in determining the needs or qualifications of participants in any public service employment program, any emergency employment program, any job training program assisted under the Economic Opportunity Act of 1964, any [manpower] *employment or* training program assisted under the [Manpower Development and Training Act of 1962, or any other manpower] *Comprehensive Employment and Training Act of 1973, or any other employment or* training (or related) program financed in whole or in part with Federal funds.

### § 2014. Employment within the Federal Government

(a) It is the policy of the United States and the purpose of this section to promote the maximum of employment and job advancement opportunities within the Federal Government for qualified disabled veterans and veterans of the Vietnam era.

(b)(1) To further the policy stated in subsection (a) of this section, veterans of the Vietnam era shall be eligible in accordance with regulations which the [Civil Service Commission]. *Office of Personnel Management* shall prescribe, for veterans readjustment appointments, and for subsequent career-conditional appointments, under the terms and conditions specified in Executive Order Numbered 11521 (March 26, 1970), except that—

(A) such an appointment may be made up to and including the level GS-7 or its equivalent;

(B) a veteran of the Vietnam era shall be eligible for such an appointment without any time limitation with respect to eligibility for such an appointment; and

(C) a veteran of the Vietnam era who is entitled to disability compensation under the laws administered by the Veterans' Administration or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty shall be eligible for such an appointment without regard to the number of years of education completed by such veteran.

(2) In this subsection, the term "veteran of the Vietnam era" [has the meaning given such term in section 2011(2)(A)] *means an eligible veteran (as defined in section 2011(4) of this title) who served on active duty at any time during the Vietnam era.* [of this title].

(3) No veterans readjustment appointment may be made under authority of this subsection after September 30, 1981.

(c) Each department, agency, and instrumentality in the executive branch shall include in its affirmative action plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality as required by section 501(b) of [Public Law 93–112 (87 Stat. 391] *the Rehabilitation Act of 1973 (29 U.S.C. 791(b))* a separate specification of plans (in accordance with regulations which the [Civil Service Commission]. *Office of Personnel Management* shall prescribe in consultation with the Administrator, the Secretary of Labor, and the Secretary of Health, Education, and Welfare, consistent with the purposes, provisions, and priorities of such Act) to promote and carry out such affirmative action with respect to disabled veterans in order to achieve the purpose of this section.

(d) The [Civil Service Commission] *Office of Personnel Management* shall be responsible for the review and evaluation of the implementation of this section and the activities of each such department, agency, and instrumentality to carry out the purpose and provisions of this section. The [Commission] *Office* shall periodically obtain and publish (on at least a semiannual basis) reports on such implementation and activities from each such department, agency, and instrumentality, including specification of the use and extent of appointments made under subsection (b) of this section and the results of the plans required under subsection (c) of this section. Each report under the preceding sentence shall include in the specification of the use and extent of appointments made under subsection (b) of this section the following information (shown for all veterans and separately for veterans described in subsection (b)(1)(C) of this section and other veterans):

(1) The number of appointments made under such subsection since the last such report and the grade levels in which such appointments were made.

(2) The number of individuals receiving appointments under such subsection whose appointments were converted to career conditional appointments, or whose employment under such an appointment has terminated, since the last such report, together with a complete listing of categories of causes of appointment terminations and the number of such individuals whose employment has terminated falling into each such category.

(3) The number of such terminations since the last such report that were initiated by the department, agency, or instrumentality involved and the number of such terminations since the last such report that were initiated by the individual involved.

(4) A description of the education and training programs in which individuals appointed under such subsection are participating at the time of such report.

(e) The [Civil Service Commission] *Office of Personnel Management* shall submit to the Congress annually a report on activities carried out under this section, except that, with respect to subsection (c) of this section, the [Commission] *Office* may include a report of such activities separately in the report required to be submitted by section 501(d) of [such Public Law 93–112] *the Rehabilitation Act of 1973 (29 U.S.C. 791(d))*, regarding the employment of handicapped individuals by each department, agency, and instrumentality.

(f) Notwithstanding section 2011 of this title, the terms "veteran" and "disabled veteran" as used in subsection (a) of this section shall have the meaning provided for under generally applicable civil service law and regulations.

### VA DISCLOSURES OF CERTAIN INFORMATION FOR DEBT-COLLECTION PURPOSES

Mr. CRANSTON. Mr. President, the committee amendment would also add a new title VIII to S. 870. The new title VIII is derived from S. 1518 as reported today by our committee—Senate Report No. 96–555.

Mr. President, on July 16, 1979, I introduced that bill, at the administration's request, to amend section 3301 of title 38 of the United States Code to authorize the Veterans' Administration to disclose to consumer reporting agencies in order to facilitate VA debt-collection efforts the names and addresses of persons indebted to the VA by virtue of participation in any VA benefits program.

On August 2, 1979, the committee held a hearing on S. 1518 and matters relating to VA debt-collection efforts. At the hearing, which was chaired by Senator SIMPSON, the ranking minority member of the committee, the committee received testimony from Guy H. McMichael III, General Counsel of the Veterans' Administration; Larry L. Simms, Deputy Assistant Attorney General, and Jane Restani, Assistant Director, Commercial Litigation Branch, Civil Division of the Justice Department; Ron Lauve, Associate Director, Human Resources Division of the General Accounting Office; and representatives of AMVETS, the American Civil Liberties Union, and the Associated Credit Bureaus, Inc. Written testimony was received from the American Legion, the Disabled American Veterans, and the Paralyzed Veterans of America.

Mr. President, after carefully reviewing the testimony received by the committee and the written comments and other documents, the committee voted by poll, completed on December 7, 1979, to report favorably S. 1518 with an amendment in the nature of a substitute. The committee first had voted by poll to add the text of the committee substitute as a committee floor amendment to S. 870 as reported. Thus, I am now offering the provisions of S. 870 as reported as a new title VIII in our committee amendment.

### SUMMARY OF COMMITTEE AMENDMENT

Mr. President, the new title VIII as proposed in the committee amendment would amend section 3301 of title 38, United States Code, relating to the confidentiality of information in VA files, to authorize the VA to disclose names, addresses, and certain other information to consumer reporting agencies—credit bureaus—including certain entities, known as service bureaus and marketing agents, which act as intermediaries for persons seeking to obtain reports from such agencies—for the purposes of facilitating VA debt-collection efforts and locating veterans in order to carry out studies authorized by section 219 of title 38 or required by other Federal law. Included in the committee amendment are provisions which would:

First, authorize the Administrator of Veterans' Affairs to release to consumer reporting agencies (CRA's), pursuant to regulations which the Administrator must prescribe, the names and addresses of and other necessary identifying information pertaining to individuals who have been administratively determined to be indebted to the United States, as a result of participation in a VA benefits program, in order to obtain current address information or consumer reports, which the VA would use for purposes of determining the debtor's ability to pay the debt. In disclosing identifying information other than the individual's name and address, the Administrator would not be authorized to disclose any information that would indicate expressly or implicitly that the individual is indebted to the United States or would otherwise reflect adversely on the individual. Also, prior to making any disclosure for these purposes, the Administrator would be required to determine that the information disclosed would not be recorded or reported by the CRA to which it was being disclosed directly by the VA in such a way as to suggest that the VA inquiry indicates the existence of an indebtedness or otherwise reflects adversely on the individual.

In addition, the CRA to which the VA made direct disclosure would be prohibited from indicating in its files and reports that the VA inquiry indicates an indebtedness or is otherwise adverse to the individual's credit rating and a willful violation by a CRA or one of its employees of that prohibition would be punishable by a fine of up to $5,000 for the first offense and up to $20,000 for a subsequent offense.

Second, authorize the Administrator to release to a CRA the name and address and other necessary identifying information pertaining to an individual when the Administrator determines that such disclosure is necessary to locate the individual in order to carry out program evaluation studies pursuant to section 219 of title 38 or studies required by any other provision of law. Such disclosures would be authorized with all the same safeguards as are proposed for disclosures for the purposes of obtaining current address information on those indebted to the VA. In addition, prior to making disclosure, the Administrator would be required to determine that the individual's inclusion in the study—in light of other alternatives reasonably available to develop information necessary for the study and the comparative costs of any alternatives, and the possible consequences for the individual of the disclosure—clearly warrant the disclosure, and that neither the release of the information nor the fact of the inquiry would create any substantial risk that the individual's credit rating would be adversely affected.

Third, authorize the Administrator, pursuant to regulations which the Administrator must prescribe, after an individual has failed to respond appropriately to reasonable administrative efforts to collect the debt, to disclose information relating to the debt and the individual's identity and address for the purpose of affecting the individual's credit rating.

Fourth, protect an individual from unfair treatment by requiring that, prior to disclosing information pertaining to an indebtedness, the VA must provide notice to the individual of its intention to make the disclosure, inform the individual of his or her right to dispute the existence or amount of the debt or seek to have it waived, provide the individual with an opportunity to exercise such rights, make a determination with respect to any such challenge or request, and that, at least 60 days before disclosure, the VA must give notice to the individual of the specific information to be disclosed and the CRA's to which the VA would make disclosures.

Fifth, require the VA to notify promptly each CRA to which it has disclosed debt information of any change in the status or amount of the debt and provide, upon the request of a CRA for verification, prompt verification or correction of any information released by the VA.

Sixth, provide that, if, after disclosure of an indebtedness, the individual demonstrates to the VA that he or she never received actual notice from the VA regarding the indebtedness or regarding the right and opportunity to dispute the debt or seek a waiver, such information indicating that the indebtedness is delinquent would be deemed inaccurate for purposes of section 611 of the Fair Credit Reporting Act, which provides a right to the individual to dispute inaccurate information and requires the CRA to reinvestigate disputed information. In addition, the VA would be required immediately to advise the individual and the CRA's involved of the fact that the information is to be deemed inaccurate and to advise the individual of his or her remedies, including the right to have the CRA provide notice of correction to certain others who have been provided the inaccurate information.

Seventh, provide an exemption from the Privacy Act—5 U.S.C. 552a—with respect to the CRA's handling of information disclosed to them under the provisions of the committee amendment.

Eighth, authorize the VA to disclose information "in or in preparation for" litigation in order to make clear the VA's authority to make disclosure necessary in connection with collections of any claims prior to the filing of a suit.

### BACKGROUND

Mr. President, during the past year, there has been heightened concern about the effectiveness of Federal debt collection efforts. These efforts have been the subject of a number of reports prepared by the General Accounting Office.

The need to enhance the VA's ability to collect the sizable amount of overdue debts owed to it by persons indebted to the VA as a result of participation in a VA benefits program is evident. These debts arise primarily from overpayments of educational assistance benefits and, to a lesser extent in terms of dollar value, from defaults on education loans.

On May 11, 1978, the GAO issued a report, entitled "Improvement Needed in VA's Education Loan Program." The report included recommendations to the Administrator of Veterans' Affairs for improving the collection of VA education loan defaults such as instructing regional offices to offset defaulted loans against current benefits wherever possible and developing strongly worded collection letters specifically tailored to the education loan program.

Mr. President, the VA, having previously studied many of those issues, concurred in most of the GAO recommendations and in May 1978 issued new guidelines which address many areas of concern cited in the GAO report, including the use of offsets against current or future benefit payments and revisons of collection letters.

On February 23, 1979, the GAO issued a report entitled "The Government Can Be More Productive in Collecting Its Debts by Following Commercial Practices." This report indicated that, by adopting certain private sector practices such as referring information about debts to credit bureaus and using credit bureau locator services to locate debtors and collection agencies to obtain repayments, the Federal Government could more effectively collect debts owed to it. The VA concurred in the use of vigorous collection efforts for debts owed for VA benefits programs. The agency also indicated that it was seeking legislation to permit the use of consumer reporting agencies in this regard, but that it favored the use of the Federal Government's own collection resources prior to referring information to consumer reporting agencies.

Mr. President, another GAO report, issued on March 9, 1979, entitled "The Government Can Collect Many Delinquent Debts by Keeping Federal Tax Refunds as Offsets," examined the feasibility of offsetting debts owed to the Federal Government by reducing or withholding the income tax refunds which were due to debtors.

In addition, on April 30, 1979, the GAO and the Department of Justice modified their jointly issued guidelines on Federal claims collection practices to require Federal agencies to implement procedures for reporting delinquent debts to commercial credit bureaus. S. 1518 as introduced and the committee amendment are responsive to the goals of these guidelines.

### CURRENT VA EFFORTS TO COLLECT DEBTS

Mr. President, as of October 31, 1979, the VA was undertaking active collection efforts to recover $414 million owed to it as a result of educational assistance overpayments, and active collection efforts have been terminated on debts totaling $192 million from 1966 to the present. Also, as of the end of September 1979, the VA was owed $16 million as a result of education loan defaults. More than 1.1 million cases of indebtedness to the VA are represented in these figures.

Currently, the VA's administrative debt-collection process involves sending out computer-generated collection letters to debtors. These letters notify the debtor of the opportunity to dispute the amount or existence of the debt, to have the debt waived or compromised, or to pay the debt on a repayment plan. However, many debtors do not respond to these demand letters, and in those instances further collection efforts depend on the amount of the debt.

Mr. President, where the debt owed the VA is $600 or more, the VA may refer the debt to the Department of Justice for consideration for collection litigation. However, under regulations issued by the Department of Justice and the General Accounting Office under the Federal Claims Collection Act, the VA is prevented from referring debts of less than $600 for consideration for collection litigation except in very limited circumstances. Thus, until recently, this left the VA with little recourse to collect debts under $600—generally only the very limited prospect of withholding a benefit or applying the debt to a benefit in those few cases in which the debtor is receiving or applying for a VA benefit.

Mr. President, to provide a further means of pursuing the collection of debts under $600, the VA, pursuant to a November 20, 1979, memorandum of understanding with the Department of Justice, is presently initiating at 10 locations a pilot project under which the VA will use its own attorneys to pursue collection actions in court against those whose debts are less than $600. To support this new effort, the Senate Committee on Appropriations Subcommittee on HUD Independent Agencies recommended fiscal year 1980 appropriations of $472,000 for 30 additional VA employees. The Committee on Appropriations approved that recommendation and, in its report accompanying H.R. 4394, the HUD-Independent Agencies Appropriation Act for fiscal year 1980, directed the VA to proceed with the pilot project. The Appropriation Act, as signed into law as Public Law 96-103 on November 5, 1979, included the recommended funding for the 30 employees needed for the pilot project.

Mr. President, several months prior to November 1979, the VA had been attempting to reach a sufficiently clear understanding with the Department of Justice to enable the VA to initiate a pilot project, but the negotiations had stalled. Thus, last fall, I urged that the process be expedited and was very pleased that the new head of the Department's Civil Division, recently confirmed—then acting—Assistant Attorney General Alice Daniel, took swift action, together with VA General Counsel Guy H. McMichael III, to move the matter forward.

I am very pleased that the memorandum of understanding for this test program has been provided and am very hopeful that it will be successful, not just in recovering funds through litigation but in providing further motivation for voluntary repayments as well as developing a system for possible application in other litigation situations involving the U.S. Government.

Mr. President, I ask unanimous consent that the memorandum be inserted in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

### DEPARTMENT OF JUSTICE, VETERANS' ADMINISTRATION, MEMORANDUM OF UNDERSTANDING

1. This memorandum sets forth procedures for the conduct of a one-year test program designed to collect educational assistance overpayments in cases where the amounts owed to the United States are less than $600. The Veterans' Administration has informed the Department of Justice that it intends to conduct the program at the following Veterans' Administration Regional Offices: Boston, Chicago, New York, Newark, Atlanta, Detroit, Houston, Denver, San Francisco, Los Angeles.

The area of jurisdiction for each Regional Office is attached. Upon agreement of the parties to this Memorandum of Understanding, additional Regional Offices may be added.

2. Except as indicated below, Veterans Administration personnel will have primary responsibility to pursue collection efforts. This authority will include the authority to file suit and conduct litigation in federal district courts or state courts and to compromise or close claims or pending litigation.

3. The Federal Claims Collection Standards, 4 C.F.R., Chapter II, will remain generally applicable to the processing of cases in the test program. A determination to file suit will be made only after exhausting the procedures, set forth in the Standards, designed to effect administrative collection. Prior to filing suit, a final demand letter will be sent. Such letters will be sent only in those cases where the Veterans' Administration is prepared to file suit promptly.

4. The Veterans' Administration and the Department of Justice recognize the need for full cooperation between the Veterans' Administration and the Department of Justice. Such cooperation will, *inter alia*, permit the Veterans' Administration to draw upon the expertise of the United States Attorneys regarding local rules and practices. The Veterans' Administration will obtain the concurrence of the United States Attorneys in those districts in which the test program is to be conducted. If concurrence is withheld by a United States Attorney, the Veterans' Administration will notify the Civil Division of the Department of Justice, which will attempt to obtain such concurrence. As part of the consultation and cooperation between the Veterans' Administration and the Department of Justice, the Veterans' Administration will seek the advice of the United States Attorneys on such questions as whether to file suits in state or federal courts. To avoid the imposition of undue burden on court dockets, the United States Attorney has the authority to place restrictions on the time of the filing of the actions.

5. In any case in which substantial legal issues are raised (such as the construction or constitutionality of federal statutes or issues which might affect enforcement policies of government-wide significance), the Veterans' Administration will promptly notify the Civil Division. In such cases, the Department of Justice will have the right to assume primary litigative responsibility.

6. The Veterans' Administration will furnish to the Civil Division and the local United States Attorneys, at least quarterly, reports containing, by judicial districts, at least the following information: the number of claims in which final demand letters have been sent; number of claims in which repayment or repayment plans have been achieved; number of suits filed and the results of such suits.

7. The Veterans' Administration will furnish to the local United States Attorneys copies of all pleadings, motions, legal memoranda, orders, and opinions. The Veterans' Administration will furnish to the Civil Division a sufficient sampling of such documents from each district as will keep the Civil Division generally apprised of the nature of the documents which are being filed.

8. Nothing in this memorandum shall affect the authority of the Solicitor General to authorize or to decline to authorize appeals or petitions by the government to any appellate courts. A copy of any order or judgment adverse to the government shall be sent promptly to the Civil Division. The Civil Division shall be promptly notified of any case in which an order or judgment favorable to the government has been appealed by the defendant. The conduct of appeals remains under the control of the Department of Justice.

9. The commitment of personnel by the Veterans' Administration to this test program shall not affect the obligation of the Veterans' Administration to provide the necessary agency support to United States Attorneys in cases not covered by the test program. In the conduct of this test program, regardless of where the primary litigative responsibility is reposed, the Veterans' Administration and Department of Justice will cooperate fully and, as required by 28 U.S.C. § 519, the Attorney General will retain final authority to determine the government's litigation position.

---

### AREA OF JURISDICTION OF TEST STATION REGIONAL OFFICES (BY COUNTY)

Atlanta VA Regional Office: Entire state of Georgia.

Boston VA Regional Office: Entire state of Massachusetts.

Chicago VA regional Office: Entire State of Illinois.

Denver VA Regional Office: Entire state of Colorado.

Detroit VA Regional Office: Entire state of Michigan.

Houston VA Regional Office: Angelina, Aransas, Atascosa, Austin, Bandera, Bee, Bexar, Blanco, Brazoria, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Crockett, DeWitt.

Kinney, Kleberg, LaSalle, Lavaca, Liberty, Live Oak, McCulloch, McMullen, Mason, Matagorda, Maverick, Medina, Menard, Montgomery, Nacogdoches, Newton, Nueces, Orange, Pecos.

Dimmitt, Duval, Edwards, Fort Bend, Frio, Galveston, Gillespie, Golaid, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble.

Polk, Real, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Schleicher, Shelby, Starr, Sutton, Terrell, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Zapata, Zavala.

Los Angeles VA Regional Office: Inyo, Kern, Los Angeles, Orange, Imperial, San Diego, San Bernardino, San Luis Obispo, Santa Barbara, Ventura, Riverside.

San Francisco VA Regional Office: All other counties in California.

Newark VA Regional Office: Entire state of New Jersey.

New York VA Regional Office: Albany, Bronx, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Kings, Montgomery, Nassau, New York, Orange,

Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schohaire, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester.

Mr. CRANSTON. Mr. President, so that all Senators and the public may fully understand the provisions of the committee amendment, I ask unanimous consent that excerpts from the committee report on S. 1518—S. Rept. 96-555—be inserted in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

### EXCERPTS

### DISCLOSURES TO LOCATE DEBTORS OR OBTAIN CONSUMER REPORTS

At the Committee's August 2, 1979, hearing, the VA testified that one of the greatest obstacles to the effectiveness of VA debt-collection efforts is its inability to locate the debtor. The VA indicated that it does not have current addresses on at least 180,000 of those it is attempting to collect debts from and that a high percentage of an additional 653,000 inactive accounts are lacking current addresses.

Although the VA is presently authorized to obtain current address information from Internal Revenue Service files very cheaply (approximately $0.10 per individual) under section 6103(m)(2) of the Internal Revenue Code, the VA's use of IRS-provided addresses is, under the IRS interpretation of that provision, very limited. The addresses may be disclosed only to VA employees engaged in debt-collection efforts and disclosures to non-Federal agencies are not permitted—even for debt-collection purposes. For example, the VA is unable to provide an IRS-provided address to a consumer reporting agency (CRA)—credit bureau—for the purposes of obtaining a consumer report to help evaluate the individual's ability to repay the debt or of giving notice of the debt to CRA's in order to affect the individual's credit rating.

In addition, under existing regulations, 4 CFR 105.3, the VA must, in referring a debt to the Department of Justice for collection action, provide evidence of the debtor's ability to repay. At present, the VA uses a contractor to obtain asset and income information by interviewing the debtor or the debtor's family or neighbors. In accordance with the VA's interpretation of current law, the contractor may not redisclose the VA-provided address information in order to obtain information for such reports. These reports cost an average of about $5.75, which is payable even where no useful information is obtained; according to the GAO, in fiscal year 1978 the debtor was not located and no useful information was developed in 42 percent of the cases.

According to the VA, legislation authorizing it to disclose names and addresses to CRA's would enable the VA to obtain the needed information more readily and economically—at a cost of less than $2.50 per case.

### *Authorization to disclose names and addresses*

In order to allow the VA to disclose names and addresses for these purposes without the limitations attached to the use of IRS-provided addresses, the Committee bill would authorize the VA to disclose to CRA's the names and addresses of persons administratively determined to be indebted to the United States by virtue of participation in a VA benefits program for the purpose of obtaining from CRA's current address information or a consumer report which the VA would then use to pursue debts-collection efforts.

For the purposes of the provisions of the Committee bill, the definition of CRA's would include certain entities—known as "service bureaus" or "marketing agents"—which serve as intermediaries between large numbers of smaller CRA's and those who wish to purchase services, such as locator services or consumer reports, from such CRA's or to report delinquent-debt information to them. The use of such intermediaries by the VA would be much more efficient and cost-effective than the establishment of unassisted, direct contacts with the many hundreds of small credit bureaus that it otherwise would be necessary for the VA to deal with in order to obtain complete access to data on all the individuals concerned. Thus, this authorization—and all other authorizations in the Committee bill—to disclose information to CRA's would include authority to make disclosures to such intermediaries.

### *Authorization to disclose identifying information other than name and address*

In many cases, the individual's name and former address will not be sufficient information to enable a CRA to identify the individual or distinguish him or her from others with the same name or similar names. Thus, other identifying information, such as date of birth and social security number, would generally be necessary, and the Committee bill would authorize the release of other identifying information that the Administrator determines is reasonably necessary, but not including any information that would indicate directly or implicitly that the individual is indebted to the VA or would otherwise reflect adversely on the individual.

### *Safeguards*

In addition, since the legislation does not authorize that a disclosure to obtain current address information or a consumer report may be used for the purposes of giving notice of an indebtedness or otherwise affecting the individual's credit rating, the Committee bill would also require the Administrator to determine, to the maximum extent practicable, that the CRA's to which the VA releases the information will not record or report such information in such a way as to suggest that the VA inquiry indicates the existence of an indebtedness or otherwise reflects adversely on the individual's credit rating. The Committee bill would also prohibit the CRA's to which the VA releases such information from indicating in their files and reports that the VA inquiry indicates an indebtedness or is otherwise adverse. A willful violation by a CRA or CRA employee of this prohibition would be punishable in the same manner as willful violations of the prohibition in existing subsection (f) of section 3301 of title 38 against the unauthorized disclosure by non-VA entities of names and addresses released to them by the VA under that subsection—a fine of up to $5,000 for the first offense and up to $20,000 for a subsequent offense.

In this respect, it is the Committee's intention that the VA will make such disclosures to CRA's that have the capability and practice of recording and reporting such inquiries as nonadverse or nonevaluated information. In the Committee's view, the VA could easily determine a CSA's capability and practice in this regard by an examination of sample consumer reports and the CRA's employees' manual or similar document, or by a demonstration conducted on the CRA's data processing equipment.

The Committee stresses that it understands that this safeguard provision—designed to assure that the VA selects CRA's with appropriate standards for the protection of the individuals concerned—does not make the provisions of the Committee bill impractical.

The Committee bill also provides that if, after disclosure, the individual demonstrates to the VA that he or she never received notice from the VA regarding the indebtedness or the right and opportunity to dispute the debt or seek a waiver, information in the possession of a CRA indicating that the indebtedness is delinquent would be deemed inaccurate for purposes of section 611 of the Fair Credit Reporting Act, which provides for the individual to dispute inaccurate information and requires the CRA to investigate disputed information. In addition, the VA would be required immediately to advise the individual and the CRA's involved of the fact that the information is to be deemed inaccurate and to advise the individual of his or her remedies.

### DISCLOSURES TO AFFECT CREDIT RATINGS

Both the VA and the GAO testified strongly in favor of legislation to strengthen the VA's debt-collection efforts by authorizing it to disclose to CRA's, for the purpose of affecting credit ratings, the names and addresses of those who fail to respond appropriately to reasonable administrative efforts to collect debts owed to the VA. In the view of both agencies, VA debt-collection efforts are often hamstrung by the debtor's knowledge that his or her refusal to pay a VA debt will not result in the delinquency becoming part of his or her credit history as would a failure or refusal to pay a commercial debt. In addition, both agencies testified in August that in cases of debts amounting to less than $600, there is evidence that the debtors concerned have been aware that, under VA and Department of Justice policies and practices, litigation to collect debts has been undertaken only if the debt exceeds $600. (The VA's pilot program to pursue litigation with respect to debts under $600 should ameliorate this situation.) Moreover, there is a substantial backlog of debt-collection litigation to be pursued, and court action is taken only against individuals whose whereabouts are known and who are known to have sufficient financial resources available. Thus, it appears that there currently exists little incentive for a substantial number of persons to pay their overdue debts to the VA.

### *Authorization to disclose debt information*

Therefore, in order to provide the VA with generally the same recourse that private creditors have available to encourage timely repayment of debts by affecting debtors' credit ratings, the Committee bill would authorize the VA, when the individual has failed to respond appropriately to reasonable administrative collection efforts, to disclose to CRA's information identifying the individual and pertaining to the indebtedness. Under the Committee bill, the information so disclosed by the VA and CRA's could be redisclosed to other CRA's and to prospective creditors of the individual.

It is the Committee's belief that persons with delinquent indebtedness to the VA will be encouraged by the prospect of disclosure to CRA's and the consequent impact upon their credit ratings to cooperate with the VA in making or arranging to make repayment. In this connection, it is the Committee's understanding from the VA testimony and the Committee's intent that debt information will not be disclosed to CRA's when the individual has indicated a good faith willingness to repay or entered into a repayment agreement or while the individual is attempting to make repayment including efforts to comply with a repayment agreement.

In addition, in cases in which disclosure of debt information is authorized, the Committee bill would authorize the VA both to disclose such information and to request address information in order to enable the VA to use a service—known as a "skip-locator" or "skip-trace" service—which CRA's provide for the purpose of assisting a creditor in locating a debtor whose current address cannot be ascertained. This service consists of the CRA including in its file and reports on a particular individual a notation indicating that a creditor of that individual is unable to locate him or her and wishes to obtain current address information. Subsequently, when a new address of the individual comes to the attention of the CRA—in connection with a request for a consumer report or otherwise—it is automatically matched (usually electronically) with the "skip-locator" notation, and the new information is provided to the creditor. Thus, if the VA was unable to obtain a current address of an individual as to whom disclosure of delinquent-debt information is authorized, it could, on a continuing basis, attempt to obtain new address information through such a service.

### *Safeguards*

In order to protect innocent persons from the disclosure of information erroneously indicating the existence of delinquent indebtednesses and to assure that all persons are dealt with fairly, the Committee bill provides several safeguards in connection with the disclosure of debt information.

First, the Committee bill would require that, before information pertaining to a debt delinquency may be disclosed, the individual must be provided notice of the VA's intention to make the disclosure and of his or her right to dispute the existence or amount of the debt or seek to have it waived, and be given an opportunity to exercise those rights, and the VA must make a determination with respect to any such challenge or request.

Also, at least 60 days before disclosure, the individual must be given notice of the specific information to be disclosed and the consumer reporting agency or agencies to which it will be disclosed.

This advance notice would provide the individual with the opportunity to seek correction of any misinformation. It would also provide the individual with the opportunity to challenge the disclosure of extraneous or unnecessary information that would constitute an undue invasion of the individual's privacy or adversely affect such person's reputation in ways unrelated to his or her failure to repay the indebtedness.

In addition, notice to the individual of the identities of the CRA's to which disclosure would be made by the VA would provide information that may prove useful if the individual wished to exercise his or her right, under section 611 of the Fair Credit Reporting Act (15 U.S.C. 1681i), to have included in his or her file with the CRA information disputing the VA's position or explaining his or her own position in the matter. In this connection, the Committee intends that the VA include in such notices information advising the individual of his or her rights under that section.

The Committee bill would also require the VA to notify promptly each CRA to which it has disclosed debt information of any change in the status or amount of the debt to the agency and would require the VA to provide promptly, upon the request of a CRA for verification, verification or correction of any information released by the VA. At the August 2 hearing, the Associated Credit Bureaus, Inc., testified that prompt VA notification of information regarding any change in the status of a debt and prompt VA verification of any debt information would be essential in terms of fairness to the debtor and the cooperation of CRA's in accepting debt information from the VA.

### DISCLOSURES TO LOCATE VETERANS FOR STUDY PURPOSES

The VA, in its testimony at the August 2 hearing, commented on its present lack of authority to disclose names and addresses from its files in order to obtain current address information from CRA's to locate veterans in order to carry out program evaluation studies authorized by section 219 of title 38 or studies required by other Federal law. The section 219 studies generally involve contacting veterans to determine what VA benefits they have utilized, why they have not utilized some or any benefits, and whether VA programs are accomplishing their intended goals. These studies are generally carried out by agency contractors.

Prior to the Tax Reform Act of 1976 (Public Law 94-455), the VA had been using IRS taxpayer address information to locate veterans in connection with these studies. However, section 6103(m)(2) of the Internal Revenue Code (26 U.S.C. 6103(m)(2)) currently limits IRS disclosures of addresses to the VA to those VA employees engaged in debt-collection efforts and prohibits redisclosures to others or use of the information for non-debt-collection purposes. As a consequence, the VA now has a backlog of studies which it testified it cannot complete without being able to locate large numbers of veterans for whom it does not have current addresses.

Thus, the Committee bill would authorize the VA to disclose information to a CRA when necessary to locate an individual in order to conduct one of these studies and the disclosures would be authorized subject to the same safeguards, described above, proposed for disclosures for the purposes of obtaining current address information or a consumer report on those indebted to the VA. In addition, to help assure that CRA's are not contacted about veterans for this purpose without sufficient justification and to protect against the possibility of a VA inquiry resulting in any harm to the credit ratings of veterans who are not indebted to the VA, the Committee bill would require that, before information is disclosed, the Administrator must determine first that the individual's inclusion in the study—in light of other alternatives reasonably available to develop information necessary for the study and the comparative costs of the alternatives and the possible consequences for the individual resulting from disclosure—warrants the disclosure, and, second, that neither the release of the information nor the fact of the inquiry would create any substantial possibility that the individual's credit rating would be adversely affected. With respect to the requirement that alternatives be weighed, it is the Committee's intention to assure that individual privacy concerns and feasible alternatives not involving disclosure are given appropriate consideration; it is not the Committee's intention generally to impose an onerous requirement of formal detailed cost-benefit analyses.

### PRIVACY ACT EXEMPTION

The Administration-requested bill, S. 1518, included a provision stating that information disclosed under that legislation would not be subject to the Privacy Act. At the August 2 hearing, the Department of Justice was asked to provide, after consulting with the VA and GAO, an opinion as to whether information disclosed by the VA to CRA's under this measure would, in the absence of an express legislative exemption, be subject to the Privacy Act when that information is in the hands of the CRA's. The Justice Department opinion, set forth in an October 10, 1979, letter to the Chairman (included as Appendix A to this report), is that, under 5 U.S.C. 552a(m), if the VA were to disclose information to a CRA under a contractual arrangement and the VA information represents an addition to the agency's files or must be maintained by the agency to perform a contract task through other CRA's, the information would, in the hands of the CRA, be considered a "system of records" maintained for the VA (within the meaning of section 552a(m)) and hence be subject to the Privacy Act. The General Counsel of GAO, however, in a September 27, 1979, letter to the Department of Justice (included as Appendix B to this report), concluded that a VA disclosure of information to a CRA, under the type of contractual arrangement anticipated in carrying out the provisions of the Committee bill, would not result in the applicability of the Privacy Act because such a contract would not require the CRA to operate a "system of records on behalf of VA as required for subsection (m) of the Privacy Act to be applicable."

It is the Committee's understanding that CRA's would not do business with the VA without a contract which, in the view of the Justice Department, would trigger Privacy Act applicability. In addition, it is clear from the testimony at the August 2 hearing and subsequent discussions that, if the VA-provided information in the hands of CRA's *were* considered subject to the Privacy Act, the CRA's would be unwilling to enter into any arrangements with the VA under this legislation because to do so would subject them to Privacy Act requirements and penalties in addition to those under the Fair Credit Reporting Act and thus make doing business with the VA insufficiently financially attractive for the CRA's in this regard.

Thus, in order to assure the VA's ability would be able to make appropriate use of the authorities previously discussed to disclose information to CRA's for debt collection and study purposes, the Committee bill would provide a Privacy Act exemption with respect to the CRA's handling of information disclosed by the VA under the Committee bill provisions. This exemption is included to assure that the overall legislative scheme in the Committee bill is workable and does not indicate the Committee's view that the Privacy Act would necssarily be applicable.

### STRUCTURE OF AMENDMENT TO SECTION 3301

As proposed by the Administration, S. 1518 would have amended subsection (f) of present section 3301 of title 38, to add the release to CRA's of the names and addresses of persons indebted to the VA to the categories of cases in which the release of names and addresses from VA files is authorized. The Committee bill, however, provides in a proposed new subsection (g) for the release of names and addresses and certain other information to CRA's for generally the same purposes as the Administration-requested legislation as well as for the purpose of locating veterans for certain evaluative study purposes. To understand why the Committee has chosen this structural approach and the implications of it requires some discussion of section 3301.

Present section 3301 generally provides for the confidentiality of VA claims information and of the names and addresses in the VA's possession of present and former members of the Armed Forces and their dependents, and specifies various circumstances under which release is authorized. Thus, subsection (a) provides that "[a]ll files, records, reports, and other documents pertaining to any claim" and such names and addresses "shall be confidential and privileged and no disclosure thereof shall be made except as provided in this section." Subsequent subsections create certain exceptions to the general rule of confidentiality with regard to specific types of information and in specific circumstances.

Subsection (e) provides that, "[e]xcept as otherwise specifically provided in this section with respect to certain information, the Administrator may release information when the release would serve a useful purpose." Subsection (e) does not, however, authorize the release of names and addresses because subsection (f) specifically provides for VA release, pursuant to regulations of the Administrator, of "the names and addresses of present and former members of the Armed Forces, and/or their dependents" in two situations: First, "to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under this title," or, second, "to any criminal or civil law enforcement governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such agency or instrumentality has made a written request that such names or addresses be provided for a purpose authorized by law."

In addition, present subsection (g) provides that any disclosure under section 3301 must be in accordance with the provisions of the Privacy Act.

Subsections (e) and (f) have been interpreted by the VA as allowing the combined release of an individual's name and address and other information about the individual when the criteria for release in both subsections and the Privacy Act are satisfied, that is, when the release of the name and address meets the requirements of clause (1) or (2) of subsection (f), the release of other information is determined under subsection (e) to serve a "useful purpose," and the Privacy Act does not bar the release. Thus, in the case *Fitch* v. *Veterans' Administration*, 597 F. 2d 1152 (8th Cir. 1979), the VA released to the Health Division of the State of Oregon the name and address of a veteran together with information pertaining to a convulsive disorder and the individual's sex and date of birth for the purpose of that agency's use to determine the individual's qualifications for operating a motor vehicle. The U.S. Court of Appeals for the Eighth Circuit upheld the VA's action as authorized under the combination of subsections (e) and (f).

Based on this interpretation, the Administration proposed in S. 1518 as introduced to amend subsection (f) to provide for the release of names and addresses to CRA's for the purposes of locating debtors, obtaining consumer reports to assess the debtor's ability to repay the debt, and giving notice of the debt. The intention underlying the Administration draft, the Committee is advised, was to release under subsection (e) other information further identifying the individual, such as date of birth and social security number, and indicating the amount and status of the indebtedness.

The Committee, however, has chosen to provide in one new subsection—proposed new subsection (g) of section 3301, with new present subsection (g) proposed to be redesignated as subsection (h)—comprehensive and unified authorization for the release of information to CRA's for the same general purposes proposed by the Administration and for the purpose of locating veterans in connection with the conduct of evaluative studies. The reasons for the Committee's approach are that the provisions regarding such releases are more understandable when consolidated in one subsection, especially the conditions that the Committee proposes to place on the release to CRA's of information other than names and addresses that would otherwise have to be expressed as further, limited exceptions to subsection (e).

The Committee, however, wishes to emphasize that, in not accepting the Administration's proposed format in S. 1518, the Committee does not intend to imply any disagreement with the VA's interpretation of the combination of subsections (e) and (f) with respect to the disclosure of names and addresses together with other information as approved in the *Fitch* case.

### *Prelitigation disclosures*

As introduced, S. 1518 would also have provided for the disclosure of names and addresses "for use in connection with civil proceedings for collection of" the type of indebtedness covered by this provision. However, the VA already has authority under section 3103(b)(5) to disclose any information in its files "[i]n any suit or other judicial proceeding when in the judgment of the Administrator such disclosure is deemed necessary and proper"; and the VA has agreed that, if section 3103(b)(5) were amended—as the Committee bill proposes to amend it—to make clear that disclosures thereunder could be made "in or in preparation for" litigation, the VA would have adequate and appropriate express authority to make disclosures necessary in connection with collections of any claims prior to the filing of a suit.

### *Cost estimate*

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-150, 91st Congress), the Committee, based on information supplied by the Congressional Budget Office, estimates that the cost *savings* resulting from the enactment of the Committee bill during the first 5 years following enactment would be $10 million in fiscal year 1980; $20 million in fiscal year 1981; $17 million in fiscal year 1982; $13 million in fiscal year 1983; and $10 million in fiscal year 1984. A detailed breakdown of the costs, as estimated by CBO, over the 5-year period follows:

*Congressional Budget Office—cost estimate*

JANUARY 10, 1980.

1. Bill No.: S. 1518.

2. Bill title: None.

3. Bill status: On December 7, 1979 the Senate Veterans' Affairs Committee ordered the bill reported.

4. Bill purpose: To amend title 38, U.S.C., to permit disclosure of names and addresses and other information maintained by the Veterans' Administration to a consumer reporting agency for certain debt collection purposes and for other purposes.

5. Cost estimate: This bill would result in increased collection of debts owed the Federal Government and thus would permit subsequent appropriations action to reduce the budget authority for the Readjustment Benefits Program. Negative "Required Budget Authority" figures represent that amount by which budget authority for the program could be reduced as a result of the bill.

[By fiscal years, in millions of dollars]

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|
| Required budget authority | −10 | −20 | −17 | −13 | −10 |
| Estimated outlays | −10 | −20 | −17 | −13 | −10 |

The savings from this bill fall in function 700.

6. Basis of estimate: This bill would permit the Veterans' Administration to disclose names and addresses of veterans and other information to consumer reporting agencies for debt collection purposes. As of June 30, 1979, the Veterans' Administration was owed an estimated $180 million in terminated education assistance overpayments. It had another $400 million in current overpayments outstanding. CBO expects that collections in both categories would increase because of this provision. Enactment should also act as a deterrent to future defaults on overpayments and loans. In fiscal year 1980, this provision is projected to result in a savings of at least $10 million to the Federal Government as a result of increased collections net of administrative costs.

[By fiscal years, in millions of dollars]

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|
| Required budget authority | −10 | −20 | −17 | −13 | −10 |
| Estimated outlays | −10 | −20 | −17 | −13 | −10 |

The bill also contains clarifying and conforming amendments with no budgetary impact.

7. Estimate comparison: None.

8. Previous CBO estimate: This bill has been estimated previously as a possible amendment to S. 870 by Senator Alan Cranston (cost estimate date, November 9, 1979).

9. Estimate prepared by: Al Peden (225-7766).

10. Estimate approved by:

C. G. NUCKOLS,
(For James L. Blum,
Assistant Director for Budget Analysis).

## SECTION-BY-SECTION ANALYSIS OF S. 1518 AS REPORTED

### SECTION 1

Would amend section 3301 of title 38, United States Code, to authorize the VA to disclose names, addresses, and certain other information to consumer reporting agencies (CRA's, including certain entities which serve as intermediaries between large numbers of CRA's and those who wish to purchase reports from such CRA's) for the purposes of facilitating VA debt collection efforts and locating veterans in order to carry out studies authorized by section 219 of title 38 or required under any other Federal law.

*Clause (1) of section 1* would amend present section 3301(b)(5) to clarify the Veterans' Administration's authority to disclose information in preparation for litigation. Under current law, "necessary and proper" disclosures are permitted "in any suit or other judicial proceeding" and the VA's authority to make such a disclosure prior to the actual filing of a suit is not express. Thus, this amendment would make clear the VA's authority to make disclosures necessary in connection with the collection of any claims prior to the filing of a suit.

*Clause (2) of section 1* would redesignate present subsection (g) as subsection (h) and add a new subsection (g) as follows:

*New subsection (g):* Would authorize the VA to disclose names, addresses, and certain other information to CRA's for the purpose of facilitating VA debt-collection efforts and for the purpose of locating veterans who need to be contacted in certain VA studies.

*Paragraph (1) of new subsection (g):* Would authorize the VA to release to CRA's, in order to obtain current addresses, from CRA's, the names and addresses of individuals who have been administratively determined to be indebted to the United States by virtue of participation in VA benefits programs. This paragraph would also authorize the VA to release an individual's name and address to a CRA when the Administrator determines that disclosure is necessary to locate the individual in order to carry out a program evaluation study pursuant to present section 219 or a study required by any other provision of law. In addition, it would require that, before information is disclosed for study purposes, the Administrator must determine both that the individual's inclusion in the study—in light of other alternatives, reasonably available to develop information necessary for the study, the comparative costs of the alternatives, and any possible consequences of disclosure for the individual—clearly warrant the disclosure and that neither the release of the information nor the fact of the inquiry would create any substantial risk of adversely affecting the individual's credit rating.

In addition, this paragraph would authorize the VA to release to a CRA the name and address of an individual who has failed to respond appropriately to administrative efforts to collect an indebtedness for the purpose of obtaining a consumer report to be used to assess the debtor's ability to pay the debt. This authority would also be available to the VA to meet the requirements of 4 CFR 105.3, under which the VA must, in referring a debt to the Department of Justice for collection purposes, provide evidence of the individual's ability to repay the debt.

This paragraph would also authorize the release of such identifying information, in addition to name and address, as the Administrator determines is reasonably necessary in order to identify the individual, but not including any information that would indicate expressly or implicitly that the individual is indebted to the VA or would otherwise reflect adversely on the individual's credit rating. The disclosure by the VA of other identifying information, such as date of birth and social security number, would generally be necessary because an individual's name and former address may not be sufficient information for CRA to identify the individual or distinguish him or her from others with the same name or similar names.

In addition, in order to assure that information disclosed by the VA to a CRA for the purpose of obtaining current address information or a consumer report does not give notice of an indebtedness or otherwise reflect adversely on an individual's credit rating, this paragraph would require the Administrator to limit disclosures to only those CRA's which the Administrator has determined, to the maximum extent practicable, would not record or report the information disclosed in such a way as to suggest that the VA inquiry indicates the existence of an indebtedness or otherwise reflects adversely on the individual.

This determination would be required prior to VA disclosures to a CRA (as defined in paragraph (4)(B) of this new subsection)—including any CRA to which the VA proposes to release information through an intermediary CRA which does not itself function as a CRA within the definition set forth in subsection (f) of section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))—except to the extent that the Administrator determines it is not practicable to make such determinations.

This paragraph would also prohibit CRA's from indicating in their files and reports that the VA inquiry indicates an indebtedness or otherwise reflects adversely on the individual's credit rating. A willful violation by a CRA or one of its employees of this prohibition would be made punishable in the same manner as willful violations of the prohibition in subsection (f) of present section 3301 (against the unauthorized disclosure by non-VA entities of names and addresses released to them by the VA under that subsection)—a fine of up to $5,000 for the first offense and up to $20,000 for a subsequent offense.

Paragraph (2) of new subsection (g): Would authorize the VA, after an individual has failed to respond appropriately to administrative efforts to collect the debt, to disclose, for the purposes of affecting the debtor's credit rating, information relating to the debt and the individual's identity and address. This paragraph would also authorize the VA to disclose the information to a CRA and would permit redisclosure of that information to other CRA's and to the CRA's commercial subscribers, thereby influencing their decision to extend credit to a delinquent VA debtor.

In order to assure that innocent persons' credit ratings are not affected adversely and that all persons concerned are treated fairly, this paragraph would require that, before information pertaining to a delinquent debt may be disclosed, the individual must be provided notice of the VA's intention to make the disclosure and of his or her right to dispute the existence or amount of the debt or seek to have it waived and be given an opportunity to exercise those rights, and the VA must make a determination with respect to any such challenge or request. The paragraph further provides that, at least 60 days before disclosure, the individual would have to be given notice of the specific information to be disclosed and of the CRA's to which the VA would directly make disclosures.

This paragraph would also require the VA to give prompt notice to each CRA to which it has disclosed debt information of any substantial change in the status or amount of the debt and, upon the request of a CRA for verification, promptly to verify or correct any information released by the VA.

In addition, this paragraph would provide that, if after disclosure the individual demonstrates to the VA that he or she never received actual notice from the VA regarding the indebtedness or the right and opportunity to dispute the debt or seek a waiver, information indicating that the indebtedness is delinquent would be deemed inaccurate for purposes of section 611 of the Fair Credit

Reporting Act (FCRA, 15 U.S.C. 1681i), which provides that, when the individual disputes the accuracy of information pertaining to him or her, the CRA is required to reinvestigate that information. In addition, the VA would be required immediately to advise the individual and the CRA's involved of the fact that the information is to be deemed inaccurate under the FCRA and to advise the individual of his or her remedies, including the right to have the CRA's provide notice of the correction to certain others who have been provided the inaccurate information.

In those instances in which the VA makes disclosures through a CRA as defined in paragraph (4)(B)(ii)(I) of this new subsection, that is, an intermediary CRA known as a "service bureau", the VA would be required to provide the CRA's to which the intermediary CRA directly made disclosure with information regarding such an inaccuracy and regarding substantial changes in the status or amount of the indebtedness.

Paragraph (3) of new subsection (g): Would provide an exemption from the application of the Privacy Act (5 U.S.C. 552a) with respect to the CRA's handling of information disclosed to them under new subsection (g). CRA's would, however, be subject to the provisions of the Fair Credit Reporting Act (FCRA) (15 U.S.C. 1681–81t) with respect to such information.

Subparagraph (A) of paragraph (4) of new subsection (g): Would provide that, for purposes of this new subsection, the terms "consumer report" and "file" shall have the meanings provided in the Fair Credit Reporting Act (15 U.S.C. 1681a (d) and (g) respectively). These definitions are as follows:

> (d) The term "consumer report" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 1681b of this title. The term does not include (A) any report containing information solely as to transactions or experiences between the consumer and the person making the report; (B) any authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device; or (C) any report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to such request, if the third party, advises the consumer of the name and address of the person to whom the request was made and such person makes the disclosures to the consumer required under section 1681m of this title.

* * * * *

> (g) The term "file" when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.

Subparagraph (B) of paragraph (4) of new subsection (g): Would provide that, for purposes of new subsection (g), the term "consumer reporting agency" shall have the meaning provided in subsection (f) of section 603 of the FCRA (15 U.S.C. 1681a(f)) and shall also include certain entities that regularly engage either in obtaining credit information or other information on consumers from CRA's as defined in section 603(f) of the FCRA for the purpose of furnishing such information to third parties—such an entity being known in the credit industry as a "service bureau"—or in serving as a marketing agent under arrangements enabling third parties to obtain such information from CRA's as defined in section 603 (f) of the FCRA—such an entity being known in the industry as a "marketing agent."

The definition of "consumer reporting agency" in section 603(f) of the FCRA is as follows:

> (f) The term "consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

Expanding the definition of consumer reporting agency (CRA) beyond the definition in the FCRA would ensure that the authority to release information to a CRA includes the authority to release the information to an intermediary, a so-called "service bureau" or "marketing agent" (which might not necessarily be included in the FCRA definition), where, and to the extent, necessary in order to achieve the stated purposes of the new provision. This expansion of the defintion is necessary in light of the fact that, in order to obtain nationwide coverage including areas not covered by the few, very large CRA's, it would generally be practical for the VA to deal with the large numbers of smaller CRA's only through such intermediaries.

Clause (3) of section 1 would amend subsection (j) of present section 3301 of title 38 (as redesignated by clause (2) of this section), requiring that any disclosure pursuant to present section 3301 be made in accordance with the Privacy Act (5 U.S.C. 552a), to reflect the changes made by paragraph (3) of new subsection (g).

Mr. CRANSTON. Mr. President, I believe we are ready for the question on the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CRANSTON. Yes, I yield back the time on this side.

Mr. SIMPSON. Mr. President, just let me make one comment. I am in total concurrence with the chairman, Senator CRANSTON, on the critical importance, in my mind, with regard to debt collection, and I join him in that effort. I think if there is ever an area that needs attention, this is it. I think we can do it and still not impinge upon the reputation or private life of the veteran, but we must get on with the business of strengthening the VA debt collection efforts by authorizing to disclose to consumer reporting agencies the names and addresses of those who fail to respond.

I think the safeguards are there, and it can be done at about a cost of $1.80 per case perhaps, and it will be performed in a manner which will not embarrass the veteran. But after all, we are dealing with a veteran who has shown a tendency to just simply disregard his obligations. And I think with the vigorous collection activity, we will be much better off and certainly our Treasury will be much better off.

That is one part of the amendment I just wished to comment on that I think is very important.

Mr. CRANSTON. Mr. President, I yield 3 minutes to the distinguished Senator from Hawaii (Mr. MATSUNAGA).

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, as a member of the Veterans' Affairs Committee, and a cosponsor of S. 870, I rise in strong support of the pending GI Bill Amendments Act of 1979.

Mr. President, as the distinguished chairman of the Veterans' Affairs Committee, the Senator from California (Mr. CRANSTON), has explained, S. 870 would extend for 2 years the delimiting periods of eligible Vietnam-era veterans whose delimiting periods have expired or would otherwise expire prior to December 31, 1982. This is to allow Vietnam-era veterans who have not effectively utilized their GI bill benefits to pursue programs of apprenticeship or other on-the-job training, or, if the veteran does not have a high school diploma or equivalency certificate, to pursue an approved vocational objective or secondary education program.

It should be emphasized, Mr. President, that the bill before us does not provide "across-the-board" extensions of the delimiting periods for the use of GI bill benefits. On the contrary, this legislation, if enacted, will provide for a limited extension of the delimiting periods for those Vietnam-era veterans who are most in need of education or job training assistance during the proposed extension period.

Mr. President, on October 10, 1978, President Carter submitted to the Congress a message on the progress of Vietnam-era veterans, in which he noted that although many Vietnam-era veterans have successfully readjusted to civilian life, a substantial number have not done so, particularly minority and disadvantaged veterans. For these veterans of our latest war, the transition to civilian life has meant unemployment, poverty, and frustration. A brief look at current unemployment rates for Vietnam-era veterans clearly demonstrates the serious problem they are facing. During the second quarter of this year, the unemployment rate for young Vietnam-era veterans, ages 20 through 24, was 9.3 percent. For minority group veterans, ages 25 through 29, the quarterly unemployment rate was 11.6 percent. Surely, Mr. President, my colleagues will agree that by extending the period for use of GI bill job training assistance, which is what S. 870 proposes to do, we will be giving these disadvantaged Vietnam veterans a better chance at gaining meaningful employment.

Of equal concern, Mr. President, are the needs of educationally disadvantaged Vietnam-era veterans—those who were discharged from active duty without having ever obtained a high school diploma or equivalency certificate. While the average educational attainment of Vietnam-era servicemen was higher than that for veterans of other service periods, nearly 20 percent, or about 1.7 million, of the men and women who served during the Vietnam era were released from active duty with less than a high school education. And despite the large number of educationally disadvantaged veterans, it is most discouraging to note that only 578,000—a figure representing only 34 percent—of these Vietnam-era veterans have participated in any educational training under the GI bill.

In his message to the Congress on Vietnam-era veterans, President Carter said, and I quote—

> The Key to making our veterans programs successful . . . is to target them carefully on those who continue to need help. By using our resources more skillfully and coordinating our efforts more closely, we can aid those ex-servicemen who are most in need of government assistance.

Mr. President, the Veterans' Committee is in agreement with the President in this matter and has incorporated in S. 870 delimiting period extensions targeted to disadvantaged Vietnam-era veterans.

In an effort to deal with unemployment rates for Vietnam-era veterans, which have tended to be constantly higher than rates for nonveterans, the Veterans' Committee has recommended an extension, from January 1, 1980, to December 31, 1982, of the period of time in which Vietnam-era veterans whose delimiting periods have expired or would expire prior to December 31, 1982, may utilize any remaining entitlement to GI bill benefits for the pursuit of apprenticeship or on-the-job training programs. The committee strongly believes that extended access to job training opportunities for Vietnam veterans will be of great benefit not only to them as individuals but also to all of us as a nation.

And in an effort to assist the many educationally disadvantaged Vietnam-era veterans, the Veterans' Affairs Committee has recommended a similar extension of time in which Vietnam-era veterans without high school diplomas, and whose delimiting periods have expired or will soon expire, may use their remaining GI bill entitlements for the pursuit of any vocational objective courses or secondary education or equivalency certificates.

Mr. President, it should be made very clear that the Veterans' Committee continues to believe that, generally, a 10-year period is sufficient time for most veterans to utilize their GI bill benefits. In fact, in the case of unskilled or educationally disadvantaged veterans, it is preferable that they use their benefits as early as possible after their discharge.

However, the committee believes that the Veterans' Administration has a special obligation to reach out to all Vietnam-era veterans who are in need of additional assistance in recognition of the special circumstances that may have combined to make it difficult, if not impossible, for them to make effective use of their GI bill benefits during their 10-year delimiting periods. Accordingly, Mr. President, the Veterans' Committee is proposing, in S. 870, "one shot" delimiting period extensions targeting at a needy group of Vietnam-era veterans.

There will be those, Mr. President, who will oppose these extensions because they are contrary to the established notion of "equal benefits for equal service." It will be argued, I am sure, that in enacting S. 870, we will be, for the first time, providing additional GI bill benefits to a limited group of veterans, rather than all of our Nation's veterans. In response to this argument, let me say that the Veterans' Affairs Committee believes there is strong justification for departure from the equal benefits principle. In fact, the committee is convinced that there is ample precedent for this departure in terms of the GI bill and other veterans' programs.

In the committee report on S. 870, it is pointed out that the equal benefits principle has not, in general terms, been central to veterans' programs under title 38, as evidenced by the need-based pension program or the role of inability to pay in eligibility for VA hospital care for non-service-connected disabilities.

Along these same lines, the current GI bill also contains numerous provisions that do not adhere to the equal benefits concept, including many important educational and education-related programs, which are targeted to veterans with educational deficiencies or who are disadvantaged financially.

It should also be pointed out, Mr. President, that the Veterans' Affairs Committee during markup of S. 870, rejected a motion by a vote of 7 to 3 which would have eliminated the provisions in the bill providing targeted delimiting period extensions.

Of course, this is not to say that the Veterans' Committee totally dismissed the equal benefits argument. On the contrary, we gave it very thoughtful consideration. However, in my judgment, the majority of my committee colleagues felt that the continued plight of Vietnam-era veterans is an overriding concern which must be addressed by the Congress.

Mr. President, at this point, I would like to express my strong support for the Cranston amendment to this legislation which will increase the rates of GI bill benefits by 15 percent, effective September 1, 1980. As a cosponsor of this important amendment, I believe that the need for such an increase is very clear. First, Senators should note that GI bill benefits were last increased on October 1, 1977; and by the time the increase proposed in the Cranston amendment goes into effect, almost 3 full years will have elapsed since the last increase. Thus, the 15 percent increase we are proposing would, in effect, provide veterans with an increase in GI bill benefits of about 5 percent a year. We believe that this increase is reasonable and would help to offset the devastating effect rising inflation has had on the purchasing power of the GI bill dollars.

Second, this increase would be most beneficial to the 4 million persons who were discharged from the military services during the period of 1970 through 1974. It is a fact that almost 60 percent of those military personnel who saw action in the Vietnam theater were discharged during this period. Importantly, these same individuals are now approaching the end of their delimiting periods for benefits under the GI bill.

I strongly agree with Chairman CRANSTON in his statement that the last chance that these Vietnam-era veterans have to make effective use of their remaining benefits to facilitate their readjustment to civilian life must not be hindered by an inadequate level of assistance.

Many of these veterans are in their midthirties, and, most likely, have families to support, rent and other bills to pay, and an education to complete within a very limited time. In my judgment, it is imperative that the Congress provide them with an adequate level of GI bill benefits during the final years of their delimiting period, particularly those whose adjustments have been difficult and delayed, and who are now being helped by the Veterans' Administration's new readjustment counseling program established last year by Public Law 96–22.

Needless to say, Mr. President, the Vietnam war was a singularly brutal conflict, one which seriously divided our Nation, and turned many Americans against their Government and against themselves. But perhaps the most tragic effect of that war was that many Americans confused their views on the war with those who were called upon to fight it. The indifference, and, in some cases, animosity, of the American public toward veterans returning from service in Vietnam was unprecedented in American history.

It goes without saying that this situation made more severe the tremendous readjustment problems facing Vietnam veterans. As a result, there are today far too many Vietnam-era veterans still struggling to make successful lives for themselves. We must recognize these facts, Mr. President, and make the necessary adjustments in our veterans programs. If we do not act, we will be abandoning a group of young Americans who made great sacrifices for their country in a vastly unpopular and bitter war.

Mr. President, S. 870, as reported by the Veterans' Affairs Committee, will provide Vietnam-era veterans, who have had great difficulties readjusting to civilian life, with additional time to utilize effectively the important GI bill job training and educational benefits to which they are entitled. I urge my colleagues in the strongest of terms to approve this legislation, which is clearly in the best interest of Vietnam veterans and our Nation as a whole.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. SIMPSON. Yes, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### UP AMENDMENT NO. 914

(Purpose: To amend chapter 41 of title 38, United States Code, to elevate the position of Deputy Assistant Secretary of Labor for Veterans' Employment to the level of Assistant Secretary)

Mr. THURMOND. Mr. President, I send to the desk an unprinted amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment proposed by Senator Thurmond, on behalf of himself, and Senators Percy, Simpson, Boren, Eagleton, Humphrey, Cochran, Nunn, Durkin, Hollings, Sasser, Stone, McGovern, Chiles, Talmadge, Heinz, Stevens, Randolph, Magnuson, Matsunaga, and Bayh is as follows:

At the appropriate place in the bill insert the following new section:

Sec. 705. (a) Chapter 41 of title 38, United States Code, is amended by—

(1) striking out in the table of sections the word "Deputy" in the item relating to section 2002A;

(2) striking out "Deputy" before "Assistant Secretary" in section 2002;

(3) striking out "Deputy" in the catchline of section 2002A; and

(4) striking out "Deputy" before "Assistant Secretary" in section 2002A.

(b) Any reference in any law, regulation, directive, or other document to the Deputy Assistant Secretary of Labor for Veterans' Employment shall be deemed to refer to the Assistant Secretary of Labor for Veterans' Employment.

(c) Notwithstanding any other provision of the law, the position of Deputy Assistant Secretary of Labor for Veterans' Employment, as constituted on the day before the date of the enactment of this section, shall remain in existence until a person has been appointed to and has qualified for the position of Assistant Secretary of Labor for Veterans' Employment (established by subsection (a) of this section).

(d) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new position:

"Assistant Secretary of Labor for Veterans' Employment

On page 58, lines 7 and 8, strike out "(b) and (c)" and insert in lieu thereof "(b), (c), and (d)".

On page 59, after line 4, insert the following:

"(d) The provisions of section 705 shall take effect on February 1, 1980."

Mr. THURMOND. Mr. President, the purpose of this amendment is to elevate the position of Deputy Assistant Secretary of Labor for Veterans' Employment to that of an Assistant Secretary. The Senate voted favorably on this measure in the 95th Congress, only to have it reduced during consideration by the House of Representatives.

It was the opinion of the Veterans' Affairs Committee when considering this legislation that the creation of the position of Assistant Secretary of Labor for Veterans' Employment would significantly increase the ability of the Veterans' Employment Service to deal effectively with employment problems in governmental and private sectors. Unfortunately, the Senate provision creating this Assistant Secretary position was amended in the House and reduced to that of a Deputy Assistant Secretary of Labor for Veterans' Employment (DASVE).

The effective administrative implementation of the employment laws is one of the keys to the resolution of employment problems. A strong Government policymaker for the Veterans' Employment Service would substantially assist in alleviating the unemployment which has been so rampant among our veterans population, especially the young and minorities.

Mr. President, the current Department of Labor organizational scheme coupled with the DASVE's statutory charge often places this person in an awkward, if not impossible, position. For example, the DASVE is directly responsible for the implementation of all Department of Labor policies and procedures regarding employment, unemployment and training programs to the extent they affect veterans. The DASVE, therefore, must evaluate and monitor his own boss who is the Assistant Secretary for Employment and Training, and who is responsible for such programs as CETA and the U.S. Employment Service. This, I believe, is an untenable position for the DASVE.

Not only must the DASVE evaluate the work of his own boss, but he must evaluate the effectiveness of two additional Assistant Secretaries of Labor. The Office of Veterans Re-employment Rights is under the Assistant Secretary for Labor-Management Relations, and the affirmative action programs relative to Federal contractors are supervised by the Assistant Secretary for Employment Standards. Here again, the DASVE must counsel these Assistant Secretaries concerning their respective programs.

Finally, Mr. President, section 2002A of title 38, U.S.C. states that the DASVE "shall be principal advisor" to the Secretary of Labor regarding veterans matters. I believe that the ability of the DASVE to function in this capacity is severely restricted by the current Department of Labor organizational scheme. The DASVE is too far down the ladder to effectively impact on Department of Labor policies regarding services to veterans, and although the Secretary may attach much importance to the DASVE, I believe many of those who stand organizationally between the Secretary and the DASVE do not share similar views regarding veterans programs. For example, the Department of Labor fiscal year 1980 budget proposed to eliminate all of the 52 secretarial positions in the offices of the State veterans' employment representatives. This was a 100-percent reduction of clerical support for the very people who need it the most—those in the field who monitor the compliance of the laws affecting veterans employment. Such action as this can only demonstrate the lack of commitment some employees of the Department of Labor and the administration have to veterans, and further emphasizes the need for a strong advocate of the veteran within this department.

Mr. President, the history of the Department of Labor and the DASVE, so far as implementing and overseeing employment laws, has been quite checkered. I have spoken many times in this Chamber on the matter, and outlined in agonizing detail the inefficient and inadequate implementation by the administration of major employment initiatives for veterans.

I believe the proper course which should be pursued by the Senate concerning this critical problem is to reaffirm what was done by the Senate Committee on Veterans' Affairs and by the full Senate in the passage of S. 969. The amendment which I now propose would do precisely that. I believe this step would assure that veterans' employment programs, and their problems, would receive the attention needed at an appropriate policy level within the Department of Labor.

### SUMMARY OF POINTS FOR AN ASSISTANT SECRETARY OF LABOR FOR VETERANS EMPLOYMENT

First. There is a need for a strong advocate for the employment of veterans at the Department of Labor. Recently, the employment programs have been given little attention by the Department. For example, in the last year alone, seven State directors, Veterans' Employment Service, and two assistant positions have remained vacant for over 6 months. These are as follows, and I believe the Senators who represent these States should be aware of this inaction:

State directors: Illinois, 14 months; Alaska, 1 year; South Dakota, 1 year; Washington, 1 year; Delaware, 6 months; Arkansas, 9 months; and Colorado, 9 months.

Assistant State directors: New York, 6 months; and Ohio, 9 months.

Further, this Deputy Assistant Secretary position, that is the person statutorily charged with overseeing veterans' employment programs, was left unfilled or without a full-time occupant for over 10 months.

Figures like these disturb me. I see a lack of commitment to meet the needs of veterans, especially the disabled and educationally disadvantaged—those that need help the most. How can employment programs be monitored appropriately if there is no direction at the State level and more importantly, here in Washington at the Department of Labor.

Second. The DASVE needs authority commensurate with the responsibilities of that position. These responsibilities transcend services to veterans within his immediate office. They include the monitoring of the Office of Veterans Reemployment Rights which is under the Assistant Secretary for Labor-Management Relations, and the Office of Federal Contract Compliance which is under the Assistant Secretary for Employment Standards. Also, the DASVE must monitor the work of his own boss, the Assistant Secretary for Employment and Training when it comes to veterans participating in CETA programs and U.S. Employment Service. I think you will agree with me that it is an awkward position for a Deputy Assistant Secretary to check the compliance record of his boss and other Assistant Secretaries.

Third. Contrary to recent reports that veterans are better employed than their nonveterans counterparts, I would like to submit these figures I received from the Department of Labor recently:

Black Vietnam veterans:

| | Percent unemployed |
|---|---|
| Fiscal year 1978: | |
| 20–24 years | 26.9 |
| 25–39 years | 12.3 |
| Fiscal year 1979: | |
| 20–24 years | 20.5 |
| 25–29 years | 10.9 |
| 30–34 years | 6.9 |

Hispanic Vietnam veterans:

| | |
|---|---|
| Fiscal year 1979: | |
| 20–29 years | 6.3 |
| 30–34 years | 6.9 |

I believe this demonstrates the need to place more emphasis on the employment of these veterans. Only effective and committed leadership within the Department of Labor will lower these unemployment figures, and I believe an Assistant Secretary is needed today.

Fourth. Title 38 states that the DASVE is to be "the principal advisor to the Secretary of Labor" in all veterans programs and policies. This is extremely hard to do when the DASVE could be hampered by line authority or chain of command through an Assistant Secretary.

Fifth. The Senate acted favorably on this same provision during October 1976. The vote was unanimous. The American Legion, VFW, and DAV have resolutions in favor of this measure; plus other organizations are in favor of an Assistant Secretary of Labor for Veterans Employment.

Mr. President, this measure to elevate the position of DASVE to that of an Assistant Secretary has the support of the American Legion, DAV, PVA, VFW, and the American Association of Minority Veterans Program Administrators, and also a number of my colleagues. These include Senators Percy, Eagleton, Nunn, Sasser, Chiles, Stevens, Simpson, Humphrey, Durkin, Stone, Talmadge, Randolph, Boren, Cochran, Hollings, McGovern, Heinz, Magnuson, and Bayh.

The senior Senator of Missouri (Mr. Eagleton) and the Senator from Illinois (Mr. Percy) could not be here today and asked that I print their statements in support of this measure in the Record. Further, I believe my colleagues would benefit from correspondence that I have received from several veterans organizations in support of an Assistant Secretary of Labor for Veterans' Employment. Therefore, Mr. President, I ask unanimous consent that the statements of my colleagues (Mr. Eagleton and Mr. Percy) and those of the veterans organizations be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

### Statement of Senator Eagleton

As an original co-sponsor of S. 250, legislation which authorizes the appointment of an Assistant Secretary of Labor for Veterans' Employment, I am proud to join my distinguished colleague from South Carolina, Mr. Thurmond, in attempting to amend the pending legislation by adding the language of S. 250 to the GI Bill amendments of 1979. As my colleague from South Carolina has pointed out, identical legislation (part of S. 969) was passed by the Senate in 1976, but unfortunately the House did not see fit to adopt the exact language of the Senate-passed bill. Instead, the House suggested that a Deputy Assistant Secretary for Veterans' Employment be established, and for almost 3 years we have had a Deputy Assistant Secretary at the Labor Department overseeing the needs of our unemployed veterans. In my opinion, the position of Deputy Assistant Secretary is not good enough for our nation's veterans. While I admit that the unemployment rate for veterans over the age of 24 has improved, it is interesting to note that veterans age 20–24 have an unemployment rate of 9.1% compared to 7.3% for the nonveteran population of the same age group. Mr. President, the issue here is very simple—do we as a country give a high priority to the needs of our nation's unemployed veterans? I think we should. So often in Washington, government policies and programs are truly successful only because of the "clout" of the position of the primary person heading up the program. If we as a country are truly serious about our commitment to our veterans, we must give the lead person in this situation as much clout as possible. To do otherwise would be a disservice to veterans.

I admit that it is somewhat unusual for legislation to be considered on the Senate floor before hearings are held in the appropriate Senate Committee. As a member of the Governmental Affairs Committee which has legislative jurisdiction over S. 250, I for one see no need to hold additional hearings on this legislation. In 1976, hearings were held on S. 969 by the Senate Veterans' Affairs Committee. Therefore, the record has been established and the Senate has on one previous occasion voted its will. We must reaffirm that positive vote today so that veterans will be on notice that bureaucrats at the highest levels of government are interested and concerned about the needs of unemployed veterans.

---

### Statement of Senator Percy

This Nation's veterans, and particularly Vietnam-era veterans, continue to face serious problems of unemployment. The situation has existed for some time now, and I expect it will only be aggravated by the current strains on our economy. In the past a big part of the problem has been a lack of commitment in the Executive Branch with regard to veterans' employment. What we need is a much greater commitment, and approving this amendment is a good way to demonstrate our own interest and concern.

When Senator Thurmond introduced this measure earlier this year as a bill, I was pleased to join him as principal co-sponsor. The Senate has approved a similar measure before, and I hope that it will do so again today.

By upgrading the rank of the veterans' advocate in the Labor Department, we can give the post the stature necessary to do an effective job. It will not require the creation of any new bureaucracy or any big increase in funding. More money and more bureaucrats are not the answer because that wasn't where the problem lay to being with. A December 1978 GAO report entitled "Much More Could Be Done for Veterans in Employment and Training Programs" states: "To effectively improve employment services for veterans will take a dedicated commitment from the Secretary of Labor down through and including program operators."

Let us strengthen the commitment of the Labor Department by upgrading the status of the Secretary's principal adviser for veterans' matters. I urge my colleagues to support the amendment.

The American Legion,
*July 11, 1979.*

Hon. Strom Thurmond,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Thurmond: The American Legion would like to congratulate you and the ten Senators who have joined you in sponsoring S. 250, authorizing the appointment of an Assistant Secretary of Labor for Veterans Employment. We believe such a position is necessary to assure that there will be someone with sufficient stature to represent within the United States Department of Labor the employment needs of this country's 30 million veterans.

We have come to this conclusion slowly but firmly because of that Department's long continued indifference and downright opposition to implementation of legislation passed by Congress, particularly that intended to improve the delivery of employment services to veterans through the public employment offices. As a firm and longtime friend of the veteran, I know you are familiar with this Department of Labor record. While there have been exemplary Secretaries and individuals in the Department who have had at heart the best interests of veterans, the many individuals either passively or actively opposed to programs to help veterans, along with a lack of any individual committed to employment of veterans and with access to top level policy making, combined to largely nullify efforts for improvement. We should also stress that a full Assistant Secretary would have authority to be heard in the Department when veterans are affected by programs other than the Veterans Employment Service.

The opposition of the Department of Labor to S. 250, expressed in the letter of June 11, 1979 from Secretary of Labor Marshall to Senator Ribicoff, could be expected. Secretary Marshall has assured the Senate Veterans Affairs Committee that the Deputy Assistant Secretary of Veterans Employment will have necessary access to the Secretary and will be consulted. However, we do not believe that this personal assurance constitutes the "necessary institutional authority and position" for the DASVE to effectively participate in Department of Labor employment policy making.

On the contrary, the DASVE faces the danger of being institutionalized as a glorified Director of the Veterans Employment Service, although this was far from the intent of Congress. In Congressional discussion in the spring of 1977, it was pointed out that, "under the law the Deputy Assistant Secretary for Veterans Employment is a principal adviser to the Secretary on all matters relating to veterans employment." However, the Department of Labor keeps the DASVE so embroiled in emergencies for the VES that this function as a principal adviser is easily lost sight of. A recent example is the proposal—the subject of extensive discussion at the Senate hearings on confirmation of Dr. Dennis Wyant as DASVE—to eliminate 52 positions, the only ones not mandated by Congress in the VES. It has made a fine beginning for Dr. Wyant. As further illustration, the June 11 letter from Secretary Marshall continuously refers to the DASVE in reference to the VES, and only once—and then briefly—to the DASVE as adviser.

The creation of a full Assistant Secretary for Veterans Employment, instead of isolating employment services for veterans in a separate organizational entity, as Secretary Marshall put it, would enable the Assistant Secretary to efficiently oversee all aspects of employment services to veterans provided by the Department of Labor, including those through the Veterans Employment Service.

The Department of Labor sees, as a necessary consequence of S. 250, that VES would be removed from the Employment and Training Administration and established as an independent entity within the Department of Labor. As we read S. 250, we do not see how this would occur. In any case, The American Legion has continuously been told that with the creation of the position of DASVE, the VES was removed from the Employment Service and established as a separate agency within the ETA. However, in the Department of Labor's budget request for FY 1980, funds for the VES were included in the ES funding, and the proposed VES personnel cut of 52 positions was shown as part of the ES staffing. In other words, the Department's statement that separation has occurred does not apparently affect the departmental operations.

We believe the foregoing explains why The American Legion believes the only way to assure effective representation of veterans in the Department of Labor is through the creation of a full Assistant Secretary of Labor for Veterans Employment, that any position less than that will be enmeshed in the Department of Labor's bureaucracy and rendered thereby as ineffectual as possible.

We appreciate this opportunity to present the views of The American Legion on this subject.

Sincerely yours,

Austin E. Kerby,
*Director for Economics.*

---

### Resolution No. 100—Support Legislation for Assistant Secretary of Labor for Veterans Employment

Whereas, The Congress has enacted legislation creating a Deputy Assistant Secretary of Labor for Veterans Employment, to be nominated and confirmed by the United States Senate, to implement programs to provide employment for the Nation's veterans; and

Whereas, It was intended by Congress that the Deputy Assistant Secretary of Labor for Veterans Employment was to be the principal advisor to the Secretary of Labor regarding the formulation and implementation of all policies affecting veterans within the Department of Labor, such as in the Comprehensive Employment and Training Act, mandatory listing and affirmative action requirements; and

Whereas, The Deputy Assistant Secretary was not placed at a high enough level in the organizational structure of the Department of Labor; does not have direct access to the Secretary of Labor, but has been confined to the former channels of command; and has been unable to fulfill the intentions of Congress; now therefore be it

Resolved, By The American Legion in National Convention assembled in Houston, Texas, August 21, 22, 23, 1979, that The American Legion support legislation to establish a full Assistant Secretary of Labor for Veterans Employment.

---

National Veterans Service,
*August 16, 1979.*

Attention: Gary W. Crawford, Assistant Minority Counsel.
Hon. Strom Thurmond,
*Russell Office Building,*
*Washington, D.C.*

Dear Senator Thurmond: This is with reference to your request for our comments on Secretary of Labor Marshall's letter of June 11, 1979, to Abraham A. Ribicoff, Chairman, Committee on Governmental Affairs, stating the Department's position on S. 250, the bill you introduced to establish the position of Assistant Secretary of Labor for Veterans Employment. I apologize for our belated response.

At the onset, I would like to state that we have all had almost three years to observe just how the Deputy Assistant Secretary for Veterans Employment (DASVE) functions as "principal" advisor to the Secretary of Labor regarding all departmental policies and procedures that affect veterans. Based on these observations, we feel that because the position is at a Deputy Assistant Secretary level, his ability to function as said "principal" advisor to the Secretary has been plagued by a chorus of interlopers within the Department of Labor whose primary concern is obviously not the veteran.

As we see the intent of Section 2002A U.S.C., Title 38, the responsibilities of the DASVE transcends those services to veterans housed within the Employment and Training Administration. The other areas of responsibilities are those carried out by the Office of Veterans Reemployment Rights (OVRR), in the Labor Management Services Administration, and the Office of Federal Contract Compliance Programs (OFCCP), in the Employment Standards Administration.

At his present level of authority, the DASVE is regrettably too far down the order of authority to have the necessary clout to substantially impact or influence in every office having responsibilities for veterans within the Department of Labor, thus impeding his ability to carry out the Secretary's policies regarding Chapters 41, 42, and 43 of Title 38, U.S.C., as well as all other matters concerning veterans within DOL. While the Secretary of Labor may himself attach much importance to the DASVE, experience has shown that many of those who stand between him and the DASVE do not share his view. Secretary Marshall is understandably too busy with the complex problems of the Department of Labor to clearly see the impediments that have been placed before the DASVE. This experience itself demonstrates the need for placing the DASVE at a level of more authority such as envisioned in S. 250. This, contrary to Secretary Marshall's belief, is not the case under the present chain of command.

The Veterans of Foreign Wars fully recognizes the naivete of thinking that the mere act of changing the title and the grade level of the present DASVE to that of an Assistant Secretary will not in itself solve the high unemployment rate among veterans. We do, however, recognize the clout inherent in such a higher position, as well as the favorable impact and influence that this will have on all offices within the Department of Labor having responsibilities to veterans. Section 2002, U.S.C., Title 38, may charge the DASVE with the responsibility to promulgate and administer Veterans Employment Service (VES) activities, but this office is under the direct supervision of a Director who is most capable of carrying out the day to day functions of that office.

We feel that Secretary Marshall's letter is misleading in indicating that as a result of Public Law 94–502 it was required to place Veterans Employment Service within ETA, as it was already within that administration prior to the stated legislation. The location of Veterans Employment Service is not the issue here. The issue is the need for establishing a higher level of authority for the "principal" advisor to the Secretary on all departmental policies concerning veterans, and to assure the effective administration and promulgation of those policies. Therefore the need for the Assistant Secretary for Veterans Employment is amply demonstrated.

VES, OVRR, and OFCCP may continue to be housed in their respective agencies: ETA, LMSA, and VSA. The Assistant Secretary for Veterans Employment, however, should be placed at a level of direct access to the Secretary, at a level of equal authority to the other Assistant Secretaries within which offices having responsibilities to veterans are housed. As such, he should have the power to advise and consent any issues and decisions made within the Department of Labor dealing with veterans; such advice and consent being subject only to the reversal by the Secretary of Labor himself.

We feel that this in of itself will not work to the detriment of any other responsibilities the Department of Labor has, but will insure the expeditious implementation of services so badly needed by veterans to improve their opportunities for employment within the mainstream of society.

We appreciate this opportunity to furnish these comments and trust that they will be helpful and instrumental in the successful establishment of an Assistant Secretary for Veterans Employment as envisioned in your Senate Bill 250.

Sincerely yours,

Frederico Juarbe, Jr.,
*Director.*

---

### Resolution No. 738—Elevating Deputy Assistant Secretary for Veterans Employment

Whereas, there is an urgency and importance in the critical task of assisting this Nation's veterans to find meaningful employment; and

Whereas, the U.S. Veterans Employment Service and the Deputy Assistant Secretary for Veterans Employment are not placed effectively in the Department of Labor's organization structure to operate at optimum efficiency which most certainly was not the intent of Congress; and

Whereas, at the present time, the Deputy Assistant Secretary for Veterans Employment must go through the Assistant Secretary for Employment and Training in the U.S. Department of Labor; and

Whereas, it would be much more efficient for the Deputy Assistant Secretary for Veterans Employment to report directly to the Secretary of Labor so that there would be an uninterrupted flow and exchange of information on the delivery of services to veterans; and

Whereas, in addition, there would be an avoidance of preoccupation with a large number of other programs and sometimes indifference by having the Deputy Assistant Secretary elevated to a full Assistant Secretary of Labor for Veterans Employment; now, therefore

Be it resolved, by the 80th National Convention of the Veterans of Foreign Wars of the United States, that we request that the Committee on Veterans Affairs, United States House of Representatives, initiate legislation which would establish the Deputy Assistant Secretary for Veterans' Employment as a full Assistant Secretary for Veterans Employment so that the promise of an effective employment service for veterans would finally be honored.

---

Disabled American Veterans,
*Washington, D.C., July 12, 1979.*

Hon. Strom Thurmond,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Thurmond: As you are aware, the Disabled American Veterans supports without qualifications Senate bill 250—a bill co-sponsored by you and several colleagues. This bill, if enacted, would elevate the present position of Deputy Assistant Secretary of Labor for Veterans Employment (DASVE) to a full Assistant Secretary level.

At our Convention in San Francisco last year we adopted a resolution supporting this elevation. A similar resolution has been introduced by several DAV Departments and will come before the National Convention Resolution's Committee on Monday, July 16, 1979 in Boston, Massachusetts and it is anticipated that it will again pass unanimously.

We have recently received a copy of a letter from Secretary of Labor Marshall to Senator Abraham Ribicoff, Chairman, Senate Committee on Governmental Affairs, expressing the Administration's opposition to S. 250. We have reviewed that letter and find little merit to Secretary Marshall's rationale opposing such an elevation of the position.

Although by law (Public Law 94-502 now codified in Section 2002A, Title 38, U.S. Code), the DASVE is to be ". . . the principal advisor to the Secretary of Labor . . ." in all veterans' programs and policies especially Chapters 41 and 42 of Title 38, U.S. Code, we have yet to fully see this mandate accomplished.

Secretary Marshall has stated publicly on several occasions that the DASVE would have direct access to him—and although we have no reason to question the Secretary's sincerity—we have to look at the bureaucratic entanglements and the existing "chain of command" inherent in the federal government which diminishes if not actually prohibits the DASVE from having that "direct access" to the Secretary.

We also question whether the DASVE has the "necessary institutional authority and position to effectuate veterans' employment policy" as indicated by Secretary Marshall. We believe that a review of Assistant Secretary Ernest Green's testimony before the Senate Veterans' Affairs Committee on May 23, 1979 will remove any doubt and prove that the "institutional authority" is lacking. To further buttress that argument, we have seen for more than two years policy decisions, field memoranda and other directives issued by Labor Department officials with no input or concurrence from the DASVE. The DASVE has had no control or influence within the Department of Labor regarding the VES budget which, as you know, for Fiscal Year 1980 proposes to significantly decrease his staff, including 52 secretarial positions.

For years the VES was a "step-child" within the U.S. Employment Service. The veterans' organizations long sought a removal of VES from USES and this was subsequently accomplished following the initial appointment of the first DASVE. Our hopes that that action would give VES additional visibility and influence soon waned when we found that VES became a "step-child" of the Employment and Training Administration (ETA). That elevation of VES certainly has made little impact on the efficient operation of veterans' employment programs within the Department of Labor. Secretary Marshall also states "a necessary consequence of S. 250 is that it would remove VES from ETA and establish it as an independent entity within the Department of Labor. This could be disruptive, as it would remove the DASVE's present advantage of closely meshing in ETA with other employment related programs." We view such a move as not a "necessary consequence" but a necessary improvement of the DASVE's present disadvantage of closely meshing with other employment related programs. Such a move would place the DASVE on equal par with the Assistant Secretary for ETA and would certainly enhance his ability to influence policy relating to employment and training programs. We also believe that it would enhance his ability to have better access to the Secretary on matters pertaining to effective implementation and monitoring of existing and new programs. The present situation as heretofore discussed certainly places the DASVE at a distinct disadvantage and elevation to a full Assistant Secretary could do nothing but enhance his ability to influence these all important policy decisions.

We do concur with the Secretary's belief that "employment services for veterans can best be provided by according them a high priority in the mainstream of activities" however, we have yet to see that high priority given to veterans' employment and training programs within the Department of Labor. Regrettably, just the opposite has been true as veterans' employment and training programs both as specifically mandated for veterans and other programs in which veterans can benefit have received low priority.

It is easy for us to see why the enactment of S. 250 "would not be consistent with the Administration's objectives" as it is apparent from the first day of President Carter's Administration that the Carter Administration's objectives for veterans are meant to cut-back veterans' benefits and programs rather than to enhance them and to address the needs, especially employment needs, of this nation's disabled and Vietnam Era as well as other veterans.

I will be happy to answer any questions regarding the DAV's position on S. 250.

Sincerely,

RONALD W. DRACH,
*National Employment Director.*

---

RESOLUTION—TO ESTABLISH AN ASSISTANT SECRETARY OF LABOR FOR VETERANS EMPLOYMENT

Whereas, Title 38, U.S. Code, Section 2002A establishes a Deputy Assistant Secretary of Labor for Veterans Employment; and

Whereas, that position was filled and occupied for approximately one year; and

Whereas, from that one year experience the Disabled American Veterans identified bureaucratic problems encountered by that individual trying to carry out the duties of the job; and

Whereas, the Disabled American Veterans believes in order for Veterans Employment Programs to receive the priority needed that an Assistant Secretary for Veterans Employment be established; now

Therefore, be it resolved that the Disabled American Veterans in National Convention assembled in Boston, Massachusetts, July 15 through 19, 1979, seeks the enactment of legislation which would establish an Assistant Secretary of Labor for Veterans Employment.

---

PARALYZED VETERANS OF AMERICA,
*Washington, D.C., May 8, 1979.*

Hon. STROM THURMOND,
*Senate Committee on Veterans' Affairs,*
*Russell Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR THURMOND: The Paralyzed Veterans of America strongly support the passage of S. 250, a bill that would elevate the position of Deputy Assistant Secretary of Labor for Veterans' Employment (DASVE) to that of full Assistant Secretary.

As Senator Boren noted in a statement on S. 250, the Deputy Assistant Secretary, because of his relatively low position within the Department of Labor, has not been able to represent effectively the employment needs of the nation's veterans.

On March 12, 1979, PVA testified in support of Doctor Dennis Wyant's nomination as the new DASVE; however, at that time we suggested elevating the position so that he would be more involved in formulating the policies and procedures in veterans' employment programs. We are aware that the former DASVE did not have direct access to the Secretary of Labor. Upgrading the position to the level of Assistant Secretary should make the veterans' representative a more productive official within the Department of Labor.

Again, we appreciate this effort to bring about change in the area of veteran's employment.

Sincerely yours,

GERALD JONES,
*National Legislative Director.*

---

AMERICAN ASSOCIATION OF
MINORITY VETERANS
PROGRAM ADMINISTRATORS,
*Washington, D.C., August 10, 1979.*

Hon. ABRAHAM A. RIBICOFF,
*Chairman, Committee on Governmental Affairs, Washington, D.C.*

DEAR SENATOR RIBICOFF: AAMVPA is most pleased that Senator Charles A. Percy and Senator Strom Thurmond have co-sponsored Senate Bill 250 which would elevate the position of Deputy Assistant Secretary of Labor for Veterans Employment to a full Assistant Secretary. The American Association of Minority Veterans Program Administrators supports this legislation and sincerely hopes that under your leadership hearings will be held and favorable action taken on it.

Kindly permit me to share with you our reasons for supporting S. 250.

(1) Authority commensurate with responsibility. Nearly 48% of the adult male population of the United States has served our country in the Armed Forces and can qualify for employment and training services under the DASVE's supervision. Because of the complexity of veterans employment and training laws and programs, including numerous references to veterans in the various titles of the Comprehensive Employment and Training Act, and because of the involved channels of organization through which the DASVE must operate, it is at times difficult to manage these programs. We feel that elevating the DASVE position to Assistant Secretary will provide the incumbent with the authority he needs to enhance manageability.

(2) Access to the Secretary of Labor. The AAMVPA believes that the present level of the DASVE position tends to isolate the DASVE from the Secretary of Labor to the detriment of veterans employment and training needs. Section 2002A of Title 38, United States Code explicitly requires the DASVE to be principle advisor to the Secretary of Labor with respect to formulating and implementing policies affecting our nation's 30 million veterans. As the Disabled American Veterans have pointed out, past proposals by the DOL on the definition of Vietnam era veterans and on the special consideration which veterans are to receive in CETA services indicate that the DASVE had little say in DOL policy decisions and subsequent regulations. Direct access to the Secretary could ultimately result in the inclusion of the DASVE in policy planning prior to implementation.

(3) Equitable Budget Authority. The AAMVPA certainly agrees that the Federal Government must take the lead in the fight against inflation. We also appreciate the difficulties that the DOL faces in meeting it's share (as proposed in the President's fiscal year 1980 budget) of the overall Executive Branch employment reductions required by the Leach amendment to the Civil Service Reform Act. However, as Senator Cranston and Senator Thurmond have stated, an analysis of DOL budget materials show that the Veterans Employment Service is being asked to absorb a disproportionately large share of reductions in staffing levels in comparison with the ETA as a whole. For example:

The proposed budget for ETA for fiscal year 1980 calls for a reduction of 433 staff positions from the fiscal year 1979 level—a 12.1-percent reduction. In comparison, VES will be required to eliminate 52 positions to meet its fiscal year 1980 ceiling of 171 positions—a 23.3-percent reduction. In other words, the VES is being hit doubly hard. The reduction is even more distressing when measured against the reduction in staffing levels for the U.S. Employment Service (USES) of which the VES is presented as a part for budget purposes; the reduction in VES staff makes up 65 percent of the total USES reduction of 80 positions in fiscal year

1980. In the eyes of many, proposing this disproportionately large a cut in VES staffing raises serious questions about the Department's commitment to serving the employment needs of our Nation's veterans.

Elevating the DASVE position to the proposed Assistant Secretary level should give the Assistant Secretary a greater opportunity to insure that the VES takes only it's proportionate share of reductions in staff.

Thank you for this opportunity to share the views of the AAMVPA and its Board of Directors.

Sincerely,

DARRYL W. KEHRER,
*Chairman of the Board.*

Mr. THURMOND. Mr. President, I urge my colleagues and the managers of S. 870, the able Senator from California (Mr. CRANSTON) and the able Senator from Wyoming (Mr. SIMPSON) to accept my amendment.

Mr. CRANSTON. Mr. President, I wish to thank the distinguished senior Senator from South Carolina with whom I am honored to serve on the Veterans' Affairs Committee for his amendment that would elevate the position of Deputy Assistant Secretary of Labor for Veterans' Employment to the Assistant Secretary level. I am very much aware of the Senator's longstanding interest and commitment in this area, the cosponsorship of his amendment by three members of the Veterans' Affairs Committee, and the support that it has from all of the major veterans organizations.

I have no objection to the adoption of the amendment.

Mr. SIMPSON. Mr. President, I certainly concur that we accept the amendment of the senior Senator from South Carolina. I think it is perfectly appropriate and is a better position for clarification of the title of the duty actually performed. I concur.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CRANSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, while I am on my feet, I take this opportunity to commend the able chairman of the committee, Senator CRANSTON, of California, and the able ranking member, Mr. SIMPSON, of Wyoming, for the great job they have done on this bill.

I am sure the veterans of this country will appreciate the passage of this bill and what it means to their future.

I simply express my appreciation to them.

Mr. CRANSTON. Mr. President, I thank the distinguished Senator from South Carolina. He has helped very much on this bill and all of the other legislation that comes out of the Veterans' Affairs Committee and is a very valued friend and member of that committee.

Mr. SIMPSON. Mr. President, I just make a brief remark and share with Senators that Senator THURMOND is ranking minority member of the Judiciary Committee, on which I serve as a member, and we are now witnessing the work of those two Senators, Senators CRANSTON, with whom I serve on this committee, and Senator THURMOND, who has been more than fair and courteous with me.

I have seen the work Senator THURMOND has done on the Veterans' Affairs Committee, and I commend him. He is truly a remarkable participant in this committee, and I commend him. I have great respect for him. He has been very kind to me in my time here.

Mr. THURMOND. Mr. President, I thank both the Senators for their kind remarks.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 915

(Purpose: To require statistical data relating to Vietnam era veterans to include separate statistics for veterans who served in Vietnam or adjacent skies or waters)

Mr. PRESSLER. Mr. President, I have an amendment to send to the desk that has been agreed to by the minority and majority, but I would like to explain it very briefly.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an unprinted amendment numbered 915.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I have another amendment I will be offering after 2 o'clock. This is not the same one. Perhaps there is some confusion.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an unprinted amendment numbered 915.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the end of Title VII the following new section:

SEC. 706. When the Bureau of Labor Statistics publishing annual statistics, and, whenever feasible, any other statistics, relating specifically to Vietnam-era veterans, it shall also publish separate statistics on the same subject matter dealing only with veterans who served in Vietnam, in air missions over Vietnam, or in naval missions in the waters adjacent to Vietnam.

Mr. PRESSLER. Mr. President, frequently statistics on Vietnam veterans cover all those veterans that served during a war.

The purpose of my amendment is to require that separate statistics be maintained for those who served in Vietnam.

It is my belief, and the belief of many, that the unemployment, the underemployment, and the failure to take advantage of educational benefits is much higher among those who served in the Vietnam theater. I am told it would not be difficult. The information is in the computers to report the statistics as they relate to Vietnam-era veterans. The same information can easily be compiled for theater veterans.

There is a purpose to this statistical data. There is a general belief that many of those who served in Vietnam are not readjusting. I understand that the Presiding Officer's administrative assistant has written a very fine book on some of the differences of the impact on Vietnam veterans who served in the theater and those who served in the Vietnam era in terms of the psychological impact. In terms of economic strata and in terms of educational background, those who served in Vietnam usually were the disadvantaged. Our society has not looked favorably upon this war and, perhaps, those who served in the theater have paid the highest price.

The statistics that come forth frequently from the Bureau of Labor Statistics do not show the full impact on those who have served in the theater.

The purpose of this amendment is to break out those statistics. Perhaps I am mistaken and, perhaps, those statistics will show there is not such a dramatic difference, but we have not had that information available. I do not understand why we have not had it. This amendment would move that objective forward.

I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, the amendment offered by the Senator is a very helpful amendment. I am delighted to accept it, and I want to say I appreciate the Senator's agreeing to the proposals that we made to him to modify the language of the amendment.

I am prepared to yield back all time on this side.

Mr. SIMPSON. Mr. President, let me state that I, too, appreciate the assistance of the Senator from South Dakota. I think it is important that we break out this information. Perhaps there is a statistical need for this breakout, and I am certainly willing to assure him the opportunity to have those figures. Perhaps it could produce helpful information to the committee.

I, too, thank Senator PRESSLER. I yield back the remainder of my time on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota.

The amendment was agreed to.

UP AMENDMENT NO. 916

(Purpose: To prescribe the educational assistance allowance of a veteran who is in prison or jail)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for himself, Mr. COHEN, and Mr. ARMSTRONG, proposes an unprinted amendment numbered 916.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, strike out lines 16 through 20 and insert the following:

(1) amending subsection (b)—

(A) by striking out "or" at the end of clause (1);

(B) by adding "or" at the end of clause (2);

(C) by inserting after clause (2) the following new clause:

"(3) in the case of a veteran who is incarcerated in a Federal, State, county, or local prison or jail,"; and

(D) by adding at the end thereof the following new sentence: "An individual's entitlement shall be charged for institutional courses on the basis of the applicable monthly training time rate as determined under section 1788 of this title.";

On page 36, line 17, strike out "subsections" and insert "subsection".

On page 36, line 22, after the period insert closing quotation marks and a period.

On page 36, beginning with line 23 strike out all through line 23 on page 38.

Mr. DOLE. Mr. President, the amendment I have sent to the desk proposes to address the difference between the way education benefits are paid to in-service personnel and incarcerated veterans. I want to make it very clear at the outset that this amendment would not deny the incarcerated veteran his or her earned educational benefits. Very simply, the amendment would prescribe the educational assistance allowance to a veteran who is in prison or in jail in the same manner as active duty personnel of our Armed Forces.

Mr. President, S. 870, the GI Bill Amendments Act of 1980, contains a provision which perpetuates an inequity that has existed for years. That is, allowing an incarcerated veteran to receive a larger educational assistance payment than is paid to a member of the Armed Forces on active duty.

Under current law, educational assistance allowance to incarcerated veterans is authorized an amount determined by type of program in which the veteran is enrolled. A single veteran, not in prison, who is enrolled full-time receives $311 monthly. If enrolled three-quarter time he receives $233, and half-time he receives $156. An incarcerated veteran, on the other hand, whether single or with dependents enrolled on a less than half-time basis will receive assistance equal to tuition and fees or $311 monthly.

Mr. President, I might add that, in the Washington Star of Saturday, January 5, 1980, there was a little note entitled "Wanted: A Real Pen Pal." It is an ad placed in the Willamette, Oreg., newspaper. It reads: "I will pay dollars for any available female willing to marry me. No sex."

The box number accompanying the ad is that of Michael Archie Easton, 27, an inmate of the Oregon State Penitentiary.

Easton is taking college courses inside the prison and the Veterans' Administration will pay him an extra $59 a month if he's married. VA pays single students $311 a month and married students $370. Said the VA director in Portland, John Vogel, "We don't question why a man gets married." Easton said he's willing to pay some woman up to $250 and a three-year contract. He'll pay for the divorce.

He will pay for the divorce when he is out of prison because he can pick up about $60 additional a month. Over a 3-year period, that is not some insubstantial sum, and the expenses are not too great in prison.

INCARCERATED VETERANS

Mr. President, in recent years, we have become aware of disciplinary problems resulting from payment of excess educational benefits directly to the incarcerated veteran. It appears that where the Veterans' Administration has made payment of educational benefits to incarcerated veterans for pursuing programs of education, excess funds over and above educational costs being paid these prisoners have caused serious problems. Much of this excess money has gone to purchase a variety of narcotics by incarcerated veterans. There have been cases where this money has been stolen from them by other inmates.

Mr. President, the committee, in responding to this concern, has included in S. 870 language that would provide for payment to the incarcerated veteran of only that portion of the appropriate educational assistance allowance, including any portion of the appropriate dependents' allowance payable to the veteran as is necessary to cover the cost of tuition and fees for the veterans' enrollment in a program of education. The balance of the educational assistance allowance, if any, would be held in escrow by the administrator for the veteran until his or her release. Committee language also provides that, in the case of an incarcerated veteran with dependents, the administrator would, at the request of the veteran, pay to the dependents or legal guardian the amount of educational assistance allowance not paid to the veteran to cover the cost of tuition and fees.

THE GI BILL: AN EDUCATIONAL BENEFIT

Mr. President, what I have just described is nothing more than a financial bonus for veterans in prison * * * a financial bonus which, first of all, was not the intent of the GI bill. Secondly, even if it could be justified as it currently exists, there is a blatant discrimination in that in-service personnel do not receive the larger educational assistance currently enjoyed by the incarcerated veteran.

The ideal solution, for some, would be to increase the in-service veterans' benefits to the level incarcerated veterans receive. This action, however, does not address my concern—that is, with the payment beyond the actual cost of educational fees and tuition, such as in the case of the incarcerated veteran, we are allowing the GI bill to be used in a way that was not intended when Congress enacted this program into law.

Although the purpose and major provisions of the GI bill have remained essentially the same since the inception of the 1966 act, the House Veterans' Affairs Committee in 1966, drew special attention to the intent of Congress when it reported that:

It should also be recalled from the outset of the program it was the intent to provide a reasonable measure of assistance to an eligible veteran who elects to pursue an educational program. In fact, the basic authorization language provided "the administrator shall pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of his subsistence, tuition, fees, supplies, books, equipment, and other educational costs."

Mr. President, on October 14, 1979, the House Committee on Veterans' Affairs reported H.R. 5288, the Veterans' Rehabilitation and Education Amendments of 1979. The report stated the following on the incarcerated veteran:

Many education and training courses are offered in prisons at little or no cost to the veteran which includes free board and room at the expense of the prisons. This results in a financial bonus for such veterans which many do not believe was the intent of the G.I. Bill.

On October 16, 1979, the House passed this measure by a vote of 405 yeas to 1 nay.

Mr. President, I believe the intent of the GI bill has been made very clear. I further believe that my colleagues will agree with me that providing the incarcerated veteran money beyond the actual cost of his or her educational program, money which has been documented as having been used to purchase drugs as well as the cause of other problems, was not the intent of the educational assistance program for veterans.

DOLE AMENDMENT ELIMINATES INEQUITY

Mr. President, once again, the Senator from Kansas wants to make very clear that this amendment will in no way deny his or her earned educational benefits. Incarcerated veterans will continue to receive their earned benefits; that is, cost of educational fees and tuition, the same benefits in-service personnel currently receive.

Present law provides that military personnel attending school under the GI bill are paid only the cost of tuition and fees and prohibits the payment of a subsistence allowance. The basis for this limitation is that active duty servicemen are being furnished their living allowances by the Armed Forces, much like the incarcerated veteran receives his living allowances from the Federal, State, or local government.

Mr. President, this amendment has the support of the Non-Commissioned Officers Association, National Association for Uniformed Services, Marine Corps League, Fleet Reserve Association, Retired Officers Association, Air Force Sergeants Association, AMVETS of WWII, Korea and Vietnam, and the Marine Reserve Officers Association.

While the amendment is not openly supported by the Veterans of Foreign Wars and the American Legion, it is my understanding that there was testimony by these large veterans organizations which, in effect, support it. I quote from the VFW:

> Although we have no current resolution pertaining to any of these five bills presently under consideration, the V.F.W. has historically and traditionally supported the improvement of wartime veterans benefits, and, if in the wisdom and judgment of this Subcommittee, these bills would relieve unintended inequities, the Veterans of Foreign Wars interposes no objection.

With reference to the American Legion, while there is no specific comment that the Senator from Kansas can find on this short notice, it does indicate that there is a primary purpose to aid veterans in obtaining educational status which they might normally have aspired to obtain had they not served their country. They support cost-of-living adjustments, as does this Senator. But it seems to me that we make a mistake in this particular area.

Finally, Mr. President, in summary, what the amendment will do and what the amendment will not do. The amendment will eliminate an inequity that allows incarcerated veterans to receive a larger educational assistance allowance than the active duty service member. It will focus the GI bill on what it was created to do, provide educational assistance to deserving veterans. It will help to eliminate significant educational assistance overpayment to the incarcerated veterans.

The amendment will not deny any incarcerated veteran his or her earned educational benefits. I again indicate that the House passed this action with this amendment by a vote of 405 to 1.

H.R. 5288 contains a provision to prohibit the payment of subsistence allowance to incarcerated veterans. They are eligible only for cost of tuition and fees.

The American Legion, as I say, had no objection to the amendment. I quote from their testimony:

> Since the incarcerated veteran is receiving subsistence from the Federal, State, county, or local governments, equity argues that his computation rate be no different from that used for atcive duty personnel. The amendment does not alter the rate computation of those incarcerated veterans with dependents.

So I suggest there is that positive testimony from the American Legion.

There is widespread support, and I hope the amendment is acceptable.

I reserve the remainder of my time.

Mr. CRANSTON. Mr. President, if sufficient Senators are here, I ask for the yeas and nays now on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CRANSTON. Mr. President, I rise in vigorous opposition to the amendment offered by the distinguished Senator from Kansas (Mr. DOLE) to strike the provisions of the committee bill that would modify the way in which GI bill benefits are paid to veterans who are incarcerated and would, instead, limit such veterans' entitlement to only the amount of tuition and fees.

Mr. President, the committee was concerned by some reports that the making of direct payments to incarcerated veterans of funds not needed to pay for the costs of training may be causing problems in some correctional institutions. During testimony before the committee on June 6, 1979, the VA testified that a number of complaints have been received from prison officials concerning excess funds paid to prisoners by the VA and that this additional money has in some cases precipitated narcotics traffic, thefts, and related problems. On the other hand, a number of prison officials—including the Director of the Federal Bureau of Prisons—testified that they were not aware of any significant problems arising from the unfettered availability of GI bill benefits to incarcerated veterans.

The committee has recognized that a legitimate need for that portion of the educational assistance allowance to be used for the veteran's subsistence does not exist while the veteran is incarcerated. Thus, Mr. President, the committee bill would provide for the payment to the incarcerated veteran of only so much of the appropriate educational assistance allowance as is necessary to cover the cost of tuition and fees for the veterans' enrollment in a program of education. The balance of the educational assistance allowance, if any and if not paid to the veterans' dependents, would be held in escrow by the Administrator until the veteran's release and, at the request of the veteran, the Administrator would invest the escrowed funds in U.S. Government securities, such as U.S. savings bonds or Treasury bills. The pending bill would further provide that, in the case of an incarcerated veteran with dependents, the Administrator would, at the request of both the veteran and the dependents, pay to the dependents the amount of educational assistance allowance—including the appropriate dependents' allowance—not paid to the veteran to cover the cost of tuition and fees. For such veterans with dependents, the veteran would have no entitlement to any portion of the dependents' allowance—except as actually needed for the cost of the tuition and fees—unless he assigned it to the dependents with their agreement.

Mr. President, I believe that these proposed modifications would not only resolve the problem of unneeded funds within penal institutions, but, through the holding of funds in escrow until the veteran's release from incarceration, would also provide the veteran with funds at the time of release that could facilitate the veterans' readjustment to and rehabilitation in the community and thus deter recidivism.

Thus, at no additional cost, the committee bill would deal effectively with three problems: First, it would resolve such problem as exists of unneeded funds within penal institutions—a problem which, based on our July 11 hearings on incarcerated veterans has been vastly overestimated. Second, it would provide a measure of real assistance to the veteran and, indeed, a benefit to society as a whole. The benefits available to the veteran upon his or her release from prison would aid in the veteran's rehabilitation in society by making it possible for the veteran more easily to defray his or her living expenses during that critical period of reentry and easing his or her readjustment to life in the community. Thus, we believe that, in a very real sense, we would be helping to remove a cause of recidivism and thus deter crime by helping ameliorate the possible temptation for a newly released individual to resort to further crime to support himself or herself right after release from incarceration. Third, the committee bill would provide a strong incentive to the veteran to assign to his dependents the dependent's portion of his GI bill allowance—which would be $137 a month during full-time pursuit of education for a veteran with, for example, a wife and two children—so that this money can be used for their support during his incarceration.

Mr. President, the proposal made by my distinguished colleague would, I think, represent an added punishment by taking away benefits earned through the meritorious military service of men and women who later run afoul of the law. We do not believe that their basic entitlements to educational benefits should be diminished in any way by the subsequent actions that led to their incarceration. Their actions, subsequent to their honorable service does not justify our reneging—by denying to them a portion of that entitlement—on the commitment this Nation has already made to them.

Thus, Mr. President, I would like to ask the Senator if the end result of his amendment is not to inflict an additional punishment—by taking away part of an earned benefit from those who served their Nation honorably in time of war—a punishment over and above that inflicted on those who are incarcerated and did not serve their country in that way?

Also, since there is a limited period of time in which GI benefits can be used—the 10-year delimiting period, if they are not used while the person is incarcerated, they cannot be used at all.

Mr. DOLE. That is not the way the Senator from Kansas views it.

It seems to me that we are trying to create inequities. In the case of a single veteran who is not in prison, enrolled full-time, he receives $311 monthly. If he is enrolled for three quarters, he receives $233, and half-time would be $156.

On the other hand, an incarcerated veteran, whether single or with dependents, will get $311. We think that is one inequity.

Second, it just proscribes the educational assistance allowance of a veteran in prison or jail in the same manner as active duty personnel of our Armed Forces.

I do not want to take the Senator's time, but at an appropriate time I will discuss some of the benefits available to veterans and their dependents set forth in a booklet, "Veterans Benefits, Inside and Outside."

It goes on to say that those in prison or possibly on parole would still be entitled to certain Federal benefits.

I will get into some of those programs on my time and not take the Senator's time.

Mr. CRANSTON. I thank the Senator.

Mr. President, it seems very clear that the proposal of the Senator from Kansas would set a very unfortunate precedent. Are we to adopt a policy of conditioning earned benefits on subsequent actions? Are awards of service-connected compensation to be qualified by later behavior? Is the man who lost a leg in combat to be told that the commitment this country made to him will be contingent upon his future behavior?

Mr. President, all veterans' benefits are awarded on the basis of service, and GI bill benefits are additionally based on the length and quality of service and on a requirement of service during wartime. The veterans who would be penalized as a result of the Senator's proposal have already performed the service required to entitle them to the benefits which the Nation has promised. Now, after the fact, after they gave their honorable service, this proposal would withdraw those earned benefits. In my view, this proposal thus represents our breaking of a promise made by the Nation and instead imposing an extra form of punishment on Vietnam-era veterans who are later incarcerated.

Finally, Mr. President, I am aware of the Non-Commissioned Officers Association's opposition to the provision of the committee bill and am frankly puzzled by it. Their opposition is apparently based on the assumption that the provision would place incarcerated veterans in a more advantageous position with respect to their educational assistance allowances than active-duty personnel, and that, since the NCOA sees the circumstances and situations as similar, the incarcerated veteran situation must be treated the same as GI bill use by active duty personnel.

I would point out to my colleagues that this assumption of similar circumstances is not entirely valid. The inservice personnel receive, in addition to their base pay, a variety of other forms of subsistence benefits for themselves and their dependents, including free housing or a housing assistance allowance, access to the PX and commissary, quality medical care for their entire family, access to career training, and increased allotments for additional dependents. The families of incarcerated veterans, by and large, receive no comparable assistance at all.

It simply is not true that the circumstances of these two groups can necessarily be equated.

Mr. President, in this regard, I call to the attention of my colleagues a letter I have received, dated November 13, from the Disabled American Veterans expressing their strong support for the provisions of S. 870 as reported relating to incarcerated veterans. I ask unanimous consent that this letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Disabled American Veterans,
*November 13, 1979.*

Hon. Alan Cranston,
*Senate Committee on Veterans Affairs,*
*Washington, D.C.*

Dear Chairman Cranston: This is in reference to S. 870, the GI bill Amendments Act of 1979, particularly Section 107 of the bill relating to the payment of VA Educational Assistance to incarcerated veterans.

In this connection, I wish to reaffirm the position of the Disabled American Veterans on this very sensitive issue. Frankly stated, the DAV strongly supports Section 107 of S. 870, which proposes to amend Section 1682 of Title 38 U.S. Code to permit the VA to hold in trust any excess education benefits of incarcerated veterans after payment of necessary fees associated with books and tuition has been made. Upon release from prison, the available funds would then be paid to the veteran to ease his transition from prison back into society.

As you may know, the need for such a provision was brought about due to the testimony of prison officials who stated that, in some instances, VA funds paid to incarcerated veterans were being utilized to purchase drugs and other contraband material. In this regard, we understand that an amendment to S. 870 will be offered to place restrictive limits on education payments made to incarcerated veterans similar to the provisions contained in a House measure, H.R. 5288.

The DAV does not believe that curtailment of VA education benefits to honorably discharged incarcerated veterans will solve the inherent problems of drug abuse and the purchase of contraband material in the State and Federal Prison System. We feel strongly that the prison systems' failure to deal with this problem should not be borne by incarcerated veterans who have VA educational benefit entitlement and who—I am sure all will agree—are a category of our veteran population that definitely needs readjustment assistance.

The Disabled American Veterans firmly believes that the establishment of such a trust fund for incarcerated veterans, as contained in Section 107 of the bill, would serve to assist such veterans in returning to the mainstream and would greatly reduce the high rate of recidivism. Accordingly, we strongly support this provision of S. 870. We would oppose any amendment that would reduce or eliminate the present VA education entitlement of incarcerated veterans.

Sincerely yours,

John F. Heilman,
*National Legislative Director.*

Mr. CRANSTON. Mr. President, I too, read the Washington Star article about the ad for a wife placed by an incarcerated veteran. That situation would be dealt with adequately by the committee bill provision, since the mail-order wife in such a situation would herself receive the funds directly—not the veteran. Moreover, if a veteran attempted to enforce in court any contract with his new wife to force her to pay to the veteran the amount she received directly from the VA, I do not believe any court would uphold such a contract so clearly in contravention of the purpose and provisions of the underlying Federal law.

For all those reasons and more, Mr. President, I strongly urge defeat of the amendment of the Senator from Kansas.

Mr. DOLE. Mr. President, how much time remains to the Senator from Kansas?

The PRESIDING OFFICER. Seventeen minutes.

Mr. DOLE. I suggest the absence of a quorum, with the time to be charged against my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I do not intend to add any repetitive information to this debate.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. I yield such time as the Senator requires.

Mr. SIMPSON. I speak in opposition to the Dole amendment. I do that with some regret, because he has proved to be such a positive influence in all aspects of veterans' affairs. As I say, it would be easy to be repetitive, but I shall try not to do that in my brief comments.

I do not see this as a problem of great scope. It is not that prevalent. Whatever may have happened with regard to advertising for a wife and all that implies, it comes back to one of those situations where we tend to overreact to isolated abuses.

I have a hard line, I guess, on those who are incarcerated and the benefits they should receive. However, our hearings in the Veterans' Affairs Committee on this issue indicate that it is not the problem that Senator Dole's amendment would hope to address. I trust we will not adopt the amendment and that we will stay with the committee amendment.

The most important part of the committee amendment is the escrow provision: that is, the veteran who is incarcerated will be paid his tuition and fees, and the remaining entitlement will go to his dependents or be escrowed. Any funds in escrow would be held for the veteran at a reasonable rate of interest. The committee bill provides for that.

On request of the veteran, the bill also provides that there would be a payment to the dependents of the amount of the educational allowance not paid to the veteran. That payment would be made only if the dependents concurred in the veteran's request.

One thing we must always remember is

that these are veterans who have served in our Armed Forces and have received honorable discharges. I do not think we should forget that. Even though these individuals have later committed crimes against society, I do not believe that they should be denied their full educational benefits, for themselves or their dependents. Hopefully, when these individuals are released, with simply a new suit on their backs and a start toward an education, they will have a little money in the bank to get started back on the right track.

Those are my reasons for rejecting Senator DOLE's amendment.

Mr. CRANSTON. Mr. President, I yield to the Senator from South Carolina such time as he may need.

Mr. THURMOND. Mr. President, I say at the outset that there is no Member of the Senate for whom I have greater respect than the able Senator from Kansas (Mr. DOLE). I doubt whether there is any man in the Senate who has served his country on the battlefield in a more able and courageous manner than has Senator DOLE and he is one who has stood by our Armed Forces.

However, on this particular matter, I do not feel that it is an abuse of the program if we allow the incarcerated veterans to receive GI bill benefits. The purpose of the GI bill benefit is to reward the service of the veteran while on active duty and to assist in his readjustment to civilian life. To me, simply because he has been incarcerated, is not sufficient ground to deprive him of those benefits which he has earned through good and faithful service.

In other words, if that is the case, what we are doing is saying to a veteran, "You are eligible for veterans' benefits based on your future behavior." The purpose of these benefits is to reward past behavior, past service, not future behavior. For that reason, I cannot agree that this amendment should be adopted.

Mr. President, anyone who receives these benefits must have an honorable discharge. If a veteran served honorably and has an honorable discharge plus he met the 180-day requirement, that, to me, should be adequate and sufficient, and we should not try to punish him for his future behavior. But if he does misbehave, then, under the provisions of the Senate bill, these VA funds will be placed in escrow; and when he gets out, he will have the funds available.

When a person has been incarcerated and returns to society, I often have felt that there should be some type of assistance that could be offered him. Of all times when a fellow needs help, he needs it most when he comes out of prison.

Under the committee bill, if the veteran does not agree that these funds should be held in escrow but prefers that his family should receive these funds or part of the funds; that can be done. He may have a wife and children to whom he wants to provide these funds while he is incarcerated, therefore, they will not have to turn to welfare. So it seems to me that the committee bill is a reasonable resolution to any problems that have been encountered in this area.

The largest veterans' organization in the world, the American Legion, does not oppose the committee amendment. The Veterans of Foreign Wars do not oppose the committee amendment. The Disabled American Veterans favor the amendment.

Taking everything into consideration, it appears to me that what the committee has done here is to protect the veteran who has served his country honorably, received an honorable discharge, but later got into legal trouble. The committee bill will allow him to retain his funds, to help his family or help him after he is released from prison. In view of that, I think the committee bill is reasonable, compassionate, and should be adopted. The Dole amendment should not change the committees' action.

I can fully realize the point made by the able Senator from Kansas, that those in service only have their tuition and laboratory fees paid, and that might seem unfair. So perhaps we need to change that provision if necessary. In an effort to put them in a position of equality, I would rather give the man in service those benefits than to punish the veteran who has served his country honorably. In either case, it seems to me that the committee's action is reasonable. Further, the VA, Bureau of Prisons, the Justice Department, several university officials and veterans who had benefited from the GI bill while incarcerated testified in favor of the committee position. For these reasons, and others that I have mentioned, I believe the Dole amendment should fail.

Mr. DOLE. Mr. President, I will read a little paragraph of the report of the House as to the reason why this amendment is offered.

In the first place, you could have a private in one cell in a jail and a veteran in the other, and the veteran would get $311 a month while incarcerated and the private would get about half that or less.

That in itself is an inequity, but the point the Senator from Kansas makes is we want to preserve the integrity of the GI bill. We are going to have a lot of problems down the road with the GI bill.

Let me give Senators some examples.

Many education training courses are offered in prison at little or no cost to the veteran which includes free board and room at the expense of the prison.

And I applaud that. We should do more of it.

But let me state what the facts are.

I ask that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. I hope that the managers of the bill will look at page 11 of the House report because this does result in a financial bonus for such veterans, and I do not believe this was the intent of the GI bill.

Let me give Senators some examples.

It was reported in California a Soledad prisoner convicted of armed robbery prefers to remain in prison rather than accept probation because he is receiving $400 a month in GI bill payments and has no subsistence expenses.

Another case. It is pointed out that profitable schooling is becoming the in thing among prisoners. Nearly 200 criminals in 9 Illinois prisons are receiving educational allowances with no strings attached for attending fulltime grade school, high school, or college classes conducted at these facilities.

Another report from Illinois stated that the Veterans' Administration will pay more than 2 dozen convicted felons thousands of dollars to help fund an education program which State governments provide inmates for no charge at an Illinois maximum security prison.

From Florida another report indicated that State prison inmates are going to college on the GI bill and pocketing the tuition money they receive from the Veterans' Administration.

The bill would prohibit the payment of the subsistance allowance to such veterans.

Incarcerated veterans would be eligible to receive only the costs of tuition and fees.

I say to my distinguished friends from South Carolina, Wyoming, and California, if I were a taxpayer, and the Senator is a taxpayer, but if I were a taxpayer outside this Chamber and I had a son who was a veteran or a daughter who was a veteran or if I were looking at some way to help some GI with educational benefits and I read about these examples where 200 criminals in 9 Illinois prisons are receiving educational allowances with no strings attached for attending fulltime grade school, high school, or college classes, when it is with no cost to them, I might ask some questions.

We all talk about trying to save money and stop some of the abuses in the program. The GI bill has been a great boon to a lot of us. This Senator benefited from the GI bill. I want to preserve the integrity of the GI bill.

So, in addition to the abuse of the program, there is no reason to give someone subsistence allowance who is residing in some local, State, or Federal penitentiary or prison. Why should some private who might be incarcerated get maybe half the amount that some incarcerated veteran receives? It does not make any sense.

We talk about patriotism and wearing the uniform. We all have problems, and some may end up in serious problems and some may end up in jail. We should have educational benefits for those who are incarcerated, but we should not abuse the program. We should not pay Federal dollars to some incarcerated veteran when he is receiving some educational benefit at no cost at all.

Certainly we should not pay subsistence allowance when those costs are being paid by the State or by the local government or by the Federal Government.

If there is some problem with dependents we should change the law. It is not the intent of this Senator to deny some family, some children of subsistence allowance. But that is not what is recommended by the committee. They want to hold it in escrow. They do not say you have to give it to the family. They say you hold it in escrow and you give it to the inmate when he leaves the prison.

I say again that there is always a lot of conversation about how we can save a few dollars, and this is not a very big item so maybe we should not concern ourselves if there are only 400 or 500 or maybe 1,000 cases or 10,000 cases of abuse. It probably does not make much difference in the big, big picture. All we are saying is we should make certain that the man on active duty or woman on active duty should receive the same or the others should not receive more than the man or the woman on active duty.

Let me give Senators an example.

Active duty members of the Armed Forces are paid $311 per month for the full cost of tuition and fees whichever is less; however, incarcerated veterans are paid the full educational allowance, $10, $11, whatever the cost might be. They still get $311.

Under this system a service member's tuition for a 3-month period is $110 and he is paid exactly that amount. An incarcerated veteran enrolled for the same period and paying the same tuition will be paid $933.

Now is that justice? Is that equity? Is that fair?

The Senator from Kansas does not believe it is.

So all this amendment does is it eliminates the inequity that allows incarcerated veterans to receive a larger educational assistance allowance than the active duty service member.

But I think, even more importantly, it focuses some needed attention in the GI bill and what it was created to do. It was created to provide educational assistance to deserving veterans. And it also finally eliminates some overpayments of educational assistance to incarcerated veterans.

It does not in any way deny an incarcerated veteran his or her earned educational benefits. It would not be supported by all the groups the Senator from Kansas related to earlier if it did. It would not be supported by the noncommissioned officers, or the National Association for Uniformed Services, or the Marine Corps League, or the Fleet Reserve Association, or the Retired Officers Association, or the Air Force Sergeants, or whatever, if somehow it was doing something contrary to the views of those outstanding organizations of veterans.

It just seems to me to be a matter of simple equity. It seems to this Senator to be a matter of stopping one little abuse.

Those who are in favor of paying 200 criminals in 9 Illinois prisons for receiving educational allowances will vote against the amendment. Those who are in favor of paying more than two dozen convicted felons thousands of dollars to help fund an educational program which State government provides inmates for no charge will vote against the amendment. Those in favor of State prison inmates going to college under the GI bill and pocketing the tuition money they receive from the Veterans' Administration will vote against the amendment because I want to stop all that. If Senators do not want to stop the abuses then they vote against the amendment. That is all there is to it.

It is not a matter that the Senator from Kansas is not concerned about veterans. We are all concerned about veterans, but we are concerned about abuses in the program and no one would judge anyone who might have had some difficulty and may end up in prison, whether it be for armed robbery or something else, but I say again if he is a private who commits armed robbery he gets about $110, if that is the cost, in 3 months, but if it is a veteran who commits armed robbery and he is in a prison that is paying the subsistance he gets $933.

Maybe the Senator from South Carolina says we should change the law. Maybe the Senator from California says it is not fair to dependents. Maybe we should change the law, but we are not addressing that in this amendment. We are addressing an inequity that exists, and I hope that we make one small step as the House of Representatives did. This passed the House of Representatives by a vote of 405 to 1. When the odds are that great and you are the one, you may begin to think maybe there is a little wisdom among the 405.

So the Senator from Kansas just indicates that 405 to 1 persuaded me that we should take a look at it. I know there has been a change made by the Senate Veterans' Affairs Committee. I applaud their efforts. They do outstanding work. I do not know of any two Senators more concerned about veterans than the distinguished Senator from Wyoming and the distinguished Senator from California. So it is not that point at all.

But we make one small step. We can agree with the House of Representatives We can adopt this amendment and I believe instill more integrity in the GI educational program, at the same time stop some of these abuses that make the papers and bring discredit on the Veterans' Administration, discredit on the program itself, discredit on veterans, and discredit on those in uniform.

So I hope that the amendment will be adopted.

I am prepared to yield back the remainder of my time.

Mr. CRANSTON. Mr. President, I would like to stress again that the Senator from Kansas keeps suggesting that his amendment would not take any benefits away from incarcerated veterans. That just is not the way that things work. Many incarcerated Vietnam-era veterans are nearing the end of their delimiting periods, and in many cases would be able to use their GI bill benefits only if they use their entitlement while incarcerated. In these instances, if they did not manage to use their entitlements while incarcerated they would be denied it.

Thus, they would in these circumstances clearly be losing a substantial part of their GI bill benefits earned by their honorable service.

Moreover, Mr. President, under the Senator's amendment, unlike the committee provision, a veteran on a work-release program in a community halfway house would forfeit subsistence benefits even though the veteran might have real living expenses to meet.

I also believe there are four misstatements in the Senator's prèsentation. First, he says it is not his intent to take away dependents' allowances. Yet that is exactly what his amendment would do.

Second, he suggested that the dependents' allowances would not be paid under the committee bill provision. That is not the case; that is not so. We would provide for an assignment directly to the dependent for his or her support, but the incarcerated veteran could not—I repeat, could not—get those funds.

Third, he suggested that veterans in no-cost courses would get GI bill benefits unless the Senator's amendment is agreed to. That is not so. Under the committee bill, those prisoners would get no benefits while they were incarcerated.

Finally, and fourth, he suggested, that the House approved his provision 405 to 1. Actually there was no House vote on this provision at all. The bill was passed on suspension in that body without any opportunity for this provision to be challenged.

That is the factual record we are dealing with.

I yield to my colleague, the ranking Republican member of the committee.

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senator from Wyoming.

Mr. SIMPSON. I can certainly understand the full essence of what Senator DOLE is saying with regard to this legislation and this amendment. He is a person who needs no credit from this junior Senator from Wyoming for what he has done for veterans and what he has done in serving his country himself.

But one thing—and I will then drop from the fray—I think what the Senator says is so true about the person on active duty especially those who may be incarcerated, and I think, perhaps, that is an area of the law we should look into carefully and perhaps correct. But that in itself does not justify tossing out this benefit from the committee bill.

It is an excellent point, and I think it is one that deserves hearings.

I pledge to the Senator from Kansas that I would certainly, as ranking minority member of the Veterans' Affairs Committee, urge the committee to consider hearings on GI bill benefits accorded active duty personnel. I think that is a very important point. I just hesitate at this time and in this legislation to penalize the incarcerated veteran who, at one time, served honorably in the service of his country.

Mr. DOLE. Mr. President, will the Senator yield on that?

Mr. SIMPSON. I yield.

Mr. DOLE. I think the other point that bothers the Senator from Kansas is that whatever course he might take that was offered free, he is still getting $311 from the Federal Government, and it seems to me that is almost as important as the other.

I am not certain we ought to try to say, "Well, we ought to give the active duty guy the same consideration as the veteran." I am not certain that is the primary point. The primary point is that the taxpayers are looking to us to stop some of the abuses, whether they are in this particular program or something that touches Members of Congress or agriculture or defense or whatever.

It is not a very big item. The Senator from Kansas would not indicate that we are talking about a ton of money here, but it is an obvious abuse. It seems to me we ought to be focusing on this abuse where if someone is, in fact, incarcerated and does not pay anything for the educational courses furnished by the State or the prison or if they pay less, if they pay $50, they should not receive $311. That is the primary point the Senator from Kansas makes.

● Mr. DURKIN. Mr. President, GI bill benefits have not been increased for almost 3 years. During that time, the cost of living—from eating to obtaining an education, from a gallon of gas to a gallon of milk—has spiraled at a double-digit inflation rate. The need for an increase in GI bill benefits is clear and immediate.

As the only Member of the Senate on the Veterans' Affairs Committee and on the Senate Appropriations Committee, I firmly believe this Nation owes a special debt to the men and women who have valiantly served in our Armed Forces.

I am particularly committed to providing relief to those veterans who are attempting to pursue programs of education using GI bill benefits, the value of which is being so badly eroded by inflation. Many of these men and women are Vietnam era veterans who are now approaching the end of their delimiting periods for benefits under the GI bill. Their last chance to make effective use of these remaining benefits to facilitate their readjustments to civilian life must not be hindered by an inadequate level of assistance.

For some Americans, the war of Vietnam seems long over. To others it is a war to forget. I would only hope this Senate knows better than to forget our Nation's debt to the veterans of that era, who were not only forced to fight an unpopular war in Indochina but who must still do battle with the reality of that tragedy today.

These veterans, now mostly in their mid-thirties, are in many cases likely to have families to support, rent and other bills to pay, and an education to complete within a very limited time. I believe that it is essential that we provide them with an adequate level of GI bill benefits during the very last years of their delimiting period, especially those veterans whose readjustments have been difficult.

Inflation has unquestionably undermined drastically the purchasing power of the GI bill dollar. This amendment, although not fully compensating for rising costs because of the great need to restrain Federal spending and achieve a balanced budget, would help offset inflation's impact. It is a prudent and fair proposal that the Senate should approve. I urge my Senate colleagues to join me in support of this effort.●

Mr. CRANSTON. Mr. President, I am prepared to yield back the time and proceed to a vote on the amendment.

Mr. DOLE. I yield back the time.

The PRESIDING OFFICER. Is all time yielded back? All time is yielded back, and the question is on agreeing to the amendment of the Senator from Kansas. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. FORD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER (Mr. BAUCUS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 28, nays 66, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—28

Armstrong
Bellmon
Boren
Boschwitz
Chafee
Chiles
Church
Cohen
Danforth
Dole
Durenberger
Exon
Hayakawa
Helms
Humphrey
Kassebaum
Laxalt
McClure
Morgan
Packwood
Percy
Roth
Schmitt
Schweiker
Stevens
Talmadge
Wallop
Zorinsky

NAYS—66

Baucus
Bayh
Bentsen
Biden
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cochran
Cranston
Culver
DeConcini
Domenici
Durkin
Eagleton
Garn
Glenn
Goldwater
Gravel
Hart
Hatch
Hatfield
Heflin
Hollings
Huddleston
Inouye
Jackson
Javits
Jepsen
Johnston
Leahy
Levin
Long
Lugar
McGovern
Magnuson
Matsunaga
Melcher
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Pell
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Simpson
Stafford
Stennis
Stevenson
Stewart
Stone
Thurmond
Tower
Tsongas
Warner
Weicker
Williams

NOT VOTING—6

Baker
Ford
Heinz
Kennedy
Mathias
Young

So Mr. DOLE's amendment (UP No. 916) was rejected.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### UP AMENDMENT NO. 917

(Purpose: To provide for a program of career development, advancement, and training and for outreach and supportive services for Vietnam veterans)

Mr. PRESSLER. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an unprinted amendment numbered 917, as modified.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 19 and 20, insert a new title as follows:

"TITLE VII—VETERANS CAREER DEVELOPMENT, ADVANCEMENT, AND TRAINING ASSISTANCE

"SEC. 701. (a) Part III of title 38, United States Code, is amended by adding at the end thereof the following new chapter:

" 'Chapter 45—VETERANS CAREER DEVELOPMENT, ADVANCEMENT, AND TRAINING ASSISTANCE

" 'Subchapter I—Purpose; definitions

" 'Sec.
" '2101. Purpose.
" '2102. Definitions.

" 'Subchapter II—Eligibility and entitlement

" '2103. Eligibility; entitlement; duration.
" '2104. Time limitations for completing a program of career development or training.
" '2105. Occupational and vocational counseling.

" 'Subchapter III—Enrollment

" '2111. Selection of program.
" '2112. Applications; approval.
" '2113. Disapproval of enrollment in certain program.
" '2114. Discontinuance for unsatisfactory conduct or progress.

" 'Subchapter IV—Payments to eligible employers

" '2121. Career development and advancement and career development and training allowances.
" '2122. Computation of career development and advancement and career development and assistance allowances.
" '2123. Payment of career development and advancement or career development and training assistance allowances.

" 'Subchapter V—Approval

" '2131. Approval of programs.
" '2132. Authority for approval.
" '2133. Approval of career development and training programs.
" '2134. Notice of approval of programs.
" '2135. Disapproval of programs.
" '2136. Overpayments to eligible employers.
" '2137. Discontinuances of allowances; examination of records; false or misleading statements.
" '2138. Change of program.
" '2139. Compliance surveys.
" '2140. Responsibilities of Secretary of Labor.
" '2141. Veterans information and outreach.
" '2142. Program effective and termination dates.

" 'Subchapter I—Purpose; Definitions

" '§ 2101. Purpose

" 'The Congress hereby declares that a career development, advancement, and training program is created by this chapter for the purpose of—

" '(1) extending the benefits of a meaningful career to qualified and deserving persons who might otherwise be unable to attain a career opportunity,

" '(2) providing vocational readjustment and restoring lost career opportunities to those service men and women whose careers have been interrupted or impeded by reason of active military duty after August 4, 1964,

" '(3) aiding such persons in attaining the vocational and occupational status which they might normally have aspired to and obtained had they not served their country, and

" '(4) providing an opportunity for such persons to attain their full employment capability, to increase their earned income, and to attain economic self-sufficiency.

" '§2102. Definitions

" 'For the purposes of this chapter—

" '(a)(1) The term "eligible veteran" means any veteran who—

" '(A) served on active duty for a period of more than 180 days, any part of which occurred after August 4, 1964, and before January 1, 1977, and was discharged or released therefrom under conditions other than dishonorable;

" '(B) contracted with the Armed Forces and was enlisted in or assigned to a Reserve component prior to January 1, 1977, and as a result of such enlistment or assignment served on active duty for a period of more than 180 days, any part of which commenced within twelve months after January 1, 1977, and was discharged or released from such active duty under conditions other than dishonorable;

" '(C) was discharged or released from active duty, any part of which was performed after August 4, 1964, and before January 1, 1977, or following entrance into active service from an enlistment provided for under clause (B) of this paragraph, because of a service-connected disability; or

" '(D) and who served in the Indochina theater of operations or who is a disabled veteran entitled to vocational rehabilitation assistance under the provision of chapter 31 of this title.

" '(2) For purposes of paragraph (1)(A) of this subsection and section 1661(a) of this title, the term "active duty" does not include any period during which an individual (A) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 511(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve, Marine Corps Reserve, or Coast Guard Reserve unless at some time subsequent to the competition of such period of active duty for training such individual served on active duty for a continuous period of one year or more (not including any service as a cadet or midshipman at one of the service academies).

" '(b) The term "eligible employer", when used with respect to the employment of a veteran, means any public or private employer (other than a veteran who is self-employed) who meets the criteria set forth in this chapter and such other criteria as the Administrator considers necessary and appropriate.

" '(c) The term "dependent" means—

" '(1) a child of an eligible veteran;

" '(2) a dependent parent of an eligible veteran; and

" '(3) the spouse of an eligible veteran.

" '(d) The term "career development and advancement program" means a program under this chapter that will assist an eligible veteran to acquire full-time permanent employment or to advance in such veteran's chosen career and to increase such veteran's earned income and economic self-sufficiency through a partial subsidy of such veteran's wages and benefits.

" '(e) The term "career development and training program" means a program under this chapter that will assist an eligible veteran to acquire full-time permanent employment, to advance in such veteran's chosen occupation, and to increase such veteran's earned income and economic self-sufficiency through a subsidy of training costs and partial subsidy of such veteran's wages and benefits.

" 'Subchapter II—Eligibility and Entitlement

" '§ 2103. Eligibility; entitlement; duration

" '(a) Subject to the criteria set forth in section 2122 of this chapter, an eligible veteran is entitled to a career development and advancement allowance or a career development and training allowance in an amount equal to the amount of the entitlement of such veteran, and for the period of the entitlement of such veteran, remaining under the provisions of section 1502 or 1661 of this title.

" '(b) Such entitlement may not exceed twelve months of entitlement at the rate payable to a veteran pursuing a full-time program of institutional training as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) of section 1682 (a)(1) of this title.

" '(c) A veteran described in clause (1) or (2), of section 2122(a) of this title whose annual income exceeds $11,000 may not participate unless the Administrator determines that the participation of such veteran is necessary and appropriate for such veteran's readjustment, rehabilitation, or productive employment.

" '§ 2104. Time limitations for completing a program of career development or training

" 'Notwithstanding the provisions of section 1662 of this title, an eligible veteran may pursue a program of career development and advancement or a program of career development and training if such person otherwise meets the eligibility criteria set forth in this chapter.

" '§ 2105. Occupational and vocational counseling

" 'In addition to the counseling available under section 1663 of this title, the Administrator shall make available such additional occupational skills assessment counseling and assistance as the Administrator considers to be necessary and appropriate for the effective implementation of this chapter.

" 'Subchapter III—Enrollment

" '§ 2111. Selection of program

" 'Subject to the provisions of this chapter, each eligible veteran may select a program of career development and advancement or a program of career development and training with an eligible employer to assist such veteran in attaining an occupational, professional, or vocational objective or advancement in such veteran's chosen career field (approved in accordance with the provisions of this chapter) selected by the eligible veteran, if such eligible employer hires such veteran into its regular workforce with the expectation of permanent employment of the veteran after the training and career development assistance ends.

" '§ 2112. Applications; approval

" 'Any eligible veteran who desires to initiate a program of career development and advancement or career development and training under this chapter shall submit an application to the Administrator which shall be in such form and contain such information as the Administrator shall prescribe. The Administrator shall approve such application unless the Administrator finds that such veteran is not eligible for or entitled to the career development and advancement or career development and training assistance applied for, that the veteran's program of career development and advancement or career development and training fails to meet the requirements of this chapter, or that the veteran is already qualified or such veteran's readjustment or employment would not be assisted or advanced by participation in such program.

" '§ 2113. Disapproval of enrollment in certain program

" 'The Administrator shall not approve the enrollment of an eligible veteran in a career development and advancement or career development and training program of an eligible employer for employment—

" '(1) which consists of seasonal, intermittent, or temporary jobs;

" '(2) which pays less than $4 per hour (exclusive of benefits and other nonmonetary remuneration) unless the Administrator determines in a particular case that this clause shall not apply;

" '(3) which is outside the United States or its territories or possessions;

" '(4) under which commissions are the primary source of income;

" '(5) which involves political or religious activities;

" '(6) which is in an industry in which a substantial number of experienced and able workers are unemployed;

" '(7) under which the job is above entry level, except when applicable personnel procedures and collective bargaining procedures regarding the advancement of currently employed workers are complied with;

" '(8) which would result in the displacement of any currently employed worker (including partial displacement such as a reduction in the amount of nonovertime work); or

" '(9) in a job which if filled would replace any worker who is on layoff or on strike.

" '§ 2114. Discontinuance for unsatisfactory conduct or progress

" '(a) The Administrator shall discontinue the career development and advancement allowance or the career development and training allowance of an eligible veteran if the Administrator finds that according to the standards that the Administrator may prescribe, or the regularly prescribed standards of the eligible employer, the veteran's conduct or progress is unsatisfactory. Unless the Administrator finds there are mitigating circumstances, progress will be considered unsatisfactory at any time the eligible veteran or person is not progressing at a rate that will permit such eligible veteran to complete training, retain such employment, or advance in such career field according to criteria set forth in this chapter or in agreements certified to the Veterans' Administration or within such other length of time (exceeding such approved length) as the Administrator determines to be reasonable in accordance with regulations.

" '(b) The Administrator may renew the payment of the career development and advancement allowance or the career development and training allowance only if the Administrator finds that—

" '(1) the cause of the unsatisfactory conduct or progress of the eligible veteran has been removed; and

" '(2) the program which the eligible veteran now proposes to pursue (whether the same or revised) is suitable to the aptitudes, interests, and abilities of such veteran.

" 'Subchapter IV—Payments to Eligible Employers

" '§ 2121. Career development and advancement and career development and training allowances

" 'The Administrator shall, in accordance with the applicable provisions of this title, pay to each eligible employer on behalf of each eligible veteran pursuing a program of career development and advancement or career development and training under this chapter an allowance to meet, in part, the expenses of such veteran's wages, benefits, and training and other necessary or appropriate costs.

"'§ 2122. Computation of career development and advancement and career development and training allowances

"'(a) Subject to the applicable provisions of subsections (b) and (c) of this section, an eligible employer participating in a program of career development and advancement or career development and training shall be paid a monthly assistance allowance not to exceed the amount set forth in section 1682 (a)(1) of this title for a veteran pursuing a full-time program of institutional training as is applicable as determined by the eligible veteran dependency status, for a period of—

"'(1) twelve months, for an eligible veteran with a service-connected disability who served on active duty during the Vietnam era and is entitled to disability compensation under laws administered by the Veterans' Administration;

"'(2) nine months, for an eligible veteran who served on active duty in the Indochina theater of operations during the Vietnam era;

"'(b) The career development and advancement allowance paid to an eligible employer on behalf of an eligible veteran—

"'(1) may not exceed one-third of the gross wages and benefit paid by such employer to such eligible veteran; and

"'(2) may not exceed the amount of increased gross wages and benefits of any eligible veteran whose career is advanced under this program.

"'(c) The career development and training allowance paid to an eligible employer on behalf of an eligible veteran—

"'(1) may not exceed the lesser of the actual cost of training as provided in section 2133 of this title or 50 per centum of the wages and benefits paid by such employer to such eligible veteran, except when intensive training or additional training arrangements are necessary for veterans with severe employability problems, particularly for disabled veterans; and

"'(2) may not exceed by more than twice the annual amount of increased gross wages and benefits of any eligible veteran whose career and income has been advanced through training under this program.

"'(d) The career development and advancement allowance and career development and training allowance paid under the authority of this section shall be charged against the period of entitlement of the eligible veteran under section 1661(a) of this title.

"'§ 2123. Payment of career development and advancement or career development and training allowances

"'(a) A career development and advancement allowance may not be paid to an eligible employer on behalf of an eligible veteran employed by such employer and pursuing a program of career development and advancement until the Administrator has received—

"'(1) from such veteran a certification as to such veteran's actual employment and attendance during such period; and

"'(2) from the eligible employer a certification or an endorsement on the eligible veteran's certificate, that such veteran or person was satisfactorily employed and pursuing a program of career development and advancement during such period.

"'(b) A career development and training allowance may not be paid to an eligible employer on behalf of an eligible veteran employed by such employer and pursuing a program of career development and training until the Administrator has received—

"'(1) from such veteran a certification as to such veteran's actual employment, attendance, and training during such period; and

"'(2) from the eligible employer providing the training, a certification (or an endorsement on the veteran's certificate) that such veteran is employed and satisfactorily progressing while pursuing a program of career development and training during such period.

"'Subchapter V—Approval

"'§ 2131. Approval of programs

"'An eligible employer may receive a career development and advancement allowance or a career development and training allowance on behalf of an eligible veteran in a career development and advancement program or a career development and training program offered by such employer only if such program is approved in accordance with the provisions of this chapter.

"'§ 2132. Authority for approval

"'Subject to the appropriate provisions of this title and such regulations the Administrator may prescribe, a program of career development and advancement or career development and training may be approved—

"'(1) by the Secretary of Labor, a prime sponsor designated under section 101 of the Comprehensive Employment and Training Act or, in the case of a program of career development and training involving apprenticeship by an approving agency meeting the standards of apprenticeship published by the Secretary of Labor pursuant to section 2 of the Act of August 16, 1937 (commonly referred to as the "National Apprenticeship Act") (29 U.S.C. 5a); or

"'(2) by such other means as the Administrator may consider necessary and appropriate.

"'§ 2133. Approval of career development and training programs

"'(a) Any entity having authority under section 2132 of this title to approve programs under this chapter (hereinafter in this chapter referred to as an "approving agency") may approve a program of career development and training (other than a program of apprenticeship) only if it finds that the career which is the objective of the training is one in which progression and appointment to the next higher classification are based upon skills learned through organized and supervised training (to include cooperative training as defined in section 1682(a)(2) of this title), and not on such factors as length of service and normal turnover, and that the provisions of subsections (b) and (c) of this section are met.

"'(b) The employer or training establishment offering training which is desired to be approved for the purposes of this chapter must submit to the appropriate approving agency a written application for approval which, in addition to furnishing such information as is required by the approving agency, contains certification that—

"'(1) the wages and benefits to be paid the eligible veteran (including the career development and training allowance authorized under this chapter) are not less than the wages and benefits paid for the job for which the eligible veteran is to be trained;

"'(2) the career development and training allowance paid to such employer does not exceed the actual cost of training the eligible veteran or 50 per centum of the wage paid to such veteran unless intensive training or additional training arrangements are necessary for veterans with severe employability problems and particularly for disabled veterans; and

"'(3) there is reasonable certainty that the career or position for which the eligible veteran is to be trained will be available to such veteran at the end of the training period.

"'(c) As a condition for approving a program of career development and training (other than a program of apprenticeship), the approving agency must find (upon investigation) that the following criteria are met:

"'(1) The training content of the course is adequate to qualify the eligible veteran for appointment to the career for which such veteran is to be trained.

"'(2) The career or position customarily requires full-time training for a period of not less than four months.

"'(3) The length of the training period is not longer than that customarily required by employers and training establishments in the community to provide a person with the required skills and to arrange for the acquisition of job knowledge, technical information, and other facts which the eligible veteran will need to learn in order to become competent in the career or position for which such veteran is being trained.

"'(4) Provision is made for related instruction for an individual eligible veteran who may need related instruction.

"'(5) There is in the training establishment or place of employment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

"'(6) Adequate records are kept to show the progress made by each eligible veteran toward such veteran's career objective.

"'(7) The course of training is not given to an eligible veteran who is already qualified by training and experience for the career or position.

"'(8) A signed copy of the training agreement for each eligible veteran including the training program and wage scale as approved by the approving agency, is provided by the employer to the veteran, the Administrator, and the approving agency.

"'(9) Reasonable efforts are made to provide special training and employment opportunities and working conditions for disabled veterans.

"'(10) The program meets such other criteria as may be established by the approving agency.

"'(11) There is a reasonable certainty that the position for which the eligible veteran was hired or the position to which the eligible veteran was promoted will be available to such veteran at the end of the period for which a career development and advancement allowance was paid to the eligible employer.

"'(c) As a condition for approving a program of career development and advancement, the approving agency must find (upon investigation) that the following criteria are met:

"'(1) The employer is in compliance with the provisions of section 2113 of this chapter.

"'(2) The selection of eligible veterans for hiring, upgrading, promotion, or advancement is based upon the potential and qualifications of such veterans for the career or advancement the veteran is seeking.

"'(3) The program of career development and advancement provided eligible veterans with reasonable progression, resulting in qualification for a recognized position of greater skill, responsibility, remuneration, or career advancement in the service of such eligible employer.

"'(4) Adequate personnel, attendance, and progress records are maintained.

"'(5) The program is designed, to the extent feasible, so that additional vacancies are created for new entry level employment and training opportunities for women and members of minority groups (as determined by the Administrator in consultation with the Director of the Office of Personnel Management).

" '(6) Compensation is paid by the eligible employer at rates, including periodic increases, as are deemed reasonable, considering such factors as industry practice, skill requirements, individual proficiency, geographical region, and the eligible veteran's age, dependency status, and previous work experience.

" '(7) The employer is financially sound and capable of fulfilling its commitments.

" '(8) A comprehensive job description for each job or position for which approval is requested is made available.

" '(9) The eligible employer does not exceed enrollment limitations as established by th approving agency.

" '(10) If a career development and advancement program is for or from positions covered by a collective bargaining agreement, arrangements with the eligible employer to carry out the program have the concurrence of labor organizations representing employees in such positions.

" '§ 2134. Notice of approval of programs

" 'The approving agency, upon determining that an eligible employer has complied with all the requirements of this chapter, shall issue a certification of such employer setting forth the jobs or positions which have been approved for a program of career development and advancement or a program of career development and training for the purposes of this chapter and shall furnish a copy of such certificate and any subsequent amendment of such certificate to the Administrator and to the Secretary of Labor. The certificate of approval shall be accompanied by a copy of a catalog or bulletin of the eligible employer, as approved by the approving agency, which shall contain the following information:

" '(1) Date of certification and effective date of approval of programs.

" '(2) Address and name of the eligible employer.

" '(3) Authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the eligible employer.

" '(4) Name and description of each job, career, position, or advancement opportunity approved.

" '(5) If applicable, enrollment, hiring, and advancement limitations.

" '(6) Signature of responsible official of the appropriate approving agency.

" '(7) Such other fair and reasonable provisions as are considered necessary by the appropriate approving agency.

" '§ 2135. Disapproval of programs

" 'Any program of career development and advancement or career development and training approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the appropriate approving agency. An eligible employer which has its program disapproved by an approving agency shall be notified of such disapproval by a certified or registered letter of notification, and a return receipt shall be secured.

" '§ 2136. Overpayment to eligible employers

" 'Whenever the Administrator finds that an overpayment has been made to an eligible employer on behalf of a veteran enrolled in a program of career development and advancement or career development and training of such employer as the result of (1) the willful or negligent failure of such employer to report, as required by this chapter and applicable regulations, to the Veterans' Administration excessive absences from work, or discontinuance or interruption of a program or career development and advancement or career development and training by such veteran, or (2) false certification by an eligible employer, the amount of such ovepayment shall constitute a liability of such employer and may be recovered in the same manner as any other debt due the United States. This section shall not preclude the imposition of any civil or criminal liability under any other law.

" '§ 2137. Discontinuances of allowances; examination of records; false or misleading statements

" '(a)(1) The Administrator may discontinue the career development and advancement or career development and training allowance paid to an eligible employer on behalf of an eligible veteran if the Administrator finds that the program of career development and advancement or career development and training or any job, career or position in which such veteran is enrolled or employed fails to meet any of the requirements of this chapter or applicable provisions of this title, or if the Administrator finds that the employer offering such program or employment has violated any provision of this chapter or fails to meet any of the requirements of applicable provisions of this title.

" '(2) Any action by the Administrator under paragraph (1) of this subsection to discontinue (or suspend) assistance provided to an eligible employer on behalf of an eligible veteran under this chapter shall be based upon evidence that the eligible employer or eligible veteran is or was not entitled to such assistance. Whenever the Administrator so discontinues any such assistance, the Administrator shall immediately provide written notice to such employer and such eligible veteran of such discontinuance, including a statement of the reasons therefor.

" '(b) Notwithstanding any other provision of law, the records and accounts of eligible employers pertaining to eligible veterans who have received career development and advancement or career development and training assistance under the provisions of this chapter or applicable provisions of this title, as well as other records which the Administrator determines necessary to ascertain compliance with the requirements of this chapter, shall be available at a reasonable time for examination by authorized representatives of the Government.

" '(c) Whenever the Administrator determines that an eligible employer has willfully submitted a false or misleading claim, or that a veteran, with the complicity of an employer has submitted such a claim, the Administrator shall make a complete report of the facts thereof to the appropriate approving agency and, if considered advisable, to the Attorney General of the United States for appropriate action.

" '§ 2138. Change of program

" '(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran may make not more than one change of program of career development and advancement or career development and training, but an eligible veteran whose program has been interrupted or discontinued due to the veteran's own neglect, or the veteran's own lack of application, shall not be entitled to any such change.

" '(b) The Administrator may approve one additional change (or an initial change in the case of a veteran not eligible to make a change under subsection (a)) in program if the Administrator finds—

" '(1) the program of career development and advancement or career development and training which the eligible veteran proposes to pursue is suitable to the veteran's aptitudes, interests, and abilities; or

" '(2) in any instance where the eligible veteran has interrupted, or failed to progress in the veteran's program due to the veteran's own misconduct, the veteran's own neglect, or the veteran's own lack of application if there exists a reasonable likelihood with respect to the program which the eligible veteran proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

" '(c) The Administrator may also approve additional changes in program if the Administrator finds such changes are necessitated by circumstances beyond the control of the eligible veteran.

" '(d) As used in this section, the term "change of program of career development and advancement or career development and training" shall not be considered to include a change from the pursuit of one program to pursuit of another when the first program is a prerequisite to, or generally required for, entrance, promotion, or advancement into pursuit of the second.

" '§ 2139. Compliance surveys

" 'The Administrator shall periodically conduct compliance surveys of eligible employers offering one or more programs of career development and advancement or career development and training approved for the enrollment of eligible veterans under the provisions of this title. Such surveys shall assure that the eligible employer and the approved programs are in compliance with applicable provisions of this title.

" '§ 2140. Responsibilities of Secretary of Labor

" '(a) The Secretary of Labor shall provide for the participation of eligible veterans and persons in career development and advancement and career development and training programs authorized under this Act and section 121(b)(2)(A) of the Comprehensive Employment and Training Act. In carrying out this responsibility, the Secretary of Labor shall consult with and solicit the cooperation of the Administrator. Actions by the Secretary of Labor under this section shall include the development of career development and advancement and career development and training programs, supportive services, technical assistance and training, support for community-based veterans programs, and such other programs or initiatives as are necessary to serve the unique readjustment, rehabilitation, and employment needs of veterans.

" '(b) The Secretary of Labor shall make special efforts to acquaint eligible veterans with the career development and advancement and career development and training opportunities available under this chapter and to coordinate such opportunities with those activities authorized under chapters 41 and 42 of this title and other similar activities carried out by other public agencies and organizations.

" '(c) Entities which are prime sponsors under the Comprehensive Employment and Training Act shall provide such arrangements (to include program approval) as may be necessary and appropriate to promote maximum feasible development and use of career development and advancement and career development and training programs and opportunities authorized under this chapter.

" '§ 2141. Veterans information and outreach

" 'The Administrator, in consultation and cooperation with the Secretary of Labor and the Secretary of Health, Education, and Welfare, shall provide for an outreach and public information program utilizing, to the maximum extent, the facilities of the Department of Labor to exercise maximum efforts to develop career development and advancement and career development and training programs and opportunities for eligible veterans and to inform such veterans about employment, job development, advancement, and training opportunities under this title and other provisions of law, and to inform prime sponsors, Federal contractors and subcontractors, Federal agencies, labor unions, educational institutions, and employers of their legal responsibilities and opportunities with respect to such veterans and to provide them with technical assistance and training in meeting those responsibilities.

" '§ 2142. Program effective dates and termination dates

" 'The programs of career development and advancement and career development and training established by this chapter shall become effective on September 1, 1980. An eligible veteran must apply for a program of career development and advancement or career development and training under the provisions of this chapter within eighteen months after the effective date of this chapter with respect to such veterans. No career development and advancement or career development and training allowance may be paid to an eligible employer on behalf of an eligible veteran after the end of the thirty-six-month period beginning on the effective date of this chapter with respect to such veteran.'

"(b) The tables of chapters at the beginning of such title, and at the beginning of part III of such title, are amended by adding after the item relating to chapter 43 the following new item:

" '45. Veterans Career Development, Advancement, and Training Assistance ................2101.' ".

On page 57, line 20, strike out "VII" and insert in lieu thereof "VIII".

On page 57, line 22, strike out "701" and insert in lieu thereof "801".

On page 57, line 24, strike out "702" and insert in lieu thereof "802".

On page 58, line 7, strike out "703" and insert in lieu thereof "803".

Mr. PRESSLER. Mr. President, this amendment is for a career development, advancement, and training program to allow Vietnam-theater veterans to use their GI bill entitlement to provide financial incentives to public and private employers to hire, train, and promote unemployed or underemployed veterans, those earning under $11,000 a year. The payments would last from 9 to 12 months and would be based on the veteran's earned educational benefits. Participating employers would agree that employment would continue after the payments end if work performance is satisfactory. It would also apply to disabled veterans.

The program is divided into two sections.

First. Career development and advancement. A veteran would be authorized to use his or her educational readjustment entitlement to subsidize an employer for up to one-third of the cost of the veteran's wages, for those initially making under $11,000 per year.

Second. Career development and training. The veteran's earned educational readjustment entitlement would be used to reimburse employers for up to 50 percent of the veteran's training and wages, for those initially making under $11,000 per year.

Mr. President, originally we introduced an amendment that would have extended this program to all Vietnam veterans. Its cost was $723 million. Because of fiscal constraints, he has limited the provisions of his amendment to apply to Vietnam-theater veterans and disabled veterans. The cost would be as follows:

AUTHORIZATION

1980, $5 million.
1981, $125 million.
1982, $60 million.
1983, $30 million.

OUTLAYS

$0 million because September is the only month in this category.
$125 million.
$60 million.
$30 million.

The amendment is targeted to benefit those veterans who need help the most: disabled and theater veterans, the ones who bore the brunt of the Vietnam war.

I am joined in this amendment by Senator RIEGLE, of Michigan, and, because the bill reached the floor before anticipated, we did not have time to circulate the amendment properly. We did not learn of the time agreement until last night. Despite that lack of time, we have received much support from groups interested in Vietnam veterans. The following substantive support has been shown for our amendment.

Rusty Lindley and Dave Christian, two Vietnam veterans of the highest caliber, have endorsed the concept.

The American Legion employment director has indicated the Legion's support of a career development program.

The Veterans Resource Center in Minneapolis, Minn., the largest community based veterans organization in the United States, also supports our amendment.

DAV has indicated its support of the proposal.

In a letter to me on December 4, 1979, the President of the National Black Veterans Organization (NBVO) expressed his support as follows:

> There is no question that the bill addresses veteran problems that the nation has too long been callous toward. But these problems are not going to disappear. Alleviation of veterans problems need innovative, sensitive, compassionate understanding as expressed in your proposal.
>
> NBVO strongly supports your amendment to S. 870. We concur that your amendment will accord Vietnam veterans the assistance and opportunities they need to acquire careers and roles in the labor force equal to those they probably would have attained had they not had to serve in the Vietnam War.

Mr. President, let me make a few general remarks about this amendment. There is another proposal to provide a 15 percent cost-of-living increase for certain veterans and for those who served after approximately 1970. But this misses the boat for Vietnam veterans.

Also, let me say that this amendment aims itself at the hardest core unemployed—those who are now an average of 34 years of age who have not attained the income of $11,000 per year. We have cut and limited this because of budgetary constraints and I hope the chairman of the Budget Committee, who was on the floor a few minutes ago, will have some comment. I know he will oppose the 15 percent across-the-board increase.

I have also noted that the chairman of the Veterans' Affairs Committee at one point said we cannot solve veterans' problems simply by throwing money at them. This is a very specific program. Many Vietnam veterans have not responded well to some of the educational programs, or vocational programs. The Vietnam war was fought by those in the lowest educational and income categories because of the draft we had at the time. Indeed, I believe I am the only Vietnam veteran to have served in the military in Vietnam who is in the U.S. Senate; 7 years have passed from the end of the Vietnam war. Seven years after the end of World War II, nearly 40 percent of the U.S. Senate were World War II veterans.

This illustrates the current status of Vietnam veterans. It also illustrates some of the problems that Vietnam veterans have had. This program is not simply giving a check to Vietnam veterans. It is allowing the private sector to train and employ those hard-core unemployed. Indeed, the unemployment statistics for Vietnam veterans are among the highest.

Also, earlier this afternoon, I had an amendment adopted which would delineate in the statistics the Vietnam-theater veterans from the Vietnam-era veterans. There has been much talk in the Bureau of Labor Statistics that the Vietnam-era veterans are doing quite well but, in fact, those who actually served in Vietnam are not doing very well at all. It has puzzled me why we have not broken out statistics on jobs, education, and income that would reflect what the Vietnam-theater veterans have done. I think they have suffered the most. I think these statistics, preliminary ones that have been developed, show that their unemployment rates are among the highest. They also show that they have taken advantage of the higher education opportunities the least.

This amendment would allow a Vietnam veteran who qualifies, either disabled or making under $11,000 a year, to obtain employment and training for 9 months. Indeed, we had originally planned it to be 12 months, but to cut costs, we reduced it to 9 months so he could be paid on approximately the same basis as a veteran who went to college or went to vocational school. An employer would receive the money and he would pay the employee with the agreement that, when the 9 months had elapsed, the employee would be a permanent employee if his job performance were satisfactory and continued to be so.

It would be a permanent employment program. It would be aimed at training and advancement. Also, for those Vietnam veterans who are disabled, it would provide that they would have up to 12 months of training, slightly longer. Originally we proposed 18.

But we have cut this bill. The original was filed November 26. Since that time we have negotiated and we have tried to cut back—first by limiting it to only Vietnam theater veterans, the most in need and the hardest core unemployment, and also by cutting back the amount of time.

But for the person who chooses to go to work, this would be a training program to acquire skills and also to contribute to our economy by developing a permanent job.

I hope we would have a comment from the Budget Committee. As a member of that committee I distinguished between this type of program and simply increasing GI benefits by 15 percent, which would only apply to those in school who served after September 1970.

I served in Vietnam, mostly during the year 1967, part of 1968 and part of 1969. The veterans who served prior to 1970 were those involved in the heart of the Vietnam conflict. Indeed, the Tet offensive in 1967 was the height of the fighting in Vietnam.

Also, there is a distinction in the psychological and psychiatric needs of those who served in the Vietnam theater, as opposed to those who served stateside or in Reserve programs, or in some of the shorter programs on the domestic front. Nearly one-third of all those who served in Vietnam have acquired some sort of psychological or psychiatric treatment.

Earlier this year, I brought to the floor an amendment to allow those Vietnam veterans to seek psychiatric or psychological treatment separate from VA facilities because they do not respond well to VA treatment. I was disappointed that the Veterans' Committee resisted that amendment. I could not get a vote because of a parliamentary maneuver.

But I think the Veterans' Committee is moving toward a vote on my amendment today. I will be asking for the yeas and nays later, toward the end of my speech.

But I think it is very important we take a hard look at the direction we are going in regard to the Vietnam veterans. Just throwing money at the GI program will not solve anything. We have to develop a program that the Vietnam veterans will be able to respond to.

This is a training and employment program. It is tied very much to the work ethic.

This program provides employment and permanent jobs if the veterans performance is satisfactory.

I think it is very much tied to and could be used very much by small business, as well as big business.

Mr. President, 7 years ago this Saturday was the end of the Vietnam war, and we still have the average veteran, now 34 years of age, a large percentage, making under $11,000 a year, which is what this program would be limited to, that they would have to advance in the 9 months to exceed $11,000 per year.

A Harris poll taken in 1979 showed that nearly half of all Americans believe Vietnam veterans were foolish for serving their country. That sentiment has been reinforced by the lack of substantive national programs to aid them in their readjustment.

Indeed, the committee will come forward shortly with a proposal to give them 15 percent more money in their checks, those who served after 1970. But this program I am offering is less costly and will develop permanent jobs for those who did not choose to go on to college or vocational school, to use up their educational benefits.

Today, Congress is provided with the opportunity to give Vietnam veterans their first substantive employment program. Our amendment will enable disabled and Vietnam veterans to use their earned GI bill entitlement to provide financial incentives to employers to hire, train, and promote these individuals to meaningful careers.

The only readjustment and employment programs available to these veterans today are ineffectual social welfare programs which leave Vietnam veterans years behind their peers in opportunities and careers. Studies have shown that these programs are often viewed by veterans as welfare oriented, well below their rightful employment capabilities and aspirations, and paying less than the veteran's need to support their wives and families.

Mr. President, I have described the career development, advancement and training program, how we cut the costs to nearly one-third, $220 million over a 4-year period, and, indeed, now the program will probably more than pay for itself in terms of income taxes paid.

Mr. President, I would like to again summarize before concluding that the career development, advancement and training program will cost approximately $2,200 per veteran. There will be a very limited number who qualify. Those under $11,000 and those who actually served in the Vietnam theater.

This is far less costly than institutional training under the GI bill ($10,000), CETA public service employment ($7,800) or unemployment compensation for unemployed or underemployed veterans.

The career development, advancement, and training program is:

Drawn entirely upon existing entitlements;

"Sunsetted" and will terminate within 4 years after the effective date;

Needs tested, as veterans must be unemployed or underemployed to participate and be making less than $11,000 for disabled and combat veterans;

Designed to use existing delivery systems, generate a minimum of paperwork, and require no new staff other than those temporarily needed to handle applications for the program; and

Far less costly and more effective than the alternatives—let me say, the alternatives have not been working—which include education and training with no employment, opportunities under the GI bill, unemployment, underemployment, public service employment, and the major social, economic, and personal costs stemming from the failure of Vietnam veterans to make productive readjustment to society.

Mr. President, when we asked our young men and women to serve in Vietnam, we made a promise. Joseph C. Zengerle, a Vietnam veteran who practices law in the Washington area, recently wrote:

> There is the question of compliance with the unwritten social contract that requires a nation to deal fairly with those who give all that citizenship can demand. Our country is rooted in the twin principles of obedience to law and patriotism in time of war. If this social contract is breached, those principles will have seriously weakened.
>
> To paraphrase Sir Thomas More, what will we rely on, if we must call upon our young people again, and they ask why?

Mr. President, in conclusion, I say that I think the structure for the Vietnam draft was badly set up. The result has been that those with the lowest education and income served. They have not responded well to traditional programs.

This is much less costly than a 15 percent cost-of-living raise and will provide training through, largely, the free enterprise program. It will provide permanent jobs, and is the kind of thing I believe Vietnam veterans can respond to.

Mr. President, I would like to ask for the yeas and nays, which has been agreed to by Mr. CRANSTON and Mr. SIMPSON.

Mr. HAYAKAWA. Will the Senator from South Dakota yield 5 minutes in support of his position?

Mr. PRESSLER. I yield to the Senator from California.

Mr. HAYAKAWA. Mr. President, I am happy to rise in support of the Pressler amendment on behalf of the veterans of Vietnam.

The veterans of Vietnam were treated worse than the veterans of any war we have had in our whole American history. They are held in low esteem. Their unemployment rate is high. They have not taken advantage of the GI bill of rights and other rewards we have showered upon veterans of previous wars, because, in effect, so much of the war was fought by the poor, the relatively uneducated, and by the blacks, while college students found all kinds of excuses for themselves to stay in college and avoid the war altogether.

I do not know to what degree Senator PRESSLER is aware of this, but we had a fantastic number of people with no purpose in college, majoring in philosophy and English, some of them entering theological school, on the pretense that they were deeply interested in these subjects; but their only reason for being in college was to evade the draft.

When Senator PRESSLER says they have not taken advantage of the GI bill of rights and other such educational advantages, it is natural that they should not, because many of them could not pass entrance examinations; many came from poor families.

When Vietnam veterans came back, there were no parades of the American Legion to welcome them. They sort of slunk back into town, while people of higher social classes held them in contempt.

What I like very much about Senator PRESSLER's amendment is that it is not a charity; it is not a welfare program. It is designed for those who are employed or who are to be employed, specifically to train them upward within their occupations, which are not necessarily white-collar or learned occupations. They are occupations at the bottom of the ladder, and it is so that they can make a better living at it.

I think we owe more to the Vietnam veteran than we have ever come through with. The Vietnam veteran is really the unfortunate victim of an unjust type of Selective Service which created a loophole by means of which the educated and the privileged were able to escape the responsibilities of their citizenship. These are the kids who never could escape because they did not have the educational or the monetary qualifications by which they could work themselves out of it or escape into Canada or do the other things by which they escaped their national duty.

Mr. President, I fervently am in support of anything that can be done to increase the self-dependency of the Vietnam veterans, to get them back on their feet, and to tell them—which very few people have told them—that we value their contribution to the war.

I think it is entirely appropriate that the only Member of the U S. Senate who is a Vietnam veteran should offer this amendment, and I am happy and honored to support it.

Mr. PRESSLER. I thank the Senator from California. His experience as a university president, with which we are all familiar, puts him in a unique role to talk about Vietnam veterans.

Those who did go to college did take advantage of the 4 years of benefits, but many of these people have not done so. This is a very limited program for those who served in the Vietnam theater, those who are making under $11,000 a year, and the payments would last from 9 to 12 months.

I thank the Senator from California for his fine remarks.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I appreciate and share the concerns of the Senator from South Dakota in proposing this amendment which would establish a new career development training and advancement program for Vietnam veterans under which employers would be reimbursed for wages and training expenses of veterans up to the maximum monthly educational assistance allowance.

However, Mr. President, I am afraid that I am unable to support the proposal at this time.

First, the amendment, in many respects is similar to title I of S. 1872, the proposed Vietnam Veterans Act, introduced by Senator Heinz on October 10. The members of the committee have not yet had adequate opportunity to analyze or consider the merits of this 29-page proposal. The employment needs of veterans will be covered at hearings scheduled for March 4, including this approach.

I believe hearings and analysis are vital so that any initiative in this area is not duplicative of efforts and initiatives already ongoing. I point out to the Senator that, in addition to the targeted jobs tax credit, there are a myriad of other programs available that are designed to meet the employment needs of veterans.

For example, the current GI bill—section 1787 of title 38—provides for a program of apprenticeship and other on-job training opportunities for eligible Vietnam-era veterans. Under that program, a married veteran with two dependents may be paid by the VA a training assistance allowance of $277 a month for the first 6 months of apprenticeship or other on-job training. This is in addition to the salary he would receive directly from the employer. Those OJT benefits are available for up to 2 years at a declining rate during the veteran's employment. Since the enactment of the current GI bill, more than half a million Vietnam-era veterans have participated in this program. In fiscal year 1979, the VA estimates that almost 74,000 Vietnam-era veterans will receive OJT benefits.

In addition, a variety of programs conducted under the authority of the Comprehensive Employment and Training Act are available to Vietnam-era veterans, including the help through industry retraining and employment—HIRE—program that was designed especially for eligible veterans and created almost 59,000 OJT positions for veterans. Under CETA, the Secretary of Labor is required to take special steps to maximize opportunities for Vietnam-era and disabled veterans in programs, conducted by prime sponsors, such as job training, upgrading and retraining, public service employment, and private sector initiatives. Almost 3 million Vietnam-era veterans have been served by CETA since its inception in 1973.

Mr. President, under the authority in section 2012, as it would be amended by the committee amendment adopted earlier today, all eligible Vietnam-era veterans, regardless of the length of time they have been out of the service, would be covered for at least 2 years by the affirmative action/mandatory listing requirements imposed by law in connection with Federal contracts. Under those requirements, any firm with a contract with the Federal Government involving more than $10,000 must have an approved affirmative action plan for Vietnam-era veterans and disabled veterans and is required to list job openings with the local employment service, which in turn is required to give eligible veterans priority in referral to jobs. Over 540,000 Vietnam-era veterans have been placed in jobs as a result of this initiative.

In addition, Mr. President, S. 870 as reported would, in connection with the proposal for a targeted delimiting period extension, provide for an extension of the delimiting period for Vietnam-era veterans whose delimiting periods have already expired, in order that they can pursue OJT or apprenticeship training under the GI bill. CBO estimates that, if enacted, more than 13,000 additional trainees would enroll in the VA–OJT program in fiscal year 1980 and 64,000 in the following 3 fiscal years.

The Senator's proposal would also make eligibility for a career development and advancement allowance based on whether or not the veteran actually served in the theater of war in Southeast Asia. Mr. President, I strongly oppose such a distinction. There is absolutely no precedent for the awarding of any VA benefit based on the location of the veteran's service. Indeed, the assignment of a duty station is largely a matter of chance in the military. Who is to say that the soldier who served in vital support functions, or on a destroyer in the Middle East, or in Berlin, or at the DMZ in Korea—but not in Southeast Asia—served his country less than the soldier who served at the Air Force based in Urdorn, Thailand, working in the personnel office? I simply cannot accept such a distinction.

Finally, Mr. President, I believe it is important to point out that the program proposed in the amendment is—in reality—a wage-subsidy-type program. Such programs, unless very tightly structured, implemented, and monitored, have a vast potential for abuses. I remind my colleagues of our experience in the early 1970's under the so-called JOBS program, which provided for such a wage subsidy under the Manpower Development and Training Act and experienced very serious problems, including serious exploitation of the disadvantaged employees.

In addition, such employment or wage subsidy programs can easily result—especially during a period of economic ills—in nothing more than substitution; that is, the employer hires someone he would have hired anyway or fires an employee just so that he can hire him or her back with a federally subsidized salary. There are ample precedents for this happening.

Take, for example, the owner-operator of the local corner gas station who presently employs a married Vietnam veteran as a mechanic. Under this proposal, if he wanted to, he could say to the veteran, "I'm going to give you a raise of $10 a week, but first I have to fire you and hire you back under the GI bill." In this way, the veteran would get a $10 a week raise; however, the employer would qualify for a wage-subsidy of up to $370 a month and thereby very substantially lower his expenses. Most importantly, while gaining only $40 a month, the veteran "loses" educational benefits totaling $370 a month. The taxpayers, of course, would be the biggest losers.

Mr. President, the difficulties in enforcing and policing a program along these lines should not be underestimated. The costs of such enforcement—not to mention the increased Federal paperwork and regulation—are at this point unknown but I venture to say they would be substantial. How would the VA assure that a participating veteran's job is upgraded or that no employees are laid off without a massive program of compliance checks?

Additionally, Mr. President, since many Vietnam veterans have passed or are rapidly reaching the end of their 10-year so-called delimiting dates for education benefits and their eligibility for this program proposed by the distinguished Senator depends on their eligibility for GI bill education benefits, very little assistance would actually be available to these veterans unless Congress enacts a delimiting date extension. As the author, in two previous Congresses, of limited such extensions, that passed the Senate and were rejected by the House, I believe the chances for enactment of such an extension are very slim. Indeed, the first full year cost of a general extension of the delimiting date would be a prohibitive $734 million.

Mr. President, in no way do I mean to suggest that there are not needs for employment assistance for Vietnam-era veterans or that we have done all we must do in this area. The rates of unemployment for some Vietnam-era veterans continue to be far too high—especially for those who are young and members of a minority group. However, in the general 25- to 39-year-old category, rates of unemployment in December for Vietnam-era veterans were almost 8 percent lower than for nonveterans—a 3.9-percent rate as compared to a 4.2-percent rate.

And this is no 1-month aberration, Mr. President. It has been a pattern throughout 1978. In December 1978, the unemployment rate for Vietnam-era veterans aged 20 through 24—17 percent—was more than 57 percent higher than it is today. Indeed, in the fourth quarter of 1979 in all age categories of Vietnam-era veterans where statistics are available for comparable age categories of nonveterans, rates of unemployment for Vietnam-era veterans were well below the national average and are lower than for their nonveteran counterparts.

Mr. President, a recent article which appears in the November 1979 issue of the monthly Labor Review entitled "Vietnam Veterans in the Labor Market of the 1970's" by John Stinson, an economist in the Bureau of Labor Statistics, sets forth extensive data relating to employment of Vietnam-era veterans. This article pointed out that the overall employment situation for veterans was much improved by 1978. Mr. Stinson particularly noted that one measure of labor market performance in which Vietnam-era veterans consistently have outstripped their nonveteran counterparts is in the area of personal income. Based on the most recently available data for 1977, Vietnam-era veterans have a higher median personal earned income than nonveterans within each of the age groupings in the 20- to 39-year-old range.

The article concludes that while in some respects Vietnam-era veterans are still lagging behind, they "are on an equal or better footing in the labor market than nonveterans: a higher proportion of their population is employed and they have higher annual incomes."

Mr. President, I ask unanimous consent that a copy of this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, as the Senator from South Dakota is aware, there are no labor statistics providing breakdowns of Vietnam-era veterans according to whether they did or did not serve in the Vietnam theater. However, the amendment of the Senator that was agreed to earlier today directs that appropriate unemployment statistics be developed on these individuals by the Bureau of Labor Statistics. Thus, we may soon have available data that indicate whatever differences do exist. But, at the present, there are no BLS statistics showing that one group or the other is in greater need of employment assistance.

Mr. President, I stress again that I am not suggesting that enough has been done in this area. It has not. However, I cannot agree to embark on a venture such as this without a great deal more study and thought.

In sum, Mr. President, it would be, I believe, unwise to act favorably on a very complicated and complex proposal of this magnitude without serious consideration of the need, the merits, the cost, and the structure of the proposal and its relationship to the numerous programs already on the books.

Mr. President, there is no one in this body who is more intent than I on seeking to meet the needs of Vietnam-era veterans.

I think my record over the last 11 years illustrates that very clearly. However, although I share a deep concern for the plight of those Vietnam veterans who still need assistance, I cannot, for the reasons I have just outlined, support the Senator's proposal at this time.

Finally, Mr. President, the Senator has suggested in a fact sheet that the DAV and the American Legion support this amendment. We have checked with these organizations, and neither has an official position in support of this amendment.

Therefore, Mr. President, I urge the Senate to defeat this very costly amendment in light of the lack of data showing that this approach would benefit other than employers, not veteran employees or would-be employees.

### EXHIBIT 1

### VIETNAM VETERANS IN THE LABOR MARKET OF THE 1970'S

(By John F. Stinson, Jr.)

The 1970's have been a difficult time for many of the Vietnam-era veterans making the transition from military to civilian life.[1] As they have moved back into the mainstream of American society, these men have encountered many obstacles, especially difficulties in the labor market.[2]

This article examines trends in the employment situation of male Vietnam-era veterans in this decade and details their labor force characteristics in 1978.[3] The focus is on those age 20 to 34 years, contrasting their status with that of nonveterans of the same age. Also, a brief look is provided at veterans 35 years and over, a group whose ranks have been expanding rapidly in recent years as the veterans' cohort has aged.

#### SHIFTING AGE STRUCTURE

In 1978, there were 8.3 million male Vietnam-era veterans 20 years and over in the civilian noninstitutional population. Almost 6.5 million, or about 80 percent, were age 20 to 34.

The proportion of young veterans (20 to 24 years), who face the most severe problems of joblessness, has fallen steadily throughout the 1970's—from 48 percent of the 20 to 34 total in 1970 to only 12 percent by 1978. Thus, since 1970, the bulk of the population has shifted to the higher age groupings. The 30- to 34-year-olds have shown a particularly pronounced increase, rising from about 8 percent of the 20 to 24 age group in 1970, to more than 52 percent by 1978. (See table 1.)

TABLE 1.—PERCENT DISTRIBUTION OF THE MALE VIETNAM-ERA VETERAN AND NONVETERAN POPULATION, BY AGE, SELECTED YEARS, ANNUAL AVERAGES, 1970–78

| Age group | 1970 | 1972 | 1974 | 1976 | 1978 |
|---|---|---|---|---|---|
| VETERANS | | | | | |
| Total, 20 to 34 yr (thousands) | 3,718 | 5,232 | 6,156 | 6,704 | 6,486 |
| Percent | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| 20 to 24 yr | 48.3 | 37.0 | 22.3 | 16.2 | 11.6 |
| 25 to 29 yr | 44.1 | 49.8 | 55.5 | 49.2 | 36.3 |
| 30 to 34 yr | 7.6 | 13.3 | 22.1 | 34.6 | 52.1 |
| NONVETERANS | | | | | |
| Total, 20 to 34 yr (thousands) | 11,963 | 13,422 | 14,992 | 16,726 | 18,486 |
| Percent | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| 20 to 24 yr | 42.0 | 45.0 | 47.1 | 47.3 | 45.4 |
| 25 to 29 yr | 32.3 | 29.6 | 27.3 | 30.0 | 33.0 |
| 30 to 34 yr | 25.7 | 25.4 | 25.6 | 22.8 | 21.6 |

Note: Data are for the civilian noninstitutional population.

These shifts in the age composition of Vietnam-era veterans reflect the fact that their population is virtually closed; their ranks can only be augmented by a diminishing number of military personnel being discharged by the Armed Forces who had some service during the Vietnam conflict.[4] Consequently, the movement out of the youngest age groups as the veterans grow older is not being offset by a large influx of young persons being discharged from the Armed Forces, and the average age of the Vietnam-era veteran population has been steadily increasing.

---

[1] A number of efforts have been developed by both government and private organizations to ease the transition of veterans into the civilian labor market. A detailed description of the various programs designed to provide job training for veterans and to help them secure employment can be found in "Veterans Services in 1978," *Employment and Training Report of the President* (U.S. Department of Labor, Employment and Training Administration, 1979), pp. 125–49.

[2] In this report, Vietnam-era veterans are men who served in the U.S. Armed Forces between Aug. 5, 1964, and May 7, 1975, and are now in the civilian noninstitutional population. Nonveterans are those who have never served in the Armed Forces or who served only in peacetime prior to June 27, 1950—the beginning of the Korean conflict. Not included in this report are post-Korean-conflict veterans (men who served between Feb. 1, 1955, and Aug. 4, 1964), post-Vietnam veterans (men who served after May 7, 1975), and about 178,000 women veterans of the Vietnam era (labor force data for them are not available).

[3] Unless otherwise indicated, data on the civilian noninstitutional population, labor force, and employment status are derived from the Current Population Survey, a monthly household survey conducted by the Bureau of the Census nationwide in approximately 56,000 households (prior to 1978, the survey was collected in 47,000 households). Because the data are collected from a sample, they are subject to sampling error, which may be relatively large for the smaller figures and for small differences between figures. Standard errors of monthly estimates are published by the Bureau of Labor Statistics in one of its monthly periodicals, *Employment and Earnings*. Details about basic labor force concepts, sample design, and estimating methods are described in *Concepts and Methods Used in Labor Force Statistics Derived from the Current Population Survey*, Report 463 (Bureau of Labor Statistics, 1976).

The most recent report in the series on the employment situation of Vietnam-era veterans is Kathryn R. Gover and Beverly J. McEaddy, "Job situation of Vietnam-era veterans," *Monthly Labor Review*, August 1974, pp. 17–26, reprinted as Special Labor Force Report 167.

In contrast to the sharp changes in the age composition of the Vietnam-era veteran population since 1970, the age structure of the 20- to 34-year-old male nonveteran population has remained stable. Throughout the 1970's, the 20- to 24-year-olds have averaged about 45 percent of nonveterans age 20 to 34, compared with 30 percent for those age 25 to 29 and 25 percent for those age 30 to 34.

This difference in age structure between Vietnam-era veterans and nonveterans significantly affects the comparison of their labor market situations. With the veteran population so heavily concentrated with 25- to 34-year-olds who have accumulated more labor market experience, all other things remaining equal, labor force participation rates will be higher and jobless rates lower than for nonveterans who are much younger on average. Because of these differences in the veteran and nonveteran populations age 20 to 34, this article pays special attention to comparisons of the individual 5-year age groups—the 20- to 24-year-olds, the 25 to 29 and the 30 to 34.[5]

The shifting age structure of the Vietnam-era veteran population reduces the ability to make comparisons of levels over time. As a result, this discussion of labor market developments during the 1970's will focus largely on annual average percentages, such as the civilian labor force participation rate, the unemployment rate, and the employment-population ratio.[6]

### LABOR FORCE TRENDS

*Participation.* There were 670,000 Vietnam-era veterans age 20 to 24 in the civilian labor force in 1978. Their labor force participation rate averaged 89.2 percent compared with 85.6 percent for their nonveteran counterparts. Participation of these young veterans has been consistently above that of young nonveterans throughout the 1970's. (See table 2.) One reason may be that the school enrollment of nonveterans has been uninterrupted by military service; thus, they are more likely to have remained out of the labor force over this phase of their life than veterans who, while deciding if they want to continue their education, are either working or looking for work.

Veterans and nonveterans age 25 to 29 had the same rate of labor force participation in 1978—94.7 percent. Historically, there have been no significant differences in their participation rates; both have remained in a relatively narrow range of 94 to 95.5 percent since 1969. The participation rate for 30- to 34-year-old veterans was 96.8 percent in 1978, compared with 95.6 percent for nonveterans, and has been higher in every year, except in 1970 when veteran and nonveteran rates were the same.

*Employment and unemployment.* The employment-population ratio—the proportion of the population that is employed—for 20- to 24-year-old veterans was slightly above that of nonveterans in 1978, but this has not always been the case. Prior to 1975, the veterans' ratio had been higher in each of the 5 years. However, during the recession, it plummeted precipitously at a pace that was much steeper than that experienced by nonveterans: 1978 was the first year that their ratio was once again above that of nonveterans.

The employment-population ratios for veterans and nonveterans in the 25 to 29 and 30 to 34 age groups have shown trends similar to those of their labor force participation rates. In the 25 to 29 age group, the ratios for both veterans and nonveterans have been pretty much the same during the 1970's. For 30- to 34-year-olds, the veterans' ratios have been above those of nonveterans in every year, except in 1970 when they were identical.

Throughout the 1970's, veterans age 20 to 24 years have encountered the most serious unemployment problems. In 1978, their jobless rate averaged 11.9 percent, compared with 8.6 percent for young nonveterans. The 1974–75 recession resulted in an unusually rapid rise in the jobless rate of young veterans, from about 9 percent in 1973 to nearly 20 percent in 1975. The jobless rate of young veterans has been consistently above that of their nonveteran counterparts; the differential was particularly pronounced in the 1975–77 period, when it exceeded 6 percentage points in each year.

Some of the disparity between unemployment rates of young veterans and nonveterans may be explained by the fact that younger nonveterans have a longer labor market tenure and, thus, are better established in jobs. In addition, Vietnam-era veterans are eligible for unemployment compensation payments based on their military service wage credits, which play a significant role in softening the impact of their joblessness and may possibly encourage some veterans to continue job search activities until they find the "right" job. However, many unemployed younger nonveterans, who do not have enough wage credits either to qualify for unemployment compensation or to receive benefits for the maximum period, may feel pressed to take any job available. Of course, these differences in circumstances tend to disappear with both increasing age and elapsed time following the date of discharge.

The jobless rate for veterans in the 25 to 29 age group averaged 6.0 percent in 1978, compared with 4.9 percent for their nonveteran counterparts. Unemployment rates for both veterans and nonveterans in this age group fell between the high rates of the 20- to 24-year-olds and the lower rates of the older and more experienced 30- to 34-year olds.

The jobless situation of veterans in the 25- to 29-year age group shifted several times during the 1970's, relative to that of their nonveteran counterparts. From 1970 to 1972, the incidence of unemployment among veterans was greater, as large numbers of young men were being discharged from the Armed Forces and were entering the civilian job market. From 1973 to 1975, the veterans' jobless rate was either below or about the same as that of nonveterans. From 1976 to 1978, the rate for veterans was once again above the nonveteran rate, with the gap between the two widening slightly each year.

Unemployment rates for the 30- to 34-year-old age group have not differed greatly for veterans and nonveterans. For the most part, members of this age group have completed their schooling and have accumulated significant labor market experience. Consequently, unemployment for both groups has remained well below the overall national average. The jobless rate for 30- to 34-year-old veterans averaged 3.1 percent in 1978, while the average rate for nonveterans was 3.5 percent.

*Black and Hispanic veterans.* In 1978, as has been the case since labor force data for Vietnam-era veterans were first collected in 1970, the labor market situation for black veterans and veterans of other racial minorities was considerably worse than that for white veterans. White veterans across all age groups had higher rates of labor force participation than black veterans and much higher employment-population ratios. (See table 3.) The employment-population ratio gap was particularly pronounced in the 20 to 24 age group, where the black ratio was more than 15 percentage points below that of whites. That the 1974–75 recession had a large impact on black veterans, particularly young veterans, is illustrated by the behavior of the employment-population ratio of those age 20 to 24. Their ratio fell by 20 percentage points between 1973 and 1975 and, while it has improved each year since 1975, still remains well below prerecession levels.

The unemployment rate for black veterans age 20 to 34 averaged 11.0 percent in 1978, compared with 4.5 percent for white veterans. Whereas the jobless rate differential between the two groups has always been sizable, it has been particularly wide since 1975, as black veterans recovered more slowly than whites from the effects of the 1974–75 recession.

The unemployment rate for 20- to 24-year-old black veterans averaged 24.1 percent in 1978, compared with 10.1 percent for their white counterparts. The rate for these young black veterans peaked at 31 percent during the recession year of 1975, marking them as the group with the highest incidence of unemployment, after black teenagers.

Although the unemployment rates for black veterans in the 25 to 29 and 30 to 34 age groups do not approach those of younger black veterans, they are still considerably greater than those of their white veteran counterparts. In 1978, the unemployment rate for 25- to 29-year-old black veterans averaged 12.3 percent, compared with 5.2 percent for white veterans. The corresponding figures for 30- to 34-year-old veterans were 5.8 percent for blacks and 2.8 percent for whites. The jobless rate for black veterans in the 30 to 34 age range has been more than twice that of white veterans for each year since 1974.

While the employment situation of black veterans is considerably worse than that of white veterans, it does not differ greatly from that of black nonveterans. In 1978, black veterans had higher rates of labor force participation and higher employment-population ratios than black nonveterans in each of the age groups comprising the 20- to 34-year-old total. However, black veterans in the 20- to 24- and 25- to 29-year-old age groups had higher jobless rates in 1978 than their nonveteran counterparts; the rate for 30- to 34-year-old black veterans was below that of their nonveteran counterparts, for the first time since 1973.

In 1978, for the first time, data was tabulated on the population and employment status of Vietnam-era veterans of Hispanic origin.[7] There were 250,000 Hispanic veterans age 20 to 34 years in the civilian noninstitutional population and 92.4 percent of them were in the labor force. Their employment-population ratio was about halfway between the ratios for black veterans and white veterans.

---

[4] In fiscal year 1978, there were about 30,000 persons separated from the Armed Forces who had service during the Vietnam era, compared with slightly more than a million in fiscal year 1970, the peak year of discharges.

[5] Even these comparisons have their limitations because the veteran and nonveteran populations are not homogeneously distributed within the 5-year age groups. In 1977 and 1978, in particular, the 20 to 24 age group was heavily concentrated with 23- and 24-year-old veterans, while nonveterans were about equally divided throughout the 20 to 24 age group.

[6] The Bureau of Labor Statistics discontinued publication of seasonally adjusted data at the end of 1978, because the changing age composition of the veteran population prohibited the separation of the seasonal component from the trend component in the seasonal adjustment process.

[7] Data on persons of Hispanic origin are tabulated separately, without regard to race, which means that they are also included in the data for both white and black workers. At the time of the 1970 census, approximately 96 percent of their population were white.

Unemployment rates for Hispanic veterans were somewhat above the rates for white veterans but were well below those for black veterans. As with both white and black veterans, the unemployment rate for Hispanic veterans was highest in the 20 to 24 age group, with successively lower rates in the 25 to 29 and 30 to 34 groups.

### WORKERS CHARACTERISTICS

*The employed.* There were 5.9 million veterans age 20 to 34 years employed in 1978. A number of noteworthy patterns in their employment are revealed when comparisons are made between their occupational and industrial distributions and that of nonveterans.

Veterans in the 20 to 24 and 25 to 29 age groups were less likely to hold white-collar jobs than their nonveteran counterparts. (See table 4.) The difference was most pronounced in the professional and technical category, where about 6 percent of 20- to 24-year-old veterans and 12 percent of 25- to 29-year-old veterans held such jobs, compared with proportions of 10 and 21 percent among nonveterans in the same age groups. The situation was reversed in blue-collar occupations—veterans in both the 20 to 24 and 25 to 29 age groups had higher proportions of employment than their non-veteran counterparts.

These differences in the occupational structure of veterans and nonveterans continued into the 30 to 34 age group although the size of the difference was considerably smaller. The closer congruity is to be expected, because by the time veterans reach this older age group they often have completed their schooling, which was interrupted by military service, and have gradually taken on characteristics similar to those of nonveterans.

Black veterans 20 to 34 years were much less likely than white veterans of the same age to be employed as white-collar workers, slightly more likely to be blue-collar workers, and significantly more likely to have jobs in service occupations.

There were relatively few differences in the distribution of employment by industry for veterans and nonveterans throughout the 20 to 34 age range. The only notable difference was that veterans were more likely than nonveterans to be employed in government. At least part of this disparity derives from the various veterans preference hiring programs at both the Federal and State and local government levels.

TABLE 2.—EMPLOYMENT STATUS OF MALE VIETNAM-ERA VETERANS AND NONVETERANS, BY AGE, ANNUAL AVERAGES, 1970–78

[Numbers in thousands]

| Employment status and age | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 |
|---|---|---|---|---|---|---|---|---|---|
| VETERANS | | | | | | | | | |
| Total, 20 to 34 yr: | | | | | | | | | |
| Civilian noninstitutional population | 3,718 | 4,503 | 5,232 | 5,706 | 6,156 | 6,467 | 6,704 | 6,818 | 6,486 |
| Civilian labor force | 3,460 | 4,150 | 4,880 | 5,355 | 5,820 | 6,065 | 6,318 | 6,487 | 6,173 |
| Participation rate | 93.1 | 92.2 | 93.3 | 93.8 | 94.5 | 93.8 | 94.2 | 95.1 | 95.2 |
| Employment | 3,232 | 3,809 | 4,552 | 5,089 | 5,510 | 5,500 | 5,817 | 6,015 | 5,859 |
| Employment-population ratio | 86.9 | 84.6 | 87.0 | 89.2 | 89.5 | 85.0 | 86.8 | 88.2 | 90.3 |
| Unemployment | 228 | 341 | 328 | 266 | 310 | 565 | 501 | 472 | 314 |
| Unemployment rate | 6.6 | 8.2 | 6.7 | 5.0 | 5.3 | 9.3 | 7.9 | 7.3 | 5.1 |
| 20 to 24 yr: | | | | | | | | | |
| Civilian noninstitutional population | 1,795 | 1,953 | 1,935 | 1,669 | 1,376 | 1,175 | 1,086 | 1,041 | 573 |
| Civilian labor force | 1,621 | 1,736 | 1,752 | 1,510 | 1,234 | 1,019 | 941 | 927 | 672 |
| Participation rate | 90.3 | 88.9 | 90.5 | 90.5 | 89.7 | 86.7 | 86.6 | 89.0 | 89.2 |
| Employment | 1,470 | 1,523 | 1,565 | 1,376 | 1,099 | 817 | 777 | 777 | 592 |
| Employment-population ratio | 81.9 | 78.0 | 80.9 | 82.4 | 79.9 | 69.5 | 71.5 | 74.6 | 78.6 |
| Unemployment | 151 | 212 | 187 | 134 | 135 | 202 | 164 | 150 | 80 |
| Unemployment rate | 9.3 | 12.2 | 10.7 | 8.9 | 10.9 | 19.8 | 17.4 | 16.2 | 11.9 |
| 25 to 29 yr: | | | | | | | | | |
| Civilian noninstitutional population | 1,641 | 2,104 | 2,603 | 3,020 | 3,420 | 3,481 | 3,296 | 2,989 | 2,357 |
| Civilian labor force | 1,566 | 1,979 | 2,454 | 2,857 | 3,259 | 3,290 | 3,117 | 2,845 | 2,233 |
| Participation rate | 95.4 | 94.1 | 94.3 | 94.6 | 95.3 | 94.5 | 94.6 | 95.2 | 94.7 |
| Employment | 1,498 | 1,865 | 2,332 | 2,751 | 3,120 | 3,030 | 2,888 | 2,644 | 2,100 |
| Employment-population ratio | 91.3 | 88.6 | 89.6 | 91.1 | 91.2 | 87.0 | 87.6 | 88.5 | 89.1 |
| Unemployment | 68 | 114 | 122 | 106 | 139 | 260 | 229 | 201 | 133 |
| Unemployment rate | 4.3 | 5.7 | 5.0 | 3.7 | 4.3 | 7.9 | 7.3 | 7.1 | 6.0 |
| 30 to 34 yr: | | | | | | | | | |
| Civilian noninstitutional population | 281 | 446 | 694 | 1,016 | 1,360 | 1,811 | 2,322 | 2,788 | 3,376 |
| Civilian labor force | 272 | 436 | 674 | 988 | 1,327 | 1,756 | 2,260 | 2,715 | 3,268 |
| Participation rate | 96.8 | 97.8 | 97.1 | 97.2 | 97.6 | 97.0 | 97.3 | 97.4 | 96.8 |
| Employment | 264 | 420 | 655 | 962 | 1,291 | 1,652 | 2,152 | 2,594 | 3,167 |
| Employment-population ratio | 94.0 | 94.2 | 94.4 | 94.7 | 94.9 | 91.2 | 92.7 | 93.0 | 93.8 |
| Unemployment | 9 | 15 | 20 | 26 | 36 | 103 | 108 | 121 | 101 |
| Unemployment rate | 3.2 | 3.5 | 2.9 | 2.6 | 2.7 | 5.9 | 4.8 | 4.5 | 3.1 |
| NONVETERANS | | | | | | | | | |
| Total, 20 to 34 yr: | | | | | | | | | |
| Civilian noninstitutional population | 11,963 | 12,616 | 13,422 | 14,361 | 14,992 | 15,879 | 16,726 | 17,583 | 18,486 |
| Civilian labor force | 10,719 | 11,263 | 11,992 | 12,948 | 13,590 | 14,279 | 15,094 | 15,888 | 16,779 |
| Participation rate | 89.6 | 89.3 | 89.3 | 90.2 | 90.6 | 89.9 | 90.2 | 90.4 | 90.8 |
| Employment | 10,160 | 10,554 | 11,302 | 12,316 | 12,777 | 12,874 | 13,817 | 14,695 | 15,746 |
| Employment-population ratio | 84.9 | 83.7 | 84.2 | 85.8 | 85.2 | 81.1 | 82.6 | 83.6 | 85.2 |
| Unemployment | 559 | 709 | 690 | 632 | 813 | 1,405 | 1,277 | 1,193 | 1,033 |
| Unemployment rate | 5.2 | 6.3 | 5.8 | 4.9 | 6.0 | 9.8 | 8.5 | 7.5 | 6.2 |
| 20 to 24 yr: | | | | | | | | | |
| Civilian noninstitutional population | 5,024 | 5,500 | 6,039 | 6,635 | 7,060 | 7,572 | 7,909 | 8,156 | 8,390 |
| Civilian labor force | 4,058 | 4,448 | 4,942 | 5,569 | 6,018 | 6,379 | 6,725 | 6,950 | 7,186 |
| Participation rate | 80.8 | 80.9 | 81.8 | 83.9 | 85.2 | 84.2 | 85.0 | 85.2 | 85.6 |
| Employment | 3,732 | 4,027 | 4,509 | 5,190 | 5,523 | 5,522 | 5,966 | 6,254 | 6,567 |
| Employment-population ratio | 74.3 | 73.2 | 74.7 | 78.2 | 78.2 | 72.9 | 75.4 | 76.7 | 78.3 |
| Unemployment | 326 | 422 | 432 | 379 | 496 | 857 | 759 | 696 | 619 |
| Unemployment rate | 8.6 | 9.5 | 8.7 | 6.8 | 8.2 | 13.4 | 11.3 | 10.0 | 8.6 |
| 25 to 29 yr: | | | | | | | | | |
| Civilian noninstitutional population | 3,861 | 3,892 | 3,968 | 4,124 | 4,100 | 4,437 | 5,010 | 5,367 | 6,096 |
| Civilian labor force | 3,678 | 3,695 | 3,760 | 3,908 | 3,884 | 4,193 | 4,720 | 5,058 | 5,771 |
| Participation rate | 95.3 | 94.9 | 94.8 | 94.8 | 94.7 | 94.5 | 94.2 | 94.2 | 94.7 |
| Employment | 3,537 | 3,522 | 3,603 | 3,741 | 3,693 | 3,857 | 4,389 | 4,735 | 5,491 |
| Employment-population ratio | 91.6 | 90.5 | 90.8 | 90.7 | 90.1 | 86.9 | 87.6 | 88.2 | 90.1 |
| Unemployment | 141 | 172 | 157 | 168 | 190 | 336 | 331 | 323 | 280 |
| Unemployment rate | 3.8 | 4.7 | 4.2 | 4.3 | 4.9 | 8.0 | 7.0 | 6.4 | 4.9 |
| 30 to 34 yr: | | | | | | | | | |
| Civilian noninstitutional population | 3,077 | 3,225 | 3,415 | 3,603 | 3,832 | 3,870 | 3,807 | 4,060 | 4,000 |
| Civilian labor force | 2,983 | 3,120 | 3,290 | 3,471 | 3,687 | 3,707 | 3,649 | 3,880 | 3,822 |
| Participation rate | 96.9 | 96.7 | 96.3 | 96.3 | 96.2 | 95.8 | 95.8 | 95.6 | 95.6 |
| Employment | 2,891 | 3,005 | 3,190 | 3,386 | 3,561 | 3,495 | 3,462 | 3,706 | 3,688 |
| Employment-population ratio | 94.0 | 93.2 | 93.4 | 94.0 | 92.9 | 90.3 | 90.9 | 91.3 | 92.2 |
| Unemployment | 92 | 115 | 101 | 85 | 127 | 212 | 187 | 174 | 134 |
| Unemployment rate | 3.1 | 3.7 | 3.1 | 2.4 | 3.4 | 5.7 | 5.1 | 4.5 | 3.5 |

TABLE 3.—EMPLOYMENT STATUS OF MALE VIETNAM-ERA VETERANS AND NONVETERANS, BY AGE, RACE, AND HISPANIC ORIGIN, ANNUAL AVERAGES, 1977–78

[Numbers in thousands]

| Employment status and age | Veterans | | | | | | Nonveterans | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | White | | Black and other | | Hispanic origin | | White | | Black and other | | Hispanic origin | |
| | 1977 | 1978 | 1977 | 1978 | 1977 | 1978 | 1977 | 1978 | 1977 | 1978 | 1977 | 1978 |
| Total, 20 to 34 yr: | | | | | | | | | | | | |
| Civilian noninstitutional population | 6,119 | 5,843 | 699 | 643 | --------- | 249 | 15,298 | 16,060 | 2,285 | 2,426 | --------- | 1,209 |
| Civilian labor force | 5,856 | 5,580 | 631 | 593 | --------- | 230 | 13,966 | 14,738 | 1,922 | 2,041 | --------- | 1,110 |
| Participation rate | 95.7 | 95.5 | 90.3 | 92.2 | --------- | 92.4 | 91.3 | 91.8 | 84.1 | 84.1 | --------- | 91.8 |
| Employment | 5,484 | 5,331 | 531 | 528 | --------- | 215 | 13,047 | 13,973 | 1,648 | 1,773 | --------- | 1,025 |
| Employment-population ratio | 89.6 | 91.2 | 76.0 | 82.1 | --------- | 86.3 | 85.3 | 87.0 | 72.1 | 73.1 | --------- | 84.8 |
| Unemployment | 372 | 249 | 100 | 65 | --------- | 15 | 919 | 765 | 274 | 268 | --------- | 85 |
| Unemployment rate | 6.4 | 4.5 | 15.8 | 11.0 | --------- | 6.5 | 6.6 | 5.2 | 14.3 | 13.1 | --------- | 7.7 |
| 20 to 24 yr: | | | | | | | | | | | | |
| Civilian noninstitutional population | 867 | 652 | 174 | 101 | --------- | 47 | 7,136 | 7,289 | 1,020 | 1,101 | --------- | 532 |
| Civilian labor force | 782 | 585 | 145 | 87 | --------- | 39 | 6,162 | 6,337 | 788 | 849 | --------- | 469 |
| Participation rate | 90.2 | 89.7 | 83.3 | 86.1 | --------- | 83.0 | 86.4 | 86.9 | 77.3 | 77.1 | --------- | 88.2 |
| Employment | 674 | 526 | 103 | 66 | --------- | 35 | 5,626 | 5,881 | 628 | 686 | --------- | 427 |
| Employment-population ratio | 77.7 | 80.1 | 59.2 | 65.3 | --------- | 74.5 | 78.8 | 80.7 | 61.6 | 62.3 | --------- | 80.3 |
| Unemployment | 108 | 59 | 42 | 21 | --------- | 4 | 536 | 456 | 160 | 163 | --------- | 42 |
| Unemployment rate | 13.8 | 10.1 | 29.0 | 24.1 | --------- | 10.3 | 8.7 | 7.2 | 20.3 | 19.2 | --------- | 9.0 |
| 25 to 29 yr: | | | | | | | | | | | | |
| Civilian noninstitutional population | 2,702 | 2,111 | 287 | 246 | --------- | 100 | 4,666 | 5,324 | 701 | 772 | --------- | 394 |
| Civilian labor force | 2,584 | 2,005 | 261 | 228 | --------- | 94 | 4,433 | 5,082 | 625 | 689 | --------- | 375 |
| Participation rate | 95.6 | 95.0 | 90.9 | 92.7 | --------- | 94.0 | 95.0 | 95.5 | 89.2 | 89.2 | --------- | 95.2 |
| Employment | 2,417 | 1,900 | 227 | 200 | --------- | 87 | 4,182 | 4,870 | 553 | 621 | --------- | 349 |
| Employment-population ratio | 89.5 | 90.0 | 79.1 | 81.3 | --------- | 87.0 | 89.6 | 91.5 | 78.9 | 80.4 | --------- | 88.6 |
| Unemployment | 167 | 105 | 34 | 28 | --------- | 7 | 251 | 212 | 72 | 68 | --------- | 26 |
| Unemployment rate | 6.5 | 5.2 | 13.0 | 12.3 | --------- | 7.4 | 5.7 | 4.2 | 11.5 | 9.9 | --------- | 6.9 |
| 30 to 34 yr: | | | | | | | | | | | | |
| Civilian noninstitutional population | 2,550 | 3,080 | 238 | 296 | --------- | 102 | 3,496 | 3,447 | 564 | 553 | --------- | 283 |
| Civilian labor force | 2,490 | 2,990 | 225 | 278 | --------- | 97 | 3,371 | 3,319 | 509 | 503 | --------- | 266 |
| Participation rate | 97.6 | 97.1 | 94.5 | 93.9 | --------- | 95.1 | 96.4 | 96.3 | 90.2 | 91.0 | --------- | 94.0 |
| Employment | 2,393 | 2,905 | 201 | 262 | --------- | 93 | 3,239 | 3,222 | 467 | 466 | --------- | 249 |
| Employment-population ratio | 93.8 | 94.3 | 84.5 | 88.5 | --------- | 91.2 | 92.6 | 93.5 | 82.8 | 84.3 | --------- | 88.0 |
| Unemployment | 97 | 85 | 24 | 16 | --------- | 4 | 132 | 97 | 42 | 37 | --------- | 17 |
| Unemployment rate | 3.9 | 2.8 | 10.7 | 5.8 | --------- | 4.1 | 3.9 | 2.9 | 8.3 | 7.4 | --------- | 6.4 |

The proportion of black veterans 20 to 34 years employed in government (27 percent) was nearly twice that of white veterans (15 percent). Only 14 percent of black nonveterans in this age range were employed as government workers, indicating that the veteran's preference programs in hiring are particularly important for blacks.

One measure of labor market performance in which Vietnam-era veterans consistently outstrip their non-veteran contemporaries is the area of personal income. In 1977, the most recent year for which these data are available, veterans had a higher median personal money income than nonveterans within each of the age groups within the 20- to 39-year-old range. The gap was largest among 35- to 39-year-olds, as shown in the following tabulation.[8]

| | Veterans | Nonveterans |
|---|---|---|
| 20 to 24 years | $ 6,750 | $ 5,860 |
| 25 to 29 years | 11,380 | 10,810 |
| 30 to 34 years | 14,470 | 13,780 |
| 35 to 39 years | 16,680 | 15,290 |

*The unemployed.* In 1978, there were 314,000 unemployed Vietnam-era veterans age 20 to 34, while there were more than a million jobless nonveterans of the same age. There were some important differences between the two groups in both reasons for and duration of unemployment.

The 20- to 24-year-old veterans were slightly more likely to be job losers than nonveterans and a little less likely to be reentrants into the labor force. Higher proportions of veterans than nonveterans in the 25 to 29 and 30 to 34 age groups were on layoff, while smaller proportions were unemployed due to job loss other than layoff. The proportion of unemployed in the other reasons for unemployment categories—job leavers, entrants, and reentrants—was virtually the same for both groups. (See table 5.)

The duration of unemployment was about the same for both veterans and nonveterans in the 20 to 24 and 30 to 34 age groups. Within the 25 to 29 group, there were fewer veterans unemployed less than 5 weeks than there were nonveterans, but more veterans were jobless between 5 and 14 weeks.

Black veterans not only had higher rates of unemployment than white veterans, but they also remained unemployed for longer periods of time. In 1978, 35 percent of the unemployed black veterans age 20 to 34 years were jobless for 15 weeks longer, compared with 25 percent for white veterans.

*Those not in the labor force.* In 1978, 313,000 veterans and 1.7 million nonveterans age 20 to 34 were not in the labor force. Their reasons for nonparticipation varied widely by age.

Slightly more than half of the youngest veterans (20 to 24 years) cited school attendance as the reason for nonparticipation, while nearly three-fourths of the nonveterans of the same age gave that reason. Interestingly, veterans in the 25 to 29 and 30 to 34 age groups were more likely than their nonveteran counterparts to be in school. (See table 6.) Undoubtedly, these differences in the older age groups are a reflection of the educational benefits available to veterans.

The young veterans were more likely to give ill health or disability as the reason for nonparticipation. Among those age 25 to 29, ill health was cited by essentially equal proportions of both veterans and nonveterans; within the 30- to 34-year age group; the percentage was higher for nonveterans.

The labor market difficulties of veterans age 20 to 24 are indicated not only by their high unemployment rates but also by the large proportion of those not in the labor force who said they were not currently looking for work because they thought they could not find a job. Ten percent of the youngest veterans outside the labor force were such "discouraged workers," compared with only 3 percent of nonveterans of the same age. In the 25 to 29 and 30 to 34 age groups, the proportions of discouraged workers were lower for veterans.

---

[8] Data are from *Educational and Income Characteristics of Veterans* (Veterans Administration, Reports and Statistics Service, 1978), p. 12.

TABLE 4.—EMPLOYED MALE VIETNAM-ERA VETERANS AND NONVETERANS, BY AGE, RACE, OCCUPATION, AND INDUSTRY, 1978 ANNUAL AVERAGES

[Percent distribution]

| Occupation and industry group | Veterans | | | | | | Nonveterans | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total, 20 to 34 yr | 20 to 24 yr | 25 to 29 yr | 30 to 34 yr | White, 20 to 34 yr | Black and others, 20 to 34 yr | Total, 20 to 34 yr | 20 to 24 yr | 25 to 29 yr | 30 to 34 yr | White, 20 to 34 yr | Black and others, 20 to 34 yr |
| OCCUPATION | | | | | | | | | | | | |
| Total employed (thousands) | 5,858 | 592 | 2,100 | 3,166 | 5,331 | 527 | 15,744 | 6,567 | 5,490 | 3,687 | 13,972 | 1,773 |
| Percent | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| White-collar workers | 38.7 | 20.4 | 33.0 | 45.9 | 39.6 | 29.2 | 39.8 | 29.3 | 45.7 | 49.7 | 41.0 | 30.0 |
| Professional and technical workers | 14.8 | 5.7 | 11.9 | 18.4 | 15.3 | 9.5 | 17.0 | 10.0 | 20.7 | 23.8 | 17.5 | 12.4 |
| Managers and administrators, except farm | 11.6 | 4.1 | 9.0 | 14.7 | 12.1 | 6.1 | 10.3 | 5.8 | 12.1 | 15.5 | 10.9 | 5.6 |
| Salesworkers | 5.3 | 3.7 | 4.9 | 5.9 | 5.6 | 2.7 | 6.0 | 5.8 | 6.3 | 5.9 | 6.3 | 3.3 |
| Clerical workers | 6.9 | 6.9 | 7.2 | 6.8 | 6.6 | 11.0 | 6.6 | 7.7 | 6.5 | 4.6 | 6.3 | 8.4 |

| Occupation and industry group | Veterans: Total, 20 to 34 yr | Veterans: 20 to 24 yr | Veterans: 25 to 29 yr | Veterans: 30 to 34 yr | Veterans: White, 20 to 34 yr | Veterans: Black and others, 20 to 34 yr | Nonveterans: Total, 20 to 34 yr | Nonveterans: 20 to 24 yr | Nonveterans: 25 to 29 yr | Nonveterans: 30 to 34 yr | Nonveterans: White, 20 to 34 yr | Nonveterans: Black and others, 20 to 34 yr |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| OCCUPATION—Continued | | | | | | | | | | | | |
| Blue-collar workers | 52.1 | 68.6 | 56.9 | 45.9 | 51.8 | 55.4 | 49.3 | 58.1 | 44.3 | 41.1 | 48.8 | 53.2 |
| Craft and kindred workers | 25.8 | 25.3 | 27.6 | 24.6 | 26.4 | 19.7 | 20.7 | 21.7 | 20.5 | 19.1 | 21.5 | 14.3 |
| Operatives, except transport | 13.5 | 21.8 | 15.0 | 11.0 | 13.2 | 16.7 | 13.9 | 16.8 | 12.0 | 11.5 | 13.3 | 18.0 |
| Transport equipment operatives | 6.7 | 7.9 | 7.2 | 6.1 | 6.5 | 9.1 | 5.9 | 6.6 | 5.4 | 5.5 | 5.8 | 7.4 |
| Nonfarm laborers | 6.2 | 13.5 | 7.1 | 4.2 | 5.8 | 9.7 | 8.9 | 13.0 | 6.5 | 5.0 | 8.3 | 13.5 |
| Service workers | 7.6 | 9.8 | 8.3 | 6.8 | 6.9 | 14.8 | 7.5 | 9.1 | 6.8 | 5.7 | 6.8 | 13.4 |
| Farmworkers | 1.5 | 1.0 | 1.8 | 1.5 | 1.7 | 0.4 | 3.4 | 3.5 | 3.2 | 3.4 | 3.4 | 3.4 |
| INDUSTRY | | | | | | | | | | | | |
| Total employed (thousands) | 5,858 | 592 | 2,100 | 3,166 | 5,331 | 527 | 15,744 | 6,567 | 5,490 | 3,687 | 13,972 | 1,773 |
| Percent | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Nonagricultural industries | 98.0 | 98.1 | 97.6 | 98.2 | 97.8 | 99.6 | 95.8 | 95.5 | 96.2 | 95.9 | 95.8 | 96.1 |
| Private wage and salary workers | 76.0 | 82.8 | 77.0 | 74.2 | 76.7 | 69.8 | 78.4 | 83.7 | 76.8 | 71.3 | 78.3 | 78.7 |
| Construction | 7.9 | 10.1 | 8.8 | 6.9 | 8.3 | 4.4 | 8.9 | 11.0 | 7.9 | 6.8 | 9.2 | 6.9 |
| Manufacturing | 28.3 | 31.1 | 28.7 | 27.4 | 28.2 | 28.8 | 26.8 | 27.0 | 26.1 | 27.7 | 26.3 | 31.0 |
| Durable goods | 19.1 | 22.3 | 19.6 | 18.1 | 19.2 | 18.2 | 17.4 | 17.4 | 16.8 | 18.3 | 17.2 | 19.1 |
| Nondurable goods | 9.2 | 8.8 | 9.1 | 9.3 | 9.1 | 10.4 | 9.4 | 9.5 | 9.3 | 9.4 | 9.1 | 11.8 |
| Transportation and public utilities | 9.7 | 9.0 | 8.8 | 10.4 | 9.5 | 11.6 | 6.1 | 5.7 | 6.8 | 5.7 | 6.0 | 6.9 |
| Wholesale and retail trade | 15.0 | 17.6 | 16.0 | 13.9 | 15.5 | 10.2 | 18.7 | 23.0 | 17.1 | 13.6 | 19.0 | 16.8 |
| Finance, insurance, and real estate | 3.6 | 2.0 | 2.9 | 4.3 | 3.6 | 3.2 | 3.8 | 3.0 | 4.2 | 4.3 | 3.8 | 3.6 |
| Services | 9.9 | 11.1 | 10.0 | 9.7 | 9.8 | 11.2 | 12.7 | 12.7 | 13.3 | 11.9 | 12.7 | 13.0 |
| Government workers | 16.5 | 12.7 | 16.0 | 17.6 | 15.4 | 27.3 | 11.8 | 8.6 | 13.2 | 15.5 | 11.5 | 14.3 |
| Self-employed and unpaid family workers | 5.4 | 2.7 | 4.7 | 6.5 | 5.8 | 2.5 | 5.6 | 3.2 | 6.2 | 9.1 | 5.9 | 3.1 |
| Agriculture | 2.0 | 2.0 | 2.3 | 1.8 | 2.2 | 0.4 | 4.2 | 4.5 | 3.9 | 4.1 | 4.2 | 4.0 |

TABLE 5.—UNEMPLOYED MALE VIETNAM-ERA VETERANS AND NONVETERANS AGE 20 TO 34 YR, BY REASON FOR UNEMPLOYMENT AND DURATION OF UNEMPLOYMENT, 1978 ANNUAL AVERAGES

[Percent distribution]

| Reason and duration | Total | | 20 to 24 yr | | 25 to 29 yr | | 30 to 34 yr | |
|---|---|---|---|---|---|---|---|---|
| | Veterans | Nonveterans | Veterans | Nonveterans | Veterans | Nonveterans | Veterans | Nonveterans |
| REASON | | | | | | | | |
| Total unemployed (thousands) | 314 | 1,033 | 80 | 619 | 133 | 280 | 101 | 134 |
| Percent | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Job losers | 62.2 | 57.5 | 56.3 | 52.0 | 63.2 | 64.6 | 65.7 | 67.9 |
| On layoff | 20.6 | 15.0 | 15.0 | 13.4 | 20.3 | 17.1 | 25.5 | 17.9 |
| Other job losers | 41.6 | 42.4 | 41.3 | 38.6 | 42.9 | 47.1 | 40.2 | 50.0 |
| Job leavers | 17.5 | 17.3 | 17.5 | 17.6 | 18.0 | 17.1 | 17.6 | 16.4 |
| Reentrants | 16.8 | 20.4 | 17.5 | 23.9 | 17.3 | 16.1 | 15.7 | 13.4 |
| New entrants | 3.5 | 4.7 | 8.8 | 6.5 | 1.5 | 2.1 | 1.0 | 2.2 |
| DURATION | | | | | | | | |
| Total unemployed (thousands) | 314 | 1,033 | 80 | 619 | 133 | 280 | 101 | 134 |
| Percent | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| Less than 5 weeks | 37.8 | 41.6 | 43.8 | 43.0 | 34.6 | 40.5 | 37.3 | 36.8 |
| 5 to 14 weeks | 34.9 | 32.3 | 33.8 | 33.0 | 39.1 | 30.8 | 30.4 | 32.3 |
| 15 weeks and over | 27.3 | 26.1 | 22.5 | 23.9 | 26.3 | 28.7 | 32.4 | 30.8 |

TABLE 6.—VIETNAM-ERA VETERANS AND NONVETERANS AGE 20 TO 34 YR WHO ARE NOT IN THE LABOR FORCE, BY REASON FOR NOT SEEKING WORK, 1978 ANNUAL AVERAGES

[Percent distribution]

| Reason for not seeking work | Veterans | | | | Nonveterans | | | |
|---|---|---|---|---|---|---|---|---|
| | Total | 20 to 24 yr | 25 to 29 yr | 30 to 34 yr | Total | 20 to 24 yr | 25 to 29 yr | 30 to 34 yr |
| Not in the labor force (thousands) | 313 | 81 | 124 | 108 | 1,707 | 1,203 | 326 | 178 |
| Percent | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |
| In school | 47.3 | 51.9 | 54.8 | 35.2 | 60.7 | 71.2 | 43.6 | 21.3 |
| Ill health, disability | 20.8 | 12.3 | 18.5 | 29.6 | 12.0 | 6.3 | 18.1 | 38.8 |
| No desire for work | 18.5 | 16.0 | 16.1 | 23.1 | 17.9 | 14.7 | 26.4 | 23.6 |
| Think cannot get job | 5.4 | 9.9 | 4.8 | 2.8 | 3.6 | 2.8 | 5.5 | 5.1 |
| All other reasons | 8.6 | 9.9 | 5.6 | 11.1 | 5.8 | 5.0 | 6.1 | 10.7 |

THE OLDER VETERANS

The bulk of the Vietnam-era veteran population is still concentrated among those 20 to 34 years; however, in recent years, increasing numbers have been moving into the ranks of those age 35 and over. In 1978, there were 1.1 million veterans in the 35- to 39-year age group, accounting for 13.5 percent of all Vietnam-era veterans; those age 40 and over totaled 700,000, or 8.6 percent of the total.

By the time veterans reach these older age groups, they have become fairly well assimilated into civilian life, and most labor market differences between them and their nonveteran counterparts have generally faded. This is reflected in the similarity of the labor force characteristics of veterans and nonveterans in the 35- to 39-year group and the reasonably close congruence among those age 40 and over. Nearly 97 percent of veterans in the 35 to 39 age group were in the labor force in 1978, a slightly higher proportion than among non-veterans of the same age. The average unemployment rate in 1978 for both groups was identical, as shown in the following tabulation (numbers in thousands):

| | Veterans | Non-veterans |
|---|---|---|
| Civilian noninstitutional population | 1,129 | 3,599 |
| Civilian labor force | 1,094 | 3,447 |
| Percent of population | 96.9 | 95.8 |
| Employment | 1,061 | 3,345 |
| Unemployment | 33 | 102 |
| Unemployment rate | 3.0 | 3.0 |

Among veterans age 40 years and over, the labor force participation rate was about 85 percent, while it was about 56 percent for nonveterans in the same age range. This large difference is artificial, stemming from the fact that nonveterans are much more highly concentrated at the upper age ranges than are veterans and, therefore, are much more likely to be retired or out of the labor force for health reasons. The jobless rates for veterans and nonveterans age 40 years and over were very close in 1978, as shown in the following tabulation (numbers in thousands):

| | Veterans | Non-veterans |
|---|---|---|
| Civilian noninstitutional population | 718 | 16,268 |
| Civilian labor force | 607 | 9,148 |
| Percent of population | 84.5 | 56.2 |
| Employment | 586 | 8,845 |
| Unemployment | 21 | 303 |
| Unemployment rate | 3.5 | 3.3 |

The Vietnam era has been over for more than 4 years, but many veterans who served during that era are still making the transition to civilian life. Important differences remain between the labor force and employment characteristics of veterans and those of their contemporaries who did not serve in the Armed Forces. In some respects, veterans are on an equal or better footing in the labor market than nonveterans: a higher proportion of their population is employed and they have higher annual incomes. In other respects, veterans are still lagging behind: they have higher unemployment rates in some age groups and have lower proportions employed in the professional and managerial occupations. As with the general population, young veterans and minorities experience the greatest labor market problems.

Mr. CRANSTON. Mr. President, I yield such time as may be needed to my distinguished colleague.

Mr. SIMPSON. Mr. President, I thank my colleague, the chairman of the Veterans' Affairs Committee, and I thank very much my fellow freshman colleague who joined me in this body at the same time and I enjoy him very much, and he has been indeed attentive to the needs of all veterans.

I do not speak in favor of the amendment of Senator PRESSLER. I hope that the Senate will reject it for some of the reasons I shall outline.

Certainly we must be attentive to the needs of the Vietnam veterans. But, personally—it seems to me that it is time to dispell the myth, that I think has been prevalent in this Chamber at least over the past year of my presence here, and that is the pernicious misconception that the Vietnam-era veteran has not received the benefits that were accorded to the veterans of World War II and Korea.

I think that nothing could be farther from the truth. Our Government has displayed its appreciation to the veterans of the Vietnam era, especially the needy and deserving disabled, by providing all manner of benefits, readjustment assistance and employment programs.

Indeed, I think—this is just my personal view—that in the past 10 years the Senate, especially my colleague, Senator CRANSTON, who has been in the vanguard of legislation for the Vietnam veteran, and the Congress have done more for the Vietnam-era veteran than any other veteran in the history of this Nation.

The Veterans' Administration, as characterized by Max Cleland, an extraordinary public official who carries the most visible marks of war and a most capable and remarkable person that I have come to know and enjoy during my presence here, undertakes all in its power to see that the veterans of the Vietnam war receive the benefits they have been accorded.

My opposition to the amendment is based upon these very brief reasons. This proposal is a new and expensive veterans' benefit program upon which no hearings whatsoever have been held, none. The figures I have seen that accompany this 29-page amendment, and I have no way to verify those, indicate a very complex and expensive proposal.

No hearings whatsoever have been held, and I believe that any program as comprehensive as that proposed here should be the subject of extensive hearings. Related hearings are scheduled by the Veterans' Affairs Committee, and I can present a current list of cities, times, and places where they will be conducted.

I think one of the critical things—and I am sure my colleague would agree as a fellow veteran—is that the veterans organizations of America have not had an appropriate opportunity to review this legislation. Veterans service organizations are the very most important step in any veterans' legislation. Sometimes they agree and sometimes they do not, but what comes out of such a process is usually good legislation.

I believe that all veterans service organizations should indeed be involved in reviewing any new program and the method by which it is proposed to implement its provisions, especially when we consider authorizing an employers' subsidy, as I refer to it, and seeing to it that any new and novel approach is not destructive to purposes intended.

Another thing that I think we must not lose sight of is that the veterans organizations are staffed and that the officers of those organizations now are often Vietnam-era veterans. They have taken over the tasks of leadership in the various veterans posts of the American Legion, DAV and the VFW in the local communities.

These individuals have not been properly heard from in this instance, and I believe it inappropriate to debate a major new legislative initiative which has not had the benefit of the hearing process.

I wish at this point to read into the RECORD and outline for my colleagues the nature and scope of the benefits that the Veterans' Affairs Committee and the Senate have accorded this country's proud veterans in the past decade. It is an absolutely staggering array of programs.

Beginning 10 years ago the Veterans' Affairs Committee of the Senate conducted an extensive congressional investigation into the adequacy of VA medical care for veterans wounded in Vietnam to explore the special problems confronting the VA in caring for veterans of the Vietnam conflict. These hearings led to dramatic improvements in VA hospital staffing, facilities, and services. Since 1970, six new VA hospitals have been built; the staff-patient ratio has been increased from 157 FTEE's to 100 patients in 1974, 50 more than 200 FTEE's to each 100 patients; the health-care staff has been increased by 50,000 since 1970; the number of outpatient clinics has been increased from 209 to 219 in the last 5 years; and special pay for physicians and dentists was authorized in 1975 to improve the retention and recruitment of these health-care professionals.

Also in 1970, the Veterans' Affairs Committee of the Senate reported the Veterans' Education and Training Amendments Act of 1970 (Public Law 91–219). This legislation included provisions to:

First. Increase rates of GI bill benefits by 34.6 percent. During the first year after this rate increase took effect, there was a 56-percent increase in GI bill participation.

Second. Establish a program of "special assistance for the educationally disadvantaged" under which veterans without high school diplomas or in need of refresher or remedial courses could—without charge to entitlement—use GI bill benefits for pursuit of appropriate programs or education. Since this program was established, more than 407,000 veterans have received benefits under it.

Third. Establish a program for tutorial assistance under the GI bill. Almost 200,000 veterans have used tutorial assistance—receiving $17.7 million in benefits—through this program.

Fourth. Establish the "predischarge education program" to provide an opportunity for service personnel to pursue high school, remedial, or refresher courses—without charge to entitlement—while on active duty. More than 304,000 Vietnam-era personnel participated in this program.

Fifth. Provide for a greatly expanded "veterans' outreach service program" designed to search out recently discharged veterans, to advise them of benefits, and to assist them in obtaining them. Since enactment of this expanded authority, the VA has communicated with over 6.2 million Vietnam-era veterans shortly after release from service, established 72 "one-stop" USVAC centers to provide complete benefit information and assistance to veterans, conducted job interviewing classes for those needing guidance in order to obtain meaningful employment, and provided veterans in rural areas with service by use of mobile vans.

At the same time, the Veterans' Affairs Committee of the Senate supported an increase of rates of service-connected compensation—which raised the rate of compensation for "total disability" by 12.5 percent (Public Law 91–376). Since that time, eight additional rate increases have been approved.

In 1970, the Veterans' Affairs Committee of the Senate reported the Veterans' Housing Act of 1970 (Public Law 91–

506) which provided for VA loan guaranties for veterans who wish to purchase mobile homes. From the inception of the mobile home loan program, the VA has guaranteed 33,684 loans. It is estimated that over 60 percent of these loans—totalling almost $396 million—were made to Vietnam-era veterans.

In 1971, the Labor and Human Resources Committee of the Senate reported the Emergency Employment Act of 1971 (Public Law 92-54) to require that veterans who served in the Indochina area be given special consideration in filling public employment program (PEP) jobs. Under this authority, such veterans constituted 13 percent of all participants.

In 1972, the Senate passed the veterans' cost-of-instruction (VCI) program legislation as part of this Education Act Amendments of 1972 (Public Law 92-318). This authority was designed to provide incentives and supporting funds for colleges and universities to recruit veterans and to establish special programs and services necessary to assist GI bill veteran-students in rejusting to an academic environment and to reach out to surrounding communities to get more veterans back to school under the GI bill, with special emphasis on educationally disadvantaged veterans.

Also in 1972, the Senate passed the Veterans' Compensation and Relief Act of 1972 (Public Law 92-328), which included provisions to provide an annual clothing allowance for service-connected disabled veterans whose prosthetic devices or wheelchairs tend to tear or wear out their clothing.

In 1972, the Veterans' Affairs Committee of the Senate reported the Vietnam Era Veterans' Readjustment Assistance Act of 1972 (Public Law 92-540). This legislation included provisions to:

First. Increase GI bill benefits by 25.7 percent and increase assistance rates for VA apprenticeship and OJT programs by 48 percent.

Second. Provide for advance payment of GI bill benefits at the start of a school term.

Third. Establish the VA work-study program for veterans attending school under the GI bill (CRANSTON authored). An average of 50,000 GI bill students have benefited annually from participation in this program receiving about $20 million each year in assistance.

Fourth. Set up the VA education loan program as a means of supplementary assistance. Since its inception, 65,761 loans have been made under this authority, totaling $63.9 million.

Fifth. Revised chapter 41 of title 38 setting forth the basic veterans employment responsibilities of the Department of Labor as administered by the Veterans Employment Service, stressing the needs of recently separated veterans.

Sixth. Add a new chapter 42 to title 38 to require Federal contractors to give emphasis to employment of Vietnam-era and disabled veterans and provide for mandatory listing of job openings with local employment service offices and priority in referrals to disabled and Vietnam-era veterans. This requirement has led to the employment of more than 540,000 disabled and Vietnam-era veterans.

In 1973, the Senate passed Senate Concurrent Resolution 51, to express the gratitude of the Congress to the Vietnam veteran for his efforts to make it possible for our Nation to observe Veterans' Day, 1973, in peace, and to commend the Vietnam veteran for his valor, courage, loyalty, and devotion to duty as an American serviceman.

In 1973, the Comprehensive Employment and Training Act of 1973 (CETA) (Public Law 93-203), was drafted to require CETA prime sponsors to give special consideration to certain unemployed veterans in filling public service employment jobs. Almost 2 million Vietnam-era veterans have been served by CETA programs since 1973.

In 1974, the Veterans' Affairs Committee of the Senate reported legislation, ultimately enacted as Public Law 93-337, to extend the delimiting period under the current GI bill from 8 years to 10 years. It is estimated that this extension has benefited more than 2 million veterans.

In 1974, the Senate passed the Emergency Jobs and Unemployment Assistance Act of 1974 (Public Law 93-567) which among other things provided for the conduct, by the Secretary of Labor, of a special outreach and public information program to promote maximum effort to produce job and job training opportunities for Vietnam-era veterans.

In 1974, the Veterans' Affairs Committee of the Senate reported the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (enacted as Public Law 93-508 over the veto of the President). This measure includes provisions to:

First. Increase rates of GI bill benefits by 25.7 percent. During the first year after this rate increase took effect, there was a 25-percent increase in GI bill participation.

Second. Add an additional 9 months of GI bill entitlement for a total of 45 months of maximum entitlement to be earned by a veteran.

Third. Authorize refresher training under the GI bill.

Fourth. Establish the veteran representative on campus (Vet-Rep) program. Under this program more than 1,327 "Vet-Reps" were assigned to 3,320 colleges across the Nation to assist veterans in obtaining GI bill benefits.

Fifth. Require the Secretary of Labor to establish definitive standards for determining compliance with the employment assistance programs mandated by chapter 41.

Sixth. Strengthen chapter 42 to require Federal contractors to take affirmative action to employ Vietnam-era and disabled veterans.

Seventh. Establish the authority for veterans' readjustment appointments (VRA) under which certain disabled and Vietnam-era veterans could receive noncompetitive appointments (up to a GS-5) in the Federal civil service. Since its inception, more than 125,000 veterans have received such noncompetitive appointments throughout the Federal Government.

Eighth. Extend the protections of veterans' reemployment rights to persons who prior to military service had been employed by State or local governments and otherwise improve the veterans reemployment rights program.

In 1974, the Veterans' Affairs Committee of the Senate reported the Disabled Veterans' and Servicemen's Automobile and Adaptive Equipment Amendments of 1974 (Public Law 93-538) to liberalize eligibility requirements for Vietnam-era service-connected disabled veterans to receive automobile assistance grants, to increase the grant by 17.8 percent, to add the provision of adaptive equipment to this benefit as well as driver training in the use of the adaptive equipment, to require the promulgation of quality and safety standards for adaptive equipment, and specifically to authorize research relating to improvements in such adaptive equipment.

In 1975, the Veterans' Affairs Committee of the Senate reported legislation (Public Law 94-482) to extend for 3 years the authority for the VCI program, require increased emphasis on educationally disadvantaged veterans, and provide for offsetting the impact of the May 31, 1976, GI bill delimiting date in the formula for determining which colleges were eligible for and the size of their grants.

In 1976, the Veterans' Affairs Committee of the Senate reported the Veterans' Education and Employment Assistance Act of 1976 (Public Law 94-502). This legislation provided an 8.0-percent increase in GI bill benefits and contained provisions to: First, repeal the restriction on graduate study during the last 9 months of a veteran's entitlement; second, increase the maximum amount of a VA education loan; and third, establish a Deputy Assistant Secretary of Labor for Veterans' Employment to be the principal advisor to the Secretary on veterans' employment issues.

In 1977, the Veterans' Affairs Committee of the Senate reported the GI Bill Improvement Act of 1977 (Public Law 95-202). This measure included provisions to:

First. Increase by 6.6 percent the rates of GI bill benefits.

Second. Extend the delimiting period during which a veteran or eligible spouse may use GI bill benefits when the veteran has a mental or physical disability which prevents initiating or completing a course of study. More than 2,700 veterans have received extensions of their delimiting periods as a result of this provision.

Third. Extend for 2 additional years the period of time a veteran is able to receive direct education loans when enrolled full time at the time the delimiting period expires. More than 1,400 veterans have received $1.5 million in assistance under this authority.

Fourth. Require more extensive VA educational and vocational counseling and outreach services.

Fifth. Provide for a Federal-State matching program of accelerated tuition assistance for veterans enrolled in high-cost institutions of higher learning. To date, Louisiana has enacted legislation to establish a mechanism for participating in this program.

Sixth. Require the VA to conduct a study into the extent to which Vietnam-era veterans use GI bill entitlements, complete programs of education under the GI bill, and achieve job satisfaction and readjustment.

In 1978, the Veterans' Affairs Committee of the Senate reported the Veterans' Housing Benefits Act of 1978 (Public Law 95-476). This legislation included provisions to:

First. Increase from $25,000 to $30,000 the maximum amount of grants for specially adapted housing to assist severely disabled veterans. Because of the proportionately greater number of Vietnam-era veterans who have suffered the severe disability requirement for eligibility for specially adapted housing, this increase is particularly beneficial to veterans of that era.

Second. Extend entitlements to VA home, condominiums, and mobile home loan guaranties and loans to additional Vietnam-era veterans by reducing from 181 days to 90 days the length-of-service requirement.

In 1978, the Veterans' Affairs Committee of the Senate reported the VA Programs Extension Act of 1978 (Public Law 95-520). This measure included provisions to:

First. Extend for 3 years (until September 30, 1981) the VRA appointments authority and expand the VRA program by removing all limitations based on the date of the veteran's discharge, raising the maximum civil service grade appointment from GS-5 to GS-7, and making any service-connected disabled veterans rated at 10 percent or more eligible for an appointment regardless of years of education completed.

Second. Give service-connected disabled veterans the right, to file with the Veterans Employment Service in the Department of Labor a complaint that he or she has been discriminated against because of handicap by a Federal contractor.

In 1978, the Senate passed the Comprehensive Employment and Training Act Amendments of 1978 (Public Law 95-524) which included provisions to:

First. Require that, with respect to public service jobs, prime sponsors give special consideration to disabled and Vietnam-era veterans (with special emphasis on Vietnam theatre veterans).

Second. Require the Secretary to take appropriate steps to provide for increased participation of disabled and Vietnam-era veterans (with special emphasis on theatre veterans) in all CETA job and job training opportunities.

Third. Promote maximum arrangements by CETA prime sponsors for utilization of apprenticeship and other OJT opportunities available under the GI bill.

Fourth. Require the Secretary of Labor to coordinate with the Administrator of Veterans' Affairs in carrying out all of the Department's responsibilities with respect to veterans under CETA.

Fifth. Add veterans' organization representatives as permanent members of local, State, and national planning councils. As of October 1, 1979, 365 prime sponsors had veterans' representatives serving on their planning councils.

Sixth. Include as a special Federal responsibility of the Secretary the conduct of the veterans' outreach and public information program enacted by Public Law 94-567.

In 1978, the Senate passed the Revenue Act of 1978 (Public Law 95-600) which included provisions to authorize the targeted jobs tax credit program designed to promote increased employment of seven "target groups" including low-income Vietnam-era veterans under 35 years of age and disabled veterans participating in vocational rehabilitation programs. The program was implemented in May 1979, and, as of July 31, 1979, 3,152 Vietnam-era veterans have been certified as eligible for the credit and 880 have been employed.

This past year, the Veterans' Affairs Committee of the Senate reported the Veterans' Health Care Amendments of 1979, signed into law as Public Law 96-22 on June 13, 1979. This measure contains a number of important new VA health-care programs. Most directly targeted to Vietnam-era veterans is the readjustment counseling program, under which the VA is finally authorized to provide readjustment counseling for those Vietnam-era veterans who have not made a successful transition from their military service to civilian life. The agency is establishing 85 store-front facilities across the county, staffed by outreach teams that will go into the community to locate and assist Vietnam-era veterans. The emphasis of the program will be on peer counseling in a nonformal setting so as to encourage the participation of those veterans distrustful of normal VA and other governmental efforts. It is estimated that 1,970,000 Vietnam-era veterans will participate in this program in the first 2 years.

Three other improvements in VA's health-care programs enacted in Public Law 96-22 will also benefit Vietnam-era veterans: new authority for the VA to enter into contracts with halfway houses and other community facilities for the treatment of veterans suffering from alcohol and drug abuse dependencies; authority for the VA to provide preventive health-care services for veterans with service-connected disabilities rated at 50 percent or greater and veterans receiving care for service-connected disabilities; and extension of dental care benefits to all veterans with 100-percent service-connected disabilities and to those who were prisoners of war for at least 6 months.

Also this last year the Veterans' Affairs Committee of the Senate reported legislation (H.R. 2282 as passed by the Senate) to provide for an 11.1-percent increase in rates of VA service-connected compensation. The House of Representatives had originally approved an 8.3 percent increase and we have since compromised on a 9.9 percent increase which has only recently been signed into law by the President.

We now have before us S. 870, the benefits of which have been more than adequately presented in the past few hours of debate. Numerous other programs and bills are awaiting the review of the Veterans' Affairs Committees of both Houses of this Congress. Thus I believe I am fully justified in my pronouncement that no other group of veterans anywhere in this world have received such extensive benefits.

But with any reasonable (or any unreasonable one) program, there must be limits, and in this instance the proposals made by the pending amendment exceed such limits. By authorizing a program that will cost this Nation far more than the benefits it will bestow on the targeted veteran population it is supposedly designed to assist.

I urge rejection of the amendment based upon what we have already done for the veteran and because of the lack of any hearing process with respect to this particular legislation.

The PRESIDING OFFICER. Who yields time?

Mr. PRESSLER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9½ minutes remaining.

Mr. CRANSTON. I am prepared to yield back the time.

Mr. PRESSLER. I had just a 2- or 3-minute concluding statement and response.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PRESSLER. Mr. President, I would like to respond to my distinguished colleagues for whom I have the greatest respect. I might say that Senator CRANSTON and Senator SIMPSON have both been very cooperative, and I thank them and their staffs for this cooperation—I did, however, want to respond to some specific points.

First of all, the chairman of the committee pointed out that we have never before been given benefits based on location of service but, indeed, we do in this case.

Those who actually served in the Vietnam theater face high unemployment rates, their psychological and psychiatric damage is much more severe. We had to draw a line somewhere because of budgetary constraints. This seemed to be the most fair way.

There has been a good deal of talk by both speakers, both of whom said that there is as much available to Vietnam veterans as has been available to World War II veterans. Maybe that is true in terms of dollar opportunities, but in terms of response by veterans, the same cannot be said.

Because of the draft we had during Vietnam, those of the lower educational level and those that came from families of a lower income level were the ones that fought the Vietnam war. They are the ones who served in the theater. They have not responded to the programs that have been available. They could go to college, they could go to vocational school, but they have not responded to those programs. Our amendment is a job-training program that works toward permanent employment for those who served overseas, for those who have not responded to prior programs.

The previous speakers have gone to great lengths in talking about the CETA program, social welfare programs.

Our amendment would result in permanent jobs for veterans if job performance is adequate. I think that distinction should be made.

Let me also say that many of the current programs are simply training and do not look to permanent employment. I think we have to overhaul many of our programs for Vietnam veterans because they are of a different category. The hardcore unemployed Vietnam veteran is in a different category. As I said in a speech to this body earlier this year, in psychological and psychiatric treatment, the veterans of World War II have found the program adequate. The Vietnam veterans, for other reasons, do not want to go into the Veterans' Administration, but would rather seek help elsewhere. They have been alienated by the veterans groups, although many of these groups support this legislation, and I listed them earlier in my speech.

It has been said by both speakers that we should not act in haste, that we should review this legislation. I commend the Veterans' Affairs Committee for their upcoming hearings. Indeed, two persons from the Minneapolis Vietnam counseling group, the largest in the Nation, are traveling to where the hearings will be held at this very hour to testify in favor of this very legislation.

Those who say we have not had time to review this legislation, to them I say we have had 7 years since the end of the Vietnam conflict—7 years this Saturday.

I introduced this provision in November, and there has been adequate time to review it. The present programs are not working. This is a different approach. It is not a costly approach. We cut the costs from $723 million down to $220 million to be very accommodating.

We have limited the program to those under $11,000 in income to further reduce the costs. We have limited it to those who served in the Vietnam theater because statistics show they are the ones who are the most in need. I think it is a very timely piece of legislation.

We cannot continue by just throwing money into programs that are not working, and if you look at any statistics on Vietnam veterans, the programs are not working. This is a different approach. I think it is a very sound one and a very solid one.

I might also ask the Members of the Senate to take note of Senator HAYAKAWA's endorsement of this program. He was a university president and he has followed closely the success and failure of training and educational programs. His experience on the university campus during and after the Vietnam conflict and subsequently, I think, are particularly very important.

I might also say Senator RIEGLE has joined me as a cosponsor in this effort, and I think we could have had many more supporters except that we only pulled the legislation together in final form last night and this morning, having learned of the time agreement only this morning.

I would have asked for more time on this. I was treated very well in being allowed to offer it today.

That concludes my response to the statements that have been made.

The **PRESIDING OFFICER.** Who yields time?

Mr. **CRANSTON.** Mr. President, I am prepared to yield back time.

The **PRESIDING OFFICER.** Do all Members yield back their time?

All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota (Mr. PRESSLER). The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. **CRANSTON.** I announce that the Senator from Kentucky (Mr. FORD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. **STEVENS.** I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The **PRESIDING OFFICER** (Mr. TSONGAS). Are there other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 56, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—38

Biden
Boren
Boschwitz
Bradley
Burdick
Cannon
Chafee
DeConcini
Dole
Domenici
Durkin
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Jackson
Javits
Jepsen
Kassebaum
Laxalt
McGovern
Magnuson
Melcher
Metzenbaum
Packwood
Pell
Pressler
Pryor
Riegle
Schmitt
Stevens
Stewart
Tsongas
Warner
Weicker
Williams
Zorinsky

NAYS—56

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Bumpers
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
Durenberger
Eagleton
Exon
Garn
Glenn
Goldwater
Gravel
Hart
Helms
Hollings
Huddleston
Humphrey
Inouye
Johnston
Leahy
Levin
Long
Lugar
McClure
Matsunaga
Morgan
Moynihan
Muskie
Nelson
Nunn
Percy
Proxmire
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Schweiker
Simpson
Stafford
Stennis
Stevenson
Stone
Thurmond
Tower
Wallop

NOT VOTING—6

Baker
Ford
Kennedy
Mathias
Talmadge
Young

So Mr. PRESSLER's amendment (UP No. 917) was rejected.

Mr. **CRANSTON.** Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. **SIMPSON.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### UP AMENDMENT NO. 918

(Purpose: To authorize the United States to recover the costs of hospital, nursing home, and outpatient medical care furnished by the Veterans' Administration to veterans under certain circumstances to the extent that such care is covered by insurance or similar contracts or rights).

Mr. **BELLMON.** Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER.** The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes an unprinted amendment numbered 918.

Mr. **BELLMON.** I ask unanimous consent that further reading be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . (a) Section 610 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) (1) Whenever a veteran is furnished hospital or nursing home care for a non-service-connected disability under subsection (a) of this section or outpatient medical care for a non-service-connected disability under subsection (b) (5), (f), (g), or (h) of section 612 of this chapter and—

"(A) such veteran is entitled to such care, or reimbursement for the expenses of such care under an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement for the purpose of providing, paying for, or reimbursing expenses for health care or services;

"(B) such veteran's illness or injury is so related to his or her employment as to provide entitlement for the payment of hospital, nursing home, or medical care by the employer, insurance carrier, or other source under workers' compensation or employers' liability laws; or

"(C) such veteran's illness or injury was contracted or suffered under circumstances that entitle such veteran to health care benefits under an automobile accident reparation statute (or similar law) of a State;

the United States shall have the right to recover the reasonable value of the care so furnished by the Veterans' Administration to the extent of any coverage or entitlement (or both) described in clauses (A), (B), and (C) of this paragraph and shall, with respect to such right, be subrogated to any right or claim of such veteran or of such veteran's guardian, personal representative, estate, dependents, or survivors under such coverage or entitlement (or both) to the extent of the reasonable value of the care so furnished.

"(2) No contract, arrangement, or entitlement described in clauses (A), (B), and (C) of paragraph (1) of this subsection entered into, renewed, or accrued after the effective date of this subsection, or any State law, may operate to deny the right of the United States to recover, as provided in paragraph (1) of this subsection, the reasonable value of hospital, nursing home, and outpatient care furnished or to be furnished any veteran described in such paragraph.".

(b) The amendment made by subsection (a) shall take effect on the first day of the first month which begins more than ninety days after the date of the enactment of this Act.

Mr. BELLMON. Mr. President, the purpose of this amendment is to authorize the Veterans' Administration to recover from private insurers the costs of medical care furnished to veterans with nonservice-connected conditions.

Mr. President, our veterans have been paying insurance premiums for benefits they will never receive from their insurance company. Veterans pay the same insurance premiums as nonveterans. However, while the insurance company must reimburse a private facility for care given to a nonveteran client, they are not liable for the same care given to a veteran client if he is treated in a VA hospital. The cost of implementing this legislation is small. Each policyholder's health insurance premium would be increased by approximately 10 cents per month, or slightly more than $1 per year.

A report by the National Academy of Sciences entitled "Study of Health Care for American Veterans" documents the heavy utilization of VA facilities for nonservice-connected disabilities. Seventy-one percent of the veterans admitted to VA hospitals surveyed by the study were treated for nonservice-connected conditions. A similar utilization rate applies to VA nursing homes. Fifty-five percent of the outpatient visits to VA hospitals were also for nonservice-connected conditions.

Moreover, the U.S. Government receives no extra benefit when a veteran works for a private employer, but the Government is expected to bear the burden of medical treatment for work-related injuries if the employee is a veteran and is treated in a VA hospital. For other employees, the employer's private health insurance carrier is, of course, responsible.

Mr. President, the Veterans' Administration has felt that they have statutory authority for the recovery of hospital costs under the Federal Medical Care Recovery Act (Public Law 87-693). However, in a letter to Vice President MONDALE, the Administrator of the VA states:

> This Act has been interpreted as reflecting the congressional intent that the United States is entitled to reimbursement for medical care rendered veterans who can afford to pay for medical care and treatment of nonservice-connected injuries and diseases in the same manner as if the medical care were provided from private sources.
>
> Although the Veterans' Administration has carried out a cost-effective effort to collect the medical care costs where a private provider would be paid, this effort has resulted in extensive and expensive litigation and demonstrated that further legislation is necessary.

Mr. President, the adoption of my amendment will clarify the responsibilities of the VA and private insurance companies for medical care and reimbursement. It will also put an end to the waste of time and money by both the Federal Government and private insurers resulting from this extensive litigation.

Mr. CRANSTON. Mr. President, I cannot agree with the amendment of the Senator from Oklahoma (Mr. BELLMON) that would provide for the Veterans' Administration to obtain reimbursement from health insurance carriers for certain treatment rendered in VA hospitals and other VA facilities for the nonservice-connected disabilities of veterans.

As the Senator from Oklahoma (Mr. BELLMON) well knows, legislation on this issue has been proposed by the administration for a number of years, dating back to the 91st Congress, when a similar bill was first proposed in February 1970. There is undoubtedly a surface appeal to the proposition that the Government should receive payment for health care it has rendered to an individual from that individual's insurance carrier in a way similar to the way in which a non-Federal Government health-care provider is paid. Although there were hearings in the House on earlier measures in 1970 and 1975, there has been no congressional action beyond that stage until last September, when the Veterans' Affairs Committee held a hearing on S. 759, the version of this legislation currently pending in the Congress. I believe that this historical lack of action has been the result of numerous factors, but that the key concern leading to nonacceptance of such legislation through the years up to this point has been a sense that there is a wide variety of issues associated with such a proposition—bearing on the feasibility, advisability, and even constitutionality of the concept—and that, to date, these issues have not been adequately resolved in connection with any of the legislative proposals submitted to the Congress.

At the outset of the committee's hearing last September, I listed a number of issues that I thought had to be addressed before any action could be taken on the legislation. These issues were:

Whether, in specific cases, the VA will be capable of providing adequate data in its billing to enable the carrier to determine whether the care provided is within the coverage of the veteran's insurance and, if so, the amount it should pay?

Whether several issues that are likely to arise in the billing and reimbursement process can be resolved to the extent that an efficient and timely billing program could be implemented?

What is the best estimate of the actual cost savings that would result from passage of the legislation and the timing of such savings, and what are the bases for the estimate?

What would be the overall impact on the economy and total health-care costs of such a program of reimbursement to the VA—that is, whether the money coming into the Federal Treasury will be offset by correspondingly higher premiums being charged to individual citizens and businesses, and, if so, where will the burden of these premiums fall; whether such a shifting of the costs of veterans' health care is a desirable outcome; and whether, assuming that shift is desirable to some extent, the administrative costs of implementing a reimbursement program would be so high as to make it inadvisable?

And whether the pending legislation, particularly as it proposes to affect existing, guaranteed-renewable insurance contracts, is consistent with the due process clause of the fifth amendment?

Mr. President, I can tell my colleagues that—despite the efforts of the committee to obtain the answers—the September hearing did not resolve any of these issues in favor of the legislation. Instead, the committee learned that the VA and the insurance industry are nowhere near reaching agreement on a multitude of issues, including billing procedures, what costs would be covered, mechanisms for resolving billing disputes, and a host of related issues.

In fact, Mr. President, the hearing record reflects an almost irreconcilable gap between the agency and the representatives of the health insurance carriers. Not only does this situation suggest that any program of third-party reimbursement would be difficult to implement, it also means, in my view, that there would be little or no cost recovery realized by the VA in the foreseeable future.

Mr. President, on a related note, the hearing also brought clearly into focus the problem of the constitutionality of the provision insofar as it mandates changing existing individual policies of health insurance at the time of renewal so as to enable the VA to collect for care as contemplated by this measure. Whether the industry would move to test this issue by filing suit as soon as the legislation was enacted or would wait to test it in litigation brought by the VA to collect moneys under the legislation is not clear. What was made clear at the hearing was that there would be protracted litigation on this issue and frankly, Mr. President, I am not clear on the likely outcome of such litigation. It may well be that, as to insurance policies known as "guaranteed renewable" policies—which constitute the majority of existing health insurance policies—the provision proposed in the pending amendment is unconstitutional.

Mr. President, the hearing did answer, I believe, the question of whether this legislation would actually save any money in terms of overall health care costs in America. It would not. My view, after hearing all of the testimony, is that enactment of this legislation would only work to shift some health care costs from the Federal budget to individuals and employers in the private sector and that this shift would generate even further costs to the American public for health care as a result of the large new administrative staff that the VA would require in order to do the billing and run the reimbursement program. I am not convinced that the alleged benefit—reducing some costs to the Federal budget—is worth this cost to individuals and employers.

Mr. President, I also note that the major veterans' organizations testified in very strong opposition to this measure during the hearing in September. In fact, two of these organizations—the American Legion and the Veterans of Foreign Wars—adopted resolutions at their national conventions last year opposing a program of third-party reimbursement for VA health care. I ask unanimous consent that the text of these two resolutions appear in the RECORD at the conclusion of my remarks on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, although the Veterans' Affairs Committee is committed to cost-savings and cost-control actions—indeed it ordered reported 12 such legislative provisions last year—it must have satisfactory answers to the wide variety of ancillary and subsidiary issues I have discussed before it can recommend taking action on legislation providing for third-party reimbursement. I also believe it is critical that the committee and the Senate have a clear and precise understanding of the budgetary implications of the legislation, most particularly an understanding of when realistic cost-savings can be anticipated and how such cost-savings should be related to the VA's appropriations. This latter factor is an absolutely critical one and has not been dealt with responsibly by the administration or others advocating this legislation. I am concerned that a prospective reduction in the agency's appropriations for a coming year based on nothing more than projected cost-savings from an untried, untested reimbursement system—about which there will be considerable controversy in its development and implementation—would create great difficulties and hardships for the VA health-care system. If VA regular appropriations for a fiscal year were to be reduced by the amount of estimated collections, the VA—to provide health care services at the program level contemplated by the Congress—would be put in the position of offering to pay doctors' and nurses' salaries and bills for supplies and equipment with promissory notes—not cash. I cannot believe that is any way to run a hospital system.

In sum, let me emphasize that this amendment would not reduce the cost of any health-care services—indeed it would impose an expensive layer of administrative costs on health-care services and it would actually result in increased profits for private insurance carriers. In light of these facts and the many administrative and legal issues that the amendment poses, I see no good reason to support the amendment simply to shift and increase certain health-care costs.

EXHIBIT 1

RESOLUTION NO. 632—OPPOSE INSURANCE CARRIERS PAYING FOR VETERAN EXPENSES IN VA HOSPITAL

Whereas, it is being considered that full or partial payment of expenses a veteran may incur while in the VA hospital or government hospital be paid by Blue Cross Blue Shield or private carrier; and,

Whereas, at the Senate Veterans' Affairs Committee meeting held March 5, 1979, at our Nation's Capitol in Washington, D.C. a question was pointed to us on balancing the budget . . . that veterans who hold Blue Cross Blue Shield or other health policies use these to pay for our treatment in a VA facility; and,

Whereas, we find this discriminatory to veterans; and,

Whereas, the only reason many carry these insurances is because of family responsibilities on hospitalization and doctor care; and,

Whereas, the Blue Cross Blue Shield or other medical insurances have the ability to refuse entitlement to a veteran who is eligible for the VA or government hospitals; and,

Whereas, if it goes into effect it will only increase the premiums to veterans and all the other members because of increased expenses to the carrier; now, therefore,

Be it resolved, by the 80th National Convention of the Veterans of Foreign Wars of the United States, that we go on record as opposing such a move by the Government of the United States to make our insurance carriers pay either all or a portion of our expenses in a VA hospital or government hospital and that it be a part of our National Legislative Committee policy and that it be included in our testimony at Washington, D.C., at our next meeting with the House and Senate Veterans' Affairs Committees.

---

RESOLUTION: No. 456

Whereas, the present Administration in Washington has proposed to the Congress, legislation to provide for the right of the United States to recover the costs of hospital, nursing home, or outpatient medical care furnished by the Veterans' Administration to veterans for nonservice-connected disabilities to the extent that they have health insurance or similar contracts or rights with respect to such care, or have entitlement to private medical care under workers' compensation or automobile accident reparation statutes of any State; and

Whereas, in its Budget proposals to Congress for Fiscal Year 1980, the Adminstration has projected savings of 218 million dollars from the proposed legislation; and

Whereas, by reason of the complexities involved in implementing the proposed legislation, if it should be enacted, there is no possibility of effecting such savings in the VA medical care program during Fiscal Year 1980; and

Whereas, the proposed legislation would require the rewriting of every private health insurance contract that is now held by any veteran; and

Whereas, representatives of the health insurance industry have pledged to raise a constitutional issue with respect to the validity of any such legislation as the Administration has proposed; and

Whereas, the resolution of the constitutional issue will require litigation that will consume several years; and

Whereas, there will be further dispute, and possibly additional litigation to resolve questions concerning any cost formulas for VA health care, which the Government may develop on which to base claims for reimbursement from third party insurers; and

Whereas, complicated problems involving cost formulas, quality controls and distribution of services, will have to be resolved before third party reimbursement legislation can be implemented: and

Whereas, the resolution of such problems may quite likely involve the Public Health Service of the Department of Health, Education, and Welfare; and

Whereas, The American Legion has consistently opposed the involvement of the Department of HEW in any aspect of the veterans medical care program, perceiving such involvement as posing a real danger to the integrity of the veterans medical care program as one to be maintained and operated by the Veterans' Administration, exclusively for the nation's veterans; and

Whereas, The American Legion continues to adhere to the position that the veterans medical care program operated by VA is a benefit, freely and justifiably provided by a grateful nation to its war veterans, and that such program, therefore, should not be associated with contributory health care programs or insurance, funded and operated from the private sector, for profit; and

Whereas, overall, The American Legion perceives the proposed legislation as posing a direct threat to the integrity of the veterans medical care program now operated by VA; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Houston, Texas, August 21, 22, 23, 1979, that The American Legion opposes the enactment of legislation providing for third party reimbursement of the cost of medical care provided by the Veterans' Administration to eligible veterans.

Mr. BELLMON. Mr. President, I address this comment to the chairman of the Veterans' Committee. I am aware that the Veterans' Committee has under consideration a bill, S. 759, which accomplishes the same objective as my amendment. However, S. 759 has not been reported, even though it was brought up early last year and hearings have been held. I feel this is an important area where savings are possible. I wonder if the chairman of the Veterans' Committee could tell us what the likely outcome of S. 759 will be so far as the committee is concerned and when we might expect some action on that bill.

Mr. CRANSTON. We are having a mark-up on April 16 on the legislation. I expect that something will be reported out, but in what form, I do not know, and I do not think it will contain all the original provisions or all the elements of the Senator's amendment. I expect something will emerge.

Mr. BELLMON. Mr. President, this Senator is aware of the problem here. As I understand it, this involves a potential saving to the U.S. Treasury of about $75 million in fiscal year 1980, $335 million in 1981, and $395 million in 1982.

It is money that, it seems to me, the insurance companies should legally be obligated to pay. I cannot quite understand why we do not go ahead and move to collect these funds.

Mr. CRANSTON. I have given a statement on all of that. I am not convinced that we can attain the savings estimated by the Senator. I share his desire to save, but I am not sure that we can in this way, under the legislation, he proposes.

Mr. BELLMON. The Senator is saying that this matter will be dealt with by April?

Mr. CRANSTON. On April 16, we have scheduled a meeting of the committee to deal with this matter.

Mr. BELLMON. Will a bill come from that?

Mr. CRANSTON. Something will, I believe. I cannot guarantee it, but I expect some legislation to emerge, although not totally in the form the Senator is proposing.

Mr. BELLMON. Mr. President, I understand there may be a problem of germaneness with this amendment.

Mr. CRANSTON. There is.

Mr. BELLMON. I shall not press it. I feel it is important that we deal with this matter in an appropriate way at the appropriate time. In the likelihood that we shall get a bill, I shall not press the amendment.

Mr. CRANSTON. There will be an opportunity for the Senator to present his views on the floor on a later occasion.

Mr. BELLMON. With that in mind, Mr. President, I withdraw the amendment.

The amendment was withdrawn.

Mr. CRANSTON. I thank the Senator.

AMENDMENT NO. 645

(Purpose: To provide for the submission of plans for new institutional health services in a Veterans' Administration facility at which hospital care or medical services are provided)

Mr. BELLMON. Mr. President, I call up amendment No. 645 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated. The second assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes amendment numbered 645.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 19 and 20, insert the following new title VII:

TITLE VII—SUBMISSION OF PLANS FOR NEW INSTITUTIONAL HEALTH SERVICES AT A VETERANS' ADMINISTRATION FACILITY AT WHICH HOSPITAL CARE OR MEDICAL SERVICES ARE PROVIDED; NURSING HOME RESPONSIBILITY

SEC. 701. (a) (1) Subchapter III of chapter 17 is amended by adding the following new section at the end thereof:

"§ 629. Submission of plans for new institutional health services

(a) Whenever the Administrator proposes to provide any new institutional health services, acquire any major medical equipment, or make any capital expenditure at any Veterans' Administration facility which provides hospital care or medical services, the Administrator shall submit to the appropriate health systems agency of the health service area (as designated pursuant to section 1515 of the Public Health Service Act) in which such Veterans' Administration facility is located a plan of the proposed service, equipment or expenditure one hundred and eighty days before the time such service is provided, such equipment is acquired, or such expenditure is made.

"(b) The health systems agency to which any plan is submitted pursuant to subsection (a) of this section may review and make such recommendations as it deems appropriate concerning the proposed institutional health service, acquisition of major medical equipment, or capital expenditure. The Administrator shall give due consideration to the recommendations made by the health systems agency before such service is provided, equipment acquired, or expenditure made. Such recommendations shall not be binding on the Administrator.

"(c) The Administrator shall include in the annual report to the Congress required by section 214 of this title a report relating to proposed services, acquisition of equipment, and expenditures for which plans were submitted in the previous year pursuant to subsection (a) of this section. Such report shall include—

"(1) the number of proposed services, acquisitions of equipment, and expenditures for which plans were required to be submitted by the Administrator to any health systems agencies;

"(2) a brief description of each proposed service, acquisition of equipment, or expenditure and the estimated cost thereof;

"(3) a brief statement outlining any recommendations made by the health systems agency relating to each proposed service, acquisition of equipment, or expenditure; and

"(4) a detailed rationale of the Administrator's decision in any case in which the Administrator decided not to follow the recommendations of the appropriate health system agency regarding any service, acquisition of equipment, or expenditure.

"(d) For purposes of this section, the terms 'institutional health services', 'major medical equipment', and 'capital expenditures' are defined in section 1531 of the Public Health Service Act.".

(2) The table of sections at the beginning of chapter 17 is amended by inserting the following new item after the item relating to section 628:

"629. Submission of plans for new institutional health services.".

(b) (1) The Secretary of Health, Education, and Welfare and the Administrator of Veterans' Affairs shall submit a joint report to the Congress relating to the consolidation of their responsibilities for the enforcement of quality and safety standards in nursing homes. Such report shall—

(A) identify the optimum method for consolidating Federal responsibility for enforcing quality and safety standards in nursing homes within one Federal agency;

(B) identify legislative and regulatory changes required to accomplish such consolidation; and

(C) establish a timetable for such consolidation beginning no later than January 1, 1981, and ending by January 1, 1982.

(2) The report required by paragraph (1) shall be submitted to Congress no later than August 30, 1980.

On page 57, line 20, strike out "VII" and insert in lieu thereof "VIII".

On page 57, line 22, strike out "SEC. 701." and insert in lieu thereof "SEC. 801.".

On page 57, line 24, strike out "SEC. 702." and insert in lieu thereof "SEC. 802.".

Mr. BELLMON. Mr. President, this amendment has two parts, both of which deal with the VA health-care system.

The first part would require the Veterans' Administration to submit to the appropriate health systems agency (HSA) for review and recommendation on any proposals for major changes in VA health services, such as construction of new facilities, expansions, or cutbacks. The HSA comments would not be binding on the VA. However, the Administration of the VA would be required to report annually to Congress on these plans, the HSA recommendations, and reasons for noncompliance if the VA did not follow the HSA recommendations.

The report entitled "A Study of Health Care for American Veterans" submitted by the National Academy of Sciences to the Senate Committee on Veterans' Affairs on June 7, 1977 states that:

> The VA system should become part of the general health-care planning process established for communities and regions. Before VA hospitals (for replacement or relocation of existing beds) and other facilities are built, and before new equipment and services are installed in VA hospitals, a recommendation should be required from the local Health Systems Agency (HSA). If objections to the VA project are raised by the HSA, the Administrator of the VA should be required to justify the construction or installation to Congress.

Mr. President, my amendment would not delay the construction or installation of any VA projects opposed by HSA recommendations. However, it would require the VA Administrator to explain to Congress why an HSA recommendation is not followed, if it is not.

The second part of my amendment is consistent with other recommendations contained in the National Academy report. It would require the VA and HEW to submit a report to Congress by August 30, 1980, outlining the manner in which each agency's duplicative and overlapping responsibilities for enforcing quality and safety standards in nursing homes will be consolidated. This consolidation would take place no later than January 1, 1982.

Congress has created legislation requiring each of these agencies to develop and implement standards for fire safety and quality care in nursing homes. Now it is time that we correct the inefficiency which we created when we placed these functions in two separate agencies.

This amendment does not pre-judge one agency as being more or less effective than the other. Nor does it try to sort out exactly how the consolidated responsibilities should be handled. Those issues are left to the VA Administrator and the HEW Secretary to resolve. This amendment requires consolidation. It will remove the existing overlaps and duplication. It will, in a small way, reduce Government waste which, in this case, Congress itself has created by an act which Congress passed.

Mr. President, I urge adoption of this amendment.

Mr. CRANSTON. Mr. President, when all time has expired on this amendment, I will propose a substitute amendment. My substitute amendment would delete the first half of the pending amendment, which mandates local VA facilities to submit any plans to expand VA health-care facilities or to purchase major medical equipment to the health services agency—HSA—in the area for such HSA's evaluation and comment, and make a relatively minor change in the second half of the pending amendment—the section that proposes a consolidation of HEW and VA efforts in relation to community nursing homes.

I hope that upon examination the distinguished Senator from Oklahoma will feel that my substitute is an appropriate way to deal with the problem he perceives.

Mr. President, I must oppose the portion of the pending amendment mandating a role for local HSA's in VA health-care matters. Although, as a member of both the Veterans' Affairs Committee and the Subcommittee on Health and Scientific Research of the Labor and Human Resources Committee, I am a very strong supporter of efforts aimed at improving the efficiency and reducing the cost of health care in America, as I know the Senator from Oklahoma is, I do not believe the proposed amendment as written provides an appropriate way to proceed.

Its practical effect would be to subject VA health programs—inappropriately I believe—to the agendas of the various health systems agencies, which in turn receive their guidance from the Department of Health, Education, and Welfare, a Federal agency with a very different charter from that given to the VA by the Congress.

Mr. President, the VA has a special mission—in the words of Abraham Lincoln—"To care for him who has borne the battle and his widow and orphan," and the Congress has consistently acted to keep the VA strong and independent in all aspects of its mission, including, very significantly, the agency's health-care system. The portion of the pending amendment relating to HSA review of VA actions would threaten this traditional independence, and this, in turn, could undermine the agency's effectiveness in providing health care to eligible veterans.

Mr. President, just as the VA's mandate differs from that of HEW, so an individual VA health-care facility and the Department of Medicine and Surgery as a whole have responsibilities different from local HSA's. Certainly, the VA must and does make planning decisions taking into account the questions of cost effectiveness, but there is an overriding concern that must not be ignored—that of providing appropriate health care to eligible veterans.

It should be noted that questions concerning the cost effectiveness of the VA are well considered and resolved through the annual budget process—both the administration's and that of the Congress—as well as the congressional appropriations process in both of which processes the Senator from Oklahoma is a major participant. And I do not believe that adding another element in the form of mandatory review by another agency would add anything to the end result except delay and confusion.

Mr. President, another problem with this proposal lies in the different geographic areas and populations served by individual VA health-care facilities and local HSA's. Not only does the VA facility have the special mission I just spoke of, but each such facility serves veterans in a particular catchment area and this area rarely is coterminous with the coverage area of the nearby HSA. Thus, the views of the HSA on a proposed VA facility expansion or addition of equipment would quite often tend to be based on an incomplete or inappropriate data base, which might well result in a negative recommendation when, in fact, had the VA facility's total catchment area and the veteran population served by the facility been considered, the proposal would have received a favorable recommendation.

Moreover, Mr. President, local VA health-care facilities already have—as a result of amendments I authored to the Health Planning Act—an ongoing relationship with local HSA's through ex-officio representation on governing bodies of HSA's with a VA facility located in their jurisdiction and through representatives on every statewide health coordinating council. These arrangements promote an effective dialog between representatives of the VA and the appropriate HSA, and I believe that this is the proper relationship that should exist.

Moreover, Mr. President, as a practical matter, I am certain that this part of the pending amendment would be rejected out of hand in the House of Representatives. Late last year, during Senate consideration of S. 544, the Health Planning and Resources Development Amendments of 1979, now Public Law 96-79, the Senate-passed bill included an amendment I had authored that—instead of mandating a presumptively valid role for HSA's in VA planning matters, as does the pending amendment—merely required that, if a Federal agency, such as the VA, were itself to request an HSA to review a proposed use by it of Federal funds to support the development of institutional health services, that HSA would have to provide an advisory opinion on the proposed use of funds—just an advisory opinion.

Although my amendment then was far different from the provision in the pending amendment—that is, there was no requirement for the VA to request an HSA evaluation and the HSA's opinion, if requested, would have been purely advisory with no obligation on the VA to respond in any way—it was badly misinterpreted and ultimately defeated.

A number of veterans' organizations registered strong opposition to it, expressing their concern that it would represent an unwarranted intrusion by HEW into VA health-care matters, and the chairman and ranking minority member of the House Veterans' Affairs Committee wrote the House conferees in strong opposition. Accordingly, despite my efforts in conference, the House conferees were adamant in rejecting the amendment—including most particularly the chairman of the House Veterans' Affairs Committee's medical facilities and benefits subcommittee who also served on that conference committee.

There can be no doubt that the provision in the pending amendment, if adopted, Mr. President, would suffer the same result.

I can report to the Senator from Oklahoma and all of my colleagues, Mr. President, that the joint explanatory statement accompanying the conference report on the health planning bill did include—at my insistence—a statement that if such a direct request were made to an HSA by a Federal agency, the HSA should respond with an advisory opinion. I believe that that is the appropriate policy result.

Mr. President, the second part of the pending amendment would call for a "consolidation" of the efforts of the VA and HEW relating to the enforcement of quality and safety standards in community nursing homes, including submission of a study of the appropriate way to accomplish this consolidation and a timetable to carry out such consolidation.

Mr. President, the word "consolidation" suggests a merging of different elements into a single unit whereas the word "coordination," which my substitute amendment will propose, does not require a merging but rather a harmonizing of different elements in common action. Applying this difference to the issue addressed in the second section of the amendment—the relationship of VA and HEW efforts with reference to community nursing homes—I believe that the appropriate relationship should be characterized by "coordination" of effort, not "consolidation." I take this position for a number of reasons.

First, the two agencies have very different missions. As I discussed earlier, the Congress has given the VA a special mandate—particularly in the area of health care for veterans. For the VA to consolidate its effort with HEW in any particular respect would require a merging of VA activities with those of HEW and a resultant relinguishing by the VA of its independence and a dilution of its accountability. Such a result would compromise the VA's special role and responsibility and serve to undermine the agency's fulfillment of its mission.

Second, the actual relationships between VA and community nursing homes, on the one hand, and HEW and nursing homes, on the other, indicate that consolidation would be inappropriate. The VA enters into direct contracts with nursing homes for the care of eligible veterans; HEW simply reimburses nursing homes through medicaid for care provided to eligible recipients. Whereas the VA conducts its own inspections of nursing home facilities, so as to assure itself that the facilities will offer acceptable care for veterans, HEW contracts with the States to conduct the necessary investigations.

Third, although I do not agree that consolidation is appropriate, I do believe that coordination may be feasible and desirable. In fact, Mr. President, the two agencies are already acting to develop a coordinated effort. Indeed, the VA already has an existing responsibility, which I authored in section 620(b) of title 38, to make available, to the extent possible, to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting nursing homes, including HEW of course, "the standards prescribed and any report of inspection of institutions furnishing care to veterans" under the applicable title 38 provisions.

Moreover—in response to a recommendation made by the National Academy of Sciences in its 1977 report to the Congress on VA health care—the VA has adopted as an objective to "establish a model working relationship between VA and HEW and State survey agencies directed toward the reduction of duplication of effort in the inspection of nursing homes, and toward the improvement of the quality of care in these homes." In its latest monitoring report on this objective, dated October 10, 1979, the VA described numerous VA and HEW meetings over the last 2 years and stated, "discussions with HEW and VA staff indicate that VA should not aim toward a common VA/HEW inspection of nursing homes since VA and HEW are assessing, for the most part, different aspects of nursing home care. As an alternative, we are developing procedures for routine exchange of complementary data concerning nursing homes and eliminating duplication where it exists." This demonstrates the appropriate coordinative relationship that should exist between the two agencies.

Mr. President, I ask unanimous consent that the full text of that report appear in the Record at the conclusion of my remarks on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. In closing, Mr. President, I want to assure the Senator from Oklahoma that I am in agreement, as I believe the VA and HEW are also, with what I perceive as the underlying objective of this part of his amendment—reducing unnecessary and burdensome duplication of Federal efforts. But I do not believe that consolidation is a proper means to accomplish that objective.

Therefore, Mr. President, I will shortly submit my substitute amendment calling for a coordination, rather than a consolidation, of VA and HEW efforts, and I urge the Senator from Oklahoma (Mr. Bellmon) and my other colleagues to support that approach.

### Exhibit 1

### Monitoring Report for Implementation of NAS Recommendation No. 29 (4): Long-Term Care Alternatives to Institutionalization

### COMMUNITY NURSING HOME INSPECTIONS

Objective: Establish a model working relationship between VA, DHEW and State Survey agencies directed toward the reduction of duplication of effort in the inspection of nursing homes, and toward the improvement of the quality of care in these homes. (Revised statement of objective).

Status: During FY '78 five community nursing home educational conferences were conducted focusing on the subject of VA relationships with State and Federal agencies in the assessment of community nursing homes. Discussions were held with the Directors, Office of Long Term Care Standards Enforcement (now Bureau of Health Standards & Quality, HCFA) at six HEW Regional Offices (Boston, San Francisco, Denver, Chicago, Kansas City, and Atlanta) to gain a mutual understanding of assessment activities and develop procedures for sharing information. We have also conducted three administrative meetings with key HEW, State and VA staff in HEW Region VI (Dallas), Region VII (Kansas City), and Region X (Seattle). Additional meetings are planned for FY '80.

Funding was not provided in the FY '79 budget to employ a medical district community nursing home liaison staff member (1st milestone); therefore this major milestone was not reached in the manner described. A subsequent revision of the MBO (12/29/78) eliminates this milestone and resource requirement.

Discussions with HEW and VA staff (above) indicate that VA should not aim toward a common VA/HEW inspection of nursing homes since VA and HEW are assessing, for the most part, different aspects of nursing home care. As an alternative, we are developing procedures for routine exchange of complementary data concerning nursing homes and eliminating duplication where it exists.

Problems: None.

Resource requirements: None required.

Preparation date: October 10, 1979.

Mr. BELLMON. Mr. President, leaving for a moment the question of consolidation or coordination, I invite the attention of the distinguished Senator from California to the text of amendment No. 645, on page 3. He apparently has misunderstood the intent of this amendment.

We are not talking about forcing the Veterans' Administration to listen to or follow the recommendations the HSA. The language in line 3, page 3, is this:

> The Administrator shall give due consideration to the recommendations made by the Health Systems Agency before such service is provided, equivalent required, or expenditure made. Such recommendations shall not be binding on the Administrator.

We are not tying the VA's hands in any way. We simply are saying that before the VA strikes out to buy some expensive equipment or build some new facilities, it should take into account the services already available in the community, and give the HSA a chance to make recommendations, and support or oppose the new development.

I invite the attention of the Senate to the fact that there are two recently built veterans hospitals in this country that are practically unused or perhaps not used at all. One is still under construction, so my description of that might not be totally accurate. I believe it is called the Hébert Veterans Hospital, in Louisiana. It never has been occupied, because there is no reason for it.

To me, it is an absolute waste of taxpayers' money to build an expensive facility like that, costing millions of dollars, and have it empty. That is ridiculous. That would not happen if someone in HSA would make a report, call it to the attention of Congress, and, in effect, blow the whistle on that kind of foolishness.

I can understand why the House does not want this amendment. They are embarrassed by what happened, and they should be. But we in the Senate have a reason to stand up and call attention to the fact that we have made these kinds of mistakes in the past, and we should put into effect the mechanism for avoiding them in the future. The same thing, I understand, is about to happen in Camden, N.J.

I do not believe the Senate was aware of that when we authorized those funds. The chairman of the committee said this whole business was reviewed thoroughly in the appropriations process. I am on the Appropriations Committee, and we have no way of knowing whether or not the facilities are needed, and whether or not the existing facilities are adequate unless some independent review is made and unless we get information from a source that is knowledgeable and is not subject to strong political pressures, as obviously happened in the case of the Hébert facility.

So I suggest to the chairman that he at least take the amendment back to the House and see if we can get the House Veterans' Affairs Committee to see the wisdom of what we are trying to do.

We are not trying to tie the hands of the Administrator. We want an outside, independent authority to review the needs for these facilities and give the Administrator the benefit of that review. If the Administrator refuses to go along with that review, he has to tell Congress his reasons.

I believe the amendment makes eminently good sense, and I suggest to the chairman that he reconsider. I strongly feel that we have left ourselves vulnerable, and this is one way of closing, what to me is a serious gap in our information-gathering process.

Mr. CRANSTON. I understand the way the amendment works. I just do not think it would work in an appropriate way.

The Appropriations Committee could ask the HSA's to report to them on these matters, and we could give them guidance. I do not feel that the VA should be required to respond to HSA statements.

I am prepared to yield back my time.

Mr. BELLMON. I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Will the Senator from Oklahoma repeat his statement?

Mr. BELLMON. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

### UP AMENDMENT NO. 919

(Purpose: To provide for the coordination of the efforts of the Veterans' Administration and the Department of Health, Education, and Welfare with reference to the enforcement of quality and safety standards in community nursing homes)

Mr. CRANSTON. Mr. President, I send to the desk a substitute amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from California (Mr. Cranston) proposes an unprinted amendment numbered 919 to the Bellmon amendment No. 645.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after "Viz;" and insert in lieu thereof:

On page 57, between lines 19 and 20, insert the following new title:

TITLE —NURSING HOME RESPONSIBILITY

Sec. . The Secretary of Health, Education, and Welfare and the Administrator of Veterans' Affairs shall submit a joint report to the Congress relating to the coordination of their responsibilities for the enforcement of quality and safety standards in nursing homes. Such report shall—

(A) identify the optimum method for coordinating Federal responsibility for enforcing quality and safety standards in nursing homes within one Federal agency;

(B) identify legislative and regulatory changes required to accomplish such coordination; and

(C) establish a timetable for such coordination beginning no later than January 1, 1981, and ending by January 1, 1982.

(2) The report required by paragraph (1) shall be submitted to Congress no later than August 30, 1980.

Mr. CRANSTON. Mr. President, I have already explained the amendment so I think I need not repeat myself. It provides for coordination but not consolidation, in essence.

I am ready to vote on it.

Mr. BELLMON. Mr. President, the amendment leaves out the portion that deals with the HSA.

Mr. CRANSTON. Yes.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do Senators yield back their time on the substitute amendment?

Mr. CRANSTON. I yield back my time.

Mr. SIMPSON. I yield back the remainder of the time.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment of the Senator from California to the amendment of the Senator from Oklahoma.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. FORD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Are there other Senators who wish to vote?

The result was announced—yeas 69, nays 23, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—69

Baucus
Bayh
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd, Robert C.
Chiles
Church
Cochran
Cohen
Cranston
Culver
DeConcini
Domenici
Durkin
Garn
Glenn
Goldwater
Gravel
Hart
Hatch
Hatfield
Hayakawa
Heflin
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Jepsen
Johnston
Laxalt
Leahy
Levin
Long
Magnuson
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Nelson
Nunn
Pell
Percy
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Simpson
Stafford
Stennis
Stewart
Stone
Thurmond
Tower
Tsongas
Warner
Williams
Zorinsky

NAYS—23

Armstrong
Bellmon
Boschwitz
Byrd,
  Harry F., Jr.
Chafee
Danforth
Dole
Durenberger
Exon
Heinz
Javits
Kassebaum
Lugar
Muskie
Packwood
Pressler
Proxmire
Schmitt
Schweiker
Stevens
Stevenson
Wallop
Weicker

NOT VOTING—8

Baker
Cannon
Eagleton
Ford
Kennedy
Mathias
Talmadge
Young

So Mr. CRANSTON's amendment (UP No. 919) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Oklahoma (Mr. BELLMON), as amended by the substitute.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The question is on agreeing to the amendment of the Senator from Oklahome (Mr. BELLMON), as amended.

The amendment No. 645 (as amended) was agreed to.

Mr. CRANSTON. Mr. President I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### UP AMENDMENT NO. 920

(Subsequently numbered amendment No. 1632)

(Purpose: To provide for a 15 percent cost-of-living increase in GI Bill education benefits)

Mr. CRANSTON. Mr. President I send to the desk a committee amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) for himself and Senators TALMADGE, RANDOLPH, STONE, DURKIN, MATSUNAGA, EAGLETON, STAFFORD, THURMOND, SIMPSON, and DOLE proposes an unprinted amendment numbered 920.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 19 and 20, insert the following new title:

## TITLE IX—GI BILL RATE INCREASES

### VOCATIONAL REHABILITATION

SEC. 901. The table contained in section 1504(b) of title 38, United States Code is amended to read as follows:

| "Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Type of training | No dependents | One dependent | Two dependents | More than two dependents |
| | | | | The amount in column IV, plus the following for each dependent in excess of two: |
| Institutional: | | | | |
| Full-time | $260 | $322 | $378 | $28 |
| Three-quarter-time | 196 | 242 | 284 | 21 |
| Half-time | 130 | 161 | 190 | 14 |
| Farm cooperative, apprentice, or other on-job training: | | | | |
| Full-time | 227 | 274 | 316 | 21" |

### VETERAN'S EDUCATIONAL ASSISTANCE

SEC. 902. Chapter 34 of title 38, United States Code, is amended by—

(1) striking out in the last sentence of section 1677(b) "$288" and inserting in lieu thereof "$331";

(2) amending the table contained in paragraph (1) of section 1682(a) to read as follows:

| "Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Type of program | No dependents | One dependent | Two dependents | More than two dependents |
| | | | | The amount in column IV, plus the following for each dependent in excess of two: |
| Institutional: | | | | |
| Full-time | $358 | $426 | $485 | $30 |
| Three-quarter-time. | 268 | 319 | 365 | 22 |
| Half-time | 179 | 213 | 243 | 15 |
| Cooperative | 289 | 338 | 384 | 22"; |

(3) striking out in section 1682(b) "$311" and inserting in lieu thereof "$358";

(4) amending the table contained in paragraph (2) of section 1682(c) to read as follows:

| "Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Basis | No dependents | One dependent | Two dependents | More than two dependents |
| | | | | The amount in column IV, plus the following for each dependent in excess of two: |
| Full-time | $289 | $338 | $384 | $22 |
| Three-quarter-time. | 216 | 254 | 289 | 17 |
| Half-time | 145 | 169 | 192 | 12"; |

(5) striking out in section 1692(b) "$69" and "$828" and inserting in lieu thereof "$79" and "$952", respectively; and

(6) striking out in section 1696(b) "$311" and inserting in lieu thereof "$358".

### SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SEC. 903. Chapter 35 of title 38, United States Code, is amended by—

(1) striking out in section 1732(b) "$251" and inserting in lieu thereof "$289"; and

(2) striking out in section 1742(a) "$311", "$98", "$98", and "$10.40" and inserting in lieu thereof "$358", "$113", "$113", and "$12.00", respectively.

### CORRESPONDENCE COURSES, ON-JOB TRAINING, AND EDUCATION LOANS

SEC. 904. Chapter 36 of title 38, United States Code, is amended by—

(1) striking out in section 1786(a)(2) "$311" and inserting in lieu thereof "$359";

(2) amending the table contained in paragraph (1) of section 1787(b) to read as follows:

| "Column I | Column II | Column III | Column IV | Column V |
|---|---|---|---|---|
| Periods of training | No dependents | One dependent | Two dependents | More than two dependents |
| | | | | The amount in column IV, plus the following for each dependent in excess of two: |
| First 6 months | $260 | $292 | $319 | $14 |
| Second 6 months | 194 | 227 | 254 | 14 |
| *Third* 6 months | 130 | 162 | 189 | 14 |
| Fourth and any succeeding 6-month periods | 64 | 97 | 124 | 14" |

and

(3) striking out in paragraph (3) of section 1798(b) "$311" and inserting in lieu thereof "$358".

On page 57, line 22, strike out "VII" and insert in lieu thereof "X".

On pages 57 and 58, redesignate sections 701, 702, and 703 as sections 1001, 1002, and 1003.

On page 58, line 7, insert a comma after "(b)".

On page 58, line 8, strike out "and (c)" and insert in lieu thereof "(c), and (d)".

On page 59, insert below line 4 the following new subsection:

(d) The provisions of title IX shall be effective September 1, 1980.

The PRESIDING OFFICER. The Senate is not in order.

The Chair will ask the Senators to my left to retire to the cloakroom if they wish to confer.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on the amendment just offered.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CRANSTON. Mr. President, this amendment, in which I am joined by Senators TALMADGE, RANDOLPH, STONE, DURKIN, MATSUNAGA, and EAGLETON, would increase the rates of GI bill benefits by 15 percent, effective September 1, 1980.

Mr. President, the need for this increase is clearly evident. GI bill benefits were last increased on October 1, 1977. By the time this increase would be effective, almost 3 years will have passed since the last increase. This means that, in effect, this amendment would provide for an increase of about 5 percent per year—actually somewhat less.

Since the time of the last GI bill benefit rate increase, the cost of living has increased more than 20 percent. At the current, double-digit rate of inflation, it is reasonable to expect that—by the time this proposed increase is effective—the cost of living will have increased at least another 10 percent. Thus, this 15-percent increase—less than half the likely CPI increase—is certainly not unreasonable and represents a very moderate approach in view of the estimate by CBO that, in order to offset fully the effect of inflation since the last rate increase to October 1, 1979, we would need to enact a 20.6-percent increase, effective October 1, 1979, with a cost in excess of $798 million this fiscal year.

Mr. President, the Veterans' Affairs Committee, in its March 15, 1979, report to the Senate Budget Committee, recommended a 7-percent cost-of-living increase for GI bill benefits effective October 1, 1979. However, the second concurrent resolution on the budget for fiscal year 1980 has not made adequate provision for such an increase. Our committee has, however, remained committed to providing some relief to those veterans who are attempting to pursue programs of education using GI bill benefits, the value of which is being so badly eroded by inflation. At this point, we strongly believe that we must do whatever we can within the spending limits imposed by the second concurrent resolution. Thus, the pending amendment is within the limits of the conference action on the budget resolution. The fiscal year 1980 cost of the amendment is estimated by CBO to be $22 million in budget authority and zero in outlays. The fiscal year 1981 cost is estimated at $376 million in budget authority and $366 million in outlays.

Mr. President, I ask unanimous consent that a cost estimate of a 15-percent cost-of-living increase prepared by CBO be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, during the period 1970 through 1974, there were more than 4 million persons discharged from the Armed Forces—just slightly less than one-half of all those discharged during the Vietnam era. Almost 60 percent of those who saw action in the Vietnam theatre were discharged during this period.

These same individuals are now approaching the end of their delimiting periods for benefits under the GI bill. Their last chance to make effective use of these remaining benefits to facilitate their readjustments to civilian life must not be hindered by an inadequate level of assistance. These veterans, now mostly in their mid-thirties, are—in many cases—likely to have families to support, rent and other bills to pay, and an education to complete within a very limited time. It is essential that we provide an adequate level of GI bill benefits for these Vietnam veterans—one that realistically reflects increases in the cost of living—during the very last years of their delimiting period.

I believe the provision of an adequate rate of GI bill benefits is an important supplement to the new readjustment counseling program enacted last year by Public Law 96–22. Many of those veterans who seek assistance through that new program may have remaining eligibility for GI bill benefits or may be eligible for an extension of their 10-year delimiting date under the provisions in S. 870 for a targeted delimiting date extension. They should not be discouraged from using their benefits on account of an inadequate level of assistance. That, Mr. President, would be a cold slap in the face to those who have finally been reached by the system.

Mr. President, inflation has unquestionably undermined drastically the purchasing power of the GI bill dollar. This amendment, while not fully compensating for rising costs, would help offset that impact and is, I believe, a prudent and fair proposal that the Senate should approve.

Mr. President, I strongly urge my colleagues to support this important amendment.

EXHIBIT 1

CONGRESSIONAL BUDGET OFFICE,
*Washington, D.C., November 9, 1979.*

Hon. ALAN CRANSTON,
*Chairman, Committee on Veterans' Affairs, United States Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Section 202 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached revised cost estimate for your proposed amendments to S. 870, the GI Bill Amendment Act of 1979.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ROBERT D. REISCHAUER,
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: Two possible amendments to S. 870.

2. Bill title: Two amendments to the GI Bill Amendments Act of 1979.

3. Bill status: Two possible floor amendments to S. 870 to be offered by Senator Alan Cranston.

4. Bill purpose: The first amendment would strengthen the Veterans' Administration's debt collection procedure to allow disclosure of veterans' names and addresses to consumer reporting agencies for debt collection purposes. It would also modify definitions of certain categories of veterans for employment assistance purposes. The second amendment would provide a 15 percent increase in veterans' education benefits starting in September 1980.

5. Cost estimate: The first amendment has a negative required budget authority. This indicates that the provision would reduce future federal liabilities through a change to an existing entitlement and therefore would permit subsequent appropriations action to reduce the budget authority for this program. Negative figures represent that amount by which budget authority or outlays for the program could be reduced as a result of this amendment.

The second amendment would result in additional future federal liabilities in fiscal years 1980 to 1984 through an extension of existing entitlements and would require subsequent appropriation action to provide the necessary budget authority. The figures shown as "Required Budget Authority" represent an estimate of the additional budget authority needed to cover the estimated outlays that would result from enactment of this amendment.

The costs of these amendments fall in function 700.

[By fiscal years, in millions of dollars]

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|
| Amendment 1—Modify Debt Collection Procedure and Change Definitions of Various Categories of Veterans for Employment Assistance Purposes | | | | | |
| Required budget authority | −10 | −20 | −17 | −13 | −10 |
| Estimated outlays | −10 | −20 | −17 | −13 | −10 |
| Amendment 2—Benefit Increase | | | | | |
| Required budget authority | 20 | 376 | 422 | 349 | 245 |
| Estimated outlays | 0 | 366 | 430 | 359 | 253 |

Combined Impact of Amendments

[By fiscal years, in millions of dollars]

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|---|---|---|---|---|---|
| Required budget authority | 10 | 356 | 405 | 336 | 235 |
| Estimated outlays | −10 | 346 | 413 | 346 | 243 |

6. Basis of estimate: Amendment 1 would permit the Veterans' Administration to disclose names and addresses of veterans and other information to consumer reporting agencies for debt collection purposes. As of June 30, 1979, the Veterans Administration was owed an estimated $180 million in terminated education assistance overpayments. It had another $400 million in current overpayments outstanding. CBO expects that collections in both categories would increase because of this provision. In fiscal year 1980, this provision is projected to result in a savings of at least $10 million to the federal government as a result of increased collections net of administrative costs.

Amendment 1 has a second provision which would modify Chapter 41, Title 38, U.S.C. This provision would change eligibility criteria for job counseling, training, and placement services provided to veterans. It would specify a minimum period of active service in the definition of "veteran" and eliminate the 48-month limit on the period after discharge from the definition of "veteran of the Vietnam era." It would also make technical changes to update language in conformance with recent changes in laws pertaining to employment and training programs. This provision would have no budgetary impact as it would not authorize an increase in appropriation levels. The provision could, however, result in additional appropriation requests.

Amendment 2 would raise benefits paid under the GI Bill and other veterans education programs by 15 percent, effective for training taken after August 31, 1980. This would raise program costs in two ways: 1) the average cost per person would rise with the rate increase (by an estimated 15 percent), and 2) some persons would be induced to train who would not have trained without the rate increase. The projected impact on the number of trainees is shown below. The small amount of required additional budget authority in fiscal year 1980 is the result of obligations incurred in September 1980 which are paid in October 1980.

*Training inducement estimate*
(by fiscal years)

Additional persons in training due to the rate increase:

| | |
|---|---|
| 1980 | 20,000 |
| 1981 | 72,000 |
| 1982 | 120,000 |
| 1983 | 105,000 |
| 1984 | 73,000 |

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Al Peden and Betsy Guthrie (225-7766).

10. Estimate approved by: G. G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

The PRESIDING OFFICER (Mr. STEWART). Who yields time?

Mr. CRANSTON. Mr. President, I am glad to yield such time as my colleague may require.

Mr. SIMPSON. Mr. President, I grappled with this particular amendment in committee and here again. At first blush, indeed, it seems to be a very large increase in benefit assistance under the GI bill—15 percent.

I am going to speak in favor of it. The last increase was effective October 1977. So, in effect, we are talking about a 5-percent-per-year increase. And that seems justifiable, even under the crushing budget problems that we have and we are going to continue to contend with in this body and in this Nation.

I do think that we need a vehicle to go into conference with some increase passed in the event the House does not pass its own increase. An increase is justified, and the extent of that increase should be a matter for conference with the House. I would think that the President will be making a recommendation for a similar cost-of-living increase for GI bill recipients. We will know that very shortly.

I do believe that I can support the 15-percent figure on the basis that 5 percent per year is not unreasonable considering the inflation rate in the same 3-year period.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. MUSKIE. Mr. President, may I ask who controls the time?

The PRESIDING OFFICER. The time is controlled on this amendment by the Senator from California (Mr. CRANSTON) and the Senator from Wyoming (Mr. SIMPSON).

Mr. MUSKIE. Who controls the time in opposition?

Mr. SIMPSON. Mr. President, I certainly will yield to the senior Senator from Maine for any period of time that he may require.

Mr. MUSKIE. I thank the distinguished Senator.

Mr. President, I have watched these votes on veterans' measures over 21 years. And after observing the vote that was just taken, it is clear that the course upon which I am about to embark is a very steep uphill course. But I rise to do it, because what is involved is the protection of the congressional budget process. And that process applies to the veterans function as well as all other functions of the Government.

If we were to adopt the proposal that is being offered in the pending amendments, and then apply similar behavior to the other 17 functions in the budget, we might just as well forget about the budget process.

Mr. President, I remind the Senate that last year, in response to a positive mandate from this body later supported by the other body, we adopted a budget not only for fiscal year 1980 but for 1981 and 1982. We did this because of the pressure on the entire Congress to let the people of this country know when, if at any time, they could plan on a balanced Federal budget.

The Senate mandated the Budget Committee to produce budgets which would be balanced in either fiscal year 1981 or fiscal year 1982. We presented both options to the Senate and the Senate adopted the more stringent one; a balanced budget in 1981.

I want to say to the Senate in all candor that the prospects for a balanced budget in 1981, whether or not this amendment is adopted, are diminishing rapidly if they have not already disappeared. But the Senate's action on this amendment will be a clue, and it certainly will be evidence to the country as to the commitment of this body to even making the effort.

Senators may conclude that because we cannot achieve a balanced budget in 1981 in any case, why not adopt this amendment? It is simply going to throw the budget a little more out of balance in 1981.

But to those who think it is important to continue to try, I recommend opposing this amendment for reasons that I will try to describe.

Mr. President, I support S. 870 as it came out of committee. The bill makes a number of necessary changes in the GI bill education program.

Some of those changes are badly needed. For example, the bill will insure that our Vietnam-era veterans have a full opportunity to receive their training and educational benefits.

I also commend the Veterans' Affairs Committee for the reductions in reimbursement for flight training and correspondence school benefits included in this bill. But I regret that the committee did not go all the way in eliminating these low-priority programs.

As I pointed out during the Senate debate on the second budget resolution, these programs have been shown by both the GAO and CBO to be wasteful and ineffective in leading to relevant full-time employment for veterans. They do not really help veterans, and they are a waste of Federal resources.

I further regret that as of now the committee has not seen fit to report legislation to require private insurers to reimburse the VA for health care provided to insured veterans. Such legislation, which would not lead to a reduction in health-care services to veterans, is a commonsense protection of the taxpayers' dollars.

In this time of severe budget constraints it is absolutely essential to cut back in such low-priority areas so that resources can be applied where they are most needed. Adjusting priorities in this manner is the essence of good budgeting.

But how a case can be made for continuing such low priority programs in any form, and then seeking to add by amendment to the same bill higher priority items, which are squeezed out in part by these lower priority items, does not make a sound budget sense to this Senator.

Mr. President, I would also like to note that with the adoption of this bill, the Veterans' Committee will be barely within its crosswalk under the second budget resolution in fiscal year 1980. Costly amendments cannot be tolerated within the budget totals.

I, along with every other Member of Congress, would like to provide veterans with even more generous benefits. However, we all must be mindful of the need for budgetary restraint in our efforts to curb the inflation which harms veterans as well as all Americans.

For this reason, I will have to oppose any amendment to this bill which would violate the budget resolution totals, either for fiscal year 1980 or for future years.

Now, if I may, I will address myself, Mr. President, to the pending amendment specifically.

Mr. President, as an attachment to my remarks, I ask unanimous consent that there be printed in the Record at this point a table showing the status of the veterans' functions for entitlements funded in annual appropriations acts for fiscal years 1980–82.

There being no objection, the table was ordered to be printed in the Record, as follows:

STATUS OF VETERANS COMMITTEE CROSSWALK FOR ENTITLEMENTS FUNDED IN ANNUAL APPROPRIATIONS ACTS

[In millions of dollars]

| | Fiscal year 1980 | | Fiscal year 1981 | | Fiscal year 1982 | |
|---|---|---|---|---|---|---|
| | Budget authority | Outlays | Budget authority | Outlays | Budget authority | Outlays |
| Current law under Veterans Committee jurisdiction | 13, 352 | 13, 325 | 13, 177 | 13, 167 | 13, 196 | 13, 188 |
| Veterans Committee crosswalk | 14, 032 | 13, 944 | 14, 552 | 14, 487 | 15, 297 | 15, 230 |
| Amount current law under (−) crosswalk | −680 | −619 | −1, 375 | −1, 320 | −2, 101 | −2, 042 |
| Reported Veterans Committee bills: | | | | | | |
| GI Bill Amendments Act of 1979 (S. 870) | −4 | −4 | 5 | 5 | 10 | 10 |
| Veterans Disability Compensation and Services Benefits Act of 1979 (H.R. 2282) | 670 | 616 | 683 | 686 | 690 | 693 |
| Amounts needed to hold compensation benefits harmless against inflation in fiscal year 1981–82 | | | 666 | 613 | 1, 383 | 1, 326 |
| Status of Veterans Committee legislation—amount over (+) or under (−) crosswalk | −14 | −7 | −21 | −16 | −18 | −13 |
| Effect of possible amendment: Cranston amendment to provide cost-of-living increase for GI bill benefits | 20 | | 376 | 366 | 422 | 430 |

Mr. MUSKIE. The table shows that in fiscal year 1981, the first year in which the pending amendment would apply fully, there is only $21 million in budget authority and $16 million in outlays remaining. There is only that much room for any additional spending authority.

In fiscal year 1982 there is only $18 million in budget authority and $13 million in outlays. The Cranston amendment for those 2 years would draw down $376 million in budget authority for fiscal year 1981 against the available $21 million and $366 million in outlays against the available $16 million. In fiscal year 1982, it would draw down $422 million in budget authority as against the available $18 million, and $430 million in outlays as against the available $13 million.

I remind the Senate of what I said just a few moments ago—that when we adopted the first and second budget resolutions for this year and implemented the mandate of the Congress—we established ceilings not only for fiscal year 1980, but for 1981 and 1982 as well. I take it that the Veterans' Affairs Committee reassures itself about this amendment because it is within the fiscal 1980 crosswalk. However, we have an obligation under our own budget resolution to also maintain discipline for fiscal years 1981 and 1982.

Because of the figures which I have just stated, politically may I assure the Senate that the most comfortable stance for me to take would be to sit silent on this amendment, and just gently roll over and play dead. I have an idea where the political clout on this issue is in this body.

However, Mr. President, it is precisely because of these figures that I must rise in opposition to the Cranston amendment. Although passage of this amendment would not, as the distinguished floor manager has pointed out, violate the fiscal year 1980 crosswalk for the Veterans' Affairs Committee under the second budget resolution, it would exceed the congressional budget for veterans' benefits and services by $0.4 billion in budget authority and outlays in both fiscal years 1981 and 1982. The table which I have put into the Record displays this.

Mr. President, I do not yield to anybody in my support for veterans and their efforts to successfully readjust to civilian life, and my record discloses it. That is why I intend to support the reported bill. But if we are ever to curb the inflation that is crippling all Americans, Mr. President, including veterans—maybe especially veterans to the extent that they are on fixed incomes—we must stay within the budgetary limits that we have set for ourselves, not just for this fiscal year, but for future years as well.

Mr. President, the prospects for the fiscal 1981 budget are not promising. The President will send his 1981 budget to the Congress next week, and if the advance indications are correct, he will be proposing a deficit of $15 billion or more. That is disquieting news which we cannot ignore.

But again let me point out that near the end of the last session, we set in place a congressional budget plan to guide us over the next 3 years. This amendment asks the Senate to ignore that plan.

I do not argue that the budget plan for fiscal years 1981 and 1982 is set in stone—that it cannot be touched. But we cannot toss out the orderly procedures we have established for considering budget priorities.

Mr. President, every Senator has a channel for pursuing a GI bill cost-of-living increase for fiscal year 1981 within the budget process. Each Senator can try to persuade the Congress that such an increase is of sufficiently high priority that it should be included in the budget plan.

But this amendment would ignore the budgetary process. By bringing it up now, the sponsor of this amendment is asking that his program be given special consideration apart from all other programs. He is asking the Senate to treat one program—the GI bill program—outside the discipline of the budget process. Considering such amendments now will foreclose our options and bring a $15 billion deficit in 1981 closer to reality.

I reject that proposition and urge all other Senators to reject it as well.

To vote for this amendment is to vote against budget discipline. Any Senator who holds himself out to be an advocate of fiscal restraint cannot logically bring himself to ask for this amendment.

Mr. President, I brought these considerations to the attention of the floor manager and his staff and they argued that there is no crosswalk for fiscal years 1981 and 1982 at this time, no appropriations bills for those years have yet been passed, and how is it possible to breach fiscal year 1981 and 1982 ceilings?

Mr. President, that is the most cynical view of the meaning of the second budget resolution with respect to 1981 and 1982 that I can imagine. If the numbers in that budget resolution have no control whatsoever over the actions we take with respect to potential spending in those two years, why did we bother to include them in those budget resolutions?

The crosswalks are made in the year in which the actual budget resolutions for the year are adopted. But as the Senator knows, we build the 1981–82 budgets on the basis of projections which flow out of what we authorize in fiscal year 1980. So let me state some of the assumptions which go into the conclusions reflected in the table which I put into the Record earlier.

That table assumes that the disability compensation program—which is subject to congressional discretion—will not be held sufficiently below inflation in 1981 and 1982 to offset the cost of the Cranston amendment. This is a fair assumption.

But is Senator Cranston prepared to tell us that he would support such action to hold those cost-of-living increases below what was assumed in the budget resolution for 1981 and 1982 in order to fund his current amendment? I doubt that he is willing to make that commitment.

Second, it is assumed that additional legislative savings in other programs will not be achieved in sufficient magnitude to make room for this increase. I am talking about other veterans' programs. Consider, for example, what is being done in the pending bill with respect to the flight training program and correspondence school benefits, which are obviously low priority and a place to make savings. If those were difficult savings to make for the purpose of helping fund this 15-percent cost-of-living increase, what in heaven's name are the other legislative savings which could be used to fund this cost-of-living increase?

Third, Mr. President, it is unlikely that the actual inflation rate for fiscal year 1981 and 1982 will not be sufficiently below the projected inflation rate to reduce the cost-of-living increases in the compensation and pension programs by enough to offset the cost of the Cranston amendment. I would be interested in hearing that assumption challenged. It is an assumption that the Budget Committee staff and CBO have the responsibility for making in accordance with their best judgment.

If inflation, for example, is a full 1 percent lower in both fiscal year 1981 and 1982 than currently projected, the cost of the compensation and pension programs will be reduced by only $0.1 billion in each year. That $0.1 billion is only a fourth of the annual cost of the pending amendment. So we would have to project an inflation rate 4-percent lower than the currently projected inflation rate for 1981 and 1982 in order to recover sufficient funds to support the pending Cranston amendment.

Mr. President, I submit that this is not an arbitrary analysis. It is a responsible analysis, one that I think is consistent with the quality of performance by the Budget Committee staff and CBO over the years. What I am saying with complete conviction is that this pending amendment will break the ceilings the budget resolution sets for fiscal years 1981 and 1982. Senators can rationalize that conclusion away in any way they see fit, but I would be willing to bet a dollar to a doughnut that this analysis will stand up in the light of events.

If we choose instead to indulge in ad hoc, wish-induced analyses of our own to justify a vote today, that is every Senator's prerogative. But that, Mr. President, is the way that Congress got into this whole budget mess over the last 50 years and over the first 15 years of my own Senate service. If that is the decision and the will of the Senate, I guess I shall have to live with it and accept it. However, such decisions will have a devastating impact on the budget process.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. MUSKIE. Yes, I yield to my good friend from New Mexico.

Mr. DOMENICI. I know how difficult it is for the Senator to make the remarks he just made with reference to veterans and increases for them, because, obviously, in his past legislative history, he is proud of having been on the side of the veteran at every opportunity that he could have been. I know that.

But I want to ask a specific question about the Senator's statement on inflation.

When the Senator said that even if we had 1 full percent reduction over the projected inflation rate, am I correct that even our projected inflation rates are already missing the point on the low side?

Mr. MUSKIE. I would think those that we projected in the second budget resolution may be on the low side in the light of events since then.

Mr. DOMENICI. It is my understanding that even those we have most current in our second concurrent resolution, and they were projected by the best experts we could get and then subjected to the legislative process in arriving at our concurrence, that they are already low.

I think if that is true, then what the Senator has just said is further exasperated. Is that not correct?

Mr. MUSKIE. The Senator is absolutely right.

Mr. DOMENICI. I thank the Senator.

Mr. MUSKIE. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I do not find persuasive the assertion of the distinguished chairman of the Budget Committee that this body should not approve a cost-of-living increase in the GI bill because, with respect to fiscal years 1981 and 1982, it would cause the projections in section 4(b) of the second concurrent resolution on the budget for fiscal year 1980 to be exceeded.

Mr. President, the fiscal year 1980 cost of the cost-of-living increase that I have proposed is within the appropriate crosswalk allocation made by the Committee on Veterans' Affairs for fiscal year 1980 under the second concurrent resolution; and fiscal year 1980 is the only fiscal year with respect to which that resolution has any effect under the terms of the Budget Act.

I support the Budget Act. I participated in its writing. I served under the distinguished leadership of the chairman, the Senator from Maine, on that committee. I have great admiration for the Senator from Maine and for his outstanding work on that committee, and for the budget process.

I believe this amendment is consistent with that act's provisions.

However, Mr. President, the outyear figures set forth in the fiscal year 1980 second concurrent resolution are not in any way binding as to other years; the outyear figures are simply projections that have some usefulness as rough measures for planning purposes. They have no standing under the Budget Act.

Indeed, even on the face of section 4 of the second concurrent resolution for fiscal year 1980, the outyear numbers indicate "appropriate" levels for major functional categories based on governmentwide "recommended" budgetary levels for fiscal years 1981 and 1982.

These recommended outyear levels include no mission or subfunctional breakdowns. Thus, Mr. President, since function 700, veterans' benefits and services, consists of a combination of so-called entitlement accounts and appropriations accounts, it is not even possible to determine whether this cost-of-living increase in GI bill benefits would cause the projected function 700 outyear totals to be exceeded unless and until we know how much the Congress appropriates for the function 700 appropriations accounts in fiscal years 1981 and 1982. I do not know what these amounts will be; nor does anyone else. Thus, it simply cannot be said that my amendment would cause the projections to be exceeded.

Incidentally, it is not my amendment alone. There are other cosponsors.

I now add three more: The distinguished Senator from Wyoming (Mr. SIMPSON), the distinguished Senator from South Carolina (Mr. THURMOND), and the distinguished Senator from Kansas (Mr. DOLE).

Mr. President, I ask unanimous consent they be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, it may be that the Budget Committee chairman has in mind some specific figures for each function 700 program and account for fiscal years 1981 and 1982, but those figures are not in the second resolution. They were not considered by the Senate; there was no debate or deliberation on them.

I suspect that the Senator from Maine wishes that the Budget Act did provide for binding effect for so-called outyear projections and for the allocation of such projections by subfunctional categories—but the act does not so provide.

Nevertheless, Mr. President, I would point out that the outyear cost savings resulting from enactment of the bill as reported would yield very substantial savings—the first 5-year cost savings totaling an estimated $119.8 million—which would offset in part the outyear costs of the cost-of-living increase.

Mr. MUSKIE. Will the Senator yield?

Mr. CRANSTON. Certainly.

Mr. MUSKIE. With respect to 1980, there are no subfunctional numbers in the budget resolution. The functional totals exist for 1980, 1981, and 1982 in the second budget resolution. No more, no less.

So the argument the Senator is making is a nonargument.

With respect to the 1980 numbers, they are based on assumptions.

The Senator, who was a member of the Budget Committee from its beginning until last year, knows we make assumptions based upon current programs.

I have already given him some of the assumptions made with respect to 1981 and 1982, the same kind we made with respect to 1980. And the word "appropriate" is used with respect to the 1980 numbers, as well.

They are appropriate numbers because we do not undertake to dictate to authorizing committees and the appropriation committees how the functional totals will be built up.

But to say that we have no basis upon which to implement the will of the Senate as expressed last year is to say that the 1981 and 1982 figures are totally meaningless. What I understood the Senate to be saying last spring when it mandated the Budget Committee to produce a budget that would be in balance in either 1981 or 1982 was that we should produce realistic numbers that would make it possible.

Now the Senator tells me that was a meaningless exercise? If that is meaningless, the whole exercise is meaningless, I say to the Senator.

I will not belabor the point. I think I covered it in my opening on this amendment. But I simply wanted to correct the notion that the numbers in the resolution in respect to 1981 and 1982 are different in nature than those for 1980.

It is true that we do not have the disciplinary powers with respect to 1981 and 1982 that we have with respect to fiscal 1980. There are no points of order we can raise.

But to say that only until we get a point of order can we do anything about restraining spending in 1981 or 1982 is, again, a cynical reaction.

If we really committed ourselves to a balanced budget in 1981 last year, is the Senator saying that notwithstanding that commitment we can add billions to any function for that year and not be backing down on our commitment?

That is not my view of it. But it may be his.

Mr. ROBERT C. BYRD. Mr. President, my understanding is that the vote will occur shortly. It may run a little beyond 6 p.m., and Mr. Heinz wanted to be protected. So I ask unanimous consent——

Mr. CRANSTON. May I make a suggestion?

Mr. ROBERT C. BYRD. Yes.

Mr. CRANSTON. That if a tabling motion is offered on the pending amendment, the Heinz amendment be laid down following that, as the order of business for tomorrow—as an amendment to the amendment.

Mr. ROBERT C. BYRD. Whether the motion to table carries or does not, that Mr. Heinz be recognized to call up his amendment, after which the Senate stand in recess, under the previous order, until 8:30 this evening.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CRANSTON. Mr. President, in response to the question from the distinguished Senator from Maine, I point out that, unfortunately, he did not hear some remarks that I made about him earlier and about the budget process and my desire to work with him and the great work he has done.

Mr. MUSKIE. I did hear those remarks, but I have trained myself not to yield to flattery but to do my job. I take it that the Senator will continue to be flattering if I continue to do my job.

Mr. CRANSTON. Absolutely. I have profound respect for the Senator from Maine. I have enjoyed working with him on budget matters.

The main point I make in response to the Senator's question is that, insofar as the current 1980 budget is concerned, the amendment is in full conformity with the crosswalk and every other aspect; and again with regard to fiscal 1981 and 1982, we are not dealing with firm figures, and we do not now know with what figures we will be dealing in those years.

It is therefore not impossible that what we are proposing can fit within the budget at that time.

It is fanciful to suggest we should think or act as though the Budget Act contained provisions that it does not.

More important, Mr. President, the Budget Act was not written with the purpose of balancing the Federal budget on the backs of needy or deserving groups. It was written and enacted for the purpose of giving the Congress certain tools that it needed to exercise discipline and restraint. The GI bill cost-of-living increase that we are proposing for Vietnam-era veterans manifests that purpose and the spirit of responsibility. It is undeniably modest, about 5 percent a year—less than half the likely rise in the CPI since the last increase—it is fully justified; and it will not impose an undue burden on taxpayers.

Not only is the proposed increase modest, it is urgently needed at this time. Almost 60 percent of those who saw action in the Vietnam theater were discharged during the period 1970 through 1974. These same individuals are now approaching the end of their delimiting periods for benefits under the GI bill. These veterans, now mostly in their midthirties, are in many cases—likely to have families to support, rent and other bills to pay, and an education to complete within a very limited time. It is essential that we provide them with an adequate level of GI bill benefits during the very last years of their delimiting periods, especially those veterans whose readjustments have been difficult and delayed and who are being helped by the VA's new readjustment counseling program established by Public Law 96–22. This, their last chance to make effective use of these remaining benefits to facilitate their readjustment to civilian life must not be hindered by an inadequate level of assistance.

Mr. President, I want to stress that passage now and enactment as soon as possible are extremely important because these veterans with brief remaining periods of eligibility need to be assured now that the increase will be available when schools reopen next fall. These veterans need to make plans well in advance of September. They need to apply for admission and make housing, job, and other arrangements in order to enter or reenter school in September. By putting this matter off until uncertain time and circumstances later this year, we would lose much of the value of enacting the increase.

Mr. President, the purchasing power of the GI bill dollar has unquestionably been undermined by the soaring increase in the rate of inflation. This amendment, although not fully compensating for rising costs because of the great need to restrain Federal spending and achieve a balanced budget, would greatly help offset that impact and is a prudent and fair proposal that the Senate should approve.

I stress that this increase of 15 percent would be all the Budget Committee would support. There is indication in the state of the Union message that the administration would propose a fiscal year 1981 cost-of-living increase.

I do want to stress, also, Mr. President, that this increase of 15 percent would be all our committee would support. There is indication in the state of the Union message that the administration would propose a fiscal year 1981 cost-of-living increase. Whatever the President proposes would be absorbed in this amendment. It would not be over it; it would not be above it. I strongly urge the adoption of the amendment.

Mr. President, I ask unanimous consent that letters of strong support from the American Legion and the Veterans of Foreign Wars be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

THE AMERICAN LEGION,
*Washington, D.C., December 11, 1979.*
Hon. ALAN CRANSTON,
*Chairman, Senate Committee on Veterans' Affairs, Washington, D.C.*

DEAR CHAIRMAN CRANSTON: The American Legion endorses your efforts to seek Senate approval of legislation to provide a cost of living increase in G.I. Bill benefits. We, of course, would rather see an earlier effective date than the one proposed by the Committee amendment but we understand budgetary considerations involved.

Inflationary pressures since the last rate increase have pushed the CPI upward by more than 20 percent. Beneficiaries who are in the midst of their educational programs have been particularly hard pressed and sorely need the type of relief offered by your amendment.

We view the proposed G.I. Bill rate increase as a solid contribution to the readjustment potential of many Vietnam-era veterans and we urge its approval by the full Senate.

Sincerely,

MYLIO S. KRAJA,
*Director, National Legislative Commission.*

---

VETERANS OF FOREIGN WARS,
*Washington, D.C., January 22, 1980.*
Hon. ALAN CRANSTON,
*Chairman, Committee on Veterans' Affairs, Washington, D.C.*

DEAR MR. CHAIRMAN: It is my understanding that when S. 870, the proposed "GI Bill Amendments Act of 1979," is considered by the full Senate, you will offer a committee amendment to increase the rates of GI Bill benefits by 15 percent, effective September 1, 1980.

As you are aware, the last cost of living increase for our Vietnam veterans availing themselves of educational benefits was granted by Public Law 95–202, the "GI Bill Improvements Act of 1977" and was for 6.6 percent. In the interim, inflation has risen slightly over 20 percent and, by the effective date of your amendment, which will lack one month of being three years since the last increase, inflation may well exceed 30 percent since October 1, 1977.

In view of the foregoing, the voting delegates to the 80th National Convention of the Veterans of Foreign Wars of the United States, held in New Orleans, Louisiana last August and subsequent to hearings with respect to S. 870, passed Resolution No. 604, entitled "Cost of Living Increase for Educational Benefits." Also passed by our Convention are Resolution Nos. 640, "Extend Entitlement to Vocational Rehabilitation;" 645, "Removing Delimiting Date from GI Bill

Education and Training Benefits;" 764, "Extend Entitlement of Vietnam Era GI Bill Educational Benefits;" and 738, "Elevating Deputy Assistant Secretary for Veterans Employment." Most of these resolutions were incorporated in one of our priority goals and copies thereof are enclosed.

You will recall during testimony we opposed the elimination of either correspondence courses or flight training for Vietnam veterans. Another of our priority goals for this second session of the 96th Congress is to "oppose the passage of cost-saving legislation which would eliminate, or reduce any existing veterans benefit, entitlement, or benefits for Armed Forces personnel, retirees and their dependents."

With best wishes and kindest personal regards, I am

Sincerely,
HOWARD E. VANDER CLUTE, Jr.,
*Commander-in-Chief.*

### RESOLUTION No. 604: COST OF LIVING INCREASE FOR EDUCATIONAL BENEFITS

Whereas, since the last increase in educational benefits in 1977, our nation has been plagued by double digit inflation; and

Whereas, costs for education have exceeded the rate of inflation; and

Whereas, provision has not been made to alleviate the distressing disparity between educational benefits and the actual costs involved; and

Whereas, the returns from these programs have far exceeded the federal investment; now therefore

Be it resolved, by the 80th National Convention of the Veterans of Foreign Wars of the United States, that we energetically pursue early passage of legislation to correct existing inequities; and

Be it further resolved, that we urge Congress to provide for annual increases based on the consumer price index.

### RESOLUTION No. 640: EXTEND ENTITLEMENT TO VOCATIONAL REHABILITATION

Whereas, under authority of section 1502, Title 38, United States Code, the Veterans' Administration provides a program of vocational rehabilitation for veterans with compensable service-connected disabilities who need such vocational rehabilitation; and,

Whereas, except for seriously disabled veterans, section 1503, Title 38, U.S.C. provides that entitlement to such vocational rehabilitation shall terminate after nine (9) years following the veteran's discharge or release from military service; and,

Whereas, even for less seriously disabled veterans, the adverse effects of service-connected disabilities on the veteran's ability to obtain and/or maintain gainful employment often continue to exist, reoccur or become more serious after the end of the nine (9) year eligibility period; now, therefore,

Be it resolved, by the 80th National Convention of the Veterans of Foreign Wars of the United States, that we seek legislation to amend section 1503, Title 38, United States Code, to delete all references to a specific termination date entitlement to vocational rehabilitation for all compensably disabled veterans, and to provide that entitlement to vocational rehabilitation be based on need as determined by appropriate Veterans' Administration officials.

### RESOLUTION No. 645: REMOVING DELIMITING DATE FROM G.I. BILL EDUCATION AND TRAINING BENEFITS

Whereas, The G.I. Education and Training Bill eligibility expired December 31, 1976; and

Whereas, the expiration of this piece of American Legislation has caused 3.5 million veterans to lose their benefits; and

Whereas, every dollar invested in veterans' educational benefits have generated between $4.00 an $6.00 in added federal tax revenue as veterans won better jobs and higher salaries; and

Whereas, veterans of all ages and for many reasons were unable to use their earned G.I. Educational benefits during the required time, but were hoping at a later date, they would have the opportunity, but since its expiration, now find this opportunity gone; and

Whereas, many of the unemployed are veterans with restricted skills and trades; and

Whereas, these veterans through the G.I. Educational Benefits could upgrade their skills and trades or retrain for new skills or trades; and

Whereas, since Congress has let this great piece of American Legislation stay expired, they have been "penny wise and dollar foolish" in the eyes of the veterans and their friends; and

Whereas, Congress let this G.I. Educational Legislation expire with no real justification or compensation to the more than 3.5 million veterans that were unable to use their earned G.I. Educational Benefits; and

Whereas, what better tribute can Congress make to and for these veterans than to reopen the expired G.I. Educational Benefits; and

Be it resolved, by the 80th National Convention of the Veterans of Foreign Wars of the United States, that we seek legislation that would eliminate the termination date for an eligible veteran to use his or her entitlement under the provisions of the Vietnam Era Education and Training Act.

### RESOLUTION No. 764: EXTEND ENTITLEMENT OF VIETNAM ERA G.I. BILL EDUCATIONAL BENEFITS

Whereas, the Veterans of Foreign Wars has always supported equal veterans benefits for equal service; and

Whereas, our great organization recognizes that each generation of veterans has needs different from those of earlier eras; and

Whereas, Vietnam veterans served their country during a period of vast change in the United States stemming in part from the complication of new technology that has created a highly industrial, urbanized society; and

Whereas, the V.F.W. must continue to make every effort in Congress to have more meaningful and up-to-date G.I. Bill educational benefits so that the veterans who fought America's latest war will know that they have not been forgotten; now, therefore

Be it resolved, by the 80th National Convention of the Veterans of Foreign Wars of the United States, that we seek the introduction and passage of legislation expanding the Vietnam Era G.I. Bill entitlement from 45 to 48 months, thereby making the amount of entitlement equal to the entitlement time for those veterans availing themselves of educational benefits under the World War II G.I. Bill.

### RESOLUTION No. 738; ELEVATING DEPUTY ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT

Whereas, there is an urgency and importance in the critical task of assisting this Nation's veterans to find meaningful employment; and

Whereas, the U.S. Veterans Employment Service and the Deputy Assistant Secretary for Veterans Employment are not placed effectively in the Department of Labor's organizational structure to operate at optimum efficiency which most certainly was not the intent of Congress; and

Whereas, at the present time, the Deputy Assistant Secretary for Veterans Employment must go through the Assistant Secretary for Employment and Training in the U.S. Department of Labor; and

Whereas, it would be much more efficient for the Deputy Assistant Secretary for Veterans Employment to report directly to the Secretary of Labor so that there would be an uninterrupted flow and exchange of information on the delivery of services to veterans; and

Whereas, in addition, there would be an avoidance of preoccupation with a large number of other programs and sometimes indifference by having the Deputy Assistant Secretary elevated to a full Assistant Secretary of Labor for Veterans Employment; now, therefore

Be it resolved, by the 80th National Convention of the Veterans of Foreign Wars of the United States, that we request that the Committee on Veterans' Affairs, United States House of Representatives, initiate legislation which would establish the Deputy Assistant Secretary for Veterans Employment as a full Assistant Secretary for Veterans Employment so that the promise of an effective employment service for veterans would be honored.

Mr. CRANSTON. Mr. President, I am prepared to yield back my time.

Mr. BELLMON. Mr. President, will the Senator yield me 3 minutes?

Mr. SIMPSON. Mr. President, will the Chair give me a reading on the time?

The PRESIDING OFFICER. The time in opposition is 7 minutes and 14 seconds; the proponents have 8 minutes and 18 seconds.

Mr. SIMPSON. I yield the Senator from Oklahoma 3 minutes.

Mr. BELLMON. Mr. President, I oppose the Cranston amendment.

I believe that it is our responsibility, as we work on legislation, to look forward to the future implications of the actions we take here.

The fiscal year 1981 and fiscal year 1982 costs of this amendment are huge. Congress must set priorities, and there is no room in the budget for this increase in fiscal year 1981 and fiscal year 1982, if we also are to consider, later in this session, an adequate 1981 cost-of-living increase for the veterans' compensation programs.

I am as supportive of veterans' programs as most other Members—I am a veteran of World War II—but we must make a decision now to take care of all the needs of veterans; and I do not believe we can find room in the budget to support this increase.

I suggest, as was done by the chairman of the Budget Committee, that the Veterans' Affairs Committee can submit a cost-of-living increase for the GI bill benefits in their March 15 report and in this way work through the budget process in an orderly manner. Such an increase can then be considered in the context of all the other veterans programs and the overall budget, and we can put the increase in its proper context.

If we allow ourselves to consider increases of this type for all programs, no matter how attractive they may be—and this one is attractive—the Senate again will be back to the old approach of budgeting, which is that we stand on the Senate floor and spend millions or billions of dollars and wake up later, surprised and distressed, at the size of the deficit we have created and the amount of inflation that follows.

The double-digit inflation we face now hurts veterans and nonveterans alike. We have passed a budget which we feel will help control inflation and hold our deficit down so that we can soon have our budget in balance and reduce the inflationary pressures.

I believe it is important that we continue to discipline ourselves and follow the budget we set, and this increase which Senator Cranston proposes is clearly outside the limits of that budget.

I urge my colleague to vote "No" on the Cranston amendment.

Mr. CRANSTON. Mr. President, I ask unanimous consent to add Senator Stafford as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I now yield back all my time.

Mr. MUSKIE. Mr. President, I am willing to yield up whatever claim I have.

May I say to my good friend from Wyoming that I appreciate his accommodation to my needs.

Mr. SIMPSON. Mr. President, if the senior Senator from Maine desires any further time I will yield to him.

Mr. MUSKIE. No. I just wish to make a motion to table.

Mr. SIMPSON. Just one moment, if I might.

Let me just share with my colleagues that when the Senator from Maine speaks, and I have heard him here in this Chamber on budget matters, he commands my absolute attention. His expertise, or as I refer to it, his basic primer on budgetary economics, is for me the very essence of fiscal responsibility and essential to the proper functioning of this body.

I must, though, remain consistent, even though the things the Senator has shared with me are very thought provoking and could easily tilt me in a different direction with regard to this amendment. But again I think that, with all that I have heard, I must, at this time, support a GI bill increase of 15 percent—5 percent per year—using it as a vehicle to go to conference, hoping that it will be close to what the President is going to request. Indeed, this alone will serve to show that we again have done something for the Vietnam veteran. It is a costly expenditure, but the other proposals that will be presented or have been presented, such as employer subsidization, are far in excess of such costs.

It is tough to take the lesser of two evils, but that I will grudgingly do.

So I thank the Senator very much.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. MUSKIE. Has he yielded back his time?

Mr. SIMPSON. Yes. I yielded back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. MUSKIE. Mr. President, I move to table the amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from California.

On this motion the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. Ford), the Senator from Missouri (Mr. Eagleton), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. Inouye) is absent on official business.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber who have not voted?

The result was announced—yeas 14, nays 78, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—14

Bellmon
Biden
Byrd,
 Harry F., Jr.
Chiles
Danforth
Exon
Johnston
Muskie
Nunn
Proxmire
Roth
Stennis
Stevenson
Wallop

NAYS—78

Armstrong
Baucus
Bayh
Bentsen
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Church
Cochran
Cohen
Cranston
Culver
DeConcini
Dole
Domenici
Durenberger
Durkin
Garn
Glenn
Goldwater
Gravel
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Jackson
Javits
Jepsen
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Nelson
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Schmitt
Simpson
Stafford
Stevens
Stewart
Stone
Thurmond
Tower
Tsongas
Warner
Weicker
Williams
Zorinsky

NOT VOTING—8

Baker
Eagleton
Ford
Inouye
Kennedy
Schweiker
Talmadge
Young

So the motion to lay on the table Mr. Cranston's amendment (UP No. 920) was rejected.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

## ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATORS RIEGLE AND MOYNIHAN ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized on tomorrow, Mr. Riegle and Mr. Moynihan be recognized, each for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER THAT TIME OF THE TWO LEADERS BE REDUCED TO 5 MINUTES EACH ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time of the two leaders be reduced on tomorrow to 5 minutes each.

Mr. STEVENS. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, after the orders for the recognition of Senators tomorrow, the Senate will automatically resume consideration of the then-pending business, which is the veterans education bill. Is that not correct?

The PRESIDING OFFICER. The Senator is correct.

## NO BUSINESS TO BE TRANSACTED AT EVENING SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no business be transacted following the convening of the Senate this evening at 8:30 p.m. until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## JOINT SESSION OF THE TWO HOUSES TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Vice President be authorized at the joint session this evening to appoint a committee of the Senate to join with a like committee of the House of Representatives to escort the President of the United States into the House Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the pending business on tomorrow, Mr. HEINZ be recognized to call up his amendment to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BEAR RIVER COMPACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 4320, the Bear River compact, and that the Senate proceed to its immediate consideration.

Mr. STEVENS. Mr. President, reserving the right to object—and I shall not object—I point out for the RECORD that this is an error I made at the close of the last session, when I informed the Senators from Utah that we had passed the bill that had come over from the House. Instead, by mistake, we called up the Senate bill.

I apologize to my friend from West Virginia, the majority leader, and thank him for his consideration in this matter. I want to make sure the record shows that it was done inadvertently at the close of the last session.

Mr. ROBERT C. BYRD. I thank the acting Republican leader.

A Senate bill, S. 1489, on the same subject, was passed, I believe, on December 20.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4320), to consent to the amended Bear River Compact between the States of Utah, Idaho, and Wyoming.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to be read a third time, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for routine morning business, and that Senators may speak therein up to 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RESOLUTION ON IRAN

Mr. HARRY F. BYRD, JR. The citizens of Colonial Heights, Va., like others throughout the country, are concerned that nothing effective is being done to obtain the release of American hostages in Iran.

Today marks the 81st day since the Embassy takeover on November 3, 1979. The concern expressed is understandable and shared, I feel, by the Senate.

The City Council of Colonial Heights adopted a resolution expressing the sentiment of the people of Colonial Heights during a meeting held this last January 8. The resolution was transmitted to the Virginia congressional delegation, to the Secretary of State, and to the President. It is worthy of the attention of all.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

### A RESOLUTION NO. 80-3

Whereas, fifty citizens of the United States, in the diplomatic service to Iran, have been held hostage by Iranian students in flagrant disregard for international law; and

Whereas, the governmental leaders of the nation of Iran have taken no steps to deliver the hostages from their captors, and have instead encouraged the continuation of their captivity, the desecration of our Nation's flag and many forms of disrespect to this Nation and its leaders; and

Whereas, no significant progress has been achieved through this Nation's efforts through the United Nations and other diplomatic channels; and

Whereas, a continuation of the stalemate can only act to invite similar lack of respect and acts of violence against this Nation and its citizens in other countries abroad; Now, therefore,

Be it resolved by the Council of the City of Colonial Heights:

1. That the leaders of the United States Government, through the State Department, be urged to formulate a plan of action that will make definite progress in the release of the hostages as well as restore the reflection of integrity and courage of the United States among other nations that has been gradually but effectively deteriorating as this situation has been allowed to persists; and

2. That a copy of this resolution be forwarded to the President of the United States, the City's representatives in the Congress of the United States, and to the Secretary of State.

## HON. WILLIAM F. WINTER, GOVERNOR, STATE OF MISSISSIPPI

Mr. STENNIS. Mr. President, William F. Winter was inaugurated as the 58th Governor of the State of Mississippi on Tuesday, January 22, 1980.

Governor Winter made an outstanding inaugural address which will prove to be a landmark in Mississippi history. Governor Winter has the benefit of a very high level of confidence by the people of my State. I am convinced that his administration will be highly constructive and of substantial benefit to our people.

In his inaugural message Governor Winter outlined his general philosophy of government and the guidelines he will follow in dealing with the variety of problems and issues which come before any Governor of any State in this day and time. His message was excellent and inspiring and I commend it for reading by every Member of the Senate. I ask unanimous consent that the inaugural message of Gov. William Forrest Winter of Mississippi be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### INAUGURAL ADDRESS

I recognize the high privilege and I accept the opportunity that is presented to me here today to assume the governorship of the state of Mississippi. In doing so I would acknowledge first of all the obligation that I owe to all of you to justify by my efforts the confidence that you have placed in me. I intend to do that, but I must also acknowledge that I need your continued support, your cooperation, your help and your prayers.

I want to say specifically to the members of this joint assembly of the Legislature that it will be my purpose to work closely with you, to advise with you on a day-to-day basis and to contribute as much as I can to a harmonious and effective relationship between us. I also want to express my gratitude to my fellow elected state officials and to our distinguished United States Senators and Representatives, all of whom honor me by their presence today and with whom I look forward to working in the service of the people of Mississippi.

I am honored, too, by the attendance at these ceremonies of the distinguished former governors of our state. Each of them has contributed in a unique way to the progress of Mississippi, and I recognize the responsibility which devolves upon me to wear with dignity the mantle of leadership which they have transmitted to me. I would add finally how pleased I am that Miss Leontyne Price would honor us all by coming home for this occasion and singing so beautifully our national anthem.

Gathered as we are on this historic site, in front of a capitol building erected 140 years ago, I am conscious of the historic significance of this occasion, the uniqueness of this event, and the responsibility that it imposes. I stand before you today, as other governors have stood here, the last of whom, A. H. Longino, spoke from this Capitol just eighty years ago. As he looked out on a January day that began a new century, little could he have foreseen the march of events that the intervening years would bring to this city, to this state, to this nation, and to this world. And yet, as we measure history, that was not a long time ago, and there are those in this audience whose life span encompasses those eighty tumultuous years.

I have not come here today, however, to reminisce or to look back, but I do ask you to join with me at this particular time and place in history to establish the proper perspective for deciding where we want our state to go. This involves basically the selection of those values and standards that will enable us to preserve our political system and to transmit to another generation of Mississippians a culture and a quality of life worthy of preservation. If you have come here today to hear from me easy answers or quick and pat solutions or glib and fancy promises, you will be disappointed. I ask you, my fellow Mississippians, to join with me on this day in an undertaking worthy of the best of our traditions to reestablish and to reassert the principles not only on which political institutions must rest but on which human character and human life itself must depend.

I said to you when I launched our campaign for Governor that the time had come in Mississippi for us to lift our eyes from the dusty road and set our sights high on the mountainside of achievement—of achievement based on a recognition of the dignity of every citizen and the worth of every individual. I repeat that request here today. I come as your governor, asking for your help in putting together in this state a quality of life, a spirit of purpose, a resolution of the will that will sustain us, not only in the weeks and months ahead, but that will lay the basis for the sustaining of the greatness of this state for future generations.

We have that unique opportunity. It is one of the God-given blessings that has come to us in a world where relatively few people have a choice as to what they will do with their lives. We have a choice. Here you and I in this good state have the power to decide which way we shall go. But to make those decisions we must have our priorities straight and our standard of values in focus. Let me share with you the resolutions that I have made—the commitments that I have made to myself—commitments which I intend to live up to with all of the strength that God has given me—but commitments that I must have your help to carry out. There will be no place in this administration for any person who is not completely dedicated to serving the public interest. There will be no place in this administration for any person who is not willing to work. There will be no place in this administration for anyone who is not utterly and impeccably trustworthy in all of his affairs and relations and activities with the people of Mississippi, their property and their possessions. There will be no place in this administration for bias or prejudice based on sectionalism or class or race or religion or anything else. There will be no place in this administration for mediocrity or shoddy performance or a half-done job.

I look down this long sweep of history—I look down Capitol Street here before me today, and in my mind's eye I see what other people in other years have paid for that enables us to meet peacefully here under these trees in front of this historic old statehouse. In my mind's eye I see those old pioneers, including some of my own forbears, who came into this wilderness country in the early nineteenth century to carve out here on this bluff above the Pearl River a city—a civilized city—a beautiful city—and to make it the Capitol City of a great state.

In my mind's eye I see that state later shattered by the tragedy of civil war that turned neighbor against neighbor, and section against section, and saw great buildings laid waste—this beautiful city put to fire and ashes—and out of that holocaust came a new spirit, came a new opportunity.

But there have been so many years that the locusts have eaten, when we still pitted ourselves against each other, white against black, rich against poor, businessman against farmer, the Delta against the Hills, South Mississippian against North Mississippian. We saw our beautiful soil stripped by erosion, our forests laid waste, our rivers run red, our great natural bounty wasted before our very eyes, and we wondered why we did not prosper.

We have wasted too much time. We have wasted too much of our substance. We have spent too many of our years, too much of our energy being against things we did not understand, being afraid of change, being suspicious of the intellectual, and being oblivious to our image and our reputation.

Now the time has come to get on with the job—long overdue—of building this state into the land of prosperity that it truly can be. That is what this inaugural is all about, and I want you to join with me in making that promise here collectively to each other—that we shall not let any force divide us that will prevent us from achieving that ultimate level of promise and prosperity and progress that we all know down deep in our hearts is our rightful inheritance. I believe with all of the fiber of my being that the remaining twenty years of this century belong to this area of America—to this great heartland of the Deep South—to this state beautifully and picturesquely named "Mississippi". Let those syllables roll off your tongue, with the assurance that this is where the action is going to be. This is where the achievements of the future will lie. This is where we are going to harness our brainpower and our creativity and our ingenuity. This is where we are going to provide the leadership in scientific and social research in solving the problems that this country is desperately looking for somebody to solve. These will not be the years that the locusts have eaten. These will be the years of fulfillment and satisfaction and pride and accomplishment and assurance that we will be putting it all together, with one people united in an effort that has as its common bond a commitment to greatness.

As I said before, this will not be easy. No great purpose is easily achieved. But what greater purpose could unite us and send us confidently down the road of the future than the assurance that we have met the challenge of these late twentieth century years in helping solve some of the problems that haunt America today.

We say to our sister states, "We have here what the rest of the nation is looking for—people who are willing to work—who don't want a free ride—who will settle for nothing less than a well-done job. That we have here the resources essential to the building of a self-sufficient nation. Resources of energy—resources of food—resources of fiber—resources of shelter—all that in a benign climate, where the living is good, and more important than anything else, a good spirit in our people, where bitterness has been put aside, where people do not ask, "Where did he come from?" or "What club does he belong to?" or "What color is his skin?"

The question they ask is "What can he do?"

I consider that you and I form the most fortunate generation that has ever lived, even with the problems of inflation and energy and international tension and all of the other difficulties that confront mankind.

As we look around us and count our blessings, this must represent for all of us the most exciting and stimulating time in which anybody could want to live, and that is the basis of the challenge I present to you here today—a challenge of making this state, without confrontation and without controversy, without self-pity and without any sense of inferiority, hold our heads up to the world and say, "We are today ready, willing, able, and insistent on taking our full share of the responsibilities of leadership in this country. We will help do the work.

"We will help solve the problems, and we will insist on our share of the national benefits. We are going to meet our responsibilities. We are going to educate our people, take care of our handicapped, and provide for those indigent who cannot provide for themselves. We are going to help our senior citizens live in dignity and self-respect, and we are going to work for better health care and better housing and better transportation for all of our people. We are going to strive to protect our natural resources and conserve our land and our forests and our streams. But at the same time we are also going to put our people to work in jobs that challenge their skills and pay them an adequate wage. We are going to demonstrate our commitment to hard work and tough discipline and long hours."

We cannot enjoy the luxury of letting up in Mississippi. We still have too much catching up to do. We have to run faster and get up earlier and stay up later to get to where we want to be. This will not happen because we want it to happen, and it will not come about because of massive new governmental programs. It will occur only as enough of us are willing to struggle to make it happen. I want us to stop selling ourselves short by not fully utilizing all of our people—our talented people—our creative and imaginative people. The old solutions will not do. Let us not be afraid to launch out into new areas. Let us not feel threatened by new ways of doing things.

I shall in the next few days ask this legislature for the privilege of presenting to another joint session some of my specific recommendations. They will be designed to help achieve the basic goals which I have set before you today. They will have as their major thrust the increased efficiency of state government, and making it more responsive to the legitimate needs of our people.

Let me say finally that throughout my administration I shall always remember that in occupying this high office I do so as your servant. I shall accordingly always strive to serve you in a way that will reflect credit on you and that will insure increased respect for the State of Mississippi.

Another governor on another January day when I was a very small boy stated what in the final analysis is the ultimate measure of our performance. I commend to you these words from the inaugural address of Governor Mike Conner in 1932:

"And if in this hour we shall set the public welfare as the only goal of our ambition, if we shall make it the supreme object of our effort and dedicate to its achievement the best endowment of our lives, we need not fear for the results of our labors, nor for the future of the state."

---

## THE LEGACY OF JUSTICE DOUGLAS

**Mr. PROXMIRE.** Mr. President, today we mourn the loss of one of our Nation's greatest jurists. Former Supreme Court Justice William O. Douglas served for over 36 years on the highest tribunal in the land. Today Justice Douglas will be buried in Arlington National Cemetery. This sober occasion leads us to ponder the philosophy this man applied both to himself and to his interpretation of the law. His philosophy featured two special values for all of us: Freedom and toleration.

Freedom, Douglas would say, is an inborn right made legal by the Constitution. And toleration of the freedom of others is incumbent upon all those who do not wish to have their own freedom eroded. Freedom without toleration is no freedom at all. Douglas wrote, fought, and often dissented in his lifelong effort to preserve first amendment freedoms. He supported civil disobedience, writing in a 1967 dissent, "the right to defy an unconstitutional statute is basic in our scheme."

Douglas stood up for religious liberty with the same enthusiasm, writing on another occasion for the majority of the court, "We sponsor an attitude on the part of Government that shows no partiality to any one group and that lets each flourish according to the zeal of its adherents and the appeal of its dogma." Douglas advocated a marketplace of ideas where "full and free discussion of even ideas we hate" reigns. That is toleration.

Just as William Douglas was a beacon of freedom on the Supreme Court, so is the United States a beacon of freedom in the world community. He was looked to for intelligent opinions concerning human rights. So is this Nation. Today, as throughout history, someone must stand up for freedom.

Thanks to people like Justice Douglas, Americans enjoy a full measure of freedom. Our children learn at an early age they are entitled to their opinions. This is a right. It is not a privilege. But for many people around the world, free expression is a luxury upon which intolerant governments levy a stiff tax.

In his work, Justice Douglas stressed freedom of expression as a basic right. But when what is basic to us is a luxury to others, what is basic to others is too often overlooked by us. I am speaking of the most basic of rights: The right to live.

This right to live is threatened even today by the forces of cruel intolerance. Mr. President, this body must challenge repressive nations in this world that do not admit to toleration, much less freedom. We must carry on the legacy of Mr. Douglas by standing up for human rights in the world community.

For the U.S. Senate to ratify the Genocide Convention would be a fitting memorial to a life devoted to the defense of inalienable rights. For 31 years, nearly as long as Justice Douglas served on the Supreme Court, the Genocide Convention has languished in the Senate.

The Senate need not even dissent from widely held opinion, as Justice Douglas so boldly did, for 83 countries have already concurred that genocide is an international crime. Nor does the Senate have to support a right as controversial as freedom of speech, for the convention hinges on the more fundamental right to live. As we reflect on the passing of a champion of liberties, I urge my colleagues in the Senate to ratify the Genocide Convention.

### INCREASED VOTER PARTICIPATION IS EVIDENT IN IOWA CAUCUS

Mr. RANDOLPH. Mr. President, I believe the first contest of this election year in Iowa is indicative of an increased voter participation. It is like the first robin of spring; there will be many more to follow. Analyses and portents of trends will come from the commentators and columnists.

There was, however, a heartening factor in the Iowa caucus vote which is significant—the increase in voter participation.

In the 1976 caucus, only 38,500 Iowa voters turned out for the Democrats. This year, although the final vote tallies are not available, it appears that more than 100,000 citizens voted. That is a more than 150-percent increase.

On the Republican side, the increase is more startling—only 20,253 Republican votes were recorded in 1976. Apparently more than 115,000 voted on Monday. That is a Republican turnout with a better than 300-percent increase. There are, of course, many factors which can be cranked into such figures—the media attention, the Republican debate, the growing voter awareness of our domestic and international problems and the personalities involved.

I fervently hope that the signs of greater voter turnout in Iowa indicate the reversal of an alarming trend of declining participation. In 1960, for example, 64 percent of the eligible electorate cast ballots for President of the United States.

In 1976, only 54 percent cast votes for a President; 3 out of 10 eligible voters picked a new President.

In congressional elections, 46 percent voted in 1962, but only 34 percent of our Nation's voters exercised their voter responsibility in 1978.

Already, some political analysts are viewing the Iowa caucus turnout as a good sign for this election year. They call it a "renewed vigor in the grassroots." Thousands of young people who had never voted before took part.

### JUSTICE WILLIAM O. DOUGLAS

Mr. ROBERT C. BYRD. Mr. President, Justice William O. Douglas was a symbol of that rugged American individualism which is the backbone of this Nation's character. Forthright and outspoken, persistent and tenacious, he championed individual liberties with the passion of one who had known great personal hardship. He was a tireless worker for the causes he believed in, both on and off the bench, and his dedication to improving the plight of the disadvantaged was reflected throughout his long and illustrious career.

During his 36 years on the Supreme Court, Justice Douglas had a reputation for what Chief Justice Earl Warren called "an unfounded energy, a lightening mind, and prodigious work habits." Until his stroke in 1974, Justice Douglas was among the Court's top producers. His output totaled 1,306 opinions—550 expressing the majority view, 583 in dissent, and 173 others. Many was replete with complicated citations and references to American history, of which he was a scholar of no small accomplishment.

Although there was disagreement with the substance of some of Justice Douglas' opinions, there was never any question of the courage of his convictions. In the interest of airing an important viewpoint, he frequently cast his vote knowing that the majority of the Court would decide against his position. He recognized than many constitutional cases which the Supreme Court decides come down to a clash of basic principles and he did not seek to conceal or obscure the conflicts.

The colorful personality of this distinguished jurist and public servant left an indelible mark upon our Nation's history. His life was an example of the potential of the indomitable human spirit. Seeking to rectify injustice and inequality, the freedom he lived was the freedom he sought for all.

### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

### MESSAGES FROM THE HOUSE

At 3:49 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2471. An act to authorize appropriations for the United States International Trade Commission and the United States Customs Service for fiscal year 1980, and for other purposes.

### HOUSE BILL PLACED ON CALENDAR

The following bill was read by title and ordered placed on the calendar:

H.R. 2471. An act to authorize appropriations for the United States International Trade Commission and the United States Customs Service for fiscal year 1980, and for other purposes.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2677. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2678. A communication from the Acting Secretary of Agriculture, transmitting, pursuant to law, the second quarterly report on the status of planned programming of Public Law 480, Title I Commodities in FY 1980; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2679. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Office of the Attending Physician Revolving Fund—Fiscal Year 1979," January 4, 1980; to the Committee on Appropriations.

EC–2680. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to exempt Medical Corps officers of the Army or the Navy or an officer of the Air Force designated as a Medical Officer from the requirement for Senate confirmation prior to initial appointment in the armed forces; to the Committee on Armed Services.

EC–2681. A communication from the Assistant Secretary of the Army (Research, Development, and Acquisition), transmitting, pursuant to law, a report on Department of the Army Research and Development Contracts for the period April 1979 through September 1979; to the Committee on Armed Services.

EC–2682. A communication from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), reporting, pursuant to law, that a study has been conducted with respect to converting the function of providing laundry and dry cleaning services at Fort Leonard Wood, Missouri and a decision has been made that performance under contract is the most cost-effective method of accomplishing it; to the Committee on Armed Services.

EC-2683. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on six construction sites to be undertaken by the Air Force Reserve; to the Committee on Armed Services.

EC-2684. A communication from the Deputy Assistant Secretary of Defense (Military Personnel Policy), transmitting, pursuant to law, reports on the number of rated members by pay grade who (1) have 12 or 18 years of aviation service, and of those numbers, the number who are entitled to continuous monthly incentive pay under the Act; and (2) are performing operational flying duties, proficiency flying and those not performing flying duties; to the Committee on Armed Services.

EC-2685. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 313 of title 32, United States Code, to permit the appointment of non-citizen medical and dental officers in the National Guard; to the Committee on Armed Services.

EC-2686. A communication from the Assistant Attorney General, Antitrust Division, transmitting, pursuant to law, a report on the enforcement of Title I of the Consumer Credit Protection Act of 1968 (Public Law 90-321) for the calendar year 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-2687. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on truth in lending for the year 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-2688. A communication from the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, its annual report for the calendar year 1978; to the Committee on Banking, Housing, and Urban Affairs.

EC-2689. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a statement with respect to a transaction involving U.S. exports to Belgium; to the Committee on Banking, Housing, and Urban Affairs.

EC-2690. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a statement with respect to a transaction involving U.S. exports to the United Kingdom; to the Committee on Banking, Housing, and Urban Affairs.

EC-2691. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the section 312 multifamily rehabilitation loan program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2692. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the back side of the United States paper money of the denomination of $1 to be printed by a method other than the intaglio process; to the Committee on Banking, Housing, and Urban Affairs.

EC-2693. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee and insurance transactions supported by Eximbank during September and October 1979 to Communist countries (as defined in section 620 (f) of the Foreign Assistance Act of 1961, as amended); to the Committee on Banking, Housing, and Urban Affairs.

EC-2694. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the Urban Homesteading Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2695. A communication from the President of the United States, reporting, pursuant to law, the extension of export controls maintained for foreign policy purposes extended for the period January 1 through December 31, 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC-2696. A communication from the Administrator, U.S. Small Business Administration, transmitting a draft of proposed legislation to amend the Securities Act of 1933 to authorize small issuers to sell securities to accredited investors without filing a registration statement under such Act, and grant an exemption from section 5 of such Act for resale of these securities by accredited investors to other accredited investors; to the Committee on Banking, Housing, and Urban Affairs.

EC-2697. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "NASA Should Provide the Congress Complete Cost Information on the Space Telescope Program," January 3, 1980; to the Committee on Commerce, Science, and Transportation.

EC-2698. A communication from the President, United States Railway Association, transmitting, pursuant to law, a report on the draft employee stock ownership plan of the Consolidated Rail Corporation; to the Committee on Commerce, Science, and Transportation.

EC-2699. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report concerning (a) the effectiveness of cigarette labeling, (b) current practices and methods of cigarette advertising and promotion, and (3) recommendations for legislation deemed appropriate; to the Committee on Commerce, Science, and Transportation.

EC-2700. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report containing the department's recommendations regarding the best means of compensating the Consolidated Rail Corporation (ConRail) for liabilities which it may occur as a result of operating commuter rail service under subsidy; to the Committee on Commerce, Science, and Transportation.

EC-2701. A communication from the President, United States Railway Association, transmitting, pursuant to law, separate comments on the draft employee stock ownership plan of the Consolidated Rail Corporation; to the Committee on Commerce, Science, and Transportation.

EC-2702. A communication from the President, Communications Satellite Corporation, transmitting, pursuant to law, its annual report; to the Committee on Commerce, Science, and Transportation.

EC-2703. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to establish a program for the further development of the United States fishing industry, with particular emphasis on new and non-traditional fisheries, and to promote the optimum utilization of the Nation's fishery resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2704. A communication from the President of the United States, transmitting, pursuant to law, a report on the middle distillate situation during the winter of 1979-1980; to the Committee on Energy and Natural Resources.

EC-2705. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on the feasibility and need for construction of a Federal building in Tallahassee, Florida; to the Committee on Environment and Public Works.

EC-2706. A communication from the President of the United States, transmitting, pursuant to law, a report on a unified National program for floodplain management; to the Committee on Environment and Public Works.

EC-2707. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the twentieth quarterly report of the Commission on trade between the United States and the nonmarket economy countries; to the Committee on Finance.

EC-2708. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on proposals for improving the management of tax receipts; to the Committee on Finance.

EC-2709. A communication from the President of the United States, transmitting, pursuant to law, a report setting forth the determination that import relief for the U.S. porcelain-on-steel cookware industry in the form of increased tariffs is in the national interest; to the Committee on Finance.

EC-2710. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Treasury Combined Statement of Receipts, Expenditures and Balances of the United States Government for the fiscal year ended September 30, 1979; to the Committee on Finance.

EC-2711. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 2, 1980; to the Committee on Foreign Relations.

EC-2712. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a secret report regarding the stockpiling authorities for the Republic of Korea; to the Committee on Foreign Relations.

EC-2713. A communication from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting, pursuant to law, project performance audit reports prepared by the International Bank for Reconstruction and Development, special studies prepared by the External Review and Evaluation Office of the Inter-American Development Bank, and project completion reports prepared by the Asian Development Bank; to the Committee on Foreign Relations.

EC-2714. A communication from the Assistant Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on a new system of records for the Department of Housing and Urban Development for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-2715. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the list of reports of the General Accounting for the month of November 1979; to the Committee on Governmental Affairs.

EC-2716. A communication from the Administrator of the Veterans Administration, transmitting, pursuant to law, a report on a new system of records for the Veterans' Administration for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-2717. A communication from the Director of the Office of Administrative Services, Department of Commerce, transmitting, pursuant to law, a report on the disposal of foreign excess property by the Department of Commerce for fiscal year 1979; to the Committee on Governmental Affairs.

EC-2718. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the financial statements of the Government National Mortgage Association for fiscal year 1979; to the Committee on Governmental Affairs.

EC-2719. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on the acquisition cost of a personal property donated during fiscal year 1979 according to State; to the Committee on Governmental Affairs.

EC-2720. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "HEW Must Improve Control Over Billions In Cash Advances"; to the Committee on Governmental Affairs.

EC-2721. A communication from the Director of the Procurement and Contracts Management Directorate, Department of Energy, transmitting, pursuant to law, the report on the disposal of foreign excess property for fiscal year 1979; to the Committee on Governmental Affairs.

EC-2722. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the results of the study of decentralization of Federal Government functions; to the Committee on Governmental Affairs.

EC-2723. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a plan for authorizing executive level positions in the executive branch which shall include the maximum number of executive level positions necessary by level and a justification for the positions; to the Committee on Governmental Affairs.

EC-2724. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on December 4, 1979; to the Committee on Governmental Affairs.

EC-2725. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on December 4, 1979; to the Committee on Governmental Affairs.

EC-2726. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on December 4, 1979; to the Committee on Governmental Affairs.

EC-2727. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on December 4, 1979; to the Committee on Governmental Affairs.

EC-2728. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on December 4, 1979; to the Committee on Governmental Affairs.

EC-2729. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on December 4, 1979; to the Committee on Governmental Affairs.

EC-2730. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on December 4, 1979; to the Committee on Governmental Affairs.

EC-2731. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on December 4, 1979; to the Committee on Governmental Affairs.

EC-2732. A communication from the Librarian of Congress and the Register of Copyrights, transmitting, pursuant to law, the report of the Register of Copyrights on voluntary licenses for the use of nondramatic literary works by public broadcasting entities; to the Committee on the Judiciary.

EC-2733. A communication from the Acting Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice, transmitting, pursuant to law, the fourth analysis and evaluation of Federal Juvenile Delinquency Programs; to the Committee on the Judiciary.

EC-2734. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to establish the United States Court of Military Appeals as an independent court under article I of the Constitution of the United States, and for other purposes; to the Committee on the Judiciary.

EC-2735. A communication from the Chief Justice of the United States, transmitting, pursuant to law, a copy of the proceedings of the meeting of the Judicial Conference of the United States in Washington, D.C. on September 19 and 20, 1979; to the Committee on the Judiciary.

EC-2736. A communication from the Acting Chairperson of the Administrative Conference of the United States, transmitting, pursuant to law, several resolutions and recommendations adopted by the Assembly of the Administrative Conference at its Twentieth Plenary Session; to the Committee on the Judiciary.

EC-2737. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the annual report on the duties and accomplishments of the runaway youth programs for fiscal year 1978; to the Committee on the Judiciary.

EC-2738. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on certain aliens whose visa petitions have been accorded third and sixth preference classification under section 204(d) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2739. A communication from the Acting Director of the Community Education Program, Department of Health, Education, and Welfare, transmitting, pursuant to law, the annual report of the Community Education Advisory Council for calendar year 1978; to the Committee on Labor and Human Resources.

EC-2740. A communication from the Secretary of Labor, the Secretary of Agriculture, and the Secretary of the Interior, transmitting, pursuant to law, the second joint annual report on the Young Adult Conservation Corps; to the Committee on Labor and Human Resources.

EC-2741. A communication from the Secretary of Health, Education, and Welfare, transmitting, for the information of the Senate, notice that the report of the Advisory Board on Child Abuse and Neglect is unable to submit their report on child abuse and neglect prevention and treatment activities by the statutory deadline, but that the report will be submitted no later than April 24, 1980; to the Committee on Labor and Human Resources.

EC-2742. A communication from the Assistant Secretary for Education, Department of Health, Education, and Welfare, transmitting a request for an extension of five months for the submission of a study and analysis of the definition of Indian for purposes of the Indian Education Program; to the Committee on Labor and Human Resources.

EC-2743. A communication from Associate Commissioner for Legislative Affairs, Department of Health, Education, and Welfare, transmitting, for the information of the Senate, a study of the National Cancer Institute and the Food and Drug Administration concerning the use of artificial sweeteners and the incidence of bladder cancer in humans; to the Committee on Labor and Human Resources.

EC-2744. A communication from the Administrator of the Veterans Administration, transmitting, pursuant to law, the report on the Sharing of Medical Resources Program of the Veterans Administration for fiscal year 1979; to the Committee on Veterans' Affairs.

EC-2745. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on six new deferrals of budget authority and revision of two previously submitted deferrals; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Labor and Human Resources, and the Committee on Finance.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as follows:

POM-520. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Energy and Natural Resources:

"RESOLUTION No. 429

"Whereas, the territory of Guam is not a state and does not receive many of the privileges that statehood brings; and

"Whereas, Guam lies far outside United States borders, closer to Asia than North America, and is under vastly different economic pressures than the United States; and

"Whereas, Guam must rely on non-United States sources for much of its economic development; and

"Whereas, Guam has a social and political composition unlike that of the United States; and

"Whereas, goals which Guam considers essential to its political, social and economic development remain unattainable as long as certain Federal laws are applicable to the territory; and

"Whereas, Guam should have the power to take care of some of its own problems and should not have to abide by laws and regulations which are detrimental to the welfare of the island; and

"Whereas, Guam, because of its many differences with the United States, has needs that are unique to our island; and

"Whereas, because of these different needs, many Federal laws should not be applicable to Guam; now, therefore, be it

"*Resolved*, That the Fifteenth Guam Legislature, on behalf of the people of Guam, respectfully requests the United States Congress to create a Commission to review and determine which Federal laws should be applicable to Guam; and be it further

"*Resolved,* That the Commission consist of members of the Guam Legislature and should be charged with reviewing the economic, social and political impact of Federal laws and recommending exclusion of Guam from Federal laws contrary to the best interests of Guam; and be it further

"*Resolved,* That the Speaker certify to and the Legislative Secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to the President Pro Tempore, United States Senate; to the Speaker of the U.S. House of Representatives; to the Secretary of Interior; to the Chairman, House Subcommittee on Territories; to Congressman Antonio B. Won Pat; to the White House Domestic Council; and to the Governor of Guam."

POM-521. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Armed Services:

"RESOLUTION NO. 219

"Whereas, as a result of the Naval Government's actions and exigencies of the Second World War, the United States acquired a large part of the territory of Guam for defense purposes, approximately one-third of the island is now owned by the United States Government and is set aside in military reservations; and

"Whereas, it would appear from an inspection of these lands that the original military purposes for which considerable portions were acquired no longer exist, or, in some instances, new defense methods have permitted the use of smaller land areas than were originally required; and

"Whereas, the people of Guam believe that an objective re-assessment be made jointly by the government of Guam and the Department of Defense of its land-holdings in Guam, a large number of these holdings will be found surplus to the needs of the United States and available for transfer to the original owners or government of Guam; and

"Whereas, on an island as small as Guam, land is the prime commodity and the sight of acres of idle land no longer used by the military but still under United States ownership is greatly disturbing to the people of Guam, many of whom whose lands were taken for defense purposes, are now desperate for land of their own; now, therefore, be it

"*Resolved,* That the Department of Defense and the government of Guam are hereby requested to undertake a reassessment of its public holdings in Guam to determine whether any of its land acquired by the United States is surplus to its needs, and if such determination is made, to transfer said surplus land to the original landowners or to the government of Guam; and be it further

"*Resolved,* That the Speaker certify to and the Legislative Secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to the Secretary of Defense; to the Secretary of the Navy; to the Secretary of the Air Force; to Guam's Congressman in Washington, the Honorable Antonio B. Won Pat; to the Speaker of the United States House of Representatives; to the President Pro-Tempore of United States Senate; to the President of the United States of America, the Honorable Jimmy Carter; and to the Governor of Guam."

POM-522. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Energy and Natural Resources:

"RESOLUTION NO. 246

"Whereas, approximately one-third of all property within the territory of Guam is under the jurisdiction of the United States Government; and

"Whereas, a substantial portion of land currently held by the United States Government was acquired from the people of Guam under eminent domain proceedings; and

"Whereas, land on our small island is our only precious resource; and

"Whereas, the alienation of this land from its owners has created a severe hardship upon them; and

"Whereas, much of the land taken by the Federal government now appears to be surplus to its needs; and

"Whereas, justice would be served if the land taken by the Federal government which is now surplus to the government's needs were returned to the previous owners, heirs or representatives; now, therefore, be it

"*Resolved,* That the Fifteenth Guam Legislature respectfully requests the United States Congress to enact legislation requiring various Federal agencies now holding land within the territory which was previously acquired under eminent domain proceedings, which is surplus to the Federal government needs and has not been properly used within the past ten years, to return said land to the prior owners, their heirs or representatives upon such owners, their heirs or representatives tendering to the appropriate Federal agency, all sums previously awarded as just compensation for the taking of said land; and be it further

"*Resolved,* That the Speaker certify to and the Legislative Secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to the Speaker of the House of Representatives; to the President Pro Tempore of the Senate; to the Secretary of the Navy; to the Secretary of the Air Force; to the Secretary of Interior; to the Honorable Antonio B. Won Pat; and to the Governor of Guam."

POM-523. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Commerce, Science, and Transportation:

"RESOLUTION NO. 247

"Whereas, the territory of Guam is highly dependent on maritime shipping to receive most of the goods brought into the territory; and

"Whereas, under United States law (46 USC Section 11), foreign registered ships are prohibited from engaging in trade with the territory of Guam; and

"Whereas, in recent years, whenever there has been a major shipping strike affecting U.S. owned and registered vessels, Guam has suffered hardships because of the lack of shipping service to the island; and

"Whereas, such prohibitions on commerce do not extend to the Commonwealth of the Northern Mariana Islands and certain other United States insular territories; and

"Whereas, Congress has been reluctant to exempt Guam entirely from the restrictive provisions in recent years; and

"Whereas, authorization of foreign ships to serve Guam only in times of maritime strikes affecting Guam would aid the people of Guam; now, therefore, be it

"*Resolved,* That the Fifteenth Guam Legislature, on behalf of the people of Guam, respectfully request the United States Congress to amend the Jones Act to permit foreign registered vessels to serve the territory of Guam during shipping strikes which affect the territory; and be it further

"*Resolved,* That the Speaker certify to and the Legislative Secretary attest to the adoption hereof and that copies of the same be thereafter transmitted to the President Pro Tempore of the Senate; to the Speaker of the House of Representatives; to the Secretary of Interior; to the Honorable Antonio B. Won Pat; to Karl E. Bakke, Chairman, Federal Maritime Commission; and to the Governor of Guam."

POM-524. A resolution adopted by the Municipal Council of the City of Jersey City, New Jersey, opposing any waterfront development which pertains to garbage or any other solid waste; to the Committee on Environment and Public Works.

POM-525. A resolution adopted by the Municipal Council of the City of Paterson, New Jersey, designating "Unity Day"; to the Committee on Foreign Relations.

POM-526. A petition from a private citizen, opposing the ratification of SALT II; to the Committee on Foreign Relations.

POM-527. A petition from private citizens, opposing the ratification of SALT II; to the Committee on Foreign Relations.

POM-528. A petition from private citizens, opposing the ratification of SALT II; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on the Budget, without amendment:

S. Res. 314. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1991.

By Mr. CRANSTON, from the Committee on Veterans' Affairs, with an amendment and an amendment to the title:

S. 1518. A bill to amend title 38 of the United States Code to permit disclosure of names and addresses and other information maintained by the Veterans' Administration to a consumer reporting agency for certain debt collection purposes (Rept. No. 96-555).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. RIBICOFF, from the Committee on Governmental Affairs:

Iraline Green Barnes, of the District of Columbia, to be an Associate Judge of the Supreme Court of the District of Columbia.

By Mr. EXON, from the Committee on Armed Services:

Togo D. West, Jr., of the District of Columbia, to be General Counsel of the Department of Defense.

(The above nomination from the Com-

**mittee on Armed Services was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)**

## FOREIGN CURRENCY REPORTS

**In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:**

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, COMMITTEE ON FOREIGN RELATIONS, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1979

| Name and country | Name of currency | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| | | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Edward Zorinsky: | | | | | | | | | |
| Nicaragua | Dollar | | 117.00 | | | | | | 117.00 |
| Graeme Bannerman: | | | | | | | | | |
| Egypt | Pound | 157.50 | 225.00 | | | | | 157.50 | 225.00 |
| Israel | Lira | 16,120 | 600.00 | | | | | 16,120 | 600.00 |
| Jordan | Dinar | 80 | 225.00 | | | | | 80 | 225.00 |
| Lebanon | Lira | 613 | 195.00 | | | | | 613 | 195.00 |
| Syria | Lira | 660 | 100.00 | | | | | 660 | 100.00 |
| United States | Dollar | | | | 1,508.00 | | | | 1,508.00 |
| Senator George McGovern: | | | | | | | | | |
| France | Franc | 765 | 180.00 | | | | | 765 | 180.00 |
| Switzerland | Swiss franc | 476.60 | 288.00 | | | | | 476.60 | 288.00 |
| Italy | Lire | 122,700 | 150.00 | | | | | 122,700 | 150.00 |
| Austtria | Schillings | 3,851.30 | 288.00 | | | | | 3,851.30 | 288.00 |
| Uni ed States | Dollar | | | | 2,081.00 | | | | 2,081.00 |
| Johanne$^S$ Binnendijk: | | | | | | | | | |
| Turkey | Lira | 19,527 | 415.00 | | | | | 19,527 | 415.00 |
| Cyprus | Pound | 79.47 | 225.00 | | | | | 79.47 | 225.00 |
| Greece | Dollar | 5,670 | 150.00 | | | | | 5,670 | 150.00 |
| Brusse ls | Franc | 1,000 | 35.00 | | | | | 1,000 | 35.00 |
| United States | Dollar | | | | 1,226.80 | | | | 1,226.80 |
| Peter M. Clark: | | | | | | | | | |
| Mexico | Peso | 10,352 | 470.00 | | | | | 10,352 | 470.00 |
| United States | Dollar | | | | 405.00 | | | | 405.00 |
| Robert Dockery: | | | | | | | | | |
| Nicaragua | Dollar | | 117.00 | | | | | | 117.00 |
| Steven A. Emerson: | | | | | | | | | |
| Israel | Lira | 16,134 | 600.00 | | | | | 16,134 | 600.00 |
| Jordan | Dinar | 112 | 315.00 | | | | | 112 | 315.00 |
| Israel | Lira | 16,400 | 600.00 | | | | | 16,400 | 600.00 |
| United States | Dollar | | | | 1,363.12 | | | | 1,363.12 |
| Grayson Fowler: | | | | | | | | | |
| Nicaragua | Dollar | | 117.00 | | | | | | 117.00 |
| Alfred Friendly, Jr.: | | | | | | | | | |
| United States | Dollar | | | | 1,226.80 | | | | 1,226.80 |
| Turkey | Lira | 16,907.50 | 358.97 | | | | | 16,907.50 | 358.97 |
| Cyprus | Pound | 79,472 | 225.00 | | | | | 79,472 | 225.00 |
| Greece | Drachma | 5,670 | 150.00 | | | | | 5,670 | 150.00 |
| Belgium | Franc | 3,614 | 129.99 | | | | | 3,614 | 129.99 |
| David L. Johnson: | | | | | | | | | |
| Ivory Coast | Franc | 87,000 | 408.00 | | | 38,670 | 182.00 | 125,670 | 590.00 |
| Nigeria | Nira | 59.20 | 93.00 | | | | | 59.20 | 93.00 |
| Kenya | Shilling | 6,055 | 818.24 | 4,348 | 587.53 | | | 10,403 | 1,405.77 |
| Uganda | Shilling | 645 | 86.81 | | | | | 645 | 86.81 |
| Tanzania | Shilling | 3,404 | 415.12 | | | | | 3,404 | 415.12 |
| Italy | Lire | 217,900 | 268.00 | 10,341 | 12.74 | 7,211 | 8.88 | 235,452 | 289.62 |
| Janice O'Connell: | | | | | | | | | |
| Yugoslavia | Dinar | 4,400 | 231.57 | | | | | 4,400 | 231.57 |
| Rudolph R. Rousseau: | | | | | | | | | |
| Ivory Coast | Franc | 125,670 | 590.00 | | | | | 125,670 | 590.00 |
| Nigeria | Nira | 69.10 | 107.79 | | | | | 69.10 | 107.79 |
| Kenya | Shilling | 6,890.30 | 931.16 | 4,347.47 | 587.52 | | | 11,237.77 | 1,518.68 |
| Uganda | Shiiling | 615 | 82.71 | | | | | 615 | 82.71 |
| Tanzania | Shilling | 4,110 | 501.21 | 495 | 60.37 | | | 4,605 | 561.58 |
| Italy | Lire | 168,100 | 207.02 | 10,352 | 12.37 | | | 178,452 | 219.39 |
| United States | Dollar | | | | 1,364.00 | | | | 1,364.00 |
| Barry Schochet: | | | | | | | | | |
| Israel | Lira | 27,730.50 | 1,050.00 | | | | | 27,730.50 | 1.050.00 |
| Jordan | Dinar | 80 | 225.00 | | | | | 80 | 225.00 |
| Israel | Lira | 8,747.50 | 297.35 | | | | | 8,747.50 | 297.35 |
| United States | Dollar | | | | 994.00 | | | | 994.00 |
| Jeffrey M. Smith: | | | | | | | | | |
| France | Franc | 765 | 180.00 | | | | | 765 | 180.00 |
| Switzerland | Swiss franc | 476.60 | 288.00 | | | | | 476.60 | 288.00 |
| Italy | Lire | 122,700 | 150.00 | | | | | 122,700 | 150.00 |
| Austria | Schilling | 3,851.30 | 288.00 | | | | | 3,851.30 | 288.00 |
| United States | Dollar | | | | 2,081.00 | | | | 2,081.00 |
| Senator Jacob K. Javits: | | | | | | | | | |
| United Kingdom | Pound | 93.60 | 205.00 | 25.40 | 55.63 | | | 119.00 | 260.63 |
| France | Franc | 1,519.20 | 360.00 | 866.70 | 205.38 | | | 2,385.90 | 565.38 |
| Switzerland | Franc | 318.90 | 192.00 | | | | | 318.90 | 192.00 |
| United States | Dollar | | | | 1,847.00 | | | | 1,847.00 |
| Total | | | 14,251.94 | | 15,618.26 | | 190.99 | | 30,061.08 |

FRANK CHURCH,
Chairman, Committee on Foreign Relations.

Dec. 20, 1979.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, SENATE DELEGATION TO NORTH ATLANTIC ASSEMBLY, EXPENDED BETWEEN OCT. 25 AND OCT. 27, 1979

| | | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| Name and country | Name of currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Senator Joseph R. Biden, Jr.:<br>Canada | Dollar | 48 | 41.73 | | | | | 48 | 41.73 |
| Senator Henry M. Jackson:<br>Canada | Dollar | 154.78 | 134.59 | | | | | 154.78 | 134.59 |
| Senator Jennings Randolph:<br>Canada | Dollar | 64.34 | 55.95 | | | | | 64.34 | 55.95 |
| Senator Ernest F. Hollings:<br>Canada | Dollar | 114.61 | 99.66 | | 206.92 | | | 114.61 | 306.58 |
| Senator Donald W. Riegle, Jr.:<br>Canada | Dollar | 89.52 | 77.85 | | | | | 89.52 | 77.85 |
| Senator David Pryor:<br>Canada | Dollar | 80.98 | 70.41 | | | | | 80.98 | 70.41 |
| Senator Jacob K. Javits:<br>Canada | Dollar | 124.50 | 108.26 | | | | | 124.50 | 108.26 |
| Senator Ted Stevens:<br>Canada | Dollar | 180.96 | 157.36 | | | | | 180.96 | 157.36 |
| Senator James McClure:<br>Canada | Dollar | 197.77 | 171.97 | | | | | 197.77 | 171.97 |
| Senator Orrin Hatch:<br>Canada | Dollar | | | | | 306.16 | 260.45 | 306.45 | 260.45 |
| Senator William Cohen:<br>Canada | Dollar | | 62.34 | | 79.52 | | | | 141.86 |
| Walter J. Stewart:<br>Canada | Dollar | 100.08 | 87.02 | | | | | 100.08 | 87.02 |
| Albert A. Lakeland:<br>Canada | Dollar | 143.23 | 124.55 | | | | | 143.23 | 124.55 |
| John B. Ritch:<br>Canada | Dollar | 690.21 | 600.18 | | | | | 690.21 | 600.18 |
| Patrick A. Shea:<br>Canada | Dollar | 177.31 | 154.18 | | | | | 177.31 | 154.18 |
| Joanne Novins:<br>Canada | Dollar | 141.11 | 125.31 | | | | | 141.11 | 125.31 |
| Jeanine Drysdale:<br>Canada | Dollar | 105.74 | 91.95 | | | | | 105.74 | 91.95 |
| Dorothy Fosdick:<br>Canada | Dollar | 108.45 | 94.30 | | | | | 104.45 | 94.30 |
| Susan Alvarado:<br>Canada | Dollar | 201.91 | 175.57 | | | | | 201.91 | 175.57 |
| Michael Pillsbury:<br>Canada | Dollar | 150.26 | 130.66 | | | | | 150.26 | 130.66 |
| Delegation expenses | | | | | | | 962.33 | | 962.33 |
| Inflight expenses | | | | | | | 676.50 | | 676.50 |
| Telephone calls | | | | | | | 98.15 | | 98.15 |
| Total | | | 2,563.84 | | 286.44 | | 1,997.43 | | 4,847.71 |

JOSEPH R. BIDEN, JR.,
Chairman of Delegation.
FRANK CHURCH,
Chairman, Committee on Foreign Relations.

Dec. 20, 1979.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, COMMITTEE ON ENERGY AND NATURAL RESOURCES, EXPENDED BETWEEN OCT. 25 AND NOV. 30, 1979

| | | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| Name and country | Name of currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Elizabeth A. Moler:<br>Canada | Dollar | 177 | 150.00 | | | | | 177 | 150.00 |
| D. Michael Harvey:<br>Canada | Dollar | 177 | 150.00 | | | | | 177 | 150.00 |
| Patricia Bennett:<br>Canada | Dollar | 177 | 150.00 | | | | | 177 | 150.00 |
| Elizabeth A. Moler:<br>Canada | Dollar | 88 | 75.00 | | 148.96 | | | 88 | 223.90 |
| Ira H. Dorfman:<br>Canada | Dollar | 88 | 75.00 | | 148.96 | | | 88 | 223.96 |
| D. Michael Harvey:<br>Canada | Dollar | 88 | 75.00 | | 148.96 | | | 88 | 223.96 |
| George G. Dowd:<br>France | Franc | 2,700.8 | 640.00 | | 881.00 | | | 2,700.8 | 1,521.00 |
| Total | | | 1,315.00 | | 1,327.88 | | | | 2,642.88 |

HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources.

Jan. 7, 1980.

---

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WEICKER:

S. 2202. A bill to eliminate oil and petroleum product imports from certain foreign nations; to the Committee on Finance.

By Mr. PACKWOOD:

S. 2203. A bill for the relief of Luis Monzon; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 2204. A bill to deauthorize the navigation project for the Kalihi Channel at Honolulu Harbor, Hawaii, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 2205. A bill to amend the Department of Education Organization Act to establish an Office of Nongovernmental Education; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 2206. A bill to amend the Congressional Budget and Impoundment Control Act of 1974; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to order of August 4, 1977.

By Mr. HATCH:

S. 2207. A bill for the relief of Mrs. Abdol Hossein Hafizi (Jaleh Talaie); to the Committee on the Judiciary.

By Mr. LAXALT:

S. 2208. A bill to amend title II of the Social Security Act to provide for a phasing out of the application of the earnings test in the case of individuals age 65 or over; to the Committee on Finance.

By Mr. JACKSON:

S. 2209. A bill to amend the Federal Land Policy and Management Act; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON:

S. 2210. A bill to repeal section 212(a)(4) of the Immigration and Nationality Act, as amended, and for other purposes; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEICKER:

S. 2202. A bill to eliminate oil and petroleum product imports from certain foreign nations; to the Committee on Finance.

(The remarks of Mr. WEICKER when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 2204. A bill to deauthorize the navigation project for the Kalihi Channel at Honolulu Harbor, Hawaii, and for other purposes; to the Committee on Environment and Public Works.

● Mr. INOUYE. Mr. President, today Senator MATSUNAGA and I wish to introduce a bill to deauthorize the navigation project for the Kalihi Channel at Honolulu Harbor, Hawaii. The main objective of this bill is to insure a free flow of vehicular traffic to and from the Sand Island Terminal Complex.

Pursuant to this purpose, the bill also requires the Secretary of the Department of Transportation to review, modify or supersede any regulations which are inconsistent with such deauthorization in such a manner so as to provide, in the interest of the general public, for the current and projected needs, uses, and operations of Honolulu Harbor

We wish to emphasize the phrase "projected needs, uses, and operations." Mr. President, it is very clear that the State of Hawaii, as an island State, relies heavily on its shipping industry to provide efficient and continuous service at reasonable prices.

The State administration has committed itself to assist the industry in meeting its obligation to the people of Hawaii with an all out effort to modernize the transportation of products. In this respect, the State has, in conjunction with the industry, commenced completion of the phase II development of the Sand Island Terminal Complex. The phase II wharf and container yard projects, upon completion will permit simultaneous berthing of two 700-foot container vessels.

With the advent of bigger deep-draft vessels and containerization, the shipping industry will be able to meet its obligation. However, bigger payload vessels necessitate an increase in vehicular traffic in and out of the terminal complex.

The State of Hawaii has already determined that a delay or stoppage of traffic resulting from the operation of the John H. Slattery Bascule Bridge, will result in higher transportation costs, ultimately being passed on to the consumer.

The Slattery Bascule Bridge is the only means of access to and from the Sand Island Terminal by land. Operation of the bridge is charged to the U.S. Coast Guard, whose regulations reflect a priority for the protection of water transportation in the Kalihi Channel.

The Kalihi Channel is one of two entrances to Honolulu Harbor. The other, the main entrance to Honolulu Harbor, handles the majority, if not all, of the traffic in and out of Honolulu Harbor.

The projected needs, uses and operations of the Sand Island facility in conjunction with the 1995 Honolulu Harbor master plan, requires the deauthorization of the navigation project for the Kalihi Channel along with a concomitant review of any regulations relating to the Kalihi Channel Bridge. It is under these circumstances that we introduce this bill today.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2204

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the navigation project for the Kalihi Channel at Honolulu Harbor, Hawaii, as authorized by section 101 of the River and Harbor Act of 1954, is deauthorized.

(b) The Secretary of Transportation shall review any regulations relating to the Kalihi Channel bridge and shall modify or supersede any such regulations which are inconsistent with such deauthorization in such a manner so as to provide, in the interest of the general public, for the current and projected needs, uses, and operations, after the date of enactment of this Act, of Honolulu, Harbor.●

By Mr. MOYNIHAN:

S. 2205. A bill to amend the Department of Education Organization Act to establish an Office of Nongovernmental Education; to the Committee on Governmental Affairs.

● Mr. MOYNIHAN. Mr. President, I am today introducing legislation to amend the Department of Education Organization Act to provide for the establishment of a statutory office of nongovernmental education. This office would be headed by an Assistant Secretary for Nongovernmental Education who would be the principal adviser to the Secretary on the subject of Federal policies and programs pertaining to nongovernmental schools.

The need for this legislation is clear. In passing the Education Amendments of 1978, Congress established an Office of Nonpublic Education within the U.S. Office of Education. This was, in part, a response to our mounting awareness, expressed during the debate on tuition tax credits and other legislation, of the apathy verging on hostility toward nongovernmental schools and their students that prevailed in the Department of Health, Education, and Welfare. The apathy manifested itself in the lack of timely and accurate data about the condition of nongovernmental education. The hostility was apparent in the strong opposition by the executive branch to any real aid to students attending nongovernmental schools.

At the very least, it seemed to us, someone in the Office of Education ought to be responsible for thinking about such matters: for assembling information; for giving nongovernmental educators a point of contact in the executive branch; and—we dared to think—for making sure that the values of pluralism and diversity would have a spokesman in policy matters.

The Congress made an explicit decision that the Office of Nonpublic Education should be headed by a Deputy Commissioner. Under the existing structure of the Office of Education, that meant a third echelon official, ranking just below the Commissioner and the Executive Deputy Commissioners. Put another way, this was the equivalent of an Assistant Secretary in the new Department. This was a conscious and deliberate decision reflecting our conviction that it would little avail to have an office devoted to nongovernmental education if it were buried deep in the bureaucracy. I expressed this conviction again during my testimony before the House Subcommittee on Legislation and National Security as it considered legislation to create the new Department of Education. I said at that time, "A new Department of Education established in an atmosphere of adamant opposition by the administration to any measures that would significantly help nonpublic education would be a devastating blow to the principle of pluralism in American education."

Mr. President, the Department of Education Organization Act, while providing for the transfer to the new Department of the existing Office of Nonpublic Education, ignores the role which this Office will play. The entire issue of nongovernmental education is not adequately dealt with in the legislative history of the new Department. Enactment of my bill would make clear the intent of Congress in this regard. By stipulating that the Office will be administered by an assistant secretary for nongovernmental education whose attentions would not be diluted with other responsibilities (except, of course, for those of a temporary nature assigned by the Secretary), we insure that his or her primary concern will be nongovernmental education. In addition, this bill stipulates that the new office will have enough staff and resources to carry out its important functions associated with nongovernmental education at all levels. Lastly, this legislation would require the Assistant Secretary to submit a report to the Secretary, and thence to the President and Congress, about the condition of nongovernmental education in the United States and the effect of Federal policies and programs on it.

In recent months, President Carter has indicated his willingness to see that the Office of Nonpublic Education be retained and headed by an Assistant Secretary. Secretary Hufstedler has also expressed her support of this idea. I welcome their interest, but remain convinced that Congress must act to insure that nongovernmental education is properly represented within the new Department, at a level which reflects its important role in American education and American society. I urge my colleagues to support this legislation.●

---

By Mr. DOMENICI:

S. 2206. A bill to amend the Congressional Budget and Impoundment Control Act of 1974; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to order of August 4, 1977.

● Mr. DOMENICI. Mr. President, I rise today to introduce an amendment to the Congressional Budget and Impoundment Control Act of 1974. My amendment would impose strict limitations on the level of Federal spending in upcoming fiscal years, would require that the Federal budget be balanced starting in fiscal year 1981, and introduces a new concept for computing Gross National Product for purposes of imposing a spending limitation as a proportion of GNP.

First, let me outline a little of the history of spending and revenue limitation measures in this Chamber. This body has accepted as policy the Nunn-Chiles-Bellmon-Roth spending limitation that requires that spending at the Federal level increase by no more than 1 percent plus the rate of inflation and that Federal budgetary levels reach no more than 21 percent of gross national product in fiscal year 1980, 20.5 percent in fiscal year 1981, 20 percent in fiscal year 1982, and 19.5 percent in fiscal year 1983 and thereafter. In addition, under that amendment to the 1978 Revenue Act, a balanced Federal budget is required starting in fiscal year. I am sorry to note that the Congress has taken action on money bills that means that the constraints of the Nunn-Chiles-Bellmon-Roth measure will not be maintained.

Twice in 1979, Senator ARMSTRONG and I attempted to amend concurrent budget resolutions by mandating dollar-for-dollar spending and tax cuts in the fiscal year 1980 budget. We failed in this attempt. Late last year, Senators ROTH, DANFORTH, and I attempted to impose limitations on the amount of revenues that the Government could collect in order to fuel the rapid growth in Federal spending that has plagued us the past decade. That effort, too, was defeated on the Senate floor.

Thus, on three separate occasions during the past year, the Senate has taken positions that mean that the spending limitations adopted as policy during deliberation of the 1978 Revenue Act will be ignored. In addition, despite the heroic efforts of the Senate Budget Committee in its First Concurrent Budget Resolution last year, in which spending increases would be less than current law and would have been a positive step against the inflationary bias of present Federal fiscal policy, the Senate has adopted a spending path that will exacerbate inflation.

In short, the Senate has approved, implicity and explicitly, fiscal paths that will lead to the heaviest peacetime taxation rate on our people in history, that will continue the extraordinary growth in Government dominance in our economy that characterized the 1970's, and that will repudiate the very principles that this Senate accepted just 2 years ago.

The facts are clear: The Presidential budget expected later this month will show another deficit for fiscal year 1981, will have spending at levels of more than 21 percent of anticipated gross national product, and will be another lost battle in what has been a singularly unsuccessful war against a gargantuan governmental appetite. It is also clear that the Budget Committees of the Senate and House will be under great pressure to give their imprimatur to the President's initiatives and economic assumptions.

Therefore, I believe that it is appropriate to offer a refined version of the kind of Federal spending limitation that I have endorsed in the past and which, as policy, has had the support of a majority of this body. That is what the amendment I offer today does: Continues and improves the principle of relating Federal spending to our gross national product.

My amendment would require that it take a three-fifths vote of both the House and Senate in order to enact any concurrent budget resolution that exceeded the following limitations: 21 percent of the adjusted gross national product in fiscal year 1981; 20 percent of the adjusted gross national product in fiscal year 1982; and 19 percent of the adjusted gross national product in fiscal year 1983 and thereafter. My amendment would mandate that the adjusted gross national product would not be a projection, subject to all of the inevitable politicization of the GNP calculation that other proposals would bring. Indeed, my plan is to use past GNP growth as a tool to mathematically calculate the trend of future GNP. Thus, as my amendment sets forth, we would use the past full 5 years of fiscal year growth to achieve a floating trend line. We would use this trend line to give us probable GNP and place limitations on what proportion of the GNP Federal spending could comprise. I believe this new approach, which uses real numbers, not fuzzy projections, avoids the problem that other recommendations have had in dealing with an estimate of GNP upon which proportional limitations would be set.

In addition, my approach would mean, in effect, that the peaks and valleys of the economy would be flattened out over a 5-year period and that the fiscal policy of the Government would act as a stabilizing influence on the economy, instead of exacerbating growth in recovery years and downturns in recession years. This countercyclical nature of my proposal is an important improvement over other attempts to relate Federal spending and GNP.

The amendment I offer has the advantage not only of grounding its spending limits on actual past experience, but also of giving the Congress the flexibility to overturn the limitations in the event of a true national emergency. The amendment also requires a balanced budget starting in fiscal year 1981.

I anticipate that some of my colleagues will complain that my approach is too "mechanistic," that it straitjackets the Congress. Let me address that argument in advance. We have had many years of true chaos in the budget process. This Congress reacted against that kind of chaos in 1974 by adopting the Congressional Impoundment and Budget Control Act. We hoped that this act would, to quote press accounts in the Washington Post the day after we adopted the act, as a real restraint on spending and give us the power to cut back when it appeared that spending was soaring dangerously. Unfortunately, we have seen huge deficits during the past 5 years, a 5-year period of unprecedented expansion in our economy. All economic logic would have dictated balanced budgets, even surpluses and tax cuts, during such an expansion. But, instead, we have seen the largest percentage growth in the Federal budget in more than 20 years. Despite the heroic efforts of the Budget Committee and its chairman, Senator MUSKIE, we need another tool in the committee's battle for fiscal restraint.

What I offer today is not some heartless, mechanistic approach, but a way out of the chaotic wilderness of congressional budgeteering. Individual judgment shall remain the keystone of our deliberations; priority decisions will remain critical to the process. But, by giving us free-standing statutory limitations, it will impose on all of us a restraint that we have been unable to impose in the past. This amendment curtails the freedom of no one really interested in making priorities for the 1980's, or in reducing taxes and the growth of Federal spending, or in achieving a balanced budget this next fiscal year. The only people who may suffer under this amendment are those who have found it impossible to say "no" to more spending in the past. And, surely, this amendment will help end the suffering of the beleaguered American taxpayer.

Let me conclude today, Mr. President, by noting that under this approach, Federal spending could be limited to approximately $598.5 billion in fiscal year 1981, compared to reports that the President will ask for more than $615 billion; $633 billion in fiscal year 1982; $668 billion in fiscal year 1983; $741 billion in fiscal year 1984; and $823 billicn in fiscal year 1985. These figures, subject to slight variation as the rolling trend line calculation changed slightly from year to year, compare favorably to other spending limitation plans. For example, simply using the Congressional Budget Office GNP projections, and taking the same percentage limitations that I propose, gives us these spending ceilings: $586 billion in fiscal year 1981; $642 billion in fiscal year 1982; $687 billion in fiscal year 1983; $771 billion in fiscal year 1984; and $863 billion in fiscal year 1985. My amendment would yield savisgs of $86 billion over a 5-year period compared to the proposal of Senator Magnuson, chairman of the Appropriations Committee. And, in the recession-recovery year of 1980–81, my amendment would slightly stimulate the economy and would subdue the economy in the expansion years thereafter. This seems sound and logical economics.

My amendment uses fewer imponderable, depends less upon hypothetical projections, promises more restraint and a larger series of tax cuts in fiscal years 1982–84, and still maintains a balanced Federal budget. I hope that my colleagues will closely consider this approach as the proper step toward putting a lid on a Federal spending binge that has led the economy to the brink of disaster.●

By Mr. **LAXALT**:

S. 2208. A bill to amend title II of the Social Security Act to provide for a phasing out of the application of the earnings test in the case of individuals age 65 or over; to the Committee on Finance.

● Mr. **LAXALT**. Mr. President, several Senators have cosponsored S. 1287, a proposal to repeal completely the social security retirement test. Although I am included in that number and I wish that legislation every success, I am today introducing legislation to provide an alternative approach which would phaseout the retirement test over a 6-year period.

Significant changes in the earnings limit were made with the passage of the Social Security Amendments of 1977. An amendment sponsored by Senator Goldwater was adopted raising the earnings limit for workers 65 and over in steps from $3,000 a year in 1977 to over $6,000 annually in 1982. The amendment also lowers from 72 to 70 the age at which retirees may receive full benefits without regard to earnings, effective in 1982.

These changes are certainly desirable. They liberalize the retirement test for a number of senior citizens. However, the changes do not go far enough.

In my judgment, the retirement test is still deplorable. It is inequitable in that it imposes an oppressive tax on the earnings of elderly workers least able to bear such a heavy financial burden. But, perhaps most seriously, it unjustly deprives those among our elderly who wish to continue in a productive role of benefits to which they and their employers have contributed and to which they are fully entitled.

Unfortunately, although there is a clear need to do away with the retirement test, I do not feel that abolishing it all at once is the optimal approach. A gradual phasein is necessary for two major reasons. First, it will aid the Social Security Administration in allowing for a gradual transition for any new or additional administrative burdens that might be placed on the agency. Second, considering the current financial difficulties facing the social security trust funds, abolishing the limit at this time would prove to be a rather expensive undertaking.

My proposal would have a budgetary impact limited to $400 million in calendar year 1980. As shown in the table prepared by the Social Security Administration's actuary office, the age at which the retirement test no longer applies is scheduled to be reduced from the current exempt age of 72 to 70, effective in 1982. Under my proposal, the exempt age would be reduced from age 72 to 70 beginning in 1980 and would continue to be reduced one year at a time in each successive calendar year until the eventual exempt age of 65 is reached in 1985.

ESTIMATED AMOUNT OF ADDITIONAL OASDI BENEFIT PAYMENTS RESULTING FROM SENATOR LAXALT'S PROPOSAL

| Calendar year | Annual exempt amount (no change from present law) | Exempt age | | Additional benefit payments (billions) |
|---|---|---|---|---|
| | | Present law | Proposal | |
| 1979 | $4,500 | 72 | 72 | |
| 1980 | 5,000 | 72 | 70 | $0.4 |
| 1981 | 5,500 | 72 | 69 | .6 |
| 1982 | 6,000 | 70 | 68 | .6 |
| 1983 | 6,600 | 70 | 67 | .9 |
| 1984 | 7,080 | 70 | 66 | 1.4 |
| 1985 | 7,560 | 70 | 65 | 2.2 |

With reference to cost, it should be noted that the Social Security Administration's estimate is for additional OASDI benefit payments that would result from the passage of my proposal. It does not measure the overall impact that repeal of the test would have on the economy.

Many workers who would benefit from a repeal of the test would not cost the social security system anything. These older persons are already drawing the maximum benefits by staying home; but, if the lid on earnings is repealed, they will rejoin the employment force. These workers will pay additional social security taxes once they resume work, but the system will not be paying out to them any more than it presently is. Also, many workers will pay additional Federal income taxes to the Treasury and their output will increase the gross national product. My point is that, rather than examining the balance between the revenues and expenditures of the social security system, a more accurate assessment of the true cost of a retirement test repeal is to look at its positive effect on the whole economy. From this perspective, it is evident that repealing the earnings limitation increases the real output of the economy.

Mr. President, the economic status of our elderly is a serious national problem. Many who have paid taxes and have contributed to our society all their working lives now find themselves dependent on cash and inkind public income transfer programs. While no stigma should be attached to these programs, those elderly who are able and willing to work should be encouraged to do so. And, most emphatically, those who have to work to make ends meet should not be subject to punitive tax rates by an unfair earnings limitations test.

Finally, I recognize the need for a comprehensive look at the financial status of the social security trust funds. But, within the context of an overall strengthening of the trust funds, we need to do away with the inequitable and counterproductive retirement test.

Mr. President, I ask unanimous consent that the text of this measure be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2208

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 203(j) of the Social Security Act is amended to read as follows:

"Exempt Age

"(j)(1) As used in this section, the term 'exempt age', when applied to any individual, means—

"(A) age 70 in the case of a taxable year of such individual which ends in 1980,

"(B) age 69 in the case of a taxable year of such individual which ends in 1981,

"(C) age 68 in the case of a taxable year of such individual which ends in 1982,

"(D) age 67 in the case of a taxable year of such individual which ends in 1983,

"(E) age 66 in the case of a taxable year of such individual which ends in 1984, and

"(F) age 65 in the case of any taxable year of such individual which ends after December 31, 1984.

"(2) For purposes of this section, an individual shall be considered as being of the exempt age during the entire month in which he attains such age.".

(b) Subsections (c)(1) and (d)(1) of section 203 of such Act are each amended by striking out "the age of seventy-two" and inserting in lieu thereof "the exempt age (as defined in subsection (j)(1))".

(c) Subsection (f)(1)(B) of section 203 of such Act is amended by striking out "was age seventy-two or over" and inserting in lieu thereof "was of the exempt age (as defined in subsection (j)(1) or over".

(d) Subsection (f)(3) of section 203 of such Act is amended by striking out "age 72" and inserting in lieu thereof "the exempt age (as defined in subsection (j)(1))".

(e) Subsection (h)(1)(A) of section 203 of such Act is amended by striking out "the age of 72" and "age 72" and inserting in lieu thereof "the exempt age (as defined in subsection (j)(1))".

(f) The amendments made by this section shall be effective only with respect to taxable years ending after December 31, 1979.

Sec. 2. Section 302 of the Social Security Amendments of 1977 is hereby repealed.

Sec. 3. (a) Section 203(f)(8)(A) of the Social Security Act is amended by striking out "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting in lieu thereof "a new exempt amount which shall be effective".

(b) (1) Section 203(f)(8)(B) of such Act is amended by striking out "Except as otherwise provided in subparagraph (D), the exempt amount which is applicable to individuals described in such subparagraph and the exempt amount which is applicable to other individuals, for each month of a particular taxable year, shall each be" in the matter preceding clause (i) and inserting in lieu thereof "The exempt amount for each month of a particular taxable year shall be".

(2) Section 203(f)(8)(B)(i) of such Act is amended by striking out "the corresponding exempt amount" and inserting in lieu thereof "the exempt amount".

(3) The last sentence of section 203(f)(8)(B) of such Act is amended by striking out "an exempt amount" and inserting in lieu thereof "the exempt amount".

(c)(1) Section 203(f)(8) of such Act is further amended by striking out subparagraph (D) thereof.

(d) Subsections (f)(1), (f)(3), (f)(4)(B), and (h)(1)(A) of section 203 of such Act are each amended by striking out "the applicable exempt amount" and inserting in lieu thereof "the exempt amount".

(e) The amendments made by this section shall apply only with respect to taxable years ending after December 31, 1984.●

---

### By Mr. JACKSON:

S. 2209. A bill to amend the Federal Land Policy and Management Act; to the Committee on Energy and Natural Resources.

● Mr. JACKSON. Mr. President, the bill I am introducing today would clarify the existing authority of the Bureau of Land Management (BLM) to enforce Federal law on the public lands. The background and need for this legislation is described in a recent issue of the Arizona Law Review. I ask unanimous consent that an excerpt from this issue be printed in the Record at the conclusion of my remarks, followed by the text of the bill.

My bill would amend section 303(a) of the Federal Land Policy and Management Act of 1976 (FLPMA) (Public Law 94–579) to allow BLM law enforcement officers to issue citations and notices of violations to persons who violate Federal laws on the public lands. This authority is identical to the current enforcement authority of the Forest Service (16 U.S.C. § 551).

Under the present law the only enforcement method available to BLM officers is the physical arrest of a violator followed by arraignment and trial before a magistrate or judge. My amendment would permit the issuance of a citation or violation notice, and payment of a fixed sum in lieu of appearance at trial, for petty offenses. BLM's current authority to arrest knowing and willful violators, with a maximum fine of $1,000 and maximum imprisonment of 12 months, would be retained. However, I believe the majority of minor violations could be handled with the reduced penalties and more flexible approach of my amendment. The legislation is consistent with the original intent behind section 303(a); that is, to make BLM's law enforcement authority equal to that of other landmanaging agencies.

There being no objection, the material was ordered to be printed in the Record, as follows:

## Federal Law Enforcement on Public Lands: Reality or Mirage?

(By Paul B. Smyth*)

### THE PROBLEM OF LAW ENFORCEMENT ON PUBLIC LANDS

Before the enactment of the Federal Land Policy and Management Act of 1976 [FLPMA],[1] the Bureau of Land Management [BLM] had no comprehensive authority to enforce federal law on public lands.[2] In this manner, public lands administered by the BLM differed from those lands administered by the National Park Service, the Fish and Wildlife Service, and the Forest Service which had already obtained a large measure of enforcement authority.[3]

Section 303 of FLPMA,[4] which generally puts BLM on a par with these other agencies, was seen as a solution to growing problems of enforcement on public lands.[5] These problems are documented in the report on Senate bill 507,[6] which became FLPMA, citing a submission by the Interior Department:

"While the majority of users may follow the rules, an ever increasing number seem to delight in such "past-times" as tearing out toilet shelves and deodorizers, wrecking toilet doors and roofs, polluting springs and campground waters, cutting livestock fences, breaking guzzlers which supply water to wildlife, defacing archeological sites, painting rocks, cutting plastic water pipe, dynamiting petroglyphs, pulling out survey stakes and markets, burning signs, defacing trees, shooting water tanks, windmills, signs, garbage cans, livestock and wildlife, harassing other people, and similar acts of rowdyism. These problems are increasing at a faster rate than the even rapidly increasing use of the national resource lands." [7]

These problems were seen as being particularly acute in the California Desert, which is an extremely delicate resource. Desert vegetation once destroyed can take decades to restore.[8] In fact, the deep scars from General Patton's tank maneuvers are still visible on the desert surface, although created over thirty years ago.[9] Americans have been placing untold pressure on this land. The California Desert, which is within a four-hour drive of over twelve million people living in Southern California,[10] was used an estimated eleven million visitor days in 1973 alone.[11] Such use can only aid in its deterioration.

The Senate Report also documents the damage which has occurred to the various cultural and archeological resources of the area:

"In addition to the environmental damage, the public's added mobility in the Desert has enabled greater numbers of people to visit important archeological and historic sites. Unfortunately, as a result of the added mobility, vandals have stolen, destroyed or defaced many of the petroglyphs, pictographs and intaglios.

"Examples of this destruction include the following: the Giant Intaglio, a huge prehistoric land drawing in the Yuha Desert, is being destroyed by indiscriminate vehicle use; the old plank road across the Imperial Dunes is being hauled away, piece by piece, or being burned for firewood; and the fascinatingly beautiful Indian petroglyphs at Inscription Canyon are literally being quarried." [12]

Traditionally, basic law enforcement has been considered a function of state and local governments and, generally speaking, most major categories of public and private offenses are adequately covered by state law.[13] Nevertheless, the situation on public lands tended to avoid state or local solution since such laws do not apply to the enforcement of special rules and regulation on BLM administered lands.[14] There were also few federal laws to enforce on public lands, and state and local laws were generally not aimed at resource protection.[15] Furthermore, many counties were, for political reasons, indisposed to protect the abundance of resources on public lands. These resources have often been viewed historically as the lawful property of the first person to appropriate them. There is also a strong western tradition of individual freedom and fear of government encroachment on individual lifestyles.[16] Moreover, public lands not being on local tax rolls, created a strong disincentive for local officials to expend their limited enforcement funds on protection of such lands.[17] As a result, BLM's only effective tools in preserving the resources on public lands were jawboning [18] and civil trespass actions.[19]

Unfortunately, the task of solving law enforcement problems by jawboning has not been successful [20] and the law of civil trespass has presented unusual procedural and enforcement problems.[21] For example, there is no general federal statute on trespass, and consequently state law applies.[22] Hence, the same act committed in different states could lead to different civil monetary recoveries depending upon state laws concerning the measure of damages and mitigation of damages. These reasons and others led the Public Land Law Review Commission to recommend the following: "Statutes and administrative practices defining unauthorized use of public lands could be clarified and remedies available to the Federal Government should be uniform among land management agencies. Where necessary, statutory authority for policing by Federal agencies should be provided." [23]

It should be made clear that federal law was not totally devoid of provisions protecting resources on public lands.[24] Some protection, particularly with respect to timber lands, was provided.[25] But in general, these laws were either antiquated [26] or aimed at very specific problems.[27] Moreover, BLM had no law enforcement personnel to investigate crimes under these statutes. Investigation was dependent upon the cooperation of the Federal Bureau of Investigation [FBI]. Unfortunately, FBI personnel were not always available due tc the FBI's large workload and the low priority given such investigations.

Although these problems were instrumental in bringing about section 303, its enactment was not accomplished without a fight.[28] Strong feelings of many western citizens concerning enforcement of laws by BLM personnel created a highly sensitive political issue. This ultimately resulted in a watering down of the law enforcement provisions originally enacted by the Senate which would have encouraged BLM to establish a significant law enforcement presence on public lands using federal personnel.[29] The House-Senate Conference Committee ultimately adopted the House language charging the Secretary with achieving "maximum feasible reliance" upon local law enforcement officials in enforcing federal law.[30] This compromise was seen as a means of providing badly needed law enforcement while minimizing changes to existing methods of law enforcement.

### CONGRESSIONAL POWER TO ENACT THE LAW ENFORCEMENT PROVISION OF FLPMA

Congressional authority for the enactment of section 303 of FLPMA is the property clause of the Constitution which gives Congress the "power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." [31] The property clause has consistently been given an expansive interpretation by the Supreme Court, leaving the determination of what are "needful" rules to the Congress.[32] Congressional power is not limited to the protection of federal property; it includes control over public lands analogous to the police power of the states and is measured only by the exigencies of the case.[33]

How this federal police power may relate to state law depends in some measure upon the status in which the federal government holds its lands.[34] Congress has three major types of legislative jurisdiction over federal lands: Exclusive, concurrent, and proprietary.

Exclusive jurisdiction exists where a state has ceded, or where the United States has reserved, in connection with the admission of a state, all the authority of the state. The only reservation is that the state may serve criminal and civil process in such an area for activities occurring elsewhere.[35] Concurrent jurisdiction exists when a state grants to the United States what would otherwise be exclusive jurisdiction, but has reserved to itself the right to exercise concurrently the same authority.[36] Finally, proprietarial jurisdiction exists where the United States has acquired some right or title or to an area within a state, but has not obtained any measure of the state's authority over the area.[37]

Public lands administered by the BLM are held in the proprietarial status since no cession of state authority over these lands has

---

Footnotes at end of article.

occurred. Nevertheless, in applying the definition of proprietarial jurisdiction, it must be recognized that the United States, by virtue of the property clause and the supremacy clause,[38] has many powers and immunities with respect to such lands not enjoyed by ordinary landholders.[39] The result is that even though state law does apply to public lands, Congress may exercise its police power authority over public lands without interference from the state.[40]

### SECTION 303(a)

Section 303(a) delegates to the Secretary of the Interior authority to define criminal offenses on public lands.

"The Secretary shall issue regulations necessary to implement the provisions of this Act with respect to the management, use, and protection of the public lands, including the property located thereon. Any person who knowingly and willfully violates such regulation which is lawfully issued pursuant to this Act shall be fined no more than $1,000 or imprisoned no more than twelve months, or both. . . .[41]

This section is very similar to the authority delegated to the Secretary of the Interior concerning National Parks[42] and the Secretary of Agriculture for National Forests.[43] These grants of authority have been attacked on various grounds, but have been upheld by the courts. For example, in *United States* v. *Grimaud*,[44] defendants, who were charged with grazing sheep contrary to regulations in a National Forest Reserve,[45] challenged the constitutionality of the Forest Reserve Act of 1897. The defendants argued that authorizing the Secretary of Agriculture to prescribe such regulations was an unlawful delegation of legislative power.[46] In finding the delegation of authority to be constitutional, the Supreme Court stated:

"In the nature of things it was impracticable for Congress to provide general regulations for these various and varying details of management. Each reservation had its peculiar and special features; and in authorizing the Secretary of Agriculture to meet these local conditions, Congress was merely conferring administrative functions upon an agent, and not delegating to him legislative power.[47]

Regulations that were issued by the Secretary of the Interior concerning National Park Service lands and which imposed criminal sanctions were upheld in *United States v. Brown*.[48] In *Brown*, the defendant was convicted of possessing a firearm and hunting in a National Park contrary to regulations of the Secretary.[49] The Eighth Circuit rebuffed defendant's constitutional challenge and upheld the Secretary's power by citing the power of Congress under the property clause of the Constitution.[50]

In a constitutional sense, the authority granted to the Secretary under section 303(a) is identical to the authority upheld in *Grimaud* and *Brown*.[51]

The language of section 303(a) is fairly broad, and an argument could be made that the Secretary in regulating the use of the public lands could make such crimes as theft, robbery, rape, and murder punishable under FLPMA. As a policy matter, it is unlikely that regulations relating to the protection of users of public lands will be written by this administration. State and local enforcement officers have traditionally policed these crimes, and despite the problems with state and local enforcement which preceded FLPMA, the Interior Department has been inclined to continue the traditional approach.[52] Consequently, the Interior Department, as the federal government's leading conservation agency, will probably emphasize only the enforcement of laws protecting the resources of the public lands.

There are, however, a few stumbling blocks in section 303(a) that may impede effective enforcement. For example, section 303(a) requires that a regulation be knowingly and willfully violated before criminal penalties attach.[53] As a result, in prosecutions brought under section 303(a) the intent of the defendant to commit the prohibited act will be an element of the offense.[54] This element was absent in Senate bill 507.[55] It originally appeared in House bill 13777[56] and was retained by the Conference Committee out of the fear that persons making inadvertent mistakes in applications for use of public lands or negligently committing minor violations would be subject to fine and imprisonment.[57] Unfortunately, this language adds another impediment to enforcement not envisioned by the Conference Committee. The knowing and willful requirement arguably necessitates proof that the defendant knew he committed an unlawful act on public lands.[58] Lack of surveys and marked boundaries in certain areas and the checkerboard nature of many tracts of intermingled private and public lands may make this requirement impossible to meet in many areas.[59] It is interesting to note that there is no such element of proof for violation of the National Park Service or Forest Service regulations.[60]

Another stumbling block in the language of section 303(a) is the amount of the penalty provided. Violation of a regulation issued under section 303(a) is punishable by not more than a $1,000 fine, or not more than twelve months imprisonment, or both.[61] This makes the violation a minor offense.[62] Under the Federal Rules of Procedure for the Trial of Minor Offenses Before United States Magistrates, only criminal actions involving petty offenses may be commenced by the issuance of a citation or violation notice and only petty offenses may be disposed of by payment of a fixed sum in lieu of appearance at trial.[63] Thus citations[64] cannot be issued for violations of section 303(a) making the physical arrest of a violator followed by arraignment and trial before a magistrate or judge the only effective means to bring about a conviction under section 303(a).[65]

The disadvantages of this system are immense. Law enforcement officers observing a regulation violation under section 303(a) have limited options. They can arrest the violator and bring him before a magistrate or judge (who may be hundreds of miles away), jawbone the violator into ceasing the illegal activity, or simply ignore the activity.

The National Park Service and the Forest Service do not have this problem since any violation of their general criminal regulations is a petty offense.[66] In fact, in 1962 the Forest Service sought and obtained an amendment to the stated penalties in its enforcement authority specifically to bring them within the petty offense category.[67]

It has been incorrectly suggested that the Secretary could prescribe penalties meeting the petty offense definition in regulations promulgated under section 303(a). However, that option is not available to the Secretary because Congress fixed the penalty.[68] Furthermore, since it is the maximum penalty, not the sentence actually imposed, which determines the classification of an offense,[69] it does not matter that a person may be sentenced to less than the maximum penalty. Thus, the Secretary could not reclassify the offense by varying the sentence.

The result of this is to place emphasis on enforcement of state and local laws where authority to issue citations does exist. As noted earlier, however, state and local laws might not cover the offense.[70] To the extent that this occurs, one questions whether BLM has really gained anything by enactment of section 303(a).

BLM should follow the example of the Forest Service and seek an amendment to section 303(a) which would allow for the issuance of citations and notices of violation. It is still important, however, to retain the economic and physical deterrents of a $1,000 fine and twelve month imprisonment due to the often extremely valuable nature of the resources being despoiled or carried off by violators. I recommend a two-tiered approach which would allow the existing penalty when a violation is knowingly and willfully committed, but when the knowing and willful element is absent the penalty would consist of a maximum fine of $500 and six months imprisonment.[71] In this fashion, persons enforcing regulations issued under section 303(a) would have the appropriate power to make an arrest or issue a citation.

### FOOTNOTES

*Staff Attorney, Division of Energy and Resources, Office of the Solicitor, United States Department of the Interior. J.D. 1974, Boston College Law School. Member, Connecticut and District of Columbia Bars.

[1] Pub. L. No. 94–579, 90 Stat. 2743 (codified at 43 U.S.C. §§ 1701–1782 (1976)).

[2] S. Rep. No. 583, 94th Cong., 1st Sess. 57–58 (1975).

[3] *See* 16 U.S.C. §§ 1a–6, 3 (1976) (National Park Service); 16 U.S.C. §§ 551, 551a, 552d, 559, 559a (1976) Forest Service); 16 U.S.C. §§ 706, 707, 727, 742j-1 (1976) (Fish and Wildlife Service).

[4] 43 U.S.C. §1733 (1976).

[5] S. Rep. No. 583, 94th Cong., 1st Sess. 57–58 (1975).

[6] *Id.*

[7] *Id.* at 58.

[8] *Id.*

[9] *Id.*

[10] *Id.* at 61.

[11] *Id.*

[12] *Id.* at 61–62.

[13] *Id.* at 58.

[14] *Id.*

[15] *Id.* at 58. *Contra* Cal. Penal Code §§ 384a–384d (West Supp. 1978 (providing for criminal penalties for destruction of trees and shrubs).

[16] See S. Rep. No. 583, 94th Cong., 1st Sess. 61–62 (1975); *see generally* Public Land Law Review Commission, One Third of the Nation's Land, 105, 124 (1970) [hereinafter cited as PLLRC]; P. Gates, History of Public Land Law Development (1968).

[17] S. Rep. No. 583, 94th Cong., 1st Sess. 60 (1975); H.R. Rep. No. 1163, 94th Cong., 2nd Sess. 15 (1976).

[18] In effect persuasion and education.

[19] *See* S. Rep. No. 583, 94th Cong., 1st Sess. 57 (1975); PLLRC, *supra* note 16, 259–60.

[20] *See id.* at 57–58.

[21] PLLRC, *supra* note 16, at 259.

[22] *Id.* at 260.

[23] *Id.* at 259.

[24] *See* 18 U.S.C. §§ 1958–1861 (1976).

[25] *Id.* §§ 1852, 1853, 1855, 1856, 1863.

[26] *E.g., id.* § 1861 (deception of homesteaders and other entrymen).

[27] *E.g., id.* §§ 1858, 1859 (destruction of survey markets and interference with surveys).

[28] See Harvey, *Support Your local Sheriff: Federalism and Law Enforcement under the FLPMA* within this Symposium.

[29] S. 507, 94th Cong., 1st Sess. § 307 (1975).

[30] H.R. Rep. No. 1724, 94th Cong., 2d Sess. 60 (1976). *See* H.R. 13777, 94th Cong., 2d Sess. § 302 (1976).

[31] U.S. Const., art. IV, § 3, cl. 2.

[32] *See e.g.,* Kleppe v. New Mexico, 426 U.S. 529, 536 (1976); United States v. San Francisco, 310 U.S. 16, 29–30 (1940); Camfield v. United States, 167 U.S. 518, 525 (1897).

[33] *See* Kleppe v. New Mexico, 426 U.S. 529, 540 (1976); Camfield v. United States, 167 U.S. 518, 525 (1897).

[34] *Compare* Pacific Coast Dairy v. Dep't of Agriculture, 318 U.S. 285, 294 (1943) *with* Kleppe v. New Mexico, 426 U.S. 529, 542 (1976). However, the existence of police power under the property clause has nothing

to do with the status in which federal lands are held. *See id.* at 542–43.

[35] REPORT OF THE INTERDEPARTMENTAL COMMITTEE FOR THE STUDY OF JURISDICTION OVER FEDERAL AREAS WITHIN THE STATES, JURISDICTION OVER FEDERAL AREAS WITHIN THE STATES 10 (Part II 1957); [hereinafter cited as JURISDICTION REPORT]. U.S. CONST. art. I, § 8, cl. 17.

[36] JURISDICTION REPORT, *supra* note 35, at 11.

[37] *Id.*

[38] U.S. Const. art. 6, cl. 2,

[39] JURISDICTION REPORT, *supra* note 35, at 12. *See* Alabama v. Texas, 347 U.S. 272, 273 (1954). *But cf.*, Fort Leavenworth R. Co. v. Lowe, 114 U.S. 525, 527 (1885) (The United States "retained upon the admission of the state, only the rights of an ordinary proprietor.").

[40] *See, e.g.*, Hunt v. United States, 278 U.S. 96, 100 (1928); McKelvey v. United States, 260 U.S. 353, 359 (1922); New Mexico State Game Comm'n v. Udall, 410 F.2d 1197. 1201 (10th Cir. 1969), *cert. denied*, 396 U.S. 961 (1969).

[41] 43 U.S.C. § 1733(a) (1976).

[42] 16 U.S.C. § 3 (1976).

[43] *Id.*, § 551.

[44] 220 U.S. 506 (1911).

[45] Ch. 2, 30 Stat. 35 (1897) (current version at 16 U.S.C. § 551 (1976)).

[46] 220 U.S. at 514.

[47] *Id.*, at 515–16.

[48] 552 F.2d 817 (8th Cir. 1977), *cert. denied*, 431 U.S. 949 (1977).

[49] Promulgated under 16 U.S.C. § 3 (1976).

[50] 552 F.2d at 822. "The crucial question is whether federal regulations can be deemed needful prescriptions respecting the public lands. This determination is primarily entrusted to the judgment of Congress, and courts exercising judicial review have supported an expansive reading of the Property Clause." *Id. See* Kleppe v. New Mexico, 426 U.S. 529, 536 (1976).

[51] The constitutionality of section 303(a) was challenged in Western Mining Council v. Andrus, Civil No. S77–579–PCW (E.D. Calif., filed November 2, 1977). The suit was dismissed on April 19, 1978, under Rule 12(b) (6) of the Federal Rules of Civil Procedure for failure to state a justiciable claim.

[52] *See* Memorandum from the Assistant Secretary, Land and Water Resources to the Director, BLM (January 10, 1978); Memorandum from the Secretary of the Interior to the Director, BLM (October 4, 1978).

[53] 43 U.S.C. § 1733(a) (1976).

[54] *Cf.* Morissette v. United States, 342 U.S. 246, 264–65 (1952) (intent to convert government property).

[55] S. 507. 94th Cong., 1st Sess. (1975) *reprinted in* 121 CONG. REC. S.1232–41 (daily ed. 1975), *and in* LEGISLATIVE HISTORY OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 at 54–63 (1978) [hereinafter cited as LEGISLATIVE HISTORY].

[56] H.R. 13777, 94th Cong., 2d Sess. § 302 (1976) (as introduced) *reprinted in* LEGISLATIVE HISTORY, *supra* note 55, at 223, 275.

[57] *Senate-House Conference Committee on S. 507. Transcript*, 94th Cong., 2d Sess., 17–18 (September 15, 1976); *id.* at 12–13 (September 20, 1976).

[58] *See* H.R. REP. No. 1163, 94th Cong., 2d Sess. 14–15 (1976). *See also* Morissette v. United States, 342 U.S. 246, 264–66 (1952).

[59] *See* PLLRC, *supra* note 16, at 260; H.R. REP. No. 1163, 94th Cong., 2d Sess. 14 (1976).

[60] *See* United States v. Wilson, 438 F.2d 525, 525 (9th Cir. 1971); United States v. Pardee, 368 F.2d 368, 373 (4th Cir. 1966); 16 U.S.C. §§ 3. 551 (1976).

[61] 43 U.S.C. § 1733(a) (1976).

[62] 18 U.S.C. § 3401(f) (1976). A petty offense is defined as a crime punishable by not more than a $500 fine, or not more than six months imprisonment, or both. *Id.* § 1(3).

[63] FED. R. OF P. FOR THE TRIAL OF MINOR OFFENSES BEFORE UNITED STATES MAGISTRATES 3(a) and 9; 18 U.S.C. § 3402 (1976).

[64] A citation is similar to a parking ticket.

[65] FED. R. OF PROC. FOR THE TRIAL OF MINOR OFFENSES BEFORE UNITED STATES MAGISTRATES 2.

[66] *See* 16 U.S.C. §§ 3, 551 (1976).

[67] H.R. REP. No. 2377, 87th Cong., 2nd Sess. §§ 6, 7, *reprinted in* [1962] U.S. CODE CONG. & AD. NEWS 3985.

[68] *See* Grimaud v. United States, 220 U.S. 506, 521–22 (1911).

[69] *See, e.g.*, Duke v. United States, 301 U.S. 492, 494–95 (1937) (crime punishable by up to $1,000 fine, or six months imprisonment, or both, held not be petty offense): Barde v. United States. 224 F. 2d 959, 959 (6th Cir. 1955): *cf.* Patel v. Immigration and Naturalization Service. 542 F. 2d 796, 798 (9th Cir. 1976) (for purposes of determining whether state offense meets federal definition of felony, actual sentence imposed rather than time actually served applied).

[70] See text & note 14 *supra*.

[71] The second tier of this approach adopts the Forest Service approach. 16 U.S.C. § 551 (1976) which does not impose an intentional or willful mens rea element for regulation violations instead imposes only a penalty of $500 or six months imprisonment. *Id. See* United States v. Wilson, 438 F. 2d 525, 525 (9th Cir. 1971). If such an approach were adopted the federal land status would be of little consequence to the prosecution of minor crimes.

S. 2209

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Section 303(a) of the Federal Land Policy and Management Act (43 U.S.C. 1733) is amended by inserting the following sentence after the end of the first sentence:

"Any person who violates any such regulation which is lawfully issued under this Act shall be fined no more than $500 or imprisoned no more than six months, or both."●

By Mr. CRANSTON:

S. 2210. A bill to repeal section 212(a) (4) of the Immigration and Nationality Act, as amended, and for other purposes; to the Committee on the Judiciary.

● Mr. CRANSTON. Mr. President, I am introducing legislation today to remove from the Immigration and Nationality Act language which requires the Immigration and Naturalization Service to exclude suspected homosexual aliens from entry into the United States.

The specific provision of the statute, section 212(a)(4) of the Immigration and Nationality Act, provides for the exclusion of "aliens afflicted with psychopathic personality, sexual deviation, or a mental defect."

This provision of the law was enacted in 1952 as part of the McCarran-Walter Immigration Act. As originally written the statute applied to "aliens afflicted with psychopathic personality, epilepsy, or a mental defect."

In 1965 the words "sexual deviation" were substituted for "epilepsy."

The purpose of the 1965 amendment was to establish that homosexuality was to be considered as a "disease or mental defect" requiring an examination of the person by the Public Health Service pending admission to the United States.

The practical difficulty of enforcing the law is evident. From 1971 to 1978 only 31 persons have been denied entry for all reasons specified under section 212(a)(4).

Such inconsistent enforcement of a bad law, was, admittedly, arbitrary and inequitable. The law rewards dishonesty, lying, and hypocritical subterfuge. It punishes self-respect, honesty, and openness.

Lately the situation has gotten even worse.

Ironically, that has happened because of an eminently sensible decision by the Public Health Service.

In 1973, the American Psychiatric Association formally declared that homosexuality per se was not a mental disorder.

Last summer the Surgeon General of the United States announced that homosexuality would no longer be considered a "disease or mental defect" under the statute directing the Public Health Service to examine aliens suspected for a physical or mental affliction requiring exclusion from the United States. The Surgeon General also advised INS officers that PHS would no longer make such a medical examination of aliens referred by INS.

Subsequently, the Office of Legal Counsel of the Department of Justice advised the Acting Director of INS that the Surgeon General's action could not change immigration law even though the PHS would no longer certify arriving homosexual aliens as possessing a "mental defect or disease" solely because of their homosexuality.

The practical result is that inexpert immigration officers acting alone will make the determination that an arriving alien is to be denied entry on the grounds of homosexuality. The Department of Justice today is preparing enforcement guidelines for immigration officers. This situation is absurd.

The original 1952 statute in respect to homosexuals was an unwise and discriminatory law. Private sexual preference should not be a criterion for judging who does not qualify to come to the United States.

The Los Angeles Times on December 3 called for changing the language of section 212(a)(4) which bars entry to suspected homosexuals.

I agree with the Los Angeles Times that the law should be changed.

The bill I am introducing will repeal the objectionable language from section 212(a)(4) of the Immigration and Nationality Act and will reconstitute new language applying to aliens afflicted with psychopathic personality or mental defect so as to make patently clear that homosexuality per se shall not be cause for denying entry to aliens wishing to visit or seeking to immigrate to the United States.

I urge my colleagues to study my proposal carefully in the context of section 212(a) of the immigration statute and in view of the practical difficulties of enforcing such a law at our borders and ports of entry. I am convinced my colleagues will reach the same conclusion that I have that fairness and practical considerations require the change I am proposing.

Simple fairness demands that we put an end to a form of discrimination that not only is intellectually unsound and medically unjustifiable but which also violates traditional American respect for the right of privacy and the dignity of the individual.

I ask unanimous consent that the text of my bill and the text of the Los Angeles Times editorial be printed at the conclusion of my remarks.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

### S. 2210

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (4) of Section 212(a) of the Immigration and Nationality Act, as amended, is hereby repealed.

Sec. 2. Section 212(a) of the Immigration and Nationality Act is further amended by adding the following new paragraph (4):

"(4) Aliens afflicted with psychopathic personality or a mental defect;".

---

### A Matter for Congress' Attention

In 1952, Congress passed a statutory ban on the admission of homosexual foreigners to the United States on the basis that homosexuality was a disease. The practical difficulty of enforcing the law was evident, and apparently only a small number of persons have been excluded from this country because they were believed to be homosexual.

But the law has come under attack in the past year, and in August the U.S. surgeon general announced that government physicians would no longer regard homosexuality as a "mental disease or defect." He advised immigration officers to stop referring aliens to the Public Health Service solely on the ground of suspected homosexuality.

Before conforming to this change of policy announced by the surgeon general, the Immigration and Naturalization Service asked the Justice Department for legal advice. Justice Department lawyers concluded that "the INS is statutorily required to enforce the exclusion of homosexual aliens" because that policy had been decreed by Congress. In short, the Justice Department said, government officials cannot set aside a law just because they disagree with it.

The 1952 statute in respect to homosexuals was an unwise and discriminatory law, and should be changed—but it should be changed by Congress, and not by order of an appointed official.●

---

## ADDITIONAL COSPONSORS

### S. 506

At the request of Mr. Bayh, the Senator from New Hampshire (Mr. Durkin) was added as a cosponsor of S. 506, a bill to amend title VIII of the act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

### S. 1025

At the request of Mr. Hatch, the Senator from New Mexico (Mr. Schmitt) was added as a cosponsor of S. 1025, a bill to authorize a youth minimum wage differential under the Fair Labor Standards Act of 1938, and for other purposes.

### S. 1424

At the request of Mr. Javits, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 1424, a bill to amend the Foreign Assistance Act and the Public Health Service Act to provide for the advancement of international cooperation and assistance in health, and for other purposes.

### S. 1647

At the request of Mr. Inouye, the Senator from Utah (Mr. Hatch), and the Senator from Michigan (Mr. Levin) were added as cosponsors of S. 1647, a bill to establish a commission to gather facts to determine whether any wrong was committed against those American citizens and permanent resident aliens affected by Executive Order 9066, and for other purposes.

### S. 1679

At the request of Mr. Bayh, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 1679, a bill to amend the patent laws, title 35 of the United States Code.

### S. 1683

At the request of Mr. Hatch, the Senator from New Mexico (Mr. Schmitt) was added as a cosponsor of S. 1683, a bill to amend the Internal Revenue Code of 1954 to increase the amount of the annual gift tax exclusion from $3,000 to $6,000.

### S. 2064

At the request of Mr. Williams, the Senator from Washington (Mr. Jackson), and the Senator from Minnesota (Mr. Durenberger) were added as cosponsors of S. 2064, a bill to amend section 103 of the Internal Revenue Code of 1954 to provide that the interest on certain mortgage revenue bonds will not be exempt from Federal income tax.

### S. 2080

At the request of Mr. Moynihan, the Senator from Minnesota (Mr. Durenberger), the Senator from South Dakota (Mr. McGovern), and the Senator from Montana (Mr. Baucus) were added as cosponsor of S. 2080, a bill to establish public buildings policies for the Federal Government, to establish the Public Buildings Services in the General Services Administration, and for other purposes.

### S. 2098

At the request of Mr. Stewart, the Senator from Louisiana (Mr. Johnston) was added as a cosponsor of S. 2098, a bill to amend section 431 of the Public Health Service Act to provide funds to the National Institute of Neurological and Communicative Disorders and Stroke for research in the area of regeneration of the spinal cord.

### S. 2177

At the request of Mr. Williams, the Senator from New Hampshire (Mr. Durkin), and the Senator from Washington (Mr. Jackson) were added as cosponsors of S. 2177, a bill to amend the mortgage amount, sales price and interest rate limitations under the Government National Mortgage Association emergency home purchase assistance authority, and for other purposes.

### SENATE JOINT RESOLUTION 12

At the request of Mr. Helms, the Senator from New Hampshire (Mr. Durkin) was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right of life to the unborn.

### SENATE JOINT RESOLUTION 19

At the request of Mr. Wallop, the Senator from North Dakota (Mr. Burdick), and the Senator from Oklahoma (Mr. Boren) were added as cosponsors of Senate Joint Resolution 19, a joint resolution to authorize the President to issue a proclamation designating March, 1979 as "Youth Art Month."

### SENATE JOINT RESOLUTION 115

At the request of Mr. Riegle, the Senator from New Jersey (Mr. Williams), the Senator from Montana (Mr. Baucus), the Senator from Louisiana (Mr. Johnston), the Senator from Indiana (Mr. Bayh), the Senator from Kentucky (Mr. Ford), the Senator from South Carolina (Mr. Thurmond), the Senator from Kansas (Mrs. Kassebaum), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of Senate Joint Resolution 115, a joint resolution designating July 1980 as "National Porcelain Art Month."

### SENATE JOINT RESOLUTION 128

At the request of Mr. Schweiker, the Senator from North Dakota (Mr. Burdick), the Senator from West Virginia (Mr. Randolph), the Senator from Texas (Mr. Tower), the Senator from Wyoming (Mr. Wallop), the Senator from Indiana (Mr. Bayh), the Senator from Indiana (Mr. Lugar), the Senator from Maine (Mr. Cohen), the Senator from Connecticut (Mr. Weicker), the Senator from Louisiana (Mr. Johnston), the Senator from Mississippi (Mr. Cochran), the Senator from Kansas (Mr. Dole), the Senator from New Mexico (Mr. Schmitt), the Senator from New Hampshire (Mr. Humphrey), and the Senator from North Dakota (Mr. Young) were added as cosponsors of Senate Joint Resolution 128, a joint resolution to authorize and request the President to proclaim the week of October 5 through 11, 1980, as "National Diabetes Week."

### SENATE CONCURRENT RESOLUTION 60

At the request of Mr. Jepsen, the Senator from Florida (Mr. Chiles) was added as a cosponsor of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

### SENATE CONCURRENT RESOLUTION 61

At the request of Mr. Jepsen, the Senator from Florida (Mr. Chiles) was added as a cosponsor of Senate Concurrent Resolution 61, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

### SENATE CONCURRENT RESOLUTION 62

At the request of Mr. Bayh, the Senator from Colorado (Mr. Hart), and the Senator from Virginia (Mr. Harry F. Byrd, Jr.) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution urging the Soviet Union to allow Irina Astakhova McClellan to emigrate to the United States and for other purposes.

## SENATE CONCURRENT RESOLUTION 65—SUBMISSION OF A CONCURRENT RESOLUTION PROPOSING EARTH DAY, 1980

Mr. CHAFEE (for himself, Mr. Leahy, Mr. Randolph, Mr. Stafford, Mr. Baker, Mr. Nelson, Mr. Culver, Mr. Gravel, Mr. Domenici, Mr. Wallop, Mr. Simpson, Mr. Pressler, Mr. Levin, Mr. Durenberger, Mr. Heinz, Mr. Pell, Mr. Cohen, and Mr. Tsongas) submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. Con. Res. 65

Whereas the first Earth Day on April 22, 1970, launched a powerful new commitment to improving the quality of life on the Earth; and

Whereas dramatic strides have been made in cleaning up the environment and workplaces of the Nation and in preserving the natural heritage of the Nation, but much remains to be done to make the Earth secure for future generations; and

Whereas the progress of the 1970's and the promise of environmental prosperity in the next decade should be celebrated throughout the Nation on April 22, 1980; and

Whereas a day dedicated to the celebration of the Earth should help inform the general public, industry, and labor about the promise of environmental prosperity for strengthening the economy, creating jobs, and improving social well-being and the quality of life; and

Whereas Federal, State, and local governments should foster and encourage environmental prosperity in the 1980's: Now, therefore, be it

*Resolved by the Senate* (*the House of Representatives concurring*), That the Congress urges the people of the United States, and Federal, State, and local governmental agencies, to observe and celebrate April 22, 1980, as "Earth Day, 1980" with appropriate ceremonies and activities.

● Mr. CHAFEE. Mr. President, who does not recall the environmental excitement of the early 1970's? That fervor was marked by the passage of landmark legislation including the National Environmental Policy Act, the Clean Water Act, and the Clean Air Act. We celebrated our first Earth Day back then, on April 22, 1970. We dedicated ourselves to preservation of our environment and natural resources. "Environment" appeared on pollsters' sheets as an issue which captured high public priority.

Some say that if you take those polls today, environment does not make it on the issues list. It falls somewhere far behind national defense, foreign policy, and inflation. To use a currently favorite expression, it is an asterisk on a poll sheet where other issues capture percentages.

I refuse to believe that people no longer care about our environment. In fact, I submit that they care so much, that environment has been melded into their perception of the overall quality of their lives. If resources are disappearing in their region, the air is dirty, or the water polluted, people react as though something very basic is missing or has been taken away from them. Caring and working for the environment comes naturally.

On April 22 of this year, we will once again celebrate the central place that our natural resources and environment hold for us. I am talking about Earth Day, 1980. Labor, industry, Government, and all our citizens have a stake in this celebration. We have all worked over the past decade to make dramatic strides in environmental goals. We all have a right to herald these efforts and look forward to the environmental prosperity in the 1980's which will come from them.

Why should we not congratulate ourselves on what has been accomplished? By 1977, nearly 90 percent of industry had achieved the stated goal of clean water treatment for that date. Billions of dollars have been invested in municipal wastewater plants.

Fish and other forms of life have returned to rivers from where they were earlier exiled. Carbon monoxide in the air is down by 35 percent since 1972. Attention has been given to both technology solutions and basic practices in how we operate a plant, farm, dredge, and construct public works.

At the same time, our attention should be focused on what remains to be done. In some ways we will be reacting in the 1980's to the damage that has already occurred, such as the hazardous wastes already buried at abandoned sites throughout the country. In other ways we can think ahead to include concern for the environment in planning for the future.

I am today introducing a Senate concurrent resolution to recognize the celebration of Earth Day, 1980 and all that we have accomplished in our environmental efforts. My colleague, Congressman Fisher is introducing such a resolution in the House. We are joined by several Members of both bodies who agree that our commitment to environmental prosperity should be celebrated.

The people of this Nation deserve this celebration. They will benefit and learn from it. Environment has indeed become central to how we perceive our quality of life. Organizations and governments in communities throughout the country have already begun plans for Earth Day. There will be recycling workshops, tree plantings, ecology centers' open houses, environmental fairs, and citizen seminars.

The resolution I am introducing today expresses the support of the Congress for this celebration of the Earth and its environment. I urge that my colleagues join me in looking forward to this national and local recognition of environmental spirit.●

## AMENDMENTS SUBMITTED FOR PRINTING

### UTILIZATION OF WOOD AND WOOD RESIDUES—S. 1996

AMENDMENT NO. 1631

(Ordered to be printed and referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. MELCHER submitted an amendment intended to be proposed by him to S. 1996, a bill to authorize a pilot program to encourage the efficient utilization of wood and wood residues.

### GI BILL AMENDMENTS OF 1979—S. 870

AMENDMENT NO. 1632

(Ordered to be printed.)

Mr. CRANSTON (for himself, Mr. Talmadge, Mr. Randolph, Mr. Stone, Mr. Durkin, Mr. Matsunaga, and Mr. Eagleton) proposed an amendment to S. 870, a bill to amend title 38, United States Code, to extend the delimiting date for veterans under certain circumstances; to limit the time for filing claims for educational benefits based upon disability; to modify the standard of progress requirements; to modify the 50 per centum employment requirements; to eliminate the requirements for counting BBOG's and SEOG's in the 85 to 15 enrollment ratio; to modify payment of educational benefits to incarcerated veterans; to permit certain foreign training; to pay benefits for certain continuing education programs; to strengthen statutory provisions on measurement of courses and on overpayment of educational benefits; to repeal the authority for pursuit of flight and correspondence training; to repeal the authority for pursuit of certain PREP training; and for other purposes.

## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President, the Committee on Energy and Natural Resources had scheduled an oversight hearing to review the program for the rehabilitation and resettlement of Bikini and Enewetak Atolls, to be held on February 14 and 15 in Honolulu, Hawaii, in order to facilitate the appearance of representatives of the Bikini and Enewetak peoples. Due to the change in the recess hours, this oversight hearing has been canceled.

Those wishing further information regarding this cancellation may contact either James P. Bierne or Barbara J. Haugh on the committee staff at 202–224–2564.●

### HEARINGS ON GASOLINE RATIONING

● Mr. JOHNSTON. Mr. President, the hearing previously scheduled by the Subcommittee on Energy Regulation of the Committee on Energy and Natural Resources for Thursday, January 24, 1980, on the Department of Energy's proposed standby gasoline rationing plan, has been postponed until Monday, January 28, 1980. This hearing, which will be restricted to Government witnesses, will begin at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

Questions about the rescheduling of this hearing should be directed to Benjamin Cooper or James Bruce at 224–9894.●

### SUBCOMMITTEE ON FEDERAL SPENDING PRACTICES AND OPEN GOVERNMENT

● Mr. CHILES. Mr. President, I would like to announce that the Subcommittee on Federal Spending Practices and Open Government of the Committee on Governmental Affairs will hold a hearing on Oversight of the Office of the Inspector General of the General Services Administration. The hearing will take place on Tuesday, January 29, 1980 at 10 a.m. in room 1318 of the Dirksen Senate Office Building.

Anyone having questions regarding this hearing should contact the subcommittee office in room 44, 128 C Street, NE., or phone 224–0211.●

## ADDITIONAL STATEMENTS

### UNCLE SAM'S WAR ON THE INDEPENDENT CONTRACTOR

● Mr. DOLE. Mr. President, I have been deeply concerned about the repeated attempts by the Internal Revenue Service to force independent contractors to assume the status of employees. These attempts, which to my mind exceed the intent of Congress and come close to flying in the face of it, have resulted in serious burdens on independent businessmen and women. In some cases they have actually threatened to put people out of business.

Last March I introduced a bill (S. 736) to express a clear congressional mandate to the IRS and to offer some certainty to the small businesses involved. It now appears that definitive action by the Congress will come in 1980. In the meantime, a moratorium on further IRS harassment has been declared.

In a recent article in National Review, John McClaughry has succinctly described the issue, and the importance of preserving independent small businesses in the face of IRS efforts to limit independent contracting status. Mr. McClaughry does an excellent job of making the real issue clear, and I commend his article to my colleagues.

The article follows:

### UNCLE SAM'S WAR ON THE INDEPENDENT CONTRACTOR

(By John McClaughry)

In May 1976 the Internal Revenue Service hinted to Reginald and Barbara Dwyer that they might be in trouble for nonpayment of certain taxes. The Dwyers, however, were not too concerned. After all, their small Vermont logging operation had been audited for 1969 and 1970, and the Internal Revenue Service had found nothing amiss. But unbeknown to the Dwyers, the IRS had instituted a massive policy change in the early 1970s, and the Vermont couple was fated to be among its most conspicuous victims.

To understand why the IRS picked on the Dwyers, it is necessary to understand how the small-scale contract logging system works—and has worked in rural New England for more than a century. First, a general logging contractor, like Reg Dwyer, acquires stumpage or logging rights to a woodlot. Then he arranges with several independent specialists to work together as a team to get the timber or cordwood out to the mill. The feller drops the tree and cuts off its limbs and top. The skidder hauls the trunks down to the collecting yard. He does this with horses, a bulldozer, or most commonly, nowadays, a large four-wheel-drive tractor called a skidder, which may cost as much as $80,000. When the skidder unhitches the trunks at the yard, they are cut into the right lengths by the next operator, the cutter. Finally the trucker, equipped with a large tractor-trailer and a hydraulic loader, loads the wood and hauls it to the mill.

Each of these specialists owns and maintains his own equipment, which includes chain saws, axes, peavies, pickup trucks, and—for the skider and trucker—various pieces of heavy machinery. Each must rely on his own experience and judgment in planning his work. Each commonly maintains his own insurance—usually quite costly, since logging is hard and dangerous work. Each is paid by the general contractor on the basis of work performed, not on the number of hours worked.

This is the kind of traditional operation that Reg Dwyer is engaged in. One reason that it has persisted unchanged for over a century is that it recognizes the role of the independent worker. Yankee loggers place a high value on being their own bosses. They take pride in their ability to deal independently with others in the industry, rather than working as employees of some large timber corporation. Contracting permits them to work when they want to, and to go deerhunting or snowmobiling when they want to. As the wife of one Vermont logger put it, "No employer would tolerate as much independence in his employees as these woodsmen have."

It is precisely this independence that is at issue between the IRS and the Dwyers. Soon after the IRS dropped its first hint, the Dwyers learned that they were to be audited for the tax years 1973, 1974, and 1975. In May 1977 the IRS announced that it had determined that the woodsmen who worked with Reg were in fact Reg's employees. Four months later, the IRS lowered the boom. An agent informed the Dwyers that they owed the government $18,500 in back taxes. This figure included withholding taxes, Social Security taxes, and unemployment taxes for all of Reg's fellow workers for the three tax years in question. The IRS would make no allowances for taxes actually paid by the other workers. It was simply determined to collect the full amount from Reg Dwyer.

The Dwyers, faced with the alternative of going out of business, hired a lawyer to fight the government. And Reg even started working in the woods alone, a dangerous practice. In June 1979, after two years of conferences, appeals, and lawyers' fees, the IRS gave in. It dropped the case against the Dwyers, who had had the spunk to fight back. Other Vermont loggers, however, are still under the IRS gun.

Independent loggers are not the only contractors under attack from the IRS. There are thousands more, in scores of different occupations across the country. Consider Junior Franklin, an Atlanta taxicab driver who owns and sometimes drives a large truck. At a truck terminal in Texas, Franklin had an unhappy experience with some men known as "lumpers," a name not without significance. Lumpers are men who hang around truck terminals and offer to unload or load arriving trucks. Independent truckers can rarely afford to pay others for work they can do themselves. Lumpers, however, are known to be exceedingly surly when their services are declined.

In Franklin's case, their surliness at his refusal to hire them left him in the hospital with multiple knife wounds.

In a somewhat belated effort to protect what was left of his internal organs, Franklin subsequently hired lumpers to unload and load his truck. The IRS classified the loaders as Franklin's employees, and slapped him with a $9,000 bill for unpaid taxes.

Nickey Moss, a barber in Decatur, Georgia, got caught in the same trap. Moss leased chairs in his barber shop to other independent barbers, using a lease that had been approved by the IRS District Office in Atlanta. Suddenly, in 1975, the IRS slapped liens on Moss's home and assets to force him to pay over $25,000 in assessments for barbers who had leased chairs in his shop in 1972, 1973, and 1974.

These are only a few examples of the tremendous breadth of the IRS's attack. Other occupations threatened by the new rules include home improvement, lobster and shrimp fishing, service stations, insurance selling, and real estate. What they all have in common, and what makes them the target of the IRS's attack, is that in each case the worker operates as an independent contractor rather than as an employee.

The cause for this concern by the IRS is a combination of three major factors, and the response of taxpayers to them. The first is the progressive income tax system. It is a maxim of tax policy—recently re-emphasized in discussion of the Laffer Curve—that the higher the rates, the more difficult it is to extract further tax revenues. Taxpayers may reduce their productive efforts rather than pay the higher taxes. They may shift their residence and activities to foreign countries. Or they may seek devices, not all of them legal, to evade the long arm of the tax collector.

The second factor, working along with the first, is inflation. As incomes rise, taxpayers move steadily upward into higher tax brackets. A worker whose income keeps exact pace with inflation will find himself ever more heavily taxed, as the higher brackets claim an increased proportion of his taxable income.

The third factor is the condition of the Social Security system. As Martha Derthick has pointed out in The Public Interest (Winter 1979):

> That Social Security suffered a "fiscal crisis" in the mid-1970s is well known to even the most casual observers of public affairs. Sophisticated observers can probably explain why: inflation caused benefits to increase faster than expected: unemployment caused revenues to fall behind what was expected; claims for disability payments were rising much faster than expected; a faulty benefit formula enacted in 1972 exaggerated the deficit in an irrational way, particularly over the long run; and a falling birth rate was changing the demography of the country with adverse future effects on the program.

Indeed, by the mid-1970s it had become apparent that the solvency of the present system of Social Security could be assured only by massive infusions of new revenues (either through higher payroll taxes or from general revenues); or by limiting benefits; or by blanketing into the system as many currently uncovered workers as possible, who would, for a number of years, pay more in than they would take out.

This combination of factors has produced an entirely predictable reaction from taxpayers. They don't want to pay. And they have devised assorted techniques for not paying. Many of these techniques fall under the heading of tax evasion, which is illegal. "Skimming," or pocketing business receipts without reporting them, is perhaps the most widely practiced evasion. Paying suppliers and workers in cash "off the books" often accompanies skimming, since it keeps expenses, payroll, and income in balance and thus diverts IRS suspicion.

The extent of this tax evasion is a matter of the deepest concern at the IRS. Economist Peter Gutmann of Baruch College, City University of New York, caused a national stir in late 1977 when he published an article describing a "subterranean economy" with a GNP he estimated conservatively at $176 billion, a sixth of the official GNP. While Gutmann's methodology has since come under serious attack, the existence of a growing subterranean economy has not been challenged. Irwin Ross, writing in the October 9, 1978 issue of Fortune, points out that the amount of money in circulation in the form of hundred-dollar bills rose by more than 250 percent between the end of 1967 and mid-1978, while the total value of all outstanding currency rose by only 125 percent. Ross strongly suspects that most of the increase resulted from a growing demand for large-denomination bills to make off-the-books payments.

IRS data support the existence of this trend. The IRS's Tax Compliance Measurement Program (TCMP) subjects fifty thousand randomly selected returns to exhaustive audit to try to locate unreported income. Between the TCMPs for 1965 and 1973, the reporting rates for small proprietors (less than $10,000 adjusted gross income) fell from 79.2 percent to 57.2 percent. For medium-sized proprietors ($10,000 to $30,000 adjusted gross income), the rate dropped from 91.4 percent to 86.8 percent. And of course the "100 percent" that this is based on is what the IRS auditors can establish as "true" income. There is bound to be income beyond the reach of even the most relentless auditor. If that were counted, the compliance rates would be even lower.

The Census Bureau also provides some corroboration of this trend. Every year the Bureau's Current Population Survey asks respondents about their sources of income. In 1972 the "no response" rate was only 10.2 per cent. By 1976 it had shot up to 19.5 per cent. Alarmed, the Census firmly instructed its interviewers to press for responses. In 1977 the new techniques brought the no-response rate down to 17.1 per cent, but by 1978 it had moved back up to 18.3 per cent. As Ross observes, "one can reasonably speculate that the growing reluctance of people to answer questions about income means that more and more families have something to hide."

Trying to levy taxes on this growing subterranean economy poses a very serious problem for the IRS. The guiding principle of the IRS is: "Withhold taxes at the source." The ideal situation for income-tax collection, from the IRS's point of view, would be a nation where all work was performed by employees of a relatively small number of corporations. The economy, however, seems to be moving in precisely the opposite direction. Since the early 1970s, the IRS has been grasping at every technique it can invent to force as many remunerative transactions as possible into a format where withholding by the payer can be enforced. This means that employer/employee relationships must be increased and independent contracting must be reduced to a minimum. As the General Accounting Office observed in a sharply critical 1977 study, "It appears that the IRS's approach to solve such non-compliance problems is to limit the number of self-employed persons instead of using the array of administrative mechanisms available to it."

As the Treasury readily admits, there are strong tax incentives to obtain independent-contractor status. These incentives exist for both employer and employee, leaving aside any intent to evade taxes illegally. An employer must withhold income taxes due from employees. This requires prompt payments into a special tax account at the bank, careful record-keeping, the filing of quarterly 941 forms, and the preparation and distribution of W-2 forms to the IRS and to employees at the end of each tax year. For small operators, such as Maine lobster-boat owners, the unfamiliar and complicated withholding requirements may necessitate the expense of a part-time bookkeeper.

More serious is the matter of FICA, the Federal Insurance Contributions Act, under which Social Security is financed. Where the employer/employee relationship exists. each party must pay 6.13 per cent of the employee's gross wages into the Social Security system, until the employee's earnings reach $22,900 for the year. For an employee earning $22,900 a year, the employer's 6.13 per cent share comes to $1,404, which is exactly $1,404 more than the employer's FICA liability for independent contractors he deals with. Self-employed persons pay Social Security under the Self-Employed Contributions Act (SECA). This act requires payment of 8.1 per cent of the first $22,900 of net earned income into the Social Security fund. The difference in income to the fund can be very substantial.

Then there is FUTA, the Federal Unemployment Tax Act. This act imposes on the employer a tax of 3.4 per cent of the first $6,000 of an employee's gross wages, with a credit of 2.7 per cent if the employer participates in an approved state employment-security program. This payment is not required for independent contractors, who are not eligible for unemployment payments. Both FICA and FUTA involve employers in still more record-keeping, deposit-making, and filing with the IRS.

Finally, the tax laws permit a self-employed person to create a "Keogh" or "HR 10" plan. Under such a plan, he may set aside annually—and deduct from current taxable income—up to 15 per cent of his income, or $7,500, whichever is less, for his eventual retirement. When he does retire, he may draw money out of the Keogh account, paying income taxes only at the lower rates that prevail for a person who is no longer actively earning income. If the self-employed contractor is reclassified as an employee, however, he may no longer maintain a Keogh Plan. Assuming the "employer" does not have a pension plan, the "employee" is limited to setting up an individual retirement account (IRA). Only $1,500 can be set aside annually in an IRA, one-fifth of the Keogh Plan amount.

The IRS has always been aware of these incentives to replace an employer/employee relationship with a contract relationship, but only in the 1970s did it begin to come down hard on those who claimed to be independent contractors. The Maine lobstermen were among the first to feel the brunt of the IRS attack, and they fought back gallantly and successfully. In fact, their counterattack has had implications for the tax system as a whole.

Maine lobster-fishing, like small-scale contract logging in Vermont, follows a time-honored pattern. There is a boat owner and a "sternman." The owner operates the boat, while the sternman handles the fishing gear. The sternman has no investment in the boat itself, but he may occasionally own some of his own fishing gear. His compensation is an agreed fraction of the day's catch. Usually the catch is sold at the pier, and the proceeds are divided accordingly. The sternman may, however, take his share elsewhere for sale, or even eat it. Payments to a sternman are made in the sternman's name. The boat owner keeps no record of sternmen's earnings. If the catch fails to materialize, the sternman may work a long, hard day for nothing.

The IRS was well aware of this system prior to its 1973 crackdown. Over the previous twenty years a small number of sternmen had been randomly audited, and so long as the sternman met his SECA obligations, the IRS seemed satisfied. In 1973 and 1974, however, the IRS conducted a mass audit of sternmen for the tax years 1971 and 1972. The IRS demanded that boat owners and sternmen make retroactive payments of the FICA tax. In addition, the IRS used the most intimidating tactics it could come up with, hoping to cow the sternmen into abject compliance.

Auditors seemingly had no consistent standards to enforce. Instead, they accepted or rejected the taxpayers evidence on whim. One auditor demanded information on tax years that were not subject to the audit. When the sternman, on his lawyers advice, refused to provide the information unless a formal request was made for an audit of that year, the IRS man threatened to disallow business expenses for the years being audited if the information was not supplied. Another fisherman had been billed for FICA arrears and was waiting until the last day to mail in the payment. Before that day came, he learned from his bank statement that the IRS, without notifying him in any way, had already gone into his bank account and confiscated what it wanted.

A man who spends his life on the stormy ocean working with lobsters is not the sort of man one pushes around with impunity. The Maine Lobstermen's Association determined to fight back. The result was a special provision in the Tax Reform Act of 1976 that exempted lobstermen from FICA liability. More importantly, the IRS campaign against the lobstermen alerted Congress to the new IRS policy. The conference report on the 1976 tax bill requested that the Joint Committee on Internal Revenue Taxation prepare a comprehensive study on the independent contractor problem. The conferees further requested that the IRS refrain from enforcing a new policy inconsistent with general audit policies for past tax years, until Congress could inject some badly needed certainty into the issue.

The IRS contemptuously refused to comply with this pointed congressional suggestion. As Representative Leon Panetta (D., Calif.), one of the champions of the independent contractors, stated in 1978: "The IRS has chosen to take it upon itself to reverse nearly thirty years of established judicial opinions and Treasury Department guidelines concluding that insurance agents, real-estate salespersons, beauticians, barbers, and others are in fact self-employed independent contractors. This attack was unexpected and contrary to the express directions of the Congress."

Over two centuries ago Adam Smith trenchantly stated the principle that, in order to be just, a tax system must be perfectly clear to the taxpayers. In a 1977 report on the independent-contractor problem, the General Accounting Office pointedly noted that "the laws defining who is an employee for tax purposes are uncertain, unclear, and subject to conflicting interpretations."

The Internal Revenue Code defines "employee" as "any individual who, under the usual common-law rules applicable in determining the employer/employee relationship, has the status of an employee." What this might mean with respect to a Vermont logger or a Maine lobsterman is, to put it mildly, open to question. To apply this nebulous standard, the IRS focuses on the power of one party to direct and control the activities of another. Twenty common-law "questions" have been compiled by the IRS to shed light on the extent of such control.

Among them are questions relating to the extent of integration of activities, methods of payment, furnishing of tools, grounds for dismissal, worker's liability for failure to complete the work, and opportunity of the worker to earn a profit or suffer a loss. The number and imprecision of the common-law rules have necessarily led to a wide divergence of interpretations by IRS agents, as well as by taxpayers, who are less skilled at this game. The breadth of the IRS's relentless search for revenues made certain that an equally broad constituency of angry taxpayers would urge Congress to take remedial action.

That constituency began to unite during the 95th Congress. A 13-industry coalition came into being, and a spate of bills was introduced to cope with the problem. The determination of the congressional sponsors was fortified—and their ranks enlarged—when the IRS again refused to stay the new policies with respect to loggers and insurance agents despite appeals from influential congressmen of both parties.

Senator Robert Dole (R., Kan.) took the lead in the Senate. Over the strenuous objections of the Treasury. Dole won a 14 to 1 indorsement of his IRS bill by the Senate Finance Committee in August of 1978. The Dole bill enjoined the IRS from changing its policy from what it had been at the end of 1975, and it mandated the recognition of independent-contractor status for persons who had been so treated in the past as a result of cases, revenue rulings, IRS audits, traditional industry practices, or the taxpayer's own long-standing practices. The Senate accepted the Dole proposal as an amendment to what became the Revenue Act of 1978.

Meanwhile, a coalition of Representatives led by Panetta and Richard Gephardt (D., Mo.) was pressing for similar House action. Under the strong pressure from Treasury to resist proposals like Dole's, the chairman of the House Ways and Means Committee, Al Ullman (D., Ore.), named a special task force, headed by Representative Charles Rangel (D., N.Y.), to report to the full committee.

The IRS appeared before the Rangel task force, guns blazing. It was uncompromisingly opposed to letting anyone off the hook for past liabilities. It demanded that any congressionally mandated suspension of current audits and collections extend only to January 1, 1979, just a few months away. In short, the IRS's goal was, at all costs, to hold the ground it had already won.

At first, the IRS appeared to have persuaded a bare majority of the seven-member task force of the wisdom of its arguments. But as deliberations continued, sentiment began to shift. A key ingredient in that shift was reference to the IRS's scornful disregard for the 1976 conference committee request. Members of the task force began to recognize that the IRS was mounting a direct challenge to the authority of Congress to make law. As the meetings proceeded, the IRS lost its narrow majority. Ultimately it lost the support of all seven task-force members.

The Rangel task force recommended an interim solution with two principal parts, quite similar to the provisions of the Dole amendment. One part was an amnesty for taxpayers who had been assessed retroactively for tax liabilities, provided they had some reasonable basis for claiming independent-contractor status. Three "safe-haven" conditions were set forth: a) judicial rulings, IRS technical advice, letter rulings, or published rulings supportive of the taxpayer's position; b) a past IRS audit which accepted the taxpayer's position; and c) the "long-standing recognized practice of a significant segment of the industry." The second part of the plan prohibited the Treasury from making any new rulings or regulations on the subject before 1980. It was expected that Congress would, in the intervening year, be able to define policy in this area.

The Rangel recommendations were enacted into law without serious objection. The only dissent came from Representative James A. Burke (D., Mass.), who, as chairman of the Ways and Means panel on Social Security financing, expressed alarm at the reduction of FICA payments into the slowly sinking Social Security fund.

As of early 1979, then, the issue was in a state of temporary suspension. Congress had enjoined the IRS from further implementation of its get-the-independent-contractor policy until 1980. Meanwhile, Congress had taken on the responsibility for producing a new law which could define the employer/employee relationship with the requisite degree of clarity and satisfactorily roll back the IRS attack on independent contractors.

On March 22, Gephardt introduced his bill (HR–3245), based on the recommendations of the 1977 GAO study. Gephardt's bill offers independent contractors a "safe harbor." If they can meet the five tests set forth, they qualify as independent contractors and not as employees. If they are unable to satisfy one or more of the five tests, then their status will be determined by application of the present common-law tests.

The first of Gephardt's tests is control of hours worked. If the worker is free to decide when, how long, and how hard he works, the test is met. The second point hinges on whether the worker provides his own place of business, or whether the place of business is determined or provided by the party for whom the work is done. The third test is a genuine risk of income fluctuation, and a risk that worker-owned assets (trucks, equipment, materials, tools, etc.) may sit idle when work is scarce. The fourth test requires a written work contract, including notice to the worker of his tax responsibilities as a self-employed person. Finally, the Gephardt bill requires that the person for whom the work is performed must file information returns on the relationship, to aid the IRS in enforcement. Senator Dole offered a companion measure (S–726) in the Senate three weeks later.

The IRS has remained adamantly opposed to the Gephardt-Dole initiative. Its position—aggressively presented to congressional committees throughout the summer of 1979—is clear: it demands a flat 10 per cent withholding of payments to purported independent contractors. These funds would in effect be held hostage to assure full payment of taxes in case the IRS determines that an employer/employee relationship exists.

In early September, the IRS bolstered its position by releasing a study claiming that anywhere from $75 to $100 billion goes untaxed each year, resulting in a tax loss of from $12.8 to $17.1 billion. Of this unreported taxable income, the IRS claims that from 39 to 44 per cent is due to under-reporting by self-employed persons operating as independent contractors. The IRS's figures (based on data for tax year 1976) show that self-employed persons have unreported income equal to 60 to 64 per cent of their reported income.

From the IRS's point of view, the issue is to collect money owed by citizens to the government, and to close off all loopholes which might allow a taxpayer to escape. The IRS is determined to enforce an employer/employee relationship in every case where it thinks it has a ghost of a chance of making its ruling stick. The IRS wants withholding—of income taxes, of FICA, of FUTA—for, without it, the IRS genuinely believes that America's voluntary system of taxpaying will eventually collapse.

The IRS may well be right, but the issue is broader than that. Voluntary compliance worked exceptionally well when government was limited, taxes were reasonable, and inflation was virtually unknown. Social Security payments were not a serious problem when the payroll tax was low and actuaries maintained conservative assumptions about future revenues and benefits. There is nothing the IRS can do to deal with these larger problems. If the American system of voluntary taxpayer compliance—for so long the wonder of the world—is to be salvaged before it's too late, it will require strong political leadership by the President and Congress.

Meanwhile, the IRS's determined pursuit of the independent contractor can, in and of itself, have severe negative repercussions on American society. For the small independent contractor and proprietor are the social and political backbone of the nation's commitment to a competitive free-enterprise economic system. These are the men and women who best exemplify the traditional entrepreneurial spirit on which the continued success of the American economic system must ultimately be based.

Independent contracting and small proprietorships are a vital entry point for those who will provide much of the forward motion of tomorrow's economy, and also much of the political strength of our society. Turn this class of men and women into employees, bereft of the independence they so cherish, and the long-range damage will be incalculable. Unless Americans are willing to accept the prospect of an exclusively corporate economy, where independent economic activity is considered a quaint and possibly dangerous relic of an earlier age, the battle with the independent contractor is one that Congress must cause the IRS to lose.●

## THE NATIONAL SECURITY GRAIN EMBARGO

● Mr. EXON. Mr. President, today great debates are being waged on many vital issues. Oftentimes a great deal of heat is generated but little light.

An important one, that has always concerned all of us here a great deal, is the health of American agriculture, and the survival of the greatest production unit ever created—the family-sized farm.

It would have been more convenient for all if the President had not felt it was necessary in the interests of national security to embargo the sale of 17 million metric tons of grain to the Soviet Union. The facts are that he has, and from the moment of that announcement, I have been working, and will continue to press in every way reasonable, to see that the administration keeps its commitment to see that farmers are not unfairly economically penalized because of the President's national security decision.

Let me emphasize clearly at the outset that we must not allow or expect the farmer to pay the economic price for the embargo action. My experience has been that farmers have been and are the most patriotic of Americans and can be counted upon to always do more than their share when Uncle Sam is in trouble. Likewise, farmers do not expect and it is not their nature to take advantage of a situation. They expect only a fair shake and a little understanding of their problems that sometimes is not as easy to come by as one would hope.

I am sure the Presidential step must have been a most difficult one for him. It is going to be much tougher on farmers unless the offsetting actions that have been taken materialize as planned to return stability to the grain markets. In the meantime, the gnashing of teeth, mean and morbid prophecies of doom and damnation, to say nothing of hand wringing, accomplish nothing except to provide further instability to grain prices that have had all the bad news they can stand for 1 month. I suspect that only the Chicago speculators are in a position to make a buck under present conditions.

Assuming we can, as we must, through proper Federal action, soon insulate the negative economic impact of the embargo, it seems to me that we have an opportunity, and an obligation, during this period of awakening, to objectively and realistically review our agricultural trade policies, especially with regard to the Soviet Union.

I have been actively pursuing changes in the attitude of several administrations with regard to what obviously has been our greatest international trade advantage—food production. In the past we have seen embargoes strictly to hold down domestic prices without ever a hint of Government help.

We owe the farmers a great deal. Without the contribution of America's food plant and its foreign sales of $32 billion for 1979, our trade deficit would have been $59 billion instead of $27 billion. As proud as those of us who are long and strong supporters of agriculture are of that significant $27 billion in foreign sales, and recognizing that by any standards it represents new records, we still must be sobered by the fact that a substantial portion of that total was distributed abroad at or below the cost of production. The international cheap food policy unfortunately still prevails.

It is clear then that food production is an important part of our economic might and certainly a "big stick" we carry which can and should be employed in our overall international planning, including national security when that security is threatened.

It is fully understandable that our farmers are frustrated and disillusioned by the embargo. Have they not been led to believe that they were involved in free trade? Had they not been promised no embargoes?

You will remember that only 60 days ago the administration announced elimination of the 1980 set-aside program on feed grains after earlier cancelling same on next year's wheat crop. We were assured of increasing export demands and the folly of "fence row-to-fence row" production was again the law of the land. It was predictable then what would follow the Carter administration's short-sighted nonprogram for the 1980 production. It came home to roost directly this week with an official announcement that grain prices may be down 20 percent for 1980. This drop was not because of the embargo but rather because of the lack of a program.

You remember it was this Senator who, before that decision was made, successfully sponsored on an emergency basis a unanimously passed Senate resolution urging continuation of a set-aside program. The administration brushed it aside and went whole hog for all-out production, again because of supposedly nearly unlimited export potential.

True, that was 60 days ago when some still felt the Russian Bear was tame enough to pet on the head with SALT II without the danger of losing an arm or leg or a country or two.

I believe that anyone who suggests that food cannot and should not be used as a "weapon" in international relations with a known international bully is selling America and our No. 1 economic asset, food production, short. A quick reference to our international trade totals proves this point.

I would sooner employ food as a weapon against the Soviet leadership as a first resort if it could possibly stave off sending American boys, with weapons, at a later date. Which comes first and dearest, the grain or the GI's?

Please understand, I am not saying war with the Soviet Union is imminent. God forbid. But for anyone who does not think the future holds such a real possibility, they had better get themselves a brand new U.S. Senate, House of Representatives, and at least one Presidential candidate other than those now mentioned in either party.

Why? Because the sitting Congress, the current President, and all the candidates for that office have joined in launching America on the greatest concentrated defense spending program in our history. We are not doing this for fun and games.

We do not need nuclear weapons to play tiddlywinks with the Soviet Union. We are in the depths of a deadly serious business. God help us all, Americans and Russians alike and mankind, if the trigger is pulled by miscalculation or a sense of superiority so that the Soviet leadership thinks they can "do their own thing."

I do not subscribe to "business as usual for bucks" with the Soviet leadership, I cite the following:

Our total defense expenditures for 1980 will be approximately $142 billion, which could be easily 30 percent less were it not for the direct Soviet threat.

This will be up at least $16 billion for fiscal 1981 to $158 billion.

It has been generally agreed that for the next 5 years we must increase defense expenditures further each year for the next 5 years on an average of 5 percent a year over and above inflation. If that inflation rate is figured at only 5 percent, which appears optimistically low now, we will certainly be reaching a minimum approximate expenditure of $225 billion by 1985; that is up nearly $83 billion or 58 percent in 5 years.

As frightening as all this is, should we continue to compound the same increased defense expenditures for 5 more years, as some suggest, we would reach approximately $360 billion by 1990, up $218 billion, or 155 percent from the 1980 base.

With these mammoth defense expenditure increases, necessary only because of the Soviet threat, what sound rationale is there to provide them cheap food simultaneously? The Russians are much shorter of food, in both the short and long term than they are on bullets. Our policy of humanitarily feeding them while spending billions upon billions to destroy them is ludicrous.

With these mammoth defense expenditure increases, does it not seem incredulous that some bemoan the fact that we "can't afford" to assess the taxpayer $3 billion to essentially insulate the farmer's pocketbook from the national defense grain embargo if it is in our national interests to do so? Let us compare that $3 billion with known specific defense outlays in the next 10 years.

To meet the Soviet challenge and in protection of our nuclear triad defense structure, namely our ground and air launch missiles under SAC, and our submarine launched ballistic missiles under the Navy, we are scheduled to spend at least $33 billion by 1990 on the MX missile, alone, half of it in the next 5 years, $5 billion by 1985 on the modification of the B-52 bomber to carry and equip SAC with the cruise missile. In addition, in the next 5 years, we will spend $11 billion for the Trident submarines and its missiles.

Mr. President, I will not bore you with further details of mammoth expenditures to meet the Soviet threat in the NATO area, in the Persian Gulf and elsewhere.

Is there a Soviet threat? You would not think so in listening to the false posturing of some in support of grain giveaways to them.

Between 1970 to 1978, the Soviets invested $104 billion more than the United States in military equipment and facilities and an additional $40 billion in research and development. The CIA says the Soviet Union is spending 10 to 13 percent of its GNP on defense as compared with our figure of a little over 5 percent.

Where goes America and the world? I do not know the answer for certain, but I do believe it is time we wake up. It is very humanitarian to talk about not using food as a weapon. It is also unrealistic double talk, in relation to these international bullies who lead the Soviet Union.

What does all that billions and billions of military hardware mean on both sides? Are we simply preparing for a rock 'em, sock 'em football game?

They are anxious to buy our farmers' food at bargain prices because they need it. I suggest that their plan for dominance and the ultimate threat by approximately 1985 cannot be successfully reached without our food. Do we continue to help them along the way? I think not.

What more signs do we need of their less than honorable intentions? Cuba, Central America, Africa, the Middle East, the Persian Gulf, and now the overt action in Afghanistan as the latest blow that should send us a message if none of the others did or could.

Far, far better I suggest, for us to employ our grain for gasohol at home, employ diversion payments, higher loan rates, reserves, and realistic Government-sponsored set-aside programs.

When they know the full story, I am sure the American farmer is not going to tie any substantial portion of their economic future to the whims of Soviets or serve their global designs. The Carter administration has at last decided that you cannot trust the Bear. I think we should not feed him either. I support the President in this endeavor and will, as one Senator, assist and insist that his economic guarantees to American farmers be kept. I earnestly believe others should do likewise.●

## SENATE CONCURRENT RESOLUTION 62—IRINA McCLELLAN

● Mr. DOLE. Mr. President, I am pleased to join my distinguished colleague from Indiana, Senator BAYH, in cosponsoring a resolution calling on the Soviet Union to permit the emigration of Irina Astakhova McClellan, the Soviet wife of an American citizen.

May 4 will mark the McClellan's 6th wedding anniversary. Like on previous anniversaries, they will celebrate this one in separation from one another, by edict of the Soviet authorities. Prof. Woodford McClellan married Irina Astakhova in 1974, while on an educational exchange visit to the U.S.S.R. There were indications that the Soviets would allow Irina to join her husband in the United States. This was not to be the case, in spite of numerous appeals and letters, many of which emanated from Congress, most of which I cosigned. Permission to emigrate has been repeatedly denied.

Over the past few weeks, we have witnessed the invasion of Afghanistan by Soviet forces. The New York Times and the Washington Post have provided us with extensive coverage of the events, enabling us to fully grasp the sense of anguish and of humiliation of the once proud people of Afghanistan. In Iran, the fate of the American hostages is still pending, as we continue to share the daily anxiety of their families. While receding from front page news, the situation in Indochina continues to unfold. In the face of the national tragedy that has befallen Afghanistan, in the face of the uncertainty that weighs over the hostages in Tehran, in the face of the plight of the Indochinese refugees, the particular case of one individual may appear to some almost frivolous, unworthy of our attention when so much tragedy is happening elsewhere. I do not share this belief.

Indeed, all the situations enumerated are part of the same international problem, and therefore each deserves to be singled out, and each merits our attention and efforts in equal amounts.

In signing the Helsinki accord in 1975, the Soviet Union agreed to abide by its provisions. Basket I of the accord states that—

> Participating states will refrain in their mutual relations, as well as in their international relations in general from the use of force against the territorial integrity or political independence of any state.

The provision contained in Basket I was clearly violated in Afghanistan, Similarly, the case of Irina McClellan is in violation of Basket III of the Final Act which declares that—

> In dealing with requests from couples from different participating states, once married, to enable them and the minor children of their marriage, to transfer their permanent residence to a state in which either one is normally a resident, the participating states will also apply the provisions accepted for family reunification.

Afghanistan—Irina McClellan—the hostages in Iran, are all links in the chain of erosion of international laws and international agreements that we are witnessing. I believe that without our continuing efforts and relentless insistence that laws and agreements between nations be respected, universal chaos can only escalate.

The respect of human rights is important enough a principle to be fought with equal vigor, whether the victim of human rights violation is an individual or an entire nation. On this point rests the case of Irina Astakhova McClellan.●

## BUSES AND ENERGY

● Mr. DURKIN. Mr. President, today I would like to voice my support for the invaluable service provided by the busing industry in America. In order to insure that this energy-saving service continues, I strongly urge that special rule 9, which guarantees an adequate gasoline allocation for the bus industry, be permanently adopted by the Department of Energy.

Buses should be promoted because buses are a safe, sensible, energy-saving means of public transportation. Last year, more people traveled by bus than by train or by plane. More communities are served by buses than any other mode of public transportation. And perhaps most important, in the face of undependable and diminishing oil and gas supplies, bus service offers by far the most economical and energy efficient form of intercity transportation.

Today our country is embattled in a bitter energy crisis. If we ever hope to achieve energy independence and regain economic prosperity, we must immediately begin to manage more carefully the limited resources now available to us, as well as expand our use of alternative energy resources such as wood, hydro, wind, and solar power. An integral part of the plan for energy efficiency is a balanced public transportation program, incorporating all forms of fuel efficient mass transit.

Long before energy efficiency was seen as sensible, or for that matter politically popular, the bus industry was promoting energy efficiency. Even operating at below half capacity, the intercity bus is clearly one of the most fuel efficient modes of public transportation. Additionally, the upfront cost for a bus is far below that of other mass transportation vehicles.

Buses also help people who can most use the help. Over 60 percent of all bus travelers have incomes below $10,000. Over 60 percent of all bus travelers are either older than 55 or younger than 18. And nearly a third of all bus passengers live in small communities or less populated areas. It is not the owners of the gigantic gas guzzlers who "go Greyhound," it is older Americans, working men and women, and our youth, who benefit most from safe, economical, and dependable bus service.

It is essential that we recognize and promote the energy and economic relief that buses bring to both New Hampshire's tourist industry and to hard-working individuals who seek to enjoy New England's splendor.

Last summer our tourism industry suffered tremendously. Crowded gas lines and empty gas tanks kept many drivers from enjoying their hard-earned vacations. Fortunately, for thousands of New Englanders, bus service rolled on, delivering many of our neighbors from summer's sweltering heat to the relaxing cool of the mountains, lakes, or seashore. In all likelihood, bus service will again prove to be the saving grace for next summer's tourist season in northern New England.

I am confident that we can and must work together to revitalize the bus industry and all forms of public transportation. The permanent adoption of Special Rule 9 is an important step in that direction. Today, we are at a crossroads in this country, deciding which path to follow on the way to a safe, self-sufficient energy future. It is high time we listen to the New England wisdom of Robert Frost and choose the road not taken—a road free from an expensive and dangerous dependence on OPEC oil. I think my Senate colleagues will agree with me that an energy independent America can make all the difference.●

## WHAT'S MISSING IN U.S. TRADE POLICY

● Mr. HEINZ. Mr. President, one of the most cogent brief discussions of U.S. trade policy that I have seen is contained in a speech former Ambassador and Deputy Special Trade Representative Alan Wolff delivered recently to the Business Economists Club of Cleveland.

Ambassador Wolff, who served as Bob Strauss' deputy, was instrumental in the successful conclusion of the multilateral trade negotiations and is widely regarded as a thoughtful, objective spokesman on trade policy issues. In his remarks Ambassador Wolff draws one very important lesson from our trade experience over the past 10 years that bears repeating. That is, the fact that floating exchange rates, by themselves, are not a solution to our trade problems. This is particularly true now as we witness the increasing growth of nontariff barriers to trade.

Perhaps the most important part of Ambassador Wolff's speech, however, is its conclusion, where he makes a persuasive case that we have to be for some things rather than simply against imports, or from another point of view, against protectionism. We need an industrial policy. We need to look ahead and plan, to provide assistance of various kinds to those industries with a comparative advantage that have a future in exporting. In short, while supporting the free market, we should at the same time understand fully where that market is taking us, and we should be prepared for that movement.

Mr. President, this is an incisive, thoughtful speech, which I urge all Senators to study. I ask that the text of it be printed in the Record.

The speech follows:

### What's Missing in U.S. Trade Policy

What is our current trade policy? It flows directly from the absence of a U.S. industrial policy. As a general rule, we do not consciously favor one industry over another. We do not see the role of government as foreseeing where our international competitive strengths lie and to support, say computers over handbags. We do not intervene at the border to protect either industry, nor do we attempt to stimulate or retard investment or production in either. We are also equally neutral with respect to foreign investment here or U.S. investment abroad, or with respect to producing for export or for domestic consumption.

In short, we are not mercantilists. We have a laissez faire policy, altered on a piecemeal basis by a series of other policies: in trade, acting against unfair or injurious trade practices (foreign dumping, subsidization or injurious disruption of our market), and more generally, creating a series of other unconscious mini-industrial policies (tax, antitrust, environmental, etc.). Each of these policies can have a substantial effect on trade.

To reinforce our overall laissez faire policy and ideology, we declare not only "hands-off" but "eves-closed" as well. Within the Government, there are few resources devoted to examining, much less predicting, what is happening in the various sectors of the economy. Thus decisions are taken on taxation of Americans abroad on grounds of equity, on antitrust questions on grounds of anti-trust policy, on export controls on grounds of foreign policy concerns, on environmental controls in terms of air quality, on agents' fees on standards of morality, on aviation policy on grounds of immediate consumer benefits, and so on. And to look at the whole picture of the cumulative impact on U.S. international policy not only cannot easily be done; it is not attempted.

What has changed to make continuing to proceed as we have in the past subject to question?

Over the next five years, the United States will pay OPEC $400 billion for oil (more, according to a recent newspaper article, than one-half the assets of all the companies whose stocks are traded on the New York stock exchange). Yet U.S. payments represent only about one-quarter of what the non-OPEC world will be paying OPEC.

I won't attempt to deal with all of the ramifications of that simple factual statement. But, beyond energy policy, which is the single largest challenge facing the United States, the time in which we have the luxury of closing our eyes to what is happening to our economy and its industries may be over.

Competitive patterns will shift, sector by sector, country by country. Where once our petrochemical plants had access to cheap feedstocks, now others will have extraordinarily cheap supplies and ours will be relatively expensive.

Slow economic growth, combined with global excess capacity in some industries causes capital recovery to be inadequate. According to press stories, a large portion of our steel industry may be liquidated absent a sharp increase in cash flow for new investment. The problems of our automotive industry are daily becoming more apparent.

While some problems are sectoral, others have a broader impact. Attempts to deal with inflation not only curb domestic demand but reduce our international competitiveness. Our banking system offers medium term credits at a 16 percent rate of interest to finance our exports while foreign official credits are available at 8 percent. Credit availability for our exports may also become a problem as reserve requirements are increased.

We are learning that the floating exchange rate system, which I would credit with getting us this far without even worse problems, is not a cure-all for trade problems—not by country, not by sector, and perhaps not even multilaterally.

Exchange rate changes operate in a microeconomic context only where goods are price sensitive and where government interference does not prevent competition. There is much that can be learned of interest in this regard from the trade issues that we have been discussing with Japan the last few years. With the appreciation of the yen, we found that the kinds of products that we sell to Japan concentrated in unprocessed agricultural and high technology goods were not all that price sensitive. Demand for Japanese exports to this country, for videotape recorders, small cars, mostly branded products, did not slacken either. In some areas progress was made despite imperfections in the market (e.g. the Japanese distribution system), in others such as telecommunications, market forces rarely operate at all. Yet within those constraints, the bilateral trade gap narrowed by $3 billion.

Now with the effects of the yen's sharp depreciation since October 31, 1978 there is renewed concern both in the U.S. and in Japan over the likelihood that the trend will move back toward bilateral (and perhaps global) surplus.

We are also witnessing what appears to be a slowdown in the rate of growth in U.S. industrial innovation and productivity, at a time when import competition, particularly in higher technology (and higher value-added) goods is increasing. We will see strong foreign competition soon in photocopiers, electronic computers, sophisticated machinery, and computers.

At the same time, competitive pressure will continue from the newly industrialized countries (NIC's) in consumer electronics, shoes, textiles, steel, etc.

The only analogy that seems appropriate to the magnitude of the current problems that we face are the economic problems of the 1930's. In 1930 this country shifted its trade policy and raised its tariff levels to an average of 60 percent in the Smoot-Hawly Tariff Act. If you picture what a 60 percent sales tax would do to economic activity in this country—a 60 percent tax on every good and service that changed hands—you know what a violent contraction in economic activity would take place. That's what we and others did to the world in 1930 with our trade policies. These policies did not necessarily begin the depression, but they did ensure that it would be longer and deeper and more widespread than it would otherwise have been.

So we cannot turn inward, as tempting as that might be. We know that the world is too interdependent to make that course of action possible. As far as U.S. trade policy is concerned, the basic direction cannot, in our own self-interest, change.

Nor, can we move to a system of central government industrial planning. I don't have enough faith in bureaucrats for that.

But what we can do is move away from our ideologically automatic response against analyzing the problems our industries face, and we can begin to make more broadly based judgments as to whether our policies are suitable.

We should move toward greater pragmatism. The decisions are going to be forced on us whether we like it or not. We can either meet each case as a crisis develops, in automobiles, steel, or chemicals, or look out ahead and make some judgments as to the policies we believe appropriate.

As part of the new pragmatism, we should spur new capital investment, and increased research and development, because our future depends upon it.

We should encourage foreign investment in this country in manufacturing industries.

We should temper our collection of single issue legislation with a broader view of impact on the economy as a whole and individual industries.

We should make sure that both our financial and trade policies foster continued economic growth in the developing countries, which are our markets.

We should, at a minimum, make sure that our exports are not disadvantaged by the cumulative impact of our policies and those of other governments. As a government and as a nation we should decide the degree of importance that we place on our international commercial interests, and decide whether we will take the steps necessary to enhance our international competitiveness.

We should be more pragmatic in our trade policies. Without yielding to protectionism, we should anticipate problems and act in advance to ameliorate them in the interests of both foreign exporters and our industries. Our current practice is to impose what are viewed from abroad as disruptive remedies long after our industries have suffered serious injury.

"Laissez faire" should remain our philosophy, and our practice, to the extent that we and others have not intervened in a way that requires some offsetting action. But when we fail to act, we have to recognize that we may be pursuing policies that may only serve to force greater intervention later.

In my view the Tokyo Round Agreements are a substantial step forward in continuing the process of freeing-up world trade from government intervention. For American agriculture, and industry, it is an opportunity to continue to expand United States exports and imports and to conduct trade under a system where fairness becomes more of the rule than the exception.

But we face serious problems in abundance, and we must regard them, as Bob Strauss would, as tremendous opportunities. I believe we can meet these challenges successfully, with a great deal of effort, and with the kind of cooperation between the private sector and the Government and the Executive Branch and Congress, that made economic and political history in the successful conclusion of the Tokyo Round Agreement.●

## CHARLES J. DELAURENTI: A RECORD OF SERVICE

● Mr. JACKSON. Mr. President, I wish to take this opportunity to draw the Senate's attention away from the matters of the day for a moment and to the outstanding record of an individual from the State of Washington.

He is Charles J. Delaurenti. "Charlie," as he is known by his many friends, began public service with election to the Renton City Council in 1942. Thereafter, he was reelected to the council each succeeding election until 1975 when he was elected mayor.

While Charlie's service to the community began with his council post, he was also a member of the Municipality of Metropolitan Seattle Council, the Puget Sound Council of Governments, chairman of the Joint Policy Committee of the King County housing and community development program and a member of the King-Snohomish Manpower Consortium.

When those activities were not keeping Charlie occupied he found time to be an active member of his church and also the Knights of Columbus, Lions, American Legion, Veterans of Foreign Wars, Elks, Eagles, Navy League, Italian Club and a Boy Scout counselor.

Mr. President, at a time when some Americans are saying they have no faith in our institutions or that their voices go unheard, it gives me a great deal of pride to point to the record of Charles J. Delaurenti.

Here is a man who cares deeply for people, and for his community and country. Charlie did not sit at home and bellyache about the way things were, rather he got out and tried to make things better. And, I believe, he succeeded. Renton is one of the finest communities in our State.

Local government is, Mr. President, a cornerstone of our democratic system, a system that cannot succeed without the active participation of its citizens. We must not forget that very basic principle nor fail to recognize those who give so unselfishly.

This year Charles Delaurenti retires as mayor. Upon his retirement from active city affairs, I commmend him for his participation and his service to the community.

I hope the example he set will serve as a standard for all Americans.●

## DISTRICT HEATING AND COGENERATION

● Mr. DURENBERGER. Mr. President, as some of my colleagues may recall, I introduced an amendment to the windfall profit tax, H.R. 3919, that would amend the Internal Revenue Code to allow tax-exempt bond financing for cogeneration investments. I am pleased to say that this amendment passed the Senate and may soon be considered by the Conference Committee on this tax bill. I am pleased because I believe that cogeneration is one of the most promising energy investments that can be made in our Nation today.

Currently, our central station electric powerplants have an average efficiency of 32.1 percent. Only one-third of the energy put into the production of electricity comes out in a usable form. The other two-thirds is vented into the atmosphere as waste heat. There are many technologies that can put this waste heat to work. Cogeneration is the simultaneous production of electricity and other forms of useful energy, like steam or process heat, in one industrial process. Cogeneration can double the efficiency of our electric powerplants and industrial boilers.

In other nations cogeneration technologies are already making a substantial contribution to energy supply. In West Germany 29 percent of all the energy produced is cogenerated. In Denmark and Sweden one-third of all the homes are heated by waste heat from refuse incinerators, industrial boilers and electric powerplants. In the Soviet Union, 70 percent of the urban heat demand and 54 percent of the total space and water heating is delivered by district heating.

District heating is not a new concept. Since World War II, 29 cities and towns in Minnesota have used district heating. Its primary application has been for space heating downtown buildings, but there are two cities where most of the homes are also heated from central powerplants. In most cases these district heating loads have been met with waste heat from municipally owned electric generation facilities.

Over the years many of the Minnesota systems have fallen into disrepair. In fact, 15 of the original 29 systems have closed down because of high maintenance costs and the availability of cheap energy from other sources. But as energy prices have risen over the past few years, those towns and cities that still have operating plants have made considerable effort to save them. And other Minnesota cities have shown interest in building new systems. St. Paul, our capitol city, has a grant from the Department of Energy to study a large system for that city which would use waste heat from an electric plant.

Jim Parsons of the Minneapolis Tribune did a thorough study of district heating in Minnesota and recently published an article which reports the status of district heating plants in several cities. This article presents the advantages of district heating and also some of the financial problems that a small town faces as it develops a district heating project. I hope my colleagues would find this article useful in their consideration of Federal support for local energy initiatives including district heating and ask that it be printed in the Record.

The article follows:

### Worthington Blows Off Steam Heating System

(By Jim Parsons)

Ray Harchanko claims he is just a "little nickel-dime operator." Works six days a week, usually 9 or 10 hours a day. Before Christmas he was punchy from 12- and 13-hour days.

Sometimes Harchanko dreams of chucking it all. "Just might try something different. You know how it is when you're 46," he said with a smile, "male menopause."

He speaks with ardor about closing the doors of his drugstore and taking off with his wife on a long, meandering trip through Florida or some other equally warm place.

The idea is so inviting that he would almost welcome a good excuse to do it. And he may have it. They're planning to cut off the heat in his store.

Indeed, the city may cut off the heat in all the downtown Worthington stores. And in the elementary school, two churches, the YMCA, a private school, several apartment buildings and a lot of other buildings.

The city probably is going to have to get out of the heating business. The municipal power plant suffers from pollution and old age. It has been supplying electricity for about 70 years and, as a side benefit, also supplying cheap steam heat to much of the downtown area.

The anticipated demise of the plant is painful for those who are worried about fuel consumption, especially fuel oil. Getting two products, electricity and heat, from one fuel "burn" has an obvious advantage because, in theory, it saves fuel.

The advantage is so obvious, in fact, that 250 miles to the north, Moorhead, Minn., is spending about $400,000 to study the possibility of putting in a "district heating" system akin to the one that may be discarded in Worthington.

Moorhead planners are so enthusiastic that they hope that work will be under way next year on a system that would eventually cost $10 million to $12 million.

What is happening in Moorhead is well known up and down Worthington's main street, and it brings many plaintive cries. "With the fuel situation the way it is, it seems crazy to just dump our system now," said Roger Rohrer, who runs the Ben Franklin store.

He and others are going to have to plunk down thousands of dollars for furnaces and then have to pay much higher heating bills every month than they now do. Dick Rickbeil figures it will cost $50,000 to put in heating units in the five stores he owns and runs with his father.

The YMCA, which has a heated swimming pool, expects its tab to be about $75,000 and "possibly as high as $100,000 when all is said and done," according to Director Bill Simpson.

Ray Harchanko, the pharmacist, has a rough estimate of about $10,000 for a heating system. He doesn't "expect people to shed too many tears for businessmen who have to buy a furnace," but it does come at a bad time.

The downtown stores have to compete with the new, large shopping center north of town. Many of the stores are old and poorly insulated. Two or three on the main street sit vacant, waiting for tenants.

Main street isn't about to die, however. Sales were good during Christmas and no one is thinking about closing even if the heating system goes.

No one, that is, except Harchanko, and he admits that the $10,000 expense and the higher monthly heating bills wouldn't be the main reason for closing. His "nickel-dime operation" has made enough for him to invest in real estate. He said the income from those investments gives him "a cushion" in the event he decides to get out of the drugstore and into something less demanding.

Harchanko and the other businessmen aren't the only ones who would hate to see the steam heat go. So would the Minnesota Energy Agency and its district heating specialist, Ron Sundberg.

Because they will save on fuel, Sundberg wants more district systems. So far the opposite has been happening. In the last 15 years, 15 communities in Minnesota have abandoned district plants. Worthington and two other cities, Owatonna and Mountain Iron, are thinking about closing.

Sundberg is trying to get enough money for a small-scale study of the three systems. He hopes it will come up with some options for the communities and give a reprieve to the aging plants and their piping networks, which carry the steam. The "distribution" networks are afflicted with hardening of the arteries.

Sundberg also hopes that the 15 systems still operated by cities in the state will be able to continue operating, and that new systems, such as the one planned in Moorhead, will be economically feasible.

Economics played the major role in killing most of the defunct systems, according to Mary Williams, who recently made a survey of district heating in the state.

She is a staff member of the Minnesota Project, a privately financed group that studies issues and problems confronting communities in the state.

Most of the district systems were put in 60 to 70 years ago. Municipal power companies producing electricity decided to use the "waste steam" rather than turning it loose in the air or into rivers and lakes through the plants' cooling systems.

That waste steam is extracted from the generating turbines by special equipment. The steam is then piped to nearby buildings. The extraction reduces the efficiency of the turbine somewhat. Consequently, it takes more fuel to produce the electricity—about 33 percent more. Despite that, the total amount of fuel needed is less than if individual furnaces were used.

That makes district heating a winner in the present energy crunch.

Many of the individual systems became losers, however, because millions of dollars are needed to update and properly maintain the generating equipment and the distribution pipes. In addition, many municipal plants can now buy electricity generated at huge plants more cheaply than they can make it in their small, less efficient plants.

That is one of the reasons why Alexandria, Minn., abandoned its system, and it is also a factor in Worthington's situation, according to Mary Williams.

A related problem is the rising cost of fuel for generating electricity. Fuel oil prices have risen sharply and there is no end in sight. That is one of the main reasons why the two colleges in Moorhead are interested in district heating.

Concordia College and Moorhead State University heat primarily with fuel oil and have given some thought to converting to coal. (Coal prices have risen sharply, too, but are still cheaper than oil, and the coal is close at hand instead of in the Middle East.) Converting to coal would be extremely expensive. It would cost perhaps as much as $5 million for Moorhead State alone, according to Dennis Mathiason, a physics professor who is on leave from the school to be manager of the Moorhead project.

Mathiason thinks using Moorhead's coal-fired generating plant to produce heat as well as electricity is the best solution for the colleges and, eventually, for the downtown area as well as other parts of the city.

He believes that the price of the heat would be cheaper than oil and competitive with other fuels such as gas. And the total amount of fuel needed for heating and making electricity would be significantly less.

However, the price will be high for altering the power plant, putting in the network of pipes and then converting each building to the new system. The estimate of $10 million to $12 million for the three-stage project might prove to be conservative.

The first stage, altering the plant and providing heat for the schools, is expected to cost $5 million to $6 million. Mathiason is counting on the federal government making a handsome contribution. The feds are encouraging increased fuel efficiency and reduction in the reliance on oil. The Legislature is expected to help, too, because Moorhead State would benefit and it is a state school.

That probably won't be enough, however, and the city of Moorhead will have to contribute, too. That means a bond issue. And that could be a sticky wicket, politically speaking, because it means asking homeowners, who have their own furnaces and fuel bills, to help pay for a system that won't directly benefit them.

"We've got a heck of a selling job to do. We are well aware of that," said Mathiason. "Actually, it will benefit everyone because having the colleges in Moorhead benefits everyone. And when you think about it in terms of the big picture, that is really true for the downtown area, too. We all have to shop and we all want nice stores to go to when we do shop."

Mathiason believes that eventually much of the town's residential areas could plug into the district heating. In the past, that usually hasn't been feasible for economic and technical reasons. It cost too much to put pipes into homes which used relatively small amounts of heat. (Hibbing and Virginia, Minn., are exceptions to that rule. They have residential district heating, but their systems were put in when low-cost natural gas wasn't available on the Iron Range.)

The technical problem stems from the fact that steam cannot be "pushed" very far through pipes.

Mathiason thinks the cost of putting pipes into homes may eventually start looking better and better to homeowners. "We don't know where this heating situation is going. We aren't sure about our sources of oil anymore. We don't know how much it (oil) will cost. We can't be sure about (natural) gas either. They tell us now there is plenty (of gas), but a couple of years ago it was in short supply and prices shot way up.

"There are many ifs involved, and the more I learn about it, the better district heating looks."

Others agree. Northern States Power Co. is looking into the feasibility of putting in district heat in downtown Red Wing, Minn. Fergus Falls, Minn., is studying it too, as is Minneapolis. Last fall St. Paul got $7 million in federal funds to plan a district heating project for part of the downtown area. Construction on that system might begin next year.

District heating, which is used widely in metropolitan areas in Europe and the Soviet Union, may be the way to go.

Except in Worthington. And other small towns where it was the way to go 70 years ago and is now just about gone.●

---

## POOR PEOPLE'S ENERGY PLAN

● Mr. DURKIN. Mr. President, many plans have been offered to curb our Nation's very serious energy crisis. One, in particular, demands special recognition. The proposal by the National Center for Appropriate Technology outlines an energy plan which would yield tremendous fuel savings—savings equivalent to those projected in the administration's costly synthetic fuels program.

The NCAT proposal will also benefit the Nation's low-income families by reducing their energy costs and improving their energy self-sufficiency. There are over a million low-income families in New Hampshire and New England that cannot afford today's sky-high energy costs. Our energy-fueled inflation promises even more outrageous prices in the future, which will further increase the number of people snowed under by high energy bills.

To combat these escalating costs and tackle runaway inflation, the NCAT plan proposes to provide direct aid to help families immediately, as well as to increase the energy efficiency in their homes, which will help to secure an affordable energy future.

Major components of the proposal are:

Weatherization of 16 million low-income homes, especially in areas such as New Hampshire, which are dependent on costly imported home heating oil, kerosene, propane, and electricity;

National programs to install solar heating systems in low-income residences and housing projects;

Retrofitting older automobiles to improve gas mileage; and

Several plans to increase community food production in low-income areas.

I heartily endorse this plan, which would lift the burden of excessive energy cost from the shoulders of those who are hit hardest. I ask that the following article explaining the NCAT proposal in greater detail be printed in the Record in its entirety.

The article follows:

### Poor People's Energy Plan

A national energy plan that could yield approximately as much energy as would be produced under President Carter's synthetic fuels program—and begin to achieve that savings before a single synfuels plant starts producing—has been proposed by researchers at the National Center for Appropriate Technology (NCAT).

Perhaps the most remarkable feature of the NCAT plan is that these huge energy savings, the equivalent of 1.7 million barrels of oil per day, would be achieved solely through programs directed at making low-income people more energy self-reliant.

Poor people, according to the plan, would be on the cutting edge of social and technological change by helping demonstrate the effectiveness of massive energy conservation and renewable energy utilization technologies.

"If this much can be achieved by the low-income sector, the sector that uses the least energy per capita, the potential for a renewable energy future will be demonstrated for all Americans," concludes John McBride, Deputy Director for Policy and Technology at NCAT and principal author of the proposed energy plan.

Energy savings of the "poor people's energy plan" would not be achieved by forcing low-income consumers to make do with less, nor by setting prohibitively high prices. Rather, the savings would accrue from accelerated energy conservation work on low-income homes, installation of solar heating systems, construction of energy-efficient public housing, refitting and improving the gas mileage of older cars, production of alcohol fuels, and use of greenhouses, community agriculture and alternative food marketing systems in low-income areas.

Despite the substantial overall energy savings it might achieve, the principal goal of the NCAT plan is to increase the self-reliance of low-income people, to blunt the impact of high costs and diminishing supplies of energy, and, at the same time, to alleviate some of the basic problems of poverty.

The NCAT proposals notes that, although President Carter called conservation the "cornerstone" of his national energy policy in 1977, priority has instead been given to an $88-billion, 10-year synthetic fuels development program, including a proposed Presidential commission to expedite it.

"Why are there no multi-billion-dollar conservation and renewable energy programs and a Presidential commission with the authority to clear roadblocks in the path of conservation and renewable energy development?" the NCAT report asks.

The "poor people's energy plan" proposed by NCAT calls for a major Federal program that both attacks the devastating energy problems of poor people and demonstrates the promise of renewable energy and conservation.

"America is presently engaged in a critical debate over how best to meet the energy crisis," said Edwin C. Kepler, NCAT executive director, in releasing the proposal. "We believe the alternatives highlighted in our proposal are not getting the attention they deserve, and that's why we have issued this study."

Key aspects of the proposal are:

(1.) A short-term program of "crisis intervention" payments to help low-income people pay their energy bills, which would be phased out in future years as the energy load is picked up by conservation and renewable energy and fuel/utility bills are reduced to manageable levels.

"Without emergency assistance in cold-climate areas, low-income people who cannot pay their fuel bills will quite literally freeze," the report states. "But . . . a dollar spent for low-income emergency assistance pays for a quantity of fuel which is burned and temporarily keeps a poor person warm. It is used once; it cannot be recovered or used again. A dollar spent for conservation or solar energy, conversely, continues to supply new energy, day after day and year after year."

The plan recommends boosting President Carter's low-income energy assistance program from $1.3 billion to $3.2 billion this year, and changing its income-eligibility standards so that the program can be opened to more households.

(2.) A massive program to "weatherize" 16 million low-income homes—one-fifth of the nation's housing stock—over five years, including substantial liberalization of spending limits and restrictions to permit optimal energy conservation measures to be taken for each home and apartment.

The program, aimed at reducing energy consumption of each residence by 50 percent or more, would be directed first toward areas where it is needed most—cold climate regions such as the Northeast, where scarce and expensive fuel oil is a common source of heating fuel.

(3.) A national program, designed as a follow-up to the weatherization program, to install solar space and water-heating systems on low-income residences. Cost-effective solar and energy conservation measures also would be made mandatory in all new public housing projects.

(4.) Programs for "recycling" old automobiles, not only to make them more fuel-efficient but also to conserve the energy used in manufacturing them by greatly extending their useful life. In addition, two to three million vehicles per year would be retrofitted to increase their fuel efficiency by at least 20 percent. Major development programs would be undertaken in both gasoline/alcohol blends (gasohol) and pure-alcohol motor fuels.

(5.) Three major programs aimed at supplementing the food supplies and increasing the self-reliance of low-income people would be undertaken: Installing solar-reliant greenhouses; encouraging establishment of local community gardens; and decentralizing food production and distribution systems through establishment of local consumer, and/or producer-operated cooperative food marketing systems.

"The poor use less energy than the rest of us and pay a greater proportion of their income for it," says McBride, noting that low-income people in cold climates commonly pay 30–40 percent of their incomes for fuel and utilities, while middle-income consumers in the same regions spend only about 7–10 percent. Yet, he says, the poor and near-poor use far less energy per capita than do more affluent segments of society.

And, the report states that the cost of energy-intensive necessities like food and transportation pose equally distressing problems for the poor. Escalating food prices dictated by mechanized food production, processing and distribution systems, as well as the appetites of gas-guzzling older cars they can afford, place low-income people at ever-greater economic disadvantage.

The NCAT energy plan analyzes three different approaches to alleviate energy problems of the poor: Subsidy programs to help consumers pay energy bills; further development of large-scale energy technologies in hopes of lowering costs; and transfer of small-scale technologies that increase self-sufficiency of low-income people.

The alternative favored by the synfuels program, developing large-scale technologies, is rejected in part on the basis of history. "It is often the case that new energy technologies become more expensive rather than less so as they are developed and brought into the commercial marketplace," notes McBride, citing the example of nuclear power's early promise of electricity "too cheap to meter".

"For poor people this means the prospect of fuel bills that will increase in the future as rapidly as they have in the past few years, and poor people's food bills, which are inextricably linked to energy costs, will reflect the same upward trend", the report states.

"A transition to renewable-energy-based society is inevitable. The time for this inevitable transition is now, while it can be rationally planned and while fossil fuels are still available to bridge the transition, not at some time in the future when many currently available options have been foreclosed," argues the NCAT proposal.

The National Center for Appropriate Technology, established in 1976, is funded by a $3.7 million grant from the U.S. Community Services Administration to develop and apply small-scale, low-cost technologies that alleviate energy and related economic problems of the poor.

The Center's research and development, small grants, information and administration headquarters are located in Butte, Montana, and NCAT offices are maintained in Washington, D.C., as well as in each of the 10 federal regions.

The complete text of the NCAT proposal, "Energy and the Poor: An Imperative for Action", can be obtained by writing to John McBride, Deputy Director for Policy and Technology, The National Center for Appropriate Technology, P.O. Box 3838, Butte, MT., 59701.●

---

## TECHNOLOGICAL ADVANCES IN COKE PRODUCTION

● Mr. HEINZ. Mr. President, the deluge of steel-plant closings announced this week highlight the need for legislative action to revive our ailing national steel industry. Ideally, such legislative action should not attempt merely to stabilize the industry in its present state; rather, it should attempt to stimulate the industry to streamline and modernize its facilities. It should encourage the development and application of technological innovations. Only by so doing will our steel industry be able to keep pace, on its own resources, with foreign competition.

One such technological innovation of great promise for steel-making is the formed coke or "formcoke" process, which produces a more efficient and environmentally sound fuel for blast furnaces. Formcoke is made from coals that are heat-treated in special ways, bound together, and formed into briquettes or pellets of uniform size and shape. The uniformity of formcoke permits greater productivity and energy-efficiency in steelmaking: A significantly greater amount of steel can be produced with a ton of formcoke than with ordinary coke. There are numerous other advantages to formcoke over the ordinary coke now employed throughout the world. Less energy is required to produce formcoke. It can be made from inferior-grade coals unsuitable for any other purposes. Consequently, it can employ easily obtainable coals that would otherwise be useless. Coal mines thought to be "mined out" could be put back to work—along with the miners formerly employed in them. Most important, the formcoke production process is inherently environmentally sound: It is a continuous and closed process that nowhere permits pollutants to escape to the air.

I am pleased to say that the development of formcoke has been well underway in this country for years, and that Congress has already initiated action to help it along. Congress approved an appropriation for fiscal year 1980 of $5.8 million to support a formcoke demonstration project to be conducted by Inland Steel Co. and $1.5 million to continue the operation of a pilot plant constructed by Formcoke Associates (a steel industry group). These projects give every indication of yielding an economically advantageous product that will bear out its promise.

We can expect the formcoke process, therefore, to find a welcome place in our Nation's steel industry. But the steel industry is now desperately short of the capital required to renovate its aging and deteriorating coke production facilities, let alone make room for their future replacement by facilities for the production of formcoke. This technological advance could very well be left unused in this country while seized upon abroad. Fortunately the Senate has had the foresight to begin action on this problem. On Monday, November 26, it approved my amendment to the Windfall Profit Tax Act that makes coke-ovens eligible for the Alternative Energy Property Investment Tax Credit enacted last year. If this amendment is retained in conference with the House and passed into law, it will significantly expedite the steel industry's long-term planning and improve its rate of coke-oven rehabilitation. It is the kind of legislation needed to prompt this industry to rebuild its facilities and equip them with the most advanced technology. The result will be a more competitive and environmentally sound industry.●

---

## RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President in accordance with the provisions of section 133B of the Legislative Reorganization Act of 1946, as amended, I submit for printing in the RECORD the rules of the Committee on Energy and Natural Resources.

The rules follow:

### RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

#### GENERAL RULES

Rule 1. The Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Acts are applicable to the Committee on Energy and Natural Resources and as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

#### MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

#### OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

#### HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is non-controversial or that special circumstances require expedited procedures and a majority of the Committee or Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

#### BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

#### QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), six Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless ten Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

#### VOTING

Rule 7. (a) A roll call of the Members shall be taken upon the request of any Member. Any member who does not vote on any roll call at the time the roll is called, may vote (in person or by proxy) on that roll call at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any member who did not vote on any roll call shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

#### SUBCOMMITTEES

Rule 8. (a) The number of members assigned to each Subcommittee and the division between majority and minority members shall be fixed by the Chairman in consultation with the ranking minority member.

(b) Assignment of members to subcommittees shall, insofar as possible, reflect the preferences of the members. No member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments, to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

#### SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

#### CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

#### DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

#### BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

#### AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.●

---

## AFFIRMATIVE ACTION VERSUS EQUAL PROTECTION—VIII

● Mr. HATCH. Mr. President, as I have said before, there are examples of distinguished liberals who have remained true to the original philosophy of the civil rights movement, and who have spoken out against its perversion by the proponents of quotas under euphemism of "affirmative action."

Dr. Carl Cohen is professor of philosophy at the University of Michigan in Ann Arbor. He has written widely noticed books—"Democracy", and "Civil Disobedience." He has been a member of the board of directors of the American Civil Liberties Union.

In June 1979, Dr. Cohen published in Commentary magazine—which once again is demonstrating its prescience by taking an interest in a taboo issue—an incisive attack upon the contemporary drift of opinion. It is perfectly summarized by its title: "Why Race Preference Is Illegal and Immoral."

I recommend this article to my colleagues. I would like to draw particular attention to subsections (II) and (III), which demolish all attempts to detract from the literal wording and purpose of the Civil Rights Act in prohibiting racial discrimination. This was exactly the escape route that the majority of the Supreme Court took in Weber, to their considerable shame.

I ask that Dr. Cohen's article be printed in the RECORD.

The article follows:

### WHY RACIAL PREFERENCE IS ILLEGAL AND IMMORAL

The role of race in assuring social justice is again squarely before the Supreme Court in a case whose full and revealing name is: *Kaiser Aluminum & Chemical Corporation and United Steelworkers of America, AFL–CIO*, v. *Brian F. Weber, individually and on behalf of all other persons similarly situated.*

Weber, a white unskilled steelworker, is Bakke's analogue. The Steelworkers Union and Kaiser Aluminum are not the only forces against him. The United Auto Workers and the United Mine Workers, the National Education Association, the Coalition of Black Trade Unionists, and assorted other unions are against him. The American Civil Liberties Union is against him. Even the United States government is formally aligned against him. On Weber's side is the Anti-Defamation League of B'nai B'rith (with some associated non-Jewish ethnic groups) and, according to repeated surveys, an overwhelming majority of the American population, including a majority of the black population.

But the issues at stake here, touching the most fundamental rights of individual persons, are not to be decided by counting noses. The chief things going for Weber are the Fourteenth Amendment of the U.S. Constitution, the Civil Rights Act of 1964 as amended, and sound moral principles. Thrice is he armed who hath his quarrel just.

Weber has thus far been victorious, both in the Federal District Court, and in the Federal Court of Appeals (5th Circuit, New Orleans). His formidable opponents find it difficult to overcome the plain words of the law applied straightforwardly to the established facts of his case. The law (Title VII of the Civil Rights Act, Sec. 703) forbids flatly all discrimination in employment because of race.* Beyond any possible doubt (as we shall see) Weber was discriminated against by his employer, and classified by his employer, and had his status as an employee adversely affected because of his race. That the employment practice through which this was done is a violation of this federal law is an ineluctable conclusion of any rational mind.

Is it not remarkable, then, that unions, industry, and government should now join in the effort to persuade the Supreme Court to evade this conclusion? Weber's opponents are neither foolish nor evil. They seek, somehow, to surmount the barriers to racially discriminatory treatment in order to achieve objectives they think good. Reflection upon this case will oblige the Supreme Court—and all citizens who would reach thoughtful judgment on these issues—to reconsider those objectives, and to appraise the means by which they have been pursued.

The *Bakke* case, and the *DeFunis* case before it, dealt with racially discriminatory practices in professional-school admissions—a matter for which the middle classes have, rightly, a tender concern. *Weber* deals with racial discrimination in bluecollar employment. The injury done Brian Weber was at least as great as that done Allan Bakke, and the class Weber formally represents is very much larger, if less articulate, than that directly affected by racially preferential school admissions. It is disturbing, therefore, that the voices raised in behalf of Weber's rights, and the rights of literally millions of individual citizens in like circumstances are so painfully few. Silence now from quarters that were outspoken in opposition to racial preference in higher education may lead some to infer that self-interest more than justice was what motivated that earlier concern.

In both spheres—school admissions and industrial employment—the same issues arise: in the situation of scarce goods, may one's race count in one's favor: If ever, when? In *Bakke* a racially preferential admission system at the University of California Medical School at Davis was struck down, but attention to race in the admissions process was there held permissible within certain very narrow limits: to advance the diversity of an entering class, or to remedy the condition of specific persons who had been discriminated against by the school using the racial instrument. *Weber* is in many important respects different. Here the factor of diversity does not enter; here matters pertaining to intellectual qualifications are replaced by matters pertaining to seniority. Here the stakes are greater and the underlying moral issues are presented more cleanly.

### I

This is what happened. Kaiser (Kaiser Aluminum & Chemical Corporation) and the union (United Steelworkers of America, AFL-CIO) sought to increase the number of minority workers in the skilled crafts at Kaiser's Grammercy, Louisiana, plant. To this end, in a 1974 collective-bargaining agreement, they changed the system whereby employees would enter on-the-job training for craft positions. Prior craft experience was eliminated as a requirement, and entrance ratios, by race, were established for acceptance in the job-training program. For each white worker admitted one minority worker would be admitted, until the percentage of minority craft workers in the Grammercy plant roughly approximated the percentage of the minority population in the surrounding area, then about 40 percent. Dual seniority lists were established, one black and one white, and each two vacancies filled with the persons at the top of the two racially distinct lists.

It was an inevitable result of this system that some employees would be favored because of their race, and some would be injured because of theirs. Brian Weber was refused admission to the job-training program although his seniority was higher than some employees from the other racial list who were admitted. Weber sued on his own behalf and on behalf of all non-minority employees who applied for on-the-job training at the Grammercy plant after that labor agreement was signed. A racially preferential scheme for allocating on-the-job training opportunities, he argues, is a clear violation of the Federal Civil Rights Act.

One portion of Title VII of that Act deals explicitly with on-the-job training programs. That portion (subsection (d) of Sec. 703) reads as follows:

It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, *including on-the-job training programs*, to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training [42 U.S. Codes 2000e–2(d) (1970); emphasis added].

Was it prescience that caused the Congress to formulate this ban with language so precisely and indubitably covering the case at hand? Not at all. Title VII had as its purpose the elimination of all ethnic favoritism in employment; there had been, at the time of its adoption, plenty of experience of the ways in which racial prejudice can be given effect—one of the commonest being in job-training programs. In that form as in all forms, said the Congress in effect, racial discrimination in employment is no longer permissible.

How can Kaiser and the union (and the U.S. Department of Justice) reasonably argue that such a scheme is indeed lawful or fair? They contend that the law, properly interpreted, does not forbid this variety of racial preference, which they think justified by our history of discrimination. They contend that if the pursuit of pressing social objectives now imposes incidental costs on individuals, Weber and his like are the right persons to bear those costs. They contend that they were ordered, by the U.S. government, to introduce racial preference of precisely this kind. And they contend that Weber wasn't really injured by this program at all. I examine these arguments in turn.

### II

"Kaiser and the union [the first argument begins] reached an agreement that was fully in accord with the spirit of Title VII. Theirs was a voluntary effort to bring a greater number of minority workers into the skilled crafts. Congress never intended to forbid such voluntary efforts. If now the product of such agreements, reached through collective bargaining, is struck down, the cause of racial justice will have been dealt a devastating blow.

"We must [this argument continues] permit management and labor to join, as in this case, to correct a racially unbalanced situation flowing from the historical and social realities of American life. Blacks have been discriminated against, cruelly and consistently, by industry and by unions. Now an effort is being made to give redress. It is an ironic inversion of the Civil Rights Act to use that Act to forbid the only instruments that may effectively achieve its own intended result.

---

* Subsection (a) of Sec. 703 reads:

"It shall be an unlawful employment practice for an employer—

"(1) to fail or refuse to hire or discharge any individual, or otherwise to discriminate against any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

"(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin" 42 U.S. Code 2000e–2(a) (1970).

"It is true [the argument proceeds] that Title VII specifies that preferential treatment of racial minorities is not required [Section 703 (j)]. But that is not to say it is forbidden. When its aim is precisely that of the Act itself, it must not be forbidden. Weber relies upon the narrowest construction of the words and misses—inadvertently or deliberately—the remedial spirit of the law and of the Kaiser program here in question."

The main pillar of Weber's opposition comes to this: "If the Court agrees that racial quotas such as this one are discriminatory, we will be kept from doing what many of us think it is necessary to do, and do quickly, in the interest of long-term justice. Let it be understood, therfore [the argument concludes], that this quota, although it does of course distinguish by race, and does, admittedly, give favor by race, does not 'discriminate' by race in the bad sense that the law condemns. When we come to realize that some plans for racial balance, while they may have adverse effects upon some white workers, are nevertheless justified by pressing societal needs, we will also see what interpretation of the law is required by justice."

To put the argument plainly is to see both its earnestness and its frailty. The requirements of the Civil Rights Act, which in turn were intended to give concrete meaning to the constitutional demand that no citizen be denied the equal protection of the laws, were aimed at bringing to a final halt all formal discrimination on the basis of race—and color, religion, sex, and national origin. It certainly was not intended, and it obviously was not formulated, to forbid only such racial discrimination as employers and unions thought objectionable, while permitting any racially discriminatory schemes that employers and unions might by agreement find worthy or convenient. What the employer and the union happen to prefer, whether their motives be honorable or crass, has absolutely no weight, says the law in effect, against the *right* of each individual citizen to be dealt with, in matters pertaining to employment, without regard to race, religion, or national origin.

### III

"But that cannot be the correct interpretation of the law," answer Kaiser and the union in chorus, "because the Supreme Court has several times, in the years since, recognized the lawfulness and wisdom of racially preferential employment schemes. Indeed, our federal courts have *ordered* the imposition of such racial preference in some cases! So it is clearly false that *all* racial preference has been forbidden. If that is so, then it is not obviously true that *this* scheme for racial preference has been forbidden."

This rejoinder brings us to the core, legal and moral, of the controversy in *Weber*. What kind of attention to race does the Civil Rights Act (and, indirectly, the Constitution) permit? And what should it permit? In the *Bakke* case, this question was complicated by the entry of First Amendment considerations pertaining to the robust exchange of ideas in the classroom; the holding in *Bakke* was tangled by the fact that Justice Powell's pivotal opinion, although condemning racial favoritism, permits attention to race to advance diversity among an entering school class. Here, in *Weber*, such First Amendment considerations are totally absent. What, if anything, remains to justify race-conscious employment practices?

There is a clear and honorable answer to this question, given forcefully by federal courts at every level. Title VII of the Civil Rights Act forbids all deliberate discrimination by race, save only in cases where racial classification is absolutely essential to give redress to *identifiable persons* injured by racial discrimination *and where the injury done them was done by the same party upon whom the numerical programs is imposed.* One purpose only may justify numerical schemes using racial categories: the *making whole* of those to whom redress for racial injury is specifically owed, by those who owe it.

For example: the known victims of racial discrimination by a trucking company have been held entitled, as a remedy, to a place in the seniority lists of that company that would have been theirs if they had not been so victimized. To put them now in as good a place as they would have been in but for the discriminatory employment practice from which they can be shown to have suffered, it may be necessary to attend to race. Only in that way can the victims be made whole; they would otherwise remain subordinate to persons who, had it not been for racial discrimination in that company, would now be their subordinates. (See *Franks* v. *Bowman Transportation Co.* 424 U.S. 747 [1976].) In such cases, the racially oriented remedy cannot be refused on the ground that the effect on other employees is adverse because, although the employees who suffer from the imposition of the plan are very possibly innocent themselves, they have clearly benefited, in seniority, from the specific discriminatory practice for which remedy is being given. Race-conscious remedies for the victims of illegal discrimination are lawful, consistent with Title VII, only in such circumstances.

Weber and Kaiser Aluminum are in no such circumstances. Upon examining the facts, the Federal District Court found that Kaiser had not been guilty of any discriminatory hiring or promotion at its Grammercy plant. Kaiser's industrial-relations superintendent at that plant testified that, prior to 1974, Kaiser had vigorously sought trained black craftsmen from the general community. Advertising in periodicals and newspapers that were published primarily for black subscribers, Kaiser found it very difficult to attract black craftsmen. The evidence established two key facts:

1. Kaiser had a serious, operational, no-discrimination hiring policy at its Grammercy plant from the day of that plant's opening in 1958.

2. Not one of the black employees who were offered on-the-job training opportunities over more senior white employees (pursuant to the 1974 Labor Agreement) had been subject to any prior employment discrimination by Kaiser.

From these facts it is an inescapable conclusion that the quota system at Kaiser's Grammercy plant was not an instrument for the specific redress of persons injured by racial discrimination there; it was unabashed racial preference aimed at numerical proportions having nothing to do with past conduct in that plant. Such preference Title VII outlays. The distinction, between impermissible racial preference and permissible remedy for past discrimination, is put eloquently by the Circuit Court of Appeals in affirming Weber's rights:

> If employees who have been arbitrarily favored are deprived of benefits capriciously conferred on them in order that those who were arbitrarily deprived may receive what they should, in fairness, have had to begin with, no law is violated. This is so even if both the class whose rights are restored and the class required to "move over" are defined by race—if the original arbitrariness was defined in that manner. And the reason is that no one is being favored or disfavored, advantaged or injured, under these circumstances *because* of race; rather, those who have been unjustly deprived receive their due and those who have been arbitrarily favored surrender some of the largesse capriciously conferred on them. That these consequences end by race is a mere incident of the fact that they began that way.[*]

But those who were favored by race at Weber's expense were admittedly not the victims of such original arbitrariness. The Circuit Court's support of Weber is therefore categorical: "[U]nless a preference is enacted to restore employees to their rightful places within a particular employment scheme it is strictly forbidden by Title VII" (p. 225).

### IV

Since it is clear that the beneficiaries of this racial program were not victims of Kaiser's previous discrimination, and equally clear that the use of dual seniority lists is an explicit effort to favor blacks over whites, the defenders of this program are compelled to resort to a different justification—past "societal discrimination."

"We cannot deny [say the defenders in effect] that the two-list system deliberately favors one race over another. But we do deny that favoring this race at this time in this country is unfair. We contend that, in view of the historical discrimination against blacks (and other minorities), the racially preferential device now before us is entirely justifiable. It is justifiable not only because blacks have been so long oppressed, but because, as a corollary, whites have been unfairly *advantaged* by race prejudice. The white employees of Kaiser who are passed over by this plan may indeed be innocent of any racial discrimination themselves, but they have been and are the beneficiaries of racial discrimination by others. This is the heart of our justification. Favor to blacks now is just because of the favor whites have enjoyed until now."

This is the principled argument by which many without selfish interests in these programs are persuaded that they are fair. One might have expected the American Civil Liberties Union, for example, to spring to the defense of the rights of an almost defenseless individual. Instead it joins the forces against Weber because the ACLU has convinced itself that his rights have not really been infringed on, even though he suffers from deliberate disadvantage because of race. How can that be?

"Racial preference in employment is justified [the argument proceeds] when it is a response to the morally legitimate demand that the *lingering effects* of past racial discrimination be remedied. The lingering effects of historical oppression include the continuing losses of decent employment, together with the money and status that it brings. But the same historical race prejudice that has systematically blocked minorities from access to decent jobs has conferred an involuntary benefit upon whites because, while the number of desirable jobs remains roughly constant, the elimination of competition by minority workers results in the availability of desirable jobs for whites in generous disproportion to their numbers. This benefit is conferred even upon those whites who may, in fact, deplore the prejudice from which they gain. Yet they did gain. Now, with racial quotas favoring blacks, they lose. Their present loss is morally justified by their earlier gain. The primary target of racially preferential programs should be those guilty of past unlawful discrimination, of course. But where those guilty parties simply cannot be identified or are no longer available to make restitution, a secondary but legitimate target is the unjust enrichment attributable to that racial discrimination. Quota plans, like the one devised by Kaiser and the union, seek to redistribute that unjust enrichment. Seen in this light, their fairness—the moral rightness of racial preference for societal rebalancing—cannot be denied." So reasons the ACLU explicitly, and many other honest citizens implicitly, in giving pained approval to race quotas.

---

[*] 653 F. 2d 216, 225 (1977); page references below refer to the decision. The Supreme Court has agreed. In a case arising from a plan devised to give remedy to school employees within a previously discriminatory system, the Supreme Court declined review of a decision that, in view of the source and nature of that earlier injury, a minority worker may there be entitled to preferential treatment "not because he is black, but because, and only to the extent that, he has been discriminated against" *Chance* v. *Board of Examiners,* 534 F. 2d 993, 999 (1976); cert. denied 431 U.S. 965 (1977).

The argument fails utterly upon inspection. It relies upon a premise that is clearly and admittedly false in the *Weber* case and like cases. And were all its premises true, they could still not justify the racial preference here in question.

Consider the premises first. The adverse impact on Weber is held justifiable by his unjust enrichment resulting from the bad conduct of others. But if Weber were in any way the beneficiary of past discrimination, he certainly was not unjustly enriched by employment discrimination in the Grammercy plant. In that plant, it is agreed by advocates of the quota and by the courts, there had ben no refusal to hire or promote blacks or other minorities, no racial discrimination from which Weber benefited. But the injustice done to Weber is manifested in the loss of entitlements he earned by ten years of work *in that plant*—not in the Kaiser Corporation or in the workforce at large. His entitlements in this matter cannot have been acquired as the result of the historical misconduct of others. Long before Weber came to work at that plant, blacks and whites received equal employment treatment there—so the claim that simply by virtue of his having the seniority that he did in the Grammercy plant Weber was enjoying an unjust enrichment is simply false. That false premise cannot justify "redistribution." The Circuit Court put the matter crisply: "Whatever other effects societal discrimination may have, it has had—by the specific finding of the court below—*no effect* on the seniority of any party here. It is therefore inappropriate to meddle with any party's seniority or with any perquisites attendant upon it, since none has obtained any unfair seniority advantage at the expense of any other" (p. 226).

But suppose *arguendo* (what is not true) that Weber had been unfairly enriched by past racial discrimination. What would follow? The enrichment thus identified might then be a target for redistribution. Among whom? To take from Weber and give to another because Weber got his seniority "unjustly" could conceivably be justified (if ever) *only* if those to whom the redistribution were made were the same persons from whom the spoils had been taken in the first instance. The appealing argument by which so many are persuaded makes the faulty supposition that, if X has gained fortuitously but undeservedly from some unidentifiable *Y*, we are morally justified in taking from him and giving to a wholly different *Z* who suffered no loss to *X's* benefit, but who happens to be of the same race as that injured but unidentifiable *Y*. Buried in this reasoning process is the mistaken premise that the distribution of goods or opportunities is rightly made by racial categories. *Z*, the person now given preference over *X* because of race, has a right to get from him (this premise supposes) because *Z* is black, and blacks have been so long oppressed. But rights do not and cannot inhere in skin-color groups. Individuals have rights, not races. It is true, of course, that many persons have been cruelly deprived of rights simply because of their blackness. Whatever the remedy all such persons deserve, it is deserved by those injured and because of their injury; nothing is deserved because of the color of one's skin. This is the philosophical nub of the *Weber* case.

## V

So long-lasting and self-perpetuating have been the damages done to many blacks and others by discrimination that some corrective steps must be undertaken. The moral anxiety created by this need for affirmative action accounts, in part, for the willingess of some to tolerate outright racial quotas. In the passion to make social restitution, sensitive and otherwise fair-minded people have gotten the moral claims of living persons badly confused. The head of the Office of Federal Contract Compliance (by whom, as we shall see, Kaiser was threatened) epitomizes this confusion: "Society is trying to correct an age-old problem, and Weber is a victim of that process. There is nothing I can say to him. This is something that has to happen. The question is whether you give priority to a group that's been systematically deprived of opportunity while Brian Weber's parents and grandparents were not discriminated against. If someone has to bear the sins of the fathers, surely it has to be their children" (New York *Times Magazine*, February 25, 1979).

But deliberately visiting the sins of the fathers upon their innocent sons and grandsons, to the special advantage of persons not connected with the original sinning, is conduct neither lawful nor morally right. To suppose that both the beneficiaries of redress and those who are made to carry its burden are properly identified by race is, to be plain, racism. It is ethical racism because supposed with good will. It is simplistic because, on this view, race by itself—without consideration of the nature or degree of past injuries, present advantages, or future pains—is sufficient to trigger the preferential device. The mistaken view in question is therefore properly entitled *simplistic ethical racism*.

Injuries are suffered in fact, claims made and burdens carried, by individual persons. Civil society is constituted to protect the rights of individuals; the sacrifice of fundamental individual rights cannot be justified by the desire to advance the well-being of any ethnic group. Precisely such justification is precluded by the Fourteenth Amendment of our Constitution, whose words—no state "shall deny to any person within its jurisdiction the equal protection of the laws"—express no mere legalism but a philosophical principle of the deepest importance. Explicating that clause, in a now famouse passage, the Supreme Court wrote: "The rights created by the first section of the Fourteenth Amendment are, by its terms, guaranteed to the individual. The rights established are personal rights. . . . Equal protection of the laws is not advanced through indiscriminate imposition of inequalities (*Shelly* v. *Kraemer* 334 U.S. 1, 22 [1948]).

The nature and degree of the injury done to many Americans because they were black or brown or yellow varies greatly from case to case. Some such injuries may justify compensatory advantage now to those injured. But the calculation of who is due what from whom is a very sticky business; compensatory instruments are likely to compound injustice unless the individual circumstances of all involved—those who were originally hurt, those who benefit now, and those who will bear the cost—are carefully considered. Whatever compensatory advantage may be given—in employment or elsewhere—it must be given to all and only those who have suffered like injury, without regard to their race. What we may not do, constitutionally or morally, is announce in effect: "No matter that you, *X*, were innocent and gained no advantage; you are white and therefore lose points. No matter whether you, *Z*, were damaged or not; you are black and therefore gain points." If the moral ground for compensatory affirmative action is the redress of injury, the uninjured have no claim to it, and all those individuals of whatever ethnic group who have suffered the injury in question have an equal claim to it.

Racially based numerical instruments have this grave and unavoidable defect; they cannot make the morally crucial distinctions between the blameworthy and the blameless, between the deserving and the undeserving. As compensatory devices they are under-inclusive in failing to remedy the same damage when it has been done to persons of the non-favored races; they are over-inclusive in benefiting some in the favored categories who are without claims, often at substantial cost to innocent persons. Except in those cases where the discriminatory policy of the employer is established, and the identity of injured applicants or employees determinable, racial preference in employment is intolerably blunt, incapable of respecting the rights of individuals.

## VI

This unsuitability of the racial means to the compensatory end partly explains the queasiness of language with which the advocates of "numerical instruments" defend their schemes. Although they believe their aims are good, there is yet widespread shame among them that they resort to racial preference to advance them. Hence the use of euphemisms like "disadvantaged" in identifying the beneficiaries of racial programs, when what is really meant is "black" or "minority." Not all minorities are disadvantaged, and not all those disadvantaged are minorities, obviously. But it is tempting to hide the racial character of a program which, if exposed, would be legally and morally intolerable.[*]

"Affirmative action"—a phrase that now pervades our language—has commonly been used in the same duplicitous way. Affirmative steps to eliminate racially discriminatory practices rightly win the assent of all. Affirmative efforts to recruit fairly (whether for on-the-job training programs or for professional schools), affirmative inquiry to determine whether testing is job-related and to insure that evaluation of performance is not racially infected—in such forms affirmative action is of unquestionable merit. But when, in the name of affirmative action for racial equality, the deliberately unequal treatment of the races is introduced, we suffer a national epidemic of double-speak. Employment advertisements everywhere exhibit this duplicity with an almost ritualized motto: "An equal opportunity/affirmative action" employer." The very term "affirmative action" has lost its honor and has become, for most, a euphemism for racial preference.

The unsavory character of their means is recognized by the advocates of racial instruments; that recognition is revealed by an inclination to be covert in conduct and to equivocate in language. Unsavoriness is tolerated here, however, even by organizations whose normal pride it is to expose immoral expedience in the body politic. Nothing is more indicative of the true spirit of a community than the character of the instruments it permits, and of those it precludes, in advancing public policy. Police surveillance to root out spies, the suppression of speech (radical or conservative) to protect the peace—all such instruments are rejected in a decent society. Civil libertarians wisely insist that we forswear instruments that invade the rights of individuals, even when forswearing proves inconvenient. The use of such instruments is precluded, forbidden not just to evil people but to all people. Preference by race is one of these forbidden instruments. The very high priority given to this exclusionary principle, and its applicability to all including the state itself, marks it as *constitutional* in the most profound sense.

---

[*] In the original trial of the *Bakke* case, the University of California defended the racial quotas at the Davis medical school as being for all "disadvantaged" students. When the court noted that not a single disadvantaged person who was not of an ethnic minority had been admitted in all the years of that program's operation, the university in effect conceded the misdescription. Not a pretty business.

Efforts to cut constitutional corners—however well-intentioned—corrupt a civil society. The means we use penetrate the ends we achieve; when the instrument is unjust, the outcome will be infected by that injustice. This lesson even civil libertarians have always to be relearning.

### VII

The inconsistency between racially preferential means and the end of honestly equal treatment is exquisitely exhibited in one aspect of the *Weber* case upon which Kaiser and the union place much emphasis. "We are caught [say they] in a monstrous double bind. What will you have us do? Desegregate, you say. Integrate your workforce; show us that you mean to undo, affirmatively, the wrongs earlier done. We do it, making serious efforts to increase the number of minorities in craft jobs through advertisement, recruitment, encouragement. We get some results, but they are not dramatic. Then you—the nation speaking through your regulatory agencies—tell us that what we have done is not enough. You threaten us! Of course we take action in response to your threat—and having done so, we are threatened at law on the other side! Such inconsistency is unbearable. You, the body politic, must speak with one tongue!"

What is that first threat of which Kaiser complains? It came from the Office of Federal Contract Compliance whose regulations mandate "affirmative action" by all government contractors. The withdrawal of all federal contracts was the price Kaiser might have had to pay if, to avoid being found in "noncompliance," racial preference for minorities had not been introduced. Whence does the OFCC get the authority to make such threats? From an order of the President of the United States, say they, Executive Order 11246. This order requires federal contractors to take affirmative action to prevent low employment of women and minorities in their workforces, on the assumption that most disproportionately low employment is the result of discrimination. Since the racial instrument agreed upon was a direct response to federal authority exercised under that valid order, it is outrageous now, say Kaiser and the union, to attack us for violation of the Civil Rights Act.

This response to official inconsistency cannot help but evoke some sympathy. But as a defense of racial quotas it is worthless. The argument fails on two levels. First, Executive Order 11246 does not require and cannot justify racial quotas in cases like this one, in which the conduct of the employer has not been unlawfully discriminatory. The Order says nothing about numerical ratios. Indeed, its plain words *forbid* all racial preference. The relevant passage of that Order reads: "The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin" (30 Fed. Reg. 12319 [1965]).

Some numerical plans to protect employment for minorities have been upheld by the courts as valid executive actions—but they have been so upheld as responses to specifically identified violations by those upon whom the remedy was imposed. The so-called Philadelphia Plan was held permissible under Title VII, but that holding was explicitly tied to prior exclusionary practices by the six trade unions controlling the workforce in the construction industry in Philadelphia. Whatever tools the Office of Federal Contract Compliance may think itself entitled to employ, it has no authority in law, and certainly none in morals, to press for a racial quota in cases where, as here, those getting preference under the scheme had not been injured by that employer, and those injured by the scheme had not benefited from any misconduct of that employer.

The argument fails at a second level as well. If Executive Order 11246 be interpreted so as to authorize the OFCC to require racial quotas in cases like this one, the Executive Order itself is plainly unlawful, an illegitimate exercise of administrative authority in conflict with federal statute. The Civil Rights Act specifically prohibits racial classification in admission to on-the-job training programs (Sect. 703(d); cited above, p. 41). The quota plan devised by Kaiser and the union is, as we have seen, patently in violation of this section. When the law and an executive order clash, there can be no doubt of the outcome. Writes the Circuit Court: "If Executive Order 11246 mandates a racial quota for admission to on-the-job training by Kaiser, *in the absence of any prior hiring or promotion discrimination*, the executive order must fall before this direct congressional prohibition" (p. 227).

Only by resolutely enforcing the rights of citizens can the insolence of office be restrained. Individual workers, without power or money, need to be protected against civil servants who take it upon themselves to threaten in order to be able to report numerical ratios they think desirable, claiming only to be following the orders of their superior.

### VIII

Defenses of racial preference—by efforts to reinterpret the law, by confused arguments based on "societal discrimination," by claim of executive order—all collapse. It is important to see why they *should* collapse. The defenders, conscious of their own righteous pursuit of racial justice, little doubt that the tools they wish to employ would have the good consequences they hope for. To question the merit of those tools is for them almost a betrayal of the oppressed in whose behalf they claim to battle. In their eyes the conflict is only over whether they are to be permitted to do a good deed—i.e., give preference to racial minorities—not whether it is a good deed, or whether its consequences will be good.

Decency of motivation, however, does not insure the goodness of the immediate object, or the goodness of its consequences. Racial justice is an aim that all share; it is distorted when transformed into formulas for ethnic proportionality in workforces and professions based (as in this case) upon ethnic populations in the surrounding area. What accounts for this transformation? Motives honorable in their general statement are blended with a vision of cultural homogeneity that is profoundly unhealthy. The objectives then sought in making that blend operational often prove inconsistent with the original aim. It is this inchoate vision of homogeneity—made concrete in numerical proportions—that lies behind racial instruments like the one at issue in *Weber*. Federal Appellate Courts have not been oblivious to the evils that ensue:

> There are good reasons why the use of racial criteria should be strictly scrutinized and given legal sanction only where a compelling need for remedial action can be shown. . . . Government recognition and sanction of racial classifications may be inherently divisive, reinforcing prejudices, confirming perceived differences between the races, and weakening the government's educative role on behalf of equality and neutrality. It may also have unexpected results, such as the development of indicia for placing individuals into different racial categories. Once racial classifications are imbedded in the law, their purpose may become perverted: a benign preference under certain conditions may shade into malignant preference at other times. Moreover, a racial preference for members of one minority might result in discrimination against another minority, a higher proportion of whose members had previously enjoyed access to a certain opportunity [*Associated General Contractors of Massachusetts Inc.* v. *Altshuler* 490 F. 2d 9,17–18 (1937)].

In this spirit three Federal Circuit Courts have repeatedly refused to approve racial quotas in the absence of proved past discriminatory practice dictating that specific remedy.

Racial classifications have insidious long-term results: anger and envy flowing from rewards or penalties based on race; solidification of racial barriers and the encouragement of racial separatism; inapproprite entry of race into unrelated intellectual or economic matters; the indirect support of condescension and invidious judgments among ethnic groups—in sum, the promotion of all the conditions that produce racial *dis*harmony and racial *dis*integration. What Kaiser and the union defend is very far from an innocuous good deed. It is a plan having very damaging consequences to very many people.

Some of the damage, direct and substantial, is done to those, like Weber and Bakke, who bear the immediately resulting burden. "Society" does not pay; the "white majority" does not pay; individual citizens pay. The penalty to them is great and undeserved. One notable feature of the *Bakke* decision, almost entirely overlooked by commentators and the press, is the fact that all nine Supreme Court Justices there agreed that, as a result of the quota system used by the medical school at Davis, Allan Bakke was done a constitutional injury—that is, an injury he should not have to suffer unless it can be well justified. Even the four Justices who thought the injury could be justified took the hurt done to him very seriously. One of those four (that is, one of the group who did *not* side with Bakke), Justice Blackmun, refers to the injury done to Bakke as an "ugly" one. The other five Justices struck down that racially preferential program; Powell among them condemns the damage such programs do. The Washington Supreme Court, too, in deciding against Marco DeFunis in an analogous case, did not deny that he had been seriously hurt, and candidly rejected the claim that such quotas are "benign." A program giving special favor to racial minorities, say they, "is certainly not benign with respect to nonminority students replaced by it" (*DeFunis* v. *Odegaard* 507 P 2d 1182). *Reverse discrimination* is not an invention or a hypothesis yet to be confirmed; it is a sociological and legal fact.

### IX

The reality of the evils flowing from racial instruments introduces one of the most intriguing aspects of the *Weber* case. A dispute arises between the District and the Circuit Court beneath which lies a momentous philosophical issue. Numerical remedies based on race do damage, the two counts agree; they further agree that this is a case in which the imposition of such a numerical remedy cannot be justified because there has been, in fact, no previous unlawful discrimination by the employer here. However, in those cases in which such remedy might prove justifiable (previous discriminatory practice in that setting being alleged), the following question arises: may that numerical instrument of redress be devised and executed on the authority of the employer and union acting jointly? Or is a racial quota permissible as remedy only on the express authority of the judiciary? The District Court not only found the remedy unjustifiable, but held in addition that such painful remedies would in no case be in the province of unions and management to impose. The Circuit Court, agreeing on the first point, did not agree on the second. Voluntary remedial action (said they) is preferable to court action; therefore, to insist upon judicial imposition of remedies would interfere unduly with reasonable private amelioration. The underlying issue here is the locus of authority in resolving questions of justice. Which court is the wiser?

In permitting numerical remedies to be imposed (if at all) only by the judiciary, the District Court, I submit, is deeply right. The reasons for this are several and complicated.

First, the question of whether the circumstances are such as to justify the imposition of a numerical remedy (a question that must be answered affirmatively if any such remedy is to be lawful) is precisely the kind of question that cannot be answered fairly by employers and unions acting in their joint interests. Individuals will bear the burden; if the case were a kind to justify the imposition of that burden on Weber and his like, past discrimination by that employer in that context must be proved or admitted. No employer is likely to make that admission. To do so would invite a host of very expensive lawsuits in behalf of those injured. Employers will therefore enter such agreements only with the understanding that no past discrimination has been proved or admitted. That very understanding (however arguable it may be) on which an employer might be willing to enter an agreement with a union to give racial preference to minorities is precisely the understanding which, if reflecting the facts truly, shows that racial preference unjustly injurious and unlawful.

This peculiar feature of "voluntary" racial instruments is admitted—even emphasized, ironically—by the UAW, the NEA, and other assorted unions. If (they argue) voluntary racial preference is permissible only when the employer's past conduct would be found in violation of Title VII, there will be no voluntary race-conscious action. For, as they agree: "[I]t is usually difficult to predict whether or not [previous] discrimination would be found" (associated unions, brief *amici*, p. 13). Indeed! For this reason precisely it is a question of such a kind that no answer to it reached as part of a labor-management agreement could be trusted.

The aggregated unions continue: "Moreover, the employer would, by taking voluntary action, put itself in a no-win situation in a suit such as this. Either its past conduct will be determined to be unlawful, thereby inviting litigation by discriminatees, or the remedial action will be found unlawful, and liability to white employees will exist (*ibid*). Just so! But the authors of this candid statement apparently do not see where their argument leads. They would like the courts to conclude that, since the present standard (that "voluntary" racial quotas suppose the same finding of unlawful discrimination which alone might justify court-imposed remedies) effectively precludes "voluntary" quotas altogether, we should permit the introduction of a new standard, one that would allow "voluntary" quotas under some factual circumstances that—as they admit—would not justify a court in imposing them! What could serve as such a standard? The lone dissenting judge of the Circuit Court, pursuing the same line, is driven to propose an astounding answer: A "voluntary" quota plan should be upheld, he suggests, if it is "a *reasonable remedy* for an *arguable violation* of Title VII" (p. 230, emphasis added).

This standard is neither feasible in practice, nor morally aceptable if it were. As a practical matter; such notions as "reasonable remedy" and "arguable violation" have virtually no objective content. Only the courts could resolve, on a case-by-case basis, disputed claims about "arguable violations" and about the reasonableness of remedy. Endless litigation could not be avoided—but it is the elimination of time-consuming litigation that is alleged to be the great merit of "voluntary" racial instruments. The increase in court involvement that would result undercuts any proposed justification of "voluntary" quotas on grounds of efficiency.

More important than its inefficiency, however, is the fact that the proposed standard (that a voluntary quota plan should be upheld if it is "a reasonable remedy for an arguable violation of Title VII") is morally unacceptable. Just remedies presuppose some determinable wrongs for which they give redress and by which they are justified. It is confusion of mind to propose a *remedy* for an *arguable* violation; one cannot put right what might prove on more judicious examination to have been no wrong at all.

All "voluntary" quotas (i.e., those introduced without court imposition) presuppose reliance upon some standard that must encounter essentially the same problem. The philosophical dimensions of the dispute between the two courts here emerge. The Circuit Court's position exhibits irremediable moral defect: by permitting racially preferential programs without the backing of judicial authority, it permits the delegation of questions of justice to private hands that are neither equipped, nor disposed, nor authorized to resolve them fairly.

To resolve a matter of individual right the bargaining process between labor and management is almost the worst imaginable tool. The impartial determination of facts without regard to interest, and the honest application of principles without regard to advantage, are essential in adjudicating questions of right—but the elimination of regard for self-interest and advantage is precisely what is impossible at the bargaining table.

Even if the needed impartiality were possible there, it would be inappropriate, uncommon, and surely could not be relied upon. Union and management bargainers are duty-bound to press for the advantage of the units they represent. The process is designed to deal with issues of pay and working conditions, not with the protection of individual rights. Justice entails giving to each his due—whether or not he or others can negotiate for it successfully.

Most important, the authority to resolve questions of justice cannot lie in a labor-management bargain. Individual rights *may not*—as a matter of law or morals—be bargained away. As a matter of constitutional principle, the Supreme Court has spoken definitively on this issue. A union, they agree, may waive some of its rights to *collective* activity, such as the right to strike, in a bargaining agreement made with the aim of economic advantage for its members. The Court continues:

Title VII, on the other hand, stands on plainly different ground; *it concerns not majoritarian processes, but an individual's right to equal employment opportunities.* Title VII's strictures are absolute and represent a congressional command that *each* employee be free from discriminatory practices. Of necessity, *the rights conferred can form no part of the collective bargaining process* since waiver of these rights would defeat the paramount congressional purpose behind Title VII. In these circumstances, an employee's rights under Title VII are not susceptible of prospective waiver [*Alexander* v. *Gardner-Denver Co.* 415 U.S. 36, 51–52 (1974), emphasis added].

Contracts reached through collective bargaining may, of course, introduce different terms of employment for different groups of employees in the light of the relevant conditions of those groups. Race, however, is never relevant in that sense. Because racial discrimination invariably touches the non-bargainable rights of all individuals adversely affected, race itself has been identified as an inappropriate criterion for the classification of employees.*

The unions take another tack. "You fail to note [they rejoin in effect] that this is a voluntary program. Weber and his fellows may be said to have relinquished their rights in this matter because, when the plan was devised, they were adequately represented by their union. The union has a duty to represent all of its members; its bargainers are selected democratically; and since white workers constitute a majority of the bargaining unit, the union process may be relied upon to reach no agreement that will violate the rights of individual white members."

It is hard to take this argument seriously. Union process is often genuinely democratic; negotiators for unions generally do seek to represent the interests of all the members of the bargaining unit. But the most sympathetic review of union process could not rationally conclude that the fairness of unions to their members over the long term has been such as to justify the delegation, to bargainers, of matters of fundamental individual right. The current flow of complaints about reverse discrimination in employment contracts in itself provides substantial evidence that the bargaining process, notwithstanding its general fairness, cannot be depended upon in this sphere. "Voluntary" is an appealing word. But its use here suggests what is not true—that those who were injured by the racial instruments devised in the contract did themselves volunteer to carry the burden. To call Weber's sacrifice "voluntary" is most inappropriate.

This defense of "voluntary" racial instruments (even if unions were invariably sensitive to matters of individual right) avoids the key question of legitimate authority. At stake here are the rights of individuals to the most fundamental of democratic conditions—equal treatment under the law—and, moreover, their rights to that equal treatment as it bears upon the most suspect of all categorical distinctions, race. Even legislators, it may be argued, however powerful their assembly, honorable their election, and dutiful their conduct, may not take from individual citizens certain fundamental rights. With the noblest of intentions, it is not within their authority to pursue public policy at the cost of compromising the indi-

---

*The Supreme Court has written: "[T]he statutory power to represent a craft and to make contracts as to wages, hours, and working conditions does not include the authority to make among members of the craft discrimination not based on such relevant differences. Here the discriminations based on race alone are obviously irrelevant and invidious. Congress plainly did not undertake to authorize the bargaining representative to make such discrimination." *Steele* v. *Louisville & Nashville R.R. Co.*, 323 U.S. 192, 203 (1944).

vidual citizen's right not to be discriminated against because of his race or religion. Philosophers will differ about the grounds of legislative authority, but few will seriously deny that upon such authority there must be some hard limits. Unequal treatment because of race is as clear an example as there is of the violation of those limits.

If the principle here expressed were somehow mistaken, if it were sometimes just, in the cause of racial redress, to sacrifice the rights of some blameless non-beneficiaries to advantage others who had not been injured, even so it would at least be certain that no such decision could be properly made by any save the legislature of highest authority, subject to the review of the court of highest jurisdiction. The notion that, to encourage "voluntary affirmative-action plans," we may bypass the body politic, investing unions and management with the authority to bargain with fundamental human rights, makes the prospect of a reversal in the *Weber* case very distressing. Not substantive entitlements alone are at issue here, but also the procedural rights of working people to have questions of justice decided by legislatures and courts.

### X

*Weber* and *Bakke* are closely analogous in this procedural regard. Weber's right to equal treatment was infringed on by a union-management agreement, Bakke's by a medical-school admissions committee. Legitimate authority was exceeded in both cases. When it was asked, in *Bakke,* for what purposes a university might consider race in admissions, Justice Powell replied, in his decisive opinion, that it may be considered for the sake of student diversity (to support the exchange of ideas in accord with First Amendment concerns), or, conceivably, as redress for the specific victims of specific injustices. "Societal discrimination" as a ground for racial preference he explicitly considered and rejected. Powell wrote:

> We [i.e., the Supreme Court] have never approved a classification that aids persons perceived as members of relatively victimized groups at the expense of other innocent individuals, in the absence of judicial, legislative, or administrative findings of constitutional or statutory violations [references omitted]. After such findings have been made, the governmental interests in preferring members of the injured groups at the expense of others is substantial, since the legal rights of the victims must be vindicated. In such a case the extent of the injury and the consequent remedy will have been judicially, legislatively, or administratively defined. Also, the remedial action usually remains subject to continuing oversight to assure that it will work the least harm possible to other innocent persons competing for the benefit. Without such findings of constitutional or statutory violations it cannot be said that the government has any greater interest in helping one individual than in refraining from harming another. Thus the government has no compelling justification for inflicting such harm [*University of California Regents* v. *Bakke* 57 L. Ed 2d 750, 782–83 (1978)].

But findings of constitutional or statutory violations is not the business of private bodies—unions, or managements, or medical-school committees—to make. Powell continued:

> Petitioner [the Regents of the University] does not purport to have made, *and is in no position to make,* such findings. . . . [Even] isolated segments of our vast governmental structures are not competent to make those decisions, at least in the absence of legislative mandates and legislatively determined criteria [references omitted]. Before relying upon these sorts of findings in establishing a racial classification, a governmental body must have the authority and capability to establish, in the record, that the classification is responsive to identified discrimination (p. 783; emphasis added).

Powell's point is that a medical-school admissions committee (even though indirectly an agent of the state) is entirely without the requisite authority. Kaiser and the union have a far weaker claim to the needed authority than did they. An admissions committee is not competent to make the findings that might justify racial preference, granted. But if the admissions committee had sought to present such findings of identified discrimination at the Davis medical school (discrimination that, in fact, the university specifically denies), they might conceivably contend that as one agent of one arm of one element of the state, it was within their province to do so—and thus might conceivably seek to justify their racial program as remedy. That claim must fail, the mission of the medical school and all its subsidiary elements being educative, not judicial. Any analogous claim made by Kaiser and the union—that they are authorized to make findings inflicting harm on Weber and other blameless of "societal discrimination" that will justify parties—is totally without warrant.

### XI

In the absence of any showing or admission of previous illegal discrimination at the Grammercy plant, every defense of racially preferential remedy must prove unsatisfactory. Sensitive to this point, the American Civil Liberties Union argues at length that the factual circumstances of this case have been misunderstood, that Kaiser Aluminum *did* discriminate against minorities. The pattern of employment by Kaiser at other plants in earlier years is reviewed, and much is made of the racially disproportionate impact, at the Grammercy plant, of a "purportedly neutral criterion." Using the percentage of the minority population in the surrounding parishes of Louisiana as benchmark,[*] the argument concludes that Kaiser's workforce at the Grammercy plant in skilled-craft positions was "severely underrepresentative." Putting aside the question of how "representativeness" might rationally be established, or, if it had been established, what bearing that would have upon the lawfulness of Kaiser's previous conduct, it is important to note that the entire thrust of this argument is misdirected. The *Weber* case presents an appeal to our highest court on a matter of fundamental principle. That principle must be argued on the basis of a factual record properly established at trial in a responsible Federal District Court. Appellate Courts, and the Supreme Court, face the question of principle *given that record.* Even the District Court could analyze only the facts brought before it by the parties. Kaiser testified to its non-discriminatory practices at the Grammercy plant from its opening, and of its efforts to recruit black craftsmen from the general community. They would not and could not report otherwise. If (as some now claim) the record should have shown hidden unlawful conduct by Kaiser, such findings could only have entered the record at the trial record. At this point the issue is, supposing the record complete and accurate, whether, *without* such previous violations established, this racial quota is permissible.

To contend that the facts of the matter *could* be viewed differently is to blind oneself to the essence of the controversy. Had the courts found, after examining all testimony, that Kaiser had previously discriminated against minorities in its Grammercy plant, the issue now to be decided here would not even have arisen.[*]

### XII

All arguments thus far explored incorporate the realization that individuals are indeed injured when disadvantaged solely because of their race. Brian Weber did not get the job-training opportunity he was entitled to. Most ordinary people, and most judges, have no difficulty in seeing that. So zealous are some of the advocates of racial preference, however, that they claim not to see it. Weber was never really hurt, say they. He has a legitimate complaint only if he was discriminated against unfairly. But he wasn't discriminated against at all! Hence he has no case.

Puzzling though this claim appears on its face, it is honestly defended, in two ways. First, it is argued, Weber has lost nothing more than seniority entitlements. But seniority systems may be altered by labor-management agreement, and in any event, seniority rights are not vested in the individual employee but in the collective-bargaining unit. Therefore, when a voluntary quota plan results in Weber's getting less than he expected in view of his greater seniority, he loses nothing that belonged to him in the first place. The injury done to him (it is contended) is apparent, not real.

This argument is twice faulty. It underplays the importance of individual seniority entitlements in the industrial context; and it does not face up to the discriminatory nature of the seniority deprivation in this case.

In allocating scarce opportunities and goods in the industrial world, seniority is critically important. For very many workers a host of matters—job security, opportunities for advanced training, vacation and retirement benefits—depend chiefly upon the number of years of service they have given. Nothing remains to them after years of service but their seniority claims. To deny that harm is done to an unskilled worker on an hourly wage when he is deprived of entitlements flowing normally from ten years' seniority shows gross moral insensitivity. Seniority does not insure qualification for positions demanding special talents, of course; but where qualifications are roughly equal, or not distinguishable, seniority above all other considerations will be relied upon in the interests of fairness.

Seniority entitlements are tied to individuals, not just to the bargaining unit. In matters of job assignment, transfer, layoff and recall, and job training, opportunities must be distributed among competing employees. Competitive-status seniority is therefore of great moral as well as practical importance, and directly affects individuals more importantly than it does the bargaining collective. Non-competitive benefits also—pensions, sick leave, paid vacations—are commonly determined in part by length of service and therefore must be tied to individuals. Seniority, the Supreme Court writes, "has become of overriding importance, and one of its major functions is to determine who gets or who keeps an available job" (*Humphrey* v. *Moore* 375 U.S. 335, 346–47 [1964]). The "who" in this passage refers to individual persons, not to groups.

---

[*] ACLU and Society of American Law Teachers, brief *amici*, p. 11. The inappropriateness of such figures in estimating fairness with respect to employment in the skilled crafts is so obvious, and has been so often remarked, that one is embarrassed for the ACLU to find such an argument here pursued. See Thomas Sowell, "Are Quotas Good for Blacks?," COMMENTARY, June 1978.

[*] Might an appellate court not reverse an inferior court because of its mistaken interpretation of the facts as appearing in the record? Only in those rare circumstances in which the treatment of the facts by the inferior court was "clearly erroneous." That claim would be untenable in this case.

Seniority systems are bargainable, true. It does not follow, however, that all seniority rights are bargainable. It is essential not to confuse the *system* of seniority with individual *entitlements* under a given system in force. Once a seniority system has become a reality in rule and practice, a worker's rights and expectation under that system are his and very precious to him. It is callous to minimize the injury done when such rights are not respected.

When the ground of that disrespect is race, the injury is particularly offensive. Entitlements in themselves minor (which an opportunity for on-the-job training is not) become matters of grave concerns when manipulated for racial reasons. Where one must sit on a bus or go to the toilet understandably becomes a source of rage and an issue of constitutional proportions when the determination is made by race. Protests over segregated lunch counters had as their target not the culinary opportunities denied, but the immoral character of the ground of their denial. Even if Weber's seniority expectations be thought trivial, the racial ground of the unequal treatment he received is very far from trivial.

Some who understand very clearly why Allan Bakke was injured when excluded from medical school in a racially discriminatory way fail to see that the injury done to Brian Weber is equally unjust. Applicants to a competitive program, they appreciate, have a right to evaluation on some set of relevant criteria—past performance, intellectual promise, character, or whatever—and if deserving on the basis of those criteria, ought not be deprived of place because of race. But if the performance qualifications of all applicants are roughly equal (as were those of Weber and the minority workers chosen in his place), where, they ask, is the injustice?

The injustice lies in the deprivation. on improper grounds, of what one is otherwise entitled to. The basis for the entitlement will be different in different contexts. Scarce places in medical or law schools are rightly allocated to persons best exhibiting the characteristics that have been determined relevant to the studies or profession to be pursued. Scarce on-the-job training opportunities are rightly allocated to those having certain seniority entitlements. The bases of Weber's and Bakke's claims to that of which they were deprived are very different; but both were wrongly denied what they would have received if the scarce available goods had been distributed in accord with established criteria in a morally just way. Both were the plain victims of racial discrimination, losing out because of the color of their skin.

Persons concerned about such injustice when done in the academic world ought seriously to consider the wisdom of remaining silent when essentially the same injustice (although with respect to different entitlements) is done in the industrial world. If preference by race should be found, in the *Weber* case, to justify the deprivation of what is fairly earned by a laborer, the security of what is fairly earned by anyone in any sphere is similarly threatened.

### XIII

If the damage to Weber cannot reasonably be minimized, can it be wholly denied? This is the second line of defense to which Kaiser and the union fall back in the effort to show that Weber was not discriminated against at all. Weber's rights were not infringed on, they say, because he never had any seniority rights to job training here. The argument goes like this: "Where admission to a training program is properly a function of seniority, and seniority, like Weber's, is untainted by the employer's previous discrimination, he would be damaged if race were allowed to supervene. But Weber errs in thinking that seniority gives him any claim under *this* quota program, which was initiated in 1974, by Kaiser and the union, specifically to increase minority representation in the craft employments.

"New rights were then created, Kaiser and the union agreeing to use seniority only for the distribution of available slots *within* the two racial lists, black and white. If, in the new plan, they had agreed to use the lottery method—two separate lotteries, one for whites and one for blacks—it would be obvious that seniority was not the real issue here. They could have done just that. Weber's claim that he was deprived of seniority rights is a red herring, because the mode of selecting from each racial pool is irrelevant. So the Kaiser plan, as the dissenting judge wrote, 'stands or falls on its separation of workers into two racial pools for assignment to job training' (p. 235)."

This argument is a compound of perceptivity and blindness. Seniority was the system deliberately adopted by Kaiser and the union—but they did not make that choice at random. Years of past work in the very plant where those training opportunities were to arise was thought the fairest consideration in allocating scarce places to otherwise equally qualified workers. Seniority was adopted as a relevant and rational principle. To create two seniority lists, black and white, and then choose the top person from each list, even if he has less seniority than the fourth or twentieth person on the other list, is to override the seniority principle with race. If the basis chosen for the fair distribution of scarce opportunities had not been seniority, but (say) a lottery, then the just application of the lottery principle would require that *it* not be overridden by race. It is therefore perceptive to note that the real issue here goes beyond seniority—that the plan fails simply because it separates the workers into two *racial* pools—every such separation being necessarily invidious. Any system used to distribute opportunities among the members of each racial pool, even if of itself fair, must be distorted by that antecedent racial classification. Whatever besides seniority might prove just as a ground for the distribution of goods, skin color isn't it.

Is it correct to say, then, that Weber had no seniority rights here at all? No. When it is agreed by union and employer that, for allocating these job-training opportunities, length of service is the appropriate basis, employees acquire entitlements on that basis. The injustice of racial favoritism manifests itself, in this case, in the deprivation of those entitlements. Were a worker's entitlements based on some other feature of his circumstances—his experience or his performance on a competitive examination—then the injustice of racial favoritism might be manifested in the deprivation of entitlements flowing from those. Weber has a right to non-discriminatory treatment. To contend that he never had any rights in this matter because the respect in which he was discriminated against isn't the only respect in which he might have been discriminated against is a last-ditch effort to obscure the wrong that was done him.

### XIV

The villain of the piece—here, in *Bakke*, wherever it raises its head—is preference by race. The Weber case provides an opportunity to reaffirm the moral and constitutional commitment to govern ourselves without preference to any by reason of color, or religion, or national origin. If we undermine that commitment—even though it be in an honest effort to do good—we will reap the whirlwind.●

## RETIREMENT OF ROBERT T. ALBRIGHT

● Mr. HOLLINGS. Mr. President, Robert T. Albright, Controller of the Drug Enforcement Administration retired in December 1979 after 32 years in Government service. For the last 10 years he has been familiar on Capitol Hill because of his regular appearances before the Appropriations Committee and other committees of the Congress. He was a credit to the civil service because he was highly dedicated to his job, the goals of his agency, and the public interest.

Mr. Albright was born in Richmond, Va., on November 12, 1918. He earned a degree in economics and business administration from Duke University in 1939 and went on to graduate work at George Washington University. He was in active military service with the Navy both in World War II and the Korean conflict.

As a civilian he worked for the Navy Department, the General Services Administration, the Bureau of Narcotics and Dangerous Drugs, and the Drug Enforcement Administration. From 1973, when the Drug Enforcement Administration was established, until his retirement, Mr. Albright served as DEA's Controller. During his career he received more than 10 meritorious service awards.

I would like to take this opportunity to wish Bob and his wife Helen health and happiness in retirement.●

## FAMILY PROTECTION ACT

● Mr. HUMPHREY. Mr. President, for decades Congress has addressed social needs by proliferating Federal programs. Frequently, these programs have compromised community control over community affairs, and diminished the role of the family in American life. Increasingly, we are witnessing the folly of this policy in the chronic failure of Federal agencies to achieve their stated goals. It is time that the Federal Government drop its paternalistic presumptions, and that we in Congress realize the plain fact that strong communities and strong families are the backbone of our Nation and the best means of resolving social ills. We should buttress our communities and families by acknowledging their functions and restoring their prerogatives.

Senator LAXALT has made a promising beginning in his Family Protection Act, S. 1808. This bill affirms the right of communities and families to direct the education of their children. It also provides tax breaks to assist families in meeting family needs. Michael Novak discusses Senator LAXALT'S proposals in an article entitled: "New Ideas Signal a 'New Deal'" in the November 16 edition of the Florida Times-Union. I ask that this article be printed in the RECORD for the benefit of my colleagues.

The article follows:

### NEW IDEAS SIGNAL A "NEW DEAL"

A dramatic new tide of ideas is gathering strength on Capitol Hill, bidding to realign historical voting coalitions.

No name for it is quite satisfactory, but I call it the "New Middle Deal."

Since 1932, faced with a problem, liberals have turned for solutions to the state, while conservatives have turned to the individuals.

Younger senators and representatives have become dissatisfied with both poles. Many problems can't be solved either by the state or by the individual.

But between the state and the lonely individual, a democracy like ours thrives on the other social institutions of the middle: families, neighborhoods, political parties, voluntary associations, institutes, committees, corporations, unions, universities, schools, publications.

All these are social organisms larger and more powerful than the individual. All are less than the state and all have reasons, in part at least, to resist the power of the state.

The new middle deal is an attempt to deal these institutions from the middle into the action. Here are some of the ways it is happening:

Sen. Paul Laxalt (R-Nevada) has submitted a family protection act (S. 1808), many of whose provisions are likely to be objected to by other senators.

But some of them are fascinating; e.g., the multigenerational household incentive allows a tax credit of $250 and a tax exemption of $1,000 for a household that includes a dependent person age 65 or over.

This incentive provides, as it were, a dowry for grandparents. If they live with their children, this provision will prevent their coming empty-handed; they will bring income.

Emotionally, psychologically, they would be helping out. On the other side, when families care for their own multigenerational brood, they save the state the exorbitant costs of special homes for the elderly.

The Laxalt bill follows the Moynihan-Packwood tuition tax credit bill of last year by allowing for a family savings for education plan, permitting families to set aside up to $2,500 per year, tax-exempt, in savings for their children's education.

The Laxalt bill would reward homemakers who do not take outside jobs by permitting families to establish a retirement savings plan to set aside up to $1,500 a year tax-exempt for the spouse's retirement.

Borrowing from existing legislation, the Laxalt bill grants an additional $1,000 tax exemption for married couples filing jointly during a year in which a child is either born to them or adopted by them, rising to $3,000 if the adopted child is handicapped over the age of three or biracial.

Such provisions dramatically lower the costs of state agencies, and financially empower couples to take on new burdens of love.

Recent legislation concerning child care has removed the grandparent clauses that used to prevent couples from deducting child care expenses when paid to a family member.

Now even Congress seems to agree God made grandparents as the world's best babysitters, but not to be shamelessly exploited.

Some major corporations have been keeping on some of their accounting force, near or over the age of retirement, to open "paperwork centers" in areas where senior citizens need expert advice in filling out and filing all the necessary paperwork involved in Social Security, death claims, medical forms, etc.

(One professor of classics took three full days to fill out forms for his mother after his father's death, and she said: "But what do all those ladies do who don't have a son with a Ph.D.?")

Some think tanks are promoting the concept of "family work modules"—modules of part-time regular work consisting of four-hour or five-hour days, but entitling the worker to the benefits, pension plans and other rights of full-time work.

Such modules would be very attractive to many families during certain years of family life; and they promise to reward employers with a more regular, long-term work force—and lower turnover—during years of family change.

Liberals looking for ways to solve urgent social problems but without enlarging state bureaucracies, and conservatives seeking ways to strengthen the private sector without abandoning lonely individuals to the pressures of a large, impersonal society, are both finding new common ground in "the new middle deal."

We may, at last, be seeing the realistic alternative to the public policy concepts of the past 40 years.

The new deal is being radically revised in the new middle deal.●

## EXILE OF ANDREI SAKHAROV

● Mr. KENNEDY. Mr. President, I deeply deplore the Soviet decision to send Andrei Sakharov and his wife, Elena Bonner, into internal exile in Gorki, a city closed to the world. Sakharov is not only known as one of the foremost Soviet nuclear physicists but as a dedicated fighter for peace and human rights in the Soviet Union and throughout the world. His most recent "crime" was to oppose his country's brutal invasion of Afghanistan and to call for a boycott of the summer Olympics in Moscow.

It was for his outspoken defense of freedom and his advocacy of the cause of justice that Andrei Sakharov was awarded the Nobel Peace Prize. He founded the Human Rights Committee in 1970 in the face of a closed Soviet system, in the belief that we live in "a period of history in which decisive support of the principles of freedom of conscience, an open society, and the rights of man have become an absolute necessity."

I last met with the Sakharovs and other Soviet dissidents when I visited Moscow in September 1978. I was deeply impressed by their strong commitment to the liberalization of Soviet society as well as to a reduction of East-West tensions. They spoke movingly to me of their commitment to human rights, including the right of nations to live in peace and freedom. Andrei Sakharov felt strongly that the effective control of the nuclear arms race would create the more favorable environment necessary to pursue our concerns about human rights.

Andrei Sakharov has been the voice for those who have been silenced. He spoke out of the world when Scharansky, Orlov, and other Soviet dissidents were imprisoned or exiled. The courage of the Sakharovs cannot be forgotten. They provided refuge to the families of Soviet dissidents. They even traveled through the Soviet wilderness in attempts to visit dissidents in remote labor camps.

The tragedy today is that all Andrei Sakharov has stood for is giving way to the cold hand of aggression against Afghanistan and against freedom of expression in the Soviet Union, in violation of the letter and the spirit of the Helsinki accords. The humane causes of Andrei Sakharov—peace, freedom, and human rights—are in grave peril as the world appears to move relentlessly to a resurgence of the Cold War.

Andrei Sakharov cannot and will not be silenced by his exile to Gorki. All men of conscience must work for what he represents: World peace and human rights. We can do this best by strong and effective measures to prevent the spread of aggression, and by deliberate steps to open up opportunities for meaningful restraint and future liberalization of a repressive society.●

## EXPANDED FEDERAL BRIDGE REPLACEMENT PROGRAM ENABLES LEHIGH, IOWA, TO REPAIR CRITICALLY NEEDED BRIDGE

● Mr. CULVER. Mr. President, the citizens of Lehigh, Iowa, received good news earlier this month when the Iowa Department of Transportation (IDOT), with the concurrence of the Federal Highway Administration, (FHA) authorized the repair of that community's bridge with Federal bridge replacement program funds.

This will enable local officials to begin repairing this facility so critical to the welfare of Lehigh citizens. Lehigh is divided by the Des Moines River, and the bridge is the only direct connection between the east and west sections of town. Last fall, inspectors discovered major cracks in the existing bridge's steel support beams, and the structure was closed to both vehicle and pedestrian traffic.

Closing the bridge was a severe social and economic blow to the entire Lehigh community. Ten percent of the population—including a number of elderly and handicapped citizens—live on the east bank, while most municipal facilities—including the ambulance service, and police and fire departments—are located on the west bank. As a result, it was almost impossible for city officials to respond quickly to emergencies. Similarly, the bridge closing added almost 50 extra miles per day to the distance traveled by school buses. This additional travel severely inconvenienced students and substantially added to the school district's transportation and energy costs.

The effect on Lehigh was illustrative of the severe hardship that dangerous and unsound bridges pose for small and rural communities. Thousands of bridges nationwide are outmoded or deficient, and their replacement is often beyond the financial resources of local governments. In order to help alleviate this serious problem, I introduced major legislation in 1977 to expand the Federal Government's bridge replacement efforts, and worked to develop the increased Federal bridge replacement funds approved by Congress in 1978.

The 1978 Surface Transportation Assistance Act significantly expands the Federal Government's commitment to upgrading the Nation's bridges. Almost $4.2 billion will be spent on bridge work between 1979–82. Iowa alone received almost 5 times the amount of Federal bridge aid in fiscal year 1979 than it did the previous year. In addition, the new legislation amends the existing bridge program to allow Federal funds to be used to repair, as well as to completely replace, existing bridges. This means that more bridges can be upgraded because it is often more economical to repair a structure than to build a new one. It will cost between $75,000–$100,000 to repair the Lehigh bridge, for example, while it would have taken almost $700,000 for a new structure.

When the serious condition of the Lehigh bridge was brought to my attention, my office contacted the mayor and suggested the town seek bridge replacement program funds to repair the structure. Lehigh officials took this action, and State and Federal transportation officials expedited approval of the needed rehabilitation funds.

I have been in contact with Federal and State transportation officials who have informed me that repairs on the Lehigh bridge will begin shortly and it may be opened to light traffic during the work period. I hope this work will proceed on schedule and that the bridge will be reopened to all traffic so that orderly transportation for Lehigh residents can be restored as soon as possible.

I am extremely pleased to have played a role in effectively exanding the Federal Government's bridge replacement program so that more small town bridges—like Lehigh's—can be repaired quickly. The additional resources for Iowa will enable local and State officials to accelerate the repair or replacement of the more than 8,000 deficient bridges that span our State's Federal-aid and county road systems.

Mr. President, I ask that the following newspaper articles from the Des Moines Register and the Fort Dodge Messenger discussing the Lehigh bridge be printed in the RECORD.

The articles follow:

### BARRICADED LEHIGH BRIDGE CREATES ECONOMIC WOES

LEHIGH, IOWA.—A 19-year-old bridge over the Des Moines River that provides the only connection between the east and west halves of the Webster County town has been barricaded as unsafe.

Residents say the result could be disaster—both physical and economic.

Loss of use of the bridge—which was closed to all traffic Monday because of two fractures and 10 other cracks in its structure—has made the old joke "you can't get there from here" almost literally true.

Mayor Hazel Mickelson said residents of one side who need to reach the other side of town now must take a 25-mile detour across the nearest bridges north and south of Lehigh.

And, she said, the 70 households on the west side of the river are without police and fire protection and ambulance service. The households include 37 persons who are elderly or handicapped, she said.

County Engineer Maynard Tweed said workers were scheduled to begin "beefing up" the bridge Monday.

The temporary repairs will take about a month, he said, after which it may be possible to allow pedestrian traffic or limited auto traffic.

Tweed said that "there is no reason we can think of" for the cracks and that the steel would be analyzed to determine whether it is faulty.

He said the possibility of the bridge collapsing "may be remote, but nevertheless it exists."

If the bridge can be fixed, he added, repairs would cost about $250,000 and take six months or so to complete.

If a completely new superstructure is needed, the cost would rise to $500,000 and the task would require about nine months, he said.

#### BUSINESS SUFFERS

Business owners on both sides of the river said they had been suffering from reduced business because patrons are going to other communities rather than making the lengthy detour to the other side.

Mickelson said city officials had turned to U.S. Representative Berkley Bedell (Dem., Ia.) for help in obtaining a temporary bridge and to the state Office of Disaster Services for possible financial assistance.

The town's frustration over its dilemma may be summed up by a handcarved sign in the senior citizens' place Monday afternoon, and even pedestrian traffic was banned.

It says, "We, the unwilling, led by the unsure, have been doing the impossible for so long with so little, that we are qualified to do anything with nothing at all."

Everybody is affected.

Frank Fisher, manager of the Lehigh branch of the Dayton Co-op Elevator, said he had lost 80 percent of his business because farmers on the other side of the river were going to closer towns.

"Just for beginners," he said Thursday, "we'll lose something like $2 million in gross business."

Ted Lyons, superintendent of the Central Webster School District, said it would cost at least $5,000 for extra busing caused by the extended detour.

Students who live right across the 417-foot bridge now must arise 45 minutes earlier to cope with the detour. Lyons said one-fourth of the district's 395 students who live on the west side of the river had to make the detour to get to their schools.

#### MAIL PROBLEMS

Judy Wilson, the postmaster, said the closed bridge means her rural mail carrier now has to drive an extra 222 miles per week, and that residents of the east side of the river can't pick up their mail without driving the 25 miles.

"I will see the mail gets across to them some way," she said.

Thelma Johnson, proprietor of the East Side Tavern, said she closed Tuesday and Wednesday because of lack of business.

She opened Thursday to "see what happens," but added, "I don't know what I'm going to do."

Gordon Plahn, owner of the Gambles Store on the east side, said, "I'd say our business is cut just about in half. Anyway you put it, it's affecting everybody."

Besides the emergency services, both grocery stores, gasoline stations, all the churches and the senior citizens' center are on the east side of Lehigh.

Use of the span was first limited about three weeks ago when a seven-ton load limit was established.

Last Thursday, County Engineer Tweed recommended the embargo be lowered to three tons—barely enough for a single car—but then learned the bridge was even more unsafe and asked the Webster County Board of Supervisors to close it to all traffic.

#### CLIMB BARRICADES

Despite the ban, residents continue to climb the barricades and walk across the bridge rather than get in a car and drive the 25 miles to the other side of town.

State Representative Rod Hadvorson (Dem., Fort Dodge), who has been recruited to help the town, noted that extended loss of the bridge would be a crippling blow.

"This is not exactly a wealthy community," he said. "It will take a long time to regain and recoup the losses."

Mayor Mickelson said the crack on the north side of the bridge was first brought to the attention of the county engineer's office May 15. She said the city's consulting engineer saw a fracture in one of the four massive steel I-beams that support the concrete bed of the bridge.

She said the city engineer called Tweed and told him about the crack.

Then, the more serious fracture was discovered on the south side of the bridge, she said, but no one from the city reported it because it was assumed the county engineer's office would make a thorough inspection.

Tweed said he and the bridge superintendent for Weldon Brothers of Iowa Falls, which built the structure, had inspected the fracture on the north side and even looked at the south beam—but did not see that fracture.

#### COUNTY SUPERVISOR

After hearing nothing about the cracks from the county, she said, City Councilman George May went to Fort Dodge on August 14 to talk with County Supervisor Clifford Messerly.

"Clifford didn't know a thing about it," she said, but a secretary in the engineer's office said, "It's all taken care of, don't worry about it."

Then, on September 11, a county crew began barricading the north side of the bridge, much to the amazement of city maintenance worker Frank Boring, who knew about the more serious break on the south side.

"Their mouths just flew open" when they saw that fracture, the mayor said.

Other engineers were called in to inspect the bridge, resulting in the ban on all traffic.

Even now that it is closed, Mickelson said, the city has had "no response from the supervisors . . . it's been all our initiative."

"There's one thing that's got to stop," said Councilman Ted Reith, "and that's trying to place the blame. . . . That doesn't help us psychologically. We're trying to get an alternate solution."

---

### FEDERAL AID EXPECTED FOR BRIDGE AT LEHIGH

Federal funds in the amount of $68,000 have virtually been assured Webster County to repair the Des Moines River Bridge at Lehigh, the board of supervisors was told Friday.

County Engineer Maynard Tweed said he met with the Department of Transportation, and the Federal Highway Administration in Ames Thursday was advised that if a letter adequately describing the need is received the funds would be approved.

The amount is 80 percent of the estimated total repair bill and Webster County will pay the remaining 20 percent. Tweed said the FHA was impressed that the county was willing to use its secondary road funds on the project.

The bridge was closed to all traffic, including pedestrians, in mid-October after it was learned there were two serious fractures in steel I-beams and cracks in webs. Samples were taken of the steel and the concrete to determine how serious the problem was and what had caused it. McClure Engineering of Fort Dodge was in charge of that portion of the project and Tweed said a report on steel testings have been received by the firm. Tweed said to date there has been no report from the Iowa State University metallergy department on their tests, nor from the firm testing the concrete.

K. S. Kramme Construction, Des Moines, has done the drilling for tests and will begin repair work under a "force account" possible as early as next week. When the county proceeds under a "force account" it means they may dispense with the slow bidding procedures because the project is of an urgent nature.

If the work can begin this week the bridge could be open to all traffic the first of April, Tweed said. If the county had been forced to take the usual bidding route it would not have been completed until late summer.

The bridge unites the east and west portions of Lehigh which has a population of 739. Some 10 percent of the population lives on the east side while most municipal services, stores and bank are on the west side. Tweed said his report to the FHA notes the latest traffic count on the bridge was 695 vehicles. The bridge is an important link to the elevator on the east side, and shortens routes for trucks moving from the clay works on the west side. There are two bus loads of students living on the east side and Central Webster buses must travel an extra 40 miles per day to pick them up and return them home. All these points were important in the decision to allow bridge replacement funds for the project.

The bridge is expected to be opened to limited one-way traffic late next week after floodlights, traffic lights and barricades have been installed. Only loads of five-ton or less will be allowed during the repair period. If the embargo is violated the supervisors said the bridge would be closed immediately.●

## MINIMUM ACCEPTABLE AMERICAN DEFENSE PROGRAM

● Mr. HUMPHREY. Mr. President, I wish to submit for the Record a press statement that six of my colleagues and I made on Wednesdav, January 23, 1980, at a press breakfast in the Capitol.

The statement follows:

Statement By Senators Humphrey, Hayakawa, Hatch, McClure, Schmitt, Thurmond, and Wallop at Media Breakfast, U.S. Capitol, January 23, 1980

### MINIMUM ACCEPTABLE AMERICAN DEFENSE PROGRAM

On Wednesday night, President Carter will deliver to the Congress and the nation his 1980 State of the Union Message. The news media tell us that the White House staff describe this speech as the most important the President has ever given. We agree. We will be carefully watching this speech to see what the President proposes, now that his foreign and defense policies are in shambles.

There is some reason to hope that the events of the past few months in Iran and Afghanistan have caused President Carter to change his mind on matters which relate to our national security. After all, Mr. Carter has said that the Soviet aggression in Afghanistan has forced a dramatic change in his view of the intentions of the Soviet Union. We hope so. But we are skeptical. The State of the Union Address will show the American people if our incumbent president has really changed his mind.

Frankly, our fear is that the State of the Union speech will fall far short of what this country needs. Words full of sound and fury may signify nothing. To date, Mr. Carter has practiced the opposite of Theodore Roosevelt's good advice. For three long years, our leader has, at most, spoken loudly. Meanwhile, he and the liberal Democratic majorities of the Congress have been whittling away at America's once big stick.

The Soviets have far surpassed us in most measures of military preparedness. What is worse, the Soviets have been increasing their forces at a rapid rate while President Carter's defense policy has been characterized by unilateral decisions against badly needed new American weapons.

Will this President really wake up? The American people will tune in Wednesday night and see. We hope to hear more than tough sounding words and announcements of half measures and empty gestures. The American people are clearly ready to do what is necessary to stop the Soviets from achieving world hegemony. Is Mr. Carter? We hope so.

Under the circumstances, because he has admitted that the Soviets have concealed their intentions from him for so long, it is safe to predict that Mr. Carter will try to sound tough. His political survival requires that he try to sound tough. But sounding tough does not count with the Soviets. Only being tough counts.

The Soviets will be watching the State of the Union Address. They know the difference between empty words and real action. They are masters at both. Has this President learned the difference? The Soviets will see at the same time we do.

The audacity of Soviet advances in Southwest Asia shows that a major program for rebuilding American military might is necessary right now. Any further delay would be fatal for our country. At minimum the State of the Union message should outline the specific programs needed to reverse the otherwise inevitable Soviet achievement of worldwide domination.

The minimum program the President should announce in his speech should include a reversal of his past decisions to cut back U.S. defense preparations. Anything less than an admitted reversal of his policy of wishful thinking about the Soviet will not suffice.

We would love to hear the President announce that he is replacing many of his advisors who are responsible for so much of the current U.S. weakness. But we don't expect that.

What we do have a right to expect is a minimum list of proposals to build American strength. Anything less than this will be a signal to the Soviets and to the American people that nothing has really changed, that no one at the White House has really waked up.

Here are the minimum measures which the President must announce and request of the Congress if he expects to be taken seriously:

1. A return to the naval construction program of the previous Republican Administration authorizing construction of thirty new capital ships per year. Mr. Carter has cut these naval construction starts in half.

2. A reversal of the President's foolish decision to terminate the B–1 bomber. We must begin production of the B–1 bomber in both a penetrating bomber made and as a cruise missile carrier.

3. An immediate start of procurement of a new interceptor aircraft, which is needed to build a credible American defense system against the Soviet supersonic Backfire bomber. (One of the most outrageous U.S. concessions in the SALT negotiations was the failure to count the Soviets' Backfire bomber, which can easily hit U.S. targets.)

4. Accelerated procurement and modernization of ground force equipment, especially tanks, anti-tank weapons, and artillery.

5. A major increase in U.S. airlift, amphibious, and airborne capability.

6. Acceleration of our U.S. programs for the Trident submarine, the Trident missile and all of our cruise missile systems.

7. A significant increase in research and development which would include anti-ballistic missile technology, anti-satellite killers, laser and high energy-directed systems, and possible military applications of space shuttles.

8. An assurance to the American people that our strategic weapon Triad (bombers, land-based missiles, and submarine-based missiles) will be modernized and maintained on a level superior or at least equal to that of the Soviet Union.

9. An acceleration of the MX missile development and adoption of a deployment system which is workable. This would require dropping of the President's choice of the expensive and environmentally controversial "racetrack" basing mode.

10. A major, new program of civil defense preparedness.

11. An upward pay adjustment for critical military personnel who are leaving the armed services at alarming rates. This problem is especially acute among senior non-commissioned officers and junior grade officers who provide the day-to-day leadership in the armed services and fly our combat aircraft.

12. An annual increase in defense spending of at least 10 percent above the rate of inflation.

These are minimum requirements. Anything less will be a clear sign that the Carter Administration cannot change. Anything less will be a clear sign that half measures, ambivalent actions, and wishful thinking continue to dominate this administration.

Issued by:
U.S. Senator Gordon J. Humphrey, R-N.H.
U.S. Senator S. I. Hayakawa, R-Calif.
U.S. Senator Orrin G. Hatch, R-Utah.
U.S. Senator James A. McClure, R-Idaho.
U.S. Senator Harrison Schmitt, R-N. Mex.
U.S. Senator Strom Thurmond, R-S.C.
U.S. Senator Malcolm Wallop, R-Wyo.●

## A CHALLENGE FOR THE NEW DECADE

● Mr. DURENBERGER. Mr. President, during the past 4 weeks many of us have spent a great deal of time in our home States. I am confident that my experiences were typical of those encountered by my colleagues.

I found the majority of my constituents willing to make the necessary sacrifices for the common good, but increasingly frustrated by what they perceive to be inaction by the institutions that affect their everyday lives. Too often they are hearing old solutions to new problems, and they know that what worked in the 1960's will not work in the 1980's.

William C. Norris, chairman and chief executive officer of Control Data Corp., accurately identifies the dilemma: In an era that demands creativity, our major institutions have lost their will to be innovative.

Mr. Norris is an expert in the area of innovation. As founder of Control Data, he took a risk when he created the company. His creativity has given birth to a worldwide corporation.

Control Data's corporate success has been coupled with social responsibility. Under Mr. Norris's leadership, Control Data has formed a mutually beneficial partnership with the community. Two recent Control data programs—providing on-the-job training for unemployed and under-employed youths and returning the disabled to the workforce—are only the latest in a long list of socially responsible undertakings.

Mr. Norris' track record is an outstanding platform from which he issues a challenge for the new decade. I ask that his comments be printed in the Record.

The comments follow:

### A Risk-Avoiding, Selfish Society

Roaring, inflation, persistent unemployment and underemployment, a weakened U.S. dollar, our eroding standard of living, and other woes are due in large part to a paralysis of fortitude in our society. Too few of us are ready to take the risks necessary to solve our problems. We lack the will to accommodate the changes that creative approaches to our social economic ills demand.

Business and industry serve as prime examples. With the exception of those hardy souls who start and operate small businesses and a few large companies, today's private enterprise is distinguished by a lack of new products and service innovations. Such innovations yield increases in productivity that permit a higher standard of living and at the same time subdue inflation and create jobs.

But innovation demands risk taking—a way of life for the small-business person. It is unavoidable in starting a business and achieving profitable growth in an environment dominated by giant corporations. In short, small businesses innovate, take risks, or die.

On the other hand, big corporations, with their vast resources and well-established markets, emphasize improvements in existing products to increase profits. Frequently, they obtain needed new products and services by acquiring small companies. Consequently, over the past 10 years or so, total employment by large companies in the U.S. has remained about level; increases in private sector employment have come primarily from small companies.

Failure of large companies to be more innovative is partly a function of our growing no-risk culture. Innovation means doing something new, often at great initial expense—first in development and later in startup costs of manufacturing and marketing. The rising cost of innovation, investor pressure for immediate earnings, and greater economic uncertainty have accentuated the tendency of large corporations to avoid the risks associated with truly major innovative products or services.

### IMMEDIATE PAYOFFS

Today's emphasis is on immediate payoffs from marginal improvement in existing offerings and from lower labor costs through mechanization and automation. In such an environment, it is no surprise that development of new products and services takes a back seat. But big business is not alone. It shares its apathetic, risk-avoiding, selfish, and reactionary profile with other sectors, including academia, organized labor, private foundations, the churches, and government.

The education establishment resists the changes required by a declining student population, rising costs, and an increasingly obvious inability to meet the individual needs of many students. Labor unions shun cooperation with corporations in addressing the needs of society—and, by extension, their individual members. Many foundations supply money to alleviate social ills. Ironically, however, they invest their assets in an ultraconservative manner, favoring safe securities over higher-risk investments. The effect is to discourage economic growth. This is particularly ironic in that most foundations owe their wealth to some entrepreneur's willingness to take risks a few decades ago.

In a recent television appearance, President Carter noted that one of the great shortcomings in our society is that everyone is out for himself. Perhaps the best one-line summary of our society today is that the pioneering spirit epitomized by the phrase "go west, young man" has been replaced with the shortsighted negative implications of the question, "What have you done for me lately?" Clearly, there must be many changes if there is to be substantial improvement. The old ways just aren't working well enough.

### INVESTING IN INNOVATION

Our representatives in Congress must pass new legislation that removes the disadvantage placed on small business, disadvantages resulting from punitive tax laws and environmental regulations. In contrast to the present situation, Congress would do well to give small business a competitive edge because of its willingness to innovate, take risks, and create the new jobs that Americans need so badly—in recognition of its proven performance in each of these areas.

Stockholders and other constituents of big business should encourage corporate management to increase investments in important innovations, especially those addressing major needs of society: lower-cost domestic sources of energy, energy conservation, better and lower-cost education, and rebuilding our blighted cities.

Church members should support leaders who propose cooperation with business in gaining desirable societal objectives, at least for a period long enough to produce worthwhile results. Likewise, educators and parents can look carefully at new ways to approach schooling—ways that enhance availability, efficiency, and quality without raising costs.

Similarly, individuals in labor unions, foundations, and other organizations must encourage cooperative enterprise. No one sector has the resources, the answers, or even the right to continue with isolated actions that promote its own interests without adequate regard for those of others.

All of us have a stake in our institutions. All bear some responsibility for solving society's problems. We must ask ourselves what we can do to encourage productive change—in our institutions and our own lives. Until productive change is accomplished, our standard of living will continue to decline.●

## HUMAN LIFE

● Mr. STONE. Mr. President, as many of my colleagues are well aware, yesterday marked the seventh anniversary of the Supreme Court decision which struck down restrictive State abortion laws. To mark that solemn occasion, I joined as a cosponsor of Senate Joint Resolution 22, the proposed human life amendment to the Constitution.

Since I was a member of the Florida State Senate, I have opposed abortion on demand. My voting record here in the U.S. Senate has consistently reflected my belief in protecting human life. As the debate continues in the 96th Congress, I will remain firm in opposition to abortion.

The need for a constitutional amendment to protect the rights of the unborn is clear. In the past 7 years, nearly 8 million abortions have been performed in this country. As we enter the new decade of the eighties, it is my hope that we can begin a new era of protecting both human rights and human life, and one way to accomplish this is through passage of Senate Joint Resolution 22.●

## SENATOR JACOB JAVITS

● Mr. STEVENS. Mr. President, recently an article entitled, "The 75-Year Dash," was published in New York magazine. The article is about our distinguished friend and colleague from New York, Senator JACOB JAVITS, and provides the reader with an up-front look at this hard-working, no-nonsense man.

Senator JAVITS was elected to the Senate over 24 years ago and is still ably representing the State of New York. He is widely acclaimed in many circles throughout the Nation for his great expanse of knowledge in the fields of foreign relations, economics, and health to name but a few. His colleagues on both sides of the aisle consider him to be one of the brightest men this body has ever had. I strongly believe that to be the case.

I have personally known JAKE JAVITS for many years now and yet each day I continue to be amazed at the breadth of his natural and legislative talents. All Republicans are proud of JAKE, even though they may disagree with him on some ideological questions. His dedication and diligence have reaped great benefit for our party. I am very proud to have the good fortune to serve with him and learn from him during my tenure in the Senate.

There has been some talk about whether or not he will seek reelection to the Senate next year. I hope he decides to continue his service in this body because his tremendous energy and contribution to the legislative process reflects well not only on New York, but the whole country as well.

I commend this article to my colleagues with the hope that we will be reading another article 25 years from now entitled: "Jake Javits: The 100-Year Dash."

The article follows:

### THE 75-YEAR DASH

(By Joe Klein)

Jacob Javits is losing patience with me. "Can't you see I'm busy?" he pleads. "I'm up to my neck. I'm swamped."

I'm supposed to be watching him spend a typical day at work in the Senate, but my presence—and I'm not doing anything obtrusive, just watching—is proving to be something of a bother.

"I don't have time for you now. I'm busy. I'm working."

"But you agreed to let me watch you work," I say. "I'd like to see what you do."

"I don't do anything. There's nothing to see. I work."

And work, and work. In fact, at this moment Jacob Javits is one of the very few United States senators who are actually working. Most of his colleagues are just sitting around, gabbing in the Senate dining room, or having Christmas cocktails in their offices with friends and staff, waiting to vote on the Chrysler bailout bill and go home. It is late in the evening of the last day of the 1979 session of Congress, and the Capitol is glowing wtih holiday cheer. Chrysler will be the last big vote before recess; the bill, which has just been passed by the House, is being photocopied. When that is done, copies will be distributed on the Senate floor and there will be a vote. Until then, there isn't much anyone can do but wait.

Jacob Javits isn't about to waste any time waiting, though. He is down in his cubbyhole office, just below the Senate chamber, reading through a bill that would reorganize an obscure international-trade commission. It is not a very crucial bill, but international trade is Javits's specialty and he feels a certain responsibility, and so he sits at his desk, penciling in changes while an aide watches nervously, hoping the boss will be satisfied. "Too much verbiage," Javits mutters. "You could have said this in half the space."

But international trade isn't the real reason for the senator's brusque distemper this evening. There is a more serious problem: Senator John Stennis, the Mississippi dinosaur, is trying to pull a fast one. He is trying to gain last-minute Senate approval of a new federal judge for his home state, a man by the name of L. T. Senter. He is hoping that his colleagues, anxious to get home, won't notice that the judge has the unfortunate habit—according to sworn testimony—of calling black people "niggers" in his courtroom. Furthermore, Stennis is hoping that the six members of the Judiciary Committee who voted against Senter's appointment (eleven voted for it) will defer to his seniority and to the lateness of the hour and not cause a ruckus on the floor . . . and indeed it seems the Senate is ready to bestow this last-minute Christmas gift.

Although he would never admit it publicly (or to anyone but his closest staff), Javits is disgusted. He can't understand why the disgruntled Judiciary members aren't going to make an effort to block the appointment. It is, he believes, their responsibility; it certainly isn't *his*. And yet, he has a fistful of letters from people with the NAACP and the bar association who think that L. T. Senter would be unfit to judge the Miss America pageant.

Even though it seems likely that Stennis will have his way, *someone* should speak out against this perversion.

It will be well past midnight when the nomination reaches the floor. By that time, Javits—who is 75 years old and contemplating retirement—will be quite exhausted. It's entirely unlikely that any of his constituents will ever be affected by L. T. Senter's brand of justice; the vast majority of New Yorkers will never even be aware that the man exists. But Javits will rise nonetheless; with the dry precision that has characterized his career in public life, he cannot imagine doing otherwise.

Jacob Javits was born on May 18, 1904, which makes him the fifth-oldest member of the United States Senate. His father was a janitor on the Lower East Side. His mother was a peddler. He worked his way through NYU Law School and, upon graduation, joined his older brother in the law firm of Javits and Javits, which specialized in bankruptcies—a growth industry during the Depression—and he became wealthy.

He always was interested in politics, starting out as an ardent socialist. When that passion cooled, he was left with a modest idealism and a strong aversion to Tammany Hall's sleaze and corruption—one of his father's functions as a janitor was to bribe the tenants to vote the straight Democratic ticket each Election Day. And so he joined the Repubilcan party, which wasn't quite so obtuse an organization in those days as it is now. It was Fiorello La Guardia's party, the reform party. He first ran for Congress in 1946 from upper Manhattan and, much to everyone's surprise, was elected. He has never lost an election since, which is probably as much a testimony to the lameness of his' opposition (such perennial losers as Ramsay Clark, Paul O'Dwyer, and the unforgettable James Donovan) as it is to his popularity.

But even with cream-puff opposition and the reassuring presence of Nelson Rockefeller as moderate-liberal *padrone*, life as a Republican hasn't been especially easy for Jacob Javits. He's had to make such unappetizing decisions as whether to support Barry Goldwater for president in 1964 (he didn't) and what to do about Richard Nixon. "Dick Nixon can be a blessing to this country and the world," he said in 1968, adding that Nixon might well end the Vietnam war if elected: [He] has good origins; he's a Quaker, you know."

Although Javits never wavered in his basic principles, always supporting the civil-rights movement and opposing the war in Vietnam after 1967, his performance during the Watergate years was less than inspiring. Perhaps it was party loyalty, perhaps cowardice, but he remained relatively—disgracefuly—silent during the impeachment process. Even arch-conservative and then Senator James Buckley called for Nixon's resignation before he did.

On a more practical level, the fact that Javits is a Republican has limited his effectiveness in the Senate. If he were a Democrat, he would be a very powerful man by now—chairman of the Foreign Relations Committee, at the very least—and he often is asked why he never switched parties. "Well, you don't get a free ride with either party," he says. "The conservatism of the Republicans has occasionally nettled the hell out of me, but I've usually agreed with their economic policy. Anyway, if I were a Democrat, I would have been expected to support people like Jim Eastland, who was chairman of Judiciary for so many years. Eastland's a nice man, but I can't say that his record on civil rights was anything that I'd feel comfortable with."

And so he remains the last of the La Guardia Republicans, the exemplar of a tradition that few people understand or appreciate. Even in New York State, he is considered more of an ideological encumbrance than a respected elder by many of his fellow party members. "I don't consider ourselves in the same party," says George Clark, the Brooklyn GOP chairman who is one of three important county leaders who've said they want Javits to retire. "He certainly doesn't represent the views of rank-and-file Republicans. Sure, he's been a big vote getter, but some real weirdos in this world have been big vote getters. I wish he would just quit."

Clark is not alone. More than a few Republicans are hoping against hope that Javits will pack it in. Jack Kemp, the ultraconservative congressman from Buffalo, would, no doubt, immediately announce his candidacy. And there is always the vague possibility that Henry Kissinger will deign to lend his weighty presence to the legislature—although the position of senator, and junior senator at that, would certainly seem a mild demotion for him.

At the same time, the Democrats—buoyed by the fact that Javits' margins of victory have grown progressively smaller—seem intent on offering something more than a lightweight candidate this year: Either Bess Myerson or Congresswoman Elizabeth Holtzman would certainly be more formidable than the opposition Javits has faced in the past, although there is always the possibility that someone like John Lindsay might sneak in.

All of them are waiting to see what Javits is going to do, but the senator is taking his time about it, loving the unusual attention he's receiving and is not about to tip his hand yet.

"I have no announcement about my plans for the future," he tells reporters—with a cagey twinkle in his clear blue eyes—on the morning of the last day of the 1979 session. He has called a press conference in his cluttered office to review the year's legislative achievements. He wants to explain his support for the Chrysler bailout, and take credit for a recent bill to reduce airport noise, and talk about the things he'll be concentrating on in 1980. The reporters want him to talk about retirement.

"I have not made a decision on that yet," he says, adding, cryptically, "but I'm not undecided. I just haven't made my decision."

"When will you decide?"

He says he will decide on or about February 12. "That's a good day—not only is it Lincoln's birthday, an important day for Republicans, but it is also the twelfth anniversary of my withdrawal of support for the war in Vietnam, and it is nine months before the election, which I think is sufficient time for me to mount a campaign, or for others to do so." And then he goes on to talk about how former Attorney General Louis Lefkowitz and former Comptroller Arthur Levitt didn't announce their decisions until much later. "Herbert Lehman didn't announce his decision to retire from the Senate until July of 1956—I remember that very clearly because I became a candidate for his seat immediately after that."

The reporters move on to other subjects, leaving an important nuance unexplored: All three men he has mentioned—Lefkowitz, Levitt, and Lehman—decided to retire.

"Why should you retire?" I asked him later.

"Well, I have to consider myself as a human being. I've been doing this for 33 years," his voice trails. Then, "If I decided to stay here, I wouldn't change my style. People seem to think that I could slow down, take it easy, go to sleep for two hours in the afternoon . . . but if I stayed, I'd have to keep on doing it the way I've always done.

"Sometimes it really gets to me, the way it did tonight," he says, in an apparent reference to the Mississippi-judgeship battle. "It becomes very exhausting, very tiring. But I suppose that when you work hard, you're taken advantage of by your own zest for the job, and everything gets deposited on your doorstep. I have as much business getting involved in this thing tonight as you have to fly."

But it was inevitable that he would get involved. From the very start of his career, Javits has made a practice of getting involved in just about everything, signing up for as many committees as would have him, working harder than his colleagues, and knowing more. "It is almost a fetish with him," says Don Kellerman, a former aide. "I've never known anyone who worked so hard. It is a compulsion, a need to know everything.

"When I think of Javits, the image that comes to mind is him sitting at his desk—it's about six in the evening—and he's surrounded by aides, all these young, high-powered legislative assistants who are experts in their areas, and they're all vying for his attention. One guy wants to talk about unemployment, another wants to talk about foreign policy, a third wants to talk about small business, and he's juggling all three of them, carrying on a coherent discussion with three at once . . . and he knows more about the subjects in question than any of them. He is the only public figure I've ever met whom I respect more after working for him than before."

Another former aide, Pete Teeley, who is now George Bush's press secretary, remembers going to Mexico with Javits: "I was expecting an enjoyable trip. You know, the press always calls these things 'junkets.' Well, we get there, and immediately he's in a meeting with the president of Mexico, and then the foreign minister and labor and business leaders—amazing. We're in Mexico for three days and he never stops having meetings. And in all these meetings, he's taking notes, and when we get back to Washington, the notes become a voluminous report that is inserted into the Congressional Record and is ignored by virtually everyone.

"He doesn't seem to care, though, if no one notices. At least, he never says anything. He will work on something for years without any publicity just because he thinks it's important, and someone has to do it. It's his job and he has a tremendous sense of responsibility. He worked on the pension-reform bill for six, eight, ten years before it was passed. Then he went to the White House for the signing, came back to the office, and was off onto the next thing, as if nothing very significant had just happened."

The long hours, the hard work, the expertise are all very impressive . . . but rather dull. Despite a lifetime of effort, Jacob Javits is not a very inspiring or beloved figure. In 1972, New York Magazine had the temerity to honor him as one of the "Ten Most Overrated" men in New York; "He exerts tremendous influence on three aging women in the Bronx, and two in Washington Heights," it was noted. And it is true that the quiet, patient work he does in areas like international economics, and even pension reform, does not lend itself easily to media attention. While more flamboyant colleagues like Pat Moynihan have gained credit as stalwart defenders of New York City in Washington, Javits quietly fashioned programs like Model Cities in the 1960s. "I never knew him to refuse a request to help the city," says former Mayor Abraham Beame.

Javits is not a particularly courtly or elegant or clever man. "I don't think he has very much of a sense of humor," says an otherwise admiring former aide. When he tries to be gracious, he usually succeeds only in appearing strained. As early as 1950, The New Yorker described his manner as that of a "maitre d'hôtel upon the approach of a steady and well-heeled customer." Indeed, it often seems that the most exciting thing about Jacob Javits is his flashy wife, Marion, who gads about town and used to do public relations for the shah, and has been known to brag about her "open" marriage.

Although he is well respected in the Senate, he doesn't have many friends there. His colleagues often defer to his knowledge but don't seem to seek him out as a leader. He is the perennial outsider, especially among the Republicans, who tend to be daunted by such qualities as liberalism and Jewishness. Several years ago, Javits ran for a minor party leadership position against Carl Curtis of Nebraska—a man widely regarded by friend and foe as one of the stupidest humans ever to serve in the Senate—and he lost.

Javits suffers these slights with quiet frustration; he is not a humble man, and his pride is tinged with defiance. Throughout his career, he has appeared to be antsy, always desiring greater recognition and power. In the mid-1960s, he made no secret of the fact that he wouldn't mind being the first Jewish vice-president, an ambition that earned him the cover of Time magazine and more than a few snickers.

"There is no office now closed to a Jew, including the presidency," he told Time, and predicted that some Jew would be included on a national ticket within the next decade. "It would be nice to be the fellow that it happened to," he said.

His lack of humility is, at times, rather grating. There is a very definite sense that Javits feels that his distinguished career has gone unappreciated, and sometimes his resentment bubbles over into pomposity. "I am more than a senator," he once reportedly told an aide. "I am an institution."

"There is no office now closed to a Jew, him. At 75, he remains spry and fit. He works out in the Senate gym virtually every day. While some of his colleagues dodder precariously through the halls of Congress, Javits still strides with assurance.

And, at 12:45 a.m. on the last day of the 1979 session of Congress, when the nomination of Judge L. T. Senter of Mississippi finally reaches the Senate floor, he is well prepared and alert and ready to do battle.

"I want you all to know that I personally selected the man to be nominated," says John Stennis, who is three years older than Javits but seems much older than that. "And I want you to know that he is a good man, a man of judicial experience and temperament and integrity."

The ocher Senate chamber has taken on a dank, musty, late-night quality. Several senators—McGovern, Long, Byrd—are dozing fitfully in their seats; others are stretched out on cloakroom couches. The galleries are empty.

Stennis finishes with a flourish, and Javits rises. He says, rather pointedly, that he is not a member of the Judiciary Committee and therefore didn't have the opportunity to hear all the testimony in this case. "I hope we'll hear from some members of that committee tonight so that we can make a more informed judgment." He assures his colleagues that he has "enormous respect and affection for the senior senator from Mississippi," and then he begins to tear Senter apart. He reads from letters, quotes affidavits and testimony, including that of a young, white legal intern who swears unequivocally that he heard the judge "use the word 'nigger' in open court." There is more: The judge apparently made a practice of telling racial jokes in his chambers, belonged to an all-white country club, and sent his children to an all-white private academy when the schools in his town were integrated.

Javits lays out the case patiently and clearly, without histrionics, and closes by reminding his colleagues that Senter is a young man who probably will serve on the bench for the next 30 years, and that his district is 60 percent black.

Javits is followed by Birch Bayh, a member of the Judiciary Committee, who essentially repeats everything that has just been said, adding that the committee wasn't able to determine if the judge's decisions actually were racist, and the nomination should probably be held up until that sort of study is made.

Paul Tsongas, the young senator from Massachusetts, points out that this will probably be the last vote taken by the Senate in the 1970s, and it would be a shame to confirm the nomination of a man with such a questionable record. The thought occurs that Stennis and Javits have been fighting each other on this issue, in one form or another, for nearly 25 years, and this may well be the last time they do battle. The issue, like the men, has become something of an anachronism. Mississippi is about as segregated as New York nowadays; racists adorn the bench in both states.

The debate drones on. It is well past 2 a.m. Finally, there is only time for a closing statement from both sides.

Javits rises wearily again. He asks that the Senate delay consideration of the nomination until it reconvenes in January. "Why do we have to act now, at this hour of the morning, on the last day we'll be meeting in this decade? What's the rush? Will justice collapse in Mississippi?"

Then Stennis, angry and tired, and just barely in control, says that the opposition to Senter has been organized mainly by black militants who stage protest marches and distribute radical leaflets. He doesn't see anything so terrible about the judge's record, even if it is true that he used a particular word in court. "When I was growing up in the South, Negroes were offended when they were called blacks. . . . I've lived with them all my life, and I've heard them call each other niggers many times."

This final outrage passes virtually unnoticed. The senators are anxious to vote and go home. They will confirm the nomination because it would be too much of a personal affront to one of their fellow members to do otherwise. Many of them are, perhaps, thinking about their own nominees for the federal bench who have, at times, been more political than judicious.

The actual vote, when it comes, is something of an anticlimax. Javits doesn't blink when the totals are announced: 43 in favor of Senter and 25 opposed. He merely rises, with great weariness and dignity, shakes hands with several of his colleagues, and leaves the chamber.●

---

## CENTENNIAL ANNIVERSARY OF RUTGERS UNIVERSITY'S NEW JERSEY AGRICULTURAL EXPERIMENT STATION

● Mr. WILLIAMS. Mr. President, those who do not get enough opportunities to travel through New Jersey sometimes do not understand why we are known as the Garden State.

Yet New Jersey can boast many advances in agriculture and can claim leadership in the production of many crops, from blueberries to tomatoes.

One of the reasons why New Jersey's nickname fits is the work of the New Jersey Agricultural Experiment Station based at Rutgers University's Cook College.

Dr. Grant F. Walton, director of the experiment station and dean of Cook College, notes that the name Rutgers is associated with many key developments in agriculture and that Rutgers has been in the forefront of the drive to modernize techniques and practices in America's farmlands.

Mr. President, this year the agricultural experiment station will celebrate its 100th anniversary of service to American agriculture, and I know my colleagues would like to take this opportunity to wish Dr. Walton, the staff and students of Rutgers, and the institution's alumni our heartiest congratulations on a job well done.

Also, Mr. President, I wish to share with my colleagues an excellent summary of some of the station's recent efforts which was prepared by the university, and I ask that it be printed in the Record:

The summary follows:

### Agricultural Experiment Station Celebrates Centennial

New Brunswick, January 16.—To residents of highly urbanized New Jersey or to travelers on its tollways, it seems almost unbelievable that New Jersey is known as the Garden State.

One man in a unique position to explain why that nickname still fits is Dr. Grant F. Walton, dean of Rutgers University's Cook College and director of the New Jersey Agricultural Experiment Station based there.

The Experiment Station is marking its 100th birthday on March 10, 1980, with the whole year to be punctuated by various types of celebrations.

"The fact that New Jersey is still known as the Garden State is due in large measure to the efforts of the Experiment Station, which has accumulated an impressive list of accomplishments during its century of service," said Dr. Walton.

"For example," he noted, "the name of Rutgers is associated immediately with streptomycin and the Rutgers tomato, which are both fruits of Experiment Station research.

"But fewer people seem to realize that, as the most urbanized state in the nation, New Jersey has less than one percent of its population engaged in food production. However, that one percent produces a quarter of all the food consumed in New Jersey.

"The Experiment Station has had a lot to do with increasing and maintaining the high level of top-quality production by Garden State growers," he said.

Walton believes that agriculture survives today not by increasing prices for its products but by becoming more efficient in its operation. As an example, he cited the percentage of disposable income spent on food for a family of four.

"Twenty years ago, it was 25 percent, and now it's 16 percent. Nothing else has had that kind of reduction," he said.

Behind the facts and figures lies a fabric of diverse research efforts at the Experiment Station dating back to the days of its first director, George H. Cook, whose name is now carried by the college that houses it.

Dr. Cook was a chemist and geologist who was active in a wide range of other scientific areas as well. Under his guidance the Experiment Station began its work on botany, biology, entomology and soils. Today there are some 250 separate research projects under way in the 19 departments at Cook which together form what Walton calls "New Jersey's only research and development center for food and other natural resources."

"The Experiment Station is the agricultural research component of Rutgers and is designed to integrate teaching, research and extension work. Our mission is agricultural production, food science and nutrition, and environmental improvement," he said.

Even a cursory review of the history of the Experiment Station yields a harvest of many "firsts" of national and international renown. In addition to the development of the Rutgers tomato and the discovery of the antibiotic streptomycin, which earned a Nobel Prize for Dr. Selman A. Waksman of the Experiment Station faculty, the list includes the following:

The use of artificial insemination in cattle was perfected at the Station. The process is now used for turkeys, bees, dogs and horses as well.

The nation's first collegiate department of environmental science was established here in 1921.

Effective mosquito control technology began here, leading, along the way, to the development of "6–12," the insect repellent that worked. Byproducts of this research range from the protection of public health to the maintenance of tourism along the Jersey shore and the development of the Meadowlands.

Two vaccines developed at the Station saved the poultry industry, both locally and nationally, from the ravages of Newcastle disease and laryngotracheitis.

"Aquaculture" was added to the vocabulary to describe a process that was developed at Rutgers and which is responsible for improved oyster farming in the Delaware Bay.

The Station pioneered in research, conducted by the department of nutrition, which linked fiber in the diet to the control of cholesterol in the body.

The Station developed the Blake peach, which gave New Jersey fruit growers a leg up on their Georgia cousins, and a host of other fruits and vegetables specifically designed for New Jersey's climate and soil conditions; these include the Ramapo tomato, successor to the Rutgers variety.

The Station originated the "transfer of development rights" concept of land use, which has done much to preserve land as open space.

A researcher at the Experiment Station discovered that the plant which produces the world's safest yet deadliest natural insecticide can be grown in New Jersey, rather than just Africa and South America, as was previously thought.

"We're designing new ways to dispose of municipal wastes, to control insects without unnecessary use of chemicals, to make fuel and conserve energy, and to better utilize productive land and make more land productive," said Walton.

Experiment Station researchers see challenges everywhere they look in the state, the nation and the world. There are needs relating to energy, the environment, human health, nutrition and other areas, all waiting for the attentions of the Experiment Station as it enters its second century of service.

"For example, there would be enormous increases in the world's food supply if we could reduce post-harvest losses, which run about 50 percent worldwide," said the dean.

"We're proud of our past and looking forward to the future," he declared. "We feel the best is yet to come in terms of our research results, and that's very exciting."●

## TRIBUTE TO DR. DON WALSH

● Mr. HAYAKAWA. Mr. President, today I would like to honor Dr. Don Walsh, a man who set the underwater dive record 20 years ago today. Dr. Walsh descended 37,800 feet, to the floor of the Marianis Trench, in a strange-looking underwater research vessel, called the *Trieste*. The vessel, which is technically known as a bathyscaph, has been described as a "sort of deep-dive dirigible," or a great flotation tank with a passenger gondola attached to the bottom. His only companion on the trip was Jaques Piccard, son of Auguste Piccard, the man who designed the underwater vessel.

The dive took place 200 miles off the coast of Guam and more than 7 miles below the surface of the Pacific Ocean. In describing his experience aboard the *Trieste*, Don Walsh expressed his sense of elation at seeing two other living creatures at the bottom of the world. He described a fish browsing along the sea floor in search of food, and what seemed to be small shrimp. He compared the divers' luck in finding the two creatures as the equivalent of seeing a rare animal while sealed in a small steel ball on top of Mount Everest for 20 minutes in the middle of the night with no means of illumination but a flashlight fixed to the side of the sphere.

In looking back upon the historic dive of the *Trieste*, 20 years ago, it is easy to see what Dr. Walsh and Jaques Piccard accomplished. Their record-breaking dive proved that man could personally investigate any part of the ocean. Their accomplishment set a new threshold for the coming era of ocean exploration. Along with the exploration comes a deeper understanding of the importance of ocean resources, the fragility of the ocean environment, and the role of man in shaping the future role of the ocean in our lives.

Since the historic dive, Dr. Walsh has achieved a career of distinction. Dr. Walsh is presently serving as the director of the Institute for Marine and Coastal Studies, and he teaches ocean engineering at the University of Southern California. He has more than 75 published articles to his name on ocean-related issues which include, the Law of the Sea, remote sensor oceanography, ocean policy, and energy and resource development of the continental margins and many more. Professor Walsh has the notorious distinction of having delivered over 1,000 lectures in ocean-related subjects during the past 20 years.

Professor Walsh, a U.S. Naval Academy graduate, received a masters of science and doctorate degree in physical oceanography from Texas A. & M. University.

He also earned a master of arts degree in political science from San Diego State College, and has served as a fellow at the prestigious Woodrow Wilson International Center for Scholars. Don Walsh has served as a Director of the Naval Institute and Chairman of the National Academy of Science's National Research Council Committee on Aquaculture. He is presently a member of the State Department's Law of the Sea Advisory Committee as well as being a Presidential appointee to the National Advisory Committee on Oceans and Atmosphere. In his spare time, Dr. Walsh manages to serve as editor of the Marine Technology Society Journal.

Don Walsh is a personal friend of mine. I am proud to pay tribute to him on the 20th anniversary of his historic dive.●

## GLAMOUR MAGAZINE PAYS TRIBUTE TO 10 OUTSTANDING WOMEN

● Mr. WILLIAMS. Mr. President, in recent months the Committee on Labor and Human Resources, which I chair, has explored several public policy questions relating to working women and their new role in modern American society.

We have found that the enormous shift of women to full- and part-time employment has important implications for numerous Federal programs and how they should be structured in the 1980's.

This dramatic change in the composition of our labor force has also had a more delightful and pleasant aspect. Women are entering challenging and exciting fields from which they were once barred by design or tradition. And they are setting extraordinary standards and achieving things that were once thought impossible.

An example of this, Mr. President, came recently when Glamour magazine announced its "Ten Success Choices for 1980" here in Washington. The 10 women selected by Glamour were honored with a special briefing at the White House with Rosalynn Carter and with an exquisite reception at the Four Seasons Hotel.

The 10 women were accompanied by Glamour's editor-in-chief, Ruth Whitney, who initiated the nationwide search for America's most talented and creative professional women. In addition to introducing Glamour's 10 winners, Ms. Whitney also announced the January debut of a new column in Glamour, Washington Report, written by Ms. Molly Peter, a bright and incisive observer of events here in the Nation's Capital.

The 10 women honored by Glamour were all under age 35 and were selected from among thousands of nominees as representatives of the country's new wave of working women.

Criteria for selection included the strength of the achievement relative to education and age and the innovativeness of the nominee's career accomplishments. Those selected have pioneered in nontraditional areas and in traditional ones and have achieved positions of influence, responsibility, and prestige that few women have ever before attained. Glamour's outstanding working women for 1980, with their perseverance and special talent, are an inspiration to millions of young women who will also enter the employment ranks in the decade ahead.

Mr. President, I take special pride in noting that Dr. Barbara Steinberg of Ventnor, N.J., has been named as one of the 10 winners. As assistant director of the department of dental medicine at the Medical College of Pennsylvania Hospital and assistant professor of oral medicine at the University of Pennsylvania School of Dental Medicine, Dr. Steinberg specializes in the treatment of the "medically compromised"—chronically ill patients with special dental problems. In October, she addressed the American Dental Association on the subject and she also lectures around the country in addition to maintaining a private practice.

Mr. President, the achievements of the other nine winners are no less impressive and I would like to share a summary of their credentials with my colleagues and take the time to compliment Glamour Magazine on identifying 10 such outstanding and persuasive advocates for working women. I ask that the list of Glamour Magazine's "Ten Outstanding Success Choices for 1980" be printed at this point in the Record along with a brief item about Glamour's new contributing editor for Washington news, Ms. Molly Peter.

The material follows:

### GLAMOUR'S SEARCH FOR OUTSTANDING WORKING WOMEN 1980

Glamour's ten Success Choices for 1980 are professionals who represent America's new wave of working women—confident, assertive and independent. Since 1974, thousands of women have entered the Glamour Search and each year a group is selected on the basis of their achievements relative to their education and age.

Through the years, Glamour's Outstanding Working Women have pioneered in non-traditional areas and excelled in traditional ones—achieving positions of responsibility few women have ever before attained. With their perseverance and special talents, this year's Choices will serve as inspiration to millions of young women in the decade to come.

Glamour's 1980 Success Choices are:

Wendy Meri Borow—27 years old, Wayland, Massachusetts.

Ms. Borow, Director of the Therapeutic Arts Program at the Children's Hospital in Boston, is also the Founder/Director of the Expressive Arts Program at Theatre at the Square, Inc. at Cambridge, for mentally and physically handicapped children.

Jayne Crawford—23 years old. Tampa, Florida.

Ms. Crawford just started her own insurance agency after having generated over $2 million of business in her first year as a sales agent at Metropolitan Life Insurance Company.

Peggy Hampton—32 years old. Washington, D.C.

Ms. Hampton is a Technical Director (Broadcast Engineer) at NBC-TV in Washington, D.C. She is responsible for the lighting, engineering and quality control of NBC Nightly News, Meet the Press and It's Academic, as well as other local programs.

Dr. Mary S. Harris—30 years old. Atlanta, Georgia.

As the recipient of a National Science Foundation grant, Dr. Harris is Scientist in Residence at the Georgia Center for Continuing Education where she and her staff produce television shows on medical issues that concern public policy. She is one of the few black women scientists to have earned a Ph.D. in genetics.

Michele Hughes—35 years old. San Francisco, California.

Ms. Hughes is the youngest partner at one of the largest executive search firms in the country, Ward Howell Associates, Inc.

Claudia Jones—34 years old. Las Vegas, Nevada.

Ms. Jones, an airline pilot and First Officer, flies a B-727 for Continental Airlines and is president of a helicopter dealership. She also sings, writes and performs country music.

Michele Planeix—27 years old. New Orleans, Louisiana.

As a drilling engineer for Shell Oil Company, Ms. Planeix plans drilling programs for offshore oil rigs in the Gulf of Mexico. She also provides technical support and training programs for rig engineering crews.

Lesley Sanders—31 years old. New York, New York.

As Vice-President, Director of Finance and Chief Financial Officer for VISTA and Master Charge at Citicorp, Ms. Sanders administers all financial and organizational activities for these systems of credit. She has a staff of 20 and a $3.5 million budget.

As Vice-President, Director of Finance and Chief Financial Officer for VISTA and Master Charge at Citicorp, Ms. Sanders administers all financial and organizational activities.

Susan Stanton—31 years old. Kansas City, Missouri.

As Director of Corrections for the Jackson County Jail and the Community Corrections Center in Jackson County, Missouri, Ms. Stanton is responsible for the operation and planning of these facilities and the approximately 450 male and female prisoners housed there. She administers a $2.6 million budget and a staff of 185.

Dr. Barbara Steinberg—29 years old. Ventnor, New Jersey.

Dr. Steinberg, Assistant Director of the Department of Dental Medicine at the Medical College of Pennsylvania Hospital, is the first woman named to the Board of Governors of the American Association of Hospital Dentists.●

---

## THE PUBLIC BUILDINGS ACT OF 1979—S. 2080

● Mr. MOYNIHAN. Mr. President, during the recent recess, when most of the Members of the Senate were away from the Capital and out of the reach of the Washington Post, that august newspaper printed two articles about S. 2080, the Public Buildings Act of 1979, a bill that I introduced in December with the cosponsorship of the entire membership of the Committee on Environment and Public Works. In one of those articles, Mr. Wolf Von Eckardt, the nationally known and respected architecture critic, gave this legislation what I believe can fairly—if immodestly—be described as a rave review. In an earlier article printed on Christmas Day, Mr. Ward Sinclair, a writer who is not always in accord with the actions of our committee, penned his approval of our proposals for effecting reforms and economies in the GSA public buildings program.

The Committee on Environment and Public Works will hold hearings on S. 2080 on January 29 and February 1. Since the articles I have described are pertinent to the discussion of national public buildings policy that we hope these hearings will spark. I ask that the articles be printed in the Record.

The articles follow:

### MOYNIHAN'S PLAN FOR FEDERAL BUILDINGS

(By Wolf Von Eckardt)

There is hope that the cascade of scandals that finally poured out of the federal General Services Administration during the last year or two, will result in better public buildings.

The conditions that invite corruption and waste in GSA's procurement of paper clips, computers and office space for the federal bureaucracy persist. Purchasing procedures, according to management experts in the General Accounting Office, are still a thicket of often contradictory guidelines and regulations, some decreed by Congress, most homespun, but largely uncontrolled and uncontrollable.

Only in GSA's Public Building Service has the cleaning of the Augean stables been started—not by GSA, but by the Senate Committee on Environment and Public Works.

After nine months of intensive study by the committee staff, Sen. Daniel Patrick Moynihan (D-N.Y.) recently introduced a bill that calls for a total revision of the way GSA goes about providing work space for federal workers.

GSA's public and leased buildings have a profound effect on the appearance and economy of American cities. Roughly 1 million federal employes work in them. This year's building and leasing budget is $1.4 billion.

At the moment, this money is frozen because the Senate committee discovered not only misconduct within GSA but also utter confusion as to how and where GSA's building and leasing budget is spent. The Committee, said Moynihan, is asked to approve renovation and leasing proposals piecemeal throughout the year without any plan, overview or indication of priorities.

Nor is there any policy about the location of public buildings—"in the heart of downtown or on an island in the middle of a river," as a former GSA official put it to Moynihan.

Despite the confusion, GSA claims to know there is an urgent backlog of $664 million worth of federal office space to be built.

For the last dozen or so years, GSA has preferred leasing, rather than building needed space. In fact, half the federal bureaucracy labors in rented quarters. It seems cheaper.

The Office of Management and Budget approves of this penny-wise pound-foolishness, although it surely must know that years and years after construction costs have been paid for, the government still has nothing to show but a stack of rent receipt stubs.

Besides, much of the leased space is inefficient and shoddily built, as workers in the federal sweatshops as Parklawn, Buzzard Point, Rosslyn or Crystal City will confirm.

"Standards for federal buildings result in sturdily built if sometimes grandiose, edifices, while no qualitative standards whatever seem to guide decisions over leasing public space in private buildings. The result is that government offices are sometimes placed in jerry-built, out-of-the-way buildings that no self-respecting private firm will occupy," Moynihan said.

The Moynihan bill, which is co-sponsored by all 14 members of the Senate Environment and Public Works Committee, would impose strict limits on leasing. But it would provide the needed space by letting GSA borrow construction funds from the Treasury, to be repaid with interest, much like a private home mortgage.

To make sure the new construction is better than the glassboxes, egg crates and FBI buildings we have been getting lately, the bill includes the elegant instructions Moynihan drafted 18 years ago when he was an assistant secretary of Labor, early in the Kennedy administration.

The president issued them and GSA bureaucrats ignored them.

This time, however, Moynihan's prose, worthy of the noble Vitruvius who told the Romans how to build noble buildings in the days of Emperor Augustus, may assume the force of law.

Public buildings, says the bill, shall be designed and maintained "in such manner that they bear visual testimony to the dignity, enterprise, vigor and stability of the American government, embody the finest contemporary American architectural thought and, where appropriate, reflect regional architectural traditions."

Hear, hear.

The Senate committee staff, directed by John W. Yago Jr. and Bailey Guard, with fresh help from Bob Peck (who has for years tried to improve federal design under the auspices of the National Endowment for the Arts) knows how to get that finest contemporary architectural thought embodied.

The Moynihan bill, in fact, is an architecture buff and city lover's dream. Among many other thoughtful provisions, it reestablishes the position of Supervising Architect, abolished in 1939. Some of America's best 19th-century architects, such as Robert Mills (Treasury Building) and A. B. Mullet (Executive Office Building), proudly held that position.

It requires GSA to use design competitions to select private architects—a good old American tradition which got us the Capitol, White House, Smithsonian castle and most other important buildings of our early history. Competitions were abolished because the big, established architectural firms frown on giving young talent an equal chance.

The Moynihan bill would give rehabilitation of worthy old buildings priorities over new construction. It would allow the "multiple use" of public buildings, i.e., let them be used for shops, restaurants, art displays and other appropriate amenities.

Congress passed a law to this effect several years ago. But the bureaucrats in GSA and OMB arbitrarily limited non-government use to 10 percent of the total space. Moynihan says it should be up to 50 percent. That would make it possible for the Old Post Office, for instance, to put lively tourist attractions into its fabulous inner court.

Another section of the bill establishes a program for circulating art and educational exhibits in federal buildings. It also puts the "art-in-architecture" program on a statutory basis and lets local citizens participate in decisions about art in or around public buildings. The budget for art is set at one-half of 1 percent of annual GSA construction and maintenance expenditures.

The bill once again affirms the law that all public buildings, old or new, must be conveniently accessible for persons in wheelchairs or otherwise handicapped. My guess is that we shall have to put a few architects and bureaucrats in jail at hard labor before this simple law is finally fully obeyed.

The most important provision in the Moynihan bill concerns the location of government buildings. For a number of reasons, all of them stupid, the federal government has generously contributed to urban sprawl and the misery of the central cities by dispersing its offices and installations willy-nilly all over the landscape.

Moynihan would place them close to their constituents, the other agencies they deal with and in such a way that they are in scale with their surroundings.

He would establish geographic priorities in locating federal buildings. Headquarters of federal agencies are to be in downtown Washington, which happens to be the national capital, rather than Gaithersburg or Hicksville. Other agency offices are to be distributed across the country in proportion to population.

GSA is told that any city or town is entitled to one federal building or courthouse of monumental design, with others, if needed, designed to the same standards as first-class commercial buildings.

All new public buildings, furthermore, are to be located so as to contribute to community life, provide opportunities for good urban design, be accessible to public transportation, nearby shopping and open space. Their location, in short, should cause a minimum of traffic congestion and energy consumption and help make federal employment attractive to qualified men and women.

The bill proves that the Senate Committee on Environment and Public Works understands the tremendous importance public works have on a livable environment.

---

### Bill Takes Aim at Uncle Sam's Rising Rent Costs

(By Ward Sinclair)

If you think you've got problems with the cost of house and home, consider what is happening at the federal government: its annual rent bill, now about $600 million, is expected to hit $1 billion in 1983.

The rising rent flows from a decision made 13 years ago in the Johnson administration primarily to lease rather than build new office space. It was done mainly to make the budget look smaller; annual rents are less awesome than full construction costs. But it has proved a bonanza for landlords, and finally has set off alarm bells in Congress, where members are worried about money lost down the rental drain.

Since Johnson started the rental policy, leased space has more than doubled, while federal white-collar employment has increased only by about 110,000. The situation has reached a point where about half of the federal labor force of 2.7 million works in leased quarters.

Congressional concern is such that a bill introduced by Sens. Daniel Patrick Moynihan (D-N.Y.) and Robert T. Stafford (R-Va.) to drastically overhaul the federal building program has drawn quick support.

The Moynihan-Stafford bill proposes to get the government fully back into the far more economical business of building its own quarters, and sets a goal of getting 80 percent of the work force into federally owned space in 10 years.

Their Public Buildings Act of 1979, co-sponsored by all 14 members of the Environment and Public Works Committee, is expected to be approved quickly by the panel early next year.

The bill envisions a shakeup at the General Services Administration, which oversees federal buildings, through a top-to-bottom revamping of building policy that goes beyond the issue of leasing.

Shaken by the GSA fraud and corruption scandals and unable to get a clear picture of the huge federal building management program, the committee earlier this year put a ban on all but emergency construction and leasing.

One offshoot of the moratorium is the Moynihan-Stafford bill, an amalgam of various legislative proposals aimed at shaping up the GSA and its Public Buildings Service, which this year has a $1.4 billion budget.

In addition to curbing lease arrangements, the bill would require GSA to submit to Congress, for review by both chambers, a yearly building and maintenance plan.

GSA currently operates without a plan and needs only approval by the House and Senate Public Works committees to start a new building—a sort of "spoils" approach that has allowed the most influential members of Congress to get buildings for their home districts.

The bill would finance new construction by allowing GSA to borrow money from the Treasury, as a homeowner might deal with a bank, and require competitions to select private architects to design new structures.

Unwritten between the lines of the legislation is a story of one of the most controversial, informal and influence-ridden programs of the federal government: building and leasing activities.

With virtually no congressional oversight during the past 20 years (it has seemed "tedious and without much reward," Stafford says), the building program has gone in its own wavering direction.

Politics help to determine which cities get new federal buildings. Leases go to friends of politicians and GSA officials. Sites are sometimes chosen without regard to convenience. Top-security programs are lodged in porous rental buildings.

But the heart of the Moynihan-Stafford bill is aimed at ending the leasing arrangements that are lucrative for building owners, but which leave the government with only a stack of rent stubs.

Under one form, called lease-construct, GSA agrees to long-term occupancy of a privately owned building that an entrepreneur erects. With the GSA commitment in hand, financing comes easily and a profitable enterprise is on its way.

A recent General Accounting Office study pointed up the costliness of this approach. GAO noted that federally constructed buildings recover their cost by their 14th year. Every year after that is, in effect, money saved for Uncle Sam.

For example, GSA is considering a lease-construct plan to build a new headquarters for the Nuclear Regulatory Commission. If built by GSA, it would cost $79 million. On lease-construct, it would cost the government $120 million in rent alone over 20 years.

"We must do something about this situation," says Moynihan. To get around that construction outlay problem, the bill instructs GSA to borrow from the Treasury and pay the money back with interest.

A similar financing proposal has been introduced in the House by Rep. Elliott H. Levitas (D-Ga.), but it does not include the other sweeping provisions of the Moynihan-Stafford package.●

---

## NEW JERSEY REALTORS SUPPORT PRESIDENT'S HANDLING OF IRAN CRISIS

● Mr. **WILLIAMS.** Mr. President, we all know the great concern expressed by all American citizens during the terrible confrontation in Tehran at the U.S. Embassy.

One of the sources of comfort to the families of the hostages and to our Nation at large has been the voice of unity and strength with which our Nation has addressed the crisis. We have stood united in the face of a most difficult and dangerous challenge.

Mr. President, a most solid expression of support and unity has come from the New Jersey Association of Realtors in the form of a resolution which the realtors approved at their 63d annual convention in Atlantic City on December 5, 1979.

This organization speaks in a sympathetic and compassionate voice and with eloquent brevity announces its support of the measure and careful steps President Carter has taken to end the crisis. Mr. President, on behalf of the 17,000 realtors and realtor-associates in the New Jersey Association of Realtors, I would like to share the text of their resolution and I ask that it be printed at this point in the Record.

The resolution follows:

### Resolution

Whereas, there exists in Iran a most serious and grave situation; and

Whereas, fifty Americans are being held against their will as hostages; and

Whereas, such violation of International Law must be dealt with in the most diplomatic, cautious and intelligent manner; and

Whereas, on the fifth day of December 1979, in Atlantic City, New Jersey, at the 63rd Annual Convention of the New Jersey Association of Realtors, an organization representing over 17,000 realtors and realtor-associates, the membership has expressed its concern about the gravity of the Iranian crisis.

Now therefore be it resolved: That the New Jersey Association of Realtors unanimously supports the President of the United States in his efforts to protect the rights of citizens and diplomatic representatives in foreign lands; and

Be it further resolved that this resolution be delivered forthwith in person by the proper representative of the Association to the President of the United States.●

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## RECESS UNTIL 8:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 8:30 p.m.

Thereupon, at 6:14 p.m., the Senate recessed until 8:30 p.m.; whereupon, the Senate reassembled when called to order by the Senator from Hawaii (Mr. MATSUNAGA).

## QUORUM CALL

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-257)

The PRESIDING OFFICER. Pursuant to House Concurrent Resolution 241, the Senate will now proceed to the House Chamber to join the other body in a joint session.

Thereupon, at 8:36 p.m., the Senate, preceded by the Secretary of the Senate, J. Stanley Kimmitt, and the Sergeant at Arms, F. Nordy Hoffmann, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

## RECESS UNTIL 10 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:40 p.m., the Senate recessed until tomorrow, January 24, 1980, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate January 23, 1980:

### DEPARTMENT OF STATE

Philip Mayer Kaiser, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

### THE JUDICIARY

Truman McGill Hobbs, of Alabama, to be U.S. district judge for the middle district of Alabama; vice a new position created by Public Law 95-486, approved October 20, 1978.

### IN THE AIR FORCE

The following officers for temporary appointment in the U.S. Air Force to the grades indicated, under the provisions of chapter 839, title 10 of the United States Code:

*To be major general*

Brig. Gen. John T. Randerson, [redacted]FR, Regular Air Force.

*To be brigadier general*

Col. Donald O. Aldridge [redacted]FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. James T. Boddie, Jr. [redacted]FR, Regular Air Force.

Col. Thomas C. Brandt, [redacted]FR, Regular Air Force.

Col. William J. Breckner, Jr., [redacted]FR, Regular Air Force.

Col. America P. Bruno [redacted]FR, Regular Air Force.

Col. Duane H. Cassidy [redacted]FR, Regular Air Force.

Col. William M. Constantine, [redacted]FR, Regular Air Force.

Col. James F. Culver, [redacted]FR, Regular Air Force, Medical.

Col. Charles J. Cunningham, Jr., [redacted]FR, Regular Air Force.

Col. Lewis G. Curtis, [redacted]FR, Regular Air Force.

Col. James C. Dever, Jr. [redacted]FR, Regular Air Force.

Col. William L. Doyle, Jr., [redacted]FR, Regular Air Force.

Col. Richard H. Dunwoody, [redacted]FR, Regular Air Force.

Col. Archer L. Durham, [redacted]FR, Regular Air Force.

Col. Duane H. Erickson, [redacted]FR, Regular Air Force.

Col. Edward N. Giddings, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Donald W. Goodman, [redacted]FR, Regular Air Force.

Col. William A. Gorton, [redacted]FR, Regular Air Force.

Col. David M. Hall, [redacted]FR, Regular Air Force.

Col. Charles R. Hamm, [redacted]FR, Regular Air Force.

Col. Elbert E. Harbour, [redacted]FR, Regular Air Force.

Col. Winfield S. Harpe, [redacted]F8 (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Harley A. Hughes, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. John P. Hyde, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Richard A. Ingram [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Avon C. James, [redacted]FR, Regular Air Force.

Col. Buford D. Lary, [redacted]FR, Regular Air Force.

Col. Albert J. Lenski, [redacted]FR, Regular Air Force.

Col. Leland K. Lukens [redacted]FR, Regular Air Force.

Col. Sheldon J. Lustig, [redacted]FR, Regular Air Force.

Col. James P. McCarthy, [redacted]FR (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Richard L. Meyer [redacted]FR, Regular Air Force.

Col. Monte B. Miller, [redacted]FR, Regular Air Force, Medical.

Col. Joseph D. Mirth, [redacted]FR, Regular Air Force.

Col. George L. Monahan, Jr., [redacted] FR, Regular Air Force.

Col. Joe P. Morgan, [redacted]FR, Regular Air Force.

Col. David L. Nichols, [redacted]FR, Regular Air Force.

Col. William E. Overacker, [redacted]FR, Regular Air Force.

Col. Maurice C. Padden [redacted]FR, Regular Air Force.

Col. Gerald W. Parker, [redacted]R, Regular Air Force, Medical.

Col. Walter H. Poore, [redacted]FR, Regular Air Force.

Col. Allen K. Rachel, [redacted]FR, Regular Air Force.

Col. Bernard P. Randolph, [redacted]FR, Regular Air Force.

Col. Bealer T. Rogers, Jr., [redacted]FR, Regular Air Force, Medical.

Col. Thomas W. Sawyer, [redacted] FR, Regular Air Force.

Col. John A. Shaud, [redacted]FR, Regular Air Force.

Col. Robert D. Springer [redacted]FR, Regular Air Force.

Col. C. C. Teagarden [redacted]FR, Regular Air Force.

Col. Larry N. Tibbets, [redacted]FR, Regular Air Force.

Col. Marion F. Tidwell [redacted]FR, Regular Air Force.

Col. Jerry W. Tietge, [redacted]FR, Regular Air Force.

Col. William T. Tolbert [redacted]FR, Regular Air Force.

Col. William T. Twinting, [redacted]FR, Regular Air Force.

Col. Regis A. F. Urschler, [redacted]FR, Regular Air Force.

Col. Wilma L. Vaught [redacted]FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.

Col. Paul D. Wagoner, [redacted]FR, Regular Air Force.

### IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

*To be lieutenant general*

Lt. Gen. Sidney Bryan Berry, [redacted], (age 53), Army of the United States (major general, U.S. Army).

The following-named officer to be assigned to a position of importance and responsibility designated by the President under the provisions of title 10, United States Code, section 3066(a) in grade as follows:

*To be lieutenant general*

Maj. Gen. Willard Warren Scott, Jr., [redacted] U.S. Army.

The U.S. Army Reserve officers named herein for appointment as reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

*To be major general*

Brig. Gen. Charles Dounley Barrett, [redacted].

Brig. Gen. Bill Charles Branson, [redacted].

Brig. Gen. Robert Earl Crosser, [redacted].

Brig. Gen. Berwyn Fragner, [redacted].

Brig. Gen. John Edward Gecks, [redacted].

Brig. Gen. Willard Eugene Hanshew, [redacted].

Brig. Gen. Evan LeRoy Hultman, [redacted].

Brig. Gen. Lawrence Wilford Morris, [redacted].

Brig. Gen. Zack Church Saufley, [redacted].

Brig. Gen. Robert LeRoy Shirkey, [redacted].

Brig. Gen. Stanford Joyner Skinner, [redacted].

Brig. Gen. Gorman Curtis Smith, [redacted].

Brig. Gen. William Doyle Tidwell, Jr., [redacted].

*To be brigadier general*

Col. James Earl Harrell, [redacted].

Col. Theodore Walter Paulson, [redacted].

Col. Louis Lynn Stuart, Jr. [redacted].

Col. Clifton Clay Capp, [redacted].

Col. Robert Osie Bugg, [redacted].

Col. Curtis Duane Norenberg, [redacted].

Col. Lewis Julian Reynolds, Jr., [redacted].

Col. Warren Alexander Edward Magruder, [redacted].

Col. Roy Copper Gray, Jr., [redacted].

Col. Jerold Franklin Pittman, [redacted].

Col. James Patrick Noonan, [redacted].

Col. Daniel Clare Helix, [redacted].

Col. James Langton Carroll, [redacted].

Col. Phillip Joseph Zeller, Jr., [redacted].

Col. Norbert Joseph Rappl, [redacted].

Col. Thomas Francis Geagan, [redacted].

Col. Harold Joe Wages, [redacted].

Col. Richard Eldon Leithiser, [redacted].

Col. Douglas John Ewing, [redacted].

Col. Raymond Marvin Jacobson, [redacted].

Col. James Earl Wagner, [redacted].

The Army National Guard of the United States officers named herein for appointment as reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

*To be brigadier general*

Col. James Frederick Fretterd, [redacted].

Col. Harold Allan Fryslie, [redacted].

Col. James Hubert Lewis, [redacted].

Col. Richard Randolph Reid, [redacted].

Col. Jasper Brabham Varn, Jr., [redacted].

The Army National Guard of the United States officers named herein for appointment as reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

*To be major general*

Brig. Gen. George Joseph Betor, [redacted].

*To be brigadier general*

Col. Thomas James Cordner, Jr., [redacted].

Col. Lyle Carl Doerr, [redacted].

Col. Joseph Wesley Griffin, [redacted].

Col. Lowell Wesley Ives, [redacted].

Col. Karl Channing Verbeck, [redacted].

Col. David Wilbert Wayt, [redacted].

### IN THE ARMY

The following-named officers for appointment to the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284, 3306 and 3307:

*To be major general*

Maj. Gen. Robert J. Lunn [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Jere W. Sharp [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John B. Blount [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Richard H. Thompson, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Roscoe Robinson, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Alexander M. Weyand, [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Robert G. Yerks [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Donald E. Rosenblum, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Charles C. Rogers, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Paul S. Williams, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John N. Brandenburg, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. William I. Rolya, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Sampson H. Bass, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Clyde W. Spence, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Grayson D. Tate, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert W. Sennewald, [redacted] Army of the United States (brigadier general, U.S. Army).

Lt. Gen. Harold F. Hardin, Jr., [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. James F. Cochran, III, [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Thomas D. Ayers, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Walter F. Ulmer, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen William J. Livsey, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Alan A. Nord, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert C. Gaskill, [redacted], Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Elton J. Delaune, Jr., [redacted] Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Robert L. Moore, [redacted], Army of the United States (brigadier general, U.S. Army).

*To be brigadier general*

Maj. Gen. Robert M. Elton [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Joseph T. Palastra, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. Louis C. Wagner, Jr., [redacted] Army of the United States (colonel, U.S. Army).

Maj. Gen. William J. Hilsman, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Thomas F. Healy, [redacted], Army of the United States (colonel, U.S. Army).

Brig. Gen. John W. Hudachek, [redacted], Army of the United States (colonel, U.S. Army).

Maj. Gen. Donald M. Babers, [redacted], Army of the United States (colonel, U.S. Army).

### IN THE NAVY

Vice Adm. Forrest S. Petersen, U.S. Navy, (age 57) for appointment to the grade of vice admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

# EXTENSIONS OF REMARKS

## A LIBERAL AGAINST ABORTION

### HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. FARY. Mr. Speaker, distinguished colleagues, in the wake of yesterday's March for Life, which I wholeheartedly support, I would like to share with you an article by William Raspberry that appeared on the op-ed page of today's Washington Post. It illustrates the motivations of liberals who are beginning to join the ranks of the prolife movement in increasing numbers. So-called prochoice advocates often accuse prolifers of being unreasonably conservative and opposed to policies that make life better for those who are already born. I think this is an unfair accusation. However, my answer to them is the last paragraph of the article which states, in effect, that no prolifer has ever changed his or her mind and said that life is not sacred while opposition to the prolife movement is waning. We, their representatives, should take note that life is valued all over our country and in all political and social segments of society.

The article follows:

A LIBERAL AGAINST ABORTION

Bill Smith is, in some ways, your quintessential liberal. He's pro-civil rights; he's deeply moved by the plight of the children; he's pro-women's rights; he's been living for two years with a woman he's not married to; he's in favor of the Equal Rights Amendment.

But he's opposed to abortion. He is almost fanatically opposed to abortion.

When I talked with him, the 30-year-old Smith had just completed a seven-month walk from San Diego to Washington, timing his trek to get here for yesterday's anti-abortion march and rally.

And while he was waiting for the march, he managed to get himself arrested for demonstrating against abortion at the U.S. Supreme Court.

How does a long-haired, agnostic liberal find himself allied with the strait-laced God-fearing conservatives who are in the forefront of the right-to-life movement?

If you've got a few minutes, Smith will rattle off the appropriate clichés: "You don't solve social problems by killing people." "My pre-born brothers and sisters are persons." "If you think we're talking about a blob of tissue, look in the womb and see what you find."

If you've got longer to talk, he will acknowledge that he worked out his arguments mostly after he had reached his conclusion. Maybe that's the way it is with the rest of us on this emotion-laden issue.

Whatever triggered his present position—and he isn't sure just what it was—he sees his anti-abortion stance as consistent with his generally liberal views. It's the pro-choice liberals who are inconsistent, he believes.

"My liberal friends in the ACLU would have jumped all over the Dred Scott decision, which held that a slave was less than a human being. Well, it is my opinion that one day we'll look back at *Roe vs. Wade* [the 1973 Supreme Court ruling upholding the legality of abortion] as our Dred Scott decision. What the two things have in common is the attempt to deal with social problems by defining people as less than human."

For Smith, arguments about the viability of fetuses are beside the point, having more to do with the state of the medical art than with humanity. While he acknowledges being uncomfortable in the presence of many of his fellow right-to-lifers, whose politics he generally abhors, he goes even further than some of them in his definition of human life. His view is that human life exists from the moment of conception, and anything deliberately done to interrupt the development of that human being is murder.

He accepts abortion when the choice is between saving the fetus or the mother, but that's as far as he'll go. It makes no difference to him whether the fetus is deformed or unwanted or the product of rape or incest. It's still a human life. (He's also opposed to capital punishment and, less adamantly, to war.)

He knows that many pro-choice advocates have reached their positions for non-selfish reasons but insists that "people often do dumb things in the name of good."

"I consider my position very liberal," he said. "A lot of my liberal friends who are in the anti-nuclear movement will acknowledge that there are a lot of uncertainties about nuclear energy, but they still insist that we ought to err on the side of safety and shut 'em [nuclear plants] down. Why can't they reach the same conclusion with regard to abortion clinics?

"I remember what one of the Save-the-Whale people said when they cut open a dead whale and found a rather large baby whale inside: 'Those SOBs killed two whales, not one.' Why can't they look at human beings the same way?"

Smith doesn't really expect his arguments to move the pro-choicers, any more than he expects to be moved by their complaint that men, being biologically immune from pregnancy, shouldn't sound off about abortion. But he does expect that his point of view will, over time, become the prevailing view—possibly leading to an anti-abortion constitutional amendment.

"It's my impression that this is a one-way street," he said. "I keep hearing about pro-abortion people who change their minds, but I never hear about anti-abortion people changing theirs. All the movement seems to be in the pro-life direction."●

## A PLEA FOR DEMOCRACY IN CHINA

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. ASHBROOK. Mr. Speaker, the propaganda barrage for the granting of most-favored-nation status for the Communists in China has been proceeding unabated. The White House and many elements of the press are trying every angle possible to prove that the Communist Chinese are not the aggressive and warlike people the Soviets have proven themselves to be. One recent example was in the Oil Daily:

> Images of the Chinese Communists as "mass murderers" hinder understanding as much as misinterpreted terms such as "purge," which in the Chinese political context does not imply Stalin-like executions, but rather, removal from party or official positions and "thought reform." The emphasis in Chinese politics has generally been on rehabilitation rather than elimination . . .

About 66 million dead Chinese may differ with this author's assessment of the benevolence of the Chinese Communists. So would Amnesty International. In its yearly report on human rights violations in the world this international advocate for civil liberties described the numbers of deaths during the purge of the "Gang of Four." The report specifically cites eight executions of "counterrevolutionary leaders" in Hangzhou in 1978 as well as other deaths in Zhejiang Province. One person, He Chunshu was executed in Canton for writing a counterrevolutionary leaflet. This hardly sounds like the pastoral scene described by so many commentators today.

During 1979 a number of Chinese risked death or imprisonment to tell the world of the horrors of communism in China. Most of the writers ended up in prison as Teng Hsiao-ping suppressed their activities. One of the more prominent dissidents was Wei Ching-sheng. As a patriot who loves his nation he despaired over its decline into tyranny under communism. He viewed the reforms of Teng as just another cover for oppression. During the period of Democracy Wall in Peking Wei published a series of pieces appealing for real democracy to come to China. For this act he was sentenced to 15 years in prison. At a time when the world is decrying the arrest and internal exile of Anatoly Shcharansky we should realize that the inhumanity of communism knows no national boundaries. This is an important point to ponder as the Congress tries to deal with the Soviet threat in the world and as a bill to reward China with most-favored-nation status comes to the floor. I am inserting into the RECORD the last appeal made by Wei before his arrest:

DEMOCRACY OR A NEW DICTATORSHIP?

(An editorial in T'an-so (Exploration) magazine, March 25, 1979—Translated by Chou Hsing-chih)

[Editor's Note: The sudden arrest and disappearance of Wei Ching-sheng (Wei Jing-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

sheng), editor of T'an-so (Exploration), on March 29, 1979, is no surprise to us. Rather, it is the inevitable fate of those who fight for freedom and civil rights under Chinese Communism. Wei's case has attracted the attention of news media and scholars of Chinese studies throughout the free world. Translated here is the full text of his editorial for a special edition of T'an-so published on March 25, 1979. The editorial points out that what the people want is not rotten Communist despotism under another man or a group of men, but democracy by all the people. It denounces Teng Hsiao-p'ing for continuing the "dictatorship of the proletariat" which had been practiced by previous power-holders. Most significant is that Wei does not disguise his opinion in Chinese Communist jargon like many other anti-Communist writers in mainland China. His message is clear and right to the point: Democracy is impossible under Communist rule, and the people must fight for democracy.]

That the undemocratic social system in China has for the past thirty years crippled the development of the Chinese social system in all aspects is a problem now well-known by all. Facing such a serious fact, the Chinese people have two options: (1) If the society is to advance, and if livelihood and production are to develop quickly, it is necessary to reform the social system; (2) if the Maoist-type of proletarian dictatorship is to continue, there will be no democracy and it will be impossible to modernize livelihood and production. China now stands at a fork in the road which offers no other options.

Whither China? The sentiments of the majority of Chinese people indicate in what social environment the people wish to live and work. These specific sentiments of the people are what gives rise to today's campaign for democracy. This campaign for democracy assumes the need to refute the Maoist-type of dictatorship, and seeks to reform the social system so that China can march forward to promote our livelihood and production in a democratic social environment. This goal is not limited to a few individuals, but is a trend in the development of Chinese society. Whoever understands this and agrees to strive for this goal is standing at the forefront of the historic trend. Whoever opposes and hinders the attainment of this goal is using deceptive means to mislead this movement onto a wrong road and he is a traitor to history. And whoever suppresses this genuine popular movement is a murderer in the true sense. There is no need to wait for historical judgment on such a man for the court in the mind of the people will immediately try and sentence him for his crime. This sentence is the severest possible and is irreversible. The power of this court may not become manifest because of its relative inequality in strength at the moment, but history will prove that its power is invincible. Those who do not believe this may refer to the April 5th movement to see whether those, even the most powerful, who were then judged and sentenced by the court in the mind of the people, could manage to escape from punishment.

Are there men who do not fear this kind of punishment? There are, of course, and more than a few. Many power-holders are intoxicated by the power in their own hands and more often than not entirely forget this harshest of sentences. There are also those careerists who strive for personal dictatorship; for their despicable purposes, they have frequently exploited the people's gullibility and thus incurred their enmity. For instance, Vice-Chairman Teng Hsiao-p'ing spoke to the leadership cadres of various Central ministries and departments on March 16; he then attempted to exploit the people's previous confidence in him in order to oppose the democratic movement. He has foisted all kinds of charges on the democratic movement, attempting to blame it for the failure of Hua and Teng's policies to salvage China's economy and productivity. Once again, the people were the scapegoat for the failure of their policies.

Does Teng Hsiao-p'ing deserve the people's confidence? We believe that no political leader should enjoy the people's unconditional confidence. If the policies he practices are beneficial to the people and lead the people on the road to peace and prosperity, we should trust him. What we trust are his policies and the road he takes. If the policies he practices are harmful to the people's interests, and if the road he wants to take leads to dictatorship and opposes the people, the people should oppose him. By the same token, what the people oppose are his policies and road which are harmful to the people's interests, and encroach upon the justified rights of the people. According to the principles of democracy, all authorities must bow their heads before the people's opposition.

But Teng Hsiao-p'ing does not bow his head. When the people universally demand an inquiry into the reasons for China's backwardness over the past thirty years and into Mao Tse-tung's crimes against the Chinese people, he always jumps up and says: "Without Mao Tse-tung there could not be a new China." Furthermore, not only did he stubbornly reiterate that in his March 16 speech, but he also explicitly upheld Mao Tse-tung as the banner of the Chinese nation, stressing that Mao Tse-tung's shortcomings were trivial matters hardly worth mentioning.

Does he fear that an inquiry into Mao Tse-tung's mistakes might reveal him as an ex-collaborator? Or does he intend to continue the Mao-type politics of dictatorial socialism? If the answer to the first question is "yes," he can be completely free from fear. The people's tolerance is sufficient to forgive his past errors so long as he can now lead the country to the road of democracy and prosperity. If the answer to the second question is "yes," then we should not forgive him. No matter how good he has been in the past, he would eventually take the road of destroying the national economy and encroaching on the people's interests so long as he purports to continue Mao Tse-tung's dictatorship. Anyone who forgives such a criminal is indirectly committing a crime against the people.

Does Teng Hsaio-p'ing want democracy? No, he does not. He does not want to understand the people who are living in an abyss of suffering. He does not want to join the people to recover the power that has been usurped by the careerists and careerist groups.

Teng condemns the movement, which has been spontaneously organized by the people to strive for democratic rights, as an opportunity seized by some people to make trouble which disrupts public order and as a movement which must be suppressed. Such measures against those who criticize erroneous policies and those who demand the advancement of the society manifest their great fear of the popular movements.

We cannot but ask them: What are the contents of the democracy you perceive? If the people have no freedom to express their opinion. . . . Without freedom of speech what would democracy amount to? If the democracy you perceive is a democracy which forbids the people to criticize the power-holders, then what is the difference between this type of democracy and Mao Tse-tung's "democracy under the dictatorship of the proletariat"—aren't they both fig leaves to cover up dictatorial politics?

The people gather to seek redress of their grievances, to air their sufferings and to demand democracy. The people demonstrate to oppose persecution and dictatorship. This illustrates that their life is lacking democracy. Can it be called "normal order" when the people are powerless, manipulated by the others at will and without the minimum protection for their life? If this kind of "normal order" protects the dictatorial careerists' willful encroachment on the people's interests, then isn't it quite obvious whether or not this kind of order is better for the careerists or for the people? We believe that normal order is not necessarily uniform and even. Especially in politics there must exist diversified opinions in a normal situation. The lack of diversified opinions, many and varied assertions, and of different publications to represent the opinions of different types of people, all these illustrate the existence of a political dictatorship. Therefore, it is exactly this uniformity and evenness that should be called an "abnormal order." The use of certain social phenomena—such as some criminals taking the opportunity to make trouble—as a pretext to deprive the people of their freedom of speech is one of the old tricks usually played by the old and new despotic Fascists.

All of us can recall the incident at the Tienanmen Square: Didn't the Gang of Four also use the pretext that some people burnt automobiles to wantonly suppress the people's revolutionary movement? Now, Teng Hsiao-p'ing has also found similar excuses. Won't he use more cunning tricks to suppress the people's movement? The people must heighten their vigilance and trust no longer any ruler who is not subject to the people's supervision and control.

The people must beware of Teng Hsiao-ping's metamorphosis into a dictator. After Teng Hsiao-ping's reinstatement in 1975, he seemed at first to demonstrate that he was not following Mao Tse-tung's despotic dictatorship and that he wanted to treasure the people's interests. Therefore, the masses of people fervently expected him to continue that kind of policy and were willing to support him with their blood (for example at the Tienanmen incident). Did the people support him as an individual? No, that was not it. Aside from his willingness to strive for the people's interests, he had nothing deserving the people's support. Since he has now put down the masquerade of supporting democracy, taken suppressive actions against the people's democratic movement, allowed the provinces to take stands completely opposed to democracy, and resolutely maintained dictatorial politics, he is no longer worthy of the people's trust and support. His deeds have demonstrated that what he wants to practice is not democracy and what he supports is not the people's interests. He is now on the road to dictatorship after he has cajoled the people's trust and confidence.

The history of China has demonstrated innumerable times this fact: Dictators can do what they wish after they have cajoled the people's trust and confidence. As the old proverb goes: "Those who have conquered the hearts of the people will conquer the state." Once they have won the state; and because their interests will be inevitably in conflict with those of the people, they will in the end suppress those who are struggling in the people's own interests. Therefore, the key lies not in who has won the state, but in whether or not the people should let these men seize the state from their hands. The people should firmly hold the state in their own hands. That is democracy. Those who are entrusted by the people to manage the government and those who are entrusted to exercise authority must be brought under the people's control and be responsible to them. According to the Constitution of the People's Republic of China, only the organs and individuals who have been elected by the people, who are commissioned and under the control of the elected government, subject to the people's supervision and responsible to the people, are considered legitimate administrative authorities.

We would like to ask those big shots in the government who instigated the apprehension of people: "Is the power you hold legitimate?" We also would like to ask Chairman Hua and Vice-Chairman Teng: Is it legitimate for you two to occupy the positions of premier and vice-premier? Moreover, we would like to know: Is it legal for you to proclaim the arrest of people in the name of the chairman and vice-chairman [of the Chinese Communist Party] instead of in the name of the courts or a parliamentary institution of the people? And we want to ask: According to what law of China can the name "evil-doer" constitute a criminal charge? What are the standards for an evildoer? And whose judgments are regarded as the standards? If these simplest questions are not clarified, then in China there is no rule of law.

Historical experience has told us that everyone must limit his trust and confidence in others and that all those who want to barter for the people's unlimited trust and confidence are careerists without exception. The important question is what kind of people should be chosen to gain our trust and confidence while an even more important question is how to supervise the chosen ones so that they carry out the wishes of the majority. We cannot naively believe that anyone would jeopardize his own interests to serve the interests of others. We can only trust those agents who are under our supervision; these agents must be delegated by us and not forcibly imposed upon us. Whether they have the right to exercise political power must first be decided according to whether they have encroached or are prepared to encroach on the basic democratic rights of the people. Anyone who is not willing to subject himself to the supervision of institutions elected by the people, and anyone who is prepared to encroach on the basic democratic rights of the people, can only be an enemy of the people. We believe that such persons are really the ones who qualify as evil-doers.

If the people wish to reform the government and its leaders into servants of the people, they must first place firmly in their own hands the power to delegate and to supervise while ensuring that the rights and procedures to elect and to recall are protected. Only on the basis of an honest universal election by the people is it possible to organize a government and a group of leaders who will serve the interests of the electors. When the government and its leaders are really delegated and supervised by the people, it will also be possible to cure the careerism and megalomania of the leaders. Do not blame the leaders for their big-headed attitude and for not honestly working in the interests of the people; also do not blame the people for their foolishness and ignorance for not daring enough to fight for their own interests. All these can be attributed to the lack of a social system which will let intelligent people supervise the relatively sagacious officials. Therefore we believe: Reformation of the social system is the basis for solving all kinds of contemporary social and economic problems in China. Only when the leadership is being delegated by the led can it earn the latter's willing cooperation and tap the latter's initiative. Only when the led can fully express their opinion can they assist the leadership to analyze and solve problems, and can they bring their wisdom into full play. Based on cooperation, collective wisdom and joint effort, we will have the maximum guarantee of highest efficiency and most desirable achievements. This is the only road open to China, although under China's present conditions it is the road replete with the greatest difficulties.•

---

## DOUGLAS MacARTHUR'S BIRTHDAY

## HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

• Mr. WHITEHURST. Mr. Speaker, this Saturday, January 26, marks the 100th anniversary of the birthday of General of the Army Douglas MacArthur. In the pantheon of military heroes, few can match the record of Douglas MacArthur. His career achievements, dating back to his cadet days at West Point and concluding with his brilliant military operations in both the Second World War and Korea, reflect rare genius. He gave greater meaning to the words "duty, honor, country" than any other man in this generation.

At a time of renewed challenge to our Nation, Americans would do well to recall the example of this illustrious countryman. On Saturday evening, January 26, the Douglas MacArthur Chapter of the Association of the United States Army of Norfolk, Va., will honor the general's memory with a banquet. While those in attendance will be particularly mindful of the general's contributions to our people, all Americans would do well to pause and reflect upon his example of devotion to the cause of liberty.•

---

## PURPOSES AND IMPORTANCE OF INCREMENTAL PRICING

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

• Mr. DINGELL. Mr. Speaker, last year as a part of the National Energy Act, Congress passed the Natural Gas Policy Act (NGPA). The NGPA represents the resolution of a number of bitterly contested natural gas pricing policy issues which was forged only after extended struggle. The NGPA was designed to end the divisive debate which had characterized natural gas pricing policy for nearly 30 years. Recent initiatives to repeal the incremental pricing provision of the NGPA lead me to conclude that a reiteration of the purposes and importance of this particular provision is in order.

The principal dispute among the House and Senate conferees on this legislation concerned the issue of wellhead price controls. The House conferees perceived an imbalance between supply and demand for natural gas and were very much concerned over the disruptive effect on the national economy that deregulation of wellhead prices would create if it were to occur during a period of market imbalance. Deregulated gas prices would initially be driven far above long-run market clearing levels as rolled-in pricing permitted interstate pipelines to bid the price of new gas supplies to unprecedented levels.

The projected disorderly price path under sudden deregulation is the principal reason why the conference committee ultimately adopted a mechanism of wellhead price ceilings applicable to specifically defined categories of gas production with moderate price escalation to prepare the natural gas system for eventual decontrol. The NGPA provided for the elimination of wellhead price controls for certain categories of gas production between the date of enactment and 1985. The elimination of price controls was accomplished by establishing several increasing price paths for different categories of natural gas production. It was generally intended that the price for new natural gas would be gradually increased to approximate equivalency with alternate fuels by 1985. In this manner, the NGPA provided a transition mechanism to orderly deregulation in 1985.

However, concern remained that market imbalances would still exist when certain categories of natural gas production were price deregulated. Accordingly, incremental pricing was substituted for wellhead price controls as a market ordering device.

Incremental pricing allocates a specified portion of the aquisition costs of natural gas to certain industrial users. Incremental pricing increases the price of gas to those industrial users up to the price of alternative petroleum fuels. Exemptions from incremental pricing are allowed subject to congressional review and single House veto. The Federal Energy Regulatory Commission—FERC—has primary responsibility to implement the NGPA including incremental pricing. The FERC was given a certain degree of flexibility in implementing incremental pricing in determining which alternative petroleum fuel prices will be used.

The NGPA calls for incremental pricing to be implemented in two stages.

First, the FERC is required to implement a mandatory incremental pricing rule applicable to industrial boiler fuel users within 12 months after the date of enactment—November 9, 1979. First phase implementation regulations were issued by FERC on September 28, 1979. This first phase of incremental pricing went into effect on January 1, 1980. This first phase specified that industrial boiler fuel users would be subject to incremental pricing up to the price of No. 2 fuel oil, low sulfur No. 6 fuel oil, or high sulfur No. 6 fuel oil depending upon which fuel the industrial facility is capable of burning and is permitted to burn by State and local authorities.

As part of the implementation of the first phase, however, on October 9, 1979, the FERC transmitted to Congress a proposed temporary 10-month exemption of industrial boiler fuel users from incremental pricing above the price of high sulfur No. 6 fuel oil. This exemption was not disapproved by either House of Congress. Thus, commencing on November 1, 1980, industrial boiler fuel users will be subject to incremental pricing up to the price of No. 2 fuel oil, low sulfur No. 6 fuel oil, or high sulfur No. 6 fuel oil depending upon which fuel the industrial facility is capable of burning and is permitted to burn by State and local authorities.

Second, the FERC is required to develop an amendment to the first rule within 18 months after the date of enactment—by May 9, 1980—which extends incremental pricing to other—nonboiler—industrial users. The amendment would become effective unless disapproved by either House of Congress. On November 15, 1979, the FERC issued a notice of proposed rulemaking wherein the Commission proposes to broaden the scope of incremental pricing to include all industrial users other than those specifically exempted from incremental pricing by the NGPA.

Thus, all industrial boiler fuel users are subject to incremental pricing up to the price of high sulfur No. 6 fuel oil as of January 1, 1980. On November 1, 1980, industrial boiler fuel users will be subject to incremental pricing up to the price of either No. 2 fuel oil, low sulfur No. 6 fuel oil, or high sulfur No. 6 fuel oil. Between now and May 9, 1980, the FERC will determine which other industrial users of natural gas should be subject to incremental pricing. This determination will be subject to disapproval by either House of Congress.

Incremental pricing is designed to act as a market ordering device by imposing a restraint on the prices pipelines are willing to pay for gas supplies. Without incremental pricing, the ability of gas-hungry interstate pipelines to average in comparatively small volumes of deregulated supplies of new gas with far greater volumes of cheaper old gas would result in bidding wars between pipelines for new gas supplies, further exacerbated by current pipeline rate regulations, which tie profitability to throughput volumes. Thus, the price of deregulated gas would be bid to excessively high levels as pipeline managers sought to maximize throughput volumes and, thereby, pipeline profits.

Incremental pricing solves this problem by focusing initial price increases on the pipelines' most price sensitive customers: the historically underpriced industrial users. Accordingly, pipelines are encouraged by their industrial customers to use restraint in bidding for additional supplies of gas. By allowing the delivered price of these customers' gas to rise to the level of alternative fuels, incremental pricing forces pipelines to bid responsibly for supplies of gas or face a loss of industrial customers and an associated reduction in throughput volumes and profits.

Evidence that the purpose of incremental pricing is to act as a substitute for wellhead price controls is found in section 121(b) of the NGPA, which specifically deregulated the wellhead price of certain categories of high cost gas on the effective date of the first incremental pricing rule required under section 201 of the NGPA.

A statement I released to the press on May 2, 1978, is further evidence that incremental pricing was intended to be a surrogate for wellhead price controls as a market ordering mechanism. That statement contains the following passages regarding the purpose of incremental pricing and the linkage between incremental pricing and deregulation:

First, I said that meaningful incremental pricing was an essential prerequisite, a sine qua non, to my acceding to deregulation,

Second, I said that incremental pricing was viewed by opponents of deregulation as an essential substitute for wellhead price controls as a wellhead market ordering device. As such incremental pricing permeates every aspect of the agreement, touching on the issues of what gas gets deregulated and when, as well as the pricing of gas between enactment and deregulation. This single strand runs through the fabric of the agreement; pull it and the entire weave comes undone.

The existence of incremental pricing as an effective market ordering mechanism is an absolute necessity to the statutory phaseout of wellhead price controls under the NGPA. The political and policy linkage in the NGPA between decontrol and incremental pricing is such that frustration of the legislative purpose of incremental pricing would impact adversely on decontrol.

Another beneficial effect of the NGPA's incremental pricing requirement is that it protects residential gas users from initial wellhead price increases by initially imposing the burden of price increases upon the historically underpriced industrial users of natural gas and by allowing the Commission to use an alternate fuel cost less than No. 2 fuel oil if necessary to prevent increases in rates to high priority customers.

While protecting residential gas consumers from rapid price increases, incremental pricing will not drive industry off natural gas and onto other fuels. If incremental pricing, in fact, drove industrial users to other fuels, the leverage these users have to restrain the prices that pipelines pay for gas supplies would be lost and the consumer protection aspects of incremental pricing would be seriously impaired. Several provisions of the NGPA militate against this occurring.

First, the mandatory requirements of incremental pricing apply only to industrial boiler fuel users. Any broadening of incremental pricing to a broader universe of industrial users is subject to congressional review and single House veto.

Second, industrial boiler fuel use of gas represents only approximately 10 percent of total interstate gas deliveries. If not curtailed, this 10 percent of use can exert the leverage necessary for incremental pricing to achieve its purposes. Yet, the volume is not so large that pipeline management would be unable to compensate for a loss of even a substantial portion of these users.

Third, a broadening of incremental pricing to other industrial users would give added assurances against forced conversions. With more users sharing the load, it is less likely that the price to any single user will get high enough to force conversion. This is particularly true given the drastic increase in oil prices during 1979. Morever, many industrial processes and feedstock users are dependent upon the clean burning characteristics of natural gas or its value as a feedback. These users should pay a premium for their essential supplies of natural gas and will do so if made subject to incremental pricing.

Fourth, under the NGPA, incremental pricing is capped at the price of alternative fuels. Thus, natural gas will remain an attractively priced fuel for incrementally priced industrial users even if incremental pricing should result in gas rates that reach the price of alternative fuels.

Fifth, adequate flexibility exists for local distribution companies to engage in historical load balancing sales. The incremental pricing surcharge received by a local distribution company, based upon the volumes of gas sold by it to incrementally priced users, must be passed through to that class of users. However, so long as this class of users pays the surcharge—and not residential users—each member of the class of incrementally priced users need not share equally in the payment of the surcharge. Therefore, load balancing sales can still be accomplished. Residential and industrial consumers alike will share in the cost reductions achieved by the transportation of additional volumes of traditional intrastate gas which the NGPA makes available to the interstate system.

The process of implementation of incremental pricing is far from complete. In fact, the first group of industrial users has not yet paid any incremental pricing charges. In these circumstances, I believe it is premature to propose or consider the repeal of the incremental pricing portion of the NGPA. I have directed the staff of the Energy and Power Subcommittee to monitor closely the continued implementation of incremental pricing and will keep the Congress informed on the effects and consequences of incremental pricing as they become apparent.●

---

## "TIGE" IS RETIRING

### HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. MATHIS. Mr. Speaker, one of the most colorful figures in southwest Georgia, Earl "Tige" Pickle, presently the Early County, Ga., treasurer, has announced his retirement effective at the end of this year. While this would seem of no great consequence, my good friend Tige has served his community for 36 years, setting a record for public office in Early County. That the citizens of Early County will soon lose a dedicated and beloved public servant is no secret and I feel he should serve as a model to us all. A recent article in the Early County News demonstrates Tige's contribution to his community and I wish to insert that article into the RECORD at this time.

[From the Early County News, Jan. 17, 1980]

"TIGE" IS RETIRING AFTER 36 YEARS

Early County's Treasurer of 36 years, Earl (Tige) Pickle, has announced he will retire his position at the end of 1980.

His 36 years of service sets a longevity record. No other elected official has served that long in the history of Early county.

The late J.L. Houston served 32 years as Tax Commissioner and Tax Collector, and Judge J.W. Bonner had served almost 32 years as State Judge or City Court Judge at the time of his death.

"I can not leave without expressing my sincere and extreme appreciation to the people of Early County for permitting me to serve in this capacity for such a long time. I'll never quit loving them and hope in the future years that I may continue to repay these kindnesses by being a good private citizen and 'doing good' whenever and wherever I.can," "Tige" stated.

"Tige" says he will continue to be active in other fields. He will continue to write his column in the Early County News, which has been a popular feature of the paper for 43 years, and to continue his 5-times a week radio show over station WBBK, Blakely. The Tige Pickle Show heard Monday through Friday is now in its 15th year.

"Tige" is married to the former Miss Ann Spurlock, of Blakely, and they will observe their 37th wedding anniversary on February 18. They have 3 children, Frank Pickle, of Manchester; Lindsey Pickle, Kingsport, Tn.; and Ann-Aline Pickle of Blakely and Albany, but soon to move to Longview, Texas, where she will head up the medical record department of a new hospital in that city. "Tige" also has 3 grandchildren with whom he hopes to spend more time after January 1, 1981.

He has been active in the civic and community life of Blakely. He is a Mason, a member of the First Baptist Church, past president and charter member of the Blakely Lions Club, Honorary member of the Blakely Rotary Club, member and director of the Chamber of Commerce, Early County Hospital Authority, and SOWEGA Committee on Aging, headquartered in Albany.●

---

## MR. CARTER'S HARDSHIP CASE

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. ASHBROOK. Mr. Speaker, yesterday I reported that I would be providing periodic updates on the progress of Mr. Carter's conversion to reality in dealing with communism. According to today's Washington Post his conversion has already become a bit spotty. After hearing all the announcements about how America would use trade as a weapon against the Soviets many of us thought this Nation's days of arming the Soviets through technology transfers would be over. Apparently this will not be the case. The Commerce Department, with the blessings of the White House, has discovered that ending the transfer of U.S. technology to the Kremlin leaders would create "hardships" in the U.S.S.R.

After the Soviet military put their armored vehicles through the rigors of the Afghanistan highway system I can understand how the cutting off of spare parts and maintenance could be a hardship. Imagine how the Soviets must feel, since they committed themselves to oppressing Afghanistan, now that they cannot depend on the United States for the technology to turn out more weapons and spare parts from their plants in the Urals. I am glad that the Commerce Department and Mr. Carter are willing to show such compassion to the Kremlin in its time of dire need.

The decade of U.S. assistance to the Soviet war machine has been one of the prime elements in enabling the U.S.S.R. to carry out its adventurism. The construction of the gigantic plant at Kama River and the outfitting of key industrial complexes at Zil, Likhachev, Minsk, and Gorki with advanced computers, conveyer systems, precision machine tools, and other means of production have become monuments to the inability of the United States to understand how trade can be used against us. The countless photos of the invasion of Afghanistan have shown the result of this trade. Convoys of Kama River and Zil trucks have brought supplies and troops into Kabul. Armored columns of BTR 40 and BTR 60 series armored personnel carriers and infantry support vehicles are testimony to how American technology has been diverted right under our noses. Why the Carter administration had to have a major invasion confront it before it pulled the plug is one of the many questions that need to be asked time and time again in 1980 until the American people receive a truthful answer.

Has the plug been pulled? The first press conference on this issue at the Commerce Department raises some doubts. At the conference Commerce Secretary Philip Klutznick proudly displayed eight export licenses that had been canceled. It was learned almost immediately that these licenses were going to be canceled anyway and that the White House had ordered the flim flam as part of some new Rafshoonery. In fact, part of the bogus license show was a technology package that was turned down almost a year ago.

The Commerce Department is already putting up a major fight to stop two spare parts contracts with Kama River from being revoked. This is becoming part of a broader crusade to keep the flow of technology going while telling the American public that Mr. Carter is really doing something to stop the flow. The list of exemptions from the trade license ban is growing steadily under the guise of "hardship cases." Currently the Commerce Department has found that it would be a "hardship" to end maintenance work at the Moscow airport and to end training and technical data transfer to several industrial sites. The Washington Post reported that one administration official assured a group of worried businessmen that they can expect "business as usual" as a result of the new Commerce Department initiatives within a month. So much for Mr. Carter's tough guy posture.

I am sure that we are going to hear more sabre rattling in the State of the Union message tonight and will see many more editorials and media features that will fall for Carter's born again anticommunism. The real test of the sincerity of Mr. Carter's policy will come when Afghanistan moves off the front pages of the papers and the appeasers at Foggy Bottom reassert their influence. I can assure you that America will be watching.●

---

## THE INTRODUCTION OF A RESOLUTION GUARANTEEING THE RIGHT TO LIFE

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. MURPHY of New York. Mr. Speaker, today marks the seventh anniversary of the U.S. Supreme Court's abortion decisions in the Rose against Wade and Doe against Bolton cases. This year, as every year since 1974, hundreds of thousands of men and women are, at great personal sacrifice, taking time away from their daily responsibilities to vividly demonstrate their commitment to the Right to Life cause by seeking out their elected representatives in Washington, D.C. and State capitals across the country to lobby for the passage of a constitutional amendment prohibiting abortion. This grassroots movement has grown by leaps and bounds since its inception as the March for Life as a response to the Supreme Court decisions. In 1974, 20,000 people participated in the March, the next year 50,000, the next 65,000 and so on until an estimated 100,000 people are expected here today.

I have always supported efforts to insure the right to life. I have consistently voted to prohibit Federal funding of abortions and have sponsored resolutions in the House of Representatives calling for an amendment to the Constitution expressing the Right to Life. I submitted this resolution last year on the sixth anniversary of the Supreme Court decisions and today, on the seventh anniversary I am introducing a new resolution calling for an amendment to the Constitution which states:

> The paramount right to life is vested in each human from the moment of fertilization without regard to age, health, or condition of dependency.

This resolution has been proposed by Congressman ROBERT DORNAN and has been pending in the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee since its introduction. In an effort to dislodge this measure from the committee, a discharge petition, which I have signed, is being circulated.

There are some who would say that the question of the legality of abortion has no place in the Constitution. I disagree. Throughout my life I have fought for the primacy of individual rights, in spite of the fact that many times this position has proven neither popular nor politically expedient. I have supported equal treatment under the law for blacks and other minorities, women, and now the unborn. It is my belief that the basic rights assured individuals in our democracy cannot be superseded by another individual. The Civil Rights Act and Voting Rights Act insured, through law, that the rights of whites were not superior to the rights of blacks. The human life amendment will insure, through law, that maternal rights are not superior to those of the child she carries. A constitutional guarantee of these rights for the unborn is both appropriate and not without precedent.

A central issue in the abortion debate continues to be the determination of when does life commence. The Supreme Court and abortion advocates argue that life begins, and therefore equality of rights begin, when the fetus is able to survive outside of the womb, usually in the third trimester. This is so indefinite as to be an absurd definition. Putting aside individual beliefs, I propose that we acknowledge the perplexity of establishing life's starting point and act to insure that life is protected from the earliest point possible—conception. I do not gamble with a human life.

As Americans, we are committed to preserving the rights of all individuals. We must act with particular vigor to protect the rights of those who are unable to do so themselves, those with a mental or physical condition, including those in an unborn state, which prevents them from acting on their own behalf. We protect these rights through laws, but the final solution does not lie in the legislatures of this country. It lies instead with us. We must strive to be intelligent and responsible individuals in our communities and our homes. We must educate our children to respect human life, to share our convictions about the equality of all people, to intelligently make the decisions which will affect their lives and to shoulder the responsibility for these decisions. If we are successful in this, then we will have truly won the prolife fight.●

---

## THE CHALLENGE OF EDUCATION

### HON. LEE. H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, January 23, 1980, into the CONGRESSIONAL RECORD:

THE CHALLENGE OF EDUCATION

The new Department of Education, created last year as the thirteenth department of the federal government, is beginning its operation at a time of falling enrollments, tight finances, and many other problems facing education in the 1980s. This is also a time of renewed debate on the role of the federal government in education.

For the first time in decades, public education at all levels in the country will soon be declining in terms of numbers of students enrolled. Elementary school enrollment peaked in 1969 at 36.8 million students, and by 1984 it is expected to dip to 30.2 million. In 1976 there were 15.8 million students enrolled in secondary schools, but there will be only 12.7 million in 1988. The consequences of the change are staggering: elementary schools are being closed, high schools and colleges are starting to feel the pinch, the entire $161-billion educational enterprise must adjust to a lower level of activity, teachers find job opportunities more limited, capital spending for new facilities is slipping, and school board members and state legislators are being forced to make difficult decisions on whether to save money or improve quality.

All this means that public education faces formidable challenges. The general view appears to be that the quality of education in America has been declining. Scholastic aptitude test scores are dropping, and complaints about functionally illiterate high school students abound. Reputable surveys have shown that 12 of every one hundred 17-year-old high school students are functionally illiterate, and there are from 18 million to 64 million illiterate adults in the United States (depending on the definition of illiteracy). Colleges claim that entrants come unequipped to read or write properly, and employers contend that they have to educate graduates all over again. Educators and parents talk about indiscipline and high rates of absenteeism, the growing incidence of crime, the use of alcohol and drugs, the lack of parental and community support, and restricted educational opportunity for some groups.

We hear a lot about what is wrong with public schools, but the problems represent only one side of the story. Education in the United States is so diverse and complex that sweeping criticisms of it may be unfair. On the positive side, there are some genuinely outstanding schools, large numbers of deeply committed teachers, substantive efforts to break the pattern of low achievement in the inner city, and many signs that compensatory programs help children perform more efficiently.

Both problems and progress in public education will be on the agenda of the new Department of Education. I did not support the creation of that department, but the majority has spoken in Congress, the department has been set up, and all Americans should do whatever they can to bolster it. I myself hope that the department will become an important symbol of the significance of education in society. At this juncture in the history of education we need to be reminded why free public schools and democratic institutions are mutually re-inforcing structures, and why the latter will not likely endure if the former fail. Every adult, whether or not he or she is a parent, has a stake in public schools for children of every race, color, and creed. The move on the part of some citizens to pull back from fiscal support of public schools is not healthy. A strong public school system does not detract from the private system of education. America gains strength from the health of both systems.

I have other hopes, too, for the new Department of Education. As it administers some 150 federal educational programs, it should strive to become a model of governmental efficiency. Deadwood must be cleared away and duplication eliminated. Perhaps the department will do something in response to the objections that Congressmen receive from school administrators who battle the tangle of red tape surrounding the federal effort. Perhaps the department will make it clear to all of us that we are asking much—too much, in reality—of public education. The schools simply cannot replace families in the socialization of children. They should concentrate on providing the basic skills—reading, writing, and mathematics—not on curing all the ills of society or making up for the shortcomings of parents. Perhaps the department will rethink the multi-billion-dollar role of the federal government in education. Federal aid to the country's 45 million elementary and secondary school students now totals $6.5 billion, a sum that constitutes 8% of the total amount spent for these students. The fundamental idea has been to improve the opportunity of all students to get an education of high quality, with special attention to the poor and the needs of those who have traditionally not been served well. Federal funds have also been used for innovation in the classroom, vocational education and the training of the handicapped student, bi-lingual education, early childhood education, and even the development of curriculum materials. Despite the noteworthy achievements of federal educational programs, however, questions still arise concerning the permanence of those achievements.

The goal of American education is to provide every student with an equal opportunity for a quality education that will enable each student to reach his or her highest potential. The responsibility for this awesome task rests primarily with local school boards and state legislatures, but the federal government has a part to play as well. The new Department of Education deserves our undivided support.●

## U.S. TECHNOLOGY USED IN SOVIET INVASION OF AFGHANISTAN

### HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. MILLER of Ohio. Mr. Speaker, I submit the following article:

[From the New York Times, Jan. 4, 1980]

#### SOVIET IS USING TRUCKS U.S. TECHNOLOGY BUILT IN AFGHAN OPERATIONS

(By Clyde H. Farnsworth)

WASHINGTON, January 3.—Trucks produced at the huge plant on the Kama River in central Russia that was built largely with American technology have been identified with Soviet military forces in Afghanistan, according to a confidential Commerce Department memorandum.

The document, dated Dec. 31 and signed by Homer E. Moyer, Jr., a legal officer who on that day was the Acting Secretary, adds another element to a heated controversy in the Administration over policy on controls on the export of goods and technology to the Soviet Union.

The agreement under which the United States provided assistance to the project contained no restriction on the use of the vehicles. According to the Russians the plant produces only heavy tractor-trailer rigs, but there have been reports that smaller trucks with possible military applications are built there.

The memo, which went to a Cabinet-level interagency panel, the Export Administration Review Board, says the information was obtained by the Central Intelligence Agency. Those receiving copies were the Secretaries of State, Defense and the Treasury and the head of the National Security Council.

#### TWO LICENSES AT ISSUE

The immediate issue before the review board is whether to revoke two licenses for computer spare parts for the truck plant, which is on a tributary of the Volga 550 miles east of Moscow. What is the world's largest heavy-duty automotive works rose with Western European and American technology and equipment during the mid-1970's, a period of détente. American participation was valued at more than $400 million.●

---

## HANDGUN VIOLENCE CONTINUES TO CLAIM LIVES

### HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1979*

● Mr. DRINAN. Mr. Speaker, handguns claimed the lives of over 600 Americans during November 1979. The continued misuse of handguns demands that the Congress take appropriate action. Between January 1, 1979, and November 30 of last year, at least 1,070 persons lost their lives, including 167 children age 12 and under, and 492 senior citizens, age 60 and over.

As we enter a new year, it is appropriate that Members examine the problem of handgun misuse and the legislative options that exist for reducing the number of handgun related deaths and injuries.

Handgun Control, Inc., lists the names of 613 victims, media-reported victims, of handgun misuse during November 1979. I urge my colleagues to take action on handgun control legislation before the end of the 96th Congress.

The Handgun Control, Inc. list follows:

#### HANDGUN BODY COUNT—NOVEMBER 1979

ALABAMA (19)

Janie Ann Bailey, Tanner; Albert Ballard, Birmingham; Iola Connor, Mobile; Johnny Finklea, Prichard; David Griffith, Hartselle; Mike Henderson, Dadeville; Melvin Jones, Jr., Florence; Wadie Kiel, Mobile; Patrick Lee, Mobile; Charles McBryde, Mobile.

Michael McClure, Gadsden; Edward Palmer, Clayton; Nellie Parker, Brent; Alfredo Payton, Mobile; Tony Rutledge, Birmingham; Roosevelt Stewart, Florence; John Todd, Prichard; Kenneth Wright, Mobile; Unidentified Male, Birmingham.

ALASKA (2)

Unidentified Female, Boniface; Unidentified Male, Boniface.

ARIZONA (8)

Jacqueline Bracken, Phoenix; Joel Crandall, Tubac; Richard Greenleaf, Phoenix; Margaret Price, Tucson; Alvin Richards, Phoenix; Michael Sheahan, Flagstaff; John Walker, Tucson; Unidentified Male, Phoenix.

ARKANSAS (6)

Dan Harvey, Sr., Hazen; Jimmy Hon, Russellville, Frank Screeton, Jacksonville; Idell Sheets, Mountain Pine; Truman Walker, Ozark; Billy Wells, Jr., Camden

CALIFORNIA (82)

Walter Acosta, San Francisco; Ralph Aragon, San Francisco; Alvin Bailey, San Jose; Victor Bennett, Yucca Valley; Wanda Bennett, Yucca Valley; Robert Benton, Seaside; Bonnie Blackmon, Temple City; Patricia Bovino, Los Angeles; Thomas Brewer, Sacramento; Maurice Buttram, Pomona.

Jaime Cazares, Helm; Donna Collins, Los Angeles; Thomas Connelly, Altaville; John Covington, Palm Springs; David Edsill, Pomona; Willie Ray Erwin, Los Angeles; Adolph Flores, Stockton; Gilbert Fong, Tenderloin; Carol Fox, Anaheim; Marvin Gardener, Jr., Daly City.

Jose Gonzales, Stockton; Larry Gschwend, Cotati; Robert Guy, Jr., Los Angeles; Bruce Hammond, Upland; Kamel Hargrove, Lynwood; Lee Henry Harvey, Menlo Park; Jacquelyn Hastain, Elk Creek; William Hastain, Elk Creek; Charles Hays, Los Angeles; Raymond Hopton, Highland.

Doug House, Fresno; Curnlee Howell, Jr., Stockton; Lorne Jones, Ontario; Lloyd Kemp, Olivehurst; Wendell Leblanc; Oceanside; Roy Ledford, San Francisco; Eddie Lindsey, Pacoima; Nancy Lugassy, Oakland; Frank Martinez, Los Angeles; Sandra Martinez, San Jose.

Rene McCune, Lancaster; John McGifiesi, Long Beach; Ruth McLaughlin, Hollister; Lester McLucas, Oxnard; Norman Miller, Fallbrook; Vernave Calisto Montoya, San Diego; Rigoberto Morales, San Francisco; Guadalupe Mutschler, Pomona; George Nelson, Manteca; Earl Nutt, Fresno.

Margarita Osbon, South Gate; Michael Padillo, Bakersfield; Charles Penn, Wilshire; Fred Peterson, South El Monte; Willie Rhodes, Oakland; Rory Rodriguez, Barstow; Ronnie Rogers, Fresno; Thomas Ruiz, Alhambra; Massoud Salari, Riverside; Jose Salceda, Santa Ana.

Jennifer Slagle, La Crescenta; Mark Souza, Anaheim; Edward Stell, Los Angeles; Mie Mie Suen, Los Angeles; Kenneth Sweet, Brandon; David Tevis, San Jose; Lawrence Trailor, Hunters Point; Moises Ugarte, Good Hope; Barbara Utterback, Good Hope; Daniel Valdez, Paramount.

Dennis Washington, Lennox; William Whittington, San Francisco; Anna Williams, Lancaster; Wilfred Williams, Los Angeles; Frank Zonzaya, Los Angeles; Unidentified Male, Hollister; Unidentified Male, Santa Rosa; Unidentified Male, Ontario; Unidentified Male, Chino; Unidentified Male, Barstow;

COLORADO (18)

David Chapin, North Delta; Harry Dewey, Jr., Deckers; John Dickenson, Denver; Mark Dingle, Denver; Allen Goodson, Denver; Max Hilterbrand, Aurora; Kenneth Holzberg, Denver; Seth Irwin, Denver; Brenna Kelsey, Castle Rock; Charles Kelsey, Castle Rock.

Donna Kelsey, Castle Rock; Marilyn Landa, Denver; Wellman Larkins, Jr., Denver; John Lindt, Fairplay; McIntosh, Denver; William Pedrett, Denver; Alvin Williamson, Denver; Unidentified Male, Aurora.

CONNECTICUT (7)

Arthur Glisson, Waterbury; Grace Grigg; Colebrook; Paul Grigg, Colebrook; Paul Kabara, Stratford; Pedro Mendez, New Haven; Reinero Morales, Bridgeport; Willard Oliver, Waterbury.

DELAWARE (1)

Barbara Carpenter, Camden.

DISTRICT OF COLUMBIA (5)

Frances Akers, James McKinney, Thomas Nelson, Thomas Nixon, Ralph Thomas.

FLORIDA (18)

Orlando Calzado, Miami; Robert Chapple, Bradenton; Steven Cherweznik, Jacksonville; Carl Cook, Laurel; Ronald Duncan, Lake Wales; Elizabeth Forader, Boynton Beach; Michael Forader, Boynton Beach; Marie Gonzalez, Ft. Lauderdale; Joseph Gordon, St. Petersburg Beach; Elizabeth Knotts, Jacksonville.

Kathy Lewis, Lake Wales; Raymond Lorenzo, Ft. Lauderdale; Sheila Reed, Riviera Beach; Wilfred Ruise, Margaretta; Alan Ziffer, Ft. Lauderdale; Unidentified Male, Jacksonville; Unidentified Male, Manasota Key.

GEORGIA (30)

William Baynes, Atlanta; Bernard Burch, Atlanta; Willie Cameron, Atlanta; Bonnie Carroll, Gainesville; Eddie Carroll, Gainesville; Lester Carroll, Gainesville; Louie Clark, Cartersville; William Clemones, Rome; David Cooper, Phenix City; Bennie Crawford, Atlanta; Leroy Gabriel, Atlanta.

William Griggs, Atlanta; Sam Hadid, Atlanta; Lonzo Hobbs, Savannah; Bennie Hunter, Atlanta; Betty Jones, Riverdale; Brenda Maynor, Leesburg; Sanchez Nash, Decatur; Nathan Sandidge, Atlanta; Rachel Sisson, Lexington; Morris Stroud, Atlanta.

Deborah Voyles, Thomasville; Joy Voyles, Thomasville; Scott Voyles, Thomasville; Booker Ward, Albany; Unidentified Male, Atlanta; Unidentified Male, Atlanta.

HAWAII (2)

Myong Ho Park, Kuhio Park; Wol Sun Park, Kuhio Park.

IDAHO (1)

John Mauk, Cascade.

ILLINOIS (19)

Kelvin Adams, Chicago; Rafael Aguiar, Chicago; Edward Balaban, Chicago; Gertrude Boone, Chicago; Thomas Bryant, Tamms; John Gibson, Chicago; William Hayes, Chicago; Lydia C. Hyde, Lake County; Joseph Kolar, Chicago; Lino Marcano, Chicago.

Laura Martin, Chicago; Beatrice Melgarejo, Chicago; Sylvester Miller, Chicago; Larry Reeves, Chicago; Patricia Roberts, McClure; Duane Wair, Chicago; Delmer Washington, Chicago; Kenneth Yellin, Chicago; Houffin Zernk, Chicago.

### INDIANA (13)

Kenneth Brown, Seelyville; Todd Childress, Michigan City; Beatrice Coonse, Kingman; Harlan Eikenberry, Indianapolis; Abraham Erving, Muncie; James Haskell, Seelyville; Kevin Jones, Indianapolis; Bobby Krebs, South Bend; Robert Marciniak, Mishawaka; Ramon Peluyera, Gary; Arnold Stephens, Losantville; Nickie Whited, Clarksville.

### IOWA (3)

Nicholas Chirekos, Moline; Mike Fowler, Moulton, Debra Whitmore, Preston.

### MONTANA (1)

Rick Kearns, Miles City.

### NEBRASKA (3)

Johnie Mae Russ, Omaha; Wiliam Russ, Omaha; Unidentified Male, Omaha.

### NEVADA (4)

David Landman, Sparks; Gemi Landa Morgan, Sparks; Unidentified Female, Las Vegas; Unidentified Male, Las Vegas.

### NEW JERSEY (6)

Naomi Bingham, Pennsauken; Annie Crockett, Trenton; Rashawn Hill, Newark; Willis Kittrell, Gloucester Township; Charles Nixon, Willingboro; Reginald Phifer, Newark.

### NEW MEXICO (5)

Gilbert Chavex, Albuquerque; David Coker, Santa Rosa; Jo Ann Duplentis, Alburquerque; Robert Morgan, Milan; Guy Raser, Golden.

### NEW YORK (48)

Anthony Amarosa, New York; Ms. Amarosa, New York; Eugene Andrades, Brooklyn; Carl Bachmann, Lee; Gloria Bachman, Lee; Bruce Barber, Lee; Larry Blackman, New York; Kin Tat Ching, New York; Elelterio Colon, New York; Jeffrey Cox, Binghamton.

Emily Cryer, New York; Linda Cryer, New York; Emory Czazmazia, New York; James Dilillo, Yonkers; John Donahue, New York; Rose Dunn, Lee; Marcellino Gonzalez, New York; Kieran Grant, Hastings-on-Hudson; Alford Jackson, New York; Herbert Linder, New York.

Donna Locke, Syracuse; Randolph Maldonado, New York; Thomas McCann, New York; William Ng, New York; Charles Pender, Brooklyn; Nathaniel Phillips, New York; Raul Pluyser, New York; Joseph Roca, Catskill; Ralph Samuel, New York; Kevin Simmons, New York.

Julianna Strauch, Valhalla; Trevor Sullivan, New York; Ruth Tarney, New York; Michael Torres, New York; James Williams, New York; Lillian Woodson, New York; Philip Woodson, New York; William Wynn, New York; Unidentified Female, 11/12/79, Calendonia; Unidentified Female, 11/19/79, New York.

Unidentified Male 11/5/79, age 25, New York; Unidentified Male, 11/5/79, age 60+, New York; Unidentified Male, 11/12/79, Bronx; Unidentified Male, 11/19/79, Queens; Unidentified Male, 11/27/79, New York; Unidentified Male, 11/27/79, Bronx.

### NORTH CAROLINA (6)

Anthony Brown, South Mills; Rufus Burch, Charlotte; David Hall, Fayetteville; Harold Puckett, Reidsville; David Rockett, Newton.

### OHIO (22)

Charles Blizzard, Jr., Springfield; Allen Bryant, Columbus; Jeannie Carr, Independence; John Faulkner, Cleveland; Mary Frohnauer, German Village; Lee Gillis, Cleveland; Steven Goodson, Lakewood; Lucille Herman, Columbus; Jack Hott, Upper Arlington; Arthur King, Cleveland.

Jack Lindsay, Jr., Columbus; Gregory Porter, Westerville; James L. Robinson, Cleveland; Lucy Rodriguez, Cleveland; Wing Joon Tom, Columbus; Hollis Yee, Columbus; Unidentified Male, 11/9/79, age 20, Cleveland; Unidentified male, 11/9/79, age 39, Cleveland.

### OKLAHOMA (14)

Clyde Cotton, Okmulgee; P. E. Dunkleberger, Cordell; Talithiancumi Fields, Oklahoma City; Jerry Franklin, Cordell; Dale Patrick, Nicoma Park; Nathaniel Pitts, Tulsa; Randy Read, Elk City; Charles, Royal, Oklahoma City; Douglas Smith, Oklahoma City; Nettie Mae Smith, Tecomseh.

Richard Strong, Oklahoma City; Polly Louise Williamson, Henryetta; Unidentified Male, Oklahoma City.

### OREGON (8)

Helen Amox, Weiser; Lousie McCaughan, Salem; Lonnie Miller, Silverton; Maxine Okeefe, Eugene; Michael Tipton, Metzger; Oscar Vavrick, Weiser; Villy Wever, New Plymouth.

### PENNSYLVANIA (14)

Moses Beckett, Philadelphia; Audrey Carter, Viola; James Collins, Waynesburg; Sandy Cook, Philadelphia; John Cooper, Philadelphia; Althea Dunmark, Philadelphia; Barbara Frey, Washington Boro; Gregory Jones, Philadelphia; Eddie McDonald, North Philadelphia; Helaine Rappaport, South Whitehall Township.

Joseph Serad, Philadelphia; Shade Sherman, Philadelphia; Marvin Sims, Pittsburg; George Wooten, Philadelphia.

### RHODE ISLAND (2)

Robert Capelli, Johnston; Norma Rainone, Providence.

### SOUTH CAROLINA (1)

John Mitchell, McBee.

### TENNESSEE (23)

Joseph Abrams, Knoxville; Walter Archie, Memphis; Raymond Bigsbee, Springfield; Glenn Brown, Nashville; Delmas Christian, Knoxville; Lewis Durden, Kingsport; Marvin Griffith, Memphis; Arlivuren Harrell, Memphis; Julius Hicks, Memphis; Linda Hopper, Memphis.

Hutsell Jones, Cumberland County; Betty Langs, Frayser; Robert D. Light, Nashville; Frank Locke, Decatur; Bobby McClure, Mt. Pleasant; Janis McDonald, Knoxville; Elizabeth Mitchell, Etowah; Nicky Mitchell, Etowah; Wanda Randolph, Cleveland; Milton Shults, Jr., Newport; Drew Tucker, Greenbrier; Robert Wilson, Nashville.

### TEXAS (77)

Noel Adonai, Houston; Jaime Aguirre, Odessa; Estanislado Alcorta, San Antonio; Macario Alvarez, Houston; James Baines, Houston; Eldon Briggs, Irving; Tracie Brown, Houston; David Burg, Austin; Bobby Calloway, Dallas; Feliciano Casas, Jr., San Antonio.

Manuel Castillo, Brownsville; Jeong Chae, Houston; Tak Kee Chae, Houston; Steven Chambers, Houston; Edgar Clardy, Sr., San Antonio; Frederick Collier, Jr., Arcadia Park; William Dooley, Jr., Dickinson; Lucille Dotsy, Dallas; Vester Dulin, Waxahachie; Thomas Eaton, Cleveland.

Frank Farrar, Waxahachie; Alvy Harris, Houston; Fred Hartgraves, Houston; Clyde Hawkins, Houston; Robert Hayes, Fort Worth; Clarence Henson, Gladewater; Alfredo Heredia, Dallas; Shelby Hoffman, San Antonio; Delores Holden, Baytown; Edford Jackson, Vidor.

Robert James, Lake Charles; Troy Jarmon, San Antonio; S. A. Jones, Waelder; David Kinsell, Hooks; Rhonda Kyle, Houston; Cecil Lancaster, Fort Worth; Geraldine Lancaster, Fort Worth; Samuel Lemons, Dallas; Lee Madkins, Dallas; Hermo Mareno, Fort Worth.

Adolfo Maruez, Houston; Matt Mattson, Rangerville; Judy McCog, Dallas; Calvin McFarlin, Bridge City; Dorothy McFarlin, Bridge City; B. H. Min, Houston; Roy Minor, Houston; Onnie Moss, Gause; Julie Nelum, Amarillo; Jane Oehler, Denton.

Wesley Palmers, Jr., Houston; Ernest Phillips, Dallas; Harold Pisette, Sr., Orange; Jerry Quiroga, Fort Worth; Ricky Ragan, Fort Worth; Louie Ramos, San Antonio; Sharon, Roeser, Houston; Zeferino Rojas, Longview; Louis Rojo, Dallas; Richard Rowe, Houston.

Janie Saine, Houston; Barbara Shelton, Alice; James Smith, Houston; Jim Snyder, Houston; Edward Stevens, Houston; Jesse Stover, Paris; Juanita Stover, Paris; Ronald Stringer, Houston; Wanda Sullivan, Dallas; Donald Thomas, Dallas; Glen Thompson, Pleasant Grove.

Clyde Thornton, Port Lavaca; Leonardo Torres, Dallas; Bolinda Ward, Gause; James Ware, Banquete; Unidentified female, San Antonio;

### UTAH (2)

David Southern, Ogden; Richard Whitehead, Salt Lake City.

### VIRGINIA (14)

James Bennett, Norfolk; Barry P. Brown, Norfolk; Albert Burwell, Jr., Richmond; Kerry Butler, Zuni; Michael Connors, Richmond; James C. Dempsey, Burke; Timothy Jennings, Covington; Dennis Nunley, Christiansburg; Jesse Scarborough, Richmond; Dennis Taylor, Portsmouth; Emily Tyler, Petersburg; Jesse Ward, Richmond; Barry White, Oakwood; Calvin Wyatt, Richmond.

### WASHINGTON (8)

Jack Andrews, Sequim; John Carter, Spokane; Ruby Kalbow, Spokane; Philip Lee, Seattle; David Miller, Spokane; Charlene Wheeler, Seattle; Richard Wilcox, Morrison; Unidentified male, Tacoma.

### WEST VIRGINIA (1)

Philip Kesner, Moundsville.

### WISCONSIN (5)

David Blahnik, Carlsville; Abe Borkin, Milwaukee; Dennis Meyer, Milwaukee; Skye Savoya, Sigel; Hector Torres, Milwaukee.

### WYOMING (2)

Hazel Gore, Jeffrey City; Shirley Loetscher, Cheyenne.

### LATE ADDITIONS

Roy Lovell, Fresno, Ca; Douglas Borneman, Sarasota County, Fl; Carl Newton, College Park, Ga; Landford Taylor, Bacon County, Ga; Linda Taylor, Bacon County, Ga; Connie Casson, Natchitoches, La; Joseph Anderson, Brighton, Mi; Robert Osborne, Brighton, Mi; Angel Soto, Brooklyn, N.Y.; Clinton Barnes, Nassau, N.Y.

Ernest Cameron, Chapel Hill, N.C.; Nakpangi Bayete, Forest Park, Oh; Eddy Crispen, Toledo, Oh; Percy Adams, Cincinnati, Oh; Virginia Johnsen, Cincinnati, Oh; Melinda Newman, Henderson, Tn; Elaine Robicheaux, Houston, Tx.

NOTE: The Handgun Body Count is based on a compilation of news reports of handgun violence appearing in the nation's daily and weekly newspapers during the month. The figure includes murders, suicides and accidents by handguns.●

## MR. MERRILL BUTLER

### HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. BADHAM. Mr. Speaker, I bring to this body with great pleasure to record for the history of this Nation an accomplishment of significance, the construction of the 10,000th home by Mr. Merrill Butler, a good friend and constituent in the 40th Congressional District of California, which I represent.

In this day of mounting shortage of housing throughout the Nation, as the critical problem of providing homes for our citizens continues largely unsolved, it is refreshing to find a man who has been building quality homes for 25 years in southern California, Arizona, and Nevada and who, at least, is doing his part to house our Nation's families.

In recognition of his dedication to homebuilding, Merrill Butler's colleagues elected and installed him a few days ago in the highest office in that industry, as president of the National Association of Home Builders, made up of 113,000 firms throughout the country which are providing homes for the families of America.

Mr. Butler started his business in 1955, when he built his first home in Westminister, Calif., which he sold for $5 less than $9,000, a sum which would not even buy a lot in most American cities today.

Just a few weeks ago, Mr. Butler completed his 10,000th home, located in the beautiful foothills of West Covina, Calif., a remarkable achievement by anyone's standard.

But Merrill Butler has prided himself over the years in producing quality homes, a fact which has been widely recognized. He has been awarded the National Association of Home Builders' Award of Merit for neighborhood design, the Saturday Evening Post Blue Ribbon Award and the American Builder Magazine's Award of Distinction.

Meanwhile, Mr. Butler was elected president of the Home Builders Association of Los Angeles, Orange, and Ventura Counties. He has served as a building industry spokesman and advisor to cabinet-level officials in the executive department of the U.S. Government, the Department of Housing and Urban Development, the Treasury Department and the Federal Reserve Board, as well as the President of the United States.

Yet, Mr. Butler has found time to work with many philanthropic, civic, fraternal, and church organizations. He is both an executive committee member and benefactor member of the Orange County Council of the Boy Scouts of America and has served on the building advisory committee of Children's Hospital of Orange County. Also, he is an elder of the Presbyterian Church of the United States of America.

Merrill Butler, whose company, Butler Housing Corp. of Irvine, Calif., was born in Los Angeles, graduated with honors from the University of Southern California and served in Europe during World War II as an Army platoon and company commander, receiving the Purple Heart, Army Commendation Ribbon, two Bronze Stars, a Presidential Unit Citation and a Silver Star.

He and his wife, Barbara, who have three children, live in Newport Beach, Calif.

It certainly is a great honor for me, Mr. Speaker, to call the attention of the members of this august body to the achievements of Merrill Butler, for all of us should be grateful for his excellence in home building and the example he has set for all to follow.●

## SAD STATE OF AFFAIRS OF OUR AMERICAN FOREIGN POLICY

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. RHODES. Mr. Speaker, the current sad state of affairs of our American foreign policy is a source of deep concern to many Americans. How we got in this mess should be clearly spelled out, so that responsibility for weakening our ability to defend our global interests can be laid where it belongs.

Our colleague from Michigan, Mr. Broomfield, at the 1980 Republican platform hearing January 14, presented a penetrating analysis of our present weaknesses, how they came about, and what we must do to restore our strength.

Clearly, world events call for a change in policies, a strengthening of resolve and firm action. I urge my colleagues to read carefully this trenchant overview of our foreign policy by Mr. Broomfield, who is ranking minority member of the House Foreign Affairs Committee.

Text of Mr. Broomfield's remarks is as follows:

### Statement by Hon. William S. Broomfield (R., Michigan)

### U.S. DIPLOMACY IN THE EIGHTIES

Mr. Chairman, distinguished members of the Panel, it is an honor to appear before you today to discuss "U.S. Diplomacy for the Eighties."

It has been three years now, since this Administration—full of hope and with a new "touchstone" of human rights—began to conduct its version of American foreign policy. From the outset, we Republicans have supported the President—in a spirit of bipartisanship established by the late Republican statesman, Senator Arthur Vandenberg—on many important foreign policy issues including the present crisis in Iran. We have done this—for the sake of all Americans, despite a reluctance by this Administration to consult with the Minority in advance of important foreign policy decisions.

Since the Second World War, we Republicans have readily acknowledged that U.S. foreign policy must be predicated upon one very fundamental principle—that the United States has an obligation to be a leader of the free world—and as a leader, it must maintain its arms strength in order to resolve conflict and preserve the peace.

In the last several years, the reputation of our country as a leader of the free world has been seriously questioned. As W. Scott Thompson recently pointed out in the New York Times:

"The new elite believes that we were preoccupied with communism when our real priorities should have been in the Third World; that we were preoccupied with military force when in fact we were too powerful. It set out to shift the national agenda and, in the words of one of its number (in an off-the-record setting) 'to make America less powerful.' The new elite has succeeded."

Our country has, as the thoughtful journalist George Will pointed out, become not a nation to be feared, but "a nation afraid." While the Soviet Union, with the help of radical groups, has been particularly adventurous in the last three years, the United States has continued to withdraw its political, economic and military leverage.

The most worrisome aspect of our foreign policy in the last three years has been the growing perception that America lacks the resolve to protect its vital interests. Largely because of America's appearance of weakness and withdrawal, the Soviets, with the help of their proxy armies—have challenged the United States in such strategic areas of the world as the Near East and Africa.

By now, we should all be well aware that the Soviet Union is intent upon geopolitically outflanking the Near East, jeopardizing important sea lanes throughout the world, and demonstrating that we cannot protect our friends, let alone resolve our energy needs.

The most recent example of Soviet intentions can be found in Afghanistan. While the Administration has been protesting at the United Nations and elsewhere the illegal acts of the Khomeini regime against American citizens in Iran, the Soviet Union calmly and forcibly intervened in Afghanistan, changing Prime Ministers and finally taking over the country with military force.

The Soviet Union's intentions, as well as its military posture, have not—and probably will not—change for the better. Most Americans learned years ago—not weeks ago—that the Soviets simply cannot be trusted.

The Soviet Union's military spending may now reach 18 percent of its GNP, and outdistance the Nazi effort before World War Two. Moreover, the Central Intelligence Agency recently told the Congress that the Soviet Union has now outstripped the United States in weapons spending by 50 percent over the past decade and neither a change in Kremlin leadership nor an economic downturn is likely to bring any Soviet moderation in the 1980's.

Last year the CIA also announced that the Soviet Union will be forced to stop exporting oil and start importing it, and predicted that the Soviets may soon reach out for the same sources of oil pursued by the United States and its allies.

The Soviet Union's interest in the Near East is natural. This strategic, oil-rich land mass is flanked by important sea routes whose narrow passageways further expose our economic vulnerability. In short, Soviet control of important sea lanes, including those in the Near East, would seriously jeopardize America's ability to satisfy its energy and security needs.

Control of the world's sea lanes is a Soviet obsession—and could become a reality in the

1980's. Most recently, the head of the Soviet Navy, Admiral Gorshkov, publicly acknowledged that the Soviet Union's first major nuclear powered attack aircraft carrier is now under construction. In this connection, U.S. defense officials have cited other examples of the Soviet Union's drive to create a worldwide ocean-going navy. These include the construction of four new classes of nuclear powered cruisers; sea trials of a new titanium-hull submarine which is faster than any American vessel, as well as construction of a new class of large logistic ships to enable the Soviets to operate far from home ports.

Equally important, while the Soviet Union has remained active in the production of military weaponry, the United States—in the last three years—reduced shipbuilding, cancelled the B-1 bomber, and delayed the MX missile program, thus weakening defense programs essential to the security of the American people and the credibility of our foreign policy.

With a weakening of American military might, or at least the perception thereof, we have lost important credibility in our foreign policy, be it with the Soviet Union, our Allies, or the Third World. It is no wonder that events around the world more quickly escalate to crisis proportions and invite Soviet opportunism.

Recent developments in the Near East are grim reminders that international events increasingly affect our security, our economy, our jobs and our needs as consumers. As we enter the 1980's, we must realize that America is becoming ever more dependent on raw materials from abroad. If we are to have the raw materials for our factories and overseas markets for our products that are essential to a strong economy and jobs for Americans, we must support a strong defense capable of assuring our physical and economic security.

### THE DECADE AHEAD

To assure a foreign policy that will satisfy our security and economic needs in the decade ahead, we must do what we have not done in the last three years. First, we must strengthen our military power strategically and conventionally, including our ability to quickly project power throughout the world. Second, we must develop a comprehensive and realistic global policy which will reflect American resolve while putting to rest apprehension that the United States is an unreliable friend. Third, we must be able to see the "bigger picture" of "the world as it is," rather than a piecemeal approach. Fourth, we must insure the development of a stronger Navy to help protect our worldwide security and economic interests. Fifth, we must reinvigorate our alliance system, including the North Atlantic Treaty Organization. Finally, immediate steps must be taken to restore the overall integrity and effectiveness of U.S. intelligence—a critical element in the foreign policy process which has been seriously impaired in recent years.

Dr. Ray S. Cline, Executive Director, World Power Studies, of the Center for Strategic and International Studies, Georgetown University, believes that what this nation needs most is to face up to the strategic realities of the "world as it is." In particular, he has proposed an idea that more or less incorporates the recommendations which I have made for U.S. diplomacy in the 80's.

To Dr. Cline one course that holds promise in the decade ahead is a renewed emphasis upon collective security with ten to twenty key allies with whom we could share political, economic and military burdens in maintaining a balance of world power favorable to the world's democratic societies. This new alliance must prevent Communist countries from gaining control of the scarce economic resources upon which the advanced industrialized nations, including the United States, depend.

It would be a voluntary alliance of seagoing, trading states clustered together to provide mutual security against a powerfully militarized adversary. The primary purpose of the alliance would be to protect the sea lanes linking the great trading nations of the free world together with the most important suppliers of raw material resources. With such an alliance, passage of American goods could be better guaranteed through strategic "chokepoints" throughout the world.

An important secondary purpose of the alliance would be to reaffirm the mutual interdependence of open societies. If the United States provides imaginative leadership, such a system could become an all-embracing affirmation of American values and interests in the political, economic and security areas.

There is no doubt that the most important challenge to U.S. diplomacy in this decade will be the preservation of our political and economic freedoms. Let us remember that Communist states have never sought political and economic freedom for their people—and that whenever possible, they have sought the disruption of pluralistic societies as well as countries of strategic importance to the United States.

Given the current situation in the Near East and the spectre of a Communist ideology intent upon the destruction of democratic institutions, our commitment to a strong defense and a coherent, credible foreign policy must be second to none. The present crisis in Iran and Soviet aggression in Afghanistan have dramatically reminded us that power and realism in American foreign policy do matter after all.●

---

## OPEN LETTER FROM THE EXPLORERS CLUB

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. WHITEHURST. Mr. Speaker, at this point in the RECORD, I would like to take this opportunity to share with my colleagues an open letter to the members of The Explorers Club from the conservation committee of that club. The letter was written by Mr. Clyde A. Hill, who is also the curator of conservation for the great San Diego Zoo and can thus speak with a great deal of expertise.

The fact that great numbers of African wildlife are also the victims of warfare and political strife is one that I believe has so far gone largely unnoticed. I hope that my colleagues will pay careful attention to this open letter; it merits serious consideration.

Thank you, Mr. Speaker.

### Open Letter From the Conservation Committee

The wholesale slaughter of wildlife continues unchecked in various parts of Africa that are undergoing warfare or political strife. The plight of Uganda's wildlife in the wake of the Tanzanian invasion of Uganda and Idi Amin's path of devastation northwards prior to his withdrawal into southern Sudan has been nothing short of catastrophic. A recent "stop-press" announcement in SWARA (magazine of the East African Wildlife Society, Vol. 2, No. 2) revealed that Amin's forces descended upon Kabalega Falls (formerly Murchison Falls) National Park on April 14, 1979. They immediately confiscated all park guns, ammunition, stores, launches, and ferries. The following day four helicopters arrived to gun down game on a massive scale from the air, major targets being elephant (both for meat and ivory), rhinos (both black and the northern whites that had been trans-located from West Nile Province), and buffalo. On the ground, six armored cars utilizing automatic weapons were used to kill literally thousands of game animals. Amin's forces also made off with 37 park vehicles (including tractors and graders) and destroyed a brand new anti-poaching plane that had been presented by the Frankfurt Zoological Society. A major battle between the retreating forces of Amin and the Tanzanian-Ugandan exile army took place within the park and resulted in the bombing of park structures and further wildlife desecation. As Amin withdrew and before Tanzanian forces arrived, lcoals living on the periphery of the park began poaching at a high level. Then the Tanzanians arrived to continue the slaughter. As a result of these invasions, 75 percent of the park's animals had been destroyed within a matter of a few days. The article stated that "White rhino have almost certainly been eliminated."

In a letter dated October 15, 1979, Dr. Bernhard Grzimek CO, wrote Kenhelm W. Stott LF, a member of the Committee, "I suppose most or all of the few white rhinos in Kabalega Park and Northern Uganda (have been) killed." This would include the animal indigenous to West Nile Province and Nimule National Park on the Uganda-Sudan border. While the northern white rhino formerly existed in fair numbers throughout southern Sudan west of the Nile and in Uganda south to Lake Albert, the survival of the form is now dependent upon a growing population in Zaire's Garamba National Park. At the most, 1000 northern white rhinos survive there and elsewhere.

The SWARA report also discussed the shocking state of affairs in Ruwenzori (formerly Queen Elizabeth) National Park which only a few years ago contained thousands of elephants (both bush and forest, as well as intergrades), buffalo (bush, forest, and intergrades), topi, Uganda kob, Bohor reedbuck, waterbuck, chimpanzee, and enormous numbers of hippo. Now due primarily to the Tanzanians and poachers, there are only 50 elephants left and small numbers of hippo, buffalo, and kob. A third Ugandan park, Kidepo (on the Sudan border east of the Nile) has suffered less, thanks to its remote location. Nevertheless, poaching there is on the rise and continues "at a high level in (other parks), especially Kabalega Falls." Rangers are without arms, ammunition, and equipment and are therefore helpless to effectively discourage poaching.

The state of affairs in Angola has not yet been assessed (including the possible extermination of giant sable antelope), and poaching in northern Namibia (formerly South West Africa) is also on the rise. One report indicated that as much as 50 percent of the wildlife at Etosha Pan's had been exterminated. Poaching was especially heavy in the western sector of the park where rare forms had been shut off from the public and were being bred in large numbers (black rhino—the last viable population in southwestern Africa, Angolan roan antelope, black-faced impala, Angolan springbok, and Hartmann's zebra). Nor is current data available concerning the affects on the fauna of the Ogaden, the Awash Valley, and southern Danakil regions of Ethiopia in the recent war between Ethiopia and Somalia, where rare forms such as the Somali wild ass, the beira, and Swayne's hartebeest had already suffered critical losses in numbers.

Horrendous decimation of wildlife populations throughout the world pass almost unnoticed as the press concentrates its reports on human fatalities. However, the extent of the shock experienced by those concerned with wildlife and its survival is too great to convey. Numerous borderline species are at hazard, including Swayne's hartebeest, mountain gorilla (no reports to date regarding those inhabiting Uganda's Kayonza Forest and its slopes on the Virunga Volcanoes except one stating that the species had entirely disappeared from Muhavura and remained in only small numbers at Mgahinga prior to the Uganda-Tanzania conflict), Somali wild ass, dibatag, beira, Waalia (the Ethiopian ibex), and a significant number of other species are threatened in war-torn areas.

The following issue of SWARA (Vol. 2, No. 3), just received, states that aerial reconnaissance has revealed no surviving white rhinos in Kabalega (or Murchison Falls) Park and only a single specimen was observed near Ajai (on the west bank of the Nile), according to Dr. Les Hillman, Chairman of the African Rhino Group. In the same issue of SWARA, Roy Lipscombe conjectures that the small population of mountain gorillas occupying the Impenetrable Forest of western Uganda has been annihilated, which leaves the sole survivors of this declining race of gorilla on the slopes of either five or six of the Virunga volcanoes in southwestern Uganda, Rwanda, and Zaire.

The more recent report states that poaching in Uganda by Tanzanian and returning expatriot Ugandans as well as Uganda residents continues unabated in all parts of the country with a dire prediction that unless some immediate action is taken Uganda's wildlife will shortly be reduced to the level of no return, and its parks and game reserves will survive in name only.●

## THE NEED TO PROCEED THROUGH ESTABLISHED PROCESS

### HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. EDGAR. Mr. Speaker, the procedure of authorization involving work on the district level, the division level, the review by the Board of Engineers for Rivers and Harbors, and final approval by the Chief of Engineers has been established for good reason. The very fact that H.R. 4788 contains a number of projects made necessary as a result of earlier projects testifies to the validity of a careful planning process. Unless we observe this process we will see no end of the so-called second generation of projects; that is, projects made necessary as a result of earlier projects. The Tuesday, December 18, 1979, article from the Washington Post on this subject follows:

[From the Washington Post, Dec. 18, 1979]

NEW PUBLIC WORKS PROJECTS: UNDOING HARM OF EARLIER ONES

(By Ward Sinclair)

Congress is busily at work on a new generation of public works projects that has this circular characteristic: each is aimed at undoing damage done by some earlier public works project.

A water-resources bill now in preparation in the Senate Environment and Public Works Committee, and another already adopted by its House counterpart, are chock-full of these "second-generation" proposals.

They are a relatively new twist in that age-old game of authorizing water projects—locks, dams, levees, bridges and other good things that put a twinkle in legislators' eyes.

In its continuing fight with Congress over expensive and sometimes dubious new water projects, the Carter administration is opposing a number of the second-generation schemes in the House and Senate bills.

One such scheme would provide federal assistance to Houston, where traffic along the Houston ship channel is clogged by the slow sinking of a railroad bridge.

Another, in Mississippi, would authorize construction of a pumping system to remove accumulating groundwater from cropland protected by a federal levee system on the Yazoo River.

"There seems to be a superabundance of this type of authorization—projects that have spawned new projects," said Edward R. Osann, coordinator of the Coalition for Water Project Review, made up of 24 national environmental groups.

"We think the public needs to realize this is a part of the hidden cost of past water-resource blunders," he said.

The Texas problem is created by the withdrawal of underground water reserves to supply the burgeoning industrial and residential demands of Houston and surrounding Harris County.

One of the results is that already low-lying lands lie even lower, making them susceptible to flooding when storm-propelled tides rise on neighboring Galveston Bay.

Another result is that some bridges over water courses, such as the important Houston ship channel, are getting closer to the water, making passage for vessels tougher.

The worst situation is on Greens Bayou, an adjunct to the channel, where the clearance under a railroad bridge has been reduced from 27.6 feet to 19 feet since 1951.

Rep. Bob Echardt (D-Tex.), concerned that industrial shipments from two plants were bottlenecked by the sinking bridge, got the House committee to approve a federal expenditure of $450,000 to rectify the problem.

Sen. Lloyd M. Bentsen (D-Tex.), similarly concerned, is working on the Senate committee to approve the federal expense rather than force the Houston Port Authority to pay the bill, as current law requires.

Not that President Carter wants to see Houston sink. But his administration is opposing that project, as well as another Eckhardt-Bentsen proposal (also in the House bill) to have Uncle Sam, rather than Houston, pay the cost of digging the ship channel deeper.

Puzzler No. 2 is a different sort of problem, involving a $108 million pumping plant—the largest ever built in the Western Hemisphere—in the northwest Mississippi district of Rep. Jamie L. Whitten (D), chairman of the House Appropriations Committee.

The Yazoo River Backwater Pumping Plant has "second generation" written all over it. Its need became apparent when rainwater began gathering behind flood-control levees the Army Corps of Engineers built to protect cotton and soybean cropland.

"This is a glaring example of the pork-barrel politics that have shaped this bill." Osann said. "The Christmas season may be upon us, but this is one political ornament that the taxpayers can ill afford."

But there are other stocking-fillers that Santa's elves on Capitol Hill have conjured up. Another Whitten-inspired goody would require the federal government to repay any citizen whose private water supply is disrupted by a Corps of Engineers project.

In its original form, in a water-resources bill that died in the final moments of the last Congress, it applied only to citizens affected by the Tennessee-Tombigbee Waterway, a canal in Whitten's district. This year's bill makes repayment national in scope.

Rep. James Abdnor (R-S.D.) and Sen. Larry Pressler (R-S.D.) have a gift in mind for Springfield, in their home state—a new $2 million intake system for the little town's water supply from Lewis and Clark Lake on the Missouri River.

The administration opposes the plan (already in the House bill) on the ground that Springfield was warned not to put its present intake where it did because it would silt up. The intake silted up. Springfield says it wasn't warned and shouldn't have to pay for a new intake.

Another case: Alabama legislators are pushing for a $2.5 million program to protect an Indian monument at Moundville, Ala., from bank erosion along the Black Warrior River. The problem is created by an upstream dam. The House and Senate bills have a dozen or more similar erosion-control plans for other areas.

"Theoretically," the congressional Public Works Committee staffer said, "almost any flood control project we do can be traced back to something someone did upriver."

Whatever, by the estimate of David Conrad of the American Rivers Conservation Council, these and other damage repair schemes in the House and Senate bills will cost more than $86 million.●

## UKRAINIAN INDEPENDENCE

### Hon. F. James Sensenbrenner, Jr.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. SENSENBRENNER. Mr. Speaker, seeing as Soviet adventurism has gained new luster as a topic of general discussion recently, may I draw your attention to the fact that it was the peoples of the Ukraine who were one of the first victims of Soviet expansionism.

It was on this date, January 22, in the year 1918, that the Ukraine declared itself to be an independent state. Their independence was short-lived, however, for in 1922 the Ukrainian Soviet Socialist Republic was formed, by proxy, and the Ukraine has remained ever since under Moscow's domination. Although the Ukraine is subject to political control according to the Kremlin's will, the Ukrainian people have retained their culture, language, and visions for independence, and we must salute them for this.

Is it not a shame that Ukrainian pleas for help in 1922 fell upon deaf ears. It appears that the Ukrainians, unwittingly and most unintentionally, came to set a precedent for the future with regard to the Soviet Union's global adventurism. Now, some years later, the Soviets (with the help of the Red Army) have assumed power over an area that stretches from Germany in the west, to the Pacific in the east, and from the Arctic in the north to a point dangerously close to the Persian Gulf in the south.

There are over 2 million people of Ukrainian descent living in the United States today. These 2 million have guarantees of civil liberties, including freedom of speech and religion. There are, however, more than 47 million Ukrainians living in the Russian-dominated Ukrainian Soviet Socialist Republic. They have no guaranteed civil liberties and are forced to live under the strict rule of the Kremlin. How grand it is that certain U.S. Government officials are finally realizing the essential aspect of Moscow's actions—the Ukrainian people have had first-hand knowledge of Moscow's imperialist song and dance for the last half century.

I join all my colleagues today in their hope that some day the people of the Ukraine will be able to live under a government of their own choosing.●

## SOVIET PROGRESS IN NUCLEAR ENERGY

### HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. WYDLER. Mr. Speaker, I think it is important to have the Members of the House aware of the continued Soviet progress in nuclear energy. Recently, Gov. Bruce Babbitt, Governor of Arizona, visited the Soviet Union and he summarized his findings in an article which appeared in the New York Times on January 2.

There are three important aspects of the article that deserve particular attention from the Members of the House:

First. The oil and gas deposits in the western Soviet Union are considerably depleted and it is not clear that they can tap their fossil energy reserves in the relatively undeveloped areas of Siberia.

Second. The Three Mile Island accident has had a significant effect on the Soviet nuclear safety program and it appears they will make every effort to incorporate high-integrity containment structures in their next generation of nuclear plants.

Third. The Soviet nuclear plant replication facility Atommash is back on the track and will soon be turning out larger nuclear reactors incorporating advanced metallurgical fabrication techniques.

I believe that this article makes worthwhile reading for any Member of the House seriously interested in our energy supply future.

THE RUSSIANS' NUCLEAR-POWER PLANS

(By Bruce Babbitt)

PHOENIX.—Three Mile Island may have contaminated the nuclear futures of the United States, Sweden, Austria and West Germany, but it has not diminished Soviet plans to increase nuclear-power output 10 times in the 1980's. Like American nuclear advocates, the Russians say they have no realistic alternatives.

Oil and gas deposits in the industrial areas of the western Soviet Union are seriously depleted. The unexploited oil, gas and coal deposits are locked up in the Siberian hinterlands thousands of miles from industrial centers.

The Soviet nuclear commitment is most evident at Atommash, a giant new factory close to the Black Sea. Atommash is designed to mass-produce a new generation of large pressurized-water reactors of the 1,000-megawatt class now used in the United States. In opting for the large pressurized-water reactor, the Russians are following dominant American reactor technology. The first-generation Soviet pressurized-water reactors now in use are about the same size as the smaller 500-megawatt American plants built in the 1960's. The Russians have been slow in moving up to the large reactors, primarily because of difficulties with the complex metallurgy necessary for large-scale high-pressure reactor vessels.

Three Mile Island has, however, had one momentous impact on the Soviet nuclear program. It has ended complacency on the value of containment structures, the reinforced-concrete domes that seal off reactors if there is an accident. Soviet scientists now recognize that the containment building at Three Mile Island was the only barrier that prevented the release of millions of curies of radioactive gas.

The first generation of Soviet nuclear plants, which includes most plants now in operation, was built without containment structures. The Russians had contended that their technology was so safe that containment structures were superfluous. One official tells of a nuclear-science delegation that visited the United States and came back convinced that the containment structures were placebos "to placate the people," necessary because of "negative dramatization" by the American press.

At a detailed briefing on reactor safety at the Ministry of Power and Electrification, Deputy Minister Fedor Y. Ovchinnikov told us: "The events of Harrisburg show that containment is needed to localize accidents. From now on, our reactors will be covered by containment structures." The Russians had not previously made this policy explicit.

This new safety policy was probably prompted by at least two factors as well as Three Mile Island. First, several years ago, the Russians built a nuclear reactor in Finland, their first constructed outside the Eastern bloc. The Finns decided that the completed product was not safe enough and built their own containment structure.

The Russians are developing a reactor export program; they have publically announced commitments to build nuclear reactors in Cuba and Libya. Given Finland's experience, it seems likely that the export market will demand a higher level of safety engineering than has prevailed in the past. In the case of Cuba, 90 miles from the Florida mainland, the question of containment structures and safety engineering is of more than academic interest to Americans.

The second factor in this change of policy is a new plan to build 500-megawatt-sized reactors for direct steam heating in two Soviet cities. The plan is a return to the old municipal central steam-heating plant; since steam heat cannot be effectively transmitted for any great distance, the reactor must be built within or adjacent to the city it serves. The steam-heating program, by moving reactors into urban areas, has generated renewed discussion of safety issues, including the need for containment structures. Mr. Ovchinnikov is quick to assert that, contrary to some Western reports, the new steam reactors will indeed be built with containment structures.

As evidence of their new commitment to containment structures, Soviet officials point out that the first of the big second-generation pressurized-water reactors, now nearing completion at Novovoronesh, has been built with a containment structure.

A recent article in Kommunist, a party journal, has been widely reported in Western countries as questioning the prevailing dogma of nuclear development. Written by Nikolai A. Dollezhal, a prominent nuclear scientist, the article warns of the environmental hazards of indiscriminate siting and operation of nuclear plants. Mr. Dollezhal urges that nuclear reactors and any ancillary facilities for fuel reprocessing be concentrated in remote complexes far away from population centers. While this article has been read in the West as suggesting the rise of an incipient anti-nuclear movement, Soviet scientists emphatically deny that Mr. Dollezhal is anti-nuclear. They dismiss his remote-siting proposals as impractical.

From all available signs, the Soviet Union will remain committed to an expansive nuclear future. Nuclear power means ready electricity. It was Lenin who wrote that "Communism is Soviet power plus electrification of the entire country."●

## BILLIONTH ALASKA BARREL OCCASION TO REEXAMINE

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. YOUNG of Alaska. Mr. Speaker, the State of Alaska currently produces approximately 15 percent of our domestic production of oil. I think this body should take a moment to think about what the energy situation would be like today if this resource in Alaska had never been tapped.

I admit, Mr. Speaker, this thought is not pleasing but it should teach each and every one of us a valuable lesson about resource management. The construction of the Alaska oil pipeline has proven that man can coexist with nature in a clean and environmentally sound manner.

If the Prudhoe Bay field in Alaska had not been explored and developed, the balance-of-payments deficit of the United States would be more astronomical than it already is. In addition, the stranglehold of OPEC would in essence be a "death grip" because we would be further at the mercy of this cartel.

Alaska is trying to contribute to the supply of energy in the United States in a reasonable and environmentally sound fashion. This effort, however, has been consistently stifled by those who do not want this great country to break the OPEC stranglehold. It has been retarded by those who lack proper foresight in terms of energy policy.

The field at Prudhoe Bay has produced approximately 10 percent (1 billion barrels) of its estimated capacity. These reserves will not last forever. In order for Alaska to consistently contribute to the domestic petroleum supply, current land policies and procedures must be reconsidered. The Arctic Wildlife Range, an area adjacent the Prudhoe Bay field is currently "off limits" to exploration and development of oil and gas resources even though many experts consider this area quite capable of maintaining the flow of Alaskan oil at a rate of 1.5 million barrels per day through the Alaska oil pipeline.

A recent report published by the General Accounting Office (GAO) stated that:

> The Wildlife Range may effectively close parts of the Beaufort Sea to exploration because many new offshore fields might be opposite the Wildlife Range. As a result, any production could not be brought directly to shore, but would have to be carried undersea until non-Wildlife Range shore could be reached. This would significantly raise the cost of production and possibly prevent the production of anything but a "supergiant" field (billions of barrels).

For the information of my colleagues, I would like to share with you some comments made by Alton Whitehouse of Sohio, a major producer at Prudhoe Bay in Alaska.

[From the Oil Daily, Jan. 18, 1980]

### BILLIONTH ALASKA BARREL OCCASION TO REEXAMINE

(NOTE.—The following statement by Alton W. Whitehouse, chairman of Standard Oil Co. of Ohio was issued in connection with production of the billionth barrel of crude oil at Prudhoe Bay oil field. This milestone was expected probably Wednesday and will mark the production of more than 10 percent of the recoverable reserves in the prolific field. Sohio has a 53 percent stake in the oil at Prudhoe Bay.)

The one billionth barrel of oil produced at Prudhoe Bay, Alaska, has entered the Trans-Alaska Pipeline for the 800-mile trek to the Valdez terminal on Alaska's south coast and then on to its market in the United States.

This is good news. This new U.S. production has helped the U.S. balance of payments to the tune of at least $17 billion since startup of the Prudhoe Bay field and Trans-Alaska Pipeline. Each of these billion barrels of Alaskan oil has displaced a barrel that would have come from foreign sources, and thereby lessened our dependence on others.

America has enjoyed the security of these first billion barrels of crude oil from Prudhoe Bay. The nation has also gained through billions of dollars of payrolls paid and supplies purchased to build and operate the field, the pipeline, the terminals, and tankers.

#### BAD NEWS, TOO

There is some bad news, too. Americans have now consumed more than 10 percent of the original 9.6 billion barrels of producible reserves contained in Alaska's Prudhoe Bay oil field without discovering new reserves to replace what has been used. While Sohio is pleased with its Alaskan development, it is sobered by the continuing seriousness of the nation's energy predicament, and the great need to be about the business of searching for the substantial oil reserves most believe lie beneath our own country's lands and offshore areas.

One of the lessons of Prudhoe Bay and the Trans-Alaska Pipeline is that the job of finding and producing new energy reserves can be done, and done well, by private enterprise—but that this job requires much time and very large amounts of money.

Sohio already has targeted more than $4 billion in new investments during the next ten years just to keep the oil flowing from the Prudhoe Bay field. Our plans go well beyond that to substantial investments in exploration for additional oil and gas in the arctic or wherever they may exist and for development of other fields. It will be an expensive search.

#### WORK TOGETHER

Another lesson of Prudhoe Bay and the pipeline is that the various elements of government must work with private interests in a constructive and coordinated way to resolve the regulatory obstacles and tradeoffs which surround any such project today. More than anything else today, I call upon public officials at all levels to see to it that our country's laws and regulations not only protect the public's interest but encourage companies both large and small who have the experience in finding more energy to do so.

We need timely access to lands and waters where deposits of energy may be found. We need expediting of permits, while maintaining a proper concern for environmental factors. Most of all, we do not need more taxes that destroy the economic incentive to get on with the search for more energy.

We will be celebrating the production of Prudhoe Bay's second billion barrels in less than another two years. By then, the nation must be well on the way to finding and developing the replacement of these energy reserves. If not, the United States' citizens and consumers face a somber energy future indeed. It can be done, but only if a new spirit of cooperation replaces the adversary climate that now pervades the relationship between many elements of government and the energy industry. I hope these things will happen. We intend to do our part.●

## ABELARDO VÁLDEZ HONORED BY HOMETOWN

### HON. ABRAHAM KAZEN, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. KAZEN. Mr. Speaker, during the holiday recess I was pleased to serve as master of ceremonies when Floresville, Tex., honored my friend and constituent, Abelardo Valdez, our Nation's Chief of Protocol. The theme of the delightful evening was "Portrait of an American Dream," truly the proper designation of Ambassador Valdez' career to this time.

As a boy in Floresville, he knew the depths of poverty and was a migrant farm worker, yet he earned a splendid education, served as a military aide to President Lyndon B. Johnson and after a private law practice, became head of the Latin-American Division of the Agency for International Development and is now our Chief of Protocol in the Department of State.

We who are proud to be his friends were much impressed by his attitude. He spoke of his appreciation of his family, his teachers, his benefactors and his many friends at the Floresville dinner. His expression of pride in his Government service caused all of us to be increasingly proud of Ambassador Valdez.

Mr. Speaker, I want to share with my colleagues the remarks he made on that occasion:

#### REMARKS OF AMBASSADOR VALDEZ

My friends and neighbors, distinguished guests, this is the best homecoming I have ever had. My family, my wife and I are deeply grateful to each and everyone of you who made this evening possible. I know that many of you have contributed to this event and I thank you from the bottom of my heart.

I also wish to express my appreciation for the presence of our distinguished Congressman, the Honorable Chick Kazen, who has been a valued friend of mine for many years. I especially wish to thank Dr. Miller, Ambassador Krueger, Mayor Cockrell, Mayor Eubenburg, Judge Cox, Representative Matt Garcia, Judge Bustamante, and Councilman Henry Cisneros and all the other speakers who have said so many generous words about me tonight.

Those generous comments remind me of a story about a widow down in Georgia who was listening to the eulogies to her husband at his funeral. After the speaker had praised her deceased husband to the high heavens, she turned to her son and said, "son would you go up to the casket and see if that is really your father they are talking about?"

It is a special pleasure for Margarita and me to be with you during this holiday season. This is a week to be among family and friends and to be home. For me Floresville has always been home and will always be home. It is here that I was born. I grew up here, in between trips up the migrant trail to Montana, the Dakotas, and west Texas. Here I first developed an appreciation for learning, for hard work and for never, never, never giving up when the going got tough.

My memories of Floresville are of hard work and little luxury, but also of freedom and open spaces which were fertile ground for my curiosity and imagination.

It was here that I first dreamed the dream, the American dream, at a time when it seemed like an impossible dream. My parents believed in that dream and still do. My father and mother believed you had to work hard and learn to achieve the dream. That it was not a gift but an ideal to strive for. I owe my faith in God and in that dream to them. If I or my brothers and sister have achieved any measure of success in life, it is because of what they taught us about God and country, about faith and commitment, about hard work and honesty, about love and friendship. And all of this I learned here in Floresville.

I note that you have chosen for the theme of this evening: A Portrait of the American Dream. I am deeply honored that you believe Abelardo Valdez in some modest way portrays that great dream. But in a deeper sense, each and everyone of you is a portrait of the American dream. And the greatest bequest we can make to future generations of Americans is to keep the dream alive, to nourish it, and to make it a possible dream for every citizen of this country.

Floresville is also very special to me because of its deep hispanic roots. The Canary islanders who founded this town, and nearby San Antonio bequeathed to us a Hispanic heritage we can have special pride in. They made very valuable contributions to the independence and development of our State and country. We can be proud, too, of the heritage of our Mexican forebears. That is also part of the American dream—that we can be for America first, but also be proud of our ethnic heritage. That is part of the great strength of our country—that out of many backgrounds and histories, we are one united people.

Today Hispanic-Americans are beginning to play an important role in the Government and economy of the United States. That community now includes nearly 20 million American citizens and now makes the United States the fourth largest Spanish-speaking community in the western hemisphere. I believe that Hispanic-Americans are destined to play a very crucial role in the future relations between the United States and Mexico and the rest of Latin America. The commonalities in language, culture and tradition shared by Hispanic-Americans and our neighbors in Latin America is a rich resource for the United States in improving the understanding and communication so badly needed in its future relations with the Latin American Republics. This human resource is vitally important for our Nation because Latin America is crucial to the economy and the security of the United States.

Tonight we are also celebrating the virtues of life in a small town in America. Floresville is a unique town, its history and its people merit pride and admiration, not because it has produced some noteworthy people but because it is still a wonderful place to grow up, to work, to live and to learn how to be a good neighbor.

And I wish to acknowledge several persons from Floresville who proved to be good neighbors to me over the years. Without their help and example, I would not be here tonight. I am referring to people like Joe Zuniga, Sr., I. O. Flores, Sr., Sam Fore, Ben Jimenez, and to those who were my teachers, Mrs. Toscano, Mrs. Sample, Mrs. Wiseman, Mr. Poth, Mr. Coach, Mr. Starnes, and Mrs. Seale. From these persons and others I received support, encouragement, and learned to appreciate the need for hard work and for learning. Besides my family, they have been as important as any other people I have known in my lifetime, and tonight I wish to express my profound gratitude to these persons who in this small town touched my life in very important ways.

The special quality of people from small towns was revealed once again to me during a recent meeting I attended in New York City. Seated around the table with me were a vice president of a major corporation, a distinguished businessman and a former candidate for Governor of Texas, the president of a major shipping company, the vice president of a major university, and a recently selected Rhodes Scholar. During the lunch hour I inquired about their hometowns, and would you believe they came from towns like Cuero, Brenham, New Olm, Winters, and College Station, Texas, and Creightown, Louisiana.

I know you probably won't believe this—but they were also all graduates of Texas A. & M. I told them that I did not know whether that meeting symbolized the triumph of small town America or of a great university, but that I could not think of a better place to celebrate that triumph than in a skyscraper overlooking the city of New York in the middle of a snow storm.

Of course, we all know that the President of the United States is from Plains, Georgia. And I would like to say that I am very honored to be serving with a president who understands people like you and me: Who knows about hard work and dedication to serving a community, a State, and a country. President Carter is a man of compassion, but also a man who is not afraid to stand up when American is challenged. And I am deeply grateful for the opportunities he has given this citizen of Floresville to serve as administrator of our economic cooperation program for Latin America: And now as Chief of Protocol for the White House.

Permit me to say a few words about my responsibilities as Chief or Protocol. I have three major responsibilities:

To serve as the principal liaison for the White House and the State Department to the 140 foreign embassies in Washington in dealing with any legal or administrative problem they experience in the United States; to plan and carry out all visits by Foreign Heads of State to the United States, and assist with ceremonies attending those visits; and to assist in planning all the visits of the President of the United States to foreign countries and accompany him on every trip he makes abroad. These are sensitive and major responsibilities which I find as challenging as any I have had.

Protocol may sound like a mysterious and complicated word, but it really is, in fact, the name of a simple set of rules, whose foundation is basic courtesy and dignified treatment. But its simplicity in no way denies the great importance of protocol in the conduct of international diplomacy.

The nations of the world learned a long time ago that a set of well-defined rules were indispensable to the carrying on of effective and friendly relations with other nations. These rules related to the privileges and immunities to be accorded the diplomats of foreign countries: the status or embassy buildings in the host country as the sovereign territory of the sending nation: the signing of treaties: and many other matters basic to the conduct of international diplomacy.

We witness today how the breach of these very basic rules, particularly those relating to the treatment of diplomats, has caused deep concern on the part of practically every nation in the world, no matter what their political persuasion may be. We see that the Security Council of the United Nations and the International Court of Justice, two forums which rarely agree unanimously on any subject, voting unalmously for the United States to enforce this basic rule of protocol and diplomacy.

I ask you to support the President in this hour of crisis to pray for the safe return of the hostages from Teheran.

I would like to conclude my remarks by thanking each and everyone for making this celebration possible and for all the support you have given me in making the American dream come true. This celebration is important because in these difficult times some have questioned whether that dream is still alive.

I can say with conviction and living proof that the dream is still alive. But we must realize that the American dream promises not only opportunity but also challenge; not only glory but also sacrifice; not only rewards but also hard work. For me the words of Thomas Wolfe, which I first heard at a salute to America on my first day on duty at the White House as Military Aide to President Lyndon B. Johnson, best describe the promise of the American dream. And these are his words:

BURNING IN THE NIGHT

"So, then to every man his change—
"To every man, regardless of his birth,
"His shining, Golden opportunity—
"To every man, the right to live,
"To work, to be himself,
"And to become
"Whatever thing his manhood and his vision
"Can combine to make him—
"This, seeker,
"Is the promise of America." ●

---

## BEEF UP DEFENSE

## HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. MITCHELL of New York. Mr. Speaker, events in Iran and Afghanistan have made it increasingly clear to all Americans that our Nation must reassess its role in the world. We have already come to realize that we cannot play the role of the world's policeman, but neither can we afford to become an innocent bystander. A strong defense is a prerequisite to a vital role in international affairs. Citizens throughout our country are aware of the need to improve our defense posture. As an illustration of this concern, I would like to share with my colleagues an editorial from the January 10, 1980, edition of the Herkimer Evening Telegram:

### BEEF UP DEFENSE

Ill-tended defense forces tend to rust. Some significant rust spots showed up recently in U.S. combat readiness.

First, the United States Navy is stretching its available ships to cover the Iranian crisis in the Indian Ocean and the Arabian Sea.

These forces, totaling 14 ships in two carrier task forces, have been drawn from the western Pacific and the South China Sea, leaving the Navy temporarily without a single aircraft carrier in the Pacific theater.

At the same time, the Russians have doubled their naval operations in the Far East, in the same general area from which U.S. forces have been withdrawn.

Second, as many as 96 of the Air Force's most advanced fighter planes are expected to be grounded next summer because of jet engine shortage.

The commanders of the Air Force Systems Command says as many as 43 of the F-15 fighters and 53 of the F-16 fighters may have to be stored while awaiting production or repair of their jet engines from the respective manufacturers.

Even though some of the grounded planes are designated for sale to other nations, these figures still mean a considerable dent in this nation's combat readiness.

When President Carter sent the Marines to Guantanamo Naval Base in Cuba during the recent furor over the Russian combat brigade, another weakness was exposed.

The U.S. Navy and Air Force was so short on transport ships and planes it was revealed that it would be difficult to move combat forces of any considerable size to any trouble spot around the world.

If the U.S. and Iran come to blows, especially with the Soviet take-over in Afghanistan, it wouldn't be surprising if other chinks in our armor are found.

It is time to eliminate the weak spots by beefing up U.S. defenses. ●

---

## THE 244TH ANNIVERSARY OF THE GEORGIA HUSSARS

## HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. GINN. Mr. Speaker, one of the greatest strengths of our Nation is the proud tradition of our citizens who have rallied to the cause of the country through military service when our freedom is in peril. This great tradition is nowhere better reflected than in the rich heritage of the Georgia Hussars, a unit founded in Georgia on February 13, 1736, by Gen. James Oglethorpe.

The Georgia Hussars fought as the Colony of Georgia's first mounted unit, and participated in many battles against the Spanish, including the Battle of Bloody Marsh on St. Simons Island. They further distinguished themselves many times during the American Revolution, and its members have participated in every war in our Nation's history since the founding of the Republic.

In recognition of the 244th anniversary of the Georgia Hussars next month, I ask that resolutions issued by the Georgia House of Representatives and the Georgia Senate in honor of the Georgia Hussars be placed in the RECORD at this point:

H.R. 114, GEORGIA HOUSE OF REPRESENTATIVES

(By Representative Gignilliat of the 122nd)

A resolution honoring the Georgia Hussars of Savannah, Georgia, on the occasion of the two hundred and forty-third anniversary of their establishment, on February 13, 1736, by General James Edward Oglethorpe; and for other purposes.

Whereas the Colony of Georgia was founded on February 12, 1733, as a military buffer for the English colonies north of the Savannah River and the Spanish Territory of Florida; and

Whereas when Governor Oglethorpe found it necessary to have mounted troops, he organized a troup of mounted rangers on February 13, 1736, and appointed Hugh MacKay, Captain; and

Whereas this was Georgia's first Troop of Horse (later Dragoons and then Cavalry), consisting of volunteers from other Georgia military commands which included HBM's the 42nd Regiment (presently known as the "Black Watch" Scottish Highlanders); and

Whereas this Troop fought many battles against the Spanish and their Indian allies, including the "Battle of Bloody Marsh" on St. Simons Island; and

Whereas they fought valiantly during the American Revolution at the first Battle of Savannah (known as the riceboats) and throughout the war in Georgia, Florida, and South Carolina, including the Battle of Savannah on October 9, 1779, where they were part of the Georgia Legion led by Brigadier General Casimir Pulaski, and during which he was mortally wounded; and

Whereas the Georgia Hussars, one of our nation's most historic military commands, was specially recognized for service in the Revolution and given battle honors at ceremonies in Washington, D.C., on August 29, 1976, by then Secretary of the Army, Martin R. Hoffman; and

Whereas the Georgia Hussars has participated as a unit or by its members, in every war since its founding, bringing honor and glory to Georgia and the nation, its battle honors being a continuing legend of gallantry above and beyond the call of duty; and

Whereas the Georgia Hussars continues its service to Georgia in the Army National Guard on this, its two hundred and forty-third anniversary: Now, therefore, be it

*Resolved* by the House of Representatives that this body hereby recognizes the service and the many sacrifices and gallant actions of the citizen-soldiers of the Georgia Hussars in peace as well as in war, which have brought honor and glory to the State of Georgia as well as to themselves; be it further

*Resolved* that the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this Resolution to the Honorable George Busbee, Governor of Georgia; to the Honorable Jimmy Carter, President of the United States; to each member of the Georgia delegation to the United States Congress; and to Colonel (Ret.) Lindsey P. Henderson, Jr., President of the Georgia Hussars.

---

GEORGIA STATE SENATE

A Resolution honoring the Georgia Hussars on the two hundred and forty-third anniversary of its organization; and for other purposes.

Whereas the Colony of Georgia was founded on February 12, 1733, as a military buffer for the English colonies north of the Savannah River and the Spanish territory of Florida; and

Whereas, Governor Oglethorpe, finding it necessary to have mounted troops, raised a troop of mounted rangers on February 13, 1736, and appointed Captain Hugh Mackay as commander; and

Whereas Georgia's first Troop of Horse, later Dragoons and Cavalry, consisted of volunteers from other Georgia military commands such as the HBM's 42nd Regiment, who are presently known as the Black Watch Scottish Highlanders; and

Whereas the Georgia Hussars fought valiantly during the American Revolution in the Campaigns in Georgia, Florida and South Carolina; and

Whereas as part of the Georgia Legion, it participated in the first Battle of Savannah and the Battle of Savannah on October 9, 1779, where the Legion's commander, Brigadier General Casimir Pulaski, was mortally wounded; and

Whereas the Georgia Hussars is one of our Nation's most historic military commands and was specially recognized and given battle honors at ceremonies in Washington, D.C., on August 29, 1976, for its service in the American Revolution; and

Whereas the Georgia Hussars has participated as a unit or by its members in every war since its organization and has brought honor and glory to Georgia and our nation; and

Whereas its battle honors are a continuing legend of gallantry above and beyond the call of duty as exemplified by the continued service to Georgia in the United States Army National Guard on this its two hundred and forty-third anniversary: Now, therefore, be it

*RESOLVED* by the Senate of the State of Georgia that this Body goes on record as recognizing the long service, many sacrifices and gallant actions of these citizen-soldiers of the Georgia Hussars in peace as well as war. Their service has brought honor and glory to the State of Georgia and to themselves; be it further

*RESOLVED* that the Secretary of the Senate is hereby authorized and directed to transmit an appropriate copy of this Resolution to the Honorable George Busbee, Governor of Georgia; to Jimmy Carter, President of the United States; to each member of the Georgia delegation to the United States Congress; and to Colonel (Ret.) Lindsey P. Henderson, Jr., President of the Georgia Hussars.●

---

## DIVORCED MILITARY WIVES

## HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. FISHER. Mr. Speaker, one of the most troublesome problems in our society is divorce and its consequences. Most of the causes and effects of divorce are beyond the authority, and the wisdom, of the Congress to influence. However, it is possible for us to make sure that the laws do not add to the hardships of divorce. I am introducing today a bill to make it possible for divorced spouses to receive a portion of the retired pay of former military personnel if such payment is part of a court decree or property settlement. This bill parallels legislation enacted during the 95th Congress which permits the Office of Personnel Management to honor court decrees in divorce and separation cases that grant part of a retired civil service employee's annuity to his divorced spouse. Foreign Service personnel were included in this legislation.

Under my proposal, the payments to the divorced spouse will not be automatic. A court must decide that the spouse is entitled to a portion of the retired pay and then the spouse must apply for it. The bill requires the Department of Defense to notify the retiree that a deduction is to be made from his pay for payment to the divorced spouse. Unless an error has been made, such as incorrect identification, the retiree would not be able to stop the deduction.

Until recently, a divorced spouse of an active-duty military or civilian worker had little recourse if alimony or child support was not being paid as directed by a court. A few years ago Congress decided to permit garnishment of the pay of active civilian and military workers in these cases. The next step was to permit payment of part of the retirement annuity to divorced spouses of civilian, but not military retirees. My bill provided equitable treatment for divorced military spouses.

Most of the spouses who will benefit from this bill are women, particularly those divorced after 15, 20, or more years of marriage. From the reports that these women give when they call my office, a sad pattern emerges. As good military wives, they followed their husbands from post to post around the country and overseas, never having the time to make careers for themselves outside the home. For various reasons, the marriages fail after many years. The wives, usually in their late 40's or 50's, are either unable to find jobs or find jobs at very low salaries. They need financial help. If the divorce court agrees that the wives should get it from their ex-husbands, then the law should not make it unnecessarily difficult for them to receive the money due. My bill is far from a solution to the financial problems of older divorced women, but it is a sign that Congress is concerned.●

## THE FOURTEENTH ANNIVERSARY OF THE SIGNING OF THE CUBAN EXILES' DECLARATION OF FREEDOM

### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. FASCELL. Mr. Speaker, 14 years ago, a group of patriotic Cuban exiles met in Key West, Fla., to sign a Declaration of Freedom.

On January 23, 1966, inspired by the same beliefs which brought Cuba independence in 1893, these freedomloving people dedicated themselves to the restoration of a free Cuba. The total commitment of these Cuban exiles "to free Cuba from communism," and Moscow's steel grip is as just and compelling today as it was then.

I urge our colleagues to give careful attention to the ideals expressed by these courageous Cuban exiles, in constantly reaffirming their devotion to the fundamental principles of liberty and democracy:

### Declaration of Freedom

In the City of Key West, Monroe County, State of Florida, United States of America, we the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country have been acting as mercenary agents for the Sino/Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hopes of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their master, the Sino-Soviet imperialists.

In view of the aforegoing, we declare.

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideas of the Freedom Revolution which was started on October 10th, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slave, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from Communism.

The fundamentals of this Revolution for Freedom are.

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, will all of its laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23d day of January, 1966.●

## ANNISTON ARMY DEPOT'S TANK CONVERSION PROGRAM

### HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. NICHOLS. Mr. Speaker, in the Spring of 1975, the Anniston Army Depot began work on rebuilding the Army's M-48 tank into the A-5 configuration. On December 21, 1979, the 2,064, and last M-48 A-5 rolled off the line ending one of the Army's most successful hardware programs.

The M-48 tank was first introduced over 30 years ago. Many of the tanks rebuilt at Anniston saw action not only in Vietnam but Korea as well. Though modern technology surpassed the original model the new A-5 configuration is prepared to meet the challenges of a modern combat situation at a tremendous savings to the American taxpayer. In fact as the last M-48 A-1 rolled off the line, the cost per vehicle was actually below Department of Defense requirements.

The employees of the Anniston Army Depot are proud of their achievement. Their expertise, technical know-how and dedication are serving the Nation's defense effort.

For the reading of my House colleagues I am enclosing for the Record the program recognizing the completion of Anniston Army Depot's M-48 A-5 tank conversion mission. The efforts of these Federal employees are to be commended by the cost conscientious Members of the House of Representatives.

### M48A5 Conversion Program

Rebuild a tank in less than 16 weeks.

Make it modern. Make it run right. And don't spend a lot of money.

For someone not familiar with the production of large—even monumental—machines, that might sound like a ho-hum task.

For employees at Anniston Army Depot in Alabama it was a self-appointed challenge, brought about through competition for the program with two civilian firms.

The challenge began in the spring of 1975. It ended on Dec. 21, 1979, when M48A5 tank number 2,064 cranked up to roll off the assembly line.

Along the way it took some 3,000 people, working at times around the clock, to add those tanks to the Army's fleet.

Because of a unique gathering of talents and skills, Anniston Army Depot was able to take obsolete M48A1 and M48A3 tanks, disassemble them down to the bare bones—hull and turret—rework some components, add other new components, and produce a like-new tank comparable to those fresh from the manufacturer.

In the process, old gasoline engines were replaced with new diesel engines, a change which involved modifications to the basic hull design to accommodate the larger engine.

The tank was upgunned, from 90mm to 105mm. The old transmission was extensively modified to be compatible with the diesel engine. Some of the fire control and sighting equipment was disassembled, reworked, reassembled. Other, completely new, fire control equipment was added.

New fuel tanks were installed, tanks which undulate to take advantage of every square inch available inside the hull armor. New electrical and hydraulic systems were installed.

Welders and machinists found themselves called upon to perform at almost every step of production.

During times of peak production, four tanks a day rolled off the final assembly line. From disassembly to reassembly and testing it took 77 working days to complete one of the 52-ton vehicles. At peak production, over 300 were in the many stages and stations of the production process.

And always there was testing and retesting by quality inspectors who worked side by side with the production people as the tanks were converted. After final assembly, more quality inspectors took the tanks on shakedown runs on the depot's test track, firing the main gun and making all systems operate while ironing out bugs and looking for defects to be corrected.

The depot was good to the M48A5 tank—and the tank returned the favor, enhancing the depot's reputation for turning out a quality product. In the fall of 1979, David L. Stanley, Deputy Director for Maintenance, received the Decoration for Exceptional Civilian Service, the highest civilian award presented by the Secretary of the Army Clifford L. Alexander, Jr. Although the award was presented for the work he has done on tanks throughout his entire career, he likes to point out that he was only a symbol for the entire depot workforce which produced, tested and shipped the M48A5 tank to armor units both stateside and overseas.

On Dec. 21, depot employees experienced what can only be described as mixed emotions. It was with pride that they saw the completion of the program—a program which saved American taxpayers some $16 million. But it was also with sadness that they watched the program end. After working on 2,064 of these tanks, depot employees had come to know the M48A5 as an old friend.●

## WINDFALL PROFIT TAX LEGISLATION

## HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. ROUSSELOT. Mr. Speaker, according to all reports, the House-Senate conference committee on H.R. 3919, windfall profit tax legislation, is making steady progress toward an agreement on the final shape and content of that bill. The Congress has been wrestling with the problem of so-called obscene oil company profits since early last July. As we near completion of that painful process, it has become increasingly obvious that the administration's plan will not increase the supply of oil, it will not encourage domestic exploration and production; rather, it will simply raise an incredible amount of revenue for the Federal bureaucracy to find ways to waste. This is not a solution to the energy crisis and it will not be long before every American is aware of that fact. It will become evident as they wait in long gaslines to pay ever higher prices. I recently received a letter from a California drilling company which briefly, but succinctly, expresses the problem:

MONTEREY DRILLING CO.,
*Carson, Calif., January 18, 1980.*

HON. JOHN H. ROUSSELOT,
*House of Representatives.*

DEAR MR. ROUSSELOT: The windfall profit tax (or the well head tax on crude oil) as the Senate and the Congress have proposed is going to slow down our drilling industry in California. We believe the Government wants to stimulate the search for domestic oil, but this formula will just not do it.

Oil exploration and development these days requires huge amounts of capital, and to divert these funds to other endeavors is a great mistake.

Very truly yours,

CRAIG NORTON,
*President.*

Mr. Speaker, the Wall Street Journal, which has recognized from the first that the President's windfall profit tax is a sham, printed an excellent editorial in its Tuesday, January 22 edition. I urge my colleagues to read this editorial which points up the fact that the bill being written in the conference committee this week will not only raise less revenue than anticipated, but it will also close American oil wells, decreasing domestic production and leading to increased imports from the Arabs. Surely that is not the answer to our energy problems.

### THE CLOSE-THE-WELLS TAX

The House-Senate Conference Committee is now rushing to put the finishing touches on the misnamed "windfall profit tax" before President Carter can unleash a State of the Union address with the dread accusation that Congress is soft on the oil companies. With such a pressing matter before them, the conferees probably won't have time to take up a mundane question like, just when do you close down an oil well? It's a pity.

Now, just about everything is wrong with the proposed tax. It won't yield the revenues the administration and Congress are gleefully spending. It will cut deeply into oil industry cash flow, encouraging the export of refining operations (see the Sweet-Bartlett arguments nearby). It will reduce incentives for domestic crude oil development. But in a way, the most telling flaw is that it will hasten the closing of wells already producing oil.

For this last effect strikes at the fundamental premises on which the bill is based. The Congress had confidently assumed that once oil is found, its price no longer matters. Thus, the assumption runs, it can levy taxes of up to 100% without losing any oil production. The more general argument found only in Washington Post editorials now that the Ford Foundation has recanted it—is that the effective limits on the supply of oil come from geology rather than economics. Thus, the argument runs, higher prices for oil give producers more incentive than they can use and are thus "wasted," so the politicians may as well grab them.

These assumptions are reflected in the "windfall tax." Upper and lower tier oil, produced from wells that were in existence before 1978, accounts for about two-thirds of the oil produced in the United States. The split is currently about half and half between these two categories, which have had separate price ceilings. When the ceilings come off the conference probably will agree to impose a tax of some 70% on the amount by which the selling price exceeds certain levels. When you add that new tax to royalties and existing state and federal taxes on flowing oil, the marginal tax rate rises to about 90%.

The notion is that a "windfall" results when $7 lower tier and $13 upper tier oil rise to the world market level. The flowing wells were discovered and drilled years ago at the lower price, and will keep flowing if the government takes any additional price increase. Ignoring the problem of whether retail prices will in fact change, flowing oil doesn't just flow; it has to be produced. The costs of running an oil field includes such things as powering pumps, maintaining pressure in the field, disposing of water, hiring roustabouts and so on. If the revenues from a well don't cover these costs, you stop pumping the oil.

Texaco has analyzed its expenses for producing oil in three "old" fields in Colorado, Wyoming and Louisiana. It found that the costs have risen 192% over five years in the Louisiana field, 319% in the Wyoming field and 165% in the Colorado field. The five years covered were from 1973 through 1977, and the general rate of inflation has been even higher more recently.

Under the existing regulations, field operators can take their statistics to Department of Energy price controllers and apply for relief. If DOE is satisfied that the costs exceed the selling price, it can keep the oil flowing by giving the operators a new price. This opportunity for relief will apparently vanish when the controls are replaced by the windfall tax. We say apparently because the bill does contain a provision that the tax—in other respects simply an excise tax on the production of oil—cannot be more than 100% of profits from the production. No one knows what this means, and maybe it can be expanded into a loophole through which old fields can breathe.

Unless the conferees can use such a loophole to undo their handiwork (and along with it the optimistic revenue estimates they are spending), they are passing a bill that will tax closed American oil wells; the lost production will of course be made up by buying more from the Arabs. The tax is built around the assumption that prices don't matter, at least for supply, or at least for old oil. However touching this innocence, in fact the tax will not only discourage the discovery of new oil but insure that more of the old oil stays in the ground.●

## PERSONAL EXPLANATION

## HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present on January 22, 1980 for rollcall No. 2. Had I been present I would have voted yes.●

## MISSISSIPPI INAUGURATES A NEW GOVERNOR

## HON. JON HINSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. HINSON. Mr. Speaker, yesterday, the people of Mississippi inaugurated a new Governor, William Forrest Winter. It rained in Jackson yesterday and the ceremony was held in the old State capitol, in the same house chamber which once saw Mississippi seceding from the Union.

It was the finest speech I have ever been privileged to hear, filled with conviction and truth. When the history of these days is written, I believe it will be seen as one of the great speeches of these troubled times and, perhaps, a watershed in the history of the State of Mississippi, as it is for our country—the future speaking boldly from a platform rooted in the past.

Yesterday was the beginning of a new decade and of a new spirit in Mississippi.

Governor Winter had major eye surgery recently and this speech was composed as he lay motionless, his head supported between two bricks. I commend Governor Winter's speech to the attention of all the Members of the House:

### SPEECH OF GOV. WILLIAM WINTER

I recognize the high privilege and I accept the opportunity that is presented to me here today to assume the governorship of the state of Mississippi. In doing so I would acknowledge first of all the obligation that I owe to all of you to justify by my efforts the confidence that you have placed in me. I intend to do that, but I must also acknowledge that I need your continued support, your cooperation, your help and your prayers.

I want to say specifically to the members of this joint assembly of the Legislature that it will be my purpose to work closely with you, to advise with you on a day-to-day basis and to contribute as much as I can to a harmonious and effective relationship between us. I also want to express my gratitude to my fellow elected state officials and to our distinguished United States Senators and Representatives, all of whom honor me by their presence today and with whom I look forward to working with in the service of the people of Mississippi.

I am honored, too, by the attendance at these ceremonies of the distinguished former governors of our state. Each of them has contributed in a unique way to the progress of Mississippi, and I recognize the responsibility which falls upon me to wear with dignity the mantle of leadership which they have transmitted to me. I would add finally how pleased I am that Miss Leontyne Price would honor us all by coming home for this occasion and singing so beautifully our national anthem.

Gathered as we are on this historic site, in front of a capitol building erected 140 years ago, I am conscious of the historic significance of this occasion, the uniqueness of this event, and the responsibility that it imposes, I stand before you today, as other governors have stood here, the last of whom, A. H. Longino, spoke from this Capitol just eighty years ago. As he looked out on a January day that began a new century, little could he have foreseen the march of events that the intervening years would bring to this city, to this State, to this Nation, and to this world. And yet, as we measure history, that was not a long time ago, and there are those in this audience whose life span encompasses those eight tumultuous years.

I have not come here today, however, to reminisce or to look back, but I do ask you to join with me at this particular time and place in history to establish the proper perspective for deciding where we want our State to go. This involves basically the selection of those values and standards that will enable us to preserve our political system and to transmit to another generation of Mississippians a culture and a quality of life worthy of preservation. If you have come here today to hear from me easy answers or quick and pat solutions or glib and fancy promises, you will be disappointed. I ask you, my fellow Mississippians, to join with me on this day in an undertaking worthy of the best of our traditions to reestablish and to reassert the principles not only on which political institutions must rest but on which human character and human life itself must depend.

I said to you when I launched our campaign for governor that the time had come in Mississippi for us to lift our eyes from the dusty road and set our sights high on the mountainside of achievement—of achievement based on a recognition of the dignity of every citizen and the worth of every individual. I repeat that request here today. I come as your governor, asking for your help in putting together in this State a quality of life, a spirit of purpose, a resolution of the will that will sustain us, not only in the weeks and months ahead, but that will lay the basis for the sustaining of the greatness of this State for future generations.

We have that unique opportunity, It is one of the God-given blessings that has come to us in the world where relatively few people have a choice as to what they will do with their lives. We have a choice. Here you and I in this good state have the power to decide which way we shall go. But to make those decisions we must have our priorities straight and our standard of values in focus. Let me share with you the resolution that I have made—the commitments that I have made to myself—commitments which I intend to live up to with all the strength that God has given me—but commitments that I must have your help to carry out. There will be no place in this administration for any person who is not completely dedicated to serving the public interest. There will be no place in this administration for any person who is not willing to work. There will be no place in this administration for any one who is not utterly and impeccably trustworthy in all of his affairs and relations and activities with the people of Mississippi, their property and their possessions. there will be no place in this administration for bias or prejudice based on sectionalism or class or race or religion or anything else. There will be no place in this administrtion for mediocrity or shoddy performance or a half-done job.

I look down this long sweep of history—I look down Capitol Street here before me today, and in my mind's eye I see what other people in other years have paid for that enables us to meet peacefully here under these trees in front of this historic old statehouse. In my mind's eye I see those old pioneers, including some of my own forebears, who came into this wilderness country in the early nineteenth century to carve out here on this bluff above the Pearl River a city—a civilized city—a beautiful city—and to make it the Capital City of a great state.

In my mind's eye I see that state later shattered by the tragedy of civil war that turned neighbor against neighbor, and section against section, and saw great buildings laid waste—this beautiful city put to fire and ashes—and out of that holocaust came a new spirit—came a new opportunity.

But there have been so many years that the locusts have eaten, when we still pitted ourselves against each other, white against black, rich against poor, businessman against farmer, the Delta against the Hills, south Mississippian against north Mississippian. We saw our beautiful soil stripped of erosion, our forests laid waste, our rivers run red, our great natural bounty wasted before our very eyes and we wondered why we did not prosper.

We have waste too much time. We have wasted too much of our substance. We have spent too many of our years, too much of our energy being against things we did not understand, being afraid of change, being suspicious of the intellectual, and being oblivious to our image and our reputation.

Now the time has come to get on with the job—long overdue—of building this state into the land of prosperity that it truly can be. That is what this inaugural is all about, and I want you to join with me in making that promise here collectively to each other—that we shall not let any force divide us that will prevent us from achieving that ultimate level of promise and prosperity and progress that we all know down deep in our hearts in our rightful inheritance. I believe with all of the fiber of my being that the remaining twenty years of this century belong to this area of America—to this great heartland of the Deep South—to this state beautifully and picturesquely named "Mississippi". Let those syllables roll off your tongue, with the assurance that this is where the action is going to be. This is where the achievements of the future will lie. This is where we are going to harness our brainpower and our creativity and out ingenuity. This is where we are going to provide the leadership in scientific and social research in solving the problems that this country is desperately looking for somebody to solve. These will not be the years that the locusts have eaten. These will be the years of fulfillment and satisfaction and pride and accomplishment and assurance that we will be putting it all together, with one people united in an effort that has as its common bond a commitment to greatness.

As I said before, this will not be easy. No great purpose is easily achieved, but what greater purpose could unite us and send us confidently down the road of the future than the assurance that we have met the challenge of these late twentieth century years in helping solve some of the problems that haunt America today.

We say to our sister states, "We have here what the rest of the nation is looking for—people who are willing to work—who don't want a free ride—who will settle for nothing less than a well-done job. That we have here the resources essential to the building of a self-sufficient nation. Resources of energy—resources of food—resources of fiber—resources of shelter—all that in a benign climate, where the living is good, and more important than anything else, a good spirit in our people, where bitterness has been put aside, where people do not ask, "Where did he come from?" or "What club does he belong to?" or "What color is his skin?"

The question they ask is "What can he do?"

I consider that you and I form the most fortunate generation that has ever lived, even with the problems of inflation and energy and international tension and all of the other difficulties that confront mankind.

As we look around us and count our blessings, this must represent for all of us the most exciting and stimulating time in which anybody could want to live, and that is the basis of the challenge I present to you here today—a challenge of making this state, without confrontation and without controversy, without self-pity and without any sense of inferiority, hold our heads up to the world and say, "We are today ready, willing, able, and insistent on taking our full share of the responsibilities or leadership in this country. We will help do the work, we will help solve the problems, and we will insist on our share of the national benefits. We are going to meet our responsibilities. We are going to educate our people, take care of our handicapped, and provide for those indigent who cannot provide for themselves. We are going to help our senior citizens live in dignity and self-respect, and we are going to work for better health care and better housing and better transportation for all of our people. We are going to strive to protect our natural resources and conserve our land and our forests and our streams. But at the same time we are also going to put our people to work in jobs that challenge their skills and pay them an adequate wage. We are going to demonstrate our commitment to hard work and tough discipline and long hours.

We cannot enjoy the luxury of letting up in Mississippi. We still have too much catching up to do. We have to run faster and get up earlier and stay up later to get to where we want to be. This will not happen because we want it to happen, and it will not come about because of massive new governmental programs. It will occur only as enough of us are willing to struggle to make it happen. I want us to stop selling ourselves short by not fully utilizing all of our people—our talented people—our creative and imaginative people. The old solutions will not do. Let us not be afraid to launch out into new areas. Let us not feel threatened by new ways of doing things.

I shall in the next few days ask this legislature for the privilege of presenting to another joint session some of my specific recommendations. They will be designed to help achieve the basic goals which I have set before you today. They will have as their major thrust the increased efficiency of state government, and making it more responsive to the legitimate needs of our people.

Let me say finally that throughout my administration I shall always remember that in occupying this high office I do so as your servant. I shall accordingly always strive to serve you in a way that will reflect credit on you and that will insure increased respect for the State of Mississippi.

Another governor on another January day when I was a very small boy stated what in the final analysis is the ultimate measure of our performance. I commend to you these words from the inaugural address of Governor Mike Conner in 1932:

"And if in this hour we shall set the public welfare as the only goal of our ambition, if we shall make it the supreme object of our effort and dedicate to its achievement the best endowment of our lives, we need not fear for the results of our labors, nor for the future of the state."●

## CANCER CHEMOTHERAPY DRUG

### HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. EVANS of Delaware. Mr. Speaker, doxorubicin hydrochloride, under the trade name Adriamycin™—doxorubicin hydrochloride—for injection, is a drug used in cancer chemotherapy to successfully treat small cell cancers including acute lymphoblastic and acute myeloblastic leukemias, breast, ovarian, thyroid, and bronchogenic lung carcinomas, among others. It is one of the most active chemotherapy agents available and the most widely used cancer chemotherapy drug in the United States.

The patent for this drug is held by an Italian pharmaceutical company, Farmitalia, S.p.A. All manufacturing of Adriamycin is done in Milan, Italy. The single largest domestic customer for the drug in the United States is the National Cancer Institute, who sponsored the drug's New Drug Application before the Food and Drug Administration in 1974. At present, the National Cancer Institute is engaged in a significant amount of research involving use of Adriamycin.

Adriamycin is marketed for use by a limited number of physicians qualified in the use of cancer chemotherapy. It is not widely advertised because the nature of the drug requires close observation of the patient and extensive laboratory monitoring during its use.

Adriamycin is not in direct competition in the marketplace with other antineoplastic agents. In fact, it is often used to augment or supplement other forms of treatment including use in conjunction with other antineoplastic drugs.

A full course of treatment with Adriamycin is not inexpensive. In light of its importance in the treatment of cancer in patients in this country, there seems to be no cogent reason to add an indirect charge that our health care system must support.

In 1977, I was pleased to sponsor the original bill suspending the duty on this drug. That bill was considered by the House, and unanimously passed on July 18, 1977. It was subsequently passed as amended by the Senate, approved as amended by the House on October 25, 1977, and signed by the President. I am pleased to sponsor this bill for a continuation of the suspension of duty on doxorubicin hydrochloride until June 30, 1982.●

## RAPID DEPLOYMENT FORCE

### HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. JOHNSON of Colorado. Mr. Speaker, President Carter's new defense budget will include $300 million to begin the buildup of a "rapid deployment force." This force, designed for quick intervention over long distances, would ultimately serve only as an instrument of political provocation. Many experts, inside and outside the State Department, contend such a force would be of little use in protecting our interests in Persian Gulf oil. Even if the United States were to intervene in the region in response to some political or military threat to oil supplies, there would be no way to prevent sabotage of the oil fields.

More importantly, the very existence of such a rapid deployment force as the administration envisions would contribute to tension and turbulence in an area of the world that is already dangerously unstable. The American role in the Middle East should be that of the peacemaker, and the creation of this force would seriously undermine our credibility in that role. Furthermore, the relationship between the rapid deployment force and the requirements of the War Powers Act have never been addressed.

Mr. Speaker, I commend to the attention of my colleagues the following perceptive article concerning the rapid deployment force. Written by Frances FitzGerald, "Muskets and Gunboats" recently appeared in the New York Times.

[From the New York Times, Jan. 9, 1980]

### MUSKETS AND GUNBOATS

(By Frances FitzGerald)

The Iranian crisis, followed by the Soviet invasion of Afghanistan, has given a powerful lift to the spirit of military adventurism in Washington. The Administration has responded to both acts of aggression with the most efficient diplomatic and economic means at its disposal, but in the background it's hard to hear anything for the rattling of sabers and the clanking of swords.

While the Republican Presidential candidates growl helplessly, press commentators such as Evans and Novak, William Safire, George Will, Joseph Kraft and editorial writers for The Wall Street Journal have been calling for military action, or the threat of it, against Iran.

At the same time, members of the anti-SALT II New Right in the Congress and the Pentagon have been arguing in principle for American military intervention in the third world. As they put it, the time for guilt and apologies is over; it is time to get rid of our post-Vietnam inhibitions against the direct use of American military force. The argument is not new—it originated in the Nixon Administration—but now, only five years after the end of the Vietnam War, its proponents have grown mighty in number and in influence.

Last month, President Carter announced plans to create a 110,000-man "rapid deployment force" and designated $300 million for new fleets of ships and planes capable of transporting American troops to the remotest areas of the developing world.

The astonishing thing about all this saber-rattling is that it seems to exist in a sphere quite apart from the goals of American foreign policy and the real world out there.

The advocates of an attack on Iran have never argued that military action would save the hostages (indeed, most have acknowledged that it would probably kill them) or that it would not result in a cutoff of Iranian oil, retaliation by other oil-producing countries and chaos in the economies of the non-Communist world. For them, an attack on Iran would be retaliation for its own sake—a purposeful job of cutting off one's nose to spite one's face.

Similarly the advocates of "capabilities" for the rapid deployment of American military forces in the third world have never explained the possible uses of a small expeditionary force. What country could the United States invade with three divisions—even highly mobile ones? Not Libya, not Panama (particularly not while the Shah is there), not Southern Yemen. The Dominican Republic, perhaps. Or Barbados and the Grenadines. What government could be knocked out by a "quick surgical strike?" Alternatively, what regime in the world would ask for three divisions—unless it meant to hold them hostage for a larger troop commitment?

The new militarists in Washington do not address these questions, Instead, they talk psychology. Americans, they say, must shed their guilt over the Vietnam War and restore the "credibility" of American arms—including the nuclear deterrent. The argument is not at all reassuring. "Credibility" is, after all, the word Richard M. Nixon and Henry A. Kissinger used when embarking on those military ventures least calculated to inspire it. (The invasions of Cambodia and Laos, for example. Then, a week or two before the end of the war, Mr. Kissinger proposed that American "credibility" rested on the survival of the Nguyen Van Thieu and Lon Nol regimes.) Then, to talk about American "guilt" is to use the moral objection to the war to conceal the practical one—that even a half million American troops were not enough to win it.

The other argument of the militarists has to do with the dispatch of Cuban troops to Africa, and now, presumably, with the Soviet troops in Afghanistan. The argument is not that the United States should send troops to fight the Cubans or the Russians (the militarists are not yet asking for a ground war between the superpowers) but rather that because the Russians are intervening in the third world, so should we: A keep-up-with-the-Joneses argument. The imperial expeditions of the Cubans and the Russians are, however, more cautionary than encouraging as examples. What they show is that a small foreign army can bog down in Africa for years and that even a superpower cannot pacify a few thousand ragged tribesmen on its borders without sending a large army. What they demonstrate is precisely what the Vietnam War demonstrated some years ago: The world is no longer safe for gunboats and thin red lines. The natives just don't run away as they used to when the first shot is fired.

In effect, what our new defense strategists are now doing is putting in orders for muskets, horseshoes and spurs. It's not dangerous—not until the day when a modern Lord Cardigan forms up the "rapid deployment force" and yells "Charge!" For that modern

Lord Cardigan will surely explain in advance that the credibility of the American nuclear deterrent rests on the success of his Light Brigade.●

## CONGRESSIONAL SALUTE TO HON. JOHN B. INGEMI OF NEW JERSEY, OUTSTANDING EDUCATOR, DISTINGUISHED CITIZEN, COMMUNITY LEADER, AND GREAT AMERICAN

### HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. ROE. Mr. Speaker, on Saturday, January 26, the residents of Hawthorne, my congressional district and State of New Jersey will join together in testimony to the lifetime of outstanding public service that our people have received from an esteemed educator, community leader, and good friend, Hon. John B. Ingemi who has announced his retirement as superintendent of schools of Hawthorne, N.J.

As Superintendent Ingemi retires from this highly respected office of public trust, I am pleased to participate with his many, many friends, and colleagues in expressing our deep appreciation for all of his good works and share great pride in the success of his achievements with his good wife Ruth; their sons: John B. Ingemi, Jr., physical education teacher, Woodbridge, N.J.; William M. Ingemi, sophomore, Virginia University, Richmond, Va.; and daughter Diana Lopresti, secretary to the assistant superintendent of schools, Freehold Township, N.J.

Mr. Speaker, the cultural, historical, and economic achievements, even the basic health, well-being, and longevity of a state and nation depend in a large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions. John Ingemi has indeed earned the greatest respect and esteem of all of us for his leadership and highest standards of excellence in seeking to improve the quality of education for our young people. His personal commitment and endeavors as an educator over the past four decades have endeared him to all of us.

John is a graduate of Hammonton High School, class of 1935. He received his B.S. degree from Glassboro State College in 1940, his M.A. degree from Columbia University Teachers College in 1947, and his doctorate in education—Ed. D.—from Columbia University Teachers College in 1958.

In 1940 John joined the faculty of the New Lisbon School for Boys, New Lisbon, N.J. and left in 1941 to accept a teaching position with the Hammonton school system, Hammonton, N.J. He has also taught at the William Paterson State College located in my hometown of Wayne, N.J.

Superintendent Ingemi's teaching career was interrupted between 1942 to 1946 to serve the people of our country with the U.S. Army Air Force during World War II. Upon his return to civilian life in 1946 he resumed his teaching profession as a teacher at Woodcliff Lake Public Schools, Woodcliff Lake, N.J., for 1 year and then accepted an invitation to serve on the faculty of Westwood Public Schools, Westwood, N.J., for 5 years. In 1952 he was appointed principal of Berkeley Avenue Elementary School, Westwood, N.J. before attaining the leadership position of superintendent of schools of Dunellen, N.J. in 1962. He has been superintendent of schools of Hawthorne, N.J., since 1967.

Mr. Speaker, in civic affairs, John has extended the richness of his wisdom and expertise—always giving willingly and unselfishly of his time—in helping others. During the years 1952 to 1957 he was director of recreation in Westwood, N.J. He has been a most active member of the following organizations and public agencies:

> Rotary Clubs in Westwood, Dunellen and Hawthorne; Board of Directors, Hawthorne Public Library; Police Examination Board, Hawthorne; National Education Association (Life Member); American Association of School Administrators; New Jersey Council of Education; New Jersey Association of School Administrators; Passaic County School Superintendents' Association; and Hawthorne Bi-Centennial Committee.

Mr. Speaker, John has served our people and our country with honor and distinction. He is an outstanding administrator, educator, and good friend whose richness of wisdom and expertise in his daily pursuits have touched the lives of many, many people in my congressional district. I appreciate the opportunity to publicly acclaim all of his good works and share the pride of his famly in his accomplishments and lifetime of dedicated public service which have truly enriched our community, State, and Nation. We do indeed salute an outstanding citizen and great American—Hon. John B. Ingemi of New Jersey.●

## TRIBUTE TO GEORGE MEANY

### HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Ms. OAKAR. Mr. Speaker, George Meany was a prime advocate of the American labor movement and lifetime champion and defender of the American worker.

He was a man of immeasurable wisdom, strength, and compassion, indeed, a rarity. In his lifetime he achieved a position of powerful and distinguished leadership in the world, as well a maintaining a lifelong respect for the dignity of family life, as evidenced by the deep devotion to the late Mrs. Meany and his three daughters.

George Meany's litany of accomplishments include the successful union of the American Federation of Labor and the Congress of Industrial Organizations—AFL-CIO.

George Meany's death marks a tremendous loss for all working men and women. The country has lost one of its staunchest loyalists. The world has lost a great man. George Meany's firm and unwavering commitment to uphold and protect the rights of the American laborer hallmarked his dedicated service which sprawled more than a half a century. While Mr. Meany's absence will be felt deeply, his invaluable contributions to our democratic system will endure.●

## UKRAINIAN INDEPENDENCE DAY—1980

### HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. NEDZI. Mr. Speaker, this is the 62d anniversary of the proclamation of an independent Ukraine, a republic which struggled for 3 years before being overpowered.

The idea of Ukrainian nationhood is, at this point in history, beyond achievement. But it is not beyond imagination.

The literary and political dissidents in the Soviet Union annoy the Government and attract worldwide attention, but they are a tiny minority. The struggle of the Soviet Jews engages the attention of millions and bothers the Soviets, but they are a relatively small minority.

The prospect of ethnic dissent, however, the prospect of a separate, independent Ukraine, now that shakes the Soviets. Without the 50,000,000 Ukrainians, the Russians would find themselves a European minority in the Soviet Union.

As the imprisoned Valentin Moroz wrote of the Ukraine and the wider struggle, Stalinist repression is directed not only "against those who think differently, but also against those who think for themselves."

Moroz, perhaps the most provocative Ukrainian thinker of today, is a man who displayed a willingness to risk years of miserable incarceration in order to be an individual.

Moroz also wrote:

> Despotism begins when people stop regarding violence aimed at them as evil and begin to think of it as normal.

We should ponder the words of Moroz today and also refresh our memories on the historical details of the Ukraine.

Those historical details are ably set forth in a letter I received from Dr. Anthony Zukowsky, president of the Metropolitan Detroit Branch of the Ukrainian Congress Committee of America. A copy of the letter follows:

UKRAINIAN CONGRESS COMMITTEE OF AMERICA, METROPOLITAN DETROIT BRANCH,
*Warren, Mich., January 16, 1980.*

**Re January 22, Ukrainian Independence Day.**

Hon. Lucien N. Nedzi,
*Rayburn House Office Building,*
*Washington, D.C.*

Dear Congressman Nedzi: We would like to call your attention to the fact that Ukrainians, all over the world, including the United States, will celebrate the Independence of Ukraine, in January.

January 22nd will mark the 62nd Anniversary of the Proclamation of Independence of Ukraine and the 61st Anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign nation. Both the Independence of Ukraine and the Act of Union were proclaimed by a duly elected parliament (Central Rada) in Kiev, capital of Ukraine, on January 22, 1918 and January 22, 1919.

This sovereign Ukrainian state was immediately recognized by a large number of nations, including France and England. Diplomatic relations were established with them. Recognition was granted also, by Soviet Russia. Despite the fact that the Soviet government had officially recognized Ukraine as an independent and sovereign state, Ukraine was attacked, both by military aggression and by subversion from within.

For three and one-half years the Ukrainian people waged a gallant struggle in defense of their country, alone and without aid from Western nations, but were ultimately overpowered by a numerically stronger and better equipped Russian Bolshevik aggressor. They destroyed the Ukrainian National Republic and created a Communist puppet government known as the Ukrainian Soviet Socialist Republic (Ukrainian S.S.R.).

The entire history of Soviet-dominated Ukraine is a ghastly record of inhumanity, outright persecution, terror and genocide. Russification and denationalization plus violation of human rights, on a scale not known in the history of mankind, has occurred.

In summary, the colonial rule of Soviet Communism in Ukraine can be characterized by the following:

A. During the sixty years of Moscow rule in Ukraine, millions of Ukrainians have been annihilated by man-made famines, deportations and executions.

B. Both Ukrainian Orthodox and Ukrainian Catholic Churches have been ruthlessly destroyed and their clergy and faithful have been arrested and persecuted.

C. All aspects of Ukrainian life are rigidly controlled and directed by Moscow.

D. Permanent violation of Human and National Rights was instituted in Ukraine. Thousands of Ukrainians have been charged with "anti-Soviet propaganda and agitation", tried and convicted. Many have been tortured, incarcerated and confined in psychiatric asylums where drugs and chemicals are forcibly administered. Despite the Implementation of the Helsinki Accords, Soviet oppression has intensified in Ukraine. New arrests of innocent people have been made by the Russians. The KGB, Soviet Secret Police, has committed many murders. Mrs. Ala Horska, poetess and literary critic, was murdered in Kiev. This past year, music composer, Volodimir Iwasiuk was murdered in Lwiw, Ukraine. Members of the Urkrainian Helsinki Groups were tried and given harsh sentences.

Russian enslavement of Ukraine has brought much suffering to the people of Ukraine. In 1919-1920 Ukraine was the first victim of Russian-Communist aggression. Since then, with passive indifference to the Western world, they have subjugated other countries. The recent invasion and occupation of Afghanistan is the latest warning, to the world, that Russian Imperialism poses the greatest threat to all.

In spite of this oppressive yoke, Ukrainians have never accepted this foreign domination and are continuing their struggle for Human Rights, Freedom and National Independence. A new breed of adamant fighters for Human and National Rights gives us hope that Ukraine will be free again.

We would like to express our sincere thanks and appreciation to the President of the United States, to the U.S. government and to all the members of the Senate and Congress for their untiring efforts in bringing many freedom fighters and dissidents, from Soviet prisons, to our great country and giving them asylum here. God bless you all!

The Ukrainian people, in the free world, are celebrating the memorable January 22nd as their greatest holiday. For many years, the 22nd of January has been proclaimed, Ukrainian Independence Day, in American cities and states from coast to coast.

Therefore, it is in the common spirit of liberty, faith and justice that the American people, and especially the U.S. Congress, join Ukrainians all over the world in giving moral support to the Ukrainian people in their struggle for Human Rights, Freedom and National Independence.

We appreciate, very much, your support and concern for the welfare of the Ukrainian people.

Sincerely,

Dr. Anthony Zukowsky,
*President, Ukrainian Congress Committee of America, Metropolitan Detroit Branch.*●

## A DOMESTIC "AFGHANISTAN"?

## HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. MICHEL. Mr. Speaker, one of the more memorable moments of recent history occurred when President Carter told us that the Soviet invasion of Afghanistan had dramatically changed his view of their intentions. Since the President was, presumably, perhaps the last person in the Western world to have been surprised by Soviet aggression, many observers feel that his admission reflects badly on his grasp of world affairs.

I hope we are not going to have a version of this kind of discovery on the domestic front, concerning labor-management disputes. For 3 years I have been calling for effective machinery to deal with such disputes and for 3 years the administration has conducted itself in the usual—this is, unacceptable and unworkable—way when it comes to settling national emergencies.

U.S. News & World Report has recently reminded us what we are faced with in the near future as unions make a push to catch up with prices. In the hope the President or some of his advisers might read this and not be "dramatically" surprised by a series of labor-management disputes leading to economic disaster, at this point I wish to insert in the Record, "Unions' Big Push to Catch Up With Price," from U.S. News & World Report, December 31, 1979.

### Unions' Big Push To Catch Up With Prices

Undaunted by layoffs and government wage restraints, millions of union workers are threatening to strike in 1980 unless their wages catch up with inflation.

Experts foresee many bitter labor-management confrontations during contract talks covering about 3.7 million blue-collar workers. Industries facing a strike threat in the coming year include oil, telephone, steel, aluminum, copper, construction, maritime and aerospace. The prospects for labor strike are even greater in the public sector.

The fireworks could begin as early as January 8, when about 60,000 oil-industry workers are scheduled to strike. Already the oil companies have furnished their refineries with cots and refrigerators to be used by supervisors during a walkout.

At the heart of all this discontent is the rise over the past year of almost 13 percent in the consumer price index, the worst inflation rate in more than 30 years. Since wages on average have fallen behind inflation, the buying power of a typical American worker has declined by 5 percent over the past year. "Workers haven't gained anything from higher wages," says AFL-CIO economist Rudy Oswald. "They've been falling further and further behind."

#### BATTLES LOOM

In contract talks, unions say, they will demand larger-than-usual wage increases to compensate for the losses their members have suffered as a result of inflation. The Conference Board estimates that wage and benefit increases negotiated during 1980 will average 9.5 percent. Although these increases are expected to be slightly higher than those negotiated during 1979, they will continue to lag behind a projected 1980 inflation rate of more than 10 percent.

Such demands will not be achieved without a struggle. Employers are facing severe limitations brought on by recession, inflation, lagging productivity and President Carter's wage-restraint program. George Moore, vice president of Bethlehem Steel Corporation, foresees "difficult bargaining ahead" as employers set out to trim employment costs in 1980.

Frank Doyle, General Electric's vice president for labor relations, says that the erosion of wages will stimulate "increased militancy and willingness to accept strife" among workers. "People simply won't stand for this," he says. Government officials expect increased strike activity in the public sector as well as scattered walkouts by workers in the oil, steel, aerospace and longshore industries.

Compared with the impact of inflation, most other bargaining issues now seem less important to American workers. Says William Winpisinger, president of the International Association of Machinists: "I expect wages to remain the focal point of our negotiations despite a lot of sociological malarkey about today's workers being less interested in money than in job satisfaction, shared responsibility, rotating work assignments and other esoteric benefits. In the final analysis, the reason people work is to make money."

Union leaders do not view the President's wage-restraint program as an obstacle to seeking higher pay in 1980. They note that the official 7 percent ceiling on wage increases was violated constantly by unions in 1979, with no serious repercussions. Moreover, they anticipate the program will be enforced even less enthusiastically in 1980, an election year.

### DR. JOHN'S MAGIC

The unions expect the President's new Pay Board, headed by former Labor Secretary John Dunlop, will find some way to prove that virtually every new wage settlement is not inflationary. As one administration official put it: "We'll just let Dr. John work his magic."

Likewise, the threat of job losses has not dampened the workers' desire to make enough money to keep up with inflation. About 1,000 employees of U.S. Steel Corporation's American Bridge Division in Ambridge, Pa., will be losing their jobs in 1980 because they refused to accept a wage freeze as a condition for keeping their plant open. In steel as * * * in rent contract increased wages by 48 percent. This year, the union wants to improve upon the current contract by raising pension benefits to keep up with inflation.

The key question in the steel industry is whether the companies will agree to renew the no-strike agreement before the next negotiations in 1983. U.S. Steel Chairman David M. Roderick hints that the agreement has become too expensive. Union sources say that steel-industry employment costs are expected to rise to $35,000 per year per worker by 1983 as a result of the industry's commitments under the no-strike pact.

United Steelworkers President Lloyd McBride views 13,000 new layoffs by U.S. Steel as a sign that the steel industry intends to get tougher at the bargaining table. Wages in the copper and aluminum industries will follow the pattern set in steel.

### TELEPHONE

Contracts covering 700,000 employes of the American Telephone & Telegraph Company expire August 9. A nationwide strike seems unlikely, even though many telephone workers have staged sidewalk demonstrations over the past year to protest what they view as increased job pressures caused by technology.

The key issues will be improved cost-of-living raises, better pension benefits and job security. The average telephone worker now earns $9.35 an hour, including $1.13 obtained through cost-of-living raises over the past year.

### LONGSHORE

The 50,000 dockworkers who load ships along the Atlantic and Gulf coasts now have a guaranteed minimum wage of $21,000 a year. Some earn as much as $40,000. Yet many experts anticipate a strike next September when their current contract expires. One reason: No cost-of-living clause. "Our raises always have been ahead of inflation," says ILA President Thomas W. Gleason, "but now inflation has gotten out of hand."

### AEROSPACE

The aerospace industry has a long history of strikes. There is no reason to expect this trend to change in 1980, when contracts expire for employes of such leading aerospace firms as Boeing, Lockheed and McDonnell Douglas. The aerospace unions, led by the International Association of Machinists and the United Auto Workers, will try to improve their cost-of-living clause; the companies will try to weaken it. Says one union official: "Any attempt to further dilute our cost-of-living clause would mean a strike."

Administration officials fear that IAM President Winpisinger, a strong supporter of Senator Edward Kennedy, will take his aerospace members out on strike simply to embarrass the President. A long walkout would threaten national security by halting production of military aircraft.

### CONSTRUCTION

The Labor Department estimates that nearly half of the major construction-industry contracts will expire in 1980. Most construction contracts, which are negotiated locally across the country, do not have cost-of-living clauses. This is one reason why building-trades wages have been increasing at a slower pace than factory pay over the past two years.

Construction companies have been paying raises of about 6 to 7 percent annually. This trend is expected to continue during the current recession, except in the sun-belt cities where construction is still booming.

### GOVERNMENT

Contracts covering hundreds of thousands of state and local employes also will be negotiated throughout 1980. Government pay has been rising more slowly than industrial wages because most pacts do not include cost-of-living clauses. Says Assistant Labor Secretary Hobgood: "The public sector is going to be the source of a lot more strikes because they don't have cost-of-living protection."

Over all, a number of labor confrontations seem unavoidable in 1980. Union leaders are telling the President that the only thing that would alter this gloomy forecast is mandatory wage and price controls—a move the administration has all but ruled out.

---

### WHERE STRIKES COULD OCCUR IN 1980

January: Oil Chemical and Atomic Workers—major oil refineries (60,000). Bakery, Confectionery and Tobacco Workers—Philip Morris (8,200).

March: Glass Bottle Blowers—glass manufacturers (22,000).

April: United Steelworkers—major steel producers (280,000).

May: United Steelworkers, Aluminum Workers—top three aluminum companies (42,000).

June: Utility Workers—Consolidated Edison of New York City (17,700).

August: Communications Workers of America, International Brotherhood of Electrical Workers and Telecommunications International Union—American Telephone & Telegraph (700,000).

September: International Longshoremen's Association—Atlantic and Gulf port shipping firms (50,000). Amalgamated Clothing and Textile Workers—clothing and textile firms (91,000).

October: International Association of Machinists, United Auto Workers—aerospace companies (35,000).

Amalgamated Transit Union—Greyhound Lines (13,000).

December: Seattle Professional Engineering Employes Association—Boeing Company (17,000).

Service Employes International Union—New York City commercial-building owners (55,000).●

---

## UKRAINIAN INDEPENDENCE

## HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. BRODHEAD. Mr. Speaker, January 22, 1980, marked the 62d anniversary of Ukrainian independence. This was a day of great significance to Ukrainians around the world. It is significant both for the happiness that thoughts of a free Ukraine bring to all those who are concerned for human rights and self-determination of nations, and for the sadness that accompanies the recognition that Ukraine is not free today.

The Detroit area is fortunate to have an active Ukrainian community, which has never flagged in its efforts to keep alive thoughts of Ukraine's struggles. I have recently received a long and touching letter from the Metropolitan Detroit Branch of the Ukrainian Congress Committee of America that discusses the history of Ukraine. I wish to share this letter with my colleagues, in the hope that they will join me in thoughts of Ukraine and fervent hope that freedom will one day be restored to this troubled nation.

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, METROPOLITAN DETROIT BRANCH,
*Warren, Mich., January 18, 1980.*

Hon. WILLIAM BRODHEAD,
*U.S. Congressman, Cannon House Office Building, Washington, D.C.*

DEAR CONGRESSMAN BRODHEAD: We would like to call your attention to the fact that Ukrainians, all over the world, including the United States, will celebrate the Independence of Ukraine, in January.

January 22nd will mark the 62nd Anniversary of the Proclamation of the Independence of Ukraine and the 61st Anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign nation. Both the Independence of Ukraine and the Act of Union were proclaimed by a duly elected parliament (Central Rada), in Kiev capital of Ukraine, on January 22, 1918 and January 22, 1919.

This sovereign Ukrainian state was immediately recognized by a large number of nations, including France and England. Diplomatic relations were established with them. Recognition was granted also, by Soviet Russia. Despite the fact that the Soviet government had officially recognized Ukraine as an independent and sovereign state, Ukraine was attacked, both by military aggression and by subversion from within.

For three and one-half years the Ukrainian people waged a gallant struggle in defense of their country, alone and without aid from Western nations, but were ultimately, overpowered by a numerically stronger and better equipped Russian Bolshevik aggressor. They destroyed the Ukrainian national Republic and created a Communist puppet government known as the Ukrainian Soviet Socialist Republic, (Ukrainian S.S.R.).

The entire history of Soviet-dominated Ukraine is a ghastly record of unhumanity, outright persecution, terror and genocide. Russification and denationalization plus violation of human rights, on a scale not known in the history of mankind, has occurred.

In summary, the colonial rule of Soviet Communism in Ukraine can be characterized by the following:

A. During the sixty years of Moscow rule in Ukraine, millions of Ukrainians have been annihilated by man-made famines, deportations and executions.

B. Both Ukrainian Orthodox and Ukrainian Catholic Churches have been ruthlessly destroyed and their clergy and faithful have been arrested and persecuted.

C. All aspects of Ukrainian life are rigidly controlled and directed by Moscow.

D. Permanent violation of Human and National Rights was instituted in Ukraine. Thousands of Ukrainians have been charged with "anti-Soviet propaganda and agitation", tried and convicted. Many have been tortured, incarcerated and confined in psychiatric asylums where drugs and chemicals are forcibly administered. Despite the Implementation of the Helsinki Accords, Soviet oppression has intensified in Ukraine. The KGB, Soviet Secret Police, has made new arrests of innocent people. Many have been murdered. Mrs. Ala Horska, poetess and literary critic, was murdered in Kiev. This past year, music composer, Volodimir Iwasiuk was murdered in Lwiw, Ukraine. Members of the Helsinki Groups, in Ukraine, were tried and given harsh sentences.

Russian enslavement of Ukraine has brought much suffering to the people of Ukraine. In 1919-1920 Ukraine was the first victim of Russian-Communist aggression. Since then, with passive indifference to the Western world, they have subjugated other countries. The recent invasion and occupation of Afghanistan is the latest warning, to the world, that Russian Imperialism poses the greatest threat to all.

In spite of this oppressive yoke, Ukrainians have never accepted this foreign domination and are continuing their struggle for Human Rights, Freedom and National Independence. A new breed of adamant fighters for Human and National Rights gives us hope that Ukraine will be free again.

We would like to express our sincere thanks and appreciation to the President of the United States, to the U.S. government and to all the members of the Senate and Congress for their untiring efforts in bringing many freedom fighters and dissidents, from Soviet prisons, to our great country and giving them asylum here. God bless you all!

The Ukrainian people, in the free world, are celebrating the memorable January 22nd as their greatest holiday. For many years, the 22nd of January has been proclaimed, Ukrainian Independence Day, in American cities and states from coast to coast.

Therefore, it is in the common spirit of liberty, faith and justice that the American people, and especially the U.S. Congress, join Ukrainians all over the world in giving moral support to the Ukrainian people in their struggle for Human Rights, Freedom and National Independence.

We appreciate, very much, your support and concern for the welfare of the Ukrainian people.

Sincerely,

Dr. ANTHONY ZUKOWSKY,
*President, Ukrainian Congress Committee of America Metropolitan Detroit Branch.*●

## TRIBUTE TO GEORGE MEANY

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. FORD of Michigan. Mr. Speaker, I join sadly but proudly in paying tribute to George Meany, one of the few truly great giants of our day, who passed away on January 10, while the Congress was in recess.

In November, at the time of his retirement as president of the AFL-CIO, I placed in the RECORD a tribute to Mr. Meany and his role in the history of organized labor.

At that time, I commented:

> Too often, we delay expressing our affection and esteem until the object of those sentiments has departed this earth. I'm delighted that George Meany is able to hear what we have to say.

Mr. Speaker, I assume that George Meany read my remarks, and the remarks of my colleagues who joined in that tribute. I hope he read them, for I would be happy knowing that he realized the great respect in which he was held.

Since my thoughts were printed at that time, Mr. Speaker, I will not repeat them now, but I would like to reiterate the closing paragraph of my November tribute:

> After a lifetime spent in the services of his fellow human beings, George Meany has retired. He leaves a legacy of great social achievement; he reminds us, by his accomplishments, that it has been the hands of the people like him which have built America.●

## TRIBUTE TO GEORGE MEANY

### HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. WIRTH. Mr. Speaker, I would like to add to the praises which have been expressed throughout the Nation for George Meany. Whether friend or foe, people admired and respected the effort with which he represented and led the men and women of American labor. His tireless efforts on behalf of working people in this country was matched only by his strong belief in the principles which make this Nation great. We would do well to remember George Meany's fervor for America as we read today's headlines.

At a time when people in and out of government are calling for strong leadership, America is suddenly without one of its great leaders. The graveled voice and ever-present cigar were symbols of the will power and resolve of the American worker. As leader of over 110 labor unions under the AFL-CIO banner, George Meany led a powerful coalition of labor groups; dealt daily with the heads of American industry and government; yet, never lost the necessary touch with the workers who chose him to lead them in their struggle.

Of all the personal traits which made Mr. Meany the exceptional person and leader he was, it was his ability to mold together, and hold together, the many diverse groups and individuals which make up the labor movement in this country; and the ability to at once truly and fairly speak for his people, while being willing to listen and work with the many individuals in business, government, and other labor organizations that made him the leader he proved to be. It was this quality of bringing ideas and people together that not only made George Meany a strong and courageous leader during his lifetime, but which makes him a good model for the leaders of tomorrow. He knew the meaning and the value of working together to solve tough problems that belied the easy solutions.

His ideas and ideals, though not always agreed with even within the folds of organized labor, made him a force in American society, and made him an advisor to many of the Nation's political and economic leaders. Though a strong voice for labor, George Meany had an often independent voice that earned him the trust necessary to be the counselor that he was to so many powerful people.

The American social and political picture will not be the same without George Meany, but I hope his example will be with us for many years.●

## TRIBUTE TO GEORGE MEANY

### HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. SCHULZE. Mr. Speaker, recently this Nation suffered the loss of one of its most outstanding citizens, Mr. George Meany. As the major crusader for the workingman's rights, Mr. Meany remained in the forefront of the American labor movement for over 40 years.

From his humble beginnings in a New York City borough, born the son of a plumber, he graduated to the ranks of one of the most influential men in the 20th century. Lasting through eight administrations, Mr. Meany championed the fight for the American worker. This Nation owes him a debt of gratitude for the progress he made in the field of human rights and freedom.

This dedication to human rights was manifested best in his fight for the passage of the Civil Rights Act of 1964, which he fiercely upheld. His interest lay not solely with the labor movement but extended to the realm of universal humanitarianism. His unabashed patriotism as personified by his continuing struggle against communism shadowed his various humane endeavors. He fought against any and all totalitarian impositions on the freedoms of the individual.

Yet his organizational abilities, as manifested in the 1955 merger of the American Federation of Labor with the Congress of Industrial Organizations, only strengthened his cause with further proof of his tenacity.

Meany sought to fashion a platform of propriety and equity in the lives of those who labored to make this Nation great. He shone as a beacon of hope for the oppressed of this Nation and led them to a promised land full of decency and justice.

As a result of his dedication, the working people of this country have finally attained their position as a vital force within our society. It is a comfort to know that the future of American labor has its roots in such a humanitarian giant. His patriotism alluded from his every action and he applied a universal justice to all he touched. It is with deep regret that we bid him farewell. He shall remain in the eyes of all, the immortalization of American labor.●

## TRIBUTE TO GEORGE MEANY

### HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. REUSS. Mr. Speaker, George Meany was an American institution. He was the premier labor leader of our time, a giant figure whose influence was felt throughout the Nation and the world. I shall leave it to others to pay tribute to Mr. Meany's achievements on behalf of organized labor, and to speak of the strength of his personal character and his indomitable will.

Rather, I should like to honor George Meany's immeasurable contribution to the passage of much of the landmark social legislation of postwar America. George Meany, more than anyone else, defined the American labor movement's role to be that of a participant in our Nation's democratic system. He molded organized labor into a powerful and effective lobbying organization, working on Capitol Hill to promote legislation which improved the lives of all workers.

In the 24 years of George Meany's presidency, the AFL-CIO exerted its unwavering support behind a broad range of social legislation. Organized labor's support was crucial to the passage of the first major civil rights legislation in 1957. Under Mr. Meany, the AFL-CIO carried on a continuous campaign to make earning a living safer, healthier, and more rewarding.

Yet, the benefits of the social legislation which George Meany's AFL-CIO helped to enact extends far beyond the membership of the organization. Without his backing, much of the social legislation which most Americans now take for granted might never have been enacted. This legacy of legislation supporting the ideals of social equality and human dignity stands as a living monument to George Meany's influence and leadership. We shall all miss him.●

## WILLIAM O. DOUGLAS

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. STARK. Mr. Speaker, all Americans lost a champion with the death of Justice William O. Douglas. His tireless, unyielding devotion to civil liberties and equal rights was unparalleled in his lifetime. Thankfully, his opinions and writings survive as living proof of the enduring power and influence of one man's thoughts on preserving our common freedoms. I would like to call my colleagues' attention to the following editorials on Justice Douglas from the New York Times and the Los Angeles Times, respectively:

#### A DANGEROUS GREAT AMERICAN

"Ideas," William O. Douglas once said, "have been the most dangerous forces in the history of mankind." That being the case, Mr. Justice Douglas was a very dangerous man. He trafficked openly in ideas—some new and challenging, others imbedded in the Constitution but under attack. In hundreds of Supreme Court opinions he argued to his colleagues, and over their heads to the nation, that vagabonds have rights; that freedom of expression is America's preferred value; that the Bill of Rights sanctifies liberty of conscience and the right to privacy; that if corporations deserved to be treated as humans, trees and other endangered things should have the right to go to court. He challenged his country men to live dangerously with dissent and he told Government to "get off the backs of the people."

This free trader took his faith in freedom to distant lands and brought back contrary notions, always confident that America's open marketplace had nothing to fear from totalitarianism. Some detractors mistook his faith for appeasement or even subversion, overlooking the way he detested Communism's thought control. Rather than suppress Communist writings, he argued for circulating them: "If they are understood, the ugliness of Communism is revealed, its deceit and cunning are exposed, the nature of its activities becomes apparent and the chances of its success less likely."

His 36½ years of Supreme Court service surpassed even the record of his ally, Hugo Black. All told, he sat with a third of the justices ever on the Court. He saw dissents become law but kept on dissenting, never satisfied that the Court was doing enough for liberty and equality. His love for mountains and sky deepened the tragedy of his last years when a stroke drove him from the bench. Hiking and outdoor living, which helped conquer childhood polio, were ended by paralysis that, cruelly, did not numb excruciating pain.

Some of the Justice's monuments are as big as all outdoors, like the Potomac River vistas he saved from being paved over a quarter of a century ago, or the cleaner air and water he fought for in his opinions and prodigious off-the-bench writings. Other monuments are more abstract matters of privacy and freedom. We hold, over the inevitable dissent of Mr. Justice Douglas, that his career and jurisprudence constitute a national treasure.

#### CHAMPION OF THE FIRST AMENDMENT

Justice William O. Douglas, like other great judges, looked on the law as a living thing, and brushed aside legal abstractions that failed to take into account the realities of the world beyond the courtroom.

In affirming the right of a juvenile to counsel, note how he explored the feelings of a boy confronted with the police in a precinct at night: "Age 15 is a tender and difficult age for a boy . . . He cannot be judged by the more exacting standards of maturity. That which would leave a man cold and unimpressed can overwhelm a lad in his early teens. This is a period of great instability which the crisis of adolescence produces. Mature men might possibly stand the ordeal from midnight to 5 a.m. But we cannot believe that a lad of tender years is a match for the police in such a contest. He needs counsel and support if he is not to become the victim first of fear, then of panic."

Such sensitivity and a determination to fit the law to the realities of modern society marked the entire judicial career of Douglas, who served on the U.S. Supreme Court longer than any other member and who during all those many years consistently invoked the Constitution as a shield between the individual and the power of the state, and between unpopular dissent and the majority passions of the moment.

In his dissent from a conviction of student demonstrators for engaging in mass protest, his opinion, as usual dealt not with an abstraction but with the reality of the political process. "The right to petition for redress of grievances," he said, "is not limited to writing a letter or sending a telegram to a congressman . . . or writing letters to the President, or governor or mayor." He concluded that the actions of mass demonstrators should not be condemned "as long as the assembly and petition are peaceable."

Yet Douglas drew a clear line between peaceable protest and deliberate provocation to violence, observing near the end of his days on the bench, "The social compact has room for tolerance, patience and restraint, but not for sabotage and violence."

In the long history of the court, no other justice exceeded Douglas in his unswerving and rugged defense of the First Amendment. The American government, he insisted, "is premised on the theory that if the mind of man is to be free, his beliefs, his ideology, his philosophy must be placed beyond the reach of government."

To Douglas, the First Amendment was written to preserve freedom of the mind, and he opposed all forms of censorship from the outlawing of obscenity to the government's plea to restrain the publication of the historic Pentagon Papers.

"What can be done to literature under the banner of obscenity," he wrote in one opinion, "can be done to other parts of the spectrum of ideas when party or majoritarian demands mount and propagandists start declaiming the law."

In the Pentagon Papers case, he simply said, "The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information."

Throughout his long years on the bench, the justice opposed the legal philosohy that "balanced" First Amendment rights against competing claims. "My belief," he said, "is that all the 'balancing' was done by those who wrote the Bill of Rights. By casting the First Amendment in absolute terms, they repudiated . . . watered-down, emasculated versions of the First Amendment."

The boy indeed may have been the father of the man who became Justice Douglas. He learned early to overcome adversity. When he was 6, he was severely shaken by the death of his father. As a younster, he suffered a crippling attack of infantile paralysis, and through intense effort drove himself to a complete recovery. He grew up poor, and rode freight trains from Yakima, Wash., to New York to enter law school at Columbia University.

His energy and high intelligence brought success quickly, and, at 41, he became the youngest member of the Supreme Court in 128 years. But William O. Douglas never forgot his origins. On the court, he always came down against the abuse of power as he saw it. His weapon in all these battles over nearly four decades was the Bill of Rights.●

## EARTH DAY 1980

### HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. FISHER. Mr. Speaker, as Cochairman of the Environmental Study Conference, I am proud to introduce a concurrent resolution calling on the citizens of the United States to renew their commitment to improve the quality of the environment and to observe and celebrate the 10-year anniversary of Earth Day on April 22, 1980. Senator CHAFEE, also Cochairman of ESC, is introducing the identical resolution in the Senate.

On April 22, 1970, in recognition of the important relationship of the environment to our overall well-being, American citizens observed the first Earth Day. It was celebrated by scores of people across the Nation in a number of creative and provocative ways. There were cleanup campaigns, teach-ins, workshops, hikes, exhibits, and many more activities designed to increase public awareness to problems that threaten the quality of our environment. In addition, Earth Day 1970 affirmed the commitment of the American people to search for ways of improving and enhancing the environment.

We have come a long way since Earth Day 1970; it has been an interesting and challenging decade. As a nation we faced the Arab oil embargo and in response we began to promote the use of alternative fuels, such as nuclear energy. Unfortunately, we found these solutions to pose unforeseen and alarming environmental problems of their own. Also, throughout the seventies, States and localities, operating either on their own accord or in conjunction with Federal agencies, made good headway in reducing air and water pollution, in encourageing the recycling of dwindling natural resources, and in making the working conditions of many Americans safer and healthier.

We cannot stop now. As our international, economic, and energy concerns begin to overshadow environmental interests, we must not lose sight of the integral role the environment plays in shaping the lives and values of all people. Sound environmental policies need not conflict with sound economic and energy policies. For example, by protecting our farmlands and by preventing soil erosion we will help to assure adequate food supplies for our citizens; by structuring the costs of proposed synthetic fuels plants to incorporate those measures necessary to mitigate the environmental dangers, we can balance our environmental concerns with our interest in increased production of alternative fuel sources.

Earth Day 1980, which has already been proclaimed by the President, is a reminder and a reaffirmation of our commitment to the environment and a rededication to enrichment of the quality of life of the American people.

I urge all of my colleagues to join with me in supporting this most significant and worthwhile day.

The resolution follows:

H. CON. RES. 252

Concurrent resolution expressing the sense of the Congress that April 22, 1980, should be celebrated as "Earth Day 1980".

Whereas the first Earth Day on April 22, 1970, launched a powerful new commitment to improving the quality of life on the Earth; and

Whereas dramatic strides have been made in cleaning up the environment and workplaces of the Nation and in preserving the natural heritage of the Nation, but much remains to be done to make the Earth secure for future generations; and

Whereas the progress of the 1970's and the promise of environmental prosperity in the next decade should be celebrated throughout the Nation on April 22, 1980; and

Whereas a day dedicated to the celebration of the Earth should help inform the general public, industry, and labor about the promise of environmental prosperity for strengthening the economy, creating jobs, and improving social well-being and the quality of life; and

Whereas Federal, State, and local governments should foster and encourage environmental prosperity in the 1980's: Now, therefore, be it

*Resolved by the House of Represenatives (the Senate concurring),* That the Congress urges the people of the United States, and Federal, State, and local governmental agencies, to observe and celebrate April 22, 1980, as "Earth Day, 1980" with appropriate ceremonies and activities.●

## SOVIET JEWRY

### HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. OTTINGER. Mr. Speaker, I appreciate having this opportunity to speak out on behalf of Soviet Jews and Anatoly Shcharansky. I commend my colleagues, Congressmen HARRIS and DRINAN for calling attention to the state of Soviet Jewry and the continued imprisonment of Shcharansky on the occasion of his 32d birthday.

This day serves as a painful reminder to us of the plight of all courageous individuals who have chosen dissent in the face of severe consequences. It is especially noteworthy and distressing that on this very day that we have chosen to protest Soviet human rights policies, one of the most outspoken critics of these policies has been arrested, the renowned scientist Andrei Sakharov. Sakharov's arrest is only the most recent example of the Soviet's escalating campaign of repression against its people, especially the leaders of the dissident movement. These flagrant human rights violations at home, compounded by the Soviet's recent criminal invasion of Afghanistan cannot be tolerated. We have a clear responsibility, to the courageous individuals who have chosen to defend their rights against great odds, to protest and take appropriate actions so as to insure that all people have opportunity to enjoy their human rights.

On this occasion of Shcharansky's birthday, we must take special note of the plight of so many Soviet Jews. Shcharansky attempted to emigrate to Israel, unable to tolerate the persecution, harassment and obstacles to pursuing his professional goals. Furthermore, he sought to improve Soviet human rights policies, as an active member of the Helsinki Watch Group. For these so-called criminal acts he was arrested and unconscionably sentenced to 13 years of imprisonment. He is now serving his term, his body broken, nearly blind and suffering from neurological disorders. This intrepid fighter for freedom and conscience has been inhumanely abused and stripped of his dignity.

On this occasion, we once again speak out in the name of freedom and justice, against the continued persecution of individuals wishing to exercise their basic human rights. As we take note of the faith and courage of these brave individuals, we remind the Soviet Union that we will not allow the determination of these people to be forgotten or ignored, that we will persist in our efforts until the most basic principles of individual rights and human dignity are recognized.●

## TRIBUTE TO GEORGE MEANY

### HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. HUGHES. Mr. Speaker, George Meany was a tough-minded, high-spirited union man until the day he died.

He began his career as a plumber's apprentice in the Bronx and ended it as president of the 14-million member American Federation of Labor and Congress of Industrial Unions.

For 25 years, he presided over the AFL–CIO as its powerful and pragmatic head. And this is what he will be remembered for the most. George Meany was the proponent and champion of the merger uniting the two largest coalitions of labor unions in the United States.

It was not an easy job but one that he handled with grace and aplomb. Throughout his tenure as head of the AFL–CIO, he worked relentlessly to improve the lot of working men and women. It was often said that when labor and management sat down to negotiate any dispute, George Meany knew how to compromise. He got 99 percent of his position and the other side got 1 percent of theirs.

While he devoted substantial amounts of time and energy of the AFL–CIO to improving wages and working conditions of union members, he was in the forefront of much social legislation of the last few decades. The

AFL-CIO could always be counted on to look out for the interests of less fortunate Americans.

He was not afraid to speak up to Presidents and other powerful people. He felt he owed that to the people he represented. Above all, he was a man of deep integrity and he wanted to make sure that others lived up to his high standards as well.

The American people will miss the sage advice and wise counsel he gave to the rank and file of his organization, heads of state and elected officials.

George Meany was a legendary figure during his lifetime and his many and varied accomplishments will live long in our memories.●

## UNITED STATES REVOKES LICENSES

### HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. MILLER of Ohio. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

[From the Wall Street Journal, Jan. 22, 1980]

UNITED STATES REVOKES LICENSES FOR EXPORT OF PARTS TO SOVIET TRUCK PLANT

WASHINGTON.—The Commerce Department revoked licenses for the export of spare computer parts for the Soviet Union's Kama River truck plant.

The move was the latest in a series of actions President Carter ordered in response to the Soviet Union's invasion of Afghanistan.

A Commerce Department official said two licenses were involved in yesterday's action, for a total of $80,000. He added that, under the law, the companies whose licenses were revoked couldn't be named.

In Armonk, N.Y., an International Business Machines Corp. spokesman said IBM was one of the companies whose license was revoked. "The effect on us will be minimal because our business there is very small," the spokesman said.

Commerce Secretary Philip Klutznick indicated in a statement that trucks produced at the Kama River plant have been used to support the Afghan invasion. "Under this circumstance, and after consultation with the secretaries of Defense and State and other departments, I have decided to revoke the outstanding licenses for spare parts for the Kama River computer immediately," Mr. Klutznick said.

Mr. Klutznick said the original license for the Kama River computer was granted in 1975, "under conditions significantly different" from those that currently exist. He said that from 1971 to 1975, about 130 U.S. export licenses for equipment and technology for the project were issued, with a total value of about $355 million.

Earlier this month, the department denied applications for eight licenses to export more than $1 billion in high-technology goods and services to the Soviet Union. The department also at that time suspended 800 validated licenses outstanding, as well as 475 new license applications pending a review. Yesterday's action resulted from that review, the department official said.●

## ANATOLY SHCHARANSKY

### HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. CAVANAUGH. Mr. Speaker, on March 15, 1977, Anatoly Shcharansky was grabbed by two KGB agents and pushed into a car. It has been 2 years since that arrest and 8 months since the Soviets sentenced Anatoly to 13 years in a strict regime labor camp. The circumstances leading to Anatoly's trial, the trial itself, and the current conduct of the Soviet Government represent a pattern of persecution that indicates the low priority of human rights in the Soviet Union. An International Committee for the release of Anatoly Shcharansky has been formed under the chairmanship of the gentleman from Massachusetts (Mr. DRINAN). On March 1, 1979, over 2,400 scientists signed a petition stating that they would curtail their scientific cooperation with the Soviet Union until the release of Anatoly was secured. Mrs. Shcharansky has traveled all over the world meeting with the heads of state to get support for her husband. I support the activities of both Mrs. Shcharansky and the committee who have succeeded in making the freedom of Anatoly Shcharansky an international issue.

Anatoly, who has appeared on both the covers of Time and Newsweek, made a courageous statement before he was withdrawn from world view by the Soviets. In part he said:

> Five years ago, I applied for a visa to Israel, but now I am further than ever away from the attainment of my dream. It might appear that I must have regrets about what has happened. But this is not so. I am happy. I am happy that I have lived honestly, in peace with my conscience, and have never betrayed my soul, even when I was threatened with death. . . . For more than 2,000 years the Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, each year they have repeated: "Next year in Jerusalem." Now, when I am further than ever from my people, from Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: Next year in Jerusalem!

The most important function that we in the Congress can perform is to remain outspoken and not to let the acquiescense that silence confers bolster Soviet political and religious oppression. Preliminary figures furnished by the Union of Councils for Soviet Jews indicates that the number of Jews receiving exit visas is one-third lower than in the first 11 days of 1979. This is a disturbing change. In a sense the holocaust legacy lives on. From Solzhenitsyn's "Gulag Archipelago" we know that there is an entire network of Soviet labor prison camps where dissidents are sent to be "rehabilitated." Although the holocaust will always stand apart as a unique, mechanized, and single minded instance of human barbarism it is nevertheless true that many of its horrors and symbols are alive and present in the Soviet Union. Given these circumstances and the recent action of the Soviets in regard to emigration visas we cannot afford to be polite about political repression and anti-Semitism. We must not be silent. To know is to be required to speak out. To do otherwise is to help recreate the conspiracy of silence that nurtured the holocaust and helped it to burst forth. On this second anniversary of the arrest of Anatoly Shcharansky we should imitate his courage by continuing to press for his release and the right of all Soviet Jews to emigrate and be free from persecution.●

## UNION VIOLENCE

### HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. McDONALD. Mr. Speaker, the problem of violence committed by unions continues to plague our society. Instances in recent years have resulted in the necessity of Governors in various States having to bring in a major portion of their State police or even the National Guard to restore a semblance of order and safety. Local police in these cases were totally overwhelmed by the numbers involved. Due to the political power these unions have, government at all levels is reluctant to investigate, let alone prosecute such violations of the law. While our Justice Department's concern over each and every small violation of someone's civil rights in other categories, its interest appears to fade when union violence is involved. This situation should be changed. Anthony Harrigan recently discussed this subject in an editorial released on October 11, 1979 and I commend it to the thoughtful attention of my colleagues. The column follows:

UNION VIOLENCE

(By Anthony Harrigan)

The most poorly reported story in the United States is the story of union violence.

A single act of violence in a civil rights situation results in massive media attention and concern on the part of the U.S. Justice Department. Union violence against workers and employers receives only minimal news coverage, however. Yet union violence is an alarming fact of life in the United States. For example, it was only a short time ago that non-striking truckers were the target of ambush attacks with rifles.

A particular shocking case of union violence occurred in New Haven, Conn., in early October. According to the Associated Press, about 800 strikers, some armed with clubs and baseball bats, swarmed outside the Olin Corporation's firearms plant in that city and blocked the hiring of replacement workers. Strikers attempted to drag people out of their cars as they came to work.

Police Chief Edward Morrone was quoted as saying: "There is no question in my mind that if we had attempted to bring anyone into the plant, we would have had some heavy violence."

What was the response of New Haven Mayor Frank Logue? He ordered the closing of the plant instead of protection of the people who wanted to work.

Imagine the hue and cry if Ku Klux Klan members in Decatur, Ala., had been allowed to shut down a factory in that city. There would have been demands for the use of troops to open the plant and safeguard the rights of threatened employees.

There is no difference between hoodlums armed with baseball bats and union members armed with clubs and bats. In Connecticut, however, the unions have political clout. They have the power to persuade the political leadership of a major city to close a factory instead of enforcing the law and protecting working people and the company.

The New Haven police chief admitted that no arrests were made, though eight intersections around the plant were blocked by strikers. The New Haven police had an obligation to clear the intersections and arrest the armed and violent strikers. The national media, for its part, had a duty to focus attention on this example of major union violence in a large city. By failing to give conspicuous coverage to such actions, the national media encourage the notion that union violence and threats of violence are legitimate strike activities.

The unions, for their part, regard themselves as above the law. In some unions, such as the Teamsters, an arrest record is virtually a credential for a union organizing job.

The United States won't be a proper, law-abiding country until unions are made subject to the law and union goon squad tactics are eliminated by swift, stern law enforcement at the local and state levels.

Lagging federal prosecution of gangster elements in union organizations also should be the subject of congressional and public concern. No federal authorities stepped in to curtail the union violence in the recent farm strikes ordered by the United Farm Workers in California. Non-striking farmworkers and employers were deprived of their civil rights by union hoodlums, but Washington did nothing to protect them.

One of the most basic instruments for requiring unions to behave in a civilized, lawful manner is a law making the labor organizations subject to the Antitrust Law. Happily, Sen. STROM THURMOND is considering re-introduction of legislation designed to achieve this end. Every senator who is concerned about an orderly society should cosponsor this legislation. It would help end union monopoly power and protect the right to work.●

## HOW UNITED STATES COULD MEET CHALLENGES OF THE 1980's—NOT THE 1940's

## HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. SIMON. Mr. Speaker, the Chicago Tribune recently reprinted a portion of a speech made by Senator ADLAI STEVENSON before the Business Council in Hot Springs, W. Va.

What he had to say makes so much sense that I am inserting it in the RECORD at this point.

The United States is in a new era, and we must recognize that reality.

To much too great an extent, those of us in Congress have not recognized it, the executive branch has not recognized it, the business community has not recognized it, labor has not recognized it, and education has not recognized it.

That has to change.

We will either continue to blunder into the new era, or we can plan for it, do some things that are unpopular but wise, and succeeding generations will be the beneficiaries.

### HOW U.S. COULD MEET CHALLENGES OF THE EIGHTIES—NOT THE FORTIES

The phenomenon of simultaneous double-digit inflation and stagnation is a symptom of the United States' failure to grasp the realities of a new, highly competitive, interdépendent, and unstable world.

America's development was fueled by something more than the genius proclaimed by its Fourth of July orators. It was fueled by labor from Africa and Europe, abundant raw materials, including fuels, and seemingly endless frontiers. In our time the United States has dominated the world supply of capital, technology, and arms.

All that is changed. Now all nations are dependent on each other for capital and technology, for markets and supplies. They struggle for fuels, raw materials, markets, and strategic advantage with the ferocity of wars for religion and empire.

Some nations, not so rigidified by habit and the vested powers of a middle-aged economic order, are adapting to the realities of today's world. Although more dependent on imported food and oil than the United States, they run trade surpluses. They maintain higher levels of employment and lower levels of inflation.

The United States and Great Britain, their dominions gone, have the lowest rates of productivity growth of all the industrialized nations. The U.S., left with little to sell that is unique or of superior quality, except arms, runs a large trade deficit. We seek to cool off a tepid economy. We debate inflation as if the problem were to adjust minor malfunctions. In fact, we face fundamental challenges to our economic and political structures.

Our politics are reactions to symptoms. High interest rates may strengthen the dollar temporarily, but they retard modernization and investment in the most productive sectors. We rely on policies from the last depression to guard against the next.

The United States should lead a global effort to increase the production of fossil fuels and nuclear energy.

It should lead an international effort to increase the resources of official facilities for the financing of payments deficits, and for development, and a cooperative effort to stabilize interest rates.

A global space program for peacekeeping and for monitoring food production, and weather and exploring for the world's minerals and fuels awaits American leadership.

The U.S. could pick up where it left off 30 years ago. But we are not responding to challenge this time—and are in danger of continuing on the British route, subsidizing geriatric industries, sheltering agriculture and the powerful in labor and industry from natural adjustments, penalizing small, independent entrepreneurs.

About 90 per cent of newly created employment in the U.S. is in service industries, many relatively non-productive and with nothing to sell in world markets. Economists shrug off his phenomenon as an expression of market preference. But this market assigns the highest price earnings ratios to gambling houses. It neglects the imperatives of competition in a resource-hungry world. It indulges extravagant products, planned obsolescence, excessive advertising, and, with generous help from the government, layers of legal and accounting and other transactional costs.

Priorities are needed to squeeze waste from the system, enlarge investments in human knowledge and real wealth, and enhance the quality of life.

Trading companies could market for small companies, as well as large, represent competing product lines in all parts of the globe, spot the market opportunities, put the packages together, meet the price competition, finance the export transactions.

The U.S. has no trade strategy. It has no industrial policy. It has no food policy.

This year the U.S. will pay farmers $500 million not to produce food and we preach human rights to a hungry world. We deplore inflation and subsidize food prices at artificial levels.

Some things must be done—even if by the government.

With cheap labor, cheap fuels, cheap money and cheap raw materials gone in the face of fierce competition from abroad, the most promising sources of growth, real wealth, and enhanced productivity are through technology and a capacity for industrial innovation. But the national investment in research and development is flagging, and the U.S. is investing in product improvements for the short-term instead of innovation for the long-term.

Contrary to the popular notions about the omnipotence of free enterprise and the irrelevance of government, the most innovative and competitive industries are those that have benefited the most from government support for technology—including American agriculture and the computer and aerospace industries. If the inadvertence the government stimulates an aerospace industry that dominates world markets, imagine what it might do by calculation!●

## EFFECTIVE AID FOR PAKISTAN

## HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

Mr. OBEY. Mr. Speaker, we are all outraged by the Soviet invasion of Afghanistan and concerned about the increasing Soviet threat in the Persian Gulf vicinity.

Our national security interests in this region, and the importance of this area to the world economy, are unquestionable.

We in the Congress will be asked to provide a substantial amount of military and economic assistance to the Government of Pakistan as a part of our response to recent Soviet activities. But unless the Pakistan Government deals effectively with the desires of the minority groups within the country who in large part occupy the areas of Pakistan that are most vulnerable, the aid package could prove to be ineffective in combatting Soviet pressure in the area.

Two recent articles speak eloquently to this concern of mine. One of them, written by Selig Harrison of the Carnegie Endowment for International Peace, appeared on January 4, 1980, in the Washington Post. The other, edited by Sol W. Sanders, was published in the January 21, 1980, edition of Business Week.

I would like to have them reprinted and would commend them to the membership as we consider the vital issues they raise:

[Washington Post, Jan. 4, 1980]

## For Pakistan, Effective Aid

(By Selig S. Harrison)

The massive Soviet military occupation of Afghanistan has provoked an unambiguous American pledge of support for Pakistan in the event of Soviet aggression, accompanied by an urgent reconsideration of U.S. military aid. This was a necessary response to the arrogant display of Soviet power symbolized by the direct intervention of Soviet forces in the Kabul coup last week. Before rushing into specific military aid commitments to Islamabad, however, the United States should identify accurately both the nature of the challenge posed by Soviet control of Afghanistan and the conditions under which aid to Pakistan would be effective.

American military aid should not, in my view, be primarily addressed to the hypothetical scenario of a Soviet frontal assault on Pakistan comparable to the present invasion of Afghanistan. Rather, the United States should focus on the more credible possibility that Kabul will seek to encourage the festering separatist movements in the adjacent Baluch and Pushtun border regions of Pakistan and Iran.

Selective military assistance designed specifically for counterinsurgency purposes and for a limited border "tripwire" role would be helpful to Pakistan in dealing with this type of Soviet challenge—but only if Islamabad is willing to take the accompanying political and economic measures required to defuse separatist appeals.

Pakistan has been dominated since its inception by its majority linguistic group, the Punjabis, who constitute 58 percent of the population. The Punjabi predominance is bitterly resented by the other three groups that make up the country, the Baluch, the Pushtuns and the Sindhis, whose ancestral homelands cover 72 percent of Pakistani territory.

All three of these groups contend with varying degrees of justice that they are excluded from their fair share of political and economic power by a Pumjabi-controlled military and bureaucratic autocracy. Increasingly, influential leaders among all three groups have been thinking in terms of secession from Pakistan and have been exploring the possibilities for winning their independence with foreign help, whether from the Soviet Union, the Arab world, India or the West.

Separatist sentiment is strongest in the strategically located Baluch area, which has a 750-mile coastline stretching along the Arabian Sea across western Pakistan and eastern Iran directly to the south of Afghanistan. Baluch nationalist factions have long dreamed of a "Greater Baluchistan" that would unite the five million Baluch in Pakistan and Iran. Should an independent Baluchistan come into existence under Soviet auspices, Moscow would have ready naval access to the Persian Gulf and would gain a new position of leverage long Iran's eastern flank.

In the case of the Pushtuns, separatist feeling is rooted in the fact that the Pushtun population of 14 million is presently divided almost equally between Pakistan and contiguous areas of Afghanistan. Pushtun dynasties in Kabul ruled a united Pushtun kingdom, encompassing most of what is now northern Pakistan, until the British Raj pushed back the Afghan boundary to the Khyber Pass little more than a century ago. More recently, Kabul, encouraged by Moscow, has periodically promoted a movement for an Afghan-controlled "Pushtunistan" to be carved out of Pakistani Pushtun areas. This movement has been eclipsed by the Afghan civil war, but it could well be revived if the Soviet-backed Babrak Karmal regime stabilizes its military and political position.

Confronted by the specter of a possible Soviet push southward toward the Arabian Sea, the United States clearly has an interest in promoting a more stable Pakistan capable of resisting separatist pressures. But the U.S. dilemma is that the Punjabi-dominated Zia Ul-Haq regime has so far failed to take even a modicum of the political and economic steps needed to neutralize separatists sentiment in the Baluch and Pushtun areas and thus to facilitate their effective military defense if this should become necessary. Many of the established political leaders in these areas are still prepared for an accommodation with Islamabad and could do much to counter the separatist offensive if they could show progress in winning greater justice for their people. The essential precondition for significant inputs of American military aid to Pakistan should, therefore, be an interim political settlement between the central government and Baluch and Pushtun moderates providing for a wide degree of regional autonomy, a major increase in locally controlled development expenditures and representation in military decision-making affecting their areas.

Given a meaningful devolution of power and resources, Islamabad would have powerful local allies in the Baluch and Pushtun regions, whose cooperation would be essential in mobilizing any effective tribal cooperation with the Pakistani military in anticipation of Soviet-supported separatist adventures. In the absence of a political settlement, there is a great danger that U.S. weaponry would be used not against Soviet-supported subversion but against Baluch and Pushtun dissident groups fighting for their ligitimate rights as Pakistanis.

This is precisely what happened when tensions between Islamabad and a non-communist Baluch provincial regime exploded in a savage and inconclusive guerrilla war from 1973 to 1977. The Pakistani Air Force used U.S.-supplied Iranian helicopters to raze Baluch villages indiscriminately, leaving a legacy of hatred that has merely intensified separatist feeling.

It should be emphasized that a limited U.S. aid program addressed to Soviet-supported separatist moves would not be intended to give Pakistan the capability for defense against direct Soviet intervention, which could be effectively stopped only if the United States and other powers were to intervene with their own forces. A misconceived, oversized military aid package would not only fly in the face of congressional restrictions, but would also have self-defeating consequences.

Domestically, it would strengthen the already disproportionate power enjoyed by the military in Pakistan. Internationally, it would needlessly arouse Indian fears that Islamabad is seeking to use the Afgan crisis to bolster it power position vis-à-vis New Delhi. In seeking to shore up Islamabad, the United States should consult closely with Indian leaders, recognizing that India is the preeminent power in South Asia and that a breach between New Delhi and Washington over the issue of U.S. aid to Pakistan would only play into the hands of Moscow.

---

[From Business Week, Jan. 21, 1980]

## Moscow's Next Target in Its March Southward

Baluchistan, a sparsely inhabited, semi-desert region that is partly in Pakistan, partly in Iran, and even laps over into Afghanistan, could be the arena for the next Soviet-U.S. struggle in the area that supplies much of the free world's oil. Betting among long-term students of the Mideast is that however high their initial costs in men, materiel, and international condemnation, the Soviets will eventually consolidate their attempted annexation of Afghanistan. Lying between the latter and the Indian Ocean, Baluchistan could then become the next target in Moscow's advance toward its age-old goal of an outlet to warm waters.

Baluchistan presents the Soviets with an ideal territory on which to construct yet another satellite. The tough Baluch have a separatist tradition dating to the Sultanate of Kalat, once as powerful as the rulers of Kabul. Their nationalist yearnings have been nurtured in resistance to central Pakistan authority, which they have continued ever since that country was created in the partition of India in 1947. And from 1973 to 1976, Baluch guerrillas waged a particularly bloody struggle against both Pakistani and Iranian attempts to subdue them.

Furthermore, the Mir Besenjo faction of Pakistan's National Awami Party—based largely in the Mehngel clan, one of the largest among the Baluch on both sides of the international frontier—has old ties to Moscow and Communism. There is a cadre of an estimated 8,000 Baluch being trained in the Soviet Union. Afghani businessmen have reported meeting Cuban guerrilla instructors training Baluch and Pushtun—the tribals along the long frontier from Quetta to the Hindu Kush on the Pakistan-Afghan border. And Baluch students in Pakistan include Marxist-Leninist activists: When the Communist revolution of April, 1978, occurred in Afghanistan, they paraded with photographs of Nur Muhammad Taraki, the coup leader later murdered in Kabul's intra-Communist struggle for power.

### A NEW GRIEVANCE

On the Iranian side, Baluch tribesmen have old grievances against distant Tehran governments. (Zahedin, Iranian Baluchistan's chief city, where Khomeini forces were ambushed on Jan. 7, is closer to Kabul than to the Iranian capital.) The dictatorship of the Ayatollah has added a new grievance by enshrining the dominance of Shiites in Iran's new constitution. Most Baluch are Sunni Moslems.

All of this would make grist for the mill of a Soviet-supported Baluchistan national movement aimed at creating a Soviet satellite on the Arabian Sea. Such a satrapy would guarantee Soviet access to the Indian Ocean. Even now it would be difficult for the Pakistanis to interdict the air route over Baluchistan from Kandahar in Afghanistan to the Strait of Hormuz, only 250 mi. and easy fighter plane range.

Aiming south through Baluchistan would have other advantages for Soviet policy. If the Soviets were to concentrate on their direct path to the sea, they might be less likely to scare the Pakistanis into an all-out alliance with the U.S. against the threat from Soviet-dominated Afghanistan. It could also help allay the anxiety that a thrust down the Indus Valley of Pakistan proper might arouse in India—although Indian reaction is already muted by Mrs. Indira Gandhi's return to power and her apologies for Soviet intervention in Afghanistan. Moreover, there has always been sympathy—and covert support—in India for Baluch and Pushtun grievances against the Pakistan government.

Ports and roads. One of Moscow's chief goals in the area would obviously be the acquisition of a major port—and at present Baluchistan does not offer one. But the

Shah was attempting to develop one at Charbahar in the Iranian part of the region. And veteran observers recall that even such a naval center as Karachi was, before Pakistani independence, little more than a railhead.

The roads running south from Kabul and Herat to Kandahar and on to Quetta are rudimentary—in fact, the absence of communications is one of the principal Pakistani and Iranian difficulties in meeting any new Soviet threat to gain influence in Baluchistan.

The Pakistanis, moreover, would need enormous American help in meeting any guerrilla threat there: The Baluch, for centuries mercenaries of the sheikdoms in the Persian Gulf, are famous fighters. Teetering on bankruptcy (BW—Jan. 14), the Pakistanis would also need massive U.S. support in any broader effort to counter Soviet inroads. And they would need to display greater political sagacity, too: Traditionalist Baluch leaders blame former President Zulfikar Ali Bhutto's repression for polarizing the politics of the region and radicalizing many younger Baluchs.

Despite all these disadvantages for the West, the struggle for dominance in the area is only beginning. In Afghanistan, the overt Soviet penetration was preceded by decades of subversion, so a direct Russian military threat to Baluchistan may not be imminent. And some of the tribals—the Baluch may be a minority among the estimated 2.5 million who live on the Pakistan side of the frontier—are traditionally more loyal to Islamabad. But the U.S. is on notice that the complex search for support by both sides in coming months among the local population is likely to decide the future role of this strategic area.

---

## SOVIET PROPAGANDA FRONT OPENS U.S. SECTION

### HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. McDONALD. Mr. Speaker, as documented by a study prepared at the request of the House Intelligence Committee by the Central Intelligence Agency, the World Peace Council (WPC) is the principal international Soviet Communist front. The World Peace Council is operated jointly by the KGB and the International Department of the Central Committee of the Soviet Communist Party.

The Kremlin's WPC is designed to influence public opinion in Free World countries along lines favorable to Soviet interests. This has resulted in intense campaigns for de facto Western disarmament by blocking the development or deployment of new defense systems. The CIA study, published as part of the Intelligence Committee's hearing, "The CIA and the Media," documents the successful campaign by the WPC against U.S. development of the enhanced radiation warhead—the "neutron bomb."

The second chief area of WPC activity is in providing propaganda and logistical support to Soviet-supported terrorist "national liberation movements" in the Third World. The WPC recently held a large conference in Mexico, its second, in support of U.S. revolutionary terrorists in Puerto Rico. During the past 3 years, the WPC played an important role in orchestrating support in Latin America for the Castroite Sandinista revolutionary terrorists in Nicaragua.

Now the WPC had opened an officially affiliated U.S. section, the U.S. Peace Council, headed by Communist Party, U.S.A. functionary Michael Myerson. An excellent brief report on the opening conference of the USPC by Julia Ferguson appeared in the January 2, 1980, issue of The Review of the News. Since this arm of the Soviet Communist Party is planning lobbying activities in support of this body appropriating some $75 million for the Sandinista regime in Nicaragua in coming weeks, I commend this article to the close attention of my colleagues.

#### THE LEFT

They criticize us by saying we are close to the Soviet Union. The Soviet Union stands for peace and any man who is for peace is near to the Soviet Union," proclaimed Lenin Peace Prize winner Romesh Chandra to some 400 "fighters for peace" at the first national conference of the U.S. Peace Council. "Which country is the best friend of those of you who fight for liberation?" asked Chandra, a member of the central committee of the communist Party of India and president of the World Peace Council. Not surprisingly, his answer was the Soviet Union.

#### THE U.S. PEACE COUNCIL

In a report published by the House Intelligence Committee last year, the C.I.A. confirmed that the Helsinki-based World Peace Council is the Soviet Union's single most important international Front. This group is actually controlled by the International Department of the Soviet Communist Party Central Committee jointly with the K.G.B. After World War II, the Central Committee's International Department took over the functions of the old comintern and cominform, coordinating the activities and propaganda of all the foreign Communist parties. Since the 1940s the World Peace Council has been Moscow's major instrument for mobilizing the non-Communist "Liberals," radicals, dupes, fools, and collaborators.

However, the World Peace Council has another secondary role that few outside the Free World's intelligence community recognize. That is to provide important logistical support to Soviet-sponsored terrorist groups. And Comrade Chandra's audience knew the real implications of his statement that "the armed struggle for the liberation of countries IS the peace movement." Romesh Chandra was referring to that item of Leninist dogma which states that the cause of war is the Free Enterprise economic system and that there will be peace only when all countries are Communist. Chandra's audience included the Sandinista Ambassador to the United Nations from Nicaragua, Victor Tinoco, and representatives of the Rhodesian terrorist Zimbabwe Patriotic Front, the Palestine Liberation Organization, and members of U.S. support groups for terrorists in South Africa, Chile, Puerto Rico, and The Philippines.

The keynote address was delivered by the U.S. Peace Council's executive director, Mike Myerson, a leading member of the Communist Party. His hour-long ramble through the Communists' current disarmament slogans so moved Representative John Conyers (D.-Michigan) who followed him on the podium that Conyers promised to put it in the *Congressional Record*. Myerson said that although the "most serious current news" was the plan to equip N.A.T.O. forces in Western Europe with Pershing II and cruise missiles (to counteract the Soviets' multiple warhead SS-20s), "Our Number One concern is to pass SALT II."

Congressman John Conyers, a member of the (Communist Front) National Lawyers Guild virtually since he graduated from law school two decades ago, said: "We aim to fuse local issues with international struggles," and declared: "I recommit myself to continue in this struggle." The Detroit Congressman then told the assembled Reds: "It's people like you who should be Members of Congress."

Also a speaker was Isabel Letelier, widow of the assassinated Chilean K.G.B. agent Orlando Letelier. Now a fellow of the Institute for Policy Studies in Washington, she described herself as a "victim of fascist repression" and launched an attack on "crimes and violations" of national security programs.

Cudinh Ba, a counselor of the U.N. Mission of the Socialist Republic of Vietnam, told the U.S. Peace Council group that "As all Vietnamese know, you helped stop the war in Vietnam." He confirmed the previous statements of Vietnamese Communist leaders that their conquest of South Vietnam would have been impossible without the 10-year "public opinion" campaign coordinated by the World Peace Council throughout the Free World.

The U.S. Peace Council conference featured six workshops on the current "burning issues." They were:

SALT II: This one was led by James Johnson; Mark Shanahan of the anti-defense lobby in Washington called the Coalition for a New Foreign and Military Policy; and, Sarah Staggs of the Chicago Peace Council.

Economic Conversion: This means closing down all our defense plants while providing guaranteed jobs to the displaced workers. Discussion leaders included David Cortright, head of SANE; Delores Bates, D.C. Peace Council; and, Connecticut State Representative Irving Stolberg.

New Weapons: Here the Comrades covered coordinating attacks on the MX and Pershing II missiles. It was led by Communist Party, U.S.A., politburo member James Jackson, a member of the W.P.C.'s presidential committee; by the "Reverend" William Hogan of the Chicago Peace Council and Clergy and Laity Concerned; and, by Terry Provance, head of the American Friends Service Committee's Disarmament Program and chief of the anti-nuclear Mobilization for Survival's International Taskforce.

Sponsors of the U.S. Peace Council conference included identified Communist Harry Bridges; Illinois State Representative Carol Mosely Braun; Communist leader Angela Davis; Representative Ronald Dellums (D.-California); New York City Council members Gilberto Gerena Valentin and Ruth Messinger; Detroit City Council president Maryann Mahaffey; Washington, D.C., City Councilwoman Hilda Mason; Michigan State Senator Jackie Vaughn; and, the infamous identified Communist Jack O'Dell of the "Reverend" Jesse Jackson's Operation PUSH.—JULIA FERGUSON.●

## EARL "FATHA" HINES—UNSURPASSED EXCELLENCE

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. RANGEL. Mr. Speaker, one of the great jazz musicians of this century, pianist Earl "Fatha" Hines was recently awarded Stereo Review magazines 1980 Certificate of Merit in recognition of his contribution to American music. I would like to share with my colleagues an article that appeared in the New York Post right after Mr. Hines accepted the award.

### AN AWARD FOR "FATHA" HINES

(By Richard M. Sudhalter)

Pioneer jazz pianist Earl "Fatha" Hines received one of popular music's most honored awards last night—and called on his fellow Americans, in and out of office, to treasure the nation's musical resources.

"There's not a country in the world that you can go to that you don't hear American records," he told The Post moments after accepting Stereo Review magazine's 1980 Certificate of Merit.

"I think our country should pay more attention to all those fine youngsters playing music," he said. "Other countries have been doing things, making preparations. What have we been doing?"

Earl Hines is 74, and more than any other single figure can be said to have shaped the history of jazz piano through his stylistic innovations of the '20s and '30s.

His introduction of a declamatory right-hand "trumpet" style of melodic improvisation successfully transferred to the keyboard the solo pioneering of Louis Armstrong—and freed the piano forever from its hitherto purely rhythmic and supportive role.

He continues an active career, touring both within the U.S. and at festivals and concerts around the world, often under the auspices of the U.S. State Dept.

The Fatha made his remarks at a reception attended by fellow-musicians, critics, record company executives, press and film and TV celebrities.

He did not cite specifics, either in his criticisms of America's treatment of jazz musicians or the "programs" and "preparations" allegedly being instituted elsewhere.

But it was clear that he alluded to the difficulty encountered by most jazz artists in winning a wider hearing and more secure life than the current state of their art offers them.

"I've said this to President Carter," he said, "and before him to President Nixon and President Ford. I play a lot of colleges, and have got to talking a lot with the kids.

"What a lot of fine and wonderful talent there is. But I sometimes wonder where they're going. I've traveled around the world myself for the State Dept., and have seen for myself what other governments do.

"The media could help," said Hines. "They used to have some wonderful variety shows—had me and I don't know how many others about three or four times a year. Now we've got to the place where there are just comedians, interviews and vocalists we never heard of.

"My question is, is this the future we're going to hand to our talented youngsters? They're one of our most valuable treasures, and they deserve better than that."

Stereo Review founded its Certificate of Merit awards in 1975. Past recipients have been singers Mabel Mercer and Beverly Sills, Jascha Heifetz, Arthur Fiedler and Richard Rodgers.●

---

## WE NEED NEW RULES, NOT MILITARY RISKS OR NUCLEAR BLUFFS

### HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. NOLAN. Mr. Speaker, the United States is reassessing diplomatic and military relationships with the Soviet Union following the Russian invasion of Afghanistan. As my colleagues consider President Carter's request for a huge increase in the military budget and military aid for Southwest Asia, I hope each will note the views of Richard J. Barnet as published in last Sunday's edition of the Washington Post.

Mr. Barnet explains why additional billions for nuclear weapons and "military fixes" such as the proposed rapid deployment force are not substitutes for new, hard agreements with the Soviet Union based on a reasonable and predictable U.S. foreign policy.

The article follows:

### WE NEED NEW RULES, NOT MILITARY RISKS OR NUCLEAR BLUFFS

(By Richard J. Barnet)

The 1980s have begun with the brutal Soviet invasion of Afghanistan, the collapse of détente and the distinct possibility of direct U.S.-Soviet confrontation in the coming weeks in Pakistan or Iran. The world seems closer to a major war than at any time since the 1930s. The informal, de facto rules of the Cold War have broken down.

For a generation, the United States conducted military interventions in Iran, Guatemala, Lebanon, the Dominican Republic, Vietnam, Cambodia and elsewhere. The Soviets invaded Hungary and Czechoslovakia, but outside the area occupied at the end of World War II by the Red Army Soviet military expansionism was contained. The United States was free to dispatch its forces around the world outside the Soviet bloc without courting a risk of nuclear war; the Soviet Union, as the Cuban missile crisis showed, was not. In the past five years, however, Cuban troops backed by the Soviet Union intervened in Angola and Ethiopia, without American response.

This operational code of the Cold War was based on shared perceptions of power. With the invasion of Afghanistan, the Soviets have demonstrated that the old rules no longer apply. Their willingness to send their military forces outside the Soviet bloc and to brook the predictable consequences is particularly disturbing because it lends credence to the fear that old Russian imperial ambitions in the whole strategic area have been revived.

Henry Kissinger's structure of peace, fragile as it was, is collapsing. the fundamental question now facing the United States is what can take its place.

The urge to "punish" the Soviet Union for naked aggression is understandable, and the impulse to do it with symbolic military measures is predictable. But the military responses now being planned show a basic lack of understanding of the dimensions of the present crisis and a failure to take a hard look at the consequences of planned military moves.

There is rapidly developing in this country a political myth in the tradition of the "Yalta sellout" and "Who lost China?" slogans of the 1940s, a myth that holds that military weakness is behind our current predicament. Yet the United States does no lack the airborne divisions, planes and ships to launch a military operation against Iran right now. And even tripling such forces cannot rescue the hostages.

In Vietnam the mismatch between military power and the political problems we were seeking to solve was the heart of the tragedy. Now we appear ready to bring back the Green Berets in modern dress, another military fix. Once again we will assign to the armed forces impossible missions, and once again the prestige and power of the United States will suffer. But this time the war is already regional and threatens to involve more than a billion people.

The military options are all unpromising. The instability of the region is causing the U.S. to resort to the very policies that have promoted the instability.

We forget that the shah fell not because he lacked arms—we sold and gave him $20 billion worth—but because he was a corrupt, brutal and hated ruler. The arms served to catalyze public discontent and to symbolize U.S. responsibility for maintaining his tyranny.

In the same way, arming a brutal, unpopular government in Pakistan will strain the fragile bonds that keep that collection of nationalities together and will exacerbate the separatist movement of the Baluchis and Pashtoonis, all of which plays into the Russians' hands. Arming Afghan guerrillas or Pakistanis to fight in Afghanistan would be both cynical and foolish; the fighting might serve to keep the battle in the public eye but it could not liberate Afghanistan from the Soviet army. In the process a good many Pakistanis and Afghans would die and the Russians could be provoked into a Cambodia-style incursion against the rebel "sancturaries." A revived India-Pakistan war is a likely consequence.

A Chinese "punitive" invasion of Indochina would no doubt distress the Russians, but the only lesson they would learn from it is that a general South Asian war was inevitable. Establishing U.S. bases in regimes as politically vulnerable as Sadat's Egypt or Saudi Arabia is crackpot *realpolitik*.

There is only one real military option to counter further Soviet aggression, and that is to keep raising the risk of nuclear war and to make it ever more "credible." By definition, that means basing national security policy on bluff, for there is nothing the Soviets could do in the Middle East that would be as destructive to the vital interests of the United States as a nuclear war. A nuclear strategy is an exercise in controlled recklessness. It is based on the expectation that the Soviets will back down in a confrontation or that the consequences of a nuclear war can be limited. Both are increasingly dubious propositions. In a world brimming with armaments, bluffs are likely to be called.

The most dangerous aspect of the reviving political myth of American weakness is the notion that is was a shift in the nuclear balance that emboldened the Russians to act in Afghanistan. The United States has the nuclear arsenal to destroy the Soviet Union utterly and the Soviets know it.

Far from looking weak militarily, the United States looked as if it had abandoned détente and was prepared to resume the quest for massive military superiority. SALT was already as good as dead. The United States had already announced a commitment to a major escalation of the military budget. The decision to emplace in Europe the cruise missile and Pershings, a new strategic nuclear weapons system as far as the Soviets were concerned, had been made and Brezhnev's October offer to negotiate a reduction in European-based nuclear weapons had been dismissed. The motives in Washington may have all been defensive, but they did not look defensive in Moscow. As they looked out from the Kremlin, Soviet leaders saw West Germany moving closer to acquisition of nuclear weapons and a U.S.-Chinese military alliance taking shape. The U.S. military programs of the 1980s would restore an overwhelming nuclear superiority to the United States unless matched at a fantastic cost.

The stakes are much too high to base policy on a view that the Soviets have fixed intentions. Whether the Soviet motivations were "offensive" or "defensive" matters less than whether it is possible to restore a structure of peace that can inhibit further military moves by the Soviet Union.

The great danger of the 1980s is that the possibilities for miscalculation have increased enormously. If President Carter appears a vacillating and uncertain leader, the Soviets appear mercurial and unpredictable. With President Brezhnev about to leave, it is not clear who is in charge. A "tough" policy is needed, but mindless military escalation is not the route. A policy that can impress friends and adversaries is one rooted in a clear view of vital interests, a realistic awareness of what can and cannot be achieved, and a steadiness of direction.

The ambiguity of policy and intentions in both capitals is creating a moment of extreme danger and, like the Cuban missile crisis, a time of opportunity as well. Because the old ground rules have brokern down, de facto rules about what the superpowers can and cannot do must be put into place. The new rules will either be forged in the crucible of confrontation or they will be arrived at by explicit agreement.

If we are to slow down the drift to war, new principles governing superpower behavior must be negotiated. They should be simple and explicit.

For example, both superpowers could agree not to deploy their forces in any country in which they are not now located. Such a freeze on bases and troop deployments would outlaw future Vietnams, Dominican Republics, Czechosolovakias and Afghanistans. Proxy armies, as in Angola and Ethiopia, would be expressly prohibited. Such an agreement would clearly be in the U.S. interest since, unlike the first postwar generation, the Soviets now have more opportunities for military intervention than does the United States.

Why would the Soviets agree? No one knows for sure that they would. However, their record of military intervention has not been spectacularly successful. In Egypt, Sudan and Somalia, they lost control and made enemies of the countries on which they had lavished military aid. Pacifying Afghanistan will not be all that easy and the price already paid has been an overwhelming vote of condemnation by the Third World nations. The stated goal of their diplomacy has been to establish the principle of equality with the United States in military relations. Clear ground rules that inhibit both superpowers equally are in their interest as well as in ours. If there is a structure of peace that protects legitimate Soviet interests, then there is a good chance that they would renounce unilateral military and paramilitary action.

The United States should work for a neutralized Afghanistan, with borders guaranteed by all the states in the region and with Soviet troops withdrawn. The analogy would be Austria—from which Soviet troops also withdrew—militarily neutral but with an internal political system closer to that of the Soviet bloc. (Austria, of course, in economic and political terms is part of the West.) It would be foolish to underestimate the difficulties, but it is a realistic goal as part of a larger process for restoration of a less dangerous U.S.-Soviet relationship.

Neither superpower can control internal political events in the Third World. An agreement that reflected such an understanding of our historical moment is absolutely crucial to the avoidance of war. The failure to grasp the power of liberation ideologies is the fundamental weak point of the official view in Washington, and, it seems, in Moscow, too.

In one sense we are at the "end of ideology." Neither "communism" nor "capitalism" remains a credible philosophical system for organizing society in the contemporary world. There is growing suspicion of all ready-made systems. The existing models are too much beset by internal contraditions and failures. They mean too many things.

There is panic and violence in the world—not, as at other historical moments, because of a fanatic belief that one system or another has a monopoly on truth, but because of widespread feelings that no one in charge knows what to do. The failure of both "socialist" and "capitalist" regimes to bring liberation or dignity to billions of people has unleashed a profound spiritual reaction—a radical rejection of the dominant international culture.

The popular impulse is not so much to build a "nation" in the 19th century sense of the word as to restore a sense of cultural and religious autonomy and to achieve an identity which—as in the case of the Kurds, for example—may be transnational. But the transforming impact of popular passions is real, and in the corridors of power it is hopelessly misunderstood. The official American worldview ignored Islam in Iran until the mobs were in the streets. The Russians have been more aware of popular passion as a major political force of our time, but they too are so bound by the traditional geopolitical view of the world that their only response is to try to crush it.

Given the realities of world power and the parallel reflex responses in Washington and Moscow, there is no way out of the national security dilemma as it is now being defined. Unless we change the conceptual framework, we are doomed to a series of military moves and countermoves that cannot be kept under control. But the United States does have an historic opportunity to help build a new world consensus to contain aggression. It can do that only by identifying more with the concerns of the weak states where the world's majority lives.

To build a world consensus we need new ground rules that will be equally applicable to everybody. To curb proliferation, the U.S.-Soviet competition in nuclear weapons must come to a halt. To build a new world majority for reestablishing the minimum international order necessary to survive the rest of the century, the poor countries must have a significantly greater stake in that order.

The principal security problem for the United States in the 1980's is mounting instability everywhere; the Russians are just a part of the problem. Making new military alliances with weak, illegitimate governments creates more instability. The escalating disorder in the world requires a clearer relationship with the Soviets, not a breakoff in relations. We need more emphasis on human rights, not less; only legitimate governments, not repressive juntas, can keep order over the long run. We need accommodation with the developing countries on economic issues. We dare not let our obsession with the Soviet Union define our global security policy.

A few years ago these were the stated views of the Carter administration. Now that effort to develop rational security policies appropriate for the 1980's is being abandoned, and we march to catastrophe under the banner of an obsolete *realpolitik*. If we could learn that uncontrollable forces of liberation are on the move in the world and that they need not be our enemies, we could help to create a political climate in which aggression can be contained.●

---

## GOLDA MEIR

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● **Mr. RANGEL.** Mr. Speaker, Golda Meir was one of the most important public figures of the 20th century, as a stateswoman, a fighter for freedom, and spokesperson for the freedom and aspirations of her own, and all oppressed people. In light of her great accomplishments, the Golda Meir Memorial Committee of the Jewish Community Relations Council of New York dedicated a square in her honor at Broadway between 39th and 40th Streets in Manhattan. Mrs. Benjamin Hooks delivered the remarks at this dedication, and I would like to share her eloquent words with my colleagues:

#### ADDRESS BY MRS. BENJAMIN HOOKS

Mayor Koch, Consul General Kedar, distinguished guests, ladies and gentlemen:

My husband was deeply honored by the invitation to participate on this very important occasion. However, he must be in another state today on a mission of vital significance to the NAACP. I am personnally honored to represent him and the NAACP.

Golda Meir traveled to Palestine because she had a vision. Standing on its neglected and windblown wastes, saw a land that could once again be home to the ancient and honorable people to whom the land belonged—and belongs today.

The Jewish people and the land of Israel made their appearance together on the pages of history. They will remain inextricably linked in men's minds—and in that of a power higher than man—until history itself has lost all meaning.

As a black American and the wife of the executive director of the NAACP, I can think of no people whose striving for freedom so closely resembles our own as that of the Jewish people. Like the ancient children of Israel, we, too, were slaves.

Like the people of Israel today, we, too, confront daily the damp, dark underside of the human soul. Today, in 1979, black children's hearts pound in fear in the glare of the burning cross. And today, in 1979, boys and girls in Israel relive the searing horror of the pogrom. But in a new form—death spouted from rifles in the grip of fanatical terrorists.

My friends, the noise of the world around us is deafening. And of headline making there is no end. An effort must be made to pierce the noise fog, to penetrate to truth itself. And what is that truth? It is that no two peoples can better understand each other's suffering than Israelis and black Americans. Both of us are surrounded by armadas of unreason—whether rasped from behind a white sheet or from a face enshrouded in a desert scarf—it is identical. It is hatred, foul hatred—looking for a convenient place to hang its hat.

The world today is a distorted mirror, and traditional values have been tumbled upside down.

It is a mockery that nations with blood stained hands have appointed themselves judges over the morality of Israel. So confused and contradictory are their charges, it is plain that the only criminals involved are the accusers themselves.

It is a mockery that people who murder children in their classrooms demand recognition and respect of the human family.

If a person has a grievance against me, it is right that he have an opportunity to present it to me. But what if he who fancies himself aggrieved demands to bring a pistol to the bargaining table? And what if he is prepared only to discuss my own violent death? Is there anything to bargain about?

Not in my opinion. Or Ben Hooks'. Or, I am convinced, the great majority of black Americans.

In her struggle to set aside a sliver of land in which her own people could survive, Golda Meir understood the struggle of black Americans to achieve equality in our great native land which we have every right to claim as our native land. She numbered among her friends Bayard Rustin, Roy Wilkins, and other leaders of our pilgrimage to our own promised land of dignity and freedom.

Surely Mrs. Meir would understand were she to hear me say today, on behalf of black Americans and the beleagured people of Israel: "If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die?

Thank you.●

## BARRIERS TO GASOHOL MARKETING

### HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. GORE. Mr. Speaker, recently three major oil companies—Exxon, Texaco, and Gulf—announced that they would prohibit retailer gasoline stations from accepting their credit cards for the purchase of gasohol. The oil companies argued that financial, legal, and corporate policies prompted their decisions.

The announcement was self-serving in the extreme and caused more than a blush in the industry when events in Afghanistan bolstered support for the fledgling gasohol program. Restricting gasohol marketing opportunities reflected standard oil industry policy to maintain control of supplies at the expense of American economic and foreign policy interests. As swiftly as the announcement came, a storm of protest prompted the three companies to withdraw the ban on gasohol credit card sales. I applaud the reversal by these three giants. However, I remain very skeptical about their long-term commitment to removing marketing roadblocks to gasohol sales and production.

Yesterday, I introduced legislation which will prohibit discrimination by major oil companies in the marketing of gasohol. The bill would require major oil companies to allow credit card sales for gasohol and would prohibit a company from terminating a lease with its retailer merely because that retailer sells gasohol. The bill expands on legislation drafted last session by my colleague, Representative TOM DASCHLE and places gasohol marketing practices under the provisions protecting retail gasoline dealers spelled out in the Petroleum Marketing Practices Act.

Gasohol is a promising fuel replacement for the farm and nonfarm transportation sectors. It is easily adaptable on the small scale for use by farmers in their farm vehicles. On the larger scale, it can be a significant factor in cutting down our dependence on gasoline and foreign oil importers. I am convinced that gasohol will gain ready acceptance by the American people, but it must be allowed to compete in the retail markets along side gasoline. When the very companies that control gasoline marketing attempt to erect barriers to gasohol sales, it could be enough to scare off capital expenditures for gasohol plants and frustrate consumer interest in purchasing gasohol.

As a member of the Energy and Power Subcommittee, I have asked Chairman JOHN DINGELL to hold hearings on the institutional barriers of gasohol marketing. I believe this is an important area of congressional oversight and one that may necessitate tough legislative proposals.●

## CUBAN INDEPENDENCE DAY

### HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. PEPPER. Mr. Speaker, today, Cuban Independence Day, I would like to memorialize the Declaration of Freedom adopted by some 100,000 Cuban exiles in Key West, Fla. This declaration was written in remembrance of the great Cuban patriot, Jose Marti who in 1898 turned the course of history by proclaiming the ideological basis of a free Cuba. The fundamentals of this resolution were the abolition of communism as well as a restoration of Cuban liberty and independence. In 1959, this liberty and independence was destroyed by Fidel Castro, when under his regime hundreds of thousands of Cubans were driven to leave their homes to escape political confinement.

Let us join in the hope for a better future for those still in Cuba and continue to show our expression of opposition of Soviet penetration and use of Cuba in the extension of its military influence in other nations.

Those of my colleagues who would like to join me in commending the Cuban Declaration of Freedom are invited to cosponsor the bill I have introduced to that effect, House Joint Resolution 120.●

## HAVANA'S HOSTAGES

### HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. McDONALD. Mr. Speaker, amidst all the furor over our Embassy people being held hostage in Iran, we sometimes tend to forget about Americans being held illegally in other lands, particularly the Communist countries. In Communist Cuba, for instance, there are some 46 Americans being held on various pretexts—almost as many as in Iran. The Richmond Times-Dispatch discussed one of the many such tragic cases in an editorial on January 21, 1980, which I commend to the attention of my colleagues lest we forget about these other Americans. The editorial follows:

[From the Richmond Times-Dispatch, Jan. 21, 1980]

HAVANA'S HOSTAGES

Last July 14, William Dawson, Austin Householder and Douglas Miklos, American citizens all, set sail from Key West, Fla., in a shrimp boat they say they intended to deliver to a client in Caracas, Venezuela. Thirty hours later, their steering system failed, and the vessel, the "Velvet Lady," drifted for four hours before the steering power was regained. Shortly after resuming its course, the "Velvet Lady" was commandeered by a Cuban gunboat and ordered to port in Cuba.

The three Americans have been on Dr. Castro's island ever since. Today they sit in a Cuban prison, sentenced to 11 years incarceration for "illegal entry" and possession of a few marijuana seeds. The drug conviction, the Americans insist (and we think plausibly), was a frameup.

Letters from Mr. Dawson, the retired U.S. Navy chief petty officer who was skipper of the captured vessel, have been turned over to The Times-Dispatch by Mr. Dawson's brother, a Richmond resident. In the space below are published some excerpts both from personal correspondence and from an "open letter" that Mr. Dawson has asked The Times-Dispatch to print.

Mr. Dawson tells a harrowing tale of death threats, accusations of espionage, and denial of any semblance of just treatment before the Cuban tribunal. He maintains that his vessel was in international waters when it was seized and complains that the State Department has been "completely useless" in seeking freedom for him and his companions. "We are considered 'political prisoners' by Cuba, but not by the U.S. State Department," writes Mr. Dawson, "and therefore the State Department will not support us." Mr. Dawson believes that if the American government were to press for his release and that of his companions, they would be freed.

Bernard Fennell, a spokesman for the State Department in Washington, told The Times-Dispatch that the United States government is doing all it can to help Messrs. Dawson, Householder and Miklos. Through the American Interest Office in Havana, he said, the State Department is "making representations on their behalf constantly." He disputed Mr. Dawson's insistence that the "Velvet Lady" was in international waters when seized, saying that he understands it to have been only four miles from the Cuban coast. Mr. Fennell acknowledged that the three may be considered "political prisoners" by the Cubans, but said that this gives the U.S. no additional leverage in seeking their release.

"We're concerned that they received such long sentences," Mr. Fennell said, adding that he did not think any other Caribbean country would impose such penalties for illegal entry to mariners gone adrift. The State Department, he said, regularly checks on the three imprisoned Americans to make certain that they are not being mistreated, but it is not pressing the Cubans to release them. "We don't have that much leverage with the Cubans," Mr. Fennell said.

At the State Department's suggestion, we have contacted the Miami office of the federal Drug Enforcement Agency to learn whether federal authorities have any information, alleged or proven, on drug trafficking by the three captive Americans. The DEA has provided us with nothing thus to implicate them. Without sound evidence from this country or Cuba to substantiate drug charges against Mr. Dawson and his companions, the imprisonment of the three must be considered a prima facie case of anti-American harassment, of legalized terrorism. That the once mighty United States lacks the "leverage" to protect its citizens from a brigand state 90 miles off its coast is a symbol of national weakness, the same weakness that tempted terrorists in Tehran to make political prisoners of 50 other Americans.●

## GEORGE MEANY

### HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. LELAND. Mr. Speaker, I am pleased to join with my colleagues in honoring George Meany, an American trade union leader. Trade unionism was George Meany's cause. More than six decades of his life were dedicated to an improved way of life for the working man and woman by improving their working conditions and earning better wages. George Meany viewed the trade union movement as a force for continuous progress in a free society.

In his campaign for human rights for all people across the globe, Meany was considered an enemy of oppression and a friend of freedom everywhere. His leadership, tenacity, and courage contributed to his effectiveness in establishing a united trade union. The merger of American Federation of Labor and Congress of Industrial Organizations represents his major trade union achievement. It is also the legacy of his career. Workers everywhere are better off because George Meany believed that what is best for the Nation as a whole is also best for its wage earners.

Because of George Meany, working people throughout America live safer, fuller lives today. As a representative of America's workers, Meany gave us the highest living standard in the world. For minorities in America, the oppressed blacks, Hispanics, Asian Americans, Native Americans, and other racial minorities, Meany contributed to changing the course of history. The successful assembly of the labor movement served as an inspiration and guide to leaders of the civil rights movement. Both movements share the same goal * * * to let free men and women live their lives as they wish. George Meany, like Dr. Martin Luther King, Jr., was a beacon of hope for the oppressed.

As representatives of the people, it is my hope that we in the U.S. Congress remember the legacy of George Meany when we address issues affecting the American wage earner. As a man who accepted and thrived upon challenge, he gave America one final challenge in his farewell speech given on the eve of his retirement. He said: "Yours is a good labor movement. Now go out and make it better."●

## JUSTICE DOUGLAS

### HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. WEISS. Mr. Speaker, I want to pay a final tribute today to William O. Douglas, who passed away on Saturday, January 19, at the age of 81. History will rightly record him as one of the greatest justices and most eloquent defenders of individual liberty ever to serve on the U.S. Supreme Court.

In his 36½ years on the Court, Douglas never ceased his vigilant protection of the "penumbra" of rights encompassed in the first amendment. His strong belief in the inviolability of these rights led him to argue, often in dissent from his colleagues and the Nation, for an absolute curb on governmental interference with the freedoms of speech, of the press, or peaceable assembly, and of association. For Douglas, the first amendment made "confidence in the common sense of our people and in the maturity of their judgment the great postulate of our democracy."

His hundreds of opinions reflected his conviction that individual liberties were the heart of the American system, and he remained outspoken in their support during his tenure on the Court. He sought to protect people from unreasonable search and seizure, from erosions of their privilege against self-incrimination, from infringements on their privacy, and from oppressive police practices. He recognized and argued for the need for openness in government. In the Pentagon Papers case in 1971, he wrote that:

> Secrecy in Government is fundamentally undemocratic, perpetuating bureaucratic errors. Open debate and discussion of public issues are vital to our national health.

The subsequent events of Watergate serve to remind us of our obligation to steadfastly adhere to these sound principles.

Although Justice Douglas frequently opposed the majority decisions of the Court, he lived to see many of his dissents become the law of the Nation. Of these, he is said to be most proud of his opinions during the McCarthy era when he adamantly refused to join the Court as it upheld the convictions of Communist party leaders for conspiracy to advocate the violent overthrow of the Government. Over time the Court adopted Douglas's view that there must be "full and free discussion even of ideas we hate" because the protection of free speech is "essential to the very existence of a democracy."

William Douglas was committed to making the law responsive to human needs and available to the average person. He was equally dedicated to preserving the rights of and establishing equality for all our citizens. He was a great American with a unique vision of freedom and liberty on which he refused to equivocate. We could pay no greater tribute to Mr. Justice Douglas than to continue his work and uphold his faith in the rights of the individual that have been guaranteed in our Constitution.●

## RESPECT FOR AMERICA WEEK

### HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. RINALDO. Mr. Speaker, the events in Iran and Afghanistan have perceptibly increased the interest of the American people in strenghtening America's defense to deal with the threat of extremist governments ranging from the illegal Soviet invasion of Afghanistan to the terrorists in Iran who have held 50 American citizens captive in our Embassy.

Ever since the Iranian crisis developed, the American people have demonstrated a revived sense of national unity and commitment to defending the freedom of the world against Soviet tyranny and fanatical terrorists.

Only recently, Mr. Speaker, the House and Senate adopted a resolution I introduced calling on Americans to observe National Unity Day. The President signed the bill, and we witnessed an impressive display of patriotism and national solidarity on December 18. The flying of millions of American flags was a most appropriate and peaceful means of expressing the determination of the American people that our hostages must be freed.

I have been impressed by the fact that other groups of patriotic Americans also joined together to organize similar demonstrations of national pride and solidarity. One such group is the National Confederation of American Ethnic Groups.

The distinguished Representative from Pennsylvania, Representative DON RITTER, introduced the special order naming December 13, 1979, as "Respect For America Week." I fully supported Representative RITTER's resolution.

I submit for the RECORD the following remarks prepared by Ms. June A. Nordahl, vice chairman of the National Assembly of Representatives of the National Confederation of American Ethnic Groups, which organized "Respect for America Week":

REMARKS BY JUNE A. NORDAHL

America's most precious possession is the life of her citizens, a life embedded in the concept of dignity for all men everywhere.

Many times during our history America has been called upon to take a major role in the protection of human life and dignity. And many times those to whom we offered our protection were not Americans but citizens of other nations. America has become known as the Champion of Liberty to people all over the world. And how the Champion is being tested.

In the meantime, the world stands ominously poised at the brink of Armageddon. And the events which must occur over the next few weeks or months may irreversibly decide the future course of Human history. Yet, while the events, once initiated may be irreversible, they are not entirely unchangeable, for America's future is still ultimately determined by God. But for God to be on America's side, she must turn from evil in all its manifestations and put on the armor of God, if the desired victory is to be won.

America can no longer give lip service to the motto: "In God We Trust" if God is to hear us from heaven and come to our aid. As each of us searches in our soul and sees our guilt before Him, we can call our "Abba, Father" and ask for mercy as we are His children. In doing so, America can once again resume her rightful spiritual destiny.

America must now reaffirm her original faith and traditions. America, it is not too late for victory if we turn to God.●

---

## ANDREI SAKHAROV

### HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. COUGHLIN. Mr. Speaker, Soviet troops continue to pour into a small, defenseless neighboring country while prominent critics of Soviet policies are quickly shuttled away by the KGB to internal exile. No, it is not Stalinist Russia of the 1940's. It is 1980 and, despite lipservice to "détente," the Soviets have demonstrated for all to see that political and military expansion coupled with harsh repression of internal dissent are still more important to the Kremlin than cooperation with the West on arms limitation, economic relations, or prestigious international events like the Olympics. Détente based on advantages both to the United States and the Soviet Union may serve us for a time, but we must recognize that in the end it cannot be based on mutual trust since the concept is alien to the Soviet leadership.

The internal exile of Soviet scientist Andrei Sakharov yesterday comes as a particularly sharp blow to those of us who have been working patiently for more humane treatment of dissidents by Soviet authorities. It is ironic that the Soviet Government, which is engaged in overt aggression, has chosen to silence and punish the 1975 Nobel Peace prizewinner for defending the human rights principles that it accepted at Helsinki that same year.

Can there be any question now that the summer Olympic games should not be moved from Moscow? Whether we like it or not, the Olympics are and always have been involved in international politics. We know the Soviets attach tremendous importance to hosting the games as a means of establishing their legitimacy and acceptance as a member of the world community. It is all the more important, therefore, that we respond to Soviet actions, which violate international agreements and which have been condemned overwhelmingly by the United Nations, by treating the Soviet Union as an international outcast.

In view of President Carter's strong personal interest in Sakharov and the issue of human rights, the Soviet action exiling Sakharov was clearly meant as a slap to the President for his strong condemnation of Soviet aggression in Afghanistan. Kremlin officials probably also hope to use the occasion to warn other Soviet dissidents to refrain from making trouble as world attention focuses on Moscow this summer. Intensified Soviet repression is too high a price to pay for a sports competition and provides even more compelling reason to change the site of the summer Olympic games or to withdraw from participating in them.●

---

## SOVIET TROOPS IN AFGHANISTAN

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. DERWINSKI. Mr. Speaker, there have been recent reports telling of the composition of Soviet troops in Afghanistan, which are made up primarily of men from the Soviet Asiatic regions. This brings to light the true composition of the U.S.S.R., an empire comprised of millions of captive non-Russian peoples.

The Armenian Reporter of January 17 carried a very interesting and pertinent article on the casualties being suffered by Armenian servicemen in Soviet military units in Afghanistan.

This article follows:

[The Armenian Reporter, Jan. 17, 1980]

SOVIET INTERVENTION IN AFGHANISTAN RESULTS IN MANY CASUALTIES FOR ARMENIAN SOLDIERS

NEW YORK, N.Y.—As far as anyone knows, there are no Armenians living in Afghanistan. However, scores of Armenian youths have died in the fighting there in recent weeks because they are part of the Soviet expeditionary forces now in Afghanistan.

Recent arrivals from Soviet Armenia who still keep in touch with their relatives in the homeland have reported that Soviet Armenians serving in the Soviet Army have been killed in action or seriously injured. The casualties are being evacuated from the combat zones and brought back to the Soviet Union for treatment or burial. One source in New York City has revealed that the number of Armenian dead and injured has reached 250. However, in the absence of official statistics and figures, it is almost impossible to verify this figure. Information on Armenian losses was obtained mainly through telephone calls by new immigrants to their relatives in Soviet Armenia. Other sources include travelers who recently returned from Soviet Armenia after spending New Year's there.

Western sources have indicated that the bulk of the estimated 100,000 Soviet force in Afghanistan is composed of fighting men originally from three republics bordering Afghanistan—Turkmen, Tadzhik and Uzbek. Also serving in the Soviet forces now in Afghanistan is a large number of young men from the three Soviet republics in the Caucasus, including Soviet Armenia. It is said that only 10% of the Soviet force consists of ethnic Russians. While it is not entirely clear why the Soviets have chosen men from the Central Asian republics and from the Caucasus, it is generally believed that by deploying forces with similar characteristics and religion to the Afghans, the Soviet action in that country will seem more like a rescue operation than an invasion.

Prior to Stalin's death, the republics of the Soviet Union maintained their own armed forces and the divisions of each were named after their own heroes. However, after World War II, these national forces were disbanded and all units were incorporated into the Red Army, which presently is not divided along ethnic lines. It is presumed that the force assembled for the action in Afghanistan was carefully selected to assure a specific ethnic composition.

Western intelligence estimates that close to 1,200 Soviet soldiers have been killed or injured so far. That figure is based on the number of stretcher cases that have been moved out of Kabul airport since the beginning of the operation.●

---

## UNITED STATES IMPEDES CAMBODIA RELIEF EFFORT

### HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. NOLAN. Mr. Speaker, as you know, I served as a member of the U.S. delegation to the Emergency United Nations Conference on Refugees in Geneva, Switzerland, last July. In September, I visited Vietnam. Thailand. Malaysia, Hong Kong, and Indonesia as part of a delegation appointed by you to follow up the agreements made in Geneva and make further recommendations concerning U S. policy in Southeast Asia. Among our official conclusions was that the absence of normal diplomatic relations with Vietnam is severely hindering help for the refugees.

Over the past year, it has become clear that the Carter administration has no intention of improving relations with Vietnam. Instead, the administration is continuing its campaign to discredit Vietnam in the world community and blame Vietnam for the famine in Cambodia and ensuing problems with food distribution.

Syndicated columnists Mary McGrory and Jack Anderson and Washington Post reporter Elizabeth Becker have each published accounts of administration efforts to wage "another war with Vietnam."

I urge my colleagues to consider these viewpoints carefully, and urge the administration to stop playing politics with the lives of hundreds of thousands of starving people in Cambodia.

[From the Washington Star, Dec. 17, 1979]

### Carter's Geopolitics Helps Keep Cambodia's Starving Millions Starving

(By Mary McGrory)

If the Carter administration put as much effort into feeding the Cambodian people as it does into trying to discredit the Cambodian government, the famine would be over in a month.

The latest attack on the people in charge of the stricken country has baffled and angered the private relief agencies who are trying against tremendous odds to feed the hungry.

On Dec. 6, President Carter accused the Vietnamese, who put the Heng Samrin regime in place, of deliberately starving the Cambodians for political purposes.

These charges come from "secret intelligence" reports gathered from Cambodian refugees on the border of Thailand, where Carter has chosen to make the major U.S. effort—to avoid contaminating himself by dealing with the Vietnamese.

On one point, the agencies and the Carter administration agree: Cambodians are starving while thousands of tons of food are stockpiled in warehouses.

Where the difference comes in is the reason. The relief agencies say that it is the inexperience of the green and jumpy young managers of Cambodia and the total absence of any technology, beginning with telephones, trucks and railway lines.

The Carter administration insists that it is the malevolence of the authorities who divert the food to Vietnamese invaders and use it as a weapon to control the population, which, having suffered 10 years of U.S. bombing and the murderous regime of Pol Pot, is now in the throes of civil war.

The private and international relief agencies in the field admit they can't "categorically deny" the Carter charges, but protest that there is "no evidence" to support them.

They claim that the situation is, with painful slowness, improving.

Malcom Harper of Oxfam, leader of the dozen relief workers allowed into Phnom Penh, cabled home that he could find no evidence for the reports and questioned the credentials of the sources.

Henry Labouisse, United Nations Cambodian relief director, also disputed the Carter accusations. He reported the recent delivery of 300 Soviet trucks which would aid in the distribution of supplies.

The administration scoffs at field reports of Soviet help.

Kirk Alliman of the Church World Services, recently returned from a second trip to Cambodia, says he saw Soviet supplies being delivered in carefully rationed amounts in the countryside. Alliman says there was a "dramatic improvement" from an earlier trip in October. Hundreds of trucks are now rolling through the countryside. Barges on the Mekong River are in full operation.

"The president's statement surprised and disappointed us," Alliman said. "This is a policy of keeping the pot boiling. For the State Department, the Vietnam War is still not over."

Like many relief workers, Alliman favors recognition of Vietnam as a means of ensuring greater cooperation for the massive operation required to prevent the famine deaths of 2 million people.

A delegation of New England Quakers bearing a petition with over 2,000 names of contributors to Cambodian relief, who urged a new approach to Indochina, visited the White House last week. They hoped to see the president, but since their pro-recognition stance is well known, they had to settle for two members of the National Security Council staff.

One member of the delegation, Jerry Elmer of the Rhode Island Friends, came away convinced that the Carter administration is collecting points.

"Attacking Vietnam is politically popular—it's a Communist country and it defeated us."

Edward Snyder of the Friends' Washington office, who visited Cambodia in September and found its leaders "people of good will," thinks it regrettable that Carter decided to exacerbate the politics of the situation and to create new difficulties for the relief workers on the ground.

"Of course, the food isn't getting out as fast as we would like," says Snyder, "but it is not a matter of policy."

Part of the problem is the Cambodian perception that we are plotting to restore the infamous Pol Pot to power. The administration denies it, but our vote for him at the United Nations was taken for proof, and it's as hard to disabuse the Cambodians of the notion as it is to persuade the Iranians that we are not working on a new scheme to put the shah back on his throne.

It is much more likely, anyway, that we would support a comeback by the popular Prince Sihanouk, who is now in exile in China. He would be acceptable to the Chinese and also to us since he would give us a foothold in the peninsula.

The relief agencies mourn that Carter, despite a show of concern, is playing cold war geopolitics as usual.

Says Bob Hohley of Oxfam's Boston office, "He has eroded public confidence in the relief effort. He has already dampened the response of people who want to help and now think it's useless because the food isn't getting to the starving."

---

[From the Washington Post, Jan. 12, 1980]

### U.S. Officials Impede Cambodia Aid

(By Jack Anderson)

Despite a copious outpouring of crocodile tears from the White House over the plight of Cambodia's starving millions, the same officials who for political reasons dragged their feet on relief shipments are continuing to sabotage the desperately needed program.

Two months ago, I reported on the Carter administration's unconscionably belated and half-hearted efforts to aid the stricken Cambodian people. Then, President Carter, with righteous fervor, pledged a massive relief program. Amid much fanfare, Rosalynn Carter visited the refugee camps on the Thai-Cambodian border.

Americans responded with their usual generosity, sending donations to private relief organizations. I reported how senators, and citizens rushed forward to help. Congress voted aid money. UNICEF stepped up its efforts. The worst of the Cambodians' nightmare might soon be over, it seemed.

But a few cynical saboteurs in the State Department's East Asian desk and the White House's National Security Council were determined to use the Cambodian horror to score Cold War propaganda points. Overwhelmed by the wave of humanitarian support for the relief program, the hard-liners adopted a new tactic in what one disgusted observer called "another war with Vietnam."

Using a Big Lie technique worthy of the nadir of the Nixon crowd, the administration's foot-draggers repeatedly, fed the media reports of the relief effort's "failure," and blamed it all on the wicked Vietnamese occupying forces in Cambodia and their Soviet backers.

According to this line, food shipments are being diverted to Vietnamese troops or otherwise withheld from the starving populace for consciencеless political reasons. Just how mass starvation would help the Vietnamese and Soviets win the hearts and minds of the Cambodians was never made clear.

As with every falsehood, there was some truth to reports of looting and diversions, but the relief efforts were having a positive effect.

This cruel campaign of deceit has enraged those who know the situation in Cambodia. As a knowledgeable Capitol Hill source told my reporter Lucette Lagnado, "The information they're spreading is simply wrong. The United States is sabotaging the relief efforts."

Other sources in a position to know—officials of the relief organizations who have been on the scene, like UNICEF, OXFAM America and the Church World Services—confirm this judgment.

The only substantial diversion of food shipments, they report, has been by corrupt Thai officials and the armed thugs of the murderous Pol Pot rump regime that controls areas along the Thai border.

According to my congressional sources, it is common knowledge that Thai officials steal as much as 50 percent of the food intended for the Cambodian refugee camps, then sell it for a handsome profit. And Pol Pot's "fat, sadistic" soldiers are indeed stealing food from Cambodian civilians, the source added.

But despite these depredations—and the logistical problems of distributing the food in war-ravaged Cambodia—the relief program is succeeding. I have been informed. Though still badly undernourished, Cambodia's people are no longer dying wholesale of starvation.

The self-fulfilling, Washington-based sabotage campaign, though, has succeeded in drastically drying up the flow of donations to relief organizations. Since President Carter's ill-informed blast at Vietnamese "obstruction" last Dec. 6, for example, contributions to OXFAM America and similar relief organizations suffered a 50 percent drop.

Footnote: A National Security Council official stuck doggedly to the line that the Vietnamese and Soviets are solely thwarting the relief effort, and dismissed the logistical problems besetting the rescues.

Khomeini Cadre—In the months since Iranian hotheads seized the U.S. Embassy in Tehran, it has become clear that Ayatollah Ruhollah Khomeini's control over the militants is far from complete.

This has now been confirmed in a private letter to President Carter from Rep. George Hansen (R-Idaho), reporting on his second visit to Tehran. Hansen's Iranian contacts have turned out to be better than those of the White House.

Hansen notes that the supposed ruling body of Iran, the Revolutionary Council, has limited influence over the radicals in the embassy. Government ministers "are generally excluded from any significant contact with the militants . . . and especially the hostages themselves."

[From the Washington Post, Nov. 18, 1979]

## THE POLITICS OF FAMINE IN CAMBODIA

(By Elizabeth Becker)

There are precedents for the survival of a people being pinned to the political goals of warring nations. But the catastrophe facing Cambodians today is especially deplorable because those earlier tragedies—the Holocaust, in particular—were to have taught the world a lesson.

As so often in the recent and distant past, the Cambodian people have become pawns of geopolitics, victims of the conflicting motives of their neighbors and the great powers. For months, as the Cambodian tragedy took shape, the nations involved took turns raising the issue and denying it existed, as it suited their political purposes.

What is at stake here is the control of Indochina. It is not simply a surrogate war between the Chinese and Russians fought out by the resistance troops of Pol Pot's regime and the Vietnamese army. Although Peking and Moscow are these rivals' chief supporters, both major Communist powers have remained in the background during much of the international debate. In many ways, the debate has become an extension of the last Indochina war, with the United States and Vietnam emerging as the rival voices.

Washington and Hanoi have exchanged accusations, each viewing the other as the supporter of genocide. The suspicions both hold of the other are so deep that whenever one country has taken a stand, the other has opposed it. When prospective aid for the Khmer people did not coincide with military or political plans, the famine itself was disputed, first by the United States, now by Vietnam.

At one crucial juncture, the Geneva Conference on Indochinese Refugees in July, United Nations Secretary General Kurt Waldheim brokered a deal that removed any discussion of Cambodia from the agenda because it was inconvenient for all interested parties.

At issue for Washington was U.S. policy to thwart Vietnamese dominance over Cambodia and all of Indochina. Immediately after the Vietnamese overthrew the Pol Pot regime and installed the Heng Samrin government in Phnom Phenh, Washington began a campaign to punish Hanoi. Any nation giving aid to Vietnam was asked to suspend or cut assistance. By June, when the stream of Vietnamese boat people horrified the world, Washington had achieved success. The most important western aid projects, save those of Sweden, had ground to a halt.

When the question of aid for Cambodia arose, Washington was dubious. According to well informed sources in Washington and Bangkok, key U.S. officials in Washington were reluctant to believe the mounting evidence of a famine because it would mean that the United States would have to feed people under Vietnamese control. That could strengthen the Vietnamese-controlled government of Heng Samrin, in the process granting it de facto recognition, and perhaps insure Hanoi's sway over the region where the United States suffered defeat.

"It was easier for policy reasons to wait to see if the 'worst case' scenario was accurate," said one source who attended several policy meetings. "In July the CIA and some members of State were still talking about the famine as if it were a propaganda tool of Hanoi to get the United States to feed and recognize the Heng Samrin government."

As a result, the Carter administration did not lead the world in relief efforts, despite recent assertions to the contrary. There were serious divisions within the government over the veracity of evidence and the effect relief would have on the area's political balance. The earliest warnings came at the end of February, yet it was not until July 2 that Secretary of State Cyrus R. Vance made a public appeal for famine relief, the first high-ranking official to do so. President Carter then let more than three months elapse before he addressed the nation on Oct. 24 to announce the U.S. commitment of $69 million in famine relief.

### DEBATING THE EVIDENCE

The debate over the evidence pitted the American Embassy in Bangkok against Washington, particularly intelligence analysts in State and the CIA.

It was clear by March that the food supply in Cambodia had been drawn down seriously, and Bangkok duly reported the problem to Washington. Immediately after the Vietnamese invasion, the Cambodians celebrated the end of Pol Pot's bloody and tyrannical rule by eating up the available stocks. "We broke into the warehouses and ate until we were full," said Han Tao, a Cambodian refugee interviewed at a Thai camp. "We slaughtered chickens and made a feast. When the Vietnamese came they told us to go back to our villages."

Most did not reach their homes. Pol Pot's forces were proving stronger than predicted and the Vietnamese army could not provide peasants with security or an administration to put the country back on its feet. By April, the American embassy made the prognosis that Cambodia faced severe famine. U.S. officials in Bangkok argued that it was unlikely that Vietnam could or would provide enough seed rice for Cambodians to plant the summer crop and that the competing armies were more intent on winning a military victory than feeding the population.

In an interview in early May, one embassy officer complained that "we can't get Washington to listen" to requests that the United States openly campaign for international assistance to Cambodia. The United States had made discreet assurances of aid to international agencies but was holding back for more solid evidence of an impending catastrophe, the officer said.

Bangkok also jumped into the political debate, arguing that it was to America's advantage to press ahead. Thai officials were worried that the food crisis would send thousands of new Cambodian refugees to its already overflowing camps. Immediate aid would help that ally and improve the U.S. image in the region. the embassy argued

Washington disagreed. Later that month, in Washington, three Asian analysts at the State Department explained why they took issue with their Bangkok counterparts. "The general conclusion is that the prospect is not very high that there will be anything like mass starvation in Cambodia," said one of these Indochina experts.

Another intelligence analyst in Washington added: "All Bangkok knows is dependent on refugee testimony from one section of Cambodia, from the West. The Phnom Penh government [of Heng Samrin] has said it is planting again and, well, the Soviet Union and Vietnam will feed the majority of the people. Politically, they have to."

During the Pol Pot era almost all of the accounts of that regime's policies of executions, hard labor and terrorism came from the western section, yet the United States prepared major dossiers based on that testimony attacking Pol Pot for human rights violations. Nor is it common for the United States to accept at face value the official statements of Vietnam or the good will and common sense of the Soviet Union.

The U.S. ambassador to Thailand, Morton Abramowitz, journeyed to Washington last summer to convince policy makers that something had to be done or some 200,000 starving Cambodians would be straggling across into Thailand by October. That estimate was considered "alarmist" by State and CIA analysts, according to informed sources. It has proved to be conservative.

### A SWITCH OF POSITIONS

Now the administration claims it was waiting for satellite photogrphs of Cambodia to determine the extent of the food problem. Around the first of August these pictures brought back the gloomy news that only 10 percent of the land was under cultivation. It was far worse than the predictions from Bangkok.

Those photographs also raised new questions. In 1975, during the worst days of the civil war, when the United States was operating a massive airlift into Phnom Penh to feed the people under Lon Nol, more than one-third of the land was under cultivation, according to U.S. estimates of the time. If 90 percent of the land was fallow this summer, analysts reasoned, it could mean that the Vietnamese army was meeting greater resistance from Pol Pot and the Cambodian people. The political situation was in flux, it was decided.

The skeptics were converted and by September a Cambodian food task force had been formed at the State Department. Yet when members of Congress like Rep. Stephen Solarz (D-N.Y.) tried to find administration witnesses to testify in favor of appropriations for food relief, none could be found. The administration said it was still waiting for an agreement between Phnom Penh, the Vietnamese and international aid groups before announcing a major commitment. But by October, when the president went before the public, the politics of famine had changed and now it was the Vietnamese who found it convenient to deny the existence of a famine.

Earlier, from May through September, the Vietnamese had allowed several journalists and relief workers to travel through Cambodia and see for themselves the unbelievable horror of the country. Vietnam was still smarting from the international criticism following its invasion and the western aid cutoff. Hanoi and the Heng Samrin government needed to change world opinion.

The stories and photographs that came out of those trips showed a country with few children under the age of 5, women sterile from malnutrition and 2 million people facing starvation.

Those reports also reflected the Vietnamese policy of laying the full blame for the famine on the Pol Pot regime rather than admitting that the civil war was a deciding factor. The Heng Samrin government and Vietnam argued that aid should be sent to Phnom Penh only, not to people living in the sanctuaries of the murderous Pol Pot, and they asked that Heng Samrin be given official recognition as the new legitimate government.

Pol Pot was not considered a serious threat then. Almost 200,000 Vietnamese troops were fighting to eliminate a force of Pol Pot's soldiers that was estimated at less than 30,000. As late as August, in an interview in Hanoi, Nguyen Co Thach, one of Vietnam's leading foreign policy makers, predicted that Pol Pot would be defeated before the year's end. "You will see, there will be no war, no hostility in Kampuchea [Cambodia—," he said. "In Chicago you have a lot of gangsters. It is the same thing with Pol Pot in Kampuchea. His troops are like mosquitoes who can bite you but cannot kill you. The only problem in Kampuchea is a food problem."

Yet when western countries tried to respond to these appeals, they were rebuffed if certain conditions were not met. Sweden was one of the first nations to offer bilateral assistance to Cambodia, specifically to the more than 40,000 Cambodians who faced imminent death in western Cambodia after being pushed back across the border by the Thai military.

Neither side accepted the offer. The political contest, Sweden discovered, was very real. Even though Stockholm was the only western country to continue major aid to Vietnam it, too, would have had to grant something like recognition to Heng Samrin before aid was accepted.

Soon other countries and agencies would stumble over the recognition hurdle. Only the International Red Cross and UNICEF could give aid to both sides of the civil war without breaking their charters or governmental statutes. The U.N. and most other countries continue to recognize Pol Pot as the leader of Cambodia because they oppose foreign invasion and occupation. The Vietnamese argued then, as they do now, that Pol Pot was the Hitler of Southeast Asia—a man President Carter described as the worst violator of human rights—and does not deserve international support.

In August and September, after a summer of fits and starts, the Red Cross and UNICEF prematurely announced agreements to set up a $110 million aid program designed to send in at least 600 tons of rice daily. In early October, however, Phnom Penh denied that it had accepted this arrangement and made pointed criticism of the "illegal entry" of UNICEF and Red Cross teams to Pol Pot's sanctuaries. It was a final attempt to steer all aid through Phnom Penh and it failed.

This followed a series of other defeats for Heng Samrin: At the Havana conference of nonaligned nations, neither delegation from Cambodia was seated; at the U.N., Pol Pot kept his seat. After these failures in the international arena, Hanoi turned back to the battlefield. The Vietnamese have begun a dry season offensive to wipe out Pol Pot and make the recognition question moot. Suddenly, Pol Pot became the number one problem facing Cambodia, not food.

### HANOI'S TURNAROUND

Just as the United States began championing aid for famine victims, Hanoi changed its policy. Washington decried Hanoi for blocking western aid. Hanoi countered that Washington's newest friend, China, was arming the troops of the genocidal leader Pol Pot. Heng Samrin officials and Hanoi now said that Cambodia only faced a "food shortage" that could be solved with one good harvest.

"This so-called famine is a trap, a Chinese plot," said Cu Dinh Ba, counselor for the Vietnamese mission at the U.N. "The only problem facing Kampuchea is a return of Pol Pot . . . the West is playing up [the famine] to supply food and ammunition to the Pol Pot forces."

During an interview, Ba and Vietnamese Ambassador Ha Van Lau said aid could only be given to Phnom Penh, that the situation was not so severe to warrant aid to Pol Pot as well. War had become the paramount issue, war and the politics of control of Indochina. For if the resistance troops are not destroyed during this dry season, the Vietnamese could face continued guerrilla war that would drain their already burdened economy.

Apparently, the Chinese military aid to Pol Pot has been sufficient to allow his troops to continue damaging the Vietnamese forces. There are more guns in Cambodia now, visitors have said, than food. And because of the close friendship between the United States and China—and American support of Pol Pot at the U.N.— Hanoi is convinced that American policy is aimed directly at defeating Vietnam.

Washington is equally convinced Vietnam would allow the people of Cambodia to die if it were necessary for Hanoi's control of Indochina.

Recently the Soviet Union claimed it contributed $85 million in aid for civilians in Cambodia. Vietnam said it had given another $50 million in food relief. Undoubtedly, both nations have helped, but if their aid had been of such magnitude the eye-witness accounts of famine in Cambodia are wrong. When asked about such inconsistencies, Ba, the Vietnamese official, said the western reports of famine and holocaust were done by "Chinese agents."

Throughout this political contest of wills over the existence of a famine and how to feed the people, tens of thousands of Cambodians have died and thousands more have been permanently damaged by illnesses. Earlier, during Pol Pot's reign, at least one million died or were executed. Before that, during the civil war, at least half a million people were killed.

It is a record of war that has reduced a bountiful agricultural country to one whose existence is in question. Now, with the faces of starvation peering out of newspapers and television screens, U.S. officials are searching for culprits. But few countries and few American politicians can easily exculpate themselves. The regimes of Heng Samrin and Pol Pot, and their allies, Vietnam, the Soviet Union and China, can be directly blamed for fighting over the country with scant regard for the lives of the civilians.

But the continuing antagonism between Hanoi and Washington is also crucial. Since the Sixties, Cambodia has borne the brunt of the rivalry between these two nations. If the two powers ever sat down and began to resolve their differences, there might be reason to believe a political solution for this strategically placed country could be found. Continued obstinacy can only spell more tragedy.●

---

## GEORGE MEANY

### HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. RINALDO. Mr. Speaker, the death of a great American, George Meany, saddens all the friends and supporters of working men and women in this countly whose lives and futures were changed for the better by George Meany during his leadership of the AFL–CIO. He has left behind a list of achievements that is remarkable. Minimum wages, equal rights, improved health and safety standards in the work place, guarantees of pension benefits, and recognition of the bargaining rights of millions of American workers.

His credo was "In unity there is strength," and he did as much as any American in history to unify working people. George Meany carried on the great crusade of the American labor movement that had initiated free public education, an end to child labor, the eight-hour day, protection against garnishment, apprenticeship laws, creation of a national bureau of labor statistics, workers' compensation, and free collective bargaining.

Historians can trace the history of social and economic progress in America to the efforts of men like George Meany who fought for social security and unemployment insurance, civil rights, and health care for the elderly.

George Meany gave the American worker influence in the policies of this Nation. No President could ignore him; he was a formidable, frank, and fair spokesman for the millions of citizens who earned a living at their labors.

He opposed Communists, Fascists, dictators, or bosses who had no regard for the rights of workers. George Meany recognized that the labors of workers did not belong to the state, and he fought against those efforts to shackle the freedom of labor unions to represent their members.

While George Meany put the interests of the American worker first, he also recognized the importance of the international labor movement and of the very difficult obstacles that unorganized workers in most of the world faced. He founded the American Institute for Free Labor Development, and in its 18 years of existence it trained more than 350,000 labor leaders and union members in Latin America and the Caribbean countries. This program has sown the seeds of freedom for the labor movement in many countries, and is an enduring bond between the United States and many Latin countries.

In his farewell remarks to the 13th biennial convention of the AFL–CIO, George Meany summed up a lifetime in which he helped to construct the house of labor on a solid foundation. He said:

> This federation is the house of labor. It is well-built, ready to stand, and to shelter workers long beyond the lifetime of everyone in this hall. And there are plenty of rooms in the house of labor to accommodate all organizations of workers. Today, the American trade union movement is vital, dynamic, growing. It is strong and unified.

George Meany made it that way. He was the master builder of the American labor movement.●

---

## IT WILL LIVE ON

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. RANGEL. Mr. Speaker, on January 15, the birthday of the late Dr. Martin Luther King, Jr., was celebrated throughout the Nation. The Reverend King, as the foremost leader of the civil rights movement in our Nation's history, is remembered by people of all racial and social backgrounds as a man who strove to insure freedom and dignity for all human beings.

Dr. King came to the public eye in December of 1955 with his leadership of the Montgomery bus boycott. On December 1 of that year, a black woman named Rosa Parks, a seam-stress tired after a hard day's work, refused to give up her seat on a bus to a white person as the law required. Her subsequent arrest sparked a citywide boycott of the bus system by the city's blacks. As a politically active pastor at a Montgomery church, Dr. King became the leader of the struggle.

The boycott lasted 382 days; Dr. King's problem as a tactician was, in his own words, to "be militant enough to keep people aroused to positive action and yet moderate enough to keep this fervor within controllable and Christian bounds." When he was arrested for the first time on January 26, 1956, on the charge of driving 30 miles an hour in a 25-mile zone and 4 days later when his home was bombed, this strategy was brought into question. The people were ready for violence.

Nevertheless, the boycott was won without resorting to physical violence. The integrity of the movement did not falter, nor did it ever falter with Dr. King at the helm. He proved in this first contest an unwavering commitment to the principle of nonviolent social change. In the formulation of his personal philosophy, Reverend King's strongest influence, besides Jesus of Nazareth, proved to be Mohandas Gandhi, whose passive resistance movement has helped to free India from British domination. "From my Christian background I gained my ideals," King once said, "and from Gandhi my operational technique."

Dr. King was indeed a great leader, but his greatness as a human being will insure his place in history. He lived life with the moral imperative to improve the lives of all human beings, refusing at all times to confuse the ends and means of his struggle. His love was not confined to any one group of people or specific interest. The nobleness of his spirit was evidenced by a refusal to give into the temptations of violence and politics in achieving his goals. Reverend King would not trade the life of one man for another. In 1964 he was awarded the Nobel Peace Prize. In his acceptance speech he crystallized this philosphy:

> Nonviolence is the answer to the crucial political and moral questions of our times—the need for man to overcome oppression and violation without resorting to violence and oppression.

Dr. King may be best remembered for the 1963 march on Washington, the largest civil rights demonstration in the history of the United States. About 250,000 people, 60,000 of them white, gathered on behalf of the civil rights bill then pending Congress. No one there that day, and indeed few Americans alive today, will forget the scene at the Lincoln Memorial when Reverend King said, "I have a dream."

As a founder and president of the Southern Christian Leadership Conference, Reverend King left us with an important forum in which to continue the struggle and realize his dream. More importantly though, he left us with an inspiration and a perennial call for love and understanding that transcends the current struggle. Even when the promise of the civil rights movement is fulfilled, and I am sure that day will come in the not-too-distant future, the spirit and greatness of Dr. King will live on. From his pulpit at the Ebenezer Baptist Church, to the steps of the Lincoln Memorial and finally to that hotel balcony in Memphis, Reverend King preached and lived his message of human dignity. It will live on.●

## COMMUNIST ANTI-SEMITE RUNS FOR PRESIDENT AS A DEMOCRAT

### HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. McDONALD. Mr. Speaker, you have to grant Communist groups like the U.S. Labor Party expertise in one thing: They know how to throw as many curves as a sidewinder. Having failed to sucker Conservatives and members of the Republican Party into joining a so-called Whig coalition against the establishment, U.S. Labor Party head Lyndon LaRouche thinks the members of the Democratic Party might prove more gullible. So now he is running for President on the Democratic Party ticket.

Like other messianic revolutionary would-be leaders, LaRouche has delusions that he is, in his words, "the American Lenin" who had "corrected" various "errors" of Karl Marx. When his comrades in the Trotskyite Communist Socialist Workers Party (SWP) rejected his self-revelation as the new Lenin and expelled him, LaRouche for a time played with a second Trotskyite splinter group, the Workers League, before deciding to organize his own faction in Students for a Democratic Society, the National Caucus of Labor Committees (NCLC).

After failing to destroy rival Communist factions via the use of thuggery and violence during 1972 and 1973, LaRouche decided to form a united front with conservatives and Republicans. When that did not work, LaRouche and the U.S. Labor Party alined themselves with Colonel Qaddafi, the chief patron of the most extreme elements of the Palestine Liberation Organization. From there it was only a short time before the USLP's alliances with various U.S. anti-Semitic groups who also report on Qaddafi and the PLO with warm approval became a matter of public record.

The following very excellent brief item about LaRouche and his bizarre political cult written by William P. Hoar appeared in the January 16, 1980, issue of the Review of the News:

Question. What is the truth about Lyndon H. LaRouche?

Answer. Until November of 1979, Mr. LaRouche was head of the U.S. Labor Party, the electoral arm of the National Caucus of Labor Committees, itself an offshoot of the Marxist Students for a Democratic Society turned into—among other things—an authoritarian anti-Jewish cult. LaRouche is a "former" Trotskyite who once termed himself "the American Lenin."

Nevertheless, on December 18th, the Federal Election Commission made Lyndon LaRouche an authorized recipient of federal matching funds as a Presidential candidate. You see, Mr. LaRouche applied for the funds as a Democrat (having not made it under the Labor banner in 1976), and qualified by raising $100,000 with $5,000 coming from at least 20 states in contributions of $250 or less. (A task which could be accomplished with only 20 supporters in 20 states.) The F.E.C. informs us that Lyndon LaRouche is among the first four candidates granted matching funds, the others being Howard Baker, Jimmy Carter, and George Bush. Thus far, the taxpayers are funding this "former" Communist to the tune of $100,000. To continue to receive matching funds, however, he must get at least 10 percent of the vote in successive primaries.●

## A COLD YEAR, ECONOMICALLY

### HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 23, 1980*

● Mr. SIMON. Mr. Speaker, one of the best year-end wrapups on the economy appeared in the Chicago Tribune written by Bill Neikirk.

It is not pleasant reading, but it is a rational analysis of where we are.

I recommend it to my colleagues:

### A Cold Year, Economically

(By Bill Neikirk)

Washington.—President Carter began 1979 with a burst of optimism about the nation's economy.

"First," he wrote in his annual economic report last January, "the rate of inflation should slow this year to about 7½ per cent over the year as a whole, and to somewhat below 7 per cent by the end of the year. Second, moderation of inflation will help us to avoid a recession and improve the prospects for sustained economic growth in 1980 and beyond."

Now, as 1979 fades, the cold economic numbers of the year brand the President either as a terrible seer, a Pollyanna, or an ineffective leader. Inflation this year was 13 per cent, not 7½. A recession is on the horizon, if not already here. The prospects for sustained economic growth for 1980 and beyond are dim, indeed.

It doesn't take much analytical ability to conclude that obviously something went wrong. Neither does it take much analytical ability to decide what went wrong. What's not so obvious is who is to blame for this inflationary boom, and whether anything could have been done to prevent its untimely visitation upon the American economy.

The Carter administration is carefully attempting to nurture the notion that events beyond its control were responsible for this year's fall into the economic sinkhole. As the weeks produced one bad economic report after another, the administration showed more resourcefulness in identifying villains than it did in developing the following policies to take some of the sting out of the price increases.

One week the villain was OPEC. The next week it was the weather. Then it was the profit margins of the oil companies. Or it was the high interest rate policies of the Federal Reserve Board, the terrible productivity performance by industries and workers, the powerful special interests, the greed of the big unions, or lack of action in Congress.

Interestingly enough, the year's events do not record a time when an administration official came out and declared: "Yeah, inflation is bad. We're to blame."

The public has grown accustomed to pious self-justification from the White House, any White House, when things go wrong. And Carter has become very skillful at that game. True, it was the OPEC ministers who doubled oil prices in one year. True, food costs did contribute greatly to rising prices. True, it was the Federal Reserve Board's high interest rates which pushed up the cost of housing.

But also true is that the next time the administration begins looking for villains, it should go to the mirror. Amazingly in this last year, this administration found itself constantly surprised by events which caused 1979's great inflation. It could never understand the results of its own inaction.

Barry Bosworth, a bright economist who quit the government after becoming tired of political temporizing with the inflation problem, said the administration never had a contingency plan to deal with any sharp increase in food and fuel prices.

"We had a policy (wage-price guidelines) to deal with inflation in the industrial sector, but not food, fuel, and housing," he said. About the only contingency plan was to pray, he said.

To blame OPEC entirely for the big increase in energy prices is convenient for the administration, but it doesn't reveal the whole truth. The administration's culpability is related to both economic and political issues. Some of them:

The Shah of Iran was overthrown, an event unforeseen by the administration. An already militant OPEC became even more so, and caused a 100 percent oil price increase in one year.

When OPEC countries began the year by adding surcharges to their prices as gasoline lines began to pop up all around the U.S., the administration sat back helplessly. Washington failed to seize the opportunity to rally the American people around a greater conservation effort. The people were ready. Carter wasn't.

When the President announced his new energy program after some Camp David soul-searching, he did nothing about conservation in the short run. The gasoline lines were beginning to disappear because Saudi Arabia had decided to raise production temporarily, telling Carter it was giving him a Christmas present early. Never has this President faced up to the hard question of curbing gasoline waste.

In his first two years in office, Carter made a number of decisions—including increasing the federal budget deficit—that eventually helped push up the rate of inflation. This had an effect on OPEC. Believing that the U.S. was trying to pay for its oil with devalued paper (the U.S. dollar), the OPEC countries responded rationally—they raised prices. The OPEC nations saw that Carter had put a compliant G. William Miller in charge of the money-making Federal Reserve Board, and Miller's main wish was to respond to Carter's political goals.

When he came into office, Carter inherited a terrible inflation problem. The annual rate was at a bedrock 6 to 7 percent; furthermore, consumers had learned how to live with it, buying and borrowing now, rather than waiting until tomorrow. Inflationary psychology was obviously gripping the country, but Carter did little more than to feed it by continuing to raise the level of federal spending equal with the rate of inflation.

Though he uttered great rhetoric about sacrifice and the need for more austerity, he shunned advice to cut the budget.

Miller proved to be as soft a touch at the Federal Reserve as he is now at the Treasury (where he willingly favored loan guarantees for ailing Chrylser Corp. without much in the way of corresponding sacrifices). One Fed member said at the time that he regretted that the White House appeared to be doing more to fight inflation (with its ineffective wage-price guidelines) than the Miller-led Federal Reserve was doing.

W. Michael Blumenthal, the former Treasury secretary picked by Carter because he was that department's abominable snowman, tried to persuade Miller to tighten monetary policies in that year. But Miller rebuffed him.

Finally, with the dollar sinking fast and with inflation skyrocketing, Carter put Paul A. Volcker in charge of the Federal Reserve and moved Miller to the Treasury. Volcker responded with an historic turnaround of monetary policy. He jumped Miller's ineffective policy of trying to slow the money supply by controlling interest rates. An official had put his foot down.

Economists will argue for years about whether the monetary authorities or the political authorities (through control of federal spending) should have been first to punish American overconsumption and force consumers to recognize they were living beyond their means.

The fact is that neither Carter nor Miller could have withstood the heat that would have arisen if the President had reduced spending and aimed for a balanced budget.

But the Federal Reserve, as perhaps it should be, always is a handy scapegoat, a role it does not mind. It maintains its independence from the political process because Presidents and members of Congress know they need an institution to make the tough decisions they themselves cannot make.

For the next several years, critics will also be arguing whether Carter and Congress made a mistake in passing the Chrysler bailout bill. This is a case where emotion—the compassion for workers and communities affected by a Chrysler failure—prevailed over pure economic theory.

But within the next several years, a number of aging industrial companies may be faced with the same problem. Communities faced with plant closings will not forget the Chrysler precedent. The line at the U.S. Treasury may begin to form soon.

So what did Carter do on the positive side to try to move the U.S. economy into a firmer footing in the 1980s?

He announced an "industrial innovation" policy late in the year. But it came so late and was such a bland copy of more far-reaching proposals made in Congress that it will have to wait. Carter shied away from proposing tax incentives to help the U.S. economy become more competitive.

On food prices, he did not go very far in trying to dismantle some of the price-support systems, which have benefited large corporate farmers at the expense of the consumers. But he did approve a major grain sale to Russia which is now raising food prices further.

The result of 1979's economic events was double-digit inflation, uncertain energy supplies, higher food prices, a less competitive industrial sector, and a decline in the standard of living. It is not a good way to begin a new decade.●

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 24, 1980, may be found in the Daily Digest of today's Record.

### Meetings Scheduled

### JANUARY 25

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings on the budgets of the regulatory agencies that govern the U.S. banking system.

5302 Dirksen Building

Budget

To hold hearings on S. 31, 559, 2132, 2151, and S. Res. 80, additional proposals to limit Federal spending.

6202 Dirksen Building

Commerce, Science, and Transportation

To hold joint hearings with the Committee on the Judiciary on proposed legislation to establish a new policy for allocating rights to inventions made under Federal Government grants and contracts.

235 Russell Building

Environment and Public Works

To hold oversight hearings on the General Services Administration's leasing practices and rental payments for unoccupied office space

4200 Dirksen Building

Judiciary

To hold joint hearings with the Committee on Commerce, Science, and Transportation on proposed legislation to establish a new policy for allocating rights to inventions made under Federal Government grants and contracts.

235 Russell Building

Joint Economic

To hold hearings on the Consumer Price Index figures for December.

6226 Dirksen Building

### JANUARY 28

10:00 a.m.

Banking, Housing and Urban Affairs

To hold oversight hearings on the New York City Federal loan guarantee program.

5302 Dirksen Building

Energy and Natural Resources Energy Regulation Subcommittee

To hold hearings on the Department of Energy's proposed standby gasoline rationing plan.

3110 Dirksen Building

### JANUARY 29

**8:30 a.m.**

**Energy and Natural Resources**

To hold closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

**9:30 a.m.**

Governmental Affairs

Governmental Efficiency and the District of Columbia Subcommittee

To hold hearings on S. 2122, to clarify the authority of the Council of the District of Columbia to adopt emergency legislation.

3302 Dirksen Building

Judiciary

Business meeting, to consider committee budget and other administrative matters.

2228 Dirksen Building

**10:00 a.m.**

Banking, Housing and Urban Affairs

To continue oversight hearings on the New York City federal loan guarantee program.

5302 Dirksen Building

### JANUARY 30

**9:00 a.m.**

Judiciary

Criminal Justice Subcommittee

To hold joint hearings with the Subcommittee on Child and Human Development of the Committee on labor and Human Resources on S. 105, to probibit the intentional restraint of a child in violation of a valid State custody determination.

6226 Dirksen Building

Labor and Human Resources

Child and Human Development Subcommittee

To hold joint hearing on the proposed Parental Kidnaping Prevention Act of 1979 (See also Judiciary Subcommittee on Criminal Justice).

6226 Dirksen Building

**9:30 a.m.**

Budget

To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.

6202 Dirksen Building

**10:00 a.m.**

Banking, Housing, and Urban Affairs

Financial Institutions Subcommittee

To resume oversight hearings on money market mutual funds, focusing on the impact of the growth of money market funds on regulated financial institutions and monetary policy.

5302 Dirksen Building

Energy and Natural Resources

Business meeting, to consider committee budget and other pending calendar business.

3110 Dirksen Building

**10:00 a.m.**

Environment and Public Works

To hold an organizational meeting to consider committee budget and other administrative matters.

4200 Dirksen Building

Finance

Taxation and Debt Management Generally Subcommittee

To hold hearings on S. 219, to provide a Federal income tax deduction to taxpayers who make a charitable deduction whether or not they itemize their other deductions.

2221 Dirksen Building

Labor and Human Resources Aging Subcommittee

To hold joint oversight hearings with the Special Committee on Aging on regulations to implement the Older Americans Act Amendments of 1978.

4232 Dirksen Building

Select on Indian Affairs

To hold hearings on S. 2055, to establish a reservation for the confederated tribes of Siletz Indians of Oregon.

5110 Dirksen Building

Special on Aging

To hold joint oversight hearings with the Subcommittee on Aging of the Committee on Labor and Human Resources on regulations to implement the Older Americans Act Amendments of 1978.

4232 Dirksen Building

Joint Economic

To begin hearings on the state of the U.S. economy.

318 Russell Building

### JANUARY 31

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

9:30 a.m.

Judiciary

Constitution Subcommittee

Business meeting, to consider S. 1790, proposed Privacy Protection Act.

457 Russell Building

10:00 a.m.

Banking, Housing and Urban Affairs

Consumer Affairs Subcommittee

To hold hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

10:30 a.m.

Finance

Taxation and Debt Management Generally Subcommittee

To continue hearings on S. 219, to provide a Federal income tax deduction to taxpayers who make a charitable deduction whether or not they itemize their other deductions.

1318 Dirksen Building

### FEBRUARY 1

10:00 a.m.

Banking, Housing, and Urban Affairs

Economic Stabilization Subcommittee

To hold oversight hearings on the impact of high interest rates on inflation.

5302 Dirksen Building

### FEBRUARY 4

9:00 a.m.

Armed Services

General Procurement Subcommittee

To resume hearings on the Soviet Union's defense expenditures and programs, and on the defense aspects of export licensing procedures.

1114 Dirksen Building

10:00 a.m.

Energy and Natural Resources

To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, to hear officials from the Department of Energy.

3110 Dirksen Building

### FEBRUARY 5

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

9:30 a.m.

Labor and Human Resources

Employment, Poverty and Migratory Labor Subcommittee

To hold oversight hearings on the activities of the Legal Services Corporation.

4232 Dirksen Building

Select on Small Business

To hold hearings on the effects of decisions by United States Steel Corporation to shutdown several steel plants, focusing on their plans to create new job activities.

424 Russell Building

10:00 a.m.

Select on Indian Affairs

To hold hearings on S. 1998, to provide for certain public lands to be held in trust by the United States for the Tule River Indian Tribe.

5110 Dirksen Building

### FEBRUARY 6

9:00 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

To hold hearings on S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act.

6226 Dirksen Building

9:30 a.m.

Labor and Human Resources

Handicapped Subcommittee

To hold oversight hearings to examine current problems and programs of the hearing impaired, and to explore future technological developments designed to handle their problems.

4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold hearings on S. 2177, proposed Emergency Home Purchase Assistance Authority Amendments.

5302 Dirksen Building

Energy and Natural Resources

To resume hearings to review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, to hear officials from the Department of Agriculture.

3110 Dirksen Building

Governmental Affairs

To resume consideration of S. 262, to require that all Federal agencies conduct a regulatory analysis before issuing regulations and to require the use of less time-consuming procedures to decide cases.

3302 Dirksen Building

### FEBRUARY 7

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

9:30 a.m.

Judiciary

Criminal Justice Subcommittee

To hold hearings on S. 1482, to set forth certain pretrial, trial, and appellate procedures for criminal cases involving classified information.

357 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings on the New York City federal loan guarantee program.

5302 Dirksen Building

### FEBRUARY 8

10:00 a.m.

Banking, Housing and Urban Affairs

Consumer Affairs Subcommittee

To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

### FEBRUARY 13

10:00 a.m.

Energy and Natural Resources

To resume hearings to review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, to hear officials from the Department of the Interior.

3110 Dirksen Building

### FEBRUARY 19

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

2:00 p.m.

Technology Assessment Board

Business meeting on pending Board business.

Room EF-100, Capitol

### FEBRUARY 20

9:00 a.m.

Veterans' Affairs

To hold hearings S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.

412 Russell Building

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

Labor and Human Resources

Health and Scientific Research Subcommittee

To hold hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.

4232 Dirksen Building

### FEBRUARY 21

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

9:30 a.m.

Veterans' Affairs

To hold hearings on the Federal government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment opportunities.

412 Russell Building

### FEBRUARY 22

10:00 a.m.

Banking, Housing and Urban Affairs International Finance Subcommittee

To resume hearings on the U.S. embargo of grain and technology exports to the Soviet Union.

5302 Dirksen Building

### FEBRUARY 25

10:00 a.m.

Energy and Natural Resources

To hold hearings on S. 1280, proposed Energy Management Partnership Act.

3110 Dirksen Building

10:00 a.m.

Labor and Human Resources Health and Scientific Research Subcommittee

To resume hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.

4232 Dirksen Building

### FEBRUARY 26

10:00 a.m.

Energy and Natural Resources

To continue hearings on S. 1280, proposed Energy Management Partnership Act.

3110 Dirksen Building

Labor and Human Resources

To consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

4232 Dirksen Building

Select on Indian Affairs

To hold hearings on S. 2066, to convey certain land in Colorado to the Ute Mountain Ute Indian Tribe.

5110 Dirksen Building

11:00 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from Disabled American Veterans.

318 Russell Building

### FEBRUARY 27

10:00 a.m.

Energy and Natural Resources Energy Conservation and Supply Subcommittee

To hold hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.

3110 Dirksen Building

### FEBRUARY 28

9:00 a.m.

Veterans' Affairs

To hold hearings on the recruitment and retention of qualified health-care professionals to staff the Veterans' Administration health-care facilities.

412 Russell Building

10:00 a.m.

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To continue hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.

3110 Dirksen Building

### FEBRUARY 29

9:30 a.m.

Labor and Human Resources

Employment, Poverty and Migratory Labor Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the Legal Services Corporation.

4232 Dirksen Building

### MARCH 4

8:00 a.m.

Veterans' Affairs

To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment and education opportunities.

412 Russell Building

10:00 a.m.

Energy and Natural Resources

Business meeting, to resume consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

11:30 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from Veterans of Foreign Wars.

318 Russell Building

### MARCH 5

10:00 a.m.

Energy and Natural Resources

Business meeting, to continue consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

### MARCH 6

9:30 a.m.

Veterans' Affairs

Business meeting, to consider those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee by March 15.

412 Russell Building

10:00 a.m.

Energy and Natural Resources

Business meeting, to continue consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

*Select on Indian Affairs

To hold hearings on S. 1507, to provide for the purchase of certain facilities, lands, and water rights in and around the San Luis Rey River, San Diego, California, to be held in trust for, and operated and maintained by certain boards of Mission Indians.

5110 Dirksen Building

### MARCH 7

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To resume hearings on S. 864, 1499, 1663, 1744, bills to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies.

5302 Dirksen Building

### MARCH 10

10:00 a.m.

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

### MARCH 11

10:00 a.m.

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

Labor and Human Resources

Health and Scientific Research Subcommittee

To hold hearings on S. 2144, proposed

Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

MARCH 12

10:00 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee
To continue hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

MARCH 20

9:00 a.m.
Veterans' Affairs
Business meeting, to consider S. 1188, to revise the vocational rehabilitation programs administered by the Verteran's Administration.
412 Russell Building

MARCH 27

9:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from AMVETS, Paralyzed Veterans, Blinded Veterans, W.W.I. Veterans, and Military Order of the Purple Heart.
1202 Dirksen Building

10:00 a.m.
Banking, Housing and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

MARCH 28

10:00 a.m.
Banking, Housing and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

APRIL 2

9:30 a.m.
Veterans' Affairs
To resume hearings on the Federal government's efforts to assist Vietnam-era veterans in readjusting to society, and the use of excepted appointments for disabled veterans.
412 Russell Building

APRIL 17

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the development of children who benefit from adoption by facilitating their placement in adoptive homes.
4232 Dirksen Building

MAY 1

10:00 a.m.
Labor and Human Resources Child and Human Development Subcommittee
To hold hearings on issues Congress might consider which would affect youth in the coming decades.
4232 Dirksen Building

MAY 22

9:30 a.m.
Labor and Human Resources Child and Human Development Subcommittee
To hold oversight hearings to examine issues affecting infant mortality, and preventable birth defects.
4232 Dirksen Building

JUNE 2

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General of the Veteran's Administration.
412 Russell Building

# HOUSE OF REPRESENTATIVES—*Thursday, January 24, 1980*

The House met at 11 a.m.

The Very Reverend Frank Estocin, Ukrainian Orthodox Consistory, South Bound Brook, N.J., offered the following prayer:

Heavenly Father, crucial are the times in which we live. The peace of the entire world is threatened by governments which by force and violence lay claim to lands not their own. Suffering and pain have marked the beginning of this decade and the blood of countless Abels again saturate the Earth. Our own Government continues to be ridiculed and mocked, its representatives held hostage by those who seek to accomplish their own will at any cost.

Look with favor, O Lord, upon those gathered here today, for You have appointed them to responsible positions in this land. Crown them with truth, wisdom, and the correct use of power and authority. Let their every deliberation and every decision reflect true service to all humanity. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4320. An act to consent to the amended Bear River Compact between the States of Utah, Idaho, and Wyoming.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1730. An act to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

## EXTENDING TIME FOR CONSIDERATION OF H.R. 1262

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the period of time for which the bill (H.R. 1262) to amend title 5, United States Code, to provide that civilian air traffic controllers of the Department of Defense shall be treated the same as air traffic controllers of the Department of Transportation for purposes of retirement, and for other purposes, reported from the Committee on Post Office and Civil Service on December 20, 1979, and sequentially referred to the Committee on Appropriations for 15 legislative days as required by section 401(a) of the Congressional Budget Act, be extended for an additional 15-legislative-day period.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

## CALL OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 4]

Abdnor
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Anthony
Ashbrook
Ashley
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Cleveland
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dodd
Donnelly
Dornan
Dougherty
Downey
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fazio
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Ford, Tenn.
Forsythe
Fowler
Frenzel
Frost
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Hawkins
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Price
Pursell
Quayle
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rostenkowski
Roth
Rousselot
Roybal
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Schroeder
Schulze
Sebelius
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Spence
St Germain
Stack
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Winn
Wirth
Wolff
Wolpe
Wright
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

☐ 1120

The SPEAKER. On this rollcall, 359 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

## HON. JOHN EDWARD PORTER

Mr. RHODES. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois, Mr. JOHN EDWARD PORTER, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection

The SPEAKER. Will the gentleman from Illinois (Mr. MICHEL) kindly escort his colleague to the well of the House?

Mr. PORTER appeared at the bar of the House and took the oath of office.

## EXTENDING EXPIRATION DATE OF DEFENSE PRODUCTION ACT OF 1950

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the joint resolution (H.J. Res. 478) to extend by 60 days the expiration date of the Defense Production Act of 1950, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman explain why this action is necessary?

Mr. MOORHEAD of Pennsylvania. If the gentleman would yield——

Mr. ROUSSELOT. I would be happy to yield to my colleague from Pennsylvania.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, House Joint Resolution 478 is a simple and necessary resolution. It would extend for 60 days, until March 28, 1980, the present provisions of the Defense Production Act of 1950. Without this action, the act will expire at the end of this month.

Members will recall, Mr. Speaker, that on June 26 the House passed an extension of the Defense Production Act, accompanied by amendments to the act, which represent our synthetic fuels proposal. It was passed by an overwhelming vote of 368 to 25. That bill, along with S. 932, is now in conference with the Senate. It is my firm hope that the differences between the two measures will be resolved very soon. I see no way, however, that the conference will have completed its work on this legislation before the expiration of the Defense Production Act on January 28, and it is vital to our national security that the provisions of that act continue uninterrupted.

The Defense Production Act of 1950 is the statutory authority for our Nation's defense preparedness. It was first enacted during the Korean war and has been reenacted without interruption since 1950. It contains the authorities under which our industrial base is kept in a state of readiness to mobilize quickly in the event of a national emergency.

Because failure to extend the act now would jeopardize these defense preparedness programs, it is important that we continue the authorities of the act while Congress completes action on the energy measures. I urge our colleagues, therefore, pass House Joint Resolution 478.

Mr. ROUSSELOT. Further reserving the right to object, the gentleman can assure us that this extension is merely a simple extension, and there are no new provisions, is that correct?

Mr. MOORHEAD of Pennsylvania. There are absolutely no new provisions. It is just the date, under existing law.

Mr. ROUSSELOT. I appreciate my colleague's explanation of the necessity of this simple extension.

Mr. McKINNEY. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to my colleague from Connecticut.

Mr. McKINNEY. Mr. Speaker, I thank the gentleman from California. I think it should go on the record, though, why we are once more extending the Defense Production Act. I would like to remind the gentleman from California that in September we found it necessary to extend the DPA for 4 months. Now, we are extending it for 2 more months.

In June, the House sent this bill to the Senate, down the hall. We received this back from the Senate in November. That is the reason for the extension.

Mr. ROUSSELOT. In other words, the Senate version is far more extensive and includes a lot of additions that we did not have in our House version?

Mr. McKINNEY. The Senate version is 354 pages. The House version is 14 pages. I would suggest that if the House version had been accepted in June, we would be well on our way to building alcohol and synthetic fuel plants, and freeing ourselves from these maniacs surrounding the Straits of Hormuz.

Mr. ROUSSELOT. I appreciate my colleague's comment.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 478

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking out "January 28, 1980" and inserting in lieu thereof "March 28, 1980".

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PEOPLE'S REPUBLIC OF CHINA

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, as chairman of the House Subcommittee on Asian and Pacific Affairs, I bring you word that there will be an announcement within hours that sales to the People's Republic of China will be authorized. This is a major departure from our previous policy with that country. Having just returned from the People's Republic of China I must say that I strongly oppose this until such time as we know what we are to receive in return from the People's Republic of China. They have told us that they are going to give us moral support. When we visited them we were told that they would help us in some fashion to resist the aggression of the Soviet Union. I do not see at this time, unless we can receive some sort of a commitment from the Chinese, that we should go ahead in the sale of any military items to that country.

## THE ISSUE OF LIFE-SUPPORT SYSTEMS NEEDS TO BE CONTEMPLATED

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the question of euthanasia is a controversial one, and one in which I have never really participated. But a recent event in the State of Massachusetts calls to mind another event in the State of New Jersey where we had Karen Ann Quinlan who was in a coma for an extended period of time and a life-support system was withdrawn after much judicial proceeding. Here was a girl who was in a coma. Some people say that is where it should be withdrawn and that should be the limit.

Yet last week in the State of Massachusetts a 78-year-old man who was on a dialysis machine, who was declared judicially incompetent, was removed from his life-support equipment at the behest of his family, this notwithstanding uncontradicted affidavits that that gentleman had stated that he wanted to live. Last night the supreme court in that State reinstituted the life-support system.

What I am saying is contemplate this issue. It is a Federal question because this gentleman had taken treatment by virtue of medicare. Above all it is a moral and ethical question—one which the most careful and compassionate consideration should be given. We must establish the right to live to be supreme among all other rights.

## ABANDONMENT OF SELECTIVE SERVICE SYSTEM A TRAGIC MISTAKE

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I am certainly no official voice of the White House and from time to time have been a critic of the President, but let me simply say I am a strong advocate of the Selective Service System. I am one who vigorously opposed the scrapping of that system in 1974 and I do endorse what the President said last night. It is amazing how many people are misquoting him today, indicating that he has called for the draft to be started up in our country again. I quote now the President's comments of last night:

> I hope that it will not become necessary to reimpose the draft, however, we must be prepared for that possibility. For this reason I have determined that the Selective Service System must now be revitalized.

The basic problem the Selective Service System has faced since almost all its functions were abandoned in 1974 has been a lack of names, addresses, and conditions of draft-eligible persons. The abandonment of the Selective Service System in 1974 was a tragic mistake for our national defense caused by the sentiments of the post-Vietnam era. Some critics of the President are saying today that we do not need registration during peacetime. That is ridiculous. Why should we wait for war until we begin to have registration of eligible people to serve in our military in this country?

## A TRIBUTE TO JUSTICE WILLIAM O. DOUGLAS

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, I rise today to pay tribute to one of the most courageous and enlightened jurists ever to sit on the U.S. Supreme Court—Justice William O. Douglas. As you know, Mr. Douglas passed away last Saturday at the age of 81. I am not alone when I say that this country will miss this great patriot who did so much to help shape and protect the destines of thousands of individual Americans.

During his 36 years of service on the Court, Justice Douglas, more than anyone else, fiercely defended all aspects of individual liberty. Although he readily recognized that the Constitution was designed to insure that the will of the majority would prevail, he was quick to point out that it also protected the rights of the minority, no matter how small or controversial. His strict constructionist view of the Constitution, particularly of the first amendment, often generated controversy. However, it was also evidence of his strong convictions on individual rights. In advocating the "full and free discussion even of ideas we hate," Douglas interpreted the First Amendment as a virtually absolute curb on interference with speech of all kinds, with the press, with peaceful assembly and with association.

In an era when many Americans have come to believe that most events are often beyond their control and they are losing touch with their Government, Justice Douglas was concrete evidence that it is possible for Government to not lose the perspective of the individual. His strength was rooted in his sensitivity toward the oppressed and the poor and his presence on the bench was a beacon of hope for the underdog.

Mr. Speaker, this is a time when we should all reflect on the loss of this great American. However, we should also take time to give thanks for being blessed with this champion of basic, human freedoms.

## THE PRESIDENT AND CONGRESS MUST RESPOND TO SOVIET UNION'S MASSIVE MILITARY STRENGTH

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, last night the President made an important speech which I hope will mark a turning point in American history. For well over the last decade we have neglected our military to such a degree that we have lost superiority to the Soviet Union.

While I support the President's efforts to reverse the trend of the last 10 years, he must share in the responsibility for allowing our military to deteriorate. Notwithstanding his claims, the President has opposed such programs as the B–1 bomber, the construction of an additional nuclear carrier, and other sorely needed defense programs. As late as last year he opposed reinstituting draft registration which had been highly recommended by both the House and Senate Armed Services Committees.

If the President had not ignored our military needs since coming to office we would have been in a much stronger position to react to current world events. While the President has apparently begun to realize the effects of these mistakes, he continues to underestimate out military needs. Our defense forces—particularly our Navy—are in such a poor state of readiness that it will take much more than a 5-percent increase to turn the tide.

I strongly urge the President and the Congress to begin today to respond to the Soviet Union's massive military strength with whatever measures of sacrifice are necessary to protect our national security.

☐ 1140

## WHAT IS AN "ATTEMPT TO GAIN CONTROL"?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the President has warned any power against "attempts to gain control of the Persian Gulf region."

But what does that mean?? What does the President mean by "attempt"? And at what point does an attempt become one to "gain control"?

The President did not say. This ambiguity will come back to haunt us. If the American people do not know exactly what the President means when he says we must defend ourselves against an "attempt to gain control," what kind of support will the President have? The Soviet Union can aid subversives in the region and still claim it is not "attempting" to gain control. Will this President really call their bluff?

Yes, I know that there are times in diplomatic affairs when a rigid, specific, point-by-point policy is dangerous. But the danger today is not in being specific, but in being vague.

Suppose there is an armed uprising in one of the states on the Arabian Peninsula. Will we be back in the same old argument we had in the Vietnam war, about whether the rebels are indigenous to the area or mainly supported by outside help?

The President would have been better off simply saying that the flow of oil to the West and Japan will not be impeded and that we will take any necessary action to see this is the case. Such a statement does not get lost in ambiguities about the meaning of "attempt" and "control." Not only the Soviets, but their subversives in the region must know this.

## SPECIAL RECOGNITION OF U.S. OLYMPIC TEAM

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, I am today introducing a House concurrent resolution that expresses the sense of the Congress that if the United States does not participate in the 1980 summer Olympic games the members of the U.S. Olympic team should be awarded the Presidential Medal of Freedom or other recognition that the President deems appropriate.

## DECEPTIONS IN STATE OF THE UNION MESSAGE

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, Mr. Carter's state of the Union message last night was full of deceptions. I must say that. In fact, dangerous deceptions. For example, one place in his speech he was outlining a long litany of supposed improvements in the Soviet Union-United States relations. Self-adulation at its worst. He then continued by saying this, and listen very carefully.

> But now the Soviet Union has taken a radical and aggressive new step. It is using its great military power against a relatively defenseless nation. The implications of the Soviet invasion of Afghanistan could pose the most serious threat to world peace since the Second World War.

Mr. Speaker, how foolish can he think we are? Does he believe that anyone who knows about the Soviet Union would be fooled into thinking that they have been good guys—under his leadership I suppose—up to now, but they were changing? They fooled him and now they are changing to a radical new course? Anybody who has looked at their history knows they have had a steady course of subversion, invasion, expansion in conquest. What he is trying to do really is to cover his own tracks. If he can get people to believe that he was making great progress, then all of a sudden they changed, they fooled him and we must change, then all of a sudden he will look to be tough.

## STATE OF THE UNION MESSAGE NEEDS CLARIFICATION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the President's state of the Union address was firm, direct, and forceful. However, this morning the Washington Post notes that administration officials last night were vague about details in his policies.

In both 1914 and 1939 Britain and France, the democracies, were not willing to state their positions clearly. Germany misread the democracies' intentions, because their intentions were not stated clearly; war by miscalculation was the result.

The President's Persian Gulf guarantee is an uncertain one. Presumably the President intended to warn both the Soviet Union and the American people that we would use tactical nuclear weapons to protect our Middle Eastern oil interests. After all, knowledgeable observers believe that we would have no other choice because we would lose a conventional war with the Soviets in the Persian Gulf area. Certainly the Soviet Union knows this.

If the President intended to communicate that we would, indeed, use tactical nuclear weapons, then he should have said so. If the President does not intend to use nuclear weapons he should withdraw the guarantee he made last night.

The primary lesson of pre-World War I and World War II diplomacy is that uncertainty leads to miscalculation and miscalculation leads to war. Now is the time for clarification.

## REALISM IN U.S. FOREIGN POLICY

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOLDWATER. Mr. Speaker, over the last decade, there are those of us who have stoically accepted the labels commonly attached to our particular philosophy and interpretation of world affairs. Among those appellates are "knee-jerk," "cold warrior," "arch," "hawk,"—and the list goes on.

Some of us have tried valiantly to point out that history was on our side and that although tactics might change to fit the mood of the moment, the essence of communism remains the same.

We have been poked at, jeered at, or generally ignored by the country's media opinion makers.

I have never subscribed to some great conspiracy theory, and I do not do so now. But, I have watched this country's foreign policy be guided by nearsighted and often hypocritical moralizing that has nothing to do with reality.

It has caught up with us.

Iran is reality.

Afghanistan is reality.

These crises were not just born like Athena out of the head of Zeus.

The past has something very much to do with the present.

"I told you so," does not solve our problems nor give much comfort or satisfaction under the circumstances, but I sincerely hope that we as a nation need not have more tangible warnings before we change our heretofore disastrous course.

## APPOINTMENT OF CONFEREES ON H.R. 5235, UNIFORMED SERVICES HEALTH PROFESSIONALS SPECIAL PAY ACT OF 1979

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LUKEN). Is there objection to the request of the gentleman from Alabama?

The Chair hears none and, without objection, appoints the following conferees: Messrs. PRICE, NICHOLS, MOLLOHAN, DAVIS of South Carolina, FAZIO, BOB WILSON, MITCHELL of New York, and EMERY.

There was no objection.

## RELATING TO THE 1980 OLYMPIC GAMES

Mr. BOLLING, from the Committee on Rules, reported the following privileged resolution (H. Res. 534, Rept. No. 96–736), which was referred to the House Calendar and ordered to be printed:

H. RES. 534

*Resolved,* That upon the adoption of this resolution it shall be in order to consider the concurrent resolution (H. Con. Res. 249) urging the United States Olympic Committee, the International Olympic Committee, and the Olympic committees of other countries to take certain actions with respect to the 1980 summer Olympic games, in accordance with the requests of the resident, in the House.

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 534 and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER pro tempore. The question is, Will the House now consider House Resolution 534?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider House Resolution 534.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, I know of no reason for any debate on this rule. It makes in order a matter that will be debated for an hour under the hour rule. The resolution out of the Committee on Foreign Affairs dealing with the Olympic games is familiar to all of us.

□ 1150

This rule simply provides for the matter to be considered in the House. Under the hour rule of the House, 1 hour of general debate would be controlled by the person who calls up the resolution. In effect, unless that person yields for amendments, there will be no amendments.

The matter came out of the Committee on Foreign Affairs, I understand, with only one objection, and that, as I understand it, a qualified objection. It seems to me that it is obvious that the House of Representatives wants to act on this and act on it promptly.

Therefore, Mr. Speaker, I reserve the balance of my time and yield such time as he may consume to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I hope we will produce an overwhelming vote of support for this resolution. To fail to do so would send to the world at this critical time an image of indecisiveness and internal division.

Since the President of the United States has formally called upon the U.S. Olympic Committee and upon the Olympic Committees in friendly countries to boycott the summer Olympics in Moscow unless Russia demonstrates a renewal of good faith by withdrawing its invading forces from Afghanistan, it would be unthinkable for Congress to reject this resolution or to give it less than a truly decisive vote of affirmation.

Yet not only because we would demonstrate our national unity in opposing Russia's military aggression against its innocent and relatively defenseless neighbor, we should support this resolution as an affirmation of what the Olympic games are all about.

Since their inception at Athens among the neighboring Greek city states as a peaceful outlet for physical activity and a forum for sportsmanship and amicable competition among friends, the Olympics have stood for certain principles which are mocked and crudely violated by the brute military force with which the Soviet Union has sought to subdue its neighbor.

For what have the Olympics stood down through the years? They have stood for peaceful competition, not for the destruction and subjection of others by brutish power.

The Olympics have stood for the spirit of amateurism, for the sheer and unadulterated love of sport. Not for professional exploitation of physical prowess.

In 1936, Adolf Hitler sought to corrupt the Olympic games in Berlin to demonstrate the mastery of his vaunted "super-race." His posturings were wholly out of step with the spirit of the Olympics. Had those summer games fallen in 1938 rather than in 1936 and thus followed the invasion of the Sudetenland, Austria, and Czechoslovakia, I think it altogether likely that those games would have been boycotted by the peaceful nations of the world as an exhibition of our horror at the totally unsportsmanlike conduct of that German Government.

And so today Russia would seek in similar ways, by heavy state subsidies of athletes which corrupt the very spirit of amateurism, to use these games for purposes of international political prestige, including an implicit demonstration that the world community finds the current behavior of Russia acceptable.

But it is not acceptable, and we must not be a party to any such implication or inference.

The Olympics stand supremely for the sanctity of rules. They glorify the principle that there are fair rules of play in every game, and that he who would participate must abide by the rules or suffer disqualification.

Just as there are established rules of play in any athletic contest, there are clearly established rules of acceptable behavior among and between the nations of the world. There can be a peaceful world to bless mankind with the fruits of honorable and friendly competition only when there is universal acceptance of the most fundamental rule of all—and this is that the family of nations no longer will sanction the use of military force to invade a neighbor's land and wrest from him his resources and his freedom.

At the beginning of the Olympic games, there are released above the stands many hundreds of doves, the symbol of peace.

The bird of prey which has taken up residence in the Kremlin cannot pose as the dove of peace while its beak and its claws drip blood.

To go to Moscow for these Olympic games while 80,000 Russian troops man a juggernaut of terror and oppression in the smaller nation which borders them would be a mockery of the very principles of sportsmanship and gallantry, peaceful competition and noblesse oblige for which the Olympic games have stood down through the years.

Mr. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Ohio.

Mr. LUKEN. Mr. Speaker, as the author of a resolution introduced, a similar resolution a few days ago in which we picked up 30 quick cosponsors, I would like to rise in support of the resolution and second the argument made by the majority leader, to state that the resolution as it now comes before us is similar to those resolutions which have been submitted and cosponsored, except that it joins with the President. I think that is a very healthy thing. It properly represents the position of the country.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, this is a good resolution. It is a good beginning, along with a trade boycott against Iran. We should not only slap the Russians on the wrist, but we should take more positive action.

Mr. Speaker, I support this resolution from the Committee on Foreign Affairs.

Mr. Speaker, I have two requests for time. I yield 2 minutes to the gentleman from Connecticut (Mr. McKinney).

Mr. McKINNEY. Mr. Speaker, I support this resolution. I certainly think it should pass, however, I wish we had more time to discuss this. Quite frankly, if I were running this show, we would have ceased all relationships with Russia, except conversation, because I feel that if keeping our athletes home from the Olympics is the strongest action we can take, then our credibility and effectiveness in the world has truly fallen. These games should never have been at issue, but now we must not back away from it. Our response must go beyond the emotionalism surrounding the Olympic games—it must be tough and it will require sacrifice, and I am not prepared to see the United States bear the brunt of this alone.

I think in last night's state of the Union message and in today's deliberations, we are forgetting something. We are forgetting, Mr. Speaker, that the entire Western World is affected by this crisis, not just the United States. I, for one, am getting very tired of the United States having to continually take unilateral actions, be it the Olympics, be it sanctioning Iran or embargoing trade with the Soviets, defending the Straits of Hormuz, or setting down what our vital interests are.

I think, Mr. Speaker, that it is high time that this Congress express to our allies that if they want this continued, bountiful world trade they have with us, if we are going to absorb the Toyotas, the Datsuns and the Mercedes, then they can share some of the work, some of the danger and some of the sacrifice that is required to defend the straits that send them 60 percent of all the oil that the Western World uses.

I would suggest it would be an enormous tragedy and it should be denounced if we are the only nation to boycott these Olympic games while our "allies" whom we have supported, to whom we have loaned money, and from whom we buy products—if those "allies" do not support us properly by boycotting the Olympics, and presenting a more united trade front in response to this invasion by the Soviets.

Mr. TAUKE. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. I would be delighted to yield.

Mr. TAUKE. Mr. Speaker, does the gentleman know if the committee gave any consideration to what would happen with the Olympics at Lake Placid this winter?

I understand the reasoning behind this kind of statement relating to the summer Olympics; but if we are really looking for an immediate response to the Soviet activity in Afghanistan, it would occur to me that maybe preventing the Soviets from participating in the Olympics at Lake Placid should be considered.

The SPEAKER pro tempore. (Mr. Rostenkowski). The time of the gentleman from Connecticut (Mr. McKinney) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. McKINNEY. Mr. Speaker, I am not on the committee and perhaps someone on the committee would be glad to answer that.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Goodling).

Mr. GOODLING. Mr. Speaker, I realize I am a voice crying in the wilderness, as I was in committee yesterday. It seems we do two things around here that get us into trouble. We either move so slowly and get nothing done, or we move so rapidly that we really do not think through what we are doing.

I realize that emotions are ruling today, and not the head.

Let me present just a few thoughts. I opposed this resolution in the committee yesterday, because I do not see the reason to move so rapidly.

First of all, the President only made this request on Sunday. The American Olympic Committee is now going to meet on Saturday. It is my belief that they may have additional information they may want to give us. They may want additional wording. They may want additional ammunition when they go to the International Commission, which takes place February 9.

We do not make our decision whether we are going to participate or not in the Olympics until May 15 or 19, I forget the exact date.

If we move ahead in this manner, I think we are really going to defeat what we are trying to do. I think we can successfully use the Olympics as a tool to do what we want to do in relation to Russia, but we can only do that if two things happen: No. 1, the Olympics must be changed. They must have a different site.

No. 2, the Olympics must continue. If we are not able to do both of those things, then I think we lose all of our leverage that we hope to use to bring Russia in line.

So three things can then happen: First, the Olympics can continue without our participation, but many others participating. If this happens I think we have lost our leverage at that point.

Second, the Olympics can die completely and then the rest of our lives we can be the persons responsible for killing the glorious idea; but most importantly, the Olympics can continue if they are moved. They must be moved. They must continue. The only people that can bring this about, I am thoroughly convinced, is not the Government of the United States. Every time we take an action like this in talking to other nations, they get the idea that, "You're trying to push us around. You're trying to tell us what to do."

We can bring this about, and we can bring it about by having our Olympic committee quietly work with other Olympic committees to make a change of site, which they cannot do overnight, and then the games will continue. Then we will truly have the Russians where we want them and be able to use the Olympic games as the tool we want to use it for at this particular time.

So my appeal is, let us think a little. Let us not get carried away with emotion. We do not have to act this week. We can easily act next week after our Olympic Committee has an opportunity to meet.

Mr. QUILLEN. Mr. Speaker, I wholeheartedly support this resolution and feel that the Committee on Foreign Affairs did a great job in bringing it to us.

I think the committee which meets Saturday, the U.S. Olympic Committee, should be aware of the sense of Congress that we do not want our 570 athletes to compete in a country that could be dangerous, a country already running across Afghanistan, already poised to take over the oil supplies in the Mideast. We should show strength. I believe that in showing strength, even to a mild degree, as this does, that it is going to have a good effect.

We should not overlook the fact that these athletes who have trained so long to be winners in the Olympics will still have a chance on another ground, we hope, to participate.

I have just returned from a factfinding mission in countries in the Pacific and the Indian Ocean. The Members of Parliament and leaders higher up say without reservation that they think the United States has lost the will to lead.

☐ 1200

And they say that we should do something, that we should do something quickly and do something positively.

This is a good beginning, as is a trade boycott against Iran and Russia. But along with this, I think the Congress and the administration should set their heads to do more. We cannot present the image of being a weak America because certainly we are not.

Mr. Speaker, I reserve the balance of my time.

Mr. **BOLLING**. Mr. Speaker, I urge support for the resolution, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. **ZABLOCKI**. Mr. Speaker, pursuant to the provisions of House Resolution 534 just adopted, I call up the concurrent resolution (H. Con. Res. 249) urging the U.S. Olympic Committee, the International Olympic Committee and the Olympic committees of other countries to take certain actions with respect to the 1980 summer Olympic games, in accordance with the requests of the President and ask for its immediate consideration in the House.

The clerk read the concurrent resolution, as follows:

H. CON. RES. 249

Whereas the invasion and occupation by the Soviet Union of the sovereign and nonalined state of Afghanistan is a serious violation of international law and poses a genuine threat to world peace;

Whereas the Soviet invasion endangers independent countries neighboring Afghanistan and endangers access to a major source of the world's oil supplies, so that the security of the United States, of the region encompassing Afghanistan, and of the entire world is threatened;

Whereas the United Nations General Assembly has overwhelmingly condemned the Soviet invasion of Afghanistan and urged the prompt withdrawal of the Soviet troops from Afghanistan;

Whereas the President on January 20, 1980, urged the United States Olympic Committee to propose to the International Olympic Committee that, if the Soviet troops are not withdrawn from Afghanistan within one month, the 1980 summer Olympic games will be transferred from the Soviet Union or be canceled for this year; and

Whereas, the President also urged that, if the International Olympic committee rejects such a proposal to transfer or cancel the games, the United States Olympic Committee and the Olympic committee of other countries not participate in the summer Olympic games and conduct alternative games of their own this summer: Now, therefore, be it

*Resolved by the House of Representatives* (*the Senate concurring*), That the Congress urges—

(1) that the United States Olympic Committee honor the request of the President to propcse the transfer or cancellation of the 1980 summer Olympic games;

(2) that the International Olympic Committee adopt such a proposal; and

(3) that, if the International Olympic Committee rejects such a proposal, the United States Olympic Committee and the Olympic committees of other countries not participate in the 1980 summer Olympic games and conduct alternative games of their own.

SEC. 2. The Secretary of State is requested to transmit a copy of this resolution to the Olympic Committee, the International Olympic Committee, and the government of each country that is represented on the International Olympic Committee.

The **SPEAKER** pro tempore. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

Mr. **ZABLOCKI**. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the concurrent resolution under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **ZABLOCKI**. Mr. Speaker, I rise in support of House Concurrent Resolution 249, urging the U.S. Olympic Committee and the International Olympic Committee to honor the request of the President of the United States regarding the 1980 summer Olympic games.

Also 100 Members have sponsored or cosponsored similar resolutions.

As the Members will recall, the President in response to the Soviet Union's brutal invasion of its neighbor, Afghanistan, wrote to the U.S. Olympic Committee urging the committee to initiate the following actions:

First, the President asked the U.S. Olympic Committee to propose to the International Olympic Committee that, if Soviet troops are not withdrawn from Afghanistan within 1 month, the 1980 summer Olympic games should be relocated outside the Soviet Union or canceled for this year.

Second, the President proposed that, if the International Olympic Committee rejects such a proposal the U.S. Olympic Committee and the Olympic committees of like-minded countries not participate in the Moscow games but rather conduct alternate games of their own.

House Concurrent Resolution 249 simply calls on the U.S. Olympic Committee and the International Olympic Committee to honor the President's request.

The resolution was ordered favorably reported by voice vote by the Committee on Foreign Affairs yesterday after hearing testimony from the president of the U.S. Olympic Committee, Mr. Robert J. Kane and the Honorable Warren Christopher, Deputy Secretary of State.

Mr. Speaker, the U.S. Olympic Committee meets this weekend in Colorado Springs, Colo., to consider the President's request. It is, therefore, extremely important that Congress act on this measure now so that our Olympic Committee can have the benefit of congressional thinking on this crucial issue.

As the Members know, the President has taken and will continue to take, as he emphasized in his state of the Union address last night, a number of strong actions both of nonmilitary nature and whatever military steps might be necessary against the Soviet Union for its naked aggression against its neighbor Afghanistan. While no one can know for sure whether any one or all of those actions will convince the Soviets to withdraw it is clear that neither the United States nor freedom-loving countries around the world can stand idly by. I think it is worth noting that, as Secretary Christopher testified yesterday, the Moscow games are extremely important to the Soviet Union. No one can deny they would exploit them for propaganda and their own devious purposes.

It has been estimated that the Soviet Union has invested as much as $3 billion in preparation for these games. Therefore, as Secretary Christopher noted, the removal of the games from Moscow is probably the single most effective nonmilitary sanction which can be taken in the short term to punish the Soviet Union for their actions which have threatened world peace and security.

Mr. Speaker, it is my sincere hope that the 1980 summer Olympic games can be relocated so that our Olympic athletes and indeed all Olympic athletes can participate in this great event for which they have trained so hard and sacrificed so much. However, in the unhappy event that the International Olympic Committee should fail to remove the games from Moscow, I would trust that our and the Free World athletes would concur that alternate games are preferable to rewarding an aggressor.

As President Carter so eloquently stated in his letter to the U.S. Olympic Committee:

> I have the deepest admiration and respect for Olympic athletes and their pursuit of excellence. No one understands better than they the meaning of sacrifice to achieve worthy goals. There is no greater importance than the goal at stake here—the security of our nation and the peace of the world.

Mr. Speaker, I strongly urge the unanimous adoption of this resolution.

Mr. **SMITH** of Iowa. Mr. Speaker, will the gentleman yield?

Mr. **ZABLOCKI**. I am delighted to yield to the gentleman from Iowa.

Mr. **SMITH** of Iowa. Mr. Speaker, I would like to have a little clarification concerning this matter of alternate games. If that comes about, are we in any way, as a result of agreeing to this concurrent resolution, obligated to financially support those games with government funds?

Mr. **ZABLOCKI**. Adoption of this resolution would in no way obligate the U.S. Government to financially support alternate games. If an alternate site, as has been suggested by the President, were selected, there could be a need for financing. If that need arises, then the administration might request Congress to provide some assistance for that purpose.

Mr. **SMITH** of Iowa. In other words, the passage of this concurrent resolution should not be interpreted as in any way obligating us to support financially those alternate games?

Mr. ZABLOCKI. It does not. And I would say to the gentleman that, by agreeing to this concurrent resolution, all we are saying is that we urge that the U.S. Olympic Committee and the International Olympic Committee agree not to hold the summer Olympic games in Moscow.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for clarifying that point. I happen to sit on the committee that handles the recommendations for fundings of this sort, and we, reflecting the feeling of the vast majority of Congress, have not supported such funding. In fact, some of the Olympic Committee and the people involved do not want us to do that because they are afraid that with Government help there will be political interference and a withdrawal of money from other sources.

I just want to make it clear that this concurrent resolution does not mean that we have already made that decision.

□ 1210

Mr. ZABLOCKI. Mr. Speaker, this resolution does not include any expression of policy regarding funding. As I said before, it is merely an expression of the Congress as to its displeasure at having the games in Moscow this summer.

I might say, Mr. Speaker, with regard to financing the athletes of the United States are entirely independent and are supported by nongovernmental contributions. They are not in any way subsidized by the Federal Government. This is not the case in some instances, where Olympic teams of other nations are subsidized by their governments. This is especially true in the case of the Soviet Union.

Mr. TAUKE. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Iowa.

Mr. TAUKE. Mr. Speaker, perhaps the distinguished chairman could tell us whether or not the committee gave consideration to preventing the Soviet athletes from participating in the winter Olympics at Lake Placid. Several of us have been discussing this, and it has come to our attention that, this would be a more immediate response to the problem that we face with the Soviet Union. While we all hesitate to introduce politics into the Olympic games, it would appear that this would be not only parallel to the recommendation of the committee, it would also prevent any possibility of the Soviet Union boycotting the winter Olympics.

Mr. ZABLOCKI. Mr. Speaker, in response to the gentleman, I might say that neither the Congress nor the executive branch is in any position to mandate or dictate who can participate in the Olympics. That is the role of the International Olympic Committee. All we can do is urge the Committee to take certain actions as we are in this resolution. We did not consider, as the gentleman has suggested, disinviting the Soviet Union to the winter Olympics. Our purpose in this resolution is only to voice an expression that the 1980 summer Olympics should not be held in Moscow.

Mr. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Ohio.

Mr. LUKEN. Mr. Speaker, in response to the suggestion of the gentleman from Iowa (Mr. TAUKE) of deinviting or uninviting the Russian athletes to the winter Olympics, that would be counterproductive, because the reason, the main reason, for the resolution with reference to the summer Olympics is to direct the blow financially at the Soviet Union because they are the hosts and, prestigewise, to deprive them of that prestige of that aura of the Olympics.

It seems to me that the shoe would be on the other foot and we would be running counter to our purposes to do anything to damage the Olympics here in this country.

Mr. ZABLOCKI. I might say further, Mr. Speaker, that the resolution is not directed toward the athletes or the games. The purpose of the resolution is to oppose holding the 1980 summer Olympics in Moscow.

Mr. TAUKE. Mr. Speaker, will the gentleman yield further?

Mr. ZABLOCKI. I yield to the gentleman for debate purposes only.

Mr. TAUKE. Mr. Speaker, the Soviet Union probably also recognizes that it would be a blow to our country if they pulled out of the winter Olympics. And it occurs to me that they would not let that opportunity pass if we pulled out of the summer Olympics. Would it be advisable for us to deny visas to the Soviet athletes to participate in the winter Olympics before they boycott the winter Olympics through their own action?

Mr. ZABLOCKI. Let me say to the gentleman, Mr. Speaker, that it is not our intention to wreck the Olympics as would be the result of such an action. It is our intention, I reiterate, to show our opposition to holding the 1980 summer games in Moscow.

Mr. Speaker, I reserve the balance of my time, and I yield 30 minutes of the time to the ranking minority member of the Committee on Foreign Affairs, the gentleman from Michigan (Mr. BROOMFIELD), for debate purposes only.

The SPEAKER pro tempore (Mr. VENTO). The gentleman from Wisconsin (Mr. ZABLOCKI) yields 30 minutes to the gentleman from Michigan (Mr. BROOMFIELD) for purposes of debate only. For purposes of information, the gentleman from Wisconsin (Mr. ZABLOCKI) has consumed 11 minutes.

The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Congress should approve this resolution requesting the U.S. Olympic Committee to propose to the International Olympic Committee that the 1980 summer Olympic games be transferred from Moscow or be canceled this year, and if the IOC rejects such a proposal to transfer or cancel the games, that the United States and other countries should not participate, but conduct alternative games of their own.

Mr. Speaker, the recent act of aggression by the Soviets makes it clear that the summer Olympics should not be held in Moscow. Although I am deeply concerned for all the dedicated young people in our country who have trained so hard for what may be a once-in-a-lifetime opportunity to participate in the summer Olympics, I believe it is imperative for their future and that of all Americans that the Soviet Union be made to realize we cannot tolerate their worldwide aggression.

The invasion and occupation of Afghanistan is a serious violation of international law and poses a genuine threat to world peace. The circumstances of the ruthless Soviet aggression are unprecedented in the postwar history of Soviet occupation of neighboring states. In particular, the Soviets have conspired in the execution of a head of state, are now engaged in Afghanistan with tens of thousands of troops, and are threatening the security of other nations in the region as well. Moreover, as a result of the brutal events transpiring in Afghanistan, it is impossible to visualize any kind of competition hosted by the Soviets which would be representative of the ideals associated with Olympic traditions since the Olympic torch was first lighted in 776 B.C.

I believe that this resolution would provide an important message of contempt to the Soviet Government for their barbaric actions. It would also let the Soviet people, who anxiously await this sports competition, know that their government's actions in other parts of the world violate normal standards of decency and respect for the rights of others.

On Tuesday, it was revealed that the Soviets had exiled Nobel laureate and human rights activist Andrei Sakharov, further emphasizing Soviet contempt for the individual and the dominant role of political considerations in Soviet policies. It is known that Sakharov, in recent interviews with Western journalists, supported an Olympic boycott and called on the world to take steps to force Moscow to withdraw its troops from Afghanistan. This was no doubt a major reason for the Soviet's actions against him, again reflecting Soviet contempt for the rights and dignity of the individual.

In short, the Soviet Government must be made fully aware of the seriousness of its ruthless actions in regard to Afghanistan and Dr. Sakharov. At this time we should not support such a cynical Soviet effort to appear as a friendly host for the Olympics while the Soviet Union is engaged in aggression and colonial expansion throughout the world. The Soviets must have no doubts about the consequences of their aggression and the firmness of the United States in opposing it.

As a result, I believe that this resolution should be approved—in a spirit of bipartisanship—by the Congress.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I want to commend the gentleman in the well, the ranking minority member on the Committee on Foreign Affairs, the gentleman from Michigan (Mr. BROOMFIELD), and the chairman of the committee, the gentleman from Wisconsin (Mr. ZABLOCKI), for bringing this resolution promptly to the floor of the House.

I also want to note that in the President's State of the Union message he received the loudest and the lengthiest round of applause when he referred to his intended action of opposing our Nation's participation in the summer Olympic games in Moscow unless the Soviets withdraw their armed forces from Afghanistan by February 20.

I realize that there are severe inconveniences and substantial economic losses to Americans as a result of this proposed action, in addition to our principal concern for the welfare of the athletes; but likewise, I do not think we can fail to recognize that the Soviet Union has undertaken to provide itself with an aura of decency and respect in the community of nations in promoting the Olympic games.

It seems to me that this action which we take and, hopefully, which other nations will take, will put the Soviet Union in its true light as an armed aggressor. Mr. Speaker, it is clear that the Soviets plan to employ the great international Olympic games as a medium for Soviet propaganda and for promoting its own political and national interests at a time when it is engaging in armed aggression against a virtually defenseless neighbor.

I again commend the gentleman and the Foreign Affairs Committee for bringing this resolution to the floor of the House.

Mr. BROOMFIELD. I thank the gentleman for his contribution.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida (Mr. YOUNG).

□ 1220

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding.

I also want to compliment the gentleman from Michigan (Mr. BROOMFIELD), and the chairman, the gentleman from Wisconsin (Mr. ZABLOCKI), for expeditiously bringing this resolution to the floor. I hope that it will receive unanimous support in the House today.

I think all of us understand that by passing this resolution and even if we canceled the Olympic games, Soviet troops are not going to leave Afghanistan. The situation is far more serious than that. But we should not allow them to use it as a tool in their propaganda campaign.

Just recently it was reported that the Soviets have claimed that the fact that the Olympic games are going to be held in Moscow is a great endorsement of their foreign policy and also a great endorsement of their struggle for peace.

Now, if there is any question in anyone's mind that the Soviets are looking for peace, let them think again. The history of the Soviet Union indicates that peace is not their desire unless it be a peace totally dominated by the totalitarianism of Soviet communism.

If the gentlemen would yield for another few seconds, I would like to read the language that appeared in a brochure printed by the Soviets relative to this point that I have just made.

In that brochure they say:

> The decision to give the honor of holding the Olympic Games in the capital of the World's first socialist state was convincing testimony to the general recognition of the historic importance and correctness of the foreign policy course of our country—

"Our country," of course, meaning the Soviet Union—

> of the enormous services of the Soviet Union in the struggle for peace.

Mr. Speaker, and I say to my colleague in the well, if our participation in the Olympic games is held up by the Russians to be an endorsement of their policies of brutality, of murder, of assassination, of invasion, I say adoption of this resolution is the least we can do here in this House of Representatives today.

I thank the gentleman for yielding.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 249, urging the United States Olympic Committee, the International Olympic Committee and the Olympic committees of other countries to support the initiative of the President with regard to the 1980 summer Olympic games.

The action of the Soviet Union in its ruthless attack on the people of Afghanistan has shocked the entire civilized world. Without regard to international law or respect for national sovereignty, they conspired in the overthrow and execution of that nation's head of state. Furthermore, they flooded its countryside with tens of thousands of occupation troops and began a process of forcible suppression of its people. The circumstances of this action as stated yesterday before the Foreign Affairs Committee by Deputy Secretary of State Warren Christopher—

> Are unprecedented even in the long, postwar history of Soviet occupation and domination of neighboring states. The Soviet action is a threat to world peace—and in particular, to the security of the nations in the region surrounding Afghanistan.

This threat includes those areas of access to a major part of the world's oil supplies and directly affects the security of the United States and the entire world. Such aggressive action cannot be treated lightly. We cannot stand by and allow such aggression to go unchallenged. The Soviets must learn that they cannot trample on the independence of weaker nations and expect to carry on business as usual with the rest of the world community. As Secretary Christopher noted:

> All of us would prefer to see the Olympics insulated from government policies. But there are deeper issues at stake.
>
> The Soviets must be in no doubt about the consequences of their aggression and the firmness of our determination to oppose it. To pursue sports as usual at the same time that we have said there will be no business as usual, would send precisely the wrong message.

The world community should deny the Soviets the legitimacy they seek through hosting the Olympics. Like the Nazis during the Berlin Olympics of 1936, the Soviets have invested much prestige in the games in anticipation of propagandizing to the world the power and excellence of their ideology and social system.

As part of their "housecleaning" in preparation for the games, the Soviets have already deported from Moscow hundreds of Soviet citizens considered politically unreliable and thousands of school children for fear of Western influence. This action was climaxed this week by the shocking news from Moscow that Andrei Sakharov, the world renowed advocate of freedom and human rights, has been exiled to Gorky, a city closed to foreigners. This is the kind of respect for Olympic ideals that we can expect from our Soviet hosts. It should be noted that Mr. Sakharov had no elusions about Russia's intentions and values in hosting the Olympics as he called for a worldwide boycott of Moscow even before their invasion of Afghanistan.

No nation which tramples on the independence of its neighbors and suppresses the rights of its people at home is deserving of the honor of fostering the Olympic spirit that is based upon the respect of freedom and understanding among all peoples.

Our action to prevent Moscow from hosting the Olympics will not restore Afghanistan to its former independence, nor will it provide protection for the other nations in the region or safeguard Western interests in the Middle East. It would, however, deny them vast amounts of money from foreign visitors and Olympic promotion. It would cost them prestige at home and abroad. To prevent a successful Moscow Olympics would help signal to the Soviet leadership that its actions in Afghanistan and violations of international behavior are not forgotten or ignored as was Hitler's occupation of the Rhineland a few months before the 1936 games.

I am aware of the sacrifice that this action may require of our young American men and women who have devoted so much time and effort in training for the games. They, too, must understand that peace throughout the world is impossible if the Soviet Union is allowed to believe that there is no price to pay for their aggression. Other Americans will be paying a price for cutting our exports and rebuilding our military strength, but that is a price we are willing to pay in response to Soviet aggression. As President Carter stated in his recent letter to the President of the U.S. Olympic Committee:

> I have the deepest admiration and respect for Olympic athletes and their pursuit of excellence. No one understands better than they the meaning of sacrifice to achieve worthy goals. There is no goal of greater importance than the goal at stake here—the security of our nation and the peace of the world.

It should be remembered that the primary objective of the President's request is not to cancel the games, but to deny the Soviets the honor of hosting them. The first alternative and most desirable option is to transfer the games to another site.

As a cosponsor of House Concurrent Resolution 249, I urge my colleagues to join with me in support of this effort in condemning the Soviet Union and denying it the honor of hosting the 1980 summer Olympics.

Mr. BROOMFIELD. I thank the gentleman for his strong support of this resolution.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this resolution. I have been opposed to holding the Olympics in Moscow since the idea was first proposed 8 years ago at the time that Montreal was selected. At that time, and again after the sentencing of Anatoly Shcharansky in 1978, and most recently on January 4, a week after the Russian invasion of Afghanistan, I argued that holding the games in Moscow was a bad idea. I felt that symbolically the games would give a real boost to the Soviet regime which would use the Olympics as a propaganda extravagance. Clearly the Moscow games would lend heavily to the Soviet regime's prestige. I also believed that the Soviets would attempt to make the area of the Olympic Stadium "secure" by deporting religious and political dissidents from Moscow before the games. Holding the Olympics in Moscow then would not only not improve conditions for Soviet dissidents but would, in fact, worsen them.

On December 27 the Soviet Union launched a massive attack on Afghanistan. Tens of thousands of Soviet troops are now engaged in the suppression of thousands of Afghanis who are fighting for the freedom of their nation. The Soviet attack on this small country is a clear threat to world peace. Recklessly the Soviets have shown their contempt for détente and peaceful coexistence.

The Soviet aggression against Afghanistan, which has rightly been condemned by an amazingly large majority of the members of the United Nations, made it necessary for the United States to embark on a series of actions which would make abundantly clear to the Soviets that they cannot launch such military action without cost to themselves. I applaud the President's moves to reduce sharply our grain exports to the Soviet Union and to further limit our technology exports. But I believe the President's recommendation that the Olympic games not take place in Moscow, or at least not with U.S. support, if carried out, will hurt the Soviets "where they live" more than any of the other actions. Accordingly, I strongly support the resolution before us.

I realize that cancellation of the Olympics, or a boycott, will be painful for the American athletes who have trained so diligntly for the 1980 games. It should be possible to move the games elsewhere, but that will not happen without the vigorous cooperation of the International Committee, and so far that cooperation has not been forthcoming. Cancellation or a boycott will mean sacrifice for our athletes and, to a lesser extent, for all who enjoy the games and for NBC which has secured the franchise at huge expense. But these are not ordinary times; they are, indeed, dangerous times, and sacrifices are going to be necessary. In 1936 the United States chose to participate in the Munich Olympics which were used by Hitler to glorify nazism. Surely, our presence in Munich in 1936 was a mistake. We ought not to make such a mistake again.

This week the Soviet regime has sent Nobel Prize winner Sakharov and his wife Elena into internal exile and a treason trial is threatened. The world has been horrified by this brutal action. Even several European Communist Parties have joined in the outcry. I feel this especially keenly since I had the privilege of talking with the Sakharovs in their apartment a few years ago, an inspiring experience.

It may well be that the Soviets have taken this action against the Sakharovs in retaliation for the American trade restrictions and the call for an end to the Olympics in Moscow. Other dissidents may suffer as well. But the price of taking no action against the Soviets—in the hope of preventing such abuses of human rights—would simply be too high. And I suspect the Sakharovs would agree. The sacrifices involved in giving up American participation in the Olympics pale in significance when compared that the sacrifices the heroes of the fight for human rights in the Soviet may have to make.

Mr. GOODLING. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I find it difficult today because I am usually with my chairman and the ranking minority member. I am with them on their intent at this particular time.

I think what we are doing today is going to defeat that intent, because it was said by the chairman that we do not dictate and cannot dictate to these Olympic Committees. Perceived around the world, it will be just that. It will be perceived as the American Government doing the dictating.

Second, it was mentioned that we have to send a message to our Olympic Committee. Well, if our president of the Olympic Committee did not get a message in 3 or 4 hours yesterday before this committee, I do not know how he will ever get a message. But even beyond that, he gave us the message before we gave him the message.

He said there was no way he could conceive any Olympic Committee of the United States doing anything any different than what the President and the Congress of the United States wanted to do.

Just to reiterate why I think we may destroy what we are trying to do: I think we have to move the games. That is a must. I think that we must participate in the games in a new location, and the games must go on in a new location. I am thoroughly convinced that we cannot contribute to bringing that about, but only our Olympic Committee quietly working with other Olympic Committees will do just that. That is why I think that we are acting in haste, and we should postpone this for a week, after the Olympic Committee has had an opportunity to meet.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentlewoman from New Jersey, a valued member of the committee.

Mrs. FENWICK. I thank the gentleman for yielding.

I would like to reassure my colleague that we have all received this morning an official news release from the Australian Embassy, which reports that the government of Australia has also, just as we are now doing, urged its committee not to participate in the games if they are held in Moscow.

So I think this is not just a unilateral American Government action. It is an action of the Australian Government, also.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I thank the gentleman for yielding.

I would say that the responsibility of our Government must be met by our Government.

This Congress has a responsibility in a very serious foreign policy matter. The President has a responsibility, and I think we are trying to meet that responsibility.

The last thing I would like to see is for our athletes to not have the privilege of competing in these contests for which they have worked and sacrificed, as our chairman said.

But the whole world should say "no" to Moscow, while saying "yes" to the Olympics. They can be changed to a new location. It should happen. And it will not happen if we leave the decision purely to the Olympic Committees without any encouragement from the public, without any statement of policy and concern on the part of the Government.

We need to say with a clear voice what I am confident the American people are saying, that this is more than politics, it is crime, as Nazi Germany's conduct in 1936 and thereafter was crime, not politics. We should not have held the Olympics there, in Berlin, at that date.

□ 1230

Even so, the invasion of a small, helpless, friendly neighbor, the violation of the rights and sovereignty of its people, the people of Afghanistan, was a crime, and nothing less, and the world should say "no" to it. The arrest of Andrei Sakharov and the movement against other dissidents in the Soviet Union in order to facilitate preparation for the Olympic games, so they will not be there to protest, to give any voice of dissent when the games are held, is a crime and not politics, and we should respond accordingly.

It is my profound hope that overwhelmingly the Congress will say to the Olympic Committee and to the world it is time for the world to stand up and say no to crime, no to the Soviet Union, no to Moscow for the games; but yes, let us have games in which our athletes can be fairly treated and in some setting that is not violative of the whole spirit and idea of the Olympic games.

One thing more. We will pay a price. We will pay a price, Mr. Speaker. Perhaps it may be that certain nations will not participate if the games are moved. I do not personally believe that it would be the greatest blow ever to hit the Olympics if we do not have any East German judges in the Olympics this year. I am not sure it is entirely fair for the athletes who are truly professional athletes to compete against those who are truly amateurs.

We may also have to "suffer" the burden of more media coverage of the Olympics—"suffer" the burden that the world will be more fully informed of the Olympics themselves and the country in which they are held because any other country in which the Olympics are held would not begin to impose the media restrictions which the Soviet Government has ordained.

I sincerely believe, however, that these are "burdens" which the United States and other nations of the world would be willing to bear.

But I would welcome participation of the athletes from the Soviet Union or anywhere else. But whatever price we pay is nothing against the price that would be paid if the world went to Moscow, ignored the crimes that have been committed, and said yes to the Soviet Union under these circumstances.

Let us say no. Let us pass this resolution overwhelmingly.

Mr. BROOMFIELD. I want to thank the gentleman very much for his very fine contribution in this discussion and his help in the committee in getting this resolution to the floor.

Mr. Speaker, I would like to reserve the balance of my time.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FASCELL), a very valued member of the committee and chairman of the subcommittee on International Operations.

Mr. FASCELL. Mr. Speaker, the virtual kidnaping of Nobel Peace Laureate Andrei Sakharov on January 22, reminded us once again of the Soviet Government's disregard for the solemn commitments which it made at Helsinki nearly 5 years ago. This deplorable act, coming on the heels of the outrageous invasion of Afghanistan, must be met by immediate, decisive protests by neutral and nonalined, as well as Western Helsinki governments.

In my capacity as Chairman of the U.S. Commission on Security and Cooperation in Europe, I, along with the Commission Cochairman Senator PELL, sent a letter to President Carter urging him to request the heads of government of all nations signatory to the Helsinki Final Act to support efforts to move, delay or not to participate in the 1980 summer Olympic games in Moscow, pursuant to a resolution proposed by Mrs. FENWICK and adopted by the Commission.

The United States cannot in good conscience attend the sports festival as if the host country had not committed a despicable act of aggression as well as numerous human rights violations of its own citizens. And, when it is a question of principles, it does not make any difference if we are the only country to not participate in the games in Moscow. A boycott is an effective, pointed response to the Soviet Government's total disregard for international standards of decency.

The blows to the ego and the pocketbook of the U.S.S.R. would be severe.

The Soviets, as did the Nazis during the Berlin Olympics of 1936, have attached their national prestige to the games, and clearly anticipate utilizing the event to display to the world the power and excellence of their ideology and their social system. To deprive the Soviets of participation by their foremost competitors would inflict severe damage to their efforts to use the Olympics for propaganda purposes.

A boycott of the games in Moscow also would demonstrate to the citizens of the U.S.S.R. the depth of American outrage for not only violations of human rights but also for the blatant Soviet aggression in Afghanistan. And, we cannot forget that a delay or change of venue of the games would hurt the Soviets financially—they have spent an estimated $375 million alone for the facilities and the total cost of hosting the games may run them as high as $3 billion.

The invasion of Afghanistan is in direct contravention of at least four of the decalogue of Principles Guiding Relations Among States which are the foundation of the Helsinki Final Act.

Other examples of Soviet violations of the Helsinki accords in its preparation for a carry-through of the Olympics include:

Moscow and other Olympic cities are going through a systematic and thorough "removal" of dissidents—such as Andrei Sakharov—and potential troublemakers;

Citizens of the U.S.S.R.—especially school-age children—are being primed by the media, the party, the schools and their associations to anticipate and avert corrupting Western ideological influences;

The Government is threatening not to consider applications for exit visas during much of 1980 because the customs officials will be occupied processing the entry visas of Olympics-bound foreigners;

The Soviets have threatened to manipulate the news media by blocking accreditation of some media representatives—such as Radio Free Europe/Radio Liberty.

We all know that the Soviets often violate fundamental human rights with impunity—activities which should warrant removal of the Olympics in any case—but in preparing for and in realizing the summer games, the Soviets have and will engage in activity contradictory to their agreements in the Helsinki Final Act.

To divorce the Olympics from the politics of human rights would be the equivalent of granting legitimacy to a repressive government. Additionally, our citizens and our moneys would be used as pawns in a propaganda spectacle.

In our letter to the President, Senator PELL and I pointed out that the sports programs of the Soviet Union are a blatant contradiction of the Olympic principle of amateurism. The professional and political aspects of Soviet participation in recent Olympic games and world sports competition should no longer be tolerated.

We asked the President if the time has not come to question the so-called modern Olympics and to establish alternative games at a different—perhaps permanent—site which will be conducted under the auspices of a new set of rules which will truly eliminate both professionalism and politics from international sports.

Competitive sports, in the true Olympian spirit, should symbolize the noble concepts of mankind. No nation should be honored by being the site of world athletic contests when its actions are not noble, when its decisions endanger world peace, when its actions destroy the sovereignty and independence of another nation of people, and when it engages in brutal acts of repression against its own citizens in total disregard of universally accepted standards of human rights and codes of conduct among civilized nations.

To ignore these deplorable acts by the Soviet Union is to make a mockery out of the entire purpose of the Olympic games.

I urge my colleagues to support this resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Speaker, I also congratulate the chairman and the Foreign Affairs Committee for moving promptly. I think that is absolutely necessary.

There has been some discussion about polling the athletes and that kind of thing. First of all, this action will not have the force of law and, therefore, that observation is somewhat irrelevant.

But I might say that the President not only got the biggest hand, spontaneous and universal acclamation last night when he proposed boycotting of the Olympics, but he also proposed another important measure and that is the registration of all young Americans, or at least all young men. That is not going to be a poll when it occurs, that is going to be required, involuntary. Those are the kinds of sacrifices which may be required of all young Americans and not just the athletes.

I want to point out that I am the author of one of the resolutions. As I said, we have 30 cosponsors to that, and this resolution is the same except that it endorses the President's and that it brings us all together. That is good, so that the U.S. Government speaks with one voice.

The invasion of Afghanistan by the Soviets constitutes a threat to the United States and an egregious violation of international law.

Although withdrawal from the Olympics will be a great disappointment to the athletes who have trained for many years, the Olympics cannot be held in a host country that has violated international law.

The Soviet Union must be held accountable for its actions.

The sacrifice of the athletes and of the American people who enjoy the Olympio games has been forced upon us by the Soviet Union.

We must send the Soviet Union the message that we are willing to bear the sacrifice until the Soviet Union withdraws completely from Afghanistan, we cannot carry on business or games as usual. We will not play games with the Soviet Union.

I urge the International Olympic Committee to adopt this resolution and support the United States in its bid to stop the aggresive actions of the Soviet Union.

As an overwhelming number of nations supported us in the U.N. condemnation of the Soviet action this resolution of our resolve, when transmitted to their Olympic committees will garner their support and bring additional pressure to bear on the Soviets.

With massive world wide support for the transfer or boycott of the Moscow games the Soviets will incur great economic loss, further damaging their already sluggish economy.

The United States, alone, can cause the Moscow Olympics to be unsuccessful, in the eyes of the world, but unification of a world voice, and of all the Olympic committees, is more effective.

We should support our President in his request and support the transfer or cancellation of the 1980 summer Olympics.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I rise in support of this resolution. I might say that a few comments that have come to my attention just here on the floor with regard to possibly leaving this decision to the Olympic Committee, yesterday before the committee I asked the question why the Olympic Committee would even consider going ahead with the Olympics in Moscow; is not invasion of Afghanistan a violation of any rule. It is not. As a matter of fact, invasion is not in violation of any rule. If they invaded France, who will not be going along with us, I am told, in this action, it is not a violation.

The question was asked if they invaded the United States of America, is that in violation of the IOC rules. It is not.

So I think we do need to give just a little guidance to the IOC to say that we do not approve of holding these Olympics in Moscow. I think maybe if we can find an alternative site it would be better for all of the free world, and we can do this.

If there is any concern about standing alone, we have been told through the committee that at least 20 nations are ready to stand with us. But I might just say, in addition to that, even if there were no other nations, the right thing to do for us would be to stand alone.

In conclusion, I think there is a precedent. There is a need and there is a desire to pass this resolution.

I would like to ask the chairman of the Foreign Affairs Committee, if I may, one question that was not covered in committee. That is in regard, Mr. Speaker, to the disposition of the many millions of dollars that have been spent by Americans for tickets to the Olympics. What is the current status or thinking on refunds, if any?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. MICA. I am pleased to yield to the gentleman.

Mr. ZABLOCKI. Mr. Speaker, I am advised by the Department of State that those citizens of the United States or, as a matter of fact, any purchasers of Olympics tickets from any part of the world, would not be able to receive refunds under the conditions under which the Soviet Union insisted they be resolved. So the answer is, as to the information I have at the present time as to refunding of tickets, and it could even include the transportation if it were included with the reservation of the tickets to the Olympic games, they would not be refundable.

Mr. MICA. I thank the chairman.

□ 1240

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, I rise in support of House Concurrent Resolution 249 urging the U.S. Olympic Committee to honor the President's request to propose the transfer or cancellation of the 1980 summer Olympics.

On January 16, 1980, I wrote to the executive director of the U.S. Olympic Committee, Col. F. Don Miller, urging that the U.S. Olympic Committee work with other nations to find a location other than Moscow for the 1980 Olympics. As I stated in that letter, I am painfully aware of the incredible sacrifice that has been made by our American athletes in preparation for the contests to be held in Moscow. For this reason, I would hope that the location of the games could be moved to another country more deserving of the honor of being its host. In that way, our athletes, and those of other countries, could be allowed the opportunity to compete without having been placed in the position of legitimizing the naked aggression of the Soviet Union which has violated the basic principles of international law.

This is admittedly an extreme step, but the implications of the Soviet incursion into a previously nonalined and sovereign state, situation at such a strategic geographic position, demand just a response. Just as the Nation's farmers have been asked to sacrifice billions of dollars worth of exports, so must every other American look for ways in which to make tangible their disapproval of the Soviet action. When Ambassador to Moscow Thomas J. Watson was asked by the President what would have the most punitive impact on the Soviets—leaving the Olympics or the already-imposed trade sanction, Watson replied, "There's no question—the Olympics would." Certainly, the withholding of the 1980 summer Olympic games from the Soviets would be strongly felt both politically and economically. It is estimated that the Soviets have spent close to $3 billion in preparation for the Olympics, making it the costliest Olympics ever.

I believe it is in the best interest of the United States to boycott the Moscow games if an alternative site is not found. The message of such an action, which would be strongly felt within the ranks of the Soviet Union's political leadership, could not be mistaken.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute for debate purposes only to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I rise in support of House Concurrent Resolution 249, a resolution urging the U.S. Olympic Committee to honor the request of the President to work toward the transfer or cancellation of the 1980 summer Olympic games.

For over a year now, I have supported efforts to have the Olympics removed from Moscow because the Kremlin has refused to guarantee that the rights of its own citizens would not be jeopardized. During President Nixon's visits to the Soviet Union in 1972 and 1974, for example, proponents of Soviet compliance with the Helsinki Accords were placed on preventive house arrest or placed in jails for the duration of the visit. The Soviet Union's disregard for the provisions of the Final Act of the Helsinki Accords, failure to assure news agencies that they will be able to report the games without censure, and failure to provide adequate assurances that all participants in the 1980 Olympics will receive proper protection necessitate removal of the games from Moscow.

The Soviet invasion of Afghanistan has added new impetus to the growing number of people in this country who support the removal of the games. In a move unprecedented in recent years, the Soviet Union has violated the right to national self-determination of the Afghan people. Strong measures must be taken to condemn this Soviet aggression in the eyes of the world community.

Only 2 days ago, the Soviet Union stripped Nobel Prize winner Andrei Sakharov for his excellent work in speaking out against the abuses of the Soviet system, giving still further justification to the actions we are considering here.

Mr. Speaker, the Congress must give a clear signal to the Soviets that we cannot condone the violations of fundamental human rights within the borders of the Soviet Union, nor can we accept the Soviet infringement upon the right to national self-determination of the Afghan people. I urge this body to support this resolution to facilitate the removal of the Olympics from Moscow.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, as a cosponsor of this resolution, I rise in strong support of House Concurrent Resolution 249.

The events in West Central Asia require prompt, forceful action by the Congress to express our strong condemnation of the Soviet invasion of Afghanistan. Failure to do so would send the wrong message at the wrong time. I believe that a decision to move the Olympics from Moscow would mean a heavy penalty as the cost to the Soviets for their callous disregard for international law. The investment the Soviets have made in the Olympics in terms of money and prestige would be lost if we are successful in urging a change in the site of the 1980 games. It would send a message to the Soviets that they cannot act with impunity in committing aggression against their neighbors, and it would be a way of revealing to the Soviet people that their government does not merit the respect it is trying to gain as host of the Olympic games.

I received a letter from an American Embassy employee in Moscow who clearly describes the effect a change in the Olympics site would have. I would like to read three paragraphs of that letter:

> As other Americans I have found myself increasingly distraught as a result of recent world events. However, as an employee of the United States Embassy in Moscow who has for nearly two years video-taped for our Government every major news and political program shown on Soviet television, I am not completely surprised.
>
> Every Soviet citizen has been reminded time and again during the past four years about this forthcoming event. Sacrifices have been made. Factories that formerly produced much needed consumer goods are turning out souvenirs of every conceivable kind, the food industry has been mobilized and directed to provide the very best for Moscow and the other Olympic cities, university programs have been curtailed, Third World students have been given long leaves-of-absence and are being sent home, major emphasis has been channeled to build Olympic facilities and large tourist hotels, rumors from reliable sources maintain that all older children will be sent out of Moscow to Komsomol camps during that period to avoid contact with Westerners, for two years television prime time has frequently been devoted to Olympic programming ranging from sports competition to fashion shows featuring Olympic uniforms. It is a well known fact that numerous dissidents, both religious and political have experienced a "pre-Olympics crackdown"—resulting in harassment, searches of apartments, and arrests.
>
> This is probably the most important single event in national Soviet life since World War II. I believe that there would be no more effective expression of world concern than instituting such a boycott. It would deprive them of a large scale propaganda tool, it would inflict a serious economic blow, and it would, most importantly, cause the average Soviet citizen to recognize the serious view the world has taken of his governments activities. It is the one way the government cannot hide the truth from its people, the one way the government will have to answer to the people what it has done.

Those comments by an American Embassy employee in Moscow describe the costs to the Soviets of their invasion of Afghanistan if the Olympics are moved from Moscow.

It would indeed be a tragedy if American athletes could not compete in the 1980 summer Olympics on the athletic field. It would be a far greater tragedy if, as a result of our failure to act, those young athletes found themselves competing on the battlefield.

I am only sorry that it took this aggressive action to awaken the President to "a real understanding of the Soviets." If he had had such an understanding sooner, then perhaps he would not have taken the decisions earlier in his administration which left the United States as a military power without the resources, will, and determination to back our allies and serve as a deterrent to Soviet expansionist policies.

When I visited the Soviet Union in August as a member of Codel Wolff, I met with members of the Presidium of the Supreme Soviet. I raised the question as to what the Soviets were going to do to reciprocate for the United States having canceled the B-1 bomber and development of the neutron bomb, having delayed deployment of the Trident II missiles, and having canceled an atomic-powered aircraft carrier. I got no immediate response to my question; but later one of the Soviets stated that the Soviet Union does not believe in "unilateral disarmament." If the Soviets do not intend to reciprocate for American arms restraint initiatives, then we would be foolhardy to continue our policy of holding back on those major defense programs.

Increased emphasis on defense might not help Afghanistan, but it will clearly mean the difference in providing a deterrent to future Soviet aggression.

In the meantime, we are faced with selecting a series of actions that will make an impact on the Soviets. Achieving a change in the site of the Olympics from Moscow will be a major step in that process.

I urge my colleagues to join in sending this strong message to the United States and International Olympic Committees so that the ultimate message the Soviets get will be a costly one.

USDAO AMERICAN EMBASSY,
*Moscow, U.S.S.R., January 5, 1980.*

DEAR PRESIDENT CARTER, MEMBERS OF THE HOUSE AND SENATE: As a concerned American who has resided in the Soviet Union for the past two and one-half years, I am writing to request your serious consideration of boycotting the 1980 Olympics.

As other Americans I have found myself increasingly distraught as a result of recent world events. However, as an employee of the United States Embassy in Moscow who has for nearly two years video-taped for our government every major news and political program shown on Soviet television, I am not completely surprised.

The average American citizen has no idea of the blatant lack of truth, and the distortion of reality to which the Soviet public is exposed via its media daily. The average Soviet citizen, on the other hand, has no idea of the criticism directed at the Soviet government by the rest of the world when the Soviet Union continues its efforts at world dominance as it has in the recent invasion of Afghanistan. They know nothing of the truth of the matter.

Some Soviets do listen to Voice of America or BBC when "interference" is minimal, but even then many are not sure what to believe since accounts are at such variance with official Soviet line.

One interesting example, I believe, is the grain question. Most Soviets really believe that they have had an excellent harvest this year. They have no idea that the Soviet Union has ever purchased grain from the United States. Many even believe that the shortages they so frequently experience are a result of Soviet generosity to the less fortunate—sending grain to Cuba, Viet-Nam, Ethiopia etc. (which maybe partly true!) President Carter's cut off of 17 million tons of grain as announced in his speech last night may indeed cause additional shortages, but the average Soviet citizen will never know why.

In the case of Afghanistan, the Soviet media did not even mention the presence of Soviet troops in that country until days after the fact. When a message of congratulations from Brezhnev to the new government was aired there was no mention of Soviet involvement at all. Even today, January 5, they mention only casually that Soviet troops are there (no mention of how many, that they are involved in fighting, no casualties mentioned etc.)—only that they are there by invitation and only because of American and Chinese intervention in internal Afghan affairs. On this afternoon's news program, Novosti, the first major news program aired since President Carter's speech last night, no mention was made of the speech or of the steps taken by President Carter—nor was mention made of the concern expressed by other nations of the world in the United Nations—no mention of a possible U.N. Security Council meeting—not one word of anti-Soviet demonstrations in India, Bangladesh, Egypt, Pakistan, Sudan, the United States, or even Iran. Two days ago there was a brief mention about the first anti-Soviet demonstration there, but it was attributed to a small group of "Hooligans" who quickly dispersed. (This is in marked contrast to the frequent and detailed reports we receive about the concerned students there holding the American hostages.)

With this fact in mind, that the Soviet people have been denied the truth about Afghanistan and Soviet Imperialism, I cannot help but urge the boycott of American participation in the 1980 Olympics in Moscow.

Every Soviet citizen has been reminded time and again during the past four years about this forthcoming event. Sacrifices have been made. Factories that formerly produced much needed consumer goods are turning out souvenirs of every conceivable kind, the food industry has been mobilized and directed to provide the very best for Moscow and the other Olympic cities, university programs have been curtailed, third world students have been given long leaves-of-absence and are being sent home, major emphasis has been put on tourist trade and transportation, construction funds have been channeled to build Olympic facilities and large tourist hotels, rumors from reliable sources maintain that all older children will be sent out of Moscow to Komsomol camps during that period to avoid contact with westerners, for two years television prime time has frequently been devoted to Olympic programming ranging from sports competition to fashion shows featuring Olympic uniforms. It is a well known fact that numerous dissidents, both religious and political have experienced a "pre-Olympics crackdown"—resulting in harassment, searches of apartments, and arrests.

This is probably the most important single event in national Soviet life since World War II. I believe that there would be no more effective expression of world concern than instituting such a boycott. It would deprive them of a large scale propaganda tool, it would inflict a serious economic blow, and it would, most importantly, cause the average Soviet citizen to recognize the serious view the world has taken of his government's activities. It is the one way the government cannot hide the truth from its people, the one way the government will have to answer to the people what it has done.

In closing I would like to make one final recommendation: the formation of a commission to investigate the possibility for an alternate international athletic competition to be held in 1980—possibly a "Free World Olympics" or the like. Athletes of the world and America are ready. They should not be penalized because of Soviet aggression. If there would be any alternative solution we should do our best to find it.

Respectfully yours,

Annette W. Roush.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. Fountain).

Mr. FOUNTAIN. Mr. Speaker, as a cosponsor of this resolution, I want to associate myself with the views expressed by the distinguished chairman of the House Foreign Affairs Committee, Mr. Zablocki, and by Mr. Broomfield, the distinguished ranking minority member, and others who have spoken in strong support of this resolution. It seems to me that a unanimous decision by this House on this resolution would have as far-reaching an impact on Russia and upon the rest of the world as will the passage of the resolution itself, and I would sincerely hope that we could send that message, that the duly elected representatives of the people of this country have come to the conclusion that we will no longer remain so tolerant as to condone participation by our young men and women athletes in a sports event in Moscow at a time when the Soviet Union is engaged in a massive military attack upon the little country of Afghanistan, and when they are doing all they can to strengthen the existing anti-American attitude in Iran, and when the action they are taking is endangering world peace, and our own national security.

Let me invite the Members' attention to the fact that the United Nations General Assembly, by an overwhelming unprecedented vote of 104 to 18, condemned the invasion of Afghanistan and urged the prompt withdrawal of Soviet troops.

In addition to what the President said last night in his very forthright speech on this subject, in further support of this resolution. Let me quote from the text of President Carter's letter to the President of the U.S. Olympic Committee, these very pertinent words indicating why this resolution should be passed.

The President said in part:

> I regard the Soviet invasion and the attempted suppression of Afghanistan as a serious violation of international law and an extremely serious threat to world peace. This invasion also endangers neighboring independent countries and access to a major part of the world's oil supplies. It therefore threatens our own national security, as well as the security of the region and the entire world.
>
> We must make clear to the Soviet Union that it cannot trample upon an independent nation and at the same time do business as usual with the rest of the world.

I think it would be indefensible and inexcusable for us to even consider participating in the Olympics in Moscow. It would be another act of appeasement. I therefore urge unanimous approval of this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. Guyer).

Mr. GUYER. Mr. Speaker, as a cosponsor of the resolution I want to say one thing. I do not believe any words mean anything to the people of the Soviet Union. I was there recently, in the last part of last year. I heard only two things for 10 days. One was the importance of the passage of SALT, and the other was getting ready for the Olympic games.

One thing I do know is that they are the masters of deceit. The people of the Soviet Union have never even known that there has ever been a grain shortage. They never even knew about it. They do not know even now that their troops are invading Afghanistan or have tried to seize countries around the world. These people have been kept in total darkness, and they seem to love being kept oblivious of events in the outside world.

But, there is one thing they cannot escape. Let me give the Members an example. Members may remember a very important game in the National Football League some years ago. The network cut off the game and put on a Shirley Temple movie. We never heard such a storm of protest as we heard on that day. Think of what would have happened if our Super Bowl had been canceled.

Let me tell the Members one thing. Your speeches will never reach them. If they should, they will likely never read them—even if they should read them, they will not believe them.

☐ 1250

I will tell you one thing: They cannot explain it if we refuse to attend the games in Moscow and our friends go along with us to their people. There is no way they can duck or sidestep that one. That hits them right where they live, and then they will have to explain to a couple hundred million people what happened. That is the only way we can get the message through. Truth travels strange roads, but by taking the Olympic games away from Moscow, it rings a bell, strikes their solar plexus—and makes them lose face as no speech, debate, or protest could ever do.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. Ferraro).

Ms. FERRARO. Mr. Speaker, I rise in strong support of House Concurrent Resolution 249, which supports President Carter's efforts to prevent the 1980 summer Olympic games from being held in Moscow.

The Olympic ideal is one of nations coming together in a spirit of peace, harmony, and healthy competition. By its brazen invasion and continued occupation of Afghanistan, the Soviet Union has trampled this ideal.

But there is another story here. I speak of the disappointment of our young athletes. Training for the Olympics involves years of sacrifice by the athletes and their families, and their disappointment over the boycott is natural. But these young people, who have shown such dedication in preparing themselves for the Olympics, are Americans first, and I am sure they will support President Carter in condemning the Soviet aggression.

To acknowledge the additional sacrifice that is being required of these young athletes in the national interest, I strongly urge the President and the U.S. Olympic Committee to make every effort to arrange an alternative to the Olympic games to be held among the nations that join us in this protest.

Mr. Speaker, I commend to my colleagues the following article on young Americans preparing for the Olympics, which appeared in today's Washington Post.

[From the Washington Post, Jan. 24, 1980]

### First Olympic Requirement: Self-Torture

(By Thomas Boswell)

Under the gathering clouds of an Olympic boycott, America's athletes and coaches are being forced to ask themselves a fundamental, but frighteningly unfamiliar, question—"Why?"

The price of excellence in athletics, especially in Olympic sports, has inflated dramatically in recent years.

The 1970s brought into focus a world of international child athletes and prepubescent gold medalists in a host of sports.

Those champions who were not children often won their fame in games marred by steroids, amphetamines, blood doping and a whole pharmacopeia of chemicals used to produce hybrid ideological warriors.

What is the human cost of becoming a famed Olympic-class swimmer, gymnast or track star—the next Mark Spitz, Nadia Comaneci or Bruce Jenner?

What is the lasting psychological or physical price that must be paid, even in obscure and profitless sports, to be the best speed skater or volleyball player in the world?

In this new decade, what is the tariff that a great athlete's body and soul must bear? And is that tax becoming more than the human psyche and body can sensibly bear?

Finally, has the whole issue of the Olympics—whether it can, or even should, continue to exist—come at an appropriate time? Could the demise of the Games even be a blessing, a cleansing of our national view of sports?

Normally, such questions would be unwelcome among coaches and athletes just months before an Olympiad.

However, in these days of Olympic limbo, it is impossible to avoid such queries. They pop to mind of their own accord in every part of the United States.

In New Haven, Conn., Frank Keefe, the Yale swimming coach and head of the U.S. Pan American Games teams, said, "My swimmers ask themselves why they have been getting up at 5 a.m. and jumping in the water by 5:30 a.m. almost every day for most of their lives.

"They ask why they have trained outdoors when it was so cold that their footprints froze on the pool deck.

"Even with the Olympics as a goal, kids told me, 'Drop dead, coach. I'm not doing it anymore, I can't do it anymore. I can't think.' And they'd disappear.

"That's always been the natural weeding-out process. Our young club teams wear T-shirts that say, 'Take It To The Limit.' You take it to the limit as many times a day as many days a year as you can," said Keefe, also founder of the elite Fox Catcher Farms swim club in Philadelphia.

"Our kids are in the water five hours a day, and lifting weights another hour, seven days a week, for 12 months a year. And that doesn't count going to school," said Keefe, a mere middle-of-the-road workaholic by swimming standards.

"We're in a sport where there's no money to be had above the table or even underneath it. But the Olympics pull you on. We tell each other, 'No guts, no glory.'" said Keefe.

"But now, where's the glory? The gem has been taken away."

In Palo Alto. Calif., Robin Campbell, a world-class middle-distance runner, asks herself why she has followed her coach, Brooks Johnson, from St. Albans School in her native Washington to the University of Florida to Santa Fe (Fla.) Community College and now to Stanford University.

"I have lived so many places and traveled so much since I was 13," said the 20-year-old Campbell, "that my aunt gave me an address book for Christmas. She told me it wasn't for other people's addresses. It was for all of mine, so I'd know where I was.

"I was only home (in Washington) for one month in 1979," said Campbell, who has had constant injuries for the past four years, including a broken knee cap suffered in midstride that slowed her for 18 months.

"I always try to be nice to all my relatives in D.C. because you can't tell. By the next time I get home, someone might have died.

"I never show any emotion at home. I'm always hard-faced. But as soon as I get on the airplane, I start to cry.

"I used to love to travel and never come home. I think I've run on every continent. But now I almost hate it. I wish it were like 'Star Trek' and you could just zip through space," said Campbell.

"Since 1973, it's gotten worse every year. Sometimes I joke that I'm going to have a nervous breakdown. But I do wonder what's going on in the back of my mind.

"I had a race that would have qualified me for the Pan Am Games in Puerto Rico and the World Cup in Montreal last summer," said Campbell. "I'd worked all year for it. But when my race came, my mind went blank. I finished sixth and barely broke a sweat. I didn't even try.

"I wonder if I really didn't want to go to Puerto Rico and Montreal."

In Colorado Springs, Flora Hyman has been a star of the U.S. women's volleyball team—a cofavorite for the Olympic gold with Cuba—a squad that has been secluded for five years of Marine Corps-style boot-camp training 50 weeks a year.

"I've only given up seven years of my life and my whole future," said the 25-year-old Hyman bitterly. "If there are no Olympics, what have I done with my life?"

Perhaps no American athletes approach the fanaticism of the 14 U.S. women volleyballers, who unashamedly accept the training tactics of the Cubans, Soviets and Japanese as gospel.

"Hypnosis, togetherness through common suffering and, ultimately, mind control are my coaching techniques," Coach Arie Selinger who has taken the U.S. team from 19th in the world to No. 2 with a five-year plan that includes reveille—to—taps training six days a week in isolated compounds for years at a time with no vacations.

"More than any sport, volleyball demands team unity," said Selinger. "You must be one body with many heads and one heart. Overcoming the ideas of individuality, profit motive and democracy are among our problems. It takes eight years, I believe, to train a volleyball player to think only of the team in all situations."

The women volleyballers live a spartan, year-round existence at the U.S. Olympic Training Center in Colorado Springs—rising at 7 a.m., practicing from 8 until 12 and from 2 until 6, with lunch and sleep between. After dinner come hypnosis and "mind control" sessions, motivational talks or strategy sessions. "You're so tired you can't wait to get to bed," said Rita Crockett.

"The girls, in addition to their room and board, get $120-a-week expense money," said Selinger, whose U.S. team has played and won all over the world. "It's taken us five years to raise that expense money from $20 a week."

"We've all had school, friends and family taken away," said Crockett, a team member for only 18 months.

"I gave up getting married. When I came to Colorado Springs from San Antonio, my boyfriend and I were discussing getting married. Now, we just discuss getting to be friends again. My phone bill to him is $150 a week, but I only get to see him four times a year.

"You can put up with everything if you know you're doing it for a purpose and for your country," said Crockett. "But now it looks like I'll never be known as an Olympian.

"I'm 22 and if we boycott this one, I just don't know if I could do this for four more years. I guess maybe I could. One of our girls is 29 and she's been training for six years."

In Silver Spring, Margie Weiss sees her whole way of life endangered.

She and her husband Greg have been training 100 gymnasts, such as current 14-year-old Olympic hopefuls Sheri Mann and Jackie Cassello, for six hours a day, six days a week, for the last four years in their hand-built wooded complex.

The Weiss family life is built around what Margie Weiss calls "the new athletes"—the children who start their careers as soon as they can walk, and, if possible, even before.

Her own infant daughter Geremi took her first steps before the age of 1 year on a balance beam. Now, at 6, Geremi can already do gymnastics tricks that "no woman could do at the '72 Olympics," according to her mother.

The Weisses also have more good news about Geremi—she isn't growing. "Early tests indicated that she would grow up to be 5-foot-4," said Margie Weiss. "But I believe that the more gymnastics you do at a young age, the smaller you will be.

"Growth spurts come in two-week bursts. If you're pounding your body, the growth sections of the bones are going to be pounded down," said the mother. "Geremi is really tiny for her age now, which is all right with me."

The Weiss' other daughter, Genna, 7, is already a high diver, with a platform in the backyard. She can do an inward one-and-a-half—a harrowingly difficult and dangerous dive for adults—and has won diving meets for 10-and-unders "up and down the East Coast," in her mother's words.

The Weisses have helped their children have the compact, fatless bodies of perfect gymnasts by a simple method: they stopped feeding their children at the age of 18 months.

"We rarely have time to stop training to prepare meals," said Margie Weiss. "So, the kids feed themselves as soon as they can open the refrigerator. We always have apples, oranges, yogurt and health foods in there, so it doesn't matter what they grab. They can't go wrong."

The Weisses are certain that their children and their pupils are the athletic wave of the future. "The Russians find 90 percent of their athletes. We find 10 percent of ours," said Marie, "because they test their children."

"The first of the new athletes was Stephanie Willim," she said, speaking of a Weiss protege who could have been the Comaneci of '80. "She was a shoo-in. She was doing tricks three years ago that no one else has tried yet."

But Willim suffered disk disintegration problems that led doctors to order her to abandon her career permanently or face being crippled for life.

"The Communist countries are far ahead of us," said Weiss, a candidate for the coaching job of the U.S. women's gymnastics team now that Linda Metheney-Mulvahill has been deposed. It's lucky that they only give out free medals at the Olympics, not a p 40, or they'd crush us in almost every sport.

"But we're learning. We're starting younger and younger in many sports—swimming, gymnastics, track, alpine sking, diving, speed skating, figure skating and a lot of others.

"Once, kids went to college to start becoming serious athletes. Now, college is already over the hill.

"You go to college to retire on a scholarship."

What will happen to her children, her pupils, her livelihood, if the Olympics are boycotted?

"It's so unjust," she said, "that I refuse to think about it. You can't train like we do with that on your mind."

Margie Weiss offers an example of the ambiguous questions that surround the price of excellence.

She is, by any standard, fanatical. Yet the Weisses' gymnastics school is not some six-acre pocket of Romania transported to Silver Spring.

"We understand that the higher you go, the harder you can fall. We understand that it has to change a young person to hear the national anthem played and see the flag raised in a foreign competition for them," she said.

"You have to put a cushion under these children. We do it with intermediate goals. Each accomplishment on the ladder has its own worth. You don't have to win a gold medal to know that you're worth something."

Margie Weiss knows why her sub-10-year-olds can do terrifying stunts. "They're gullible. You can tell 'em anything. They don't shy from danger because they don't know the consequences. As long as what you tell them is what comes true, they believe you."

Yet she also knows the visceral fear of watching a 7-year-old do a flipping dive with her head inches from a high board. She knows because it is her own daughter.

"The scariest moment of my life was taking Genna to the edge of the high board for her first inward one-and-a-half. I could 'spot' for her because she only weighed 45 pounds. She had completed one somersault before my hands were off her. If I'd waited 'til she was older, I wouldn't have been strong enough to be sure it was safe," she said.

Above all, Weiss is determined that her and her husband's family school will be just that—a place where all 100 children have something of a sense of family, even though Mann and Cassello are the only two who live full time with them.

"I'm adopted," she said. "I know that the mother isn't the one who bore you, but the one who loved you."

It should not be forgotten that perhaps the most fundamental lure of athletics is its harsh, elite and unrelenting difficulty. The very notion of being a champion has always been tied to the idea of discipline, pain and self-denial.

The Athenian distance runner who ran back from the battle of Marathon dropped dead after delivering his message.

Maybe the most grueling of Olympic sports is outdoor speed skating, where wind-chill factors are often far below zero and frostbite, black toes and frozen lung are commonplace. No one pays a greater price in pain than speed skaters, those hunched-over masochists who often cannot straighten up after a race.

"This year, my motivation suddenly reached a new level," said Nancy Swider, a U.S. national team standout who in '76 set a world record in the 3,000 meters.

Others thought Swider was in peak condition. But the 23-year-old decided to lose 18 pounds off an already hard body.

"I went off preservatives, additives, canned or processed foods, any kind of junk. If I put something wrong in my mouth, I spit it out.

"I've known for years how I wanted to feel, I've seen it in other people. It's a look of total purpose and purity. But it's never been me.

"I don't like the word 'religious,' but I think we each have a God-given ability. Just once in my life, if just for a few months for the Olympics, I want to live at the absolute edge of my potential."

That, at the most idealistic level, is the gist of the Olympics.

In fact, the passion for the Olympics, the cultivated psychological need for it, is so great, that, for instance, the U.S. women's volleyball team was profoundly divided and shaken two months ago when, after five years, it was given its first vacation.

"I promised them for years that the day they qualified for the Olympics, they could have a vacation" said Selinger. "A promise is a promise, so I had to give them six weeks off. I just got weak."

"The six weeks was history," said Hyman. "Every other team in the world thought we were nuts. Theory says you can't do it."

Some team members didn't even want their promised vacation. "It was voted on" said Hyman, disapprovingly. "So they took one."

"The sacrifices that an athlete make are always woefully overemphasized," said Brooks Johnson, track coach at Stanford. "An athlete is like the workaholic who says, 'I'm doing all this for my wife and family.' Of course, he's doing it for himself.

"Some sort of psychosis is necessary as a driving force for a great athlete. The premise of being world champion is that you are not normal. Perhaps you even have to be a little sick," averred Johnson.

"That monomania is necessary. If you don't have it, you can't go the whole way to the top."

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. Dodd).

Mr. DODD. I thank the gentleman for yielding.

Mr. Speaker, briefly I want to add that there has already been much said, and the points I would have raised myself have been brought up by others. I would just like to make three quick points, if I may. One is certainly that there is an open question as to whether or not we are going to be able to exercise the kind of influence on the International Olympic Committee necessary to postpone the summer games. But certainly this House has an obligation, I think, to the people of this country to express our concern over the Soviet invasion of Afghanistan, and this is one of the best ways I know how to do it. For that reason I am a cosponsor of this resolution.

Second, it is unfortunate, as it has been said time and time again, that the Olympic games have in fact become politicized. This is not the first occasion; it has happened in the past. I think we must recognize the realization that Olympic contests have been used by other nations in the past for political purposes, just as the Soviet Union is doing today.

Third, I had introduced a resolution to transfer the site of the 1980 Summer Olympics myself along with many others in this session when we came back 2 days ago. In my resolution, in addition to what is included in this resolution, I had asked that we offer a ray of hope to athletes in the future by seeking some international site or zone for future Olympic contests, both for the summer and winter Olympics in order to insure that future Olympics are not politicized. I think it is the feeling of all of us in this country that we not cast a damaging blow to future Olympic contests. My hope would be that our efforts in this House and of this country would establish an international site and zone for the Olympic contests. I rise in strong support of this resolution, and I thank the chairman for yielding time to me.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the Member who represents the area where the headquarters of the U.S. Olympic Committee is located, the gentleman from Colorado (Mr. Kramer).

Mr. KRAMER. Mr. Speaker, the question of whether to boycott the 1980 Olympic games in Moscow is not a simple matter, not nearly so simple as the President would have us believe.

Although some nations, particularly the U.S.S.R., have tried to use the games as a political vehicle, in the past the United States has chosen not to. As a matter of fact, President Carter earlier declared that he opposed any Federal funding of the games because he did not want to politicize them.

Clearly the goal and ideals of the Olympic movement have been to transcend the political differences which separate nations and to foster a spirit of cooperation and understanding through peaceful competition—rather than through military or economic confrontation. And in this tradition, I have long supported our athletes who have worked so hard to compete on the U.S. Olympic team. Recently, I took action to see that surplus U.S. military land could continue to be used by the U.S. Olympic Committee for training our competitors, and the Secretary of the Air Force is now authorized to provide a long-term lease to the Olympic Committee for the uninterrupted use of this land.

Because of my strong support for the Olympic team, and for the pride it brings to all our citizens, I was deeply disappointed in the manner in which the President announced unilaterally the possible U.S. boycott of the 1980 summer Olympics in Moscow in response to the Soviet invasion of Afghanistan. Neither the Olympic Committee nor our allies were consulted, and as a result, we could face a situation where the United States is one of the few countries not represented at the Olympics, while the Soviets remain in Afghanistan.

I can well understand the symbol behind moving or boycotting the 1980 Moscow games, but if the President had shown more determination earlier, it is possible that the Soviet Union might not have been tempted to invade Afghanistan. In addition, it was wrong for the President to blurt out a foreign policy initiative such as the boycott without exploring and consulting with Congress and our allies.

Yet the President announced the boycott without seeing whether an alternative site would be available or whether we had support from other nations.

Now that the President has committed us to equating competition in Moscow to approval of an acquiescence to Soviet aggression, it will be difficult, if not impossible, for us to go to Moscow because to do so would give the impression of a divided country with no will to resist aggression.

But what if other countries do not follow our lead? Even if they do, a number of complications still exist. The Olympics are conducted under the auspices of a private organization, the International Olympic Committee, whose chairman, Lord Killanin, has indicated that the summer games cannot be moved in time.

Furthermore, our own Olympic Committee is a private organization, and to force them to boycott the 1980 Olympics could establish a dangerous precedent for a government which prides itself on unrestricted travel inside and outside the United States, could create difficulties for U.S. participation in the 1984 games, and perhaps could even threaten the future of the whole Olympic movement, to say nothing about the grave financial crisis our withdrawal from the games will create for our own Olympic Committee.

In cold, hard fact, the real issues are the danger to the oil supplies in the Middle East on which not only the United States but most of the free industrialized nations depend and the possibility of further Soviet incursions toward the Indian Ocean, which represent a fundamental threat to international peace and stability.

The real problem is our power to stop this threat. Boycotting the Olympics is at best an indirect tool. Such action may be seen as necessary because we have neglected our basic defense structure for too long and because the Soviets question our national will, but it is a poor substitute for a basic military capability, and we should not forget that point.

I support the boycott with these reservations in mind, emphasizing that it is not a long-term substitute for a strong defense policy; it is not a substitute for a human rights policy with teeth in it; it does nothing to guarantee the safety of free nations in the Middle East; and it asks a great deal of our athletes who have suffered and sacrificed, without any real knowledge that such a sacrifice will be effective.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Speaker, I rise in support of this resolution and compliment the committee on moving so positively to bring it to the House floor so that we could respond in a positive way on this resolution.

I think that this is more than a message; I think that this will hurt the Soviet Union commercially, which would occur if the Olympic Committee decided to follow through on our resolution here today—which I hope they do. I think, too, as my colleagues have said, that it will be a positive reporting to the people of the Soviet Union that their Government has carried them into an aggression that the rest of the world, and especially this country, does not approve. The people in the Soviet should know their Government is not engaged in a "struggle for peace" as the Soviet Union tried to tell the world when they agreed to be host for the Olympics.

Let me review with each of you again, as my colleague, Mr. YOUNG of Florida, did, the Communist dictators view and their own perception of why the Olympic games are supposed to be held in Moscow:

> The decision to give the honor of holding the Olympic Games in the capital of the world's first socialist state was convincing testimony to the general recognition of the historic importance and correctness of the foreign policy course of our country, of the enormous services of the Soviet Union in the struggle for peace.

I think the committee is taking a positive, definitive action that we have needed to take for a long time to say to the Soviet Union, we do not approve of your military aggressions; we will not tolerate forever this aggression and this ruthless slaughter of people around the world. If it is necessary for America to pull back on world sporting events, we will do so.

I think it is also an important instruction to the commercial people in our own country who jump at every chance to do business with the Soviet Union that we finally have said, no, we do not approve of this aggressive military force that is trying to dominate the world and that they have gone too far.

I compliment the committee and urge my colleagues to support this resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, like everyone else who has spoken this morning, I recognize the disappointment of the young men and women who have diligently trained to participate in the Olympic games that were previously scheduled to occur in Moscow. Their dedication and their discipline is equal to that which is required for success in politics or business, or any other endeavor in life. I personally appreciate the attitude that the athletes, the sponsors, and the administrators of the games have demonstrated and displayed in supporting the President.

This morning I talked with one of those young athletes. His name is Earl Bell. Earl is that great pole vaulter who hails from Arkansas State University and who probably would win any contest with anyone on the face of this globe. And I certainly hope that he has the opportunity. In speaking with Earl, who was in training in California, he said and I quote:

> Congressman, all the athletes have got to realize that they are Americans first. I think they do realize that, and we will stand behind the Government's position to boycott the games.

I am not surprised that a citizen of Arkansas would feel that way. I am elated that other Americans from around the country have joined with that kind of response in supporting the policy of this country to boycott the Olympic games in Moscow.

There is an old Russian proverb which is applicable here which when translated into English says that "when the wolf shows his teeth, he is not laughing." I do not think the Soviets are laughing in the Middle East. I do not think they have laughed in Southeast Asia. I do not think they have laughed on the African Continent, and certainly they are not laughing in the Western Hemisphere, in Cuba, or in Central America.

I think that it is rewarding to know that the American people have finally recognized that there is a Soviet threat and that we are at least responding by those peaceful means that we have available to us—by boycotting the Olympic games in Moscow and using economic reprisals instead of military retaliation.

Diplomacy has failed with the Soviet Union in the decade of the seventies. The American people have gambled with our own security by responding to the desire of world peace with a call for arms limitation.

In effect, Americans ignored Soviet aggression in the seventies in hopes that the Nation's leadership would elicit a Soviet response for peace.

Instead of peace, the Soviet response was colonialism and military aggression. The Soviets sent the wild dog Castro and his Cuban troops to Angola, Ethiopia, and South Yemen. In Asia the Soviets sent their puppet Pol Pot through the Indochina peninsula causing in Cambodia one of the greatest crimes of the century.

The Soviets have utilized the tactic of starvation as a means of inducing the Cambodian people to reject their leaders.

In the Persian Gulf, the Soviets have utilized the tactic of encirclement in an effort to cut off the region's oil from the Western world.

The Soviet Union has shattered the accepted base for postwar diplomacy and have continually violated accepted behavior in international law.

Some have said that athletic competitions such as the Olympics are above politics and that the games should go on in Moscow. Those who advocate that position fail to recognize that politics is the very process by which national policy is formulated. National policy affects the lives of every American citizen, including the athlete.

Those who articulate this position would ask the farmer to sacrifice by embargoing food products to needed markets, but selfishly pursue their own narrow interests in seeing that the games go on.

Those who articulate this position would ask the American industrial worker whose labors result in equipment and hardware for Russian markets to reduce their profits, but would insist that athletes be allowed to pursue their goals, all in the name of athletics being above politics.

The sentiments expressed by Earl Bell are an indication that those who articulate this position are out of step with the vast majority of Americans. Where diplomacy has failed, economic retaliation is the only alternative short of war. Is it not preferable to ask American athletes to sit on the bench during the Moscow Olympics rather than send them into battle to stop Soviet aggression in the Middle East?

☐ 1300

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Speaker, I thank the distinguished ranking minority member for yielding and I thank both you and you, Mr. Chairman, for speeding House Concurrent Resolution 249 to the floor. My House Concurrent Resolution 244 was introduced a day earlier than this and is almost identical, so naturally, I wholeheartedly support this effort. I only wish we had with us today the finest Congressman I served with and under in the 95th Congress. He was my chairman on the Panama Canal Subcommittee and he brought home from the Hitler Olympics in 1936 three silver medals and a coveted gold medal for the magnificent winning relay team anchored by the phenomenal Jesse Owens. Of course, I am speaking of the beloved Ralph Metcalf of Illinois, a superb champion athlete and a champion as a Congressman. Ralph is not with us, he is with God. But Jesse Owens is with us and I have to accept what Jesse says about this issue of boycott. He says principle and respect for international law comes before the tragic heartbreak of individual young athletes. There were millions of young men who died in the mud of the trenches of France in 1916 who were supposed to be in the Olympics that very year. The 1916 games were canceled to make way for the 4-year slaughter of 10 million healthy young Europeans and over 100,000 young Americans.

I state without fear of contradiction that young men died sprinting up the beach at Normandy in 1944 who, but for another horrible world war, would have been sprinting for Olympic gold, silver, and bronze medals in some London sports arena. The same tragedy befell the 1940 Olympics 4 years earlier. Potential 1940 U.S. Olympians found themselves on a death march from Bataan and Corregidor.

Three Olympiads canceled to make way for total war around the world and the killing of 50 million human beings. Could this have been avoided by the type of groveling appeasement that took our Olympic athletes to perform before the fuhrer in Berlin in the summer of 1936?

Mr. Speaker, when I heard, after the President's speech last night, during a short news update, that the Russians were using nerve gas in Afghanistan, a type of poison gas, it poisons the victim's nervous system, I realized that any debate on this boycott was senseless. The issue is clear. No Moscow games.

As tragic as this is for our athletes, we must simply take the path of principle. Please, may this body vote unanimously for this resolution. We have a rare opportunity to refuse a repetition of the ghastly lack of vision demonstrated by freedom-loving nations in 1936.

Mr. BROOMFIELD. Mr. Speaker, I

yield 1 minute to the gentleman from Illinois (Mr. Derwinski).

Mr. DERWINSKI. Mr. Speaker, I rise as a cosponsor of House Concurrent Resolution 249. This urgent measure calls upon the U.S. Olympic Committee (USOC) to respond affirmatively to the President's request to transfer from Moscow, or cancel, the 1980 summer Olympic games. It also calls upon the International Olympic Committee (IOC) to adopt that proposal. Should the IOC refuse, the USOC and Olympic Committees of other nations should not participate and should hold alternative games.

The Soviet Union's naked aggression in Afghanistan represents yet another breach of international law by a nation that for years has violated with impunity international standards whenever it has suited its purposes. For one reason or another, the United States States and its allies all too frequently have been unable to counter effectively this aggression. As we saw just recently, efforts to bring U.N. sanctions against the U.S.S.R. for its invasion of Afghanistan were frustrated by the Soviet veto in the Security Council.

Now, however, we have a rare opportunity to respond to this latest Soviet power play in a manner that could hurt the U.S.S.R. severely. The current issue of Time magazine pointedly summarizes what I am referring to. Time says:

> The fact is that there is probably no single action short of war that would punish Moscow more than to have the Olympics taken away or spoiled. As the first Communist country to play host to the modern Games in their 84-year history, the U.S.S.R. is determined to turn them into a model show. Over the past three years, the Soviets have spent, by their official figures $375 million in preparation for the Olympics, including the construction of 99 arenas, dormitories and other buildings. The Moscow Olympics are meant to be a monument to the Soviet's self-esteem, an extravaganza of self-congratulations that in a way betrays their profound insecurities.

In principle, I agree with those who contend that the Olympics should be devoid of politics. For years, however, dictatorships like Nazi Germany and the Soviet Union have used these games to try to demonstrate the "superiority" of their societies and political systems. A Soviet Communist Party handbook, in a highly politicized view of the Olympics, characterizes the Moscow games as pitting "decadent capitalism" against "socialism which," according to the Communist publication, "is growing stronger every day." Given this Soviet prospective, you can rest assured the U.S.S.R. is expecting NBC's televised coverage of the games to include propaganda vignettes of the Soviet way of life. Denying the U.S.S.R. such a propaganda opportunity, therefore, would be a severe blow to Soviet aims.

Andrei Sakharov, the distinguished Russian scientist, recently banished to internal exile for his un-Soviet views, called for a boycott of the Olympics well before the Soviet invasion of Afghanistan. Realizing the vast propaganda value to the U.S.S.R. of having the games held there, Sakharov contended that the free world should not dignify Soviet repression by attending. Apart from their aggression abroad and repression at home, there is another reason for not permitting the Soviets to host the 1980 games. I refer specifically to Soviet failure to comply with Olympic rules restricting competition to amateurs. It is common knowledge that the Soviet athletes devote full time to their Olympic specialties and are professionals in every sense of the word. To pit these professionals against our amateurs violates both the letter and spirit of Olympic regulations.

Every effort must be made to find an alternative locale for the 1980 games. Where there is a will there is a way. If the United States and like-minded nations devote the means, I believe another site could be ready by this summer. I understand Montreal—the site of the 1976 Olympics—has many of the required facilities available right now. Apparently it lacks sufficient housing, but that problem could be addressed quickly.

Mr. Speaker, this resolution represents a bipartisan effort to support the President in his attempt to achieve a very important foreign policy objective.

Attaining that objective may require considerable sacrifice, particularly from the athletes who have trained so hard for a once-in-a-lifetime opportunity. I am confident, however, that if that should be necessary, they will be willing to pay the price. Freedom does not come cheaply. I, therefore, urge House Concurrent Resolution 249 be passed immediately.

Mr. QUAYLE. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Indiana.

Mr. QUAYLE. Mr. Speaker, I rise in strong support of House Congressional Resolution 249 which expresses the sense of Congress that the 1980 summer Olympics should be moved from Moscow in favor of a new site, or the United States should withdraw its team from the games.

On July 25, 1978, I joined with Congressman Jack Kemp in urging a boycott based on the human rights record of the Soviet Union. Today, in the face of the naked aggression against Afghanistan coupled with Russian moves in the Persian Gulf region, Africa, Cuba, and continued human rights violations against its own people, the case is even stronger for removing the Olympics from Moscow.

It was regrettable that the Olympics were scheduled in the Soviet Union in the first place because it marked the first time in 44 years that these international amateur games would occur under the auspices of an aggressively totalitarian regime.

The Soviet leaders are planning to use the games to glorify their totalitarian regime and to present to the world a far more favorable picture of life in Russia than the facts bear out.

The sudden internal exile of Dr. Andrei Sakharov obviously is part of the Soviet plan to remove Russian dissidents from the scene of the Olympics.

I would personally hope that the International Olympics Committee would take steps to secure a permanent site for the Olympics, preferably in Greece where the games were born.

Positive steps must be taken, and soon, to arrest Soviet aggression and weaken the control the Soviet leaders hold over their subjugated citizens.

Boycotting the Olympics, or moving them to a new site, would not be adequate as a full response to the invasion of Afghanistan, but it will serve to injure Soviet interests and objectives.

This is an action that deserves the full cooperation of the free-world community and should be heeded by the United States Olympic Committee and the International Olympic Committee.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. Ritter).

Mr. RITTER. Mr. Speaker, I rise in strong support of the resolution.

Mr. Speaker, I lived for a year in the Soviet Union. I speak fluent Russian. My avocation has been the study of the Russian language and culture. I have learned firsthand that there are two things the average Soviet citizen is not to be denied. One, is his vodka and the other is his sports. They can make a country of avid Super Bowl fans look like they do not like sports. They, the average Russian sports fans, will certainly miss this Olympics as planned and they will want to know why. No amount of propaganda, no amount of jamming Western broadcasts, no amount of "relocating" of outspoken cititzens from Moscow can keep the truth from the sports fan.

One other point. This boycott, this withdrawal from the Olympics, must be part of a larger view of this administration, this Congress, of our relationships with the Soviet Union. One stick of the pin, no matter how sharply it is felt, will be recovered from. We are talking about adversaries who fought at Stalingrad and chased the Germans across Europe. I hope that this Congress, when it comes time for dealing with the Soviet Union—in terms of active signals, that we intend to stand in opposition to their aggression—will not believe that the Olympic boycott is all that is necessary to impress the Soviet leaders.

The Soviets take their basic signals from the Free World's action or inaction. They develop their basic historic policy out of Western and American defeat in Southeast Asia; inaction in Angola, Ethiopia and South Yemen; out of a unilateral decision—now reversed—to withdraw U.S. forces from Korea; out of unilateral action to scrap the B-1 bomber in the face of Backfire bomber production, out of unilateral U.S. action to choke development of the neutron bomb; out of bluster, but no action over increased Soviet presence in Cuba; out of statements from influential policymakers like "Cuban troops are a stabilizing force in Africa."

To understand the lessons of history is to not be forced to relive the mistakes of the past. Moving or boycotting the Olympics is a strong step in the right direction, but it must be seen by all Americans as part of an overall strategy to deal intelligently with the U.S.S.R.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, as a cosponsor I rise in support of this resolution which contains almost all of the elements of the resolution, House Joint Resolution 473, that I introduced last week. I might say that I disagree with the phrase that indicates if the Soviet troops are withdrawn from Afghanistan we should go forward with the Moscow Olympiad.

I think we should under no circumstances hold the Olympics in Moscow.

Mr. Speaker, the real question is why anyone ever chose the capital of international communism as a site for these Olympics. I am going to watch carefully my colleagues in this House who seem so willing to at least vote for this symbolic protest to see whether they will really back up their stands with hard decisions about defense and other matters that face us in this session.

I first suggested that the games be relocated to a site other than Moscow on January 5. To fail to do so would lend an air of legitimacy to the Soviet invasion of Afghanistan, legitimacy that the Soviet Union badly wants and needs. The President in his state of the Union message expressed his support for such a relocation or removal of the games just last night.

Critics of a removal of the Olympic site claim that the Olympics are above politics. This is sheer nonsense. Politics, sad to say, is and has been for some time an integral part of the modern Olympic games. Whether those politics should be self-deceiving is the crucial question. Avery Brundage's defense of the 1936 games in Berlin, in which he claimed that the "Jews must now understand that they cannot use these games as a weapon in their boycott against the Nazis," still shames the United States and the world community. The obtuseness of that statement is only matched by the effrontery of the mayor of Moscow, who said in response to the selection of Moscow as the 1980 Olympic site:

> It is a welcome recognition of the Soviet Union's contributions to the promotion of peace and international friendship.

I do not think the people of Afghanistan would agree.

We must be realistic about the Olympics, and for what they stand. They symbolize the unity of purpose among continents and nations, in the athletic arena. At the same time, they exist as the premier showcase for the host nation, and for the competing athletes. To allow these games to take place in the very capital of a nation which has so recently shown its true colors—blood red—is the gravest mockery of the games and of peace in the modern world.

The world still has the shame of the 1936 Olympics on its head. In the name of decency we must work to remove the games from Moscow this summer, or withdraw from those games. It is instructive to remember that until 1952, the Russians did not even compete in the Olympiad. We can certainly do without their presence again. They, however, will sorely miss ours.

I urge support for the resolution.

I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank my colleague for yielding.

Mr. Speaker, I agree with the gentleman 100 percent. Better late than never. Where were those people when this Olympic tragedy was sent to Moscow in the first place? Do they never learn?

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, there are moments when one has to be the Lone Ranger on the basis of what one perceives to be principle. I think this is an absolutely empty gesture that is devoid of any serious substance. It would seem to me that the principles upon which this country is founded ought to be such that our focus and our direction here not be to further politicize the Olympic games, but rather to make every single effort we can to depoliticize the Olympic games. Remember, there has been terrorism, there have been murders at the Olympic games in 1972, the boycott of 1976. There was no voice at that time talking about boycotting the Olympics.

Mr. Speaker, what I am simply suggesting is that what we are doing here today is a hysterical response, is a symbolic, empty gesture that has nothing to do with world events as they really and truly are. It is a political response.

The sad reality is that many of my colleagues here would not have the political courage to vote their honest conscience and that is to vote against a boycott of the Olympics. It is my honest opinion that athletics ought to be beyond politics. For young people to spend years of their lives to train to go to the Olympics and then find this country politicizing them without consulting with them is at best unfortunate. The commercials on television state very clearly: America does not send athletes to the Olympics, Americans do. We have made a big thing out of this Government not being involved in the athletics of the Olympics. That is a private situation.

Mr. Speaker, if that is the case, why is the Government now intervening? Mr. Speaker, I think this is absurd. I think this is ludicrous. What we really should be doing is making proposals to totally and truly depoliticize the Olympic games for all times.

Mr. Speaker, I would like to add a personal note here. As I raise my own children, I have tried to say to them, "Get away from this notion of thinking of the Olympics in terms of nations."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 additional minute to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I have said to my own children, "When you view the Olympic games, view the Olympic games as an effort on the part of individuals to commit themesIves to being the best in the world. It should not be this country opposed to that country or some other country."

Mr. Speaker, I think it is tragic for us to exploit the capacity of a young person and then play the Star-Spangled Banner as they stand there with a gold medal and we were not prepared to give them one single dime to help them train or subsidize them as they go through hardship and heartache of even getting themselves to the Olympic games.

Mr. Speaker, I think this is a sad reality. If this gentleman has to be the Lone Ranger, at this particular moment, then I will be the Lone Ranger in the hope that at least someone has enough guts and courage and principle to say we reject this empty, absurd symbolic notion that has nothing to do with changing the course of events in the world.

Finally, Mr. Speaker, I would simply say to my colleagues that the Soviet invasion of Afghanistan was wrong, there is no question about it. But to leap to the conclusion that this is the greatest threat to world peace and the security of this Nation since World War II is an absurd irresponsible overstatement and it is an incredibly demagogic reaction.

□ 1310

Mr. ZABLOCKI. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, we must make it indelibly clear that, in this resolution, we are not in any way criticizing the Olympic games. We are concerned that they are scheduled to be held in Moscow, where the Soviet Union, in reality, has already politicized the Olympics and will continue to exploit them.

Some of our colleagues have asked me, why Moscow was chosen in the first place.

Let me assure our colleagues that the American delegates to the International Olympic Committee voted against having the Olympics in Moscow, but they were outvoted. I think now, however, that as a result of the aggressive actions taken by the Soviet Union in invading its defenseless neighbor, Afghanistan, we must say, "No, you are not a peaceful nation. Moscow is not a peaceful site. You will not release those doves as a symbol of peace when there is no freedom to the people of Afghanistan as a result of your aggression.

Mr. Speaker, I hope we will have a unanimous affirmative vote on the resolution.

● Mr. GIAIMO. Mr. Speaker, as a cosponsor of a similar resolution, I support House Concurrent Resolution 249 calling on the International Olympic Committee to relocate the 1980 summer games at a site other than Moscow. The resolution also states that, if relocation does not take place, the United States should withdraw its team from the competition.

I have heard the arguments being made by those who would oppose this resolution, and I find them sadly lacking in reality. Some people, such as the International Olympic Committee, say that the Olympics should not be used for political purposes. International politics is as much a part of the Olympics as its traditional flame. The Olympics were politicized as early as 1936 in Berlin, and politics infected the games for certain in 1972.

Furthermore, to the leaders of the Soviet Union, all aspects of society are extensions of politics by other means. In the Soviet Union, everything—including art, science, literature, and sports—has a political or Clausewitzian nature. It is impossible to separate sports from politics in the Soviet Union, and it is inappropriate for us to try to rationalize such a distinction.

Still others argue that a transfer or American boycott would hurt our athletes who have trained years for this moment. I empathize with these people, but I refer them to Pete Axthelm's column in last week's Newsweek. He noted that the inconvenience or hardship that might be experienced by our athletes pales in comparison to the suffering being endured by the people of Afghanistan.

Conducting business as usual; that is, holding the summer games in Moscow would be equivalent to paying homage to a nation that has acted like a bandit in the international community, violating international law and the United Nations Charter with impunity. One hundred and four nations supported the U.N. resolution deploring the Soviet invasion. If they are willing to unite behind an effort to move or boycott the games, they really would be talking to Moscow in language the Kremlin understands.

The summer games will bring the Soviet Union two things it desperately needs—prestige and Western currency. The Soviet Union sees the games as an opportunity to show the world the athletic and material successes achieved by its system. It will use the Olympics as an international propaganda extravaganza unrivaled in 44 years.

It would be hypocrisy and naivete of the highest order to disregard Soviet aggression and travel to Moscow. The question of a relocation or boycott must be addressed squarely. We are not talking about a petty squabble between small nations. Rather, the issue is whether we reward calculated, naked aggression by a world power against a weak and defenseless neighbor. No incantations by the IOC can obscure these facts.

If we become pawns in the charade of participating in the games in Moscow, we will be cuddling the baby bear mascot of the Olympiad while its parent, the Russian bear, digs its claws deeper into the soul of Afghanistan. That is something we must not do.●

● Mr. HARRIS. Mr. Speaker, I am glad to have this opportunity to speak in support of House Concurrent Resolution 249, which urges the United States and International Olympic Committees to honor President Carter's request to move the 1980 summer games from Moscow to an alternate location. The resolution also recommends that unless the games are moved from Moscow, that the United States and other countries not compete in Moscow and conduct alternative Olympic games of their own. My views on this are clearly expressed in a letter which I sent on January 21 to Mr. Robert J. Kane, President of the U.S. Olympic Committee. The letter reads as follows:

JANUARY 21, 1980.

Mr. ROBERT J. KANE,
*President, U.S. Olympic Committee,*
*Colorado Springs, Colo.*

DEAR MR. KANE: I write to you at this time to express my concerns about the 1980 Summer Olympic Games. While I recognize the years of training and effort invested by American athletes, and the efforts of your committee to field the finest team of Americans for this international contest, world events have drastically changed the nature of the games.

It is with this in mind that I urge you to accept President Carter's recommendation to move the 1980 Games. It would be a cruel farce for American athletes to carry the Olympic torch through the streets of Moscow while Russian armies brutally snuff out the spark of freedom in Afghanistan.

Young Americans have trained for years to win the honor of representing our country. That honor would be tainted in Moscow. I feel strongly that it is possible to relocate these events, and I encourage you and the International Olympic Committee to begin an immediate search for an alternate location so that our American and other free world athletes will have an opportunity to participate in Olympic competition this summer.

If the Olympics are not relocated to a more appropriate site, I urge the United States Olympic Committee to support President Carter's recommendation that American athletes not compete in Moscow.

I recognize how difficult the next month will be for the United States Olympic Committee, the International Olympic Committee, and of course, America's athletes. Yet, I believe firmly that you are in a unique position to express the revulsion of the civilized world at the Soviet Union's callous disregard for peace, human dignity, and territorial integrity. The Russians must know that playing a world bully has its penalties.

Sincerely,

HERBERT E. HARRIS II,
*Member of Congress.*

Another compelling reason for the United States and all nations to support the transfer of the Olympic games from Moscow were recent actions by Soviet officials that stripped Andrei Sakharov of all of his awards and condemned him and his wife to internal exile in the city of Gorky.

If Moscow is willing to take these steps against a world-famous, honored and respected figure, and if the Soviet authorities are willing to endure world condemnation to silence this man, think what they might be doing to lesser known but equally fervent defenders of human rights.

We have all heard reports that the Moscow Government plans to isolate the Soviet public from Westerners during the Olympic games. They are afraid that the Russian people will become infected with foreign ideas like freedom and liberty, and they are pulling out the stops to prevent contact. The arrest and exile of Mr. Sakharov is the arrogant affirmation of that policy.

I strongly urge my colleagues to support this resolution as an expression of outrage at Soviet aggression and out of respect for the courage of Mr. Sakharov and every other Russian who has bravely defended the cause of individual liberty within that repressive society.●

● Mr. GOLDWATER. Mr. Speaker, I wish to express my opposition to this resolution because athletic competition, in my opinion, should not be injected into international politics.

Mr. Speaker, I am about to join a very small number of my colleagues in voting against the clarion call to boycott the Olympic games.

You know, I am having a hard time believing this. The whole damn world is coming down around our ears and the Congress votes not to throw a javelin. We are faced with what President Carter terms the most serious threat to World peace since World War II, and when we reach into the quiver for our strongest weapon, we come up with sticks and stones. Well, David may have killed Goliath with a stone, but I do not think it is going to work in this case.

There are some amazing ironies involved here. This Congress and several recent Congresses have failed to act responsibily in dealing with the Soviet Union and Communist expansionism. This administration has failed miserably in the conduct of foreign affairs. The politicians have botched it, and now that they are faced with the consesequences of their past mistakes, we are going to sink to the level of the very countries we are criticizing and politicize the Olympic games.

I think my record in regard to the Soviet Union has been consistent and straightforward. Commonsense told me a long time ago that there was something rather stupid about helping the Soviets feed their people and develop their technology so they could concentrate their resources on military programs. I have always thought détente was a rather one-sided figment of our imagination, and while I was angered, I was not surprised by the Soviet intervention in Afghanistan. The Russian bear has never been the cuddly little bear we have been asked to believe in.

In short, I have never been accused of being a Soviet apologist, and from this position, I would like to state that I firmly believe there are some things that transcend international politics.

As the President of our Olympic Committee has stated, Moscow does not own the Olympics. I understand that the ideal of an apolitical Olympiad is not always the reality. I know that it has been used for political purposes in the past, but I have always been rather proud that the U.S. Olympic Committee and team as a whole have abided by the ideal. The creed of the Olympics is that it ought to transcend politics; that it ought to be a competition between individual athletes and an encouragement toward individual excellence. In Greece they called a truce in the middle of war to hold the games. An ideal? Yes. But it is also the entire ideal behind the Olympics, and even though some have tarnished it, we at least ought to uphold it.

I do not want to muddy the water by pointing out our Government's lack of support for our athletes, but I think we need to make note of it. Those kids go through grueling and sometimes costly training to attain the goal—best in the world. They do it on their own. They get no Government support or help. Now the U.S. Congress chooses to inject itself and ask these young people to sacrifice their years of training and dedication. Will their sacrifice affect Russian foreign policy? I do not think so and neither do most of the so-called experts. Yes, we have canceled the Olympics before, but I have not heard that we are in the middle of a declared war. Letting our athletes compete in Moscow is not on the same par with wheat and technology. We are asking them to sacrifice as a symbolic gesture and this gesture will not have any tangible affect in changing communisms ultimate goals.

Finally, for those of you who are concerned about making a political statement through the Olympics, please remember that in 1936, Jesse Owens did more to show Hitler's aryan theory for the manure it was than any boycott ever could. Let us give our kids a chance to show the Communist tyrants that individual effort is a better system than collectivism.●

● Mr. LEE. Mr. Speaker, the Olympic torch should never reach Moscow.

By now, it is obvious that the Soviets are doing a splendid job of igniting world passion without anyone's help. The flame of Olympia should not be added to their arsenal.

Idealists will be quick to say that politics and Olympics are the oil and water of our modern world; they will not mix. They add that the nations of the 20th century must be willing to set aside political affrontery once every 4 years to compete in pure athletic endeavor.

In its most superficial sense, the idealists' argument is correct. For many Olympiads, political differences have been set aside for the sake of the games. The most obvious example was the 1936 Munich contests when Nazis strutted for world attention.

Yet even the poorest memory will remember that 1940 and 1944 games were canceled because the fierce nationalism which Hitler promoted during those Olympics was later put to more serious application.

Politics has marred the modern games in many ways, through terrorist murders when the contests returned to Munich in 1972, with blatant racism in Mexico in 1968, and over recognition of Taiwan in Montreal in 1976. Even at the most basic level, the games for athletic supremacy are Olympic struggles for international supremacy. Olympics are political; it is a fact of life.

Once that fact is acknowledged, the pressures to move this summer's games out of the Soviet Union must be accepted.

Politically, the continuance of this year's summer games in Moscow make a very substantial statement. If we choose to disregard the invasion of Afghanistan, we are authorizing the very opposite of the Olympic mission: To resolve differences on the playing field instead of the battlefield.

Communist Russia has never before hosted an Olympic game. In the Soviet Union, where "news" is the word of the state and citizens' perceptions are formed by the news alone, being an Olympic host for the first time says something important. It says that the Communist fight for acceptance in the world community has succeeded.

Under normal conditions, Soviet citizens might never know how the rest of the world feels about their government's brutality in Afghanistan. But if the much-heralded Olympics fail to materialize, it would be an impossible statement to hide.

In addition, refusal to stage the Olympics there would have a devastating financial impact. Two American firms alone, the National Broadcasting Corp. and Coca-Cola, are committed to $120 million and $1.3 million payments to the state respectively for the right to share in the business of the Olympics. Tourist and participant profits to Moscow could reach the billions.

If America is sincere about the statement it makes in withholding grain and technology, then it should also be serious about withholding its money—money which can be used to build more Soviet war machinery after the Olympics there.

I strongly urge the International Olympic Committee to move this summer's games, even if it means a year of delay to prepare former sites in Montreal or Munich once again.

For the long run, I think it is time the Olympics found a permanent home where construction would be a one-time expense shared by all participating countries and where politics would simply cease to exist for the hosting nation. Maybe it is time to claim a small Mediterranean island where only the Olympic flag would fly.

Only when the modern Olympics end their "look-at-me" road show will international competition be confined to the playing field. But after all, wasn't that the original idea? ●

● Mr. VAN DEERLIN. Mr. Speaker, I may be the only Member of the 96th Congress who attended the Berlin Olympics of 1936. Looking back, I feel it was wrong for the United States and other free nations to help showcase the repressive regime of Adolph Hitler.

I was hoping to attend this year's Olympics too—and would still hope to do so. But until the prospective host nation, the Soviet Union, pulls back from her aggressive foray toward the Persian Gulf, I feel that President Carter is right in aiming to deny her this great propaganda forum.

Other nations who have been sickened by the Afghanistan move will not be emboldened to show their feelings unless we take the lead.

Jack Murphy, sports editor of the San Diego Union, put the matter well in a column earlier this month. Mr. Speaker, I offer Mr. Murphy's column for the RECORD:

### U.S. OLYMPIC BOYCOTT NOT A BAD IDEA

(By Jack Murphy)

When President Carter hints of asking the United States Olympic team to withdraw from the Moscow Games as one means of protesting Russia's invasion of Afghanistan, the reaction among the athletes and the Olympic bureaucracy is predictable. Heavens, no, they cry; sports are above politics; politics are an ugly intrusion. The Olympics are the last refuge of innocence and idealism on the greenest planet.

Sure. And the Ayatollah Khomeini is a lovable despot, everybody in Ulster loves the British army, and Gene Shue was just giving that NBA official a love tap when he started a punch in Gary that landed in Chicago. At the risk of being unloved by the athletes, I am obliged to say the President is well advised in threatening an Olympic boycott.

Indeed, I wonder why Carter hasn't gone beyond threats. He moved swiftly to stop the sale of 14 million tons of corn and wheat to Russia, thus angering thousands of American farmers. But he is more cautious about interfering with the Moscow Games. Is he less concerned about the farm vote than the jock vote?

I find it encouraging that Walter Byers, the ayatollah of the National Intercollegiate Athletic Association, says he would support a boycott of the Moscow Olympics to protest Russia's invasion and occupation of Afghanistan.

"I think the interest of the United States and its leadership position in the world far surpasses the interests of amateur athletics, even the Olympic Games," says Byers. "A disruption of plans for the 1980 Games is a small inconvenience if it assists our nation in taking a leadership role in dealing with a critical world issue.

#### IT WOULD HIT A NERVE

"I don't see how you can say everything remains the same when one country is holding our citizens hostage and another is undertaking an invasion which is critical to U.S. interests in the Middle East."

Exactly. Russia obviously intends to go ahead with a long term occupation of Afghanistan in defiance of the United Nations and world opinion. The Soviets won't be deterred by an embargo on corn and wheat or the threat of losing American's presence in the Moscow Games. But they can hold the show without America's blessing and co-operation. An Olympic competition without rivalry between Russia and the U.S. would be greatly diminished.

The Moscow Games hold much importance to the Soviets. This is their showcase to the world, an opportunity to display Russia at its cosmetic best, a chance to prove how well the Communist system is working. It would be embarrassing to lose the American; the Moscow Games would be reduced to a minor competition among the Soviets and their satellite countries. Good. And the Russians will know anguish if they are deprived of television coverage, not to mention $80 million in revenue, in the U.S. If the American team doesn't go, NBC–TV won't use its cameras.

I have sympathy for the American athletes who have trained and sacrificed for the great Moscow adventure, but war always claims innocent victims. This is a form of war, a cold war. Losing a trip to Moscow does not seem a great sacrifice to Americans who interrupted their careers and lives for military service in World War II, Korea and Vietnam.

#### SENDING A MESSAGE

Lord Killanin, the high priest of the International Olympic Committee, is practicing self-deception if he truly believes the Olympics stand apart from world politics. Has he forgotten the murder of 11 Israelis by Palestinian assassins in the Munich Olympics? Or the politics involving Taiwan, South Africa and Rhodesia? I recommend Richard Espey's new book, "The Politics of the Olympic Games," to Killanin and all those who insist the Olympics must not be corrupted by politics.

"The nations of the world have interpreted participation in the Games as an opportunity to express national identification," says the author. "The ideal concept of the Games has not been rejected; it has merely been translated into practical terms."

Walter Byers applauds an American boycott of the Moscow Games because "it sends a message to the world we are not going to keep turning the other cheek to Russian misbehavior." Well said, Walter.

Sending a U.S. team to Moscow would enhance the impression that we little care about Russian aggression. I'd like to believe that's wrong.●

● Mr. BIAGGI. Mr. Speaker, last night President Carter delivered a strong and sober state of the Union message. America has entered the 1980's in the throes of crisis. The President's message reflected the gravity of our world today.

Today, the House must endorse one of the President's most important recent decisions—his request that the United States not participate in the 1980 summer Olympic games unless they are transferred from Moscow or Soviet troops are withdrawn from Afghanistan by February 20.

Make no mistake about it—the Soviet Union with their invasion of Afghanistan undertook a naked and blatant act of aggression and arrogance. The United States, under the leadership of the President, has retaliated effectively and strongly, leaving no one with the impression that we are about to accept this situation. The Soviet Union, with this invasion, has revealed its true nature—namely an unreliable partner in world peace and cooperation bent on expanding their influence wherever they feel a nation may be vulnerable. Yet, the combination of the resistance they have encountered in Afghanistan and the condemnation they have received from the world community has clearly shaken the Russians to the point where there has been internal questioning of the wisdom of their actions.

For the United States and its athletes to withdraw from the Olympics would be a highly significant action. It would deny the Soviets a forum to promulgate their propaganda, and would serve to embarrass the U.S.S.R.

Opponents of such a decision argue that politics should play no part in international athletics. However, history tells us that the Olympics are far more than a collection of world championship athletic events. The Olympics are 6 to 8 years and millions of dollars of preparation by the host country; they are a spectacular showcase of nations whose strength is judged on the abilities of their athletes; there are 10,000 athletes and coaches, 7,500 journalists, and 300,000 foreign spectators.

Behind this spectacle is an often forgotten message—the Olympic games are designed to promote world peace and friendship. It is for this very reason that I support House Concurrent Resolution 249.

How can we further the cause of world peace and friendship by going to Moscow and condoning the Soviet's invasion and occupation of Afghanistan?

The Soviet decision to arrest and forcibly remove the Soviet Union's leading human rights advocate, Andrei Sakharov, from Moscow makes the site of the 1980 Olympics an even greater farce.

The Soviet Union is hosting an event that signifies world peace, and yet, they are aggressively threatening this peace by their actions against Afghanistan, and their failure to recognize basic human rights.

The resolution calls on the U.S. Olympic Committee to honor the President's request to propose the transfer or cancellation of the 1980 summer Olympics if Soviet troops are not withdrawn from Afghanistan by February 20. I wholeheartedly agree with the President that prompt action is necessary. I strongly believe that if the Soviets do not withdraw their troops by February 20, there is no reason to think they would do so at any later date. They have been given fair warning. In addition, I still have hope that an alternative site can be found. However, several months of preparation will be needed to make the change.

The issue of moving the Olympics is a very complicated one. Perhaps a recent Washington Post editorial explains it best:

> Moving the Olympics would be costly. There would be contracts to break and new ones to make. Traditional formats would have to disappear and new ones replace them. But with money, ingenuity and determination, it could be done. Not, perhaps, to the satisfaction of the officials, spectators and journalists who are Olympics junkies, but to the satisfaction of the athletes who are out solely to prove that they are the best in the world.

The games are for the athletes, and the goodwill that results from international competition. It would be extremely unfortunate to deprive the athletes and the whole world from that experience, but the fact of the matter is that peace is only achieved through sacrifice.

Unfortunately, that sacrifice has often meant death, but here we are offered with a nonviolent but effective alternative aimed at protecting that peace. I am inspired by the patriotism displayed by the many American athletes who have declared they are willing to make this noble sacrifice, if necessary.

Mr. Speaker, I am also heartened by the strong showing of allied support for our position. Several nations have already adopted the President's policy, including Canada, Australia, Great Britain, and New Zealand. Still others, including Japan and West Germany, are expected to join us in our strong protest against the Soviet Union. China has indicated they would not send athletes to Moscow if the majority of nations decide on that course of action.

President Carter should be applauded for his firm stand in this very sensitive issue. He has recognized the severity of the situation—the real threat to regional and world peace that has been posed by the Soviet invasion of Afghanistan. He has acted in a prompt and very responsible manner aimed simply at protecting our national security and world peace. His actions merit our support today.●

● Mr. BOLAND. Mr. Speaker, I strongly support House Concurrent Resolution 249, which urges that the Olympic games scheduled for Moscow be transferred or canceled.

The invasion of Afghanistan by the Soviet Union was an abhorrent violation of the principles which are supposed to characterize the Olympic games. To allow the games to be held in Moscow would be to ignore the existence of a massive, Soviet army of occupation in Afghanistan. As long as the Soviet troops remain, the world's dealings with Russia cannot proceed in a "business as usual" fashion.

Mr. Speaker, my preference would be to move the games to a site more consistent with the goals and ideals of the Olympics. If such a transfer cannot be accomplished, I believe that the U.S. Olympic Committee should act in accordance with President Carter's request that American athletes not participate in the Moscow games. While we cannot control the decisions of the Olympic committees of other nations, we should be able to expect that the USOC will support the President. If necessary, we should be willing to stand alone on this important matter.

Some real sacrifice would be required of American athletes if we do not participate in the games. Other individuals and groups in our country have already been asked to make sacrifices, and I expect that each of us will be required to make some kind of sacrifice in the coming months because of our changing relationship with the Soviet Union. These sacrifices are necessary if the Soviets are to understand our resolve on the issue of aggression. Our refusal to participate in the Olympic games will demonstrate to the Soviet Union, in a meaningful and concrete way, that its continued violations of international law, oppression of its neighbors, and threats to world peace will not go unchallenged.●

● Mr. LONG of Maryland. Mr. Speaker, I rise in support of House Concurrent Resolution 249.

The United States, as the 1980's begins, faces one of the most serious challenges since the Second World War.

American fighting men may be risking their lives to defend the Persian Gulf countries. The American people will be asked to accept the burden of increased defense spending and military aid as well as to forego any tax cut in 1980.

Is it unreasonable to ask some sacrifice from American athletes. Above all, our refusal to participate in the Olympics will demonstrate to the Soviet Union that we are a nation of action as well as words. Staying out of the Olympic games is the least we can do.●

● Mr. OTTINGER. Mr. Speaker, I rise in support of House Concurrent Resolution 249 to support the President's proposed boycott of the Olympics in Moscow. By now it should be clear to us all that the Soviet Union has disqualified itself from hosting the Olympic games not only because of its criminal invasion of Afghanistan, but also by its persistent and escalating violations of human rights. The increasing repression of intellectuals, dissidents and Soviet Jews, as evidenced most dramatically by this week's arrest and internal exiling of the world renowned scientist, Andrei Sakharov, dramatically points out again the true nature of the Soviet regime. Clearly we must boycott the Olympics whether or not others choose to join us. To give the Soviet Union a propaganda platform at this time would be as wrong as our having participated in the 1936 Olympics which gave a legitimate platform to Nazi propaganda.

Moreover, I believe we must go beyond this resolution and proceed with the boycott regardless of possible developments in Afghanistan, for we cannot tolerate the Soviet Union's escalation of repression against its dissidents. Their actions directly contradict the spirit of the Olympics, which allegedly seek to foster greater understanding among the peoples of the world. These games cannot be hosted by those who do not respect human rights or international law.●

The SPEAKER pro tempore. All time has expired.

Mr. ZABLOCKI. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLOOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 12, answered "present" 1, not voting 35, as follows:

[Roll No. 5]

YEAS—386

Abdnor
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Barnes
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Corcoran
Corman
Cotter
Coughlin
Courter
D'Amours
Daniel, Dan
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Ford, Mich.
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gradison
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McEwen
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Thompson
Trible
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Wilson, C. H.
Winn
Wirth
Wolff
Wolpe
Wright
Wydler
Wylie
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—12

Clay
Conte
Conyers
Crane, Daniel
Dellums
Erdahl
Forsythe
Goldwater
Gramm
Kastenmeier
Nolan
Stokes

ANSWERED "PRESENT"—1

Goodling

NOT VOTING—35

Addabbo
Anderson, Ill.
AuCoin
Bonker
Brown, Ohio
Burton, John
Crane, Philip
Daniel, R. W.
Dicks
Early
Edwards, Ala.
Findley
Flood
Foley
Hyde
Jeffords
Johnson, Colo.
Jones, N.C.
Kazen
Madigan
Moorhead, Pa.
Murphy, Ill.
Nelson
Pepper
Pritchard
Richmond
Royer
Symms
Traxler
Treen
Vander Jagt
Wilson, Tex.
Wyatt
Yates
Young, Alaska

☐ 1320

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Hyde.

Mr. Richmond with Mr. Royer.

Mr. Moorhead of Pennsylvania with Mr. Pritchard.

Mr. John L. Burton with Mr. Madigan.

Mr. Foley with Mr. Edwards of Alabama.

Mr. Jones of North Carolina with Mr. Findley.

Mr. Kazen with Mr. Philip Crane.

Mr. Nelson with Mr. Brown of Ohio.

Mr. Pepper with Mr. Anderson of Illinois.

Mr. Traxler with Mr. Jeffords.

Mr. Yates with Mr. Young of Alaska.

Mr. AuCoin with Mr. Wyatt.

Mr. Early with Mr. Symms.

Mr. Charles Wilson of Texas with Mr. Treen.

Mr. Murphy of Illinois with Mr. Robert W. Daniel, Jr.

Mr. Bonker with Mr. Vander Jagt.

Mr. Dicks with Mr. Flood.

Mr. MOORE changed his vote from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

### TITLE AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. ZABLOCKI: Amend the title so as to read: "Concurrent resolution urging the United States Olympic Committee, the International Olympic Committee, and the Olympic Committees of other countries to take certain actions with respect to the 1980 summer Olympic games.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, due to a meeting I was attending over at the Senate I missed the vote on House Concurrent Resolution 249, rollcall No. 5, the resolution dealing with U.S. participation in the 1980 summer Olympic games. If I had been present I would have voted "yea" as I did this morning in the Rules Committee.

## PERSONAL EXPLANATION

Mr. KAZEN. Mr. Speaker, an appointment with some high school constituents today unavoidably kept me from being present on the floor when the House voted on House Concurrent Resolution 249, rollcall No. 5. Had I been present, I would have voted for the resolution.

While I recognize the interest in young American athletes entering world competition in events of their choice, I do not believe that the Olympic games continue to be a proper site for competition when the host country is denying all Olympic principles of contesting in the high standards of sportsmanship. For American athletes to go to Moscow while Soviet troops invade Afghanistan would be to deny the principles of our Nation and the Olympic games. I, therefore, with vigor and determination, support the proposal of President Carter that we refuse to show any support of Soviet aggression.

□ 1330

## EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF CHINA

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 529 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That immediately upon the adoption of this resolution the House shall, section 311 of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, resolve itself into the committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 204) approving the extension of nondiscriminatory treatment to the products of the People's Republic of China: *Provided*, That after the adoption of this resolution and before the House resolves itself into the Committee of the Whole, it shall be in order to offer one motion to limit debate in Committee of the Whole on said resolution, and said motion shall not be debatable.

The SPEAKER pro tempore (Mr. LUKEN). The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, this is an unusual rule because it modifies a law which provides for the consideration of a matter such as the one that this rule will make in order.

The rule was necessary because the resolution included a problem with the Budget Act. It was important that the matter be dealt with promptly because it involves the prerogatives of the House under the Constitution to initiate revenue needs. Therefore, I, as chairman of the Committee on Rules, felt that it was an emergency matter, and so ruled; and thus, it was possible to have a hearing and action on the matter so that it could come up today.

In addition, the rule does several other things. It provides for the automatic resolution into the Committee of the Whole when the rule is adopted. It does not provide, as the law does, for a postponement motion, but it does provide, as the law does, for a motion to limit debate.

I understand that the 20 hours provided for normally under the law will be proposed to be limited to 4 hours of debate under that motion, which will have to be offered in the House. Otherwise, the rule merely makes it possible for the House to act promptly on the question of a most-favored-nation approach for China, the People's Republic of China, and it is, in my opinion, an urgent matter because of the possible foreign policy consequences.

I would hope that there would not be extended debate on the rule so that we could proceed to a rather more extended discussion of the matter under the rule provided for.

Mr. Speaker, I reserve the balance of my time.

Mr. BAUMAN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, it is indeed ironic that we should be taking up immediately upon the heels of a resolution overwhelmingly criticizing and condemning the Soviet Union, a piece of legislation which will express just the opposite attitude toward the other major Communist prison house of peoples in the world today, Red China. We should consider this legislation in the context of those two acts because the tendency in this country and on the floor of this House is to discuss foreign policy in simplistic terms and live to regret it later, as we are now doing in the instance of the Soviet Union.

It is also ironic that the gentleman from Missouri (Mr. BOLLING), the distinguished chairman of the Committee on Rules, on which I have the honor to serve, should deem this to be an emergency measure in our committee requiring no normal notice for consideration. The gentleman acted within his rights, but perhaps it is the measure of importance placed on this legislation by the administration that they would feel it an emergency to give preferential trade status to the Red Chinese even before the Congress is told whether or not we are going to give military assistance to the Red Chinese, as indicated a few moments ago by the gentleman from New York (Mr. WOLFF) in the remarks made during the 1-minute speeches.

This legislation should be considered in the widest context of foreign policy. It should not be accepted totally on the basis of simply being a matter of trade. The trade statute expressly reserves to the Congress of the United States the right to judge this matter. I have confidence that in the debate which will follow, that these issues will be addressed. But exercising my prerogative as a member of the Committee on Rules, I would like to raise a few of these issues, and I hope to hear answers from the proponents of this legislation on both sides of the aisle.

I would like to know what is going to happen, if these trade rights are given to the Red Chinese, to our longtime ally, Taiwan, about which we heard so much on this floor when the President converted our longtime ally into the anomalous position of being a trading corporation somewhere in the Far East. I would like to know precisely how this will affect our relations with the Soviet Union, what it will mean to the United States, and who will benefit.

Last week I had the honor to debate the president of the U.S. Chamber of Commerce, Mr. Lesher, on a television program on this very issue. The moral blindness of big business in this country was never better exemplified than in that debate.

Mr. Lesher adopted the view that someone was going to sell the rope to Red China so U.S. business might as well benefit, although he did not add that the rope might eventually be used to hang us, as Vladimir Lenin predicted about capitalism many years ago.

It is not to be ignored that the Chinese people, under the current domination of the Communist government in Peking, make up nearly 1 billion of the world's people. But they only account for, as far as total U.S. world trade is concerned to less than one-tenth of 1 percent, as far as our exports, and less than one-fifth of 1 percent as far as the imports from that country. Yet our ally, Taiwan, which President Carter rejected, is one of the largest trading partners of the United States, in the area of $9 to $10 billion annually in recent years. So we kick our friends and reward our enemies.

Yes, we have a favorable balance of trade with this Communist nation, but as the Members will see in the debate, what precisely does this trade mean, and what is it that we are going to get from it?

□ 1340

Now, if you listen to the advocates from the Chamber of Commerce and those from the business community, you will be told that we have a very rich China market and that we are going to sell all sorts of things to the Red Chinese.

But you may not be familiar with what those things are that we are going to sell and buy. The truth of the matter is, and the statistics that have been provided by the Commerce Department readily show that big business in this country wants to reap a great deal of profit from the China trade. Because if this bill is passed, the Export-Import Bank will be able to extend credits to the Red Chinese; and who will benefit?

I hesitate to read this list, because based on this information, which is scanty, from the Eximbank, undoubtedly, this will compel the vote of a great many Congressmen wishing to curry favor with those big businesses in their districts.

Boeing, Westinghouse, General Electric, McDonnell Douglas, General Motors, Allis Chalmers, Chrysler, all will benefit from direct subsidies from the U.S. Treasury in the sense of the guaranteed loans from the Eximbank.

And, of course, if the Red Chinese are granted membership in the World Bank, it will go even further to involve direct payments by the American taxpayers to subsidize the Red China trade.

No wonder the U.S. Chamber of Commerce is clamoring for this legislation.

I will tell my colleagues who it will not help. It will not help the Elkton Sparkler Co. of Elkton, Md. It will not help the New Jersey Fireworks Co. of Vineland, N.J., or Elkton, Md. They stand to be put out of business.

Why? Because the slave labor under the heel of the government in Peking is able to order people in the People's Republic of China to work for little or nothing, and they will be able to outproduce and flood the fireworks market, as they are already intending to do even before these import duties are removed.

If you are from a textile-producing district, you had better think twice about this, because the largest single import from Red China in, for instance, 1978, was over $20 million worth of shirts. Shirts made by slave labor that will displace those made in the garment factories of Maryland and New Jersey and South Carolina and a great many other places.

No wonder the textile worker unions are very much concerned about this. No wonder they have pointed out that Chinese workers earning as little as $35 a month and apprentices earning as little as $8.50 are about to flood our country with cheap products far below any cost we can achieve.

When you have slave labor, it is not difficult to achieve that kind of trade balance.

Now here is what the proponents of this legislation want us to believe, and it is the first time I have had in my political career the occasion to ever quote House and Garden magazine.

The gentleman from Maryland decided last year to accept the invitation of the majority and the minority leaders, their very kind request to engage in the last of the United States-Chinese exchanges by the Congress under the terms of the Shanghai communique, produced by another great event in the life of Richard Nixon and Henry Kissinger, a few years ago.

That statement called for the exchange of U.S. congressional delegations and Red Chinese groups. So I went. Shortly after my return, I happened to see this magnificent full-color production in Home and Garden and in its pages trade with Red China is made to look terribly attractive. Listen to the titles the sophisticated authors chose for these articles:

Red, Symbol of Light in which you can see the wonderful gold lacquered antiques of past Chinese glory; Blue and White, Colors of East and West; Embroidery, Poetry and Silk, Wonders of China.

One has to read it to believe the astronomic comments alone made by the editions of this New York publishing giant.

That is not the Red China I saw. Yes, based in the great history of that country, much of that beauty remains. The Communists are willing to export to us the trinkets and the antiques and feathers and down and licorice and the root tea, but what they want from us is sophisticated computers. They want the ability to build up their military capacity, the ability to bring their nation out of the dark age in which it now exists and to grow strong for world conquest.

So I ask my colleagues to consider quite carefully before they vote whether or not you want to place your reliance on this new-found trade. One of the trade experts in New York, William Casey, a few months ago, in assessing the likelihood of trade, said in his opinion that the trade will be nearly all one way, exports to China. The real question is how the Chinese will pay for them.

I have told my colleagues how they will pay for them, by borrowing from the U.S. taxpayers, from the Export-Import Bank and from other world lending institutions which U.S. taxpayers are forced to subsidize.

Sit with me in Peking last April at the U.S. Embassy. We are being briefed by U.S. Ambassador Leonard Woodcock. He tells us of the glowing prospect of trade with Red China.

What we were not told, but which Time magazine—and from the Hong Kong edition, I have this page, last April—what we were not told was that the Red Chinese, the very week we were there in Peking, had canceled nearly $3 billion in contracts with both U.S. businessmen, about $2 billion of that with Japanese businessmen.

Why? Because they did not have the money to pay for it. So Hyatt International, Intercontinental Hotels, United States Steel, Bethlehem Steel, who were there drooling over the prospects of profits, were suddenly cut short, as were their Japanese brothers.

That is the kind of constancy we can expect in Red Chinese trade. And I expect that is one of the reasons that the U.S. business community wants to ease some of the financial problems of the Chinese by resorting to subsidies from the American taxpayers.

Before I conclude, let me turn my direction to the human rights issue. The only reason this resolution is before us today is because the good gentleman from Ohio (Mr. VANIK), and the junior Senator from Washington (Mr. JACKSON), some years ago had the foresight to tie immigration policy to our trade policy.

We are being asked today to vote on that issue: Does the Red Chinese Government permit free emigration? Deng Xiaoping, as I was listening in the Great Hall of the People, last April, responded to the question about free emigration, with a cynical reply only a dictator who controls his nation could possibly give: "How many do you want?" He said, "We will send them. How many do you want?"

That is a good response. What it meant was that they would be glad to send those poor souls in the Chinese hierarchy of citizens who were unnecessary, but do not put that question to the ones who languish in the prisons. Do not put that question to the dissidents who exist in Peking, who now no longer have the "Freedom Wall" as a place of expression.

No, we have no assurances from the Red Chinese that the Vanik-Jackson amendment will be observed. We have only the statement of the Carter administration that confidential assurances have been given, so confidential that Congress cannot see them.

Now in the wider sense of human rights, may I quote President Jimmy Carter, who said upon his 1977 inaugural—

> Commitment to human rights must be absolute, because we are free. We can never be indifferent to the fate of freedom elsewhere. Our moral sense dictates a clear-cut preference for those societies who share with us an abiding respect for individual human rights.

That is what the President said when he was inaugurated. He has reiterated that repeatedly. You can believe it, if the President tells you that.

Are we abiding by that standard by trading with the Red Chinese? Maybe some of my colleagues have read the document called "The Human Cost of Communism in China." It was printed in the 92d Congress by the Committee on the Judiciary of the other body. In it there are some startling statistics and they have never to this day been refuted. I quote in part:

> In the case of Red China, the available documentation, while not so extensive as in this case of the Soviets, is still substantial enough to permit estimates within wider margins. It is the author of this report's opinion and estimate after studying all of the evidence that communism in China from the time of the first civil war in 1927 to 1936, until today—

That was in 1971—

> has cost a minimum of 34 million lives and that the total may run as high as 64 million lives.

Not even the Soviet Union has approached that kind of mass slaughter of one's own people.

I have to ask the Members if any of them have had the honor to witness, as I have, an event such as I saw at the Shanghai Middle School at midday. Each day in Red China, all of the students in unison to the tune of Peking Radio's marshal music blaring, go through military exercises that would make Adolf Hitler somewhat envious.

It is rather unnerving for someone from the West to see the extent of the regimentation of the people, particularly the young people, in Red China. Is that human rights?

The gentleman from New York (Mr. WYDLER) and I pleaded with our guide, who had told us that we would be able to see the "democracy wall," later in the afternoon. We were detoured up every back street of Peking to avoid it when I happened to notice the "freedom wall" as we passed it in our vehicle and I pointed it out. The guide admitted, "Yes, that is it."

I said, "Let us stop. You said we would stop."

"No. Can't stop. The schedule is too late," despite the fact we were half an hour ahead. "Can't stop. Later. Tomorrow." We were leaving, of course, the country the next day.

□ 1350

They did not want us to see the one place where a slight degree of freedom had a chance to be exercised. Since that visit, even this small freedom has been abolished. There is no Freedom Wall and further, the dissidents have been thrown into prison. So much for human rights.

I hope the Members of this House who are so concerned, and rightly so, about the abhorrent racial policies of South Africa, who have criticized the restrictions placed on people of color in Rhodesia, that those who are so concerned by the dictatorship of Somoza in Nicaragua, I hope they will raise their voices today in voting on a bill that will give direct aid to this great mass slaughterer of their own people, the Red Chinese.

Let me give my colleagues this last thought to ponder. The gentleman from New York (Mr. WOLFF) issued a report by his Subcommittee on Asian Affairs last December. It is worth reading. In that report he said that it would be highly improper for this Government to give military aid to the Red Chinese at this point; and yet, on January 21, the Baltimore Sun, from their excellent Peking bureau, reported that the United States is pressing its West European allies and Japan for a major relaxation of controls limiting sales of military related technology to China at the same time it is tightening restrictions on the Soviet Union. We learned this from the Sun's reporter who got it from European diplomats in Peking.

This morning we learned that the administration apparently is going to follow up Secretary Brown's visit to Peking with an actual request to this Congress to send military equipment to the Red Chinese. Now, what does that mean in terms of the world? What about these 17 million free souls, the Taiwanese and free Chinese on the Island of Taiwan. Does anyone doubt that the leaders of Red China, who only a few months ago were sending their troops and guns to attack Vietnam, not particularly our favorite nation, or a few years ago were attacking India, or helped the other side to kill Americans in Vietnam, or helped the other side to kill Americans in the Korean war, does anyone doubt that this is the same Red China? Do they think they will not use these weapons for their own purposes?

No.

Do you really think that they will give us any assistance in Afghanistan or elsewhere? Certainly the Chinese have an almost pathological fear of the Soviet Union, and they may be correct. Those troops on the Soviet-Chinese border are there because the Red Chinese greatly fear the Soviet Union. But the Soviet Union could wipe out the Red Chinese in a matter of hours if they used their full capabilities, and the Red Chinese Army has no capacity to do anything to the Soviet Union except perhaps historically as they have in the past to other invaders, swallow them up in some sort of offensive should the Soviets be so unwise as to make an incursion into Red China.

There is no balance against the Soviets to be gained by cottoning up to the Red Chinese.

I point out to my colleagues a January 21 article in the Washington Post by Don Oberdorfer which underscores the refusal by the Red Chinese to even establish a hot line between Washington and Peking, and even more importantly, points out that the Red Chinese refused to vote at the United Nations on the issue of the hostages, the American hostages in Iran. Yes, they are our friends, we are told, mutually understanding, we are told. But they did not even vote with us; they left the council room so that they would not have to vote one way or the other.

These are the same people that were denouncing us only a few years ago as the world's top capitalist roaders and other terms of endearment.

Stanley Karnow in the Star wrote, and I would like to quote, "After admitting that he has been naive about the Soviet Union for 3 years, Jimmy Carter now seems to be displaying a similar kind of innocence toward China. And his approach to Peking could also prove to be a formula for disaster."

I happen to believe we ought to think twice before we make this firm decision, before we give preferred trade status to Red China. Up until now, the policy on the part of this administration has been to curry favor constantly with the Russians. That has failed miserably. Now we are told we must go from the embrace of the Russian bear to the embrace of the Chinese dragon. That is what is at issue in this legislation, because we do not even accord the favorable trade status to the Soviets that we are about to be asked to accord to the Red Chinese.

Lest this Government make another serious mistake in our foreign policy, I was about to offer a motion to postpone this legislation until we learn the full extent of the ideas of the sophisticates and amateurs that run our State Department and formulate our policies toward Red China. I am precluded by this rule from offering such a motion. I think, quite frankly, the rule should be voted down and that in the full context of our emerging foreign policy we ought to understand what we are doing here, lest in a short time we may face the same predicament with Red China we now face with the Soviet Union. They are both of the same piece. They are both major Communist nations, and in the final and inevitable showdown I suspect they will be together and not on the side of the United States.

I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I have no further requests for time.

Mr. BAUMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, notwithstanding the usual, excellent argumentation offered by the gentleman from Maryland, I urge this House to adopt House Resolution 529 so that we can begin to work on House Concurrent Resolution 204, the resolution approving MFN for China.

I think many Members look upon MFN as some sort of goodie that we accord to people for good conduct around the world. On the contrary, it is simply the normal trading status that we enjoy with nearly 200 countries of the world, some good, some bad, some left, some right, some everything. The only countries which do not have MFN with us are nonmarket countries from whom we can get no assurances of a reasonable and humane immigration policy.

Mr. SCHULZE. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman.

Mr. SCHULZE. If, as the gentleman says, it is nondiscriminatory treatment and it is the norm, why then do we have such things as the Jackson-Vanik amendment so that the President must certify certain things in order to give MFN?

Mr. FRENZEL. I think it was just as I stated. The Trade Act of 1974 provides that there is a prohibition against nonmarket countries who do not have what we consider humane immigration policies.

Mr. SCHULZE. If the gentleman will yield further, is there a potential problem in trading with nonmarket economies?

Mr. FRENZEL. I cannot tell the gentleman. I do not think it is germane to talk about that point. All I can say is that it is a part of the law and it is the part of the law that we are working with today. I think the gentleman ought to ask the junior Senator from Washington or the distinguished chairman of the Trade Subcommittee why they offered the amendment in the first instance.

Mr. SCHULZE. I guess what I am really getting to, if the gentleman will yield further: the gentleman from Minnesota was with me quite recently in Bulgaria. On the immigration and human rights situation, the President of Bulgaria rock-ribbed the straight Communist line. The puppet of the Soviet Union sat there and said to us: "Who do you think you are kidding by giving MFN to China? Their human rights policies are no different than ours or no better than ours." Does the gentleman remember him saying that?

Mr. FRENZEL. I remember vividly.

Mr. SCHULZE. So does the gentleman think there is no such thing as discriminatory treatment and we should not have discriminatory treatment? That is what I cannot understand.

Mr. FRENZEL. If I may respond to the gentleman, what we are trying to do is take section 402 of the Trade Act and that section says that the President can recommend to us that MFN be granted to one of these nonmarket nations if he has assurances that it is going to operate an immigration policy satisfactory to the definition under the law. He did so in the case of China. He has not done so in the case of Russia.

I must say that it is hard to know the immigration policies of the various countries, but since the gentleman does not seem to believe the President of Bulgaria in most matters, why does the gentleman accept his allegation that the Chinese may have bad policy and somebody else does not?

Mr. SCHULZE. Because I think he made eminent good sense in this one instance, and also reflected most of the testimony we had before our committee.

Mr. FRENZEL. I thank the gentleman for his contribution.

If I may proceed, Mr. Speaker, MFN is our normal trading relationship with most countries of the world. It is being recommended by our committee not because of global considerations, although they are important and may be very important to some Members in the way they vote on this matter.

□ 1400

The committee is bringing it to the Members because we think it is good for the economic condition of the United States that we enter into a normal trade relationship with this country. It is not a goody we give to China. We expect that it will be good for us and good for them. I support the rule, therefore, that is before us, and I urge the adoption of House Resolution 529.

Mr. BAUMAN. Mr. Speaker, I have no further requests for time, but in closing I would only say, in the context of the announcement today of possible military aid to Red China from the United States, I think that the Executive branch and the President owes it to this Congress to give us a full picture of what he thinks our relationship with this Communist nation will be before we act on the issue of trade. The only way we can postpone this matter, unfortunately, is to defeat the rule. I urge defeat of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move

the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 321, nays 74, not voting 39, as follows:

[Roll No. 6]

YEAS—321

Abdnor
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Ashley
Aspin
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burlison
Burton, Phillip
Butler
Byron
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
D'Amours
Daniel, Dan
Danielson
Daschle
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Diggs
Dingell
Dodd
Donnelly
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Ford, Tenn.
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Gray
Green
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hanley
Harkin
Harris
Harsha
Heckler
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holt
Holtzman
Horton
Howard
Hubbard
Huckaby
Hutto
Ichord
Ireland
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn
Kastenmeier
Kazen
Kemp
Kildee
Kogovsek
Kostmayer
LaFalce
Latta
Leach, Iowa
Leach, La.
Lederer
Leland
Lent
Levitas
Livingston
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McHugh
McKay
McKinney
Maguire
Markey
Marks
Marlenee
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Pa.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Reuss
Rhodes
Rinaldo
Roberts
Robinson
Rodino
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Santini
Sawyer
Scheuer
Schroeder
Sebelius
Seiberling
Shannon
Sharp
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Solarz
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stewart
Stockman
Stokes
Stratton
Studds
Swift
Synar
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Winn
Wirth
Wolff
Wolpe
Wright
Wydler
Wylie
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—74

Archer
Atkinson
Badham
Bafalis
Bauman
Bethune
Buchanan
Burgener
Campbell
Carney
Collins, Tex.
Courter
Crane, Daniel
Dannemeyer
Davis, Mich.
Derwinski
Devine
Dickinson
Dornan
Duncan, Tenn.
Fenwick
Forsythe
Goodling
Gramm
Grassley
Grisham
Hammerschmidt
Hansen
Hinson
Hopkins
Hughes
Jacobs
Jeffries
Jenkins
Kelly
Kindness
Kramer
Lagomarsino
Leath, Tex.
Lee
Lehman
Lewis
Loeffler
Lott
Lujan
Lungren
McDonald
McEwen
Martin
Mathis
Moffett
Moorhead, Calif.
Mottl
Paul
Porter
Regula
Ritter
Roth
Rousselot
Rudd
Runnels
Satterfield
Schulze
Sensenbrenner
Shelby
Shumway
Shuster
Snyder
Solomon
Stenholm
Stump
Tauke
Walker
Whittaker

NOT VOTING—39

Addabbo
Anderson, Ill.
Ashbrook
AuCoin
Bonker
Burton, John
Coelho
Crane, Philip
Daniel, R. W.
Dicks
Dixon
Dougherty
Early
Edwards, Ala.
Findley
Flood
Foley
Ford, Mich.
Fountain
Hance
Hawkins
Hyde
Jeffords
Johnson, Colo.
Jones, N.C.
Madigan
Murphy, Ill.
Nelson
Pritchard
Richmond
Royer
Symms
Treen
Wilson, C. H.
Wilson, Tex.
Wyatt
Yates
Yatron
Young, Alaska

☐ 1410

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Anderson of Illinois.

Mr. Richmond with Mr. Robert W. Daniel, Jr.

Mr. Yates with Mr. Findley.

Mr. Jones of North Carolina with Mr. Edwards of Alabama.

Mr. Fountain with Mr. Ashbrook.

Mr. Foley with Mr. Jeffords.

Mr. John L. Burton with Mr. Madigan.

Mr. Dicks with Mr. Royer.

Mr. Early with Mr. Young of Alaska.

Mr. Hawkins with Mr. Symms.

Mr. Murphy of Illinois with Mr. Treen.

Mr. Charles Wilson of Texas with Mr. Pritchard.

Mr. AuCoin with Mr. Hyde.

Mr. Bonker with Mr. Johnson of Colorado.

Mr. Coelho with Mr. Dougherty.

Mr. Yatron with Mr. Philip M. Crane.

Mr. Charles H. Wilson of California with Mr. Hance.

Mr. Nelson with Mr. Wyatt.

Mr. Ford of Michigan with Mr. Dixon.

Mr. SHELBY changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. VANIK. Mr. Speaker, I move that general debate be limited to not to exceed 4 hours, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. SCHULZE) and myself.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 204), with Mr. NOLAN in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the motion, the gentleman from Ohio (Mr. VANIK) will be recognized for 2 hours, and the gentleman from Pennsylvania (Mr. SCHULZE) will be recognized for 2 hours.

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

☐ 1420

Mr. VANIK. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Oregon (Mr. ULLMAN) the chairman of the Committee on Ways and Means.

Mr. ULLMAN. Mr. Chairman, this is a very important occasion, an historic bill. The resolution we consider today will normalize trading relationships between the United States and the People's Republic of China. It is an historic occasion, a turning point in our relations with the most populous country in the world. It is the result of a long series of diplomatic and private contacts which began during the Nixon administration and continued during the Ford and Carter administrations. It is a bipartisan effort, the results of which will be of importance to all of the nations in the world.

Recent events have increased the potential benefits to our security and foreign policy in improving our relations with China. As the President said last night our decision to normalize relations with the People's Republic of China will help preserve peace and stability in the area of the Western Pacific. The agreement will bring major trade benefits to the American economy. The International Trade Commission estimates as a result of this agreement our exports to China could increase by as much as $3 billion over a 5-year period. Our present balance in trade surplus with China should continue over that period of time.

I want to take this time to commend the distinguished chairman of the trade subcommittee (Mr. VANIK) for the major effort that he and his subcommittee have put into this program and particularly in view of the long history of controversy with our extension of most-favored-nations treatment to Communist countries. Of course, the problem of immigration has been always present in the considerations, and I congratulate the gentleman from Ohio. He has shown statesmanship and leadership. I think that without that kind of persistence we would not be here today.

Mr. Chairman, I have a special interest as a Congressman from the State of Oregon in this matter. We on the Pacific rim all have an important stake in the opening of this new market for exports. Our farmers are already selling wheat to China. Oregon businessmen are trying to win construction and dredging projects and contracts. They are trying to sell electronic equipment and many other products.

In addition Oregon sent an official state trade mission to China in November of last year. This is resulting in opening up some very exciting possibilities.

Mr. Chairman, I am pleased to see these earlier efforts of the State, the Port of Portland and individual Oregonians are bearing fruit. This is the type of effort we need to expand our business with the People's Republic of China. I therefore urge the Members to approve House Concurrent Resolution 204 which extends nondiscriminatory most-favored-nation treatment to the People's Republic of China as provided for in the trade agreements between the United States and China submitted to the Congress on October 23 for approval under title IV of the Trade Act of 1974.

Mr. Chairman, the United States-China trade agreement offers great advantages to both countries. It will remove barriers to trade by lowering our tariffs and providing for reciprocal nondiscriminatory treatment of imports and exports.

The trade facilitation measures include provisions covering business offices, representatives, government trade offices, trade promotion activities, financial transactions, patent, trademark and copyright protection and settlements of disputes. In addition the agreement includes provisions to protect our businessmen and workers from economic dislocations that might be caused by sudden unfair or injurious imports of Chinese goods.

Mr. Chairman, this agreement will help American businessmen compete in what is potentially the largest market in the world. However, it will not result—and we all should recognize this—in a sudden leap in our exports to China. Trading with China will be extremely difficult. It will take a lot of work and a lot of diligence in order to develop the right kind of arrangements and programs that will make it possible.

They do not have adequate foreign exchange to buy all they want, which is understandable, so trade will be very dependent upon financing. Their tightly controlled economy and trade must be considered and what it wants to buy shifts with changes in political leadership and the language and cultural barriers will make trade unusually difficult. Therefore, we cannot expect any immediate surge but the long-range possibilities are very, very exciting and it does allow an entree into the kinds of discussion and negotiation which will bear fruit in the long run.

Finally, Mr. Chairman, most trade is presently dominated by Japan, Germany, and a few other countries so our businessmen will face stiff competition in trying to win contracts. However, in the coming years, given the necessary effort by American businessmen and workers and by the Government, trade with China should grow to be a very important part of our overall trade. China wants to increase its trade with the United States.

I headed a delegation of members from the trade subcommittee in China this last spring. We had very important meetings with high officials including Vice Premier Deng Xiauping. The discussions were extremely articulate. They understand the problems. They are attempting to work out the procedures in their economy that will make it possible for them to interlink with our economic system in meaningful trade relationships.

Mr. Chairman, by passing this resolution the Members will assure that we have the opportunity we need to increase trade and through increased trade to solidify and improve our relations with one of the world's most strategically situated and important nations.

Mr. VANIK. Mr. Chairman, I want to take this time to express my gratitude to the chairman of the Committee on Ways and Means for helping to move this legislation through our full committee.

Mr. Chairman, I yield myself such time as I may consume in connection with this legislation.

Mr. Chairman, House Concurrent Resolution 204 provides for congressional approval of the extension of nondiscriminatory (most-favored-nation) treatment to the products of the People's Republic of China, as provided in the Presidential proclamation transmitted to the Congress on October 23, 1979. Approval of the resolution, with concurrent Senate action, will allow the agreement on trade relations between the United States and the People's Republic of China, negotiated under the terms of title IV of the Trade Act of 1974 and signed on July 7, 1979, to enter into force. Approval will also remove the trade act prohibition on China's eligibility to participate in financing through the Export-Import Bank.

This is the third trade agreement to be concluded with a nonmarket-economy country under the provisions and special approval procedures of the Trade Act of 1974, and with a Presidential waiver of the freedom of emigration requirements of section 402. As in the case of the bilateral trade agreements approved by the Congress with Romania and Hungary, the trade agreement with the People's Republic of China provides a framework and set of principles to conduct bilateral commercial relations on a reciprocal nondiscriminatory basis. The agreement contains state-to-state obligations to provide business facilitation and treatment of U.S. firms no less favorable than the treatment afforded foreign firms in China.

The agreement also includes China's commitment to base its purchasing on customary international trade practice and commercial considerations, to afford U.S. companies protection of patents, trademarks, and copyrights equivalent to protection afforded the Chinese by the United States, and provision for third country arbitration of disputes. These and other provisions are expected to be of significant practical benefit to U.S. exporters.

It is anticipated that MFN treatment will result in a gradual rather than sudden increase in imports from China in the next few years. However, the agreement insures that if a problem develops regarding Chinese imports, we have the right to impose the full range of domestic safeguard measures available under our trade laws as appropriate, including emergency import relief action under the Trade Act if there is market disruption. In addition, the Committee on Ways and Means made clear in the report on the resolution that it expects the U.S. Trade Representative to exchange information with PRC officials prior to consultation under the trade agreement if the possibility of rapid increases in imports from the PRC are causing adverse effects on a U.S. industry can be anticipated.

As in the case of Romania and Hungary, the committee has been especially cognizant of its responsibilities under the Trade Act to insure that the conditions for Presidential waiver of the freedom of emigration requirements have been met. In the case of China, the real restriction at the present time on the number of emigrants is the United States 20,000 annual quota from any one country.

Most members of the committee were satisfied that the requirements of the act for waiving the freedom of emigration provisions have been met by the President's report to the Congress citing the emigration rate and commitments by Chinese officials in public statements and diplomatic conversations to facilitate family reunification abroad and to liberalize emigration policies and procedures. As in the case of Romania and Hungary, the Congress will have an opportunity to review the waiver on China emigration at 12-month intervals beginning in July 1980.

Today, we have a broader, more dynamic interpretaton of the rights of men which include the right to know, the right to dissent, the right to worship in one's own religion, the right to enjoy the culture of heritage and the right to reach full potential in education and employment. While few nations meet these standards, it is my hope that the extension of MFN—based on the freedom of emigraton—may permit the growth of these other fundamental rights.

The Committee on Ways and Means is satisfied that the terms of the bilateral trade agreement with China comply with the requirements of the Trade Act. This agreement and Export-Import Bank financing that may become available if House Concurrent Resolution 204 is approved should lead to significantly increased levels of trade between the

United States and China by placing American firms on an equal competitive footing with foreign exporters for the vast China market.

As I have stated on a number of occasions, I held the view until recently that we should maintain an even-handed policy in our relations with the People's Republic of China and the Soviet Union. In view of the recent invasion of Afghanistan, any action concerning a trade agreement with the Soviet Union must be suspended pending the withdrawal of Soviet troops and a return to normalcy and sanity. Given recent events, I believe we should move ahead with approval of the trade agreement with China. However, at such time in the future as the situation improves and if emigration requirements are met, I would hope that the President would submit the trade agreement with the Soviet Union for congressional consideration.

In the meantime, approval of the trade agreement with the People's Republic of China will be an important further step in the normalization of United States-China political and economic relations and is a cornerstone for expanded bilateral commercial relations of mutual benefit.

I urge my colleagues to support passage of House Concurrent Resolution 204.

□ 1430

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am pleased to yield to my distinguished colleague, the gentleman from New York, the chairman of the Asian Subcommittee on Foreign Affairs.

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding.

I heard some mention within the gentleman's remarks of the question of human rights, overall human rights. Am I correct in that?

Mr. VANIK. Yes.

Mr. WOLFF. I take it the gentleman did not infer that we agreed in the area of human rights with what is transpiring in the People's Republic of China?

Mr. VANIK. Well, I would say that I am not satisfied, but I believe that the adoption of this resolution, I believe that the opportunity that the Congress will have to review the situation within 6 months and every year thereafter, will provide a climate in which the plight of the people in the People's Republic of China will improve, come more closely, I hope, to the standards which I set when I talked about the larger dimension of human rights, which is certainly our goal.

We are trading today with 200 countries of the world, many, many of whom do not have anywhere near the standards that I would consider acceptable; but under the law we only deal with those countries that are the nonmarket economy countries. I am proud of what we have been able to do with the language of the human rights provision in the Trade Act, because at least as far as the nonmarket economy countries are concerned, we are providing a review. We are trying to provide a climate which I hope will provide for a growing dimension of human rights.

Mr. WOLFF. Mr. Chairman, will the gentleman yield further?

Mr. VANIK. I would be happy to yield.

Mr. WOLFF. Mr. Chairman, I thank the gentleman for his explanation. I think it is important for us to continue to press for improvement in the conditions of the people who live within the People's Republic of China.

May I say that I support this resolution. However, I do believe that the review provisions should be carefully looked into on a regular basis, as the gentleman has indicated.

There is as well one additional point. The gentleman spoke about the Soviet invasion of Afghanistan. I subscribe fully to the gentleman's remarks in this connection. I do have one reservation, and that is the fact that the Chinese did invade Vietnam, that we strongly condemned that invasion.

I am hopeful that with the extension of this most-favored-nation treatment to the People's Republic of China that they will be dissuaded from a second lesson. Even though I do not like what is going on in Vietnam itself, I am impressed with the important policy that we have established of the protection of the territorial integrity of any nation that exists today without regard to their particular policies.

Mr. VANIK. I want to thank the gentleman. I concur and agree with what the gentleman has contributed to the colloquy.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Chairman, I thank the gentleman for yielding.

I associate myself with the questions and comments of the chairman of the Asian Pacific Affairs Subcommittee of the Committee on Foreign Affairs, the gentleman from New York, Mr. LESTER WOLFF.

We returned to Washington just last night from a visit to the People's Republic of China, as well as to several countries of Southeast Asia. While in China, of course, we met with the principal officials of the People's Republic of China.

Mr. Chairman, I urge strongly the adoption of this resolution. We went over many of the features of potential trade between the United States and China during our conversations.

□ 1440

I assure the Members that it is my opinion that it is to our practical advantage to extend the purposes of this legislation. If we understand the true meaning—and I am sure the Members here do—but if the public would understand the true meaning of "most favored nation," I think that what lingering reluctance there may be would be pretty well diminished.

"Most favored nation," as the subcommittee chairman knows, does not mean that China would receive better treatment than any other nation. It simply means they would not be discriminated against in their trade relations, and they would receive the same kind of treatment in trade relations as any other nation. We are really talking about equality in trade rather than a better than normal advantage in trade.

I feel the time is ripe that we should treat the People's Republic of China in exactly the same way and in no better or no worse manner than the way we treat other nations such as the Soviet Union, for example, and such as Poland, Czechoslovakia, Bulgaria, Romania, and others—you name them.

Mr. VANIK. Mr. Chairman, if the gentleman will allow me to respond, I would like to say that we do not at the present time extend MFN or most-favored-nation status to the Soviet Union, to Czechoslovakia, to Bulgaria, or to Albania.

Mr. DANIELSON. But Romania receives it.

Mr. VANIK. Romania receives it.

Mr. DANIELSON. Yugoslavia receives most-favored-nation status.

Mr. VANIK. Yes; Romania, Yugoslavia, Poland, and Hungary receive most-favored-nation status at the present time, and now we are considering the People's Republic of China.

Mr. DANIELSON. Right.

Mr. Chairman, on the matter of immigration, I happen to represent a district that probably has as many Chinese-Americans as any other. It has tens of thousands. I do not anticipate that the immigration problem would be much of a problem at all.

Three years ago I visited the People's Republic of China, at which time the government did not permit any of its people to leave the People's Republic to go elsewhere. Many of my constituents had family members in the People's Republic of China, some of whom they had not seen for 30 or 40 years. Many of my constituents had parents, or brothers and sisters, who were growing old and dying, and my constituents would ask me whether there was any chance they might be able to see their families again before they died.

At that time I took the matter up with Vice Premier Li and Foreign Minister Huang Hua and described the situation to them. I asked if they would mind giving some tourist visas so that the families of my constituents could at least come here for a visit before they die. They said, "That is impossible because the Chinese people do not have any money, and there is no way they could afford a trip to the United States, no matter what we did."

I assured them that the people in my district who were Chinese Americans were excellent citizens, that they were prosperous businessmen, that they carefully saved their money, and that they would be more than willing to put up the price of a ticket if they could bring their mothers and fathers over for a short visit.

They said they would take the matter under consideration. About 3 months later I was gratified to find that the People's Republic agreed and that they would issue a new regulation permitting visitations under those circumstances. So during the last 3 years there has been some traffic of people coming from the People's Republic and visiting their families here and then going back to the People's Republic of China. The number of visitors has not been huge in total terms, but it has been an appreciative contribution and it has been very well received.

This year the people to whom I talked more or less took such visitations for granted as a policy, and as a matter of fact I was thanked for my efforts in this matter by Mr. Ni of the foreign office of the People's Republic of China.

As to economic aspects of the pending legislation, I know of some real advantages that we would obtain. Right now, particularly in view of the embargo on the export of grain and other agricultural products which otherwise would have been sold to the Soviet Union, the People's Republic of China could well afford to buy some corn, some soybeans, or some wheat that we have available. If they are going to buy those products, they will have to have foreign exchange, which means they have to sell us something.

We need to sell these agricultural products which are now in a surplus status. The Chinese are hungry, and they would be glad to have the foodstuffs. If we are going to have that kind of traffic, we have to trade back and forth.

I think that extending MFN status to the People's Republic will greatly facilitate this, and we ought to get moving on it.

Last, I would like to point out that currently the People's Republic of China is most concerned about the military status and the intentions of the Soviet Union, as are we. They have told us that they are currently keeping about 1 million Soviet troops busy on their common Chinese-Soviet boundaries because the Soviet troops do not know what to expect.

That does two things that are of benefit to us. It ties up 1 million Soviet troops who have to be stationed and supported along the northern and northwestern boundaries of the People's Republic of China. It not only immobilizes those troops, but it is costing the Soviet Union a good deal of money. I think that is worthwhile, and that we ought to encourage it.

Finally, if we are to extend this benefit, I do not see how we can possibly be hurt. As the chairman of the Subcommittee on Trade, the gentleman from Ohio (Mr. VANIK), has so well pointed out, the Congress will retain oversight or retain the ability to review whatever action we take. It is not like cutting off one's leg which could never be put back on. This is something we can grant, and if the terms of the grant are not carried out, we can remedy it.

Mr. Chairman, I urge very strongly that this is a proper step to take, and that this is the time to do it. I urge that the House approve the concurrent resolution.

Mr. SCHULZE. Mr. Chairman, will the gentleman yield for a brief question?

Mr. VANIK. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. Mr. Chairman, will the subcommittee chairman respond to this: The gentleman earlier referred to the value of the annual review and referred to it, properly so, as a valuable tool. I agree and concur with the gentleman that that annual review is extremely important. I hope that the gentleman shares my point of view, and that we would not tamper with that in the future.

Mr. VANIK. Mr. Chairman, I think it is absolutely essential that we have this review. I think it is the one safeguard that the Congress, and the American people have to assure that we are going to make progress. As far as I am concerned, the procedure is absolutely essential, and I think it must be continued.

Mr. SCHULZE. Mr. Chairman, I thank the subcommittee chairman for his response.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SCHULZE).

Mr. SCHULZE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to House Concurrent Resolution 204. While I do not oppose increased trade between the United States and the People's Republic of China, I do not believe the extension of most-favored-nation trade status to that nation is in our best interest at this time.

Nevertheless, I recognize that the Soviet Union's latest invasion and wanton violation of Afghanistan's sovereignty has significantly changed this administration's perceptions. These perceptions have been changed to the point where they are desperately searching for new alliances to offset the Soviet Union's latest expansionist efforts.

But if we are to have closer relations with the People's Republic of China, it is essential that these relations be mutually beneficial to both nations. It is my belief that this legislation has failed to satisfy this important requirement, for there are a number of important issues which must be resolved prior to the granting of MFN.

One of these issues which I have repeatedly raised involves the question of Export-Import Bank loans to the People's Republic of China. With the passage of this legislation, the United States will be making available $2 billion over the next 3 years in long-term loan guarantees to that nation.

I believe that every Member of this legislative body must be aware that a vote in favor of this legislation will allow the Chinese to receive taxpayers' money at subsidized interest rates of between 7 and 8 percent. At the same time, your constituents and mine are unable to purchase a home, an automobile, or take their wife on that once-in-a-lifetime vacation because they must pay interest rates in excess of 15 percent.

If this information does not infuriate the average citizen, then perhaps we should inform them that we will be making these loans to a nation which not only does not need their tax dollars but which has refused to pay its past bills.

The Chinese Government has available to them at this moment $23 billion in unused international credits and has repeatedly refused to repay the $50 million its has accumulated in now defaulted Eximbank loans.

It seems to me that it is bad politics and bad business to now extend additional loan guarantees to the PRC when they still have not repaid their long overdue past debts.

Along these same lines, the Chinese Government must provide some type of financial compensation to those Americans who hold some $220 million Chinese Government bonds. While everyone recognizes there is a good deal of speculation involved in the buying and selling of foreign government bonds, the simple fact remains that Yugoslavia, Poland, Hungary, and Romania agreed to assume all—all of the debts of their non-Communist predecessors as a precondition to receiving MFN.

I see no logical reason now to forgive the Chinese Government from its financial responsibilities and believe such misguided generosity would establish a very bad precedent for the future. How can we realistically expect any foreign nation to pay its past debts to the United States when we allow the Chinese to avoid theirs. As elected representatives, do not we have a responsibility to protect the interests of our citizens and to require, as we have in the past, that China settle these financial issues prior to receiving most-favored-nation trade treatment.

I might also add at this time that the granting of MFN will cost the U.S. Treasury in lost customs revenues of $47 million this year and $183 million in fiscal year 1985, while we have all heard a great deal of rhetoric recently about the need to balance the Federal budget and stay within its limits, it is somewhat ironic that the first piece of legislation we take up in 1980 contains a somewhat hidden cost of $47 million.

Additionally, I feel an effort must be made to preserve the jobs of American workers whose future employment is jeopardized by this legislation, as you may recall, this Congress last year overwhelmingly approved a bill providing trade adjustment assistance benefits to those workers who lost their jobs due to foreign imports.

We now have an opportunity to prevent other Americans from losing their jobs by postponing enactment of this legislation until this Congress addresses the problem of dumping from Communist countries. Regrettably, relief is not currently available and our trade laws desperately need to be amended to deal with the unique problems caused by unrestricted trade with nonmarket economies.

What this legislation is proposing, however, is a classic example of putting the cart before the horse. What we need to do first, is implement remedial trade legislation and then provide MFN to China which is the second largest nonmarket economy in the world. To do otherwise could result in thousands of lost jobs in industries such as textiles, steel, clockmaking, nonrubber footwear, leather, mushrooms, and many, many others.

The AFL-CIO testified during the public hearings on this legislation that it realistically expected that between 50,000 and 100,000 American workers would lose their jobs because of MFN to China. They wisely recommended Congress establish safeguards, like antidumping legislation and bilateral agreements, before implementing House Concurrent Resolution 204.

In addition, representatives of the Amalgamated Clothing & Textile Workers Union have testified before the International Trade Commission and have noted that, and I quote:

> Chinese workers earning as little as $35 a month, and apprentices earning as little as $8.50 a month, are making it possible for China to export cotton work gloves to the United States at prices that undermine the domestic industry. The aggressive and calculated entry into the American cotton glove market has made China the second biggest supplier on the American market. It has caused an erosion of American jobs, by taking away 20 percent of the American market.

It should be noted that this statement was made before the President announced his intention to extend MFN to China which will result in the cutting of duty rates on Chinese textile articles by 66 percent.

Finally, there is some doubt as to China's commitment to basic human rights and their desire to satisfy the requirements of the Jackson-Vanik amendment. While Deng Xiaoping has offered to send 10 million Chinese to the United States, massive emigration does not automatically imply "free" emigration. It is quite clear that China can fulfill any yearly numerical requirements the United States chooses to establish without granting a single visa to a dissident, scientist, or any type of professional the country does not want to leave.

It is my feeling that it would be in our best interest to commission a group like Amnesty International or the International Human Rights Law Group to travel extensively within China in order to establish whether the wholesale violation of Chinese human rights still persists. After all, it has been estimated that between 34 million and 63 million Chinese have been brutally executed in the last 30 years.

In summary, I urge the rejection of this legislation until such time as the administration has resolved those important concerns which I have shared with you. Briefly, to reiterate they are:

First, the Chinese Government must provide for the $50 million it currently owes in defaulted loans to the Export-Import Bank.

Second, the Chinese Government must negotiate some type of financial settlement to cover the $220 million or a portion of that amount in outstanding bond notes which are currently held by American citizens.

Third, the United States must successfully conclude a bilateral textile agreement and perhaps other agreements to ease the potential job losses for those Americans in labor intensive industries.

Fourth, this Congress must implement remedial trade legislation to allow domestic corporations the opportunity to secure relief from unfairly priced imports from Communist countries.

Fifth, the administration should send an internationally recognized organization like Amnesty International to the People's Republic of China to investigate alleged human rights violations.

Unless these issues are resolved, I believe we would be doing a disservice to the American people and would unnecessarily threaten the very existence of American jobs throughout the United States. Let us not overreact to the crisis in Afghanistan by hastily playing the so-called China card!

☐ 1450

Mr. VANIK. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Michigan (Mr. VANDER JAGT), the distinguished ranking minority member of the Subcommittee on Trade.

Mr. VANDER JAGT. I thank my distinguished chairman for yielding to me.

Mr. Chairman, notwithstanding the good arguments of my friend and colleague, the gentleman from Pennsylvania, I rise in support of this resolution providing most-favored-nation treatment for the People's Republic of China.

My friend argues so eloquently that he leaves me almost persuaded, but not quite. I strongly endorse this legislation because I believe it is in the best interest of the United States of America.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from New York.

Mr. WOLFF. I thank the gentleman for yielding.

Mr. Chairman, I wonder if the gentleman can tell us whether this will have any effect on the Taiwan Relations Act which renders the same type of treatment to the people on Taiwan. Will this supersede that in any way, or will the people on Taiwan have the same type of most-favored-nation treatment that they received today?

Mr. VANDER JAGT. I am happy to respond to my colleague that it will not in any way supersede the Taiwan Relations Act. It will in no way affect our trade with Taiwan. This resolution has absolutely nothing to do with our relations with Taiwan. If it did, or detracted from it in any way, you would not find me in support of the resolution.

Mr. WOLFF. If the gentleman will yield further, one problem we have found with a number of treaties that have been enforced and the renewal of those treaties has caused some problems with Taiwan and, therefore, I am concerned that this will have no effect. I appreciate the gentleman's response.

Mr. VANDER JAGT. I share the gentleman's concern that in no way would we want to detract from our trading rerelationships with Taiwan, and this resolution does not do that in any way. It is totally unrelated to our trading relationships with Taiwan.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I want to say that I concur in every respect with what the gentleman from Michigan stated on this issue.

☐ 1500

Mr. WOLFF. Mr. Chairman, will the gentleman yield further?

Mr. VANDER JAGT. I would be happy to yield.

Mr. WOLFF. This in no way sanctions military sales to the People's Republic of China? Am I correct in that?

Mr. VANDER JAGT. Military sales is a completely separate and distinct issue not related again to this resolution.

Mr. WOLFF. I thank the gentleman for yielding.

Mr. McDONALD. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Georgia.

Mr. McDONALD. I thank the gentleman for yielding.

What we are discussing today, in any way does it relate to the human rights issue on Red China, mainland China? Does it in any way affect their internal policies toward human rights or lack of same?

Mr. VANDER JAGT. Well, it is not directly related to the human rights policy of the People's Republic of China other than the President has certified that China meets the test of the emigration policies that we, the Congress, laid down in the Jackson-Vanik amendment.

Mr. McDONALD. Well, this in no way would change any internal policies toward the lack of religious freedom, say?

Mr. VANDER JAGT. Well, my colleague and friend is asking a somewhat speculative question. But I would say that it would be my opinion that to the extent it does have any impact at all, because the resolution itself is unrelated to that, it could only be a positive nudge in the direction of religious freedom.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Ohio.

Mr. VANIK. In further response to our distinguished colleague from Georgia (Mr. McDONALD), I would say that I would hope that the approval of this resolution and the extension of MFN to the People's Republic of China would stimulate a broadening of human rights. In my basic statement, I said I hoped that it would provide for a broadening reaction on the part of the People's Republic of China to meet those higher standards of human rights which we feel are necessary and appropriate.

Mr. McDONALD. Mr. Chairman, will the gentleman yield?

Mr. VANDER JAGT. I yield to the gentleman from Georgia.

Mr. McDONALD. But the passage of the MFN status to mainland China or Red China in no way guarantees any improvement or change regarding human rights policy?

Mr. VANDER JAGT. The gentleman is correct.

Mr. McDONALD. I thank the gentleman.

Mr. VANDER JAGT. I do support this

resolution, because I believe it is in the best economic interest of the United States. Though the market is largely potential and in the future, the People's Republic does have one-quarter of the people of this world, so there is obviously a vast potential market for American goods.

At the present time, the Japanese, the Germans, the English, and the French, who have all normalized their trading relationships with China, have their salesmen standing there with order pads and pencils taking orders, getting in on the ground floor of what can be an enormous potential market for trade.

Our salesmen go to the back of the line, because we insist on handicapping ourselves through not normalizing our trading relationships with China. I think it is important to bear in mind that most favored nation is somewhat of a misnomer.

It means that we will allow ourselves to compete in normalized trading relations with China just as we do with 200-some countries in the world, and thereby not handicap ourselves.

The argument is made that this agreement in some way might strengthen the People's Republic of China.

I would respond that, given the view of the world which the People's Republic of China has, given the nature of our strategic balance in the world today, anything which strengthens the People's Republic of China, especially brought about through closer cooperation with the United States of America, would, in my opinion, be a greater deterrent to continued Soviet aggression than the Olympic boycott and the grain embargoes combined.

So, for the reason that it is in our economic and strategic best interests, I rise in support of this resolution and ask my colleagues to support it.

Mr. Chairman, this trade agreement deserves our endorsement not because it will cause a sudden surge of new trade between the two countries that will result immediately in enormous economic gains for either; but because, as the People's Republic of China slowly develops its enormous trade potential, the United States can compete effectively for a share of that growth. Our Western trading partners are way ahead of us. Japan, Great Britain, and France all have entered into long-term bilateral trade agreements with the People's Republic of China that set specific goals for the expansion of two-way trade. West Germany has developed similar trade inroads through the extensive use of long-term private contracts.

Much of this trade expansion will be financed with the assistance of official Government credits similar to those provided by our Export-Import Bank.

However, without a bilateral agreement that normalizes trade relations between the United States and the Peoples Republic of China, our Government is precluded by law from offering Exim-bank credits to U.S. exporters who seek to gain increased access to Chinese markets. China's current credit potential, both official and private, with Western nations other than the United States amounts to between $23 and $30 billion. U.S. businesses alone cannot develop a position of competitive strength in the Chinese market against such odds.

That is the principal value of the trade agreement that we are seeking to approve today. The developing Chinese market already is a highly competitive one and will become even more so, especially as that country develops its oil reserves. Approval of a bilateral trade agreement will insure that U.S. firms doing business in China will have an equal opportunity to establish a strong competitive position in that vast market. In addition, it will establish the rules of trade to be followed by both countries over the next several years so that U.S. businesses can have some security in their trading relationships with the People's Republic of China.

Much of the discussion surrounding the trade agreement, of course, has centered on the extension of most-favored-nation (MFN) treatment to the products of the People's Republic of China. What MFN for China means is that the United States will apply nondiscriminatory tariffs to imports of their products, just as we apply them to all market economy countries along with several nonmarket economy countries. For China, the change from column 2 to column 1 status, will result in only about a 10-percent reduction in the level of duties amounting to $70.7 million in fiscal year 1980 and rising to $223 million by 1985. Since total trade between the United States and China in 1979 was only .5 percent of the total volume of U.S. trade, we are not talking about a very significant economic effect.

Mr. Chairman, we are considering this trade agreement at a time when the balance of power in the world, from a political perspective, is being seriously eroded. Although we like to review trade agreements in a context apart from foreign policy considerations, we cannot ignore the political goodwill that this trade agreement will generate between the United States and the People's Republic of China. No trade agreement will make the People's Republic of China our ally in every instance. However, the increased contacts, shared ideas and mutual goals with respect to trade facilitation that this agreement sets forth can only narrow the gap between China and the Western World and serve a balance against political excesses.

I hope my colleagues will agree that this trade agreement offers considerable advantages, both actual and potential, for the United States and will join me in enthusiastic support of House Concurrent Resolution 204.

Mr. SCHULZE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in opposition to the resolution approving the extension of nondiscriminatory trade treatment to the PRC (People's Republic of China).

A number of issues have been discussed today as reasons for denying most-favored-nation trade treatment to China. The questions of assurances by the President on emigration, repayment of existing debts, and compensation on Chinese bonds are all valid arguments against this resolution.

An equally valid consideration is the concern about transfer of technology, which also deserves more careful thought. Before the invasion of Afghanistan by the Soviets, there was real concern among many of us about the wisdom of providing technology—and credits to pay for that technology—which would be instrumental in contributing to the military advance of China. In fact, I recall even arguments against technology transfers to the U.S.S.R. were criticized here on the House floor before the Russian invasion of Afghanistan. I believe it would be short-sighted of us to race forward now to embrace the PRC as a new-found ally against the Soviets when it is still not clear what the Chinese intentions are toward contributing to the peace of Southeast Asia. It is not clear at all that the PRC is any more than an enemy of an enemy—not a friend.

A recent study by the Office of Technology Assessment stated that foreign technology will be essential for the development of the Chinese economy and will be most useful in urban industries where large-scale plants are used in basic manufactures and military production. While some people will say that China offers a potentially vast market for Western trade, I would maintain that transfer of high technology items could have serious long-term disadvantages for our national interest, if it contributes significantly to the military potential of China.

Our immediate attention is, as it should be, focused on the Soviet invasion of Afghanistan, and the United States and our allies are rightfully indignant at the callous aggression of one nation against its neighbor. It was not too many months ago, however, that China invaded its neighbor Vietnam, and the lack of condemnation made it appear as though there were almost tacit approval. There also is no assurance that China has renounced its intentions of aggression against its neighbors either to the south or across the straits to Taiwan.

So, before we rush forward to use the Chinese ally as a counter to Soviet aggression, we had better consider carefully what actions we might be encouraging from another superpower, with similar aggressive tendencies. I submit this is not the time to consider this matter.

I urge my colleagues to reject the political arguments relied on now and defeat this resolution to grant MFN to China.

Mr. SCHULZE. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. McDONALD).

Mr. McDONALD. Mr. Chairman, today in the heat of crisis over the Soviet invasion of Afghanistan, we are inclined to reach out for new alliances and allies in the face of the Soviet juggernaut looming over the horizon. Many Members here today will view this vote in that light. However, let us remember that the People's Republic of China is only, temporarily, the enemy of our enemy, not our ally. Our policymakers made a very basic mistake during World War II in assuming Soviet acceptance of our help meant friendship and a basic change in Communist goals. They were sadly mistaken and we have been paying for that mistake ever since. Communist China is no less a Marxist stronghold than it was before the ideological split with the Soviets over leadership of the Communist world. It should also be borne in mind that if the rift with the Soviet Union were to be healed tomorrow, Red China would again become our enemy. Red China is not in a position to significantly alter the events in Iran, Afghanistan, nor Pakistan, press commentary notwithstanding.

Red China does not have the money to pay for our products. She can only acquire the money by subsidized taxpayer loans. She has very little to export to us except cheap textiles which we do not need. She has not earned this concession from us. It is a mistake in the long run to grant this status, although in the short run it may be appealing. The free Republic of China is an important trading partner in that area of the world. I, therefore, strongly oppose passage of this measure and wish to associate myself with the remarks of the gentleman from Pennsylvania on this matter.

Mr. Chairman, in World War II, we had a national policy that caused us to aid in the massive buildup of the Soviet Union, a totalitarian state, into a world power following that war.

□ 1510

Goods shipped to the Soviet Union in World War II then ranged in the $11 to $12 billions in then-year-dollars range, a debt never repaid. Many of those items had nothing to do with the war effort, but the buildup of a totalitarian power into a world power following the termination of hostilities.

Now in this action we move to build a totalitarian Red China, a third superpower. Perhaps George Orwell was right in writing "1984" when he said the world would be divided into the three major powers, constantly shifting alliances, in a state of perpetual war for the benefit of perpetual peace.

Trade clearly implies a two-way street, but what do we get out of the deal? We have the options of the major products being cheap heroin for the world market of undetermined amounts, cheap textiles which we certainly do not need in the United States, and trinklets, and novelties which quickly can glut the market.

Of course, there is another item for sale which has not been discussed which deals with family treasures and confiscated art objects. I shudder to think what reaction the American public would have had during the 1939 and 1940 period if Nazi Germany had offered to have large-scale exports of confiscated art treasures from those families that had been shifted to the concentration camps.

Recently I had an opportunity to discuss this point with a businessman just returned from an extended visit looking at the trade opportunities for his particular company. He remarked that one afternoon he was taken into a vast underground warehouse and there, row after row after row, shelf after shelf, almost unendingly, he was shown the various art objects and various treasures that would be available for sale. The thought occurred to him that, indeed, he was being asked to act as a gigantic fence for confiscated goods. The American public, the U.S. Congress, would have held back in shock and horror at the thought of acting as a fence in the late 1930's or early 1940's for Nazi Germany for confiscated goods. And this, too, then will be a potential source for the "two-way street of trade."

A high U.S. official recently returned from Red China after a 3-week visit. He dealt with the library situation there and their need to rebuild large sections of their libraries destroyed by the Red Guard during that so-called cultural revolution when 1,000 or 10,000 flowers were to bloom. Large sections of their libraries were taken out and destroyed at that time, and they have need to deal with our libraries in an effort to fill in some of those gaps. He was struck by the fact that in his discussions with them they made it very clear that they felt that Taiwan would and must be brought under Red Chinese control. This was not going to be an area of compromise.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. SCHULZE. Mr. Chairman, I yield 1 additional minute to the gentleman from Georgia (Mr. McDONALD).

Mr. McDONALD. When asked if they had a single copy of the Koran or the Bible in their libraries, if a copy was available in a single library throughout the entire country, he was assured at that time that no copy existed because they were an atheist nation and that would be incompatible with their process. Can we, indeed, plan to deal on an open basis with a nation that holds those views?

Finally, one day in the early morning when being driven in the limousine to some state visit they passed 75 to 100 people waiting to catch a bus, but 80 feet down the road was an 8-year-old child sprawled out dead in the road, having been run over, and the people were walking back and forth just as though it was perhaps a piece of debris.

Perhaps we think we are dealing with humans in this trade matter, but I think we are perhaps finding ourselves moving up with most-favored-nation trade status to a nation of humanoids. It is a price we paid dearly in the World War II period when we held illusions about the totalitarian power of the Soviet Union, and I think today we are about to make that same mistake with a Third World totalitarian world power.

Mr. SCHULZE. Mr. Chairman, at this time I yield 10 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I rise to discuss House Concurrent Resolution 204, which provides nondiscriminatory tariff treatment for the products of the People's Republic of China. In doing so, I want to make it clear that I share the reservations many of my colleagues have about taking this step.

In processing this legislation, let us not delude ourselves about what is happening on the Communist mainland. The recent 15-year jail sentence given dissident leader, Wei Jingsheng, should sober anyone who believes things are significantly improving on the human rights front. Let us be candid about the PRC; it remains essentially what it has been since its inception over 30 years ago—one of the world's most oppressive dictatorships.

I am curious how this measure fits the administration's human rights policy. Does this mean that henceforth whenever this administration finds it to be politically expedient, it will make a deal with any nation, regardless of its human rights record? Does this mean, for example, that if Argentina and Brazil should change their minds and join our grain embargo against the Soviet Union, the administration will end its criticism of their human rights records? Does this mean that Chile may some day regain the administration's favor for yet undefined "parallel interests"? I could offer more examples, but I trust you get my point.

The President recently indicated that the Soviet intervention in Afghanistan changed his mind on what the Soviet's "ultimate goals" are. Given this belated perception, I hope he will now formulate and implement a foreign policy that is based on what the world is rather than what he mistakenly assumed it to be.

Over the past 3 years, the administration has conducted its foreign policy in a manner that reflects a very naive concept of international politics. The President's human rights campaign epitomizes that naivete. Moreover, the campaign's inconsistency has contributed substantially to policies that have neglected and/or forsaken our friends in favor of radicals whose objectives and ideology fly directly into the face of ours.

It is, therefore, not surprising that the general impression abroad is that the administration is a floundering giant who has only a vague notion of what it wants to accomplish in world affairs.

Now let me raise some specific points on House Concurrent Resolution 204.

One of my major concerns is that this new trading arrangement will be a two-way street. Can we be assured, for example, that U.S. business interests will be allowed facilities to promote their products in China which are commensurate with those their Chinese counterparts will enjoy in the United States?

I am also concerned how we practically go about developing a balanced trading arrangement, given the fact that the PRC's products will be aimed at our consumer markets and those it will be purchasing from the United States will be primarily of a higher technological nature. There will be few possibilities for U.S. products to reach the Chinese mass market.

This new trade agreement also states that the People's Republic of China agrees to provide copyright, patent, and trademark protection equivalent to the protection afforded the PRC by the United States. In view of the Communists' notorious reputation for ignoring copy and patent rights, what guarantee will we have that these rights of U.S. firms will be properly protected?

In addition, Mr. Chairman, I wish to express my regret about the procedure which precludes any amendments from being offered. If they had been permitted, I would have proposed one that would have afforded U.S. companies presently doing business on Taiwan protection from being coerced to relocate their firms on the mainland, and to protect them from such economic blackmail.

At this time, Mr. Chairman, I wish to direct some questions to the distinguished gentleman from Ohio (Mr. VANIK). Let me say to the gentleman I recognize the point made by some of the earlier speakers that the recent situation in Afghanistan had strengthened the arguments for this bill. I recognize the political realities. I am just wondering if the gentleman could advise me if our State Department or Commerce Department officials, in discussing the general situation with the government in Peking, have raised the question of the status of the people in Tibet or any other segment of the Chinese society that suffers from human rights problems.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I am happy to yield to the gentleman.

Mr. VANIK. Mr. Chairman, there was discussion. Certainly during the course of the hearings there was discussion. I realize that when we talk about human rights in other parts of the world there are few places that meet the standards that are so much the pride of the West. My hope is that the adoption of this resolution and the normalization through trade and the communication that should occur between our countries, through that we would be able to provide some input, some better idea as to what is going on in those parts of the People's Republic of China so that when we review this legislation in 6 months we might be able to have more information and we might be able to be more successful in trying to provide a higher level of the total human rights goal and objective that the gentleman and I share. I want to thank the gentleman.

Mr. DERWINSKI. I have a question in another area of concern. Let us, for purposes of this example, let us say that the First National Bank of Cleveland would ask to establish branches in the People's Republic. Has there been any discussion held or any protection under this bill established for, let us say, the First National Bank of Cleveland if they happen to have an installation in Taipei and were told they would not be permitted to operate in the the mainland unless closed their facility on Taiwan? Has the subject of possible economic leverage or pressure been raised at all?

Mr. VANIK. I might say to the gentleman that first of all one of our large banks of Cleveland has changed its name, and I think with the new administration we may be getting back to the old name. But I want to say this trade agreement does not cover that kind of situation and it would only deal with the regular commercial trade between our countries.

Mr. DERWINSKI. One other point, if I may. I wish to commend the gentleman from Ohio for what I considered a very effective application of the Jackson-Vanik amendment as it has been applied to the Soviet Union. I think the gentleman will concur with me that there is an extra point of finesse needed as we look down the road. For example, when we speak of the Ukraine or we speak of the Baltic States, the people there are not so much interested in leaving the Soviet Union as they are having the Soviet Union leave their countries. I would commend to the gentleman the fact that he keep that in mind as he continues his effective legislative oversight over the application of the Jackson-Vanik amendment as it applies to the U.S.S.R.

Mr. VANIK. I want to assure the gentleman that I have been supportive of his efforts to provide for proper recognition of these minorities that are in the Soviet Union which have sought to emerge and develop a greater sense of autonomy. I would hope that in our efforts to implement our trade legislation with these human rights specifications that we try to create a climate in which we provide assurances or provide circumstances under which these individual rights might be maintained and extended and perhaps restored. I want to commend the gentleman for his efforts throughout the years in keeping alive the need for respecting the rights of those very large and important minorities.

Mr. DERWINSKI. Mr. Chairman, I find it impossible to support this legislation, but I commend the gentleman from Ohio for his very special interests and concern over this aspect of our trade legislation.

□ 1520

Mr. VANIK. If the gentleman will yield further, I just hope that we have been persuasive enough to recruit his support for final passage on the resolution.

Mr. DERWINSKI. The gentleman has been effective, but not persuasive.

Mr. VANIK. Mr. Chairman, I yield such time as he might desire to my distinguished colleague from New York, the ranking minority member of the Committee on Ways and Means, Mr. CONABLE.

Mr. CONABLE. Mr. Chairman, I thank the distinguished subcommittee chairman, the gentleman from Ohio. I am pleased to follow my friend from Illinois here to the well of the House. He was gentle in his disagreement with this legislation. I would like to be gentle in my disagreement with him as to his conclusions because of the delicacy of his condition. We all wish him well, and wish to see his vibrant vigor again displayed in his posture and in his legislative approach.

Mr. Chairman, I strongly support this measure. I believe that most-favored-nation status for China at this time is appropriate, but I want to do so with full awareness that we must not depart from realism in our understanding of what is happening between our two countries. I do not urge my colleagues to vote for this legislation because of the invasion of Afghanistan, and because at the present time Russia and China are at ideological counterpoint within the Communist world. It is well known that there are deep difficulties between Russia and China regardless of ideology. Their long common border has been a matter of historical dispute. They come from completely different traditions. They even revere different Communist heroes: It is always surprising to go to China and see pictures of Stalin, who has become a nonperson in Russia.

Neither country has much in common with us, and certainly not ideologically or from a human rights viewpoint. So, I do not urge support for this measure on account of the antagonisms between these two countries, because these two countries, which were once working closely together, could work together again. We are not advocating an irreversible position in tendering to China most-favored-nation status under our Trade Act. And certainly, I would not advocate continuance of this relationship were China's interests to become inimical to ours.

In another sense, I do not urge support for this measure because I am blind to the issue of Taiwan, or the Republic of China, as a serious cause for concern between our two countries. We have worked out our problems with Taiwan, perhaps not completely to their satisfaction, but know that for the next 10 years in all probability our total trade with Taiwan will exceed our trade with mainland China. That is no reason to deny most-favored-nation status to China either.

In this respect, let me say that one must be realistic about what most-favored-nation status is. It sounds like something that is granted to a special friend. In fact, it is nondiscriminatory tariff treatment. It is what is accorded to all nations except those that are deemed outlaws, and China had most-favored-nation status after the revolution, after the fall of the Kuomintang on the mainland, until the time of the Korean war when our relations went into deep freeze and when we put on what amounted to a special penalty because of cold war violations and antagonisms.

Now, in my view we should take the longer perspective about an issue like trade. Trade is neutral. It involves a form of contact between nations which is neither political nor military. Quite frankly, political and military relations between nations are always going to be difficult because we do come from different traditions. But, trade involves mutual advantage, or it does not happen.

What kind of trade can we expect with China? Well, it will be difficult, frankly. It will not be big. At this point the balance of trade is very much in our favor, and it is likely to be for some time to come, although China will, in this complex world, get trade credits by selling to other countries that will then be available for dealing with us. On a bilateral basis, it will be very much in our favor.

Concern has been expressed about the possibility of our market being flooded with cheap textiles. Well, we are quite capable of protecting ourselves on that, thanks to the Trade Reform Act of 1974;

thanks to a leadership which understands that it is not in this country's interest to put 2 million textile workers out of work just because it is possible to get cheap textiles somewhere else. We have not had a textile agreement with mainland China yet, and I regret that we have not, but out Government has been quite capable of unilaterally setting a quota which would protect the American market, and we will continue to do that. So, I say that such a fear is not justified.

Trade does and must involve mutual advantage, and we are not likely, in giving MFN to China, to give up that idea and to accept a flood of goods that would be disruptive in our market any more than we would in dealing with any other major producer.

Now, the trade with China that we have is going to have to be built slowly. We know China has many large resources; not just her 900 million people, but mineral resources, potential oil resources. Back in the 1900's one of the rallying cries of the American market was, "Oil for the lamps of China." If we could just sell each Chinese person a little oil, it would be a tremendous market for American oil, which we could then exploit. That was an unrealistic expectation. These people are terribly poor, but if we can build slowly a mutual interest, a mutual advantage, we can give to our two countries a vested interest in peace that will serve us in the long run. Their resources can be to our advantage; and technology to theirs. That is the perspective in which we must look at the China trade; not on the issue of immediacy of minor matters which are not going to loom that large in the longer run.

I hope my colleagues will support this measure. I think it may be a long-term situation. Surely, we do not want unreasonably to be antagonistic to 900 million people, and to try to drive them into the arms of the Russian bear that they resent and resist so now.

□ 1530

In the long run we will not regret this measure. If we do, it can always be changed. The relationship between nations does change from time to time, and it is subject to review and should be subject to review. But our long run interest, I think, calls for us to take this step at this time.

Mr. SCHULZE. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. I thank the gentleman for yielding. I agree with him that the annual review is extremely important, and it is important that we keep that to try to use as a wedge or even a potential threat to make sure that we have some kind of orderly marketing processes. I wonder if the gentleman feels as strongly as I do about that annual review?

Mr. CONABLE. I think review is important. I do not put great stress on it. I have never felt completely comfortable with sunset provisions because of the artificiality of the time limits involved. If Congress does its job, quite frankly, adequate oversight should insure adequate review, not just of relationships of this sort but of the programs that we are responsible for domestically. So I do not think there is any magic in annual review, but I do think that we must understand no step of this sort that we take is irreversible, and it should be subject to regular and effective congressional oversight, whatever the formula.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield on that point?

Mr. CONABLE. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding. The gentleman makes a very important point. The annual review under section 402 of the Trade Act of 1974 in some respects is stifling trade because, only guaranteed 1 year, businessmen of two trading companies have difficulty making the complicated negotiations that are necessary in today's normal commercial trade. So, as the gentleman suggests, I think it is far more important that we monitor the relationship on a continuing basis, and then by act of either or both Houses make a decision to terminate it rather than find ourselves in a terminating situation each year that tends to inhibit normal and desirable commerce.

Mr. CONABLE. I understand the gentleman's point, and I agree with it that trade is a voluntary matter. Just to pass this measure is not going to automatically open a spigot and result in a great flood of goods moving either way. It requires planning and the building of markets.

For the establishment in China, may I say, of a legal substructure that would permit the development of permanent and dependable relationships, they have got to develop authorizations for joint operations, and they have to adjust a law which is really quite rudimentary under their Communist system so that our private enterprises can take advantage of joint operations within their economy.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding. I just want to point out the procedure is working. We have renewed the agreement with Romania. This year we renewed an agreement with Hungary, and the issue was never brought to the floor. We were able to do it within the review provisions of the Trade Act without disturbing a relationship.

I want to tell the gentleman in the well, the distinguished gentleman from New York (Mr. CONABLE) that he has brought this debate to a very high and scholarly level. I want to thank him for that. I think he has put the whole issue in the perspective with which we should look at it, and I appreciate his very important contribution.

Mr. CONABLE. I thank the gentleman very much. I also want to thank him for the leadership he has given this subcommittee as chairman. In this matter, I think he has been leading in the best traditions of this body, and I appreciate it.

Mr. VANIK. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding this time to me.

Mr. Chairman, I rise in support of House Concurrent Resolution 204, which would normalize our economic relations with the People's Republic of China by granting so-called most-favored-nation status to that country.

Let me say, first, that "most-favored-nation" is a phrase which is misleading and really ought to be replaced in diplomatic jargon with something more accurate. By granting MFN we are, in fact, not "favoring" China at all. We are simply removing economic sanctions and discrimination which we have long imposed upon certain countries like China, and returning China to the same economic treatment and status we accord to most countries of the world, including several Communist countries. So we are not giving China any special trade benefits. We are only removing trade barriers.

It is quite appropriate to take such an action at this time, Mr. Chairman. The People's Republic of China has fulfilled the requirements and conditions set forth in our laws for nondiscriminatory economic treatment. Those requirements include settlement of U.S. private property claims and assurances that the Government of China will follow an open emigration policy. The President has determined, and reported to the Congress, that the action proposed by House Concurrent Resolution 204 would encourage and help to promote freer emigration which is, of course, a fundamental part of our foreign policy. Very thorough hearings and discussions by the Ways and Means Committee have fully documented Chinese compliance with U.S. law regarding normal trade relations, and I want to take this opportunity to commend the members of that committee, and particularly my friend and colleague, Mr. VANIK, the chairman of the Trade Subcommittee of that committee, for excellent work on this issue. I would add that members of the Subcommittee on International Economic Policy and Trade, which I have the honor to chair, and the Subcommittee on Asian and Pacific Affairs, chaired by our colleague from New York (Mr. WOLFF), were fully briefed by the State and Defense Departments on December 18, 1979, regarding emerging U.S. policy toward China and the actions taken by the Chinese Government which have resulted in this proposal coming before us.

There has been debate as to whether it is appropriate to normalize our relations with China while we continue to impose relatively high tariffs and other trade barriers on the Soviet Union. However, the events of recent weeks—the invasion of Afghanistan by the Soviet Union and the new threat that poses to Pakistan and Iran—tend to destroy the agreement that we should follow an even-handed policy toward China and the Soviet Union. Even if the invasion of Afghanistan had not occurred, however, even-handedness presumes cooperation from the other side. The Soviet Union was given every opportunity and even encouragement to reach an understanding with the United States similar to that between the United States and China so that the Congress could take action on most-favored-nation status for the Soviets more or less simultaneously with consideration of this proposal for China. In addition to active efforts by the executive branch to reach an understanding with the Soviets, several Members of the Congress took it upon themselves to urge the Soviets to take some actions which could be interpreted as an accommodation and which could be used as a basis for congressional consideration of MFN for the Soviet Union. The Soviets were totally unwilling to respond and these initiatives failed. As a result, the Soviets have no one to blame but themselves for the fact that we are now likely to normalize our economic relations with China without including them. The invasion of Afghanistan, of course, puts the blame even more directly and undisputably on them, and compels us to continue to exclude them from normal economic relations so long as they continue to pursue aggressive and oppressive policies not only toward their own population, but also toward their neighbors.

The resolution before us would allow China to enjoy the benefits of U.S. Government credits and credit and investment guarantees which are otherwise denied by law to Communist countries. It concerns me that we are moving ahead in these aspects of our economic relations when China has yet to resolve certain debts to the U.S. Government, while its new foreign investment law appears to discriminate against foreign insurers, including American insurance companies who might wish to issue insurance on goods or projects in China, and while the problem of textile imports from China has not been finally resolved. The imposition of quotas by the United States on textiles from China has alleviated the textile problem for the time being, but a mutual agreement that will assure orderly and stable marketing of Chinese textiles in the United States would represent a long term approach to the problem preferable to the current unilateral quotas.

Other important aspects of our economic relations with China—U.S. Government guarantees an insurance for private investors—are not authorized by House Congressional Resolution 204. Such Government guarantees and insurance are offered by the Overseas Private Investment Corporation (OPIC), but section 620 of the Foreign Assistance Act of 1961 precludes OPIC from operating in any Communist country unless specifically authorized by Congress to do so.

To obtain the great amounts of capital required to meet its development plans, China will need at least some foreign private investment. Legislation is pending before the subcommittee which I chair that would encourage American investment in China to help further its development by permitting OPIC to guarantee loans and insure investments by Americans for projects in China. The remaining economic problems between the United States and China that I have mentioned will certainly have to be carefully discussed and hopefully resolved as we proceed to consideration of legislation authorizing OPIC to operate in China.

Finally, Mr. Chairman, let me say that I believe we should approach with great caution the question of any potential defense or military relationship with China. There is no legal relationship between the granting of most favored nation status and closer military ties, but historically the two have often (but not always) tended to go together, indeed, the Chinese may be anticipating more liberal U.S. policies with respect to the sale of militarily useful technologies in association with the granting of MFN, but any such action must be considered most carefully.

I certainly think that we should take firm action to counter both the Soviet invasion of Afghanistan and any possible further Soviet aggression. The President is in the process of taking such action, and I generally support the measures he has put forward. I do not believe, however, that this situation should cause us to make military commitments to China, or to take any actions—such as major weapons sales—which might be interpreted by the Chinese as a military commitment and by the Soviets as a major threat.

With the clear understanding, therefore, Mr. Chairman, that the granting of most-favored-nation status is a step to normalize our economic relations with China, and that such an action constitutes no commitment beyond the removal of trade barriers, I support House Congressional Resolution 204 and urge its passage.

I salute the chairman of the subcommittee for his work on this measure and for his efforts, even though they were unsuccessful, to proceed in a way that would have balanced out the treatment accorded China with that accorded the Soviet Union.

Mr. SCHULZE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to this legislation. I do not think the so-called People's Republic of China is a normal ally in any sense of the word, and yet this particular granting of exchange is only utilized for true allies or countries with whom we feel we have normal relations. I do not think we can consider mainland China the same kind of an ally as the United Kingdom or West Germany or even Japan, and I think it is a major error to rush into this procedure without really knowing what our long-range relations with Peking will be.

I am sure many of the points I will make have already been reviewed, but I think they need to be repeated, because I am fearful that many of our colleagues will come to the floor and just say, Well, this is the thing that we have to do as a followup to the President's recognition of China. I do not think that Peking shares the same commitment, as most of the other nations do, to the full exercise of individual and national freedom. Organizationally, it is a dictatorial government, very carefully controlled, which advocates the same Marxist doctrine that we find in Russia as it relates to our relations. The Chinese Government is really not much different from the Russian Government. They have extreme repressive practices. Many of our colleagues have been on the floor this week complaining about the repressive practices of Moscow. It is not much different in mainland China. To try to differentiate and say that mainland China's repressive government is somehow different from Moscow's because they are carrying on some kind of a conflict with Moscow, I think, is just plain naive. Despite China's rhetoric about being very upset with the government in Moscow, they continue to trade extensively with Russia. They continue to hold talks about how they can improve relations, so none of that has changed. Their general tools for world conquest may run into conflict someplace down the road, but right now there is not much of a conflict except in some border disputes.

Red China has shown a propensity for many changes in policy. The Chinese do not have a stable policy, and although they are carrying on discussions with us now, that can clearly change over night as we have seen it change in the past.

Even though they claim that they are modifying Mao's commitment to a classless society, that, too, is subject to change, and can happen over night. To believe suddenly that all of that is going to change, I think, is a major mistake.

We should be somewhat suspicious of Red China's eagerness to open full trade with the United States and to gain all of the substantial benefits that come from a most-favored-nation status with our country. They are seeking our high technology and our industrial development, and once they have gained some of that, will they treat us any different from the way we have been treated by other dictatorial societies, once they have picked our brains or used our technology and then moved on to help themselves?

□ 1540

You will remember that we helped give Russia technical assistance in the construction of their major truck plant. They promised, of course, faithfully, Russia did, that they would not use the technology they gained from our country in an aggressive manner. They did use that technology against Afghanistan. Many of those military vehicles were produced in that plant.

I think we should be cautious in our approach to China. I do not think it will be any different whenever it is to their benefit to turn against us or any of our allies—say South Korea, Japan, or anybody else. In the Far East that very same thing could happen all over again. They are after that technology. With this most-favored-nation status goes the ability not only to have access to that technology, but also the financing.

When Defense Secretary Brown visited Red China a few weeks ago, there was a lot of discussion about common goals shared with the United States, but there was very little talk about a true alliance and working for the same goals for freedom around the world. I think we should have some of those guarantees before we so willingly pass out this favored nation exchange status.

Red China, as has already been stated, has major unpaid loans to the Eximbank, $50 million or thereabouts, and has failed to pay interest on many of these loans since 1946. Yet our taxpayers help support that Eximbank. This Congress supports the bank with authorizations and guarantees, and I think, again, it is a major mistake to extend MFN status when a government has not fulfilled those obligations.

They also have some $23 billion in unused international credit. So, do they really need the $2 billion of additional credit that potentially could be utilized under this treaty, at an interest rate of 8 percent? And who among our constituents at home is paying 8 percent, say, for a mortgage or a business loan? Yet this kind of guarantee will be given to this nation that I do not think has demonstrated to us that they are a true ally.

For my colleagues consideration, I will briefly list my reasons for opposing House Concurrent Resolution 204:

First. People's Republic of China is not an ally in the normal sense, such as the United Kingdom or West Germany.

Second. It should be recognized that Peking and Moscow share the same commitment to Marxist doctrine and that the organizational structure of the two governments are similar. The two governments share repressive practices in crushing dissent and are similar in emigration policies.

Despite China's rhetoric to the contrary, Moscow and Peking continue to trade and continue to hold meetings to talk about improving relations.

Third. Red China has shown a propensity for rapid change in policy over the years and at the present time the leaders are attempting to modify Mao's commitment to a classless society—this pragmatic line is subject to immediate change.

Fourth. Should the United States not be suspicious of Red China's eagerness to open full trade and to gain the benefits of most-favored-nation status? They seek our high technology and industrial development, but is it not possible, judging from past events, that once they have "picked our brains" they will cast the United States and our "good" relations back on the "trash heap of foreign relations"?

Fifth. When Defense Secretary Brown visited Red China recently there was much discussion of common goals shared by the United States and the People's Republic, but there was little talk of a true, major alliance. If we are not seeking such an alliance, why are we so willing and eager to grant China such major trade benefits?

Sixth. Red China has major unpaid loans to the Eximbank ($50 million) and has failed to pay interest on these loans since 1946. China also has $23 billion in unused international credits—do they really need the additional $2 billion from the United States at the ridiculous interest rate of 8 percent?

Seventh. The President has not made available to the Ways and Means Committee, or to the Members of Congress in general, the assurances he claims to be satisfied with that the Red Chinese will follow policies to substantially promote the goal of free emigration. We have received no documentation of China's commitment to this requirement of the Jackson-Vanik amendment to the Trade Act of 1974. We have only the President's assurance that he believes the requirements have been "satisfied." That is not sufficient for the passage of legislation as far-reaching and important as House Concurrent Resolution 204.

Mr. Chairman, I urge my colleagues to vote against House Concurrent Resolution 204.

Mr. VANIK. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I join the chairman and my colleagues in supporting House Concurrent Resolution 204, a resolution which approves the agreement on trade relations between the United States and the People's Republic of China including the extension of most-favored-nation treatment to the products of that country. The agreement was carefully negotiated under the provisions of title IV of the Trade Act of 1974, and meets all the requirements for bilateral commercial agreements with nonmarket economy countries set forth in that act.

Approval of this agreement will mark another step—by no means the first step, but perhaps the most important—toward full normalization of relations between the United States and a country of major political significance which, nevertheless, is just beginning to move into the mainstream of world trade. There is little doubt that the People's Republic of China has the potential to become a major trading force, perhaps as early as the end of this decade. It is important, therefore, to insure the complete integration of the People's Republic of China into the world trading community where agreed upon rules of open and fair trade govern the activities of trading partners, and where established consultative procedures and dispute-settlement mechanisms protect the rights of all nations.

Projections for the next 5 years show that trade development between the United States and the PRC as a result of the agreement will be significant, both in terms of the levels of trade and also with respect to the position of the United States in the Chinese market vis-a-vis other Western competitors. Two-way trade is expected to increase from about $1.9 billion in 1979 to around $7 billion in 1985. In addition, a positive trade balance of from $1 billion to $2 billion annually will continue in the years 1980–1985 despite the fact that oil has become the leading Chinese export to the United States.

More important than the favorable trade statistics, however, are the competitive advantages the agreement will provide to U.S. businesses seeking access to the Chinese market, especially as a result of the availability of Export-Import Bank credits. By 1985, the United States can increase its market share from only 8 percent of China's total imports to around 14 percent, amounting to more than $4 billion. This will put the United States in a competitive position equal to Japan, France, the United Kingdom, and West Germany, who already have signed long-term bilateral trade agreements with the PRC. Without a bilateral agreement between the United States and the People's Republic of China, the growth in Chinese trade would hardly be diminished, but a share in that growth for U.S. businesses would be denied.

Vice President MONDALE has suggested that $2 billion in Ex-Im Bank credits be made available to the PRC. This amount is very modest and, in most instances, less than similar official credits offered by other Western nations doing business there. The PRC has proven to be a good credit risk and a conservative borrower. To the extent our Ex-Im Bank credits are drawn upon, U.S. businesses benefit; and, the availability of such credits can only enhance the competitiveness of U.S. firms in a highly competitive market. In addition, the effects of Ex-Im Bank credits are expected to more than offset any loss in revenue to the United States associated with the lower column I rates of duty.

I would like to turn, finally, to the emigration requirements which section 402 of the Trade Act of 1974 demands be a part of any trade agreement which extends most-favored-nation status to a nonmarket economy country. In the first instance, the country to which nondiscriminatory treatment is to be extended must permit its citizens the freedom to emigrate. However, the President may waive this requirement if he receives assurances that the policies of the Government with respect to emigration are moving in a direction that will substantially promote the desired result, in other words freer emigration. The President notified the Congress, both in his letter of transmittal and through Deputy Secretary of State Warren Christopher, that he has received the requisite assurances.

The statistics show that emigration has increased substantially since the Government announced a major shift in policy about 3 years ago. For example, emigration from Hong Kong, a major departure point, has tripled since 1977. I can only remind my colleagues that, as it stands now, legal restrictions imposed by countries of destination serve as a greater barrier to emigration than the internal policies of the Chinese Government. Nevertheless, it is important to monitor the performance of the PRC with respect to emigration, and we will have another opportunity to carefully review more recent results when the waiver authority is extended in July of this year.

Mr. Chairman, the trade agreement to be approved by the resolution that we will vote on today is an important agreement both for the United States and for China. It will complete the groundwork for the PRC's full participation in the world trading community with all the obligations and responsibilities such participation entails. The United States has a large stake in developing an effective, mutually beneficial trade relationship with a nation that has the potential of becoming the largest market in the world. Also, Western ideas and influences travel easily along trade channels. The friendship and good will that inevitably comes with expanding contacts provides a benefit to our country that cannot be underestimated.

Mr. Chairman, the Committee approved House Concurrent Resolution 204 by a rollcall vote of 24 to 8. Such strong support of the resolution is based on a considered evaluation of the trade agreement and the firm belief that our country's interests will be served best through normalized trade relations with the PRC. I urge my colleagues to support House Concurrent Resolution 204.

Mr. Chairman, I do subscribe to the remarks made by the distinguished chairman of the Trade Subcommittee and also to those provided by the distinguished ranking member of the minority of the Ways and Means Committee, the gentleman from New York. I think they were both timely and accurate descriptions of what we have before us and the need and the urgency for voting in favor of it.

Mr. Chairman, one previous speaker alluded to lost customs revenue from the trade with China, the reduction in tariffs under column one or normalized treatment. I think we Republicans are always very sensitive to the data that is supplied by the Department of the Treasury. When we ask them for an analysis of a bill, they customarily give us what we call a static analysis. They simply take the new rate and apply it to last year's business and say we are going to lose money.

We on the Trade Subcommittee believe that the increased business at the lower rate, just as the increased economic revenue under a tax reduction plan will provide a great deal more economic activity and may, in fact, cause increased revenues rather than decreased revenues.

Mr. Chairman, another speaker questioned the need for Ex-Im credit on the part of China. Again, there is a kind of an illusion of Ex-Im credit, that it is a gift to the country with whom we do business. Ex-Im is needed by our country so that our manufacturers and our producers and our laborers can build and ship to Chinese markets and receive payments under the normal commercial terms by virtue of Ex-Im Bank financing. It is for our benefit that Ex-Im financing becomes a part of this package.

Mr. Chairman, a third speaker referred to our relationships with Taiwan and indicated they were a much better trading partner. Mr. Chairman, Taiwan is a fine trading partner and we want to continue to do business with them for a long time. I wish we had never disrecognized them. Nevertheless, I think it is fair to say that our trade balance with Taiwan is about 2-to-1 negative. In addition, Taiwan ships to us those items which most heavily disrupt our economy; color TV, textiles, and so on.

With respect to the People's Republic of China, the balance is heavily in our favor at a time when we are very nervous about our overall trade deficit.

In addition, the most important thing that China ships to us from the People's Republic of China is oil. It is by far the highest value of any commodity they ship to us. Basically, China is shipping us raw materials and products which we do not make in this country. At the same time, they are providing a market for the rather sophisticated, manufactured goods which we would like to sell around the world anyplace, including China.

Mr. Chairman, we have previously discussed the problem of textiles and it has been noted that while we have no agreement, we do have a quota system in force and we have plenty of ability to protect ourselves in that area. Members of the Textile Caucus have looked at this and I think they have not found the agreement wanting in this respect.

Mr. Chairman, I believe when all things are taken into consideration, it is greatly to this country's advantage that we begin as soon as possible a normal trading relationship with the People's Republic of China.

Mr. Chairman, I hope the resolution is passed.

Mr. VANIK. Will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished chairman of the subcommittee.

Mr. VANIK. Mr. Chairman, I want to take this time to express my gratitude to the distinguished gentleman from Minnesota. He has been a great supporter. We have worked together on the Trade Subcommittee. We have philosophical differences but we do not have partisan differences.

☐ 1550

We do not have partisan differences. I certainly want to express my gratitude to the gentleman from Minnesota for his tremendous help in dealing not only with this issue, but the other countries with which we have to review the issue of most-favored-nation status. I want to thank the gentleman.

Mr. FRENZEL. I thank the Chairman very much for that statement. I would ask, do not spread it too thick, you will destroy my credibility over here.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate my colleague yielding.

I am interested in the gentleman's comment about one of the major reasons for consideration of better trade relations with China is the potential for oil. I was with the Joint Economic Committee for the past 2 weeks.

Mr. FRENZEL. Well, if I can interrupt, I did not say the potential. I merely said that was the largest product that they shipped to us.

Mr. ROUSSELOT. Well, the gentleman certainly based his judgment much on the future potential of more oil.

Mr. FRENZEL. I think that is an unwarranted assumption, I would say to my colleague.

Mr. ROUSSELOT. Well, how would the gentleman read it?

Mr. FRENZEL. Well, as I stated, it was the largest single item of export to this country.

Mr. ROUSSELOT. Well, that implies that we may get part of it.

Mr. FRENZEL. The gentleman may infer, I implied nothing.

Mr. ROUSSELOT. Well, I just do not want to leave it on the record that way.

They have already stated that most of the production for that will be used in the Pacific and it will be done on a contract basis and only to the degree that our country might be successful in getting a substantial number of the contracts for supply, and yet that really is not guaranteed by this treaty, that we really would have that much access or that we would be the major market for that, or they would not have some kind of an unstable government that would just suddenly cut us off.

Mr. FRENZEL. The gentleman is correct. There is nothing in this agreement that guarantees any supply of oil, nor is there any statement made by the Chinese Government that would have any guarantee. All I was saying is that it was the largest single export at this time. There may be more, there may not be more; but certainly there will be oil going into the world supply from China. To the extent that the more there is oil in the world for the total supply, the better off we are, to that extent whatever we can do to develop China's oil will be at least temporarily helpful.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield further?

Mr. FRENZEL. I do yield.

Mr. ROUSSELOT. A portion of that, a major portion of that will certainly go to oil their war machine, and I become very nervous about that.

Mr. FRENZEL. I thank the gentleman for his comments.

Mr. SCHULZE. Mr. Chairman, I yield 7 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I rise in opposition to this proposal advanced by the Carter administration to grant most-favored-nation trading privileges to the People's Republic of China.

It seems clear to me that the principal underlying justification for this move is a continuation of the administration's misguided policy of drawing the United States closer to Peking in a more or less direct response to the growing threat of Soviet military power.

Most-favored-nation status is purposefully designed to be part of a larger overall effort to curry friendship by offering ever more attractive concessions following the administration's full recognition of the mainland and the reduction of our ties to Taiwan a year ago.

I do not question the very real danger of the Soviet threat around the world. On the contrary, I believe we must be dedicated to meeting this aggression with all the resources at our disposal.

However, it would be sheer folly to imagine, as the administration apparently does, that we would be prudent to ally ourselves even momentarily with the similarly hostile Red China.

The Soviet Communist threat to the free world in no way lessens the inimical differences which inherently exist between the equally Marxist-Leninist government of Peking and the United States. In other parts of the world, China poses just as real a threat to U.S. allies and hence U.S. interests as does the Soviet Union.

As a developing power in the world, China may one day throw its political, economic, and military weight against U.S. allies in the Far East and elsewhere as it has done in the past.

Patrick Henry once wisely observed:

> I have but one lamp by which my feet are guided and that is the lamp of experience.

For the United States to extend favorable trading conditions including credits to the Chinese Communists would be to ignore the lamp of experience and condemn our Nation to repeating the same misguided policies which have led to the amassing of great economic and military power by the Soviet Union.

A recent study examining East-West trade prepared by the Office of Technology Assessment in response to requests from the House Committees on Foreign Affairs and Commerce, Science, and Transportation, summarizes the dangers inherent in such a policy:

> . . . Trade with a potential adversary will inevitably, to some extent, strengthen the economy and the military capability of the trading partner. (P. 3.)

As we begin the 1980's it is apparent that the Soviets have gained immensely by imports from the United States, particularly high technology equipment such as computers which are easily adaptable for dual use in civilian or military application. It should come as no surprise that this and other advanced equipment is precisely what the Chinese are most interested in obtaining from us.

One of the central tenets held in support of trade with the Soviets—now similarly advanced in favor of trade with the Chinese—is that the United States can somehow entice our adversaries into "moderating" their adventurist foreign policy objectives and repressive domestic policies in return for valuable U.S. technology.

Many of us have pointed repeatedly to the failure of this policy as the Soviets persisted in subversive activities without apparent restraint. But even the most ardent supporters of this policy must now recognize that détente has been totally repudiated by the Soviet invasion of Afghanistan.

We must not deny our Nation's contribution, albeit unintentioned, in the buildup of Soviet strength which made possible the Afghanistan invasion and other aggressive moves in recent years.

The most easily identifiable case was reported in the January 4 New York Times:

> Trucks produced at the huge plant on the Kama River in central Russia that was built largely with American technology have been identified with Soviet military forces in Afghanistan, according to a confidential Commerce Department memorandum.

The exact extent to which U.S. technology aided the Soviets is indeterminable, but it appears obvious to many of us that Soviet military capabilities have been enhanced by expanded U.S. trade.

We must not duplicate this mistake with the Communist Chinese. At the present time, United States-Chinese trade is a small percentage for both countries. It should remain so, and we should insure that increased trade with the Chinese—particularly of high technology—should not be fostered, but rather should be restricted and closely monitored.

We must not allow U.S. business to develop an addiction; that is, trade with Red China—which will inevitably prove harmful to the United States and our allies in that part of the world as has occurred with the Soviets.

Our long-term policy must be to view with great caution the actions of every avowed adversary. By their own admission, the Chinese adherence to communism makes their long-term objectives inimical to our own.

We should resist all temptations to favor or assist, even temporarily, any Communist nation. I call on my colleagues to join with me in rejecting this concept of expanded trade with the Communist Chinese.

Mr. VANIK. Mr. Chairman, I yield such time as he might desire to my distinguished colleague of the Trade Subcommittee, the gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Chairman, I thank my chairman of the Trade Subcommittee for yielding me time.

I have heard the prospect of textiles mentioned numerous times in this debate and can report to the House that the textile and apparel community has expressed no opposition to the resolution under consideration today. We have examined in painful detail the reinstatement of nondiscriminatory treatment to China, because we felt that their vast capacity for production of cheap textile and apparel goods constituted a threat beyond imagination for the textile-apparel industry in the United States of America.

□ 1600

We have sought and have won from the administration its cooperation in seeing that the 2½ million people in America who labor in the textile and apparel industry are not jeopardized by an uncontrolled, unrestrained, and outlawed export of goods from China into this country.

What I am trying to say is that this whole matter was viewed with a great amount of skepticism until the administration of Mr. Nixon, and it has conlaterally improve quotas.

But this change in trade relations with China is not a product of the Carter administration. It was commenced, I am led to understand, under the administration of Mr. Nixon, and it has continued since that time as an unbroken thrust by all administrations. It has culminated under the Carter administration into its present state, and it should not be a political decision, it should not be an emotional decision, but it should be a pure and simple business decision.

Mr. Chairman, there are some things I do not like about the Government of China. There are some things I do not like about the Government of Columbia, about the Government of Argentina, about the Government of Mexico. I would also say to my friend, the gentleman from California, that there are some things about the government of California that I do not like.

But I do not suggest that we cut off economic commerce between ourselves. South Carolina once wanted to stand alone, but we did not succeed. So we have learned to live with people across this country, people that we do not agree with, but we get along pretty well commercially.

I think we can get along internationally from a commercial point of view. I think we can prove we are not afraid to deal with any other economy on the face of the Earth, and that in fact we have enough strength, politically, militarily, and economically, to do business with any nation without fear. That is what this resolution is all about.

Mr. SCHULZE. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. Mr. Chairman, I wonder if the gentleman in the well will tell me if there have been attempts to reach a bilateral agreement with Red China on textiles.

Mr. HOLLAND. Mr. Chairman, there has been a painfully long and, to be candid with the gentleman, unfruitful effort to reach a bilateral agreement with the Chinese. There has also been a long and painful and fruitless effort to reach a similar bilateral agreement with South Korea. We have one, but it is not much and we are trying to improve it.

Mr. SCHULZE. But we are not dealing with South Korea here; we are dealing with Red China.

Mr. HOLLAND. But Taiwan was brought up, and Taiwan is our great ally and a great trading partner. There is no deeper thorn in the side of textiles and the apparel industry than Taiwan. We have labored at length and tried to reach a sensible bilateral agreement with Taiwan, and I must report to this House that we have not done that with our great ally, Taiwan.

Also, we have just last weekend reached an agreement with Hong Kong. That is from the effort of the Carter administration, and it points up what the textile and apparel industries have done to limit the growth of imports into this country from Hong Kong. This type of effort limits the growth of rates of imports, and the gentleman knows exactly what I am talking about.

Mr. SCHULZE. But, Mr. Chairman, I wonder if the gentleman will get back to the original question.

We have been unable to reach an agreement, have we not? Even though we have had torturous negotiations, we have been unable to reach an agreement with the Red Chinese, have we not?

Mr. HOLLAND. I would agree with the gentleman. If we had already reached an agreement with the Chinese on textiles, then there would be something woefully inadequate in that agreement. If we reach an agreement, it will not be easy, and it will not be quick. It will be a long process, and it is going to be difficult.

Mr. SCHULZE. Mr. Chairman, would the gentleman in the well hazard a guess in his opinion as to why the Chinese are reluctant to sign a bilateral agreement?

Mr. HOLLAND. They are just like everybody else. They are looking for the best deal they can get. They are trying to make the best deal they can, and so are we.

Mr. SCHULZE. Does the gentleman not think that it is in the back of their minds that they are waiting for an opportunity to sell every last ounce of textiles in this country that they can export?

Mr. HOLLAND. Mr. Chairman, let me point out to the gentleman something that I think he knows full well. The Chinese have already tried to do that in six separate categories, and this administration has taken action on two occasions already to unilaterally impose quotas. That is a far more efficient and effective way to do business than under a bilateral agreement.

Mr. SCHULZE. And if the quotas are broken, what happens then?

Mr. HOLLAND. If the quotas are broken, we can file a complaint and the goods will be confiscated, penalties applied and the items excluded from American shelves.

Mr. SCHULZE. That is something like a note of protest. That is like when the Russians move into Afghanistan and we send the Soviet Union a note of protest.

Mr. HOLLAND. Mr. Chairman, let us put it this way: I do know that the gentleman represents a lot of mushroom growers, and I do not think they are under a great threat from the Chinese.

It is like an old constituent of mine who told me this story one time. He ran a little store, and a gentleman went in there to buy something. This owner smoked five packs of Camel cigarettes a day, and he had a chronic cough. The gentleman came in and he said, "What can I do for you?"

He said, "Well, Mr. Charlie, I came in here to buy some cough medicine, but I figured if you had anything worth a damn, you would take it yourself."

I say to the gentleman, "Don't tell us how to do business and how to trade in textiles." We can take care of ourselves. We have proven that in vote after vote in this House.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. I yield to the subcommittee chairman.

Mr. VANIK. Mr. Chairman, I would just like to point out that the question was raised about what happens if the quotas are violated. If the quotas are violated, the goods are embargoed. That has happened once and will happen again if shipments exceed the quota levels.

I also want to point out that in the last year we sold over $200 million of fibers to the Chinese, and that is far more than the $116 million worth of textiles we imported. So we have a favorable trade balance on goods that are manufactured and produced in the United States.

The gentleman in the well, who heads the Textile Caucus, is probably the one person who has very effectively kept our committee alert about the problems with textiles and the apparel industry. If the gentleman from Pennsylvania (Mr. SCHULZE) will recall, it was the gentleman in the well who last autumn held up the issue of countervailing duty until we were able to work out a satisfactory solution on the fiber agreement and the multilateral agreement.

So, Mr. Chairman, I think the concerns of the textile industry, which has been very, very carefully monitored by the Textile Caucus, have been admirably addressed by the gentleman from South Carolina (Mr. HOLLAND).

Mr. SCHULZE. Mr. Chairman, if the gentleman will yield further, I appreciate the expertise of the gentleman in the well, and I appreciate what he has done. He has done an admirable job in the field of textiles, but I am afraid this is one time he is wrong.

I am afraid that in 1 year or 2 years or 3 years he is going to be back on the floor of this House saying, "We need protection for our textiles. We will have to get additional funds for all the workers in the industry as they are standing in breadlines."

I hope that does not happen, but I am predicting that it will happen. I think we are making one of the biggest mistakes we have ever made in opening the floodgates to textiles in this country.

Mr. HOLLAND. Mr. Chairman, I appreciate the gentleman's concern, and I understand his point of view.

If we are making a mistake here, we feel perfectly adequate to take corrective measures legislatively. I can assure the gentleman in all candor that we cannot accomplish anything by holding this bill in histage. If we can get a better deal in textiles for our people, I am sure the gentleman knows that the Textile Caucus has sufficient votes in this House, if the Members are properly alerted, to do just that.

We do not think this is a mistake. We think the textile industry has come out of this entire process stronger and more able to compete internationally. We are exporting today more textile materials made by U.S. labor to countries around the world than at any time in recent history. We are improving this great industry, and the workers in the textile industry are far more secure today than they were 1 year ago.

We feel strong as an industry. Two-thirds of my people, I will say to the gentleman from Pennsylvania (Mr. SCHULZE), work in the textile industry. We feel strong enough to compete. If corrective measures are needed later, we feel adequate to handle those measures. We feel that this is the best business decision that could be made.

There are people in the textile industry who for philosophical reasons oppose doing business with China. There are people in the Textile Caucus who feel the same way. As a pure business decision, the passage of this resolution today is the best course.

□ 1610

It has some dangers; it has some risks. But the prospect for reward far outweighs any risk we are taking as a national economy. The benefits far outweigh the risks. I think we should tell the world that we are economically strong enough to take on the competition to extend the risk, and to survive.

I strongly support passage of this legislation.

I thank my chairman for yielding, and I commend him for his efforts in this matter.

Mr. SCHULZE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS of Indiana. Mr. Chairman, at this late hour there is probably little that can be said to add or detract from the discussion. There have been arguments on both sides of the issue. But it seems to me that we are faced with a very, very difficult decision today, one that certainly troubles me. If this resolution had come before this body a year ago, I would have voted no without any hesitation or reservation. In fact, even maybe as late as 60 days ago I would have voted no. But 18 hours ago, from the lectern here, the President spoke about the real world. I think that this is what we as Members of this body must think today. We must consider what the real world is like out there, particularly internationally. Politically, of course, it is probably politically popular to vote no on this resolution because the great majority of the American people are still deeply concerned, as I am, too, about the denial of human rights, about the restrictions, about the practices of the People's Republic of China. There is no question about it.

On the other side of the coin, the farmers who have produced the 17 million-plus bushels of grain that could be sold and was produced to be sold to Russia need a market. There is no question about that.

On the other side, also, there are the resources, the minerals, the oil that this country needs. But I think we have to look beyond all of these. We have to look at the world as it is today. We have a billion people living on the mainland of China. They are looking for technology. They are looking for some place to go. If we do not provide it, if we do not build that friendship here from our side, they might go to the other direction, to the Soviets. Where would the world be? They are going to go one direction or the other. Where would they be if they go the other direction?

I am going to vote for this resolution today with some apprehension and some question.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. MYERS) has expired.

Mr. VANIK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS of Indiana. Mr. Chairman, the resolution before us does provide for oversight and review, which is very necessary. It provides, not at the expense of the Republic of China, which has been a good trading partner, which will continue to be a good trading partner. If these conditions were not in the resolution, of course, I would not vote for it. It does not provide necessarily for arms to the People's Republic. I think today I would certainly vote against arming the People's Republic of China. But we cannot build a fence between the United States and the rest of the world. Time and time again we have learned this lesson.

I am going to vote for this resolution with some caution, but I think it is in the best interest of the free world that we take this action today.

Mr. VANIK. Mr. Chairman, I yield such time as he might desire to my distinguished colleague, the gentleman from Arkansas (Mr. ALEXANDER), the chairman of the Export Task Force.

Mr. ALEXANDER. Mr. Chairman, I thank the Chairman for yielding to me today to address the question of extending most-favored-nation status to the People's Republic of China.

I would first like to thank the chairman of the committee and the members of the committee for their diligent pursuit in expanding trade for the United States during this difficult economic time which we are now experiencing and have experienced for some time because of trade deficits that began mounting some several years ago and which have now reached record levels.

Around Thanksgiving in 1978, I stood in a citrus grove near (Chung-tu) in Szechwan Province, talking with a Chinese agronomist about the oranges that were growing there in the winter season. I complimented the agronomist about the great achievements that the Chinese have made in the field of food production. He responded to me—in English, by the way—"Congressman, we are a backward country but we are determined to catch up."

China is a nation poised on the verge of an economic takeoff. This unprecedented economic growth must have Western technology if it is to achieve any lasting momentum. China welcomes trade with the United States; China is encouraging American companies to invest in China's future. Passage of House Concurrent Resolution 204 will grant the PRC most-favored-nation status which will allow for much of this growth and development to happen.

In recent years, our Nation has suffered through a series of record trade deficits. The projections for 1980 are for more of the same or perhaps even worse with the continuing price increase of petroleum and petroleum products. I might add that in 1979 crude petroleum was the top U.S. import from the PRC. Gasoline and naphtha were also imported from the PRC for the first time. The United States has an opportunity to exchange technology for energy—a process which would be beneficial for both nations. The United States needs a comprehensive export policy, we must take advantage of all potential markets, we must become an aggressive exporter.

What would trade with the PRC mean to the United States? Total trade between the United States and China totaled $1.14 billion in 1978. U.S. exports to China were valued at $818 million as compared to $171 million in 1977. Imports from China in 1978 totaled $324 million, up from $203 million the year before. Trade with China in 1978 yielded the United States a trade surplus of $494 million.

In 1979, United States-China trade totaled over $2 billion. United States exports to the PRC were valued at $1.5 billion while imports from China were valued at $0.55 billion. When the People's Republic of China is granted MFN status the two-way trade between our countries should literally skyrocket.

Principal United States exports to the PRC include wheat, cotton, corn, and oil drilling equipment. Besides oil and petroleum products, China exports fireworks, feathers, bristles, antiques, and cotton shirts to the United States. I have already mentioned the growing oil potential of the PRC. China may rate in the class of Saudi Arabia as far as potential recoverable oil reserves are concerned. MFN status for the PRC will allow the United States to barter our modern technology to the PRC in return for oil and petroleum products. The variations are endless but the possibilities are very real.

According to Christopher H. Phillips, president of the National Council for United States-China Trade, total U.S. trade with China in 1980 should reach $2.5 to $3 billion with U.S. exports to China accounting for $2 billion of the total. In 1978, the United States accounted for 6 percent of China's total trade; in 1979, it rose to 7 percent. In 1980, it should reach 8 to 9 percent and by 1985, 12 percent or more.

In the agricultural field, the PRC is now America's No. 1 customer for raw cotton. China bought 2.1 million bales of cotton from the United States during 1979, about twice as much as the next two largest U.S. customers, Japan and South Korea. Cotton and foodstuffs, including wheat, corn, and soybeans will account for as much as $1 billion worth of the anticipated total of U.S. exports to China in 1980.

China realizes if its modernization plans are to succeed the economy must have a strong agricultural base. However, with a population of over 1 billion, self-sufficiency in food is a tenuous proposition at best. Therefore, the Chinese have purchased 6 million tons of U.S. grains in 1979 and have pledged to buy 5 million tons in each of the coming 2 years.

The Chinese also wish to purchase American food know-how in the form of canneries, baking facilities, mechanized systems for swine and poultry production, and other equipment to handle feed for animals. The Secretary of Agriculture, Bob Bergland, has predicted that China wil become a "regular and significant" purchaser of U.S. grains and cotton and that "China represents an enormous potential market for us that boggles the mind."

The future for trade between the PRC and the United States looks bright and United States-PRC trade is beginning to mushroom into a substantial boon for both nations. Favorable action by the U.S. Congress on House Concurrent Resolution 204 will allow this progressive growth to continue at a normal, uninterrupted rate. China, through its program entitled the "Four Modernizations," is attempting to bring the nation into the 20th century. The people of China fully support this program and are working hard in all areas of the economy to institute the national program. However, human labor cannot compensate for the lack of technology which must accompany modernization. Thus, China has turned to the western world for the needed technical assistance. MFN status for China will open the largest potential market on Earth to America's businesses. I have no doubt that they can handle the challenge.

As I have listened to some of the dialog today, I am inspired to observe that while China is a socialist nation, it is determined to catch up to improve the plight and the standard of living of the almost 1 billion people who live in that great nation. It has recognized the inefficiencies and bureaucratic lethargy inherent to a socialist government and has, in a sense, reversed its direction and embraced the ideas and the principles of free enterprise.

Last spring, in hosting a group of Chinese businessmen who visited Arkansas for the purpose of establishing the trade relations with our people that will be possible once this resolution is enacted, I was amused to observe a comment of one of the Chinese in analyzing the problems that some Arkansas farmers have is not being able to market their products in international trade. The leader of the delegation said: "Congressman, the problem with your people is that you are farmers. You are not merchants."

And he was right. Our people in the rice industry—Arkansas is the leading rice-producing State in the United States—are excellent producers of rice but they are not merchants.

I believe that the criticism of China for being a socialist nation is unwarranted because of the evidence that it has demonstrated in the past year. Certainly it is unwarranted in view of its highly visible changes in foreign policy toward the Soviet Union.

While China has a socialist government, it is a friendly government which is seeking ways to loosen up its ideological socialism by permitting ownership of property and rewarding outstanding workers with extra pay. Changes permitting the election of local government officials have been put into effect. Personal rights have been granted to citizens. Indeed the seeds of democracy are growing in China. If China evolves into a democratic society this will have a profound effect on the satellite nations of the Soviet Union and maybe on the U.S.S.R. itself.

I believe that the initiative of establishing most-favored-nation status treatment with China is a wise one. I commend the efforts of this committee. I support the resolution. I applaud the initiatives that are being taken in the business community and in the farm community to accelerate and change commercial trade with the People's Republic of China.

Mr. Chairman, in an era when some nations are regressing back to the Middle Ages, it is indeed refreshing to see the most populous nation on Earth making rapid progress toward the 20th century. I have visited China and have recorded my impressions in an article that I would like to share with my colleagues. I urge, therefore, that my colleagues support the pending resolution.

The article follows:

## CHINA: A GREAT LEAP OUTWARD

(By BILL ALEXANDER)

Coming in for a landing at Peking is like walking into a time machine set for a couple of hundred—or maybe a couple of thousand—years ago. For despite the changes that have wrenched our world during the last two millenia, China remains for most westerners, as ancient and implacable as ever. It is still the Middle Kingdom, a civilization 40 centuries old, the self-appointed epicenter of humanity on this planet, a puzzle within a puzzle within a puzzle.

We arrived just before dark on a murky, undistinguished sort of day. The airport terminal building was visible from the window of the U.S. Air Force C–137 which had flown our Congressional Delegation from Tokyo to Peking. The terminal was gray, functional and unpretentious. Not at all impressive. Most western airline terminals are designed to convey to the visitor a sense of the style and character of the cities they serve. If that were the case in Peking, they must have erected it as a monument to the dullness of proletarian existence. Its only distinguishing feature was a full-color portrait of Chairman Mao, three stories high and suspended between two massive columns supporting the roof. The portrait of Mao was a reminder that it was the Great Teacher who had made the Chinese revolution. The terminal building was a reminder that the foreign traveller had darned well better take China seriously.

Ambassador and Mr. Leonard Woodcock met the Codel (Codel is a State Department cable code for Congressional Delegation) at the ramp of the plane. I followed Congressman John Slack (Demo-W. Va.), Codel leader and Chairman of the House Appropriations Subcommittee, on State, Justice, Commerce and the Judiciary from the aircraft and extended my hand to the Ambassador.

"Welcome, Congressman Alexander," he said, "I haven't seen you since the Mills for President Rally in Little Rock, in August, 1972."

"That's right," I replied, impressed with the former UAW President's memory.

"That was the most enthusiastic political rally I ever saw," he continued. "There must have been 20,000 people jamming the hall waiting for the program to start. I made a speech inside, then went outside and made the same speech for those who couldn't get in."

"On the way to the airport that night," the Ambassador reflected, "I commented to one of my friends who lived in Arkansas that I'd never seen anything like that before and I asked how an enormously successful event like that could have happened in Arkansas. 'Well,' my friend said, 'the only two things we have to be proud of in Arkansas are the politicians and the Razorbacks."

"Hold on, Mr. Ambassador!" I said. "You sure that guy was from Arkansas?" I found out later that he wasn't but it occurred to me that our State, like China, suffers from inadequate information. Most of the people of Arkansas are proud, progressive, productive, savvy and fiercely self-reliant. And, the women are charming and beautiful. Where has he been?

Sorry, Mr. Ambassador, I wasn't amused.

We left the airport and drove the twenty miles to Peking in darkness. The First Secretary of the U.S. Liaison Office briefed the delegation on what to expect during the visit. We were then taken to the Peking Hotel.

The hotel is a huge, new building facing Chang-an (Eternal Peace) Boulevard. It is beautiful in an awkward sort of way, like a computer in a rose garden. Everything inside, the furnishings, decorations, fixtures and appurtenances were made in China. The army of hall porters were conspicuously proud of that accomplishment and went to some lengths to point out that this item or that was from such and such province.

National pride is nothing new to the Chinese, of course, but it seemed ironic that our first exposure to a nation that makes a virtue of proletarian austerity would take such pride in displaying opulence—a characteristic so alien to the rest of the country.

I soon discovered that the Chinese are gracious and considerate hosts who afford foreign visitors a good deal of splendid isolation. I was grateful for the comfort and privacy but I felt as though it were Monday night at the Camelot with no conventions in town.

My ten-year-old daughter, Alyse, who was traveling with me, spotted the television set in the corner and immediately began clicking the channel selector until she found a program in English. She stood transfixed for a moment, then wrinkled her nose in distaste as she listened to the nailbiting saga of how a simple Production Brigade worker had exceeded his pig-iron production quota for the 147th straight month—apparently without having had even evil thought. Alyse's favorite show became an English language instructional program, which featured the following kind of dialogue between two Chinese:

Q: How many pigs were raised by the provincial Revolutionary Committee's farm production brigade last year?

A: Many more, comrade, than before the Liberation, you can be sure.

Television has been accused of being the "new opiate of the masses" but in the case of Chinese TV, it's more like Sominex.

I spent the next few days in Peking, meeting Chinese government officials and talking about the possibility of trading Arkansas products, about which I'll say more later. Then we embarked on a tour of the country which would take us to Chungking, Chungtu and K'un Ming.

Before the departure from the States, I had plunged into a long reading list and had received a series of briefings from the Department of State, Agriculture and Commerce, the National Security Council and, of course, the CIA. Nothing I read or heard, however, truly prepared me for what I was to find. The social and cultural differences between China and the United States are as great as the vast distances that separate us on the globe. Confucious said, "A journey of a thousand miles begins with a single step." We would travel much further than a thousand miles and compress a year's journey into a few days that came closer to fantasy than fact.

We said goodbye to the Ambassador and his Peking staff and climbed aboard CAAC Flight 145, a British-made Trident jetliner bearing large black Chinese characters on its aluminum wings. The PRC's red flag with five gold stars was painted on the tail assembly. The four smaller stars represented the four classes of Chinese pre-revolution society—the petite bourgeois, the merchant class, the proletariat and the peasant. The fifth, larger gold star, is emblematic of the merging of all classes into a classless communist state.

The Trident flew quietly over hundreds of miles of barren, eroded mountains of the northeast province of Shau-shi. The land appeared to be poor and steep but so heavily cultivated that even the rounded mountain tops were planted with crops. Oxen-ploughed fields capped the rough, terraced hills and extended downward to the steep, inaccessible cliffs like hot fudge dripping down a double scoop of mocha ice cream.

Small villages were tucked into river vallevs that fan out into delta-like flood plains. The Fall harvest was well underway, quilting the mountain tops and valleys like a patchwork comforter. The thatch-roofed huts and peasant cottages were webbed together in clusters, spotting the countryside.

Our flight overflew the provincial town of Yenan, the cradle of the Chinese revolution. Mao and his battered and bone weary army first arrived in Yenan in 1935 after their epic Long March. While fighting the Japanese, the communist forces were attacked by Chiang Kai-shek's armies and forced to flee. Chiang had been busy consolidating his position in the cities and had already exterminated 95 percent of the urban communists. Then he turned on those in the countryside.

He mounted his assault with 75 German-trained and equipped divisions and very quickly encircled Mao's tattered peasant army. But on October 2, 1934, Mao broke through the Nationalist lines and led his ragged force of 100,000 troops on a 6000 mile forced retreat. The Long March lasted 173 days and took the rag-tag red army through the roughest back country the rugged Chinese terrain had to offer. They were pursued every step of the way, enduring repeated ambushes and constant harassment by Chiang's air forces. The trek took them through the searing Kansu desert to the cryogenically cold Tibetan highlands, over the Kun-lun mountains and finally east to Yenan below the Great Wall. Chinese weather has been likened to "two versions of hell" and the communist armies suffered both. They sustained 35 thousand casualties during the Long March but they held together, bonded by a belief not so much in their ideology as by their trust and confidence in the leadership of Mao Tse-tung. The sure knowledge that Chiang would show them no mercy was also a strong motivator. The alternative to the Long March was destruction. Its consequence was the final communist victory 15 years later. The legend of Mao Tse-tung was born in Yenan where he was transformed into sort of a living Buddha.

### CHUNGKING

The Chinese seek order, discipline, good character and moral behavior at all time. They are also punctual. The jetliner touched down in Chungking within a microsecond of the time specified on the itinerary. The delegation and its luggage were efficiently dispatched to the preassigned rooms and each of us was furnished a typed guest list with corresponding room numbers for our convenience. Very considerate, the Chinese. And honest, too.

While unpacking my belongings, I noticed that something was different. I had purchased an inexpensive zippered duffle bag (U.S. $6.20) at the Peking Friendship Store. While packing for the trip, I had overstuffed the bag, causing the zipper to spread after closing. To secure the contents, I pulled it together with an extra belt. When the duffle bag arrived in our quarters at the Chungking guest house, the zipper had been repaired and was working perfectly. I checked the contents but nothing was missing.

I found honesty to be a common virtue among the Chinese. The rooms in the hotels are always unlocked. Personal items that may have been misplaced by guests are left on the dresser or desk after the room is cleaned. Money and other valuables may be left out without fear of being ripped off but it's almost too much of a good thing. It was nearly impossible to throw anything away without it reappearing in a conspicuous place.

John Thomas, a senior diplomat and a veteran of three China trips, told me a story involving a young American woman who worked as a press aide with Ron Ziegler during the 1972 Nixon visit. While packing during the last evening prior to departure she discarded a pair of what my grandmother called "unmentionables" in her hotel wastebasket. As the White House staff was boarding the bus which was to take them to the airport, a Chinese hall porter flew out of the

Peking Hotel triumphantly waving the "lost" undies. The woman did her best to disappear but in the end she had to acknowledge ownership and accept the panties from the smilingly persistent porter. Thomas could not remember whether the panties had been freshly laundered.

Chungking was the wartime headquarters for Generalissimo Chiang Kai-shek's armies. But as far as the present government is concerned, the city is historically important only because it was also the Civil War headquarters of Chou En-lai (Pronounced JOE-IN-LYE). The old command post is located at Number 50, Tseng Chia Ai and is considered a national shrine.

Chou En-lai, who later became Premier, is regarded by many as a national hero of nearly the same magnitude as Mao. Certainly, Chou was the person most responsible for China's recovery after the revolution. He was also the architect of the policy which led to the 1972 Shanghai Communique and the beginnings of China's turn to the West. But there is nothing at Number 50 Taeng Chai Ai to suggest that Chou would emerge as one of the pre-eminent political figures of this century. In fact, as Alyse commented, the place was "Awfully yuukee."

It was accessible only by an alley leading through a blackened, wooden doorway down two stone slab steps onto the rock floor of a small reception area. A larger than life marble bust of Chou En-lai stood in the center of the room. When it rained, the floor must have been ankle deep in water. A small peep-hole, reminiscent of Chicago speakeasies of the 1920's was cut into the forward wall for purposes of identifying visitors before permitting entrance. I wondered whether anyone had ever peeked through the hole and said in a furtive whisper, "Chou sent me."

The furnishings are those which were actually used by Chou and his staff—wicker arm chairs, a sofa and a small table for serving tea. The cushions are covered with the same course blue denim used to make the omnipresent *chung shan* suits worn everywhere by the Chinese.

On the second floor is a single room which served as both office and living quarters for Chou and his wife. There is a desk, a chair and a bed. Nothing more. The room was more like a prison cell than the quarters of a great general. In the hallway outside Chou's room there is a triangular concrete toilet which, like most Chinese toilets outside of the hotels for foreigners, is little more than a hole in the floor. "Oh, Gross!" said Alyse, "Very gross." She later said that she thinks we are very fortunate to have the kind of comforts we possess in America. Children have a way of getting down to essentials. Spacious skies, amber waves of grain and twilight's last gleaming are very inspiring, but American plumbing ain't bad either.

Upstairs, the third floor was similarly arranged and furnished. It was separated into two "dormitories" which doubled as a command post from which the whole sweep of political and military operations for South China were orchestrated. It was as if SAC had located its headquarters in an Omaha flophouse. But from any one of the upstairs windows, one could plainly see why the city of Chungking was so strategically important. It sits astride the entrance to the gorge which is the only point of passage into the vital region which comprises much of China's mineral wealth and nearly all of its agriculture—the Szechwan Basin, our next stop.

### CHUNG-TU

We were travel weary after Chungking and dreading the overnight train ride across Szechwan to Chung-tu, the provincial capital. "Hill people" as those of us who work on Capitol Hill sometimes call ourselves, usually have lots of stamina, conditioned by long workdays and frequent travel but we were all dog tired. Our concern for the rigors of the train ride turned out to be unfounded, however. Chinese railroads may not be as modern as those of America but AMTRAK could learn a few things about passenger service from the Chinese.

We were assigned Pullman berths—four persons to a compartment. Alyse and I shared ours with Terry Howe, our State Department escort, and Chris Szysmanski, a Foreign Service Officer who spoke fluent Chinese. The compartment was spotless. No soot, no dust, no odor. Snowy fresh linen covered the berths. On the small tea table which was covered with a lace trimmed cloth was a green fern growing in a blue porcelain vase. I wished my Washington bachelor's apartment looked as good.

As we pulled out, there was something comforting about the nostalgic hiss and surge of the coal-burning engine and the shriek of the whistle signalling our departure from Chungking. Underway, the rail beds were smooth and the gentle rhythm of the steel wheels on the tracks was soothing inducement to sleep. I dreamed I saw Richard Allin, my old buddy from Helena who is now a columnist for the Gazette and an avid rider of trains, tossing enviously in his own bed in Little Rock.

We arrived in Chung-tu at dawn. With the aid of Chris Szysmanski, I thanked the conductor for what had been a superb train ride. In passing, I asked whether he had seen other Americans on his run. "I don't know," he replied, "to me, all foreigners look alike." Thanks! I needed that!

The Szechwan countryside is a veritable garden. The roadways are alive with unimaginable vitality. Crudely constructed carts and wagons, pulled by an assortment of oxen, long-haired shaggy ponies, lean donkeys, or an occasional mule, make way for the few trucks and the more numerous one-cylinder tractors. They carry wheat-stalks, rice, sugar cane, bamboo, fresh vegetables and just plain dirt. Live pigs, squealing and squirming are lashed to bicycles pushed along by leather-skinned peasants. Men, women, and beast strain in wind and weather pulling their heavy loads along the poplar-lined roadways. There are no Interstate highways, no powerful, 18-gear, diesel powered refrigerated rigs and a 55 MPH speed limit would be laughable. It is a stream of humanity that looks like an evacuation. One is tempted to stop and listen for the muffled sounds of artillery.

In the adjacent fields, production brigade workers are spread over the landscape nearly shoulder to shoulder. Men and women are hoeing, cultivating, harvesting, hauling bamboo buckets, dipping fertilizer, pulling vegetables, plowing with water buffalo, repairing roads, building terraces, quarrying stone—building a peasant-proletarian utopia. Every square inch of productive land is being used for some useful purpose. In China the line between hunger and production is a thin one.

There is a natural rhythm in the Chinese eco-structure. Food is grown in the countryside and consumed in the teeming cities. The city repays the countryside by returning its waste. Human excrement, or "night soil" as it is called by the Chinese, is used to fertilize the crops. Collectors called "Public Hygiene Workers" empty the "thunder boxes" of every home each morning into "honey wagons" which are pulled through the alleys and streets, then down rural roadways to central distribution points where the malodorous mess is transferred into bamboo buckets and hauled to the fields, two at a time suspended from a bamboo pole. The cycle is completed when the produce is harvested and shipped down-river to feed the masses of people inhabiting the eastern half of the nation.

The Chinese have a nice sense of protocol. At each stop on our journey, we were formally greeted by a ranking communist party official. Usually, it was the second ranking person in a province or the Director of the Revolutionary Committee of the commune where we were to be housed. Later, at some mutually convenient time, we would meet with the highest ranking official of the province. But the ceremonial tasks usually fell to the number two man.

In Chung-tu, our host was Ju Fu-yi, Vice-Chairman of the Revolutionary Committee of Szechwan Province—a position roughly equivalent to lieutenant governor of one of our states. Those positions are usually held by older party members whose loyal service entitles them to honored positions but whose age or other factors limit their administrative capacities. A Vice-Chairman will rarely rise in the party hierarchy. Come to think of it, the position is more like Lieutenant Governor than I first thought.

Mr. Ju hosted a welcoming reception at our hotel. We gathered in a drawing room for polite conversation, the Mr. Ju officially welcomed the delegation. "On behalf of the Szechwan Revolutionary Committee," he declaimed, "I extend a warm welcome to the American Congressmen, their wives and little daughter." Alyse was a big hit wherever we went, with her light hair and blue eyes, so different from Chinese children. The Chinese are more considerate of children than we are. They will stop whatever they're doing to accommodate the kids.

The Vice-Chairman gave us the predictable and oft-repeated official line, which, dependably, would include production figures that proved how much better off the people are now compared to the days before the liberation. The spiel was the same at every stop. You could make book on it. But after the ritualistic repetition of the party line, there was no attempt to propagandize. When Chinese officials were asked questions, they were candid and forthcoming, but the conformity of their responses was startling. They avoided arguing and never attempted to persuade any of our delegation to their side of a question.

Inasmuch as their rice production (or lack of it) could be quite important to Arkansas, I asked Mr. Ju what effect the recent drought had had on the harvest. With a straight face, he replied that although there had been a drought, "the low rice yield in Szechwan was the direct result of the disturbances caused by the Gang of Four. The Gang of Four, of course, is Madame Chiang Ch'ing, Mao's widow, and her cronies. At least there are four of them to share the blame, I thought. When the Cache floods at home, I have to go it alone!

In the dining room following the reception, the elderly Mr. Ju was warm, even jovial at times but generally seemed uneasy sitting down to dinner with a group of "imperialist overlords". Nevertheless, he offered a toast to "the friendship between the people of the People's Republic of China and the people of the United States; to the early normalization of relations between our two great countries; to the success of your visit; and to your health". Everyone rose, clinked glasses, responded enthusiastically with the words "G'an P'ei" and downed a small glass of Da Chu, a clear faintly oily Chinese liqueur. The glasses were immediately refilled and Chairman Slack diplomatically responded with a toast of his own. "G'an P'ei!" the dinner guests repeated, belting back the second glass of Da Chu. Fortunately, the toasting ended there. Da Chu is 160 proof and has about the same effect as freshly distilled Ozark White Lightning.

Hunger may be a problem somewhere in China that night, but not at my table. It comprised five courses—first, there were six cold dishes, salted pullet, fresh spiced rabbit, roasted peanuts, fried sardines, spiced beef slices and sweet vegetables. Next came the hot dishes—roast duck in a brown sauce, fresh cabbage with mushrooms and fried chicken basted in sweet and sour sauce. Then came the fish, a huge carp smothered in a steaming blanket of seaweed and water chestnuts. And just when I thought it was time for dessert, they served the soup—a bland chicken broth with cabbage leaves. Finally, the dessert—sweet rolls filled with prune preserves, jellied gum drops and white cakes. I settled back and loosened my belt just in time to see the waiters coming with the fruit, a final course reserved for honored guests. The meal was accompanied by a local wine and beer. After the Da Chu, I requested mineral water.

Although I was impressed with the sincerity of Chinese officials and grateful for their hospitality, I really hadn't come to China as a tourist. My task was to examine the potentialities of trade, especially in those areas in which Arkansas might benefit directly through the establishment of direct contacts with appropriate Chinese officials and agencies. Throughout the visit, I seized every opportunity to learn more about the Chinese economy and have tried to relate what I learned to methods for expanding trade between our two countries. In my view, the future of Arkansas lies in the establishment of foreign markets and the development of an efficient transportation system for getting our products to those markets.

American merchants estimate Chinese rice production at about 125 metric tons per year. A million tons are exported in exchange for foreign credits. However, with the population increasing at the rate of 15–20 million persons per year (census-taking is an inexact science in China), they will soon find themselves having to import rice. That projection is based upon population growth measured against the amount of available arable land and accounts for production increases through the introduction of technology. In short, Chinese agriculture is already producing at near capacity. To feed its people, China will have to buy overseas. Fortunately, the Chinese have huge, undeveloped reserves of oil which represent their most exportable commodity. With technology that we can provide, China could expect its petroleum production to be sufficient to begin exporting in quantity by the mid-1980's. Thus, China represents a near-perfect trading partner for the United States.

Only about 12 percent of the total Chinese land mass is suitable for agriculture. The fertile land of the Szechwan Basin produces most of what the Chinese are able to grow. Presently, they grow rice, cotton, wheat, beans, garden vegetables and a variety of fruit. But the Szechwan Basin isn't becoming any larger. It is cultivated right up to the edges of the cities, roads and rivers. Their population is expanding geometrically. Because of that, they are facing a food crisis of major proportions.

China is often compared to the United States since the two nations are about equal in size—roughly 3.5 million square miles each. Our climates are also similar. The differences, however, are more important than the similarities. No difference is of greater significance than the disparity in the amount of cultivable land. Much of Chinese territory is composed of hills, mountains and high plateaus. The western half of the country is known as the "roof of Asia", comprising the forbidding Himalayan Range. Only 31 percent of Chineseland is in plains and basins and the possibility of reclaiming more land for farming is very slim without dislocating millions of persons.

The Chinese government recognizes the problem. Vice Premier Li Hsien-nien said during a two and a half hour meeting in Peking that "agriculture is China's number one priority". Coming from the number three man in the Chinese hierarchy, you can believe it.

While Americans have plenty of food and a wide variety of choice, the Chinese are struggling furiously to produce enough to keep pace with their expanding population. The necessity for concentrating most of their energies and manpower resources on food production inhibits development in other areas. By the time people are fed, clothed and housed, even by standards much lower than our own poverty level, there is little that remains for the "good life". If the Szechwan Basin were as large as the Mississippi Valley, China would be a different country than the one I observed.

What does all this mean to Americans in general and Arkansans in particular? It means that we are linked with the Chinese by mutual need. We must halt the drain of dollars from this country by finding trading partners whose need for our products is as great as our need for theirs. China needs food and technology. America needs oil. We in Arkansas are better equipped to meet the specific food needs of the Chinese than any other state in the nation. If the Chinese can attain oil production levels high enough to satisfy our national needs, then America can rid itself of dependence upon suppliers to whom we must pay cash, thus breaking the desperate economic cycle that fuels inflation.

But it is not an easy problem. So long as Arkansas farm production is limited by the large-dealer controlled commodity market, expansion for exports will be difficult. It is necessary, in my opinion, to establish direct contact between farmer-owned cooperatives and foreign customers like the Chinese. In conversations with Li Chiang, the Chinese Minister of Foreign Trade, I explained the dilemma facing the farmer and the customer who must accept whatever price the dealer-controlled market sets and suggested that both farmer and customer could benefit by establishment of direct contact. Li responded with interest and said he "would welcome the opening of contact between the PRC and Arkansas farmer-owned cooperatives". We are going ahead, through existing diplomatic and commercial channels to accomplish that task.

Two weeks in China did not make me an expert on that huge and complex land. But it did give me an appreciation of its problems and clearer view of the opportunities closer ties could bring about.

The Chinese people are intelligent, disciplined, hard-working and above all, determined. On Thanksgiving Eve, I stood in a Szechwan citrus grove, talking to an agronomist whose main concern was not ideology but the efficient production of oranges, grapefruit and tangerines. In an unguarded moment, he said, "We are aware of our backwardness, but we will not sit idly by because of it. We need to improve our research, to modernize, if we are to catch up. We have the support of the people and we will catch up." As we say in Arkansas. "He didn't flinch when he said it." China is a story of poverty and pride, politics and power, patience and promise. Its people have suffered dynastic oppression, foreign intervention and isolation from the international community of nations. Yet, they persist in the struggle to improve their lives.

Today in China, there is an elusive scent blowing in the winter wind. Wall posters calling for democracy and more personal freedoms are beginning to appear in Peking. No doubt much of the ferment is the result of party strategy to convince the West that China is a good investment, but such sparks of freedom have a way of fanning themselves into flames. But whatever the outcome, whatever the political differences that remain between us, it is clear that China's turn to the West is not one which can easily be reversed.

### POSTSCRIPT

On the evening of December 15, 1978, President Carter announced the formal recognition of the People's Republic of China. To much of the world, the announcement came as a surprise, but for those of us who were there during the past two months, it should not have come as a surprise at all. On that evening, I was asked by a wire service reporter to describe my reaction. I said, "I look upon normal relations with China as both a challenge and an opportunity: a challenge to live in peace with an old enemy and an opportunity to find solutions to our mutual economic problems." But it really goes deeper than that. In a world of finite resources, we are all threatened by forces more dangerous than infantry, ICBM's, or nuclear bombers. Our world is a crazy matrix of interdependence that now makes more sense because of China's inclusion and our chances of hueing to the right road to human progress are better for it.

Mr. SCHULZE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

☐ 1620

Mr. PAUL. Mr. Chairman, I am opposed to this resolution because I am opposed to scalping the American taxpayer once again for the benefit of some foreign government, particularly a government as ruthless as that of Communist China.

This resolution would not only extend most-favored-nation status to products imported from Communist China; it would make the companies that do business with the Communist government eligible for aid from the U.S. taxpayer, and make the Communist government itself a beneficiary of U.S. aid. If private individuals wish to trade with the government of Communist China, I believe that they should be allowed to do so, in peacetime. But they should do so at their own risk. Today, the American taxpayer is forced to subsidize the profits of companies dealing with Communist governments by guaranteed loans through the Export-Import Bank, by guaranteed investments through the Overseas Private Investment Corp., and through other programs funded by taxes collected from the American people. This also means more inflation to all Americans. This must stop, and today we have a great opportunity to say, No more!

The question before us today is not a matter of trade at all. It is simply whether the American middle class is once again going to be fleeced by the international corporations and the totalitarian governments they love to deal with. The record of the Communist regime in China is appalling. The best estimates of the number of Chinese it has murdered in its efforts to usher in the workers' paradise place that figure at 60 million people.

The expropriation of private property, the murder of helpless Chinese, the systematic lying and plunder engaged in by that government, its repression of religious, political, and economic liberty, and its imperialistic designs and actions on Taiwan, Tibet, and Vietnam, should give any businessman cause to doubt the wisdom of investing in or doing business with such a gang of cutthroats. We hear lots of rumors today about how the Red Chinese government is loosening up. Perhaps they are. So did Lenin in the early 1920's, in his new economic program. The temporary lifting of restrictions by the Leninist government in the 1920's served several very important purposes for the Communists, just as any similar lifting of controls serves some very important purposes today. Among these purposes are the following:

First, survival of the economy. Lenin found that his communism did not work, and that it was necessary to lift some economic restraints so that the economy would not collapse completely.

Second, smoking the closet capitalists out. When Stalin ended NEP, just as the Red Chinese will end any NEP they may devise, he persecuted and murdered those who had taken advantage of the temporary respite from dictatorship by buying and selling, speaking their minds, and engaging in other antisocial acts. The Communist Chinese did exactly the same thing after the brief "Let One Hundred Flowers Bloom" campaign in the late 1950's. Those Chinese who were foolish enough to think that the regime had genuinely changed its mind, soon learned the hard way that communism is intrinsically and unchangeably totalitarian.

The third effect and purpose of the NEP was to encourage foreign investment in the Soviet Union. That is precisely what we see today. If a person, using his own funds, is foolish enough to invest in a Communist country, I do not think he should be prohibited from doing so by law. I would question, however, not only his intelligence, but also his patriotism and his sense of morality. But I believe he should be allowed to be foolish, unpatriotic and immoral, so long as he uses his own money.

But when that person does not want to risk his own money and wants to be foolish, unpatriotic, and immoral at the taxpayers' expense, then it is high time that this Congress says, "Enough." I say "Enough," and I urge each of my colleagues to vote against this brazen attempt to continue the bleeding of the American people for the benefit of another foreign dictatorship.

Mr. VANIK. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, I thank the gentleman for yielding.

I just want to rise in support of the resolution and say this: I have just come back from some travels to South Africa and Saudi Arabia, and on my visits to other parts of the world, I have gotten the same lesson, which is that our country seems to find one reason or another, one way or another, in each and every country of the world to put itself at a disadvantage in doing business in that country and expanding our trade which means expanding our economy and expanding our jobs.

I think it is time for our country to really look at these policies from the point of view of our own self-interests.

I would hope that we would in this particular case take a step in the right direction of seeing that our country gets advantage of some of this enormous China trade that is going to be available in the world, and that we just do not once again do one more thing, take one more step, to make it that much harder for the American business community to do business in the international market.

I strongly support the resolution. I hope it will be the start of a great many things this Congress will do to open up trade to opportunity around the world for American businessmen.

Mr. SCHULZE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I have listened all day to all these pious platitudes and misplaced hopes feeling that perhaps I might hear some refutation of the points I raised against this legislation earlier today. I have heard none, including the so-called assurances about emigration, the so-called assurances about textiles being protected; and certainly no one stood up and tried to contend that human rights are protected in Red China, which I think was a prudent position for the proponents to avoid.

Last night the President said something in his address and I think we should keep it in mind; and I quote:

> Our deep commitment to human rights and to meeting human needs has improved our relationship with much of the third world. Our decision to normalize relations with the People's Republic of China will help to preserve peace and stability in Asia and in the Western Pacific.

So none of my colleagues can say they voted on this legislation not knowing how the Carter administration intends to preserve peace in Asia hand in hand with the Red Chinese Communist dictators, I read to my colleagues a United Press dispatch today:

> CHINA SALES
>
> (By Nicholas Daniloff)
>
> WASHINGTON.—The Pentagon announced today the United States is willing to sell certain types of early warning radar to China, but it will continue to withhold sales of weapons to the Peking government.
>
> Defense Secretary Harold Brown outlined the evolving U.S. policy on technology transfers to China to members of the House and Senate at a Pentagon breakfast today.
>
> Pentagon spokesman Thomas Ross today issued this statement today:
>
> "During his visit (to China), Secretary Brown also indicated that the United States was prepared to consider, on a case-by-case basis, the sale of certain carefully selected items of support equipment also suitable for military use, e.g., trucks, communications gear, and certain types of early warning radar.
>
> "At the same time, he made clear that the United States has not changed its position that it has no plans to sell arms or weapons systems to China."
>
> Defense officials said U.S. willingness to sell equipment that had clear military uses was part of an "incremental" change in U.S. policy.
>
> In China, Brown talked about selling the Chinese "dual-use" equipment—equipment intended primarily for civilian use but with some military applications.
>
> At the time, he announced U.S. agreement to sell China technology related to America's Landsat satellite system.
>
> Now, officials indicated, the United States is willing to go a step farther and supply equipment that has definite military applications, but which nevertheless is neither an offensive nor defensive weapon.
>
> Officials declined to be specific on what kind of early warning radars they might sell the Chinese. They indicated there might be a variety of radar equipment, however, beginning with air traffic control radars.
>
> Early warning radar is usually understood to be radar equipment that gives an advance signal of an enemy bomber attack.

I submit to the Members that what we are voting on today in this special preference we are giving to trade to the Communist government in Red China is also part of this "incremental" policy of the Carter administration toward Red China. I do not wish to be part of this kind of a policy. It is the same kind of policy of appeasement that led us into the disaster that we are now facing with the Soviet Union.

I hope that every Member realizes this is on the record, that this is only part of a wider policy. We should deny this trade deal and any military sales.

I thank the gentleman from Pennsylvania and commend him for the services he has rendered for the Nation today in leading this battle.

□ 1630

Mr. SCHULZE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we conclude our deliberations on this resolution, I would just like to take a moment to share with you a visual example of what most favored nation status trade treatment to China will mean to one American industry. During the public hearings on this legislation, we received extensive testimony from a number of concerned individuals. One of those to testify represented several thousand workers whose livelihood depends on the construction and putting together of the components of the famous Big Ben alarm clock.

At this time, the Chinese equivalent, which I hold in my hand, is not sold in the United States. It can be purchased, however, in Australia at rates identical to those China will receive should most favored nation status be approved. The Chinese clock currently sells in Australia for $4.20 in U.S. dollars, while the comparable Big Ben retails here for $19.95. Should this legislation be approved, the duty rates on the Chinese clocks would be reduced, according to the International Trade Commission, from 102 percent to 24 percent, and so too will the employment figures for the American industry which produces not only Big Ben clocks, but other types of American time pieces.

While this example represents only one through this legislation we will be sending the U.S. taxpayers' money to China at subsidized interest rates so that the Chinese can produce consumer goods to be sold in the United States at the expense of our constituents' jobs.

Mr. Chairman, I urge rejection of this resolution.

Mr. VANIK. Mr. Chairman, I yield myself such time as I may consume.

I would like to say in response to my distinguished colleague from Pennsylvania that I would have preferred he were on my side in this issue. But I want to say I want to thank him for the very fine way in which he has organized the debate in opposition. We have had a very good colloquy and I think it is going to be useful to our colleagues in the Congress.

First of all, I want to say an alarm clock at $19.95 is an atrocious price in anybody's country. The last one I bought was $3.75. I do not know how they can justify charging an American $19.95 for an alarm clock.

Mr. SCHULZE. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. I would say to the gentlemen I think they have gone up in direct proportion to the rates of gold and the inflation rate.

Mr. VANIK. I just want to say there have been a number of problems and my distinguished colleague from Pennsylvania raises a very important point, there have been a number of problems with the present antidumping law as it pertains to nonmarket economies, and they have been brought to the attention of the Subcommittee on Trade. Possible amendments in the antidumping law should and will be reviewed by the subcommittee on Trade. Possible amendments in the antidumping law should and will be reviewed by the subcommittee as they apply to nonmarket economies in general.

Antidumping action has been taken against imports from state trading companies in the past, such as pig iron from the Soviet Union and golf carts. There is no rationale, however, to single out China as a special problem which would warrant delay in the granting of nondiscriminatory treatment until such amendments are enacted.

I want to point out if, indeed, this product from the People's Republic of China is sold in a third market at a substantially lower price, under our antidumping laws that price in a third market can be used as a base from which we can determine the level of the antidumping action. I think we have this antidumping problem whether MFN is extended or not. But, in any event, where the product is sold in a third market is evidence that could be used in pressing the antidumping causes in the United States under our procedures.

Mr. SCHULZE. If the gentleman will yield further, it is not so great a concern over the dumping as in the low wages and the low production, and the difficulty to determine production costs which would enable a clock comparable to the $19.95 clock to be sold for $4.20 in our markets. It would not be dumping, it would just be using slave labor. It is just going to put our people out of business.

Mr. VANIK. Well, we have a safeguard provision under our law which provides for protection for American industry. It is a very well-designed provision.

As we discussed during the course of our consideration of the multilateral trade agreement, the safeguards provisions we have enacted into law provide our industries adequate protection.

Mr. Chairman, I have no further requests for time. I urge my colleagues to support the concurrent resolution.

• Mr. ASHBROOK. Mr. Chairman, I am hard pressed to think of a more inauspicious way to open the second session of this Congress than by passing such a measure as we have before us today. The granting of most-favored-nation status to Communist China negates all the rhetoric of the last few weeks regarding how America has awakened to the danger of communism. Obviously the point that is being made today is that communism is somehow "good" and wholesome in China and that Peking's brand of Marxist-Leninism is less aggressive or less dangerous than the brand used in the Kremlin. This is a mistake of epic proportions.

I share the deep and sincere concern of my colleagues over the events in Afghanistan and the recognition that major steps must be taken to counter the armored thrusts of the Soviet war machine. However, the last thing this Congress should do is to embrace one Communist menace to counter another. The lesson that should have been learned from Afghanistan is that communism is by its very nature aggressive, totalitarian, and militaristic. Whether in the U.S.S.R., in Cuba, or in mainland China the doctrine of Marxist-Leninism ultimately leads to expansionism via guns and tanks. The spector of Soviet might rolling over the people of Afghanistan only proves that the Soviets are more advanced in the tools of adventurism than other Communist powers. This advance being, at least in part, fueled by Western technology transfers.

The American people are demanding firm action to counter the Soviets. After being lulled to sleep by the rhetoric of détente the Nation is realizing that it has been deluded into aiding an aggressor. This Congress owes it to the Nation to not embark on yet another flight to appeasement. The only difference between the Communist Chinese and the Soviets is that the Soviets took Kabul first. If we do not stop and reflect before we vote on this measure we may find ourselves standing in this same Chamber 10 or 15 years from now trying to fathom how we allowed ourselves to fuel the arming of China with Western technology.

The Chinese, like other Communists, take an opportunistic stance toward world events. They want their brand of communism to prevail and view the U.S.S.R. as their chief rival. It is in their own best interest to capitalize on the United States' current need for allies and to open their doors to the West. They need industrialization and Western automation to compete with the Soviets. For this long-range need they will foresake any number of short-term acts of aggression. For them time is on their side and the continued inability of the West to understand their ultimate goal buys them even more time. The bill we have before us today fits perfectly with the Chinese scenario for countering the Soviets and eventually the West.

The aggressive nature of communism is not secret. A cursory review of the broadcasts of Peking Radio is enough to convince the most die hard détente advocate that the Chinese may have more in mind than internal reforms:

### CONTINUATION OF BEIJING RADIO LECTURE ON DICTATORSHIP, DEMOCRACY

(Second installment of the fifth lecture in a series on democracy: "Uphold the Dictatorship of the Proletariat, Promote Socialist Democracy," written by (Wu Jialin): "Dictatorship of the Proletariat and Socialist Democracy.")

The elimination of capitalism and its vestiges and the implementation of the principles of the communist system constitute the content of the new era that has already begun in the history of the whole world. The slogan of this era inevitably will and should be: Eliminate classes, enforce the dictatorship of the proletariat in order to fulfill this goal, mercilessly expose the prejudices of the petty-bourgeois democrats on freedom and equality and wage a relentless struggle against these prejudices.

Communist China currently supports insurgencies in Burma, Thailand, and the Philippines. These insurgencies are supported through training of leaders and radio broadcasts into those nations. The Karin insurgents of Burma receive aid in trafficking drugs to finance their activities from the Chinese. A radio station broadcasts regularly from Yunnan province with antigovernment and proinsurgent propaganda. In Thailand the People's Liberation Army receives funds and training from China. Radio broadcasts were beamed from Chinese stations in Laos until the invasion of Vietnam caused the stations to relocate.

In the Philippines many of the leaders of the New People's Army were trained in China. This group has been responsible for assassinations and other acts of terrorism that have attempted to destabilize the government of Marcos and open the way for a pro-Chinese regime.

China has not settled for only regional adventurism. In Africa the Peking regime supports and trains terrorists in the Pan-Africanist Congress who operate in South Africa. This group competes with the Soviet backed African National Congress for the cadres of antigovernment activists and committed Marxists who operate in the region. China also has ties to 14 major Communist Parties throughout Western Europe. Recently two members of the Communist Party in Spain held talks with Chinese officials in Peking with an eye to establishing closer ties. This is hardly the picture of an internally oriented government.

We cannot close our eyes to the impact an infusion of Western technology will have on the horizons of Peking's ambitions. The photos from Afghanistan show, without a shadow of doubt, the armored vehicles that were turned out of Kama River, Zil, and other plants in the Soviet Union that were beneficiaries of U.S. computers and machine tools. There is already talk of shipping a satellite system to Peking complete with advanced computers. Last fall I expressed concern over this arrangement. Nothing has happened to change my view. The fact that the shipment was in the works last September long before Iran or Afghanistan shows that the flood of technology to China has little, if anything, to do with the Soviet threat. The Soviet actions only serve as an easy rationalization for the ongoing policy of selling to the Communists without regard to the long-range misuse of U.S. goods and know-how. If we do not watch what we are doing America will once again jump into garnering short-term profits while engineering a long-term strategic threat. The lessons of the Soviet exploitation of America cannot be lost. This vote is a clear signal of whether we have learned or whether the newly enslaved people of Afghanistan have been shackled in vain.

The tragedy of fueling the ambitions of a Communist regime is equaled by the outrageous hypocrisy of rewarding a murderous dictatorship with the benefits of most-favored-nation trade status. To reward the human rights record of China after abandoning our allies and friends for far lesser abridgements is to pervert the international morality this Nation has stood for. This act proves, once again, that the Carter stand on human rights is at best a sham.

Communist China is possibly the greatest destroyer of human life of any nation in history. By many accounts the body count on Peking's human rights policies is between 53 to 66 million deaths since 1949. This figure includes the political purges and so-called land reforms of the 1950's, the deaths by starvation during the Great Leap Forward, the invasion of Tibet, and the violence of the cultural revolution. Many people try to downplay these deaths as something that happened in the distant past. Such historical revisionism does not account for the facts that are now surfacing from China. In 1971 and after a number of party officials in Peking oversaw the elimination of several hundred thousand people in Inner Mongolia. On September 4, 1979, the People's Daily admitted this atrocity and blamed it on the now purged gang of four. Accounts of other Chinese human rights abuses have come from a small and courageous group of dissent writers within China. One writer, Wei Chin-sheng, published an underground magazine, Exploration, that aired the record of human rights in China. He is now serving a 15-year prison sentence for "sabotaging unity" and "advocating democracy."

Wei's writings have a familiar ring to the horrors outlined in the "Gulag Archipelago." One of his accounts describes two prisons outside of Peking, the Ch'in Ch'eng Prison No. 1 and the Benevolence Forest Prison of Peking. Beatings, torture, starvation, and mind control are graphically portrayed. This barbarian treatment of people is happening right now in China. To overlook the works of Wei and others who have risked death or imprisonment, which is tantamount to a death sentence in many instances, is to reject the reality of what communism is all about. Its very nature negates the human spirit, whether it is in Moscow or Peking. This is a factor we should not forget, and not reward here today.

I realize that one of the reasons used to make the case for trade with Communist China is the economic benefits America might derive from such increased trade. America is once again being suckered by a small group of so-called experts. In the April 1979 edition of Business Horizons a glowing report was made on trade prospects with Peking. However, looking at the figures cited by the article, I sensed déjà vu. Most of the story talked about the high amount of American investment that can go into China. U.S. Steel had signed a $1 billion contract to help develop the world's largest iron ore mine in China, Bethlehem Steel and Kaiser Steel have a contract for over $100 million to develop another mine. Pan American World Airways plans to build $500 million worth of luxury hotels and the Hyatt wants to spend $800 million for another chain of hotels. In all of these cases and many others cited in the article American capital is flowing out of the United States and into the coffers of the Chinese Communists.

How often in history has U.S. trade with the Communists been directed toward capital investment only to be turned around and used against us? Lenin used the West to bail out his faltering revolution in the 1920's, Stalin used the West to assist him in the 1930's, and all during the 1970's U.S. technology has helped cover up the failures of communism in Soviet agriculture and industrial growth. Are the 1980's going to see the United States become the prize chump of the Chinese? We hear almost on a daily basis how America has trouble competing in world markets and how our productivity is declining. Is it no wonder that this is happening when our industries, gouded by the White House, are more willing to pour American dollars into developing a Communist nation than our own? What guarantee is there that Peking will not turn on us and nationalize our investments the way the Soviets did on three different occasions this century. We never seem to learn.

The standard argument used against trade bans with Communist nations is that they can trade with other nations besides the United States; therefore, American businesses should get what profits they can before our allies cash in. The other part of the argument is that since the Communist nations can trade with other free nations, America is really not hurting anyone but itself. I find this a fascinating approach since the State Department is quick to state how trade bans do hurt South Africa, Rhodesia and other nations that are pro-American. How can trade prohibitions be irrelevant for the Communists and should not be used, but be useful against friends of the United States? This is standard doublethink for this administration. Unfortunately the Congress has been all too willing to certify the validity of this bizarre policy.

Red China did not support us in the U.N. on the Iran resolution. I will bet they do not support the Olympic boycott. They will not support us in any ideological battle.

A final criticism is the one element that has been neglected more than any of these other issues in this matter—Taiwan. This valiant and longtime friend of America has been able to persevere in the face of attempts to erase it from the maps and conscience of the world. Taiwanese trade has expanded and its economy has grown. However, for how long can this island of liberty continue its prosperity as the White House tries to curtail its very existence as an official sovereign entity? The ongoing piecemeal "revisions" of treaties with Taiwan are chipping away the legal obligations this Nation has to them. The ultimate insult, the Olympic decision to have Taiwan change its name, flag, and national anthem, was urged by the State Department. Now trade is being promoted with Taiwan's chief enemy, the Communists on the mainland. There is even talk of military assistance.

I cannot comprehend the mentality that does not see how obtuse this policy is to the value system of the United States. How can America continue to have any credibility in the world if it persists in groveling at the feet of Communist governments while giving its friends the shaft. How many times does America have to be back-stabbed by Peking and the Kremlin before it begins to realize that communism is not on our side? This bill is one more tier of bricks in the wall on which we are sealing in our fate. It must be defeated. If we are ever to break out of the strategy of defeat and can once again be the beacon of liberty for the world.

The same arguments were used for trade with the Soviet Union. We heard about "A Fund in your Future." What Americans didn't hear was that these funds would be used to subjugate the Russian Communists, did it? Chinese Communists will do the same thing. This resolution should be defeated.●

● Mr. DODD. Mr. Chairman, I rise in support of House Concurrent Resolution 204, providing most-favored-nation (MFN) trading status for the People's Republic of China.

As my colleagues know, the adoption of House Concurrent Resolution 204 by both the House and the Senate would allow the bilateral trade agreement signed between the United States and the PRC to go into effect. The practical impact of granting MFN status to China would be the lowering of U.S. tariffs on Chinese goods now averaging about 20 percent to MFN levels of about 10.5 percent. The political impact of granting MFN status, however, is even more important than the economic considerations for both nations. Extending most-favored-nation status to the PRC would serve to draw our two countries closer together in all spheres, and coming just 1 year after the establishment of full diplomatic relations with China, MFN is a clear indication that we intend to further strengthen our ties with the world's most populous nation.

I need not remind my colleagues that granting MFN status to China also serves as a clear signal to the Soviet Union. In the past, this administration has pursued an "evenhanded" approach to MFN status for China and the Soviet Union, preferring not to extend this favorable treatment to either nation unless it was extended to both. However, the administration abandoned this approach earlier this year.

Now, in the wake of the Soviet Union's brutal invasion of Afghanistan, I believe that we should seek to improve our overall relations with the PRC as we both share common interests in containing Soviet aggression in Asia. In this regard, I applaud Defense Secretary Brown's recent high-level discussions with Chinese authorities. While I would not at this time advocate selling arms to the PRC, I believe that we both need to be more sensitive to our respective security concerns, and we both need to discuss methods for insuring a proper response to recent Soviet aggression.

Providing most-favored-nation trading status with the PRC requires the waiver of the Jackson-Vanik provisions of the Trade Act of 1974. The Jackson-Vanik provisions prohibit granting MFN treatment to Communist countries if they deny their citizens the right to emigrate or if they place unreasonable conditions on emigration from the country. As the PRC cannot be said to allow free emigration, the President has asked Congress to waive the requirements of the Jackson-Vanik amendment. In doing so, the President has certified to Congress that he believes the granting of MFN status will promote freer emigration from China, and he has announced that he has received assurances from the Chinese Government that they intend to allow freer emigration.

While I believe that the United States has an active interest in providing MFN treatment to China and in attempting to improve our overall relations with the Chinese, I do not believe that we should ignore either the human rights situation in the PRC or their record on emigration policy. It was about 1 year ago today, Mr. Chairman, that the mother of a constituent of mine in Groton, Conn., arrived in the United States from her small village in China. I had been involved for more than 4 years in seeking to persuade the Chinese Government to grant Mrs. Lee Chin Chee Nui an exit permit to leave the country and rejoin her family in Connecticut. Finally, in late 1978 the Chinese Government allowed Mrs. Lee to leave the country. Since then a number of other family members have been permitted to leave. However, some family members in the village of Toison, China, are still waiting for their exit permits. While I will vote to allow the granting of MFN treatment for the PRC, I would hope that Gee Wing Gong, Gee Wing Dep, and Gee Wing Yee of Toison, China, will soon be allowed to rejoin their waiting families in my district in Connecticut.

I would hope that my colleagues will also see the benefits to the United States of granting MFN treatment to the PRC. But in doing so, I hope that they will also press to insure the freest possible emigration from China.●

● Mr. COTTER. I am sure that all of our colleagues agree that the United States is now facing a very serious threat to our way of life. The Soviet takeover of Afghanistan has detroyed the entire world order, and the United States must now take action to strengthen our political and economic ties with other nations to help deter this Communist erosion.

I believe the extension of most-favored nation status to the People's Republic of China is a necessary step in establishing a foundation on which our nations can build a mutually beneficial friendship. I say "mutually beneficial" because both the United States and the PRC wish to end Soviet aggression, and the granting of MFN is an action which will enhance our ability to do so.

At the same time, we must consider the domestic implications of such an action. And it is in this area that I have reservations. What effect will competition for a nonmarket economy that has over 800 million low-income people have on our domestic industries?

Many of our domestic industries have already encountered large quantities of PRC products which are sold in overseas markets at prices well below any price which a free market producer could reasonably charge. We must consider the impact normalization of trade relations with this potential economic giant will have on our already labor-intensive industries.

Our trade laws, as applied to nonmarket economies, are inadequate to meet this challenge. My colleagues on the Trade Subcommittee are familiar with the bill Congressman SCHULZE and I have introduced to amend the Antidumping Act. Simply stated, our bill would assure that imports coming from nonmarket economies cannot be sold at unfairly low prices. The bill would remove politics from the antidumping laws, and make the kind of decision handed down in the infamous Polish Golf Cart case impossible.

Our Trade Subcommittee will hold hearings on this legislation in the near future, and I hope that all House Members, particularly those who have labor-intensive industries in their districts, will bear this situation in mind as we consider the measure before us.

Once normalized trade relations are established with China, we must act immediately to amend our domestic antidumping laws to protect our own labor force and to preserve American industries which otherwise will be lost to impossible-to-compete-with merchandise which, under present law, can be dumped here with virtual impunity.●

● Mr. BIAGGI. Mr. Chairman, I rise in support of House Concurrent Resolution 204, a resolution providing for the granting of most favored nation trading status to the Republic of China. I support this legislation as it represents an important step in the continued development of a relationship with the Republic of China which is so essential to this Nation's security in the decade ahead of us.

One of the most significant foreign policy decisions of the 1970's was the opening of relations between the United States and China. The policy was adhered to by all three administrations of the 1970's but certainly given additional prominence since Jimmy Carter became President.

This resolution is eminently sound from several perspectives. The first, of course, is economic. It is anticipated that approval of MFN status could result in two-way trade totaling $5 billion by 1985. Further, expanded trade with China could serve as an incentive to China to develop its enormous oil supply. Finally, it could help our own balance-of-trade problem.

We must be cognizant of the strategic benefits involved in this resolution. The Soviet Union has through its invasion of Afghanistan sent a message of warning to the world. The message is the Soviets are looking to expand and will do so in the more vulnerable areas of the world as well as in the vital Persian Gulf region. A stronger United States-China relationship may prove to be a most effective tool of deterrence to use against the Soviet Union.

It is clearly an opportune time to play the "China card." The Soviet Union in recent months has exhibited its unreliability as a partner in world peace and her acts of aggression are more reflective of her real intentions in the world community. By expanding trade with China we are not endorsing their ideologies or activities either. However, we should not hesitate to promote better relations with China as long as the Soviets pose the direct threat they do to both our securities.●

● Mr. DUNCAN of Tennessee. Mr. Chairman, I rise in opposition to House Concurrent Resolution 204 because I think that this initiative is premature and unwarranted at this time. Since the so-called normalization of relations with the People's Republic of China in 1979, the Carter administration has rushed headlong toward consummation of this relationship with little thought given to the consequences of such action. Recently, for example, there has been some serious public discussion about supplying the Chinese with military arms, and forging some sort of a military alliance with Peking. I would be against that as I am against this trade bill. The immediate steps we take in our relations with the Chinese will seriously affect our foreign policy for years to come. Now is not the time for hasty action on this front. The passage of this resolution will close forever several issues that should remain open until properly resolved.

First, this resolution violates the provisions of the Jackson-Vanik amendment to the Trade Act of 1974. That amendment explicitly states that the President cannot make credit guarantees, commercial agreements or grant most-favored-nation status unless the other nation agrees to promote free emigration. If such assurances have been given, they have certainly not been publicized which leads me to believe that they do not in fact exist. I find it ironic that a President who prides himself on being a human rights champion has not taken the necessary steps to insure that this basic requirement is met.

Another important matter is the issue of the Import-Export Bank in the amount of $50 million dating back to 1946. If this debt is forgiven it will set a very bad precedent, and encourage other nations to repudiate the debts of their non-Communist predecessors.

Furthermore, the Communist Chinese do not need the additional $2 billion in loan guarantees offered by the administration. They already have $23 billion in unused credits. It is not necessary to extend additional credits at this time.

Finally, this agreement fails to address two other important items as well. First, it provides no compensation to Americans holding $220 million in Chinese Government bonds. Second, it makes no effort to protect American jobs, particularly in the vulnerable textile industry, that will be threatened by an influx of goods from the world's second largest nonmarket economy. Failure to meet this important problem in a decisive manner will once again necessitate enactment of costly trade adjustment assistance benefits.

In sum, Mr. Chairman, we are acting with undue haste. This matter is not so important that it cannot wait until the issues I have mentioned have been fully resolved. I am confident that if this resolution is passed today, we shall soon regret it deeply. I therefore urge my colleagues to reject this legislation.

Thank you.●

● Mr. VANIK. Mr. Chairman, Congressman PAUL FINDLEY was one of the earliest Members of this body to urge that diplomatic and trade relations be resumed with China. He has long supported extending the Chinese most-favored-nation tariff treatment. In April 1969 the gentleman from Illinois introduced legislation providing for the lifting of the trade embargo then in effect against China. His rationale then seems especially appropriate today. Although our colleagues cannot join with us today in the consideration of this bill, I want to include an excerpt from his floor statement of more than a decade ago:

STATEMENT BY CONGRESSMAN PAUL FINDLEY,
APRIL 24, 1969

> Political considerations alone make desirable a review of our trade embargo against China. China is no longer a satellite of Moscow, if it ever was. Doubtless Moscow and Peking have certain doctrinal solidarity and other common interests, but they have deep, abiding differences.
>
> Foremost among the differences are border disputes. The vast common border between the two states is the longest in the world, and tension is certain to mount as China asserts its historical claims on territory.
>
> In formulating our policies, we would be wise to recall the advice of Klauswitz:
>
> Support the weaker of your two adversaries. Accept the risk of abetting a potential future menace in order to check the present one.
>
> Lifting the embargo would serve to end the curious, irrational double standard we now apply in dealing with China and the Soviet Union. In dealing with the Soviet Union we have sought to build bridges, political contracts, and trade, believing this in the long run will help to modify Soviet behavior and make Moscow a more responsible member of the world community. In dealing with China, our policy has been just the opposite. While we seek to expand contracts with Russia, we reject them with China. While we seek to enlarge Soviet participation in world affairs, we oppose such by China.
>
> Attempting to justify this double standard is especially difficult in light of the fact that Chinese forces were long ago withdrawn from Korea, in striking contrast to the Soviet armies still present in Poland, Hungary, East Germany, and Czechoslovakia.●

● Mr. ASHLEY. Mr. Chairman, just over a year ago I had the privilege of leading a House delegation to Peking to participate in ceremonies marking the normalization of diplomatic relations between the United States and the People's Republic of China (PRC). This remarkable diplomatic breakthrough was the cumulative effort and achievement of three administrations under Presidents Nixon, Ford, and Carter and reflects a consensus held in both countries that perpetuation of a policy of isolation and a relationship of hostility and distrust is contrary to the best interests of both nations.

Normalization of relations between two great countries after three decades of antipathy is not accomplished by an exchange of toasts or the stroke of a pen. Mutual confidence must be restored through bilateral exchanges and arrangements beneficial to the national life of both countries. It is in this context that I wholeheartedly support the resolution before us that will extend most-favored-nation treatment to the products of the People's Republic of China. The agreement will serve as the cornerstone for expanded mutually beneficial bilateral commercial relations and provide an important and integral step in the normalization of United States-China relations.

There is no doubt that the United States stands to benefit from China trade and an improved political relationship. Since the relaxation of trade restrictions in 1972, there has been a dramatic increase in the volume of bilateral trade, the value of which has increased to over $1.1 billion in 1978. The bulk of this trade has been in U.S. agricultural exports to China. A large increase in two-way trade in 1978 also included an expansion of nonagricultural trade. U.S. firms have already signed contracts with China to build entire ammonia and iron-ore plants.

While the United States already enjoys a favorable trade balance with China, most-favored-nation status will allow the Chinese to sell more exports to earn the hard currency they sorely need to purchase our high-technology exports and pursue their goal of economic development.

A key element of China's modernization plan is expansion of their foreign trade. Before his death, Premier Chou-En-lai and his chief administrator on economic affairs, Vice-Premier Teng Hsiao-ping, developed an intensive program to modernize Chinese agriculture, industry, national defense, and science and technology. To fulfill their goal of modernization and to pay for the imports they will need, China will want to develop its oil export potential.

Indeed, one of the brightest spots in the PRC foreign trade situation is the potential for large exports of oil. The PRC's proven and probable reserve are conservatively estimated at 5.9 billion tons of oil. By 1985, the PRC may be producing in excess of 200 million metric tons of oil. To realize its potential as a major oil exporter the PRC will have to import considerable amounts of Western machinery, equipment, and technology.

Not only are there economic benefits to be realized from China trade, but now more than ever before it is vital that the United States and the People's Republic strengthen their political and strategic ties. The Soviet invasion of Afghanistan intensifies the need for a stronger, more developed China capable of deterring Soviet expansion while maintaining close ties to the United States. The United States and China share a number of common interests in Asia. To the extent that our interests coincide, we should act to cultivate our relationship with the PRC so that our separate actions will be mutually reinforcing. To this end, enhancing our consultative relationship with China and developing an enduring institutional framework in the economic, cultural, scientific, and trade areas with the PRC will prove beneficial to the United States and China alike. For these reasons, Mr. Chairman, I urge adoption of the resolution before us.●

● Mr. LAFALCE. Mr. Chairman, I rise in support of the House Concurrent Resolution 204, which would grant most-favored-nation status to the People's Republic of China.

In the midst of our troubled international scene, relations between the United States and the People's Republic of China continue to steadily improve on every front. The recent visit of the Secretary of Defense to the PRC was yet another sign these two great countries will continue to grow closer together. Friendly relations between the United States and the People's Republic of China have become even more important because of the callous and brutal invasion of neutral Afghanistan by the Soviet Union which is attempting to extend its hegemony in Southwestern Asia.

I believe that it is very appropriate and timely that the first action of the Second Session of the 96th Congress should be passage of the resolution to favor most-favored-nation status for the PRC. During the late 1970's, trade between the United States and the People's Republic of China has significantly grown. U.S. exports to China rose from $900 million in 1978 to $1.5 billion in 1979, and total United States trade with China should reach about $2.5–$3 billion in 1980. Approval of most-favored-nation status for the PRC will encourage U.S. firms to intensify their efforts to secure a substantial portion of the possibly huge Chinese market.

During my visit to the PRC, Vice-Premier Deng Xiaoping personally assured me that the PRC would comply with the provisions of the Jackson-Vanik with the emigration provisions of the Jackson-Vanik amendment; and, indeed, the Chinese Government maintained very liberal emigration practices during 1979. That compliance coupled with our own national interests should demonstrate that closer commercial relations between the two countries are in order for the 1980's.

Closer trade relations can be the foundation for a lasting bond between the American and the Chinese people. As trade between the United States and the People's Republic of China increases, other ties can be forged. Cultural exchanges are taking place on a more frequent basis; airline agreements are being negotiated; and thousands of tourists are visiting each country.

Mr. Chairman, most-favored-nation status for the People's Republic of China is a vital necessity for improved relations between the United States and the People's Republic of China. The cause of world peace can only be served by friendly relations between those two great countries; and therefore, I strongly support House Concurrent Resolution 204.●

● Mr. AuCOIN. Mr. Chairman, we meet today to approve the extension of nondiscriminatory tariff treatment to the products of the People's Republic of China. This is a moment of great personal satisfaction for me, culminating over 3 years of work to expand American trade with the PRC, even before we normalized diplomatic relations.

My interest grows out of an active role in the Banking Subcommittee on International Trade where in the last Congress, I authored an amendment that would have exempted the People's Republic of China from section 402 of the Trade Act, opening credits from the Eximbank for sales to China. The purpose of the amendment was to signal the Chinese our interest in normalizing relations and to enable U.S. businessmen to enter more forcefully blossoming Chinese markets.

Since that time, I have journeyed to the People's Republic of China to assess firsthand the potential that China holds as a trading partner. It was the first state trade delegation to China led by a Member of Congress.

As I noted in my testimony on this resolution before the Ways and Means Committee, China is a primitive nation. Nevertheless, I found it supremely self-confident. You have a sense that it knows where it is going. And this strikes a visitor from the industrial world, where indecision, uncertainty, and self-doubt have been all too evident.

With such a nation, what are the trade possibilities for the United States? Frankly, it is going to be slow—in the beginning. The Chinese are starting from square one. China is not a consumer market and they would not be for decades. There would not even be a market for many industrial products until the Chinese first update their most basic economic underpinnings.

What they need first are oil drilling rigs and related equipment to generate the foreign exchange they need to finance the general economic modernization they talk about. They also need immediate port development—engineering, management, and equipment—so they can effectively bring in foreign products. They need transportation improvements to distribute those products efficiently. And they urgently need irrigation planning for greater crop productivity. These are among the country's first priorities.

But the trade picture is not all bright. For basic forest products, there is going to be a wait. Lumber exports are just not a high priority at the moment, given the endless list of immediate Chinese needs. Certainly this reality has implications for the economy of my home State, Oregon. And for Oregon wheat, Chinese fears about the fungus, TCK Smut, have yet to be wholly overcome—though there are encouraging signs.

My message in these comments, Mr. Chairman, is that our initial trade will be small. But anyone who belittles the China market of today will watch someone else laughing all the way to the bank years from now.

Our own trade ailments are well documented and familiar to everyone in this chamber. And we are aware of the speculation about the vast market opening up in the East and what it will mean for American exports and our trade deficit. While our optimism about the prospects for the China market is justified, we must recognize that it is not the cure-all for our international trade woes and that the treaty will not reverse our long decline overnight. But it will help.

According to Commerce Department estimates of U.S. exports to the PRC, they could reach $3.5 billion by 1985 with imports at around $1.5 billion. Even with downward revision of these figures to accommodate the changing modernization targets of the Chinese, this is hardly a market we can ignore.

But beyond the potential of the China market itself, we must also recognize the other benefits to be derived from the United States-China trade agreement and granting of MFN to the PRC. One of them is stability in our important Pacific Rim trade.

In 1977, U.S. trade with Pacific Rim countries—China and her neighbors bordering on the Pacific Ocean—surpassed our trade with Europe for the first time. Today, Pacific trade equals 25 percent of the U.S. total. An approved trade pact with the People's Republic of China will not only encourage this vital flow of American goods and services, it will enhance the climate for American investment in the Pacific region. Expanded trade will bring expanded shipping and aircargo routes and further help to stimulate this exchange.

At a time of increasing international tension and instability in Asia, some will overlook these economic realities, ignoring the fact that the trade agreement and MFN for China is in our own economic self-interest. Indeed, they will be quick to see this not just as a way of promoting stable trading relationships in the Pacific region, but as a way to retaliate against the Soviet Union.

To do so would be to misread our own economic interests. It ignores the principle that trade for its own sake is positive, healthy behavior between nations.

On the other hand, some will argue that we should not trade with the PRC or other Communist nations because their political systems are oppressive and because they do not place the same value on human freedoms that we do. By trading with them and giving them the "benefits" of the American economic system, the reasoning goes, we endorse their system and enable it to flourish.

This logic presumes that American goods, American products, and American technology are so overwhelmingly superior, that the other nations of the world have no place else to shop. Perhaps there was a time when the United States held such a commanding position in world trade. But if it were ever true, it is manifestly not true today.

This is not to say, Mr. Chairman, that we must ignore the harsh realities of life under such systems or close our eyes to violations of human rights. To the contrary, our international policy on human rights is sound and we should pursue it vigorously. But we must do so in ways that will realistically help us to achieve our goals. To not encourage trade—one of the most fundamental relationships between nations—is to surrender a tool, a line of communication for presenting American ideals.

Finally, to drive home the arguments we will hear today in support of this resolution, it is important for us to hear what the American business community has to say about the trade agreement and the granting of most-favored-nation status. I would like to share with you a few comments I just received from Riedel International, a marine services company based in my district, about its recent participation in a trade mission to China and the importance of our action today.

These comments from the senior vice president of the firm, Mr. Daniel Bell, summarize many of the points I have tried to make. I commend his remarks to your attention and urge your support for House Concurrent Resolution 204.

The letter follows:

RIEDEL INTERNATIONAL, INC.,
*Portland, Oreg., January 18, 1980.*

Congressman LES AuCOIN,
*Cannon House Building,*
*Washington, D.C.*

DEAR LES: I am writing to urge you to vote for the legislation granting most-favored-nation status to The People's Republic of China. The bill has been approved by The Ways and Means Committee, and as I understand it should be on the House floor not long after Congress reconvenes.

In my opinion, our state has a great deal to gain from granting MFN status to the PRC. As a Pacific Coast state, geography gives us a head start. Beyond this, however, is a feeling I find from visits throughout the state: people in Oregon want better relations with the PRC, and support MFN as a vital step in that direction. It is a credit to residents of Oregon, I believe, that so many recognize the benefits from this action—benefits to our country as well as to our state.

As you may know I was fortunate enough to participate in the Oregon trade mission to the PRC in November. We were an official state trade mission, even though Governor Atiyeh did not lead the group. The seventeen of us from Oregon all returned convinced that opportunities exist for expanded commercial ties between Oregon and the PRC. We had excellent meetings with top officials.

A theme that was repeated in many ways was "Friends first, business second." These officials were sincere and I strongly believe they recognize the importance of close ties with the United States. Conversely, I trust we recognize the close ties with the PRC especially in light of recent events.

I also know you will hear from some Oregonians who oppose this proposed legislation. Many more people here support this step than oppose it, although opponents will attempt to convince you they represent the majority. In my opinion, better relations with the PRC also is in this country's best security interests. Every letter writer who writes you opposing Soviet expansion should recognize that the U.S. is strengthened as China grows stronger as a counterweight to Soviet strength.

From the commercial perspective, Oregon also gains from expanded commercial ties. Our company is looking at several possibilities in the marine construction, dredging and heavy construction areas. (You no doubt know of the Chinese interest in hydropower development and waterway improvement.) Such overseas work puts money into the pockets of many Oregon workers. Some critics say foreign involvement helps only the shareholders of a company, but this is not true with most companies.

In our case, we recently completed work on what will be the world's largest hydroelectric project. The Itaipu Dam on the Parana River between Brazil and Paraguay will dwarf the dams on the Columbia River with which you and I are familiar. By 1989, some 70 billion kilowatts of power will be generated at Itaipu. This project involved many of our skilled workmen—residents of Oregon whose taxes at the state and local level help support government services. Projects in China also will provide jobs for Oregonians. We plan, incidently, that some of our Oregon people will be involved training Chinese managers, so that a true partnership can develop.

Therefore, as one who has been privileged to view on a first hand basis, I strongly urge you to openly endorse and support the most-favored-nation status to the People's Republic of China. I recognize your early leadership on the issue of improving U.S. relations with the PRC, and people in Oregon appreciate your efforts. Your own work complements the MFN action, so I do not need to ask for your support, per se. Because of your leadership role on related issues, you will attract mail from opponents of the move from Oregon. I thought you should receive a letter of thanks and encouragement to counteract those in opposition.

Naturally, I will welcome your comments on this issue.

With Warm Regards,

DANIEL C. BELL,
*Senior Vice President.*●

● Mr. KRAMER. Mr. Speaker, the extension of most-favored-nation status to the People's Republic of China is precipitous.

Certainly present world events have had the effect of compelling us to seek out fellow adversaries of the ever more powerful Soviet Union. Thus, on the principal, that, "the enemy of my enemy is my friend," we have rushed headlong toward the People's Republic of China to comfort ourselves with them in our mutual fears.

It would be well to remember a period in our history not so many years ago when the same adage and the same situation confronted the United States and the Soviet Union. It is true that at first, the Soviets attempted not only to come to an accommodation with Hitler, but also to share in the spoils like one of the wolves tearing at a lamb. But, as you recall, between May and December of 1941 it came to be that America and Russia were allies.

With the historical example in mind, I believe that it behooves the Congress to enter into any major agreement with the People's Republic of China with eyes wide open.

Most-favored-nation status will open up opportunities for the export of high technology with possible military capabilities to mainland China. If we really intend to help to arm China, let us examine on a system-by-system and item-by-item basis what we will provide to them instead of building up their domestic capacity for war production in an indiscriminate manner. If we are truly concerned about the living conditions of the people of China, then another story—also courtesy of the Soviet Union—may be applicable.

Mr. Mikhail Bulkovsky, speaking before the American Enterprise Institute observed that in the 1950's and 1960's when shortages of items, from foodstuffs to fine industrial equipment continued to confront the Kremlin, reforms of their economic system were forced upon these officials. They experimented with deregulation of farms and production rose manyfold. However, reports, Mr. Bulkovsky, Soviet officials hit upon a strategy to reverse this serious challenge to party dogma and control. The Soviet Union called upon the West to open up its trade with the U.S.S.R. Ever responsive, we complied. As Western trade opened ever wider to the Soviet Union, the pressure for domestic liberties was suddenly relieved by foreign supplies of goods. Reform was ended as the West provided the food and equipment which the Soviet system would not provide for the Kremlin leaders. Thus, according to Bulkovsky, it is not only an increased accuracy of Soviet strategic weapons—due to the sale by the West of precision ball bearing grinding equipment to our adversaries—which, is the result of our past trade policies, it has also allowed the Soviet leaders to smother incentives for production in their own economy—to crush reform—liberty—since it was no longer a necessity for the production of what they needed. Incidentally, since we are discussing trade matters, Mr. Bulkovsky pointed out to the AEI forum that he arrived in the West from Gulag still manacled in handcuffs marked, "Made in USA."

The point of this is that the People's Republic of China is also an armed, militant tyranny which has long looked with disfavor on American liberty.

I certainly understand the motivation for a quick search and recruitment of allies. The United States faces many desperate hours ahead as we scramble to preserve our liberty. But let us preserve our options for the future as well.

As we examine the extension of most-favored-nation status to the PRC we must ask whether we are creating future military and political problems for the United States. We must ask whether we are killing off any hope that the Chinese people have of some domestic freedoms to relieve them from a heavy-handed government.

I believe that in spite of the deteriorated state of American defenses in certain areas, the People's Republic of China needs them to counterbalance the Soviet Union. It is China which shares the long border with the Soviet Army, not the United States.

Rejection of most-favored-nation status today will not eliminate United States-Chinese cooperation, but will allow us to review in a calm and thoughtful manner, just what we want our relations with China to be and what we stand to gain and to lose from such relations.●

The CHAIRMAN. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 204

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the People's Republic of China transmitted by the President to the Congress on October 23, 1979.

Mr. VANIK. Mr. Chairman, I move that the Committee do now rise and report the concurrent resolution back to the House with the recommendation that the concurrent resolution be agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. NOLAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 204) approving the extension of nondiscriminatory treatment to the products of the People's Republic of China, had directed him to report the concurrent resolution back to the House with the recommendation that the concurrent resolution be agreed to.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the concurrent resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCHULZE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 294, nays 88, answered "present" 1, not voting 51, as follows:

[Roll No. 7]

YEAS—294

Abdnor
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Ashley
Aspin
Bailey
Baldus
Barnard
Barnes
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bouquard
Bowen
Brademas
Breaux
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Burlison
Burton, Phillip
Butler
Byron
Carr
Carter
Cavanaugh
Chappell
Cheney
Clay
Cleveland
Clinger
Coleman
Collins, Ill.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
D'Amours
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Diggs
Dingell
Dixon
Dodd
Donnelly
Downey
Drinan
Duncan, Oreg.
Eckhardt
Edgar
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Fish
Fisher
Fithian
Flippo
Florio
Ford, Tenn.
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman

Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Guarini
Gudger
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Ichord
Ireland
Jacobs
Jenrette
Johnson, Calif.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Latta
Leach, Iowa
Leach, La.
Lederer
Leland
Levitas
Livingston
Lloyd
Long, La.
Long, Md.
Lowry
Luken
Lundine
McCloskey
McCormack
McDade
McEwen
McHugh
McKay
McKinney
Maguire
Marks
Marlenee,
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Michel
Mikulski
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Pa.
Murphy, N.Y.
Murphy, Pa
Murtha
Myers, Ind
Myers, Pa.
Natcher
Neal
Nedzi
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quayle
Rahall
Rangel
Ratchford
Reuss
Rhodes
Rinaldo
Roberts
Rodino
Rose
Rosenthal
Rostenkowski
Sabo
Santini
Sawyer
Scheuer
Schroeder
Sebelius
Seiberling
Sharp
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Spellman
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stockman
Stokes
Stratton
Studds
Swift
Synar
Thomas
Thompson
Traxler
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whitten
Williams, Mont.
Williams, Ohio
Wirth
Wolff
Wolpe
Wright
Wydler
Wylie
Young, Mo.
Zablocki

### NAYS—88

Ambro
Applegate
Archer
Atkinson
Badham
Bafalis
Bauman
Brinkley
Broyhill
Buchanan
Burgener
Campbell
Carney
Chisholm
Clausen
Collins, Tex.
Courter
Daniel, Dan
Dannemeyer
Derwinski
Devine
Dickinson
Dornan
Dougherty
Duncan, Tenn.
Edwards, Okla.
Evans, Ga.
Forsythe
Goldwater
Grassley
Grisham
Guyer
Hammerschmidt
Hansen
Hinson
Hughes
Hutto
Jenkins
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Leath, Tex.
Lee
Lehman
Lewis
Lott
Lujan
Lungren
McDonald
Martin
Mathis
Mica
Miller, Ohio
Mitchell, N.Y.
Moffett
Moorhead, Calif.
Mottl
Nichols
Paul
Quillen
Regula
Ritter
Robinson
Roth
Rousselot
Rudd
Runnels
Russo
Satterfield
Schulze
Sensenbrenner
Shelby
Shumway
Shuster
Solomon
Spence
Stark
Stump
Tauke
Taylor
Walker
Whittaker
Wilson, C. H.
Winn
Young, Fla.
Zeferetti

### ANSWERED "PRESENT"—1

Trible

### NOT VOTING—51

Addabbo
Anderson, Ill.
Ashbrook
AuCoin
Bonior
Bonker
Burton, John
Coelho
Crane, Daniel
Crane, Philip
Daniel, R. W.
Dicks
Early
Edwards, Ala.
Ferraro
Findley
Flood
Foley

Ford, Mich.
Hance
Hillis
Hyde
Jeffords
Jeffries
Johnson, Colo.
Jones, N.C.
LaFalce
Lent
Loeffler
McClory
Madigan
Markey
Miller, Calif.
Murphy, Ill.
Nelson
Pritchard
Railsback
Richmond
Roe
Roybal
Royer
Shannon
Stewart
Symms
Treen
Wilson, Bob
Wilson, Tex.
Wyatt
Yates
Yatron
Young, Alaska

☐ 1650

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Daniel B. Crane, against.

Mr. McClory for, with Mr. Ashbrook against.

Mr. Pritchard for, with Mr. Jeffries against.

Mr. Railsback for, with Mr. Royer against.

Mr. Lent for, with Mr. Symms against.

Mr. Findley for, with Mr. Young of Alaska against.

Until further notice:

Mr. Richmond with Mr. Edwards of Alabama.

Mr. Yates with Mr. Bob Wilson.

Mr. AuCoin with Mr. Madigan.

Mr. John L. Burton with Mr. Hillis.

Ms. Ferraro with Mr. Loeffler.

Mr. Nelson with Mr. Hyde.

Mr. Roe with Mr. Robert W. Daniel, Jr.

Mr. Shannon with Mr. Jeffords.

Mr. Charles Wilson of Texas with Mr. Philip M. Crane.

Mr. Foley with Mr. Anderson of Illinois.

Mr. Hance with Mr. Johnson of Colorado.

Mr. Dicks with Mr. Bonker.

Mr. Early with Mr. Coelho.

Mr. Ford of Michigan with Mr. Bonior of Michigan.

Mr. Murphy of Illinois with Mr. Miller of California.

Mr. Markey with Mr. Jones of North Carolina.

Mr. LaFalce with Mr. Roybal.

Mr. Yatron with Mr. Stewart.

Mr. Wyatt with Mr. Treen.

Mr. LOTT and Mr. NICHOLS changed their votes from "aye" to "no."

Messrs. CONTE, DAVIS of Michigan, and FOUNTAIN changed their votes from "no" to "aye."

Mr. MICA changed his vote from "present" to "no."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

## GENERAL LEAVE

Mr. VANIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution (H. Con. Res. 204) just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## PERSONAL EXPLANATION

Mr. LOEFFLER. Mr. Speaker, during rollcall vote No. 7 I was in the recording studio and was not notified of the vote and, therefore, I am not recorded. Had I been present I would have voted "no."

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make the following announcement:

On the concurrent resolution (H. Con. Res. 204) that the House just agreed to, there were potentially 20 hours of debate, and it had been anticipated that at least 4 hours would be used today and that there would be a Friday session. The John F. Kennedy Center authorization bill is next on the schedule. In view of the fact that the House has finished at an earlier hour, it is the desire, the Chair understands, of the Members that the House go forward with the following piece of legislation, H.R. 3051, the John F. Kennedy Center authorization bill. Upon the adoption of the rule and the passage of the bill, if it is completed within a reasonable time—and the Chair would say that a quarter to 6 or 6 o'clock would be a reasonable time—the House would have completed its program for the week and the House would then entertain a motion to adjourn until Monday next.

## JOHN F. KENNEDY CENTER AUTHORIZATION

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 516

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3051) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 3051, it shall be in order in the House to move to take from the Speaker's table the bill S. 1142, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 3051 as passed by the House.

☐ 1700

The SPEAKER. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield 30 minutes to the gentleman from Maryland (Mr. BAUMAN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 516 is the rule providing for the consideration of the bill, H.R. 3051, to authorize appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.

Mr. Speaker, this is a simple open rule and there are no waivers of points of order. The rule provides 1 hour of general debate, with the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. Upon conclusion of the consideration of the bill, one motion to recommit will be in order.

House Resolution 516 also provides that after passage of H.R. 3051 it shall then be in order to consider the Senate companion bill, S. 1142, and to strike all after the enacting clause of the Senate bill and to substitute the provisions of H.R. 3051 as passed by the House.

Mr. Speaker, pursuant to the Public Buildings Amendments of 1972 (Public Law 92-313), the Secretary of the Interior, acting through the National Park Service, was directed to provide maintenance, security, information, administration, janitorial, and other services necessary for operating and maintaining nonperforming functions at the John F. Kennedy Center. The Park Service and the Kennedy Center entered into an agreement whereby the expenses for nonperforming functions are shared. The Park Service is allocated 76.2 percent of the operation and maintenance costs and the Kennedy Center is allocated 23.8 percent. H.R. 3051 provides a 1-year authorization for fiscal year 1980 of $4,287,000 based on the continuance of the existing allocation of costs.

In previous Congresses, funds have been periodically appropriated to the Park Service for the nonperforming arts functions of the Center. The most recent authorization expired at the end of fiscal year 1979 during which $4.06 million was appropriated for this purpose.

Mr. Speaker, the National Park Service is responsible for the maintenance and security of numerous monuments and memorials in the Nation's Capital. This authorization will enable the Service to keep this memorial to a former President operating at the same quality level as other national monuments.

Mr. Speaker, to my knowledge this is a noncontroversial rule. Members on both sides of the aisle have expressed support for the bill. I urge my colleagues to adopt House Resolution 516 so that the House may proceed to the consideration of this legislation.

Mr. BAUMAN. Mr. Speaker, this is a most unusual rule. It is a straight 1-hour open rule. There are no waivers. They do not waive the Budget Act. They do not waive points of order. There are no restrictions on amendments. It is an almost unheard of kind of rule in the House of Representatives and I hope it sets a precedent for the second session.

Mr. Speaker, I would only add, since I always accede to the wishes of the Speaker and in an effort to expedite the proceedings, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LEVITAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3051) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

The SPEAKER pro tempore (Mr. Fary). The question is on the motion offered by the gentleman from Georgia (Mr. Levitas).

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3051, with Mr. Dan Daniel in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Georgia (Mr. Levitas) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. Stangeland) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Georgia (Mr. Levitas).

Mr. LEVITAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1964 the Congress decided to convert the proposed National Cultural Center to be constructed in Washington, D.C., into the only memorial to President Kennedy in Washington as well. Almost from the time the building opened in September 1971, there was an unexpected tide of tourists who came, not to attend performing arts activities, but simply to see this national memorial to a slain President. Thus maintenance costs to the Kennedy Center were much higher than anticipated. The Congress in its wisdom recognized the increased maintenance cost occasioned by such massive tourist use of the Center and responded by authorizing the National Park Service to provide—as it does other Presidential memorials—maintenance, security, and utility services for the building. Pursuant to Public Law 92-313 approved June 16, 1972, the Secretary of Interior, acting through the National Park Service, was directed to provide maintenance, security, information, interpretation, janitorial, and other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. In order to ascertain the cost to be borne by the Kennedy Center and the Park Service, an accounting firm determined in 1972 that based upon hours of usage the Kennedy Center should pay 23.8 percent of maintenance and utility costs and the Park Service should pay 76.2 percent. Subsequent acts of Congress have amended that subsection to provide funds through fiscal year 1979.

H.R. 3051, as reported, authorizes to be appropriated to the Secretary of Interior $4,287,000 for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the fiscal year ending September 30, 1980. I would like to point out that the administration has originally requested $4,287,000 for fiscal year 1980 and such sums as may be necessary in fiscal year 1981. However, our committee felt it inadvisable to grant an open-ended authorization for fiscal year 1981 and limited the authorization to only 1 fiscal year. The authorization of $4,287,000 provided in this legislation is based on continuance of the existing allocation of costs between the Park Service and the Kennedy Center. The funds contained in the bill are minimal, in order to keep this memorial to a former President operating at the same quality level as other monuments and memorials in this Nation's Capital.

I would like to point out for the record that the Kennedy Center for the Performing Arts is the only unit of the National Park Service that must seek a separate authorization in order to operate.

Mr. Chairman, the John F. Kennedy Center is the second highest visitation point in Washington, second only to the U.S. Capitol. An estimated 4 million tourists visit the Center each year, a figure that increases continuously on a yearly basis. This figure is exclusive of those attending the performing arts functions in the evening.

Mr. Chairman, the efforts made by the Park Service to keep this figure at a minimal while maintaining the quality for which they are known should be praised in view of the fact that their request for fiscal year 1980 funds represents a mere increase of only $87,000 over fiscal year 1979.

Mr. Chairman, in 7 years of operation, the Kennedy Center has gained international recognition as one of the most successful performing arts institutions. Outstanding performing artists, writers, composers, conductors, choreographers, directors, and designers from around the world have participated in Kennedy Center productions. Nearly 6,500 performances have been presented to a total audience of 10 million people. Under the aegis of the Kennedy Center, educational and public service programs have been offered to the Washington community and the Nation as a whole.

As a "living memorial," the Kennedy Center has broad responsibilities to the public. Section 4 of the statute creating the Kennedy Center provides instructions to:

First, present classical and contemporary music, opera, drama, dance, and poetry from this and other countries;

Second, present lectures and other programs;

Third, develop programs for children and youth and the elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation; and

Fourth, provides facilities for other civic activities.

To carry out its responsibilities under section 4, the Kennedy Center allocated $2 million in fiscal year 1978 for public service activities. None of these funds were Federal moneys. Some of the services and programs which the Kennedy Center offers to the public include:

A specially priced ticket program through which up to 15 percent of the tickets to regular performances, except on Saturday evenings, are made available, at half price, to students, the handicapped, persons over 65, low-income groups and enlisted military personnel. In fiscal year 1978, about 130,000 tickets were sold through this program, resulting in a total price reduction of $770,000.

Six hundred free events, including special performances, symposia, lectures, and exhibitions, attended by more than 400,000 people in 1977.

Free performances of music, theater, dance, poetry, and puppetry which were attended by 105,000 children in fiscal year 1978 under an alliance for arts education program in which the Kennedy Center and HEW cooperate.

The annual American College Theater Festival sponsored by the Kennedy Center and the Alliance for Arts Education.

Mr. Chairman, it should be noted that to date, the Kennedy Center Board has raised more than $16 million in private funds for those activities mandated under section 4 of the act.

In addition, the Kennedy Center recently opened a new 500-seat terrace theater, a $3 million gift from the people of Japan, and a new performing arts library, built and furnished with private funds. Both of these facilities will augment the Center's efforts in public service, education, and development of new talent and works.

The John F. Kennedy Center for the Performing Arts should be highly commended for the leadership they have shown in carrying out the responsibilities imposed upon them by the Congress. The John F. Kennedy Center has helped transform Washington into a mighty cultural capital. The citizens and Government leaders in this country and visitors from abroad now widely recognize the Center as a new dynamic natural resource—contributing to the cultural enrichness of this Nation. At the same time, the Center has truly become a "living memorial" to the late President.

Mr. Chairman, I urge passage of H.R. 3051.

Mr. Chairman, I yield back the balance of my time.

□ 1710

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3051, a bill to authorize $4.28 million for the nonperforming arts functions of the John F. Kennedy Center for the fiscal year 1980.

I join my colleague, the distinguished chairman of the Subcommittee on Public Buildings, Mr. Levitas, in supporting this bill.

H.R. 3051, reported by unanimous voice vote last May 15, is really a formality. The Kennedy Center received an appropriation of $4.03 million for this function through the Interior and Related Agencies Appropriations Act of 1980, signed November 7, 1979. During fiscal year 1979, there was a onetime expense of $200,000 for carpeting. The budget request for fiscal year 1980 increased by that amount. Accordingly, the Appropriations Committee reduced the request to reflect the actual needs of the Kennedy Center.

Almost from the time the building opened in September 1971, there has been an unexpected tide of tourists, not to attend performing arts activities, but simply to see this national memorial to a slain President. Maintenance costs were much higher than anticipated. Because of a Federal policy affecting national memorials, the Center could not charge admission for tours. According to the National Parks Service, 5 million persons were visiting the Center annually until the current repair project reduced that flow to about 4 million last year. Of these visitors, about 1.6 million attend paid performances.

Accordingly, Congress responded by authorizing the National Park Service to provide—as it does for other Presidential memorials—maintenance, security, and utility services for the building. But it limited the Park Service's share of maintenance and utility costs to the nonperforming arts aspect of the Center. The Center retained an accounting firm to determine what that share should be. The formula calls for the Center to pay 23.8 percent of maintenance and utility costs, as attributable to the performing arts' use of the building, which the Center has been paying since 1972.

Congress has the responsibility to pass this authorizing legislation, even if funds are already approved. The Park Service certainly wishes to keep good relations with all committees it deals with, including the Public Works and Transportation Committee. Additionally, I understand there may be some amendments honoring the principal leaders in the ongoing operation of the Kennedy Center. This legislation is the appropriate vehicle for such amendments.

There are many issues confronting the Kennedy Center today. Interest on $20 million worth of bonds is due, the parking concession must be reviewed, the allocation of costs between the Park Service and the Kennedy Center may need review. But the Kennedy Center, in my estimation, is a success. Eighty-five percent of the seats have been filled since 1971. Great performers have appeared at the Kennedy Center. Opera companies, orchestras, plays, ballet, are just some of the many artistic features of the Kennedy Center.

There is a new theater, built with a donation by the people of Japan, called the Terrace Theatre, adding to the Eisenhower Theatre, Concert Hall, Opera House, and American Film Institute.

The Kennedy Center has contributed invaluably to the cultural life in the Nation's Capital and to all the people of this country.

I urge enactment of H.R. 3051.

Mr. LEVITAS. Mr. Chairman, I reserve the balance of my time. I have no further requests for time.

Mr. STANGELAND. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. Grassley).

Mr. GRASSLEY. Mr. Chairman, on May 9, the Committee on Public Works and Transportation ordered to be reported H.R. 3051, the John F. Kennedy Center authorization bill for fiscal year 1980. Now on the floor, Congress will be voting on authorizing appropriations of $4.3 million to the National Park Service (NPS) for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.

In the past, I have consistently voted against any measures appropriating funds to or extending the responsibilities of the National Park Service for purposes of maintaining and operating the Kennedy Center. I have done so, not in censorship of the performing arts, but rather in protest against expenditures I regard as gross misapplications of Federal funds.

With the passage of a series of acts over the past 20 years, Congress "in its wisdom" has appropriated over $43 million in grants and loans to help construct the Center and annually pays three-quarters of its maintenance costs. In spite of the fact it had been conceived of as a purely privately funded Center, to date, it has cost the American taxpayers in excess of 60 million.

How did the Federal Government become so entangled in the Center's financial affairs? What justification is there for continuing the spending of taxpayers' money to support the Center?

When originally considering legislation authorizing the construction of the John F. Kennedy Center for the Performing Arts, the building, then referred to as the National Cultural Center, was to be constructed "with funds raised by voluntary contribution, on a site to be made available in the District of Columbia."

Although the sponsors of the bill promised that no Federal dollars would be needed to construct or operate the Center, 55 Members opposed its passage. During debate, Mr. Auchincloss, then the ranking minority member of the Subcommittee on Public Buildings, presented the formidable case against the bill's passage. Summarizing his statements as printed in the Record on August 22, he reported that:

> There was disagreement about what kind of building or buildings should be erected;
>
> There was no definite estimate about the costs of the buildings;
>
> There was no definite plan as to how the money was to be raised;
>
> No estimate of operating costs had been submitted.

He went on to say, and I quote:

> There is no doubt in my mind that because of the way this proposition is being handled the District of Columbia and/or the Federal Government will be called upon to make an annual contribution to meet a deficit in operations . . .

And further—

> I object to the claim made by the proponents of this measure that this project does not cost the Government a cent. The facts are that appropriations amounting to $150,000 have already been spent in the study of this proposal and the Government is asked to donate land valued at something like $2 million on which to build the Center . . . (I) object to the creation of the idea that this is of no expense to the Federal Government.

At the same time, a former member from Iowa, Mr. Gross, made the following comment:

> Make no mistake about it, this is a legislative blank check . . . and it ought to be turned down. I don't care how many cultural centers the people of Washington want to build on land they buy or with their own money. I want them to get off the backs of my taxpayers.

And so, even at its conception, doubts were expressed as to whether the Center would indeed be able to stand on its own feet, as its sponsors assured it would. Mr. Auchincloss, Mr. Gross, and 50 other Members opposing the bill, were convinced that ultimately the Center would become a taxpayers' burden. However, because the majority were unable to foresee the consequences of the bill's inherent deficiencies, on September 2, 1958, it was enacted and was to remain "on the books" for approximately 6 years.

Shortly after the death of John Kennedy, legislation was introduced to rename the Center in his honor, designating it as the sole memorial to the late President in Washington, D.C. Quoting from the files of the hearings held by the House Public Works Committee on December 12, 1963, our former colleague from Florida, Mr. Cramer, asked Mr. Stevens, chairman of the Center's Board of Trustees, "Will this legislation obligate the Government in any way for maintenance or operation in the future?" Mr. Stevens responded by saying:

> No, sir. We feel that in their income from rentals, we will have enough money for proper maintenance and even going so far as depreciation of equipment.

Although this particular legislation did not provide for the Center's operating and maintenance costs, it did authorize appropriations for its construction. The bill also assured the Center's eligibility for two succeeding requests for Federal funding; in 1969, to compensate for increased construction costs and in 1977, to repair damages caused by water leaks.

In addition to the Federal money used to build the Center, maintenance and operating costs were to become subsidized by the Government. Upon enactment of the Public Buildings Amendments of 1972, Congress delegated those costs unassociated with the performing arts functions to the NPS.

In the agreement entered into by the NPS and the Kennedy Center in 1971, 76.2 percent of the building's total operating and maintenance costs were allocated to the Kennedy Center. This agreement was based on the hours the building was expected to be used for nonperforming and performing arts functions. Despite the fact the hours-of-use figures for each purpose were only estimates, the $4.3 million authorization level in H.R. 3051 is based on the continuance of this original allocation of costs.

The General Accounting Office is required to periodically audit the Center's accounts to determine its continuing ability to pay its fair share of future operating costs and to assure the cost-sharing formula is fair and accurate. In its 1977 report to Congress (GGD–78–15), the GAO concluded that because of changes in the Center's operations, the formula developed to allocate maintenance costs needs to be revised. The GAO found the cost sharing currently in use does not accurately reflect the actual use of the building for each purpose. It overstates the use of the building for memorial purposes and as a result, the Center is not paying its full share of building maintenance costs. A more correct formula suggested by the GAO would allocate 62.8 percent of the joint costs to the nonperforming and 37.2 percent to the performing arts functions.

To this end, I have prepared an amendment to H.R. 3501 which would reduce the authorization level from $4,287,000 to $3,863,039. This amount complies with the suggested allocation of costs detailed in the GAO report.

If Federal funding to support the Center is unavoidable, it is my belief, it should not exceed that which has been determined to be the Government's share of the Center's expenses. It seems only reasonable and just that the Center should be expected to contribute its fair share of the building's costs.

The Federal Government's share of the operating costs for the Kennedy Center, as proposed in H.R. 3051, is $4,287,000.

This sum of money includes items for which the Federal Government is solely responsible—approximately $1.3 million—and items which the Government shares the costs with the Kennedy Center. Included within the former category are such expenses as landscaping, protection and information. Joint costs include maintenance and janitorial service and total approximately $3 million.

The current formula provides that the taxpayers/Federal Government shall pick up 76.2 percent of the joint costs. The Kennedy Center is assessed 23.8 percent of the joint costs. This formula, based upon hours of use, was first developed in July 1971 has not been subsequently revised or updated.

The GAO reviewed the financial circumstances of the Kennedy Center in 1977 and filed a report, dated December 20, 1977, entitled "The John F. Kennedy Center for the Performing Arts is Financially Troubled." The GAO concluded that the performing arts share of the joint costs was too low and, based upon new hours of use, should be revised. The GAO recommended a Federal share of 62.8 percent and a performing arts share of 37.2 percent—page 16 of GAO report.

If the GAO recommendations were adopted, then the Federal/taypayer costs of the operating costs of the Kennedy Center for fiscal year 1980 could be reduced to $3,863,039.

The GAO has studied this matter twice since December 1977. A letter report dated May 11, 1979, focused primarily on the Kennedy Center parking garage and made no reference to cost sharing. The second study will be ready for release and publication within 2 months. The most recent GAO study suggests that for 1978, the cost share could be 33.5–66.5 percent. However, these figures have not been reviewed and confirmed.

The financial circumstances of the Kennedy Center could be improved by—

First, increasing prices to reflect the costs of performances;

Second, reprograming so as to eliminate losing propositions and gain more revenues from profitable efforts;

Third, increased reliance on private voluntary gifts; and

Fourth, eliminate inefficiencies in Center's operations.

Legislation to deal with the Kennedy Center's financing is now pending in Congress. These proposals would result in increased burdens to the Federal Government and the taxpayers. A summary of these bills follows:

### H.R. 3437

Offset for KC contributions against interest the KC owes on $20M in bonds.

KC to contribute a flat $600,000 for maintenance.

National Park Service to be responsible for maintenance to the curtain line.

NPS will have responsibility for all structural repairs.

### S. 1532

50/50 maintenance cost split between NPS and performing arts.

Kennedy Center to be able to offset one-third of contributions.

NPS responsible for structural repairs.

### ADMINISTRATION PROPOSAL

Kennedy Center to pick up 30 percent of maintenance costs.

Use parking revenues to pay off principal but not forgive interest.

There is a wealth of other information on how much the Kennedy Center has, over the years, cost the taxpayers of the United States despite all of the assurances given when it was first authorized to the effect that it, the Kennedy Center, would not cost the taxpayers a penny.

Finally, I hope the committee in the future will follow the GAO recommendations by assessing the Kennedy Center its fair share and correspondingly reducing the taxpayers share.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. GRASSLEY. Yes; I will yield.

Mr. LEVITAS. Mr. Chairman, I would like to commend the gentleman for raising the point. It is one that the subcommittee has focused on. The GAO report to which the gentleman makes reference is forthcoming in about 2 months to the Congress. The report was requested by the subcommittee for this very reason. There needs to be a readjustment and reevaluation of the formula level of shared costs between the performing arts and nonperforming arts.

There are some members of the subcommittee who feel that it should be eliminated altogether. There are some members who feel that it should be increased, as the gentleman has indicated, to 33 or 37 percent.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. GRASSLEY) has expired.

Mr. STANGELAND. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield further?

Mr. GRASSLEY. Yes.

Mr. LEVITAS. Mr. Chairman, I think that after the GAO report is in the hands of the subcommittee, the gentleman can be assured that when we consider the 1981 authorization, this issue will be addressed.

I would like to point out, however, two things that should not be overlooked First of all, the Kennedy Center Board of Trustees has raised more than $34 million from private sources for the construction of the building, which was $7 million more than was required to match the $23 million Federal appropriation for construction.

□ 1720

In addition to that—and this is something many Members, including myself, did not know; I include myself in that because I did not know until I looked at this—when Congress created this facility, the enabling legislation provided in section 4 that the Kennedy Center for the Performing Arts would provide certain services at no cost to the Government for the public such as the presentation of classical and contemporary music, opera, dance, poetry, lectures, programs for children, for the youth and the elderly, programs for the handicapped, and programs for other special groups.

These services, which are a result of a congressional mandate, are paid for by the Kennedy Center at no cost to the Federal Government, although they are federally mandated. So when we consider what to do with the formula, we are going to look at such things as these: What are the appropriate shared costs? What should be done with this mandated requirement that Congress has imposed upon the Kennedy Center? What should be done with this parking lot which is now leased out to a private concern? We are going to have to look at the entire range of elements that go into this.

Mr. Chairman, I commend the gentleman from Iowa (Mr. GRASSLEY) for bringing this to the attention of the committee, and I assure the gentleman that it will be taken into account when we consider the 1981 authorization.

Mr. GRASSLEY. Mr. Chairman, I thank the gentleman from Georgia (Mr. LEVITAS).

● Mr. JOHNSON of California. Mr. Chairman, I would like to commend the distinguished chairman of the Subcommittee on Public Buildings and Grounds, the gentleman from Georgia (Mr. LEVITAS), and the distinguished ranking minority member of the subcommittee, the gentleman from South Dakota (Mr. ABDNOR), for their fine leadership in this matter and their concern for the Kennedy Center.

Mr. Chairman, I support the passage of H.R. 3051 which provides a monetary authorization for the National Park Service for the fiscal year of 1980, of $4,287,000 to carry out services necessary for the nonperforming art functions at the John F. Kennedy Center for the Performing Arts. This figure represents a mere increase of only $87,000 over authorized funds for the fiscal year of 1979.

Mr. Chairman, since the opening of its doors approximately 7 years ago, the John F. Kennedy Center for the Performing Arts has attracted more than 20 million visitors and won international acclaim for presenting theater, dance, opera, and music of outstanding quality.

On one hand, the Kennedy Center is the national cultural center. Unlike its counterparts in other lands, it operates within the private sector, financing its offerings without direct government subsidy but instead from box office receipts and contributions from individuals, corporations and foundations. The center has been extremely successful and has kept its theaters and concert hall filled to a phenomenal 85 percent of capacity.

At the same time, the center has proved effective as a presidential memorial. It is visited annually by millions of tourists and is now the second most popular tourist attraction in Washington. The funds contained in this bill provide only for those services necessary so that the center can remain open as a memorial to our former President. The authorization contained in this bill providing for services for the memorial aspects of the Kennedy Center—is identical to services provided by the National Park Service for all other presidential memorials—namely, maintenance, security, and utility services for the buildings.

The current formula which determines what amount of costs should be paid by the Kennedy Center and the National Park Service was designed by an accounting firm in 1972, whereby the Center pays 23.8 percent and the National Park Service pays 76.2 percent. The formula is based on the estimated hours for performing and nonperforming functions. At the request of the Committee on Public Works and Transportation, the General Accounting Office is currently preparing a report for the committee which will assess the current allocation of costs, as well as other issues.

Mr. Chairman, unlike other Presidental memorials, there are many special public services activities at the John F. Kennedy Center. These include a special price ticket program whereby up to 15 percent of the tickets to all performances are set aside for sale at half price to students, senior citizens, the handicapped, certain members of the military and the underprivileged. But presenting the best in performing arts to all is only part of the Center's mission. It is committed also to education programs and fostering new works, new talents and new audiences. These include: Programs for the young with emphasis on special free events for children; the annual American college theater festival involving over 500 colleges and universities; a program to encourage black participation in the performing arts by providing wider exposure for black productions and commissioning black artists; major festivals, focusing on the life and work of a single composer such as Handel, Brahms, or Hyden.

These events attract musicians and musicologists from around the world. The Center has become known for its role in encouraging and presenting new theatrical productions. Through its musical theater-laboratory, it provides a testing ground for new musicals, advancing this uniquely American contribution to the performing arts. In a further effort to make the performing arts available to many who would not ordinarily have the opportunity or the means to enjoy such events, the Center sponsors over 500 free performances each year.

Lastly, the Park Service conducts a regular tour of the Center for visitors, and they have facilities for special groups tours available to Members of Congress and organizations. The efforts of the Kennedy Center for the Performing Arts and the National Park Service are to be commended.

Mr. Chairman, this legislation is clearly in the national interest; it will enable us to maintain the Center as a fitting memorial for millions of Americans and for visitors from all parts of the world. I urge passage of H.R. 3051.●

Mr. LEVITAS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STANGELAND. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### H.R. 3051

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (e) of section 6 of the John F. Kennedy Center Act (Public Law 85–874, as amended; 20 U.S.C. 76(1)) is amended by adding at the end thereof the following: "There is authorized to be appropriated to carry out this subsection not to exceed $4,287,000 for the fiscal year ending September 30, 1980; and such sums may be necessary for the fiscal year ending September 30, 1981.".

### COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, lines 6 and 7, strike out "; and such sums as may be necessary for the fiscal year ending September 30, 1981".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

### AMENDMENT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARSHA: Page 2, after the last line insert the following:

SEC. 2. Ralph E. Becker is hereby designated an honorary trustee of the John F. Kennedy Center for the Performing Arts in recognition of his distinguished service as a founding trustee and general counsel for the Center from 1958 to 1976, and the Secretary of the Interior shall place in the grand foyer of the John F. Kennedy Center for the Performing Arts a plaque appropriately honoring this distinguished service of Ralph E. Becker.

SEC. 3. The Secretary of the Interior shall place in the grand foyer of the John F. Kennedy Center for the Performing Arts a plaque appropriately honoring the leadership, talent, and contribution made throughout the years by Roger L. Stevens, Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, which have made the Center a living memorial to the late John Fitzgerald Kennedy.

Mr. HARSHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Chairman, I rise in support of this amendment to designate Ralph E. Becker an honorary trustee of the John F. Kennedy Center for the Performing Arts and to place a plaque in the grand foyer appropriately honoring the distinguished Ralph E. Becker and Mr. Roger L. Stevens in a similar manner.

Since 1958, until his appointment as Ambassador to Honduras in 1976, Ralph Becker has been a trustee and general counsel for the John F. Kennedy Center for the Performing Arts. He is one of the founders of the then named National Cultural Center for the Performing Arts, which was renamed in 1964. Without his untiring work, his dedication and devotion, there would be no Kennedy Center today.

It was Ralph Becker's advocacy and leadership which supported the project at its present Potomac River site. The site was made available through support of the Theodore Roosevelt Bridge by the Eisenhower administration, through Mr. Becker's efforts.

In addition to the Kennedy Center, Mr. Becker has served the Wolf Trap for the Performing Arts, as a member of the advisory committee, and general counsel and trustee of the Wolf Trap Foundation.

Mr. Becker is now counsel to the law firm Landfield, Becker and Green. He has been in the general practice of law for over 50 years, but has found time for numerous activities including advancement of his profession by working with bar associations, Members of Congress, officials of various administrations and other groups known nationally and internationally. He has promoted economic betterment through work as an official of the Metropolitan Washington Board of Trade.

Mr. Becker is also a philanthropist, having donated his unique collection of more than 30,000 items of campaign materials of American politics. In 1975 he was presented the James Smithson Benefactor Medallion by the Board of Regents of the Smithsonian Institution.

During World War II, Ralph Becker served with distinction as assistant and acting judge advocate of the 30th Infantry Division in the European campaign from the Normandy invasion to December, 1945. During this time, he was awarded five battle stars and the Bronze Star medal, Belgian Fourrague and the French Croix de Guerre with Palm.

Additionally, he has received the highest civilian awards from Honduras, France, Austria, Japan, Denmark, Sweden, Brazil, and the Organization of American States.

Mr. Becker is a Fellow of the Corcoran Gallery; member of the advisory board of the Friends of the National Zoo; Founding Trustee of the U.S. Capital Historical Society; Founding Trustee of the U.S. Supreme Court Historical Society; member Executive Committee, Washington Convention and Visitors Bureau; Honorary Director, Choral Arts Society; Director, American Historic and Cultural Society and National Chairman, Cherry Blossom Festival.

Ralph Becker and his wife, Ann Marie, reside in Washington, D.C., and have four children.

I am pleased to offer this amendment to honor Ralph E. Becker for his outstanding work in making the Center a success. This designation as Honorary Trustee and this plaque will acknowledge our great debt to this dedicated public figure.

It is my understanding that the distinguished subcommittee chairman will address the merits of Mr. Steven, chairman of the Board of Trustees.

I urge adoption of the amendment.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman for yielding.

I would like to state on behalf of the majority that we think this is a worthwhile amendment. It is a constructive addition to the legislation. I commend the gentleman from Ohio (Mr. HARSHA) for offering it, and we are pleased to accept the amendment.

Mr. Chairman, Roger L. Stevens is an American phenomenon. One of the most successful fund raisers in politics and the arts. Roger Stevens is one of the most prolific producers in the history of American theater. In 1961 when President Kennedy appointed Stevens chairman of what was then called the National Cultural Center, few people believe the money could ever be raised to build it, or that the public needed, or wanted it.

The center has been created by an Act of Congress in 1958, a bill signed by President Eisenhower. No money had been appropriated for it, and very little had been raised. Most people said the project was best forgotten, that although there was no concert hall or theater suitable for opera or ballet in the Nation's Capital, nothing could be done. Stevens throught otherwise and went to work on the project.

With Architect Edward Durrell Stone, he developed a plan for a single building that would house a concert hall, an opera house, and a theater, which would be beautiful and efficient. In 2 years, he had raised $13,500,000 for it.

When, in January 1964, Congress renamed the projected building the John F. Kennedy Center for the Performing Arts and appropriated $15,500,000 in matching funds, Stevens quickly raised the extra money needed to match the appropriation, and President Johnson was able to break ground for the Center before the end of the year.

As inflation and unavoidable delays pushed up the cost of the Center, Stevens continued his fund-raising efforts and more than matched a second appropriation of $7,500,000 passed by Congress in 1969.

On September 8, 1971, he was able to open the Center with the world premiere of Leonard Bernstein's "Mass."

Mr. Stevens was special assistant to the President on the Arts from 1964 to 1968 and Chairman of the National Council on the Arts from 1964 to 1969. It was under his leadership that the concept was realized for both the National Endowment for the Arts and the National Endowment for the Humanities.

Since the early 1950's Mr. Stevens theatrical career in New York and London included producing or coproducing more than 160 plays. He brought to the stage many important writers.

Throughout his long career Roger Stevens has received a number of distinguished awards but he is proudest of the fact that through his work at the Kennedy Center he has played a part in bringing the performing arts to citizens in all walks of life and from all corners of America.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HARSHA).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore. (Mr. MOAKLEY) having assumed the chair, Mr. DAN DANIEL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration (H.R. 3051) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, pursuant to House Resolution 516, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. LEVITAS. Mr. Speaker, pursuant to the provisions of House Resolution 516, I move to take from the Speaker's table the Senate bill (S. 1142) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

The Clerk read the title of the Senate bill.

The motion was agreed to.

### MOTION OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. LEVITAS moves to strike all after the enacting clause of the Senate bill, S. 1142, and to insert in lieu thereof the provisions of H.R. 3051, as passed, as follows:

That subsection (e) of section 6 of the John F. Kennedy Center Act (Public Law 85-874, as amended; 20 U.S.C. 76(1)) is amended by adding at the end thereof the following: "There is authorized to be appropriated to carry out this subsection not to exceed $4,287,000 for the fiscal year ending September 30, 1980.".

SEC. 2. Ralph E. Becker is hereby designated an honorary trustee of the John F. Kennedy Center for the Performing Arts in recognition of his distinguished service as a founding trustee and general counsel for the Center from 1958 to 1976, and the Secretary of the Interior shall place in the grand foyer of the John F. Kennedy Center for the Performing Arts a plaque appropriately honoring this distinguished service of Ralph E. Becker.

SEC. 3. The Secretary of the Interior shall place in the grand foyer of the John F. Kennedy Center for the Performing Arts a plaque appropriately honoring the leadership, talent, and contribution made throughout the years by Roger L. Stevens, Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, which have made the Center a living memorial to the late John Fitzgerald Kennedy.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3051) was laid on the table.

## GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time in order to inquire of the distinguished acting majority leader as to the program for the balance of the week and for the following week.

Mr. MAVROULES. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the acting majority leader.

Mr. MAVROULES. Mr. Speaker, the program for the House of Representatives for the week of January 28, 1980, is as follows:

On Monday and Tuesday, January 28 and January 29, the House meets at noon. There are no bills listed on the Suspension Calendar. There are no bills scheduled on the District Calendar.

We will take up H.R. 4788, Water Resources Development Act of 1979, and complete consideration.

On Wednesday, January 30, the House meets at 3 p.m. We will take up H.R. 5980, antirecession fiscal assistance (countercyclical), and we will complete consideration of that bill.

On Thursday and Friday, January 31 and February 1, the House meets at 11 a.m.

We will take up for consideration H.R. 2551, agricultural land protection, subject to a rule being granted. Then we will consider H.R. 5507, relating to treatment of retirement benefits under Federal employment insurance law, subject to a rule being granted. We will also take up H.R. 3591, temporary reduction of duty on titanium sponge, subject to a rule being granted.

The House will adjourn by 3 p.m. on Friday and by 5:30 p.m. on all other days except Wednesday.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. RHODES. Mr. Speaker, I would like to inquire of the acting majority leader or of the Speaker or the present occupant of the chair if there is any firm knowledge as to whether or not there will be a session next Friday.

Mr. MAVROULES. Mr. Speaker, this schedule is, of course, subject to change, and that will develop as the week goes on. There is always that possibility.

Mr. RHODES. Mr. Speaker, I thank the gentleman.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## ADJOURNMENT TO MONDAY, JANUARY 28, 1980

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## INTRODUCTION OF LEGISLATION TO ENHANCE U.S. INTELLIGENCE CAPABILITIES

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. McCLORY. Mr. Speaker, today I am introducing legislation to enhance U.S. intelligence capabilities by revising the so-called Hughes-Ryan amendment.

The Hughes-Ryan amendment restricts our intelligence capabilities by requiring that the President inform a full eight committees of Congress of any decision to order the CIA to engage in covert activity overseas. One can quickly appreciate that with so many Members, and associated staff, being briefed on such sensitive matters, the danger of leaks becomes very real. At any rate, many significant covert actions are not even being proposed.

Mr. Speaker, last night in his state of the Union address, the President stated:

> We need to remove unwarranted restraints on our ability to collect intelligence.

Actually, other than the ill-advised 1978 law restricting electronic surveillance of foreign spies in the United States—which the President personally supported—the only restraints on intelligence collection have been entirely self-imposed. Hughes-Ryan explicitly exempts collection from its coverage. But of course, Hughes-Ryan causes its own problems.

When the Hughes-Ryan amendment was adopted by the Congress in 1974, it was viewed as an appropriate response to the disclosures of the activities undertaken by the CIA against the Chilean Government of Salvador Allende. However, rather than restoring responsibility to the use of this valuable foreign policy tool, the law has in fact unduly hampered the ability of the United States to effectively conduct foreign policy when extraordinary circumstances present the need for affirmative, clandestine action. Indeed, today the law is increasingly being recognized as an overly burdensome restraint on the constitutional responsibility and ability of the President to act decisively to protect our country's interests in the Mideast—and worldwide.

Current law also injures our relations with our allies. This was noted by Adm. Stansfield Turner, Director of the Central Intelligence Agency, when he spoke some time ago before the National Press Club. Admiral Turner declared:

> One allied intelligence service recently withdrew a proposal for a joint covert action which would have been beneficial to both nations. It did so when reminded that I must notify eight committees of the Congress of every covert action. They could not imagine that the plan would not leak.

The Pike committee in the House and the Church committee in the Senate both recommended centralization within Congress for reporting on sensitive intelligence matters. While a Joint Committee on Intelligence was not established, separate Intelligence Committees have been created in each body. We believe that it is entirely appropriate—and urgently necessary—that the Congress amend the law so that covert action reporting need only be made to the two congressional Intelligence Committees.

While this proposal would change the reporting which is made as a matter of course, in the House it would in no way prevent access to relevant information to all Members. First, rule XLVIII requires that the Permanent Select Committee on Intelligence be composed of at least one member from each committee now receiving covert action briefings—Appropriations, Armed Services, and Foreign Affairs—as well as the Judiciary Committee. Secondly, it is important to note that Intelligence Committee membership is not stationary: Rule XLVIII also requires rotation of committee members, setting an absolute limit of 6 years of continuous service.

Rule XI provides that all Members shall have access to records of each committee of the House. Again, I am only proposing a reduction in the number of committees which will regularly receive a report "in a timely fashion," as required by law. I would anticipate that—in appropriate circumstances—covert action decisions would be brought to the attention of Members who do not serve on the Intelligence Committee.

Mr. Speaker, the call for change in the Hughes-Ryan amendment comes not just from within the administration. The Chicago Tribune, the Wall Street Journal, the Washington Star, and the New York Times have all urged the Congress to take action. They understand that if a proposed covert action is to be rejected by the President, it should be done for lack of merit, not because we cannot keep a secret.

Some have suggested that an amendment to Hughes-Ryan should be made as part of intelligence charter legislation—which would be designed to set the guidelines for all foreign intelligence and counterintelligence activities. This might well seem appropriate, but we have waited, and waited, and waited since the time that the first charter bill was introduced—almost 2 years ago—and despite numerous pronouncements of the imminent introduction of a new bill, no formal action has been taken. Furthermore, with this being a Presidential election year, I do not foresee anything happening, either. Hughes-Ryan is in need of change now, and therefore should not be put aside to wait for charter legislation which may never come.

Mr. Speaker, this is an extremely important piece of legislation, one which is vital to a strong and vital foreign intelligence effort. It is my sincere hope that this measure will be fully and promptly considered in committee and by the House and the other body so that we might correct this very serious problem which exists today.

□ 1130

## NUCLEAR FUEL NEEDED FOR WEAPONS MODERNIZATION

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, the President's state of the Union message left no doubt in any of our minds of the seriousness of the recent actions by the Soviet Union and our resolve to counter that threat with a deliberate and cooperative action with our allies and friends. Our commitment to NATO, especially, in an important part of the goal of protecting U.S. interests. The cooperation involved in NATO's theater nuclear force modernization program is essential. I was, therefore, deeply concerned about an article that appeared in the Washington Post by Rowland Evans and Robert Novak on January 23, that outlines the Achilles heel in our nuclear weapons modernization program.

Mr. Speaker, this article spells out the need, and present delays, in the testing and development of low-yield Poseidon warhead which is vital to our submarine weapons systems. Yet, this particular program is just an example of the overall problem of our defense needs in the production of weapons-grade nuclear fuel. The article cites the House-Senate conference committee report on the nuclear weapons program authorization bill:

> We are concerned that billions of dollars may be spent to procure delivery systems which cannot be armed because sufficient funds have not been committed to testing or because critical decisions have not been made to produce sufficient quantities of special nuclear materials.

A test of our commitment to nuclear weapons modernization is at hand. I recommend this article to each Member and include it in the CONGRESSIONAL RECORD at this time:

### FUEL FOR THE NUCLEAR WEAPONS DEBATE

(By Rowland Evans and Robert Novak)

The surprising delay in test-firing a new 40-kiloton warhead designed for a Poseidon missile-firing submarine is just one striking illustration that the Soviet move into the oil-rich Persian Gulf area has not yet weakened anti-nuclear forces ensconced in the Carter administration.

Equally worrisome is the tenacious holding action by powerful environmentalists against congressional demands for faster production of weapons-grade nuclear materials to carry out Jimmy Carter's pledge to "modernize" NATO's nuclear weapons.

The unpublicized delay of the relatively low-yield Poseidon warhead test has now lasted more than five weeks. During that time, the warhead that is designed to "rehabilitate" part of the submarine leg of the U.S. nuclear triad—land, air and water—has been resting quietly in its underground cradle at the Nevada test grounds. But the president has not yet signed the order that he alone can sign giving permission for the underground test.

At stake here is nothing approaching American contemplation actually to fire in anger the Poseidon or any other ICBM. Far from it. At stake is whether the U.S. deterrent, particularly now that SALT II has been at least temporarily shelved by Soviet aggression, is to be kept in top working order.

The president is being pressured by his own environmentalists and other powerful anti-nuclear forces, including penny-pinching bookkeepers in his Office of Management and Budget, to go slow on testing. But the Soviet Union is in the midst of highly productive underground testing that proceeds at a rate at least twice the U.S. rate. So long as détente was enthroned and Washington and Moscow at least appeared in agreement over future limits on strategic arms, this was politically salable.

Today, however, it is not. Long knives on Capitol Hill are being sharpened to whittle down the power of the Council on Environmental Quality of the president's Office of Science and Technology Policy and of lesser administration officials, some on the National Security Council staff. These officials were hired long before Carter's eyes were opened (by his own admission) by the Soviet invasion of Afghanistan.

Thus, in a little-noted, year-end report, a House-Senate conference committee warned that unless the production of weapons-grade nuclear fuel is drastically increased, the United States will be unable to carry out its commitments to modernize nuclear forces in Western Europe or to build warheads for the new MX missile in this country.

The conferees on the nuclear weapons program authorization bill were blunt: "[We] are concerned that billions of dollars may be spent to procure delivery systems which cannot be armed because sufficient funds have not been committed to testing or because critical decisions have not been made to produce sufficient quantities of special nuclear materials."

Their demand: that Carter immediately reactivate a Hanford, Wash., reprocessing plant known as PUREX. Working with a nuclear power reactor next door that would supply plutonium, PUREX would manufacture fuel for the new nuclear weapons.

But the latest version of a draft presidential report now circulating inside the administration makes it all but certain that Carter is being talked out of reactivating the PUREX plant. Why? Because, the president is being told, to do so would contradict three years of his preachments against reprocessing plants that might proliferate weapons-grade materials for building nuclear bombs.

The congressional conferees who signed the compromise report calling for reopening PUREX are not weak-kneed innocents. They include the chairmen of the Armed Services committees, Sen. John Stennis and Rep. Mel Price, and such powerhouses as Washington's Sen. Henry M. Jackson, long a protector of Hanford's essential nuclear role, and Sens. John Tower and Strom Thurmond.

What makes the president's resistance to the clear mandate of Congress doubly troubling is that Secretary of Defense Harold Brown specifically testified on Capitol Hill Dec. 18 that he had "recommended to OMB that PUREX be restarted and funded" for the 1981 fiscal year. The cautious Brown made it clear that he worries about adequacy of special nuclear weapons materials both for testing and for arming the new array of nuclear weapons needed to keep the United States at or near par with the Soviet Union.

Unless the president changes his mind and downgrades his environmental experts, he will soon be defending himself against serious charges that, despite his admission, the Soviet invasion of Afghanistan did not open his eyes wide enough to the new reality.

## INDIVIDUAL INVESTORS INCENTIVE ACT OF 1980

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, 2 years ago, this legislative body took a positive step to encourage investment and promote the growth of capital formation, with the passage of the Revenue Act of 1978, maximum Federal tax rates on long-term capital gains were rolled back from 49 to 28 percent.

This measure which was overwhelmingly approved by the Congress was rightfully hailed as a significant development for it began to reverse our past misguided economic policies. These past policies have resulted in our Government taxing profits and dividends, savings and capital, sales and income, and all of the other rewards of risk taking so heavily that the risks are no longer worth taking.

While I do not wish to minimize the importance of the capital gains reduction, it must be veiewed as only the first step in our ongoing struggle to reverse our Nation's declining productivity growth by encouraging individuals to invest their savings in America's future.

Regrettably, the United States remains a nation with a low level of capital investment and the lowest savings rate of all major industrialized nations. In the last 10 years, at least 6 million investors have left the stock market and every group of individuals, except those 65 or older, have opted not to invest their savings in American industry. This mass defection of individual shareholders has had an extremely detrimental impact on capital formation and has virtually eliminated the equity capital market for small and newer enterprises.

As a result of this lack of investment, the United States is losing its lead in innovation and the technological superiority we have enjoyed for many years. I find it extremely disturbing that in the past 5 years, foreign citizens have won more than one-third of all patents issued by the U.S. Government.

In response to this growing problem, I have drafted legislation, which I introduce today, which will increase productivity, create jobs, provide additional capital for research and development and will strengthen our Nation's ability to compete overseas. The bill will accomplish this purpose by providing a 10 percent tax credit of up to $1,000 to individuals or $2,000 to married couples filing a joint tax return for new or additional investments in stocks, bonds and mutual funds investing in domestic corporations.

Additionally, the bill encourages investment in all types of businesses by stipulating that there would be no limit on the size of a company whose stock would be a permissible investment. Further, it provides for a minimum 12 month holding period in order to qualify for the tax credit thus encouraging investment rather than speculative trading. Finally, the tax credit would not be limited to new stock issues, due to the fact secondary markets are no less important to equity capital formation than the sale of new issues.

This legislation which I am proposing has the strong support of such groups as the 700 chief executives of the Committee of Publicly Owned Companies and the National Association of Investment Clubs which is comprised of over 4,000 clubs and over 51,000 small investors.

It should also be noted that this concept is not an untested idea but is modeled after a French law enacted in 1978. As a result of this law, Frenchmen investing in the stocks and bonds of French companies were permitted to deduct up to 5,000 francs—roughly $1,200—from their taxable income each year for 4 consecutive years. Since the enactment of this investment incentive, the French Bourse stock index has increased by over 60 percent with 1 million Frenchmen having taken advantage of this incentive. Half of these individuals have been first time investors which contrasts with our dwindling and aging shareholders base.

Mr. Speaker, rarely do we have an opportunity to pass legislation beneficial to all of our constituents. There is nothing in this proposal which any interest group could find objectionable unless they object to increased productivity, the creation of new jobs, additional capital for research and development, and improved efficiency in American industry.

I urge my colleagues to examine this legislation and to adopt this proposal, the Individual Investors Incentive Act of 1980, as a realistic means of attracting vitally needed investment which will facilitate the development of capital formation.

Thank you.

## THE CHILLING TALK OF WAR

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I was very disappointed to hear the President's ominous message last night. His plans and preparations for war will undermine American defense, not strengthen it.

It is fantasy to think that economic and foreign policy blunders of the past can be corrected by shipping our boys and girls off to another no-win, unnecessary war on foreign soil.

We cannot secure the Moslem world from attack with American lives and dollars, nor should we try. The hostility and anti-Americanism there is notorious. These are the same countries that hold our hostages and burn our embassies, and gouge us on oil prices.

Our dependence on foreign oil is a result of our foolish energy policies. Military power overseas cannot cancel out the Department of Energy's irrational controls and allocations here at home.

How can we think of pouring money on Pakistan, after the dictator calls $400 million in proposed aid "peanuts"? It is not peanuts to the American people who have to earn it. Foreign military welfare of this type only weakens America, despite the rhetoric of strength.

Violent shifts in our diplomatic relations reflect our confused understanding of Communist tyranny. Yesterday we appeased and subsidized Russia and opposed China. Today we appease and subsidize China and oppose Russia. It reminds me of the instantly switchable hostilities among Eurasia, Oceana, and East Asia in George Orwell's "1984."

More spending and power for the CIA will not make up for our leaders refusal to act on good information when they get it. Adequate warnings were sounded about the consequences of the Shah's visit, yet the State Department refused to evacuate our people for fear it would "provoke" the Iranians. I would be far happier with all intelligence gathering centered in the Department of Defense, instead of with the liberal bureaucrats in the CIA.

Our weak foreign policy will not be cured by spending $20 billion more policing the world. This extra DOD spending will only hurt our national defense, and help destroy the American taxpayer.

Without a defense budget devoted to the protection of the United States and not the whole world, and a market economy here at home, all the talk of military action and defending the Persian Gulf will only lead to tragedy.

Instead of talking about killing our boys and girls and draining our people's wealth, let us build up our own defenses, get out of some of these entangling alliances, and use our power judiciously. This is the only way we can insure peace for our people. Keeping our country at peace, not engaging in useless military adventurism, is the job of the President and the Congress. I pray we remember that in these next few months.

## UKRAINIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, I rise today to commemorate here in this House a very important date, one that has traditionally been commemorated every year at this time by the Members of the House of Representatives and also by the Senate. I refer of course to the anniversary of the independence of the Ukraine, which took place 62 years ago this month on January 22, 1918. We celebrate it today on the 24th because of the special scheduling problems here in the House this year, but our celebration is no less meaningful because of the lapse of 2 days. Indeed the events of the past few weeks, as well as the great speech delivered by President Carter in this same Chamber last night, make this occasion even more meaningful and more significant to an America that once more is facing up to an aggressive challenge from the Soviet Union, the same political entity that was responsible for the very brief existence of this Ukrainian independence which we commemorate.

Perhaps a brief historical reminder might be in order at this point. The history of the Ukraine over the past 300 years has been a varied and often troubled one, subject to invasion from a number of different countries and held under occupation for many years. In the early part of the 20th century, the Ukraine was submerged as part of the Russian state with control from Moscow under the sovereignty of the czars.

When the czarist authority was finally overthrown in 1917 by the Kerensky revolution, the first opportunity came to the Ukrainian people to set up their own state and to gain the freedom they had been dreaming of over all the previous years. The Ukrainian state was founded on January 22, 1918, and survived for 5 good years, because of the courage and ingenuity of the Ukrainian people. Finally the Bolshevik government under Lenin succeeded in overrunning the Ukraine and in imposing on the proud and brave people of the Ukraine the harsh, totalitarian, police-state rule that we have come to know since that first Bolshevik takeover.

Nevertheless, in spite of the hardships of this long and ruthless oppression, the spirit of freedom continues to flourish in the hearts of the people of the Ukraine and they still cherish the hope and belief that this oppression shall one day be lifted from them, and that the freedom which we here in America have enjoyed and which we take for granted, will once again be theirs as well.

Mr. Speaker, as a member of the House Armed Services Committee, I had the opportunity 2 years ago to visit the Ukraine as part of a trip to the Soviet Union and to spend several days in the capital city of Kiev. The one thing that came through loudest and clearest to me, and to other members of our group, was that in spite of Soviet rule there was a real spirit of independence and a lift in their bearing, these people of Kiev, that was significantly different from what was encountered in people in other parts of the Soviet Union. This is clearly evidence that the spirit of independence is indeed alive in the Ukraine, and it is our duty, I believe, to do all we can to encourage this spirit and to speed the day when this freedom can be regained.

Moreover, we also discovered, in meeting with members of the Supreme Soviet in Moscow, that the speeches that we make on this day, and on other days commemorating the struggles of the people of the captive nations of the world, are indeed read and actually felt within the Kremlin itself. Members of the committee, including this member, were accused of trying to break up the Soviet monolith by encouraging the freedom and independence of the Ukraine and of other places like Poland, the Baltic States, and Azerbaijan. We also learned in some detail of the plight of Ukrainian citizens who have been jailed and exiled for no crime more serious than advocating the independence of their homeland.

Think of this, my colleagues. The people of Quebec to our north have long been advocating the independence of Quebec. But nobody puts them in jail for doing so. This is the real, significant difference between democracy and totalitarianism.

But today, Mr. Speaker, the lesson of the Ukraine is even more relevant to the crisis that currently faces us in the Middle East, the Persian Gulf, and in Iran and Afghanistan.

In recent years many people in the U.S. Government have had the view that perhaps the Soviets were not so bad; perhaps they shared our values and objectives; and only our own intransigence and greed have been responsible for some of the conduct we have in the past tended to frown upon. That, for example, was the view expressed so consistently by Mr. Paul Warnke, our first SALT negotiator. From that point of view the sentiments expressed by people with a heritage in the captive nations—such as our Americans of Ukrainian descent—have exaggerated the impact of Soviet policy and Soviet totalitarianism.

The Soviet attack in Afghanistan—in defiance of the provisions of SALT I—has suddenly opened our eyes and changed our basic policy. Suddenly the wariness, the suspicion, the fear of those who have suffered under Soviet oppression, or whose relatives and loved ones have suffered that way, begin to make sense and deserve to be listened to.

The drive into Afghanistan means specifically that the Soviet Union has moved its aircraft 500 miles closer to the vital sealanes which are also the oil lifelines of the West. Soviet planes based in southwest Afghanistan are now situated closer to the strategic Straits of Hormuz than if they were based in Tehran. Soviet access to Afgan airbases provides the Kremlin with the capability of severing the petroleum jugular of the West.

In recent months we have not only lost vital ground, but we have also lost international influence, as well as our capability to deter further Soviet aggression.

Fortunately, as a result of the President's speech last night, we will begin—have in fact already begun today in the House Armed Services Committee—to make up for our failures and shortfalls of the past.

After all, the greatest abiding hope for the people of the Ukraine—as indeed for the people of all other captive nations—lies in a strong, and resolute, and committed America. No other nation can possibly carry that burden. At long last I believe we can begin to see a clearer, brighter ray of hope—and the day is, I firmly believe, much closer when the people of the Ukraine will once again live in freedom and independence.

● Mr. ROE. Mr. Speaker, our observance this week of the 62d anniversary of the Ukrainian Independence Day takes on special meaning in light of the current Soviet aggression against the people of Afghanistan.

The Ukrainian people, once members of a free and proud nation themselves, clearly understand the true meaning and likely consequences of the Soviet rape of Afghanistan.

January 22, 1918, was a day of glory for Ukrainians when their free and Democratic Parliament, the Rada, declared the nation's independence. But freedom for the Ukrainian National Republic was seen as a serious threat by the Communist forces that had taken control of Russia during the revolution of 1917. Finally, in 1922, the Communists forcibly took over the Ukraine and began a brutal repressive campaign against the Ukrainian people that continues today.

Mr. Speaker, literally millions of Ukrainians have been systematically slaughtered by a succession of Russian Communist regimes. Ukrainians have been forced over the past 62 years to leave their homeland and serve their Russian slave masters in factories and on farms throughout the Soviet Union.

Despite all this turmoil and tragedy, the Ukrainians living in the Soviet Union have somehow managed to maintain both their dignity and their ethnic identity. There is no question that while Russian control over the Ukraine is brutal and complete, the spirit of the Ukrainian people has never been diminished.

The Soviet ruling elite should take note that while it maintains political control over its nation, it will never be able to obliterate the strong national traditions held by millions of people living in the Ukraine, the Baltic States, Byelorussia, and the Transcaucasus.

Mr. Speaker, on behalf of the people of the Eighth Congressional District of New Jersey and the people of New Jersey, I join in saluting the heroic Ukrainian people on the anniversary of this important day in their lives. May it serve as a hope for all Ukrainians to maintain in their hearts, that with God's help, their self-destiny as a nation may once again become a reality.●

● Mr. ANDERSON of California. Mr. Speaker, repercussions from the startling takeover of Afghanistan are now giving our Nation and the world grim reminders of what foreign domination can do to a nation. The available reports from Afghanistan tell us that widespread denial of human rights has become commonplace and the recent expulsion of the press from this country dramatized the extent of these restrictions on basic freedoms.

The turmoil of this situation has triggered worldwide indignation. It is a proper response, but it is a reaction that should not divert attention from other nations where other peoples have for so long endured the same fate which Afghanistan faces today.

The Ukraine, now dominated by the Soviet Union, is one such place. Sixty-two years ago, on January 22 this nation declared itself a sovereign state but 2 years later it fell victim to a brutal Soviet takeover. The long years since that time have not diminished the Ukrainians' yearning for freedom. They still hope and strive for the day when the joys of liberty will be theirs again.

On this 62d anniversary of Ukrainian independence, the Congress, the President and our entire Nation should reaffirm our commitment to supporting a restoration of freedoms to this proud nation. Through every available forum we should speak out against the tyranny that has been forced upon this nation. We must tell the world we deplore this state of affairs for the mockery it makes of international agreements protecting sovereignty. With a strong voice we send encouragement to the people of the Ukraine and with good fortune we may make the day come sooner when their independence will be restored.●

● Mr. DINGELL. Mr. Speaker, I join with my colleagues in the House commemorating Ukrainian Independence Day. It is a solemn occasion as the world, today, confronts renewed Soviet aggression and violations of human rights and national sovereignty.

History records the struggle and courage of the Ukrainian people who have remained steadfastly committed to the principle of national self-determination, which their forefathers proclaimed at Kiev in 1918. Their struggle against political repression, religious persecution, and the suppression of individual dignity is the free world's ongoing struggle against the ever-present threat of tyranny.

In this Chamber last night the President called for a new resolve to confront through strength Communist domination and oppression. It is appropriate that we reaffirm now our continuing support for the Ukrainian people in their quest for freedom and independence.●

● Mr. COURTER. Mr. Speaker, today we commemorate the 62d anniversary of the declaration of Ukrainian independence. This is a special anniversary in the free world which signifies the date on which human dignity and self-determination were gained, all so briefly, by the Ukrainian people.

On January 22, 1918, the proclamation of independence of Ukrainian National

Republic was issued in Kiev, which became the capital of the Ukraine. However, only 2 years later, the Soviets, by force, incorporated the Ukraine into the Soviet Socialist Republic.

During the six decades since the Soviet takeover, the Ukrainian people have not given up hope of regaining their independence. Their fierce nationalistic spirit and ethnic pride are proof that the Soviet Union cannot by force of arms, destroy the will of people whose land is occupied. The Ukrainians are the largest non-Russian ethnic group in the Soviet Union and these people have a distinct history, language and culture from the Russians. It is these three elements plus the denial of the right to self-determination that the Soviets continue to try to limit or eradicate.

In the light of recent Soviet aggression in Afghanistan, we must reassure all peoples under Soviet domination that they are not forgotten. We in the Congress should do what we can to insure that the cause of Ukrainian independence will continue to be an important and visible issue. May we all one day see the free nation of the Ukraine emerge.●

● Mr. PEPPER. Mr. Speaker, I come before you today, the 62d observance of Ukrainian independence day with deep concern for the millions of people who are not as fortunate as we in having political liberties and freedoms. I have always been concerned about the violation of the rights of the people of the Ukraine and I am equally concerned for those people now facing the same type of political oppression in Afghanistan. Let us take this opportunity to join together in expressing our determination to uphold the freedom for which we as a Nation have fought so strongly, and let us continue to show our hope for those courageous people who have been forced to live without freedom.●

● Mr. HUGHES. Mr. Speaker, it is an honor and a privilege for me to join with my colleagues today in this commemoration of the 62d anniversary of the establishment of an independent Ukrainian republic. Especially in light of the recent invasion of Afghanistan by Soviet military forces, the Ukrainian struggle for independence has assumed a new meaning. The courage and tenacity of the Ukrainian people will truly serve as an inspiration for those who are at this moment being cast under the yoke of Soviet oppression.

The people of the Ukraine have a rich cultural history with their own language and customs. Their universities are among the oldest and most famous in eastern Europe. Ukrainian farmers produce one-fourth of the Soviet Union's meat and dairy products, and one-fifth of its grain. The Ukraine has rich mineral deposits, and is one of the major producers of steel and coal for the Soviet Union.

On January 22, 1918, the prayers of the Ukrainian people were answered, and their nation was declared an independent republic, free of foreign domination. But this independence proved to be fleeting. For 3 long years, the Ukraine was invaded and attacked by Soviet forces. Despite the valiant efforts of the Ukrainian military, the nation ultimately succumbed to the Soviet invasion. In 1922, the Ukrainian Soviet Socialist Republic was established.

The Soviet Union has severely restricted the cultural and political activity of the Ukrainians since that time. The years of suffering under Soviet domination have been exacerbated by religious and national persecution, Russification and inhumane treatment. And yet, despite the attempts of the Russian Government to suppress the nationalist spirit of these courageous people, the flame of hope still burns as brightly as ever in the Ukraine. Suppression and subjugation cannot quell the love of liberty from the hearts of the Ukrainian people.

Let us pay tribute today to the courage and spirit which the Ukrainians have demonstrated in their never ending struggle for personal liberty and political autonomy. Let us renew our conviction to secure for every man and woman their basic inalienable rights. All signatory nations must be urged to comply with the Helsinki accords which set forth the basic ideals of human rights and individual freedom. The Soviet Union must be called upon to halt its aggressions in Afghanistan and in every corner of the world. It is my hope that one day self-determination and freedom will again be a reality for the valiant people of the Ukraine, and that life, liberty and the pursuit of happiness will become the birthright of all individuals.●

● Mr. BROOMFIELD. Mr. Speaker, this past December, the world witnessed a replay of the all too frequent scene of Soviet military forces invading and occupying a militarily weak nation. The latest victim of this outrage is Afghanistan. One of the earliest was the Ukrainian National Republic.

On January 22, free Ukrainians and all freedom loving people in this country observed the 62d anniversary of the independence of the Ukraine. But unlike other independence day celebrations, the people living in the Ukraine were unable to join in the festivities except in their hearts and their minds, for the people of the Ukraine must still bear the burden of Soviet imperialism.

In 1918, the Ukrainian nation declared its independence from imperial Russia. For 2 short years, this nation enjoyed the fruits of freedom and self-government.

Then in 1920, the Soviet army blatantly invaded the Ukraine, putting an end to real self-government and extinguishing freedom's light in that country. The history of the Ukrainian nation since that invasion is filled with persecution, death, and cultural genocide at the hands of their Soviet masters.

Yet even with these 60 years of oppression, the dream of freedom and self-determination continues in the hearts of the Ukrainian people. Inspired by such leaders as Valentyn Moroz, there is still hope that the Ukraine will once again be free.

Mr. Speaker, I join my colleagues in commemorating this 62d anniversary of Ukrainian independence. It is important that we demonstrate our firm support for all people who yearn to be free of Soviet tyranny.●

● Mr. PATTEN. Mr. Speaker, I rise today to commemorate the 62d anniversary of Ukrainian independence. I would like to express my concern for the struggle that the Ukrainian people have had and are continuing to have.

There are over 5,000 Ukrainians in my district and I am proud to represent them. The people of the Ukraine fought bravely in 1918 and today, 62 years later, in a different part of the world, another group of people are fighting to retain their independence from the Russians.

In America today, human rights has become a basic philosophy to our foreign policy. It is imperative that we as Americans, express our support for the constant struggle of the people of the Ukraine.

I applaud the steadfast courage and determination of the people of the Ukraine in their continued struggle. As a free nation, we must never forget that there are millions of freedom minded people who must fight daily to achieve this most basic right of all men.●

● Mr. FLORIO. Mr. Speaker, sadly today as we mark the 62d anniversary of the Ukraine's independence, Soviet troops have occupied and oppressed the peoples of Afghanistan. While the peoples and descendants of the Urkaine celebrate the independence day of their once sovereign state, another nation and culture has been suppressed by the blatant and brutal aggression of the Soviet Union.

Soviet aggression is not confined to the illegal occupation and absorption of bordering sovereign nations. The world's attention has again been turned to the plight of Soviet dissidents as Nobel laureate Andrei Sakharov has been exiled and stripped of state honors. The hypocrisy that governs Soviet "justice" continues to be meted out most severely to champions of human rights who preserve their national non-Russian heritage; Ukrainians, Lithuanians, Georgians, and others.

While Russian troops force their will in such unfamiliar sounding Afghan capitals as Kabul, Heret, and in the countryside, Ukrainian nationals this week are reasserting their goal for political and cultural independence. The freedom-loving traditions of the Ukrainians have not diminished over more than a half century of Russian occupation, harassment, and cultural genocide. Ukrainian pride for his native culture, his faith, and his unending struggle for national independence has not been defeated by the continuous dictates from Moscow and the severe judgments handed down by puppet Russian courts.

President Carter, the United Nations, and the world community have justly condemned the Soviets' barbaric invasion of Afghanistan. Steps announced by the President earlier this month are appropriate responses to this grave threat to world peace.

But while the world's focus is on the struggle of the Afghanistans to be once again free, we cannot forget those captive nations who have suffered Russian oppression for decades and continue to do so.

We who have freedom have a continuous duty to assist those whose human, political, and national rights are denied. I urge my colleagues to join with me in this effort.●

● Mr. FARY. Mr. Speaker, today the Ukraine is a captive nation. We often use the phrase "captive nation," just as we speak of the "iron curtain," without thinking about what it really means. The images brought to mind by these phrases can give us an idea what it must be like to be a Ukrainian today.

If, by the word "nation," we mean a homogenous group of people who speak the same language, have similar values and share a rich culture, and if we imagine all those people deprived of their human rights and imprisoned, so to speak, just for being themselves, we begin to appreciate the implications of the phrase "captive nation." I think all Americans have only recently begun to realize what helpless captivity is even though only 50 Americans are directly experiencing it.

There is a sense in which we, as a nation, are being held hostage and we all know how frustrating and depressing it is to be so powerless. Now we can imagine, by drawing on our recent experience, how terrible it must be for an entire nation to live in captivity day after day and year after year.

The Ukrainians in this country know how that feels and they work to make us remember that their homeland as been held captive by the Soviet Union for many years now. I am sure that this has often been a frustrating and thankless endeavor. However, without forgetting their moral obligation to fight for freedom for the Ukraine, Ukrainians in this country have always been good guests. They and immigrants from other captive nations have added to the richness and variety that is America by sharing their unique cultures and traditions with us.

I would like to think that we Americans have always been receptive to these guests' requests for help and support but I am sure that support is easier to come by since the recent death of détente. Having seen the "iron curtain" being drawn around Afghanistan in the past few weeks like huge prison bars being locked into place, we are reminded that all of Eastern Europe has been similarly locked away for many years and we are more inclined to offer our help.

Today, it is more important than ever to remember the people being held captive, in violation of their human rights, behind the iron curtain and to pledge ourselves to work for their freedom. It is our duty to do more than simply commemorate Ukrainian Independence Day, we must work toward restoring that independence in the future.●

● Mr. McHUGH. Mr. Speaker, this year marks the 62d anniversary of Ukrainian independence. That hard-won independence, achieved by a brave and freedom-loving people in 1918, soon fell victim to the rapacious and treacherous power of the Soviet Union.

The Ukraine is a home for more than 47 million people. It is one of the richest in natural resources of all the countries of Europe, and is known as the breadbasket of Europe. Little wonder that the Soviet Union's greed was unchecked when it noted the marvelous treasures of this land, its soil tilled from ancient times by a proud and industrious people.

Throughout the congressional district which I am privileged to represent—in Binghamton, in Glen Spey and Kerhonkson and Ellenville and many similar communities of upstate New York—the descendants of this great people have enriched our own country and continue to do so. At the same time, they continue to keep alive and flourishing their ancient culture, language, and customs.

It is a blessing for our own country and for their own homeland that they do this. For America, it is a strengthening and maturing influence for the courage and tradition of the enduring Ukrainian culture to become part of our own heritage. And for the Ukrainian people, it is a preparation for the rebirth of Ukrainian freedom that we confidently expect the future will bring. For history's events and accidents combine to teach us that the winds of freedom continue to blow throughout the world. And where they blow, the forces of despotism and oppression and totalitarianism can hold but temporary sway. Throughout world history, freedom has a habit of burying its own undertakers. For all the oppressive might which the Soviet Union has brought to bear, not only upon the Ukrainian people but upon all the captive nations of Eastern Europe, they have not been able to suppress the people's longing for free expression of individual and national identity. Against the kind of tenacity, courage, and perservance that is part of the Ukrainian national character, the Soviet Union does not have a chance.

Because we rejoice in the Ukraine's glorious past, we have hope for its future. But in the present, Mr. Speaker, there is a critically important lesson for us to learn. The Soviet invasion of Afghanistan follows the well-known pattern of Soviet aggression and treachery. Ask any of the peoples of Eastern Europe, whose recent histories of suffering and subjugation tell volumes. Ask the Ukrainian people, millions of whose ancestors lost their lives because of the Soviet Union's infamous record of broken promises and genocidal barbarism. What happened in the Ukraine in 1920 can happen again today in Afghanistan—and will happen, unless the free world stands strongly united to resist Soviet imperialism.

Most importantly, the Soviet aggression against Afghanistan reminds us that détente, however, fervently to be wished for, requires good faith on both sides. At this beginning of a new decade, Mr. Speaker, events have again demonstrated that the Soviet Union's record of bad faith remains consistent. Let us note that lesson well, a lesson written so eloquently in the redemptive suffering of the Ukrainian people, whose sacrifices in the name of freedom we commemorate and cherish today.●

● Mr. HANLEY. Mr. Speaker, I rise to join my colleagues in observing the anniversary of the independence of the Ukraine, a time to pay tribute to the struggle of a brave nation.

While it is a day of honor for these great people, the Ukrainians will spend this Independence Day under Soviet domination. It is a tragic reality that the Ukrainian people must live as slaves in their own country, captives of the Soviet Union. However, the efforts of the Soviets to stamp their initials onto the hearts, souls and minds of the proud Ukrainians have proved fruitless. The people of the Ukraine live each day with hopes of attaining personal liberty and political freedom; and we, as Americans, must continue to encourage their spirit.

The recent invasions of Afghanistan by the Soviet Union demonstrates how proud nationalities are forcefully incorporated into the Russian Empire. This abomination is but the latest in a series of actions of which Ukrainians have already fallen victim. The Soviet threat makes it increasingly important for us to demonstrate our role as the champion of all free people of the world, and of all those who desire to be free. We must pledge ourselves to bestow upon the people of the Ukraine a degree of hope, that they shall, against all odds, have what is rightfully theirs.

As the people of the Ukraine look to America they must be proud of their people who have made a home in this great Nation. I have been honored to represent many of these fine people, and they are truly proud of their heritage. On this day of recognition let us not forget that the struggle of an oppressed nation has not ended. We must continue to offer hope and guidance to the people of the Ukraine.●

● Mr. GREEN. Mr. Speaker, January 22, 1980, the 62d anniversary of the founding of the Ukrainian National Republic serves not only as a tribute to those in the Ukraine who continue to struggle against Soviet domination and to fight for national self-determination but as a reminder to those in the United States that at the start of a new decade we are once again faced with the grim specter of renewed Soviet aggression against an independent nation.

Sixty-two years ago the sovereign status of the Ukrainian National Republic was destroyed by an armed invasion of Soviet troops resulting in the creation of the Communist controlled Ukrainian Soviet Socialist Republic. Nearly three-quarters of a century later Communist troops are still marching. The arm of imperialist Russia has once again reached out, this time in the direction of the strategically located Persian Gulf, specifically toward Afghanistan.

We in the United States, having engaged in a bitter struggle for the right to self-government more than 200 years ago must demonstrate that we have not lost sight of the vision that burned deep within us, the belief that a nation had the right to determine how and by whom they will be governed.

The American people, who profess a

strong commitment to the values upon which our country was founded "life, liberty and the pursuit of happiness" join the Ukrainian Congress Committee of America in expressing support for the Ukrainian people in their struggle for freedom. It is with great respect for the spirit of these brave people that I and my constituents pay tribute on Ukrainian Independence Day.●

● Mr. ADDABBO. Mr. Speaker, it is with great pleasure that we commemorate with all Ukrainians the 62d anniversary of the Ukrainian Declaration of Independence and Self-Determination. Over the years, the strength, wisdom, and courage which was evident in 1918 has remained with all Ukrainians throughout the world. Some have died in their goal of proclaiming the 'invincible spirit" of the Ukraine. Some have died in their struggle for the right to live as a free people in an independent State free of foreign control. They have remained strong, though subject to the Soviet Union, a nation that has long believed in the continuous and unrelenting suppression of their cultural, historical, and intellectual traditions.

Today, as the Soviet Union strives to bring more nations into its sphere of influence we must look to our past to understand what will soon follow if they are successful. We must understand that failure to negate the Soviet presence in the Middle East will only serve to undermine any semblence of freedom that exists there today. As champions of human rights throughout the world, the United States must continue to support these people, supporting them in their goal for political as well as religious freedom.

The Ukrainian anniversary of independence is more than just an anniversary of self-determination, it is a celebration and acknowledgement of a renewed spirit and hope that has remained since 1918. With this in mind, with this goal for all peoples of the world to enjoy the rights of free human beings, we join the Ukrainian people in paying tribute to their never-ending goal of freedom, human rights, and the true national independence of the Ukraine.●

● Mr. MOAKLEY. Mr. Speaker, this week marks the 62d anniversary of the proclamation of the Independent Ukrainian National Republic.

The Ukrainian Republic was officially recognized in 1918 by the new Soviet Russian Government, the Central Powers and de facto by France and Great Britain. Moscow's pledge for the independence of Ukraine was broken in 1920. By 1922, Ukraine independent government was destroyed and replaced by the Ukrainian Soviet Socialist Republic which was incorporated into the Union of Soviet Socialist Republic.

The Ukrainian people have yearned for their independence for the past 58 years. Ukraine has the dubious distinction to be the first country to be swallowed by Soviet Russian Imperialism. Russian totalitarianism has accounted for the lack of human rights. The forced collectivization of farms brought about the man-made famines of 1932–33. Despite the personal hardships of the Ukrainian people, they still have fierce national and cultural pride which cannot end with Russian dominance.

Russian Imperialism began hundreds of years ago under Czarist rule. Ukraine was one of those nations that broke away declaring independence and freedom at the fall of the Empire. Ukrainian independence ended a little more than 3 years later with the start of Communist Russia Imperialism, most recently directed against the independent nation of Afghanistan.

National Sovereignty and Human Rights represent the cornerstone of American Foreign Policy and America must continue to stand up for the Ukrainians and all other peoples who have been colonized by the Russian Government.

We must be stronger in our convictions for national sovereignty and human rights in the future. We must not just mourn for the Ukrainians. All freedom loving peoples must resist the tide of imperialism and learn from the Ukrainian struggle. The strength of captive people in their own land gives us hope that some day Ukraine and other nations will again be free nations in the world.●

● Mr. BRODHEAD. Mr. Speaker, January 22, 1980, marked the 62d anniversary of Ukrainian independence. This was a day of great significance to Ukrainians around the world. It is significant both for the happiness that thoughts of a free Ukraine bring to all those who are concerned for human rights and self-determination of nations, and for the sadness that accompanies the recognition that Ukraine is not free today.

The Detroit area is fortunate to have an active Ukrainian community, which has never flagged in its efforts to keep alive thoughts of Ukraine's struggles. I have recently received a long and touching letter from the Metropolitan Detroit Branch of the Ukrainian Congress Committee of America that discusses the history of Ukraine. I wish to share this letter with my colleagues, in the hope that they will join me in thoughts of Ukraine and fervent hope that freedom will one day be restored to this troubled nation.

UKRAINIAN CONGRESS COMMITTEE
OF AMERICA, METROPOLITAN DETROIT BRANCH,
*Warren, Mich., January 18, 1980.*

Re: January 22, Ukrainian Independence Day.

Hon. WILLIAM BRODHEAD,
*U.S. Congressman,*
*Washington, D.C.*

DEAR CONGRESSMAN BRODHEAD: We would like to call your attention to the fact that Ukrainians, all over the world, including the United States, will celebrate the Independence of Ukraine, in January.

January 22nd will mark the 62nd Anniversary of the Proclamation of the Independence of Ukraine and the 61st Anniversary of the Act of Union, whereby all Ukrainian lands were united into one independent and sovereign nation. Both the Independence of Urkraine and the Act of Union were proclaimed by a duly elected parliament (Central Rada), in Kiev capital of Ukraine, on January 22, 1918 and January 22, 1919.

This sovereign Ukrainian state was immediately recognized by a large number of nations, including France and England. Diplomatic relations were established with them. Recognition was granted also, by Soviet Russia. Despite the fact that the Soviet government had officially recognized Ukraine as an independent and sovereign state, Ukraine was attacked, both by military aggression and by subversion from within.

For three and one-half years the Ukrainian people waged a gallant struggle in defense of their country, alone and without aid from Western nations, but were ultimately overpowered by a numerically stronger and better equipped Russian Bolshevik aggressor. They destroyed the Ukrainian National Republic and created a Communist puppet government known as the Ukrainian Soviet Socialist Republic, (Ukrainian S.S.R.).

The entire history of Soviet-dominated Ukraine is a ghastly record of unhumanity, outright persecution, terror and genocide. Russification and denationalization plus violation of human rights, on a scale not known in the history of mankind, has occurred.

In summary, the colonial rule of Soviet Communism in Ukraine can be characterized by the following:

A. During the sixty years of Moscow rule in Ukraine, millions of Ukrainians have been annihilated by man-made famines, deportations and executions.

B. Both Ukrainian Orthodox and Ukrainian Catholic Churches have been ruthlessly destroyed and their clergy and faithful have been arrested and persecuted.

C. All aspects of Ukrainian life are rigidly controlled and directed by Moscow.

D. Permanent violation of Human and National Rights was instituted in Ukraine. Thousands of Ukrainians have been charged with "anti-Soviet propaganda and agitation", tried and convicted. Many have been tortured, incarcerated and confined in psychiatric asylums where drugs and chemicals are forcibly administered. Despite the Implementation of the Helsinki Accords, Soviet oppression has intensified in Ukraine. The KGB, Soviet Secret Police, has made new arrests of innocent people. Many have been murdered. Mrs. Ala Horska, poetess and literary critic, was murdered in Kiev. This past year, music composer, Volodimir Iwasiuk was murdered in Lwiw, Ukraine. Members of the Helsinki Groups, in Ukraine, were tried and given harsh sentences.

Russian enslavement of Ukraine has brought much suffering to the people of Ukraine. In 1919–1920 Ukraine was the first victim of Russian-Communist aggression. Since then, with passive indifference to the Western world, they have subjugated other countries. The recent invasion and occupation of Afghanistan is the latest warning, to the world, that Russian Imperialism poses the greatest threat to all.

In spite of this oppressive yoke, Ukrainians have never accepted this foreign domination and are continuing their struggle for Human Rights, Freedom and National Independence. A new breed of adamant fighters for Human and National Rights gives us hope that Ukraine will be free again.

We would like to express our sincere thanks and appreciation to the President of the United States, to the U.S. government and to all the members of the Senate and Congress for their untiring efforts in bringing many freedom fighters and dissidents, from Soviet prisons, to our great country and giving them asylum here. God bless you all!

The Ukrainian people, in the free world, are celebrating the memorable January 22nd as their greatest holiday. For many years, the 22nd of January has been proclaimed, Ukrainian Independence Day, in American cities and states from coast to coast.

Therefore, it is in the common spirit of liberty, faith and justice that the American people, and especially the U.S. Congress, join Ukrainians all over the world in giving moral support to the Ukrainian people in their struggle for Human Rights, Freedom and National Independence.

We appreciate, very much, your support and concern for the welfare of the Ukrainian people.

Sincerely,
Dr. ANTHONY ZUKOWSKY,
*President.*●

● Mr. PEYSER. Mr. Speaker, this year's commemoration of Ukrainian Independence Day is particularly significant in light of recent events in the formerly sovereign country of Afghanistan. The swift, cruel and merciless invasion of that country by an estimated 50,000 to 100,000 Russian troops attest to the imperialist mentality of the Soviet Union. It provides a glimpse of the extreme measures the U.S.S.R. is willing to take when it feels its interests are threatened in any way.

What the Afghans experienced on December 7, 1979, the Ukrainian nation suffered shortly after January 22, 1918, when they declared their independence. The Ukrainian National Republic was soon after destroyed by the Red Army in one of the first wars against Moscow's 20th century imperialism. Then, as now, one witnesses the well established pattern of subversion, inciting civil war, "invited" invasions, executions, and purges and, finally the establishment of a puppet government.

In witnessing another Soviet attempt to "buffer" itself from the threat of aggression or turbulence, whether in Europe or the Middle East, one is reminded that the majority of the citizens in Russia belong to one or another type of minority. Many of these minority groups are themselves the victims of previous Soviet imperialism. They include not only the largest single group—the Ukrainians—but also the Latvian, Estonian, and Lithuanian nations. Further to the south and east the Turkestani, Azerbajani, and Georgia peoples suffered a similar fate six decades ago in the first wave of Soviet aggression.

Now, as in 1918, there is a very definite antireligious aspect to the Soviet invasion. Just as Russian troops are threatening to suppress and destroy the moslem rebels in Afghanistan, so too has it attempted to suppress and destroy the major religions within its own borders. From over 53,000 churches in 1917, the Soviet Union now officially counts 11,000; this with a much larger population than in 1917. Even these few churches are forced to register with the state and cannot preach their doctrine outside of the parish walls.

Despite this suppression, the Ukrainian people, always fiercely religious and nationalistic, contain more than 4,000 of the total of 11,000 Orthodox churches now open. Protestant Ukrainians have been active since the early 1960's in a reform movement against state control and fully half of the reported 10,000 Soviet Protestants demanding emigration because of religious repression live in the Ukraine.

All of this demonstrates that despite 62 years of oppression the Ukrainian nation maintains its determination to be a free and unique people and to enjoy the human rights and privileges that even the Soviet Union guarantees in its own constitution.

We will not forget the Ukrainian people in their struggle for social, cultural, and religious freedom. Let their example be a reminder today of the long-range policy of Soviet aggression and oppression. Let it be a lesson that we cannot continue to allow the Soviets to expand without giving them a clear signal that they must pay a heavy price for their flagrant violation of the rights of a sovereign nation.

Along these lines I urge my colleagues to support the President's actions in embargoing grain, technology, and fishing rights to the Soviets. I also urge my colleagues to support the resolution I introduced on January 22, supporting the President in his ultimatum regarding U.S. participation in the Olympics.●

● Mr. LENT. Mr. Speaker, on this, the 62d anniversary of Ukrainian independence, let us rededicate ourselves to the cause of freedom for people the world over. These are difficult times. We see continued Soviet aggression and the denial of human rights and national rights that accompany Russian imperialism. The Soviets continue their push toward the Persian Gulf and the Indian Ocean, and those in Afghanistan face the same fate as the brave and freedom-loving Ukrainians suffered. But we must not falter in the face of this brutal display of force. Let us express our fierce determination to halt this pattern of Soviet invasion and oppression. Let us take inspiration from that happy day in 1918 when Ukrainian independence was a reality, and pledge ourselves to making certain that freedom again becomes a reality to those who now languish under Soviet oppression.

It was a day of great joy in January 1918, for the people of the Ukraine for it united all Ukrainian ethnographic lands into one independent and sovereign state of the Ukrainian nation. Even the then new Soviet Russian Government officially recognized this new nation, as did the Central Powers and a number of states of the Entente, including France and Great Britain.

One often wonders how many more examples we need to finally recognize the real force of Soviet Russian imperialism and the empire nature of the U.S.S.R. itself. Ukrainians, who constitute the largest non-Russian nation both within the U.S.S.R. and in Eastern Europe, won their independence on January 22, 1918. But the Ukrainian National Republic was soon destroyed by the invading Red Russian Army in one of the same substantial scenarios of subversion, fomented civil war, inviting invasion, "liberation" and "protection," executions and purges, and quisling setups preceding the captivity of a nation to Moscow's domination and influence.

During the years of Soviet rule, the people of Ukraine have endured manmade famines, deportations, and outright executions and they have stood by their religious beliefs despite ruthless destruction of their churches and despite efforts to incorporate the faithful into the Kremlin-controlled Russian Orthodox Church.

The sweet taste of independence and freedom was short lived and long ago for the people of Ukraine, and so it is all the more important to demonstrate to the people of that brave nation that they and their struggle for human rights are always in the minds of the people of the free world.

We know that the Soviets sow the seeds of their own destruction because the will for freedom flourishes under oppression like a fire fanned by the thoughts and prayers of those in the free world who continue to stand by a proud people in their quest for liberty.

The courage and constancy of the Ukrainian people should give us renewed vigor in continuing to challenge the cruel and inhuman policies of the Soviet regime.●

● Mr. FISH. Mr. Speaker, today marks the 62d anniversary of Ukrainian independence. It is one of great significance to freedom-loving peoples everywhere, and especially Ukrainians living under Soviet domination and oppression. This day also we in the United States can push for strict adherence to the human rights provisions of the Helsinki agreements.

We are all familiar with the events that led to the fall of the Ukrainian Republic in 1920, when the Red Army led by Trotsky finally defeated the gallant and proud defenders of the republic. The Russian tactics of subversion and blatant aggression became the tools for Soviet domination of Eastern Europe. Today, we see the same approach being used by the Soviet Union in its outrageous attempt to gain control over the independent republic of Afghanistan.

Mr. Speaker, the Congress and the President are keenly aware of the importance of human rights in the Ukraine and all parts of the world. Just yesterday, the Soviet Union again committed an ignominious violation of individual rights by exiling Nobel laureate Andrei Sakharov and his wife. Congress should continue its efforts to promote Soviet compliance with the Helsinki human rights provisions.

While over 2 million Americans are proud of their Ukrainian heritage and live under our free institutions, over 47 million live under continuing oppression in their homeland wthout guarantees of civil rights, without self-government, still fiercely proud of a cultural heritage that predates the establishment of the United States by 800 years.

I join all of my colleagues today in their hope that some day freedom will return to the Ukraine and other nations living under the dark cloud of Soviet rule.●

● Mr. RODINO. Mr. Speaker, this week marks the 62d anniversary of Ukrainian Independence Day, when the people of the Ukraine attempted to win freedom, and become an independent state, only to be persecuted in their efforts toward national self-determination. Surely we can appreciate the dedication and courage of the current descendants of those who battled against social and political oppression 62 years ago. The men and women of the Ukraine have not lost their determination to pursue individual liberties, and we should never forget the struggle they face.

Americans of Ukrainian descent have carried with them a strong commitment to individual liberties and have made many contributions in our free society.

Mr. Speaker, citizens across the United States are joining this week to remember Ukrainian Independence Day, and to recognize that the goals of self-determination remain unmet. I would like to point out that in my district, the Municipal City Council of Newark has unanimously passed a resolution condemning the Soviet persecution and oppression of the Ukrainian people. This resolution points out the importance of the United States remaining steadfast in its commitment to the defense of human rights worldwide.

At this time when the right to national self-determination is being threatened in other areas of the world, let us not forget the Ukrainian struggle of 62 years ago, or overlook the ongoing quest of the Ukrainian people.●

● Ms. MIKULSKI. Mr. Speaker, I would like to take this opportunity to join with my colleagues in the House of Representatives in paying tribute to the 62d anniversary of the Ukraine's independence. It is ironic that during this year's tribute we are again concerned with Russian aggression, this time in the Persian Gulf. At the same time the Soviet Government has moved to silence through police action the brave voice of Andrei Sakharov. We must not let history repeat itself.

Let us think back to that January day in 1918 when the elected members of the Ukrainian Parliament passed a proclamation declaring both the independence of the Ukraine and the Act of Union. France, England, and Russia were among the many nations which immediately recognized the sovereign Ukrainian state.

Despite the fact that the Soviet Government had officially recognized the Ukraine as an independent and sovereign state, they infiltrated the Ukraine with military aggression and subversion. Alone and without aid from Western nations, the Ukrainian people waged a gallant struggle to defend the sovereignty of their country for 3½ years, but were ultimately overpowered by numerically stronger and better equipped armed forces of the Red Russian Bolsheviks. The Ukrainian National Republic was destroyed and in its place a Communist puppet government was created. In 1924 the Ukrainian Soviet Socialist Republic was forcibly incorporated into the Union of Soviet Socialist Republics.

Today, we witness the same scenario in Afganistan. Have we not learned a lesson from the Russian occupation of the Ukraine, Estonia, and Latvia, as well as the later examples of Poland, Czechoslovakia, and Hungary? We should not stand by idly and let this form of Soviet aggression continue. Today, I urge my colleagues to take the first step to demonstrate to the U.S.S.R. that we plan to take action. We should join together to urge the transfer or cancellation of the Moscow Olympic games if the Soviet Union does not withdraw from Afganistan.

We must not let the lesson we learned from the domination of the Ukraine by the Soviets be forgotten. We must continue to show our support for the captive nations within the U.S.S.R. and the brave dissidents like Andrei Sakharov.●

● Mr. DERWINSKI. Mr. Speaker, with the great unrest in the Middle East, Iran, and presently Afghanistan, it is of utmost importance for us to look at the plight of the largest non-Russian country in Eastern Europe being held captive by the Soviets. In the Ukraine, where the denial of human rights has been a fact of life for generations, the date of January 22 remains a symbol of human dignity, national freedom, and self-determination. For it was on this day, 62 years ago, that the Ukraine was able to break away from the Czarist regime of Russia and declare its freedom and the formation of an independent nation.

However, after 2 years of this nation's existence, Russian control was once again restored by the forced incorporation of the Ukraine into the Soviet Socialist Republic, and remains today under the black hand of Soviet oppression.

This domination has not dampened the spirits of the Ukrainian people as they continue their ongoing struggle to preserve their cultural and traditional beliefs that have been so vital to their existence. The country's people have a strong culture, a distinct language and literature and deep religious convictions of their own.

Since the time of the Russian Communist takeover, the Ukrainian people have not given up hope of once more regaining the freedom which they knew so briefly. Their constant efforts are proof of the inability of the Kremlin rulers to break the noble Ukrainian nationalistic spirit. The tenacity of their dissident nationalist movement has never died. Despite the extreme pressure tactics employed by the Soviet Union on the Ukrainian people, dissenters continue to speak out against the cruel Soviet tyranny, and the determination of its people to retain their culture and intellectual freedom still grows.

One of the most dramatic and encouraging factors in the ongoing struggle between freedom and tyranny is the continuing growth of this nationalistic spirit among the non-Russian peoples within the U.S.S.R. This is especially significant when we keep in mind that the Communist dictatorship in the Kremlin has failed in their efforts to eradicate the nationalism of the Ukrainian people.

Not only is the Ukraine the largest nation territorially in Eastern Europe and the U.S.S.R., it has the largest nationality group within the Soviet bloc. It is also the richest in resources of the captive nations, possessing tremendous agricultural lands, which once earned for it the title of the "Breakbasket of Europe," and an abundance of industrial assets.

In his state of the Union address, President Carter recognized that the Soviet's must pay the price for their aggression and that we must intensify the pressure of the world community against the Soviet Union's actions. We must champion the rights of national, individual, cultural, and religious freedoms for all peoples held captive. The people of the Ukraine are among millions of others who are looking to America to live up to that commitment.

Today as we honor this 62d anniversary of the strong and determined people of the Ukraine, we must not forget the struggle of the oppressed nations held captive by Soviet rule, and continue to offer hope and support in their aspirations for freedom and self-determination and make their shattered dreams into reality once again.

Mr. Speaker, in conclusion to my remarks, I wish to insert the following articles and correspondence. The first item is a letter that we all received from Dr. Lev E. Dobriansky of Georgetown University and president of the Ukrainian Congress Committee of America, and following that an article which appeared in the National Review of December 21 that Dr. Dobriansky also authored. In conclusion is an editorial, appearing in the January 17 edition of America, the Ukrainian Catholic Daily published in Philadelphia:

UKRAINIAN CONGRESS
COMMITTEE OF AMERICA, INC.,
*New York, N.Y., January 15, 1980.*

At the very start of this new session of Congress, what better occasion can there be to speak out firmly against Moscow's imperialist rape of Afghanistan than the observance of the 62nd Anniversary of Ukraine's Independence during the week of January 22? We strongly urge you to seize this propitious occasion and let your thoughts and feelings, expressing in part the voice of America, be heard through VOA, RL and RFE transmission by the captive peoples of Ukraine, the other non-Russian nations in the Soviet Russian Empire, and those now threatened by Moscow in the Mideast and South Asia. For, in plain truth, what the Afghans are experiencing today, Ukrainians, Turkestani, Azerbajani, Georgians and many others suffered six decades ago in the first wave of Soviet Russia imperio-colonialism.

One often wonders how many more examples we need to finally recognize the real force of Soviet Russian imperialism and the empire nature of the USSR itself. Ukrainians, for example, who constitute the largest non-Russian nation both within the USSR and in Eastern Europe, won their independence on January 22, 1918. The Ukranian National Republic was soon destroyed by the invading Red Russian Army in one of the first wars against Moscow's imperialism. Then, as now, the same substantial scenario of subversion, fomented civil war, invited invasion, "liberation" and "protection", executions and purges, and quisling set-ups preceded the captivity of a nation to Moscow's domination and influence. In the exact tradition of centuries-long imperialism and its drives toward the Persian Gulf, Indian Ocean and elsewhere, Moscow will be strategically positioned in Kabul to repeat this scenario among the so-called minorities in Iran and Pakistan.

As in so many other fields, the time has come to re-define and reassess objects and our relations with imperial Moscow. In Business Week (Oct. 29, '79) Eugene Loeby defines a needed U.S. strategy to stop Moscow. P.L. 86-90 on captive nations contains the same ingredients. Your support of S. Con. Res. 9 and H. Con. Res. 172 on the genocided Ukrainian Churches would abet the new strategy centered on the captive nations in the USSR. Your participation in this "62nd" event would indicate your concern over our losing policies. In the House, by special order for January 24, Representatives Samuel S. Stratton and Edward J. Derwinski will express the bipartisan effort on the event.

With much gratitude and best wishes,
Sincerely,
LEV E. DOBRIANSKY,
*Georgetown University.*

### ANOTHER CAPTIVE NATIONS WEEK

(By Lev E. Dobriansky)

Near the end of the Eisenhower Presidency, on July 17, 1959, Congress passed—and Eisenhower signed—a resolution, PL 86-90, assailing the "idea of peaceful coexistence" with a "Communist imperialism" that is responsible for the "enslavement of a substantial part of the world's population." The bill empowered the President of the United States to issue a proclamation designating the third week in July as Captive Nations Week "until such a time as freedom and independence shall have been achieved for all the captive nations of the world." That time has not yet come; and so, this past July, the U.S. observed the twentieth anniversary of the Captive Nations Week Resolution. The twentieth Captive Nations Week passed remarkably unnoticed.

Congress, it can fairly be said, did its part. In the days leading up to and following CNW, the *Congressional Record* teemed with addresses, proclamations, and reports of foreign observances of the week. (The largest observance of them all took place in Taiwan—where 100,000 people gathered to mark the occasion.) The governors of all the major states and the mayors of all the larger cities also did their part in proclaiming the week. There were parades in New York and Chicago and prayers in Texas churches. Yet all this activity provoked scant attention and aroused little enthusiasm in the country at large. Why didn't it have more impact?

In large measure, the answer—and the blame—lies in the timing and content of this year's presidential proclamation. On June 22 the Carter White House issued a statement of mesmerizing banality, guaranteed to offend nobody, least of all the captors of the captive nations. "Remembering our democratic heritage, and our commitment to human rights," read the most stirring passage in the Carter statement, "let us take this occasion to reaffirm our admiration for all the men and women around the world who are committed to the cause of freedom. And mindful of our own rich and diverse heritage, let us express our compassion and respect for persons around the world still seeking the realization of these ideals in our lands." The people of the captive nations were undoubtedly heartened by this ringing call to freedom. Yet Jimmy Carter is by no means the first President to have treated CNW more as a nuisance than as a duty.

Richard Nixon, in both his *Six Crises* and his recent *Memoirs*, displays a conspicuous lack of understanding. In the former he thought of the resolution as a "call for prayer"; in the latter he sees it as just "another captive nations resolution." It obviously never crossed his mind why PL 86-90 has been targeted by the Kremlin for special vituperation.

President Ford, who should have known better, may have lost the Presidency because of his ineptitude on the subject during the second debate in October 1976. All this and more is widely documented. It is little known, however, that George Kennan, William Fulbright, and Dean Rusk have exerted their influence over the years to circumvent PL 86-90, the latter two even seeking its rescission in Congress because it is "a thorn in the side of our foreign policy." Strange, isn't it?—Moscow, for its own reasons, views it as a thorn in the side of U.S.-Soviet relations. It is also interesting that most Soviet dissidents—Solzhenitsyn, Sakharov, Moroz, etc.—support PL 86-90.

CNW has been described variously as: "just remembering the captive nations," "a cold-war relic," "a ritualistic activity of ethnics and refugees in our society," "an irritant to Moscow," "a call for liberation that could lead to war." The pre-eminent fact is that the essence of PL 86-90 forms, on both historical and logical grounds, the core of a captive nations ideology which, if we were drawn into war with Moscow and its satraps, we would unquestionably adopt instinctively, if not rationally. Its prime asset, however, is to prevent such a war by alerting Americans to the global appetite of the last remaining major empire, the USSR.

The patent vulnerabilities of the Soviet empire-state are deep and should be cultivated. The captive nations ideology embraces not only an incontrovertible genetical analysis but an historically based logic of thought with a wide spectrum of policy considerations, from trade to the Olympics.

Here's the list maintained by the National Captive Nations Committee:

*The Captive Nations*

(Country and year of Communist domination)

| | |
|---|---|
| *Armenia | 1920 |
| *Azerbaijan | 1920 |
| *Byelorussia | 1920 |
| *Cossackia | 1920 |
| *Georgia | 1920 |
| *Idel-Ural | 1920 |
| *North Caucasia | 1920 |
| *Ukraine | 1920 |
| *Far Eastern Republic | 1922 |
| *Turkestan | 1922 |
| Mongolia | 1924 |
| *Estonia | 1940 |
| *Latvia | 1940 |
| *Lithuania | 1940 |
| Albania | 1946 |
| Bulgaria | 1946 |
| Poland | 1947 |
| Rumania | 1947 |
| Czechoslovakia | 1948 |
| North Korea | 1948 |
| Hungary | 1949 |
| East Germany | 1949 |
| Mainland China | 1949 |
| Tibet | 1951 |
| North Vietnam | 1954 |
| Cuba | 1960 |
| Cambodia | 1975 |
| South Vietnam | 1975 |
| Laos | 1975 |

* Denotes countries absorbed by USSR.

And who's next? Nicaragua? Angola? Ethiopa? Afghanistan? Iran? Republic of China? South Korea? South Yemen?

### JANUARY 22

Sixty-two years ago, on January 22, 1918, the Ukrainian people in one of the greatest moments of their history, proclaimed the full and unqualified independence of the Ukrainian people.

For almost 250 years of slavery under Russian Czars, Ukrainians did not forget their tradition of freedom and independence, nor were they deprived of the genuine desire to see their glorious country free of foreign domination.

With the establishment of the Ukrainian Central Rada on March 17, 1917 the Ukrainian National Revolution set the stage for the revival of a free Ukraine. Within a period of ten months the Rada, through a series of legislative acts led Ukraine through a turbulent time, first to an autonomous state and then a full-fledged independent and sovereign state of the Ukranian people. The Rada issued three Universals, whereby it established an autonomous government and then created the Ukrainian National Republic.

It created a Secretariat General as Ukraine's executive branch of government; it swiftly organized the Ukrainian national army, established Ukrainian schools, introduced Ukranian judicial and administrative systems, prepared an election for the Ukrainian Constituent Assembly and provided for vast autonomy for the national minorities in Ukraine.

On November 20, 1917, after the Bolshevik coup, the Rada proclaimed the Ukrainian National Republic, which was immediately recognized (December 4, 1917) by Lenin and Trasky. Despite official recognition of Ukraine by Communist Russia, the new Soviet Russian government launched an unprovoked aggression against Ukraine.

It was under these circumstances that Rada issued on January 22, 1918 the Fourth Universal, proclaiming the full and unqualified independence of Ukraine.

On February 9, 1918 Ukraine signed a peace treaty in Brest Litovsk with the Central Powers (Germany, Austria-Hungary, Turkey, and Bulgaria), whereby it received do jure and de facto recognition as a sovereign state.

Other events that followed were aimed at the consolidation of the new Ukrainian state, namely, the proclamation on November 1, 1918 of the Western Ukrainian National Republic and the Act of Union on January 22, 1919, by which all Ukrainian ethnographic lands were united under one Ukrainian national government.

Unfortunately, the independence of Ukraine was short-lived. Characteristic of Communist Russia's ploys and duplicity, the Soviet government, while recognizing the Ukrainian National Republic, at the same time sent its troops against Ukraine in order to conquer the country and subvert it into a Communist puppet. For three years—from the fall of 1917 to the summer of 1920—Ukraine fought against Communist Russia alone and unaided.

For over 60 years Ukraine has endured political oppression, persecution and genocide.

We observe this glorious anniversary of the Ukrainian people under the rumbling of the Soviet-Russian war machine which is subduing another independent nation—the proud and fierce people of Afghanistan. Just as in Ukraine sixty-two years ago when Moscow recognized Ukraine while at the same time sending its Communist hordes to conquer it—so today in Afghanistan. Only a few weeks ago, Moscow recognized the government of pro-Marxist orientation of President Amin, with whom it signed a treaty of "peace and friendship." Almost overnight, Moscow staged a coup, arrested the president and executed him, his family and his cabinet, and dispatched some 100,000 troops to conquer that Islamic country of Asia.

On this 62nd anniversary, Ukrainians in U.S.A. pay tribute to their brethren in Ukraine, and call on all freedom-loving Americans to help their fellow Americans of Ukrainian descent to observe this great and outstanding date in Ukrainian history and thus advance the cause of freedom not only in Ukraine, but elsewhere in the world.●

● Mr. HOLLENBECK. Mr. Speaker, 62 years ago the proud and fiercely independent Ukrainian people attempted to win freedom when a group of patriots proclaimed the sovereignity of their native land from Russia. I would like to take this opportunity to join with my colleagues in commemorating this significant event, which should remind us that the Ukrainian people now, as in the past, are determined to guide their own destiny in an independent state.

The Ukrainian people's unique cultural, historical and intellectual traditions represent a source of real and enduring national pride that can never be subdued by the forced imposition of a foreign state's ideology. We must never be allowed to forget the relentless efforts of the Ukrainian people in their drive for a renewed independence.

As we express our continuing concern for the people of Ukraine, it is also important to pay tribute to Americans of Ukrainian birth and heritage who have made important contributions to the political, economic, and cultural well-being of this country. Ukrainian Americans have enriched American life by their energy and talents. They have distinguished themselves by their constructive citizenship, by their dedication to America, and by their unyielding devotion to the cause of freedom.

In remembering this anniversary of Ukrainian independence, we in the United States are expressing our support for the aspirations of the Ukrainian people and our fervent hope that the Ukraine will again recover its freedom. I only wish for that day in the near future when, instead of marking the anniversary of an independence since lost, we will celebrate a renewed independence of modern times.●

● Mr. DODD. Mr. Speaker, I am joining with many of my colleagues in celebrating the 62d anniversary of Ukrainian Independence Day. The Ukrainians enjoyed only 2 years of freedom before the Soviet Union forcibly annexed their nation in 1920. Since that time the Ukrainians have persistently struggled to maintain their freedom in the face of Soviet domination.

Despite the Soviets' efforts to deny their basic individual rights, the Ukrainian people remain outspoken in their fight against the unyielding and repressive rule imposed by the Soviet Union.

History is now repeating itself more than half a century later in Afghanistan, a nation whose fate threatens to mirror that of the Ukraine and Byelorussia. Once again, the Soviets are seeking to subjugate a neighboring country militarily and impose upon an independent nation an alien ideology that has no tolerance for national, religious, or ethnic traditions.

If Afghanistan, like the Ukraine, becomes yet another captive nation, its people can expect reprisals for any resistance to Soviet rule and the subversion and outright destruction of their heritage as a free country.

The Soviet pattern of forcible domination must be opposed by all nations that defend human rights and individual freedoms. The United Nations should vote to revoke the full membership rights now accorded to the Ukrainian-SSR and Byelorussian-SSR because of the obvious control exercised over their current governments by the Soviet Union.

As a nation dedicated to preservation of human rights, America has a responsibility to support efforts of self-determination in countries like the Ukraine, Byelorussia, and Afghanistan. The courage that has been demonstrated by the millions of Ukrainians here in America and in their homeland is an inspiration to all nations dedicated to the pursuit of freedom.

Today we are celebrating a memory of Ukrainian independence which may one day become a reality again with the help and support of all free nations of the world.●

● Mr. DOUGHERTY. Mr. Speaker, this week 2 million Ukrainians in the United States will observe the 62d anniversary of the proclamation of the independence of Ukraine, as will Ukrainian people in some 20 other countries of the free world.

However, 41 million Ukrainians under Soviet domination will have little to celebrate on Ukrainian Independence Day. Ukrainian independence was short lived. The Ukrainian National Republic was conquered by Russian Communist forces less than 3 years after full independence was proclaimed on January 22, 1918, and remains a colony of Communist Russia.

Despite its nominally independent status within the U.S.S.R., Ukraine is suffering political and cultural repression and economic exploitation. The U.S.S.R. has imposed severe restraints on their language, their literature, and, worst of all, their independent spirit.

Ukrainian intellectuals are being arrested and sentenced to harsh prison terms for their opposition to the repressive policies of the Kremlin. I have been inspired by the courage of one of these Ukrainians and have been involved for some time now in efforts to obtain his release from a Mordovian labor camp. Lev Lukyanenko is a Ukrainian human rights activist who received an unduly harsh sentence for his efforts to monitor Soviet compliance with the human rights provisions of the Helsinki Agreements. The severe punishment Lev Lukyanenko received from the Soviet Government was no doubt intended to intimidate the U.S.S.R.'s largest and most troublesome minority, 41 million Ukrainians.

Mr. Speaker, this annual recognition of Ukrainian Independence Day is a longstanding tradition in the Congress. Another longstanding tradition is very much on my mind today. I refer to the longstanding tradition of Soviet imperialism and aggression. The sad history of the loss of Ukrainian independence 60 years ago and the brave history of the independent spirit of the Ukrainian people in their struggle to maintain a national identity behind the Iron Curtain should serve to warn us and also to inspire us. To mourn the loss of Ukrainian independence is especially significant today as the Soviets continue their drive to conquer Afghanistan and on toward the Persian Gulf, the Indian Ocean, and elsewhere. The Soviets' intentions are clear, I believe. The plight of the Ukrainians and other people who have lost their freedom to Soviet aggression must not go unheeded by the Western world, if we hope to survive.

Mr. Speaker, I am submitting a letter to be inserted in the RECORD to Chairman Leonid Brezhnev of the Soviet Union. The letter calls for the release of Lev Lukyanenko, the human rights activist from Ukraine I mentioned earlier, and was cosigned by 35 Members of Congress.

HOUSE OF REPRESENTATIVES,
*Washington, D.C., December 21, 1979.*

Chairman LEONID BREZHNEV,
*Presidium of the Supreme Soviets of the USSR, Moscow, RSFSR, USSR.*

DEAR MR. PRESIDENT: As members of the United States House of Representatives, we are writing to you on behalf of Lev Lukyanenko, who is confined in a Mordovian labor camp serving what we believe to be an unduly harsh sentence.

The severity of Mr. Lukyanenko's punishment is bewildering. Having only three years ago completed a fifteen year sentence, he has now been sentenced to an additional ten years of imprisonment and five years of exile. He was convicted of the vague charge of "anti-Soviet agitation and propaganda" when in fact his so-called "crime" was to respond to initiatives of the Soviet Union to help implement the Helsinki Accords in the Ukraine.

As a signatory of the Final Act of the Helsinki Agreement and the Universal Declaration of Human Rights, your government is obligated to uphold the cause of human rights. Lev Lukyanenko's conviction and the harshness of his sentence raise serious questions about the Soviet Union's intent regarding the implementation of the Helsinki Agreement.

We appeal to you, on humanitarian grounds, to release Lev Lukyanenko. He is in poor health, has suffered a great deal in the past, and has applied for an exit visa. His release would be a major contribution to the cause of human rights and would surely have a positive effect on relations between our country and yours.

Only if the international accords reached at Helsinki are fully respected by all signatories can there be any real understanding between nations. We urge you to release Lev Lukyanenko as evidence of the Soviet Union's commitment to the cause of human rights.

Sincerely,

Charles F. Dougherty, William Carney, Bill Archer, Austin J. Murphy, Michael D. Barnes, Benjamin S. Rosenthal, Parren J. Mitchell, Adam Benjamin, Jr., Edward J. Derwinski, Fortney H. Stark, Richard L. Ottinger, Norman F. Lent.

James L. Oberstar, Les AuCoin, Robert J. Lagomarsino, Antonio Borja Won Pat, Edwin B. Forsythe, John J. Duncan, John H. Rousselot, Melvin H. Evans, Vic Fazio, William J. Hughes, Dante B. Fascell, Margaret M. Heckler, Millicent Fenwick.

Lester L. Wolff, William M. Brodhead, Nicholas Mavroules, S. William Green, Bruce F. Vento, Paul Simon, Larry McDonald, Allen E. Ertel, Robert H. Michel, Martin Frost.

*Members of Congress.*●

---

## GENERAL LEAVE

Mr. STRATTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order on today, Ukrainian Independence Day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## ACCREDITING THE ACCREDITORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. Quillen) is recognized for 10 minutes.

● Mr. QUILLEN. Mr. Speaker, at a time when this Congress has become increasingly concerned about the mushrooming effect that Federal regulation is having on all Americans, it will come as no surprise to many of our colleagues that another facet of society has begun to chafe under the burden of Federal intervention.

The group I mention is that of State universities and community colleges that frequently face evaluation of programs by outside accrediting bodies.

While these institutions have become accustomed to dealing with some Federal redtape themselves, their officials are not pleased to see an increased Federal role in the "accrediting of accreditors."

Dr. Arthur H. DeRosier, Jr., president of East Tennessee State University in the first district of Tennessee, recently offered a paper on this subject to a meeting of the American Association of State Colleges and Universities in San Antonio, Tex.

Dr. DeRosier, who chairs the AASCU's Committee on Graduate Studies, has identified a very real and growing concern that deserves the attention of all of us who consider education one of this Nation's top priorities. In his own words, let him describe for you "An Uninvited Monster Supping at Our Table: The Office of Education's Division of Eligibility and Agency Evaluation":

### AN UNINVITED MONSTER SUPPING AT OUR TABLE: OE's DIVISION OF ELIGIBILITY AND AGENCY EVALUATION

(By Arthur H. DeRosier, Jr.)

As I reflect upon the activities of our Committee on Graduate Studies during the past year, especially our decision last November to find out who accredits accrediting associations and to study why we are continually frustrated by the activities of professional accrediting bodies that seemingly make outrageous demands on our resources whenever they accredit or reaccredit the programs we offer, I must admit that I was more frustrated than angry. If you had accused me of knowing little about accreditation associations, the old National Commission on Accrediting, or the Council on Postsecondary Accreditation (COPA), I would have scoffed in disbelief; but your accusation would have been correct.

In many ways I was a president most naive about accreditation matters. I fought what was apparent—visiting teams representing a myriad of professional accrediting bodies journeying to our campus in a continuing parade offering recommendations not required by the standards. I saw those groups playing the old game of visiting with faculty members, scolding them mildly, asking what demands they wanted placed on the President, and, then, passing off those in-house demands as requirements for accreditation or reaccreditation. That was something tangible with which to grapple. I could curse, kick the desk, threaten to disregard the final report, look for ways to comply while not complying, and write COPA. Fortunately or unfortunately, writing to COPA during the early years of the Council's life was futile: they were too busy getting ready to do something someday while the rest of us were losing hope that COPA would ever become the agency desperately needed to end the growing belief that accreditation is too expensive and too complicated to hold our attention much longer.

So our committee sallied forth wanting to nudge the sleeping COPA giant into activity to see if it could become the catalyst we all needed; and, lo and behold, we found ourselves face to face with something we did not know existed in the form discovered. We all knew, I suspect, that the U.S. Office of Education kept a list of accepted accrediting societies, but we never dreamed last December of the menace that activity was fostering: keeping a list seems to be docile and harmless enough. How wrong we were, and how frightened we became when the mystery of OE's accrediting function became more apparent.

As is often the case in Federal bureaucracies, something simple and uncomplicated has a way of developing into an empire of immense and frightening proportions. Because of abuses that came out of the World War II. G.I. Bill of Rights, Congress, when passing the Veterans Readjustment Assistance Act of 1952 (better known as the Korean War G.I. Bill), provided, for the first time, that the U.S. Commissioner of Education would publish a list of recognized accreditation agencies. During the hearings preceding passage of the act, members of Congress made it clear that they would not tolerate a repetition of the fraud and abuses that accompanied the life of the World War II bill. So, following the advice offered by educational associations testifying at the hearings, Congress decided to rely upon the accrediting bodies for the purpose of identifying educational institutions of quality and legitimacy. These bodies, it was hoped, would weed out the fly-by-night institutions created solely to take advantage of the funds available to veterans to whom accreditation meant nothing. That is all Congress was trying to accomplish in that portion of the bill—an admirable effort to eliminate one of the few black marks against the World War II act. So the Korean War G.I. Bill carried the simple charge that the U.S. Commissioner of Education must publish a list of nationally recognized accrediting agencies and associations that were considered by the Commissioner to be reliable authorities that could verify the quality of educational institutions or programs in higher learning the country over.

In true Hegelian fashion, that simple effort to eliminate past abuse started much of the trouble we face today. The publication of a list was a simple request which should have been done yearly in a rather routine way as, I believe, Congress required in the law. They meant for accrediting societies to judge the worth of programs and institutions; however, by giving the Commissioner of Education the right to decide which accrediting associations should be included on the list, the act encouraged mischief by inadvertently placing the Office of Education squarely in the middle of the accreditation business; and the act made the Commissioner of Education the most powerful national figure in the accreditation field.

If an accrediting society did not appear on the Commissioner's list or if an institution's programs were not accredited by one of the organizations on the Commissioner's list, Federal funds for programs accredited by that association would not be available to institutions. Federal statute upon Federal statute since 1952 has required accreditation before funds are available to an institution, though that requirement will probably be modified or changed soon; and it is the Commissioner's list that is the accreditation Bible used by Federal agencies to determine if college X or university Y is accredited in that field and, therefore, eligible for funds under some twenty-five Federal programs currently supporting higher education, including V.A. funds available through states.

What tremendous power and authority the Commissioner's office has by controlling the pursestrings tied to accreditation! Though the Commissioner maintains that all is as it should be because he handles matters in an unbiased way through professionals seeking common denominators in defining excellence, quality, and viability, the truth is that his accreditation arm—the Division of Eligibility and Agency Evaluation of the U.S. Office of Education, headed by Mr. John R. Proffitt—is a bureaucratic power to be reckoned with. And last year I did not even know that Division existed.

Through visiting, probing, and reading, we were guided to John Proffitt's office last January—an office lost in a sea of offices that emphasize the complexity of the most complicated bureaucracy known to man—OE. As I tramped down endless halls with rows upon rows of offices reeking sameness, I worried, at first, about ever finding the right office and, then, about ever finding my way out when the interview was over. But what I learned in the interview scared me more than the possibility of walking endlessly through the quagmire that is the Office of Education.

The head of the Division is John Proffitt, a genial, honest, and dedicated bureaucrat who heaped scorn on the private sector, especially COPA, and defended admirably the people's right to be championed by a people's agency: he maintained that accreditation societies needed constant Federal attention to remain honest and responsive. Why couldn't COPA do that job, I asked ignorantly? I was told that one private organization cannot monitor, cajole, and/or correct the machinations of other private organizations: only the even hand of the Federal government could do the job as it ought to be done. COPA will never work; the Committee should be disbanded; and that was that! I was told that Congress would never accept a list of accreditation associations provided by anyone other than the Commissioner of Education.

It is interesting to note in passing that I later asked fifteen Congressmen if they had ever heard of that Division, if they knew what the Division was doing, and if they knew the power Mr. Proffitt wielded. All answered negatively which made me feel better about being so dumb as I strolled through that graveyard of offices last January looking for John Proffitt. But feeling better momentarily does not a solution render, colleagues, and I want to state emphatically that this Division is, at worst, a menace to our very existence and, at best, a troublesome foe to be reckoned with.

Just think of it—out of a simple congressional desire to determine which colleagues and universities were accredited has evolved a bureaucracy employing dozens, probably hundreds, of people who in 1952, 1969, 1974, and now in 1979 have developed rules and regulations for the accreditation of accrediting associations. They define the scope of accreditation, offer a list of mandatory definitions, publish a list of accredited organizations, give initial recognition and renewal of recognition, and develop specific accreditation criteria, including scope of operations, organization, procedures, responsibility, reliability, and a long section on the Division's need to protect the public interest.

Time does not allow me to relate a full history of the Division these twenty-seven years past. Allow me, though, to offer isolated comments to tickle your fancy or worry you a bit. Since 1952, the request that the Commissioner publish an accurate list of acceptable accrediting associations has been repeated in twenty-three other statutory authorities relating to the needs of six Federal agencies requiring assurances on the quality of education or training offered by educational institutions or programs. Today, especially out of the Higher Education Act of 1965, within the Office of Education alone, accreditation by a nationally recognized accrediting agency or association is necessary if an educational institution is to apply for participation in some twenty-five different Federal programs.

Until 1968, the Commissioner more or less simply listed those accrediting societies and institutions known to be acceptable to the nation's academic community. But in 1968, the Commissioner created the Accreditation and Institutional Eligibility staff—now the Division of Eligibility and Agency Evaluation—to take over, expand, and systematize these growing activities.

The Division was given four tasks that have remained intact since: 1. continually review procedures, policies, and issues in the area of OE's interests and responsibilities relative to accreditation and eligibility for funding; 2. administer the eligibility for funding of postsecondary educational institutions; 3. administer the process whereby accrediting associations secure initial and renewed recognition by the Commissioner of Education; and 4. provide administrative support for the Advisory Committee on Accreditation and Institutional Eligibility. That body—fifteen in number and still functioning today—was created that year under the Federal Advisory Committee Act. The Advisory Committee is composed of persons appointed for three year terms by the Secretary of HEW from various segments of the secondary and postsecondary education community, the student/youth population, state departments of education, professional associations, and the general public.

A study of those who have served to do so now reveals the presence of talented colleagues working actively on the Committee under a fifteen point charge. Two of the important charges are 1. to reevaluate each accrediting agency on the Commissioner's list at his discretion, or at least once every four years; and 2. whenever the Commissioner grants recognition or renewal of recognition to an accrediting agency or association, he defines specifically the scope of that recognition: the Advisory Committee is to monitor that authority and to recommend modification of that scope if the agency desires modification and if the Committee agrees.

From time to time, the Division has modified its scope of authority. From 1969 to 1974, the Division generally reviewed agencies on the Commissioner's list and others hoping to be added. In 1974, though, an important change took place with the addition of a new section dealing with the "responsibility" of accrediting agencies—an added criteria reflecting from that time onward, the quasi-public nature of accreditation. And this is where a great deal of today's trouble began. The requirement that accreditation associations be responsive to the demands of the public—whatever that means—has encouraged charges of unreasonableness and claims of indefensible subjectivity against the Advisory Committee and the Division as they have gone about the business of conducting nearly two hundred reviews of accrediting agencies seeking either initial recognition or renewal of recognition since mid-1974.

By the beginning of 1979, the Commissioner's list of recognized accrediting agencies contained seventy-four agencies in fields as diverse as cosmetology, interior design, theology, and medicine. The number of regional accrediting commissions recognized by the Commissioner stands at thirteen. Over half of the agencies recognized deal with health functions; the latest additions to the list are agencies dealing with marriage and family counseling, noncollegiate continuing education, and surgical technologist education.

Many of the complaints revolve, in one way or another, around control of eligibility for funding. The list, at the beginning, included those accrediting agencies and institutions eligible for Federal funding under certain acts. Through the years, more and more groups have complained that the list has evolved into something else—a catalog of all accreditation agencies, many of which do not have a thing to do with Federal funding. They argue that this is an arbitrary broadening of the original recognition authority which 1. creates additional costs to the taxpayers for unnecessary reviews; 2. generates proliferation of accrediting agencies; and 3. (most important of all) tacitly implies "that USOE serves as the enfranchiser of accrediting bodies." Herein lies the major danger, ranking, I believe, ahead of other OE's control of money and its illegal competition with COPA as the legitimate accreditor of accreditation societies. It is my belief that the Division of Eligibility and Agency Evaluation would, indeed, like to be and probably is the enfranchiser of all accrediting bodies. By interpretations given to the original charge, and by controlling Federal dollars, the Division is dangerously close to full control.

This year—yea at the present time—the Office of Education is preparing a fourth edition to its own criteria by adding a new controlling mechanism. The 1974 edition included the "responsibility" section—by definition a section that is almost totally subjective in nature causing much concern among those who do not want others defining the word "responsibility" for them. Now we are faced with a dangerous section offering a new, insidious watchword—"integrity." The "integrity" section will require an accrediting agency or association to "provide assurance of institutional or program integrity." By that is meant: 1. an assessment of whether or not an institution or program has sufficient fiscal strength to maintain educational quality; 2. an assessment of the institution's or program's management organization for the purpose of determining the effectiveness of management in maintaining educational quality; 3. a requirement that the institution or program assure that off-campus, including out-of-state operations or extensions, are equivalent in quality to similar programs operated at its main campus or base of operations; and 4. to review any contractual relation of the institution or program dealing with recruitment of students and the delivery of educational services in terms of the impact of these relations or arrangements upon the quality and integrity of the institution's programs.

If these four new commandments don't scare you, nothing will. When confronted by our fears about the total subjectivity of these requirements, John Proffit stated that "this proposed section is really not that new, different, or drastic." He tried to liken it to a natural extension of the "recognition" clauses, but he showed his true colors by accusing COPA, its officials, and accreditation associations of interferring in the government's business. "In my estimation," Proffit wrote, "the issue of integrity is the most important issue today facing the accreditation community. It is a two-pronged issue. Not only should accrediting agencies continue to demonstrate that they are reliable authorities concerning the quality and integrity of the institutions or programs they accredit, but accrediting agencies also must establish that they themselves can be regarded as organizations of integrity by institutions, states, and Federal Government and other organizations." In other words, Proffit maintains that all accreditation associations are by nature irresponsible, nonresponsive, and unreliable and will remain so until they pass the integrity standards he and his cronies establish. Hogwash! What ever happened to colleagueship, innocence until the proof of guilt, and trust. His statement is Big Brotherism at its worst.

When confronted with the question of whether or not he thinks Federal and State authorities will find that accrediting agencies satisfactorily address the issue of institutional or program integrity, Proffit did not respond one way or another. Rather he added an ominous statement to the effect that he "used to believe that accreditation is not an end unto itself—but rather that the end is its result, the assessment of quality and integrity. However, today I am inclined to argue that it is also an end to itself." Since when did process become the golden fleece we are seeking! "My formula for the future would read this way," John Proffit added. "1. Efforts should be made to achieve a better delineation of the roles of the Federal government, State governments, and accrediting agencies, in order to develop a strong consensus to build on the triad partnerships. 2. Better communication should be developed among the components of the triad partnerships. 3. There should be developed new and mutually acceptable patterns of interrelationships among the components of the triad partnership and mutual support of the legitimate role of each component—to the end that fear, jealousy, misunderstanding, and contention among the States, Federal government, and accrediting agencies are eradicated."

I couldn't agree more with Proffit's closing words. But how can his Division build mutual trust and respect if it continues building an empire; if it becomes the definer of words such as "responsibility" and "integrity"; and if it insists on being the enfranchiser of all accreditation bodies, while denying that institutions of higher learning can, in reality, police themselves. A year ago I agreed with the statement that we are not doing all we should to police our own accreditation societies; I still feel that way. Some professional associations infuriate me as much as ever. But I have cast my lot with COPA these days; it may be the last, best hope of independent and responsible accreditation processes controlled by higher education itself and not the Federal government. If so, COPA, get your horses on the track and get in the race before it's all over and we are left with one more all-encompassing Federal bureaucracy hovering above us like an amorphous mass of cotton candy continually denying that higher education can monitor its own business. I happen to come from a state where autonomy is reality and not a dirty word; I appreciate that fact more each day and I hope my colleagues agree as we address, together, the creeping Federal accreditation control that is about to swamp an unsuspecting community of educators.●

## UKRAINIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

● Mr. CLEVELAND. Mr. Speaker, this year begins the 62d anniversary of Ukrainian independence. It is important for us to commemorate Ukrainian Independence Day in honor of the noble spirit of the Ukrainian people who strive to be free, but are afflicted with the intolerable rule and domination of the Soviet Union.

On January 22, 1918, Ukraine declared its independence from Russia and established a democratic republic. Their independence was short-lived, but their nationalism is strong and true. Under Soviet enslavement, the Ukrainians have been starved, imprisoned, and tortured; but never have the Soviets been able to eradicate the Ukrainian quest for freedom. I know that my colleagues join with me in the hope that Ukraine will one day be a free nation which can determine its own future.

Ukraine's history clearly shows the ugliness of Soviet imperialism. The rest of the world must be ready to stop Soviet expansion into independent countries, and the United States should lead that opposition. The unprovoked aggression into Afghanistan is a shocking example of just such a move by the Russians. It is our duty, indeed, the duty of all nations who wish to be free, to forcefully demand that the Russians withdraw from Afghanistan. The subjugation of Ukraine by the U.S.S.R. should not be repeated in Afghanistan or anywhere else in the world. On this special observance of Ukrainian independence, let us commit ourselves to uphold freedom around the world.●

## EMERGENCY AGRICULTURAL CREDIT ADJUSTMENT ACT OF 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 5 minutes.

● Mr. SEBELIUS. Mr. Speaker, today I introduce a bill to extend and amend the Emergency Agricultural Credit Adjustment Act of 1978. President Carter's recent decision to suspend grain sales to the Soviet Union brought unforeseen pressure onto the Nation's farm economy. While the President has offered a number of initiatives aimed at minimizing the economic costs to farmers, it appears that more help may be needed.

A simple, inexpensive, and cost-effective method of helping farmers is to assure that they will have the financial resources they will need to put in the next year's crops and to service existing debts. This is by no means the answer to the economic problems farmers confront today. According to recent figures published by the Department of Agriculture, the index of prices paid by farmers for commodities, services, interest, taxes, and wage rates now stands at about 256. A year ago, it stood at 224. That means production costs rose 14.3 percent during 1 year. At the same time, the index of prices received by farmers rose only about 8 percent.

And, at a time when many farmers are slipping further behind financially, the President announces an embargo on grain shipments to the Soviet Union.

Mr. Speaker, only a little over a year ago, we passed a bill to help financially strapped farmers consolidate and refinance their debts. This program has worked well but will expire May 15, 1980, unless action is taken to extend it.

Farmers do not work their ways out of financial problems in 1 year, generally. It takes time. A farmer may have borrowed up to the $400,000 authorized in the original bill. With this money, he probably was able to bring his payments to a more manageable level. However, that does not mean he is in a position where a commercial lender would consider him a good risk.

If he paid back $40,000 of his loan in the past year, his outstanding balance would be $360,000. This spring he will need to put a crop in the ground or, possibly, replace some livestock. If we extend this program, he will be able to turn to Farmers Home and borrow back up to the limit. If we are committed to saving the family farm, this very modest program is essential for the marginal operations that give agriculture its future diversity.

In addition to extending the program for 1 year, this bill would increase the individual loan limitation under this program from $400,000 to $600,000. Right now, a farmer can borrow up to $650,000 through the various Farmers Home Administration farm loan programs. All this provision would do is increase that proportion of the money borrowed from FmHA through the economic emergency program. It would help farmers meet rising production costs.

Because of the success of this program, $3.76 billion of the authorized $4 billion has been used. For that reason, this bill also amends the original act to increase the overall funding authorization to $6 billion.

Mr. Speaker, this bill is just one of a number of initiatives that can help our American farmers adjust to President Carter's grain embargo. I think it is an efficient, cost-effective method of helping meet the President's objective of minimizing the adverse economic effects of the grain embargo. I urge my colleagues to support this bill.●

## INTERNAL EXILE OF DR. ANDREI SAKHAROV BY SOVIET AUTHORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. COURTER) is recognized for 5 minutes.

● Mr. COURTER. Mr. Speaker, I am shocked and outraged by the latest Soviet action regarding their ongoing attempts to stifle internal dissent. By stripping Nobel Laureate Andrei Sakharov of his state honors and sending him and his wife into internal exile; far from his home in Moscow, to the city of Gorki.

Though considered the father of the Soviet hydrogen bomb, Sakharov has become the most prominent and persistent critic of the Soviet Union's human rights record. In 1975, he received the Nobel Prize for Peace for his defense of human rights in the Soviet Union. Recently, Western reports indicated that Sakharov backs a boycott of the summer Olympic games to be held in Moscow and has called on the world to take steps to force the Soviets to withdraw from Afghanistan.

I condemn in the strongest terms the action of the Soviet Union and insist that he be allowed to either resume his former activities or be given the opportunity to leave the U.S.S.R. if he so desires.

Additionally, we in the Congress must do whatever we can to stop Soviet expansionism and other forms of Soviet aggression as well as do what we can to keep the issue of human rights alive behind the Iron Curtain.●

## A TRIBUTE TO WILLIAM O. DOUGLAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, William O. Douglas, who died last Saturday, was an extraordinary man of rare achievements and unique distinctions.

The salient facts of his dramatic career are etched in history now: He was, at 40, the youngest man appointed to the Supreme Court in 128 years when President Roosevelt named him in 1939 to the seat which had been held by Justice Brandeis. When he retired in 1975, he had served on the Supreme Court longer than any other man in history, 36 years and 7 months. He was one of the most prolific Justices in the Court's history, producing a total of 1,306 written opinions.

Those are impressive facts, but I would like to add to the record some nonstatistical facts and thoughts about this amazing man which are equally important.

He was curious about this world, traveled throughout its continents and wrote eloquently about its marvelous details, as in this passage about the flora of the Northwestern United States:

> I never see the bitterroot blooming among the sage without feeling that I should take off my hat and stand in adoration of the wondrous skills of the Creator.

William O. Douglas climbed mountains and hiked new trails and studied history and cared deeply about the political, social, and economic issues of his times. Those interests and concerns moved him to write more than 20 books.

He brought the same energy, individualism, freshness, and creativity—along with respectful attention to detail—to his work on the Supreme Court.

Mr. Justice Douglas was praised by Chief Justice Earl Warren for his "unbounded energy * * * lightning mind and prodigious work habits."

Many students and reporters of the Supreme Court emphasized the brilliance of his dissenting opinions. But the fact is that he wrote almost as many opinions expressing the majority view as he wrote dissenting opinions—and many of those Douglas dissents subsequently became the majority view.

Because he was such an individualist, he did not particularly like the work on the Court during the first months and years of his service, as he admitted in 1971. But because he was such a positive, committed man, he added:

> It took me two years to get used to the routines. * * * Later I came to appreciate the chance for quiet and reflection and independence, and I became greatly absorbed in the Court's work.

Mr. Justice Douglas consistently, clearly and courageously supported and defended the individual freedoms and rights promised by the Constitution, particularly the first amendment right of free speech.

He never viewed himself or the Court as separate from two forces central to his philosophy.

First, in describing the job of a member of the Court, he said:

> The problem is to think through what you conceive as the grand design (of the Constitution) and fit the cases into it.

The second was what he called "law responsive to human need."

Those two forces—the Constitution and a sense of human need—served William O. Douglas and his work for America brilliantly. They were cornerstones of his integrity.

The Nation is grateful now for his long and distinguished service. I am grateful that I knew and appreciated William O. Douglas for so many years.●

---

## FAMILY FARM DEVELOPMENT ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Nolan) is recognized for 5 minutes.

● Mr. NOLAN. Mr. Speaker, farmers in America often hear their representatives in government praise the family farmer as the backbone of the rural economy and the foundation upon which this country was built. Despite this professed allegiance to the family farm system, we have seen the number of farms in the United States drop from 6.8 million in 1935 to 2.3 million in 1974, with a projected drop by next year to under 1.5 million farms. The average size of an American farm has risen from 197 acres in 1940 to 440 acres in 1974. Furthermore, less than one-half of all farmland is owned by the farm operator.

U.S. farm policies have tended to fuel the trend toward larger and fewer farms with production-oriented, crop-specific government payments to farmers, and continued emphasis upon specialization, large size, and mechanization in agricultural research, education, and extension. U.S. tax policy gives the large farmer competitive advantages in allowing artificial accounting losses to be credited against substantial off-farm income in the filing of income taxes, and in allowing the use of cash accounting by large farmers who can then exclude their inventories in figuring profits and losses.

Mr. Speaker, we can see that our action regarding family farms does not live up to our rhetoric. Our actions have contradicted our words, and the decline of small- and medium-sized farms and small towns in America stands as at silent yet tragic witness to that fact.

Let us ask ourselves the question, Is the family farm worthy of the high praise we give it in our oratory? If we find that it is worthy, the inevitable next question is, What can be done to foster the family farm system in our Nation? Let us consider the first question.

Is the preservation and fostering of the family farm system in America important? I believe it is, for the following reasons. First, a strong family farm system supports a strong rural and national economy. A number of prosperous small- and medium-sized farms clustered around a rural town means that there are more farm families buying goods and services from the local community, which results in a healthy community with a larger tax base to support good schools, health care systems, and other services so important to all of us. These town merchants and professionals then create a demand for goods from other areas of the Nation, thus bolstering trade throughout the United States. And if a decent income is earned by farmers and therefore by rural townspeople, the need to migrate to the cities to find work is eliminated as well, thus reducing urban unemployment and congestion.

Second, the family farm system of agriculture in America should be supported because the livelihood of the family farmer and his posterity are tied not only to the immediate productivity of the land, but to the soil's long-range ability to nourish a crop as well. To the family farmer, farming is not just a way to make a living, it is even more a way to live. Perhaps this is why we give the family farm such a privileged place in our oratory, because it represents a rootedness in the earth which our ancestors knew much more intimately than we as a nation know today. The small- and medium-sized family farmers can give better attention to conservation practices because they know their land, and they know that their livelihood and the well-being of their children depend on caring for the soil.

The third reason I give you in support of family farming is that we as a nation and as a world are beginning to see the end of the ready availability of fossil fuels. Just in this past year farmers have needed assurances from the Secretary of Agriculture that they would receive the gasoline and diesel fuel necessary to harvest this year's crop. American agriculture, as it has moved toward larger and fewer farms, has increased the dependence upon petrochemicals for both tractor fuel and fertilizers while decreasing its dependence upon other nonpetroleum forms of energy, such as animal labor, windpower, and human effort. Small- and medium-sized family farms, by contrast, are less energy-intensive and more labor-intensive. In addition, production of alcohol by farm and community based operations can lead to energy independence for agriculture and ease the energy crunch while America moves toward other renewable forms of energy.

My fourth reason for advocating the strengthening of the family farm is that a system of family farms, as opposed to a system of fewer, larger farms, provides for a widely dispersed basis of rural economic power, so important for the functioning of a true democracy, as Thomas Jefferson knew. For where a few own the land of a nation and the food and fiber it produces, competition dies, and the few who profit thereby are ever more influential within a government meant to be by the people and for the people.

For all of these reasons, I urge that we in this deliberating body translate our words of support for the family farm into positive action for the family farm, rural America, and indeed all of America. This leads us to consider the second question which I offered at the beginning of my speech, "What can be done to foster the family farm system in the United States?"

I am introducing a bill today, the Family Farm Development Act of 1980, which is designed to improve the market position of small- and medium-sized farmers. The Family Farm Development Act authorizes research and training programs oriented toward the technological needs of small- and medium-sized farmers; provides loans for implementation of sustainable agricultural practices; eliminates unfair tax breaks which big farmers exploit; provides grants to strengthen the family ownership of farms; establishes a small-scale fuel alcohol program; expands direct marketing activities; controls unwarranted increases in consumer food prices; and authorizes legal services to low-income farmers and rural people.

In addition, Mr. Speaker, I will soon be introducing other bills which will provide for more adequate farm income. Fair income for farmers would not only help reduce farm debt, which has reached an all-time high, but also would, as we have seen, benefit rural communities and the national economy as well.

In summary, Mr. Speaker, the family farm system is indeed important to the future economic, social, and political stability of our Nation. I propose broad-based action, starting with this bill, the Family Farm Development Act of 1980, to strengthen the historically sound agricultural system of family farm ownership in the United States. In the 1980's, we in this Nation must come to a realization of the limits of our planet while still moving forward in farsighted ways to utilize nature's benefits for the good of all of humanity. We must realize that, contrary to Agriculture Department policies of the past several decades, bigger is not necessarily better in farming.

We need to realize that, in agriculture as well as in all fields of human endeavor, the more persons who participate in production and who own their assets free and clear, the less likely the chance for monopoly control to deny human dignity and ignore human needs. The bill I am introducing today will be an advancement toward, not a retreat from a broad-based, strong American agriculture, economy, and society.●

● Mr. BROWN of California. Mr. Speaker, today Mr. Nolan and I are introducing the Family Farm Development Act, a comprehensive package of initiatives designed to reemphasize the needs of small and moderate-sized family farms. This bill is the product of over a year's effort by a number of farming, rural development, and church groups concerned with the declining number of farms, the resulting impact on rural communities, and the Federal Government's lack of action to correct the situation.

As in so many areas, we in Congress and the Federal Government as a whole have been charmed by the easily digested national average figures that have come to describe American agriculture. We look with pride at net farm income figures without worrying about how that income is distributed among the farming population. We applaud figures showing record production levels and neglect the drastic decline in the number of farms. We pass legislation and devise programs to help farmers without noticing that only those farmers with accountants and tax lawyers can take full advantage of them. In fact, judging from patterns of farm ownership by nonfarming professionals, it sometimes seems that these laws were written to benefit the lawyers, doctors, accountants, and other investors rather than the farmer.

For too long we have emphasized the "get big or get out" policy started under former Agriculture Secretary Butz. We occasionally make noble gestures and fine speeches about the family farm but do little to correct the trends that are working to eliminate them. The time has come for some meaningful action.

This legislation is not an attempt to turn back the hands of time to recreate an idealized view of rural lifestyles. Farming has become a complicated profession demanding management, investment, and technical skills in order to compete in a market that is influenced as much by crop conditions in Brazil as by the rain falling on a farmer's own crops. Large agribusiness concerns can hire specialists for each of these functions while the family farmer must be able to do all of these things himself. This increasing complexity was brought home to me recently when I heard about a young man from a farming family who has chosen to go to law school rather than work on his family's farm because he "wasn't smart enough to be a farmer."

What this legislation attempts to do is to direct government resources toward providing the information, training, and financial incentives that the family farmer requires today. Most of the Department of Agriculture's programs were enacted to focus on the needs of the independent family farmer: agricultural research to investigate areas requiring scientific expertise beyond the farmer's ability, an agricultural extension service to share and apply this knowledge, a price support and financing system suited to the unique economics of agriculture. The loss of 1,000 farms a week in this Nation at the same time that net farming income figures are shown to be increasing indicates to me that the original purpose of all of these programs has been misdirected and some reorientation is needed.

There are some who will say that the family farm oriented research, extension, and economic programs envisioned by this bill are directed at farming operations that should be culled out, that the small and medium farms are inefficient operations. Some may say that these programs will stretch existing funding thin and further divide the fixed pot at USDA. I do not agree.

The shift toward fewer and larger farms may please desk-bound economists but it is contributing to erosion and neglect of conservation practices that threaten the long-term viability of agriculture. Cropping decisions made from offices in New York and Chicago, thousands of miles away from the land being farmed, cannot be made with the same care as those performed by a farmer who is faced every morning with the legacy of his decision. Even with land farmed close to the nonfarming investors who own it, decisions are based more on conditions in the market rather than the condition of the land.

And those who worry about the fixed pot of money available for agriculture and the declining agricultural research budget need look no farther than the decline in political power that results from so many farm families—voting farmers—leaving the land. I vividly recall a recent news report on the Iowa caucuses that described the farm voting block as "mostly symbolic, no longer having the power it once had." If the agricultural sector is to regain the level of influence it once had in setting national policy, or even maintain its present level, it needs to begin looking at numbers of voters, meaning numbers of farmers.

This legislation also seeks to link more closely the farmer producers and the consumer. New and expanded marketing programs would allow both the farmer and the consumer a greater range of alternatives. The direct marketing program discussed in the bill would, for many products and commodities, allow the farmers to obtain a better price for their products while providing the consumer with cheaper and fresher food. The food price review board would also work toward clarifying the economics of the food marketing system in this country and dispel the mythical adversary role between farmer and consumer. As consumers in cities and towns begin to better understand the role of the farmer in the food marketing system, the farmer will benefit from increased support.

I do not envison this comprehensive package rolling through Congress in a burst of newfound enthusiasm for the family farmer. It will take a great deal of work to move the pieces through the legislative process and much work after that to see the programs through implementation.

I am encouraged by the success of the limited resource farmer's loan program in Farmers Home Administration, a part of the Family Farm Development Act as introduced in the 95th Congress. This program has had an enthusiastic response among farmers and Congress has just earmarked 25 percent of the FmHA operating and ownership loans for the program. Designed to meet the credit needs of limited-resource farmers, the program seeks to serve the smaller farm operations facing credit difficulties in today's tight money market.

If we can move the other pieces of this bill as the opportunity presents itself, Congress can begin to rebuild the structure of American agriculture to meet our economic and human needs. I urge my colleagues to examine this legislation and join us in this effort.

Following is a summary of the legislation:

## The Family Farm Development Act: A Summary

### TITLE I: FAMILY FARM DEVELOPMENT SERVICE

This Title establishes a Family Farm Development Service within the USDA to focus attention on the family farmer's problems. This Service would have the authority to: (1) Coordinate activities within the USDA concerning development and maintenance of small and moderate-sized family farms; (2) Evaluate the impact of USDA activities on small and family farmers and communicate this evaluation to the Congress annually with recommendations for changes; (3) Develop a national long-term plan to provide the incentives for the development and application of technical assistance programs designed to improve the energy efficiency, productivity, conservation practices, marketing capabilities and economic viability of small and medium-sized family farms; and report this plan to Congress in 3½ years; (4) Set up a Family Farm Assistance Board to provide research and education grants.

### TITLES II AND III: RESEARCH, EDUCATION, DEMONSTRATION AND TRAINING PROGRAMS

#### *A. Research programs*

The USDA, through the Family Farm Development Service, will give grants to organizations, individuals, colleges and universities, agencies of a state or local government and other federal agencies to conduct research concerning small and moderate-sized family farms. This research shall include the following: (1) Why the number of farms in this country has declined and how this trend could be reversed; (2) Land ownership; (3) How to enhance the life-style of small and moderate-sized family farmers, including community services; (4) How to develop energy efficient, appropriate farm techniques and technologies that are low-in-cost and environmentally protective; (5) How to increase and improve nutrient levels and humus content of the soil, increase soil productivity and reduce nutrient run-off and water pollution from farming; (6) How to improve methods of integrated pest control; (7) Studies of agricultural methods used in other countries and potential application in the U.S.

#### *B. Education, training, and demonstration programs*

The FFDA creates several new programs and amends old ones in order to change the emphasis of existing education and demonstration programs, including: (1) Broadening the small farm extension program (often called the "para-professional program") to include every state. It will give small farmers financial, managerial, credit, bookkeeping, marketing, conservation and cropping assistance. The para-professionals shall be local people, preferably small farmers themselves, to the greatest extent possible; (2) Establishing Farm Demonstration and Training Centers in rural areas of each state to help train new farmers in improved methods of small and moderate-sized farming and simultaneously demonstrate the new methods and technologies being researched which are energy-efficient, low-in-cost, and environmentally protective; (3) Training at least one USDA agent per state to work with small and family farmers to install and operate appropriate technology on the farm. (4) Establishing a program to teach and demonstrate sustainable agriculture and integrated pest control methods, soil and water conservation methods, and methods which increase the humus content of the soil to family farmers; (5) Authorizing the creation of a new USDA "Apprenticeship Program" to provide instruction in agricultural practices geared toward application on small and medium-sized family farms.

### TITLE IV: FARMERS HOME LOAN PROGRAMS

This title changes Farmers Home Loan programs so that they offer low interest, balloon repayment loans to farmers who initiate sustainable agriculture techniques or integrated pest management programs. It also makes loans available to farmers who want to install appropriate technology on their farms.

### TITLE V: TAX CODE AMENDMENTS

The Family Farm Development Act changes the Internal Revenue Code to help prevent non-farm corporations and outside investors from using losses or expenses from farming to offset profits earned off the farm. To do this, the FFDA makes the following changes in tax laws: (1) The total amount of tax deductions allowable for a farmer cannot exceed an amount equal to the sum of gross income derived from farming plus a maximum of $17,500 in non-farm gross income. In cases where non-farm income exceeds $17,500 (the current median national income), the allowable non-farm income total will be reduced by that excess, but not below zero; (2) Farmers whose gross income from farming exceeds $100,000 would have to use accrual (as opposed to cash) accounting methods to determine taxable income; (3) Foreign investors will be required to pay capital gains on profits made from the purchase or sale of farm or other rural land; (4) Foreign investors will be required to report farm or rural land buildings, sales or acquisitions to the I.R.S.

### TITLE VI: GRANTS TO COMMUNITIES FOR FAMILY FARM OWNERSHIP

This title provides for federal grants through the Farmers' Home Administration, to county or city governments or local community development organizations for the purchase of farmland. The grant recipient will establish a revolving loan fund which can then sell the land to new, small or limited resource family farmers. The land can be sold in parcels no larger than the smaller of 640 acres or twice the average farm size in the county in which the parcel is located. A board made up of representative members of the local community will administer and oversee the program in each community.

### TITLE VII: SMALL SCALE ALCOHOL PRODUCTION

This title sets up a program of federally-insured, low interest loans available to communities, non-profit organizations, cooperatives, individuals and community development corporations (CDC) for the construction of small scale (i.e., plants whose capacity is 500,000 gallons per year or less) alcohol plants. (Alcohol, when combined with gasoline, produces gasohol). Under this title, plants can be operated in one of several ways: on the farm for direct use by a farmer or group of farmers; in a community, run by a community development corporation or cooperative, etc., or as a portable unit operated by a farmers' cooperative, a CDC, etc., for use by farmers in a specified geographical area.

### TITLE VII: NEW FARM MARKETING PROGRAMS

This title creates several marketing programs and expands some existing ones. The title broadens the authority of the Farmer Cooperative Service to give small and moderate-sized family farmers the technical assistance and information necessary to establish marketing cooperatives. The title also directs the Agricultural Marketing Service to evaluate its programs in order to determine the extent to which they aid small and moderate-sized family farmers and to determine ways they could be made more useful to such farmers.

Under this title, the National School Lunch Program is changed so that states can use a portion of the federal allotment they are given to purchase federal surplus commodities to create a fund with which to purchase state-grown surplus commodities.

This title also establishes a Federal-State Direct Marketing Program that will permit a state government or private non-profit organization to submit a proposal to USDA for the creation of a state-wide direct marketing system. Programs will be funded on a 75/25 federal-state or federal-nonprofit institution basis. Program monies will be awarded for a three-year period and will cover the establishment and operation of marketing systems. Selection will be made on a competitive grants basis.

### TITLES IX AND XI: FOOD PRICE REVIEW BOARD/UNFAIR TRADE PRACTICES

These two titles of the FFDA would do the following: (1) Set up a Food Price Review Board housed in USDA, which would have oversight authority over increases in food prices. Board would represent the interests of farmers, consumers, the food industry and federal agencies. This Board would conduct hearings to investigate causes of food price increases. It would also have the authority to recommend to the President that he roll back food prices if increases are found to be unwarranted; (2) Require that the USDA publish regularly for all major food commodities a comparison of consumer retail prices and prices received by farmers for those commodities on a unit price basis. This information would be posted in all retail food stores under regulations to be established by the USDA.

### TITLE X: LEGAL SERVICES TO FARMERS AND RURAL PEOPLE

The Family Farm Development Act would increase the funding to the Legal Services Corporation by $30 million to provide legal services to rural people, with an emphasis on farmers, particularly for problems related to the ownership and operations of farms. $1 million of these funds will fund research and dissemination of that research on legal/administrative issues related to the ownership and operation of farms. Legal Services Corporation will be required to publish a report each year documenting its services and programs to farmers and rural people.●

## GAMBLERS FIND ANTHONY DOLLAR UNLUCKY LADY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, gamblers like to have Lady Luck with them when they play, but apparently Susan B. Anthony, who appears on the new dollar coin, is not that lady, according to reports from the casinos at Atlantic City.

It seems that gamblers would rather play with the large Eisenhower dollar rather than the new mini-dollar. According to figures from the New Jersey Casino Control Commission, slot machines that accept the Eisenhower got an average of 53,500 plays per month, while machines that accepted the Anthony dollar only averaged 43,000 per month. In November 1979, $26 million were played in the Resorts International Casino's dollar slot machines, which accept only the large Eisenhower dollar. Only $15 million went into the Boardwalk Regency's Anthony slot machines.

What makes these figures even more remarkable is that the odds from the Anthony machines are better. The Eisenhower machines keep on the average about 12.3 cents for every dollar played. The Anthony machines keep only 10.7 cents on the dollar. Even so, play on the mini-dollar machines has been so disappointing that the Boardwalk Regency has cut back on its slot machine play.

An official at one of the casinos stated:

> It was a psychological advantage to have a nice big coin so you can hear the noise and the clanging when you hit a winner.

That observation is a good example of how far off the mark predictions the Mint made about this coin were. In one of its brochures, the Mint claimed that one of the advantages of the dollar coin would be that it was "easy to hear when dropped." Unfortunately, it seems that gamblers have found just the opposite to be true.

This lack of acceptance of the new dollar coin in the gambling casinos may have its beneficial side, however. Some of the casinos are experimenting with 50-cent machines because of the difficulty in getting enough quantities of the large Eisenhower dollar and the gamblers' aversion to the smaller dollar. It is possible that these half-dollar machines may become more popular than the Anthony machines. If that is so, the Anthony dollar will show that it does have an adavantage over the larger dollar. Through its unpopularity, it will encourage people to spend 50 cents rather than $1 in playing the slot machines and thereby help save people's money.●

## WE'RE NO. 1

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, over the weekend statistics were released which will bring a smile to the faces of the California agriculture community. The State food and agriculture department reported farm income in 1979 to have reached a nationwide high of $12 billion, an increase of 16 percent over the previous year. Production rose by a rate of 10 percent. Again, California has retained its longtime position as the Nation's No. 1 farm State.

A recent survey of American farming in the Economist characterized California farmland as "a Garden of Eden, a grower of almost everything and the richest agricultural State in the Union."

Usually when one thinks of California, they think of the sunny beaches and scenic coastline. They think of the glamour of chic Beverly Hills specialty shops, the excitement of Hollywood movie sets, the beauty of San Francisco. Few realize, however, that agriculture is the State's greatest single source of wealth. It is responsible for the production of one quarter of the Nation's table food, and directly or indirectly provides jobs for one out of every three Californians. Each year, California produces the greatest variety of fresh fruits, grains, vegetables, meats, and poultry available anywhere in the world.

California ranks first in the Nation in the production of 46 types of crops and livestock and second in 15 others.

California supplies more than a third of the fruit and a fourth of the vegetables grown in the United States. More than 90 percent of all apricots, dates, figs, grapes, raisins, lemons, dried prunes, nectarines, pomegranates, persimmons, olives, broccoli, avocados, artichokes, walnuts, and almonds in the United States are grown in California.

The state is the leading grower of sugar beets, barley, tomatoes, celery, onions, garlic, safflower, lettuce, spinich, chili peppers, lima beans, asparagus, brussels sprouts, carrots, cauliflower, plums, peaches, pears, strawberries, cantaloupe, honeydew and persian melons, honey, eggs and plants and flowers. Along with Florida, California contributes the bulk of the Nation's citrus fruit, and it ranks among the leading producers of hops, cotton, rice, potatoes, dry beans, cucumbers, parsley, herbs, and cherries.

California is No. 1 in the production of cottage cheese, frozen dairy desserts and yogurt, and ranks second in the production of milk and cream. No other State exceeds California in the production of processed foods and beverages. It is the leading producer of domestic wines and brandies.

Mr. Speaker, I am proud to represent the No. 1 agricultural district in the No. 1 agricultural State. The next time you think of California, though, think of more than those Sun-drenched beaches and all that lovely scenery. Think of all the delicious foods that are your favorites. Chances are they come from California, where our farmers enjoy growing as much as you enjoy eating.●

## H.R. 6144—STEELHEAD TROUT DECOMMERCIALIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Bonker) is recognized for 10 minutes.

● Mr. BONKER. Mr. Speaker, the decommercialization of steelhead trout is an initiative that has been held hostage for years while a comprehensive solution to a range of fishing problems was developed.

After nearly 2 years of study by the President's Task Force on Northwest Fisheries, and another year and one-half of negotiations among the several interest groups involved, the administration forwarded a proposed bill to Congress that addressed only peripherally the steelhead trout issue.

Basically, the situation faced by this species is simple. Less than 100,000 steelhead trout are available for harvest each year, and the trend in this number has been downward since State law that protected the species from commercial exploitation was overridden by Federal court decisions on Indian treaties.

If steelhead trout were as easily enhanced through artificial production as some species of salmon have proven to be, perhaps there would be no need to take any action other than providing additional Federal funding assistance to the State. Such is not the case. And, if the inability to provide the minimal funding necessary to meet the court-ordered monitoring and management activities is any example, the Congress cannot expect to ever arrive at a point in time when the needs of this species are met automatically.

For these reasons nine Northwest Members and Representative John Dingell have joined me in introduction of H.R. 6144 to decommercialize steelhead trout. Our purpose is to return steelhead trout to their former game fish status. It does not attempt to prohibit Indian fishing. It simply recognizes that the number of steelhead available will not support the harvesting pressure that is brought to bear because Indians are allowed to sell steelhead trout. And, because there has been tremendous economic dislocation among all segments of the fishing community as conservation and management efforts proceed, H.R. 6144 seeks to set a precedent that requires Federal funding to offset income loss.

Many have assumed that prohibition of sale of steelhead is a treaty right abrogation that must be compensated. However, the legislation simply attempts to acknowledge the dwindling status of steelhead trout and replace net fishing pressure on the species with income replacement grants before other Government action is forced through existing statute that would require a cessation of all fishing by all parties on the fish.

It might seem farfetched that anyone could foresee a time when the species would become so limited in number that it could become "threatened" or "endangered." As long as it was a game fish only and sale of the fish was prohibited, no such problem was envisioned. Hook and line pressure was minimal and selective. But commercial exploitation of the species has changed all that and netting of the fish has resulted in 80 to 90 percent of the total number of fish available for harvest in some streams being taken.

It is fallacious to believe an initiative that prohibits the sale of steelhead trout will bring hardship and economic ruin to Indians who net the species. Let us examine the figures involved. The best information available places the number of Indians who net steelhead for the purpose of selling them to markets at approximately 700. They catch a total of nearly 50,000 fish. H.R. 6144 contains a provision of $10,000,000 to replace income lost by those 700 fishermen. The funds envisioned by the legislation provide income replacement grants for these few hundred fishermen for several years, but in any case the bill specifically provides for continuing the grant program as long as the act remains in place.

The bill does not adversely affect the subsistence and ceremonial catch of steelhead trout by Indians. Nor does it provide for replacement of the species by salmon. The bill simply recognizes what even Judge Boldt recognized. There must be a concern about conservation of species. This concern cannot be addressed easily in an atmosphere of fractured management that has several Indian tribes determining the status of the stocks on the many reservations and the state managing all other areas.

H.R. 6144 is separate from the comprehensive proposal that the administration forwarded to Congress in mid-December, but it could become an amendment to the larger bill. Whichever course it follows, there is general agreement that steelhead trout is a severe problem facing the region and must be addressed quickly before the species becomes endangered.

To insist that treaty provisions must be met regardless of all other considerations, ignores the certain loss of this tremendous game fish due to continual net harvesting of the species.

This cannot be allowed to happen. Though other approaches offer some remedial protection this legislation is a thoughtfully developed, fair minded attempt to accomplish the protection of steelhead while minimizing adverse effects on the fishermen who currently derive a portion of their income from netting and selling steelhead trout.●

## MILITARY SALES TO THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Wolff) is recognized for 15 minutes.

● Mr. WOLFF. Mr. Speaker, I have today been informed—not consulted—in my capacity as chairman of the Subcommittee on Asian and Pacific Affairs that previous administration assurances to the contrary, Secretary Brown negotiated unspecified military sales to China during his recent visit, and that the administration will be asking Congress to authorize such sales in the near future.

Delivered to my subcommittee today was a statement by Assistant Secretary of Defense for Public Affairs, Thomas B. Ross, with no time or embargo notice, as follows:

> Statement by Assistant Secretary of Defense (Public Affairs) Thomas B. Ross
>
> Technology transfer was one of the major topics of discussion during Secretary Brown's recent visit to the PRC. During his discussion there, he indicated that the U.S. is prepared to sell to the Chinese civilian technology which we would not approve for sale to the Soviet Union. This position grew out of the visit of Vice President Mondale to China last August. While the discussions with the PRC during Secretary Brown's visit focused primarily on the sale of civilian technology, designed to assist China in its industrial and economic modernization, it was recognized that some of the technology could also be used for military purposes.
>
> During his visit, Secretary Brown also indicated that the U.S. was prepared to consider, on a case-by-case basis, the sale of certain carefully selected items of support equipment also suitable for military use, e.g., trucks, communications gear, and certain types of early warning radar. At the same time, he made clear that the U.S. has not changed its position that it has no plans to sell arms or weapons systems to China.
>
> No decision has been made as to what specific equipment might be sold to China, nor have the Chinese made specific requests. We are studying this issue carefully now, have informed Congress of our intent, and have held preliminary meetings with the Chinese during Secretary Brown's visit.

The above statement is a classic case of bureaucratic doubletalk. If early warning radar, trucks and communications gear are not military equipment, I take it nothing short of nuclear missiles will be considered truly sensitive by the administration. Only recently, the administration has noted the Soviet use of trucks produced by the Kama River plant—constructed by the United States—to invade Afghanistan. This administration's memory is apparently very short, and very selective.

However, there are some larger issues here—issues of policy, fact and principle—which need to be discussed.

First, today's announcement absolutely contradicts previously stated administration policy, and administration statements to my subcommittee, and the Subcommittee on Economic Policy and Trade, during our futile attempt to learn what Secretary Brown would discuss before he went to China.

Acting on the assurances we received at that time from Assistant Secretary of State Richard Holbrooke, Assistant Secretary of Defense Michael Armacost, and Deputy Assistant Secretary of State Roger Sullivan, my subcommittee subsequently undertook a study mission to Asia, where we met with the leaders of South Korea, Japan, Taiwan, the Philippines, Indonesia, Thailand, and the People's Republic of China.

Actively encouraged to do so by our respective ambassadors—except in the PRC—our delegation assured President Choe, Prime Minister Ohira, President Chaing, President Marcos, President Suharto, Prime Minister Kriangsak, their respective Foreign Ministers, Defense Ministers, and other key public and private citizens that the United States appreciated the sensitivity of the issue of military assistance to the People's Republic of China, and that it had no plans to authorize such assistance.

Thus, my second point is that Members of Congress were used to spread false assurances to our friends and allies in Asia. We have more than a "credibility gap" problem here; we have a genuine "shokku" not only to Japan, which has still not recovered from the inept administration handling of the Korean troop withdrawal issue, but also to our other friends and allies in Asia—all of which have considerable, and legitimate, questions concerning the issue of U.S. military sales to China.

This leads to the third point I would like to make today—that the above arguments are doubly serious because the case for direct U.S. military assistance to China is not clear, either in terms of its implications for the United States-China-Soviet Union "triangular relationship," or in terms of what China plans to do with U.S. backing.

During our delegation's mission to Peking last week, we repeatedly asked top Chinese officials, including Vice Premier and former Foreign Minister Gi Pongfei, and Vice Foreign Minister Zhang Hanjin, to specify how they planned to back up the United States in all the regions of the world in which they so eloquently criticize U.S. policies—particularly in the Middle East, Afghanistan, and Pakistan.

I am not saying that at some time, under some circumstances, the United States should not consider direct military assistance to China. But, under the present circumstances, when the Chinese refuse to commit themselves to any specific course of action, common, parallel, or any of the other current catch phrases not withstanding, areas of vital U.S. and Western interest remain the recipients of Chinese rhetoric only, there is no "quid" for U.S. assistance.

The Chinese can offer only two apparent "quids" in return for U.S. assistance—the one explicit but hardly direct, the other implicit at best.

First, the Chinese state that their stance against the Soviet Union ties up 1 million Russian troops which could otherwise be deployed against Western Europe, or other parts of the world. However, since this is in China's direct self-interest, indeed, self-defense, I find it hardly an act of strategic altruism, or proof of Chinese reliability in the event of the need for concerted action with the United States and the West in the fact of a threat from the Soviet Union.

Perhaps more positive, although clearly in a negative future situation, was the inference our delegation was allowed to draw from eliptical Chinese statements regarding their actions should Vietnam launch a full-scale invasion of Thailand. We emerged from our discussions with senior Chinese officials with the impression that China would use military force, or at least, that China had not ruled out in advance the use of military force, in the event of such a Vietnamese invasion.

Thus, in return for breaking a longstanding U.S. policy, founded on very sound reservations on our part, as well as those of our longstanding friends and allies throughout Asia, the best we can come up with at the moment is the impression that the Chinese might do something if Thailand is invaded, but that in any event, we would have to wait and see even then.

I and a number of my colleagues will require some specifics before we can sign off on any military sales to the People's Republic of China. We will need to know what the United States will be getting in return, and what the long-term political and strategic implications of this reversal of administration policy will be.

Clearly, today's announcement is an opening wedge, taken without consultation, which directly contradicts what we have been told before.

Our Chinese friends, on our recent visit, kept saying, in effect, "trust us." This is what President Carter has been asking for 3 years.

I wish it were that easy.●

## EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I am submitting to the House today a notification from the U.S. Export-Import Bank on proposed financing to facilitate the sale of $103.8 million worth of McDonnell Douglas DC-10-30 jet aircraft to SABENA Belgian World Airlines of Belgium.

The Eximbank proposes to extend a direct credit of $62,287,200 and to guarantee a commercial loan of $31,143,600 to enable SABENA to purchase two DC-10-30 aircraft, spare engines, and related parts and services. The total export value of the sale is estimated at $103,812,000.

In addition, the Eximbank is prepared to extend a preliminary commitment for future financing of up to $50,417,000 to help SABENA buy another DC-10-30 valued at $56,019,000. SABENA also has indicated it may submit an application later for financing of a fourth aircraft.

This notification has been referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, requires the Bank to notify the Congress of proposed loans or financial guarantees or combinations thereof of $100 million or more. Unless Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress following notification.

I am submitting for the RECORD correspondence from the Eximbank giving the terms and details of this proposed transaction. I would welcome any comments or questions my colleagues might have on this financing proposal.

EXPORT-IMPORT BANK OF THE
UNITED STATES,
*Washington, D.C., December 19, 1979.*
Hon. STEPHEN L. NEAL,
*Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Washington, D.C.*

DEAR MR. CHAIRMAN: In accordance with Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, I have reported to the President of the Senate and the Speaker of the House of Representatives on an application currently pending consideration by the Bank. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

JOHN L. MOORE, Jr.

---

EXPORT-IMPORT BANK OF THE
UNITED STATES,
*Washington, D.C., December 18, 1979.*
The SPEAKER OF THE HOUSE
OF REPRESENTATIVES,
*The Speaker's Room,*
*Washington, D.C.*

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank, hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to Belgium:

### A. DESCRIPTION OF TRANSACTION

#### *1. Purpose*

Eximbank is prepared to make a credit of $62,287,200 and a financial guarantee of a commercial loan of $31,143,600 (Commercial Loan) available to SABENA to facilitate the purchase in the United States by SABENA of the U.S. components of two new McDonnell Douglas DC-10-30 jet aircraft, spare engines and related parts and services. The total U.S. export value for this transaction is estimated to be $103,812,000.

In addition to the aircraft proposed for sale in this transaction, Eximbank has issued a preliminary commitment to SABENA in which it has indicated the terms and conditions under which it will be prepared to extend up to $50,417,100 of additional financing to SABENA to assist it in the purchase of one McDonnell Douglas DC-10-30 jet aircraft and related spare parts to meet its needs for increased traffic on its routes and replacement of its Near and Far Eastern fleet. The total U.S. export value for these additional purchases is estimated to be $56,019,000. Furthermore, SABENA has indicated plans to purchase one additional McDonnell Douglas DC-10-30 for which it may submit an application for financing to Eximbank at a later date.

The Eximbank Credit and Guarantee for this transaction, together with the Eximbank financing contemplated in the preliminary commitment, would fall within the purview of cases to be referred to Congress under Section 2(b)(3)(i) of the Eximbank Act.

*2. Identity of the borrower*

SABENA Belgian World Airlines is the national airline of Belgium and is wholly owned by the Kingdom of Belgium. Its routes are worldwide with its principal ones being within Europe and to Africa and the Far East. Eximbank has dealt with SABENA since 1966 and all loan repayments have been made on a timely basis.

The Kingdom of Belgium will unconditionally guarantee repayment of the Eximbank Credit and the Commercial Loan.

*3. Nature and use of goods and services*

The principal goods to be exported from the United States at this time are two commercial jet aircraft to be used by SABENA to replace aging equipment at its operations in Africa and the Near East, and to service new routes in these areas being considered by the airline. Delivery of the aircraft is scheduled for August and September of 1980. The additional aircraft covered by the preliminary commitment will be exported in 1981 and will be utilized primarily for routes to SABENA'S South East Asia, Far Eastern and Mideastern destinations.

B. EXPLANATION OF EXIMBANK FINANCING:

*1. Reasons*

Eximbank's financing support for the export of U.S. aircraft has assisted U.S. aircraft manufacturers in obtaining approximately 80 percent of the world market for commercial jet aircraft. Through 1990, aircraft purchases by foreign airlines are expected to account for approximately 40 percent of total U.S. aircraft sales. Over the next two to three years several large foreign airlines will be undertaking major reequipment programs, and most airlines choosing a particular aircraft type will continue with future purchases of the same models to maintain fleet continuity. During these next few years there will be intense competition from foreign aircraft and engine manufacturers and they will be supported by subsidized export credit from government sources. Eximbank believes it must be sensitive to purchasers' needs during this period of new product selection to insure that U.S. aircraft and engine manufacturers are able to offer attractive financing which helps them to sustain their position as a leading U.S. export sector.

Eximbank is prepared to extend financing to SABENA for ninety percent of the U.S. costs of the DC-10 aircraft in order to meet government-supported subsidized financing offered in support of a competing European Airbus proposal.

McDonnell Douglas estimates that the export of these two DC-10 aircraft will provide 1,176 man/years of work for Douglas Aircraft, and other McDonnell Douglas subsidiaries. Additional benefits which will flow to the United States from the transaction include sizeable follow-on exports of spare parts, ground support and other related equipment.

*2. The financing plan*

The financing plan for the total U.S. procurement supported by Eximbank is as follows:

| | Percent of U.S. costs | Amount |
|---|---|---|
| Cash payment | 10 | $10,381,200 |
| Commercial loan (covered by the Eximbank guarantee) | 30 | 31,143,600 |
| Eximbank credit | 60 | 62,287,200 |
| Total | 100 | 103,812,000 |

(a) Eximbank Charges. The Eximbank credit will bear interest at the rate of 8.375% per annum. Eximbank will charge a commitment fee of ½ of 1% per annum of the undisbursed amounts of the Eximbank Credit and a guarantee commitment fee of ⅛ of 1% per annum on the undisbursed amount of the Commercial Loan. Eximbank will also charge a guarantee fee of ½ of 1% per annum on the outstanding balance of the Commercial Loan by SABENA.

(b) Repayment Terms. Aggregate disbursements under the Commercial Loan and Eximbank Credit will be repaid by SABENA in a repayment schedule of 20 equal semiannual installments beginning March 31, 1981. The Commercial Loan will be repaid from the first through the seventh installment of and the Eximbank Credit will be repaid from the seventh through the twentieth installment of the schedule.

Attached is certain additional information on Eximbank activity in and economic data on the country involved in this transaction.

Sincerely,

JOHN L. MOORE, Jr.

ATTACHMENT I

EXIMBANK EXPOSURE IN BELGIUM

(as of Oct. 31, 1979)

| | Outstanding | Undisbursed |
|---|---|---|
| Direct loans | $65,287,020.00 | 0 |
| CFF loans | 16,826.99 | 0 |
| Financial guarantees | 7,973,795.46 | 0 |
| Bank guarantees and other | 0 | |
| Insurance: | | |
| Medium term | 820,761.55 | $17,838.45 |
| Short term | 23,800,071.95 | 0 |
| Total for Belgium | 97,898,475.95 | 17,838.45 |

*Defaults and reschedulings*

In the past ten years there have been no defaults or rescheduling of Export-Import Bank direct credits for U.S. export sales in Belgium.

Economic data: Belgium.

Area: 31,000 sq. km.

Population: 9.8 million (mid-1977).

Population density: 317 per sq. km.

Growth rate: 0.2 percent.

| | Percent |
|---|---|
| Sources and uses of national product: | |
| Sources (1977): | |
| Agriculture | 2 |
| Industry | 38 |
| Services, including Government | 60 |
| GDP | 100 |
| Uses (1977): | |
| Consumption | 61 |
| Government | 17 |
| Capital formation | 21 |
| Exports less imports | 1 |
| GNP | 100 |

| | 1976 | 1977 | 1978 | 1979 (estimate) |
|---|---|---|---|---|
| GNP data: | | | | |
| Billions of dollars (nominal, at BF 30 per dollar) | $88.2 | $95.7 | $101.9 | $111.3 |
| Growth rate (real) (percent) | 5.8 | 1.2 | 2.0 | 3.5 |
| Per capita (nominal) | $9,100 | $9,700 | $10,300 | $11,300 |
| Fiscal and monetary data: | | | | |
| Government deficits, including investments (billion at BF 30 per dollar) | $4.4 | $5.4 | $6.3 | $7.0 |
| Deficits as percent of GNP | 4.9 | 5.6 | 6.1 | 6.3 |
| Increases in money supply (percent) | 13.1 | 9.1 | 6.2 | [1] 5.5 |
| Price data (percent): | | | | |
| Consumer price increases | 9.2 | 7.1 | 4.5 | 6.0 |
| Wholesale price increase | 7.1 | 2.4 | −2.0 | [2] 6.7 |
| Labor data (percent): | | | | |
| Wage increase (hourly) | 11.5 | 9.1 | 6.8 | 6.0 |
| Unemployment | 5.8 | 6.7 | 7.1 | [3] 7.1 |
| Productivity increases (manufacturers) | 9.7 | 7.6 | 4.3 | 4.5 |
| Balance of payments data (Belgium and Luxembourg) (billions of dollars): | | | | |
| Exports, f.o.b | $27.0 | $33.4 | $40.0 | $43.0 |
| Imports, f.o.b | 27.6 | 34.7 | 41.0 | 44.5 |
| Trade balance | −.6 | −1.3 | −1.0 | −1.5 |
| Current account balance | −.3 | −.4 | −.6 | .2 |
| Capital account flows (net) | −.3 | .7 | .3 | .4 |
| Overall balance | −.6 | .3 | −.3 | .6 |
| External financial position (billions of dollars at BF 30 per dollar): | | | | |
| Net foreign assets of banking system | $4.6 | $3.8 | $2.2 | [4] $1.8 |
| Reserve data (billions of dollars): | | | | |
| Foreign exchange | $3.5 | $4.0 | $4.0 | [5] $5.9 |
| Gold (market prices) | $5.3 | $6.3 | $8.2 | [5] $12.1 |
| Cover for months of imports | 3.0 | 3.1 | 3.0 | 3.8 |

[1] January–June.
[2] January–August.
[3] July.
[4] June.
[5] September. ●

□ 1730

## GENERAL LEAVE

Mr. LUNDINE. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from Minnesota (Mr. NOLAN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NELSON (at the request of Mr. WRIGHT), for today, on account of illness.

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), after 12:30 today, on account of official business.

Mr. YOUNG of Alaska (at the request of Mr. RHODES), for today, on account of official business.

Mr. YATES (at the request of Mr. ROSTENKOWSKI), for January 23 and 24, on account of illness.

### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Dougherty) to revise and extend their remarks and include extraneous material:)

Mr. Quillen, for 10 minutes, today.
Mr. Cleveland, for 5 minutes, today.
Mr. Sebelius, for 5 minutes, today.
Mr. Ritter, for 5 minutes, today.
Mr. Courter, for 5 minutes, today.
Mr. Solomon, for 60 minutes, on January 28.

(The following Members (at the request of Mr. Lundine) to revise and extend their remarks and include extraneous material:)

Mr. Rodino, for 5 minutes, today.
Mr. Nolan, for 5 minutes, today.
Mr. Gonzalez, for 15 minutes, today.
Mr. Annunzio, for 5 minutes, today.
Mr. AuCoin, for 5 minutes, today.
Mr. Bonker, for 10 minutes, today.
Mr. Wolff, for 15 minutes, today.
Mr. Neal for 5 minutes, today.
Mr. Coelho, for 5 minutes, today.

### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Goldwater, immediately prior to the vote on House Concurrent Resolution 249 today.

(The following Members (at the request of Mr. Dougherty) and to include extraneous matter:)

Mr. Collins of Texas in three instances.
Mr. Pursell in two instances.
Mr. Wydler.
Mr. Rudd.
Mr. Ashbrook in two instances.
Mr. Derwinski in two instances.
Mr. Fish.
Mr. Broyhill.
Mr. Carter in three instances.
Mr. Michel.
Mr. Kramer.
Mr. Lee.
Mr. Lagomarsino.
Mr. Hillis.
Mr. Ritter.
Mr. Paul in five instances.
Mrs. Fenwick.
Mr. Courter.
Mr. Hollenbeck.
Mr. Bob Wilson.

(The following Members (at the request of Mr. Lundine) and to include extraneous matter:)

Mr. Heftel.
Mr. Guarini in five instances.
Mr. Seiberling in 10 instances.
Mr. Nelson.
Mr. Lehman.
Mr. Edwards of California.
Mr. Addabbo.
Mr. Beilenson.
Mr. Coelho.
Mr. Oberstar in two instances.
Mr. Barnes.
Mr. Maguire.
Mr. Mineta.
Mr. Rangel.
Mr. Stewart.
Mr. Obey.
Mr. Kazen.
Mr. Wolff.
Mr. Nowak.
Ms. Mikulski.
Mr. Atkinson.
Mr. Solarz.
Mr. Miller of California.
Mr. Zablocki in two instances.
Mr. Roe.
Mr. Dodd.

### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1730. An act to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe; to the Committee on Interior and Insular Affairs.

### ADJOURNMENT

Mr. STRATTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, January 28, 1980, at 12 o'clock noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3282. A letter from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit persons from foreign countries to receive instructions at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes; to the Committee on Armed Services.

3283. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on United States readiness of the Air Force's proposed sale of certain military equipment and services to Morocco (Transmittal No. 80–22), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

3284. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain military equipment and services to Morocco (Transmittal No. 80–23), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

3285. A letter from the President of the United States, transmitting a report on progress toward the conclusion of a negotiated solution of the Cyprus problem, pursuant to section 620C(c) of the Foreign Assistance Act of 1961 (H. Doc. No. 96–258) as amended; to the Committee on Foreign Affairs and ordered to be printed.

3286. A letter from the President of the United States, transmitting a report on equitable tax treatment of U.S. citizens living abroad, pursuant to section 611 of Public Law 95–426, as amended (93 Stat. 405); to the Committee on Foreign Affairs.

3287. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment and services to Morocco (Transmittal No. 80–21), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3288. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment and services to Morocco (Transmittal No. 80–22), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3289. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment and services to Morocco (Transmittal No. 80–23), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3290. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3291. A letter from the Secretary of Commerce, transmitting an interim report on the planning and construction of facilities for the 1980 Winter Olympic Games, covering fiscal year 1978, pursuant to section 5 of Public Law 94–427; to the Committee on Interstate and Foreign Commerce.

3292. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report for fiscal year 1979 on the Department's administration of the Fair Packaging and Labeling Act, pursuant to section 8 of Public Law 89–755; to the Committee on Interstate and Foreign Commerce.

3293. A letter from the Secretary of Health, Education, and Welfare, transmitting a report that the Department made no grants under section 27 of the Toxic Substances Control Act during calendar 1979, pursuant to section 27(c) of the act; to the Committee on Interstate and Foreign Commerce.

3294. A letter from the Deputy Secretary of Energy, transmitting a sample quarterly report on the supply and demand for middle distillates by State, pursuant to section 242 (a) of Public Law 96–102; to the Committee on Interstate and Foreign Commerce.

3295. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting his study of legal requirements and administrative procedures involved in consideration of proposed wholesale electric rate increases, pursuant to section 207(b) of Public Law 95–617; to the Committee on Interstate and Foreign Commerce.

3296. A letter from the Federal Cochairman, Ozarks Regional Commission, transmitting the 1979 annual report of the Commission, pursuant to section 510 of the Public Works and Economic Development Act of 1965; to the Committee on Public Works and Transportation.

3297. A letter from the Chairman, International Trade Commission, transmitting a revision to a previously submitted draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1981; to the Committee on Ways and Means.

3298. A letter from the Comptroller General of the United States, transmitting a report on the audited accounts of the U.S. Capitol Historical Society for the year ended January 31, 1979, pursuant to section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–1) (GGD–79–2, December 5, 1978); jointly, to the Committee on Government Operations, and the Judiciary.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. H. Res. 534. A resolution providing for the consideration of H. Con. Res. 249 urging the U.S. Olympic Committee, the International Olympic Committee, and the Olympic committees of other countries to take certain actions with respect to the 1980 summer Olympic games, in accordance with the requests of the President. (Rept. No. 96–736). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, bills and resolutions of the following titles were introduced and severally referred, as follows:

[*Omitted from Record of January 23, 1980*]

By Mr. NEAL:

H.R. 6284. A bill to amend the Energy Policy and Conservation Act to reduce from 20 percent to 5 percent the minimum shortfall of petroleum supplies which the President must find exists before a rationing contingency plan may be put into effect under section 202(d)(2)(A) of such act; to the Committee on Interstate and Foreign Commerce.

[*Introduced January 24, 1980*]

By Mr. BALDUS (for himself, Mr. Anthony, Mr. Jones of Tennessee, Mr. Akaka, and Mr. Coelho):

H.R. 6285. A bill to amend the Egg Research and Consumer Information Act; to the Committee on Agriculture.

By Mr. BROWN of Ohio:

H.R. 6286. A bill to amend the Federal charter of the Boy Scouts of America with respect to its annual report to Congress; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 6287. A bill to reinstate the tax treatment with respect to annuity contracts with reserves based on a segregated asset account as they existed prior to issuance of Revenue Ruling 77–85; to the Committee on Ways and Means.

By Mr. GRAY (for himself, Mr. Bonker, Mr. Wright, Mr. Ford of Tennessee, Mr. Wolpe, Mr. Oberstar, Mr. Diggs, Mr. Mitchell of Maryland, Mr. Evans of the Virgin Islands, Mr. Barnes, Mr. Charles Wilson of Texas, Mr. Edwards of California, Mrs. Collins of Illinois, Mr. McCloskey, Mr. Downey, Mr. Bingham, Mr. Clay, Mr. Hawkins, Mr. Stokes, Mr. Stark, Mr. Fauntroy, Mrs. Chisholm, Mr. Rangel, Mr. Simon, Mr. Wolff, Mr. McHugh, Mr. Bedell, Mr. Green, Mr. Murphy of Illinois, Mr. Ottinger, Mr. Lederer, Mr. Solarz, Mr. Leland, Mr. Dellums, Mr. Stewart, Mr. Conyers, Mr. Pease, Mr. Derwinski, Mr. Sensenbrenner, Mr. Brodhead, and Mr. Fascell):

H.R. 6288. A bill to establish the African Development Foundation; to the Committee on Foreign Affairs.

By Mr. GUARINI:

H.R. 6289. A bill to amend the Department of Education Organization Act to establish an Office of Private Education; to the Committee on Education and Labor.

By Mr. HALL of Texas:

H.R. 6290. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of individuals who have attained the age of 62 interest received during any taxable year; to the Committee on Ways and Means.

By Mr. HARKIN (for himself, Mr. Jones of Tennessee, Mr. Baldus, and Mr. Nolan):

H.R. 6291. A bill to amend the Emergency Agricultural Credit Adjustment Act of 1978 and the Commodity Credit Corporation Charter Act to extend and increase certain agricultural loan programs, and for other purposes; to the Committee on Agriculture.

By Mr. LONG of Maryland:

H.R. 6292. A bill to restore and promote competition in the marketing of motor fuel by prohibiting the control, operation, or acquisition of marketing outlets by petroleum refiners, producers and distributors, and for other purposes; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 6293. A bill to amend the National Security Act of 1947 to provide that certain overseas activities of the U.S. Government may be undertaken only if a report concerning the proposed activity is submitted by the President to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; jointly to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence.

By Mr. MARLENEE:

H.R. 6294. A bill to amend the Food and Agriculture Act of 1977 to establish certain loan levels whenever the export sales of certain commodities are suspended, and for other purposes; to the Committee on Agriculture.

By Mr. NOLAN (for himself and Mr. Brown of California):

H.R. 6295. A bill to encourage the ownership and development of family farms, to provide for research and education relating to family farms, to authorize the President to stabilize food prices, to authorize the Secretary of Agriculture to provide financial assistance for the production of industrial hydrocarbons and alcohols from agricultural commodities and forest products, and for other purposes; jointly, to the Committees on Agriculture, Education and Labor, Interstate and Foreign Commerce, the Judiciary, and Ways and Means.

By Mr. BROWN of California (for himself and Mr. Nolan):

H.R. 6296. A bill to encourage the ownership and development of family farms, to provide for research and education relating to family farms, to authorize the President to stabilize food prices, to authorize the Secretary of Agriculture to provide financial assistance for the production of industrial hydrocarbons and alcohols from agricultural commodities and forest products, and for other purposes; jointly, to the Committees on Agriculture, Education and Labor, Interstate and Foreign Commerce, the Judiciary, and Ways and Means.

By Mr. PAUL:

H.R. 6297. A bill to direct the Secretary of the Treasury to strike and sell gold medallions to the general public; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 6298. A bill to amend the Uniform Code of Military Justice to establish the U.S. Court of Military Appeals as an independent court under article I of the Constitution of the United States, and for other purposes; to the Committee on Armed Services.

By Mr. RUNNELS (for himself and Mr. Lujan):

H.R. 6299. A bill to amend section 206 of the Reclamation Project Authorization Act of 1972 (Public Law 92–514; 86 Stat. 964); to the Committee on Interior and Insular Affairs.

By Mr. SCHULZE:

H.R. 6300. A bill to amend the Internal Revenue Code of 1954 to encourage individuals to invest in domestic securities by allowing a 10 percent income tax credit for such investments; to the Committee on Ways and Means.

By Mr. SEBELIUS:

H.R. 6301. A bill to extend and amend the Emergency Agricultural Credit Adjustment Act of 1978; to the Committee on Agriculture.

By Mr. COURTER:

H. Con. Res. 256. Resolution expressing the sense of Congress that certain actions should be taken with respect to the 1980 Summer Olympic games, in response to aggressive and oppressive acts by the Soviet Union, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DORNAN:

H. Con. Res. 257. Resolution respecting the Accelerated Production and Deployment of the B–1 Strategic Air Command Bomber; to the Committee on Armed Services.

By Mr. DUNCAN of Tennessee:

H. Con. Res. 258. Resolution expressing the sense of the Congress that if the United States does not participate in the 1980 Summer Olympic games, the members of the U.S. Olympic team should be awarded the Presidential Medal of Freedom, or other recognition as the President deems appropriate; to the Committee on Post Office and Civil Service.

By Mr. MAGUIRE:

H. Con. Res. 259. Resolution calling upon the Soviet Union to release Andrei Sakharov from internal exile immediately; to the Committee on Foreign Affairs.

By Mrs. SPELLMAN (for herself and Mr. Fauntroy):

H. Con. Res. 260. Resolution welcoming the National Basketball Association All-Stars to the Washington metropolitan area for the 30th annual National Basketball Association All-Star Game; to the Committee on Post Office and Civil Service.

By Mr. FUQUA:

H. Res. 535. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Science and Technology; to the Committee on House Administration.

By Mr. REUSS:

H. Res. 536. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs; to the Committee on House Administration.

By Mr. ROBERTS (for himself and Mr. Hammerschmidt):

H. Res. 537. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Veterans' Affairs; to the Committee on House Administration.

By Mr. ULLMAN (for himself and Mr. Conable):

H. Res. 538. Resolution to provide for the further expenses of investigations and studies to be conducted by the Committee on Ways and Means; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. NOWAK introduced a bill (H.R. 6302) for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Cruz, and their children Kurt F. Barrios and Karl S. Barrios; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 76: Mr. Lundine.

H.R. 758: Mrs. Smith of Nebraska, Mr. Kazen, Mr. Abdnor, Mr. Paul, Mr. Sebelius, Mr. Marlenee, Mr. Kramer, Mr. Cavanaugh, and Mr. Hance.

H.R. 1572: Mr. Guarini, Mr. Kildee, Mr. Dougherty, Mr. Stokes, Mr. St Germain, Mr. Roe, Mr. Gray, and Mr. Edgar.

H.R. 1918: Mr. KASTENMEIER, Mr. FLORIO, and Mr. WATKINS.

H.R. 2400: Mr. DODD.

H.R. 2401: Mr. DODD.

H.R. 3175: Mr. GRAY, Mr. BAILEY, Mr. COUGHLIN, and Mr. ROE.

H.R. 3284: Mr. WIRTH.

H.R. 3311: Mr. CAVANAUGH and Mr. BEREUTER.

H.R. 3427: Mr. NEAL and Mr. GINGRICH.

H.R. 3609: Mr. ABDNOR, Mr. BADHAM, Mr. BLANCHARD, Mrs. BYRON, Mr. CAMPBELL, Mr. CHAPPELL, Mr. FISH, Mr. FLORIO, Mr. HOWARD, Mr. MARKEY, Mr. MATSUI, Mr. OTTINGER, Mr. RAILSBACK, and Mr. THOMAS.

H.R. 3674: Mr. MCCLORY.

H.R. 4504: Mr. MCKINNEY and Mr. NEAL.

H.R. 4509: Mr. WRIGHT, Mr. DE LA GARZA, Mr. MYERS of Indiana, Mr. MOORE, Mr. ROBERTS, Mr. LUNGREN, Mr. CARNEY, Mr. BROYHILL, Mr. HUBBARD, Mr. GOLDWATER, Mr. MITCHELL of New York, Mr. RUDD, and Mr. BAILEY.

H.R. 4569: Mr. LOTT and Mr. COLLINS of Texas.

H.R. 4782: Mr. DAVIS of South Carolina and Mr. SPENCE.

H.R. 4786: Mr. LAGOMARSINO.

H.R. 4787: Mr. LOTT.

H.R. 4796: Mr. BRINKLEY.

H.R. 5000: Mr. BROYHILL and Mr. RINALDO.

H.R. 5060: Mr. CHARLES WILSON of Texas, Mr. WON PAT, Mr. D'AMOURS, Mr. EDWARDS of Oklahoma, Mr. YATRON, Mr. BUCHANAN, Mr. BARNARD, Mr. HEFTEL, Mr. NEAL, Mr. BLANCHARD, Mr. TAUKE, Mr. LUNGREN, Mr. LENT, Mr. CLEVELAND, Mr. GRISHAM, Mr. WILLIAMS of Ohio, Mr. JEFFORDS, Mr. LEACH of Louisiana, Mr. GRADISON, Mr. WINN, Mr. BADHAM, Mr. SCHULZE, Mr. MOTTL, Mr. LOTT, and Mr. MARTIN.

H.R. 5475: Mr. LAGOMARSINO.

H.R. 5574: Mr. SKELTON and Mr. HAGEDORN.

H.R. 5640: Mr. MINETA, Mr. ALBOSTA, Mr. DIXON, Mr. DOWNEY, Mr. BEDELL, Mr. SABO, Mr. MILLER of California, Mr. HUGHES, Mr. LONG of Maryland, Mr. FAZIO, Mr. NOLAN, Mr. GREEN, Mr. WHITLEY, and Mr. HEFTEL.

H.R. 5641: Mr. MINETA, Mr. ALBOSTA, Mr. DIXON, Mr. DOWNEY, Mr. BEDELL, Mr. SABO, Mr. MILLER of California, Mr. HUGHES, Mr. LONG of Maryland, Mr. FAZIO, Mr. NOLAN, Mr. GREEN, and Mr. STOKES.

H.R. 5694: Mr. SOLARZ.

H.R. 5798: Mr. JONES of North Carolina.

H.R. 5858: Mr. BEARD of Rhode Island, Mr. CLAUSEN, Mr. DONNELLY, Mr. FISHER, Mr. FOUNTAIN, Mr. FRENZEL, Mr. LUKEN, Mr. OBERSTAR, Mr. PREYER, Mr. SAWYER, Mr. TRAXLER, Mr. WALGREN, Mr. WALKER, and Mr. WEAVER.

H.R. 5914: Mr. HUGHES, Mr. EARLY, Mr. FISHER, Mrs. SPELLMAN, Mr. PASHAYAN, Mr. NOWAK, Mr. DUNCAN of Oregon, Mr. COELHO, Mr. GUARINI, Mr. EDWARDS of California, Mr. PANETTA, and Mr. DONNELLY.

H.R. 6008: Mr. SHANNON.

H.R. 6089: Mr. COLLINS of Texas.

H.J. Res. 389: Mr. ANNUNZIO, Mr. BOWEN, Mr. DASCHLE, Mr. HORTON, Mr. KOSTMAYER, Mr. LOTT, Mr. MADIGAN, Mr. SOLARZ, Mr. WHITTEN, Mr. FISH, and Mr. O'BRIEN.

H.J. Res. 463: Mr. ABDNOR, Mr. ADDABBO, Mr. ANDERSON of California, Mr. BEARD of Tennessee, Mr. BEDELL, Mr. BEVILL, Mrs. CHISHOLM, Mr. CLINGER, Mr. CORRADA, Mr. COUGHLIN, Mr. DE LA GARZA, Mr. ERDAHL, Mr. EVANS of the Virgin Islands, Mr. FISH, Mr. FROST, Mr. GIAIMO, Mr. GRADISON, Mr. HAGEDORN, Mr. HALL of Texas, Mr. HINSON, Mr. HUGHES, Mr. JENRETTE, Mr. JONES of Tennessee, Mr. KILDEE, Mr. KOSTMAYER, Mr. KRAMER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. MARKS, Mr. MARRIOTT, Mr. MAZZOLI, Mr. MCDADE, Mr. MINISH, Mr. MOLLOHAN, Mr. MOTTL, Mr. MURPHY of Pennsylvania, Mr. MURPHY of Illinois, Mr. NOLAN, Mr. OBERSTAR, Mr. PANETTA, Mr. PETRI, Mr. RAHALL, Mr. ROE, Mrs. SPELLMAN, Mr. TRAXLER, Mr. VENTO, Mr. WEISS, Mr. WHITEHURST, Mr. WIRTH, and Mr. ZEFERETTI.

H.J. Res. 473: Mr. HALL of Texas, Mr. HANSEN, Mr. ROBINSON, Mr. STOCKMAN, and Mr. SYMMS.

H. Con. Res. 225: Mr. GRISHAM, Mr. LENT, Mr. FORD of Tennessee, Mr. RODINO, Mr. ANDERSON of Illinois, Mr. EDGAR, Mr. BRINKLEY, Mr. FORD of Michigan, and Mr. MICA.

H. Con. Res. 239: Mr. FRENZEL, Mr. SKELTON, Mr. LIVINGSTON, Mr. LAGOMARSINO, Mr. HORTON, and Mr. ROUSSELOT.

H. Con. Res. 249: Mr. GRAY, Mr. BAUMAN, Mr. D'AMOURS, Mr. YOUNG of Missouri, and Mr. MATSUI.

H. Res. 526: Mr. BRODHEAD, Mr. PEPPER, Mr. EDWARDS of California, Mr. MINETA, Mr. CORRADA, Mr. FISH, Mr. FROST, Mr. RAHALL, Mr. HOLLENBECK, Mr. NEAL, and Mr. SEIBERLING.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 4788

By Mr. ERTEL:

—Page 185, after line 8, insert the following:

SEC. 443. (a) There is hereby established a Commission on Federal Water Policy, hereinafter referred to as the "Commission".

(b) The Commission shall investigate and study the water policy of the United States and submit to Congress no later than January 1, 1981, its recommendations for a comprehensive Federal water policy.

(c) The Commission shall consist of 29 members as follows:

(1) The chairman and ranking minority member of the following committees of the House of Representatives:

(A) Public Works and Transportation,

(B) Interior and Insular Affairs, and

(C) Agriculture.

(2) Two other Members of each of the committees referred to in paragraph (1), appointed by the Speaker.

(3) Three additional Members of the House of Representatives appointed by the Speaker.

(4) The chairman and the ranking minority member of the following committees of the Senate:

(A) Environment and Public Works, and

(B) Agriculture.

(5) Two other Members of each of the committees referred to in paragraph (4), appointed by the majority leader of the Senate.

(6) Six additional Members of the Senate appointed by the majority leader of the Senate.

(d) The two cochairmen of the Commission shall be appointed, one by the Speaker of the House of Representatives from among Members of the House of Representatives who are members of the Commission, and one by the majority leader of the Senate from among Members of the Senate who are members of the Commission.

(e)(1) The Commission, or on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable.

(2) The Commission is authorized to secure from any department, agency, or instrumentality of the executive branch of the Government any information which it deems necessary to carry out its functions under this section and each such department, agency or instrumentality shall furnish such information to the Commission upon request made by the cochairmen.

(f) Members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, and per diem in accordance with the Rules of the House of Representatives or subsistence and other necessary expenses incurred by them in performance of the duties vested in the Commission.

(g) The Commission is authorized to appoint and fix the compensation of such personnel as may be necessary to enable it to carry out its functions. Such personnel may be appointed without regard to provisions of law relating to appointments in the competitive services and may be paid without regard to provisions of law relating to classification and General Schedule pay rates, except that no employee shall receive compensation in an amount in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5, United States Code.

(h) The Speaker and the majority leader of the Senate shall provide such office space as the Commission may require.

(i) Any vacancy in the Commission shall be filled in the same manner as was the office originally.

(j) There is authorized to be paid out of the contingent fund of the House of Representatives, on vouchers approved by the Committee on House Administration of the House of Representatives not to exceed $200,000 to carry out this section.

By Mr. FITHIAN:

—Page 171, after line 25, insert the following:

(e) The following projects are not authorized after the date of enactment of this Act:

(1) the Lafayette Lake Dam and Reservoir project, Wabash River, Indiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298);

(2) the navigation project on the Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87–874);

(3) the flood control project for the Big Blue River, Wabash River Basin, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742);

(4) the portion of the Norfolk Harbor and Thimble Shoal Channel, Virginia, improvement project (authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1250)) identified in paragraph 2(2)(b) of the report of the Chief of Engineers, Department of the Army, dated February 19, 1954 (Senate document numbered 122, Eighty-third Congress, second session, pages 1 and 2) as "an anchorage 38 feet deep and 1,500 feet square, an anchorage 35 feet deep and 1,500 feet square, and an anchorage 20 feet deep, 1,000 feet wide, and 3,000 feet long, opposite Lambert Point and south of Craney Island.";

(5) the project for Elk Creek Lake, Rogue River Basin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192);

(6) the project for Cascadia Dam and Reservoir, South Santiam River, Oregon, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193);

(7) the flood control projects for South Plymouth and Genegantslet Lakes, Susquehanna River Basin, authorized by section 10 of the River and Harbor Act of December 22, 1944 (58 Stat. 893);

(8) the projects for West Oneonta Lake, Davenport Center Lake, and Copes Corner Lake, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1573);

(9) the project for improvement of the

●

Chester River, Pennsylvania, authorized by the first section of the River and Harbor Act of March 2, 1919 (40 Stat. 1277);

(10) the project for the Connecticut River, above Hartford, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919);

(11) the project for Sixes Bridge Dam and Lake, Maryland, authorized by section 85 of the Water Resources Development Act of 1974 (88 Stat. 36);

(12) Salt Creek Lake, Salt Creek, Ohio, atuhorized by the Flood Control Act of 1962 (76 Stat. 1188);

(13) Lincoln Dam and Reservoir, Wabash River, Illinois, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081);

(14) Helm Lake, Skillet Fork of the Little Wabash River, Illinois, authorized by section 203 of the Flood Control Act of 1968 (83 Stat. 742–743);

(15) the project for Coney Island Creek, New York, authorized by the River and Harbor Act of August 30, 1935 (49 Stat. 1030).

# SENATE—*Thursday, January 24, 1980*

*(Legislative day of Thursday, January 3, 1980)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. DAVID PRYOR, a Senator from the State of Arkansas.

## PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

"God of our fathers, known of old,
Lord of our far-flung battle-line
Beneath whose awful hand we hold
Dominion over palm and pine—
Lord God of Hosts, be with us yet,
Lest we forget—lest we forget!"
—RUDYARD KIPLING.

May we never forget, O Lord, our precious heritage—how we came, who we are, and whom we serve. We thank Thee for the gift of freedom at creation, for its preservation, and its proclamation in and through the Government of this Nation. In this perilous world keep us steady, resolute, and strong. Bless all who serve this Nation at home and abroad. Give them clear minds, clean hands, pure hearts, and resolute wills. Establish peace in our hearts and peace among the nations. In Thy holy name we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., January 24, 1980.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

WARREN G. MAGNUSON,
*President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## DEFENSE CRITERIA

Mr. ROBERT C. BYRD. Mr. President, in the coming weeks, the Senate will be making decisions on defense that will set the tone of our defense posture for the 1980's. This period of decisionmaking offers us a unique opportunity to evaluate our national security capability.

There is general agreement that our defenses must be strengthened. There is a consensus on some particular programs, such as more ships for the Navy and theater nuclear force modernization for NATO.

But beyond the generalizations, considerable differences remain as to how funds should be spent, what systems should be purchased, and how the equipment and personnel should be deployed.

I should like to suggest some very broad criteria we should keep in mind as we debate the particulars of our defense structure during the coming months.

First, I think we shall want a defense capability that is practical and usable. We shall want to look at our military preparedness, not in terms of arbitrary numbers, but in terms of what it can do for the job to be done. We shall want to stress quality over mere quantity.

This is not to say that quantity will not be important also, but quality should never be subordinated. For example, we shall want to see that our armaments are sufficiently advanced. We want to see that we have sufficient technology, but we do not want to be weighed down by technology at the expense of readiness. The most sophisticated aircraft in the world is of little use if it cannot be repaired when it malfunctions, of if there are not trained pilots available to fly it.

Second, we shall want a flexible defense structure that can be tailored to accommodate—tailored to accommodate—the various diplomatic, economic, political, and, if necessary, military initiatives that will characterize foreign policy in the 1980's.

There is a tendency by many during an international crisis to look for the easy answer, to seek either a simple military solution or a simple diplomatic solution.

The reality is that neither the diplomatic nor the military approach alone will work; but each can reinforce the other so that balanced and workable solutions, tailored to the situation at hand, can be achieved.

There is no question that this Nation confronts a world situation in which this Nation must deal from strength, because strength is the only language that can be clearly understood by potential aggressors.

The 1980's are sure to be a complex period during which both the military and the diplomatic approaches to international problem solving must work in tandem. Let us keep in mind all the time—every day, every year—that national security is the No. 1 priority—the No. 1 priority—because without national security, all of the other priorities do not count for very much.

I urge my colleagues to consider, during the coming months, these two criteria—the criteria of workability and the criteria of flexibility—as we review our defense capability.

If we do this, we can have a foreign and defense policy that builds on the past and will meet the needs of the future.

Mr. President, I reserve the remainder of my time.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The acting minority leader is recognized.

## THE PRESIDENT SPEAKS LOUDLY AND CARRIES A SMALL STICK

Mr. STEVENS. Mr. President, generally speaking, the President's state of the Union address last evening was an accurate reflection of the mood of the country, particularly with respect to a declaration of our foreign policy direction. But President Carter's message was more a political statement than a true state of the Union address. After all, in peace time, one would expect him to emphasize our Nation's domestic needs first and foremost, with foreign policy an important yet secondary concern. This is not to say we are not facing a critical moment in terms of our world position, but we must be strong domestically first.

The President talked tough, there is no question about that. Yet he seems to epitomize the exact opposite of the kind of Chief Executive Teddy Roosevelt had in mind when he made the statement, "Speak softly and carry a big stick." This President speaks loudly, but he carries a small stick.

The real point to be addressed here is why it was necessary to talk tough in the first place. Why? The sad but simple truth of the matter is that we have a weak Chief Executive who has failed to inspire the confidence of our friends and allies around the world. Politically, he desperately needed to assert America's military strength and world power. Under his administration, this country was losing the respect and admiration of the world community and he had to talk tough with the hope of curbing this dangerous trend. I can remember a time when the world knew we were strong and did not need to be reminded. Whether he is successful in reversing the trend remains to be seen; however, for the sake of this great Nation, I hope he is.

Another alarming concern about his address deals with the question of asserting our military influence in the protection of the so-called Persian Gulf region. He did not articulate what constitutes that region of the world. Is Afghanistan a part of it? Is Turkey? Is India? Iraq? What about Israel?

Are we going to intervene militarily in any of those countries because of what some people will probably call the Carter doctrine? I am not even sure the Carter administration knows what they are talking about in this regard.

I certainly do not. I do not think the American people will.

These people in this area do not have a regional defense. They have not established a NATO-type organization.

We agreed to defend Europe only after they agreed to defend themselves.

This region meets in Islamabad next month to determine whether they will have a regional defense and whether they will defend themselves.

It amazes me that this action follows the movement of Soviet troops in Afghanistan. The President had been warned of this buildup for some time. He seems to react to a crisis rather than preventing it to begin with. In my opinion, he has overreacted in the pursuit of this new doctrine. It is indeed scary to think that, had this position been expressed earlier, the incident in Afghanistan could have sent us to war with the Soviet Union. What is even more alarming on this side of the aisle is how this President has proposed such a wide-scale change in foreign policy direction of this Nation—and I remind the Senate that this is the Eisenhower doctrine we are tinkering with—he has proposed such a wide-scale change in foreign policy direction without having once consulted them on a bipartisan basis.

Senator Arthur Vandenburg truly embraced this concept of bipartisanship by endorsing the position that "politics should stop at the water's edge." How can the President expect us to take responsibility for any "crash landings" in his foreign policy if he has not allowed us to be on board for the "take-offs." In the future, I hope the President will recognize the useful role of consultation in developing the foreign policy of this Nation.

The President calls for a stronger national defense by increasing the money spent on national security. He has a lot of nerve to think the American people are going to let him get away with this one. It is plainer than peanuts. Jimmy Carter is the one who must take sole responsibility for our weak defense capability at this time in our history. Jimmy Carter, after all, is the man who cut out funds for the B-1 bomber. Jimmy Carter cut out funds for the MX missile, and turned it into a Rube Goldberg cartoon. The Trident submarine he delayed, and he has cut the new vessels to be added to our Navy by one-half as compared to the number proposed in the original defense program, the 5-year defense program.

I ask the President, who does he think he is kidding? It really takes a lot of guts to ask the Congress not to cut a penny from his increased defense program expenditures, as if now he has a fail-safe program which does not need improvement or revision.

I can assure the Senate, as it knows, the Republicans for years have endorsed a buildup in our defense capability and we will give this recently enlightened program of this President the benefit of a thorough review.

But I hope to see a budget next week in which he puts his money where his mouth is in terms of our defense capability.

I have earlier mentioned the President's lack of proper emphasis on domestic matters such as energy and inflation. We need specifics, not vague goals. It is really unbelievable that he would not once mention the need for domestic oil and gas exploration and development vital toward making this Nation truly energy self-sufficient.

Finally, perhaps the most disturbing aspect of the President's speech of last night was the way in which he seemed to overshadow the plight of our American hostages in Iran by directing our attention instead to a new "doctrine" of U.S. policy in the Persian Gulf region. It is true that he did address the hostage concern at the beginning of his speech, but later it seemed to be lost in the declaration of new military defense posture. In my opinion, he should have returned to the hostage question at the end of his speech and re-emphasized our commitment to their safety and well-being.

Mr. President, there seems to me to be a great difference between a leader who tries to lead us out of a crisis, and one who attempts as President to maintain leadership by compounding our problems until we are in a crisis.

The ACTING PRESIDENT pro tempore. The time of the leadership has expired.

Mr. ROBERT C. BYRD. Well, I suppose we have entered the season, possibly have already been in it for a little while, but I guess it is here now.

I know of no Member of this Senate for whom I have a greater respect and a truly higher esteem and genuine fondness than for the distinguished acting Republican leader, TED STEVENS, and that feeling on my part will never diminish.

I am confident of that because I think he is made of the stuff that men should be made of. I think he has the character and the integrity and the intellectual honestly that I so admire in people.

But I cannot sit and fail to respond to what my friend has said here.

Now, my friend speaks of the weakness of the United States and lays it all at the door of Mr. Carter. I think there is enough blame to go around.

The weakness of our defense capability, and we all include in this the general spirit of our people, did not begin when this President was inaugurated. There is enough blame to go around. It goes back a long time, Mr. President, to a time when we mistakenly entered the war in Vietnam, and I can remember that in those days, many of us on both sides of the aisle felt that the United States was right.

I think I remember some editorials—I may be wrong in my recollection—but I believe I remember that a New York Times editorial once said, "We cannot afford to let Vietnam go down the drain."

In any event, there were editorials to that effect in those days.

We made a serious mistake, and there is where we wasted much of this country's fortune and much of this country's blood.

As an aftermath of that and as an aftermath of Watergate, which did not involve a Democratic President, but which did affect and was deplored by the people of both parties and the people of this country—as a result of those two traumatic experiences, this country swung too far in the other direction, and Congress was part of it.

I would hesitate to attempt to lay the fault at any particular President's door. I think we all can take our share of the blame.

It was a popular thing: The press, both political parties, Members of the Senate on both sides of the aisle, were for cutting defense—that was the easy target—cutting back on our intelligence, and the President inherited a lot of what went on before.

True, he was not a man experienced in dealing with Washington, in dealing with Congress. It was popular in his campaign to run against Congress and to run against Washington, and it was an asset—during the campaign—not to have been an insider. But he became an insider when elected, and it was no longer an asset. It was a detriment to the President that he knew so little at that time about Washington and about Congress and how to deal with Congress. But he learned a great deal.

We hear of what this President has allegedly done to weaken our defenses. Who was the President who urged the NATO countries to increase their expenditures in real terms by at least 3 percent annually for defense? It was President Carter. He instilled into that organization an inspiration and a resolve and a greater unity than there had been for many years. He has insisted on our living up to that commitment.

Who cut his program? Congress cut it. The executive department is not entirely without fault in this, however. I have heard it said by the administration that Congress has cut defense. Well, Congress, it is true, has cut the defense budget. But OMB cut it, also. When the Defense Department made requests, those requests were cut by OMB before they came to Congress, and then Congress cut them further. So there is blame enough—and credit enough—to go around.

The other body—and I speak with

great respect of the other body; I have to, under the rules—the other body cut the request. This body did, also, to some extent. But the Senate stood for a stronger defense, insofar as appropriations were concerned last year, than did the other body. But there is enough blame to go around.

My good friend from Alaska speaks of the B–1. Well, a lot of us here stand for a strong defense. I am for the strong defense of this country. I always have maintained that that is the No. 1 priority. What good will all the welfare programs be, all the health programs be, what good will it be to us that we spend money for education for schools, for farm programs, and so forth, if we do not have national security?

If the flag of the hammer and sickle ever were to fly over this Capitol, what would happen to all of the domestic programs of which we are so proud? What would happen to the free press? What would happen to the freedom of religion, the freedom of speech, the freedom of assembly? What would happen to the Constitution of the United States?

National security is the first priority. It is now, it always has been, and it always will be.

I supported the cutback of the B–1. I also know of some Senators in this body who sometimes are called "hawks" who supported the President in that matter. I defended that position I took then; I can stand on it today.

It is easy to look back and say we cut back the B–1. We would put all our eggs into the basket of the B–1 at a cost of $100 million each. But we chose instead to go the cruise missile route and use the moneys that would otherwise have been spent on the B–1 for other, more practicable conventional and strategic weapons that would not be obsolete and outdated by the time they were put into production.

The MX—yes, the MX. It is said that the President slowed down the MX and the Trident. Well, there have been technical problems in the development of these highly complicated weapons. Those technical problems have to be ironed out; and in the ironing out of those technical problems, it sometimes results in delay.

We were also engaged in the SALT process, a process which began under a Republican administration, to its credit. There was SALT I, Vladivostok, then SALT II. There was the problem of verification of a mobile MX that always had to be dealt with. That problem impacted, I am sure, on the MX and in part caused a stretchout when we decided to go mobile.

There are not easy simplistic answers to simplistic charges. These issues, I suppose, can be and will continue to be debated.

My friend spoke of Teddy Roosevelt—who spoke softly and carried a big stick—and my friend said there was a time when the world knew where America stood. He says that this Chief Executive today speaks loudly and carries a small stick. Well, we do not live in the days of Theodore Roosevelt any more.

So far as I am concerned, I listened to the President's speech last night, and I thought he spoke rather softly. I think that if I had been speaking, I would have spoken more loudly. One of the things Jimmy Carter is not is he is not an orator. One of the things he does most poorly is to deliver speeches, even when they are written. I do not know whether he knows how to use a punchline or not. I am not sure he knows when and how to pause and get the applause. He does not seem to care too much for that.

There were days when this country engaged in gunboat diplomacy. Those were the Teddy Roosevelt days. We are living in a different time now.

I can remember the first radio I ever saw. It was in 1927, on the occasion of the Dempsey-Tunney fight. I can remember Lindbergh's first flight across the ocean in 1927. I graduated from high school and had never seen a television set. I remember the first airplane I ever saw.

Well, it is all right to hark back to Teddy Roosevelt, but we do not live in Teddy Roosevelt's day. We live in a time of superweapons—weapons of mass destruction.

When I was in high school, I read the book, "Around the World in 80 Days." I think it was by Jules Verne. What an interesting and fascinating book that was.

Today, man travels around the world in 80 minutes. We have men in this Chamber—JOHN GLENN of Ohio, for example—who traveled around the world in 80 minutes. Times have changed. Big sticks have changed.

So we need to speak softly, and we do need to carry a big stick. But other nations also have big sticks. We do not have enough of a big stick. We need a bigger stick. Now is the time for all Americans to join together to make it possible to speak softly and to protect our vital interests where they are clear.

The President is criticized no matter what he does. What else could he have said last night? I do not know of anything more he could have said.

Now he is criticized because he did not repeat, in the peroration of his speech or in the last paragraph of his speech or in the last sentence of his speech, a reference to the hostages—as though this President has not spent more sleepless hours than has any individual in the Senate, I am sure, out of concern for those hostages. It has been a daily and an hourly burden on his mind. Now he is criticized because he did not repeat in the peroration what he had already clearly stated in his speech.

He said in his speech clearly as to where he stood in regard to the hostages.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. If the Senator will allow me, I will be delighted to yield and I expect to yield. The Senator is entitled for me to yield to him.

Mr. STEVENS. I say to the Senator that I was going to seek recognition and yield the Senator part of my time.

The ACTING PRESIDENT pro tempore. The majority leader's time has expired at this point.

The acting minority leader is recognized.

Mr. STEVENS. Mr. President, I yield such time in morning business as the Senator from West Virginia might desire.

Mr. ROBERT C. BYRD. Mr. President, I thank my distinguished friend for his courtesy, which again is characteristic of him.

The President recognized that there is a strategic threat—to the United States, to the free countries of the world, to the so-called nonalined countries of the world, to the Muslim populated countries of the world, and to the Third World—in the invasion, by the Soviets, of Afghanistan. The President wanted to send that message around the world. He sent a message to Iran to the effect that the real threat to Iran is not 50 American hostages in Tehran. The real threat lies in those Soviet motorized divisions, those tanks and planes, those armored carriers, and I hear nerve gas—think of it—nerve gas being used by the Soviets in their barbaric invasion of Afghanistan. I hope that Iran heard the President's message as to what the real threat is.

The President has acted with respect to the hostages. But every action he has taken has been criticized.

We heard all of this cry out from the other party: "The President ought to do something; the President ought to do something."

Then when he does something there is a great cry, there is weeping and the gnashing of teeth: "Oh, he should not do this." He embargoed grain: "Oh, he must not do this." He is going to stop us from going to the Olympics: "He must not do this. This would be a mistake. He must not do this."

So now when he says that there are vital U.S. interests in the Persian Gulf, make no mistake about it, and that we will defend those interests of ours, even if it requires force, there is an outcry.

Mr. President, the wrong message to send to the Soviet Union is that the American people are divided.

Yes, my good friend mentioned Arthur Vanderberg. Bless his heart. That is what we need in this country, and that is what we need in this Senate—more Arthur Vandenbergs. We need to join hands. The President would be a fool to attempt to draw lines in the sand and say: "This you may do, but go no further. Yes, you may come to this mark, but not 1 inch beyond."

How much clearer does the President need to speak than to say that vital U.S. interests will be protected in the Persian Gulf?

Mr. STEVENS. Mr. President, will my friend yield there?

Mr. ROBERT C. BYRD. Mr. President, I really would love to complete my statement, but I owe it to the Senator to yield. Yes, I yield.

Mr. STEVENS. First, Mr. President, let me say I echo the expression of my good friend. We have and will stand shoulder to shoulder in terms of trying to assure the strong defense of this country.

He is correct in that this is a different time from that of Teddy Roosevelt.

Some of us have spent years in studying the problems that face this country. This Senator has not missed one NATO conference since he came here 12 years ago.

I remember sitting with John Cooper when he urged the NATO nations to increase their defense spending. He was considered a dove at the time. He was telling them that they had to meet their commitment to defend themselves if we were to stay with them.

This President now has said this without any advance commitment from the Persian Gulf region nations to defend themselves, and I remind my good friend that sitting there in the Persian Gulf are the richest nations in the world. They do not even have an agreement to defend themselves yet. But we have said we will defend against any incursion from outside the region.

And how can we defend today? We do not have a two-ocean Navy. We are lucky to even call it a Navy any more. We have nuclear capability, and the President was saying last night that we will protect these nations under a nuclear umbrella. Make no mistake about it. He was saying those nations are vital to our national security, but he was short on specifics. Which nations? Against what threat? Is it only the Soviet threat? He said "any outside attempt to control any portion of the Persian Gulf region."

My good friend speaks and he speaks well, and I hear him, and I hope the world hears him because he says we want to draw a line. I wish the President had said we are going to draw a line somewhere. He said a region. He was very vague, but most of all he did not say what it would trigger. We used to call it a trip wire in Europe. Has he put up a trip wire around the Persian Gulf? If so, what are its boundaries? As I said, does it include Iraq? Does it include Turkey? Does it include Pakistan? What about our friends in Israel? If they are attacked, are we committed to go to their defense? We did not before.

And yet, apparently we have to defend this region because of what? Because of oil.

My State could outproduce the whole region if the Nation would let us. We have said time and time again since 1965 there has not been one new oil or gas lease in Alaska. Half of the Federal lands in the United States are there.

Now I believe that the majority leader is correct when he defends the President. If I had his position and our President were in the White House, I would do the same.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield on that point?

Mr. STEVENS. I yield.

Mr. ROBERT C. BYRD. Let us examine that just a little bit. The Senator from Alaska I thought knew me better than that. I am not the President's man. I never was and never will be any man's man. I am a Democrat in this Senate who stood up for Mr. Nixon when he was trying to protect American troops in Vietnam from attacks from Vietcong enclaves in Cambodia. He was not a Democratic President.

I offered an amendment to make it clear that the President had the constitutional responsibility to defend American troops and to protect American troops wherever they were. I stood up here and offered that amendment with Senator GRIFFIN. The then majority leader of the Senate did not support that amendment. I did.

It was not a Democratic President, but I thought the President had the duty to bomb Cambodia to protect our American troops in Vietnam. After all, we sent them there. They did not ask to go. We sent them there, and I felt we had a duty to do what we could to bring them home alive.

So it was a Democrat who stood on this side of the aisle and who stood against his own colleagues to some extent. My amendment lost. I suppose it lost. But this thing of standing up for our country is too important to engage in pure partisanship.

So let it not be said that Senator ROBERT C. BYRD is doing this just because of Jimmy Carter. I have some criticism of Jimmy Carter, and will have some more if the necessity arises. But whether it is Nixon, Ford, or Carter, I try to see what I think is in the interests of this country from the standpoint of national security, because that is the No. 1 priority—not political partisanship.

We can only have one leader at one time. So this is not the first time I have taken this floor to uphold a President's hand. I tried to uphold the Republican President's hands—Mr. Nixon's—because it was, in my view, in the interest of this country's national security.

The President spoke of energy last night. He has been speaking of energy. He sent message after message to Congress on energy, and I think Congress has responded, and I think both Congress and the President are to be congratulated on having worked together with respect to energy.

Mr. President, I hope the Soviet Union and its leaders will never be misled and that they will never get the impression that there is a partisan spirit in this country that divides us, and that the Democrats are upholding the President and the Republicans are opposing him when it comes to a common cause and a common danger.

The President said last night:

> An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America and such an assault will be repelled by any means necessary, including military force.

If there is any guessing to be done, let the Soviets guess. That is clear enough. There are few Americans in this country who do not recognize the vital importance of that region to our national security.

I would expect that there are few Americans in the country who would not expect the President to stand up and speak out clearly as to what the United States will do if its vital security interests are jeopardized.

I thank the distinguished Senator from Alaska for his courtesy in yielding his time to me. I know he will understand that anything I have said is not with any personal animus toward him. He has a right to his viewpoint. He is one of the brightest Senators in this body and one of the most courageous Senators in this body. He stands up for his convictions. I respect him for speaking out for his beliefs, and I am not at all in doubt that, at any time this country is put to the test, he will stand toe to toe with the rest in support of our national interests.

I do not doubt for one moment his patriotism, his dedication to the national security of this country, but I just do not want it to be misundersood by anyone that because we may have these little partisan discussions, that there is any division when it comes to supporting our country wherever its national security may be at stake.

Mr. STEVENS. Mr. President, will the Senator yield just momentarily?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I assure the Senator, and I appreciate his kindness and his statements, that I meant no offense in terms of his defense of the President because, you see, I view that speech last night as a politician would of the President reacting like a moth to a flame. He had national television. As a matter of fact, did you know that last night he used more time out of the hour than any President so far? He used 48 minutes last night.

So I was reacting, I think properly so, on a partisan basis to a partisan speech as I view it.

The Senator from West Virginia may not view it as a partisan speech, but I did. I meant no offense to my friend.

I want to say to the Senator from Michigan (Mr. RIEGLE) that I do apologize for holding him up. I know he had an order. I expected the Senator from West Virginia to react as he reacted, and he fulfilled my expectations.

## ROUTINE MORNING BUSINESS

(During the foregoing colloquy the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent there be a period for the transaction of routine morning business, not to extend beyond 30 minutes, and that Senators may speak therein up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Conclusion of earlier proceedings.)

The ACTING PRESIDENT pro tempore. All time for morning business has expired.

Mr. HARRY F. BYRD, JR. Mr. President, parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. HARRY F. BYRD, JR. Is it not correct under a unanimous-consent agreement that there was a 30-minute time for morning business and that only two Senators have spoken? Each Senator was confined to 10 minutes. Is there not time remaining in morning business for a third Senator to speak?

Mr. ROBERT C. BYRD. Mr. President, may I answer that question? That is correct. I ask, with the indulgence of the distinguished Senator from Michigan, that the morning business period be extended to allow the distinguished Senator from Virginia the full 10 minutes to which he would have been entitled.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIEGLE. I have no objection to that. I would simply say that I would be happy to accede to that request.

Mr. ROBERT C. BYRD. The Senator is always courteous and considerate, and I appreciate his concession at this time.

The ACTING PRESIDENT pro tempore. The Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized.

## REGISTRATION FOR THE DRAFT

Mr. HARRY F. BYRD, JR. Mr. President, I thank the Senator from West Virginia and the Senator from Michigan. I shall not use the full 10 minutes.

Mr. President, the President in his speech last evening had only one really new element in that 48-minute address. The new element is that the President stated he would seek from Congress legislation to require registration under the Selective Service Act.

Mr. President, what are the facts in that regard?

The existing law. the law which is on the statute books today, requires registration. That is the existing law. The existing law also permits a President to waive that requirement if he so desires, and that is what President Carter has done. He has waived the requirement for registration.

He could reinstitute registration today. He could have done it last night. He could have done it last year.

Mr. President, 1 year ago yesterday, January 23, 1979, S. 109 was introduced in the Senate. It was introduced by the Senator from Virginia for himself, for the Senator from Georgia (Mr. NUNN), the Senator from Florida (Mr. CHILES), and the Senator from Nevada (Mr. CANNON). What that legislation would do would be to take away from the President the right to waive the requirement for registration of those eligible for selective service.

Now, S. 109 was referred to the Senate Committee on Armed Services. Hearings were held on this legislation. Who opposed it? The Carter administration opposed it.

But despite the opposition of the Carter administration, the Senate Armed Services Committee reported to the Senate legislation requiring registration of those eligible for Selective Service. That legislation is now on the Senate calendar. It is Calendar Order No. 240. It is on page 11 of the Senate Calendar.

So, Mr. President, I have some wonder as to whether the President, despite his statement last evening, will follow through in regard to registration.

I happen to think that President Carter's delivery was excellent. I thought it was forceful. I thought it was an effective delivery. I think most of his speeches are good in rhetoric. It was last night. But the followthrough, insofar as President Carter's speeches are concerned, gives pause to the Senator from Virginia.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. The Senator is correct. It is the followthrough that counts. And I hope the President will follow through. I hope that Congress will support a followthrough. If the President does not follow through, I hope Congress would follow through itself.

Mr. HARRY F. BYRD, JR. I thank the Senator from West Virginia, the distinguished, able, and outstanding majority leader.

Legislation to do what President Carter advocated last night is already on the Senate Calendar. It was put on the Senate Calendar on June 19, 1979, by Senator NUNN for the Committee on Armed Services, with an amendment and an amendment to the title. It is Calendar Order No. 240.

Hearings have been held on it. The Armed Services Committee gave it long and thorough consideration. I hope that before too many days go by this measure now on the Senate Calendar could be considered.

I am glad the President has changed his viewpoint from the one he held just a few months ago in regard to registration. If this country is not willing to take that step, what step will it take?

At the least, we should know that, in the event of an emergency—and the President has emphasized not only last night but for the past month, the very serious situation which exists in the Middle East and in the Persian Gulf. But, in the event of an emergency, this country does not have any idea as to the names and addresses of those who would be eligible to be called up to defend this great Nation.

So, while I applaud the President's reversal of his previous position, I would hope that he would quickly—quickly—follow through and institute registration. As I say, it is the law today. We do not need a new law.

The only reason we have S. 109 on the Senate Calendar is that President Carter has refused to utilize the law. If he had utilized the law, it would not be necessary to have S. 109.

So I think it is important, in analyzing and assessing the President's speech last evening, to recognize that the law today gives to the President the right to order registration. I hope that he will do that. If he prefers to have the Congress share the responsibility—if he wishes additional legislation, such legislation is already on the Senate Calendar.

Mr. President, I ask unanimous consent that S. 109 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 109

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Military Selective Service Act (50 App. U.S.C. 453) is amended by inserting "(a)" before "Except" at the beginning of such section and by adding at the end of such section the following new subsection:

"(b) The President shall commence registration of citizens and other persons in accordance with the provisions of this title by January 2, 1980. The President may suspend the registration of persons under this title only for the purpose of revising existing registration procedures or instituting new registration procedures, but may not suspend or otherwise discontinue the registration of persons under this title for a period of more than ninety consecutive days. In no event may the President suspend or otherwise discontinue registration under this title more than once in any one-year period.".

SEC. 2. The President may not, after the date of enactment of this Act and before January 1, 1981, classify or examine any person registered under the provisions of the Military Selective Service Act (50 App. U.S.C. 451 et seq.) unless he determines that it is in the national interest to do so.

SEC. 3. The President shall submit a written report to the Congress not later than July 1, 1980, containing his recommendations (1) for revision of the categories and standards for deferment and exemption of persons under the Military Selective Service Act, (2) or the revision of the procedures to be followed for registration and classification under such Act, and (3) for other changes in such Act he determines necessary to improve the fairness and effectiveness of such Act. The President shall include in such report a certification to the effect that the Military Selective Service Act, including any changes recommended by him, is in his judgment, equitable and will provide the means necessary to meet effectively the military manpower needs of the United States.

SEC. 4 (a) The first sentence of subsection (b) of section 135 of title 10, United States Code, is amended to read as follows: "The Under Secretary of Defense for Policy shall supervise manpower mobilization planning in the Department of Defense and shall perform such other duties and exercise such other powers as the Secretary of Defense may prescribe.".

(b) Paragraph (3) of section 138(c) of such title is amended—

(1) by inserting "(A)" after "(3)" at the beginning of such paragraph;

(2) by redesignating clauses (A), (B), and (C) of the second sentence of such paragraph as clauses (i), (ii), and (iii), respectively;

(3) by striking out "It shall include" at the beginning of the third sentence of such paragraph and inserting in lieu thereof the following:

"(B) The Secretary of Defense shall also include in the report required under subparagraph (A) of this paragraph"; and

(4) by adding at the end of such paragraph the following new subparagraph:

"(C) The Secretary of Defense shall also include in the report required under subparagraph (A) of this paragraph an assessment of the Nation's capability of mobilizing the military manpower that may be needed to meet national security requirements during periods of national emergency. In making such assessment, the Secretary of Defense shall determine the Nation's capability of mobilizing the active military forces, selected reserve forces, other reserve force personnel, retired military personnel, and persons not members of the armed forces and shall include in such assessment a statement and explanation regarding the Nation's capabilities for mobilizing each of the personnel categories named.".

Amend the title so as to read: "A bill to require the reinstitution of registration of certain persons under the Military Selective Service Act, and for other purposes.".

## NEW PRESIDENT OF THE AMERICAN FARM BUREAU

Mr. HARRY F. BYRD, JR. Mr. President, as a Virginian, I am pleased that

Mr. Robert Delano, a Virginia farmer, has been elected President of the American Farm Bureau Federation. He had been vice president for 4 years, and was president of the Virginia Farm Bureau Federation for 17 years.

Mr. Delano's election brings honor to Virginia—and is a deserved tribute to Bob Delano's ability. This fine tribute to him recognizes his wide grasp of issues and his dedication to the improvement of American agriculture.

In Virginia, Mr. Delano operates a 400-acre farm that has been in the family for generations. He traces his family's arrival in this country back to the 1600's. He graduated from the Virginia Polytechnic Institute and State university with a degree in animal husbandry. Before switching to grain, he spent 20 years as a dairy farmer. His farm, which he tills virtually by himself, uses the latest no-till and double-cropping techniques.

I have known Robert Delano for many years. He is a splendid friend, and a man of integrity and great ability. Certainly both of these attributes are needed to head the Nation's largest agricultural group.

I congratulate Mr. Delano and the American Farm Bureau.

## POST WORLD WAR I GERMANY, AN AMERICAN PARALLEL

Mr. HARRY F. BYRD, JR. Mr. President, although the final figures are not in, it appears certain that the inflation rate in the United States for 1979 ranges between 12 and 13 percent.

In the short period from 1971, our dollar has declined in value by over 53 percent.

Because of inflation and high interest rates, payments on a mortgage to buy a moderately sized house have nearly tripled since 1970.

Today, we are confronted with an inflationary psychology of "buy now because the price will be even more next month."

There are some frightening parallels between our current rate of inflation, and the causes of this inflation, with the situation in Germany after World War II.

In an article in the Martinsville Bulletin, Julius Hermes, who grew up in Germany after World War I, and who is now president of Martin Processing, Inc., in Martinsville, outlines the similarities.

In 1920, Germans spent their paycheck as soon as they received it because it would be worth less the next day. In Germany, property values were inflating at such a high rate that mortgages were paid off easily in inflated currency.

The most important parallel between Germany, at this time, and the United States today, is that the basic cause of German inflation was deficit government spending.

As we begin the 1980's, we should remember that we must pay for Government spending.

We cannot justify Government spending by the easy answer that it will be paid for by Government deficits.

Large and sustained Government deficits create a politically irresistible temptation to finance them with newly created "printing-press" money.

The process of financing our deficit out of newly created money is only a temporary expedient as it leads to inflation, high interest rates, and more inflation.

The points in the article about the relationship between inflation and deficit Government spending are well worth remembering as we begin the 1980's.

I ask unanimous consent that the interview with Mr. Hermes be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Inflation: Hermes Sees Similarities In U.S., German Problems

(By Martha Nelson)

The mention of inflation in Germany in the years following World War I conjures up an image of the political cartoon depicting a bedraggled-looking fellow pushing a wheelbarrow full of money to market to buy a loaf of bread.

That particular political cartoon was painfully accurate, according to Julius Hermes, who as a youth growing up in the city of Wuppertal, Germany, knew only too well the effect of inflation on a country and its people.

Now the president of Martin Processing Inc. in Henry County, Hermes is seeing frightening similarities between Germany then and America now.

As inflation continues to grow by leaps and bounds in this country and wages become an even poorer match for prices, scores of reasons are given for inflation's continued ascent.

Rising prices, wage hikes, big labor and escalating energy costs are cited repeatedly, alone or in unison, as the leading causes of inflation.

But Hermes recalls his early years in Germany and names only one cause for inflation—the federal government spending far more money than the nation actually has and being forced, therefore, to increase the money supply to meet its own expenses.

Everything else—including ever-increasing wages and prices—is simply the result of inflation and not the cause, Hermes says.

After World War I, Germany was forced to repay huge sums of money to its enemy countries for reparation of war damages as determined by the Treaty of Versailles peace agreement.

The debt was much larger than the wealth of the country at that time and Germany was forced to print additional currency to meet its payments, Hermes says.

By 1929, the German mark had deflated so much that one mark had the same value as one billion marks had less than a decade earlier, Hermes says.

Although not as rapid as Germany's this nation's dollar has declined in value in the last 40 years to only 20 percent of what it was in 1940 and Americans' purchasing power was cut another 5.3 percent last year.

In Germany in the late 1920s, Hermes says he spent his paycheck as soon as he received it because "tomorrow, it would be worth even less."

In the last decade Americans also learned that the only way to stay afloat during the average 6 percent annual inflation rate was to spend their money before the value of the dollar fell again.

As more and more money was printed by Germany, its value decreased accordingly. Hermes says businesses, small towns and cities were sanctioned by the government to print their own money because the official printing presses could not work fast enough. As inflation peaked, the German government mortgaged the country's railroad system to create even more money.

When asked to substantiate his belief that the expansion of the nation's money supply is the culprit in mounting inflation, Hermes refers to an article printed in the January 1979 issue of the "Reader's Digest."

The article points out that the U.S. government is presently spending $766 billion more than taxpayers have given it. And the only way the government can do that is to print more currency, the same as Germany did 50 years ago.

Since the Great Depression and Franklin D. Roosevelt's first public works programs, this nation has instigated "social help" programs but has not taxed its people enough to pay for those programs. The remedy has again been to print more currency, inflating the money supply, Hermes says.

According to the Reader's Digest article, the devaluation of the American dollar since 1940 has been accompanied by an "awesome growth" of the money supply. Forty years ago U.S. currency and bank deposits totaled $52.7 billion. In January 1978, currency and bank deposits totaled $815.9 billion, an increase of 1,448 percent.

Hermes also says the assumption that wage increases help fuel inflation is a fallacy, and again refers to the Reader's Digest article. Workers in West Germany received a 236 percent wage increase from 1966–77, while Americans' wages increased 101 percent. But in West Germany, the inflation rate averaged about 4 percent annually while in the U.S. it was over 6 percent.

Since 1973 the inflation rate in America has more than doubled and rising foreign oil prices have been given much of the blame. But in West Germany where little domestic oil supplies exist, inflation has declined since the Arab oil embargo as the West German government maintained a tight lid on its money supply. In the U.S., the government financed or actually printed an additional $130.9 billion to be able to continue buying foreign oil, according to Reader's Digest.

Hermes says the most dramatic parallel between the inflation of Germany half a century ago and that of America today is its effect on mortgaged property.

Property owners who financed land, homes or businesses found that by the time they had finished paying off the mortgage, the monetary worth in comparison could have been paid out of "their hip pocket," because the nation's currency was devaluating so quickly, Hermes says.

The extreme poverty of German people and the nation's enormous unemployment rate were strong contributors Hermes says, to the political climate which allowed Adolph Hitler and the Nazi Party to score an overwhelming victory in the 1933 election.

"The people of Germany felt nothing but despair," Hermes says. "No one was satisfied that we had a decent form of government and the nation was very strong anticommunist. The result was that a dictator like Hitler was able to come into power."

Hermes concludes that America "is headed the same way" as the Germany of 1929 unless the federal government pulls in the nation's inflated money supply, actions which were cautiously taken Oct. 6 by the Federal Reserve Board.

The current inflation rate in West Germany of about 4 percent annually represents respectable growth in the nation's economy. According to Hermes, West Germany has been able to finance social programs without running up huge budget deficits or overtaxing its people.

"They export so much and have new money coming into the German economy constantly so that they don't have to raise taxes or go into debt," Hermes says.

"It doesn't matter where or how the federal government spends money," he concludes. "As soon as the federal government begins spending more money than it takes in the ultimate result will be inflation."

## RECOGNITION OF SENATOR RIEGLE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. RIEGLE) is recognized for not to exceed 15 minutes.

## JAPANESE AUTO IMPORTS

Mr. RIEGLE. Mr. President, there is a great temptation, having been here for the bulk of the debate that has occurred over the last hour, to want to participate after the fact in some of the issues that were raised. I will resist that temptation and only say again the high regard I have for the majority leader, both as an orator and as one whose insight on these issues is superb.

The issue that I rise about today concerns a different problem, but a deadly serious one. And that is the economic situation in the United States as it relates to the auto industry and the realities taking place within that industry at this time.

My colleagues and I have struggled over the last several months to try to deal with the Chrysler situation which, of course, automatically carried with it the need to try to understand and evaluate the larger conditions taking place within the domestic automobile industry at this time. And it is this larger set of issues that I rise to address today. I do so with a very strong feeling that the issue that I want to bring into focus now is one that bears on our vital strategic economic interests and it is something which requires us to devise a remedy. I will make some specific suggestions along that line today.

As is increasingly apparent, the U.S. auto industry is under tremendous pressure to convert its production to smaller fuel efficient cars now in high demand by American consumers. The industry is working with all of its strength and all of the resources that it can muster to accomplish this transition as rapidly as it can.

Our recent experience here with regard to the Chrysler loan guarantee legislation was a directly relevant illustration. We decided, as a Federal Government, to respond favorably, because that particular decision will facilitate the availability of 1 million units of 4-cylinder, front-wheel drive, very fuel-efficient cars within a period of 8 months, the latter part of the fall of this year.

And yet, as we carry out this massive reindustralization process within the U.S. auto industry—and all the firms are involved—it is an aggregate investment expenditure of capital between 1978 and 1985, that period of years, of some $80 billion.

As we struggle to carry out this massive reindustrialization process within the U.S. auto industry, an overwhelming flood of Japanese automobile imports into the United States has increased our balance-of-payment deficit by some $8 billion last year, is causing massive layoffs within the U.S. auto industry, and is causing general economic disruption throughout our country. And I am specific in citing the Japanese, because Volkswagen from Germany, and other auto producers from other foreign lands, have either opened manufacturing facilities here in the United States to build the cars or they have voluntarily limited their imports in the United States.

It is the Japanese manufacturers alone who have made an all-out assault in the American market at a time of extreme vulnerability here in the United States. Today with the help of what I consider to be unfair trade practices, the Japanese have captured some 15 percent of the car market in the United States and the percentage is rising. This has happened so quickly and in such a way that most people, for example, would not be aware that nearly half of the cars sold in the State of California today are cars of Japanese manufacture. There is a very high percentage of penetration in most of the Western States and many of the Eastern States because there has been a two-coast strategy being pursued by the Japanese auto manufacturers in terms of this invasion of the U.S. market.

But this automobile trade with Japan has not been a two-way street. It has been a one-way street. For years, Japan has effectively blocked the import of U.S. built cars into their market with a variety of devices which artificially double and triple the selling price of American cars, effectively shutting their market to American imports.

On the other hand, through a different series of trading devices and Government practices, the Japanese are shipping their cars to the United States and selling them at a price below the retail price that is charged for those same cars when they are sold in Japan.

To my mind, by dumping—and I think it is dumping—their extra car production in the United States at cutrate prices, they keep Japanese workers at work and on the job, but only by putting Americans out of work and into unemployment lines.

Today in the United States we have over 190,000 American auto workers who have been laid off, and this, in turn, has caused the layoff of thousands of other workers in related and unrelated industries.

A shock of that kind does great damage to the United States. This calculated Japanese invasion at a time of vulnerability and transition within our domestic auto industry I think is outrageous and it is damaging America and hurting every American citizen.

The tremendous trade deficit caused by Japanese auto imports, which is second only to imported oil, is damaging the value of the dollar in world markets and causing the emergency high interest rates we now have here in the United States. As these high interest rates begin shutting down the U.S. economy, increasing U.S. unemployment, enlarging the Federal deficit, and forcing thousands of small businesses into bankruptcy, the Japanese auto industry is increasing its effort to achieve a dominant position in the U.S. auto market, regardless of the economic damage done to America.

We cannot allow the American economy to be permanently damaged by the ruthless exploitation of a trading partner that is only interested in its own national welfare.

The United States cannot afford to send another $8 to $10 billion of our national wealth to Japan in 1980 as a result of the fact that the Japanese have thrown the traditional rules of fair trade out the window.

The Japanese Government, the Japanese banks, and the Japanese auto companies work together hand in glove to saturate the U.S. auto market at cut rate prices; and they have shown no concern at all about the economic damage they are doing to America.

The time has come for the American Government to understand the unfair and foreign government subsidized nature of the competition we are facing from the Japanese auto makers.

I am today calling on the Carter Administration to advise the Japanese that we expect them to voluntarily restrict their 1980 imports to the 1977 level of imports. Further, that the U.S. Government expects that Japanese cars will not be dumped at cut-rate prices in America—but be sold at the same price levels charged in Japan. In fact, I would hope it would also include the costs of transportation to bring these cars to this country. In addition, that the U.S. Government expects the immediate dismantling of the trade barriers now in place in Japan that have effectively blocked American cars from being sold in Japan. And finally, we should advise the Japanese auto companies, that we expect them to begin building manufacturing facilities here in America, as Volkswagen and other foreign manufacturers have done.

When I say that, I do not mean small-scale plants that are 2, 3, or 4 years down the road. I am talking about a serious effort to move in with major manufacturing facilities if they intend to seek the kind of market share that they have at the present time in our market.

If the Japanese are not prepared to respond now in a fashion that reestablishes fair trading relationships on autos, then I—with others—will seek a legislative remedy that will stop this one-way trade invasion dead in its tracks.

It is in the long run interests of the United States and Japan to put an end to the exploitative trade practices in autos I have mentioned, and restructure our trade relationship on autos so that it meets an honest standard of fair trade.

We do not have that today.

I might just say that there is no other country in the world that has allowed this to happen to them the way we have here in the United States. There is no other country that allows its commercial domestic market to be exploited in this fashion by automobile imports from abroad or, for that matter, in any other major product area.

In Brazil, for example, Brazil imposes a 170-percent import duty on cars to keep out Japanese vehicles and, for that matter, vehicles from the United States or other places.

The Common Market countries impose an 11-percent tariff barrier so that they are not swamped by Japanese production. Here in the United States we only have a 3-percent import duty, which is basically inconsequential.

Australia, for example, guarantees that 80 percent of its passenger car market has to be met by domestic producers in that country.

Brazil requires a 98-percent local content in the cars to be marketed and sold in that country.

Mexico requires 75 percent.

These other nations have taken these steps in order to avoid massive unemployment and disruption of their own national industries in their own countries. Quite frankly, that is what Japan has done, because they have shut the door to American automobiles, for all practical purposes. We, in turn, have allowed this trade relationship to become a one-way street so that in the last 5 years in the United States 98 percent of the increase in the sale of imported cars has been accomplished by Japanese producers.

If we want to further cripple the economy of this country, we only have to ignore these facts and allow these practices to continue. We will have longer unemployment lines here in the United States. We will have a bigger deficit because of the payments for unemployment compensation, food stamps, and other items. Things will be going great in Japan, as they are today.

It makes no sense and it is not fair. I am frank to say that I think our Government has not been alert in seeing what was developing here and acting to deal with it. I am suggesting today a way that this might be corrected.

(Mr. LEVIN assumed the chair.)

Mr. RIEGLE. I want to mention one other item before finishing. I made reference to the Chrysler case. We are working day and night to implement the legislation to allow that company to get back on a strong footing and have this new production in place later this year in terms of fuel-efficient cars.

During our hearings on Chrysler in the Banking Committee we heard all the parties in interest, including, I might say, the Japanese banking interests who were part of a much larger group of bankers who have supplied credit in various forms to the Chrysler Corp.

Chrysler, of course, had a limited marketing arrangement with the Mitsubishi auto company in Japan, and the Mitsubishi banks in Japan facilitated that, enabling Chrysler to fill out their product line at this time as they are in the process of this transition. When we cross-examined the Japanese bankers, they were very pleasant. I am going to have printed in the RECORD, and I ask unanimous consent for that purpose, portions of that testimony.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

PORTIONS OF TESTIMONY BY MR. SEIYA MIYAZAKI, MANAGING DIRECTOR OF THE MITSUBISHI BANK, LTD., CHICAGO, BEFORE THE SENATE BANKING COMMITTEE ON NOVEMBER 21, 1979

"Mitsubishi Motor Corp. had a very pleasant and close relationship with Chrysler Corp. since 1970. I am sure that the desire of the Mitsubishi Motors Corp. is to have Chrysler in good shape again, so they can work closely together.

"As far as I know, the import of the Mitsubishi automobiles by Chrysler is rather profitable and continues to be profitable for Chrysler and it will remain to be so in the future. So in that sense, I am sure that if we can help Chrysler to import more Japanese automobiles, this will help them."

In response to whether the bank would keep open its original $400 million credit commitment: "We have not terminated our commitment yet, so it still remains unchanged, although, as you know, Mr. Chairman, certain covenants were breached, and for that reason we are suspending the issuance of the new letters of credit. And as I mentioned, for the time being they will come under the new arrangement, so that we can keep on issuing letters of credit.

"We are talking about the new arrangement with Chrysler and also with Mitsubishi Motors. So the letters of credit can be issued."

Mr. RIEGLE. When I asked them about their feeling about this situation, they were very clear, very clear. I quote Mr. Mayasaki, who is the managing director of the Mitsubishi Bank, Ltd. He told us on November 21, in very specific testimony, that they intend to continue to work with Chrysler, to be cooperative, to help the company make this transition and work its way through its difficulties. Yet, in recent days, the only bank of the entire consortium of banks, foreign and domestic, that has made threatening gestures and has created difficulties has been the Mitsubishi Bank with respect to continuing the arrangements we spoke about in the committee just a matter of weeks ago.

I am concerned about it because I find it hard to separate that from the larger picture of Japanese penetration into our market. It cannot just be a one-way street. It cannot be just a one-way street.

I hope that the statements that were made before our committee, which we accepted in good faith, will be carried out absolutely to the letter in terms of making sure that we do not have a disruption here, especially in light of the fact that so much of our problem in the United States, in terms of the auto industry as a whole, is derived from the larger aggregate of Japanese import activity.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. RIEGLE. I hope that a way can be found to resolve this matter. It shall be my intention to see that that takes place. I am available and will continue to be available to work to see that that is done.

Mr. ROBERT C. BYRD. Mr. President, does the Senator need some more time?

Mr. RIEGLE. If I may have an additional 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, there is an order for the recognition of Mr. MOYNIHAN, is there not?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. It is my understanding that he does not wish to avail himself of that time. I, therefore, ask unanimous consent that that time be transferred to Mr. RIEGLE for his own time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. I thank the Senator. I shall not use all that time.

I will conclude in this fashion: We have a serious problem on our hands in this area in terms of getting the domestic automobile industry turned around. We have to make some new arrangements with the aggregate, the overall weight and nature, of the trade relationship with Japan in terms of the trade in autos. Very specifically, we need to see a good-faith followthrough with respect to what I consider to be the assurances given to us, just a matter of weeks ago in the Banking Committee, by the Japanese banking interests that have been among a larger number of creditors making credit facilities available to the Chrysler Corp. I think if we are going to continue to maintain an effort to have a cooperative trading relationship, it has to be done on a basis of fairness. It has to be done on a basis of a clear recognition and an understanding of the interests of both nations, that we cannot have situations developing where, suddenly, we find ourselves put in an even worse position because of an arbitrary decision here or there, particularly when it relates to this larger problem of imports generally.

So, Mr. President, I am available and shall be involved in every aspect of this problem, as I mentioned earlier I would be, both to my colleagues and to others, to see that we work this situation through successfully.

I think it would be absolutely unjustified and inexcusable if the first party at interest in the Chrysler situation to create new problems and difficultites were to be the Japanese bankers who, in turn, have a relationship to Japanese automobile manufacturers. I do not think that is sound, I do not think it is wise, and I think it would prove to be profoundly counterproductive. I hope that we can solve that particular matter and, at the same time, move on to a serious debate of this larger issue that I laid out earlier in my remarks.

Mr. President, I ask unanimous consent to have printed other statistical material with my remarks today. I shall have more to say on this and shall continue to provide information to my colleagues on this matter in the weeks and months ahead.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATISTICAL MATERIAL

In 1979, total passenger car sales in the United States actually declined by 652,000 units, but foreign imports rose by 327,000 units to a record 2,320,745 units. Thus, U.S. domestic auto sales dropped by almost 1 million units in 1979.

The market penetration of foreign imports rose from 17.7 percent in 1978 to 22 percent in 1979.

Japan achieved a 76 percent share of the total import sales figure in 1979; up from a 68 percent share in 1978. Japan's sales to the U.S. in 1979 were 1,769,672 units as compared to 1,357,337 in 1978.

The most recent trend in Japanese auto imports is even more startling. In the month of December, Japan sold 141,850 units in the U.S.; up 70 percent from the month of December, 1978. In December, 1979, Japan accounted for 83 percent of total imports.

In November, 1979, Japanese auto industry production exceeded the U.S. by 81,771 units; 906,291 versus 824,520.

Japanese imports in the U.S. have grown 1900 percent since 1967.

Foreign imports have captured a 30 percent or greater share of the auto market in 14 states in 1979. West Coast is the hardest hit:

| | *Percent* |
|---|---|
| Alaska | 48 |
| Oregon | 45 |
| Washington | 43 |
| California | 42 |

The problem is moving eastward. Colorado stands at 38 percent.

## UNEQUAL PER CAPITA DEFENSE SPENDING

Mr. RIEGLE. Mr. President, if I may, I shall use just a brief additional period of my time on a different subject.

Earlier in the discussion this morning, in reference to the remarks of the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Alaska (Mr. STEVENS), there was considerable talk about the military posture of the United States and our needs for the future and the relationship of our allies to that effort, all keying off the President's state of the Union address last evening.

I should like to share with my colleagues the per capita spending figures on defense for the United States and for our major allies for the most recent year that that data is available, which is 1978, because the United States leads all Western nations in per capita defense spending by a very large margin. In 1978, for example, we spent $425 per person on defense—not just defense for ourselves, but defense for the free world. Germany, on the other hand, a tremendously strong nation economically, has a lower inflation rate than we do. They manage their economic affairs very well. The value of their currency is much stronger in international markets than ours. While we were spending $425 per capita on defense, the Germans were only spending $265 per capita on defense.

I might say if you convert that to figures to be a percent of the gross national product, you see the same kind of differential showing up in that percentage as well.

I mentioned Japan a moment ago with respect to the invasion of automobile imports into this country.

One of the reasons that happens is that the Japanese do not spend much on national defense, because they figured out that if they do not spend it on defense, we will spend it on defense, not just for us, but for them. So, in 1978, do you know how much the Japanese spent per capita on defense? While we were spending $425 in the United States; the Japanese were spending only $74 per person on defense. They got a lot of defense with our money and they are continuing to get it today.

I want the United States to be in a strong position to defend ourselves and the free world but, at the same time, it is obvious that our allies are going to have to do more, especially in light of these new threats that we face.

The Japanese cannot just continue to coast along with that kind of defense spending, taking the money they save by not spending an adequate figure for defense, and spend it on their domestic industry, to modernize their auto industry, to subsidize their market, and put our workers out of work.

It cannot work that way. This whole thing connects. It is like a big circle. It comes back around.

So, as we beef up our capability in the Middle East, in the Persian Gulf, as we need to do, I think we need American bases there and a much stronger conventional military capability of our own in that region of the world, but we need to have our friends with us. The Germans are going to have to spend more. They are going to have to raise these levels, not just in percentage terms, but in absolute terms. The Japanese have the most to do. They cannot stay a $74 a person on defense when they are expecting us to spend $425 a person on defense. It cannot be done. Our economy cannot take that stress and strain in terms of providing the defense for everybody else. There cannot be any free rides any longer.

The Japanese, the Germans, the French spending $274 a person, the United Kingdom spending $195 a person, the average of NATO allies is $201 a person, less than half of what we spend, those relationships cannot continue that way, not without tearing this economy apart, not in the kind of world market situation that exists today.

So, yes, we have to commit ourselves to the increases required in terms of our own security, and our allies have to be expected to do likewise, and they have a long way to go.

So I hope we will see some specific actions taken in that regard because it has a direct bearing on the question of whether or not we will be able to provide an adequate free world defense.

I also say that it relates to the question of the draft and registration which was put forward by the President last evening.

The United States constitutes about 4 percent of the world's population. The fighting that took place in Vietnam was essentially done by young Americans.

In looking for a larger commitment from our allies in the military area, for hardware and weapons, support systems, we likewise have to make the same requirements and expectations with respect to manpower and personnel. If there becomes a need to mobilize—and let us hope there is not, but if there should be—it cannot just be Americans involved.

The Japanese are more dependent upon Middle East oil than we are in this country. So I would certainly expect to see Japanese young people involved, and young people from Germany and from France and other NATO countries.

If there is one thing that is obvious, it is that the strategic interests of the entire free world are in jeopardy at this time and the response has to be by everyone whose interests are on the line, not just by Uncle Sam.

Other countries have gotten by for years riding on the strength of the fact that we have been willing to pick up the tab for them.

I say that we cannot continue to do that any more because we are running out of money in this country. It is being drained and hemorrhaged out of the United States for oil, foreign cars, and all kinds of things.

So while we meet our defense commitments and as we increase them, as we will have to do, our friends from around the world are going to have to begin to do their part. We have not a day to waste in terms of delivering that message and seeing that kind of performance by them.

Mr. President, I conclude with that. I want to again thank the majority leader for his courtesy in yielding me additional time.

## GI BILL AMENDMENTS ACT OF 1979

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, S. 870, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 870) to amend title 38, United States Code, to extend the delimiting date for veterans under certain circumstances, and so forth.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized to offer an amendment to amendment No. 1632 by the Senator from California.

### UP AMENDMENT NO. 921

(Purpose: To promote the employment of veterans of the Vietnam era through a program of job vouchers)

Mr. HEINZ. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an unprinted amendment numbered 921 to printed amendment numbered 1632.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of amendment No. 1632 insert a new title as follows:

## TITLE X—EMPLOYMENT

### JOB VOUCHER PROGRAM UTILIZING EDUCATION ASSISTANCE ENTITLEMENT

SEC. . (a) Chapter 42 is amended by adding at the end thereof the following new section:

"§ 2015. Job voucher employment assistance program

"(a) A veteran of the Vietnam era shall be entitled to employment assistance as provided in this section for a period of not more than twelve months.

"(b)(1) Except as provided in paragraphs (4) and (5) of this subsection, an employer (other than the Federal Government) who after the effective date of this section employs a veteran of the Vietnam era in a job meeting the requirements of subsection (d) (and regulations prescribed thereunder) shall be eligible to receive a monthly payment from the Administrator for so long as the veteran is employed by such employer (not to exceed twelve months) and the veteran is eligible for employment assistance under this section.

"(2) The Administrator, at the request of a veteran of the Vietnam era, shall issue such veteran an employment voucher. Whenever such veteran is employed by an employer as provided in this section, the veteran shall sign the voucher and submit it to the employer in accordance with such regulations as the Administrator shall prescribe to insure compliance with all provisions of this section. Upon proper presentation of the voucher to the Administrator, the Administrator shall provide the employer with monthly payments as provided by this section.

"(3)(A) To receive a payment under this section on any voucher submitted to an employer by a veteran, an employer shall submit the voucher to the Administrator at such time, in such form and manner, and containing such information as the Administrator may by regulation require. Upon receipt of the voucher, the Administrator shall make the payment authorized by paragraph (1) of this subsection.

"(B) The amount of the monthly payment to an employer under paragraph (1) of this subsection during the first six months of employment shall be the same as the amount of the monthly training assistance allowance paid under section 1787 of this title during the first six months of training to a veteran with no dependents pursuing a full-time program of apprenticeship or other on-job training under chapter 34 of this title; and the amount of such monthly payment during the second six months of employment shall be the same as the amount of the monthly training assistance allowance paid under such section during the second six months of training to such a veteran.

"(4) An employer shall not be eligible to receive a payment under this section with respect to the employment of a veteran for any period of the employment of such veteran for which the employer has taken a tax credit allowed under section 44B of the Internal Revenue Code of 1954.

"(5)(A) If a veteran has used the first nine months of eligibility for employment assistance under subsection (a)(1) of this section with the same employer, such employer may not receive any payment under this section for employment of such veteran for any period after the period for which such eligibility was used unless the employment of such veteran with such employer continues for not less than nine months after such period.

"(B) Subparagraph (A) of this paragraph shall not apply if the veteran voluntarily terminates employment with the employer or if the employer terminates the employment of the veteran for cause.

"(C) For purposes of subparagraph (B), the term 'for cause' means—

"(i) for criminal activity with respect to the employer;

"(ii) for incompetence;

"(iii) for excessive absenteeism; or

"(iv) for such other reasons as the Administrator may prescribe by regulation.

"(c) An employer shall not be eligible to receive a payment under this section with respect to the employment of a veteran for any period if such veteran was previously employed by such employer within 180 days of the first day of such period.

"(d) In order for a veteran to receive employment assistance under this section, the job in which the veteran is employed and with respect to which the assistance is sought must be one that pays a salary of not more than $11,000 a year (or the equivalent thereof, as determined by the Administrator) and that provides significant training opportunities, satisfactory to the Administrator, for the veteran. The Administrator shall prescribe regulations to define 'significant training opportunities' for the purposes of this subsection.

"(e) The amount of the salary paid for any period to any veteran receiving employment assistance under this section that is equal to the amount paid by the Administrator under this section to the employer of such veteran for such period shall be exempt from taxation.

"(f) For the purposes of this section, the term 'veteran of the Vietnam era' has the meaning given such term by section 2011(2)(A) of this title.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2015. Job voucher employment assistance program.".

Mr. HEINZ. Mr. President, this amendment is very important as a means of trying to deal with some of the very serious residual problems encountered by our Vietnam veterans.

The fact of the matter is that our veterans who went to Vietnam have come back to this country and they, at first, were given benefits under a GI bill that simply did not give them adequate benefits. Then, at a later date, improvements were made in that legislation, but for many veterans those improvements came too late.

Additionally, at the time, it is no secret that many veterans came back with a very different sense from the veterans who returned after World War II and the Korean war. The fact is, Mr. President, that it has now been some 6 years since the last combat troops left Vietnam. That violent struggle in Asia and the intense emotion it sparked here in the United States are part of our history.

College campuses across the Nation, the focus of the division that the war produced, are now quietly populated by a generation of students for whom the war and the controversy surrounding it are but a little understood phenomenon of another time, another mood, and another generation. Although the impact of the war continues to influence our national psyche and our perception of the role we want to play in the world community, the war for the country and most of its citizens is a thing of the past. We have moved away from the confusion, the emotion, the stress of that time. The country had adjusted to this severe test of our national fiber.

This is true for most of us. True for most of those who never waivered in their support. True for most of those who never waivered in their opposition. But it is not true for many of those upon whom the burden of war fell most heavily—the men and women who served in our Armed Forces during this difficult period. Many veterans of this era continue to suffer from severe readjustment problems—problems which have prevented them from realizing their potential and contributing fully to our society. It is not difficult to understand the reasons behind these readjustment problems and their stubborn persistence.

War inevitably imposes psychological and emotional strains on those involved. In particular, the controversial nature of the war—the bitter conflict within our borders—unquestionably added a new dimension to the problems experienced by our veterans who went to Southeast Asia and who returned.

When those last troops pulled out of Vietnam, they did not come home to cheering crowds or victory parades. They did not return, as veterans of previous wars had done, as honored heroes, admired for the sacrifices they had made. Rather, many of them were greeted with hostility for the role they had played in an unpopular war. Or they were simply neglected.

These veterans had their lives, their progress, their momentum interrupted by the war. When the time came to resume their lives—with their families, their jobs, their educations—many veterans found that the recurring doubts and controversies surrounding the Vietnam war impeded their adjustment back to civilian life. The Nation has moved beyond the difficulties of the war, the controversy has subsided, but the veteran has all too frequently not moved beyond his or her problems.

Perhaps those problems are most brutally manifested in the literally millions of Vietnamese veterans who remain unemployed and underemployed. The problems of the unemployed are masked by the statistics which presently show that Vietnam veterans experience the same level of unemployment as their nonveteran peers. Within the ranks of the employed are millions of veterans struggling at or near the poverty level, and it is these veterans, as well as the unemployed, who would benefit from the amendment I offer. Over 855,000 Vietnam veterans have incomes less than $4,000 per year. Four thousand dollars a year is below the minimum wage. In 1978, of the 6.2 million Vietnam-era veterans with a high school diploma or less, 29 percent, or 1.8 million veterans, were earning less than $10,000 per year. In my own State, 65 percent of the Vietnam veterans, approximately 220,000 veterans, are employed at less than $6,500 per year. These veterans are struggling to survive, and the amendment I offer will provide them with an opportunity to obtain a better job.

One factor which has kept these individuals back is the severe readjustment problems they face. I cannot help but think that these readjustment problems, which have been documented by a congressionally mandated study, have contributed to the difficulty which Vietnam veterans have experienced in keeping a job once they get one, or in getting the kind of job they would like to have. Of those veterans who found full-time employment in 1977, 14 percent—over 80,000—were employed for only 39 weeks or less.

The congressionally mandated study to which I just referred was performed by the Center for Policy Research in New York. It was authorized in order to provide specific data on the actual readjustment of Vietnam veterans. It is the first study of its kind. The initial results of that study have been announced, and they are disturbing.

The study found that 60 percent of combat veterans and over 40 percent of all Vietnam veterans faced readjustment problems—that is, emotional, psychological, drug, alcohol, or physical problems—upon their return. These problems persist among 41 percent of combat veterans.

Among those interviewed by the Center for Policy Research 40 percent of the nonveterans held professional or technical positions in contrast with only 24 percent of the Vietnam-era veterans and 19 percent of Vietnam-theater veterans, those who actually were in Vietnam.

That is important, because in this increasingly technical, increasingly professionally oriented society of ours, those are the jobs that pay, those are the jobs that lead to futures, and those are the jobs our veterans should have an opportunity to participate in. But the sad fact is that they do not.

All of these statistics, the income levels of veterans and the nature of their jobs, point to a veterans' underemployment problem in addition to an unemployment problem. It is with a view to remedying this problem that I propose this amendment.

The amendment establishes a job voucher program. The veteran receives a voucher which he or she takes to the employer of his or her choice. The employer submits the voucher to the Veteran's Administration, which reimburses the employer each month for training and wage expenses for the first year of the veteran's employment in an amount equal to that provided to the veteran without dependents under the existing OJT program.

The purpose of this amendment and this program is to provide something that the existing OJT program does not provide—namely, an incentive to the employer to hire the veteran who wants a better job. This amendment provides such an incentive, because the funds are given directly to the employer upon the receipt of the voucher. Under the existing OJT program, no such flexibility or incentive exists, since funds are given directly to the veteran. As an income transfer program, this works all right; but as a career development program, the fact is that its affect is very limited.

So I believe that my amendment will persuade more employers to hire more veterans in better jobs and thus will give the veterans the experience and skills they need, through securing those better jobs, toward insuring themselves productive employment in the private sector.

The amendment, I might add, is an alternative to the development of skills through formal education. Although the GI education program has served many veterans well, we have a responsibility to provide an alternative means of career advancement for veterans who are not inclined to attend formal educational programs.

I ask my colleagues to bear in mind the situation of many of our Vietnam veterans. The typical Vietnam veteran is not in his twenties; he is not of college age. He is in his thirties. He is not single; he is married. He is not a single person household. In addition to his wife, the typical veteran has several children. So you have a 32-year-old male veteran with a wife and two children, earning perhaps $6,000, in a very low-level job.

The GI bill educational benefits, as important as they are to many people, simply are not what that veteran needs. He is not going to quit his job to go back for an education that to him, at this point, may seem unattainable, unrealizable, and unrealistic. What he needs are marketable skills, or at least the opportunity to attain those marketable skills.

So what we are trying to do in this amendment is to say to the veteran, "You do not have to fit in the mold of everyone else if that mold does not fit. You do not have to be a square peg in a round hole. We will give you the freedom of choice to obtain the future of your choice by allowing you to use the equivalent of your educational benefit in the way that will benefit you the most," specifically either going to school, which he can do now, or, if this amendment is adopted, by going out and getting hired by an employer who has a job that better fits that veteran's skills and potentials. And I emphasize "potential."

Perhaps one of the reasons that 1.5 million Vietnam veterans have not used the GI bill is that what the educational benefits offer to them are not what they need. And perhaps for the same reason millions more—and this is according to the statistics of the VA—millions more have used only a fraction of their GI benefits and have dropped out of the educational institutions in which they enrolled. As helpful as it may be to some veterans, formal educational training is not what is needed by many other veterans and they may best learn skills and develop themselves in the marketplace in better jobs.

That, Mr. President, sums up the intent of this amendment. I am offering the amendment as a perfecting amendment to Senator CRANSTON's amendment to increase educational benefits some 15 percent because I believe we need this package. I think we need what Senator CRANSTON and Senator SIMPSON are trying to do with this amendment, and I was delighted that the motion to table yesterday did not succeed. But I believe we would be guilty of raising the expectations not of the veteran but of the American people if we agree to Senator CRANSTON's amendment without my amendment. We would be guilty of raising the American people's expectations because many would feel that by improving the educational benefit we will attract back into the program, people who have been passed over, people whose education is incomplete, and that will simply not be the case no matter how well intentioned Senator CRANSTON and Senator SIMPSON are, and they are well intentioned.

Mr. President, I am not alone in offering this amendment. I am very pleased that there are a number of Senators who have asked to cosponsor this amendment, and I want to be sure, Mr. President, the bill at the desk reflects the fact that Senator JAVITS is a cosponsor, that Senator MOYNIHAN is a cosponsor, and that Senator PRESSLER is a cosponsor. I am delighted to have them, and I know in each case of their deep interest going back over many years to the problems of our veterans.

The PRESIDING OFFICER. Without objection, the names of those Senators will be added as cosponsors.

Mr. HEINZ. I am particularly honored and pleased that Senator JAVITS, who was the ranking minority member on the Human Resources Committee, is a cosponsor of this amendment.

Mr. President, I do not wish to diminish the reputation of any other Senator, but in my judgment there is no one in the Senate who knows more about employment problems and employment programs than Senator JAVITS. He has been in the forefront of trying to get jobs for people who need jobs in his capacity as ranking minority member on the Human Resources Committee which up until a few years ago was the Labor and Public Welfare Committee. We all know the legislation he has brought to this Senate, how he has shepherded it through with the help of his colleagues and how much that has meant to so many people who did not have a future until that legislation was enacted.

He is a national expert in employment problems and programs, and it is literally true that every recent employment program has borne his mark and in many cases come from his pen.

To have him in support as a cosponsor of this amendment, and we have worked very closely on it together, is very meaningful and I think should send a signal that this program has been carefully scrutinized and thought out.

I add that Senator MOYNIHAN enjoys an equally strong reputation as a champion of better education. He is a former professor, a teacher. As we know he has displayed a profound and correct understanding of the educational needs of our youth, of our minorities, and of our veterans. I know he believes that their skills should not go unused or unapplied because of a lack of education opportunities.

So I am equally privileged and honored that he is a cosponsor of this amendment. We have worked with him in developing it. He supports it. His understanding of both the potential and the limitations of formal education is one of the reasons that we are offering this amendment.

In sum, we must give our veterans the skills they need to achieve a decent standard of living, an opportunity for the future, either through education or through employment initiatives.

Mr. President, it has been said that at the very least the Government, which includes us in Congress and in the Senate, ought to deliver the mail and defend the shores. Nothing is more important than defending our shores, else there is no mail to deliver. So we are supposed to provide, first and foremost, for our national defense. It is the veteran and the young men who will come after today's veteran who are the core and the cornerstone of our national defense. Defending the shores is impossible without people. If we do not recognize what we have asked of those people and if we do not take into account the special circumstances of some of those people, indeed millions in this instance, then we are failing in our mission to provide for the future defense of this country, because our men and women will volunteer in the future for the armed services. If we are not here to provide for a strong national defense, I do not know for what we are here.

In adopting this amendment, Mr. President, I think we can provide for the future defense of our country that we all wish to see. I believe it is terribly important that the Senate adopt this amendment.

Mr. President, I reserve the remainder of my time.

Mr. CRANSTON. Mr. President, I appreciate and share the concerns of the Senator from Pennsylvania in proposing this amendment which would provide for a job voucher program for Vietnam-era veterans under which employers would be paid a tax-free subsidy of up to $226 per month for 12 months for hiring certain Vietnam-era veterans.

However, Mr. President, I am afraid that I am unable to support the proposal at this time.

First, the amendment has never been made known until now, and neither I nor any other member of the committee has had an opportunity to analyze or consider the merits of this approach. It differs substantially from title I of the Senator's bill, S. 1872, introduced on October 10. Yet, it appears, to be similar to the proposal offered earlier by the Senator from South Dakota which was defeated by a vote of 56 to 37. I made an extensive statement at that time. Much of what I said then, holds true now. But let me repeat that I believe that hearings and detailed analysis by labor market experts of this proposal are needed and are especially vital so that any initiative in this area is not duplicative of efforts and initiatives already on-going. We also need to find out from prospective employers and Labor Department and VA officials what their views are on this proposal.

Mr. President, the Senator's proposal appears to be largely derived from a combination of three programs already in operation.

The current GI bill—section 1787 of title 38—provides for a program of apprenticeship and other on-job training opportunities for eligible Vietnam-era veterans. Under that program, as I noted earlier, a married veteran with two dependents may be paid by the VA a training assistance allowance of $226 a month for the first 6 months of apprenticeship or other on-job training. This is in addition to the salary he would receive directly from the employer. Those OJT benefits are available for up to 2 years at a declining rate during the veteran's employment.

In addition, the Department of Labor, under the authority in the Comprehensive Employment and Training Act, conducts a program called HIRE—Help through Industry Retraining and Employment. In this program, private sector employers are reimbursed for any extraordinary costs to them of training for Vietnam-era veterans they hire.

Finally, there is the targeted jobs tax credit, enacted in October 1978 in Public Law 95-600. Under this authority, employers may receive a tax credit of up to $3,000 for hiring individuals who are members of certain mandated target groups including low-income Vietnam-era veterans under 35 years of age.

Mr. President, I note in this regard that hearings dealing with Vietnam-era veterans' employment issues are scheduled by the committee for March 4. In addition to the two programs I have already mentioned, there are a myriad of programs already on the books that I also outlined yesterday, as did the distinguished ranking minority member of the committee (Mr. SIMPSON) in speaking on the Pressler amendment, and that are designed to meet the employment needs of veterans. In fact, some might suggest that there are sufficient laws in this area and all that is really necessary is adequate coordination and implementation of them. The committee's hearing on March 4 will focus extensively on oversight of these programs and the need, if any, for additional legislation in this area.

In addition to the three programs I have just cited, there is, of course, CETA, under which the Secretary of Labor is required to take special steps to maximize opportunities for Vietnam-era and disabled veterans in all programs conducted by prime sponsors, such as job-training, upgrading, and retraining, public service employment, and private sector initiatives. Almost 3 million Vietnam-era veterans have been served by CETA since its inception in 1973.

Further, Mr. President, under the authority in section 2012 of title 38, as it would be amended by the committee amendment adopted yesterday, all eligible Vietnam-era veterans regardless of the length of time they have been out of service, would be covered for at least 2 years by the affirmative action and mandatory listing requirements imposed by law in connection with Federal contracts. Under those requirements, any firm with a contract with the Federal Government involving more than $10,000 must have an approved affirmative action plan for Vietnam-era veterans and disabled veterans and is required to list job openings with the local employment service which in turn is required to give eligible veterans priority in referral to jobs. Over 540,000 Vietnam-era veterans have been placed in jobs as a result of this initiative.

In addition, Mr. President, S. 870 as reported would, in connection with the proposal for a targeted delimiting period extension, provide for an extension of the delimiting period for Vietnam-era veterans whose delimiting periods have already expired, in order that they can pursue OJT or apprenticeship training under the GI bill. Mr. President, CBO estimates that, if enacted, more than 13,000 additional trainees would enroll in the VA-OJT program in fiscal year 1980 and 64,000 in the following 3 fiscal years.

Mr. President, since I have not had an opportunity to review the Senator's proposal, I am not in a position to come to a definitive conclusion on it. However, certain preliminary questions arise.

First, I believe it is important to point out that the program proposed in the amendment is—in reality—a wage-subsidy-type program. Such programs, unless very tightly structured, implemented, and monitored, have a vast potential for abuses. I again remind my colleagues of the so-called JOBS program in the early 1970's which provided for such a wage subsidy under the Manpower Development and Training Act and which experienced such very serious problems—layoffs from seasonal jobs, dead end jobs, no real training as part of the job, layoffs immediately upon termination of the subsidy, and phoney jobs. We would need to be very sure that such problems would not reoccur under the pending proposal.

Moreover, such employment or wage subsidy programs can easily result—especially during a period of economic ills—in nothing more than substitution; that is, the employer hires someone he would have hired anyway or lays off an employee in anticipation of rehiring him or hiring a replacement with a federally subsidized salary. There are ample precedents for this happening, and there have been contentions that this is happening now with the targeted jobs tax credit.

Take for example the owner-operator of the ma and pa grocery store who presently employs a Vietnam veteran as a checker. Under this proposal, if he wanted to, he could say to the veteran "I'm going to give you a raise of $20 a week but first I have to fire you for 6 months. You can collect unemployment insurance in the meantime, and I'll hire you back under the GI bill 6 months from now." In this way, the veteran would get a $20 a week raise; a 6-month sabbatical at—in some cases—substantial tax-free unemployment insurance dollars. However, the employer would qualify for a wage-subsidy of $226 a month and come out about $146 ahead and thereby very substantially lower his expenses.

Mr. President, another concern is that under the Senator's amendment, it appears that an employer would be given a very real incentive to actually reduce the salary he would otherwise pay the veteran to under $11,000 so he would qualify for the subsidy.

Mr. President, the difficulties in enforcing and policing a program along these lines should not be underestimated. The costs of such enforcement—not to mention the increased Federal paperwork and regulation—are at this point unknown, but I venture to say they would be substantial. How would the VA assure that all veterans hired under this new authority were "initial hires" or were compliance checks? From my experience with CETA, I am sorry to say there simply is no easy solution.

Who would we utilize as inspectors to assure compliance? Where would the VA get the extra employees since the Congress—despite the urgings of the Veterans' Affairs Committee has been reducing the VA's Department of Veterans Benefit personnel?

Moreover, if the Federal requirements and monitoring were substantial enough to prevent abuse and protect the veteran employee and the subsidy provider—that is, the taxpayer—the effect would likely be that employers would be unlikely to participate. Getting the proper mix of controls and incentives would be a most difficult task.

Mr. President, quite honestly, I am more than a little baffled by the Senator's proposals—especially since he and I had had extensive conversations with respect to his bill, S. 1872. During those discussions, he stressed to me his deep concerns related to the need for career development and advancement programs—real jobs with future potential or upgrading of present skills—for Vietnam-era veterans and the problems of underemployment among this population. Yet, as I see it, his present proposal does not really focus on or address those needs. I am curious as to precisely at what target population the Senator's proposal is aimed.

For example, in his "Dear Colleague" letter, he states that there were 6.2 million Vietnam-era veterans with a high school diploma or less. Mr. President, we are unable to determine the basis for this figure. The latest statistics published by the Veterans' Administration and based in part on figures provided by the Department of Defense and the Census Bureau indicate that there were 6.0 million Vietnam-era veterans who had a high school diploma or less at the time of separation—or roughly 79 percent of all who served. In this regard, I note that, on the average, Vietnam-era veterans had a higher average level of educational attainment at time of separation than their Korean and World War II counterparts.

However, the educational attainment of Vietnam-era veterans under the age of 34 today—after many have availed themselves of their GI bill benefits—shows that only 600,000 still have less than a high school diploma and 2.7 million have high school degrees—about half the number cited by the Senator from Pennsylvania.

As with the Senator's 6.2 million statistic, we are unable to determine the basis for his assertion that there are 1.8 million veterans with high school diplomas or less education or who are earning less than $10,000. However, since that figure is based on the 6.2 million figure, we can only presume that it too is subject to the miscalculation I just pointed out.

Frankly, Mr. President, I cannot imagine that the offer of an $11,000-a-year job to a 34-year-old Vietnam veteran with a wife and two kids to support in this inflationary economy would be very attractive. How many Vietnam-era veterans would find it to their advantage to participate in this program especially since, based on the latest available statistics from the Department of Labor, only young Vietnam-era veterans—those under 25 years of age—have an average personal money income of less than $11,000 a year.

This raises the question of who would really benefit—the private sector employers who would have their profits underwritten by this proposal or unemployed veterans who might have gotten the subsidized job anyway.

In addition, it raises the question: How much have we really helped the veteran by perhaps helping him with at most 1 year of wages and work? First, CBO estimates that the average period of duration in one of these subsidized positions would be around 6 months. Second, what incentive does the employer have to continue to employ the veteran once the subsidy payments stop? Third, what evidence do we have that—unlike the experiences we had with other programs—this proposal will really result in permanent, substantial jobs for those it is designed to help? Fourth, what will be done during the work period to prepare the veteran to compete in the market place after the Federal subsidy stops?

Finally, Mr. President, it is unclear to me precisely how this proposal would fit into the current structure of GI bill benefits. For example, are the months of entitlement earned by veterans—up to 45 months—tied to the Senator's proposal in some way?

Mr. President, nor am I suggesting that the proposal made by the Senator in title I of S. 1872 is a better approach, but it did address certain types of needs that the Senator has stressed that I do not feel this proposal does.

Mr. President, by raising these questions, I in no way mean to suggest that there are not needs for employment assistance for Vietnam-era veterans or that we have done all we must do in this area. We have not. The rates of unemployment for some categories of Vietnam-era veterans continue to be far too high—especially for those who are young and members of a minority group. However, in the general 25-to-39-year-old category, rates of unemployment in December for Vietnam-era veterans were almost 8 percent lower than for nonveterans—a 3.9-percent rate as compared to a 4.2-percent rate. We discussed these statistics yesterday. Clearly not all has been done that might be. But we have come a long way.

And this is no 1-month aberration, Mr. President. There was considerable improvement throughout 1979. In December of 1978, the unemployment rate for Vietnam-era veterans aged 20 through 24 was 17.0 percent. That was more than 57 percent higher than it was in December 1979. Indeed, in the fourth quarter of 1979 in all age categories of Vietnam-era veterans where statistics are available for comparable age categories of nonveterans, rates of unemployment for Vietnam-era veterans were well below the national average and are lower than for their nonveteran counterparts.

Mr. President, a recent article from the Monthly Labor Review, entitled "Vietnam Veterans In the Labor Market of the 1970's," which I inserted in the RECORD yesterday, documents that the overall employment situation for Vietnam-era veterans has improved greatly. The author stressed that one measure of labor market performance in which Vietnam-era veterans consistently have outstripped their nonveteran counterparts is in the area of personal income. Based on the most recently available data—for 1977—Vietnam-era veterans have a higher median personal income than nonveterans within each of the age groupings in the 20- to 39-year-old range.

The article concludes that while in some respects Vietnam-era veterans are still lagging behind, they "are on an equal or better footing in the labor market than nonveterans. A higher proportion of their population is employed and they have higher annual incomes."

Mr. President, I want to stress again that I am not suggesting that enough has been done in this area. I would very much like to find a way of targeting assistance on those who are having real labor market difficulties. That has always been my philosophy—whether in CETA where I authored the provisions, now applied across the board, to target public service employee jobs or those most in need, or in GI bill programs where I have authored numerous provisions designed to provide special help for educationally and financially disadvantaged Vietnam-era veterans.

However, I am not prepared to embark on a venture such as the one proposed without a great deal more study and thought and the opportunity to have the proposal fully evaluated by the best experts in the executive branch and the private sector.

In sum, Mr. President, it would be, I believe, unwise to act favorably on a complicated and complex proposal of this magnitude without serious consideration of the need, the merits, the cost, and the structure of this proposal, and its relationship to the numerous employment and training programs already on the books.

There is no one in this body who is more intent than I on seeking to meet the needs of Vietnam-era veterans. However, although I share a deep concern for the plight of those Vietnam veterans who still need assistance, I cannot, for the reasons I have just outlined, support the Senator's proposal at this time.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I yield such time as my distinguished colleague may need.

Mr. SIMPSON. Mr. President, I appreciate the objectives of the Senator from Pennsylvania in proposing this amendment to establish a program of subsidized employment opportunities under which employers would be reimbursed at the existing OJT payment level for hiring an unemployed Vietnam-era veteran.

However, Mr. President, I must at this time oppose this proposal. First, this amendment, in so many respects, is similar to title I of S. 1872, the proposed Vietnam Veterans Act, introduced by Senator HEINZ on October 10, which has not had the benefit of committee hearings or deliberation to analyze the merits of this very complex issue.

I can assure the Senator from Pennsylvania (Mr. HEINZ), however, that the employment needs of Vietnam veterans will be covered at hearings scheduled to be held on March 4 and that the proposals offered by my friend and distinguished colleague from Pennsylvania will, at that time, be considered.

I believe hearings and an analysis are critical in order that we assure that any initiative in this area is not duplicative of legislation that already exists or is pending the Senate's consideration.

I also point out to the Senator from Pennsylvania (Mr. HEINZ) that there are a myriad of other programs already on the books that are designed to meet the employment needs of Vietnam veterans. The distinguished chairman of the Veterans' Affairs Committee (Mr. CRANSTON) has already outlined these available programs in some considerable detail. Indeed, I placed in yesterday's RECORD a staggering array, as I referred to it, of programs already on the statute books.

I think that we must accord—to those respected veterans groups of this country, the VFW, American Legion, DAV, AMVETS, and Paralyzed Veterans, who so eloquently speak to the Congress in behalf of veterans—the opportunity to comment upon and assist in the development of any new major proposal. This is a most important step in our legislative process and I do not believe we can risk omitting their views on any veterans issue of major importance.

The membership and leadership of those groups which, in recent years, have become increasingly representative of the Vietnam era, must have a participatory role in this process, and I believe it most appropriate that they should.

Without hearings and the necessary time for deliberation, the veteran and those groups he has entrusted to represent him before this body are left without a proper voice in consideration of this particular proposal. Surely, but unfortunately, we have not yet learned that issues which wrench at the heart and sear the conscience cannot be resolved by new and untried programs which simply crack open the door of the Treasury a little further.

I also believe it is appropriate to point out today, as I did yesterday, that the Vietnam veteran has received more in benefits than any other veteran in the entire history of this Nation. In the past decade, our Government has expressed its deepest appreciation for the sacrifices undertaken by the Vietnam-era veteran in numerous ways. Indeed, it is the unemployed, the needy, the educationally disadvantaged, or disabled veteran who have benefited the most, and, indeed, that is as it should be.

I ask my colleagues to refer to yesterday's RECORD, at page 456, where I inserted a comprehensive outline of the extraordinary range of benefits that have been accorded to veterans over these past 10 years. I do earnestly now hope that we, from this time forward and forever more, somehow dispel the myth that the Vietnam veteran is the "forgotten" veteran. Any rational citizen and taxpayer—veteran or nonveteran—who takes an earnest effort to pursue this matter will soon realize that Congress has not forgotten them. And I can assure you that it never will.

The PRESIDING OFFICER (Mr. BOREN). Who yields time?

Mr. CHAFEE. Mr. President, I wonder if I might have a minute?

Mr. HEINZ. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 5 minutes remaining and the chairman has approximately 15 minutes remaining.

Mr. SIMPSON. Mr. President, may I suggest the absence of a quorum?

Mr. HEINZ. Mr. President, let me yield to the Senator from Rhode Island (Mr. CHAFEE) for a unanimous-consent request.

Mr. CHAFEE. Mr. President, I have two things. One, I would ask unanimous consent that I might be added as a cosponsor of the amendment of Senator HEINZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Second, Mr. President, I am pleased to cosponsor Senator HEINZ' amendment, which would provide a private sector job voucher program for Vietnam veterans.

In the area of unemployment, some 340,000 Vietnam-era veterans have no jobs at all. More than one-quarter of all Vietnam veterans make less than $7,000 a year. Minority, disabled, and disadvantaged vets have serious unemployment problems. Vietnam-era veterans have an unemployment rate which is approximately 10 percent, and the rate for the disabled is fully 50 percent.

This proposal, in my judgment, is a sound, yet creative, approach which effectively addresses that situation.

Mr. President, in 1978, I offered an amendment to the Comprehensive Employment and Training Act, which was accepted and now provides for a similar job voucher program. All indications are that these subsidies accorded private employers, have helped to offset the barriers to employment faced by the disadvantaged.

Voucher systems, in general, and Senator HEINZ's proposal, in particular, deserve attention as useful tools to encourage employment.

I strongly support the amendment offered by the able Senator from Pennsylvania and urge my colleagues to adopt it.

The PRESIDING OFFICER. Who yields time?

Mr. HEINZ. Mr. President, I listened carefully to what both the Senator from California (Mr. CRANSTON) and the Senator from Wyoming (Mr. SIMPSON) had to say. I am not terribly convinced by their arguments, for one simple reason. What they are fundamentally arguing against is freedom of choice.

Under the existing GI bill, which this legislation seeks to strengthen, Vietnam veterans are allowed to choose the education and the educational institution of their choice. What we are simply saying in this amendment is that they should also be allowed to choose their career. They should have the job opportunity of their choice. They should have an alternative to normal education if that is a better way of developing their skills and realizing their potential.

All of the programs that would appear to compete with this are of limited effectiveness because among other things they are complex and administered by a large government bureaucracy. One of the programs that was mentioned was the targeted jobs tax credit program. That has been on the books for over a year. How many certifications, how many tax credits have been approved in this country of 220 million people and 9 million Vietnam veterans. Three thousand five hundred and forty-four. That is how well that program is working. The same thing is true, time after time, regarding all the other programs.

I would hope, in order to be brief—and I will be brief—that we recognize that it is time we had a simple, understandable program administered for veterans by the VA that worked. The OJT program has not. The HIRE program has had problems. It is just vital, Mr. President, that the Senate enact this amendment, and I hope we will.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum, equally charged to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I will yield to Senator HEINZ who will then yield time to Senator JAVITS.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I yield to Senator JAVITS such time as he may require and ask unanimous consent that should the Senator from New York require additional time, he be granted additional time.

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes remaining. Is there objection to the request?

Mr. JAVITS. Mr. President, I believe that will be sufficient time.

Mr. HEINZ. Mr. President, so that the Senator from New York will not have to rush, I do ask unanimous consent that he be granted at least up to 5 minutes time.

Mr. JAVITS. Mr. President, I am sure the managers will be willing to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I favor the

amendment of the Senator from Pennsylvania. Senator MOYNIHAN and I have joined with him in this regard. I am thankful to my colleagues for allowing me to have a word about it.

I am very deeply concerned about the Vietnam-era veterans, who are the most recent veterans who fought in what became an unpopular war, and really have felt discriminated against among veterans in the United States as we seem to have very much more concern with veterans of the Korean war and of World War II. Those veterans of the Vietnam war are the most urgently in need of our assistance.

The job voucher program, which we have suggested here by this amendment, is a direct targeting aid to them. The maximum salary to the veteran enrolling in the program is modest. It is fixed at up to $11,000 a year. The subsidy to the employer providing on-the-job training would be, therefore, less than 20 percent.

We like very much what the Veterans' Affairs Committee has done in the GI bill on education and training, but we do believe that by the extension suggested by this amendment we realize the fact and not the theory, and that is that the Vietnam-era veterans are having a particularly tough time.

I was not on the floor to hear it, but I have been briefed as to the argument made on the other side, that there are programs and that there are certain tax incentives to employers to engage in on-the-job training and apprenticeship programs. The problem is that it just has not happened that way, and the numbers in respect of these other programs have been so limited as to make it desirable and in the basic interest of equity that there be this particular program for the Vietnam-era veterans.

It is for those reasons, Mr. President, that I hope very much that the Senate will resolve the doubt in favor of the Vietnam-era veterans and will take note of the fact that their participation in the VA on-the-job training program has gone down 55 percent in only 5 years, from 128,000 to 57,000. That is the practicality of it. I hope the Senate will, therefore, vote favorably on this amendment.

I am personally grateful to Senator HEINZ for raising the question and fighting the battle, up to this moment singlehandedly, in order to bring this matter, which urgently affects such highly desirable Americans who have served so well, to the attention of the Senate.

Mr. President, as I stated, I strongly support this amendment, which I and my colleague from New York, Senator MOYNIHAN, have joined with Senator HEINZ to cosponsor. Simply put, it is a streamlined, more targeted, and less expensive version of the Pressler amendment debated yesterday.

Our amendment would provide a limited alternative to formal educational training for thousands of Vietnam-era veterans who have been unable to utilize their GI bill educational entitlement, and concomitantly address the serious structural problems of unemployment and underemployment persistent among this category of veterans. The job voucher program established by our amendment would allow eligible veterans to provide a private sector employer with a voucher for which the employer would be reimbursed by the VA. So that the program is targeted to those most in need of such assistance the maximum salary paid to the veteran enrolling in the program would be $11,000 a year. Thus, at the maximum salary range, the subsidy to employers providing OJT would be less than 20 percent.

Mr. President, we applaud the action of the Veterans' Affairs Committee in targeting part of GI bill education and training assistance to disadvantaged veterans of the Vietnam era through a limited extension of the 10-year delimiting period. In providing for this extension, the committee recognized that a substantial proportion of Vietnam-era veterans have had severe difficulties in readjusting to civilian life. Both the President's recent Presidential Review Memorandum and the authoritative study mandated by Public Law 95–202, the GI Bill Improvements Act of 1977, point to the gravely disturbing employment problems faced by thousands of Vietnam-era veterans, whose unemployment rates have been, as noted in the committee report, "consistently higher than their nonveteran counterparts."

Thus, the committee has properly acted to extend the time period until December 31, 1982 during which educationally disadvantaged veterans who served during the Vietnam era may use their GI bill entitlement to engage in apprenticeship or on-the-job training programs, as provided for under the current GI bill.

Our amendment would strengthen the committee provision to assist these disadvantaged veterans by providing limited incentives to their employers in OJT and apprenticeship programs, in order to help them become permanently employable. The Veterans' Affairs Committee has noted in its report on S. 870 that "job training should be attractive and beneficial to both the veteran and the employer." However, the Veterans' Administration has found that its eligible on-the-job training programs have not been competitive with other programs providing financial reimbursement to participating employers, and that potential training slots for disadvantaged veterans are not readily available. Indeed, in 1974 there were 128,000 Vietnam-era veterans participating in VA's OJT program; in 1977 this number had been reduced by more than 55 percent to 57,000.

Our approach, to provide a limited incentive to employers of the disadvantaged veteran by enabling employers to be reimbursed for a percentage of wages paid was strongly suggested by the Veterans' Administration in its recommendations to the President concerning the plight of Vietnam-era veterans preparatory to President Carter's October 1978 message to Congress on this issue.

Mr. President, last May we, as a Nation, honored for the first time the nearly 9 million veterans of the Vietnam era for their dedicated and noble service to our Nation during the terrible period of the Vietnam conflict. We must indeed recognize those who served and show our appreciation for the sacrifices they made. And it is this group of veterans, particularly those from disadvantaged and minority backgrounds, who have had the greatest difficulties in readjustment and have faced high levels of unemployment, poverty, and frustration. Yesterday, my close friend and colleague from Wyoming, the distinguished ranking member of the Veterans' Affairs Committee, correctly stated that, in terms of programs and benefits, we have likely done more for the Vietnam-era veteran than for that of any other conflict. However, the committee itself, the Veterans' Administration, and the President, have all indicated that the structural problems of unemployment for these veterans have been substantially more intractable than for those of other conflicts, and that much more needs to be done to resolve these critical problems.

The bill before us will provide an impetus to begin to meet adequately the needs of veterans of the Vietnam era, and I believe that our amendment will further strengthen the efforts of the Veterans' Affairs Committee to deal with their readjustment needs. I strongly urge its adoption.

Mr. CRANSTON. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HEINZ. I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. HEINZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania to the amendment of the Senator from California. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENSON (after having voted in the negative). Mr. President, on this vote, I have a live pair with the Senator from New Hampshire (Mr. DURKIN). If he were here, he would vote "yea." I have already voted "nay." Therefore, I withdraw my vote.

Mr. CRANSTON. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from South Dakota (Mr.

PRESSLER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 53, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—37

Armstrong
Baucus
Boren
Bradley
Burdick
Cannon
Chafee
Culver
DeConcini
Domenici
Durenberger
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Jackson
Javits
Kassebaum
Levin
Long
Magnuson
Mathias
Melcher
Metzenbaum
Moynihan
Pell
Pryor
Riegle
Sarbanes
Sasser
Schmitt
Stevens
Tsongas
Warner
Weicker
Zorinsky

NAYS—53

Bayh
Bellmon
Bentsen
Biden
Boschwitz
Bumpers
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cochran
Cohen
Cranston
Danforth
Dole
Exon
Ford
Garn
Glenn
Goldwater
Gravel
Hart
Helms
Hollings
Huddleston
Humphrey
Jepsen
Johnston
Laxalt
Leahy
Lugar
Matsunaga
McClure
Morgan
Muskie
Nelson
Nunn
Packwood
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Simpson
Stafford
Stennis
Stewart
Stone
Thurmond
Tower
Wallop
Williams

PRESENT AND GIVING A LIVE PAIR AS PREVIOUSLY RECORDED—1

Stevenson, against.

NOT VOTING—9

Baker
Durkin
Eagleton
Inouye
Kennedy
McGovern
Pressler
Talmadge
Young

So Mr. HEINZ' amendment (UP 921) was rejected.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, to accommodate absent Senators, I ask unanimous consent that no further rollcalls occur until the hour of 2 p.m. I hope we can stack two amendment votes and passage at that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### AMENDMENT NO. 1632

Mr. CRANSTON. Mr. President, the pending matter, I believe, is the amendment we voted on tabling yesterday.

The PRESIDING OFFICER. The Senator is correct.

All time has expired on that.

Mr. CRANSTON. We are ready then to vote on that.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### GI BILL 15-PERCENT COST-OF-LIVING INCREASE

Mr. DOLE. Mr. President, I rise in support of the committee amendment which will increase the rates of the GI bill benefits by 15 percent, effective September 1, 1980.

### VALUE OF GI BILL MUST BE MAINTAINED

Mr. President, the need for this cost-of-living increase is abundantly clear. Never before, in the history of the GI bill, has its value been so threatened by effects of inflation. If we are to "make good" on our promise to veterans in providing a meaningful educational assistance program, we must enact an effective cost-of-living increase. Even the 15-percent increase that this amendment will provide is still below the level needed to fully offset the increasing rate of inflation, according to the Congressional Budget Office. The CBO has indicated a 20.6-percent increase would be required to offset our current rate of inflation.

### INFLATION BITES INTO GI BILL VALUE

Mr. President, although the Veterans' Affairs Committee recommended to the Budget Committee a 7-percent cost-of-living increase for GI bill benefits effective October 1, 1979, the second concurrent resolution on the budget for fiscal year 1980 has not made adequate provision for such an increase. We must, however, remain committed to providing relief to those veterans who choose to utilize their earned educational assistance benefits.

Mr. President, we can no longer rationalize our inaction on this matter. We must do whatever we can within the spending limits imposed by the second concurrent resolution. CBO cost estimates of this amendment for fiscal year 1980 is $22 million in budget authority and no money in outlays—a cost that is within the levels of the second concurrent resolution.

Mr. President, very simply, we must not ignore the drastic value reduction of the GI bill due to inflation. This amendment, while not completely offsetting the rate of inflation, will maintain the GI bill as a meaningful benefit for our veterans.

I urge the adoption of this very important amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1632 of the Senator from California.

The amendment (No. 1632) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

### UP AMENDMENT NO. 922

(Purpose: To provide a presumption of service connection for certain diseases arising in Vietnam-era veterans exposed to agent orange)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an unprinted amendment numbered 922.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert a new title:

TITLE —PRESUMPTION OF SERVICE CONNECTION FOR CERTAIN DISEASES IN THE CASE OF CERTAIN VETERANS

SEC. 701. Section 312 is amended by adding at the end thereof the following new subsection:

"(d) (1) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during the Vietnam era (A) who is suffering from a disease developed to a 10 per centum degree of disability or more that has been determined under paragraph (3) (A) of this subsection to be a disease that may be caused by exposure to phenoxy herbicides contaminated by dioxins, and (B) who during such service was exposed to phenoxy herbicides contaminated by dioxins, as determined in accordance with regulations prescribed by the Administrator under paragraph (3) (C) of this subsection, such disease shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of service.

"(2) If the Administrator determines under paragraph (3) (B) of this subsection that exposure to phenoxy herbicides contaminated by dioxins may cause birth defects in the natural children of persons so exposed, then in the case of any person who—

"(A) is the natural son or daughter of a veteran who served for ninety days or more during the Vietnam era and during such service was exposed to phenoxy herbicides contaminated by dioxins, as determined in accordance with regulations prescribed by the Administrator under paragraph (3) (C) of this subsection; and

"(B) is suffering from a birth defect that in an adult is disabling to a degree of 10 per centum or more and that has been determined by the Administrator under paragraph (3) (B) of this subsection to be a birth defect that may be caused by exposure of one of the parents of a child to phenoxy herbicides contaminated by dioxins;

such person shall be deemed for the purposes of this chapter to be a veteran of a period of war and such birth defect shall be deemed for the purposes of this chapter to be an aggravation of a preexisting injury suffered in line of duty in the active military, naval, or air service during a period of war.

"(3) (A) The Administrator shall determine, and shall promulgate by regulation, what diseases medical research has shown may be due to exposure to phenoxy herbicides contaminated by dioxins. The Administrator shall include in such regulations a specification of the standards used by the Administrator in making such determination.

"(B) The Administrator shall determine, and shall promulgate by regulation, what birth defects, if any, may be mutagenic birth defects resulting from exposure of the parent of a child to phenoxy herbicides contaminated by dioxins. The Administrator shall include in such regulations a specification of the standards used by the Administrator in making such determination.

"(C) The Administrator shall promulgate by regulation the conditions of service during the Vietnam era required to establish exposure of a veteran to phenoxy herbicides contaminated by dioxins for the purposes of paragraphs (1) and (2) of this subsection. Such regulations may not require that a veteran be required to provide any information to the Veterans' Administration for the purpose of determining such exposure beyond the information contained in the veteran's discharge papers and shall establish a presumption of exposure of a veteran to phenoxy herbicides contaminated by dioxins when Department of Defense records, information supplied by the veteran, and other information establishes a possibility of such exposure. The Administrator shall include in such regulations a specification of the standards used by the Administrator in establishing what conditions of service are required to establish such exposure to phenoxy herbicides contaminated by dioxins.

"(4) Notwithstanding any other provision of law, section 553 of title 5, relating to agency rulemaking, shall apply to the promulgation of regulations under paragraph (3) of this subsection, and such regulations shall be made on the record after opportunity for an agency hearing in accordance with sections 556 and 557 of such title. Such regulations shall be subject to judicial review in accordance with chapter 7 of such title.

"(5) The Administrator shall complete final agency action on the regulations required to be promulgated by paragraph (3) of this subsection not later than the end of the one-year period beginning on the date of the enactment of the Vietnam Veterans Act and shall publish such regulations at the same time as one set of regulations.".

On page 57, line 20, strike out "VII" and insert in lieu thereof "VIII".

On page 57, line 22, strike out "701" and insert in lieu thereof "801".

On page 57, line 24, strike out "702" and insert in lieu thereof "802".

On page 58, line 7, strike out "703" and insert in lieu thereof "803".

**Mr. HEINZ.** Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senate will be in order.

**Mr. HEINZ.** Mr. President, in the last few years, it has become apparent that there are large numbers of Vietnam veterans who are encountering serious and disabling diseases which may be attributed to their exposure to agent orange while in Vietnam. A recent report by the GAO indicates that the extent of this problem may be far greater than previously thought. In sum and in brief, this report found that more veterans were exposed to areas where agent orange was used than had been reported by the Department of Defense.

In the last 2 years, over 4,800 veterans have sought treatment from the VA for agent orange related illnesses, including birth defects, numbness in the extremities, liver disorders, and cancer. Over 750 of these veterans have filed claims for disability compensation. It is our obligation to determine whether these claims are valid, and, if they are, to provide the compensation to which they or their families are entitled.

There is substantial evidence that agent orange is a dangerous and perhaps lethal health hazard. A component of agent orange, 2,4,5-T, is contaminated with dioxin, one of the most toxic chemicals known to man. Minute quantities of dioxin have been shown to cause birth defects, skeletal anomalies, stillbirths, damage to the liver and other internal organs, and cancer in animals. In Oregon, use of 2,4,5-T as a herbicide in forest management was statistically correlated with an increase in the rate of spontaneous abortions among women in the surrounding area. Because of its suspected effects on the Vietnamese population, the Army restricted and eventually discontinued its use of agent orange as a defoliant. One of the most significant developments occurred in February last year when the EPA concluded that 2,4,5-T posed a hazard to human health and banned its domestic use as a herbicide.

The Senate has acknowledged that agent orange is potentially a very serious threat to the welfare of Vietnam veterans by authorizing both the Veterans' Administration and the Department of Health, Education, and Welfare to conduct epidemiological studies of dioxin's long-term effects. I welcome these initiatives and believe that additional study is essential to increase our understanding of the effects of dioxin. The VA study was recently signed into law, however, the results of this study will not be known for at least 2 years. Meanwhile, thousands of veterans will be incurring health-care costs, and may be dying, as a result of a disability received in service to their country.

Current VA policy is clearly inadequate to respond to the needs of these veterans. Of the 750 claims filed with the VA, only 2 have been allowed, both for chloracne, a skin disorder. There is an urgent need for the VA, in addition to conducting further studies, to adopt a policy of compensating agent orange victims. This is the objective of the amendment I am offering today. This amendment establishes a presumption that a veteran, who is disabled to a degree of 10 per centum or more from a disorder that has been determined to be caused by dioxins, and who was exposed to phenoxy herbicides, agent orange, during the Vietnam era, has been disabled due to service-connected causes. Also, if the Veterans' Administrator determines that dioxins cause birth defects, then any natural son or daughter of veterans exposed to agent orange who are born with such defects are eligible to receive compensation. The Veterans' Administrator is directed, within 1 year, to determine by regulation what diseases and birth defects medical research has shown to be caused by exposure to phenoxy herbicides contaminated by dioxins. The Administrator is also to issue regulations on what conditions of service are required to establish exposure of a veteran to dioxins. However, the VA cannot require a veteran to submit any information beyond that contained in his discharge papers. Thus, a presumption is to be established that a veteran has been exposed to dioxins when his records and those of the Department of Defense establish the possibility of exposure, according to the regulations which we ask the Veterans' Administration to write, in their best judgment.

I point out, in closing, that this amendment is necessary—at least in my judgment—if we are ever to get the VA to go beyond the mere collection of data, to the point where they can and will respond to the needs of Vietnam veterans who have been disabled by agent orange.

It is important to note that this amendment does not force the VA to compensate any disability which it feels is not causally related to agent orange exposure. It is the VA which has the facilities and expertise required to evaluate available scientific information and to review veterans' claims. For this reason the VA must be given sufficient discretion to determine how to fairly and efficiently administer its programs.

It is unconscionable to allow our veterans to suffer disabling health problems without compensation. It is a small part of the debt we owe veterans to provide compensation for the sacrifices they have made. The amendment I am placing before the Senate will help fulfill part of our obligation to veterans of the Vietnam war and I urge its adoption by my colleagues.

There is absolutely no doubt in my mind, after having met with and talked with veterans who have suffered the onset of a disease known as chloracne, which is a rash—indeed, "rash" is too mild a word; it is a breaking out in very large pustules all over the body—suffering extreme discomfort and itching for the rest of one's life, that our continued rationalization and inaction on this question is irresponsible and unconscionable.

Somebody who is disabled 10 percent or 50 percent by virtue of having lost an arm or a leg, we judge to be compensable under the disability compensation program of the VA, and we should. If someone, by virtue of a disease such as chloracne, caused by dioxin which is present in agent orange, is judged to be disabled 10 percent, 20 percent, or 50 percent, as the case may be, that person should be compensated just as if he had suffered one of the more conventional disabilities of combat.

Mr. President, that sums up what we are trying to do, and I urge my colleagues to agree to this amendment.

The **PRESIDING OFFICER** (Mr. STEWART). Who yields time?

**Mr. CRANSTON.** Mr. President, I am not able to support the amendment of the Senator from Pennsylvania (Mr. HEINZ) that would require the Administrator of Veterans' Affairs to promulgate, within 1 year of enactment, regulations pursuant to which veterans' benefits would be provided in connection with diseases that the Administrator determines may be caused by exposure to the chemical dioxin that was present in agent orange, a herbicide used in Vietnam as a defoliant.

At the outset, I want to state that I am firm in my commitment to assuring that the Federal Government fully and fairly addresses and resolves questions about the possible effects on human health resulting from exposure to the chemical contaminant dioxin. Because of that belief, I have worked diligently to get the Federal Government to take action quickly to investigate this issue as fully and fairly as possible and to come to an appropriate, compassionate remedy. I have twice explained to the Senate how the committee and I were proceeding in this area—on November 15 when the Senate acted on H.R. 2282, a veterans' compensation bill, and on December 6, when the Senate acted on H.R. 3892, a veterans' health bill—so I will not go into a description of these prior activities again except to note my belief that our earlier actions are finally bearing fruit.

H.R. 3892, as passed by both the Senate and the House on December 6 and signed by the President on December 20 as Public Law 96–151, contains a provision mandating the VA to conduct an epidemiological study—pursuant to a protocol approved by the Director of the Office of Technology Assessment and with monitoring by OTA of VA adherence to the protocol—of Vietnam veterans who were exposed to agent orange during the Vietnam conflict to determine what adverse health effects resulted from that exposure. In addition, both bodies in December passed my bill, S. 2096, to mandate a similar HEW study—also pursuant to an OTA-approved protocol and with OTA monitoring—of various other populations that were exposed to dioxin. Although the President vetoed S. 2096 on January 2 because of his concerns about one provision, he announced at that time that HEW was already planning to conduct such a study and that he was requesting HEW to move forward expeditiously. These studies should lead to the development of information that will enable the Federal Government to assess properly the long-term health effects of exposure to dioxin and to provide appropriate remedies, including service-connected disability compensation benefits and VA health care in individual cases.

Thus, in enacting these two dioxin study measures, Congress has acted appropriately and responsibly—albeit later than would have been desirable—to discover and develop the information that is needed for determination as to whether individual dioxin-related claims for compensation should be awarded. In my view, the Senator's amendment is wholly inconsistent with the course of action that the Congress has so recently embarked upon. The basic premise of that amendment is that there is no need for further study. Thus, the amendment says:

> Let's stop right here. Forget the scientifically sound, epidemiological studies that Congress has mandated. Let us, in effect, abandon the responsible approach we recently took, and let us now, on the basis of wholly inadequate information, turn the entire matter over to the VA to make definitive rulings.

I could not disagree more strongly. The legislation so recently enacted marks the right course, and I can assure my colleagues as I did on December 7 in a colloquy with the Senator from Illinois (Mr. PERCY) that I will do my best to see to it that the two studies are carried out fully and expeditiously.

In addition, for the very reason that I am strongly committed to resolving the issues as fully, quickly, and fairly as possible, I oppose the approach advocated by the Senator from Pennsylvania (Mr. HEINZ) because I believe there are a number of serious problems with the approach set forth in this amendment and I believe that adopting it would not only not further the goal of resolving the agent orange controversy but would further compound this very serious problem.

Mr. President, I say this for a number of reasons. That first is that it would be likely to generate false hopes in Vietnam veterans who believe that they may be suffering ill effects from exposure to agent orange and may, in fact, further create needless anxiety about the effects of exposure to dioxin.

It is clear to me that questions surrounding agent orange are very complex and fraught with many difficulties. Although there are some data regarding the effects of exposure to significant doses of dioxin on laboratory animals, there are no such reliable data regarding the health effects in humans. As of today—with the single exception of the skin condition known as "chloracne"—there are no research findings based on accepted methodology indicating that persons who have been exposed to dioxins suffer from long-term disabilities as a result of such exposure.

Likewise, there is, as yet, little or no reliable information on the extent of dioxin exposure experienced by our service personnel in Vietnam. The recently issued GAO report, "U.S. ground troops in South Vietnam were in areas sprayed with Herbicide Orange," refuted earlier Department of Defense assertions that troops did not enter sprayed areas until a significant period of time had elapsed since the spraying. But the GAO report did not, nor could it, provide definitive answers about how many troops received what levels on exposure and certainly no information about the resultant impact on the health of the troops in the area. In light of the state of available, reliable information on agent orange—both as to the extent of exposure as well as the results of such exposure—I believe that the assumption underlying the pending amendment that somehow the VA can resolve all these questions and issue appropriate regulations within 1 year is completely unfounded. As committed as I am to addressing and resolving the multitude of agent orange questions, I will not be a party to an attempt to declare the matter resolved before its many facets are, in fact, understood and reconciled. That cannot be accomplished by waving a magic legislative wand and turning the entire matter over to the VA to resolve in 1 year.

Without valid medical research on which to base its determinations, the VA would be required to proceed, under the Senator's amendment, on the basis of unproved, unverified findings. Conceivably, at the end of the 1-year period, the VA would announce a determination that the only agent orange-related disability that it had determined may occur as a result of dioxin exposure was chloracne. Mr. President, I do not believe that the Senator intends this result; but it is certainly well within the realm of possibility and would be a terribly frustrating result—for all concerned but especially those veterans fearing the ramifications of their exposure to agent orange—since it would be reached on the basis of inadequate data.

That possible result raises another serious problem that I see with the Senator's amendment—that its enactment and the failure of the VA to come up with an all-inclusive list within 1 year, a task that I regard as impossible, would further exacerbate the bitterness of some Vietnam veterans, who maintain that the Federal Government is deliberately hiding the truth about agent orange by refusing to address responsibly the possibility that exposure to it may cause various disabilities. The pending amendment would contribute to this bitterness by setting up the false expectation that "something will be done" immediately when that expectation cannot be fulfilled in a responsible manner.

I believe that Vietnam veterans and the American public deserve to be told the truth about agent orange's effects and the truth about the extent to which our troops in Vietnam were exposed to this poisonous chemical. I intend to do all I can to assure that this result occurs. But, to force the Government to act in a hasty and ill-advised way—as the Senator's amendment would do—does not—I repeat—does not assure that those truths will be told.

Mr. President, in this same regard, I am also concerned that creating false expectations regarding the nearness of a solution may well magnify the extent to which some Vietnam veterans believe they are suffering ill effects from agent orange exposure. The great uncertainty about agent orange, including, of course, uncertainty about exactly what health effects can reasonably be attributed to exposure to it, has created a situation in which some Vietnam veterans may already be assuming that problems they are experiencing are directly related to agent orange exposure. As a result, many of these veterans may be neglecting to consider other causes and possible remedies. Thus, some may not be receiving appropriate medical care. This is a real concern, and, as unfortunate as this phenomenon is, I believe that it would be aggravated if the pending amendment were enacted and the false hope offered that the matter would be resolved within a 1-year period.

Moreover, I am opposed to the pending amendment for a reason apart from my concern for how it would confuse the agent orange issue. If the VA chose to implement this legislation, not narrowly as I have suggested might be done—but very broadly by stretching the notion of possible causation thinly, and establishing service connection for a great number of conditions that there really is no sound basis at present to determine are the result of exposure to dioxin, the result would be to undermine very seriously the entire system of service-connected compensation for veterans suffering diseases or disabilities arising out of or exacerbated by their military service. Certainly, compensation for disabilities and diseases related to exposure to agent orange should be handled through the VA's compensation system but this should only occur after some connection between exposure and the disability or disease is established. I am not advocating a requirement of iron-clad certainty regarding this connection—indeed, existing law and VA regulations do not require such certainty. Rather, I am advocating the establishment of a connection with a basis in fact—with, under current applicable principles, the veteran being given the benefit of reasonable doubt.

As I noted earlier, it is my understanding that, aside from chloracne, there is no scientific evidence demonstrating that any adverse health effect in humans results from exposure to dioxin. Although it is possible that some or all of the various maladies that are being attributed to dioxin exposure may ultimately be shown to be so connected, until that happens, there is no basis for awarding VA compensation. To achieve that result, the Senator's amendment would require piling supposition—a possibility of exposure to an unspecified amount of dioxin—on top of supposition—presence of disabilities or diseases that may be due to exposure to dioxin—as a basis for awarding compensation. As strong as my sympathy is for the veterans who are suffering the various health problems being attributed to dioxin exposure, I cannot support such a result. If individuals should receive monetary relief from the Government for an illness on the basis of possible exposure to dioxin, the logical and equitable next step would be to water down the entire disability compensation system to provide benefits for all disabilities that possibly may have resulted from an event that may have occurred during one's active-duty service. Why should veterans with heart disease, cancer, mental illness, arthritis, or any of hundreds of other forms of illness or injury be held to a higher degree of certainty than veterans with disabilities that may possibly have resulted from possible exposure to dioxin? The answer, I think, is that there is no rational distinction and that the Senator's amendment would both impair the integrity of the service-connected disability compensation program and provide a precedent for destroying its integrity.

Mr. President, in this regard, I believe that the experience with claims by veterans for compensation for disabilities resulting from exposure to ionizing radiation during the atomic bomb testing program is instructive. Again, although I have great sympathy for the many veterans suffering terrible afflictions which they attribute to exposure to radiation and I share the sense of many that the Government has moved too slowly in this area, I believe that a great wealth of scientific information has developed and is continuing to be developed on that issue and that this fact has made the resolution of those claims, within the VA system, a realizable goal. I know that there will still be some individuals who will be very disappointed when the disabilities they believe were caused by radiation exposure are found not to be service-connected, but many others will have their claims accepted and this will be on the basis of sound scientific information. As tragic as the agent orange issue is—and I fully acknowledge that many of those who believe they are victims of exposure to it are suffering from tragic disabilities—I cannot agree that we should abandon the proper approach through the VA.

Mr. President, the precedent that would be set by this amendment, based as it is on hypothetical research, hypothetical medical findings, and hypothetical exposure, would be very risky. I agree that we must be honest and candid with Vietnam veterans about agent orange and admit our failure up to now to proceed with adequate research. But I also believe that we must legislate responsibly and on the basis of valid findings—which we do not at present have.

A quick fix, in the form of the Senator's amendment, is totally inappropriate, could produce very bad results, and could establish a very harmful precedent. For these reasons, Mr. President, I oppose the amendment of the Senator from Pennsylvania (Mr. HEINZ).

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. Mr. President, I very much appreciate the concerns of the distinguished Senator from Pennsylvania regarding the effect of dioxins and, indeed, I share his concern in every respect. Senator CRANSTON and I have in the past year supported the acceleration of the clinical studies necessary to determine the effects of an exposure to this dangerous family of chemicals, but I do not feel at this time that the Congress should consider this amendment.

The critical flaw of the pending amendment is that it assumes that all necessary studies have been accomplished, and that the effect of exposure to these agent orange and other such dioxins has been established. Indeed, no such exposure effects have been yet established other than certain forms of skin disorders, and where such skin disorders are established, treatment and compensation can appropriately be awarded.

As far as any other disorders, no causation has yet been scientifically established.

To now allow compensation for a broad range of physical disorders without the necessary medical evidence would, I believe, be totally inappropriate until such evidence, if it exists, is available. There are so many human maladies that could or could not be associated with exposure to this chemical. Consequently, Mr. President, I oppose this amendment and will continue to oppose all such amendments until the studies on this subject are complete, and I think it makes sense to do that.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HEINZ. Mr. President, first I ask unanimous consent that the Senator from South Dakota (Mr. PRESSLER) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I also ask unanimous consent that a letter dated January 24, 1980, from the Vietnam Veterans of America, with attachments, be printed in the RECORD. The letter and the attachments are in support of this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VIETNAM VETERANS OF AMERICA,
*Washington, D.C., January 24, 1980.*

DEAR SENATOR: The Senate will soon be considering S. 870: the GI Bill Amendment Act of 1979. At that time, Senator Heinz will be offering an amendment to help veterans who were exposed to Agent Orange.

Used extensively in Vietnam from 1962 through 1970, Agent Orange contained one of the most toxic chemicals known to man—a dioxin referred to as TCDD. The Environmental Protection Agency has concluded that TCDD is so hazardous that no dosage is small enough to be safe. Not only is Agent Orange hazardous, but it is now clear that thousands of Vietnam veterans were exposed. That is the conclusion of a recent Government Accounting Office study. According to the VA's own figures, in the last year alone, over 5,000 Vietnam veterans have come to the VA reporting Agent Orange related health problems.

The VA is denying all claims of veterans asking for compensation as a result of Agent Orange exposure, but the VA rule denying these claims has never been published, nor has it been open to review and comment under the Administrative Procedures Act.

The Heinz Amendment does not require the Veterans' Administration to pay compensation. It merely requires that the VA make a decision, in a timely manner, and that that decision be published, and open to public comment.

The Heinz Amendment also corrects current VA procedures in Agent Orange cases that will forever block compensation, not because the claims are frivolous, but because the denial is based on the ability of the veteran to prove his own exposure to the defoliant. The Veterans' Administration assumes that soldiers, who had no knowledge of the toxicity of the substance, would make careful note of the time, place and duration of defoliating missions.

Veterans have no access to the records of defoliating missions. The Veterans' Administration does. With the passage of the Heinz Amendment, the burden of proof will be shifted from the veteran to the Veterans' Administration.

It is time for our government, in this vital way, to serve the veteran as he so ably served his government.

I urge you to support the Heinz Amendment.

Sincerely,

ROBERT O. MULLER,
*Executive Director.*

---

[From the Boston Sunday Globe, Dec. 9, 1979]

SIDESTEPPING A LIFE AND DEATH ISSUE

For thousands of Vietnam veterans, the US Government's failure to resolve questions about the use and side effects of Agent Orange, a toxic defoliant, is part of its larger failure to address the needs of those who served their country in Southeast Asia. But the issue has a certain urgency all its own.

Many believe exposure to the herbicide—it is estimated that 10.7 million gallons were sprayed in Vietnam—triggered some of the strange illnesses now cropping up among veterans. To date, the Veterans' Administration, which is conducting a five-year study of nearly 5,000 veterans who have sought treatment, has denied there is any medical evidence linking Agent Orange to cancer, neurological disorders, kidney failure, mysterious rashes, personality changes or, indirectly, to an above-average incidence of miscarriage, stillbirth and birth defects among veterans' wives and offspring. Consequently, veterans who've sought disability benefits for these health problems have been turned down. Making matters worse, veterans who are sick must live with the uncertainty of not knowing why, while others who haven't been affected must live with the fear that one day they may be.

As months and years pass, veterans have only been given additional reasons to suspect that their country is reluctant to admit culpability in the matter.

Two weeks ago, for example, the General Accounting Office released a report that indicated the Defense Department inaccurately represented the number of ground troops exposed to Agent Orange. Although the department has maintained that American troops did not enter sprayed areas until approximately six weeks after the defoliant was used, the GAO found that thousands of marines not only entered the target areas within four weeks of spraying but that others were headquartered within target areas at the time that Agent Orange was sprayed. The GAO also determined that the Defense Department, in fact, took relatively few precautions to prevent exposure to the herbicide.

As a result of this kind of government sidestepping, veterans have been forced to look for other forms of redress. Recently Judge George Pratt ruled in Federal District Court on Long Island that veterans allegedly injured by the defoliant as well as any of their children who have birth defects could bring suit against five manufacturers of the herbicide. The veterans in the suit are asking for the creation of a trust fund administered by the court which would pay for an epidemiological study, medical benefits and civil damages. A similar suit was filed in Federal District Court in Boston and the veterans' attorney plans to take action in courts across the country. There's a chance that the courts will come up with some kind of solution to the problem before the government does.

Last March the Environmental Protection Agency temporarily banned the use of one of the herbicides used in Agent Orange citing the high rate of miscarriage among women living near Oregon forests, which were sprayed. Some independent medical studies have indicated that birth defects, skin problems such as cloracne, some cancer and other illnesses are caused by exposure to the herbicide. But until the government does likewise, it can't provide any compensation to Vietnam veterans. That's the catch 22.

One provision of legislation proposed earlier this fall by Senators Heinz, Javits, Pressler and Moynihan would remedy the situation by forcing the VA's hand. The bill requires the Administration to make a determination about health problems related to Agent Orange and provide the appropriate compensation for them. Most important, the proposal gives the VA one year to take the necessary action. But the bill is still in committee and time is running out. The Congress simply can't leave Washington in good conscience next month unless the measure is passed. Vietnam veterans deserve at least that much.

---

[From the Philadelphia Inquirer,
July 2, 1979]

### Answers for Kerrie Ryan

The other day Kerrie Ryan, a mop-haired eight-year-old in a wheelchair, was introduced to a congressional subcommittee investigating the health problems of veterans involuntarily exposed to certain herbicides, in this case Agent Orange, sprayed in Vietnam by U.S. forces to clear vegetation and crops. Kerrie's parents contend that her 18 birth defects—missing bones, a partial spine, twisted limbs—were caused by the defoliant her father was exposed to in Vietnam in 1966.

Michael Ryan is not alone in claiming that his daughter's problems, and his own severe headaches and weight loss, were caused by Agent Orange. Hundreds of Vietnam veterans have said they are suffering from nervous disorders, cancer, skin rashes, sterility and other illnesses as a result of exposure to Agent Orange. But disability claims filed with the Veterans' Administration have been rejected, the VA contending that Agent Orange is not a proven cause of any chronic medical disorder or of genetic defects transmitted through fathers. But the sobering reality is that Agent Orange was suspect enough as a cause of birth defects for the United States to decide in 1970 to discontinue its use as a defoliant in Vietnam. And late last winter the federal Environmental Protection Agency suspended its use after eight miscarriages occurred in an Oregon town near forests that had been sprayed with it—and after some 400 inquiries were made from people around the country suffering ill effects after exposure.

Supposedly the VA plans a study of the health of the 1,200 veterans who handled Agent Orange. But the study is not under way despite some months of discussion.

The questions about Agent Orange deserve answers soon. And the answers should come as a result of a study done by an agency disinterested in the outcome—preferably not the Veterans' Administration but the Department of Health, Education, and Welfare. It would be unconscionable for Vietnam veterans to be stonewalled on this matter. The Kerrie Ryans of the world, and their fathers demand answers.

---

[From the New York Times, July 5, 1979]

### On the Agent Orange Trail

Americans whose Vietnam trials included exposure to a defoliant known as Agent Orange have finally gained a forum for their claim that they have suffered an array of disabling diseases. Without the chance to state their grievances to a House Commerce subcommittee, they might still be shuttling around the cold corridors of the Defense Department and Veterans Administration. Spurred by the public embarrassment of the hearings, the executive departments have finally agreed to look for links between the chemical and the ailments of which the men complain. How sad that such prods are necessary to remind a Government of its most elementary obligation.

Between 1962 and 1970, American warplanes sprayed nearly 12 million gallons of Agent Orange over 5 million acres of Vietnam jungle, trying to deny the Vietcong food and cover. The defoliation effort was abandoned when South Vietnamese newspapers published accounts of stillbirths and birth defects among native people exposed to the herbicide. Later, United States veterans who had crossed its path also complained of strange ailments, such as sensitivity to light, changes in skin tone and other disorders of the nervous system. A number of them are said to have fathered children with birth defects.

About 500 veterans filed claims with the Veterans' Administration. But they were told there was no such thing as Agent Orange poisoning, nor any conclusive evidence that the chemical harmed anything other than vegetation. The Government held fast to that position for years, despite a spirited debate in the scientific community over the defoliant's effects. The veterans' case seemed to be dying when, earlier this year, the Environmental Protection Agency banned, as cancer causing, a domestic herbicide containing one of Agent Orange's two components.

The Veterans' Administration, the Air Force and the Department of Health, Education, and Welfare have finally agreed to investigate the claims. But regardless of their findings, the damage to the Government's credibility has been done. Once again intransigence in Washington has required the formation of special interest groups that should never have been necessary, including one called Agent Orange Victims International. Some groups are filing freedom-of-information claims and the air rings with dispute over the promised studies and the motives of their sponsors.

For too long, the mere mention of Agent Orange caused various Federal agencies, including one dedicated to the needs of veterans, to insist blindly that the chemical was innocent until the possible victims could prove it guilty. Fortunately, the burden of proof has begun to shift. But the burden on Government and its reputation has only been enlarged.

Mr. HEINZ. Mr. President, I would like to ask the distinguished managers of the bill a question or two. The first question is, Is it the opinion of the managers of the bill, did I hear them correctly, that they feel this amendment in fact says there are certain diseases that are agent orange related? Did I hear them imply that? Because that is not the case. The amendment does no such thing.

Mr. CRANSTON. All we really meant to say, and I think we did say, was that the VA could not be realistically expected to publish a list of afflictions that are related to agent orange within 1 year with any confidence that that would be a scientifically accurate list.

Mr. HEINZ. If the Senator will yield further, is it the Senator's feeling that there is something in the amendment that mandates that the VA publish a list of diseases that are related to agent orange? If so, I would like to know what is in the amendment that says that.

Mr. SIMPSON. Mr. President, my reference to various maladies that could be attributed or not attributed to agent orange comes from the "Dear Colleague" letter of January 23 from the sponsoring Senator which says:

> That among the problems for which Vietnam veterans are seeking compensation, in addition to chloracne, are nervous problems, liver disorders, birth defects in offspring, and cancer.

Then it goes on to say:

> This amendment will not specifically order the VA to compensate veterans for any of these problems. It simply requires the VA to investigate what disorders are.

And so on.

This is exactly what I am referring to. If there are references anywhere to nervous problems or liver disorders, then we can easily be making a tragic mistake to require the VA to make a determination, without the necessary clinical evidence, that these specific ailments are the result of an exposure to dioxins. We must remember that once the VA determines that an ailment can be the result of service-connected exposure to such chemicals that compensation must then be authorized.

Mr. HEINZ. I hope the Senator will direct himself to the language of the amendment because that is what is operative under law.

I understand the objection of the managers of the bill to be—what I really hear them saying is—that the VA does not have enough information to publish an adequate list.

I have not heard the managers of the bill say, however, because I do not think they can say it, that we actually force the VA to publish a list that is not based on information.

However, if that is a concern, and if we are together in wanting to get to the bottom of agent orange, let me propose a compromise to the managers of the bill. My compromise is directed at, I think, what is the real concern of the managers of the bill, which is the 1-year time limit.

There is a study in the bill recently signed into law by the President that will be conducted by the VA, is that not right, Senator CRANSTON?

Mr. CRANSTON. Our objection is by no means the point that the Senator has alluded to. There are other concerns. We do not feel it is appropriate to single out a particular disease or diseases and prescribe a way to deal with it without an adequate foundation for doing so.

Mr. HEINZ. What disease is singled out?

Mr. CRANSTON. Various afflictions people possibly may have from alleged exposure to dioxin, which may or may not have occurred. There certainly are various afflictions that individuals are suffering from that are tragic, and we would like to know their cause. It has not been established that their cause is from exposure to dioxin.

Mr. HEINZ. The Senator understands the amendment does not name a single disease or symptom. All we ask the VA to do is to obtain the information, to undertake the necessary research, and to list no later than 1 year from now what disorders they believe are agent orange-related.

We do not require them to list anything, in fact, we just have a time limit. The only way they could list something is to establish that it was agent orange-related. I do not really understand the objections of the managers of the bill. Let me ask the managers of the bill if we replaced the 1-year time limit, which is admittedly, while it is a reasonable length of time, necessarily arbitrary—any length of time is arbitrary even though reasonable—why would it not be acceptable to the managers of the bill if the amendment was changed to substitute for the 1-year time limitation, a time limitation which would begin to run as soon as the studies are completed? Why would that not be sensible policy?

Mr. CRANSTON. It still singles out a particular causation, suggesting that that particular causation is responsible for an affliction. And that is a presumption we do not think is wise to make in legislation.

Mr. HEINZ. Will the Senator yield further for one other question, the Senator from California?

Mr. CRANSTON. The Senator has the floor. I presume we are using his time.

Mr. HEINZ. Will the Senator please answer another question?

Mr. CRANSTON. Certainly.

Mr. HEINZ. In fact, I believe in the remarks of the Senator, he indicated that agent orange had been singled out as a causative agent in at least one disease. Is that not the case? This is to Senator CRANSTON.

Mr. SIMPSON. Mr. President, the Senator might hold that question for Senator CRANSTON or again restate it, and I will attempt an answer.

Mr. HEINZ. Well, I would like to talk to one person at a time.

Mr. SIMPSON. The Senator certainly has that option, indeed.

Mr. HEINZ. With no disrespect to my good friend from Wyoming.

Mr. SIMPSON. I concur. I do have a comment I can make before Senator CRANSTON returns.

My feelings, in response to the question——

Mr. HEINZ. Mr. President, I will yield the floor to the Senator from Wyoming.

Mr. SIMPSON. The Senator had certain questions of the comanagers of the bill, and I would like to respond to such questions.

Mr. HEINZ. Will the Senator do me a favor and do it on his own time? Let me reserve my time.

Mr. SIMPSON. The Senator may reserve his time and direct his question to Senator CRANSTON.

Mr. PERCY. Will the Senator yield?

Mr. HEINZ. May I just get an answer to my question, first?

Let me repeat, if I may, for the benefit of Senator CRANSTON, my question. Did the Senator not state, or is it in fact not the case that agent orange has been established as the causative agent in one disease already, chloracne? Is that not the case?

Mr. CRANSTON. That is correct. It has been so adjudicated in two cases.

Mr. HEINZ. Therefore, the question as to whether or not agent orange causes a particular disorder has been settled adjudicatively?

Mr. CRANSTON. With respect to that particular condition, but not with respect to other conditions.

Mr. HEINZ. I do not argue with the Senator about that. But, in fact, we have found that agent orange causes physical problems. It does result in compensable disabilities.

But what is happening is that there is no statutory procedure for systematically defining what is and is not caused by agent orange. There is no statutory procedure for, in an orderly manner, determining who was and was not exposed to agent orange, thereby establishing a causal linkage. And there is no statutory procedure for awarding compensation to people who suffered from agent orange.

We are not prejudging any of the answers to those questions. The amendment is merely procedural. But I gather that nothing I say will convince the Senator from California, even if what I say is correct.

Mr. CRANSTON. If what the Senator said was correct, I would be at once convinced. But I do not think it is correct. I do not think the fact that dioxin has been related to one affliction is evidence that it is related to other afflictions. We have studies underway that are designed to provide a scientific basis for dealing with this question. The VA, OSHA, DOD, and HEW are all making such studies. We will have, we expect, adequate scientific bases to proceed upon when those studies are completed.

Mr. HEINZ. Will the Senator answer one further question? When those studies are completed, and in the event—which is hypothetical—they establish agent orange as a causative agent with respect to one or more diseases, what is wrong with establishing now a procedure for dealing with the results of those studies? What is wrong with doing that, if I may ask the Senator from California?

Mr. CRANSTON. I do not think it is particularly helpful to deal with hypothetical questions and to answer them. When the facts are established, we will come to grips with those facts, and we will take appropriate action.

I am as interested as the Senator from Pennsylvania in dealing with this problem. But I want to deal with it in an appropriate way.

Mr. HEINZ. Mr. President, I listened carefully to the Senator from California and also my good friend, the Senator from Wyoming. I wish I could be convinced of what they say as being, as I am sure they believe, in the best interests of our veterans. I think that the record does show that agent orange has caused at least one disease.

The amendment before us does not force the VA to state anything they do not want to state as a disease that is caused by agent orange. I think perhaps the best thing to do is to leave it up to our Senate colleagues to decide, notwithstanding the fact that the Veterans' Affairs Committee is terribly persuasive when our colleagues come on the floor, our colleagues often give their views a great deal of weight, which I am getting used to, I want you to know.

So I think, perhaps, Mr. President, the best thing to do is ask for the yeas and nays on the amendment.

I want to apologize to the Senator from Illinois (Mr. PERCY). Let me yield to the Senator from Illinois.

Mr. CRANSTON. Mr. President, I ask unanimous consent that we have the yeas and nays on the Senator's amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I would like to ask the distinguished chairman of the Veterans' Committee a question. I am very sympathetic with the concern expressed by our distinguished colleague from Pennsylvania (Mr. HEINZ) about agent orange.

As the Veterans' Committee members know, I have long held the position, based upon my own experience in Illinois with veteran complaints that I have had which have just poured in on us, that the Veterans' Administration has really proven unresponsive to the pressing needs of veterans who are concerned about agent orange.

The VA task force on agent orange appointed months ago has produced very few visible results and is extremely disappointing. Many veterans have told me of slipshod attention and care for those veterans who request VA treatment or examinations for their symptoms. The VA's responsibility to date in this matter has been really unsatisfactory. That is why the Senator from Illinois asked the Comptroller General to audit the Department of Defense records to determine what the degree of exposure was. The report from the Comptroller General was just shocking; there was far more exposure than the Defense Department had been willing to admit. The degree of possible exposure by Marine and Army troops must cause us and should cause us to be deeply concerned.

Now, I was pleased to work with Senator CRANSTON on a portion of a bill which did, as originally written, direct HEW to make a thorough study of the effects of agent orange on veterans' health. I felt then, and still do, that the expertise in this area lies with HEW. VA, however, resented HEW getting into their backyard. In conference, two proposals were worked out. One directed the VA to do research on veterans. The other required HEW to study those people who were exposed to agent orange as it was sprayed within the United States.

We do have a responsibility, though, to make certain that the study that is done is a thorough and objective one.

Thus, the compromise that was worked out was that the Office of Technology Assessment was assigned a responsibility by the Congress of oversight, just oversight, to make certain that the best objective advice could be obtained by the VA and HEW in carrying out their studies.

On January 2 of this year I was extremely disappointed to learn that President Carter vetoed the proposal for an HEW study. President Carter called the OTA oversight provisions "unconstitutional intrusions into * * * the executive branch."

My staff and I have consulted with Congressional Research Service attorneys who have informed me that the provisions of the bill are, in their judgment, constitutionally sound. The U.S. Court of Claims has upheld similar provisions in a 1977 case, and the Carter administration itself has previously supported such provisions with respect to the Executive Reorganization Act.

Clearly, this measure does not represent an unacceptable form of legislative oversight. HEW's role in this study is in aid of Congress legislative function and falls in the same general category as those powers which Congress might delegate to one of its own committees or even to the OTA. As such, it is clear to me that Congress may structure the study and impose conditions on it in a manner it sees fit.

I felt the Congress action in passing S. 2096 and H.R. 3892 was absolutely right and proper. It was essential that we have a study that would have guaranteed objectivity and to which we could have an input.

The President's position is thus unfounded. I have long been opposed to the concept of a legislative veto, and I have fought hard against it. The OTA approval mechanism is not what traditionally has been viewed as a legislative veto. The legislation is constitutionally sound.

The bill would not delegate authority to an agency to administer a program, promulgate regulations, or apply general statutory provisions to individual cases. The OTA approval protocol does not change existing law nor establish a rule of law. The HEW study would be exclusively intragovernmental with no impact on third parties.

I simply ask the question of Senator CRANSTON, the floor manager of the bill, if he would affirm, in his judgment, that he would disagree with the President's action and that what the Congress did, in his judgment, was constitutional. I would hope that we would find some means of pursuing the course we were on because we could have had that study underway had the President signed the bill.

In conclusion, then, the OTA approval mechanism in S. 2096 is not what is commonly viewed as a legislative veto. The provisions affect neither executive action nor third parties.

Mr. CRANSTON. Mr. President, in responding to the distinguished Senator from Illinois, I know of his deep concern about the Agent Orange matter. I agree with much he has said. I do not believe there was a valid constitutional or other basis for the veto. I will speak to that in detail a little bit later in the course of the consideration of this bill.

On the matter of the GAO report, I do want to make one comment on the Senator's remarks about that. That report does not show exposure of troops. What it shows is that the flag standards of military units were in the vicinity of the spraying at the time of the spraying, or thereabouts. There is no evidence in the report as to actual exposure of troops, no evidence as to how many troops may have been in the vicinity and what, if any, level of exposure they received, what the wind conditions were, what the foliage was, and no evidence with respect to other significant matters. These matters should be subject to further study.

It is quite possible, of course, that there were troops exposed. We want to learn that information, but we do not have adequate evidence in the GAO report.

Mr. PERCY. Would the Senator agree with the Senator from Illinois, however, that in reading that report it was quite evident that we gained new insight as to the degree and extent of possible exposure that was sufficient to cause us to thoroughly investigate and follow up? We know where the marines were, we know who they were, and we could follow up and see whether there were any direct results. And we should. We have less information on Army force personnel. At the least we should follow up very rapidly to see whether there have been any ill health effect on any of the marines who were in close proximity to sprayed areas.

Mr. CRANSTON. That report aroused my concerns as it aroused the concerns of the Senator from Illinois, the Senator from Pennsylvania, and many other Senators. I immediately got in touch with DOD, with the VA, with HEW, and with GAO, asking for immediate and intensive efforts to get all the facts possible. That matter is now being pursued in those agencies.

Mr. PERCY. I thank my colleague.

Mr. HEINZ. Mr. President, I am prepared to yield back the remainder of my time.

Mr. CRANSTON. I am prepared to yield back the remainder of my time, Mr. President.

Mr. SIMPSON. Mr. President, on the time to be yielded back by the floor manager, let me just state that, obviously, we are all concerned about agent orange. Not one of us here could help but be concerned.

I would just comment in answer to a question previously asked by the sponsor of the amendment. The particular provision of this amendment that causes me the greatest concern is the 1-year time requirement in which the Veterans' Administration must establish by regulation those disorders that can be caused by exposure to dioxins.

That is the key issue. This amendment attempts to force the Veterans' Administration to establish such disorders as nervous problems, liver disorders, birth defects in offspring, and cancer, as caused by dioxins well before the Administrator will have the available evidence upon which to make such a determination. I think that is the critical flaw in this entire proposal. There is no way that should be done. This is the very reason why we are having epidemiological studies. That is why all of our concerns are directed toward finding the medical evidence necessary to make such determinations. The two cases of skin disorders which were treated and compensation authorized were the direct result of a finding that repeated exposure to the skin of laboratory animals resulted in cases of chloracne.

But I would remind anyone here who has dealt with health problems that we can make repeated exposure of any chemical to animal or human skin and we are going to get a reaction.

We have such spare information in this issue that it just seems totally irresponsible to require after 1 year a finding that will designate the diseases that medical research has shown to that point be the result of exposure to dioxins. Who knows what will be the results of such studies?

To my mind, it would apply inordinate pressures to act strictly on an emotional basis without the benefit of reason and research. I happen to have an administrative assistant who flew through clouds of agent orange while on military duty in Vietnam.

Mr. HEINZ. Will the Senator yield for a question?

Mr. SIMPSON. I will in a moment. I will summarize by saying I could not agree more with what the Senator is trying to do, but it is not timely and will not be until we have the necessary medical evidence. That is why we must get on with the studies. That is why I wish to determine a way around the President's veto and get on with further study of this emotional issue.

Mr. HEINZ. If the Senator will yield for a question, let me ask him a question. Since I think we are both trying to do the same thing, since there is a study being performed, since the Senator raises objection to the 1-year time limit, would the Senator agree with the following proposal: that we will start the 1-year time limit running only after the study is complete.

Would that not cure the Senator's objections? I am perfectly willing to do that.

Mr. SIMPSON. Mr. President, I am sure that we shall not require a year once the study is completed. We shall probably move with great immediacy, within days or weeks after the study is completed and after the medical community has finished its determination of what diseases come from such exposure. Consequently, I do not know why this amendment is needed at this time.

Mr. HEINZ. Then I take it that the Senator basically agrees that if we started a time period running—a year, or it could be shorter. If the Senator wants to make it shorter, that is all right with me.

I gather that the Senator, based on what he said, would support this approach if we had some kind of time limit running on VA action after the study is complete. Is that right?

Mr. SIMPSON. Mr. President, I am saying that once the medical study has been completed and the data fed to the appropriate administrators, the appropriate committees of Congress and the Veterans' Administration shall not need any time at all to effectively act, especially considering the feelings of American citizens with regard to agent orange.

Mr HEINZ. Mr. President, I am prepared to yield back my time.

Mr. CRANSTON. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

### UP AMENDMENT NO. 923

(Purpose: To require the Secretary of HEW to study and report to the Congress on the long-term health effects in Vietnam-era veterans of exposure to Agent Orange)

Mr. CRANSTON. Mr. President, on behalf of the Senator from Wyoming (Mr. SIMPSON) and myself, I am sending to the desk an unprinted amendment that I am offering as a substitute to the pending amendment by the Senator from Pennsylvania (Mr. HEINZ) on agent orange and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself and Mr. Simpson, proposes an unprinted amendment numbered 923 to UP amendment numbered 922.

Mr. CRANSTON. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed by amendment UP-922, insert the following:

STUDY REGARDING VETERANS EXPOSED TO AGENT ORANGE DURING SERVICE DURING THE VIETNAM ERA

(a) (1) In order to assist in determining the long-term health effects on veterans of their exposure to the herbicide known as "Agent Orange" while serving in the Armed Forces of the United States during the Vietnam era, the Secretary of Health, Education, and Welfare shall provide for the design of a protocol for and the conduct of an epidemiological study of various populations, such as such veterans, chemical workers, agricultural workers, Forest Service workers, and others, who were exposed to any of the class of chemicals known as "the dioxins" produced during the manufacture of the various phenoxy herbicides to determine if there may be long-term adverse health effects in such persons from such exposure. The Secretary shall also conduct a comprehensive review and scientific analysis of the literature covering other studies relating to whether there may be long-term adverse health effects in humans from exposure to such dioxins or other dioxins.

(2) (A) (i) The study conducted pursuant to paragraph (1) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

(ii) The Director shall monitor the conduct of such study in order to assure compliance with such protocol.

(B) (i) Concurrent with the approval or disapproval of any protocol under subparagraph (A) (i), the Director of the Office of Technology Assessment shall submit to the appropriate committees of the Congress a report explaining the basis for the Director's action in approving or disapproving such protocol and providing the Director's conclusions regarding the scientific validity and objectivity of such protocol.

(ii) In the event that the Director has not approved such protocol during the one hundred and eighty days following the date of the enactment of this Act, the Director shall (I) submit to the appropriate committees of the Congress a report describing the reasons why the Director has not given such approval, and (II) submit an update report on such initial report each sixty days thereafter until such protocol is approved.

(C) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in the second sentence of this subparagraph, a report on the Director's monitoring of the conduct of such study pursuant to subparagraph (A) (ii). A report under the preceding sentence shall be submitted before the end of the six-month period beginning on the date of the approval of such protocol by the Director, before the end of the twelve-month period beginning on such date, and annually thereafter until such study is completed or terminated.

(3) The study conducted pursuant to paragraph (1) shall be continued for as long after the submission of the report under subsection (b) (2) as the Secretary may determine reasonable in light of the possibility of developing through such study significant new information on the long-term adverse health effects of exposure to dioxins.

(b) (1) Not later than twelve months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the literature review and analysis conducted under subsection (a) (1).

(2) Not later than twenty-four months after the date of the approval of the protocol pursuant to subsection (a) (2) (A) (i) and annually thereafter, the Secretary shall submit to the appropriate committees of the Congress a report containing (A) a description of the results thus far obtained under this study conducted pursuant to such subsection, and (B) such comments and recommendations as the Secretary and the heads of other departments, agencies, and instrumentalities of the Federal Government described in subsection (c) consider appropriate in light of such results.

(c) For the purpose of assuring that any study carried out by the Federal Government with respect to the adverse health effects in humans of exposure to dioxins is scientifically valid and is conducted with efficiency and objectivity, the President shall assure that—

(1) the study conducted pursuant to subsection (a) is fully coordinated with studies which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to the adverse health effects in humans of exposure to dioxins; and

(2) all appropriate coordination and consultation is accomplished between and among the Secretary and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of the study carried out pursuant to subsection (a), in the design, conduct, monitoring, or evaluation of such dioxin-exposure studies.

(d) There are authorized to be appropriated such sums as may be necessary for the conduct of the study required by subsection (a).

Mr. CRANSTON. Mr. President, our amendment requires that HEW carry out the necessary epidemiological studies to determine the long-term health effects in veterans of exposure to agent orange. We believe this is the appropriate way to deal with a serious problem.

This amendment is essentially the text of S. 2096 as passed by both Houses in December but vetoed by the President on January 2. It directs the Secretary of HEW to conduct, pursuant to a protocol approved by the Director of the Office of Technology Assessment, epidemiological studies regarding exposure to the chemical contaminant dioxin in order to determine the health effects in veterans of exposure to agent orange. Although the VA was mandated by Public Law 96-151 to conduct a similar study focusing solely on veterans, there is wide agreement that there is a need for HEW also to study this very important issue so as to gather scientific data from a variety of sources and as quickly as possible in order to reach a resolution of the many difficult questions about the effects of agent orange and dioxin exposures.

Mr. President, as I noted at the time of Senate passage of S. 2096, I believe it is absolutely vital that valid, objective, scientific studies be done on the long-term health effects in humans of exposure to dioxin. As I noted in my earlier remarks on the amendment of the Senator from Pennsylvania (Mr. HEINZ), there are, at present, no research findings based on accepted methodology indicating that persons who have been exposed to dioxins suffer from long-term disabilities—with the single exception of chloracne—as a result of such exposure. This is the problem that must be addressed and my amendment would be an important step in the direction of reaching that goal.

Mr. President, adopting my substitute amendment would, once again, indicate the Senate's view that the OTA involvement provided for in S. 2096—is a necessary ingredient in any study of the adverse health effects of dioxin exposure. Even though both the VA and HEW are apparently planning to conduct such studies and may coordinate their efforts with OTA, absent such a mandate for the OTA role, there is no certainty that such a result will occur. Indeed there is reason to believe that HEW will not be very receptive to such OTA involvement. It is my view that OTA involvement in the dioxin studies previously mandated in S. 2096 and H.R. 3892, the companion measure to S. 2096 which directs the VA to conduct a study of long-term health effects from dioxin exposure, was an integral part of such studies. The Congress was not simply directing that a study be conducted. Rather, there was a clear intention that the study be both valid and objective and be perceived as such by interested persons. There is much doubt, among many individuals who believe that they may have been exposed to dioxin—particularly those Vietnam veterans who are suffering ill-health effects that they attribute to such exposure—that the executive branch is capable of conducting a fair and impartial study on the dioxin issue. By providing for major OTA involvement, as my amendment does, an external check on the executive branch study mandated by Congress is included in the study.

Mr. President, I also note that I do not believe that the OTA-approval device is in any way subject to serious question as an unconstitutional incursion by the Congress into the day-to-day business of the executive branch. By adopting my amendment and again mandating a role of OTA in the dioxin studies, the Senate will be reasserting the appropriate relationship between the two branches.

In this regard, I recently received a legal analysis from the American Law Division of the Congressional Research Service on the constitutionality of the OTA approval provision in S. 2096. I ask unanimous consent, Mr. President, that this opinion, which I believe clearly demonstrates that the provision is constitutional, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, I want briefly to explain to my colleagues why, in light of this CRS opinion and my view of the constitutionality of the provision, I am reintroducing the measure at this time instead of seeking a veto override. Although I believe strongly that the OTA-approval provision in S. 2096 and in my amendment is not a legislative veto device, I am concerned that the President's action of describing it as such could engender some confusion on this point, thereby clouding the important dioxin study issue in the measure. As my colleagues know, there are a number of significant measures that the Congress will be considering in the near future—including this regulatory reform measure now being considered by the Governmental Affairs Committee and the FTC legislation that will be on the floor in the near future—in which the legislative veto question is central to the ultimate congressional action.

I do not believe that anything would be gained by allowing the OTA-approval device in this legislation to be caught up in that particular debate, particularly because it is clear to me that this device is not a legislative veto provision.

I say that because, as the CRS analysis demonstrates, what Congress is doing here is requiring the executive branch to carry out a study for the Congress and report the results to the Congress, not interfering in any way with executive branch prerogatives in terms of execution of the laws. OTA's role here would be no different than from the role which Congress, in at least 3 laws cited by CRS, has given to another of its arms, the General Accounting Office, to approve certain executive branch accounting and property management procedures and systems before the actual bookkeeping occurs.

I submit to my colleagues this question: What is the difference between Congress mandating devices by which it can be satisfied on the method in which data is gathered in a scientific study—as our provision provides—and the method data is collected and displayed in the GAO examples?

Therefore, Mr. President, I am advocating that the Congress again act to direct that HEW conduct a study relating to dioxin exposure pursuant to an OTA-approved protocol so that we can give the President another opportunity to consider this matter in a nonconfrontational posture, particularly in light of the analysis I have put forward.

Also, Mr. President, by directing HEW to assist in studying the health effects of agent orange and dioxin exposure, rather than taking the approach proposed in the amendment of the Senator from Pennsylvania (Mr. HEINZ), the Senate will be taking the appropriate action that should yield the needed information on this important issue. Although this approach does not promise the quick fix inherent in the amendment of the Senator from Pennsylvania (Mr. HEINZ)—I think a misleading promise—it does represent what Congress can now do to resolve this difficult issue.

Mr. President, I would like to make a few comments on the January 23 "Dear Colleague" letter of the Senator from Pennsylvania describing his amendment.

First, the Senator states in that letter that there are "thousands of veterans who remain uncompensated for injuries sustained" through exposure to agent orange.

Mr. President, if we were in a position to know that, there would not be any debate on these issues today. I and all members of the Committee on Veterans' Affairs would have already reported any legislation necessary to deal with the denial of such benefits. But, the plain fact is that neither the Senator from Pennsylvania, nor I, nor anyone else has any medically valid basis for stating that Agent Orange has caused any particular disabilities in humans other than chloracne. The Senator recognizes that fact and his amendment also recognizes it. That is why his amendment allows a 1-year period—albeit a period that is too short—for the VA to determine what disabilities may be caused by exposure to dioxin; and that is why the Congress twice last year passed legislation requiring epidemiological studies of the health effects of exposure to dioxin. This absence of knowledge is also of course, the reason why I am again seeking legislation mandating an HEW study of this vital question.

Thus, Mr. President, I believe it is very important to clarify this matter so that Senators will not be misled by the misstatement in the "Dear Colleague" letter of the Senator from Pennsylvania.

Second, Mr. President, that letter states that the Senator's amendment "simply requires the VA to investigate what disorders are related to dioxin exposure." That requirement is unnecessary. The Congress in Public Law 96–151, has already mandated a VA study in this area, and, in my mind, a clearly superior study—a comprehensive, valid epidemiological study in which the American people and veterans can have confidence. Thus, in this major respect, as well as others, the Senator's amendment is seriously flawed.

Third, the letter also states that the amendment would accelerate the period in which the VA study—mandated by Public Law 96–151—of the effects of the exposure to agent orange by requiring that that study be completed in 1 year rather than 2 years. I see no such provision in the amendment; and I am strongly opposed to any suggestion that the study should be forced into such an unrealistic time frame.

Mr. President, a comprehensive scientifically valid study is needed here. That takes some time and should not be cut short arbitrarily. The last thing we need is a quick-hit, hurried study that is more likely to yield inconclusive results or to overlook some possible health problems. As I have previously stated, one of the major drawbacks of this amendment is that it imposes an entirely unrealistic requirement upon the VA to answer all of the agent orange problems within 1 year. Such a requirement would accomplish nothing more than produce determinations based in inadequate, incomplete data.

Fourth, Mr. President, the Senator's "Dear Colleague" letter states that the amendment creates a presumption of service-connection for a veteran "whose service in Vietnam exposed him to agent orange and who manifests * * * symptoms of dioxin poisoning." That is a highly inaccurate description of the amendment. The amendment does not create a presumption at all. It provides directly for the payment of benefits; and the payment of benefits is not limited to those who actually were exposed and who actually have symptoms of dioxin poisoning. In truth, the amendment provides for the award of compensation for veterans who have disabilities that may be caused by exposure to dioxin and who possibly were exposed to agent orange in Vietnam.

Thus, Mr. President, the amendment

of the Senator from Pennsylvania is not exactly what its "Dear Colleague" letter indicates it is. Rather it piles supposition on top of supposition and thus threatens the integrity of the single most important VA benefits program—the program of compensation for disabilities incurred in the line of duty. It would be a grave injustice to all service-connected disabled veterans if we were to allow the integrity of this highest priority program to be undermined.

Mr. President, I trust these clarifications and corrections of misstatements in the "Dear Colleague" letter from the Senator from Pennsylvania will prevent Senators from voting on these amendments on the basis of misinformation. This is an important issue, and I believe it is essential that, on the basis of accurate information, the substitute amendment be adopted in place of the amendment of the Senator from Pennsylvania.

Therefore, Mr. President, I urge my colleagues to support the substitute amendment.

EXHIBIT 1

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
*January 11, 1980.*

To: Senate Veterans' Affairs Committee
Attention: Bill Brew.
From: American Law Division.
Subject: Presidential Veto of Bill Mandating HEW Studying of Health Effects of Dioxins.

On January 2, 1980, President Carter vetoed S. 2096, a bill providing for a study by the Secretary of Health, Education, and Welfare of the long-term health effects in humans to exposure to dioxins, chemical by-products of certain herbicides. The feature of the bill found objectionable by the President was the requirement that the protocol for the study be approved by the Director of the Office of Technology Assessment.[1] The Presidents' veto message stated:

> . . . I cannot approve S. 2096 because it includes what I believe to be an unconstitutional requirement that the Secretary of HEW conduct a study only after the protocol for that study has been approved by the Director of the Office of Technology Assessment, which is an office and an arm of the Congress.
>
> I have previously informed Congress of my view that legislative veto devices are unconstitutional intrusions into the day-to-day administration of the law by the Executive Branch. Congress is constitutionally empowered to direct Executive Branch decisions executing the law only by enacting legislation subject to the veto power of the President under Article 1, section 7 of the Constitution. In my view, such legislative power may not constitutionally be delegated to committees of the Congress or to offices subordinate to committees of the Congress.[2]

Two related arguments can be made in response to the President's position. First, the OTA approval mechanism is not what is traditionally viewed as a legislative veto; and, secondly, if it can be characterized as such a device, it falls within that category of veto which is viewed by many (including the Administration) as constitutionally valid and which has been upheld in the one judicial decision on the merits of the legislative veto.

S. 2096 can be seen as a method by which Congress can obtain information on a particular area of interest. The HEW report is to be submitted to the appropriate committees of Congress upon its completion.[3] The entire bill is designed as an information-gathering device for Congress. Congress is enlisting the resources of an executive agency to conduct a study for it of a particular matter of legislative interest. Such congressionally mandated studies are common. Numerous reporting requirements are imposed on executive agencies[4] and Congress frequently provides for specific studies by agencies.[5]

The bill is not a delegation of authority to an agency to administer a program, promulgate regulations, or apply general statutory provisions to individual cases. The OTA protocol approval does not effectuate a change in the law nor establish a rule of law, consequences which are viewed by some as an invalid feature of the exercise of a legislative veto. The HEW study is exclusively intra-governmental with no impact on third parties. The agency, in the conduct of the study, can be seen as an agent of Congress acting "in aid of the legislative function of Congress."[6] It is performing a function "essentially of an investigative and informative nature, falling in the same general category as those powers which Congress might delegate to one of its own committees . . ."[7] As such, it would seem that Congress could structure the study and impose conditions in a manner it sees fit without its action being seen as intruding on executive functions.[8]

The imposition of conditions and requirements that prerequisites be met before an agency can act have been approved in other contexts. In *Currin* v. *Wallace*,[9] the Court upheld legislation which conditioned the application of tobacco inspection and grading regulations on approval by those in the markets affected. Similarly, the requirement of producer approval before application of Secretary of Agriculture commodity regulations was upheld in *United States* v. *Rock Royal Co-operative, Inc.*[10] In both cases, agency action could not be commenced or applied in particular circumstances without approval of non-executive branch individuals. S. 2096 provides in like fashion that the agency may not begin its study without approval of the study's design by OTA.[11]

The nature of the activity being subjected to OTA approval and the operation and consequences of the approval mechanism arguably take the provision outside the category of devices known as the legislative veto. However, even if the provision can be properly characterized as a legislative veto device, it would seem to be similar to the type of veto which is seen by many (including the Administration) to be valid and which has been upheld by a court.

Generally, it has been argued that the legislative veto subverts the legislative process by permitting law to be made without the approval of both Houses of Congress and opportunity for the President to disapprove by exercise of his veto power. By interposing a legislative veto device in the administration of a statute by the executive, Congress, it is argued, is interfering with the President's power to execute the laws. The approval or disapproval of administrative actions or regulations by a sub-group of the Congress is seen as making law without the constitutionally required concurrence of the whole Congress and the President.[12]

The Court of Claims, in the first and thus far only decision on the merits, upheld the legislative veto contained in the Salary Act.[13] The Act[14] provided for a Commission to recommend to the President pay rates for executive, legislative, and judicial branch officers. The President then forwarded the recommendations to Congress and they would become effective thirty days after submission unless disapproved by one-House of Congress.[15] A majority of the court was of the view that in the limited context of the Salary Act, the one-House legislative veto was constitutional. It viewed the pay setting function as peculiarly legislative and, more importantly, the "Presidents' salary proposals, even when they become law, do not order or regulate any person, either actually or potentially."[16] The court concluded that the legislative veto device in this instance contained "no elements of the regulation or enforcement of, or of the planning or carrying on of, an ongoing or continuing program, or of interference with executive discretion in new or existing programs of substantive character."[17]

The legislative veto attached to the presidents' reorganization authority[18] has been justified on similar grounds. Attorney General Bell, in a letter to the House Government Operations Committee defending the reorganization act veto provision, stated:[19]

> The reorganization statute does not involve creation of a new substantive program or congressional interference with authorized administrative discretion in an ongoing program. The doctrine of separation of powers is not violated. . . . The reorganization statutes [sic] does not affect the rights of citizens or subject them to any greater governmental authority than before. It deals only with the internal organization of the executive branch, a matter in which the President has a peculiar interest and special responsibility.[20]

The "legislative veto" in S. 2096 has no impact on third parties, does not result in a "rule of law" which orders the activities of persons, nor does it interfere with the executive's on-going administration of a program of substantive character. The "program" of S. 2096 is solely information-gathering for Congress. As such, it would seem that Congress could dictate the means by which the task is performed with much greater leeway than it possibly could in the context of a regulatory statute or program which touches on the rights and obligations of third parties. Furthermore, the actual execution of the statutory mandate, namely, conducting the study and issuing a report, is not subject to a veto. The "veto" is attached as a precondition to beginning the execution of the statutory requirement.

In conclusion, the OTA protocol approval mechanism in S. 2096 would not appear to be what is commonly viewed as a legislative veto. Furthermore, the provision would not seem to have the impact on executive action or third parties which many exercises of the legislative veto have. If indeed it can be characterized as a legislative veto, the approval provision shares many of the characteristics which have been seen as legitimating the device in particular contexts.

RICHARD EHLKE,
*Legislative Attorney.*

FOOTNOTES

[1] See, 2 U.S.C. 471 *et seq.* (1976).

[2] The President explained that he had signed a bill (P.L. 96–151) providing for a similar study to be conducted by the Veterans' Administration after approval of the study protocol by the OTA because it contained necessary appropriations authorizations and veterans medical care provisions. However, he is instructing the VA Administrator to treat the OTA approval provision as not legally binding. Veto Message 2 (January 2, 1980).

S. 2096 also provides for OTA monitoring of the study to assure compliance with the protocol and OTA reports to Congress both on the development of the protocol and progress of the study. S. 2096, §§ (2) (A) (ii); (B) (i); (C). The President did not specifically mention these provisions in his veto message.

[3] S. 2096, § (3) (b).

[4] See, General Accounting Office, Requirements for Recurring Reports to the Congress (1977) (453 pp.).

[5] See, e.g., 84 Stat. 913 (1970) (study of herbicide use in Vietnam by Department of

Defense and National Academy of Sciences); 92 Stat. 47 (numerous studies and reports by the Department of Energy).

[6] *Buckley* v. *Valeo*, 424 U.S. 1, 138 (1976).

[7] 424 U.S. at 1337.

[8] In *Buckley*, the Court upheld the power of Congress to actually appoint members of a commission with purely information-gathering and investigative functions, since such functions could be performed by Congress itself and did not involve "the administration and enforcement of the public law . . ." 424 U.S. at 139. The placing of conditions on delegated information-gathering functions would, therefore, not seem violative of separation of powers nor intrusive of an agency's execution of the law. It should also be noted that it is only the methodology and design of the study which is subjected to OTA approval. The actual conduct of the study and the final product are not subject to approval or disapproval as such.

[9] 306 U.S. 1 (1939).

[10] 307 U.S. 433 (1939).

[11] Both *Currin* and *Rock Royal* involved third-party, non-executive approval before agency administration of a regulatory program could go forward. In contrast, the agency action which is conditioned on outside approval in S. 2096 is action not implementing a regulatory program but solely pursuant to the informational needs of Congress. See also, *St. Louis, Iron Mt. and Southern Ry. Co.* v. *Taylor*, 210 U.S. 281 (1908) (private trade group empowered to determine certain railroad safety standards which then must be issued by the Interstate Commerce Commission).

The General Accounting Office, like OTA an arm of the Congress, has approval authority over the accounting activities of executive agencies. Accounting systems must be approved by GAO and periodic reviews of agency systems are to be conducted and the results reported to Congress. 31 U.S.C. 66 (1976). Property accounting systems to be used by agencies must also be approved by the Comptroller General. 40 U.S.C. 486(b) (1976). See also, 81 Stat. 249 (1967) (Department of Defense prohibited from utilizing certain accounting systems without approval of Comptroller General).

[12] For full-blown analyses of the constitutionality of the legislative veto, see, McGowan, Congress, Court, and Control of Delegated Power, 77 Col. L. Rev. 1119, 1149 (1979); Dixon, The Congressional Veto and Separation of Powers: The Executive On a Leash?, 56 N.C.L. Rev. 423 (1978); Cooper & Cooper, The Legislative Veto and the Constitution, 30 Geo. Wash. L. Rev. 467 (1962); Javits & Klien, Congressional Oversight and the Legislative Veto: A Constitutional Analysis, 52 N.Y.U.L. Rev. 455 (1977).

[13] *Atkins* v. *United States*, 556 F.2d 1028 (Ct. Cl. 1977), *cert. denied* 434 U.S. 1009 (1978).

[14] 2 U.S.C. 351–361 (1976).

[15] The law now provides for approval by both Houses of Congress. 2 U.S.C. 359 (1977 Supp.).

[16] 556 F.2d at 1059.

[17] 556 F. 2d 1065.

[18] 5 U.S.C. 901 (1977 Supp.).

[19] Reprinted in H. Rept. No. 95–105, 95th Cong. 1st Sess. 11 (1977).

[20] The validity of the veto in the Reorganization Act has not been litigated. In *Clark* v. *Valeo*, 559 F.2d 642 (CADC 1977), *aff'd mem. sub. nom. Clark* v. *Kimmitt*. 431 U.S. 950 (1977), Judge MacKinnon, dissenting from the majority's dismissal on ripeness grounds of a challenge to the legislative veto in the Federal Election Campaign Act, argued that the one-House veto of agency regulations was unconstitutional. 559 F.2d at 678. Of course, unlike the veto in the Salary Act and the Reorganization Act, the regulations in *Clark* were part of an on-going administrative program with impacts on the rights of third parties. Even in that context, however, Justice White, concurring and dissenting in *Buckley* v. *Valeo*, 424 U.S. 1 (1976), was of the opinion that the legislative veto was constitutional. 424 U.S. at 282. The majority in *Buckley* did not reach the question. See generally, Dixon, *supra* note 12 at 457–486.

Mr. HEINZ. Mr. President, I ask the Senator from California—my understanding is that he has introduced this as a substitute for the amendment which I have offered. Is that correct?

Mr. CRANSTON. That is correct.

Mr. HEINZ. Is the Senator aware that his amendment is subject to a point of order, that it is not listed in the unanimous-consent request, and it is subject to a point of germaneness?

Mr. CRANSTON. I question whether that is the case.

Mr. HEINZ. I raise the point for several reasons. The first is that I would really like a vote up or down on the amendment which I have proposed.

The second is that I support the substance of what the Senator from California is trying to do. Therefore, I should like an opportunity to vote on the Senator's amendment without prejudicing my own. The Senator puts me in a position in which I do not like to be put.

Therefore, unless the Senator withdraws his amendment, I will be forced to make a point of order against the amendment at the appropriate time.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UP AMENDMENT NO. 923, AS MODIFIED

(Purpose: To require the Secretary of HEW to study and report to the Congress on the long-term health effects in Vietnam-era veterans of exposure to Agent Orange)

Mr. CRANSTON. Mr. President, I disagree strongly with the potential ruling of the Chair, which I think is illogical. But in order to avoid the time it would take to debate that matter and go to a vote on that, I send to the desk a modification of my amendment.

The PRESIDING OFFICER. The amendment is so modified.

Mr. CRANSTON. Mr. President, the modification is germane without any question, and we now have pending a germane substitute for the amendment offered by the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I was off the floor until this moment. I now inquire, is it my understanding the Senator just sent to the desk——

Mr. CRANSTON. I sent a substitute that is germane, after checking the proposed language with the Parliamentarian.

Mr. HEINZ. I would like to see a copy.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself and Mr. SIMPSON, proposes an unprinted amendment numbered 923, as modified.

The assistant legislative clerk proceeded to read the amendment, as modified.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

In lieu of the language proposed by amendment UP–922, insert the following:

### STUDY REGARDING VETERANS EXPOSED TO AGENT ORANGE DURING SERVICE DURING THE VIETNAM ERA

(a) (1) In order to assist in determining the long-term health effects on veterans of their exposure to the herbicide known as "Agent Orange" while serving in the Armed Forces of the United States during the Vietnam era, the Secretary of Health, Education, and Welfare shall provide for the design of a protocol for and the conduct of an epidemiological study of such veterans who were exposed to any of the class of chemicals known as "the dioxins" produced during the manufacture of the various phenoxy herbicides to determine if there may be long-term adverse health effects in such persons from such exposure. The Secretary shall also conduct a comprehensive review and scientific analysis of the literature covering other studies relating to whether there may be long-term adverse health effects in humans from exposure to such dioxins or other dioxins.

(2) (A) (i) The study conducted pursuant to paragraph (1) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

(ii) The Director shall monitor the conduct of such study in order to assure compliance with such protocol.

(B) (i) Concurrent with the approval or disapproval of any protocol under subparagraph (A) (i), the Director of the Office of Technology Assessment shall submit to the appropriate committees of the Congress a report explaining the basis for the Director's action in approving or disapproving such protocol and providing the Director's conclusions regarding the scientific validity and objectivity of such protocol.

(ii) In the event that the Director has not approved such protocol during the one hundred and eighty days following the date of the enactment of this Act, the Director shall (I) submit to the appropriate committees of the Congress a report describing the reasons why the Director has not given such approval, and (II) submit an update report on such initial report each sixty days thereafter until such protocol is approved.

(c) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in the second sentence of this subparagraph, a report on the Director's monitoring of the conduct of such study pursuant to subparagraph (A) (ii). A report under the preceding sentence shall be submitted before the end of the six-month period beginning on the date of the approval of such protocol by the Director, before the end of the twelve-month period beginning on such date, and annually thereafter until such study is completed or terminated.

(3) The study conducted pursuant to paragraph (1) shall be continued for as long after the submission of the report under subsection (b) (2) as the Secretary may determine reasonable in light of the possibility of developing through such study sig-

nificant new information on the long-term adverse health effects of exposure to dioxins.

(b) (1) Not later than twelve months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the literature review and analysis conducted under subsection (a) (1).

(2) Not later than twenty-four months after the date of the approval of the protocol pursuant to subsection (a) (2) (A) (i) and annually thereafter, the Secretary shall submit to the appropriate committees of the Congress a report containing (A) a description of the results thus far obtained under this study conducted pursuant to such subsection, and (B) such comments and recommendations as the Secretary and the heads of other departments, agencies, and instrumentalities of the Federal Government described in subsection (c) consider appropriate in light of such results.

(c) For the purpose of assuring that any study carried out by the Federal Government with respect to the adverse health effects in humans of exposure to dioxins is scientifically valid and is conducted with efficiency and objectivity, the President shall assure that—

(1) the study conducted pursuant to subsection (a) is fully coordinated with studies which are planned, are being conducted, or have been completed by other departments, agencies, and instrumentalities of the Federal Government and which pertain to the adverse health effects in humans of exposure to dioxins; and

(2) all appropriate coordination and consultation is accomplished between and among the Secretary and the heads of such departments, agencies, and instrumentalities that may be engaged, during the conduct of the study carried out pursuant to subsection (a), in the design, conduct, monitoring, or evaluation of such dioxin-exposure studies.

(d) There are authorized to be appropriated such sums as may be necessary for the conduct of the study required by subsection (a).

Mr. CRANSTON. Mr. President, I yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I support the substitute amendment, which I have cosponsored.

The text of that amendment, in the past year, has been accepted by both Houses of Congress but vetoed by the President, for reasons that I think have nothing to do with its obvious merits. I think it is simply an attempt by the President—and this is not a partisan statement—to lay the snare for the fate of the one-House veto legislation when we get to regulatory reform. That is my feeling. That is why this suddenly surfaces at this point in time.

The amendment I am cosponsoring provides for a definitive study of the effect of exposure to dioxin and will provide the necessary clinical data for the VA to establish those disorders as the natural and causal result of specific levels of exposure.

I assure the Senator from Pennsylvania that if this study establishes that certain disorders are caused by exposure to dioxin, I will support every effort to insure that the Veterans' Administration appropriately treats and compensates those veterans who are manifesting the disorders and who can establish their presence in the geographical areas of Vietnam which were subject to dioxin spraying.

I urge that we press this matter back before the President in this form.

The PRESIDING OFFICER. Who yields time?

Mr. HEINZ. Mr. President, I regret that the chairman of the Veterans' Affairs Committee does not want the Senate to have a chance to vote on the amendment which I have offered.

I thank Senator SIMPSON for his willingness to try to persuade the chairman of the committee that there is nothing to be feared by having a vote up or down on this amendment.

It is regrettable that the Senator from California has chosen this particular way to proceed. He is perfectly within his rights to do so. I simply wish that he had seen fit to do things a different way. I will oppose the Senator's amendment for what it is, which is a way of denying the Senate an opportunity to vote on a real issue.

I have to say to the Senator from California that I am not sure that he is furthering his own cause, because there are many, many ways to get a vote on this issue, and I will attempt to do so, to the best of my ability.

For that reason, I move to table the Senator's amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. CRANSTON. Mr. President, we cannot vote until 2 o'clock, under the order. I ask unanimous consent that we have the yeas and nays on it and that we vote at 2 o'clock.

Mr. HEINZ. I ask unanimous consent that we have the yeas and nays on the motion to table the Cranston amendment.

Mr. CRANSTON. That is what I was requesting.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I believe that the yeas and nays have been ordered pursuant to the unanimous-consent request?

The PRESIDING OFFICER. The Senator is correct. They were.

Mr. CRANSTON. Let us proceed then.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from California.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. TALMADGE), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Idaho (Mr. CHURCH), are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. DURKIN) would vote "nay."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. PRESSLER), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. TOWER) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 28, nays 59, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—28

Armstrong
Biden
Boren
Boschwitz
Bradley
Chafee
Cohen
Danforth
Dole
Domenici
Durenberger
Garn
Hatch
Heinz
Helms
Javits
Jepsen
Kassebaum
Leahy
Levin
Moynihan
Packwood
Riegle
Schmitt
Schweiker
Stone
Wallop
Warner

NAYS—59

Baucus
Bayh
Bellmon
Bentsen
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cochran
Cranston
Culver
DeConcini
Exon
Ford
Glenn
Goldwater
Gravel
Hart
Hayakawa
Heflin
Hollings
Huddleston
Humphrey
Jackson
Johnston
Laxalt
Long
Lugar
McClure
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Morgan
Muskie
Nelson
Nunn
Pell
Percy
Proxmire
Pryor
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Thurmond
Tsongas
Weicker
Williams
Zorinsky

NOT VOTING—13

Baker
Bumpers
Church
Durkin
Eagleton
Hatfield
Inouye
Kennedy
McGovern
Pressler
Talmadge
Tower
Young

So the motion to lay on the table Mr. CRANSTON's amendment (UP No. 923) was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from California (Mr. CRANSTON).

The amendment (No. 923), as amended, was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment (No. 922), as amended, of the Senator from Pennsylvania (Mr. HEINZ).

The yeas and nays have been ordered. The clerk will call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question then is on agreeing to the amendment, as amended, of the Senator from Pennsylvania (Mr. HEINZ).

The amendment (No. 922), as amended, was agreed to.

### SUBSTITUTE FOR PAGE 1 OF UP AMENDMENT 923, AS MODIFIED

Mr. CRANSTON. Mr. President, with the agreement of the Senator from Pennsylvania (Mr. HEINZ), and with the understanding of the distinguished Senator from Wyoming (Mr. SIMPSON), I ask unanimous consent that the first 11 lines of the substitute amendment which I offered and was adopted be amended in accordance with the amendment I am sending to the desk. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The substitute language reads as follows:

### STUDY REGARDING VETERANS EXPOSED TO AGENT ORANGE DURING SERVICE DURING THE VIETNAM ERA

(a)(1) In order to assist in determining the long-term health effects on veterans of their exposure to the herbicide known as "Agent Orange" while serving in the Armed Forces of the United States during the Vietnam era, the Secretary of Health, Education, and Welfare shall provide for the design of a protocol for and the conduct of an epidemiological study of various populations, such as such veterans, chemical workers, agricultural workers, Forest Service workers, and others, who were exposed to any of the class of chemicals known as "the dioxins" produced during the manufacture of the various phenoxy herbicides to determine if there may be long-term adverse health effects in such per-

The PRESIDING OFFICER. Are there any further amendments?

Mr. CRANSTON. Regular order, Mr. President.

The PRESIDING OFFICER. The Chair asks for order in the Senate so we can proceed with our business.

Mr. CRANSTON. Mr. President, are we ready for third reading?

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Nebraska, suggests the absence of a quorum.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UP AMENDMENT NO. 924

(Purpose: To make technical amendments and to provide for payment of tuition and fees or the fulltime rate, whichever is higher, for the entitlement-free pursuit of secondary education courses)

Mr. CRANSTON. Mr. President, I send to the desk technical amendments and ask for their immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON) proposes an unprinted amendment numbered 924.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 16, strike out "1979" and insert in lieu thereof "1980".

On page 34, line 25, strike out the comma.

On page 35, line 2, insert "which" after "and".

On page 39, line 12, strike out "half" and insert in lieu thereof "full".

On page 44, line 19, strike out the comma.

On page 44, line 21, insert "which" after "and".

On page 51, line 15, after "at" insert "not less than".

On page 51, line 24, after "requires" insert "the equivalent of" and strike out "cumulative".

On page 54, strike out all on line 24 through line 7 on page 55 and insert in lieu thereof:

(A) inserting "who has never been finally determined to be eligible for educational assistance benefits under chapter 34 of this title and" after "any veteran"; and

(B) striking out "initially" in clauses (1) and (ii).

On page 58, line 8, strike out "and (d)" and insert in lieu thereof "(d), and (e)".

On page 59, insert below line 4 the following new subsection:

(e) The provisions of section 501(1) shall be effective retroactively to January 1, 1977.

On page 59, after line 4, insert the following new section:

SEC. 1004. (a) Chapter 34 is amended by—

(1) striking out "Commissioner" in section 1652(g) and inserting in lieu thereof "Secretary"; and

(2) striking out "Civil Service Commission" in section 1685(d) and inserting in lieu thereof "Office of Personnel Management".

(b) Section 1701(a)(11) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(c) Chapter 36 is amended by—

(1) striking out "Commissioner" each place it appears in section 1775(a) and inserting in lieu thereof "Secretary";

(2) striking out "Department of Health, Education and Welfare" in section 1781 and inserting in lieu thereof "Department of Health and Human Services";

(3) striking out "Commissioner" and "Manpower" in section 1792 and inserting in lieu thereof "Secretary" and "Employment and Training", respectively; and

(4) striking out "Commissioner of Education, Department of Health, Education, and Welfare" in section 1789(d)(3) and inserting in lieu thereof "Secretary of Education".

(d) The amendments made by subsections (a), (b), and (c) of this section shall be effective one hundred and eighty days after the first Secretary of Education takes office, or on any earlier date on or after October 1, 1979, as the President may prescribe and publish in the Federal Register as the date on which the provisions of Public Law 96–88 shall generally take effect.

The PRESIDING OFFICER. The Chair inquires of the Senator from California whether these are the technical amendments on which there has been a time agreement of 20 minutes, equally divided?

Mr. CRANSTON. That is correct, Mr. President. There is no need for lengthy discussion on this particular amendment. It is a technical amendment. It has been cleared on both sides.

Mr. President, this amendment makes a number of technical and two substantive changes in the committee bill. The substantive changes are as follows:

First, the amendment would have the effect of providing that, with respect to veterans pursuing programs of secondary education at no charge to their entitlement, the rate of VA educational allowance assistance paid would be the lesser of tuition and fees or the full-time rate. As reported from committee, S. 870 would provide that for the free-entitlement pursuit of these courses, the rates of GI bill benefits would be the lesser of tuition and fees or the halftime rate.

Mr. President, the committee adopted this approach because of its concern that these benefits, which are paid at no charge to a veteran's entitlement, not be used as a form of income maintenance rather than for serious educational pursuit, and because more than 98 percent of veterans pursuing such courses do so through low- or no-cost public high school programs.

However, Mr. President, in those exceptional cases where the cost of an approved course would exceed the halftime rate—currently $156 a month for a single veteran—the committee believes that up to the applicable full-time rate should be paid—$311 per month.

Mr. President, in this regard, I want to stress that this modification in rates for pursuit of high school or GED courses, just as the provision in the bill as reported, is only applicable to courses pursued at no charge to entitlement. In the event that a veteran chooses to pursue such courses at a charge to entitlement, he or she would receive the applicable rate based on the amount of training time—without regard to the cost of the course.

Second, Mr. President, with respect to the provision making eligible for participation in the post-Vietnam-era veterans education assistance program those service personnel who were discharged from a period of service of less than 181 days that began prior to January 1, 1977, the amendment would modify that provision to make eligible for participation in that program any serviceperson who reenters military service on or after January 1, 1977, and who, despite having previously served on active duty, has not qualified for GI bill benefits. This was the original intent behind this provision, and the amendment has the support of our distinguished ranking minority member who authored the provision in the committee bill.

Mr. President, the rationale for this change is very simple: The nature of the discharge from the period of prior service should have no relevance to eligibility for benefits that the individual can earn during a present period of active-duty service.

It should be noted that an individual with a discharge from a prior enlistment that is not under conditions other than dishonorable is not generally eligible for veterans' benefits based on that period of service, and the change made by this amendment would not confer eligibility for any benefits based thereon.

At the same time, such an individual is eligible for benefits based on a subsequent qualifying period of service, and that is the situation that is comparable to the one dealt with by this amendment regarding eligibility for chapter 32 benefits.

Mr. President, CBO estimates that no appreciable cost would result from either of these changes.

Mr. President, I know of no objection to this amendment, and I urge the Senate to approve it.

I now think we can yield back our time.

Mr. SIMPSON. Mr. President, I do yield back my time on that.

The PRESIDING OFFICER. The Senators have that option.

Is all time yielded back? All time having been yielded back, the question is on agreeing to the amendment of the Senator from California (Mr. CRANSTON).

The amendment (UP No. 924) was agreed to.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I yield myself 5 minutes on the bill for a brief colloquy. I would like to have the colloquy with the Senator from Oklahoma (Mr. BELLMON) and the Senator from Maine (Mr. MUSKIE) on flight and correspondence training benefits, if I may, at this point.

(Mr. HEFLIN assumed the chair.)

Mr. CRANSTON. Mr. President, if I could have the attention of the Senator from Oklahoma (Mr. BELLMON). I appreciate very much his willingness to engage in a colloquy with me in regard to his amendment No. 644 to terminate authority for flight and correspondence training under the GI bill.

I am very gratified that the distinguished Senator from Oklahoma, the ranking minority member of the Budget Committee (Mr. BELLMON), apparently does not intend to call up his amendment and that there is thus no remaining challenge to the provisions in the committee bill regarding flight and correspondence training. As I have previously indicated, these provisions in the committee bill—which modify flight-training benefits, tighten the administration of both programs, and limit the availability of benefits for correspondence training—are the result of a very careful, prolonged, in-depth committee review of the problems of waste and abuse that have arisen in these two areas of the GI bill program. And I am convinced that the committee bill follows the appropriate course of eliminating substantial opportunities for waste and abuse while also preserving the opportunity for the legitimate use by veterans of these types of training for serious occupational purposes.

Thus, Mr. President, I was also very pleased to hear the very able chairman of the Budget Committee (Mr. MUSKIE), announce yesterday to the Senate his strong, unqualified support of this bill as reported by the committee.

As my colleagues are well aware, Mr. President, both the chairman and ranking minority member of the Budget Committee have, during the past year, taken the position—in connection with deliberations on the congressional budget—that GI bill benefits for flight and correspondence training should be totally eliminated. At the present time, however, both clearly seem to be convinced that the provisions in the committee bill for flight and correspondence training reflect the prudent, responsible, and appropriate approach to take with respect to those programs.

Therefore, Mr. President, I believe that the Senate as a whole has finally arrived at a final agreement on the issue of GI bill flight and correspondence training benefits; and I would expect this meeting of the minds to be reflected in future deliberations on the budget. I believe in and support the budget process, and I believe that that process is weakened when positions taken on the budget are based on unrealistic, unwarranted cost-savings assumptions that turn out not to be achievable in the Senate.

Now that the position of the Senate on those GI bill benefits is so clearly and firmly fixed after literally years of deliberation and debate, I believe we should have assurances that a proposal for total elimination of these benefits will not again be proposed as the basis for the congressional budget.

That, of course, does not preclude efforts to make any changes in the GI bill on the floor of the Senate or in committee. But I am just concerned about making the assumption that they will occur when the correct assumption is that they will not occur.

Thus, I ask the Senator from Oklahoma (Mr. BELLMON) whether he agrees with my analysis that the Senate has settled this issue. If not, Mr. President, and if he or the distinguished Budget Committee chairman intends to propose total elimination of these benefits in connection with the budget for fiscal year 1981, I would urge them to call up amendment No. 644 so the Senate could finally resolve that issue. I would appreciate it very much if the Senator from Oklahoma, whose patience I appreciate, would enlighten us on this subject.

Mr. BELLMON. Mr. President, I appreciate the opportunity to respond to the point raised by the distinguished chairman of the Veterans Committee. The fact is that when the Senator from California speaks of something being unrealistic, that is sort of a subjective term. What may be unrealistic in the mind of the Senator from California may seem to be totally realistic to the Senator from Oklahoma. So I am not sure that we could agree that any further discussion of the programs he alluded to is unrealistic, and whether or not it is achievable to eliminate those is also a matter of some judgment. We never know until we have a vote whether we can or not.

The fact is that when the amendment I had printed was withdrawn, we were of the opinion that the recommendations which the Budget Committee had been making so far as aviation training was concerned had not been dealt with as satisfactorily as we felt they could be.

On closer examination of the bill that the committee has developed, I would like to compliment the chairman because he has gone a long way in the direction we recommended. He tightened down the aviation training so it has to be career oriented and it is not now, as it has been in the past, likely to be subject to as much abuse as we feel has occurred in this program in the past.

Also, the changes the committee has made will substantially reduce the cost of the program, I think there may still be room for additional savings, though not terribly significant.

We felt in light of the good faith effort that the committee made to tighten this program down it was the better course not to offer the amendment and to give the program a chance to operate for a time under the new rules before we undertake to see whether further tightening is in order.

I would not want to stand here on the floor and make a commitment that we will not take a look at this when we have a markup, but at the same time I would again compliment the chairman for the very real progress which has been made and to say if the program shapes up under the new rules the way it very well might, perhaps the matter will not come up again. But I believe we have to wait and see.

Mr. CRANSTON. I appreciate that statement by the Senator from Oklahoma very much. I would express the hope that in the markup of the fiscal year 1981 budget resolution that is to begin shortly after March 15 there would not be a presumption of additional savings to be made in flight and correspondence training benefits.

Mr. BELLMON. I would say there is not room for great savings, but a few million here and a few million there will all add up.

Mr. CRANSTON. Would the Senator agree that the Senate has resolved this issue at least for this Congress?

Mr. BELLMON. Yes, I would. Again, I compliment the chairman.

Mr. CRANSTON. I thank the Senator very much.

I yield to the distinguished Senator from Maine.

Mr. MUSKIE. I appreciate the opportunity to comment on the proposition that the Senator from Maine and the Senator from Oklahoma somehow control the issues raised in the Budget Committee or have such authority that we may or may not declare that issues are settled.

I join with my colleague from Oklahoma in complimenting the distinguished floor manager on the progress which has been made here. It could well be, after we have examined—if we do examine, and I am not sure we will—the results of the studies and inquiries that the Senator's committee has made in this area that we will concur with the result as a final result. Up to this point, we regarded it as commendable progress, and it may be sufficient to satisfy all members of the Budget Committee.

I would think that the odds are that this issue is not going to create great waves in this upcoming budget markup. I simply at this point cannot say more than that. We are not inclined, as the Senator knows, to do anything about it on the floor at this time. I would think for the time being, until we have an opportunity to see the result of what the Senator has done in his committee, that I would not expect this issue to rise very strongly. I cannot speak for the Appropriations Committee, of course.

Mr. MAGNUSON. I understand that the total bill, with its amendments, is an entitlement bill and is not subject to appropriations.

Mr. CRANSTON. That is correct.

Mr. MAGNUSON. It is an entitlement. Appropriations will have nothing to do with it except as we process things through the Budget Committee. That is the way I look at the bill. It is purely entitlement. I am referring to the increases involved being entitlements.

Mr. MUSKIE. The Senator is correct.

Mr. CRANSTON. Mr. President, the Senator from Pennsylvania has assured me that he does not intend to bring up his remaining amendment, so I now ask that we go to third reading. I take the responsibility for making this statement on his behalf.

Mr. SIMPSON. Mr. President, as comanager of the bill, I want to be absolutely certain that Senator HEINZ' position is protected. I have complete faith in what Senator CRANSTON has said.

Mr. President, I have now been advised by the minority that Senator HEINZ has agreed just as Senator CRANSTON indicated, and has apparently withdrawn that amendment.

Mr. THURMOND. Mr. President, I rise in support of S. 870, the GI Bill Amendments Act of 1979 as reported by the Senate Committee on Veterans' Affairs.

Last year marked the 35th anniversary of passage of the original GI bill. During the past three and a half decades, the American taxpayer has invested $48.3 billion in this program which has provided education, training, and other readjustment benefits to 17.6 million World War II, Korean, and Vietnam-era veterans. The final impact of this program in the academic, economic, and social communities is yet to be realized; however, I believe that the GI bill will be viewed as one of the most successful programs undertaken by a nation to accommodate the needs of servicemen who are attempting to readjust to civilian life.

Mr. President, the GI bill, as with all programs which deliver a vast array of services to a large number of recipients, must be evaluated constantly and "fine-tuned" to insure that the recipient and taxpayer alike receive that for which they bargained.

The GI Bill Amendments Act of 1979 will respond to several studies that have been conducted by the General Accounting Office concerning various GI bill programs and will attempt to curb abuses that have been found within these programs. Further, in an effort to reduce paperwork for both the veteran and institution, S. 870 would codify existing regulations concerning the day-to-day administration of educational programs administered by the Veterans' Administration. I briefly would like to highlight several of the major provisions of this most important measure.

First, S. 870 would provide for an extension of the 10-year delimiting period for certain Vietnam-era veterans. Eligible veterans would be those who are "educationally disadvantaged;" that is, those without high school diplomas, and they would be allowed to pursue high school equivalency courses or vocational training. I believe this will responsibly assist those veterans who are on the lower end of our economic scale by providing an additional opportunity for employment.

Second, this measure addresses the administrative nightmare of "seat-time" or "contact hours." The question of how much time a student must spend in the classroom for full-time status has been the cause of much friction between the educational community and the VA. It is my understanding that this issue has been litigated in several Federal circuits resulting in varying decisions due primarily to the lack of congressional intent as to what constitutes the full-time pursuit of education for VA purposes. Therefore, S. 870 will make clear that the Administrator of the VA has the authority in this area and specifies a means by which educational institutions offering full-time courses that are nontraditional in nature may be considered full-time for VA benefits. I believe this provision will remove the doubt that has existed regarding the intent of Congress while being responsive to any abuses that may have occurred in this area.

Third, under current law, incarcerated veterans receive full payment for educational pursuits while in prison. S. 870 provides that these individuals would continue to be eligible for GI bill purposes but any monetary benefit would be escrowed for the individual or released to the veteran's family at the request of the veteran and upon approval by the family. Also, those funds that are escrowed in behalf of the veteran shall be placed in high interest U.S. Government securities.

Fourth, the so-called 50 percent employment rule applicable to vocational objective courses would be modified by S. 870. The modification would require that, in order to be approved for VA benefits, a school would have to submit evidence that, during a 2-year period, at least 50 percent of those entering training have completed said training, and at least 50 percent of those completing training must obtain employment in a field in which they studied. Also, an educational institution which has a history of fulfilling this 50-percent rule for two consecutive reporting periods would not be required to comply with some of the burdensome reporting requirements.

Fifth, the administration recommended the termination of GI bill benefits for the pursuit of flight and correspondence training. The Senate Committee on Veterans' Affairs considered this recommendation and rejected it as being unwarranted; however, the committee has proposed several modifications due to substantial abuses that have been found in these programs relative to their use for avocational purposes.

Under current law, the VA pays 90 percent of the cost of flight and correspondence training. S. 870 proposes to reduce the VA participation in flight training from 90 to 60 percent with the veteran receiving eligibility for up to $2,500 per year in VA educational loans. If the veteran is subsequently employed on a full-time basis as a pilot or in a closely related occupation, the loan would be forgiven at the rate of $1,000 for each year of such employment. I believe this would curb the use of this GI bill program for avocational purposes by requiring the veteran to have a substantial personal investment while pursuing a career in the flight industry.

In the case of correspondence training, such training would be approved only when the VA determines that there is no other appropriate program of education reasonably or feasibly available for the individual. In other words, those who are unable to attend training programs in a classroom for a variety of reasons—such as in-service active duty, handicap, or parental responsibilities—would continue to be eligible to utilize their GI bill benefits for correspondence training.

Mr. President, S. 870 would tighten programs where significant abuses have been documented while assisting those veterans who are at the lower end of the economic scale by encouraging the pursuit of secondary education and on-the-job training. I believe S. 870 is meritorious and urge my colleagues to act favorably.

### THE NEED TO ADDRESS THE STRUCTURE OF THE GI BILL

● Mr. MOYNIHAN. Mr. President, it is neither accident nor coincidence that the second major piece of legislation on the Senate's agenda for this session of the 96th Congress deals with the GI bill and veterans' education benefits. For there are few Federal activities of greater consequence for American society.

For more than a third of a century now, the GI bill—in its several incarnations—has been part of the foundation of our educational system, of our arrangements for expressing our gratitude and repaying our debt to the young men and women who have served the country in war, and of our overall domestic social policy structure.

As the distinguished chairman of the Veterans' Affairs Committee, my good friend the senior Senator from California, has so eloquently stated, and as the work of his dedicated committee so clearly demonstrates, the time has now arrived—as it does in a fairly predictable sequence—to update and modernize that program through the adoption of a series of large and small changes that will enable it to keep up with changing needs and conditions.

This is no small undertaking. We are asked to commit an additional $1.5 billion to this worthy purpose, and to consider a number of quite specific provisions.

I have but one regret about the bill before us, and it is one that I choose rather to see as an opportunity for the future: The bill as reported fails to deal with the manifest imbalance among States and regions that persists under the current program, and fails to rectify the grave injustice that is thereby done.

The decision by Congress in 1952 to support veterans' education through a system of uniform monthly payments has worked to the conspicuous disadvantage of veterans who, for whatever reasons, enroll in schools with significant tuition costs. The effect has been profound: Tens of thousands fewer veterans in some regions have made use of their veterans educational benefits than could have been expected had the payment scheme been more equitable. This is evident in the widely divergent educational participation rates of Vietnam-era veterans in, for example, our two largest States.

In fiscal 1978, 22 percent of California's eligible veterans were receiving education benefits, and $425 million in benefits were received by them; the equivalent figures in New York were 11 percent—half the California rate—and $125 million. The cumulative participation rate figures through April 1979 show the same trend: 57 percent of California's veterans had availed themselves of GI benefits to attend college, and 73 percent had obtained some form of education or training; in New York, the comparable rates were 33 and 53 percent.

The reasons are straightforward enough: Tuition and fees in most of California's public colleges and universities are less than $200 per year, whereas in New York they range from $750 to $900. It is far more expensive for a veteran to attend college in New York than in California, and even more so should he elect a private college, which is far more likely in New York than in California, given the histories and present contours of our higher education systems. Hence a fixed payment veteran's education benefit does not go nearly so far in New York as it does in California, and a veteran who depends on the GI bill for his college education is correspondingly less likely to enroll if he lives in New York than if he lives in California.

This is hardly the only example of Federal policies that are grossly inequitable in their effects—whether intended or not—on different States and regions. It is, in fact, but one example of an all too general trend, the net effect of which is that the taxpayers of New York supply approximately 12 percent of the Federal Government's revenues but receive back only about 8 percent of its outlays.

In the main, these are structural problems, built into formulas and distribution patterns and legislative provisions that sometimes appear uniform but whose very uniformity fails utterly to respond to the heterogeneity of our union of States.

With respect to GI bill benefits, my cherished senior colleague and I set out 3 years ago to rectify this imbalance and thereby make it possible for veterans in States such as New York to attend college as readily as do veterans in States such as California. We proposed an idea that had been part of the original World War II GI bill, but was lost in 1952: Differential payments keyed to actual college tuition levels.

A much attenuated version of our idea was proposed by the Veterans' Affairs Committee in 1977: A provision which allows veterans attending high tuition colleges to accelerate the rate at which their entitlement is made available to them, although it does not actually increase the total entitlement.

Senator JAVITS and I support this—reasoning that it was a step in the right direction—and it was duly adopted in the Senate. It was, however, crippled in conference by the addition of a totally unworkable and mischievous requirement that the States must match the Federal payment before the veterans can make use of it. Not surprisingly, not a single veteran anywhere in the country has yet benefited from this provision.

I had hope that the bill before us today would provide the appropriate legislative vehicle for deleting this onerous requirement, and was deeply disappointed to learn that an amendment to that effect would not be germane under the unanimous consent agreement currently in force. I have, however, been encouraged by the distinguished chairman of the Veterans' Affairs Committee to offer such an amendment to the next veterans' bill that comes before the Senate; indeed, I have the highest hopes that the committee itself will render that unnecessary by incorporating our proposal into the next bill it reports out.

Mr. President, righting the imbalances among the States caused by current Federal policies is a long, slow and arduous process. This was predictable, given that these imbalances were created through a long, slow and arduous process. We have, I regret to point out, been hampered in the effort by the manifest disinterest and apathy, verging at times on hostility, of the administration. As I argue at some length in an article that will appear in the New York Times magazine this Sunday, we in New York have a claim on the attention and the actions of those who would lead the Nation and head its Government, and we shall press that claim. In no domain of public policy is the case clearer, the claim more urgent or our resolve greater than in the area of veterans' benefits.●

Mr. SCHWEIKER. Mr. President, as the distinguished chairman of the Veterans' Affairs Committee may know, I have been working closely with the Pennsylvania State University in connection with their attempts to receive full funding of veterans' educational benefits for students in their professional, nonmedically related internship courses. These courses are analogous to student teaching courses. Just recently the Veterans' Administration has approved this designation. Would S. 870 as reported in any way affect this consideration?

Mr. CRANSTON. It is my understanding, and this has been confirmed with officials at the VA, that there is no provision contained in S. 870 as reported that would preclude the Administrator from determining that courses such as you describe should be paid GI bill benefits at the full-time rate. Indeed, in addressing this very complicated issue of "seat-time," the committee has, as noted in its discussion on pages 50 to 55 of the committee report, attempted "to permit greater flexibility for the student to pursue nontraditional courses" [and] "to strike a balance between the competing contentions and viewpoints of the VA and the education community, and to end the uncertainty of the student in receipt of VA educational assistance. . . ."

Mr. SCHWEIKER. Mr. President, I want to thank the chairman of the Veterans' Affairs Committee for his assistance on this important issue.

Mr. CRANSTON. My friend from Pennsylvania is always welcome to any assistance I can provide.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5288, the House-passed measure.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 5288) to amend title 38, United States Code, to improve and modernize the vocational rehabilitation program provided veterans under chapter 331 of such title, to improve the veteran's educational assistance program, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed immediately to the consideration of the bill.

Mr. CRANSTON. Mr. President, I move that H.R. 5288 be amended by striking all after the enacting clause and inserting in lieu thereof the text of S. 870, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill

having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. DURKIN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. PRESSLER), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Texas (Mr. TOWER) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The PRESIDING OFFICER. Are there other Senators desiring to vote? If so, come forward.

The result was announced—yeas 82, nays 4, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—82

Armstrong
Baucus
Bayh
Bentsen
Biden
Boren
Boschwitz
Bradley
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Ford
Garn
Glenn
Goldwater
Gravel
Hart
Hatch
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
McClure
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stewart
Stone
Thurmond
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—4

Bellmon
Byrd,
Harry F., Jr.
Muskie
Proxmire

NOT VOTING—14

Baker
Bumpers
Church
Durkin
Eagleton
Hatfield
Inouye
Kennedy
McGovern
Pressler
Stevenson
Talmadge
Tower
Young

So the bill (H.R. 5288), as amended, was passed.

Mr. CRANSTON. Mr. President, I send to the desk an amendment to the title of H.R. 5288.

The PRESIDING OFFICER. The amendment will be stated.

Mr. CRANSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I move that the title of H.R. 5288 be amended with my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

The title was amended so as to read:

A bill to amend title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons, to extend the educational assistance delimiting date for Vietnam-era veterans under certain circumstances, to prescribe time limits for filing claims for and clarify eligibility for delimiting-date extensions based upon disability, to modify the standards of progress requirements and course-measurement criteria applicable to pursuit of certain education or training, to tighten the administration of assistance for vocational objective courses and modify provisions regarding flight and correspondence training assistance, to modify procedures for payment of educational assistance allowances to incarcerated veterans, to modify the definitions of various categories of veterans for certain employment assistance purposes, to permit certain disclosures to credit reporting agencies for certain specified purposes, and to elevate the Office of Deputy Assistant Secretary of Labor for Veterans' Employment to the Assistant Secretary level; and for other purposes.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I ask unanimous consent that H.R. 5288 be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that S. 870 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 5288.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I want to thank all Members of the Senate for their cooperation on this important measure and for the wise decisions made.

I particularly thank my colleague from Wyoming for his outstanding effectiveness in helping on this measure and for the great rapidity with which he has mastered the many complex issues relating to veterans' legislation.

It has been a great pleasure to work with him, as well as other Members of the Senate on both sides of the aisle, and the outstanding staff that did such fine work on this bill.

Mr. SIMPSON. Mr. President, it has been a special privilege for me to work with the chairman (Mr. CRANSTON) once again. This is my fourth opportunity to work with him. It has been a privilege to comanage legislation with him on the floor of the Senate. Each experience has been a fine learning experience for me.

I commend him and his skilled staff. I commend my staff of Garner Shriver, the minority counsel, Ken Bergquist, a member of my legislative crew.

I appreciate the patience and guidance of the chairman. He has assisted me greatly. We have produced a creative and necessary piece of legislation.

I especially commend Senator HEINZ, who showed a great degree of cooperation and assistance in a most difficult period.

Mr. CRANSTON. Mr. President, I concur in the latter remarks concerning Senator HEINZ.

(Mr. LEAHY assumed the chair.)

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the distinguished majority whip, Mr. CRANSTON, for the expertise and skill he has demonstrated in managing this bill.

I thank the distinguished Senator from Wyoming (Mr. SIMPSON) for his cooperation and his courtesy. Both men have shown an ability to work together to pass this legislation today. I thank them on behalf of the Senate.

Today, the Senate passed S. 870, the GI Bill Amendments Act. The legislation would make a number of substantive changes to expand and improve current GI bill benefits.

The bill would provide a limited extension of GI bill benefits for Vietnam-era veterans who are in need of such assistance. The GI bill has been one of the most important and useful Federal programs enacted for veterans. Studies have shown that unemployment or underemployment continues to be a major problem for those Vietnam-era veterans who lack basic educational or vocational skills. The bill passed by the Senate attempts to target the extension of benefits to this group of veterans to deal with their specific problems in finding employment.

The legislation would also make a number of changes to tighten the administration of GI bill benefits. It would clarify what educational courses should be considered appropriate full-time courses for GI bill purposes. This issue has been a longstanding subject of dispute and expensive litigation. I believe that the bill represents a reasonable compromise between the Veterans' Administration and the educational community, and that the compromise reached accurately reflects the intent of the Congress. For specific educational courses—such as flight training and correspondence—the bill would add new criteria to insure that funds spent on these courses will be spent for vocational rather than recreational purposes. The new criteria would reduce fraud and abuse, with a minimum of redtape.

Senator CRANSTON, chairman of the

Committee on Veterans' Affairs, and Senator SIMPSON, ranking minority member, deserve special credit for their able and judicious management of this bill before the Senate during the last 2 days. The legislation would result in sizable savings of taxpayers' dollars and at the same time retain the purposes of the GI bill as originally intended by Congress. Members of the Veterans' Affairs Committee, under the leadership of my colleague from California, have tackled some confusing issues and should be commended for meeting them head on.

Mr. CRANSTON. I thank the majority leader very much for those very generous words.

Mr. SIMPSON. I join in that expression.

Mr. STEVENS. Mr. President, I will just take a few minutes to thank the managers of the bill for their fine work in expediting this important veterans' legislation. My good friend and fellow whip has done an outstanding job in eliminating major controversy and has worked well with the minority in providing for consideration of each member's amendments.

I particularly commend the distinguished junior Senator from Wyoming (Mr. SIMPSON) for his work and able management of our minority position on the committee. He has taken on his task as ranking member of the Veterans' Committee with good command of the necessary skills that insure proper credit and assistance to our Nation's veterans.

It is also important to thank all Senators for their role in providing for a time agreement on this bill. A special thanks goes to Senator HEINZ for his particular cooperation in expediting this legislation.

## SMALL BUSINESS AMENDMENTS—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on S. 918 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 918) to amend the Small Business Act and the Small Business Investment Act of 1958, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 13, 1979.)

Mr. NELSON. Mr. President, I strongly urge adoption of the conference report on S. 918, the omnibus small business bill. I am pleased to say that the conference version does not vastly differ from the measure enacted by the Senate on May 16. Despite the length of time required to return with this conference report, the Senate conferees receded only in those instances where it was absolutely necessary to compromise on major differences with either the House or the administration.

This is unquestionably a landmark measure. It will give the Federal Government the tools to effectively aid in the expansion and growth of the independent entrepreneur through the technical, management, procurement and financial aid provided in this act. Furthermore, policies, programs and regulations of the executive branch will henceforth be required to take into account the special needs of small business before being adopted and implemented. Those that are already in effect will have to be carefully reviewed to determine if they are injurious to the small business sector.

Mr. President, there were 134 items of disagreement between the Senate and House. This bill is the result of conference and it was necessary for us to compromise with the House conferees on a number of issues. However, I can say confidently that the Senate conferees were successful in maintaining the Senate's position on all of the major provisions of this legislation.

There is one issue which apparently still causes concern to some of my colleagues. I am referring to the provision in title I of the conference report eliminating the statutory mandate that SBA pay interest to the Treasury on the outstanding cash disbursements from the disaster loan fund.

This issue was not in the original Senate-passed bill, but was contained in the House amendment. The House felt very strongly about this provision—not as an attempt to circumvent the budget process, as some have suggested, but as a means to address the very real situation in which SBA finds itself by constantly having to respond to disaster needs under a limited direct appropriated program. Though I did not agree with the House conferees on this provision. The House declined to compromise on this issue.

I particularly want to thank the distinguished Senator from Kentucky, (Mr. HUDDLESTON) for his efforts in convincing the House of the wisdom on the Senate's position on farmer eligibility for disaster assistance, and the design of a comprehensive disaster assistance package for farmers at both the Farmers Home Administration and at SBA. I also wish to thank the Senate Agriculture Committee for their cooperation and assistance in this matter. Of course, from the start the Senator from Connecticut, the ranking minority member of the committee (Mr. WEICKER) has been of tremendous assistance in working on this major piece of small business legislation.

Mr. President, the House approved the conference report, by voice vote, on December 19. Favorable action by the Senate will clear this measure for the President.

### SBA PROGRAM LEVELS

The bill provide authorization for SBA appropriations for 3 fiscal years—1980, 1981, and 1982. The bill also raises the 1979 program level ceilings to $35 million for direct purchase of debentures and preferred securities for small business investment companies. The guaranteed loan and guaranteed debenture levels for 1979 for section 501, 502 and 503 investment companies is raised to $75 million.

### FISCAL YEAR 1980 SBA PROGRAM LEVELS

The following program levels are established for fiscal year 1980. I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD as follows:

| | *Millions* |
|---|---|
| 7(a) Business | $3,905 |
| Direct and immediate participation | 275 |
| Guaranteed | 3,630 |
| 7(h) Handicapped | 33 |
| Direct and immediate participation | 22 |
| Guaranteed | 11 |
| 7(1) EOL | 150 |
| Direct and immediate participation | 69 |
| Guaranteed | 81 |
| 7(1) Solar and energy conservation | 60 |
| Direct and immediate participation | 30 |
| Guaranteed | 30 |
| Development companies | 155 |
| Direct and immediate participation | 50 |
| Guaranteed | 105 |
| Investment company assistance | 245 |
| Direct purchase of debentures and preferred securities | 38 |
| Guaranteed | 207 |
| Total BLIF | 4,548 |
| Direct and immediate participation | 484 |
| Guaranteed | 4,064 |
| Disaster: | |
| Physical | (1) |
| Nonphysical | 100 |
| Surety bond guarantees (SBA share of program levels) | 2,300 |
| Pollution control bond guarantees | 100 |

[1] Open ended.

Mr. NELSON. Mr. President, there are authorized to be appropriated to SBA for fiscal year 1980 $952,000,000. Of such sum, $715,000,000 shall be available for carrying out the SBA lending programs included in the business loan and investment revolving fund; $20,000,000 shall be available for carrying out the surety bond guarantees program; $4,000,000 shall be available for liquidating the lease guarantee program; and $212,500,000 shall be available for salaries and expenses of SBA.

### FISCAL YEAR 1980 SBA SALARY AND EXPENSE AUTHORIZATIONS

Of the total salary and expenses for fiscal year 1980, the conference report earmarks six specific functions with priorities being given within each function:

First, $12,000,000 shall be available for procurement and technical assistance, including the employment of not less than 27 additional procurement center representatives and subcontracting specialists; $1,800,000 shall be available for technical assistance, of which amount not less than $572,000 shall be used to pay for the continued development of a procurement automated source system (PASS); and not less than $750,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of 30 technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small business. Not more than $200,000 shall be available for a study to define and describe the forest products industry and, in particular, to define and describe that portion of the forest products industry which consists of small businesses, to identify the trends and conditions affecting the survival of small businesses as a viable portion of the forest products industry, and to propose actions and programs to assist and promote a broadly based, nonconcentrated, healthy forest products industry.

Second, $21,000,000 shall be available for management assistance, including the development and implementation of a small business export development program; $500,000 shall be used to employ no less than 14 additional staff people for the Office of International Trade, 10 of whom shall serve as export development specialists with each of the SBA's regional offices being assigned one such specialist.

Third, $8,000,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,000,000 shall be used to employ at least 69 staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94–305, not less than $1,500,000 shall be used to develop an external small business data bank and small business index, and not less than $1,500,000 shall be used for research.

Until recently, the Agency has had virtually no commitment to undertake any meaningful economic research and analysis. I wish to point out at this point that this is one of the most important functions that SBA can perform. The entire small business sector benefits from the fruits of the agency's labors in this area.

Title III of this measure requires SBA to measure 12 specific economic indices and regularly publish a small business economic index. The economic research and analysis funding levels established in this title are therefore of paramount importance and should be fully expended if the mandate of title III is to be fully and effectively carried out.

Fourth, $25,000,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $11,285,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of the Small Business Act.

Fifth, $9,000,000 shall be available for program evaluation and data management with priority given to the development of an automated internal SBA management data base, to the enhancement of the SBA's document tracking system, and to the installation of terminals in SBA field offices.

Sixth, $12,000,000 shall be available for matching grants to small business development centers, and an additional $500,000 shall be available for the administration of the small business development center program.

It should be noted that the salary and expense authorizations for the 3 fiscal years provided for in this conference agreement reflect the realignment of certain agency functions resulting from an SBA internal reorganization not reflected in the President's fiscal year 1980 budget submission.

Specifically, procurement and technical assistance does not include any funding for the Office of Business Development functions. The procurement and technical assistance line-item represents an increase of $300,000 for the procurement automated source system (PASS) and is meant to be applied to increase the number of entries into the system. With respect to the additional subcontracting specialists and procurement center representatives mandated, it is expected that the additional personnel will be devoted specifically to that purpose and not transferred to other divisions or assigned other responsibilities within the administration. In addition, SBA should review and seriously consider the feasibility of contracting the procurement center representative function with private, hopefully small business firms, on a dollar-incentive basis.

Since such a large volume of SBA 8(a) contracts are in the fuel oil area, and the agency has encountered difficulty in this procurement field, SBA should give serious consideration to hiring at least one of the new subcontracting specialists as a fuel oil specialist; to date, the conferees are not convinced that the agency has the in-house procurement expertise to handle this complex, and increasingly costly, subcontracting function.

With respect to the forest products study, the $200,000 provided for fiscal year 1980 only is meant as a maximum, not a minimum, amount to be spent on the study. The study has been earmarked under the procurement function where the timber set-aside program is managed. In conducting the forest products study, particular attention should be given to an analysis and review of, and recommendations with respect to, reasons for failure among firms within the forest products industry.

Management assistance has been provided $21,000,000. This figure does not include any funds for the operation of the 7(j) program (which has been transferred to the SBA Office of Minority Small Business and Capital Ownership Development) or small business development centers (a separate line item has been provided). The amount does include an additional $500,000 to employ 14 additional personnel which are to be exclusively devoted to upgrading SBA's Office of International Trade. This office should carefully address the proper role of the agency in making greater export assistance available to small business.

Research and advocacy includes funds for at least 69 staff personnel for the Office of the Chief Counsel for Advocacy, including those salaries attributable to other personnel in the central office performing research and advocacy functions. Of the $3 million available for research, $1.5 million is specifically to be used to develop an external small business data base and small business economic index. No funds for SBA's Office of Public Communications are included in this function.

The Office of Minority Small Business includes the full amount requested by the President for salaries and expenses for this Office. In addition, salaries and expenses for the Office of Business Development, as well as funding for the programs undertaken pursuant to section 7(j) of the Small Business Act, are incorporated in this function.

Program evaluation and data management includes all the funds requested by the President, plus an additional amount specifically to continue the development of the small business indicative data base.

An authorization for matching grants to small business development centers, including administrative expenses, is provided in a separate line item.

### MULTI-YEAR SBA PROGRAM LEVELS AND SALARY AND EXPENSE AUTHORITIES

Program ceilings and salary and expense line-item authorizations have been provided for fiscal years 1981 and 1982. The line-item authorization for the small business development center program is $20 million for fiscal year 1981.

For fiscal year 1981, there are authorized to be appropriated to SBA $1,187,000,000. Of such sum, $865,000,000 shall be available for carrying out those programs included in the business loan and investment revolving fund; $76,000,000 shall be available for carrying out the surety bond guarantees program; $4,000,000 shall be available for liquidating the lease guarantee program; and $242,000,000 shall be available for salaries and expenses of SBA.

For fiscal year 1982, there are authorized to be appropriated to SBA, $1,375,000,000. Of such sum, $1,022,000,000 shall be available for carrying out those programs included in the business loan and investment revolving fund; $83,000,000 shall be available for carrying out the surety bond guarantees program; $4,000,000 shall be available for liquidating the lease guarantee program; and $266,000,000 shall be available for salaries and expenses of SBA.

### AVAILABILITY OF UNEXPENDED FUNDS

The conference report provides that for fiscal years 1979, 1980, 1981, and 1982 there are authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this act other than those for which appropriations are specifically authorized. For fiscal year 1983 and every fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this act other than those for which appropriations are specifically authorized. All appropriations whether specifically or generally authorized shall remain available until expended.

### ENERGY SHORTAGE LOANS

The bill amends section 7(b)(8) of the Small Business Act by making clear that energy shortage disaster loans may be made available to those small business concerns injured by a shortage of any energy source, including coal, unless the shortage is caused by a strike, boycott or embargo directly against such concern.

### INTEREST DIFFERENTIAL

The conference substitute removes the requirement that SBA pay interest to the Treasury on the outstanding cash disbursements from the disaster loan revolving fund.

### SBA DISASTER ASSISTANCE

The conference report also makes significant changes in the SBA disaster assistance program for disasters occurring on or after October 1, 1978, and prior to October 1, 1982.

The interest rates on loans to offset net losses on principal residences and personal property will be 3 percent up to $55,000 and, under certain conditions, an additional amount at "cost of money" to the Government under a formula which currently equals 9¼ percent.

For businesses, a credit elsewhere test would be applied, regardless of whether the applicant is being processed by SBA or FmHA.

Businesses unable to obtain sufficient credit elsewhere may receive a loan of 5 percent to offset net losses up to a maximum of $500,000. For these businesses, regardless of whether they are farm or nonfarm type, the rates will be identical at both SBA and the Farmers Home Administration.

If a business is able to obtain credit elsewhere, it may obtain up to a maximum of $500,000 at a rate of interest equal to the cost of money to the U.S. Government, plus not more than 1 percent. After 3 years, and every 2 years thereafter, these latter loans are subject to review to see if the borrower is able to obtain a private loan elsewhere at reasonable rates and on reasonable terms. If a borrower is able to obtain a private loan, he must then repay the Federal loan.

Those borrowers who are eligible to apply for FmHA loans would be required to apply there first; however, if they are not offered an FmHA loan, a borrower may apply to and receive an SBA loan if they meet the tests of the SBA administered program.

SBA may waive the $500,000 loan limit to businesses if the applicant is a major source of employment in an area suffering a disaster.

### CREDIT ELSEWHERE TEST

The bill imposes a credit-elsewhere test at SBA for disaster assistance for businesses with respect to a disaster occurring on or after October 1, 1978, and prior to October 1, 1982. The ability to obtain credit elsewhere is used only as a means for determining the interest rate to be applied to repair or replace property damaged or destroyed.

### INTEREST FORMULA

The bill adopts a revised cost-of-money formula for SBA business physical disaster loans with respect to a disaster occurring on or after October 1, 1978, and prior to October 1, 1982, where the business is able to obtain sufficient credit elsewhere. The interest formula would be applicable only to the SBA physical disaster loan program and not the economic disaster loan programs.

### FARMER ELIGIBILITY AT SBA

Under current law, farmers are statutorily deemed eligible for assistance from SBA for all forms of physical disaster assistance, including crop loss. In addition, under certain circumstances, farmers are also eligible for assistance from the Farmers Home Administration. However, there is no requirement that farmers first seek assistance from Farmers Home before going to SBA.

The Senate bill amended section 18 of the Small Business Act, relating to duplication of benefits, to clarify that an agricultural enterprise could not be eligible for SBA physical disaster loan assistance to repair or replace property other than a residence unless that enterprise was first declined for, or would be declined for, emergency loan assistance from the Farmers Home Administration.

The House bill contained a similar provision, except that the prohibition is applied only to a disaster occurring on or after October 1, 1978, and prior to October 1, 1982.

The conference substitute basically adopts the Senate provision. However, the Small Business Act is also amended to clarify the definition of "agricultural enterprises" and "credit elsewhere." The conference substitute makes these amendments effective through October 1, 1982.

### AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

The Senate bill amended section 324 of the Consolidated Farm and Rural Development Act to make emergency loans by the Farmers Home Administration available for the first time to farmers who could obtain credit-elsewhere. The Senate bill imposed a two-tier emergency loan interest rate structure for loans for the actual loss suffered in the disaster. If a farmer was not able to obtain sufficient credit-elsewhere, the interest rate would be not in excess of 5 percent, as is the case under current law. If a farmer was able to obtain sufficient credit-elsewhere, emergency loans would be not in excess of a rate equal to the cost-of-money to the Federal Government for comparable marketable obligations, plus an additional amount determined by the Secretary of Agriculture, but not to exceed 1 percent.

The House amendment contained similar provisions, but would have placed a cap of $500,000 on the total amount of emergency loans covering actual loss that could be outstanding and committed to any one borrower.

The conference substitute adopts the $500,000 ceiling on emergency loans contained in the House amendment, but makes it clear that this limitation is applicable to each disaster, and is not cumulative.

For FmHA emergency loans to a borrower who could obtain credit-elsewhere, the House amendment provided that 2 years after the disaster loan was first approved, and every 2 years thereafter if necessary, the borrower must obtain that non-Federal loan and repay the Secretary if the Secretary determined that the borrower was able to obtain a loan from non-Federal sources at reasonable rates and terms for loans for similar purposes and periods of time.

The Senate bill contained no comparable provision but current law provides the Secretary with discretion to exercise similar authority.

The conference substitute adopts the House provision, but provides for this authority to be exercised 3 years after the disaster loan is made or insured and every 2 years thereafter. The non-Federal sources to which this "graduation" requirement applies includes, among others, production credit associations, Federal land banks, and similar financial institutions.

### SAVINGS CLAUSE

The conference substitute provides that nothing in the amendments made by this legislation to section 7(c)(3)(C) (relating to the imposition of increased interest rates for business borrowers eligible to obtain credit elsewhere or the $500,000 cap) or section 18 (relating to the requirement that most agricultural enterprises must first seek assistance from FmHA) of the Small Business Act shall apply to any disaster which commenced on or before the effective date of this legislation.

The conference substitute repeals the last sentence of section 412 of the Small Business Investment Act of 1958, thus eliminating the authority of the Small Business Administration to invest temporarily idle funds in the surety bond guarantees revolving fund. There are no idle funds in this fund.

The bill also amends section 405 of the Small Business Investment Act of 1958 by adding a new sentence specifically providing authority for the investment of temporarily idle funds in the pollution control bond guarantee revolving fund.

### PRODUCT DISASTER LOANS

The conference substitute amends section 7(b)(4) of the Small Business Act by clarifying the circumstances under which product disaster loan assistance may be made available to small businesses unable to market their products. A proviso is added that any small business which intentionally adulterates its product in order to attempt to establish eligibility under this section shall not be eligible for disaster loan assistance under this section.

### DEVELOPMENT COMPANY DEBENTURES

The conference report amends the Small Business Investment Act of 1958 by adding a new "section 503" development company loan program.

The new section provides for the formation of local development companies that have: First, full time professional staffs; second, adequate accounting, legal, and business servicing capabilities; and third, active boards of directors which meet on a regular basis and are actively involved in loan decisions and loan servicing. In addition to SBA's authority to make loans up to $500,000 to the local development companies (LDC's) for each small business being assisted by the LDC's SBA would be authorized to guarantee debentures issued by eligible LDC's. The amount of the debentures to be guaranteed may not exceed one-half of the project cost. The remaining one-half of the project cost would be required to be supplied from non-Federal Government sources.

SBA would still have to approve each individual loan of the LDC. However, instead of making a direct loan for the approved amount, the LDC would issue a debenture for one-half the amount of the deal. SBA would provide a 100-percent guarantee, and sell the debenture to private markets through the Federal Financing Bank.

### REGULAR BUSINESS LOAN REFORM

The conference substitute amends section 5(b)(7) of the Small Business Act to extend the authority of the Small Business Administration in the area of loan making and administration. It authorizes the administrator to transfer limited loan processing functions from the administration to qualified financial institutions. I am particularly pleased with the progress of the SBA bank certification program. This legislative authority should facilitate an expansion of that experimental program.

### SURETY BOND GUARANTEE

The bill amends section 411(c) of the Small Business Investment Act of 1958 to clarify a drafting error in the surety bond guarantee program when the Congress approved H.R. 11318 (Public Law 95-507) in the 95th Congress.

### HANDICAPPED ASSISTANCE

The bill extends the authority of nonprofit organizations of handicapped individuals to participate in small business procurement set-asides, but restricts the participation to fiscal years 1980, 1981, and 1982, and limits participation to an aggregate of not more than $100 million per year. In addition, it requires SBA to monitor and evaluate the program and directs the SBA Administrator to require every Federal agency and department having procurement authority to take such actions as the administrator deems appropriate if he and the executive director of the Committee for the Purchase from the Blind and Severely Handicapped find that the participation of such organizations of handicapped individuals has or may cause severe economic injury to for-profit small businesses. It further requires that, by January 1, 1981, SBA prepare and transmit to the Small Business Committees of both the Senate and the House a report on the impact on for-profit small businesses of contracts awarded to such organizations of handicapped.

### PROCUREMENT SYSTEMS

Under conditions of the International Procurement Code, which was negotiated as part of the multilateral trade agreements, the United States would waive its "Buy American" protection for domestic suppliers for certain items purchased by the Federal Government.

U.S. negotiators were successful in having the small and minority business set-asides excluded from coverage under the code. They were not successful in obtaining an exclusion for labor surplus area set-asides.

The conference report basically adopts the Senate provision with respect to revising priorities established in section 15(e) of the Small Business Act to make it possible to satisfy current terms of the International Procurement Code (a waiver of labor surplus area set-asides for firms) without waiving the small business set-aside program for firms located in these areas.

### DUPLICATION OF SBA DISASTER LOAN BENEFITS

The bill amends section 7(b) of the Small Business Act and provides that a State grant made on or before July 1, 1979, shall not be considered compensation for the purpose of applying the provisions of subsection (b) of section 315 of the Disaster Relief Act of 1974.

### ELIGIBILITY OF ASIAN PACIFIC AMERICANS

Public Law 95-507 amended certain SBA remedial business development programs for the benefit of "socially and economically disadvantaged" business persons. These programs include specialized management and technical assistance (sec. 7(j)) and procurement assistance (sec. 8) of the Small Business Act. Present law specifies that, subject to certain specified constraints, "socially disadvantaged" persons include "Black Americans, Hispanic Americans, Native Americans and other minorities." The conference report adds "Asian Pacific Americans" to that list.

### SMALL BUSINESS DEVELOPMENT CENTERS

The conference report establishes a legislative structure for small business development centers. It authorizes SBA to make grants to or enter into contracts or cooperative agreements with certain named entities to defray 50 percent of the cost of developing and operating a small business development center program, providing that no more than 50 percent of the non-Federal contributions can be in kind contributions. The maximum grant to any center would be determined by a formula based on a pro rata share (as determined by population) of $65 million, or $200,000, whichever amount is larger. Of course, the actual disbursed grant would be further limited by the amount appropriated in each fiscal year.

### CONSISTENCY WITH AREA PLANS

The conference report prohibits financial assistance to any applicant if such assistance would be inconsistent with a statewide plan which is required by the statute to be adopted by a recognized agency of the State government and then approved by SBA.

### APPLICATION PROCEDURE

In order to participate in the small business development center program, an applicant must submit to SBA for approval a statewide plan naming those entities authorized to participate, a budget, the area within the State to be served by each participant, the services to be rendered, the method for delivering such services, and any other assurance that SBA may, in its discretion, require.

### CAPABILITIES

The conference substitute provides that an SBDC must make its services available as close as possible to small businesses by providing extension services and utilizing satellite locations and State and Federal small business related programs whenever possible. Under certain circumstances, SBA may authorize an SBDC to serve out-of-State clients. In addition, the SBDC must have a full-time staff director and other full-time in-house analysts, technology transfer agents and information specialists.

### TYPES OF SERVICES PROVIDED

The conference report requires that small business development centers must assist small businesses in solving problems concerning operations, manufacturing, engineering, technology exchange and development, personnel administration, marketing, sales, merchandising, finance, accounting, business strategy development, and other matters. This type of problem solving is needed by smaller concerns in order to foster growth and expansion, innovation, increased productivity, management improvement, and decreased industry concentration.

Services to be provided by an SMDC must include one-on-one counseling; assisting in technology transfer; maintaining information pertaining to Federal, State, and local regulations and providing assistance to small concerns with regulatory compliance; conducting and coordinating research into technical and general small business problems; providing a library containing current information and data needed by local small businesses; maintaining a working relationship with the financial and investment communities and small business groups; conducting surveys for local small business groups to develop information pertaining to the local economy and the status of small business in that locality; and maintaining lists of local and regional private consultants and testing laboratories to which smaller businesses may be referred for assistance.

### USE OF CONSULTANTS

The conference report specifically authorizes the small business development center to utilize and compensate consultants, engineers, and testing laboratories for services provided to small businesses on behalf of the small business development center. When a small business development center utilizes consultants, engineers, or testing laboratories, however, conferees expect that such consulting entities will be qualified small businesses whose services are competitively priced.

### COOPERATION OF FEDERALLY FUNDED LABORATORIES

Laboratories operated and funded by the Federal Government shall provide services and make their facilities available to SBDC's on a reimbursable cost *basis* by those SBDC's utilizing such services and facilities.

The National Science Foundation sponsored innovation centers are authorized and directed to cooperate with small business development centers in their activities. The National Science Foundation is required to submit an annual report to Congress and SBA concerning the performance of these centers, with recommendations for their expansion and/or improvement.

The National Aeronautics and Space Administration sponsored industrial application centers are also authorized and directed to cooperate with small business development centers in their activities. The National Aeronautics and Space Administration is required to submit an annual report to Congress and SBA concerning the performance of these centers with recommendations for their expansion and/or improvement.

### SBA DEPUTY ASSOCIATE ADMINISTRATION

The conference report provides that the SBA Administrator shall appoint a Deputy Associate Administrator for Management Assistance whose sole responsibility will be to administer the small business development center program. That person will be responsible for setting the program budget, reviewing center budgets, selecting States to participate in the center program, establishing program policies, maintaining a clearinghouse, to disseminate information generated by the program, and conducting audits of grant recipients. A National Small Business Development Center Advisory Board shall counsel the Deputy Associate Administrator in carrying out of the duties of that office.

### NATIONAL ADVISORY BOARD

A National Small Business Development Center Advisory Board is established by this act. Nine members are to be appointed for staggered terms with at least six members from small businesses or associations representing small businesses, and no more than three members from the academic community. The Board shall elect officers, meet at least quarterly, and shall advise the Deputy Associate Administrator with regard to policies and management of the program.

Each individual small business development center may establish its own advisory board to counsel the small business development center director with regard to policies and management of the particular center.

### PROGRAM EVALUATION

The conference report requires that SBA, either internally or through a firm retained by it, evaluate the small business development center program to measure, quantitatively and qualitatively, the impact of SBDC's on both small businesses and on the socioeconomic base of the regions served. The evaluation should also include the extent to which multidisciplinary resources were utilized by the center. Centers and recipients of research grants are required to furnish SBA such information as may be necessary to complete the required evaluations. The completed evaluation is to be submitted to the Senate and House Small Business Committees by no later than January 31, 1982.

### FUNDING RESTRICTION

The conference report prohibits SBA from funding any SBDC except as provided under this legislation. SBDC's funded prior to October 1, 1979, are not affected by this bill in fiscal 1980. However, any SBDC entering the program after October 1, 1979, must be in full compliance with this legislation.

The Senate has been extremely pleased with the agency's performance to date on the pilot program. The test has been expanded to incorporate more centers. However, the SBDC program is still repealed effective October 1, 1983. The conferees recognize the pilot nature of the SBDC concept, and will use the intervening period to determine whether it should be a permanent part of the agency's management assistance program delivery.

### SMALL BUSINESS ECONOMIC POLICY

The conference substitute creates the "Small Business Economic Policy Act of 1979." Under that act, Congress establishes as a national policy the coordination of all policies, programs, and activities of each and every Federal department, agency, and instrumentally in order to provide an economic climate conducive to the development, growth, and expansion of small business. There are to be established both public and private sector incentives to assure that adequate capital and other resources are available at competitive prices to small businesses. The policy of the Federal Government is to reduce the concentration of economic resources and to promote measures that will expand competition.

In my opinion, the Small Business Economic Policy Act of 1979 is one of the most important small business legislative milestones ever acted upon by the U.S. Congress.

The declaration of a small business economic policy will help assure continued economic diversity in this country. As we are all aware, small business has historically met vital national needs. Furthermore, a strong, vibrant small business community is one of the keys to resolving the most pressing items on our current national agenda. In terms of our quality of life and form of government, small business provides a measure of safety against excessive concentration of both public and private power.

The small business economic policy statement agreed upon by the conferees in effect recognizes the attributes of the independent sector by making it mandatory for the Federal Government to use all practical means to implement and coordinate all policies, programs, and goals of each and every Federal department, agency, and instrumentality in order to protect and promote the economic interests of small businesses.

Stated another way, this new policy declaration lays the basis for adopting a comprehensive strategy that cuts across the entire spectrum of the American economy. Enactment of this provision will require the making of a better environment for small businesses so that they can grow, thrive, and finally, survive from one generation to another.

Also of paramount importance is the policy declaration which commits the Federal Government to establish incentives that will guarantee that reasonable priced private capital will be readily available to small businesses. In short, the Federal Government is to create, coordinate, and sustain policies and programs that will induce investment in independently owned firms.

### PRESIDENTIAL REPORT ON SMALL BUSINESS AND COMPETITION

Not later than January 20 of each year, the President shall submit to Congress a "Report on Small Business and Competition," focusing on economic issues affecting the small business sector, the efficiency of the Nation's markets, and the state of competition in the economy. Specifically, this report would examine the current role of small business in the economy; present a current and historical perspective of the economic variables influencing small business; identify economic trends affecting small business and the state of competition; examine the effects of and problems caused by, policies, programs, and activities of the Federal Government on small business and competition and recommend legislative and administrative solutions to such problems; and recommend a program for carrying out the small business economic policy enunciated in this title.

### SMALL BUSINESS ECONOMIC RESEARCH AND ANALYSIS

The conference report assigns to the SBA Administrator the responsibility for establishing and maintaining an economic data base on small business and for annually publishing a report (which shall include a small business index) giving a comparative analysis and interpretation of the historical trends of the small business sector as reflected by such data. The Administrator is to also publish, on a regular basis, national (and to the extent possible regional) small business economic indices which shall include, but need not be limited to data on:

First, employment, layoffs, and new hires;

Second, number of business establshments and the types of such establishments (such as sole proprietorships, corporations, and partnerships);

Third, number of business formations and failures;

Fourth, sales and new orders;

Fifth, back orders;

Sixth, investment in plant and equipment;

Seventh, changes in inventory and rate of inventory turnover;

Eighth, sources and amounts of capital investment, including debt, equity, and internally generated funds;

Ninth, debt to equity ratios;

Tenth, exports;

Eleventh, number and dollar amount of mergers and acquisitions by size of acquiring and acquired firm; and

Twelfth, concentration ratios.

### OFFICE OF ADVOCACY EMPLOYEES

For additional employees employed by the Office of the Chief Counsel for Advocacy, not more than 10 employees may be paid at rates in excess of the maximum pay rate for GS-15, step 10 of the general schedule.

The Office of the Chief Counsel for Advocacy is established at executive level IV. The administration expressed concern about this level because it is the same as that of the SBA Deputy Administrator and above the associate administrators. The conferees do not intend to alter or interfere with the internal line authority of either the SBA Administrator or Deputy Administrator. The change is intended simply to give the Chief Counsel for Advocacy proper standing within the executive branch and thereby enable him to better carry out the responsibilities imposed upon him by Congress in Public Law 94-305.

### STUDY OF SMALL BUSINESS CREDIT NEEDS

The conference report directs the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation to work with SBA and the Bureau of the Census in undertaking studies to determine the credit needs of small business and to what extent such needs are being met. The results of these studies are to be provided to Congress by January 1, 1981.

The three banking regulators are also required to provide recommendations regarding the feasibility of conducting periodic sample surveys, by region and nationwide, in order to monitor the number and dollar volume of commercial and industrial loans being extended by banks to smaller concerns.

The purpose of this section is to accurately gage, for the first time, whether small business credit needs are being met. If they are not, the Congress and the executive branch may need to respond by instituting appropriate private sector incentives to induce a sufficient flow of capital to this economic sector.

It is anticipated, however, that the responsible agencies, in order to minimize the costs, may conduct the required studies by the use of an appropriately designed sample to collect the necessary data. However, efforts to minimize costs should not adversely affect the quality and integrity of the studies.

### WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Title V of the conference report is referred to as the "White House Conference on Small Business Act."

It contains an authorization for a conference to be conducted prior to June 30, 1980.

The purposes of the conference and the range of small business problems to be addressed are provided. These purposes include identification of the opportunities for advancing national economic and social goals which might be accomplished by the solution of small business problems and encouragement of new, small, and family enterprises. The legislation also calls for the development of specific and comprehensive recommendations for executive and legislative action.

### CONFERENCE PARTICIPANTS

The bill outlines the major groups from the private and public sectors that would be participating in the conference.

The conference report contains a provision directing the SBA Administrator to reimburse participants in the national conference for their costs such as travel, meals, and accommodations on a pro-rata, per diem basis from appropriated funds earmarked for such purposes.

### REPORTS REQUIRED

The conference report provides that not more than 1 year from the date on which the conference is convened, a final report of the conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the conference as well as proposals for any legislative action necessary to implement the recommendations of the conference. The final report of the conference shall be available to the public.

### FOLLOW-UP ACTIONS

The legislation provides that the Small Business Administration shall report annually to the Congress on the status and implementation of the findings and recommendations of the conference for the 3-year period following the submission of the final report of the conference.

### AVAILABILITY OF FUNDS

The bill authorizes such sums as may be necessary to carry out the provisions of the title. Such sums appropriated shall remain available until expended. However, no funds appropriated to the Small Business Administration may be transferred to carry out the provisions of this title.

### SMALL BUSINESS EMPLOYEE OWNERSHIP

The conference report contains a title creating the "Small Business Employee Ownership Act."

S. 388, the "Small Business Employee Ownership Act," passed the Senate unanimously on May 1, 1979. This title incorporates S. 388 with only minor changes.

The title states congressional findings that employee ownership of business helps to preserve jobs, increase worker productivity and company profits, provides for the continuity of existing small businesses, creates new enterprises from corporate divestitures and provides a means for broadening participation in the capitalist system. Furthermore, the continued closing of small businesses and the continued decline in productivity present serious problems for the economy. Loan guarantees for employee ownership from the SBA could help to keep businesses viable and save communities from the loss of jobs and business activity.

The purposes of the title are to provide that qualified employee trusts shall be eligible for SBA loan guarantees under the section 7(a) regular business loan program and to provide specific guidelines for cases in which the trust is purchasing a majority of the stock of a small business concern. Qualified employee trusts are defined as trusts which are part of small business concerns and which are either part of employee stock ownership plans (ESOP's) or are separate employee organizations with the legal authority of trusts. ESOP trusts are required to be maintained by a small business concern and to provide an opportunity for each participant to exercise voting rights for qualified employer securities with respect to corporate matters which by law or charter must be decided by a majority vote of outstanding common shares voted. The trustee must certify that the loan guarantee will be used only to purchase employer securities, that the small business concern will make such funds as are necessary, available to the trust for the repayment of the loan, and that all participants in the trust will have a nonforfeitable right to the stock in the trust not later than the repayment date of the loan.

Non-ESOP trusts must be maintained by employee organizations representing at least 51 percent of the employees. These trusts must meet all other requirements specifically described in the legislation for ESOP trusts concerning voting rights, stock allocation, uses of the loan money, and repayment of the loan.

These trusts will be eligible for 7(a) loan guarantee assistance. The bill authorizes SBA to make loan guarantees to trusts in two separate cases: First, trusts which are part of ongoing small business concerns which seek to finance company growth through the use of an employee ownership trust, and second, trusts which seek to purchase at least 51 percent of the stock of a small business concern, or a concern which would be a small business once independently owned. In both cases, the SBA may issue regulations in addition to those requirements specified in the act, including, in the first case, a requirement that the trust be issued a reasonable amount of voting stock.

The title specifies a number of guidelines for the second case in which a trust seeks to purchase a small business concern. In these cases, the trust must submit a plan which would provide that:

First, by the time the loan is repaid, at least 51 percent of the total stock of the concern will be owned by at least 51 percent of the employees; second, there will be a periodic review of the role of employees in management; and third, there will be adequate management expertise and continuity in the company. In these "buy-out" cases, SBA may issue regulations requiring that employees must also be allotted 51 percent of the voting, as well as total, stock of the concern.

The conference substitute requires SBA to report periodically to Congress on the status of employee-owned firms, and on those applications it has approved or denied. The legislation also provides that guarantees under this subsection may be made directly to the seller of a business when selling under an installment sale contract, provided that in the case of a default the seller has the option of first, paying SBA an amount equal to 90 percent of the total amount paid on the contract at the time of default and reassuming title to the business (SBA being relieved of all further obligations), or second, assigning to SBA the option of assuming title to the business for an SBA lump-sum payment equal to 90 percent of the remaining payments due on the contract.

Finally, the legislation directs the Small Business Administration to conduct a study of the feasibility of extending the "guarantee-to-seller" concept to any purchaser of a small business concern. This study is to be completed by April 1, 1980.

Mr. WEICKER. Mr. President, I support this conference report on S. 918. This six-title omnibus bill is a product of over 2 years of work by the Senate Small Business Committee and the Congress.

At this time, I express my admiration to the chairman of the committee and his staff, who, over this rather elongated period of time, managed to fashion a bill which is historical in the sense of substance. I think it will have a profound and beneficial effect on the operations of the administration and, indeed, on small business in this country in the years ahead.

Mr. President, this conference report has been held up for over 3 months pending resolution of one outstanding issue. That issue concerns the rates and terms of Federal disaster loans provided by SBA and the Farmers Home Administration, and more specifically, the eligibility of agricultural enterprise for disaster assistance from SBA. The primary purpose in formulating these provisions was to remove SBA from substantial involvement in agricultural disaster lending, while insuring that no borrower currently eligible for Federal disaster assistance would be denied such assistance in the future.

Since drought-related crop loss was considered to be an eligible loss under the SBA disaster assistance program in 1977, the program has grown by leaps and bounds. In 1977 SBA wrote $250 million in disaster loans, and 1978 that figure jumped to $2.5 billion with over $1.5 billion of that going to agricultural enterprises. This tenfold jump in the SBA disaster loan portfolio has placed a tremendous burden on the personnel resource of the Agency. The SBA has neither the resources, the experience, nor the expertise to effectively administer a disaster-loan program for farmers. That program rightfully belongs with the Farmers Home Administration.

I am extremely pleased that we have been able to achieve a compromise which will remove SBA from substantial involvement in agricultural disaster lending while insuring that farmers will still receive the same level of Federal disaster assistance from the Farmers Home Administration. I believe the disaster provisions in S. 918 go a long way toward making sense out of a mish-mash of Federal disaster lending programs.

It is my hope that through passage of the disaster provisions included in this bill, and with the direction provided by other provisions of S. 918, SBA will be able to direct its efforts toward its primary mission: assisting this Nation's 13 million small businesses.

Mr. President, I shall briefly highlight some of the important provisions of this legislation that will provide needed guidance, and new purpose to SBA. Under Senator NELSON's leadership the Small Business Committee has sought to make SBA more than just a lending institution by emphasizing the agency's business development and advocacy programs.

Title I of S. 918 provides authorization levels for SBA programs through fiscal year 1982. The conferees, through the use of specific line-item authorizations, have directed SBA to emphasize their advocacy, economic research, management assistance, procurement assistance and minority small business programs.

Additionally, the legislation authorizes SBA to transfer a greater share of the loan processing and monitoring functions of the 7(a) guaranteed-loan program to private-sector lenders. It is conservatively estimated that 40 to 60 percent of SBA personnel are directly involved with the agency's lending activities. Such a transfer of loan monitoring functions would allow the Administrator to further readjust the priorities of the agency.

One area of particular interest to the conferees was the management assistance function of the Agency. The conferees focused a great deal of attention on the small business development center program. Over 400,000 businesses fold each year. The most-often-cited factor contributing to this high-failure rate is a lack of basic management and technical skills. The small business development center program is designed to provide the independent entrepreneur with management advice and counsel.

Through a delivery network which will include universities, private consultants and State and Federal agencies, small businesses will have access to management and technical expertise, training, and information which currently is not available to them.

While large businesses can afford to have this expertise in-house, small businesses cannot. The assistance offered by SBDC's will help insure that small businesses will have the tools necessary to perform effectively in our competitive marketplace.

Considerable concern was expressed, both in conference and during Senate consideration of this bill last May, that establishing these centers might have a detrimental impact on private-sector firms which provide management-consulting services. Initial reviews of the existing programs show that private-sector management consultants have not been harmed by the presence of a SBDC in their area. However, the conferees agreed to include statutory language authorizing SBDC's to utilize and compensate private consultants and testing laboratories as part of their overall program. Strengthening report language on this point was also added.

I fully expect the Small Business Committee to closely monitor the effectiveness of this program. It should be noted that the SBDC program authorized by S. 918 is a pilot program. There is considerable evidence that the existing SBDC's have provided very necessary services. However, a complete evaluation of the program will be necessary before any decision is reached concerning making this a nationwide program.

With respect to advocacy, the conferees once again urged SBA to become a vigorous spokesman for small businesses within the Federal Government. To this Senator, this is one of the most important and worthwhile services the Agency can offer its constituency. It has been well over a year since the Senate confirmed the first SBA Chief Counsel for Advocacy. Since that time, a significant increase in personnel and other resources have been allocated to the Advocacy Office. Unfortunately in many instances, this independent voice for small business within the Federal Government has been muffled. As legislation and regulations are drafted, small business seems still to be most detrimentally effected. I believe SBA must be their whistle-blower and protector in this process.

As ranking member of both the Small Business Committee and the Appropriations Subcommittee having jurisdiction over SBA, I intend to continue to closely monitor the Advocacy activities of the agency.

The conferees also paid considerable attention to the economic research activities of the Agency. Title IV of S. 918 authorizes the Administrator of SBA to establish and maintain an external small business economic data base. In fiscal year 1980, $1.5 million has been appropriated for this purpose. In October of this year Milton Stewart, the Chief Counsel for Advocacy, testified before our committee. During the course of the hearings he indicated that substantial results should be forthcoming from economic research being conducted by SBA by the spring of 1980. I look forward to reviewing the results of this research. Without such salient data, SBA is in no position to push for necessary changes in Federal economic policy.

Mr. President, before concluding, I wish to draw the attention of my colleagues to a new program adopted by the conferees as part of S. 918. Section 118 of the bill would authorize SBA to fully guarantee debentures issued by State and local development companies to finance projects to help urban small businesses acquire land, construct buildings or purchase equipment and machinery.

Under the program, the amount of the debenture guaranteed by the SBA could not exceed half of the project cost, thereby necessitating that the remaining half be supplied by private sources. This would provide substantial security to the Federal Government, as few responsible private lenders would assume such a large exposure in an unsound commercial deal.

This program will help involve private enterprise in the important task of developing the economic base of our Nation's urban centers. Mr. President, it is the private sector, not the Federal Government, that holds the key to an effective, lasting solution to our Nation's urban woes. Permanent, meaningful employment, not "make-work" jobs, will be created by this proposal.

I am pleased that the conferees agreed to double the guarantee level of the 501 and 502 programs to accommodate this new authority. I fully expect the SBA to obligate the full amount authorized for this program.

As I have mentioned, this piece of legislation is a comprehensive omnibus small business bill which is the result of over 2 years of hard work and hard negotiation on the part of both houses of Congress and the Executive. As in any such omnibus legislation, there were significant differences between the House and Senate passed versions of S. 918.

Each side was required to accept certain provisions and make certain tradeoffs in order to reach an acceptable compromise. I am aware that one particular House provision which is included in this conference report is of concern to some of my colleagues.

The provision exempts SBA from making interest differential payments on its disaster-loan fund to the Treasury. Currently, if SBA loans funds at an interest rate below the cost of money to the Federal Government, they are required to pay the difference between those two interest rates to the Treasury.

The chairman and the ranking minority member of the Budget Committee have consistently expressed opposition to this provision as an accounting gimmick that hides the true cost of the disaster program. On two occasions they wrote the Senate conferees urging that the House provision be dropped. Unfortunately, agreement had already been reached on this issue by the conferees. I fully understand and agree with Senators MUSKIE and BELLMON on this issue.

As ranking minority member of the Appropriations Subcommittee on SBA, I believe this budgetary sleight of hand does merely hide the true cost of the program. It is bad policy. Unfortunately, the House hung tough on this issue and the Senate receded.

I do not believe, however, that inclusion of this one provision is a sufficient reason to sacrifice the benefits which the rest of the bill provides. I urge my colleagues to evaluate the bill and the significant assistance it will provide to small business as a whole. Clearly, with our economy in its current disastrous condition, we must do all we can to encourage and assist small business in obtaining the resources necessary to survive and to grow and prosper. This bill provides that assistance and encouragement.

I urge adoption of this conference report.

Mr. BELLMON. Mr. President, I am unalterably opposed to the adoption of the conference report in its present form. I recognize there are some very good features of this conference report which will improve the SBA program, but I feel that there is a problem here that simply has to be dealt with.

As a member of both the Budget and Appropriations Committees, I firmly believe that responsible budgeting begins with honest budgeting. We must not pass legislation designed to understate the cost of specific programs—and that is precisely what this conference report would do.

I appreciate what has just been said by the distinguished ranking minority member of the committee, and I appreciate also the position that he took in the conference.

What would happen here if this conference committee report is approved is that it would require the Department of the Treasury to bear part of the cost of the SBA disaster loan program. Under this provision, an estimated $400 million of SBA's fiscal year 1980 costs will be hidden in Treasury's accounts.

So, Mr. President, that is what we are doing. We are understating the cost of the SBA program by $400 million and hiding that money in Treasury's accounts which has the effect of making it appear the cost to the Treasury is increased by that amount.

In fiscal year 1981, an estimated $425 million in SBA's costs will be concealed in this same manner. The effect will be our endorsement of a deceptive budgetary practice and a reduction in congressional oversight over the true budget impact of the SBA program.

Mr. President, as you know, we faced a similar decision in conference with the House in the fiscal year 1980 second budget resolution. The question there was whether to account for energy-related transportation initiatives and low-income energy assistance in the energy function or in the transportation and income security functions, respectively. The Senate insisted we call transportation spending transportation spending and assistance for the poor just that and leave in the energy function only those funds we expected to be expended for real energy initiatives. We simply cannot make good decisions about the relative importance of competing priorities if we cannot identify real costs of those priorities.

Mr. President, I am just as eager as any Member of this Chamber to see a conference report along the general lines of this report adopted. It contains, as I have already said, important authorizations for programs in support of small business. It includes some very important reforms of the SBA disaster loan programs. And I commend the conferees for the progress they have made. I had sincerely hoped to be able to take the floor to congratulate the managers of this legislation on extracting important concessions from the House of these reforms. I am still hopeful to see these reforms enacted, but I shall oppose this conference report until the highly objectionable budget gimmickry is struck from it.

This is too high a price to pay, even for the important reforms that have been made by this report.

Mr. President, we have witnessed a dramatic growth in spending for disaster-loan assistance in recent years. In fiscal year 1978, the Small Business Administration disaster-assistance loan volume increased from $200 million the preceding fiscal year to a record $2.5 billion, and there was a similar increase in Farmers' Home Administration disaster assistance loans that same year.

Since the fiscal 1978 experience, Mr. President, some of us have pressed the Senate to make needed reforms in Federal disaster lending policies—reforms to control Federal costs and cut down on fraud and abuse. The Senate made headway in this area in May of last year by passing S. 918, the Small Business Act Amendments of 1979, the very bill which is the basis for the conference agreement which is before us now.

The disaster loan provisions in that bill were presented to the Senate as a carefully constructed compromise intended to deal with the problem of duplicative Farmers' Home and SBA disaster lending activities. While not the ideal solution, in my view, since they do not go as far as the Senator from Oklahoma would like to go, this compromise made the Farmers' Home and SBA programs so substantially similar with respect to interest rates and a credit elsewhere test as to allow a requirement that agricultural enterprises first seek Farmers' Home disaster loan assistance before being eligible for such assistance at SBA. Similar provisions were contained in the House-passed bill. These reforms are included in this conference report—but we are told that the price we must pay for program reform is fiscal foolishness. The sponsors of this legislation will say: At long last, we are taking steps to shore up the more obvious pitfalls in these programs, but in the process we intend to insure that, in the future, it will not be as easy to tell just how much this SBA program costs.

Our efforts to restrain Government spending are at stake here. The pressure to reform these programs began with the obvious pressure the program was placing on the budget. From the point of view of program advocates, reducing the apparent cost of the program by $400 million this year and by an even greater amount next year, is desirable and should relieve some of the pressure for continuing examination of program operations.

However, nothing could be more deadly to fiscal responsibility than to allow a practice to grow and spread whereby hiding the true cost of the programs is accepted. Potentially this policy, if universally adopted, will understate program costs throughout Government by $8.4 billion this year.

Mr. President, let me emphasize that figure. If we allow this policy to be adopted and become universal throughout Government, it will underestimate cost of all the various programs by $9.2 billion and each year that figure would grow.

In fact, by shifting this cost to Treasury accounts, our own Congressional Budget Office estimates that appropriations for the SBA disaster loan program may not be required for another 3 years.

Again, Mr. President, think of what we are doing here. If we go the direction of this conference report, it means that enough money will be available to SBA so that they will not need to come back for a review of their program or for another appropriation for probably 3 years.

If this conference report is adopted in its present form it will thus be years before the Appropriations Committee or any other committee of Congress is likely to take a look at the SBA operation.

This would not only misstate the cost of the program, but would deprive the Appropriations Committee and the Congress of the regular annual review of program costs so important to effective oversight. Program costs could skyrocket, as they did in fiscal year 1978, and escape congressional attention for a number of years. Furthermore, you can be sure that next year someone would point how well the reforms enacted this year were working—after all, the cost of the program would surely decrease, no matter whether the volume of loans continued to increase dramatically.

Mr. President, the Senate must not allow this practice to become established. This precedent must never be allowed to begin.

This is a bad provision, Mr. President. From time to time, we find that we inadvertently account for our expenditures in a way which is confusing, and which does not accurately reflect the cost of various activities funded by the Federal Government. We do our level best to correct these inaccuracies, as they are discovered. I shall not support deliberately, and with premeditation, passing a law to seemingly reduce the cost of a program, simply by requiring some hidden part of the Federal budget to bear the cost.

In my judgment, this is one of the most unsound budgetary practices the Senate has ever faced. I urge my colleagues to reject this conference report and, if it is rejected, I hope to join with the chairman of the Budget Committee, Senator MUSKIE, in offering an amendment which is identical in every respect except it will continue the present practice of requiring the SBA to show the full costs of their programs as other programs do.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MUSKIE. Mr. President, the distinguished Senator from Oklahoma, my good friend and supporter on the Budget Committee, has covered the issues raised by this conference report, and I do not want to delay consideration of the report unduly.

However, I think it is important to repeat at least some of the principal points he makes in order that by emphasizing them we might have some assurance that those points come to the attention of Senators generally.

Mr. President, I join the distinguished Senator from Oklahoma in strongly objecting to one section of this conference report. I do so with some reluctance because of the respect I have for the floor manager of the bill, the distinguished Senator from Wisconsin (Mr. NELSON) and for the ranking minority member of the committee, Senator WEICKER, both of whom undertook to press the Budget Committee's concerns, which I am about to discuss and which Senator BELLMON has discussed, on the conference committee. If they could have had their way we would not be here debating this issue this afternoon. I would like to make that very clear for the RECORD.

I realize that they have worked long and hard on this legislation, which has been in conference since May 23 of last year.

I do not desire to endanger enactment of the important reforms directed at reducing the overlap and duplication in the disaster loan programs of the Small Business Administration and the Farmers Home Administration. However, as chairman of the Budget Committee, I cannot ignore the fact that contained in this bill is a provision—having nothing to do with the design or operation of the programs of the Small Business Administration—that would enact into law a specious budgetary practice with a significant mischief-making potential.

Section 113 of this bill would establish a precedent for the policy that the cost of Federal direct loan programs, as reflected in the budget, should not include the cost of the borrowing that the Government must undertake in order to finance the loans. Such a policy is contrary to widely-accepted principles of government finance. It is contrary to GAO, OMB, and Treasury Department policy. It is opposed by the President. It is contrary to truth in budgeting. It is contrary to the views of the Senate Budget and Appropriations Committee. And it should be contrary to the policy of the U.S. Senate. Section 113 came from the House bill. It was not in the bill that the Senate passed on May 16, and it should not be in any bill that the Senate passes.

Therefore, Mr. President, I urge that this section be stricken from the bill. To accomplish this under the Senate's rules, the Senate must first defeat the conference report. Following such action, I would intend to offer immediately an amendment identical to the conference agreement except for the deletion of section 113.

Mr. President, section 113 of S. 918 would exempt the Small Business Administration from the requirement, which it has had since the inception of the program, that it pay interest to the Treasury on the outstanding cash disbursements from the disaster loan fund.

The expenditures from this fund, as found in the fiscal year 1981 budget appendix, are primarily for the cost of physical and nonphysical disaster loans and for an interest payment to the Treasury. The costs of the program are financed, first of all, through repayments on disaster loans made in previous years, from downward adjustments of obligations made in prior years, and from the unobligated balance in the fund. The difference between the cost of the program and the financing elements outlined above, is provided through direct appropriations. In recent years appropriations have been substantial. In fiscal year 1978, $2.6 billion was appropriated, and in fiscal year 1979, $1.2 billion was provided.

Since the inception of this program, section 4(c)(5) of the Small Business Act has required the Small Business Administration to pay into miscellaneous receipts of the Treasury, following the close of each fiscal year, interest on the outstanding cash disbursements from both the disaster loan fund and the business loan and investment fund. The interest rate on these payments is required by law to be equal to the current average market yield on outstanding interest-bearing marketable public debt obligations of the United States of comparable maturities as calculated for the month of September preceding the fiscal year.

Section 113 of the conference agreement would, if enacted, modify existing law so that the requirement to pay interest to the Treasury would apply only to the business loan and investment fund. It would no longer apply to the disaster loan fund. And, according to the administration's interpretation of this legislation, the Small Business Administration could no longer be required to make this interest payment to the Treasury.

The result would be to lower the apparent cost of the disaster loan program by the full amount of the interest payment. CBO has estimated the size of this interest payment at over $400 million in fiscal year 1980, at about $425 million in fiscal year 1981, and at almost $450 million in fiscal year 1982. As interest rates are rising, these amounts seem likely to increase.

Mr. President, what is the real effect of this change? Is it merely technical? Is this merely a bookkeeping transaction without meaning? Unfortunately, Mr. President, I can assure the Senate that such is not the case.

The results of this change would be substantive and far-reaching. First, exempting SBA from this payment would have such a major effect upon SBA disaster loan financing that the Congressional Budget Office estimates SBA would not have to seek additional disaster loan appropriations until around fiscal year 1984, all as a result of this budgetary gimmick. Does the Senate desire that the financing of the disaster loan fund become entirely self-sufficient for an indeterminate period of time? Does the Senate wish this program to be entirely exempt from the scrutiny of the appropriations process?

I would hope not, Mr. President. The costs of SBA's programs, like the costs of all other Federal programs, are very real. The Appropriations Committee, therefore, must be aware of them, must give them proper oversight, and must provide for them in appropriations bills. And the budget must account for them in their proper place, as costs incurred by the SBA disaster loan program. As I shall discuss in a few moments, this is in accordance both with widely accepted principles of government finance and with simple commonsense that say the Government should acknowledge to the public the cost of what it is doing.

In addition to removing the program from the scrutiny of the appropriation process, this gimmick would distort the apparent cost of this program as it is presented in the budget. It would lower the apparent cost of the disaster loan program by about $400 million per year. It would lower the apparent cost of community and regional development programs in budget function 450 by about $400 million per year. And it would increase the apparent net interest costs of the Federal Government as presented in the Treasury Department's budget and in function 900, interest, by about $400 million per year.

Mr. President, these are not small amounts we are talking about. CBO estimates the fiscal year 1980 interest payments from off-budget agencies to the Treasury to be about $5.7 billion and intragovernmental interest from on-budget agencies to be $2.7 billion. By fiscal year 1984, CBO estimates that these two figures will increase to $10.5 and $3.7 billion respectively, assuming a continuation of current law. If the policy espoused by the conference report were adopted generally, the relative magnitudes of agency and Treasury budgets would be distorted by more than $8 billion in fiscal year 1980 and by more than $14 billion by fiscal year 1984.

Mr. President, I have discussed this issue with the distinguished chairmen of the Senate and House Small Business Committees. Some important points have been raised about certain assumptions and facts underlying the line of reasoning that I have just set forth, and I would like to address these at this point in my remarks.

First, I have been asked why there is any more reason to assume that direct loans should be financed through government borrowing than it is to assume that they should be financed out of the revenues from taxation. Now that is an interesting question. It is a fair question. And I should like to answer it. The answer requires careful consideration of basic principles of government finance. The issue really is "when should governments borrow?" This is an issue that has been thought about and analyzed for many years. There has emerged a widespread agreement among government finance experts of all political persuasions—setting aside for the moment the problems of stabilization policy—that government investment programs creating benefits extending many years into the future should be financed by borrowing. The logic behind this conclusion is that payment for such a program should be spread over time into the future commensurate with the extension into the future of the benefits of the program. And this is what we are talking about with the SBA disaster loan program. These loan dollars are meant to be used for capital investment purposes. A home or a business rebuilt with an SBA disaster loan will be used for many years. The benefits of that loan will extend far into the future.

The alternatives for financing the SBA disaster loan program are taxation and borrowing. What criteria should determine the government's choice between these two methods of finance? James Buchanan, a widely respected economist from Virginia Polytechnic Institute, has written, and I quote:

> These criteria must be drawn from the characteristics of the government expenditure to be financed. The major distinction between the two methods lies in the location of the real cost or burden in time, with the tax method concentrating this cost in the current or initial period and the borrowing method postponing this cost until some later periods. This basic difference allows some reasonably definite rules to be laid down concerning the choice. For those public expenditures or outlays that are expected to yield up all or a major portion of public service benefits in a reasonably short period of time, taxation should be employed. Clearly, resort to borrowing to finance spending of this nature will simply exploit future taxpayers for the benefit of current public beneficiaries. . . .
>
> Real borrowing, as a method of financing public services, should, therefore, be limited to the financing of public expenditure projects that are expected to yield benefits over a long period of time. That is, those that are expected to be of a permanent nature. Here the analogy with the private economy is quite close. Business enterprises normally borrow, that is sell bonds, to finance capital expansion programs. Borrowing is accepted as an appropriate method of financing outlays that are bunched in time and are devoted to the purchase of equipment which will last over a long period. The principle of amortizing the debt over the period of the useful life of the project is accepted in business, and this principle is also applicable to government units.
>
> The appropriate rules for choosing between taxation and real borrowing have, to some extent, been incorporated in traditional fiscal practices. Borrowing is limited to the financing of extraordinary expenditures and to the financing of 'capital' projects.

The same conclusion is reached by another distinguished economist, Richard Musgrave of Harvard University. I ask unanimous consent to have printed in the RECORD Professor Musgrave's analysis.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

### ANALYSIS

To illustrate the point, consider a project whose services become available in equal installments over three periods. Also, suppose that the life (or residency) span of each generation covers three periods, and that the population is stable. Finally, assume that loans advanced by any one generation must be repaid within its life span. In each period the benefits accrue to three generations, including generations 1, 2, 3 in the first period; 2, 3, 4 in second; and 3, 4, 5 in the third period. To contribute their proper share, generations 1 and 5 should each pay one-ninth of the cost; generations 2 and 4 should each pay two-ninths; and generation 3 should pay three-ninths. Let us now suppose that the total cost is $100, and that it is to be allocated accordingly. To simplify matters, we will disregard the allocation of interest cost.

The entire outlay of $100 must be raised and spent in the first period. Of this, $33.3 is obtained by taxation, divided equally between generations 1, 2, and 3. The remainder is obtained by loans from generations 2 and 3. There can be no loans from generation 1 owing to our rule that each generation must be repaid during its life span. In the second period, tax revenue is again $33.3, contributed now by generations 2, 3 and 4; the debt held by generation 2 is retired in full, and loans of $16.6 are advanced by generation 4 to retire part of the debt held by generation 3. In the third period, the tax revenue of $33.3 is contributed by generations 3, 4, and 5. It is used to retire the remainder of the debt held by generations 3 and 4. In retrospect, the total cost has been divided between the five generations in accordance with benefits received. Loan finance in this case not only provided credit to taxpayers but resulted in a bona fide division of the cost between generations—a result impossible to secure through tax finance.

Mr. MUSKIE. And so, Mr. President, it seems clear that we are on solid ground in assuming that the financing of a direct loan program such as the SBA disaster loan program is through borrowing and not from taxation. It follows, therefore, that the Government's borrowing cost is a legitimate part of the overall cost of this program. If the Senate passes this conference report on S. 918, then the Senate would be endorsing a departure from sound and widely accepted principles of Government finance. A vote for this bill as it now stands, is a vote for a policy of budgetary deception. I do not feel the Senate should be a party to such action.

A second point that came up in my discussion with the chairman of the Senate of the Senate and House Small Business Committees is the contention that interest payments are not required for all Government loan programs. In response to this allegation I will simply say that in actual fact, almost all Government direct loan programs do pay interest to the Treasury. The following is a list supplied to me by the Treasury Department of the 39 public enterprise funds that make interest payments to the Treasury.

I ask unanimous consent that this list be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### PUBLIC ENTERPRISE FUNDS

#### FUNDS APPROPRIATED TO THE PRESIDENT

International Development Assistance: Overseas Private Investment Corporation.

#### DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation: Price support and related programs: Reimbursement.

Rural Electrification Administration: Rural communication development fund.

Farmers Home Administration:
Agricultural credit insurance fund.
Rural housing insurance fund.
Rural development insurance fund.

#### DEPARTMENT OF COMMERCE

Economic Development Administration: Economic Development Revolving Fund.

National Oceanic and Atmospheric Administration: Fisheries loan fund.

#### DEPARTMENT OF DEFENSE—CIVIL

The Panama Canal Corporation: Panama Canal Company.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration:
Nurse training fund.
Health education loans.

### DEPARTMENT OF THE INTERIOR

Water and Power Resources Service:

Colorado River Basin project.

Upper Colorado River storage project.

### DEPARTMENT OF EDUCATION

Office of Postsecondary Education: College housing loans.

### DEPARTMENT OF ENERGY

Power Marketing Administrations:

Bonneville Power Administration fund.

Colorado river basins power marketing fund, Wester.

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs:

Revolving fund (liquidating programs).

Federal Housing Administration fund.

Low-rent public housing—loans and other expenses.

Housing for the elderly or handicapped fund.

Government National Mortgage Association:

Management and liquidating functions fund.

Special assistance functions fund.

Emergency mortgage purchase assistance.

Community Planning and Development: Urban renewal programs.

New Community Development Corporation: New communities fund.

### VETERANS' ADMINISTRATION

Veterans reopened insurance fund.

Direct loan revolving fund.

Loan guaranty revolving fund.

### OTHER INDEPENDENT AGENCIES

Export-Import Bank of the United States.

Federal Emergency Management Agency: National flood insurance fund.

National Credit Union Administration: Central liquidity facility.

Small Business Administration:

Disaster loan fund.

Business loan and investment fund.

Lease guarantees revolving fund.

Tennessee Valley Authority: Tennessee Valley Authority fund.

### OFF-BUDGET FEDERAL ENTITIES

Department of Agriculture:

Rural electrification and telephone revolving fund.

Rural telephone bank.

Postal Service: Postal Service.

United States Railway Association: Regional rail reorganization program.

**Mr. MUSKIE.** All of these existing programs, Mr. President, pay interest to Treasury. Moreover, it is OMB and Treasury policy that all new loan programs should follow this practice. Therefore, adoption of the suggestion that the SBA disaster loan fund—which has made such payments since its inception—should now be exempted would be to take a step away from a policy of full budgetary disclosure. It would set an unfortunate precedent that others might be only too eager to follow.

The program most analogous to the SBA disaster loan fund is the Farmers Home Administration emergency loan program. This is financed out of the agricultural credit insurance fund, which does make interest payments to the Treasury. And was included in this list I just recited.

As I mentioned previously, Mr. President, it is the policy of both the General Accounting Office and the Office of Management and Budget that the cost of direct loan programs should reflect interest expenses. The handbook on accounting principles and standards of the General Accounting Office contains the following instructions:

> For agency programs or activities financed by advances or borrowings from the Treasury on which interest is required by law to be paid, the interest costs incurred and paid shall be accounted for in the same manner as any other costs which are paid by the agency.
>
> Where there is no requirement to pay the interest costs on the government's investment and an agency is engaged in the performance of services or sale of property outside the government for revenues, a determination should be made as to the significance of such costs. When they are significant in relation to the financial results of operation otherwise determined, their omission from the accounts and financial statements results in a seriously incomplete disclosure of the costs of performance and of the net financial results. In such circumstances, and when an interest factor is included in revenues obtained from sales made or services rendered, the interest costs should be determined, included in the accounts, and reported in the financial statements.

The Office of Management and Budget has a clearly defined policy on this subject as well. This policy is stated in circular A–70, which directs the heads of executive departments and agencies to "include all revenues and expenses" whenever they propose legislation to extend, revise or create a Federal revolving fund credit program.

Mr. President, I ask unanimous consent to insert at this point in my remarks the complete text of the GAO requirements.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### GAO REQUIREMENTS

#### (E) INTEREST

Interest is a cost generally applicable to all Federal Government expenditures. This concept is based on the fact that the Government's disbursements are made from a single pool of funds in the Federal Treasury which are not earmarked as to source or use. If funds disbursed for any given purpose had not been so disbursed, they could have been applied to repay or reduce borrowings, with a consequent savings in interest costs.

#### *Interest as a cost when required to be paid*

For agency programs or activities financed by advances or borrowings from the Treasury on which interest is required by law to be paid, the interest costs incurred and paid shall be accounted for in the same manner as any other costs which are paid by the agency.

If the interest required to be paid by an agency is significantly less than the interest cost to the Treasury, the difference should be accounted for as an additional interest cost in accordance with the same principles as those applicable to agency programs to which significant interest costs apply but are not required by law to be paid.

#### *Interest as a cost when not required to be paid*

Where there is no requirement to pay the interest costs on the Government's investment and an agency is engaged in the performance of services or sale of property outside the Government for revenues, a determination should be made as to the significance of such costs. When they are significant in relation to the financial results of operation otherwise determined, their omission from the accounts and financial statements results in a seriously incomplete disclosure of the costs of performance and of the net financial results.

In such circumstances, and when an interest factor is included in revenues obtained from sales made or services rendered, the interest costs should be determined, included in the accounts, and reported in the financial statements.

(1) The interest cost for each year should be determined on the net Federal investment in the program or activity at the beginning of the year and on the net additions to such investment during the year. Accumulated net income or deficit should not be included in the interest base.

(2) The rate of interest to be used should be one which the Secretary of the Treasury annually determines to be representative of the cost to the Treasury for borrowing for such investments. If the United States has outstanding marketable obligations with maturities reasonably comparable to the estimated period for which the Federal funds are invested, the Secretary should consider the average yields on such obligations in determining the interest rates.

(3) Interest determined to be applicable to an investment in property being constructed should be added to construction costs as interest during construction; after such property is placed in service, the interest should be classified as an operating cost.

It is not necessary that agencies performing services or producing products mainly for use within the Government include interest in their accounts or disclose it as a cost in their financial statements. However, cost data for such activities used in making comparisons for purposes of management decisions (such as on make-or-buy alternatives) should include an interest factor whether or not recorded in the accounts.

**Mr. MUSKIE.** And so, Mr. President, the two preceding points clearly affirm the validity of the need to have the interest costs of direct loan programs attributed to the programs themselves, and not to the Treasury Department.

There is another reason for having these programs make interest payments, Mr. President, and that has to do with program control by the Congress and OMB. These direct loans are repaid with interest. As a result, the revolving loan funds can build up to sizable amounts unless the funds pay interest to Treasury. For example, if Congress makes a billion dollar appropriation for a direct loan program and this money is used to make 20-year loans at 10 percent interest, by the time the loans are paid back in 20 years a total of $2.3 billion will have been repaid to the Government. If the congressional budget and appropriations processes are to retain effective control over these programs, they cannot be allowed to accumulate huge surpluses of this kind.

This is not a new issue, Mr. President. Two years ago the conference report on H.R. 11445, the Small Business Amendments of 1978 contained an identical provision. On October 11, 1978, when the conference report was before the Senate, I pointed out that a section of the agreement "would remove from the law the requirement that the SBA disaster loan fund pay interest to the Treasury for outstanding loans. That means," I noted, "that the budget for SBA would no longer show the costs of financing its own program. An estimated $0.3 billion of the SBA costs would be shifted to the accounts of the Treasury. This gimmick, of course, would not save one dime of the taxpayers' money. Its only effect would be to make it more difficult for Congress and the public to learn the true cost of this program." The President subsequently vetoed the bill.

Last year, the pending bill began its passage through the Senate and the House. The interest payment section to which I object was not in the Senate-passed legislation, but it was in the House-passed bill. On June 21, 1979, Senator BELLMON and I wrote a letter to the Senate conferees expressing our concerns about several provisions in the House bill.

"The first and perhaps most serious problem," we wrote, "is that the June 12 agreement accepts a House provision exempting SBA from the requirement that it pay interest to Treasury on its outstanding disaster loan borrowings. Under the provision, the SBA would borrow from the Treasury interest free, and then loan those funds to private businesses and individuals at an average interest rate close to the Government's cost of capital. SBA would then retain the interest payments it received on its own loans, reducing both the apparent cost and budget impact of its programs. In this manner, the cost of the interest subsidy granted to SBA disaster loan borrowers would no longer appear on SBA's books but would be 'hidden' in Treasury accounts.

"The provision would not save either disaster victims or taxpayers 1 cent. All it would do is utilize a cosmetic accounting gimmick to deceive both the Congress and the public as to the true cost of SBA's disaster loan program, and deprive the Appropriations Committee and the Congress of a valuable form of program oversight."

On October 4, we wrote to the conferees again. Again we expressed our concerns about the interest payment provisions:

> We understand that the proposed conference agreement would enact into law an unsound budgetary procedure which is strongly objectionable: Namely, the exemption of SBA from the requirement that it pay interest to Treasury on its outstanding disaster loan borrowings. This accounting gimmick, by lowering the apparent cost of the SBA disaster loan program, would deceive both the Congress and the public as to its true cost, could deprive the Appropriations Committee of a valuable form of program oversight and would damage the integrity of the Federal budget. We hope that this provision, section 111 of the House bill, will not be included in the conference agreement.

So the Senate conferees were on notice, Mr. President, of the Budget Committee's deep concern about this attempt to legislate a specious budgetary practice. Time and again Senator BELLMON and I have objected to this, and yet here it is in this conference report that is before the Senate today.

In conclusion, Mr. President, I again serve notice that when the debate on this conference report has been completed I shall ask the Senate to reject the conference report and substitute for it a bill that is identical in all respects except for the deletion of section 113.

The reasons for deleting this provision are clear, Mr. President. Section 113 has nothing to do with the design or operation of SBA programs. But it has a great deal to do with the budget and appropriations processes. The leadership of these committees from both sides of the aisle feel so strongly about this issue that we are asking the Senate not to pass this legislation in its present form, but to reject the conference report, then to delete section 113, and to send the bill back to the House.

Section 113 is bad public policy. It should be rejected for many reasons:

The true cost of this program would be concealed. As much as one-fourth of the total cost would not be shown. Informed decisionmaking depends upon accurate information about the true cost of programs competing for limited public resources.

It would set an unfortunate precedent. Other Federal agencies with loan programs now pay interest to the Treasury. If the policy in S. 918 were followed instead, the $8.4 billion cost now properly assigned to the Government programs could all be hidden in Treasury accounts. The true costs of those programs would be grossly understated.

It would decrease the likelihood of congressional scrutiny. If this and other revolving loan funds were no longer required to make interest payments to Treasury, many of these programs would not need any new appropriations. They could use their receipts from loan repayments for program expansion. Congressional and executive scrutiny might diminish accordingly.

I think that the essential analysis of this issue has been made by Senator BELLMON and I have tried to back that up. I do not think that, insofar as Senators BELLMON and WEICKER are concerned, any further discussion on our part could add to their understanding of this issue. I think they understand it clearly. I do not know whether we are reaching any other senatorial ears at this point, in any case. But the issue is clear. It is a longstanding one. The Budget Committee has been making it for several years.

So, Mr. President, I am willing to yield the floor at this time. I do not see much need in my taking much more time, unless a question should arise in additional discussions to which I ought to address myself.

Mr. NELSON. Mr. President, does the Senator yield the floor?

Mr. MUSKIE. Yes.

Mr. NELSON. As the Senator well knows from his long experience here, the conference report that is before us is as a consequence of the hearings and deliberations by the House of Representatives on the measure, as well as the hearings, markup, debate, and action on the floor of the Senate.

We went into conference with 134 items in disagreement.

There was an item on which the House and the distinguished chairman of the House committee felt very strongly. The distinguished Senator from Maine, the chairman of the Budget Committee, discussed the matter with the chairman of the House Small Business Committee, Congressman SMITH. Congressman SMITH was not prepared to yield on the point at issue.

As I have said previously, the Senator recognizes this provision was not in the Senate bill.

There is not much more I can say other than after lengthy consideration we resolved every issue we could. This one issue was unresolvable and so there it stands. I understand the position of the distinguished Senator from Maine as chairman of the committee, and the ranking minority member (Mr. BELLMON). We have a procedure here in which the Appropriations Committee is required, by current statute, to appropriate to the Small Business Administration the difference between what the agency charges for money and what its cost of money is. So in the whole process the Congress appropriates, the Treasury transfers to the Small Business Administration, and then the Small Business Administration makes a payment back to the Treasury. This process gives a clearer picture of the cost of this particular program.

I do not know that there is an easy answer other than the current statute, although I do not agree with the opinion of the General Counsel for the Small Business Administration who says it will prohibit the SBA from making the payment. I think there is a fair question that the administration, OMB and the Appropriations Committees, as a matter of practice, may very well appropriate that money for SBA and require SBA to make the payment to Treasury. I think that is an issue worth exploring.

The next point, I might say to the Senator from Maine, is that at the very least, the SBA budget ought in any event to reflect what the cost is.

I thank the Senator.

Mr. MUSKIE. I thank the Senator for his comments.

Let me say first of all, reinforcing what I said at the outset of my earlier remarks, that I understand the frustrations in working through a conference with this many items in disagreement. I know from my own exposure to the efforts of Senator NELSON and Senator WEICKER over the years that they work hard and pretty effectively to sustain the Senate position. So there is no criticism of their efforts implicit in what I said.

Second, in recognizing the frustrating and prolonged time that is often involved in resolving these differences, I am not very often inclined to challenge conference reports. But here I think that what is involved is a potential for setting an undesirable precedent across 38 other programs in the budget which I think underlies reinforcing the Senator's view on this issue for the benefit of the House, forcing them to take another look at this issue standing all by itself. I am prepared and Senator BELLMON is prepared, and I am sure the Senate is prepared, to approve everything else in the conference report. By isolating this issue, I would hope that all of the House conferees would look at the arguments we are making, which I believe are so universally supported by expert opinion, and that they might be persuaded to change their minds.

If that does not work, then I would hope that we could pursue the other option suggested by the distinguished Senator from Wisconsin of requiring the payment of interest notwithstanding the language in this report. I would prefer, of course, to eliminate any doubt that that be the practice that we follow. But if that option is open, I certainly would want the opportunity to pursue it. I appreciate the suggestion of the Senator from Wisconsin.

Mr. NELSON. On that point, the staff advises me that the conference agreement only eliminates the requirement; it does not prohibit a payment. I would not want to state that too positively, however, without studying it more closely. I am inclined to feel that the administration and the Appropriations Committees could require that it be done and, obviously, the administrator of any agency or department could do it. I think that could be done.

Mr. MUSKIE. I certainly welcome the opportunity to examine the issue to this extent, to see if we have another solution other than the option we are discussing this afternoon.

Mr. President, I do not want to take any more time. I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, I understand that the distinguished Senator from Georgia (Mr. Nunn) has a parliamentary inquiry. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Tsongas). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, later today, following the action of the Senate on the pending conference report, the Senate will be taking up again the China trade legislation. The House will be acting on that later this afternoon and messaging it over to the Senate.

So it is anticipated that the Senate will complete action on that resolution also today. That will mean there will be at least one more rollcall vote today after the action on the pending small business resolution, for the information of Senators.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. NUNN. Mr. President, I am very deeply disturbed with a series of events that have taken place in conference on the omnibus small business authorization bill, which is before us today. Frankly, I find it to be a most unfortunate situation when the Senate is expected to act on a measure which contains statutory language that could if misinterpreted significantly affect our national defense, and yet the Senate is unable to be given clear guidance by the conferees of both Houses as to their intent in this regard.

I am referring specifically to section 122 of title I of the conference substitute, which amends section 15 of the Small Business Act, relating to the labor surplus area set-aside program.

The purpose of the labor surplus area set-aside program is to target Federal procurements to firms doing business in high unemployment areas. However, since fiscal 1954, each annual Department of Defense Appropriations Act has contained a proviso that "no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations;" this proviso is popularly referred to as the Maybank amendment. The Comptroller General of the United States has consistently held that, for DOD procurements, the Maybank amendment prohibits the payment of a contract price differential to firms located in labor surplus areas, and that, as a general rule, it is difficult if not impossible, to establish the absence of a price differential when awards are made on the basis of a total set-aside to such areas.

At markup sessions on April 24 and May 1, 2, and 3 of this year, the Senate Select Committee on Small Business considered several bills as well as five committee-drafted titles to amend the Small Business Act and the Small Business Investment Act of 1958. An omnibus authorization bill, S. 918, was subsequently reported to the full Senate.

During the markup session of May 2, an amendment offered by Senator Levin to section 15 of the Small Business Act was adopted. As the committee report states, the amendment's purpose was to make it possible to satisfy the current terms of the International Procurement Code, negotiated as part of the multilateral trade agreements and providing, in part, a waiver of labor surplus area set-asides for firms, without waiving the small business set-aside program for firms located in these areas.

During the committee markup session at which this was adopted, Senator Levin described his amendment as "a technical amendment aimed at preserving the preference for the small business contractor in the labor surplus area." Committee staff also examined the amendment, and provided assurances to the committee members that it was "consistent with the labor surplus program now in existence." Finally, in response to a statement by Senator Boschwitz that the amendment "does not change what is existing," both Senator Levin and committee counsel stated that this was a "fair characterization."

When S. 918, containing this amendment, was debated and adopted by the full Senate, there was no discussion of this amendment, and no indication that anything other than what was intended by Senator Levin in offering his amendment in committee was intended by the full Senate in approving S. 918.

However, when conferees of both Houses met to reach agreement on this omnibus measure, I was advised that the amendment which would have the effect of repealing the Maybank amendment.

Quite frankly, Mr. President, I was puzzled with this procedure. As the Chair knows, under the Senate rules, in any case such as this in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it is in order for the conferees to report a substitute on the same subject matter, but they may not include in the report matter not committed to them by either House.

The House had not approved any amendments whatsover to section 15 of the Small Business in their bill, and the Senate had never indicated that its amendments to section 15 were to affect anything other than a revision of the priorities within the small business and labor surplus area set-aside programs, and not the scope or applicability of the set-aside programs themselves. Therefore, the Senate not having changed the substance of the provisions of law which establish and define the scope of the set-aside programs, I did not believe that the Maybank amendment was a matter committed to conference by either House. To assure myself in this belief, I requested the Senate's Office of Legislative Council to provide me with an analysis of the statutory language of the pertinent provisions of the Senate bill in this regard. I was advised that the provisions of section 121 of S. 918 as they passed the Senate do not affect the scope or applicability of the set-aside programs, including the Maybank amendments' operation. I shall submit for the Record a copy of this opinion.

Mr. President, regardless of the merits of the Maybank amendment, I indicated my belief that this was a matter not considered in either House, not intended to be affected by either House, and in fact not affected by the Senate bill. I therefore advised the Senate conferees that I would feel compelled to raise a point of order in the Senate should the conference substitute contain such an amendment changing the provisions of law establishing and defining the scope of the set-aside programs.

I want to take this opportunity to offer my personal thanks to Senator Nelson, the distinguished chairman of the Select Committee on Small Business, for presenting my thoughts on this subject in conference in my absence, and prevailing against the House amendment on the grounds of germaneness. Subsequently, the House adopted the Senate provisions with only minor conforming changes with respect to revising the priorities within the small business and labor surplus area set-aside programs. Unfortunately, there remains a belief that, unbeknownst to the Senate and without any intention to do so, the applicability of the Maybank amendments to the scope of the set-aside programs was altered by the Senate bill. I do not believe this to be the case; I believe that the statutory language, on its face, does not affect the applicability of the Maybank amendments. Accordingly, I requested an official opinion of the Comptroller General of the United States on this question, and once again, my belief in this regard was confirmed. I also submit for the Record the Comptroller's opinion.

Therefore, in order to lay this matter to rest, I have repeatedly attempted to have the conference report clearly indicate the effects of the conference substitute on the applicability of the provisions of law establishing and defining the scope of the set-aside programs in question. Repeatedly, the House conferees have refused to do so, apparently in the hopes that, based on some imagined technicality in statutory language or interpretation, the conference substitute will accomplish this goal with regard to the Maybank amendment's applicability.

Mr. President, this is no way in which to legislate. I realize that there are strong feelings on the merits of the Maybank amendment. The Senate has had the opportunity to fully debate the applicability of the labor surplus area set-aside program to the Department of Defense last session during consideration of the fiscal year 1980 DOD appropriations bill. The Senate had the opportunity to completely consider the merits of the Maybank amendment, and made a conscious decision to retain this amendment.

I therefore firmly believe that it would not only be regrettable, but a serious breach of our responsibility as a lawmaking body for the Senate to take action now, on this conference report, the consequences of which, without clarification, could be argued to do implicitly what the Senate explicitly refused to do by an overwhelming majority so recently.

The effect of section 121 of S. 918 on the Maybank amendment was never directly considered in committee. It was never considered on the floor of the Senate. It was never considered by the House of Representatives. Now, however, we are being asked to approve a conference report and leave the possibility, however slight, that it will be construed to have done something which was never intended by the Senate, never considered by either House, and never examined by the appropriate committees with juurisdiction over armed services matters. There is some question as to the intent of the Senate in its original passage of S. 918, and I would like to explore this for a moment with two of the key principles involved.

I would first like to ask Senator Levin, the distinguished author of the amendment in question, if he considered any effect which his amendment might have had on the Maybank amendment when he introduced it in the Small Business Committee markup? I would also ask what the Senator's intent was as to the Maybank amendment when introducing his amendment?

Mr. LEVIN. In response to the Senator's inquiries, I think it might help to clarify the issue if I inserted in the Record a letter which I sent to you at the time this issue was initially raised in conference and which I believe answers your questions.

Mr. NUNN. I appreciate the Senator's candor. I believe that the assurances provided by the Senator and by committee staff at the markup support this, and make it clear that the Senator's amendment is consistent with the labor surplus program now in existence, and was not intended to affect the applicability of the Maybank amendment.

I would now ask the distinguished chairman of the Small Business Committee and the leader of the Senate conferees if it was his belief that the Small Business Committee, in reporting S. 918 to the full Senate, intended to affect the applicability of the Maybank amendment?

Mr. NELSON. It is this Senator's personal belief that the committee, having considered the question of the effect of the Levin amendment on the scope of the labor surplus area set-aside program, did not intend to affect the applicability of the Maybank amendment in this bill.

Mr. NUNN. I thank the chairman. I would also like to ask whether it is the Senator from Wisconsin's position that, in rejecting the proposed amendment offered by Congressman McDade in conference to repeal Maybank, the position of the Senate conferees was that section 121 of S. 918 did not affect Maybank, and that any amendments pertaining thereto would be beyond the scope of the conference for the managers on the part of the Senate.

Mr. NELSON. As the Senator from Georgia knows, I advised the House conferees that you intended to raise a point of order against the conference report if it contained an amendment to repeal Maybank, and that you had been advised by the Senate Parliamentarian that such a point of order would be sustained on the ground that the conference report would have contained matter not committed to conference by either House. I therefore believe that it was the position of the Senate conferees that the issue of the Maybank amendment's applicability was not a matter properly within the scope of conference.

Mr. NUNN. Once again, I thank the Senator.

Mr. President, in spite of what I believe to be a clear indication that the Senate language did not affect the Maybank amendment, never intended to affect the Maybank amendment, and does not, as modified by the House and adopted in conference, affect the Maybank amendment, the conferees refused to accept language to this effect in the conference report.

Once again, if there is the slightest possibility that the statutory language could be interpreted in two different ways, I believe it is incumbent upon us to make clear the intent of the Congress. I believe that it is particularly true in this case, when the matter involved could, in the opinion of the distinguished chairman of the Senate Armed Services Committee, have a serious effect on our national defense. To act "in the dark" and leave a final interpretation of our intent to others, would be both regrettable and irresponsible. I believe that the Senate, in acting on the conference report, has a right and a duty to know without question the consequence of its action.

Mr. President, I call the attention of my colleagues to the explanation of the Senate provision in the discussion of the conference substitute. I would point out that it is clearly stated that nothing in the Senate bill enlarge the substance of the provisions of law which establish and define the scope of the set-aside program, and that such provisions of law specifically are limited by the Maybank amendments.

Therefore, the House of Representatives having committed no matter to the conference on this subject, it follows that the conference substitute cannot contain any amendments or changes to the substance of the provision of law establishing and defining the scope of the set-aside program, including the Maybank amendment, because the Senate bill contained none. If the conference substitute had affected the Maybank amendment's applicability, thereby enlarging the scope of the program, then I submit that the conference report would not have been in order under rule 28 of the Standing Rules. I believe that it is clear, therefore, that the conference substitute does not do any more to the substance of the provisions of law establishing and defining the scope of the set-aside programs than did the Senate bill.

Mr. President, once again, I believe that it is absolutely essential to have the record clear in this regard. Should the Senate vote to adopt the conference report, there should be no question but that, in so doing, the Senate does not in fact modify, nor does the Senate intend by implication to modify, the applicability of the Maybank amendments, and that they will continue in full force and effect should this conference report be adopted and signed by the President. I thank the chairman of the Small Business Committee and the Senator from Michigan.

The material follows:

### MEMORANDUM FOR SMALL BUSINESS COMMITTEE

This memorandum is in response to a request by Kay Klatt, of the staff of the Select Committee on Small Business, for the opinion of this Office regarding the relationship between proposed amendments to the Small Business Act and the Department of Defense Appropriation Acts, for 1978 and 1979. Specifically, the request was whether section 121 of S. 918 would repeal the Maybank Amendments contained in the Department of Defense Appropriations Acts for fiscal years 1978 and 1979.

The Maybank Amendments specifically prohibit the use of funds appropriated in the Acts of which they are a part "for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations", thereby making the labor surplus area set-aside program inapplicable to Department of Defense appropriations under the 1978 and 1979 Acts.

Section 121 of S. 918 would rewrite section 15 (e) and (f) of the Small Business Act in order to revise the priorities within the small business and labor surplus area set-aside programs. The language of section 15 (e) of the Small Business Act, as amended by S. 918, would read, in pertinent part, as follows:

"(e) In carrying out small business set-aside programs, departments, agencies, and instrumentalities of the executive branch shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated."

The reference in the amended language to "set-aside programs" is to the programs established and defined by subsections (a) through (d) of section 15 and by the Maybank Amendments. Nothing in section 121 of S. 918 amends or changes the provisions of law which establish and define the scope of the set-aside programs.

It is the opinion of this Office that the provisions of section 121 of S. 918, as they passed the Senate or as we understand they may be modified in conference, do not affect the scope or applicability of the set-aside programs, and that therefore the Maybank Amendment continues to exclude funds appropriated in the Department of Defense Appropriation Acts of 1978 and 1979 from the labor surplus area set-aside program. We note that this conclusion is fully consistent with the intent of the Select Committee on Small Business as reflected in the report accompanying S. 918:

"Current language in section 15 (f) of the Small Business Act, which provided for termination of the labor surplus area set-aside program on September 30, 1979 (later extended to September 30, 1980 by Public Law 95-507) is replaced by language providing authority for labor surplus area set-asides for all businesses, large and small. This is the authority that would be waived under the terms of the International Procurement Code.

"The sunset provision is no longer necessary. Public Law 95-89 also provided for total labor surplus area set-asides for defense items, and a cut-off date was agreed upon in conference as satisfactory to those conferees who opposed total labor surplus area set-asides for defense items. However, a prohibition against this type of set-aside was placed into the Defense Appropriations bill which was signed by the President after Public Law 95-89. That prohibition took precedence over Public Law 95-89. Thus total labor surplus area set-asides for purchases by the Department of Defense are prohibited." (Senate Report 96-125, p. 22).

JANIS A. WILSON,
*Law Assistant.*
FRANCIS L. BURK,
*Assistant Counsel.*

---

COMPTROLLER GENERAL
OF THE UNITED STATES,
*Washington, D.C., June 19, 1979.*

Hon. SAM NUNN,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR NUNN: On June 15, 1979, you sent me two versions of a proposed amendment to the Small Business Act set-aside program for Federal procurements and asked whether they would repeal the so-called Maybank Amendment contained in the Department of Defense (DOD) appropriations acts for fiscal years 1978 and 1979. (Since the proposed amendment does not expressly repeal or even refer to the Maybank language, I assume you are really asking whether the amendment, if enacted, would enable the DOD to conduct its set-aside program on the same basis as the civilian agencies which are not affected by the Maybank restriction.)

This is a very difficult question, to which you required an answer in a very short time. We would have preferred to consider the views of the DOD, the agency most concerned, but of course this was not possible. From my reading of the applicable legislative provisions and on the basis of our past decisions on the effect of the Maybank Amendment, I conclude that with respect to DOD procurements funded with fiscal year 1978 or 1979 funds, the Maybank Amendment is still applicable.

The first version of the amendment which you asked me to consider is contained in section 121 of S. 918, a bill "to amend the Small Business Act and Small Business Investment Act of 1958 and for other purposes." It passed the Senate on May 16, 1979, and is presently under consideration by a conference committee. The second version was, we understand, agreed to by the Conference Committee, although it has not yet been reported out.

Both versions would revise the priorities for awards of Federal contracts and subcontracts now specified in sections 15(d) and (e) of the Small Business Act (Act) as amended by Pub. L. Nos. 95-89, enacted August 4, 1977 and 95-507, enacted October 24, 1978. Although there are several differences between the two versions, they are not significant for our purposes. I will therefore discuss the amendment as stated in the conference draft hereafter.

The Senate report on S. 918 (S. Rep. No. 96-125, May 8, 1979) is quite candid about the purpose of section 121. It explains that under the terms of a proposed International Procurement Code, which is presently being negotiated as part of certain multi-lateral trade agreements, United States negotiators were able to exclude small business and minority business set-asides from coverage under the Code, but were unable to obtain a similar exemption for labor surplus area set-asides. Under existing law (sections 15 (d) and (e) of the Small Business Act, as amended, *supra*) all executive branch agencies are required to follow a prescribed order of priorities in determining when and what kind of set-asides should be made in Federal procurements. The very first priority is a total set-aside for "Concerns which are located in labor surplus areas and which are also small business concerns." The next two priorities are for small business concerns, regardless of location, and the final priority is a total set-aside for concerns in labor surplus areas, regardless of size.

It is clear that existing priority 4—a total set-aside for concerns in labor surplus areas—would not be exempted from coverage by the Code. Section 121 removes it from the list of the first four priorities and puts it in fifth place. (See proposed subsection (f) of section 15 of the Act.)

The first priority is retained but restructured. Instead of stating:

"Concerns which are located in labor surplus areas, and which are small business concerns, on the basis of a total set-aside.".

it would read:

"Concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total set-aside."

This change, together with the deletion of a reference to labor surplus areas in the first sentence of the existing subsection (e) of the Act, and the addition of the modifying words "small business" before the word "concerns" in the first sentence of existing subsection (d) of the Act, appear to be intended to subsume the labor surplus area set-aside program within the more acceptable small business set-aside program.

We express no opinion at this time on whether the changes made by section 121 will succeed in exempting labor surplus area set-asides from the International Procurement Code. We have not studied the proposed Code from this perspective and are not informed about its legislative history. However, it has been suggested that section 121, although not introduced for that purpose,[1] may nevertheless greatly affect the applicability of the Maybank Amendment.

The most recent enactments of the Maybank Amendment are found in the Department of Defense Appropriation Act, 1978 (Pub. L. No. 95-111, September 21, 1977) and 1979 (Pub. L. No. 95-457, October 13, 1978). It appears in both acts in its traditional form—a form reenacted in substantially identical language every year since former Senator Maybank first introduced it in 1953. It reads:

"*Provided further*, that no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocation."

I have been asked on a great many occasions to interpret the intent and effect of the Maybank Amendment on DOD procurements. This Office has consistently held that the Maybank Amendment prohibits the payment of a contract price differential to funds located in labor surplus areas, and that, as a general rule, it is difficult, if not impossible, to establish the absence of a price differential when awards are made on the basis of a total set-aside to such areas. See, *e.g.*, 57 Comp. Gen. 35 (1977).

More recently, I was asked whether addition of a proposed amendment to section 15 of the Act would serve to overcome the effect of the Maybank Amendment on the set-aside priorities of sections 15(d) and (e) of the Act. The amendment which was proposed would have read as follows:

"(g) No award of any contract referred to in subsection (d) shall be construed as being made for the purpose of relieving economic dislocations."

We held that, on the basis of extensive legislative history, the Maybank prohibition must be read to apply to awards targeted for labor surplus areas, even though the Maybank Amendment specifically refers only to awards made for "the purpose of relieving economic dislocations." B-145136, April 14, 1978.

We also suggested in B-145136, supra, specific language which we felt might serve to overcome the prohibition of the Maybank Amendment with respect to procurements funded by the appropriation act in which it appears. No such language appears in section 121 of S. 918—understandably, since as indicated earlier, we see no evidence that the Committee intended to repeal or overcome the Maybank Amendment. However, we still feel that anything short of the language we proposed (which would have required any subsequent enactment of the Maybank prohibition to state explicitly that it did apply to labor surplus area set-asides) would not be sufficient to disturb the long-standing interpretation of the Maybank Amendment.

It may be argued that the effect of section 121 is to do away with the labor surplus area set-aside program entirely, except, perhaps, for the fifth priority described in proposed subsection (f), discussed *supra*. (This last priority could not be implemented by DOD while Maybank was in effect.) The program, as restructured, would be buried in a large small business set-aside program, and all total set-asides would be deemed to be made for the purpose of aiding small businesses—a purpose not prohibited by the Maybank Amendment or our decisions.

We do not agree with that reasoning. In our April 14 decision, *supra*, we said that we could not accept a legislative statement that the total set-aside for labor surplus area firms was not being made for the purpose of relieving economic dislocation, and that as a result, the Maybank Amendment did not apply. We felt compelled to examine the prohibition in the light of the legislative history and concluded that the prohibition applied to total labor surplus area set-asides, regardless of the statement in the proposed amendment that the set-asides were not being made for the purpose of relieving economic dislocation. In other words, we looked behind the Maybank prohibition and recognized its long-standing intent, notwithstanding a contrary expression of intent in the proposed amendment to the Act.

---

[1] See, S. Rep. No. 96-125, *supra*, p. 22.

In the present case, there is a suggestion that section 121 similarly changed the purpose of the set-aside program. If enacted, the programs would now be deemed to be all for the purpose of aiding small business firms and only incidentally for the purpose of aiding labor surplus area firms. We do not believe that the purpose of the program has really changed, notwithstanding its small business label, as long as priority 1 is on the books. It makes very little real difference whether the first priority is for labor surplus area firms which are also small businesses or small businesses which are also located in labor surplus areas. The fact remains that in both instances, a small business firm in a labor surplus area has an edge over a small business firm that is not located in such an area, and it is still eligible to compete on a total set-aside basis (which we have said is tantamount to being granted a price preference).

We conclude that the changes made by section 121 are not sufficiently substantive to overcome the Maybank Amendment. Since it would still be necessary to be located in a labor surplus area to qualify for priority 1, we feel that the Maybank Amendment would continue to apply to the DOD set-aside program.

Sincerely yours,

ELMER B. STAATS,
*Comptroller General, United States.*

---

U.S. SENATE,
*Washington, D.C., June 14, 1979.*

Hon. SAM NUNN,
*U.S. Senate,*
*Washington, D.C.*

DEAR SAM: During Senate committee consideration of S. 918, I offered and the Committee accepted an amendment which made some changes in the language in the Small Business Act authorizing the participation of all executive agencies in the labor surplus set-aside program. As the Senate report makes clear, my amendment was intended to protect the program from adverse impact which was expected to result from Congressional approval of the multilateral trade agreement, and to remove a sunset provision which would have terminated the program on September 30, 1980. This provision was never discussed on the Senate floor, and the full Senate approved the bill containing my amendment. In conference, both sets of conferees accepted the essence of the Senate position, with some modifications to overcome specific objections raised by House members.

While I believe that the Maybank amendment should be rejected or modified when it is offered next (presumably before it expires on September 3, 1980), and while I also feel that the Defense Department should be authorized to participate in the labor surplus set-aside program just as all other federal agencies are authorized to do so, I did not consider any effect that my amendment might have on the Maybank amendment when I introduced it in the Small Business Committee, and did not intend it to affect the Maybank amendment when I introduced it. I do not, of course, presume to know what was in the minds of other members of the Committee, or other members of the Senate, or other conferees, at each of those stages in the consideration of S. 918.

Sincerely,

CARL LEVIN.●

Mr. ROBERT C. BYRD. Mr. President, I congratulate Mr. NELSON and Mr. WEICKER on their skill and expertise with which they have managed the small business conference report.

Mr. NELSON. Mr. President, if there are no other Senators wishing to be heard, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report on S. 918. The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Georgia (Mr. TALMADGE), the Senator from Virginia (Mr. HARRY F. BYRD JR.), and the Senator from California (Mr. CRANSTON) are necessarily absent.

I further announce that the Senator from Arizona (Mr. DECONCINI) is absent on official business.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) and the Senator from North Carolina (Mr. MORGAN) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from South Dakota (Mr. PRESSLER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The PRESIDING OFFICER. Are there other Senators who wish to vote?

The result was announced—yeas 55, nays 27, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—55

Baucus
Bayh
Bentsen
Boren
Bradley
Burdick
Byrd, Robert C.
Cannon
Cochran
Cohen
Culver
Danforth
Durenberger
Ford
Garn
Glenn
Gravel
Hart
Hayakawa
Heflin
Huddleston
Jackson
Javits
Johnston
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stafford
Stennis
Stevenson
Stewart
Stone
Tower
Tsongas
Warner
Weicker
Williams

NAYS—27

Armstrong
Bellmon
Biden
Boschwitz
Chafee
Chiles
Dole
Domenici
Exon
Goldwater
Hatch
Heinz
Helms
Hollings
Humphrey
Jepsen
McClure
Muskie
Proxmire
Roth
Schmitt
Schweiker
Simpson
Stevens
Thurmond
Wallop
Zorinsky

NOT VOTING—18

Baker
Bumpers
Byrd,
Harry F., Jr.
Church
Cranston
DeConcini
Durkin
Eagleton
Hatfield
Inouye
Kassebaum
Kennedy
McGovern
Morgan
Pressler
Pryor
Talmadge
Young

So the conference report was agreed to.

Mr. NELSON. Mr. President, Senator MORGAN has asked me to announce that had he been able to vote on final passage on the conference report on S. 918, he would have voted "aye."

Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Several Senators addressed the Chair.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, has the motion to lay on the table the motion to reconsider been made?

The PRESIDING OFFICER. No, not yet.

The yeas and nays have been ordered on the motion to reconsider.

Mr. WEICKER. Mr. President, I move to lay that motion on the table.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the conference report was agreed to.

On this motion the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Arkansas (Mr. PRYOR), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Arizona (Mr. DECONCINI) is absent on official business.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from South Dakota (Mr. PRESSLER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber who have not voted?

The result was announced—yeas 30, nays 50, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—30

Baucus
Bayh
Burdick
Byrd, Robert C.
Cannon
Culver
Glenn
Gravel
Hart
Heflin
Huddleston
Jackson
Javits
Johnston
Levin
Magnuson
Mathias
Matsunaga
Melcher
Nelson
Nunn
Riegle
Sarbanes
Stennis
Stevenson
Stewart
Stone
Tsongas
Weicker
Williams

NAYS—50

Armstrong
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Chafee
Chiles
Cochran
Cohen
Danforth
Dole
Domenici
Durenberger
Exon
Ford
Garn
Goldwater
Hatch
Hayakawa
Helms
Hollings
Humphrey
Jepsen
Laxalt
Leahy
Lugar
McClure
Metzenbaum
Moynihan
Muskie
Packwood
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stevens
Thurmond
Tower
Wallop
Warner
Zorinsky

NOT VOTING—20

Baker
Bumpers
Byrd,
  Harry F., Jr.
Church
Cranston
DeConcini
Durkin
Eagleton
Hatfield
Heinz
Inouye
Kassebaum
Kennedy
Long
McGovern
Morgan
Pressler
Pryor
Talmadge
Young

So the motion to lay on the table the motion to reconsider was rejected.

Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. NELSON. Mr. President, we had a discussion here on the issue raised by the distinguished chairman of the Budget Committee (Mr. MUSKIE) and by the ranking minority member (Mr. BELLMON), which involves an accounting procedure, which I shall not go into as it is all spelled out in the RECORD.

It was perfectly clear that a substantial majority here favor the conference report and the provisions in it. In fact, the vote was 55 to 27. It is my guess that if the controversial provision that was raised by the Budget Committee were not included in the report, that there likely would not have been more than three or four votes against the bill, and maybe no votes. Every Member I spoke to who voted against it did so on the ground that they were sticking with the Budget Committee's objection to that provision in the bill.

By that vote the expression of support for the conference report was made. However, on the motion to table, by a vote of 50 to 30, I believe, the Members refused to table and that refusal was based, in my judgment, quite clearly upon an expression of opposition by those Members to that particular provision in the bill. So there has been a clear expression here, in my judgment, that that interest differential provision is the point at issue.

In discussing the matter, there is no use in running through any more rollcalls requiring people to vote to reject the conference report, so I am agreeable to have a voice vote on the motion to reconsider, a voice vote on the motion to reject the conference report, and then an amendment will be offered by the chairman of the Budget Committee striking the provision the Budget Committee objects to, and have a rollcall vote on that. It will then be sent to the House and the House will act on that conference report, as amended. Do I state it correctly?

Mr. MUSKIE. I could not improve upon the Senator's explanation by uttering another word, a situation in which I rarely find myself.

If it is agreeable all around, I would suggest, Mr. President, that we have a voice vote on the motion to reconsider. I will then make a motion to reject the conference report, and we will voice vote that. Then I have the amendment at the desk which will do what these 50 Senators want to do.

Mr. SARBANES. Will the Senator yield for a question?

Mr. MUSKIE. Yes.

Mr. SARBANES. Is it the Senator's intention to have a rollcall vote on the amendment?

Mr. MUSKIE. Yes.

Mr. SARBANES. But not to have a rollcall on the motion to reject the conference report?

Mr. MUSKIE. That is correct.

Mr. SARBANES. Why would we not have a rollcall vote on both of those, if we are going to have a rollcall on either of those?

Mr. NELSON. May I respond to that?

Mr. MUSKIE. Yes.

Mr. NELSON. Let me say to the distinguished Senator from Maryland that it is his privilege, of course, to ask for a rollcall.

Mr. ROBERT C. BYRD. It is automatic because it was already ordered.

Mr. NELSON. On the motion to reconsider?

Mr. ROBERT C. BYRD. Yes.

Mr. NELSON. All right. Speaking for myself only, and not to request the rollcall, this Senator is not trying to put anybody on the spot in any way. I think the RECORD indicates what the feeling here is. I personally have no objection to a voice vote on the motion to reconsider because I think it is clear what these rollcalls show.

Mr. SARBANES. I can understand what the Senator from Wisconsin has asserted, that the votes taken up to now express a Senate position and the Senator wants to carry out the rest of the sequence by voice. I do not quite understand carrying out part of the rest of the sequence by voice and part of it by rollcall. It seems to me either it should all be done by rollcall or all should be done by voice.

Mr. MUSKIE. Mr. President, I have no objection to that. There is some impression, perhaps erroneous, that a lot of Senators who surrounded us were interested in accelerating the procedure. I have no objection to a rollcall, to three rollcalls, if that is the desire.

The PRESIDING OFFICER. The Chair will inform the Senator from Wisconsin that the yeas and nays have been ordered on a motion to reconsider and on the conference report. It would require unanimous consent to withdraw that.

Mr. NELSON. If I may say one word, it seems to me we are putting in a whole lot of time on rollcall votes which are unnecessary. I would be perfectly agreeable to ask unanimous consent to withdraw the request for the rollcall votes and have a voice vote on the motion to reconsider, and on the motion to agree to the conference report.

I will make that unanimous-consent request right now. Otherwise, we are going to spend a lot of time here unnecessarily. We have a conference going on regarding the windfall profit tax which is an important piece of business. The result will not be any different, as we all know. I put that request.

Mr. McCLURE. Will the Senator restate the request?

Mr. NELSON. My request is to withdraw the rollcall vote on the motion to reconsider and on the motion to adopt the conference report.

It will be on the motion to adopt. At the appropriate time I will ask unanimous consent that there be no rollcall vote on the amendment offered by the Senator from Maine.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Reserving the right to object, and I do not wish to object, I do want to have the opportunity, and I think other Members want to have the opportunity, at some time, to express support for the legislation by a rollcall vote. At some time before we dispose of this there ought to be such an opportunity. My reason for reserving the right to object is if it does not occur on the adoption of the Muskie amendment, when would it occur?

Mr. MUSKIE. That would be the last vote, as I understand it. That would be the last vote and the last opportunity.

Mr. McCLURE. I reserved the right to object because I appreciate the statement of the Senator from Wisconsin and what he is trying to accomplish, but I very much appreciate his statement as to what the votes have been up to this point. It fits the Senator from Idaho precisely because I do support the legislation, I do object to that one provision, and I do want to support the Senator from Maine and the Budget Committee. I think there are other similarly affected who do not want this to pass without having recorded support for that position.

Mr. HATCH. Reserving the right to object, I would like to make a comment and ask the Senator from Maine a couple of questions to clarify the matter. It is my understanding that what the distinguished chairman of the Budget Committee is trying to do here is to establish that these are off budget items that really ought to be put on budget. Many of us are for this bill and would like to establish that procedure.

Mr. MUSKIE. A more precise way of describing the issue is this: SBA gets its money for the disaster loan program by appropriations from the Treasury. SBA collects interest when it loans that money out. Under the present law it has to pay the Treasury interest.

Under the provision of the conference report, which is a House originated provision, SBA would be exempted from the requirement to pay the Treasury interest. It could accumulate the interest it collects on the money borrowed from the Treasury without paying the Treasury interest. The result would be an accumulation of these payments in the revolving fund which could reduce the likelihood of Appropriations Committee scrutiny of the program for years into the future. There are 38 other direct loan programs, all paying interest to the Treasury under existing law.

Mr. HATCH. That is the point the Senator has made. But in addition, everybody here, I think, realizes there are approximately $16 billion in off budget items which are not really listed in the total deficit of the United States which need to be put on budget, and that the Budget Committee is going to hold extensive hearings on this particular subject this year, or at least the distinguished chairman has indicated that.

Mr. MUSKIE. The Senator is correct.

Mr. HATCH. And this is a very important issue from the Budget Committee and the Budget Act standpoint as far as the Senate procedural and other operations are concerned.

Mr. MUSKIE. The Senator is correct. That is why I am delighted that the Senate, as a whole, is focusing on these types of budget problems.

Mr. HATCH. Is it not the suggestion of the distinguished Senator from Maine that we voice-vote the motion to reconsider, voice-vote the other aspect, then have a vote up or down on the distinguished Senator's amendment to cut out this particular provision, and then let the House put this money back in so we can all vote for this bill?

Mr. MUSKIE. I think that would give Senators a clear opportunity, perhaps the only clear one, to speak to both the substance of the conference report and this issue.

Mr. HATCH. I hope that our colleagues will voice-vote these two measures, allow all Senators to vote up or down on the amendment of the distinguished Senator from Maine, which would put all Senators on record in precisely the way they would like to be; then send this message back to the House of Representatives. In the end, the budget process will profit. Will the distinguished Senator from Maine agree with me on that?

Mr. MUSKIE. I agree completely.

Mr. HATCH. I certainly join in with the motion of the distinguished Senator from Wisconsin on the first two and ask the Senator to allow a vote on the amendment of the distinguished Senator from Maine. That would send a message, solve a lot of difficulties, show we make a budget stand here and, in the end, show support for the bill from those who really want to support the bill.

Mr. SARBANES. Mr. President, have the yeas and nays been ordered on the motion to reconsider?

The PRESIDING OFFICER. They have.

Mr. SARBANES. Have they been ordered on the acceptance of the conference report?

The PRESIDING OFFICER. They have.

Mr. SARBANES. Would it take unanimous-consent to vitiate the yeas and nays with respect to both those votes?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. Would that question be put separately?

The PRESIDING OFFICER. It has been put in a joint request by the Senator——

Mr. SARBANES. I object to the joint request.

The PRESIDING OFFICER. Objection is heard.

Mr. SARBANES. I have no objection to a voice-vote on the reconsideration motion. I then intend to have the yeas and nays on the conference report.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the rollcall vote that has been ordered on the motion to reconsider be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question then recurs on the motion to reconsider.

The motion was agreed to.

The PRESIDING OFFICER. The question now arises on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Arkansas (Mr. PRYOR), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Arizona (Mr. DECONCINI) is absent on official business.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) and the Senator from North Carolina (Mr. MORGAN) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from South Dakota (Mr. PRESSLER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The PRESIDING OFFICER (Mr. NUNN). Have all Senators voted?

The result was announced—yeas 32, nays 48, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—32

Bayh
Bradley
Burdick
Byrd, Robert C.
Culver
Gravel
Hart
Heflin
Huddleston
Jackson
Javits
Johnston
Leahy
Levin
Long
Magnuson
Mathias
Matsunaga
Melcher
Moynihan
Nelson
Nunn
Randolph
Riegle
Sarbanes
Sasser
Stennis
Stewart
Stone
Tsongas
Weicker
Williams

NAYS—48

Armstrong
Baucus
Bellmon
Bentsen
Biden
Boren
Boschwitz
Cannon
Chafee
Chiles
Cochran
Cohen
Danforth
Dole
Domenici
Durenberger
Exon
Garn
Glenn
Goldwater
Hatch
Hayakawa
Helms
Hollings
Humphrey
Jepsen
Laxalt
Lugar
McClure
Metzenbaum
Muskie
Packwood
Pell
Percy
Proxmire
Ribicoff
Roth
Schmitt
Schweiker
Simpson
Stafford
Stevens
Stevenson
Thurmond
Tower
Wallop
Warner
Zorinsky

NOT VOTING—20

Baker
Bumpers
Byrd, Harry F., Jr.
Church
Cranston
DeConcini
Durkin
Eagleton
Ford
Hatfield
Heinz
Inouye
Kassebaum
Kennedy
McGovern
Morgan
Pressler
Pryor
Talmadge
Young

So the conference report was rejected.

## EXTENSION OF NONDISCRIMINATORY TREATMENT TO PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ROBERT C. BYRD. Mr. President, the resolution on the China trade bill has been received from the House. The managers of the bill will yield back the remaining time, and we will have an immediate vote up or down on that resolution.

Therefore, I move that the Senate now proceed to the consideration of House Concurrent Resolution 204.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 204) approving the extension of nondiscriminatory treatment to the products of the People's Republic of China.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, there is no intention to stay away from the small business conference report. There are Senators here who want to vote on the China trade concurrent resolution, and they have to leave. This is the way to get it out of the way quickly and then go back to the small business matter.

Mr. MAGNUSON. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I am pleased to support the resolution to extend most-favored-nation status to the People's Republic of China.

For over 25 years I have been urging the resumption of nonstrategic trade with China. Very simply, we could not go on ignoring nearly a third of the world's population. While our two countries have had major differences of opinion on many important issues, and undoubtedly will continue to do so, it is clear that we must also expand our areas of cooperation and mutual interest.

I have always maintained that trade and cultural exchanges help to reduce tensions between countries and may often lead the way to expanded peaceful relations. The last 8 years of gradually closer ties between the United States and the People's Republic have worked to the advantage of both countries. Expanded trade and cultural and educational exchanges are opening the forums for dialog between our two nations.

We have a great deal to benefit from the resumption of trade with China, and the granting of most-favored-nation status will provide new incentives for the Chinese in the purchase of American products. The United States has already established a favorable balance of trade with China of over $1 billion. By reducing the trade barriers between our countries, U.S. businesses will better be able to market their products overseas.

For the many years that I have promoted open and peaceful trade and commerce with China, I have pointed to the State of Washington as the logical gateway for that trade. Two days' shipping time can be gained by shipping goods to and from the Port of Seattle. It will only be natural that as the Chinese increase their acquisition of farm and manufacturing equipment and consumer goods for their people these products will be exported through a port that offers the most expeditious route to China.

I am particularly heartened by the overwhelmingly favorable response the citizens of Washington State have given to opening trade with China. Business and civic officials from throughout the State recently formed a private, nonprofit council known as the Washington State China Relations Council, to bring together business, government, and academic interests to establish economic and cultural ties between Washington State and the People's Republic of China. This council, the first of its kind in the country, will help strengthen Washington's unique ties to China.

By granting most-favored-nation status to the People's Republic of China we are adding another dimension to the already rich relationship the United States has with its fellow Pacific rim countries. This country has, and will continue to have, strong bonds to Japan, Korea, the Philippines, and the Republic of China based on Taiwan. By expanding our trade opportunities with the People's Republic of China we are enriching America's bonds with the Orient.

Mr. THURMOND. Mr. President, I speak at this time to express my views concerning the pending legislation to grant most-favored-nation trade status to the People's Republic of China.

Mr. President, in view of present day world events, I believe it would be in the best interest of the United States to improve and strengthen its relations with this large and increasingly influential country. There are a number of reasons why it is advantageous to the United States to strengthen ties with the People's Republic of China.

Most important is the mutual interest that our two nations share in curbing the aggressive designs of the Soviet Union to dominate the world. The need for United States-Chinese cooperation in checking Soviet expansionist moves is apparent from the massive Soviet invasion of Afghanistan. It must be made clear to the Soviets that such activity will not be tolerated. Our responses can take many forms—one of which is a clear expression of our intention to work with the Chinese to insure mutual domestic security in the face of a Soviet threat.

In addition to this national security reason, the potential market for U.S. goods in the People's Republic of China, with its nearly 1 billion inhabitants, is enormous.

It is with these considerations in mind that we should carefully evaluate the pending bilateral trade treaty granting China most-favored-nation status. This treaty would have two major effects. First, it would reduce tariffs on imports from China to levels equal to most other nations. Secondly, it would make China eligible for Export-Import Bank financing.

The lowering of tariffs is a point of concern to me. One of the major exports of the People's Republic of China to the United States has been textile goods. In fact, textile and apparel imports from China have risen so rapidly over recent years that China now ranks No. 5 in a list of more than 100 textile-supplying countries. It concerns me that China has achieved this position under the present high tariff rates.

It was about 1 year ago that the U.S. Government began attempting to negotiate a bilateral textile import control agreement with China, after a number of us had urged the President to undertake such negotiations. I understand that, to date, these negotiations have been fruitless. Consequently, the United States has imposed unilateral controls on heavily impacted apparel categories and has embargoed one product where the current quota has been filled.

It is my further understanding that the administration intends to renew these 1-year controls, if they otherwise expire prior to conclusion of a comprehensive and meaningful, overall bilateral agreement, and to impose others as needed.

Frankly, Mr. President, I wonder if it would not be better to postpone consideration of this most-favored-nation legislation until the Chinese agree to a bilateral textile trade treaty that limits the level of textile imports from that low-wage country to a reasonable level. In addition, there may be a number of other areas that should be thoroughly explored in an effort to reach clear understandings with the Chinese leaders concerning their intentions.

For instance, I understand there has been some apprehension in the U.S. tobacco industry that the People's Republic, which is already the largest tobacco-producing nation in the world, may seek to ship some of their lower quality tobacco to the United States. Such a step could have deleterious effects on the economic well-being of our tobacco farmers.

I urge officials in the U.S. Department of Agriculture, the Department of Commerce, and the President's Office of Trade Negotiations to carefully monitor the entire trade situation with the People's Republic and to be prepared for prompt action to safeguard vital U.S. interests.

It is especially important that the administration press forward without delay to conclude an effective bilateral agreement limiting textile imports from the People's Republic.

Mr. President, while I have serious reservations about granting most-favored-nation status to the People's Republic of China at this time, I have decided to support this resolution, because it sends a message to the Chinese leaders that the United States is willing to cooperate with them on matters of mutual concern. Likewise, approval of this measure will be a further clear signal to the Soviets of our firm intention to work with other nations toward a common goal of halting moves by the Kremlin leadership to dominate the world.

Mr. HATCH. Mr. President, I think we all recognize the importance of this occasion, and the impact it will have upon the People's Republic of China. The events of our relationship with the Chinese have come upon us with startling speed. I would encourage my colleagues, therefore, to view this as an integral part of our Chinese policy, and yet to separate this agreement from the unpleasant events which opened the way for a prosperous trade with nearly 1 billion Chinese.

Over the next 5 years, our treasury will lose nearly $1 billion in revenues because of this agreement; $1 billion, simply from changing the method by which we compute the tariffs on products imported from the PRC. But any Senator who opposes this agreement because of the revenue loss has been deceived: The benefits from the increase in reciprocal trade will more than offset any revenue imbalance resulting from the tariff schedule change. Revenue loss is not in issue.

Nor is diplomatic recognition in issue: The Senate has no legislative control over that process. Constitutional history has devolved that role upon the Executive.

Nor should the termination of the Mutual Defense Treaty be in issue here. That issue is bad history at this point; bad history from both precedent of honoring our commitments toward our allies, our friends; and from the pitiful precedent set by us here in this body who have allowed our constitutional prerogatives to be encroached upon by an ever expanding executive branch.

No, neither treaty termination, nor diplomatic recognition, nor revenue loss are in issue here. To me the issue is more basic, more individualistic, more personal. To me the issue is human rights: Freedom—freedom of thought, freedom of conscience, freedom of emigration; in sum, freedom of political and social lifestyle.

Mr. President, it should be the right of any citizen, anywhere in this world, to choose the political philosophy by which his life will be governed. My colleague and friend, Senator JACKSON, has embodied this basic American sentiment into our trade policy; and I support his efforts. But we must ask ourselves: Has the PRC complied with the spirit of Jackson-Vanik? Is the American conscience satisfied that our Chinese counterparts will not be beaten, tortured, or shot because they have a hope of economic or social self-determination? At least one American has been satisfied—the President of the United States! Without the proven track record to satisfy Jackson-Vanik on its merits, the PRC have persuaded Mr. Carter that their future intent to comply justifies a Presidential waiver of the provisions of the Jackson-Vanik amendment.

What is the record of human rights in China. Or, to quote the title of a 1971 Senate Judiciary Committee study, what is the human cost of communism in China? Since the accession of the Communists to power in 1949, this study estimates upwards of 50 million Chinese casualties for the establishment of a political and social ideology. Do we call this human rights? I call it a genocide: An unconscionable slaughter.

But the Chinese claim that that era is a history not to be repeated. And they are beginning a new era. We have witnessed unprecedented freedom of expression in China, along with periodic setbacks. We are learning more about life in China. They are beginning to open to scrutiny, ever so slowly, a world utterly foreign and hitherto closed to the outside eye. And I am beginning to hope that human rights may become a reality to them.

But should we grant MFN based on the scraps of evidence fed to us by the State Department and Communist leaders? Should we, uninformed, be willing to forgo American principles? Mr. President, I am willing; conditionally willing. Under the provisions of the Trade Act of 1974, the President's waiver of Jackson-Vanik is only operative so long as the President has been legislatively delegated the waiver authority by this body.

And the lower tariff rates enjoyed by the Chinese are only in effect so long as Jackson-Vanik has been waived, or until the President has determined the PRC to be in compliance. Mr. President, I expect, no, this body must demand, hard factual evidence of human rights, of emigration freedom in the PRC before one vote has been cast for a waiver extension next July. A lack of evidence, or unsatisfactory evidence will arouse great sentiment toward defeating that waiver extension, and frustrating this agreement before us today. And I will be in that number.

Mr. President, let us challenge the sincerity of the Chinese. President Carter should increase the quotas for Chinese immigration, and gain firm commitments from other leaders of the free world, that they too will welcome all who desire our freedom.

Mr. President, let us challenge the Chinese with our greatness—with our open arms.

● Mr. HATFIELD. Mr. President, I have given thought to the costs and benefits of voting in favor of this resolution, to extend most-favored-nation status to the People's Republic of China, and on the balance, I believe I have a responsibility to endorse this action.

Oregon has a great deal to gain from granting MFN status to the PRC. As a Pacific Coast State, geography gives us a head start. Beyond this, however, is a feeling I find from my visits throughout the State; people in Oregon want better relations with all the Pacific rim nations, including the People's Republic, and support MFN as a vital step in that direction. It is a credit to the residents of Oregon, I believe, that so many recognize the benefits from this action—benefits to the Nation as well as Oregon.

In November, an official Oregon trade mission traveled to the People's Republic of China. There were 17 Oregon businessmen in all, and they returned convinced that opportunities exist for expanded commercial ties between Oregon and the PRC. Their meetings with top officials were excellent. One member of the group, Vice President Daniel Bell of Riedel International, Inc., a large Oregon corporation, wrote me:

> A theme that was repeated in many ways was "Friends first, business second." These officials were sincere and I strongly believe they recognize the importance of close ties with the United States. Conversely, I trust we recognize the value of close ties with the PRC, especially in light of recent events.

From the commercial perspective, Oregon also gains from expanded commercial ties. The Chinese are very interested in hydropower development and waterway improvement. Oregon companies are looking at several possibilities in the marine construction, dredging and heavy construction areas, among others. Such overseas work puts money into the pockets of many Oregon workers. Some critics say that foreign involvement helps only the shareholders of a company, but this is not true with most companies. Overseas projects involve many of our skilled workmen. These are residents of Oregon whose taxes at the Federal, State, and local level help support Government services.

I do not want to imply that my support for most-favored-nation status for the People's Republic of China diminishes, in any way, my support for the freedom and well being of people of the Democratic People's Republic of China, based on the island of Taiwan. It is because I favor greater understanding among all the nations of the Pacific rim, that I advocate today's action. I hope that through expanded relations with the PRC we as a nation can promote the welfare of both Taiwan and mainland China, eventually.●

● Mr. DOLE. Mr. President, I support House Concurrent Resolution 204, and I urge my colleagues to join me in approving the new trade agreement with the People's Republic of China. In the Finance Committee, we studied this issue carefully, and concluded that this agreement provides a sound framework for orderly development of commercial relations with the PRC. The House has just overwhelmingly approved the agreement.

The great majority of public comment on the PRC trade agreement was favorable in testimony and written views presented to the Finance Committee. The PRC has emerged as a substantial market for our agricultural products, especially grains and cotton. It is expected that the PRC will purchase 5 to 6 million tons of grain annually over the next few years. The Chinese are attempting a major expansion and modernization of their mining, petroleum, and industrial sectors, entailing substantial imports of goods from the industrialized democracies. We are already a significant supplier to this market, and enjoy a highly favorable trade balance with the PRC—over half a billion dollars in 1978, with tentative figures for 1979 showing an even larger surplus.

The agreement before us should help to assure that our exports to the PRC will continue to grow. The Chinese will be committed to giving American products nondiscriminatory treatment. Meeting a major problem of American suppliers, there is a commitment to make import purchase decisions on the basis of customary international trade practice and commercial considerations. There are important additional protections in the area of patents, trademarks, copyrights, and industrial processes. Other provisions of the agreement provide for trade facilitation measures, such as government and commercial trade offices and banking and foreign exchange protections.

If we disapprove this agreement, we not only lose these affirmative benefits for our export interests, but we risk seeing our exporters face discriminatory treatment compared to Japanese and European competitors. The Chinese would be quite capable of filling most of their import needs from other sources. We will face stiff competition on commercial grounds alone, which would be far more serious if the Chinese authorities discriminated on political grounds because of disapproval of this agreement.

I recognize that there is concern in some U.S. industries that we will be confronted with a flood of Chinese imports if we provided nondiscriminatory treatment instead of the higher tariff rates now applicable to China and several other Communist countries. Some domestic industries already face substantial competition from other developing countries, and fear that the PRC has the potential to add significantly to their import problems. The textile industry already confronts substantial and rising imports from the PRC; and, in the absence of a textile agreement, the United States has had to take unilateral action on several categories of textiles to prevent import surges that are unfair to the domestic industry and to other developing countries that have agreed to exercise restraint.

These are fair concerns, shared, I believe, by many of us in Congress. The basic answer to these concerns is that there is ample authority in the agreement and in our domestic law to take action against PRC imports that disrupt our domestic markets. The agreement itself creates a consultative mechanism which should be used to resolve such issues before they become a market disruption problem in the United States. Where this is not possible, the agreement explicitly recognizes the right to take unilateral action. The Finance Committee fully expects that the President will take vigorous action under our law to prevent market disruption or unfair trade practices.

I should add a word regarding Chinese emigration policies, though we are not directly voting on those issues at this time. By the available yardsticks, the PRC's emigration record has improved. Emigration through Hong Kong has trebled since 1977, and visa applications at the U.S. Embassy have risen dramatically. Public statements of Chinese authorities seem to indicate a continuing intent to liberalize emigration policies. On this basis, and with the President's determination that he had adequate public and confidential assurances that the Chinese would pursue freer emigration policies, the Finance Committee concluded that this trade agreement should not be blocked on emigration grounds.

Let me be candid. I do not regard approval of this trade agreement as a clean bill of health for the PRC's emigration policies, much less its overall human rights record. Communist China remains a totalitarian state, where individual freedoms are lacking. Chinese emigration practices have improved, but the close nature of Chinese society makes it extremely difficult to know to what extent that government inhibits emigration. We on the Finance Committee and in the Senate generally will have an opportunity this summer to review and vote on the extension of the Jackson-Vanik waiver with regard to the PRC and other countries. I intend to examine the record carefully to assure that the waiver is indeed fulfilling its intended purpose.

This review period is also an opportunity to look at another problem that concerns many of us: The Taiwan issue. I stated at our hearings, and reaffirm now, that any PRC actions against Taiwan should lead to termination of this agreement, in addition to any other appropriate steps. The agreement itself does not in any way affect our relations with Taiwan. Our commercial relations with Taiwan have continued to prosper, and will remain far more significant than our relations with the PRC for the foreseeable future. However, I trust that the PRC authorities understand that they cannot expect nondiscriminatory treatment to continue if they were to move against Taiwan.

In conclusion, Mr. President, let me return to our positive reasons for approving this agreement. It is in our economic interest to establish a closer commercial relationship with the People's Republic of China. We should not expect miracles; U.S. firms will not get every order, and the Chinese have limited purchasing power. Also, American Government and business should be cautious in extending credits on the basis of a very new and largely untested relationship. But the record indicates that there is much to be gained by bringing the framework of our trading relations more closely into line with the treatment we accord all but a very few nations. We will be gaining some important new protections for our farmers and businessmen, without sacrificing our ability to protect domestic producers from market disruption.

Finally, it is particularly timely now to show our willingness to normalize our commercial relations with those who now show more willingness to act responsibly within the international community. I have favored this agreement because it is in our overall economic interests, but I also believe that our endorsement now, when U.S. economic sanctions are so much in the news, can also demonstrate to foreign countries the positive benefits available in a more cooperative relationship.●

Mr. ROBERT C. BYRD. Mr. President, I congratulate Mr. RIBICOFF and Mr. ROTH, who managed the trade bill.

Mr. RIBICOFF. I yield back the remainder of my time.

Mr. ROTH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the concurrent resolution. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Arkansas (Mr. PRYOR), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from South Dakota (Mr. PRESSLER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The PRESIDING OFFICER. Are there other Senators desiring to vote?

The result was announced—yeas 74, nays 8, as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—74

Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Glenn
Gravel
Hart
Hatch
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Jackson
Javits
Jepsen
Johnston
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Fercy
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—8

Armstrong
Garn
Goldwater
Helms
Humphrey
Laxalt
McClure
Proxmire

NOT VOTING—18

Baker
Bumpers
Byrd, Harry F., Jr.
Church
Cranston
Durkin
Eagleton
Ford
Hatfield
Inouye
Kassebaum
Kennedy
McGovern
Morgan
Pressler
Pryor
Talmadge
Young

So the concurrent resolution (H. Con. Res. 204) was agreed to.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be one more rollcall vote today. I do not anticipate any more votes other than that one rollcall vote, and I assume it will come quickly on Mr. MUSKIE's amendment to the House amendment.

## ACTION ON S. 918—SMALL BUSINESS AMENDMENTS AND CONFERENCE REPORT

Mr. MUSKIE. There should be no need for any debate at all. All I have to do is make the appropriate motion.

### UP AMENDMENT NO. 925

(Purpose: To delete section 113)

Mr. MUSKIE. Mr. President, I move to concur in the House amendment with an amendment, and I call up the amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MUSKIE) for himself and Mr. BELLMON proposes an unprinted amendment numbered 925.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

## TITLE I—AUTHORIZATIONS AND MISCELLANEOUS AMENDMENTS

### PART A—PROGRAM LEVELS AND AUTHORIZATION

SEC. 101. Section 20(e)(4) of the Small Business Act is amended to read as follows:

"(4) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the administration is authorized to make $49,000,000 in direct and immediate participation loans, and $75,000,000 in guaranteed loans and guarantees of debentures.".

SEC. 102. Section 20(e)(5) of the Small Business Act is amended to read as follows:

"(5) For the programs authorized by title III of the Small Business Investment Act of 1958, the administration is authorized to make $35,000,000 in direct purchase of debentures and preferred securities and to make $198,000,000 in guarantees of debentures.".

Sec. 103. Section 20 of the Small Business Act is amended by adding at the end thereof the following new subsections:

"(h) The following program levels are authorized for fiscal year 1980;

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $275,000,000 in direct and immediate participation loans, and $3,630,000,000 in deferred participation loans.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $22,000,000 in direct and immediate participation loans and $11,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $69,000,000 in direct and immediate participation loans and $81,000,000 in guaranteed loans.

"(4) For the programs authorized by section 7(l) of this Act, the Administration is authorized to make $30,000,000 in direct and immediate participation loans and $30,000,000 in guaranteed loans.

"(5) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $50,000,000 in direct and immediate participation loans, and $105,000,000 in guaranteed loans and guarantees of debentures.

"(6) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $38,000,000 in direct purchases of debentures and preferred securities and to make $207,000,000 in guarantees of debentures.

"(7) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,300,000,000.

"(8) For the programs authorized by sections 7(b)(3) through 7(b)(9) and 7(g) of this Act, the Administration is authorized to enter into $100,000,000 in loans, guarantees, and other obligations or commitments.

"(9) For the programs authorized by sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $100,000,000.

"(10) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b) and 7(g) of this Act; and there are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for such administrative expenses.

"(i) There are authorized to be appropriated to the Administration for fiscal year 1980, $952,000,000. Of such sum, $715,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (h), paragraphs (1) through (6); $20,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $212,500,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $12,000,000 shall be available for procurement and technical assistance, including the employment of not less than twenty-seven additional procurement center representatives and subcontracting specialists; of which amount not less than $1,800,000 shall be available for technical assistance, and of this amount not less than $572,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $750,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses; and not more than $200,000 shall be available for a study the purpose of which shall be to define and describe the forest products industry and, in particular, to define and describe that portion of the forest products industry which consists of small businesses, to identify the trends and conditions affecting the survival of small businesses as a viable portion of the forest products industry, and to propose actions and programs to assist and promote a broadly based, non-concentrated, healthy forest products industry.

"(2) $21,000,000 shall be available for management assistance including the development and implementation of a small business export development program, of which amount not less than $500,000 shall be used to employ not less than fourteen additional staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist.

"(3) $8,000,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,000,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94–305; not less than $1,500,000 shall be used to develop an external small business data bank and small business index; and not less than $1,500,000 shall be used for research.

"(4) $25,000,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $11,285,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $9,000,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, to the installation of terminals in Administration field offices, and to the development of an indicative small business data base comprised of names and addresses and related information, of which amount not less than $1,000,000 shall be used to pay for development of such indicative small business data base.

"(6) $12,000,000 shall be available for matching grants to small business development centers, and an additional $500,000 shall be available for the administration of the small business development center program.

"(j) The Administrator may transfer no more than 10 percent of each of the total levels for salaries and expenses authorized in paragraphs (1) through (6) of section 20 (i) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 percent by any such transfers.

"(k) The following program levels are authorized for fiscal year 1981:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $300,000,000 in direct and immediate participation loans, and $4,000,000,000 in deferred participation loans.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $25,000,000 in direct and immediate participation loans and $12,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $76,000,000 in direct and immediate participation loans and $90,000,000 in guaranteed loans.

"(4) For the programs authorized by section 7(l) of this Act, the Administration is authorized to make $30,000,000 in direct and immediate participation loans and $33,000,000 in guaranteed loans.

"(5) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $55,000,000 in direct and immediate participation loans and $115,000,000 in guaranteed loans and guarantees of debentures.

"(6) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $42,000,000 in direct purchase of debentures and preferred securities, and to make $228,000,000 in guarantees of debentures.

"(7) For the programs authorized in part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,530,000,000.

"(8) For the programs authorized by sections (7)(b)(3) through 7(b)(9) and 7(g) of this Act, the Administration is authorized to enter into $110,000,000 in loans, guarantees, and other obligations or commitments.

"(9) For the programs authorized by sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $110,000,000.

"(10) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b) and 7(g) of this Act; and there are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for such administrative expenses.

"(l) There are authorized to be appropriated to the Administration for fiscal year 1981, $1,187,000,000. Of such sum, $865,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (k), paragraphs (1) through (6); $76,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $242,000,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $13,200,000 shall be available for procurement and technical assistance; of which amount not less than $2,000,000 shall be available for technical assistance, and of this amount not less than $629,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $825,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $23,100,000 shall be available for management assistance, of which amount not less than $880,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist.

"(3) $8,800,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,200,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94–305; not less than $1,650,000 shall be used to develop an external small business data bank and small business index; and not less than $1,650,000 shall be used for research.

"(4) $27,500,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $12,414,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $9,900,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, to the installation of terminals in Administration field offices, and to the development of an indicative small business data base comprised of names and addresses and related information, of which amount not less than $1,100,000 shall be used to pay for development of such indicative small business data base.

"(6) $20,000,000 shall be available for matching grants to small business development centers, and an additional $550,000 shall be available for the administration of the small business development center program.

"(m) The Administrator may transfer no more than 10 percent of each of the total levels for salaries and expenses authorized in paragraphs (1) through (6) of section 20(l) of this Act: *Provided, however*, That no level authorized in such paragraphs may be increased more than 20 percent by any such transfers.

"(n) The following program levels are authorized for fiscal year 1982:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $330,000,000 in direct and immediate participation loans, and $4,400,000,000 in deferred participation loans.

"(2) For the programs authorized by section 7(h) of this Act, the Administration is authorized to make $28,000,000 in direct and immediate participation loans, and $14,000,000 in guaranteed loans.

"(3) For the programs authorized by section 7(i) of this Act, the Administration is authorized to make $83,000,000 in direct and immediate participation loans and $99,000,000 in guaranteed loans.

"(4) For the programs authorized by section 7(l) of this Act, the Administration is authorized to make $30,000,000 in direct and immediate participation loans and $37,000,000 in guaranteed loans.

"(5) For the programs authorized by sections 501, 502, and 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $61,000,000 in direct and immediate participation loans, and $125,000,000 in guaranteed loans and guarantees of debentures.

"(6) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $47,000,000 in direct purchases of debentures and preferred securities and to make $251,000,000 in guarantees of debentures.

"(7) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $2,780,000,000.

"(8) For the programs authorized by section 7(b)(3) through 7(b)(9) and 7(g) of this Act, the Administration is authorized to enter into $121,000,000 in loans, guarantees, and other obligations or commitments.

"(9) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $125,000,000.

"(10) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b) and 7(g), of this Act; and there are authorized to be transferred from the disaster loan revolving fund such sums as may be necessary and appropriate for such administrative expenses.

"(o) There are authorized to be appropriated to the Administration for fiscal year 1982, $1,375,000,000. Of such sum, $1,022,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (n), paragraphs (1) through (6); $83,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $4,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $266,000,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $14,520,000 shall be available for procurement and technical assistance; of which amount not less than $2,100,000 shall be available for technical assistance, and of this amount not less than $692,000 shall be used to pay for the continued development of a procurement automated source system, and not less than $907,500 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $25,400,000 shall be available for management assistance, of which amount not less than $968,000 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist.

"(3) $9,680,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,420,000 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel for Advocacy to carry out research and those functions prescribed by Public Law 94–305; not less than $1,815,000 shall be used to develop an external small business data bank and small business index; and not less than $1,815,000 shall be used for research.

"(4) $30,250,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $13,655,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,900,000 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document trucking system, to the installation of terminals in Administration field offices, and to the development of an indicative small business data base comprised of names and addresses and related information, of which amount not less than $1,200,000 shall be used to pay for development of such indicative small business data base.

"(p) The Administrator may transfer no more than 10 percent of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(o) of this Act: Provided, however, That no level authorized in such paragraphs may be increased more than 20 percent by any such transfers.".

### PART B—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 110. Section 20(a) of the Small Business Act is amended to read as follows: "For fiscal years 1979, 1980, 1981, and 1982 there are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act other than those for which appropriations are specifically authorized. For fiscal year 1983 and every fiscal year thereafter, there are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act other than those for which appropriations are specifically authorized. All appropriations whether specifically or generally authorized shall remain available until expended.".

### ENERGY SHORTAGE LOANS

SEC. 111. Section 7(b)(8) of the Small Business Act is amended by inserting after "energy-producing resources," the following: "including, but not limited to, a shortage of coal or other energy-producing resource caused by a strike, boycott, or embargo, unless such strike, boycott, or embargo is directly against such small business concern,".

### DISASTER LOAN INTEREST RATES

SEC. 112. (a) The first undesignated paragraph of section 7(b) of the Small Business Act is amended by inserting after "under subsection (b)" the following ", except as provided in subesction (c),";

(b) Section 7(c) of the Small Business Act is amended by adding the following new paragraphs:

"(3) With respect to a disaster occurring on or after October 1, 1978, and prior to October 1, 1982, on the Administration's share of loans made pursuant to paragraph (1) of subsection (b)—

"(A) if the loan proceeds are to repair or replace a primary residence and/or repair or replace damaged or destroyed personal property, the interest rate shall be 3 percent on the first $55,000 of such loan;

"(B) if the loan proceeds are to repair or replace property damaged or destroyed and if the applicant is a business concern which is unable to obtain sufficient credit elsewhere, the interest rate shall be as determined by the Administration, but not in excess of 5 percent per annum; and

"(C) if the loan proceeds are to repair or replace property damaged or destroyed and if the applicant is a business concern which is able to obtain sufficient credit elsewhere, the interest rate shall not exceed the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans and adjusted to the nearest one-eighth of 1 percent, and an additional amount as determined by the Administration, but not to exceed 1 percent: *Provided*, That three years after such loan is fully disbursed and every two years thereafter for the term of the loan, if the Administration determines that the borrower is able to obtain a loan from non-Federal sources at reasonable rates and terms for loans of similar purposes and periods of time, the borrower shall, upon request by the

Administration, apply for and accept such loan in sufficient amount to repay the Administration: *Provided further*, That no loan under subsection (b)(1) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under such subsection would exceed $500,000 for each disaster, unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation.".

(c) Section 18 of the Small Business Act is amended by—

(1) inserting after "Sec. 18." "(a)";

(2) striking the comma after the phrase "agricultural related industries" and inserting the following: ": *Provided*, That prior to October 1, 1982, an agricultural enterprise shall not be eligible for loan assistance under paragraph (1) of section 7(b) to repair or replace property other than residences and/or personal property unless it is declined for, or would be declined for, emergency loan assistance at substantially similar interest rates from the Farmers Home Administration under subchapter III of the Consolidated Farm and Rural Development Act," and

(3) inserting a new subsection as follows:

"(b) As used in this Act—

"(1) 'agricultural enterprises' means those businesses engaged in the production of food and fiber, ranching, and raising of livestock, aquaculture, and all other farming and agricultural related industries; and

"(2) 'credit elsewhere' means the availability of sufficient credit from non-Federal sources at reasonable rates and terms, taking into consideration prevailing private rates and terms in the community in or near where the concern transacts business for similar purposes and periods of time.".

(d) The amendments made by this section to sections 7(c)(3)(C) and 18 of the Small Business Act shall not apply to any disaster which commenced on or before the effective date of this Act.

### INVESTMENT OF IDLE FUNDS

SEC. 114. The last sentence of section 412 of the Small Business Investment Act of 1958 is repealed.

SEC. 115. Section 405 of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following: "Moneys in the fund not needed for the payment of current operating expenses or for the payment of claims arising under this part may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States; except that moneys provided as capital for the fund shall not be so invested.".

### PRODUCT DISASTER LOANS

SEC. 116. Section 7(b)(4) of the Small Business Act is amended by striking "undetermined causes" and inserting in lieu thereof "other causes: *Provided*, That any small business which intentionally adulterates its product in order to attempt to establish eligibility under this program shall not be eligible for loan assistance hereunder".

### DUPLICATION OF DISASTER BENEFITS

SEC. 117. Section 7(b) of the Small Business Act is amended by adding at the end thereof the following: "(E) A State grant made on or prior to July 1, 1979, shall not be considered compensation for the purpose of applying the provisions of subsection (b) of section 315 of Public Law 93–288 (42 U.S.C. 5155) to a disaster loan under paragraph (1), (2), or (4) of this subsection.".

### DEVELOPMENT COMPANY DEBENTURES

SEC. 118. (a) Title V of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following new section:

"DEVELOPMENT COMPANY DEBENTURES

"SEC. 503. (a)(1) Except as provided in subsection (b), the Administration may guarantee the timely payment of all principal and interest as scheduled on any debenture issued by any qualified State or local development company.

"(2) Such guarantees may be made on such terms and conditions as the Administration may by regulation determine to be appropriate.

"(3) The full faith and credit of the United States is pledged to the payment of all amounts guaranteed under this subsection.

"(4) Any debenture issued by any State or local development company with respect to which a guarantee is made under this subsection, may be subordinated by the Administration to any other debentures, promissory note, or other debt or obligation of such company.

"(b) No guarantee may be made with respect to any debenture under subsection (a) unless—

"(1) such debenture is issued for the purpose of making one or more loans to small business concerns, the proceeds of which shall be used by such concern for the purposes set forth in section 502;

"(2) necessary funds for making such loans are not available to such company from private sources on reasonable terms;

"(3) the interest rate on such debenture is not less than the rate of interest determined by the Secretary of the Treasury for purposes of section 303(b);

"(4) the aggregate amount of such debenture does not exceed the amount of loans to be made from the proceeds of such debenture (other than any excess attributable to the administrative costs of such loans);

"(5) the amount of any loan to be made from such proceeds does not exceed an amount equal to 50 percent of the cost of the project with respect to which such loan is made; and

"(6) the Administration approves each loan to be made from such proceeds.

"(c) The Administration may impose an additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under subsection (a).

(d) For purposes of this section, the term 'qualified State or local development company' means any State or local development company which, as determined by the Administration, has—

"(1) a full-time professional staff;

"(2) professional management ability (including adequate accounting, legal, and business-servicing abilities); and

"(3) a board of directors, or membership, which meets on a regular basis to make management decisions for such company, including decisions relating to the making and servicing of loans by such company."

(b) The table of contents of the Small Business Investment Act of 1958 is amended by inserting after the item relating to section 502 the following new item:

"Sec. 503. Development company debentures.".

### REGULAR BUSINESS LOAN REFORM

SEC. 119. Section 5(b)(7) of the Small Business Act is amended to read as follows:

"(7) in addition to any powers, functions, privileges and immunities otherwise vested in him, take any and all actions (including the procurement of the services of attorneys by contract in any office where an attorney or attorneys are not or cannot be economically employed full time to render such services) when he determines such actions are necessary or desirable in making, servicing, compromising, modifying, liquidating, or otherwise dealing with or realizing on loans made under the provisions of this Act: *Provided*, That nothing herein shall be construed as authorizing the Administrator to contract or otherwise delegate his responsibility for loan servicing to other than Administration personnel, but with respect to deferred participation loans he may authorize participating lending institutions, in his discretion pursuant to regulations promulgated by him, to take such actions on his behalf, including, but not limited to the determination of eligibility and creditworthiness, and loan monitoring, collection and liquidation;".

### SURETY BOND GUARANTEE

SEC. 120. Section 411(c) of the Small Business Investment Act of 1958 is amended to read as follows:

"(c) Any guarantee or agreement to indemnify under this section shall obligate the Administration to pay to the surety a sum not to exceed (1) in the case of a breach of contract, 90 percent of the loss incurred and paid by the surety as the result of the breach; or (2) in a case in which (b) applies, the amount determined under (b).".

### PROCUREMENT SYSTEMS

SEC. 121. Section 15(c) of the Small Business Act is amended to read as follows:

"(c)(1) During fiscal years 1980, 1981, and 1982, public and private not-for-profit organizations eligible for assistance under section 7(h) of this Act shall be eligible to participate in programs authorized under this section in an aggregate amount not to exceed $100,000,000 for each such year: *Provided*, That the Administration shall monitor and evaluate such participation and in any case where the Administrator and the Executive Director of the Committee for the Purchase from the Blind and Severely Handicapped find that the participation of such organizations has or may cause severe economic injury to for-profit small businesses, the Administrator shall and is hereby authorized to direct and require every agency and department having procurement powers to take such actions as the Administrator and the Executive Director of the Committee for the Purchase from the Blind and Severely Handicapped may deem appropriate to alleviate the economic injury sustained or likely to be sustained by such for-profit small businesses.

"(2) The Administration shall, not later than January 1, 1981, prepare and transmit to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives, a report on the impact of contracts awarded to such organizations on for-profit small businesses.".

SEC. 122. (a) The first sentence of section 15(d) of the Small Business Act is amended by inserting "small business" before "concerns";

(b) Subsections (e) and (f) of section 15 of such Act are amended to read as follows:

"(e) In carrying out small business set-aside programs, departments, agencies, and instrumentalities of the executive branch shall award contracts, and encourage the placement of subcontracts for procurement to the following in the manner and in the order stated:

"(1) concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total set-aside.

"(2) concerns which are small business concerns, on the basis of a total set-aside.

"(3) concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial set-aside.

"(4) concerns which are small business concerns, on the basis of a partial set-aside.

"(f) After priority is given to the small business concerns specified in subsection (e), priority shall also be given to the awarding of contracts and the placement of subcontracts, on the basis of a total set-aside, to concerns which—

"(1) are not eligible under subsection (e);

"(2) are not small business concerns; and

"(3) will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.".

### ASIAN PACIFIC AMERICANS

SEC. 123. (a) Section 2(e)(1)(C) of the Small Business Act is amended by inserting "Asian Pacific Americans," after "Native Americans,".

(b) The last sentence of subparagraph (C) of the clause contained in section 8(d)(3) of the Small Business Act is amended by inserting "Asian Pacific Americans," after "Native Americans,".

(c)(1) The amendment made by subsection (a) shall apply as if included in the amendment made by section 201 of the Act entitled "An Act to amend the Small Business Act and the Small Business Investment Act of 1958", approved October 24, 1978 (Public Law 95-507); and

(2) The amendment made by subsection (b) shall apply as if included in the amendment made by section 211 of the Act so entitled.

### AMENDMENTS TO CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

SEC. 124. (a) Section 321 of the Consolidated Farm and Rural Development Act is amended by striking out in the first sentence all that follows after "with the assistance of such loan" through the end of the sentence and inserting in lieu thereof a period.

(b) Section 324(a) of the Consolidated Farm and Rural Development Act is amended by—

(1) striking out the first sentence and inserting in lieu thereof the following: "Loans made or insured under this subtitle shall be at rates of interest as follows:

"(1) with respect to loans or portions of loans up to the amount of the applicant's actual loss caused by the disaster, (A) if the applicant is unable to obtain sufficient credit elsewhere to finance the applicant's actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time, the interest rate shall be a rate prescribed by the Secretary not in excess of 5 percent per annum, and (B) if the applicant is able to obtain sufficient credit elsewhere, the interest rate shall be the rate prescribed by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, plus not to exceed 1 percent, as determined by the Secretary, and adjusted to the nearest one-eighth of 1 percent: *Provided*, That the total amount outstanding and committed to the borrower under this paragraph (1) shall not exceed $500,000 for each disaster; and

"(2) with respect to loans or portions of loans exceeding the amount of actual loss caused by the disaster, the interest rate shall be that prevailing in the private market for similar loans, as determined by the Secretary."; and

(2) inserting in the second sentence after "*Provided*, That" the following: "for loans approved under subsection (a)(1)(B), three years after such loan is made or insured and every two years thereafter for the term of the loan, if the Secretary determines that the borrower is able to obtain a loan from non-Federal sources at reasonable rates and terms for loans of similar purposes and periods of time, the borrower shall, upon request by the Secretary, apply for and accept such loan in sufficient amount to repay the Secretary: *Provided further*, That".

## TITLE II—SMALL BUSINESS DEVELOPMENT CENTERS

### SHORT TITLE

SEC. 201. This title may be cited as the "Small Business Development Center Act of 1979".

### PROGRAM AUTHORIZATION

SEC. 202. The Small Business Act is amended by redesignating section 21 as section 30 and by inserting the following new section:

"SEC. 21. (a)(1) The Administration is authorized to make grants (including contracts and cooperative agreements) to any State government or any agency thereof, any regional entity, any State-chartered development, credit or finance corporation, and public or private institution of higher education, including but not limited to any land-grant college or university, any college or school of business, engineering, commerce, or agriculture, community college or junior college, or to any entity formed by two or more of the above entities (herein referred to as "applicants") to assist in establishing small business development centers and to any such body for: small business oriented employment or natural resources development programs; studies, research, and counseling concerning the managing, financing, and operation of small business enterprises; delivery or distribution of such services and information; and providing access to business analysts who can refer small business concerns to available experts.

"(2) The Administration shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section, that an additional amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government: Provided, That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall such indirect costs or in-kind contributions exceed 50 percent of the non-Federal additional amount: *Provided further*, That no receipient of funds under this section shall receive a grant which would exceed its pro-rata share of a $65,000,000 program based upon the population to be served by the small business development center as compared to the total population in the United States, or $200,000, whichever is greater.

"(b)(1) During fiscal years 1980, 1981, and 1982 financial assistance shall not be made available to any applicant if approving such assistance would be inconsistent with a plan for the area involved which has been adopted by any agency recognized by the State government as authorized to do so and approved by the Administration in accordance with the standards and requirements established pursuant to this section.

"(2) An applicant may apply to participate in the program by submitting to the Administration for approval a plan naming those authorized in subsection (a) to participate in the program, the geographic area to be served, the services that it would provide, the method for delivering services, a budget, and any other information and assurances the Administration may require to insure that the applicant will carry out the activities eligible for assistance. The Administration is authorized to approve, conditionally approve or reject a plan or combination of plans submitted. In all cases, the Administration shall review plans for conformity with the plan submitted pursuant to paragraph (1) of this subsection, and with a view toward providing small business with the most comprehensive and coordinated assistance in the State or part thereof to be served.

"(3) At the discretion of the Administration, the Administration is authorized to permit a small business development center to provide advice, information and assistance, as described in subsection (c), to small businesses located outside the State, but only to the extent such businesses are located within close geographical proximity to the small business development center, as determined by the Administration.

"(c)(1) Applicants receiving grants under this section shall assist small businesses in solving problems concerning operations, manufacturing, engineering, technology exchange and development, personnel administration, marketing, sales, merchandising, finance, accounting, business strategy development, and other disciplines required for small business growth and expansion, innovation, increased productivity, and management improvement, and for decreasing industry economic concentrations.

"(2) A small business development center shall provide services as close as possible to small businesses by providing extension services and utilizing satellite locations when necessary. To the extent possible, it also shall make full use of other Federal and State government programs that are concerned with aiding small businesses. A small business development center shall have—

"(A) a full-time staff, including a director to manage the program activties;

"(B) business analysts to counsel, assist, and inform small business clients;

"(C) technology transfer agents to provides state of the art technology to small businesses through coupling with national and regional technology data sources;

"(D) information specialists to assist in providing information searches and referrals for small businesses;

"(E) access to part-time professional specialists to conduct research or to provide counseling assistance whenever the need arises; and

"(F) access to laboratory and adaptive engineering facilities.

"(3) Services provided by a small business development center shall include, but shall not be limited to—

"(A) furnishing one-to-one individual counseling to small businesses;

"(B) assisting in technology transfer, research, and coupling from existing sources to small businesses;

"(C) maintaining current information concerning Federal, State, and local regulations that affect small businesses and counsel small businesses on methods of compliance. Counseling and technology development shall be provided when necessary to help small businesses find solutions for complying with environmental, energy, health, safety, and other Federal, State, and local regulations;

"(D) coordinating and conducting research into technical and general small business problems for which there are no ready solutions;

"(E) providing and maintaining a comprehensive library that contains current information and statistical data needed by small businesses;

"(F) maintaining a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associations in order to help address the various needs of the small business community;

"(G) conducting in-depth surveys for local small business groups in order to develop general information regarding the local economy and general small bsuiness strengths and weaknesses in the locality; and

"(H) maintaining lists of local and regional private consultants to whom small businesses can be referred.

A small business development center shall continue to upgrade and modify its services, as needed, in order to meet the changing and evolving needs of the small business community.

"(4) A small business development center is authorized to utilize and compensate consultants, engineers and testing laboratories for services provided to small businesses on behalf of such small business development center.

"(d) Laboratories operated and funded by the Federal Government are authorized and directed to cooperate with the Administration in developing and establishing programs to support small business development centers by making facilities and equipment available; providing experimentation capabilities in adaptive engineering; providing library and technical information processing capabilities; and providing professional staff for consulting. The Administration is authorized to reimburse the laboratories for such services.

"(e) The National Science Foundation and innovation centers supported by the National Science Foundation are authorized and directed to cooperate with small business development centers participating in this program. The National Science Foundation shall report annually on the performance of such innovation centers with recommendations to the Administration and the Congress on how such innovation centers can be strengthened and expanded. The National Science Foundation shall include in its report to Congress information on the ability of innovation centers to interact with the Nation's small business community and recommendations to the Administration on continued funding.

"(f) The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in this program. The National Aeronautics and Space Administration shall report annually on the performance of such industrial application centers with recommendations to the Administration and the Congress on how such industrial application centers can be strengthened and expanded. The National Aeronautics and Space Administration shall include in its report to Congress information on the ability of industrial application centers to interact with the Nation's small business community and recommendations to the Administration on continued funding.

"(g)(1) The Administrator shall appoint a Deputy Associate Administrator for Management Assistance who shall report to the Associate Administrator for Management Assistance and who shall serve without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at a rate not less than the rate of GS–17 of the General Schedule.

"(2) The sole responsibility of the Deputy Associate Administrator for Management Assistance shall be to administer the small business development center program. Duties of the position shall include, but are not limited to, recommending the annual program budget, reviewing the annual budgets submitted by each applicant, establishing appropriate funding levels therefore, selecting applicants to participate in this program, implementing the provisions of this section, maintaining a clearinghouse to provide for the dissemination and exchange of information between small business development centers and conducting audits of recipients of grants under this section. The Deputy Associate Administrator for Management Assistance shall confer with and seek the advice and counsel of the Board in carrying out the responsibilities described in this subsection.

"(h)(1) There is established a National Small Business Development Center Advisory Board (herein referred to as "Board") which shall consist of nine members appointed from civilian life by the Administrator and who shall be persons of outstanding qualifications known to be familiar and sympathetic with small business needs and problems. No more than three members shall be from universities or their affiliates and six shall be from small businesses or associations representing small businesses. At the time of the appointment of the Board, the Administrator shall designate one-third of the members and at least one from each category whose term shall end in two years from the date of appointment, a second third whose term shall end in three years from the date of appointment, and the final third whose term shall end in four years from the date of appointment. Succeeding Boards shall have three-year terms, with one-third of the Board changing each year.

"(2) The Board shall elect a Chairman and advise, counsel, and confer with the Deputy Associate Administrator for Management Assistance in carrying out the duties described in this section. The Board shall meet at least quarterly and at the call of the Chairman of the Board. Each member of the Board shall be entitled to be compensated at the rate not in excess of the per diem equivalent of the highest rate of pay for individuals occupying GS–18 of the General Schedule for each day engaged in activities of the Board and shall be entitled to be reimbursed for expenses as a member of the Board.

"(i)(1) Each small business development center may establish an advisory board.

"(2) Each small business development center advisory board shall elect a chairman and advise, counsel, and confer with the director of the small business development center on all policy matters pertaining to the operation of the small business development center, including who may be eligible to receive assistance from, and how local and regional private consultants may participate with the small business development center.

"(j) The Administration, with the advice of the Board, shall establish a plan for evaluation of the small business development center program which may include the retaining of an independent concern to conduct such an evaluation. The evaluation shall be both quantitative and qualitative and shall determine—

"(1) the impact of the small business development center program on small businesses, including private consultants, and the socio-economic base of the area served;

"(2) the multidisciplinary resources the small business development center program was able to coordinate to assist small businesses; and

"(3) the extent to which various types of small businesses engaged in areas such as manufacturing, retailing, wholesaling and services have been assisted by the small business development center program.

For the purpose of this evaluation, the Administration is authorized to require any small business development center or party receiving assistance under this section to furnish it with such information annually or otherwise as it deems appropriate. Such evaluation shall be completed and submitted to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives by January 31, 1982.

"(k) The authority to enter into contracts shall be in effect for each fiscal year only to the extent or in the amounts as are provided in advance in appropriations Acts.".

SEC. 203. Section 7(d)(1) of the Small Business Act is amended to read as follows:

"(d)(1) On or after October 1, 1979, the Administration shall not fund any small business development center or any variation thereof, except as authorized in section 21 of this Act. *Provided*, That in fiscal year 1980 nothing in this section or in section 21 shall be deemed to affect the operation of any small business development center which was funded by the Administration prior to October 1, 1979: *Provided further*, That no small business development center which was funded in fiscal year 1978 may be funded in excess of $300,000 in fiscal year 1979.".

SEC. 204. Sections 201 and 202 of this title are repealed effective October 1, 1983.

## TITLE III—SMALL BUSINESS ECONOMIC POLICY

### SHORT TITLE

SEC. 301. This title may be cited as the "Small Business Economic Policy Act of 1979".

### DECLARATION OF SMALL BUSINESS ECONOMIC POLICY

SEC. 302. (a) For the purpose of preserving and promoting a competitive free enterprise economic system, Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practical means and to take such actions as are necessary, consistent with its needs and obligations and other essential considerations of national policy, to implement and coordinate all Federal department, agency, and instrumentality policies, programs, and activities in order to: foster the economic interests of small businesses; insure a competitive economic climate conducive to the development, growth and expansion of small businesses; establish incentives to assure that adequate capital and other resources at competitive prices are available to small businesses; reduce the concentration of economic resources and expand competition; and provide an opportunity for entrepreneurship, inventiveness, and the creation and growth of small businesses.

(b) Congress further declares that the Federal Government is committed to a policy of utilizing all reasonable means, consistent with the overall economic policy goals of the Nation and the preservation of the competitive free enterprise system of the Nation, to establish private sector incentives that will help assure that adequate capital at competitive prices is available to small businesses. To fulfill this policy, departments, agencies, and instrumentalities of the Federal Government shall use all reasonable means to coordinate, create, and sustain policies and programs which promote investment in small businesses, including those investments which expand employment opportunities and which foster the effective and efficient use of human and natural resources in the economy of the Nation.

### STATE OF SMALL BUSINESS

SEC. 303. (a) The President shall transmit to the Congress not later than January 20 of each year a Report on Small Business and Competition which shall—

(1) examine the current role of small business in the economy on an industry-by-industry basis;

(2) present current and historical data on production, employment, investment, and other economic variables for small business in the economy as a whole and for small business in each sector of the economy;

(3) identify economic trends which will or may affect the small business sector and the state of competition;

(4) examine the effects on small business and competition of policies, programs, and activities, including, but not limited to the Internal Revenue Code, the Employee Retirement Income Security Act, the Securities Act of 1933, and the Securities Exchange Act of 1934, and regulations promulgated thereunder; identify problems generated by such policies, programs, and activities; and recommend legislative and administrative solutions to such problems; and

(5) recommend a program for carrying out the policy declared in section 302 of this Act, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President also shall transmit simultaneously as an appendix to such annual report, a report, by agency and department, on the total dollar value of all Federal contracts exceeding $10,000 in amount and the dollar amount (including the subcontracts thereunder in excess of $10,000) awarded to small, minority-owned and female-owned businesses.

(c) The President may transmit from time to time to the Congress reports supplementary to the Report on Small Business and Competition, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 302 of this Act.

(d) The Report on Small Business and Competition and all supplementary reports transmitted under subsections (b) and (c) of this section shall, when transmitted to Congress, be referred to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

## TITLE IV—SMALL BUSINESS ECONOMIC RESEARCH AND ANALYSIS

SEC. 401. The Small Business Act is amended by redesignating subsecton 4(b) as subsection 4(b)(1) and inserting thereafter the following:

"(2) The Administrator also shall be responsible for—

"(A) establishing and maintaining an external small business economic data base for the purpose of providing the Congress and the Administration information on the economic condition and the expansion or contraction of the small business sector. To that end, the Administrator shall publish on a regular basis national small business economic indices and, to the extent feasible, regional small business economic indices, which shall include, but need not be limited to, data on—

"(i) employment, layoffs, and new hires;

"(ii) number of business establishments and the types of such establishments such as sole proprietorships, corporations, and partnerships;

"(iii) number of business formations and failures;

"(iv) sales and new orders;

"(v) back orders;

"(iv) investment in plant and equipment;

"(vii) changes in inventory and rate of inventory turnover;

"(viii) sources and amounts of capital investment, including debt, equity, and internally generated funds;

"(ix) debt to equity ratios;

"(x) exports;

"(xi) number and dollar amount of mergers and acquisitions by size of acquiring and acquired firm; and

"(xii) concentration ratios; and

"(B) publishing annually a report giving a comparative analysis and interpretation of the historical trends of the small business sector as reflected by the data acquired pursuant to subparagraph (A) of this subsection.".

SEC. 402. Section 634d(1) of title 15, United States Code, is amended by striking the word "Schedule;" and inserting in lieu thereof "Schedule: *Provided, however,* That not more than ten staff personnel at any one time may be employed and compensated at a rate not in excess of GS-15, step 10, of the General Schedule;".

SEC. 403. Section 5315 of title 5 of the United States Code is amended by adding the following new paragraph:

"(128) Chief Counsel for Advocacy, Small Business Administration.".

SEC. 404. In consultation with the Administrator of the Small Business Administration and the Bureau of the Census, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation shall conduct such studies of the credit needs of small business as may be appropriate to determine the extent to which such needs are being met by commercial banks and shall report the results of such studies to the Congress by January 1, 1981, together with their views and recommendations as to the feasibility and cost of conducting periodic sample surveys, by region and nationwide, of the number and dollar amount of commercial and industrial loans extended by commercial banks to small business. Reports shall, when transmitted to the Congress, be referred to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

## TITLE V—WHITE HOUSE CONFERENCE ON SMALL BUSINESS

### SHORT TITLE

SEC. 501. This title may be cited as the "White House Conference on Small Business Act".

### AUTHORIZATION OF CONFERENCE

SEC. 502. (a) The President shall call and conduct a White House Conference on Small Business (hereinafter referred to as the "Conference") not later than June 30, 1980, to carry out the purposes described in section 503 of this title.

(b) Participants in the Conference and other interested individuals and organizations are authorized to conduct conferences and other activities at the regional and State levels prior to the date of the Conference, subject to the approval of the Administrator of the Small Business Administration, and shall direct such conferences and activities toward the consideration of the purposes of the Conference described in section 503 of this title in order to prepare for the Conference.

### PURPOSE OF CONFERENCE

SEC. 503. The purpose of the Conference shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business, including new, small, and family enterprises; to examine the status of minorities and women as small business owners; and to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation.

### CONFERENCE PARTICIPANTS

SEC. 504. In order to carry out the purposes specified in section 503 of this title, the Conference shall bring together individuals concerned with issues relating to small business: *Provided*, That no small business concern representative may be denied admission to any State or regional meeting.

### PLANNING AND ADMINISTRATION OF CONFERENCE

SEC. 505. (a) All Federal departments, agencies, and instrumentalities are authorized and directed to provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

(b) In carrying out the provisions of this title, the Administrator of the Small Business Administration—

(1) shall provide such financial and other assistance as may be necessary for the organization and conduct of conferences at the regional and State levels as authorized under section 502(b) of this title;

(2) shall provide for the preparation of background materials for use by participants in the Conference, as well as by participants in regional and State conferences; and

(3) is authorized to make grants to, and enter into contracts with, public agencies, private organizations, and academic institutions to carry out the provisions of this title.

(c) Upon presentation of vouchers within thirty days of the completion of the Conference, the Administrator of the Small Business Administration is authorized and directed to reimburse Conference delegates for travel to the Conference, and for actual and necessary expenses related to attending the Conference (including meals and accommodations) not to exceed $44 per day: *Provided*, That, (1) such reimbursement shall be effective for fiscal year 1980 only to the extent or in the amounts as are provided in advance in appropriation Acts, and (2) in the event such appropriated amounts are not sufficient to fully pay each voucher submitted, each voucher shall be paid on a pro-rata basis.

(d)(1) The President is authorized to appoint and compensate an executive director and such other directors and personnel for the Conference as he may deem advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Upon request by the executive director, the heads of the executive and military departments are authorized to detail employees to work with the executive director in planning and administering the Conference without regard to the provisions of section 3341 of title 5, United States Code.

### REPORTS REQUIRED

SEC. 506. Not more than one year from the date on which the Conference is convened, a final report of the Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the Conference as well as proposals for any legislative action necessary to implement the recommendations of the Conference. The final report of the Conference shall be available to the public.

### FOLLOW-UP ACTIONS

SEC. 507. The Small Business Administration shall report to the Congress annually during the three-year period following the submission of the final report of the Conference on the status and implementation of the findings and recommendations of the Conference.

### AVAILABILITY OF FUNDS

SEC. 508. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title. Such sums as are appropriated to carry out the provisions of this title shall remain available until expended.

(b) No funds appropriated to the Small Business Administration shall be made available to carry out the provisions of this title other than funds appropriated specifically for the purpose of conducting the Conference. Any funds remaining unexpended at the termination of the Conference shall be made available to the Administrator of the Small Business Administration to carry out the provisions of section 20 of the Small Business Act.

## TITLE VI—EMPLOYEE OWNERSHIP

SEC. 601. This title may be cited as the "Small Business Employee Ownership Act of 1979".

SEC. 602. The Congress hereby finds and declares that—

(1) employee ownership of firms provides a means for preserving jobs and business activity;

(2) employee ownership of firms provides a means for keeping a small business small when it might otherwise be sold to a conglomerate or other large enterprise;

(3) employee ownership of firms provides a means for creating a new small business

from the sale of a subsidiary of a large enterprise;

(4) unemployment insurance programs, welfare payments, and job creation programs are less desirable and more costly for both the Government and program beneficiaries than loan guarantee programs to maintain employment in firms that would otherwise be closed, liquidated, or relocated; and

(5) by guaranteeing loans to qualified employee trusts and similar organizations, the Small Business Administration can provide feasible and desirable methods for the transfer of all or part of the ownership of a small business concern to its employees.

Sec. 603. (a) The purposes of this title are—

(1) to provide that a qualified employee trust shall be eligible for loan guarantees under section 7(a) of the Small Business Act with respect to a small business concern, regardless of the percentage of stock of the concern held by the trust, and

(2) to provide in section 605 of this Act authority to address the specific case in which the Small Business Administration guarantees loans under section 7(a) of the Small Business Act for purposes of providing funds to a qualified employee trust (and other employee organizations which are treated as qualified employee trusts) for the purchase, by at least 51 percent of the employees, of at least 51 percent of the stock of a business which is operated for profit and which is—

(A) a small business concern, or

(B) a corporation which is controlled by another person if, after the plan for the purchase of such corporation is carried out, such corporation would be a small business concern.

(b) Nothing in this title shall be construed to prohibit the Small Business Administration from making loan guarantees under section 7(a) of the Small Business Act to qualified employee trusts which own less than 51 percent of the stock of a continuing business.

Sec. 604. Section 3 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(c)(1) For purposes of this Act, a qualified employee trust shall be eligible for any loan guarantee under section 7(a) with respect to a small business concern on the same basis as if such trust were the same legal entity as such concern.

"(2) For purposes of this Act, the term 'qualified employee trust' means, with respect to a small business concern, a trust—

"(A) which forms part of a leveraged employee stock ownership plan (as defined in section 4975(e)(7) of the Internal Revenue Code of 1954)—

"(i) which is maintained by such concern, and

"(ii) which provides that each participant in the plan is entitled to direct the plan as to the manner in which voting rights under qualifying employer securities which are allocated to the account of such participant are to be exercised with respect to a corporate matter which (by law or charter) must be decided by a majority vote of outstanding common shares voted; and

"(B) in the case of any loan guarantee under section 7(a), the trustee of which enters into an agreement with the Administration which is binding on the trust and on such small business concern and which provides that—

"(i) the loan guaranteed under section 7(a) shall be used solely for the purchase of qualifying employer securities (as defined in section 4975(e)(8) of such Code) of such concern.

"(ii) all funds acquired by the concern in such purchase shall be used by such concern solely for the purposes for which such loan was guaranteed.

"(iii) such concern will provide such funds as may be necessary for the timely repayment of such loan, and the property of such concern shall be available as security for repayment of such loan, and

"(iv) all qualifying employer securities acquired by such trust in such purchase shall be allocated to the accounts of participants in such plan who are entitled to share in such allocation, and each participant has a non-forfeitable right, not later than the date such loan is repaid, to all such qualifying employer securities which are so allocated to the participant's account.

"(3) Under regulations which may be prescribed by the Administration, a trust may be treated as a qualified employee trust with respect to a small business concern if—

"(A) the trust is maintained by an employee organization which represents at least 51 percent of the employees of such concern, and

"(B) such concern maintains a plan—

"(i) which is an employee benefit plan which is designed to invest primarily in qualifying employer securities (as defined in section 4975(e)(8) of the Internal Revenue Code of 1954),

"(ii) which provides that each participant in the plan is entitled to direct the plan as to the manner in which voting rights under qualifying employer securities which are allocated to the account of such participant are to be exercised with respect to a corporate matter which (by law or charter) must be decided by a majority vote of the outstanding common shares voted,

"(iii) which provides that each participant who is entitled to distribution from the plan has a right, in the case of qualifying employer securities which are not readily tradable on an established market, to require that the concern repurchase such securities under a fair valuation formula, and

"(iv) which meets such other requirements (similar to requirements applicable to leveraged employee stock ownership plans as defined in section 4975(e)(7) of the Internal Revenue Code of 1954), as the Administration may prescribe, and

"(C) in the case of a loan guarantee under section 7(a), such organization enters into an agreement with the Administration which is described in paragraph (2)(B).".

Sec. 605. Section 7(a) of the Small Business Act is amended by adding at the end thereof the following new paragraph:

"(8)(A) The Administration may guarantee under subsection (a) a loan to a qualified employee trust with respect to a small business concern for the purpose of purchasing stock of the concern under a plan approved by the Administration which, when carried out, results in the qualified employee trust owning at least 51 percent of the stock of the concern.

"(B) The plan requiring the Administration's approval under subparagraph (A) shall be submitted to the Administration by the trustee of such trust with its application for the guarantee. Such plan shall include an agreement with the Administration which is binding on such trust and on the small business concern and which provides that—

"(i) not later than the date the loan guaranteed under subparagraph (A) is repaid (or as soon thereafter as is consistent with the requirements of section 401(a) of the Internal Revenue Code of 1954), at least 51 percent of the total stock of such concern shall be allocated to the accounts of at least 51 percent of the employees of such concern who are entitled to share in such allocation,

"(ii) there will be periodic reviews of the role in the management of such concern of employees to whose accounts stock is allocated, and

"(iii) there will be adequate management contracts to assure management expertise and continuity.

"(C) In determining whether to guarantee any loan under this subparagraph, the individual business experience or personal assets of employee-owners shall not be used as criteria, except inasmuch as certain employee-owners may assume managerial responsibilities, in which case business experience may be considered.

"(D) For purposes of this paragraph, a corporation which is controlled by any other person shall be treated as a small business concern if such corporation would, after the plan described in subparagraph (B) is carried out, be treated as a small business concern.

"(E) The Administration shall compile a separate list of applications for assistance under this paragraph, indicating which applications were accepted and which were denied, and shall report periodically to the Congress on the status of employee-owned firms assisted by the Administration.".

Sec. 606. (a) The Administrator of the Small Business Administration shall enter into a contract with an independent consultant which provides for a study by such consultant of the feasibility of making loan guarantees under section 7(a) of the Small Business Act directly to the seller of a small business concern in connection with the installment sale of such concern. Such study shall include an analysis of at least the following:

(1) the extent and nature of the use of installment sales for the sale of small business concerns,

(2) the ability of the Small Business Administration to make credit judgments in connection with installment sales,

(3) the need for Small Business Administration loan guarantees to facilitate installment sales,

(4) the willingness of banks and other financial institutions to participate in the evaluation of installment sales, and

(5) the anticipated cost of such a guarantee program in comparison to other loan guarantee programs of the Small Business Administration.

(b) Not later than April 1, 1980, the Administrator of the Small Business Administration shall transmit the findings of such study, along with his recommendations, to the Senate Select Committee on Small Business and the Committee on Small Business of the House of Representatives.

Mr. MUSKIE. Mr. President, I think all Senators understand the issue, and there is no need for further debate.

Mr. President, I ask for the yeas and nays on my motion to concur.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Idaho (Mr. CHURCH), the Senator from California (Mr. CRANSTON), the Senator from New Hampshire (Mr. DURKIN), the Senator from Missouri (Mr. EAGLETON), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Arkansas (Mr. PRYOR), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from South Dakota (Mr. PRESSLER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The PRESIDING OFFICER (Mr. RIEGLE). Is there any other Senator in the Chamber desiring to vote?

The result was announced—yeas 80, nays 0, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—80

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Cochran
Cohen
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Garn
Glenn
Gravel
Hart
Hatch
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Jackson
Jepsen
Johnston
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
Melcher
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—0

NOT VOTING—20

Baker
Bumpers
Byrd,
Harry F., Jr.
Church
Cranston
Durkin
Eagleton
Ford
Goldwater
Hatfield
Inouye
Javits
Kassebaum
Kennedy
McGovern
Morgan
Pressler
Pryor
Talmadge
Young

So the motion was agreed to.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond 6:30 p.m. today, and that Senators may speak therein not to exceed 5 minutes each, at the conclusion of which the Senate will return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECESS UNTIL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECESS FROM TOMORROW UNTIL MONDAY, JANUARY 28, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in recess until the hour of 12 noon on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATE CONCURRENT RESOLUTION 68—SUBMISSION OF A CONCURRENT RESOLUTION RELATIVE TO THE 1980 SUMMER OLYMPICS IN MOSCOW

Mr. HEFLIN (for himself and Mr. ROBERT C. BYRD) submitted the following concurrent resolution, which was referred to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations, jointly, by unanimous consent:

S. CON. RES. 68

Whereas the Soviet Union's invasion and occupation of the sovereign nation of Afghanistan represents a flagrant violation of international law and has seriously threatened world peace;

Whereas the history and spirit of the Greek Olympiad were to foster world peace and understanding through athletic competition;

Whereas the Soviet Union, with its military intervention in another sovereign nation, has directly violated the historical spirit and purpose of the Olympics;

Whereas the President of the United States has said the United States will not participate in the 1980 Summer Olympics if held in Moscow; and

Whereas thousands of athletes in the United States and throughout the world have spent years training for the 1980 Summer Olympics and the sacrifice of their efforts is neither desirable or necessary: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress urges:

(1) that the Congress of the United States encourage the International Olympic Committee to move the 1980 Summer Olympic Games from the Soviet Union;

(2) that if the International Olympic Committee refuses to move the games from Moscow, a "World Peace Olympiad" for the year 1980 be established and that all peace-loving nations be invited to participate; and

(3) that the United States Olympic Committee immediately begin to work with the Olympic Committees of other peaceful, nonaggressive nations to select a site for the World Peace Olympiad and work to establish these games for the year 1980 in accordance with the original meaning and spirit of the Greek Olympiad.

Mr. HEFLIN. Mr. President, I encourage the International Olympic Committee to move the site of the 1980 summer Olympic games from the Soviet Union. If the International Olympic Committee refuses to relocate the games, I encourage the U.S. Olympic Committee to withdraw from the games held in Moscow.

Furthermore, whereas a large number of young people from the nonaggressive nations of the world have spent much of their lives training for the 1980 Olympics and whereas these young people should not be called upon to sacrifice their hours of work achieving the pinnacle of physical perfection, and whereas such a sacrifice by the young athletes of the world is neither desirable nor necessary, I call upon the U.S. Olympic Committee to organize with the other peace-loving nations in the world a World Peace Olympiad for the year 1980. Not only would the establishment of the World Peace Olympiad demonstrate our condemnation of the Soviet invasion of Afghanistan but the creation of such an alternative, international, athletic competition would communicate our affirmation of the unqualified right of political and religious self-determination possessed by all sovereign countries.

Another primary consideration for moving the Olympics is to prevent the Russians from using the games for propaganda purposes.

The Soviet Union is attempting to make legitimate its recent military aggressions as well as its crackdown on dissidents.

We need only to recall the 1936 Olympics held in Nazi Germany to see the clear and present danger in holding the Olympics in Moscow.

Hitler used the games as a propaganda medium in an attempt to make legitimate his Nazi government and I am confident the Russians have the same objective in mind.

We played hardball with the Russians by embargoing grain sale. We should not play softball on the Olympics.

It is time for specific action on the part of the United States. Therefore, Mr. President, I am introducing a resolution which recommends that the U.S. Olympic Committee help to establish the World Peace Olympiad in 1980, if the Soviet Union refuses to withdraw its military presence from Afghanistan within the 1-month deadline set by the President of the United States on January 22.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HEFLIN. Yes, I yield.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the distinguished Senator from Alabama. I want to say also that Mr. CANNON has today reported from the Committee on Commerce, just 2 days after the resolutions of Mr. MUSKIE and Mr. PRYOR were referred to that committee, a concurrent resolution. The Commerce Committee, by unanimous consent, today reported a new measure, Senate Concurrent Resolution 66, Calendar Order No. 592. The wording of the Commerce Committee resolution is the same as the wording of the resolution that the House passed today, which is the language requested by the President—so the House resolution also is on the Senate Calendar.

Other committees will be considering other resolutions and the Senate will be looking forward eagerly to their reports.

I have today talked to Senator CHURCH, chairman of the Committee on Foreign Relations, and his committee is holding hearings early next week. Mr. CHURCH has assured me that his committee will be acting quickly.

I am encouraged to see this quick response on the part of committees and the support on the part of Senators in this regard. I extend a special note of gratitude to Mr. CANNON for moving this important matter along so expeditiously. Decisions are being made all over the world on the Moscow Olympics. Senator CANNON, in particular, has helped to make it possible for the Senate to take up this issue as soon as possible.

I hope that as soon as Mr. CHURCH is able to report from his committee a resolution—and I am sure that all resolutions will be considered that will be sent to that committee—I hope that the Senate, as a body, can then act promptly so that the Soviets and the other countries around the world may see that the sentiments of the Senate and the American people and the President are as one.

I thank the distinguished Senator for his statement and I thank him for his leadership in this important matter.

Mr. President, I yield the floor.

Mr. HAYAKAWA. Mr. President, will the Senator from Alabama yield for a short comment?

Mr. HEFLIN. Yes.

Mr. HAYAKAWA. I, too, congratulate the distinguished Senator from Alabama on his proposal of a Peace Olympiad. I think it is not without significance that, at the joint session of Congress last night, when the President proposed moving the Olympics to anywhere except Moscow, we heard the longest and loudest applause of the evening in response to that comment.

I also point out, in support of the Senator's remarks, that there is no way of getting the message across to the Russian people. The Russian Government, the officials, know what we think, but that information is not passed on to the people by Tass or anyone else within the Soviet Union. But if the Russian people find hundreds of thousands of expected visitors and hundreds and hundreds of expected athletes do not turn up at all, some explanation has to come from the Soviet Government to the people. This is the kind of thing that will communicate that message.

I am happy and proud to associate myself with the remarks of Senator HEFLIN.

Mr. HEFLIN. Mr. President, I appreciate the Senator's remarks. I appreciate the remarks of the Senator from West Virginia (Mr. ROBERT C. BYRD). The resolutions that have been introduced so far have basically called for the transfer to another location after the withdrawal. The House resolution was considered in the Commerce Committee. I raised, at that time, some language about an alternate Olympiad. We were under the impression at that time in the Committee on Commerce that we had to act today and there would not be hearings in the Committee on Foreign Relations. Therefore, after I found that there will be hearings next week, I began to work on language which would allow for an alternate Olympics or Olympiad and to give it a name which would indicate the desire of the American people for world peace.

I do think that the athletes, who have worked so hard in anticipation of it, getting their physical and mental being to a pinnacle of perfection, should have an opportunity to compete in a worldwide competition. If we do not do it in Russia, then it seems to me an alternate location is called for.

Mr. HAYAKAWA. I offer the Rose Bowl.

Mr. HEFLIN. We have a pretty good bowl in Alabama, but I am sure that will be taken up at a later time. We shall not cross that bridge yet.

Mr. ROBERT C. BYRD. Mr. President, this is the super bowl of all bowls, right here in the Senate, and we are daily players.

Mr. President, I ask unanimous consent that the Senate concurrent resolution introduced by Mr. HEFLIN be jointly referred to the Committees on Commerce and Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENSION OF TIME FOR JOINT ECONOMIC COMMITTEE TO FILE CERTAIN REPORTS

Mr. ROBERT C. BYRD. Mr. President, this has been cleared with the other side.

I ask unanimous consent that the Joint Economic Committee be granted an extension of time from March 1, 1980, to March 15, 1980, to file a report of its findings and recommendations with respect to the Economic Report of the President, as required by section 5(b)(3) of the Employment Act of 1946 (15 U.S.C. 1024(b)(3)).

The PRESIDING OFFICER. Without objection, it is so ordered.

## TIME FOR RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, very few of us were Members of this body when the Senate first heard arguments for ratification of the Genocide Convention.

The convention was the considered, judicious response of the U.N. to the brutal savagery of Hitler's "Final Solution." Its purpose was really quite simple: to muster the full force of international law to eradicate the barbarism of genocide from our world. The convention sought to accomplish this by uniting the world community in a declaration of the criminality of genocide.

Whether committed in wartime or in peace, whether through the order of government or the heinous immorality of a single individual, the 83 signatories of the convention are pledged to prosecute genocide as an international crime.

Three major objections were cited in 1950 as blocking U.S. accession to this treaty. All have since been convincingly disproven.

Some people were opposed to the new concept of government action by treaty. We have since entered into over 4,000 international agreements.

Other critics worried that the convention would extend U.N. jurisdiction into the domestic affairs of the United States. Again this fear has been exposed as groundless.

In no way does the Genocide Convention undercut article 2(7) of the United Nations Charter which forbids U.N. involvement in matters "essentially within the domestic jurisdiction of states."

The last major objection raised in 1950 was the claim that an international human rights treaty represented a precedent for the Federal Government to encroach upon State's legislative independence through the exercise of its treaty powers. This is clearly not the case with the Genocide Convention, as the Constitution explicitly gives Congress the power "to define and punish pirates and felonies committed on the high seas and offenses against the law of nations."

The merits of the Genocide Convention as a fundamental human rights document are obvious. The reservations which were first used to oppose it in 1950 have not withstood the test of time. Surely, the time has come to ratify this vital convention.

## SMALL BUSINESS CAPITAL GAINS REDUCTION ACT

Mr. HAYAKAWA. Mr. President, it is with great pleasure that I join with Senator WEICKER in introducing legislation to reduce the capital gains burden on small business. In 1978 I joined with Senator Hansen in introducing S. 3065, the Investment Incentive Act. This bill, popularly referred to as Steiger-Hansen, would have rolled back the capital gains tax rate from a maximum of 49 percent to the pre-1969 level of 25 percent. I was very pleased, therefore, when the House and Senate conferees on the Revenue Act of 1978 approved a compromise measure which reduced the maximum capital gains rate to 28 percent by increasing the exclusion to 60 percent and removing the add-on" minimum tax.

The 1978 capital gains reduction has met with spectacular success with the price for stocks in smaller corporations rising sharply. While the Dow Jones average rose 6.1 percent and the Standard and Poor's 500 rose 12.9 percent between November 1, 1978 and September 30, 1979, the AMEX index rose 57 percent and the NASDAQ increased 30.8 percent. At the same time, there was a dramatic increase in the number of initial public offerings. While only 40 such offerings were made in the first 9 months of 1978 raising $186 million, there were 69 initial offerings in the first 9 months of 1979 raising $401 million.

Despite the reduction, however, the United States still has the highest capital gains rate in the West, with the exception of the United Kingdom. Recently, our Nation's Capital was host to the White House Conference on Small Business. Almost 2,000 delegates came from all across the Nation to discuss the problems of small business. These people expressed the same concerns which I heard in the small business town meeting I held in Oakland last year. That is, their difficulties in raising capital. Many of these people complained that high taxes, particularly capital gains taxes, acted as disincentives to persons otherwise interested in investing in small business.

I am very pleased, therefore, to join with my distinguished colleague, and fellow member of the Small Business Committee, in introducing the Small Business Capital Gains Reduction Act. This bill would increase the exclusion for capital gains from the sale or exchange of small business assets from 60 percent to 80 percent thereby reducing the maximum capital gains rate from the present 28 percent to 14 percent. Since the business in which a taxpayer invests must have a net equity capital under $25 million at the time at which he or she invests, this is truly a bill for small business.

Calvin Coolidge once said "the business of America is business." I would go further. With over 90 percent of American businesses coming under the Small Business Administration's definition of small business, I say that the business of America is small business. I urge my colleagues to support the backbone of this country and give this bill their wholehearted support.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENSION OF EXPIRATION DATE OF THE DEFENSE PRODUCTION ACT OF 1950

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PROXMIRE, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 478.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The second assistant legislative clerk read as follows:

> A House joint resolution (H.J. Res. 478) to extend by sixty days the expiration date of the Defense Production Act of 1950.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the joint resolution be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the joint resolution is considered as having been read the first and second times. Is there objection to the present consideration of the joint resolution?

Mr. STEVENS. Reserving the right to object, I understand this has been cleared and it is a technical correction. I have no objection.

There being no objection, the joint resolution (H.J. Res. 478) was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was passed.

Mr. STEVENS. I move to lay that motion on the table

The motion to lay on the table was agreed to.

## AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that for the balance of this Congress, the Secretary of the Senate be authorized to make necessary technical and clerical corrections in the engrossment of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to Senate amendments to House bills and resolutions.

Mr. STEVENS. Reserving the right to object, and I shall not object, this, similarly, is an agreement we reached last year and it does obviate the necessity to make a similar motion after the passage of every bill.

I think it is a good housekeeping request. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE A, 96TH CONGRESS, 2D SESSION, AND EXECUTIVE B, 96TH CONGRESS, 2D SESSION

Mr. STEVENS. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from two treaties transmitted to the Senate today by the President of the United States: the Treaty of Friendship with the Republic of Kiribati (Executive A, 96th Congress, 2d session), and the Partial Revision of the Radio Regulations (Geneva 1959) (Executive B, 96th Congress, 2d session).

I ask that the treaties be considered as having been read the first time, that they be referred to the Committee on Foreign Relations and ordered to be printed, and the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

*To the Senate of the United States:*

I transmit herewith, for advice and consent of the Senate, the Treaty of Friendship between the United States of America and the Republic of Kiribati. The primary purpose of the Treaty is to settle on terms acceptable to both governments the conflicting claims to 14 islands in Kiribati (formerly the Gilbert Islands) in the South Pacific Ocean, and to establish a regime of cooperation, particularly regarding security arrangements and fisheries. The report of the Department of State is enclosed for the information of the Senate.

The Treaty and Agreed Minute meet the practical interests of both countries and will satisfy the desire of the Kiribati people that their sovereignty over 14 of the islands in their country be unencumbered by a conflicting claim of the United States.

The Treaty will protect United States interests by assuring non-discriminatory future access to Kiribati fishing grounds which supply fish to the canneries of American Samoa. The Treaty also promotes the interest of American Samoa by encouraging joint ventures using the facilities constructed by the United States on Canton Island. As well, any military use of the islands by third parties is to be a subject of consultations with the United States, and third parties may not use United States-built facilities without United States agreement.

The Treaty will further United States foreign policy and security interests in promoting peace, security and development of the region. I recommend that the Senate give early consideration to the Treaty and give its advice and consent to ratification.

JIMMY CARTER.

THE WHITE HOUSE, *January 24, 1980.*

*To the Senate of the United States:*

I transmit herewith the Partial Revision of the Radio Regulations (Geneva 1959)—signed on behalf of the United States at Geneva on March 5, 1978—for the advice and consent of the Senate.

I am also transmitting, for the Senate's information, the Department of State's report on the Partial Revision.

The primary purpose of the Revision is to update the Radio Regulations to take into account the present technological state of the art and the increasing demands on these frequencies.

The Partial Revision (except for the Frequency Allotment Plan itself, which will take effect at 0001 hours GMT on February 1, 1983) went into force on September 1, 1979, for Governments that had notified the Secretary General of the International Telecommunication Union of their approval by that date. I believe that the United States should be a party to the Partial Revision, and it is my hope that the Senate will take early action on the Revision and give its advice and consent to ratification.

JIMMY CARTER.

THE WHITE HOUSE, *January 24, 1980.*

## AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN BY THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that for the remainder of this Congress the Chair be instructed to inquire of any Senator making a request for a joint or sequential referral if that particular request has been cleared with the joint leadership, and carries the signatures of majority leader or his designee and the minority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

## JUSTICE DOUGLAS

Mr. STEVENS. Mr. President, I join today with many of my colleagues and with Americans around the world in expressing a great sense of loss over the death of Justice William Orville Douglas.

Justice Douglas served on the Supreme Court for 36 years, longer than any other Justice in the history of the United States. Before he became a member of the Supreme Court he taught at both Columbia and Yale and served as Chairman of the Securities and Exchange Commission. However, the tremendous impact he had on this country is not simply a product of his long service to its citizens; it is a product of his fierce determination and intelligence. He was a man who sometimes led national policy, but more often fought it. He championed the right to dissent, and he was the greatest of all dissenters.

In fact, he opposed the majority of the Supreme Court more often than any other Justice. He was a fearless advocate of unpopular causes and his strong convictions on individual rights often generated bitter controversy. But, whether he was leading or dissenting, whether he was with public opinion or against it, he never lost his determination that the Bill of Rights should and would protect even the most humble of citizens from the oppressive exercise of Government power.

Justice Douglas never wavered in his determination and beliefs. Even those who did not always agree with him could not ignore his wisdom and his commitment. He generated controversy, but he also generated thought. I do not believe that there is anyone who has not been affected directly or indirectly by his spirit and his ideals. That spirit and those ideals will remain with us and with our children for generations to come.

## SENATORS EAGLETON AND STAFFORD ARE HONORED

**Mr. RANDOLPH.** Mr. President, the Senators will be gratified to know that two of our colleagues were accorded special honors this week by the National Limestone Institute.

Senator Tom Eagleton received the organization's Distinguished Service Award for Agriculture and Senator Bob Stafford was given the Distinguished Service Award for Transportation.

Highlighting the Institute's 35th annual convention, the presentations were made during the program of the congressional banquet on Tuesday night for which Senator Eagleton was also the keynote speaker, and which I had the privilege of attending.

His theme was "Conservation: The Key to the Agricultural Future." Because his remarks reflect so fully his philosophy and his actions as chairman of the Appropriations Subcommittee on Agriculture on which his award was based, I want to share them with you. I ask unanimous consent that the text of the speech be printed in the Record in conjunction with my own comments about the event.

There being no objection, the text was ordered to be printed in the Record, as follows:

### Text of Address by Senator Thomas F. Eagleton to 35th Annual Convention of the National Limestone Institute

When you get into the business of public speaking, the first thing you do is learn a few tricks of the trade. One of the most popular tricks these days is the oil sheik maneuver. The maneuver is simple, and devastatingly effective. Whenever you box yourself into a rhetorical corner, whenever your speech runs out of solutions before it runs out of problems, you just blame everything on the oil sheiks. Since all red-blooded Americans hate the oil sheiks, the oil sheik maneuver never fails to win applause.

Today, however, I am going to do it a little differently. Today, I am going to fly in the face of good judgment and political sensibility. Today, I am going to throw caution to the winds . . . and I am going to say something nice about the oil sheiks.

The nice thing I am going to say is this: We could learn a very, very valuable lesson from the oil sheiks.

The lesson we can learn began not too many years ago, when the oil sheiks were sitting quietly by as the industrial world guzzled their oil on the cheap. As the oil reserves began to dwindle, the oil producing nations came to the sobering realization that this bountiful resource wasn't going to last. They also realized that the rest of the world was hooked on their oil, and would pay whatever price was necessary to sustain the oil habit.

Thus, the oil sheiks decided that they would do a few things to maximize their bounty. First of all, they regained control of their own resources. Then, they started jacking up the price. Then, they adopted production limits to make sure that their black gold would continue to flow profitably for the longest possible time. The result of all this is that the oil sheiks are sitting pretty today, and that they will continue to sit pretty for some time to come. The oil sheiks mastered their lesson in the art of preserving and managing a precious resource.

Here in the United States, we, too, have a precious resource which needs that kind of management. Our resource, of course, is not the kind of "black gold" that come out of the ground. Rather, it is the kind of black gold that lays on top of the ground. It is our abundant and fertile topsoil.

Most Americans, I would venture to say, view our topsoil and farmland as a boundless resource capable of producing surplus crops year after year after year. Little do they realize that the land suitable for farming and the very topsoil which is the lifeblood of agricultural land are, in fact, very finite substances. Little do they realize just how quickly we will exhaust these resources if we continue to use and abuse them as we do today.

In 1977, the Congress passed the Soil and Water Resources Conservation Act, directing the Secretary of Agriculture to conduct a continuing appraisal of the status and condition of our soil, water, and related resources. The preliminary appraisal of our Nation's cropland is in, and it is both revealing and disturbing.

The USDA has found that for the past 20 years the acreage used for cropland has decreased steadily. Between the years of 1967 and 1977 alone, there was a 25 million acre decrease in cropland. That's almost 300 acres of cropland being removed from our production base every hour of every day. Secretary of Agriculture Bob Bergland in a recent speech looked at it a little differently. As the Secretary put it, "In my lifetime, we've paved over the equivalent of all the cropland in Ohio. Before this century is out, we will pave over an area the size of Indiana."

But the problem goes far beyond the loss of farmland to shopping centers and new suburbs. Not only are we locking our prime soils in concrete but also we are losing billions of tons of our precious topsoil through soil erosion and agricultural runoff. I wish I could stand before you tonight and say that things are getting better, but the plain fact is that things are not.

Modern farm technology and the shift away from soil-conserving crop rotation has taken a heavy toll from the soil. A recent report found that corn belt farmers are less effective in controlling erosion today than they were 15 years ago. The pressure to produce more per acre and to expand farming operations to spread costs out over more acreage while using larger and more expensive machinery has left conservation at the low end of the totem pole. It's time that we wake up to what we are doing and to what a crucial national problem we are facing.

The reports are already surfacing that the big increase in food production which have resulted from mechanization and heavy applications of fertilizer are leveling off. We have seen as recently as the mid 1970's that the world balance of food supplies is indeed a very delicate one—where a few crop failures around the world sent commodity prices soaring. And yet as our cropland base declines, the demands on it continue to increase. The demand for food in the world will continue to grow with the exponential growth in the world's population. Even though the rate of population increase is declining, for the first time in three centuries, the builtin momentum for population growth is so great that the world's population almost certainly will double again to 8 billion in the next thirty years.

The day must come soon, ladies and gentlemen, when our nation wakes up to the reality that our productive soil is a lot more than just dirt. We must actively work to develop a new attitude towards this resource—an attitude which reflects the fact that our topsoil is at least as precious a commodity as gold, silver and oil.

We must develop an attitude which allows us to compute the true value of conservation in pounds of soil saved as well as dollars spent. We must recognize that our soil is in some ways, more valuable than gold because its inherent value increases with age, and at the same time it produces new wealth through life-sustaining food. Some day the old adage that you can't eat gold, or oil for that matter, will be very relevant in this world. It is time for us to make sure that we still have the productive capability around to prove that adage holds true for our benefit. None of us want to see our soil become so rare a commodity that its value is determined in ounces instead of acres.

I look forward to working with you to see to it that the Federal response to this challenge is adequate to meet the need. I am confident that as an industry with such a vital concern in the health of our agricultural economy that you will do your part to make the public aware of this challenge and the ultimate need for our success at meeting it. I assure you that I will continue to do what I can to help you.

**Mr. RANDOLPH.** Mr. President, as chairman of the Environment and Public Works Committee I was pleased to note that Senator Stafford's award was based to a substantial degree on his involvement with the transportation phase of the committee's activities and his special interest in improvement of rural transportation facilities and opportunities.

I am sure that you will agree, as I do, with the wisdom of the Institute's choices for these awards and that you will welcome the opportunity of joining me in congratulating them.

I mention another convention development of interest to those with a knowledge of Institute operations. The Tuesday night program featured, in addition to the awards presentation, a change of gavel ceremony marking the retirement of chairman Melvin E. Raid, of Medusa Aggregates, Burlington, Iowa, and his succession by Fred Y. Montsdeoca, Florida Lime & Dolomite Co., Ocala, Fla.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the

Senate by Mr. Chirdon, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE ON THE STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 150

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, the Committee on Finance, the Committee on Foreign Relations, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Labor and Human Resources, the Committee on Rules and Administration, the Committee on Veterans' Affairs, the Select Committee on Intelligence, the Select Committee on Ethics, and the Select Committee on Small Business:

*To the Congress of the United States:*

As we meet tonight, it has never been more clear that the state of our union depends on the state of the world. And tonight, as throughout our generation, freedom and peace in the world depend on the state of the American union.

The 1980s have been born in turmoil and change. This is a time of challenge to our interests and our values, a time that tests our wisdom and our will.

At this moment in Iran fifty Americans are still held captive, innocent victims of terrorism and anarchy.

Also at this moment, massive Soviet invading forces are attempting to subjugate the fiercely independent and deeply religious people of Afghanistan.

These two acts—one of international terrorism and one of military aggression—present a serious challenge to the United States and to the other nations of the world. Together, we will meet these threats to peace.

I am determined that the United States will remain the strongest of all nations, but our power will never be used to initiate a threat to the security of any country or the rights of any human being. We seek to be and to remain secure—a Nation at peace in a stable world. But to be secure we must face the world as it is.

Three basic developments have helped to shape our challenges:

—the steady growth and increased projection of Soviet military power beyond its own borders;

—the overwhelming dependence of the industrial democracies on oil supplies from the Middle East; and

—the press of social, religious, economic, and political change in many nations of the developing world—exemplified by the revolution in Iran.

Each of these factors is important in its own right. Each interacts with the others. All three are now focused on one troubled area of the world. All must be faced together—squarely and courageously.

We will face these challenges. We will meet them with the best that is in us. And we will not fail!

In response to the abhorrent act in Iran, our Nation has been aroused and unified as never before in peacetime. Our position is clear. We will never yield to blackmail.

We continue to pursue these specific goals:

—to protect the present and future interests of the United States;

—to preserve the lives of the American hostages and to seek in every possible way their safe release;

—if possible, to avoid bloodshed which might further endanger the lives of our fellow Americans;

—to enlist the help of other nations to end this criminal violation of the moral and legal standards of a civilized world; and

—to persuade the Iranian leaders that the real danger to their nation lies to the north from Soviet troops in Afghanistan, and that the unwarranted Iranian quarrel with us hampers their response to this greater danger.

If the American hostages are harmed, a severe price will be paid.

We will never rest until every one of the victims is released.

We now face a broader, more fundamental challenge in the region because of the recent military action of the Soviet Union.

Now, as during the last 3½ decades, the relationship between the United States and the Soviet Union is the most critical factor in determining whether the world will live in peace or be engulfed in global conflict.

Since the end of the Second World War, America has led other Nations in meeting the challenge of mounting Soviet power. This has not been a simple or static relationship. Between us there has been cooperation—there has been competition—and there have been times of confrontation.

—In the 1940s, we took the lead in creating the Atlantic Alliance in response to the Soviet Union's suppression and consolidation of its East European empire and the resulting threat to Western Europe.

—In the 1950s, we helped to contain further Soviet challenges in Korea and the Middle East, and we rearmed, to assure that containment.

—In the 1960s, we met Soviet challenges in the Berlin and Cuban missile crises, and then we sought to engage the Soviet Union in the important task of moving beyond the cold war and away from confrontation.

—And in the 1970s, three American presidents negotiated with the Soviet leaders in attempts to halt the growth of the nuclear arms race. We sought to establish rules of behavior that would reduce the risks of conflict, and we searched for areas of cooperation that could make our relations reciprocal and productive—not only for the sake of our two Nations, but for the security and peace of the world.

In all these actions, we have maintained two commitments: to be ready to meet any challenge by Soviet military power, and to develop ways to resolve disputes and keep the peace.

Preventing nuclear war is the foremost responsibility of the two superpowers. That is why we negotiated the strategic arms limitation treaties—SALT I and SALT II. Especially now in a time of great tension, observing the mutual constraints imposed by the terms of these treaties will be in the best interest of both countries—and will help to preserve world peace. I will consult closely with the Congress as we strive to control nuclear weapons. That effort will not be abandoned.

We superpowers also have a responsibility to exercise restraint in the use of military power. The integrity and the independence of weaker nations must not be threatened.

But now the Soviet Union has taken a radical and aggressive new step. It is using its great military power against a relatively defenseless nation. The implications of the Soviet invasion of Afghanistan could pose the most serious threat to world peace since the Second World War.

The vast majority of the nations of the world have condemned this latest Soviet attempt to extend its colonial domination of others and have demanded the immediate withdrawal of the invading forces. The Moslem world is especially and justifiably outraged by this aggression against an Islamic people. No action of a world power has ever been so quickly and so overwhelmingly condemned.

But verbal condemnation is not enough. The Soviet Union must pay a concrete price for their aggression. While the invasion continues, we and other countries cannot continue business as usual with the Soviet Union.

That is why the United States has imposed stiff economic penalties on the Soviet Union. I will not permit Soviet ships to fish in the coastal waters of the United States. I have cut Soviet access to high-technology equipment and agricultural products. I have limited other commerce with the Soviet Union, and have asked our allies and friends not to replace these embargoed items. I have notified the Olympic Committee that with Soviet invading forces in Afghanistan, neither the American people nor I will support sending an Olympic team to Moscow.

The Soviet Union must answer some basic questions: Will it help promote a more stable international environment in which its own legitimate, peaceful concerns can be pursued? Or will it continue to expand its military power far beyond its genuine security needs, using that power for colonial conquest?

The Soviet Union must realize that its decision to use military force in Afghanistan will be costly to every political and economic relationship it values.

The region now threatened by Soviet troops in Afghanistan is of great strategic importance: It contains more than two-thirds of the world's exportable oil. The Soviet effort to dominate Afghanistan has brought Soviet military forces to within 300 miles of the Indian Ocean and close to the Straits of Hormuz—a waterway through which much of the free world's oil must flow. The Soviet Union is now attempting to consolidate a strategic position that poses a grave threat to the free movement of Middle East oil.

This situation demands careful thought, steady nerves, and resolute action—not only for this year but for many years to come. It demands collective efforts to meet this new threat to security in the Persian Gulf and Southwest Asia. It demands the participation of those who rely on oil from the Middle East and are concerned with global peace and stability. And it demands consultation and close cooperation with countries in the area which might be threatened.

Meeting this challenge will take national will, diplomatic and political wisdom, economic sacrifice and of course, military capability. We must call on the best that is in us to preserve the security of this crucial region.

Let our position be absolutely clear:

An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States. It will be repelled by use of any means necessary, including military force.

During the last three years we have acted to improve our own security and the prospects for peace—not only in the vital oil producing areas of the Persian Gulf region, but around the world.

—We have increased annually our real commitment for defense, and we will sustain this increased effort throughout our Five Year Defense Program. It is imperative that the Congress approve this strong defense budget without any reduction.

—We are improving our capability to deploy U.S. military forces rapidly to distant areas.

—We have helped to strengthen NATO and our other alliances. We and our NATO allies have decided to develop and deploy modernized intermediate-range nuclear forces to meet an unwarranted and increasing threat from the nuclear weapons of the Soviet Union.

—We are working with our allies to prevent conflict in the Middle East. The peace treaty between Egypt and Israel is a notable achievement which represents a strategic asset for America and which also enhances prospects for regional and world peace. We are now engaged in further negotiations to provide full autonomy for the people of the West Bank and Gaza, to resolve the Palestinian issue in all its aspects, and to preserve the peace and security of Israel.

—We have expanded our own sphere of friendship. Our deep commitment to human rights and to meeting human needs has improved our relationship with much of the third world. Our decision to normalize relations with the People's Republic of China will help to preserve peace and stability in Asia and in the Western Pacific.

—We have increased and strengthened our naval presence in the Indian Ocean, and we are now making arrangements for key naval and air facilities to be used by our forces in the region of Northeast Africa and the Persian Gulf.

—We have reconfirmed our 1959 agreement to help Pakistan preserve its independence and integrity. The United States will take action—consistent with our own laws—to assist Pakistan in resisting any outside aggression. I am asking the Congress specifically to reaffirm this commitment. I am also working, along with other nations, to provide additional military and economic aid for Pakistan.

—In the weeks ahead, we will further strengthen political and military ties with other nations in the region.

—We believe that there are no irreconcilable differences between us and any Islamic people. We respect the faith of Islam, and are ready to cooperate with all Moslem countries.

—Finally, we are prepared to work with other nations in the region to shape a cooperative security framework that respects differing values and political beliefs, yet enhances the independence, security and prosperity of all.

All these efforts emphasize our dedication to defend and preserve the vital interests of our Nation and those of our allies, not only in Europe and the Pacific, but also in the part of the world which has such great strategic importance to us, stretching through the Middle East to Southwest Asia.

I will pursue these efforts with vigor and determination, and I will act as necessary to preserve our Nation's security.

The men and women of America's armed forces are on duty tonight in many parts of the world. I am proud of the job they are doing, and I know you share that pride. I believe that our volunteer forces are adequate for our current defense needs. I hope that it will not become necessary to reimpose the draft. However, we must be prepared for that possibility. For this reason, I have determined that the Selective Service system must now be revitalized. I will send legislation and budget proposals to the Congress next month so that we can begin registration and then meet future mobilization needs rapidly if they arise.

We also need quick passage of a new charter to define clearly the legal authority and accountability of our intelligence agencies. While guaranteeing that abuses will not recur, we need to remove unwarranted restraints on our ability to collect intelligence and to tighten our controls on sensitive intelligence information. An effective intelligence capability is vital to our Nation's security.

The decade ahead will be a time of rapid change, as nations everywhere seek to deal with new problems and age-old tensions. But America need have no fear—we can thrive in a world of change if we remain true to our values and actively engaged in promoting world peace.

We will continue to work as we have in the Middle East and Southern Africa—to resolve regional disputes. We will continue to build our ties with developing nations, respecting and helping to strengthen the national independence they have struggled to achieve. And we will continue to support the growth of democracy and human rights.

In repressive regimes, popular frustrations often have no outlet except violence. But when peoples and their governments can approach their problems together—through open democratic methods—the basis for stability and peace is far more solid and enduring. That is why our support for humans rights in other countries is in our national interest as well as part of our national character.

Peace—a peace that preserves freedom—remains America's first goal. In the coming years, as a mighty Nation, we will continue to pursue peace.

But to be strong abroad, we must remain strong at home.

In order to be strong, we must continue to face up to the difficult issues that confront us as a Nation today.

The crises in Iran and Afghanistan have dramatized a very important lesson: our dependence on foreign oil is a clear and present danger to our national security.

The need has never been more urgent. At long last, we must have a clear, comprehensive energy program for our country.

I have been working with Congress in a concentrated and persistent way over the past three years to meet this urgent need.

We have made progress. But Congress must act promptly now to complete final action on this vital energy legislation.

Our Nation will then have a major conservation effort, important initiatives to develop solar power, realistic pricing based on the true value of oil, strong incentives for the production of coal and other fossil fuels in America, and our Nation's most massive peacetime investment in the development of synthetic fuels.

The American people are making progress in energy conservation. Last year we reduced overall petroleum consumption by 8 percent and gasoline consumption by 5 percent below that of the previous year.

Now we must do more. After consultation with the governors, we will set gasoline conservation goals for each of the 50 states, and I will make them mandatory if these goals are not met.

I have established an important ceiling for 1980 of 8.2 million barrels a day—well below the level of oil imports during 1977. I expect our imports to be much lower than this, but the ceiling will be enforced with an import fee if necessary. I am prepared to lower our imports still further, if other oil consuming countries will join us in a fair and mutual reduction. If we have a serious shortage, I will not hesitate to impose mandatory gasoline rationing.

The biggest single factor in the inflation rate increase last year was from one cause: the skyrocketing world oil prices. We must take whatever actions are necessary to reduce our dependence on foreign oil—and to reduce inflation.

As individuals and as families, few of us can produce energy by ourselves. But we can all conserve energy—every one of us, every day of our lives.

Tonight I call on you, on all the people of America, to help our Nation. Save energy! Eliminate waste! Let us make 1980 the year of energy conservation.

We must take other actions to strengthen our Nation's economy.

First we will continue to reduce the deficit and then to balance the Federal budget.

Second as we continue to work with business to hold down prices, we will build also on the historic national accord with organized labor to restrain pay increases in a fair fight against inflation.

Third we will continue our successful efforts to cut paperwork and to dismantle unnecessary government regulation.

Fourth we will continue our progress in providing jobs for America, concentrating on a major new program to provide training and work for our young people, especially minority youth. It has been said that "a mind is a terrible thing to waste." We will give our young people new hope for jobs and a better life in the 1980s.

Fifth we must use the decade of the 1980's to attack the basic structural problems in our economy, through measures to increase productivity, savings and investment.

With these energy and economic policies, we will make America even stronger at home in this decade—just as our foreign and defense policies will make us stronger and safer throughout the world.

We will never abandon our struggle for a just and decent society at home. That is the heart of America—and it is the source of our ability to inspire people to defend their own rights abroad.

Our material resources, great as they are, are limited. Our problems are too complex for simple slogans or quick solutions. We cannot solve them without effort and sacrifice.

It is written that George Washington once reminded us:

> You took the good things for granted. Now you must earn them again. For every right that you cherish, you have a duty which you must fulfill. For every hope that you entertain, you have a task that you must perform. For every good that you wish to preserve, you will have to sacrifice your comfort and your ease.
>
> There is nothing for nothing any longer.

Our challenges are formidable. But there is a new spirit of unity and resolve in our country. We move into the 1980s with confidence and hope—and a bright vision of the America we want:

An America strong and free.

An America at peace.

An America with equal rights for women—and for all citizens.

An America with jobs and good health care and education for every citizen.

An America with a clean and bountiful life in its cities and farms.

An America that helps to feed the world.

An America secure in filling its own energy needs.

An America of justice, tolerance and compassion.

For this vision to come true, we must sacrifice, but this national commitment will be an exciting enterprise that will unify our people.

Together as one people, let us work to build our strength at home. Together as one indivisible union, let us seek peace and security throughout the world.

Together let us make of this time of challenge and danger a decade of national resolve and of brave achievement.

Jimmy Carter.

The White House, *January 23, 1980.*

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the President of the United States on the state of the Union, which was received by the Senate yesterday, be jointly referred to all Standing Committees, as well as the Select Committee on Small Business, the Select Committee on Intelligence, and the Select Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE HOUSE

At 12:39 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Price, Mr. Nichols, Mr. Mollohan, Mr. Davis of South Carolina, Mr. Fazio, Mr. Bob Wilson, Mr. Mitchell of New York, and Mr. Emery were appointed as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 478. A joint resolution to extend by sixty days the expiration date of the Defense Production Act of 1950.

At 5:04 p.m., a message from the House of Representatives delivered by Mr. Gregory, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 204. A concurrent resolution approving the extension of nondiscriminatory treatment to the products of the People's Republic of China.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Con. Res. 66. An original concurrent resolution urging the United States Olympic Committee, the International Committee, and the Olympic Committees of other countries to take certain actions with respect to the 1980 Summer Olympic Games. Placed on the calendar.

S. Res. 336. An original resolution authorizing additional expenditures by the Committee on Commerce, Science, and Transportation for inquiries and investigations. Referred to the Committee on Rules and Administration.

By Mr. LONG, from the Committee on Finance, without amendment:

S. Res. 337. An original resolution authorizing additional expenditures by the Committee on Finance for inquiries and investigations. Referred to the Committee on Rules and Administration.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LONG, from the Committee on Finance:

Michael J. Calhoun, of the District of Columbia, to be a member of the U.S. International Trade Commission.

John A. Calhoun, III, of Massachusetts, to be Chief of the Children's Bureau, Department of Health, Education, and Welfare.

(The above nominations from the Committee on Finance were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WILLIAMS, from the Committee on Labor and Human Resources:

Margaret Joan Giannini, of New York, to be Director of the National Institute of Handicapped Research.

William Lee Smith, of Maryland, to be Commissioner of Education.

(The above nominations from the Committee on Labor and Human Resources were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

### COAST GUARD

Mr. CANNON. Mr. President, as in executive session, from the Committee on Commerce, Science, and Transportation, I report favorably sundry nominations in the Coast Guard which have appeared previously in the Congressional Record and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appeared in the Record on December 19, 1979, at the end of the Senate proceedings.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 2211. A bill for the relief of Dorothy Kathleen O'Sullivan; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 2212. A bill for the relief of Marina Maximiana Morados Ayo; to the Committee on the Judiciary.

By Mr. RIBICOFF (by request):

S. 2213. A bill to amend section 5702 of title 5, United States Code, to increase the maximum rates for per diem and actual subsistence expenses of Government employees on official travel; to the Committee on Governmental Affairs.

By Mr. JOHNSTON (for himself, Mr. KENNEDY, and Mr. CRANSTON):

S. 2214. A bill entitled the "Emergency Federal Crude Oil Sale, Use and Storage Act of 1980"; to the Committee on Energy and Natural Resources.

By Mr. CRANSTON (for himself, and Mr. TSONGAS):

S. 2215. A bill to require persons who manufacture cigarettes or little cigars for sale or distribution in commerce to meet performance standards prescribed by the Consumer Product Safety Commission, and for other purposes; to the Committee on Commerce, Science, and Transporation.

By Mr. MOYNIHAN (for himself, Mr. DOMENICI, Mr. WALLOP, Mr. JACKSON, Mr. NUNN, Mr. DANFORTH, and Mr. CHAFEE):

S. 2216. A bill to improve the intelligence system of the United States, and for other purposes; to the Select Committee on Intelligence.

By Mr. KENNEDY:

S. 2217. A bill to amend the Foreign Assistance Act of 1961 to provide emergency relief, rehabilitation, and humanitarian assistance for refugees from Afghanistan and refugees in Somalia, and for other purposes; to the Committee on Foreign Relations.

By Mr. JAVITS:

S. 2218. A bill entitled the "Youth Employability Development Act of 1980"; to the Committee on Labor and Human Resources.

S. 2219. A bill to exclude from Social Security taxes and coverage remuneration paid to certain youths during the first six months they are employed; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. BAUCUS, Mr. HEINZ, and Mr. STEWART):

S. 2220. A bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from the gross estate of a decedent of a portion of the value of certain interests in a farm or trade or business if the spouse or children of the decedent materially participate in such farm or trade or business; to the Committee on Finance.

By Mr. WEICKER (for himself, Mr. HAYAKAWA, and Mr. HATCH):

S. 2221. A bill to amend the Internal Revenue Code of 1954 to increase from 60 percent to 80 percent the deduction allowed to individuals with respect to net capital gain from investment in small business; to the Committee on Finance.

---

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF (by request):

S. 2213. A bill to amend section 5702 of title 5, United States Code, to increase the maximum rates for per diem and actual subsistence expenses of Government employees on official travel; to the Committee on Governmental Affairs.

● Mr. RIBICOFF. Mr. President, I introduce a bill to increase the maximum rates for per diem and actual subsistence expenses of Government employees on official travel.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2213

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5702 of title 5, United States Code, is amended as follows:

(a) By striking out "$35" in subsection (a) and inserting in lieu thereof "$50";

(b) By striking out "$50" in subsection (c) and inserting in lieu thereof "$75"; and

(c) By striking out "$21" in subsection (d) and inserting in lieu thereof "$33".●

---

By Mr. JOHNSTON (for himself, Mr. KENNEDY, and Mr. CRANSTON):

S. 2214. A bill entitled the "Emergency Federal Crude Oil Sale, Use and Storage Act of 1980"; to the Committee on Energy and Natural Resources.

● Mr. JOHNSTON. Mr. President, the Department of Energy has taken actions which are to become effective on February 1, 1980 that will substantially undermine the administration's efforts to moderate world crude oil prices and will fuel the spiraling cost of energy to the U.S. consumer. In short, the Department of Energy last week signed contracts accepting bids to sell crude oil from the Elk Hills and Teapot Dome Naval Petroleum Reserves at bonus bid prices which are as much as $11.12 over the highest market price for comparable quality crude oil. At today's prices, this means that some of the Elk Hills crude oil would be sold for $41.00/barrel and some of Teapot Dome crude oil would be sold for $43.52/barrel. According to the January 21 edition of the Oil and Gas Journal, "that makes the Government-owned crude among the costliest in the world" (Oil and Gas Journal, Jan. 21, 1980, p. 53).

Furthermore, there is no assurance that the prices will even remain at these levels throughout the 6-month life of the Government's contracts. The prices in each sale is pegged to the highest posted field prices for similar crude in the area plus the bonus bid. The field posted prices will be periodically adjusted upward throughout the life of the contract. Given the massive escalation in crude oil market prices we have experienced in the last 6 months, a $50 or $60 price per barrel for the Government's Elk Hills and Teapot Dome crude oil within the next 6 months is not unforseeable—and gasoline prices of $1.50 to $2 per gallon could become a reality.

The implications of the Government's actions are wide ranging and potentially devastating to the U.S. economy. OPEC nations will be able to say with some justification that OPEC crude oil producers should be able to receive the same price for their crude oil that the United States is receiving for its crude oil.

If the OPEC nations either individually or collectively raise their posted prices to match the prices being received by the United States for Elk Hills and Teapot Dome crude oil, the prices of natural gas imported into this Nation from Mexico and Canada will escalate accordingly.

The recent natural gas contract between PEMEX, the Mexican national oil company, and Border Gas, Inc. provides that the initial Mexican gas price of approximately $3.60/Mcf will escalate quarterly in relation to the Btu equivalent of the arithmetic average of the posted price of five specified foreign crude oils.

Therefore, if the posted price of foreign crude oil escalates to match the Elk Hills and Teapot Dome prices, the Mexican gas price could escalate to approximately $7 per Mcf in the immediate future.

The Canadian Government can be expected to demand the same price for its gas which is imported into the United States as the United States is paying for Mexican gas. In fact, I am informed that in a recent letter from the Energy Minister of Canada to the Secretary of Energy, the Canadian Government announced that it decided on January 18 that the price of Canadian gas imported to the United States would escalate to $4.47 million Btu's effective February 17, 1980. In explaining this price, the Energy Minister stated that—

> This price, I would note, is below the Btu equivalent price at which the U.S.A. government is auctioning its production from Naval Petroleum Reserves.

Finally, the price of unregulated domestic natural gas will also escalate in price. Much of the unregulated deep natural gas which is produced domestically is sold pursuant to contracts which contain escalator clauses which tie the price of the natural gas to the Btu equivalent price of No. 2 fuel oil sold in New York Harbor or at some other specified location. As the world price of crude oil escalates to match the Elk Hills and Teapot Dome prices, the price of No. 2 fuel oil will escalate accordingly, thus greatly increasing the price of the deep natural gas produced in the United States.

Ironically, the root cause of this massive price escalation in energy costs to the U.S. consumer will not be the actions of a cartel of foreign oil-producing nations, but rather it will be the actions of our own Department of Energy. Very simply, the Congress must act immediately—prior to the February 1, 1980, effective date of the Elk Hills contracts—to protect the U.S. consumer from the inflationary impact of the Department's action.

Today, we are introducing legislation to redress this outrageous situation. The legislation will continue the present contracts on the Elk Hills and Teapot Dome crude oil for 120 days and directs the Secretary to develop a program for the disposition of the Elk Hills and Teapot Dome crude pursuant to the guidelines provided in the act. We will hold hearings immediately on this legislation in hopes of preventing these unfortunate contracts from becoming effective on February 1, 1980, thus triggering the energy cost of escalation we have discussed previously. I ask unanimous consent that the text of the legislation we are introducing be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2214

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Emergency Federal Crude Oil Sale, Use and Storage Act of 1980."

#### FINDINGS

SEC. 2. The Congress finds that:

(a) a number of Federal departments and agencies are proposing to sell crude oil owned by the United States and produced on public and other lands at prices which exceed domestic market prices and which also exceed the prices currently established by foreign producing nations for comparable grades of petroleum; and

(b) if such sales are consummated by the Federal government they will force the price of uncontrolled domestic crude oil, world crude oil, imported natural gas, and uncontrolled domestic natural gas upwards to levels that are unacceptable and injurious to the national economy.

#### PURPOSE

SEC. 3. The purpose of this Act is to ensure that the Federal Government does not, in the sale of Federal crude oil, officially sanction and establish price levels which exceed domestic or world market prices and thereby initiate a new round of price increases in addition to the 108 percent increase experienced in world crude oil markets in 1979.

#### DEFINITIONS

SEC. 4. For the purposes of this Act:

(a) "Public lands" means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, including lands located on the Outer Continental Shelf, except lands held for the benefit of Indians, Aleuts, and Eskimos.

(b) "Federal lands" means any other land or interest in land owned by the United States including ownership in fee, easement, leasehold, or any subsurface mineral right or interest which is not covered within the definition of public lands.

(c) "Federal Crude Oil" means any crude oil or interest in crude oil, whether a royalty interest taken in kind, a working interest, or any other interest in crude oil owned by the United States and produced on public or Federal lands.

SEC. 5. The Secretary of Energy, the Secretary of Interior and the heads of other Federal agencies having responsibility for the disposition of Federal crude oil are directed to undertake an immediate study of alternative means for the disposition of such oil and the economic implications of such alternatives for the domestic economy. The Secretary of Energy and the Secretary of the Interior shall prepare a report on the results of their study and shall transmit the report to the Congress within one hundred and twenty days of the date of enactment of this Act.

SEC. 6. Pending completion of the study and report required by Section 5 and an opportunity for Congressional review of the report, the Secretary of Energy is authorized, notwithstanding any other provision of this Act or law, to extend, with the concurrence of the existing purchaser, for a period not to exceed one hundred and twenty days the currently existing contracts for the sale of Federal crude oil produced from:

(a) Naval Petroleum Reserve Numbered 1 (Elk Hills) awarded under Invitation For Bid Number DE-FB01-79RA32001 NPR-1; and

(b) Naval Petroleum Reserve Numbered 3 (Teapot Dome) awarded under Invitation For Bid Number DE-FB01-79RA32003 NPR-3.

SEC. 7. (a) Within one hundred and twenty days of enactment of this Act, the Secretary of Energy and the Secretary of the Interior, after consultation with the heads of other Federal agencies having responsibility for the sale, use and storage of Federal crude oil, are authorized and directed, notwithstanding any other provision of law, to develop a program in accordance with the purposes of this Act for the use and disposition of Federal crude oil. After they have developed a program the Secretary of Energy and the Secretary of the Interior are authorized to implement the program by:

(1) storing all or part of such Federal crude oil in the Strategic Petroleum Reserve established in 42 U.S.C. 6231;

(2) entering into contracts to have all or part of such Federal crude oil refined into products that would be used directly by the Department of Defense and other Federal agencies or exchanged for other petroleum products to be used by such departments or agencies; and

(3) selling Federal crude oil at a price or prices which shall not exceed the weighted average price in the preceding month for all domestic crude oil that is exempt from price controls under Title 10 Part 212 of the regulations of the Department of Energy, and the appropriate Secretary may prorate such sales if necessary.

(b) In developing and implementing the program to sell Federal crude oil under subsection 7(a)(3) the Secretary of Energy, the Secretary of the Interior and the heads of other Federal agencies:

(1) shall grant preference to domestic refiners who refine the oil purchased or exchanged therefore in their own refineries;

(2) may limit the share of production to be sold to any purchaser to no more than 10,000 barrels per day; and

(3) may set aside up to 100 percent of production for small refiners.

(c) The disposition of Federal royalty crude oil by the Secretary of the Interior shall be exempt from the provisions of this Act except that any such Federal royalty crude oil which is not presently subject to Federal price controls shall be sold at a price or prices which shall not exceed the weighted average price in the preceding month for all domestic oil that is exempt from price controls under Title 10, Part 212 of the regulations of the Department of Energy.

SEC. 8. The authority contained in this Act shall expire one year from the date of enactment of this Act. Any proposed sale involving bid awards or contracts entered into by the Secretary of Energy between January 1, 1980 and February 1, 1980 for the sale of Federal crude oil shall be null and void. The Secretary of Energy and the Secretary of the Interior may conduct future sales of Federal crude oil in accordance with this Act and those provisions of existing law which are consistent with this Act.●

● Mr. KENNEDY. Mr. President, I am joining my colleague, Senator JOHNSTON, in cosponsoring a bill to cut short a new round of price spirals in the world oil market potentially initiated by our own Government. Last week the Department of Energy signed bids for Government-owned oil that reportedly makes this oil the highest priced oil in the world. Unless this situation is addressed immediately, the Department of Energy may create new pressure within OPEC and among other oil-exporting countries to charge even higher prices than the ones we already face today.

This legislation would suspend the two most recent sales at the Elk Hills and Teapot Dome naval petroleum reserves and authorize a study of alternative dispositions of that oil, including the possibility of diverting this oil to the strategic petroleum reserve.

Furthermore, the legislation would permit the Secretary to consider expanding the preference for small refiners which have been denied access to their normal sources of crude and have been forced to buy high-priced oil on the spot market.

I believe such measures are immediately necessary if we are to avoid making inflation even worse. Clearly our economy is in no position to absorb new, unnecessary and avoidable energy price increases.

I congratulate my colleague, Senator JOHNSTON, for acting so swiftly to correct this situation and I look forward to rapid consideration of this initiative by the Congress.●

---

By Mr. CRANSTON (for himself and Mr. TSONGAS):

S. 2215. A bill to require persons who manufacture cigarettes or little cigars for sale or distribution in commerce to meet performance standards prescribed by the Consumer Product Safety Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### CIGARETTE SAFETY ACT

● Mr. CRANSTON. Mr. President, according to the U.S. Fire Administration, cigarettes represent the No. 1 cause of residential fire injuries and deaths in the United States. In 1978, such fires resulted in 1,800 deaths, 4,000 injuries, and $180 million in property damage—fires that could have been prevented.

Tragically, it is widely assumed that it is only the negligent smoker who suffers injury, death, or property loss from fires started by forgotten cigarettes. However, California statistics show that 50 percent of hotel fires and 25 percent of apartment fires are a result of careless smoking. In California hospitals the leading cause of fire is cigarettes. In addition, more than half of all cigarette fires occur during normal sleeping hours, 10 p.m. to 6 a.m.

The Cigarette Safety Act (S. 2215), which I am introducing today with my distinguished colleague from Massachusetts, Senator TSONGAS, requires the Consumer Product Safety Commission to establish a performance standard which will insure that the current high tendency of cigarettes and little cigars to ignite bedding and upholstered furniture will be substantially reduced. The National Bureau of Standards is currently researching this issue, and its preliminary data indicates that this standard could be a time period in which cigarettes and little cigars must self-extinguish or a maximum tobacco burning temperature.

Simply limiting the amounts of nitrates, citrates, and phosphate salts added to cigarettes to promote continuous burning would reduce the danger of ignition from a forgotten cigarette. Small changes in the thickness and porosity of cigarette paper would also help. These measures could be accomplished without any increase in the cost of cigarettes. The act requires that any further steps necessary to comply with the final safety standard must be accomplished without the addition of toxic substances.

This is not an antismoking bill. It is legislation directed at a proven safety hazard.

I should point out that beyond causing extremely painful and disfiguring injuries, burns are the most expensive injuries to treat. Treatment averages $1,000 per day, and the need for reconstructive surgery can result in a patient having to undergo 20 to 30 operations.

Mr. President, in 1976 I introduced legislation which established the national burn injury program. The objective of this program is to find, through the experience of a broad range of differing burn programs, how best to treat and rehabilitate burn victims, as well as to conduct research and provide training in these areas. By early 1981, this program will provide us with an evaluation of the overall capacity of this country to deliver quality burn care. Based on this information I am hopeful that the cost and trauma associated with burn injuries can be greatly reduced. However, in establishing this program the Congress specifically reaffirmed its desire to seek new means of preventing burn injuries from occurring. The Cigarette Safety Act directly addresses this mandate.

I am sure that my colleagues will agree that "fire-proofing" cigarettes is far easier, cheaper and more effective than attempting to fireproof everything they might be accidentally dropped on. I regret that the cigarette manufacturing industry has not chosen to address this serious problem on its own. In light of this, I believe congressional action is warranted. I urge my colleagues to join me in working to reduce this major fire danger by supporting this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2215

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Cigarette Safety Act".

DEFINITIONS

SEC. 2. For purposes of this Act, the term—

(1) "cigarette", "commerce", "United States", and "little cigar" have the meanings prescribed in paragraphs (1), (2), (3), and (7), respectively, of section 3 of the Federal Cigarette Labeling and Advertising Act;

(2) "sale or distribution" includes distribution of samples or any other distribution not for sale;

(3) "Commission" means the Consumer Product Safety Commission; and

(4) "cigarette safety standard" means any performance standard or cigarette safety rule promulgated by the Commission.

FINDINGS

SEC. 3. (a) The Congress finds that—

(1) the United States Fire Administration has determined that the careless use of smoking materials is the leading cause of fire-related death and injury in residences in the United States;

(2) fires caused by cigarettes and the careless use of smoking materials in the United States annually—

(A) kill approximately one thousand eight hundred people,

(B) injure approximately four thousand people, and

(C) result in property damage amounting to approximately $180,000,000;

(3) laboratory experiments have shown that a cigarette will burn continuously for approximately 20 to 45 minutes when placed on a flat surface and that there is a reasonable period of time for which a burning cigarette must remain in contact with fabrics before a fire will result;

(4) as presently marked, cigarettes and little cigars are a dangerous ignition source which present an unreasonable risk of injury; and

(5) it is feasible and practical to produce cigarettes and little cigars which do not present an unreasonable risk of injury.

(b) The Congress declares it to be the policy of the United States—

(1) to reduce the loss of life and property in the United States by requiring that cigarettes and little cigars manufactured for sale or distribution in commerce be processed to ensure that such cigarettes or little cigars—

(A) if ignited, will stop burning within a time period designated by the Commission, if such cigarettes or little cigars are not smoked during such period, or

(B) meet some other performance standard promulgated by the Commission to insure that such cigarettes or cigars do not ignite smoldering fabric fires; and

(2) that such processing be accomplished without the addition of any toxic elements to a cigarette or little cigar.

RULEMAKING

SEC. 4. (a)(1) The Commission shall promulgate, within 18 months after the date of enactment of this act, final consumer product safety standards for cigarettes and little cigars which set performance standards ensuring that such cigarettes and little cigars have a minimum capacity for igniting smoldering fabric fires.

(2) Performance standards for cigarettes and little cigars shall be developed by the Commission based on objective studies, including studies conducted by the Bureau of Standards of the Department of Commerce.

(b) The Commission shall commence the proceedings for the development of the cigarette safety standards under this Act by the publication in the Federal Register of a notice of proposed rulemaking which shall—

(1) state that Congress has declared that a safety standard for cigarettes and little cigars is necessary and that such standard shall be promulgated by the Commission; and

(2) invite interested persons to present their views concerning such standards, orally or in writing, during a 30-day period immediately following publication of such notice.

(c) Within 6 months after publication of the notice required by subsection (b), the Commission shall publish in the Federal Register general notice of proposed rulemaking under section 553(b) of title 5, United States Code. Such general notice of proposed rulemaking shall include the terms and substance of the proposed cigarette safety standard.

(d) Within 12 months after publication of the notice required by subsection (b), the Commission shall promulgate the standard after there has been an opportunity for a hearing on the record pursuant to sections 556 and 557 of title 5, United States Code.

(e)(1) The final rule promulgating the cigarette safety standard shall specify the date such standard is to take effect, not to exceed 18 months after the date of enactment of this Act. If the Commission finds by the 270th day after the date of enactment of this Act that it is unable to issue the rule within this specified time period it shall prepare and transmit a report to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, outlining the reasons for the extension and designating the additional time period required, not to exceed one year, to issue a rule, and the Commission shall issue a notice of extension in the Federal Register.

(2) For purposes of this Act, the rulemaking provisions of sections 7 and 9 of the Consumer Product Safety Act, shall not apply, and notwithstanding any other provision of law, the Commission shall not be required to make findings pursuant to these sections.

(3) The Commission may by rule prohibit a manufacturer of cigarettes or little cigars from stockpiling such products to which the standard promulgated pursuant to this section applies. For purposes of this paragraph, the term "stockpiling" means manufacturing or importing a product between the date of promulgation of such consumer product safety standard and its effective date at a rate greater than the rate at which such products were produced or imported during the one year period immediately preceding the date of enactment of this Act.

JUDICIAL REVIEW

SEC. 5. (a) Any person who is adversely affected or aggrieved by the standard promulgated pursuant to this Act may, at any time prior to the 60th day after the Commission promulgates the final rule, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of this rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The Commission shall file in the court the record of the proceedings on which the Commission based its final rule as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Commission in a hearing or in such other manner, and upon such terms and conditions, as the court deems proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendations, if any, for the modification of the final rule.

(c) Upon the filing of the petition under this section, the court shall have jurisdiction to review the final rule of the Commission, as modified, in accordance with chapter 7 of title 5, United States Code. If the court ordered additional evidence to be taken under subsection (b) of this section, the court shall also review the Commission's final rule to determine if, on the basis of the entire record before the court pursuant to subsections (a) and (b) of this section, it is supported by substantial evidence. If the court finds the final rule is not so supported, the court may require its modification or reversal.

(d) The judgment of the court affirming, setting aside or modifying, in whole or in part, the Commission's final rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(e) Section 11 of the Consumer Product Safety Act does not apply to judicial review of the Commission's final cigarette safety standard.

### REMEDIES

SEC. 6. The cigarette safety standards, as promulgated in a final rule, shall be deemed to be a Consumer Product Safety Standard as defined under section 3 of the Consumer Product Safety Act, and shall be subject to all remedial and penalty provisions of the Consumer Product Safety Act.

### CONFORMING AMENDMENTS

SEC. 7. Section 3 (a) (1) (B) of the Consumer Product Safety Act is amended by adding after the word "products" the following: "except that cigarettes and little cigars are deemed to be consumer products for the purposes of regulating them as an ignition source".

### AUTHORIZATION OF APPROPRIATIONS

SEC. 8. For each of the first three fiscal years beginning after the date of enactment of this Act, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

---

By Mr. MOYNIHAN (for himself, Mr. DOMENICI, Mr. WALLOP, Mr. JACKSON, Mr. NUNN, Mr. DANFORTH, and Mr. CHAFEE):

S. 2216. A bill to improve the intelligence system of the United States, and for other purposes; to the Select Committee on Intelligence.

### INTELLIGENCE REFORM ACT OF 1980

● Mr. MOYNIHAN. Mr. President, today, with the support of several of my colleagues, I am introducing a bill which will strengthen the ability of the United States to deal with the world—the world "as it is"—if I may borrow a phrase from the President's address of last evening.

May I first say however that my friend and colleague, DEE HUDDLESTON, with whom I serve on the Senate Select Committee on Intelligence, and who chairs the subcommittee concerned with the prospective charter of the intelligence agencies, has devoted to this matter the greatest energy and insight. Our chairman, Senator BAYH, continues to provide the careful and competent leadership so required by a project of this importance. I have spoken with Senator HUDDLESTON this morning and he has said that he has already been in touch with the President concerning the larger issues involved here. He has established, I believe, a sound basis for cooperation with the President in developing the kind of legislation that will be needed. What will be discussed here today should be seen as but the first blocks in the reconstruction of our intelligence community, not the final edifice.

Our bill speaks to three specific problems which have appeared in the operations of our intelligence community. These are: First, the process whereby Congress is kept informed of the activities of the intelligence agencies; second, the requirement that our intelligence agencies respond to requests from the general public and make available information about the activities of those agencies; and third, the protection of those individuals who undertake intelligence duties on our behalf.

In outline, then, what we today propose is the following: The legislation will, first of all, have the effect of repealing the so-called Hughes-Ryan amendment, and of streamlining the process of intelligence agency accountability to the Congress. Existing law requires that these agencies inform eight committees of the Congress—some 180 legislators and almost as many staff—whenever they undertake a mission outside the realm of intelligence "collection." Our proposal will reduce that number to two—namely the Intelligence Committees of both the House and the Senate. Second, we propose that the amount of material that an intelligence agency must examine, in its own archives, in response to so-called freedom of information requests, be reduced. Third, in order to provide greater security for those who undertake intelligence work, our proposal will make criminally liable any individual who discloses the name of an intelligence operative, if he has learned the name as a result of his authorized access to such information, or if he discloses it with the intent of impairing or impeding the foreign intelligence activities of the United States.

This effort unites Senators from both parties and of varied political persuasions and backgrounds. Each of us brings an individual perspective to bear on these questions, and each of us will provide further elaboration of his own particular views as consideration of these matters proceeds. I sense, however, a common thread, which is to say, an effort to grapple with the problems posed by the requirement for timely and accurate intelligence, by the requirement to influence events overseas, and by the requirement to maintain necessary Government secrecy without compromising either individual liberties or basic democratic principles.

In recent years, there has been a tendency in this country to believe that the requirement for intelligence activity is somehow self-generated, that past activities somehow result from a view of reality imposed by us not in accordance with the scope of the threats we face. In this view, we have, therefore, an enormous range of choice in these matters, as if "secret" activities are something of a luxury, to be indulged in according to our predilection of the moment. But such a view, I think, obscures the reality of the totalitarian state in today's world, and the conditions of conflict which the existence of the totalitarian state imposes on the rest of us, almost by definition. There is no greater problem for the democracies, either practically or theoretically, than gaging the appropriate response.

This has been true for six decades now, and it has been especially true for those of us who are happy to identify ourselves with the "liberal" and the "progressive" impulse in American politics. It is important and necessary and, ultimately, decisive that American liberals take the lead in responding to the totalitarian threats of our own time.

As I stated before the Senate Select Committee on Intelligence hearings on the National Intelligence Reorganization and Reform Act of 1978 on May 16, 1978:

> I fear for the reputation of American liberalism—and therefore for its future—if it happens that American liberals, in the face of the fact of totalitarian expansion, nonetheless fail to identify the risk and fail to lead the resistance.

We offer to the Senate today a measure that, in our judgment achieves a proper balance between national requirements and individual protections. For too long, we have seen in our own Nation a threat to our liberties which, more properly, ought to be seen in places outside our country. Simply stated, we have enemies in the world. It is the KGB, not the CIA, which threatens democracy.●

● Mr. DOMENICI. Mr. President, if events these past few weeks have provided any lessons in foreign policy strategy, it is that the Soviet Union has proven itself to be reliable, persistent, committed and predictable. While the Soviets took enormous strides in interfering in the internal affairs of one country after another, the United States simply sat back and watched.

We cannot afford to be armchair spectators any longer. We cannot afford not having a powerful CIA; a CIA that can engage in whatever activities are necessary to keep the world peaceful and safe.

Khrushchev once said, "We will bury you." Well, I am afraid we are digging our own graves now by refusing to give one of the most important agencies in our Government the freedom to act as it must.

To those who have blamed the CIA for engaging in unthinkable actions in the past, I can only believe that those actions may have prevented the kind of world crisis we face today. It is clear from all their actions, that the Soviet Union is not interested in détente. It is clear from all their actions that they cannot be trusted.

For several years now, we have heard this Chamber reverberate with varied and interesting assessments of purported American deceptions, cold war tactics, needless covert actions, and expansionist efforts to effect our own policy objectives. We have been told innumerable times that restraint on our part would assure Soviet restraint. We have been told to ignore the Soviet Union's blatant use of surrogate powers around the globe, and instead bring about meaningful negotiations to curb the excesses. We have been assured that involvement in internal matters of other nations is none of our business; that a big ocean separates us from them; and, our best and only recourse following Vietnam is to simultaneously shut our mouths and open our pocketbooks.

For some inexplicable reason, it is perfectly legitimate to be astounded at Soviet audacity after the fact, but irresponsible to confront the totality of these foreign policy objectives before the fact. Apparently we are supposed to believe the Soviet Union haphazardly spreads its aggressiveness whenever a suitable opening develops—that there is no master plan or strategy. I, for one, may have to agree that the United States is shortsighted when it comes to devising policy objectives, but I certainly do not believe the Soviets have followed this same treacherous course of action.

Needless to say, the Soviets have experienced some setbacks along the way, but I would suggest their successes outweigh the failures. The Soviets are dedicated and doggedly determined to spread their influence and ideology around the globe. And, as we have witnessed in the past few weeks, if their form of covert activity fails to persuade the local citizenry of its questionable merits, they will send in tanks, armament, and men to secure the prize.

While we may wring our hands and call the Afghanistan invasion a Soviet "miscalculation," it is doubtful they initiated the incursion on a whim. As George Ball, former Under Secretary of State, said in his article appearing in the January 20 Washington Post:

> Whatever Russia's long-range objectives in mounting its massive Afghanistan invasion—and we can only speculate about it—Moscow would not have accepted such high political costs were it not playing for high stakes.

And, I think it important to recognize the key phrase that we are, indeed, playing for high stakes. There are a variety of initiatives the United States can make to meet the Soviet challenge, including an expanded presence in the Indian Ocean and an overall improved defense structure to meet growing threats around the world.

In addition to these improved military efforts, it should be remembered that our actions following World War II kept many nations such as Greece and Turkey, from falling under Communist domination without a resort to out-and-out warfare to accomplish this goal. As George Kennan said:

> Man would have to recognize, in short, that the device of military coercion could have, in the future, only a relative—never an absolute—value in the pursuit of political objectives.

In this regard, it appears it is time to begin a pursuit of political objectives. And, in pursuit of our objectives, we must be willing to take the necessary measures to secure adequate, accurate intelligence data.

It has been acknowledged by many in the intelligence community, members of this body's intelligence committee, and certainly evidenced by recent frail intelligence assessments, that our intelligence service is experiencing dangerous deficiencies in performing its proper assignments. Such an erosion of effectiveness can no longer be tolerated. While many suggest another reform package to restructure the intelligence-gathering services is the best answer to this problem, I believe the first step is modifying the Hughes-Ryan amendment to the Foreign Assistance Act.

This amendment, passed in 1974, says no funds appropriated under this act may be expended for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, until the President reveals the full scope of the operation to six congressional committees. In 1978, two more committees were added to the present six committees, bringing total congressional oversight to eight committees. It is quite fair to say at a minimum such a time-consuming and revealing exercise has a demoralizing effect on our intelligence-gathering community.

Second, I believe it is important we exempt the Central Intelligence Agency from needless retrieval and reclassification procedures under the Freedom of Information Act. This is but another example of time-consuming exercises from which we should free our intelligence personnel.

Third, I believe it is important we no longer subject our intelligence personnel to exposures which may endanger their lives in the line of duty. Their autonomy must be respected and maintained, and we cannot permit dangerous disclosures of their identities in publications, journals, or by disgruntled colleagues.

America can no longer afford to seclude itself from the rest of the world. Our enemies will never accept our desire to remain aloof. Indeed, in a world which does not function around mutual trust, America has no choice but to assume the worse and plan for it. The only way we can do that is with a strong and vital intelligence arm. That is why I believe the Senate must erase the chilling effects of the Hughes-Ryan amendment, protect the lives of our intelligence personnel, open up the exchange of intelligence information from one nation to another, and allow the CIA to conduct its duties in an efficient and effective manner. I hope my distinguished colleagues will see fit to add their support to this measure.●

● Mr. CHAFEE. Mr. President, I am pleased to join with Senator MOYNIHAN, and with my other distinguished colleagues, in sponsoring this important piece of legislation. I believe that these proposals will break significant new ground in allowing our intelligence agencies to operate effectively and securely in an increasingly hostile world. The need for, and the timeliness of, this legislation has been illustrated by President Carter just last night when he described the "need to remove unwarranted restraints on our ability to collect intelligence and to tighten our controls on sensitive intelligence information."

I believe that this legislation is important for many reasons, several of which are illustrated below.

First, by amending the so-called Hughes-Ryan Act, this legislation will limit the number of committees of the Congress which must be informed of covert action operations.

The provision of Hughes-Ryan which required that the President inform eight committees of the Congress, whose combined membership totals well over one-third of the membership of the Congress (over 200 members on eight committees, not counting staff), of the details of covert action has acted to checkmate the President's use of this important foreign policy tool. This bill will limit this reporting requirement to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence, whose combined membership totals only 31 members.

In the past, both of these committees have established a truly enviable record of security. At the same time, they have provided strong and careful oversight of our intelligence agencies.

Second, this bill will correct what I have long believed to be a most serious defect in the Freedom of Information Act. This act, which has quite properly enabled American citizens to gain information concerning themselves, has also allowed foreign governments to obtain sensitive intelligence information.

Mr. President, many of our potential adversaries have been able to file freedom of information requests with the CIA covering a whole host of areas for which they have no legitimate interest. This bill will limit freedom of information requests to American citizens and permanent resident aliens requesting information on themselves.

Third, this bill will correct an obvious and serious gap in our law that allows traitorous and despicable people to uncover and publish the names of our intelligence officers operating under cover abroad without fear of penalty or punishment. With passage of this legislation, these people will no longer be free to seriously threaten the lives and jeopardize the missions of our intelligence officers in their difficult assignments overseas.

During my time of service on the Intelligence Committee, and during my visits abroad, I have observed the negative effects of the policies and procedures which the passage of this bill will correct. I am absolutely convinced that we must move swiftly and forcefully with these corrections so that we may once again enjoy the benefits of a professional and effective intelligence organization.●

---

By Mr. KENNEDY:

S. 2217. A bill to amend the Foreign Assistance Act of 1961 to provide emergency relief, rehabilitation, and humanitarian assistance for refugees from Afghanistan and refugees in Somalia, and for other purposes; to the Committee on Foreign Relations.

### ASSISTANCE TO AFGHANISTAN AND SOMALIAN REFUGEES

● Mr. KENNEDY. Mr. President, I am introducing legislation today to provide emergency authority to respond to the growing needs of Afghanistan and Somalian refugees.

A massive human crisis is developing in these two nations of major importance to the United States. In Pakistan, over a half million Afghan refugees have now flooded into its northern provinces, and in Somalia some 600,000 refugees have fled from Ethiopia.

It would be a tragic error if we were to focus solely on the military and security issues along this so-called "crescent of crisis," when there is also a human crisis equally compelling—and one that not only poses grave humanitarian problems, but also threatens the area's political and economic stability.

I fully support the recent proposals to provide Pakistan with long-term economic aid as well as military assistance. But we must also be prepared to support substantial humanitarian assistance, to meet the human needs of refugees fleeing the Soviet invasion into Afghanistan. As Pakistan's President has said, the international aid to the Afghan refugees has been "a drop in the ocean." The bill I am introducing will help meet these needs, as well as anticipate a forthcoming appeal for funds from the U.N. High Commissioner for Refugees.

Mr. President, I believe we must learn from the tragedy of Cambodia—where no budget request for additional appropriations was ever received by Congress. We must act now to secure needed legislative authority. We cannot afford to wait for budget clearances that are too little and too late, while hundreds of thousands of refugees starve.

And we should have no problem finding surplus American food, now that President Carter has dumped $2.8 billion in Russian grain back onto the American farmer and taxpayer. The least we can do would be to use this food, to the maximum degree possible, to support famine relief and to expand the Public Law 480 food-for-peace program.

Although the administration is moving on a $5.5 million aid package for Afghan refugees, in response to the situation reported by the UNHCR many months ago, this will clearly be inadequate. Much more will be needed in the days ahead.

Current reports estimate the number of Afghan refugees along the northern border of Pakistan at close to 500,000, with another 400,000 threatening to cross in the weeks ahead, especially if the fighting escalates.

In Somalia, where the Ethiopian Army—equipped with Soviet weapons and reinforced by Cuban troops—has swept through the Ogaden border region, over a half-million refugees have already fled into Somalia, and the numbers are growing each day.

We cannot stand idle in the face of this wave of human tragedy, engulfing critical areas and countries of strategic importance to the United States. We must be prepared to respond immediately to the forthcoming appeals by the UNHCR and others for funds, and to contribute our fair share.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2217

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Special Afghanistan and Somalian Refugee Relief Act"'.

SEC. 2. The Foreign Assistance Act of 1961 is amended by adding at the end of chapter 9 of part I the following:

"SEC. 495I. AFGHANISTAN REFUGEE RELIEF AND REHABILITATION.—(a) The Congress, recognizing that prompt United States assistance is necessary to alleviate the human suffering arising from civil strife in Afghanistan and the armed intervention of foreign troops, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees or other needy people from Afghanistan.

"(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, such sums as may be necessary, which sums are authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491, and shall be distributed to the maximum extent practicable through the United Nations High Commissioner for Refugees and other international agencies.

"(d) Not later than 60 days after the date of enactment of appropriations to carry out this section, and on a quarterly basis thereafter, the President shall prepare and transmit reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programming and obligation of funds under this section.

"SEC. 495J. SOMALIAN REFUGEE RELIEF AND REHABILITATION.—(a) The Congress, recognizing the escalating crisis of refugees in Somalia resulting from the conflict along its borders, authorizes the President to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees or other needy people in Somalia.

"(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, such sums as may be necessary, which sums are authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authority contained in section 491, and shall be distributed to the maximum extent practicable through the United Nations High Commissioner for Refugees and other international agencies.

"(d) Not later than 60 days after the date of enactment of appropriations to carry out this section, and on a quarterly basis thereafter, the President shall prepare and transmit reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and to the Speaker of the House of Representatives regarding the programming and obligation of funds under this section.".●

---

By Mr. JAVITS:

S. 2218. A bill entitled the "Youth Employability Development Act of 1980"; to the Committee on Labor and Human Resources.

S. 2219. A bill to exclude from social security taxes and coverage remuneration paid to certain youths during the first 6 months they are employed; to the Committee on Finance.

### YOUTH EMPLOYABILITY DEVELOPMENT PROGRAM

Mr. JAVITS. Mr. President, I am today introducing a major domestic legislative program to expand and improve upon our Federal youth employment and training programs and to foster new opportunities for private sector employment for unemployed, economically disadvantaged youth. I am submitting two bills for appropriate reference, Mr. President.

The first, the Youth Employability Development Act of 1980, proposes to amend part A of title IV of the Comprehensive Employment and Training Act, and has the following major provisions:

Establishes employability development, remedial education, training and transition to unsubsidized employment as the principal focus of Federal youth employment and training programs;

Encourages locally based partnerships among the public and private employment, training and education organizations serving youth—including private businesses and unions—in order to better coordinate the delivery of employability development services and to more fully involve the private sector;

Fosters collaboration between school districts and local CETA administrators, in order to strengthen the linkages between education and employment and thereby facilitate youths' transition from the classroom to the workplace;

Provides for sharper targeting of Federal funds for youth employment and training to urban and rural areas suffering from chronic youth joblessness, particularly among economically disadvantaged minorities; and

Consolidates existing part A programs and eligibility requirements into a single authorization with a single grant application and formula in order to ease local administrative burdens.

The second bill I am introducing, the Youth Employment Incentive Act of 1980, would provide an important new incentive for private businesses to hire and train unemployed youth by exempting employers of eligible youth—and the youths themselves—from social security payroll taxes for the first 6 months of employment.

### THE SCOURGE OF YOUTH UNEMPLOYMENT

Youth unemployment continues to be, in my judgment, an economic and social calamity in our country. The officially recorded unemployment statistics, which most observers agree grossly understate the magnitude of the problem, are themselves so astonishing as to strain credulity. While Americans are rightly concerned about the fact that aggregate unemployment remained near the 6-percent plateau in 1979, they should be shocked to learn that total youth unemployment has held at 15 percent, and that unemployment among black youth incredibly has been in the 30-percent zone all year. And, of course, the 30-percent figure represents a national average of all black youth; in the inner city poverty areas of our large urban centers, black youth unemployment reaches the ghastly level of 50 percent.

Indeed, the New York regional office of the Bureau of Labor Statistics reported early this month that teenage unemployment in New York City reached an astronomical 35 percent in the third quarter of 1979, an increase of nearly 9 percentage points over the comparable quarter in 1978. This means that black teenage unemployment—which is not recorded separately in New York—must have exceeded 50 percent.

I shudder to think what could happen in our cities this year if the long expected 1980 recession materializes in full force. A severe economic downturn, which would strike the older, less resilient cities the hardest, could wipe out even the scarce job opportunities that remain for poor and minority youth, and deny them any reasonable chance to break out of the poverty syndrome any time soon.

Clearly, persistent severe unemployment among economically disadvantaged minority youth, particularly in the cities, is one of our most critical domestic problems; a timebomb waiting to explode and even more explosive if the economic recession turns out to be as bad as some are predicting.

Staggeringly high levels of joblessness among youth—and minority youth in particular—are by no means restricted to the inner cores of the older cities, though the phenomenon is most pervasively manifested in such areas. Even in tight labor market areas, that is, places characterized by relatively low levels of adult unemployment, idleness among young people is extremely high and a source of great concern locally. The strikingly high levels of structural youth unemployment, in most regions of our country, urban and rural, north and south, suggests that the disease is systemic and multidimensional; and that only broad-spectrum remedies can cure it.

Indeed, the National Commission for Employment Policy has concluded recently ("Youth Employment Policies for the 1980's"—September 26, 1979) that chronic structural youth unemployment in the United States can be attributed to labor market demand-side factors and supply-side factors, as well as to hinderances in the transition process into the labor market and from job to job. On the demand side, the Commission states that a "lack of jobs" for young job seekers is a critically important aspect of the problem. Racial discrimination; structural shifts in the industrial composition of labor market demand, especially from agricultural-manufacturing to the service-clerical occupations; and the collapse of job opportunities in many urban and rural areas, most importantly as a result of the exodus of manufacturing industry from the inner cities where the youth reside; are numbered among the critical demand-side obstacles confronting unemployed youth today.

On the supply-side, the Commission places great emphasis on the woeful skills deficiencies of many unemployed young people that have diminished their employability. Even in areas where jobs are plentiful and newspaper want ads list column after column of attractive, career-oriented opportunities, the lack of basic educational competencies, job training or useful work-experience is a serious impediment to employment.

In addition to these causes, the youth unemployment problem is exacerbated by difficulties encountered in making the transition from school to work and in matching young people with existing job vacancies. The Commission concludes that unemployed young people have little understanding of occupational requirements or of the associated educational prerequisites—they do not know even how or where to look for work.

Endemic youth unemployment in the United States, therefore, is caused by discrete demand and supply side problems which, respectively, make it difficult even for youths who have some skills to get and hold jobs in chronically depressed areas, and exclude the unskilled and undereducated youth from employment opportunities even in areas with strong demands for labor.

The present consequences of these labor market difficulties is the persistent and worsening unemployment situation of youth in our country, particularly of black and Hispanic youth, with all of the attendant heavy costs to society and to the youths themselves. Correlations have been substantiated between youth unemployment and automobile accidents, crime, out-of-wedlock birth and narcotics arrests.

There is near unanimity that prolonged idleness at this critical stage of youths' development—their formative years—can have permanent deleterious effects on the youths themselves, destroying their self confidence, their incentive to seek work and their faith in the American ideal of equal opportunity. The fact that welfare dependency sometimes persists from generation to generation suggests that the paralyzing effects of poverty are heightened considerably by the experience of seemingly interminable unemployment. Should there be any wonder, then, that some young people cross the threshold of adulthood filled with hostility and cynicism—about our country's hallowed promises of individual freedom, human dignity and the opportunity to economic achievement.

This is why it is of the utmost urgency that we act—before it is too late—to make available sufficient resources and to put in place the needed improvements in our existing Federal arsenal of means to combat youth joblessness in our country. Time is running out, for our youth and for ourselves. The malignancy of widespread structural unemployment of our youth has been festering for too long!

### YOUTH EMPLOYABILITY DEVELOPMENT ACT

Accordingly, I am introducing today the Youth Employability Development Act of 1980, which will make the necessary legislative and programmatic improvements in our existing programs and authorize a level of appropriations which will enable us to make real headway in remedying this dread social maladjustment.

The Youth Employability Development Act is based upon the following five principles, which I shall list at this point and explain in greater detail hereafter:

One, that youth employability development—through carefully structured programs in remedial education; skill training; coupled work/study/training; inculcation of good work habits and attitudes; career-oriented employment experience in the public and private sectors with supportive services; offers the most promise for helping unemployed young people to help themselves.

Two, that locally based and locally initiated partnerships among the various employment, training and education organizations and agencies responsible for youth development—including private business and labor unions—are critically important in organizing the delivery of federally funded employability development services for unemployed youth.

Three, that bridges between the classroom and the workplace, forged under CETA auspices for the first time in the "22-percent set-aside" for collaborative, CETA/LEA education-to-work transition programs which was authored by me and the late Senator Hubert Humphrey in 1977, need to be strengthened and expanded as a salutary approach to long-range career development, an objective affirmed by the Carnegie Council in a recent study.

Four, that improved area targeting of Federal youth employment and training programs is essential, given the concentration of unemployment among minorities and the economically disadvantaged, particularly in the older cities and in depressed rural areas.

Five, that some major consolidation of CETA title IV youth programs is justified, to reduce some of the awesome burden of program administration borne by local CETA officials who, in my judgment, have done a herculean job in recent years, particularly in 1978 and 1979, under very trying circumstances.

The Youth Employability Development Act, in its embodiment of these five fundamental principles and in its authorization of $2 billion for fiscal year 1981—for 400,000 annual slots—an increase of $1 billion over fiscal year 1980, would give us a basis for mounting a strategy to attack and overcome the endemic problem of youth unemployment in our country. Together with important improvements in the summer youth employment program and in title VII, the private sector initiative program, which I will describe in a moment, this bill will put us on the right track in giving the youth of America the job chance they need, want, and deserve.

### EMPLOYABILITY DEVELOPMENT

The first key tenet of my bill would have the Congress and the administration, through the Department of Labor and the Department of Education, establish youth employability development as the principle objective of CETA youth programs. In my view and in that of other observers, too much emphasis has been placed upon straight work experience programs, and the result has been that some youth have not experienced much improvement in employability. Recent Labor Department data show that for the period October 1, 1978, to June 30, 1979, only 25 percent of youth program participants were enrolled in work experience programs. Of course, there have been improvements since the enactment of YEDPA in 1977, but we need to promote much more employability development.

In a set of recommendations to be included in its fifth annual report to Congress and the President, and released separately late last year under the title, "Expanding Employment Opportunities for Disadvantaged Youth," the National Commission for Employment Policy states that while subsidized public sector work experience programs "provide income and job opportunities which would not otherwise exist, they appear to have few long-term benefits and a limited ability to integrate youth into the regular labor market." For this reason, the Commission asserts:

> The major objective of federal education, training and employment programs for youth

> should be to improve the long-term employability of these youth, that is, their basic education, work habits, ability to absorb new skills on the job, and other competencies which will permit successful integration into the regular work force.

And in the September 1979 report cited above, the Commission concluded:

> The general arguments for focusing on employability development are that some youth simply will not be hired by employers given their existing characteristics; the benefits to the individual of increasing employability while young can last a lifetime; and the benefits to society can include higher productivity and a better informed citizenry.

Accordingly, sections 411 and 413 of my bill place heavy emphasis on employability development as the principal focus of CETA youth programs. Work experience would continue to be permissible and, of course, remain an integral part of our Nation's effort in this area. But, to the maximum extent feasible such opportunities would have to be coupled with ancillary skill training, remedial education, counseling, supportive servcies, or similar activities. The objective would be to couple training, counseling, or supportive services as much as possible with every work experience position, so participation for 6 months or a year could yield some long-lasting benefits to the youths themselves. The emphasis clearly must be upon transition to unsubsidized employment; this should be the goal CETA program administrators keep before them and the emphasis the Federal Government puts on our youth programs.

In this connection, my bill would require an individual employability development plan for each youth enrolled in these programs so that prime sponsors could tailor the delivery of job and training services to the particular needs of each youth.

### LOCAL PARTNERSHIPS

The second basic principle embodied in the Youth Employability Development Act of 1980 is that collaborative processes should be fostered among the various local agencies and organizations serving youth. We must keep in mind that youth unemployment is everyone's common problem: Not just the schools', or the criminal justice agencies', or the employers' or local governments'. For this reason, the various line institutions that deliver employability development services to youth should try to mount a concerted effort aimed both at improving the scope and quality of the opportunities available to unemployed youth and at organizing the delivery of the necessary remedial and supportive services in a more coherent way.

This is not to imply that local government prime sponsors have failed in their responsibilities for coordinating the delivery of manpower services under CETA. On the contrary, I believe Congress has reaffirmed on several occasions in recent years that "CETA Works"; that local administration of decentralized employment and training programs offers the best hope for tailoring services to meet diverse local needs.

But within that framework greater efforts must be made to reduce some of the overlap and redundancy among institutions that sometimes characterizes local operations. In some instances competition is the rule and cooperation the exception among the various deliverers of services. There is such a multiplicity of organizations serving youth—including the employment service; WIN; title XX social service agencies; education agencies; community-based organizations, and so forth—that absent some determined effort at local harmonization, potential employers and unemployed youth can become bewildered by the disorganized system with which they try to deal. Where employment and training services for youth are delivered in a haphazard fashion we cannot expect much in the way of orderly progress from the youths themselves.

My bill would encourage more orderly arrangements at the local level by requiring maximum involvement of private employers, unions, education agencies, and community-based organizations in the planning and implementation of local programs. More importantly, the local private industry councils (PICs) authorized under CETA title VII would be given new authority to participate in the development of and to review and comment upon the youth plans being developed by local prime sponsors.

A specific example of what could be accomplished with this kind of coordinated planning and implementation can be found at section 413(a)(6)(C), which authorizes followup supportive services for youths placed with private-for-profit firms. Community-based organizations would be encouraged to come in on a contract basis to aid private firms that hire eligible youth by providing the followup supportive services that are so critical in helping youths to hold their jobs. There is entirely too much turnover in the placement of young people, as they drift sometimes aimlessly from job to job. The idea behind this provision would be to give the youths some guidance and counseling during the critical first few months following placement and thereby stabilize their early employment experiences.

The need for better coordination in the delivery of youth services was highlighted recently by Frank Schiff, the vice-president and chief economist of the Committee for Economic Development, in testimony before the Senate Committee on Labor and Human Resources. Dr. Schiff stated:

> Making . . . programs effective, however, calls for much greater cooperation between schools, business, labor unions and other community elements than has typically been the case to date.

Dr. Schiff goes on to say that:

> What is usually still needed is to enlarge the scope of these efforts significantly and to bring them into a cordinated system—a mechanism for assuring continuing commitment that all the parties concerned will actually work together and that the needs of youth will actually be met. Future governmental policies should place especially strong emphasis on supporting effective mechanisms for such collaboration. Second, there is need for much closer and more effective coperation between schools, business, labor, and governmental agencies in identifying job opportunities and skill needs and in matching youths with appropriate jobs or training programs.

And, finally, further confirmation of this need comes from the recent report of the Carnegie Council, entitled "Giving Youth a Better Chance". The council recommends that there be developed in every "sizable" community a council to "bring together school officials and representatives of employers, unions, and public agencies to coordinate programs for youth."

Clearly, then, we need to promote in our Federal youth legislation local coalitions; local partnerships in youth development among businesses, unions, schools, community organizations, and governments. Only with these local collaborative processes will we be able to marshal our resources and galvanize initiative and participation at the local level.

### EDUCATION TO WORK TRANSITION

The third precept underlying the Youth Employability Development Act of 1980—and it is very closely related to principle two, above—is that our best chance for making headway against endemic youth unemployment is to foster the integration of education and work and thereby facilitate youths' transition from school to work.

When Senator Hubert Humphrey and I began saying this in early 1977 and proposed amendments to the Youth Employment Demonstration Projects Act we were breaking new ground in U.S. manpower policy. We were convinced—and today I carry our torch alone, I am sorry to say—that in-school youth could be oriented better for career employment opportunities if the two principal local institutions providing employability development services for youth—CETA and the school systems—could be correlated with appropriate Federal financial incentives. For too long these two institutions provided a bifurcated employment-education system, with little of what can be mutually beneficial collaboration. Indeed, an adversarial process sometimes characterized the interaction between CETA and local education.

So we offered and got adopted our amendment to require CETA prime sponsors to earmark 22 percent of their formula grants for high school work-study and other similar programs for in-school youth which were to be developed and administered jointly by CETA and by local education agencies.

Today, some 3 years later, about $115 million per year is available for this set-aside, and the evidence that has come in demonstrates that the education-work linkage money has had success in encouraging greater collaboration and in helping to bridge the gap between the classroom and the workplace. (CR: February 9, 1979, S1487–S1492; September 24, 1979, S13266–S13271. In short, as the Coleman-Wurzberg report concluded:

> The importance of the YETP 22 percent set-aside cannot be overstated. It has set in motion the forces necessary for genuine collaboration between the education establishment and the employment and training establishment.

By now most agree that cultivating greater collaborative mechanisms between these institutions should be a vitally important priority for U.S. manpower and education policy. And I am convinced that collaboration can be accomplished—and without depriving either institution of its essential identity—because CETA and education have a stake in the success of each other; they can have a symbiotic relationship.

If we can foster stronger ties between school and work, school-age youth will be able to acquire some awarenesses of the world of work and what is to be expected of them. This can make their educational experience more meaningful and more applicable to actual work situations, thereby facilitating their transition from the classroom to the workplace.

Indeed, this was a conclusion of the American Assembly convened last summer under the aegis of Columbia University at Arden House in Harriman, N.Y. The assembly recommended, among other things, that—

> Closer linkages between education and work should be established jointly by schools, employers, and unions through activities such as vocational skill development, programs of cooperative education, vocational exploration, and job placement.

More recently, the Carnegie Council, in the compelling report cited above, urged that efforts be mounted to bring education and work closer together. Expressing "fundamental concern" that "the transition from school to work is very abrupt" and "very long," the council concludes that "We have created what might be called 'compulsory youth'—a substantial time between dependence and independence, a twilight zone of uncertainty and ambiguity of status."

Among the many recommendations for the secondary school level made by the Carnegie Council is included—

> Create work and service opportunities for students through the facilities of the high schools, making performance part of the student record. Create job preparation and placement centers in the high schools that will follow students for their first two years after graduation or other termination.

And the National Commission on Employment Policy, in the previously cited September 1979, report stated as follows:

> The first strategy for improving labor market transitions for youth is to provide more opportunities for them to learn about the world of work and of different careers while they are still young enough to prepare themselves for work. Many youth are simply not aware of the nature and content of adult work roles and the relationship of these roles to their school and nonschool experiences.
>
> A number of techniques for providing this knowledge have been used or proposed. Work experience while in school, vocational training, and career education can be used to make youth more savvy about the work world's requirements and hence more informed, motivated, and effective consumers of the education and training systems.

The big question that inevitably is raised when CETA-education linkages are proposed, of course, is "why CETA?" And the answer is that at the local level CETA is our principal conduit for employment and training services. Local prime sponsors are the hub of the wheel, so to speak, into which all the spokes of labor market services can connect. Together with private employers, CETA and the schools form the essential tripartite network which is the very basis of the transition of young people into the labor market and onto productive careers. While there are examples of employers working directly with the schools to improve the job prospects of youth—the adopt-a-school program in Oakland and the Harbor City learning program in Baltimore are good examples—CETA prime sponsors should be the linchpin, the fulcrum, if such programs are to have a reasonable chance of making a real difference.

I would hope, therefore, that our CETA prime sponsors would view the school-to-work transition programs as an opportunity, not a threat; as a chance to participate collegially with the schools in the work of better preparing our young people for productive careers and rewarding lives.

Accordingly, my bill would make three important modifications in the existing law on the CETA-education relationship.

First, the 22-percent set-aside would remain intact, even as title IV is consolidated in a large program. Thus, with an appropriation of $2 billion for the consolidated program, 65 percent would be allocated to prime sponsors of which 22 percent or about $280 million would be earmarked for jointly administered education-work programs for in-school youth.

On this point of retaining the set-aside, the National Commission is in agreement. It states:

> The 22 percent set-aside under the youth employment and training program * * * should continue to be allocated on the basis of such consultation.

I might emphasize that the requirements for expenditure of these funds would remain largely the same as in existing law, particularly that complete flexibility would continue to be afforded CETA officials and education authorities to work out programs they judge to be compatible with their local situations. Many have suggested that stricter Federal requirements be written into the law to reduce the discretion given to local officials in the negotiation and development of education-work agreements. While I am sympathetic with the concern that specific programmatic guidelines are often necessary, in this instance I believe the 22-percent set-aside should be given the opportunity to continue to develop as it has so far—and in general so well—unencumbered by possibly excessive Federal regulations. As I pointed out above, I have great confidence in the judgment and competence of local officials to administer federally funded employability development programs—they have proven themselves repeatedly in recent years and with the 22-percent set-aside in particular. So why not "let a thousand flowers bloom," with in-school youth programs funded under CETA indigenous to particular localities.

Second, the second major provision in the Youth Employability Development Act on the subject of the school-to-work transition is found at sections 421 and 422. These sections describe a new national grants program in "Exemplary School-to-Work Transition Projects," the purpose of which would be to demonstrate, document and foster the replication of successful projects in transitioning young people from school to unsubsidized employment. For purposes of this new program $50 million would be authorized in fiscal year 1981; $70 million in fiscal year 1982; and $100 million in fiscal year 1983 and beyond.

Procedures for approval of the project application, which would be submitted jointly by local CETA prime sponsors and local education agencies—with the input of the local Private Industry Councils—would be drawn up on the basis of an interagency agreement between the U.S. Department of Labor and the Department of Education. Priority in the approval of applications would be given to areas which have a demonstrated record of effective coordination in administering local programs under the 22 percent set-aside.

The "Exemplary School to Work Transition Projects" program would, therefore, afford us top to bottom collaboration between education and employment in the development and implementation of special programs to serve economically disadvantaged in-school youth; those currently at very high risk of becoming unemployed or of staying unemployed for long periods of time.

Third. In order to provide technical assistance in the development and operation of these projects, and to provide the designated interagency task force with the criteria to be used in selecting among the applications received, the bill would establish a special National Council on Education and Work. The council would be broadly representative of business, labor, educators, and CETA prime sponsors. It would be the national catalyst I believe is so urgently needed to galvanize those individuals and organizations whose participation is so critical to improving the transition process from school to work. We need the expertise and wisdom of our business, labor, education, and local government leaders, and we need to focus it upon this relatively new area of public policy. While I am sure knowledge development will evolve over time in the Federal bureaucracy, I believe we need to have the counsel of those who know how we can organize programs to meet these important objectives. For this reason, the National Council on Education and Work would come into being focused upon this critical need, so well-documented by the Carnegie Council and others.

### IMPROVED AREA TARGETING

The fourth principal element of the bill I am introducing today is designed to sharpen the targeting of Federal youth employment and training funds at those areas of our country where youth joblessness is concentrated. While it is true that idleness among young people can be found everywhere, even in areas of low unemployment, the problem is much more acute in areas suffering from persistent joblessness. As I pointed out above, the overall youth unemployment rate approaches 35 percent in New York City, and is comparable in other distressed urban and rural areas. So long as available Federal resources to combat these and other social ills are scarce, we must have sharper targeting on the areas and individuals most in need.

For this reason, I have proposed at section 420 the establishment of a concentration grant program of targeted employment experience assistance.

In fiscal year 1981 and beyond, $300 million would be authorized for this high impact area grants program, to provide special work experience and training opportunities for eligible youth. Participants would be engaged in various community improvement, social and public service activities, and would be given necessary remedial and skill development to improve their long-term prospects for unsubsidized employment.

Areas eligible to apply for this Federal assistance would be those suffering from substantial and persistent youth unemployment, as determined by a number of criteria set forth in the bill, including loss of population due to lack of employment opportunities; prolonged measured unemployment in excess of 7 percent; and the curtailment or closing of major sources of jobs in the area.

In making these discretionary grants, the Secretary of Labor would be required to consult with the Secretaries of Commerce and Housing and Urban Development, to maximize the interface between local work experience opportunities and local economic development and redevelopment activities. Local private industry councils would be heavily engaged in the preparation of applications in eligible areas, to further strengthen the linkage between work and service opportunities and local economic development efforts.

I believe this targeted grants program could give us the capability we need to pinpoint Federal funds into those areas which are not adequately assisted at present with the title IV distribution formula. And since the available data on area youth unemployment do not appear to be reliable enough to construct a more targeted distribution formula, I believe a discretionary grants program is the proper way to achieve our objectives.

### TITLE IV CONSOLIDATION

The final principle upon which I have based the Youth Employability Development Act is that some consolidation of existing programs is required. The separate programs of YEDPA involve preparation of separate applications by prime sponsors and considerable overlap of administrative procedures.

Our New York State prime sponsors have complained of their enormous paperwork burden and have urged that where possible the various incongruent provisions be conformed.

Accordingly, the bill I am introducing would consolidate the bulk of title IV activities into a single grant application and would establish a single eligibility criteria for all youth programs, to wit: 70 percent of the lower living standard budget. Up to 20 percent of the funds, however, could be expended on programs enrolling young persons who may not meet the eligibility criteria, but who face severe labor market barriers, such as a record of involvement with the criminal justice system or a history of drug addiction.

### SUMMER YOUTH EMPLOYMENT PROGRAM

Mr. President, the Youth Employability Development Act also recommends important improvements in the operation of the summer youth employment program (SYEP). While it is true that in recent years there have been significant improvements in the Federal and local administration of SYEP, I continue to be concerned that not enough is being done to shape up this vital program. Too often the temporary work experience opportunities provided in the summer do not include enough in the way of career exploration, remedial education or training.

Accordingly, my bill would encourage the involvement of local education agencies in the administration of SYEP programs for in-school youth. The idea is to make this experience a part of the overall educational and developmental curriculum for disadvantaged young people, so the summer can be an opportunity for combining work with learning. To help in the achievement of this objective, my bill would permit school administrators, on the basis of agreements with CETA officials, to offer youths vouchers for earning-learning opportunities in the private sector. The vouchers would be refundable by the prime sponsor for the full costs incurred by for-profit firms in providing employment and training for eligible youths during the summer.

Section 485 describes this improvement in SYEP and specifies that local labor organizations would be involved in the design and operation of the job voucher program, so as to safeguard against possible abuses in displacing regular workers. While this is a danger we need to be alert to, I believe it is minimized by the short duration of participation of the students and the fact that they are truly novices.

Summer job/training placements, developed and coordinated by the schools, private employers, and labor organizations and funded fully by CETA, would do much to relate schooling to work and thereby elevate the quality of the summer youth employment program and its benefit to the youths themselves.

### PRIVATE SECTOR INITIATIVES

Finally, Mr. President, I have included in my bill some modifications in the title VII private sector initiative program (PSIP) to strengthen its connection to local economic development activities. An additional $50 million would be authorized for special interagency coordination projects, jointly developed by the Secretaries of Labor, Commerce and Housing and Urban Development.

In addition, section 708(c) of the bill would authorize upgrading and retraining activities under PSIP. Not more than 6.5 percent of the allocated funds could be used for these purposes, and then only upon the expressed commitment of employers to fill the upgraded slots with employees otherwise eligible under the provisions of title VII. This would enable private industry councils to offer private employers "packaged deals," of upgrading and retraining of some of their existing employees in return for hiring and training the economically disadvantaged unemployed.

### THE YOUTH EMPLOYMENT INCENTIVE ACT

The second bill I am introducing today—The Youth Employment Incentive Act—has as its purpose encouraging private business to hire and train economically disadvantaged unemployed youth by excluding the remuneration paid to eligible youth from social security taxes for a maximum period of 6 months.

Under the provisions of this bill, employers who hire eligible persons—economically disadvantaged unemployed youth aged 18 to 25 and students aged 16 to 20 participating in cooperative education programs—would incur no social security tax liability for the first 6 months of the youths employment. Similarly, the youths would pay no social security tax and would not accumulate the applicable quarters of coverage

The idea behind this proposition is to give employers an incentive to hire the target population by first, eliminating what often can be an excessive paperwork burden for employers; and second, sharply cutting a substantial additional payroll cost incurred by employers who hire young people.

If this bill is enacted, prospective employers will be able to hire youth certified as eligible by an appropriate designated local agency and pay no social security tax on their behalf for a maximum of 6 months. This should be a powerful financial and administrative incentive to hire and train unemployed youth. I estimate that the saving to employers could amount to about $180 for youths employed at the minimum wage of about $6,000 per year. The total cost to the social security system would be de minimus, about $18 million if 50,000 youths are hired and $36 million if 100,000 are hired. Of course, however, the new employees would not accumulate credits in the system during the period of their qualification under this subvention.

I might add, Mr. President, that the Carnegie Council report to which I have referred includes a recommendation that would be implemented by enactment of my bill: "Eliminate social security taxes for teenage youth and their employers—making it more profitable for the one to accept employment and the other to offer it."

Mr. President, exclusion of these liabilities, while not representing either a large cost saving to employers or a significant net salary increase for youths, would facilitate their hiring. It would give disadvantaged youth "a leg up" in getting and holding new jobs and, perhaps, reduce the turnover that often characterizes their early employment experience. More importantly, youths would have a better opportunity to obtain private sector employment, and thus have access to career-oriented jobs.

Mr. President, I share the President's view that relieving the scourge of youth unemployment should be a top domestic priority of the Congress in 1980. As the ranking minority Member of the Senate Subcommittee on Employment, Poverty and Migratory Labor, I pledge my unfailing efforts to help secure the passage seasonably of the necessary legislation.

Like 1977, when the Youth Employment and Demonstration Projects Act was enacted, there will be several legislative proposals before us. The Senator from Ohio (Mr. METZENBAUM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. HATCH) and others have introduced important bills. There no doubt will be others and the President's own proposal—the product of a year's work by the Vice-President's Task Force on Youth Unemployment—will be sent up in due course.

In the other body, the chairman (Representative HAWKINS) and the ranking minority Member (Representative JEFFORDS) of the Employment Opportunities Subcommittee have separately introduced significant new youth employment and training legislation.

So we will have before us shortly the best thinking of the administration and the Congress about how we should approach this domestic problem of our time, and I am sanguine that we will be able to have a bill ready for floor action this spring.

But many have begun to despair that anything the Federal Government may do can have much effect in reducing these shameful youth unemployment statistics, particularly in the inner cities where there are just not enough job opportunities. They counsel that severe structural unemployment among minority teenagers is the product of abject poverty, disillusionment, and racial discrimination and therefore defies our best remedial strategies.

I do not agree. We must keep trying.

Generations of minority and other unemployed youths are depending upon us to safeguard the opportunities they want and deserve to break out of the poverty syndrome. Our country's promise and their right is equality of job opportunity; human dignity in a job; and a chance to participate in the work of building a better America—for themselves and their posterity.

Let us bear in mind the stunning and remarkable assertion of the Carnegie Council which I hope we will all hold before us this year in our deliberations on the youth employment legislation:

> As the already advantaged advance, the less advantaged tend to fall farther behind; and social cleavage widens and social unrest accelerates. We are in danger of developing a permanent underclass, a self-perpetuating culture of poverty, a substantial and continuing "lumpen proletariat" in the "home of opportunity where every man is the equal of every man." We are in danger of creating a set of policies that provides a substantially free ride financially for many of the successful and permits, if it does not ensure, a bum's rush for the unsuccessful in the race for life chances.

Mr. President, I feel my colleagues will want to hear those words and want to join together in helping to forge the necessary congressional coalition to meet this appalling social challenge.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the Youth Employability Development Act of 1980 and the Youth Incentive Act.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 2218

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. That this Act may be cited as "The Youth Employability Development Act of 1980."

SEC. 2. Sections 401 through 447 of the Comprehensive Employment and Training Act, hereinafter referred to as "the Act," are amended to read as follows—

"STATEMENT OF PURPOSE

"SEC. 401. It is the purpose of this title to provide a broad range of coordinated employment experience, skill training, and remedial programs for eligible youth in order to improve their future employability.

"DEFINITIONS

"SEC. 402. For purposes of this Title the term "eligible youth" means an economically disadvantaged youth who is (1) either unemployed, underemployed, or in school, and (2) either age 16 to 21 inclusive or, if authorized under regulations of the Secretary, age 14 to 15, inclusive, provided that for determining eligibility under subpart A, income determinations shall be made for the 3 months prior to application. Nothing in this section shall be construed to prohibit the provision of day care for the children of eligible youths.

"PART A—YOUTH EMPLOYABILITY DEVELOPMENT PROGRAM

"STATEMENT OF PURPOSE

"SEC. 411. It is the purpose of this part to provide for Federally funded employment experience, skill training, and remedial programs designed to improve the long-term employability of disadvantaged youths and others with substantial difficulties in obtaining and retaining employment. These programs may include such combinations of work experience, skill training, remedial education, counselling, and supportive and follow-up services as may be deemed needed after an assessment of the needs of the individual. The programs shall be operated to the extent feasible on the basis of collaborative arrangements between prime sponsors and the employment, training, and educational institutions serving youth at the local level and shall be administered in such a way as to make for maximum involvement of educational agencies, community-based organizations, labor-market intermediaries, unions, and private for-profit organizations, all with the end purpose of preparing eligible youth for long-term, stable, unsubsidized employment.

"EMPLOYABILITY DEVELOPMENT PLAN

"SEC. 412. In order to assess the appropriate mixture of education, training, employment, and supportive services needed by each youth receiving assistance under this title, the prime sponsor shall assist each such youth to establish a personalized employability plan. For youths who are enrolled in school, such plans shall be developed pursuant to an agreement with the local educational agency. In establishing such plan, prime sponsors and local educational agencies shall take into consideration the youth's skills, interests, and career objectives, subject to the availability of services, and shall consider the barriers to employment or advancement faced by that youth in order to assist that youth to attain unsubsidized employment.

"PROGRAMS AUTHORIZED

"SEC. 413. (a) The Secretary is authorized to provide financial assistance to eligible applicants to provide employability development opportunities and supportive and follow-up services to eligible youths to promote the transition to unsubsidized employment, including—

"(1) useful and constructive work or career employment experience opportunities, coupled to the maximum extent feasible with ancillary skill training, remedial education, counselling, or other employability development or supportive services, in community improvement and conservation projects and in the provision of socially useful services, but only in accordance with the employability development plan prepared under section 412;

"(2) programs to guarantee part-time employment during the school year and full-time employment during the summer to youths aged 16 to 19 inclusive who resume or maintain attendance in secondary schools for the purpose of acquiring a high school diploma or are enrolled in a program leading to a certificate of high school equivalency and the income of whose family is below the poverty level as determined under criteria established by the Director of the Office of Management and Budget;

"(3) services to prepare the youth to participate effectively in the program, including—

"(A) outreach;

"(B) assessment;

"(C) orientation;

"(4) education related activities, including—

"(A) improvement of educational competencies;

"(B) remedial education;

"(C) literacy training and bilingual education;

"(D) attainment of high school equivalency certificates including provisions of basic skills training;

(5) youth labor market services, including—

"(A) counseling;

"(B) providing information concerning the labor market, including information concerning occupations and the availability of training and other occupational preparation;

"(C) placement, job development, and other assistance to obtain unsubsidized employment and referral to employability development opportunities;

"(D) job sampling, including vocational exploration in the private and public sector and programs aimed at exposing students to actual work experiences through workshops and cooperative education programs;

"(E) institutional and on-the-job training, including inculcation of specific occupational skills and the development of good work habits and attitudes;

"(F) career counseling and programs to increase knowledge of the world of work in general and of the specifics of particular job openings and career options;

"(6) supportive services for youth, including—

"(A) child care;

"(B) transportation assistance;

"(C) follow-up services through cooperative arrangements between employers and the providers of the services, or otherwise, for up to 90 days for youths placed in unsubsidized employment to assist them in retaining such employment, provided that the cost of providing such services shall not be included in any computation of the prime sponsor's cost per placement;

"(7) other youth services, including

"(A) activities promoting education to work transition;

"(B) job restructuring to make jobs more responsive to the objectives of this subpart, including assistance to employers in developing job ladders or new job opportunities for youths, in order to improve work relationships between employers and youths;

"(C) community-based central intake and information services for youth;

"(D) programs to overcome sex-stereotyping in job development and placement; and

"(E) programs and outreach mechanisms to increase the labor force participation rate among minorities and women.

"(b) In order to carry out this subpart, a Governor or a prime sponsor may enter into contracts with project applicants (as defined in section 3(20) or employers organized for profit, but payments to such employers shall not exceed the amounts permitted under section 121(l) or may operate programs directly if, after consultation with community-based organizations and nonprofit groups, a Governor or prime sponsor determines that such direct operation will promote the purposes of this subpart.

"(c) Not more than 20 percent of any eligible applicant's allotment under section 414 may be used to fund a program authorized under subsection (a)(2).

### "ALLOCATION OF FUNDS

"SEC. 414. (a) From the sums available for this part—

"(1) an amount equal to 65 percent of such funds shall be made available to prime sponsors for programs authorized under section 413;

"(2) an amount equal to 2 percent of such funds shall be made available to sponsors of Native American programs qualified under section 302(c)(1) for programs authorized under section 413;

"(3) an amount equal to 2 percent of such funds shall be made available to sponsors of migrant and seasonal farmworker programs qualified under section 303 for programs authorized under section 413;

"(4) an amount equal to 5 percent of such amount shall be made available to Governors for special statewide youth services under subsection (c);

"(5) an amount equal to 15 percent of such funds shall be available only for the special program targeted at areas with high concentrations of youth unemployment authorized under section 420;

"(6) an amount equal to 2.5 percent of such funds in fiscal year 1981, 3.5 percent of such funds in fiscal year 1982, and 5 percent of such funds in the succeeding fiscal years shall be available only for the National Education-Work programs authorized by section 421; and

"(7) the remainder of such funds shall be available for the Secretary's discretionary projects authorized by section 419.

"(b)(1) Amounts available for each of the purposes set forth in paragraphs (1) and (4) of subsection (a) shall be allocated among the States in such a manner that—

"(A) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons within each State as compared to the total number of such unemployed persons in all States;

"(B) 37.5 percent thereof shall be allocated in accordance with the relative number of unemployed persons residing in areas of substantial unemployment (as defined in section 3(2)) within each State as compared to the total number of unemployed persons residing in all such areas in all States; and

"(C) 25 percent thereof shall be allocated in accordance with the relative number of persons in families with an annual income below the low-income level (as defined in section 3(16)) within each State as compared to the total number of such persons in all States.

"(2) In determining allocations under this subsection the Secretary shall use what the Secretary determines to be the best available data.

"(3) Amounts available to prime sponsors under paragraph (1) of subsection (a) shall, out of the total amounts allocated to each State under such paragraph, be allocated by the Secretary among prime sponsors within each State, in accordance with the factors set forth in paragraph (1) of this subsection.

"(c) The amount available to the Governor of each State under paragraph (4) of subsection (a) shall be used in accordance with a special statewide youth services plan, approved by the Secretary, for such purposes as—

"(1) providing financial assistance for employment and training opportunities for eligible youths who are under the supervision of the State;

"(2) providing labor market and occupational information to prime sponsors and local educational agencies, without reimbursement;

"(3) providing for the establishment of cooperative efforts between State and local institutions, including (A) occupational and career guidance and counseling and placement services for in-school and out-of-school youth; and (B) coordination of statewide activities carried out under the Career Education Incentive Act;

"(4) providing for the establishment of cooperative efforts between State and local institutions, including occupational and career guidance and counseling and placement services for in-school and out-of-school youth;

"(5) providing financial assistance for expanded and experimental programs in apprenticeship trades, or development of new apprenticeship arrangements, in concert with appropriate businesses and labor unions or State apprenticeship councils; and

"(6) carrying out special model employment and training programs and related services between appropriate State agencies and prime sponsors in the State, or any combination of such prime sponsors, including subcontractors selected by prime sponsors, with particular emphasis on experimental job training within the private sector.

"(d)(1) Not less than 22 percent of the amount allocated to each prime sponsor under paragraph (1) of subsection (a) of this section shall be used for programs under this subsection.

"(2) The amount available to each prime sponsor under paragraph (1) shall be used for programs for in-school youth carried out pursuant to agreements between prime sponsors and local educational agencies. Each such agreement shall describe in detail the employment opportunities and training and supportive services designed to improve the participant's long-term employability which will be provided to youths who are enrolled or who agree to enroll in a full-time program leading to a secondary school diploma, a junior or community college degree, or a technical or trade school certificate of completion. Each such agreement shall contain provisions to assure that funds received pursuant to the agreement will not supplant State and local funds expended for the same purpose.

"(e) Programs receiving assistance under paragraph (1) of subsection (a) shall give special consideration in carrying out programs authorized under section 413, to community-based organizations (as defined in section 3(4)) which have demonstrated effectiveness in the delivery of employment and training services.

### "ELIGIBLE APPLICANTS

"SEC. 415. Eligible applicants for purposes of this subpart, except section 419, are prime sponsors qualified under section 101, sponsors of Native American programs qualified under section 302(c)(1), and sponsors of migrant and seasonal farmworker programs qualified under section 303.

### "ELIGIBLE PARTICIPANTS

"SEC. 416. Eligible participants for programs authorized under this subpart shall be—

"(1) eligible youths as defined in section 402;

"(2) with respect to programs authorized under section 414(d), youths who are enrolled in secondary schools designated in the agreement made pursuant to section 414(d)(2) and eligible for assistance under section 117 of the Elementary and Secondary Education Act; and

"(3) youths who face substantial barriers to employment under criteria developed by the eligible applicant's youth council; provided that not more than 20 percent of the funds available to any eligible applicant shall be expended for programs for youths qualifying under this paragraph.

### "CONDITIONS FOR RECEIPT OF FINANCIAL ASSISTANCE

"SEC. 417. (a) The Secretary shall not provide financial assistance to an eligible applicant for programs authorized under section 413 unless such eligible applicant provides assurances that the standards set forth in sections 423 and 424 will be met and unless such eligible applicant submits an application in such detail as the Secretary may prescribe. Each such application shall—

"(1) describe the programs, projects, or activities to be carried out with such assistance, together with a description of the relationship and coordination of services provided to eligible participants under this subpart for similar services offered by local educational agencies, postsecondary institutions, the public employment service, the courts of jurisdiction for status and youthful offenders, other youth programs, community-based organizations, businesses and labor organizations consistent with the requirements of sections 121 and 203, and assurances that, to the maximum extent feasible, use will be made of any services that are available without reimbursement by the State employment service that will contribute to the achievement of the purposes of this subpart;

"(2) include assurances that the application will be coordinated to the maximum extent feasible, with the plans submitted under title II, but services to youth under that title shall not be reduced because of the availability of financial assistance under this subpart;

"(3) provide assurances, satisfactory to the secretary, that in the implementation of programs under this subpart, there will be coordination, to the extent appropriate, with local educational agencies, post-secondary institutions, the private industry council established under Title VII, community-based organizations, public assistance agencies, businesses, labor organizations, job training programs, other youth programs, the apprenticeship system the courts of jurisdiction for status and youthful offenders programs, and (with respect to the referral of prospective youth participants to the program) the public employment service system;

"(4) provide assurances that in the implementation of programs under this subpart, there will be coordination, to the extent feasible, with activities conducted under the Career Education Incentive Act;

"(5) provide assurance satisfactory to the Secretary that allowances will be paid in accordance with the provisions of section 124 and such regulations as the Secretary may prescribe for this subpart;

"(6) provide assurances that the Private Industry Council established under title VII of this Act has been given an opportunity to participate in the development of and to review and comment upon the application;

"(7) provide assurances that the application will be reviewed by the appropriate prime sponsor planning council in accordance with the provisions of section 109;

"(8) provide assurances that a youth council will be established under the planning council of such eligible applicant (established under section 109) in accordance with subsection (b) of this section;

"(9) provide assurances satisfactory to the Secretary that effective means will be provided through which youths participating in the projects, programs, and activities may acquire appropriate job skills and be given necessary basic education and training and that suitable arrangements will be established to document the competencies, including skills, education, and training, derived by each participant from programs established under this subpart;

"(10) provide assurances that the eligible applicant will take appropriate steps to develop new job classifications, new occupations, and restructured jobs;

"(11) provide that the funds available under section 414(d) shall be used for programs authorized under section 413 for in-school youth who are eligible participants through arrangements to be carried out by a local educational agency or agencies or postsecondary educational institution or institutions; and

"(12) provide such other information and assurance as the Secretary may deem appropriate to carry out the purposes of this subpart.

"(b) Each youth council established by an eligible applicant shall be responsible for making recommendations to the planning council established under section 109 with respect to planning and review of activities conducted under this part. Each such youth council's membership shall include representation from the local educational agency, local vocational education advisory council, postsecondary educational institutions, business, unions, the public employment service, local government and nongovernment agencies and organizations which are involved in meeting the special needs of youth, the community served by such applicant, the prime sponsor, and youths themselves.

"(c) All programs of work experience for in-school youth shall be designed to improve the long-term employability of such youth and to promote transition to unsubsidized employment. No such program shall be entered into unless an agreement has been made between the prime sponsor and a local educational agency or agencies, after review by the youth council established under subsection (b). Each such agreement shall—

"(1) set forth assurances that participating youth will be provided meaningful work or career employability development experience, which will improve their ability to make career decisions and which will provide them with basic work skills needed for regular employment or self-employment not subsidized under this program;

"(2) be administered, under agreements with the prime sponsor, by a local educational agency or agencies or a postsecondary educational institution or institutions within the area served by the prime sponsor, and set forth assurances that such contracts have been reviewed by the youth council established under subsection (b);

"(3) set forth assurances that job information, counseling, guidance, and placement services will be made available to participating youths and that funds provided under this program will be available to, and utilized by, the local educational agency or agencies to the extent necessary to pay the cost of school-based counselors to carry out the provisions of this in-school program;

"(4) set forth assurances that jobs provided under this program will be certified by the participating educational agency or institution as relevant to the educational and career goals of the participating youths;

"(5) set for assurances that the eligible applicant will advise participating youths of the availability of other employment and training resources provided under this Act, and other resources available in the local community to assist such youths in obtaining employment or self-employment;

"(6) set forth assurances that youth participants will be chosen from among youths who are eligible participants who need work to remain in school, and shall be selected by the appropriate educational agency or institution, based on the certification for each participating youth by the school-based guidance counselor that the work experience provided is an appropriate component of the overall educational program of each youth.

### "REVIEW OF PLANS BY SECRETARY

"SEC. 418. The provisions of sections 102, 104, and 107 shall apply to all programs and activities authorized under section 413.

### "SECRETARY'S DISCRETIONARY PROJECTS

"SEC. 419. (a) (1) The Secretary of Labor is authorized, either directly or by way of contract or other arrangement, with prime sponsors, public agencies, and private organizations to carry out innovative and experimental programs to test new approaches for dealing with the unemployment problems of youth and to enable eligible participants to prepare for, enhance their prospects for, or secure employment in occupations through which they may reasonably be expected to advance to productive working lives. Such programs shall include, where appropriate, cooperative arrangements with educational agencies to provide special programs and services for eligible participants enrolled in secondary schools, postsecondary educational institutions, and technical and trade schools, including job experience, counseling and guidance prior to the completion of secondary or postsecondary education and making available occupational, educational, and training information through statewide career information systems.

"(2) In carrying out or supporting such programs, the Secretary shall consult, as appropriate, with the Secretary of Commerce, the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Agriculture, the Director of the ACTION Agency, and the Director of the Community Services Administration.

"(3) Funds available under this section may be transferred to other Federal departments and agencies to carry out functions delegated to them pursuant to agreements with the Secretary.

"(b) The Secretary and prime sponsors, as the case may be, shall give special consideration in carrying out innovative and experimental programs assisted under this section to community-based organizations (as defined in section 3(4)) which have demonstrated effectiveness in the delivery of employment and training services.

### "TARGETED EMPLOYMENT EXPERIENCE ASSISTANCE

"SEC. 420. (a) The Secretary, in consultation with the Secretary of Commerce and the Secretary of Housing and Urban Development, is authorized to provide financial assistance to prime sponsors whose areas are designated as having concentrated youth unemployment pursuant to subsection (b). Such assistance shall be provided only if such prime sponsor submits an application meeting the requirements of subsection (c).

"(b)(1) the Secretary shall designate as eligible areas those areas in which he determines, upon the basis of uniformly applied standards, that there has existed substantial and persistent youth unemployment for an extended period of time;

"(2) if the Secretary determines that sufficiently reliable data regarding youth unemployment is not available for any or all areas, he may use other criteria to designate areas which he reasonably believes to have high youth unemployment. Such other criteria may include—

"(A) substantial loss of population due to lack of employment opportunities;

"(B) the current rate of unemployment, as determined by appropriate annual statistics for the most recent available calendar year, and the rate for the preceding years if he finds that the annual average rate of unemployment has been substantially above the national average for the period considered; and

"(C) factors related to the loss, removal, curtailment, or closing of a major source of employment which has caused or threatens to cause an unusual and abrupt rise in unemployment.

"(c) Any prime sponsor seeking financial assistance under this section shall submit an application by such date as the Secretary may prescribe which shall contain a detailed description of a work or career employment experience program for eligible youth who are not enrolled in school. Such program shall emphasize work in critical national priority projects, such as energy conservation and development, economic development, housing rehabilitation, and conservation of resources including preservation of public infrastructure capital. Such program shall also include programs, developed in consultation with the Private Industry Council established under title VII, of placement services for youth enrolled in the program and of job-search assistance for youths for the six weeks after they leave the program.

"(d) The Secretary shall allocate assistance among eligible prime sponsors who have submitted applications meeting the requirements of this section in accordance with criteria relating to the severity and extent of youth unemployment.

### "EXEMPLARY SCHOOL TO WORK TRANSITION PROJECTS

"SEC. 421. (a) The Secretary is authorized to make grants to prime sponsors in accordance with the provisions of this section to fund exemplary school to work transition projects. The purpose of these projects shall be to demonstrate improved methods for youth, and particularly disadvantaged youth, to make the transition from school to regular, unsubsidized employment without lengthy or frequent interruptions by periods of unemployment and to provide a means for documenting program results and replicating program models in other contexts.

"(b) Procedures for the approval of projects under this section shall be jointly agreed upon by the Secretary and the Secretary of Education and such procedures shall include provisions—

"(1) requiring that no application shall be approved unless it has been jointly submitted by the prime sponsor and the local educational agency;

"(2) that all applications contain the comments of the Private Industry Council established under Title VII;

"(3) that priority be given to applications from areas having a demonstrated record of effective coordination and cooperation between the prime sponsor and the local educational agency;

"(4) establishing criteria for selection of projects which shall be formulated only after receiving the advice of the National Council on Education and Work established by section 422; and

"(5) that no individual project will be approved until the recommendation of the National Council on Education and Work has been received and considered.

### "NATIONAL COUNCIL ON EDUCATION AND WORK

"SEC. 422. (a) There is hereby established a National Council on Education and Work, hereinafter called 'the Council,' to consist of 15 members to be appointed jointly by the Secretary and the Secretary of Education. The members shall be representatives of business (including small business), labor, education, community service organizations and prime sponsors.

"(b) The functions of the Council shall be—

"(1) to advise the Secretary and the Secretary of Education on selection criteria for grants under section 421 and the approval of applications for grants under section 421;

"(2) to provide technical assistance on school to work transition issues and otherwise to promote collaboration among education, work, government and social organizations at the national, state and local levels;

"(3) to develop school to work transition program models and exemplary education-work linkage mechanism; and

"(4) to collect and disseminate information about successful programs and to issue annual reports on the status of education-work collaboration and the effectiveness of school to work transition programs and policies;

"(c) (1) The Council may adopt such rules and regulations as it deems necessary and may appoint and fix compensation of an executive director but not at a rate to exceed that established for level V of the Executive Schedule by title 5, United States Code; (2) The Council may accept in the name of the United States and employ or dispose of gifts or bequests to carry out the functions of the Commission under this Title.

"(d) The Secretary and the Secretary of Education are authorized to make available to the Council such secretarial, clerical, and other assistance as the Council may require to carry out its functions.

### "WAGE PROVISIONS

"SEC. 423. Rates of pay under this part shall be no less than the higher of—

"(1) the minimum wage under section 6 (a) (1) of the Fair Labor Standards Act of 1938, but in the case of an individual who is 14 or 15 years old, the wage provided in accordance with the provisions of subsection (b) of section 14 of the Fair Labor Standards Act of 1938;

"(2) the State or local minimum wage for the most nearly comparable employment, but in the case of an individual who is 14 or 15 years old the wage provided in accordance with the applicable provisions of the applicable State or local minimum wage law; or

"(3) the prevailing rates of pay, if any, for occupations and job classifications of individuals employed by the same employer, except that—

"(A) whenever the prime sponsor has entered into an agreement with the employer and the labor organization representing employees engaged in similar work in the same area to pay less than the rates provided in this paragraph, youths may be paid the rates specified in such agreement;

"(B) whenever an existing job is reclassified or restructured, youths employed in such jobs shall be paid at rates not less than are provided under paragraph (1) or (2), but if a labor organization represents employees engaged in similar work in the same area, such youths shall be paid at rates specified in an agreement entered into by the appropriate prime sponsor, the employer and the labor organization with respect to such reclassified or restructured jobs, and if no agreement is reached within thirty days after the initiation of the agreement procedure referred to in this clause the labor organization, prime sponsor, or employer may petition the Secretary, who shall establish appropriate wages for the reclassified or restructured positions, taking into account wages paid by the same employer to persons engaged in similar work;

"(C) whenever a new or different job classification or occupation is established and there is no dispute with respect to such new or different job classification or occupation, youths to be employed in such jobs shall be paid at rates not less than are provided in paragraph (1) or (2), but if there is a dispute with respect to such new or different job classification or occupation, the Secretary, shall within 30 days after receipt of the notice of protest by the labor organization representing employees engaged in similar work in the same area, make a determination whether such job is a new or different job classification or occupation; and

"(D) in the case of projects to which the provision of the Davis-Bacon Act (or any Federal law containing labor standards in accordance with the Davis-Bacon Act) otherwise apply, the Secretary is authorized, for projects financed under subparts 2 and 3 under $5,000, to prescribe rates of pay for youth participants which are not less than the applicable minimum wage but not more than the wage rate of the entering apprentice in the most nearly comparable apprenticeable trade, and to prescribe the appropriate ratio of journeymen to such participating youths.

### "SPECIAL CONDITIONS

"SEC. 424. (a) The Secretary shall provide financial assistance under this part only if he determines that the activities to be assisted meet the requirements of this section.

"(b) The Secretary shall determine that the activities assisted under this part—

"(1) will result in an increase in employment opportunities over those opportunities which would otherwise be available;

"(2) will not result in the displacement of currently employed workers (including partial displacement such as reduction in the hours of nonovertime work or wages or employment benefits);

"(3) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

"(4) will not substitute jobs assisted under this part for existing federally assisted jobs;

"(5) will not employ any youth when any other person is on layoff by the employer from the same or any substantially equivalent job in the same area; and

"(6) will not be used to employ any person to fill a job opening created by the act of an employer in laying off or terminating employment of any regular employee, or otherwise reducing the regular work force not supported under this part, in anticipation of filling the vacancy so created by hiring a youth to be supported under this part.

"(c) The jobs in each promotional line will in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public services not subsidized under this Act and no job will be filled in other than an entry level position in each promotional line until applicable personnel procedures and collective-bargaining agreements have been complied with.

"(d) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under the program for which an application is being developed for submission under this part, such organization shall be notified and shall be afforded a reasonable period of time prior to the submission of the application in which to make comments to the applicant and to the Secretary.

"(e) Activities funded under this part shall meet such other standards as the Secretary may deem appropriate to carry out the purposes of this Act.

"(f) Funds under this part shall not be used to provide full-time employment opportunities (1) for any person who has not attained the age with respect to which the requirement of compulsory education ceases to apply under the laws of the State in which such individual resides, except (A) during periods when school is not in session, and (B) where employment is undertaken in cooperation with school-related programs awarding academic credit for the work experience, or (2) for any person who has not attained a high school degree or its equivalent if it is determined, in accordance with procedures established by the Secretary, that there is substantial evidence that such person left school in order to participate in any program under this part.

"(g) Appropriate efforts shall be made to ensure that youths participating in programs, projects, and activities under this part shall be youths who are experiencing severe handicaps in obtaining employment, including but not limited to those who lack credentials (such as a high school diploma), those who require substantial basic and remedial skill development, those who are women and minorities, those who are veterans of military service, those who are offenders, those who are handicapped, those with dependents, or those who have otherwise demonstrated special need, as determined by the Secretary.

"(h) The Secretary is authorized to make such reallocation as the Secretary deems appropriate of any amount of any allocation under this part to the extent that the Secretary determines that an eligible applicant will not be able to use such amount within a reasonable period of time. Any such amount may be reallocated only if the Secretary has provided 30 days' advance notice of the proposed reallocation to the eligible applicant and to the Governor of the State of the proposed reallocation, during which period of time the eligible applicant and the Governor may submit comments to the Secretary. After considering any comments submitted during such period, the Secretary shall notify the Governor and affected eligible applicants of any decision to reallocate funds, and shall publish any such decision in the Federal Register. Priority shall be given in reallocating such funds to other areas within the same State.

"(i) The provisions of section 121(g) (1) (C) shall apply to this part.

### "ACADEMIC CREDIT, EDUCATION, CREDIT, COUNSELING AND PLACEMENT SERVICES, AND BASIC SKILLS DEVELOPMENT

"SEC. 425. (a) In carrying out this part, appropriate efforts shall be made to encourage the granting by the educational agency or school involved of academic credit to eligible participants who are in school.

"(b) The Secretary, in carrying out the purposes of this part, shall cooperate with the Secretary of Education to make suitable arrangements with appropriate State and local education officials whereby academic credit may be awarded, consistent with applicable State law, by educational institutions and agencies for competencies derived from work experience obtained through programs established under this part.

"(c) All activities assisted under this part, pursuant to such regulations as the Secretary shall prescribe, shall provide appropriate counseling and placement services designed to facilitate the transition of youth from participation in the project to (1) permanent jobs in the public or private sector, or (2) education or training programs.

### "DISREGARDING EARNINGS

"SEC. 426. Earnings and allowances received by any youth under this part shall be disregarded in determining the eligibility of the youth's family for, and the amount of, any benefits based on need under any Federal or federally assisted programs.

### "RELATION TO OTHER PROVISIONS

"SEC. 427. The provisions of title I shall apply to this part, except that in lieu of the 1,000 hour limitation in section 121(i), work experience programs under this part shall not exceed 1 year.

### "AUTHORIZATION OF APPROPRIATION

"SEC. 428. (a) There are authorized to be appropriated $2 billion for fiscal year 1981 and such sums as may be necessary for the three succeeding fiscal years to carry out this Part."

"(b) (1) For the purpose of affording adequate notice of funding available under this

Part, appropriations under this Part are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation.

"(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 3. Part C of title IV of the Act is amended by adding at the end thereof the following new sections—

"IN-SCHOOL PROGRAM

"SEC. 485. (a) Any program under this part for youth who were enrolled in school prior to the summer shall be carried out pursuant to an agreement between the local educational agency and the prime sponsor. The agreement shall provide that the local educational agency may enroll youths into the program before the beginning of the summer and that it may select a specified number of youth for the special voucher program authorized by section 486. Such agreement shall also establish a special program of counseling for youths eligible for the special voucher program to enable them to find employment related to their career goals or that will provide them with significant new exposure to the labor market. The agreement shall also provide opportunities for labor organizations to make recommendations concerning employer participation in the program.

"SPECIAL VOUCHER PROGRAM

"SEC. 486. (a) Local educational agencies may, pursuant to an agreement with the prime sponsor, issue summer employment vouchers to eligible youth enrolled in school during the academic year before the summer for which the voucher is applicable, Such voucher shall have a face value equal to the product of the minimum wage under section 6(a)(1) of the Fair Labor Standards Act and the expected number of hours of work to be offered to participants under the regular summer youth employment program.

"(b) Vouchers issued pursuant to subsection (a) may be redeemed by any employer, whether organized for profit or not, by presentation to the prime sponsor during the calendar year in which it was issued in an amount (but in no event greater than its face value) equal to the number of hours during the months of June through September that the employer has employed the youth to whom the voucher was issued multiplied by the minimum wage specified in section 6(a)(1) of the Fair Labor Standard Act."

SEC. 4. Title VII of the Act is amended by adding the following new sections at the end thereof—

"INTERAGENCY COORDINATION PROJECTS

"SEC. 707. (a) In addition to the activities authorized under section 705, prime sponsors shall establish programs to coordinate activities under this title with economic development programs receiving Federal financial assistance under other laws.

"(b) The Secretary, in conjunction with the Secretary of Commerce and the Secretary of Housing and Urban Development, is authorized to provide financial assistance to programs under this title which prepare individuals for, and place them in, employment related to economic development activities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 708. There are appropriated such sums as may be necessary for fiscal year 1981 and each of the three succeeding fiscal years to carry out this title (other than section 707).

"(b) There are authorized to be appropriated $50 million for fiscal year 1981 and each of the three succeeding fiscal years to carry out the provisions of section 707."

SEC. 5. Section 705 of the Act is amended by adding at the end thereof the following new subsection—

"(c) Activities under this section may include upgrading and retraining in accordance with the provisions of title II–C. Not more than 6.5 percent of the funds available for this title may be used for programs under this subsection and no employer may participate in such a program unless he agrees that he will hire one economically disadvantaged person for every employee participating in the upgrading or retraining program."

CONFORMING AMENDMENT

SEC. 6. (a) The table of contents of the Act is amended by striking out sections 401 to 447 of title IV and inserting in lieu thereof the following:

"Sec. 401. Statement of purpose.
"Sec. 402. Definitions.

"PART A—YOUTH EMPLOYABILITY DEVELOPMENT PROGRAM

"Sec. 411. Statement of purpose.
"Sec. 412. Employability development plan.
"Sec. 413. Programs authorized.
"Sec. 414. Allocation of funds.
"Sec. 415. Eligible applicants.
"Sec. 416. Eligible participants.
"Sec. 417. Conditions for receipt of financial assistance.
"Sec. 418. Review of plans by secretary.
"Sec. 419. Secretary's discretionary projects.
"Sec. 420. Targeted employment experience assistance.
"Sec. 421. Exemplary school to work transition projects.
"Sec. 422. National council on education and work.
"Sec. 423. Wage provisions.
"Sec. 424. Special conditions.
"Sec. 425. Academic credit, education credit, counseling and placement services, and basic skills development.
"Sec. 426. Disregarding earnings.
"Sec. 427. Relation to other provisions.
"Sec. 428. Authorization of appropriations.".

(b) The table of contents of the Act is amended by inserting immediately after the item pertaining to section 484 of part C of title IV the following:

"Sec. 485. In-school program.
"Sec. 486. Special voucher program.".

(c) The table of contents of the Act is amended by inserting immediately after the item pertaining to section 706 of title VII the following:

"Sec. 707. Interagency coordination projects.
"Sec. 708. Authorization of appropriations.".

---

S. 2219

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 209 of the Social Security Act is amended—

(1) by striking out "or" at the end of subsection (o),

(2) by striking out the period at the end of the subsection (p) which was added by section 351(a)(2)(A) of Public Law 95–216, and inserting in lieu of such period a semicolon.

(3) (A) by redesignating as subsection (q) the subsection (p) which was added by section 3(c) of Public Law 95–472, and (B) striking out the period at the end thereof and inserting in lieu thereof "; or", and

(4) by adding after subsection (q) (as redesignated by paragraph (3)) the following new subsection:

"(r) In the case of the calendar year 1981 or 1982, remuneration paid in the calendar year by an employer for services performed in full-time employment by an eligible youth (as defined in the succeeding sentence) during the months (if any) which are included in the first six of the months, in the period consisting of such year and the preceding calendar year, for each of which the youth performed such services for such employer. For purposes of this subsection, the term 'eligible youth' means an individual who, at the time the services referred to in the preceding sentence were performed by him, was, pursuant to section 51 of the Internal Revenue Code of 1954, certified (A) by the designated local agency as being an 'economically disadvantaged youth' (as that term is defined in subsection (d)(3) of such section), or (B) as a (i) 'youth participating in a qualified cooperative education program' (as that term is defined in subsection (d)(8) of such section) by the school participating in such program, or (ii) is certified by such school as being an individual who would be a 'youth participating in a qualified cooperative education program' (as so defined) if the number '19', as contained in subdivision (A)(i) of such subsection (d)(8), were '20'. In determining, for purposes of this subsection, whether an individual performs services in full-time employment during any period, hours in such period during which such individual participates in such a qualified cooperative education program shall be regarded as hours of employment.".

(b) Section 3121(a) of the Internal Revenue Code of 1954 (relating to definition of "wages" for purposes of the Federal Insurance Contributions Act) is amended—

(1) by striking out "or" at the end of paragraph (17),

(2) by striking out the period at the end of paragraph (18) and inserting in lieu thereof "; or", and

(3) by adding after paragraph (18) the following new paragraph:

"(19) in the case of the calendar year 1981 or 1982, remuneration paid in the calendar year by an employer for services performed in full-time employment by an eligible youth (as defined in the suucceeding sentence) during the months (if any) which are included in the first six of the months, in the period consisting of such year and the preceding calendar year, for each of which the youth performed such services for such employer. For purposes of this paragraph, the term 'eligible youth' means an individual who, at the time the services referred to in the preceding sentence were performed by him, was, pursuant to section 51, certified (A) by the designated local agency as being an 'economically disadvantaged youth' (as that term is defined in subsection (a)(3) of such section), or (B) as (i) a 'youth participating in a qualified cooperative education program' (as that term is defined in subsection (a)(8) of such section) by the school participating in such program, or (ii) is certified by such school as being an individual who would be a 'youth participating in a qualified cooperative education program' (as so defined) if the number '19', as contained in subdivision (A)(i) of such subsection (d)(8), were '20'. In determining, for purposes of this paragraph, whether an individual performs services in full-time employment during any period, hours in such period during which such individual participates in such a qualified cooperative education program shall be regarded as hours of employment.".

(c) During any period for which the provisions of section 3121(a)(19) of the Internal Revenue Code of 1954 are applicable, any agency which is a designated local agency for purposes of section 51 of such Code and any school participating in a qualified cooperative education program (as described in such section) is authorized to make certifications as may be necessary to carry out the provisions of such section 3121(a)(19).

---

By Mr. NELSON (for himself, Mr. Baucus, Mr. Heinz, and Mr. Stewart):

S. 2220. A bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from the gross estate of a decedent of a portion of the value of certain interests in a farm or trade or business if the spouse or children of the decedent materially participate in such farm or trade or business; to the Committee on Finance.

### FAMILY BUSINESS PROTECTION ACT OF 1980

● Mr. NELSON. Mr. President, today I am introducing a proposal to change current Federal estate tax laws so that up to one-half the value of a family-owned business or a maximum of $500,000 would be exempt from tax.

Current law allows the equivalent of a $175,000 exemption from Federal estate taxes. This measure, the National Family Business Preservation Act of 1980, would increase this exemption by $325,000 for heirs of a family-owned business. An heir would earn a 5-percent ownership interest for each year he or she worked in the family business. An heir could accumulate a maximum 50-percent ownership interest in the business, not to exceed $325,000 in value, by working 10 years in the business. In order to qualify for the exemption at all, family heirs would be required to actively work in the family business for a minimum of 5 years following inheritance of the business.

At last week's White House Conference on Small Business, 1,625 delegates from every State in the United States, voted as their third highest priority the preservation of the family-owned business. If small business is the backbone of our Nation's economy, then, family-owned businesses are the heart and soul of our small and independent free enterprise system. However, our family-owned businesses are in greater jeopardy than ever before.

The sad fact is that double-digit inflation has pushed family businesses that were too small to pay estate taxes into extremely high tax brackets. The result has been that heirs of these enterprises have been forced out of business in order to pay stiff Federal estate taxes.

Inflation and the increase of economic concentration through conglomerate mergers has seriously imperiled the maintenance of family farms and businesses of all kinds. Our existing tax structure has the effect of subsidizing the growth of big business usually at the expense of small and independent enterprise. Present tax laws encourage those who own an interest in small business to sell out to large companies because the acquiring company may exchange its stock for the stock of the small business. The entire transaction is tax free. What we are witnessing today is a major threat to the very survival of our free and independent enterprise system.

For example, in 1976, small companies—those with assets of less than $1 million—accounted for nearly three-fourths of all companies which were the victims of mergers and acquisitions. And half of the acquiring firms were large companies—those with assets exceeding $100 million.

Moreover, the concentration of corporate control of manufacturing assets in this country has risen dramatically in recent years. In 1969, 50 percent of all assets and 59 percent of all profits in the country were controlled by the 451 largest corporations. By 1976, 70 percent of all assets and 72 percent of all profits were controlled by these companies. As a matter of public policy, it is imperative that Congress reassess the fundamental values on which this Nation has been built.

We all know the contribution that small and independent businesses make to our national economy. These independent and small businesses provide 52 percent of all employment in the United States. They make up 48 percent of the business output and 43 percent of the GNP. They represent 97 percent of all American businesses. The contribution small and independent business makes to our economic well-being is even more startling when we consider where most of our Nation's job creation takes place. From 1969 to 1976, 99 percent of the total increase in employment occurred in firms other than Fortune 1000. A recent MIT study found that 77 percent of the employment growth in the economy from 1969 to 1976 came from firms with fewer than 50 employees.

In a landmark study of innovation some 12 years ago, a blue-ribbon panel from Government, academia and business backgrounds found that over half of all U.S. inventions were accounted for by small business and individual inventors. The significance of this major contribution to technology and innovation is even more compelling when we view the results of a recent National Science Foundation study. According to the study, small businesses are 24 times more innovative per dollar invested than larger companies.

This measure would provide tax relief to more than 90 percent of our Nation's family-owned businesses, allowing them to continue their many contributions to the American economy—creating more jobs, advancing technology and innovation, and increasing our productivity.

Family-owned businesses are an integral and vital component of our economy and society. As a source of entrepreneurial spirit and for their many contributions in the fields of technology, innovation and social advancement, family-owned small businesses must be preserved and protected. The family business is a source of pride which gives the family a personal sense of freedom, accomplishment and pride in ownership. The perpetuation of the family business in America is of significant importance to the survival of free enterprise that has built the foundation of our country and economy.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2220

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) this Act may be cited as the "Family Business Protection Act of 1980".

Sec. 2. Part III of subchapter A of chapter II of the Internal Revenue Code of 1954 (relating to gross estates) is amended by adding after section 2040 the following new section:

"Sec. 2040A. Family Business Interests

"(a) General Rule.—The value included in the gross estate with respect to such interest by reasons of this section shall be—

"(1) the value of such interest, reduced by.

"(2) the section 2040A value of such interest.

"(b) Limitations.—

"(1) 50 percent minimum exclusion.—In no event shall the application of this section and section 2040(c) result in the inclusion of the decendent's gross estate of less than 50 percent of the value of such interest.

"(2) Aggregate reduction.—The aggregate decrease in the value of the decedent's gross estate resulting from the application of this section and section 2040(c) shall not exceed $500,000.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) Section 2040A property defined.—The term 'section 2040A property' means any interest in any real or tangible personal property which is devoted to use as a farm or used for farming purposes (within the meaning of paragraphs (4) and (5) of section 2032A (e)) or is used in any other trade or business and is passed to the spouse or any child of the decedent (or both)

"(2) Section 2040A value.—The term 'section 2040 value' means—

"(A) the value of the interest (determined without regard to this section), reduced by—

"(B) 5 percent for each taxable year in which the spouse materially participated in the operation of the farm or other trades or business and 5 percent for each taxable year in which any child of the decedent materially participated in the farm or other trade or business.

For purposes of subparagraph (B) and subject to the provisions of subsection (d), any individual who has materially participated in the farm or other trade or business during the taxable year in which the date of death of the decedent occurs shall be treated as having materially participated in such farm or trade or business during the 5 succeeding taxable years.

"(3) Material participation.—The term 'material participation' shall be determined in a manner similar to the manner used for purposes of paragraph (1) of section 1402 (a) (relating to net-earnings from self-employment).

"(4) Child.—The term 'child' includes a stepchild and adopted child of the decedent.

"(d) Tax Treatment of Dispositions and Failure to Use.—

"(1) Imposition of additional tax.—If, within 5 years after the decedent's death, the spouse or any child of the decedent—

"(A) disposes of any interest in section 2040A property (other than by a disposition to the spouse or any child), or

"(B) ceases to use the section 2040A property as a farm or for farming purposes or in a trade or business.

"(2) Amount of additional tax.—The amount of the additional tax imposed by paragraph (1) shall be an amount equal to the excess of—

"(A) the amount of the tax which would

have been imposed by section 2001 determined without regard to this section, over

"(B) the amount determined under section 2001 with regard to this section.".

(b) The table of sections for part III of subchapter A of chapter II of such Code is amended by inserting after the item relating to section 2040 the following new item:

"SEC. 2040A. FAMILY BUSINESS INTERESTS.".

SEC. 3. The amendments made by this Act shall apply to the estate of decedents dying after December 31, 1979.●

---

By Mr. WEICKER (for himself, Mr. HAYAKAWA, and Mr. HATCH):

S. 2221. A bill to amend the Internal Revenue Code of 1954 to increase from 60 percent to 80 percent the deduction allowed to individuals with respect to net capital gain from investment in small business; to the Committee on Finance.

### SMALL BUSINESS CAPITAL GAINS TAX REDUCTION ACT

● Mr. WEICKER. Mr. President, I am pleased to join with Senators HAYAKAWA and HATCH introducing the Small Business Capital Gains Tax Reduction Act. This legislation provides that gains realized on investments in small businesses will be taxed at one-half the capital gains tax rate for investments in other assets. The reduction will stimulate risk capital investment and will help to produce a strong and vigorous economy, not by Government fiat, but by the efforts of ambitious men and women operating in a free enterprise system.

A major problem which we in Congress must confront during the decade is the concentration of economic power in the hands of a few businesses, which in turn are controlled by relatively few individuals. The top 100 fortune firms control the same share of manufacturing assets that the top 200 did 30 years ago. Put simply, this means that today the same amount of the Nation's capital assets are concentrated in half as many hands. The top 200 firms now control 61 percent of the Nation's manufacturing and mining assets, which is the same percentage share owned by the top 1,000 enterprises at the start of World War II. Meanwhile, Small- and medium-sized businesses today control less than 27 percent of this country's corporate assets, whereas they owned nearly twice as much in 1960.

This increased economic power in the hands of a few of our Nation's largest businesses has not come about due to efficient operations. Instead, it has come about due to the purchase of small businesses by larger businesses. Nearly 74 percent of those businesses acquired by merger or acquisition in 1976 had assets of less than $1 million, while almost half of the acquiring companies had assets in excess of $100 million. In short, large firms are buying out their potential competitors. Small businesses, have found it more attractive to sell out than to exist as independent entities.

This increased concentration carries significant social and political, as well as economic, complications. Fewer and fewer decisionmakers are determining matters affecting what Americans wear, eat and read. Decisions are being made by people located hundreds of miles away from the workers and communities over which power is being exercised. And as more and more distance is placed between the decisionmakers and those who their decisions affect, the frustrations of those affected grow and grow as these people come to feel that they have no degree of control over matters which concern them.

There are also political consequences accompanying this concentration of economic power. There is a direct correlation between the size and wealth of a business and its ability to influence the political process. The Federal bailout of Chrysler is proof of this fact. It is an unfortunate commentary on our times that the larger the size of the business and the greater its wealth, the better able it is to make its voice heard in the halls of Government.

At the same time that a few big businesses are acquiring more and more power in this country, control of these large corporations is becoming more concentrated. In the last 6 years there has been an 18-percent decline in the number of American stockholders. A recent survey shows that there will be relatively few new stockholders in the immediate future; in fact, only 2 percent of those persons who have never owned stock intend to acquire stock within a year. The individual investor has been replaced by financial institutions. Institutions which owned, by value, only 15 percent of the New York Stock Exchange common stock 30 years ago now own more than 33 percent. The tragedy of this fact is that because the individual's stake in the economic system has been sharply curtailed, he is less likely to fight to protect it. This alarming trend threatens to undermine the very essence of our free enterprise system.

At the same time, small businesses are finding it increasingly difficult just to survive. Statistics show that 55 percent of all businesses fail within their first 5 years of existence. According to the Administrative Office of the U.S. Courts, which tabulate unincorporated and incorporated business failures, there were over 30,000 business failures in 1975; more than 35,000 in 1976; more than 32,000 in 1977; and approximately 31,000 in 1978. Nothing in the present period of economic weakness can lead anyone to believe that the number of small businesses which fail annually will not increase.

These small businesses which fail by the droves accounted for more than 90 percent of the new jobs in the economy in the last decade; 55 percent of all jobs in the private sector; approximately one-half of U.S. innovations and inventions of the 20th century; 48 percent of business output (gross domestic product); and 43 percent of the gross national product.

Our economy relies on small business for competition, stability, and growth. The competitiveness of small firms combats inflation by keeping prices down and finding lower-cost substitutes.

The Nation depends on small business for economic growth. The experts say 40 to 50 percent of all economic growth comes from innovation, and one-half of all innovation comes from small business.

Small businesses are the job creators in the economy, developing 6 million new jobs between 1969 and 1976, while the thousand largest firms provided no employment increase.

People who pay taxes to the Federal Government and to every city and town have a tremendous stake in a healthy small business climate. Testimony on capital formation before the Senate Small Business Committee last year showed that for each $100 of equity capital invested there is a return of $35 per year in Federal, State, and local taxes.

Despite the importance of small business to our free enterprise system, the Federal Government allows them to go out of business by the thousands without lifting a finger. If anything, the Government hinders small business. Witness the redirecting of $3.5 billion in capital resources from healthy sectors of our economy to aid a mismanaged Chrysler. This aid will exacerbate already tight credit conditions. Thousands of small businesses will go belly-up in the rough economic weather ahead—not as a result of mismanagement, but instead for lack of capital.

In an attempt to reverse the trend toward economic concentration, numerous antitrust bills have been introduced in Congress. Additionally, the Department of Justice has taken many companies to court, at great cost to the taxpayer. As of last February, the Government, as part of its fight against monopolies, had spent over $15 million on two cases alone: $11.5 million on the prosecution of the IBM antitrust case and $3.8 million on the A.T. & T. case. An additional $600,000 was allocated for 1979 for the IBM litigation and $1.6 million for the A.T. & T. prosecution.

Unfortunately, these highly publicized legislative proposals and Government actions are designed to treat the symptoms of the disease rather than to effect a cure of the illness. The cure for this illness lies in strengthening existing smaller and medium sized firms and ensuring that these businesses are able to grow and compete with the older, established businesses.

The American economic philosophy is predicated on a free market system in which all businesses, large or small, can compete on an equal footing. It is through the creation of an economic environment in which small business can thrive and prosper that the competition necessary to arrest the growth of economic concentration will be developed. Small business, not Government, will provide the solution to the problems created by increased economic concentration.

However, to enable small businesses to fulfill this function, they must have access to capital. Investors have turned away from investments in small businesses because the risk-to-reward ratio has been altered over the past few years. The risk inherent in investing in a small business has been increased by the economic uncertainties caused by inflation, increased Federal regulations, and a breakdown in the distribution system for small business securities. At the same time, Federal tax policies have reduced the possible rewards to be reaped by the investor.

The Small Business Capital Gains Tax Reduction Act addresses the problems by increasing the potential rewards to be reaped by investors in small businesses. Unlike large corporations, small companies generally do not declare dividends. Thus, investors in small businesses will profit from their investments only if the company grows and succeeds. Yet, under existing law, investments in small firms are taxed at the same rate as investments in large corporations or tax shelters. There is no incentive for investment in small, innovative firms which do not offer the security, or certainty of profit, that large corporations do.

This legislation increases the potential for reward by providing that gains realized on investments in small businesses will be taxed at one-half the capital gains tax rate for investments in other assets. Thus investors in small businesses—and not in established stocks and tax shelters—will be rewarded, thereby providing an incentive for investment in the backbone of our Nation's economy.

Under the Small Business Capital Gains Tax Reduction Act, there would be an exclusion from taxation of 80 percent, instead of 60 percent as under present law, of the gain realized from the sale of an interest in a qualifying small business. Only investments in domestic trades or businesses, whether or not incorporated, which have a net equity of $25 million or less would qualify for the reduced capital gains tax rate under this bill. This size limitation is based on the findings made by the 1977 SBA task force on venture and equity capital. The targeting of the benefits of this legislation to small businesses not only provides an incentive for investment in small, growing companies, but it also minimizes the revenue impact.

The taxpayer is given the option of taking the 80-percent deduction on gains realized from an investment in a small business. If the taxpayer does elect to take the favorable treatment, a separate computation of the gain from a small business investment would be made. It is expected that the Secretary of the Treasury would promulgate regulations indicating that the filing of the separate computation alone would signify that the election had been made.

Mr. President, Congress took a promising first step toward reinvigorating our stagnant economy when it reduced the capital gains tax rate in 1978. Yet our capital gains rate remains, with the exception of Great Britain, the highest in the West. I urge my colleagues to join in supporting the legislation I am introducing today to stimulate investment in our Nation's smaller businesses. This will result in a strong and vigorous economy by promoting competition and arresting the growth of economic concentration.●

## ADDITIONAL COSPONSORS

### S. 1433

At the request of Mr. Packwood, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 1433, a bill to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to designate experts in the field of aeronautics and aviation safety to participate in the aircraft type certification process, and for other purposes.

### S. 1684

At the request of Mr. Johnston, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 1684, a bill to encourage the development, improvement, and operation of domestic refinery capabilities, and for other purposes.

### S. 1859

At the request of Mr. Percy, the Senator from South Carolina (Mr. Thurmond) was added as a cosponsor of S. 1859, a bill to amend the Internal Revenue Code of 1954 with respect to the special valuation of farm property for purposes of the estate tax.

### S. 2049

At the request of Mr. Nelson, the Senator from Montana (Mr. Baucus) was added as a cosponsor of S. 2049, a bill to increase the Small Business Administration loan guarantee limits.

### S. 2116

At the request of Mr. Mathias, the Senator from Kentucky (Mr. Huddleston) was added as a cosponsor of S. 2116, a bill to authorize the establishment of a Senior Cryptologic Executive Service and Merit Pay and Awards Systems within the National Security Agency and to make necessary amendments to title 5, United States Code.

### S. 2147

At the request of Mr. Culver, the Senator from Alabama (Mr. Stewart) was added as a cosponsor of S. 2147, a bill to establish the Regulatory Policy Board, to provide for the regulatory analysis of proposed major rules, to improve rulemaking procedures affecting small businesses and local governments, to require the Congress and the President to review certain regulatory agencies, to increase competition in regulated industries, to make other improvements in regulatory procedures, and for other purposes.

### S. 2199

At the request of Mr. Jepsen, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 2199, a bill to authorize the Secretary of Agriculture to make price support loans available to producers on their 1979 crops of wheat, corn and feed grains without regard to whether they participated in the Federal programs in effect for such commodities, to authorize the Secretary to announce and carry out a cropland set-aside program for the 1980 crops of wheat, corn, and feed grains, and for other purposes.

### SENATE JOINT RESOLUTION 119

At the request of Mr. Mathias, the Senator from Alaska (Mr. Stevens), and the Senator from Rhode Island (Mr. Chafee) were added as cosponsors of Senate Joint Resolution 119, a joint resolution to authorize the Vietnam Veterans Memorial Fund, Inc., to erect a memorial.

### SENATE JOINT RESOLUTION 127

At the request of Mr. Heflin, the Senator from Indiana (Mr. Bayh), the Senator from Mississippi (Mr. Cochran), the Senator from Kansas (Mr. Dole), the Senator from Oregon (Mr. Hatfield), the Senator from Louisiana (Mr. Johnston), the Senator from Indiana (Mr. Lugar), the Senator from Hawaii (Mr. Matsunaga), the Senator from Montana (Mr. Melcher), the Senator from New York (Mr. Moynihan), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), the Senator from Maryland (Mr. Sarbanes), the Senator from New Mexico (Mr. Schmitt), the Senator from Wyoming (Mr. Simpson), the Senator from Wyoming (Mr. Wallop), and the Senator from Oklahoma (Mr. Boren) were added as cosponsors of Senate Joint Resolution 127, a joint resolution to authorize and request the President to proclaim June 27, 1980, as "Helen Keller Day."

### SENATE RESOLUTION 333

At the request of Mr. Pryor, the Senator from Utah (Mr. Garn), the Senator from Arkansas (Mr. Bumpers), and the Senator from Oklahoma (Mr. Boren) were added as cosponsors of Senate Resolution 333, a resolution to express the sense of the Senate with respect to relocating the site of the 1980 summer Olympic games.

## SENATE RESOLUTION 336—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CANNON, from the Committee on Commerce, Science, and Transportation, reported the following original resolution, which was referred to the Committee on Rules and Administration:

### S. Res. 336

*Resolved*, That, in hold hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $2,652,800, of which amonut (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

Mr. CANNON. Mr. President, this morning an original concurrent resolution affecting the participation of a U.S. Olympic team, and the site of the 22 summer Olympiad originally scheduled to be held in the Soviet Union, was unanimously approved and reported by the Senate Committee on Commerce, Science and Transportation.

The original concurrent resolution states that the U.S. Olympic Committee honor the request of the President to propose the transfer or cancellation of the 1980 summer games; and that the International Olympic Committee adopt such a proposal. If the International Olympic Committee rejects such a proposal, the concurrent resolution urges the U.S. Olympic Committee and the Olympic committees of other countries not to participate in the 1980 summer Olympic games and conduct alternative games of their own. The idea of changing sites is not unprecedented. The 1976 winter Olympic games were originally scheduled for Denver, but were moved to Innsbruck, Austria. The games have been cancelled on three occasions due to World War I and World War II. A national Olympic committee withdrawing its team from the games has also occurred. In 1956, Spain, Switzerland, and the Netherlands withdrew their teams from the Melbourne games due to the Soviet invasion of Hungary. And in 1976, 28 African nations abandoned the Montreal games as a protest against the participation of New Zealand, a country with strong sports ties with South Africa.

I believe the concurrent resolution should be adopted by the Senate. The language provides for all the options considered by the Senate and the House, which provide for the cancellation of the games if an alternative site is not found to hold the games this year, and the participation of the U.S. team in alternative games with other national teams also choosing not to participate in the 1980 summer games. This resolution will best protect our national interest, the rights of our athletes, and the true spirit of the Olympic movement.

It is my understanding that this is the language requested by the President and which he is urging the Senate to adopt.

The U.S. Olympic Committee is meeting this weekend at Colorado Springs to clarify the U.S. Olympic Committee position on participation in the 1980 summer Olympiad.

Therefore, I urge the Senate that this resolution be considered immediately.

## SENATE RESOLUTION 337—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. LONG, from the Committee on Finance, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 337

*Resolved*. That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Finance is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,049,600 of which amount not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

## SENATE CONCURRENT RESOLUTION 66—ORIGINAL CONCURRENT RESOLUTION REPORTED RELATING TO THE 1980 SUMMER OLYMPIC GAMES

Mr. CANNON, from the Committee on Commerce, Science, and Transportation, reported the following original concurrent resolution, which was ordered placed on the calendar:

S. CON. RES. 66

Whereas the invasion and occupation by the Soviet Union of the sovereign and nonalined state of Afghanistan is a serious violation of international law and poses a genuine threat to world peace;

Whereas the Soviet invasion endangers independent countries neighboring Afghanistan and endangers access to a major source of the world's oil supplies, so that the security of the United States, of the region encompassing Afghanistan, and of the entire world is threatened;

Whereas the United Nations General Assembly has overwhelmingly condemned the Soviet invasion of Afghanistan and urged the prompt withdrawal of the Soviet troops from Afghanistan;

Whereas the President on January 20, 1980, urged the United States Olympic Committee to propose to the International Olympic Committee that, if the Soviet troops are not withdrawn from Afghanistan within one month, the 1980 Summer Olympic games be transferred from the Soviet Union or be canceled for this year; and

Whereas the President also urged that, if the International Olympic Committee rejects such a proposal to transfer or cancel the games, the United States Olympic Committee and the Olympic Committees of other countries not participate in the Summer Olympic games and conduct alternative games of their own this summer: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress urges—

(1) that the United States Olympic Committee honor the request of the President to propose the transfer or cancellation of the 1980 Summer Olympic games;

(2) that the International Olympic Committee adopt such a proposal; and

(3) that, if the International Olympic Committee rejects such a proposal, the United States Olympic Committee and the Olympic Committees of other countries not participate in the 1980 Summer Olympic games and conduct alternative games of their own.

SEC. 2. The Secretary of State is requested to transmit a copy of this resolution to the United States Olympic Committee, the International Olympic Committee, and the government of each country that is represented on the International Olympic Committee.

## SENATE CONCURRENT RESOLUTION 67—SUBMISSION OF A CONCURRENT RESOLUTION WITH RESPECT TO TAXING SOCIAL SECURITY BENEFITS

Mr. NELSON (for himself, Mr. BAYH, Mr. CHURCH, Mr. CULVER, Mr. EAGLETON, Mr. KENNEDY, Mr. MCGOVERN, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. RIBICOFF, Mr. RIEGLE, and Mr. ROTH) submitted the following concurrent resolution, which was referred to the Committee on Finance:

S. CON. RES. 67

Whereas social security was established to protect the income of Americans against the serious economic risks that families face upon retirement, disability and death; and

Whereas social security provides a monthly payment to some thirty-five million beneficiaries; and

Whereas the 1979 Advisory Council on Social Security has recommended that half of social security benefits be included in taxable income for Federal income taxes; and

Whereas social security benefits are now exempt from federal taxation; and

Whereas for the people affected, taxing of social security benefits would be tantamount to a cut in benefit payments; and

Whereas 15 to 20 per centum of the elderly—even with social security—are today below the poverty level and all Americans are suffering the effects of inflation; and

Whereas estimates based on 1978 data indicate that taxing one-half of social security benefits would affect 10.6 million tax filing units of the 24.2 million individuals who received social security cash benefits; and

Whereas the estimated impact of this taxation of social security benefits would have increased the average tax liability of those tax units affected in 1968 by $350; and

Whereas the total estimated increase in federal tax collections in 1978 by the taxation of one-half of social security benefits would be $3.7 billion; and

Whereas the prospect of possible cuts has alarmed many older Americans and undermined the confidence of Americans in the integrity of the social security program; Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That, it is the sense of Congress that the Social Security Advisory Council's recommendation that one-half of social security benefits should be subject to taxation would adversely affect social security recipients and undermine the confidence of American workers in the social security programs, that social security benefits are and should remain exempt from federal taxation, and that the 96th Congress will not enact legislation to implement the Advisory Council's recommendation.

### SOCIAL SECURITY BENEFITS SHOULD NOT BE TAXED

● Mr. NELSON. Mr. President, today I am submitting a concurrent resolution opposing the Social Security Advisory Council's recommendation that one-half of social security benefits be subject to Federal taxation.

Senators BAYH, CHURCH, CULVER, EAGLETON, KENNEDY, MCGOVERN, MOYNIHAN, PACKWOOD, RIBICOFF, RIEGLE, and ROTH are joining me as cosponsors of this resolution.

Once every 4 years, the Social Security Advisory Council reports to the President and to Congress on a broad range of issues concerning the financial status of the various social security programs, as well as on issues relating to social security benefits and the administration of the programs. The Advisory Council is composed of members from business, labor, the insurance industry and older American groups.

In its report to the President and Congress last December, the Social Security Advisory Council recommended that one-half of social security benefits be subject to Federal taxation. This recommendation has been widely publicized in the media, and as a result, it has created anxiety among older Americans who are retired and living on fixed incomes. It also has alarmed many persons who have been in the labor force for many years and are about to retire.

Mr. President, imposing a tax on social security benefits would betray millions of retired workers who faithfully contributed payroll taxes throughout their working years and had no notice whatsoever that their retirement benefits would be subject to taxation.

According to the Advisory Council's own estimates (based on 1978 data), taxing one-half of social security benefits would affect 10.6 million tax returns (or approximately 15 million individuals) of the 24.2 million individuals who received social security cash benefits. The impact of this taxation would have increased the average tax liability of those taxpayers affected by $350 in 1978, and resulted in the Federal Government receiving an additional $3.7 billion in tax revenues.

It should be clearly understood that the Advisory Council's recommendation would not improve the financial status of the social security trust funds. Any increased revenue generated by taxation of social security benefits would only increase general revenues paid to the Government. No general revenues are used to finance social security retirement benefits.

Ever since social security retirement benefits began over 40 years ago, they have been exempt from Federal taxation. It would be unfair and unjust to change this exemption and diminish social security benefits by subjecting any portion of them to Federal taxation.

Mr. President, I have received a good deal of mail from older Wisconsin citizens who are deeply concerned about the Advisory Council's recommendation. Every other Member of Congress, I am sure, also has received much mail on this issue. In introducing this resolution today, we send a clear message to our constituents that the Advisory Council's recommendation that social security benefits be subject to Federal taxation is a bad idea and will not be enacted by this Congress.

Mr. President, similar legislation was introduced in the House of Representatives by Representatives OTTINGER, FISH, and PEYSER.

We will seek early consideration of this resolution by the full Senate and House of Representatives.●

### SOCIAL SECURITY BENEFITS MUST NOT BE TAXED

● Mr. CULVER. Mr. President, I welcome this opportunity today to join Senator NELSON in sponsoring this resolution expressing the sense of the Congress as opposed to the taxation of social security benefits.

The notion of subjecting half of social security recipients' benefits to Federal income taxation was endorsed last December by the 1979 Advisory Council on Social Security. It should be clearly understood that the idea has not received the support of either the Carter administration or any committee of Congress.

As formulated by the Advisory Council, 10.6 million of the 24.2 million recipients of social security benefits would have to pay additional taxes if half the benefits were considered taxable. The average increased tax burden for those 10.6 million beneficiaries would be $350 a year.

The other 13.6 million social security recipients with lower total incomes would not be affected by this proposed tax because their incomes do not reach the threshold level of Federal income taxation. However, many of those who would have to pay added taxes exist on what must be considered modest incomes. In fact, if this proposal had been in effect in 1979, an elderly couple whose income—including the taxable half of its social security benefits—exceeded $7,400 would have to pay additional taxes. And an elderly individual would have an added tax burden if his or her taxable income, including half their social security benefits, exceeded $4,300.

Many of these people are already struggling to make ends meet as the relentless inflation shrinks the buying power of their pensions and erodes the value of their limited savings. Most of their income goes for basic necessities—many of which are rising faster than their social security checks, such as medical costs and utility bills.

Mr. President, I have received over 100 letters from Iowans almost unanimously opposed to the taxation of social security benefits. And their correspondence reflects the widespread anxiety and confusion this proposal has aroused.

For nearly 40 years—since a 1941 Internal Revenue Service ruling—tens of millions of social security retirees and taxpayers have relied and continue to rely on the policy of the Federal Government to exempt their benefits from taxation. It would seem very unfair to suddenly reverse that longstanding policy on which so many citizens have come to depend.

Mr. President, it would be ill-advised to further this consternation among social security recipients and ask additional sacrifices of many senior citizens living on modest incomes for a revenue gain of less than $4 billion a year—a mere 2 percent of the total Federal personal income tax yield. I am opposed to taxing social security benefits, and I urge the Senate to give this resolution its favorable consideration.

## AMENDMENTS SUBMITTED FOR PRINTING

### AMENDMENT OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974—S. 2206

#### AMENDMENT NO. 1633

(Ordered to be printed and referred to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to order of August 4, 1977.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to S. 2206, a bill to amend the Congressional Budget and Impoundment Control Act of 1974.

● Mr. DOMENICI. Mr. President, I rise today to make a change in a bill, S. 2206, that I introduced yesterday to amend the Congressional Budget and Impoundment Control Act of 1974.

In the copy of the bill I submitted yesterday, a typographical error resulted in printing of the wrong formula for computing what I have called adjusted gross national product.

The correct formula should be as follows: $GNP \times (1+FGNPT) \times (1+FGNPT)$. I am submitting at this time an amendment to the bill I introduced yesterday and this amendment will correct the typographical error.

I ask unanimous consent that the corrected version of my bill, S. 2206, be made a part of the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

#### S. 2206

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the

Congressional Budget and Impoundment Control Act of 1974 is amended by adding a new title, title XI, as follows:

TITLE XI—TOTAL BUDGET OUTLAY LIMITATIONS AND BUDGETARY BALANCE

SEC. 1101. (a) It shall require an affirmative vote of three-fifths of the Members of the House of Representatives and of the Senate duly elected and sworn to enact any concurrent budget resolution under title III of this Act that exceeds the following limitations:

(1) For fiscal year 1981, 21 percent of the adjusted gross national product as defined in 1101(b) of this Act;

(2) For fiscal year 1982, 20 percent of the adjusted gross national product as defined in 1101(b) of this Act;

(3) For fiscal year 1983 and all fiscal years thereafter, 19 percent of the adjusted gross national product as defined in 1101(b) of this Act.

(b) The adjusted gross national product shall be computed by the following formula: GNP × (1+FGNPT) × (1+FGNPT), in which:

(1) GNP is the actual gross national product as compared by the Department of Commerce for the last full fiscal year;

(2) FGNPT is the floating gross national products trendline, which shall be the average growth rate for the gross national product for the five full fiscal years culminating in the fiscal year in (b)(1) above.

(c) It shall require an affirmative vote of three-fifths of the Members of the House of Representatives and of the Senate duly elected and sworn to enact any concurrent budget resolution under title III of this Act in which total budget outlays exceed total revenues.●

## FEDERAL TRADE COMMISSION AUTHORIZATIONS—S. 1991

### AMENDMENT NO. 1634

(Ordered to be printed and to lie on the table.)

Mr. JEPSEN submitted an amendment intended to be proposed by him to S. 1991, a bill to authorize appropriations for the Federal Trade Commission.

## DEPARTMENT OF ENERGY CIVILIAN PROGRAMS AUTHORIZATIONS—S. 688

### AMENDMENTS NOS. 1635 AND 1636

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted two amendments intended to be proposed by him to S. 688, a bill to authorize appropriations to the Department of Energy for civilian programs for fiscal year 1980 and fiscal year 1981, and for other purposes.

## NOTICES OF HEARINGS

### COMMITTEE ON FOREIGN RELATIONS

● Mr. CHURCH. Mr. President, as you know, the President has requested the U.S. Olympic Committee to petition the International Olympic Committee to transfer the games from Moscow. The Executive Committee of the U.S. Olympic Committee will be meeting tomorrow to discuss this request.

It is the intention of the Foreign Relations Committee to conduct hearings on the issue on Monday, January 28, at 10 a.m. in room 4221, Dirksen Senate Office Building. At that time, the committee will be hearing testimony from witnesses representing the Government, the U.S. Olympic Committee and the athletic community.

Anyone wishing further information should contact David Keaney of the committee staff at 223-4615.●

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will be holding a series of classified briefings on the geopolitics of oil. Witnesses at the briefings will include representatives of the Department of Energy, the Department of State and the Central Intelligence Agency. The purpose of these briefings is to assess the political, military, economic and social factors which will affect world oil production and consumption over the next decade. The schedule for the briefings is as follows:

January 29—The Radical OAPEC Producers.

January 31—The Moderate OAPEC Producers.

February 5—Other Producers.

February 7—The Soviet Union and Eastern Bloc.

February 19—The Industrialized Consumers.

February 21—The Less Developed Countries.

The briefings will be closed to the public. Questions concerning the briefings should be directed at Jim Pugash, staff counsel, at (202) 224-0611. Briefings will commence at 8:30 a.m., in room S-407, of the Capitol.●

### SUBCOMMITTEE ON CONSUMER AFFAIRS

● Mr. TSONGAS. Mr. President, the Subcommittee on Consumer Affairs of the Committee on Banking, Housing and Urban Affairs will hold a hearing on January 31, 1980 beginning at 10 a.m. in room 5302 of the Dirksen Senate Office Building to consider the administration's privacy proposals. The subcommittee has before it two pieces of privacy legislation from the administration, S. 1928 and S. 1929. Both of these bills were sponsored for the administration by Senator PROXMIRE.

This legislation represents the commitment of the administration to implement many of the recommendations of the Privacy Protection Study Commission.

This particular hearing will be devoted to reviewing the administration's case for title V—the Fair Insurance Information Practices Act—S. 1928. Title V attempts to balance the needs of the insurance industry for the efficient exchange of personal information in our society while safeguarding personal privacy.

Deputy Secretary of Commerce, Luther Hodges, Jr., will represent the administration at the hearing.

Anyone interested in further information about the hearing, should contact the subcommittee staff at 224-7391.●

### SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, on February 5 at 9:30 a.m. in room 424 of the Russell Senate Office Building the Select Committee on Small Business will hold hearings on the subject of the effect of the decision of the United States Steel Corp. to shut down several of its plants. The hearings will focus on the impact of the closings on the communities and their small businesses. Those interested in further information should contact the committee staff at 224-5175.●

### SUBCOMMITTEE ON RURAL DEVELOPMENT

● Mr. LEAHY. Mr. President, on February 9, the Rural Development Subcommittee, which I chair, will hold another oversight hearing as part of a continuing effort to assure that programs serving rural areas are working the best they possibly can. The subcommittee will hold an oversight field hearing in Saint Johnsbury, Vt., on the morning of this date.

The oversight hearing will review the Rural Health Clinics Services Act, home health care and hospice services in rural America. We will hear from a host of public witnesses and the administration will be represented by Mr. John Kennedy, Regional Administrator of HEW's Health Care Financing Administration.

Any inquiries regarding the field hearing should be directed to Ken Pierce of my staff at 224-4242. Thank you.●

## ADDITIONAL STATEMENTS

## "THE PRO" IS APT TITLE FOR ARTICLE ON CAREY CRONAN

● Mr. RIBICOFF. Mr. President, Carey Cronan, the Washington reporter for the Bridgeport Post, is the dean of the Connecticut correspondents covering the Nation's capital. A witty, well read, courteous and sophisticated man, Carey has been reporting Washington news for Connecticut papers for more than 30 years.

Howard S. Abramson wrote a good profile of Carey Cronan for the Connecticut magazine. The headline over the article is appropriate, saying simply, "The Pro." Carey is, and always has been, a thoroughgoing professional newspaper reporter and columnist. He is also a delight to know and have as a friend.

Mr. President, I ask that Mr. Abramson's article be printed in the RECORD.

The article follows:

### THE PRO

(By Howard S. Abramson)

People like Cary F. Cronan are mortar in the joints between generations. They remind us that tomatoes weren't always grown in neat trays with chemicals under glass, that dark smoke pouring out of mile-high stacks wasn't always a bad thing, and that a newspaper's chief duty was simoly to report "what" happened "where," with maybe a "how" and possibly a "who," but rarely, very rarely, a "why."

Now, Carey Cronan is seventy years old, tomatoes are never ripe, whatever their color, smoking stacks are prohibited, and newspaper reporters usually spend more time trying to tell you "why" something happened, more even than telling you "what."

Carey Cronan: journalist, adventurer, world traveler, spoiled little rich kid, storyteller, bon vivant. His is a name that should be familiar to nearly everyone in Connecticut, but isn't. He is the undisputed dean of Connecticut's small press corps in Washington, and one of the senior correspondents in Washington from anywhere.

Carey Cronan talks about America's, and Connecticut's, historical figures with first-hand knowledge, as if they had just walked out of his office a few hours ago. And he talks about them in a way that gives the listener an instant familiarity, making you sure you were in the bus as Ike personally conducted you on a tour of the battleground at Gettysburg near his farm, or were in the room as Connecticut Senator Brien McMahon was explaining to President Truman why control over America's budding nuclear industry had to be in the hands of civilian agencies, and not the military.

When Carey Cronan took his first newspaper job at the Bridgeport Post, Calvin *Coolidge* was president of the United States, John Trumbull was governor of Connecticut, and there were about as many daily newspapers being published in New York City as there are left in the state of Connecticut today.

And when he first came to Washington as a reporter, also for the Bridgeport Post (as well as others), Harry S. Truman was the president, Chester Bowles had just become governor, and Cronan's job description was clear.

"My job was to do what the news services didn't do . . . To take care of the local, the state picture . . ." in Washington, and to get the news back to his papers in Bridgeport, Waterbury, Stamford, Greenwich, and Meriden.

Soon after getting to the capital, Cronan sat down and wrote a long piece spelling out the complexities of the American tax system and the legislation then being considered in Congress to iron out some of the inequities in the system. He sent it up to his client newspapers, and proudly waited for his well-earned praise—a rare commodity in the open market, ever scarcer in the newspaper business, where the best efforts are history in twenty-four hours.

After a few days went by with no word, he finally asked his boss in Bridgeport about it. "Oh, it was okay," he was told, "but no more of that crap. I can have the best minds in America . . . including Walter Lippman, for ten dollars a week (through newspaper syndicates). What I need from you is the local stuff . . ."

And it was a lesson that he took to heart, and lived by. Which, in today's journalistic market, makes him a rarity.

A quote from Voltaire that Cronan used in a column three years ago pretty well sums up his attitude towards politics and politicians, and newspapers and newspapermen: "If any prince or minister should find disagreeable truth in this work, let them remember that, being public men, they owe an account of their actions to the public; that is the price at which they purchase their greatness; that history is a witness, not a flatterer; and that the only means of compelling men to say good of us is to do good."

And it is here that Cronan has taken his stand. After thirty years in Washington working for Connecticut newspapers, he still refuses to yield to "modern" journalistic techniques, to present analysis and what editors label "perspective" into his daily reporting. He has always, however, written a Sunday column for the Post's editorial page, in which he has proven time and again his ability to spin a yarn in such well-illustrated thoughts and nicely paced rhythm to make most writers envious.

It is clearly through choice, and not lack of talent, that Cronan retains the traditional approach to reportage.

Cronan's chin sets very firm when he discusses the press and its role in modern American government, and his lips get taut. It is one of the few areas in which he harbors no humor or playful banter.

"I don't think it's the job of any reporter to support any particular point of view . . . It is his job to report what happened." He sees the reporter's role as being very close to the traditional "facts only" school, which puts him in opposition to most of what is written in Washington today, although, with the current wave of hostile public and private reaction to contemporary journalism, his position may put him in the forefront of a "return to basics" in the business.

Cronan today really doesn't look that much different than he does in photographs he produces to document his travels through the world in the late 1920s and early '30s. He's thinner today, his barrel body having given way to a peaceful kind of grandfatherly shape. He still usually has the fingers of one hand wrapped around a cigar, and still a Connecticut-grown Topstone when he can get it. Since a serious illness in 1976, however, which definitely slowed him down, Cronan has pretty much done away with another of his trademarks: the ever-present dose of distilled spirits that balanced off the cigar in his other hand.

He still works every day, although much more of his time is spent on the telephone, and more from the office he maintains in his home in suburban Maryland. Interviewed at home, he is softer, gentler than normal; back at his office in the National Press Building downtown, he is his normal feisty self again.

"The atmosphere is not as friendly today as it was between the press and Congress," which he attributes in great part to the U.S. Senate's 1967 censure of Connecticut Senator Thomas Dodd, an event he says marked the turn of both the changing press role in the political process, and the government's attitudes towards it. Watergate years later sharpened the ill feelings and hardened each side's position.

After the Dodd hearings "a certain frost developed" throughout the government towards the press, Cronan says. "You could hear the doors closing all over town . . ."

In the Dodd case, some employees and former employees of the state's senior senator, led by now-writer James Boyd, removed thousands of documents from Dodd's office files, copied them, and gave the copies to Jack Anderson, then the bottom half of a muckraking column-writing team headed by Drew Pearson. They kept printing columns full of alleged improprieties committed by Dodd as revealed by the purloined files, and kept hammering away at the Senate until it agreed to hold hearings into Dodd's activities.

Since that time, Cronan said, "The personal contact between the politician and the press has become much more adversary. Personal relationships between them have been dissolving . . ."

The Dodd case is still obviously painful for Cronan. Was he guilty? "It's very difficult when you're friendly with the guy . . . You don't see things, you don't learn things . . . I knew Tom Dodd from 1935 until he died [in 1971] . . ."

If Boyd walked in the door right now, would you use the stuff?

"I think some of it was petty . . . Still, yes, he [Dodd] did violate the rules . . . But the rules were, and are, so vague . . . I do think that what Boyd did was immoral. What Dodd did, I think, was a case more of poor bookkeeping and trusting other people than purposely stealing money or anything like that."

The Senate found that Dodd had improperly used money contributed to him for political purposes for personal expenditures; present campaign rules allow such fund conversions in many instances, but require the transfers to be noted in public records.

And, from that time on, "investigative reporting" has been much more in vogue.

Today's reporters are changed, says Cronan. "In many cases they try to make an ass or a son-of-a-bitch out of a guy for no reason . . . often through the use of a lot of unnecessary trivia that implies wrongdoing or guilt, stuff, that has nothing to do with the topic being discussed, or his fitness to hold the office . . . The line of what is news and what isn't news has gotten very fuzzy . . ."

Cronan looks off into space for a moment, and returns. "And, you know, I think it's important to remember that the public doesn't have any higher regard for the press than it does for the government."

He eases markedly as the topic shifts. His face relaxes into a smile. One of Carey Cronan's legendary assets is his ability to tell a story, and often a true story, and many times one in which he plays a part.

He began free-lancing for the infamous, scandal-raking *Bridgeport* (later *Connecticut*) *Herald* in late 1934, and one day he was at the Algonquin Club to meet with someone. Suddenly, a stranger, without so much as a single word, threw a punch at him. After the attacker had been separated from the gaping reporter, the guy explained. "I heard somebody say, 'There's a guy from the *Herald*,' so I swung."

Then there was the wealthy Connecticut senator who used to live, when he was in Washington, at the Metropolitan Club. Cronan, a great aficionado of fine food and drink, was well aware of the reputation of the club's kitchen and bar, and was thrilled when the senator suggested they meet at the Metropolitan Club at noon.

"After we'd talked for a few minutes, he looked down at his watch. 'Oh, Mr. Cronan,' he said, standing up, 'it's getting on to twelve-twenty, lunchtime. I always have lunch at twelve-twenty. Will there be anything else . . .?" as he showed Cronan the door.

And not all the stories are humorous.

One of Cronan's favorite characters from his years at the capital is clearly Brien McMahon, a Norwalk Democrat who came to the Senate in 1945.

McMahon had terminal cancer, and by the early 1950s the rumors about his disease, in a day when cancer was still an unprintable word, had spread throughout the state political grapevine.

"I'd get calls all the time from one editor or another, who'd whisper into the telephone, 'I hear McMahon's got cancer.' Well, we (of the press corps) pretty well knew what was going on, but I'd have to call his home, and his wife would answer, and I'd have to ask her . . . It got so bad that they took one of the secretaries out of the office and put her in the house to answer the calls . . ."

After McMahon died while still in office on July 28, 1952, "Mary (Cronan's wife of thirty-four years) and I went to the house to pay our respects. I rang the bell and Mrs. McMahon opened the door. She looked at me and smiled. 'Oh, hello Carey,' she said, stepping back to let us in. 'Your story's in there,' she said, pointing to her husband's body . . ."

Cronan has been well paid for plying his craft and, while he doesn't complain about it, it seems he would have been unable to make it financially solely on his newspaper money. However, his family had some money which allowed him to travel when he was young, and to be a newspaperman when he was older.

Cronan's mother died when he was nine, and he was raised by his grandfather in a house on State Street in Bridgeport. He entered the Jesuit order in Stockbridge, Massachusetts, for one year; worked on the Bridgeport Telegram for a few months in 1928 at the age of nineteen; traveled to Russia; went to Holy Cross College for two years; traveled to Panama and Cuba; was assistant manager for the Globe Theater in Bridgeport ("filling out insurance forms for torn stockings"); moved to Ireland in 1932; toured France; back to Bridgeport in 1933; was offered a job on the Bridgeport Post in '34, but chose to freelance for the Herald instead;

took over the Herald's New Haven bureau in 1938; moved to WELI radio in Hamden in 1940; he joined the army in '43, after losing about fifty pounds to qualify.

He eventually ended up as an army war correspondent, and was in the front lines in Germany, He was with the American unit that captured the bridge at Remagen, Germany, and a photograph taken there of Cronan and other army personnel became a postage stamp.

When he returned to the United States, he went to WNHC radio in New Haven; he later became the first editor of the Hamden Chronicle; and on January 1, 1947, he went to Washington for the first official time, as secretary to freshman congressman Ellsworth B. Foote, a Republican from North Branford. In mid-1948 he was given a job helping to run the Selective Service program in Connecticut. And on February 1, 1949, he officially began his newspaper career in Washington.

Now, thirty years later, Cronan reports only for the Bridgeport papers, and on a basically part-time basis. But he's still a Connecticut institution and very much a Washington correspondent.

"Carey's still a master storyteller," according to Robert Waters, the Hartford Courant's capital correspondent, and a long-time friend of Cronan's.

"Carey is more a personality-type reporter than an issues reporter. He wrote, and writes, the kind of stories his editors and publishers wanted . . . I think Carey is a product of his age of newspapering . . . heavy on personalities and heavy on what they said . . . with a great reluctance to get into anything controversial . . ."

Waters said some important court cases in the late 1950s and early 1960s limited the ability of public officials to sue newspapers for libel or invasion of privacy, and substantially changed the reporter's function. But older reporters, like Cronan, chose not to change their styles.

"But," added Waters, "I can't think of a better pure writer than Carey Cronan." And Waters himself falls about halfway between Cronan's view of the press' role and that of the contemporary movement in journalism.

"Carey Cronan should have been famous . . . he should be appearing on 'Agronsky & Company' and things like that, but he's not, and I blame a lot of that on his newspapers," according to Gerald McKiernan, Congressman Stewart McKinney's press secretary.

McKiernan, who probably deals with Cronan more than any other individual in Washington since the Bridgeport papers are the only ones in McKinney's district with representation in Washington, said, "The Bridgeport Post just has not given Carey the prominence he deserves, except on the editorial page where, every Sunday, he gets his column and his picture in."

"He still calls me every day," he said, "but there's no question he's been slowing down. However, some things haven't changed. Carey reports it exactly as it happened. He doesn't try to interpret it . . . or go beyond it . . . He's one of a dying breed. He's a reporter who reports what happened . . . I don't know of any other."

So, if Voltaire was right, and history is "a witness, not a flatterer," then Carey Cronan is, quite simply, a witnesser.●

## ANNIVERSARY OF UKRAINIAN INDEPENDENCE

● Mr. PERCY. Mr. President, as we take this week of the 62d Anniversary of Ukraine's proclamation of independence, it is important that we remember the aspirations for freedom of the peoples of all nations which have fallen under the yoke of Soviet imperialism. This concern is all the more pressing today in the light of the Soviet invasion of Afghanistan and the danger that the Soviets pose to other nations.

As we now reach for a national consensus on the need to deter further Soviet aggression, let us recall that Ukrainian Americans have long warned us of the Communist threat to free nations. They were right and we should acknowledge it.●

## U.S. POPULATION

● Mr. PACKWOOD. Mr. President, I wish to report that, according to current U.S. Census Bureau approximations, the total population of the United States as of January 1, 1980 is 221,898,010. This represents an increase of 175,878 in the past month. It is also an increase of 2,021,692 since January 1 of last year.

During the past month, we have added enough additional people to almost fill Fresno, Calif. And over the past year, our population has increased enough to fill the combined cities of Philadelphia, Pa., and Dayton, Ohio.●

## TO MOVE THE 1980 OLYMPIC GAMES

● Mr. CHURCH. Mr. President, all of us listened with care, respect, and concern to President Carter's eloquent address last night. Many of the thoughts he expressed are ones which we share, many of the policies he proposed, ones we endorse. To my mind, he struck exactly the correct note in respect to the challenges we face abroad when he said:

> This situation demands careful thought, steady nerves and resolute action—not only for this year, but for many years to come.

It is in that spirit of deliberate but firm consideration that I believe the Senate and the people of the United States will and should weigh the proposals he put before us. One of those proposals—before the Congress now—is that the U.S. Olympic Committee be urged to petition the International Olympic Committee to relocate the 1980 games out of the Soviet Union and that, failing such action or the prompt withdrawal of the invading Soviet troops from Afghanistan, the United States not send a team to compete in the 22d Olympiad.

It is my strong belief—and I anticipate that of the Foreign Relations Committee—that the Soviet Union has made itself unfit to host the Olympic games. By violating international law, the sovereignty of an independent state, the rights of its neighbors and accepted standards of decent conduct, the Soviet Union has flouted the rules which keep our world at peace. Those rules are also the principles of the Olympic movement, which reward peaceful, sportsmanlike competition and correctly exalt fair play as a standard to be upheld by all participating athletes. The Soviet Union has shown utter contempt for those principles. To leave it the honor of hosting the Olympic games, after such conduct, is not only to imprint the invasion of Afghanistan with the stamp of international indifference; it is, by extension, to encourage the Soviet leadership to believe it can continue and extend its aggression with impunity.

I remember what happened in 1936 when Adolf Hitler, only months after occupying the Rhineland, scored a worldwide propaganda victory with the Olympics. When I see what has happened to Andrei Sakharov and the oppressive treatment being dealt out to dissidents in the Soviet Union itself, I do not want to see the United States contribute to giving the Russians a multibillion dollar propaganda victory, like the one scored by the Nazis. It would be highly inappropriate to hold these games in Moscow, with the Soviet Army in occupation of Afghanistan. Under such circumstances, I do not think that the United States should participate.

For these reasons, I deeply believe that the United States, its friends, and all those who abhor aggression and are committed to the preservation of peace must bend their efforts now to a task that is daunting, but not impossible—the job of moving the Olympic games to a site where the rules of peaceful contest, of genuine sportsmanship can be legitimately honored and advanced. The Congress can assist—with "careful thought," as the President urged on us—in finding such a site and in facilitating the move. By its action it can also encourage the doubters and the timid in other nations to follow our lead. I urge the U.S. Olympic Committee to assist us in finding a workable solution to the dilemma created by the Soviet action. The task is not beyond the limits of human ingenuity. The sacrifices entailed are not beyond our means or endurance.

It is the intention of the Senate Foreign Relations Committee to conduct hearings on the issue on Monday, January 28, at 10 a.m., in room 4221, Dirksen Senate Office Building. At that time, the committee will be hearing testimony from witnesses representing the Government, the U.S. Olympic Committee, and the athletic community.●

## U.S. FOREIGN POLICY MUST SHAKE OFF PARALYSIS

● Mr. DOLE. Mr. President, the Senate returns to Washington as the free world faces lawless, totalitarian challenges on a broad front around the globe. For the first time since World War II, Russian troops have occupied an independent, sovereign state. At the same time the Iranian hostage crisis has created a U.S. foreign policy paralysis. This crisis now seems to have given the initiative to the Soviet Union, which is poised to take advantage of our paralysis by moving its troops across the Afghan borders into Iran or Pakistan.

American inaction is due to a loss of diplomatic credibility and military capability that have evolved over several years. We must start now to renew our power and presence. The immediate crisis began, however, with the fall of the Shah and his replacement by the Ayatollah Khomeini. Khomeini's regime has been so isolated geopolitically that this Senator now fears the possibility of a Soviet attack, including the possible seizure of Iran's oil fields. With the imperative of the energy problem it just does not seem to me that our gestures of boycotting the Olympics or putting a selective embargo in place will be enough to deter Soviet aggression.

### QUESTIONS MUST BE ANSWERED

A number of disturbing questions concerning the entire Iranian crisis beginning with the Shah's fall to the present hostage situation have been raised. I believe the Senate has the duty to investigate these issues and to give us answers. Too much is at stake here to continue the know-nothing policy of silence, which has muzzled all of us since the Embassy was seized on November 4. Hearings must be held to investigate the situation surrounding the crisis. The basic issue has been raised, by many including Gen. Alexander Haig, former NATO Chief, and the Shah himself, that the United States may bear a heavy responsibility for the disintegration of Iran.

This question must be fully explored now, even as we attempt to deal with the instability, because it appears many of our administration's decisionmakers may have been guilty of major misjudgments which relate to the present situation. If this is true they are not fit to continue to direct our foreign policy. Hearings by the Foreign Relations Committee should be held to investigate these questions:

Did the U.S. Government actively interfere in and deliberately bring about the overthrow of the Shah in January 1979, and the accession to power of Khomeini? The issue is whether General Haig's assistant, General Huyser, was dispatched to Iran in the fall of 1978, in order to speak to the military that were loyal to the Shah and neutralize their effect if a revolution were to occur. General Haig has indicated this to be true though the administration has insisted that Huyser's mission was to merely prevent a coup.

The Shah has claimed during an interview with David Frost, that American oil companies "dragged their feet" in failing to complete contracts for Iranian oil, and the oil companies plotted to overthrow him with the aid of the U.S. Government, in order to reduce the amount of oil supply and drive up prices.

There is also the need to investigate the issue of several warning notes sent by the chargé d'affaires in Tehran, Bruce Laingen, from July 1979, pointing out the danger of a seizure of our Embassy if the Shah was brought here and the possible taking of American hostages. Thus, the issue of the Shah's illness was raised 3 months before he was brought to the United States on October 22, ostensibly for "medical treatment."

These issues and the strange and inexplicable behavior of our Government since the Shah's fall, raise serious questions as to the role of our Government in bringing about Khomeini's rise to power.

These are serious allegations which may or may not be true. But I think that we should begin to look at all possible scenarios. The Shah's overthrow has directly led us to the present crisis in Iran, and in turn precipitated great instability in our Middle East oil supply situation and the geopolitical stability of that area.

### A DECADE OF CHALLENGE

As we enter the 1980's we see instability and the potential for radical, violent change everywhere. The danger to American world interests caused by this instability is our foremost security problem, and the Russians stand ready to act as the catalyst or agent provocateur to precipitate violence, rebellion, and change. If the United States seeks to stopgap the weaknesses in regional security everywhere around the globe by propping up military dictatorships or by making military alliances with illegitimate governments, the tide of change will eventually sweep over us. Such temporary expedients cannot succeed over the long term, as recent events have shown in Nicaragua, Iran, and Afghanistan. Wholesale transfers of military equipment to governments without widespread popular support does not reach the roots of the instability rampant in the Third World.

Before we can approach the problem we must be sure of our own goals. We must know where our security interest lies and what our foreign policy goals are. We cannot vacillate between rhetoric and directionless leadership. The United States must once again begin to articulate on a bipartisan scale, a defense policy.

I am no believer in cyclical history, but it is still appropriate to note that Rome fell when it started hiring people to fight its battles for it. Massive arms transfers will not be enough in the long run, especially to governments whose mandate comes from a coup and the suspension of elections. A strong American presence in all areas of crisis and strategic interest to the United States is a necessity. This may mean a U.S. fleet in the Indian Ocean, or bases in Kenya, Egypt, or Oman, or merely a massive, long-range airlift capability. If the formula is unclear, the predicament is certain: Right now we do not have enough of any of those alternatives.

### NET REASSESSMENT

We should be reevaluating the entire spectrum of our relations with Russia, not only with respect to the Afghan invasion but in order to assess what our approach ought to be in all areas over the long term, in light of the reawakened comprehension of inimical Russian aims. Last August to help in the evaluation of SALT II, I called for a national strategic and military net assessment to integrate with our defense planning and foreign policy goals. Recently the Senator from Oklahoma (Mr. BELLMON) proposed a joint congressional committee to do the same thing. Now that SALT has been postponed, the right atmosphere for such an assessment—free of the pro- or con-SALT rhetoric—is here. The whole range of our relationship with the Soviet Union should be considered, including economic, cultural, and technological ties.

Perhaps we ought to reassess our policy in linkage, and refuse to grant Russia the benefits of détente, such as technology transfer, commercial bank credits, and the touted benefits of a SALT treaty, until we see a halt in Russian imperialism around the globe. This is not to say we want to return to the cold war or sever all avenues of communication with the Soviet Union. The United States must send a message, however, a message that will be effective and clearly understood: America will not continue to stand idly by while our national interests are subverted or compromised.●

---

## THE HOSTAGES IN IRAN

● Mr. HEFLIN. Mr. President, I ask that an article on the subject of the American hostages in Iran, which was published in the Birmingham Post-Herald of December 1, 1979, be printed in the RECORD.

The article follows:

### WILL STAND WHERE IRAN WAS IF HOSTAGES HURT

(By Philip M. Lenud)

I am writing this article for all Americans and especially blacks. We are at a terrible point of moral, historical and legal confusion about right and wrong in the Iranian situation and attitudes toward our country.

We can destroy ourselves most effectively by loading tons of guilt and self-incrimination upon ourselves because others condemn us and place responsibility for all the world's troubles on the United States.

Here and there I hear people succumbing to loud proclamations that America may really be satanic. Not so.

We did not have a bridle and ropes on the government of Iran, nor its shah. And surely enough of its people supported him for decades, for he stayed in power. We must understand that success, power and ability have always been resented and hated.

But let's have some facts on why the Ayatollah Ruhollah Khomeini is wrong:

The historical development of diplomatic immunity since the dawn of civilization.

The world-wide development of democratic governments and their struggle with theocratic states or religious governments and our western concept of separation of church and state.

Stemming from these concepts is the principle of the integrity of sovereign states. This, along with diplomatic immunity, has for centuries been accepted as international law by all civilized nations.

Diplomatic immunity is the understanding that those who serve their governments in foreign nations shall be immune from harm and danger in the carrying out of their duties. In its historic development, even semi-savage nations and races exercised honor and sanity and gave these diplomats or messengers safety. Even when it was decided that there was no possibility for compromise and negotiations, the diplomat or messenger was allowed to return with that message, unharmed and unmolested.

In ancient Babylon, Egypt, China and India, we find diplomatic immunity at work. The Chou Dynasty of China (770–256 B.C.) and the Greek city states from 800 to 100 B.C. had highly developed systems respecting the work of diplomats and envoys.

I am not saying that during the early stages of diplomatic immunity that all things were done with the highest scruples. Man has never been a paragon of principles. However, diplomatic immunity has rarely been violated in modern times.

As trade and commerce increased, nations established permanent missions, legations or embassies. From this came the principle of extra-territoriality which is the act of legally transferring a portion of land to another country and giving that land immunity from all local laws.

The embassy now occupied by the Iranian students is American property by signed agreement and accepted international law. Its takeover is, if sanctioned by the government, an invasion of America. It is an act of war.

Cardinal Mindszensty of Poland, under persecution and fearing arrest, sought safety in the American Embassy. Even that communist government dared not invade the sanctity of American soil.

Anastoza Somoza is accused of having been a murderous and corrupt dictator. He was overthrown and now lives in Florida. Has anyone in Nicaragua violently seized the American Embassy to demand his return?

Robert Vesco now resides in Costa Rica. He is wanted in the U.S. on charges of fraud and embezzlement. Our Justice Department has requested that Vesco be returned for trial, but Costa Rica has refused. Why has the U.S. not sent a band of students from Georgetown University to occupy the Costa Rican Embassy?

The infamous Idi Amin now resides in Libya. Why have Ugandan students not occupied some Libyan Embassy until Amin returns for trial?

There are two answers—the sovereign integrity of states and the principle of diplomatic immunity. The sovereign integrity of states means that every state writes its own laws and that no other state shall have the right or authority to demand that its laws be respected and obeyed in another state.

For blacks in America, the integrity of sovereign states aided runaway slaves in the years before the Civil War. Some were even accused of murder, but once they crossed the Mason-Dixon Line, the sovereignty of those states was respected and no one in the South rounded up the runaway slave's family to hold as hostages with death threats.

Khomeini is wrong. He is out of tune with the civilized catalyst of history. He is a Persian mummy awakening from his fifth cenutry Rip Van Winkle slumber. Khomeini is a religious psychotic, suffering from illusions of grandeur and demanding that the world and God immediately elect him God by acclamation.

He is so drowned in Islam that he is not able to grasp the vastness of God and Islam's relationships to other faiths and cultures. Khomeini told us what he wanted last month when he said, "Soon all the world will be Islamic." This is the principle of monolithic world domination, no different from that of Karl Marx and the Communist Manifesto. Khomeini, however, will be God and the state.

With all our Christian and secular principles giving sacredness to human life, what do we do when a man goes berserk and stands atop the Empire State Building and starts shooting people? We show our love for humanity by ridding it of one man.

Khomeini is wrong legally, morally, religiously and rationally. He is on the road to destroying the mindless people who follow him.

Khomeini called for American blacks to stand against their country and Christianity and for Islam.

I should like to inform Khomeini that proportionately, blacks are the most learned people in America and we have just been freed from one system of civil slavery. Why would we want his system of religious slavery which is worse as it claims divine sanction?

I should like to tell him this is our home. We've been closer to the land, dirt and soil than any American. We love it. There are beautiful people here of all colors, conditions and creeds.

Of course we have problems. But we are certain that we have the best system, mechanism and tools to resolve them with.

I assure Khomeini that he will receive no aid and comfort from American blacks for his form of slavery.

Finally, the hostages. Khomeini should know that the majority of American blacks are intelligent Christians and that they are horrified that our white fellow Americans are being illegally held and threatened in Iran. He has done more to bring us together than any foreigner in history. We support and expect our country to protect its integrity and defend its people. And if the need comes, we will be on the front line.

Khomeini asked black Americans to take a stand for the creed under which he is holding our brother Americans and threatening to massacre them. My answer is we are ready to stand, if they are harmed, where Iran was.●

## GROWTH OF INDUSTRIAL COMPETITION

● Mr. COCHRAN. Mr. President, perhaps one of the most significant economic features of the 1970's was the growth of industrial competition throughout the world. Whereas at the beginning of the 1970's the United States stood virtually unchallenged in the world market, we have seen the emergence of Western European countries, Japan and numerous other nations as bona fide competitors. All too often, we find foreign businesses offering products of equal value at lower prices.

One of the primary reasons for this has been the relatively slow growth in American productivity. Most economic analysts peg that growth at between 1 to 1.5 percent per year. At any rate, compared with Japan or West Germany, it is low. And it is reflected throughout our economy in our inflation rate, unemployment rate, trade deficit and gross national product.

The need for a cooperative effort between labor and management is clearly spelled out in an article by Betty Southard Murphy, a member of the National Labor Relations Board, published in the January 1980 issue of "Personnel Journal." As Ms. Murphy demonstrates, unless labor and management agree on the problem facing us all, we face further erosion of our economic vitality.

The article follows:

### "The Past Is Prologue"—Building Better Industrial Relations in the '80s

(By Betty Southard Murphy)

A new decade began on January 1st. Of course, we don't yet know if it is the start of the eager '80s, the egregious '80s or the empty '80s, or if the next 10 years will be any better than the last 10 years. We do know that employee relations will play a big part in the success or failure of working America in the decade ahead.

I could say, without contradiction from anyone, that the '80s will produce more problems, more opportunities, more changes and more challenges in the area of labor management relations than ever before, a truism which can be applied to any particular time. But I will also point out that engraved into the front of the Archives Building in Washington, D.C. is the famous legend, "The past is prologue." And historians since Herodotus have repeated that to understand the future, we must understand the past.

Well, we have seen the past, and we have seen labor-management relations deteriorate in the past few years. We have seen the struggle over common-situs picketing, not once, but twice recently. We have seen the struggle over minimum wage legislation, the struggle over Davis-Bacon, and the struggle—the big struggle—over the labor law reform legislation in 1978.

All this struggle has caused a breach between labor and management which is not yet bridged. Since we've seen this division occur, I hope the words of Herodotus will sink in and that we learn something from our recent past.

#### TRIPARTITE COOPERATION

Now that we are entering a new decade, let us try to adopt new methods of cooperation between labor and management and government, for the three parties must be allies, not adversaries. The United States is the only large industrial country where the government is constantly in an adversarial role toward business and labor. Certainly, this should stop.

For over three years I have been urging tripartite cooperation again by labor, management and government to identify the issues which this country will face as we move into the 21st century.

We all know, generally, what lies ahead. You don't have to be a Nostradamus to prophesize that 1980 itself will bring even greater inflation unless Dr. John Dunlop can work a miracle to control it. If he can't do it, no one can. We accept the fact that 1980 will present more economic problems, more unemployment problems, and more problems of foreign affairs and defense. We accept it; now what?

#### SETTING PRIORITIES

Containing inflation must obviously be one of our top national priorities. We also know that problems over imports will persist in the '80's. George Meany has warned that the United States is on its way to becoming a service country—an exporter of technology and services. Unless something is done to change the present trend, we might have to import all of our steel and heavy equipment, as well as our energy.

If you take a look at the two fastest growing unions in the United States, you'll see that they are both in service industries. I refer, of course to the American Federation of State and Municipal Employees, headed by Jerry Wurf, and the United Food and Commercial Workers Union, headed by Bill Wynn. Each of these unions has over one million members and is still growing. Our industrial unions, on the other hand, have hundreds of thousands of members on layoff.

The causes for this are many.

One cause is our foreign trade policy. Over the past 30 years, the nature and volume of our foreign investment have undergone great changes. Before World War II, foreign investment was primarily a means of ensuring a supply of raw materials for the investing/headquarters, country. But after the war, the growth of direct foreign investment outran the growth in international trade, and investment in natural resources per se was replaced by foreign investment in the means of production—the industrial plants themselves.

The main vehicle for this direct investment has been, of course, the multinational corporation. With an annual trade deficit of $28 to $32 billion dollars a year during the last 3 years, we go into the '80s with the realization that American industry and American workers have been hit, and hit hard. Not too long ago, the Industrial Union Department of the AFL–CIO announced that "more than 2 million U.S. jobs" have been lost from 1970 to 1977 due to imports.[1] They also warned that as a rule of thumb, over 5,000 American jobs a week are being lost to imports.

---

[1] Betty Southard Murphy, "Multinational Corporations and Free Coordinated Transitional Bargaining: An Alternative to Protectionism?" *Labor Law Journal*, October 1977, p. 625.

So these are some of the problems we face. The next decade may well be the egregious or empty '80s, but it doesn't have to be that way. A new decade is not ipso facto a better time or a worse time. I suppose if I had to choose one key word for the 1980s, it would be productivity—raising productivity in order to achieve real gains for workers and investors.

### PRIORITY NUMBER ONE

The decline in productivity—the amount of goods and services produced by an individual—has contributed to our unemployment rate and to our ever-rising inflation. While the United States remains the most productive nation in absolute terms, our annual rate of growth between 1967 and 1977 was only 1.5 percent, down from 3.2 percent for the previous period. If our productivity rate over the past 10 years had increased at the same rate as the previous decade, the United States would have added $100 billion more to its real gross national product.[2]

A number of reasons have been advanced to explain the decrease in productivity. These include changes in the industrial composition of our economy, the increasing difficulties in capital formation, the increasing amount of government regulation and money spent to comply with regulation, investments necessary to abate pollution, and the decreasing amount of money spent for research and development.

But at the same time, Americans are demanding better air, cleaner water, better education, better health and welfare. We want these worthwhile objectives, even though we know that raising taxes to achieve them does not add to productivity.

Although there are many ways to improve productivity, getting people "to work harder" is not the objective. It's true that workers need to be trained in the best way to do their jobs and to do their jobs in a shorter period of time with greater effectiveness. But We also face a great need to modernize American factories and equipment. Better and more efficient machinery is imperative, as is a more realistic trade program.

For every American automobile sold in Japan, 100 Japanese automobiles are sold in the United States. From 1970 to 1973, Japan's productivity gain was 9.6 percent, while the United States' gain was only 3.4.[3]

Every industrial country is trying today to increase its rate of productivity. In Sweden, for example, the trade unions have undertaken this as one of their main objectives. Either we in the United States must find better ways of doing quality work at less cost, or we must accept a situation where the federal government will be compelled to buy products and then dump them into the Atlantic Ocean because we can't sell them at home or abroad. But even that won't last very long if you've seen the Atlantic Ocean lately—it's already full of junk.

### INTERNATIONAL LESSONS

Barring the Atlantic Ocean as a solution, there is another one. And that is for labor and management to get together to work out means of increasing productivity, the quality of products and the quality of life at the work place. And so I believe that productivity will and should become the watchword for the '80s.

From this decision might flow more discussions on codetermination, the inclusion of workers in corporate decision making. Without endorsing or rejecting the concept of codetermination, I point out that it is, of course, widespread in western Europe.

Here, the United Auto Workers—which frequently sets collective-bargaining precedents—placed codetermination on the table in dealing with the financially troubled Chrysler Corporation. The newspaper reports indicate that the United Auto Workers are not seeking a dominant role on Chrysler's board, but are trying to assure that the interests of workers "will be put up front, side by side with the economic well-being of the corporation, when decisions are made."[4]

In addition, I think we are going to hear more about motivation in the '80s. Some of us laugh at the Japanese when we read that a shift going on the job in Japan applauds the shift leaving the job. But when you examine it, the practice is not really something to laugh about. The Japanese are highly motivated—their increase in productivity clearly demonstrates that. And the Japanese appreciate and understand the dignity of work. The shift leaving the plant, having done its job well and having produced a high-quality product, is deserving of applause. So I believe that labor and management should get together to find out how American workers can be motivated—that's motivated, not brainwashed—to do a better job and, to understand why they should.

We also go into the 1980s with plans for more automation. Automation brings with it all of those people-oriented problems that started with the first Ford Motor Company assembly line many years ago. For example, in the paper industry just 10 years ago, a good-sized paper plant employed 3,000 people or more. Today, an automated plant takes less than 300 employees, and these are primarily engineers and technicians, not rank-and-file factory workers. We have to deal with the problems of unemployment caused by more automation and with changes in the way our work is done.

There will be more flexible work schedules and more part-time employment in the '80s. This is particularly beneficial to women workers, who frequently have other demands on their time. (Former HEW Secretary Elliot Richardson was one of the early pioneers of the two-people/one job concept. I know, because I had the privilege of serving on the Secretary's Committee on the Rights and Responsibilities of Women, and this was one of the proposals we made, which he adopted. The fact that this benefited women workers was absolutely intentional.)

So there will be more flextime in the '80s, more job sharing, more participatory management, more management-by-objectives projects and, I hope, more joint productivity committees.

### THE DEMOGRAPHIC INFLUENCE

The 1980s will also see changes in demography. Older people will work longer. There will be fewer early retirements due to inflation. There will be more people in the work force, and maybe less work.

According to the Census Bureau, the median age of our population will be 31.5 in 1985. Considering workers to be between the ages of 18 and 65, this means that about 61 percent of the population of the United States will be in the work force in 1985. That's high.

We are definitely going to have problems of unemployment, particularly for unskilled workers. In the first 75 years of this century, unskilled workers could be employed in great numbers in factories, restaurants and throughout industrial and construction America. This is no longer true.

But the question is, of course, what's going to happen to our unskilled workers who are also in the lower economic wage-earning sector of our company? Are we just going to accept it—increase their welfare payments and let it go at that? Or are we going to find a way to give American citizens the dignity of work for wages?

### BETTER AND MORE REALISTIC COOPERATION

If we say the answer to unemployment lies in welfare, we are going to end up losing our democracy. Although running a paper plant with only engineers and skilled trades is more productive, it also creates obvious problems. Labor and management looking to the next decade will have to address themselves more seriously, not only to the problems of inflation or stagflation, but also to the problems of the unemployed. The government, no matter how well meaning, cannot do it alone.

I cannot emphasize too much my belief that if we are going to have a better and more rewarding life ahead, we need better and more realistic cooperation between labor, management and the government. Labor's goal, with which I am in total agreement, is to improve the economic position of employees they represent. Management's goal, with which I am also in total agreement, is to produce a quality product at the lowest realistic cost. These two goals are not inapposite. Indeed, each side should perhaps adopt the other's credo as the best way of achieving its own primary goal.

In other words, management should dedicate itself to improving its employees' economic conditions, and unions should dedicate themselves to finding better ways of producing top-quality products at competitive cost. Both sides must realize that they need each other and start cooperating in the truest sense of the word.●

## OCS DRILLING PROTECTIONS ON THE GEORGES BANK

● **Mr. HATFIELD.** Mr. President, together with Senators WEICKER, COHEN and others I am an original cosponsor of S. 2119, the Georges Bank Protection Act introduced by Senator KENNEDY. The bill establishes specific drilling safeguards for OCS oil and gas development off the coast of Massachusetts, Rhode Island, and Connecticut in the rich fishing grounds of the Georges Bank.

As in any frontier OCS area, but particularly in Alaska and the Georges Bank, there is a special need to prepare drilling requirements which protect the fragile and, in some cases, only slightly known marine environment. While I would not halt OCS sales in frontier areas, I do believe that safety and pollution prevention must be priority concerns and that rigid requirements of OCS lessees and drilling operators must be made.

The Georges Bank Protection Act, S. 2119, with a few minor changes which I will recommend, insures that reasonable environmental protections and safety precautions will become an integral part of drilling operations on the Georges Bank.

Of course it may occur to the Department of the Interior that drilling requirements such as those in S. 2119 should be included in the permits issued under the general protective authority provided the Department in existing law and spelled out in the lease stipulations. In that event legislation would probably not be necessary.

---

[2] The Bureau of National Affairs, *Daily Labor Report*, January 4. 1978, p. A 1–2.

[3] "The Productivity Government," *The Conference Board Record*, February 1976. See also James D. Hodgson, "Japan's Production Machine: Unexcelled But Not Unerring," *Finance Magazine*, June 1977, p. 17.

[4] "Corporate Board Sets Goal of United Auto Workers," The Washington *Post*, October 15, 1979.

In any event, it is important to stress the positive safety and environmental record of OCS development over the years. The 1969 blowout in the Santa Barbara channel has taught us much about the need for vigilance in OCS protection and tough drilling standards. The Campeche Bay blowout off Mexico's Gulf Coast, for example, could not have happened in U.S. waters, and the overwhelming probability, 95.5 percent according to Interior's EIS, is that no significant spill will occur on the Georges Bank. Our drilling requirements are far more exacting and protective, and our lessees and operators have acquired a great deal of experience in their implementation. Expert witnesses appearing before the Energy Committee last session agree in this assessment.

I have three recommendations which I feel would improve the Georges Bank Protection Act: First, the Secretary of the Interior should be able to act without the Administrator of NOAA in determining certain exemptions from barging drill muds and cuttings. The Secretary has in the past and will continue to consult with NOAA concerning meterological conditions which may make barging too hazardous and concerning pollutants from drilling operations affecting our Nation's fisheries. But to require the Interior Secretary to make decisions with the Administrator of NOAA in the areas of disposal methods for drilling muds and cuttings and reinjection of formation waters presumes an expertise which NOAA does not have. Second, the composition of biological task force established in the bill to monitor the effects of oil and gas activity on Georges Bank fish populations should certainly include a representative of the industry's environmental scientists. The Secretary of the Interior could appoint this member, and this addition would increase the task force size to seven. Third, the recommendations of the biological task force to the Secretary of the Interior should be advisory, like all other existing secretarial advisory boards, and not compulsory. The Secretary's responsibility in managing the OCS and its resources is broader than the range of concerns of the task force which, by design, takes a much narrower view in making assessments. The Secretary cannot be bound by such a narrow view.

I have heard several other potential problems with the proposed Georges Bank Protection Act, but I am not sure at this time of their significance. They can be addressed during hearings on the bill. One, for example, is that of the International Association of Drilling Contractors, which has noted that the cost of barging drilling muds and cuttings away from the area of operation may equal the cost of drilling muds. That is, barging might be double the existing costs without significantly reducing any adverse impacts. A more general critique of the bill has concluded that the legislation prejudges the need for barging before research has indicated that harm will be done and that this prejudgment may unnecessarily limit the Secretary's flexibility in managing OCS leasing and operations. Certainly concerns such as these can be reviewed during hearings on the legislation.

Public controversy has been high throughout the debate on whether or not the Department of the Interior should sell lease tracts on Georges Bank. But a little less exaggeration and emotionalism in discussing oil and gas development on the Bank would help the Government, the companies operating on the leased tracts, and, most of all, the public. For example, before the lease sale, the CBS Evening News characterized the probability of a major spill at Georges Bank as "40 percent." According to the Final EIS for Sale No. 42 and statistics accrued over the life of OCS production in the United States, the probability of such a blowout is actually around 0.5 percent.

Other examples of misinformation abound. The importance of Georges Bank as a commercial fishing ground to New England and to the world certainly should not be understated. But there have been numerous and gross overstatements concerning the commercial fishing of Georges Bank and the potential impacts of OCS oil and gas operations on it, such as: "It's by far the richest fishing ground in the world * * *," "* * * renewable food resource—worth at least a billion dollars a year every year," and "* * * the source of 14 percent of the world's annual fishing harvest * * *;" coupled with statements implying that a massive crude oil spill is inevitable in the Georges Bank area, would most likely decimate the fishing grounds and fisheries, and would equate to the toxicity of spilling refined petroleum products.

If we are to attempt to keep the public informed on what the OCS has to offer our energy future and the environmental consequences and risks of OCS activities, we must deal in facts.

The Georges Bank, important as it is, does not produce 14 percent of the world's fishing harvest, nor does it produce $1 billion a year in fisheries, nor is it the richest fishing ground in the world.

In the 1930's, the Georges Bank was indeed the premier fishing ground, but this is no longer the case.

In 1978, which showed the highest annual fisheries yield for the Nation since 1962, the Louisiana catch was ranked first, Alaska second, and California third. All were over 700 million pounds. The U.S. catch on Georges Bank (without shells) was estimated at 183 million pounds, worth about $90 million, with the world catch on Georges Bank about twice that.

The total marine fishery among all nations was about 160 billion pounds (including shells) in 1978, which made the world catch on Georges Bank about one-half of 1 percent.

The United States has been ranked fourth or fifth in commercial fishing catches among all nations for the past several years. At about 7.7 billion pounds, the U.S. catch was less than 5 percent of the world harvest in 1978. The American Georges Bank catch was therefore about two-tenths of 1 percent of the total world harvest.

Last year the Georges Bank came under consideration as a potential marine sanctuary because of the number of nominations it received from concerned citizens in New England. An NOAA study which initiated the concern in 1979 resulted in an agreement between the Department of the Interior and NOAA to go ahead with the sale, provided certain stipulations were included in the lease. Contrary to one quote that appeared in a November 5 Washington Post article, the lessee will most certainly lose his lease if the stipulations are not adhered to. This is a demand of new regulations required by the 1978 OCS Lands Act Amendments which were developed in the Senate Energy and Natural Resources Committee.

One of the stipulations that the Department of the Interior agreed to in its consultation with NOAA was to delete certain tracts from the lease sale. The deleted tracts were the most sensitive in the proposed sale area because of their close proximity to certain marine habitats, including breeding grounds. Because of the deletion of these tracts, the probability that any oil spill will harm the shoreline or the reproduction of marine species has been drastically decreased from original projections.

The U.S. record of safety on the OCS is enviable, and the probability of blowouts continues to decrease as technology improves. It also decreases as additional wells are drilled in a specific lease area. However, the probability cannot be reduced to absolute zero. There will always be a chance of an occurrence.

In debate over economic and biological effects of a blowout, it should be understood that there is a significant and important difference in impact between a spill of refined petroleum product and a spill of crude oil. Tanker accidents with refined products are big villains, not well blowouts of crude oil. The toxicity and potential biological destruction from a refined product cannot be equated with crude oil. Many arguments that have appeared in the media have tacitly assumed an equivalence. While refined products and crude oil are anatomically similar (they both contain carbon and hydrogen), crude oil does not have the same molecular construction as a refined product. It is the new molecules made by the refining process that makes petroleum products so potentially lethal. For this reason, arguments that are put forth involving the potential danger of a spill involving No. 2 heating oil (the *Falmouth* spill) and No. 6 heating oil (the *Argo Merchant* spill) are not applicable to a discussion on effects of crude oil.

The OCS contains, depending on whom you consult, from 32 to 60 percent of our Nation's remaining oil resources. OCS activities not only offer a partial solution to our undesirable imports dependence, but already return $3 billion annually to the Treasury in leasing and royalty payments.

The attractiveness of OCS development continues to improve as our environmental and safety record also improves. Drilling requirements such as those recommended in the Georges Bank Protection Act, S. 2119, attempt to insure that this environmental record remains strong.●

## WESTPORT SCOUTS MEET SPECIAL FORCES

● Mr. RIBICOFF. Mr. President, Boy Scout Troop No. 100 of Westport, Conn., spent December 15 and 16 with the 10th Special Forces at Fort Devens, Mass. Paul Copp, the troop scoutmaster, found the visit to be most beneficial for his Scouts. He says the special forces gave the Scouts lessons in wilderness survival, radio communication and training. Scoutmaster Copp sent me a copy of a letter he wrote to Col. Richard G. Kattar, post commander of Fort Devens.

Mr. President, I ask that the letter be printed in the RECORD.

The letter follows:

HOWMET CENTER,
*Greenwich, Conn., December 28, 1979.*
Col. RICHARD G. KATTAR,
*Commander, Ft. Devens, Mass.*

DEAR SIR: I feel an obligation to write and thank you personally on behalf of the fifty-eight young men (and their families) who are Boy Scout Troop 100 of Westport, Connecticut, and who during two days lived an experience they will never forget, and more importantly an experience that will shape and temper their lives as they are forged into adults.

On the fifteenth and sixteenth of December, Troop 100 was hosted by the 10th Special Forces of your Post. During our visit, the A Team assigned, by example and by their training methods: showed us how to be comfortable in the field gave us confidence in rapelling from a sixty-foot tower; instructed in first aid; instructed us in rope work, as building a rope bridge and crossing; trained us in wilderness survival, as using traps and snares; and instructed us in radio communication.

To be able to understand the impact made upon our young men, you must understand our community. Westport is what I might describe as wealthy and liberal with a strong segment of the population employed in the communications industry. Many of our fathers travel extensively. (My own proposed travel schedule for the year includes The Peoples Republic of China, South America as well as Eastern and Western Europe.) I believe if you were to ask a Westporter how he would describe his town—he might perceive himself and his town as "sophisticated". This "sophistication" presents a young man growing up in the community with more than his share of temptations including what may be an almost universal acceptance by his peers of the use of narcotics. Last month, eight of our children were close to death after using "Angel Dust". As you may surmise, for the reasons listed above and many others, the ideals of scouting have found little support among the general population. (This environment may be changing at least at the sixth through ninth grade levels of our population.)

In the type of community that I have described, the military is not perceived as desirable and there were many negative preconceived notions on this subject among our Scouts.

From the first moment of our arrival, this notion began to change. The M.P.'s were knowledgeable, courteous, and obviously took pride in themselves and in their duties. The grounds and buildings at Ft. Devens were well kept and showed care and attention by all members of the Post. At the start of our visit the 'A' Team was attentive but seemed reserved. Ten minutes later this all changed with a demonstration on the rapelling tower. Obviously, we were with the best of the best. Our confidence in these men soon enabled even the Scoutmaster to place himself in their hands and rappel over a sixty-foot tower.

As the day went on, every objective of the Scoutmaster was fulfilled as S/Sgt. John O'Donohue and the men of the 'A' Team became role models for the young scouts. The admiration of the scouts for these men and their ideals became friendship. The men of the 'A' Team had pride in their country, the Army and especially in each other. They were loyal, friendly, courteous, reverent, kind, helpful, obedient, cheerful, clean and brave. Whether they knew it or not, the men of the 'A' Team set an example that will be followed by many for years to come. In two days, these men did more for the ideals of scouting; the Scouting Program in Westport than the Scoutmaster could do in a year; and provided that motivation to continue to learn so that some day soon they could be as prepared mentally, morally and physically as the men wearing the Green Berets. The Special Forces Unit lived daily the Scout Law.

As the Troop was ready to leave, the Scouts were shown how to wear the Troop's Red Beret properly; the Scoutmaster and Scouts were sternly lectured because a piece of paper was found in the wilderness area where they had camped and other evidence was observed that in fact showed someone had been there; framed copies of the "Special Forces Prayer", and of "Men of The 10th"; and finally The Special Forces shoulder patch was presented to each member of the Troop present. As mentioned earlier, the most optimistic expectations of the Scoutmaster were exceeded.

Colonel Kattar, it is obvious that I and the other fathers present know that these men did an outstanding job. We especially wish you would relay our thanks to S/Sgt. John O'Donohue, who was in charge of our experience. But, we also want to recognize S/Sgt. Phil Hoffman, S/Sgt. Jim Trainor, S/Sgt. Jeff Miller, Sgt. Mark Conley, Sgt. Richard Ferguson, Sp4 John Unger, Sgt. Steven Page, and SFC Ouellette.

Finally, I know how busy you must keep the 10th Special Forces and especially this 'A' Team in order to keep in the state of preparedness that we observed, but if there was a possibility that this outstanding resource could be made available to youth in general and especially to Scouts, it would serve the national interest. I have a thousand ideas ranging from Memorial Day demonstrations to a weeks summer outdoor experience in a wilderness area. Any young man I know would benefit from the associaton. If on this point I may be in any way helpful, you have only to ask.

Thank you again.

Sincerely,

PAUL COPP,
*Scoutmaster.*●

## PHILIP A. SAMPSON

● Mr. GARN. Mr. President, last November, Philip A. Sampson, minority staff director of the Banking Committee's Subcommittee on Housing and Urban Affairs, became the new Director of Customers Programs for the Comptroller of the Currency.

I have often been critical of the workings of the bureaucracy, but when I see an agency attract a person of the caliber of Phil Sampson, it shows me that things might be changing "downtown."

Phil provided outstanding service to the Senate both in his work at the Congressional Budget Office and during his more than 2 years with the Senate Banking Committee. His experience and expertise in housing, community development and consumer affairs will be greatly missed not only by the minority members who worked most closely with him but also by the entire Banking Committee.

I know that Phil will continue to be an asset wherever his work takes him, and I wanted to share with my colleagues here in the Senate my high regard and esteem for him and his excellent work.

Further, I am pleased to announce to my colleagues that Jesselie Barlow, who previously served as Phil Sampson's assistant, has been named to succeed him as minority staff director of the Housing and Urban Affairs Subcommittee. She stands ready to serve you and your staff members with regard to matters under the jurisdiction of the subcommittee.●

## DR. LEO ZAMBON

● Mr. LEAHY. Mr. President, I want to share with you the pride the people from Needham, Mass., have in Dr. Leon Zambon. Dr. Zambon's parents immigrated to Vermont from Italy. He was raised in Vermont, and his work and dedication as a doctor are among the true success stories of America.

I am proud of Dr. Zambon, not only as an individual admirer of his, but also as a member of his family.

The attached article appeared in the November 28, 1979 issue of the Needham Chronicle. I ask that it be printed in its entirety in the RECORD.

The article follows:

### OLD-FASHIONED DOCTOR SAYS GOODBYE

(By Dorothy Hines)

He's an old-fashioned general practitioner who holds office hours every weekday evening, makes house calls whenever his patients ask and loves the personal relationship he has with his neighbors.

Now Dr. Leo U. Zambon is winding down his career after 30 odd years and his patients know "they will never see his like again."

The Needham resident set up general medical practice at 53 Oak St., Newton Upper Falls after discharge from the Army Medical Corps in 1946 and he's been there ever since, coping with everything from the common cold to delivery of several generations of babies.

As he reflects on his medical career, the physician acknowledges that his is a labor of love, that he sought to establsh a "familial" relationship with his patients, and "wouldn't have wanted to practice medicine any other way.

Perhaps it has something to do with Zambon's earlier environment, he's a native of South Ryegate, Vermont and has the air of a country doctor; he views his practice as service to a close knit small community.

So close is his contact that he dispenses with any formal announcement of his imminent retirement, relying on patient word to mouth to spread the news.

And his method is effective, for at least two of his patients contacted this reporter because they wanted to share the story of his upcoming withdrawal from practice.

Cheryl Ross of Waban has childhood memories of Zambon coming to her home on many occasions and recalls one time when he examined her younger brother, left a prescription and charged only $3. He's still her family physician and his rates have barely increased, she explains with amazement. "You just wouldn't expect to find him in Newton."

Mrs. Ross characterizes the doctor as an "incredible man," and wonders, "where we are going to find someone to replace him."

Helen Panella of Waban is most struck by her doctor's personal interest in each of his patients. "We are losing an old-fashioned doctor you don't come by today," she comments. "When he came to your home he always had time for conversation; if he administered a shot he would wait to see if there was any reaction. You were never rushed."

"Yes, I guess they're going to miss me," admits Zambon shyly as he emphasizes how glad he is that he always kept a hand in general practice. But there are other facets to his professional career.

Discharged from the Army with honors, he continued to serve in the reserves and was at one time commander of the New England Air Force Hospital quartered here in Massachusetts. In 1962 he achieved the rank of full colonel and was retired from service in 1971.

Along the way the general practitioner served as residency in anesthesiology at Deaconess Hospital in Boston, becoming board eligible in 1962, and has been on call to several suburban hospitals, among them Glover Memorial in Needham, St. Elizabeth's in Brighton, and Newton-Wellesley.

In the late 1960s he was an anesthesiologist on the staff at Glover for six years and still sits on the hospital's utilization committee.

Keeping both a general practice and his speciality going called for 18 hour days, Zambon remembers. But it was worth it since he "hated to give up his old patients."

And although he recognizes the inevitability of medical specialization, he decries the trend toward the institutionalization of medical practice.

The economics of health care plans seem to preclude much office patient care with coverage aimed at hospital costs. The trend is away from personal contact he acknowledges.

The retiring physician credits professional membershp in several societies with helping him to keep up with expanding medical knowledge. A member of both the Charles River Medical Society and the Massachusetts Medical Society, he has continued his education through their special lectures and other services.

He recognizes the quality of medicine as much improved over the years' especially in the field of childhood diseases where immunization has eradicated many illnesses.

And Zambon is happy to see the development in health care for the elderly and expects the field of gerontology to grow right along with the aging population.

This is one field in which the availability of health insurance has been a positive factor, he believes. He remembers when the aged would not seek medical care because they lacked funds.

Ideally he can hope for medical insurance which would pay for the necessary care but allow people to maintain relationship with their own doctor.

He emphasizes that we should not overlook the emotional factor—people like personal relationships, they become accustomed. "People just feel that way," he muses.

The Newton physician should know—he went 25 years without a vacation rather than disappoint anyone.

Now he and his wife of three years are looking forward to a long vacation in the South and retirement to a Cape Cod home, much of which was built by the doctor.

He enjoys puttering around and is adept at carpentry, plumbing and electrical work, he explains.

"It's my only hobby, I didn't have time for much else."●

## FIFTIETH ANNIVERSARY OF THE INAUGURATION OF HERBERT HOOVER TO BE THE 31ST PRESIDENT OF THE UNITED STATES

● Mr. HATFIELD. Mr. President, the domestic crisis which plagued the Presidency of Herbert Hoover has tended to obscure his role in foreign policy. In fact, Hoover's Secretary of State, Henry L. Stimson, is often viewed as an equal partner with Hoover in the formulation of foreign policy in this period. Yet, Hoover was actually in direct command of foreign policy, and had a number of significant disputes with Stimson. Historian Alexander Deconde, professor of history at the University of California at Santa Barbara, has written an essay on Hoover's foreign policy entitled "Herbert Hoover and Foreign Policy: A Retrospective Assessment," for inclusion in the series of essays commemorating the 50th anniversary of Hoover's inauguration as our 31st President.

With the possible exception of John Quincy Adams, no President entered office with a greater breadth of exposure to foreign lands and peoples than Hoover. From private enterprise positions which took him to Australia, Asia, Europe, and Africa, to public positions associated with relief efforts in Europe during and after World War I, Hoover came into office with strong attitudes about the proper role of the United States in the world. These positions did not fill Hoover with confidence about foreigners. He seems to have shared the racial prejudices which were widespread in America at the time, and he returned from many years in Europe with a deep distrust of Europeans. According to Professor Deconde, Hoover suspected European leaders of "conspiring to keep the United States off balance through involvement in their seemingly endless political quarrels."

These experiences abroad, combined with his humanitarian and pacifist instincts, yielded a strong preference for moral suasion over military action and a determination to keep the United States from becoming embroiled in overseas disputes which did not pose a direct threat to this country.

For example, Hoover's philosophy is shown in his handling of the Japanese invasion of Manchuria in 1931, which Deconde terms the most dangerous and important international event of the Hoover Presidency. China sought international assistance against Japan through the League of Nations, the Open Door Treaty of 1922, and the Kellogg-Briand Peace Pact of 1928. Although both Hoover and Stimson came to view Japan as the aggressor, Hoover stood firm against any involvement which could conceivably pull the United States into the war.

Here Stimson and Hoover parted. While the Secretary favored some strong action against Japan in the hope that this might deter further aggression, Hoover was steadfast against it. The two men did jointly work out the Doctrine of Nonrecognition of Territorial Gains. Under this doctrine, which President Wilson had also used in a Sino-Japanese conflict, the United States would not recognize territorial changes produced by force which violated its treaty rights.

But while Stimson viewed this corollary to the Kellogg-Briand Act as an initial step to be followed if necessary by collective economic and military action by the world's nations, Hoover viewed nonrecognition as the final step in collective persuasion. He refused to hint at action which he was not prepared to take, out of the fear that the Japanese would call his bluff, and war could follow.

With regard to Latin America, Hoover articulated the policy of noninterference in sovereign affairs, although the United States was to remain interested in the welfare of these nations. Hoover ended the 20-year occupation of Nicaragua by U.S. Marines and set about to remove U.S. troops from Haiti. This military occupation was completed after he left office.

Hoover's attitudes toward the proper U.S. role in the world community contrasted sharply with subsequent U.S. policy which continued through the end of the Vietnam war. According to Professor Deconde, in the Vietnam era "those of the left and right hailed him as a prophet of globalism who had warned against the evils of limitless military ventures abroad." With some talk now of the end of the Vietnam era in U.S. foreign policy, it is useful to review again Hoover's approach to U.S. foreign policy.

Mr. President, I ask that Professor Deconde's essay be printed in the RECORD, along with a biographic sketch of the author.

The material follows:

### HERBERT HOOVER AND FOREIGN POLICY: A RETROSPECTIVE ASSESSMENT

(By Alexander Deconde)

Most biographers, historians, and others who have explored the presidency of Herbert C. Hoover, 1929–1933, have focused on his domestic policies, especially on his struggle with the great depression. Usually they have expressed strong feelings either for or against him. Writers of liberal persuasion have generally depicted him as an emotionless reactionary who had taken on a job beyond his capabilities. Friendly biographers, often journalists, and other writers on the conservative side, have defended Hoover's policies and have pictured him as a kindly man, a great humanitarian, misunderstood by his people and deliberately maligned by opponents seeking political advantage.[1]

In recent years scholars who have examined previously closed Hoover archives have written a number of balanced and relatively unemotional assessments of the Hoover presidency. Several of them have focused on his record in foreign relations within a reasonably detached perspective.[2] To date, however, no one has written a book-length account of Hoover's role in the shaping of foreign policy, even though in that area presidents have frequently exercised their greatest power, and even though much of importance in foreign affairs occurred during Hoover's presidency. Scholars concerned with foreign policy have devoted more attention to the attitudes and ideas of his secretary of state, Henry L. Stimson, than to Hoover's own views and predilections in international affairs. The one book that covers the foreign relations of the Hoover presidency as a whole concentrates on the "Hoover-Stimson foreign policy" and gives as much attention to the secretary of state as it does to the president.[3]

---

Footnotes at end of article.

This apparent slighting of Hoover as the dominant figure in the foreign policy of his own administration is unusual in several respects. In few instances in the American past have secretaries of state captured, as shapers of policy, more attention than the presidents to whom they were always subordinate. Secondly, Hoover was neither a passive personality nor an acquiescent president, especially in the area of foreign relations. Historian Carl N. Degler even maintains that "he was unquestionably one of the truly activist presidents of our history." Having "great confidence in his own ability," as recent studies of greater depth also point out, Hoover wanted to be, and usually was, in direct command of foreign policy.[4] He did not even permit special advisers to share his power in this area. No Edward M. House, Henry Kissinger, or Zbigniew Brzezinski had a hand in the shaping of foreign policy within the Hoover administration. Thirdly, by experience, intellectual capacity, and disposition Hoover seemed much better qualified to handle the nation's foreign relations than were his two immediate predecessors in the White House, or even most of his high-ranking contemporaries in politics.

More than any previous president, with the possible exception of John Quincy Adams, Hoover knew from first-hand experience before entering the White House something about foreign peoples. For years, as a mining engineer, he had traveled widely abroad, living in Australia, China, other parts of Asia, Russia, Africa, and in Europe. During the First World War, beginning in 1914, he entered public life by working in Belgium and elsewhere in Europe administering relief to war-ravaged peoples. In the process he cooperated with or clashed with Belgium, Dutch, British, French, and German officials, military and civilian. When he returned to the United States he served as President Woodrow Wilson's Food Administrator. He also became one of Wilson's trusted advisers, gaining appointment to the American War Council in March 1918. There Hoover became involved in major presidential decisions and at times influenced them.

Hoover's thinking on international politics at this time appears to have pivoted on a changing and perhaps too personal a perception of Europeans. Before the war, in the course of living in Europe, he had acquired an appreciation for its art, literature, architecture, and grand style of life. The war, he believed, had transformed the gracious Europe he had known in his early years into a "furnace of hate." During the period of the armistice and at the peace conference, where he served on twenty committees and as chairman of six, he had to work closely with leaders of this transformed Europe. Once again he collided with them, this time mainly with British, French, and Italian officials. This bruising experience in international diplomacy, where he discerned "national intrigue, selfishness, nationalism, heartlessness, rivalry and suspicion," deepened his disillusionment with the affairs of the Old World.[5] Whether or not his attitude stemmed from a realistic appraisal of world affairs, he came to distrust Europe and Europeans, believing that their leaders were somehow conspiring to keep the United States off balance through involvement in their seemingly endless political quarrels. In particular he nurtured a deep antipathy to Marxist Russia, going so far in March 1919 as to urge Wilson to manipulate or withhold food supplies desired by Russians so as "to stem the tide of Bolshevism."[6]

In September 1919 Hoover left Paris and returned to the United States with a glowing reputation as a humanitarian, as the war's foremost civilian hero, and as a major political figure. He also carried with him the conviction that the peacemakers at Paris had in the Treaty of Versailles created a document of vengeance, and that for this and other reasons the United States should avoid further entanglement in Europe's politics. In accordance with this view he advised the president to keep the United States out of the various international economic and military commissions spawned by the treaty. Yet he also believed that European economic rehabilitation depended on the treaty and that the United States, because of its alleged moral superiority over other nations and its greater economic and political power, should assume a role of detached but not indifferent leadership in world affairs. He favored economic coordination, if not close cooperation, between great powers to form a worldwide economic community led by the United States.

Despite his distrust of Europe, Hoover publicly espoused some form of collective security, or cooperation with other nations in working for peace. In 1920, for instance, he campaigned for the League of Nations, but attempted to distinguish between the Treaty of Versailles and the League. Even though he disliked the treaty, he urged its approval, essentially because the League covenant was an integral part of the treaty and Americans could not have one without the other. Like Wilson, he at first opposed reservations attached by the Senate to its proposed approval of the treaty, but later he urged the president to accept them. Even the "undesirable" reservations, Hoover told Wilson on November 19, 1919, "do not seem to imperil the great principle of the League of Nations to prevent war."[7]

Still later, after defeat of the League in the Senate, Hoover served as secretary of commerce in the cabinets of presidents Warren G. Harding and Calvin Coolidge. There he had a voice in all important matters involving international economic policy, and there also he became active in other areas of foreign relations. In Hoover's hands the relatively new and small department of commerce acquired considerable power with influence ranging throughout government, leading a colleague in the treasury department to quip that he was "Secretary of Commerce and Under-Secretary of all other departments."[8] Hoover used the department of commerce as an instrument for promoting American financial interests abroad, mainly by uncovering unexploited opportunities for investments and fresh markets for surplus products.

Hoover also had a part in the Harding administration's most important venture in foreign policy, a nine-power naval arms conference. Harding placed Hoover on the advisory committee. When the delegates convened in Washington in November 1921 Secretary of State Charles Evans Hughes sought Hoover's advice, particularly on matters pertaining to Asia. Here, in the sensitive area of race and ethnicity, Hoover did not rise above the dominant prejudices of his time. He expressed disdain, if not contempt, for Japanese and other Asians, implying that they belonged to the "lower races," and that whites of course rated higher. Later he deplored allegedly hyphenated allegiance among the "foreign-born," seeing in divided loyalties a menace to the kind of white, Protestant, patriotic Americanism he favored. In 1924, when Congress was setting racially and ethnically discriminatory immigration quotas, he favored exclusion of the Japanese, asserting that there were "biological and cultural grounds why there should be no mixture of Oriental and Caucasian blood."[9] He also regretted that "Nordics of all kinds" were being excluded from the United States while Puerto Ricans, essentially "undersized Latins," were being admitted.[10]

The literature on Hoover does not reveal how or to what extent his racial or ethnic attitudes influenced his views on foreign relations. Yet there must have been some overlap, for all during the 1920's he dealt with foreign issues and foreign peoples. Some of them at the time, such as the Japanese, more than likely discerned his scorn.

From 1922 to 1927 Hoover also served as an influential member of the World War Foreign Debt Commission. There he not only became deeply involved in one of the most perplexing problems in his country's relations with Europe but also had to deal with essentially the kind of European politicians for whom he had previously expressed distrust. Nonetheless, Hoover apparently liked the milieu of international politics because for a time he made obvious a desire to become Calvin Coolidge's secretary of state.

When Hoover ran for president in 1928, therefore, he had a considerable interest in foreign relations and broad experience in government, especially in matters involving foreign peoples and officials. In his thinking on international economics and politics he embodied the conventional wisdom of his time, with its faults as well as its virtues. He also brought to the campaign a reputation as an administrator of distinction, as a political and social progressive, and as an internationalist.[11] In keeping at least with the outward aspects of internationalism, he expressed a willingness during the electioneering to work with the League, if he became president, in its non-political endeavors. In his inaugural address he accepted "the profound truth that our own progress, prosperity and peace are interlocked with . . . [those] of all humanity." As a matter of political practicality, he also explained that Americans wanted "no political engagements such as membership in the League of Nations" because it might lead to foreign wars, and that he would respect their desire.[12]

Despite this record, various historians have assessed Hoover's performance in foreign policy as flawed because of his inexperience in rough-and-tumble domestic politics. They said, for example, that he simply "was not well-equipped as a political animal" and that "his role as a politician does much to explain his failure in the White House."[13] While true that Hoover had not previously been elected to public office, several other presidents, among them George Washington and Dwight D. Eisenhower, had not had experience in national politics nor had they held noteworthy elective offices before becoming chief executive. Yet many writers praised rather than condemned them for their essentially non-political backgrounds. In their own time and since, those presidents received acclaim as national leaders who supposedly reigned above the strife of domestic politics.

In Hoover's case, the idea of political ineptness apparently began within his own party, and in issues related to foreign policy. Many old guard Republicans refused to forgive him for not having risen to prominence through the party ranks; they considered him something of a maverick. They also disliked his publicized internationalist outlook, his many years of residence in foreign countries, his early but flagging desire to bring the United States into the World Court, and his previous support of the League of Nations. In turn, their unbending isolationism annoyed him.[14] Yet, in part because of his nationalism grounded in the conviction of American superiority over other peoples, historians have often portrayed Hoover as an isolationist.[15] Even some of those who have viewed his conduct of foreign policy favorably have resorted to euphemisms such as "independent nationalism" to distinguish his policy from isolationism and from an internationalism committed to an institutionalized collective security.[16]

Some scholars have tried to explain

---

Footnotes at end of article.

Hoover's foreign policy, as they have the whole of his presidency, in terms of his personality, his Quaker faith, his big business background, his old-fashioned nationalism, his devotion to capitalism, and his belief in individualism, or the idea that people, and nations too, should fight their own battles. Critics, and even those who claimed friendship, found him overly sensitive to criticism, humorless, insecure, inflexible, unforgiving, doctrinaire, and self-righteous. Somehow, they implied, these personal qualities affected his performance in foreign relations. They pointed out that his commitment to internationalism, rooted in the idea that the United States could help others by serving as a model, or essentially as the unique and superior nation destined to lead the benighted, was so restricted as to be void of real meaning.

Other critics, particularly liberal writers and academics of the thirties and forties who looked closely at Hoover's record and his words, found what they consider a similar weakness in his approach to his most cherished goal in international affairs—peace. As president, he aspired to a form of international cooperation devoid of coercion, a voluntary system that would on its own bring lasting peace to the world. Many statesmen, even cynical ones, have expressed faith in analogous ideals, but Hoover believed in his ideal with a consistency approaching religious commitment.[17] "It seems to me," he wrote in an analysis of foreign policy six months after taking office, "that there is the most profound outlook for peace today that we have had at any time in the last half century."[18] Few, if any, writers have doubted his intense dislike for war, an attitude that seemed to grow logically out of his Quaker upbringing. Although so strongly pacifistic in his thinking that Stimson and others called him "a pacifist President," he was not a true pacifist. He did not rule out the use of force if deemed necessary, especially in defense of the continental United States.

This tilt toward pacifism influenced but did not necessarily shape important aspects of Hoover's foreign policy. He refused to take measures that risked a commitment to military action on behalf of abstract ideals, even those he found attractive, such as the concept of collective security. In keeping with his Quaker ideals, as president he stressed spiritual values, or the primacy of national moral force over the use of military violence, in foreign crisis. Moral persuasion, not armies, he felt, would bring to Americans and to all peoples the international as well as domestic security they sought.

Hoover expressed this aspect of his philosophy in foreign relations clearly in a speech on Armistice Day, November 11, 1929. He said that "the European nations have, by the Covenant of the League of Nations, agreed that if nations failed to settle their differences peaceably then force should be applied by other nations to compel them to be reasonable. We have refused to travel this road. We are confident that at least in the Western hemisphere public opinion will suffice to check violence. This is the road we prepare to travel."

A few months later the president returned to this theme. The "vast majority" of Americans, he insisted, were opposed to "commitments to use force to maintain peace . . . I believe it is clear that the United States can more effectively and wisely work for peace without commitments to use coercion to enforce settlements."[19]

Essentially, Hoover believed that collective persuasion, coupled with the power of moral force, rather than collective violence, no matter how righteous, would preserve peace. Such massive persuasion would, in his view, make the Kellogg-Briand Peace Pact, whereby signatories renounced war as an instrument of policy, effective. He did not reject the concept of collective security that he had previously embraced, but rather the military force deemed necessary by liberal theorists to make it work. He found reprehensible the idea that in the world community of nations majority will would keep non-conforming members in line through fear of unrelenting punishment. In explaining his thinking on this subject he frequently drew analogies between municipal and international law, claiming with exaggeration that consent rather than force served as the basis for both. These ideas, or similar ones, like themes in a symphony, occur again and again in his speeches and writings. Taken as a whole they represent a commitment to freedom of action within a philosophy of non-belligerent nationalism.

Yet, as some historians have pointed out, Hoover's ideas, actions, and reputation in foreign policy bristle with contradictions. In advocating free trade, support for the League of Nations, and entrance into the World Court he talked and behaved as an internationalist. In his insistence on high tariffs, in his distrust of Europe, in his ethnocentricity and in his support of immigration restriction he functioned not only as a nationalist but also as an isolationist. Regardless, he probably acted with no greater inconsistency in foreign relations than did most presidents.

Despite this mosaic of inconsistencies, a number of scholars view Hoover's thinking on war, peace, and world politics as important. They do so properly because his ideas, more than those of any other individual, shaped the foreign policy of his administration. He took pains to demonstrate that as president he not only carried on his person the responsibilities for foreign policy but also that in its main development it reflected his principles. Nonetheless, historians and political scientists generally do not consider him, in the jargon of academia, a "strong president" or an "imperial executive." He adhered to a strict constitutional interpretation of his office, mindful always, it seems, of the limitations rather than the grandeur of his presidential powers. Nowhere in his writings, or even in that of critics, can one find evidence that he deliberately sought to stretch his power in foreign relations beyond any previous limits in the name of national security, international stability, peace, or any other ambiguous ideal.

Even the great depression, signalled by the stock market crash of October 1929, within eight months after he had taken office, did not elicit from Hoover demands for greater power. According to the most prominent interpretation of this aspect of his presidency, the depression rather than the thrust of Hoover's ideas dominated the foreign policy of his administration. This assessment holds that the economic crisis prevented the president's policy, or principles, from becoming an effective force for peace; the depression produced a "timidity of statesmanship'" rather than bold action. It crippled the world's diplomacy, presented aggressors a golden opportunity to strike, and "palsied the hands of American statesmen."[20] This analysis depicts Hoover as overwhelmed by events beyond his control. Circumstances rather than incompetence trapped him, and also his administration's foreign policy, in helplessness.

Whether or not he was diplomatically impotent within a web of economic paralysis, Hoover considered the depression a product of international affairs. He maintained that foreign economic problems, not just domestic ones, had caused the crippling crisis. Since in this theory the causes were global, only international financial measures could tame the depression and bring back prosperity to Americans.[21] "This depression," he said in October 1930, "is worldwide. Its causes and effects lie only partly in the United States." In June 1931 he explained the widespread financial crisis as part of "malign inheritances in Europe of the Great War . . . Without the war we should have no such depression."[22] In January 1932 he expressed a variation of this theme in ethnic terms. Only "the cooperation of the Anglo-Saxons," he said, could now rescue civilization from disasters such as the depression; other peoples "could not be counted on."[23]

Hoover also used the depression to buttress his philosophy on tariffs. To protect itself against external economic disturbances, such as those that brought on the depression, he insisted, the United States had to maintain high tariff walls. Yet at the same time he wished to expand the sale of American products abroad, and to have free access to foreign raw materials, particularly those the United States did not possess. Such contradictions in his thinking, when viewed within the context of short-range national interests, may have at the time seemed pragmatic rather than muddled.

To Europeans, Latin Americans, and others, these ideas appeared not only confusing, but also wrong. Along with Hoover's public insistence that former partners in a common war effort must pay their war debts, these attitudes made him unpopular in much of Europe. European leaders viewed the depression as conceived and born in America, in part because Americans insisted on debt repayment while maintaining high tariffs. Hoover had not always desired repayment. In 1922, as a member of the World War Foreign Debt Commission, he had initially favored writing off the war debts as a means of strengthening the "moral" posture of the United States. He retreated from this position when colleagues pointed out that Congress would not approve of anything that smacked of cancellation. Privately, he retained a willingness to consider some form of reduction if not outright cancellation. Even though Secretary of State Stimson wanted to cancel "these damn debts," the depression stiffened Hoover's opposition to cancellation. This turned out to be one of the few of his policy decisions that apparently had wide popular support.

Hoover's action on the tariff, however, did not please large, vocal segments of American society. In June 1930, despite intense opposition from economists, businessmen, and from internationalists in general who argued that it would gravely injure American foreign policy, he approved the Hawley-Smoot Tariff Act. Hoover felt that its high rates would aid farmers, protect the American standard of living, and would have no serious repercussions abroad. He argued in 1933 that "the American tariff did not strangle the buying power of foreign nations."[24] On this point he may have been correct, but on most counts historians as well as economists have condemned his defense of the tariff as wrongheaded. Harris G. Warren, an historian friendly to the Hoover presidency, concludes that "probably nothing was so damaging to Hoover's reputation during his first two years in the presidency as his handling of the tariff." Warren considers the Hawley-Smoot Tariff a "political disaster."[25]

In another area of foreign economic relations, that of loans and investments abroad, Hoover shared the convictions of numerous contemporaries. He opposed further government loans to foreign countries, favoring instead private investments. He felt that private ventures would be less vulnerable to political pressures than would government commitments and would less likely lead to undesirable foreign entanglements. Yet the volume of private American money invested abroad worried him. Even though earlier he had considered German reparations and war debts as being "interlocked," as president he refused to admit, at least openly, any con-

---

Footnotes at end of article.

nection between them.[26] Nonetheless, these financial matters produced a crisis he could not ignore. It began in the spring of 1931 when Germany and Austria appeared on the verge of defaulting on private debts owed to American bankers. Such defaults would end German reparations payments to Allied governments which in turn would stop installments on their debts to the United States. Moreover, the defaults could trigger bank failures in the United States. After some hesitation the president took dramatic action. On June 20, 1931, he proposed a moratorium of one year on the payments of war debts that European governments owed the United States if, in turn, they would similarly defer payments of war debts and reparations owed to them.

While still insisting publicly that debts and reparations were not linked, Hoover practically admitted with his moratorium scheme that debt payments in fact came out of German reparations. Regardless of such a connection, the moratorium, which all the concerned parties accepted, did not resolve the problem; it merely postponed collapse of the complicated system involving debts and reparations. Even though the Allies scaled-down the reparations, Germany eventually defaulted on its payment, and also on payment of private debts. Then America's debtors defaulted on their obligations. Nonetheless, in the view of some analysts, Hoover had in the case of the moratorium acted with promptness and "intelligent perception."[27]

In these various foreign policy matters Hoover supposedly "never pandered to popular sentiment." With disarmament, however, he demonstrated considerable anxiety over the state of public opinion, more than "on other controversial foreign policy issues."[28] This concern appears logical because he had a deep faith in disarmament, especially in the reduction of costly naval armaments. In his view, "the world should have relief from the sore burden of armaments." Moreover, he envisioned the reduction of budgets for weapons as about the only effective means of curbing militarism.[29]

Early in his administration Hoover took steps to convert these ideas, that linked peace with the control of armaments, into working policy. In particular he attempted to strengthen the Briand-Kellogg Pact by utilizing it as a tool for constructing agreements on arms limitation, but with safeguards against possible American entanglement in the politics of the League or of other collective security arrangements. In his thinking the antiwar pact formed the foundation for disarmament.[30] He presented these and other views on peace and the reduction of naval forces to J. Ramsay MacDonald, prime minister in Great Britain's new Labour government.

When MacDonald visited the United States in October 1929 and the two leaders conferred in the relaxed atmosphere of a presidential fishing camp on the banks of the Rapidan River in Virginia they agreed sufficiently well, at least on matters of disarmament, for the British government to issue invitations to Japan, France, and Italy to join Britain and the United States in a previously planned five-power conference on naval problems in London in January 1930. Although the negotiations revealed fundamental differences among the powers, the London Naval Treaty they concluded in April called for a reduction in all categories of naval armaments. Never before had modern naval powers agreed to such limitation, which at the time seemed impressively sweeping. The results at London pleased Hoover who apparently looked upon the treaty as a personal victory. He hoped it would stimulate further reductions in weapons and would in time become a key element in the kind of stable peace based on defensive armaments that he desired. Despite some emotional opposition to Hoover and his disarmament ideas, the Senate approved the treaty in July.

Those who favored large armaments, especially a big navy, seeing in them and not in words, instruments of true security, disliked the agreement. In the United States people of such persuasion, notably in the Navy League, an organization devoted to lobbying for naval expenditures, quickly mounted a campaign for building the fleet to the limits of the London treaty. True to his antimilitarist convictions and to his own plan to gain further reductions in armaments, the president opposed the program. On September 31, 1931, a congressional spokesman summarized the president's attitude. "Why should we build our navy up to the London Treaty limits," the congressman said apparently half seriously and half in jest, "when it will have nothing to do after we have built it . . . No wars are on now and no war is in sight." Three weeks later Hoover announced a cut in naval construction for 1931–32 and elimination of all building for the following year. He explained these measures as contributing to a stronger economy and to the cause of peace. Finding this rationale unacceptable, military men and others denounced the budget reductions. They Navy League accused Hoover of trying "at every turn to restrict, to reduce, to starve the Navy."[31]

Within his own intellectual limitations Hoover did act to reduce weapons of war and to create the kind of international peace system that fitted his ideas. In this context in the area of disarmament the London Naval Treaty was his most important accomplishment, but it was not enough.[32] In essence, he thought that disarmament, or in more precise words, the limitation of armaments, could move ahead through agreements for abolishing offensive weapons while permitting signatories to retain defensive arms. He proposed this idea to the World Disarmament Conference meeting in Geneva in June 1932, but it went nowhere. Another proposal for a thirty per cent reduction in land as well as naval armaments met a similar fate there. Stimson compared this latter plan to an *Alice in Wonderland* fantasy.[33] Virtually impossible to convert into practice, Hoover's arms hypothesis made no headway with foreign governments or with his own military experts. Historians, too, scoffed at his approach to disarmament, considering it barren of lasting achievement and hence a poor substitute for a solid commitment to collective security.

In a like manner Hoover also encountered difficulties in advancing his theories on the guarding of peace through collective moral persuasion. These ideas received their first practical test in a minor way in Asia. The experience began in the summer of 1929 when Nationalist China and the Soviet Union came to blows over control of a railroad in Manchuria. Both countries had signed the Kellogg-Briand Pact and both had, thereby, committed themselves beforehand to settle disputes through peaceful means. The quarrel over Manchuria threatened no vital American interest, but as a sponsor of the antiwar treaty the United States, or at least its leaders, felt obligated to intervene politically. So Secretary of State Stimson asked the Chinese and Russians to honor their pledges, and even proposed a commission of conciliation to resolve the conflict. The belligerents and other governments refused to go along, and the effort to invoke the Kellogg Pact antagonized the Soviets. They felt that the Hoover administration was siding with China. Hoover's attitude toward the legality of relations with the Soviets also made for difficulty in the Manchurian imbroglio. Like his immediate predecessors, he refused to grant diplomatic recognition to the Soviet Union, but he did tolerate unofficial trade relations.[34]

In any case, this effort to salvage peace in Manchuria through the diplomacy of moral commitment failed. This failure led Hoover to favor strengthening the Kellogg Pact with a third article specifying conciliation so that the machinery for settlement would be agreed upon in advance of a crisis and would be on hand when needed. He never transformed this idea into reality.[35] The tiff with the Soviets also demonstrated to Stimson, but not to Hoover, the futility of relying essentially on moral persuasion to keep the peace.

Stimson's attitude toward collective diplomacy subsequent to this small-scale crisis, as well as a fundamental difference in temperament, led to several clashes with the president. Both men were strong-willed and wished, or were determined, to run the show in foreign relations. A friend of Theodore Roosevelt, a former secretary of war under William Howard Taft, and recently governor general of the Philippines, Stimson believed in using the military establishment as an arm of diplomacy, and viewed as quite logical the employment of force as a matter of policy.

Hoover, on the other hand, disliked soldiers, and particularly the application of military tactics to the conduct of foreign policy. "Instinctively," he wrote, "Mr. Stimson's first love was the law; and his second, the military field. Mentally, he was a mixture of a soldier and an advocate."[36] Some historians argue that Hoover exaggerated the personal difficulties with Stimson, and that although the differences between the two men may have made the conduct of foreign policy unnecessarily awkward, they did not weaken the effect of policy once it had been determined. Other scholars maintain that the philosophical conflict was basic and touched the essentials of Hoover's foreign policy. Whether the differences were truly minor or major made little difference in the relationship. What counted was Hoover's attitude. He perceived the differences as fundamental.[37]

The discord between the two men stands out most clearly in their attitudes toward the Manchurian crisis of 1931, the most dangerous and important international episode of the Hoover presidency. When Japan invaded Manchuria the fighting there, as in 1929, did not threaten American security, nor did it menace other tangible American interests. China sought help against the Japanese through existing instruments of collective action, essentially the League of Nations, the Nine Power Open Door Treaty of 1922, and the Kellogg-Briand Peace Pact of 1928. As a principal signatory of the latter two treaties the United States therefore became involved in the diplomacy of that distant war.

Although within the administration influential officials expressed sympathy for Japan, Hoover and Stimson as the crisis deepened came to regard her as the aggressor and a threat to world peace. Immersed in the domestic problems of the depression, the president at first did not pay much attention to the events in Asia. He permitted Stimson considerable leeway in responding to the crisis; indeed, the secretary of state even complained of difficulty in gaining access to the president. No responsible member of the government desired taking the lead in resolving the conflict between Japan and China. Hoover expressed this concern more emphatically in a cabinet meeting in October 1931, saying that he would not allow the League to deposit that "baby on America's doorstep."[38] He stood firm against any involvement, even indirectly, that might possibly pull the country into war. Stimson

---

Footnotes at end of article.

had freedom, at first, only within the limits of this presidential attitude.

As the violence in Manchuria intensified the secretary of state came to desire what appeared as strong measures against Japan, more or less on the theory that collective action could or might deter her aggressiveness through fear of punishment. He could not, however, shake the president's opposition to such involvement, but he did manage to persuade Hoover that limited cooperation with League of Nations without commitment to action might contribute to peace. The president therefore permitted Stimson to assign an American diplomat, Prentiss B. Gilbert, as an observer at the meetings of the Council of the League of Nations as it took up the Manchurian question. Even this cautious step brought growls of disapproval from inflexible isolationists who insisted on no American involvement whatsoever. However timidly, Hoover and Stimson now went ahead and placed the United States on the side of those "new principles of international morality" decreeing that a threat of war concerned everyone, not just those doing the fighting.

In support of this idea the two men worked out a doctrine of nonrecognition as a corollary to the Kellogg-Briand Pact. In a cabinet meeting in November 1931 Hoover recalled that Woodrow Wilson's secretary of state, William Jennings Bryan, had used nonrecognition in another Sino-Japanese confrontation in 1915. Stimson adopted Bryan's concept, and on January 7, 1932, enunciated a new version in identical notes to China and Japan. The United States would not, he said, recognize territorial changes produced by force that violated its treaty rights. Beyond this condemnation of Japanese expansion through publicized nonrecognition Hoover and Stimson could not agree.

Unknown to the public and to foreign statesmen at the time, Hoover conceived nonrecognition as a final step in a policy of collective persuasion, "the ultimate extension of the Kellogg-Briand Pact." Nonrecognition's only power would come from the moral judgment of people, or in other words, from the pressure of public opinion. He believed that the Nine-Power Treaty and the antiwar pact were "solely moral instruments based upon the hope that peace in the world can be held by the rectitude of nations and enforced solely by the moral reprobation of the world." [39]

Stimson, on the other hand, viewed nonrecognition as a preliminary measure within a process of coercive collective security. If necessary, he would backup nonrecognition with economic and military sanctions, imposed by the League of Nations and the United States, against the aggressor. If economic sanctions failed he would then be willing to join in collective military action to enforce the will of the majority nations. Hoover, who had come to think Stimson as "more of a warrior than a diplomat," felt that sanctions would provoke the Japanese to war.[40] He considered Stimson's idea of fighting a war to enforce peace illogical. Although willing to resort to war in defense of American soil, the president would not risk battle for a vague ideal in distant Asia. Moreover, he felt that in the long run the Chinese would absorb or expel the Japanese. In view of these differences between Hoover and Stimson some historians, notably Charles A. Beard and Richard N. Current, have insisted that the Hoover administration created two relatively distinct nonrecognition concepts—a Hoover and a Stimson doctrine. Other historians, such as Robert Ferrell and Roland Stromberg, deny the existence of two separate nonrecognition doctrines, and consider the differences between the president and the secretary of state on this issue as inconsequential.[41]

According to this latter analysis Stimson agreed basically with Hoover that sanctions would mean war. The secretary did not wish to participate violent conflict; he sought only to threaten the imposition of sanctions so as to bring Japan into line. Hoover, however, refused to use veiled menace and would not in any case stoop to anything that suggested dissimulation. He was convinced anyway that the Japanese would call any bluff he would attempt and that war would follow. As matter of record, he insisted that the United States would cooperate with the League in matters "of negotiation and conciliation. But," he said, "that is the limit. We will not go along on war or any of the sanctions either economic or military, for those are the roads to war." [42]

At Stimson's urging the League adopted the generalized principle of nonrecognition and condemned Japan as an aggressor. A month later the Japanese announced they would withdraw from the League. The League did not impose sanctions and the American government did nothing on its own to implement such a policy. During the Hoover presidency, therefore, and after, the nonrecognition doctrine failed to keep peace or to force the Japanese out of Manchuria.[43] In later years most scholars who analyzed Asian policy termed nonrecognition a mistake.

Ironically, Hoover and Stimson quarreled over who should have credit for the doctrine.[44] The public, the press, and academicians usually associated it with Stimson, and invariably called it the Stimson Doctrine. Bedeviled by criticism of his domestic policies, Hoover felt that he needed a dramatic and important achievement in foreign policy to help enhance his status among his people. Seemingly in desperation he clutched at the nonrecognition doctrine as such an accomplishment, touting it as the most important principle in foreign affairs advanced during his presidency. He convinced himself in 1932 that the nonrecognition notes "would take rank with the greatest papers of this country." [45]

In this instance Hoover's thinking appears obviously wishful. Whether or not justifiably, many historians, particularly those of liberal persuasion, assess not only nonrecognition as a failure but also dismiss Hoover's entire Asian policy as flawed. They insist that if he had taken a tough stance against Japan's carefully orchestrated violence in Manchuria as an unacceptable violation of the treaty structure of the nineteen twenties, the Second World War might have been, or could have been, avoided. They argue, in a manner congenial to Henry Stimson's ideas, that Hoover should have taken calculated risks to halt the Japanese.[46]

On the other hand, most historians who deal with Hoover's Latin American policy consider it an area of positive, though moderate, achievement. On a pre-inauguration tour of ten southern republics he announced repeatedly his opposition to United States intervention in the affairs of Latin America. Instead of acting as a neighborhood policeman brandishing a big stick, the United States should, he said, behave as a good neighbor interested in the welfare of sister republics. After becoming president he renounced dollar diplomacy, cautiously repudiated the Roosevelt corollary to the Monroe Doctrine, and practiced what he had preached earlier by avoiding forcible intervention in the Latin countries. He pulled Marines out of Nicaragua, thereby ending an occupation of twenty years. Although he did not withdraw the United States troops stationed in Haiti, he set in motion machinery that terminated the military occupation shortly after he left office. His signing of the Hawley-Smoot Tariff, however, aroused widespread resentment throughout Latin America. Nonetheless, when Hoover left the White House he had reversed a number of policies that had in the past earned the United States ill-will throughout much of the Western Hemisphere. For the first time in decades Latin Americans indicated some friendliness toward the United States. Hoover had, according to conventional scholarship, formulated the essentials of a good neighbor policy that would ripen and bear fruit in the next administration.[47]

Hoover applied to Latin America many of the same ideas he employed in other areas of foreign policy, essentially a reliance on moral suasion and aversion to the use of force. Yet he also aggressively promoted the expansion of United States capitalism abroad and accepted the racist ideology implicit in prevailing ideas that whites were inherently superior to people of color. Paradoxically, he also professed belief in what seemed in his time an old fashioned anti-imperialism. This mixture of faith in white supremacy and dislike of imperialism motivated him when confronted with the question of independence for the Philippine Islands.

Agricultural and labor pressure groups, seeking to end competition from Philippine tobacco, sugar, and coconut oil, and for racial reasons desiring to cut off Filipino immigration into the United States, urged independence for the islands. Although professing solicitude for liberty and anti-colonialism, the majority in Congress easily accepted the reasoning of the pressure groups. In December 1932 Congress passed the Hare-Hawes-Cutting bill that granted the Philippines independence after a transition of ten years. During this period the United States would continue to supervise and protect the islands, but Filipinos would enjoy a limited autonomy called commonwealth, or a status of dependency modified by partial self-government.

Opposed to colonies as a matter of principle, Hoover maintained in his later writings that he favored independence for the Philippines, and believed that their separation from the United States should be "complete and absolute." [48] Americans should not retain naval bases there and henceforth should not assume responsibility for the fate of the islands. Stimson fought against independence, urging continued control through the commonwealth arrangement. Hoover realized that with this device the United States could camouflage its colonialism and retain a base of power in Asia, but he refused to resort to such tactics. "Well," he said, "that's the white man's burden." Hoover therefore vetoed the bill, thinking also apparently that Filipino leaders desired such action.[49] Congress overrode his veto, and later the Filipino legislature rejected semi-independence. Ultimately, feeling they could obtain no better terms, Filipinos accepted such status under the commonwealth plan.

Along with his antipathy to imperialism, Hoover shunned the philosophical trappings of the imperial executive who sought to enhance the personal power of the president while enlarging the American imperium under the justification of national security.[50] In the words of a recent assessment, he "recognized logical limits to which the power of the state could be used in domestic and foreign affairs." [51] Hoover looked upon forcible intervention in the affairs of small nations or in controversies of major powers, as an act of last resort, not as a routine instrument of power. As with most national leaders, some of his thinking on foreign policy suffers from ambiguity, but his views and actions concerning non-intervention, anti-imperialism, and avoidance of war, fall into a reasonably clear and consistent pattern. In December 1937 as a private citizen commenting on Japan's invasion of China he repeated his earlier views, "There are plenty of ways that we can establish our honor and our dignity without going to war

---

Footnotes at end of article.

over questions of this sort." We should resort to war only "as the answer to assaults upon our national freedom and this alone."[52]

This strain of consistency, and much else in Hoover's foreign policy, does not throw off a bright light because it reflects no large tangible, and easily visible accomplishment, such as would have been the case if he had led the nation to victory in a great war. Instead, it illuminates, perhaps poorly, most often what he refused to do. Within a four-year period he turned aside more opportunities to use American power in foreign interventions than did any of the presidents of the twentieth century over a similar span of time. Writers of liberal and internationalist predilection usually have expressed admiration for the active interventionists among these executives, but they have generally portrayed Hoover as a negative force in foreign policy. Hoover's successor, at least in this area, reacted more generously; he believed that "old Hoover's foreign policy has been pretty good."[53] Liberal scholars have usually praised "strong" presidents, who relished responsibility, courted international adventure, and expanded personal power.

In some of his thinking on foreign policy, Hoover may have been nearsighted, sometimes racist, and often isolationist, particularly in later years, but he did not lead the country into any belligerent, ideological foreign crusade, or into any violent intervention or "police action" against small countries. He maintained peace in the crisis of Manchuria when some of his closest advisers considered war with Japan a logical, even imminent, possibility. He did not allow power to corrupt him, nor did he use his power in foreign relations to offset his domestic troubles. He considered himself accountable to Congress, to the people, and however vaguely, to the opinion of humanity.

These qualities, and especially some of Hoover's later activities pertaining to foreign policy, appealed to revisionist historians of the forties and fifties. Liberal scholars, however, pictured him in these years as an unbending isolationist and compulsive anti-communist. Later, after his death in 1964, particularly in the era of the Vietnam War, many of the values he exemplified as president and also his later thinking on foreign policy received plaudits from scholars of various persuasions, but especially from now left historians and disillusioned liberals. They saw much to acclaim in his aversion to the use of force as a tool of foreign policy. Those of the left and right hailed him as a prophet of globalism who had warned against the evils of limitless military ventures abroad. According to historian William A. Williams, "he was consistently opposed to the assumptions and attitudes that produced the cold war."[54]

Be that as it may, Hoover's foreign policy, however, has to be judged not by its rhetoric, or by that of its friends, or by Hoover's ideas after he left the presidency, but by its conduct within the limits of the four years he held command. From the perspective of almost a half-century some aspects of that policy, such as support for high tariffs, an ethnocentric isolationism, and an assumption that white, Anglo-Saxons had the necessary superior qualities to lead the world, still seem flawed, or at least questionable in wisdom. On the other hand what happened to the United States in world affairs within that half-century has caused historians to place the fundamentals of Hoover's foreign policy—the unwillingness to risk war for vague ideas or dubious causes, restraint in the use of coercion in any form, and a commitment to peace so firm that during his presidency no Americans died in overseas ventures of organized violence—in fresh perspective. Scholars of various persuasions, as a consequence, consider Hoover's foreign policy as a whole worthy of reconsideration. Few now disparage it as negative, and within its limitations quite a few deem it praiseworthy.

FOOTNOTES

[1] For a recent assessment of key literature on Hoover as president, see Donald R. McCoy, "Trends in Viewing Herbert Hoover, Franklin D. Roosevelt, Harry S. Truman, and Dwight D. Eisenhower," *The Midwest Quarterly*, XX (Winter 1979), 117–136, and for Hoover's ideas in his own words, see Kathleen Tracey, comp., *Herbert Hoover—A Bibliography: His Writings and Addresses* (Stanford, Calif., 1977).

[2] See particularly the philosophically divergent essays by Selig Adler, "Hoover's Foreign Policy and the New Left" and Joan Hoff Wilson, "A Reevaluation of Herbert Hoover's Foreign Policy" in Martin L. Fausold and George J. Mazuzan, eds., *The Hoover Presidency: A Reappraisal* (New York, 1974), pp. 153–186.

[3] Robert H. Ferrell, *American Diplomacy in the Great Depression: Hoover-Stimson Foreign Policy, 1929–1933* (New Haven, Conn., 1957).

[4] The first quotation comes from Carl N. Degler, "The Ordeal of Herbert Hoover," *The Yale Review*, LII (Summer 1963), 571, and the second from Melvyn P. Leffler, *The Elusive Quest: America's Pursuit of European Stability and French Security, 1919–1933* (Chapel Hill, N.C., 1979), p. 229. Leffler suggests on the basis of persuasive evidence, that Hoover's ideas were the dominant ones in Republican policy throughout the twenties. Norman A. Graebner, "Hoover, Roosevelt, and the Japanese," in *Pearl Harbor as History: Japanese-American Relations, 1931–1941*, eds. Dorothy Borg and Shumpei Okamoto (New York, 1973), pp. 25–26, also stresses Hoover's importance as a maker of policy.

[5] The quotation comes from Joseph S. Davis, "Herbert Hoover, 1874–1964: Another Appraisal," *The South Atlantic Quarterly*, LXVII (Summer 1969), 300.

[6] See the commentary of Murray N. Rothbard in J. Joseph Hutchmacher and Warren I. Susman, eds., *Herbert Hoover and the Crisis of American Capitalism* (Cambridge, Mass., 1973), pp. 124–125; David Burner, *Herbert Hoover: A Public Life* (New York, 1979), p. 120; and Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York, 1948), pp. 292–3, for Hoover's anti-Soviet attitude.

[7] Quoted in Gary Dean Best, *The Politics of American Individualism: Herbert Hoover in Transition, 1918–1921* (Westport, Conn., 1975), p. 32.

[8] S. Parker Gilbert quoted in Joseph Brandes, *Herbert Hoover and Economic Diplomacy: Department of Commerce Policy 1921–1928* (Pittsburgh, 1962), p. 39. See also Ellis W. Hawley, "Herbert Hoover, the Commerce Secretariat, and the Vision of an 'Associative State,' 1921–1928," *The Journal of American History*, LXI (June 1974), 116–140, which explains Hoover's belief in a "superior American system."

[9] Quoted in Burner, *Hoover*, p. 197.

[10] Quoted in Theodore Friend, *Between Two Empires: The Ordeal of the Philippines, 1929–1946* (New Haven, Conn., 1965), p. 105. Joan Hoff Wilson, *Herbert Hoover: Forgotten Progressive* (Boston, 1975), p. 136 suggests that in dealing with blacks Hoover did not show prejudice whereas Gerald D. Nash in Huthmacher and Susman, eds., *Hoover and Capitalism*, p. 107, points out instances of racial bias, and that black Americans considered him "the man in the lily White House."

[11] Scholars vary in their estimate of his progressive principles, and to what extent they influenced his views of foreign policy. Wilson, in *Hoover: Forgotten Progressive*, stresses his progressivism; Elliot A. Rosen, *Hoover, Roosevelt, and the Brain's Trust: From Depression to New Deal* (New York, 1977), p. 40 states flatly that "Hoover was no progressive"; Albert U. Romasco, *The Poverty of Abundance: Hoover, the Nation, the Depression* (New York, 1965), p. 16, argues that Hoover's philosophy "encompassed," in seeming contradiction, conservatism, progressivism, and liberalism; Ellis W. Hawley in Huthmacher and Susman, eds., *Hoover and Capitalism*, p. 27 says Hoover was a "type of progressive"; Craig Lloyd, *Aggressive Introvert: A Study of Herbert Hoover and Public Relations Management 1912–1932* (Columbus, Ohio, 1972), p. 102, emphasizes progressivism; Best, *Politics of Individualism*, p. 178, insists that "Hoover was neither a progressive nor an internationalist . . . but an American Individualist"; and David Burner and Thomas R. West, "A Technocrat's Morality: Conservatism and Hoover the Engineer," in Stanley Elkins and Eric McKitrick, eds., *The Hofstadter Aegis: A Memorial* (New York, 1974), pp. 236, 251, 255–6, say that Hoover cannot easily be labeled and that he shifted from progressivism to conservatism.

[12] Washington, March 4, 1929, *The State Papers and Other Public Writings of Herbert Hoover*, ed. by William Starr Myers (2 vols., New York, 1934), I, 8–9. See also the favorable analysis in Edgar E. Robinson and Vaughn D. Bornet, *Herbert Hoover: President of the United States* (Stanford, Calif., 1975), pp. 97–99.

[13] The quotations come from Christopher Thorne, *The Limits of Foreign Policy: The West, the League and the Far Eastern Crisis of 1931–1933* (London, 1972), p. 79, and Gerald D. Nash, in Huthmacher and Susman, eds., *Hoover and Capitalism*, p 88.

[14] See Jordan A. Schwarz, *The Interregrum of Despair: Hoover, Congress, and the Depression* (Urbana, Ill., 1970), pp. 47–50, and Harris G. Warren, *Herbert Hoover and the Great Depression* (New York, 1959), pp. 25, 123, 152, 248, 301, which stresses old guard resentment.

[15] See, for example, Selig Adler, *The Isolationist Impulse: Its Twentieth Century Reaction* (New York, 1966), pp. 208, 398, 400, Manfred Jones, "Isolationism," in Alexander DeConde, ed., *Encyclopedia of American Foreign Policy: Studies of the Principal Movements and Ideas* (3 vols., New York, 1978), II, 502; and John D. Hicks, *Republican Ascendancy, 1921–1933* (New York, 1960), p. 259. Liberal internationalists frequently interpreted Hoover's presidency "as an era of darkness before the dawning of the New Deal," Adler, "Hoover's Foreign Policy and the New Left," p. 154.

[16] See Wilson, "A Reevaluation of Hoover's Foreign Policy," p. 165 and Wilson, *Hoover: Forgotten Progressive*, p. 168.

[17] Richard N. Current is one of the first scholars to stress this. See his "The United States and 'Collective Security': Notes on the History of an Idea," in Alexander DeConde, ed., *Isolation and Security: Ideas and Interests in Twentieth-Century American Foreign Policy* (Durham, N.C., 1957), pp. 50–51.

[18] To Secretary of State, Washington, Sept. 17, 1929, *Papers Relating to the Foreign Relations of the United States, 1929* (3 vols., Washington, 1943) I, 24.

[19] The quotations come from Armin Rappaport, *Henry L. Stimson and Japan, 1931–1933* (Chicago, 1963), pp. 35–36.

[20] Ferrell, *American Diplomacy in the Great Depression*, pp. 5 and 278.

[21] Scholars dispute this analysis. See, for example, Rosen, *Hoover, Roosevelt, and the Brains Trust*, pp. 41 and 53, who views Hoover's contention as "literally myopic." For a discussion of the relationship between European stability, world recovery, American well-being and Hoover, see Melvyn P. Leffler,

"Political Isolationism Economic Expansionism, or Diplomatic Realism: American Policy Toward Western Europe, 1921–1933," *Perspectives in American History*, ed. by Donald Fleming and Bernard Bailyn, VIII (Cambridge, Mass., 1974), 423.

[22] The quotations come from Romasco, *Poverty of Abundance*, pp. 182, 185.

[23] Quoted in Thorne, *Limits of Foreign Policy*, p. 56.

[24] Wilson, "A Reevaluation of Hoover's Foreign Policy," p. 174. See also her *American Business and Foreign Policy, 1920–1933* (Lexington, Ken., 1971), p. 98.

[25] Warren, *Hoover and the Great Depression*, p. 92.

[26] See Leffler, *Elusive Quest*, pp. 55, 180–81, 206–07, and Wilson, "A Reevaluation of Hoover's Foreign Policy," pp. 178–9.

[27] L. Ethan Ellis, *Republican Foreign Policy, 1921–1933* (New Brunswick, N.J., 1968), p. 26. For details, see Edward W. Bennett, *Germany and the Diplomacy of the Financial Crisis, 1931* (Cambridge, Mass., 1962), pp. 113–182.

[28] The quotations come from Wilson, *Business and Foreign Policy*, p. 59.

[29] New York, Feb. 13, 1933, quoted in William S. Myers and Walter H. Newton, *The Hoover Administration: A Documented Narrative* (New York, 1936), p. 301. Gerald E. Wheeler, *Prelude to Pearl Harbor: The United States Navy and the Far East, 1921–1931* (Columbia, Mo. 1963), pp. 156–7, briefly discusses the salient features of Hoover's concern for disarmament.

[30] See Raymond G. O'Connor, *Perilous Equilibrium: The United States and the London Naval Conference of 1930* (Lawrence, Kans., 1962), p. 99, and also p. 49.

[31] The Congressman quoted is Will R. Wood, chairman of the House Appropriations Committee, in Armin Rappaport, *The Navy League of the United States* (Detroit, 1962), pp. 142, 144.

[32] O'Connor, *Perilous Equilibrium*, p. 117, emphasizes that the London treaty was Hoover's victory.

[33] See Ferrell, *American Diplomacy in the Great Depression*, pp. 206–214; Leffler, *Elusive Quest*, pp. 278–79; and Burner, *Hoover*, p. 293.

[34] See Themistocles C. Rodis, "Russo-American Contacts During the Hoover Administration," *South Atlantic Quarterly*, LI (April 1952), 235, 238, and 244, and Joan Hoff Wilson, *Ideology and Economics: American Relations with the Soviet Union, 1918–1933* (Columbia, Mo., 1974), pp. 101–102.

[35] See Ferrell, *American Diplomacy in the Great Depression*, p. 82, and Harold Josephson, "Outlawing War: Internationalism and the Pact of Paris," *Diplomatic History*, III (Fall 1979), 283.

[36] *The Memoirs of Herbert Hoover* (3 vols., New York, 1951–52), II, 219.

[37] For varying assessments of the relationship, see Ferrell, *American Diplomacy in the Great Depression*, p. 40; Elting E. Morison, *Turmoil and Tradition: A Study of the Life and Times of Henry L. Stimson* (Boston, 1960), pp. 404, 445–6; Thorne, *Limits of Foreign Policy*, pp. 161, 199, 300, and 416; Manfred Jones, "The United States and the Failure of Collective Security in the 1930's," in John Braeman, *et al.*, eds., *Twentieth Century American Foreign Policy* (Columbus, Ohio, 1971), p. 263; Richard N. Current, "Henry Stimson, 1929–1933," in Norman A. Graebner, ed., *An Uncertain Tradition: American Secretaries of State in the Twentieth Century* (New York, 1961), 172–173; Adler, "Hoover's Foreign Policy and the New Left," p. 156; and Graebner, "Hoover, Roosevelt, and the Japanese," p. 27.

[38] Thorne, *Limits of Foreign Policy*, p. 156, and Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (New York, 1948), p. 232.

[39] The first quotation comes from Josephson, "Outlawing War," p. 284, and the second from William S. Myers, *The Foreign Politics of Herbert Hoover, 1929–1933* (New York, 1940), p. 156.

[40] Hoover, *Memoirs*, II, 336.

[41] Charles A. Beard, *American Foreign Policy in the Making, 1932–1940* (New Haven, Conn., 1946), pp. 134–6; Richard N. Current, "The Stimson Doctrine and the Hoover Doctrine," *American Historical Review*, LIX (April 1954), 513–42; Current, *Secretary Stimson: A Study in Statecraft* (New Brunswick, N.J., 1954), pp. 104–113; Ferrell, *American Diplomacy in the Great Depression*, p. 169n; Roland Stromberg, *Collective Security and American Foreign Policy: From the League of Nations to NATO* (New York, 1963), pp. 76–78; and Jonas, "Failure of Collective Security," pp. 202, 257, and 263.

[42] Hoover, *Memoirs*, II, 370.

[43] William A. Williams, an historian noted for rehabilitating Hoover's reputation, underwent a change of attitude toward Hoover, acknowledged in his *The Contours of American History* (Cleveland, 1961), p. 426n. At one point, in "The Legend of Isolationism in the 1920's, *Science and Society*, XVIII (Winter 1954), 20, Williams argues that Hoover's attitude on nonrecognition "opened the door to appeasement." Later, in *The Tragedy of American Diplomacy* (rev. ed., New York, 1962), p. 164, he praises Hoover for refusing to court war.

[44] See Current, "Stimson," in Graebner, ed., *Uncertain Tradition*, p. 172, and Burner, *Hoover*, p. 295n.

[45] Stimson diary, entry of January 26, 1932, quoted in Stimson and Bundy, *On Active Service*, p. 244.

[46] For details see Adler, "Hoover's Foreign Policy and the New Left," pp. 155–6.

[47] See Alexander Deconde, *Herbert Hoover's Latin-American Policy* (Stanford, Calif., 1951); Ellis, *Republican Foreign Policy, 1921–1933*, p. 228; Williams, *Contours of American History*, p. 436; Robert Ferrell, "Repudiation of a Repudiation," *Journal of American History*, LI (March 1965), 669–73, which stresses Hoover's reluctance to support renunciation of the Roosevelt corollary; Donald Dozer, *Are We Good Neighbors? Three Decades of Inter-American Relation, 1930–1960* (Gainesville, Fla., 1959), pp. 9–16; Bryce Wood, *The Making of the Good Neighbor Policy* (New York, 1961), pp. 123–135; and Earl R. Curry, *Hoover's Dominican Diplomacy and the Origins of the Good Neighbor Policy* (New York, 1979), which argues that Hoover did not lay the foundations of the good neighbor policy because he did not commit himself "to absolute nonintervention," p. 255.

[48] Hoover, *Memoirs*, II. 359.

[49] The quotation comes from Current, *Secretary Stimson*, p. 120. Hoover later claimed in his *Memoirs*, II. 361, that Filipino leaders desired the veto, but Friend, *Between Two Empires*, p. 104, says they did not and that Hoover's "memory was often faulty." For more on this point see Gerald E. Wheeler, "Republican Philippine Policy, 1921–1933," *Pacific Historical Review*, XXVIII (Nov. 1959), 383, 387–390.

[50] Leffler, "Political Isolationism, Economic Expansionism, or Diplomatic Realism," p. 461, points out that Hoover did not equate all goals of Amercian foreign policy with national security.

[51] Wilson, "A Reevaluation of Hoover's Foreign Policy," p. 184.

[52] Gary Dean Best, "Totalitarianism or Peace: Herbert Hoover and the Road to War, 1939–1941," *Annals of Iowa*, XLIV (Winter 1979), 516.

[53] Franklin D. Roosevelt quoted in Frank Freidel, *Franklin D. Roosevelt: Launching the New Deal* (Boston, 1974), p. 103.

[54] William A. Williams, *Some Presidents from Wilson to Nixon* (New York, 1972), p. 46. For more on this point, see Joan Hoff Wilson, "Herbert Hoover's Plan for Ending the Second World War," *The International History Review*, I (Jan. 1979), 84–102.

### BIOGRAPHIC SKETCH—ALEXANDER DECONDE

Born: November 13, 1920.

Education: A.B., San Francisco State College, 1943, M.A., Stanford University, 1947, Ph.D., Stanford University, 1949.

Professional experience: Instructor, history, Stanford University, 1947–48, Assistant Professor to Associate Professor, Whittier College, 1948–52, Assistant professor to Associate Professor, Duke University, 1952–57, Associate Professor to Professor, University of Michigan, 1957–61, Professor, University of California, Santa Barbara, 1961 to present, Chairman of History Department, University of California, Santa Barbara, 1964–67.

Organizations: American Historical Association, Organization of American Historians, Society for Historians of American Foreign Relations (Vice President 1968, President, 1969).

Publications: Herbert Hoover's Latin American Policy, 1951, New Interpretations in American Foreign Policy, 1957, Isolation and Security: Ideas and Interests in Twentieth-Century American Foreign Policy, editor, 1957, Entangling Alliance: Politics and Diplomacy Under George Washington, editor, 1958, The American Secretary of State: an Interpretation, 1962, A History of American Foreign Policy, 1963, Patterns in American History, co-author, 1965, Patterns in American History, editor, 1965, The Quasi-War, The Politics and Diplomacy of the Undeclared War with France, 1797–1801, 1966, Powers of the President in Foreign Affairs, 1945–65, co-author, 1966, United States History, co-author, 1967, Essays Diplomatic and Undiplomatic of Thomas A. Bailey, co-author, 1969, Decisions for Peace, the Federalist Era, 1970, Patterns in American History, co-edited, 1970, A History of American Foreign Policy, 1971, Half-Bitter, Half-Sweet: An Excursion into Italian-American History, 1972, Student Activism: Town and Gown in Historical Perspective, 1972, Patterns in American History, co-editor, 1973, United States History: Search for Freedom, co-author, 1974, United States History: A Developing Nation, co-author, 1974, United States History: A World Power, co-author, 1974, This Affair of Louisiana, 1976.●

## NUCLEAR TESTING POLICY AND SALT II

● Mr. HUMPHREY. Mr. President, I would like to take a few minutes to call public attention to some interesting parallels between nuclear testing policy and SALT II.

The evolution of the SALT Treaty issue since Senate testimony began last summer has resulted in a dramatic shift of emphasis away from the role of the treaty as an ill-fated harbinger of worse things to come in nuclear disarmament. A bizarre national security rationale for SALT has been found.

This evolution was no accident. Strategist A. G. B. Metcalf pointed out in the fall 1979 edition of Strategic Review that:

> The Senate hearings on ratification took an unexpected turn. . . . attention became focused on the steady deterioration of the U.S. defense posture . . . For the first time on a nationwide scale, and on the level of the highest military responsibility and experience, the public was made aware that the United States was fast becoming a second-class world power which soon would be unable to defend its interests or deter the Soviets from having their way on the world scene.

So we are now hearing the strange argument that the SALT Treaty is an integral part of a so-called "process of reconstructing as a stable base of strong support for national security programs." This is certainly a change from earlier administration statements praising SALT as a nuclear disarmament measure.

Despite the shift in emphasis, the same argument is being made; that is, that, while SALT is essential, individual defense programs may or may not be needed. Thus we have had, for example, a promise already from this administration to cut back on the number of new theater nuclear weapons even before there was a decision to develop them. Even more curiously, programs which are essential at one period in time—such as MX in the late 1980's—can be officially forfeited in the short-term SALT Protocol.

A recent editorial from the Dallas Morning News on November 28, 1979, rightly emphasizes the importance of context for the Senate SALT debate:

> The idea of debating SALT in a vacuum . . . makes no sense whatever. SALT, to be intelligently debated, must be set in its right context, which is the decline of American power throughout the world.

That the President has finally been made aware of this context is manifestly evident in his speech to the Business Council on December 12, in which he introduced the 1981–85 defense budget projection.

My point today is that the Senate's SALT debate must also include United States policy on nuclear weapons testing.

There are two fundamental issues in this matter:

First, there is a contradiction between what this administration is promising about strengthening and maintaining our strategic and theater nuclear deterrent capability, and the argument that SALT II ratification will pave the way for the establishment of a so-called comprehensive nuclear test-ban environment. In fact, the U.S. strategic modernization programs promised by the President in an effort to sell SALT II—MX, ALCM's, and Trident—would be impossible to build if the CTBT is allowed to follow SALT II's ratification. I believe this contradiction will result in the administration's inability to deliver what it is promising Congress and the country—a stable, capable, reliable nuclear deterrent through the 1980's and into the 1990's.

Second, there is the issue of the existing Threshold Test Ban Treaty with the Soviet Union, and that country's bad track record with respect to compliance. There have reportedly been at least six Soviet underground nuclear weapons tests since 1976 with yields over 150 kilotons. What does that bad track record, stretching over 4 years, tell us about expectations for SALT II compliance? More importantly, the Senate should consider what the history of the Threshold Test Ban Treaty shows us about Soviet intentions with regard to the so-called comprehensive test ban, which top officials including the Secretary of Defense have already told Congress will not be comprehensive at all as it applied to the Soviets.

Consideration of these issues brings us back to the role of the SALT Treaty as a precursor to facilitate further steps along the path of nuclear disarmament.

In order to bolster support for the SALT Treaty, this administration has made major declaratory commitments toward new nuclear weapons systems. Our basic national strategy includes, of course, the MX, as well as Pershing II and GLCM's for NATO. It also calls for the continuation of the Trident and ALCM programs. The President correctly emphasized in his speech to the business council that these are long-termed commitments which must be carried out.

However, along with these new commitments to nuclear systems, and to the strategy of nuclear deterrence, there is the continuing task of maintaining existing and planned nuclear deterrent forces at a high level of reliability and capability. Without clear confidence in existing and planned nuclear systems, our deterrent posture will be substantially degraded.

This fact brings us squarely up against the question of nuclear testing policy. Cutting off our testing would change the whole basis for maintaining the high level of weapons stockpile reliability that we have pursued since the 1940's. It would also severely degrade our capability to test new nuclear warheads. Expert witnesses already have told Congress that cutting off testing, even for a short duration, will lead to unpredictable and potentially catastrophic consequences for our nuclear weapons inventory.

It seems to defy all logic to request on the one hand, that Congress support and appropriate resources for major nuclear programs, while on the other hand moving to invoke nuclear disarmament measures which could destroy the deterrent forces. The CTB is only one dangerous step. More significantly, the President and other key advisers also support the cut-off of all production of fissionable material for weapons purposes.

Cloaked within the rhetoric of SALT-selling, in testimony to Congress and clearly stated in the President's speech to the Business Council, this administration overwhelmingly favors a comprehensive nuclear test ban and a ban on nuclear weapons production. Yet, the existing Threshold Test Ban Treaty with the Soviet Union, which the United States has scrupulously observed for nearly 4 years, and whose constraints must be taken into account in planning the warhead modernization developments and improvements that must accompany the nuclear initiatives already recommended by the President, has not even been debated by the Senate.

The President told Congress last April of the definite link between SALT and the so-called comprehensive test ban. The 1979 Arms Control and Disarmament Agency 18th annual report to Congress stated:

> The achievement of a comprehensive nuclear test ban treaty has been one of this Administration's highest priorities in the arms control field . . . .

The President's transmittal letter asserts that:

> . . . a SALT II agreement to limit strategic offensive weapons will serve as the linchpin of all of our other arms control efforts, including . . . SALT II . . . a ban on tests of nuclear weapons . . . and prevention of nuclear weapons proliferation.

The test ban and nonproliferation issues are, in the minds of arms controllers and nuclear disarmament advocates, closely linked. This linkage has been borne out in testimony and presentations to the Senate in connection with SALT ratification. I invite attention to the statement on page 286 of the Senate Foreign Relations Committee hearings, "SALT II and Other Arms Control Measures" supplied by ACDA in conjunction with hearings before the foreign Relations Committee. Amidst highly questionable assertions about the ostensible beneficial effects of a so-called comprehensive test ban, the statement clearly links SALT II ratification to the early negotiation of such a ban; which, in turn, is linked to a "successful" Non-Proliferation Treaty Review Conference in 1980.

I believe that in the context of the SALT II debate, it would be profitable for the Senate also to debate whether it should ratify the Threshold Test Ban Treaty, which has already been negotiated and recommended; to debate whether we really want next a so-called comprehensive test ban; and to consider what baneful implications a "successful" Non-Proliferation Treaty Review Conference would have for the U.S. defense and deterrent posture.

The Foreign Relations Committee's report to the Senate contains a distillation of testimony on the various issues of SALT II. Under the heading "Major Issues—SALT and Arms Control," we find Mr. Paul Warnke on page 306, expressing the view that the way was open for early conclusion of a comprehensive test ban:

> I feel very strongly that we ought to pursue the completion of the current negotiations on the comprehensive test ban. Again, that complements SALT because it again impedes the development of new types of strategic nuclear weapons.
>
> Based on my experience as head of the American delegation of the comprehensive test ban talks, I believe the way is now clear to solve the major problems that have prevented the completion of a comprehensive test ban for so many years. . . .

This statement should not be taken as just the personal opinion of Mr. Warnke (although of course, he is a long-time nuclear disarmament advocate), but as the distillation by the Foreign Relations Committee of the link between the SALT II Treaty and the major issue of further arms control and disarmament agreements.

I urge my distinguished colleagues to note the sense of urgency about completing the so-called comprehensive test ban, along with a total failure by Mr. Warnke to address the very serious questions which exist about whether it will be possible for the United States to maintain confidence in the reliability of stockpiled or new nuclear weapons in a test-ban regime.

Dr. Herbert York, currently the head of the U.S. delegation to the nuclear test ban talks, a vigorous longtime advocate of nuclear disarmament, and an influential advisor to the Secretary of Defense, refers to nuclear stockpile reliability as "a relatively novel question." (See "The Comprehensive Nuclear Test Ban," Herbert York and G. Allen Greb, discussion paper no. 84, June 1979, California Seminar on Arms Control and Foreign Policy, Santa Monica, Calif., pages 33, 30.) We also have an accusation, published last summer by Dr. York, that the Directors of the U.S. Nuclear Weapons Laboratories and the Energy Department have been covering up means of maintaining stockpile reliability because they are opposed to the test ban. Dr. York asserts that:

> The laboratory staff can . . . do a much more effective job of maintaining the stockpile in the absence of tests than the current staff and leadership are willing to admit on the record.

I believe that it is highly inappropriate for Dr. York to continue to publish disarmament tracts while he is in the capacity of head of the U.S. delegation to the test ban talks. I believe it is an abuse of his present position to publicly question the laboratory directors and the Department of Energy on the matter of nuclear stockpile reliability. At the same time, the Senate cannot remain indifferent to the questions which are thereby raised.

The link between SALT II and a ban on nuclear testing continues in the President's speech to the Business Council, for he stresses the nonproliferation linkage while avoiding explicit reference to any nuclear test ban. He lists, as one of five reasons why SALT II will allegedly "strengthen the military aspects of our national security," that:

> . . . we can better control the proliferation of nuclear weapons among currently non-nuclear nations with SALT II than without it. This could be one of the most important factors involved in our pending decision.

While Soviet intelligence agents poke through the rubble of a burned out American Embassy in Pakistan, a nation run by a military leader who has already rejected U.S. attempts to dissuade him from creating nuclear weapons, the U.S. President argues that we should ratify SALT II in order to persuade such governments to behave the way we want. Sensible people should question the logic of this U.S. policy.

I agree with the President that the issues of nuclear deterrence and nuclear testing are extremely important and intimately related. But it appears that our Government will move very rapidly to sign the comprehensive test-ban treaty should the Senate ratify SALT II. Pressures already are being placed upon our CTBT negotiating team to complete another test-ban agreement in order to appease the demands of Third World nonnuclear weapon states at the Non-Proliferation Treaty Review Conference. But the directors of our nuclear weapons laboratories have told Congress that a total test ban would pose distinct threats to the maintenance and modernization of our nuclear stockpile. Equally important, the Senate has never even considered or debated the existing, threshold test ban with which we are complying to the detriment of our deterrent.

My purpose today is not to resolve these issues. It is rather to raise the fundamental question of whether it is appropriate for the Senate to debate SALT II without considering the integrally related question of nuclear testing policy.

We have a President who is earnestly and sincerely commited to the comprehensive test ban. We have the testimony of this administration that SALT II ratification will facilitate, speed up, and otherwise pave the way for an early signature by America of a total test ban.

But we must question whether the assurances of this administration regarding our nuclear deterrent posture are compatible with its concurrent dedication to a total test ban.

We must determine whether the Soviets have complied with the threshold test ban for the past 4 years.

We must consider whether funding for our nuclear weapons development and production infrastructure is adequate to the tasks assigned to it, and whether it can stand the effects of a total test ban.

I believe the Senate supports the national military strategy of nuclear deterrence. Therefore, we must address the issue of maintaining our nuclear stockpile, design, development, and test capabilities. I believe that we will discover that a TTBT and CTBT are certainly incompatible with modernizing our deterrent.

This country must have a nuclear testing policy which corresponds to its vital security needs.

Accordingly, I submit for the RECORD a recent article in the Washington Post on our nuclear testing and production policy.

The article follows:

### FUEL FOR THE NUCLEAR WEAPONS DEBATE

(By Rowland Evans and Robert Novak)

The surprising delay in test-firing a new 40-kiloton warhead designed for a Poseidon missile-firing submarine is just one striking illustration that the Soviet move into the oil-rich Persian Gulf area has not yet weakened anti-nuclear forces ensconced in the Carter administration.

Equally worrisome is the tenacious holding action by powerful environmentalists against congressional demands for faster production of weapons-grade nuclear materials to carry out Jimmy Carter's pledge to "modernize" NATO's nuclear weapons.

The unpublicized delay of the relatively low-yield Poseidon warhead test has now lasted more than five weeks. During that time, the warhead that is designed to "rehabilitate" part of the submarine leg of the U.S. nuclear triad—land, air and water—has been resting quietly in its underground cradle at the Nevada test grounds. But the president has not yet signed the order that he alone can sign giving permission for the underground test.

At stake here is nothing approaching American contemplation actually to fire in anger the Poseidon or any other ICBM. Far from it. At stake is whether the U.S. deterrent, particularly now that SALT II has been at least temporarily shelved by Soviet aggression, is to be kept in top working order.

The president is being pressured by his own environmentalists and other powerful anti-nuclear forces, including penny-pinching bookkeepers in his Office of Management and Budget, to go slow on testing. But the Soviet Union is in the midest of highly productive underground testing that proceeds at a rate at least twice the U.S. rate. So long as détente was enthroned and Washington and Moscow at least appeared in agreement over future limits on strategic arms, this was politically salable.

Today, however, it is not. Long knives on Capitol Hill are being sharpened to whittle down the power of the Council on Environmental Quality of the president's Office of Science and Technology Policy and of lesser administration officials, some on the National Security Council staff. These officials were hired long before Carter's eyes were opened (by his own admission) by the Soviet invasion of Afghanistan.

Thus, in a little-noted year-end report, a House-Senate conference committee warned that unless the production of weapons-grade nuclear fuel is drastically increased, the United States will be unable to carry out its commitments to modernize nuclear forces in Western Europe or to build warheads for the new MX missile in this country.

The conferees on the nuclear weapons program authorization bill were blunt: "[We] are concerned that billons of dollars may be spent to procure delivery systems which cannot be armed because sufficient funds have not been committed to testing or because critical decisions have not been made to produce sufficient quantities of special nuclear materials."

Their demand: that Carter immediately reactive a Hanford, Wash., reprocessing plant known as PUREX. Working with a nuclear power reactor next door that would supply plutonium, PUREX would manufacture fuel for the new nuclear weapons.

But the latest version of a draft presidential report now circulating inside the administration makes it all but certain that Carter is being talked out of reactivating the PUREX plant. Why? Because, the president is being told, to do so would contradict three years of his preachments against reprocessing plants that might proliferate weapons-grade materials for building nuclear bombs.

The congressional conferees who signed the compromise report calling for reopening PUREX are not weak-kneed innocents. They include the chairmen of the Armed Services committees, Sen. John Stennis and Rep. Mel Price, and such powerhouses as Washington's Sen. Henry M. Jackson, long a protector of Hanford's essential nuclear role, and Sens. John Tower and Strom Thurmond.

What makes the president's resistance to the clear mandate of Congress doubly troubling is that Secretary of Defense Harold Brown specifically testified on Capitol Hill Dec. 18 that he had "recommended to OMB that PUREX be restarted and funded" for the 1981 fiscal year. The cautious Brown made it clear that he worries about adequacy of special nuclear weapons materials both for testing and for arming the new array of nuclear weapons needed to keep the United States at or near par with the Soviet Union.

Unless the president changes his mind and downgrades his environmental experts, he will soon be defending himself against serious charges that, despite his admission, the Soviet invasion of Afghanistan did not open his eyes wide enough to the new reality.●

## EGYPTIAN RESPONSE TO INVASION OF AFGHANISTAN

● **Mr. PERCY.** Mr. President, I call the attention of my colleagues to the initiative of the Foreign Relations Committee of the People's Assembly of the Arab Republic of Egypt in response to the Soviet invasion of Afghanistan. The committee adopted strong resolutions on December 30, just 3 days after Soviet troops entered Afghanistan.

I ask that the resolutions of the People's Assembly be printed in the Record.

The resolutions follow:

### Resolutions

The Foreign Relations Committee of the People's Assembly held a meeting under the chairmanship of Dr. Fouad Mehle Le-Din on Sunday, December 30, 1979 to discuss the developing events and the Soviet intervention in Afghanistan.

The committee, at the end of its discussion decided upon the following:

First: The necessity of immediate withdrawal of Soviet troops from all Afghanistani territories, and stop the bloodshed raid of Soviet troops against the Afghani Moslem people.

Second: The demand of non-interference in the internal affairs of Afghanistan, and the demand of freedom for the Afghani Moslem people to decide their future, and to choose the form of government it accepts without external pressure, and deplores all attempts that aims at dominating the Marxists regime upon the Afghani people by force.

Third: Calls upon all Islamic peoples and the non-aligned countries to the pursuance of the grave situation in Afghanistan, and the Soviet attempts of hegemony upon Afghanistan, and calls upon those peoples to stand a firm solid position against this intervention and to unite to stop the danger against one of the Moslem countries and a member of the non-aligned movement.

Fourth: To notify all friendly parliaments of the decisions of the People's Assembly and calls upon these parliaments to take positive procedures to support the Afghani people and to stop the Soviet intervention as quickly as possible.

The People's Assembly adopted the aforementioned resolutions.●

## NUCLEAR WASTE POLICY ACT

● Mr. JOHNSTON. Mr. President, the Committee on Energy and Natural Resources recently ordered an original bill reported containing several major policy initiatives with regard to nuclear waste management. The provisions of the bill to be reported are similar to those contained in S. 685, the Nuclear Waste Policy Act, which I introduced on behalf of myself, the chairman of the Committee on Energy and Natural Resources (Mr. Jackson) and its ranking majority member (Mr. Church). Senator Tower is also a cosponsor of the bill.

I have spoken with my colleague, Senator Mathias, who has been in the forefront of efforts to develop a competent and credible nuclear waste management policy for several years. He has asked permission to cosponsor the bill the committee will be reporting. Due to the difficulties of pressing business, this report will not be filed until the Christmas recess.●

## ANATOLY SHCHARANSKY

● Mr. BOSCHWITZ. Mr. President, with the recent national attention focused on the exile of Andrei Sakharov, I think this is also an appropriate time to remind my colleagues of the continued imprisonment of Anatoly Shcharansky.

Both of these men have been unjustly harassed by the Soviet Government, and I abhor the Soviet's disregard for the outpouring of sympathy and support in this country and abroad for these two men.

I believe we should continue to publicize the plight of human rights violations in the Soviet Union, and with this in mind, I submit for the Record the following statement by the National Conference on Soviet Jewry commemorating the birthday of Anatoly Shcharansky.

The statement follows:

### Statement

The National Conference on Soviet Jewry and its thirty nine member organizations, representing four million people, commemorate Soviet Jewish Prisoner of Conscience Anatoly Shcharansky's 32nd birthday, January 20.

Sentenced to thirteen years of incarceration for "crimes" which President Carter publicly said he did not commit, Shcharansky became a target of Soviet officials because of his desire to emigrate to Israel and his role as spokesman for human rights activists.

Shcharansky's birthday was not a happy one for him. Not only is he sitting in the Soviet Gulag, away from his beloved wife Avital in Jerusalem, but his father, Boris passed away not having seen his son for several years.

The National Conference on Soviet Jewry applauds the efforts of all men of goodwill who have been and continue to be active on behalf of Anatoly Shcharansky.●

## WHAT PRICE HEALTH?

● Mr. PERCY. Mr. President, the cost of medical care continues to be a focus of concern and debate. We often forget, however, to examine the attendant benefits which we receive for our increased health care expenditures. A recent commentary in Newsweek magazine, "What Price Health?" by Joel Posner, an internist and pulmonary specialist in Philadelphia, makes an important point which we should consider when scrutinizing the rise in health care costs: although the cost of medical care has risen, so has the quality of care. Technological innovations in health care have contributed to increased costs, but these same innovations in technology and services have also had a tremendous effect on healing or sustaining the lives of millions of Americans. This is another side of the debate on rising health care costs which should be considered.

I ask that Dr. Posner's comments be printed in the Record.

The material follows:

### What Price Health?

Ten years ago, the average price of a new home was $34,400; today the price is $72,000. A pound of hamburger was 62 cents; today it is over $1.50. Ten gallons of gasoline cost $3.48 then; today they cost about $10.

The cost of everything has gone up. Since th base-line year of 1967, automobiles have increased to 166 percent of their previous price, food to 237 percent, and housing to 235 percent of what it cost in 1967.

Medical care has gone up also. The cost of medical care for each American has increased to 244 percent of 1967 levels, whereas the cost of all consumer goods and services has gone up somewhat less to 223 percent of 1967 levels.

But this comparison, which suggests that the cost of medical care has risen faster than other costs, is misleading. It ignores a vital and often overlooked distinction: whereas the cost increase of most goods and services since 1967 has been for products that were available but cheaper then, today's medical care is very different from that available fifteen years ago.

### Bills

In August 1963, for example, President John Kennedy's infant son Patrick died two days after birth from a lung condition known as "infant respiratory-distress syndrome." He was treated by the best we had to offer then at Boston's Children's Hospital Medical Center. The bill for his two-day care could not have been more than $500. He could not be saved. An infant born with the syndrome today would need days or weeks of intensive care, special respirators and techniques not available in 1963; an army of specialists would spend hours a day on the child. The bill for the care of such an infant would probably be twenty or more times the bill for the Kennedy child, but the infant would probably leave the hospital alive and well.

In 1967, my friend's brother, a 42-year-old cardiologist, experienced crushing chest pains while making rounds at New York Hospital-Cornell Medical Center. Despite the best that could be done for him he was dead within 48 hours of a massive heart attack. An autopsy revealed an almost complete blockage of one of the main coronary arteries: the left anterior descending artery. His total bill was about $350.

Three months ago, my friend, a neurosurgeon who is 41 years old, also experienced chest pain while at work. As his attack progressed, a cardiac catheterization and angiography (wherein a catheter is inserted into the cardiac vessel and dye is injected to make the vessels visible in X-rays for study) enabled his doctors to pinpoint an almost complete block of the left anterior descending artery, identical to his older brother's. Before damage to the tissue had occurred, surgery was performed: a small graft was to bypass the area of blockage in the diseased artery and blood again flowed normally to cardiac muscle.

My friend's total bill was over $13,000—a more than 3,500 per cent increase over the cost of his brother's care for the same disease. Of course, my friend's brother died in his early 40s and my friend is alive and jogging 3 miles a day with every expectation of living a full, normal life.

Today's automobile is not very different from one built in 1967, the house purchased today was probably around in 1967, food and clothing have not really changed at all. In general, prices are higher today for the same goods we bought in 1967. Today's medical care is costlier than yesterday's, but it is far superior to the product of fifteen years ago.

We are not paying more today for medical care which was available for less in 1967, we are buying something which is very different and, by its nature, dearer.

### Fees

Of course, things *are* too expensive today and we must do all we can to keep costs down. As it is, many of us doctors are trying to get our patients home sooner after major surgery and illnesses, and to use home-care services when they are available. Despite what you have been led to believe, physicians' fees have not kept pace with inflation. During the past ten years, while the price of postage increased 150 per cent and of hamburger 148 per cent, the increase in physicians' office fees was 116 per cent.

There is only so much that doctors can do to hold down medical costs. The greatest cost fighter would be a change in the habits of the American people: 60 cents of every health-care dollar goes to treat tobacco- or alcohol-related illnesses.

Unfortunately, the most popular solution offered for cutting "runaway medical costs" is increased government regulation, more central planning. This has been tried in many countries of the world and it doesn't work. A favorite example of those who think it does is Sweden, where medical care is "free." I won't dwell on the assembly-line nature of Swedish medicine; spend enough time in Sweden and you'll realize that Swedes hate the system they have but accept it because they think they are getting a service for free which bankrupts the average American.

In fact, it costs the average Swede about $200 a year more than it costs the average American for medical care. The Swede's costs are buried in his endless taxes, ours are right up front where we can see them and complain about them.

### MORTALITY RATES

The argument that Sweden's health-care system, though more expensive, is better than ours is invalid. It is true that Swedes have a longer life expectancy than we do; but for more than two decades, the annual death rate has been consistently higher in Sweden than in the United States. And in any case, these statistics are poor indicators of the quality of a medical system. Rather, they reflect such factors as the age of a population, its dietary habits, exercise practices and its public sanitation.

The question of increasing medical-care costs is an extremely complex one, and one easily used to inflame passions. We should be careful of glowing reports from overseas about the wonders of government-controlled medicine. In general, the care is not made cheaper by funneling it through a central office, only less personal. We should, above all, not be fooled by false comparisons of medical-care costs with food, housing or clothing costs. In the past, the medical services available today were not to be had at any price.●

## SENATOR COHEN'S SPEECH TO THE CHRISTIAN DEMOCRATIC UNION, BONN, WEST GERMANY

● Mr. TOWER. Mr. President, the demanding national security questions that face this country require great vision and insight. My colleague, the junior Senator from Maine, recently visited the Federal Republic of Germany and spoke to the Congress on Security Policy of the Christian Democratic Union.

In that speech, he exhibited the vision about national security matters that those among us who know him well recognize he is so ably equipped to offer this great body.

His recognition in the speech of the meaning of strategic arms limitations and the consequences for the world are helpful and insightful. In addition, his foresight in warning our NATO ally, West Germany, that the United States shift of priorities to combat the increasing Soviet presence in South Asia will require a dimunition of U.S. forces in Western Europe was borne out in this morning's Washington Post, which stated that the administration has begun talks with the West German Government on this very matter.

I ask that Senator Cohen's excellent exposition of these issues be printed in the Record.

The remarks follow:

### THE FUTURE OF THE ATLANTIC ALLIANCE

I have been asked to speak to you today on the subject of the future of the NATO Alliance. Predictions of the future are properly left for philosophers or visionaries. As an American politician who possesses no extrasensory powers, I prefer instead to talk about the current mood in America and what I believe it portends for the future.

I suggest to you, without an extravagant excess of pride, that the free world will remain free only as long as America remains strong and committed to defending the interests and integrity of our allies as well as our own territory. The obvious corollary to this proposition is that America can remain strong only as long as the NATO Alliance remains united against the threat of the Soviet Union and its Warsaw Pact countries. Division, disunity or the infection of the false notion of individual neutrality among NATO members are the blueprint for the decline of the West and the economic prosperity and spiritual values that inhere in our democracies.

A look at the headlines of contemporary events can only serve to reinforce the need to recognize NATO's mutual interdependence and to strengthen our resolve in the face of a broad spectrum of challenges that will confront us in the 1980s.

British Prime Minister Margaret Thatcher recently delivered a major address in New York. She called the 1980s the "dangerous decade"—a time in which the challenges to our way of life will be even more intense and acute than were those of the 1970s. This new decade, less than two weeks old, will require greater resolve in concert on the part of the West. It will not be sufficient to lament about raging inflation, over-dependency upon foreign oil supplies, or declining economic growth rates. We cannot afford the luxury of engaging in the practice of pointing fingers or allocating blame for any of our current misfortunes. Since our universe is not yet in darkness, we must stop seeking to curse it and instead make a cold, hard assessment of where we have been as an alliance and where we can reasonably hope to be in the future.

### THE 1970S—A DECADE OF DOMINOES, DETENTE AND DISILLUSIONMENT

If the 1980s will prove to be a "dangerous decade," then clearly the 1970s must be seen as having been a decade of vast discontent and disillusionment. The 1970s began with the United States up to its waist in the quicksand of Vietnam, still speaking of dominoes while many of our allies shook their heads, stayed away from or above the battle, and questioned the wisdom or morality of our intervention into the local affairs of that small country. The United States managed to extricate itself from Southeast Asia under the dubious claim of peace with honor, but the sight of an American helicopter lifting Marines off the American Embassy rooftop in Saigon proved to be that photograph worth more than a thousand of Shakespeare's words. It seared in the minds of our allies and our enemies alike an indelible picture of weakness and defeat.

The final days of 1979. ended with 50 American Embassy personnel being held hostage by Iranian militants who passed themselves off as moral-minded students. While the Soviet Union was sending 50,000 troops into Afghanistan to overthrow one Marxist leader for another who was less nationalistic and more pro-Soviet, the United States was ringing church bells, sending Christmas cards to the American hostages and asking the United Nations Security Council to impose economic sanctions upon a nation that has been drinking from the cup of international malignity and lawlessness.

NATO, which former Secretary of State Henry Kissinger in his memoirs called, "The Uneasy Alliance," has been understandably troubled and unsettled about its future. Indeed, it has been perplexing for many to ponder how the most militarily and economically powerful nation in the world could be reduced to such a position in less than 15 years.

The answer is by no means simple, nor is it attributable to any one political party or administration. I speak to you today as a Republican Senator, but it is my judgment that our difficulties transcend partisan accusations. I recall, for example, the time when President Ford addressed a joint session of Congress in 1965 and he asked for a billion dollars in aid to help shore up the sagging defenses of our ally, South Vietnam, against the relentless momentum of our adversaries. Later, in the same speech, he spoke of the Middle East and the intentions of our "potential adversaries." Finally, he spoke of détente and the Soviet Union was subtly rarefied into a nation that was committed to the search for global peace and stability. I and many of my colleagues found that our foreign policy had become so ill-defined, so filled with vague nuance and inconsistency that it was no longer comprehensible and therefore no longer supportable.

We were committed to a policy of détente with the Soviet Union, but we did not understand the meaning of the French word. We translated it literally—a reduction of tensions. The Soviet Union, however, insisted that the reduction of tensions did not mean that there would be a reduction in the ideological struggle, as that conflict would continue. Again, we believed that "ideological struggle" consisted of a war of ideas, not armed wars of liberation. This unilateral misunderstanding resulted in confusion, paralysis and a pathetically absurd posture for the United States. The Soviet Union was sending over 40,000 Cubans into Africa with impunity while an American President declined to invite Soviet dissident Alexander Solzhenitsyn to the White House for fear of jeopardizing our fragile superpower relationship.

The change in administrations in 1976 did not mark a return to a clarity of purpose or policy.

President Carter, as a candidate, had pledged to cut $7 billion from our defense budget. As President, he unilaterally suspended the development of neutron weapons; called for the withdrawal of American troops from South Korea (at the very time the North Koreans were rapidly expanding their forces north of the DMZ); extended diplomatic relations to China without even seeking a pledge of non-aggression against our former ally, Taiwan; sent a letter of protest to the Soviets for their shadowy presence during the rescue attempt of our ambassador to Afghanistan, Adolph Dubs, which predictably resulted in his death. A deafening silence greeted our protests. President Carter's former ambassador to the United Nations referred to Cuban troops in Africa as a "stabilizing force." We watched the Shah of Iran being driven from power while the United States suggested that he leave his country on a temporary vacation until the revolt had spent its course. In August of 1979, Americans discovered the presence of 2,500 Soviet combat troops 90 miles off the coast of Florida. President Carter marched up the hill of confrontation with the Soviet Union declaring that the status quo was unacceptable and then marched down again three weeks later accepting the status quo. And finally, in the dark days of December, we found ourselves sitting in front of our television sets each night waiting to learn which one of our embassies in the Mideast had been bombed (was it Pakistan, Libya or Saudi Arabia?) and what new act of terrorism would add to the accumulating layers of international insult.

I speak to you today not on a note of partisan bitterness or belligerence. I am fully aware that technology has miniaturized geography and that vast oceans have now been reduced to mere ponds. I am aware that the globe is but a ball spinning on the finger of science. I do not wish to trumpet an irresponsible call to bear arms, to run the risk of global suicide, or to invite a final holocaust out of an insane response to wounded pride. But I am also mindful of Konrad Adenauer's observation that, "An infallible method of conciliating a tiger is to allow oneself to be devoured."

The events of the 1970s that I have mentioned have come about because we have failed to correctly understand the nature of the adversaries that we and the free world face, and like the classic athlete who indulges his appetite without regard to the consequences, we have grown soft around the middle and heavy in the thighs.

We have also failed to appreciate the strong, lingering animosity which nationalists in many of the former colonies of the West continue to harbor toward our countries. By failing to react positively and in a timely fashion to the nationalistic desires of many Third World leaders, we have prepared rich soil for the Soviets to sow with the seeds it possesses and can distribute freely: Rifles, training in subversion, and an ideology which promises a "quick fix" for the basic human needs of swelling populations. Unless members of the Alliance focus more seriously on ways in which they can better assist Third World peoples in realizing their aspirations, the Soviet harvest will continue to be abundant, and our status and influence will decline.

Three events—the barbarism in Iran, the Soviet invasion of Afghanistan, and the debate on the SALT II treaty—have served to concentrate wonderfully the minds of Americans on our declining status and have shaken us from a slumber and self-induced narcosis. We have passed through a difficult withdrawal process from world affairs, a sort of "global isolationism" which harbored in its soft core, the misbegotten belief that the United States could remain a world power by moral example alone, while shrinking and reducing its presence and influence from around the world.

Let there be no mistake about it, there is no mood in America to once again assume the impossible role of the world's policeman, but there is a recognition that we can no longer afford to become a prisoner of world events. There is a renewed consensus that peace can only be achieved through strength—military as well as economic—and that it is no longer satisfactory to formulate foreign policy on a daily basis, shifting and adjusting to the exigencies of the moment.

Recent events in the Middle East and South Asia have brought home to NATO the realization that the security of Western Europe is as sensitive to events in the Indian Ocean and the Persian Gulf as to events along the inter-German border.

### SALT II AND NATO SECURITY

Prior to the Soviet invasion of Afghanistan the SALT II treaty was alive but not well. Today it appears to be a corpse. It was shot by the Soviets on the streets of Kabul. It is conceivable, although unlikely, that the treaty will be revivified and brought before the Senate this year.

If so, I believe the debate will provide an accelerative thrust to the reassessment, now underway, as to: Who we are as a nation; what our interests are as leader of the free world; what burdens we are prepared to bear; and where, if any place, we are prepared to fight to preserve and protect our identifiable interests.

Since it has been suggested in the recent past that NATO would crack apart or unravel without the existence of a new SALT treaty, I would like to offer some personal observations on the impact that the treaty has had upon the people in our Congress and our country.

The debate, while incomplete, has been instrumental in shaking the fruit of many of our comfortable assumptions from the tree of self-delusion.

The euphoria that accompanied the first SALT agreement is gone. The United States is no longer wedded to a great faith that arms control is an island of super power cooperation in the sea of political, economic and military competition. We have finally come to an understanding of the nature of the threat that we are facing.

I believe that there is an emerging consensus in the United States that arms control agreements cannot be negotiated in a vacuum and cannot be considered in splendid isolation from global military and political realities. Agreements that provide for equal aggregates of weapons cannot produce equality where unequal military trends and intentions exist.

Some members of the Senate have been troubled by the inequality of the treaty, particularly the treatment of heavy missiles and the Backfire Bomber. Others have been concerned about the treaty's verifiability and still others are opposed to a manifestly unequal Protocol which bears directly upon the future security of Europe. But what has been disturbing to all is the massive and unrestrained build-up of Soviet strategic forces which is consistent only with a first-strike (or in the jargon of the SALT votaries) counterforce capability.

It is neither inevitable nor even probable that the Soviet Union would run the risk of launching a pre-emptive first strike against the United States. Of course, if the United States continues to permit itself to slide into strategic inferiority, it will never be necessary for the Soviet Union to run such a risk. But the potential to carry out such a strike, even at the theoretical level only, will have global importance and implications that will undermine our security and prosperity. In any event, the Soviet Union's growing strategic superiority will cause it to continue to exploit its advantage politically in hemispheres once considered inviolable by the United States.

I am aware of the argument that for every equation showing a shift in the balance of strategic power, there is a counter-equation revealing that the Soviet Union is a nation bedeviled with economic and domestic problems of its own. Megatonnage is not the measure of a nation's might.

Indeed, as it is argued, the United States is far stronger economically and it is clear that the Soviet Union does not serve as a role model for other nations to follow. In response, I suggest that the economic power of the United States, while vast, may only be as strong as the neck of the Persian Gulf is wide—as recent events in Iran, Pakistan and Saudi Arabia serve to remind us. Moreover, the fact that the Soviet Union is not looked upon as a role model throughout the world has done little to discourage its bad behavior. I am not aware of any totalitarian regime that rests its rule upon a policy of good will. Power, in the eyes of totalitarians, comes at the end of a gun barrel.

There are those who believe the treaty as written is in our national interests and insist that the ghost of the League of Nations has taken a seat at the table of our deliberations. A failure to ratify the treaty will unravel our NATO alliance, destroy our moral leadership, return us to the Cold War, and sign a death warrant for detente. Whatever the imperfections in the treaty, they are of marginal importance when compared to the necessity of continuing the process itself. They maintain that process, in this case, is the most important product.

These arguments are not to be taken lightly. No one possesses the vision or wisdom to predict the consequences of rejecting the treaty. But fear of the unknown should not eclipse our knowledge of the part or paralyze our capacity for taking action or for reaching agreements in the future.

I do not know whether the Soviets, in the absence of this treaty, would devote even more than the 13 to 15 per cent of their GNP for overall defense purposes that they are currently spending. According to our Department of Defense, it is possible that they will likely produce 12,000 to 13,000 nuclear weapons without, instead of 10,000 to 12,000 with, the treaty. They might, in a time of national frenzy, go to a much higher level of destruction without regard to military necessity or consequences to their general public. However, reports concerning their economic difficulties render this possibility somewhat remote.

But the argument that we must ratify this agreement because we can no longer contain the Soviet Union's military machine without it should be seen for what it is—a confession that carries with it a declaration of our decline. A nation that signs agreements because it lacks the ability or the will to compete with its adversary will ultimately prostrate itself at the feet of a bully in the name of peace.

Former Secretary of State Henry Kissinger, has suggested that without the SALT II treaty, life may become more complicated and perhaps more dangerous. Indeed, Mr. Brezhnev has already threatened that if the United States Senate seeks to amend or decides to reject the treaty that there will be "grave and even dangerous consequences for our relations and for the situation in the world as a whole."

The threat is of the same genre as that levelled by Mr. Brezhnev at our NATO allies. Any effort by our allies to modernize the Alliance's nuclear forces and thereby deter Soviet aggression will result in its members' destruction in a time of war. It is not an idle threat, merely a redundant one. The threat of Soviet global agitation without Senate consent to the treaty is similarly redundant. We have witnessed the seas filled with the "boat people" of Vietnam. We have seen the horror of genocide in Cambodia and the use of chemical warfare in Laos. The Soviets have exercised little restraint in Angola, Ethiopia and South Yemen. They continue to train terrorists on a massive scale. They have conducted a brutal invasion of Afghanistan. They have established and retained a combat mission in Cuba. Unacceptable? It has all been accepted during the relaxation of tensions brought about during the era of detente, SALT I, Vladivostok, the Helsinki Accords and SALT II. The Soviets are, of course, capable of stirring up even more turmoil, particularly in the fragile and explosive Middle East. However, if what we purchase by ratifying SALT II is not true security, but rather an ostensibly lower level of aggression and hostility, then we must recognize that the threats and intimidation will only increase in the future in direct proportion to our declining military posture. What, we must ask, will be the price of SALT III, when the Soviets fifth generation of missiles shall be on line, including its one new type?

Will Soviet growing domination in military power produce a more secure and mature nation that no longer feels inferior or in danger? Will the Soviet Union finally become more benign in its global behavior now that it is clearly an equal in superpower status? Will we continue to rationalize that Soviet expansionism is but the product of its historic paranoia and fear of being surrounded by hostile neighbors?

These are some of the questions that the Senate will raise and hopefully answer if and when the treaty is debated.

I came here today to convey to you the message that, with or without a SALT treaty, the United States remains committed to the strengthening and preservation of the NATO Alliance and to the improvement of East-West relations. We are committed to the concept of a "relaxation of tensions," although that term has embodied a fickle and elusive spirit—provided it is embraced bilaterally, by the East as well as the West.

We are not unmindful of the progress that has been made in trade and travel accommodations, particularly between East and West Germany. Many centuries ago, the philosopher Plato asked, "Whether beauty was pleasing to the gods because it was good or whether it was good because it was pleasing to the gods?" Today, we must also determine whether detente is pleasing to the Soviets and their satellite countries because it is good or whether it is good because it is pleasing to the Soviet Union.

Some have argued that the danger of Soviet aggression in Europe has ebbed like a receding tide and therefore we must seek accommodation and not confrontation through an arms modernization program. This is tantamount to arguing that because there has been no flood for years, the dam is no longer needed. On the contrary, I believe that an enduring NATO is a prerequisite for improved relations with the Soviet Union. A strong NATO is necessary to force the Kremlin policymakers to realize that there is no alternative to peaceful relations with the West.

### MODERNIZING NATO FORCES

Our twin objectives, political cohesion and military effectiveness, are interdependent. To argue that we need not modernize our forces because it might weaken detente is to confuse a policy with the interest that it seeks to protect. Peace and security are not solely obtainable by detente. Military strength is a major contributory factor to the maintenance of peace.

The frontiers of freedom, the survival and the flourishing of democracy, still compel our mutual cooperation. And it will take great effort and cooperation. I do not seek to minimize the problems that confront us. The preservation of a balance against the modernization onslaught of the Soviet Union and her Warsaw Pact allies will require greater cooperation effort on our part. Substantial force ratios in manpower, tanks, artillery and aircraft exist to the disadvantage of NATO. Furthermore, the aging and diffuse nature of NATO weapons systems stand in sharp contrast to those of our adversaries.

My late colleague, Dewey Bartlett, in an incisive article on NATO standardization in 1977, noted the existence of 31 different antitank weapons, 24 different tactical aircraft, eight different armored personnel carriers, seven different tanks, 50 different sizes of ammunition and 100 different tactical missiles. We have a logistics nightmare. Equally important, for a society of free people with social goals, we are ineffectively utilizing our resources. The $16 billion we invest in research and development (US=$12B) if spent in a coordinated manner will provide a better, more efficient, military machine. The questions raised are significant: How will we transfer technology; what will be the impact upon national labor markets; how will international industrial competition be affected; can we calculate what is a just "two-way street?"

Many remedial efforts are underway, most noticeably the NATO Long Term Defense Program. The institutional framework exists within NATO through the NATO Armaments Planning Review process, the Periodic Armaments Planning System, and NATO Standardization Agreements. Nevertheless, the complex political, economic, and military issues which have stymied past efforts remain. Our common challenge is to interject new life into an old Alliance.

I would submit to you the growing Soviet threat to the West's economic jugular vein in the Third World suggests the need for considering a new division of military labor with Alliance. The United States is the only member of NATO that is in a position politically or militarily to spearhead the effort to provide an adequate defense of the West's vital economic lines of communication in the Indian Ocean and Persian Gulf. Accordingly, should the United States in the coming decade give greater priority to the defense of that region, it would mean that the Western European members of NATO would have to make a greater contribution than that now contemplated under the Long-Term Defense Program. The conventional defense of the Central Front has always been the primary responsibility of those nations that would be most directly endangered by a Warsaw Pact invasion of the Central Front. It has never been solely an American responsibility. As in the past, the United States is prepared to shed its own blood in the defense of its European allies; but Americans are not prepared to do so for a Europe less willing to defend itself than we. Thus, your present government's announced 1.5 per cent real increase in defense spending for 1980 appears unacceptably low, particularly in light of the Carter Administration's plan (under pressure from the Senate) to increase U.S. defense spending in real terms by an average of almost five per cent per year over the coming half decade. Equally unacceptable is the virtual abdication by some members of the Alliance of their responsibilities for the conventional and tactical nuclear defense of the Central Region. If members are prepared to enjoy the fruits of a common defense, they must be prepared to contribute to it with substance as well as spirit.

Let me add a footnote to the subject of force integration. In the final analysis, we must recognize that the ultimate strength of the Alliance does not rest upon our success in achieving full standardization or interoperability of military hardware. The strength of the Alliance rests as much upon spirit as it does upon structure. A commonality of arms is important, but equally critical is the free world's commonality of ideas and the shared ability to distinguish between fact and fiction, between sincerity and the siren song of Soviet peace proposals.

In conclusion, let me say that I am optimistic about the future of the Western Alliance. Optimistic because I watched our European allies vote to modernize their nuclear forces in the fact of Soviet threats of retaliation. I am optimistic because the same President who once pledged to cut America's defense budget has recently presented to the Senate Armed Services Committee a budget calling for a real increase for the next four years. In the blood-stained wake of Afghanistan, those percentages may well have to be revised upward.

Frankly, I was initially skeptical about the budget proposal, and suspected that President Carter's recent conversion to military preparedness was but a transparent attempt to purchase votes for the SALT II treaty. There are those who remain unconvinced that the President can shed his naive, personal and evangelical approach to foreign policy that consists of exhibiting patience (and paralysis) in the face of hostility rather than the infliction of punishment.

I prefer to believe that President Carter has finally come to realize that the Soviet Union's global aspirations cannot be restrained by unilateral gestures of Western good will and that spiritual commitment and economic strength must be combined with real as well as perceived military power if Soviet aggrandizement is to be contained.

But even if the cynics are correct, our allies should understand that a profound change is taking place in our country. In my judgment, the Congress of the United States is prepared to reverse the trends of a declining military capability and the American people are prepared to resort to force to preserve our freedoms and those of our friends. It is not a new jingoism being generated in America, but rather an appreciation of the stark realities that confront the free world.

Finally, I am optimistic because it is becoming clearer to the world each day that the Soviet Union cannot wage an ideological war—for what they fear most is a war of words, the free communication and clash of opposing ideas. Marxists have always used fig leaf phrases to cover their naked ambitions and failures. And when their barren philosophy is exposed in the withering light of free and open debate, they slam the gates on human liberty and reach for weapons of war. They must resort to tanks in Czechoslovakia, assassination and troops in Afghanistan, and a wall in Berlin to ensure that their people will not throw off their chains and rush toward the gates of freedom.

The members of NATO have known triumph and tragedy, prosperity and depression, war and peace. We recognize that there is nothing in life that is safe, secure or certain. We have learned the truth of the words of the Greek historian, Thucydides, that, "The secret of happiness is freedom, the secret of freedom is courage."

Forty years ago, Walter Lippmann, one of America's most profund political philosophers, said,

"Upon the standard to which the wise and honest will now repair it is written: You took the good things for granted. Now you must earn them again. For every right that you cherish, you have a duty you must fulfill. For every hope you entertain, you have a task you must perform. For every good that you wish to preserve, you will have to sacrifice your comfort and your ease. There is nothing for nothing any longer."

His message is as important to the NATO Alliance now as it was to America then.●

---

## REMARKS OF FRED SILVERMAN

● Mr. HOLLINGS. Mr. President, I submit for the Record a statement by Mr. Fred Silverman, NBC president.

High quality television programs for children at various times of the day is a laudable goal. Since assuming the chairmanship of the Communications Subcommittee some 3 years ago, I have taken an increased interest in children's television. Since that time we have seen a number of improvements in the quality and the timing of children's shows. Public service spots are being aired on such subjects as news, hygiene and safety. One network, ABC, has reduced the amount of its advertising time. Many advertisements seem to have balanced their approach to selling. These and similar changes are important and are to be continued. Yet much progress remains to be made.

The biggest breakthrough that has eluded us has been major commitments to increase and improve children's programs. In December, the FCC initiated a rulemaking to determine what, if anything, the Commission could do to encourage such improvements.

We all recognize that a regulatory solution should be, at best, a last resort and that voluntary initiatives by the broadcast industry would be far preferable. "Project Peacock," the NBC children's program project is such an initiative. It will provide 20 children's programs of at least 1 hour each, to be aired next year during prime time. This is a major commitment of resources by NBC, and they are to be commended for their action. It exemplifies the dynamic and innovative nature of broadcasting. In responding to the needs of their child audience, this type of action keeps the decisionmaking with the programers—where it really belongs and where it works best. I am heartened by NBC's bold initiative and fully expect other broadcasters will take other additional concrete steps toward better serving the needs of children.

The statement follows:

### Remarks by Fred Silverman

Thank you. It's a pleasure to be here on a famous date in broadcasting history.

It was exactly 31 years ago today—January 17, 1949—that Liggett & Myers signed a contract for baseball telecasts that included exclusive rights to advertising inside the ballparks. That landmark event meant that every time an outfielder caught a fly ball that season, the television camera had a perfect view of a Chesterfield ad.

There's no use trying to top that kind of earthshaking news today, so I'd like to talk about something closer to home and much more important.

Columnist George Will once made a very interesting point. He wrote: "Disparagement of television is second only to *watching* television as a national pastime." And to my mind, there is no area of television which has received as much unwarranted disparagement as children's programming.

The days have long since passed when mindless cartoons represented all that was available to children. But the criticism hasn't caught up to the reality. There are a lot of proxy parents around telling television how children should be educated, what values they should be taught, and how they should be entertained—and Washington has jumped in with both left feet.

The Federal Communications Commission is now saying that it will consider adopting rules that would require the broadcast of very specific kinds and quantities of children's programs. A special staff appointed by the FCC recently recommended that each broadcast licensee be compelled to program educational or instructional children's programming on weekdays. The suggestion is that the government should decide what children should see, and when they should see it. The implication is that commercial broadcasting has failed in its job of serving the nation's young people, that it is bankrupt of ideas and unable to provide a meaningful service for children. As a broadcaster and as a parent, I am appalled by this conclusion. It's untrue and the record proves it.

People simply do not realize how much has been happening in the world of children's programming, and how much progress has been made. We are a long way from being perfect. We can certainly do a lot better. But no one who looks at the total picture of television's service to children could possibly believe that this effort cries out for government intervention.

Let's look at what's going on. Just a few years ago, there was nothing on television like CBS's "30 Minutes," ABC's "Afterschool Specials" or NBC's "Special Treat" series. News reports for young viewers and health messages are now carried by all three networks. And fine quality regularly scheduled programming ranges from "Captain Kangaroo," the granddaddy of them all, now in its 25th year on CBS, to "Hot Hero Sandwich," which NBC started this season.

It's important to recognize that programming for children consists of much more than the Saturday morning schedule of the three networks. There are 15 network-owned stations, and all are doing an outstanding job for young viewers.

The CBS stations, for instance, ran about 100 hours of children's programs in 1979, including 35 hours of specials, wonderful shows like "When I Grow Up" from KMOX–TV, St. Louis, and "The Great Metric Mystery" from WCAU–TV, Philadelphia.

At ABC, the award-winning program "Hot Fudge," produced by WXYZ–TV, Detroit, has not only spread to other ABC owned stations, but is syndicated to nearly 60 local stations serving approximately 70 percent of all United States television homes.

At NBC in 1979, each of our five owned stations carried an average of 120 hours of children's programming. Some productions, such as the "Go!" show, were previously shown on the NBC Network, some are developed by the NBC Television Stations Division and some programs come from syndicators. And of course our stations originate many of their own productions, such as "Whitney and the Robot" from KNBC, Los Angeles. This is a live-action program which opens the way for discussions of contemporary issues including the environment and conservation. "Whitney" is also syndicated to local stations.

Last month NBC's stations carried "The Electric Fuzz," produced by WRC–TV, Washington, an animated half-hour which helps children learn a sense of social awareness.

Now that's just skimming the top of the children's programming activity going on in a few large cities. At scores of other local stations, the concern of management is at least as great, and the programming record at least as bright. Back at the networks, the efforts don't stop with what we put on the air. There's plenty of auxiliary support for the children's programming effort.

For example, four years ago NBC established a Social Science Advisory Panel to assist us in developing and analyzing programs for children. That panel, composed of child development specialists, educators and social scientists, works with NBC's Social Research, Broadcast Standards and Program Departments from the beginning. They advise us about possible social problems, and also suggest positive themes and role models. They provide suggestions for improvement and are also involved in reviewing the educational inserts in our network schedule. ABC and CBS use similar professional aid.

Another phase of network efforts involves extending the educational aspects of various broadcasts so that young people can get more out of them.

For instance, the CBS Reading Program involves classroom distribution of advance scripts of selected CBS programs. Special Teachers Guides are sent out, alerting educators to broadcasts which may be particularly worthwhile to students. Classroom activities and lessons based on those broadcasts are suggested. This reading program, which began as a three-city project in 1977, is now operated through some 70 stations around the country and reaches more than five million students.

ABC has underwritten a major study by Dorothy and Jerome Singer, professors of psychology and co-directors of Yale's Family Television Research and Consultation Center. The Singer study seeks to develop a scientific method of teaching children to become more intelligent and discriminating viewers. ABC also has instituted numerous cooperative efforts with the educational community, and has produced and distributed programming guides to every high school in the country and to various civic and church groups.

One of the NBC approaches has been to open more parental involvement in what children watch. Our Parent Participation TV Workshop project, funded by NBC and run by Teachers Guides to Television, has in a few short years grown into a major, nationwide program. Using NBC programs and trained educators, the Workshops teach an important lesson to parents—that television can become a springboard for an exchange of values and attitudes between the generations. Instead of blocking basic communications within the family, television can help open it up, and these Workshops have shown thousands of parents how to do it.

Beyond all these projects and extension services, the three networks and their owned stations broadcast an array of public service announcements specifically designed for children. At NBC, we have used PSA's from such organizations as the National Safety Council, the American Heart Association, the Girl Scouts and the Department of Agriculture. We also produce our own public service messages for children, and we think these are very special.

One series of award-winning NBC announcements, developed in cooperation with the Council of Better Business Bureaus, features the Ritts Puppets on such subjects as parental authority and learning the difference between commercials and program content.

We are also broadcasting a series of messages produced in cooperation with the Society of Nutrition Education, featuring Shari Lewis. We have another group of announcements designed to help children learn how to evaluate television programs, so they'll be better able to distinguish fantasy from reality. I wish some of our bureaucratic babysitters would learn the same thing.

Let's look at what the FCC considers "children's programming." The Commission defines such programming as originally produced and broadcast primarily for a child audience 12 years and under. This is the criterion on which broadcasters are judged and on which the FCC Children's Television Task Force has found us lacking. They say we lack "diversity" of children's programming, and that we fail to provide enough educational and instructional programming for preschoolers and school-age children throughout the week.

Let me relate to you just some of the more glaring oversights of this study. First of all, the Task Force relied on the opinion of five experts they selected who—unbelievably—were asked to decide whether children's programs were educational solely on the basis of their titles. With majority opinion prevailing, any program which did not get at least three votes was summarily excluded. The result of this strange kind of research was what you might have expected. Among the programs not counted as being "instructional" were the award-winning "Hot Fudge" and "Kidsworld." In addition, all programs on the non-commercial stations were excluded, as was every single locally produced program. The FCC was forced to admit that there was no way for its experts—using titles alone—to know which of these programs were "instructional," and which weren't.

Then, as a result of studying just one composite week—and they didn't even use the same week—during each of the 1973–74 and 1977–78 seasons, the FCC Task Force concluded that children's specials had decreased about 50 percent. Had they looked at both entire seasons instead of a different week in each, they would have learned that specials on the networks in 1977–78 represented a 70 percent increase over 1973–74. And interestingly, the composite week, especially selected by the staff, did not even include "Special Treat," NBC's award-winning afternoon children's specials.

Above all, I find it shocking that there is no evidence of anyone actually having watched the programs summarily judged and categorized in the FCC report. And it is on the basis of that report that the FCC is proposing far-reaching rules.

We are never going to get better television from a government mandate. Better television starts with a commitment by broadcasters and requires the dedication and creative skills of a wide range of creative talent. The process takes a great deal of time, but the results are worth it.

NBC is trying hard to develop a group of prime-time projects that will represent this kind of "better television," that will make our service truly distinctive. Last Wednesday night saw the fruition of one of our dreams, the premiere of "Live from Studio 8H." It was one of the most exciting evenings I've ever spent in television. As The Washington Post pointed out, more people watched Zubin Mehta, Leontyne Price and Itzhak Perlman that night than could fill Kennedy Center in 13 years.

In order to make "Live from Studio 8H" as meaningful as possible for young people, NBC sent Viewers Guides on the program to almost 80,000 music teachers in junior and senior high schools and to private music schools and educators around the country. We will do the same thing in April, when we launch a special series of contemporary American plays performed at regional theaters across the United States. Two two-hour plays will be presented in prime time this year and three or four will be produced every year thereafter. We will do these plays live whenever possible to bring the theatrical experience more directly into the home. And we are tremendously pleased to have award-winning writer-producer David Rintels as executive producer of the entire project.

We will support these major efforts with appropriate educational materials because we know that many children will be watching them. Television's prime-time audience consists of 26 percent children—aged 2 to 11. That doesn't include the 8 million 12 to 17 year olds, who don't come under the FCC definition of "children."

So it's quite obvious that a lot of young people do a lot of their television viewing during the evening hours. That's why NBC has now decided that our next major prime-time project will be devoted entirely to children.

Starting a year from now—and marking a first in television history—NBC is going to present a regular series of 20 prime-time children's specials.

These programs, with the kind of production budgets associated with important network specials, will be scheduled every other week on various nights during the regular television season. Their length will range from 60 minutes to two hours, depending on what the material requires. They will each be a major addition to NBC's overall children's programming effort, and will provide a continuing prime-time component to our service to young people.

The series, which we're calling "Project Peacock," will include literature, the arts, music, science and nature. Some will focus on a single outstanding artist. Some will be produced by NBC News. Others may deal with travel and adventure, and real-life occupations and pursuits.

Every presentation must meet two criteria—it must be entertaining and it must be of outstanding quality. We intend to present memorable programs that will become part of television history, on the level of "Peter Pan," "Amahl and the Night Visitors" and "Young People's Concerts." We want "Project Peacock" to be television at its finest, just as "Live from Studio 8H" was last week. That 8H concert took many months of planning, and we're going to give the same kind of careful attention to this children's effort. We will be seeking out the finest writers, producers, directors and performers for the creation of these programs. We want to encourage and invite the top people in every area of the entertainment industry to participate, including those who have never before contributed to children's programming. We are open to all forms and concepts, and we are determined to allow sufficient lead time to have a series of this importance done with care and understanding.

With every show in "Project Peacock," I want to stress the word "entertaining," because many critics of children's programming reject the premise of entertainment in the things they consider "worthwhile." Fortunately, not every expert on children and learning sees it that way. Professor Gerald Lesser of Harvard's Graduate School of Education—and a consultant to the Children's Television Workshop—recently said this about entertainment and instruction on "Sesame Street" and "The Electric Company": "It is perfectly obvious to me that you cannot do one without doing the other. Certainly, using television, it is impossible to instruct without entertaining; children simply do not watch."

And two psychological consultants, Norman and Margaret Silberg, also put it well. They said: "It appears that for something to be 'educational,' it must be in documentary form and be dull enough to turn off all but the perverse. Is the idea that people can learn and be entertained at the same time too radical for our culture to handle?"

It is not too radical. Entertaining and educating is exactly what NBC intends to do. We are not going to have prime-time versions of "Sunrise Semester," or repeated editions of "Black Beauty." We are not going to sacrifice the majority of our prime-time audience for blackboard instruction or for remakes of kiddy classics. What we want to do is present shows that are right for the more than 10 million viewers under the age of 12 who tune in to prime-time television each night, and that can be enjoyed by their elders as well.

In light of our ongoing efforts to improve our service and find new ways to reach and interest children, we consider it particularly unfortunate that the government is taking it upon itself to intercede. The structure of broadcasting in this country was very carefully designed to keep government out of the programming and scheduling business, but the FCC's staff proposals on children's programming crash through that barrier. We all should have learned years ago from the government's Prime Time Access Rule that programming recipes concocted in Washington turn to taste like witches' brew.

The very sad thing is that the FCC's Children's Television Task Force itself acknowledges that the mandatory programming they seek "will not insure high quality programming." What could be more obvious? High quality programming is never going to come out of a hearing room in Washington. It must come from talented creative people who are given the time and the resources necessary for them to do their best work.

Each broadcaster must have individual responsibility for his own programming, and must decide the mix of programming that serves his public best. Striking the right balance is a complex job, and I believe responsibility should be left where Congress put it—to the professionalism and initiative of the individual broadcaster. We've tried to show that kind of initiative throughout our children's programming effort—most recently with the pioneering efforts of "Hot Hero Sandwich." Anyone who still thinks Saturday morning television is nothing but cartoon characters falling off cliffs should have seen Henry Fonda, with tears in his eyes, describing his inability to tell his son, Peter, that he loved him.

Carl Sandburg once asked: "Who shall speak for the people? Who has the answers? Where is the sure interpreter? Who knows what to say?"

No one entity speaks for all the people. It is the broadcaster's responsibility to entertain, to illuminate, to inform. In fulfilling these functions, we speak to the people. But it is the people who speak for themselves. And those of us who spend our lives working in broadcasting learn to listen to them.

In this new decade, NBC has no intention of resting on past accomplishments. And it is our hope that regulatory agencies will continue to trust to broadcaster's initiative rather than to government fiat. It is a trust we have earned, and we welcome the challenge it implies.●

---

## MFN AND JUSTICE FOR TAIWAN

● Mr. DOLE. Mr. President, when the United States so precipitously rushed into diplomatic recognition of the People's Republic of China just a little more than 1 year ago, the U.S. Senate was not consulted by the President, which he was legally obliged to do. It was up to the Senate, after the deed was done, to consider how far this country could go in trusting the PRC to live up to its commitments and balance them with regard to America's traditional commitment to the Republic of China on Taiwan. With grave deliberation the Congress constructed the Taiwan Relations Act, balancing our concern for the potential benefits of expanded relations with Peking with the concern for the security of Taiwan. On the whole, though many amendments were not accepted that the Senator from Kansas thought would be extremely beneficial, the Congress was successful in achieving a balanced law very much in the strategic and economic interest of the United States.

Unfortunately, Mr. President, the State Department under the leadership of the President of the United States, has never fully lived up to its commitments under this law. Little did we realize, as we wrestled with the problem of formalizing relations with an inscrutable and formerly active enemy of our Nation during two wars, that the party we had to fear who would not live up to its agreements would be our very own executive branch. The disregard for the letter and spirit of the law by this administration is highly disturbing to this Senator.

### STATE DEPARTMENT IMPEDES TAIWAN RELATIONS ACT

Despite the assurances of the Taiwan Relations Act of 1979 (Public Law 96–8) the State Department has acted with indifference toward our friends, the legal and diplomatic representatives of the people of Taiwan. The policy of the State Department could not have been more inimical to the interests of the people of Taiwan than if they were acting as legal counsel for the opponents, the People's Republic of China.

In section 4(b), paragraph 3(B), the right of Taiwan was upheld to the property it had held prior to the date President Carter canceled diplomatic recognition of the Republic of China. This includes the famous Twin Oaks Embassy. Nevertheless, this guarantee instigated by the Congress has been consistently abridged by the State Department, apparently more on the basis of pique at having its will thwarted than any other sound, political reason. In the President's statement accompanying his signing of the Taiwan Relations Act, Mr. Carter singled out his displeasure of this guarantee, saying:

> I believe a different treatment of the issue of diplomatic properties belonging to China would have been preferable.

Taking this complaint as their guide, I am reliably informed the State Department has since urged the Justice Department to intervene on the behalf of the People's Republic of China to obtain this property. This is in direct disregard for the will of Congress and the law of the land.

In 1978, the Republic of China sold its property, as it had the right to do, to a private group, the friends of a free China. Now the heavy burden of maintaining the security and physical maintenance of the historic Twin Oaks Estate has forced this group to sell the former chancery, in order to obtain funds for upkeep of Twin Oaks. The Government of Haiti readily agreed to purchase the chancery. Yet, when this sale was sent to the State Department for routine notification and approval, as for the establishment of all official foreign government offices, the State Department refused to OK the purchase. Still acting as the catspaw for the PRC, the State Department hopes to in effect circumvent the Taiwan Relations Act and bestow this property on the Peking Government.

### DO WE FEAR THE PRC?

Mr. President, the Senator from Kansas does not know what the State Department hopes to gain from this questionable maneuver. Perhaps the administration feels the United States will earn the displeasure of the Chinese hierarchy, to the harm of our future expansion of friendly relations, if we do not see that Peking gets the former Taiwan property. If that is the case, Mr. President, perhaps we ought to delay consideration of the most favored nations trading status for the PRC—something they ardently wish to get from us—until the State Department has assured itself that the matter of the Taiwan property no longer will jeopardize our mutual relations.

The Senator from Kansas has long maintained that he would like to see bigger and better trade opportunities on the Asian mainland. But it will be years, perhaps decades, before such trade finally develops. This Senator, for one, is willing to wait a few months longer on MFN for China, if it means we can finally resolve the question of whether or not the United States can afford, as judged by the State Department, to honor the guarantees made by the Congress and the President in the Taiwan Relations Act.●

## THE EXILE OF ANDREI SAKHAROV

● **Mr. LEAHY.** Mr. President, I wish to submit the text of the Soviet Tass statement from Izvestia concerning the unfortunate exile of Andrei Sakharov. This statement parallels the language used before the explusion of Alexandr Solzhenitsyn in 1974. It is fitting to review the repeated "official warnings" of the Soviet Government referred to in the statement.

The Soviet authorities have long attempted to intimidate Andrei Sakharov and his wife, Elena Bonner. One of the earliest of these incidents occurred on April 14, 1976, in Omsk, where the Sakharovs were attending the trial of the Crimean Tartar activist, Mustafa Dzhemilev. After provoking a scuffle with the Sakharovs outside the courthouse, the police took them off to militia headquarters and flew them back to Moscow where they were told that they would have to answer for their "hooligan" acts against the Soviet police. A similar incident also occurred during the trial of Yuri Orlov, leader of the Moscow Helsinki group, on May 18, 1977. Sakharov again responded to insults made by the police to Elena Bonner. As a result, he and his wife were taken off to the police station and detained for a few hours.

Another line of attack against academician Sakharov has been anonymous threats against him and his relatives. This particular part of the campaign reached a deplorable crescendo when the anonymous caller said that Andrei Sakharov would be killed by June 3, 1979.

A particularly painful method used by the Soviet authorities against the Sakharovs was a campaign of repression against Elena Bonner's children. Criminal cases were framed against Efrem Yankelevich and his wife, Tatiana, in February of 1977—Tatiana was accused of the misappropriation of state funds in connection with an arrangement she had made at her place of work in a laboratory so that she could take home translation from English while she officially held another job—a common practice in the Soviet Union. Her husband, Efrem, first lost his job as a physicist after he accompanied his stepfather-in-law to the trial of biologist Sergei Kovalev in Vilnius in December 1975, after Andrei Sakharov exchanged letters with President Carter in January of 1977, the Sakharovs received threats against the life of their grandson. In autumn of 1977 Aleksei Semenovich Bonner was expelled from his final year in the mathematics faculty of a Moscow pedogogical institute. The end result of these repressive actions was that Effrem and Tatiana Yankelevich—with their two infant children—emigrated in June of 1977 from the U.S.S.R., while Aleksei Bonner emigrated to the West on March 1, 1978.

One purpose of these actions has been to isolate Sakharov from his family and friends, making unavailable to him sources of emotional comfort. Yet Andrei Sakharov has persisted in asserting that it is his moral duty to stay in the U.S.S.R. and continue to act as the honored advocate of dissent and liberalization in his native country.

The Tass statement goes on to say "Sakharov lately has embarked on the path of appealing openly to the reactionary circles of imperialist states to interfere in the internal affairs of the Soviet state." Three incidents seem to have evoked the particular wrath of the Soviet authorities: Sakharov's statement to the press in January of 1977 that the KGB may have set off a bomb in the Moscow metro so as to have an excuse to blame this action on the dissidents in another effort to discredit him. After this statement, Sakharov was called in to the Moscow procuracy and was to sign a written warning that he stop his actions. This he refused to do. More recently, academician Sakharov has played an active role in major events in the international arena—he called for the Soviet Union to support American demands for the release of the hostages. Professor Sakharov has also asked his own government to withdraw all its troops from Afghanistan.

In March of 1977 the well-respected Chronicle of Current Events No. 44 referred to a group within the Soviet Press Agency which was preparing a booklet, "On the Expulsion of A. D. Sakharov," which was supposed to be printed in many foreign languages. Another group in this agency was reportedly working on the galley proofs of a second book on how Soviet dissidents have damaged trade prospects for the U.S.S.R. It is possible that this book later became the infamous White Book which linked leading Soviet dissidents to a worldwide Zionist plot against the Soviet Union.

The latest news that Professor Sakharov has been expelled from Moscow to live in Gorky is confirmation of the fact that the Soviets wanted to isolate him as much as possible. Although Gorky is not in a remote area, it is a city closed to foreigners—thus, it will be very difficult for Western journalists to make contact with him, and Soviet dissidents will have, in effect, lost their major spokesman in the world community.

I submit the text of the Tass statement for the Record.

The text follows:

### Tass Statement on Andrei Sakharov

For a number of years, Andrei Sakharov has been carrying out subversive work against the Soviet state. In connection with this, he was warned on more than one occasion of the inadmissability of this by representatives of competent organs of authority, public organizations, and prominent Soviet scientists. Ignoring the warnings, Sakharov lately has embarked on the path of appealing openly to the reactionary circles of imperialist states to interfer in the internal affairs of the USSR. Taking into account the numerous proposals made by the Soviet public, the Praesidium of the Supreme Soviet of the Soviet Union has deprived A. Sakharov of the title of Hero of Socialist Labor and of all state awards. The Soviet Council of Ministers has deprived him of the titles of the winners of the USSR prizes which had been awarded to him.●

## TELEVISION'S FRAGMENTED FUTURE

● **Mr. HOLLINGS.** Mr. President, I ask that a recent article from Business Week magazine be made a part of the Record. Entitled "Television's Fragmented Future," it point out some of the dynamic changes that are confronting the communications industry, as well as the pressure to adjust to widening opportunities and the increasing competition for these markets.

The article follows:

### Television's Fragmented Future

For 30 years, the television industry's aims have been clear and single-minded: continued growth in importance and advertising revenues. Now, suddenly—with ad volume at $12 billion annually—the medium faces a confusing, misty tomorrow. How muddled the picture is was demonstrated on Dec. 6, 1979, when TV pioneer RCA Corp. opened a double-barreled attack on its own most profitable endeavors: owning a handful of powerful TV stations and running the NBC–TV network. First, it launched a $32 million statellite to transmit programs for cable TV systems—programs that will compete for viewers with those of the network and local stations. Then it announced a plan to market its long-awaited Selectavision videodisc player nationally in early 1981—a $100 million effort to give viewers still another chance to forgo network and station shows for those on record-like discs.

Although its actions seem paradoxical, RCA has plenty of company. Along with individualistic entrepreneurs who arrived on the TV scene only recently, numerous well-entrenched companies are scrambling to get in on the ground floor of a technology revolution that will change the face of the TV industry in the next decade. Many are turning their backs on areas that made them prosperous and are jumping wholeheartedly into new ventures. Others, uncertain which of a half-dozen technological innovations has the greatest potential, are hedging bets by moving gingerly in several new directions at the same time.

"It's as if the entire industry has come off the highway it has always known and onto a traffic circle with six or seven different exits," says an executive of American Broadcasting Cos. "A few companies are circling, trying to decide which road to take to get farther ahead; others are driving down new roads—but they are watching in the rear-view mirror to see where the rest are heading, and they are wondering if they've done the right thing."

The only thing that everyone is certain of is that viewers in the 1980s—not networks or stations—will have control of what they see. To get it, they will pay, but no one is sure how much or for how much control. Different companies are seeking growth in several areas, and these areas are among them:

### CABLE TELEVISION

Developed in the 1950s for areas that could not receive telecasts, there are now about 4,000 local systems. The fastest growing systems are connected to communication satellites that allow them to distribute programs from stations in distant cities as well as entertainment, religious, and news programming provided by new cable networks. Last year cable TV grew by 25 percent to include 15 million, or 20 percent, of the country's 76 million TV homes, and this year it is growing at a 20-percent clip. Storer Broadcasting Co., a radio pioneer, recently sold all of its radio stations—$35 million worth—to speed a $250 million cable-system expansion. "We researched it a long time before we made the decision," says Terry H. Lee, president.

### PAY-CABLE

Although it is only five years old, this auxiliary service for cable subscribers now serves 5.5 million homes, which pay an extra fee to receive first-run films, live sporting events and other entertainment not available on regular television. Told that The Movie Channel, a pay-cable service of Warner Amex Cable Communications Inc., reportedly makes a profit with 200,000 subscribers, Gerald M. Levin, who oversees the largest company in the field, Home Box Office Inc., grins widely: "Then imagine what we're making with 4 million subscribers."

### SATELLITE TRANSMISSION

Booming since RCA Americom launched the first "bird"—Satcom I—in 1975, this young business is shared by RCA, Western Union, and Comsat General, which together own nine satellites that hover above the earth and transmit to the networks, stations, and cable services. Now, Hughes Aircraft Co. wants to spent $190 million to launch two of its own communications satellites. The satellites have created a whole new field of television companies that are leasing satellite time to create permanent or part-time TV networks linking the local cable systems or stations.

### PROGRAM PRODUCTION

This service is for video cassettes and the imminent discs. At RCA, Herbert S. Schlosser, executive vice-president, has been gathering feature films to include in an initial year's catalog of 300 video disc titles, and he is expected to announce that production will start soon on programs for the new medium. Last month, ABC demonstrated the thinking of those who run the networks when a new division released its first program specifically produced for owners of video cassette machines: an hour on the U.S. tour of Pope John Paul II.

### SUBSCRIPTION TV

The medium accommodates viewers who cannot get pay-cable programs (either because they are not connected to a cable service or because cable capacity is limited). They pay instead for programs sent through the air in scrambled form from a TV station and decoded by a box atop the set. Now in five cities, STV will expand to a dozen more this year—its adherents predict—with a new system for New York and New Jersey planned by Norman Lear, the sitcom tycoon.

### INFORMATIONAL SYSTEMS

Referred to as viewdata, newstext, or teletext, these systems allow TV stations to transmit—invisibly and during their regular broadcasts—200 pages of textual data (airline schedules, theater listings, news headlines) to viewers' TV sets. A special control lets a viewer select any page of data desired and freeze it on screen. CBS Inc., with its station KMOX–TV in St. Louis, is experimenting with such a system, and Knight-Ridder Newspapers Inc. and other TV station owners are studying similar services.

More innovations are in store. Mattel Inc. and General Instrument Corp. are ready to test the market for an electronic TV attachment that can receive a variety of video games sent over cable from a studio. And such information-based companies as McGraw-Hill, New York Times, Times-Mirror, and Time are looking into the acceptance of home computers (from Texas Instruments, Atari, Radio Shack) that can use a TV set as a display screen. Their ultimate goal: selling parts of their data bases to owners of these units.

"It seems inconceivable that all of these developments can exist and prosper side by side," says Harry Smith, vice-president for technology at CBS. "And, since viewers look at only one picture at a time, no matter how many different sources they have to provide that picture, it is understandable that some people are forecasting the demise of the big commercial networks." He quickly adds, however, that forecasts that TV would supplant radio and that radio would supplant the phonograph did not come true. "We think that network TV, of all the methods of delivering programs, is the most immune to damage from others—by virtue of the quality of its programs and the fact that viewers get them for nothing," says Smith. Similarly, President Fred Silverman of NBC told a group of station owners last July that his company's planning studies indicate the new technology will cause viewers to watch their TV sets more, but that they will not watch the commercial networks and their affiliated stations less.

Despite such assurances, the three networks face a dilemma. They need their local affiliates to deliver the programs they sell to advertisers. But they can no longer ignore competition from cable, pay-cable, STV, videotapes, and discs. If the networks produce programs for these media, however, their stations may reject weaker network offerings for the more profitable programs produced for syndicates of stations.

### DON'T FIGHT 'EM, JOIN 'EM

As competition increases the programs to watch, many industry analysts conclude, network programming is bound to pull fewer viewers. If it does, of course, it will shrink the networks' advertising base. Ted Bates & Co., an advertising agency that spends $260 million a year on television for its clients, recently looked into the erosion of the TV audience and set up a special unit to place ads in cable, pay-cable, and STV.

Some futurists trumpeting the importance of the new technologies predict that—as has been the case with network radio—the TV networks will concentrate on news and occasional sports presentations while specialty producers create entertainment. But there is evidence that the networks intend to offset any erosion of their audiences by joining the revolution rather than fighting it.

Both ABC and CBS announced in November that they have activated new film production departments (although both lost more than $100 million making theatrical features early in the 1970s). "It's obvious that they're thinking about selling those movies someday to pay-cable, cassettes, or discs," says Gustave M. Hauser, co-chairman, president, and chief executive of the combined cable operations of Warner Communications Inc. and American Express Co. "They see the economics of the business changing They know that if a subscriber to a cable system likes chess, and the cable operator points a camera at two guys playing a game, the viewer will tune away from a network program and watch it. And it doesn't matter how many millions the network has spent on its show."

"Despite what they say—the 'party line'—nobody at the highest levels of network broadcasting is unaware of what's happening," says Christopher S. Weaver, who left a job as forward planner at ABC last fall to join the National Cable TV Assn. as vice-president for science and technology. "CBS is not experimenting with teletex and ABC has not decided to make movies and video cassette programs without an eye on the future."

"Of course we know what's going on," a network executive volunteers off the record. "We're prevented by the government from owning cable TV systems, but there's no reason we can't produce a blockbuster film or heavyweight fight and then buy two hours of transponder time on a satellite to send it to cable homes—homes that would pay the system operator $5 or $10 each to see it. The audiences of our regular affiliates would go down momentarily, but we would make millions at one shot."

It could be done, the cable operators agree—but it may already be too late for the networks to think about it. "They should have gotten into an operation like ours a couple of years ago," says Levin, the Time Inc. group vice-president who supervises Home Box Office and the country's second-largest cable TV operation, American Television & Communications Corp. "Now they can't do it any better than we do."

Along with Home Box Office, whose feature films and frequent specials compete with the networks' schedules in 4 million homes, two dozen other rivals are seeking a few moments or hours on the viewer's TV screen. The spectacular growth of the $1.8 billion cable industry in the last two years has been fueled by both relaxation of Federal Communications Commission restrictions on the number of distant TV stations that can be "imported" by local cable systems and by the use of satellites to distribute programs nationally. With an increasing variety of programs available on cable systems, viewers who tire of *The Waltons, Mork and Mindy,* or *Little House on the Prairie* can be lured more easily to watch something else. On RCA's new Satcom III satellite, 24 channels are filled with alternative cable programs. And that is in addition to nine cable channels that are distributed by Satcom I, launched four years ago.

Many cable systems built during the 1950s and 1960s can carry only five or six channels, usually the three networks and a couple of independent stations. But systems built more recently—estimated to make up two-thirds of the total cable universe—can carry 20 or more separate channels, and an inexpensive ($25,000) dish antenna lets them pick up and relay the new services beamed from the satellites. These include four independent stations from New York (WOR–TV), Chicago (WGN–TV), Atlanta (WTBS), and San Francisco (KTVU), which run old movies, TV reruns, and newsbreaks 24 hours a day; Warner's Nickelodean, which began offering children's programming throughout the day last spring; the Entertainment & Sports Network of Getty Oil Co., which went on the air only three months ago but which claims 4 million viewers; four religious channels; and UPI Newstime, an around-the-clock service that puts still pictures on the screen while announcers report the news.

PAYING THE PIPER

The new specialty channels are delivered to cable viewers with no additional charge to the monthly subscription fee. The latest FCC figures (for 1978) put the average cable charge at about $7 per month, ranging from $6 in Pennsylvania to $18.35 in Alaska. Producers of the services have worked out a variety of ways to recoup their costs and, they hope, make a profit. Getty's ESPN is supported by such advertisers at Budweiser and Mazda, and cable operators who pick up the programs are charged less than they pay for noncommercial services. In Tulsa, an entrepreneur named Roy L. Bliss invested $600,000 to rent a transponder on a satellite for a year and make available signals of Chicago's WGN–TV to any cable system that wants them, "The systems pay us 10¢ a subscriber up to a maximum of $3,000," says Bliss. He adds that with 500 systems and 1.5 million subscribers able to get WGN–TV, he is breaking even after a year in operation.

R. E. "Ted" Turner III, the millionaire yachtsman and sportsman who owns WTBS in Atlanta, leased his own transponder to try to charge advertisers more by giving their commercials national exposure. When the FCC began to question whether he could operate both as a broadcaster and a common carrier, he sold his satellite company for $1 to Edward L. Taylor, president of Satellite Syndicated Systems Inc. Taylor followed through on Turner's plans to create the first "superstation" three years ago. Now, while the satellite company collects up to 10¢ per subscriber from some 1,350 cable systems with six million subscribers—which, in turn, use the WTBS 24-hour presentation of movies and brief newscasts as a lure to attract more subscribers—Turner has tripled his potential viewing audience and says that the station's revenues and earnings are up significantly because of it.

Officials at RCA, Western Union, and Comsat General have been surprised at the demand for space on their satellites. "Everything—including the new Satcom III—is filled up," says an RCA Americom spokesman. Because each transponder on a satellite (which may have 12 to 24 transponders) can relay a single TV signal at any one time, the competition for space means that occasional cable networks pop on and off a single channel at different times. ESPN, for instance, which has a full-time lock on one transponder, frequently must buy a few hours on as many as three others so it can cover games going on simultaneously in different regions. UA Columbia Corp., a cable operator that produces an hour of children's programming daily, shares time with Madison Square Garden Sports and a Thursday Night Baseball service. Several companies, including Hughes Television Network and Robert Wold Co., profit by leasing a transponder channel for about $1 million a year and selling time in bits to various services.

Demands for transmission time will increase next year. In June, Atlanta's Turner takes on the networks' news departments with a 24-hour Cable News Network. With domestic and foreign bureaus, nearly $2 million worth of camera equipment, and such correspondents as former Treasury Secretary William E. Simon, Roland Evans and Robert Novak, and Bella Abzug, CNN will attract advertisers eager to reach viewers who want the latest news whenever they turn on their sets, says Turner. More than large cable systems with 1.5 million subscribers are committed to carry CNN already, but, according to industry sources, Turner is prepared to lose almost $20 million on Cable News in its first year.

A CULTURAL NETWORK

"I can see the day not far off when somebody will offer viewers a cultural network," said Weaver of NCTA—only days before Time Inc. announced in late November that it will start a service offering programs of British Broadcasting Corp. to cable viewers every night in prime time. A former NCTA executive, Bob Johnson, thinks he can attract 4 million households to a Black Entertainment TV network that will show black films and a live talk show from Washington or Los Angeles. Other entrepeneurs plan to start networks for such specific audience groups as people over 50—it will be called The New Prime Time—and those who want to stay up late to watch "adult" films.

The cable industry counts on a growing public awareness of these alternatives to spur further jumps in cable subscription, and every new cable subscription is a target of the pay-cable companies. In addition to Home Box Office and The Movie Channel, these include Showtime, jointly owned by Viacom International and Teleprompter Corp., the country's largest owner of cable systems (1.2 million subscribers), and a new Spanish-language service, Galavision. All are heavy customers for satellite time to transmit their films, specials, and sports events—which, says the FCC, were important enough to the average household to get to spend $8.60 per month above the basic cable charge in 1978.

The total revenues from pay-cable operation, which amounted to only $86 million two years ago and should reach $400 million this year, will climb to $1.5 billion or $2 billion in 1985, estimates John S. Reidy, an analyst with Drexel Burnham Lambert Inc. One reason for his optimism: The major companies have added second, budget-priced services that show less popular or less recent films for about half the current pay-cable charge. "But we're finding that many people are taking both the higher and lower-price services," says Ralph M. Baruch, chairman and chief executive officer of Viacom. "We're not really certain what is the maximum amount that people are willing to pay to watch these new forms of television."

That uncertainty only adds to the desire of some businessmen to get into the technological explosion quickly so as to have first crack at the viewer's dollar. A. J. Perenchio, an entrepeneur and a partner of the sitcom producer Norman Lear in several ventures, took note early in 1977 of the time it takes to construct a cable TV system, years in most cases, and looked for a speedier way to provide pay-TV service. His solution was subscription television. In partnership with Oak Industries Inc., he purchased a little-viewed ultra-high-frequency TV station in Los Angeles. New feature films were broadcast by the station in scrambled form so that only homes with decoders—rented at $29.95 a month—could view them. Oak manufactures the devices, which now are in 210,000 homes.

The STV business has attracted others. Wometco Home Theater Inc., a subsidiary of Wometco Enterprises Inc., has more than 60,000 subscribers in the greater New York-New Jersey area. Universal Subscription TV Inc. began to lease time on a Boston station last January and has built its base to 14,000 subscribers who pay $15.95 monthly. Another Los Angeles STV operator has 35,000 subscribers, and smaller groups are being served in Phoenix and Detroit. Norman Lear recently bought a New Jersey TV station for an STV operation.

The FCC has approved STV applications for Philadelphia, San Francisco, Cleveland, Milwaukee, Sacramento, and Fort Lauderdale, Fla., and it is considering about 60 others. But STV could get an enormous boost if Communications Satellite Corp. carries through on a proposal—announced last August—for a three-satellite STV system to transmit movies, sporting events, and data directly to homes and businesses fitted with small rooftop antennas. Proposed for 1983, the new system would bypass local TV stations and cable systems, some owners of which are already threatening suit to block Comsat on the grounds that the quasi-government operation would constitute unfair competition.

But most observers believe STV will not be able to overcome cable's huge lead, simply because cable seems to have better economics. "STV is a temporary or stopgap proposal, while cable is long-range," says Storer's Lee. "How many people are going to pay $10 to get one STV channel added to their sets when the same money can bring 50 or 70 with cable?"

Plenty, contend Perenchio and other STV promoters, who think that the cost of cable construction—roughly $10,000 per mi. of cable, serving about 100 customers—will make it uneconomical for cable companies to reach out for more than a third of the nation's total TV homes. The entire cable industry has laid roughly 200,000 mi. of line over 20 years, but the top 50 companies plan to lay another 43,000 mi. in 1980 alone. The effort will call for an expenditure of one-half billion dollars, but futurists looking at the industry in the 1980s think such a sum is only the first drop in an almost bottomless bucket. Putting a cable system into a medium-sized city can cost $100 million; in New York, where Teleprompter and a system owned by Time Inc. have carved up Manhattan between them, several companies competing to install systems in Brooklyn, Queens, and Staten Island must figure on a total entry fee several times that amount. Warner Amex has proposed building a 125-channel system to serve 1.6 million area subscribers for $400 million.

There are technological limitations, too, on the rapidity with which cable can grow. Next year, General Instrument Corp., a major supplier of cable equipment, will begin selling the first hardware available to put 52 channels of programs and information—50% more than possible now—through the cable to the viewer's TV set. To use this equipment, some present cable systems will have to be partly rebuilt.

Another major brake on cable's growth is the slow legislative process that lets one company rather than another get the now-traditional 15-year franchise for a community. "There are 93 separate communities around St. Louis, each with a mayor and city council," says Warner's Hauser. "No one community has enough potential subscribers to support a sophisticated service, and yet each wants to have its own studio and its own coverage of the council's meetings. The job is to convince them that if they all act together and grant their franchises to a single company, they can have the most sophisticated service available. It takes a lot of time."

### THE CASSETTE SLOWDOWN

While the proponents of cable and STV push to expand their markets, the makers of video cassette machines—primarily Japan's Sony Corp. and Matsushita Electric Industrial Co.—are still waiting for an explosion of interest. In two years, fewer than a million units have been sold, with most marketers blaming the high cost ($750 to $1,800) and confusion over the fact that two incompatible systems are available. The picture might get murkier in 1980, when several rivals introduce portable units based on a different technology that should make them smaller and lighter.

Although virtually all major Hollywood studios—the chief suppliers of programs and films to the TV networks and stations—have gone into competition with their best customers by starting to sell their wares directly to TV viewers on video cassettes, most are anxiously awaiting successful marketing of a cheap video disc player. The Magnavision unit, introduced thus far in only Atlanta and Seattle at $775 by Magnavox Consumer Electronics Co., has reportedly encountered severe quality-control problems. Its complex electronics, involving a laser that acts as the stylus on the record-like disc, provide it with such capabilities as slow motion and stop-action. But RCA's simpler machine, selling for less than $500 and backed by a powerful promotion effort, is expected to break through as a major consumer item.

"RCA will have the simplest and cheapest device," says Herbert Granath, newly appointed to head ABC's Video Enterprises unit. "It could start a real rush of purchasers—probably, first, the young people who buy all the new hi-fi equipment. But I think the video disc introduction will promptly be met by the video recorder makers discovering that they don't have to get so much for their units and lowering their prices."

But the price-cutting may not stop there. Sony, Japan's JVC Corp., and a few other makers of consumer electronics have developed video disc systems of their own in the three years since RCA first announced that it had one on the way. "If the RCA system takes off," predicts one industry observer, "the Japanese will come in and prices will drop. The market will expand overnight." Elton Rule, president of ABC Inc., is one of the first to admit that he does not know whether the TV viewer in the 1980s will prefer a network program, cable show, a pay-cable channel, or a program prerecorded on a cassette or disc. "While we may not know exactly how the public will deal with these technologies," he says, "we do know something about the nature of that public. It will be an older population, with more leisure time, and both desiring and needing entertainment and information." Rule sees two services developing side by side to suit the viewer. Broadcasting, he says, will survive to serve the mass audience, while a new medium called narrowcasting will serve small, specialized audiences. It is for those audiences that Granath's Video Enterprises is seeking films, instructional programs, and other projects—such as TV versions of rock concerts on the ABC radio network—to be sold via discs, cassettes, or any means of distribution, Rule contends. "We view this entire area of producing software for new technologies as similar to, yet separate from the broadcasting industry," he says. "We are not going to be in competition with ourselves—in any meaningful sense."

### ALL-OUT COMPETITION

But other industry executives believe the time is long past when anyone concerned with television in the decade ahead can worry about competing with oneself. "We own the NBC–TV affiliate in Grand Rapids," Time's Levin says, "and the cable system there has Home Box Office on it; and some viewers probably have video recorders to tape shows off the air or off the cable and play them back when other shows are on the air. Everything is competing with everything else for the viewers' attention, and everyone has to adjust to that fact."

Some companies believe the only safe bet is to compete in as many of television's new areas as they possibly can. Viacom, which grew fat by selling old network programs to local stations, now gets twice as much revenue from running the country's sixth-largest cable system as it does from program sales. And, it is now breaking even with some 800,000 subscribers to its three-year-old Showtime pay-cable service. Still, last year the company bought a network TV affiliate in Hartford, and this year it added another, as well as nine radio stations formerly owned by Sonderling Broadcasting Corp. Warner, too, is in multiple endeavors—cable ownership, pay-cable, and satellite program distribution of shows that it and others produce, as well as filmmaking for theaters and the commercial TV networks. "Do I wonder sometimes if I'm in too many fields at once?" asks Hauser. "Only every morning."●

## ORDER FOR RECOGNITION OF MR. WEICKER ON MONDAY, JANUARY 28, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the two leaders have been recognized under the standing order, Mr. WEICKER be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 12 o'clock noon tomorrow.

The motion was agreed to; and at 6:24 p.m., the Senate recessed until tomorrow, Friday, January 25, 1980, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate, January 24, 1980:

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Horace Dicken Cherry, of Maryland, to be an Assistant Secretary of Housing and Urban Development, vice William Brownlee Welsh.

### IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of lieutenant:

William M. Gaynor III
Frederick R. Wright
Brian N. Durham
Raymond W. Blowitski
Mark W. Schultz
Kenneth D. McKinna
Henry K. Witmer
Elija (n) Flynn
Donald S. Grushey
Thomas J. Martin
Geoffrey D. Powers
Gregory P. Griffiths
David E. Willhite
Alan H. Moore, Sr.
John J. Ryan
James W. Dunlap
Paul D. Luppert
William C. Hall
Timothy W. Goldsmith
Randall D. Shaw
Peter C. Blaisdell
Roger D. Defauw
Francis L. McClain
James N. Meisner
Peter (n) Mason
Robert A. Strong
Paul E. Redmond
Richard R. Kelley
Phillip (n) Centonze
Lawrence J. Bowling
Glenn W. Anderson
Patrick B. Higbie
Eric N. Fagerholm
Jeffrey J. Steuer
Steven M. Day
Gary S. Scheer
Steven E. Johnson
James D. Chambers
Frederick A. Nyhuis, Jr.
Gary L. Jacobsen
Loren P. Tschohl
John S. Fetterolf III
Theodore L. Mar
Theodore F. Lagergren
Thomas R. Reilly
Timothy M. Rubert
Jeffery J. Huhn
David S. Cline
John E. Carroll
Michael D. Anderson
Albert R. Stiles, Jr.
Robert W. McGarry
John L. Jaskot
John A. Gentile
Thomas A. Nies
Dennis W. Delgrosso
Gerald L. Timpe
John M. Richards
Robert J. Hoey III
Surran D. Dilks
Gary W. Chappell
Daniel R. Wrentmore
Terrence C. Julich
John M. Krupa
Larry G. Sultze
Dale K. Schultz
Richard R. Ingels
John C. Miller
Geoffrey L. Abbott
James S. Thomas, Jr.
Ross L. Tuxhorn
Joseph A. Halsch
Stephen M. Jacob
Scot A. Addis
Wayne R. Buchanan
David E. Ferg II
Peter L. Randall
Garrett J. Tirpack
Raymond G. Cardwell
Glenn A. Wiltshire
Mark S. Kern
David M. Keen
Thomas J. Coe
Raymond J. Christian
Daniel R. Cox
James E. Evans
Stephen J. Krupa
Richard D. Poore
Richard L. Rosseau
Joel D. Fujiwara
James E. Bussey III
Edward D. Welch, Jr.
James W. Decker
Brian B. Tousley
Glenn R. Gunn
William W. Peterson, Jr.
Thomas G. Falkenstein
James A. McDonough, Jr.
David A. Howell
Christopher A. White
John H. Olthuis
Scott E. Davis
Anthony (n) Grande
Brian P. Cost
John R. Peiffer, Jr.
James T. Quinn
Craig D. Peterson
Mark H. Johnson
Brian J. Hunt
Donald R. Lamb
Jay E. Hess
Bruce B. Connell
Douglas E. Fluddy
Patrick E. Flanagan
Jerome J. Amend
Arthur S. Olsen
Douglas S. Taggart
Douglas F. Grebe
David H. Hylton
Patrick M. O'Connor
Kenneth J. Cuite
Richard T. Burton
Lon N. Elledge
Charles M. Hince
Richard L. Stoppa II
Milton H. Ennis
Robert J. Slye
David E. VanPatten
Eric A. Hiner
Glenn E. Gately
James F. Murry
Ivan T. Luke, Jr.
David G. Wilder II
Marshall S. Reichenbaugh
Arthur H. Hanson, Jr.
Alexander J. Ogg, Jr.
Theodore P. Haenlein
Richard K. Miller
Robert G. Smith
David L. Kuzanek
Michael K. Grimes
Daniel G. Smith
John R. Thacker
William J. Nash
Hal M. Mueller
Mark H. Simpson
John C. Acton III
James R. Mongold
Louis M. Ferrell
Steven P. Wolf
Floyd G. Lyssy
John D. Carpenter
David J. Visneski
Albert W. Horsmon, Jr.
Grover N. Lipe, Jr.
Evan B. Clark
Timothy S. Winslow
Jeffrey J. Tarr
Robert F. Murry, Jr.
Thomas E. Haase
Gregory J. MacGarva
James R. Lachowicz
Michael R. Shevock
Jeffrey A. McDannold
Glenn C. Burkert
Asher B. Grimes
David R. Bean
Matthew S. Compton
Jay C. Ellis
Arthur H. Smith
James M. Hasselbalch
William L. Bryant
Dennis C. Gibbons
Arn M. Heggers
James F. Freeman III
James W. Stark

Ronald H. Jones, Jr.
Thomas J. Vanak
Robert T. Wright
Eric R. Ness
James D. Williamson
Thomas R. Vorholt
Kim R. Wilhelm
Michael J. Quigley
John K. Grady
Wayne R. Troxler
James P. Harmon
Edward A. Lane
Samuel T. Roudebush
John (n) Astley III
Richard A. Volkmann
Edwin C. Guffy
Christopher J. Gregus
William D. Morris
Jerrold A. Browne II
Jeffry G. Way
Standford W. Deno
Gilbert J. Kanazawa
Patrick E. Clancy
Jeffrey S. Buehler
Paul A. Gauthier, Jr.
James J. Orgill
David W. Beard
Richard A. Klein
John A. Zedella
Carl M. Nagata
Everette W. Hollingsworth
Carl A. Crampton
Dewey L. Hemba
Scott J. Glover
Albert W. Hartberger II
Shawn M. Smith
Paul D. Kirkpatrick
James B. Pennewell, Jr.
Kevin L. Marshall
James C. Hillerns
Stanley A. Zdun, Jr.
John E. Wachter
Raymond H. Smoyer, Jr.
Paul A. Milligan
William F. Diaduk
Thomas L. McCarty
Robert F. Lallier, Jr.
Peter J. Hill
James O. Jaczinski
Paul A. Langlois
Larry A. Owens
Robert E. Garrett
Robert D. Snowball
Alan D. Sine
Joseph F. Pepe
William J. Schmitz
Bruce S. Painter
John F. Schmied
Dennis J. Sobeck
Theodore G. Roberge
Burton E. Carr
Peter A. Verrault
Charles D. Kakuska
Robert O. Smith
Curtis L. Gunn

The following-named temporary officers of the Coast Guard to be permanent commissioned officers:

James W. Dunlap
Paul D. Luppert
William C. Hall
Timothy W. Goldsmith
Randall D. Shaw
Peter C. Blaisdell
John F. Schmeid
Dennis J. Sobeck
Theodore G. Roberge
Burton E. Carr
Roger D. Defauw
Francis L. McClain
James N. Meisner
Peter Mason
Robert A. Strong
Bruce S. Painter
Peter A. Verrault
Charles D. Kakuska
Robert O. Smith
Curtis L. Gunn

# EXTENSIONS OF REMARKS

## TRIBUTE TO F. EDWARD HÉBERT

### HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. TREEN. Mr. Speaker, I have lost a good friend, and so has the free world. Only 17 men served longer in this House than F. Edward Hébert. None loved their country more. His drive, his determination to do what was best for his country, and his fierce independence did not diminish one iota during his long tenure here.

I had the good fortune to enter this House while Eddie Hébert was the dean of my delegation. No Republican ever received a warmer, more generous initiation into this body from a veteran Democrat than I did.

He served us for so long and so well, that we cannot complain that he is not here to advise us in our present foreign policy dilemmas. I had the privilege of serving with Eddie Hébert on the Armed Services Committee. I am firmly convinced that the United States would have far more options today had President Carter heeded earlier in this term Eddie Hébert's parting advice to the House.

> When we look at the number of men in the military forces of the Soviet and their satellites, when we count their aircraft and their rapidly growing naval force, can we read these signs as indicating anything other than a firm intention to continue to engage in aggressive action against the free world? My answer to all of these questions is "No." . . . I have a sincere hope that the SALT talks will lessen tensions. I hope that they will lead to a limitation on arms.
>
> But until those conditions have truly come about I see no alternative other than a military force and a military capability that would deter the very thought of aggressive action against this country.

Eddie Hébert received his training for Congress as a hard-fighting, investigative newspaper reporter and editor in New Orleans during some of Louisiana's most notorious political scandals. He played a pivotal role in exposing high level corruption in Louisiana. Because he helped straighten out what was going on in Louisiana, the people of New Orleans sent him to Washington to see what he could do here. They were not disappointed.

He brought to Congress the same independence he exhibited as a newspaper editor, never compromising his principles and refusing ever to accede to unjustified demands of his party or any of the seven Presidents under whom he served. This fierce independence delayed his becoming chairman of the House Armed Service Committee because he was effectively stripped of his seniority on the committee after he refused to support his party's Presidential nominee in 1948. Because he put the needs of his country above the dictates of his party, 5 years ago he was stripped of his chairmanship.

Eddie Hébert's training as an investigative journalist served his country well. He served with distinction on the House Un-American Activities Committee, for 11 years as chairman of the Subcommittee on Investigations of the Armed Services Committee, and on the Committee on Standards of Official Conduct. Perhaps his most important and difficult accomplishment was his 1970 investigation into the My Lai incident.

As chairman of the Armed Services Committee, Eddie Hébert exhibited a fairness that was not fully appreciated by those who did not serve with him on the committee. Even those who disagree with his philosophy admit that he always insured that every viewpoint had an adequate airing in his committee.

When Eddie Hébert took office in 1941, this country had not yet entered World War II. He never forgot the experience of seeing this Nation go to war unprepared and have to fight for time to build up our forces. He never forgot the lessons of World War II and dedicated himself to insuring that his country would never let its defenses slip again. He was one of those Americans who recognized that our freedom was not an automatic, God-given right, but was achieved through the sacrifice of patriots willing to fight and die and must be preserved by the strength to fight again if necessary.

Eddie Hébert is dead, but his work is not complete. We are in a period of grave international crisis, one which demonstrates all too clearly the truth of Eddie Hébert's insistent message—one with which I wholeheartedly agree: America's hopes for continuing peace depend upon our having a defense structure which cannot be prevailed against by any aggressor.●

## A TRIBUTE TO JUSTICE WILLIAM O. DOUGLAS

### HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. HEFTEL. Mr. Speaker, flags fly at half mast this week to mourn the loss of a remarkable American jurist—Justice William O. Douglas. I pay tribute now to his service and to the vitality and intellect that characterized Justice Douglas' 81 fruitful years.

Recollections of Justice Douglas' life bring back vivid memories of the hope which President Franklin Roosevelt's term of office brought to the impoverished and disadvantaged of our Nation. Like President Roosevelt, Justice Douglas overcame serious personal obstacles to reach great pinnacles of public service. The toil of his early days continued to drive him through the difficult challenges of 36 years on our Nation's highest court.

During his term on the Court, Douglas was a prolific writer and vigorous advocate for justice with compassion and law with equity. All those who eulogize Douglas will surely note that he was a zealous champion of civil rights whether speaking from the dissent or writing for the majority. For Douglas, individual freedom was not a vague concept to be celebrated only on the Fourth of July, but it was a living symbol of the American system which had to be defended and strengthened at every opportunity.

In now offering tribute, I find inspiration in Douglas' vigor and ambition and hope that I can help preserve the Douglas tradition in speaking out for the oppressed and the neglected, no matter how alone in this task I may be.●

## WILLIAM O. DOUGLAS

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. EDWARDS of California. Mr. Speaker, numerous eulogies honoring William O. Douglas have appeared in newspapers throughout the country in recent days. I would like to share with my colleagues some of the tributes to Bill Douglas I have encountered.

The article which follows appeared in the Los Angeles Times on January 21 1980:

[From the Los Angeles Times, Jan. 21, 1980]

CHAMPION OF THE FIRST AMENDMENT

Justice William O. Douglas, like other great judges, looked on the law as a living thing, and brushed aside legal abstractions that failed to take into account the realities of the world beyond the courtroom.

In affirming the right of a juvenile to counsel, note how he explored the feelings of a boy confronted with the police in a precinct at night: "Age 15 is a tender and difficult age for a boy . . . He cannot be judged by the more exacting standards of maturity. That which would leave a man cold and unimpressed can overwhelm a lad in his early teens. This is a period of great instability which the crisis of adolescence produces. Mature men might possibly stand the ordeal from midnight to 5 a.m. But we cannot believe that a lad of tender years is a match for the police in such a contest. He needs

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

counsel and support if he is not to become the victim first of fear, then of panic."

Such sensitivity and a determination to fit the law to the realities of modern society marked the entire judicial career of Douglas, who served on the U.S. Supreme Court longer than any other member and who during all those many years consistently invoked the Constitution as a shield between the individual and the power of the state, and between unpopular dissent and the majority passions of the moment.

In his dissent from a conviction of student demonstrators for engaging in mass protest, his opinion, as usual, dealt not with an abstraction but with the reality of the political process. "The right to petition for redress of grievances," he said, "is not limited to writing a letter or sending a telegram to a congressman . . . or writing letters to the President, or governor or mayor." He concluded that the actions of mass demonstrators should not be condemned "as long as the assembly and petition are peaceable."

Yet Douglas drew a clear line between peaceable protest and deliberate provocation to violence, observing near the end of his days on the bench, "The social compact has room for tolerance, patience and restraint, but not for sabotage and violence."

In the long history of the court, no other justice exceeded Douglas in his unswerving and rugged defense of the First Amendment. The American government, he insisted, "is premised on the theory that if the mind of man is to be free, his ideas, his beliefs, his ideology, his philosophy must be place beyond the reach of government."

To Douglas, the First Amendment was written to preserve freedom of the mind, and he opposed all forms of censorship from the outlawing of obscenity to the government's plea to restrain the publication of the historic Pentagon Papers.

"What can be done to literature under the banner of obscenity," he wrote in one opinion, "can be done to other parts of the spectrum of ideas when party of majoritarian demands mount and propagandists start declaiming the law."

In the Pentagon Papers case, he simply said, "The dominant purpose of the First Amendment was to prohibit the widespread practice of governmental suppression of embarrassing information."

Throughout his long years on the bench, the justice opposed the legal philosophy that "balanced" First Amendment rights against competing claims. "My belief," he said, "is that all the 'balancing' was done by those who wrote the Bill of Rights. By casting the First Amendment in absolute terms, they repudiated. . . . watered-down, emasculated versions of the First Amendment."

The boy indeed may have been the father of the man who became Justice Douglas. He learned early to overcome adversity. When he was 6, he was severely shaken by the death of his father. As a youngster, he suffered a crippling attack of infantile paralysis, and through intense effort drove himself to a complete recovery. He grew up poor, and rode freight trains from Yakima, Wash., to New York to enter law school at Columbia University.

His energy and high intelligence brought success quickly, and, at 41, he became the youngest member of the Supreme Court in 128 years. But William O. Douglas never forgot his origins. On the court, he always came down against the abuse of power as he saw it. His weapon in all these battles over nearly four decades was the Bill of Rights.

Mr. Speaker, the following article appeared in the Baltimore Sun on January 21, 1980:

[From the Baltimore Sun, Jan. 21, 1980]

### DISHARMONY AND JUSTICE

Justice William O. Douglas, who served on the Supreme Court from 1939 to 1975, a longer term than any other justice in history, chose an obscure Persian poet to state the theme of his autobiography: "All your anxiety is because of your desire for harmony. Seek disharmony, then you shall gain peace." God knows, then, Bill Douglas, who died Saturday at age 81, must have been at peace with himself, for disharmonious melodies filled the air wherever he went.

In the early and late periods of his career on the Supreme Court, he was its great dissenter, opposing the majority more often than any other member—and, perhaps not coincidentally, opposing contemporary public opinion, too.

During the liberal phase of the Warren court, roughly 1962 through 1968, Mr. Douglas was usually in the majority. But often in those years—and this is probably a justice's greatest satisfaction—the court was reversing itself, and Douglas dissents of the 1950s became the law of the land of the 1960s.

Mr. Douglas was generally regarded as an absolutist where the Bill of Rights was concerned. He rejected that word in several opinions, but in fact, he dedicated much of his career to protecting individual rights and liberties, as enunicated and implied by the first ten amendments to the Constitution, against concentrated governmental and corporate power.

Journalists were particularly grateful to Mr. Douglas, because he placed the first amendment, which guarantees a free press among other things, in a "preferred position" over the other nine amendments that make up the Bill of Rights. (And also because of his rough-hewn language, which led arch-conservative James J. Kilpatrick to say of arch-liberal Douglas on his retirement that he was "the court's only member capable of writing a quotable line.")

Outside the courtroom, Mr. Douglas displayed an even greater talent for creating disharmony. Many marriages, celebrated hiking and exploring trips when "environmentalists" were still fringe characters, questionable finances, and over a score of outspoken books created a whirl of public disapproval throughout his court career. One book, on revolution, brought demands for his impeachment from then-House Minority Leader Gerald Ford and Vice President Spiro Agnew.

A Supreme Court justice is supposed to believe in justice—"Justice the Guardian of Liberty" is carved in stone on the court building. William O. Douglas did. And he believed his institution was the champion of justice. In a case involving a sit-in at the old Hooper's restaurant here, during the climatic years of the civil rights movement, he wrote, "The people should know that when filibusters occupy other forums, when oppressions are great, when the clash of authority between the individual and the State is severe, they can still get justice in the courts."

This was a basic tenet with Mr. Douglas, whose reputation as one of the giants of American judicial history was assured long before he ended his 36-year career on the Supreme Court. As a defender of basic human rights he had few peers. He was a fighter, an articulate and fearless advocate of unpopular causes and a brilliant legal scholar whose voice could not be stilled.●

## TRIBUTE TO GEORGE MEANY

---

## HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. ECKHARDT. Mr. Speaker, George Meany was a bread-and-butter unionist, a man fiercely devoted to his country and a skilled negotiator and politician. There is a rare quality possessed by few that makes others want to follow, to agree, to please. It is called leadership. George Meany had this quality in high degree.

In the long, tough, and sometimes bitter struggle that working people have waged and endured during George Meany's lifetime, that quality of leadership has served to bolster their self respect, their trust in their movement, and their endurance. And this has been George Meany's contribution to his time.●

---

## REV. ERCEL F. WEBB HONORED ON 35TH ANNIVERSARY FOR 35 YEARS OF SERVICE

---

## HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. GUARINI. Mr. Speaker, I am honored today to offer my expression of pride and congratulations to Rev. Ercel F. Webb, pastor of the Monumental Baptist Church in Jersey City, who is being honored Sunday by more than 1,000 persons at a testimonial dinner.

When preparing this tribute, the word "monumental" kept creeping into my thoughts for in Rev. Ercel F. Webb, we have a man who can best be described by the word "monumental."

He has been monumental as a family man who helped support his family in North Carolina after the death of his father, Rev. Charles W. Webb, also a Baptist minister. He has been monumental in earning his way through school, working as a maintenance man and shipping clerk, a gardener and a millwright helper. Reverend Webb has been monumental in his religious work, answering the call in 1941 and assigned to the Abyssinia Baptist Church of Philadelphia, Pa. He became assistant pastor in the Kaighn Avenue Baptist Church of Camden, New Jersey in 1944.

Reverend Webb made a monumental decision when he came to Jersey City to preach a trial sermon which resulted in his assuming leadership in this small struggling church with a monumental debt. For the past 35 years, Reverend Webb's work has been monumental in more ways than one.

Early in the 1950's, he reached out through radio broadcast bringing messages of cheer and hope to the homebound, ill and aged population. He led in the renovation of housing in the area providing safe sanitary shelter for low income members of his congregation. He has shown extreme foresight over the years by opening a bank account for each baby dedicated in the church. He is a firm believer that only when the iron is hot, can it be molded. His trust indeed has proven that this wise action of molding the young has effectively shaped the lives of many. He has accepted the view that the most important part of his job, and indeed our job, is to help mold the world as we want for ourselves and our children.

Through his leadership, Monumental Baptist Church has developed into one of the most active congregations in this city, swelling from 200 members to its present 1,200. His congregation includes approximately 130 college graduates with many professionals in the fields of education, medicine, law, and government. Last year his congregation made a $1,000 contribution to a nearby public school creating the establishment of a much-needed library. He declined the honor of having it named for him.

During holy week last year, I had the distinct pleasure of visiting Reverend Webb's church where my dear friend and colleague in the Halls of Congress, William H. Gray III, was the guest preacher. Indeed his message was a monumental one. On the subject of sermons. Reverend Webb has the reputation of short dissertations. He has proven that good example is half a sermon.

Reverend Webb has been monumental in his teaching, reminding all that it is not only what we do, but what we do not do for which we will be accountable.

Reverend Webb's career has gone beyond his first love, that of serving God and man. He is assistant superintendent of schools for the city of Jersey City, a colonel in the National Guard of New Jersey, retiring in 1977; a trustee of St. Peter's College and Fairmount Hospital both in Jersey City. Dr. Webb has served as president of the Jersey City Branch of the NAACP and as chairman of the Community and Neighborhood Development Organization (CANDO), the Community's antipoverty program. He has served as president of the American Baptist Church of New Jersey and has earned the "Gold Centennial Medallion" from St. Peter's College. This recognition is usually awarded only, to Jesuits, and knowing of this high Jesuit honor, we can again be mindful of Reverend Webb's monumental contributions.

He has provided national leadership to the American Baptist Convention, as well as the National Baptist Convention, and was elected to receive the "Edward H. Rhoads Award" for outstanding ministry through a church working in an urban community.

Reverend Webb is married to Joan (Hartzog) and resides in Jersey City with their four children Natalie, Michael, Jason, and Rodney.

Dr. Webb has been a leader in the field of civil rights and has worked as a teacher, guidance counselor, not only in Jersey City, but in Cranford and Westfield, N.J. He has led the way in proving that you judge the intelligence of a person not by talking but by working with them. He is proof positive that America is great not because of its fruitful acres, but because of men like him who have worked in its vineyards. He preaches to all within earshot that we must believe that all men are created equal because they are created in the image of God. He is a firm believer in the cohesiveness of the human family, because only by the monumental task of keeping families together can our society "go to the mountain." He has inspired many with his pledge to help those less fortunate in our society so they can make the ascent into the decent, dignified, satisfied life as the right of all people.

From this expressed faith of Reverend Webb, I feel sure that America, like the proverbial mountaintop, will not be moved. I am pleased that 1,000 individuals will join Sunday evening to pay tribute to this monumental man. He has been such a strong advocate of the human rights principle recognizing the dignity and worth of human persons promoting social progress and bettering the standard of life for the rich and the poor, the young and the old, the black and the white, and the strong and the weak.

Reverend Webb's dedication and eloquence has spotlighted him as a fighter for equal rights of all members of the human family, upon which rests the foundation of stability, justice, and opportunity for all.

In a recent conversation with this great man, he told me of the need for patience. He believes that often the greatest prayer is that of patience. He is a strong believer that the miracle of America is the most priceless heritage we can bequeath future generations. He stressed the need for mankind's mutual support in an analogy of two mountain climbers, one black and one white tied to the same rope. He stressed that mutual support would assure them both success at the top of the mountain but division would have a death fall. We believe, therefore, that divine providence extended the call for Reverend Webb to serve at the Monumental Baptist Church in Jersey City for the last 35 years. Deeply respected by the community, he has proven indeed through his sermons "that words are the voice of the heart." He has proven in his teachings to not only his congregation but to the entire community that sacrifice, education, self-help, good family living, and determination make the necessary downpayment on the material things the poor American needs.

Because of Reverend Webb's great strength, we are indeed fortunate to have him working for the success of our Nation. He indeed reflects our faith, vitality, and strength around the world, strengthening the cause of freedom. We need not be afraid of the future for it will be in good hands. I urge all men of good will to join in this salute and walk in his monumental shadow which is providing the courage and determination our community needs and what our beloved United States of America needs today.

I thank my colleagues in the House of Representatives for joining in this tribute to a great man. I know they are enriched learning of his great faith and service. To quote Nathaniel Hawthorne:

> Christian faith is a grand cathedral, with divinely pictured windows. Standing without, you can see no glory, nor can imagine any, but standing within every ray of light reveals a harmony of unspeakable splendors.

This is exempli gratia of Rev. Ercel F. Webb—minister—educator—community leader—and American.●

---

## THE SPIRIT OF HELSINKI, VIGIL 1980

## HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. MAGUIRE. Mr. Speaker, in Moscow, the Soviet physicist Andrei Sakharov has just been arrested and sent into exile 250 miles from Moscow. he is out of the reach of Western journalists and of concerned men and women who visit Moscow in search of communication with the few remaining members of the Soviet human rights movement. Sakharov who served as the leading source of information for the West on Soviet human rights violations doubtless was arrested because the Soviet regime knew that its relations with the United States could not be worse. They surely moved at this time because any potential uproar by the West would be pale in comparison to our outrage at their invasion of Afghanistan.

Why do the Soviets bother? Why not expel all of those who want to leave? The essential answer is this: The government restricts emigration as it restricts freedom of expression because the Soviet system could not withstand the political and ideological impact of giving its citizens a choice. Counterideological expression and a renewed flow of emigration from the Soviet Union would constitute a massive vote against the Soviet system and its societal restrictions. So, in this time of renewed tensions between us, the Soviets are taking advantage and clamping down hard on the father of the dissident movement. And, if, in the near future, the tensions somehow cool, you can be sure that the Soviets will again use their restricted form of "free" emigration in attempts to win our favor or new concessions.

This suggests two important points. First, human rights policy can and should remain an active tool in our foreign policy to protest and hopefully arrest further violations. Second, if we do not continue our vigilance, the Soviets will use our laxness to perpetuate their outrages against the rights of man.

Thus, it is essential that we keep monitoring and protesting Soviet noncompliance with the Helsinki final act, which is why today I announce the beginning of "The Spirit of Helsinki, Vigil 1980."

The vigil is an extension of previous efforts headed by Representatives BRODHEAD, DRINAN, EILBERG, HOLTZMAN, and HOWARD. In previous years it has been our aim to improve emigration for Soviet Jews. Despite the fact that the numbers of visas issued has been increasing during the last years, the vast majority of those wishing to emigrate has almost no hope. Worse, there is a broad range of sanctions linked to the mere expression of the desire to emigrate. Applying for emigration is a costly, lengthy, and arbitrary process with uncertain results. It involves the risk of reprisals of which the dismissal from employment is often only the first step.

Soviet Jews constitute the major target group of Soviet internal repression. Soviet Jews are denied basic human rights systematically. Additionally, a new wave of antisemitism has appeared.

Antisemitism traditionally has been an endemic fact of Russian life. However, it recently has been intensified under Brezhnev. Admission of Jews to institutes of higher education is on the decline. Entry into almost all of the faculties at Moscow State University is closed to them. Publications equating Zionism with Hitlerism are not uncommon. A book published by the Ministry of Internal Affairs goes even further. It says Zionism is "one of the varieties of fascism, but is even more dangerous than the German variety." In Soviet propaganda, "anti-Zionism" has long served as a convenient codeword for antisemitism. The substance of anti-Zionism, however, has been crossing the line into overt antisemitism with increasing frequency. A recent art exhibit featured a grinning Nazi soldier and a grinning Jewish prisoner wearing the Star of David.

Examples of official antisemitism are manyfold. Together with the denial of basic human rights they make life for Jews in the Soviet Union unbearable. For many, emigration offers the only prospect for leading a respectable human life. Not only are emigration visas issued only very selectively, but application procedures as well as proof of eligibility requirements are highly discouraging. Applicants have to wait as long as 18 months for replies. Children cannot leave if the parents choose to stay. In other cases only part of a family may apply; the other members must defer their own applications until the first applicant has been granted the visa. Most applicants are dismissed from their jobs as soon as they apply and long before they get a reply from OVIR. Many are compelled to leave their apartments before they receive their visas. Soviet authorities are also attempting to influence children to resist their parents decision and are promising certain rewards if the children change their minds. Invitations from immediate family members are a prerequisite to applying for visas. Usually they are sent to Soviet officials. If the recipient cannot name the sender unseen, the invitation is considered invalid.

It is this policy which compels us to speak out continuously to demand that the Soviet Union comply with international human rights standards.

But Soviet Jews are not the only group in the Soviet Union suffering because of their religious beliefs or ethnic backgrounds.

Repression is an overall policy tool of the Soviet Government affecting all groups not conforming with the party line. Professing Christians in this officially atheistic state are also denied the right to emigrate and the freedom to pursue their religious faith. Christians and others without any particular religious background are imprisoned for expressing their thoughts.

For this reason, I consider it essential to devote "The Spirit of Helsinki, Vigil 1980" to all refuseniks and prisoners of conscience, regardless of their religious beliefs.

"The Spirit of Helsinki, Vigil 1980" will be a concerted effort by the Congress to draw attention to the individual's plight under the arbitrary and inequitable Soviet system. We cannot be indifferent to human rights violations occuring daily in the Soviet Union.

Tensions between the United States and the Soviet Union are increasing. One of our primary concerns is Afghanistan. But this concern should not lead us to dismiss from our minds the fate of all those suffering under the Soviet regime. As Walter Lippman said:

> The deepest issue of our time is whether the civilized people can maintain and develop a free society or whether they are to fall back into the ancient order of things, when the whole of men's experience, their consciences, their science, their arts, their labor and their integrity as individuals were at the disposal of the state.

Refuseniks and prisoners of conscience need our encouragement. They need our vigil. Today more than ever before. Therefore, I urge my colleagues to join together to participate in the Vigil 1980.

In this spirit of vigilance and in hopes of securing the release of Andrei Sakharov from internal exile, I am today introducing a House concurrent resolution calling upon the U.S.S.R. to adhere to the international conventions which they have signed and free this noted human rights advocate.

The text of the resolution appears below:

### H. CON. RES. 259

Concurrent resolution calling upon the Soviet Union to release Andrei Sakharov from internal exile immediately

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee to all people the right of free speech; and

Whereas the Helsinki Final Act of the Conference on Security and Cooperation in Europe commits signatory countries to protect and insure the right of free speech; and

Whereas the Soviet Union signed the Final Act of the Conference on Security and Cooperation in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights; and

Whereas Andrei Sakharov was awarded the Nobel Peace Prize in 1975; and

Whereas Andrei Sakharov as the leader of the Soviet dissident movement has contributed continously to the cause of human rights in the Soviet Union; and

Whereas Andrei Sakharov was arrested on January 22, on his way to work; and

Whereas the Supreme Soviet has charged Andrei Sakharov with "subversive activities" and has banished him from Moscow; and

Whereas Sakharov's and his wife's deportation in one of the "closed zones" where foreigners may not travel was a matter of two hours; and

Whereas the Supreme Soviet stripped Andrei Sakharov of all state honors, including three Orders of Socialist Labor with the title Hero of Socialist Labor; and

Whereas Andrei Sakharov was asked to return his awards; and

Whereas all telephones in Sakharov's neighborhood were disconnected to prevent his family from informing foreign reporters; and

Whereas Andrei Sakharov is denied the right of fair trial—the legal prerequisite for deportation; and

Whereas Sakharov's arrest might only be a first step of clearing Moscow from active dissidents for the summer Olympics in July; and

Whereas the timing of the banishment, coming amid strong American criticism of the Soviet Union's armed intervention in Afghanistan, can be taken as a sign of a major shift toward a policy of confrontation; and

Whereas the continuing harassment of political and religious activists and intellectuals in the Soviet Union is a source of great concern to the American people and the United States Congress: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Union of Soviet Socialist Republics should release Andrei Sakharov from internal exile immediately.

SEC. 2. The Congress urges the President acting directly through the Secretary of State or other appropriate executive branch officials—

(1) to continue to express at every suitable opportunity and in the strongest terms the opposition of the United States to the exile and the degradation of Andrei Sakharov; and

(2) to inform the Soviet Union that the United States, in evaluating its relations with other countries, will take into account the extent to which those countries honor their commitments under international law, particularly with respect to the protection of human rights.

Sec. 3. The Clerk of the House of Representatives shall transmit copies of this resolution to the Soviet Ambassador to the United States and the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.●

## REDRESSING THE BALANCE OF POWER

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. DORNAN. Mr. Speaker, if the Constitution assigns any specific power to Congress, it is clearly the power over the national purse. This is evident from the following:

> All legislative powers herein granted shall be vested in a Congress of the United States . . . (Article 1, Sec. 1, U.S. Constitution).
>
> No money shall be drawn from the Treasury but in consequence of appropriations made by law . . . (Article 1, Sec. 1, Paragraph 7, U.S. Constitution).
>
> The Congress shall have power to lay and collect taxes . . . to pay the debts . . . to borrow money on the credit of the United States . . . (Article 1, Sec. 8, Paragraphs 1, 2, U.S. Constitution).

This power is further circumscribed by the Constitution, which requires in article 1, section 7, paragraph 1, that: "All bills for raising revenue shall originate in the House of Representatives."

Mr. Speaker, it should be recalled that prior to the adoption of the 17th amendment to the Constitution in 1913, the House, unlike the Senate, was that part of the National Legislature chosen directly by the people. Therefore, it was the intent of the Constitution's framers that the branch of the Federal Government most accountable to the people; namely, the House, was also the branch of the Federal Government most accountable for the extent and priorities of the national budget.

The Founding Fathers of the Republic knew their history. They were aware that King John of England was brought to Runnymede by medieval English lords and forced to sign the Magna Carta which stipulated that no taxes would be exacted from them, save by their consent in person or by their representatives. King Charles I of England lost his head for usurping the parliamentary power over the purse. American colonists went to war in 1776 arising from conflicting claims over the power of taxation. The threat to political freedom was perceived to arise from an ambitious and unchecked executive authority.

Even the first Secretary of the Treasury, Alexander Hamilton, who supported a very broad reading of the general welfare clause, said in his 1791 Report on Manufacturers that—

> It is therefore of necessity left to the discretion of the national legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper. And there seems to be no room for doubt that whatever concerns the general interests of learning, of agriculture, or manufacturers, and of commerce, are within the sphere of the national councils, as far as regards an application of money.

There were many in the history of America who would debate the wisdom of spending tax money or not spending tax money for a particular purpose. But none ever seriously challenged the congressional power over the national purse until last Monday—January 15, 1980. And who challenged this constitutional prerogative of Congress? None other than a lone Federal district court judge named John Dooling when he declared the Hyde anti-abortion funding restriction to be unconstitutional.

This unelected, appointed-for-life lawyer is actually attempting to order the American people and their elected representatives to spend tax money for an object which they find to be morally offensive. No judge, or President for that matter, has ever been so arrogant. In effect, Mr. Dooling dismisses the Constitution and all of American history, and challenges with a novel constitutional interpretation, the long established right of the legislature to dispense with Federal tax moneys.

Dooling also incorrectly cites cases in support of his revolutionary contentions. For example, in a case where a plaintiff sought a writ of mandamus against the Secretary of the Treasury to pay a certain sum deemed awardable by a civil jury, Dooling states that the main contention in an 1850 case—*Reeside* v. *Walker* (11 How. 272) depended upon the Government consenting to be sued (p. 289 of Dooling's decision).

However, the Supreme Court indicated that the following was the point upon which the case turned:

> No officer, however, high, not even the President, much less a Secretary of the Treasury or Treasurer, is empowered to pay debts of the United States general, when presented to them. If, therefore, the petition in this case was allowed so far as to order the verdict against the United States to be entered on the books of the Treasury Department, the plaintiff would be as far from having a claim on the Secretary or Treasurer to pay it as now. The difficulty in the way is the want of any appropriation by Congress to pay this claim. It is a well-known constitutional provision that no money can be taken or drawn from the Treasury except under an appropriation by Congress. (See the Federal Constitution, Art. 1, Sec. 9)
>
> However much money may be in the Treasury at any one time, not a dollar of it can be used in the payment of anything not thus previously sanctioned. Reeside vs. Walker. (p. 290)

Even in the case of United States against Lovette, where the Supreme Court decided in 1946 that three individuals were entitled to pay where the Congress had previously denied them their pay by means of a rider on an appropriations bill, the Court never entered an order on the books forcing the Congress, or the Secretary of the Treasury, in the absence of an appropriation to pay the individuals involved.

Congress later did decide to pay the three persons involved. But the Congress had to appropriate the money. This is the same fundamental principle which is behind the Federal Tort Claims Act. If no money is actually in the fund, no individual can be paid even when they have a just claim for compensation.

There might be some in the Congress who might be tempted to trade the money power in this case for a little peace and quiet on the right to life question. But that is like being a little bit pregnant. Those Members of this House who think that they can share the money power with an activist judiciary are conceding a dangerous precedent, a revolutionary arrogation of power to the Federal courts.

Restrictions on appropriations cut across party lines and ideological labels. Successful congressional restrictions on appropriations have involved: Illegal aliens, school busing, saccharin, BATF regulations, military aid to Argentina, aid to Cuba, assassinations of foreign leaders, Federal pay raises, EPA grants, OSHA farm regulations, Consumer Product Safety Commission, noise control, Panama Canal, debtor nations, food stamps for college students, the Nixon tapes, combat in Cambodia, national park coal mining leases, countries denying emigration, and constructing ships in foreign shipyards.

These, and a host of other appropriation decisions, are clearly outside the scope of judicial review.

Whatever the Supreme Court may finally do in the Dooling case, it is abundantly clear that the impact of Dooling's decision goes beyond the abortion issue. It reaches to the very nature of our Government. Either the people, through their elected representatives, will control the national purse, or unelected judges will. It is for this reason that I have introduced H.R. 4200, which provides for the impeachment of any Federal judge who tries to order the States or the Congress to spend money for that which there has been no prior authorization of appropriation.

The text of the bill follows.

H.R. 4200

A bill to provide that no Federal court may require the expenditure of Federal or State funds without prior legislative authorization

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Judicial Restraint Act of 1979".

SEC. 2. (a) The Supreme Court shall not, and no other court of the United States shall, make any decision, enter any judgment, or issue any order which, or the effect of which, would require funds to be expended from the United States Treasury or from the treasury of any State for a specific purpose unless the Congress, or the legislature of such State, as the case may be, has adopted legislation authorizing and appropriating funds to be expended for such purpose.

(b) Any judge of a court of the United States who makes any decision, enters any judgment, or issues any order in violation of subsection (a) of this section, and any Justice of the Supreme Court or any judge of any other court of the United States who concurs in a decision, judgment or order violating subsection (a) shall be subject to impeachment on account of such violation.

(c) As used in subsection (a), the term "State" includes—

(1) the District of Columbia; and

(2) any county and any local unit of general purpose government with taxing authority.

(d) This Act shall apply with respect to decisions made, judgments entered, and orders issued, on or after the date of the enactment of this Act.●

## ASSESSING THE PRESIDENT'S ACTION AGAINST SOVIET AGGRESSION

### HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. RUDD. Mr. Speaker, the President's state of the Union speech last night marked a reversal of his attitude toward the danger of the Soviet Union and international communism.

This was the same President who only 3 years ago stated that he was proud to lead the effort to rid our Nation of an inordinate fear of communism.

It was the same President Carter whose first defense budget slashed the previous administration's 6-year defense plan by $57 billion through 1983.

In assessing recent Soviet actions, we must acknowledge that the naked Soviet aggression in Afghanistan is a continuation of Moscow's longstanding aim of military conquest and Communist expansion throughout the world.

The Soviets have been encouraged in their objectives by the President's actions over the past 3 years—his cancellation of the B-1 bomber and the neutron antitank weapon, his veto of the nuclear aircraft carrier, and his slowing of the cruise and M-X missile programs in order to win Soviet agreement on the new SALT II Treaty.

The President's 1981 defense budget calls for only 3 percent real growth over his defense proposal last year.

We will have to do much better than that in order to make up for past policy mistakes, and demonstrate to the Soviets that the United States intends to stand strong against further Communist aggression.●

## CHARLES GORHAM—PRESIDENT OF WILMINGTON CHAMBER OF COMMERCE 1979-80

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. ANDERSON of California. Mr. Speaker, this month the Chamber of Commerce of Wilmington, Calif., will host a truly special celebration, a luncheon marking its 75th anniversary as a member of the South Bay Community. At the same time, Mr. Charles Gorham will be honored for the outstanding job he has performed during the year as the organization's president.

I take this opportunity to share with my colleagues many of the accomplishments of this man. As president of the chamber and as a constant participant in many community projects, he has demonstrated a quality of citizenship worthy of our recognition.

Although born in Arizona, Wilmington quickly became home for Charles Gorham, where having graduated from Banning High School in 1940, he began his college career at Compton Junior College. He continued his education at DePauw University in Indiana and then attended Loyola University of Los Angeles where he earned a doctor of jurisprudence degree in 1949. Service in the Navy interrupted his studies during the years 1942 to 1946.

The hard work and long hours required to establish his law practice following graduation from Loyola did in no way deter him from also being active in the community. He devoted much of his time and effort to work in the American Legion, the Masons, the Kiwanis Club, and the YMCA. A great part of his current community work also involves supporting youth activities. He helped in fundraising efforts for the Banning High School athletic program and the Banning Kickers in their support of the high school football team. He has shared his Olympic experience in weightlifting with dozens of young men through the training programs he conducts.

Most notable are the accomplishments of his term as Chamber of Commerce president. Certainly he has been one of the organization's most aggressive and successful leaders. His initiative and drive made possible the "Cleanup Wilmington Campaign" sponsored by the chamber. This communitywide beautification effort won the support of hundreds of people in the business community and beyond.

The chamber's Economic Planning Committee has also made great strides during his term as president. A major joint effort involving a nearby university and the committee will produce a business survey which can be used to direct community promotion activities. The venture is expected to enhance the chamber's business development strategies in many ways.

By his dedication and concern, Charles Gorham has made this past year one of the best ever for the Wilmington Chamber of Commerce. As he concludes his term, my wife, Lee, joins me in congratulating him on this fine accomplishment and expressing the appreciation we share with so many others for his devotion to worthy community causes. We also extend to Charles, his wife, Eleanor, and their two sons, Charles and Paul, our best wishes for a bright and prosperous future.●

## ATTRACTING NEW INDUSTRY

### HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to share with my colleagues remarks that were delivered by Mr. R. L. Haley, a business executive with International Harvester, at a seminar on the problems of small cities held in my district. Mr. Haley was a participant in the seminar and was scheduled to talk about what it takes for small cities and rural counties to attract new industry.

While he addressed some of those efforts, he also presented a much wider view of business as a constructive citizen of the community. He also stressed the need for greater productivity throughout the country.

Rather than attempt to paraphrase his remarks, I would like to submit them into the RECORD so that my colleagues might share in his insightful discussion:

REMARKS OF R. L. HALEY DEC. 10, 1979

I suppose that I was asked to talk to you because it is customary to have a speaker for a workshop luncheon of this type. On the other hand, it may be because I represent the kind of industry that has been moving to or establishing itself in smaller communities in increasing numbers during the past several years.

My company is not wholly typical in that we are classed as heavy industry with a need for access to large supplies of raw materials, such as steel, scrap, castings, etc., and the nature of our business and products tends to push us into larger plants and larger manpower needs than are generally found in communities with a population of 10,000 or less.

The American Association of Small Cities is dedicated to assisting towns with populations of under 50,000, and we do have a number of plants in communities that fall in this category.

I had expected that you would spend the morning talking about the essentials of attracting industry, and while I did not hear all of these discussions, what I heard had more to do with the Federal treasury. The needs of industry in any community—manpower, training services, energy, supplies, transportation—the kind of stuff that must be available if an industry is to operate, is basic.

I do not plan to talk about these things because they are generally known and understood. Rather, I want to talk about some of the intangibles—the climate that an industry looks for, the flavor of the community, if you will.

My speech is short, because I think this climate can be described in very simple terms. It is also short because I have never been comfortable in listening to a lengthy after dinner, or after luncheon, speech.

Let me start by telling you what I see as a company's obligation to the community.

First, we have an obligation to keep the community informed of our actions and our plans. We are a large business—and I am now talking about International Harvester in Memphis—and our problems and plans impact thousands of other people—financially, environmentally, even socially. So we believe that they have a right to know what we are doing, and we have a responsibility to tell them. We hope the news will always be good, but we know that, as a human organization, we will make mistakes, and some of the news may not be favorable.

For example—we are involved in a nationwide strike by the UAW. The issues are not economic, and they originate in other locations, but they affect the Memphis economy adversely.

But, good or bad, we think we still have the obligation to be candid and straightforward about our actions and our policies.

Another obligation of the company is to make a profit. Our aspirations and aims for assisting the community may be commendable, but a dying business is an asset to no one. Therefore, we have to earn a profit so we can stay in business, provide jobs, and be a healthy, living part of the community.

A third obligation is to grow so that we may provide better jobs, and more of them, in order to help the community have healthy growth. Although the community will grow, in population if nothing else, healthy growth requires our initiating job opportunities by being active and aggressive in research and engineering, in manufacturing efficiency, and in competitive marketing. In these ways we can grow with the community.

And finally, we have the obligation to be a real part of the community in phases other than merely its industrial life. This means we must do more than just pay our taxes and obey laws. We can't expect the community to be interested in industry and our problems. That is why we contribute money, manpower, ideas, skills, and services to worthwhile activities which are of direct or indirect benefit to our employees and other citizens in the mid-South.

Our employees have children; so we care about schools, youths groups, recreational facilities. Our people and their families get sick; so we are interested in adequate hospital facilities. We are prepared to bear our share of the cost, and we lend manpower to ring doorbells and serve on boards and committees of such activities as United Way, Goodwill, Junior Achievement, Rotary Clubs, etc.

But the biggest contributions are an outgrowth of the obligation to make a profit and to have a healthy company. Those contributions are the time and money of our people as members of the community.

And what does a company have a right to expect from a city and its citizens in return? We have a right to expect that government, as their agent, will help, not hinder, our efforts to earn the profit we mentioned earlier, the income that will insure that we are a viable, growing part of society.

It is not easy to earn a fair return on sales and investment if your costs are burdened by oppressive taxes. And the cost of doing business can be inflated by bureaucrats who over-regulate product design, or dictate unreasonable environmental controls, or who disrupt and mismanage development and distribution of money.

One of the problems the businessman faces today affects you and me and people like us throughout the United States. That is the problem of finding the key to increased productivity. A high rate of productivity in comparison to that of the rest of the world and a high rate of productivity increase have been the basic material of the standard of living that has developed in this country over its two centuries of existence.

There are many things that affect productivity. There are many ways of measuring it. There are differing opinions about how productive we really are today in relation to the past, but there are few differences among the economists and others who study this matter in the opinion that our productivity here in America is either declining or is at best increasing at a much slower rate than most of the other industrialized nations.

Many of the things that support a productive society have been taken for granted as part of the economic bill of rights of our republic—operating in an atmosphere of freedom and private enterprise. If we were to pick out the most basic factors that have made us outstandingly productive and which may now have deteriorated the most, they would be those of investment and motivation.

Investment, or lack of it, is almost directly related to the role of government in our economy. Government exercises this role through taxation, through money policies, and through the extent of its involvement in social services. Taxation can encourage investment, or it can siphon off the means of capital formation from profits. Money policy can encourage individual savings and thus capital formation for investment by stabilizing the economy, or it can discourage savings by increasing the supply of money through deficit spending and advancing the inflationary cycle.

The growth of social services rather than individual savings as a way to security also discourages capital formation and encourages an economy of consumption.

Motivation—and I am really talking about motivation of the individual—is closely related to the factors affecting investment. Traditional incentives do not seem to motivate us any more, and there are many who say an alarming percentage of American workers no longer look to their job for personal fulfillment, who no longer believe that hard work pays off, who do not find their work meaningful and more important than leisure hour pursuits.

We do know, and there are documented studies to support the fact that the generations who were born after World War II have a motivation response curve that is quite different from those that preceded them. The manifestation of this change in the form of a decelerating productivity rate is interpreted by many to mean that the work ethic, the willingness to be productive, has fallen into disrepute.

I do not believe this. I believe that we have misplaced our understanding of motivation and, most important of all, that we have lost sight of the relationship between individual productivity and prosperity.

Some of our politicians and our society have become more concerned with how we divide the pie than with how we make the pie bigger. A redivision of the pie temporarily may give you or me a little bit more, but society as a whole—and that means us—can have more only if we produce more.

Whether this added production comes from better tools through capital investment, more skills or knowledge, or even working harder—does not matter. It is the only way for all of us to live better and put down the poverty that has been man's greatest burden in all societies.

Perhaps you are wondering how I got from industry's place in the community to productivity. Let me take you back. You are interested in attracting industry to your community because you know—and perhaps you do not think of this in quite as broad or general terms—but you know that the only answer to economic or spiritual poverty is found in jobs.

Private enterprise—industry, individual or corporate—is the only institution in this country that produces. The unemployment rate can be reduced with Federal funds, but the real meaning and long-term effects of unemployment can only be reduced by productivity. The supply of jobs is a function of production. The only source of jobs is productivity.

Industry—working with information you can help furnish—has the statisticians and economists to study matters of supply, availability of transportation, and all of the factual data that can be put together in an analysis that says this is a good community or that is a good community in which to locate, but the decision will really be made by that industry's perception of the climates of those communities, and the climate that industry wants is one which fosters productivity.●

---

## GEORGE MEANY: A TRUE LEADER

### HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. PANETTA. Mr. Speaker, on January 10 our Nation lost one of its most prominent and influential leaders in George Meany. For nearly a quarter of a century, as president of the AFL-CIO, George Meany dedicated his life to the advancement of the labor movement and was a real leader in the true sense. As the plumber from the Bronx, George Meany rose to the top and effectively masterminded the merger of two giant American labor organizations. Under his leadership, George Meany served the labor movement well. This is quite evident in the fight he led to obtain fair wages and improve working conditions for all workers. George Meany believed in the equality of all mankind and his effort to achieve human rights and civil rights for all persons was clear evidence of his belief. During his lifetime, George Meany left a mark not only on the labor movement but also on the entire country and hopefully, it will long be remembered.●

## A POPULAR MOCK CONGRESS

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. LONG of Maryland. Mr. Speaker, a constitutent, Ms. Dorothy Dowling, has an imaginative and effective method of teaching her ninth-grade students at the Stemmers Run Junior High School in Essex, Md., about the legislative process.

Ms. Dowling conducts a "mock Congress," dividing her students into Representatives and Senators. Each legislator drafts a bill and submits it to his or her colleagues. The bills are numbered, debated, and ordered to be voted on. Bills that pass are referred to the President to be signed into law or vetoed.

Each student gains a special familiarity with the political process and the constitutional system. Ms. Dowling tells me that it is one of the students' most popular activities.

But the exercise has meaning far beyond that of a simple pedagogical tool. All of us have witnessed, with growing concern, a decline in citizens' participation in the political process in this country; each year, less people turn out to vote. And the special interests step in to fill the vacuum that this apathy has created.

The situation is deplorable—and reversible. Ms. Dowling has given her students the tools—and the motivation—to participate in the political process. Good citizenship can be taught by good teachers, just as the "3 R's" can be.

The bills I received from the students at Stemmers Run Junior High are as follows:

Tony Appel; a bill to Allow Teenagers 14 and Older to Ride a Moped.

Lisa Davis; a bill to Increase the National Minimum Wage.

Russell Hershberger; a bill to Build the MX Missile System.

Gerv Griffin; a bill to Ban the Use of Hart and Miller Islands on Middle River as a Dumping Ground for Dredged Wastes of Baltimore Harbor.

Joe Samek; a bill to Keep More Armed Guards in the United States Embassies.

Leah Barr; a bill to Cut off all Aid to Foreign Nations that Have not Kept Agreements with the U.S.

Yong Kim; a bill to Build the B-1 Bomber.

Jacki Myers; a bill to Prohibit the Smoking of Cigarettes in Public.

Kevin Via; a bill to Pass Against the Discrimination of Teenagers.

Treva Pennington; Teen Intermediaries Need Equal Rights.

Donna Lanocha; a bill to Allow Junior High Students to Smoke Cigarettes in School.

Teresa Davis; a bill to Legalize the Riding of a Motorcycle or Mini-Bike on the Streets for Children 15 years of Age and Older.

Jean Vicchio; a bill to Make Abortion Illegal.

Laura Szymanski; a bill to Give Students a Personal Column in the Newspapers to Express their Opinions on Anything They Feel is Important.

Kim Myzak; a bill to Allow Junior High School Students to Smoke Cigarettes.

Kim Mullins; a bill to Make the School Year Shorter.

Melody Peters; a bill to Make Abortion Illegal.

Kathleen Ibbott; a bill for Gun Control.

Mary Stump; a bill to Allow Smoking in School.

Maria Manalis; a bill to Make Abortions Illegal.

Kim Zwinklis; a bill to Make the School Year Shorter.

Chris Markowsi; a bill to Make the Legal Drinking Age 18 in all States.

Denise Sanders; a bill to Outlaw Handguns.

Michele Buttrey; a bill to Outlaw Guns.

Woon Cho; a bill to Make the School Year Shorter.

Tina Bates; a bill to Bring the Death Penalty.

Joan Hamilton; a bill to Make Abortions Illegal.

Billy Seidler; Death Penalty.

Pam Marcomin; a bill to Allow Junior High Students to Smoke Cigarettes in School.

Danny Yue; a bill to Bring Back the Death Penalty.

Barbara Craig; a bill to Shorten the School Year.

Kenny Bocam; a bill to Provide Extra Protection for U.S. Embassies.●

---

## CUDAHY'S CHEESE PRAISED

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. CARTER. Mr. Speaker, my home State of Kentucky has long been famous for its bourbon, fast horses, and beautiful women. What may not be as well known is that Kentucky produces some fine cheese as well.

Esquire magazine last year rated "Bluegrass Cheese," a cheddar marketed through the Cudahy Foods, Co., in Harrodsburg, Ky., as the "second best in the United States."

While "Bluegrass Cheese" is marketed through Harrodsburg, I am proud to say that it is actually made in Tompkinsville, Ky., my hometown.

I wish to include for the Record an article from the Danville Advocate-Messenger which described the manufacture of Bluegrass and other cheeses by Cudahy in Kentucky:

### Cudahy's Cheese Praised in Magazine

Harrodsburg.—A Kentucky cheese that is marketed through the cheese division headquarters of Cudahy Foods Co. in Harrodsburg is receiving national recognition through an article in the November issue of Esquire magazine.

In the article, Roy Andries de Groot, a frequent writer for Esquire on food and drink, reports his "recent tasting of 49 different wedges of cheddar revealed a lot of indifferent cheeses and the following outstanding examples:"

He cited as the "second best in the U.S.: Bluegrass cheddar from Harrodsburg, in Kentucky," 18 months old, available at cheese shops.

The Cudahy plant in Harrodsburg produces primarily mozzarella and provolone, Italian style cheeses, used in pizzas, while the Bluegrass cheese is made in the company's plant in Tompkinsville. However, it is marketed through the division headquarters in Harrodsburg, Pentzer McNay, sales manager for the cheese division, explained.

The cheese division of Cudahy, with headquarters in Harrodsburg, is part of the Grocery Products Division of Cudahy Foods Co., which is headquartered in Phoenix, Ariz. Cudahy is a part of General Host. The company also has a cheese plant in Russell Springs and an operation in Cynthiana that is presently being considered for other products.

Winning prizes with their cheeses is not new to Cudahy and its Harrodsburg plant, E. K. Wellmeyer, director of quality assurance and product development for the cheese division, explained as he conducted a tour of the Harrodsburg production plant and showed different cheeses stored in the large refrigerated storage rooms at the division headquarters.

In the last five years at the Kentucky State Fair, Cudahy has won two gold medals and three silver medals in the cheddar cheese division. Since the Italian cheese was added to the state fair show three years ago, the Harrodsburg-produced cheese has won the blue ribbon every year, Wellmeyer explained.

While most of the cheese is shipped from the Harrodsburg plant in trailer truckload lots, the company also maintains a retail store where its products are available.

While the Esquire article alluded only to the Bluegrass Cheddar cheese, Wellmeyer praised the Cudahy Wilderness Trail raw milk cheddar cheese as one of the finest products of the company. Bluegrass Cheddar is made from pasturized milk.

Products from the Harrodsburg plant are shipped all over the country and are marketed in packages of a number of companies that use the Italian style cheese in both fresh and frozen pizzas.

Approximately 60 people are employed at the Harrodsburg plant and 483,000 pounds or about 56,000 gallons of milk are handled daily in the cheese operation. The milk comes in tank trucks from farms within a 50 to 60 mile radius of Harrodsburg. Milk also is purchased from Dairymen Inc. and at times from as far away as Michigan, Maryland and Georgia, Wellmeyer explained.

Stored in two large refrigerated silos, the milk is pasturized and then goes through a 3½ hour process in vats to be transferred into the stretchy cheese that is a principal ingredient of pizzas.

From the vats, the mozzarella cheese is formed into blocks and provolone into tube-style packages, floated in vats of brine for 16 to 18 hours, packaged in airtight plastic and then refrigerated. The mozzarella is ready for shipment to customers in a few days, while the provolone is generally aged longer before being shipped to the pizza makers or the store where it is sold.

Other cheeses are aged for longer periods, with the prize winning cheddar mentioned by de Groot being 18 months old. Another larger seller is Black Mountain, which is made in Wisconsin and aged for a year before being sold.

Wellmeyer explained that the color of the package—white, red, brown or black—indicates the age of the cheese with the darker colors having been aged longer.

While directing the maintenance of quality in the present products, Wellmeyer also is developing new products for the company as part of his research. An Italian cheese is being made now from dry or powdered milk and other types of products are being studied.

During the tour, Wellmeyer explained that the making of cheese is "pretty much a hand operation" although machinery is used in some phases of the work.

As he displayed Wilderness Trail cheese in the large refrigerated area, Wellmeyer called it a "beauty" and said it had been the "cheese lover's cheese of the month." It is sold through delicatessens.

The whey that is left after the cheese making (less than 10 percent of the milk ends up as cheese in the manufacturing process) goes to farmers for their swine or is sometimes dried and sold as animal feed.●

---

## GREATER MIAMI JEWISH FEDERATION CALLS FOR ASYLUM FOR HAITIANS

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. LEHMAN. Mr. Speaker, recently I received a copy of a resolution adopted by the Greater Miami Jewish Federation expressing support for granting political asylum to Haitian refugees. The concern voiced by the federation reflects a growing consensus in south Florida that these unfortunate people should be granted asylum. The following is the resolution the federation adopted calling for this action.

RESOLUTION

Whereas the Judaic Heritage has moved Jews to profound concern and sensitivity for those who suffer abuse, and

Whereas the United States, in keeping with its heritage as a refuge for the oppressed and persecuted, has welcomed and given blanket parole status to numerous thousands of Vietnamese, Cuban, and other refugees, and

Whereas eight to ten (8 to 10) thousand Haitians have in the last many years risked their lives, crossing hundreds of miles of ocean in small boats and leaving their families, to flee repressive conditions in their homeland and seek political asylum in the United States,

Therefore be it resolved that the Attorney General of the United States shall immediately grant parole—political asylum—to all Haitians presently in the United States who seek political asylum, and

Further be it resolved that United States foreign policy, as it relates to Haiti, should have as its highest purpose, the easing of those conditions which cause Haitians to flee their homeland.●

---

## PROGRAM WITH BITE

### HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. ADDABBO. Mr. Speaker, I am submitting for the RECORD an article from the New York Daily News for Sunday, December 9, 1979, which was recently brought to my attention.

The article deals with a program presently underway at Franklin K. Lane Junior High School in New York City. The program, called Career Bridges, is sponsored by the Aviation Development Council and is funded by the U.S. Office of Education. Also participating in this program are two other Queens high schools: August Martin High School and Beach Channel High School.

The program is geared at introducing high school students to a variety of employment opportunities in an attempt to give them an idea of what the careers they have in mind would require. Its success, as outlined through a number of examples in the article, is a major breakthrough in the expansion of educational methods.

Oftentimes our children enter college unaware of where they want to go with their lives. This program is an excellent opportunity to show them just what it means to be what they have in mind—either to reinforce their ambitions or to help them realize that the career they have chosen for themselves might not be what they really want—saving them the grief of wasting their energy on an educational program which they would later regret.

I am greatly impressed by this program. It holds a lot of promise. I hope that my colleagues will find the article to be as informative as I have. The Aviation Development Council deserves a pat on the back for the fine contribution it is making to the education of our youngsters.

I ask for unanimous consent to insert this article in the CONGRESSIONAL RECORD at this point:

[From the New York Sunday News, Dec. 9, 1979]

PROGRAM GIVES KIDS A BITE OF LIFE

(By Gus Dallas)

"Mom, the kids bit me!" Donna Betsch reported last September after her first day as a student teacher in a child day care center. The mother of the Franklin K. Lane HS junior took the news calmly.

"That's good," she said. "That's how you get to learn how things are."

And learning how things are was the intent of the career-tryout program in which Donna had enrolled. For 10 weeks she taught at the day care center to get a taste of a career while earning credits toward high school graduation.

The bites, incidentally, weren't a form of attack, even though the pupils nibbled her arm from fingers to shoulder.

JUST SAYING "HELLO"

"It worked out okay," Donna said, with a sigh of relief. "The kids didn't bite after that. The director told me later that was how they said hello."

During the program, 25 Lane students worked at real jobs in real firms for 10 weeks, then returned to class, while another 22 students became employes for another 10-week cycle.

Ever since she tried and found she enjoyed teaching Sunday school, Donna thought of a career working with children. Her experience at the Starlight Day Care Center in Jamaica whetted that enthusiasm, in spite of all the little nippers. In fact, she has accepted a summer job at the center.

JOINTLY SPONSORED

The program, called Career Bridges, is sponsored by the Aviation Development Council, which represents the scheduled airlines in the Greater New York area, and the Port Authority. It is funded by the U.S. Office of Education. Two other high schools are participating: August Martin HS and Beach Channel HS of Queens.

The students work four days each week and spend the fifth day at a seminar at York College. The students from the three high schools exchange experiences on such things as dealing with bosses and co-workers and functioning in the working world.

Dolores Kuhnle, a senior, just concluded a stint at United Airlines' personnel office at Kennedy and found the adult work world an inspiring one.

"The people treat you like an adult and a co-worker, they don't send you for coffee," Dolores said. "They tell you when you do a good job, and then they yell at you a little bit when you make a mistake."

WANTS TO BE PILOT

Dolores said she asked for the airlines job because she wants to be a pilot.

"I plan to go to college for engineering," she said, "and then join the Air Force."

Donna Mungo, a junior, recently began her 10-week cycle as a computer operator at Chase Manhattan Bank.

"My main interest is accounting, but I'm willing to try a computer career, computers are the coming thing," she said. Besides the four-day week at Chase, Donna also puts in 20 hours a week on a paying job as cashier in a grocery.

KEEPS TABS ON PAYROLLS

Louis Cesario, a senior, is working as an accountant's assistant at Police Headquarters in Manhattan. His job, he said, involves keeping tabs on payrolls to be sure the city gets as much federal aid as possible.

"My dad thanks me for saving his local taxes," Louis said. "I plan to become a certified public accountant. My sister is a lawyer. Dad figures to open his own business with us on his payroll after he retires from Bell Telephone."

Liz McCusker, a junior, works in the TWA medical office at Kennedy. Liz asked for a hospital or medical job. After talking with stewardesses and pilots on the job, she finds herself tempted by an airlines career, she said. She has no plans to go to college "and this careers program is great—you get an idea what jobs are all about."

EIGHT STUDENTS AT TWA

A TWA spokesman said eight students were working at the airline and added that TWA was "very hot" on the program. "It's beneficial to everyone to give high schoolers knowledge and experience in a real work situation," the spokesman said.

Diana Jud, a junior, works as a ground hostess across the way from Liz at United Airlines.

"Trying a job like this is good experience—I like meeting people and having variety on the job—I prefer to be rushing around with lots of work instead of doing nothing. My mother thinks this is a wonderful program. She said she might not be just a housewife today if she'd had a chance to see what some jobs were like."

WORKED AT MORGUE

Michele Kuhnle, Dolores' sister, a junior, recently concluded a cycle at the morgue at Queens General Hospital, a job that earned her a lot of status and attention in school, she said.

"I liked animals and there was a job, an animal shelter in the program," she said. "So I wound up at the hospital pathology department, injecting mice in the stomach with alcohol for a research project.

"I got mad when I learned what I had to do, the first day. I almost fainted the first time I put a needle in. My mother told me to try it a few days, not to tell the people there I couldn't do it. And I got very involved in the research. I spent the last four weeks typing reports and analyses. I was offered a summer job when I finished up."

Gottlieb mentioned wryly that some students expressed disappointment when they went back to the school regimen. "After being treated like responsible adults they resent going back to discipline like hall passes and holding up your hand to leave the room," she said.

Diane Simeon has tested two careers in Lane's program, as a teacher's assistant last year at the Bernard Fineson Developmental Center for retarded youngsters and last September as a mail clerk and claims handler for Trans World Airlines at Kennedy International Airport.

She believes her experience at Fineson is directing her to a career of helping disturbed children.

### SHAKEN BY EXPERIENCE

"I was so shaken when I went home and saw my 4-year-old brother doing things that 12-year-olds at the center couldn't do," she recalled. "Worse was seeing kids only a couple of years younger than me not being able to walk or talk."

Diane, 17, wrote to her adviser after her Fineson job: "The children did not need my sympathy because that did not help them. The only way I could help these kids was to try to help them function as close as possible to normal everyday life. I had to realize and accept that they were not normal and never will be normal and I could not change that."

The program's coordinator at Lane, Marcia Gottlieb, said that about 400 Lane students have taken part in the career cycles in the three years since the project began. The 10-week jobs with various firms are negotiated by the sponsoring council, but Gottlieb and her assistant, Fran McCusker, sift student applications and match the teens with the jobs. The student employees are not paid except for transportation.

### MUST BE RELIABLE

"Brightness doesn't count as much as dependability and reliability," Gottlieb said. "We weed out students with discipline problems and those we think are just looking for an excuse to get out of school for 10 weeks.

"None of the employers have dropped us in that time," she said proudly, "but we've dropped employers who didn't do what they promised."●

---

## MICHIGAN RECREATION AND PARK ASSOCIATION OBSERVES 45TH ANNIVERSARY

### HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. PURSELL. Mr. Speaker, the Michigan Recreation and Park Association is celebrating their 45th year of existence at its annual meeting in Detroit, January 20-23, 1980, at the Detroit Plaza Renaissance Center Hotel. I am sure I can speak for all of my colleagues in offering congratulations for the many years of accomplishment and work in behalf of outdoor recreation.

The association, second largest professional leisure service group of its kind in the United States, is a nonprofit public service organization headquartered in Michigan's State capital of Lansing.

Over 2,000 delegates have traveled to the Motor City, also the site of the 1980 Republican National Convention, to attend over 125 educational inservice professional training workshops and seminars. Over 100 industrial, commercial, business and governmental information exhibits are being displayed.

The organization is headed by James T. Perry of Royal Oak, who will preside over the installation of William Upina as 1980 president. Upina also serves as general manager of the Michigan State Fair, and is on the staff of the Michigan Department of Natural Resources.

MRPA has been active in its promotion of congressional and administrative support for the Land and Water Conservation Fund Act and other important leisure service related issues. The group has been singled out by the National Recreation and Park Association, located in Arlington, Va., as one of the most influential and aggressive State affiliates in the country.

Conservation, the environment, urban policy, inflation, governmental responsiveness and efficiency, professionalism, civil rights, equal opportunity and energy are vital items on the agenda of the association. MRPA annually honors key leaders throughout the Nation for their contributions to improve the general quality of life for Michigan residents. Recent award winners have included Gov. William Milliken, industrialist C. S. Mott (now deceased), Los Angeles Dodger Steve Garvey and NCAA 1979 Championship Basketball Coach Jud Heathcote.

Michigan residents have been served with programs, facilities, trained and qualified staff, preservation and conservation efforts, renewed public confidence and support via members of the Michigan Recreation and Park Association.

As the association approaches the decade of the 1980's, the convention theme of "Decade of Decision" seems appropriate. An organization pledged to quality and quantity leisure services is anxious for that decision to be in support of park and recreation agencies at all levels of government.●

---

## UNEMPLOYMENT AMONG MINORITY YOUTH

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. RANGEL. Mr. Speaker, one of the most serious, if not the most serious problem facing my district, and many communities around the Nation is the unconscionably high rate of unemployment for minority youths. We as legislators have an important responsibility to ameliorate this problem, however, the answer cannot and will not be solved by government action alone. The NAACP recognizes the role that private organizations, industry, and schools can play in solving this problem, and they stand ready to commit their resources to this effort. I would like to insert into the Record a plan that Mr. Lewis J. Carter, a constituent, and the national labor director for the NAACP, has developed that would suggest how a plan utilizing the efforts from schools, businesses, and the NAACP could operate.

The plan follows:

### Plan of Lewis J. Carter

Prime among the N.A.A.C.P.'s goals and priorities, is finding ways and means to erode the persistent un-employment rate of blacks and other minorities, particularly black youth in this country.

Unlike the National Urban League, O.I.C., S.E.R., and similar organizations, the N.A.A.C.P. does not engage in nationally funded job-training programs. However, we do encourage, advocate, and participate in legislative activities, and the monitoring of certain programs. We intend to expand these activities for we recognize the continuous need for adequate public and private sector initiatives, designed toward curbing this disproportionate phenomenon, that plagues the black community in its desire to achieve economic parity with its American counter-parts. The key for both groups is meaningful and permanent employment.

We recognize that the principal factor influencing employment opportunities for blacks during the last decade, center around the behavior of the national economy. Simply put, during the strong upsurge of economic factors in the 1960's, blacks found their employment situation improved relative to the country as a whole. However, with the economic stagnation of the 1970's, which included persistent inflation, lower productivity, and periodic recessions, blacks have suffered higher un-employment (double and triple fold), endured lower living standards than the rest of the nation. It is these points, and also the realization that forms of continued job discrimination still exist, that we wish to speak to, and offer recommendations and possible solutions.

It seems to us, that before program designs can be implemented to curb some of the aforementioned ills, the nation has to examine its institutional failures, particularly the educational system. This is but one aspect of the problem, but it is a critical dimension. It links directly with our broader concern; how can the nation provide a framework for its unemployed. Politically, we support the initial full employment aims of the 1946 governmental legislation, and the current Humphrey-Hawkins Full Employment Act. If these approaches were fully recognized and complied with by both the public and private sectors of this country, we could move forward. After all, these legislative efforts are approved laws of the land.

Currently, the N.A.A.C.P. is negotiating nationally with a program design that encourages and emphasizes linkage between the National Alliance of Businessmen, traditional black colleges and our Association. The following excerpts generally explain the concept. This program emphasis has generally been designed toward assisting black un-employed youth ages 16-24, but is applicable to the needs of black and other minority adults (male and female), who are searching for permanent employment.

The proposed program will be a tripartite relationship between three uniquely qualified American institutions. The first component of the relationship is the business and industrial community represented by N.A.B. As an association, N.A.B. has already emphasized their concern in public statements and in programs to upgrade the skills of black workers. However, we wish to move further in these efforts. The second component of the relationship will include the traditional black colleges. The colleges have an exceptional talent base of faculty and students with direct ties to black youth and adults. They have not been funded in most cases to develop linkages with black youth, and we feel that this is a major mistake in designing programs. The linkage is natural. The third component of the relationship will include the N.A.A.C.P. We can use our unique network of 1700 branches and over 450,000 members at the grass root level to seek out these un-employed persons and persuade them that the solutions we seek are real, not simply to get jobs, but to create a standby anchor that stimulates a climate which tells these individuals that there is, in fact, a real assurance of job upward mobility and permanency.

The program would operate in the following manner:

First, the N.A.A.C.P. in conjunction with the companies in N.A.B. will attempt to get each of the companies in the fortune 500 to commit one percent of the domestic workforce to jobs for the chronically un-employed. This idea was put forth by David Mahoney, Chief Executive Officer of Norton and Simon and we strongly support the concept. We have also modified this concept to include moderate sized companies, that provide that majority of new jobs. In order to achieve a systematic approach to the effort, each company within N.A.B. will be asked to complete a short survey. They will be interviewed by a staff selected in conjunction with black colleges and companies and the N.A.A.C.P.

Second, in the survey, each of the companies will be asked to outline what efforts would be needed in order to commit one percent of their job slots to our clients; problems they foresee in planning the effort, and related problems they foresee in planning the effort, and related problems which could affect the long term recruitment efforts.

Third, black colleges, the N.A.A.C.P., and companies will attempt to devise programs based on the surveys which are directed at the following goals: (a) increasing the number of work study programs between companies; (b) increasing the number of programs in black colleges which are linked to the long range needs of industries and (c) the creation of programs within black colleges where youth can strengthen those skills which will increase their long/range mobility in specific industrial work forces. The key aspect of black colleges is serving as an intervention agent to provide supportive mechanisms absent in the immediate environment of youth and the institutions where they have been educated.

This effort, we feel, if pursued by realistic commitment, is feasible and can be tested for effectiveness, and hopefully permanent employment results for the hard-to-employ. A flow chart is included on the following page (pg. 6)

In conclusion, we would like to leave with you, several other recommendations, as a by-product of our continuous work with the U.S. Labor Department, regarding C.E.T.A legislation, particularly Title VII.

(1) Private Industry councils (P.I.C.'s) are currently being established across this country, under fiscal provisions of Title VII of C.E.T.A. legislation. We (N.A.A.C.P.) encourage this development as a further linkage between the private and public sector. However, we feel that their work should be closely monitored, and extended to include the following:

(a) We encourage an enhanced membership role and function of marginal companies. Many of these firms provide the current major hiring experiences.

(b) Next, there is a need for the recognition of minority business participation on these councils. This is an excellent opportunity to build upon the relationship of these firms and the larger community on developing new job opportunities.

In essence our current view is that too little is known by major businesses, and labor, of the potential of marginal and minority companies contributions toward potentially expanded hiring and job development opportunities.

(2) We are convinced that the current tax incentive thrust of the U.S. Department of Labor is on target, toward stimulating private sector participation in new job development and permanent on-the-job-training opportunities for the currently defined hard-to-employ. Therefore, we recommend that priority emphasis be given by the private sector, toward the utilization of such opportunities.

(3) Bargaining agreements between industry and labor should include clauses that insure affirmative action goals and timetables. The N.A.A.C.P. recognizes that in economic conditions that warrant union employee lay-offs, seniority rights will prevail in most cases. We suggest that the United Automobile Workers (U.A.W.) concept of "inverse" seniority provisions, which helps maintain and preserve minority affirmative action gains in these periods, be universally accepted by organized labor. This concept can be discussed in more detail at the appropriate occasion.

(4) The experiments associated with flexytime and "shared" work experiences, have merit and can be maximized to a larger degree, than now displayed.

(5) As indicated previously, the N.A.A.C.P. is concerned with imroving basic educational curriculum and concepts, that relate to the world of work. This indicates and suggests a closer working relationship between the public and private sector and our educational system. This recommendation is almost mandatory.

Although our presentation is not all inclusive, we remind this group in closing of one concern. An element of our American society sets forth a notion, that we have to accommodate a percentage and/or segment of our population that are un-employable and too poorly equipped, educationally and emotionally for the world of work. This, to the N.A.A.C.P. is debatable.

Our unequivocal position is that all measures and means available to the private and public sector of this country, have to be utilized to assure, as the Humphrey-Hawkins Full Employment Act states: that all working age citizens of this country be provided the opportunity for meaningful employment and a decent wage, rather than the socio-economic frustration, an alternative that this country currently bears, by not providing imaginative alternatives to curbing the chronic and long term un-employment status of the defined hard-to-employ.●

## CARDIOVASCULAR FITNESS IN THE CLASSROOM

### HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. PURSELL. Mr. Speaker, during the 95th Congress and again last year I introduced the proposed Federal Health Promotion and Disease Prevention Act. This legislation would establish a Federal program for health promotion and disease prevention by initiating comprehensive programs to provide preventive information, to train the needed manpower, to teach children the value of prevention, and to promote much-needed research in this developing area of health care.

I regret that Congress has not yet chosen to act upon my bill. Meanwhile, however, I am pleased that a growing awareness and consensus has been emerging with respect to what we call preventive medicine. Fortunately, many individuals and groups are becoming more and more concerned about not only treating diseases and injuries, but also promoting better health practices.

In that regard, I would like to insert in the RECORD an article from the Michigan School Board Journal about a related program involving teachers of Livonia Public Schools in my district:

### CARDIOVASCULAR FITNESS IN THE CLASSROOM

(By Jacqueline Parks)

"O.K., now stretch to the ceiling. Three sets, counting to five."

Thirty people, of all ages, all sizes, garbed in everything from sweatsuits to sleek leotards and tights, start moving. Right hand up, left foot pushing. Stretch, stretch.

"Now, position yourselves for body waves." The trim, graying woman at the front of the gym puts her hands together over head and bends to the side from her waist. "Hold for 10." Silence, as every body waves to the right. "Change. Hold for 10."

It is 5:25 p.m. on a Friday and already three similar groups have met at the Whitman Center, once a junior high school in the Livonia Public School District, Livonia, Michigan, and now an adult and community education center. These four groups, totalling 219 staff members of the Livonia Public School District, make up the Cardiovascular Health and Fitness Program which began in February, 1979.

In cooperation with the Livonia Family Y, a branch of the YMCA of metropolitan Detroit, the program is a smashing hit, and even the spring weather hasn't deterred the participants from improving their bodies by bending, twisting and pushing them in every possible direction.

"Smile, everyone. It is time to run." Rock music blares from a portable tape player and the 30 bodies, which have been stretched and exercised for some 20 minutes, start to move to the beat. Jogging in place, skipping, running laps—the pace speeds up. "Stay loose, Relax. Swing!" The cardiovascular portion of the class, which follows the stretching exercises, includes three sustained spurts of activity and two brief pauses, so the participants can check their pulse rates.

"Are you working up to capacity?" shouts the instructor, herself in perfect shape and not even out of breath. "Do not work too hard, but do not be to easy on yourself."

The music changes beat, slowing down a bit for the second set. "Walk briskly. Shoulders back. Form a circle, go to your right. Now, your left." Pulses are checked again. By way of a formula based on age and level of fitness, each person knows what his/her pulse rate should be in order to be working up to potential. Pulses are checked for 10 seconds and everyone in the room can adjust the amount of effort being expended, if necessary.

"That was your rest period," the instructor shouts, as a new song comes on and the beat picks up. "Run!" The group sprints across the gym floor, then jogs in place. Faces are flushed and sweaty, but everyone seems to catch his/her second wind and smiles abound. "Follow me." She weaves a figure eight pattern around the gym and people run easily. "Now, slow down." The pace calms. "Walk. Shoulders back, tummy in. Be proud." The group walks in a circle. Lots of smiles now—the session is nearly over.

"Stop. Hands on your rib cage. Breathe in. And out. Breathe in. And out. Now, right leg out. Reach for your ankle. Change legs. Reach, reach. O.K., now, easy, touch your left shoulder with your right hand. Left hand on right shoulder.

Arms in the air, as everyone slows his/her pulse rate down. Cooling down is as important as warming up.

"It is Friday. Have a good weekend, but do not indulge too much. That is it for today. See you Monday."

Applause. The group clusters around the instructor, a grandmother who was told by her doctor several years ago that she should start getting some exercise. She enrolled in some courses at the Livonia Family Y and started down the road to leading classes for out-of-shape school employees. For the folks in the 5:15 p.m. class range in age from 25 to 61, with as much variety in their past exercise record and physical condition. Some are and have been fitness freaks. They went into the class, which began February 5 and which will go to the end of the 1978-79 school year, thinking it would be a piece of cake. They have found differently. They may have more endurance for the running, but have found the stretching exercises challenging. Others jog regularly and still others play an occasional game of racquetball. Some have never exercised at all. The group is a cross section of this large school district, as are the other groups, which meet at 7:00 a.m., 3:15 p.m. and 4:15 p.m.

The Livonia Public School district is in one of the first-ring suburbs of Detroit. Livonia enjoyed a fantastic growth spurt in the 1960's and the district hired young people en masse from surrounding universities. Now, more than 10 years later, enrollment is declining and teachers who began working in 1969 and 1970 have been laid off. The Board of Education now approves more sympathy and retirement resolutions than new teacher contracts. Staff in-service is a high priority and the cardiovascular fitness program may go a long way toward dealing with the problems an older staff experiences.

A declining enrollment district like Livonia loses its younger staff members to a lay-off procedure based on seniority. Declining enrollment also brings other negative qualities. The teachers who remain in the classrooms are often shuffled around because of the constant lay-offs. Some have to teach in their minor fields, which they may not have studied since college days. As schools are closed, new groups of youngsters are brought together in different schools. The constant state of flux differs markedly from that brought about by growth, however, and tension levels are high. The fitness program is an attempt to deal with that stress and to somehow allay the alarming number of heart attacks and other physical problems experienced among the staff. Reducing stress has an indirect, yet beneficial, impact in the classroom. It is widely suggested. Calmer, more relaxed teachers seem to perform better than those under stress. It took some administrative muscle and organization to get the program started, however, and Superintendent George Garver supplied that. He formed a team of administrators into a fitness committee to look into the kinds of programs available to staff. Because a history of cooperation between the district and the Livonia Family Y exists, a plan was worked out in early January. The district agreed to contribute half of the $50 cost of the program as an incentive to join. Justification of this outlay of money came through assumed benefits to students and staff, and steps are being taken to measure those effects.

Before beginning the classes, which are led by instructors from the Y, each participant had to go through a screening process to check out the four commonly accepted risk areas: smoking, cholesterol, blood pressure and percentage of body fat. Minimum risk levels had to be met by each participant before s/he could begin class. Those who could not pass the screening had to be examined by their doctors and receive permission to participate.

The next step was a fitness evaluation, wherein staff members of the Y tested the strength, flexibility and endurance of each person—overall and in various parts of the body. Each person rode a stationary bicycle for approximately nine minutes, with the pressure increased at three minute intervals. A staff person checked heart rates with each increase. The final step in the evaluation was to go over all the physical information with the individual. Advice was given about diet and exercises to do at home.

The classes run three days a week for 45 minutes each. Those classes convinced just about all participants that regardless of what the fitness tests showed, they were out of shape. For the exercises—cardiovascular and stretching—are hard! Many stiff bodies walked around the schools and buildings in the district for weeks. Members commiserated and groaned, but kept on going. The memory of the pain of those first days is so strong that people are afraid to miss a session. It is said that if one misses two weeks of classes, s/he will have lost 25% of the fitness built up. So on Good Friday and over spring break, people went to the Whitman gym or the Livonia Y. In fact, the program has caused many to rearrange their social lives and morning schedules to attend.

As the commiserating and groaning took place, a hidden benefit of the program began to emerge—a kind of esprit de corps among the members. At the Central Office, for example, where roughly a third of the employees have joined the program, it became a staple of coffee room conversation and stories of the various exercises done with partners have become items for repetition. Discussions about who is the best exercise leader have raged heavily in the district. This sense of community is particularly welcome in a large suburban school system that is experiencing rapid change.

More than 2,500 employees earn a living in the Livonia Public School District. That 219 of them choose to commit themselves to a fitness class has a significance that is greater than the numbers. Discussions are now going on about the future. Should a program be offered in the summer? Should the district continue its association with the Family Y or should it take over the program more fully? Should the district continue to underwrite a portion of the costs for the participants? For new participants only? How can the commitment to fitness be carried over from the group setting at the Whitman gym to people's personal lives? How can the district measure the effect the program has had on the 219 people? On the district?

Physical fitness is preventive medicine, as well as an anti-depressant. As the weather improves, the groups will be outside often and it will be even more impossible to leave the sessions depressed or down. The sounds, the camaraderie, the smells, the feel of a junior high gymnasium have become a kind of exercise in optimism. "I'll go to class," said one woman after a difficult, pressure-filled day with her students, "and then I know I'll feel better." That's what it is all about—in the short run, or for the long haul—feeling better.●

---

## YAKUNIN, REGELSON, DUDKO, AND NOW SAKHAROV

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. ASHBROOK. Mr. Speaker, the arrest of Andrei Sakharov seems to be having the same effect on our country's foreign policy establishment as the brutal invasion of Afghanistan. Both are being heralded as marking "the end of détente."

This interpretation will have welcome effects in so far as it underlines the necessity for drastic changes in American policy. Nevertheless, it is in itself mistaken. Détente has not ended for the simple reason that on the Soviet side it never existed to begin with.

Contrary to what you might think from glancing at the headlines in Western newspapers, the arrest of Sakharov does not represent a change of course in Soviet policy. It is simply the culmination of a crackdown on dissident leaders which has been under way for years.

The Western media have virtually ignored the Soviet regime's campaign against religious and human-rights activists who lack the celebrity status of the Shcharanskys and the Sakharovs. While Western attention has been riveted on the crisis in the Middle East, the Soviets have been tightening the noose on religious dissent.

The victims of this new wave of arrests, while relatively unknown in the West, are among the most inspiring symbols of faith for their fellow Christians in the Soviet empire.

Father Gleb Yakunin was arrested on November 1. Father Yakunin is a founder of the 3-year-old Christian Committee for the Defense of Believers Rights in the U.S.S.R. which to date has sent to the West more than 1,000 pages of documentation on violations of the rights of all religious believers—including not only Orthodox but also Baptists, Pentecostals, Catholics, Adventists, and Jews. In what is thought to be an unprecedented move, Soviet officials confiscated Father Yakunin's personal icons.

Lev Regelson, an Orthodox layman, was arrested on December 24—which suggests that the authorities went out of their way to pick a time when Western attention would be minimal. Mr. Regelson is a leader in the Christian Seminar on Problems of the Religious Renaissance, a 5-year-old discussion group of young Orthodox intellectualls, all of whom are adult converts to Christianity. He is also the author of "The Tragedy of the Russian Church 1917-1945," published 3 years ago in Paris. In 1975 he and Father Yakunin coauthored an appeal to the World Council of Churches, urging that body to stop ignoring religious persecution in the Soviet Union.

Just last week the authorities arrested Father Dmitri Dudko, who is perhaps the most renowned Orthodox preacher in the Soviet empire. It was he who, in his famous "dialog sermons," adopted the dramatically new practice of soliciting and answering specific questions from his audiences. The texts of these sermons, reproduced in samizdat, have been distributed underground all over Russia and published abroad in English translation.

Mr. Speaker, it would be nothing short of tragic if we allowed ourselves to concentrate on Mr. Sakharov to the exclusion of these lesser known figures. We must convey to Moscow, by both word and deed, that we are watching the fates of all these dissidents, not just one or two of them, and that we consider human freedom to be indivisible. Six months or two years from now the Soviet authorities may decide to allow Sakharov to return to Moscow—with a flourish of propaganda alleging a thaw in their policies. We must make it unmistakably clear that as long as the U.S.S.R. refuses to let the church perform her evangelical mission free of state interference, we will not be misled for one single instant.

I commend to your attention a recent article on the Soviet crackdown by Richard Harley of the Christian Science Monitor. The text of the article follows:

### SOVIETS CRACK DOWN ON CHRISTIANS WHO CAMPAIGN FOR HUMAN RIGHTS

(By Richard M. Harley)

BOSTON.—They are young Russians in Moscow and Leningrad.

They identify with young Americans.

And they are among dozens of Russians arrested or imprisoned recently in what Western rights organizations believe to be a new Soviet crackdown on religious and human rights activists.

"We identify with your freedom, humanity, honesty, and love for the earth," reads a new open letter to young Americans from the Christian Seminar on Problems of the Religious Renaissance, an organization of young Russian intellectuals.

"We feel your influence around us. . . . We wear your clothes, play your music. . . . Thanks to your example, hundreds of young people in our country are breaking free from . . . totalitarian ideological coercion. . . . In the spiritual struggles of modern humanity we both have assumed the most dangerous and thankless task, namely to be . . . pioneers of a new world. . . ."

For meeting to discuss questions of religion, nearly all of the seminar's 36 Christian members have been harassed, beaten, or imprisoned since 1978. Its last remaining free leader, Lev Regelson, was arrested recently, reports Keston College, the Center for the Study of Religion and Communism, in Kent, England.

In the light of these and other tough, new crackdowns, Amnesty International announced Jan. 15 the heightening of its own Soviet rights monitoring campaign.

The London-based rights monitoring network claims that more than 40 key Soviet activists were arrested or sentenced harshly in the past three months for nonviolent exercise of human rights.

The diversity of arrests and sentencing reveals the scope of this crackdown—arrest of the prominent rights campaigner of the Helsinki rights monitoring group in Moscow, Tatyana Velikanova; arrest of the founder of the Moscow Christian Committee for the Defense of Believers' Rights, Orthodox clergyman Gleb Yakunin; sentencing of Ukrainian writer Yuri Badzyo to 12 years for "anti-Soviet agitation and propaganda"; sentencing of Baptists Ivan Kirilijuk and Vyacheslav Zayats to 12 and 10 years, respectively, for what Amnesty calls "criminal charges ostensibly unrelated to their religious activity"; confinement of Anatoly Poznyakov, a member of an independent trade union, to a special psychiatric hospital; the arrest of Reshat Dzhemilev, a Crimean Tartar-rights activist.

Keston College attributes the clampdown on Soviet Christians partly to a lapse of Western attention to them due to the Iran crisis.

To encourage release of prisoners of conscience, Amnesty addressed an open letter to Soviet President Leonid Brezhnev in October emphasizing international concern over human rights violations in the USSR. So far the result has been a heightened countrywide crackdown.

Since the letter, the Soviet government decreed an amnesty to mark the International Year of the Child. But no political prisoners are known to have been released under it.●

---

## NCAT NATIONAL ENERGY PLAN

## HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. BEILENSON. Mr. Speaker, as we all realize, the need for our Nation to save energy is absolutely essential. The National Center for Appropriate Technology has recently proposed a national energy plan that could yield large energy savings through conservation programs directed mainly at helping low-income people become more energy self-reliant.

I believe this plan has substantial merit, and I commend the following description of the proposal to my colleagues:

### "POOR PEOPLE'S ENERGY PLAN" PROPOSED BY NCAT RESEARCHERS

A national energy plan that could yield approximately as much energy as would be produced under President Carter's synthetic fuels program—and begin to achieve that savings before a single synfuels plant starts producing—has been proposed by researchers at the National Center for Appropriate Technology (NCAT).

Perhaps the most remarkable feature of the NCAT plan is that these huge energy savings, the equivalent of 1.7 million barrels of oil per day, would be achieved solely through programs directed at making low-income people more energy self-reliant.

Poor people, according to the plan, would be on the cutting edge of social and technological change by helping demonstrate the effectiveness of massive energy conservation and renewable energy utilization technologies.

"If this much can be achieved by the low-income sector, the sector that used the least energy per capita, the potential for a renewable energy future will be demonstrated for all Americans," concludes John McBride, Deputy Director for Policy and Technology at NCAT and principal author of the proposed energy plan.

Energy savings of the "poor people's energy plan" would not be achieved by forcing low-income consumers to make do with less, nor by setting prohibitively high prices. Rather, the savings would accrue from accelerated energy conservation work on low-incomes homes, installation of solar heating systems, construction of energy-efficient public housing, refitting and improving the gas mileage of older cars, production of alcohol fuels, and use of greenhouses, community agriculture and alternative food marketing systems in low-income areas.

Despite the substantial overall energy savings it might achieve, the principal goal of the NCAT plan is to increase the self-reliance of low-income people, to blunt the impact of high costs and diminishing supplies of energy, and, at the same time, to alleviate some of the basic problems of poverty.

The NCAT proposal notes that, although President Carter called conservation the "cornerstone" of his national energy policy in 1977, priority has instead been given to an $88-billion, 10-year synthetic fuels development program, including a proposed Presidential commission to expedite it.

"Why are there no multi-billion-dollar conservation and renewable energy programs and a Presidential commission with the authority to clear roadblocks in the path of conservation and renewable energy development?" the NCAT report asks.

The "poor people's energy plan" proposed by NCAT calls for a major Federal program that both attacks the devastating energy problems of poor people and demonstrates the promise of renewable energy and conservation.

"America is presently engaged in a critical debate over how best to meet the energy crisis," said Edwin C. Kepler, NCAT executive director, in releasing the proposal. "We believe the alternatives highlighted in our proposal are not getting the attention they deserve, and that's why we have issued this study."

Key aspects of the proposal are:

1. A short-term program of "crisis intervention" payments to help low-income people pay their energy bills, which would be phased out in future years as the energy load is picked up by conservation and renewable energy and fuel/utility bills are reduced to manageable levels.

"Without emergency assistance in cold-climate areas, low-income people who cannot pay their fuel bills will quite literally freeze," the report states. "But . . . a dollar spent for low-income emergency assistance pays for a quantity of fuel which is burned and temporarily keeps a poor person warm. It is used once; it cannot be recovered or used again. A dollar spent for conservation or solar energy, conversely, continues to supply new energy, day after day and year after year."

The plan recommends boosting President Carter's low-income energy assistance program from $1.3 billion to $3.2 billion this year, and changing its income-eligibility standards so that the program can be opened to more households.

2. A massive program to "weatherize" 16 million low-income homes—one-fifth of the nation's housing stock—over five years, including substantial liberalization of spending limits and restrictions to permit optimal energy conservation measures to be taken for each home and apartment.

The program, aimed at reducing energy consumption of each residence by 50 percent or more, would be directed first toward areas where it is needed most—cold climate regions such as the Northeast, where scarce and expensive fuel oil is a common source of heating fuel.

3. A national program, designed as a follow-up to the weatherization program, to install solar space and water heating systems on low-income residences. Cost-effective solar and energy conservation measures also would be made mandatory in all new public housing projects.

4. Programs for "recycling" old automobiles, not only to make them more fuel-efficient but also to conserve the energy used in manufacturing them by greatly extending their useful life. In addition, two to three million vehicles per year would be retrofitted to increase their fuel efficiency by at least 20 percent. Major development programs would be undertaken in both gasoline/alcohol blends (gasohol) and pure-alcohol motor fuels.

5. Three major programs aimed at supplementing the food supplies and increasing the self-reliance of low-income people would be undertaken: Installing solar-reliant greenhouses; encouraging establishment of local community gardens; and decentralizing food production and distribution systems through establishment of local consumer and/or producer-operated cooperative food marketing systems.

"The poor use less energy than the rest of us and pay a greater proportion of their income for it," says McBride, noting that low-income people in cold climates commonly pay 30-40 percent of their incomes for fuel and utilities, while middle-income consumers in the same regions spend only about 7-10 percent. Yet, he says, the poor and near-poor use far less energy per capita than do more affluent segments of society.

And, the report states that the costs of energy-intensive necessities like food and transportation pose equally distressing problems for the poor. Escalating food prices dictated by mechanized food production, processing and distribution systems, as well as the appetites of gas-guzzling older cars they can afford, place low-income people at ever greater economic disadvantage.

The NCAT energy plan analyzes three approaches to alleviate energy problems of the poor: Subsidy programs to help consumers pay energy bills; further development of large-scale energy technologies in hopes of lowering costs; and transfer of small-scale technologies that increase self-sufficiency of low-income people.

The alternative favored by the synfuels program, developing large-scale technologies, is rejected in part on the basis of history. "It is often the case that new energy technologies become more expensive rather than less so as they are developed and brought into the commercial marketplace," notes McBride, citing the example of nuclear power's early promise of electricity "too cheap to meter".

"For poor people this means the prospect of fuel bills that will increase in the future as rapidly as they have in the past few years, and poor people's food bills, which are inextricably linked to energy costs, will reflect the same upward trend", the report states.

"A transition to renewable-energy-based society is inevitable. The time for this inevitable transition is now, while it can be rationally planned and while fossil fuels are still available to bridge the transition, not at some time in the future when many currently available options have been foreclosed," argues the NCAT proposal.

The National Center for Appropriate Technology, established in 1976, is funded by a $3.7 million grant from the U.S. Community Services Administration to develop and apply small-scale, low-cost technologies that alleviate energy and related economic problems of the poor.

The Center's research and development, small grants, information and administration headquarters are located in Butte, Montana, and NCAT offices are maintained in Washington, D.C., as well as in each of the 10 federal regions.●

---

## PISTACHIO FARMERS SAY NUTS TO IRAN

### HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. COELHO. Mr. Speaker, a few weeks ago Washington Post Staff writer Martha Hamilton ran a story with the headline, "Tax Law Helps Farmers Say Nuts to Iran: Tehran's Pistachio Embargo Is Thwarted by First Big California Crop." The article was of particular interest to me because it discussed the abundant pistachio harvest in the San Joaquin Valley of California, which I have the privilege of representing here in Congress.

Tax reform legislation enacted in 1969 encouraged growers in California to diversify their plantings, and many turned to pistachio farming. Record numbers of trees were seeded in the early 1970's and they are just now maturing.

What makes the ripening of these nuts a significant event is a fortunate circumstance arising from the unfortunate turn of events in Iran. On December 12, 1979, roughly 6 weeks after our embassy personnel were taken hostage in Tehran, the Tehran Times reported a cutoff of Iranian pistachio nuts bound for shipment to the United States but the California grower has been able to fill the void.

Iran's annual output of pistachios averaged 50 million pounds. Roughly 45 percent of that made its way into the U.S. market, collecting an estimated $70 million from the American consumer. Last year, California farmers harvested 15 to 18 million pounds of pistachios, up sharply from the previous year's production level, 2.5 million pounds.

The $250 million invested in California orchards promises to pay off handsomely. By the end of this decade, U.S. domestic production will fall in the range of 80 to 125 million pounds a year on 31,000 acres.

The quality of the California crop, by far, exceeds that of the Iranian product. An advanced mechanization process in the United States shells the nuts at precisely the right time. In their tan-colored shells, they are more tasty than the hand-processed Iranian nuts. They are dyed to conceal splotchy blemishes which result from the less sophisticated harvesting methods.

A recent business week report on the California pistachio boom quoted Murray Klein of Zabar's Inc., a Manhattan gourmet store, as saying, "I'm going to start buying Californian," a shift from his practice of buying $100,000 worth of Iranian pistachios a year.

Even foreign customers are turning to the United States Courtney Lockwood, a representative of the California growers, has been approached by European countries, Japan, and Australia.

The pistachio craze typifies a trend in California agriculture which will surely benefit consumers. A number of other exotic crops, kiwi, jojoba, and macadamia nuts, to name just a few, are being harvested as an alternative to the standard crops, cotton, rice, and barley.

Guy Grenier, an economist with the U.S. Department of Agriculture, predicts "pistacho self-sufficiency" in "2 to 3 years." An editorial in the Memphis Press-Scimitar at the end of last year boasted of America's "pistachio power," concluding, "now if only someone would invent a car that runs on pistachio oil."●

---

## THE FUTURE FACE OF FARMING

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report from January 2, 1980, into the CONGRESSIONAL RECORD:

### THE FUTURE FACE OF FARMING

It is hard to find anyone in Southern Indiana, or even the nation, who does not speak well of the farmer. As I talk to people from all walks of life, I am impressed by the compliments the farmer and his family get. In the general view, they are regarded as self-sufficient, independent, ruggedly individualistic, productive, and willing to take risks. The community in which the farmer and his family reside also comes in for some praise. In this community are exemplified the simple traits of honesty, integrity, loyalty, thrift, concern for one's neighbor, and civic responsibility. The virtues of farm life add up to what is best in the American character, but lately farm leaders have begun to wonder whether the changes that have swept over American agriculture in recent decades will permit continuance of the structures in agriculture which have made the virtues of farm life possible.

A glance backwards may help us to see the problem in perspective. In the early history of our country, the principal preoccupation of most Americans was the production of enough food for self-sustenance. With the advent of farm technology and crop specialization, however, productivity soared and unneeded laborers left the countryside, flocking to the city in search of work. A rural, agriculturally based nation slowly changed into an urban nation with an industrial base. Excess production came to characterize American agriculture in the 1930s. This was "the farm problem," which meant that too much land, labor, and capital were engaged in agriculture to provide the farmer and his family with an adequate return on investment. The farm problem persisted into the 1970s as technology and specialization continued to advance. Migration of workers to the city and overproduction of crops in the field seemed to have become a way of life in rural America. In 1972, 62 million acres—fully one-fifth of the nation's cropland—were idled by government programs designed to solve the farm problem.

Then, in the mid-1970s, another major change came to American agriculture. Excess farm labor had moved on to other sectors, large food surpluses disappeared, agricultural exports took off, and the nation's cropland was brought into full utilization. For the first time in 40 years, the income generated in the agricultural sector began to look reasonable to the long-suffering farmer.

Everyone agrees that the face of farming has been deeply altered in the span of a single generation. From a peak of 7 million, the number of farms has fallen to 2 million, of which about one-fifth produce 80% of the nation's food and fiber. More than half of all farms have been lost since 1940, and the average size of farms has more than doubled. The means to feed the American populace and the people of many foreign lands has been concentrated in fewer and fewer hands. Spiralling real estate prices make it difficult to enter farming as a profession. The agricultural marketing system has been geared to big producers, as have the businesses that sell fertilizers, seeds, and other materials to farmers. Scarcely any farming communities have been untouched by these developments. Although agricultural productivity has shot upward and the benefits to the well-being of the country have been immeasurable, the cost has been high. Rural areas have lost population, small town businesses have died, and a very worthwhile way of life has been threatened with extinction.

If the trends of recent years continue, the results will be predictable. There will be fewer farms, and these will be of larger size and will account for an increasing share of agricultural output. Land prices will continue to climb, further concentrating farm wealth and deepening the division between ownership and operation of farms. Since only a few farmers will be able to meet the minimum capital requirements, the agricultural economy will be marked by a much more complex organization. The influence of agriculture on rural communities will decline, and rural America will slowly lose its distinctive identity, becoming more and more a poor stepsister of urban America.

Is this what we want? What would such a future mean for the values we attach to rural America? As we enter a new period in the history of American agriculture, the Secretary of Agriculture and numerous farm leaders are calling for a national dialogue on the structure of the nation's agriculture. They advise us that agriculture is at a crossroads, and they are looking for a way to respond to an inescapable dilemma: should we develop policies to shape the structure of agriculture, or should we let the system evolve without such policies?

The rate of change in American agriculture has slowed recently. I view the temporary pause as a favorable development because it gives us the opportunity to ask the basic questions, to consider the effects of our current policies, and to think about the kind of agricultural sector that will best serve the interests of America.

All of us, city dwellers as well as farmers and rural residents, have much at stake in the kinds of answers we give to the basic questions. We want an agriculture that uses resources efficiently, that gives farmers adequate income and enough freedom to make their own decisions, and that makes high-quality food available at reasonable prices and in ample quantities for domestic and foreign consumers. We also want to preserve the place of the family farm in rural America. The values the farmer has given the nation are far too precious to lose.●

## IN MEMORY OF CAMBODIA

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. DORNAN. Mr. Speaker, I would like to introduce into the RECORD a poem by a constituent and close friend, Mr. Tom Logan of Manhatten Beach. He wrote it upon his return from Thailand where he visited many of the refugee camps for fleeing Cambodians.

The ongoing crisis in Iran and the brutal Soviet subjugation of Afghanistan have diverted the attention of the world from the genocide which continues in the once prosperous and gentle land of Cambodia, where cruelty, death, and starvation now reign.

We must not permit this genocide to be forgotten. Indeed, it is of utmost importance to keep in mind that the responsibility for the invasion of Afghanistan and the Cambodian genocide can be placed on the doorstep of the Soviet Union. I urge my colleagues to reflect on this beautiful and moving poem of Mr. Logan.

TAPS

The crude brown colonnade of smoke has long since cleared,
The streams of endless Humanity of freedom, custom long-endeared.
To which beleaguered hamlet and village alike, with broken heart and feet alight.

Some rice perhaps, enough for all.
The rich white glory and peace shall fall.

Your tears have long since dried as lifetimes grevious passed you by.

A once proud nation with head held high bemoans the downfall

And liberty replaced by lie.

And who are you, my aged friend? Of blessed rivers which never end.
The smile which seemed to come so easily, forever gone as if never to be.
World leaders speak of you in sympathetic terms and fateful words—
Do syllables stop the children's cries? Or resolutions of fire and might restore their innocence as free as breeze and kite?

I see your eyes and hear your plea. Agree to reach my hand across the deep, dark sea.
You are my brother and sister, Cambodia, you are mine.
And I am yours, for eternal is my song of peace to one as desperate, down, dejected, as you.●

## WEAKNESS IS STRENGTH

### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following editorial which appeared in the January 21 edition of the Wall Street Journal.

The editorial summarizes what many of us have been saying for years; that is, Carter administration policies have led to a serious weakening of America's defense capability and to the perception overseas that the United States is unable and unwilling to fulfill its international commitments.

The current honeymoon that President Carter is enjoying with American public opinion reminds me of the husband who is making a toast to his wife on their anniversary, "To my wife, who has faithfully stood by me through all the problems I would have never had if I hadn't married her."

The editorial follows:

WEAKNESS IS STRENGTH

President Carter kicked off a two-week media blitz with his appearance on "Meet the Press" yesterday. It appears that he will campaign for reelection on the stirring slogan, weakness is strength.

To those of us who have been calling for a stronger defense posture, it is of course gratifying to have Mr. Carter warning of the seriousness of the Soviet danger in the wake of the invasion of Afghanistan. It is helpful that the defense budget is going up instead of down, that aircraft carriers have been moved into the Indian Ocean and that the administration is negotiating for naval support facilities in the area. But in repeatedly citing these actions as evidence of his administration's vigilance, Mr. Carter does violence to the history of the last three years.

With the exception of the effort to reinvigorate the NATO alliance, which really was in large part a Carter administration initiative, the steps toward a stronger defense were anything but the result of Mr. Carter's leadership. Rather, each of them had to be wrung out of him by the pressure of events and public opinion. Mr. Carter is the President who took office calling for a $5 billion cut in defense spending, the President who in fact reduced the increases planned by the outgoing administration, the President who congratulated himself on ridding the nation of an "inordinate fear of Communism," the President who canceled the B1 bomber, shelved the neutron bomb and vetoed the nuclear carrier, the President who slowed the Tomahawk cruise missile and MX-ICBM programs to facilitate negotiating the now moribund strategic arms treaty.

It is important to recognize this for reasons that transcend partisan politics. Any politician running for reelection is entitled to puff his own record, and we have known some who have campaigned against their own record and won. But this particular issue is so vastly important that it is essential that the nation not be confused about what has happened and is happening to it.

The President recognizes the Soviet invasion of Afghanistan as a "radical departure"—the first direct invasion by Soviet troops outside their sphere of influence as codified at the Yalta Conference. Given this, we have to open our minds anew to the possibilities of what they might do.

When we see their divisions move complete with air defense and chemical warfare capabilities not needed in Afghanistan, we have to ask whether they will really stop. When we hear reports of troop movements in Eastern Europe, we have to wonder about Marshal Tito's illness. When they stage a press conference with a defected NATO secretary saying the West plans "aggressive war," we need to remember that in an all-out European war their SS-20 could preempt our reinforcement capabilities. They may very well not exercise any of these frightening options, but at least it reminds us of the possibilities we have allowed to arise.

Which brings us to the second reason to be clear about the Carter administration's record, which is to help in assessing whether it is seriously determined to rectify the military imbalance. The steps cited by Mr. Carter are inadequate. Substantial further increases in defense spending are necessary. A greater presence in the Middle East—for example, basing conventionally armed B-52's in Egypt and helicopter-borne troops in Turkey. To avoid being pushed into an even more dangerous corner, to avoid being confronted with the choice of war or surrender, we need to think in larger terms.

So it is scarcely comforting to have Mr. Carter proclaiming "we have not been weak." In fact we have been weak, and this weakness has invited the current Soviet boldness. We devoutly hope that Mr. Carter is starting to understand this, but we should have thought that any real understanding would start with some faint recognition that our past policies have something to do with our present predicament.●

## F. EDWARD HÉBERT

## HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. ZABLOCKI. Mr. Speaker, it is an honor to join in the many tributes to F. Edward Hébert, one of the great legislators of our time.

If there was one theme in his service above all others, it was his devotion to his country as a citizen and as a Member of Congress who held increasingly important positions through the years. Notwithstanding criticisms which he knew would come, he strongly supported the President and the Armed Forces of our Nation even in the most difficult days of the Vietnam war.

Personally, as a friend, I found Eddie to be warm and compassionate. He had a good sense of humor and a strong loyalty to his friends. He was a southern gentleman in the best sense. And he always had in mind the best interests of his constituents. Small wonder that they kept him in office for 36 years.

We will miss him. I extend deepest condolences to his wife and family.●

## DIPLOMATS IN DANGER

## HON. ABRAHAM KAZEN, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. KAZEN. Mr. Speaker, a friend and constituent in our Foreign Service has called my attention to a timely article, written for the New York Times by David H. Popper, a distinguished diplomat who has served as Ambassador to Cyprus and Chile. He was also Assistant Secretary of State for International Organization Affairs, so he has known the risks of dangerous duties and the responsibility for sending other men and women to trouble spots.

Ambassador Popper makes a strong argument that we in the Congress share a responsibility for watching the personnel problems facing our able Foreign Service officers. I feel we do not need more Tehran experiences to alert us, so I am pleased to share Ambassador Popper's warning with my colleagues.

[From the New York Times, Dec. 23, 1978]

### REWARD FOREIGN SERVICE OFFICERS FOR THE RISKS

(By David H. Popper)

WASHINGTON.—America is not at war, but its diplomatic and other overseas civilian employees feel embattled or at least besieged. Because they represent a superpower, they are more exposed than the diplomats of other countries. In much of the world, they are viewed as the heavies in a "revolutionary" struggle against old-order "imperialists" and "neo-colonialists."

When passions run high, they are the obvious foreign-devil targets.

It took the shock effect of the embassy seizure and the hostage-taking in Iran to bring the peril of our diplomats to the full attention of the public. The effect has been heightened by attacks on our embassies in Pakistan and Libya, missiles launched at our embassy in Bangkok, and demonstrations against our embassies elsewhere. In a prudent move, the Administration has stripped our national representation in 11 countries to a bare minimum.

In earlier and perhaps more civilized times, our officials were better protected by the reciprocal observance of diplomatic privileges and immunities. But as organized terrorism has emerged as a political strategy in all parts of the world, these immunities have been increasingly ravaged. Until recently, the targets were individuals—with our ambassadors at special risk of kidnaping or death—but now entire embassies are assaulted. Normally in the past, host governments attempted with more or less success and zeal to protect their resident foreign officials and punish the assailants. Today; host governments are sometimes accomplices if not principals in these acts of violence.

The mainstays of our official diplomatic establishments abroad are members of the American Foreign Service. In spite of all the cookie-pusher and striped-pants imagery surround it, the Service has developed very high professional and technical standards over the last half century. It has endured the dangers and hardships of life overseas as its normal mission. An impressive plaque in the State Department is covered with the names of those who have lost their lives in the line of duty.

Long before the recent outrages, the Service began falling upon hard times. The glamor of life overseas is now a thing of the past. The Service has had its share of baffling administrative problems. How can it ensure adequate rewards for merit, career satisfaction, and upward mobility in an essentially hierarchical organization scattered over the face of the earth and always in motion from one assignment to another? How can it maintain adequate living standards for its personnel when its budgets are pared to the bone and living conditions overseas are depressed by dollar depreciation? How can the career requirements of spouses be satisfied when countries ban foreigners from the local labor market? How can the children of Service personnel avoid rootlessness and alienation as they move from one culture to another?

While great efforts have been made to deal with problems of this character, no unbiased observer would say that they have been solved. The future of the Foreign Service is clouded at best. The new, considerable increase in the personal risks of service overseas will make adequate staffing even more difficult.

This country needs to take a new look at its diplomatic establishment. At the very least, it must develop greater incentives for talented young men and women to enter and to remain in the Foreign Service—not merely financial incentives and perquisites to compensate for the trials of life in foreign posts but psychological rewards of recognition and status as well. Immediately, the Foreign Service personnel legislation now before Congress should be rewritten to ensure that the victims of recent attacks on our embassies are fully compensated for their injuries, losses and anguish. Further, members of the Service deserve a pay system that takes account of the daily risks of overseas assignments. Such a system should be at least comparable to the levels enjoyed by Government officials at home. Congress appears to be sympathetic to these proposals.

Earlier studies of our diplomatic-personnel problems have been outdated by recent developments. If what we are seeing in the Middle East is shaping our international relations in the 1980's, then certainly we must consider the nature of our diplomatic establishment in the 80's. The President should appoint a commission for the purpose, with Congressional participation. The lead time for a commission report and subsequent action is long. A start should be made now.●

## TRIBUTE TO GEORGE MEANY

## HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. NOWAK. Mr. Speaker, I join my colleagues in paying tribute to—and millions and millions of Americans in expressing gratitude for—the immense contributions George Meany made to improving the quality of life in this great Nation.

For George Meany, words like "legend" or "giant" are the most appropriate description. He was a most familiar face on the national scene and a most familiar force in many of the major social and legislative initiatives in this country for several decades.

First, of course, we think of George Meany as the foremost molder of the

American labor movement into a force of betterment for its members and for the Nation as a whole. This memorable president of the AFL-CIO will be remembered as a champion whose main goal was the protection and promotion of the economic well being, the integrity amd dignity and social welfare of the working man and woman in this country.

He dedicated his energies also to welding labor into a respected political and social force, which sought and obtained recognition at all levels of government. Perhaps George Meany's role in developing the labor movement as an instrument for social change and community improvement beyond the union halls may be the most significant monument to his career of staunch public service.

Certainly that aspect of his leadership was reflected in the key role he played in the enactment of the Civil Rights Act of 1964, particularly title VII, the section prohibiting discrimination in employment.

George Meany unquestionably has established his place in our Nation's history. While he is now part of that history, however, George Meany's life and principles will continue to be a source of inspiration and imitation as our Nation enters a new decade and looks ahead to a new century. His memory is one that we carry in our hearts, as well as our minds.●

## REPRESSION OF THE HUMAN RIGHTS MOVEMENT BY RUSSIA

## HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mrs. FENWICK. Mr. Speaker, today the Commission on Security and Cooperation in Europe unanimously passed a resolution which I introduced condemning both the Soviet invasion and occupation of Afghanistan and the arrest and internal exile of academician Sakharov as direct violations of an international accord which the Soviet Union itself signed in Helsinki in 1975.

The Commission resolution refers to the "invasion and occupation of Afghanistan by armed forces from the Soviet Union" as "a direct violation of the Declaration of Principles Guiding Relations Among States of the Helsinki Final Act, including commitments to refrain from the threat or use of force and to respect equal rights and the self-determination of peoples."

The Commission resolution goes on to say that "the arrest of Nobel Laureate Andrei Sakharov, leader of the human rights movement in the U.S.S.R., is in direct contravention of principle VII," the human rights cornerstone of the Final Act.

We must make it clear to the Soviet Union and all other CSCE signatories that we will not just sit by and act as if human rights and all the provisions of the Helsinki accord are unimportant. Therefore, in addition to protesting the illegal arrest and harsh conditions of internal exile for Prof. Andrei Sakharov and his ill wife Elena Bonner, the Commission resolution expresses its alarm at the continued repression of religious believers, scientists, writers, intellectuals, human rights activists, and the members of the unofficial Soviet Helsinki Groups in Moscow, Ukraine, Lithuania, Armenia, and Georgia as egregious violations of the human rights provisions of the Helsinki Final Act. Finally, there are repeated reports that the Soviet authorities are requiring some Moscow residents suspected of dissident connections—men, women, and children—to leave the city so as to isolate them from foreigners.

Before introducing the text of the CSCE Commission resolution, I would like to quote an excerpt from an article by Prof. Andrei Sakharov:

> Political leaders in the West should realize that any sign of weakness of inconsistency will seriously affect the fate of many people, among them dissenters in the U.S.S.R. and Eastern Europe now absorbing the chief blows of repression.

Although these lines were written in 1977, they are more fitting than ever today.

I ask unanimous consent to place into the RECORD the complete text of the CSCE Commission resolution:

### CSCE COMMISSION RESOLUTION

Whereas the invasion and occupation of Afghanistan by armed forces from the Soviet Union is a direct violation of the Declaration of Principles Guiding Relations Among States of the Helsinki Final Act, including the commitments to refrain from the threat or use of force, to respect equal rights and self-determination of peoples, to observe the purposes and principles of the Charter of the United Nations, to fulfill in good faith obligations arising from generally recognized principles and rules of international law; and

Whereas the arrest of Nobel Laureate Andrei Sakharov, leader of the human rights movement in the U.S.S.R., is in direct contravention of Principle VII of the Helsinki Final Act as well as the Universal Declaration of Human Rights and even the Constitution of the U.S.S.R. itself; and

Whereas continued repression of religious believers, scientists, writers, intellectuals, human rights activists, and Helsinki monitors are egregious violations of provisions of both Principle VII and Basket III of the Helsinki Final Act.

Now therefore be it resolved that the Commission on Security and Cooperation in Europe calls upon the President of the United States and the Secretary of State to protest, in the strongest possible terms and at the highest levels, these unwarranted and inexcusable breaches of the promises that were made in Helsinki; and

Be it further resolved that the Commission urges the President and Secretary of State to call upon all other signatory nations of the Helsinki Final Act to join in such protests and to take similar actions, including refusal to participate in the Moscow Olympics, suspension of appropriate trade, economic and commercial activities with the Soviet Union, and such other sanctions against the Soviet Union as may be available to them; and

Be it further resolved that the Commission calls upon the United States Government to inform immediately all other Helsinki signatory governments that the United States intends to raise these specific violations of the Helsinki Final Act, including the individual cases of Andrei Sakharov and the Helsinki Monitors in the Soviet Union, at the 1980 Madrid Review Meeting; and

Be it further resolved that the Commission calls upon the President and Secretary of State to seek the broadest possible support for these protests and actions against the multiple violations of the Helsinki Final Act by the government of the Soviet Union.●

## TRIBUTE TO GEORGE MEANY

## HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. RITTER. Mr. Speaker, George Meany was the symbol as well as the leader of the American labor movement. For much of the 20th century he was one of the most powerful, colorful, and enduring figures on the American political scene. His death marks the end of a truly historic life and career.

What made him this great force was his healthy disdain for formal ties with government or political parties and his staunch patriotism. He detested radicals and intellectual phonies. No matter how sharp his comments on the business community may have been, he was devoted to the capitalistic system and to the survival of free enterprise.

George Meany also had a deep understanding of the threat of the Soviet Union to the United States and to free trade unionism. From the end of World War II he worked to make the AFL vigorously anti-Soviet. He kept the organization out of alliance with the State-run unions of the World Federation of Trade Unions and was a force behind labor's support for the Marshall plan.

After Mr. Meany successfully negotiated the AFL's merger with the CIO in 1955, he maintained the organization's realistic foreign policy stance. In fact, during the days of détente it seemed that American labor was our only major institution to remember what Soviet aggression actually looked like.

Mr. Meany was a synthesizer and stabilizer recognized as perhaps the only man with the ability to keep together opposing factions of the labor movement. Public opinion polls showed that Mr. Meany usually reflected the mood of the labor movement and, as his career showed, was always willing to fight for higher living standards for all workers. George Meany was a pragmatic man, a patriotic man, a man who said what was on his mind. In short, he reflected many of the best qualities of what is sometimes referred to as "Middle America."

George Meany, by his own devotion to American strength both economically and internationally, surely represented goals worthy of our continuing devotion, in the 1980's and beyond.●

## FEEDING THE WORLD'S HUNGRY: A QUESTION OF POLITICS, NOT PRODUCTION

### HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. SEIBERLING. Mr. Speaker, as president of the Peace Through Law Education Fund, I take great pleasure in inserting into the RECORD the remarks of Mr. Harry Chapin at the November meeting of the food and population series sponsored by the fund.

Mr. Chapin is a musician, cofounder of World Hunger Year, and member of the President's Commission on World Hunger. While he has received popular acclaim for his songs "Cats in the Cradle," "Taxi Driver," and so forth, and for his films "Legendary Champions," which was nominated for an Academy Award, he has been an activist in the fight against world hunger since the early 1970's. In 1978, he gave over 200 concerts, with at least half of the proceeds going to the fight against world hunger.

I commend to the attention of my colleagues his remarks on the dimensions of the world hunger problem:

REMARKS BY HARRY CHAPIN

In this country we have a notion that holding an event or reacting to events is the best way to respond to all kinds of problems around the world. In the entertainment business, where I come from, we hold a benefit concert for Bangladesh and, by some magical process, we expect to feed and clothe all the people in that Asian country.

But the twin problems of poverty and unequal income distribution in countries like Bangladesh will not be solved by outside assistance alone. Even if there were a Bangladesh benefit concert every day of the week for an entire year and we make the further assumptions that each concert raises $2 million and every penny is used to feed every Bangladeshi, it would still amount to only 2¢ of food per person per year.

The greatest problem facing humanity today is that of starvation around the world. The polite word for it is malnutrition. Millions of people are dying of hunger each year and all these deaths are entirely preventable because the hunger problem is a poverty problem. Hungry people do not have access to political or economic power. If they did, they could obtain a sufficient amount of food because each year the global harvest produces enough grain to go around.

What we need today is an effective lobbying effort to end world hunger which affects more than 500 million people in poor and rich countries. Oil industry lobbyists spend about $50 milllion per year to advance their special interest legislation and, in return, they get about $15 billion in tax credits for their industry. Why can't hunger lobbyists imitate their example?

By organizing the World Hunger Year, WHY, and the Food Policy Center I have tried to draw attention to the problem of world hunger. Through my benefit concerts, I have contributed millions of dollars to these efforts, but they are really only pinpricks at the real problem which is the abject poverty endured by millions of people around the world.

The Center and WHY are only two of the many organizations in the hunger area. Other long-established groups include Bread for the World, World Hunger Education Service, the Inter Religious Task Force on U.S. Food Policy as well as a dozen or more of the relief agencies that distribute food in Third World countries. There is plenty of hunger to go around for all of these organizations.

In the hunger field there is a predominating myth that underlies all discussion of the problem: there is simply too little food for too many people. But this is not true. Enough food is produced every year to feed every man, woman and child if it could only be distributed equally.

In the U.S. it is estimated that there are 20 million malnourished people. Their one failing is that they lack economic and political power. In the same way that battered kids are unable to take to the streets and protest their condition, hungry people do not have a voice and their faint voices are not heard. The best we can hope for is that they will collectively give out a loud scream which will be heard by food policy makers all over the world.

As far as most people are concerned, and I am including all the people in Washington as well, the hunger problem is best kept out of sight, out of mind and out of heart. The U.S. and all the developed countries are responsible for the structure of the world economy and the structure of the global food system that permits millions of people to die each year from hunger. Now that harvests around the world are relatively plentiful, a food aid convention and a system of international grain reserves could provide a cushion for the bad harvests which will come sooner or later.

In Cambodia our aid efforts are probably too late to save thousands of people. There are at present serious obstacles to feeding people in that country because of political differences on both sides. But I believe that the genocide in Cambodia would never have taken place if the U.S. and the Soviet Union had agreed that hunger and starvation must be eradicated.

The World Bank, the United Nations Food and Agriculture Organization, the Agency for International Development and other development organizations all talk about meeting basic human needs and providing appropriate technology to Third World countries. But I still cannot understand what they mean by these terms since more people than ever are hungry and malnourished. In our government there are 26 separate agencies in the hunger area; yet, not one of them is doing the job that needs to be done.

The development theorists and other academics used to advocate the "trickle-down" theory of development where the benefits from a rising gross national product would somehow benefit poor people. But economic growth in the developing countries has really only benefited the rich and the powerful. Foreign assistance has not and is not feeding the poorest of the poor people all over the world.

The fight against world hunger is the poor stepchild to other foreign policy preoccupations of this Administration and all its predecessors. Our national security is measured by our military power and by our economic strength. The problem of world hunger is not important because it does not fit into this national security equation.

In the United States we have now started on a new austerity program where Uncle Sam saves money by letting old people go hungry: the social security checks old people receive are so small that many of them are now faced with the choice of starving or freezing in their apartments.

In the 1960s the U.S. devoted much of its energies and best talents to landing men on the moon. An attack on the world hunger problem could be as successful if only the American people and their government would make it a top priority item.

I have spoken to many audiences around the country about development and hunger problems and the failure of U.S. policies to do much about them. It is not only the fault of the Congress and the Administration, but of the middle class of our society, which has not played its crucial role of ombudsman. The Federalist Papers clearly show that the founding fathers had always intended that the American People would take the responsibility in setting national priorities.

Without the American people saying with one voice that world hunger can and should be eradicated, it will never happen. With all the Congressmen present today it is very tempting to lecture them about their lack of action and their lack of concern, but they are not the only ones to blame in this case.

In 1978 we had the lowest voter turnout in our history: only 39 percent of the electorate voted. Polls show widespread apathy as well a common belief held by Americans from all walks of life that the U.S. is like the Roman Empire in its last days. But they also show that the same people would be willing to sacrifice and do without if they really thought it would make a difference. America is a moral country, and it needs an issue: the hunger issue.

We need an economics as if people mattered. We need a politics as if there were going to be a future. All of us here are like the brass polishers or the linen maids aboard the Titanic. If we were all living in 1800 and we were listening to a speaker who talked about ending slavery, everyone would have laughed and said that was impossible given the realities of the day. Yet slavery has now been abolished and it was done in a shorter time than most people would have dreamed possible.●

## SOVIET NUCLEAR DEVELOPMENT GAINS MOMENTUM

### HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. WYDLER. Mr. Speaker, Mr. C. Allday, managing director, British Nuclear Fuels Limited of the Atomic Industrial Forum, made some fascinating comments on international aspects of the nuclear cycle recently in San Francisco. These remarks were made at the annual convention of the Atomic Industrial Forum in November and they are particularly pertinent since a large number of nations have just completed drafting the conclusions of the International Fuel Cycle Evaluation (INFCE) study through the Technical Coordination Committee.

The striking thing about the following excerpts from Mr. Allday's remarks are that they strongly confirm the conclusions which many members of the Science and Technology Committee and I had reached concerning U.S. nuclear policy as early as the summer of 1977. I recommend that my colleagues consider these observations prior to our deliberations on nuclear policy in the 2d session of the 96th Congress at this point.

### Excerpts of Mr. Allday's Remarks on Proliferation Risk

It has been, I believe, well established that technical fixes can have only a limited influence in reducing the risk of proliferation, although some of them might help reduce the risk of the theft. Further, there are no alternative fuel cycles offering substantial non-proliferation advantages.

It has also been established that with proper systems and controls the differences in proliferation resistance between the various present fuel cycles need not be great.

If INFCE does in fact endorse these conclusions, and I hope it does so unequivocally, then the next task will be to set a political framework in which nuclear power and its fuel cycle can operate internationally.

It is essential that there should be a single common set of international controls and criteria dealing primarily with proliferation, but preferably also covering safety and waste management. They must be acceptable to Government, the major suppliers and customers, and to the public—a tall order perhaps but it must be the target, and it will not be achieved overnight. In the meantime, international nuclear trading must continue—as it was supposed to do during INFCE—and there must be no "Dutch Auction" over non-proliferation conditions applied to supplies of materials and technology.

Compliance with the rules should be monitored by an international body, not by national Governments who may in some cases themselves have, directly or indirectly, an interest in the supply. An example is the U.S. Government proposal that fuel can only be re-enriched in Europe with their permission. Since the U.S. Government is also in the enrichment business, this gives room for doubt as to whether the rules will be administered purely in the interest of non-proliferation.

If an international consensus along these lines is not achieved, and we perpetuate a system of individual countries specifying their own rules, international trade will be stifled and the cause of non-proliferation will be harmed rather than helped in that there will be strong incentives for every country to build its own fuel cycle facilities in order to be free from restrictions which it will feel may be changed or increased virtually overnight. We have seen the signs of evolution in this direction during the last three years, and I fear there will be more.

### ON SAFEGUARDS

It follows from the above that internationally agreed and applied full scope fuel cycle safeguards on all civil nuclear activities are crucial. I am going to assume that the international body which will set and monitor them will be IAEA or some special branch or adjunct of it.

For safeguards to be effective we have to understand what they are for and what needs to be done to strengthen them. It has to be recognised that safeguards cannot and are not intended to be a comprehensive detective system for identifying proliferating states. It is generally recognised, and confirmed by historical experience, that the easiest, cheapest, and most usual route to proliferation is wholly clandestine. It is not the job of safeguards to detect such activities; that is for intelligence agencies.

For safeguards to be effective we need four things:

(a) To define the criteria which the Agency must meet in terms of the probability of the detection of diversion of significant quantities of special nuclear materials. We in BNFL have taken account of IAEA guidelines in setting our internal design and operational criteria, but the U.K. and other Government have not yet formally adopted them, and there needs to be a consensus.

(b) To agree on the boundary lines for the Agency's activities—avoiding the pursuit of clandestine plant on the one hand and anti-terrorist measures on the other, thus conserving the Agency's resources for its main task.

(c) To expand the Agency's present resources; 150 Inspectors is clearly insufficient for its world-wide task. An increased budget and technical capability must be provided. The cost is chicken feed in the context of turnover in energy supply. Those who see a competition between funds for safeguards and funds for promoting nuclear power itself are, I suggest, being unrealistic. If the safeguards situation is not strengthened, nuclear power, in the West at least, may not grow, and the technical base from which promotional assistance can be provided will disappear.

(d) Fourthly, and perhaps most important, we must design our plants ab initio with the requirement of the three basic elements of safeguards in mind—material accounting, containment, and surveillance.

### ON OTHER NON-PROLIFERATION MEASURES

What else can we expect to come out of INFCE? A satisfactory system of safeguards, in logic should be enough, but logic does not seem to be sufficient these days. There are two major additional suggestions which are likely to have some impact—International Plutonium Storage (IPS) and International Spent Fuel Management (ISFM).

The idea of multinational ownership of sensitive plants such as for enrichment and reprocessing, and multinational fuel banks, has also been floated. In principle it all sounds fine. But again, if safeguards systems are adequate, it should not be necessary to go further. Nevertheless, they may come. I only hope they will not be imposed by political decree, which would be the kiss of death. As is well-known, there have been several successful multinational collaborative ventures in the fuel cycle field, e.g. United Reprocessors, Eurodif, Urenco, Centec, and several uranium exploration ventures. All have been successful to a degree because the cement was essentially commercial and not political.

### ON SAFETY AND WASTE MANAGEMENT

INFCE has been concerned primarily with non-proliferation, and this paper has been directed mainly on that topic. However, one beneficial outcome of the coming together catalysed by INFCE will, I hope, be a greater degree of international consensus on safety issues and waste management.

For safety we need agreed codes and standards. We all of us have to take a responsible attitude to safety, and I believe none would wish to try and secure commercial advantage by cutting corners. On the other hand it behooves us all to stand together and resist ridiculous standards and demands created by over-reaction to a vocal but minority public opinion. We must insist on cost benefit analysis in assessing the need of extravagant and costly measures. Let me give you an example—at Windscale, we in BNFL are spending over a hundred million pounds to reduce the risk of abnormal discharges of radioactivity from the site. Of course the normal level should be low—and I accept that it should be lower than it presently is, and we are doing something about that—but to provide, for example, for fuel storage ponds which have containerisation of the fuel so that activity does not escape to the pond water, followed by an exorbitantly expensive water treatment plant in case any does escape, and then to have to provide double walls to the ponds to trap any leakage, does seem to me to be over-gilding the lily. The money spent to protect a few people from the risk of relatively minor radiation exposure or consumption of mildly contaminated fish, is completely non-cost effective compared to building, say, a teaching hospital, or even better conventional sewage plants.

Similarly, with waste management, we are crucifying ourselves over finding acceptable "final disposal" repositories for fission product waste. Public outcry against test drilling in the U.K. has become paranoic. But why do we want to bury the stuff beyond man's environment? Once we have it as a glass it is perfectly safe and manageable, and will progressively decay so that in about 500 years its activity will equate to that of the mined uranium from which it was derived. Opponents of reprocessing, who favour once-through fuel cycles and storage of spent fuel, do not seem to have such qualms about storing unreprocessed fuel on the surface of the earth for very long periods. Nor do they seem concerned that in final disposal they are committing large quantities of plutonium to the environment.

I have been somewhat critical of some of the aspects of our nuclear scene in Europe. It would be impolite and impertinent for me to comment on the situation over here. We outside the U.S. are, of course, concerned. It grieves us that little or no movement appears to occur or be possible in your nuclear programmes. We do not think it is doing you or anyone else any good. But rather than develop that theme, I should tell you about a mythological country called Gotopia.●

---

## GOLD AND INFLATION

## HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. PAUL. Mr. Speaker, the Times of London ran a magnificent editorial last December on gold and inflation, and I would like to call it to my colleagues' attention.

We will never solve our inflation and other economic problems until we have sound money, which means a dollar redeemable in gold. Mr. William Rees-Mogg, editor of the Times, is an eloquent advocate of hard money. I'd like to urge that we all read and pay attention to what he has to say.

[From the London Times, Dec. 12, 1979]

### A Possession Not a Promise

The gold price is remarkable historically for its long term stability and recently for its short term instability. Every schoolboy knows that the gold bezant gave the Byzantine empire, that ramshackle relic to which Gibbon devoted his later and less read volumes, 800 years of stable prices. It is interesting to note that the average earnings of an English worker in 1900 came to half an ounce of gold a week and that in 1979 after two world wars, a world slump and a world inflation, the British worker has average earnings of half an ounce of gold a week, so much for the power of the trade unions. Professor Roy Jastram of the University of California has calculated, on an index with 1930 as 100, that the purchasing power of gold in England was 124.8 in 1600 and 129.2 in 1900. In contrast to these centuries of stability, the gold price in recent years has moved about in a breathtaking way, yesterday reaching a new peak of $447¼ an ounce.

The purchasing power of gold is at present high by historic standards. At any rate that is true in terms of the majority of commodities. However, the purchasing power of gold is not exceptional if measured in terms of labour cost or in terms of the price of oil. The recent movements of the gold price suggest that gold and oil prices have become closely linked at somewhere between seventeen and nineteen barrels of oil to the ounce of gold. The present gold price movement seems to anticipate a further rise in the price of oil.

### TWELVE-FOLD RISE

It is not surprising that the gold price should respond to the oil price because both are commodities in limited supply. Gold, like oil, has probably passed the peak of its world production though, unlike oil, it is a virtually indestructible commodity of which much the greater part that has ever been mined still survives. There is only a fixed amount of gold in the world potentially available to be exchanged for oil; there is a potentially unlimited supply of currencies, and their value in terms of gold or oil has in most cases rapidly declined.

Since 1968 the price of gold in terms of dollars has risen by more than twelve times. At least that is one way of looking at it. Another way of looking at it is to say that the value of the dollar in terms of gold has fallen by more than 90 per cent in less than twelve years. At the beginning of 1968 gold played only a minor part in the reserves of the central banks. As a result of the increase in the price over half the value of all central bank reserves now consists of holdings of gold, including well over 90 per cent of the value of the central bank reserves of the United States. Apart from the proceeds of some swap agreements, gold is all they have.

It is perfectly possible that the gold price will again have a temporary fall at some point in the future as a result of world recession or of speculation boiling over. Yet the forces which have knocked the dollar down against gold are far stronger at the beginning of the 1980s than they were at the beginning of the 1970s. The world shortage of oil, the competition faced by American industry, the rate of inflation in the United States, all undermine the dollar now in a way they did not ten years ago. It would be difficult to find any plausible argument for supposing that gold will weaken in dollar terms in the 1980s.

### THE OIL FACTOR

Other currencies, the D-mark, the Swiss franc and the yen are likely to be used to diversify the dollar content of world reserves, yet neither Germany, Switzerland nor Japan have any oil. In a world critically short of energy no non-oil currency can have more than marginal importance for reserve purposes. It seems likely therefore that gold's share of the value of world reserves will continue to rise in the next decade. There is a division between the function of money as a store of value and its function as a vehicle for transactions. Gresham's Law states that bad money drives out good, by which is meant that a man who has both bad and good money will keep the good and use the bad to settle transactions. In the 1980s gold is likely to remain the preferred store of value and the dollar the preferred currency of circulation. Central banks already treat gold as too valuable to sell, and faced with a shortage prefer to pledge their gold and borrow dollars rather than sell their gold.

The European Monetary System recognizes that gold has again become the reserve base of the world monetary system. This is still deeply offensive to some economists and to the United States Treasury, despite the fact that the rise in the value of the gold reserve of the United States has been an immense benefit to the American economy. Without the United States gold reserves the dollar would have fallen even farther.

It would be better if the United States and indeed the International Monetary Fund now officially accepted the reality of their situation. Under the pressure of domestic inflation and of the world oil shortage, other people's paper currencies have ceased to be satisfactory as a security for the future of independent nations. Currencies may be held temporarily or for convenience, but it is no longer possible to make a realistic estimate of even their medium term purchasing power. We have reason to expect that the purchasing power of the dollar in 1990 will be well below its purchasing power today. We may suspect that it will fall by at least 50 per cent, which would represent compound inflation at just over a seven per cent rate. We may fear that it will not fall by more than 75 per cent, which would be compound inflation at a 15 per cent rate. In holding dollars there is the certainty of loss, offset by the benefit of interest, but the scale of the potential loss is not predictable.

The American decision to block the Iranian dollar balances was not an unreasonable response to the threats of withdrawal of funds and the outrageous seizure of the American hostages, but it did take the process of decline farther, it politicized the dollar. That decision made the dollar a reserve asset wholly conditional on the good will of the American government. Against the dollar gold has therefore two advantages. It is very unlikely that in 1990 the purchasing power of gold, which is scarce, will fall below its present level, and it is probable that it will be well above it. Gold also is not political; it is a possession and not a promise. A government which owns an ounce of gold does not have to ask the United States or anyone else for permission to cash it. Gold is a national reserve no other government can inflate and no other government can block.

### TWO QUESTIONS

The gold supply is finite; that is its monetary significance. The oil supply is finite; that is its economic significance. Gold has, by intrinsic qualities and against current theory, resumed the dominant reserve role. That is fact. There are, however, two questions. Can the gold base, be engaged in the systems in such a way as to bring world inflationary expectations under control? The old gold standard achieved that down to 1914, for the reasons Ricardo gave. Can gold loans be used to disarm the world interest rate competition? Gold loans naturally have low nominal and low real rates of interest. Gold has forced its way back in one of its traditional roles. Can we make use of it in other roles to help with other apparently insoluble world economic problems?●

---

## RECLAMATION LAW AND THE FAMILY FARM IN AMERICA

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● **Mr. MILLER of California.** Mr. Speaker, the House will consider legislation amending the Federal Reclamation Act later this year.

This legislation is vital to a universally lauded, though frequently ignored, American tradition—the family farm. The reclamation program, which was originally designed to benefit small farmers has been sadly abused by a small clique of special interest corporate agribusinesses. The result has not only been the subsidization by taxpayers of megafarms, but the undercutting of agriculture elsewhere in the Nation.

I recently addressed the Texas Farmers' Union on this subject, and want to share that speech with my colleagues:

### Reclamation Law and the Future of the Family Farm in America

We meet today at one of the critical periods in history regarding the family farmer in America. Over the next few months, the Congress will decide, with your help or not, whether the family farmer is a myth to be extolled or an outmoded romantic idea which we should simply discard.

For years, Congress has regarded the reclamation program as the special policy of the seventeen Western States. Over the years, billions of dollars in subsidized Federal projects and subsidized water have converted millions of arid acres into fertile farmland. The cost to taxpayers of these subsidies totaled $5 billion as of 1976.

Congress knew in 1902 that reclamation would include subsidies. But we believed that subsidies were justed because they would stimulate the agricultural development of non-productive, or underproductive areas. This goal has been marvelously achieved. Lands served by reclamation projects produce billions of dollars in food and fiber every year.

But a second purpose of the reclamation program has not been as fully realized.

The central concept behind the Reclamation Act, its author said in 1902, was "To Guard Against Land Monopoly" by assuring that the program's benefits were allocated to "Small Tracts for the People of the Entire Community." To achieve this goal, a 160-acre limit was included in the law in an effort to assure the widest distribution of the program's subsidized benefits.

This 160-acre limit has caused no severe hardship for tens of thousands of farm families over the seven decades of the reclamation program.

Recent studies by the Department of the Interior show that at least 96 percent of all farms are in compliance with the law today.

In that case, why the great public debate about reclamation? After all, reclamation lands account for only 1 percent of agricultural lands in the United States, and 96 percent of them are largely unaffected by the current debate. It is obvious that, even if the Carter Administration proposals were to cause unshirted chaos on this miniscule percentage of our nation's farmland—and they will not—the impact on our agricultural economy would be extremely slight.

To understand the vehemence of the opposition, and to appreciate fully the reasons why they are spending hundreds of thousands of dollars to fight this law, we must look to the ownership of that 4 percent of reclamation farmers who are in violation of the law, people who in many instances are not farmers at all. Those 4 percent of reclamation farmers control 36 percent of all of the land in the program.

In fact, the top 1 percent of landowners control one-fifth of all reclamation land.

This unjustified concentration of wealth is precisely the evil which opponents of the reclamation program predicted three-quarters of a century ago. the new lands bill was denounced in 1902 as "A Scheme of Speculators and Land Grabbers To Loot the National Treasury for Private Profit."

A small coterie of selfish men have attempted to twist the reclamation program away from broad national goals in order to serve their own narrow purposes. They seek to line their own pockets with the taxpayers' money, and to reap extravagant profits from a program intended not for corporate agribusiness, but for the family farmer.

Now, after the projects have been built and the deserts are blooming, after they have made billions in profits and cost the taxpayers billions more, these corporate interests are seeking to change the rules of the game in order to eliminate the last barrier between their greed and future profits: The reclamation law itself. Their device to achieve this victory over the taxpayer, over the family farmer, and over the spirit of the reclamation program, is the Senate-passed S. 14.

Tony Dechant, the president of the National Farmers' Union, has called S. 14 "a blatant welfare handout for the corporations and syndicates who have been violating the law for years." I couldn't say it any better, except to add that you can get a hell of a lot richer off reclamation than you can off welfare in California!

I want to spend some time today discussing some aspects of the reclamation program which I know are important to you in Texas, and which I think mandate your active involvement in this legislation.

The most fundamental point to recognize is that the future of the reclamation program is going to have a direct bearing on the future of agriculture in Texas and in other areas of the country even less affected by the program.

The presence of major reclamation projects, especially in California and Arizona, has served to undercut farm profitability in other areas of the country. The perpetuation of the massive agribusiness domination of reclamation in those few areas, which S. 14 would assure, puts enormous political power into the hands of your competitors, who have already undercut agriculture in non-reclamation areas.

Look at cotton as an example. In 1920, the Far West contained only one percent of the nation's cotton producing acreage, compared to 35 percent in the Deep South.

In 1975, the West's share of cotton acreage grew to 14.1 percent, while the South declined to just 7.9 percent. And the West's 14 percent of the land produced nearly one-third of the nation's cotton.

In all, about two and a half million acres of cotton production has been lost to California and Arizona from other States like Louisiana, Mississippi, Oklahoma—and Texas, representing an annual economic loss to those areas of $616 million:

Now, apologists will tell you that the reason for the shift in cotton production is productivity and profitability. Certainly, California and Arizona have longer growing seasons and other natural attributes which increased productivity.

But they also have the massive subsidies of the reclamation program, including subsidized water, subsidized storage and delivery systems, a secure water supply, and other benefits which make it more profitable to grow cotton on marginal land in the central valley of California than it is in many of the best areas of Texas.

According to the USDA, a 320-acre reclamation farm in California can realize an income of between $16,000 and $85,000 a year. On the high plains of Texas, that same farm would have an income of $79, and in Nebraska, a 320-acre wheat farm would lose money.

And I want you to remember that the large cotton growers in California don't own 320 acres, but thousands of acres.

Even in project areas, Texas' reclamation farmers are outdistanced by Californians. California's farmers enjoy much larger subsidies. A 1,760-acre farm in an older project area receives a subsidy of $62,000, according to an authoritative study.

In a newer district, like California's westlands water district, the subsidy to the same sized farm is nearly five times that amount.

The estimated crop value per irrigated acre in a reclamation project in California is $781 versus an average throughout the western states of $475. In Texas, the estimated per acre crop value is just $287.

This undercutting of other regions' economies is inconsistent not only with the intent of the reclamation program, but with specific promises made in Congress at the time California's projects were authorized.

When the San Luis unit in California was debated in 1960, the project's chief advocate, Congressman B. F. Sisk, promised representatives of other regions that the project would not undermine cotton production outside California.

"Rather than increasing acreage in cotton, the San Luis unit definitely would reduce the cotton acreage in California," Rep. Sisk predicted. Diminished cotton production in California "will happen once we develop and get some sweet water," Sisk promised.

Senator Clair Engle shared Sisk's view. "the San Luis project will not add to price-supported agricultural production," Engle said. "My opinion is that cotton production will decline," because enhanced water availability would stimulate the growth of smaller farms which were ill-suited for cotton production.

In order to guarantee still further that new irrigation not cut into established farm production, a special proviso was included in the law barring use of Federally subsidized water for the production of surplus crops on newly irrigated lands. This proviso, which exists in numerous bills authorizing reclamation projects, was made a permanent prohibition in the case of only one project—San Luis, which of course includes the highly controversial Westlands water district.

But, in fact, these promises have been ignored.

Since San Luis was developed, cotton production there has doubled rather than declined. In the Imperial irrigation district, where 20 percent of the farms are in excess of 1,000 acres, there are 138,000 acres of cotton.

And there is still more, not only did irrigators increase cotton production in San Luis, they also illegally expanded their service area by more than 100,000 acres, and irrigated this new land with subsidized water. And when it became inconvenient to honor the restriction on irrigating new lands to grow cotton, the San Luis growers got the Interior Department to waive the law, an act which the General Accounting Office has told me was blatantly illegal, and which we succeeded in stopping this year.

Since cotton has not been in surplus supply in recent years, this cutoff has not been necessary. However, I wonder whether the reason for cotton's non-surplus state is due to the loss of so many acres of cotton in the south and border states. It is evident that California and Arizona cotton has displaced older cotton producing regions rather than having supplemented them.

The same interests which have perverted the intent of the reclamation program with regard to cotton production are now seeking to repeal the entire law. Their vehicle for this assault on the taxpayers and competitors in agriculture is Senate Bill S. 14. Their goal is two-fold; first, weaken every feature of the law to provide themselves with maximum benefits, and secondly, exempt themselves even from these loose requirements.

To achieve that end, they are flexing massive political muscle. In 1978, the political action committee of the J. G. Boswell ranch, the largest cotton producer in the United States, contributed $30,000 to political candidates.

Every Senator who voted on S. 14, and who received money from Boswell's pac, voted to exempt Boswell's largest land-holding from the law.

In 1979, a few of these Central Valley irrigators contributed $50,000 to the Carter-Mondale reelection campaign. If there was a price attached to that contribution, we have yet to learn of it.

These interests have established well-organized lobbying efforts in Congress, staffed with high-powered advocates, including former Congressmen. They have demonstrated their power in forcing most of their positions through the U.S. Senate.

Someone might think, from my comments here today, that I am anti-reclamation, or anti-farmer, or even anti-California. Nothing could be further from the truth. I strongly support reclamation and agriculture, within my home State and elsewhere.

I oppose the perversion of a program by narrow and selfish interests who are using political muscle and money to undermine the intended beneficiary of the reclamation program, the family farmer.

I suggest that we are witnessing the last act of a drama whose script was written many years ago. Any Congressman who had stood on the floor and advocated a Government-subsidized program to aid corporate agribusiness would have been hooted down by his colleagues.

So the projects were authorized to benefit the family farmer. And now, after the subsidies have not only assured the financial success of these farmers, but have also undermined the competitive position of farmers in non-reclamation areas, the special interests are making an effort to scrap every feature of the program—except the profits.

I don't think we in Congress can afford to let that happen. And frankly, I don't think the farmers of Texas can either.

Let me briefly summarize the features of a renewed reclamation program which are essential, as contained in my own legislation, H.R. 5783:

An acreage limitation which assures economic viability as well as permits the largest number of true farmers to participate in the program. I believe a limitation of 640 acres, adjusted in areas of shorter growing seasons or high elevations achieves this goal. This acre limit would mean that about 97 percent of reclamation farmers are in compliance today.

A requirement that beneficiaries be actually engaged in the farm operation, in order to eliminate absentee owners and anonymous corporations from benefitting from a program intended for the real farmer.

Reductions in water price subsidies, so that a Texas cotton farmer who must spend $50 or $60 to pump an acre foot of water not be undercut by a California reclamation farmer who gets an acre foot for $7.50.

Requirements that water resources be efficiently used, and that groundwater acquifers be managed in order to prevent depletion and subsidence.

The orderly disposition of excess lands, in keeping with the agreements made by beneficiaries at the outset of the program, with strict price controls to prevent speculative sale and resale.

Opponents of the reclamation program, who ironically are often its greatest beneficiaries, are working overtime to convince the Congress that the day of the family farm is dead. You in the Texas Farmer's Union know that is not true.

But you have to demonstrate that conviction to your own representatives in Congress, with the same determination which agribusiness is using to crush you and congressional proponents of the family farm.

I think we can have a sound reclamation program, protect the family farm, and reduce unconscionable subsidies to special interest farmers. I think you agree, and I think the 96 percent of reclamation farmers who are in compliance with the law today agree. Let's bring that coalition together by supporting reclamation legislation embracing the family farm instead of making a mockery of it.

I want to thank you for the support which you have provided to me on behalf of this legislation in the past, and to ask again for your help over the next several months. I look forward to working together with you, and I appreciate your invitation to talk here today with you.●

---

## ASSISTANT SECRETARY FOR PRIVATE EDUCATION

### HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. GUARINI. Mr. Speaker, today I have introduced legislation to amend the Department of Education Organization Act to establish an Office of Private Education administered by an Assistant Secretary.

The statutory creation of this office is essential to insure a more equitable participation by private school students in all Federal educational programs for which they are eligible.

In my ongoing discussions with President Carter, James McIntyre, Director of the Office of Management and Budget, and others in the executive branch, I have been assured of the administration's strong support for this legislation. In a letter to me last September, the President stated:

> You have my personal commitment that this office will be continued at the highest level headed by an Assistant Secretary. These goals will be met during the implementation of the reorganization.

The administration has since restated its commitment to my legislation, for the President realizes that there needs to be a strong, clear voice for private education at a high official level within the new Department. My bill would guarantee just such a balanced educational policy, one that takes into account the academic needs and opportunities available to all Americans.

This legislation would establish the Assistant Secretary for Private Education as the principal advisor to the Secretary on all matters affecting private education, in addition to granting that individual responsibility for all departmental activities impacting on private elementry and secondary educational institutions.

While public education provides instruction to the majority of Americans, we must never forget that private institutions have played an indispensable role in training our citizens and educating our leaders in every field of endeavor. The private sector has made an outstanding contribution to the education of our young and has helped to maintain our Nation's academic competitiveness. It is of paramount importance to the health and vitality of communities throughout America to maintain an effective and viable private educational system. We need their leadership and the many contributions they continue to make to our society. We cannot afford to lose their effectiveness.

Accordingly, I am introducing this legislation to guarantee that the structure of our educational system will provide a superior and reliable education for all the youth of our Nation, regardless of whether they are public or private school students.●

---

## NO TO RUSSIFICATION

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. DERWINSKI. Mr. Speaker, special emphasis is being placed on the current "russification" efforts within the U.S.S.R., and the Russian attempts to dilute the nationalistic spirit of the non-Russian peoples held captive.

Now that the President has learned that the Soviets cannot be trusted, perhaps he will take up consideration of the composition of the Soviet empire; and as a matter of policy, have the Voice of America, Radio Liberty, and Radio Free Europe broadcast more informative messages to the people within the U.S.S.R. who yearn for the return of their freedom.

An editorial in the January 19 Armenian Weekly discusses the widespread attempts by the Soviets to weaken the Armenian culture and language in Soviet Armenia. I wish to insert the editorial at this point:

[From the Armenian Weekly, Jan. 19, 1980]

#### NO TO RUSSIFICATION

Armenian papers in the diaspora recently published a report based on a secret document smuggled out of the Soviet Union, according to which the teaching of the Russian language would become mandatory for all ethnic minorities in the Union. The document was signed by Soviet Prime Minister, Alexei Kosygyn on the 6th of December, 1978.

During May, 1979, a conference was held with the slogan "The Russian language is the language of friendship and cooperation among the peoples of the USSR." At this conference a number of projects were developed for the teaching and dissemination of the Russian language in the Union. In a letter of greeting sent to the conference, Leonid Brezhnev says, among other things:

"The role of the Russian language has been growing as a medium of communication among the various peoples of the Union for the building of communism and the education of the 'new man'. The domination of the Russian language, side by side with the native languages, will facilitate the subsequent strengthening of the political, economic, and spiritual unity of the Soviet peoples."

In other words, what Brezhnev is in fact saying is that, in time, the people of the Soviet Union will become totally Russified. This attempt is not new, nor is the intention. The history of Russification goes back to czarist times, when the Russian despots tried to forge a solid human empire on their vast geographical dominion. They used all possible means, to no avail.

At the end of the last century Armenians in the Caucasus were subjected to systematic attempts at Russification. Not only were we ridiculed with derogatory names such as 'Armyashka' but our church property was ordered confiscated and our schools were shut down and Armenian children thrown out into the streets. All of these actions and the not so conspicuous negative attitude towards us were designed to force us to melt into the 'great' Russian people. But we did not sit down and accept our fate passively. Our organization led popular demonstrations and protests against the arbitrary actions of the czarist government and won our rights back.

The situation does not seem to have changed much in the post czarist era, since the new czars in Moscow seem bent on the same course. Brezhnev's words of 'greeting' should be enough proof for skeptics. Russian words and usages have already found their way into the Armenian written and spoken in Armenia. Attempts to clean the language of such foreign matter have been dealt with drastically in the recent past . . .

During 1978 there was an official attempt to pronounce Russian as the official language of the Caucasian republics, Georgia, Azerbaijan and Armenia. After violent demonstrations by the Georgians, the idea was dropped and the local languages were reinstated.

Our main concern in this matter is the preservation of our irreplacable language handed down to us from three millenia, and through it the preservation of our unique identity. Our language is indeed one of our most valued national treasures. We cannot sit back and see it smothered by bearish hugs.

But how can that be prevented?

We think the most effective way to prevent that is to strengthen the Armenian language in Armenia itself. We appeal to the nationalistic duties and sentiments of the leaders of Soviet Armenia for the realization of the following:

The widespread use of Armenian in governmental and public institutions, as well as a commitment to preserve the natural progress of the language;

Restoration of the cancelled classes in Armenian language and history throughout the school system of the Republic, and the strengthening of such courses through grants and assistance from the government;

The teaching of all subjects in Armenian, from kindergarten to University levels;

Teaching of Russian as a language only, (as the official language of the Soviet Union). Limit the number of Russian schools in the Republic;

Making Armenian the language in use in all official and unofficial dealings within the Republic, and resorting to Russian only in inter-party and inter-republic transactions;

The use of Armenian in all radio and television programming, and the restriction of Russian to programs of general, All-Union concerns.

In other words, the restoration of Armenian to its natural position and role as an official national language.

During our more than three thousand years of history many nations have attempted to assimilate us, but all have failed, not so much because of the weakness of their strength but because of our own resistance and determination to survive as a unique entity.

Identity cannot be preserved without struggle.●

---

## HARD MONEY AND CONSTITUTIONAL GOVERNMENT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. PAUL. Mr Speaker, one of the West's greatest economists and champions of freedom—Dr. Hans F. Sennholz—is interviewed in the January 9 issue of Review of the News.

If this Congress could pay attention to the wisdom of Dr. Sennholz, then America could head back toward hard money and constitutional government. Our present trend leads only to disaster for ourselves and the entire West.

I would like to call this interview to my colleagues' attention. We must listen to what this wise man says.

### AN EXCLUSIVE INTERVIEW WITH THE LEADING FREE MARKET ECONOMIST

(By John Rees)

Hans F. Sennholz is one of the most able advocates of an American return to economic sanity through balanced federal Budgets and gold-based money. His early education was in Germany where he received his M.A. from Marburg University and his Ph.D. in political science from the University of Cologne, Dr. Sennholz earned his second Ph.D. in economics from New York University in 1955. Since 1956 he has taught at Grove City College where he is chairman of the department of economics.

Hans Sennholz is a member of the Mont Pelerin Society, an international association of Conservative scholars, and serves as the shadow Treasury Secretary in the Conservative Citizens Cabinet. Professor Sennholz's most recent book is *Age of Inflation*, a brilliant and highly acclaimed popular commentary just published by Western Islands at $8.95.

Question. Dr. Sennholz, what has gone wrong with the American economy since World War II?

Answer. Putting it very simply, we have traveled the road of inflation via deficit spending. As a result, dollar savings and investments have depreciated at the inflation rate. Pre-World War II savings have lost some 90 percent of their value, and post-war savings have lost at least one-half of their value. The value of money invested in savings accounts, savings bonds, life insurance, pension funds, and all other dollar investments has shrunk continually. The middle class, which customarily invests in such savings, has lost at least one-half of its financial substance in recent years.

Q. How did we get in such a mess?

A. The old forces of "Liberalism" in the United States, identical with those of socialism in Europe, gained power with Roosevelt's New Deal. These forces have shaped the policies of the American Government for half a century. They have brought us to the borders of economic stagnation, disastrous inflation, and falling standards of living. In the name of benefitting the poor and underprivileged, the leaders of "Liberalism" have ravished the producers through taxation, impoverished the middle class through inflation, strangled economic life through regulation, and divided American society through social conflict and strife. But above all their "Liberal" preoccupation with economic redistribution of wealth has permitted world Communism to become an ominous threat to American security and independence.

Q. Given our confiscatory taxes, crippling regulations, and the myriad of problems these cause, do you foresee Americans organizing politically to remove government controls and high taxes, or do you expect more of the same?

A. There is a possibility for change. If "Liberalism" drags on for another five years after carrrying the day at the next Presidential election, and say a determined "Liberal" like Senator Kennedy is put in the White House, you would have a continuation of these conditions. "Liberalism" would stimulate the economy artificially with many new government programs and higher deficit spending. The Federal Reserve would infuse massive doses of inflationary credit into the economy. The federal bureaucracy would swell considerably as the many programs are put into effect or old ones are expanded. And finally government control and regulation of enterprise would reach new heights of oppression. The rule of the day would be price controls, price support programs, corporate rescues, credit guarantees, and government takeovers of failing businesses.

Q. And what if a more conservative President were elected with a Congress to match?

A. Then there might be a new approach. There is a new buzz word and it is called "supply side" economics. This is favored by a new brand of economist and politician emphasizing the importance of production. The advocates of "supply side" fiscal policies expect to be able to stimulate economic growth and output. They favor growth-oriented tax reductions which in due time will bring about economic expansion and achieve a larger economic "pie," as they say.

Q. That sounds like the Kemp-Roth Bill voted down in Congress recently.

A. The defect is that by itself it is unlikely that a Conservative Administration could readily halt the inflation. A tax-cut that is well directed to promote production will indeed stimulate the economy in the long-run; but it does not address the question of a balanced Budget without deficit spending, which alone will stop inflation.

So I am skeptical that even if the "supply side" politicians were to come to power we could get things turned around. I think inflation would rage on because Conservatives do not yet have the influence and the political power to reverse the trend by ending current programs. Even with the "supply side" people in power I would expect very high rates of inflation for the next four or five years.

Q. President Nixon, who was presented to the electorate as a conservative of sorts, tried to cope with inflation with price controls.

A. I am suspicious that the "supply side" politicians would also be tempted to try to cope with inflation symptoms by fraud and force via wage and price controls and other "emergency" restrictions similar to those imposed by President Nixon and his reportedly conservative lieutenants in the period 1971 to 1974.

Q. You have mentioned the probability of more government bail-outs of failing companies, and even of federal takeovers. What are your thoughts on the Chrysler bail-out?

A. Other failing companies will be demanding more of the same; it is part of a trend.

Q. If Chrysler were allowed to move into bankruptcy in a normal fashion just as any other unsuccessful entrepreneur, what would be the effect on the economy?

A. Surely it would be felt, and felt immediately, because it would produce a rise in unemployment. It would have made the recession of 1980 a little more severe. But the unions and the American People would have learned an important lesson and this would have been beneficial in the long-run.

Q. There is a strong laissez-faire cadre among Conservative economists; what measures would they recommend to correct the American economic malaise?

A. They would depend on the forces of the market. They would not interfere. Any business that makes market mistakes such as Chrysler did, even though compounded by the intervention, the blunders, and regulatory burdens imposed by the federal government, would be permitted to fail. People would learn a lesson. The market would adjust both to the labor situation and to the supply and demand for cars and transportation. We would not invite wholesale federal takeovers of our basic industries.

Q. The sad state of the American dollar is another problem of grave concern. Do you think that a return to the gold standard in some form is possible in the near future?

A. Definitely. I think that within three to five years we will see a return to some measure and form of the gold standard in international relations, agreements, and settlements between central banks and perhaps commercial banks.

However, domestically, I don't think it's in the cards. After all, you have to bear in mind that the gold standard is the one chosen by an honest society. It is honest money, and only an honest society that refrains from stealing and plundering through the political process can tolerate the gold standard.

Q. There have been substantial rumors that some of the oil-producing countries, particularly Saudi Arabia, are thinking in terms of trading gold for oil.

A. That's part of what I was referring to a minute ago. In international affairs, gold as a medium of exchange in one form or another will return. As a matter of fact, gold constitutes more than half of the monetary reserves of central banks even today, and as the paper dollar (the other world reserve of currency) has depreciated, gold has risen in price. I believe the Arab nations and others will provide part of the trust for the return of gold in international payments.

Q. How should we cope with the O.P.E.C. cartel?

A. Simply answered: through freedom. Only by freeing our own domestic industrial producers to produce us out of trouble will we be able to address and cope with the oil cartel.

I believe that the crowning folly of 1979 was the imposition of the so-called Windfall Profits Tax, a punitive tax, on our own oil and gas industry at a time we are depending more and more on O.P.E.C. oil imports. The U.S. Government is giving sustenance and support to the O.P.E.C. cartel and its policies through its blind antagonism toward domestic oil producers. I repeat: The way to break the cartel is to free American producers to produce our way out of trouble.

Q. Why do you think the Administration is so blind to this obvious supply solution?

A. Well, there you're asking me about motivation. As an educator, my answer might be stupidity and ignorance. But this Administration is permeated with the social philosophy of class conflict and government redistribution of wealth which you may term Marxian or socialistic, and which has swayed official American thinking for the past half-century. So, while we are dealing with ignorance, that ignorance is animated by the philosophy of class conflict, of exploitation, and other Marxian connotations.

Q. And yet the Chrysler executives and many others among America's business leaders are obviously prepared to go along and accept these eventually ruinous economic policies of regulation, taxation, and takeover. Why is that?

A. I expect nothing from business leaders. They are specialists in the manufacture of iron and steel, shoes, air conditioners, hair dryers, carpets or whatever. They have no philosophical and intellectual training in answering a Communist or Marxian propagandist—especially one backed by the force of government. They certainly don't know how to defend the Free Enterprise system. It is a few forward-looking leaders and intellectuals in whose hands our free system rests. If they fail, then society also will surely fail. So don't blame the businessemen for their shortcomings, encourage them to do better.

Q. As you know, in response to the hostage situation in Teheran, President Carter has frozen Iranian assets and has urged similar actions by the nations of Western Europe. Was this, in your opinion, an appropriate response?

A. No, it definitely was not. The freezing of assets jeopardized the already weak American dollar. We should have chosen other actions that would not have further discounted the dollar.

Q. When we discuss other ways to cope with the Iranian problem, you are probably aware that there is quite a popular movement in the Midwest that argues the U.S. should deny food exports to countries that act against us, or at least that we should relate the price of wheat to the price of oil. What are your thoughts on that?

A. I would not react by adding more government controls over the agricultural industry. I would react by freeing our own industry from regulations. Most especially I would immediately free the American oil industry from regulations and see what happens in the way of increased domestic oil and gas production.

Q. What is your forecast for the next decade if "Liberals" retain control of Congress and the Presidency in 1980?"

A. Well, if "Liberalism" drags on, surely by 1985 Americans will be experiencing the problem of hyper-inflation. By that time, Americans will be fighting mad at the economic failure of the socialist dream and the Conservatives will come to power. But then come the questions:

Can the dollar be saved or must it be replaced with a new currency? Can government spending be slashed without an outbreak of violence by beneficiaries of the social Welfare programs who are deeply convinced of their "moral right" to the redistribution of wealth to which they've become accustomed by government largesse? Can the American economy be restored without violent protests by the profiteers of private rent control?

These are some of the questions that will occupy the American people in the 1980s. Can Conservatives straighten a listing ship? Well, certainly if Conservatives come to power the economy will be permitted to grow. In other words, they will make some tax cuts to aid capital investment. But until the American people understand the problem I'm skeptical that even the Conservative politicians will be able to cope politically with inflation whose root cause, deficit spending programs, is now so deeply rooted in American policies. So I think inflation will rage on in any case.

But of course the greatest question is that of the military strength of the Soviet Union compared to that of the United States. If we have another five years of "Liberalism," America may have declined to such an extent that we are mortally threatened. On the other hand, if we begin to repair defenses in the next four to five years, I think we have a fighting chance.

Q. If hyper-inflation lies in our future, how can an individual best protect his savings?

A. First there is what I call a financial law of survival. Let us be thrifty, self-reliant, and independent individually. But all our savings must be in non-monetary form. In other words, they cannot be in savings accounts, pension funds, savings bonds, or life insurance—which are dollar investments. Our savings must be in such forms as real estate or gold and silver.

Furthermore, I believe that 1980 will be the year of the stock market. The stock market is posted for a phenominal rise. Stocks are greatly underpriced and it is time for stock prices to rise in order to adjust to the past 20 years of inflation. I think we will see that happen in 1980.

Personally, I may even reduce some of my gold and silver holdings in order to participate in this upward adjustment of the market.

Q. What about bonds?

A. Well, the bond market has gone all to pieces and will recover much more slowly. There will be periodic rises, but be warned unless you are going into bonds strictly for speculation, because there will be collapses. Frankly, I believe stocks are very cheap now. I am talking about a Dow Jones Average of 2500 for 1985. Even there, of course, we will have chills and fever which are characteristic of the advanced stages of inflation.

Q. Where can people best turn for sound financial advice on coping with inflation through investments?

A. There are a number of Conservative investment services to which one can turn and which I admire such as Gary North, Richard Russell, Jerome Smith, James Blanchard, and so on. All are of our school of thought.

Q. Let's return to the discussion of gold investments since they are something that small investors have been highly interested in following. With current prices at $500 an ounce, has a ceiling been reached, and is it time for gold prices to fall?

A. No, not at all. I think the present move is for gold to go to $550 to $570 an ounce before there will be a substantial correction in the price.

Q. Do you foresee extreme government intervention to drive down the price of gold?

A. No, but even so, it only means gold drops in price for a few days, and then resumes its old upward march. Government intervention in gold is merely a harassment. It doesn't change the basic market forces at work. The only real force that drives up the price of gold is the deficit spending and monetary expansion policies of the U.S. Government. I certainly do not expect the present Administration to halt that!

Q. Have you noticed that both Red China and the Soviet Union are taking advantage of our inflation to offer gold coins for sale in America?

A. I've heard about, but in volume they are insignificant. I certainly wouldn't buy any. I limit my own purchases to old American coins—the double eagle, the eagle, the five dollar, and two dollar and fifty-cent coins; and, once in a while, I'll buy a Krugerrand or an Austrian gold ducat. In fact, the faculty members of my economics department here at Grove City College started an investment club 10 years ago. We have been investing in gold mining shares, in silver, and in gold coins, and I must say we have done very well.

Q. Do you expect gold mining shares to be particularly attractive this year?

A. That's right. In particular, South African gold mining shares. Since the political and racial situation with respect to Rhodesia appears at least temporarily settled there to undergo an adjustment and to double in price.

Q. Will you discuss real estate as an investment?

A. Again, I personally am a real-estate investor. Real-estate investments have done extremely well in recent years against inflation. But while I am not bearish and do not foresee a crash as some analysts have been predicting, I do believe that real-estate will lose its luster because it depends so heavily on the mortgage market. When you have very high rates of inflation, you have very high rates of interest. When mortgages reach 15 to 20 percent, then the real-estate business will come to a grinding halt because of lack of mortgage money.

Q. How can Americans be persuaded to begin investing, and not simply spend all they have before inflation destroys its value?

A. I'm urging people to be very thrifty and self-reliant and independent. But today people have an additional task. They cannot merely save dollars. Those sorts of investments in the traditional middle-class fashion now are suicidal. They must learn to invest like businessmen in real assets. And above all they must learn to invest their time, talents, and money in fighting to return economic freedom and sane policies to our country.●

---

## CZECHS URGE TRANSFER OF OLYMPICS FROM MOSCOW

### HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. SOLARZ. Mr. Speaker, I wish to bring to the attention of this body a moving statement by a group of Czechoslovakian dissidents who, despite the possible dire consequences to themselves, urgently call upon the free nations of the world to transfer the Olympics from Moscow to an alternative site.

Coming from those for whom the consequences of such an action are much greater than for advocates of the same view in the free world, this eloquent plea is particularly compelling. The text, as printed in the London Times on January 21, reads as follows:

WHY HITLER'S INSULT MUST NOT BE REPEATED

Perhaps everything will already have been settled by the time you read this letter. Maybe the idea of an international boycott of the Olympic Games in Moscow will by that time be a firm appeal or perhaps it will still be a mere threat. Maybe Kabul, reminding us of Prague in August, 1968, will still be a trauma very much alive or maybe it will have become a gradually digested bitter pill. Maybe everything will already have been decided—and yet we would like to state our point of view.

A boycott of the summer Olympic Games. . . . An athlete who has been preparing for his top performance for many years can feel such a decision as a blow to his life-long ambition. Perhaps he will never have another opportunity.

Once before, in the middle of the 1930's the world faced a similar decision. A handful of over-sensitive democrats accompanied by a not very constructive left wing rejected Berlin as the venue of the Olympic Games. But wise counsel, the idea of pure sport free from the adverse influence of politics, strong faith in the good example of democracy, triumphed. The Olympic flag was hoisted, and blended with the swastika, Germany became the major country in the world for a number of glorious days.

A Germany of magnificent sports grounds, a Germany without strikes and unemployment, perhaps somewhat militaristic and eccentric in its Nuremberg race laws but also rid of the violation of law and order so characteristic of the free world. The moral boost which Hitler Germany received by the organization of the games drowned the warning voices for a long time to come. Whether motivated by good will or complacency—it was one of many errors for which the world had to pay a heavy price.

No one has any doubts that Moscow will be an impressive host of the summer Olympic Games. The stadiums will be completed, the hotels ready, there will be plenty of food not only in Moscow but also in Kiev and Talin. There will not be a single demonstration and no delegation need fear a terrorist attack. The first socialist state in the world . . . will gain fresh international recognition as the champion of the lofty idea of peace and friendship. . . . The Olympic flag at the Berlin stadium was an insult of thousands. The same flag at a Moscow stadium will be an insult of millions.

The Soviet intervention in Kabul, deprived of shabby justifications, is an outright and outrageous aggression. It is not a fortuitous deviation from good manners but a manifest component of the dragon seed.

Today we can merely guess its continuation but dread its ultimate objectives. If the Soviet aggression in Afghanistan is merely condemned by words it will, against our will, become the norm to be repeated on future suitable occasions. If we reprimand the aggressor but at the same time allow him to hold the games we shall confirm our impotence in his eyes. . . .

You are rightly asking who we are and where our responsibility lies for such a significant international act.

We live in Prague, the city where Mr. Babrak Karmal, the brand-new Afghan premier and general secretary, was screened, bought and trained. We are in opposition to our Government, but we are not in opposition to our people. The overwhelming majority of our people share our views. The only difference between them and us is that we do not conceal our views. That is why we have been deprived of the fundamental human joys—to do the kind of work which would give us more than just our livelihood. Our children are branded with the mark of unreliability. At times we are interrogated, vilified or imprisoned. Many consider the price we pay for the feeling of a little freedom and a clear conscience excessively high. . . .

As long as international developments proceed under the cloak of détente, as long as modern western technology and grain from overseas pours into the countries of the Soviet bloc our position is likely to remain unchanged. The moment the western states say "enough" our position will not be enviable. Instead of shadowing us they will arrest us, instead of arresting us they will even kill us. The same goes for our Polish and Hungarian friends whose regimes today show greater restraint. Any objection that this is impossible in Europe in the 1980s is a cheap and empty illusion.

So it is in our vital interest to continue and intensify cooperation between countries and not exacerbate international relations. Moscow's angry reaction would be felt above all within the orbit of its power. It would not affect the French, the Dutch, the Americans or the British but us. And yet we maintain that the democracies should not send their athletes to the summer Olympic Games in Moscow.

We are aware of the feelings of sportsmen and of the declarations of representatives of the international Olympic movement. We would be happy to live in a world where sports could be separated from politics. But we do not live in such a world. Every athlete from the eastern block countries who goes to compete at the games is a professional in the full sense of the word. He is a state investment with the sole objective of increasing the international prestige of his state. A young person who expresses a view different from state doctrine will never reach the centre of top sports performance.

In the Soviet concept the Olympic Games are above all a political matter as well as an opportunity of gaining hard currency. And what is more, the subjected countries of the Soviet block have to contribute a set sum to cover the cost of the games.

In our view the idea of separating sports and politics is a cruel misunderstanding. If we bring it to its logical conclusion the next Olympics may be held anywhere, in South Africa or in Vietnam.

Prompt moral sanctions—the most moderate of all sanctions—have a greater value than a host of declarations. They will prevent the aggressor from donning a halo of peace, they embody the hope of averting dangerous future developments. It would be better to change the city of the Olympics even at the last moment than to have a war in the year of the Olympics.●

## ASIA NEEDS HELP, NOT A-BOMBS

### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. WOLFF. Mr. Speaker, because of the Soviet invasion of Afghanistan, many have called for military and economic aid to Pakistan. The administration is requesting a $400 million aid package for the next 2 years. While I feel that we must indicate our support to Pakistan, we must not disregard the law of the land which does not allow aid to countries which have refused to eschew the proliferation of nuclear weapons. I believe strongly that no military aid should be given to Pakistan pending their acceptance of controls on nuclear proliferation. An editorial which appeared in the New York Times on January 22, 1980, cogently expresses these views:

ASIA NEEDS HELP, NOT A-BOMBS

Some quick aid to Pakistan may now be, as President Carter told Congress yesterday, the "first order of business." But the understandable desire to discourage further Soviet advance in Asia runs the risk of solving one creditability problem by creating another.

Pakistan has been denied American military and economic aid since April because it refused to give adequate assurance that it was not developing atomic weapons. Preventing the spread of nuclear arms in Asia is not less important to world security than containing the Soviet Union. Pakistan should not be misled about the depth of the American commitment to nonproliferation. And neither should India, whose tolerance for aid to Pakistan is about to be sought with shipments of nuclear fuel for its American-built reactor. Diluting the campaign against proliferation could have bitter consequences in Asia and other places, like South Africa, Argentina and Brazil.

How to limit the damage? Some quick reassurance to Pakistan is desirable, to give its Government time to prove that it can make good use of long-term Western aid in a common cause. The American two-year package of $400 million—to which other donors will add—seems about the right size, despite President Zia's rude public discontent. His "peanuts" are hard-earned American taxes.

But this aid to Pakistan can still be regarded as a nonproliferation incentive—a one-time commitment to reduce the insecurity that led Islamabad to think of building a nuclear bomb. Congress should make clear that the aid will not be repeated or expanded unless Pakistan allows international inspection of all its nuclear facilities or otherwise satisfies the existing law. The law should stand through this one-time exemption.

Simultaneouly, the United States can intensify the effort to impede Pakistan's furtive acquisition of electrical and other equipment for building a uranium enrichment plant. Export restrictions by the industrial nations have already slowed construction. And France has canceled its direct sale of a plutonium reprocessing plant.

India's concern, meanwhile, is best reduced by demonstrating that Pakistan will be getting defensive weapons and shifting some military attention from its frontier with India to that with Afghanistan.

India's so-called "peaceful" nuclear explosion in 1974 was the first ever accomplished by secretly diverting fissionable material from a civilian program. That violation of pledges stimulated dangerous appetites in Pakistan and elsewhere. One more shipment of nuclear fuel to India—of the two requested—might provide time for thorough discussion of Asian security and nonproliferation with Prime Minister Gandhi at the start of her second period in office. To permit even one shipment, Congress should ask her to reaffirm former Prime Minister Desai's commitment to work only on peaceful projects and to stage no more explosions.

The toughness and constancy of American diplomacy cannot be demonstrated with one hand while being undermined with the other.●

## THE MAJOR FOCUS OF THE "ENTERPRISE" SHOULD BE DEFENSE

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. PAUL. Mr. Speaker, I've long believed that the true role of the magnificent Space Shuttle was military. NASA's beautiful *Enterprise* will have civilian scientific uses as well, but its main purpose should be national defense.

Recently the Air Force Chief of Staff said the same thing, and I would like to bring his remarks to my colleagues' attention:

[From the Santa Barbara News Press, Dec. 6, 1979]

### SPACE SHUTTLE PROGRAM PRIORITY SHIFTS TO DEFENSE, GENERAL SAYS

VANDENBERG AFB.—The priority of the space shuttle program has now shifted to matters of national defense, according to Gen. Lew Allen Jr., Air Force chief of staff.

The general told those attending the annual meeting of the Military Operations Research Society here this week that ". . . whatever else the shuttle does and whatever other purposes it will have, the priority, the emphasis and the driving momentum now has to be those satellite systems which are important to national security."

He declared that this "is a change from what had been true a year or so ago." The general, a member of the Joint Chiefs of Staff in Washington, added:

"It is a change which is apparent and accepted now, and it's a change which will, if there are additional technical difficulties in the shuttle program, become more and more significant consideration as we go on down that program."

The general said that the space systems of the United States are in a period of some transition associated with the introduction of the shuttle.

The shuttle program, he said, turns out to be a program "which is quite critical for concerns of national defense and for concerns of the verification of treaties."

Gen. Allen said for that reason it (the shuttle) then has to meet a schedule since the programs provided with expendable launch vehicles are becoming with each delay of shuttle more and more difficult to assure.

"The confidence in the shuttle and its reliability must be sufficiently high for use to place what is a substantial amount of the security of the nation on the performance of that system," he said. . . .●

## MARCH FOR LIFE

## HON. EUGENE V. ATKINSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● **Mr. ATKINSON.** Mr. Speaker, on January 22, 50,000 American citizens came to Washington to impress upon the Congress and the people of the United States the strong commitment we must all show for human life. I was very moved by the participation of Americans from every segment of our society. It is clear to me that the sanctity of the human life is a paramount concern among the people of this Nation.

I would like to insert in the RECORD the text of my remarks to those committed individuals who came to Washington from the 25th District of Pennsylvania. I would also like to thank those concerned citizens for their heartfelt concern. It is this type of activity which convinces me that the cause for which we work will be a victorious cause.

My remarks follow:

### MARCH FOR LIFE

It seems difficult to believe that a whole year has passed since we met here last year, just a week after I assumed this office. It is good to look around and see many familiar faces and many dedicated faces.

It is also good to recount the victories and progress made during the past year. I have had the opportunity to vote on eleven occasions on the issue of public funding for abortions and have voted the pro-life position on each occasion. We have fought some hard fights and have made progress. We have continued to demand the toughest possible anti-abortion language in the labor-HEW appropriations bill, even when it meant holding up government paychecks and programs. We have added anti-abortion riders to an increasing number of bills, including defense, medicaid, District of Columbia, and education bills. And we are attempting now to restrict the use of State medicaid funds for abortion, even when misguided judges rule that the law requires the expenditure of those funds for that purpose.

But our progress has not been universal. Abortions are still legal in every State in the union. And they are still performed in every State in the union. We continue to be stymied in our efforts to initiate an anti-abortion constitutional amendment. We continue to have court cases fly in the face of reason and congressional intent in our laws. We continue to have pro-abortion forces fighting on every appropriations bill and on every amendment.

In the long run, I have no doubt that we will be victorious. As I told you last year, our ethical heritage, our cultural heritage, and our religious heritage all argue for one single conclusion—we must be pro-life.

Until we achieve final victory, though, we must continue to provide each other with support and encouragement. Believe me, I certainly hear from the other side on this issue every time I cast a pro-life vote. I need to keep hearing from you, too, when these votes occur.

I will be glad to answer any questions you have and to try to bring you up to date on any further developments. At the same time, I welcome your suggestions on how we can make further progress.●

## REHABILITATION OF THE BLIND

## HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● **Mr. BOB WILSON.** Mr. Speaker, my constituent, Irvin S. Gress of San Diego, recently wrote regarding the marvelous care which he received at the Veterans' Administration's Western Blind Rehabilitation Center in Palo Alto, Calif. He feels, and I concur, that Congress should be aware of the type of service performed by this center and of the need to fund and expand the availability of such treatment. I ask unanimous consent to share with my House colleagues the following paper entitled "Rehabilitation of the Blind," which outlines Irvin Gress' experiences.

### REHABILITATION OF THE BLIND

(By Irvin S. Gress)

Approximately forty years ago my ophthalmologist told me that I had a problem with my eyes and that it would get worse over the years. He diagnosed it as macular degeneration and added that its cause and cure were unknown. He also said that the only hope was that science might come up with some answers before the degeneration was complete. This, however, did not happen.

As the degeneration progressed, I reacted to different approaches. I subscribed to large print magazines and journals and used various magnifying glasses. I used every method possible in reading my correspondence and journals needed in my work. All this was of little help and when the final shock came, it came very suddenly. I was presiding at an annual banquet, and when I looked at the seating chart of the speakers' table, I could not see the paper in my hand. I realized that I was blind. The shock was terrific. It seemed that there was nothing left that I could do.

At that time I was in the hands of another ophthalmologist. He said that the left eye could not be helped, but there was a slight chance that the right eye could be helped by laser surgery. As a drowning man would, I grasped at any straw, the result was negative and the right eye was now worse than the left. His only reaction was, "We did our best, but it did not work. I would like to see you in a year." I felt that an ophthalmologist who had done all that could be done should not drop the case in such manner, but should counsel with the patient as to the rehabilitation that was available and helpful in meeting all the frustrations and problems that he would encounter. The frustrations were numerous and almost insurmountable. They were leading to anxieties and anxieties lead to tensions while tensions lead to more serious problems.

It was only by accident that I learned the Veterans Administration had a program of rehabilitation. As a result, I made inquiries of the local Veterans Administration. I was fortunate in that I was placed in the hands of a social worker who was interested in the case and advised me as to what they had to offer in the Western Blind Rehabilitation Center at Palo Alto, California. She obtained all the information that was needed. She arranged for tests and then arranged for my admission to the Blind Center.

When I entered the Center, I did not know what to expect. I was surprised that their quota was only thirty students at a time. Later I felt that this was very desirable as it permitted working on a personal basis with each student. I was also surprised to find a staff such as the one at the Center. It was a dedicated staff, and each one was eager for the development of the student to his highest potentials. When a student succeeded the staff member was as happy as the student. There were also disappointments—but the instructor always found some means to get around them.

I had never worked very much with my hands and fingers and this was an obstacle when the sense of touch had to substitute for the sense of sight. In the different classes this sense of touch became very important. One frequently heard the admonition, "Braille it, Braille it." In other words, use your touch to cover what you lost in vision.

Their teaching is constantly being reinforced, not by goodies as one would give a rat when training or testing in a learning experience, but more by personal approval such as the words super, perfect, great and especially the show of joy at one's success. The student has the feeling that the staff is interested in him as a person. This personal interest is a great thing in the rehabilitation program. It becomes evident that members of the staff do not think of their work as a job but as a way of helping and serving mankind.

The Rehabilitation Center is a unit in the Veterans Administration Medical Center. It was organized in a very simple but intelligent manner. The school is headed by a chief and assistant chief. It was largely their philosophy which made the program a complete success. A philosophy of love, loving people and loving to work with them. As a result of their labors, this philosophy has permeated the entire staff.

A medical doctor is in charge of the health needs of the Blind Center. The school for the rehabilitation of the blind is a service within the hospital in the Veterans' Medical Center. The doctor is very efficient, professionally, and carried the work beyond that required with a personal interest that often leads to a counseling situation which may be as helpful to the individual as the medicine prescribed. As various physical defects are uncovered, the student is further tested in the hospital and properly attended. In this way, the student is both physically and mentally cared for so that his self esteem is built up and he is better able to cope with everyday problems.

I might digress here to state that one of the most common effects of becoming blind is the loss of the personal esteem of one's self. Many have contemplated suicide when they first discovered that they had become blind or believed themselves to be useless or a "nobody" in the eyes of their friends. One day he is important and looked up to, asked for advice and assistance, and the next day he is a "nobody" ignored by friends who are often embarrassed and do not know how to adjust to his changed condition. This feeling is also due to the fact that the patient has been unable to make necessary adjustments. I found this to be true in all of the students. This need to feel important again is most pressing. The public's difficulty is largely due to a stereotyped concept of a man who can do nothing and is left to stand on a corner with a tin cup seeking alms. This view is degrading to the patient. All he needs is to feel that he is accepted as before—a normal human being able to do the things that he had done before. This is the program at Palo Alto.

The Blind Center attempts to have the student lead a normal life. Their program provides for placing the student in positions that will involve him in various activities. The student may be taken to San Francisco to see a baseball game, go on a picnic, go to rodeos or deep sea fishing. He may even be taught to play golf with a staff member as his caddy. If the student makes a good drive in golf or if his putting is good, then his self-esteem is enhanced. The program does not attempt to make the student an efficient player but to involve him with others. Naturally, he does not see much in baseball but he becomes a part of the crowd, senses the atmosphere and listens to the announcer's play by play comments.

I feel strongly that there is a great need for educating the public. For example, the public is frequently informed of the need to fight cancer, heart and lung disease, with drives for assistance. But one rarely hears about the needs of the blind and low visioned. It seems that these charities although worthy are so departmentalized that there is no place for blindness. If the public were educated to the needs of all philanthropies, public pressure would demand state and national legislatures provide needed assistance.

Another need is to remove all stigma from blindness in the eyes of the public. Perhaps the words low vision or sightless would be better than "blind." This might help clear the public's view of blindness. It is a question of understanding rather than pity and that is what I am talking about.

Veterans and non-veterans who have low vision or no vision should consult with their opthalmologist and Veterans Administration social workers about services available—what rehabilitation schools are like and what they can do for each individual.

Let me go into the program at the Palo Alto Rehabilitation Center. There are a number of such schools and I believe their programs are very similar.

Braille is a basic system for the blind. It is especially helpful for the younger students. The older veterans who have retired from their normal work are less interested but are helped by learning enough to identify clothing, etc.

In communication, touch typing is especially helpful. Closed circuit TV's are used for reading and writing. Here your materials are magnified and projected on a screen. Typing may also be projected and errors corrected.

Another helpful program is in shop or craft work. This emphasizes working with the hands and fingers, so necessary for the sightless. Almost any type of craft work is available.

The problem of mobility and safety is most important. Here the student learns to travel in busy areas with perfect safety. He is taught to cross busy streets, locate shops and business offices. This permits him to travel with safety by foot, busses and airplanes.

All instruction is on an individual basis and the student is never placed in competition with others.

There is also a program of self-sufficiency in the home. The preparation of food, menus, diets, as well as the use of common equipment is studied.

Another part of the program at the Palo Alto Center stood out in a remarkable way. Several races, nationalities, religious, educational and occupational backgrounds were represented. In spite of these differences there was a feeling in the group which was outstanding. Each member rejoiced at the success of another. Each one respected the rights of others. Differences in race, nationality or religion meant nothing. It was a case of the blind leading the blind. If anyone needed help there was always someone nearby who responded.

If men can live together for several months in this manner it is hoped that they might carry this ideal of respect for the rights of others back to their own communities.

The students also meet as a group with their own officers. Here they learn to solve problems that arise. This too might be carried back in meetings with local school boards, city councils, zoning committees, etc.

Another program under the supervision of the social worker was to bring a family member (usually the wife) to the center for a week. The family member meets with the members of the staff who have been working with the student and learns the nature of the work he has been doing. She is told how she can help, what to do and what not to do. In this way the program at the Center may be continued in the home. This is paid for by the Veterans Administration because it is considered a vital part of the program.

There is a beautiful chapel on the Center grounds. Chaplains of the three major faiths, Hebrew, Catholic and Protestant, conduct services weekly and are available for counseling. Attendance is not required but is left up to the individual student.

Another worthy program in the nation is the Knights Templar Eye Foundation which cares for needy children and adults. The Foundation spends millions for surgery and treatments and millions for research.

The Veterans Administration spends millions for the rehabilitation of veterans who have low vision or no vision. Thus these two organizations complement each other and both need public support.

I am sure there are other institutions in these fields that should be made known to the public. It is my hope that more centers of this sort will be established and that more support for scientific research will become available. It merits the support of legislatures and the public at large.

I entered the Center filled with frustrations and searching for answers. I left the Center inspired by those who had overcome their frustrations and by those who were dedicated to a program of service.●

---

## BACK OUR DOLLAR WITH GOLD

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. PAUL. Mr. Speaker, when the New Republic's cover story, January 19, 1980, endorses the gold standard, we know we have come a long way toward sound money.

We will never stop inflation, and the decline in our living standards, until we back our dollar with gold. I have introduced legislation to do just that.

Gold money is honest money; paper money is dishonest money; $700 gold is sending us a message. I hope my colleagues receive it in time.

The article follows:

#### A CROSS OF PAPER

(By William J. Quirk)

The world of gold is not one for two-dollar bettors. Credit Suisse will accept less than five million dollars but the serious investor should have at least this much to start. The gold bar customarily used in international transactions weighs 400 ounces. Gold produces no return except for its own potential rise in value, and there are costs connected with holding it. Not an investment for people worried about their heating bills.

In deep vaults beneath Wall Street and the Bahnhof Strasse in Zurich, there is room after room filled with gold bars. Most of the world's gold is held under the tightest security in a few great vaults. White-haired guards, like old family retainers, preside over the hushed atmosphere. And practically nothing happens. Up on the surface, the ownership of the gold is transferred by an exchange of pieces of paper. But a gold bar is seldom moved. If a bar is removed from the vault it loses its certification of weight and purity, and a new assay is necessary before it can be readmitted.

The gold market is smart—and large—money betting against other smart—and large—money. The seller and buyer both have an educated opinion, based on the best advice money can buy, about why now is a good time to sell or buy. Drastic price changes are startling in such a market. Yet gold has run up from $103 in August 1976 to $600 per ounce in January 1980. In 1979 the price rose from $226 to $500, and from $400 in mid-November to over $500 on December 31.

Americans are particularly ill-equipped to understand the gold game. Between 1934 and 1975, any U.S. citizen who sat down to play was sent directly to jail. This discouraged the development of good players. Since 1975, when it became legal again to own gold, most attention has been paid to basic trading, though lately some fancy futures deals have surfaced.

The generations raised while gold was illegal were taught firmly in Economics I that there was nothing unique about gold—it was a soft yellow metal admired by primitive peoples for its glitter. Some primitive monetary systems also were attracted to it. In sum, gold's appeal was a mixture of superstition and romanticism. The United States, however, had moved into a higher evolutionary stage. This was why, of course, we put in jail anyone caught with a five-dollar gold Indian-head coin.

Gold became an enemy of the people in the early days of the New Deal. Until then gold had been law-abiding. Indeed, it was the principal medium of finance: there were gold coins, gold certificates, and gold clauses. The usual mortgage or bond called for payment in gold coin of the "present standard of weight and fineness." From 1900 to 1933 a one-dollar gold coin was supposed to contain 25.8 grains of gold—.9 fine. In practice, of course, accounts were settled in paper money; but the gold clause, by fixing the "present" standard and the measure, assured that the lender wouldn't be paid back in money that was devalued. The Allies imposed a similar clause on German money obligations in the Versailles Treaty. The debtor, in a gold clause world, gained nothing from depreciating the currency. The cost of interest was purely that of hiring the money. A lender did not have to charge 12 to 15 percent "interest" to cover the risk that repayment would be in funny money. A loan, in short, was a loan rather than a currency speculation by a couple of amateurs.

A gold standard is an arbitrary, but completely effective, method of limiting the amount of currency in circulation. To produce a coin the government had to have 25.8 grains of gold. To produce a dollar gold certificate the government had to be ready to redeem a certificate with 25.8 grains of gold. Because all of the pieces of paper weren't likely to be redeemed at the same time, the government had some leeway—but not that much. Government could only expand the money supply by getting more gold, and the world supply of gold is practically static. On April 5, 1933, by executive order, President Roosevelt ordered all persons holding gold coins, bullion, or certificates to deliver them by May 1 to specified banks, where they would be exchanged for paper money. Gold had to go underground. What law gave the president authority to seize people's money like this? A good question. Roosevelt claimed he could do so by declaring a national emergency under the 1917 Trading with the Enemy Act, which said something about foreign currency and foreigners' currency. Until Roosevelt acted, it had occurred to no one that this law had anything to say about US money owned by US citizens. Nevertheless, the government claims that almost all of the privately held gold in the US was dutifully brought in for the paper swap.

A little later Congress joined in and declared that gold clauses in financial dealings were invalid as contrary to public policy and inconsistent with the new monetary system. The Supreme Court approved everything. The pieces were in place for the disasters of the late 1960s and 1970s. The government had seized control of the printing plant—it held the power to inflate the currency without restraint. It could monetize problems from unemployment to old age security to Vietnam to the oil gouge.

Gold had to be outlawed because paper currency could not compete with it. According to Gresham's Law, an inferior currency will drive a superior one out of circulation due to the hoarding of the latter. The law assumes, though, that the inferior currency will have some value, not that it would be worth nothing. Paper money would be refused if there were any alternative.

People who buy gold have about as much trust in government as the average anarchist. Any discretionary power will be abused, they believe. Any constitutional restraint will be evaded. The government's own ineptitude probably will drive it out of existence sooner or later. At a remarkable rate, Americans have come to adopt these views, views which a few years ago would have been considered the cynical voice of tired old Europe.

In the 1970s gold got out from under governmental price controls and criminal sanctions. From 1934 to 1971 the US government controlled the price at $35 per ounce by redeeming paper dollars presented by foreigners at that rate. The $35 an ounce standing offer limited the amount of dollars in circulation. If we printed too many, their value would decline in relation to gold, which thereby represented all other prices in a one-factor consumer price index. The price of gold would rise to, say, $36 an ounce. People would run to the Treasury and turn in 35 paper dollars for an ounce of gold. The Federal Reserve then had to bring the price down by reducing the number of dollars it printed. Gold was like the canary miners used as a warning signal.

In the early 1960s, de Gaulle carried off quite a bit of our gold by bringing in dollars to trade, ignoring our assurances that the dollar was good as gold. In August 1971, at the Smithsonian, President Nixon reneged on our promise: the US government would no longer redeem paper dollars with gold at any rate. John Connally was sent around the world to tell foreign governments what they could do if they didn't like it. Gold was "demonetized," as the administration put it. We embarked on a campaign (odd for the world's then largest holder of gold) to prove that gold was just another commodity. To help foster this illusion gold flows are officially treated in trade statistics as the export or import of goods. A nervous Arab decision to move $100 million of gold from a New York bank to a Canadian bank has the same seemingly beneficial effect on our balance of payments as a $100-million sale of American machines to a Canadian manufacturer.

In effect, our government did to the rest of the world in 1971 what it had done to its own citizens in 1934. But of course you couldn't put the rest of the world in jail for holding gold. So instead our government tried to convince the world that gold was trivial. What was important was the dollar, the world's reserve currency, which we would carefully manage. There is a terrible inconsistency between calling something trivial and putting people in jail for holding it. In 1975 our government realized this and decriminalized gold.

From 1934 to 1968 the price of gold was fixed by the US government at $35 an ounce. In 1968 the system weakened and was replaced with a two-tier system: we would deal with other governments at $35 an ounce but no longer would we sell to or buy from parties. The private market was free to set its own price, but "leakage" assured that it stayed close to the official price. In 1971 Nixon collapsed the old system and gold started its climb. It dropped sharply in 1975 and in 1976, when Jimmy Carter became president, gold was $134. The London price has been 1972, $64; 1973, $112; 1974, $166; 1975, $140; 1976, $134; 1977, $164; 1978, $226; 1979, $530; and 1980, over $600.

For the past 50 years the price of gold has been effectively pegged to the price of oil. Once ounce of gold usually will buy about 15 barrels of oil. The world's oddest form of money has been in lock-step with its most critical resource. In 1970, when gold was $35 an ounce, a barrel of oil cost about $2.25. In 1971 the dollar's integrity was thrown away. After flooding the world with our paper IOU's President Nixon calmly announced that they were no longer redeemable in gold or anything else. In 1973 the Arabs got the message and used the Yom Kippur War as an excuse to quadruple the dollar price of oil. Oil was priced at eight dollars a barrel; gold went to $130 an ounce. By this ratio, gold at $500 would reflect oil at $33 a barrel. Oil at $40 a barrel would mean gold at $600. Gold's relationship to silver for 30 years has been one ounce of gold to 32½ ounces of silver. On January 3 gold hit $632 but silver reached $41; by the traditional ratio, gold would be over $1200.

Americans seem to be the slow children of international finance. At the end of World War I the Versailles Treaty required vast reparation payments by the Germans to the French and British. France and Britain owed huge war debts to the US. The trouble was Germany didn't have any money. So the US loaned the money to Germany, which paid France and Britain, which paid the US. This string of Chinese firecrackers went off in our hands the moment we stopped the new German loans. Since the 1973-74 Arab oil gouge, American bankers, led by Chase's David Rockefeller, have involved us in an even more bizarre scheme. The poor countries of the world could not pay the quadrupled oil prices. The Arabs proposed to deposit with Chase some of their oil profits if Chase would lend to the poor countries which would use the money to pay the Arabs for their oil. That has now been done to the tune of about $50 billion. The Arab loans to the American banks are short-term deposits while the American bank loans to the poor countries are long-term and probably non-collectible. When Iran asked for its deposits back there was no money and no way to get any money. President Carter's "freeze" of Iranian assets obscured the fact that there are no assets to "freeze": they have all been loaned out to countries like Zaire and Peru to pay for oil. The banks claimed they had plenty of money, if only Carter would let them pay, but suspicious gold investors drove the price up another 50 percent.

There are a lot of reasons to doubt Western leadership and currencies, but why do people turn to gold as an alternative? Why is it worth anything? Gold jewelry is pretty but not essential. Gold's industrial uses are highly limited. Gold is scarce, is practically indestructible, and glitters, but so what? The value of gold is not intrinsic but based on a commonly held idea or convention. The convention is that gold is valuable. Because of the convention, it will buy needed goods and services. The fact that there is a fixed supply of it does not give it value, but does insure that govenment can't overprint it. Gold is really an honest dollar—a consistent measure.

The supply of gold is practically fixed. New production is small, just a little more than consumption. The total world gold stock is 2.181 billion ounces. Of this, 1.172 billion is held by Western governments; 784 million by private parties; and 225 million by communist countries, particularly Russia. Annual new production comes to about 50 million ounces, but each year jewelry and industrial uses consume about 40 million ounces. South Africa produces 50 percent, the Russians 25 percent, with the rest scattered. The US now produces only two percent.

One good question is who owns the privately held 784 million ounces. No one who knows anything is saying. Swiss bankers don't get to be Swiss bankers by talking too much. The London gold dealers are equally uncommunicative. The volume of daily trading is also a secret. Five firms fix the price at N. M. Rothschild & Sons each morning

**and afternoon—only this "fixing" price is disclosed.**

Several countries have begun producing gold coins to tap the amateur market. The South African Krugerrand, a gold piece (not a coin), contains one ounce of gold, permitting its owner to follow the price easily. Designed in the mid-1960s to tap the historical uncle-niece and aunt-nephew gold piece market, the Krugerrands now take up 27 percent of South African production. They are sold to dealers at three percent premium over the London price the day of the sale. At $600 per ounce, however, the Krugerrand has gone past all but the most affluent uncles and aunts. South Africa is trying out quarter-ounce and half-ounce pieces to keep business up.

The Russians also are trying to cash in, taking out large ads in the New York Times. They are selling a quarter-ounce gold coin called a chevronet. The ad assures us that "the weight and fineness are backed by the Soviet Union." The Russians think the price is right to convert some of their gold stock into dollars which can be converted into US computers. Carter's technology transfer freeze will confound this scheme.

Our own government also has been seling gold as a way of narrowing the federal budget deficit. Since May of 1978 the US has auctioned off about 14.3 million ounces at monthly sales. The gold has brought in about three billion dollars of what Carter calls revenues. The successful bidders are German and Swiss banks, which are happy to take the stuff off our hands. Treasury officer Lilse Widman explains that the point of the auctions, "simply put," is to reduce our trade deficits and "reduce gold's role in monetary affairs." Simply put, if we still had the gold the Treasury sold over the past year and a half for three billion dollars, it would be worth over seven billion dollars. In 1960 the US owned 508 million ounces; in July 1979 we owned 267 million ounces. Thus we have adandoned almost half our gold stock, most of it at $35 an ounce. It would bring about $120 billion at current prices.

The clearest message of $600-an-ounce gold is that the smart money views the dollar as terminal. For 15 years we have spread our IOUs over the world. There are more dollars outside the US than there are inside. The dollar's role as the basic international currency—75 percent of business is conducted in dollars—has permitted us to push our trade and budget deficits onto the rest of the world. One reason for the gold rise is that dollar flight doesn't have that many places to go.

In a gold standard world, problems like this cannot be deferred. If we had a $100 deficit in our trade with the Japanese, we would have to ship $100 worth of gold to them. Our money supply would be reduced, causing deflation. The Japanese money supply would be increased, causing inflation. The deflation would make our goods competitively attractive, which would bring trade back into balance.

Without the automatic check of a gold standard the Nixon and Carter administrations were able, in a remarkably short time, to turn the once awesome dollar into Monopoly money. Keynes wrote in 1919 that there is no "subtler" or "surer means of overturning the existing basis of society than to debauch the currency." The "process engages all the hidden forces of economic law on the side of destruction, and does it in a manner which not one man in a million is able to diagnose."●

---

## PLEA FOR CHRYSLER

### HON. ELWOOD H. HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. HILLIS. Mr. Speaker, I have today written to Secretary William Miller urging him to take action to prevent the Mitsubishi Corp. from forcing Japanese banks to withhold credit from the Chrysler Corp. Since the Congress has passed legislation to authorize Federal loan guarantees to Chrysler, I feel this issue is of extreme importance to every Member. I am therefore inserting a copy of my letter in the Record at this point. I urge all Members to contact the Secretary and express their support for action to prevent Mitsubishi from forcing the Chrysler Corp. into bankruptcy.

Congress of the United States,
House of Representatives,
*Washington, D.C., January 24, 1980.*

Hon. William Miller,
*Secretary of the Treasury,*
*Washington, D.C.*

Dear Mr. Secretary: Recent news stories concerning Chrysler's problems with the Mitsubishi Corporation are very disturbing. It appears that the Japanese company, with the full concurrence and cooperation of its government, is intent upon forcing the Chrysler Corporation into bankruptcy in order to improve its penetration into the U.S. market.

As a Member of Congress, I cannot sit idle while unfair and unethical foreign competition forces an American company into bankruptcy. I am sure that as Secretary of the Treasury you share the same feeling of outrage at the shenanigans being perpetrated by Mitsubishi.

It is my understanding that Mitsubishi is pressuring Japanese banks to not finance shipments of cars destined for the U.S. market. This refusal could create a serious cash drain for Chrysler. It is Mitsubishi's hope, should this effort prove successful, to increase its penetration into the U.S. market well above what it could otherwise sell to Chrysler. Such an action would obviously reduce the sales of all U.S. auto manufacturers at a time when domestic auto sales are already well below last year's level.

There has been recent speculation in the news media that Chrysler will seek further financial assistance due to Mitsubishi's actions. However, I have discussed this entire situation with Chrysler executives and can assure you that that is not their intention—nor should it be.

It is incumbent upon the Administration to react to this situation to prevent Mitsubishi from being successful. Chrysler does not need further financial assistance. Chrysler needs to be protected against unfair foreign competition and opportunistic and unwarranted efforts by the Japanese to ensure Chrysler's downfall.

Action on your part to prevent Mitsubishi's take over of Chrysler's share of the U.S. auto market may be necessary. I sincerely hope that you concur and urge that you call on the Japanese banks to maintain their letter of credit to Chrysler to finance shipments of Mitsubishi vehicles.

With best regards, I am
Sincerely,

Elwood H. Hillis,
*Member of Congress.*●

---

## MOTHER TERESA, A LIVING SAINT

### HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. RITTER. Mr. Speaker, Mother Teresa of Calcutta has touched the conscience of millions of people around the world.

This humble, 69-year-old Roman Catholic nun had dedicated her life to serving the unfortunate, the last 33 years in tending the poor and the sick in sprawling slums in some 20 nations.

We should never forget her simple, poignant remarks in accepting the 1979 Nobel Peace Prize:

> Our poor people are great people, a very lovable people. They don't need our pity and sympathy. They need our understanding love and they need our respect.

Everyone she comes into contact with, be they heads of state, the man in the street, or a young child dying of starvation, becomes a richer human being. Unfortunately, too few people in the world have had the opportunity to meet her.

The Lehigh Valley of Pennsylvania, which I represent, will long remember this frail woman, her long years of service etched deeply into the lines of her face.

Three years ago, more than 2,000 sisters, priests, schoolchildren, teachers, and parishioners of the Diocese of Allentown greeted Mother Teresa during a special eucharistic hour at St. Thomas More Church in Allentown.

Dressed in a coarse blue and white sari, sandals and a mended, washed-out gray sweater, she had come to Allentown at the invitation of Bishop Joseph McShea to extend her thanks for proceeds she received from Operation Rice Bowl, an ecumenical sacrificial-meal program inaugurated by the city's clergy to help feed the Third World's needy.

"I thank you in the name of thousands—for the gift of love that you so generously give. Jesus loved you and me. He became one of us in all things except sin," she told her audience.

On the altar, Mother Teresa explained how she relies on the generosity of fellow Christians in the world to help feed about 10,000 needy families in Calcutta alone. Her mission there cooks food for 7,000 ambulatory persons each day.

Msgr. Robert J. Coll, pastor of St. Thomas More Church, had personally visited her on a hunger factfinding mission in the Third World and was overwhelmed by her compassion for her fellow man.

"The unwanted and homeless hunger for love," Mother Teresa pointed out at the St. Thomas More service.

She emphasized that she will never forget a dying man taken into one of her centers in Calcutta. "I live like an animal in the street," she quoted him as saying, "but I am going to die like an angel."

Mr. Speaker, this living saint has provided us with a message which we should never forget.●

---

## SHCHARANSKY AND SAKHAROV FREEDOM NOW

### HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. FISH. Mr. Speaker, as we enter a new decade, I would like to be able to say that we have seen evidence of progress in our vigilant, ceaseless efforts to assist Soviet dissidents in fighting and publicizing Soviet violations of human rights.

Unfortunately, two of the most important voices of freedom in the Soviet Union have been silenced, possibly forever.

The recent exile of Andrei Sakharov and his wife occurred on the heels of the Soviet invasion of Afghanistan and is the latest in a series of ignominious infringements of human dignity in the Soviet Union.

Just a few days ago, Anatoly Shcharansky turned 32 years old. His birthday was anything but happy, as he spent it alone, in a cold, dank, unhealthy prison far away from his beloved wife and family. His only celebration was to feel lucky to be alive.

I know both Mr. Shcharansky and Mr. Sakharov. Mr. Shcharansky is a man of great energy and courage, who was convicted in a totally unfair and unjust manner for doing nothing more than speaking freely about the atrocities and repression against his people by the Soviet Government. Free speech is a privilege that Americans have defended, both literally and figuratively, to the death. Mr. Shcharansky may have brought on an untimely end to his life by speaking his mind.

When I last saw him inside the Soviet Union nearly 2 years ago, he was speaking about his eventual settlement in Israel. In fact, at the end of his trial he spoke of "next year in Jerusalem" and being with his valiant wife, Avital. It certainly does not appear that Mr. Shcharansky will enter Israel in the near future.

In 1975, I had the great pleasure of spending an evening with Mr. and Mrs. Sakharov. I remembered my impression at the time that this man's talk about democracy and its institutions was similar to what one might expect from a member of the political science department at an American university, such was his grasp and his conviction. This man is warm, extremely intelligent, articulate, and of course, gallant. His exile is the silence of a crucial voice for even a partial speaking up of the Soviet system.

The exile of Mr. Shcharansky and Mr. Sakharov is a personal tragedy. I will not be satisfied, nor will Congress or the American people be satisfied, until these men are set free. We would be doing a great disservice to these men, who I have the honor to call my friends, were we to relax for one instant our continuing attempts to convince the Soviet Union to allow both to live a life away from persecution and repression.●

---

## GEORGE MEANY

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. OBEY. Mr. Speaker, most workers in this country think that the deck is usually stacked against them: in the marketplace, in the Government, in their employment.

George Meany gave all his energies for all of his life to assure that the workers of this country were organized effectively to defend their own interests.

Other groups have also benefited from George Meany's tenacity and conscience.

Most civil rights legislation in this generation could not have passed without his support.

The poor and disadvantaged have often found the voice of labor weighing in on their side of issues being debated in this House.

You did not always have to agree with George Meany to admire his courage, his sense of honor, his commitment to a strong workers voice, and his fierce love of country.

The world is a better place because he passed our way.●

---

## THE COST OF A DRAFT REVIVAL

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. PAUL. Mr. Speaker, Mr. Barry Lynn, national chairman of CARD—the Committee Against Registration and the Draft—had an article in the January 1980 issue of Moneysworth that I would like to call to my colleagues' attention. I have no doubt that this subject will be coming up again all too soon, despite the fact that the draft is wrong militarily, constitutionally, morally, economically practically, and politically.

[From Moneysworth, January 1980]

### REVIVAL OF THE DRAFT NEXT YEAR WOULD COST AMERICAN CITIZENS TOO MUCH

(By Barry Lynn)

Early this year the Congress will consider a proposal which—if passed—will usher in new waves of protest by young Americans. Ultimately, it should cause sizable protest from American taxpayers, too, because it will guarantee continuation of present military mismanagement and revive a massive federal bureaucracy which has been in mothballs. The proposal: bring back the military draft.

America needs a strong defense. However, at present, we have over 2 million persons on active duty, roughly 800,000 more in the Selected Reserve and National Guard, and over 300,000 "Ready Reservists" who would supply early battlefield casualty replacements. We still spend over $7 million for bureaucratic expenses each year to maintain the Selective Service System, even though draft registration ended in 1975. The System is capable of providing inductees 75 days after an emergency, early enough for the Defense Department's needs in all cases except their worst-case "one-and-a-half war" scenario, in which we are fighting the Soviets with conventional weapons in Europe and in, say, Korea at the same time.

However, Sen. Sam Nunn, D-Ga., wants more dollars for Selective Service so it can deliver draftees in under 30 days and get 650,000 within six months, which he claims is necessary in the "worst case." Many military analysts find this "worst case" planning very dubious, both because of the slim likelihood of conventional war in Europe and because of highly questionable assumptions Sen. Nunn and others make when they claim a need for 650,000 draftees in six months. For example, Selective Service has admitted that the 650,000 figure assumes no volunteers for what amounts to "World War III½." That contradicts every trend where national security is genuinely threatened. A volunteer rate like that after Pearl Harbor with today's population would pull in nearly 500,000 men—more than the current military-training capacity.

#### COSTS STAGGERING

How much will Selective Service cost if Sen. Nunn gets his way? Up-front costs each year alone are staggering: $10 million just to register men; $12 million to do aptitude testing; $8 million to classify everyone; $30 million for physical exams for just 15 percent of those turning 18 each year. Since most Constitutional scholars believe that—with or without ERA—any new Selective Service revival will have to include women (and thus double costs), the grand total before we even induct one person comes to $120 million each year.

Sen. Nunn and his cohorts are the first to admit registration alone will not solve any alleged problems with the volunteer force, and the United States will have to go back to the draft. Although there are some complaints about the "quality" of our active duty forces—and minor recruiting shortages which get more media attention than they deserve—few people want to draft people into active duty. A random draft would provide a few more Ph.D.'s for the Army, but would also provide more marginally qualified people, reducing the services' overall quality.

The real placement for draftees would be the Reserves. Many Congressional big spenders would like to increase the size of the Selected Reserve and National Guard by 100,000 and the Ready Reserve by a whopping 700,000. Getting 50,000 Selected Reservists costs $275 million more than present costs. Pulling in just 100,000 Ready Reservists for the next seven years rakes off $507 million per year. There is, in fact, no place to deploy such vast numbers of personnel.

One thing more Reservists would do is guarantee that present Reserve force mismanagement continues. For years watchdog agencies like the General Accounting Office have called for the elimination of large numbers of units which contribute nothing to real security. How essential are military historians, officials to form military governments in occupied war zones, dog handlers, and public information officers in the post-nuclear age? Not very, but it was just last year that the House insisted that by this year (why hurry things?) 345 Army Reserve and Guard units should be cut. Personnel could then be transferred into units which have some serious military purpose. When the Reserves are leaner, waste and mismanagement eventually come to light. With unlimited supplies of drafted manpower, there would be no incentives for careful management. Even a military historian gets $424 worth of clothing and $445 worth of ammunition to fool with.

One way a draft could save money is if we didn't increase present force levels, but cut pay for the lowest-ranking enlisted persons. A proposal by Reps. Paul McCloskey, R-Cal., and Robin Beard, R-Tenn., seeks to reduce pay by 55 percent, to $192 per month (that's 4 percent of a congressman's salary). But this is a phony way to save, because it is effectively a very high "tax" on the young people who happen to get drafted, and contradicts our basic sense that people should be paid well for potentially hazardous work which just might save our lives.

The draft has existed for only 30 years of a 204-year history. In general it has been viewed as an affront to the very freedoms we cherish as a nation. Many other countries think nothing of forcing young people to serve the whims of the state. The United States was founded on a very different idea—that the state exists to serve individuals, who have inalienable human rights.

#### GROWING OPPOSITION

Due to the growing opposition to the draft from all political directions, the 1980 congressional move is likely to be "merely" to register all 18 to 26 year olds, with corollary duties imposed to inform the federal government every time they move, marry, or change jobs. Government estimates indicate that as many as 100,000 people would fail to register each year, necessitating vast quantities of law enforcement time being diverted from catching murderers and arsonists to finding our kids when they forget to report a change of address and threatening them with five years in prison.

Young people are patriotic, but they are not foolish. If national interests were truly threatened, they would voluntarily come forward like their fathers and grandfathers. But if the government is trying to poke its military presence into the four corners of the globe, or self-servingly trying to justify huge defense expenditures, our sons and daughters would be wise to say: "Hell no."●

## PERSONAL EXPLANATION

### HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. NELSON. Mr. Speaker, due to illness, I was unable to be present when the House voted earlier today on rollcall No. 5 and rollcall No. 7. If I had been present I would have voted "yes" on House Concurrent Resolution 249, urging the transfer or cancellation of the Moscow Olympic games, and "yes" on House Concurrent Resolution 204, to extend MFN trade status to the products of the People's Republic of China.●

## BARNES OPPOSES RELAXATION OF AIRCRAFT NOISE STANDARDS

### HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. BARNES. Mr. Speaker, I oppose the conference report on H.R. 2440, legislation to ease Federal aircraft noise abatement standards. The Eighth Congressional District of Maryland, which I represent, is a good example of the seriousness of the problem of aircraft noise—and a good example of why this conference report deserves to be defeated.

My constituents who reside along the Potomac River, directly beneath the flight patterns of planes from National Airport, have lived for years with this increasingly disturbing environmental blight. The anger and frustration that these people feel runs very deep, and I encourage any Member who wonders whether aircraft noise is indeed a severe problem to talk to someone whose home is in the flight path of a major airport.

One such person is Frank Sordyl, of Cabin John, Md. Like many others, he has fought through citizen action to make his community a quieter one, and he serves on the board of directors of the National Alliance for Quiter Communities. In a recent letter to me, Mr. Sordyl pointed out—as many others have during this debate—that the aircraft noise issue is not one of mere convenience or amenity, but instead one involving human health issues of a serious and growing magnitude.

For the benefit of this gentleman and the millions of others around the country who live near airports, I urge my colleagues to defeat this conference report. Let's get on with the job of cutting back aircraft noise.●

## THE BEST IS YET TO BE

### HON. PHIL GRAMM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. GRAMM. Mr. Speaker, with all the dire predictions being made about the prospects of our Nation and its people during the 1980's, I would like to share with my colleagues the very optimistic views of one of my most outstanding constituents, Don Woodard of Fort Worth, Tex.

I share Don's optimism about the American people. Whatever doubts I may have about government, I am optimistic about the ability of Americans to put their marvelous talents to work and solve the problems confronting our Nation.

Don's words appeared in the Fort Worth Star Telegram of December 28, 1979, as part of a series of articles on "Views of the 1980s" at this point:

#### REMARKS OF DON WOODARD

Hope springs eternal in the human breast. So wrote Alexander Pope in the 18th century.

Robert Browning wrote: "God's in His heaven. All's right with the world! The best is yet to be." I believe that. The 1980s will see inventions that will boggle the mind.

Scientists and engineers will solve the energy problem. Economists will get a hold on runaway inflation. Statesmen and diplomats and men of good will everywhere will bring fresh meaning to Isaiah's command: "Come now, let us reason together."

To be sure, the decade which is closing produced a bumper crop of problems and troubles. But we should consider them a challenge . . . like a jigsaw or crossword puzzle. Like General Eisenhower said when the Germans had surrounded the Americans at Bastogne during the Battle of the Bulge: "The present situation is to be regarded as one of opportunity for us and not of disaster. There will be only cheerful faces at this conference table."

On January 20, 1961, I stood on the snow-covered steps of the U.S. Capitol with Senator William A. Blakley and heard John Kennedy proclaim: "I do not shrink from problems! I welcome them! I do not believe that any of us would exchange places with any other people or with any other generation."

That's the way I like to hear a President talk!

One Sunday in Marble Collegiate Church in New York City I hear Dr. Norman Vincent Peale preach a memorable sermon. He quoted the old Negro spiritual: "Nobody knows the troubles I've seen." But he pointed out that the song ended with the triumphant shout: "Glory Hallelujah!"

Adversity is the name of the game. A diamond in nature is not the beautiful shimmering flame of fire which bedecks a billion hands and necks the world over. It gets that fiery beauty through adversity. It has to be cut and rubbed and polished. The gold that the diamonds and rubies and emeralds are set in had to be refined. It had to go through the fire.

Recall the vignette of George Washington on his knees in the snow at Valley Forge. After the tribulations at Valley Forge came victory over Lord Cornwallis at Yorktown and the American Republic was born!

On March 6, 1836, Mexican troops under General Santa Ana stormed the Alamo. All Texas troops died. The dregs of defeat. Six weeks later at San Jacinto, Sam Houston, although vastly outnumbered, smashed Santa Ana and the Republic of Texas was born! An incredible turnabout!

If winter comes, can spring be far behind? In 1940 Britain stood alone against the might of the Nazi war machine. Bleak as things were, a popular song in England proclaimed that one day "There'll be bluebirds over the White Cliffs of Dover." And it came true. In the Battle of Britain the RAF finally drove the Luftwaffe from the English skies. This spring while crossing the English Channel on a carefree vacation I was thrilled by the sight of the White Cliffs of Dover. I remembered the promise of that song of forty years ago.

I am confident that we will be victorious over the problems which beset us on every hand. We've won tremendous victories in our time. I remember Monday, December 8, 1941, when I was a student at Technical High. Yesterday the Japanese had bombed

Pearl Harbor. Principal Green Trimble assembled the student body in the auditorium to listen to President Roosevelt on the radios as he delivered his famous Day of Infamy address to Congress. I can hear now: "And we shall gain the inevitable victory—so help us God!"

As the present generation would say: "Right on, Mr. President!"

Pearl Harbor was bombed. Corregidor fell. But MacArthur returned to the Philippines as he said he would and the Japanese were mighty glad to sign his peace treaty on the deck of the Big Mo in Tokyo Harbor. After four long years, victory! Banzai!

How bleak things looked at Bastogne for the 101st Airborne in the winter of 1944. The Germans wanted to know if we would surrender. Our General answered "Nuts!" The clouds broke, we won the Battle of the Bulge and Patton's tanks raced to Berlin. In less than six months the war in Europe was over and Hitler was dead. Roll over and play dead? Surrender to our problems? Nuts!

I remember Guam, Saipan and Okinawa during the war. The slogan of GIs and sailors was "Golden Gate by 48!" It was only a slogan and I daresay few really believed it. But we beat that deadline by some three years.

After the war another problem came along. Stalin blockaded Berlin and dared us to do anything about it. But Truman and the airlift prevailed.

Then came Korea. Followed by Viet Nam. There were assassinations and the Arab Embargo. Dark days. But we survived them all and emerged, I am confident, a stronger people tempered by adversity.

Problems? We've had them and always will. But don't look at the hole. Look at the doughnut. We've always solved our problems whether they were depressions, recessions, assassinations or wars or cars out of gas. When future problems come we'll look back on our present problems and wonder why we ever doubted we would solve them.

I read in the papers that energy experts and politicans like to tell us that there is no royal road to energy sufficiency nor any magic wand that can wave us out of our troubles. They say, "You can't do that now. Why, it will take decades to solve the energy problem."

Bull! That's today's version of the cry, "Golden Gate by '88!" We'll beat the heck out of that schedule!

When the Russians launched their grapefruit Sputnik in 1957 nearly everyone was moaning and groaning that the U.S. had gone to hell in a handbasket. But Fulton Lewis, Jr., the radio commentator, didn't think it was all that great a stunt. And John Kennedy dreamed of landing an American on the moon before the 1960s were out. Neal Armstrong landed on the moon on July 20, 1969. Since then we've been there and back half a dozen times. The Russians, in case you haven't heard, are still trying to figure out how to break out of earth orbit.

A few days ago, with three minutes to play and the Cowboys hopelessly down by 13 points, everyone figured the Redskins had done it to us again. But Roger Staubach had other ideas. The final score was Cowboys 35, Redskins 34. How do you like that, sports fans?

In June and July 1945 I was a sailoı aboard the Attack Transport USS Bowie. We were practicing landings on Maui preparatory to invading the Japanese home islands. We knew it would be a bloody affair as the Japanese would fight to the death to defend their country. Who could have believed that in August the U.S. would drop a bomb on Hiroshima which would bring the war to a sudden end? But that is precisely what happened. Scientists had been working secretly on splitting the atom for five years and suddenly the world had a whole new source of energy.

Who is to say that another dramatic breakthrough in energy is not just around the corner? After all, the best brains in a thousand laboratories and universities around the world are working on the problem.

Be skeptical if you will. The skeptics laughed at Columbus and his absurd plan to reach the east by sailing west. They assured him he and all his ships would fall right off the earth. But the great Admiral sailed on and on and on and discovered a New World.

The naysayers scoffed at Copernicus when he opined that the sun, not the earth, was the center of the universe. Wasn't this against the teachings of Aristotle and Ptolemy? His books were banned and burned.

Galileo was put on trial because he had the audacity to say that the moon did not shine with its own light but merely reflected the light of the sun. They confined him and he died blind. But when Neal Armstrong landed on the dead moon some 400 years later, Oh was Galileo ever vindicated!

The Nazis thought Einstein was a Jewish dreamer with a funny equation who thought he could split the atom. Didn't he know that the atom was the tiniest bit of matter in the universe, incapable of being reduced to smaller size? He was hounded out of Germany and his worldly goods confiscated, but he lived to see the day when his idea brought the curtains down on the Nazis and the Japanese with a very loud bang heard round the world.

No one believed Thomas Edison could perfect the incandescent bulb. That is, no one except Edison himself. After all, hadn't the fellow tried 10,000 experiments and failed every time? But a funny thing happened on his way to Failure No. 10,001. He succeeded. Current crossed the carbon filament and the bulb glowed! That was 100 years ago—the advent of the 1880s. Edison gave the world a new and superior kind of illumination that has lit up our lives ever since.

As we stand on the threshold of the 1980s other dramatic inventions and breakthroughs are imminent. In medicine. Energy. Inflation. Peace.

Whatever the exciting new decade brings, let us highly resolve that we will face the future with the commandment of the Angel uppermost in our minds: Fear not!

Franklin Roosevelt was right: "We have nothing to fear but fear itself!"

To our City, our Country, our World, I say: "Hold on. Help's coming!"●

## BUSINESSMAN IN THE NEWS

## HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. BROYHILL. Mr. Speaker, a recent issue of the magazine North Carolina featured an article on a good friend of mine, James E. Heins, president of the Heins Telephone Co. in Sanford, N.C.

While most men would be content to achieve the professional status and responsibilities associated with running a small, independent telephone company serving 16,000 customers, such is not the case with "Buddy" Heins. Mr. Heins has reached out beyond his State and local responsibilities to serve as president of the U.S. Independent Telephone Association, representing some 1,500 independent telephone service firms across the Nation.

I have known Buddy Heins for over 30 years; we attended the University of North Carolina at the same time, and in fact were members of the same fraternity. I can personally attest to the accomplishments of this third-generation telephone executive. I commend the following article to my colleagues as an example of the results that can be achieved through an individual's initiative and public responsibility:

JAMES E. HEINS OF HEINS TELEPHONE CO.

SANFORD.—A handsome new Heins Telephone Company corporate headquarters building neared completion here in November. Occupancy was expected to begin some time during December, and it couldn't come too soon for President James E. Heins and his staff.

For the past several months they've been cooped up in small temporary offices after moving out of the building which had served for many years as the main office.

But Mr. Heins has been experiencing mixed feelings as he walked out the front door of the company's interim offices in recent weeks to check progress on the new building a block away. He knew he wouldn't have much time to become familiar with his new diggings during the year which began October 13.

On that day at Phoenix, Arizona, he became president of the U.S. Independent Telephone Association, a nationwide organization of some 1,500 members which includes just about every telephone service firm in the country outside the Bell System. And it is much more than an honorary post. During his term of office Mr. Heins expects to travel more than 100,000 miles. He will attend 70 or more meetings of industry groups, will make 35 or 40 speeches. And he will spend a considerable amount of time in Washington helping represent the interests of the independent telephone companies which feel themselves severely threatened by a Federal Communications Commission act to deregulate long-distance phone service.

Heins Telephone Company is a small, family-owned firm which serves about 16,000 customers with 30,000 telephones in Lee and Harnett Counties and in small areas of Moore and Chatham Counties. It might appear surprising to some that the head of a small telephone firm should be elected to the presidency of an industry association whose membership includes some very large companies.

It is no surprise to Mr. Heins' associates and colleagues in the telephone industry. He has stood tall for a long time in this business on both a state and national level. He was president of the North Carolina Independent Telephone Association several years ago and still serves as a director. He has also served on the board of directors of the national association for a number of years, and as a member of its executive committee. And he has been chairman of the USITA advertising and public relations committee.

The company which Mr. Heins heads was founded by his grandfather, a telephone pioneer who purchased the Sanford firm in 1923. At the time it had 340 telephones in the system. Four sons of the founder ran the company until 1971 when grandson James E. "Buddy" Heins, took over.

"I got the nickname growing up here in Sanford," Mr. Heins explained. "After graduating from college and serving in the military, I worked for other firms in other states before coming back here to join the company. I thought perhaps by then people here would have forgotten the nickname and would call me Jim. But they hadn't, so I'm Buddy to everyone who knows me."

Buddy Heins is a third-generation telephone executive; he grew up in the industry and all the stock in the company is held by the family—five generations of them. But the present head of the company started his career elsewhere and didn't join the firm on a permanent basis until 10 years after his graduation from UNC-Chapel Hill with a degree in business administration.

"After getting out of the Army (he served as a sergeant first class in Germany in 1955–56), I went back to Chapel Hill and got a master's degree in business administration," Mr. Heins explained. "I worked for the company here about 18 months following my military service, but when I got my graduate degree I decided to strike out on my own."

He took a position with Anaconda Wire & Cable Company as a sales representative in 1959 and worked out of Washington, D.C. Later he moved to another wire and cable firm, Whitney Blake Company, as product manager in New Haven, Connecticut. Then, in 1963, he came home to Sanford as executive vice president of Heins Telephone Company. When his father retired in 1971 Buddy Heins was elevated to the presidency.

A telephone company grows pretty much concurrently with the growth of the communities it serves. There's been a great deal of growth—residential and industrial—in the Sanford-Lee County area since Mr. Heins became president of Heins Telephone Company. In 1971 there were less than 17,000 phones in the Heins system; today, as mentioned, there are about 30,000.

And entering the 1980's, Mr. Heins and the company are looking toward significant technical advances and to growth through diversification.

On December 15 the company was scheduled to convert a part of its system to digital switching through equipment purchased from Northern Telecom at the Research Triangle Park. Digital electronic technology, which uses the languages of the computer to handle telephone calls and other communications, is the wave of the future; it seems destined eventually to replace analogue telephony which was first develped by Alexander Graham Bell a century ago. The digital system offers greater speed and diversity which will be needed as telephone communications grow and expand in variety of services.

"The great advantage of the digital system," Mr. Heins said, "is that it will allow us almost unlimited potential for growth in the future. And ours will be the first system of its type to go into operation in North Carolina."

Pending some time during 1980 is a corporate change for Heins Telephone Company, Mr. Heins disclosed.

"We are in the process of forming a holding company which will be called The Heins Company," he said. "It will have as subsidiaries the telephone company, and in the future a plant paging and security system company and other services we plan to get into which have not been a part of our past operations."

The plans must be approved by the North Carolina Utilities Commission, the Federal Communications Commission and the Rural Electrification Administration which lends capital funds to many independent telephone companies. But Mr. Heins is confident the necessary authorizations will have been obtained and the transformation accomplished by the middle of 1980.

"The holding company route is necessary for us to get into the competitive market," he said. "Our present company as a public utility couldn't do more than provide telephone service, but it can continue to engage in that business as a subsidiary while other subsidiaries engage in other lines of business."

The change will leave intact the Heins officers and board of directors, and all stock and other rights will be preserved.

All this will be taking place while Buddy Heins is on the road a great deal of the time in his role as USITA president. But he expressed supreme confidence that other officers and employees of the firm can attend to the necessary details without his being on hand constantly.

"We have an exceptional group of employees," he declared. "I knew I could spend a year as president of the national association, with all its demands on my time, because of my confidence in the employees we have here and their ability to do the job."

Mr. Heins said he not only allows, but actively encourages, independence of thought among the company's employees.

"I like to allow people who work for me to use their own initiative and imagination in getting the work done," he said. "I've always felt that employees who are allowed to do their jobs with a minimum of interference will do a better job. I've never tried to stifle anyone's initiative here, and I actively encourage employees to tell me how we can improve our performance. And I never take offense at complaints and suggestions."

With Heins Telephone Company in good hands, then, Buddy Heins is looking as USITA president toward a sticky regulatory situation in Washington. The issue is the FCC's thrust toward opening up intercity telephone service to competition—a form of deregulation which has parallels with proposed deregulation of truck and intercity bus routes and is being opposed by many of those transportation interests.

Until recently the Bell System and the independent companies were interconnected in a national long-distance toll network and provided the service for all long-distance calls. But under the FCC plan, said Mr. Heins, other firms are allowed to compete for long-distance service. They can bid for contracts with businesses to provide service between certain cities and, according to Mr. Heins, may undercut the phone companies which have long provided the service.

"Although nationwide long-distance rates are uniform with mileage, there are other cost elements involved that might allow an outside company to underbid an established telephone company for the service," he said.

"The threat to independent companies like ours is that if we were to lose a substantial part of our long-distance toll revenues, our local customers would have to pay higher rates for their service," he continued. "We are required to provide telephone service to everyone within the geographic area we serve, and our customers woud be adversely affected by companies looking only for the lucrative long-distance accounts. Chances are, they would skim off the cream of the accounts and leave the established companies with the less profitable business."

A federal court decision led to the Federal Communications Commission's introduction of competition in the industry, Mr. Heins pointed out. "But we (the independents) do not think the FCC should formulate policy which will restructure our industry; we think that should be up to Congress," he added, "and we were hoping to see legislation enacted that would allow the telephone companies to compete on an equal basis wherever competition is allowed. We also are asking Congress to order that competitors who provide private line telecommunications pay a fair access charge for tieing in with the telephone company network. We believe the competitors who use our facilities should pay a reasonable charge. They should share in supporting the local distribution facilities they use and should help insure that everyone will have basic telecommunications service at affordable rates.

"Unless the current trend in FCC ratemaking is altered," declared Buddy Heins, "we'll surely have to restructure our local and long-distance rates to reflect the actual cost of providing the service."

Although he professes difficulty, as a non-engineer, in keeping abreast of accelerated technical advances in telephony, Mr. Heins appears to an interviewer to have an admirable expertise in the subject. He speaks knowledgeably of the digital movement in communications, of fiber optics and laser beams that seem destined to supplement and perhaps one day supplant the copper wires and cables that still carry a majority of the world's daily telephone communications

"I believe we are on the verge of a vast communications explosion," he declared. "I believe the energy problem and the increasing scarcity and price of fuel for travel may lead us to visual telephones, especially for use in business, professional and governmental conferences where the participants in different locations need to see as well as hear one another. I believe the time will come when your home telephone service will include devices to automatically change temperature and humidity as needed. And I expect to see a tremendous expansion of information systems via the telephone. It might take the form of reference information that can be obtained by dialing the numbers and have it displayed on your television screen."

Despite his obvious knowledge of the subject, Mr. Heins professes to be overwhelmed by the volume of technical information he is called upon to read and absorb. "I do the best I can, but there's just no way I can keep up with all of it," he said. "Fortunately, we have people with our company who can—and do."

As a member of one of Sanford's oldest and most respected families—and as one of its major business executives—Buddy Heins is called on for a good deal of local and state public and civic activity. He has responded by serving as chairman of the North Carolina Heart Association and in several other capacities with that organization and with Lee County counterpart. He has spent 13 years as a member of the Lee County Recreation Commission, six of them as chairman, and helped the county to become the first in North Carolina to provide a countywide tax supported recreation program. He is a past chairman of the Sanford Community Guidance Community for the North Carolina Department of Correction. He has served as president of the Sanford Chamber of Commerce, Railroad House Historical Association, and of Lee County Young Democratic Club. He is a director of the North Carolina Citizens Association and a director and executive committee member of The Carolina Bank of Sanford.

The Sanford School of Telephony, which is operated by the Department of Community Colleges, is an institution whose formation owes a great deal to the work of James E. Heins, and he remains one of the School's foremost supporters. For that and other community efforts Mr. Heins was named Sanford's Citizen of the Year in

1977. Thirteen years earlier he was the local Jaycee Young Man of the Year.

Mrs. Heins is the former Carroll Butts of Atlanta. they have two children: son James Edward Heins, Jr. (Ned), 17; and daughter Cooper Corinne, 15. Mrs. Heins, a graduate of UNC at Chapel Hill, is a psychiatric social worker at the Lee-Harnett Mental Health Clinic. The family are members of Sanford's First Presbyterian Church and Mr. Heins is a Deacon and member of the planning council.

His hobbies and recreations these days are golf, tennis and coastal fishing. For a time, he was an avid private pilot with his own plane, and he also indulged a passion for sailboating.

"I tend to get deeply into hobbies like those until I get them out of my system; then I go on to something else," Buddy Heins said. "And it seems that the older I get, the less time there is for anything outside the office."

As a public utility, Heins Telephone Company's rates and service are regulated by the State Utilities Commission. Mr. Heins declares his satisfaction with the commission's regulation of the utilities industry.

"The regulatory climate in North Carolina is excellent overall," he declared. "Our Utilities Commission is consistently fair to both the utility companies and to the consumers. If I have any reservation about our regulatory situation, it's a bit of concern about a tendency by the commission in recent years to build social requirements into utility rate structures.

"I mean by that, decisions which ask the utilities to provide below-cost service to underprivileged citizens," Mr. Heins went on. "Now I agree wholeheartedly that the underprivileged in our society deserve special consideration. But I feel the responsibility for looking after their utility needs should be assumed by a government or a private social agency, not by private industry. For a public utility to provide special rates to the underprivileged means that its other customers must be required to make up the difference in higher rates.

"With the FCC trying to get the telephone communications industry into a competitive situation, this is no time for anyone to ask us to carry additional social obligations," said Buddy Heins.

In a feature interview in the telephone industry's trade publication, *Telephony*, issued on the eve of his election as president of USITA, Mr. Heins declared that event to be the high point of his life. And he offered a capsule view of his career and his accomplishments:

"I have been involved in the telephone industry all of my life," he said. "While there were occasional disappointments and frustrations, my career has been a source of great satisfaction. Heins Telephone Company is blessed with a staff of competent and extremely conscientious employees. Our growth has been extraordinary, our earnings are good and we enjoy an excellent reputation in the area we serve. All of this has been very satisfying and has afforded me the opportunity to participate in industry affairs on a state and national level." ●

---

## VOTING RECORD OF CONGRESSMAN CLEMENT J. ZABLOCKI

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● **Mr. ZABLOCKI.** Mr. Speaker, the following is a summary of my attendance record, position, and voting record on the major issues considered during the 96th Congress:

CUMULATIVE VOTING RECORD, 96th CONG., 1ST SESS.

| | Yeas/nays | Quorum calls | Recorded votes | Grand totals |
|---|---|---|---|---|
| Number of calls or votes.... | 357 | 86 | 315 | 758 |
| Present responses (yea, nay, present, present-paired for or against).... | 344 | 77 | 306 | 727 |
| Absences (absent, not voting, not voting—paired for or against).... | 13 | 9 | 9 | 31 |
| Voting percentage (presence).................. | 96.3 | 89.5 | 97.1 | 95.9 |

### VOTING RECORD

#### NATIONAL ECONOMY

Position, issue, and status:

Voted for resolution to trim nearly $3 billion from the Administration's budget request—adopted.

Voted for legislation to provide a standby public works program to be triggered if unemployment reaches 6.5 percent for three consecutive months—in conference.

Voted for Federal loan guarantees to Chrysler to save 100,000 jobs—became law.

Voted for extension of the Council on Wage and Price Stability—became law.

Voted for legislation to stimulate private investment and jobs in distressed communities—in conference.

Cosponsored banking and credit union reform—in conference.

Voted for reduction of trade restrictions and phased tariff reductions—became law.

#### ENERGY, ENVIRONMENT AND NATURAL RESOURCES

Voted for Energy Conservation Bank to make subsidized loans to low- and middle-income families for home insulation—in conference.

Voted for Solar Bank to subsidize loans to all families for installation of solar equipment—in conference.

Voted for legislation to tax oil companies on unearned windfall profits—in conference.

Voted for legislation to expedite licensing of critical energy projects—in conference.

Voted for synthetic fuels development—in conference.

Voted for national parks and wildlife refuges in Alaska—passed House.

Cosponsored sewerage treatment abatement funds—passed House.

Voted for public water supervision programs and underground water source protection programs—became law.

Introduced legislation to promote the orderly development of mineral resources in the deep seabed—pending.

#### ELDERLY, HEALTH AND SOCIAL SERVICES

Voted for low-fare railroad programs for the elderly and handicapped—became law.

Voted for elderly housing programs—in conference.

Cosponsored legislation to provide alternatives to institutionalization for senior citizens—pending.

Voted against substitute bill which only provides for voluntary hospital cost containment—passed House.

Voted against amendment to allow Federal funding of abortions—in conference.

Introduced right-to-life resolution to protect the rights of the unborn—pending.

Voted for welfare reform package—passed House.

#### VETERANS AND NATIONAL DEFENSE

Voted for legislation to increase benefits for Vietnam-era veterans—became law.

Voted for extension of veterans' health care programs—became law.

Voted for legislation to increase disability benefits—became law.

Voted for veterans' educational and vocational training assistance—passed House.

Voted for legislation authorizing the Department of Defense to procure weapons and conduct research for national security—became law.

Voted for amendment to require draft registration—defeated.

Voted for national security programs of the Department of Energy—conference report pending.

#### TRANSPORTATION, CONSUMERS AND HOUSING

Consponsored legislation to save the freight-carrying capacity of the Milwaukee Road—became law.

Voted for AMTRAK reorganization to assist railroad operations—became law.

Cosponsored Consumer Checking Account Equity Act—in conference.

Voted for authorization of FTC regulatory activities through 1982—passed House

Voted for Standards for safe sitting, construction and operation of liquefied natural gas facilities—became law.

Voted for legislation mandating the public notice of tire defects—passed House.

Voted for extension of housing and community development programs—in conference.

#### ECUCATION AND LABOR

Voted for conference version creating Department of Education—became law.

Voted for extension of Federal major higher education programs—passed House.

Voted for constitutional amendment to ban school busing—defeated.

Cosponsored bill to provide alternatives to school busing—pending.

Voted for loans to assist school districts in controlling asbestos exposure—passed House.

Voted for bill to provide assistance to workers dislocated because of foreign trade—passed House.

Voted for legislation to implement the multilateral trade negotiations—became law.

Cosponsored legislation requiring prior notice of plant relocations—pending.

#### GENERAL GOVERNMENT

Voted for legislation to strengthen the General Accounting Office in carrying out investigative and auditing duties—passed House.

Introduced bill to provide for the issuance of a commemorative postage stamp in honor of General Casimir Pulaski—pending.

Cosponsored resolution welcoming Pope John Paul II on his visit to the United States—adopted.

Cosponsored bill to provide regulatory flexibility to small businesses—pending.

Cosponsored legislation to improve regulatory issuances—pending.

#### FOREIGN AFFAIRS

Introduced legislation providing food and economic assistance to help poor countries help themselves—became law.

Cosponsored bill to set spending ceiling on certain Department of State programs—became law.

Introduced legislation to promote continued extensive and friendly relations between the United States and Taiwan—became law.

Voted for implementation of the historic Middle East Peace Treaty—became law.

Introduced emergency assistance for starving people in Cambodia—became law.

Cosponsored resolution in support of a full accounting of Americans Missing in Action in Southeast Asia—adopted.

Introduced resolution commemorating the Warsaw uprising—became law.

Introduced major export control bill—became law.●

---

## DEDICATED EMPLOYEE RETIRES

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. VANIK. Mr. Speaker. House Concurrent Resolution 204, on which the House completed action today, represents some of the final work of our very able and devoted staff director of the Subcommittee on Trade, Harry Lamar, who will be retiring from the service of the Committee on Ways and Means on January 31.

Harry has served the committee for 13 years and the Government for over 30 years. He has been one of the most dedicated, knowledgeable, able, and respected public servants in the country as well as in the Government on the subject of trade. His service has been of infinite value to the committee, particularly during its consideration of the Trade Act of 1974, in the oversight of the multilateral trade negotations, and in the development of the MTN implementing legislation.

On behalf of my colleagues, I wish to express my gratitude to Harry Lamar for his public service and a job well done. We wish him well.●

# SENATE—*Friday, January 25, 1980*

*(Legislative day of Thursday, January 3, 1980)*

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. CARL LEVIN, a Senator from the State of Michigan.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who by Thy Spirit dost lead men to desire Thy perfection, to seek for truth and to rejoice in beauty: Illuminate and inspire, we beseech Thee, all thinkers, artists, craftsmen, and statesmen; that, in whatsoever is true and pure and lovely, Thy name may be hallowed and Thy Kingdom come on Earth.

Direct us, O Lord, in all our doings, with Thy most gracious favor, and further us with Thy continual help; that in all our works begun, continued, and ended in Thee, we may glorify Thy holy name, and finally, by Thy mercy, obtain everlasting life; through Him who is Lord of all life.

—*Adapted from Book of Common Worship.*

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., January 25, 1979.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

WARREN G. MAGNUSON,
*President pro tempore.*

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

## THE DEVELOPMENT OF ALCOHOL FUELS

Mr. ROBERT C. BYRD. Mr. President, on January 11, the Carter administration announced support for a program to accelerate the development of alcohol fuels. I commend the President for placing a high priority on this important domestic energy program. I also wish to express my pleasure at the fact that the Senate has approved legislation containing several strong alcohol fuel initiatives which the administration has now embraced.

There are two types of alcohol which we can use as fuel. Ethanol—commonly known as grain alcohol—can be made from agricultural products such as corn, wheat, sugarcane stalks, and many other materials. Methanol—also known as wood alcohol—can be made from coal or wood.

Abundant quantities of all these materials are available in our country. Our immense agricultural output provides ample raw material for transformation into ethanol. Similarly, our extensive forests and gigantic coal reserves offer the potential for large scale methanol production. Plentiful raw materials such as these increase the attractiveness of alcohol fuel.

Alcohol fuels have a wide range of uses in our economy, which depends heavily on liquid fuels refined from petroleum. As our domestic sources of crude oil have been drawn down, we have turned to foreign suppliers to fill the needs of our economy. Substituting alcohol for gasoline, or using alcohol to extend gasoline supplies is a sound energy and economic policy. In automobiles which have been tuned to accept pure ethanol, it can replace gasoline altogether, but this is not yet a common usage. More often, a mix of 10-percent ethanol and 90-percent gasoline is used by motorists. That mix is "gasohol," a term which has in a relatively short time become familiar to millions of Americans.

The technology involved in producing ethanol and methanol is not particularly complex. Simple chemical reactions known to any high school chemistry student produce alcohol from organic materials such as grains by the fermentation process. Methanol production is equally simple in a small scale facility. Complications arise when large quantities of alcohol are being produced. Simply put, producing millions of gallons of any material requires planning and organization.

Fortunately, alcohol production lends itself to both large- and small-scale production processes. Research begun by the Department of Agriculture recently concentrates on small scale alcohol plants, primarily located on farms.

Investigation into the technology and economics of large scale facilities will be the responsibility of the Department of Energy. Both efforts will be assisted by other agencies as the need arises, in order that the full range of information necessary for efficient production of alcohol fuel is compiled.

Significant cost differences exist between ethanol and methanol production. Methanol is less expensive to produce, but it has a slightly lower energy content than ethanol. Methanol production is likely to be most efficient in a large scale facility, in which economies of scale reduce the cost per gallon of methanol even further. Ethanol production costs depend in part on what raw material is used. For example, plant stalks and wastes are a cheaper feedstock than corn, and the cost per gallon of ethanol would reflect that.

Current production costs for ethanol and methanol are presented in an excellent Energy Department study, entitled, "The Report of the Alcohol Fuels Policy Review." The report, completed in June 1979, indicates that ethanol costs between 50 cents to $1.20 per gallon to produce. Methanol production costs average 30 to 60 cents per gallon. In comparison, gasoline refined from OPEC oil costs as much as 95 cents per gallon, due to the high price of foreign crude oil.

One large ethanol production plant is currently operating in the United States. It is located in Decatur, Ill., and it has the capacity to produce 50 million gallons of ethanol per year. The plant is privately owned. No large-scale methanol production facilities for fuel production exist in the United States, although at least three medium-size facilities have been producing some methanol for fuel on an experimental basis.

This is not to say that a significant alcohol production capability is lacking in America. On the contrary, the technical capacity exists for greatly expanded alcohol output, but it must be oriented to alcohol as a fuel, in addition to its uses in the chemical industry.

The Senate has developed a consensus policy to make that reorientation a reality, and to spur further development of both ethanol and methanol.

An early step taken by the Senate was the creation of the National Alcohol Fuels Commission in 1978. Under the Surface Transportation Assistance Act of 1978, we established the Commission to provide the Congress with a comprehensive policy analysis on the alcohol fuels issue. Chaired by Senator BAYH, and including among its members Senators CHURCH, MCGOVERN, DOLE, HATFIELD, and BELLMON, the Commission has commenced a variety of valuable studies. Particularly useful will be a study underway on the regulatory barriers to alcohol production.

The major Senate action on alcohol fuels occurred during consideration of the synthetic fuel bill and the windfall profit tax bill.

Senator CHURCH authored title III of the synthetic fuel bill. That title established national production goals of 60,000 barrels per day by 1982 for all alcohol fuels. In addition, the Senate set

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

a goal for the substitution of 10 percent of our gasoline supplies with alcohol fuel by 1990.

Loans for the construction of alcohol production plants are authorized by title III. Total authority for the loans, which would be made by the Department of Energy and the Department of Agriculture for both large and small plants, is $3 billion. Loan guarantees are also authorized by this title.

Uniform tax treatment of alcohol fuels was approved by the Senate as part of the windfall profit tax bill. An exemption from the standard Federal excise tax on motor fuels was extended by that bill to the year 2000. This incentive will increase investment in alcohol fuels by providing lower overhead costs.

I am pleased that the Senate has established a working consensus on alcohol fuels. I look for the continuance of this unanimity among Senators from all States, as we attack our domestic energy problems.

## ALLIED COOPERATION

Mr. ROBERT C. BYRD. Mr. President, I have termed the decade of the 1980's a challenging and critical period for American foreign policy. But for each challenge that presents itself there are opportunities as well. One opportunity that must be seized is for greater cooperation with established allies in Western Europe and the Pacific.

Cooperation with NATO nations, Japan, Australia, and others in the Pacific will be more important in the years to come than ever before—and, I fear, could be more difficult if all concerned do not make a major effort to maintain harmony of purpose.

In the immediate postwar period, the United States led and others followed. This pattern of behavior had benefits for both the United States and its allies. But from the 1960's on, this pattern had to change—it suited neither the United States nor our allies in the changed circumstances of world politics.

Adjusting to these changes in behavior has not been easy. Accustomed to lead, the United States has sometimes acted without full consultation with allies—and has felt rebuffed when allies have not given their full support. The Vietnam war is a case in point. And while allies have sought to establish themselves as equals in their relations with the United States they have sometimes appeared to yearn for a strong American lead when it was necessary to make unpopular political decisions. The dispute over the deployment of the neutron warhead is a case in point.

The rhetoric of partnership has long been standard in United States-allied relations. In meeting the challenges of the 1980's, we have the opportunity to transform that rhetoric into reality.

Responses to the Iran and Afghanistan crises generally bode well for allied partnership in the 1980's. In the U.N. Security Council, the United States and its allies stood together in demanding the release of the hostages in Tehran and in supporting economic sanctions against Iran. We stood together again in calling for the immediate withdrawal of Soviet troops from Afghanistan.

On more substantive responses to these crises, the policies of the United States and its major allies appear to diverge somewhat. This is understandable. Each government has its distinct interests and its own ideas as to what responses are appropriate given the circumstances. Americans cannot expect nor should we seek absolutely uniform, lock-step responses on these complex issues.

On the other hand, it is important for America's allies to understand that we do not see the Iranian and Afghanistan crises as predominantly American problems. The violation of international law in Iran threatens all nations, and the risk to Persian Gulf oil supplies that Iran's disintegration poses is greater for Europe and Japan than it is for us. Soviet aggression threatens all nations, especially those on its borders—and again, the European nations and Japan confront the Soviet Union more directly than we do and therefore, they would seem to have a greater interest than we in deterring future Soviet aggression.

If our allies have concrete suggestions as to what we should do instead of the steps proposed by the American Government in response to these crises, then let us hear them. Let us hear what they have to say. Let them come forward. They would be most welcome and I, for one, would urge serious consideration of them. But it is frustrating that much of the allied contribution to the policy debate to date seems to have been to reject some actions in response to these crises, especially where such actions seem to threaten established allied economic interests.

I believe that allied governments perceive these crises to be threatening. The British and Canadian Governments, leaders in and out of the West German Government, and others have made strong statements to this effect.

Let us continue to work together to transform this common resolve into common policy. If we fail altogether in this effort, the opportunity that the 1980's present for cooperation among allied nations and also cooperation with Third World countries and so-called nonalined countries, which surely by now are able to perceive the Soviet Union for what it is now that it has been shorn of its fancy trappings by virtue of its brutal and flagrant invasion of Afghanistan, may become one of the decade's challenges.

So there is the opportunity for cooperation among all nations, allied nations, our allies, Third World, and nonalined, that certainly should feel threatened by the growing shadow that looms upon the horizon cast by the invasion of Afghanistan by Soviet divisions. So this opportunity the 1980's present for cooperation may become one of the decade's challenges.

## THE OLYMPIC GAMES

Mr. STEVENS. Mr. President, I intend to ask to appear before the Committee on Foreign Relations on Monday. I note that they have scheduled hearings on the resolution pertaining to the Olympic games scheduled to be held in Moscow.

It still is my feeling that we should not go on record, as a Congress, urging that the International Olympic Committee boycott the Moscow games and urging that the USOC take action, in any event, to boycott them if the IOC will not.

I hope Members of the Senate will start thinking about the rights of the athletes involved. I note that the State Department is threatening that if the games are not boycotted, the athletes would be denied the right to travel, if possible, or they would be placed under currency restrictions, if possible. I think it would be a serious mistake for this country to penalize young athletes who have trained for years for this opportunity, probably the only opportunity of their lives to participate in the games of their choice. If they decide to go, I believe they have the right, as athletes representing themselves as well as this country, to participate.

In any event, I think it should be a decision of the athletes. It should not be a decision of Congress. It should not be a decision of the President. It should be a decision of the athletes involved as to whether they go.

I say this with the knowledge that some people have said that we should take this action because we should not have been at the 1936 games in Berlin. For years, I have believed that we should not have been in the 1936 games. The world was different then; the circumstances were different then. To do this now, as part of the fabric that the President is attempting to weave, that he now has changed, that he now has the intention of trying to stand up to the Russians, is really sacrificing a great portion of the lives of these young people in a manner that is unnecessary.

I hope to convey to the Foreign Relations Committee my feelings that if there is a propaganda advantage in terms of going to Moscow, it is ours. We, after all, have the Lake Placid games, and we have the Los Angeles games. The athletes of the world will see how they are treated in Lake Placid. We know how they will be treated in Los Angeles. We know that we have the capability to provide the housing and the distribution system to provide them with food. We will allow them freedom to travel in this country, no matter where they want to go. They can compare that to Moscow.

I think the greatest advantage the Russians could have would be to have the IOC decide not to go to Moscow because we brought that about. Rather than not going to Moscow, I would like to see the athletes of the world go to Moscow. I would like to see the worldwide press go to Moscow. Let them report how the Russians treat the athletes. Let them report how the Russians treat our newsmen. Let them report the inadequacies of the Russian system and the failures of the Russian system. I believe that those things will be readily apparent to anyone who goes to Moscow at a time when Moscow is trying to handle 300,000 to 500,000 tourists plus the athletes of the world who would come there, as well as the special needs of a group such as that.

I do not believe the Russians can meet those needs. In any event, I believe that the manner in which those visitors would be treated would be reported to the world.

We are making a serious mistake to urge the International Olympic Committee to move the games from Moscow. I hope there are members of the Foreign Relations Committee who will listen and that there are some who will start thinking about the individual rights of these American athletes who have trained for these games.

I, for one, do not believe that the IOC has the capability of finding an alternative site at this time for such a complicated event, from an organizational point of view.

Furthermore, as I have stated, I do not think the Russians have the capability of really providing the type of hospitality, the type of facilities that a free world country has. Therefore, if for no other reasons, the athletes should have the opportunity to go there and prove that, after years and years of the system that has been followed in Moscow, that system cannot deliver the way a free enterprise system can deliver.

Mr. President, I hope the Foreign Relations Committee will modify its witness list and allow an opponent of that resolution to appear, because I note from the announcement of the Foreign Relations Committee that there are no opponents. Only proponents of the resolution are scheduled to testify before the Foreign Relations Committee.

Mr. President, I have no requests for time.

I thank the majority leader. I yield back the time that was allocated to me.

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business and that that period may not extend beyond 30 minutes and that Senators may speak therein up to 5 minutes each, and that the period be for the conduct of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 525, 527, 572, 573, 574, 576, 584, and 585.

Mr. STEVENS. Mr. President, there is no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PAYMENT OF EXPENSES PAYABLE FROM A SENATOR'S OFFICIAL OFFICE EXPENSE ACCOUNT

The resolution (S. Res. 305), relating to payment of expenses payable from a Senator's official office expense account, was agreed to, as follows:

S. Res. 305

*Resolved*, That, effective October 1, 1979, whenever a Senator or an employee in his office has incurred an expense for which reimbursement may be made under section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58), the Secretary of the Senate is authorized to make payment to that Senator or employee for the expense incurred, subject to the same terms and conditions as apply to reimbursement of the expense under such section.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 96–490), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The resolution, as reported, has two major goals: (1) To simplify the payment of bills under Official Office Accounts, and (2) to eliminate the need for the use of personal funds for this purpose.

Currently, Senators are entitled to "reimbursement" of expenses only. In other words, payment must first be made by the Senator—out of his or her own funds—then the expense may be vouchered and paid by the Senate Disbursing Office to the Senator.

The result is a system which can require that a Senator tie up a considerable amount of personal funds to pay for costs which are official office expenses. Only after the initial payment by the Senator may the Disbursing Office, in turn, make repayment to the Senator.

Senate Resolution 305 would eliminate the need for this personal account funded by a Senator's own money. Instead, the Disbursing Office would have authority to make payment to a Senator as soon as an expense is submitted with documentation. In practice, expenses for a Senator or his or her employee could be forwarded to the Disbursing Office when the bill arrives. After reviewing the expense and attached documentation, the Disbursing Office would cover the cost with a check to the Senator, who could then pay the bill.

## PAYMENT OF PER DIEM AND SUBSISTENCE EXPENSES

The resolution (S. Res. 311) relating to the payment of per diem and subsistence expenses to Members and employees of the Senate was considered and agreed to, as follows:

*Resolved*, That, until otherwise provided by law, per diem and subsistence expenses reimbursable to a Member or employee of the Senate in connection with travel within the United States shall be made on the basis of actual expenses incurred but not to exceed $50 per day for each day or fraction thereof spent in a travel status.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 96–492), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The Committee on Rules and Administration, having considered an original resolution (S. Res. 311) relating to the payment of per diem and subsistence expenses to Members and employees of the Senate reports favorably thereon and recommends that the resolution be agreed to.

Senate Resolution 311 would change the manner in which per diem in lieu of subsistence is computed by eliminating the present requirement that travel days be fractionalized and payments apportioned accordingly. It would make possible a closer achievement of the payment of actual expenses subject to overall daily limits of $50 per day for each day or fraction thereof spent in a travel status within the continental United States. It is intended to cover actual per diem and subsistence expenses by allowing a fraction of a day to be treated as a full day in respect to the maximum limitation.

The resolution would also eliminate the necessity of applying varying daily limitations on per diem and subsistence by allowing the employment of one single rate for the entire continental United States.

The resolution would take effect with all expenses of per diem and subsistence that are incurred on or after the date on which it is agreed to by the Senate.

## INDIAN RESERVATION LAND, ARIZONA AND NEW MEXICO

The Senate proceeded to consider the bill (S. 1832) to extend the authority of the Secretary of the Interior to declare and proclaim land to be Indian reservation land, which had been reported from the Select Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert the following:

That the last paragraph of section 2 of the Act of May 25, 1918 (40 Stat. 570; 25 U.S.C. 211) is hereby repealed.

SEC. 2. Sections 5 and 7 of the Act of June 18, 1934 (48 Stat. 985 and 986; 25 U.S.C. 465 and 467), are hereby made applicable to the Pueblo de Jemez and the Navajo Tribe.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–537), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

S. 1832 will allow the Secretary of the Interior to take certain lands in the states of Arizona and New Mexico in trust for Indian tribes.

A statute adopted by Congress on May 25, 1918 (25 U.S.C. 211, 40 Stat. 570) provides that: "No Indian reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico and Arizona, except by Act of Congress." Section 211, a specific statute, has never been repealed.

Two general statutes, enacted after section 211 also required an Act of Congress to put lands in trust. The first enacted on June 30, 1919, prohibited withdrawal of any public lands for or as an Indian reservation except by act of Congress. The second, adopted on March 3, 1927, prohibited changes in the boundaries of any Indian reservation except by act of Congress.

In 1934, Congress enacted the Indian Reorganization Act (25 U.S.C. 461 et seq.). Section 5 of that act (25 U.S.C. 465) authorizes the Secretary of the Interior to acquire lands in trust "within or without existing reservations" for the purpose of providing land for Indians. Section 7 of that act (25 U.S.C. 467) authorizes the Secretary to proclaim new reservations on lands acquired under the act, or to add such lands to existing reservations.

Section 18 of the Indian Reorganization Act (25 U.S.C. 478) provides that the act shall not apply to any tribe that voted to reject the act. Within the States of Arizona and New Mexico, all tribes except the Navajo Tribe and the Pueblo de Jemez voted to accept the IRA.

The Solicitor's Office at the Department of the Interior has never doubted that the 1934 IRA repealed or superceded the general provisions of the acts of 1919 and 1927. However, there has been doubts as to the continued validity of Section 211 (the act of May 25, 1918). Because this doubt has persisted, whenever a tribe in New Mexico or Arizona has sought to have land placed in trust, they have been required to seek an act of Congress, regardless of their status under IRA. For example, the San Juan Pueblo bought 1½ acres of land located in the middle of its reservation that had previously been owned by a non-Indian. The tribe apparently was advised that an act of Congress was necessary to place the land in trust.

## TRIBALLY CONTROLLED COMMUNITY COLLEGES

The Senate proceeded to consider the bill (S. 1855) to amend the Tribally Controlled Community College Assistance Act of 1978, which had been reported from the Select Committee on Indian Affairs with an amendment to strike all after the enacting clause and insert the following:

That (a) paragraphs (1), (4), and (5) of the first section of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325) are amended to read as follows:

"(1) 'Indian' means a person who is a member of an Indian tribe or is eligible to receive services from the Secretary of the Interior by reason of his or her status as an Indian;

"(4) 'tribally controlled community college' means a postsecondary institution which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe;

"(5) a 'postsecondary institution' means an educational institution which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) provides an educational program of not less than two years, and (C) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution with respect to which the Secretary has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time. Such school may also provide not less than a one-year program of training to prepare students for gainful employment in a recognized occupation if it meets the requirements of clauses (A), (B), and (C) of this paragraph: *Provided, however,* That the requirement in clause (A) may be waived if an institution admits as regular students persons who are beyond the age of compulsory school attendance and have the ability to benefit from the training offered by the institution.".

(b) Section 104 of such act is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided, however,* That paragraph (5)(C) of the first section of this act shall not apply in determining eligibility for technical assistance".

(c) Paragraph (a) of section 105 of such Act is amended by deleting "Assistant Secretary of Education of the Department of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(d) Paragraph (a)(2) of section 109 of such Act is amended to read as follows:

"(2) For the purpose of providing technical assistance pursuant to section 104, there is authorized to be appropriated for the fiscal year ending September 30, 1980, the sum of $3,200,000, and for each of the fiscal years ending September 30, 1981, and September 30, 1982, the sum of $10,000,000.".

(e) Paragraph (a) of section 110 of such Act is amended by deleting "this title" and inserting in lieu thereof "section 107".

(f) Paragraph (b) of section 110 of such Act is amended by deleting "section 106(a)" and inserting in lieu thereof "section 107(a)".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. Presdent, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–538), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

S. 1855 amend Public Law 95–471, the Tribally Controlled Community Colleges Act of 1978, to increase the authorization for technical assistance to $10 million for fiscal years 1981 and 1982 and for other purposes.

There are presently 23 tribally controlled community colleges. Four of these are accredited and four others are actively seeking accreditation. Technical assistance moneys are needed to assist the 15 remaining schools to become candidates for accreditation and to become eligible for operations funds.

Community colleges require technical assistance to develop needs assessments, chartering documents, philosophies, curriculums, plans of operation, management systems, and accreditation relationships with cooperating institutions. In addition, technical assistance moneys are used to develop proposals for financial assistance, for funding and recruitment faculties and administrators, and for developing long-range planning. These are steps a college must take to become accredited, to grow, and to deliver postsecondary education services to people living on and near Indian reservations. Accreditation is vitally important if students attending tribal colleges are to receive a quality education that is recognized by other institutions of higher education.

By increasing the authorization for technical assistance, S. 1855 will set a more reasonable amount for budgetary purposes and emphasize to the Department of the Interior the need for additional assistance to small, fledgling community colleges to help them become viable postsecondary institutions.

## GENERAL ACCOUNTING OFFICE PERSONNEL ACT OF 1979

The Senate proceeded to consider the bill (S. 1879) to establish an independent personnel system for employees of the General Accounting Office, which had been reported from the Committee on Governmental Affairs with amendments as follows:

On page 3, beginning with line 1, insert the following:

(C) prohibit the political activities prohibited under subchapter III of chapter 73 of title 5, United States Code;

On page 3, line 4, strike "(C)" and insert "(D)";

On page 3, line 10, strike "(D)" and insert "(E)";

On page 11, beginning with line 17, insert the following:

(2) investigate any allegation concerning prohibited political activities referred to in section 3(b)(1)(C) of this Act;

On page 11, line 20, strike "(2)" and insert "(3)";

On page 11, line 23, strike "(3)" and insert "(4)";

On page 12, line 2, strike "action" and insert "or disciplinary action (as appropriate)";

On page 12, beginning with line 10, insert the following:

(3) prohibited political activities referred to in section 3(b)(1)(B).

On page 12, line 12, strike "(3)" and insert "(4)";

On page 12, line 14, strike "(4)" and insert "(5)";

On page 12, line 16, strike "(5)" and insert "(6)";

On page 12, line 20, strike "(6)" and insert "(7)";

On page 12, line 22, strike "(7)" and insert "(8)";

On page 13, line 16, strike "(5), and (6)" and insert "(3), (6) and (7)";

On page 19, beginning with line 4, insert the following:

(e)(1) Subchapter III of chapter 73 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 7328. General Accounting Office employees

"The preceding provisions of this subchapter shall not apply to employees of the General Accounting Office.".

(2) The chapter analysis for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7327 of the following new item:

"7328. General Accounting Office employees.".

On page 19, line 13, strike "(e)(1)" and "(3)";

On page 19, line 22, strike "(2)" and insert "(4)";

On page 20, beginning with line 6, insert the following:

AUTHORIZATION

SEC. 9. There are hereby authorized to be appropriated beginning fiscal year 1981 and for fiscal year thereafter such sums as may be necessary to carry out the provisions of this Act.

On page 20, line 12, strike "9" and insert "10";

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "General Accounting Office Personnel Act of 1979".

GENERAL PERSONNEL AUTHORITY

SEC. 2. The Comptroller General of the United States (hereinafter referred to as the "Comptroller General") may appoint, pay, assign, and direct such personnel as the Comptroller General determines necessary to discharge the duties and functions of the General Accounting Office.

ESTABLISHMENT OF PERSONNEL MANAGEMENT SYSTEM

SEC. 3. (a) The Comptroller General shall, not later than the effective date established by section 9(a), establish by regulation a personnel management system for the General Accounting Office (hereinafter referred to as the "personnel system") which shall meet the requirements of subsections (b) through (h). Before promulgating any regulation or any amendment thereto under this section, the Comptroller General shall provide notice and an opportunity for public comment. No reprisal or threat of reprisal shall be made against any employee of the General Accounting Office as a result of comments provided with respect to any proposed regulation or amendment under this section.

(b)(1) The personnel system shall—

(A) embody the merit system principles described in section 2301(b) of title 5, United States Code;

(B) provide for the prevention of prohibited personnel practices described in section 2302(b) of such title;

(C) prohibit the political activities prohibited under subchapter III of chapter 73 of title 5, United States Code;

(D) assure that all employees of the General Accounting Office are appointed, promoted, and assigned solely on the basis of merit and fitness, but without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service; and

(E) in the case of any individual who would be a preference eligible in the executive branch, provide preference for that individual in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch.

(2) Nothing in this section prohibits or restricts any lawful effort to achieve equal employment opportunity through affirmative action.

(c) The personnel system shall provide that the pay of the employees of the General Accounting Office shall be fixed by the Comptroller General consistent with the principles of section 5301(a) of title 5, United States Code. Under the personnel system—

(1) the Comptroller General shall publish a schedule of pay rates which shall apply to employees of the General Accounting Office and, except as provided in paragraph (3) of this subsection or section 5, the highest rate under such schedule shall not exceed the highest rate of basic pay payable for GS-15 under the General Schedule;

(2) except as provided in section 5, the pay of the employees of the General Accounting Office shall be adjusted at the same time and to the same extent as rates of basic pay are adjusted for the General Schedule;

(3) such schedule may provide for rates which do not exceed the maximum rate payable for grade GS-18 of the General Schedule for up to one hundred employees, reduced by the number of employees who are in the General Accounting Office Senior Executive Service established under section 5, except for employees in such service pursuant to section 5(a)(4); and

(4) employees of the General Accounting Office shall be entitled to grade and pay retention, consistent with the principles of subchapter VI of chapter 53 of title 5, United States Code.

(d) The personnel system shall include a system for performance appraisals of employees of the General Accounting Office which meets the requirements of section 4302 of title 5, United States Code. The personnel system shall provide that the Comptroller General has the same responsibility with respect to the performance appraisal system under this subsection as the Office of Personnel Management has with respect to the performance appraisal systems under such section. The Comptroller General shall implement the performance system required by this subsection as soon as practicable, but not later than October 1, 1981.

(e) The personnel system shall provide for procedures to insure that each employee of the General Accounting Office has the right, freely and without fear of penalty or reprisal, to form, join, and assist an employee organization, or to refrain from such activity, and shall provide for a labor-management relations program, consistent with chapter 71 of title 5, United States Code.

(f) The personnel system shall provide for the reduction in grade or removal of employees based on unacceptable performance consistent with section 4303 of title 5, United States Code, and the taking of other personnel actions consistent with chapter 75 of such title.

(g)(1) The personnel system shall provide that all personnel actions affecting employees or applicants for employment in the General Accounting Office shall be taken without regard to race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition.

(2) The personnel system shall include a minority recruitment program consistent with section 7201(c) of title 5, United States Code.

(3) Nothing in this Act shall be construed to abolish or diminish any right or remedy granted to employees of or applicants for employment in the General Accounting Office by section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), by sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a), by section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)), by sections 501 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794a), or by any other law prohibiting discrimination in Federal employment on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; except that, with respect to employees and applicants for employment in the General Accounting Office, authorities granted thereunder to the Equal Employment Opportunity Commission, Office of Personnel Management, the Merit Systems Protection Board, or any other agency in the executive branch—

(A) involving oversight and appeals, shall be exercised by the General Accounting Office Personnel Appeals Board established by section 4; and

(B) involving other responsibilities, shall be exercised by the Comptroller General.

(h) The personnel system shall provide procedures for the processing of complaints and grievances which are not otherwise provided for under subsections (e), (f), and (g).

GENERAL ACCOUNTING OFFICE PERSONNEL APPEALS BOARD

SEC. 4. (a)(1) There is established within the General Accounting Office a board to be known as the General Accounting Office Personnel Appeals Board (hereinafter referred to as the "Board"). The Board shall be composed of five members appointed by the Comptroller General in accordance with this subsection.

(2) Each appointment made by the Comptroller General under paragraph (1) shall be made—

(A) from a written list of candidates submitted to the Comptroller General by any organization eligible to make such a submission under paragraph (4); and

(B) after consultation with organizations which represent employees of the General Accounting Office and with the member or members of each committee of the Congress having legislative jurisdiction over the personnel system who are designated by the chairman of each such committee to consult with the Comptroller General.

(3) An individual shall be eligible for appointment as a member of the Board only if such individual—

(A) has a total of three years of full-time or part-time experience in the adjudication or arbitration of personnel matters;

(B) is not a current or former officer or employee of the General Accounting Office;

(C) has the demonstrated ability, background, training, and experience necessary to be especially qualified to serve as a member of the Board; and

(D) demonstrates a capacity and willingness to devote sufficient time to service as a member of the Board in order to enable the Board to dispose of cases under this section in a timely manner.

(4) An organization shall be eligible to submit a list of candidates to the Comptroller General under paragraph (2)(A) if, in the opinion of the Comptroller General, the membership of the organization is composed primarily of individuals who are experienced in the adjudication or arbitration of personnel matters. The submission of any list under this paragraph shall be made in the form, at the time, and according to the procedures, which the Comptroller General may require.

(b)(1) Except as provided in paragraph (2), members of the Board shall be appointed for terms of three years.

(2) Of the members first appointed to the Board two shall be appointed for a term of three years, two shall be appointed for a term of two years, and one shall be appointed for a term of one year, as designated by the Comptroller General at the time of appointment.

(3) Members of the Board shall not be eligible for reappointment.

(4) Any vacancy in the membership of the Board shall be filled in the same manner as the original appointment. Any individual appointed to fill a vacancy shall serve only for the unexpired portion of the term with respect to which such vacancy has occurred, except that, if the unexpired portion is less than one year, the Comptroller General may appoint the individual for a term which is equal to three years plus that unexpired portion.

(5) A member of the Board may continue to serve after the expiration of the term for which the member was appointed until a successor has taken office, except that the member may not so continue to serve for more than six months after the date on which the term for which the member was appointed otherwise would expire under this subsection.

(c)(1) A member of the Board may be removed from the Board—

(A) by majority vote of the members of the Board (other than the member who is the subject of the proposed action of removal); and

(B) only for inefficiency, neglect of duty, or malfeasance in office.

(2) Any member of the Board who is the subject of any proposed action of removal under this subsection shall be given notice and opportunity for a hearing before the Board prior to any vote of the members of the Board under paragraph (1)(A). The Board may dispense with the opportunity for a hearing only upon the submission of a written waiver of the hearing to the Chair by the member subject to the proposed action.

(d) Each member of the Board who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate prescribed for GS–18 under the General Schedule under section 5332 of title 5, United States Code, including traveltime, for each day such member is engaged in the actual performance of duties as a member of the Board. A member of the Board who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(e) The members of the Board shall select from among the members of the Board a Chair who shall be the chief executive and administrative officer of the Board.

(f)(1) The Chair shall select and the Comptroller General shall appoint an individual to serve as General Counsel of the Board (hereinafter referred to as the "General Counsel"). The General Counsel shall be eligible for reappointment and shall serve at the pleasure of the Chair.

(2) The Chair shall fix the rate of pay of the General Counsel, except that the rate of pay shall not exceed the maximum rate payable for GS–15 of the General Schedule.

(g) The General Counsel shall—

(1) investigate any allegation concerning prohibited personnel practices referred to in section 3(b)(1)(B) of this Act to the extent necessary to determine whether there are reasonable grounds to believe that any such practice has occurred, exists, or is to be taken by any employee of the General Accounting Office;

(2) investigate any allegation concerning prohibited political activities referred to in section 3(b)(1)(C) of this Act;

(3) investigate matters under the jurisdiction of the Board if so requested by the Board or any member of the Board; and

(4) otherwise assist the Board in carrying out its functions.

(h) The Board may consider, decide, and order corrective or disciplinary action (as appropriate) in cases arising from—

(1) employee appeals concerning any removal, suspension for more than fourteen days, reduction in grade, reduction in pay, or furlough of thirty days or less;

(2) prohibited personnel practices referred to in section 3(b)(1)(B);

(3) prohibited political activities referred to in section 3(b)(1)(C) of this Act;

(4) determinations of appropriate units of employees for collective bargaining;

(5) elections and certifications of collective bargaining representatives;

(6) any labor practice prohibited under the labor-management system established under section 3(e) and any other matter appealable to the Board under that system;

(7) actions involving discrimination prohibited under section 3(g); and

(8) any other issue relating to the personnel of the General Accounting Office which the Comptroller General, by regulation, determines is most appropriately resolved by the Board.

(i) The Comptroller General shall promptly implement any corrective action ordered by the Board, in cases in which the Comptroller General has the authority to do so.

(j) The Board shall have authority to designate a panel of its members, or an individual member, to take any action which the Board is authorized to take under subsection (h). Any decision made under subsection (h) by a panel or individual member designated under this subsection shall be considered to be a final decision of the Board unless the decision is reopened and reconsidered by the Board under subsection (k).

(k) The Board may, on the motion of any party or on its own motion, reopen and reconsider any decision under subsection (h) within thirty days after the decision is rendered.

(l)(1) Any final decision of the Board (or of any panel or individual member designated under subsection (j)) under subsections (h) (1), (2), (3), (6) and (7) may be appealed to the United States Court of Appeals for the circuit in which the petitioner resides or to the United States Court of Appeals for the District of Columbia. Any appeal under this subsection shall be in accordance with the procedures of chapter 158 of title 28, United States Code. Notwithstanding any other provision of law, any petition for review of a final decision of the Board shall be filed within thirty days after the date the petitioner receives notice of the final decision of the Board.

(2) In any case filed under paragraph (1), the court shall review the record and set aside any agency action, findings, or conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) obtained without procedures required by law, rule, or regulation having been followed; or

(C) unsupported by substantial evidence.

(m) The Board shall promulgate regulations—

(1) providing for employee appeals, consistent with the principles of sections 7701 and 7702 of title 5, United States Code; and

(2) establishing its operating procedure.

### GAO SENIOR EXECUTIVE SERVICE; MERIT PAY SYSTEM

SEC. 5. (a)(1) The Comptroller General may promulgate regulations establishing a General Accounting Office Senior Executive Service (hereinafter referred to as the GAO Senior Executive Service) which—

(A) meets the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service;

(B) provides that positions in the GAO Senior Executive Service meet requirements which are consistent with the provisions of section 3132(a)(2) of such title;

(C) provides rates of pay for the GAO Senior Executive Service which are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of such title, and which are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

(D) provides a performance appraisal system for the GAO Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of such title;

(E) permits the Comptroller General to award ranks to members of the GAO Senior Executive Service consistent with the provisions applicable to the Office of Personnel Management and the President under section 4507 of such title;

(F) provides for removal consistent with section 3592 of such title, and removal or suspension consistent with section 7543 of such title; and

(G) permits the Comptroller General to pay performance awards to members of the GAO Senior Executive Service consistent with the provisions applicable to performance awards under section 5384 of such title.

(2) Except as otherwise provided in paragraph (1), the Comptroller General may make applicable for the GAO Senior Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service.

(3) Employees in the GAO Senior Executive Service shall not be subject to the provisions of the personnel system established under section 3(c), (d), (e) and (f).

(4) The GAO Senior Executive Service may include positions refered to in—

(A) section 203(c) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 51a);

(B) section 203(i) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 52b); and

(C) section 204(d) of the Legislative Reorganization Act of 1970 (31 U.S.C. 1154(d)).

(b) The Comptroller General may promulgate regulations establishing a merit pay system for such employees of the General Accounting Office as the Comptroller General considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5, United States Code.

### NONCOMPETITIVE APPOINTMENTS; TECHNICAL ASSISTANCE

SEC. 6. (a) Notwithstanding any other provision of law, any employee of the General Accounting Office who has completed at least one year of continuous service under a nontemporary appointment under the personnel system established pursuant to section 3 acquires a competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

(b) The Director of the Office of Personnel Management shall, on request from the Comptroller General, provide technical and consulting services to the Comptroller General in the establishment of the personnel system for the General Accounting Office.

### COORDINATION WITH CERTAIN OTHER PROVISIONS OF LAW

SEC. 7. (a) Except as provided under section 5(a)(4), nothing contained in this Act shall be construed as repealing, amending, or otherwise affecting the provisions of—

(1) sections 302 and 303 of the Budget and Accounting Act, 1921 (31 U.S.C. 42 and 43), or subsections (a) and (b) of section 203 of the Federal Legislative Salary Act of 1964 (31 U.S.C. 42a (a) and (b));

(2) section 203(c) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 51a);

(3) section 203(i) of the Federal Legislative Salary Act of 1964 (31 U.S.C. 52b);

(4) section 204(d) of the Legislative Reorganization Act of 1970 (31 U.S.C. 1154(d)); or

(5) section 401 of the General Accounting Office Act of 1974 (31 U.S.C. 52c).

(b) Except as specifically provided in this Act, nothing contained in this Act shall be construed to repeal, amend, or limit the application of any provision of law applicable to employees of the General Accounting Office.

### TECHNICAL AND CONFORMING AMENDMENTS

SEC. 8. (a) Section 2108(3) of title 5, United States Code, is amended by inserting "or the General Accounting Office" after "the Senior Executive Service".

(b) Subsection 5102(a)(1) of such title is amended by striking out "or" at the end of clause (vii), by inserting "or" at the end of clause (viii), and by adding at the end thereof the following:

"(ix) the General Accounting Office;".

(c)(1) Paragraph (1) of section 5108(c) of such title is repealed.

(2) Paragraphs (2), (3), and (17) of such section are redesignated paragraphs (1), (2), and (3), respectively.

(d) Section 5342(a)(1) of such title is amended by striking out "or" at the end of subparagraph (H), by inserting "or" at the end of subparagraph (I), and by adding at the end thereof the following:

"(J) the General Accounting Office;".

(e)(1) Subchapter III of chapter 73 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 7328. General Accounting Office employees

"The preceding provisions of this subchapter shall not apply to employees of the General Accounting Office.".

(2) The chapter analysis for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7327 of the following new item:

"7328. General Acounting Office employees.".

(3) Subsection (a), (b), and (d) of section 311 of the Budget and Accounting Act, 1921 (31 U.S.C. 52) are amended to read as follows:

"(a) The Comptroller General shall appoint, fix the pay of, and remove employees of the General Acounting Office under the General Accounting Office Personnel Act of 1979.

"(b) All officers and employees of the General Accounting Office shall perform such duties as may be assigned to them by the Comptroller General.".

(4) Subsections (e) and (f) of such section are redesignated subsections (c) and (d), respectively.

(f) Section 13 of the Federal Employees Pay Act of 1946 (31 U.S.C. 46a) is repealed.

(g) Section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) is amended by striking out "(other than the General Accounting Office)".

### AUTHORIZATION

SEC. 9. There are hereby authorized to be appropriated beginning fiscal year 1981 and for each fiscal year thereafter such sums as may be necessary to carry out the provisions of this Act.

### EFFECTIVE DATE

SEC. 10. (a) Except as provided in subsection (b), the provisions of this Act shall take effect on—

(1) October 1, 1980; or

(2) if later, one hundred and twenty days after the date of the enactment of this Act.

(b) The provisions of section 3 shall take effect on the date of the enactment of this Act, except the personnel system established by the Comptroller General under that section shall take effect on the effective date established by subsection (a).

Mr. ROBERT C. BYRD. Mr. President, are these committee amendments that are being called up now?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that they be considered and agreed to en bloc.

Mr. STEVENS. No objection.

The amendments were considered and agreed to en bloc.

### UP AMENDMENT NO. 926

Mr. ROBERT C. BYRD. Mr. President, I send to the desk on behalf of Mr. GLENN certain technical amendments and I ask unanimous consent that they be considered en bloc.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of Mr. GLENN proposes an unprinted amendment numbered 926:

1. On page 2, line 23, strike all up to the word "in" on line 24 and insert in lieu thereof: "(B) prohibit the personnel practices prohibited".

2. On page 6, line 2, strike "(c)".

3. On page 10, line 13, strike "prescribed" and insert in lieu thereof "payable".

4. On page 10, line 19, strike all after the period through line 22 and insert in lieu thereof the following: "(d) All members of the Board shall be entitled to travel expenses and per diem allowances in accordance with section 5703 of title 5, United States Code.".

5. On page 18, line 22, strike "(17)" and insert "(4)".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The amendments were agreed to en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-540), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this legislation is to establish an independent personnel system for employees of the General Accounting Office.

S. 1879 establishes an independent personnel system from the General Accounting Office. This independence from regulation by executive branch agencies is the principal objective of the legislation. The Comptroller General requested this legislation because of an increasingly apparent conflict of interest. As a legislative branch agency, with specific responsibility for investigating, auditing and reporting to Congress on the activities of the executive branch, the GAO, in personnel, matters is also regulated by the Office of Personnel Management. Employees of the General Accounting Office may seek redress of grievances through the Office of Special Counsel and the Merit Systems Protection Board. At the same time, however, the GAO is discharging its responsibilities to the Congress by examining, evaluating, and reporting on the programs and financial activities of each of these agencies.

In recent years, the General Accounting Office has placed increased emphasis on oversight of Federal personnel management programs. This, in part, is due to the substantial expenditure of Federal funds for compensation and benefits for military and civilian personnel as well as to increased Congressional concern over abuses of the merit system which occurred in the early 1970's. With passage of the Civil Service Reform Act of 1978, the GAO has assumed considerable added responsibility for monitoring each of the agencies created under Reorganization Plan Number 2 of 1978 and evaluating the effectiveness of the programs established under that statute. The GAO must submit annual reports to the Congress on the activities of the Office of Personnel Management, the Merit Systems Protection Board, and the Special Counsel. Furthermore, the Act directs the GAO to review the new agency performance systems and report to Congress on those established for the new Senior Executive Service. In order that the GAO be better able to respond to Congressional requests and be up-to-date on the activities of the civil service agencies, GAO personnel have been placed on-site in each of the agencies.

The Committee believes that the role and responsibility of the GAO in continuing to oversee the civil service and merit system must not be compromised. Although there have been no documented cases of improper pressure placed on the GAO, the Committee feels that even the appearance of a conflict of interest must be removed. Hence, it recommends passage of this legislation which would establish a self-contained personnel system for the GAO, thus removing it from the regulation of the Office of Personnel Management and other executive agencies.

S. 1879 gives the GAO greater flexibility in hiring and managing its workforce without regard to civil service laws governing such matters as appointments, classifying and grading positions, compensation, adverse action and appeals. These laws do not readily accommodate the special needs of the GAO which arise from its unique status and responsibilities as an arm of the Congress. The result will be to bring the GAO more in line with the personnel management practices in other legislative branch agencies.

While the Committee intends to give broad authority to the Comptroller General in designating GAO's personnel system, the bill provides a number of safeguards for the rights of employees. Specifically, the legislation requires that the new GAO personnel system embody the same merit system principles which govern executive branch employees under section 2301 of title 5, United States Code. In addition, it directs that the new personnel system protect employees from the same prohibited personnel practices which are outlined in section 2302 of title 5, United States Codes, and provides that the GAO is covered by the provisions of title VII of the Civil Rights Act of 1964 forbidding employment discrimination. Rights and remedies under the acts otherwise applicable in this area are specifically preserved. Preference eligibles' rights will be preserved. Compensation will be based on principles of equal pay for work of equal value and on the quality of performance. Adverse actions will be taken only for unacceptable performance or such other cause as will promote the efficiency of the service. Performance appraisal systems established and actions taken for performance must be consistent with the provisions of chapter 43 of title 5 United States Code.

The bill establishes a GAO Personnel Appeals Board, which will perform the functions that the Office of Personnel Management, the Merit Systems Protection Board, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission would otherwise perform. Further, the bill establishes a General Counsel to the GAO Appeals Board to investigate and prosecute allegations of prohibited personnel practices and to investigate labor-management and employment discrimination cases.

GAO employees will continue to have rights and benefits enjoyed by other employees including but not limited to the following: annual, sick, and other paid leave, coverage under the civil service retirement system, compensation for work injuries, unemployment compensation, health and life insurance, training, incentive awards, backpay, severance pay, waiver of overpayments, and travel and transportation expenses.

The Comptroller General is given discretionary authority to establish a GAO Senior Executive Service and a system of merit pay. If established, they must follow certain basic requirements parallel to those existing in the executive branch Senior Executive Service and merit pay system.

The Committee is convinced that this carefully drawn bill strikes a proper balance between the need for GAO to have its own flexible personnel management system and the need to preserve the essential employment rights of GAO staff members. The Committee is likewise convinced that the Congress needs to terminate promptly the existing relationship between GAO and the executive branch personnel agencies.

The House recently passed H.R. 5176, a substantially identical bill. One provision in the House bill which is not in the Senate bill relates to the enforcement of statutory provisions concerning political activities of Federal employees, known as the Hatch Act. Senator Glenn offered and the Committee approved a technical amendment which removes the GAO from the jurisdiction of the Special Counsel of the Merit Systems Protection Board and transfers enforcement of political activities matters to the General Counsel of the Personnel Appeals Board established by this bill. No substantive change in the provisions of the Hatch Act is made.

## REIMBURSEMENT OF MAILING EXPENSES

The resolution (S. Res. 319), authorizing reimbursement of expenses of mailing or delivery of matters relating to official business from a Senator's official office expense account, was considered and agreed to, as follows:

S. RES. 319

*Resolved*, That, effective on the first day of the month following the date on which this resolution is agreed to, and until otherwise provided by law, expenses for which reimbursement may be made under section 506(a)(3) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(a)(3)), shall include costs incurred in the mailing or delivery of matters relating to official business.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96–542), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The present language of Section 58(a)(3) of title 2, United States Code, restricts the official mail category portion of the Official Office Expense Account which covers the mailing and delivery of matter relating to official business to two special services provided by the Postal System, air mail and special delivery. Air mail is now provided under ordinary first-class postage by the postal system in all cases where it facilitates the delivery of mail. Postal special delivery is in some situations not as rapid and reliable as other forms of delivery available for official matter.

The purpose of this resolution is to broaden the range of delivery services available to members. It is not intended to change or infringe upon the workings of the franking privilege in any way.

Under this resolution a Senator and his staff will be permitted to select the most effective, economical and reasonable means of transmitting official business matters, whether it be by the postal services, or by parcel service, air express, bus service or other comparable delivery services. The principal purpose of the resolution is to make the official mail category portion available for more than air mail and special delivery postal service so that, when reasonable, deemed necessary, and used by a Member's office in order to save time or money, or both, these other delivery services can also be paid for from the Official Office Expense Account.

While the change effected by this resolution will also allow the use of a first-class postage stamp under this official allowance provision, this is not a motivating purpose of the resolution, and such use should be rare. An example of the infrequent occasions when economy may make it preferable to use a first-class postage stamp rather than a franked envelope is where a Senator receives a pre-addressed, unstamped envelope from a correspondent either extending an official invitation or advising of the time for renewal of an official subscription. In these few instances it may save public funds for a stamp to be used rather than for an office to prepare a franked envelope and discard the pre-addressed envelope. In all other cases of official first-class mail the Member's frank should and will be used.

The resolution does not enlarge the scope of the official matter which a Senator may mail or deliver at public expense. Rather it merely enlarges the range of delivery services available to him. Under the resolution, as now, it will not be permissible for a Member to mail or deliver at public expense anything which is not related to official business. The existing prohibition against using official funds to procure postage stamps for use on personal or political mail, such as for greeting and holiday cards, will continue unchanged.

There should be little additional cost involved in the changes effected by this resolution. It is expected that members will select from this range of new delivery services with reasonable care and prudent concern for the economy and effective use of public funds.

## WAR RISK INSURANCE

The Senate proceeded to consider the bill (S. 1452) to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the following:

That section 1214 of the Merchant Marine Act, 1936 (46 U.S.C. 1294), is amended by striking "September 30, 1979" and inserting in lieu thereof "September 30, 1984".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-550), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

As reported, S. 1452 would receive for a 5-year period the authority of the Secretary of Commerce to issue war risk insurance under title XII of the Merchant Marine Act, 1936, which expired on September 30, 1979.

Title XII was enacted at the outbreak of the Korean war in 1950. It was temporary legislation that expired 5 years later. Since then, it has been extended several times, normally for 5-year periods. The last extension, however, was for 3 years which terminated on September 30, 1979, the date corresponding with the end of the new fiscal year established by the Congressional Budget and Impoundment Act of 1974.

## EDUCATIONAL PROGRAMS FOR MORE EFFECTIVE MARKETING OF AGRICULTURAL COMMODITIES BY FARMERS

The Senate proceeded to consider the resolution (S. Res. 225) to encourage the more effective marketing of agricultural commodities by farmers which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendent to strike all after the resolving clause and insert the following:

*Resolved,* That it is the sense of the Senate that the Secretary of Agriculture—using all of the agencies of the Department of Agriculture and working closely with the land-grant colleges, the Commodity Futures Trading Commission, and the Cooperative Extension Services—devote increased emphasis to teaching farmers how better to market their agricultural commodities.

SEC. 2. The Secretary of Agriculture is requested to emphasize the use of all the marketing tools that are available to farmers, including, but not limited to, futures markets and forward contracting.

SEC. 3. The Secretary of Agriculture, in consultation with the Commodity Futures Trading Commission, is requested to appoint a task force of individuals representing the futures industry, the Department of Agriculture, and the land-grant colleges to develop educational programs for farmers on the availability of futures markets and forward contracting as a means of hedging against future risks.

SEC. 4. The Secretary of Agriculture is requested to report to the Senate one hundred and twenty days after the adoption of this resolution his plans to implement the provisions thereof.

SEC. 5. The Secretary of the Senate shall transmit copies of this resolution to the Secretary of Agriculture and to the Chairman of the Commodity Futures Trading Commission.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The preamble was amended.

The resolution, with its preamble, as amended, reads as follows:

Whereas the American farmer has traditionally worked long hours for low profits;

Whereas farming is an extremely risky business, subject to variations in the weather, insect infestation, the vicissitudes of world markets, and other unpredictable factors over which the farmer has no control;

Whereas the farmers' profit margin has been reduced by rampant inflation in the cost of production materials, such as fuel, in recent years;

Whereas farmers have experienced an increase in the number and importance of their marketing decisions in recent years;

Whereas the emphasis of the Department of Agriculture, the land-grant colleges, and the Cooperative Extension Services has been on the production of agricultural commodities rather than the marketing of those commodities; and

Whereas American farmers should have the opportunity to avail themselves of a favorable market price at the time they make their planting decisions: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that the Secretary of Agriculture—using all of the agencies of the Department of Agriculture and working closely with the land-grant colleges, the Commodity Futures Trading Commission, and the Cooperative Extension Services—devote increased emphasis to teaching farmers how better to market their agricultural commodities.

SEC. 2. The Secretary of Agriculture is requested to emphasize the use of all the marketing tools that are available to farmers, including, but not limited to, futures markets and forward contracting.

SEC. 3. The Secretary of Agriculture, in consultation with the Commodity Futures Trading Commission, is requested to appoint a task force of individuals representing the futures industry, the Department of Agriculture, and the land-grant colleges to develop educational programs for farmers on the availability of futures markets and forward contracting as a means of hedging against future risks.

SEC. 4. The Secretary of Agriculture is requested to report to the Senate one hundred and twenty days after the adoption of this resolution his plans to implement the provisions thereof.

SEC. 5. The Secretary of the Senate shall transmit copies of this resolution to the Secretary of Agriculture and to the Chairman of the Commodity Futures Trading Commission.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

Resolution requesting the Secretary of Agriculture to devote increased emphasis to teaching farmers how better to market their agricultural commodities.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the title was amended.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 96-551), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 225 requests the Secretary of Agriculture—

(1) To devote increased emphasis to teaching farmers how better to market their agricultural commodities, with assistance from all agencies of the Department of Agriculture, the land-grant colleges, the Commodity Futures Trading Commission, and the cooperative extension services;

(2) To emphasize the use of all the marketing tools that are available, including futures markets and forward contracting;

(3) In consultation with the Commodity Futures Trading Commission, to establish a task force of individuals representing the futures industry, the Department of Agriculture, and the land-grant colleges for the purpose of educating farmers on the availability of futures markets and forward contracting as a means of hedging against future risks.

## RECESS UNTIL 2:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2:30 p.m.

There being no objection, the Senate, at 12:32 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EXON).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## OCEAN THERMAL ENERGY CONSERVATION RESEARCH, DEVELOPMENT AND DEMONSTRATION ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 537.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1830) to provide for a research, development, and demonstration program to achieve the early commercialization of ocean thermal energy conversion systems, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill (S. 1830) which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert the following:

This Act may be cited as the "Ocean Thermal Energy Conversion Research, Development, and Demonstration Act".

### FINDINGS AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) the supply of nonrenewable fuels in the United States is slowly being depleted;

(2) alternative sources of energy must be developed;

(3) ocean thermal energy is a renewable energy resource that can make a significant contribution to the energy needs of the United States;

(4) a strong and innovative industry committed to the commercialization of ocean thermal energy conversion must be established; and

(5) it is in the national interest to accelerate efforts to commercialize ocean thermal energy conversion.

(b) Therefore the purpose of this Act is to—

(1) establish as a goal the demonstration of an electrical and energy product equivalent capacity of at least one hundred megawatts from ocean thermal energy conversion systems by 1986;

(2) establish as a goal the demonstration of an electrical and energy product equivalent capacity of at least five hundred megawatts from ocean thermal energy conversion systems by 1989;

(3) establish as a goal the reduction of the average cost of electricity and energy product equivalent produced by installed ocean thermal energy conversion systems to a level competitive with conventional energy sources by the end of fiscal year 1993;

(4) establish as a national goal an electrical and energy product equivalent capacity of ten thousand megawatts from ocean thermal energy conversion systems by the year 1999.

### COMPREHENSIVE PLAN AND PROGRAM

SEC. 2. (a) The Secretary is authorized and directed to prepare a comprehensive plan and program for the conduct of the research, development, and demonstration activities under sections 3 and 4. Such plan and program shall include at a minimum—

(1) a detailed description of the functional organization of the program management;

(2) a presentation of the program strategy, including identification of milestones and critical paths, which will be used to achieve the purposes of this Act;

(3) a five-year program implementation schedule with associated budget and program management resources requirements;

(4) risk assessments;

(5) supporting research needed to solve problems which may inhibit or limit development of ocean thermal energy conversion systems; and

(6) an analysis of the environmental acceptability of ocean thermal energy conversion facilities.

(b) The Secretary shall transmit such comprehensive plan and program to the Congress by June 30, 1980.

### RESEARCH AND DEVELOPMENT

SEC. 3. (a) The Secretary shall initiate research or accelerate existing research in areas in which the lack of knowledge limits development of ocean thermal energy conversion systems in order to achieve the purposes of this Act.

(b) The Secretary shall conduct evaluations, arrange for tests, and disseminate to developers information, data, and materials necessary to support the design efforts undertaken pursuant to section 4. Specific technical areas to be addressed shall include, but not be limited to—

(1) heat exchangers;

(2) interface requirements between the platform and cold water pipe;

(3) cold water pipe deployment techniques;

(4) control system simulation;

(5) stationkeeping testing; and

(6) energy delivery systems for electrical power and energy products.

(c) The Secretary shall, for the purpose of performing his responsibilities pursuant to this Act, solicit proposals and evaluate any reasonable new or improved technology, a description of which is submitted to the Secretary in writing, which could lead or contribute to the development of ocean thermal energy conversion system technology.

### DEMONSTRATION

SEC. 4. (a) The Secretary is authorized and directed to initiate a program to design, construct, and operate ocean thermal energy conversion facilities of sufficient size to demonstrate the technical and economic feasibility of utilizing the various forms of ocean thermal energy conversion to displace nonrenewable fuels.

(b) The specific goals of the demonstration program shall include at a minimum—

(1) the demonstration of an electrical and energy product equivalent operating capacity of at least one hundred megawatts with expansion capability to at least two hundred megawatts by the year 1986;

(2) the demonstration of an electrical and energy product equivalent capacity of at least five hundred megawatts from ocean thermal energy conversion systems by 1989;

(3) the delivery of baseload electricity to utilities located on land or other end use applications and the production of commercial quantities of energy product; and

(4) the continuous operation of each demonstration facility for a sufficient period of time to collect and analyze system performance and reliability data.

(c) To facilitate development of a strong industrial basis for the commercialization of ocean thermal energy conversion system technology, at least two independent parallel demonstration projects shall be competitively selected to achieve the goals of this section.

### COMMERCIALIZATION

SEC. 5. (a) The Secretary is authorized and directed to prepare a comprehensive commercialization plan that will permit realization of the ten thousand-megawatt national goal by 1999. Sucn plan shall include at a minimum—

(1) the identification of the efforts necessary to establish a sufficient industrial infrastructure to meet the national goal;

(2) analysis of the necessary government actions to aid the industry in minimizing and removing any legal and institutional barriers such as establishment of a single regulatory authority, designation of a lead agency, or other means; and

(3) an assessment of the necessary government actions to assist in eliminating economic uncertainties through financial incentives, such as loan guarantees, price supports, or other inducements.

(b) As part of the competitive procurement initiative for design and construction of the demonstration projects authorized pursuant to section 10, each respondent shall include in its proposal (1) a plan leading to a full-scale, commercial facility based on the proposed demonstration system; and (2) a commercialization strategy which includes the respondent's plans for future participation toward meeting the national goal.

(c) The Secretary shall transmit such comprehensive commercialization plan to the Congress within six months after receipt by the Secretary of the proposals pursuant to subsection (b) of this section but in any event within two years after the date of enactment of this Act.

### PROGRAM SELECTION CRITERIA

SEC. 6. The Secretary shall, in fulfilling his responsibilities under this Act, structure the program and set priorities consistent with the following criteria:

(a) Realization of energy production costs for ocean thermal energy conversion systems that are competitive with costs from conventional energy production systems;

(b) Priority for proposals which demonstrate a viable, long-term commitment by the respondent to the development of ocean thermal energy conversion technology and intent to become an integral part of the industrial infrastructure to meet the goals of this Act;

(c) Encouragment of projects for which contributions to project costs are forthcoming from private, industrial, utility or governmental entities for the purpose of sharing with the Federal Government the costs of purchasing and installing ocean thermal energy conversion systems; and

(d) Promotion of ocean thermal energy conversion facilities for coastal areas, islands, and isolated military institutions which are vulnerable to interruption in the fossil fuel supply.

### ADVISORY COMMITTEE

SEC. 7. (a) There is hereby established an Ocean Thermal Energy Conversion Advisory Committee, which shall, at a minimum, study and advise the Secretary with regard to—

(1) implemention and conduct of the programs established by this Act;

(2) definition of ocean thermal energy conversion system performance requirements for various user applications; and

(3) economic, technological, and environmental consequences of the deployment of ocean thermal energy conversion systems.

(b) The Committee shall be composed of at least seven members appointed by the Secretary from industrial, academic, financial, legal, and labor organizations and such other entities as he deems appropriate. The appointments shall be made within ninety days after enactment of this Act. The Chairman of the Committee shall be elected from among the members thereof.

(c) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Committee in carrying out the requirements of this section and shall furnish to the Committee such information as the Committee deems necessary to carry out this section.

(d) The Committee shall meet at least four times annually notwithstanding section 10 (e) and (f) of Public Law 92–463, until such time as the demonstration program goals in section 4 are met.

(e) The Committee shall prepare and submit annually to the Secretary a report. Such report shall include at a minimum—

(1) a summary of the Committee's activities for the preceding year;

(2) an assessment and evaluation of the status of the programs mandated by this Act; and

(3) suggestions for improvements in the comprehensive plan and program described in section 2 and the commercialization plan described in section 5.

(f) The Secretary shall provide adequate staff and other support and shall insure that funds are available to enable the Committee to carry out its functions pursuant to this section.

### REPORTS

SEC. 8. As a separate part of the annual report submitted pursuant to section 801 of the Department of Energy Organization Act (Public Law 95–91), the Secretary shall submit to Congress an annual report of activities pursuant to this Act. Such report shall include—

(a) a current comprehensive plan and program for implementing this Act;

(b) an evaluation of the state of ocean thermal energy conversion system research and development in the United States;

(c) a description of the contracts and grants made under this Act;

(d) an analysis of the progress made in commercializing ocean thermal energy conversion system technology; and

(e) suggestions for improvements in ocean thermal energy conversion system research and development, including recommendations for legislation.

### DEFINITIONS

SEC. 9. As used in this title, the term—

(a) "ocean thermal energy conversion" means a method of converting part of the heat which is stored by the sun in the surface layers of the ocean into electrical energy or energy product equivalent;

(b) "energy product equivalent" means an energy carrier such as ammonia, electrometals, hydrogen, or molten salts used to transport ocean thermal energy conversion generated energy to shore for use in generation of electricity or as an energy-intensive commodity; and

(c) "Secretary" means the Secretary of Energy.

### AUTHORIZATION FOR APPROPRIATION

SEC. 10. There are hereby authorized to be appropriated to carry out the purposes of this Act such sums as are authorized in the annual Authorization Act for the Department of Energy pursuant to section 660 of Public Law 95–91.

Mr. ROBERT C. BYRD. Mr. President, I ask the distinguished manager of the bill if it would be agreeable to have a time limitation on the bill and on amendments thereto and perhaps a time limitation overall.

Mr. STEVENS. Mr. President, we are willing to agree to any agreement that the Senator from Hawaii wishes or to proceed without an agreement.

Mr. MATSUNAGA. Mr. President, I think we should be finished in 20 minutes, or we can set a time agreement of 20 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation overall of not to exceed 1 hour on the bill and amendments, debatable motions, appeals, and points of order if such are submitted to the Senate by the Chair, the time to be equally divided between Mr. MATSUNAGA and the acting minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. I thank the leader.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. MATSUNAGA. Mr. President, the Ocean Thermal Energy Research, Development and Demonstration Act, S. 1830, which is now pending, is intended to promote the early commercialization of ocean thermal energy conversion (OTEC) systems. The bill has three basic provisions.

First, S. 1830 commits the Nation to demonstrate an OTEC electrical and energy product equivalent capacity of 100 megawatts by the year 1986, 500 megawatts by 1988, and 10,000 megawatts by 1999.

Second, to establish as a goal the reduction of the average cost of electricity and energy product equivalent produced by installed OTEC systems to a level competitive with conventional energy sources by the end of fiscal year 1993.

Finally, the bill directs the Department of Energy to develop a commercialization plan that will permit realization of this goal, and establish an OTEC advisory committee to assess and evaluate implementation of the programs mandated by the bill.

Occasionally, during the course of history, as new technologies are conceived, they develop and mature into industries that become an integral part of society. The aerospace and electronics industries are recent cases in point. Each has had pronounced positive benefits for society and has had significant impact on our lives.

Today, a series of events have combined to create a fertile environment for the birth of another new industry. From within the chaos created by continually escalating energy prices, progressively more limited fossil fuel availability, and severely more rigorous environmental constaints, OTEC technology has emerged to provide a promising new source of abundant energy.

American ingenuity, supported by limited Federal funding, has enabled our Nation to develop a technology that can transform the Sun's energy, stored in warm, near-surface, ocean waters, into various energy forms and products. Having been a continuing advocate of this technology I have closely followed its development with strong personal interest.

Ocean thermal energy is a renewable, nonpolluting alternative energy source that has significant potential. Through careful guidance, we of the Congress can foster the development and demonstration of this technology and thereby not only establish a new source of energy for our Nation's domestic needs, but also accelerate the emergence of a new industry.

Knowing that the realization of these beliefs requires aggressive Federal action, I introduced S. 1830 to provide for a research, development, and demonstration program to achieve the early commercialization of OTEC systems. The specific initiatives set forth in the bill have received broad-based support. Reported unanimously from the Energy and Natural Resources Committee, S. 1830 is supported by 22 cosponsors, 16 of whom are my colleagues on the Energy Committee. A companion bill, H.R. 5796, has been introduced in the House of Representatives by Congressman DON FUQUA, chairman of the Committee on Science and Technology. The House bill has 27 cosponsors.

During consideration of S. 1830, the Subcommittee on Energy Research and Development received favorable testimony from over 25 organizations. All segments of the OTEC community, both Federal and private sectors, were represented. Review of the technical accomplishments to date indicates that such positive support is more than justified.

The technical feasibility of large scale, 400 megawatt, facilities has been substantiated by concept and systems analyses of principal subsystems including platforms, cold water pipes and power systems. Analytical techniques for predicting system performance have been perfected and validated. Mini-OTEC, a 50 kilowatt closed-cycle system has been operational since August of 1979 off Keahole Point in my home State of Hawaii. The Mini-OTEC barge is now being readied for a second deployment and will be in active operational order during the Department of Energy's first renewable energy technology conference scheduled for Honolulu at the end of this year. I extend an open invitation to each and every one of my distinguished colleagues to spend a couple of December weeks in temperate Hawaii to view for themselves what could very well be the long term future of energy in the United States and the world.

Besides, Mr. President, as you yourself know, once you have been to Hawaii you will definitely know what heaven looks like, and I keep reminding my colleagues that this would be a good thing to know if they happen to go the other way. [Laughter.]

We know now that the OTEC process works; and the economic forecasts are equally encouraging. The evidence is clear that ocean thermal energy conversion facilities have definite commercial viability. Capital cost projections for closed-cycle plant designs fall within a range of $1,500 to $2,700 per kilowatt of installed capacity for the year 2000, expressed in 1978 dollars; while energy costs are projected to be within a range of 3.5 cents to 7 cents per kilowatt-hour on the same basis. By comparison, residents of the Hawaiian Island of Molokai presently pay an average of 13 cents a kilowatt hour.

Experts tell us that cost effectiveness can be realized by 1985 for island baseload applications. An area of between one-third and one-half of the lower forty-eight states can also be serviced with electricity generated by OTEC facilities located off the Gulf Coast at costs projected to be competitive with alternative sources by the year 2000.

Moreover, grazing plantships can use the OTEC process to produce fertilizer and hydrogen. Thus, ocean thermal energy can in effect be brought to the very heartland of our farm country and synthetic fuel sites. Hydrogen, as my colleagues know, can be both a valuable feedstock additive in the production of synfuels and a possible replacement for electricity as a fuel.

It should also be pointed out that reservoirs and lakes can on a seasonal basis be tapped for thermal energy. There exists significant temperature differentials in inland waters during the warmer months, thus making freshwater thermal energy conversion (FWTEC) an option requiring further study. In short, then, every State in the Union has the potential to directly and indirectly benefit from S. 1830.

In testimony before the Energy Research and Development Subcommittee, the Department of Energy commended and supported the intent of S. 1830. According to the Department of Energy, the magnitude of the thermal resource available to the United States has been estimated to be in the tens of quads per year, with 200 quads per year as the present forecast of the upper limit of the Earth's extractable and renewable OTEC resource.

Rapidly changing developments, both technical and economic, have resulted in increasingly more optimistic DOE projections for near term OTEC market penetration. Reference need only be made to the recently released ocean system's multiyear program plan wherein it is stated that—

> Although the Domestic Policy Review projects 0.1 quad by the year 2000, up to 2.0 quads by the year 2000 is practically achieveable, dependent only on the commercialization strategy employed after the demonstration plant. It should be further noted that this increased contribution incurs no increase in risk.

The DOE ocean systems program plan for ocean thermal energy conversion development and demonstration is neither consistent nor compatible with this acknowledged potential. Although DOE indicated to the subcommittee its intent to initiate a 40-megawatt demonstration program in the second quarter of fiscal year 1980, no funds have been requested from Congress. Furthermore, the tentative program presented does not readily permit commercialization of the technology. The need for the initiatives provided in S. 1830 is paramount.

As part of DOE's analysis of S. 1830, an independent consultant was commissioned to study the impact of the bill. The principal conclusion of this study stated that over $15 billion in constant 1979 petrodollars would be displaced by the year 2000 through achievement of the bill's minimum goals. In addition, the dollar value of displaced petroleum would exceed the capital investment for OTEC plants in approximately 16 years. This analysis was based on plant costs of $2,000 per kilowatt and petroleum costs of $22.50 per barrel. The benefits realizable would far exceed that which was projected by the study, if the current cost of petroleum of $34 a barrel had been used in the analysis.

While potential benefits are phenomenal, program costs are equally attractive. It should be emphasized initially that the Congressional Budget Office's cost estimates as shown in the committee report on S. 1830, projected at about $300 million per 40-megawatt facility and a total program cost of approximately $1 billion, are grossly overstated. In testimony before the Energy Research and Development Subcommittee, the Department of Energy itself stated that its plans call for a 40-megawatt pilot plant at a cost of $180 million. S. 1830 calls for multiple pilot plants at a total cost of about $580 million, far less than the $1 billion estimated by the Congressional Budget Office (CBO).

I want to emphasize that these figures, although significantly less than the CBO estimate, are still larger than what we expect the actual Federal outlays will be. As I mentioned earlier, ocean thermal energy conversion development has strong private sector support. Mini-OTEC, the first and only demonstration of an operational closed-cycle OTEC system, was accomplished without any Federal funding. The Department of Energy has already received two unsolicited cost sharing proposals for OTEC demonstration facilities. Puerto Rico Water Resources Authority (PRWRA) proposed construction of a 100-megawatt OTEC facility with a total estimated cost of $477 million. In this proposal PRWRA indicated its intent to cost share $160 million of the total. Similarly, Solaramco, a consortium of ammonia companies, proposed construction of a 40-megawatt OTEC ammonia plantship. The total estimated cost for this demonstration is $130 million, of which $40 million will be cost shared by the consortium.

In addition to an expressed willingness by several organizations to share the financial burden of demonstrating OTEC commercial viability, the private sector at large is solidly supportive of S. 1830 initiatives. An indicator of such interest is the attendance of 575 participants at the sixth OTEC conference. Support from several specific organizations warrant comment.

The ITEC Utility Users Council, comprised of representatives from the Electric Power Research Institute and 17 potential OTEC utility users, issued a statement specifically supporting S. 1830 and urging Congress to initiate the demonstration programs in fiscal year 1980.

The Shipbuilders Council of America, in recognizing the great potential OTEC has for providing a major source of U.S. energy supplies, acknowledges the urgent need for the programs proposed in S. 1830 and formally supports its passage.

Labor is equally enthusiastic about OTEC. The AFL–CIO Maritime Trades Department considers OTEC the best and cheapest solar energy option. As the spokesman for 8 million workers, the Maritime Trades Department testified strongly in support of the goals of S. 1830.

Public interest groups recognize the desirability of commercializing ocean thermal energy conversion technology. In a special written appeal to President Carter, Captain Jacques-Yves Cousteau made the following comment in response to recently announced administration energy policy,

> We, at The Cousteau Society, are painfully surprised that such a potential resource (literally equivalent to millions of nuclear plants), be systematically omitted from federal or presidential plans . . .

Similarly, in a plea for immediate congressional action, the Solar Lobby issued the following call:

> Let's get OTEC commercial as soon as we can.

With this kind of support it is difficult to imagine why the administration has not initiated a more aggressive program. We are witnessing the initial stages for the emergence of a new industry. All the necessary components are available:

There is a definite need for a new, renewable, nonpolluting source of energy;

The feasibility of ocean thermal energy conversion technology has been successfully demonstrated on a small scale;

Cost/benefit analyses indicate both the economic and commercial viability of OTEC facilities;

American labor supports the development of this technology;

Environmental groups have expressed enthusiasm for the benign nature of OTEC facilities.

Mr. President, I urge my colleagues in the Senate to vote for swift passage of S. 1830 for this bill will provide the catalyst uniting these components. With the adoption of the amendment which I will offer, the Ocean Thermal Energy Conversion Research, Development and Demonstration Act will authorize for appropriation, in addition to the fiscal year 1981 Department of Energy authorization for the ocean systems' budget, sums of $25 million for operating expenses and $15 million for conceptual and preliminary design activities for demonstration projects. This approximate doubling of the fiscal 1981 OTEC budget will be the stimulus to create a major new industry which will provide a benign, renewable, and abundant energy form as an alternative to imported petroleum. Mr. President, how can anyone not support S. 1830?

Mr. President, I reserve the balance of my time and yield now to the Senator from Alaska, the acting minority leader, Mr. STEVENS.

The PRESIDING OFFICER. The Chair recognizes the acting minority leader.

Mr. STEVENS. Mr. President, I am delighted to be associated with my good friend from Hawaii and, having been his neighbor from California at one time I do appreciate his yielding to me.

This is one of the most innovative programs we have seen in the Energy Committee, and I want to speak on behalf of the minority in support of this bill and in support of the amendment that Senator MATSUNAGA will offer.

Having had some briefings on this new concept myself, I am personally very excited about it. I am hopeful if it will work in Hawaii that it will work anywhere, perhaps even in the colder climates which we have in my State.

I want to emphasize that it is the kind of conservation demonstration program with which we have no argument. As a matter of fact, it has thorough bipartisan support, and it is the kind of program I hope is not only authorized but is funded quickly so that we can demonstrate the unique capability of American technology to meet the needs of our Nation so far as energy is concerned, and to eliminate our continual dependence upon the very expensive imported oil and gas coming into this country now.

Being from a State that is quite liberally endowed with petroleum and gas resources, I am still most interested in this because I think it will provide a concept whereby isolated areas, even in large areas such as mine, with very cold climates and with freezing conditions at times, can still use the ocean thermal energy concept to meet some of their energy needs.

So I am hopeful the Senate will pass the bill unanimously and that there will be no argument about it, and that we get on with the business of funding this program as quickly as possible.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. I thank the Senator from Alaska, the 49th State which was admitted to the Union 1 year earlier than Hawaii. He is cosponsor of this measure, and I appreciate the leadership he has shown in the energy field, both before he became a member of the Energy and Natural Resources Committee and now as a member of the committee.

### UP AMENDMENT NO. 927

Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA) proposes an unprinted amendment numbered 927.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 18, strike the words through and including line 22, and insert in lieu thereof the following:

SEC. 10. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act the sum of $25,000,000 for operating expenses for the fiscal year ending September 30, 1981.

(b) Funds are hereby authorized to be appropriated to carry out the purposes of section 4 of this Act for plant and capital equipment as follows:

Project 81-ES-1, Ocean Thermal Energy Conversion Demonstration Plants with an electrical and energy product equivalent capacity of at least 100 MWe, sites to be determined, conceptual and preliminary design activities only, $15,000,000.

Mr. MATSUNAGA. Mr. President, this amendment will provide $25 million in operating expenses for the OTEC program in the Department of Energy, and $15 million to initiate demonstration projects for producing an electrical and energy equivalent capacity of 100 megawatts.

I wish to emphasize that these funds will be in addition to the funds to be authorized in the separate fiscal year 1981 DOE authorization bill.

Mr. STEVENS. Mr. President, we have examined the amendment, and it is entirely acceptable to our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

Mr. MATSUNAGA. Mr. President, I ask for the third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

(Putting the question.)

The bill (S. 1830) was passed as follows:

### S. 1830

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Ocean Thermal Energy Conversion Research, Development, and Demonstration Act".

### FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the supply of nonrenewable fuels in the United States is slowly being depleted;

(2) alternative sources of energy must be developed;

(3) ocean thermal energy is a renewable energy resource that can make a significant contribution to the energy needs of the United States;

(4) a strong and innovative industry committed to the commercialization of ocean thermal enrgy conversion must be established; and

(5) it is in the national interest to accelerate efforts to commercialize ocean thermal energy conversion.

(b) Therefore the purpose of this Act is to—

(1) establish as a goal the demonstration of an electrical and energy product equivalent capacity of at least one hundred megawatts from ocean thermal energy conversion systems by 1986;

(2) establish as a goal the demonstration of an electrical and energy product equivalent capacity of at least five hundred megawatts from ocean thermal energy conversion systems by 1989;

(3) establish as a goal the reduction of the average cost of electricity and energy product equivalent produced by installed ocean thermal energy conversion systems to a level competitive with conventional energy sources by the end of fiscal year 1993;

(4) establish as a national goal an electrical and energy product equivalent capacity of ten thousand megawatts from ocean thermal energy conversion systems by the year 1999.

### COMPREHENSIVE PLAN AND PROGRAM

SEC. 3. (a) The Secretary is authorized and directed to prepare a comprehensive plan and program for the conduct of the research, development, and demonstration activities under sections 4 and 5. Such plan and program shall include at a minimum—

(1) a detailed description of the functional organization of the program management;

(2) a presentation of the program strategy, including identification of milestones and critical paths, which will be used to achieve the purposes of this Act;

(3) a five-year program implementation schedule with associated budget and program management resources requirements;

(4) risk assessments;

(5) supporting research needed to solve problems which may inhibit or limit development of ocean thermal energy conversion systems; and

(6) an analysis of the environmental acceptability of ocean thermal energy conversion facilities.

(b) The Secretary shall transmit such comprehensive plan and program to the Congress by June 30, 1980.

### RESEARCH AND DEVELOPMENT

SEC. 4. (a) The Secretary shall initiate research or accelerate existing research in areas in which the lack of knowledge limits development of ocean thermal energy conversion systems in order to achieve the purposes of this Act.

(b) The Secretary shall conduct evaluations, arrange for tests, and disseminate to developers information, data, and materials necessary to support the design efforts undertaken pursuant to section 5. Specific technical areas to be addressed shall include, but not be limited to—

(1) heat exchangers;

(2) interface requirements between the platform and cold water pipe;

(3) cold water pipe deployment techniques;

(4) control system simulation;

(5) stationkeeping testing; and

(6) energy delivery systems for electrical power and energy products.

(c) The Secretary shall, for the purpose of performing his responsibilities pursuant to this Act, solicit proposals and evaluate any reasonable new or improved technology, a description of which is submitted to the Secretary in writing, which could lead or contribute to the development of ocean thermal energy conversion system technology.

### DEMONSTRATION

SEC. 5. (a) The Secretary is authorized and directed to initiate a program to design, construct, and operate ocean thermal energy conversion facilities of sufficient size to demonstrate the technical and economic feasibility of utilizing the various forms of ocean thermal energy conversion to displace nonrenewable fuels.

(b) The specific goals of the demonstration program shall include at a minimum—

(1) the demonstration of an electrical and energy product equivalent operating capacity of at least one hundred megawatts by the year 1986;

(2) the demonstration of an electrical and energy product equivalent capacity of at least five hundred megawatts from ocean thermal energy conversion systems by 1989;

(3) the delivery of baseload electricity to utilities located on land or other end use applications and the production of commercial quantities of energy product; and

(4) the continuous operation of each demonstration facility for a sufficient period of time to collect and analyze system performance and reliability data.

(c) To facilitate development of a strong industrial basis for the commercialization of ocean thermal energy conversion system technology, at least two independent parallel demonstration projects shall be competitively selected to achieve the goals of this section.

### COMMERCIALIZATION

SEC. 6. (a) The Secretary is authorized and directed to prepare a comprehensive commercialization plan that will permit realization of the ten thousand-megawatt national goal by 1999. Such plan shall include at a minimum—

(1) the identification of the efforts necessary to establish a sufficient industrial infrastructure to meet the national goal;

(2) analysis of the necessary government actions to aid the industry in minimizing and removing any legal and institutional barriers such as establishment of a single regulatory authority, designation of a lead agency, or other means; and

(3) an assessment of the necessary government actions to assist in eliminating economic uncertainties through financial incentives, such as loan guarantees, price supports, or other inducements.

(b) As part of the competitive procurement initiative for design and construction of the demonstration projects authorized pursuant to section 11, each respondent shall include in its proposal (1) a plan leading to a full-scale, commercial facility based on the proposed demonstration system; and (2) a commercialization strategy which includes the respondent's plans for future participation toward meeting the national goal.

(c) The Secretary shall transmit such comprehensive commercialization plan to the Congress within six months after receipt by the Secretary of the proposals pursuant to subsection (b) of this section but in any event within two years after the date of enactment of this Act.

### PROGRAM SELECTION CRITERIA

SEC. 7. The Secretary shall, in fulfilling his responsibilities under this Act, structure the program and set priorities consistent with the following criteria:

(a) Realization of energy production costs for ocean thermal energy conversion systems that are competitive with costs from conventional energy production systems;

(b) Priority for proposals which demonstrate a viable, long-term commitment by the respondent to the development of ocean thermal energy conversion technology and intent to become an integral part of the industrial infrastructure necessary to meet the goals of this Act;

(c) Encouragement of projects for which contributions to project costs are forthcoming from private, industrial, utility or governmental entities for the purpose of sharing with the Federal Government the costs of purchasing and installing ocean thermal energy conversion systems; and

(d) Promotion of ocean thermal energy conversion facilities for coastal areas, islands, and isolated military institutions which are vulnerable to interruption in the fossil fuel supply.

### ADVISORY COMMITTEE

SEC. 8(a) There is hereby established an Ocean Thermal Energy Conversion Advisory Committee, which shall, at a minimum, study and advise the Secretary with regard to—

(1) implementation and conduct of the programs established by this Act;

(2) definition of ocean thermal energy conversion system performance requirements for various user applications; and

(3) economic, technological, and environmental consequences of the deployment of ocean thermal energy conversion systems.

(b) The Committee shall be composed of at least seven members appointed by the Secretary from industrial, academic, financial, legal, and labor organizations and such other entities as he deems appropriate. The appointments shall be made within ninety days after enactment of this Act. The Chairman of the Committee shall be elected from among the members thereof.

(c) The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Committee in carrying out the requirements of this section and shall furnish to the Committee such information as the Committee deems necessary to carry out this section.

(d) The Committee shall meet at least four times annually notwithstanding section 10 (e) and (f) of Public Law 92-463, until such time as the demonstration program goals in section 5 are met.

(e) The Committee shall prepare and submit annually to the Secretary a report. Such report shall include at a minimum—

(1) a summary of the Committee's activities for the preceding year;

(2) an assessment and evaluation of the status of the programs mandated by this Act; and

(3) suggestions for improvements in the comprehensive plan and program described in section 3 and the commercialization plan described in section 6.

(f) The Secretary shall provide adequate staff and other support and shall insure that funds are available to enable the Committee to carry out its functions pursuant to this section.

### REPORTS

SEC. 9. As a separate part of the annual report submitted pursuant to section 801 of the Department of Energy Organization Act (Public Law 95-91), the Secretary shall submit to Congress an annual report of activities pursuant to this Act. Such report shall include—

(a) a current comprehensive plan and program for implementing this Act;

(b) an evaluation of the state of ocean thermal energy conversion system research and development in the United States;

(c) a description of the contracts and grants made under this Act;

(d) an analysis of the progress made in commercializing ocean thermal energy conversion system technology; and

(e) suggestions for improvements in ocean thermal energy conversion system research and development, including recommendations for legislation.

### DEFINITIONS

SEC. 10. As used in this title, the term—

(a) "ocean thermal energy conversion" means a method of converting part of the heat which is stored by the sun in the surface layers of the ocean into electrical energy or energy product equivalent;

(b) "energy product equivalent" means an energy carrier such as ammonia, electrometals, hydrogen, or molten salts used to transport ocean thermal energy conversion generated energy to shore for use in generation of electricity or as an energy-intensive commodity; and

(c) "Secretary" means the Secretary of Energy.

### AUTHORIZATION FOR APPROPRIATION

SEC. 11. (a) There is hereby authorized to be appropriated to carry out the purposes of this Act the sum of $25,000,000 for operating expenses for the fiscal year ending September 30, 1981.

(b) Funds are hereby authorized to be appropriated to carry out the purposes of section 5 of this Act for plant and capital equipment as follows:

Project 81-ES-1, Ocean Thermal Energy Conversion Demonstration Plants with an electrical and energy product equivalent capacity of at least one hundred megawatts, sites to be determined, conceptual and preliminary design activities only, $15,000,000.

Mr. MATSUNAGA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, are we still in morning business?

The PRESIDING OFFICER. There are 3 minutes remaining in morning business.

Mr. MATSUNAGA. Mr. President, I wish to commend the Senator from California. I think, almost as effectively as Hawaii, California can put into utility the sunshine that rains upon that State. And I would be happy to join with the Senator, after studying his bill, perhaps in cosponsorship.

Mr. HAYAKAWA. I thank the Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, it is so ordered.

## GEORGE MEANY, FORMER PRESIDENT, AFL–CIO

Mr. MATSUNAGA. Mr. President, as the Senator from Hawaii, with some working constituents, I cannot allow the first legislative week of the 2d session of this, the 96th Congres, to go by without eulogizing the memory of one of the greatest Americans who lived among us, but who left us during the last congressional recess.

Mr. President, in attempting to place in historical perspective the death of President Abraham Lincoln, poet Edwin Markham wrote:

> And when he fell in whirlwind, he went down as when a lordly cedar, green with boughs, goes down with a great shout upon the hills, and leaves a lonesome place against the sky.

Surely, the death of George Meany is another such historical benchmark. As "Mr. Labor" for more than 25 years, Mr. Meany had a profound impact on the quality of life in the United States and his death leaves a "lonesome place" in our society.

Asked in 1957 what the American worker wanted most, Mr. Meany recalled the famous one-word answer of his friend, Samuel Gompers: "More."

Said George Meany:

> If, by a better standard of living, we mean not only more money but more leisure and a richer cultural life, the answer is indeed "More."

In this, and in his approach to the leadership of the newly merged American Federation of Labor and Congress of Industrial Organizations, Mr. Meany represented a radical departure from earlier leaders of the labor movement. Although the AFL–CIO retained its preeminent position in the fight for better wages and working conditions, its leader assumed a statesmanlike position with respect to labor's role relative to the national economy and the Government. He rejected the traditional, adversary, third-party role adopted by European labor unions, choosing instead to work within the system.

As a leader, George Meany adopted a moderate, pragmatic and conciliatory approach, rejecting confrontation in favor of consensus. As a result, with only a few notable exceptions, the 1955 merger of widely varying craft and trade unions succeeded.

Mr. Meany's staunch, unfaltering belief in the democratic system, and his outspoken opposition to all forms of totalitarianism earned him the respect of freedom-loving peoples throughout the world.

Mr. President, we will not see the likes of George Meany again. I join his many friends in extending to his family heartfelt sympathy on his passing. Mr. Meany's daughters can take great pride in the fact that their father, like Thomas Carlyle's "workman" was a man of integrity whose most precious possession was the fact that he did his work well. As Carlyle wrote:

> The glory of a workman, still more of a master workman, that he does his work well, ought to be his most precious possession; like

the "honour of a soldier," dearer to him than life.

## RECESS FOR 15 MINUTES

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 3:17 p.m., recessed for 15 minutes; whereupon, at 3:32 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. BAUCUS).

## EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there morning business?

The PRESIDING OFFICER. One minute remains in morning business.

Mr. ROBERT C. BYRD. I thank the Chair.

I ask unanimous consent that the period be extended for another half hour and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT OF SENATOR PRYOR TO SELECT COMMITTEE ON ETHICS—SENATE RESOLUTION 338

Mr. ROBERT C. BYRD. Mr. President, this is an age in which, increasingly, the citizens of the United States are deeply and properly concerned about the integrity of their public officials. Since the office of U.S. Senator is one of the most visible and prominent positions in the land, it is understandable that those filling that role would make every effort to set and maintain the highest standards of performance possible for those assuming this capacity. For this reason, the Select Committee on Ethics was instituted.

Service on this committee can be at times a complex and sensitive matter, demanding great wisdom, understanding, and compassion, and all the Senators owe a special debt of appreciation to those who accept this duty and responsibility.

Today, I am submitting a resolution naming our distinguished colleague from Arkansas the junior Senator, Mr. PRYOR, to serve on this important committee.

A native of Arkansas, Senator PRYOR was educated in his home State, and received his B.A. and LL.B. degrees from the University of Arkansas. Subsequently, he practiced law, and published and edited a newspaper before being elected to the State legislature. From 1967 until 1972, he served in the U.S. House of Representatives, and was chosen Governor by the voters of Arkansas in 1974. In 1978, he won election to the U.S. Senate.

So DAVID H. PRYOR brings to his Senate duties a background of broad experience as a public servant, both as a legislator and as an executive. He understands well the subtle pressures and intense demands of public life, as well as the need to foster ethical standards in Government, both in form and in substance.

I believe that Senator PRYOR is eminently qualified, by character, reputation, and performance, to serve on the Committee on Ethics, and I am confident that the Senators will concur in this judgment.

Mr. President, Mr. PRYOR did not ask for this responsibility, this duty, but he recognizes that somebody has to perform the responsibility. It is a good bit like being chairman of the Senate Appropriations Committee on the District of Columbia, because somebody has to perform the duty. Oftentimes there is no mileage in the State back home. There is no political mileage for him. It is an onerous duty, and it takes a great deal of time.

I express my personal gratitude to Mr. PRYOR for being so willing at this time to take upon himself this additional duty.

Mr. President, I have cleared this matter with the distinguished acting Republican leader. I have discussed it with the distinguished chairman of the Committee on Ethics, Senator HEFLIN. I have discussed it with the other Democratic member of the committee, Mr. MORGAN. All of them feel that Mr. PRYOR would be an excellent addition to the committee.

Therefore, I send a Senate resolution to the desk, ask that it be stated by the clerk, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 338) appointing a member of the Select Committee on Ethics.
>
> *Resolved*, That the following Senator is appointed to the Select Committee on Ethics: the Senator from Arkansas (Mr. PRYOR), vice the Senator from North Dakota (Mr. BURDICK).

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Mr. STEVENS. Mr. President, the majority leader is entirely correct in stating that accepting an assignment such as this is an additional task. It is an onerous burden on any Member to take on the task of being responsible for the enforcement of the ethics of the Senate. I believe that Senator PRYOR, having served in the House and as a Governor and now as a Senator, is a good choice to join the Ethics Committee.

This means that, on this side of the aisle, we will have one vacancy, for which I believe we will have a selection in the near future.

On behalf of our side of the aisle, I, too, thank Senator PRYOR for being willing to take this extra duty. We have Senator HELMS and Senator WALLOP on that committee now, and I know that they will look forward to serving with him in his new capacity.

Mr. MATSUNAGA. Mr. President, I wholeheartedly support the resolution.

I have known the Senator from Arkansas for a considerable length of time. We served together in the House of Representatives, prior to his leaving that body to become the Governor of his State. It certainly is a pleasure to be serving once again with the distinguished Senator. I congratulate the leadership for making such an excellent choice.

I congratulate the Senator from Arkansas on his selection, although I do not envy the position he has agreed to accept. It is not a very pleasant task to be a member of the Ethics Committee. It is necessary but not an altogether pleasant task to look into the alleged wrongdoings of colleagues. I commend Senator PRYOR for his willingness to accept the appointment to that committee.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

## AN INTERNATIONAL BRIGADE FOR CAMBODIA

Mr. PROXMIRE. Mr. President, there is a new movement afoot in France. This initiative transcends quiet sympathy for the suffering and promises substance. It is a movement worthy of the name. The growing membership of a new army, armed with rice and medical supplies, is bound for Cambodia to lock horns with the grim reaper. Physicians and nurses and volunteer soldiers of hope are the rank and file of the brigade, called "Doctors Without Borders."

In the January 26th issue of The New Republic, French scholar Bernard-Henri Levy writes about the international brigade sponsoring this march against death. He notes that the West cannot confess ignorance of the spreading specter of death in Southeast Asia. Genocide is in the air today.

Levy asks:

> When will our ears be sharp enough to hear the murmur of the obscure and tumultuous prophecy that whispers to us, suggests to us, that the century has little, very little, chance of coming to an end without another holocaust—an hallucinatory image of the first one?

We cannot allow the horrors of the Third Reich to fade from our memories with the passing of time. Unless we act to prevent the recurrence of such events, we will be revisited by newer versions of the same scourge: Genocide.

Everyone can do his part to thwart history's sinister design to repeat itself. The French brigade has chosen to go to the scene of the crime and, if possible, to stem the tide of famine and slow the spread of disease among the innumerable refugees. Religious and charitable organizations have contributed manpower and supplies to the effort. International organizations have begun to mobilize the resources to mitigate the tragedy. But the U.S. Senate has sat on the Genocide Convention.

Mr. President, the official newspaper of Hanoi's Communist Party recently wrote of Cambodia, "the situation is highly satisfactory and radiant." Are we to close our eyes to this transparent denial of genocide? Or are we to ratify the Genocide Convention and stamp the deplorable Hanoi government with the criminal label it so clearly deserves?

The Genocide Convention will not stop the murder. But its passage by the Senate, in the face of the torture in Cambodia, will contribute to awareness and inspire further action. I urge my colleagues in the Senate to ratify the Genocide Convention.

Mr. President, I ask unanimous consent that the text of Mr. Levy's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### MARCH ON DEATH

What is the good of talking again, simply and uselessly, of the terrifying hell in which the people of Cambodia have been living for five years? What can be said that hasn't already been said a hundred times of the unspeakable torment, the vast crowds of beggars who are quietly dying there, very far away in distant Asia under the Vietnamese boot? With what words and with what language of the living or the dead can we speak of the drama of the living dead, methodically subjected to famine outside of the warehouses where most international supplies are stored?

The truth is, I fear, that at this extremity of horror, language has altogether lost its right to speak. At this point of unprecedented misery, the time of virtuous speeches and verbose indignation is very nearly past. In the face of the absolute will to murder, whose rituals and symptoms are displayed every day, the time has come to shift gears and to take action.

This is the meaning of the initiative undertaken before Christmas by the French organization Médecins Sans Frontiéres, for a "March for Survival" from Thailand toward the Cambodian border in order to "bring down the barriers which are preventing us from helping people in danger of dying." This is the meaning of the mobilization of its membership, undertaken, in turn, by the recently founded Action Internationale Contre La Faim (AICE, 13 rue d'Uzef, Paris 75002). Some of its local committees will "adopt" a precise locality in Cambodia, will obtain from their municipality a solemn declaration of "twinning," and will present themselves to the border authorities, armed with food or medicine to be brought to their "twin" city. This is also the meaning of the appeal addressed today to political and union figures, to intellectuals and artists of Europe and the United States. Beyond their ideological and partisan quarrels, beyond the excessive and banal signing of petitions, they are being asked to make a real commitment, a concrete presence, a physical pressure at the gates of the death camps.

Recently Nahn Dan, Hanoi's Pravda, wrote of Cambodia, "the situation is highly satisfactory and radiant." Well, let there be many of us, as many as possible, next February 5, between Aranyaprathet and Poipet, and let us ask to observe. Let us demand to investigate. Let us even propose to admire the brilliant and "radiant" situation whose praises are so prettily sung. I doubt, it goes without saying, that the gates will open wide before us merely because we say "open sesame." I do not know, no one can yet know, how the march will be received on the spot, even if the Thai government authorizes it to traverse Thai territory. I don't even know if this sort of enterprise is entirely in conformity with the civilized order of international law, and particularly with its sacrosanct rule of "non-intervention in the internal affairs of states." But at least I know, on the other hand, what this rule is worth, the abjectness it implies, and the complacency it conceals. This rule has been used often in our time to bless cannibalistic states that openly, with impunity, and sovereignly dispose of their own populations. But I am certain, simply, that the time has come to reestablish in the world, in its most desolate corner, the principles of an entirely different internationalism: the internationalism of human rights and of help for the tortured. I think it is vital in this situation of extreme urgency, when an entire people is moving down the steps to a mass grave, to test once again, against the cruel reality of accommodation among the powers, the legitimate and imperative duty of interference which throughout the century in the West, as well as in the East, has been at the heart of the most exalted resistance.

So why not say it? In the end, despite the obvious distinctions, the idea of *Médecins Sans Frontieres* is not very different from the idea that—at the dawn of the present age—inspired the creation of the famous International Brigade, bringing the voice of hope to the skies of Barcelona, Toledo, and Madrid. Of course for arms this new brigade will have only 20 truckloads of rice. In case the mission fails this rice will be distributed half to the refugee camps and half to the Thai peasants of the region. The shock troops of this new brigade will be teams of doctors and nurses with bare hands. Some of them are already there, and they have been waiting in vain for weeks for the right to enter Cambodia and to exercise their vocation in that country. Nor will their objective be to overthrow the established government in order to set up another one. More modestly, it will be to save bodies, nothing but bodies, all the bodies that on that day can still be saved and rescued from the night that is burying them, one by one. But even so, though danger and death are absent, the action is similar. Without the heroism of their predecessors, these brigades for food and medicine nevertheless are inspired by the same thought. It is in the direct line of an identical *anti-fascism* that they will once again set off on their "march" for the survival of the Khmer people. It *also* depends on us, in other words, that Cambodia not be the Spanish Civil War, or the prelude to what followed, the Auschwitz of the coming decade.

This is, indeed the danger, and these are the stakes that oblige us to act. Isn't it enough to know how to count, just simply to count—*add up*, in other words, the number of dead bodies—to understand that the Cambodian tragedy involves something entirely different from the banal war of conquest? How many new refugees, how many other mass graves will we need before we dare look directly at the atrocious reality of the new-style final solution? When will our ears be sharp enough to hear the murmur of the obscure and tumultuous prophecy that whispers to us, suggests to us, that the century has little, very little chance of coming to an end without another holocaust—an hallucinatory image of the first one? The single distinction will be that this time we know, we will know, we will have known, and that with complete lucidicty we will have chosen, again, to have eyes that do not see and ears that do not hear.

In 1945 when the stupefied West discovered the still warm ashes of Dachau and Buchenwald, some, you remember, played the little game of ignorance and innocence. In 1985, if the same West perhaps discovers the cemeteries in Battambang, Siem Reap, or Phnom Penh, it will have to agree, openly and directly, that it had full knowledge when it washed its hands of all the Cambodian flesh gone up in ashes and dust. So, to all those who reject this prospect, to all those who are repelled in advance by the necessity of one day finding words to express the shame of having accepted consciously the torture chambers and the deliberate famine, to all those I ask that they be present with us on February 5 on the border between Thailand and Cambodia, dying Cambodia.

Mr. PROXMIRE. I yield the floor.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1142. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

S. 2225. An original bill to provide that receipts from certain sales of items by the Sergeant at Arms of the Senate to Senators and committees and offices of the Senate shall be credited to the appropriation from which such items were purchased (Rept. No. 96-556).

## FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON THE JUDICIARY, U.S. SENATE, EXPENDED BETWEEN JULY 19 AND SEPT. 5, 1979

| | | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| Name and country | Name of currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Jan H. Kalicki: | | | | | | | | | |
| Japan | Yen | 85,988 | 388.00 | 150,200 | 667.56 | | | 236,188 | 1,055.56 |
| Total | | | 388.00 | | 667.56 | | | | 1,055.56 |

Note: Amends Consolidated Report for Committee on the Judiciary published in Congressional Record Oct. 3, 1979, p. S 13990.

EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary.

Dec. 17, 1979.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON APPROPRIATIONS, U.S. SENATE, EXPENDED BETWEEN OCT. AND DEC. 31, 1979

| | | Per diem | | Transportation | | Miscellaneous | | Total | |
|---|---|---|---|---|---|---|---|---|---|
| Name and country | Name of currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency | Foreign currency | U.S. dollar equivalent or U.S. currency |
| Lieberman, Richard D.: | | | | | | | | | |
| Spain | Pesata | 4,973 | 75.00 | | | | | 4,973 | 75.00 |
| Egypt | Pound | 157.5 | 225.00 | | | | | 157.5 | 225.00 |
| Israel | Pound | 6,957 | 225.00 | | | | | 6,957 | 225.00 |
| Italy | Lire | 310,875 | 375.00 | | | | | 310,875 | 375.00 |
| Bahrain | Dinar | 103.4 | 272.00 | | | | | 103.4 | 272.00 |
| Sweden | Kronor | 1,354.45 | 322.00 | | | | | 1,354.45 | 322.00 |
| Netherlands | Guilder | 328.68 | 166.00 | | | | | 328.68 | 166.00 |
| Frank, Gerald W.: | | | | | | | | | |
| Italy | Lire | 246,900 | 300.00 | | | | | 246,900 | 300.00 |
| Bahrain | Dinar | 80.65 | 217.50 | | | | | 80.65 | 217.50 |
| Hatfield, Senator Mark O.: | | | | | | | | | |
| Italy | Lire | 246,900 | 300.00 | | | | | 246,900 | 300.00 |
| Inouye, Senator Daniel K.: | | | | | | | | | |
| Philippines | Peso | 2,766.38 | 375.00 | | | | | 2,766.38 | 375.00 |
| Air travel between Washington, D.C., and Manila, Philippines and return | | | | | 2,629.40 | | | | 2,629.40 |
| Total | | | 2,852.50 | | 2,629.40 | | | | 5,481.90 |

Return ticket between Honolulu, Hawaii and Washington, D.C., unused and returned to State Department for refund—amount currently unknown.

WARREN G. MAGNUSON,
Chairman, Committee on Appropriations.

Jan. 9, 1980.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MELCHER (for himself, Mr. LEVIN, and Mr. MCGOVERN):

S. 2222. A bill to extend the time for commencing actions on behalf of an Indian tribe, band, or group or on behalf of an individual Indian whose land is held in trust or restricted status; to the Select Committee on Indian Affairs.

By Mr. DECONCINI:

S. 2223. A bill to permit any Indian to transfer by will restricted lands of such Indian to his or her heirs or lineal descendants; to the Select Committee on Indian Affairs.

By Mr. HAYAKAWA:

S. 2224. A bill to amend the Small Business Act to increase the solar energy and energy conservation loan program authorization, and for other purposes; to the Select Committee on Small Business.

By Mr. PELL (from the Committee on Rules and Administration):

S. 2225. A bill to provide that receipts from certain sales of items by the Sergeant at Arms of the Senate to Senators and committees and offices of the Senate shall be credited to the appropriation from which such items were purchased. Original bill reported and placed on the calendar.

By Mr. PACKWOOD (for himself, Mr. NELSON, Mr. DANFORTH, Mr. DOLE, Mr. GRAVEL, and Mr. MATSUNAGA):

S. 2226. A bill to amend the Internal Revenue Code of 1954 to increase the zero bracket amount for heads of households the same level as that for married individuals filing a joint return; to the Committee on Finance.

By Mr. COCHRAN (for himself, Mr. CHAFEE, and Mr. DANFORTH):

S.J. Res. 134. Joint resolution to authorize the President to proclaim February 10, 1980, as "Energy Awareness Day"; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MELCHER (for himself, Mr. LEVIN, and Mr. MCGOVERN):

S. 2222. A bill to extend the time for commencing actions on behalf of an Indian tribe, band, or group or on behalf of an individual Indian whose land is held in trust or restricted status; to the Select Committee on Indian Affairs.

### INDIAN LANDS

Mr. MELCHER. Mr. President, in April of 1977 the Congress amended the Federal statute of limitations (28 U.S.C. 2415) to extend by 2½ years, to April 1, 1980, the time in which the United States could bring an action on behalf of Indian tribes for money damages for actions accruing prior to 1966. A 5-year extension had previously been authorized in 1972. The purpose of these extensions was to allow the Departments of Interior and Justice time to research outstanding Indian claims; review such claims to determine their merits; and as to those deemed meritorious to either negotiate fair settlements on behalf of the Indian claimant or bring appropriate litigation against third parties. On December 17, 1979, the Select Committee on Indian Affairs held an oversight hearing to determine the progress of the Interior and Justice Departments in this work.

The testimony of the Department of the Interior witnesses shows that an extensive program for identification of outstanding Indian claims that might be affected by the statute of limitations was not launched until 1979 when less than 1 year remained before the statute expired. The Congress bears some responsibility for this in that funds to conduct this search were not appropriated until fiscal year 1979. The availability of these funds resulted in a tenfold increase in the number of claims identified and additional claims continue to be presented. As of December

1, 1979, the Department of the Interior had before it some 9,768 claims. There may be many claims encompassed within a single case. Over the past year, the Department has disposed of more than 2,700 claims either by rejection for lack of merit or by successful resolution of the claim without litigation.

Witnesses for both the Departments of Interior and Justice stated that they would not be able to complete work on the pre-1966 Indian claims within the time allowed by the present statute of limitations. This testimony was supported by many additional witnesses. Failure to extend the time limits now provided will, unnecessarily, bar many meritorious claims of Indian tribes and individuals; it will cause the filing of a multitude of lawsuits which might be eliminated if adequate time is allowed for administrative review on the merits; and it will deprive the United States of adequate opportunity to negotiate settlements outside of court. The mass filing of these cases will also cause unnecessary financial burdens to private individuals and local governments which may be named as defendants, and will additionally tax the resource of the Departments of Interior and Justice, U.S. Attorneys' offices, and courts.

I am satisfied that an extension of the statute of limitations for a limited period of time is in the best interest of all of the parties concerned. I am therefore introducing legislation today to extend the time within which the United States may bring an action for damages on behalf of an Indian tribe to December 30, 1984. This should provide an adequate period of time for the Departments of Interior and Justice to complete their work in an orderly fashion. As chairman of the Select Committee on Indian Affairs, I intend to closely monitor the continued progress of this work.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) the third proviso in section 2415(a) of Title 28, United States Code, is amended by striking out "after April 1, 1980" and inserting in lieu thereof "after December 30, 1984".

(b) The proviso in section 2415(b) of Title 28, United States Code, is amended by striking out "on or before April 1, 1980" and inserting in lieu thereof "on or before December 31, 1984".

---

By Mr. DeCONCINI:

S. 2223. A bill to permit any Indian to transfer by will restricted lands of such Indan to his or her heirs or lineal descendants; to the Select Committee on Indian Affairs.

### TRANSFER OF INDIAN LANDS

● Mr. DeCONCINI. Mr. President, I am introducing a bill that will allow members of Indian tribes in all States to devise interests in restricted real property to their children who are not members of the reservation where the land is located. This bill will amend 25 U.S.C. 464, which was enacted to allow members of Indian tribes to devise interests in restricted real property to persons who are their heirs under State law or to persons who are members of the Tribe in which such restricted real property is located.

One of the objectives of this Federal statute is to reduce further fractionalization of Indian lands. Land allotted at the beginning of this century has through descent and distribution become fractionated in interest to the extent that it is very difficult to manage by the Indian beneficial owners. Enactment of 25 U.S.C. 464 was an attempt to correct this problem of fractionalization.

The statute was meeting its objective until several States amended their intestate succession laws to exclude children from receiving property if there is a surviving spouse who is the parent of the children. Arizona provides an example of how these amendments to State law have affected Indian tribal members: A member of the Gila River Indian Community whose wife and children are also members of that community, and whose children are the children of his wife, who has land within the Salt River Pima-Maricopa Indian Community cannot devise by will any of that land within the Salt River Pima-Maricopa Indian Community to his children if his wife is alive at the time of his death.

The reason for this prohibition is because his wife, under Arizona's intestate succession laws is his only heir at the time of his death. I am sure that the State of Arizona, and other States that may have enacted similar laws, did not have this prohibition as an objective when considering the legislation. However, because the Federal statute contains the reference to heirs under State law, the result has been as described above.

Not only does this bill attempt to remedy this restriction on devising a will, but it will also permit tribes to adopt their own code of laws to govern the inheritance or descent and distribution of trust or restricted property within their reservation boundaries, providing that the Secretary of the Interior approves.

Presently, a tribe cannot enact laws to govern the descent of trust property title to which is held by the United States. In the past few years, several tribes have successfully petitioned Congress to enact special legislation allowing each tribe to adopt codes governing the descent of trust property for their respective reservations. This provision will eliminate the necessity for such legislation in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress finds and declares that—

(1) as a result of the enactment by certain States of amendments to their intestate succession laws, members of Indian tribes within such States are restricted in their right to devise restricted Indian lands to their own children who are not classified as heirs at law under such amended intestate succession laws; and

(2) it is the policy of Congress to allow any Indian to devise restricted Indian lands and shares in the assets of any Indian tribe or corporation to his or her heirs or lineal descendants.

SEC. 2. Section 4 of the Act of June 18, 1934, as amended (25 U.S.C. 464), is amended (1) by inserting in the first proviso clause immediately after the words "corporation or any heirs" the following: "or any lineal descendents", (2) by designating the existing text thereof as subsection (a), and (3) by adding at the end thereof the following new subsection:

"(b) Any tribe which is recognized by the United States as having powers of self-government may adopt their own code of laws to govern the inheritance or descent and distribution of trust or restricted property within the reservation boundaries of such tribes: *Provided*, That such code of laws shall have no force or effect until it has first been approved by the Secretary of the Interior. Such code of laws shall supersede any conflicting provision in subsection (a) of this section.".●

---

By Mr. HAYAKAWA:

S. 2224. A bill to amend the Small Business Act to increase the solar energy and energy conservation loan program authorization, and for other purposes; to the Select Committee on Small Business.

### SOLAR COMMERCIALIZATION ACT OF 1980

Mr. HAYAKAWA. Mr. President, I wish to introduce a bill amending the Small Business Act to increase the solar energy and energy conservation loan program authorization, and for other purposes.

In June of 1979, President Carter told us that by the year 2000 we would as a nation have to derive 20 percent of our energy needs from solar energy and other renewable sources. He underscored this goal again in his State of the Union address of 1980. President Carter has called this a firm and ambitious course. Ambitious? Unless we begin to work immediately, I would say this is impossible.

If our energy demands did not increase one bit between now and the year 2000 we would need to derive 16 quads of energy from solar and renewable sources in order to meet the President's goal. (A "quad" is one quadrillion Btus.) At present, these sources contribute less than 1 quad of the 80 quads we will use this year. A leading manufacturer of solar equipment recently testified before the Senate Select Committee on Small Business that in order to reach this goal, virtually all new buildings built between now and the year 2000 would need to utilize some form of solar space and hot water heating. In addition, a crash course in low temperature solar application for industrial use would be required to make up that portion of the load, and some retrofitting of already existing buildings would be required. Clearly, if we are to have any chance of success, we must begin now.

Unfortunately, the obstacles to rapid commercialization of existing solar technology are not going to be overcome by our present Federal programs. This is largely because the Department of Energy, along with the majority of homebuilders and homebuyers, believe that usable solar systems exist somewhere in our future. It is with great pleasure that I invite the Department of Energy and other nonbelievers to California to view what we have already done. We have the future already in existence in California in this respect.

Californians have taken the lead in working to achieve our national goal. In 1977, the State legislature passed the largest financial incentive in the country to promote the commercialization of solar energy by the use of tax credits. The city of Davis, California passed an ordinance which set minimum standards for the thermal performance of buildings. Such a measure encourages solar design. And in San Diego County, the Board of Supervisors passed the Nation's first law requiring that solar water heaters be installed in every new home. If the Congress would follow California's lead in promoting the use of solar energy, perhaps the chances for reaching our goal by 2000 are less dismal.

There are several barriers that prevent us from following California's aggressive lead. The most significant of these is the Department of Energy's lack of support for small business. This lack of support, Mr. President, is disastrous, because if any group of businesses can take us to where we want by the year 2000, it is the small business sector in the solar energy field. Small businesses are the most innovative. They are the most productive. And they have the best idea of how to do the job that must be done. We, as a Nation, know from experience that our great advances in technology have come from small businesses since World War II, companies with less than 1,000 employees have been responsible for 50 percent of the technological advances in American industry.

Eighty percent of the solar industry is in small business. However, the Department of Energy continues to cater to advanced, large-scale, solar research projects with plans for potential development far, far, far in the future. In 1979, only 1.63 percent of DOE research and development contracts went to small businesses. A little more than 3 percent of DOE's application contracts went to small businesses. Eighty percent of the solar industry collectively got less than 5 percent of the pie.

The frustration of small businesses in the solar industry was clearly articulated in recent hearings before our Select Committee on Small Business. Jim Piper, for example, designed, and his company installed a 254-unit apartment project in Ventura, Calif., for exactly the same first cost as gas furnaces and water heaters. "Where" he asked, "is the broad gauge program needed to implement the solar thermal technology?" He then offered his own answer to that question. "It is nowhere," he said, "it does not exist."

My bill will give us the program we need to market solar technology now. If the Department of Energy refuses to acknowledge the small businesses of the solar industry—let me repeat: 80 percent of the industry—then it certainly cannot administer a major commercialization effort. It is as simple as that. By doubling the current authorization for the solar and conservation loan program within the Small Business Administration, we can be sure that small businesses will get the help they need to reach President Carter's goal. Furthermore, the bill that I have introduced directs the Small Business Administration to administer the program in accordance with specific operating plans prepared by the four regional solar energy centers. These operating plans are to include specific solar market penetration targets, and specific marketing strategies to meet those targets. The regional centers then will work closely with SBA offices in providing technical assistance.

I want to emphasize that the technology already exists for solar energy at the home heating level. It is already being supplied. It is already being installed in city after city in California.

The current fragile situation in the Middle East requires that we begin to work immediately to accomplish the President's recommended goal of meeting 20 percent of our energy needs with solar and renewable sources by the year 2000. But without specific short-term targets, without specific marketing strategies, and, most importantly, without the leadership of small business, reaching our goal is just not in the cards.

I ask for the support of my fellow Senators in this effort to make solar energy widely and abundantly available through the small businesses which are already pioneering in this field and converting city after city to the use of solar energy in domestic space and hot water heating.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 20(e)(10) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking out "$30,000,000" and inserting in lieu thereof "$60,000,000"; and

(2) by striking out "$45,000,000" and inserting in lieu thereof "$90,000,000".

(b) Section 7(1) of such Act is amended by adding at the end thereof the following:

"(10)" The loan program authorized by this subsection shall be carried out in accordance with operating plans prepared by the Regional Solar Energy Centers.".

---

By Mr. PACKWOOD (for himself, Mr. NELSON, Mr. DANFORTH, Mr. DOLE, Mr. GRAVEL, and Mr. MATSUNAGA):

S. 2226. A bill to amend the Internal Revenue Code of 1954 to increase the zero bracket amount for heads of households the same level as that for married individuals filing a joint return; to the Committee in Finance.

### TAX EQUITY FOR PARENTS WITHOUT PARTNERS

● Mr. PACKWOOD. Mr. President, today Senators NELSON, DANFORTH, DOLE, GRAVEL, MATSUNAGA, and I are introducing a bill to give heads of households the $3,400 zero bracket amount—formerly known as the standard deduction—available to married persons. Currently, heads of households must use the $2,300 zero bracket amount (ZBA) for single persons.

A head of household is an unmarried person who provides a home for a child or an elderly parent, and a majority of support for that dependent. They are usually divorced or widowed women caring for minor children. At an age where there is an increasingly high rate of divorce, heads of households need this tax relief. Our tax law singles out these financially pressed persons with special tax penalties. This is grossly unfair. Heads of households have greater financial burdens and generally less money to meet these burdens than married couples.

The average family income for heads of households in 1978 was $10,308. The average income for married couples in 1978 was $20,544, almost twice as much. Eighty-four percent of families with a single parent are headed by women, and 26.7 percent are nonwhite. Practically no heads of households have two earners, yet almost 50 percent of married couples have two earners. All heads of households have a dependent they must provide support for and a home to maintain.

Prior to the Tax Reduction Act of 1975, heads of households were able to use the ZBA used by married couples. Every year, the gap in the ZBA widens between married couples and heads of households. In 1975, the ZBA for heads of households was $300 smaller than for married couples. In 1976, it was $400. The Tax Reduction and Simplification Act of 1977 substantially widened the gap to $1,000. The Revenue Act of 1978 further widened it to $1,100.

Heads of households are blatantly discriminated against in the tax code. We give them a smaller ZBA and we tax them at a higher rate than married couples. Current law has one set of tax rates for married couples and a higher rate for heads of households.

Some persons say that this bill is a "divorce incentive." They argue that a married couple with two children might get divorced on December 31 and remarry on January 1 or never remarry because of the minimal amount they might save on their income tax returns. These are ridiculous arguments. First, the IRS does not recognize these "New Year's weekend" divorces for tax purposes, as stated in Revenue Ruling 76-255. Second, people do not make fundamental life decisions based on the size of the ZBA.

In 1977, this bill had the support of the American Association of University Women, the League of Women Voters, Parents Without Partners, the National Organization for Women, the Committee of Single Taxpayers and the National American Singles Association. It was approved by the Senate Finance Committee and the full Senate in 1977 as a part of the Tax Reduction and Simplification Act of 1977. It was also approved by the Senate Finance Committee and the Senate in 1978 as an amendment to the Revenue Act of 1978. It was dropped in Conference.

The revenue loss of the Packwood-Nelson bill is $724 million in calendar year 1980. Seventy-five percent of the benefits of our bill would go to heads of households who have incomes less than $15,000 a year.

I hope the Congress will act favorably on our bill without delay.●

## AMENDMENTS SUBMITTED FOR PRINTING

### WATER RESOURCES DEVELOPMENT ACT OF 1979—S. 703

AMENDMENT NO. 1637

(Ordered to be printed and referred to the Committee on Environment and Public Works.)

Mr. MELCHER submitted an amendment intended to be proposed by him to S. 703, authorizing the construction, repair and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

### TRANSFER OF LANDS IN MONTANA—S. 1906

AMENDMENT NO. 1638

(Ordered to be printed and referred to the Committee on Energy and Natural Resources.)

Mr. MELCHER submitted an amendment intended to be proposed by him to S. 1906, to authorize the Secretary of the Interior to convey certain lands near Miles City, Mont., and to remove certain reservations from prior conveyances.

## NOTICE OF HEARINGS

SUBCOMMITTEE ON ECONOMIC STABILIZATION

● Mr. RIEGLE. Mr. President, the Subcommittee on Economic Stabilization of which I am chairman has scheduled a hearing to explore the relationship between inflation and high interest rates and the effect of these ills on the economy with special emphasis on their effects on consumers.

The hearing will be held at 10 a.m. on Friday, February 1, 1980, in room 5302 of the Dirksen Senate Office Building. The witnesses are Dr. Barry P. Bosworth, senior fellow at the Brookings Institution and former Director of the Council on Wage-Price Stability, Dr. F. Thomas Juster of the Institute for Social Research at the University of Michigan, and Dr. Michael Sumichrast, chief economist of the National Home Builders Association.

Questions concerning this hearing should be addressed to Thomas F. Dernburg, staff director of the Subcommittee on Economic Stabilization, at 224–3608.●

## ADDITIONAL STATEMENTS

### THE CHALLENGE TO FREEDOM

● Mr. GOLDWATER. Mr. President, once again the Association of the U.S. Army in its annual report to its members has placed the challenge to freedom in a way that I think all Members of this body should become acquainted with. I submit this report for the RECORD recognizing that there are some graphic charts in it that cannot be displayed, but the text takes care of that. I urge all readers of the RECORD to take advantage of this excellent report to gain a better understanding of just what this country faces in the world and, more importantly, the growing threats to freedom.

The report follows:

### THE CHALLENGE TO FREEDOM: A YEAR-END ASSESSMENT 1979

INTRODUCTION

(We haven't become weaker so much as other nations have become stronger. All our advantages have eroded: the overwhelming military dominance, the unquestioned economic stability, the unsurpassed technological superiority, the boundless natural resources. We confront a world in which nations still aren't equal, but are less unequal.—Robert J. Samuelson, The National Journal.)

If you were asked to paint a mental picture of the industrial power of the United States, it is most likely that the first image you would conjure up would be one of glowing, roaring steel mills, being fed by ungainly ore ships traveling across the Great Lakes from Minnesota's Mesabin Range. This would certainly be an archetypical image and yet it ignores a vital point. In spite of the seemingly limitless supply of iron ore in the Mesabi the United States holds only four percent of the world's iron ore reserves and already gets 29 percent of what it uses from Canada and Venezuela.

Even if we disregard our dependence on foreign sources of petroleum the list of raw materials needed by U.S. industry but available mostly or entirely from foreign sources is alarmingly long—bauxite, chromium, cobalt, industrial diamonds, manganese, natural rubber, nickel and tin are just a few and our dependence is growing, not subsiding. There is no way that the United States can withdraw behind a national screen of indifference, non-participation or timidity and continue to enjoy the way of life we have all come to expect.

Events in the Mid East late in 1979 and the U.S. reaction to those events have been and will continue to be a gauge of our national will to remain at the forefront of the world's events and to be leader in directing their outcome. A Gallup poll released early in 1979 showed differing views of the United States in four friendly nations. People in the Netherlands and Japan viewed the United States as retaining a position of superiority over the Soviet Union, a common adversary. People polled in West Germany saw the U.S. and the USSR in a state of parity, while those questioned in Britain said the USSR had achieved superiority. When asked to look into the future, the repsondents in all countries, even those in the United States, said they expected U.S. power to decline. Power as used in the survey was not related to military capability alone, but, to overall national power, including economic factors.

There is no realistic hope that the United States could regain relative independence from its overseas sources of either raw materials or manufactured goods. While the U.S. reliance on Mid East oil has trended ever-so slightly downward, efforts to find alternative sources of energy are moving very slowly, apparently lacking the impetus that might come from a severe reduction of overseas sources or a prohibitive price increase. Certainly there has been no significant change in the growing imbalance between what we sell overseas and what we buy from foreign sources. The only major trading partner with which we maintain a favorable balance of payments is the United Kingdom. The unfavorable balance with West Germany, Japan and Canada increases each year as we become more dependent on Canadian mineral resources and as German and Japanese manufactured goods compete successfully with U.S. manufacturers.

At least twelve times during 1979 governments were overthrown by force or subversion. Only Europe and North America escaped this kind of political turmoil. All of Southeast Asia has been directly or indirectly affected by continued aggression on the part of the People's Republic of Vietnam. The overthrow of the Shah of Iran by radical muslims and the subsequent seizure of the U.S. Embassy there has created a crisis atmosphere that could draw the entire Mid East, and indeed much of the rest of the world, to the brink of war.

The recent coup in Afghanistan, so blatantly supported by the Soviet Union, amounts to a Soviet takeover reminiscent of Czechoslovakia. Certainly, it raises, substantially, the level of confrontation between the United States and Russia and effectively lays the decades of detente to rest.

Of the nations capable of projecting major military forces overseas only the United States ended 1979 with fewer military personnel than the number in the ranks in 1978. The United States also keeps more of its military forces deployed overseas (23 percent of the overall force of 2,022,000) than any other nation. At any given time, the United States Army has almost 40 percent of its troops at overseas stations.

Are the people of the United States aware of our growing and inescapable dependence on other people and other nations? A small insight may be gained by the fact that since 1966 the number of U.S. colleges and universities requiring a foreign language qualification for entrance has declined from 34 percent to eight percent. Americans expect foreign businessmen who come to the United States to speak English but few of the people our own industries send to represent them overseas can carry on a conversation in anything but English. There was a time, to be sure, when there were good reasons for English to be a universal language. The conditions that supported that universality are fading.

There are other indicators of our national lack of appreciation for our need to compete fully and effectively in every corner of the world. Our merchant fleet, beset by the high cost of producing ships in U.S. yards and of manning those ships with high-paid American crews, ranks eleventh in the world and is losing one trade route after another to the subsidized, non-profit oriented Soviet merchant navy. While our Army and Marine Corps general purpose forces represent a barely satisfactory capability to support our national policies, we lack the capacity to get them to the point of exercise rapidly and to support them adequately after they arrive.

The time has come, as we move out of one decade and into another, for the United States to deal realistically and forthrightly with its role in the world and to do whatever is necessary to prepare to play out that role. We must be ready to extend ourselves philosophically, economically and, where ever it might be needed, militarily, to sustain the United States of America as a credible haven of human freedom and dignity.

The following encapsulation of the last year of the past decade will, hopefully, provide direction toward that end.

EUROPE IN 1979

This was the 40th anniversary year of the beginning of World War II, triggered finally by the German invasion of Poland on September 1, 1939. West German Chancellor Helmut Schmidt, observing the painful anniversary, noted that, "The war against Europe which became a World War with the invasion of the Soviet Union and with the U.S. declaration of war—this war of Hitler's —was in the final analysis a war against Germany . . . Today we look back with admiration and respect to those policy makers, who in the desolation and chaos of the early years after 1946, took the first steps toward European security and peace. Here we remember American names: Truman, Byrnes and Marshall . . ."

Coincidentally, 1979 was also the 30th anniversary year of the end of the Berlin airlift. Quite aside from its significant as a humanitarian gesture and as a test of the feasibility of large-scale aerial supply operations, the Berlin airlift has been categorized as the birth of true confidence between the Germans and the Western Allies—a step forward from a policy of non-fraternization to one of friendship and alliance.

Thirty years ago judgments about the viability of a nation's currency were made in comparison to the U.S. dollar. Today they are based more on the strength of the West German Mark and the Swiss Franc. Today tourists from Europe and Asia find a better bargain in travel in the United States than Americans can find anywhere in the world. A German industrialist or an Arab oil sheik can make a better investment in the United States than anywhere else because he can buy cheap, inflated dollars.

During October 1979, the dollar began to rally on European money markets and the U.S. stock exchanges began to experience major gains in confidence as the U.S. government and people showed signs of a hardened stance toward energy consumption and dependence on oil imports. This rally was short-lived, however, as events in the Mid East and Asia reawakened doubts about the United States' ability to control its own destiny.

Two broad trends became apparent in 1979: What had seemed to be a rush toward "Euro-Communism" early in the 1970's turned into a retreat in 1979 as major elections in France, Italy, Spain and elsewhere resulted in sizeable reductions in the number of parliamentary seats won by communists. Even the first-time elections of members of the European Common Market parliament revealed a conservative preference. And it became apparent that the pell-mell growth of productivity in Western Europe would be slowed, or perhaps reversed. Economists predict that the slowing down in Europe could work to the advantage of the United States, citing the fact that European welfare and labor costs have risen so high that American labor is now cheaper. This is evident in the purchase of U.S. production facilities by large European manufacturers, like Volkswagen, Sony, et al.

The nations of Europe watched the progress of the U.S.-Iranian crisis closely. The call from the United States for an economic boycott of Iran puts the European countries and Japan in a dilemma, not because they supported the Iranian action but because they are far more dependent on Mid East oil, including that from Iran, than the United States. It is to their credit that they have joined in the U.S.-sponsored United Nations vote to impose economic sanctions if the hostages are not released. In addition to the support received from our European allies in obtaining a United Nations resolution calling for the release of the hostages, several leaders including Prime Minister Margaret Thatcher of Britain and West Germany's Chancellor Helmut Schmidt have made strong policy statements in support of the United States' position.

### *France*

The last year of the 70's found the French political left in disarray. The failure of the Communist/Socialist alliance to make any gains—and in fact lose seats—in the 1978 parliamentary elections created more tension than the shaky alliance could bear. In seeming desperation the French communists turned to Moscow for help, shattering the myth of independence from Soviet communism that had given impetus to Euro-Communism.

A new right wing philosophy gained momentum in 1979, bringing cries of alarm from the entrenched philosophers of the left. The left-wing newspaper Le Nouvel Observateur capsuled its concern with, "For 30 years the understanding in French national life has been the right governs and the left thinks". Now the new right, rejecting the French concept of equality among men and Judeo-Christian tradition in general, has added an entirely new element to French politics. The newspaper Le Monde summed it up: "Today we are faced with people who not only are right-wing but are proud of it".

The role which the French armed forces are willing to assume in any future attack against NATO remains as much an enigma as it has been since the late President DeGaulle stripped them out of the NATO order of battle. The French Army of 327,000 is a potent force, backed up by a capable navy and a well-equipped air force, but NATO planners don't really know whether they should count on an all-out French contribution in the event of a Warsaw Pact invasion. The picture gets even muddier when one considers the several options open to the Soviet Union, such as claiming its attack will not cross into French territory, to freeze the French forces in place. While the outward appearance of aloofness between France and NATO has been diminishing slowly since DeGaulle's departure there have been few overt signs of French intentions to get back on the team.

### *Britain*

Britain, in 1979, was a study in contrasts. In a nation where the labor movement has been growing in size and influence the voters elected a Tory majority to Parliament and got their first female Prime Minister.

In 1945, at the close of World War II, 38.6 percent of the British labor force belonged to a trade union while just 22.4 percent of the U.S. labor force were union members. By 1976 the British total had jumped to 52.3 percent while the percentage in the United States dropped to 20.5 percent (it had risen as high as 25.8 percent in 1955). In recent years union-inspired demands for higher wages have driven the cost of goods for export steadily higher and there have been numerous complaints that traditional British pride in workmanship is fading. As this goes to press more than 100,000 British trade unionists continue a strike that can only further diminish the marginal viability of the country.

The insane carnage in Northern Ireland goes on despite an on-the-scene plea from Pope John Paul II. Lord Mountbatten, a hero of World War II and a member of the royal family, was blown up in his boat on an Irish lake. Eighteen British soldiers were killed on a single day. The Irish Republican Army, it has been reported, is no longer an amorphous mass of well-armed brawlers but a small—probably about 500—collection of highly motivated, skilled assassins organized into small cells with no one but the cell leader aware of the next-higher cell leader. By mid-November more than 100 people had been killed in Northern Ireland by bullets, bombs or booby traps, compared to just 81 in all of 1978. The magazine U.S. News and World Report estimated that, based on the same Catholic/Protestant ratio in the United States but with a much greater population, a comparative 1979 casualty list for this kind of war in the United States would have been 273,000 killed and 2.3 million wounded.

Reflecting Prime Minister Margaret Thatcher's pledge to help strengthen NATO the British armed forces showed a net increase of 9,000 during 1979, reversing a downward slope that had been continuing for several years under the previous Labor government. (In the past ten years total British military strength had declined by 102,000.) Mrs. Thatcher's efforts notwithstanding, the fact remains that the British army must keep three brigade headquarters and what amounts to almost a fourth of its total number of infantry battalions deployed in Northern Ireland. This is a major diminution of Britain's ability to provide troops to the British Army of the Rhine, which now numbers just 55,000.

### *Italy*

The government of Premier Giulio Andreotti fell to a vote of "no confidence" on January 31, 1979, because he had steadfastly refused to bring communists into his cabinet. New elections were held on June 4 with predictions of major gains by communist and other left-wing candidates. This did not happen. Instead the communists suffered their first set back since World War II, losing three percentage points in the total popular vote and dropping 22 seats in the lower house of parliament. A series of attempts by different political leaders, including former Premier Andreotti, to form a new government continued until August 4 when Christian Democrat Francesco Cossiga managed to form a government acceptable to enough minority parties. His is the 42d government in Italy since Mussolini was overthrown in 1943.

Writer Luigi Barzini describes his country as, ". . . a glorious, gilded galleon with holes in the hull that sits in the mud. It can't go anywhere, but then again it can't sink, either." Like many other observers of the Italian political scene Barzini is convinced that the country will not be able to sail out of the political mud unless a strong party, probably socialist—but not communist—can rally a true majority in parliament. Without that kind of consensus, they say, Italy will continue to wander from one political extreme to another.

The extremism typified by the kidnapping and murder of former Premier Aldo Moro in 1978 has subsided somewhat but there was, nevertheless, a series of killings of police officers and attempted assassinations during all of 1979.

In spite of political uncertainty, Italian industry had a good year, the rate of inflation was slowed substantially, the size of the Italian armed forces, a keystone of the defense of NATO's southern flank, was increased slightly and the defense budget was increased substantially.

### *Spain*

Recent Spanish performance in the arena of international politics has been contradictory. Premier Adolfo Suarez steadfastly maintains that his long-term goal is for Spain to become a member of NATO and yet his government was a participant in the conference of "non-aligned" nations held in Havana this year. Spain claims a special relationship with the Arab world but twice this year refused permission for the use of U.S. bases in Spain by aircraft in transit to Arab countries.

In defense of Suarez, it must be said that many of the contradictory actions he has taken have been aimed at achieving a consensus among all the conflicting political groups in Spain. He realized that unless this broad support and concurrent stability are gained the NATO member countries will not be inclined to give his membership application their stamp of approval.

And while the Suarez government has been paying a lot of attention to its image overseas it has had to continue its effort to settle the centuries-old feud between the Spanish Basques and the rest of the Spaniards. The Basque drive for regional autonomy has been carried out in an atmosphere of tension, marked by frequent acts of political terrorism. Basque terrorists in Madrid shot down the parliamentary spokesman for Premier Suarez' party. Bombs exploded in the hotels along Spain's Mediterranean beaches as the Basques avowedly sought to stifle the nation's vital tourist trade. Military officers and policemen have been frequent assassination targets.

In October the people of the Basque and

Catalan regions voted to approve a home rule agreement, restoring the autonomy stripped from them by the late Francisco Franco during the 1930's. More than 60 percent of the Basque and Catalan voters went to the polls and more than 90 percent of those who voted approved the agreement. The size of the vote was more remarkable because it was carried out under the threat of violence by radical Basques who want nothing less than complete independence.

### *Turkey*

Just a year ago the Prime Minister of Turkey, then Bulent Ecevit, placed 13 of the nation's 67 provinces under martial law as a double wave of leftist/rightist and Sunni/Shiite muslem sectarian terrorism engulfed the country. Twelve months later the random killing by members of opposing political and religious factions has slowed but over the course of the year an average of three people have been killed each day.

Underlying this open conflict is the specter of a collapsing economy. Inflation has exceeded 50 percent annually, imports are twice as big as exports, foreign debts approach $15 billion and there is no source of foreign exchange that could support the purchase of new capital equipment to rejuvenate failing manufacturing plants. In an effort to provide some relief the United States has rescheduled the due-dates of $195 million in loans to Turkey.

After two years of bickering the Turkish and Greek governments have agreed to reopen discussions on the future of the island of Cyprus. Both sides say they want a single government, with Turkish and Greek ethnic areas, but they cannot agree on the powers to be granted to the central government. Also, the Turks want to keep all the territory seized during their 1974 invasion. It was that invasion that strained relations between the United States and Turkey and brought on an embargo, since withdrawn, against shipments of arms and equipment needed to modernize the Turkish armed forces. The invasion was also the cause of the withdrawal of Greek forces from active participation in NATO.

The importance of good relations between Turkey and the United States has been heightened by the need for bases in Turkey to monitor compliance with the proposed SALT II treaty. The Carter Administration now finds itself in a position which demands assistance from the Turks, both as NATO allies and as a key feature of our ability to verify SALT compliance. The Turks are well aware of this predicament. The situation was complicated by the refusal of the U.S. House of Representatives to approve a $50 million grant to Turkey. At the time this refusal occurred the Chief of the Turkish armed forces declared that no flights by U.S. U-2 spy planes would be permitted over Turkish territory.

In mid-November Suleyman Demirel, leader of Turkey's center-right Justice Party, assumed the office of Prime Minister for the sixth time in 14 years. He has pledged to end the political/religious violence. The United States has been granted permission to continue operation of the 26 bases it maintains in Turkey for a limited period of time pending the outcome of Carter Administration efforts to provide more economic and military aid.

### *West Germany*

Among the anniversaries celebrated in 1979 was the 30th year of the Federal Republic of Germany. Observing the anniversary and what has been accomplished during those years Chancellor Helmut Schmidt said the Federal Republic ". . . now has a history of its own, that is the best and most dignified part of German history".

The Federal Republic has lasted longer than either of its immediate predecessors, the post-World War I Weimar Republic which collapsed into economic chaos and Hitler's Third Reich, which grew out of that chaos. Each passing year has seen its economy grow stronger and its balance of trade with other countries slide further to West Germany's favor. When it joined the North Atlantic Alliance, the Federal Republic became a partner with its former enemies and has since become one of its most influential members.

However unrealistic it may seem, the prospect of reunification with communist East Germany has been constantly before the German people. The concept of reunification is actually a part of the Federal Republic's constitution as a goal toward which the nation should strive. And while the Federal Republic has greatly improved its relations with East Germany and with other Soviet-bloc countries, no astute observer of the European political scene would predict a German reunification without some preceding major political upheaval.

Henry Kissinger has said that when Willie Stoph, premier of East Germany met in Erfurt, East Germany on 19 March 1970 with Willie Brandt, then president of The Federal Republic ". . . the significance was that for the first time the leaders of a divided Germany had met and talked. The classic western position—that any European settlement presupposed the reunification of Germany—thereby passed into history."

West Germany is not Utopia. It does have problems in the form of a small but highly vocal neo-Nazi movement, a fairly well subdued radical left and almost two million imported laborers who do a broad share of the nation's blue collar work but have not been assimilated into its society. German labor costs are the highest in the industrial world (averaging about $9 per hour) and there is a significant number of unemployed (about 900,000 or 3.8 percent).

In about ten years the generation that remembers World War II, the benign occupation by the Western Powers and the economic salvation of the Marshall Plan will no longer be in power. They will have been replaced by younger politicians and military leaders who have only an historical view of the way the Federal Republic of Germany rose from the rubble. Hopefully that sense of history will be strong enough to maintain the bonds that tie West Germany to the Atlantic Alliance.

### EASTERN EUROPE AND THE SOVIET UNION

It has been said recently that as far as its ability to retain firm control over its eastern European allies is concerned, time is working against the Soviet Union rather than for it. With the possible exception of Czechoslovakia and East Germany, the base of 25 Soviet Army divisions, every one of the so-called "satellite" nations has been drawing further away from Soviet influence, politically, economically and militarily.

Poland continues to be the most self-assertive of the nations under Soviet domination. In 1978 about a half million Poles visited western countries and the greater the exposure to personal freedoms and material comforts of the West the more intense the Polish drive for comparable status becomes. As one of the most ardently Catholic nations in Europe, Poland experienced profound inspiration from the visit of the first Polish Pope, John Paul II. The press in Poland has been permitted to take issue with government actions and there are even some cabarets in the larger cities where political satire is the stock in trade.

The Communist leader of Hungary, Janos Kadar, has been supervising what he calls "A new economic mechanism" since 1968 and Hungary now trades more with the West than with all of its partners in the Soviet bloc. Over a million westerners visited Hungary in 1978 and 355,000 Hungarians journeyed to the West. U.S. relations with Hungary have improved to the point that Hungarian exporters have been granted "most favored nation" status for trading with the U.S.

In November the government of Rumania announced a major oil discovery in the Black Sea. Rumania is one of the few nations in the Soviet Bloc which has been able to remain independent of the Soviet Union for energy supplies and this new discovery, financed by the U.S. Export-Import Bank, is expected to assure continuation of that independence.

One seldom-noted phenomenon has grown out of the increasing East-West trade. The nations that comprise COMECON, the Soviet Bloc's trading organization, are incurring substantial debts in the West. The following table shows the rate at which this indebtedness is growing:

WHAT COMECON OWES THE WEST

[Billions of U.S. dollars]

| | 1973 | 1974 | 1975 | 1976 | 1977[1] |
|---|---|---|---|---|---|
| Bulgaria | $1.5 | $1.7 | $2.4 | $2.8 | $3.0 |
| Czechoslovakia | 0.9 | 1.1 | 1.5 | 2.1 | 3.0 |
| East Germany | 2.8 | 3.6 | 4.9 | 6.0 | 6.5 |
| Hungary | 2.0 | 2.3 | 3.2 | 3.3 | 4.0 |
| Poland | 2.5 | 4.9 | 7.8 | 10.8 | 12.0 |
| Rumania | 2.1 | 2.4 | 2.8 | 2.8 | 3.5 |
| U.S.S.R. | 4.0 | 5.9 | 11.4 | 18.0 | 20.0 |
| Comecon banks | 1.8 | 2.1 | 2.8 | 3.5 | 4.0 |
| Total | 17.6 | 24.0 | 36.8 | 49.3 | 62.0 |

[1] Estimate.

Data: Chase Manhattan Bank, CIA, FRG Bundes Bank, Morgan Trust, Swiss Bank Corp., Bank for International Settlements, OECD, Economic Commission for Europe, Prof. R. Protes, NCNA, M.C. est.

From: Miles M. Costick, The Strategic Dimension of East-West Trade (Washington, D.C.: ACWF Task Force on Strategic Trade, 1978), p. 26.

There are varying estimates about the ability of these nations to repay the loans. All of them, except the Soviet Union, are net importers whose most abundant trading goods are agricultural rather than manufactured. The United States, as one of the prime creditors, needs relatively little in the way of foreign agricultural products so it must arrange a three-way exchange with food-shy nations in order to gain any benefit from eastern European agricultural trade. Of all the Bloc nations, however, Poland is the only one considered a serious risk to western investors. Many western bankers are convinced that the growing indebtedness will act to bring the Bloc countries closer to the West.

President Tito of Yugoslavia was 87 years old in May. While he remains firmly in control of his country's policies there is a constant undercurrent of apprenhension about the direction Yugoslavia will take when he can no longer function. Tito himself was apparently alarmed by reports of frequent contacts between Serbian and Croatian dissidents early this year and responded by cracking down on all known dissenters. This action was applauded by the Soviet Union where it was seen as a step away from libertarianism and motion toward a stricter form of communism.

When U.S. Ambassador Malcolm Toon left his post in Moscow after almost three years of duty there he warned that the Soviet Union would risk a military confrontation with the United States if she perceived a weakening of our military capability and of our resolve to use it. Toon advised Americans to support higher levels of defense spending in virtually every area so we can slow and stop spreading Soviet influence throughout the world. We should, he said, ensure both strategic and conventional arms parity with the USSR in the 1980's and beyond.

AN 11-YR FORCE COMPARISON (1968-79)—NATIONS ABLE TO PROJECT MAJOR COMBAT ELEMENTS

| | Soviet Union | | China (People's Republic) | | United Kingdom | | France | | United States | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1968 | 1979 | 1968 | 1979 | 1968 | 1979 | 1968 | 1979 | 1968 | 1979 |
| Personnel, all services | 3,220,000 | 3,658,000 | 2,761,000 | 4,380,000 | 427,000 | 322,891 | 505,000 | 509,300 | 3,500,000 | 2,022,000 |
| Army divisions | 140 | 173 | 115+ | 129+ | 15 Bde+<br>53 Regts | 20 Regt+<br>55 Sep Bns | 6+8 Regts | 14+ | 18+ | 16+ |
| Marines | 8,000 | 12,000 | 30,000 | 38,000 | 9,000 | 7,447 | 600 | 1 Bn | 302,000 | 184,000 |
| Tactical fighter acft | 4,000 | 4,350 | 2,500 | 4,700 | 600 | 218 | 304 | 298 | 2,800 | 1,878 |
| Interceptors | 3,700 | 2,600 | [1] 3,000 | [1] 4,000 | 100 | 109 | 120 | 120 | 588 | 325 |
| Strategic aircraft | 155 | 156 | 12 | 80 | 80 | 98 | 45 | 33 | 520 | 315 |
| Major surface ships | 130 | 275 | 45 | 25 | 78 | 72 | 51 | 48 | 337 | 180 |
| Patrol/torpedo boats | 400 | 472 | 157 | 835 | 50 | 47 | 14 | 25 | 0 | 3 |
| Attack carriers | 1 | 4 | 0 | 0 | 2 | 0 | 3 | 2 | 15 | 13 |
| Attack submarines | 187 | 179 | 32 | 91 | 32 | 26 | 19 | 23 | 113 | 80 |
| Missile submarines | 43 | 90 | 0 | 0 | 4 | 4 | 0 | 4 | 41 | 41 |
| SLBM's | 0 | 1,028 | 0 | 0 | 64 | 64 | 0 | 64 | 656 | 656 |
| ICBM's | 1,000 | 1,400 | 0 | 60-80 | 0 | 0 | 0 | 18 | 1,504 | 1,504 |
| Tanks | 30,000 | 50,000 | 8,000 | 11,000 | 1,000 | 1,171 | 2,000 | 2,160 | 8,000 | 10,500 |
| Tube artillery | 15,000 | 20,000 | 15,000 | 16,000 | 300 | 352 | Unknown | 653 | 4,800 | 6,500 |
| Tactical nuclear missile launchers | 800 | 1,300 | 0 | 0 | 0 | 1 Regt | 60 | 30 | 456 | 12 Bns |

[1] Potential by diversion of Air Force and Navy aircraft.

In those three years of exposure to the top level of Soviet leadership, Toon saw nothing to indicate a slackening of fundamental Marxist/Leninist goals which call for the ultimate defeat of western democracy in general and the United States in particular. Certainly nothing that occurred during 1979 contradicted his conclusion. The revelation of the continuing presence of a Soviet brigade in Cuba, the massive Soviet involvement in Afghanistan, a major airlift of Soviet troops in maneuvers around the Horn of Africa, continued Soviet involvement with Vietnam—are just a few of the major evidences of Soviet intentions.

Russia-watchers continue to express their concern over directions the USSR might take when its current leaders are gone. Soviet Premier Alexei Kosygin, 75, had a heart attack in October and, despite claims that he is recovering, has not been seen publicly since. President Leonid Brezhnev, 73, has been suffering from an unidentified ailment and has dropped in and out of public view for the past year. The recent elevation of Nikolai Tikhonov, the First Deputy Premier since 1976, to full membership in the Communist Party's politburo is interpreted as a sign that he will ultimately succeed Kosygin, but Tikhonov is only a year younger. There are several possible successors to Brezhnev but none of them is seen as a front runner at the moment.

Should a leadership vacuum develop or if younger, less-patient leaders emerge there could be a speedup of efforts to gain Soviet goals. Throughout history insecure leaders have sought to solidify their position by taking nations to the brink of war and sometimes beyond. Unfortunately, there is no set mechanism to regulate succession in the Soviet hierarchy so it is open to manipulation.

The impending change in Soviet leadership accompanies a series of internal ills that tarnish the image of this supposedly proletarian society. A gap is growing between groups who have acquired privileges because of their involvement in party politics, the arts, sports and other envied professions and the average Soviet citizens who toil in the factories and fields. The privileged ones have the best of everything the society has to offer but the gap between them and the less fortunate members of the proletariat sometimes approaches the chasm that existed during the reign of the Tsars.

The grand Soviet plan is still marred by one of its most glaring failures—the inability of its agricultural base to produce consistently many of the basic commodities needed to sustain the populace. After a bumper wheat crop of 237 million tons in 1978 the total plummeted to 179 million tons in 1979 and forced another major grain purchase from the United States (A sale of 25 million metric tons of wheat and corn has been approved by the U.S. Department of Agriculture but cut back sharply by President Carter in response to the Soviet invasion of Afghanistan).

Soviet economic planners had forecast a growth in industrial production of 26 percent during the five-year plan that ends in 1980 but they have achieved a growth of just 20.3 percent through 1979. Growth in 1979 alone had been targeted at 5.7 percent but only 3.6 percent was reached. Concern about this shortfall has caused plans for 1980 to be scaled downward to 4.5 percent. If that goal is reached the five-year plan will have fallen to 24.8 percent or 11.2 percent short of the five-year goal. The scaled-down 1980 target includes a reduction in defense spending of the equivalent of $155 million but even with that slight reduction the USSR will be spending at least 50 percent more for defense than the United States.

U.S. FORCES OVERSEAS

[As of Sept. 30, 1979]

| | 1979 | 1978 | Change |
|---|---|---|---|
| Total in foreign countries | 458,424 | 471,874 | −13,450 |
| Total in U.S. controlled Areas [1] | 318,509 | 317,578 | +931 |

TOTALS IN SPECIFIC AREAS IN EUROPE

[Total: 325,240; change in 1979: −4,758]

| Locations [2] | Now | Change in 1979 |
|---|---|---|
| West Germany | 239,248 | +4,968 |
| Britain | 23,015 | +676 |
| Italy | 11,732 | −335 |
| Spain | 8,714 | −75 |
| Turkey | 4,918 | −120 |
| Greece | 3,328 | −379 |
| Iceland | 2,859 | +19 |
| Belgium | 2,034 | −2 |
| Netherlands | 2,220 | +31 |
| Portugal | 1,404 | +35 |
| 6th Fleet | 25,001 | −9,830 |

IN THE WESTERN HEMISPHERE

[Total: 6,693; change in 1979: −1,004]

| Locations [2] | Now | Change in 1979 |
|---|---|---|
| Bermuda | 1,286 | +16 |
| Canada | 660 | −3 |
| Cuba (Guantanamo) | 2,117 | −183 |
| Panama Canal Zone | 9,443 | −192 |
| Puerto Rico | 3,532 | −426 |

IN THE PACIFIC AND FAR EAST

[Total: 122,227; change in 1979: −7,357]

| Locations [2] | Now | Change in 1979 |
|---|---|---|
| Japan and Okinawa | 46,207 | −268 |
| South Korea | 39,018 | −2,547 |
| Philippines | 14,101 | −1,410 |
| Guam | 8,756 | +376 |
| Taiwan | 0 | −753 |
| Australia | 653 | −23 |
| Midway Island | 472 | +94 |
| Afloat | 21,910 | −3,980 |

IN OTHER AREAS

| | Now | Change in 1979 |
|---|---|---|
| Afghanistan | 11 | −5 |
| Diego Garcia | 1,053 | −121 |
| Eastern Europe | 173 | +1 |
| Iran | 32 | −874 |
| Morocco | 37 | −127 |
| Saudi Arabia | 419 | +7 |

[1] Includes Alaska, Hawaii, Panama Canal Zone, Puerto Rico, U.S. possessions and trust territories and fleet units at sea in U.S. waters.

[2] Major concentrations only.

Source: U.S. Department of Defense.

It would be a mistake to draw too much solace from these internal problems of the Soviet Union. It remains a major, monolithic adversary with the strongest, most flexible military force in the world today. The Soviet government has always displayed a willingness to inflict hardship on its people to maintain the adequacy of its defense establishment.

NATO AND THE WARSAW PACT—A 1979 BALANCE

In what has been described as the most important decision made by the North Atlantic Treaty Organization since the acceptance of the West German armed forces, the member nations have agreed to a United States proposal to modernize its tactical nuclear weapons force with missiles capable of reaching into the Soviet homeland.

The plan was conceived by the United States as a way to counter growing numbers of Soviet SS-20 mobile missiles and Backfire bombers that can strike from within the Soviet Union against any European NATO target. The plan calls for 108 Pershing II ballistic missiles and 96 Tomahawk cruise missiles to be stationed in West Germany, 160 cruise missiles to be sited in Britain and 112 cruise missiles to be located in Italy. In addition, there would be 48 cruise missiles in both Belgium and the Netherlands but these countries have delayed final acceptance until they are assured that weapons limitations negotiations with the Soviet Union have been tried and have failed. If the weapons are eventually emplaced in Belgium and the Netherlands the total of these modern missiles will be 572. The United States will build the missiles and warheads—at an estimated cost of $5 billion—but the alliance will share in the operational costs by annually contributing an estimated $500 million. The warheads will be under U.S. control.

In an effort to ease the sting for the Soviet Union, the United States will remove 1000 of its older tactical nuclear weapons from Europe without any request for reciprocity by the USSR. Soviet President Leonid Brezhnez had written letters to the Western heads of state warning them against accepting the U.S. proposal and had conducted a propaganda campaign similar to that carried out against deployment of enhanced radiation (neutron) weapons two years ago. The Tass News Agency, official voice of the Soviet Government, declared that the NATO agreement would make it impossible to conduct any European arms limitation talks. The news agency also accused the United States of twisting the arms of its NATO partners to get agreement on the weapons moderization.

AN 11-YR COMPARISON OF THE BALANCE IN EUROPE, 1968–79

| | 1968 | | | | | |
|---|---|---|---|---|---|---|
| | Northern and Central Europe | | | Southern Europe | | |
| | NATO | Warsaw Pact | (Of which U.S.S.R.) | NATO | Warsaw Pact | (Of which U.S.S.R.) |
| Divisions [1] | 25 | [2] 57 | [2] 32 | 33 | [2] 37 | [2] 19 |
| Tanks | 4,800 | 11,500 | 6,000 | 1,600 | 4,300 | 1,100 |
| Tactical aircraft: | | | | | | |
| Light bombers | 50 | 450 | 400 | 0 | 200 | 200 |
| Close support | 1,500 | 1,650 | 1,120 | 540 | 980 | 740 |
| Interceptors | 720 | 3,000 | 2,000 | 280 | 1,360 | 1,000 |
| Reconnaissance | 530 | 280 | 200 | 130 | 210 | 160 |

| | 1979 | | | | | |
|---|---|---|---|---|---|---|
| | Northern and Central Europe | | | Southern Europe | | |
| | NATO | Warsaw Pact | (Of which U.S.S.R.) | NATO | Warsaw Pact | (Of which U.S.S.R.) |
| Divisions | 27 | [3] 70(47) | 45 | 37 | [3] 33(21) | 11 |
| Tanks | 7,000 | 20,500 | 13,500 | 4,000 | 6,700 | 2,500 |
| Tactical aircraft: | | | | | | |
| Light bombers | 150 | 250 | 250 | 0 | 70 | 70 |
| Close support | 1,500 | 1,350 | 930 | 625 | 325 | 70 |
| Interceptors | 400 | 2,050 | 1,000 | 200 | 1,000 | 400 |
| Reconnaissance | 300 | 550 | 300 | 125 | 200 | 125 |

[1] Division equivalents ISS data for 1968 expressed in terms of brigades. Conversion to division equivalents based on 3 brigades per division.

[2] Includes all categories of readiness (I, II, and III).

[3] Category I units (fully equipped, 100 percent manned) are indicated in parenthesis. Balanced are category II (fully equipped, 50–75 percent manned).

DIVISIONS (AND EQUIVALENTS) FOR REINFORCEMENT[1]

| | NATO | Warsaw Pact |
|---|---|---|
| Armored | 10⅓ | 27⅔ |
| Mechanized | 7⅔ | 76 |
| Other | 34⅔ | 11⅔ |
| Total | 52⅔ | 115⅓ |

[1] NATO reinforcements include only existing active and reserve formations. Warsaw Pact reinforcements include all category II and III divisions of Poland, Czechoslovakia, and East Germany, plus all Soviet divisions in the European U.S.S.R.

Some concern has been expressed that the ability of the new weapons systems to reach into the Soviet homeland may "uncouple" the U.S. pledge that any nuclear attack on its European allies would be met with a response by missiles launched from the United States. The fear is that since the new weapons can respond against Soviet strategic targets the U.S. may use them and withhold a response with U.S.-based intercontinental missiles.

NATO agreement on the missile modernization followed by eight days a redeployment of some Soviet troops and tanks from East Germany to the USSR. On December 5 an increment of 150 Soviet troops and 18 tanks rolled out the railroad yard at Wittenberg, East Germany, headed east. The movement was described as the first element of a withdrawal of as many as 20,000 troops and 1000 tanks promised by President Brezhnev. It has been attributed variously as a move to propel the Strategic Arms Limitation Treaty to final approval, as a gesture of good will to further the stalled Mutual Balance of Forces negotiations and as a last attempt to stop NATO approval of the tactical nuclear missile modernization.

No further movement of troops has been reported but since the Soviets had not announced a time table for completion of the withdrawal it is unclear whether it has been stopped or is proceeding on a very slow schedule. The troops withdrawn were from the 6th Soviet Tank Division, one of the first line units deployed in East Germany, but the tanks seen on the flatcars at Wittenberg were older model T–62's, not T–72's, the Soviet's primary battle tank used by its top category units. NATO estimates the Soviet Union has 400,000 troops and 7,000 tanks in East Germany alone. A reduction of 20,000 troops and 1000 tanks would not seriously impact on the Soviet's ability to launch a sudden attack out of East Germany and since the withdrawn force is only going as far as the Soviet border it could be recalled in a very short period of time.

1979 was a year in which the the comparative balance between NATO and Warsaw Pact forces changed very little. The number of divisions on both sides stayed the same while the numerical superiority of the Pact forces in tanks and tactical aircraft continued to increase—but at a slower rate. NATO has done very little to reduce the numerical superiority of the Pact forces and there are many who would argue that NATO, as the prospective defender, need not match the expected attacker in numbers.

The role of the United States in NATO is becoming more critical, particularly as far as the alliance's ability to field and support effective fighting forces is concerned. Two years ago the members pledged to increase their NATO-related military spending by three percent a year but adherence to the pledge has not been universal. All the member countries, including the United States, are having difficulty with competition between defense and social program for a share of their budgets. NATO Secretary General Dr. Joseph Luns tried to explain the problem and to describe what the European members of NATO expect from the United States.

"* * * theoreticaly it seems odd that a group of European nations which have more inhabitants than the Soviet Union, far more gross national product, far more technological know-how—and I'm talking about civilisation in a general sense—that they should be unable to defend themselves. But that is a result of the fact that the priorities have become so different since the last war.

"In the social sector our expenses have gone sky high in all countries, to an extent not even dreamt of before the war. I would be the last to say we should stop it. Even if I wanted it, I wouldn't say so because it's impossible, it's a political impossibility. In other words, to expect the countries of NATO to go back to their original spending, which at the inception of the Alliance was about double of what it is now, is unrealistic.

"We do spend in real terms something more than 20 years ago, because our gross national product has risen so much, but our defence burden is far less than it was 20 years ago. But you cannot ask parliaments, they will not do it, and their governments will not even propose it, to double their defence outlay. It is not realistic and therefore you must take it as it is.

"In other words, we do depend in the foreseeable future on strong American support and an American presence in Europe. We must see it as it is. Therefore when people say Europe must defend itself, I think it's splendid but I don't see it happening."

Of course, Dr. Luns overstates his case. No one has asked the European members of NATO to double their defense spending. Only a U.S. withdrawal from NATO could precipitate that kind of an increase but it is certainly fair to ask the European NATO members to live up to their pledge for a three percent per year increase and perhaps to raise it to five percent. NATO's ability to redress some of the more critical areas of Warsaw Pact superiority depends entirely on all the members' willingness to sacrifice.

Senator Sam Nunn recently summed up the way he and many other Americans feel about the U.S. commitment to defend Western Europe:

> In this century, Americans have died in large numbers on European battlefields. We are prepared to do so again if necessary, but only for a Europe that is dedicated to its own defense.

### AFRICA—ANOTHER YEAR OF TURMOIL

When the Organization of African Unity met in Monrovia, Liberia in July the collected leaders acknowledged for the first time that the only way the continent is to achieve the fulfillment of its political and economic potential is to eliminate the turmoil that has marked both areas for many years. They planned future meetings to generate a human rights charter and to create an African common market.

Liberian President William Tolbert told the collected representatives that the OAU itself is largely to blame for the inability of Africa to make significant progress because it has been an instrument of compromise rather than change. Tolbert said the Africans' fixation on their hard-won independence has been ". . . an excuse for our not speaking out appropriately against inhumane actions to our fellow Africans by Africans themselves."

At least four times this year Africans stood up against oppression by other Africans:

In April a group of Ugandan exiles, with help from Tanzanian troops, overthrew Idi Amin whose eight-year reign had been marked more by terror than by progress. Amin was driven into exile and his retreating troops had a last fling at murder and pillage as they were driven out by the Tanzanian forces. Unfortunately, the tenure of

Amin's successor, exiled Professor Yasufu Luie, was only two months long as he was bloodlessly replaced by Godfrey Binaisa.

In June a coalition of junior military officers overthrew the regime of Ghana President Ignatius Achempong. It was the fourth military coup in that country since it became independent of Britain in 1957. The latest coup was carried out by junior military officers who claimed they had the interests of the "little people" at heart. The coup leader, Flight Lieutenant Jerry Rawlings, said after the trial and execution of Acheampong that the late President and his followers had used their offices, ". . . to amass wealth and recklessly dissipate state funds." A civilian president was elected in July but the military retained the real power.

In August the dictator of Equatorial Guinea, Francisco Macias Nguema was overthrown in a bloodless coup. Macias had taken over a thriving economy when elected President in 1968 but left the country in a shambles with half the population taking refuge in surrounding countries and 50,000 others executed during his eleven-year tenure. One visitor had called Equatorial Guinea under Macias, ". . . the concentration camp of Africa—a cottage industry Dachau."

In September Emperor Bokassa I of the Central African Empire made the mistake of leaving the country on a two-day trip. Before he could return his cousin David Dacko, a former President of what was then called the Central African Republic, had been returned to power by French troops. Bokassa's rule had been marked only by his excesses (his coronation cost $25 million) and his cruelty. When his troops murdered some school children because they would not wear a prescribed uniform, French President Giscard seized the first opportunity to remove him as head of the former French colony.

### *Nigeria*

The perpetrators of military coups, no matter where they occur, often promise a return to civilian rule but they seldom make good on that promise. An exception occurred this year in Nigeria where the military government of General Olesegun Obesanjo held peaceful elections that transcended tribal and religious differences. A Moslem from the north of Nigeria, Shehu Shagari, ran with an Ibo tribesman from the south and managed to gather a large enough plurality to form a government.

It is interesting to note that, just prior to the elections, the Supreme Military Council of Nigeria ordered the Soviet Union to remove most of its military advisors. The council claimed that the advisors' performance had been inefficient and that their attitudes had been condescending. Nigeria has the largest armed forces in Subsahara Africa and is the second largest exporter of oil to the United States.

### *Zimbabwe-Rhodesia*

More than three months of tortuous negotiations in London between the parties contending for control of Zimbabwe-Rhodesia came to a successful conclusion when the representatives of the Patriotic Front guerrillas belatedly initialed an agreement. A cease-fire was to take place on January 2, 1980 and the guerrilla forces are then to be permitted to move into specified camps within Zimbabwe-Rhodesia to await elections in March. The Patriotic Front has boycotted earlier elections and declared them invalid. The cease-fire and the elections will be supervised by British Commonwealth troops from as far away as Fiji, Australia and New Zealand. It is hoped that the black majority government that will emerge from the election will be acceptable to all parties.

The 200,000 whites who still live in the country had made a good adjustment to black majority rule under the conservative leadership of Bishop Abel Muzorewa but they have little hope that a second election will diminish the threat of violence that hangs over the former British colony. The consensus, shared by many blacks, is that the communist-supported guerrillas will simply go back to their terrorism if the election does not come out the way they want it.

Under heavy pressure from London the U.S. State Department announced that economic sanctions imposed on Rhodesia 12 years ago as a device to force the creation of a more representative government would be lifted. The State Department made the announcement even after the Patriotic Front declined to initial the new agreement. The U.S. Congress had been preparing a resolution to direct the Carter Administration to lift the sanctions.

Every contender for power in Zimbabwe-Rhodesia is backed by a loyal armed force. The existing government has a well-equipped and efficient army and police force totalling about 98,000. Bishop Muzorewa has his own 24,000 "Spears of the People" and the guerrillas total about 30,000 with half loyal to Joshua Nkomo and the other to Robert Mugabe. There are also about 40,000 young terrorists who are more gangsters than guerrillas and seem to owe allegiance to no one except themselves. Whether this potential for violence can be brought under control by any government remains to be seen.

At year's end the guerrilla units had begun to arrive at the designated camps and a group of their officers had been given a tumultuous welcome in Salisbury. Commonwealth troops have been patrolling the countryside and the incidence of terrorism has declined sharply.

### *Mozambique*

Mozambique has found that acting as a base for the guerrillas of the Popular Front and trying to cope with the departure of almost all the Portugese residents of the country is making life very difficult. Frequent attacks by Zimbabwe-Rhodesian forces against the guerrilla base camps keep the country in turmoil and the lack of the Portugese management skills is driving President Samora Machel into the unlikely arms of South Africa for assistance.

### *Angola*

Angola is still unable to cope with the guerrilla tactics of the rightist UNITA formation led by Jonas Savimbi, in spite of the aid of as many as 25,000 Cuban troops and thousands of Soviet and East German advisors. Despite the fact that the bulk of his help came from Moscow or its satellites President Agostinho Neto had begun to turn more toward the United States to get the kind of help he needed to exploit the country's oil and mineral resources. Neto died in Moscow this September, reportedly after seeking cancer treatment there.

### *Tanzania*

Tanzania is an example of another developing country that initially looked to the socialist world for help but has not been satisfied. President Julius Nyerere is now telling the United States and other Western nations that he expects some help because his involvement in driving Idi Amin out of neighboring Uganda has bankrupted his country.

### *South Africa*

Little has changed in South Africa in the past year. There has been no relaxation of apartheid rules which keep the black majority (18.6 million) totally subservient to the white minority (4.5 million). While other African nations have been urging South Africa to grant true independence to the Namibia area, United Nations sponsors of Namibian independence, including the United States, have been reluctant to apply too much pressure for fear the world body may order economic sanctions that would cut off vital supplies of minerals from South Africa.

On September 22, a United States intelligence satellite picked up what was interpreted to be the fireball from a small nuclear explosion at sea not far from South Africa. No other corroborating evidence appeared at that time and the South African government denied having done any nuclear weapons testing despite the fact that it has been known for some time that a plant to produce weapons-grade uranium was being built there. Rumors that the satellite had picked up an explosion aboard a Soviet submarine circulated briefly but the issue lay dormant until mid-November. At that time scientists in New Zealand detected elevated levels of the kinds of radiation that is produced by a nuclear explosion in a pattern that would have originated in the South African area. A subsequent report by a board of seven unidentified experts appointed by President Carter dismissed the notion that the explosion could have been a lightning bolt or a satellite malfunction.

### *Morocco*

Along the northern edge of Africa, the kingdom of Morocco is still involved in the Sahara with Polisario guerrillas who dispute Morocco's claim to the desert and its newly-discovered phosphate deposits. King Hassan of Morocco blames the Soviet Union for his predicament, charging that they are supplying the arms and other necessities that are passed to the guerrillas through Libya and Algeria and are directly supporting the Cuban advisors who train the guerrillas. Hassan sees the guerrilla movement as the USSR's circuitous way to gain an African foothold on the Atlantic. Should they achieve that goal, he says, the U.S. Sixth Fleet will no longer be able to live in the Mediterranean under the threat of being cut off from the Atlantic.

Moroccan efforts to defeat the Polisario and to cut them off from their main base at Tindouf in Algeria were given a boost this year by President Carter's decision to permit the shipment of limited types of arms to Hassan's forces. OV–10 Bronco observation aircraft have been provided to keep track of the guerrillas and TOW missile-armed helicopters have successfully attacked Polisario supply columns and bases. The Moroccan forces are becoming adept at coordinating strikes by U.S. built F–5 and French Mirage fighters in support of ground operations and have been using U.S. built C–130 transports to supply their deployed forces. Where King Hassan's tenure was predicted to be brief early this year his later military successes, with U.S. help, have greatly improved his position.

### *Ethiopia*

The communist revolutionary government in Ethiopia is still fighting on two fronts—one against Eritrean rebels and the other against Somalis in the Ogaden region. The Communist government of Mengistu Haile Mariam has given the Soviet Union a much-desired major foothold in Africa and the flow of Soviet assistance in the form of arms and advisors continues unabated. Another large contingent of Cubans is in Ethiopia under Soviet sponsorship.

Soviet interest in the area was further demonstrated in August by the airlift of elements of seven Soviet divisions to the Horn of Africa and to South Yemen. The airlift included major parts of two divisions (airborne mechanized brigades, light armor units, supporting arms and logistics units) and staff elements of five other divisions. They flew in Antonov 22 heavy transports from bases in Bulgaria and Southern Russia. As if to put the official seal of approval on the operation Soviet Premier Alexei Kosygin visited both South Yemen and Ethiopia to observe the action. It is now estimated that the USSR has the capability, by augmenting its military air transport fleet with aircraft diverted from civilian routes (about 1300 aircraft are available from that source), of airlifting two fully equipped armies to the Arabian peninsula or the Horn of Africa in no more than three days.

### *Somalia*

Late in the year the government of Somalia offered the United States the use of the military base at Berbera on the Gulf of Aden. The base has a 15,000 foot runway that will accommodate the largest aircraft and a well-developed port that can support fleet units. If the United States accepts the Somali offer it would have a substantial support facility close to the Persian Gulf region. At the present time the closest U.S. base is on the tiny island of Diego Garcia, far out in the Indian Ocean. The base at Berbera was developed and used by the Soviets until the Somalis expelled them two years ago.

## THE MIDDLE EAST—CHAOS ON TOP OF TURMOIL

The nations of the Middle East, including the Arab-oriented ones along the Mediterranean coast of North Africa, have been prime examples of political stability. During 1979 events in the area riveted world-wide attention in that direction.

### *Iran*

Quite obviously, the overthrow of the Shah of Iran and the establishment of what has been claimed to be an Islamic republic has been the key element of instability. The ramifications of events in Iran have threatened the stability of the entire Mid East and could still have lasting impact on relationships between the area and the rest of the world. The most dramatic event of this Iranian continuum, the seizure of the U.S. embassy in Tehran and the taking of 63 hostages, has pressed the United States to serious diplomatic intervention and generated a national consensus and an upsurge of patriotism that have been absent since the mid-1960's.

Shah Mohammed Reza Pahlavi was driven out of Iran on January 16 as a Prime Minister appointed by him tried desperately to mediate the demands of several militant groups who were united in only one goal, to bring the Iranian monarchy to an end. The focal point of dissidence was Ayatollah Ruhollah Khomeini, the leader of the Shiite Moslem sect who had been exiled from Iran by the Shah. The dramatic return of Ayatollah Khomeini to Tehran on February 1 brought down the short-lived government of Prime Minister Shahpour Baktiar and opened the door to hundreds of brief trials and summary executions for civilian and military officials who had suported the Shah. High on the list of targets for this swift justice were the agents of Savak, the Shah's internal intelligence and security force.

Khomeini appointed another moderate Prime Minister, Mehdi Barzagan. Former Prime Minister Bahktiar avoided arrest and somehow escaped to Paris. After interim sojourns in Egypt, Morocco and Mexico the Shah was admitted to the United States for treatment of cancer. He was given sanctuary in Panama in December.

A new constitution was written which has the effect of making the Shiite Moslem hierarchy both the religious and temporal leaders of the country, a proposition which does not sit well with the other Moslem sects that comprise the majority of Iran's population. Resistance to the constitution has reopened the centuries-old clash between the national government of Persia/Iran and the province of Kurdistan and has resulted in the armed takeover of the capital of Azerbaijan province and major anti-Khomeini demonstrations in Baluchistan province. While there has been no evidence of a desire to have the Shah return except to stand trial, the end of 1979 brought abundant evidence that an Islamic republic dominated by the minority Shiites faces growing resistance.

With a substantial segment of their senior leadership executed by revolutionary firing squads the Iranian army and air force have ceased to exist as effective military units. The United States cut off the flow of military aid to Iran early in the crisis and the multi-billion dollar fleet of modern jet aircraft purchased from the United States is almost entirely grounded by the lack of repair parts. The Iranian Navy has been isolated from the uproar by its distance from Tehran and its leadership is still fairly well intact. Rumors of an attack out of Iraq into Iran in mid-December proved to be false but they served to emphasize the vulnerability of the country to any military action from beyond its borders. The Russians have coveted Iran for centuries and, their military support of the takeover in Afghanistan, their willingness to move promptly to exploit the kind of leadership crisis that exists in Iran. The Soviet Union occupied most of Iran during World War II and left only after their Western Allies pressed them to retire behind the old borders.

What has been a situation of considerable concern for the United States became an outright crisis on November 4 when Iranian radicals surprised the U.S. Embassy, occupied the grounds and took American hostages, demanding the return of the Shah for trial as the only condition for release. A group of 13 women and blacks were released a short time later but at the end of 1979 there were still about 50 hostages being held within the embassy grounds. A unanimous resolution by the United Nations Security Council demanding the immediate release of the hostages and an order by the World Court to the same end were rebuffed. Two U.S. navy aircraft carrier task forces are deployed off the coast of Iran but, beyond that show of force, President Carter took a position of restraint. Late in December he announced that the United States would seek United Nations economic sanctions against Iran after the first of the new year. This has been accomplished with a 7 January 1980 deadline for their imposition if the hostages are not released.

### *Saudi Arabia*

The frustrations of the Tehran hostage situation were magnified by other events. The seizure, on November 20, of the Great Mosque at Mecca, Saudi Arabia, triggered alarm over the stability of the Saudi monarchy and rumors that the seizure was arranged by the United States caused mob actions against the U.S. embassies in two other Moslem countries, Pakistan (see Asia and the Pacific for details) and Libya.

When mop-up operations in the Great Mosque were completed it was found that 300 of the invaders had been killed. It was also deduced that initial reports that they were religiously motivated were not entirely correct. It became apparent that at least some of the invaders had hoped to kill King Khalid who was expected to worship at the mosque that day. The United States has a large stake in the stability of Saudi Arabia, not only because it is the prime source of oil imported to the U.S. but also because the Saudis have been the financial backers of other governments in the area (Jordan and North Yemen, for example) which needed help to resist leftist opposition.

### *Israel and Egypt*

During the year Israel and Egypt made further progress toward establishing a lasting peace between the two countries. Israeli bases in the Sinai were returned to Egyptian control and construction of a vehicular tunnel under the Suez Canal was begun, reflecting confidence that commerce between the countries will flourish. Discussion of a plan to bring water from the Nile to Israel's most arid region is underway.

One issue, though, pervades every move toward a long-term accommodation of Arab and Israeli interests—the Palestinian question. Until some way is found to settle the displaced Palestinians in an acceptable area there will always be an underlying threat of violence in the Mid East.

### *Libya*

On December 2 a mob, officially described by the Libyan government as "students," attacked the U.S. Embassy in Tripoli. The U.S. Government rebuffed the Libyan claim that the attack was a "spontaneous demonstration by students" by pointing out that many of the attackers wore military uniforms and that sound trucks were on the scene to spur on the mob. The U.S. announced it did not consider Libyan apologies and promises to pay for the damage to the embassy sufficient response to these blatant violations of international relations and withdrew most diplomatic functions. Once again the U.S. was faced with a dilemma—Libya is a major supplier to the U.S. of compressed natural gas—about how far the U.S. should go without jeopardizing a prime source of petroleum products.

The events of the Mid East late in 1979 could be said to have one salutary effect on the United States in addition to the achievement of a national consensus and the upsurge of patriotism already mentioned—they focused overdue attention on our inability to deploy rapidly military force to an area like the Mid East. The Carter Administration has already announced plans to build up airlift and sealift capabilities and the Congress appears ready to support the notion. The presence of our base on Diego Garcia, as small as it may be, is no longer the target of critics who claimed it was an attempt to expand U.S. influence into an area of little concern. If the U.S. accepts the Somali offer of the base at Berbera it will strengthen U.S. position in the Mid East for the longer term.

## ASIA AND THE PACIFIC

For the people of the Asian Continent 1979 was not a peaceful year. From Afghanistan to Korea the year was marked by assassinations, revolt and repression. Only Japan and the two Chinas, among the major nations, seemed to escape the upheaval.

### *Afghanistan*

In Afghanistan a situation that had begun to deteriorate in 1978 worsened, beginning with the kidnapping and death of the U.S. ambassador Adolph Dubs in mid-February. The circumstances of the ambassador's death have never been completely cleared up but it is known that he was first kidnapped by dissidents and then killed in the crossfire between the dissidents and Afghan police sent to rescue him. President Carter reacted to Dub's death by cutting off almost all aid to Afghanistan and has refused to designate a new ambassador.

Afghan President Noor Mohammed Taraki, who had assumed power in April, 1978, was himself overthrown by a hardline communist, Hafizullah Amin, in August, 1979. Amin's coup followed hard on the heels of a rebellion by Afghan troops sympathetic to the Moslem rebels. Several hundred troops defected to the rebels, taking with them several batteries of Soviet-supplied antiaircraft guns, some tanks and some helicopters. The Amin government blamed the rebellion on subversive activity directed from Pakistan and on agitation by Iran's Ayatollah Khomeini.

As the insurgency became more active and as the Afghan government lost control of more territory the Soviet presence in the country escalated. It reached a peak in late December when a sustained airlift of elite airborne troops raised the total to more than 10,000. This was followed by a land invasion by Soviet armored forces across the Afghan/Soviet border that pushed the total Soviet troop presence in Afghanistan at the end of 1979 to about 50,000.

One of the first actions by the reinforced Soviet force was to overthrow President Amin and to go through the motions of installing a Soviet sychoplant, Babrek Karmul, as the new president. Amin was subsequently executed. As days passed it became apparent that Karmul was probably not even in Kabul and that the initial broadcasts announcing his accession to power came from within the USSR, not from Radio Afghanistan, as the broadcasts had claimed. While news from inside Afghanistan has been difficult to obtain it is known that several hundred Russian soldiers were killed or wounded during the removal of Amin and that Soviet units are involved in combat with both the guerrillas and what is left of the Afghan army.

The rest of the world gave little credence to the Soviet claim that it has intervened in Afghanistan under the terms of a mutual protection treaty. The USSR even had a taste of Moslem fanaticism when a mob scaled the walls of the Soviet embassy in Tehran and tore down the Red Flag in protest of the Afghan action. At year's end a variety of NATO actions against the USSR were being considered, including a boycott of the 1980 Olympic Games scheduled to be held in Moscow this summer.

Afghanistan sits astride both the Khyber Pass into Pakistan and the only good route into Iran and a warm water port on the Arabian Sea. Both Czarist Russia and the USSR have long coveted the country. The conflict between the rebellious Moslem tribesmen and the central Afghan government, no matter what the government's political orientation might be, has been going on for centuries and is not likely to end soon.

### *Pakistan*

After a year of waiting, the military government of Pakistan executed former Prime Minister Ali Bhutto on April 4, setting off riots that pitted his supporters against club-swinging police and soldiers. It was the first of a series of events that kept Pakistan in the forefront of international attenton throughout the year.

Less than a week after the Bhutto execution Pakistan was back in the news when President Carter ordered cessation of both military and economic aid, not because of the Bhutto execution but because it had been determined that Pakistan had developed the capability to make weapons-grade uranium by allegedly diverting equipment and material provided for a nuclear power program. The Pakistani government denied it intended to build nuclear weapons and claimed that the United States was reacting to pressure from Israel, which is fearful of any Moslem nation acquiring the nuclear potential.

In November, with the United States' attention focused on the hostage situation in Tehran, a mob attacked the U.S. embassy in Pakistan's capital of Islamabad and destroyed the building. Ninety Americans took refuge in a vault on the embassy's top floor until heat and smoke from the building burning beneath them drove them out. Pakistani troops sent to their rescue arrived late and took little or no action when they did arrive. A Marine guard was killed by a sniper and an Army warrant officer burned to death in the embassy.

The mob was incited by false reports that the United States had fomented a radical Moslem seizure of the Great Mosque in Mecca, Saudi Arabia, the holiest of Moslem places. The Pakistani government excused its lack of aid for the embassy by saying that any strong action by the troops would have worsened a very emotional situation. The government has said it will pay for reconstruction of the embassy.

The possibility that Pakistan might be contemplating the construction of nuclear weapons took on added significance in August when its arch rival, India, attempted to launch a 17-ton missile which, it is estimated, could propel a nuclear warhead to a range of 2,400 miles. India detonated a nuclear device in 1974 but, as far as is known, has not moved into the weapons production stage. It is believed that Pakistan has the capability of producing a nuclear weapon within three years and India could do it even faster. U.S. nuclear experts believe that a total of 11 Third World countries possess the technologic base to produce nuclear weapons by 1985. U.S. policy, as evidenced in its strong reaction to the reports from Pakistan, is to keep the membership in the nuclear club at its present size—the United States, Britain, France, China and the Soviet Union.

### *Vietnam/Cambodia*

Vietnam is still the focal point of conflict in Southeast Asia. A series of clashes along the Vietnam/China border led to a major invasion by the Chinese in February. The Chinese forces finally withdrew in March but, Vietnam claims, they retained several key pieces of real estate inside Vietnam to ease their control of the border.

Western journalists who have been permitted to visit Vietnam report that the country is still a shambles, four years after the war with the Republic of Vietnam was won by the communist North Vietnamese. There are few signs of industrial recovery, little is being done to provide housing for the hundreds of thousands of displaced persons forcibly relocated by the communist regime and there are many indications that a potentially productive agricultural base is being badly mishandled.

And yet, in spite of its internal problems, Vietnam with continuing heavy Soviet assistance, has once again moved beyond its own borders into Kampuchea (Cambodia) and has destroyed the tyrannical government led by Pol Pot. Few governments were dismayed by the destruction of the Pol Pot regime but most were distressed by the renewed Vietnamese aggression. At year's end the remnants of the army of Kampuchea, were trapped in a pocket between the Vietnamese forces and the Thai border and Pol Pot had been removed as leader of the tattered Kampuchea government. The fighting has created hundreds of thousands of refugees, many of whom are in camps in Thailand, living under the most primitive conditions and facing starvation. Efforts by the United States and other concerned nations to provide food and other necessities to the refugees have been largely unsuccessful as Vietnamese troops have blocked access by road and water, particularly to concentrations of refugees still in Kampuchea.

In August, Vietnam political prestige was shaken by the defection to China of Hoang Van Hoan, a close associate of the late Ho Chi Minh (the political father of Communist Vietnam), Deputy Chairman of Vietnams' National Assembly and a former member of the Vietnamese Politiburo. Hoan said, "I can no longer serve the people of Vietnam. I have had to leave with bitterness and sorrow." Hoan was most critical of the Vietnamese abuse of ethnic Chinese citizens.

### *China*

When China invaded Vietnam on February 16 there was some question whether the troop spearheads crossing into Vietnam at many points along the 600-mile border would be stopped after a brief punitive foray or would press into the Vietnamese heartland. Chinese Vice Premiere Deng Xiaoping announced at the outset that the invasion was a form of punishment for the Vietnamese attack on Cambodia and that, "We do not want a single inch of Vietnamese territory." Whatever their long term intent may have been, the invading Chinese found the combination of the rugged mountain terrain along the border and determined Vietnamese resistance plenty to handle. By the time they withdrew in March it was difficult to say what the Chinese had accomplished except to divert Vietnamese attention from Cambodia.

In mid-1979 China announced the findings of its 1977 census which showed a population of almost 950 million, exclusive of the coveted island of Taiwan. This is almost a fourth of the world's total population, 3.7 times as many people to be found in the Soviet Union and more than four times the population of the United States. The bulk of the Chinese population is still committed to the production of food and there is very little opportunity for upward mobility. Reports made by the growing numbers of western visitors indicate that movement toward coveted jobs in the cities is most severely limited by the small capacity of the universities and trade schools.

China's desire to achieve industrial growth is reflected in a law passed in July which for the first time permits foreign companies to enter into joint ventures with Chinese partners and to take the profit from the ventures out of the country in hard cash rather than trade goods or credits. By August petroleum had become China's main export to the United States but the amount of oil sold to the U.S. over the entire year will still amount to about one fifth of a single day's consumption. Total China/U.S. trade for the first half of 1979 exceeded the $1 billion total for 1978.

### *Taiwan*

After the trauma of last year's normalization of relations between the United States and the People's Republic of China and the concurrent withdrawal of recognition of the Republic of China on Taiwan, trade between the United States and Taiwan has returned to normal—in fact it hardly faltered. Apparently the indirect assurances made to Taiwan that the United States would continue to look out for the interests of its former ally have been strong enough to sustain good commercial relations.

### *Korea*

This has been a year of upheaval in the Republic of Korea, capped by the assassination of President Park Chung Hee on October 26. Park's death followed almost three months of agitation and riots by groups of students in several of Korea's secondary cities. Park imposed martial law and placed several of the identified leaders of the protests under house arrest. The unrest occurred just as the United States claimed that Park's ironclad control over the country was beginning to moderate.

Park was allegedly killed by Kim Jae Kyu, Director of the Korean Central Intelligence Agency but the precise circumstances of his death have been clouded by conflicting reports. Kim's motives are equally clouded but it is known that Park's staff had been complaining that Kim was "soft" on some of Park's domestic opponents.

The Korean military leadership immediately stepped in to fill the void left by the death of the authoritarian Park and although the country's Prime Minister, Choi Kyu Hae, assumed the role of acting President there was never any doubt that the military was in control. The United States let it be known that it expected the military rule to be only temporary and that all efforts should be made to return to constitutional functioning at once. This process appeared at year's end to be proceeding.

The leading candidate for election to succeed Park is Kim Jong Pil, a former close associate of Park. Park and Kim had numerous disagreements of Kim's efforts to soften control of the parliament and Kim has been out of the limelight for several years. He is known as a scholar and an inspirational orator and is credited with founding the Unification Church headed by the controversial Rev. Sun Myung Moon.

President Carter visited Korea in mid-Summer and took that occasion to propose tri-lateral talks between the Republic of Korea, North Korea and the United States. President Park had given grudging agreement to Carter's proposal but two weeks after it was made the North Korean government issued a statement branding the proposal as "utterly infeasible."

In June the Investigations Subcommittee of the U.S. House Armed Services Committee held hearings on reports that the North Korean armed forces were larger and more threatening than had previously been admitted. Testimony from the U.S. Army, the Defense Intelligence Agency and the Central Intelligence Agency confirmed that North Korea now has an army of between 550,000 and 600,000, rather than the previously accepted total of 450,000. The margin of North Korean superiority over South Korea in tanks, artillery and other weaponry is also much larger than previously accepted data showed. Testimony disclosed that the increases had been going on since 1971 but were not discovered until recently because surveillance had been limited to the area immediately adjacent to the demilitarized zone between the two countries. North Korea had, in the meantime, been emplacing forces at greater depth behind the DMZ. The Carter Administration has confirmed its intention to proceed with the withdrawal of about 1,500 U.S. support troops from Korea next year. The level of U.S. ground combat forces will remain unchanged.

### *Japan*

Four small islands off the coast of the northernmost Japanese island of Hokkaido have once again become a subject of tension between Japan and the Soviet Union. The islands were seized by the USSR at the end of World War II with the promise that they would eventually be returned to Japan. Japan has refused to sign a treaty of peace and friendship with the USSR until the islands are returned. Now U.S. intelligence satellites have reported the expansion of Soviet military facilities on three of the four islands, including a larger airfield, barracks and missile sites. In February the number of Soviet troops on the islands was estimated at between 3,000 and 4,000 but reports made in October claim the forces are now "nearing division class." A full-strength Soviet division has between 10,000 and 12,000 troops.

Japan's relations with the United States in 1979 centered more on the economic than on the military. Japanese Prime Minister Ohira met with President Carter in Washington in May and they agreed to work toward a better balance of trade between the two countries. US imports of Japanese goods exceeded exports to Japan by $12 billion in 1978. The U.S. could not be heartened, though, by Japanese reaction to a U.S. request to cut oil imports from Iran following the taking of the U.S. embassy and associated hostages. The initial Japanese response was negative but subsequent statements were softened to a "we will do what we can."

## THE WESTERN HEMISPHERE

### *Canada*

Canada is both the largest neighbor and the biggest trading partner of the United States. There are 23 million Canadians scattered over a land mass larger than the United States and this sparseness is sometimes blamed for the Canadians' inability to see themselves as part of a single nation. The most obvious manifestation of this lack of "oneness" is the pressure within French-speaking Quebec province for political independence from the other provinces.

The drive toward a separate Quebecois identity has been kept alive by Rene Levesque, the provincial premier. When Pierre Elliot Trudeau left office as the Canadian Prime Minister this Spring as a result of elections that gave conservatives control of parliament, Levesque blamed Trudeau's defeat on an alleged anti-French bias in the other provinces. Quebec sits astride all the routes of East-West movement in Canada and plays a major role in the manufacturing segment of Canada's economy. Its loss as a contributing part of the country would be a severe blow but even the most ardent Quebecois realizes that the French-speaking province also needs the products and business of the others. Off-year elections held this year, coupled with opinion polls taken in Quebec indicate that pro-separatist sentiment has declined to somewhat less than 50 percent within the province. Levesque has scheduled a province-wide referendum for the Spring of 1980 to establish the future direction of his movement.

Late in December Prime Minister Joe Clark, whose Conservative Party had defeated the Liberal Party of former Prime Minister Trudeau, was brought down by a vote of "no confidence." New parliamentary elections will be held next year and Trudeau has agreed to come out of retirement to head his party's effort one more time.

### *Mexico*

The relationship between the United States and its southern neighbor, Mexico, ended the year somewhat better than at its beginning but there are still some unresolved issues that will keep the relationship touchy. One of the most sensitive of these is U.S. treatment of the thousands of Mexican nationals who enter the United States illegally each year in search of employment. Public concern in the United States has been piqued by reports that there are as many as 12 million illegal aliens in the U.S. and the conclusion that they are taking jobs away from U.S. citizens. In fact, many U.S. employers exploit the illegal alien's willingness to work for lower wages in crop picking, clothing manufacture and service jobs and claim that they could not afford to hire legal residents to do the same work. President Carter has effectively taken much of the pressure off the U.S. Immigration Service to root out the illegals.

A second touchy issue between the two countries is U.S. access to the substantial oil and gas reserves being developed in Mexico. The source of the difficult goes back more than 40 years when the Mexican government expropriated the wells and other facilities of U.S. oil companies operating there. At that time the expropriation was an irritation but the U.S. still had adequate oil of its own. Now the U.S. must import oil and the nearby Mexican fields seem a more logical source than those in the Mid-East. The Mexican government, however, has not rushed to develop its production capacity and has taken a cool position toward committing a substantial portion of its production to the U.S. Progress was made during 1979, nevertheless, and at the very least it seems that natural gas from Mexican wells will be pumped northward in increasing volume.

### *Cuba*

A year ago it appeared that the United States was on the verge of substantially improved relations with its second-closest Latin neighbor, Cuba. There had even been rumors of an impending normalization of diplomatic relations in spite of the general knowledge that Cuban military and civilian advisers were openly scattered in countries over Africa and the Mid-East engaging in activities inimical to the goals of the United States. Many more Cubans are involved covertly throughout Latin America. The brief period of good will came to an end in the Fall with the rediscovery of a combat-capable Soviet brigade in Cuba.

It was known, even before the Cuban missile crisis of 1962, that Soviet troops were in Cuba but part of Chairman Khrushchev's commitment to President Kennedy at that time was that the ground combat units in place to guard Soviet air and missile bases would be withdrawn. U.S. monitoring of Soviet activity in Cuba since 1962 indicated nothing more than involvement with training Cuban units until sometime this Summer. At that point new intelligence reports gave conflicting evidence. Instead of training Cubans, they said, the brigade of 2,600 people was doing the same things Soviet Army units in the USSR and in Eastern Europe were doing—undergoing combat training. The reports said the brigade has 40 tanks, 60 armored personnel carriers and other associated combat gear.

#### Cuban Involvement Outside the Western Hemisphere

Algeria—50 civilian technicians.

Angola—19,000–20,000 soldiers, 6,500–8,000 civilian technicians.

Benin—20 security advisers.

Cape Verde—10–15 medical aides.

Congo—200 military advisers, 100–200 technicians.

Equatorial Guinea—50–60 people, half of them military.

Eritrea—guerrillas in training in Cuba.

Ethiopia—12,000 troops, 1,200 civilians.

Ghana—military training unit.

Guinea—60–70 civilian advisers.

Guinea-Bissau—100–150 civilian advisers.

Iraq—600–700 civilian advisers.

Laos—100 civilians.

Libya—300–400 civilian advisers.

Madagascar—10 civilian advisers.

Mozambique—100–200 military, 400–600 civilian advisers.

Sao Tome and Principe—100 medical, technical advisers.

Sierre Leone—100–125 military advisers.

South Yemen—500–700 military and civilian advisers.

Syria—600 military advisers.

Tanzania—60–70 civilian technicians.

Uganda—25 military advisers.

Vietnam—200 civilians.

Zambia—50–plus military advisers to train Rhodesian guerrillas.

#### Cuban Involvement in the Western Hemisphere

El Salvador—Military aid to anti-government guerrillas.

Guatemala—Military aid to anti-government guerrillas.

Grenada—50 troops, 25 civilians.

Guyana—70 civilians.

Jamaica—350–500 civilians.

Nicaragua—200–300 civilian advisers.

These reports brought denials from the Soviet Union and loud demands from the U.S. Congress that the Soviets be forced to leave Cuba. The Soviet Union and its friends took the position that, even if the brigade was a combat unit, there was little difference between its being in Cuba and the presence of several U.S. Army divisions in Western Europe. Eventually President Carter accepted a new Soviet affirmation of its 1962 pledge and a promise that the unit was nothing more than a training center, contrary to intelligence reports.

The President said, however, that he would not rest on the Soviet promises alone. He ordered increased surveillance of Cuba, established a full-time Caribbean Task Force Headquarters at Key West, reiterated our intention to keep our base at Guantanamo in Cuba and announced that we would expand military maneuvers in the area. A show-piece Marine landing was later held at Guantanamo to emphasize his intent.

### *Nicaragua*

1979 was not a particularly peaceful year in the balance of Latin America. The most dramatic events occurred in Nicaragua where the regime of President Anastasio Somoza was toppled by an old coalition of left-leaning guerrillas and disgruntled businessmen. Somoza's excesses in denying human rights and in turning major portions of the Nation's economy to his personal benefit left him with little popular support. The United States took no action except to attempt to assure a reliable food supply in the country while the fighting between the Sandinista guerrillas and Somoza's army was at its peak. Once Somoza left the country and resigned as President, however, the United States offered its assistance to the new regime. Its leaders have already visited the U.S. and received a warm welcome. So far it seems to be resisting the efforts of its more radical element to turn Nicaragua into a left-leaning state.

### *El Salvador*

In El Salvador a group of junior military officers almost succeeded in carrying out a bloodless preemptive coup. They were able to force dictator Carlos Humberto Romero and almost all the high ranking military officers into exile without firing a shot but did not move fast enough with promised reforms to satisfy the leftist rebel group that had been planning a revolt against Romero. Early in November excited troops opened fire on a group of demonstrators, killing at least 27. The next day demonstrators marched on the U.S. embassy and attempted to enter the grounds. U.S. Marines used tear gas and fired shotguns over the heads of the crowd. The country has been in a state of insurgency since.

### *Bolivia*

In August, after 11 years of military rule, Bolivia installed a civilian, Walter Guevara as President. In November Guevara was unseated by another military coup, this time headed by Colonel Alberto Natusch who claimed he was alarmed by "growing anarchy" in the country. The "anarchy" was probably the announcement by the Bolivian congress that it would investigate corruption on the part of the former military dictator. Bolivia's powerful labor unions reacted to Natusch's takeover by declaring a general strike that paralyzed the country and President Carter cut off all U.S. aid. The strike was called off after Natusch promised to reinstate the elected Congress, to free all political prisoners and to end press censorship. Natusch then attempted to form a ruling junta with the Chairwoman of the Congress and the most influential labor leaders but the others refused to serve with him. Natusch has promised free elections next May.

There are still other troubled nations in Latin America. In Guatemala there is continuous open warfare between leftist guerrillas and rightist vigilantes who claim they are protecting the country in the absence of any strong action by President Romeo Lucas Garcia. In Honduras, the poorest nation in Central America, the military rulers have reacted to criticism of their support for the now-departed Somoza regime in Nicaragua by severe action against labor and peasant organizations. Several workers were killed by troops breaking up a strike.

### *Panama*

The flag of the United States came down from flagstaffs in the Panama Canal Zone this year as the Congress of the United States passed legislation to implement the shift of the canal to Panamanian control over the next 20 years. In some measures the Republic of Panama repaid the people of the United States in mid-December by agreeing to harbor the deposed Shah of Iran and to lessen pressure on the United States to send the former ruler back to his country in exchange for the hostages being held in the U.S. embassy in Tehran.

### *Uruguay*

There has been a lessening of the political repression imposed in Uruguay by the military regime that is considered the toughest in all of Latin America. Two political parties have been permitted to hold small gatherings in recent months and Uruguay's badly intimidated newspapers are beginning to print mild criticism of the government. Public assemblies of more than five people—even to attend a soccer game—are banned unless police permission is given in advance. The military regime has accomplished substantial progress in economic areas, however. There is full employment and the economy achieved a growth of about nine percent this year. There are more Tupamaro guerrillas locked up in Uruguayan jails than there are operating in the countryside and the populace is now beginning to experience more personal freedom.

### *Argentina*

A military junta seized power in Argentina in 1976 as Isabel Peron, widow of, and successor to, the dictatorial Juan Peron, led the country closer to economic and political chaos. The military hand over the country since 1976 has been a hard one. It acknowledges holding 1500 political prisoners but does not freely admit its culpability in the disappearance of thousands more. The regime has effectively controlled the activities of Marxist guerrillas and has slowed the rate of inflation from an unbelievable 17,000 percent in 1976 to about 176 percent in 1978 and 95 percent in 1979. Argentina now has a favorable balance of payments, exporting more goods and agricultural commodities than it imports. Foreign investors are now showing signs of enough confidence in the future of Argentina to justify sinking capital into the country.

### CONCLUSION

These then are some of the challenges we face in the real world. Not a world cast in a mold of our choosing but one in which we must reestablish our course.

It has been said that the art of statesmanship is to understand the nature of the world and the trend of history. In recent years, we have been adrift without a recognizable foreign policy and a demonstrably weakened defense posture. This has projected an outward image of naivete and diminished strength that has undermined the confidence of allies, lessened our credibility with the nonaligned and encouraged our adversaries. This has been the legacy of a truly downbeat decade.

There could be no more dramatic highlight of this dilemma than the tragedy of Iran. This has been an especially frustrating experience to many Americans who, despite the trauma of Vietnam, grew up believing that the potentially strongest nation on earth could certainly, as a minimum, work its will on a milling mob of unorganized radicals.

But even this galling experience is not without a brighter side. For the first time since President Truman launched the counterattack in the early days of Korea, there has been an outpouring of sentiment in our country expressing a common urge to regain the stature and international respect which we had previously accepted as our birthright.

In those early days of Korea, as is the case now, we had allowed our military strength to deteriorate to the point where even small nations—having nothing to fear from atomic weapons—have been tempted into military misadventure. The Soviet Union as well has projected its influence outward with an impunity they would not have risked a decade ago.

There is nothing in the geographical catalogue for 1979 which has been reviewed here that would suggest the status quo could begin to meet our needs as a democratic nation dedicated to the ideals of freedom. Indeed, we have been fortunate that the serious challenges to our national will which we now face have been so long coming.

There are signs that some of our old lessons are being relearned and that our national leadership may be about to embark again on the essential rebuilding of our deterrent strength and military flexibility. These actions taken earlier could have swayed significantly the dangerous course of events in recent years.

It is urgent that these beginnings of national revival be sustained. It will not be an easy task but will be one demanding sacrifice. But we must mentally prepare ourselves to stay the course. Patience for the steady pull has never been a basic American characteristic and that fact constitutes a clear and present danger. Without a long-term commitment to an enhanced deterrent posture, we can be sure that even more dangerous challenges are ahead. The new decade on which we now embark could well seal our destiny.●

## CANDIDATE DEBATE REGULATIONS

● Mr. PELL. Mr. President, on December 20, 1979, the Federal Election Commission transmitted to the Senate proposed regulations concerning the funding and sponsorship of nonpartisan candidate debates. The main purpose of the regulations has been described as being to create a narrow exemption from the provision of the Federal Election Campaign Act to permit certain nonprofit organizations and news media organizations to stage nonpartisan candidate debates. Funds used by such organizations to defray the costs incurred in staging nonpartisan candidate debates would not be subject to the limitations and reporting requirements of the Federal Election Campaign Act.

The organizations qualified to stage such debates would be given wide discretion to decide on the debate structure provided that there are at least two candidates participating, and provided that the debate is nonpartisan in that it does not advance one candidate over another. In addition, those qualifying nonprofit organizations would be permitted to receive donations from other corporations and from labor organizations to stage debates.

The Commission is permitted by law to prescribe the proposals as final regulations provided they have not been disapproved by either the Senate or the House of Representatives no later than 30 legislative days after receipt. Under present law, the term legislative day is, in this instance, any calendar day in which the Senate is in session with respect to statements submitted to the Senate, and any calendar day the House is in session with respect to statements submitted to the House. Should it choose to exercise its disapproval power, the Senate has the statutory right to disapprove any provision or series of interrelated provisions stating a single separable rule of law.

Through January 21, 1980, 3 legislative days will have passed.

Copies of the proposed regulations are

available from the Senate Committee on Rules and Administration, elections section, room 310 Russell Senate Office Building (202-224-5647), or from the Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463 (202-523-4143). Members of the Senate are requested to forward any comments they may have with respect to these regulations to the Committee on Rules and Administration.●

## VOICE OF FREEDOM

● Mr. WEICKER. Mr. President, in this time of international crisis, Americans have reaffirmed their belief in the principles of freedom and humanity on which this Nation was founded.

This spirit of patriotism which has unified Americans has inspired a new song, entitled "Voice of Freedom," written by Jim Kirk and recorded by TM Productions. "Voice of Freedom" is now being aired on radio stations in Dallas, and is expected to be released nationally within several weeks. All profits from the sale of the "Voice of Freedom" record will be donated to the Disaster Fund of the American Red Cross in the names of the hostages in Iran.

Mr. President, I ask that the lyrics of "Voice of Freedom" be printed in the RECORD.

The material follows:

### VOICE OF FREEDOM

I wanna world where kids can play and there's plenty of food to eat.
I wanna world where I can speak and know that I'll be free.
I wanna world that's full of love, where kids are taught that God's above.
I wanna world that doesn't waste so when we're moms and dads it's still a beautiful place.
I wanna world just like America, like the USA.
'Cause even though perfect it's not, it's the best thing this world's got.

Oh, we're the voice of freedom, we're the voice of America.
And we're only people but we're united again.
And you can say we're conceited, you can say we're too proud.
But a lot of our friends have died for what we have.

I wanna laugh American, cry American, sigh American.
I wanna be all-American.
I wanna eat American, sleep American, weep American.
I wanna be all-American.

Oh, we're the voice of freedom, we're the voice of America.
And we're only people but we're united again.
And you can say we're conceited, you can say we're too proud.
But a lot of our friends have died for what we have.

I wanna world where kids can play and there's plenty of food to eat.
I wanna world where I can speak and know that I'll be free.
I wanna world that's full of love, where kids are taught that God's above.
I wanna world that doesn't waste so when we're moms and dads it's still a beautiful place.
I wanna world just like America, like the USA.
'Cause even though perfect it's not, it's the best thing this world's got.

'Cause even though perfect it's not, it's the best things this world's got.●

## SUBCOMMITTEE ON ECONOMIC STABILIZATION TO HOLD HEARING ON INFLATION

● Mr. RIEGLE. Mr. President, as we move into 1980 we find an economy that is beset by rapid and accelerating inflation, characterized by interest rates that are more than 3 percentage points above their levels of a year ago, and suffering from very sluggish growth of real output and productivity.

The Subcommittee on Economic Stabilization of which I am chairman has scheduled a hearing to explore the relationship between inflation and high interest rates and the effect of these ills on the economy with special emphasis on their effects on consumers.

The hearing will be held at 10 a.m. on Friday, February 1, 1980, in room 5302 of the Dirksen Senate Office Building. The witnesses are Dr. Barry P. Bosworth, senior fellow at the Brookings Institution and former Director of the Council on Wage-Price Stability, Dr. F. Thomas Juster of the Institute for Social Research at the University of Michigan, and Dr. Michael Sumichrast, chief economist of the National Home Builders Association.

Producer prices increased 2.3 percent in December bringing the index to 229.1 (1967=100). For the year 1979 the index averaged 216.1. This represents a year over year increase of 11 percent compared with an increase of 7.8 percent in 1978 and is the highest increase in producer prices since the 15.3 percent surge of 1974. Compared with December 1978, the December 1979 index shows that producer prices rose 12.5 percent during the year. Similarly, consumer prices increased at an annual rate of 13.3 percent during the first 11 months of 1979.

Preliminary figures released by the Department of Commerce indicate that the implicit price deflator for gross national product (GNP) increased at an annual rate of 8.7 percent in the fourth quarter. For the year prices, as measured by the GNP deflator, rose 8.8 percent compared with 6 percent and 7.3 percent in 1977 and 1978 respectively.

Regardless of the measure chosen to assess inflation, it is clear that inflation has been getting steadily worse. In response to this deteriorating situation the Federal Reserve has attempted to tighten monetary and credit conditions. Although $M_2$, which includes currency, demand deposits, and time and saving deposits at commercial banks, and which is perhaps the most reliable monetary indicator, grew almost as rapidly in 1979 (8.4 percent) as in 1978 (8.6 percent), the acceleration of inflation in 1979 caused the real quantity of money to decline quite sharply. This fact has produced a very significant tightening of credit. The result has been a sharp escalation of interest rates—most of which are now more than 3 percentage points above a year ago—and a shortage of consumer credit.

Some possible effects of these changing monetary conditions already appear evident. Automobile sales fell by 11 percent from an annual rate of 11 million units in the first half of 1979 to 9.8 million units in the second half. Private nonfarm housing units started were reduced 13.8 percent in 1979 and the December 1979 figure was 26.4 percent below a year ago. Nonresidential fixed investment in constant dollars fell in the fourth quarter, and the most recent Commerce Department survey of business investment intention provides a very pessimistic picture of the capital spending outlook for 1980.

While the adverse impact of austere monetary conditions on real economic activity would seem to be fairly clear cut, their effects on the rate of inflation have been difficult to determine.

Dr. Sumichrast is a well-known expert on the economics of the housing industry. I have asked him to discuss the impact of recent monetary policies on residential construction and to provide a forecast for 1980 as well as guidance for the appropriate conduct of monetary policy in the near future.

Although housing activity declined in 1979, the reduction has not been as severe as in other credit "crunch" periods such as 1966 and 1973. As part of his testimony, I have asked Dr. Sumichrast to explain why the crunch and its full impact is being delayed or averted in the present environment.

Professor Juster is a leading expert on the economics of consumer spending. He will address the following questions. What is the likely effect of tight money and high interest rates on consumer spending in 1980? Are developments in consumer credit conditions a serious cause for alarm? What is responsible for the very low saving rate experienced in the third and fourth quarters (4.3 and 3.3 percent of disposable income respectively)? Will this continue? Is there any urgency in adopting policies to encourage a higher level of individual saving? What policies are appropriate?

Surprisingly, real GNP exhibited a positive growth rate in the fourth quarter. The source of this growth was a rise in consumer outlays that exceeded the growth of disposable (after tax) income. While low saving and high consumption are normally thought to reflect inflationary expectations, it is also normally thought that such expectations would have their major impact on durable goods consumption. But this pattern was not followed in the fourth quarter. Consumption of durable goods declined in real terms and the surge in overall consumption was due to a rise in consumption of nondurable goods at an annual rate of 8 percent in real terms. What is the explanation for such strange consumer behavior?

What, finally, is the impact of monetary policy and high interest rates on the inflationary expectations of consumers? Is there evidence that these policies have taken hold and that inflationary expectations are waning? Is there hope that inflationary expectations can be brought down in the near future? What will it take to break the back of the inflationary psychology that is pushing consumption ahead?

Dr. Barry P. Bosworth, former Director of the Council on Wage Price Stability, is a leading expert on problems of inflation control. He has been asked to provide an overall evaluation of current stabilization policies with special emphasis on monetary policy. Are the restrictive policies showing signs of slowing inflation? Will they slow inflation in the future? How long will it take to bring inflation under control? And what is the price of this in terms of lost output, employment, and productivity?

Questions concerning this hearing should be addressed to Thomas F. Dernburg, staff director of the Subcommittee on Economic Stabilization, at 224-3608.●

## THE UNANSWERED QUESTIONS OF MFN FOR COMMUNIST CHINA

● Mr. GOLDWATER. Mr. President, as a postscript to the vote yesterday on most-favored-nation status for Communist China, I am amazed at how little was said on the important related subject of emigration procedures by the mainland government.

The entire trade agreement is dependent upon our Government granting Communist China a waiver from the restrictions of existing law which prohibits MFN treatment and Export-Import Bank credits for any Socialist country which restricts the rights of its citizens to emigrate freely. President Carter has issued an Executive order waving this law based on assurances which he claims to have received from Chinese officials. The administration even claims to possess a written record of diplomatic exchanges, which supports the President's reliance on the mere word given by Communist officials.

Yet, not one Member of the Senate said at any time during the debate on House Concurrent Resolution 204 that he or she had actually seen this evidence. It is my understanding that some Members consulted with Assistant Secretary Christopher, but no one claims to have seen these assurancess in written form.

I, for one, would appreciate being told just what the nature is of the assurances President Carter is relying on. It is quite easy for a totalitarian society to promise and demonstrate that it can fill the world with a high percentage of emigrants. Communist China, as the total dictator over the world's largest population, can meet any numerical requirement the United States might propose as a standard by simply forcing people to leave, if we are to define "free" emigration solely on the basis of numbers. If this is the kind of assurance the administration is relying on, it is worthless.

Based on the thousands of refugees who flee for their lives to escape communism each year, about all Red China has to do is relax its policing efforts at the border with Hong Kong and there will be more emigration than some other countries may be willing to accept.

The real test should be, "What are the actual application procedures for emigration by a Chinese citizen?" Can any Chinese who feels like it go to some known office and easily apply for an emigration visa? What is the process for handling these applications? What evidence is there to show that some orderly, fair treatment is given to these applications?

What conditions do the Chinese Communists set as to the type of person whose application for an emigration visa might be approved? Are particular categories of educated or skilled persons automatically disqualified? Are persons rejected out of hand because of the alleged political crimes of their ancestors or relatives or because of their so-called bad thoughts?

Mr. President, I do not believe we in Congress should be satisfied with secret assurances which have been given to State Department officials who are ready to curry favor with the Communist regime in China. I feel the American people deserve some honest details as to the basis for granting Communist China an exemption from the clear mandate of the law. So far, the people have not been given any of these facts.

But emigration is only one aspect of human rights that is linked to the trade agreement with Communist China. There are other standards which should have been applied to this agreement.

I am not saying we should do no trade at all with another country because of its poor human rights performance, but I do object to approving a one-sided agreement with a totalitarian government in circumstances such as this where there is a severe risk of harm to American workers and industries.

Mr. President, there is a monumental work published just last year by the Columbia University Press entitled "Victims of Politics," by Kurt Glaser, professor of government at Southern Illinois University, and Stefan Possony, a senior fellow at the Hoover Institution. This scholarly book is the first comprehensive study of the infringement of human rights on a global basis. The authors survey every major nation and examine what has happened to the lives of peoples as the result of various ideologies in the world. In short, the book is the only up-to-date examination of global injustice.

With that background, Mr. President, I believe it is worth noting that in the chapter on genocide, which is the most extreme form of inhumanity, the authors have this to say about Communist China. I quote:

> The outstanding case of genocide led by rulers of a country against their own nation is that of the Mao Tse-Tung regime in Mainland China.

The human cost of Chinese communism is put by these authors at somewhere between 38 and 67 million deaths. The authors report that—

> This blood toll means that about 100,000 to 200,000 Chinese were killed by the Communists every month during the period of 1949 to about 1970.

Not only have 60 or 70 million persons been liquidated in China for political reasons, but this study concludes that thought control and slave labor are so pervasive in mainland China that the system amounts to "psychological genocide."

Why in the world we should reward such an extreme, totalitarian society which seeks to destroy all individual personality and freedom is beyond me. In particular, there was no ground for giving favorable trade status to such a government when there is a real possibility the agreement will result in damage to domestic industries.

The Finance Committee received several statements expressing the grave concern of various major industries at the potentially serious impact the trade agreement will have on import-sensitive industries. These statements were ignored.

For example, F. A. Meister, president of the American Footwear Industries Association, submitted impressive testimony on last November 15, explaining the problems that MFN status for Communist China will have on footwear and other leather product industries. The testimony does not oppose MFN for China, but it clearly points out the fact that a state-operated economy, with the world's largest population, has a potential of becoming an overwhelming exporter of labor-intensive products to the United States. Mr. Meister makes a convincing case, which I endorse, for placing import controls on footwear and other leather goods produced in mainland China. I shall submit Mr. Meister's testimony for the RECORD.

The trade agreement will not have reciprocal benefits for our Nation and it should have been rejected. Now that the deal has been made, will the administration take steps to protect industries, such as footwear, which are already suffering from extreme problems not of their own making? This is just one of the unanswered questions of MFN for Communist China.

Mr. Meister's testimony follows:

### THE IMPACT OF MOST-FAVORED-NATION STATUS FOR CHINA ON THE U.S. NONRUBBER FOOTWEAR INDUSTRY

The American Footwear Industries Association, whose member firms account for approximately 90 percent of domestic nonrubber footwear production and a substantial number of suppliers to the industry, asks you to consider, in your deliberations on the granting of Most-Favored-Nation (MFN) status to the People's Republic of China, the potentially serious impact that this will have on import-sensitive industries such as footwear and other leather products.

This Committee, the Congress and the Administration have recognized that the domestic nonrubber footwear industry is possibly the most import-impacted industry in the United States. There have been two unanimous findings of injury by the International Trade Commission. In fact, it was this Committee that initiated the second injury case before the ITC.

Yet, despite these comprehensive and legitimate injury findings, we continue to be wracked by excessive footwear imports. We suffer from a 53 percent import-penetration ratio. In 1979, 56 million more pairs of nonrubber footwear will be imported than in 1976—the base year for the import relief program.

In fact, the Administration's limited import control program of Orderly Marketing

Agreements (OMA's) with Taiwan and Korea has proven to be a dramatic failure, since footwear imports from all other countries have been permitted to surge. For example, in 1979, while Korea and Taiwan will be down only 54 million pairs, or 27 percent, from 1976 levels, other countries of the world are projected to be up by 110 million pairs, or 64.4 percent.

The assurances our industry and the Congress received that imports from countries other than Korea and Taiwan would not surge to "grab away" the rollback from these two countries have not been fulfilled by the Administration. With negotiated restraints on only two countries (out of more than seventy foreign suppliers), such assurances were the key underpinning of our industry's acceptance of the Administration's program, rather than the global quotas for which we pressed.

The Administration and Congress have recognized that labor-intensive industries are threatened severely by the likely emergence of the People's Republic of China as a major exporter, indeed an overwhelming exporter, of labor-intensive products. Specifically, the U.S. Government already has taken strong unilateral actions to control China's textile exports to the United States. We support this strong action, but our industry firmly believes that consistent public policy requires a similar policy of import controls for the domestic nonrubber footwear industry. Our case is at least as compelling as that of the textile industry—we, too, are labor-intensive, have been found twice to be seriously harmed by imports, and suffer from declining domestic production and employment.

With imports at an all-time high, domestic production at an all-time low, and a totally ineffective Administration control program, we now face the frightening specter of China. The People's Republic of China clearly has a potential of unparalleled dimensions to flood our market with footwear.

We ask this Committee, in its deliberations on MFN status for China, to take appropriate steps to ensure that the U.S. Government adopt an equally tough stance on footwear imports from China as it has done with textiles. If this committee ignores the serious threat posed by China to our already beleaguered industry, our very survival will be at stake. We believe this request is necessary and legitimate for the following reasons:

1. China has the potential of becoming a major footwear producer and exporter in the next two to five years.

2. The primary market for China's footwear exports will be the United States.

3. The Administration will not prevent China's emergence as a major exporter of footwear to the U.S. It has failed to prevent injurious surges in imports in the past, denying our industry the promised import relief. There thus is no indication that it will do so in the future.

4. The lack of effective import relief to date has left the domestic non-rubber footwear industry at its lowest ebb in history. Significant imports of footwear from China will hasten our decline.

5. The Administration has adopted the inconsistent policy of promoting actively the development of a footwear industry in China while simultaneously committing itself to provide import relief.

6. A significant footwear industry in China could put considerable pressure on scarce U.S. supplies of cattlehides, vital to the existence of the footwear, handbag, apparel and other leather industries.

1. China has the potential of becoming a major footwear producer and exporter in the next few years.—

It is difficult to predict potential footwear exports from China over the next few years. Official statistics on the dimensions of the footwear industry in China are not available and commercial ties between China and the U.S. are in the early stages of development. However, there are several reasons to believe that we will witness a significant surge in footwear imports from China in the next two to five years:

Footwear, like textiles, is a labor-intensive industry where wages are a significant component of product value. Countries with surplus labor and low labor costs traditionally have begun manufacturing and exporting footwear. China has the inherent ability and is developing the capability to produce significant amounts of footwear.

Wages in China are low, even compared to other developing countries in the Far East which produce footwear. Estimates indicate that Chinese workers receive about $30–$40 per month, roughly one-fifth of the wages paid to footwear workers in Hong Kong, one-third of wages paid in Taiwan and two-fifths of wages paid in Korea. It is only one-twentieth of wages paid to U.S. shoe workers.

Considering that Taiwan, Korea and Hong Kong together have a population of 55 million people and produce about 700 million pairs of shoes (nearly twice the production of the entire U.S. non-rubber footwear industry), China, with a population nearly 20 times higher and even lower labor costs, has a staggering production potential.

China has contracted already with Japan for a seven billion yen (roughly $32 million) synthetic leather factory.

Historically, other surplus labor, low-wage countries (much smaller than China) which have pursued aggressive export promotion policies to further their own economic development have increased their exports of footwear at phenomenal rates.

In the five year period between 1967 and 1972, when Taiwan first began its push to export footwear to the U.S., their exports of nonrubber footwear to our market increased by 1259 percent, from 6.7 millon pairs to 91.3 million. By 1977, their exports rose to 166.5 million. By 1977, this single country's share of the U.S. non-rubber footwear market was 21.4 percent.

In the five year period between 1971 and 1976, Korea's exports of non-rubber footwear to the U.S. increased by 1233 percent, from a mere 3.3 million pairs to 43.9 million.

In only two years, from 1976 to 1978, nonrubber imports from Hong Kong rose by 327 percent, from 6.6 million pairs to 28.3 million.

Between 1976 and 1978, imports from the Philippines increased by over 2000 percent, from a mere 370,000 pairs to 8.4 million. The Philippines is expected to export 15 million pairs of non-rubber footwear to the U.S. in 1979. This represents an astounding increase of almost 4000 percent over 1976 levels.

Other developing countries such as Singapore, Indonesia, Malaysia and Macao are showing the same alarming rates of increase.

The Chinese Footwear Exhibition in Hong Kong in September, 1979, displayed more than 100 new styles produced in China with more than 2000 varieties of footwear in the official Chinese Export Commodity Exhibition Hall. The supervisor of this Exhibition has been quoted as saying that "China has big shoe factories. There is enough production for China and for export."

2. The primary market for China's footwear exports will be the United States.—

China, like Taiwan, Korea, Hong Kong and other developing nations, will look to the U.S. as a prime market. As stated by Gilbert Maeyaert, Secretary General of the European Federation of the Footwear Industry, in an address before our industry in March, 1979: two-thirds of world trade in footwear is, in fact, just one-way traffic from developing and COMECON countries to the industrialized world. With the tariff and non-tariff barriers erected by developing countries against imports of footwear, there is really only one direction this trade can take, and that is toward the developed countries. China will sell footwear to the U.S. because there are few other markets open to them.

While China's footwear industry is not yet a serious competitor in the U.S. market (we imported only 404,000 pairs of non-rubber footwear from China in 1978), the combination of lower tariffs and the development of a joint venture code will change that picture. Even the low-wage Hong Kong shoe industry is worried. A Hong Kong trade official has said that this combination could mean the end of the Hong Kong shoe industry.

Chinese traders at the Chinese Footwear Exhibition in Hong Kong were cited as hoping the coming reductions in tariffs would mean bigger sales in the U.S. In fact, in the first eight months of 1978, U.S. imports of non-rubber footwear from China are already 91 percent above 1978 levels for the same period.

3. The import relief program already is a failure because the Administration has not stopped import surges. There is, therefore, no basis in fact for believing that the Administration will prevent China from injuring our industry.—

After the second injury finding by the ITC in February, 1977, President Carter directed Ambassador Strauss to negotiate Orderly Marketing Agreements with appropriate suppliers. Indeed, in announcing the program on April 1, 1977, the President stated: "Only problems as extreme as those faced by the American shoe industry could force me to seek even modest mandatory limits on imports." While the OMA's fell far short of the industry's expected global import relief program, the industry was assured that the Administration would effectively control Taiwan and Korea through the OMA's and not allow other countries to surge.

Indeed, the industry and Congress were given assurances that imports from countries other than Korea and Taiwan would not surge to "grab away" the rollback on Taiwan and Korea. With negotiated restraints on only two countries (out of more than seventy foreign suppliers), such assurances were the key underpinning of our industry's acceptance of the import relief program.

A brief review of the import situation indicates a total failure by the Administration to stop surges in imports from third countries or provide the industry with the promised "breathing space" in which to revitalize.

The rollback on Korea and Taiwan (which was intended for the domestic industry) has been negated totally by the increase in imports from the rest of the world. Last year, the 52-million pair drop in non-rubber shipments from Taiwan and Korea was compensated for by a 55-million pair increase from other countries (compared to 1976 base year levels). This year, the problem is even more threatening. In the first seven months of 1979, imports from Taiwan and Korea dropped by 30.7 million pairs from 1976 levels; but imports from the rest of the world grew by 58 million pairs. For the full year, it is projected that the approximately 50-million pair drop in non-rubber imports from Korea and Taiwan will be far surpassed by an outstanding 109.7 million pair surge from other countries.

Hong Kong was the first country to show a significant rise in imports following implementation of the Orderly Marketing Agreements. Although the Administration was alerted to this problem in May, 1978, it was not until November, 1978, that a Certificate of Origin Program went into effect, designed to halt transshipments through Hong Kong. In the meantime, imports from Hong

Kong were permitted to grow to an alarming 28 million pairs last year, compared to only 6.6 million in 1976. Furthermore, after one year, it is quite apparent that the Program has been unsuccessful in curbing imports, as indicated by the fact that shipments from Hong Kong (projected to total 25 million pairs this year) continue to remain at unacceptably high levels.

There has been, in addition, alarming growth in imports from Italy, the Philippines and Singapore. It is projected that shipments from Italy will rise to 109 million pairs this year, compared to 47 million pairs in 1976. The Philippines, which exported a negligible 370,000 pairs in 1976, could export 15 million pairs in 1979. Singapore's exports are estimated to grow to 6 million pairs, from a mere 5,000 in 1976.

Because of the tremendous growth from other countries, total non-rubber imports could climb to as much as 426 million pairs in 1979, an increase of 56 million pairs over 1976, the base year of the OMA's.

The record of the past two years clearly shows that the Administration has not honored its commitment to the industry and the Congress to provide effective import relief to the domestic non-rubber footwear industry. The specter of yet another "surge country" and one with the export potential that China has, poses a threat of unparalled dimensions.

4. The lack of effective import relief to date has left the domestic industry at its lowest ebb in history. Significant imports of footwar from China will hasten this decline.—

With the "breathing space" promised to the industry, it was expected that we would be in a strengthened competitive position after the program ended. However, the domestic non-rubber footwear industry, after two years of import "relief", has continued to decline, in spite of its best efforts to compete. Domestic production in 1979 is projected to drop to record low levels and 17,000 jobs in the industry were lost between the first half of 1976 and the first half of 1979.

Recent statistics provide further evidence of the increasing severity of the import threat. In July, domestic production plunged to its lowest level in recent history, as imports, which rose to near-record levels, captured a record 63.2 percent of the non-rubber footwear market. In August, domestic production showed the sharpest percentage drop of the year.

These dismal figures indicate that the Administration has failed totally to provide the industry with the meaningful relief to which it is entitled. The emergence of China as a surge country in the next few years will occur before the industry has had a chance to revitalize. Indeed, it will occur when the industry is most vulnerable, at the end of the first phase of the import relief program.

5. The Administration actively is pursuing policies to encourage the development of a footwear industry in China, in direct contradiction to its own import relief program for our industry.—

Former Secretary of Commerce Juanita M. Kreps recently announced that the Department of Commerce will sponsor a U.S. national exhibition in Peking in 1980. Exhibits will include products in five industrial sectors, including equipment for the production of consumer goods. DOC now actively is recruiting firms which produce machinery for leather goods and synthetic leather.

It adds insult to injury to find that the Administration (in particular, the government agency responsible for the Footwear Revitalization Program) is deliberately promoting sales of machinery to produce goods made by U.S. industries which already are threatened by imports and to whom the Administration has promised import relief. These sales will be paid for by the jobs of 400,000 workers of the footwear, leather apparel, handbag and other leather products industries when goods made by these machines return to our shores.

6. The development of a footwear industry in China will place an added drain on the supply of an already scarce raw material—cattlehides—vital to the footwear and other leather goods industries.—

China already is producing leather footwear for export. For example, in the first eight months of 1979, 52.7 percent of U.S. non-rubber footwear imports from China were leather footwear. China's interest in machinery for leather goods production is a harbinger of China's future intentions to increase its leather goods production.

China does not have, however, significant supplies of cattlehides. They will have to purchase hides or leather from abroad. This could well increase the drain on already scarce U.S. hide supplies, adding new inflationary pressures on the already high price of this basic raw material and further eroding the competitive position of domestic leather products industries. Increases in China's leather goods production over the next few years could mitigate any beneficial effects of the expected moderate recovery in U.S. hide supplies and the recently negotiated agreement with Argentina to release hides into the world market.

According to industry sources, the Chinese are encouraging buyers of their leather footwear to bring the raw materials to them. In an article in a footwear industry publication, a representative of the Chinese shoe industry confirms this practice.

"Raw material is a problem. There's a cowhide shortage and it's getting worse and worse. We would like the buyer to provide the raw materials."

The domestic leather products industry thus is faced with the prospect of raw materials leaving our shores and returning in the form of finished products. This can only worsen the trade deficit of $2.5 billion dollars in the leather and leather products sector.

### CONCLUSION

The Congress and the Administration have recognized that the domestic non-rubber footwear industry is possibly the most import-impacted industry in the United States. The Administration's limited import control program has proved a dramatic failure. Our industry continues to be wracked by excessive imports. Domestic production and employment continue to decline.

The Congress and the Administration have recognized the threat to labor-intensive industries from the likely emergence of China as a major exporter of labor-intensive products. The U.S. Government already has taken strong unilateral actions to control China's exports of textiles to the United States. Our case is at least as compelling as that of the textile industry. Therefore, logical and consistent public policy requires a similar policy of import controls for the domestic non-rubber footwear industry. We request that this Committee and Congress take appropriate steps to ensure that such a policy is adopted. If this policy stance is not taken, the impact to our industry of the overwhelming threat posed by China will be devastating.●

## THE PEOPLE OF PENNSYLVANIA SUPPORT ANATOLY SHCHARANSKY

● Mr. HEINZ. Mr. President, yesterday I received a message from Burton Levinson, chairman of the National Conference on Soviet Jewry, expressing gratitude for the support the people of Pennsylvania have provided to Anatoly Shcharansky, who is today celebrating—in captivity—his 32d birthday.

I would like to bring Mr. Levinson's message to the attention of Senators, Mr. President, and I ask that it be printed in the Record.

The article follows:

### A Message to Senator Heinz From Burton Levinson

The National Conference on Soviet Jewry is grateful for the sustained commitment of the people of Pennsylvania in seeking to ease the plight of Anatoly Shcharansky, Soviet Jewish Prisoner of Conscience, who today celebrates his 32nd birthday in captivity in the USSR.

For Anatoly Shcharansky and his beleaguered brethren, it is our fervent hope that this year will be a year of freedom and family reunification in Israel.●

## A BIRTHDAY BEHIND BARS

● Mr. PELL. Mr. President, this past Sunday, January 20, Anatoly Shcharansky, one of the foremost Jewish Prisoners of Conscience in the Soviet Union, was 32. This brave young man is currently serving a 13-year sentence for the "crime" of desiring to emigrate to Israel and speaking out for human rights.

This week, the National Conference on Soviet Jewry issued a statement commemorating Mr. Shcharansky's birthday. Mr. President, I ask that the full text of this statement be printed in the Record.

The statement follows:

### Tribute to Anatoly Shcharansky

The National Conference on Soviet Jewry and its thirty nine members organizations, representing four million people, commemorate Soviet Jewish Prisoner of Conscience Anatoly Shcharansky's 32nd birthday, January 20.

Sentenced to thirteen years of incarceration for "crimes" which President Carter publicly said he did not commit, Shcharansky became a target of Soviet officials because of his desire to emigrate to Israel and his role as spokesman for human rights activites.

Shcharansky's birthday was not a happy one for him. Not only is he sitting in the Soviet Gulag, away from his beloved wife Avital in Jerusalem, but his father, Boris passed away not having seen his son for several years.

The National Conference on Soviet Jewry applauds the efforts of all men of goodwill who have been and continue to be active on behalf of Anatoly Shcharansky.●

## ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE ON TUESDAY, JANUARY 29, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday, after the two leaders are recognized under the standing order, Mr. Proxmire be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators on Monday?

The PRESIDING OFFICER. There is an order for the recognition of Senator Weicker.

Mr. ROBERT C. BYRD. I thank the Chair.

## ORDER FOR RECOGNITION OF SENATOR STEVENS AND SENATOR ROBERT C. BYRD ON MONDAY, JANUARY 28, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday following Mr. WEICKER, Mr. STEVENS and Mr. ROBERT C. BYRD each have 15 minutes at their disposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HAWAIIAN DANCERS CELEBRATE PACIFIC ISLANDS EXHIBITION

Mr. MATSUNAGA. Mr. President, we have today performing at the National Gallery of Art a well-known hula troupe known as the Hula Halau O Hoakalei group, headed by Loea Hoakalei Kamauu, better known as "Helen" among her friends, myself included, and accompanied by Kawaiokawaawaa Lucey, Puanani Patria-Thoene, Nanialii Serrao (Roland Leong's relative), Hoakalei Hina Kamauu-dau, Nathan Napoka, Dane Rawlins, and Iolani Kamauu, son of Mrs. Kamauu.

They will be performing up to Sunday of this weekend, and I extend a cordial invitation to my colleagues and staff to witness their performance because theirs is not the commercial type of hula but the authentic hula going back to the ancient days of Kamehameha and beyond. If you have not as yet seen the authentic hula, I say to my colleagues, Mr. President, this is a great opportunity, and it is my understanding that Mrs. Kamauu is one of the best-known and most respected custodians of Hawaiian culture. She received her knowledge of classic Hawaiian chant, dance, and music from her aunt, the late Iolani Luahine, a pre-eminent performer of ancient Hawaiian dances with whom she worked for more than 30 years. It was my good fortune to befriend her while she was here with us, and it is now for Mrs. Kamauu to carry on the great traditions set by her aunt.

In addition to serving as head of the Hula Halau Hoakalei since 1960, and as ethnic dance coordinator for the State Foundation on Culture and the Arts since 1977, Mrs. Kamauu has performed in dance and folk festivals throughout the United States and the Pacific, including the National Folk Festival at Wolf Trap Farm Park in Virginia, the American Dance Festival at New London, Conn., and the Pan-Pacific Festival of the Arts at Rotorua, New Zealand.

Mr. President, I once again extend a cordial invitation to my colleagues to witness the great performance of this great Hawaiian hula dance group at the National Gallery.

## RECESS TO MONDAY, JANUARY 28, 1980

Mr. MATSUNAGA. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 12 o'clock noon Monday next.

The motion was agreed to; and, at 4:01 p.m., the Senate recessed until Monday, January 28, 1980, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate January 25, 1980:

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

William J. Driver, of Virginia, to be Commissioner of Social Security, to which office he was appointed during the last recess of the Senate.

### NATIONAL LABOR RELATIONS BOARD

William A. Lubbers, of Maryland, to be General Counsel of the National Labor Relations Board for a term of 4 years, to which office he was appointed during the last recess of the Senate.

### U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Ralph Earle II, of Pennsylvania, to be Director of the U.S. Arms Control and Disarmament Agency, to which office he was appointed during the last recess of the Senate.

George M. Seignious II, of South Carolina, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, to which office he was appointed during the last recess of the Senate.

### DEPARTMENT OF STATE

Matthew Nimetz, of New York, to be Under Secretary of State for Coordinating Security Assistance Programs, vice Lucy Wilson Benson, resigned.

Charles Conway Flowerree, of Virginia, a Foreign Service officer of class 1, for the rank of Ambassador while serving as the U.S. Representative to the Committee on Disarmament.

### DEPARTMENT OF EDUCATION

Elizabeth S. Carpenter, of Texas, to be an Assistant Secretary of Education (Public Affairs) (new position).

Carl William Fischer, of Maryland, to be an Assistant Secretary of Education (Budget and Planning) (new position).

John B. Gabusi, of Arizona, to be an Assistant Secretary of Education (Management) (new position).

---

# SENATE—*Monday, January 28, 1980*

*(Legislative day of Thursday, January 3, 1980)*

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by Hon. DAVID L. BOREN, a Senator from the State of Oklahoma.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father:

Thy love divine hath led us in the past;
In this free land by Thee our lot is cast;
Be Thou our ruler, guardian, guide, and stay;
Thy word our law, Thy paths our chosen way.
From war's alarms, from deadly pestilence,
Be Thy strong arm our ever-sure defense;
Thy true religion in our hearts increase,
Thy bounteous goodness nourish us in peace.

We commend to Thy loving care all persons who are in the service of this country. Give us pure hearts, clear minds, faithful spirits. Keep us ever alert and vigilant that in the surprises of history we be not trapped, frustrated, or ineffectual. Keep us great and strong in the things of the Spirit.

In the great Redeemer's name, we pray. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., January 28, 1980.*

*To the Senate*:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID L. BOREN, a Senator from the State of Oklahoma, to perform the duties of the Chair.

WARREN G. MAGNUSON,
*President pro tempore.*

Mr. BOREN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader, the Senator from West Virginia, is recognized.

## PURSUING OUR VITAL INTERESTS

Mr. ROBERT C. BYRD. Mr. President, the importance of the oil-rich Persian Gulf region to American strategic interests was brought into sharp focus by the President in his state of the Union address. For the first time, an American President enunciated the principle that attempts by any outside force to gain control of this vital area will be regarded as an assault on the vital interests of the United States. Oil has become the lifeblood of the industrialized democracies and any threat to the flow of this commodity is viewed as a direct threat to those nations themselves.

The meaning of the President's statement could not be more clear—we are so dangerously dependent on foreign oil that we might be forced to resort to military action, at the sacrifice of American lives, if this supply line is menaced.

I agree with this assessment of the strategic importance of this critical region. I agree with the call for stepped-up military preparedness and increased defense spending—this is an absolute necessity. But the mounting congressional enthusiasm for making the hard choices must also be directed at programs to reduce our dependence on this region altogether.

We can wage war on our overreliance on foreign oil without firing a single shot or building a single weapon. We can expend American technology and ingenuity and build a new industrial base to strengthen America's future. But the blueprint for this effort—the omnibus energy production bill—remains blocked in conference with no immediate resolution in sight. This inaction cannot be justified in light of the other sacrifices which may be asked of the American people.

The synthetic fuels bill is the second unfinished component of the energy package. The House bill, passed before the President's ambitious energy initiatives were announced, encompasses a limited program for the production of synthetic fuels through existing legal authority under the Defense Production Act. The House bill would provide only $3 billion for direct Government purchases of synfuels, as well as loan guarantees to support synfuel plant construction. This measure does not contain any provision for conservation or development of other alternate energy sources, such as solar, wind, or biomass.

The Senate bill, on the other hand, is ambitious and far reaching. The legislation created an independent synthetic fuels corporation to finance synfuels development. Under a two-phased approach, the corporation would first commit up to $20 billion to encourage construction of synfuels plants. Later, it would devise a strategy for reaching a 1995 production goal of 1.5 million barrels per day, entailing additional Government subsidies and other financial incentives. In addition, the Senate bill contains measures creating both a conservation bank and a solar bank, an ambitious gasohol program, and other provisions on development of wind, geothermal, and biomass technologies.

It is critical that an independent financing agency be established to oversee the development of synthetic fuels. Such Government involvement does not portend interference in the private sector, but an independent agency is necessary to achieve the coordination and commitment that will be required for this massive and expensive industrial effort. I urge the Senate conferees on this bill to adhere to the Senate position, as the approach most likely to accomplish the goal of synfuel development and commercial production.

I must emphasize to all the conferees, both from the Senate and from the House, that the conferences cannot be unduly prolonged. Our Nation's energy policy cannot be held hostage to committee rivalries and jurisdictional feuds. This legislation is the highest congressional priority. We cannot begin to wage the war on foreign oil dependency until these components are in place.

Our foreign policy, our economic health, and energy future are inexorably intertwined. For some years to come, we shall probably experience continued vulnerability and instability as a result of the foreign origin of many of our energy resources. We can apply the fullness of American science, technology, discipline, and imagination to our energy problems, but we must commit ourselves to this effort without undue delay.

The ACTING PRESIDENT pro tempore. The acting minority leader, the Senator from Alaska, is recognized.

Mr. STEVENS. Mr. President, I am pleased to hear the statement of the majority leader. I am certain I speak for all of the Senators on our side of the aisle when I say we heartily endorse the Senate position on the bills in conference as far as the energy packages are concerned.

We, too, hope that the conference will resolve the differences and that these bills will come to us for action soon.

## APPOINTMENT OF SENATOR COCHRAN TO SELECT COMMITTEE ON ETHICS—SENATE RESOLUTION 339

Mr. STEVENS. Mr. President, I send a resolution to the desk.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 339

*Resolved*, That the following Senator is appointed to the Select Committee on Ethics: the Senator from Mississippi (Mr. COCHRAN), vice the Senator from Oregon (Mr. HATFIELD).

Mr. STEVENS. Mr. President, I will seek immediate consideration of this resolution, with the concurrence of the majority leader.

The Senator from Mississippi (Mr. COCHRAN) is one of our bright, new stars in the Senate. He has demonstrated his dedication to the Senate as an institution and has demonstrated his ability to work on a bipartisan basis with all Members of the Senate. He has particularly demonstrated this in terms of his relationship with his colleague, the senior Senator from Mississippi.

I am pleased on behalf of the minority leader, Senator BAKER, to offer this resolution, which will name Senator COCHRAN to this very important committee to act on behalf of the Senate as a whole as one of the three representatives from our side of the aisle.

With the concurrence of the majority leader, I do ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Mr. ROBERT C. BYRD. Mr. President, I agree with the distinguished acting Republican leader with respect to the able Senator from Mississippi. He is an excellent choice. I am confident he will approach his duties with dedication and high purpose. I applaud the Republican leadership for his selection.

Mr. STEVENS. Mr. President, I thank the majority leader.

The ACTING PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

## COMMENTS ON THE PRESIDENT'S FISCAL YEAR 1981 BUDGET

Mr. STEVENS. Mr. President, the President's fiscal year 1981 budget, officially released this morning, holds very little in the way of surprises. As anticipated, receipts and outlays have reached unprecedented highs, not only in real terms, but also as percentages of GNP. In addition, the budget was not balanced, despite Mr. Carter's promises to the contrary. It is true that the deficit has been reduced over last year's figure, but it is not due to any reductions in outlays or fiscal frugality on the part of the administration. It is due to the simple fact that when our progressive tax system is combined with an incredible 13.3 percent rate of inflation, tax receipts increase. If the administration's budget estimates hold true, we will soon be consuming nearly 50 percent of the average family budget in taxes. Despite this incredibly confiscatory level of taxation, the President claims that this is not the appropriate time for a tax cut. Mr. President, if a 50-percent tax rate combined with an already popular antitax revolt are not the appropriate ingredients for a tax reduction, I do not know what are.

Based on the fiscal year 1981 projections and since Mr. Carter took office in 1977, budget outlays will have increased by 53 percent while receipts have increased by 68 percent. It should be noted that the source of this increase in receipts is due primarily to a 74-percent rise in the individual income tax level, representing a $200 billion windfall to the Federal Government. A good portion of this windfall is attributable to a tax on one industry; a tax which the President calls a windfall profit tax on the oil industry. It is the Government which is getting the windfall.

Another aspect of the President's budget which warrants comment is in the defense area. The President has apparently reversed his earlier position with regard to our defense posture and has provided for a $20 billion increase over last year. Unfortunately, Mr. President, this is a case of "too little too late." This increase cannot readily undo the damage done over 3 years of misallocations. Furthermore, the increase is related to the President's drive to bring about the ratification of SALT II. It is an amount which representatives of the Senate discussed with the President and which sought to insure that SALT II would not lead to an imbalance with the Russians.

Mr. President, when discussing defense, we need not only talk in terms of dollars but also in terms of time lost over the past 3 years. For instance, President Carter's original decision on the MX missile will delay the completion of this stategic weapon by 4 years. Also, in terms of time necessary for construction of ships and planes, we have experienced critical delays. It is interesting to note that, had President Ford's defense projections been met by the Carter administration, we would be $30 to $40 billion ahead of the budget position with which we are now faced.

Mr. President, I believe Congress has a large task before it. The problems facing this country domestically, as well as internationally, call for tough decisions and thoughtful planning. I am hopeful that Senators on both sides of the aisle will work together to insure a budget that when enacted by Congress, is in the best national interest of this country.

## ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, if I have any time left, I yield it to the Senator from Connecticut. That is, to be added onto his special order at a later time.

Does the Senator from Virginia seek time?

Mr. HARRY F. BYRD, JR. Yes, will one of the two leaders yield me some time?

Mr. ROBERT C. BYRD. Mr. President, do I have any time left out of the leader's order?

The ACTING PRESIDENT pro tempore. The Senator has 3 minutes remaining.

Mr. ROBERT C. BYRD. I yield that time to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. I thank the distinguished majority leader.

## THE CARTER BUDGET: TOTAL SURRENDER TO INFLATION

Mr. HARRY F. BYRD, JR. Mr. President, President Carter's budget for 1981 represents a total lack of discipline and a total surrender to inflation.

In addition, this budget, with its deficit of $16 billion, would violate the law. In 1978, Congress approved—and President Carter himself signed into law—legislation which I sponsored prohibiting a Federal deficit in 1981 or thereafter.

The budget also will add to inflationary pressures. It will continue the spending spree of the 1970's with an increase of $68 billion in Federal outlays over the total approved by Congress for the current year. It will raise the national debt to $939 billion.

There is no necessity for a deficit in the coming year. Last November—just 2 months ago—the Senate projected a 1981 budget in surplus. The President has not increased proposed spending for defense over the Senate figure. Instead, he is seeking $20 billion for new and expanded nondefense programs.

Despite the Nation's defense needs and rampaging inflation of more than 13 percent, the President is calling for new spending for countercyclical assistance and major increases for CETA, food stamps, economic development, housing subsidies and welfare grants.

Indeed, of the $68 billion which the President is seeking in spending increases over 1980, only $16 billion, or less than one-fourth, would go to defense.

As a candidate for the White House 4 years ago, Jimmy Carter criticized the budget of $366 billion. Yet, since that time, under his administration, spending by next year will have risen by 68 percent to $616 billion.

The rate of spending growth in the Carter years has exceeded the inflation rate by a significant amount.

During the same 1976–81 period, taxes imposed on the American people have doubled, from $300 billion to $600 billion. Under the new budget, the Federal tax "take" from the gross national product will be at the highest level in history.

Not only does President Carter's budget call for big spending increases next year, it also adds $16 billion to expenditures in the current year. Again, nearly all the increase is in nondefense programs.

With this inflationary budget, President Carter has failed the Nation. Now it is up to the Congress—if it has the courage and the judgment—to produce a budget which accords with the law and the demands of fiscal responsibility.

## RECOGNITION OF SENATOR WEICKER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized.

## CAMPECHE OILSPILL

Mr. WEICKER. Mr. President, 3 months ago, I addressed this Chamber on the fact that the oil spill in Campeche Bay, Mexico, contrary to reports in the media, had not been capped. Subsequently, the Energy Committee held hearings on that matter. We were told at those hearings that, based on information received from the Mexican Government, it could be assumed that the outflow of oil from that well was minimal. Subsequent to that hearing, I received communications from the State Department and from the emergency response team, which indicated that, indeed, the information previously received from the Mexican Government was erroneous.

I then asked that we be allowed to send an observer team to the site, which request has not been responded to by the Mexican Government.

Mr. President, I realize that our posture on oil is of such a position—specifically, on our knees—that we do not like to offend anybody who might have a little oil to sell to the United States of America. On the other hand, it also seems to me that the U.S. interest associates as much with the ecology of the oceans and the food therefrom as it does from energy. So, again, today, I issue the warning that that disastrous blowout in Campeche Bay has not abated and will continue to pollute the Gulf of Mexico until the U.S. Government realizes the gravity of the problem and take steps to deal with the Mexicans.

I, again, reaffirm my position and relay to my colleagues that the spill continues. It continues after an unprecedented 7 months of uninterrupted flow contaminating not only Mexican waters but U.S. waters as well.

Most importantly at this time, the unusual mild weather has allowed the start of the spring current pattern and now the oil is heading back to U.S. waters and steadily bearing toward our shores. This after months of rhetoric from Mexican officials, after months of so-called U.S. diplomacy by our State Department.

I understand that the State Department has worked out an agreement with Mexico regarding future oilspills. I applaud this action, but am deeply concerned over the problem that is now back on our doorstep.

When do we take a strong stand with Mexico and insist that a crash program involving the best people and best technology be used to shut that well down. Do we wait until the last fish in the gulf washes on the beach? The continued Mexican oilspill has to be of the gravest concern not only to Congress and the administration but to the entire citizenry of the United States. It is not only a Mexican or Texas problem but it will, in the long term, affect each and every one of us.

As a long-time advocate of offshore drilling, I find it incredible that we are going to permit such drilling to take place in our most abundant fishing ground, the Georges Bank, when it must be clear from Campeche that we do have the technology or, at least, it has not been allowed to put into play, to contain the type of situation as is down there. Should that happen, it would eliminate automatically 17 percent of the fish resources of this Nation.

It is bad enough to stress even a small part of our oceans and coasts but this massive spill could potentially affect whole ecosystems.

I understand that the oil slick is about 60 miles from the U.S. coast. The administration whose responsibility it is to protect our oceans and fisheries as well as encourage new energy sources will continue to hear from me on Campeche until something is done.

This is a good example of how our dependency on foreign oil pollutes our good judgment and strips us of the capacity to respond to wrongs perpetrated on this Nation.

## A CALL FOR REDUCTION IN OPEC OIL IMPORTS

Mr. WEICKER. Mr. President, I again repeat my call for a 30-percent cutback in the import of OPEC oil, a reduction of the triggering mechanism necessary to bring rationing into being from 20 to 5 percent, and a 1-percent reduction per month starting January 1, 1981, of the import of OPEC oil until it is entirely phased out.

In the President's state of the Union message, the term was used that the Persian Gulf is vital to the interests of the United States of America. I suggest it is only vital to the interests of the United States of America because we are so dependent on oil from that area of the world.

This body of the Congress, the House of Representatives, and the American people have a clearcut choice. It is not a question of rationing or no rationing. It is a question of rationing or spending the moneys necessary to establish bases in the Persian Gulf, and spending the moneys necessary to send American troops to the Persian Gulf. This is the choice. No longer is the coinage of our profligacy going to be paid in prices at the gasoline pump or at the furnace. Now it will be paid in terms of lives, and billions of dollars of taxpayer money.

I suggest that it is high time we did away with our vital interests in that area of the world and paid attention to our vital interests at home in the sense of rationing at home, conservation—mandatory conservation—breaking the high trust fund to see transportation moneys are distributed to all forms of transportation rather than the automobile—I am specifically talking about bus and rail—that we do not have incentives for the encouragement of the development of synthetic fuels and the money to go into the research of those technologies, which are difficult.

If all these things were done, there would be a tremendous change in lifestyle for many at home. The term "vital interests in the Persian Gulf" would no longer be applicable.

We have come full circle because of our inaction as to conservation. We have come full circle. We thought we could escape the prices, and then the supplies became inadequate, and because of our indecision and our inability to act, the capture of the hostages in Iran and the Soviet invasion of Afghanistan. Now, finally, we hear the words "military response," that it is going to make up for the deficience of action here at home.

I, for one, would far rather see every one of us sacrifice than to place that sacrifice on the shoulders of a few of our citizens. Therefore, I stand here again today, and I will again and again and again, and openly advocate the tough measures necessary to free us from dependence on oil in that and other areas of the world, to take those tough steps necessary to give our economy movement that cannot be done until energy is reined in.

As unpopular politically as these steps may be, I find them far preferable to being nibbled to death, as has been the case during the past 5 years of our turning our backs on this most serious of threats in my lifetime to the security and economy of this Nation.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## VITIATION OF CERTAIN RECOGNITION ORDERS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Mr. STEVENS and Mr. ROBERT C. BYRD be vitiated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, not to extend beyond 1 hour, and that Senators may speak therein up to 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 12:28 p.m., recessed until 12:58 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BRADLEY).

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

## SENATE CONCURRENT RESOLUTION 69—CONCURRENT RESOLUTION AUTHORIZING A WELCOMING CEREMONY FOR THE 1980 UNITED STATES WINTER OLYMPICS TORCH RELAY TEAM ON THE CAPITOL GROUNDS

Mr. STEVENS submitted the following concurrent resolution, which was referred to the Committee on Rules and Administration:

S. CON. RES. 69

Whereas the 1980 United States Winter Torch Relay Team will be carrying the Olympic Flame through the Nations Capitol on it's way from the flame's permanent home in Olympia, Greece to Lake Placid, New York, site of the 1980 winter Olympics: and

Whereas the relay team has expressed a desire to participate in a ceremony on the steps of the Capital Building on Friday, February 1, 1980; and

Whereas all Americans have taken great pride in the patricipation by and accomplishments of the United States Olympic Team, and the teams of other nations in previous Olympic games and eagerly anticipate the excitment and beauty of the 1980 Winter Olympics in Lake Placid, New York: Now therefore, be it

*Resolved by the Senate* (*the House of Representatives concurring*), That the 1980 winter Olympic torch relay team shall be honored by a welcoming ceremony on the steps of the United States Capitol Building on February 1, 1980, such ceremony shall be open to the public and arranged not to interfere with the needs of Congress, under conditions to be provided by the Capitol Police Board: and be it

SEC. 2. That the support, encouragement and best wishes of the American people accompany the United States Olympic team to Lake Placid, New York, for the 1980 winter Olympic games.

Mr. STEVENS. Mr. President, I send a concurrent resolution to the desk. This is a Senate concurrent resolution authorizing a welcoming ceremony for the 1980 U.S. winter Olympics torch relay team on the Capitol Grounds.

Mr. President, I ask that the resolution be held at the desk to see if I can have an opportunity to confer with the chairman and members of the Committee on Foreign Relations.

This matter was just brought to my attention this morning. There is a group who want to bring the Olympic torch to Washington on Friday, and because of the procedural aspects of the House they have asked that we attempt to consider this and send it to the House early this week so that it might authorize the holding of ceremonies on the Capitol steps pertaining to the Olympic torch.

I do not have clearance, I will say to my good friend. I have not had an opportunity to discuss it with him, but we have been asked to put it in so that people will know it is being considered.

I do ask the consideration of the majority leader that it be left at the desk until we can have the conferences we need to have to try to see if it can be cleared for action this week.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I would rather not agree to an open ended request. If the Senator wanted to put a time limit today so that it would give him an opportunity to talk with the members of the Committee on Foreign Relations, I would have no objection to that.

Mr. STEVENS. That is very reasonable. That is my intention. If we cannot get concurrence today, it should go to the committee at the close of business today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, will the Senator put a time limit, say, of 4 o'clock today on the request? This will allow discussions with the Foreign Relations Committee members. If, after those discussions, it is desirable to extend the time, we could do that by unanimous consent.

Mr. STEVENS. Mr. President, I have no objection to that. They will be voting on the other Olympics resolution, I understand, at 1:30, and we are just not able to get in touch with them. I have not been able to.

If the chairman and the ranking member do not wish to handle it this way, obviously it should go to the committee; I agree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Senator.

Mr. President, with the concurrence of the majority leader, I ask that the concurrent resolution I introduced not be held at the desk and that it be referred in accordance with the rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 1:06 p.m. recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. EXON).

---

### CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has the period for morning business expired?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

### RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 2:03 p.m., recessed for 30 minutes; whereupon, at 2:33 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. EXON).

---

### RECESS UNTIL 3:15 P.M. TODAY

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. ROBERT C. BYRD. I thank the Chair. I ask the Chair to indulge me momentarily.

Mr. President, the leadership has continued to recess the Senate this afternoon, hoping that action can be begun on the resolution which the Committee on Foreign Relations has been discussing throughout the day, dealing with the Olympics. It is my understanding that the committee has reported the resolution by a vote of something like 14 to 0, and that a little more time will be required before the committee will be ready to begin discussions on the floor. I, therefore, ask unanimous consent that the Senate stand in recess until the hour of 3:15 p.m. today.

There being no objection, the Senate, at 2:30 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled, when called to order by the Presiding Officer (Mr. HEFLIN).

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### THE 1980 SUMMER OLYMPIC GAMES

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate House Concurrent Resolution 249.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 249, which will be stated.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 249) urging the United States Olympic Committee, the International Olympic Committee, and the Olympic committees of other countries to take certain actions with respect to the 1980 summer Olympic games.

Mr. ROBERT C. BYRD. Mr. President, I have called up this House concurrent resolution to make it the pending business. The Committee on Foreign Relations has acted earlier today on the subject of the Olympics. Mr. CHURCH and Mr. JAVITS will be on the floor momentarily. In the meantime, the House concurrent resolution will be before the Senate and the Senate can substitute language if it wishes to do so or whatever action the distinguished chairman of the committee and the ranking manager would wish to take would certainly be satisfactory with me.

I have merely called up the House concurrent resolution so that it will be the vehicle before the Senate. If the Committee on Foreign Relations wishes to have another vehicle on which the Senate should work its will that can be arranged.

It may very well be that the chairman and ranking member of the Committee on Foreign Relations would be willing to proceed with the House concurrent resolution. So that resolution is before the Senate, as I have stated.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Mr. CHURCH. Mr. President, on behalf of the Committee on Foreign Relations, which has just concluded a morning of hearings on the issues raised by the President's request for support on relocating or cancelling the 1980 Olympic games, I am reporting to the Senate an original concurrent resolution, which the committee adopted unanimously. The resolution is very much in line with that adopted last week by the House of Representatives and by the Senate Committee on Commerce, but its language reflects both the events of the past weekend and the expert advice the committee received at its hearing this morning from our colleagues in the Senate, from the administration, and from officials of the U.S. Olympic Committee, as well as past and future Olympic competitors.

The resolution is primarily directed to the International Olympic Committee, since the United States committee has already agreed to carry the President's proposal to that body at its meeting next month in Lake Placid. The resolution also urges the Secretary of State to intensify America's efforts to win widened international support for the President's position. Having heard the testimony of the junior Senator from New Jersey, the committee has also adopted his recommendation pressing the International Olympic Committee to find permanent sites for the Olympic games, including a home for the summer games in Greece.

Finally, the resolution urges that if the Moscow games do take place under the aegis of the International Olympic Committee, no American team be entered and no Americans attend in any capacity.

The primary considerations in the committee's decision on this resolution stem from its concern that the Moscow Olympics are to be used domestically within the Soviet Union and internationally to put both the stamp of approval on the Soviet invasion of Afghanistan and the stamp of indifference on the world's reaction to that brutal and dangerous act of aggression.

It should be pointed out that this resolution does urge a boycott if the International Olympic Committee were to fail to move, postpone or cancel the 1980 summer games. It does not urge, and the administration spokesmen indicated a great reluctance to use, any compulsion against the fundamental right of Americans to travel freely.

The committee heard poignant testimony from athletes both in favor, and in opposition, to boycotting the Olympics. We saw the emotional and the physical stake these gifted young people have in preserving the Olympic movement and in having the opportunity to show themselves the finest of sportsmen. But we were convinced that high as that goal is for them and for all of us who admire them, there is a higher goal at stake here: That of demonstrating to the Soviet Government and the Soviet people that the wanton disregard of others' rights shown in Afghanistan and by the recent intensified repression of domestic dissenters cannot go unheeded and unpunished.

Mr. President, there was a tradition in ancient Greece that when an Olympic victor returned from the games, his native city would demolish a portion of its walls to make a special entrance for him to reflect the conviction that a city with such men had no need of walls. The resolution before us reflects a similar high symbolic purpose. It shows the resolve of this body, of the American Government, and of our people to sacrifice in order to promote the ideals on which real peace and genuine international understanding must be built.

Mr. President, I hope very much that the Senate will see fit to adopt this resolution.

Mr. President, I ask unanimous consent that the text of the Senate concurrent resolution be printed in the RECORD.

There being no objection, the text of the Senate concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 70

Whereas the Soviet Union initiated a massive invasion of Afghanistan on December 27, 1979; and

Whereas this invasion constitutes a flagrant violation of international law and the sovereignty of Afghanistan; and

Whereas this invasion is a threat to the peace, security, and stability of the world; and

Whereas the Soviet Union is violating all standards of international conduct; and

Whereas the world community has denounced this Soviet act of aggression overwhelmingly in the United Nations Security Council and in the United Nations General Assembly resolution calling for the immediate and total withdrawal of foreign troops in Afghanistan; and

Whereas the United States Olympic Committee, responding to the urgings of the President of the United States, has directed its officers to propose to the International Olympic Committee that the 1980 Summer Olympic Games be removed from the territory of the Soviet Union and either relocated, postponed or canceled: Now, there be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress urges

(1) that the United States Olympic Committee and the athletes competing for positions on the United States team should receive the continuing support, commendation and contributions of the American people;

(2) that the International Olympic Committee promptly accede to the proposal of the United States Olympic Committee;

(3) that, should the International Olympic Committee fail to adopt the proposal of the United States Olympic Committee or a comparable proposal, no American team should participate in those Games and no Americans should attend them in any capacity;

(4) that the Secretary of State urgently inform other nations of the policy of the United States in respect to the 1980 Olympics and intensify efforts to obtain their support for that policy; and

(5) That the International Olympic Committee give urgent consideration to the creation of permanent homes for the summer and winter Olympic games, including one in Greece, the country of their origin.

Mr. LUGAR. Mr. President, I join the distinguished chairman of the Foreign Relations Committee in commending this resolution to the U.S. Senate.

Indeed, as Senator CHURCH has pointed out, we did hear eloquent and poignant testimony from those who have offered significant leadership to our Olympic Committee, from outstanding athletes of this country, from people involved in our Government, all of whom see this as a very serious problem with regard to foreign relations and, therefore, the jurisdiction of the problem and hearing and markup we enjoyed this morning.

I say that the resolution is one that I shall support personally, that I hope all of my colleagues will support. I do so, as I am certain many of my colleagues do, with recognition of the clauses that are significant in the resolution, because they do point to the Soviet invasion of Afghanistan, the flagrant violation of international law and the sovereignty of that independent country, a threat to the peace, security, and stability of the world, the violation of all standards of international conduct, and the overwhelming vote by the United Nations condemning this Soviet aggression and calling for the immediate and total withdrawal of foreign troops in Afghanistan. These are the impelling reasons why this issue comes before us.

I think that many Americans as they listened to the President during his state of the Union address, his bold declaration of new policies for this country, appreciate, as I do, that, in fact, a military invasion must be met with military means, that one of the problems we have in this country currently is that we may be ill equipped to deal with that aggression in the Middle East and we are trying to catch up.

The President has, in fact, declared that our vital interests are at stake in the Persian Gulf. He talked on that occasion of the state of the Union and on others about the mobile forces, bases, potential assistance to other countries in that region, the buildup of our strategic weapons, and a good number of things.

Honest men and women will differ as to our state of preparedness. But one of the problems that some of us on the committee faced this morning is that the Olympic resolution has been seized upon because it is one of the few levers that are available to us immediately. The grain embargo and the high technology situation are two others.

There are honest differences of opinion as to who is hurt most in these situations. Certainly, in other forums, in other committees, we have been discussing the grain embargo and the high technology situation.

It is clear, I believe, that the American people, not only the athletes and the Olympic committee, but the American people as a whole, certainly grieve over this gesture. The Olympic games are important to us. The whole Olympic spirit is important to us. This is not something being taken lightly.

I suspect we are very hopeful it means something to the Soviet Union. It is clear it means a great deal to us.

To say less, it seems to me, would be to fail to offer the support we need to young men and women, to those in amateur sports, who have over the years supported this movement. We are hopeful that by a bold gesture, with broad support of the President, unanimous support, if possible, that the message gets across.

Although I, for one, believe that it is doubtful whether these sorts of messages are meaningful in a way that will cause not only withdrawal of troops from Afghanistan, but serious deviation of course by the Soviet Union, we are left finally with the fact we are not prepared for other courses and we do have this opportunity.

I would argue that even if it is not a total response, even if it is not a significant response in terms of being the course of action, still we are called upon by the President to have unity in this country as we attempt to move, and it is a time that seems to subordinate thoughts as to what will be the first, second, third, or fourth best option.

In summary, Mr. President, this is an important gesture. It may be of embarrassment and difficulty to the Soviet Union. I hope that it will be. I hope clearly it is perceived by the Soviet people in that manner.

I know that it is a gesture that will cause heartache in this country, as have other items that are being requested. I know, likewise, that a majority of the American people will support that, that they will subordinate both individual and collective grief at this point in the hope that we are doing something that is understood for freedom of people abroad as well as for freedom here.

In this respect, Mr. President, I thought the committee's additional editing of the resolution was important, that there was a recognition through a clause suggested initially, as I recall, by the distinguished Senator from Florida (Mr. STONE) and added as the first resolve; namely, that the U.S. Olympic Committee and the athletes competing for positions on the U.S. team should receive the continuing support, commendation, and contributions of the American people.

In other words, Mr. President, there was recognition that we do believe in our Olympic athletes and the continuation of that spirit and the games, of support for those athletes in Olympic games—should the Soviet Union withdraw its forces and take the action the President has proposed by the deadline he has given—at an alternative site, if that should be the wish of the Olympic committee of the world, as they take a look at these situations and receive the advice of our own people, or in whatever means we might support our athletes.

The committee simply wanted to make certain that was a part of the resolution, and I think advisedly so.

Also, we ask that the International Olympic Committee promptly accede to the proposal supporting the action taken in Colorado over the weekend, which was important.

Finally, we simply wanted to affirm, it seemed to me, by the unanimous vote of the committee today, that whatever reservations there may be—and there was honest debate, honest difference of opinion in the testimony. It was not subordinated; it was clear and up front. But having heard all that, as Americans, we acted unanimously to support the President. He is our President, our only President, as we take a look at these different issues.

The President of the United States deserves our support, in a thoughtful and reasoned manner. In my judgment, he received that support in our committee deliberations. I ask all my colleagues to support this concurrent resolution.

Mr. CHURCH. Mr. President, I commend the able Senator from Indiana for his fine statement as well as for the contributions he made to the committee's deliberations this morning. I concur with him in the conclusion he reached, that the resolution, as finally reported by the committee, does reflect the current situation, does take into account the events that occurred over the weekend, and does add provisions that should be incorporated in any action of Congress.

The resolution is a concurrent resolution in form, so that, as it works its way through the legislative process, we hope that both the Senate and the House can work on the final language.

One of the Members of the Senate who was first to perceive that an American decision not to participate in the Olympic games would constitute a severe blow to the Soviet Government and its plans to make these games a global propaganda feast was the able Senator from Arkansas (Mr. PRYOR). He introduced one of several resolutions that were referred to the committee, Senate Resolution 333, and he appeared at the hearing this morning, together with Senator

Bradley, to testify on behalf of the action subsequently taken by the committee.

The Senator is in the Chamber, and I invite him to speak at this time. In doing so, I commend him for the excellence of his testimony before the committee. He was of great help to us in fashioning the final resolution.

Mr. PRYOR. Mr. President, I sincerely thank the distinguished chairman of the Senate Foreign Relations Committee for yielding to me and for his very kind and overly generous words about my involvement in this issue.

Last week, I introduced Senate Resolution 333. As of today, this resolution had some 22 cosponsors. My original resolution called for us to attempt, by petitioning the International Olympic Committee, to move the games of 1980 out of Moscow to another site. If this attempt were not successful, then the second part of my resolution requested our athletes not to participate in the Olympic games if they were to be held in the Soviet Union.

Mr. President, portions of my resolution have been made moot by the recent action in Colorado of the U.S. Olympic Committee. I commend the committee for its unanimous vote and for the very expeditious way by which that matter was disposed of over the weekend.

I also commend the Senate Committee on Foreign Relations—the chairman of the committee, Senator Church, and and all the Members on both sides of the aisle—for the very fair manner in which a most splendid hearing was held this morning. We heard not only from Senator Muskie, who is the author of one of the resolutions relative to the Olympics; we heard also from Senator Stevens, who voiced a different concern relating to the Olympics.

We also heard interesting testimony from the very able and distinguished Senator from New Jersey (Mr. Bradley), who is a former Olympic gold medal winner, who is a former basketball player with the New York Knickerbockers, and who, in 1976, predicted almost to the letter the dilemma in which we find ourselves today, in an article he contributed to the New York Times.

Mr. President, I ask unanimous consent to have printed in the Record, at the conclusion of my remarks, the article which Senator Bradley wrote in 1976 for the New York Times.

The PRESIDING OFFICER (Mr. Ford). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PRYOR. Mr. President, I am proud that we as a Nation are taking this action, because the issue of where this international sporting events is to be held is most important. It is critical because in the Soviet Union—I had the opportunity to travel in a congressional delegation that visited the Soviet Union in the last week of August—hosting the Olympic games in the summer of 1980 is, in the eyes of many, the most important event since the 1917 Russian revolution. Important because it implies international acceptance of the Soviet regime, and such acceptance is critical to a government whose legitimacy has often been questioned. The games will become a propaganda festival if the Olympics, as we know the Olympics, are to be held there.

It is my feeling that the resolution as drafted by the Senate Committee on Foreign Relations, now before the Senate, should be adopted, because I think it is a clear enunciation of our policy.

Mr. President, this morning, I was privileged to speak in behalf of my resolution and to answer questions raised by the Foreign Relations Committee members about our participation in Moscow. At that time I stressed the need for a strong, morally correct (and, if necessary, a solitary) national position on the arrogant Soviet invasion of Afghanistan.

I hope that 100 years from now, if anyone remains, perhaps someone will be on the outskirts of Mowcow and will observe where the 1980 Olympic games almost were held. Surely, that person will know that there was at least one nation of people who placed a higher value on human decency than upon winning a gold medal.

It must be our hope that, come July of 1980, the multibillion dollar Olympic city on the outskirts of Moscow will stand quiet and empty. The lonesome and desolate structures would then become a monument to Soviet greed, barbarism, and paranoia.

The Olympic games are a symbol of peace and international understanding. They must not be allowed to honor barbaric acts or to confer legitimacy or respectability upon those who have the fresh blood of innocent, defenseless people on their hands.

Mr. President, for the Soviets to host the Olympic games this summer would be a mockery of everything the Olympics and free people stand for. Those who believe in freedom must honor the freedom of others, and for us to participate in Moscow is unthinkable.

The Soviet Union has forfeited the right to host the Olympic games. It has violated every act of decency and fair play.

The argument that our country should not boycott the Olympics all alone is, I think, a shallow argument. Whatever our response, it must not be weak; it must not be passive. If we are forced to stand alone on this issue, then let us do it with pride. Let us do it with a sense of honor that we have taken this stand as the leader of the free world and that we are exercising our obligation of leadership. In effect, we are the trustees of this position, and we must not violate that trust.

We must express our outrage. We will not only be making a statement of policy, but we will also be making finally and at long last a strong statement of deep conviction. It will become a restatement of our beliefs and values and will go to the very heart of what this country used to be—and still is—all about.

Thank you, Mr. President, and I commend this resolution to the Senate for its early adoption.

### Exhibit 1

[From the New York Times, July 21, 1976]

### Five Ways To Reform the Olympics

(By Bill Bradley)

(The Olympic Games are scheduled for Moscow. It is 1980. The political disputes of previous years—the North Korean pull-out in 1964, the racial protests of 1968, the terrorist attack of 1972, and the China-Taiwan dispute of 1976—are part of the Olympic legacy as much as the spirit of sportsmanship of Pierre de Coubertin, founder of the modern Olympic Games. The Russians have spent $2 billion on the stadiums, dormitories and various other monuments. ABC has contributed $100 million for United States television rights. The Soviet commissars of sport expect their athletes to win all the medals except five, which will go to East Germany. Although the United States team, amateurs (high school students largely), has trained hard, it is no match for the Soviet Army professionals. The Kremlin's propaganda machine prepares story after story about the prospect of nationalistic triumphs and how they will represent the superiority of the Soviet system.)

Suddenly, two weeks before the opening ceremony, the President summons the head of the United States Olympic Committee to the White House. Two days later, the highest United States Olympic official, by profession a car dealer, announces our withdrawal from the Olympics, fulfilling a threat made four years earlier in the heat of the China-Taiwan dispute. The head of the United States Olympic Committee and the President justify the action on grounds of national security, and the Soviet committee exiles 40 commissars of sport. A few aristocrats on the International Olympic Committee issue statements about the value of fair play. But the Olympic Games as we knew them in the post-World War II era are dead.

Maybe the Olympics won't end exactly that way, but many people have called for their abolition on the grounds that they have been too expensive and too political. I believe the United States should discontinue its participation in the Games unless the promotion of mutual understanding among nations becomes a more central focus of the quadrennial festival.

First, the Olympics should be open to everyone. An athlete's skill should be the only requirement for eligibility. Amateurism is impossible to interpret or to enforce with uniformity in a world with disparate political and economic values. In 1964 I played on the United States Olympic basketball team in Tokyo. We beat the Soviet Union for a gold medal. Two years later I was playing for the team of an Italian meat-packing firm in the European Cup championship. We met (and defeated) the Soviet team in the semifinal. Man for man they were the same as the Soviet national team in Tokyo, except now they were called the Soviet Army Club Team. They were professionals paid for playing basketball, yet by international standards they were amateurs.

Second, team sports should be eliminated from the Olympics. They too easily simulate war games. One has only to consider the Soviet-Hungarian water polo game in 1956, the Soviet-Czechoslovak ice hockey match in 1968, or any time the Indians and Pakistanis meet in the field hockey final, in order to see that the "friendly combat" of the playing field whips up national passions. Even participants in team sports frequently feel they represent their countries more than themselves and compete for national prestige rather than for the joy of collective fulfillment that a team's quest for excellence can uniquely provide. If the public demands world champions, each sport can sponsor a separate world tournament, but not in the Olympics.

Third, everyone in the Olympics should get a participant's medal. Silver and bronze medals should be eliminated and the gold medal should go only to someone who breaks an Olympic record. Then an athlete would compete against a standard, not against another athlete or another country.

Fourth, the Olympics should be situated permanently in Greece, the country of their origin. All nations who compete in the Games should help underwrite the expense of a permanent facility that ultimately might become self-sustaining. Every four years, the world's youth would return to Mount Olympus in a spirit of friendship to compete in the finest athletic installation in the world.

The present system of financing the Olympics promotes the incursion of the festival into the politics of the host nation. Furthermore, the quadrenniel expenditure of vast sums of money ($600 million in Mexico City, $800 million in Munich, $1.5 billion in Montreal) for capital projects that are little used after the Games is incredibly wasteful.

If the appeal of a purified Olympics could be parlayed into a sharing of the financial risks and rewards by all nations, each Olympiad could be made a time to focus on the oneness of the world instead of a time to champion the nationalistic grandeur of increasingly expensive physical facilities.

Fifth, the Olympics should be more participant-oriented. The athlete has gotten lost amid the site competitions, the multi-million-dollar construction projects, the TV cameras and the hordes of tourists. I would like to see the Games become more of a festival.

Everything should be aimed toward providing the participant with a unique experience. By lengthening the Games to two months, events could take place at a less feverish pace. Athletes could spend more time in the Olympic Village getting to know each other. The normal diversions of the village might be expanded to include cultural and artistic expressions from various parts of the world. Though the emphasis would still be athletic, the presence of other disciplines would recognize the value of the whole person. In such an environment the stress would lie not on the rewards to be taken home but the experience of living for two months in a microcosm of the world. Such an Olympics might even contribute to mutual understanding among nations.

The PRESIDING OFFICER (Mr. DeConcini). The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that Senator Jesse Helms, of North Carolina, be added as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. That will make it unanimous. The 14 members of the committee are cosponsors.

Mr. STEVENS. Mr. President, I see my good friend is on his feet. I do not intend to speak now but while other Members are here, though, I wish to ask a question if anyone is prepared to respond to it.

I notice a significant difference between the House-passed resolution and the Senate resolution that is before the Senate, and that is that the language pertaining to the Soviet withdrawal from Afghanistan has been deleted from the Senate version. Does this mean that the Senate committee recommends contrary to what the President recommended that if the Soviets do in fact withdraw in Afghanistan, we would pursue this course of boycotting the Moscow Olympics?

Mr. CHURCH. The deletion was made at the request of the administration to bring the wording of the resolution into line with the President's position.

Mr. STEVENS. Do I understand that the Senator from Idaho says this is the President's position? I understood he had given a time limit, as a matter of fact, and indicated he was willing to extend the time limit for the Soviet withdrawal, and that is one of the things that is being considered now by the International Olympics Committee, the question of whether or not the Soviets are in fact going to listen to the request that they withdraw from Afghanistan.

But as I understand it, the House language specifically contained the reference to the Soviet withdrawal from Afghanistan and the Senate Concurrent resolution does not.

Mr. CHURCH. First of all, let me reiterate that the witness for the administration this morning did suggest the deletion of the language.

Now, there were several reasons for it.

First of all, he himself admitted that he did not anticipate nor foresee that the Russians would withdraw from Afghanistan by the deadline set by the President.

Furthermore, the weight of the testimony was that, in all probability, this action would not cause the Soviet Union to reverse its decision respecting Afghanistan or to remove its troops in time to make it practicable for the United States and for other countries taking our view to participate in the games.

There was other testimony relating to the recent intensified repression occurring within the Soviet Union, the decision of the Soviet Government to isolate Andrei Sakharov, the most eminent of the Russian human rights advocates, being the latest example of that policy of internal repression. Finally, there was testimony to suggest that in preparing for the games, the Soviet Government was actually attempting to rid Moscow of all dissenters in order that there might be no discordant note sounded in Moscow at the time that it was being used as the stage for the Olympics and at a time that world attention was focused upon it.

Given all of those considerations, it was the view of the committee that this particular language should be stricken from the resolution.

Mr. STEVENS. I thank the Senator from Idaho.

I know that my good friend, Senator Stewart, sought the floor, and I will not speak now, but I intend to speak concerning this. I am alarmed at this change in the Senate version, and did not know it was made at the request of the President.

But let me just make one thing plain about my statements. I am the acting Republican leader, but my statements are for myself, as I said in the committee this morning. I am slightly disturbed by the reports that come out over the wire service that could be misunderstood at least to indicate that I was speaking for the whole Republican side on this matter. I am speaking for myself as a former member of the President's Commission on Olympic Sports. I do not intend to discuss it.

I thank the Senator from Idaho for his response.

Mr. HEFLIN. Mr. President, I wish to ask a question or two about this resolution.

I have introduced Senate Concurrent Resolution 68 for myself and Senator Robert C. Byrd which provides that in the event the International Olympic Committee refuses to move the games from Moscow, a world peace Olympiad be established for the year 1980.

It is my understanding that the House resolution speaks of alternate games, and the resolution that was approved by the Commerce Committee uses the term alternate games, but in the testimony before the Foreign Relations Committee today, there was some suggestion that at this time we should not go so far as to advocate alternate games.

Will the distinguished chairman of the Foreign Relations Committee enlighten me and enlighten the Senate as to the reasons for this deletion pertaining to alternate games.

Mr. CHURCH. Yes, I am happy to respond to the Senator's question.

First of all, let me say that I have read the text of the concurrent resolution that the Senator has submitted which is one of those pending before the Foreign Relations Committee.

I want to commend him for his choice of words when he suggests in the text of his resolution that if the International Olympic Committee refuses to move the games from Moscow, a world peace Olympiad for 1980 be established and that all peace-loving nations be invited to participate.

The committee did not include this suggestion in its text because of two considerations, the first being that the International Olympic Committee has not yet acted, and until it does, the members felt it was premature to include in this resolution any reference to an alternative or competing Olympics.

Our hope is that we can prevail on the International Committee either to transfer the games to another city or to several other sites for 1980 or, in the alternative, persuade the committee to postpone the games.

Should the International Olympic Committee respond affirmatively to any of these requests, it would be unnecessary to attempt to organize competing Olympic games. That is the first consideration.

The second had to do with a plea made by the athletes themselves who appeared before the committee. They pointed out to us that whatever the decision ultimately may be respecting American participation in the games, we ought not to take an action that would permanently impair the process. There have been times in the past when the Olympic games have been canceled. They were not held in 1916 or in 1940 or again in 1944 owing to the First and Second World Wars. Also, the games have been boycotted by countries in the past. Several countries chose to boycott the games in 1956 because of the invasion of Hungary. In subsequent games certain countries have refused to participate for reasons which, at the time, seemed sufficient to them.

Moreover, South Africa was banned form the 1964 Olympics. When the IOC decided in 1968 to readmit South Africa, 50 countries threatened to boycott the Olympics held in Mexico.

Finally, in 1970 continued pressure resulted in the expulsion of South Africa from the Olympic movement. Many African nations now refuse to compete with teams from any country which still maintains athletic ties with South Africa.

I mention these illustrations simply to underscore the point that the games have always been political. There has never been a time in the recent history of the games that some countries have not elected to boycott the games for political reasons or when the national committee itself has not elected to ban some nation from participating in the games for overriding political reasons.

However, in no case has the process itself been challenged, the holding of summer Olympic games, in a given city where the athletes of most of the countries of the world converge. The movement which makes these games global in their reach and keeps them occurring at regular periods has been able to continue and to develop.

Some of the witnesses this morning expressed the concern that we not end the Olympic process. Whatever decision the United States might take on participation in these games in Moscow, they asked that we not set up competitive games and split the movement. They were afraid that to do so would write an end to the World Olympics as we have known them.

So the committee, in light of the testimony, felt it was unnecessary at this time to insert in this resolution the language suggested by the able Senator from Alabama. It may be that after the International Olympic Committee has made its decision, we will want to reconsider the question the Senator has raised in his resolution, and reconsider the propriety of advocating or sponsoring competing games. But we thought at this time it was unnecessary and unwise to do so.

Mr. HEFLIN. I have no objection to waiting to see what the IOC does. To see what happens is wise. However, my resolution limited the alternative games to the year 1980, and certainly there was no intent to disrupt in peaceful years the world Olympics as we have known them.

I can foresee that under these extraordinary circumstances we may have several scenarios of what we could do if the International Committee decides to go ahead and hold the games in Moscow. On the other hand, if a large number of nations decide not to participate and we have not considered a plan for organizing alternate games, then the United States and a large number of peace-loving nations will not be able to compete in Olympic style games at all. In this event, we may well be the loser in this battle of Olympics, not the Soviet Union.

The scenarios that could occur are varied, and of course undetermined, and I think it is wise to delay a decision until all the facts are in.

But the suggestion that we should lay down and forget about getting our athletes and the athletes from the other peace-loving nations of the world to compete in some alternate games is one, I think that we want to reject since these athletes have put so much effort into preparing for the competition.

I have another question I would like to ask about the resolution. The concluding paragraph of the resolution that is being offered says that "The International Olympic Committee give urgent consideration to the creation of permanent homes for the summer and winter Olympic games, including one in Greece, the country of their origin."

I would like to inquire why that is in the resolution.

Mr. CHURCH. Well, the committee heard testimony this morning from Senator BRADLEY, which it found to be very persuasive. As the Senator knows, Senator BRADLEY is the only Member of this body who has not only participated on an American team in the Olympic games but who is himself a gold medal winner. So he spoke from personal experience.

Senator BRADLEY felt, as I do, that the Olympic games have strayed further and further from their original purpose; that they have become occasions for highly nationalistic ritual, and that the host country has often used the Olympics for the purpose of glorifying the nation in which the Olympics are held.

We remember what happened in 1936 when Berlin was the site of the world Olympics. Those games were exploited by Adolf Hitler and the Nazis in a way that glorified the Third Reich and legitimized the regime as no other single event could have done.

All of this happened a few short months after Hitler's remilitarization of the Rhineland, and the impetus and prestige that the Olympics brought to the Nazi regime gave it a measure of world approval that it could never have otherwise obtained.

Now, there is little question that the Soviet Government expects the same rich dividends to flow from the Olympic games in Moscow.

The government there has invested an immense sum—estimated at between $3 to $5 billion—to create magnificent sport palaces, a whole series of high-rise apartments for the athletes, a great display case on which the attention of the world will be riveted throughout the games for the purpose of exalting Soviet communism. And I have no doubt that they expect to earn the same rich propaganda dividends from these games as flowed to Adolf Hitler in 1936. The question we must ask ourselves is whether we should continue to permit the games to be exploited in this manner.

Senator BRADLEY argued that we should establish a permanent site for the Olympic games and suggested that there would be no more appropriate site than Greece, since the whole idea of Olympic competition was derived from early Greek civilization.

The committee believed that this suggestion merited the serious consideration of our own Olympic Committee and the International Olympic Committee. Perhaps the time has come to stop permitting individual nations to exploit the games for national advantage, to promote particular ideologies, and to return to the earlier concept that the games should glorify peace, good sportsmanship and individual competition between athletes from all parts of the world.

That is the reason that the provision was included in the resolution. It is time that we give it thought. It seemed that it would be appropriate on this occasion for the United States to urge the serious consideration of this proposal in the proper form.

Mr. HEFLIN. I have mixed feelings about this. I have read the language of the resolution. It does not really call on the commmittee to pick a permanent site; it uses the phrase "give urgent consideration."

In thinking back, as the Senator has pointed out, there are instances where the games have been used for propaganda purposes. On the other hand, however, in most instances the games have been held in countries where there was no need for a propaganda show and the games have provided an opportunity for people who believe in free competition and in peace to demonstrate the virtues of the free democratic process.

I recall the Montreal games which followed our bicentennial celebration. To me, the frequent display of the American flag as the American's received their medals was a moving and patriotic experience, reinforcing the reawakening of American patriotism generated by the Bicentennial celebration.

Another issue to consider is the possibility of limiting the number of people of the various countries who could travel and see the Olympics because of cost and distance factors.

Since the language of this resolution does not call for anything other than giving urgent consideration to the establishment of a permanent site, I feel that under those circumstances, I would not have any particular problems with it. I think there are a lot of arguments for it and there are a lot of arguments against it. I think attendance at the Olympics might be restricted to only the wealthy and this would be an unhappy result.

Nevertheless, under the circumstances, and with the choice of the words that have been used, I have no objection to the committee language.

Mr. CHURCH. I thank the Senator very much for the questions he has asked and also for the final position he has taken respecting the committee's work.

Mr. TSONGAS. Mr. President, I come to this issue with rather mixed feelings. I will just take a moment to express those particular concerns.

First, I do not think anybody in the Chamber would dispute that what the Soviets have engaged in in Afghanistan is aggression. My own view is that they will pay an enormous price for that aggression, both in terms of their home consumption but also I think more importantly in the Third World, where the Soviets have lost their cloak of innocence. I think the long-term consequences of that loss of innocence is enormous and should not be in any way minimized.

The issue we have before us today is an interesting conflict between policy and symbols. Afghanistan is a Third World country. Most of the headlines involving foreign policy have involved third world countries of the past decade, and certainly the 1980's will continue that process.

The United States does not have a sound foreign policy regarding the third world. The United States does not know what it stands for, it does not know what it wants to further in terms of its own image, and it really does little more than react to crises.

I think the long term is favorable to the United States because of our system. Our system, I think, is quite competitive and will prevail over that which is promulgated by the Soviets. But not because of our foreign policy. We do not have a foreign policy.

I just came back from 2 weeks in southern Africa and that point was brought home all the more.

So here we are dealing with a third world country and it is attacked by the Soviets. Given the fact that we do not have a policy, we then have to resort to symbols to show that we might have had a policy had we had time to think about it.

Some of those symbols I happen to agree with. One is the embargo on grain, and I support that. Second, the embargo on high technology, which even though it affects my State dramatically I support as well. I think those messages and those symbols are important.

The Olympics, however, is an issue that I think has a different dimension that should be discussed.

Mr. President, 3 weeks ago, approximately, I met with Beyers Naude, who, as you may know, is a former minister of the Dutch Reformed Church in South Africa and a civil rights leader, and Ken Rachidi, one of the leaders of the black consciousness movement in South Africa, both of whom were banned. In my 38 years, I have never met anyone who, I felt, was as much a man of God as Beyers Naude. It was the single most moving session I have had with a human being in years. I hope that our concern not only would go to the issue which the Senators raised, which I fully support, but also a similar kind of banning, an outrage that affects human beings who, if they were here in the Chamber, we would feel very close to.

Mr. President, getting back to the Olympics, I am trying to make the point that, in addition to the issue raised of the grain embargo and the issue of the high-technology embargo, the issue of the Olympics has a separate dimension. Let me go into that for just a moment.

Senator CHURCH referred earlier and correctly to the politics that have gone on in the Olympics in the past, with particular reference to the attempt to ban South Africa from participation in the games. It might be of some interest to our colleagues to know what the United States response to that was. The United States response was, "There is no room for politics in the Olympics." You may note from the Washington Star of last week that several members of the black caucus voted against the Olympic boycott resolution for that reason. What is good for the goose is good for the gander, except when it is your gander we are talking about.

The second issue that I think we should raise is that the U.S. Government has been, in my mind, very irresponsible in not really helping the Olympics at all. We do not fund them, but when it comes to using them in a symbolic way, we do not hesitate. If we had, somehow, shown the kind of support of the Olympics that other countries show—not to the extent of the East Germans or Cubans or Soviets, but a reasonable amount of support—perhaps it would not have the same taste.

Beyond that, I really believe that during the Olympics mankind, and indeed womankind, for that matter, are able to achieve a certain excellence that I think stands us all in very good stead in the years intervening. There is something special about the Olympics, and there is something special about the ideal that we have more to do in this life than simply go from day to day, that there are things we strive for. I submit that the loss of that capacity to excel and to achieve is greater than the value of just another symbol. It is not another grain embargo.

Mr. CHURCH. Will the Senator yield?

Mr. TSONGAS. If I may just finish my thought, I shall be pleased to yield.

I support part of the resolution. I strongly support taking the Olympics out of Moscow. I think the Soviets have lost the rationale for the Olympics, and I do not think that we can allow them to be in Afghanistan and to host the Olympics at the same time. The question that goes beyond that, of cancellation, I think steps beyond the line of valid long-term, viable policy.

Why do we use such a blunderbuss approach? If the resolution had said, "Let us move the Olympics, let us take it out of Moscow, let us have a permanent site," and stopped there, I think that would have been quite adequate to send a message without doing long-term damage to the Olympic ideal. I, as someone who is really torn on this and has not made up his mind which way he is going to vote, since I support most of it, but have this one concern, wish we had taken a stand. I wish we had sent a message to Moscow and yet still were able to preserve the Olympic games as a worthwhile, permanent human endeavor.

I only say that this administration and, I think, the United States generally, is showing perhaps a greater willingness to send a message and less of a willingness to recognize that long-term, very worthwhile value to all of us that the Olympics represents.

I yield to the distinguished chairman of the committee.

Mr. CHURCH. Mr. President, the Senator, in his remarks, has referred two or three times to the support he gives to the grain embargo. I also support the grain embargo, but I can speak as one who comes, not from an urban State, where there are very few farmers, but from a rural State, where the second most important agricultural product is wheat.

The action taken by the President, though I supported it in the national interest, is one that will deprive the wheat farmers of this country of 15 percent, perhaps as much as 20 percent, of their export market. They have been urged by their Government to maximize their production. They have been told for years that it served the national interest to sell as much wheat abroad as possible and that the Soviet Union represented one of the single most important markets for agricultural sales.

I should not want the Senator to think that these farmers are going to be untouched by the Government's action. Many of them can be very seriously hurt. When you have spent your life on a farm and raised your family on a farm, it is every bit as important to you as a job in the city and often represents the only legacy you have to pass on to your children.

The point I wish to make is that the farmers of this country will pay a price for the embargo that has been imposed on the Soviet Union, one that can be compared to the price that those businesses will pay which heretofore traded with the Soviet Union in high-technology items, also banned by the President's decision. I grant that the athletes who might, as a result of our national policy, be deprived of an opportunity to compete at the Olympics will pay a very severe price, but I do not think that they, alone, have been singled out. I should not want this moment to pass without indicating that there are also many others in this country who will be adversely affected by a national policy that rises above the considerations that ought to be given to any particular groups.

I hope that we might find a way to equalize the burden, since it is a national policy. I do not think that the farmers alone should be made to pay for it, any more than I think the athletes alone should be made to pay for it. That is why, if the final decision is to refuse to participate in these Olympics, then alternative contests should be established—perhaps not in the form of competitive Olympic games, but contests where our own athletes can show their prowess and where they can measure their abilities against the established world records. Those records are applicable wherever they are set, not only at the Olympic games.

So I make a plea that we do our best to accommodate the needs of all those citizens on whom this special burden falls, our athletes, our farmers, and others who may be called upon to sacrifice in the overall interests of the country.

I think the Senator probably agrees with what I have said.

Mr. TSONGAS. I do.

Mr. CHURCH. I wanted to put in a word for the farmers because they have been badly affected by the decision of the Government to cut off and declare out of bounds a large market upon which they had come to count.

Mr. TSONGAS. Let me say to my friend from Idaho that we also have farmers in Massachusetts. We have two, I think, Democrats at last count, none affected by the embargo.

But I would argue the high technology embargo has as much impact on Massachusetts, where we have gone 3 percent above the national unemployment rate for most of my lifetime, as does the wheat embargo on the midwestern farmers.

The difference is that Secretary Bergland goes to Iowa and says, "Don't worry, we'll take care of you." I believe that is almost a direct quote.

No one has come to Massachusetts and said, "Don't worry, we'll take care of you."

I hope I have not been insensitive to the issues the Senator has raised. This is not an easy question. I am not saying I will vote against it, though I suspect I would, and I will listen to the rest of the debate, but I thought there were other issues that had merit that should be raised and I wanted the opportunity to do that.

I thank the chairman for his response.

Mr. President, I yield back the remainder of my time.

Mr. HAYAKAWA addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. Mr. President, I want to say another word or two in support of the removal or transfer or boycott of the Olympic games.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. NUNN). The Senator from Ohio.

Mr. GLENN. Mr. President, I strongly support an affirmation of congressional support for the United States Olympic Committee's decision to request that the International Olympic Committee relocate, postpone, or cancel the 1980 summer Olympics scheduled to be held in Moscow.

The Soviet invasion of Afghanistan is but another, albeit most disturbing, example of the Soviet expansionist policies we have witnessed in recent years. It concerns me greatly, as it does my constituents in Ohio, as I know from their many phone calls and letters.

Mr. President, it seems to me that there is a large question surrounding the Olympics that goes beyond just the situation that has occurred in Afghanistan. It is the pattern we see developing over the past decade or so of Soviet military strength being built up beyond any defense capability needed by the Soviet Union, followed over the last 3 or 4 years by use of Cuban surrogates to expand around the world. Examples are the original coup in Afghanistan, moves into Angola, Ethiopia, Somalia, South Yemen, and now back again with an out-and-out military takeover of Afghanistan. It is the first such move since World War II, if we can eliminate Czechoslovakia and Hungary as residuals of World War II where there was already a Soviet presence.

We see this new pattern that I believe is a watershed situation. So Afghanistan assumes a more important role in indicating the possible future direction of Soviet activity in other areas of the world.

Now, what are we doing when we refuse to send a team to the Olympics? Are we really doing anything that is more than just tissue-paper-thin symbolism before the world?

I believe we are, because for many years one of the greatest endeavors of the Soviet Union has been to be treated with some legitimacy as an equal social system to capitalism and free enterprise around the world; to be treated as equal to that system which has expanded in Japan, Korea, and West Germany with such tremendously increased standards of living for the people of those countries since World War II. At the same time, those who have followed the lead of the Soviet Union have not had anywhere near those advances.

Mr. President, there have been a couple of recent articles that were excellent along this line. The latest was in the New York Times yesterday. It addressed the subject, as the title indicates, "For Russia, Olympics Aren't Fun and Games."

It quotes from the publication, Soviet Sport: Questions and Answers, Novosti Press Agency Publishing House in Moscow. It quotes as follows:

> Whenever someone says that sport lies outside the framework of political relations, we feel their remark is not a serious one.

It goes on to indicate as a further quote:

> The Soviet people view sports as an instrument of peace.

This is the type of peace the Soviets want, I suppose.

A further quote:

> When, for instance, Soviet representatives call for the expulsion of the South African and Rhodesian racists from the Olympic movement, this is, of course, a political move. But this is a policy for the sake of peace. . . . When Soviet football players refuse to play a match at the Santiago stadium, where the ground is stained with the blood of Chilean patriots, this is also, of course, politics. It is a policy of struggling . . . against fascist regimes.

Mr. President, I ask unanimous consent that this article be printed in its entirety at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 27, 1980]

### FOR RUSSIA, OLYMPICS AREN'T FUN AND GAMES

(By Anthony Austin)

"If we started to make political judgments, it would be the end of the [Olympic] Games."—LORD KILLANIN, Chairman, International Olympic Committee.

"Whenever someone says that sport lies outside the framework of political relations, we feel their remarks is not a serious one."—Soviet Sport: Questions and Answers, Novosti Press Agency Publishing House.

Moscow.—There's no truck in Russia with the notion that sports and politics don't mix. On those grounds, at least Lord Killanin's plea against tampering with the 1980 Moscow Olympics would find little support in Soviet doctrine.

Ever since the Soviet Union fielded a team in the Helsinki Games of 1952, the performance of its athletes at these quadrennial jamborees has been weighed in authoritative Soviet statements in essentially political terms. The idea is not just that Soviet athletes go forth to demonstrate the superiority of the Soviet Socialist system. Year in and year out, win or lose, every Soviet team is a good-will delegation, helping to improve the political cimate for the Kremin's policies. When foreign exposure would not tend to improve the climate or would harm it, the team stays home. Or, as it is put in the booklet, "Soviet Sport: Questions and Answers," prepared for the Moscow Olympics: "The Soviet people view sport as an instrument of peace.

"When for instance, Soviet representatives call for the expulsion of the South African and Rhodesian racists from the Olympic movement, this is, of course, a political move. But this is a policy for the sake of peace. . . . When Soviet football players refuse to play a match at the Santiago stadium, where the ground is stained with the blood of Chilean patriots, this is also, of course, politics. It is a policy of struggling . . . againt fascist regimes."

When President Carter threatens an American boycott of the Moscow Oympics because of the Soviet military move into Afghanistan, that, too, is politics. But, to use some of the Soviet epithets applied to it, it is a policy "against peace" and for a revival of "the spirit of the cold war."

In a sense, the Moscow Games were envisaged here as a culmination of a long political process. Ostracized at birth by the Western powers, opposed at every turn by the militant anti-Communism of the postwar era, the Bolshevik state was to have come into its own at last.

That's why Mr. Carter's move hurts. It hurts for other, more ordinary, reasons too,—the disappointment of the tens of thousands of people who planned, and organized and built, so as to surprise the West with what Russians can do when they put their minds to it; the letdown among Muscovites who, for all their worries about the food supply during the foreign visitation, have been looking forward to a fiesta. And what's an international party without the glamorous Americans to set the pace?

Officially, of course, the Russians exude confidence that Mr. Carter's "unsporting" effort to take the shine off the Moscow Games is bound to flop. Yet one has only to talk to a few figures in the Soviet sports establishment to sense how hollow their reassurances are. "How can you bring yourself to threaten the whole Olympic movement?" one such figure burst out recently. "We saw students shot down in the streets before the Mexico City Olympics, but we stayed. We saw terrorists kill people in the Munich games—I was there and I was scared—but we stayed. And now you're going to walk away from the Olympics because we sent troops to help a neighbor whose house was being broken into?" The logic may have been flimsy, but the indignation and sense of grievances were unmistakable.

Making sport into a political instrument for the Soviet leadership is a matter of high concern. Not for Soviet planners the lackadaisical practice in the West, which leaves the spotting and development of athletic ability to a good coach, a lucky break, a particularly strong ambition in the youngster's breast. "Mass-scale development of sport" is a citizen's "right," so defined in Article 41 of the Soviet Constitution. To "ensure" this right is the task of the Committee for Physical Culture and Sport of the Council of Ministers of the U.S.S.R.

The program begins, for Soviet boys and girls, when they enter grade school. Coaches and other specialists—even physicians adept in the morphological branch of medicine—study the children for signs of special aptitude for any sport. Those who show promise are picked out and placed in special sports schools. There are said to be 5,648 such schools in the Soviet Union, with an enrollment of 1.8 million. Youngsters who develop satisfactorily during this 10-year course are oriented to their chosen athletic disciplines, even if they also go on to acquire higher education in other fields.

In the Soviet Union, everybody has to work—that's the law. But there's no nonsense, after graduation, of making a talented sprinter or gymnast waste hours at the factory lathe or the office desk when the time could be spent on the track or the parallel bars. The athlete by now is probably a member of one of the sports clubs that are spread over the country, and his or her place of employment is generous in alloting time and other help to make sure the training schedule is rigorously observed.

Once every four years, the yield of this mass-production system rolls off the assembly lines. The best athletes are winnowed out in competitions in the Soviet republics and in separate preliminaries in Moscow and Leningrad. Those who come out on top go

> through the final selection phase—the Spartakiad in Moscow. The Olympics are a year away.
>
> The Soviet total of gold, silver and bronze medals—683 since 1952 compared with 606 for the United States—is about to be further increased. To the majestic sound of the Soviet national anthem, a mighty Socialist Fatherland is about to accept the world's plaudits for the exploits of its sons and daughters in the accents of peace.
>
> Yet now, with the last Spartakiad seven months past and the Olympics only five months off, an American President in a strangely implacable mood threatens to spoil the whole thing. If Mr. Carter's anti-Olympic offensive gathers enough support at home and abroad to break through the false front of Soviet official confidence, the Soviet leaders are not likely to take it lying down. Any countermove on their part is likely to be sharply political, too.

Mr. GLENN. Mr. President, there is an earlier article published in the Washington Post which I would like to bring to the attention of my colleagues. It is by Robert Kaiser who, for a number of years, was in the Washington Post bureau in Moscow and is thoroughly familiar with the Soviets.

In his article published January 10, 1980, he says quite a number of things. I quote only a couple of them. One is:

> The quest for legitimacy has been one of the principal themes of Soviet history since the Bolshevik Revolution.

It goes on to say:

> For many years the Russians sought to host an Olympiad, and repeated rejections of their applications caused anger and resentment. Finally, at a time when the era of détente seemed firmly established and when no other major country wanted to compete for the honor, the International Olympic Committee picked Moscow as the venue for this year's summer Olympics.
>
> There should be no underestimating the significance the Soviets themselves put on their selection. They have been treating this Olympiad as one of the great events of their modern history, and the preparations have been lavish. The entire budget for new construction in the Soviet capital for several years has been devoted to building Olympic facilities. At the same time, the authorities have been making preparations to deport potential troublemakers—including political and religious dissidents—from Moscow during the Olympics. And until now, at least, they have refused to make arrangements to sell Western publications in Moscow during the Games.

I add to what Mr. Kaiser says in his article the fact that those Americans traveling to the Soviet Union for the games this year, I understand from talking to a representative of a travel agency last week, cannot just buy a tour to the Olympics. You buy a package that includes your 4 or 5 days at the Olympics and another week or so at other spots within the Soviet Union, picked by the Soviets themselves. You have no choice of where you are going to go. So they show you the showplaces over there, and you have to take that propaganda tour along with your few days at the Olympics. If there is anything more politically oriented than that, I do not know what it would be.

Mr. President, I ask unanimous consent to have Mr. Kaiser's article, entitled "Olympic Boycott: 'A Genuine Punishment,'" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Jan. 10, 1980]

### Olympic Boycott: "A Genuine Punishment"

(By Robert G. Kaiser)

For the Soviet Union, the Olympic Games are a matter of legitimacy, and that makes them a matter of grave concern. Participants in the debate over whether to boycott the Games in Moscow this year to protest the invasion of Afghanistan should realize that no other non-military move could so directly challenge the Soviet leadership, or so startle the Soviet public.

The quest for legitimacy has been one of the principal themes of Soviet history since the Bolshevik Revolution. This is not surprising in a system controlled by revolutionary usurpers. No Soviet leader has ever won a legitimate election, nor even inherited legitimate sovereign power. This simple fact guarantees the insecurity of Soviet leaders—insecurity that leads, for example, to the harsh repression of Soviet dissidents even as they are dismissed in official accounts as a meaningless fringe element. Dissidents of any kind must terrify insecure autocrats.

The contemporary generation of Soviet leaders has sought to enhance its claim on the loyalty of 260 million citizens by increasing Soviet stature in the world and maintaining peace and prosperity at home. In Soviet terms, it has succeeded quite well on both counts. These have been good years for the Soviet autocrats.

But the fear of illegitimacy haunts the Soviet leaders still, partly because they know their society contains many potentially restless elements and partly because the Soviets have never been able to establish reliable, stable relationships with foreign countries—even countries that they occupy militarily, like Czechoslovakia.

For many years the Russians sought to host an Olympiad, and repeated rejections of their applications caused anger and resentment. Finally, at a time when the era of détente seemed firmly established and when no other major country wanted to compete for the honor, the International Olympic Committee picked Moscow as the venue for this year's summer Olympics.

There should be no underestimating the significance the Soviets themselves put on their selection. They have been treating this Olympiad as one of the great events of their modern history, and the preparations have been lavish. The entire budget for new construction in the Soviet capital for several years has been devoted to building Olympic facilities. At the same time, the authorities have been making preparations to deport potential troublemakers—including political and religious dissidents—from Moscow during the Olympics. And until now, at least, they have refused to make arrangements to sell Western publications in Moscow during the Games.

Like Hitler in 1936 (and participants in this debate should also study that Olympiad), the Soviets are preparing a great propaganda offensive for this summer. Olympic committees in the West may see a distinction between politics and sports, but the Soviets do not, and never have. Only in the Soviet bloc do the same athletes represent their country in both professional and amateur world championships.

An effective boycott of the Games this summer would be a tremendous blow to Soviet prestige; but perhaps more significant, the collapse of this Olympiad would send a genuine shock through Soviet society. The leaders would explain it as a hostile manifestation of imperialism and, in the short run, might fan Russian xenophobia on their own behalf; but in the longer term, the failure of these Olympics could cause the first serious challenge to the legitimacy of Soviet power in many years.

The Soviet public today is not totally isolated from the outside. Tens of millions of Russians listen daily to foreign radio broadcasts, thousands more travel abroad or meet visiting foreigners. The idea that an Olympiad could collapse because of international disapproval of actions by the Soviet government would certainly sink in. The consequences of this are unpredictable, but they must terrify Soviet leaders. It might turn out that the Soviet people decide they have been humiliated by their own rulers. This is not necessarily likely, but it is possible.

A boycott of the Olympics will not retrieve the national sovereignty of Afghanistan, nor ensure the future tranquility of Pakistan and Iran, nor preserve Western interests in South Asia. But it would be a genuine punishment to the Soviet regime.

Moreover, a successful Olympiad would persuade the Soviet leadership that it has little to fear from the outside world, no matter what it has done to Afghanistan and the norms of international behavior. (Hitler reoccupied the Rhineland a few months before the 1936 Olympics.) Western Olympic committees may declare that by going to Moscow they are not endorsing the Soviet regime or its behavior, but the Russians will surely see it differently.

(Robert G. Kaiser, a reporter on the national staff of the Washington Post, was this paper's Moscow corespondent from 1971 to 1974.)

Mr. GLENN. Mr. President, I also ask unanimous consent to have printed in the Record a memorandum prepared for the Foreign Relations Committee by the staff, entitled "The Politics of the Olympics." It is a good little background piece that I think my colleagues will find interesting and informative. It describes how far back politics have intruded into the Olympics. It is a good summary of that situation.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

### The Politics of the Olympics

The Olympic Games, as well as other international athletic contests, have become a form of public diplomacy where states can grant and withhold recognition of one another. In the years before World War I, there were disputes over the status of Finland and Bohemia, since both were part of larger empires. In the 1930s, Japan campaigned to gain international recognition for Manchukuo in the International Olympic Committee.

The German Democratic Republic was enormously successful in using sport to gain diplomatic recognition. In 1969, only 13 countries recognized the GDR. Two years later, after East Germany devoted an estimated 2 percent of its GNP to sports and fielded so many excellent athletes that it was difficult to ignore them or refuse to let them compete, 14 more states had recognized the German Democratic Republic. The two Germanies competed under a common flag and hymn at Mexico City in 1968. By 1972, the GDR was competing under its own emblems and between 1971 and 1975, ninety states accorded diplomatic recognition to the East Germans.

The use of sports as a means of withholding recognition has been increasing. Soviet and East European teams have boycotted championships held in West Berlin on numerous occasions. Israel has been faced with this problem for many years. So has the Republic of China.

Political protests are a common occurrence at Olympic Games. Television relays such protests around the world and magnifies their impact—whether aimed at a particular cause, such as "black power", or a simple expression of discontent, as in the defection of an East German athlete.

Some protests have clear government sanction. A boycott of the 1936 Olympics was threatened by several groups opposed to the policies of Nazi Germany, but was never carried out. In 1956, six nations withdrew from the Olympic Games in protest against international political events: Egypt, Iraq and Lebanon were protesting the Suez invasion, while Spain, Holland and Switzerland were protesting the invasion of Hungary. Since the fall of the Allende government, the Soviet Union has refused to compete against Chilean teams.

South Africa was banned from the 1964 Olympics and when the IOC decided in 1968 to readmit South Africa, 50 countries threatened to boycott the Mexico Olympics. Finally, in 1970, continued pressure resulted in the expulsion of South Africa from the Olympic movement. Many African nations now refuse to compete with teams from any country which still maintains athletic ties with South Africa.

The organized use of sport to disseminate propaganda on an international level began with Mussolini, but was developed into an art form by the German National Socialists. The Nazis used the 1936 Olympic Games, already scheduled to be held in Berlin before Hitler came to power, in order to increase Germany's world prestige and to present the image of a friendly, sports-loving and progressive nation. Berlin was cleaned up and painted; demonstrations by the SS and SA were banned; anti-Jewish publications were removed from the newsstands; and anti-Jewish slogans were removed or pointed over. Known criminals and troublemakers were locked up.

Today, virtually every country uses athletic competition in a search for national prestige. Because of the merged identity of an athlete and his state, a relatively unknown country can draw worldwide attention when one of its sportsmen wins a major international event—attention which can be used to promote the attractions of that country. Indeed, it is common for countries to combine the cabinet positions of tourism and sports into one office.

While international sports are still considered by many as a means of furthering international understanding and peace, there is always a real possibility—wherever spectators are present and governments are involved—that ideological and political tensions will surface and create conflict. Sporting events, whether between individuals or teams, are zero-sum games: one side wins, the other loses.

Sports stars have become modern day gladiators battling for various ideologies. As governments invest heavily in sports facilities, dormitories, training camps, and testing centers, the pressures to win become greater. Politicians become frustrated when this investment does not produce the desired result.

Few governments seek to cause international conflict, especially violence, via sport. However, the attempt to use sport to achieve various political ends can lead to conflict and violence as it did in 1962 when a dispute between India and Indonesia over the barring of Israel and the Republic of China from the Fouth Asian Games produced riots in the streets of Djakarta.

Now, the threat of terrorist attack hangs heavily over every major international sports event. At the Montreal Olympics, there were more soldiers and police than athletes. More than 16,000 men were mobilized in Canada's largest military operation since World War II. With their barbed wire, guardhouses and armed guards, Olympic Villages have come to resemble concentration camps more than they do communities of athletes gathered in common pursuit of peace and international understanding.

Mr. GLENN. Mr. President, the Senator from New Jersey (Mr. BRADLEY), who is the only Senator who has participated in the Olympics, was a recipient of a gold medal at the Olympics. He was almost possessed of a crystal ball some years ago, in 1976, when he wrote an article entitled "Five Ways To Reform the Olympics."

He started out his article, which was published as an op-ed page article in the New York Times on July 21, 1976, by setting up a potential scenario of what he thought could happen by 1980. If anyone ever had a crystal ball, Senator BRADLEY certainly had one at that time, because he put the article in the context of the fact that we had had difficulties in Korea, that we had had some problems with respect to the China-Taiwan dispute as part of the Olympic legacy.

He goes through a scenario in which the Russians, building up to the Olympics of this year, had spent some $2 billion. I think he was off in that prognostication, because the indications are that the Soviets have spent between $3 and $5 billion. He savs that ABC had contributed $100 million for the U.S. television rights. I think he erred slightly on that, also.

Then he indicates that, suddenly, 2 weeks before the ceremony, the President summons the head of the U.S. Olympic Committee to the White House and says we should withdraw for all these reasons.

Then, if we are to prevent something like this happening in the future, he suggested five ways to reform the Olympics. He indicated five moves he felt we should make with regard to the Olympics.

I ask unanimous consent to have the article printed in the RECORD.

(The article is printed earlier in today's RECORD.)

Mr. GLENN. Mr. President, after our current debate has been completed with regard to the recommendations not to participate in the Olympics, I hope that sometime this year we get down to considering leigslation by the Senate, or at least recommendations, that would accomplish one or more of Senator Bradley's suggestions. I believe these would go a long way toward depoliticizing the Olympics.

In the event the IOC does not accept the USOC's proposal, I believe we must not send a team representing the United States to the summer games in Moscow under the circumstances now prevailing. It would be a shame if our young athletes, who have trained for years in order to participate in the Olympic games, were denied that opportunity by U.S. withdrawal. However, these considerations pale when compared to Soviet subjugation of a sovereign nation by military force and the indication that this may well be putting into action the Brezhnev doctrine expressed back in 1968, but never really acted upon by the Soviets, so far as military invasion of another country is concerned, to insist upon adherence to the Soviet Socialist line.

The Soviet invasion of Afghanistan is not consistent with the principles associated with the Olympic games and the Soviets should not benefit from the attention and prestige associated with hosting this important event, or the legitimacy they look for before the rest of the world as a legitimate, large, competing social system to be considered on an equal basis.

We cannot conduct "business as usual" with the U.S.S.R. and expect them to take us seriously when we protest the Afghan invasion. Their action is a challenge to our national interest and we must make sure that they understand how seriously we take that challenge.

Mr. HAYAKAWA. Mr. President, in support of what the distinguished Senator from Idaho and the distinguished Senator from Ohio have said about nonparticipation in the Olympic games, I add one thought that I do not believe has been uttered as yet:

Our refusal to participate in the games or our insistence on their being played somewhere else will communicate a message that is almost impossible to communicate to the Russian people. With news controlled by Tass and Izvestia, what is the Russian Government telling the people about their position in the world? What the Russian Government is saying, no doubt, is that their takeover in Afghanistan was not only at the request of the Afghan people but also that this step has the applause and the admiration of the entire civilized world.

There is no way in which a Soviet citizen can get any other interpretation, except that the Soviet takeover in Afghanistan is a completely humane, just, and wonderful act.

Only by staying away in droves from Moscow—both the athletes and the spectators—can we get the message across to the Soviet people that there is something wrong with what the government is saying. This very important message must be communicated.

## SENATE RESOLUTION 340—SUBMISSION OF A RESOLUTION REGARDING ANDREI SAKHAROV

Mr. HAYAKAWA (for himself and Mr. WALLOP) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 340

Whereas, Andrei Sakharov is an outstanding individual who has lived his life in pursuit of truth and justice, having achieved the world's recognition both as a physicist and a champion of just peace; and

Whereas, Andrei Sakharov has always advocated and practiced respect for laws, both national and international; and

Whereas, despite both blandishment and intimidation Andrei Sakharov tried to live as a free man without violating the very strict limits of Soviet law; and

Whereas, Andrei Sakharov had no resources at his command except a willingness, uncommon in the Soviet Union, to speak publicly the truth, and carried no germs more infectious than his willingness to go about his daily life acting as if he were a free man; and

Whereas, the government of the Soviet Union, in violation of its own laws and in an obvious attempt to snuff out the one most prominent light of truth and freedom within its borders, has exiled Andrei Sakharov, preventing him from communicating with the free world.

Whereas, the margin of tolerance which Andrei Sakharov symbolized has now been destroyed, be it now, therefore, resolved that it is the sense of the Senate that

The Soviet Union has violated the Helsinki Accords.

That its actions more and more resemble those of its former Fascist invaders.

That the Soviet government, armed with more than a hundred and sixty ground divisions, with over twenty-five hundred strategic nuclear delivery vehicles, which carry more explosive power than all American missiles combined, feels threatened by one man's ability to express his opinion; and

That by its actions toward Andrei Sakharov, the Soviet government has once again shown that it is the enemy of freedom wherever it finds it.

Mr. HAYAKAWA. Mr. President, on behalf of Senator WALLOP and myself, I offer a resolution for the consideration of the Senate. It is a resolution on the subject of Andrei Sakharov.

Mr. President, on January 2, the world awoke to the shocking news that the Soviet Union had arrested Dr. Andrei Sakharov and stripped him of his medals. Later in the day, the news came over the airwaves that he and his wife were given 2 hours to pack and were sent summarily into exile to the closed city of Gorki, some 250 miles east of Moscow.

Why did the Kremlin choose this particular time to silence and isolate such a giant, a Nobel laureate, the father of the Soviet H-bomb? Three reasons have been cited: Retaliation for the strong U.S. response to the Soviet invasion of Afghanistan; a slap at President Carter's human rights policy and the personal interest which he has taken in the Sakharovs; and Sakharov's own, outspoken advocacy of a boycott of the Moscow Olympics. These considerations undoubtedly played a major part in the decision to exile Sakharov. But, if we look at the history of the Soviet Union over the past 10 years, a pattern emerges which can better explain the Kremlin's latest move.

The greatest crime in the Soviet Union seems to be internal criticism. Time and again, those daring enough to publish underground books (samizdat), pamphlets and other literature have been arrested and punished. The list of dissidents who have been sent to the gulag is long, and the most consistent "crime" is "anti-Sovietism" of one kind or another. The worst punishment is reserved for those who not only criticize the regime, but who also send that criticism abroad. The Kremlin has already arrested and sentenced 35 Helsinki Watchers, those groups of Soviet citizens who banded together in compliance with the Final Act of the Conference on Security and Cooperation in Europe, signed by 35 countries, including the Soviet Union. The Final Act actually encourages citizens to monitor their own country's performance in human rights. Anatoly Shcharansky was sentenced to 13 years of hard labor in 1978, not for the trumped up charges of cooperating with foreign intelligence agencies, but for being in contact with foreigners in his quest to emigrate. The list goes on and on—Bukovsky, Amalrik, Orlov—all punished for crimes of ideas. Any tourist knows that upon entering the Soviet Union, the main search of his luggage is not for drugs, weapons, or contraband, but for literature.

Sakharov has been the witness and reporter to the world of the repression visited upon the Soviet Union's internal critics, the defender of political prisoners and exiles. The men in the Kremlin knew that as long as Andrei Sakharov sat in his tiny seventh-floor apartment on Chkalov Street their abusive treatment of Soviet citizens could not be hidden from the world.

Mr. President, I now yield to the distinguished Senator from Wyoming who has a statement he wishes to present on this subject.

Mr. WALLOP. Mr. President, almost exactly 1 year ago Senator HAYAKAWA and I had the honor of visiting Dr. Andrei Sakharov in his one-room apartment in Moscow, and thus were probably the last American officials to see this winner of the Nobel Peace Prize who now has been deprived of his freedom to communicate with the likes of us. The Soviet Government obviously feels that Dr. Sakharov's contacts with the likes of us are harmful to the kind of relations it wants to have with this country. The Soviet Government has a point.

I am sorry to say, however, that the Soviets have not been alone in wishing that Dr. Sakharov would cease to be an irritant to a certain kind of relations between ourselves and the Soviets. Last year Senator HAYAKAWA and I were carrying greetings to Dr. Sakharov from prominent American academics. We also wanted the benefit of his advice on matters regarding the peaceful use of nuclear energy and regarding the Soviet Union's compliance with the Helsinki agreement. When we got to Moscow, the Ambassador of the United States asked us in the strongest terms not to visit Dr. Sakharov because, he said, the Soviet Government would consider such a visit contrary to the pattern of good relations they wished with us.

Consequently, said the Ambassador, Senator HAYAKAWA and I would be hurting Soviet-American relations if we went. He reminded us how important good relations with the Soviet Union are to the world's peace. Because of this importance, he told us, he had ordered all American diplomats not to see Dr. Sakharov again. In sum, the Ambassador tried to make us feel as if we were doing something wrong when we went to see Dr. Sakharov.

When we reached Dr. Sakharov's apartment, knowing full well it was bugged and that both governments did not want us to meet, we two began to speak guardedly. But we were surprised to see that our host was behaving not at all as a man who is surveilled and under a cloud. He spoke and acted as any free individual in any free country. Our substantive talks were fruitful. But we came away above all impressed by his commitment to freedom. The man was not simply taking a risk. He knew he was doing things that were officially frowned upon, but he also knew he was within both his legal rights and his rights as a human being. In this knowledge, he was—and I am sure he is—a happy man. He had an awful lot more to lose than did we Americans by displeasing the Soviet authorities—and a lot more to gain. His commitment to freedom was inspiring.

When we left his apartment, I felt ashamed that I had even considered not going. What kind of politics, national or international, could make improper a lawful conversation between two decent human beings? How disappointed I was in my country's government and in myself for ever entertaining, albeit so briefly, the notion that good relations with a totalitarian government requires us to adopt the totalitarian habit of suspending judgment about right and wrong, only to ask what the powerful want.

If we are to remain free in the face of the Soviet Union's growing, almost overwhelming military power, we have to learn to value our own liberties. Nothing, not profits, nor comfort, nor peace, not even life itself, is worth anything if we purchase them at the price of bowing even ever so slightly to accommodate totalitarians. That is the profound teaching of Dr. Sakharov's life.

In the coming months and years, as Soviet military power grows, we will all have great and growing incentives to look the other way at the Soviet Union's behavior. It is unpleasant for us to acknowledge that we may have to fight a major war with the Soviet Union. But every act of accommodation, every failure to look to our own strength will make it harder for us to resist the next outrage.

When we left Dr. Sakharov to get on the airplane which would take us back to the free world, I was acutely aware of the fact that we were leaving behind an utterly defenseless man, who had nothing with which to oppose the might of the Soviet state but his love of freedom and his knowledge of right and wrong. We have material means for defending ourselves. They are not sufficient—for example, by no legerdemain can 16 American ground divisions be made to offset 160 Soviet ones. We can and should increase those military means of defense. Because we are temporarily weaker militarily, we should not be afraid to build up our arms as fast as we can. Let us never be in a position of standing before the Soviet Union's power with only our courage and our devotion to freedom.

The resolution we offer will not free Dr. Sakharov. We are not strong enough to do that. The resolution is only an act by which we tell ourselves that which we know is so. The Soviets have violated their own laws, they have violated human rights, and they have violated the Helsinki agreements. They are the enemies of freedom wherever they find it.

Dr. Sakharov sacrificed his material well being and his liberty to tell this to the world. In homage to him, it is fitting we should solemnly tell this to ourselves—and then proceed to act accordingly by agreeing to this resolution at the earliest possible moment.

I thank the Senator for yielding.

Mr. HAYAKAWA. Mr. President, as Senator WALLOP has already mentioned, he and I had the honor of visiting Andrei Sakharov in his one-room apartment in Moscow against the wishes of our own embassy and certainly against the wishes of the Soviets, and we found him to be a man of great gentleness, great wisdom, and great self-discipline.

Worse, not only did the Western press broadly publicize these statements from Sakharov, but they were then beamed back into the Soviet Union by Voice of America, BBC and other Western broadcasting stations.

Therefore, it became increasingly difficult for the Soviets to fill the prisons, hold illegal trials, persecute internal critics while not only the world watched, but their own population learned about it from abroad. As the Soviets become more aggressive externally, they become more repressive internally; it is much easier for tyrants to work in the darkness than in the daylight.

That is the great Soviet crime—to criticize the Soviet Union.

Who is this man, this man whom Time magazine called the "Pilgrim of Conscience?" Time reports that Sakharov was the son of a Moscow physics teacher. By 1942, having graduated with honors in physics from Moscow State University he went to work in the war industry. After World War II, he went to work on the Kremlin's No. 1 priority project: development of the hydrogen bomb.

As he said at the time:

> When I began working on this terrible weapon, I felt subjectively that I was working for peace, that my work would help foster a balance of power. It was a natural point of view shared by many of us, especially since we actually had no choice in the matter.

For his work, Sakharov won the Stalin Prize and was three times awarded the country's highest civilian medal, the Order of the Red Banner of Labor. At 29, he was the youngest member ever elected to the Soviet Academy of Sciences.

But then what happened? Disturbed by the dangers of nuclear fallout, Sakharov not only protested a series of 1958 Soviet nuclear tests, but in 1968 he wrote an essay, "Progress, Coexistence and Intellectual Freedom." After the essay was circulated in the underground press at home, and published widely abroad—Sakharov's security clearance was abruptly withdrawn.

As Sakharov became more and more involved with dissidents, he signed countless petitions for political prisoners, arrested intellectuals and ethnic and religious minorities. He soon became a champion of the Jewish emigration movement and a staunch supporter of the Jackson-Vanik amendment in the U.S. Congress. For this, he suffered KGB harassment, searches of his apartment, persecution of his family, detainment and at times even physical abuse.

In 1975, Sakharov was awarded the Nobel Peace Prize, but characteristically the Kremlin denied him the exit visa to accept the honor. His wife, Yelena, under treatment at the time in Italy for an eye operation, accepted the prize for him.

The apartment which Senator WALLOP and I visited on Chkalov Street is now empty, save for his wife's aged mother, herself a graduate of the Gulag. But the world must not forget Andrei Sakharov, nor accept the silencing of this "Pilgrim of Conscience." All freedom-loving people must raise their voices and protest the illegal exile of Dr. Sakharov, which has executed without benefit of any legal proceedings. I call upon the U.S. Congress to once again point out to the Soviet Union that the persecution of their own citizens will be condemned by this body which stands for freedom of the individual wherever in the world he lives.

Mr. President, Philip Handler, who is president of the National Academy of Sciences, issued a statement on Andrei Sakharov, and I ask unanimous consent to have this printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT OF PHILIP HANDLER, PRESIDENT, NATIONAL ACADEMY OF SCIENCES

The internal exile of National Academy of Sciences Foreign Associate, Academician Andrei Sakharov, to the closed city of Gorki announced yesterday, is a shocking act by Soviet authorities.

In 1973 when Academician Sakharov was threatened, I warned the then President of the Soviet Academy, Academician Keldysh, that "harrassment or detention of Sakharov will have severe effects on the relationships between the scientific communities of the U.S. and U.S.S.R." That statement is as true today as it was then, and I sense we are in grave times.

The simultaneous resignation of Soviet Academician, V. A. Kirillin, Chairman of the State Committee for Science and Technology and Co-Chairman of the Joint U.S./U.S.S.R. Commission for Science and Technology, adds to our concern.

Deplorable as is the exile of Academician Sakharov, even more ominous is the signal that the forces of moderation and reason within the Soviet community of science are being stilled in a time of international tension.

In recent years the scientists of both nations have carefully built structures of communication and good will. This blatantly punitive act against Academician Sakharov can only be regarded as a challenge to further cooperation and an act of deliberate ill will. What the consequences may be I cannot foresee, but I find it difficult to imagine scientific exchange continuing in the spirit we had created heretofore.

Mr. HAYAKAWA. Furthermore, Mr. President, the American Association for the Advancement of Science, of which I have the honor to be a fellow, also issued a statement on Andrei Sakharov, who is their colleague and friend, and this statement was signed by Prof. Kenneth E. Boulding, chairman of the AAAS Board of Directors, and Frederick Mosteller, president of the American Association for the Advancement of Science, and I ask unanimous consent that this statement also be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT FROM THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE

As officers of the American Association for the Advancement of Science, we are deeply concerned about the recent action taken against Andrei Sakharov. These actions will unavoidably undermine the spirit of cooperation which underlies scientific exchange between our two countries and will further divide our nations at a time when every effort should be made to preserve a strategy of peaceful coexistence.

The exile of Professor Sakharov deprives the people of the Soviet Union and the world of a brilliant voice in support of mutual understanding and the defense of human freedom. We strongly urge that he be protected from further harassment.

JANUARY 23, 1980.

(Signed by Kenneth E. Boulding, Chairman of the AAAS Board of Directors, and Frederick Mosteller, President of the AAAS.)

The PRESIDING OFFICER .The resolution will be received and appropriately referred.

---

## THE 1980 SUMMER OLYMPIC GAMES

The Senate continued with the consideration of House Concurrent Resolution 249.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. The pending matter is the House version of the Olympics resolution, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I earlier directed questions at my good friend from Idaho, the chairman of the Committee on Foreign Relations, concerning the major difference, between the two resolutions. There are other differences. Obviously, the U.S. Olympic Committee has responded to the request that the position of those who feel the games should be moved should be presented to the International Olympic Committee.

The Senate resolution reflects the position of the U.S. Olympic Committee in requesting the International Olympic Committee to move the location of the games someplace else, to hold them in another place.

The House resolution urged that the International Olympic Committee adopt such proposal. This version of the Senate does that also. The major difference, however, is that the resolution indicates that should the International Olympic Committee fail to secede then even if the Soviet troops no longer occupy Afghanistan, the U.S. Olympic Committee is urged not to participate, and the resolution states that no Americans should attend them in any capacity.

There are also some minor difficulties with that language. In the first place, the tradition is that the mayor of the city where the games are to be held 4 years hence goes to the current Olympics and, at the conclusion of those Olympics, picks up the Olympic flags to be taken to his city, where they remain until those games are completed. In other words, in this instance, since Los Angeles is the site already chosen for the 1984 Olympics, this would mean that Mayor Bradley could not go to Moscow or would be urged not to go to Moscow, let us put it that way, to pick up the flag. I think it is a minor detail that could be taken care of perhaps by some common sense.

Another problem with the Senate version is that, really, what this resolution does is that it puts the burden on the U.S. Olympic Committee to achieve a foreign policy objective of the administration.

Up until now we have urged and we have, as a matter of fact, done everything possible to keep the U.S. Olympic Committee out of politics. This resolution certainly injects the Olympic committee into the attainment of a foreign policy goal.

The Senate version in the language of the original paragraph 3, states that should the International Olympic Committee fail to adopt a proposal of the U.S. Olympic Committee, or a comparable proposal, and should Soviet troops continue to occupy Afghanistan, no American team should participate in those games and no American should attend them in any capacity.

As I understand it, the committee has deleted from its recommended substitute the reference to the Soviet troops continuing to occupy Afghanistan. I think that is a mistake. Not that I have any real hopes that the Soviets are going to pull out of Afghanistan in the time frame that the President mentioned. But I do think it is an error not to recognize that that was the President's stated objective at the time he announced this policy and set a deadline for the withdrawal.

As I indicated earlier, it is my understanding that the President was willing to extend that deadline. And should the Soviets respond to the request of the United Nations and withdraw their troops, it would seem to me that the objectives of those who seek to move the games will have been met.

However, we find there are other reasons being stated for moving the games. Some people say they should not have been there in the first place. That was a decision of an international body, not of the Nation; just as it was a decision of an international body that the Lake Placid games take place in this country and the Los Angeles games in 1984 take place in this country.

Some people say that we should not have been in Berlin in 1936. They are right. We should not have been in Berlin in 1936. Between the time that Berlin was selected for the games in 1932 and the 1936 games, there was a complete change of government in Germany. Hitler came to power, with all of the knowledge of the world of his intentions. And he specifically stated those intentions and the world knew them.

There has been no change in the Soviet Government. It has been only 3 months ago that the President was urging not only the Senate in general, but this Senator in particular, to support the SALT II Treaty. He was in Notre Dame last year saying: "Isn't it a good thing that we finally put to rest the fear of international Communism?" In his state of the Union message, he said that it was time for us to recognize the terms of SALT II. And it is my interpretation of what he said that the administration intends to abide by the terms of SALT II, whether it is ratified or not.

Now, we have a President, who has expressed his indignation and, I think, precipitated us into a world crisis because he called Brezhnev on the hot line. That hot line was meant to convey information. I certainly do not think it was meant to interrogate a foreign leader.

But, in any event, the President saw fit to call Brezhnev. And he was astounded that Brezhnev fibbed to him, lied to him, about what the Soviet troops were doing in Afghanistan.

I think that call of the President's ought to be viewed in historical perspective. In March, the President had announced to the world, announced publicly that we would take umbrage if the Soviets went into Afghanistan. In April, the Russians sent one of their leading generals to Afghanistan. They sent MIG's, they sent their tanks, they sent antitank weapons, and they sent a complete supply of Russian equipment and advisers, some of whom were actually killed in combat in 1979. And we knew that.

And the rebels—and I think the rebels are the Soviet-backed forces, not the patriots that are defending their country—the Soviet-backed rebels, according to the press, have killed some 300,000 Afghans. All that happened before December, before that call on the hot line.

Well, the President called Brezhnev and was lied to in December. And he precipitated us into a crisis in January. This was not a result of the horrible loss of life in Afghanistan after his public announcement that we would take umbrage if the Soviets went in there. It was not after two presidents of Afghanistan had been deposed—one killed. It was after Brezhnev lied to him.

And, really, what we are doing is selling a total change of policy in the United States because of that lie. I think that the naiveté of a President in expecting the Russian to tell him the truth is appalling. But what I think is even more appalling is the fact that we are going to assassinate the Olympic movement in order to have a backdrop to try and make the President of the United States look like he can stand up to the Russians.

This concept of using the Olympic games for politics, in my opinion, is wrong. Beyond that, I think the very least we should have done as a Nation is asked the Olympians—our athletes—to determine whether or not they should go.

The call for the games in Moscow has not gone out yet. Traditionally, that call is responded to by the Olympic committee of each nation.

We have labored long and hard, many of us, to assure that the U.S. Olympic Committee is responsive to the will of our athletes. Last year when we passed the Amateur Sports Act, we gave the U.S. Olympic Committee certain powers. But we also enjoined them to listen to the athletes. And, in this instance, that is what the USOC decided to do—listen to the athletes. It has petitioned the IOC to change the venue of the games, to move the games. It has reserved judgment—and I think wisely so—on what it should do if the IOC refuses to move the games.

This resolution will put the Congress on record as supporting a position that the games should be canceled, so far as this country is concerned, that if they are not moved; they should be boycotted.

I think that is wrong. I, apparently, stand alone. That does not bother me at all. It does not bother me because I think this Senate will rue the day that it has encouraged an executive branch to threaten individual Americans.

They have said that if the athletes determine to go to these games if they are held in Moscow, that they could impose passport sanctions; they could impose currency restrictions; they could find ways, in effect, to coerce these athletes not to go, if the athletes decide to go.

I think that is wrong. In the first place, I do not think it is legal. It would take a finding of a national emergency to use those powers. I do not think they could be used selectively against only athletes. I think they would have to be used against everyone.

As I have said before, the distinguished chairman did correct me and I acknowledge his correction when I overstated the problem about the grain shipments.

But it is a fact that we have not stopped the shipment of grain to Russia. We have not stopped the shipment of technology, new technology, to Russia. We have not stopped tourism to Russia. We have not terminated our recognition of Russia. We have called back our Ambassador for instructions, but we still maintain an Embassy there.

Yet, what we are saying to our athletes is that should the IOC determine to continue to hold the games in Moscow, we will not permit them to go to Moscow. That is the threat.

I think the very fact of that threat was made advisedly. It has been made by the administration in an attempt to coerce the athletes when they are polled by the USOC. I hope the USOC holds to its promise to poll the athletes and let them determine whether they should go.

In any event, it does seem to me that we are witnessing the death throes of the Olympic movement as it is now known, and that is because politics have now been injected totally into these games.

I note that with our neighbor to the north their leader has announced that their country will not send a team to the Olympics in Moscow and they will not attend unless the games are moved. That, of course, is their right. But it is certain that many nations of the world will follow the IOC. The International Olympic Committee, if it decides to continue to hold the games, for whatever reason it uses, is then going to be in a position of not holding worldwide games. As a matter of fact, we are told that we should hold our own games. What are we going to hold? Are we going to hold the North American Olympics? We hold something similar anyway. We have been holding competitions with Canada for some years. That is not the Olympics movement.

The Olympics is a movement that we have fostered and encouraged in order that the youth of the world could meet with one another and compete so that they could see the strengths and weaknesses of the various systems as they visit the countries that host the games. I for one believe that if there is an advantage at all in terms of the Olympics movement, it is the advantage of the free world, an opportunity to show everyone how good our free world is.

I am not afraid to see the Olympics held in Moscow. I believe that our free press and the world's free press would report if any restrictions were placed upon athletes and upon tourists, and I think they would report the deficiencies of the Soviet system.

As the conductor of our national symphony mentioned the other day in an interview, there are deficiencies. The Soviets are probably not even prepared to host these games except in terms of bricks and mortar. They apparently have built fantastic buildings. But their ability and duty to be the host of these games is very much subject to question.

In any event, we will have people at Lake Placid from all over the world and we would certainly have people from all over the world in Los Angeles. But I feel certain in my mind that if the position of the United States is as expressed in this resolution, then the games will not be held in Los Angeles and I seriously question the future of the Lake Placid games, too.

On February 13, the President of the United States is supposed to welcome the international athletes at Lake Placid. As the President of the host country he is officially supposed to open the 1980 games, and those games take place not only in Lake Placid but in whatever location the summer games are conducted.

I do not believe that the Soviet bloc countries will come to Lake Placid if we announce in advance that we are not going to Moscow. If that happens, the Olympics are sort of on a trail downhill, in my opinion.

It would not be possible to hold the summer games in Greece. They could not be ready for them. Any preparations will probably start to be made to try and hold them in Greece in 1984.

I think that is wrong.

When I was a member of the President's Commission on Olympic Sports, I tried to interest people in the concept of holding a series of games throughout the world. With our modern communications we could have coverage of these games and each nation could have maybe two or three events. Maybe they would not be the same each time, but we could have them throughout the world. This was because of some of the logistical problems that we ran into in Munich and in Montreal, problems, incidentally, that Los Angeles is prepared to cope with, but I'm not certain the Russians are prepared to cope with. It would be interesting to find out if they could cope with them.

The main problem that we have with this resolution is that we are injecting the foreign policy of the United States, into the Olympics movement and we are rejecting it into the Olympics movement for the wrong reason. If in the first instance we had had a boycott of these games, or a suggested boycott of these games solely on human rights grounds, that would be one thing. But now I think the deletion of this language by the Senate Committee demonstrates that we are changing reasons in midstream.

Even if the Soviets pull their troops out of Afghanistan, we are saying, "Do not hold the games in Moscow." It is probably the Sakharov situation which has brought this to a head, a situation which I deplore, and I think any freedom-loving person would deplore. But what is going to bring more pressure on Russia in regard to the dissidents of that country, staying away or sending the world's free press to Moscow? What will really be more beneficial to them, closing the doors to Moscow or opening the doors to the press of the free world, opening the doors to 300,000 to 400,000 visitors from throughout the world, people who may contact these dissidents and if they could not contact them, could ask why?

As a practical matter, I think what has happened is terrible, sending that distinguished scientist to Gorgi.

But the reaction is all wrong. We should be sending in more people to find out not only what is happening to him, but to other dissidents in that country as well and have them express their views to people from throughout the world.

Mr. President, as I said, it will not do me much good. I have been reminded that there have been other people that have stood on this floor who have tried to raise the question of the rights of individual Americans, to urge that the Senate carefully consider what it is doing, to consider the implied endorsement of the threats which were made by the Justice Department, implied endorsements which were made, with regard to American athletes; should they determine to go to Russia if the games are in fact held there. I think that is wrong.

We had Members of this Senate visit North Vietnam. Just think of that. We have had movie actresses visit North Vietnam. Did we cancel their passports? Did we impose currency restrictions on them? They certainly were dissidents to American policy at the time.

We are saying, "No, if you are an athlete, you do not have that freedom." Somehow, the administration thinks it can single out athletes and say they cannot exercise the rights of free Americans. To me, that is the most worrisome thing about this resolution. We are rubberstamping. If there is anything I have seen so far, it is the tendency of this Congress this year to genuflect to that President in anything that he states.

Why this is, I do not know, but he is wrong on this one as far as this Senator is concerned. It is wrong to dictate to the Olympic movement in order to attempt to achieve a foreign policy goal. I, for one, think this resolution should be defeated.

I hope that, somehow or other, other Members of the Senate might discover what this deletion is and what it means. What it means to me is that even if the Soviets determine to meet the announced objectives of the President when first he sought this boycott, the Senate would be on record as saying we should not attend the games anyway. I think that is wrong. I hope my good friend will not move to substitute that Senate resolution for the House resolution until tomorrow so that it can be examined. I shall commit to him that I shall not ask for a vote on it, but I would like the Members of the Senate to have a chance to ask in their own minds whether they want to support the Senate version as a substitute for the House resolution in the condition that it exists now.

I really do not understand the deletion of that phrase with regard to the Soviet troops continuing to occupy Afghanistan. Mr. President, I really feel a sense of frustration, because I do not think there is anyone who has been more worried about the Soviets than I have. I have attempted, in every instance that I can recall since I have been in the Senate, to support the suggestions that were meaningful to increase our ability, from a defense point of view, to defend this country and meet our commitments to the free world. We suddenly find ourselves in a position, I think, where there are many things being done from the point of view of symbolism, an attempt to demonstrate by words only, our commitment to freedom and our commitment to the containment of the Soviet aggressive policies.

I, for one, wish the President had said something last year, other than just a warning to the Russians about going into Afghanistan. I wish that, rather than urge us to ratify SALT II all the way up to December, the President had recognized the Soviet presence in Afghanistan. I wish that the President had realized—and I see the distinguished occupant of the Chair is one of those who did seek to increase the commitments to defense from the budgetary point of view—that that was not sufficient to meet the crisis that he has articulated to with regard to the presence in Afghanistan of the Soviet troops.

This is, I think, going to be a period of readjustment. It is going to be a period of testing of the will of the American people—not just the President. Mr. President, we are in for a year that I do not think any of us has ever lived through before, because I think the Soviet bear has been provoked. He was provoked enough to go into Afghanistan wrongfully, and we did nothing to express our determination last year. Now, we have done it and we have done it in a manner, I think, that is going to confuse the world as to our intentions.

This resolution helps confuse the world, in my opinion. It helps confuse the world because it is sending out a signal to the world that we are prepared to treat the Russian nation as though we are at war with them. That is really what it is saying. We are going on to a wartime footing with Russia. We are not going to allow our citizens to visit there freely. We are going to go further than we have gone so far in imposing such restrictions.

I, for one, do not think we are prepared to back up that position, nor do I think that we ought to allow the Russians to choose the place that any such confrontation should take place.

Mr. President, I have wandered a little bit from the resolution itself, but I am highly disturbed. I am most disturbed about the rights of the individuals involved—individuals who have spent years of their lives tuning up so they would be ready this summer to represent this Nation in the Olympics. They really did not care where they were held. They wanted to get ready to represent this Nation and, if they were successful, to stand up on the pedestal and hear the Star Spangled Banner and see the American flag fly. They did it to get ready to represent this Nation. Now this Congress is telling them to forget about it. I think that is a drastic step to take and one that should not be taken.

(Mr. LEAHY assumed the chair.)

Mr. CHURCH. Mr. President, I do not intend at this late hour to give a complete rely to the Senator from Alaska. We shall have some time to debate this issue tomorrow. But I must say that I have found it difficult to follow his argument.

He started by saying that the President had precipitated this crisis and that the President had injected politics into the Olympics. Both statements are incomprehensible to me. The crisis was precipitated by the invasion of Afghanistan, by the act of bald aggression on the part of the Soviet Union against a weak and relatively defenseless neighbor. That is what precipitated the crisis.

If there is a question today in the United States and elsewhere in the world concerning the propriety of engaging in the Olympic games in Moscow, it is because of the feeling that the Soviet Government has rendered itself unfit to be the host of games which are supposed to symbolize peaceful competition and good sportsmanship. So it simply takes the pyramid and turns it on its point to contend that the President has precipitated this crisis, that the President has injected politics into the Olympic games.

Morever, the Senator from Alaska is a very knowledgeable man, and I do not think that he would contend that the Olympic games in the past have been immune from political considerations. The fact is that seldom have Olympic games occurred in modern times when political considerations have not led one country or another, or, indeed, a group of countries, to absent themselves from the competition.

I heard the Senator from Alaska say that it was a mistake for the United States to have participated in the Olympic games in Berlin in 1936. If that is true, and I believe it to be true, then I cannot fathom how he reaches the conclusion that the United States ought to participate in these Olympic games in Moscow, in light of the behavior of the Soviet Government in recent weeks.

The Senator also inquired why the committee struck from the language of the resolution the proviso that an American decision not to participate would depend upon whether or not Soviet forces were withdrawn from Afghanistan.

The reason the committee decided to strike that proviso from the text is that no one can reasonably believe that the Russians could withdraw their forces, or would withdraw their forces, by the deadline set by the President.

I am reminded of the story that I was once told when I was visiting Warsaw. It related to two people meeting one another on the sidewalks of Prague a few years after the Russians had invaded Czechoslovakia, had occupied that country with the Red Army in order to put down a Czechoslovakian government that the Russians found incompatible with their hegemony in Eastern Europe.

These two Czechs met on the street and one said to the other, "When do you think the Russians will ever go home?" The other replied, "Well, they could go home for one of two reasons. One would be a miracle."

The other Czech, rather intrigued, said, "What two reasons do you have in mind?" His acquaintance replied, "Well, suppose that God Almighty sent his host of angels to Czechoslovakia and each angel descended upon a Russian soldier, picked him up, flew him back to his own hometown in the Soviet Union and deposited him there. That is one way that the Russians might leave."

To this, the first Czech observed: "Well, that is the miracle. What is the other way?" His friend replied, "No, no, that is not the miracle. The miracle would be if the Russians left of their own accord."

There is nothing in the behavior of the Soviet Union to suggest that once a country has been occupied by the Red Army there is any likelihood that the Russians will soon withdraw.

So the committee felt it was necessary to insert that language in the text of the resolution.

I have no doubt, Mr. President, that if the committee was wrong in its assessment, that if miracles do occur, if the Russians all of a sudden decide that they made a grave error and order their armies out of Afghanistan, then these resolutions and the American position relative to the games—all of this will have been changed in such a way as to render irrelevant the work we do today.

But I have a strong feeling that we will not have wasted our time and, for that reason, that there will not come any time soon when the language chosen by the committee will not conform to reality.

What is reality, Mr. President? It is the question of what reprisal is appropriate in the light of this act of aggression against a small and helpless neighbor.

The Senator for Alaska says that if we had prepared ourselves militarily during all the years when the Russians were building their military strength, we could somehow deal with the problem posed by the Russian occupation of Afghanistan.

Mr. President, I disagree. If we had matched the Russians dollar for dollar, if we had matched the Russians tank for tank and plane for plane and man for man, there still would be no way to save Afghanistan by the use of American military force.

The country is practically inaccessible to the Western world. It is one of the most remote, barren, poor, undeveloped, forsaken lands in all the world. It is cuddled right up against the soft under belly of the Soviet Union in Central Asia. The geographical position of Afghanistan necessarily gives the Russians the predominant military advantage.

What does one suppose the Soviet Union could do if the United States, God forbid, were to decide to invade Mexico? What, indeed, did the Soviet Union do when President Johnson sent American Marines to the Dominican Republic?

Well, need I supply the answer? Nothing. These were areas of the world in which the United States exercised a predominant military position.

So I think such arguments can be summed up as so much nonsense.

The real question facing this country is, How do we deal with an act of aggression to which we cannot reply in military terms? The real question is, What lessons have we derived from our experience prior to the Second World War when Hitler moved against Austria, against the Sudetenland, against Poland in the seizure of Danzig?

In all those cases, we permitted a great power to indulge in acts of aggression with impunity.

If there was any rebuke, it was verbal. But no reprisals were taken that penalized Hitler for his acts of aggression. Instead, one act invited another, until at last the invasion of Poland itself—after Germany had gobbled up Austria and the Sudetenland and Danzig, after the Germans had remilitarized the Rhineland, in violation of the Versailles Treaty—finally forced the hand of the world. Only after the situation became so serious, was the world forced into the second calamitous Great War in this century.

Are we to do the same with the Soviet Union? Are we to content ourselves with verbal rebuke, protests voted by the General Assembly and the Security Council, expressing the world's indignation?

Mr. STEVENS. Mr. President, will the Senator yield for an answer to those questions?

Mr. CHURCH. I will yield as soon as I have finished my argument.

If we are to rest our case on verbal rebuke, then I think we enhance the chances that the Soviet Union may expand its reach further into Central Asia, toward the Persian Gulf, toward the great oil fields upon which the United States and the Western World rely so heavily.

Therefore, President Carter has sought to engage in reprisals that will impose a penalty on the Soviet Union, that will make them know there is a price to be paid for aggression.

The Senator from Alaska has suggested that no one is being asked to sacrifice except the athletes. I do not agree. As a Senator from the State of Idaho, I represent a great many wheat farmers. The Senate should be reminded that the most significant effect of the control of U.S. exports, of the embargo imposed by the President, relates to 17 million tons of grain previously authorized for sale to the Soviet Union, a market now denied to our farmers. Seventeen million tons of grain is valued, at today's prices, at about $2.3 billion. I should say that the farmers are being asked to pay a price.

An hour or two ago, in the course of this debate, we heard from the able Senator from Massachusetts, who pointed out that the President's restrictions on the transfer of high technology merchandise to the Soviet Union would have a direct impact upon the industry of Massachusetts and on many of the people whose jobs depend upon it.

The question we really face is this: Are we prepared to ask various segments of our own population to sacrifice in order to impose a price on the Soviet Union that will deter it from further aggression?

There are not so many ways that we can reach into the Soviet Union. But one of them would be our refusal to participate in the Olympic games, on the simple ground that the Soviet Union, by its action, is unfit to host those games. I believe that will have a very large impact.

The Russians have invested a great deal of money—some say $3 billion, some say as much as $5 billion—in preparing for the games. The Russians had anticipated that the games would constitute a multibillion dollar propaganda victory for their particular brand of communism.

I disagree with the Senator from Alaska when he says that the way we should respond is by going, by participating, as though that were a suitable thing to do, and that we would fill Moscow with correspondents who not only would report the games but also would go on to report all the defects they found in Soviet society.

Mr. President, the Senator must be aware that the Soviet Government already has indicated that it expects the Olympic press to stick to sports and that it would feel free to censor reports on non-Olympic themes. The notion that our press would be free to examine Soviet society seems to me to be exceedingly naive.

The Senator from Alaska has said that if we take this action of withdrawing from participation in the games in Moscow, we can expect the Russians to refuse to participate in the winter Olympics at Lake Placid. Well, I would not be terribly upset if that were the Russian decision. But I suggest that the siuation is different, inasmuch as they already have registered. If they were now to pull out of the Lake Placid games, they would run the risk of automatically losing their right to serve as host for the summer games.

Our situation is different. We need not register our participation at the Moscow games until May. So we are still free to decide whether or not we wish to participate, without suffering any penalty that will affect us either in our capacity as host for the winter Olympics or our capacity to serve as host for the summer Olympics at Los Angeles, 4 years from now.

In short, Mr. President, no matter which argument one selects from the many given by my good and able friend from Alaska, I find them unconvincing. I say that knowing full well that the Senator from Alaska has expressed his position conscientiously and in the belief that his opposition to this resolution serves the best interests of this country. We have a disagreement—one, I am sure, that we can pursue at greater length tomorrow.

I say to the Senator from Alaska, however, that it is my intention to ask that the resolution recommended by the Senate Foreign Relations Committee be substituted for the text of the House-passed resolution, in order that it may be before the Senate for consideration tomorrow. It would be subject, of course, to such action as the Senate chooses to take respecting it; but in the interest of orderly procedure, I should like to lay it before the Senate this evening.

Mr. STEVENS. Mr. President, may I inquire from the Senator from Idaho? I certainly have no objection. Certainly he is entitled to that. If he wishes to substitute that Senate version of the resolution as original text, we can still have it subject to amendment. I do not know whether I would offer an amendment or not. But I would not like to be foreclosed of such an action. I would not object if that is what he wishes to do. I thought he wished to offer it this evening as a substitute, and we have already notified Members there will be no more votes. I would not want to have any votes on it tonight.

Mr. CHURCH. It is not my intention to ask for votes. Of course, the amendment would be subject to further amendment by the Senate. No one's rights would be foreclosed.

Mr. STEVENS. I have no objection to that procedure.

### UP AMENDMENT NO. 928

(Subsequently renumbered amendment No. 1640)

Mr. CHURCH. Mr. President, if the Senator will allow me, then, on behalf of myself and all the members of the Foreign Relations Committee who have joined as cosponsors, I send to the desk an amendment to House Concurrent Resolution 249 which would strike everything after the resolving clause and insert in lieu thereof the language indicated in the amendment, and I ask that it be stated and laid before the Senate.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. CHURCH), for himself and Mr. PELL, Mr. MCGOVERN, Mr. BIDEN, Mr. GLENN, Mr. STONE, Mr. SARBANES, Mr. MUSKIE, Mr. ZORINSKY, Mr. JAVITS, Mr. PERCY, Mr. BAKER, Mr. HELMS, Mr. HAYAKAWA, Mr. LEVIN, Mr. LUGAR proposes unprinted amendment numbered 928.

The amendment is as follows:

Strike all after the resolving clause and insert in lieu the following:

(1) that the United States Olympic Committee and the athletes competing for positions on the United States team should receive the continuing support, commendation and contributions of the American people;

(2) that the International Olympic Committee promptly accede to the proposal of the United States Olympic Committee;

(3) that, should the Interntional Olympic Committee fail to adopt the proposal of the United States Olympic Committee or a comparable proposal, no American team should participate in those Games and no Americans should attend them in any capacity;

(4) that the Secretary of State urgently inform other nations of the policy of the United States in respect to the 1980 Olympics and intensify efforts to obtain their support for that policy; and

(5) that the International Olympic Committee give urgent consideration to the creation of permanent homes for the summer and winter Olympic games, including one in Greece, the country of their origin.

The PRESIDING OFFICER. The Chair understands that there will be no votes on this matter tonight. Of course, the Chair also understands that any Senator who asks for a vote and the yeas and nays on such things as establishing a quorum or anything of that nature may do so.

Mr. STEVENS. Mr. President, it is my hope that will not occur and we will have a consent agreement when the majority leader makes the motion for that agreement for the time for a vote tomorrow.

Mr. President, I do not want to belabor this, but the Senator from Idaho asked a series of questions. One of them provokes me to comment, and that is concerning the question of how do we let the world know really where we stand with regard to aggression, to a violation, an attempt to upset the status quo with regard to the internal policies of any nation.

I refer to the Eisenhower doctrine, and I hope that the Senator from Idaho will recall that. When President Eisenhower was fearful there was going to be turbulence in the Middle East, he came to Congress, and Congress passed a joint resolution or concurrent resolution—I cannot remember which it was—announcing a policy that had been worked out between the executive branch and Congress with regard to the Middle East. That was 1957. In my memory it was not until 1958 that President Eisenhower exercised the authority under that doctrine. He sent troops to Lebanon. The world knew where we stood.

The world has not been shown where we stood on Afghanistan. The President said where we might stand in March, but we did nothing when the Russians in fact sent their advisers, their equipment, their entire support behind one faction that sought to really establish a Russian puppet regime in Afghanistan. We did nothing even when it was reported the president at that time had been slain. As I said before, the only thing we responded to was the Brezhnev reply to President Carter when he called him on the hotline. I do not think that is the way to conduct foreign policy of the United States. I think the world should know where we are going to stand. It should be worked out in the constitutional process of consulting with Congress, which has a role in representing the American people, and once it is established the President should know that he has the authority to act and under what conditions he has the authority to act.

Mr. President, another problem concerning this resolution is this: Of the many, many nations that are represented in the IOC only a handful have announced that they will support the request to move the games. Only one or two have announced they will support a boycott. If the IOC does not move these games the athletes of the world will vote with their feet. They will go to Moscow and it will be such a propaganda victory for Moscow we will never see the end of it and at the time if that happens, if the IOC says, "We are going to keep Moscow as the location for these games," the administration would deny our athletes their rights as American citizens to travel freely and to participate freely in activities of this type. They would impose on them restrictions that we do not impose upon Members of Congress who went into a theater of war, Americans who went into a theater of war, but we would impose restrictions apparently upon athletes who follow the other athletes of the world to the place of the games.

That I think needs serious consideration by the American public and by the Senate and Congress as a whole.

The real problem is we are setting up the stage for the Soviets to achieve one of the greatest victories of all, and that is to be the host of the games without the United States or its close allies. There will still be the Olympics. They will still have the sanction of the world community. They just will not have American athletes or their friends, if this resolution is followed to the ultimate extreme.

Mr. President, I do not know of any way for us to lose in the propaganda battle with the Russians more than we can lose under the scenario that is established by this resolution. It is premature, it is precipitate, and in my opinion it places a different burden upon athletes than it places upon other Americans, be they farmers or the makers and producers of American technology. This would place special restrictions in the end result upon American athletes that no other individual American would be under. A farmer may still go to Russia to make contracts for sale of grain later. The technology people may still go to Russia to make their contracts for later. But athletes are told not to go to Moscow to participate in the games.

As a matter of fact, this resolution says no American should go to participate in the games. Oh, it is all right to go as a tourist. It is all right to go as a businessman or a government official. But you should not go as an American to participate in the games. The dichotomy there is apparent. How do we know what they are going to do when they go to Moscow? If an American businessman is in Russia, in Moscow at the time of the games, is he to be criticized because he was there on business?

This resolution is inarticulate at the least; it is improper at the best.

Mr. CHURCH. Mr. President, I think one further word should be said so the record will be clear concerning the issue of coercion.

I questioned the Deputy Secretary of State, Mr. Warren Christopher, on whether it was the administration's position that passports should be denied to Americans who were determined to attend the games, and he assured the committee that this was not the administration's intention.

The facts are that in order for American athletes to participate in the games they must have the approval of the U.S. Olympic Committee. The committee itself has reserved the question of whether or not it should send an American team to the games pending a determination by the international committee on its request that the games be transferred, postponed, or canceled.

Once the international committee has made that decision, if it denies the request of our committee for a transfer or postponement or cancellation of the games, then the U.S. Olympic Committee will decide whether or not it should field an American team to participate in the games themselves.

With respect to Americans who simply wish to attend the games as spectators, Mr. Christopher said in response to my questions that it is not the intention of the administration to attempt to withhold passports or to prevent Americans so disposed from attending.

I will let Mr. Christopher, as spokesman for the administration, state the case in his own words, and for that purpose, Mr. President, I ask unanimous consent that Mr. Christopher's statement to the Foreign Relations Committee may be made part of the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Statement by Secretary of State Warren Christopher

I appreciate this opportunity to meet with you to discuss the Administration's views on U.S. participation in the Summer Olympic Games in Moscow.

In his State of the Union address, President Carter emphasized that ". . . with Soviet invading forces in Afghanistan, neither the American people nor I will support sending an Olympic team to Moscow."

This weekend in Colorado the United States Olympic Committee agreed to ask the International Olympic Committee when it meets in Lake Placid in early February to transfer, postpone or cancel the Summer Games. We are encouraged by this decision and by the support and understanding shown by the United States Olympic Committee.

We have carefully examined the two resolutions introduced on January 22 by Senators Muskie and Pryor (SR. 333 and 334) and are in general agreement with them. Our preference at this time, however, would be Senate adoption of a third resolution—the one passed overwhelmingly by the House last week (H. Con. Res. 249).

Mr. Chairman, this morning I would like to review with you, briefly, some of the factors which led the Administration to take such a strong stand on the Olympics and the reasons we would welcome the Committee's early passage of a concurrent resolution.

In late December the Soviets launched a massive invasion of Afghanistan. They played an instrumental role in the execution of that country's head of state. More than 80,000 Soviet troops are now occupying Afghanistan, seeking to crush the resistance offered by Afghan nationalists fighting for their freedom.

In our considered judgment, this invasion presents a serious threat to world peace, and in particular to the security of the nations in the region surrounding Afghanistan.

In his State of the Union address, the President outlined a full range of responses to this threat. This morning I would like to confine myself chiefly to the question of the Olympics.

The essence of the President's decision is clear and simple: Unless all Soviet troops are withdrawn from Afghanistan within the next month, the U.S. Government will not support participation by U.S. athletes in the Summer Olympics in Moscow.

Our consultations with other governments prove that many strongly share our concerns. We are much encouraged by the decision this weekend of the West German Olympic Committee to support transfer, postponement, or cancellation of the Summer Games Other governments around the world have also adopted a position paralleling that of President Carter and we expect many more governments to join in this effort in the days ahead.

We are still exploring a number of alternative ways of dealing with the Games: transferring them to another site—or sites—or cancelling them entirely—as was done in 1916, 1940, and 1944. In this latter case, the international community could decide to hold some other form of international competition, this year or next.

The President has also suggested that, in the future, a permanent home for the Summer Olympics might be established in Greece. A suitable site for the Winter Games could be sought as well.

We expect that the U.S. Olympic Committee will discuss all these possibilities with the International Olympic Committee at their February 9 meeting. A firm and united expression from the U.S. Congress before that meeting would help to convey the strength and depth of U.S. sentiment on this crucial question.

I would like to stress, Mr. Chairman, that we are deeply conscious of the long, hard—even painful—years of practice our athletes have undergone to prepare for the Summer Olympics. That is why we are actively exploring with other governments possible alternatives to holding the games in Moscow.

But, at the same time, we cannot forget that more profound issues are at stake here. We must convince the Soviets that we are willing and able to respond to their aggression—whether in Afghanistan or elsewhere. If we permit sports to go forward as usual, after we have said there will be no "business as usual," we will be sending out a contradictory signal and one which could call into question the firmness of our resolve.

The Soviets clearly attach tremendous political importance to the Games. Their propaganda, the way in which they have gone about Olympic preparations, their transparent hope of using the Games as a showcase of the alleged successes of a totalitarian system, leaves no doubt that they see in these Olympics a political device. We cannot give our support or blessing to a cynical effort by the USSR to masquerade as a peace-loving country—while at the same time Soviet troops are occupying and oppressing Afghanistan.

Our view of this matter is reinforced by the recent arrest and exile of Andrei Sakharov, world-famous physicist, human rights advocate and Nobel laureate. Who, in the face of this outrageous act, can believe the Soviets intend to host the Olympics as a celebration of the human spirit?

Facing such bleak realities, we cannot afford to remain passive. Our stand on the Olympic Games is one step which may help convince Moscow that it cannot invade its neighbors and oppress its own citizens with impunity.

We look forward to working closely with the Committee to develop policies which will uphold our own principles and will deter the Soviets from aggressive, repressive, actions in the future.

I will be happy to discuss any questions you have.

Mr. CHURCH. The last matter I would call to the attention of the Senate is that there is no language used in the resolution that would coerce anybody into doing anything. It was the general belief of the witnesses who testified, including the athletes, that if the Congress of the United States joined with the President in urging the U.S. Olympic Committee and the American athletes not to participate in the games, and if this position was clearly one supported by the American people as a whole, that there would be no need to withhold passports or pass restrictive laws inconsistent with our character as a free society.

I believe that. I think both the U.S. Olympic Committee and the great majority of the athletes themselves would wish to comply with the national policy since it has to do with the larger question of peace in the world.

That being the case, Mr. President, I hope the Senate will see fit to approve this resolution when it votes on it tomorrow.

I yield to the Senator from South Carolina (Mr. Thurmond).

Mr. THURMOND. Mr. President, I rise today in support of a relocation of the summer Olympic games scheduled to be held in Moscow. The Soviet Union, in its massive infusion of troops into Afghanistan, has left no doubt that its ultimate goal is domination of the entire world.

In the face of this alarming prospect, the United States has no choice but to stand firm in its commitment to preserving freedom for ourselves and for people in other nations. One message that we can send to the world, expressing our determination to firmly resist Soviet aggressive policies, is that we will not support the holding of the most important international sports competition in a country where repression and aggression are practiced with increasing intensity. The Olympic games have come to represent more than a contest between the finest young athletes in the world. They are, in the truest sense, an opportunity for athletes from all nations to come together, and at least for a short time, to share common goals and interests, as they strive for the highest acclaim the world can give them in their field of athletic competition.

The Olympic games represent the hope of all peoples that some day worldwide peace and unity can be achieved. To hold these games in Moscow, the site of the principal threat to world peace, would be to make a mockery of them.

Therefore, Mr. President, I call for the relocation of these games to a neutral site. If that is not possible at this date, then I would support an effort to postpone the games until such time as all necessary arrangements can be made for moving them. In any event, I am opposed to the people of the United States sending a team to participate in the summer Olympics in Moscow.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Regular order. The clerk will call the roll. The regular order has been requested by the Senator from Vermont.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia? Hearing none, it is so ordered.

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, and that Senators may speak therein up to 5 minutes each, and that the period extend not beyond 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RUSSIA'S AGGRESSIVE POLICY

Mr. THURMOND. Mr. President, the recent Soviet invasion of Afghanistan follows the longstanding pattern of Soviet expansion. It is important at this time that the United States send a clear message to the U.S.S.R. and make it understood that we will not tolerate such acts of brutality against independent nations.

Mr. President, a recent editorial by WSPA Radio and TV in Spartanburg, S.C., clearly illustrates that the perception of the United States as a weak, indecisive giant must be changed if Soviet aggression is to be deterred. In order that I may share this interesting editorial with my colleagues, I ask unanimous consent that it be placed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From WSPA-TV and Radio Spartanburg, S.C,. Jan. 11, 12, 1980]

### Russia's Aggressive Policy

Once more the aggressive nature of Russian foreign policy has been unmasked with the Communist invasion of Afghanistan and the establishment there of a puppet regime propped up by 80 to 100,000 Soviet troops.

This incident parallels other Russian attempts to broaden the Communist orbit. For example, in February, 1945 Russian vice commissar A. Y. Vyshinsky demanded that Rumania reorganize its government along Soviet lines. The United States did nothing to forestall this, and a Communist dictatorship was established.

In 1956, the United States refrained from offering support to Hungary's freedom fighters, and Communist control in that East European nation was further entrenched.

In 1968, America stool idly by as Russia "purged" Czechoslovakia of its democratic elements, and the brave attempt to bring freedom to that country also failed.

In 1974, Congress vetoed funds to help the sagging South Vietnamese government, and that country was overrun by pro-Soviet North Vietnamese forces which have subsequently terrorized all of Southeast Asia.

Indeed, when Russia has wished to conceal its role in such adventuristic maneuvers, it has been able to rely on the troops of client regimes, supporting Cuban forces in Angola, Ethiopia, and Somalia, and the Vietnamese in Cambodia.

These events have been guided by a Soviet perception of the United States as unwilling or unable to act—a perception further strengthened by the Iranian situation. But this perception can and must be changed. We know from past experiences—in Iran and Turkey after World War II, during the 1948 Berlin airlift, the 1962 Cuban missile crisis, and as late as October, 1973 during the Middle East War—that a firm policy will work. WSPA believes that American foreign policy makers have pouted over Vietnam long enough. If we are to be effective internationally, and if we are to keep our allies, the United States must convince the Soviet Union and the rest of the world that Russia's quest for world domination has no hope of success. To do this, America must put the teeth back in its foreign and defense policies.

## THE NAVY'S TOP RECRUITERS IN 1979

Mr. THURMOND. Mr. President, the U.S. Navy recently saluted its outstanding recruiters of 1979 in a series of events in Washington, D.C. Among them, I was privileged to meet a young Navy woman from Stanley, Kans., YN1 Marjorie H. Elliott, currently stationed at Navy Recruiting Station, Lafayette, La., who was chosen the Outstanding Navy Recruiter of the Year.

According to Rear Adm. F. H. Miller, commander, Navy Recruiting Command, she was the one who exemplified the highest personal and professional standards of the Navy Recruiting Command. She enlisted 102 applicants of which 94 were eligible to attend Navy class "A" schools. Petty Officer Elliott and her fellow honorees, accompanied by their spouses, a fiancee and one daughter, were invited to Washington, where they had an interesting and memorable visit.

Mr. President, on Monday, January 14, 1980, they attended an awards ceremony in the office of the Chief of Naval Operations. Adm. Thomas B. Hayward meritoriously promoted Yeoman First Class Elliott to the grade of chief petty officer. This was followed by Rear Admiral Miller presenting Chief Petty Officer Elliott and Lieutenant Cmdr. David C. Kendall, Top Officer Recruiter of the Year, Navy Commendation Medals. The other recruiters were appropriately awarded Navy Achievement Medals.

At noon, the Honorable Melvin Price, M.C., chairman, House Committee on Armed Services, and the Non-Commissioned Officers Association of the United States of America (NCOA) hosted a reception and luncheon in the Rayburn House Office Building. Mr. C. A. "Mack" McKinney, Vice President for Governmental Affairs, NCOA, was master of ceremonies. Joining me and members of my staff in congratulating the Top Navy Recruiters were representatives of Senators Bob Dole and Bill Armstrong, and Congressmen J. Kenneth Robinson, Norm Dicks, M. Caldwell Butler, Bill Chappell, Bill Burlison, Clarecne D. Long, and Bob Wilson. I was privileged to address these dedicated Americans at the luncheon and to express my grave concern about the accelerated Soviet threat and the need for our country to support our military.

Following brief congratulatory remarks by Vice Adm. Robert B. Baldwin, Deputy Chief of Naval Operations for Manpower, Personnel and Training, Rear Admiral Miller and myself, the President of NCOA, Normand M. Gonsauls, awarded certificates of appreciation to the top recruiters. He praised each for their outstanding achievements during fiscal year 1979.

Assisting Gonsauls were former Sergeant Major of the Army Leon Van Autreve, now senior vice president, NCOA, and former Master Chief Petty Officer of the Navy Robert J. Walker, now international treasurer, NCOA. The NCOA is to be commended for arranging these activities in honor of our top Navy recruiters.

Others in attendance were Dr. Bernard Rostker, Director, Selective Service System, Master Chief Petty Officer of the Navy Thomas S. Crow, Sergeant Major of the Army William A. Connelly, Sergeant Major of the Marine Corps Leland D. Crawford, Master Chief Petty Officer of the Coast Guard Hollis B. Stephens, Sgt. Maj. E. L. Cassell, USMC, Retired, president, National Association for Uniformed Services, and Rear Adm. Carl Seiberlich, Pete Conrad, and Fran McKee.

Mr. President, I encourage my distinguished colleagues to recognize the outstanding contributions made by these dedicated servicemen and women and join me, the U.S. Navy, and the Non-Commissioned Officers Association in saluting the Navy recruiters of 1979, their spouses, a fiancee, and one daughter.

Their names are as follows:

YNC. Marjorie H. Elliott and husband, Darrell, Navy Recruiting Station, Lafayette, Louisiana;

OSI. Calvin B. Thomas and fiancee, Ms. Cynthia Wright, Navy Recruiting Station, Trenton, New Jersey;

SHI. Don Grice, Navy Recruiting Station, Pensacola, Florida;

SK2. Mary C. Bethel, Navy Recruiting Station, Louisville, Kentucky;

MM1. Phillip D. and Mrs. (Donna Kay) Stevens, Navy Recruiting Station, Wisconsin Rapids, Wisconsin;

QMC. Joseph A. Hajdinak and his daughter, Carol Ann, Navy Recruiting District, San Diego, California;

LCDR. David C. Kendall, Navy Recruiting District, San Diego, California;

LCDR. George I. and Mrs. (Jacquiline) Kuykendall, Jr., Navy Recruiting District, Little Rock, Arkansas;

LT. M. Jane Hruby and husband, Dennis, Navy Recruiting District, Milwaukee, Wisconsin;

LT. John P. and Mrs. (Charlene) Curtiss, Navy Recruiting District, Washington, D.C.:

LT. Jeffrey D. and Mrs. (Kathleen) Cavanagh, Navy Recruiting District, Jacksonville, Florida;

LT. Paul Barnes, Navy Recruiting District, Boston Massachusetts;

CAPT. Charles E. and Mrs. (Sylvia) Carpenter, USN, Commanding Officer, Navy Recruiting District, Jacksonville, Florida—Best Overall Recruiting District;

CDR. Charles E. and Mrs. (Pamela) Brooks, Commanding Officer, Navy Recruiting District, Washington, D.C.—First Runner up for Best Overall Recruiting District; and

CDR. Wallis M. and Mrs. (Valerie) Logan, Commanding Officer, Navy Recruiting District, Raleigh, North Carolina—Second Runner-up for Best Overall Recruiting District.

Mr. President, I also wish to commend the U.S. Marine Corps. In recognition of Chief Petty Officer Elliott's superb performance, Gen. Robert H. Barrow, Commandant of the Marine Corps, authorized her husband, S. Sgt. Darrell Elliott, USMC, to return from an unaccompanied tour in Okinawa to be present at this auspicious occasion. This is another fine example of the sea services taking care of their own.

## INCREASED PUBLIC SUPPORT FOR HIGHER DEFENSE SPENDING

Mr. THURMOND. Mr. President, a recent Associated Press-National Broadcasting Co. poll reveals that about 63 percent of the American people support increasing the defense budget.

This poll also shows that only 8 percent favored a decrease in defense spending, 8 percent were not sure of the proper course and 21 percent favored the current level of defense expenditures.

Mr. President, this is a highly significant shift in support for higher defense budgets. I ask unanimous consent that this report, which appeared in the January 23, 1980, issue of the Philadelphia Inquirer, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SIXTY-THREE PERCENT IN POLL SUPPORTING LARGER MILITARY BUDGET

(By Evans Witt)

NEW YORK.—In light of American hostages in Iran and Soviet troops in Afghanistan, public support for U.S. defense spending has risen dramatically to the highest level in a decade, an Associated Press-NBC News poll says.

The flipside of the American opinion is a fear of war. Two out of every five Americans, surveyed think a war involving the United States is very likely in the next three years—the highest level of apprehension found by AP-NBC polls in the past three years since the question was first asked.

The strong support for a larger military budget is a major shift in American opinion. From the early 1970s and the Vietnam war until a month ago, there has been a consistent sentiment for cutting defense spending.

Sixty-three percent of those questioned last week said they supported increasing the U.S. defense budget. Twenty-one percent advocated keeping defense spending at its current level and only 8 percent called for a decrease. Another 8 percent of the 1,595 adults interviewed nationwide by telephone were not sure.

These findings showed an acceleration of a trend that was first discovered a month ago.

In the AP-NBC poll taken in mid-December—after the Iran crisis began but before the Soviet intervention in Afghanistan—51 percent backed higher defense spending, 31 percent called for no change, 9 percent supported a decrease and another 9 percent were not sure.

As recently as September 1979, sentiment was divided over increasing the defense budget and keeping it at its current level. In that AP-NBC poll, 38 percent favored an increase, 36 percent advocated no change, 16 percent supported a decrease and 10 percent were not sure.

In the December 1978 poll, public sentiment was on the side of no change in military spending. Forty-seven percent wanted to maintain current spending levels, 24 percent called for an increase, 22 percent for a decrease and 7 percent were not sure.

## FEDERAL HANDGUN CONTROLS CANNOT CONTROL CRIME

Mr. CHURCH. Mr. President, I am strongly and uncompromisingly opposed to the Handgun Crime Control Act introduced by Senator KENNEDY and others on October 24, 1979, numbered S. 1936. This bill is an assault on the people's right to keep and bear arms.

The bill features as its target cheap, domestically produced handguns, known as "Saturday night specials." As such, it is a sequel to those provisions of the 1968 Gun Control Act which attempted to discourage the sale of "Saturday night specials" within the United States by prohibiting their importation from abroad.

I have always opposed all forms of Federal gun controls, and I fought fervently against the 1968 act. The proponents of S. 1936 claim that the 1968 act's provisions on "Saturday night specials" have been circumvented through the importation of pistol parts, which are then assembled in the United States.

The first objective of S. 1936 is to close what its proponents call the "import loophole." The Senate is asked, once again, to accept on faith the proposition that outlawing the manufacture and sale of cheap handguns would prove an effective deterrent to crime.

Even in our large cities, where the streets remain notoriously unsafe, I find this proposition invalid and unsound.

Any criminal bent on possessing a handgun will find a way to obtain one. He will pay a higher price for a better pistol, or he will steal it. That is the fatal flaw—the real loophole—in any Federal effort at gun control.

Like other Federal gun control measures, the import provision of S. 1936 will prove equally ineffectual in dealing with the incidence of crime. Its main effect, I fear, will simply be to double or treble the price of ordinary pistols for millions of law-abiding citizens who purchase them, not for marksmanship or sporting use, but simply for self-protection at home.

As long as criminal asault, rape, and burglary run rampant in our cities, the police are obviously failing to provide anything that even approaches acceptable protection. With the very real threat of robbery in our cities and elsewhere, Americans—in growing numbers—will keep a pistol handy in their homes or apartments for self-defense. Laws to the contrary will be ignored until city governments can make life safe again within their jurisdictions.

After 23 years in the Senate, I have yet to see any evidence that Federal gun control measures have curtailed crime. I remain convinced that where restrictions on the sale or possession of pistols are felt necessary, they are properly a matter for State and local governments to pass upon. That, in my judgment, is the meaning of the second amendment's guarantee against Federal abridgement of the people's right to keep and bear arms.

The next provision of S. 1936 would set up a Federal regulatory procedure for checking the personal character of handgun purchasers, including a 21-day waiting period. Handgun dealers required to make these personal investigations would be forced to act as the unwilling agents of this Federal intrusion on State prerogatives.

Sporting goods shops which sell handguns are already overburdened by some of the 1968 Gun Control Act's most unfortunate provisions. These small businesses are required under that law to maintain such records of importation, production, shipment, receipt, sale or other disposition of that ammunition as may be required by law. As a result, current regulations require dealers to record the date of transaction, the name of the manufacturer, the caliber, gauge or type of components, the quantity purchased, the name, address and date of birth of the purchaser, and the method used by the dealer to establish the identity of the purchaser.

The proponents of S. 1936 ask the Senate to add to these already onerous and useless burdens—as attested by the Treasury's Bureau of Alcohol, Tobacco and Firearms—by adding mandatory detective work and even more recordkeeping to the duties imposed by the 1968 Gun Control Act. We should be moving in the opposite direction. The only constructive step taken by Congress regarding the 1968 act since its enactment, in my judgment, was the repeal of such requirements for sporting rifles and shotguns.

If States and localities determine, as some have, that a checking procedure or waiting period is desirable before consummation of the purchase of any firearm, they are perfectly competent to make that decision without Federal insistence upon it. That is a judgment best left to States and local communities, whose police forces have to furnish the manpower and handle the paperwork that such purchaser investigations entail.

Another set of provisions of S. 1936 constitute an effort to legislatively implement firearms registration proposals which the Treasury Department attempted to impose administratively last year, only to have this backdoor powerplay overwhelmingly rejected by Congress. The bill would set up manufacturers as registration enforcement agents, placing them in the middle between dealers and the Federal Government. Having been turned away at the backdoor of the Treasury Department, registration proponents are now trying to get in through the middleman.

Last year, the Treasury Department proposed a unique serial number for all firearms and extensive recordkeeping on every licensed firearm transaction, all of which was to be transmitted to a centralized Federal computer. As I wrote to the Treasury, at the time:

> I believe that this proposal in its entirety is beyond the authority granted to the Department by the Congress. The unique serial number which would be required on all firearms would enable the planned central computerized record-bank to have all of the information necessary for federal firearm registration by owner. Such registration proposals have been consistently defeated by the Senate.
>
> The basic fact of this matter is that these proposals are tantamount to the federal licensing of gun ownership without the license. The licensees will be numbers instead of names. Numbers are the language of computers, and I do not trust yours to preserve the people's right to keep and bear arms.

Congress then rejected this proposal, and passed an amendment reducing the amount of the Treasury Department's appropriations by what the Department had estimated it would cost. Now, in S. 1936, the Senate has before it an even worse proposal; let Senator Kennedy's description speak for itself:

> Each licensed handgun manufacturer or importer will be ultimately responsible for keeping track of the disposition of all handguns introduced into commerce. They will be required to maintain records by serial number of all handguns produced, imported, received, sold, transferred, maintained in inventory, destroyed, lost or stolen. They will receive periodic reports from all dealers with whom they do business on transactions involving the manufacturer's or importer's handguns. Manufacturers and importers will also conduct periodic audits of handgun dealers to insure the accuracy of records received from dealers.
>
> Periodically, these manufacturers and importers will submit summary data, without serial numbers or individual names, to the federal agency overseeing the law.
>
> Through this accounting mechanism within the handgun industry, a partnership against handgun crime will be established. Tracing a stolen handgun will become as quick and easy as tracing a stolen automobile . . .

The only real difference between this scheme and last year's Treasury plan is the costly and complex requirement that firearms manufacturers and importers become Federal enforcement agents and recordkeeping bureaucrats, with many scattered computerized record banks to substitute for the centralized Federal computer.

Once again, such proposals are tantamount to the Federal licensing of gun ownership without the license. The licenses will still be numbers on each firearm instead of names, still recorded in computers, but now the computers of private manufacturers and importers. Numbers are, indeed, the language of computers, which are equipped to talk to each other. The centralized Federal computer will have quite enough information to converse with the computers in private hands. The Senate, once again, must not permit any combination of computers to become the custodians of the people's right to keep and bear arms.

Another throwback to the Treasury's rejected 1978 proposals is S. 1936's requirement that the theft, loss, or disappearance of any handgun must be reported to law enforcement authorities, within a time, and on a form, to be prescribed. Certainly everyone should report any crime they experience or observe, but it is the American way to let the individual choose whether or not to do so. Americans are conscientious and law abiding. They do not suffer crime lightly, and further form filing requirements levied upon the victim simply add insult to injury.

In addition, it has always been my impression that the place to report a crime is the lcoal police department. If the local police need to fill out forms, let them make that decision for themselves. If it is truly in the interests of crime fighting, I think we can rely on them to make the right choice.

This legislation also proposes a reorganization of the firearms bureaucracy which the administration has considered but, so far, has failed even to submit to Congress for approval. The proposal would transfer the Treasury Department's Bureau of Alcohol, Tobacco and Firearms to the Justice Department.

After I became aware that the administration was considering such a plan, I wrote to President Carter, expressing my strong opposition and suggesting that, in the interests of saving money, it would be better to finish the job Congress began when it reduced the Treasury Department's appropriation. Instead of transferring the firearms bureaucracy from one department to another, the 1968 Gun Control Act should simply be repealed, and its Federal bureaucracy dismantled. I ask unanimous consent that my letter to the President be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Special Committee on Aging,
*Washington, D.C., December 6, 1978.*

Hon. Jimmy Carter,
*The White House,*
*Washington, D.C.*

Dear Mr. President: It is my understanding that Draft Federal Executive Reorganization Plan No. 4, developed by the President's Reorganization Project staff, contains a proposal which would transfer the firearms part of the Treasury Department's Bureau of Alcohol, Tobacco and Firearms (BATF) to a new Bureau of Explosives and Firearms in the Department of Justice.

I am adamantly opposed to this proposal, and I urge you to reconsider it. In my judgment, a superior recommendation would be repeal of the 1968 Gun Control Act and other useless and unworkable federal firearms provisions—i.e., the total dismantling of the Treasury's firearms bureaucracy.

The Justice Department is the basic federal crime-fighting force. I believe that the Federal Bureau of Investigation and others under the Justice Department's umbrella have commendably and constructively assisted in the battle against firearms-related crimes, as well as bombings, arson and other felonies involving explosives and incendiaries. There has been no criticism that these efforts have infringed upon the American people's basic right to keep and bear arms, or to use legitimate items like black powder for sport or other forms of recreation.

BATF's actions, on the other hand, have been among the most blatant bunglings of bureaucracy. Burdensome and unnecessary paperwork has been forced on gun dealers and sportsmen. Botched gun raids have ended tragically with the maiming of innocent citizens. In any circumstances, BATF would have had difficulty administering a law as bad as the 1968 Gun Control Act, but why not eliminate both the blunders of BATF and the Bureaucracy which executes them.

This year, BATF produced a proposal for computerized firearm registration diametrically opposite to the expressed will of Congress. That proposal was overwhelmingly rejected by Congress, and BATF's budget was reduced in the process. The country would be best served by completing the job Congress started this year: eliminating BATF altogether and repealing the 1968 Gun Control Act.

Sincerely,

FRANK CHURCH.

Mr. CHURCH. Other provisions of S. 1936 cut so far into individual freedoms and the rights and responsibilities of State and local governments, that they need only be stated to be opposed. The bill would prohibit handgun owners from loaning or renting their handguns to anyone, except for use in their presence or on their premises.

Handgun dealers would be federally required to take security precautions in their places of business. What can this mean but a Federal manual on the precautions to be taken, followed by Federal inspections, fines and indictments. Have we learned nothing from OSHA?

And more, Mr. President, pawnbrokers would be barred from dealing in handguns. Any handgun dealer would be prohibited from selling more than three handguns to one person without special permission. One wonders whether the proponents of Federal gun controls mean to leave any room for State and local responsibility.

Perhaps the final blow with respect to handguns is the attack upon those State and local laws already on the books against the carrying of concealed weapons. To my knowledge, every State has enacted its own law against carrying concealed weapons. There is no reason for the Federal Government to dictate how these laws should read, or to hold out as exemplary the law in one State, Massachusetts, when its merits and results are, in fact, highly questionable.

For example, the study of the Massachusetts law, by the Harvard Law School Center for Criminal Justice—hardly a bastion for the bearing of arms—concluded that the number of otherwise law-abiding people who have been convicted under this law does not justify its provisions. A more recent study reveals that the law has produced no real reduction in crime, but perhaps its best assessment has been by the people of Massachusetts themselves, when by a margin of 69 percent to 31 percent, they voted against a State ban on all handguns, after their experience with existing State controls.

Even those few parts of S. 1936 with which Senators like myself who oppose Federal gun controls might find some sympathy seem significantly flawed. The bill would assist victims of handgun crimes, for example, but prior proposals of this kind before the Senate have made no such distinction in the kind of weapon used. If such programs have any merit, injuries from rifles, knives, bludgeons, fists or any other lethal weapons are just as menacing as those inflicted by handguns, and I would ask the proponents of this bill how they would answer the charges of discrimination by victims from other forms of violence?

Even the bill's mandatory sentencing provisions are defective. The bill suggests, according to its author, mandatory 6-month sentences for persons found guilty of carrying a handgun outside their home or place of business without a valid State license to do so. The potential for innocent citizens to be victimized by such a statute are without bound.

Enactment of this bill, like all previous gun control measures that have failed to abate rising crime, will only encourage the introduction of even broader gun control legislation in the future. The Senate should make no mistake about that. The ultimate objective of this 1979 Handgun Crime Control Act is the same as that of the proponents of the 1968 Gun Control Act: Total Federal preemption of firearms.

Then, the people in States like Idaho, where even the police oppose gun controls as unnecessary and unwanted, will find themselves governed by ever more restrictive Federal laws, directed toward big city life, and utterly inappropriate for rural areas.

Legislation of this kind invites disrespect and defiance of the law, and poses, as it did in the days of prohibition, a general resistance on the part of the people that no American Government can overcome. As a Senator representing a rural State whose people rightfully regard their right to purchase and possess guns as an instrument of their sovereignty, I will exert every effort to defeat this bill.

## CHEMICALS IN THE ENVIRONMENT

Mr. STAFFORD. Mr. President, I would like to share two documents concerning the problem of chemicals in the environment. Usually we view the toxics problem in the traditional context of exotic chemicals in surface or ground waters or poisons in the air. Unfortunately, at its outer limits the problem of toxics—if that term is broadly defined—can have a global context. One example of this is the threat to the ozone layer posed by increasing worldwide use of chlorofluorocarbons.

The National Academy of Sciences recently released two reports dealing with the CFC threat. The first doubled previous estimates of the ozone depletion rate caused by CFC's. It indicates that if the science is correct, we will begin to see the first manifestations of ozone depletion within a decade or so. The second, more recent, report assesses the consequences which this ozone depletion can have on human health and the environment.

Within days after release of the first report representatives of the chemical industry found their way to my office to criticize it. They attacked the Academy's findings as inconsistent with those of a similar study in the United Kingdom and challenged the validity of the ozone depletion theory itself. To clarify the apparent inconsistencies between the United States and United Kingdom reports, I sought the advice of Dr. Brian Thrush of the Department of Physical Chemistry at the University of Cambridge, England. He was the only person who served on both panels. I specifically asked Dr. Thrush whether the two reports could be reconciled and—most importantly—whether the scientific community as a whole believed the ozone depletion theory to be correct. I ask unanimous consent that his reply be printed in the RECORD at the conclusion of my remarks so that Members may read it in its entirety.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STAFFORD. Just to summarize quickly, however, Dr. Thrush rejected the contention of industry that the ozone theory was wrong and said—

> I think that a consensus of the scientific community believes that the hypothesis of ozone depletion by halocarbons is basically correct and that it is supported by the overwhelming amount of scientific information currently available.

I would also ask that a recent article from Science Magazine describing findings of the second report be reprinted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STAFFORD. I know it is very tempting and very easy to ignore problems like this. They are so difficult that avoidance is easier than solution. The path of least resistance is to accept the bland proposition that "without chemicals, life itself would be impossible." But if the American people and the Congress of the United States wish to passively accept the dangers posed by exotic, synthetic substances I think that they should do so with their eyes open, fully aware of the probable consequences. We already know some of the effects: Lakes Erie and Ontario are closed to commercial fishing because of chemical contamination; portions of the Hudson, James, and Shenandoah, and probably a score of other rivers are likewise closed to commercial fishing.

Wellfields in California, Connecticut, Massachusetts, Pennsylvania, and a multitude of other States have been shut down because they are contaminated with chemicals thought to be carcinogenic or mutagenic; millions of people throughout the United States carry body burdens of chemicals whose effects on present and future generations are unknown, but possibly dire. Increases in ultraviolet radiation as a result of ozone depletion can cause not only skin cancer, but reduce agricultural productivity, destroy marine larval life, and possibly, cause an overall warming in the Earth's atmospheric envelope.

It is possible, I suppose, that society wishes to accept these costs as the inevitable conequence of a life made richer through chemicals. I personally prefer to believe that the issue is not whether we can do without chemicals, but whether we can do without those who misuse them, knowing very well the hazards which they pose.

EXHIBIT 1

UNIVERSITY OF CAMBRIDGE,
DEPARTMENT OF PHYSICAL CHEMISTRY,
*January 2, 1980.*

Senator R. T. STAFFORD,
*U.S. Senate, Committee on Environment, and Public Works, Washington, D.C.*

DEAR SENATOR STAFFORD: Thank you for your letter of 14 December. In comparing the U.S. National Academy of Sciences report "Stratospheric Ozone Depletion by Halocarbons: Chemistry and Transport" with the U.K. Department of the Environment's "Pollution Paper No. 15", one must also look at the similarities. For instance, the predicted "steady state" ozone depletions for continued release of F–11 and F–12 at 1973–76 rates are closely similar, as are the time scales for its establishment. It should also be noted that the Foreword to Pollution Paper No. 15 was written by the Minister on the advice of his Civil Servants, who were also responsible for Part I of the report, and that neither were discussed by the scientists who formed the Stratospheric Research Advisory Committee.

The real difference between the reports lies in the assessment of uncertainty of the predicted ozone depletions. Both reports, and indeed almost all informed scientists, agree that the basic chemistry of ozone depletion by chlorine compounds is correct as are the basic premises of the atmospheric transport processes involved. Uncertainties in the estimate of the eventual ozone depletion almost exclusively arise from four sources:

(1) Errors in laboratory determination of reaction rates: This is discussed in the N.A.S. Report and I do not believe that their discussion is seriously challenged.

(2) Inactive removal processes in the lower atmosphere (troposphere) which destroy halocarbons without ozone depletion. Here the two reports agree that such processes are only likely to have minor importance for F–11 and F–12.

(3) The model used to calculate ozone depletions. This treats the atmosphere as a single vertical column in which the composition depends only on altitude. This sweeping assumption is made because of the difficulty of making a calculation which incorporates the complexities of air movements in a system which is simultaneously undergoing chemical reaction. Here the N.A.S. Report makes a somewhat subjective assessment of the effect on the ozone depletion of different assumptions about the rate at which compounds are transported upwards and downwards through the atmosphere. Many U.K. modellers, particularly those associated with the Meteorological Office, strongly believe that one cannot quantify the errors associated with these simple 1–D models, largely because they do not average the rates of chemical reactions correctly. In this connection, I should point out that 2–D modelling of atmospheric chemistry is further advanced in the U.K. than in the U.S.A.; this allows for the variation of atmospheric properties with latitude. Work at Oxford already shows that the percentage ozone depletion will be lower near the equator, where it would be more important than near the poles where the ozone cover is very thick.

(4) Unknown chemistry-reactions which are important in the atmosphere but have not been included in the model calculation. These are best identified by comparing the measured concentrations of such important species as C1 and C10 with the calculated values. However, such measurements are difficult to make accurately and there are seldom enough measurements made to know if they are truly characteristic.

Here it is important to note that Pollution Paper No. 15 was prepared over a year ago for the UNEP Meeting in December 1978, although it was only recently published. At that time, many atmospheric scientists believed that Anderson's 'high' measurements of the chlorine radicals C1 and C10 in the stratosphere were correct and that they cast doubt on the validity of model calculations which predicted much lower values. I have always held what was at that time a minority view that Anderson's 'high' measurements were not characteristic of the natural stratosphere. I understand that Anderson's recent measurements made at times of the year when he previously obtained 'high' values now give values close to the predicted ones and it is becoming generally accepted that his work does not conflict with model calculations.

Similarly I believe that further measurements of the ratio of HF to HC1 in the atmosphere will resolve the discrepancy between the first measurements and the model calculations, as was the case for the ratio of nitric acid to nitrogen oxides.

Clearly one cannot make a quantitative assessment of the uncertainty in ozone depletion due to an unknown chemical process. Pollution Paper No. 15 takes the view that no attempt can be made to put a number to it, whereas the latest N.A.S. Report takes the view that the probability of significant new chemical processes being discovered is small enough to be neglected.

To summarise, I think that a consensus of the scientific community believes that the hypothesis of ozone depletion by halocarbons is basically correct and that it is supported by the overwhelming amount of scientific information currently available. It is now becoming accepted that Anderson's stratospheric measurements are not inconsistent with this hypothesis. The 'factor of 6 within 95 percent confidence limits' are I think, accepted by the majority of the scientific community. I am slightly less sanguine about them since I believe that improved methods of describing air movements and averaging the rates of chemical reactions will probably reduce the calculated steady state ozone depletions in temperate latitudes, perhaps by as much as a factor of two. I would say that there is a very low probability of the models being in extreme error. Nevertheless, one must remember that supersonic aircraft were once thought to pose a serious threat to the ozone cover, now they are believed to enhance it slightly.

Skin cancer is fortunately very rare in the U.K., particularly by comparison with lung cancer, and there is little concern about or opportunity for excessive sunbathing. For this reason the halocarbon problem seems less immediate to many people than other pollution problems such as sulphur dioxide and carbon dioxide in the atmosphere. There is a feeling that about two more years of research and measurement will put the subject on a firmer basis.

To me, an interesting question which has received little debate is; what would be the maximum acceptable ozone depletion?

Yours sincerely,

B. A. THRUSH.

---

EXHIBIT 2

## OZONE DEPLETION WOULD HAVE DIRE EFFECTS

Depletion of the earth's ozone layer resulting from the release of chlorofluromethanes into the atmosphere may have substantial health and environmental effects, according to a new report from the National Acedemy of Sciences. Increased ultraviolet radiation transmitted through the stratosphere as a result of the depletion may produce large numbers of new cases of skin cancer, reduce the productivity of agriculture crops, destroy larval forms of some marine life, and produce a slight warming of the earth's atmosphere. Alternatives are available for many of the uses of the chemicals, the report says, but "further unilateral U.S. action can have only a limited impact in reducing the extent of global stratospheric ozone depletion."

The new report,* issued just before Christmas, is the second report on chlorofluoromethanes (CMF's also known as chlorofluorocarbons or by the trade name Freons) issued by the Adademy in the last 2 months of 1979. The first, issued in November by the Academy's Panel on Stratospheric Chemistry and Transport (Science, 7 December 1979, p. 1167), projects that there will most likely be a 16 percent reduction in the concentration of ozone in the stratosphere if CFM's continue to be released at the 1977 rate. The new report, prepared by two other panels, explores the effects of such a reduction in ozone and considers ways to reduce the use of CFM's.

Stratospheric ozone is important because it screens out most of the so-called damaging ultraviolet (DUV) radiation—light with wavelengths between 290 and 320 nanometers—emitted by the sun. A 16 percent reduction in stratspheric ozone will produce a 44 percent increase in the amount of DUV radiation reaching the earth's surface, and a 30 percent reduction in ozone will double DUV radiation. The potential hazards of such an increase were considered by the Committee on Impacts on Stratospheric Change, chaired by John W. Turkey of Bell Laboratories.

The most important health effect of DUV radiation is the induction of skin cancer. There are two principal types of skin cancer, melanoma and nonmelanoma. Nonmelanoma skin cancer is the most common form of cancer, and its incidence in the United States is variously estimated to be between 300,000 and 600,000 cases per year. Nonmelanoma skin cancers can generally be removed by simple surgery and are rarely fatal, accounting for only about 1600 deaths per year in this country. Nevertheless they can cause substantial disfigurement of the victim. Nonmelanoma skin cancer usually develops on parts of the skin normally exposed to direct sunlight, and its incidence is correlated with cumulative lifetime exposure to DUV radiation.

Melanoma is a more severe form of skin cancer that is fatal nearly a third of the time. The U.S. incidence in 1979 is estimated at about 13,600 cases, and the number of deaths at about 4,000. The relationship of melanoma to DUV radiation is more complex than that of nonmelanoma skin cancer, but the incidence of melanoma has been increasing at an annual rate of about 3 percent in recent years, presumably as a result of greater voluntary exposure to sunlight. The greatest incidence of melanoma occurs among individuals who do not tan readily, particularly those in this group, such as white-collar workers, who are exposed to the sun only intermittently.

The committee concludes that the incidence of both types of skin cancer will increase sharply if there is an increase in DUV radiation. In the United States alone, a 16 percent reduction in stratospheric ozone would lead to "a certainty of very many thousands of additional cases every year" of nonmelanoma skin cancer and "a likely probability of thousands of new cases a year," of melanoma, of which a substantial fraction would be fatal.

It is much more difficult to predict with certainty the effects of increased DUV radiation on plants and animals, primarily because

---

**Protection Against Depletion of Stratospheric Ozone by Chlorofluorocarbons* (National Academy of Sciences, Washington, D.C. 1979).

there is simply not enough experimental foundation. DUV radiation damages DNA in all types of cells, whether plant or animal: it is the degree of susceptibility to this damage that is at question.

More than 100 varieties of agricultural crops have been exposed to increased DUV radiation in controlled environment growth chambers—82 of them by Robert H. Biggs and Susan V. Kossuth of the University of Florida at Gainesville. Biggs and Kossuth found that approximately 20 percent of the varieties are sensitive to daily doses of DUV on the order of those delivered by Florida sunshine at present ozone concentrations. Increased exposure of these plants to DUV radiation led to reductions in the dry weight of the plant and changes in the proportion of plant material represented in roots, shoots, and leaves. Another 20 percent of the varieties were resistant to four times as much DUV as the present level, while the remainder showed intermediate sensitivity.

These apparently straightforward results become much more ambiguous, however, when plants growing in open fields are subjected to increased DUV radiation from lamps. Such experiments have so far been carried out on only about 15 plant species, and the results are hard to interpret because growth variations under field conditions often obscure responses to specific treatments. In most cases, plants grown in the open field appear more resistant to DUV than plants grown in a controlled environment in a few cases where direct comparisons are possible, they are as much as four times more resistant. Nonetheless, some species, including sugar beets, tomatoes, mustard, and corn do exhibit lower yields when exposed to increased DUV radiation. The committee thus concluded that a 16 percent reduction in ozone "might cause an appreciable reduction in yield for at least a few crops."

Another area of concern is the aquatic ecosystem. Studies on more than 60 aquatic microorganisms, protozoa, algae, and small invertebrates by, among others, John Calkins and his colleagues at the University of Kentucky indicate that most are sensitive to current water surface levels of DUV radiation. The potential for hazard is still speculative, however, since little is known about either attenuation of DUV by water or the normal depths at which the organisms spend most of their time.

John R. Hunter and his associates at the National Marine Fisheries Service in La Jolla, California, have found that the commercially important anchovy normally exists near its UV tolerance limit. A 16 percent reduction in ozone would, the committee concludes, "as a 'worst case,' kill over 50 percent of the anchovies in the top 10 meters of the clearest ocean water or else would require them to adjust their usual water depth to diminish UV exposure," with unknown consequences. Similar studies of crab and shrimp larvae show that they, too, are near their DUV tolerance limit. The overall sampling of marine species is still very small, however.

Another potential effect of continued release of CFM's is a change in climate resulting from both direct and indirect effects. The CFM's can themselves affect climate by absorbing infrared radiation given off by the earth's surface, thereby contributing to the so-called greenhouse effect that leads to atmospheric warming. A CFM-induced reduction in stratospheric ozone will also, through a complicated series of events, most likely produce atmospheric warming. The net effect of continued release of CFM's at the 1977 rate, the committee predicts, will be an average warming of the earth's surface by a few tenths of one degree Celsius, or about 10 percent of the warming that is predicted to result from increased combustion of fossil fuels.

The second half of the new report was produced by the academy's Committee on Alternatives for the Reduction of Chlorofluorocarbon Emissions, chaired by Max S. Peters of the University of Colorado. This group makes a strong case that global cooperation is necessary to ameliorate the potential hazard from CFM's. Since the United States banned the use of CFM's in most aerosol spray cans, this country's share of world output of CFM's has dropped from half to about a third. Further unilateral action by the United States can have little effect, particularly since use of CFM's elsewhere is increasing and new uses that take advantage of their inertness continue to be found. The greatest global gain, the committee contends, would result from the worldwide elimination of nonessential aerosol propellant uses. Experience in the United States has already shown that the economic impact of such an action would be small.

Beyond such a ban, however, control becomes much more difficult because the versatile chemicals have found their way into so many different applications and sometimes appear virtually impossible to replace. CFM's are ideal for commercial refrigeration and air conditioning systems, for home refrigerators and freezers, and as a solvent for cleaning electronic components. No one has yet found an acceptable alternative for such applications. CFM's will also be difficult to replace as blowing agents for the rigid polystyrene and polyurethane foams used for insulation and other purposes. Most of the CFM used to form air cells in these foams remains trapped in the foam throughout its life and contributes substantially to the insulating value. Insulating foams produced with other blowing agents are not nearly as effective.

Significant improvements can be made. The CFM's in automobile air-conditioners, for example, are routinely replaced every 1 to 2 years. Peters says, primarily because of leakage. Design and construction modifications that would minimize such leakage could yield significant reductions in CFM emissions at a relatively low cost. Improved recovery and recycling of the refrigerants during servicing of automobile air-conditioners could also yield significant reductions in emissions, but this would be much more expensive to implement since there are such a large number of service facilities.

CFM's are also used as the blowing agent for soft polyurethane foams, such as those used in seat cushions, fabric backing, and the like. Nearly all of this CFM is released into the atmosphere shortly after the foam is formed. Given a few years to adjust properties and processes, the committee says, the industry could replace virtually all of this CFM with methylene chloride, with only a small loss in cushioning properties.

Other applications for which some alternatives to CFM's are available include metal cleaning and drying, solder flux removal, garment cleaning, industrial sterilization of medical equipment, and fast freezing of food. In each case, though, there is an economic incentive to remain with CFM's, and it will probably be necessary to develop a regulatory incentive to encourage change.

The panel considered a large number of ways in which use of CFM's could be controlled, and concluded that no one strategy would be effective for all uses. Instead, a combination of approaches will be necessary and their use will rely more on political and economic decisions than on scientfiic rationale. Among the possibilities:

Bans. It is probably impossible to ban all uses of CFM's, but certain uses, such as aerosol propellants, can easily be prohibited.

Control technology standards. It is possible to require the use of the "best available technology" for reducing emissions, including containment, recapture, and recycling in industrial and manufacturing operations. Such an approach would be expensive and hard to enforce.

Taxes on production and use. This approach could work when more expensive or less effective alternatives are available, but the tax would simply be passed on to the consumer if no acceptable alternatives were available.

Quotas implemented by marketable permits. The government might specify overall ceilings for production or use, allowing firms to buy and sell "rights" among themselves.

A deposit-refund system. The purchase of a refrigerator, for example, might require a $50 deposit for the CFM's it contains; the deposit would be refunded when the refrigerator was turned in at a recycling center at the end of its useful life.

Recycling on disposal. The government might, for instance, require and subsidize collection centers for refrigeration equipment.

Notably missing from the list are point source emission standards and "safe" disposal standards. The former were rejected because CFM emissions at a factory are difficult to monitor directly and any alternative would be prohibitively expensive. The latter were rejected because—aside from pyrolysis, which is both "expensive and polluting"—there are no feasible methods for "denaturing" CFM's or containing them in perpetuity. The only immediately practical disposal option is recycling.

Both of the Academy reports appear to be falling on deaf ears. A report from the United Kingdom's Department of the Environment issued in 1979, and typical of governmental attitudes around the world, concluded that "present understanding of ozone depletion is limited and based on model assumptions which have not been adequately identified." The fluorochemical industry itself calls the whole subject "hypothesis" and is asking for another 4 years without regulatory action to obtain conclusive scientific data. (Three years ago, the industry asked for only 3 years to obtain the data.) But the scientists who have prepared the two Academy reports are convinced that the "hypothesis" is correct and that stratospheric ozone is being destroyed by CFM's. Further delay, they argue, will merely increase the eventual problems.—THOMAS H. MAUGH II.

---

## ADMINISTRATION'S PROPOSED FISCAL YEAR 1981 BUDGET

**Mr. DURENBERGER.** Mr. President, the budget released this morning by the Carter administration is another broken promise to the American people.

In the political rhetoric of the past 3 years, a balanced budget by fiscal year 1981 has been virtually enshrined as a national economic goal. The President adopted that goal in his first election campaign, when he spoke so eloquently of the need for fiscal restraint. The Senate Budget Committee echoed that promise in the budget resolution approved last year. And a majority of the Senate used that promise as a reason for rejecting Republican attempts to reduce Federal spending throughout the last session.

This morning, the White House released the draft of its 1981 budget proposal. It is a bitterly disappointing draft, calling for a $52 billion increase in Federal spending, and a deficit of at least $16 billion. A deficit of this magnitude means more inflation, and more hardship for wage earners struggling to live within the guidelines mandated by the administration. It guarantees another difficult year for the disabled, the senior citizens, and every other American living on a fixed income.

To meet that deficit, the Federal Government will borrow from the private capital market, diverting money that should be used to help young families purchase homes, and to assist the beleaguered housing industry. We should also bear in mind that when the Government borrows sums of this magnitude, it dries up the capital market, forcing interest rates to rise. The President's decision to run up still another massive deficit is bitter news for the farmers and small business men and women who enter the 1980's forced to borrow at the highest interest rates in recent American history.

Actually, it would be optimistic to presume that the deficit produced by this budget will be only $16 billion. To reach that $16 billion figure, the President has made a series of economic and legislative assumptions that may never materialize. For example, he presumes that the inflation rate through most of the fiscal year will not exceed 8.6 percent—a 40-percent reduction from the levels being experienced today.

Revenues from the windfall profit tax appear overstated, and revenue loss from foreign tax credits and energy tax credits are substantially understated. The budget also presumes enactment of legislation limiting the use of tax-free bonds for housing, and legislation altering the tax status of independent contractors. Whether either bill will become law this year is highly questionable.

Lowering the projected deficit through the use of unrealistic assumptions is a dangerous practice. It misleads the public, and provides a weak basis for congressional fiscal planning. A year ago, the administration made similar optimistic assumptions in projecting that the deficit would not exceed $31 billion. The result: We now have a $40 billion deficit, and it is likely to climb higher before the fiscal year ends on September 30. I suspect that the projected 1981 deficit is every bit as unrealistic.

The President's decision to abandon his commitment to a balanced 1981 budget carries three important messages for every Member of the 96th Congress.

First, it provides proof of the pressing need to enact a constitutional amendment limiting Federal spending. I find it difficult to envision how the pressure for fiscal responsibility could be stronger than it is today. Inflation in 1979 reached 13.3 percent, the highest level in peacetime American history. Interest rates and commercial loans are averaging at least 15 percent. And public demands for responsible Federal spending are coming from every segment of society. The impetus for a balanced budget has never been stronger. Nevertheless, Congress is again confronted with a demand for deficit spending. This is not an issue where the majority has been silent; the administration has simply refused to listen.

This is a dramatic example of the extent to which institutional factors militate against reductions in Federal spending. And it is solid proof that if we are to ever regain control of Federal spending, it will have to be through the mechanism of a constitutional "spending limitation" amendment. I commend the members of the Judiciary Committee for the efforts they made to advance that amendment in the first session. And I hope that the members of that committee, and the Members of the Senate as a whole, will give serious consideration to Senate Joint Resolution 56, the spending limitations amendment, of which I am privileged to be a cosponsor. The budget announced this morning is a persuasive argument for rapid adoption of these spending limitation measures.

Second, this budget is an equally persuasive argument for immediate enaction of legislation to index inflation out of the Federal income tax. In offering his budget proposal, President Carter argued that this year's $16 billion deficit is a commendable reduction from the deficit of a year ago. But that claim is nothing more than semantics. The President has only been able to produce that "reduction" because inflation has taken an additional $20 billion to $30 billion in tax revenues from the pockets of American taxpayers.

That fact highlights a perverse aspect of the American tax system. Whenever inflation rises, the Government actually profits from increased tax revenues. The average citizens are the real losers. They have to pay higher taxes, while simultaneously facing ever increasing prices. In my view, there is no public policy justification allowing the Federal Government to keep this so-called inflation dividend. It should be returned to the taxpayer to be spent, saved or invested as they see fit.

So long as Government reaps the benefit from inflation, it has a weaker incentive to combat higher prices. This Congress can provide the necessary incentive, and return billions of dollars in tax revenues to the American public by enacting indexing legislation. Last session, I introduced S. 1974, legislation indexing Federal corporate and personal income taxes to inflation. I hope that every Senator will give strong consideration to that bill, so the inflation dividend from this year's deficit budget will be returned to the people, and not to the politicians.

Finally, it is absolutely essential for each Member of the Senate to seek every possible means by which the massive deficit contained in the President's budget can be reduced. I am a firm believer that there must be some flexibility in every Federal budget. There are a number of areas—transportation and energy, for instances—where decades of public neglect make additional expenditures an absolute necessity. But a deficit of $16 billion is unacceptably high. The President is mistaken if he believes that a deficit of this magnitude will avert a recession. On the contrary, by driving up interest rates, discouraging savings, and weakening the value of the dollar, it is far more likely to push this Nation into a serious recession.

I hope the members of the Senate Budget Committee will subject this budget to the toughest possible analysis. It is the responsibility of the members of that committee, and of every other Senator, to seek every possible means to reduce this deficit. I will personally support every reasonable effort to do so when the budget comes to the floor.

---

## NATIONAL DEFENSE IS AFFORDABLE

Mr. HAYAKAWA. Mr. President, with the current debate on defense spending, I would entreat my colleagues to read Paul McCracken's editorial in today's Wall Street Journal entitled "National Defense Is Affordable."

In view of our deteriorating defense posture and the volatile world situation, it behooves us to significantly increase defense spending so that we can carry out our professed foreign policy. All too often we hear arms control ideologues tell us that we are spending too much on defense and that we cannot afford it. Mr. McCracken professes that this is not the case. He also points out that, contrary to popular belief, defense spending (in real terms) has actually decreased during the past decade. Therefore, I ask unanimous consent that Mr. McCracken's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 28, 1980]

### NATIONAL DEFENSE IS AFFORDABLE

(By Paul W. McCracken)

A reasonable prognosis for 1980, and probably for the 1980s, is that the nation's outlays for external security will be substantially enlarged. Neither government nor the citizenry will turn to economists for much advice on the exact magnitude of the needed increase. But the economic magnitudes would seem to be substantial.

Estimates about the rate of increase in the U.S.S.R.'s "real" military outlays range from 3% per year during the 1970s to figures that are at least double that. U.S. outlays for national security in "real" terms, by contrast, have continued to drift downward after the peak reached in 1970, leveling out at a flat valley of about $65 billion (expressed in 1972 prices throughout) during the latter half of the last decade. This means that we would have to go back to 1950, before the Korean Conflict, to find a smaller amount of economic resources being committed to defense spending than in 1979.

*U.S. defense outlays*

[Dollar amounts in billions, 1972 dollars]

| Year | "Real" outlays [a] | Outlays as percent of GNP [b] |
|---|---|---|
| 1949 | $31.6 | 5.1 |
| 1952 | 93.7 | 13.2 |
| 1960 | 75.3 | 8.8 |
| 1965 | 73.7 | 7.2 |
| 1968 | 100.7 | 8.9 |
| 1969 | 95.4 | 8.2 |
| 1970 | 85.1 | 7.5 |
| 1975 | 65.6 | 5.5 |
| 1979 [c] | 65.0 | 4.6 |

Source: Basic data from the Department of Commerce.

[a] Outlays in current dollars deflated by the GNP price index for federal government purchases of goods and services.

[b] Using data in current prices.

[c] Estimated.

Moreover, in no year since 1948 have we devoted as small a proportion of our total output—just over 4.5 percent—to national defense as in 1979. During the long period between the end of the Korean Conflict and the Vietnam build-up, bracketing both Republican and Democratic administrations, we were allocating 8 percent to 9 percent.

### AN IMBALANCE OF POWER

The 4.5 percent figure for last year, of course, contrasts strikingly with estimates for the U.S.S.R., which range from 11 percent-15 percent in recent years. Even with a generous allowance for errors in these estimates, which might leave the "true" figures more rather than less terrifying, it is hard to see how these two sets of data could lead to anything other than an imbalance in power between the two nations.

(Another imbalance is our difficulty in figuring out the facts of Soviet military spending in contrast to the easy time they have. For a subscription to any one of several government publications, the annual cost of which would be considered by a KGB officer to be inadequate for a day's miscellaneous expenses, the Soviets can get a quarterly or even monthly reading on us. For us, monitoring the magnitude of their military effort requires a blend of the occult and the necromantic added to statistical analysis.)

While the requirements for reducing this gap pose questions that must be answered by students of military and geopolitical matters, there are also questions about the implications of our probable increase in national defense outlays for the economy. Here there are at least two basic points to keep in mind. Perhaps the most important is that we can readily afford enlarging our national defense effort. In a sense this is self-evidently true. History is not reassuring about the future of major nations unwilling to commit themselves to their own defense. We can afford whatever is necessary for our external security because, quite simply, we cannot afford not to do so.

Even from a less ultimate of Olympian vantage point, however, a substantial increase in defense spending is not apt to produce major dislocations in the path of the economy.

The years 1957 to 1965 serve as a good period for comparison purposes. The consumer price index rose at the average annual rate of 1.4 percent during that eight-year period. Productivity for the nonfarm private economy was rising at a 2.9 percent per year rate, and the real purchasing power of the average family's income was rising at the annual rate of 2.8 percent (illustrating once again that gains in productivity and gains in real income are two sides of the same process). And the unemployment rate for the full period averaged 5.5 percent.

If the President in his Economic Report this year could confidently predict such a performance for 1980, or could record such a performance for recent years, he would almost certainly get the renewal of his political mandate which he would then deserve.

It is, therefore, interesting that national defense outlays from 1957 to 1965 were, on the average, equal to 8.6 percent of GNP and were never lower than the 7.2 percent in 1965. History makes it clear that our economy can carry the burden of a substantially larger national security program and continue to function well.

A bit of arithmetic demonstrates the scope available for increasing national defense outlays and still have an economy capable of the vigor it displayed in the 1957-1965 period. Suppose our objective were in five years to bring these outlays up to the 8.6 percent of GNP that prevailed in that earlier period, assuming also that real GNP during the five years would grow 3 percent per year (which would be modest by historical standards). In that case defense outlays could rise 17 percent per year in real terms, somewhat more than doubling. Yet by the fifth year these outlays would reach only 8.6 percent of GNP—a figure that prevailed when we had reasonably full employment, a quite stable price level and productivity and real incomes arising 30 percent per decade.

There is a second basic point to keep in mind as we think our way through the problems of making greater provision for national security. The inherent bias of a liberal market-organized economy such as ours is probably toward an inadequate defense program, and the inherent bias of an authoritarian, state-managed economy such as that of the U.S.S.R. is toward a preference for defense programs.

The dynamics and vigor of a liberal economy derive from its ability to benefit from the totality of knowledge and creativity inhering in all people, exercised within a general framework of rules provided by government, and forced to pass the test of the impersonal market place. Its inherent genius is the creation of new products and new ways of doing things in civilian markets. It is the liberal economies that equip their people with automobiles and handheld, complex calculators and the latest fashions, and it is the state-managed economies that are forever copying these items and playing catch-up economics.

The dynamics of a liberal, market-organized economy inherently drive it in a civilian direction. And obviously defense spending is not needed for a vigorously expanding economy. Immediately after World War II, when defense outlays were cut almost 90 percent, the unemployment rate "rose" to 3.9 percent in 1946 and 1947, and briefly to 5.5 percent after the cessation of the Korean Conflict.

### FROM THE TOP DOWN

Authoritarian, state-managed economies, by contrast, inherently find military production more congenial than civilian markets. Managing the economy from the top down, these governments inevitably find big programs more congenial to their taste and to their methods of operation. Military production requires by its nature government decisions about what ought to be produced, allocations of raw materials, and the other paraphernalia of government management of the details of economic life. Such a system simply has no way for coping with an economic order where people would constantly be popping up with new ideas ranging from digital watches or faded blue jeans to new and different ways of merchandising.

The state-managed economies can build dams, construct highways and manage a military program, and the result is that economic resources tend to go into these programs at the expense of the infinitude of things consumers would like to have. Thus in these economies the things which in market-organized economies have become plentiful remain in short supply and often of ancient design.

There is, of course, a fashionable view that governments in countries with market-organized economies are forced to engage in defense programs—in order to provide markets for output. Neither the logic of our system nor the historical record in recent decades lends much support to this view. We shall come closer to having regard for our vital national interests if we keep squarely in mind that in addition to geopolitical considerations, which may keep the U.S.S.R. constantly tempted in each case to annex the "next" country, the U.S.S.R.'s economic system with its top-down management also nudges it inexorably toward allocating resources to the military establishment.

## THE CONTINUING CHALLENGE OF HUMAN RIGHTS

**Mr. PROXMIRE.** Mr. President, President Carter outlined in his state of the Union address "the most important challenge facing our country as we enter the 1980's." The President was careful not to let recent international events mute his call for progress in human rights. He reaffirmed that our most basic aims in foreign policy include preserving our own human rights and expanding those of others around the world.

The President proclaimed, "No single action by this country would do more to advance the cause of human rights" than Senate approval of key human rights treaties including the Genocide Convention. This is the fourth time President Carter has appealed to the Senate concerning the Genocide Convention. Mr. President, the fourth time.

The convention and four other human rights treaties now before the Senate share two important features: They establish world standards for human rights and move toward implementing machinery. Let us see how the Genocide Convention fits this pattern.

First, the Genocide Convention sets a world standard by declaring genocide a crime under international law. Article II of the convention defines genocide as commission of an act with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group.

Second, the convention calls for implementing machinery to be enacted by the parties to the convention. In this way, persons charged with genocide are to be tried by an agreed-upon tribunal and, if found guilty, punished effectively.

Opponents of the Genocide Convention are mistaken in their belief that the convention affects the Constitution or supersedes current U.S. policy on extradition. Any such changes would only occur if provided for by Congress in future legislation—but not by ratification of the Genocide Convention.

Senate ratification of the convention would be a step in the right direction—especially at a time when significant world events have drawn the foreign policy spotlight away from human rights goals which must be kept in mind. I applaud President Carter's renewed call for the "earliest possible Senate action" and I urge my colleagues in the Senate to ratify the Genocide Convention.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Office laid before the Senate a message from the President of the United States submitting the nomination of John H. Dalton, of Virginia, to be a member of the Federal Home Loan Bank Board;

which was referred to the Committee on Banking, Housing, and Urban Affairs.

---

## THE 1981 BUDGET MESSAGE OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 151

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Appropriations and the Committee on the Budget, jointly, pursuant to order of January 30, 1975:

*To the Congress of the United States:*

This budget for 1981 is prudent and responsible. It continues the strategy of restraint that I proposed, and the Congress accepted, for the 1980 budget. At the same time it proposes selected, essential increases in areas of high priority and great national concern. In this way it seeks a balance between our needs for budgetary restraint and our needs for specific expenditures. I expect the Congress to support it.

Total outlays for 1981 proposed by this budget are $615.8 billion, an increase of 9%. After allowing for inflation, this budget is virtually level with 1980 spending. Total receipts for 1981 are estimated to be $600 billion. In view of current economic conditions, the only major revenue proposal included in the budget is my windfall profit tax now before the Congress.

BUDGET TOTALS

[In billions of dollars]

| | 1979 actual | Estimate | | | |
|---|---|---|---|---|---|
| | | 1980 | 1981 | 1982 | 1983 |
| Budget receipts | 466 | 524 | 600 | 691 | 799 |
| Budget outlays | 494 | 564 | 616 | 686 | 774 |
| Surplus or deficit (−) | −28 | −40 | −16 | +5 | +25 |
| Budget authority | 557 | 654 | 696 | 775 | 868 |

Thus, I am proposing a deficit of $15.8 billion, the lowest deficit in 7 years. This reduces the deficit by 60% in comparison to 1980. More significantly, it is $50 billion less than when I first ran for the Presidency. As a percentage of the budget, and of the gross national product, the 1981 deficit is the second lowest of the last decade.

Economic projections deeply affect this budget. It appears today that the long economic recovery occurring throughout my first term may falter this year. I have therefore assumed that there will be some decline in GNP during the course of 1980, followed by renewed but moderate growth in 1981. As a result, budget receipts will be reduced and certain expenditures will increase automatically. This is why the 1981 budget is in deficit. If, contrary to our assumptions, the economy were to perform strongly enough to keep the unemployment rate at its current level, the 1981 budget would be in surplus.

We must monitor the economic outlook carefully. If the economy begins to deteriorate significantly, I will consider tax reductions and temporary spending programs for job creation targeted toward particular sectors of economic stress. But I believe current economic conditions argue for restraint.

I believe that this judgment and this budget recognize that equitable budget restraint is essential in our efforts to control inflation; that the unemployed should not bear the costs of our anti-inflation efforts; and most importantly, that we continue to pursue the goals of full employment, price stability, and balanced growth. The fiscal and program policies in this budget are essential, I believe, if we are to move rapidly toward these goals in the 1980's.

Indeed, the restraint proposed in this budget is essential to achieve these goals. The unacceptably high inflation now prevailing is clearly due to many, deeply imbedded, long-term forces. Countering this inflation involves sustained action across a wide spectrum.

—We must reduce our dependence upon foreign oil.

—We must enhance our economy's productivity.

—We must continue our efforts to foster competition and innovation through further deregulation.

—We must sustain compliance with the administration's wage and price guidelines.

But none of these efforts can succeed unless Federal spending is controlled. By continuing a clear and consistent policy of restraint, the 1981 budget insures that the Federal budget will not be an inflationary force in the economy.

Although I have kept spending in this budget from rising in real terms, I have found it necessary to increase funds in a few critical areas. The most important of these are defense, energy, basic research, and the training and employment of our Nation's young people.

*Defense.*—The long decline in real spending for defense that began in 1969 has been reversed. The uncertain and sometimes hostile world we live in requires that we continue to rebuild our defense forces. The United States will continue to seek peaceful means to settle international disputes. But I cannot ignore the major increases in Soviet military spending that have taken place inexorably over the past 20 years. I cannot ignore our commitment to our NATO allies for mutual real increases in our investment in national defense. I cannot ignore the implications of terrorism in Iran, or Soviet aggression in Afghanistan.

Therefore, my budget purposes a defense program in 1981 of $158.2 billion in budget authority, an increase of over 5% in real terms. Outlays for defense will be $142.7 billion, a real increase of over 3%.

Moreover, I am committed as a matter of fundamental policy to continued real increases in defense; and I plan increases in my defense budgets through 1985. Over the period 1981–85, I am proposing that the defense program level of the United States increase by $90 billion.

*Energy.*—This budget reflects the important progress made by my administration toward a broad and practical program dealing with the energy problems the Nation will face in the next decade. I am confident, and the 1981 budget assumes, that early in the 1980 session the Congress will pass the crucial measures I proposed last year: the windfall profit tax, the Energy Security Corporation, the conservation measures, and the Energy Mobilization Board.

With this budget we will have put into place an energy program composed of the following elements:

(1) *Realistic pricing and fair taxes.*—My decontrol decision of last April is now in effect. It is painful, and no one can pretend otherwise. But we cannot have an energy program that maintains illusions. Energy is not cheap, and we must accept that fact.

My windfall profit tax, to be passed early this year, retains a portion of the profits from energy price increases for the public. This will insure that increased energy prices will lead to new public investment in energy production. It will insure also that the burdens of higher energy costs are fairly shared.

(2) *Conservation.*—The 1981 budget allocates resources for tax incentives, low-interest subsidized loans, and other measures to stimulate more conservation. Conservation is the quickest and cheapest step we can take to confront our energy problem.

(3) *Production.*—This budget anticipates the creation of the Energy Security Corporation to facilitate the development of synthetic fuels and a major new gasohol program. It also supports continued new investments in those energy initiatives begun in the last two budgets. We are significantly increasing our expenditures on fossil fuels, on solar energy, and on nuclear fusion. Nuclear fission research, on the other hand, declines, while greater emphasis is placed on solving the current problems of nuclear power.

(4) *Protection.*—As we adjust to the new energy realities, we must continue to protect those who are most vulnerable. The 1981 budget continues to provide funds for the poor to weatherize their homes; funds to enable the most disadvantaged Americans to cope with the rising cost of energy; and funds for energy crisis assistance.

My energy program is, of necessity, a long-term one. But if it is sustained through the new decade, we will reduce consumption, increase production from domestic sources, and promote alternate forms of energy. We will significantly reduce our dangerous reliance upon foreign oil. We will remove a major source of inflation. Our economy and our Nation will emerge from the 1980's stronger than they are now.

*Basic research.*—In the long run, economic growth depends critically on technological development. For many years, this country has led the world in producing new technology. We are in danger of losing this leadership. The 1981 budget continues my long-standing commitment to reverse the trends of the past two decades and provide for major and sustained increases—above the rate of inflation—for research and development programs. Obligations for research and development will increase by 13%; for basic research by 12%. Since 1978, obligations for basic research will have increased by 40%. I believe that these are among the most important expenditures we can make. The payoff, particularly for basic research, is long-term, but immense. We benefit today—in new industries, in millions of jobs, in lives saved, and in lives protected—from the investments in science made decades ago. We must continue such investments today to reap similar returns tomorrow.

*Human resources.*—My budget, restrained as it is, provides needed support to those Americans who are most in need. Most of the increase in the 1981 budget over 1980 is due to the automatic cost-of-living increases in entitlement programs that provide income to the poor and the elderly. I have continued and improved these programs. In addition, I have proposed discretionary increases in a wide range of programs affecting those in our society who are the most disadvantaged.

The budget includes $687 million for proposals to expand health services to the poor and the underserved, including $403 million to provide medicaid eligibility for 2 million additional low-income children and approximately 100,000 pregnant women. The budget also includes a 24% increase in subsidized housing programs and a 24% increase in elementary and secondary education programs for the disadvantaged. Overall, I am proposing an increase of $7 billion in aid to the poor to protect them against the effects of inflation.

At the same time, I am proposing a major initiative that will enable our Nation's disadvantaged youth to receive a strong basic education, to find and keep a job. This is a critically important time for this initiative. In the 1980's, the number of youths entering the labor market will fall. If the young people of the 1980's are prepared, they will be able to find good jobs and build productive lives. My initiative will make this preparation possible. It will couple a strong emphasis on basic education with significant employment opportunity. For those young people who participate, the programs will be tough and challenging. But they will be extremely worthwhile. Those who complete them will have a major advantage where it counts—in the permanent job market. I consider this investment in human resources for the 1980's to be as important as the investments I am proposing for basic research. It is an investment in our most precious resource—the energies and talents of America's young people.

*Agriculture.*—Because of the aggression by the Soviet Union against Afghanistan, I concluded that we could not now permit that country to benefit from our productive agriculture. On January 4, I announced the suspension of shipments of grain, soybeans, and their byproducts to the Soviet Union. This budget reflects the steps necessary to avoid the devastating effects such action could have had on our farmers and grain shippers. Specifically, the Secretary of Agriculture will:

—purchase contracts entered into with the Soviet Union at prices at or above those prevailing on January 4;

—if necessary, take title to the grain intended for export to the Soviet Union and isolate it from the market;

—purchase up to 4 million metric tons of wheat for an international food aid reserve;

—increase the loan level for feed grains and wheat by 10 and 15 cents per bushel, respectively; and

—modify the farmer-owned grain reserve to encourage farmers to place additional grain in the reserve.

On January 19, I announced as additional steps to avoid the impact of suspension of shipments, that the Government would:

—increase the 1980 and 1981 Public Law 480 programs in order to increase grain shipments abroad; and

—purchase corn directly at local levels to stabilize cash markets and alleviate transportation backups.

I stand ready to take further steps if these actions prove insufficient.

*Other commitments.*—In other important areas, the 1981 budget reflects the reorganization accomplishments of the administration; continues the significant progress already experienced in urban and community development; expresses my commitments to welfare reform and a national health plan, programs that will begin in future budget years; and reaffirms my dedication to improved Federal budgeting and management.

The budget anticipates that my welfare reform proposals will take full effect in 1982, and my national health plan proposal in 1983. Taken together, these programs provide income support and assured health care to all Americans in need. My national health plan—which will be phased into operation prudently, consistent with the state of our economy—minimizes direct governmental control over health care, restrains the growth of Government, and provides maximum individual choice. I am continuing to seek enactment of my hospital cost containment proposal, which I believe is an essential part of any national health plan. When fully enacted, these two proposals—welfare reform and the national health plan—will significantly and permanently improve the lives and prospects of all Americans.

The 1981 budget includes a $15.5 billion allocation for the new Department of Education, which the Congress has approved. The establishment of this Department will require a great deal of effort in the short run, but it will give our system of education the consistent attention and high priority it deserves.

This budget also continues the improvement in the budget process I promised 4 years ago. In the 1979 budget we introduced zero base budgeting, a system we have now used in three budgets to assure the allocation of scarce public resources to the most critical areas. Last year, in 1980 budget, we moved to multiyear budgeting. My budget again this year shows not only decisions for 1981, but the effect of those decisions—in detail—for 1982 and 1983. To the extent feasible, the multiyear budget projects also the future costs of programs such as the national health plan, welfare reform, defense, energy, and research and development.

This year I have installed a central system to control the use of Federal credit. In the past, too much has escaped the normal discipline of the budget. This system which is now in place, recommends specific credit limitations for most credit programs.

CREDIT BUDGET TOTALS

[In billions of dollars]

| | 1979 actual | 1980 estimate | 1981 estimate |
|---|---|---|---|
| New direct loan obligations | 51.4 | 59.7 | 60.7 |
| New loan guarantee commitments | 74.7 | 75.2 | 81.4 |
| Total | 126.1 | 134.9 | 142.1 |

The new system of credit control will permit both the administration and the Congress to improve their understanding of the credit programs, to measure their important effects, and to determine appropriate levels of credit activity.

This budget reflects continued efforts to improve financial management in Government and to stop illegal or improper use of taxpayers' money. We are achieving major savings from better cash management and stronger internal auditing in Federal agencies.

*Conclusions.*—Proposing a responsible Federal budget is a fundamental task of public leadership. The budget must reconcile a broad range of legitimate claims for resources with the needs of the economy and the burdens on the taxpayer. Simultaneously, it must:

—respect past commitments in its allocations to social security, to veterans, and to the elderly;

—meet the needs of the present for defense, unemployment benefits, and health services; and

—invest in the future through research and development, energy programs, and education.

The budget must do all of these things specifically and in detail. A budget rests on specific proposals related to specific costs, not on rhetoric.

A budget also rests on policy. And this budget contains important policy decisions—major departures, new initiatives, larger and longer-term commitments. Each stands on its own merit. Yet taken together all of the proposals in this budget can also be characterized in a more general way. They reflect the maturing of the administration's basic, consistent underlying policy themes: restraint in budgeting the taxpayers' dollars; the strengthening of our defense; providing energy for the future; improving opportunities for the Nation's youth; and making Government work better.

Ours is a great and complex nation. The existing arrangements in our society are the result of complex, not always consistent decisions of the past, emerging from a democratic people. Change is sometimes slow because it rests on consent. But intelligent, consistent leadership, persistently applied, can bring about change in policies and further the well-being of our society and of its people. I believe that this budget, and those I have submitted in the past, support the fundamental policies that will prepare America for the new decade.

JIMMY CARTER.

JANUARY 28, 1980.

## PROPOSED RESCISSIONS AND DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 152

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying document; which was referred to the Committee on Appropriations, the Committee on the Budget, the Committee on Labor and Human Resources, the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Finance, jointly, pursuant to the order of January 30, 1975:

*To the Congress of the United States:*

In accordance with the Impoundment Control Act of 1974, I herewith report two proposals to rescind a total of $122.2 million in budget authority previously provided by the Congress. In addition, I am reporting five new deferrals of budget authority totalling $1,028.5 million and ten revisions to previously transmitted deferrals increasing the amount deferred by $598.6 million.

The rescission proposals affect programs in the Department of the Interior and the Department of Health, Education, and Welfare.

The new deferrals and revisions to existing deferrals involve programs in the Departments of Commerce, Defense, Health, Education and Welfare, the Interior, Justice, State, Transportation, the Treasury, and the National Alcohol Fuels Commission.

The details of each rescission proposal and deferral are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *January 28, 1980.*

## MESSAGES FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 249. Concurrent resolution urging the United States Olympic Committee, the International Olympic Committee, and the Olympic committees of other countries to take certain actions with respect to the 1980 summer Olympic games.

At 3:10 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 260. Concurrent resolution welcoming the National Basketball Association All-Stars to the Washington metropolitan area for the thirtieth annual National Basketball Association All-Star Game.

The message also announced that, pursuant to the provisions of section 4 (a) of Public Law 96-114, the minority leader has appointed Mr. John E. Swearingen from private life, as a member of the Congressional Award Board.

### HOUSE JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 478. Joint resolution to extend by sixty days the expiration date of the Defense Production Act of 1950.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. MAGNUSON).

## HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read by title and referred as indicated:

H. Con. Res. 260. Concurrent resolution welcoming the National Basketball Association All-Stars to the Washington metropolitan area for the thirtieth annual National Basketball Association All-Star Game; to the Committee on Commerce, Science, and Transportation.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2746. A communication from the Governor of the Farm Credit Administration, transmitting, pursuant to law, the 45th Annual Report of the Farm Credit Administration; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2747. A communication from the Comptroller General transmitting, pursuant to law, a report entitled "Agriculture's Set-Aside Programs Should Be Improved"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2748. A communication from the Deputy Director of the Office of Management and Budget of the Executive Office of the President, transmitting a reapportionment of an appropriation to the Veterans Administration which necessitates a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-2749. A communication from the Deputy Assistant Secretary of Defense for Administration, transmitting, pursuant to law, a report of receipts and disbursements from the disposal of surplus military supplies, equipment, and material for the fourth quarter of fiscal 1979; to the Committee on Appropriations.

EC-2750. A communication from the Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a report that no use was made of funds appropriated in PL 95-457 or PL 95-374 to make payments under contracts for any program, project, or activity in a foreign country except where determined that use of foreign currencies was not feasible; to the Committee on Appropriations.

EC-2751. A communication from the Director of the Defense Security Assistance Agency, transmitting pursuant to law, a foreign military sale in excess of $25 million to Jordan; to the Committee on Armed Services.

EC-2752. A communication from the Director of the Defense Security Assistance Agency, transmitting pursuant to law, a report on a foreign military sale in excess of $25 million to Saudi Arabia; to the Committee on Armed Services.

EC-2753. A communication from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to permit persons from foreign countries to receive instruction at the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, and for other purposes; referred to the Committee on Armed Services.

EC-2754. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "How Military Postal Service Operations Can Be Improved"; to the Committee on Armed Services.

EC-2755. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on the study with respect to converting the function of providing laundry and dry cleaning services at Fort Belvoir, Virginia, and the decision that performance under contract is the most cost-effective method; to the Committee on Armed Services.

EC-2756. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on fifteen construction projects to be undertaken by the Army National Guard; to the Committee on Armed Services.

EC-2757. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Defense's Accounting For Its Contracts Has Too Many Errors—Standardized Accounting Procedures Are Needed"; to the Committee on Armed Services.

EC-2758. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Navy Management Of Shipbuilding Contracts Could Save Millions of Dollars"; to the Committee on Armed Services.

EC-2759. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Military Commissaries: Justification as a Fringe Benefit—Consolidation Can Reduce Dependence on Appropriations"; to the Committee on Armed Services.

EC-2760. A communication from the Deputy Assistant Secretary of Defense for Installations and Housing, transmitting, pursuant to law, the annual report on the ten firms doing the most architect-engineer work awarded by the Corps of Engineers for foreign governments for fiscal year 1979; to the Committee on Armed Services.

EC-2761. A communication from the Associate Director, Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the annual report on the ten firms awarded the highest amounts of architect-engineer contracts by the Department of the Air Force for fiscal year 1979; to the Committee on Armed Services.

EC-2762. A communication from the Deputy Assistant Secretary of Defense for Installations and Housing, transmitting, pursuant to law, a report on a construction project to be undertaken by the Air Force Reserve.

EC-2763. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Military Discharge Policies And Practices Result In Wide Disparities: Congressional Review Is Needed"; to the Committee on Armed Services.

EC-2764. A communication from the Under Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the investigation of accidents involving aircraft of an armed force, and to clarify the use of reports of those investigations; to the Committee on Armed Services.

EC-2765. A communication from the Secretary of Defense, transmitting, pursuant to law, a comparison of the President's fiscal year 1980 budget request with the fiscal year 1980 civilian manpower program developed during the preparation of the President's fiscal year 1981 budget; to the Committee on Armed Services.

EC-2766. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Management Needed in DOD To Prevent Fraudulent And Erroneous Contract Payments And To Reduce Real Property Maintenance Costs"; to the Committee on Armed Services.

EC-2767. A communication from the Secretary of Transportation, transmitting, pursuant to law, a one-time report on the Section 15 Reporting System under the Surface Transportation Act of 1978; to the Committee on Banking, Housing, and Urban Affairs.

EC-2768. A communication from the President of the United States, transmitting, for the information of the Senate, a report on certain actions taken as a result of the Soviet invasion of Afghanistan; to the Committee on Banking, Housing, and Urban Affairs.

EC-2769. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on Export Administration covering the second and third quarters of 1977; to the Committee on Banking, Housing, and Urban Affairs.

EC-2770. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on the number of rural households without access to sanitary toilet facilities and/or potable water supplies; to the Committee on Banking, Housing, and Urban Affairs.

EC-2771. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on earth sheltered housing; to the Committee on Banking, Housing, and Urban Affairs.

EC-2772. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee and insurance transactions supported by Eximbank during November 1979 to Communist countries (as defined in Section 620(f) of the Foreign Assistance Act of 1961, as amended); to the Committee on Banking, Housing, and Urban Affairs.

EC-2773. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the rental rates of Alaska railroad lands; to the Committee on Commerce, Science, and Transportation.

EC-2774. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on National Weather Modification Policies and Programs; to the Committee on Commerce, Science, and Transportation.

EC-2775. A commuication from the Secretary, Interstate Commerce Commission, reporting, pursuant to law, that the Commission is unable to render a final decision in Docket No. 37202 (Sub-No. 1), Sound Deadening Materials, Eastern Railroads, within the specified 7-month time limit; to the Committee on Commerce, Science, and Transportation.

EC-2776. A communication from the President, United States Railway Association, transmitting, pursuant to law, comments of the Department of the Treasury on the draft employee stock ownership plan of the Consolidated Rail Corporation; to the Committee on Commerce, Science, and Transportation.

EC-2777. A communication from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, a policy statement concerning jurisdiction over securities issuances for companies obtaining authority under MC-118; to the Committee on Commerce, Science, and Transportation.

EC-2778. A communication from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the proposed use of $490,000 of "Construction of facilities" (CoF) funds appropriated pursuant to the National Aeronautics and Space Administration Authorization Act, 1979 (92 Stat. 857), for the construction of a bankup landing facility for the Space Shuttle Orbiter at White Sands Missile Range, New Mexico; to the Committee on Commerce, Science, and Transportation.

EC-2779. A communication from the Secretary, Interstate Commerce Commission, reporting, pursuant to law, that the Commission is unable to render a final decision in Docket No. 37210, Insulating Materials, Between Points in Official Territory, within the specified 7-month time limit; to the Committee on Commerce, Science, and Transportation.

EC-2780. A communication from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report for the months of September and October 1979, on (1) total itemized revenues and expenses; (2) revenues and expenses of each train operated; and (3) revenues and total expenses attributed to each railroad over which service is provided; to the Committee on Commerce Science, and Transportation.

EC-2781. A communication from the Secretary, Interstate Commerce Commission, reporting, pursuant to law, that the Commission is unable to render a final decision in Investigation and Suspension Docket No. 925, ConRail Surcharge on Paper from Mehoopany, Pennsylvania, June 1979, within the initially specified 7-month period; to the Committee on Commerce, Science, and Transportation.

EC-2782. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report regarding the administration of the Fair Packaging and Labeling Act by the department during fiscal year 1979; to the Committee on Commerce, Science, and Transportation.

EC-2783. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to revise the laws relating to the Coast Guard Reserve; to the Committee on Commerce, Science, and Transportation.

EC-2784. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, financial statements of the Colorado River Basin Project for the year ended September 30, 1979, which together with the letter are submitted as the report under section 404 of the Colorado River Basin Project Act of September 30, 1968 (82 Stt. 896); to the Committee on Energy and Natural Resources.

EC-2785. A communication from the Under Secretary of the Department of Energy, transmitting, pursuant to law, an electric utility contract modification; to the Committee on Energy and Natural Resources.

EC-2786. A communication from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, the approval of a contract to defer payment of the semiannual construction charge installment due December 31, 1979, for the Wenatchee Heights Reclamation District, Washington; to the Committee on Energy and Natural Resources.

EC-2787. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the leasing and procurement prorgam in the OCS and the number of safety violations, for fiscal year 1978; to the Committee on Energy and Natural Resources.

EC-2788. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a study of the Commission's wholesale electric rate process; to the Committee on Energy and Natural Resources.

EC-2789. A communication from the Under Secretary of Energy, transmitting, pursuant to law, a report on the action taken pursuant to title III of the Energy Policy and Conservation Action fiscal year 1979, and planned actions for fiscal year 1980 for the grant programs for schools and hospitals, and buildings owned by units of local Government and public care institutions; to the Committee on Energy and Natural Resources.

EC-2790. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Geothermal Energy: Obstacles and Uncertainties Impede Its Widespread Use"; to the Committee on Energy and Natural Resources.

EC-2791. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report on imports of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal; refinery activities; and inventories for the period July through September 1979; to the Committee on Energy and Natural Resources.

EC-2792. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers, 1977"; to the Committee on Energy and Natural Resources

EC-2793. A communication from the Acting Assistant Secretary of the Interior, transmitting, pursuant to law, the final environmental impact statement and study report on the designation of 83 miles of the Tuolumne River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-2794. A communication from the Under Secretary of Energy, transmitting, pursuant to law, a report describing programs for demonstrating applications of solar photovoltaic energy systems and facilitating their widespread use in other nations, especially those with agreements for scientific cooperation with the United States; to the Committee on Energy and Natural Resources.

EC-2795. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notices of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2796. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Help For Declining Natural Gas Production Seen In The Unconventional Sources Of Natural Gas"; to the Committee on Energy and Natural Resources.

EC-2797. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the annual achievements of the Innovation Grant Program of the Urban Park and Recreation Recovery

Program; to the Committee on Energy and Natural Resources.

EC-2798. A communication from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, the quarterly report on the construction of the Alaska Natural Gas Transportation System for the period October through December 1979; to the Committee on Energy and Natural Resources.

EC-2799. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Hydropower—An Energy Source Whose Time Has Come Again"; to the Committee on Energy and Natural Resources.

EC-2800. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2801. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on research activities of relevance to the Clean Air Act; to the Committee on Environment and Public Works.

EC-2802. A communication from the Chairman, Nuclear Regulatory Commission, and Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "The Feasibility of Conducting Epidemiologic Research on the Health Effects of Low-Level Ionizing Radiation"; to the Committee on Environment and Public Works.

EC-2803. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled, "The Nuclear Regulatory Commissioner: More Aggressive Leadership Needed," January 15, 1980; to the Committee on Environment and Public Works.

EC-2804. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the progress of the Upper Atmospheric Research Program; to the Committee on Environment and Public Works.

EC-2805. A communication from the Chairman, National Commission on Social Security, transmitting, pursuant to law, the commission's interim report; to the Committee on Finance.

EC-2806. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a special report on experiments and studies related to Medicare's End-Stage Renal Disease Program (ESRD); to the Committee on Finance.

EC-2807. A communication from the President of the United States, reporting on improvements in the international rules for the conduct of trade, domestic legislation governing trade policy, and the organization of the Executive branch trade policy agencies; to the Committee on Finance.

EC-2808. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the fourth annual report on the Child Support Enforcement program; to the Committee on Finance.

EC-2809. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Restricting Trade Act Benefits to Imports—Affected Workers Who Cannot Find A Job Can Save Millions," January 15, 1980; to the Committee on Finance.

EC-2810. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a statement of liabilities and other financial commitment of the United States government as of September 30, 1979; to the Committee on Finance.

EC-2811. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "World Hunger and Malnutrition Continue: Slow Progress in Carrying Out World Food Conference Objectives," January 11, 1980; to the Committee on Foreign Relations.

EC-2812. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 10, 1980; to the Committee on Foreign Relations.

EC-2813. A communication from the Secretary of State, transmitting, pursuant to law, a report on efforts to insure compliance with the requirements and to prevent the spraying of marijuana with herbicides that are likely to cause serious harm to human health; to the Committee on Foreign Relations.

EC-2814. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 17, 1980; to the Committee on Foreign Relations.

EC-2815. A communication from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting, pursuant to law, audit reports prepared by the International Bank for Reconstruction and Development, special studies prepared by the External Review and Evaluation Office of the Inter-American Development Bank, and project performance or completion reports prepared by the Asian Development Bank; to the Committee on Foreign Relations.

EC-2816. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on November 20, 1979; to the Committee on Governmental Affairs.

EC-2817. A communication from the Assistant Secretary of the Interior for Policy, Budget, and Administration, transmitting, pursuant to law, the annual report on the disposal of excess foreign property by the Department of the Interior for the fiscal year 1979; to the Committee on Governmental Affairs.

EC-2818. A communication from the Director of the Defense Security Agency, transmitting, pursuant to law, a report on the description of services and the number of full time employees of the Agency as of September 30, 1979; to the Committee on Governmental Affairs.

EC-2819. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report on a proposed new system of records for the Department of Justice for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-2820. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Implementation Of Federal Policy On Acquiring And Distributing Commercial Products Is Faltering Badly"; to the Committee on Governmental Affairs.

EC-2821. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the disposal of excess foreign property by the National Aeronautics and Space Administration for fiscal year 1979; to the Committee on Governmental Affairs.

EC-2822. A communication from the Secretary of the Public Service Commission of the District of Columbia, transmitting, pursuant to law, the annual report of the Public Service of the District of Columbia for calendar years 1976 and 1977; to the Committee on Governmental Affairs.

EC-2823. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on November 20, 1979; to the Committee on Governmental Affairs.

EC-2824. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office in December 1979; to the Committee on Governmental Affairs.

EC-2825. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the disposal of surplus Federal real property for park, recreation, and historic monument purposes for fiscal year 1979; to the Committee on Governmental Affairs.

EC-2826. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Unresolved Issues Impede Federal Debt Collection Efforts—A Status Report"; to the Committee on Governmental Affairs.

EC-2827. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on a proposed new system of records for the Department of Labor for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-2828. A communication from the Assistant Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on a proposed new system of records for the Department of Housing and Urban Development for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-2829. A communication from the Acting Assistant Secretary of the Army for Manpower and Reserve Affairs, transmitting a draft of proposed legislation to extend to 60 days the period over which subsistence expenses may be paid to Government employees evacuated from Iran during fiscal year 1979; to the Committee on Governmental Affairs.

EC-2830. A communication from the Chairman of the Board of Governors of the United States Postal Service, transmitting, pursuant to law, the annual report of the Board on compliance with the Government in the Sunshine Act for calendar year 1979; to the Committee on Governmental Affairs.

EC-2831. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit Of The United States Capitol Historical Society For The Fiscal Year Ended January 31, 1979"; to the Committee on Governmental Affairs.

EC-2832. A communication from the Assistant Secretary of Agriculture for Administration, transmitting, pursuant to law, the report on the disposal of foreign excess property by the Department of Agriculture for fiscal year 1979; to the Committee on Governmental Affairs.

EC-2833. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report on the disposal of foreign excess property by the Department of Justice for fiscal year 1979; to the Committee on Governmental Affairs.

EC-2834. A communication from the Secretary of the United States Railroad Retirement Board, transmitting, pursuant to law, a report on a proposed new system of records for the Board for implementing the Privacy Act; to the Committee on Governmental Affairs.

EC-2835. A communication from the Secretary of Health, Education, and Welfare, transmitting, for the information of the Senate, notice that the report of the Department on additional authorizations under the Indian Health Care Improvement Act will be submitted to the Congress by February 15, 1979; to the Select Committee on Indian Affairs.

EC-2836. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on the admission of certain aliens under section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2837. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on the temporary admission of certain aliens under section 212(d)(3) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-2838. A communication from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the impact of the Speedy Trial Act on offices of the United States Attorneys; to the Committee on the Judiciary.

EC-2839. A communication from the Chairman, Vice Chairman, and Commissioners of the United States Commission on Civil Rights, transmitting, pursuant to law, a report on the state of civil rights in the United States in 1979; to the Committee on the Judiciary.

EC-2840. A communication from the Clerk of the United States Court of Claims, transmitting, pursuant to law, a report on the amount of awards, parties in whose favor rendered, and a brief synopsis of the nature of the claims for fiscal year 1979; to the Committee on the Judiciary.

EC-2841. A communication from the President of the Legal Services Corporation, transmitting, pursuant to law, the detailed budget request of the Legal Services Corporation for fiscal year 1981; to the Committee on Labor and Human Resources.

EC-2842. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the 12th annual report of the Department under the Public Health Cigarette Smoking Act of 1969; to the Committee on Labor and Human Resources.

EC-2843. A communication from the Chairman of the United States Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1978; to the Committee on Labor and Human Resources.

EC-2844. A communication from the Commissioner of Education, Department of Health, Education, and Welfare, transmitting, a copy of the final regulations entitled "Final Regulations for the Indochina Refugee Children Program"; to the Committee on Labor and Human Resources.

EC-2845. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the annual report of activities carried out under certain provisions of the Health Services Act; to the Committee on Labor and Human Resources.

EC-2846. A communication from the Secretary of Health, Education, and Welfare, transmitting, for the information of the Senate, notice that the annual report of the Department on the administration of the Health Service Act will be submitted to the Congress by the end of February 1980; to the Committee on Labor and Human Resources.

EC-2847. A communication from the Secretary of Health, Education, and Welfare, transmitting, from the information of the Senate, notice that certain reports required under the Public Health Services Act will be submitted to the Congress by the end of June 1980; to the Committee on Labor and Human Resources.

EC-2848. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the seventh annual report of the Director of the National Heart, Lung, and Blood Institute covering calendar year 1979; to the Committee on Labor and Human Resources.

EC-2849. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Better Management And More Resources Needed To Strengthen Federal Efforts To Improve Pregnancy Outcome"; to the Committee on Labor and Human Resources.

EC-2850. A communication from the Secretary of the Smithsonian Institution, transmitting, for the information of the Senate the annual proceedings of the Eighty-Eighth Continental Congress, National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC-2851. A communication from the Under Secretary of Defense for Research and Engineering, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for the period October 1978 through June 1979; to the Select Committee on Small Business.

EC-2852. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated January 1, 1980; by unanimous consent, referred jointly to the Committee on the Budget and the Committee on Appropriations.

---

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred as indicated:

POM-529. A resolution adopted by the Marshall Islands Nitijela; to the Committee on Energy and Natural Resources:

"RESOLUTION No. 4

"Whereas, the United States had conducted explosive atomic and nuclear tests in the Marshall Islands; and

"Whereas, these tests have resulted in the radioactive contamination of some of the residents of the Marshall Islands; and

"Whereas, some of the persons who were contaminated by the radioactivity resulting from the tests conducted by the United States, particularly the residents of Rongelap and Utrik Atolls, were granted compassionate compensation by the United States Government pursuant to Public Law 95-134 enacted by the United States Congress; and

"Whereas, there are residents of the Marshall Islands, other than the residents of Rongelap and Utrik Atolls, who also suffer the effects of radioactive contamination from the U.S. atomic and nuclear tests at Bikini and Enewetak Atolls but who have not been compensated for the damage and injury they suffer; now therefore,

"It is resolved that the Congress of the United States be and hereby is respectfully requested to appropriate funds for compassionate compensation of those residents of the Marshall Islands, other than the residents of Rongelap and Utrik Atolls, who are now suffering the physical effects of radioactive contamination caused by the U.S. atomic and nuclear testing programs conducted in the Marshall Islands; and

"It is further resolved that copies of this resolution be sent to the Senate of the United States and to the House of Representatives of the United States, forthwith, upon adoption."

POM-530. A resolution adopted by the House of Representatives of the State of South Carolina; to the Committee on Energy and Natural Resources:

"H. 3271

"Whereas, recently events have occurred which have made it evident that the exorbitant costs paid for supplies of oil and its byproducts necessitate the rapid development of alternate sources of fuel supplies for the United States and for the entire world; and

"Whereas, it is becoming more evident that the United States has agricultural resources which may be used to develop large supplies of ethyl alcohol to be used for fuel or mixed with gasoline to produce gasohol; and

"Whereas, the National Gasohol Association is continuously assessing and developing policies and plans to promote an efficient and economical ethyl alcohol fuel industry; and

"Whereas, it is the feeling of the members of the General Assembly that the provisions of the Resolution of the National Gasohol Association should be put into effect by the President and Congress of the United States. Now, therefore,

"Be it resolved by the House of Representatives:

"That the President and Congress of the United States are memorialized to take the following actions either by executive order or legislative recommendation:

"1. Make available immediate low interest loans to finance alcohol fuel production and provide for rapid amortization of new alcohol fuel production plants.

"2. Make permanent the federal four cent excise tax exemption on gasohol.

"3. Require the federal government to use grain alcohol in its vehicles.

"4. Require the federal government to stockpile ethyl alcohol fuel for defense purposes.

"5. Appoint a Presidential Ad-Hoc Advisory Committee of people presently involved in agriculturally-derived ethyl alcohol fuel development to advise the President, the United States Department of Agriculture and the Department of Energy to insure the rapid development of the alcohol fuel industry.

"6. Direct the United States Department of Agriculture to develop markets for the high protein byproducts of alcohol grain products.

"7. Make available the 1977 sugar crop for alcohol production.

"Be it further resolved that the President and Congress of the United States are memorialized to immediately formulate, in the event of grain embargoes, policies to encourage the utilization of embargoed grain supplies to accelerate ethyl alcohol fuel products in the United States.

"Be it further resolved that copies of this resolution be forwarded to the President and Vice President of the United States, the Speaker of the House of Representatives of the United States and to each member of the Congress of the United States representing South Carolina."

POM-531. A resolution adopted by the Italian-American Labor Council, Inc., New York, N.Y., relating to NATO; to the Committee on Foreign Relations.

POM-532. A resolution adopted by the Italian-American Labor Council, Inc., New York, N.Y., relating to imports and foreign trade; to the Committee on Finance.

POM-533. A resolution adopted by the Italian-American Labor Council, Inc., New York, N.Y., relating to the American Oil Industry; to the Committee on Energy and Natural Resources.

POM-534. A resolution adopted by the Italian-American Labor Council, Inc., New

York, N.Y., relating to Social Security disability cutbacks; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment, but with a preamble:

S. Con. Res. 70. An original concurrent resolution urging that the International Olympic Committee move or cancel the 1980 summer Olympics, that no United States team participate in Olympic games held in Moscow, that the United States Government intensify its efforts to win international support for a boycott of Olympic games held in Moscow, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LONG (for himself, Mr. Johnston, Mr. Bentsen, Mr. Tower, Mr. Pryor, Mr. Bumpers, Mr. Bellmon, and Mr. Boren):

S. 2227. A bill to grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas; to the Committee on the Judiciary.

By Mr. LONG (for himself, Mr. Johnston, Mr. Bentsen, and Mr. Tower):

S. 2228. A bill to grant the consent of the United States to the Caddo Lake Compact between the States of Louisiana and Texas; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself and Mr. Schmitt):

S. 2229. A bill to amend section 206 of the Reclamation Project Authorization Act of 1972; to the Committee on Energy and Natural Resources.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LONG (for himself, Mr. Johnston, Mr. Bentsen, Mr. Tower, Mr. Pryor, Mr. Bumpers, Mr. Bellmon, and Mr. Boren):

S. 2227. A bill to grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas; to the Committee on the Judiciary.

By Mr. LONG (for himself, Mr. Johnston, Mr. Bentsen, and Mr. Tower):

S. 2228. A bill to grant the consent of the United States to the Caddo Lake Compact between the States of Louisiana and Texas; to the Committee on the Judiciary.

### RED RIVER AND CADDO LAKE COMPACTS

Mr. LONG. Mr. President, today I am introducing the Red River Compact on behalf of myself, Mr. Johnston, Mr. Bentsen, Mr. Tower, Mr. Pryor, Mr. Bumpers, Mr. Bellmon, and Mr. Boren.

Twenty-three years ago the States of Arkansas, Louisiana, Oklahoma, and Texas resolved to compact with respect to the waters of the Red River and its tributaries. After many years of negotiations, the States reached agreement on an equitable apportionment of these waters, and the compact was signed by the respective legislatures.

The principal purposes of the Red River Compact are as follows:

First. To promote interstate comity and remove causes of controversy between each of the affected States by governing the use, control, and distribution of the interstate water;

Second. To provide an equitable apportionment among the signatory States;

Third. To promote an active program for the control and alleviation of natural deterioration and pollution of the water of the Red River Basin;

Fourth. To provide the means for an active program for the conservation of water, protection of lives and property from floods, improvement of water quality, development of navigation and regulation of flows; and

Fifth. To provide a basis for State or joint State planning and action by ascertaining and identifying each State's share in the interstate water and the apportionment thereof.

The first meeting to discuss the concept of a Red River Compact was held in New Orleans, on March 6, 1956. The respective States have worked long and hard during these years to arrive at an agreement that is equitable to all concerned.

Mr. President, I am also introducing today the Caddo Lake Compact on behalf of myself, Mr. Johnston, Mr. Bentsen and Mr. Tower. The need for the Caddo Lake Compact grew out of the language contained in the Red River Compact which provides that the waters of Caddo Lake would be equally divided between the two States of Louisiana and Texas. This agreement resolves certain controversies regarding the use of Caddo Lake water which were not felt to be adequately dealt with in the Red River Compact, and the respective legislatures of Louisiana and Texas have ratified it.

I ask that the Senate join me in supporting these agreements, and I sincerely request that the Senate act expeditiously to approve them.

By Mr. DOMENICI (for himself and Mr. Schmitt):

S. 2229. A bill to amend section 206 of the Reclamation Project Authorization Act of 1972; to the Committee on Energy and Natural Resources.

### BRANTLEY DAM

● Mr. DOMENICI. Mr. President, today I am introducing legislation to reauthorize the construction of Brantley Dam outside Carlsbad, N. Mex.

Brantley Dam was originally authorized in title II of Public Law 92–514, which was approved October 20, 1972. The purpose of the dam is to solve the problem of serious flooding in the Carlsbad, N. Mex., area and to provide an additional supply of water for irrigation in the area.

Since the dam was originally authorized, the costs have escalated, making this legislation I am introducing today a necessity. As a result of a dam safety analysis, it was necessary to relocate the original dam alinement to find safe abutments and foundation. This relocation has caused the increase in costs for construction.

There is no doubt that flood protection is absolutely necessary for the area downstream. Twenty-five percent of the city of Carlsbad is considered within a 100-year flood zone. Two years ago, Carlsbad was faced with either meeting stringent Federal flood insurance requirements or not joining the program. These requirements called for major changes to existing buildings within the flood plain area, including the raising of structures to try to avoid flood waters. The cost would have been tremendous. In April 1978, under extreme pressure to comply with this bureaucratic maze of requirements, the city made the decision to not join the program. What this decision means is that Carlsbad is now barred from receiving federal financing for building, consequently, new building has come to a standstill in the city.

Mr. President, I view the construction of this dam to be an absolute necessity for the surrounding area and do hope that we might act swiftly on enactment.●

## ADDITIONAL COSPONSORS

### S. 105

At the request of Mr. Wallop, the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. 105, a bill to amend title 28 and title 18 of the United States Code to prohibit and remedy the interstate restraint of children in violation of rights of custody and visitation, and for other purposes.

### S. 326

At the request of Mr. Bumpers, the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 326, a bill entitled the "Taxpayers' Bill of Rights Act."

### S. 1576

At the request of Mr. Jepsen, the Senator from Wyoming (Mr. Simpson) was added as a cosponsor of S. 1576, a bill to amend the National Labor Relations Act to provide for a freedom of choice in labor relations for full-time and part-time secondary and college students by exempting them from compulsory union membership, and for other purposes.

### S. 1577

At the request of Mr. Jepsen, the Senator from Wyoming (Mr. Simpson) was added as a cosponsor of S. 1577, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

### SENATE CONCURRENT RESOLUTION 70

At the request of Mr. Church, the Senator from South Dakota (Mr. McGovern), the Senator from Delaware (Mr. Biden), the Senator from Ohio (Mr. Glenn), the Senator from Florida (Mr. Stone), the Senator from Maryland (Mr. Sarbanes), the Senator from Maine, (Mr. Muskie), the Senator from Nebraska (Mr. Zorinsky), the Senator from New York (Mr. Javits), the Senator from Illinois (Mr. PERCY), the Senator from Tennessee (Mr. BAKER), the Senator from California (Mr. HAYAKAWA), the Senator from Indiana (Mr. LUGAR), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Concurrent Resolution 70, an original concurrent resolution urging that the International Olympic Committee move or cancel the 1980 summer Olympics, that no U.S. team participate in Olympic games held in Moscow, that the U.S. Government intensify its efforts to win international support for a boycott of Olympic games held in Moscow, and for other purposes.

At the request of Mr. LUGAR, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Concurrent Resolution 70, supra.

## SENATE CONCURRENT RESOLUTION 70—ORIGINAL CONCURRENT RESOLUTION REPORTED RELATING TO THE 1980 SUMMER OLYMPICS

Mr. CHURCH, from the Committee on Foreign Relations, reported the following original concurrent resolution, which was ordered placed on the calendar:

### S. CON. RES. 70

Whereas the Soviet Union initiated a massive invasion of Afghanistan on December 27, 1979; and

Whereas this invasion constitutes a flagrant violation of international law and the sovereignty of Afghanistan; and

Whereas this invasion is a threat to the peace, security, and stability of the world; and

Whereas the Soviet Union is violating all standards of international conduct; and

Whereas the world community has denounced this Soviet act of aggression overwhelmingly in the United Nations Security Council and in the United Nations General Assembly resolution calling for the immediate and total withdrawal of foreign troops in Afghanistan; and

Whereas the United States Olympic Committee, responding to the urgings of the President of the United States, has directed its officers to propose to the International Olympic Committee that the 1980 Summer Olympic Games be removed from the territory of the Soviet Union and either relocated, postponed or canceled: Now, therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress urges

(1) that the United States Olympic Committee and the athletes competing for positions on the United States team should receive the continuing support, commendation and contributions of the American people;

(2) that the International Olympic Committee promptly accede to the proposal of the United States Olympic Committee;

(3) that, should the International Olympic Committee fail to adopt the proposal of the United States Olympic Committee or a comparable proposal, no American team should participate in those Games and no Americans should attend them in any capacity;

(4) that the Secretary of State urgently inform other nations of the policy of the United States in respect to the 1980 Olympics and intensify efforts to obtain their support for that policy; and

(5) that the International Olympic Committee give urgent consideration to the creation of permanent homes for the summer and winter Olympic games, including one in Greece, the country of their origin.

## AMENDMENTS SUBMITTED FOR PRINTING

### RAILROAD POLICY ACT OF 1979—S. 1946

### AMENDMENT NO. 1639

(Ordered to be printed and to lie on the table.)

Mr. MCGOVERN (for himself and Mr. DURENBERGER) submitted an amendment intended to be proposed by them, jointly, to S. 1946, a bill to reform the economic regulation of railroads, and for other purposes.

### RAILROAD INVESTMENT TAX CREDIT

● Mr. McGOVERN. Mr. President, I am pleased to submit today, with my distinguished colleague from Minnesota, Senator DURENBERGER, an amendment to the Railroad Policy Act of 1979 which would provide a refundable investment tax credit for the railroad industry.

Many of my colleagues and I have become painfully aware of the growing crisis in the rail industry. The bankruptcy of both the Rock Island and Milwaukee railroads underscores what may lie ahead for other carriers absent major changes in Federal transportation policy. I cannot emphasize enough, however, the importance of a strong rail system, both freight and passenger, to our national economy. Last year, the Nation's railroads moved more than 34 percent of all intercity freight. The fact that this industry consumed only 3.67 percent of all energy used in intercity transportation is strong testimony to the relative energy efficiency of the railroads. As energy costs skyrocket and the demand for coal increases, we must have a strong and energy-efficient transportation system to meet the demand.

The enactment of a refundable investment tax credit for the rail industry would provide the industry, and particularly the more marginal carriers, with the means to invest in the necessary equipment and to maintain their physical plant.

The existing investment tax credit contains a serious defect, in that it provides none of the intended incentive for investment to companies experiencing financial difficulties and which are unable to generate the profits and tax liabilities required to make use of a credit against the tax.

Mr. President, loss companies and break even companies need the cash benefit of the investment tax credit as much as profitable companies do. Profitable enterprises have the cash benefit of the credit refunded to them immediately through a current reduction in their income tax liability. Unprofitable or marginal railroads, should at least obtain a refund of the credit as they expire. Selected data from 1974, of the $4.66 billion total in unused investment tax credits in the corporate sector, $1.29 billion were in the transportation industry. This figure is considerably higher than any other major industry category listed.

Inadequate earnings over a long period of time have meant deferral of railroad expenditures for track maintenance, new equipment and plant modernization. These deferrals have in turn meant a deterioration of service, a decline in the ability to compete and a further decline in earnings—a vicious circle. The low state of railroad earnings is well illustrated by the fact that the industry's net operating income in 1974 had a current value of less than one-half the worth of net earnings in the 1950's, which were found at that time by the Interstate Commerce Commission to be "substandard and inadequate."

The amendment would provide the marginal segments of the railroad industry with the cash benefit they desperately need to finance essential construction and maintenance projects.

Mr. President, enactment of this amendment could well "save" some carriers from bankruptcy reorganization, as well as provide critical assistance to those railroads who are trying to reorganize out of existing bankruptcies. In light of our Nation's overriding need for energy efficient transportation systems in order to reduce our dependence on imported oil and the important role the industry plays in our Nation's economy, I urge my colleagues to support this amendment during the Senate's consideration of the Railroad Policy Act.

I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

### AMENDMENT NO. 1639

At the end of the bill, insert the following new section:

### REFUNDABLE RAILROAD INVESTMENT TAX CREDIT

SEC. . (a)(1) Subparagraph (A) of section 46(a)(10) of the Internal Revenue Code of 1954 (relating to special rules in the case of energy property) is amended—

(A) by inserting "or the application of the regular percentage to railroad property" after "energy percentage" in clause (i),

(B) by striking out "and" at the end of clause (ii),

(C) by striking out "then" in clause (iii) and inserting "third",

(D) by striking out the period at the end of clause (iii) and inserting a comma and "and", and

(E) by adding at the end thereof the following new clause:

"(iv) then with respect to so much of the credit allowed by section 38 as is attributable to the application of the regular percentage to railroad property.".

(2) Subparagraph (C) of section 46(a)(10) of such Code is amended by inserting "or (iv)" after "subparagraph (A)(iii)".

(3)(A) Section 46(a)(10) of such Code is amended by adding at the end thereof the following new subparagraph:

"(D) RAILROAD PROPERTY DEFINED.—For purposes of this paragraph, the term 'railroad property' means section 38 property used by the taxpayer directly in connection with the trade or business carried on by the taxpayer of operating a railroad (including a railroad switching or terminal company).

(B) Paragraph (8) of section 46(a) of such Code (relating to alternative limitation in case of certain railroads and airlines) is amended—

(i) by striking out "to railroad property or" in subparagraph (A)(i),

(ii) by striking out "railroad property or" in subparagraph (B)(ii),

(iii) by striking out subparagraph (D) and redesignating subparagraph (E) as subparagraph (D), and

(iv) by striking out "railroads and" in the heading thereof.

(4) The headings for section 46(a)(10) and 46(a)(10)(C) of such Code are each amended by inserting "or railroad" before "property".

(b)(1) Each person who, by reason of section 46(a)(10)(C) of the Internal Revenue Code of 1954 or subsection (c)(2), receives a refund of the credit allowed by section 38 of such Code which is attributable to the application of the regular investment percentage to railroad property (within the meaning of section 46(a)(10)(D) of such Code) shall establish and maintain a separate account for amounts so received.

(2)(A) All refunds described in paragraph (1) and subsection (c)(2) shall be credited to the account established under paragraph (1).

(B) No amount may be withdrawn from an account established under paragraph (1) unless the funds are to be used for—

(i) normal maintenance, rehabilitation, or capital improvements made in connection with railroad property,

(ii) acquisition of railroad property, or

(iii) payment of the tax imposed by section 3221 of such Code.

(C) If funds are withdrawn from such an account and are not used for a purpose described in subparagraph (B), then there is hereby imposed on such person for the taxable year in which such amount is withdrawn a tax in an amount equal to such amount.

(c)(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply with respect to—

(A) property to which section 46(d) of the Internal Revenue Code of 1954 does not apply, the construction, reconstruction, or erection of which is begun or completed by the taxpayer after December 31, 1979, but only to the extent of the basis thereof attributable to construction, reconstruction, or erection after such date,

(B) property to which section 46(d) of such Code does not apply, acquired by the taxpayer after such date, and

(C) property to which section 46(d) of such Code applies, but only to the extent of the qualified investment (as determined under subsections (c) and (d) of section 46 of such Code) attributable to qualified progress expenditures made after such date.

(2)(A) In the case of an unused credit for an unused credit year ending before January 1, 1980, which—

(i) is attributable to the application of the regular percentage to railroad property which is property not described in paragraph (1), and

(ii) is an investment credit carryover to a taxable year beginning after December 31, 1979,

that portion of the unused credit which would expire after the 7th taxable year following the unused credit year by reason of section 46(b) of such Code shall be treated as if it were a credit allowed by section 39 (and not section 38) of such Code for the 8th taxable year following the unused credit year.

(B) For purposes of this paragraph, the terms "unused credit", "unused credit year", "regular percentage", and "railroad property" have the same meaning as when used in section 46 of such Code.

(d) The Secretary of the Treasury shall reserve such receipts of the tax imposed by section 4986 of the Internal Revenue Code of 1954 as he determines are equal to the decrease in revenues attributable to the amendments made by this section.●

Mr. DURENBERGER. Mr. President, I am pleased to join my distinguished colleague from South Dakota, Senator McGovern, in submitting this amendment to create a refundable investment tax credit for the rail industry.

America enters the 1980's with a rail system weakened by nearly $4 billion in deferred maintenance. Power shortages and railbed deterioration touch every region of the country, and even on their main lines, few railroads can maintain the operating speed they were accustomed to just three decades ago. Because the bulk of maintenance deferrals occur on the Nation's branch lines, rural communities—which depend so heavily on rail transportation—are paying the greatest price.

The difficulties experienced by midwestern farmers in their efforts to ship last year's record harvest provided a dramatic illustration of the interdependence between our regional economies and their transportation systems. We need to recognize that the Nation's railbeds are an indispensable national asset. Yet under present regulatory and tax structures, it is difficult to see how the industry can raise the billions of dollars necessary to preserve that asset over the last two decades of the 20th century.

The need for investment capital is not a problem unique to the railroad industry. It was the precise problem Congress sought to address by enacting the Investment Tax Credit, and that bill has achieved some dramatic results. But since it only benefits companies that yield a profit, and thus accrue tax liability, it also has inherent limitations.

The rail industry is the best example of those limitations. The industry has enormous capital needs. The National Transportation Policy Study Committee placed those needs in the hundreds of billions of dollars over the next two decades. But in recent years, the industry has rarely generated a net return on investment in excess of 1 percent. As a result, the ITC has had little impact on rail industry investment. And what impact it has achieved is focused on the industry's stronger members.

Capital availability is a problem that cuts across all industries, and the ITC has been of substantial assistance in relieving that problem. But its incentives are directed toward the strongest industries, and the stronger members within each industry. Unfortunately, the great majority of the Nation's $4 billion in deferred rail maintenance lies with "break-even" railroads, and carriers like the Milwaukee Road which are struggling to recover from bankruptcy. The amendment we introduce this afternoon will redirect those incentives, so that every member of a capital starved industry can share equally in the ITC's benefits.

This special investment in the rail industry is a sound investment by any public policy criteria.

At a time when the American public is spending hundreds of billions of dollars in the search for alternative energy sources, railroads remain the most energy-efficient form of freight transportation. As Senator McGovern pointed out, railroad carry over one-third of the Nation's intercity freight, but consume less than 4 percent of the energy utilized each year in inter-city freight transportation. These are remarkable figures, and they illustrate why this investment in rail rehabilitation is one of the soundest investments in energy conservation that Congress can possibly undertake.

From the standpoint of sound transportation policy, maintenance of a healthy rail industry is an absolute necessity. Railroads are the lifelines that unite the Nation's agricultural regions with national and international markets. Farmers, consumers, and exporters alike have a stake in preserving those lifelines.

The transportation crisis that engulfed the Midwest during last fall's Milwaukee and Rock Island bankruptcies is certain to occur in other parts of the country if the rail system is allowed to continue deteriorating.

Even from a purely social standpoint, insuring the viability of the Nation's rail system is an essential step in preserving the vitality of rural America. Railroads determined the settlement patterns in much of the country, as elevators were built along branch lines, and settlements sprung up at key junctions. A century later, the economies of these rural towns still depend on their access to rail transportation. Preserving the rural rail system is an indispensable part of the effort to maintain rural vitality.

It is inconceivable that an industry with such immense capital needs can survive for very long with the minimal return on investment now being generated by the railroads. The industry needs help, and this amendment is an efficient means to provide an infusion of desparately needed investment capital. During the last decade, we have repeatedly witnessed the immense human and financial costs that follow a major rail bankruptcy. It makes far more sense to provide the industry with some preventive medicine than to face these costs again in the decade ahead.

I hope that every Senator will give this amendment serious consideration, and join Senator McGovern and myself in cosponsoring it.

## NOTICES OF HEARINGS

### SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

● Mr. DURKIN. Mr. President, I wish to announce that the Subcommittee on Energy Conservation and Supply of the Committee on Energy and Natural Resources has scheduled a hearing on the present and potential use of wood energy in New Hampshire.

The hearing will be held on Saturday, February 9, 1980, starting at 8 a.m. at the Dartmouth College, Murdough Center (Alperin Room) in Hanover, N.H. For further details concerning the hearing please contact Pete Smith at 224-7166.●

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today to hold hearings and mark up the 1980 Olympic resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CRIMINAL JUSTICE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice of the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, January 30, beginning at 9:30 a.m., to consider S. 105, the Parental Kidnaping Prevention Act of 1979.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

## REGISTRATION FOR THE DRAFT

● Mr. HARRY F. BYRD, JR. Mr. President, is the all-volunteer military force serving our Nation's national defense needs? Many feel it is not, and I count myself among those.

Perhaps the most perceptive view is contained in an excellent article published in the Washington Post yesterday morning. It was written by Joseph A. Califano, Jr., and is entitled "Playing the Draft Card."

Mr. Califano served in the Kennedy, Johnson, and Carter administrations and is well-qualified to analyze and comment on the need for draft registration and the failure of the "all-volunteer" Armed Forces. He has seen first hand from positions of great responsibility the transformation of the armed services during the 1960's and 1970's.

I commend his comments to the attention of the Senate, and I congratulate him for his perceptive review of the present crisis in military manpower.

I ask that Secretary Califano's article be printed in the Record.

The article follows:

[From the Washington Post, Jan. 27, 1980]

### Playing the Draft Card

(By Joseph A. Califano Jr.)

President Carter's decision to ask the Congress for authority and money to revive the military draft system is the first realistic step since 1973 to replace the weakest weapons system in our military arsenal the all-volunteer force.

The all-volunteer force is an expensive, inequitable and dangerous vestige of the Vietnam War. It is essential to replace it promptly with as fair a draft as we can devise.

Military manpower funds have been buying less and paying more ever since Richard Nixon's commission on an all-volunteer force underestimated the incremental cost of a volunteer army by several billion dollars. Concerned defense analysts like Sen. Sam Nunn have documented the decline in quality and effectiveness of our armed forces personnel as a result of this misguided experience. To the world, the all-volunteer force has been a nagging reminder that the United States' middle- and upper-middle class lacks the will to fight for its vital interests.

Whether Carter follows his State of the Union rhetoric with vigorous action—to the point of resuming the draft—and whether Congress votes will be meticulously monitored by our allies and adversaries. The issue of revitalizing the draft system is a litmus test of American determination in the face of Soviet aggression and anti-American radical movements in the Third World and Latin America.

Over the next few years, increases in the defense budget (probably larger than the 4.6 percent increase the administration is recommending this year) and American technology can close whatever gap has developed in military hardware between the Russians and Americans. But the whole world is watching to see whether we have the will to use whatever military strength we have. Presidential and congressional action on the draft proposal will provide a good part of the fateful answer.

The move to an all-volunteer force reflected a decision by Americans with money to pay the poorer classes to defend our freedom and fight our wars. "Volunteer" is a fashionable euphemism for "mercenary," however we disguise it in political speeches and attractive advertising to join the "what's-in-it-for-you" Army, Navy, Air Force and Marine Corps. The element of sacrifice was removed from the lives of middle- and upper-middle class youths—and in large measure taken out of military service—by increasing the pay significantly to attract the poorer class to enlist. The billions of public-sector dollars needed to do this could better be used to help eliminate the poverty that scare our affluence.

The all-volunteer force offends fundamental principles of American democracy. The draft was never perfect—John Kennedy's "life-is-unfair" comment was originally part of a statement defending military conscription. But the draft was an egalitarian means of distributing the often onerous duty of protecting freedom in this treacherous, war-ridden century.

The all-volunteer force makes it too easy for a president and political leaders to embark upon foreign military adventures. We will argue for generations about the lessons of the Vietnam War, but one seems clear: that war did not get sufficient attention from the decisive body politic until Lyndon Johnson was forced to resume the draft to meet Vietnam's voracious appetite for military manpower. At that point, America's middle and educated classes said, "No, we will not sacrifice our sons to this war." That—not the radical left—is what put the Vietnam War on the skids.

Carter's decision to resume draft registration wisely puts that issue to Congress and the American people, up front. If the president demonstrates the courage to follow through, and Congress and the American people back him, we can provide important evidence of the will to take the necessary action to stop aggression short of war.●

## H.R. 3236—BASIC ASSISTANCE PROGRAMS FOR THE NEEDY

● Mr. BUMPERS. Mr. President, I commend the members of the Finance Committee for the diligence with which they have undertaken to improve those programs that provide basic assistance to millions of needy persons, namely through social security disability benefits, the Supplemental Security Income for the blind and disabled, and Aid to Families with Dependent Children. Federal outlays for these programs have increased substantially in this decade.

### FREQUENCY OF STATE AND LOCAL DEPOSITS

I commend the committee for including section 503 of the bill concerning social security deposits made by States on behalf of local and State employees. The Department of Health, Education, and Welfare issued final regulations last year that would have required States to make deposits of social security contributions, which it receives from local governments and its own employees, within 15 days following the end of the first and second months of a quarter and within 45 days following the end of the third month of a quarter. This requirement would have been impossible for States to comply with, if for no other reason that it takes 11 days from the time of deposit in Little Rock banks until that deposit makes its way through the banking system to the account of the Social Security Trust Fund.

The distinguished Senator from Wisconsin (Mr. Nelson) held hearings in January to give State officials who administer this program a chance to present their comments. Fred Henne, director of the Arkansas Public Employees Retirement System, participated in a fruitful panel discussion on the unworkability of these regulations.

After careful consideration, Senator Nelson introduced legislation (now section 503) to give States 30 days following the end of each month in which to make these deposits. This is a sufficient time period to allow for the vagaries of our postal and banking systems, but also to insure that workers' social security contributions are deposited with the Social Security Trust Fund as expeditiously as possible. I support this approach.●

## GOVERNMENT TRAVEL

● Mr. SASSER. Mr. President, last year the Congress took several steps aimed at making the Federal Government more efficient and less wasteful. Among the measures we passed, legislation was signed into law which will cut unnecessary Government travel by $500 million.

Following hearings and an extensive review of travel policies, I felt that the executive branch could cut back on Government-sponsored trips without impairing services to our people. Last year, the reduction in travel expenses was designed, not only to save the taxpayers money directly, but also to encourage additional travel cost-consciousness in the minds of Government managers and policymakers.

This weekend, as I reviewed the budget request for fiscal year 1981, I paid particular attention to the travel plans of agencies and departments. Frankly, I found some good news and some bad news. While it is true that the cost of air travel is increasing with the cost of fuel, unnecessary travel expenditures can be reduced. Some of the agencies have taken the task to heart. Others, unfortunately, have not.

Certainly, wasteful Government spending helps feed inflation. We must get double-digit inflation under control, and one way to ease inflationary pressures is to cut low priority Government expenditures such as travel.

The agency most responsible for the administration's anti-inflation program is the Council on Wage and Price Stability. It is the leader in the fight against inflation. And among the agencies whose travel budgets I reviewed, it also leads with the single largest increase in travel costs. For the coming fiscal year the Council is requesting a 160-percent increase in its travel budget. In the last 2 years the Council's travel will have increased by more than 300 percent. Next year the inflation fighters will spend $356,000 for travel. That is $1,500 for every employee of the Council, including secretaries.

Other agencies responsible for economic policy plan travel increases as well. For example, the Federal Reserve Board will increase travel 11 percent to $1.4 million. Although this agency is not funded by appropriations, it is a leading and important agency in the inflation battle. The Office of the Secretary of the Treasury is planning a 25-percent increase. These leading economic policymakers should revise their proposed budgets and reduce their travel plans.

Another major Government policy is to reduce our consumption of energy and conserve our resources. The Department of Energy's departmental administration budget reflects a modest increase in travel—less than 2 percent. But DOE's energy conservation program is planning a whopping 31 percent increase—not exactly an effective energy conservation measure.

The Tennessee Valley Authority, an agency in my State that is assuming a growing role in energy research and development, will spend $15 million for the travel of its employees—an increase of 20 percent in just 1 year. One may wonder how these agencies can ask the American people to cut back on energy consumption without cutting back on their own.

Each of us are being asked to cut back on our driving. But the agencies responsible for Federal transportation policies are not cutting back. The Office of Secretary of Transportation will increase travel 33 percent. FAA operations will spend $47 million, a 12-percent increase. The Civil Aeronautics Board and the Interstate Commerce Commission will increase their travel by 14 and 5 percent, respectively, and the agency charged with promoting mass transportation, the Urban Mass Transit Administration, will spend just under $1 million, a 9 percent rise.

If the agencies which are responsible for anti-inflation, energy, and transportation are doing such a poor job in holding the line on travel costs, one might wonder if any Government agency is reducing travel costs. I am pleased to report that some Government managers have heard the taxpayers and are cutting back or holding the line.

The National Institute of Corrections in the Department of Justice will actually cut travel costs by 33 percent next year. The Small Business Administration, the Peace Corps, the Maritime Administration, and the Bureau of Engraving and Printing are planning no increase in travel costs. The Administrators of these agencies should be commended for their actions.

However, the agencies which are holding the line are few and far between when compared to those planning travel hikes next year. The Metric Board's travel budget is up 81 percent; the Department of Education's departmental management travel is up 67 percent; ACTION, up 60 percent; departmental management of the Departments of Interior and Labor, up 40 percent each; the Office of the Secretary and departmental management of the Department of Agriculture, up 36 percent; National Consumer Cooperative Bank, up 28 percent; Smithsonian, up 27 percent; Appalachian Regional Commission, up 20 percent; Department of Health and Human Services departmental management, up 17 percent; the Department of Housing and Urban Development's management and administration travel will increase 15 percent; General Administration of the Department of Commerce, up 11 percent; Environmental Protection Agency executive direction and staff, up 9 percent; Federal Communications Commission, up 8 percent; and the Consumer Product Safety Commission, up 8 percent. Also, for the record, it will cost the taxpayers $64 million to carry the mail, an 11 percent increase; and $4.5 million for IRS tax collectors' travel, a 17 percent increase.

Mr. President, the rate of growth in Government travel must continue to be moderated. I know that each agency's budget request for travel will receive a thorough review by the Appropriations Committees of both the House and Senate, and reductions will be made where possible.●

## 1979 WAS AMTRAK'S BEST YEAR IN LITTLE ROCK

● Mr. BUMPERS. Mr. President, this past fall Congress approved the reauthorization of Amtrak with the stipulation that at least one long-distance train should run in every quadrant of the country. After reviewing ridership figures, growth potential, and other criteria, Amtrak's Board of Directors selected the Inter-American, which runs through Arkansas to continue in service.

I am pleased to provide information that I received from the Amtrak ticket office in Little Rock on ridership and revenue data for the past year. Despite the fact that few improvements have been made since October 1, Arkansans have used the train more than ever before. I am hopeful that in the months to come, ridership will increase even more, as services and facilities are upgraded.

Mr. President, I ask that the news release be printed in the RECORD.

The news release follows:

### 1979 IS AMTRAK'S BEST YEAR YET IN LITTLE ROCK

LITTLE ROCK, ARK.—Amtrak's Little Rock ticket office has broken all previous year end sales and ridership records in 1979. The total number passengers handled for 1979 was 20,168 compared to 10,570 for 1978. This was a 91 percent increase in ridership over the past year.

Little Rock smashed all previous revenue records in 1979. A total of $340,633.00 in sales was produced in 1979 compared to $111,589.00 in 1978 for an increase of 205 percent. The highest revenue producing year had been 1974—the inaugural year for The Inter-American and the start up of Amtrak service in Little Rock—in which $175,750.00 was produced.

The continuation of daily service after Labor Day (service had normally reverted back to tri-weekly after this period), gasoline shortages along with rising prices and the success of several Hogtrains including the sold-out "Sugar Bowl Express" all helped contribute to the best year for Amtrak in the six years it has been serving the Little Rock Area.●

## SUPPORT THE PEOPLE WHO SUPPORT OTHERS

● Mr. DOLE. Mr. President, I am pleased to cosponsor the legislation (S. 2226) introduced by the distinguished Senator from Oregon (Mr. PACKWOOD) which will equalize the tax treatment of heads of households and married persons. This legislation will make the $3,400 zero bracket amount (standard deduction) available to heads of households, who now qualify for only the $2,300 zero bracket amount.

This legislation is needed because it is profamily and encourages family members to assume the responsibility for caring for one another. This is not an antimarriage bill: it gives no better treatment to heads of households than married couples receive. It is a bill to insure equitable treatment for all family units, whether they be husband and wife, parent and child, or adult child with an elderly parent.

Mr. President, heads of households need and deserve our support as much as married persons do—perhaps more. Many heads of household are divorced parents, or widows and widowers with children to care for. Their average family income is much lower than that of married couples. Yet these people are taking on the responsibility for caring for family members, as we would hope all family members would do. Yet we penalize these people, compared with married couples—even two-earner couples with no dependents. This is inequitable, and it is bad policy for a society that wants to encourage family units to stay together wherever possible. If we want to minimize the interference of the Government with families—as this Senator does—we must support this legislation.

Whenever family members fail to provide for one another, the Government or charities must take up the burden. The more that happens, the more our people become divided, alienated, and dependent on Government. To prevent that, I urge my colleagues to support this legislation.●

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR THE RESUMPTION OF CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 249 ON TOMORROW AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow morning the Senate resume consideration of House Concurrent Resolution 249 at 10 a.m.; that there be 1 hour of debate, that that hour be equally divided between Mr. CHURCH and Mr. JAVITS; that House Concurrent Resolution 249 then be temporarily laid aside until the hour of 2 p.m., at which time the Senate resume consideration of that resolution without further debate, and that the Senate proceed to the vote on House Concurrent Resolution 249 at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECESS UNTIL 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:15 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR THE RECOGNITION OF MR. HARRY F. BYRD, JR., ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the order for the recognition of Mr. PROXMIRE, Mr. HARRY F. BYRD, JR., be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 9:15 tomorrow morning.

The motion was agreed to; and at 6:56 p.m., the Senate recessed until Tuesday, January 29, 1980, at 9:15 a.m.

## NOMINATION

Executive nomination received by the Senate January 28, 1980:

### FEDERAL HOME LOAN BANK BOARD

John H. Dalton, of Virginia, to be a member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1982, vice Anita Miller, resigned.

# HOUSE OF REPRESENTATIVES—*Monday, January 28, 1980*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
*January 25, 1980.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on January 28, 1980.

THOMAS P. O'NEILL, Jr.,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

*For God alone my soul waits in silence; from him comes my salvation.*

*He only is my rock and my salvation, my fortress; I shall not be greatly moved.*—Psalms 62: 1, 2.

O God, our help in ages past, our hope for years to come, be with us and hear our prayer. With all the uncertainty and diversions and dangers of these times may we learn to wait on Your word and earnestly seek Your favor. As we acknowledge You, O God, to be our fortress and strength, so give us courage and compassion, resolution and integrity, that we may faithfully serve You all our days. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. EDGAR. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDGAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 307, nays 8, answered "present" 5, not voting 114, as follows:

[Roll No. 8]

YEAS—307

Abdnor
Akaka
Albosta
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
Atkinson
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bevill
Bingham
Blanchard
Boggs
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Carter
Cavanaugh
Chappell
Cheney
Clausen
Clay
Clinger
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dornan
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
English
Erdahl
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fazio
Fenwick
Ferraro
Fisher
Fithian
Flippo
Ford, Tenn.
Fountain
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Hansen
Harris
Harsha
Hawkins
Heckler
Hefner
Hightower
Hillis
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Ichord
Ireland
Jeffords
Jeffries
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Lent
Levitas
Livingston
Long, Md.
Lott
Lowry
Lundine
Lungren
McClory
McCormack
McDade
McHugh
McKay
McKinney
Madigan
Markey
Marks
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mottl
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patterson
Paul
Pease
Perkins
Petri
Peyser
Porter
Preyer
Price
Pritchard
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Satterfield
Sawyer
Schulze
Sebelius
Seiberling
Sensenbrenner
Sharp
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Steed
Stenholm
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thompson
Udall
Van Deerlin
Vander Jagt
Vanik
Vento
Walgren
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Williams, Mont.
Wilson, Tex.
Winn
Wirth
Wolpe
Wright
Wylie
Yates
Yatron
Young, Mo.
Zablocki

NAYS—8

Forsythe
Goodling
Harkin
Jacobs
Mitchell, Md.
Quayle
Walker
Wilson, Bob

ANSWERED "PRESENT"—5

Anthony
Luken
Neal
Nelson
Trible

NOT VOTING—114

Addabbo
Ambro
Anderson, Ill.
Applegate
Aspin
AuCoin
Barnes
Bethune
Biaggi
Boland
Bolling
Bonior
Brinkley
Burton, John
Byron
Campbell
Carney
Carr
Chisholm
Cleveland
Coelho
Conyers
Corman
Cotter
Crane, Daniel
Crane, Philip
Dellums
Diggs
Dodd
Dougherty
Eckhardt
Edwards, Okla.
Erlenborn
Evans, Del.
Fascell
Findley
Fish
Flood
Florio
Foley
Ford, Mich.
Fowler
Frenzel
Gingrich
Gonzalez
Grassley
Hance
Heftel
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hutto
Hyde
Jenkins
Jenrette
Johnson, Colo.
Kelly
LaFalce
Leland
Lewis
Lloyd
Loeffler
Long, La.
Lujan
McCloskey
McDonald
McEwen
Maguire
Marlenee
Martin
Mathis
Mikulski
Miller, Calif.
Mollohan
Moore
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Nichols
Nolan
Patten
Pepper
Pickle
Pursell
Rodino
Roth
Rousselot
Santini
Scheuer
Schroeder
Shannon
Shelby
Snowe
Staggers
Stark
Stewart
Symms
Thomas
Traxler
Treen
Ullman
Volkmer
Whitehurst
Williams, Ohio
Wilson, C. H.
Wolff
Wyatt
Wydler
Young, Alaska
Young, Fla.
Zeferetti

□ 1210

Mr. JONES of North Carolina changed his vote from "nay" to "yea."

Mr. ABDNOR changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

---

## MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On December 20, 1979:

H.R. 1888. An act for the relief of Kenneth and Jacqueline Traylar;

H.R. 2594. An act for the relief of Lunette Joyce Clarke;

H.R. 3892. An act to amend title 38, United States Code, to extend the authorizations of appropriations for certain grant programs and to revise certain provisions regarding such programs, to revise and clarify eligibility for certain health-care benefits, to revise certain provisions relating to the personnel system of the Department of Medicine and Surgery, and to assure that personnel ceilings are allocated to the Veterans' Administration to employ the health-care staff for which funds are appropriated; to require the Veterans' Administration to conduct an epidemiological study regarding veterans exposed to Agent Orange; and for other purposes;

H.R. 5163. An act to authorize the sale to certain foreign nations of certain excess naval vessels; and

H.R. 5651. An act to establish by law the position of Chief of the Capitol Police, and for other purposes.

On December 21, 1979:

H.R. 1616. An act for the relief of Caroline M. Babcock;

H.R. 1889. An act for the relief of Naomi Chen;

H.R. 2477. An act for the relief of Jesus Reveles y Rivera;

H.R. 2532. An act for the relief of Gail Williamson;

H.R. 3875. An act to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes; and

H.R. 5359. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes.

On December 27, 1979:

H.R. 887. An act for the relief of Elizabeth Berwick and Alexander Berwick, her husband;

H.R. 2531. An act for the relief of Russell W. Allen; and

H.R. 5645. An act to grant to the Little Sisters of the Poor all right, title, and interest of the United States in the land comprising certain alleys in the District of Columbia.

On December 28, 1979:

H.R. 894. An act for the relief of Gina S. Hernandez;

H.R. 900. An act for the relief of Grace Maria Salazar Santos;

H.R. 918. An act for the relief of Maryrose and Rosemary Evangelista;

H.R. 1283. An act for the relief of Pang Chong Ae;

H.R. 1489. An act for the relief of In Sun Pineiro;

H.R. 1827. An act for the relief of Emiko Okuma Colona;

H.R. 1887. An act for the relief of Solomon Mani;

H.R. 3234. An act for the relief of Rodolfo Jose Kozul;

H.R. 3320. An act for the relief of Eileen Ferraren Fair;

H.R. 4943. An act granting the consent of Congress to the compact between the States of New York and New Jersey providing for the coordination, facilitation, promotion, preservation, and protection of trade and commerce in and through the Port of New York District through the financing and effectuation of industrial development projects;

H.R. 4998. An act to authorize automatic transfer accounts at commercial banks, remote service units at Federal savings and loan associations, and share draft accounts at Federal credit unions during the period beginning on December 31, 1979, and ending on April 1, 1980; and

H.R. 5537. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia.

On December 29, 1979:

H.J. Res. 462. Joint resolution expressing the sense of Congress concerning the White House Preservation Fund;

H.R. 595. An act to authorize certain transactions involving the acquisition and disposal of strategic and critical materials for the National Defense Stockpile.

H.R. 600. An act to incorporate United Service Organizations, Inc.;

H.R. 901. An act for the relief of John A. Townsley;

H.R. 1619. An act for the relief of Rolando R. Gaza, Teresita C. Gaza, and Rolynne Therese Gaza;

H.R. 2593: An act for the relief of Mariana de Jesus Roca and Francisco Rubira Roca;

H.R. 2771. An act to change the name of the Palmetto Bend Reservoir on the Navidad River in Texas to Lake Texana;

H.R. 3343. An act to permit civil suits under section 1979 of the Revised Statutes (42 U.S.C. 1983) against any person acting under color of any law or custom of the District of Columbia who subjects any person within the jurisdiction of the District of Columbia to the deprivation of any right, privilege, or immunity secured by the Constitution and laws;

H.R. 3948. An act to require a study of the desirability of mandatory age retirement for certain pilots, and for other purposes;

H.R. 5015. An act to amend title 5, United States Code, to extend the Federal Physicians and Comparability Allowance Act of 1978, and for other purposes;

H.R. 5025. An act to amend title 10, United States Code, to provide that any person eligible for medical care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who is a veteran with a service-connected disability may not be denied care and treatment for such disability under CHAMPUS solely because such person is eligible for care and treatment for such disability in Veterans' Administration facilities;

H.R. 5079. An act to provide for participation of the United States in the International Energy Exposition to be held in Knoxville, Tenn., in 1982, and for other purposes;

H.R. 5174. An act to amend section 209 of title 18, United States Code; and

H.R. 5224. An act to continue through May 31, 1981, the existing prohibition on the issuance of fringe benefit regulations, and for other purposes.

On December 31, 1979:

H R. 2727. An act to modify the method of establishing quotas on the importation of certain meat, to include within such quotas certain meat products, and for other purposes; and

H.R. 5523. An act to establish an improved program for extra long staple cotton.

On January 2, 1980:

H.J. Res. 467. Joint resolution making an urgent appropriation for administrative expenses of the Chrysler Corp. loan guarantee program, and to provide financial assistance to the Chrysler Corp. for the fiscal year ending September 30, 1980;

H.R. 2043. An act to amend the Water Bank Act for the purposes of authorizing the Secretary of Agriculture to adjust payment rates with respect to initial conservation agreements and to designate certain areas as wetlands, and for other purposes;

H.R. 2584. An act to amend the provisions of chapters 83 and 89 of title 5, United States Code, which relate to survivor benefits for certain dependent children, and for other purposes; and

H.R. 3091. An act to extend for 1 year the provisions of law relating to the business expenses of State legislators.

On January 3, 1980:

H.R. 3951. An act to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for the cost of construction of the rapid transit system of the National Capital region, to provide an orderly method for the retirement of bonds issued by the Washington Metropolitan Area Transit Authority, and for other purposes.

On January 7, 1980:

H.R. 5860. An act to authorize loan guarantees to the Chrysler Corp.

On January 8, 1980:

H.J. Res. 468. Joint resolution extending the dates of submission of the President's Budget and Economic Report; and

H.R. 5010. An act to amend the Federal Election Campaign Act of 1971 to make certain changes in the reporting and disclosure requirements of such act, and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment joint and concurrent resolutions of the House of the following titles:

H.J. Res. 478. Joint resolution to extend by 60 days the expiration date of the Defense Production Act of 1950; and

H. Con. Res. 204. Concurrent resolution approving the extension of nondiscriminatory treatment to the products of the People's Republic of China.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1452. An act to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance; and

S. 1832. An act to extend the authority of the Secretary of the Interior to declare and proclaim land to be Indian reservation land.

## ANNOUNCEMENT OF APPOINTMENT OF MEMBER OF CONGRESSIONAL AWARD BOARD

Mr. RHODES. Mr. Speaker, pursuant to section 4(a) of Public Law 96–114, I have today appointed Mr. John E. Swearingen of Chicago, Ill., as a member of the Congressional Award Board.

## WELCOMING NATIONAL BASKETBALL ASSOCIATION ALL-STARS TO WASHINGTON FOR 13TH ANNUAL NATIONAL BASKETBALL ASSOCIATION ALL-STAR GAME

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the concurrent resolution (H. Con. Res. 260), welcoming the National Basketball Association All-Stars to the Washington metropolitan area for the 13th annual National Basketball Association All-Star Game, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is there objection to the request of the gentleman from New York?

There was no objection.

☐ 1220

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 260

Whereas the National Basketball Association All-Star Game brings together the very best professional basketball players in the Nation for forty-eight minutes of intense competition and sterling athletic achievement; and

Whereas the annual All-Star Game is one of the highlights of the National Basketball Association season and a major sports event of the year; and

Whereas the game annually is played on the home court of one of the National Basketball Association member teams and is a sought-after event by the teams and the cities they represent; and

Whereas the Washington Bullets, who play their home games at Capital Centre in Largo, Maryland, are the host team for the 1980 National Basketball Association All-Star Game, to be played on Sunday afternoon, February 3; and

Whereas this is the first time the Washington metropolitan area has had the distinction of being the site of this important national basketball event; and

Whereas the weekend of the All-Star Game has been declared National Basketball Association All-Star Weekend in the National Capital Area, in recognition of the area's role in this year's All-Star competition: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That, the Congress officially welcomes to the Washington metropolitan area the National Basketball Association, the 1980 All-Stars and all those associated with the All-Star contest and expresses its hope that the thirtieth annual All-Star Game will be the most exciting and successful in the history of the event.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## OVER 300 SOVIET AGENTS OPERATING IN NEW YORK

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I was shocked at the revelations last night by a former high ranking Soviet diplomat on CBS' "60 Minutes" that there are over 300 Soviet agents operating under the cover of the United Nations in New York.

I am today urging the administration to take immediate steps to begin an investigation leading to the deportation of all Soviet spies from the U.N. Mission.

There is no reason why the United States which pays over 25 percent of the United Nations costs should in any way subsidize Soviet intelligence operations in this country.

Their presence enables Soviet operatives to gather invaluable intelligence on a range of U.S. targets, including political, military, and industrial objectives.

Given the fact that New York is the financial and industrial capital of the United States, one can only begin to imagine the intelligence opportunities Soviet agents are working overtime to exploit.

## PRESIDENT'S 1981 BUDGET STILL NOT BALANCED

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, today we are receiving the President's proposed budget for fiscal year 1981.

Contrary to what President Carter has promised the American people repeatedly, the budget has not been balanced by the end of his first term.

I suppose we should all be elated that the budget deficit is only $16 billion, or half of what it was for fiscal year 1980. But we should look at how we have come to reach what the President calls a "small" deficit. We have done it, pure and simply, through higher taxes.

Based on figures in the current budget message, since fiscal year 1977, outlays have risen about 53 percent. Tax revenues have increased 67 percent. Between 1980 and 1981, social security revenues will increase 16 percent and income taxes 15 percent, while expenditures will rise 9 percent.

Mr. Carter says we cannot have a tax cut this year because it will contribute to inflation. It is too bad he did not look harder to see why we have such a high rate of inflation in the first place.

A $16 billion deficit is bad enough and I hope the Congress has sense enough not to increase this proposed deficit as it did last year.

## UPDATE ON THE WHITTAKER RESOLUTION

(Mr. WHITTAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTAKER. Mr. Speaker, I wish to express my appreciation to the Members of this body for their strong initial bipartisan response to my request for cosponsors on House Concurrent Resolution 248, directing the President to suspend the entry of Iranian nationals into the United States, except in individual circumstances of grave humanitarian concern. The suspension would remain in effect at least until our fellow Americans being held hostage in Tehran are freed, or until normal diplomatic and economic relations are restored with the Islamic Republic of Iran.

In response to many inquiries, I would like to provide the following information concerning the 7,600 Iranians who have entered the United States since our Embassy was seized in mid-November.

Approximately 1,200 Iranians have entered the United States on student visas, good for up to 48 months; 3,000 to 4,000 have entered on tourist visas and 200–300 on business visas, issued for varying periods of time based largely on information supplied to U.S. consular officials by the entering Iranians. Tourist and business visas may be extended by immigration officials if an Iranian can show that a longer stay is necessary. Finally, 1,000 Iranians have been admitted as "returning residents." These individuals have previously been issued permanent resident visas and have returned to the United States after business or pleasure trips to Iran or other countries.

Mr. Speaker, since the Whittaker resolution was first introduced on January 22, many Members have indicated that they have been receiving complaints from concerned constituents, including relatives of hostages, who simply cannot make any sense out of a situation that allows Iranian nationals freedom of entry and movement within the United States while the same courtesy is being denied to Americans in Iran.

Mr. Speaker, I wish to accommodate all Members desiring to cosponsor this important resolution. I hope all of my colleagues who are interested will seek me out personally as soon as possible.

## THE 100TH BIRTHDAY OF GEN. DOUGLAS MACARTHUR

(Mr. TAUKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUKE. Mr. Speaker, last Saturday marked the 100th birthday of a great American, a heroic soldier, a world statesman, and a famous patriot. Gen. Douglas MacArthur may be gone from us, but he certainly has not faded from our memories.

General MacArthur's life, highlighted for me by Del Winner, of Dubuque, Iowa, an ardent and devoted student of MacArthur's life and a constituent of mine, represented one triumph over another. In World War I, he was one of our most brilliant generals. Those accomplishments were surpassed, however, during World War II. Few military commanders have been put to a test comparable to that faced by MacArthur in his valiant defense of the Philippines. He and his loyal command stood alone to face the brunt of the Japanese onslaught. And then there was his brilliant counteract at Inchon, which routed the North Korean Armies during the Korean war.

As a strategist and military leader, Gen. Douglas MacArthur was unique among military figures. Memory of his leadership will continue to provide an inspirational example to young men in the military for generations to come. The world is, indeed, a better place because he lived in it.

## PRESIDENT CARTER'S PICKPOCKET BUDGET

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, the budget President Carter has just sent to Congress might well be called, "the pickpocket budget."

It is a pickpocket budget because it reaches into the pockets of the American taxpayers and extracts $600 billion, a $77 billion increase in the tax burden for 1 year. It is a pickpocket budget because it is the highest peacetime tax burden ever. It is a pickpocket budget because it takes almost 22 percent of the gross national product in Federal taxes, $89 billion more in taxes than the 18.5-percent tax burden of the Ford administration, for example. It is a pickpocket budget because it extracts more than a $1,000 a year more from the average taxpayer since 1976 when President Carter became President.

The Carter budget thus turns Uncle Sam into a pickpocket whose long arm reaches through the pockets of the American taxpayers all the way down to their socks.

☐ 1230

## PRESIDENT McKINLEY'S BIRTHDAY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, as we begin a new decade in our Nation's history, I think it is important for us to remember the past, those earlier decades that shaped our great country.

We need to recall the men who led our Nation and the values and principles for which they stood. I call attention today to one in particular, President William McKinley, whose birthday we will observe tomorrow.

It is especially fitting at this moment in time, when America is firming up its position as a world leader, to consider our 25th President and his policies.

It was his administration that marked the advent of this country on the international scene as a great world power. President McKinley, himself, first recognized that role of leadership when he said in an address at the Pan American Exposition in Buffalo in 1901 that—

> The period of exclusiveness is past—God and man have linked the nations together—isolation is no longer possible or desirable.

His words from the turn of the century are borne out by the international confrontations and crises of our time.

Through his foresight and wisdom, President McKinley led our country to accept its world responsibilities and commitments. This, in turn, profoundly shaped world history. Were he with us today, I believe we would hear him calling us to reaffirm and maintain our leadership.

Although he led us in a war, his goal was peace, for he was a profoundly religious man. I particularly like this statement from one of his speeches:

> Let us ever remember that our real eminence lies in victories of peace, not those of war, our earnest prayer is that God will graciously vouchsafe prosperity, happiness and peace to all our neighbors—and like blessings to all peoples and powers on earth.

For 13 years as a member of this body, William McKinley ably served the 16th District of Ohio, which I am proud to call my own. He also served the Buckeye State as its Governor. He was elected President of the United States in 1896.

Ohio's State flower, the red carnation, was a favorite of President McKinley. The ones you see today in the House Dining Room honor his memory.

Present in the gallery today is the reigning carnation queen, Jill North, from Alliance, Ohio, who has graciously helped distribute the red carnations on Capitol Hill and to our First Lady, Rosalynn Carter.

## THE PRESIDENT'S PROPOSED 1981 FEDERAL BUDGET IS A FISCAL DISASTER

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, taxpayers can get little comfort from the President's proposed $616 billion 1981 Federal budget.

It is a disaster from the viewpoint of fiscal responsibility.

Welfare spending would increase another $29 billion, on top of this year's $31 billion welfare increase over 1979, bringing total spending to more than $220 billion in this budget area alone.

The reorganized Department of Health, Education, and Welfare—without education programs—will cost $13 billion more than the current $206 billion HEW budget which includes education programs.

Is it any wonder why the President specifically opposed any tax cut for the American people this year?

Congress must sharply cut the unwarranted politically motivated increases in nondefense domestic spending proposed by the Carter administration.

## CARTER BUDGET INADEQUATE FOR DEFENSE

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, President Carter has proposed another Federal budget that is inadequate for the Nation's needs when national security is in danger.

At the moment some 50 Americans continue to be held hostage in Iran. The Soviet Union continues its military rape of Afghanistan. From various quarters we hear of new threats to the peace that could endanger the independence of Thailand, Pakistan, Iran, and Yugoslavia.

In these dire circumstances it is shocking that the President should give priority to expanding welfare spending. But that is the essence of the 1981 budget. Once again the President talks tough—but chooses to carry a small stick.

The Budget in Brief indicates the President wants to boost direct benefit payments to individuals again. He would spend 43 cents of each budget dollar for this purpose in 1981—up from 39 cents in his last budget proposal.

Once again the President will shortchange defense. Only 24 cents of each Federal dollar will go to the military, the same amount as in the previous Carter budgets.

It is clear that Congress has a lot of work to do on this budget. We need to develop a tough-minded defense program that will enable our Nation to protect its vital overseas interests.

## AN ISSUE: KGB AGENTS RUNNING RAMPANT COURTESY OF THE UNITED NATIONS

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, one of the Presidential candidates from the other body made a desperate speech at Georgetown University this morning. He seems to be in a panic search for the "right" issue. Well, I have a beauty for him. KGB spies, hundreds of them, on the loose, courtesy of the United Nations. Any Member who saw "60 Minutes" on CBS last night must still be outraged. I understand that before I came into the Chamber this morning the ranking minority member on our Committee on Foreign Affairs said that he was absolutely shocked by Mike Wallace's superb report. Mr. BROOMFIELD well should be shocked but for some of us it is not shock but a sense of utter disgust that this story is so long in gaining prominence. I was not shocked because I have known about KGB agents in profusion here and in New York for years. The former Attorney General, Mr. Griffin Bell, told me in late 1977 that the Soviet spy situation in our country is, quote:

> A growth industry, Congressman, a growth industry. They're coming out of the woodwork, these KGB agents.

My wife was standing with me when he made these candid comments in the lobby of the John F. Kennedy Center.

I am going to put a transcript of the CBS "60 Minutes" report into the Congressional Record as fast as I can get hold of it. The revealing Mike Wallace exposé reminded me of a brilliant 20th Century Fox film on Nazi spies called "The House on 92d Street," with an ironic twist. As a well known Soviet defector stated under Wallace's skillful questioning, the Russian spies at the United Nations are subsidized by U.S. taxpayers' money.

Two former altarboys from my beautiful Palos Verdes peninsula area are serving away their young lives in a Federal penitentiary as Benedict Arnolds because of Soviet espionage agents on the west coast. Well, let me correct that statement. One of those young constituent convicted traitors escaped from Lompoc Federal Prison last Tuesday. Maybe he is heading for the United Nations, Soviet section, for a job.

When will this madness be brought to a halt. It is up to us, my colleagues.

## THE ISSUE OF INFLATION IS ABOUT TO BECOME A GREAT NATIONAL ISSUE

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, at long last the issue of inflation, which has been running wild for the past year and a half, is about to become the subject of a great national debate. Senator Edward Kennedy this morning said, and I quote:

> Inflation is out of control. There is only one recourse: The President should impose an immediate 6-month freeze on inflation, followed by mandatory controls as long as necessary, across the board, not only price and wages, but also on profits, dividends, interest rates, and rents.

Mr. Speaker, the American people have been pleading for exactly this kind of action for a long, long time. Last year the inflation rate ran at an unbelievable 13.2 percent. Now it is time to see whether the President and this Congress will follow the leadership that has been exerted by Senator Kennedy. The time to place a brake on the cruel spiral of inflation is long overdue. I am certain that the people of this Nation will not tolerate or forgive our failure to act.

## THE BUDGET MESSAGE OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96-246)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

*To the Congress of the United States:*

This budget for 1981 is prudent and responsible. It continues the strategy of restraint that I proposed, and the Congress accepted, for the 1980 budget. At the same time it proposes selected, essential increases in areas of high priority and great national concern. In this way it seeks a balance between our needs for budgetary restraint and our needs for specific expenditures. I expect the Congress to support it.

Total outlays for 1981 proposed for by this budget are $615.8 billion, an increase of 9%. After allowing for inflation, this budget is virtually level with 1980 spending. Total receipts for 1981 are estimated to be $600 billion. In view of current economic conditions, the only major revenue proposal included in the budget is my windfall profit tax now before the Congress.

BUDGET TOTALS

[In billions of dollars]

| | | Estimate | | | |
|---|---|---|---|---|---|
| | 1979 actual | 1980 | 1981 | 1982 | 1983 |
| Budget receipts | 466 | 524 | 600 | 691 | 799 |
| Budget outlays | 494 | 564 | 616 | 686 | 774 |
| Surplus or deficit (−) | −28 | −40 | −16 | +5 | +25 |
| Budget authority | 557 | 654 | 696 | 775 | 868 |

Thus, I am proposing a deficit of $15.8 billion, the lowest deficit in 7 years. This reduces the deficit by 60% in comparison to 1980. More significantly, it is $50 billion less than when I first ran for the Presidency. As a percentage of the budget, and of the gross national product, the 1981 deficit is the second lowest of the last decade.

Economic projections deeply affect this budget. It appears today that the long economic recovery occurring throughout my first term may falter this year. I have therefore assumed that there will be some decline in GNP during the course of 1980, followed by renewed but moderate growth in 1981. As a result, budget receipts will be reduced and certain expenditures will increase automatically. This is why the 1981 budget is in deficit. If, contrary to our assumptions, the economy were to perform strongly enough to keep the unemployment rate at its current level, the 1981 budget would be in surplus.

We must monitor the economic outlook carefully. If the economy begins to deteriorate significantly, I will consider tax reductions and temporary spending programs for job creation targeted toward particular sectors of economic stress. But I believe current economic conditions argue for restraint.

I believe that this judgment and this budget recognize that equitable budget restraint is essential in our efforts to control inflation; that the unemployed should not bear the costs of our anti-inflation efforts; and most importantly, that we continue to pursue the goals of full employment, price stability, and balanced growth. The fiscal and program policies in this budget are essential, I believe, if we are to move rapidly toward these goals in the 1980's.

Indeed, the restraint proposed in this budget is essential to achieve these goals. The unacceptably high inflation now prevailing is clearly due to many, deeply imbedded, long-term forces. Countering this inflation involves sustained action across a wide spectrum.

—We must reduce our dependence upon foreign oil.

—We must enhance our economy's productivity.

—We must continue our efforts to foster competition and innovation through further deregulation.

—We must sustain compliance with the administration's wage and price guidelines.

But none of these efforts can succeed unless Federal spending is controlled. By continuing a clear and consistent policy of restraint, the 1981 budget insures that the Federal budget will not be an inflationary force in the economy.

Although I have kept spending in this budget from rising in real terms, I have found it necessary to increase funds in a few critical areas. The most important of these are defense, energy, basic research, and the training and employment of our Nation's young people.

*Defense.*—The long decline in real spending for defense that began in 1969 has been reversed. The uncertain and sometimes hostile world we live in requires that we continue to rebuild our defense forces. The United States will continue to seek peaceful means to settle international disputes. But I cannot ignore the major increases in Soviet military spending that have taken place inexorably over the past 20 years. I cannot ignore our commitment to our NATO allies for mutual real increases in our investment in national defense. I cannot ignore the implications of terrorism in Iran, or Soviet aggression in Afghanistan.

Therefore, my budget proposes a defense program in 1981 of $158.2 billion in budget authority, an increase of over 5% in real terms. Outlays for defense will be $152.7 billion, a real increase of over 3 percent.

Moreover, I am committed as a matter of fundamental policy to continued real increases in defense; and I plan increases in my defense budgets through 1985. Over the period 1981–85, I am proposing that the defense program level of the United States increase by $90 billion.

*Energy.*—This budget reflects the important progress made by my administration toward a broad and practical program dealing with the energy problems the Nation will face in the next decade. I am confident, and the 1981 budget assumes, that early in the 1980 session the Congress will pass the crucial measures I proposed last year: the windfall profit tax, the Energy Security Corporation, the conservation measures, and the Energy Mobilization Board.

With this budget we will have put into place an energy program composed of the following elements:

(1) *Realistic price and fair taxes.*—My

decontrol decision of last April is now in effect. It is painful, and no one can pretend otherwise. But we cannot have an energy program that maintains illusions. Energy is not cheap, and we must accept that fact.

My windfall profit tax, to be passed early this year, retains a portion of profits from energy price increases for the public. This will insure that increased energy prices will lead to new public investment in energy production. It will insure also that the burdens of higher energy costs are fairly shared.

(2) *Conservation.*—The 1981 budget allocates resources for tax incentives, low-interest subsidized loans, and other measures to stimulate more conservation. Conservation is the quickest and cheapest step we can take to confront our energy problem.

(3) *Production.*—This budget anticipates the creation of the Energy Security Corporation to facilitate the development of synthetic fuels and a major new gasohol program. It also supports continued new investments in those energy initiatives begun in the last two budgets. We are significantly increasing our expenditures on fossil fuels, on solar energy, and on nuclear fusion. Nuclear fission research, on the other hand, declines, while greater emphasis is placed on solving the current problems of nuclear power.

(4) *Protection.*—As we adjust to the new energy realities, we must continue to protect those who are most vulnerable. The 1981 budget continues to provide funds for the poor to weatherize their homes; funds to enable the most disadvantaged Americans to cope with the rising cost of energy; and funds for energy crisis assistance.

My energy program is, of necessity, a long-term one. But if it is sustained through the new decade, we will reduce consumption, increase production from domestic sources, and promote alternate forms of energy. We will significantly reduce our dangerous reliance upon foreign oil. We will remove a major source of inflation. Our economy and our Nation will emerge from the 1980's stronger than they are now.

*Basic research.*—In the long run, economic growth depends critically on technological development. For many years, this country has led the world in producing new technology. We are in danger of losing this leadership. The 1981 budget continues my long-standing commitment to reverse the trends of the past two decades and provide for major and sustained increases—above the rate of inflation—for research and development programs. Obligations for research and development will increase by 13%; for basic research by 12%. Since 1978, obligations for basic research will have increased by 40%. I believe that these are among the most important expenditures we can make. The payoff, particularly for basic research, is long-term, but immense. We benefit today—in new industries, in millions of jobs, in lives saved, and in lives protected—from the investments in science made decades ago. We must continue such investments today to reap similar returns tomorrow.

*Human resources.*—My budget, restrained as it is, provides needed support to those Americans who are most in need. Most of the increase in the 1981 budget over 1980 is due to the automatic cost-of-living increases in entitlement programs that provide income to the poor and the elderly. I have continued and improved these programs. In addition, I have proposed discretionary increases in a wide range of programs affecting those in our society who are the most disadvantaged.

The budget includes $687 million for proposals to expand health services to the poor and the underserved, including $403 million to provide medicaid eligibility for 2 million additional low-income children and approximately 100,000 pregnant women. The budget also includes a 24% increase in subsidized housing programs and a 24% increase in elementary and secondary education programs for the disadvantaged. Overall, I am proposing an increase of $7 billion in aid to the poor to protect them against the effects of inflation.

At the same time, I am proposing a major initiative that will enable our Nation's disadvantaged youth to receive a strong basic education, to find and keep a job. This is a critically important time for this initiative. In the 1980's, the number of youths entering the labor market will fall. If the young people of the 1980's are prepared, they will be able to find good jobs and build productive lives. My initiative will make this preparation possible. It will couple a strong emphasis on basic education with significant employment opportunity. For those young people who participate, the programs will be tough and challenging. But they will be extremely worthwhile. Those who complete them will have a major advantage where it counts—in the permanent job market. I consider this investment in human resources for the 1980's to be as important as the investments I am proposing for basic research. It is an investment in our most precious resource—the energies and talents of America's young people.

*Agriculture.*—Because of the aggression by the Soviet Union against Afghanistan, I concluded that we could not now permit that country to benefit from our productive agriculture. On January 4, I announced the suspension of shipments of grain, soybeans, and their byproducts to the Soviet Union. This budget reflects the steps necessary to avoid the devastating effects such action could have had on our farmers and grain shippers. Specifically, the Secretary of Agriculture will:

—purchase contracts entered into with the Soviet Union at prices at or above those prevailing on January 4;

—if necessary, take title to the grain intended for export to the Soviet Union and isolate it from the market;

—purchase up to 4 million metric tons of wheat for an international food aid reserve;

—increase the loan level for feed grains and wheat by 10 and 15 cents per bushel, respectively; and

—modify the farmer-owned grain reserve to encourage farmers to place additional grain in the reserve.

On January 19, I announced, as additional steps to avoid the impact of suspension of shipments, that the Government would:

—increase the 1980 and 1981 Public Law 480 programs in order to increase grain shipments abroad; and

—purchase corn directly at local levels to stabilize cash markets and alleviate transportation backups.

I stand ready to take further steps if these actions prove insufficient.

*Other commitments.*—In other important areas, the 1981 budget reflects the reorganization accomplishments of the administration; continues the significant progress already experienced in urban and community development; expresses my commitments to welfare reform and a national health plan, programs that will begin in future budget years; and reaffirms my dedication to improved Federal budgeting and management.

The budget anticipates that my welfare reform proposals will take full effect in 1982, and my national health plan proposal in 1983. Taken together, these programs provide income support and assured health care to all Americans in need. My national health plan—which will be phased into operation prudently, consistent with the state of our economy—minimizes direct governmental control over health care, restrains the growth of Government, and provides maximum individual choice. I am continuing to seek enactment of my hospital cost containment proposal, which I believe is an essential part of any national health plan. When fully enacted, these two proposals—welfare reform and the national health plan—will significantly and permanently improve the lives and prospects of all Americans.

The 1981 budget includes a $15.5 billion allocation for the new Department of Education, which the Congress has approved. The establishment of this Department will require a great deal of effort in the short run, but it will give our system of education the consistent attention and high priority it deserves.

This budget also continues the improvement in the budget process I promised 4 years ago. In the 1979 budget we introduced zero-base budgeting, a system we have now used in three budgets to assure the allocation of scarce public resources to the most critical areas. Last year, in the 1980 budget, we moved to multiyear budgeting. My budget again this year shows not only decisions for 1981, but the effect of those decisions—in detail—for 1982 and 1983. To the extent feasible, the multiyear budget projects also the future costs of programs such as the national health plan, welfare reform, defense, energy, and research and development.

This year I have installed a central system to control the use of Federal credit. In the past, too much has escaped the normal discipline of the budget. This system, which is now in place, recommends specific credit limitations for most credit programs.

CREDIT BUDGET TOTALS

(In billions of dollars)

| | 1979 actual | 1980 estimate | 1981 estimate |
|---|---|---|---|
| New direct loan obligations | 51.4 | 59.7 | 60.7 |
| New loan guarantee commitments | 74.7 | 75.2 | 81.4 |
| Total | 126.1 | 134.9 | 142.1 |

The new system of credit control will permit both the administration and the Congress to improve their understanding of the credit programs, to measure their important effects, and to determine appropriate levels of credit activity.

This budget reflects continued efforts to improve financial management in Government and to stop illegal or improper use of taxpayers' money. We are achieving major savings from better cash management and stronger internal auditing in Federal agencies.

*Conclusions.*—Proposing a responsible Federal budget is a fundamental task of public leadership. The budget must reconcile a broad range of legitimate claims for resources with the needs of the economy and the burdens on the taxpayer. Simultaneously, it must

—respect past commitments in its allocations to social security, to veterans, and to the elderly;

—meet the needs of the present for defense, unemployment benefits, and health services; and

—invest in the future through research and development, energy programs and education.

The budget must do all these things specifically and in detail. A budget rests on specific proposals related to specific costs, not on rhetoric.

A budget also rests on policy. And this budget contains important policy decisions—major departures, new initiatives, larger and longer term commitments. Each stands on its own merit. Yet taken together all of the proposals in this budget can also be characterized in a more general way. They reflect the maturing of the administration's basic, consistent, underlying policy themes: restraint in budgeting the taxpayers' dollars; the strengthening of our defense; providing energy for the future; improving opportunities for the Nation's youth; and making Government work better.

Ours is a great and complex nation. The existing arrangements in our society are the result of complex, not always consistent decisions of the past, emerging from a democratic people. Change is sometimes slow because it rests on consent. But intelligent, consistent leadership, persistently applied, can bring about change in policies and further the well-being of our society and of its people. I believe that this budget, and those I have submitted in the past, support the fundamental policies that will prepare America for the new decade.

JIMMY CARTER.

JANUARY 28, 1980.

☐ 1240

## RESCISSION AND DEFERRAL PROPOSALS (H. DOC. NO. 96-259)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

*To the Congress of the United States:*

In accordance with the Impoundment Control Act of 1974, I herewith report two proposals to rescind a total of $122.2 million in budget authority previously provided by the Congress. In addition, I am reporting five new deferrals of budget authority totalling $1,028.5 million and ten revisions to previously transmitted deferrals increasing the amount deferred by $598.6 million.

The rescission proposals affect programs in the Department of the Interior and the Department of Health, Education and Welfare.

The new deferrals and revisions to existing deferrals involve programs in the Departments of Commerce, Defense, Health, Education and Welfare, the Interior, Justice, State, Transportation, the Treasury and the National Alcohol Fuels Commission.

The details of each rescission proposal and deferral are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *January 28, 1980.*

---

## WATER RESOURCES DEVELOPMENT ACT OF 1979

Mr. ROBERTS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4788) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS).

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4788, with Mr. MCHUGH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, January 23, 1980, title I was open to amendment at any point.

Are there any amendments to title I?

### AMENDMENT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer an amendment to title I.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: Page 78, after line 8, insert the following:

### HALSTEAD, KANSAS

The project for flood protection, Halstead, Kansas: Report of the Chief of Engineers, dated May 8, 1979, except that the cost sharing shall be in accordance with the Report of the Board of Engineers for Rivers and Harbors dated June 29, 1977, at an estimated cost of $4,320,000.

### LAKE WICHITA, HOLLIDAY CREEK, TEXAS

The project for flood protection, Lake Wichita, Holliday Creek, Texas: Report of the Chief of Engineers dated July 9, 1979, except that the cost sharing shall be in accordance with the Report of the Board of Engineers for Rivers and Harbors, dated May 19, 1978, at an estimated cost of $10,800,000.

### MUSCATINE ISLAND, ILLINOIS

The project for flood protection, Muscatine Island, Illinois: Report of the Chief of Engineers dated July 22, 1977, at an estimated cost of $7,975,000.

Page 96, after line 21, insert the following:

SEC. 126. The Secretary of the Army, acting through the Chief of Engineers, shall maintain the channel from Vermilion Bay, Louisiana, approximately 10 miles up the Commercial Canal to the Port of Iberia, Louisiana, at Port Road, including Rodere Canal, at a 12 foot depth and a 125 foot width at an estimated annual cost for maintenance of $50,000. Responsible local interests shall agree to (1) provide without cost to the United States all lands, easements, and rights-of-way required for dredging and disposal of dredged materials; (2) accomplish without cost to the United States such alterations, relocations, and rearrangement of facilities as required for dredging and disposal of dredged materials; and (3) hold and save the United States free from damages due to the dredging and disposal of dredged materials.

SEC. 127. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to construct the project for flood control and other purposes on the Scioto River at Chillicothe, Ohio, in accordance with the draft report of the District Engineer dated January 1980, at an estimated cost of $15,000,000.

SEC. 128. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct navigation improvements at Helena, Arkansas, substantially in accordance with the plans and subject to the conditions recommended in the draft report of the Chief of Engineers at an estimated Federal cost of $26,660,000.

Mr. ROBERTS. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, I yield to the gentleman from Kansas (Mr. GLICKMAN).

☐ 1250

Mr. GLICKMAN. Mr. Chairman, I rise in support of the committee amendment and the bill reported by the Committee on Public Works.

This legislation and the committee amendment is designed to respond to some very compelling needs in many parts of the country. While some have criticized the committee's work as an example of pork-barreling, I think it is important that my colleagues here in the House be reminded that this is a bill designed to deal with human problems.

The first project the chairman mentioned concerns one in Halstead, Kans. This town is hit by a flood nearly every year. In some years there have been as many as four floods in rapid succession. Clearly, something needs to be done.

This project was in last year's water resources bill, but unfortunately, that legislation did not make it into public law.

What has happened in the interim? I bring to the attention of my colleagues another flood which occurred in August and September of this year, where several thousand people were rendered homeless, where livestock was lost, where agony and personal anguish which cannot be measured in a cost-benefit ratio is astronomical. Flood after flood ravages Halstead, and the agricultural areas surrounding it.

This project has been under consideration for 20 years. My constituents say to me, "I cannot understand what is wrong." Why does Congress not approve a project, which is supported by the EPA and the Corps of Engineers, which is relatively inexpensive, and which will protect people from real dangers?

This project has been worked out with the Corps of Engineers. EPA has approved the project; so I come to my colleagues today to plead with you in one case, and I am sure all of you have the same kind of problems, a project which is needed to protect people from suffering the kind of anguish, the kind of misery which renders their lives very unpredictable, very unstable, and which creates enormous expense to everyone who lives in the area.

Unfortunately, when the people of Halstead settled in the area years ago, they could not forecast if floods would occur in that area. All we can do now is to try to protect them from the repetitious effects of flooding. The project is environmentally sound. It has been worked out with the EPA. Projects like that at Halstead mean that homes will not be lost, businesses will not be ruined. I urge my colleagues to lend support to the committee amendment so that the kind of anguish and misery that has befallen the people of Halstead and the area around it can finally be stopped.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, the gentleman from Kansas (Mr. GLICKMAN) has presented what in effect has been a case example of projects that this committee has had to address. As we know, there have been attacks on the bill as it relates to reports not coming to the committee. I can tell the gentleman in the well, as well as the other members of the committee, that were it not for the fact that the Members of the House listened to the gentleman's request and incorporated it into this particular committee amendment, it would be a long time in coming before the people of Kansas would have anything in response to a very perplexing problem.

I thank the gentleman for his initiative and for having discussed it with the entire committee.

As many of our colleagues know, H.R. 4788 was ordered reported out of full committee in July of last year. Subsequent to completion of full committee markup, we became aware of a number of important matters that had not arisen or had not been adequately considered during the many days of hearings and markup that were devoted to this bill. Since the Water Resources Development Act is a piece of legislation which ordinarily comes up every 2 years—but can take much longer—we felt it was most proper for the beneficiaries of these projects not to have to wait for at least another 2 years for their water resources development projects to be authorized. So we met last week, after having sent notice to every Member in the House well in advance, to formulate the committee amendment. The provisions in the amendment before us now represent those items identified last week that the committee agreed on and that are to be added to title I of the bill.

They are good provisions and should be adopted. The projects covered will provide much-needed flood control and navigation improvement benefits to the people of the surrounding areas. I urge you to join me and the full Public Works Committee in our effort to add these provisions to the bill.

Mr. GLICKMAN. Mr. Chairman, I thank my colleague, the gentleman from California, as well as the gentleman from Texas for responding.

I just hope that the people of this House will deal with the anguish and misery that has been suffered by so many people in this country and approve this amendment.

Mr. EDGAR. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 5 additional minutes.)

Mr. EDGAR. Mr. Chairman, as we begin the amending process of the omnibus water bill, there is a great deal of activity and flurry of interest by Members, such as the gentleman from Kansas (Mr. GLICKMAN), who are focusing on projects that the gentleman feels strongly about based on merit.

There will also be a flurry of activity from other Members who are trying to protect in this legislation their individual projects.

I hope as we proceed through the debate this afternoon we can look at some of the merit issues that involved in this bill, which some estimate will cost the American taxpayer approximately $4.4 billion.

I have a series of amendments which I will relate to the rest of title I, title II, title III, and title IV, and offer them en bloc. I hope that we can carefully look at some of the policy issues involved. We know, for example, that the Army Corps of Engineers has some 125 objections to this bill. We know that there are some pieces of this legislation that are not as meritorious as others. I think through the course of this afternoon we can focus attention on those.

Mr. Chairman, I wonder if we could have the attention of our chairman to ask just a few questions about this committee amendment, which I find to be partially acceptable to me in light of the fact that several of the projects in the amendment have merit. I wonder if the gentleman from Texas might answer just a couple questions for us in the House.

The first question that I have is, what is the total amount of money that we are adding to this bill with the projects listed in title I?

Mr. ROBERTS. Roughly $56 million in title I, $125 million total for the four titles, I–IV.

I might say to the gentleman, all of these projects have merit or they would not be in this bill.

Mr. EDGAR. I appreciate that. To be correct, I think the gentleman means that all of the block of amendments for all four titles would total $125 million. Is that not correct?

Mr. ROBERTS. Yes, that is correct, the total amount.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. To answer the gentleman's question, the first title is $56 million.

The second title is $16 million.

The third title is $37 million.

The fourth title is $15 million, adding up to a total of $124 million.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his information.

The second question that I have for our chairman relates to the fact whether or not all of the projects in title I that the gentleman is offering in this amendment comply with the Chief's final report?

Mr. ROBERTS. They comply to the extent that at least there is a draft resolution to the Chief's report, but the Chief has been prohibited, as the gentleman knows, by OMB and the White House from sending a report.

This project has been out here since—well, we have had the committee report out since October. It was ordered reported by the Committee in July. They are so opposed downtown to any water project, that they have refused to allow the Chief to send us any reports.

If the gentleman would permit, if I may go a little bit further, then I will give the gentleman his time back. The whole question here now is whether the Members of Congress are going to rely on Members of Congress to look after their projects, or whether they are going to go to OMB, as the gentleman knows

Mr. EDGAR. Mr. Chairman, if the gentleman would continue in response, the specific question was to the final report of the Chief. Just focusing on this particular block of amendments, we only had these brought to our attention a week ago tomorrow. The reason that the gentleman in the well is asking the question about the final report is that I am trying to get an idea exactly what step in the process of a selection and approval of these water projects do the projects within this title fall?

Mr. ROBERTS. All of the projects have been through some review.

Mr. EDGAR. All the projects listed have been through the final Board of Engineers review before they were returned to the Chief?

Mr. ROBERTS. Not the final board of review.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, five of the projects do have the corps reports.

The sixth one relates to a navigation project and operations and maintenance project down in Louisiana.

Mr. EDGAR. Mr. Chairman, if the gentleman would permit, were there specific hearings on the project listed in the block of amendments the committee is offering?

Mr. ROBERTS. I believe all of them but one had a specific hearing.

Mr. EDGAR. Could the gentleman relate which project did not have even consideration before the gentleman's committee on water resources?

Mr. ROBERTS. They all had consideration before the committee. That was not the question the gentleman asked. The gentleman asked if we had a hearing: All of them had consideration before the committee.

Mr. EDGAR. But the gentleman related that one of the projects did not have hearings before the committee. Would the gentleman relate which of those projects it is?

Mr. ROBERTS. I am going to have to go back and ask the gentleman to amend the question, or let me sort of parry it.

If the gentleman says this session, that is a different situation. Remember, these projects have been kicking around, as the gentleman said, with the Halstead project for 20 years. There have been any number of hearings. We did not have a special hearing on it. It was not necessary.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his comments.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, as the gentleman knows, the committee, during the course of the presentation by the staff, actually heard all of the projects described in detail and had a chance to make an evaluation and cast their votes accordingly. As the gentleman knows, the committee passed it overwhelmingly.

There are some projects that are in the category of modifications, having had previous hearing records established at the initial time of authorization. There are also instances where, when the committee satisfies itself, we do have a level of authority under what we call section 201 project authority where up to a given amount the committee itself can determine whether or not the project is justified.

Mr. EDGAR. Mr. Chairman, I thank the gentleman and I thank the chairman for responding to these questions.

As I reviewed the committee block of amendments last Tuesday and again on the House floor, I did find some projects that had some merit.

I also found in my research and study that some of the projects did not complete the final stages of even preliminary consideration by the Army Corps of Engineers.

I did find that a number of the projects that will be offered later in committee block were unacceptable to the Army Corps of Engineers and had specific objections laid out to them.

□ 1300

I will not spend a great deal of time arguing the merits or demerits of this block of amendments. I would just simply remind my colleagues that we are adding to an already large bill $56 million to title I, and that reflects the fact that we as a committee have had to come back on Tuesday of last week and add some $125 million to this $4.4 billion bill.

I would hope that we could develop a water policy based on merit, that we would not have to come up with a biannual or every-2-year omnibus water bill, and that we could develop a process by which every 6 months or every year a bill could come before the House where the final reports were complete, where there was some cost sharing, where we did not have to waive the cost benefit ratios, and where we have analyzed not only the environmental and economic considerations but the clear engineering considerations of many of these projects.

I think it is unfortunate that we do not have a water policy that can respond to those projects that are merited. Rather, we have a bill that comes up as an omnibus water bill in which we have good projects and bad projects together, and we are not able, because of the way in which the committee has operated, to weed out and decide between those projects which have merit and those which do not.

Mr. Chairman, I will offer a series of amendments shortly that will deal with these questions of water policy, and I trust that many Members of the House will listen carefully as we look at some of the projects in the bill that do not have merit.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, let me state just very briefly—and the gentleman knows this as a member of the committee—that the water project authorization and appropriation process is a continuing process. The authorizing committee literally evaluates projects on the basis of economic and engineering feasibility, and then in the phase I stage of the process it moves in the direction of advanced engineering design where we can address the environmental considerations.

It is extremely difficult to fashion an authorization process that permits coming up with the kind of project recommendations that will address all of the problems. That is simply the nature of the process, as we said before. Reference has been made to the $125 million to be authorized, and if the pattern of history prevails as in the past, probably only half of the projects will find their way into construction, because around half of the projects authorized in the past have never been built.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, I would like to address the point the gentleman from California (Mr. CLAUSEN) made in his comments, if I may, and I will say that I appreciate the eloquence with which the gentleman has defended the process in the committee as it relates to these specific projects.

The gentleman has said that about half of the projects, because of the nature of the appropriation process and other delays, would not be built.

Is it not true that because we do not put a fixed cost with an escalation clause in the language of the amendment—and let us take the gentleman's figure and say that half of these projects may not see the light of day and may not be built—the other half of the projects that are in fact built may very easily be estimated at under their cost, given the conditions, the engineering studies, the economics of the time, and the pressures that they are under? And in some cases is it not the history of the committee that these projects have in fact doubled in cost before they have completed the construction process?

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, the fact of the matter, as the gentleman knows, is that as a part of the total process in arriving at the actual savings, this is done by the Committee on Appropriations. There is no project that is going to be built on the basis of just this authorization. It has again got to continue on through the appropriation process, and that is where they make the determination of what the estimated cost is going to be. The Congress, both the House and the Senate, acts on that.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, the gentleman from Pennsylvania (Mr. EDGAR) keeps referring to this bill as a $4 billion bill, and I would ask the gentleman this question:

Is it not a fact that in this bill there are deauthorizations totaling $1 billion 300 million, so that the net effect of that is that this bill is more in the neighborhood of $3 billion rather than $4 billion? Is that not correct?

Mr. EDGAR. Mr. Chairman, from the estimates I have seen, the gentleman is correct. There are some deauthorizations that do add up to a sizeable sum. But the estimates I have seen indicate that the amount of this bill, when totaled up, without dealing with the subtracting of the deauthorizations from the total, comes to some $4.4 billion.

We just heard from the chairman of the subcommittee that we added $125 million to the project just last Tuesday, and we have a $569 million project.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has again expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 1 additional minute.)

Mr. EDGAR. Mr. Chairman, to continue, we know that one of the projects alone in the bill costs $569 million, and that is a project that may have considerable merit in the State of Washington.

The administration points out that it objects to $2.5 billion worth of projects in this legislation. I am offering amendments that impact, if all of them are accepted, on $1.5 billion. I only include 78 of the total number of projects, and it is estimated there are somewhere in the neighborhood of 175 in the bill.

Mr. HARSHA. But, Mr. Chairman, if the gentleman will yield further, the fact still remains that we have a deauthorization of $1 billion 300 million worth of projects.

As to the $1.5 billion worth of projects the gentleman talked about, we do not know whether they will be built or not, but to take those into the total over and above the $4 billion the gentleman already talked about seems a little unfair and inequitable.

I would like to point out to the gentleman that one of his amendments which I have been told he is going to offer will, if he does offer it, increase the amount of this bill by over $454 million. I will point that out to the gentleman when he offers the amendment.

Mr. EDGAR. Mr. Chairman, I thank the gentleman.

Mr. ALEXANDER. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. ALEXANDER. Mr. Chairman, it was stated by the gentleman from Pennsylvania (Mr. EDGAR) that what we need in this country is a national water policy. He stated that what we need in the United States is a water policy based on merit. I respond to the gentleman that we have both of those elements in the existing process of formulation and establishment of a water policy that is the envy of the world.

When normalization of relations between the United States and the People's Republic of China were placed into effect, among the first requests by China of the United States was that the President arrange for the U.S. Army Corps of Engineers to send a delegation of its engineers to China to do for China what the Corps of Engineers has done for the United States.

The Corps of Engineers, in building this country and making it the most productive nation on Earth, has responded to the political process through this Congress that has been established over the years for proving water resource projects on the merits of each case.

Let us look at the Helena Harbor project as an example.

Following completion of the subcommittee's initial work on H.R. 4788, the Corps of Engineers issued a report on Helena Harbor, Phillips County, Ark. The report recommends certain navigation improvements and mitigation at Helena to provide a new harbor and related facilities as a part of the Mississippi River and tributaries project. The full Committee has seen fit to recommend authorization of this project that is so vital to the growth of our region.

The mid-America ports study completed recently by the U.S. Maritime Administration shows a great need for additional port facilities in the area to handle predicted expansion in waterborne commerce. The Economic Development Administration has made an informal commitment to assist in further economic development for Phillips County in conjunction with the proposed harbor. It is important, because of the critical economic and employment situation in Phillips County, to move forward with this project as quickly as possible.

There is no known opposition to the project. Among Federal agencies, the Departments of Transportation, Energy, and HEW and the U.S. Environmental Protection Agency have reviewed the report without adverse comment. The U.S. Department of the Interior; Fish and Wildlife Service has not seen fit to respond. Local and State leaders, including the Governor and congressional delegation, are united in giving this project the very highest priority because of potential economic development for the area.

The Chief of Engineers recommends a two-stage plan to provide navigation access to 900 acres of developable land and a 5½ mile slack water channel. Beautification of the industrial area would be at non-Federal cost. Mitigation of adverse effect to 2,060 acres of wildlife habitat will include set aside of 825 acres. Cost sharing will reflect the Presidential cost sharing plan, including a local and State share of more than $13 million. The estimated Federal cost of the project is $26.6 million. Its benefit to cost ratio is 2.0.

Helena is located on the Mississippi River in east central Arkansas. An existing harbor, completed by the Corps of Engineers in September 1963, contains a 9-foot-deep and 450-foot-wide channel and serves an industrial port area of about 550 acres. Most of the available port lands have been developed and additional waterfront are desired for expansion.

Phillips County is a severely depressed area. November 1979 unemployment stood at 13.5 percent, about twice the average per-county rate in Arkansas. In human terms that means 1,825 individuals needing jobs and not having them. The minority unemployment rate was 20.9 percent. The population mix is about 5 percent white and 50 percent black in Phillips County, which has been declared a labor surplus area by the U.S. Department of Labor.

There is little if any water oriented industrial park space available today in the Mississippi Valley. The Memphis port is full and seeking expansion. The Vicksburg Industrial Park is seeking a $4.4 million expansion. Phillips County's location in the Mississippi Valley is ideal for industrial development, particularly with water oriented industry. Within a 400-mile radius of Phillips County is a market potential of 28 million people with a retail sales in excess of $50 million. Phillips County is agriculturally oriented. Farm mechanization has resulted in decreased population. The county must industrialize to reverse this trend. Unemployment is also a big factor in the economic outlook. Water oriented industries pay good wages and, in most cases, can employ workers with minimal skills. A minimum of 9,600 new jobs must be created during the next 30 years to reverse the population decline. Water oriented industries are the most likely to locate in Phillips County. Phillips County has much to attract industry. Low cost water transportation, low utility rates, good labor supply, dual rail rates, temperate climate, good recreational facilities, the availability of raw materials, and people who are work oriented. The proposed slack-water harbor will have 900 acres to be built in two stages over a period of 30 years. A site has been carefully selected and an option on 315 acres of the 350 needed has been obtained.

The first stage will cost in excess of $20 million. Based on 1977 cost estimation, upon completion of the slack-water harbor at Helena, the project will mean employment of 3,200 people, an industrial investment of over $75 million, an annual payroll over $30 million, local benefits include jobs for the 3,200, new support jobs of 4,575, and added annual personal income of $50 million. The Memphis, Vicksburg, and Greeneville slack-water harbors cost a total of $66.8 million. They have an annual payroll in excess of $35 million. That is $14 per employee invested. Average wage of workers is $7,500. The average per capita income in Arkansas is $5,540. The site chosen was one of four considered and is projected to have the fewest adverse effects on existing economic, social, and environmental elements. Social-economic factors favoring the selection of the site include current trends toward further industrialization of the area, accessibility of the area to utilities and land transportation facilities located on the site next to a large area that is protected by a levy. Water and land related elements, particularly recreation, would experience limited adverse effects. The slack-water harbor is of great importance to the economic growth of this section of eastern Arkansas and northwest Mississippi.

Black and white community members, increasingly concerned about the urgent need for providing greater job opportunities, are unified in supporting the harbor development.

The bill also authorizes two long-awaited projects in northern and eastern Arkansas. Work on both of these projects—Fifteen Mile Bayou and Eight Mile Creek—is urgently needed to provide protection from repetitions of flood damages to urbanized areas, as well as agricultural areas.

### FIFTEEN MILE BAYOU

The Fifteen Mile Bayou project improvement will relieve severe flooding problems in the west Memphis, Arkansas, area. West Memphis is the second largest city in Arkansas First Congressional District.

During a recent 12-month period the city was subjected to substantial damage by three floods. In one instance, 200 families had to be evacuated and 600 acres of the city were flooded.

The work proposed would provide for enlargement of 21 miles of stream channels on Fifteen Mile and Ten Mile Bayous. The work would be completed at an estimated cost of $12.1 million. Its benefit to cost ratio is 1.9. No environmental objections to the projects, to my knowledge, have been raised, and it has the unanimous support of local interests.

### EIGHT MILE CREEK

The Eight Mile Creek project is necessitated by increased siltation damage and rainfall runoff rates that have generated a severe flood threat problem for Paragould, Ark., and adjacent farming areas. Paragould is the fourth largest city in the First Congressional District.

The proposed project would provide protection against this flooding threat for approximately 3,000 residents, 4 major industrial plants, churches, public buildings, and business establishments in Paragould and 125 farms affected by the flooding.

Work proposed on the project consists of 11.4 miles of channel improvement and environmental/recreational features including establishment of a greenway along the channel improvement incorporating hiking/biking trails and miniparks.

Estimated total Federal cost of the project is $4.84 million and the project's benefit-to-cost ratio is 2:0.

### LAKE NEARK

A fourth project in my district contained in the bill is the Lake Neark recreational project.

Lake Neark, in Mississippi County, Ark., was originally created in early 1965 by construction of three low-water earthen dams in the old Mississippi River channel. Construction costs were shared by the U.S. Fish and Wildlife Service and the Arkansas Game and Fish Commission. Shortly after construction of the dams, high Mississippi River waters overflowed into the old channel and damaged two of the dams, one of which was later removed. This project was originally authorized in 1944 and provides for construction, maintenance, and operation of public parks and recreational facilities on Lake Neark. The legislation before us today modifies the authorization for the Lake Neark project to allow the construction of two dikes.

This modification will allow for the orderly continuation of the project's construction needs.

### ST. FRANCIS LAKE AND FLOODWAYS

H.R. 4788, in addition, authorizes and directs the Corps of Engineers to prepare and submit to the Congress a feasibility report on water resources improvements for St. Francis Lake and floodways in Poinsett County, Ark. This study is in response to local concerns that the channel capacities in Poinsett County may not be adequate.

□ 1310

The process of review on the Helena Harbor project has been ongoing since 1977.

If the Congress allows itself to be deterred from carrying out its constitutional responsibility for establishing water resource policy by statute, it will not only put the burden on the executive branch, but will be handing the administration the role of prosecutor, judge, and executioner where water projects are concerned.

We all know, quite frankly, that there are major conflicts between what the administration and the Congress view as proper water resource development policy. I believe that we should work closely as possible with the executive branch on these differences.

Efforts to settle these disagreements have been ongoing since early 1977. Nevertheless, the ultimate responsibility for authorizing policy and projects rests with the Congress. The time to fish or cut bait has arrived.

Eighteen months ago the administration opposed the authorization of a number of projects because the policy differences remained and the project reports were uncompleted. There are still policy conflicts. Failure to complete the report process is still being used to oppose project authorization. The executive branch controls the report process. The failure to complete the report is a device to delay.

Answers to questions I have asked and discussions I have had seem to generously support the conclusion that there is a pattern of stalled reports hampering projects across the Nation. And this pattern makes legitimate the question:

> Are these reports stalled because of questions about the merit of the projects or because Congress and the executive branch still differ on issues such as water resource project cost sharing?

Is Congress a strong and coequal institution with the executive branch? Or, are we a weak reed bowing before the winds of executive branch proposals we believe not to be in the best national interest?

Congress has a duty to make responsible decisions on water resource projects. Our Nation has a need for Congress and the executive branch to work in harmony. When the conflicts cannot be resolved the Congress must take a firm stand.

One of the decisions we must make is whether Congress will allow the executive branch to dictate the content of our authorization bill by failing to complete water resource project reports within a reasonable time. The answer must be, "No".

Two years ago the Helena Harbor project feasibility report entered the review process. I believe more than ample time for completion has passed. There are other projects under attack today that are in the same status as the one at Helena.

We did not ask for authorization of the Helena project in 1978 because the report review procedure had not been completed. The report, as I have said, remains stalled. Time has come to stop allowing the uncompleted report argument to block authorization of projects on which there is no other formal executive branch opposition and for which reports have been in the review process sufficiently long for the procedures to have been completed.

We must break this seemingly eternal circle on water resource projects.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, before I put my question, let me indicate that I have a great deal of trouble with this bill, with the whole concept of water projects. The gentleman talks about unemployment. What is the unemployment rate in the gentleman's area?

Mr. ALEXANDER. The unemployment rate in Phillips County, Ark., where this project is intended to be constructed, is 13.5 percent. It is 20.9 percent for the minorities.

Mr. MITCHELL of Maryland. Mr. Chairman, that is startling.

Let me ask the gentleman one other question: If the project is constructed, will it utilize solely skilled workers, or will this really begin to put a dent in that astronomical unemployment rate both for whites and for blacks?

Mr. ALEXANDER. The project envisions the construction of a 900-acre industrial park that will attract heavy industry, and it will employ unskilled workers that will be trained.

The impact of the $26 million Federal investment and the $13 million local investment will provide 3,200 jobs immediately.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. Alexander) has expired.

(On request of Mr. MITCHELL of Maryland and by unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. ALEXANDER. Mr. Chairman, this project will provide 3,200 jobs directly, and the collateral benefit, in terms of jobs, will be 4,575.

The gentleman from Maryland obviously realizes that through this project is the only way that we can relieve the chronic unemployment that has plagued east Arkansas region since the mechanization of agriculture caused widespread unemployment.

Mr. MITCHELL of Maryland. If the gentleman will yield again briefly, in light of the fact that the budget that we have just received anticipates an increase in unemployment to 7.5 percent, and that is conservative, if what the gentleman has told me is true—and I have no reason to doubt him; the gentleman has persuaded me—this is a project that is going to cut into unemployment, and I would be supportive of the committee amendment if for no other reason than just this one project.

Mr. ALEXANDER. I thank the gentleman.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I do not want to take away from the time of the gentleman in the very comprehensive statement he is making, except I do want to strongly support what the gentleman has told our fellow colleagues here in the House. I support my colleague, the gentleman from Arkansas.

Mr. Chairman and fellow Members, I would like to take this opportunity to share with you some of my thoughts on the urgency of the issue we are facing today.

Our water resources are too often taken for granted, just as our energy resources were a few years ago. We have seen how easily our sense of energy self-sufficiency can be toppled, and, if we are not careful and wise in our use of water, we may some day face the same devastating results in terms of water supply.

There are individuals in my own State of Arkansas and throughout the United States who do not take water for granted because they have grown up without a readily available source of clean water. There are other citizens who do not take it lightly because hydroelectric power provides them with the power which has brought them utilities and an improved standard of living. For many places the waterways have long been a major source of transportation—a source which has increased in importance as other means of transportation find themselves without sufficient fuel.

As my colleague from Arkansas has so well explained one of the projects in this bill, the slack water harbor proposed for Phillips County, Ark., is located within his district, and for a number of years I have been involved in discussions with various Federal, State, and local agencies who have studied the project with the resulting concensus of opinion that such a harbor is both feasible and needed. The Mississippi River Commission and the Memphis district engineer have reported a serious need for additional general navigation facilities to provide water access to proposed industrial sites and for safe operation of existing and projected increases in vessel traffic. With the anticipated emphasis which will be put on water transportation in light of our present energy situation, Helena Harbor represents a fine example of the opportunity to use this means of transportation to its fullest.

This bill is being attacked on the grounds that it contains unnecessary projects which are not justifiable. This is far from being the case. Hundreds of projects may be proposed every year, but it is the responsibility of the Public Works Committee to study them in light of the public need, cost, environmental impact, and many other aspects. The Subcommittee on Water Resources, led by our very able chairman, Congressman Ray Roberts, and our fine ranking minority member, Congressman Don Clausen, consults all appropriate sources of information, studies all pertinent reports and data, and decides upon those projects which are most needed and will be of the greatest benefit to the Nation. This process takes full account of the need to keep Federal spending down, yet still manages to meet the urgent needs of our Nation for wise and careful use of our water resources. I feel that it is totally inappropriate for the administration to take this means to attempt to control the water policies of our country, and would urge all my colleagues to support the efforts of the Public Works and Transportation Committee and pass H.R. 4788, and to pass the committee amendments which includes the slack water harbor project at Helena, Ark. I thank my friend from Arkansas for yielding.

Mr. EDGAR. Mr. Chairman, will the gentlemen yield?

Mr. ALEXANDER. I yield to the gentleman from Pennsylvania.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. Alexander) has again expired.

(On request of Mr. Edgar and by unanimous consent, Mr. Alexander was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, I appreciate the statement of the gentleman in the well, and I also reflect back to his eloquent statement of Wednesday of last week when we were discussing in general debate the merits or demerits of this particular bill.

The gentleman at that time and again today pointed out how the community of international concern enjoys and respects the work of the Army Corps of Engineers. On Wednesday of last week the gentleman went into great detail in talking about how meritorious these Army Corps of Engineers projects are and how well respected around the country they are.

I wonder if the gentleman might respond to this question: In light of the January 19 letter that was transmitted by the office of the Assistant Secretary of the Army listing out 125 objectionable projects within this bill, if we both respect the opinion and views and the work of the Army Corps of Engineers, as the gentleman has suggested, would it not follow that if they suggest that there are some bad projects in this bill that we might at least look at those projects and carefully consider them for deletion?

Mr. ALEXANDER. Mr. Chairman, my response to that is that I believe that the whole effort that is being made to attack this bill has nothing to do with the merits of the project. It has to do with a difference of opinion about the cost-sharing ratio which some members of the administration feel should be changed; that should be different from existing law which authorizes the present cost-sharing ratio.

I would turn it around and ask you a question: Are these projects stalled because of question on the merits of the projects or because Congress and the executive branch still differ on issues such as water resource project cost sharing?

The real question here, I say to the gentleman from Pennsylvania, is: Who will decide water policy? Historically Congress has decided water policy, until the present administration came to power. I support the present administration on most things. I do not support its water policy because I think it is ill-advised. I think it has been placed in the hands of planners who are unelected and unconfirmed. They do not know the needs of the people as we know them, having been elected to represent them in the U.S. Congress.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. Alexander) has again expired.

(By unanimous consent, Mr. Alexander was allowed to proceed for 2 additional minutes.)

Mr. ALEXANDER. Mr. Chairman, I think this boils down to a question of who is going to decide water policy. Is it going to be the U.S. Congress which has, I believe, a proud record of accomplishment and development through these 204 years that we have demonstrated a water policy that is emulated by every free nation on Earth, or is it going to be a few self-appointed people within the administration whose ideas and designs have not been proven or confirmed or tested?

I have faith in this Congress, and I have confidence in the Water Resources Subcommittee. Through the years that I have served in this body the subcommittee has put me through the wringer to justify every project that I have proposed. The subcommittee would not approve a project that did not meet the test that is required by law.

Mr. EDGAR. Did this Congress pass the authorization for the Teton Dam?

Mr. ALEXANDER. I do not know. Maybe the gentleman would like to answer his own question.

Mr. EDGAR. It was an Interior piece of legislation but it did pass the House and it did not have all of the reports or studies appropriately analyzed for that particular project.

Mr. ALEXANDER. That had nothing to do with this committee.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. Alexander) has again expired.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes because I think the gentleman from Pennsylvania has asked a question that is totally irrelevant to this discussion today.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALEXANDER. Would the chairman like to answer that question about the Teton Dam?

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Ohio.

Mr. HARSHA. I thank the gentleman for yielding.

Mr. Chairman, I would like to point out that the Teton Dam was built by the Bureau of Reclamation and was authorized by the Interior Committee and it had nothing to do with the Corps of Engineers or the Public Works Committee in this Congress or any other Congress. Not only has the corps had nothing to do with this particular dam that failed, there has never been a failure of a dam constructed by the Corps of Engineers.

Mr. ALEXANDER. I think that answers the question.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. Mr. Chairman, just to add to what the gentleman from Ohio said, this particular bill is to prevent exactly what he suggested. We have a dam inspection program in this bill. To top that off, the Teton Dam was from the Interior Committee, it did not come out of the Public Works Committee, and it was not a corps project. So therefore in this bill we are trying to inspect them by the corps and correct these unsafe dams by others. That is what this bill does.

If I might add one more point, the gentleman has indicated that he wants us to review water policy. I agree. I believe that there needs to be a complete look at water policy, and I am sure the gentleman will be happy to support the amendment that I am going to propose in title IV: This amendment will propose a combined Senate and House congressional committee comprised of members from the following House committees—Interior, Public Works, and Agriculture—and also the two Senate committees. This will then be a task force to look at overall water policy. Again, it will be in elected representatives hands. I think the committee will support this amendment.

I suggest to the Members that this procedure is a good, responsible way to look at water policy.

Mr. Chairman, I endorse the gentleman's comments.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, my good colleague and friend, the gentleman from Pennsylvania, has made a good point, I think, in mentioning the Teton Dam, which failed. I think it would be well to make certain the record is clear on this because the U.S. Army Corps of Engineers has been building dams for 200 years. Not one has ever failed. I think this bears out a point worth mentioning because this, I think, is better than the bureaucratic system, as the gentleman from Arkansas has pointed out, is trying to take place. All of these amendments, I agree with the gentleman from Arkansas, are just another means of trying to get up another bureaucracy to substitute and to take over Congress responsibility that Congress has been handling for 200 years.

☐ 1320

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. ALEXANDER) has expired.

(By unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I would hope that we would discuss this issue in a cool, calm, collected manner, in which those people who have differing opinions would not hesitate to voice their opinions and which there would not be reprisals against those who may feel somewhat differently.

The gentleman has mentioned the problem of water policy. For me, that is the reason I have concern over this bill, and my question is, what is our water policy?

It would appear to me if we have a water policy in which we are going to say we expect the Corps of Engineers to give us advice and pay some attention to that advice, then the least we should do is to do that all across the board, rather than just those we like or those we do not like.

Further than that, I think it is important that as we start to look at these projects, we look at them according to what is in the best interest of our Nation. I think this is the policymaking group in our Government. The problem I have is that so frequently—you have a good project, very possibly, and I do not argue with that, and maybe I have one and maybe someone else may have one—but we get to where we look at them, not to the merits of them, but whose projects are they?

Are we wrong in questioning another project in someone else's district?

I have been seriously criticized in South Dakota because I offered an amendment to deauthorize a project in that State.

They told me it was none of my business because it is South Dakota. I believe we have to stand to make this all of our business. I think we have to look at it as a total policy.

I certainly have nothing against the gentleman's project. It may be the best project that there is, but I think to say that it is wrong for some of us to question the way it is done is that it breaks right out of what we are trying to do here in the interest of our taxpayers.

Mr. ALEXANDER. I appreciate that. I would like to respond to that, if I might.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. ALEXANDER) has again expired.

(At the request of Mr. BEDELL and by unanimous consent, Mr. ALEXANDER was allowed to proceed for 3 additional minutes.)

Mr. ALEXANDER. I respect the gentleman from Iowa (Mr. BEDELL) and the gentlewoman from New Jersey (Mrs. FENWICK), who applauded his statement. I would respond to the gentleman that we are all here to debate the issues that face this Nation.

I certainly appreciate the gentleman's opinion. The one thing that I have learned since I have been here, if nothing else, is to respect the differences of opinion that Members bring to this body. But, I say to the gentleman that he is going about it the wrong way. The place to question these policies is through the congressional committee processes, through the process of presenting his views before the committees so that he can enter into a dialog with that committee and to argue his position.

Now, the gentleman asked what the water policy of this country is.

If the gentleman would come out to Arkansas in the lower Mississippi Valley, I will show him what that policy is, because since the turn of this century, my predecessors, and I following them, have been pursuing a grand design to turn that basin into the most productive valley on Earth.

This is being achieved through the efforts of the people and has proven effective.

It is not a single project that I come here to address today. It is a part of a grand design that was established years ago, and for someone to come in at the last hour, at the stroke of 12, and say, "What you have done in the past is not right, and what I want to know is what is the water policy of this Nation all about?" I say to the gentleman that he ought to come out to Arkansas and let me show him what this water policy is all about. He is invited.

Mr. BEDELL. Mr Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Iowa.

Mr BEDELL. I have no argument with that at all. I do not question that in any way, but there are some projects, one of which I have studied quite deeply, that I am convinced is not in the best interest of the taxpayers, that is a waste of taxpayers' money, that has nothing to do with that particular project.

It seems to me that it is not wrong for me to question that other project, which I think is absolutely wrong; and I do not think the gentleman should be concerned about anybody questioning those projects where they do have knowledge and feel they are wrong, nor do I think the gentleman should question the right of someone in this legislative body to question the process where, in my opinion, at least we look at projects as individual's projects rather than as projects to help our total Nation and which the total taxpayers of the Nation are going to pay for those projects.

Mr. ALEXANDER. The gentleman knows I do not question his sincerity, nor his intention.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. ALEXANDER) has expired.

(At the request of Mr. EDGAR and by unanimous consent, Mr. ALEXANDER was allowed to proceed for 3 additional minutes.)

Mr. ALEXANDER. But I do question the motivation of some of the editorial writers and some of the cartoonists across this country who have lied about the Corps of Engineers. I am tired of it. I believe everyone deserves his day in court, but I am tired of these demagog newspapers and editorial writers lying about the Corps of Engineers. That is one of the reasons that I am so upset when well-intentioned people like the gentleman from Iowa (Mr. BEDELL) and the gentleman from Pennsylvania (Mr. EDGAR) come in here, and the gentlemen are sincere, but they give to these demagogs the material that they need to distort the truth about the Corps of Engineers. It is a gross injustice.

In most instances, the media has espoused that viewpoint with the result that only one side of the story has been put before the public. Analyses of the content of most of those stories relating to water projects reveal a disproportionate view on such terms as "pork barrel," "log rolling," "special interest," "antienvironmentalist," and the like when characterizing supporters of public work projects. Conversely, opponents of public works water projects are usually characterized as champions of a better quality of life, combating those who spoil the environment at great cost to the taxpayer.

Because that inaccurate perception has been created, badly needed projects are under attack in the Congress and the administration. The result has been an erosion of the ability of the Congress to discharge its representative function to provide public goods in the interest of the public welfare.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I want to go back to my question about the Teton Dam. I partially raised that question to get a little bit of controversy here, but also to raise a secondary question.

There was a report in the Washington Post and several other newspapers about the fact that in this bill there may be as much as $86 million committed to repair damage that was made by previous Army Corps of Engineers projects. One specific one is the Springfield Intake project that we are funding in this bill, where the Army Corps of Engineers specifically said, "If we do this, this and this, you are going to have problems with the intake."

The community disregarded what the Army Corps of Engineers suggested, and now they are coming back in this bill and saying, "Hey, it is silting up. We are having problems at this particular intake. We need the Federal Government 100-percent funding to repair damage * * *" that the Federal Government told them before the work of the Army Corps of Engineers begin would not work.

So there are examples, specific examples, not perhaps the gentleman's project, but other examples where the Army Corps of Engineers resisted, because of the facts and figures of engineers designing unworthy or unacceptable projects. That is the point the gentleman was making.

Mr. ALEXANDER. It may be that there is a mistake in this instance. Every institution makes mistakes. Certainly the Corps of Engineers is no exception, but by and large, it is certainly not guilty of the bungling and waste of which it has been characterized by many of the critics across this country.

Mr. EDGAR. Therefore, their 125 objections should be looked at carefully.

Mr. ALEXANDER. I have no objection to anyone doing what they think is right and are called upon to do.

I urge my colleagues to vote for this committee amendment, and for the record I am submitting herewith copies of the agency approvals. The one agency that is delinquent is the Department of the Interior.

The material follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, D.C.*

Lt. Gen. J. W. MORRIS,
*Chief of Engineers, Office of the Chief of Engineers, Army Corps of Engineers, U.S. Department of the Army, Washington, D.C.*

DEAR GENERAL MORRIS: This is in response to the November 29, 1979, request by Colonel Forrest T. Gay III, for review and comments on the proposed report of the Chief of Engineers on Helena Harbor, Phillips County, Arkansas, together with other pertinent reports and a final Environmental Impact Statement (EIS).

The reports propose navigation improvements at Helena Harbor including phased construction of access and harbor channels to serve additional waterfront industrial lands. Dredged materials will be used to develop the 900 acres needed for waterfront facilities. Project installation costs, based on 1979 price levels, are $42.8 million of which $26.7 million are Federal. The benefit-cost ratio is 1.9.

This Department has no objection to the authorization of this project. We offer the enclosed detailed comments for use in any revisions that may be necessary in the future.

We appreciate the opportunity to review the report and EIS.

Sincerely,

——— ———.

Enclosure.

U.S. DEPARTMENT OF AGRICULTURE COMMENTS ON HELENA HARBOR, PHILLIPS COUNTY, ARK.

1. We note that estimates of future harbor traffic are based on the nationally consistent 1972 OBERS projections (table E-28). Although these may be the best source available to the project planners, the 1972 OBERS projections were prepared some 10 years ago, indicating a need for updating.

2. The derivation of private storage and transfer capacity appears to be based on nontransferability of capacity among commodities. If this is correct, it should be stated in paragraph B-149 or B-150.

---

Lt. Gen. J. W. MORRIS,
*Chief of Engineers, Department of the Army, Washington, D.C.*

DEAR GENERAL MORRIS: In response to a request from Colonel Forrest T. Gay III, we have reviewed the final environmental impact statement (EIS) for the dredging and construction of additional harbor facilities at Helena Harbor, Phillips County, Arkansas. Based on our review, the harbor improvements project does not appear to have any significant energy related impacts. The final EIS appears to adequately document any potential environmental impacts from the proposed project and applies appropriate mitigating measures.

We appreciate the opportunity to review and comment on the final EIS.

Sincerely,

RUTH C. CLUSEN,
*Assistant Secretary for Environment.*

---

JANUARY 23, 1980.

Lt. Gen. J. W. MORRIS,
*Chief of Engineers, Department of the Army, Washington, D.C.*

DEAR GENERAL MORRIS: The Commerce Department has reviewed the Mississippi River, Phillips County (Helena Harbor) Arkansas report.

The Economic Development Administration (EDA) has a concern for Phillips County area as attested by the awarding of a Title IX planning grant to the East Arkansas Planning district to develop mitigating measures to offset loss of an industry in Helena. If the Helena Harbor Project is built, EDA will consider a port industrial park proposal in support of the slack water harbor development.

The Maritime Administration commented on the draft report in a memorandum dated September 23, 1977, and is still of the opinion that recommending additional harbor facilities for the Port of Helena is well justified from an economic, as well as a national defense point of view.

Thank you for the opportunity to comment on this report.

Sincerely,

BERTON J. BRADEY, Jr.,
*Acting Deputy Assistant Secretary for Policy.*

---

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
*Washington, D.C., December 12, 1979.*

Lt. Gen. J. W. MORRIS,
*Chief of Engineers, Department of the Army, Washington, D.C.*

DEAR GENERAL MORRIS: Thank you for your letter of 29 November 1979 forwarding your proposed report on Helena Harbor, Phillips County, Arkansas together with supporting material and a Final Environmental Impact Statement.

The proposed report and accompanying material has been reviewed by the concerned operating administrations and staff of the Department of Transportation. The Federal Railroad Administration has suggested that a response to the following comment be incorporated in the supporting report:

"On page 20 of the Feasibility Report, the last paragraph under "Other Effects" might be clarified to indicate whether the statement compares the selected plan to other modes of transportation or to current land uses."

While no additional change is suggested regarding the Feasibility Report or your proposed report, we would recommend that:

"As the project is implemented, the rail and highway service connections between existing networks and the port should be carefully evaluated to appropriately consider any needed improvements to assure efficient servicing of the port facilities."

The Department of Transportation further recommends that this latter consideration be incorporated early in all future similar feasibility studies.

The opportunity to review your proposed report is appreciated.

Sincerely,

K. G. WIMAN,
*Captain, U.S. Coast Guard.*

---

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
*Washington, D.C., December 20, 1979.*

Lt. Gen. J. W. MORRIS,
*Chief of Engineers, Department of the Army, Washington, D.C.*

DEAR GENERAL MORRIS: This Department does not have any comments to offer concerning the final Environmental Impact Statement for Helena Harbor, Phillips County, Arkansas which was forwarded to Secretary Harris by letter dated November 29, 1979.

Sincerely,

CHARLES CUSTARD,
*Director,*
*Office of Environmental Affairs.*

---

ENVIRONMENTAL PROTECTION AGENCY,
*Washington, D.C., January 24, 1980.*

Hon. BILL ALEXANDER,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. ALEXANDER: Thank you for your letter of December 5, 1979, regarding the Final Environmental Impact Statement (EIS) on the proposed Helena Harbor.

EPA, Region VI, received the Final EIS from the U.S. Army Corps of Engineers on December 6, 1979. Our comments were submitted to the Corps on January 7, 1980, and the Region forwarded a copy of them to your Administrative Assistant, Mr. William J. Miles, the same day.

We appreciate your concern for this project, and are pleased that, at least from this Agency's standpoint, it will be able to go forward.

Please contact me if any further questions arise.

Sincerely yours,

CHARLES S. WARREN,
*Director, Office of Legislation.*

---

JANUARY 7, 1980.

Lt. Gen. J. W. MORRIS,
*Chief of Engineers, Department of the Army, Washington, D.C.*

DEAR GENERAL MORRIS: We have completed our review of the Final Environmental Impact Statement (EIS) on the proposed Mississippi River Improvement Helena Harbor, Phillips County, Arkansas.

This statement adequately responds to the comments issued on the draft EIS and we have identified no new issues of concern with regard to the proposed action. As you proceed with this project, we urge that all reasonable efforts be made to assure minimal adverse environmental impacts.

Sincerely,

CLINTON B. SPOTTS,
*Regional EIS Coordinator.*●

Mr. ERTEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not intend to take the floor at this point, but I would like to point out a couple of things that are, I think, pertinent to this particular discussion of water policy.

We do have a water policy in this country, and that water policy is to protect certain communities from the ravages of water. That is part of this bill.

□ 1330

To illustrate, I show my colleagues pictures of some of the areas in my district which were devastated by the flood of Agnes and are continually devastated on a periodic basis. My colleagues can see some of the damage and some of the misery.

In this particular bill we add misery as one of the concepts for correction and to be added to the cost-benefit ratio.

I also would like to point out that there is a need for expanding the water policy in this country. That is one of the reasons I have added an amendment which will come up at the end of this bill. It will have a congressional committee consisting of both Senators and House Members to go back and look at water policy in an overall view, come back with recommendations to this Congress and come up with maybe a better formulation. I do not contend for a moment we cannot come up with a better formulation, and I hope we will. And we will be able to protect communities like this in that formulation.

The problem is right now we are faced with 184, or 188, or 200 amendments which were never once offered at the committee level. We never had an opportunity to look at those amendments and determine if this proposed water policy was any good. If they had been offered at the committee level we could have considered them, but since we have not, it seems to me to try and make an overall water policy, which does not only affect the Public Works Committee, but also affects the Interior and Insular Affairs Committee and the Agricultural Committee as well, is ill-conditioned at this time and on the floor.

Certainly we can argue about individual projects, and maybe we should, and look at them individually. But it seems to me to try and change all of the water policy in the United States today, when the administration, which has been looking at it supposedly for 3 years, has not been able to come up with a consistent water policy, it seems to me that it is superfluous to do it now; and I suggest my colleagues support my amendment at the end of the bill which will allow us to go back and look at it, but in the meantime we should go forward and accept this bill to prevent the misery of people that get flooded. There we are talking about spending money, but how much do you spend to prevent a multitude of deaths in one flood?

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank my colleague for yielding. I am in some doubt, I will confess, about the bill itself. But there is one aspect of this bill that needs to be mentioned, and that is what the gentleman referred to, misery and the loss of life.

It has always seemed to me absolutely unconscionable that this Congress has taken, in the cost-benefit ratio, account of every single item of property and has never considered the question of loss of life. We have a crisis in foreign affairs that is concerned, and rightly so, with 50 human beings caught in the Embassy in Tehran. But there were 6 people in my district, 149 in another district, lost in floods, and the corps has not been allowed, under their cost-benefit ratio, to take these deaths into account. I have found the corps most responsive but nothing can be done until the law is changed. I am grateful to the gentleman for this opportunity.

Mr. ERTEL. I thank the gentlewoman for her comments. We have talked many times, and she well knows that I have a bill in to try and revise the cost-benefit ratio. I understand there are provisions to put those factors into the cost-benefit ratio and I am happy to support them.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, I am glad the gentlewoman from New Jersey has addressed the question of loss of life. She has talked to me, she has talked to the chairman, she has talked to many of the members of the committee. She puts her finger on precisely why we believe that this bill ought to be supported, because there has not been that kind of a recommendation coming forth from the administration. This problem has tied the hands of the Corps of Engineers and, as a matter of fact, the gentleman in the well knows we have had an ongoing dialog and discussion with the departments and agencies on this.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(At the request of Mr. CLAUSEN and by unanimous consent, Mr. ERTEL was allowed to proceed for 3 additional minutes.)

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield further?

Mr. ERTEL. I yield to the gentleman from California.

Mr. CLAUSEN. The bottom line on all of this has been that in the methodology for evaluating projects there has been a history of reacting to problems instead of acting in advance. The gentleman in the well (Mr. ERTEL), when he first came to the Congress, talked to all of the members of the committee about this subject. The fact of the matter is that in addressing the methodology for evaluating projects, the project purposes, in our judgment, have been too limited in scope. The administration has not taken into consideration a lot of identifiable benefits which by law should have been considered, such as environmental quality and social well-being, including loss of life.

So to this end this committee has really been ahead of the administration. The administration has not kept pace with what I think are changing circumstances. I am going to be supporting the legislation to create what, in effect, will be a Congressional Commission to address the overall principles and standards for adopting water policy.

Mr. ERTEL. I thank the gentleman. I would like to say I agree with him wholeheartedly. He has made a very eloquent statement.

Mr. McKAY. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Utah.

Mr. McKAY. I thank the gentleman for yielding. The gentleman brings to mind something I have thought about for years and years. What could have happened—and at one time there was a proposal made in this Congress about 20 years ago, at least it was talked about, it did not get very far—what would have happened if we had made a series of dams and aquaducts all the way up the Mississippi and the Missouri River Valley, and not only those river systems, to act as buffers and catch basins for waters and floods? If those had been built years ago, how many lives, how much environment could have been saved down through the Mississippi Valley to where the gentleman from Arkansas' project may not have been necessary, or someone else's project may not have been so necessary to control those flood waters? The very thing the gentlewoman from New Jersey is talking about, had they been done much sooner in controlling and managing these waters, rather than letting it go on nature's destructive course. And without such programs projects we continue to spend billions to repair and pay for damages—which with proper water projects could be saved.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. I appreciate the gentleman yielding.

I would like to make my position very clear. First of all, certainly the gentleman is right. Certainly we should have efforts to control those potential floods where life may be endangered. I think that is a job we have. Certainly I agree with the gentleman completely, we should look at our water policy.

If we are, it would appear to me there is good reason to go ahead with projects that have to do with the misery that could otherwise occur. But it would seem to me that those projects which are not critical for that reason, those projects which we could start this year or 3 years from now, which may be questionable, which do not involve possible loss of life through flood, it would make some sense to hold those until we know what our policy is going to be.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent Mr. ERTEL was allowed to proceed for 3 additional minutes.)

Mr. ERTEL. If I may reclaim my time, I might point out that I have seen a series of proposed amendments, which would have destroyed the parts of this bill which are to delete the misery and the flooding but the proposed amendments still cover deleted projects which would correct the misery created by floods. Therefore, it seems to me that it is inappropriate to be offering them because they do not seem to take into account that fact.

But I would suggest to the gentleman from Iowa that he ought to support the amendment to create a congressional commission to look at water policy especially because the administration has not come up with a new consistent water policy. We do have a water policy in this country, which is to protect those people. It is not perfect. I make no bones about it. We have changes in this bill. We have a dam safety program in this bill to prevent the Tenton dams. We have an urban program for the Northeast, in looking at their water supply situations. We have never done that before.

Those are changes which were brought about by this committee, not by the administration. The administration did not do those things.

We ought to accept those provisions and establish this commission to go forward from that point instead of bringing 185 amendments on this floor to attack the bill in an attempt to defeat the bill. This procedure seems to me to be nonsense.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

I would just in one instance remind the gentleman that on June 6, 1978 the President of the United States did set forth a water policy. While none of us accept all of that water policy verbatim, there is, in fact, an administrative water policy.

But there is another point that I would like to raise with the gentleman.

Mr. ERTEL. If I may reclaim my time. The administration has a nice overall statement, but it has nothing specific. It is nothing that we can enact. There is nothing there that we can do at this time which makes sense based on that statement.

Mr. EDGAR. If the gentleman will yield further?

Mr. ERTEL. I am happy to yield.

Mr. EDGAR. I would like to go to a second point which I think is much more critical, and that is the gentleman in the well has pointed out a necessary flood control project. I happen to agree with the gentleman, we ought not to hold up worthy, eligible projects that meet the criteria and even have, in most instances, an emergency system whereby we do not have to wait 3 years for an omnibus water bill to deal with meritorious projects. But as long as we put premature, inappropriate, and unjustified projects together with justifiable ones, we get the unnecessary delays which caused the misery that the gentleman so aptly wants to alleviate.

☐ 1340

Mr. ERTEL. I thank the gentleman for his comments, and I reclaim my time.

I might point out, to talk about premature and ill-advised, one of these projects is because of a 1972 flood in my district. That has been approved by the Corps of Engineers. Originally, one of his amendments was going to say that the Secretary of the Army had to approve those projects. He has had that project on his desk for 8 months—8 long months, and has done nothing.

It has been approved by the Environmental Protection Agency, approved by the Corps of Engineers, it has been designed. It is the Harrisburg flood control project. The flood happened in 1972.

When we talk about doing it quickly, I would suggest that it is not quick enough. It has already been 6 years. If it had not been for this committee it still would not be here.

I commend the committee for bringing the project up and to getting it done.

Mr. ROBERTS. Mr. Chairman, I ask for adoption of the committee amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ROBERTS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HARSHA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 335, noes 23, not voting 76, as follows:

[Roll No. 9]

AYES—335

Abdnor
Akaka
Albosta
Alexander
Anderson,
  Calif.
Andrews, N.C.
Andrews,
  N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Butler
Byron
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conte
Corcoran
Corman
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dickinson
Dicks
Diggs
Dingell
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
English
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fazio
Ferraro
Fisher
Fithian
Flippo
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Green
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammer-
  schmidt
Hanley
Hansen
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Holt
Hopkins
Howard
Hubbard
Huckaby
Hughes
Hutto
Ichord
Ireland
Jacobs
Jeffries
Johnson, Calif.
Jones, N.C.
Jones, Okla.
Jones, Tenn
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kramer
Lagomarsino
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Lent
Levitas
Livingston
Loeffler
Long, Md.
Lott
Lowry
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moorhead,
  Calif.
Moorhead, Pa.
Mottl
Murphy, Pa.
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nowak
Oakar
Oberstar
Ottinger
Panetta
Pashayan
Patten
Patterson
Pease
Perkins
Peyser
Pickle
Porter
Preyer
Price
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Reuss
Rhodes
Richmond
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Sabo
Santini
Satterfield
Sawyer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Spellman
Spence
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Bob
Winn
Wirth
Wolpe
Wright
Wylie
Yatron
Young, Alaska
Young, Mo.
Zablocki

NOES—23

Conable
Courter
Dannemeyer
Devine
Emery
Erlenborn
Fenwick
Grisham
Guarini
Kastenmeier
Kostmayer
Latta
McDade
O'Brien
Obey
Paul
Petri
Rinaldo
Ritter
Solomon
St Germain
Stockman
Young, Fla.

NOT VOTING—76

Addabbo
Ambro
Anderson, Ill.
Barnes
Bethune
Bonior
Brodhead
Campbell
Carney
Conyers
Crane, Daniel
Crane, Philip
Dixon
Dodd
Eckhardt
Fascell
Findley
Fish
Flood
Florio
Ford, Mich.
Frenzel
Grassley
Gray
Hance
Harkin
Hinson
Holland
Hollenbeck
Holtzman
Horton
Hyde
Jeffords
Jenkins
Jenrette
Johnson, Colo.
Kelly
LaFalce
Leland
Lewis
Lloyd
Long, La.
Lujan
McDonald
McEwen
Martin
Mathis
Mikulski
Miller, Calif.
Moore
Murphy, Ill.
Murphy, N.Y.
Murtha
Nichols
Nolan
Pepper
Pritchard
Regula
Rodino
Roth
Scheuer
Schroeder
Stewart
Symms
Thomas
Thompson
Treen
Whitehurst
Williams, Ohio
Wilson, C. H.
Wilson, Tex.
Wolff
Wyatt
Wydler
Yates
Zeferetti

☐ 1350

Messrs. KOSTMAYER, RITTER, and RINALDO changed their votes from "aye" to "no."

Mr. LUNDINE changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDGAR: Page 76, strike out lines 14 through 17, inclusive.

Strike from the bill the following sections: 103, 105, 106, 107, 109, 121, and 122.

Renumber the sections of title I accordingly.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 5 additional minutes.)

☐ 1400

Mr. EDGAR. Mr. Chairman, if the House will focus its attention for a moment on my first amendment, the House will recognize that this amendment is an amendment en bloc to delete eight projects. My amendment would delete in section 101 the Wears Creek, Jefferson City, Mo., project, which has an estimated cost of $33,800,000; would delete in section 103 the Tangier Island erosion project in Virginia at a cost of $3,500,000; would delete in section 105 the Cox's Park erosion project in Kentucky at an estimated cost of $650,000; would delete in section 106 the Levisa and Tug Fork flood control project in Kentucky and West Virginia at an estimated cost of $110 million; in section 107, delete the Umbrella Creek project in Georgia at an estimated cost of $1,300,000; in section 109, delete the Yazoo River dredging project at an estimated cost of $200,000; in section 121, delete the Rivergate North Portland, Oreg., project for an estimated cost of $10,400,000; and finally, delete in section 122, the Berkshire Terrace landslide project in Kentucky at a cost of some $700,000 estimated.

The total of these projects comes to $160,550,000.

Mr. Chairman, I offer these amendments because these eight projects have something in common. These eight projects all appear in the January 19 letter from the Army Corps of Engineers indicating that these are 8 of the 54 projects in this legislation that do not have final reports by the Chief of Army Engineers.

Mr. ROBERTS. Would the gentleman yield for a correction?

Mr. EDGAR. I will yield at the end of my statement if the gentleman will hold.

Now, the Army Corps of Engineers has a whole host of projects which it feels should have the final engineering report. These are eight in title I and they focus our attention on the process by the Army Corps of Engineers in analyzing, reviewing, and giving us phase I and phase II analyses not only of the economic and social value of these projects but, as important, the engineering and safety value of these projects. To my right is an illustration of some of the steps, many of which are very orderly and simple, that a project must follow if it is going to get the final OMB approval and be set up by the President of the United States. That is down here in block No. 19.

The chief's report comes in three blocks, 14, 15, and 16, and the projects which I have listed in these eight instances fail to have reached these last three blocks.

The information which has been provided to me is that the Wears Creek project reaches block 7 in the step-by-step process.

The Tangier Island project is all the way over in block No. 1 that says: "People ask congressional representatives to authorize the U.S. Army Corps of Engineers' assistance in problem solving." In block No. 2, Congress proceeds to try to authorize the project.

In most of the projects that are listed here, they fall between the first and the seventh block. There is one project, the Rivergate project in North Portland, that has made its way up to block 12 and was passed back to block 11 because there were questions about this individual project.

I am not asking my colleagues to make judgments on whether these particular eight projects are good projects or bad projects. In fact, in an orderly procedure, if the Chief of Army Engineers has signed off on a final report and the economic and engineering studies have been made, then these projects can make their way back into a future cmnibus water bill. The merits of those projects can then be defended by the members who support them and the objection can be raised by looking at the clear studies in authorization.

Now somebody is going to ask me about the point that there is too much delay which has already taken place because this is a 3-year bill. Further they are going to say they cannot wait for reports from the Chief, that the administration is too hostile, and that the OMB will not send any of these up.

I would just like to suggest to my colleagues that there is a big difference between administration delay by OMB, down here, at OMB, and completion of a standard Army Corps of Engineering internal review process. The corps did not develop an internal review process without reason.

Having these checks and balances prevents costly blunders from being made. There are many examples that I could share but let me go on.

A prime reason for a delay is that we overload the system with projects not evaluated on a merit basis. We then invite criticism from a broad section of the public ranging from the National Taxpayers' Union, Howard Jarvis, Common Cause, the League of Women Voters, and other groups. All these spell delay to even good projects.

My interest is to try to weed out of this bill those projects which will hold it up, whether through a Presidential veto or whether simply a delay by court action or other things because due process has not been followed.

Others of the committee will ask this question; projects are desperately needed. Some are emergency in nature. Our colleague from Pennsylvania (Mr. ALLEN ERTEL) had on this same easel pictures of an important project in his district that he feels is vital to him.

A true emergency should not come under this bill but should be brought up separately for expeditious consideration. We ought to have a process whereby if there is loss of life, when there is clear and present danger to people and human beings, that that not be held up in this omnibus water bill.

Second, acting without a report from the Chief can end up making the situation worse, for example, by aggravating flood problems downstream. The very claim that some projects are needed to correct damage from earlier projects illustrates my very point.

We first have to be sure that a proposed project will actually solve the problem. Second, to safeguard taxpayers we need to know if it is the most cost-effective solution of this particular problem or are there alternatives. Every community in the Nation could give us a set of projects that they believe could deserve Federal help. The question we face as Members of Congress is to separate out those projects that meet and comply with established guidelines and policy from those that do not.

If we abandon guidelines, then we are left with an ad hoc process that is irresponsible and unfair.

☐ 1410

Now, some people on the committee and in the House may ask, "Why don't you cut all projects without reports? Why aren't you consistent in your cuts? Why don't you cut out more of the projects that you find objectionable that do not have reports?"

I would be happy to accept additional amendments to my list of eight. I would encourage other Members to look at those suggested by the Army Corps of Engineers that do not have final project reports. I have selected these eight projects because they are the ones that fall closest in my opinion to setting an example of bad policy.

I would hope that we would ask the Army Corps of Engineers to bring up at least phase 1 opportunities on each of these projects and, hopefully, on all the projects move to the final phase so that we could then look at the projects on merit, analyze them, criticize them, and bring them to the House floor so that you and I could make correct objections that are based on fact, not on fantasy.

I have to tell you that as a member of the committee for these eight projects, I have been unable to find the final committee report. There are on some of these projects letters that have been transmitted. Many of the Members who have projects will read those letters. They will come from lower echelon members of the Corps of Engineers; but, in fact, on these eight projects, at least as shared with me by the Chief of the Army Corps of Engineers, there is no final report.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Edgar) has expired.

(At the request of Mr. Roberts, and by unanimous consent, Mr. Edgar was allowed to proceed for 1 additional minute.)

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, the gentleman made an error. I am sure the gentleman had no intention of doing so. He said that the Corps of Engineers objected in the letter. The corps does not object. The Secretary of the Army, objected. I just wanted to ask the gentleman to please verify his statement. I know it was just a slip of the tongue.

One question I would like to ask the gentleman is, if these amendments should have been offered, why did not the gentleman present them in the committee? The gentleman is a member of the committee.

Mr. EDGAR. I appreciate the gentleman's question and it is a good question. I have to tell the gentleman that as a member of the Committee on Public Works, it is often difficult for us who are members of the full committee, but not members of the specific subcommittee, to analyze each project as it is brought forward. For example, last Tuesday, when the gentleman brought to the committee's attention some $125 million worth of amendments which we are attempting to add to this legislation, it was impossible for this gentleman in the well to know whether final reports had been, in fact, reached.

I took the time to ask that question of each project as it passed through.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Edgar) has again expired.

(By unanimous consent, Mr. Edgar was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. It is difficult for those of us who are even members of the committee to follow the large volume of paperwork. It is only after careful consideration we can do this.

I would draw attention of the gentleman that in the Wears Creek project, no Chief of Engineers phase 1 report is available.

On the Tangier Island project, the corps says that total Federal cost of $3.5 million would authorize construction of erosion control measures. The objection is that studies are needed and there is no Chief's report. It goes on to talk about other projects on the shopping list that, in fact, there is objection because of no Chief's report. That is an objection from the Secretary of the Army, as well as from people within the Army Corps of Engineers on these projects.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, the gentleman earlier made reference to whether or not we should have a process in order to expedite ways to address some of these emergency problems.

First of all, as the gentleman knows, that is one of the reasons that the committee moved in the direction of establishing the so-called 201 process, which authorizes projects by the committee, rather than having to go through the omnibus bill. Now let me address just briefly the question of the reports themselves. I want to read the Executive order from the President as it relates to the independent water project review, wherein he states:

> The results of the review shall be transmitted to the agency head within 60 days of the agency's submission of the report, proposal or plan.

Here is the key:

> Provided that funds and other resources have been made available for the review.

So if they do not make funds available for the review, then nothing can be advanced. That is one of the reasons a lot of these reports have not gone through the process. That is one of the reasons the committee itself has attempted to address this in a positive way.

Mr. EDGAR. Mr. Chairman, I take back my time.

I appreciate the gentleman's comment, but the gentleman would agree, would he not, that some of these projects have not even gotten to that stage. They have not gotten out of block 1 or block 2. They have not begun to move through the evaluation, the feasibility. I point out to the gentleman the project in committee, the Burkshire Terrace project, which is very objectionable in terms of process.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Edgar) has again expired.

(At the request of Mr. Clausen, and by unanimous consent, Mr. Edgar was allowed to proceed for 2 additional minutes.)

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield further?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, further, let me try to address how the committees try to be responsive to some of the Members' requests. We have had the Tangier Island down in Virginia where severe erosion threatens the existence of the Island and its people, descendants of the original settlers whose way of life preserved the simplicity of an earlier era.

Add to that, the Tug Fork project, which has been the subject of discussion and I think is a part of this amendment.

The gentleman from Kentucky (Mr. Perkins) has consistently brought to the attention of the committee the question of the loss of life down in that area because of the absence of the project. That is one of the reasons the committee has attempted to move beyond the regular process in order to try to address what we perceive to be serious problems.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his comments. I hope the gentleman also recognizes that if we go down through the list that the Burkshire Terrace project landslide in Kentucky is not related to a water project at all. In fact, the information that was provided to me is that there is no water or water system in the area. It does not fall within the criteria of the Army Corps of Engineers at all; yet it is one of the projects without final report that we include in the shopping list. As one member of the committee, I would like to see the details of how you justify placing this particular project in an omnibus water bill. Maybe it should be in a transportation bill. Maybe it should be in a HUD development bill. Maybe it should be in another piece of legislation somewhere, because there are merits that I cannot see; but until I am able to look at the final report and make that kind of constructive analysis, I have to agree with the Secretary of the Army who says on the Burkshire Terrace project that the total Federal cost is $700,000. It would authorize remedial measures to impeding landslides, and the objection is that this project is unrelated to water resources.

Now, I do not know whether that is true or not, other than the fact that I do not have the opportunity to look in due process at the information to make that judgment.

Mr. CLAUSEN. Mr. Chairman, if the gentleman will yield further, just in conclusion, I am sure that the gentleman from Kentucky and, frankly, the individual Members themselves that made the request for the project will explain it as they oppose the amendment at some point.

Mr. de la GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would appreciate very much if my colleague, the gentleman from Pennsylvania (Mr. Edgar) would assist me. The gentleman has what appears to be a very excellent chart there of the process which these projects must go through. Unfortunately, that will not appear in the record.

I wonder if the gentleman could read for us the steps or somehow identify the steps so that it might appear in the written record?

I do this for later comment, but could the gentleman assist us in that respect?

Mr. EDGAR. If the gentleman will take the time to read off each of these block items even now, or if the gentleman would like, I would be glad to just copy it off and make the gentleman a copy. Unfortunately, this is the only copy that was given to me.

Mr. DE LA GARZA. My concern is that that will not appear in the written RECORD. How many steps are there?

☐ 1420

Mr. EDGAR. Mr. Chairman, there are 21 steps in this process to final completion. I would be glad to read this for the gentleman.

Mr. DE LA GARZA. I would appreciate it if the gentleman would do that, please.

Mr. EDGAR. Mr. Chairman, step No. 1 is: "People asking their congressional representatives to authorize the U.S. Army Corps of Engineers' assistance in problem solving."

The second step is: "Congressional authorization of the study," which the gentleman from California mentioned.

The third step is that: "The Secretary of the Army directs the Chief of Engineers, Division of Engineers, and district engineers," mentioned in point 3 following, "to do the study."

Following the appropriation of funds, the division engineer conducts initial public meetings and identifies and discusses the local problems and alternatives, emphasizing national economic efficiency and environmental quality, all based on the initial 201 study.

The Division Engineer investigates all alternatives, performs limited technical feasibility studies and environmental assessments, and proposes most feasible recommendations at this point in an initial study.

We must remember that some of these projects have not even gotten to the feasibility stage.

The formulation stage: "There is a public meeting and discussion of most feasible alternatives."

Block No. 6 is then that "the Division Engineer investigates formulation stage alternatives, performs detailed technical feasibility studies and environmental assessments, selects plans for the proposal, and distributes draft environmental impact statement, or EIS, 15 days prior to late stage public meeting." He makes draft feasibility report available in point 7.

In point 8, in late stage public meeting, the tentative plan is proposed and discussed. That is the early authorization study. Then we have the public response to draft EIS and draft FR, and the district engineer reviews comments. He reviews the draft environmental impact statement, prepares recommendations and revised draft, and his finalized statement of final is issued. That is the SOF. It is forwarded. That is in block No. 11.

In block No. 12 it goes to the division engineer, who reviews and modifies it where appropriate and takes a look at it.

What I am saying to the gentleman in going through this is that many of these projects are way up here and do not even get down to this process.

It goes to local interests, and there is a guarantee to fulfill obligation required by law, and we have cost sharing, maintenance operation, flooding, and zoning.

This points out that the division engineer goes through his full list.

It then goes from point 12 to point 13, to this particular group which is the Board of Engineers. In the beginning the Board of Engineers had not reviewed projects in this list. We have considerations of the views of the public, and we have State agencies reviews. He provides recommendations, revised draft EIS, and transmits it to the Chief of Engineers.

Then we get to step 14, which is at the Chief's level. The Chief reviews the Board's efforts, prepares his recommendations, and prepares for outside review of Federal departments in a 45-day review period.

Then we have the final review of Federal departments in 90 days. He reviews comments, modifies the report, and prepares the final EIS. Then the final Chief's report is requested. He forwards the recommendations to the Secretary of the Army for consideration, and the final report, final EIS, and the SOF is provided.

The Secretary of the Army then reviews his Chief's report. In most instances he agrees with it, reviews the coordinates with OMB, and prepares his recommendations for the final EIS and SOF.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 3 additional minutes.)

Mr. DE LA GARZA. Mr. Chairman, may I ask, where is the gentleman on the chart now?

Mr. EDGAR. The gentleman is at point 17.

Mr. DE LA GARZA. Yes, point 17.

Mr. EDGAR. Mr. Chairman, if the gentleman will yield further, this is where the gentleman has his objection. His objection does not relate to whether or not OMB is holding up the process or the administration is holding up the process. I think there mav be a legitimate right of Congress to act in those instances. The gentleman would point out that in his eight amendments we do not get up to point 18; we get to point 12.

Mr. DE LA GARZA. Mr. Chairman, let me ask the gentleman this question: From point 1 to point 17, does the gentleman have an idea about how much time it would take in the normal process?

Mr. EDGAR. Mr. Chairman, it depends on how vigorously the Army Corps of Engineers is working on the project. The gentleman would agree that in some instances there is delay.

Mr. DE LA GARZA. In other words, they have hundreds of projects ahead?

Mr. EDGAR. These projects can be reviewed and brought to this stage within a minimum time—let me just say within a year—from the first time of suggestion. Sometimes it takes longer because the projects are in more detail. The difference between a project of $1 million and one of $560 million may be vastly apparent in this time frame.

Mr. DE LA GARZA. I appreciate that.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I will yield briefly.

Mr. ERTEL. Mr. Chairman, let me ask the gentleman from Pennsylvania (Mr. EDGAR), is he saying that the corps can do that in 1 year?

Mr. EDGAR. I am suggesting to the gentleman that the corps has done it in 1 year.

Mr. ERTEL. What was that for, a bird bath?

Mr. EDGAR. I hope that the corps is not in the bird bath business.

Mr. DE LA GARZA. Mr. Chairman, let me reclaim my time.

Mr. Chairman, I would suggest that the norm is more like 10 years.

I have asked the gentleman from Pennsylvania (Mr. EDGAR) to do this for two reasons. No. 1, it is perhaps for the benefit of our friends upstairs. I do not know how in the world anyone can call this type of legislation "pork barrel." That is beyond me. I do not know how they can call it pork barrel when they have to go through all of that process including the cost-benefit ratio. Sometimes it just incenses me that always we hear, "pork barrel."

How can we "pork barrel" when they have to go through years of work and through steps like that?

Mr. EDGAR. Mr. Chairman, if the gentleman will yield briefly, I will respond.

The fact is that in most instances where a project report has been reviewed and a feasibility report is forthcoming it is not "pork barrel"; it is sound water policy.

What the gentleman in the well is suggesting is that we do not even use the beginning part of this process before we are authorizing construction.

Mr. DE LA GARZA. Mr. Chairman, my second point is that I feel that term, "pork barrel," is used by the unenlightened and by those who want to sensationalize. I say that in all courtesy.

I think that the country has the right to expect the Congress to act in emergencies. I suggest to my colleagues that we have seen misery and we have seen death. Members of this committee have been to my congressional district and seen people under water, people having to be dragged out, and people having to be taken out by boats. We have seen all of the misery entailed in that.

Then if we have to wait 10 years, I would suspect that the Congress has not only the right but the responsibility to act in emergencies above and beyond those 21 points.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has again expired.

(On request of Mr. EDGAR, and by unanimous consent, Mr. DE LA GARZA was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. DE LA GARZA. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I think the gentleman from Texas (Mr. de la Garza) is right. I think we need a process for emergencies, and acting in emergencies, we ought to necessitate circumventing this process when necessary to respond, exactly as the gentleman has indicated.

But I am not sure that it is an emergency to shore up a mountain that is landsliding on a dry piece of ground without water around it. I am not sure it is an emergency in each of these eight cases, and that is why I bring these particular eight cases to the attention of the House, not to sensationalize but to simply say that these projects have not gone through the most preliminary of these processes. They need to be analyzed and reviewed before we can say whether they are good or bad. I am prejudicing these projects. I simply say they have not cut the mustard yet.

Mr. de la GARZA. Mr. Chairman, my contention is that the gentleman, as is the case with other Members, often has to rely on the expertise of gentlemen like the subcommittee chairman, the gentleman from Texas (Mr. Roberts), and the ranking minority member, the gentleman from California (Mr. Clausen). I would place that responsibility upon them, because there is no way, under the cost-benefit ratio and taking into account the integrity of the work of the Corps of Engineers and the responsibility of the Congress, that they can go out and build a dam where there is no river. They cannot go out and correct landslides when there is no mountain there. They cannot go out and try to perform dredging in these other areas if they do not have soil or erosion problems there. In those cases it comes down to the point that they have to do dredging.

In my area we try to have more foreign commerce. We try to sell grain and other agriculture products. If the ship channel is not deep enough for the ships that come in now to take the grain away, we have a problem, and we see how that is also interrelated.

My blood just boils when they take off on this "pork barrel." All we have to do is look at the chart.

The CHAIRMAN. The time of the gentleman from Texas (Mr. de la Garza) has again expired.

(By unanimous consent, Mr. de la Garza was allowed to proceed for 1 additional minute.)

Mr. de la GARZA. Mr. Chairman, somewhere down the line the people demand and we have to act, and then the gentleman from Pennsylvania (Mr. Edgar) and I—and the gentleman is more fortunate than I in being on the committee; I am not a member of the committee—have to rely on others and trust the expertise of those who are entrusted with this responsibility. And I would say, speaking of these two gentlemen, I do not know of anyone I would place more trust in, as far as acting responsibly, than the two gentlemen who are handling this legislation.

□ 1430

That is why, unrelated to the specific projects, I disagree very respectfully with the gentleman's contention that, whether it is in 3 or 7 or 9, my point now is that these gentlemen and the experts who worked with them have the responsibility, and I think they have shown in the past that they have assumed and carried out above and beyond the line of duty that responsibility. That is why I would not support the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Texas (Mr. de la Garza) has expired.

(On request of Mr. Clausen and by unanimous consent, Mr. de la Garza was allowed to proceed for 1 additional minute.)

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, as the gentleman knows, the progress of the process itself is really dependent upon two things. First of all, the amount of funding that is committed to the agencies that are advancing the process themselves and, the second thing, of course, is the personnel that they have available to address the projects and all of the factors associated with those projects.

I know that if we could have the kind of priority given to the projects that many of us on the committee dealing with the problems are concerned with, if we could have that kind of a funding level to address these projects, we could accelerate the process. I think the gentleman has made a very good point.

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Pennsylvania. The gentleman has listed a project for elimination that is very close to residents of southern West Virginia and Eastern Kentucky, the Tug Fork and Levisa flood control projects along the Big Sandy River.

I know that a later amendment of the gentleman would also be directed to this project and would seek to remove it from authorization of this bill because it does not meet the cost-benefit analysis.

The project would direct the Army to develop and construct such flood control measures as the Chief of Engineers determines necessary and advisable to protect a number of small towns of the Levisa and Tug Fork of the Big Sandy River from flood damages, and also directs the dredging, clearing, and snagging for flood control purposes.

Mr. Chairman, the chart that the gentleman from Pennsylvania has presented to the House this afternoon and for which he has gone into a great deal of detail is certainly an elaborate chart. But I say that on behalf of the many residents of, not only the district of the gentleman from Texas, but many other districts across this Nation, that suffer severe flooding year after year after year—to those residents who live night by night and every time there is a slight dribble of rain on the roof tremble because of the fear of what is going to happen during the night or whether they will be alive the next morning—to them such elaborate charts, such processes of the Corps of Engineers, such analyses, whether they be cost-benefit, whether they be phase I or phase II, all of this is a bunch of baloney. They do not understand it. They could care less. All they know is that their homes are being flooded almost yearly.

In my district an average of every 1.3 years a flood strikes these people. These people cannot move elsewhere. To outsiders, it appears that they could move out of the flood plain area and move to higher ground; but such is not the case in southern West Virginia or Eastern Kentucky, that area so well represented by the gentleman from Kentucky (Mr. Perkins). There is nowhere for these people to go. They are devoted and love the land where their grandfathers and their great-grandfathers have so long lived.

Their property values may not to many people meet the economic analysis or the cost-benefit ratio which is the cold-hearted approach that the Corps of Engineers employs, because we in the Congress require it. No, they do not meet that analysis. The example that the gentleman from Pennsylvania gave us during consideration of this bill last week is worth noting again. It is not the same to equate the value of homes along the Levisa and Tug Fork of the Big Sandy River, homes that are low in property value, with a millionaire's home in Florida, along the beach. You would have to group a great many of these homes together if they were to equal the cost of one of these homes in Fort Lauderdale, Fla. Yet cost-benefit ratios say the millionaire's home is worth protecting; homes along the Big Sandy River are not. Human misery is not taken into consideration in the Corps of Engineers cost-benefit analysis, either, and we all agree no value can be attached thereto.

This section of the area is very important to our national energy policy and this administration's energy program. Coal is produced from this section of the country. If we are to ask this area to assume a greater burden of providing this country with the energy production that is needed, then does it not make sense that we can also provide them with safety, from fear of being washed out every time it rains?

The project that the gentleman from Pennsylvania seeks to eliminate perhaps has not received the proper analysis or the proper studies, has not gone through the 21 processes that are listed here; but that should not make a difference, when these people are being flooded so often. I could go into the figures of why it makes economic sense as well as human sense for us to provide flood protection for these residents. Just one example, one idea of Federal expenditures that are involved—and I know the gentleman is concerned about the cost to his taxpayers, as I am concerned about the costs to the taxpayers in my district, and as I am sure Howard Jarvis is concerned also—but the Federal expenditures that were made in just three counties in my district by the Federal Disaster Assistance Administration, the SBA and the Federal Insurance Administration would total over $50 million, for only three floods and that is not counting the most devastating flood of all, the flood of April 1977. In that flood alone an additional close to $35 million in SBA loans was granted. The Corps of Engineers estimates that that April flood totaled over $300 million in damages and that is, indeed, a very conservative figure. Since 1954, southern West Virginia and eastern Kentucky have been flooded 17 times, an average of one flood every 1.3 years. That frequency is growing larger. Excluding the 1977 flood, Federal expenditures for flood assistance average $3 million every 1.3 years.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. RAHALL) has expired.

(On request of Mr. ICHORD and by unanimous consent, Mr. RAHALL was allowed to proceed for 3 additional minutes.)

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, the distinguished gentleman from West Virginia is making a very cogent case for the reason that the committee has made exceptions in the case of certain projects. I would state to the gentleman from West Virginia that I do not want to take up all of the time or the time of the House explaining my one particular project. I happen to be one of the eight that is aimed at by the gentleman from Pennsylvania.

The gentleman from Texas, I think, makes a very good and a very important point when he asked the gentleman from Pennsylvania: "Why did you not offer this amendment in committee?" And the gentleman from Pennsylvania replied that, since he was not a member of the subcommittee, he did not have time to offer the amendment, or something to that effect.

I would point out to the gentleman from West Virginia and take this opportunity to thank the gentleman from Texas that, in regard to my particular project, I know the reason why the committee has made an exception. I worked with the gentleman from Texas and the members of the subcommittee now going on 10 years on the Wears Creek project. It is an integral part of an urban development program that has been delayed. I am sure there are reasons why the other seven have been accepted, but I know the reason why Wears Creek has been accepted. It is contained on page 34 of the report, reading as follows:

> In the Water Resources Development Act of 1976 this project was authorized for only a phase I study because the committee was advised by the Office of Management and Budget that the Department of Housing and Urban Development was considering alternative plans for urban renewal and flood protection.

We have been working on this project for 10 years, I would state to the Members of the House. The gentleman from Texas knows that it is an urgent project. The committee was misadvised by OMB. All of the people have relied on this project going forward. It is one of those flood problems that the gentleman from West Virginia mentioned. As I stated, I do not know the reason for the others, but this is the reason why the committee has made this exception, and I wish to thank the members of the subcommittee for looking to and taking care of these very urgent problems that exist.

Mr. RAHALL. I thank the gentleman for his comments.

Mr. Chairman, I might add that I am not a member of the subcommittee either, but the particular project to which I refer has been in this bill from the beginning. The gentleman is correct that there was no attempt to remove the project in the subcommittee or full committee.

□ 1440

Mr. SNYDER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am perhaps the one that is most blessed by having two projects in this amendment hit list.

First, let me address Cox's Park. Let me say, too, that both of these projects lie within the Fourth Congressional District, which I am pleased to represent, but they have the support of my colleague from the Third Congressional District, as they are right adjacent to his boundary line.

Cox's Park is a public park. It is in Jefferson County, Ky., close to the city of Louisville.

It is about 3 acres smaller than it used to be, because 1½ to 2 feet of river bank along 3,800 feet of the Ohio River has washed away every year since the McAlpin Dam was built and the pool was raised.

I asked the corps to look into the problem and see if they could not get some help, perhaps, under section 14. They determined that even though the park is a public facility, it was not in immediate danger. It was just washing away a little bit at a time, so that they could not do anything under their existing authority.

But the Corps of Engineers, the district engineer, suggested if Cox's Park was to be saved, it would require, and I quote in the letter, "* * * a special authorization similar to the one at Boone County, Ky."

Now, the pictures which I have here—now the Corps of Engineers, and we are not bypassing them—these pictures were made by the corps. These pictures were sent to me by the corps. They specifically spelled out what action should be taken and gave us the language that should go into this bill to take care of this. The authorization at Boone County, which I might say is another one of the projects that the Department of the Army, the administration, objects to; however, it is not listed in amendments that the gentleman sent around in his "Dear Colleague" letter. It really does not make much sense to recommend one project as a model for another project and then object to both of the projects.

Now, the Boone County project, which I assume will not be attacked today, was really authorized in the bill 2 years ago, but which did not get out of conference, as the Members may remember.

Today, the administration, the gentleman from Pennsylvania, comes in and says, "You know, you are not following what is laid out here on this detailed chart," that he has for routing through the bureaucracy, but I say to you that we are following the written instructions of the Corps of Engineers. They are the ones who made the determination of what should be done. They are the ones who gave us the figure on the amount of money to be put in, in writing, and they are the ones who wrote in letter form and said, "This is the way you do it. This is what we suggest that you do, to save the public facility."

If any of the Members are interested in looking at the pictures which the corps has so carefully provided, I would say to the Members we will see where they had to move the swings from the park, and where they have had to move the picnic tables to keep them from falling into the Ohio River. The corps has shown all that to us. They have labeled it. They have given us the information. We are following identically what the corps suggested we do in that project.

Now perhaps I should give a little bit more time to Burkshire Terrace. It seems to have gotten a little bit of attention today, a little bit more than perhaps Cox's Park.

Burkshire Terrace is a residential community in southwestern Jefferson County.

I have a letter from my colleague from the Third Congressional District who supports this project, too.

It is owner-occupied homes. There are over 200 homes in the development. They have been built over the past few years, and they were sold roughly in the $40,000 to $50,000 category. They are now generally estimated to be valued at $60,000 to $70,000. They belong to middle-class families.

One of the ridge lines in the development has a substrata of poor grade shale covered by silt top soil of varying depths. The strata is well sloped and provides a natural incline which when moistened by rainfall infiltration into the silt promotes movement of the silt overburden.

During the prolonged rainfall, the silt overburden starts moving. It moves away from the foundations of the houses and moves onto other houses down below. Three houses have already been condemned. Two have either been torn down or fallen in. Another 25 houses are in immediate danger.

This provision would correct the problem. It would stop the sliding and save somewhere between 25 and 200 homes. There are precedents for it. It is not a departure from the established procedures. The corps has conducted projects like this in Arkansas, at McMeeken, W.Va; also they have been authorized to correct landslide problems in Carpinteria, Calif., and Pacific Palisades, Calif.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. SNYDER) has expired.

(By unanimous consent, Mr. SNYDER was allowed to proceed for 5 additional minutes.)

Mr. SNYDER. As I indicated they have been authorized to correct landslide problems in Carpinteria, Calif., and Pacific Palisades, Calif. The project is not, as it is now contended by the administration, a departure from existing policy. The fact is that there is no other source of assistance for these people. This makes it inevitable that we move and move fast to attempt to help them. If they were covered by rivers of surface mud from the river itself, they would be, of course, eligible for flood insurance, but HUD says they are not. If in fact they would all collapse at one time from one single disaster, we might get it declared a disaster area, but since they are falling down one at a time, they are not covered. The bill is their last hope.

This body is so full of compassion that when energy prices go up, it votes to send out $400 million in checks for people on SSI, whether they have a fuel bill or not.

It is so full of compassion that when it hears about foreign refugees, it wastes no time in sending $900 million to Cambodia to help them. When one of our largest corporations goes bankrupt or is on the verge of it, we are compassionate enough to help them—even give them more than they ask.

So I cannot believe that this body, with such compassion, would turn its back on a neighborhood of middle-class Americans who face the loss of their homes.

These people have been paying the bills for all of the compassion that this Congress has been showing to other people.

I have here some pictures of this project. That is a pretty nice looking house. The only thing is it does not exist anymore.

There is a pretty house up there, too. The only problem is it does not exist anymore. It has gone down. Here is a whole stack of pictures.

I wish my friend from Pennsylvania, the eminent pastor of the Methodist Church, would indicate he had an ounce of milk of human kindness in his soul when he goes to offering these amendments. I think it would be very helpful.

This is not a bailout. If these first 25 houses that are in imminent danger go, they can be taken off their income tax the first 2 years. It is going to cost the Government $200,000 in loss of revenue from income tax alone.

This is not a bailout. This is far from it. This is taking care of the people who have been paying for the bailouts around the world for all of these years. It is helping middle-income people who are caught in a disaster with rainfall that is taking off the top of the hills and letting this mud go down on others.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I commend the gentleman for his compassion in this situation, for these particular individuals who happen to buy homes that were placed in an unreasonable location and have caused a great deal of distress to those individual families.

Mr. SNYDER. I do not know whether they are placed in an unreasonable location or not. All of the local building and zoning people approved the whole subdivision. Maybe they made an error of judgment. But they are not liable.

Mr. EDGAR. I wonder if the gentleman would agree with this statement. "If we start to take care of every mudslide around the country, it is going to take up all of the revenue of the Federal Government."

Mr. SNYDER. There is an article from a reporter in the Courier Journal attributed to me, if that is what the gentleman wants me to say.

We put this problem to the corps. Here is their transmittal statement with the language they said put in the bill.

Mr. EDGAR. Is that the gentleman's words to the reporter, or is that inaccurate?

Mr. SNYDER. It is roughly accurate.

Mr. EDGAR. I just would like to say to the gentleman, I have compassion for the people who have those homes.

Mr. SNYDER. I wish the gentleman would demonstrate that today.

Mr. EDGAR. I have compassion for the chairman of the committee, the gentleman from California, and others who suffer the tragedies of landslides when houses are built up on cliffs by private developers trying to make a buck.

Mr. SNYDER. The gentleman knows what they do. They form a separate corporation for each development, and if there is any liability, the corporation has usually been dissolved. I do not know if there is liability when one complies with all of the requirements, even if there is nothing left.

Mr. EDGAR. I agree with the gentleman.

I disagree: First, this is a Federal expense and second, it ought to proceed in any direction until at least it moves up into one or two of those blocks that are listed there.

Mr. SNYDER. If you go through all that process, all of the houses are gone. They are gone.

Mr. EDGAR. I am suggesting that the Army Corps of Engineers in their letter dated the 19th of January suggests that this is setting a dangerous precedent for the Federal Government to repair and construct and reconstruct in the area of landslides.

□ 1450

Mr. SNYDER. On May 30, 1979, they sent me the language and suggested it be done this way.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. The gentleman from Pennsylvania just stated that he would not oppose the project if it appeared in at least one or two or three of those blocks in the schedule. But I would like to remind the gentleman from Pennsylvania that he is opposing projects that have reached steps seven, eight, and nine in that so-called chart. The gentleman is a little inconsistent in his position.

Mr. EDGAR. Mr. Chairman, will the gentleman yield for a response?

Mr. SNYDER. I yield to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the gentleman for his point of view. I was simply saying in this case, this specific case, because it deviates from general practice of the Army Corps of Engineers and, in fact, Federal policy.

Mr. SNYDER. That is not true.

Mr. EDGAR. If the gentleman will yield further, because many of my other colleagues in the House would like to have their landslides corrected, I think we ought to have at least a minimal amount of study. This particular project is listed only in block one.

Mr. SNYDER. I would say to the gentleman it does not deviate. I have given the gentleman a whole list of similar projects.

Mr. DUNCAN of Oregon. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I wish I could speak with as much authority on all of the projects which have been lumped together in this block amendment as I can with respect to the Rivergate project in the State of Oregon. But because they are lumped together, and because of the obvious sincerity with which the gentleman from Pennsylvania has offered them, I have to assume that the Rivergate project is typical of all of them.

Now, the gentleman lists as the reason for his opposition two basic philosophical differences. One, because there is no local cost sharing. Now, again, I say I speak only with respect to the Rivergate project. But there, almost 50 percent of the total cost of this project is going to be borne by the local people. I do not object with respect to purely local projects to local cost sharing, and I have insisted on it in this instance in my area, and it will be there. So that philosophical difference vanishes with the Rivergate and, to the extent the Rivergate is typical, with respect to the rest of the projects.

But the gentleman from Pennsylvania does not urge, as his primary reason for striking these projects, the cost sharing. Rather, he says it is because they do not have final corps approval. The gentleman brings in what I will call plaintiff's exhibit 1, and it is an elaborate chart. He offers it in support of his motion to strike.

But if there was ever an exhibit which would give this Congress cause to say "look, it is the Congress of the United States that is the policymaker; it is the executive branch that is to carry out the Government's policy," this is an exhibit for the public. Twenty-two individual steps. How in the view of the Almighty on high we ever get anything built with 22 steps is beyond me.

Furthermore, this whole device of corps approval is what? Well, it is a means to an end. It is a technique which the Congress has accepted to facilitate the study and the approval of these projects.

The gentleman from Pennsylvania would make it an end in itself. Again, I say I must assume the Rivergate project to be typical. He says we have gotten to stage 13. I cannot tell for sure where we are, but I am convinced it is in block 17 because I have been to the Assistant Secretary on at least two separate occasions to find out why this project will not move.

This is a flood control area along the Columbia River. It is not an instance where speculators have come in and built houses. Houses have been built in this area for years. Now the people who live in those houses find themselves in kind of a Catch 22 situation, because HEW forced them to build very expensive sewer systems. They bonded their property. They are old people, many of them, poor people who cannot afford to pay the bonds. But they have also been designated as residents of a flood plain, and they cannot get any Federal assistance in the financing of their home if they wanted to sell it. So they cannot pay their bills, and they cannot sell the property against which those bills are laid. It is a Catch 22 situation.

It seems to me that it is time for the Congress to reassert itself. This is not a technique to be used by the executive branch of Government surreptitously and underhandedly to accomplish what they have not been able to accomplish head-on. What the administration wants is the final say-so, not just on execution, which is the function of the executive branch, but on the setting of policy. They want to say what will be built and where it will be built and when it will be built and how much money it is going to cost. I submit that is the function of the Congress of the United States.

I would like to say also in connection with this "boondoggle" that this whole water and power concept did not exist before Franklin Delano Roosevelt became President. Some of my colleagues may remember the terrible depths of the depression. Some of my colleagues can remember the dust storms and the Dust Bowl that stimulated the greatest mass migration in the history of this country since the Oregon Trail. Franklin Roosevelt and the Congress of that day came in and said; "look, we have got to have a conservation program." That is the genesis of this great power development, the dam development. We observed that we are going to pay for floods one way or another.

The question is whether we are going to pay for them in mopping up the damage and trying to salvage the human losses, or whether we are going to pay for them ahead of time by building dams.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

(At the request of Mr. McCormack and by unanimous consent, Mr. Duncan of Oregon was allowed to proceed for 3 additional minutes.)

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Oregon. I yield to the gentleman from Washington.

Mr. McCORMACK. I appreciate the gentleman's remarks. I agree with him completely.

This project near Portland is part of a very much larger management system for the entire Columbia River Basin. It is not an isolated project having no meaning outside itself. It is part of a project that runs all the way up the Columbia River to Canada, and all the way up the Snake River through Hell's Canyon. But in the flood plains near Portland and Vancouver is the point where the most damage is generally done by Columbia River floods.

I would like to ask the gentleman from Oregon: Is this not the location where most damage was done by the Vanport flood in 1948?

Mr. DUNCAN of Oregon. The gentleman is absolutely correct. These other projects the gentleman mentioned have knocked the top off these floods that used to devastate this area. We still need this tiny bit of additional protection in this area, and it is the product of the environmentalists, of recreationalists, of flood control leveeists of the corps, the city there, industrial development, and it is a good project. My colleague knows it is a good project, or it never would have gotten up to No. 17 on this obstacle course.

Mr. McCORMACK. If the gentleman will yield further, I want to say that I again agree with him. This is a classic example of a case where the Congress has to decide whether it is making policy or not.

Mr. DUNCAN of Oregon. Amen.

Mr. McCORMACK. Here we are with a flood control project for a particular area that is subject to annual floods. We never know exactly what the Columbia River is going to do. It is fed by the waters of the Canadian Rockies, of the Cascades and of the Central Rockies in the United States. We can never be sure, in spite of all of our flood control programs, what is going to happen from one year to the next. If there is a serious flood, however, this particular spot near Portland is the most vulnerable of any on the river; and this is where the maximum human and property damage would be done. We must consider whether or not we are going to allow this sort of administrative procedure to control our decisions, and whether or not we are going to make them ourselves.

Mr. DUNCAN of Oregon. Indeed. And how they can label as "boondoggles" a program which has literally transferred a desert of dust, driving citizens off the ground, into a fruitbowl, a cornucopia of production for the whole world, has always been beyond me.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

(At the request of Mr. Edgar and by unanimous consent, Mr. Duncan of Oregon was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Oregon. I yield to the gentleman.

Mr. EDGAR. Mr. Chairman, I appreciate the gentleman's vigorous defense of his projects. I think the gentleman has pointed out a number of important factors.

The mixture of eight projects contains some projects that are very worthy and some projects that are very unworthy.

Mr. DUNCAN of Oregon. I would suggest to the gentleman, if I may reclaim my time, then shoot with a rifle instead of a shotgun. I yield further to the gentleman.

Mr. EDGAR. I appreciate the gentleman yielding. The reason for the block of amendments is that there are several categories of steps that are critical.

Mr. DUNCAN of Oregon. I understand.

Mr. EDGAR. According to the Army Corps of Engineers' letter to all of us, he states that the report has been returned to the district and a revised district engineer report has not yet been completed, and the Army objects to authorization because there is no chief's report at this time.

Mr. DUNCAN of Oregon. I am quite prepared, if I may reclaim my time, to say we have not gotten beyond stage 17. I am also prepared to say that this is a project apparently which the administration disapproves, and if they cannot stop it one way they will stop it another way.

Mr. EDGAR. Will the gentleman yield further?

Mr. DUNCAN of Oregon. I yield to the gentleman.

□ 1500

Mr. EDGAR. Just the point I was trying to make, is that this project has a relatively minor objection in the recreational area, and I think that recreational objection can be overruled—not overruled, but changed—after careful consideration. I think the gentleman can bring his project back to the House floor for consideration once that chief's report is in.

Mr. DUNCAN of Oregon. I thank the gentleman for his courtesy. I might simply say that the flood to which the gentleman from Washington referred took place in 1948. We are now in 1980.

Mr. CARTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in 1972 the great State of Pennsylvania suffered a disastrous flood. People were out of homes; businesses were wrecked, and if I could have the attention of the distinguished gentleman from Pennsylvania (Mr. Edgar), I would like to tell him that I voted to support his State when it was in dire distress.

I would like to say further to my good friend that down in Kentucky we have had flood after flood. In 1977, in April, the city of Pineville was covered from one end to the other. The courthouse had 18 feet of water in it. Harlan, in Harlan County, was flooded. Evarts above that, was severely flooded. First, they were run out and they suffered the disaster of losing their own homes. This situation pertains up and down the Cumberland River from Williamson to Barbourville, to Evarts, and on up, and goes to the Levisa Fork of the Tug River.

The Corps of Engineers has been asked to submit a plan for flood control so that these people will not be subject to these devastating floods which have occurred three times since I have been in this Congress. It seems to me inhumane on the part of any man who would deny the poor people who live in those flooded areas the right of flood protection.

I cannot see why any man would oppose such a proposition when he himself, or his area, has received this largesse from the U.S. Government all over, and we voted for it and supported it, and now he comes down and proposes such a heavy burden upon the people of eastern Kentucky and West Virginia. I just do not understand the thinking, even though he is a worthy member of the Methodist Church.

It is my understanding further, my good friends, that within his city of Chester soon there will be a magnificent building either built at the expense of the Federal Government or paid for annually by the Federal Government. As I understand it, it really is not needed, but it is being built in his area of Chester, Pa. But, he would deny—he would deny people who need flood control that right, and would call it pork barrel. I say it is not right, it is not fair, and I doubt the humaneness of it.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I am happy to yield to my distinguished friend from Pennsylvania.

Mr. EDGAR. If the project in Chester, Pa., that is to build a Federal building, is unworthy, then I would hope that the gentleman, who is a very good Member of the House, would bring a specific objection, as specific as my specific concerns about these eight projects.

Mr. CARTER. I would be loath to do that since I understand it is to bear the gentleman's name, ROBERT W. EDGAR.

(At the request of Mr. BEDELL and by unanimous consent, Mr. CARTER was allowed to proceed for 2 additional minutes.)

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I will be happy to yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I appreciate the gentleman yielding to me. I think his argument has gotten to exactly the concern that some of us have. The concern we have is that I do not think this is a personal issue. Surely, those who oppose it do not oppose any of these projects because they are the gentleman's projects or some other gentleman's projects, but if we are going to operate this body in a manner where, when anybody stands up to say that we think something is wrong they are going to be soundly criticized as individuals within the body, then I do not believe we are going to be representing the taxpayers of America.

Does the gentleman believe, for example, that our water policy——

Mr. CARTER. I reclaim my time because what I am talking about, my friend, is not a boondoggle. What it is, is flood protection for those people who have been driven out of their homes three times in the past 16 years. If this is not a worthy expenditure of the taxpayers' money, I do not know what is.

Mr. BEDELL. That is a very legitimate argument for the gentleman to make, and he should make it and we should listen to him. But, I do not believe it is proper to criticize somebody else who may have some different opinions and jump on him.

Mr. CARTER. I am jumping on no one. I want to save my people from floods. The gentleman from Pennsylvania has a right to ask for a Federal building in his district if it is needed—it is my understanding he means to have his district office in it. However, in my humble opinion, saving the people of the Cumberland River Valley from flooding is more humane than building a courthouse in Chester. The attempt to let this suffering continue brings to mind Tennyson's remarks, "Why do the countless multitudes weep? Man's inhumanity to man makes countless thousands mourn."

Which is pork barrel: building Federal buildings of doubtless need, or saving the poor from being driven from their homes when the rains fall and the floods descend?

Mr. Chairman, in April of 1977 a devastating flood struck southeastern Kentucky, affecting nearly every person in Bell, Harlan, Knox, and Whitley Counties along the Upper Cumberland River. Many of these people lost their homes and businesses or, at the very least, saw them sustain serious damage.

Nearly 3 years have passed since that tragedy, and it is a tribute to the courage and determination of the people of those counties to know that they have been able to rebuild their homes and their businesses. But the threat continues to hang over these communities that at any time another flood could come and wipe out all those efforts to rebuild.

In considering the Water Resources Development Act of 1979, we in the House have the opportunity to reduce the potential for destruction from future flooding in the area and offer these people the chance to preserve their communities for future generations.

H.R. 4788 contains provisions—in section 106—for flood control improvements on several flood-prone rivers in the Kentucky, West Virginia, and Virginia region. These improvements would go a long way toward providing the security against flooding to which these communities are entitled.

Some might refer to this legislation as "pork barrel" in nature, but that could not be farther from the truth.

In human terms, the benefits these provisions could bring the area I represent far outweigh the material costs.

By their own determination, the people in Bell, Harlan, Knox, and Whitley Counties have shown they are dedicated to preserving and maintaining their communities—and they have gone a long way in doing so. But there are limits to what they can accomplish on their own. Federal assistance—through passage of this act—would be demonstrating a strong commitment to supporting the well-being of thriving local communities.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, in support of what the gentleman has stated, and most of the members of the Kentucky delegation are aware of this fact, the original recommendation that was to coincide with all the real desires of the people of Kentucky would like to have, it cost somewhere in the vicinity of $700 million.

This particular authorization is confined to $100 million to give the corps a measure of authority to start to address the problems in that particular area on an incremental basis. This coincides with what we have done with basin authorization throughout the entire country, so it does in fact follow the process we have advanced in the basin authorization bills in the years I have been in Congress.

Mr. HARSHA. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I would like to point out that basically the gentleman's argument lies in two areas. First, he objects to those projects in which there are no reports or no review of reports; and second, he objects to those projects in which there are inadequate reports or incomplete reports. I would like to address both questions on both parts.

First, the committee did, in all honesty and in all conscience, put certain projects in this particular legislation for which there were no reports. But, we did that for specific reasons. We did that because with each of those projects there were special and extenuating circumstances such as we have had the gentleman from West Virginia (Mr. RAHALL) explain, and the distinguished chairman of the House Education and Labor Committee, I am sure, will remark on the tremendously severe problems of the Tug Fork area and the loss of life and the incredible suffering by humanity as a result of those flood conditions down there. So, we put in the Tug Fork project.

Another example of what we put in because of special circumstances and because of the emergency situation was the Tangier Island project in Virginia, where there is severe erosion which threatens the existence of the island and those people on it. Those people are descendants of the original settlers, whose way of life preserves the history of an earlier era. But, we felt it was an emergency situation in those cases, and extenuating circumstances, that justify the committee in putting those types of projects in the bill.

Now, as to the question of those projects which do not have full and complete review, which have not gone through the bureaucratic maze of some 22 steps, as has been pointed out earlier, let me tell the Members why we did that. We did that first during the 95th Congress. The administration only submitted one project to the committee for review or consideration—just one project in that whole Congress. OMB reportedly, according to the testimony we had, held up the reports on projects included in this bill and the predecessor of this bill, which was H.R. 13059, taking no action on them—no action at all—for a period of somewhat near 8 months, and in some cases as long as 19 months.

☐ 1510

Third, OMB prohibited other projects on which the Chief of Engineers had completed work from being forwarded to Congress for authorization, and last summer the President issued an executive order prohibiting submission of all water project reports to Congress until 33 new bureaucrats were authorized for the Water Resources Council independent review program. That is why a lot of these projects do not have a full and complete review and have not completed going through the maze of the bureaucracy. It is because the Administration prohibited it. It denied the agencies the right to submit their views and to pass on the projects for further review until such time as we would authorize a new complete review of them. This made it utterly impossible for the committee to address itself to projects which had complete reviews.

If the Congress limits its action to projects which are the subject of reports receiving full review, we will lose any right to determine policy; we will lose any right to determine what projects should be authorized and what should not. The administration, if we allow that, can shut down this program piece by piece, project, or in its entirety simply by throttling the review process and refusing to let or permit the agencies to send those projects to Congress.

We hear constantly from our constituents the complaint about bureaucracy and redtape. If you want a perfect example of bureaucracy and red tape, this is it. In order to get a project through with full review, it has to go through all 22 steps over a period of years, and now with the administration adopting the position that no project can be sent up here for review until it gets its independent review in the Water Resources Council and other legislative endeavors which it wants, then we are going to have the whole program throttled and the Congress is going to lose control of this effort and have no say-so in policy. That is why this amendment should be defeated.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the Big Sandy River and its branches constitute one of the major tributary systems of the Ohio River basin.

Because of its mountainous and hilly terrain, its steep and narrow valleys, it has been plagued by flood problems for many years.

I doubt that there is anywhere in this country that the resident population has been so punished and plagued by flood waters as in those valleys of the Levisa and Tug Forks of the Big Sandy.

For decades we have talked about and fought for flood protection for those people. Some reservior projects have been built, some floodwalls have been thrown up, and some stream straightening has been undertaken.

But this has been piecemeal. There has never been a unified plan for dealing with the flooding problem in this region.

In the aftermath of the disastrous 1977 flood, which destroyed millions of dollars worth of property in the wake of rainfall that exceeded 12 inches in some parts of the region, an effort was made by the Kentucky, West Virginia, and Virginia Members in both Houses of Congress to draw up an overall plan. Our aim was to slay this dragon once and for all.

Working with engineers and hydrologists and with the people of the State and local governments, we came up with language to authorize a unified approach.

Unfortunately, this effort came to nothing in the 95th Congress because our water resources bill got bogged down in matters that had nothing to do with flood control. But this year, the Committee on Public Works and Transportation is back on the track with H.R. 4788. Section 106 of that bill contains this attempt to deal with the floods of the Levisa and Tug Forks, and with the Cumberland River to the south in Representative TIM LEE CARTER's district.

This section authorizes the Corps of Engineers to construct such measures on the affected streams that would afford the communities there a level of protection to prevent future losses of the magnitude of the 1977 flood. It is an overall plan, not a piecemeal affair.

The committee has at long last utilized and invoked the provision of the 1970 Flood Control Act expressing the intent of Congress that water development projects should be based on consideration of four items: First. National economic benefits. Second. Regional economic benefits. Third. Environmental quality. And fourth, the well-being of the people.

The first three of these criteria are well filled by section 106, for the region is rich in coal—and coal will be our salvation in the years ahead, I am convinced. The environmental quality of the region is being destroyed by annual floods.

It is the fourth of these criteria, the well-being of the people, that I think should be given prime consideration in this case.

Over the years, these people of eastern Kentucky, West Virginia, and Virginia have suffered enormously from the raging floods in their valleys. Their homes and businesses have been destroyed. Their little churches and their graveyards have disappeared. The landmarks of their 200-year heritage in the region have been obliterated in the torrents of flood waters that have so often inundated them.

Quoting from the report on this legislation, "The committee feels strongly that national economic benefits should not be the sole criteria in determining whether assistance in protection from flood damages is warranted." I heartily concur in that judgment.

We cannot apply a benefit-cost ratio in this case. To wipe out the culture and the tradition and the heritage of 200 years of American westward expansion in this region is a terrible thing—and a thing beyond price.

I have warmly supported our President and his administration these last 3 years in his insistence that human rights be exalted throughout the world.

Today, I suggest to the President and I suggest to you that the human rights of the people of the Appalachian region are involved in the passage of section 106.

The long-suffering people who live in those valleys have a right to the kind of consideration that is provided to other citizens.

Federal money is spent in thousands of areas of this land to provide flood-retaining reservoirs, and floodwalls and dikes. We spend millions of dollars annually to protect our citizens from this hazard.

My people, and Congressman RAHALL's people, and Congressman CARTER's people and Congressman WAMPLER's people—they all want to know: Why can we not have the same protection as other people?

If we answer that question fairly and honestly, we will say that they should have that protection. It is their right. It is their human right.

I think the House ought to turn back all efforts to divert the committee from its stated purpose in this legislation. We cannot put a dollar mark on the lives and culture of the people in those valleys.

If we do, any talk of human rights will be a hollow mockery .

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. EDGAR, and by unanimous consent, Mr. PERKINS was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I commend the gentleman for his defense of the project. I would like to ask a question. It is my understanding from talking with the Army Corps of Engineers and the Secretary of the Army that only if Tug Fork is not authorized under this bill will it be possible for the corps to continue its ongoing study to attempt to come up with a sound solution, including possible relocation, to the Tug Fork problem. If in fact this language is included in the bill in its present form, then all the alternative options, all the other possible ways to deal with the gentleman's important point, will not be able to be addressed; is that correct?

Mr. PERKINS. It is absolutely essential that the language in this bill be kept in the bill if we are going to give the people on the Tug Fork relief immediately. There have been a lot of disputes about studies going on for the past 20 years about different flood control approaches, but this is comprehensive to the extent that it will give the people immediate relief, and that is what those people want. This language is absolutely essential.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentleman for yielding.

In response to the gentleman from Pennsylvania (Mr. EDGAR), I might only stress that this language does not designate what type of flood protection is to be undertaken. It merely says that the Corps of Engineers, in consultation with the Secretary of the Army, shall undertake that the cost-benefit analysis shall be waived for the projects that would be undertaken up to a cost of $100 million, no matter what those projects are, be they dams, be they flood walls, be they whatever. Nonstructure projects could still be conducted in the future if the Corps of Engineers so decided. We do not make that decision; we leave it up to the corps.

□ 1520

Mr. AMBRO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I might say at the outset, as a member of this committee, I come here with clean hands. By that I mean I have no projects located in my district that would make me less than objective. Secondly, I would like to say that, even though the gentleman from Pennsylvania (Mr. EDGAR) is an illustrious member of the Methodist Church, I like him anyway, though he is not a member of my faith, but I do think it should be understood that the gentleman from Pennsylvania is a very valuable member of the subcommittee and the committee. He is kind of like the grist in the oyster that creates the pearl. Sometimes, however, things get a little out of hand and the oyster becomes somewhat polluted.

For example, in the "Dear Colleague" letter that the gentleman from Pennsylvania (Mr. EDGAR) sent around, he said something which I would like to read:

> I firmly believe that the Congress has an important role to play in the development of these projects.

Mr. Chairman, I think that is very true. It is hard for someone to argue with a statement like that. However, in fact, Congress is playing an important role in the development of these policies and projects because if they were not, those days and days and hours and hours of hearings on each one of them, scrutinized almost ad nauseam, would represent something that would be an awful waste of time to a lot of us who serve on the committee.

My friend goes on to say;

> However, due to the ad hoc nature of H.R. 4788, little in the way of truly national water policy has emerged for our consideration.

The word "policy" seems to escape a lot of people. Maybe it does me, too, but people around here seem to continually argue the thought that this nation does not have an energy policy. We have an energy policy. The policy is to make this Nation self-sufficient. Perhaps we do not have the kinds of packages, programs, and projects all in place to attain that policy, but we have a policy.

Therefore, I think when the gentleman argues that we require a rational water policy or water-resource policy, he makes an excellent point, because there are policy and programmatic changes that might certainly have to be made with respect to putting maximum figures on this, the contributory share of local governments, and a variety of other areas.

The trouble with what the gentleman is trying to do here, it seems to me, is to develop water policy by deleting in these amendments some 50 projects, by modifying a number of others, and by really not permitting this House to engage in a meaningful dialog when it comes to the nature of the policy.

Mr. Chairman, there is no question, it seems to me, that an awful lot of people are upset. If one looks from afar at one of these projects, for example, one can say: That is not worthy; the cost/benefit ratio is less than 2 to 1; the environmental considerations are not interdisciplinary, and a whole host of other things. The trouble is that when one goes to the site, and reviews these specific projects, one sees a different set of concerns that arouse the emotions of the Members here, who you have kindly and uniformly attacked by these amendments.

We see the kind of hostility that develops through what the gentleman from Pennsylvania is trying to do. I do think we should all thank him and say that what we need in the United States is a debate in the correct forum on a comprehensive water-resources policy.

However, I think in telling him that, the way to get to it is to resoundingly defeat these amendments. I think, too, if we are being candid, if we defeat this first enbloc overwhelmingly, then maybe the administration will have second thoughts with respect to the tactics involved, and perhaps we can get on with passing this bill and move, as I say either in the subcommittee or the committee, or if we find a way to bring it to the floor of this House, in the direction of a meaningful discussion on water-resource policy.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. BEDELL, and by unanimous consent, Mr. AMBRO was allowed to proceed for 2 additional minutes.)

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. AMBRO. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I think the gentleman has made an excellent statement. I commend him for it. I think there are lots of us who feel exactly as does the gentleman, that what we really need is to look at what our water policy is.

Is it fair to say it is understandable that some of us would feel that to include in this a project, which has to do with a landslide where buildings were built in an area that has nothing to do with our total waterways, or any of that sort of thing, is questionable in terms of what policy we have, if we have any water policy, or does the gentleman think we simply do not have a water policy now, and that, indeed, we have to look at what should be our "water policy?"

Mr. AMBRO. Mr. Chairman, I cannot talk wisely to specific negative ingredients like that. I just do not know if we should include landslides, or if we should include bridges, or roads to bridges, that have not been built, even though the bridge has been built first, or if we should have 100-percent funding for certain kinds of ingredients where other kinds of legislation, such as the highway trust fund, provides a contributory share. I think I would leave it to wiser heads to find the framework of the debate on policy.

Mr. Chairman, I would just say I think it is necessary, but, I do think that the kind of scrutiny that each one of these projects gets is certainly sufficient both in the subcommittee, and in the full committee, to permit us to view this bill with, if not enthusiasm, at least a feeling that we have done the best job we can for the myriad projects that we look at, and we should, indeed, move ahead with it even in the face of foot-dragging on the part of the corps, administration types, and others, who have caused these policies, or programs, to be retarded.

Mr. BEDELL. If the gentleman would yield further, if I do understand the gentleman, the gentleman shares the concern over establishment of a water policy that can really be used to guide us in how we do these things, and indeed we should look at that?

Mr. AMBRO. If the gentleman says that, I would say to the gentleman, if we share the same concern, it would be my view we should not express that concern by a negative vote on this bill, or a pro vote for the amendment, but should express that concern in some other way.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have been on this amendment for nearly 2 hours. I ask for a vote on the amendment. I hope my colleagues will vote it down resoundingly.

Mr. WEAVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief. I have listened to the debate. I have listened in particular to my colleague from Oregon (Mr. DUNCAN). I had planned to vote for this amendment. Now I have mixed feelings after the debate.

I think one thing has been very clearly brought out. Underlying this entire issue is the essential point that we must develop a new way of choosing water projects.

Where I agreed with many Members in the debate, I believe the Congress should make the final decisions on water projects. No one should deceive themselves that if the Congress does not make the decisions, there will be no political deals made. Bureaucrats are just as capable of making political deals on such projects as these, and these deals are usually not made in the light of day but down below where the public never even hears about them. When the Congress makes the decisions, at least it is done in the broad daylight of committee work and of floor debate.

Mr. Chairman, I strongly support the Congress making the final decisions on water projects and every other project of this nature.

On the other hand, there is truth in the criticism that there are pork-barrel and log-rolling projects in this bill.

☐ 1530

Some of them go in because of political pressures of various kinds as opposed to their intrinsic value.

Now, there are some cases and they were amply illustrated by such people as the gentleman from West Virginia, that there are other considerations besides cold hard dollars and cents that must be addressed here and that the Member of Congress from that district is best able to make that judgment.

I concur in the things that the gentleman said, but somehow, somewhere, we must come up with a broad formulation of water policy so that the decision finally is made by the Member of Congress in whose district the project is, the committee, the engineers and other experts and the localities sharing in the costs. I think that is absolutely essential so that all parts and parties to his decisionmaking process play a part with the Congress making the final decision.

Even though I felt the remarks of the distinguished gentleman from New York were apt, I still reserve the right to vote against the bill as my way of registering my opposition to the present way of deciding our water projects; but I fully respect the arguments of the chairman, the subcommittee chairmen and others, who feel rightly that the Congress should make these decisions.

Mr. TRIBLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and to speak briefly in support of the authorization for the construction of the seawall on Tangier Island in Virginia. Tangier Island is the home of approximately 900 hardy Virginians who depend on the abundant marine resources of the Chesapeake Bay and its tributaries for their livelihood, just as their fathers and grandfathers and great grandfathers did before them. In fact, they speak with a trace of the Elizabethan tongue of their ancestors who came to Virginia in the early 17th century.

The problem is that the western shore of this island is washing away at the rate of 25 to 30 feet per year. Time is of the essence. The time necessary to complete the full report process will likely render the airport on the island, a major link to the outside world, inoperable and the rapid erosion also endangers the western ridge which is the major population center on the island.

This problem has been studied twice by the State of Virginia, with the full participation by the Corps of Engineers. Both reports have recommended the construction of a seawall and the corps has fully endorsed these recommendations.

I recently received a letter from the Corps of Engineers, from Colonel Haller, the district engineer, expressing support for this project. In pertinent part, let me quote that letter of January 12, 1979.

> Norfolk District firmly believes that this eroding shoreline should be stabilized to preserve the culturally unique and historically important community of Tangier. Also, Norfolk District indorses the recommendations of the Governor's Task Force on Shoreline Erosion at Tangier Island.

Colonel Haller states that—

> The Corps of Engineers has the expertise to plan, design, and construct the project. Shoreline erosion at Tangier is critical now, and remedial action should be taken as soon as possible.

In conclusion, let me say that what we will preserve by constructing this seawall is a distinct way of life. If Tangier and its people must be evacuated, the assimilation of these hearty independent islanders would be an immeasurable cultural loss to our nation.

We must act today. Each wave that washes onto the shore of Tangier Island further endangers a unique part of America's heritage.

I ask my colleagues to defeat the Edgar amendment and support the provisions of the committee.

Mr. BURLISON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the bill and in opposition to the amendment.

Mr. Chairman, since my project is not on today's hit list, I have asked permission to revise and extend my remarks.

Mr. Chairman, I rise in support of H.R. 4788, the Water Resources Development Act of 1979, legislation which contains authorizations of water resources projects and feasibility studies, project modifications, and other provisions relating generally to the water resources program of the Corps of Engineers. As my colleagues will recall, an authorization bill for water resources projects was approved in the House, as well as the other body in 1978. In the last moments of the 2d session of the 95th Congress the absence of a quorum prevented the House from approving the authorization measure sent over from the other body.

Contained in the 1978 bill and H.R. 4788 is a project of critical and vital concern in my congressional district, that is, the construction authorization of the St. Johns Bayou and New Madrid floodway project, as authorized by the Flood Control Act of 1976. The provision contained in title I, section 101, would authorize construction of the St. Johns Bayou and New Madrid floodway project prior to the Secretary of the Army review process of the phase I study which is expected to be completed in September 1980. The review process then on phase I would not be completed until mid-1981. Assuming the review is a favorable one, we are then talking about another authorization and appropriations process which would make it almost impossible to move forward on the program before fiscal year 1982.

I realize that to authorize construction prior to completion of the phase I study is a departure from established procedure, but I think the circumstances in this case warrant exceptional action. In 1913, the Mississippi River Commission and Corps of Engineers began building a levee from Commerce, Mo., to New Madrid Mo., for the purpose of protecting the people living along the Mississippi River. This gap was necessary due to the fact that during the levee construction, 120 miles of natural and manmade drains had been filled in.

In 1928, the corps built still another levee from Birds Point to New Madrid, now known as the Setback Levee. This levee separated approximately 132,000 acres of land from the rest of the watershed. From this time forward local interests have diligently worked to move this program forward and due to the continued efforts of my constituents, the project is now a reality. The proposed project will give increased flood protection to approximately 125,000 acres of prime farmland by modifying existing flood control structures. An essential element of the project, however, is the addition of 2,500 acres for fish and wildlife mitigation. This area has been designated with the approval and cooperation of State, Federal and private conservationists. As I have mentioned, this is prime agricultural land and in recent years the prices per acre have increased from $400 to $1,800. A chief concern by the local sponsors is the fact that the designated mitigation land area is rapidly being bought up and developed by outside interests. The program must entail the 2,500 acres of mitigation lands. The continued procedural delays which are being experienced will only result in prohibitive land costs and possible encroachment by developers which will in turn make the land unsuitable and unsatisfactory for mitigation purposes. The passage of H.R. 4788 will allow the Corps of Engineers to begin with the purchase and land acquisition before it is too late.

I might add that this is a unique project in that you cannot find anyone in opposition to it. My constituents and the local sponsors have carefully worked with environmentalists to be certain that the proper procedures are followed to meet all the criteria set out to prohibit any adverse impact on fish and wildlife.

In addition, the benefit-cost ratio of the St. Johns Bayou and New Madrid Floodway project is 3.3.

The project is a meritorious one and should be favorably considered along with the total H.R. 4788 package.

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

Mr. ROBERTS. Mr. Chairman, again I ask for a vote on the amendment and hope the committee will vote unanimously in opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR).

The question was taken; and on a division (demanded by Mr. EDGAR) there were—ayes 3, noes 35.

Mr. EDGAR. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. That request is not in order in the Committee of the Whole.

Mr. EDGAR. Mr. Chairman, I ask for the yeas and nays.

Mr. ERTEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. A recorded vote has been demanded. All those in favor of taking this vote by a recorded vote will stand and remain standing.

Did the gentleman from Pennsylvania make a point of order that a quorum was not present?

Mr. EDGAR. Mr. Chairman, I made a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

Mr. ERTEL. Mr. Chairman, I was recognized, as I recall, asking for a recorded vote.

The CHAIRMAN. The Chair is counting for a quorum. The gentleman will withhold.

Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 10]

Abdnor
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carr
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derwinski
Devine
Dickinson
Dicks
Dixon
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Okla.
Emery
English
Erdahl
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fazio
Fenwick
Ferraro
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hanley
Hansen
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Ichord
Ireland
Jacobs
Jeffries
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Levitas
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Quayle
Quillen
Rahall
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Rose
Rosenthal
Rostenkowski
Rousselot
Roybal
Royer
Rudd
Sabo
Santini
Satterfield
Sawyer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Steed
Stenholm
Stockman
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thompson
Traxler
Trible
Udall
Vander Jagt
Vanik
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolpe
Wright
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki

☐ 1550

The CHAIRMAN. 364 Members have answered to their names, a quorum is present, and the Committee will resume its business.

### RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania (Mr. ERTEL) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Five minutes will be allowed for the vote.

The vote was taken by electronic device, and there were—ayes 117, noes 263, not voting 54, as follows:

[Roll No. 11]

AYES—117

Applegate
Aspin
Beard, R.I.
Bedell
Beilenson
Bingham
Boland
Bolling
Bonior
Brodhead
Broomfield
Brown, Calif.
Burton, Phillip
Carr
Clay
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
D'Amours
Dannemeyer
Dellums
Derwinski
Devine
Dingell
Dougherty
Downey
Drinan
Early
Eckhardt
Edgar
Emery
Erlenborn
Evans, Del.
Evans, Ind.
Fenwick
Fish
Fisher
Fithian
Florio
Ford, Tenn.
Forsythe
Fowler
Garcia
Giaimo
Goodling
Gradison
Grassley
Gray
Green
Grisham
Hall, Ohio
Hamilton
Harris
Heckler
Hollenbeck
Holt
Holtzman
Jacobs
Kastenmeier
Kildee
Kindness
Kostmayer
Kramer
Lee
Lehman
Lowry
Lujan
Lungren
McCloskey
McDade
McHugh
McKinney
Maguire
Markey
Marks
Mavroules
Mikulski
Minish
Mitchell, Md.
Mitchell, N.Y.
Moffett
Mottl
Neal
Nelson
O'Brien
Obey
Paul
Pease
Petri
Porter
Ratchford
Richmond
Rinaldo
Ritter
Rosenthal
Sabo
Sawyer
Seiberling
Shannon
Sharp
Snowe
Solarz
St Germain
Stack
Stockman
Studds
Synar
Tauke
Vento
Walker
Waxman
Weiss
Wolpe
Young, Fla.

NOES—263

Abdnor
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Archer
Ashbrook
Ashley
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, Tenn.
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Blanchard
Boggs
Boner
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brooks
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, John
Butler
Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Corman
Cotter
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dickinson
Dicks
Dixon
Donnelly
Dornan
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Edwards, Okla.
English
Erdahl
Ertel
Evans, Ga.
Fary
Fazio
Ferraro
Flippo
Foley
Ford, Mich.
Fountain
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gramm
Guarini
Gudger
Guyer
Hagedorn
Hall, Tex.
Hammerschmidt
Hanley
Hansen
Harsha

Hawkins
Hefner
Heftel
Hightower
Hillis
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Ichord
Ireland
Jeffries
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kemp
Kazen
Kogovsek
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lent
Levitas
Livingston
Lloyd
Loeffler
Long, Md.
Lott
Luken
Lundine
McClory
McCormack
McKay
Madigan
Marlenee
Marriott
Matsui
Mattox
Mazzoli
Mica
Michel
Miller, Ohio
Mineta
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nowak
Oakar
Oberstar
Ottinger
Panetta
Pashayan
Patten
Patterson
Perkins
Peyser
Pickle
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Rangel
Regula
Reuss
Rhodes
Roberts
Robinson
Rose
Rostenkowski
Rousselot
Roybal
Royer
Rudd
Runnels
Russo
Santini
Satterfield
Schulze
Sebelius
Sensenbrenner
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solomon
Spellman
Spence
Staggers
Stangeland
Stanton
Steed
Stenholm
Stokes
Stratton
Stump
Swift
Taylor
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Wampler
Watkins
Weaver
White
Whitley
Whittaker
Whitten
Williams, Mont.
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wright
Wylie
Yatron
Young, Alaska
Young, Mo.
Zablocki

NOT VOTING—54

Addabbo
Anderson, Ill.
Barnes
Conyers
Crane, Daniel
Crane, Philip
Derrick
Diggs
Dodd
Edwards, Calif.
Fascell
Findley
Flood
Frenzel
Hance
Harkin
Hinson
Holland
Hyde
Jeffords
Jenkins
Jenrette
Kelly
Leland
Lewis
Long, La.
McDonald
McEwen
Martin
Mathis
Miller, Calif.
Moore
Murphy, Ill.
Nichols
Nolan
Pepper
Railsback
Rodino
Roe
Roth
Scheuer
Schroeder
Stark
Stewart
Symms
Thomas
Treen
Whitehurst
Williams, Ohio
Wolff
Wyatt
Wydler
Yates
Zeferetti

□ 1600

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Scheuer against.

Mr. Rodino for, with Mr. Nichols against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

## ENROLLED JOINT RESOLUTION SIGNED

The CHAIRMAN. The Committee will rise informally in order that the Speaker may sign an enrolled resolution.

The Speaker resumed the chair.

The SPEAKER. The Chair lays before the House the following enrolled joint resolution:

H.J. Res. 478. Joint resolution to extend by 60 days the expiration date of the Defense Production Act of 1950.

The SPEAKER. The Committee will resume its sitting.

## WATER RESOURCES DEVELOPMENT ACT OF 1979

The Committee resumed its sitting.

The CHAIRMAN. Are there any additional amendments to title I?

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edgar: Page 78, line 20, through page 79, line 4, strike out Section 103 and insert the following new section:

"Sec. 103. The Secretary of the Army, acting through the Chief of Engineers, is authorized to design and construct an erosion control structure or employ other measures along the western shore of Tangier Island, Virginia, appropriate to protect such island from unacceptable erosion, at a cost not to exceed $3,500,000. It is the sense of the Congress that all studies, reviews and implementation of the project shall be conducted on an expedited basis to the maximum practicable extent in accordance with existing law."

Mr. EDGAR. Mr. Chairman, I rise to offer this amendment to respond to the concerns of the gentleman from Virginia, while attempting to reconcile some important policy questions inherent in the text of the bill. This amendment would revise the authorization for the Tangier Island project to accomplish the following:

A directive to the corps to proceed as expeditiously as possible in accordance with existing law, rather than waiving existing law;

A fixed cost ceiling, rather than an open-ended estimated cost for a project that the corps has never studied;

An authorization to incorporate a variety of erosion control and mitigation measures, rather than locking the corps into building a rip-rap seawall of specific length, whose efficacy in solving the problem we cannot judge.

Mr. Chairman, I hope that this language is responsive to the needs of the people of Tangier Island, and to the concerns of our distinguished colleague. I am not locked into this specific language, but rather I am seeking to avoid the structural rigidity and broad waiver of all law that makes section 103 in its present form unacceptable.

Mr. Chairman, I urge the adoption of the amendment.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, I think we have to examine the motives of the gentleman from Pennsylvania who just offered this amendment. Two minutes ago this body voted on the gentleman's amendment to strike this project, to kill it, and now he comes in here and tells this body that he wants to help the gentleman from Virginia get his project.

□ 1610

He is not sincere in that effort at all. Why did he move to kill this project if that was his purpose? He comes in now to take another step in order to try to kill the project, by putting a cost limitation on it, by putting a cost limitation of $3.5 million on it this year, then if the project does not get funded next year, or until the next or the next, which is usually the case, 2 or 3 years will expire, inflation at an annual rate of 10 or 15 percent will increase the cost of that project to exceed $3.5 million to somewhere in the neighborhood of $4 million, and then it will not be permitted to be funded, because it will have to come back and be reauthorized again.

So I submit to my colleagues that the motives of the gentleman are suspect. If he truly wanted to authorize the project, why did he try to knock it out in the first instance?

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to my friend from Texas (Mr. Roberts).

Mr. ROBERTS. If the gentleman wants to look at the gentleman's motives, read what this thing does. It puts it back in one of those blocks where it has to run the gauntlet again. I hope the gentleman will immediately bring this thing to a vote and let us move on to the next section.

Mr. TRIBLE. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Virginia (Mr. Trible).

Mr. TRIBLE. Mr. Chairman, it is imperative we move ahead with this project. Time is of the essence. The homes and livelihoods of 800 good people on Tangier Island are threatened. We must move. The committee has fully considered this matter and I would ask my colleagues to support the Committee on Public Works and Transportation.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield.

Mr. CLAUSEN. I oppose this amendment. To attempt to apply a cost limitation at this authorization stage is not going to prove to be effective, because during the design stage of a given project, there may have to be some variables addressed and changes made by the agencies involved that cannot be addressed under the gentleman's amendment. So this is clearly not going to work and, therefore, I join in rejecting the amendment.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes, and that 5 minutes be allocated to the gentleman from Mississippi (Mr. Whitten) the chairman of the Appropriations Committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous consent request was agreed to will be recognized for one and one-half minutes, and the chairman of the Appropriations Committee (Mr. Whitten) will be recognized for 5 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. Whitten).

Mr. WHITEN. Mr. Chairman, I take this time to advise my colleagues that the Appropriation Committee recommendations which have been followed by the Congress have resulted in the fact that for 34 out of the last 35 years appropriation bills have been below the budget. So Congress takes a critical view when the various funding requests are considered and the requests for these water resource projects are no exception.

Now, I say to my colleagues, too, this country has the high standard of living that it has today because those who preceded us had the foresight to turn back to the benefit of the land a fair share of what they took out. In 1926, I believe there were 110 million people in this country. Today we have over 220 million people. Our population has doubled in a period of a little over 50 years. Based on that, about 50 years from now we could have an excess of 400 million people, but less land and more flood and water problems. We will never get this problem cured because, as we get more and more people, we will be putting more and more land under concrete. We will be building more and more highways, more and more shopping centers, and we will have less land for crop production and for forests.

I say to you that the reason our country is not worn out as much as China and India is because we have had the foresight to develop our resources, to protect our lands from floods and erosion, and to reforest our lands. Did you know this Congress, which is the people's branch and should be the branch to handle these matters, has for 27 times out of 27 overridden Presidents and Offices of Management and Budget to save the soil of our Nation through conservation programs? Think of where we would be if we had not done that. Half our Nation would be a dust bowl.

As we come here today I want to point out again that here, at a time when we are faced with the necessity of balanced budgets, we must keep in mind that we are going to have to balance it at a high level. We must keep our country's physical resources from being wasted. We must realize we cannot balance the budget by trying to pay off a cheap dollar by making dollars hard to get. This bill "authorizes" further development and protection of our rivers, our harbors, our navigation projects, and provides for new projects. Some years ago President Eisenhower vetoed the public works appropriation bill. He vetoed it on the ground that it contained 67 new starts. He said, "With all of the obligations we have at home and abroad, with all of the indebtedness we have and all that we can see in the future, we cannot afford to spend these funds on our own country."

We failed to override his veto on the first attempt. Under the rules the bill was sent back to the Appropriations Committee, and I am proud to have made the motion to send the bill back to the President with the 67 new starts still in the bill. We reduced the overall bill by 2.5 percent, which is the usual slippage figure. The motion was carried by a vote of 19 to 17 and was then passed by the House and Senate. The President vetoed the bill again. This time we succeeded in overriding the veto.

The argument that I used on the floor was the veto message itself. I pointed out that the more we owe, the greater the obligation, and the greater our debts, the more imperative it is that we look after our own country in order to resolve these other issues. We would be a much poorer nation today if we had not won out and passed that bill.

By passing this measure authorizing projects protecting our land and our people from floods, providing for other sources of water and continuing existing projects, we are providing for the future sound employment of our people. How can you better employ the unemployed American people, if we have to come to that, than to have these projects on the shelf where we can call them up and put our people to work saving our country and developing resources for the future? Could we do any better than what we do here toward such employment?

So I say to you, what we are faced with today is an effort by my good friend from Pennsylvania to substitute his individual judgment for the judgment of the gentleman from Texas (Mr. Roberts), of the gentleman from California (Mr. Johnson), and of the members of the committee who have spent days and weeks working on this bill.

Let me repeat again, the President of the United States has obligations. He has the first chance at every one of these authorizations to decide whether to include such items in the budget or not. Then the Congress has the right to provide or to not provide the funding for these projects as it sees fit. The Congress will have a second say as to what we do on these projects.

So I say to my colleagues, nothing could be better or more sound an investment than to have these authorizations pass today so that we can bring the projects on line in case we do have to have employment for our people.

Not only that, but if we are going to leave our children and our children's children a rich country, we need to take care of it as we go along.

Anybody who is familiar with the 20-odd steps involved in developing, authorizing, and funding water resource projects will understand why it takes the United States twice as long as competing nations to do anything because of the redtape. I say cut through this proposed redtape, back up our committees who have studied this, and let us support our committees on each and every amendment that is offered.

We have been delayed long enough. It is not public works projects which bring us inflation. The welfare of our country, rich in resources, is essential if we are to meet our other problems.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Ertel).

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman from Pennsylvania.

I also would like to thank the committee chairman, the gentleman from Texas (Mr. Roberts).

I want to point out if we start putting cost limitations on a project, how detrimental that could be to that project. In 1958 the Saginaw River flood control project was authorized by this Congress for $20 million. In 1970, one decade ago, when I was on the county board of commissioners, that project would have cost $45 million.

Because of the environmental problems, the agreements needed to be reached with the local governments, because we had a problem with the Department of the Interior and the department of natural resources in the State of Michigan, that project is not completed, is not even in its final stage.

☐ 1620

Phase 1 will be done sometime this spring. That project now is anticipated to cost $60 million. We cannot put a cost figure or a ceiling on these projects. I think that would be wrong, and I believe it is very important that we defeat this amendment based on those facts.

By this amendment we would be defeating the appropriation process and Congress authority over the appropriation. Therefore, on these grounds, I am opposed to this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Livingston).

Mr. LIVINGSTON. Mr. Chairman, I just want to simply point out that it has been 5 years since the last water authorization bill; and it may be 5 years until the next one. This matter can be handled through the Appropriations Committee, and the price will be evaluated by that committee on the basis of the Corps of Engineers reports to them. I think to delay this project at this time would untimely deprive the people of Virginia of a worthy project.

(By unanimous consent Mr. Livingston yielded the balance of his time to Mr. Trible).

(By unanimous consent Mr. Davis of South Carolina yielded his time to Mr. Trible.)

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. Trible).

Mr. TRIBLE. Mr. Chairman, time is of the essence. We must act today on behalf of the people of Tangier Island. I ask my colleagues to defeat this amendment decisively so that we can move on with the important business of this House.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Edgar).

Mr. EDGAR. Mr. Chairman, I think, now that the House has calmed down a little bit in terms of noise, people will understand exactly what this amendment does. It does not terminate the project. It simply removes from the language of the bill, on pages 78 and 79, something that I wonder if the Members in the House recognize. We say for those projects that all the requirements of this act or any other law which would otherwise be applicable to such a project shall apply to this project.

There is no Army Corps of Engineers report or no alternative. We simply waive all laws. We did the same thing last June when we waived all Federal laws on the Tellico Dam. I think we ought to proceed with the project, expedite the ordinary mechanism, look at alternatives, but not waive all Federal laws.

I wonder if the gentleman who spoke so vigorously to waiving all Federal laws would appreciate this same language in any of the other laws which we pass, where we try to write them carefully and correctly.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Roberts) to close debate.

Mr. ROBERTS. Mr. Chairman, this is a little island that is washing away. There is a Federal aviation landing strip that is almost tumbling into the ocean. If we wait to go through all the steps we have to go through with EPA, NEPA, "SUSIE," and everybody else, the island will be gone and we will not need the project. I ask the Members to vote down the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Edgar).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments to title I?

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Edgar: Strike from the bill the following sections: 120 and 125. Renumber the sections of title I accordingly.

Mr. EDGAR. Mr. Chairman, I rise in opposition to the authorization for the construction of the Parker Lake project in the Red River Basin of southeastern Oklahoma and Bushley Bayou of Louisiana. The Parker Lake project is primarily intended for the storage and export of water needed for projected economic and population growth in central Oklahoma. Mr. Chairman, I have no doubt that the water supply needs in the Oklahoma City area are substantial indeed. For the current fiscal year, the President budgeted—and the Congress funded—two new dam and reservoir projects to supply this area in coming years. However, my principal concern with the Parker Lake project at this time is the bill's authorization of construction prior to the receipt by the Congress of an agreed-upon plan to mitigate fish and wildlife losses to be caused by the project, and the consequent lack of a final report by the Chief of Engineers.

Mr. Chairman, the committee has made a gesture toward fish and wildlife concerns that, upon first glance, may appear to be satisfactory. Reading from section 120 of the bill:

> No appropriation shall be made to construct such project until a plan for the mitigation of damages to fish and wildlife in connection with such project has been approved by resolutions adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, and for the purpose of securing consideration of such approval the Secretary of the Army, acting through the Chief of Engineers, shall submit a report on such plan for mitigation, including all relevant data and all costs.

Identical language has been incorporated within section 125 for the Bushley Bayou project.

What is wrong with this approach? Very simply, this language has shielded from us in the Congress important information on project costs and impacts upon which to reach an informed judgment. What will this project cost? We do not know, because the mitigation plan is not complete. What is the benefit-cost ratio of the project? Again, we do not know, because we do not know all the costs. If a water project authorization is to have any meaning whatsoever, we need to give serious congressional attention to these fundamental project attributes.

I hasten to say to my colleagues from Oklahoma and from Louisiana that I regret the need to propose this amendment: I certainly do not mean to prejudice congressional approval of Parker Lake or Bushley Bayou when the project is ripe for our deliberation in the future.

However, I would stress to my colleagues one additional point. The legislative, judicial, and bureaucratic fiasco over Tellico Dam should establish the value—indeed the necessity—for the Federal agencies to do their homework on these wildlife matters at the earliest stage in the project. Today's shortcut becomes the grist for tomorrow's delaying tactic or construction slowdown. The mitigation aspects of the Parker Lake project have indeed been controversial, and I think we are shortsighted to add this project to an already large and costly bill when wildlife mitigation plans have not been worked out.

Mr. Chairman, I urge the adoption of the amendment.

☐ 1630

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman made a statement entirely adequate for voting against the amendment because the language says that "No appropriation shall be made to construct such project until a plan for the mitigation of damages to fish and wildlife in connection with such project has been approved by resolutions adopted by the House and Senate committees." We can do that under the 221 process with the whole project if it is under $15 million. We can specifically hold up the authorization of any appropriation until that is verified.

There is another reason why it should not be necessary for that. Further in the bill there is a section that makes it possible for the Corps of Engineers to set aside 10 percent of any project if it exceeds $7.5 million for fish and wildlife mitigation on each and every project, so we have taken care of all of the objections the gentleman has, and I hope the committee will vote down the gentleman's amendment.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to associate myself with the remarks of the distinguished chairman of the subcommittee, the gentleman from Texas (Mr. Roberts). We think that in this bill we have got ample protection for fish and wildlife because, in the first place, it is essential to underscore that the bill itself requires for both projects that no construction appropriations can be made until a plan for mitigation of damages to fish and wildlife in connection with that project has been approved by resolutions adopted by both the Committee on Public Works and Transportation of the House and the Committee on Public Works and Environment in the other body.

In effect this means that, unlike most projects where fish and wildlife mitigation is merely one of the elements reviewed by the congressional committees, for these two projects both Houses must carefully scrutinize the fish and wildlife mitigation plan. They will have to focus on it and specifically approve the respective fish and wildlife mitigation plans that are sent up here after further study by the Corps of Engineers.

This can only result in an unusually intense scrutiny of the special quality guaranteed for these environmental plans. I would urge the defeat of the amendment because, in addition to that, then we can fall back, if necessary, on section 360 which the gentleman from Texas (Mr. Roberts) alluded to where the Corps of Engineers can recommend a separate mitigation plan if it costs the lesser of 10 percent of the project's cost of $7.5 million. There again both committees, the one in the House and the one in the Senate, have to carefully scrutinize that fish and wildlife mitigation plan before any appropriations can be made.

So there is ample protection in here for fish and wildlife, and I urge the defeat of the amendment.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. Edgar). I do not want to stand in front of the Committee this afternoon in judgment of the gentleman from Pennsylvania, as the gentleman from Iowa (Mr. Bedell) has said earlier in his remarks. However, let me say this: an oldtimer from Muddy Boggy Creek, where the Parker Reservoir would be built, said to me one time, "You can't come back from where you haven't been."

I called the Corps of Engineers' General Donovan in Dallas, Tex., yesterday about the fish and wildlife mitigation plan for Parker Reservoir. He told me that problems with the wildlife mitigation plan have apparently been resolved. I think my friend, the gentleman from Texas (Mr. ROBERTS), explained that the project cannot be built until an approved wildlife mitigation plan is in place.

I wish my friend, the gentleman from Maryland (Mr. MITCHELL) were here in the room because he was concerned about employment. The reservoir is to be built in the triangle of three counties less than 15 miles from where I live in Ada, Okla. The county that lies just below the dam site is Coal County, which, obviously, used to be a coal mining county.

But as the coal mining jobs disappeared, so did the people. Over 70 percent of the people have moved away from Coal County. More people have moved away than have stayed. The per capital income in Coal County is less than $2,500 per person. The welfare roles in Coal County are three times that of the labor force. The unemployment in Coal County is something like 18 percent, and the unemployment figures for minorities are somewhere in the 30- to 35-percent range as of today. What do we plan to do with this particular project if the Congress and the Members are so kind as to help us build it? We propose to build an industrial park below this, utilizing the water resources available from the reservoir to provide badly needed jobs. For the first time we will be able to attract industry to this area.

Not one man in Coal County has a manufacturing job. How does a man hold his head up with dignity? There is not one single male manufacturing job in the county. But if this dam is built, we will have water. We will build an industrial park. We will be able to attract the young people back. We will be able to attract and bring the people back.

We have surveyed and found that 94 percent of the people who have left would like to return to that area if they had jobs. Only 4 percent of the people living in that county today have a college education, even though 85 to 90 percent of the young people from that area go on to college. We motivate them, and they go off to college, but they do not return because there are no jobs.

What we propose is that you allow us to build this water project so we can bring our people back home to those jobs.

"You can't come back from where you haven't been."

I am sorry my friend, the gentleman from Pennsylvania (Mr. EDGAR) has not been there and looked in the eyes of those people who have been flooded, who have lost their homes, who have lost their jobs, who have not been able to continue to raise their families in that area. I ask my colleagues today on this floor to vote down this amendment.

Mr. HUCKABY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this particular amendment is aimed at two projects, the one the gentleman from Oklahoma (Mr. WATKINS) just spoke of, and the Bushley Bayou project in Louisiana which is in the Fifth Congressional District which I represent. I will take just a few minutes to talk about the Bushley Bayou project, which apparently the gentleman from Pennsylvania (Mr. EDGAR) is not familiar with at all.

It is a good project. Literature was circulated in all of our offices last week pointing out that this project was one of the most glaring examples that would lead to the decimation of bottom land hardwoods in the South. There are no bottom land hardwoods in the Bushley Bayou area. This has been a farming community for over a generation. There are over 750 homes in this area. At least once every 10 years the floods come, devastating floods. I wonder if the gentleman from Pennsylvania (Mr. EDGAR) has ever seen children on rooftops literally fighting off water moccasins in an effort to save their lives.

The gentleman opposes this project, he says, on the grounds of mitigation. A mitigation plan has been submitted, not only that, but an important mitigation plan.

Let me point out to the gentleman that within 30 miles of the Bushley Bayou project area we have a very unique ecological system known as the Chicago Mills tract of land. It is a contiguous 100,000-acre block of land, one of its kind so important that Mr. Greenwalt, Director of Wildlife and Fisheries, said that he thought the preservation of this was as important a U.S. treasure as was the preservation of the Giant Redwood Forest in California.

So it is our hope to be able to take the mitigation lands from this project to help acquire a piece of the Chicago Mills tract of land. So not only are we going to save lives, we are going to save homes, we are going to protect farmland, but we are going to contribute to preserve a very unique ecological system.

As the chairman, the gentleman from Texas (Mr. ROBERTS), so ably pointed out, it is certainly true that a final approved mitigation plan must exist before any funds can be appropriated.

□ 1640

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I will be happy to yield to my colleague from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

I would like to commend the gentleman from Louisiana. I wish everyone in the House knew of the work the gentleman has done with regard to the very issue he is talking about with regard to mitigation. The gentleman has come up with some very innovative ideas about how to handle mitigation problems that we are going to continue to experience in this Congress and the next Congress.

As chairman of the Subcommittee on Fish and Wildlife, I think the objection of the gentleman from Pennsylvania to these two projects is very premature. I think the committee's handling of the project by specifically saying no construction can be started before a mitigation plan is in effect and one that has been approved is a very sound and a very solid way of protecting any potential loss for wildlife and fisheries purposes.

Mr. Chairman, the real concern we have in protecting potential loss to waterfowl and wildlife habitat is after the project is completed. I think the wildlife and fishery values are protected because it is specifically required that until a plan is completed, submitted and approved the project cannot be constructed.

Many times the mitigation plan takes a long time to evolve and to come up with a proper mitigation plan. You really do not know what is to be included in the mitigation plan until you are at the final design stage and you are at the time when construction should begin. I think the way in which the committee is handling mitigation in this instance is perfectly acceptable and one that I think should merit the approval of the committee.

Mr. BREAUX. I thank my colleague from Louisiana.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. EDGAR, and by unanimous consent, Mr. BREAUX was allowed to proceed for 2 additional minutes).

Mr. EDGAR. Would the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I wonder if the gentleman who just spoke would step to the microphone for a moment.

The gentleman has indicated the language in the bill, in his opinion, is specific enough that no construction, no physical construction of any kind will begin until a fish and wildlife mitigation plan is completed. Is that correct?

Mr. HUCKABY. I think the language itself is self-explanatory. I would not want to interpret it any differently other than just read it back to the gentleman. I think it is very clear. It says "no construction."

Mr. EDGAR. It says no construction will proceed without a fish and wildlife mitigation plan?

Mr. HUCKABY. On page 96 of the committee bill it clearly says no appropriation shall be made to construct such project, et cetera, until the mitigation plan.

I would take that to mean you cannot construct until you have the money appropriated for the construction.

Mr. EDGAR. Does that mean no construction will begin until the fish and wildlife mitigation plan takes place?

Mr. HUCKABY. I would merely continue to read back to the gentleman the language of the bill. There is no money appropriated for construction until a mitigation plan is in existence. That is as clear as I can make it.

Mr. EDGAR. Mr. Chairman, I ask unanimous consent to withdraw the amendment before the committee at this time.

The CHAIRMAN. Is there objection to

the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Are there additional amendments to title I?

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: At section 101, (page 78, line 9,) add the following new section:

CHETCO RIVER

The project for construction of navigation improvements at Chetco River, Oregon: Report of the Chief of Engineers, dated May 2, 1977, at an estimated cost of $4,666,000.

Mr. WEAVER. Mr. Chairman, I am introducing two amendments today which would add two modest cost efficient projects to the authorized projects in title I of the bill. Both these projects, the Chetco River jetty extension and a project for navigation, improvements at the mouth of the Siuslaw River and coastal areas of my district in Oregon.

At the same time, Mr. Chairman, I propose to deauthorize two projects which have previously been authorized in my district by including them under the terms of the amendment being offered to title IV of the bill by the gentleman from Indiana (Mr. FITHIAN). These two projects are not cost efficient. They have caused enormous opposition from various constituents in the district and they deserve to be deauthorized.

Mr. Chairman, I would like to emphasize that the price tag for the two projects which I hope this body will add to the bill is less than one-fifth of the cost of the two dams, Elk Creek Dam and Cascadia Dam which are proposed to deauthorize in the amendment of the gentleman from Indiana (Mr. FITHIAN). The two badly needed jetty projects which I would like to see authorized will cost $23 million and $5 million respectively; the two dams I have proposed to deauthorize cost over $230 million.

Mr. Chairman, the Oregon coast is an area rich in economic potential. Traditionally it has had chronic long-term unemployment. In large part the sluggish performance is as a result of a lack of capital investment in the kind of improvements that are badly needed by the fishing industry, the tourist trade, and other industries which depend upon the natural wealth of the ocean and rivers for their survival. These needed improvements are not expensive by modern standards, yet they would be an immeasurable help to the development of these coastal communities. The proposed Chetco jetty extension is a particularly good example of what is needed. The bar of the Chetco River is the entrance to the port and harbor of Brookings, a town of 3,500 people who depend on sport and commercial fishing, tourism, and timber for their livelihood.

This bar has been a recognized navigation hazard since the town was settled because of the silt which accumulates at the river mouth. The modest jetty extension which I have proposed for inclusion in this bill will help to solve this problem and open the Port of Brookings to the kind of development which will fulfill its potential as one of Oregon's most beautiful and popular ports.

Again I would emphasize that the deauthorization of even one of the two projects from Oregon that are included in the amendment of the gentleman from Indiana (Mr. FITHIAN) would pay for both these needed jetties four times over. I urge the House to include both the Siuslaw and Chetco projects in the Water Resources Development Act.

I would like to add also I do not oppose all dams. The Lost Creek Dam in the southern part of my district which is next to the proposed Elk Creek Dam is now built. It has 50 megawatts of power, it is doing its job of flood control and it is a good dam. The Elk Creek Dam setting adjacent to it that I have proposed deauthorization for has none of these potential benefits to any great degree.

Mr. Chairman, I am now offering the Chetco River amendment. I will then, without making a further speech, offer the Siuslaw River amendment following this.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I dislike going into personalities here but Lyndon Johnson made a statement talking about one of his friends. He said, "He is a hard man to help."

Mr. Chairman, the gentleman from Oregon (Mr. WEAVER) is a hard man to help.

Mr. Chairman, in the last appropriation bill we had the Siuslaw bill up. Unfortunately, the secretary has called it back for some problem. It is one of those that has been sent back. The gentleman from Oregon (Mr. WEAVER) not only spoke against the bill, he came back and said, "I do not believe in these water projects." It makes it rather difficult for us. We have a lot of people who are in favor of water projects.

I have no objection. The Chetco project is cleared. I have no objection to it. I do not know what the response will be on the other side. The gentleman from Ohio (Mr. HARSHA) and I went out and looked at the Siuslaw project. There is no way it can be approved. It should not be approved. Nothing can happen to it until we get more information. It is not one of those you can afford to exempt because we do not have that much information on it.

Mr. Chairman, I think there is one thing my colleagues realize. You never have to worry about where I stand. This is a situation with this project. If it is agreeable with the gentleman from California I would say we should accept the Chetco project. It is clear. I am certainly 100 percent opposed to the other.

Mr. CLAUSEN. Mr. Chairman, will the committee chairman yield?

Mr. ROBERTS. I will be happy to yield to the gentleman from California.

Mr. CLAUSEN. I would be very happy to go along with the committee chairman. I am very familiar with the Chetco River project because it happens to be contiguous to my own congressional district. As far as I know it has met all of the criteria as we have gone through the process and so I am perfectly willing to accept the Chetco amendment but I wanted to ask a question. Are these two amendments offered en bloc or are they separate amendments?

Mr. ROBERTS. The gentleman said he would offer Chetco separately.

□ 1650

Mr. CLAUSEN. Well, what are we acting on new? Are we acting on the Siuslaw or the Chetko?

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to my friend, the gentleman from Oregon.

Mr. WEAVER. Chetko is before us now; if the House passes the Chetko amendment, I will not offer the Siuslaw amendment.

Mr. CLAUSEN. Well, I am perfectly willing to go along with that arrangement and will accept the Chetko project on this side.

Mr. ROBERTS. Mr. Chairman, I ask my colleagues to accept the Chetko amendment and withdraw the Siuslaw amendment.

Mr. WEAVER. Mr. Chairman, will the gentleman yield for just 30 seconds?

Mr. ROBERTS. I am happy to yield.

Mr. WEAVER. Mr. Chairman, I appreciate this very much. I want to thank the chairman and the ranking minority member of the committee.

I want to say that I just have heard the corps is reevaluating Siuslaw on the question of its cost-benefit ratio. Therefore, I think it is wise at this time not to bring that to the consideration of the House.

Therefore, and in addition, although I have strongly supported the Siuslaw project, I note the gentleman from Texas strong sentiment against it and feel it would not be productive to continue to press his particular amendment at this time. Therefore, I withdraw my request for additional consideration of the Siuslaw amendment.

Mr. ROBERTS. Mr. Chairman, I take back half of what I said.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL on page 7, immediately after line 7, add the following and redesignate the succeeding sections accordingly:

"COST LIMITATIONS AND OVERRUN PREVENTION

"SEC. 101. In order to insure against cost overruns, the estimated costs as hereafter designated shall be considered as the authorization ceilings governing total appropriations provided for each project: *Provided*, That such authorization ceilings may be adjusted to reflect—

(A) changes in construction costs as indicated by engineering costs indexes applicable to the types of construction involved therein; and

(B) modifications which do not materially alter the scope or functions of the project as authorized and do not materially change the authorized plan of improvement."

Mr. MICHEL. Mr. Chairman, during debate on the budget resolution this past year and undoubtedly again this coming year we had an extended discussion of entitlements and how they have grown in size and in number and how we were losing control of Federal spending as a result of those entitlements. Notwithstanding that debate, the Committee on Ways and Means came before this House with several proposals in the health area for additional entitlements. I sought at that time to offer several amendments to subject them to the annual appropriating process, having no argument against the worth of the program, but simply trying to get away from this entitlement business and subjecting that program, those worthwhile programs, to the annual appropriating process.

Traditionally in this Congress, we have authorized and we have appropriated in a two-step procedure. In more recent years our Appropriations Committee has been criticized for failing to appropriate for a program's full authorization. We members of the Committee on Appropriations have countered likewise and we have said that the authorizing committees did not debate this fully. They picked their figures out of thin air. Where did they get them? Why do you criticize us when you think we are now doing a good job in depth?

So during this debate, I have heard the argument used every once in a while, "Leave it to the Appropriations Committee. Don't put a ceiling on anything. Don't put a cap on anything."

This is at the very time we hear all the talk about a constitutional amendment to limit spending and to do every other means of getting at this spending level and then when we have an opportunity in an authorizing bill, we fail to come to grips with it again.

I say to you, you cannot just toss it off by saying that we are going to do it another day or we are going to force the Appropriations Committee to take all the heat, and then when we do, get that undue criticism.

Let me tell you briefly what my amendment does or does not do. It is probably easier to explain it that way. It does not reduce funding for any project. It does not reduce the number of projects. It does not prevent any goals from being reached. It does not set a limit on the completion of any projects.

My amendment is a control mechanism. It makes the cost estimates for 48 open-ended projects the authorized level of spending for those projects. The estimated cost of the projects involved is $812 million, a substantial sum. If for some reason, some justifiable reason, the estimate goes higher, a modification in the level of authorization is acceptable.

The only restriction in my amendment is a restriction on irresponsibility.

This amendment provides for oversight, rather lenient flexible oversight. It helps to insure that no one or no one agency goes hog-wild with the tax money set aside for a project and then has to come back for more. It helps insure that we will not spend more than $10 million, when frankly we ought to be spending only $1 million.

It helps insure that the Congress has some constant continuing control over money spent by this public agency. It may discourage some of the mind-boggling cost overruns that we have witnessed; for example, that Red River project in Louisiana which jumped 452 percent in 10 years.

I think the time has come to put a stop to open-ended spending: minimums, but no maximums. It has been like a Christmas party. We have virtually let go of 75 percent of the entire Federal budget by handing out free spending certificates to anybody who wants them.

It is time we faced up to the fact that we have lost control of the budget. It is time to face up to the fact we have shirked the one responsibility the Constitution entrusted only to us, that of overseeing Federal expenditures.

My amendment is one step we can take in putting an end to this practice. It makes us money managers, as opposed to automatic money dispensers.

This is supposed to be an oversight Congress. Let us make it be known in advance to the bureaucracy and to the taxpayers that we intend to follow up each year to oversee how the tax dollars are spent. That is all my amendment does and it increases the prospects of oversight, of control, and fiscal responsibility.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would like to commend the gentleman in the well for his most appropriate amendment.

It is similar in content to the language of S. 703, which is the language working its way through the Senate to simply put a fixed cost ceiling on with an escalation factor for those problems that the gentleman cites.

I think it is important that we pass this amendment. I think it is critical to getting control of the budget and I commend the gentleman for his actions.

Mr. MICHEL. Mr. Chairman, I want to thank the gentleman.

I just want to say that I know when we have gone at this job of trying to pick this project or that, the Committee on Public Works got a tremendous chore and responsibility. Those of us who are less informed on individual projects do not feel that we have the right to gut the committee's operation. Having visited with members of the committee and discussed ways and means by which we might exert some mechanism here, we have arrived finally at this language, which is not as strong as what we had initially conceived.

Mr. ERTEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I can attract the attention of the gentleman from Illinois (Mr. Michel), I would like to ask a couple questions about the gentleman's amendment, if I might.

Mr. MICHEL. Yes.

Mr. ERTEL. In the gentleman's amendment, the wording is:

> *Provided*, That such authorization ceilings may be adjusted to reflect——

Now, I am wondering if that is an automatic adjustment based upon the indexes that the gentleman has indicated in paragraph (A). In other words, they do not have to come back to the Congress and say to us that the engineering costs have increased by $x$ amount because of the index and, therefore, we have to reauthorize. Will that be automatic, as the gentleman envisions the amendment?

Mr. MICHEL. As I began to indicate to the gentleman, initially when I had drawn my amendment, I thought we ought to have another shot at it by having the measure kicked back to the Congress for either reaffirmation or determination; but the way the amendment is now drawn, it is an automatic kind of condition. It is my understanding that the Engineering News Record, for example, regularly publishes the indices to which everybody is apprised and that would be the automatic type of increase.

Mr. ERTEL. As I understand it then, to make sure as far as the legislative history is concerned, if the engineering index goes up by 10 percent, then the authorization would increase by 10 percent as well?

Mr. MICHEL. Yes.

Mr. ERTEL. Second, just to make sure we understand what paragraph (B) provides, that again says:

> Modifications which do not materially alter the scope or functions of the project as authorized and do not materially change the authorized plan of improvement.

Now, who makes the judgment whether they are materially altered or materially changed? Is the gentleman saying that is an initial judgment to be made by the corps, because otherwise who is going to make that judgment?

I assume that is what the gentleman means.

Mr. MICHEL. Well, yes. Admittedly, it is not a clear definition in paragraph (B) as in (A), where you have a formal standard to which you can adhere; but here in a project if you find the base has to be somewhat enlarged, somewhat in depth, some adjustment, but does not really materially change the original intent of what that project was, then it seems to me compatible with what I would like to see by way of an increase.

□ 1700

Mr. ERTEL. Mr. Chairman, let me just make sure we are clear on that. For instance, let us assume we have estimated a particular project will penetrate through 30 feet of rock but instead we find 60 feet of rock in which we have to put the base and penetrate.

Is that, in the gentleman's judgment, something that is really not material as such? It is not a major change; it is just an engineering change or an engineering change order, if you would, on a project?

Mr. MICHEL. Mr. Chairman, if the

gentleman will yield, it would be better, of course, if our feasibility studies initially were such that we could have foreseen that kind of a significant change or alteration. However, I think it would certainly fall within the scope of qualifying, as I initially outlined, as being deserving of an appropriate increase, so long as it did not change the original intent and purpose of that project.

Mr. ERTEL. Mr. Chairman, as I understand the law at the present time, that is exactly what the law is today. If they come to an estimated cost and there needs to be a change, so long as it is not material under existing case law, they can go ahead on the estimated cost. So there is no change as far as (B) is concerned to the existing law in the amendment which the gentleman is proposing.

As far as (A) is concerned, it allows in fact an escalator—and that is a change in the existing law—which allows the project's estimated cost to go up in accordance with the estimated index.

So we can say that (B) is a restatement of existing and (A) is in fact a change which puts an escalator in, assuming that we have inflation. And if we have deflation, it would apply also.

Is that the way the gentleman understands it?

Mr. MICHEL. Mr. Chairman, the gentleman from Pennsylvania (Mr. Ertel) has expressed it very well.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I am happy to yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I would also like to ask a couple of questions of the gentleman from Illinois (Mr. Michel), if I may.

First of all, as I see the bill, there are certain projects that are of particular concern to me as I am looking at the gentleman's amendment. I find three projects with dates associated with estimated costs.

There is the Wears Creek, Jefferson City, Mo., project; the San Francisco Harbor, Fisherman's Wharf in California; and the McNary lock and dam between Washington and Oregon. Each one of them has estimated costs as of certain dates, some of them several years ago.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Ertel) has expired.

(On request of Mr. McCormack, and by unanimous consent, Mr. Ertel was allowed to proceed for 3 additional minutes.)

Mr. McCORMACK. Mr. Chairman, will the gentleman yield further?

Mr. ERTEL. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman for yielding.

So we have estimates here that may be the result of procedures involved between the Corps of Engineers making the estimates and the committee and the Congress processing legislation, and they are way out of date. So when we talk about engineering cost indexes, we are also talking about the date. When we talk about the amount authorized, we are also talking about the date on which the original authorization was made in this bill, and we consider the period from that time up to the actual construction.

Mr. MICHEL. Mr. Chairman, if the gentleman from Pennsylvania (Mr. Ertel) will yield, I think to be perfectly practical, we would have to have an adjustment forward from that date of estimate if all things had been equal within the last 2 years. Inflation being what it has been, I do not see that we would be practical if we discounted that increase.

Mr. McCORMACK. Yes. Mr. Chairman, I have one other question.

In part (B) the gentleman says, "modifications which do not materially alter the scope or functions of the project * * *."

Let us take at the moment as an example a hydroelectric dam and generating facility where we are now doing research on improved types of turbines. We might find that we could by increasing the cost of turbines 10-percent increase their output by 20 percent. In other words, there would be a positive benefit-cost ratio. It would still be hydroelectric generation, but I take it that this would fall under "modifications which do not materially alter the scope or functions." Even though it might be more expensive equipment because of new developments, as long as it could be justified on the basis of cost-benefit ratio, it would be acceptable under the gentleman's definition?

Mr. MICHEL. Mr. Chairman, that is the way I interpret the language.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman.

Mr. ERTEL. Mr. Chairman, I support the gentleman's amendment since I have had it clarified in terms of legislative history.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, it is not easy to oppose my friend, the gentleman from Illinois (Mr. Michel), knowing his good intentions and knowing that he feels this would do the job as he sees it. In my own judgment, I think this amendment would tie strings on the operations of the Congress.

Let us keep clearly in mind that what we are passing today is an authorization bill. Once the authorization is passed, the funding requests for the projects still must go through two steps. They will be considered by the President and by the Office of Management and Budget. They, in turn, will make recommendations to the Congress as they see fit. If they do not recommend funding for a specific project, the Congress can take it up if it is authorized and deal with it.

Let us keep this straight. I have been chairman of the Committee on Appropriations for about a year. The Committee on Appropriations is an arm of the Congress and can only recommend legislation to the Congress. But Congress must act upon the funding proposals for the public works projects each year. The gentleman from Illinois (Mr. Michel), has been unable to reach the entitlement programs which make up a very large part of the budget and has reached into the one place where we do not provide entitlement programs.

This bill does not carry any entitlements. This bill provides the necessary authorization, as the language makes clear, after the authorization is provided, the Congress must then act on the funding requests for the various public works projects.

But when we try to place language restrictions in law dealing with cost limitations and overruns and the interpretation of the language is unclear, we run into the costly problem of project delay. The courts could spend years trying to interpret the language and meanwhile some projects would have to be stopped right in the middle of construction.

So I say that as long as this authorization bill is not providing for entitlement programs, that we complain about, we should proceed slowly.

Mr. Chairman, let me straighten out a few other things. Public works is not the cause of our increased inflation. This is where we spend money on something that is worthwhile and benefits our own country. That is not inflation. That is one thing that helps us handle inflation. Inflation is where we spend money and do not get anything in return.

I am not trying to get into foreign aid or anything like that, but in that program they have 100-percent inflation because they get the goods and we never get our money back. So inflation comes about in those areas where we spend our money and do not get anything in return.

To handle the problem of inflation we need to take care of our own country. May I say, as I said awhile ago, when Mr. Eisenhower vetoed the Public Works bill on the ground that we needed more economy and could not afford to finance these projects we managed to override him the second time by using his own argument that the more we owe, the greater our problems are, and the worse inflation is, the more imperative it is that we take care of our own country.

So with all due deference to my fine friend, the gentleman from Illinois (Mr. Michel), every time we try to do something like this it puts a hamstring on these operations. We would waste month after month trying to interpret this language and projects would be stopped right in the middle of construction.

Mr. Chairman, I hope that we defeat this amendment and leave it up to the Committee on Appropriations, of which the gentleman from Illinois (Mr. Michel) is a very distinguished member, to review the funding requests and the cost factors. We should leave it up to the committee to recommend to us how to hold these things in line, and the Congress in turn can act on these recommendations. That is how we should handle it and not put strings on the authorization so we do not know where we stand.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. Mr. Chairman, I am not quite sure I understand the gentleman's argument in its entirety, and I would like to understand it.

What this amendment does, as I understand it, is it merely puts on a limitation of what is authorized with an escalator.

Now, how does that in fact hamstring the operation? Did I miss the gentleman's point somewhere?

Mr. WHITTEN. Mr. Chairman, determinations would have to be made on each and every one of these provisions. Someone would have to determine how the authorization ceilings are to be adjusted. I say that while the author of the amendment has interpreted it as he sees it, he would not be the court of last resort.

We include restrictions in here that might under present conditions stop certain projects.

Let us say the inflation rate exceeds what is presently estimated. This would have an effect on the engineering cost indices. Can the gentleman tell me offhand what effect this would have on the authorization ceilings he is proposing?

I have worked with this for a long time, but I could not tell the Members exactly how this restriction would work.

Mr. Chairman, I say we should let the committee study these matters. Let us defeat this amendment at this time and let the committee work on these matters as it sees fit. Certainly this amendment would hamstring the operations as I see it.

□ 1710

The CHAIRMAN. The time of the gentleman from Mississippi (Mr. WHITTEN) has expired.

(On request of Mr. CLAUSEN and by unanimous consent, Mr. WHITTEN was allowed to proceed for 3 additional minutes.)

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman of the Committee on Appropriations and relate why I believe the amendment itself is truly not necessary.

First, postauthorization changes in scope must already have further authorization. Second, as the projects evolve, each must be justified annually through the appropriations oversight and funding functions that are already in effect. A cost containment mechanism is already in place. And, third, the fiscal concerns on which the amendment is presumably based, in my view, are overstated, for this reason: Historically, as has been stated on the floor, only 50 percent of the authorizations are ultimately appropriated because of changes in local sentiment concerning the project, needs, the community development engineering considerations, oftentimes geological considerations, interest rates, legal requirements retroactively applied and the changing presidential policy.

Finally, we do have an effective oversight for water resource projects. First, any change in the scope of the project is considered a postauthorization change, and when this occurs the authorizing committees of the Congress must be contacted and offer an affirmative legislative action taken to approve the change.

So the gentleman's case I think is well taken, and I think we should reject the amendment.

Mr. WHITTEN. I want to thank the gentleman.

May I again say that Congress will have a chance to look into the costs of these projects again when the appropriation measure is considered.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I do not think any of us would disagree with what the gentleman from Illinois is trying to accomplish here, but it seems to me we would be circumventing the responsibility of the Appropriations Committee today.

The President has asked for full funding. This is the first step toward that. We are going to fund it right up to the limit. We are going to take the annual review that the Appropriations Committee now has on each of these projects. It really gives any administration the right to delay, to slow down, to stop. Then you would have to add the costs in. You might stop a project for 5 years. The administration could do that. And we would have absolutely no control over it if this amendment is adopted. It would add to the cost. The escalator is right on there. We would have no control about how rapidly a project is built or any control whatsoever. I would like to say that I support the gentleman, but it would not accomplish anything, and I think it would defeat the appropriations process.

Mr. WHITTEN. I agree with my colleague, the gentleman from Indiana. There is no question about the good intention of the gentleman offering the amendment, there is no question about the problem; but this language would just aggravate the situation.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman of the Committee on Appropriations.

The gentleman from Illinois almost has an excellent amendment. The philosophy is excellent, but the wording is such that it simply does not jibe with what is going to happen. I had asked him and hoped he would withdraw it and work with our people to see if we could come up with something that would be acceptable. But in the meantime, I have no choice but to ask my colleagues to vote down the amendment.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to share with my colleagues the result of the last victory of the gentleman from Illinois (Mr. MICHEL). The gentleman often refers to the day in August when he defeated a proposal by the Ways and Means Committee to enact an entitlement program for child welfare services. He has frequently cited this action as a great victory for financial responsibility.

The Committee on Ways and Means has jurisdiction over a number of public assistance and social service programs in which the State and Federal Governments share financial responsibility—including the title XX social services program and the title IV–B child welfare services program. The title IV–B child welfare services program offers protective and preventive services for homeless, neglected, and abused children. This program, like other social service programs, requires careful planning by the States. A State must have some certainty regarding the level of funding far in advance of the actual expenditure in order to plan for the most efficient and effective use of money. For that reason, the Committee on Ways and Means approved an entitlement program for child welfare services.

Title IV–B would have become a closed-end entitlement like other social service programs such as title XX.

There was no danger that this provision would have violated the budget. The Budget Committee had already approved the program at the proposed entitlement ceiling of $266 million.

However, the gentleman from Illinois (Mr. MICHEL) succeeded by five votes in killing that program. He said we ought to go through the appropriations process. And where has that left us for this year?

We are 4 months into the fiscal year, and the Appropriations Committee has not yet concluded its work. As a result, the States do not know whether there will be an improved program and, if so, at what level it will be funded. Unless we have closed-end entitlement programs for social services, we will never have the necessary protective services for these neglected children. I regret that the Appropriations Committee decided to handle it this way. But I wished to refresh your memory regarding this action.

After the Committee on Ways and Means had brought the bill to the floor, had the approval of the Budget Committee, the gentleman from Illinois (Mr. MICHEL) succeeded in killing it. It is dead for this year, it will be dead for next year if we do not have the entitlement, because the Appropriations Committee does not have the capacity to legislate in this field in a timely manner.

### AMENDMENT OFFERED BY MR. HARSHA TO THE AMENDMENT OFFERED BY MR. MICHEL

Mr. HARSHA. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HARSHA to the amendment offered by Mr. MICHEL: After the word adjusted in line 5 of the amendment add the following language: "by resolution by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate."

Mr. HARSHA. Mr. Chairman, I have severe reservations about the amendment offered by the gentleman from Illinois, but I recognize its political appeal, and certainly I want to move in the direction that he is trying to move in. But because of my reservations of what this amendment might do, I offer my amendment; and I will explain that in a minute.

But getting back to the amendment offered by the gentleman from Illinois, the reason I have severe reservations is the fact that oftentimes there are post-authorization cost adjustments that affect a project. Even after advanced engineering and design are completed, there are additional changes that have to be made that could reflect a small cost increment as well as a rather large increase in the cost of some of these projects. In that event, if the gentleman's amendment were adopted, then that project would go no further and it would have to come back to the committee for further study, further reauthorization, and then be approved by the full Congress.

If the project were under construction the Federal Government would be liable for all shutdown costs incurred by a contractor. Also, the requirement of congressional affirmation of any change would create an inordinate delay of the project and defeat the purpose of the gentleman from Illinois because it would add tremendous costs to that project because of escalations due to inflation. If we could control who is going to write these authorization ceilings or who is going to make the adjustment, rather than give that authority to downtown, then I could find some reason, possibly, to support the gentleman's amendment. But the way it stands now, this just gives the administration downtown another leverage, another tool, if you will, with which to further delay progress, and they can use this amendment to implement their purpose in trying to defeat a number of projects they do not want implemented but the Congress has authorized.

It says, on line 5 of the amendment offered by the gentleman from Illinois:

> *Provided*, That such authorization ceilings may be adjusted—

My amendment simply adds in there—

> by resolution by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

This bill gives the Congress the control over making any adjustments in these programs, and it will not inordinately delay the construction and the completion of the project.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. I thank the gentleman for yielding.

Mr. Chairman, I am somewhat in doubt as to what this means, because it seems to me, when I read the Michel amendment as amended by the Harsha amendment, it would indicate that in the event there is inflation in any project, instead of being an automatic increase in the amount which would be authorized, they would have to come back to the House Committee on Public Works and Transportation and to the Senate and in fact get a reauthorization by those two committees.

It that the intent of the amendment?

Mr. HARSHA. If we acceded there was a cost overrun or an increase in the authorization of the project that required any further action by the Michel amendment, it would simply mean that the people downtown would not control that but the House of Representatives and the Senate by resolution could come back and get into the issue and by simple resolution before each committee make those adjustments to reflect the changes that are needed to be changed in the cost of the project.

☐ 1720

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. I would be in total accordance with what the gentleman says, but I am just wondering if this language does not destroy—No. 1, as I understood, the gentleman from Illinois (Mr. MICHEL) said if the engineering cost index increased, let us say, 10 percent in a year, then the authorization level would increase 10 percent. Second, if there were no material changes in the project, the corps could go ahead and do it.

If there were material changes which took it outside the scope, or the cost overruns went beyond the inflation index, obviously they would have to come back to us in the House.

That is what I thought the gentleman from Illinois (Mr. MICHEL) was getting to, and if this is just a clarification of that, then there is no substantial difference except it goes only to two committees.

Mr. HARSHA. What I am trying to do is make abundantly sure that that is what it is; it is not the agencies downtown or the administration that makes that improvement or change, but it is the committee that does it.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. HARSHA) has expired.

(At the request of Mr. ERTEL and by unanimous consent, Mr. HARSHA was allowed to proceed for 2 additional minutes.)

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. Is my interpretation then correct of what the gentleman is attempting to do with this amendment?

Mr. HARSHA. Absolutely correct.

Mr. ERTEL. I thank the gentleman.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Obviously, what the gentleman has done with his amendment, however, is to provide for an additional step. What I thought I was doing initially was a very efficient way of doing it by this mechanism for an automatic increase. I do not know that there will be any decreases. I would like to think there would be. But I will have to tell the gentleman that the very fact that it would come back to the Members who know the subject well, I cannot oppose that kind of an amendment.

My concern is that it is some unelected bureaucracy making a decision that ought to be made by this Congress and by individual Members of either body, so I have no reservation with the gentleman's amendment here, because I think frankly it gives us an opportunity then to express ourselves through the gentleman again on the subject.

Mr. HARSHA. I thank the gentleman for his remarks. That is precisely why I added the suggested language is because I have the same concern with the bureaucracy downtown that will make a judgment that they do not want a project, so they will put another stumbling block in.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding.

That is exactly what we do now through the appropriations process. We only appropriate each year what we think they can spend, not always that much. Then we get an annual look at it. They have to come and justify the expenditures even though it may be a 10-year project. They have to come each year for the segmented part.

Now it seems to me like what the gentleman's amendment would do would turn it over to the administration to ask for full funding and then have the authority of this amendment to get full funding. We would not get that annual review. The Appropriations Committee now does what the gentleman's amendment would give back to the authorizing committee, as I understand it.

Mr. HARSHA. Well, no, it would be just another authorization ceiling. They would still have to come before the gentleman's committee for annual appropriations.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. HARSHA) has expired.

(At the request of Mr. MICHEL and by unanimous consent Mr. HARSHA was allowed to proceed for 2 additional minutes.)

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Illinois.

Mr. MICHEL. I understand what the

gentleman is saying here. I do not mean to transgress upon the prerogatives of the appropriations subcommittee, which likewise does a good job, too, and has its annual review. But there is this overall two-step procedure with which this entire body is concerned.

It seems to me that some of us feel we get left out of that procedure every once in a while unless we get an opportunity to express ourselves at the authorizing level clearly and responsibly as well as through our Appropriations Committee.

I can speak as a member of that committee, but there are nearly 380 other Members of this body who do not serve on that committee like we do and do not have that opportunity as we do in the committee.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Those bills come back to this floor for annual review. We have many, many amendments trying to reduce, knocking out in some instances, so there is an annual review by the full Congress.

I also do not see the entitlement in this authorization bill that the gentleman speaks of. I fail to see that.

Mr. HARSHA. Let me say this. There is no entitlement in this bill, and we are not usurping the authority of the appropriations subcommittee on this matter at all.

The gentleman's amendment provides that what we have got in the bill will be a ceiling on the cost, and I do not want some bureaucracy downtown then blocking the project because of that ceiling, and there are examples—we may pass a law dealing with the environment in the next year or two that would change a cost ceiling on some of the projects in this bill. It would necessitate a construction change because of that new environmental law, but under the Michel amendment one cannot go ahead and build that project because a subsequent law we passed changed the manner of treating a project.

So what I am trying to do is just to make sure that the committee makes the authorization changes and not a bureaucrat downtown or some agency downtown that could stop a project by failing to make the changes that are required under this.

Mr. MYERS of Indiana. I do not disagree that the gentleman's amendment is needed if this is going to pass.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. HARSHA) has again expired.

(At the request of Mr. LIVINGSTON and by unanimous consent, Mr. HARSHA was allowed to proceed for 3 additional minutes.)

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman for yielding.

I am in total sympathy with what the gentleman is trying to accomplish, but the gentleman from Ohio and the gentleman from Illinois. However, I think that the amendment, as amended, may provide for more inflexibility than either of these gentlemen wish to accomplish. We are willing to have another authorization stage injected into the present process, which means every time that we have an index of inflation interjected into the cost overrun or perhaps a modification on the basis of improved technology, we are going to have to go back to the authorizing committee to get approval. I think that is not exactly what either of the gentlemen intended.

Mr. HARSHA. Let me respond to the gentleman in this way, if I understand him properly. The amendment of the gentleman from Illinois, in my judgment, or at least I am fearful that it might react this way, means that if these events occur, then a bureaucracy downtown will make the judgment to hold up the project. That is what I am trying to avoid.

Now, yes, in so many words, it will mean another step to take my language in here, but it will mean that we, the Congress, make that judgment, and not a bureaucracy downtown.

It will not mean that we have to come before the full Congress for authorization again, just the two committees. So it is simpler in that regard.

As I say, I have severe reservations about the gentleman's amendment initially. I am just trying to make it more palatable.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my colleagues, the gentleman almost has something we have been working on for months, but it does not quite jive; as the Appropriations Committee said, we are adding another step in.

I respectfully ask him if he would not withdraw it and let us try to work on it over the night. Under the circumstances, I ask my colleagues to vote down the amendment.

● Mr. ALBOSTA. Mr. Chairman, I rise in support of the Water Resources Development Act of 1979. As a Member of the Subcommittee on Water Resources and the full Public Works and Transportation Committee, I am pleased that I was able to participate in the formation of this important legislation.

H.R. 4788 authorizes and modifies many needed water development and flood protection projects around the country. These projects provide positive benefits for the communities in which they are located. These benefits outweigh the terrible costs of floods and droughts that otherwise would plague these areas.

If we are to develop this country's hydroelectric power and lessen our dependence on foreign oil and if we are to continue our abundant agricultural production, then we must pass this legislation and get on with the business of strengthening America.

I urge my colleagues to carefully consider this legislation and not vote to further delay needed water projects that have been mired in bureaucratic delay that has given us the present condition we are in. Congress needs to pass the Water Resources Development Act intact so that these vitally needed projects can move forward quickly for the benefit of this country and its citizens.●

● Mr. FINDLEY. Mr. Chairman, the bill before us today deserves favorable consideration by this body. The water resource projects it contains will benefit Americans in many areas of the country. These projects represent improvements that people can look to for years to come, improvements that clearly will better the quality of American life.

In particular, this bill authorizes two important projects in my district which I know from firsthand investigation are urgently needed.

One is a study of the siltation problems at Quincy Bay and in the area of Broad and Triangle Lakes on the Mississippi River adjacent to Quincy, Ill. This project would promote navigation, environmental quality, water quality, recreation, fish, and wildlife. A program of dredging is needed to save this splendid recreational area from eventual total destruction. It ought to be undertaken right away.

The Quincy Bay, Broad and Triangle Lakes, and Willow Slough areas in the Mississippi River have provided unparallelled recreational opportunities for people in west central Illinois for over a hundred years. Unfortunately, these areas have been damaged gradually over the years by siltation, filling in slowly at first but more rapidly in recent years. Waters previously used for water sport are so shallow that they cannot be traversed even by shallow-draft watercraft.

Gravel and rock washed down from hilly regions above and silt from the river forms mudbars. Three to four million cubic yards of material have already been deposited. The lower Broad Lake area that was dredged some years ago for fill for a new railroad bridge was originally 25 to 35 feet deep. It is now less than 15 feet deep in most parts.

The dredging of the Quincy Bay area coupled with other conservation and hydraulic engineering changes, should preserve Quincy Bay and the surrounding area for the recreational use of generations to come.

Also, today's bill will direct Army Corps of Engineers to undertake a public works project to stabilize the riverbank on the Illinois River at Hardin, Ill. The riverbank there is simply slipping into the river. If it is not corrected soon, several houses and business properties in Hardin will be destroyed.

The waterfront can be stabilized most practically through a rip-rapping program. But such an undertaking is beyond the financial means of Hardin and no assistance is available from the State of Illinois. The people of Hardin have exhausted every local means to solve their waterfront problem.

I hope the Congress will act favorably upon this bill and authorize the Corps of Engineers to begin studies of these two vital projects.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HARSHA) to the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. EDGAR. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

Mr. ROBERTS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

### POINT OF ORDER

Mr. EDGAR. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. EDGAR. Mr. Chairman, does that make in order at the opening of tomorrow morning's session the vote, lacking a quorum at this time?

The CHAIRMAN. The Chair will put the question for a recorded vote when the Committee of the Whole reconvenes.

Mr. EDGAR. I thank the Chair.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4788), authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, had come to no resolution thereon.

---

☐ 1730

## GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend thir remarks on the bill, H.R. 4788, under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

---

## EUROPEAN PARLIAMENT PASSES RESOLUTION CONDEMNING SOVIET INTERVENTION IN AFGHANISTAN

Mr. BRADEMAS. Mr. Speaker, several of our colleagues in the House of Representatives and Senate have this past weekend had the pleasure of meeting with several members of the European Parliament for an informal discussion of relations between our Congress and that parliament.

Our meeting, Mr. Speaker, was inspired by the direct election last summer of members of the European Parliament, an historic event for democracy and free political institutions.

During our discussions, Mr. Speaker, Members of Congress were gratified to see the text of a resolution adopted by the European Parliament on January 16, 1980, condemning the invasion by the Soviet Union of Afghanistan.

Mr. Speaker, following these remarks, I shall insert the text of the resolution in the CONGRESSIONAL RECORD.

Meanwhile, Mr. Speaker, I am sure that all members of the House will join me in extending a warm welcome to our colleagues from the European Parliament. I should add that several more members of the European Parliament, including its distinguished president, Madame Simone Weil, will be meeting in Washington this week with members of the House Foreign Affairs Committee, where they will be hosted by our distinguished colleagues, Chairman ZABLOCKI of Wisconsin, and Congressman PEASE of Ohio, who has chaired a group on the Foreign Affairs Committee which has held meetings with members of the European Parliament, and with members of the Senate Foreign Relations Committee.

Participating in our discussions last weekend, Mr. Speaker, were the following persons:

### MEMBERS OF EUROPEAN PARLIAMENT AND TITLE

Martin Bangemann, Liberal, Federal Republic of Germany.

Eric Blumenfeld, Christian Democrat, Federal Republic of Germany.

Ernest Glinne, Socialist, Belgium.

Eva Gredal, Socialist, Denmark.

Egon Klepsch, Christian Democrat, Federal Republic of Germany.

James Scott-Hopkins, Conservative, United Kingdom.

Mario Zagari, Socialist, Italy.

### MEMBERS OF U.S. CONGRESS AND TITLE

Max Baucus, U.S. Senate, Democrat, Montana.

John Brademas, U.S. House, Democrat, Indiana.

Barber B. Conable, Jr., U.S. House, Republican, New York.

David Durenberger, U.S. Senate, Republican Minnesota.

Thomas S. Foley, U.S. House, Democrat, Washington.

Sam Gibbons, U.S. House, Democrat, Florida.

Donald J. Pease, U.S. House, Democrat, Ohio.

Also participating in our discussions were the following persons: J. Robert Schaetzel, former U.S. Ambassador to the European Community; Alton Frye, Council on Foreign Relations; and Clifford Hackett; Office of Senator Paul Sarbanes.

I should also like to take this opportunity, Mr. Speaker, to express appreciation to the McKnight Foundation of Minneapolis, Minn. for having provided financial assistance for the meeting of last weekend.

### RESOLUTION ON EUROPEAN PARLIAMENT ON AFGHANISTAN

Mr. Speaker, at this point in the RECORD, I insert the text of the resolution adopted on January 1, 1980, by the European Parliament concerning the Soviet invasion of Afghanistan:

The European Parliament outraged by the Soviet invasion of Afghanistan, and profoundly concerned about the threat to international peace.

1. Condemns the armed intervention in Afghanistan which is contrary to the provisions of the UN Charter;

2. Calls for the immediate and unconditional withdrawal of all Soviet troops from Afghanistan in order to enable its people to determine their own form of government;

3. Emphasises the responsibility of the USSR for the grave consequences of its action on the policy of détente and affirms that the principles of détente are neither divisible nor limited to certain geographical regions and confirms the urgent need to ensure that they are applied everywhere;

4. Reaffirms its desire for détente and deplores the brutal intervention of the USSR which diminishes its future development;

5. Requests the Commission to review immediately all economic, commercial credit and financial relations between the USSR and the European Community, specifically in the field of high technology, agricultural products, and antidumping practices and to report to the Council of Ministers;

6. Calls upon the Council and the Minister of Foreign Affairs of the Nine acting in political cooperation to take effective measures in the light of the Commission's report in support of efforts to end the Soviet occupation of Afghanistan;

7. Welcomes the decision provisionally to suspend food aid for Afghanistan, and calls on the Commission to give full support to the programme of the UN High Commissioner for Refugees to supply food and medical aid to the Afghan refugees who have fled into neighboring states;

8. Urges member governments to act in cooperation with all governments who condemn this flagrant act of aggression against an independent sovereign state;

9. Calls upon the International Olympic Committee as well as national committees of member states and the federations of the national athletic associations taking part in the Olympic Games with the representatives of participating athletes to reconsider whether the summer games should take place in Moscow if the occupation of Afghanistan continues;

10. Instructs its President to forward this resolution to the UN Secretary-General, to the parliaments and governments of the Member States of the Community and to the Commission and Council with a request for the latter to report to the European Parliament.

---

## WASTED ENERGY, TIME, AND MONEY IN PACIFIC NORTHWEST

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, I rise today with an unsavory task. I rise to inform my colleagues of political machinations and maneuvering—born of misunderstandings and petty fears—that will cost the people of the Pacific Northwest dearly in wasted energy, wasted time and wasted money. And, in so doing, I have to wonder whether the Northwest's highest ranking Federal energy official, the Administrator of the Bonneville Power Administration, is serious about energy conservation.

The Northwest has serious energy problems. During this session of Congress, it is my hope that legislation that is acceptable to all parties in the region can be signed into law. But my colleagues from the Northwest and I have held that hope for 5 full years. Comprehensive legislation—dealing with issues so precedential and controversial as the preference clause, an expanded Federal role in the region, the form of public participation, power rates, and antitrust exemptions—has taken, and may yet take, a long time to pass and enact. And each day we wait, the Northwest, characterized by high electricity consumption and inefficient energy use, in wasting power and money.

For this reason, I amended last year the 1980 Department of Energy authorization bill to allow the BPA to move ahead aggressively on conservation and renewable energy programs while the Congress continued its work on comprehensive legislation. The Interior Committee unanimously accepted this amendment and it was uncontested on the floor of the House.

Ten of my colleagues from the Northwest joined me in urging Senators Jackson and Hatfield to add a similar provision to the Senate version of DOE's budget. The Public Power Council, representing the 115 public utilities of the Northwest endorsed this amendment and urged Senate approval. Similar endorsements have come from other BPA customers.

At the same time, the BPA Administrator, Mr. Sterling Munro, has crisscrossed the Pacific Northwest threatening brownouts unless the populace conserves. He is quoted in the press as warning that if the Pacific Northwest does not act fast on conservation, there may be no choice left but curtailment of electricity. Mr. Munro's analysis is incisive; his actions are, unfortunately, nonexistent. Mr. Munro continues to impede Senate passage of the BPA conservation measure overwhelmingly approved by the House. His motives I, of course, cannot be sure of. But I am continually told stories of BPA's blackmail of the public utilities in the region—the very public utilities BPA was created to serve. Whether it concerns independent resource acquisition or conservation activities by the utilities, the administrative allocation BPA was 2 years late in preparing, legislative drafting and lobbying, or, now, the possibility of an immediate, massive conservation program, BPA has played politics with the welfare of the people and utilities of the Northwest.

A comprehensive answer to the region's energy problems would be ideal and we may have it in the not-too-distant future. But even if that bill were to be passed and enacted tomorrow, the region could not embark—due to the complex planning procedures—on meaningful conservation efforts for years. The House-passed amendment would allow them to do so immediately. The utilities in the region support it; the people of the region support it; the congressional delegation of the region supports it; the full House of Representatives passed it.

But one bureaucrat, because he foolishly thinks its passage will undercut a 5-year legislative effort, opposes it and has held sway over the Senate. Why, I have to wonder, would he want to deprive the Northwest of this valuable tool in their fight against energy inefficiency?

---

### THE COMMUNICATIONS GAP IN THE MIDDLE EAST

(Mr. MOFFETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOFFETT. Mr. Speaker, it was 15 years ago when I was last in Lebanon, as a junior in college. This time, I went as the head of a House delegation, the first congressional factfinding mission to focus on Lebanon's problems.

Fifteen years ago, it was a happy and inspiring trip. This time it was not.

After a 14-hour flight from Washington, our plane made its final approach to the Beirut airport. From the air, the city still looked like the "Pearl of the Mediterranean," the country still the "Switzerland of the Middle East." But all that has changed.

The airport scene was like arriving in an armed camp. Shortly after our heavily guarded motorcade passed through a checkpoint manned by a young Syrian soldier, he was dead, the victim of a sniper.

We had been in Lebanon less than an hour, but the reality was clear: Lebanon is a long way from peace.

There is a perception, not uncommon here, that the United States stood by—watching—during Lebanon's most recent devastation.

Iran, Afghanistan, the OPEC oil cartel, Islamic fanaticism: These show we need all the pro-U.S. friends we can find in the Mideast.

Lebanon has been one of our dearest. A country the size of Connecticut, with roughly the same population, Lebanon has not been without tensions before. The nation's constitution mandates Christian rule. But they have been ruling by a fiction—numerically, they are no longer a majority. It caused deep resentments in Lebanon's Moslem circles long before the current strife.

Then a half-million Palestinians, expelled by Jordan's King Hussein, landed on Lebanon's doorstep. And the country's suffering began, the consequence of its own openness, its generosity, and its free society.

In 1975, the battles erupted, Palestinians against Christians. Then Syria sent in its "peacekeeping force," fighting first with the Palestinians and later with the Christians.

So far, it has cost more than 70,000 lives. Some of them, I found, were my relatives.

Large sectors of Beirut were destroyed. The Palestinians launched raids from Lebanon against Israel. Israel retaliated, destroying many villages in southern Lebanon.

Weapons have poured into Lebanon—a virtual arms bazaar, supplied by various quarters in many countries. It is not uncommon to see 12-year-olds with rifles. There are checkpoints, controlled by various factions, everywhere.

Lebanon's central government leaders pleaded with us for United States help. We are sending virtually no economic aid for reconstruction, and we are sending only token military aid to rebuild the central government's Lebanese Army. It must be increased dramatically. The Government forces are clearly outgunned and inferior to both the Christian militia and the Palestinians.

In the south, the U.N. peacekeeping force is hindered by its narrow mandate, unable to halt Palestinian infiltration into the area and to control a renegade Lebanese Army colonel; Colonel Haddad split from the army of the central government to defend an area he calls "Free Lebanon," along the Israeli border.

In Damascus, Syria, the five of us spoke with President Hafez el-Assad. He told us he is reluctant to withdraw his more than 30,000 troops from Lebanese soil while the rebel Colonel Haddad is being heavily armed and financed by Israel. In Israel, Defense Minister Ezer Weizman told us his country would not allow Haddad to be "sold down the river" as long as Syria keeps troops in Lebanon.

The Syrian presence, unlike the PLO's or Haddad's, is part of an official "Arab Deterrent Force," voted by the Arab League and supported, at least in public, by Lebanese President Elias Sarkis.

But the Lebanese people themselves appear bitter toward the Syrians. That resentment, in fact, goes beyond just the Syrians. Not only the Christians, but Lebanese Moslems too seem genuinely interested in a unified Lebanon, free from all outside armed forces.

That requires at least two developments: the gradual withdrawl of Syrian forces, and some solution to the Palestinian problem. We strongly urged Syria's President Assad to begin such a withdrawal, and we urged the Israelis to take the broadest possible view of the Camp David accords, to help solve the Palestinian problem.

But what is probably our most lasting impression of our 10-day trip to the three countries is the lack of communication, the isolation of one country from another—not just geographically, but leader-to-leader.

The Syrians do not appear to realize the bitterness against them in Lebanon; the Israeli leaders and citizens show incredible curiosity about PLO leader Yasser Arafat. There is a wide gulf between Palestinians and Israelis on the occupied West Bank. Assad asked about our meetings with Christian leaders in Lebanon, while Arafat seemed curious to know what Egyptian President Anwar Sadat will attempt to do for Palestinians through the Camp David peace process.

Obviously, there is a great need for some basic groundwork too. Arafat and his PLO must renounce violence and recognize Israel's right to exist, with guaranteed and secure borders. And there must begin a "national dialog" within Lebanon itself, unhampered by outside elements. Palestinians must stop their opposition to the Camp David process—privately, some of the Palestinian mayors and professionals with whom we met on the West Bank hinted that they would like to join the process, but feel too isolated.

The meeting with Israeli Minister Weizman was among the most interesting and informative. Told of the pledge Arafat made to us to stop his raids against Israel from Lebanon, Weizman said he would respond by calling a halt to the bombing of Lebanon. Weizman is a witty, intelligent, and well-informed man. He asked us about Arafat, about Assad, about what Damascus and Beirut are like. It appeared to me that he honestly would want to meet leaders like Sarkis and Assad. But he cannot.

Few of these people talk to each other, and until they do, no real progress will be made. In the meantime, Lebanon will pay the heaviest price.

## PRESIDENT'S BUDGET FOR FISCAL YEAR 1981

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, later today we have received the President's budget for fiscal 1981.

Later in the week, I will speak to the House in more detail on the budget. Today, I will highlight some of the major issues.

Budget outlays in fiscal 1981 are estimated at $616 billion, and receipts are estimated at $600 billion, with a deficit of $16 billion. The deficit in the current fiscal year is estimated at $40 billion, up $11 billion from the estimate of $29 billion in last year's budget.

The President has defaulted on his campaign promise to balance the budget during his first term. And these deficits were held to these levels only by numerous unrealistic proposals and assumptions.

The rate of increase in the Consumer Price Index is assumed to drop from 11.8 percent in 1980 to 9.2 percent in 1981.

The interest rate on 91-day Treasury bills is assumed to drop from 10.5 percent in 1980 to 9 percent in 1981.

Immediate improvements in the readiness and mobility of our military forces, which are needed to support the President's own policy objectives in the Middle East, are not budgeted.

Increased defense fuel costs in the current fiscal year, which are reported to approximate $1.7 billion, are not budgeted.

Savings in Federal pay of $2.7 billion are assumed on the basis of legislation which was introduced in June of last year, and has not been considered by the House.

Health education and training outlays are cut $93 million. Congress will restore many of these cuts.

Health savings of $780 million are based on hospital cost containment legislation which was introduced in April 1977.

Higher education outlays have been cut $270 million. Congress will restore many of these cuts.

Rail transportation outlays are cut by $565 million, and much of this reduction assumes the passage of legislation proposed to substantially deregulate our railroads.

Outlays for exploration of the national petroleum reserve in Alaska, a program supported by Congress in the past, have been cut by $107 million.

Savings of $432 million in food and nutrition programs are based to a large extent on proposed legislation.

Outlays for research and development in breeder reactor systems, programs consistently supported by Congress, have been cut by $300 million.

Mr. Speaker, it is not my intention to prejudge the merit of these proposals.

I may support some of them.

But we should recognize that the totals in this budget are not based on the real world, but rather on the world as the administration hopes it will be.

## KING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, toward the end of May of last year the most dastardly crime of the century was committed in San Antonio, but in that portion of the city that is actually out of my district, and is in the more affluent section of the city. In fact, it is in a suburban area that is characterized by its quietness and its affluence and its lack of crime. But there, not too far away from the scene of the murder of Federal District Judge John Wood in November, that is November 21, 1978, just 6 months before the murder of Judge Wood, an attempt was made to kill the assistant Federal district attorney, James W. Kerr.

There is no question that one followed the other and that they are connected. There is no question that both of these crimes are unprecedented in the annals of American Federal jurisprudence. There is no question that the asssassination of Judge Wood is unprecedented.

We have had one murder of a Federal judge more than 100 years ago, but not under the circumstances where the objective and the aim and the accomplishment of the crime was the intimidation of the judiciary. Not once have we had a direct challenge to our society and the tripartite system of government where we have the balance of power between the executive, the legislative, the judiciary, where we have coequal and independent branches of Government, the great American venture, unique to this country in the world, and where this crime, to me, symbolizes the first halfway successful attempt to intimidate, victimize, and otherwise coerce one branch of the Government, the judiciary.

There is equally no doubt that the crime was well planned, well organized, both crimes, and obviously the work of a highly sophisticated criminal element or syndicate or organization, or whatever you want to call it, that is ravaging our country. It is symbolic, as we have been speaking out now for exactly 10 years, pointing to the heart of the malaise in our country. President Carter talked about about the malaise of the American people last year, but the crisis in Iran, inflation, the other beastly problems confronting this Nation actually recede into the background and pale to insignificance when we consider the threat to the very existence of our institutional life, that is the democratic participatory, representative, constitutional government by king crime, which is what we have. We have crime rampant, murder perpetrated on an organized scale, undetected, unsolved, unpunished, and now a direct challenge to the constituted authorities of this country, not only the judiciary themselves, but those enforcing branches or agencies of our criminal jurisprudence system on the Federal level.

Now, not a lead has been discovered of any substantial nature, so that I have introduced a resolution after speaking out almost on an average of once a week since May 30. This resolution would provide the sense of the House directing the President of the United States to make available to the Justice Department, the Attorney General, up to $3 million as a reward leading to information and conviction and punishment of the perpetrators of the most dastardly crime of the century, the assassination of Judge Wood and the attempted murder of Assistant Federal District Attorney James Kerr.

After I had indicated my intention locally, it came to light that recently the enforcement officials—I infer the FBI—let it be known that an informer had indicated that he had information about the crime; that is, the murder of Judge Wood, but that it would take more than the available $125,000 apparently. After I visited with Stuart Eizenstat, the head of the Domestic Policy for the President, and then in turn with the Attorney General, and then in turn communicated to the directors of the FBI, finally we were able to at least get more than the ordinary amount of money that is involved in these transactions as a matter of course.

☐ 1740

So that, what figure I have in this resolution, unprecedented as it is, I believe to be realistic. I am convinced this will be the only way this case is going to be ultimately broken. I mean that in the full sense, not the arrest and possibly the conviction of some hit man or accessory, but those behind the crime, those sinister influences that have dragged into their maw officials, public and private, in two nations—the United States and Mexico.

That is because the type of crime that this is symbolized by in the murder of Judge Wood is not possible in any society unless there is a joinder between the criminal element of the most organized and sophisticated kind, and the political and the business element of the country.

Mr. Speaker, I include the resolution at this point:

H RES. 540

Expressing the sense of the House of Representatives that up to $3,000,000 should be offered by the Attorney General as a reward to solve the murder of Federal District Judge John Wood and the attempted murder of Assistant U.S. Attorney James Kerr

Whereas the unprecedented murder of Federal District Judge John Wood and the attempted murder of Assistant U.S. Attorney James Kerr is an assault on the Judicial Branch of our government, and, Whereas these are crimes against the very fabric of our society and cannot be tolerated, and,

Whereas progress in solving these heinous crimes have been slow and the perpetrators of these crimes have yet to be captured: Now, therefore, be it

*Resolved,* That the House of Representatives strongly urges President Carter to order the Attorney General to offer up to $3 million as a reward for information leading to the arrest and conviction of the murder or murderers of Judge John Wood, and those involved in the attack on Assistant U.S. Attorney James Kerr.

## DEFENSE DEPARTMENT SHARE OF 1981 FEDERAL BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 60 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the fiscal year 1981 Federal budget was presented to the Congress today. In the days ahead, much will be said about it. I would like to speak for a moment on the Defense Department's share of the new budget.

### FINANCIAL OVERVIEW

The Department of Defense budget request for fiscal year 1981 totals $158.7 billion in obligational authority. If approved in full and if upcoming supplementals for fiscal years 1980 and 1981 were also approved, the new request would exceed last year's appropriations of $139.3 billion by $19.4 billion, or about 14 percent in current dollars.

According to Defense Department estimates, the bulk of the proposed increase would be gobbled up by inflation, yielding real growth in constant dollars of 5.4 percent. Thus, of the proposed increase, $11.3 billion would be absorbed by inflation and the remainder—$8.1 billion—would constitute real program growth.

Defense expenditures, by comparison, are expected to rise by $15.3 billion, or 12 percent from an estimated $127.4 billion in the current year to $142.7 billion in the coming fiscal year. Once again, if allowances are made for inflation, the Department estimates expenditures would increase by only $4.6 billion, or 3.3 percent.

At the projected fiscal year 1981 level, defense expenditures would represent 23.2 percent of total Federal expenditures and 5.2 percent of the gross national product—roughly the same as last year.

### DEFENSE APPROPRIATION BILL

The Defense Appropriations Subcommittee will be reviewing the largest, single portion of the proposed fiscal year 1981 budget—the $151.4 billion requested in the new defense appropriation bill. In addition, the subcommittee will be considering a proposed $4.2 billion fiscal year 1980 supplemental to cover pay and cost increases.

The Department is also planning to propose budget amendments to cover continuing increases in fuel prices. The magnitude of this problem is overwhelming.

Preliminary estimates indicate that the Department will need as much as $3.5 billion in fiscal year 1980 and $4.5 billion in fiscal year 1981 over-and-above currently approved programs just to cover projected fuel price increases.

Either we must provide the funding required or curtail training and readiness. It is as simple as that.

The new request for $151.4 billion, to be considered by the Defense Subcommittee, exceeds the amount provided in last year's bill by $20.5 billion or 15 percent. That is a very substantial increase indeed.

Within the defense bill, the requested funds are distributed among the major accounts as follows:

First, military personnel—$32 billion—up $3.2 billion. Includes fullfunding for manning naval reserves at current level of 87,000 personnel.

Second, retired pay—$13.7 billion—up $2.2 billion.

Third, operation and maintenance—$48.6 billion—up $6.9 billion.

Fourth, procurement—$40.5 billion—up $4.8 billion.

Fifth, research and development—$16.5 billion—up $3 billion.

Although increases are proposed across-the-board in every account, the vast builk—70 percent of the overall increase of $20.5 billion is concentrated in three accounts—operation and maintenance, procurement, and R. & D. This reflects the policy of trying to increase readiness and carry out force modernization.

Requests for major acquisition programs are noted below: 24 F–14's—$800 million; 48 F/A–18's—$1.8 billion; 60 A–10's—$500 million; 30 F–15's—$900 million; 180 F–16's—$1.9 billion; Patriot missiles—183 units—$550 million; Roland missiles—600 units—$425 million; Trident I missiles—72—$900 million; air launched cruise missiles—480—$750 million; shipbuilding programs—17 ships—$6.1 billion; fighting vehicles—400—$550 million; XM–1 tanks—569—$1.2 billion; space shuttle—$500 million; and MX missiles—$1.6 billion—R. & D. only.

### MOOD IN CONGRESS

The mood in Congress on defense is changing.

In fiscal year 1970, the Congress made a 7.2 percent reduction in the defense bill—the largest, single cut in this decade. The heaviest concentration of cuts in the 1970's came in fiscal years 1973–76, averaging 6–7 percent. Since then, the trend in budget reductions has been gradually and steadily downward. In fiscal year 1977, Congress trimmed 3.5 percent from the bill; in 1979—2.2 percent; and in 1980 about 1 percent—the smallest cut in a decade.

Congress has been cutting less and less from the defense bill each year since 1976.

At the end of the Vietnam war, the prevailing view held that the DOD budget was bloated and that major reductions were in order. But that view has gradually given way to a new interpretation—a view that postulates the existence of serious deficiencies within our Defense Establishment in several specific areas.

### SHIFTS IN NATIONAL MILITARY STRATEGY

Not only has the mood in Congress on defense been undergoing change in the past few years, but the fiscal year 1981 defense budget seems to signal a small but significant shift in national military strategy.

The seizure of American hostages in Iran coupled with the Soviet invasion of Afghanistan are posing a very serious threat to world peace and has led to the deployment of U.S. naval forces into the Indian Ocean and Persian Gulf.

This situation has once again reinforced a fact of life in American history—there is only one way to apply military force for political purposes without relying on the territory of another country and that is through the use of naval forces—and most particularly carrier battle groups. We have also learned that our naval forces have a very limited capability to undertake effective action in this immense region.

Our inability to act decisively in these crises is prompting a reassessment of our need for military capabilities outside NATO.

A new policy seems to be evolving in the Pentagon and White House. We are beginning to rethink fundamental military priorities. It is only a beginning, but I think this modest first step will in time take us down the right road.

Past budgets have placed increasing emphasis on building up the combat capabilities of our conventional and nuclear air and ground forces for the defense of NATO, while placing less emphasis on all naval forces and missions. This policy raised some basic questions as to the value of the carrier battle groups and power projection through the use of carrier-based aircraft and Marine Corps amphibious operations. While this debate has raged unresolved both in the Pentagon and Congress, Navy and Marine Corps modernization has suffered.

The new policy I see evolving could mean less emphasis in future budgets on planning for an all-out NATO/Warsaw Pact confrontation and more emphasis on the need to have a capability to rapidly deploy forces for possible intervention in other geographical areas. This will mean spending more money on strategic mobility, that is, airlift and sealift including amphibious shipping, as well as increased funding for maintaining maritime superiority.

Overall, this budget will lead us toward a more flexible defense posture—one that would give us a viable capability to deal effectively with military contingencies outside of the NATO area.

### MAJOR NEW INITIATIVES

In order to cope with newly perceived requirements outside of NATO, the Defense Department is launching two major new initiatives.

First, these plans call for the procurement of 15 maritime prepositioning ships. These ships would carry the equipment and 30 days of supplies for three Marine Corps amphibious brigades—equivalent to about one division with supporting air assets. These ships would be of commercial design and would cost about $100 million each. Two of these ships plus equipment are requested in the budget at $275 million. In peacetime, these ships would be stationed in waters near potential trouble spots. If the need arose, they would be moved into available ports where they would link up with Marine personnel transported to the area by long-range transport aircraft. The Marines would continue to maintain an amphibious assault capability with another division-wing team.

The second initiative calls for the development and procurement of a new fleet of large cargo aircraft—known as the CX—capable of carrying Army equipment, including tanks, over intercontinental distances. These aircraft might also, for example, be used to deliver the equipment of the advance forces sent to secure airbases and ports that would be used by the maritime prepositioning ships and associated Marine personnel. A total of $80.7 million is requested for development of the CX aircraft.

### AREAS OF MAJOR CONCERN

First, naval aircraft procurement: The fiscal year 1981 request for naval aircraft procurement includes funding for 72 fighter/attack aircraft—24 F–14's and 48 F–18's. That number falls short of meeting the Navy's annual requirement for 160–200 new fighter/attack aircraft, but the request for 72 aircraft this year certainly shows considerable improvement over the 39 such aircraft requested in last year's budget.

The trend looks much better.

The fiscal year 1981–85 5-year plan for naval aircraft procurement is consistent with the 5-year program presented to the Congress last year and shows naval aircraft procurement building up steadily to a peak level of 191 fighter/attack aircraft programed in the fiscal year 1985 budget. If this program were executed, naval aviation would be on its way to recovery.

The only disturbing aspect of the program is the lack of funding for the Marine Corps AV–8B V/STOL aircraft. If we are serious about V/STOL, then I am convinced that the AV–8B is the way to go. We have fought this battle in the past, and we will do so again this year.

Second, shipbuilding programs: As in the case of naval aircraft procurement, the trend in naval shipbuilding programs is also encouraging.

Although the shipbuilding budget is lower in dollar terms than last year—$6.1 billion as compared to $6.6 billion for fiscal year 1980—the fiscal year 1981 program funds 17 new ships—5 more than were funded in the 12-ship program approved for fiscal year 1980. The lower dollar figure is attributable to the absence of an aircraft carrier in the new budget.

The new ships in the fiscal year 1981 budget are as follows: One ARS salvage ship—$95.2 million; two CG–47 Aegis cruisers—$1.6 billion; four FFG guided missile frigates—$1.1 billion; one LSD–41 amphibious ship—$342.3 million; one SSN–688 nuclear attack submarine—$602.3 million; five TAGOS SURTASS ASW ships—$184.3 million; two T-AKX maritime prepositioning ships—$213.8 million; and 1 Trident ballistic missile submarine—1.2 billion.

The new 5-year shipbuilding program for fiscal year 1981–85 includes a total of 97 new ships or about 19.4 ships funded per year. That rate of procurement will be adequate to maintain the current 540-ship Navy. That is another good indicator I see in this budget. It represents a shift away from the thinking I saw in recent budgets which would have led us toward a 250-ship Navy. Last year's 5-year program called for only 67 new ships or about 13 per year.

The inclusion of two Aegis cruisers in the fiscal year 1981 budget at $1.6 billion and a total of 16 such ships in the new 5-year plan tells me that the President is beginning to understand the need for maintaining maritime superiority and the importance therein of carrier battle groups.

There is only one real issue I see in the shipbuilding program this year, and it concerns the question of the 688 class attack submarine versus a new and cheaper attack submarine.

The fiscal year 1981 budget proposes to buy the last 688 class boat in the fiscal year 1984 budget and the first of the new class in the fiscal year 1983 budget. The new submarine is said to be smaller and cheaper.

A real fight seems to be shaping over this issue. I believe that we need to move in the direction proposed in the budget, but until we know more about the smaller submarine, it is very hard to make a final judgment at this time.

Third, future of the Marine Corps: Last year I took a hard look at the Navy mission and force levels. This year I am undertaking a detailed review of the roles and missions and future direction of the Marine Corps.

The Marine Corps is very much involved in the controversy surrounding the Navy mission, because its mission will change as the Navy mission changes.

On the 8th and 9th of January, I sponsored a 2-day symposium at the Library of Congress on the future of the Marine Corps. Many of the leading experts in the field participated. I had the opportunity to hear all the arguments pro and con, and as a result, feel as though I have a better understanding of the issues involved. I will be issuing a detailed report in the near future and will have more to say on the subject at that time.

Fourth, readiness of tactical air forces: With all the problems we face around the world, readiness should be a key issue this year. We need to be ready to undertake military action today—not 5 years from now.

This and past budgets have all supposedly placed heavy emphasis on improving force readiness, but this goal is not being realized. Based on a cursory look, I have come to the conclusion that the situation at some of our key fighter bases is truly appalling.

Consider these statistics.

The First Tactical Fighter Wing, located at Langley AFB, Va., possesses about 60 F–15's. On a typical day, about 20 of these aircraft or about 30 percent are capable of performing their assigned mission. The other 40 aircraft are grounded for parts and maintenance. Another 20 or so F–15's are classified as "hangar queens," which means that these aircraft have been grounded in excess of 3 weeks and in some cases for up to 9 months.

The Navy's west coast fighter base, located at Miramar, Calif., possesses about 110 F–14's. A typical squadron at Miramar has about 15 F–14's assigned. One such squadron—VF–211—which is preparing to deploy, has 13 F–14 aircraft assigned. On a good day, 5 of those aircraft would be classified as mission capable, but because of last minute failures, only 2 to 3 of those aircraft would actually be launched. Another 2 to 3 F–14's would be cannibalized in the squadron to support the 2 to 3 flyable aircraft.

Because of inadequate provisions of spare parts at these bases, cannibalization has become a way of life. The F–15A has just about the highest cannibalization rate for any aircraft in the Air Force—with about 50 acts of cannibalization for each 100 sorties flown. The F–14's are in the same ballpark.

I have also learned that about 50 percent of all supply requisitions for grounded F–15 aircraft are filled either through cannibalizations or withdrawal from war reserve stocks.

Spare parts are in such short supply—take so long to get—at some fighter bases that maintenance personnel are using their own money to purchase parts at local electronic supply outlets such as Radio Shack. They are doing this just to keep a small number of aircraft flyable. Frankly I do not know how widespread this practice is, but it should not happen at all.

If it is necessary to cannibalize and draw down war reserve stocks to obtain spare parts in peacetime, I wonder how current stockage levels could ever support a higher tempo of operation in wartime. This points up a real lack of readiness to fight a war today.

I intend to take a hard look at this problem.

Fifth, night/all-weather aircraft technology: According to all the experts, we need to expand our capacity to fly ground attack missions at night and in bad weather. Jane's "All the World's Aircraft"—an authoritative British aviation digest—recently stated:

> Too many of NATO's front-line combat aircraft in Europe are fair-weather types, lacking equipment or weapons for all-weather operation.

The Navy has continued to upgrade and modernize its 300 plus A–6E night/all-weather aircraft with advanced avionics and is now moving to equip these aircraft with the only truly night/all-weather standoff weapon available—the Harpoon missile. Moreover, the Navy is already beginning to examine the possibility of replacing the A–6E with a two-seat version of the A–18, which is said to have an excellent night/all-weather capability.

The Europeans are moving forward with an advanced night/all-weather attack aircraft—the Tornado.

The Air Force says that the single, most important priority it has is to improve the capability of its attack aircraft to operate in night/all-weather conditions. Yet all available information suggests that the Air Force is not moving in this direction.

The Air Force is not fully supporting its force of some 300-plus F-111 night/all-weather ground attack aircraft. There have been repeated proposals within the Department to begin phasing out these aircraft, and plans for a replacement aircraft—known as the Enhanced Tactical Fighters—have been abandoned. With adequate provisions of spare parts and new avionics systems, which I am told could be procured off the shelf for several hundred million dollars, the F-111's could achieve much higher readiness rates. Past proposals to upgrade the avionics systems have been terminated by the Air Force, and there has been no effort to develop advanced munitions for these aircraft.

Instead of putting its money on night/all-weather technology, the Air Force is moving to upgrade existing single-seat, day-only aircraft—the F-16 and A-10—to give them a capability to operate at night/clear weather.

If night/all-weather is the way to go, why is the Air Force not putting any money into this area? I will certainly be giving this issue some close scrutiny.

Sixth, air-to-air missiles: We on the Defense Subcommittee spend a good deal of time each year trying to decide how many fighters should be bought. In recent years, we have added large numbers of such aircraft, but in doing so, we seem to overlook the need for additional air-to-air missiles that these aircraft carry. These $20 million aircraft are not worth 2 cents without adequate supplies of missiles.

I have been examining our air-to-air missile inventories in detail. I find them woefully inadequate. If we suddenly found ourselves engaged in large-scale aerial warfare, the current supply of these missiles would be exhausted in very short order.

### BUDGET REVIEW

During our review of the defense bill this year, I intend to focus my attention on the above-mentioned issues.

In addition, I will continue to follow the F-100/101X engine controversy, the need to begin work on the next generation of large military engines that will be needed in the 1990's, and the technical problems with the XM-1 tank engine.

I may be asking our distinguished chairman—the gentleman from New York (Mr. ADDABBO), to schedule some special hearings, giving us an opportunity to explore these issues in much greater detail.

### SUMMARY

This budget sets down some new directions signaling renewed interest in coping with military contingencies outside NATO, which hopefully will lead us to better ways for protecting our vital national interest worldwide.

Although there are some problem areas and some tough questions will be raised concerning the new initiatives, this budget represents a modest beginning for a stronger defense posture. The trends I see in the budgets are encouraging. I think we are heading off in the right direction—finally.

---

## A TRIBUTE TO GEORGE MEANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CLAUSEN) is recognized for 10 minutes.

● Mr. CLAUSEN. Mr. Speaker, I rise today to recognize the closing of a truly momentous chapter in the history of our Nation. With the death of George Meany, labor's champion for nearly a quarter of a century, America lost one of her strongest advocates for the working man and woman.

Mr. Speaker, there were those of us in the Congress who did not always agree with George Meany on all issues. Yet it can be said unequivocally that he was a staunch patriot, staunchly anti-Communist and an advocate of the free labor movement at home and throughout the world. His efforts in favor of a strong defense for America served to stabilize both the Congress and the executive branch.

Under Meany's leadership, the labor organization matured as its interests broadened to encompass a wide range of issues inherent in our way of life. Its goals and concerns now include national defense and a strong, free-enterprise system, to name a few.

Throughout George Meany's tenure, labor and management have found themselves increasing allied against those who would use the power of the Government to restrict the free collective bargaining process and the free-enterprise system. This common interest has built a productive working relationship that is beneficial to both labor and management.

On a personal note, I worked with George Meany when he testified before subcommittees of the Public Works and Transportation Committee, of which I am a member. During our consideration of such matters as transportation system development and economic development, we had the benefit of his testimony as well as an opportunity to engage in a dialog during the question-and-answer period which permitted us to benefit from his life and experience.

In addition, in concert with Congressman BURTON in our Interior and Insular Affairs Committee, we worked hard to develop a program to help those lumber and sawmill workers who lost their jobs as a result of the Redwood Park expansion.

Mr. Speaker, George Meany left us a legacy of major change within the labor organization that was the result of his determination and foresight. During this decade, we look forward to the growing contribution that labor can make to meet the challenges our Nation must face.●

---

## HUD ASSISTANT SECRETARY BARONI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHLEY) is recognized for 5 minutes.

● Mr. ASHLEY. Mr. Speaker, HUD Assistant Secretary Geno C. Baroni's contributions have established an important tie between the Federal Government and the many neighborhood groups in our large urban communities. Monsignor Baroni is the first Catholic priest to have been appointed by a President to a subcabinet position of responsibility as Assistant Secretary for Housing and Urban Development for neighborhoods, voluntary associations, and consumer protection.

Geno Baroni's efforts have resulted in the passage and enactment of the neighborhood self help program which provides, for the first time, direct Federal grants to neighborhood associations to assist them in developing responsible and active participation with city governments in the city's efforts to revitalize and preserve declining neighborhoods. Without Monsignor Baroni's active encouragement, both within the administration and the Congress, such a recognition of neighborhood associations would not have been made.

Mr. Speaker, I had known of Assistant Secreary Baroni's work long before he came into the Federal Government and particularly his work with the National Center for Urban Ethnic Affairs. He has been helpful in advising and assisting the organization of a number of associations in my own congressional district in Toledo, Ohio. I applaud the excellent work that he is doing at HUD and I include, following my remarks, an article that appeared in the Chicago Tribune on January 21, 1980, on Monsignor Baroni:

### "FATHER GENO" OF HUD IS A GODSEND FOR ETHNICITY

(By Barbara Reynolds)

WASHINGTON.—A picket sign or protest march is as much a part of Msgr. Geno Baroni's lifestyle as a good cigar.

Since the mid-1950s, the activist priest has fought against consumer exploitation, racial segregation, police brutality, and strike breaking. You name it, he has fought it all.

Yet, there was always one mission he believed was his own—ethnic pride—and Msgr. Baroni now champions it from the ranks of the federal government, which he criticized for years from the streets.

"Geno," as his friends call him, is a rotund, fast-talking, unabashed liberal and is the first Catholic priest appointed to a subcabinet level job—assistant secretary for Housing and Urban Development (HUD) for neighborhoods, voluntary associations, and consumer protection.

The job is a new HUD post, and it symbolizes a recognition of the neighborhood movement that has loudly protested various policies of the agency since the late 1960s.

Msgr. Baroni, who spearheaded the movement, used to pressure the system to deliver help for community revitalization. Now he can often get the job done by writing a memo.

His position also means he can travel the nation extolling the gospel of "different is beautiful" to competing ethnic groups. Baroni sees this idea as a way of achieving cooperation in garnering federal funds to improve neighborhoods, which he sees as the hope of the cities.

"People don't live in cities," he said. "They live on Chicago's South Side, in Boston's Roxbury, or on New York's Lower East Side, and if neighborhoods die, cities die."

At 49, Msgr. Baroni is a salesman of ethnic pride and neighborhood power. He relishes both roles, because, as an Italian immigrant's son growing up in a western Pennslyvania coal mining town, his ethnic group, he said, was as debased as his neighborhood.

His face tenses with worry when he recalls his early youth in Acosta, Pa., population 400.

"Most people didn't even call my hometown by its name, It was just company mine No. 121 because the coal company owned the stores, the houses—everything."

"The immigrants and hillbillies dug the coal, the Episcopalians owned the mines, and Presbyterians and Lutherans were the bosses.

His teachers were the bosses' daughters who, Msgr. Baroni said, forced the golden rule of the town—"melt or get off the pot"—on the hapless immigrant families.

Msgr. Baroni told how his teachers used to bind his hands behind his back to stop him from gesturing with his hands like a foreigner when he spoke. "See," he said waving his hands in the air, "it didn't do any good."

Another Americanization lesson was to attempt to learn wine-making—the non-Italian way.

"I was asked what we did over the weekend, so I told the class that we stomped grapes in the bathtub with our bare feet," he recalled.

His teacher called that "unAmerican," so his father bought the family little white boots to stomp grapes in.

"I know how big institutions can make people feel small," he said. "That's how I was made to feel by my teachers. They never encouraged immigrants' kids to prepare for college. They just assumed we weren't going to amount to much."

When asked why he became a priest, Msgr. Baroni joked, "In school there were only three Catholics and the other two married each other, so I had no choice." Then, he added in a modest afterthought, "Maybe it was to help people."

Soon after his ordination in 1956 as a parish priest, he helped organize the first Montessori school and the first credit union for the poor in Altoona, Pa., where workers who earned only 25 cents an hour were charged staggering interest rates on borrowed money.

No doubt the idea of credit union protection was inspired by Msgr. Baroni's father. During his year in the mines, the senior Baroni broke his back, an arm, his neck, and suffered from black lung disease. And when the coal company moved out, he was left without a pension.

Msgr. Baroni established a tradition of speaking out on injustice in Altoona that would later typify his career as priest. His first sermon focused on the evils of credit exploitation, which prompted his bishop to criticize him for not sticking to spiritual matters.

His bishop also was irked because he said mass for railroad strikers. In the 1940's, unions were often viewed as left-wing, and Msgr. Baroni recalls reminding his superiors that, as early as 1891, Pope Leo XIII had said workers have the right to organize.

In 1960 Msgr. Baroni came to Washington to study at Catholic University and wound up working at St. Paul & Augustine church, near the hub of black militant life at 14th and U streets. There he befriended a theology student, Stokely Carmichael, the civil rights militant who later coined the term Black Power.

The year after the 1968 riots, Msgr. Baroni's organizing efforts had become so pivotal to poor and black Washingtonians that his picture appeared on the cover of the Washington Post magazine with the caption: "Is he one of the few relevant white men?"

Despite criticism from the conservative Washington archdiocese that he was more social worker than priest, Msgr. Baroni founded several nonprofit housing groups, credit unions, and the church's first national poverty program—the Campaign for Human Development.

Significantly, Msgr. Baroni became a legendary bridge between divisive black and white groups, a position that would later have him flying from one riot-torn city to the other.

In the late 1960s, the clergyman slept with a police radio and often beat the police to trouble spots, where he acted as a mediator. Later he convinced the police to stop patrolling black areas with dogs and helped recruit scores of new black policemen.

Msgr. Baroni's sensitivity during an era when many white Catholics admitted their inability to relate to black earned a rare compliment from Marion Barry, then a leading activist and now the city's mayor. "Baroni exemplified what Jesus Christ and Christianity is about."

When other mayors, such as Newark's Kenneth Gibson, were beset by racial strife, they often called Msgr. Baroni for help.

The clergyman recounted how he helped mediate a dispute over open housing in the New Jersey city by convincing a moderate Italian leader to help build a neighborhood center where all ethnic groups could meet in neutral territory. "Eventually the 'for sale' signs came down after people began talking instead of yelling." Msgr. Baroni said.

The Newark experience and the 1968 Kerner Commission report forecasting "group conflict between the rising expectations of minorities up against the fears of lower-income whites" convinced Msgr. Baroni to focus more on working-class white ethnic groups.

In working with white ethnics, who share the cities with blacks and Hispanics, Baroni discounts the old melting pot ideal that had deflated his ethnic pride as a child. He also tries to find what he calls "convergent issues" to bring blacks and whites together.

Much of his philosophy was incorporated into the National Center for Urban Ethnic Affairs, which he also founded here. In sessions at the center, Msgr. Baroni said, "I never told blacks, Italians, or Poles, or anybody to give up their culture or lifestyle as preconditions for moving next door to someone. Instead I opted for mutual appreciation for these differences.

"Americans are the most racially, culturally, ethnically, and regionally different people in the world, and there must be tolerance for diversity because it's a key to our survival."

Gaining appreciation for cultural differences is an uphill struggle, the clergyman argues, because institutions don't teach it. He offered the experience of his nephew in Philadelphia as an example:

"He lived five blocks from blacks, around the corner from Puerto Ricans, and three blocks from the counter-culture students. He didn't understand any of them. And you know what he was studying in school? Eskimos."

Msgr. Baroni believes that many white ethnics are either misunderstood or too often influenced by the Wallace-Nixon-Agnew forces or intellectual liberals who appeal to "their rear-end fears instead of their front-end hopes."

According to Msgr. Baroni, most ethnics represent a force for liberal change on bread-and-butter issues, and he named national health insurance as an example. "Most working class white ethnics are for this, it's the lawyers and doctors who are not," he said.

In trying to establish a consensus between whites and blacks, Baroni said he started with smaller issues, such as programs for grandmothers. Then he moved on to bigger issues, such as redlining—the practice of financial institutions refusing to lend money in older neighborhoods where the black and white working class often live.

As a HUD official, Msgr. Baroni assists neighborhood groups in establishing joint partnerships with the private and public sectors. "This," he said, "requires a 1980s approach of more organizing and less hell-raising."

The best example of neighborhoods working in partnership with the federal and private sectors are found in Chicago, the clergyman said.

One model is a recent venture involving HUD, the Chicago-based National People's Action group headed by Gale Cinotta, and the Aetna Life and Casualty Co. The firm recently set aside $20 million for the group's revitalization programs in Chicago, Cleveland, Philadelphia, and New York.

"This project wasn't cooked up in Washington but by the neighborhood movement," Msgr. Baroni said, sounding much as he did as a street activist. "All the anti-redlining bills, as well, came from the movement, not the White House, he added.

Another project Msgr. Baroni mentioned was a $7.5 million housing venture with Chicago's Woodlawn Organization.

He believes the neighborhood movement has finally come of age. Dealing with it in the federal bureaucracy is not a problem, Msgr. Baroni insists. "I'm used to bureaucracy by now. The Catholic Church is the world's oldest." ●

## MINT OPINION STUDY SHOWS PUBLIC DISLIKES ANTHONY DOLLAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the Mint recently spent $8,900 for a public-opinion poll to find out what everyone knew—that the new dollar coin is about as popular as Ayatollah Khomeini.

According to the survey, only one person in four has ever used the coin to make a purchase. Of those people, over half, 57 percent, have had difficulties in using the coin. The problems these people encountered mirror the letters the Consumer Affairs Subcommittee receives about the coin. Virtually everyone with a problem said the coin is too small, looks like a quarter, and is too confusing and hard to recognize.

In light of that, it should come as no surprise that fully one person in three, when asked to rate the coin from zero to 10, rated it a zero. Two persons in three expressed dissatisfaction, rating the coin four or less. Only 18 percent expressed satisfaction by rating the coin above five.

The survey asked people what they would recommend to improve the coin and, again, the results were hardly surprising. Fifty-six percent said the coin should be made larger, or like the old dollar coin. Seventeen percent said that it should be made unlike the quarter. Only 5 percent thought it was all right the way it is, and only 1 percent recommended abolishing the $1 bill.

The survey asked people about making the coin brass colored, or making it with a smooth edge. The smooth-edged coin fared no better than the current coin, with a 70-percent dissatisfaction rating and 32 percent rating it zero. The brass-colored coin did better than the current coin, but 42 percent were still dissatisfied and, overall, 1 in 5 rated it a zero.

Finally, the survey asked people to choose from among four options. Forty-six percent chose a colored coin, 22 percent chose a colored coin with a smooth edge, 7 percent chose a smooth-edged coin, and only 12 percent chose the coin as it is now.

This survey shows the extent to which this coin is a failure. The real disgrace is that only now, after minting over three-quarters of a billion dollar coins, has the Government attempted to discover how Americans would view it.

Mr. Speaker, I hope the Mint paid its survey contractor with these dollar coins, because no one else wants them.●

## PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. FERRARO) is recognized for 5 minutes.

● Ms. FERRARO. Mr. Speaker, due to a previous commitment in my district, I was unable to be present on the floor of the House on January 24, 1980, when the final passage of House Concurrent Resolution 204, approving the extension of nondiscriminatory treatment to products of the People's Republic of China, was considered. Had I been present, I would have voted "yea." ●

## NATIONAL SPACE POLICY ACT OF 1980

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 15 minutes.

● Mr. BROWN of California. Mr. Speaker, I introduce today the National Space Policy Act of 1980. This legislation establishes policies and goals to guide the civilian space activities of the United States and provides for the planning and implementation of this program.

More than a decade has now passed since the Apollo program, in a stunning display of technological and managerial skills, placed an astronaut on the Moon. The euphoria of that triumph has gradually given way to uncertainty and indecision concerning appropriate goals for our space program. In assessing our current posture and in determining future directions, we need to be cognizant of how far we have come and what we have learned along the way.

When Congress passed the National Aeronautics and Space Act of 1958, most of the sophisticated technology which we now take for granted was little more than a gleam in NASA's eye. The first successful launching of a communications satellite, a primitive creature by today's standards, did not occur until 1960; satellite remote sensing systems were further in the future. Instead of the flexible system of routine space transportation promised by the space shuttle, launchings were unique, expensive spectaculars. The advanced data transmission and processing capabilities exploited in the highly successful planetary exploration missions were still awaiting development.

As our space program evolved, its importance for our national well-being became increasingly evident. During the first decade of the program, the psychological satisfaction and public relations value of our demonstrated technological superiority over our chief rival were considered to be factors of major value; perhaps more significant today is the fact that the technological capability gained from the civilian space program has contributed substantially to maintaining this country's research and technological base. Advances in the development of photovoltaic cells and of communications and information technology are among the more visible benefits of the space program. The vigorous competition now facing the United States from Europe and Japan in many high technology areas highlights the importance of preserving and enhancing our relative position.

Another important contribution of our space program is the considerable economic and social benefit to be gained from satellite technology in the observation of land and ocean resources, and in the use of satellite communications capabilities in education, health care, and emergency services. Such activities as improved weather prediction, crop forecasting, mineral and natural resources exploration and management, increased mapping capabilities, and drought and flood control are already yielding tangible economic benefits. The benefits of public services communications are harder to quantify but nonetheless significant.

A third and perhaps less obvious contribution of our space program is in the area of foreign policy. The National Aeronautics and Space Act of 1958 states explicitly that one objective of our space program shall be cooperation with other nations and groups of nations in space science and applications; perhaps the best-known instance of such cooperation has been the creation in 1971 of Intelsat, the international consortium which manages satellite communications. Quite recently our international cooperative ventures have taken on a new dimension with the conclusion of communications satellite agreements with the People's Republic of China. In a less visible way, international collaboration in space science has long been an important component of our space policy and has contributed to mutually beneficial relationships among nations.

Finally, we cannot neglect the importance of the space program in the expansion of our knowledge and the enrichment of human perspectives concerning our place in the world and its history. The spectacular successes of our lunar and planetary exploration programs are achievements of which NASA may be justly proud. Indeed, the amount and profundity of knowledge of our solar system accrued during the last decade probably exceeds that accumulated by the human race in all of its previous history.

Mr. Speaker, I have sought in my remarks thus far to make two main points: first, that the civilian space program has contributed in many and sometimes unanticipated ways to our national well-being; and second, the nature of our enterprise in space over the next 10 or 20 years, and the rationale for its pursuit, will be significantly different from our past accomplishments. The space policy initiatives of the administration to date do not give me confidence that an effort will be forthcoming which is sufficient in scope and commitment to respond to these changed circumstances. To date the administration has produced only a statement of priorities without any commitments and seemingly lacking a coherent long-term perspective. The planning process appears to be reborn de novo with each budget cycle. Speaking of the current situation, Philip Handler, president of the National Academy of Sciences, has said:

> We are doubtful that a coherent program can survive without a formal, long-term commitment; in the absence of such a commitment, if decisions were to be taken sporadically, each considered within the context of a single annual budget cycle, the losses to science could be substantial and of national proportions.

Failure to confront the future of the space program may have deleterious consequences for NASA's manpower and morale. Science magazine, in a recent article entitled "Uncertainties Mark Space Program of the 1980's," has claimed of NASA that "the agency is now in philosophical and motivational disarray." The atmosphere of uncertainty in our space program contrasts sharply with the current vigorous activity of other nations. The development of a manned space station by the Soviet Union has been well publicized, and we may expect new and impressive Soviet space achievements in the near future. Last December, Europe became the third space power when the European Space Agency's booster Ariane placed a satellite in orbit, marking the beginning of increased competition with the Space Shuttle for commercial business. Japan and Canada are now experimenting with direct broadcast television by satellite; France is developing a remote sensing system comparable to the U.S. Landsat.

Mr. Speaker, the introduction by Senator ADLAI STEVENSON and Senator HARRISON SCHMITT, along with numerous cosponsors, of their respective space policy bills, gives evidence that my apprehensions concerning the future of our country's space program are shared on the Senate side. Senator STEVENSON, in the Space Policy Act of 1979 (S. 244) and Senator SCHMITT, in the National Space and Aeronautics Policy Act of 1979 (S. 212), have both sought to establish policies and goals for the civilian space program. As I hope I have made clear, I agree with Senators STEVENSON and SCHMITT that it is important at this time to articulate policies and programmatic goals to give purpose and direction to our annual expenditures for space and to provide for long-term planning of our space program. These goals will help to identify and focus research and development initiatives and are needed to insure efficient management of space expenditures.

The National Space Policy Act of 1980 has as one of its purposes "to develop and demonstrate advanced technology capabilities in open and imaginative ways for the benefit of developing as well as developed countries." I have already alluded to the striking success of the Apollo program in manned space flight.

During the period when Apollo was in the headlines, a much less obtrusive program was taking place, which may in the long run prove even more valuable, especially for the less developed countries, than the Apollo successes. I refer to the revolutionary progress in communications satellite technology, followed by the development of remote sensing technology, and their applications. In 1961 President John F. Kennedy, in his official statement on communications satellite policy, said that among other things the Government would "provide technical assistance to newly developing countries in order to help attain an effective global system as soon as practicable." Although some progress has been made toward this commendable goal, much remains to be achieved. Delbert Smith, in his book "Communications via Satellite," has said:

> On the international level, the concept of a global village and the vision of communication satellites as a means of education and cultural exchange has amounted to little more than a subject of discussion and speculation. At the 1971 Nice Colloquium on Educational Satellites, for example, recommendations were made for experiments with satellite television, for regional research on designing programming, for literacy and vocational training using direct broadcasting, and for the linking of medical centers for diagnosis and teaching. Educators, professors, researchers, and representatives of international organizations all advocated international cooperation, international teleconferencing between universities, and international experimentation with direct broadcasting. Few of these suggestions, however, have been extended into an experimental stage, much less operational practice.

It is my hope that this act will reaffirm our commitment to helping the less developed countries meet their communications needs and will move us a step along the way to a global information network.

The National Space Policy Act of 1980 lists, among other goals, several in the area of applications of satellite technology. One such goal is international cooperation in the implementation of an operational remote sensing system, including the fullest possible declassification of satellite data. There is no question that the international implications of remote sensing represent a sensitive issue. At the same time, however, the establishment of an operational program could provide a focal point for international cooperation and a needed developmental tool for many less-developed countries. A critical factor in such a program will be, as expressed in the act, provision for increased training in date interpretation, particularly in the developing nations.

Another goal articulated in the act is the development of improved capability for the interpretation and rapid utilization of remote sensing data. The processing of the immense amount of data from sensing satellites is a prodigious task, and some of this data is highly "perishable." The development of an impressive capability to cope wtih this data is a significant accomplishment which pressive capability to cope with this data processing demands of the "information age" will require continued efforts to make timely data more quickly available.

A third goal expressed in the National Space Policy Act of 1980 is the provision of public service communications needs by satellite. Recent evidence indicates that commercial services are now much more capable of supplying, and willing to supply, these needs than was recently the case. There remain some problems of cost and market aggregation, which can best be addressed by the involvement of both Government and the private sector. My bill declares—as do the Senate bills—that the encouragement of private sector involvement in space capabilities and systems shall be a goal of U.S. space policy.

In achieving the goals I have described in satellite applications, as well as the goal of facilitating technology transfer to terrestrial applications, the technology is for the most part at hand or nearly so; the next step is to undertake the planning and commit the resources necessary for the implementation of these programs. I believe that it makes good sense on many grounds to accord these goals a high priority. To cite one reason: the communications and remote sensing needs of the developing countries are real and pressing, and if we are not active in helping to meet those needs these countries will turn elsewhere for assistance.

The interdisciplinary nature of these goals and the overlapping jurisdictions they involve are reflected in the provisions for program planning and implementation of the act. Although NASA is designated as lead agency for space programs, the President is directed to use as appropriate the resources of other agencies and departments and to report to the Congress concerning the role of each such organization in implementing the program. This report, along with proposed budgetary outlays and specific mission objectives, is to be contained in a 5-year plan submitted within a year of enactment of the act.

The goals for space science expressed in the bill are necessarily long-term goals—a planetary encounter, for example, may require 10 years of planning and development. Partly for this reason the act directs the President to submit to the Congress proposed goals for the space program over a 20-year period.

Mr. Speaker, the National Aeronautics and Space Act of 1958 represented a wish and a hope for the fruitful exploration and use of space. We can point with pride to many significant accomplishments toward that end, but here as elsewhere the future is not assured. We need to reaffirm this Nation's leadership in exploring and developing the space environment for the benefit of mankind by pursuing a balanced and reasonable program, as set forth in this legislation.●

## HANDICAPPED ACTIVITIES UNLIMITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, it is a pleasure for me to bring to the attention of our colleagues the fine work of Handicapped Activities Unlimited, a sheltered workshop activities program located in Pacific Grove, Calif.

This is a multifaceted program which provides a daily workshop for 18 to 20 mentally retarded, physically and/or emotionally handicapped clients. In this structured and supportive environment, the clients are able to participate in productive and meaningful activity which enhances both their lives and the life of the community. Through the experience of doing contract jobs for local businesses, salvaging and recycling newspapers and aluminum, and making arts and crafts for sale clients, they have the opportunity to make a contribution to the community, as well as a chance to develop living skills and a positive self-image.

Another component of this program is an art project which involves handicapped people, including the blind, in art experiences and then exhibits their work at an annual art show and at smaller exhibits throughout the year

The sense of accomplishment derived from this creative activity can only be imagined by those of us who have not had to struggle with a handicap. Yet these victories over disability and suffering provide inspiration and encouragement to the handicapped and nonhandicapped alike.

Mr. Speaker, I bring the work of this dedicated group to the attention of our colleagues so they may receive the recognition they so richly deserve. This program could serve many communities as a model approach to encouraging handicapped individuals to participate in the life of the community while assisting them to reach their full potential as creative human beings.●

## THERE IS NO NEED TO REGISTER WOMEN

The SPEAKER pro tempore. Under a previous order of the House the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

Mr. NEAL. Mr. Speaker, I have today introduced a resolution declaring that it is the sense of the Congress that women should not be registered for selective service purposes.

I have done so, Mr. Speaker, in anticipation of a Presidential request that the Congress authorize the registration of all young people between the ages of 18 and 26. While the President has not yet stated his position on registering women, expressions from elsewhere within the administration indicate to me that it is reasonable to expect that his request for registration will include women.

I do not believe women should be registered because I do not believe women should be drafted into military service. If they are not to be drafted, then for what purpose should the Nation bear the expense and the effort to register them?

Lest my attitude be mistaken, I hasten to add that I believe there are many important functions in the military that can be, and indeed are, performed as well by women as by men. In fact, with the exclusion of combative roles, there probably are relatively few assignments which do not require combat experience that cannot be performed equally well by members of either sex. I would in no way deny women the opportunity to serve voluntarily in these roles.

But, Mr. Speaker, to make women serve involuntarily is quite a different matter. It opposes not only the traditions of the United States of America, but is contrary to the experience of the entire Western World—indeed, with few exceptions, the experience of civilized humankind.

I do not believe that we need a draft at this time, but I think there is no denying, in light of tense and uncertain international events, that our ability to mobilize is necessary for proper military contingencies, and perhaps more important, is required to demonstrate our resoluteness and commitment to national policy. Again, we have never found it necessary—and it certainly is not now necessary—to draft women. If they are not to be drafted, what is the purpose of registering them?

The Secretary of the Army has said, and I quote:

> If you have women register . . . you know where they are. You have identified their names and addresses and can locate them quickly.

Locate them for what purpose? And at what expense to the Government, or, for that matter, to their right of privacy. But, you may declare, one does not have the right to this degree of privacy under selective service. I would submit that one does, unless one is subject to conscription. The Government has the right to keep registration files on males only because it has the right to draft them, in times specified by the Congress. I do not believe the Congress should ever authorize the drafting of women, and, therefore, I do not believe there is any justification for requiring them to register.

We do not yet know, Mr. Speaker, how much it would cost the Federal Government to register all the females between ages 18 and 26. It is estimated that there are some 16 million males in this age group, and about an equal number of females.

We do know, however, that the compilation and maintenance of computer lists is not inexpensive, when done on such a massive scale. Whatever the investment, it would be wasted unless there was an intention to draft the registrants.

So I would say to my colleagues, Mr. Speaker, that this is not the time for frivolity, nor are the exingencies of the situation served by social experiment and destruction of values we have embraced throughout our history. To those women who would declare that they have the right to serve, I would say that neither the right nor the opportunity is compromised by my resolution. To those who do not desire to serve in the uniformed services, their right—by tradition, law, and commonsense—is preserved.

I, therefore, urge support of the resolution, that the President may be advised, and the Nation reassured, on this important question.●

## LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. PEPPER (at the request of Mr. ATKINSON), for today, on account of official committee business in Florida.

Mr. WILLIAMS of Ohio (at the request of Mr. RHODES), for today, on account of official business.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. LONG of Louisiana (at the request of Mr. WRIGHT), for today, on account of a death in the family.

Mr. BARNES (at the request of Mr. WRIGHT), for January 25 through February 1, on account of official business.

Mr. LLOYD of California (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. WOLFF (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. MCEWEN (at the request of Mr. RHODES), for January 28 through January 30, on account of attending Olympic torch lighting in Greece.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 15 minutes today and tomorrow, and to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. DAVIS of Michigan) and to revise and extend their remarks and include extraneous matter:)

Mr. EDWARDS of Oklahoma, for 60 minutes, January 29.

Mr. EDWARDS of Alabama, for 60 minutes, today.

Mr. CLAUSEN, for 10 minutes, today.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Ms. OAKAR) to revise and extend their remarks and include extraneous matter:)

Mr. ASHLEY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BOLLING, for 15 minutes, today.

Ms. FERRARO, for 5 minutes, today.

Mr. BROWN of California, for 15 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. REUSS, for 60 minutes, on January 29.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DAVIS of Michigan) and to include extraneous matter:)

Mr. WYDLER.

Mr. GINGRICH.

Mr. BROOMFIELD.

Mr. SCHULZE.

Mr. GUYER.

Mr. QUAYLE.

Mr. DERWINSKI in two instances.

Mr. COLLINS of Texas in two instances.

Mr. BEREUTER.

Mr. SYMMS.

Mr. DORNAN.

Mr. ROUSSELOT.

Mr. DANNEMEYER.

Mr. LENT.

Mr. PAUL.

Mr. EDWARDS of Oklahoma.

Mr. MOORHEAD of California.

Mr. KEMP in two instances.

Mr. YOUNG of Florida in five instances.

(The following Members (at the request of Ms. OAKAR) and to include extraneous material:)

Mr. PHILLIP BURTON.

Mr. IRELAND in two instances.

Mr. GAYDOS.

Mr. MAZZOLI in two instances.

Mr. WON PAT.

Mr. HAMILTON in two instances.

Mrs. COLLINS of Illinois.

Mr. CLAY.

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Ms. HOLTZMAN in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances

Mr. NELSON.

Mr. MURPHY of New York in two instances.

Mr. LEHMAN in two instances.

Mr. MOTTL.

Mr. HARKIN in two instances.

Mr. APPLEGATE.

Mr. ALEXANDER.

Mr. CONYERS.

Mr. SOLARZ.

Mr. BALDUS.

Mrs. SPELLMAN.

Mr. MINETA.

Mr. GIBBONS.

Mr. LEVITAS.

Mr. FARY.

Mr. GIAIMO.

Mr. GUARINI.

Mr. AuCoin.
Mr. Dellums.
Mr. Edgar.
Mr. Studds in two instances.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1832. An act to extend the authority of the Secretary of the Interior to declare and proclaim land to be Indian reservation land; to the Committee on Interior and Insular Affairs.

## ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 29, 1980, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3299. A letter from the Deputy Secretary of Defense, transmitting five reports of violations of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3300. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain military equipment to Israel (Transmittal No. 80-28), pursuant to section 813 of Public Law 94-106, as amended; to the Committee on Armed Services.

3301. A letter from the Mayor, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the rate of compensation of the city administrator; to the Committee on the District of Columbia.

3302. A letter from the Chairman, Council of the District of Columbia, withdrawing D.C. Act 3-148, the "University of the District of Columbia Bookstore Fund Establishment Act of 1979," previously transmitted pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3303. A letter from the Secretary of Health, Education, and Welfare, transmitting notice that the annual report from the Rehabilitation Services Administration on the administration of the Rehabilitation Act of 1973 for the fiscal year 1979 required by section 13 of the Public Law 93-112 (92 Stat. 2965) will be delayed until April 1, 1980; to the Committee on Education and Labor.

3304. A letter from the Secretary of State, transmitting a report on efforts to comply with the provisions of law regarding the use of herbicides in the Mexican marihuana eradication program, pursuant to section 481(d)(3) of the Foreign Assistance Act of 1961, as amended (92 Stat. 730); to the Committee on Foreign Affairs.

3305. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Philip M. Kaiser, and by members of his family, pursuant to section 6 of Public Law 93-126; to the Committee on Foreign Affairs.

3306. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment to Israel (Transmittal No. 80-28), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3307. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to Lebanon (Transmittal No. 80-31), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3308. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the American Institute in Taiwan, for the Army, to offer to sell certain defense equipment and services to the Coordination Council for North American Affairs (Transmittal No. 80-40), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3309. A letter from the Chairman, Board for International Broadcasting, transmitting the sixth annual report of the Board and its review and evaluation of the operation and mission of Radio Free Europe/Radio Liberty, covering fiscal year 1979, pursuant to section 4(a)(8) of Public Law 93-129; to the Committee on Foreign Affairs.

3310. A letter from the Comptroller General of the United States, transmitting his annual report on the work of the General Accounting Office to facilitate the rendition and settlement of accounts and such other matters relating to the receipt, disbursement, and application of public funds, and recommendations for economy or efficiency in public expenditures, pursuant to section 312(a) of the Budget and Accounting Act of 1921 (42 Stat. 25); to the Committee on Government Operations.

3311. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notice of a proposed new system of records for the Marine Corps, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3312. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting copies of a proposed new system of records for the Department, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3313. A letter from the Secretary of the Interior, transmitting notice of the proposed refund of $32,280 in excess royalties to Aminoil U.S.A., Inc., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

3314. A letter from the Secretary of Health, Education, and Welfare, transmitting the second annual report on drug abuse, prevention, treatment and rehabilitation, pursuant to section 405(b) of the Drug Abuse Office and Treatment Act of 1972, as amendmended (92 Stat. 1268); to the Committee on Interstate and Foreign Commerce.

3315. A letter from the national secretary-treasurer, Sons of the Union Veterans of the Civil War, transmitting the annual report and audit of the organization for the year ending June 30, 1979, pursuant to section 16 of the act of August 20, 1954, and section 3 of Public Law 88-504, respectively; to the Committee on the Judiciary.

3316. A letter from the President and Chairman Export-Import Bank of the United States; transmitting a draft of proposed legislation to amend the Civil Service Reform Act of 1978; to the Committee on Post Office and Civil Service.

3317. A letter from the Deputy Secretary of Energy, transmitting the third annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to section 14 of the act; to the Committee on Science and Technology.

3318. A letter from the Comptroller General of the United States, transmitting an evaluation report on the Farm Credit Administration and the banks and associations which make up the Farm Credit System (CED-80-12, January 25, 1980); jointly, to the Committee on Government Operations, and Agriculture.

3319. A letter from the Comptroller General of the United States, transmitting a report on the progress in developing and implementing thermal efficiency standards for new buildings as part of the State Energy Conservation Program (EMD-80-32, January 28, 1980); jointly, to the Committees on Government Operations, Interstate and Foreign Commerce, and Banking, Finance and Urban Affairs.

3320. A letter from the Comptroller General of the United States, transmitting a report highlighting and summarizing the unresolved issues relating to debt collection by the Federal Government (CD-80-1, January 15, 1980); jointly, to the Committees on Government Operations, the Judiciary, Post Office and Civil Service, and Ways and Means.

3321. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise the laws relating to the Coast Guard Reserve; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

3322. A letter from the Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting the Agency's 5-year plan for ocean pollution research and development, pursuant to section 4(a), Public Law 95-273; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 3748. A bill to provide for a uniform national three-year statute of limitations in actions to recover damages for personal injury or death, arising out of a maritime tort, and for other purposes. (Rept. No. 96-737). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 5784. A bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance. (Rept. No. 96-738). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 5913. A bill to amend section 502(a) of the Merchant Marine Act, 1936. (Rept. No. 96-739). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BEILENSON (for himself, Mr. Dixon, and Mr. Waxman):

H.R. 6303. A bill to repeal section 212(a)(4) of the Immigration and Nationality Act, as amended, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 6304. A bill to establish the national space policy of the United States, to declare the goals of the Nation's space program (both in terms of space and terrestrial applications and in space science), and to provide for the planning and implementation of such program; to the Committee on Science and Technology.

By Mr. BURLISON:

H.R. 6305. A bill to authorize implementation of a flood control project at Sainte Genevieve, Mo.; to the Committee on Public Works and Transportation.

By Mr. FISHER:

H.R. 6306. A bill to rescind the authority of the Secretary of the Army to revoke unilaterally any permit for the use of any water delivered to any water system in the State of Virginia, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HANLEY:

H.R. 6307. A bill to amend title 39 of the United States Code to improve enforcement of provisions relating to false representations and lotteries, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCORMACK (for himself, Mr. Fuqua, Mr. Wydler, Mr. Roe, Mr. Winn, Mr. Goldwater, Mr. Brown of California, Mr. Fish, Mr. Scheuer, Mr. Lujan, Mr. Hollenbeck, Mr. Dornan, Mr. Lloyd, Mr. Walker, Mr. Ambro, Mr. Forsythe, Mrs. Bouquard, Mr. Kramer, Mr. Blanchard, Mr. Carney, Mr. Walgren, Mr. Flippo, Mr. Roth, Mr. Glickman, Mr. Ritter, Mr. Gore, Mr. Watkins, Mr. Young of Missouri, Mr. White, Mr. Volkmer, Mr. Pease, Mr. Mavroules, Mr. Anthony, Mr. Lundine, and Mr. Ertel):

H.R. 6308. A bill to provide for an accelerated program of research and development of magnetic fusion energy technologies leading to the construction and successful operation of a magnetic fusion demonstration plant in the United States before the end of the 20th century to be carried out by the Department of Energy; to the Committee on Science and Technology.

By Mr. McKAY:

H.R. 6309. A bill to provide for the conveyance of any right, title, or interest which the United States may have in certain real property in the State of Utah to the owners of the adjacent properties; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY of New York (for himself, Mr. Breaux, and Mr. Forsythe):

H.R. 6310. A bill to authorize appropriations for fiscal years 1981, 1982, and 1983 to carry out the Atlantic Tunas Convention Act of 1975; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. Breaux, and Mr. Forsythe) (by request):

H.R. 6311. A bill to establish a program for the further development of the U.S. fishing industry, with particular emphasis on new and nontraditional fisheries, and to promote the optimum utilization of the Nation's fishery resources, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. NEDZI (for himself, Mr. Blanchard, and Mr. Bonior of Michigan):

H.R. 6312. A bill to authorize the Secretary of the Army to convey to the Michigan Job Development Authority the lands and improvements comprising the Michigan Army Missile Plant in Sterling Heights, Macomb County, Mich.; to the Committee on Armed Services.

By Mr. PEASE:

H.R. 6313. A bill to amend the Internal Revenue Code of 1954 to allow the new job credit for wages paid to certain special education students participating in work-study programs; to the Committee on Ways and Means.

By Mr. SYMMS (for himself and Mrs. Bouquard):

H.R. 6314. A bill to improve the intelligence system of the United States, and for other purposes; jointly, to the Committee on Foreign Affairs and Permanent Select Committee on Intelligence.

By Mr. WON PAT:

H.R. 6315. A bill to convey to the Government of Guam certain lands bordering Apra Harbor subject to certain conditions; to the Committee on Armed Services.

By Mr. YOUNG of Florida:

H.R. 6316. A bill to improve the intelligence system of the United States, and for other purposes; jointly, to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence.

By Mr. CARTER:

H.J. Res. 484. A resolution proposing an amendment to the Constitution of the United States with respect to paticipation in voluntary prayer or meditation in public buildings; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.J. Res. 485. A resolution designating July 1, 1980, as "National Free Enterprise Day"; to the Committee on Post Office and Civil Service.

By Mr. QUAYLE:

H.J. Res. 486. A resolution proposing an amendment to the Constitution to promote fiscal responsibility; to the Committee on the Judiciary.

By Mr. COURTER:

H. Con. Res. 261. A resolution relative to rights of Ukrainian citizens; to the Committee on Foreign Affairs.

By Mr. HARKIN:

H. Con. Res. 262. A resolution urging the President to prohibit the export of all fertilizer to the Soviet Union until the Soviet Union withdraws its troops from Afghanistan; to the Committee on Foreign Affairs.

By Mr. HUBBARD:

H. Con. Res. 263. A resolution expressing the sense of the Congress with respect to taxing social security benefits; to the Committee on Ways and Means.

By Mr. NEAL:

H. Con. Res. 264. A resolution expressing the sense of the Congress that women should not be subject to registration under the Military Selective Service Act; to the Committee on Armed Services.

By Mr. DELLUMS:

H. Res. 539. A resolution to provide for the expenses of investigations and studies to be conducted by the Committee on the District of Columbia; to the Committee on House Administration.

By Mr. GONZALEZ:

H. Res. 540. A resolution expressing the sense of the House of Representatives that up to $3 million should be offered by the Attorney General as a reward to solve the murder of Federal District Judge John Wood and the attempted murder of Assistant U.S. Attorney James Kerr; to the Committee on the Judiciary.

By Mr. PRICE:

H. Res. 541. A resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services; to the Committee on House Administration.

By Mr. STAGGERS:

H. Res. 542. A resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Interstate and Foreign Commerce; to the Committee on House Administration.

By Mr. THOMPSON:

H. Res. 543. A resolution to provide for the expenses of investigations and studies to be conducted by the Committee on House Administration; to the Committee on House Administration.

## MEMORIALS

Under clause 4 of rule XXII,

335. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to calling a constitutional convention limited to proposing an amendment to the Constitution requiring a balanced Federal budget; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. EDWARDS of California:

H.R. 6317. A bill to provide an exception to the requirements of the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945) with regard to certain lands in Riverside County, California; to the Committee on Interior and Insular Affairs.

H.R. 6318. A bill to confirm a conveyance of certain real property by the Central Pacific Railway Company and Southern Pacific Company to A. C. Taber and his wife, Mary Taber to the Committee on Interior and Insular Affairs.

By Mr. GONZALEZ:

H.R. 6319. A bill to waive certain time limitations with respect to awarding a medal of honor to Rudolph Salais Vela to the Committee on Armed Services.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 654: Mr. Dougherty.

H.R. 1576: Mr. Coughlin and Mr. McKinney.

H.R. 1577: Mr. Coughlin and Mr. McKinney.

H.R. 1578: Mr. Coughlin and Mr. McKinney.

H.R. 3718: Mr. Guyer.

H.R. 4692: Mr. Robinson and Mr. Evans of Georgia.

H.R. 4797: Mr. Goldwater.

H.R. 5225: Mr. Stenholm and Mr. Dornan.

H.R. 5267: Mr. Deckard and Mr. Waxman.

H.R. 5401: Mr. Guyer, Mr. Hall of Ohio, Mr. Lowry, Mr. Conyers, Mr. Dixon, Mr. Won Pat, Mr. Pepper, Mr. Lagomarsino, Mr. Richmond, Mr. Corrada, Mr. Hyde, Mr. Whitehurst, Mr. Lederer, Mr. Kindness, Mr. Dougherty, Mr. Ashley, Mrs. Chisholm, Mr. Gray, and Mr. Diggs.

H.R. 5477: Mr. Gibbons, Mr. Kildee, Mr. Hubbard, Mr. Young of Florida, Mr. Fascell, Mr. Edwards of Oklahoma, Mr. Seiberling, Mr. Rosenthal, and Mr. Wolpe.

H.R. 5504: Mr. Waxman and Mr. Stark.

H.R. 5760: Mr. Mathis, Mr. Goldwater, Mr. Nichols, Mr. Leach of Louisiana, Mr. Walker, Mr. Carter, Mr. Montgomery, Mr. Lent, Mr. Bevill, Mr. Dickinson, Mr. Shelby, Mr. Duncan of Tennessee, Mr. Flippo, Mr. Dougherty, Mr. Buchanan, Mr. Lott, Mr. Collins of Texas, and Mr. Hinson.

H.R. 5761: Mr. Mathis, Mr. Goldwater, Mr. Nichols, Mr. Leach of Louisiana, Mr. Walker, Mr. Carter, Mr. Montgomery, Mr. Lent, Mr. Bevill, Mr. Dickinson, Mr. Shelby, Mr. Duncan of Tennessee, Mr. Flippo, Mr. Dougherty, Mr. Buchanan, Mr. Lott, Mr. Collins of Texas, Mr. Hinson, and Mr. Fazio.

H.R. 5785: Mr. Rahall.

H.R. 5839: Mr. Blanchard, Mr. Patten, and Mr. Heftel.

H.R. 6049: Mr. Beard of Tennessee.

H.R. 6109: Mr. Andrews of North Dakota.

H.R. 6124: Mr. Leach of Louisiana, Mr. Forsythe, Mr. Marks, Mr. Yatron, Mr. Walgren, Mr. Pepper, Mr. Hyde, Mr. Stangeland, Mr. Corcoran, Mr. Kemp, Mr. Davis of Michigan, Mr. Hughes, Mr. Roe, Mr. Bailey, Mr. Burgener, Mr. Fazio, Mr. Glickman, Mr. Mitchell of Maryland, Mr. Pashayan, Mr. Andrews of North Dakota, Mr. Neal, and Mr. Scheuer.

H.J. Res. 139: Mr. Sensenbrenner.

H.J. Res. 300: Mr. Russo.

H.J. Res. 350: Mr. Pepper and Mr. Leach of Iowa.

H.J. Res. 351: Mr. Leach of Iowa and Mr. Drinan.

H.J. Res. 220: Mr. Bowen, Mr. Neal, Mr. Drinan, Mr. Peyser, Mr. Rodino, Mr. Quayle, Mr. Steed, Mr. Martin, Mr. Lewis, Mr. Stark, Mr. Ratchford, Mr. Lederer, Mr. Jenkins, Mr. Hefner, Mr. Davis of Michigan, Mr. Hopkins, Mr. Harris, Mr. Mottl, Mrs. Holt, Mr. Kindness, Mr. Mica, Mr. Abdnor, Mr. Biaggi, Mrs. Fenwick, Mr. Nichols, Mr. Anthony, Mr. Burgener, Mr. Dodd, Mr. Evans of Delaware, Mr. Won Pat, Mr. Leach of Iowa, Mr. Solarz, Mr. Hubbard, Mr. Blanchard, Mr. Traxler, Mr. Hanley, Mr. Andrews of North Carolina, Mr. Benjamin, Mr. Kemp, and Mr. Wright.

H. Con. Res. 244: Mr. Burgener, Mr. Devine, Mr. Lagomarsino, and Mr. McDonald.

H. Con. Res. 248: Mr. Michel, Mr. Devine, Mr. Dornan, Mr. Grisham, Mr. Rousselot, Mr. Applegate, Mr. Lent, Mr. McDonald, Mr. Bevill, Mr. McHugh, Mr. Stanton, Mr. O'Brien, Mr. Volkmer, Mr. Lewis, Mr. Hightower, Mr. Hall of Texas, Mr. Whitehurst, Mr. Anthony, Mr. Carter, Mr. Lott, Mr. Lagomarsino, Mr. Jeffries, Mr. Murphy of Pennsylvania, Mr. Solomon, Mr. Dannemeyer, Mr. Walker, Mr. Nichols, and Mr. Rudd.

H.J. Res. 365: Mr. Burgener, Mr. Dellums, Mr. Lagomarsino, Mr. Murphy of Pennsylvania, Mr. Pepper, and Mr. Bob Wilson.

H. Con. Res. 256: Mr. Dornan, Mr. Rousselot, Mr. Lagomarsino, and Mr. Burgener.

## PETITIONS, ETC.

Under clause 1 of rule XXII, the following petitions and papers were presented and referred as follows:

272. By the SPEAKER: Petition of the city council, Broadview Heights, Ohio, relative to the holding of U.S. hostages by Iran; to the Committee on Foreign Affairs.

273. By the SPEAKER: Petition of the City Council, Youngstown, Ohio, relative to proposed deregulation of the trucking industry; to the Committee on Public Works and Transportation.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4788

By Mr. DAVIS of Michigan:

—Page 94, line 8, insert after "Neebish," the following: "Lime, Sugar,".

By Mr. FITHIAN:

—Page 171, after line 25, insert the following:

(e) The following projects are not authorized after the date of enactment of this Act:

(1) the Lafayette Lake Dam and Reservoir project, Wabash River, Indiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298);

(2) the navigation project on the Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87–874);

(3) the flood control project for the Big Blue River, Wabash River Basin, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742);

(4) the portion of the Norfolk Harbor and Thimble Shoal Channel, Virginia, improvement project (authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1250)) identified in paragraph 2(2)(b) of the report of the Chief of Engineers, Department of the Army, dated February 19, 1954 (Senate document numbered 122, Eighty-third Congress, second session, pages 1 and 2) as "an anchorage 38 feet deep and 1,500 feet square, an anchorage 35 feet deep and 1,500 feet square, and an anchorage 20 feet deep, 1,000 feet wide ,and 3,000 feet long, opposite Lambert Point and south of Craney Island.";

(5) the project for Elk Creek Lake, Rogue River Basin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192);

(6) the project for Cascadia Dam and Reservoir, South Santiam River, Oregon, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193);

(7) the flood control projects for South Plymouth and Genegantslet Lakes, Susquehanna River Basin, authorized by section 10 of the River and Harbor Act of December 22, 1944 (58 Stat. 893);

(8) the projects for West Oneonta Lake, Davenport Center Lake, and Copes Corner Lake, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1573);

(9) the project for improvement of the Chester River, Pennsylvania, authorized by the first section of the River and Harbor Act of March 2, 1919 (40 Stat. 1277);

(10) the project for the Connecticut River, above Hartford, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919);

(11) the project for Sixes Bridge Dam and Lake, Maryland, authorized by section 85 of the Water Resources Development Act of 1974 (88 Stat. 36);

(12) Salt Creek Lake, Salt Creek, Ohio, authorized by the Flood Control Act of 1962 (76 Stat. 1188);

(13) Lincoln Dam and Reservoir, Wabash River, Illinois, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081);

(14) Helm Lake, Skillet Fork of the Little Wabash River, Illinois, authorized by section 203 of the Flood Control Act of 1968 (83 Stat. 742–743); and

(15) the project for Coney Island Creek, New York, authorized by the River and Harbor Act of August 30, 1935 (49 Stat. 1030).

(f) No Federal money may be authorized for planning or implementation of the Northfield Mountain Water Supply Project, Massachusetts, or the Miller's River Basin Water Supply Project, Massachusetts.

By Mr. McCLORY:

—Page 180, after line 5, insert the following:

(c) Section 3 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams" (Public Law 92–367; 33 U.S.C. 467b) is amended by adding after the first sentence thereof the following new sentence: "In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense.".

# EXTENSIONS OF REMARKS

## SOME THOUGHTS ON UKRAINIAN INDEPENDENCE DAY

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. ASHBROOK. Mr. Speaker, I think it is fitting that this Congress takes time to honor the memory of freedom in the former nation of Ukraine. When the Soviet war machine is grinding the rights and freedoms of yet another sovereign nation under the treads of its tanks we should remember the long road of aggression on which the Soviet Communist empire is based.

The Ukraine issued its Proclamation of Independence on January 22, 1918. A year later a formal Act of Union was proclaimed. For 3½ years Ukraine enjoyed the freedoms of a Western democracy. An elected Parliament, called the Central Rada, governed the nation from the capital in Kiev. The nation had close diplomatic ties to England, France, and other countries. The people of Ukraine pursued their own destinies and their own religion, the Ukrainian Orthodox and Ukrainian Catholic Churches.

The life of this sovereign nation was extinguished as the armies of the Bolshevik regime swept into its cities and towns. Submerged under a puppet government, known as the Ukranian Soviet Socialist Republic, the people of this valiant nation began their years of oppression and tyranny under the dictators of the Kremlin. It is a sad commentary on the West that Ukraine was destroyed without any nation coming to its aid. It is sadder still that one nation after another has been infiltrated, invaded, or co-opted while the West has stood aside.

Under harsh Soviet rule the Ukrainians suffered through political purges, famines, and horrible persecution by secret police and political commissars. Today over 47 million people suffer under Soviet domination in Ukraine. They have no assurances of civil or political rights. Another 2 million Ukrainians live in the United States. These descendants from a proud Ukraine heritage carry on the beacon of liberty that joins with those of other captive nations in a common desire to see their native lands free again.

The ordeal of Ukraine, like the ongoing oppression in Estonia, Latvia, Lithuania, Eastern Europe, Cuba, and many other nations leading up to Afghanistan is a monument to the hateful nature of communism. They are also monuments to the neglect of the Western nations who refused to take a stand in the face of Communist aggression. At the end of World War II, during the revolt of Hungary, and the rebellion of Czechoslovakia, the West had its chances to come to the aid of these nations, but the weak willed preached appeasement and millions of lives were condemned to communism. Today the Soviet state stretches like a colossus over the globe with client states doing its bidding in the Third World and its own armies and navies growing bolder in challenging America and other free nations. In remembering the fate of the Ukraine we should remember lost opportunities to stand up for freedom. We should take this time to renew our resolve to fight communism and to free the captive people under Soviet rule. We should once again understand the nature of communism and tell the world: "Never again will a nation fall to its tyranny, never again will a people be oppressed." Finally we should state to the world that our struggle with Soviet aggression will not cease until the captives are free, until Ukraine is free.●

## TRIBUTE TO GEORGE MEANY

### HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. CORMAN. Mr. Speaker, I rise to pay tribute to the memory of George Meany. The loss of George Meany is more than the loss of a single man. It is the loss of an American institution.

George Meany lived a long and productive life as one of American labor's most influential leaders. From 1934 when he was elected president of the New York State Federation of Labor, to 1955 when he became president of the AFL–CIO, he achieved a reputation as a powerful advocate of labor rights and a formidable adversary to the unfair treatment of American workers.

Part of Meany's success can be attributed to the fact that he realized the need for organized and consolidated action on the part of the American workers. The merger of the AFL–CIO, Meany's greatest achievement, allowed for unity of purpose and action among union members. Also of great importance, Meany strongly believed and stated that "human freedom and human dignity have always come before the dollar * * *". Maintaining these convictions, Meany worked tirelessly to bring the unions together in a common front so as to better represent the interests of the individual worker and mankind in general.

As a devoted humanitarian Meany pressed for the passage of the 1964 Civil Rights Act with its strong antidiscrimination-in-employment clause. This law is a landmark, providing equal opportunites among all working men and women. Meany's ardent support of it demonstrated to the world that organized labor would stand up for the basic rights of all Americans.

George Meany was a true public servant. He will be remembered as a man of great courage and wisdom. His leadership will never be forgotten.●

## TRIBUTE TO GEORGE MEANY

### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. PHILLIP BURTON. Mr. Speaker, I would like to join my colleagues in paying tribute to a truly great American, George Meany.

Although we honor many of our fellow countrymen on the House floor, few have achieved his stature. George Meany's place in history was assured by the work he did in forging the country's most powerful labor organization, the AFL–CIO. He was a leader and a champion of the civil rights movement and a stalwart defender of American democracy.

I was privileged to know George Meany as a powerful friend and ally in working for progressive legislation. He possessed a deep appreciation of the legislative and political processes. He used his knowledge and expertise to promote the enactment of a broad range of legislation, not only to assist union members but to provide help for millions of disadvantaged Americans who do not have the power to influence events in Washington. George Meany was a critical force in passage of the Civil Rights Act of 1964, culminating an effort which had gone on for years and which certainly would have foundered without the effective and persistent aid of George Meany and the AFL–CIO.

George Meany was controversial in the opinion of some—he believed strongly in freedom of speech and practiced that belief to the fullest. He fiercely defended the rights of American workers to have higher wages, shorter hours, safer working conditions, and the benefits necessary to insure a secure and satisfying life. The voice of George Meany will be sorely missed.

Although his dedication to the labor movement consumed much of his time and energy, Mr. Meany was always a devoted husband and father. He and his wife, Eugenia, had been married for 60 years when she passed away last year. They raised three daughters and had several grandchildren.

I join with George Meany's family in mourning the passing of this fine man.●

## SCHOOL PRAYER

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. PAUL. Mr. Speaker, our colleague, the eloquent Dr. Philip M. Crane, recently delivered a most eloquent statement on voluntary school prayer, and the need for all of us to sign discharge petition No. 7, so as to allow the House to vote on this important issue.

By allowing the States to make their own rules regarding voluntary school prayer, we simply adhere to what the Founding Fathers intended. Too often, the Supreme Court has ruled in clear violation of that intention. In the important area of voluntary school prayer, we owe it to our Creator, our children, and the country as a whole to do so.

I pray that we listen to Phil Crane, who is unsurpassed in this House as a constitutional scholar.

### Statement of Congressman Philip M. Crane on School Prayer

It is a great honor today to appear with so many revered religious leaders and my respected colleague, Senator Jesse Helms, to announce our efforts to restore voluntary prayers to America's classrooms.

Senator Helms deserves enormous credit for using his skill as a legislator to attach his amendment to S. 450. This amendment removes from the jurisdiction of the federal courts, including the Supreme Court, any consideration of the issue of voluntary school prayer. This means that decisions about classroom prayer will be made at the community, church, and state level, rather than at the national level.

Unfortunately, however, Senator Helm's herculean efforts will all go for naught unless we accomplish what this group has banded together to achieve. The House will never even vote on S. 450 unless we bring it to the floor with a discharge petition. Already S. 450 has languished in the House Judiciary Committee for nine months without consideration. A discharge petition, when signed by 218 Congressmen, will bring the legislation directly to the floor for a vote without further delays in committee. Discharge petition number 7, which I filed on October 25th, will accomplish this purpose. Between today and the day we vote to restore voluntary school prayer is one major hurdle: the signatures of 218 of my House colleagues. This coalition will organize to clear that hurdle.

My own cooperation with this Committee is motivated by my deep commitment to three basic principles: the need to return to fundamental principles in education, the need to preserve basic Constitutional functions, and the need to reaffirm our moral and religious heritage.

#### EDUCATION

Our destiny lies in the hands of this nation's youth. We cannot overstate the importance of education. Education is preparation for life—and preparing for life means more than just knowing how to make money or construct buildings. Preparing for life means building integrity and honesty, a sense of lasting values, and a strong willingness and capacity to serve. Education must have its roots in many of the same fundamental principles found in the Declaration of Independence—a faith in the Creator, an awareness that He has endowed all men with the unalienable rights to life, liberty, and the pursuit of happiness, and a recognition of those steps necessary to preserve these rights. Voluntary classroom prayer may be one of the most critical aspects of the educational process.

We need to return to some of these fundamental values. When I was a young man in the public schools on the south side of Chicago, we opened every class with the Pledge of Allegiance to the Flag. We learned a pride and respect for our land. We also learned our responsibility to the "Republic for which it stands." After the flag salute, we had a prayer. We learned that this is "one nation under God." All the philosophizing and intellectualizing in the world about the principles of freedom can not match the indelible impression these experiences of my youth had upon my development and later determination to serve this nation.

At the conclusion of this conference, I will leave to return to my duties in the House. As we gather in the House chamber at 3 p.m. today to deliberate upon the issues that shape our times, we will pause for a moment to bow our heads in prayer. In this moment or reflection and silence, our nation's lawmakers will humbly admit to their own need for guidance and direction from the Creator. Yet schools around the nation gathering to educate the youth that will one day take my place and the place of my colleagues at the head of our nation will be forbidden to seek the same guidance and direction. This inconsistency is inexplicable.

#### CONSTITUTION

At stake with S. 450 is even more than school prayer. The interpretation of our nation's most sacred document is at stake.

The First Amendment to the Constitution says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Based on this language, the Supreme Court in 1962 ruled that voluntary prayers in public schools were illegal. In other words, the Supreme Court in 1962 interpreted the First Amendment to prohibit any state from doing anything touching upon religion. This interpretation conflicts with the history of the Constitutional Convention itself.

The Convention did not intend to abridge the authority of the states to set their own policy with respect to religious and moral questions. During the Convention, the New Hampshire delegation proposed that the First Amendment read: "Congress shall make no laws touching religion." That language was rejected. Instead, the current language was accepted. The "establishment" language was intended clearly to prohibit only the creation of a national religion.

In fact, the record leaves no doubt. When the First Amendment was approved by Congress in 1789, five states had established religions. Other states had already refused to establish state religions. A major purpose of the amendment, as James Madison argued, was to assure that the federal government has no power to disturb these local decisions.

The Framers of the Constitution also recognized that the Federal Judiciary could move beyond its role of settling specific disputes to enunciating broad legislative policies. Accordingly, they incorporated a provision into the Constitution, Article 3, Section 2, giving Congress power to restrict federal court jurisdiction. Thus, Congress, in which "all legislative powers" are vested under Article 1, can prevent the Judiciary from usurping the legislative province.

The Founding Fathers also realized that Supreme Court pronouncements would apply nationwide. Sensitive moral questions should not be settled on a national level. Each community and locality should be free to translate its own values into policy. Thus, Article 3, Section 2, provided a check on court intrusions into questions better reserved for local decision-making.

This provision has been used on occasion to protect some of the prerogatives of Congress or localities. For instance, the Norris-LaGuardia act restricted federal court jurisdiction over labor disputes. In fact, the Supreme Court itself in the case of Ex Parte McCardle upheld the power of Congress to limit federal court jurisdiction.

Current conditions call once again for the use of the Article 3 power. The Supreme Court has deprived states and localities of the freedom to reaffirm fundamental values in voluntary classroom prayers. By ruling against school prayer, the Court has extinguished the right of communities to decide for themselves whether educational curriculum should contain a reverent affirmation that we are indeed "one nation under God." Finally, we are moving to allow communities and churches, rather than federal courts, to make prayer decisions.

In simple terms, the Framers gave us Article 3, Section 2, to prevent nonrepresentative institutions, the courts, from overpowering the popular will. With polls showing over 75% of all Americans favoring a restoration of voluntary school prayer, Article 3 should be invoked to fill the purpose for which it was drafted.

#### HERITAGE

A steadfast reliance upon the Creator was one of the profound principles which gave birth to this nation. Our Declaration of Independence proclaims without hesitation: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness." This affirmation began the struggle.

Later during the Constitutional Convention of 1787, which in four months drew up the world's most inspired form of government, the Congress was at one time about to adjourn in confusion. The attempt to form a lasting union had apparently failed. At this crucial moment, 81-year-old Benjamin Franklin arose, and is reported to have said, "In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayers in this room for divine protection. Our prayers, sir, were heard and they were generously answered . . . I have lived a long time and the longer I live the more convincing proofs I see of this truth—that God governs in the affairs of men." Franklin proposed that the Congress adjourn for two days to seek divine guidance. When they returned, they began each session with prayer.

George Washington carried on this tradition of reliance on Divinity: "No people can be found to acknowledge and adore the Invisible Hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency."

Finally, Abraham Lincoln solemnly stated his own feelings, which best served to summarize all I have tried to convey: "God rules this world . . . I am a full believer that God knows what He wants a man to do—that which pleases Him. It is never well with a man who heeds it not . . . Without the assistance of that Divine Being, I cannot succeed, with that assistance I cannot fail."●

## TRIBUTE TO GEORGE MEANY

### HON. WILLIAM L. CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. CLAY. Mr. Speaker, today I would like to join my colleagues in tribute to a great American, George Meany. Mr. Meany's list of achievements span a wide range of subjects, but his most notable contribution to our society remains his selfless commitment to improving life for the working American. George Meany had unsurpassed faith in the ability of the working American and believed in the right of working Americans to share in the wealth produced by their labor. George Meany will be forever remembered for merging the American Federation of Labor and the Congress of Industrial Organizations. But, the father of the AFL–CIO was also an important part of the civil rights movement. George Meany helped to fight for passage of the Civil Rights Act of 1964. He was determined that both men and women, regardless of race, should be able to share equally in the fruits of organized labor.

Labor stands as a monument to the industrious efforts and integrity of George Meany. He spearheaded the campaign for decent wages and safe working conditions. Through him, labor's voice was heard throughout our country and around the world. A man of great courage and wisdom, he told the truth as he saw it, regardless of popular opinion. George Meany guided and nurtured the labor movement as a father would a son. A man of tremendous vision, George Meany dreamed of a better America and made his dreams a reality. When George Meany died last week, America lost one of her greatest leaders. But, through organized labor, the spirit and ideals of George Meany will live with us forever.●

## THE CARTER DOCTRINE: WEAKNESS IS STRENGTH

### HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. ROUSSELOT. Mr. Speaker, on January 20, President Carter appeared on "Meet the Press" and unveiled his new approach to national defense and foreign affairs. A few days later, in his State of the Union address, he fleshed out the Carter doctrine: Weakness Is Strength.

An editorial in the Wall Street Journal on January 21 pointed out quite clearly that Mr. Carter has yet to create a credible response to Soviet aggression. We need more than rhetoric. We need concrete steps to fashion a sufficient conventional force and presence in the Middle East and elsewhere. Otherwise our choices in the face of continued aggression are two: Acquiesce or resort to nuclear war. Neither of those are palatable choices. To avoid them, President Carter's new "strong" rhetoric needs to be taken with a grain of salt. And Congress must take the lead in adding muscle to America's defense posture.

I would like to share the Wall Street Journal's editorial, "Weakness Is Strength," with my colleagues.

[From the Wall Street Journal, Jan. 21, 1980]

WEAKNESS IS STRENGTH

President Carter kicked off a two-week media blitz with his appearance on "Meet the Press" yesterday. It appears that he will campaign for reelection on the stiring slogan, weakness is strength.

To those of use who have been calling for a stronger defense posture, it is of course gratifying to have Mr. Carter warning of the seriousness of the Soviet danger in the wake of the invasion of Afghanistan. It is helpful that the defense budget is going up instead of down, that aircraft carriers have been moved into the Indian Ocean and that the administration is negotiating for naval support facilities in the area. But in repeatedly citing these actions as evidence of his administration's vigilance, Mr. Carter does violence to the history of the last three years.

With the exception of the effort to reinvigorate the NATO alliance, which really was in large part a Carter administration initiative, the steps toward a stronger defense were anything but the result of Mr. Carter's leadership. Rather, each of them had to be wrung out of him by the pressure of events and public opinion. Mr. Carter is the President who took office calling for a $5 billion cut in defense spending, the President who in fact reduced the increases planned by the outgoing administration, the President who congratulated himself on ridding the nation of an "inordinate fear of Communism," the President who canceled the B1 bomber, shelved the neutron bomb and vetoed the nuclear carrier, the President who slowed the Tomahawk cruise missile and MX-ICBM programs to facilitate negotiating the now-moribund strategic arms treaty.

It is important to recognize this for reasons that transcend partisan politics. Any politician running for reelection is entitled to puff his own record, and we have known some who have campaigned against their own record and won. But this particular issue is so vastly important that it is essential that the nation not be confused about what has happened and is happening to it.

The President recognizes the Soviet invasion of Afghanistan as a "radical departure"—the first direct invasion by Soviet troops outside their sphere of influence as codified at the Yalta Conference. Given this, we have to open our minds anew to the possibility of what they might do.

When we see their divisions move complete with air defense and chemical warfare capabilities not needed in Afghanistan, we have to ask whether they will really stop. When we hear reports of troop movements in Eastern Europe, we have to wonder about Marshal Tito's illness. When they stage a press conference with a defected NATO secretary saying the West plans "aggressive war," we need to remember that in an all-out European war their SS-20 could preempt our reinforcement capabilities. They may very well not exercise any of these frightening options, but at least it reminds us of the possibilities we have allowed to arise.

Which brings us to the second reason to be clear about the Carter administration's record, which is to help in assessing whether it is seriously determined to rectify the military imbalance. The steps cited by Mr. Carter are inadequate. Substantial further increases in defense spending are necessary. A greater presence in the Middle East—for example, basing conventionally armed B-52s in Egypt and helicopter-borne troops in Turkey. To avoid being pushed into an even more dangerous corner, to avoid being confronted with the choice of war or surrender, we need to think in larger terms.

So it is scarcely comforting to have Mr. Carter proclaiming "we have not been weak." In fact we have been weak, and this weakness has invited the current Soviet boldness. We devoutly hope that Mr. Carter is starting to understand this, but we should have thought that any real understanding would start with some faint recognition that our past policies have something to do with our present predicament.●

## CONGRESSMAN DON FUQUA RECEIVES NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS LEGISLATIVE AWARD

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. BROWN of California. Mr. Speaker, America still leads the world in innovative technology, but there are troublesome signs of decline. West Germany, Japan, South Korea, and other countries are giving more competition to our high technology markets. The number of patents granted to U.S. citizens has dropped in recent years. Spending on research and development, which peaked at 3 percent of gross national product in 1964, was only 2.2 percent last year. There has been a great deal of congressional activity during the past year on innovation and productivity. Under the leadership of my colleague, Hon. Don Fuqua, chairman of the Committee on Science and Technology, the committee has had a significant role in studying and finding solutions to America's innovation and productivity problem. In recognition of Don Fuqua's fine leadership, the National Society of Professional Engineers awarded him its "Legislative Recognition Award."

I ask that Chairman Fuqua's acceptance speech be printed in the Record.

The remarks follow:

### Remarks of Hon. Don Fuqua Before National Society of Professional Engineers

I want to sincerely thank the Society of Professional Engineers for this award. It is an honor to receive recognition from a profession whose work is so intimately tied to and so significantly affected by our work at the Committee on Science and Technology.

Although this honor today has been given for "legislative Recognition", I would like to take this opportunity to talk about another kind of "recognition", the recognition in government of the increasing role the engineering community must play in public policy formulation.

We live in a technologically sophisticated society where economic stability, national security and the general welfare depend upon diverse and innovative technology. This technology has, in the past, propelled America to agricultural supremacy, space distinction, communications superiority and an overall prominence in world trade.

However, global competition has heightened in many areas as several nations have matured technologically. American products no longer dominate the world marketplace in many fields, and as a nation we are registering large trade deficits in several of our low and medium technology manufactured items.

Although it seems incongruous that America can continue to capture Nobel Prizes in diverse areas of scientific research and yet find itself frequently superseded in world export markets—this is nevertheless the case. It is disturbing to realize that much of our frontier science is not evolving into technologically innovative processes or products. You as engineers are our technologists and a great deal of responsibility rests on you to help promote a more appropriate environment in which technological innovation can consistently become the natural outgrowth of our research disciplines. You, perhaps more than other groups, understand the impediments and inhibitors to this evolution. These impediments are numerous and sometimes subtle. They encompass diverse functions such as taxation, patent policy, regulatory procedures and even rudimentary communication of information. As a cadre of technical professionals you can help clarify the problems and suggest alternatives for resolution.

Science and Technology are separate and distinct fields but are also related and interdependent. Although we often think of science as the precursor of technology, we should not overlook the fact that technological advances have provided scientists with more precise and efficient means with which to further probe and define the unknowns. Significant technological advances have also emerged independent of scientific research, fashioned and perfected by tireless inventors.

New technology is also a key to industrial innovation and this innovation in turn is a major factor in the country's economic wellbeing. Engineers are a very important link in this process. They bring science to flower in the marketplace through technological application.

In response to deep concerns voiced by government, business and industry, that although our science prevails our technology falters, the Science Committee is currently formulating legislation which will create an independent agency to promote technology for the national welfare. As it is presently conceived, the agency would have seven main branches for (1) small business, (2) institutional and manpower development, (3) technology policy and analysis, (4) intergovernmental technology, (5) engineering and national (problem focused) programs, (6) National Bureau of Standards, and (7) Patent and Trademark Office and National Technical Information Service. The agency would have programs transferred from NSF in Engineering and Applied Science and from the Department of Commerce in areas that fall within the purview of the Assistant Secretary of Commerce for Science and Technology.

This agency could become a focal point for reviewing input from the engineering profession on the numerous factors that favorably as well as unfavorably affect our climate for technological innovation.

We will be particularly interested in the response from the engineering community concerning the concept of a separate organization in government for fostering technology development.

In reading through NSPE's recent pamphlet on their "legislative agenda", I was particularly pleased to see that the Society supports a national materials policy similar to that proposed in the Materials Policy, Research, and Development Act reported out of the Science Committee and recently passed by the House. I hope the Senate will consider this bill in the near future. It seems to me that the collective influence of the engineering community could provide considerable support to the development of reasonable and balanced goals for the use of our present raw materials and for research programs to ensure a continuous supply of basic materials needed for industry and the economy.

At the dawn of the nineteenth century, Thomas Malthus said that the geometric rate of population increase was a far greater power than the arithmetic rate of subsistence increase. Although his theory may have been correct, he failed to consider the ingenuity and creativity of man in meeting that challenge to survival. We have not only proved him wrong for almost two hundred years, but have in the process continuously improved the lot of mankind in general. We have accomplished this to a great degree through scientific and technological advances. Today this challenge is greater than ever before and we will need your h[illegible] and guidance to prevail.

Thank you again. I hope to continuously prove worthy of this distinguished recognition.●

---

## OLYMPIC BOYCOTT

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. DERWINSKI. Mr. Speaker, I have recently inserted several articles into the RECORD, along with my own views on the U.S. proposed boycott of the 1980 summer Olympic games in Moscow. As the Senate prepares to consider the resolution which would cancel our participation in these games, I wish to direct the Members to another very pertinent and well-expressed editorial broadcast over Chicago's WBBM radio 78.

The editorial very properly points out that we, as a nation, should support the President in his attempt to achieve a very important foreign policy objective, and recognize that the Soviet Union's aggressive actions in Afghanistan represents yet another breach of international law. The editorial follows for the Members' attention:

### Olympic Boycott

WBBM agrees with President Carter that the United States should consider a boycott of the summer Olympic Games in Moscow because of Russia's recent aggression in Afghanistan.

We say this with regret, because we do not like to see sports used as a political tool. Realistically, though, politics has run in tandem with athletics since the start of the Olympics. We recall the 1936 games held in Nazi Germany, and the massacre of Israeli athletes in Munich, for example.

Quite simply, the Russians have invaded Afghanistan. It would be hypocritical for us to stand by them in the Olympics while their brothers are invading another country.

Russia wants the Olympics badly. This is the perfect opportunity for them to exhibit the best aspects of their system. So great is their desire for the summer games to run smoothly that they already have begun to arrest their dissidents.

A U.S. boycott of the games will hurt Russia politically, economically and domestically. And, finally, we will be putting the world on notice that no nation, not even Russia, can act irresponsibly without retribution.

Now there are alternatives to boycotting the Olympics. The Games could be moved elsewhere; they could be divided and held at several sites; or, more feasibly, the twelfth Olympiad could be postponed until 1981.

We don't want to destroy the Olympics. In spite of some shortcomings, the Games do bring diverse nations together in a common interest. Yet, we repeat, the United States must stand up to Russian aggression.

A boycott may be the only effective answer. President Carter needs leverage to deal with the Russians. We hope that if the time comes, our athletes, out of patriotism and honor, will give the President the support he needs.

That's our opinion. We'd like to hear yours.●

---

## "THE CAPTURED 50"—A SONG ABOUT HOSTAGES IN IRAN

## HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. SCHULZE. Mr. Speaker, I have recently been contacted by a very talented song writer and personal friend of mine, Mr. Ervin Litkei, who along with his lovely wife Andrea has written a very timely song on the crisis in Iran.

The song appropriately titled "The Captured 50" represents, I believe, the true sentiments of the American people and vividly captures the frustrations we all share as this seemingly unending crisis in Tehran nears the end of the 12th week.

Additionally, I would like to mention that Ervin Litkei, a native of Hungary who emigrated to the United States shortly after World War II, is not a new song composer but is an individual who has gained national recognition by penning marches in tribute to all U.S. Presidents. These marches were incorporated within an album marketed by RCA Records during our Bicentennial celebration and provided, I feel, a lasting tribute to our former Chief Executives.

When asked to explain the genesis of this recording, Ervin responded:

> I was sure that I would not write anymore, at least so I thought. However, after the Iranian takeover of our Embassy and the holding of Americans as hostages I went to the piano to vent my anger and fury over this unprecedented situation.

At this time, Mr. Speaker, I would like to submit for the RECORD the lyrics of this fine composition and add my own sentiments in support of this important message.

We must all remember that freedom is a precious thing and that once lost can never be regained—we must fight tirelessly for the freedom of the 50 hostages in Iran.

The lyrics of this composition follow:

THE CAPTURED 50

(Lyric by Andrea and Ervin Litkei and music by Ervin Litkei)

No! We won't let you down,
Captured fifty sons,
Our martyrs in Iran.
No! You won't die.
Our nation is behind you,
The whole world is beside you,
Americans, Americans unite.
Under freedom's banner,
March and swear that never
Will a native son a hostage be.
No! We won't let you down,
Captured fifty sons,
Our martyrs in Iran.
No! We will fight.
You are not alone, hold on!
If we must then watch us come
Fighting mad we'll get you out
Of Iran, Iran.●

---

## AMNESTY INTERNATIONAL PROTESTS CZECHOSLOVAK HARASSMENT OF TRIAL OBSERVER

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. DERWINSKI. Mr. Speaker, I would like to direct the attention of the Members to a recent press release from Amnesty International, which reports on the actions of the Czechoslovak Government in its treatment of an Austrian lawyer, Henry Goldmann. Mr. Goldmann was in Czechoslovakia to observe the appeal trial of the six dissidents arrested in Prague for their human rights activities.

The announcement of the conviction of these six human rights activists in October and the subsequent rejection of their appeal on December 20, 1979, is further evidence of the Prague government's continued suppression of dissent and denial of basic rights to its citizens. I believe it is important for the United States to continue to publicize and object to such reprisals which are so pervasive in the Communist nations. Therefore, I wish to insert the press release at this time:

AMNESTY INTERNATIONAL PROTESTS CZECHOSLOVAK HARASSMENT OF TRIAL OBSERVER

Amnesty International today (Tuesday, January 8, 1980) protested to the Czechoslovak authorities over the harassment of a lawyer it had sent to try to observe hearing of appeals by six imprisoned human rights activists in Prague.

Austrian lawyer Henry Goldmann was barred from the hearing, detained for four and a half hours and expelled from the country. At the hearing, on December 20, the Supreme Court rejected the appeals of the six and upheld sentences on them ranging up to five years.

The six, including internationally-known playwright Vaclav Havel, were members of the unofficial Committee for the Defence of the Unjustly Persecuted (VONS). They had issued statements on cases in which they believed other Czechoslovak citizens had been denied their rights. All six were convicted of subversion on October 23. Mr. Goldmann, who went to Prague for their trial, was prevented from entering the courtroom but was able to interview people present at the trial.

The incidents which prompted today's protest occurred when he returned to Prague for the hearing of their appeals in December. He was one of three lawyers detained when they attempted to attend the hearing. The others were John Platts-Mills of the United Kingdom and Elisabeth Guyot of France.

Amnesty International, in a letter sent to Czechoslovak judicial authorities today, pointed out that Mr. Goldmann had been granted an entry visa after explaining the purpose of his visit, and that the Procurator General had advance notice of his arrival. When he was barred from the hearing, he went to the Justice Ministry, where he was directed to a particular office at the Supreme Court. After he went back to the Court Building, however, he was taken to Police Headquarters, and was told that his attempt to observe the trial was "interference in internal affairs." After being detained at the headquarters, he was driven to the border with the Federal Republic of Germany.

The protest letter said Amnesty International believed Mr. Goldmann's exclusion from the hearing was incompatible with provisions for public trials in both the International Covenant on Civil and Political Rights, to which Czechoslovakia is a party, as well as with the Czechoslovak Code of Criminal Procedure.

The letter rejected any suggestion that it was interference in a country's internal affairs for a lawyer to request an opportunity to attend a trial purported to be open to the public.

It pointed out that this was the second time an Amnesty International representative had been harassed while attempting to observe a trial in Czechoslovakia. Austrian lawyer Wolfgang Aigner had been detained for five hours when he tried to attend the trial of Petr Cibulka and three other people in October 1978.

The six people whose appeals were rejected in the December hearing were: Petr Uhl, an engineer, sentenced to five years; Vaclav Havel, four-and-a-half years; Vaclav Benda, philosopher and mathematician, four years; Otta Bednarova and Jiri Dienstbier, journalists, three years; and Dana Nemcova, psychologist, who received a two-year suspended sentence.

Amnesty International had appealed to the Czechoslovak authorities in October, expressing the belief that the six had not had a fair trial and were in fact sentenced for exercising their right to freedom of expression.●

---

## QUAYLE INTRODUCES CONSTITUTIONAL AMENDMENT TO PROMOTE FISCAL RESPONSIBILITY IN GOVERNMENT

### HON. DAN QUAYLE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. QUAYLE. Mr. Speaker, today for the 20th time in 2 years Congress has received from the executive branch a Federal budget that is not balanced and calls for a deficit of nearly $16 billion for fiscal year 1981. If we pile this on top of the other 20 deficits we find the Federal debt has escalated more that $420 billion.

Thomas Jefferson, our third President, stated that:

> Of all the perils facing the Nation, public debt is the greatest of the dangers to be feared.

There is no question that the runaway inflation, which reached 13.2 percent in 1979, remains the No. 1 domestic problem facing our Nation. Inflation is made in Washington, and it exists in large part because of excessive spending by the Federal Government.

As working families continue to struggle with inflation, taxes continue to grow. Taxes consume nearly 40 percent of the average worker's income. The standard of living of a majority of families remains stagnant or has declined because of rising prices and inflationary pressures.

Mr. Speaker, public opinion polls in my Indiana Fourth District and across the Nation reveal that more than 80 percent favor a balanced budget requirement for the Federal Government.

While I introduced a proposed constitutional amendment during the 1st session of the 96th Congress, I am today introducing a refined proposal which would reform the procedures by which the Federal Government establishes tax and spending policy.

This measure is the same amendment as reported by the Senate Judiciary Committee's Constitutional Subcommittee on December 19, 1979.

A constitutional amendment is necessary at this time to bring about and to mandate a permanent measure of fiscal responsibility. It is obvious from the history of budget deficits that the Budget Control Act of 1974 which set up the present complicated system of first and second resolutions, targets, goals, et cetera, has not broken the red ink spending habits of the Congress.

Briefly, the resolution I have sponsored today provides, first, that spending cannot exceed revenues; and second, no increased tax revenues will be allowed unless specifically voted by Congress. Revenues cannot grow at a faster rate than national income.

Without tying the spending level to an arbitrary percentage of the gross national product, this amendment sets limits on both spending and taxation. This combines the two approaches most often mentioned for limiting Federal spending.

I sincerely hope that the House Committee on Judiciary, which last year held hearings on the various balanced budget proposals, will give favorable consideration in the near future to this resolution which has won bipartisan support in the other body.●

## A SATIRE ON OVERREGULATIONS

### HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. IRELAND. Mr. Speaker, I recently came across an article which was excerpted from a speech made by Mr. Monte Throdahl, a senior vice president for Monsanto, at a conference on toxics control in Washington, D.C.

To me, it points up some of the real problems we have with overregulation today. If we are not careful, this little satire may become a reality in the very near future. In any event, it is so well written that I wanted to share it with my colleagues today.

Thank you, Mr. Speaker.

**Excerpt From a Speech by Mr. Throdahl**

This is the story of the U.S. pencil industry. Remember, we are looking back from our vantage point of 1990. It's strange to think that, back in 1979, just anyone could use a pencil any way they wanted to.

You see, it all started when the Occupational Safety & Health Act carcinogen policy went into effect. The graphite in the pencil leads always contained a residue of crystalline silica. And there was at least one animal test and an in-vitro test indicating that crystalline silica produced tumors, so the material became regulated as a carcinogen. There was no alternate for pencils, so exposure had to come down almost to zero. Workers were put into protective clothing, and that solved the problem initially.

But then the Environmental Protection Agency, acting under the Clean Air and Clean Water Acts which soon had their own carcinogen policies, required drastic reductions in emissions and effluents. The control technology was quite expensive, and only the largest manufacturers could afford it. This caused a flurry of antitrust suits in the early '80s when there were only three pencil makers left in the country. One of the three was split into smaller companies, but they soon went out of business since they were unable to afford increasingly stringent workplace and pollution control requirements. Then foreign pencil manufacturers began to threaten to dominate the pencil market, and our government, in an abrupt about-face, allowed a merger of the two remaining companies to meet overseas competition.

The Consumer Product Safety Commission then became concerned with what the newspaper headlines were calling the "pencil problem." Rubber erasers could be chewed off and choke small children. The sharp points of pencils could also be dangerous. There were residual solvents in the paint used on pencils, and pencil-chewing seemed to be a more widespread habit than anyone has realized. Printing a legend on each pencil that said: "This Pencil Could be Hazardous To Your Health" did not seem to affect consumer pencil habits, a Harvard study indicated. In fact, the study found additional potentially harmful uses, such as stirring coffee. This led FDA to declare that harmful substances could be dissolved out of the pencil into the coffee, and thus pencils violated food additive laws, including the Delaney amendment.

Trying to salvage its business, the pencil company began making pencils without paint, without erasers, and with only soft leads so they would not hold a sharp point. But consumers were outraged, and sales declined.

Then someone invented a machine that could measure crystalline silica below the part-per-trillion level, and workplace, air emission, water effluent, and waste disposal regulations required that the best practicable technology be used to reach this low level. The pencil company was threatened with financial ruin because of the large sums needed to purchase new control equipment. There were those that wanted to ban pencils entirely under the Toxic Substances Control Act, but the government decided that pencils were necessary, particularly since they were used to write new regulations. Besides, the Senators from the state where the pencil company was located declared that pencils were as American as baseball, and should not be replaced with ball-point pens.

So the government bailed out the pencil company with a large, guaranteed loan—called a Chrysler loan in those days. But, of course, that was only a temporary measure; and to protect the pencil business, the government eventually nationalized it.

It is comforting to know, after all, that society is being protected against a danger that was so obvious we didn't even notice it for many, many years. There are still those who complain about paying $17 for a pencil, but you really can't put a price tag on health or safety.●

## REMEMBERING DR. KING

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. GINGRICH. Mr. Speaker, 51 years ago this month Martin Luther King, Jr., was born, and 12 years ago this spring he was taken from us. He died at a time when much of what he was doing seemed out of fashion. But as we enter the eighties we see more clearly than ever how right, how honorable, and how good what he taught and did was.

I hope that eventually no American will think of Dr. King as a black spokesman for black causes. He was an American spokesman for principles many Americans found too easy to forget. When he said that no man in America is free unless all Americans are free, he spoke the undeniable truth. It was not a black or a white issue, but a moral imperative.

I remember the night Dr. King was slain. I was 24 years old, attending Tulane University. A black friend, who was in the graduate history program with me, phoned me right after the shooting to tell me of it. Our shared shock and grief brought my friend and me closer together. It was a small bit of hopeful light on an otherwise dark night.

At the time, I prayed that Rev. Dr. King's message would not die with him. I do not believe it has. It is more real to more people in this country today than it ever was before.

The 12 years that Rev. Dr. King was an outspoken public fighter for civil rights and human brotherhood, moved the country ahead by a century. He did the work of generations, this one man whose life ended so soon and so tragically. We honor him now, and I hope we will be true to his legacy for all time.●

## PRESIDENT FORD CRITICIZES ADMINISTRATION ATTEMPTS TO "REWRITE HISTORY"

### HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. BROOMFIELD. Mr. Speaker, last week in a speech before a Republican gathering in Rochester, N.Y., former President Gerald Ford was critical of those in the Carter administration who are attempting to "rewrite the history" of his administration.

He pointed out that it has been the Carter administration which has reduced proposed defense budgets for the years 1979 through 1983 by $57 billion from the recommendations of the Ford administration.

Former President Ford points out that genuine bipartisanship is a two-way street that requires an honest respect for the facts.

As one who served in Congress for over two decades with former President Ford, I can testify to his long dedication to the principles of bipartisanship in foreign policy. He was inspired in his belief in this tradition by former Senator Arthur Vandenberg, a resident of Mr. Ford's congressional district who he admired and respected.

One of the fundamental ingredients of successful bipartisanship, Mr. Ford indicated in his speech, is a willingness to "admit your mistakes and do not falsely blame others." Mr. Speaker, I wholeheartedly endorse that advice and commend the text of Mr. Ford's speech on foreign affairs to my colleagues.

**Excerpts From Speech by Gerald R. Ford**

"Now let me turn to foreign policy and related programs. From the outset of my political career in 1949 as a freshman member of Congress, I believed in a bipartisan foreign policy. As a Republican, I consistently supported Democratic Presidents Truman and Johnson as they sought to implement foreign policy decisions in our national interest. Since leaving the White House three years ago, President Carter has asked for my direct assistance on a number of foreign policy issues. I responded affirmatively on the Panama Canal Treaty, the sale of military aircraft to Israel, Egypt, and Saudi Arabia, the lifting of the Arms sale embargo to Turkey and the recognition of the People's Republic of China. From the first day the American hostages were seized in Iran I have urged national unity and supported the President's efforts to resolve the crisis. So far I have refrained from any criticism as the Carter Administration seeks a solution to the Soviet invasion of Afghanistan. The crisis is too grave, the threat to peace is too real.

However, the President and his advisors must recognize that cooperation is a two-way street. I have and will continue to give bi-partisan support when our national security is challenged. Having been there, I know how important it is for a President to have bi-partisan support when Oval Office decisions are made affecting our nation's future. I will not, however, tolerate inaccurate or misleading partisan statements by the Carter Administration. In recent weeks the White House has been guilty of these untrue partisan attacks. The Carter Administration can't have it both ways—one day asking for Republican help and the next day blaming us for their weaknesses in defense and indecision in foreign policy.

While the Carter Administration foreign policy slides from crisis to crisis, the White House tries to rewrite history by blaming previous Republican Administrations for current Carter weaknesses and failures. In an attempt to hide deliberately from responsibility for their foreign and military policy failures, the White House, through National Security Advisor Zbigniew Brzezinski is clearly falsifying the record for partisan political purposes. Such Carter Administration propaganda, to cover up the current mess, comes with illgrace at the very time the President is calling for national unity and bi-partisan support in foreign policy.

Let me cite the facts. On January 15, 1980, Mr. Brzezinski, the Assistant to President Carter for National Security Affairs said in an interview published in the Wall Street Journal, "After eight years of sustained Republican neglect for the requirements of defense, the President reversed the trend and in three successive years increased defense spending."

The truth is—the Ford Administration in fiscal years 1976, 1977, and 1978 in budget authority and in fiscal years 1977 and 1978 in outlays (expenditures) reversed the downward trend in defense spending, despite annual reductions by a Democratic majority in the U.S. Congress.

The record shows President Carter in the 1976 Presidential campaign promised to reduce defense spending by $7 Billion dollars. Unfortunately, he lived up to those naive promises. Within the first few months after taking office in January, 1977, he cut the (or my) military budget by approximately $2 billion.

The Carter Administration reduced my proposed budgets for 1979 through 1983 (a six year period) by $57 billion, an average cut of $9.5 billion per year. Carter slashed our strategic program $24 billion (26.9 percent), general purpose forces were cut $25 billion (7.3 percent) and research and development was reduced by $10 billion (12.6 percent). President Carter cut my planned Navy budget over the six year period by almost $26 billion (41 percent of the total). Ford budget approved a five year Navy shipbuilding plan of 157 new ships by 1982, an average of 31 per year. President Carter in his first two years in office slashed this program 54 percent.

The Ford Administration approved a plan to deploy the MX Missile by FY 1984. Tragically, the Carter Administration held back on the MX. Consequently, its deployment date will be delayed at least four years at a time when our Minuteman missiles will become increasingly vulnerable to Soviet strategic strength.

President Carter in 1977 cancelled the B-1 bomber program, of 244 modern aircraft with no replacement to take its place. The aging B-52's, now 25 years old, are not adequate for the decade of the 80s.

The Trident submarine procurement under Carter was cut back and the initial operational deployment was delayed by two years.

A legendary New York statesman—Al Smith—used to say—"Let's look at the record." In this case the facts expose the Carter White House to a partisan distortion of history. Mr. Brzezinski, who should know better, is guilty of outright misrepresentation.

During his 1976 Presidential debates, candidate Carter repeated his campaign pledge to reduce military budgets by at least $7 billion. I challenged him during the debates to justify his commitment to irresponsible cuts in defense spending programs. Now with the Soviet Union stronger militarily and more aggressive worldwide, in 1980 it would be interesting to see and hear in a debate, President Carter's alibies for his cutbacks in U.S. military programs and funding during his three years in office.

In the 1976 Presidential campaign and during his first 2½ years in office, Mr. Carter naively misread Soviet military and diplomatic intentions. In the last three years the Russians have beefed up their Pacific fleet and now use the Camranh Bay Navy base in Vietnam. There is a continuing build up of Soviet naval strength in Cuba which has followed the introduction of a Russian combat brigade on Cuban soil in the last two years. The Soviet Union has now moved into Afghanistan with the obvious target the vast oil reserves in the Middle East. Their Warsaw Pact military forces, augmented by the S.S. 20 missile and Backfire Bomber, are stronger not weaker.

Yes, the United States faces the most serious confrontation since the end of World War II and the American People are ready to follow strong leadership in this hour of crisis. My advice to the President and his staff—admit your mistakes and don't falsely blame others. 221 million Americans—Democrats, Republicans and Independents will join together to save this blessed land."●

---

## ASSURING WASHINGTON AQUEDUCT'S WATER DELIVERY TO NORTHERN VIRGINIA

### HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. FISHER. Mr. Speaker, a secure safe supply of water is the lifeline of any community. Two communities in my district are concerned that their access to water is not assured. I am introducing legislation today to clear up any uncertainty about the right of Arlington County and Falls Church to an uninterrupted supply of water.

The Washington Aqueduct, under the U.S. Army Corps of Engineers, has been authorized since 1926 to sell water to Arlington County, Va., and since 1947 to Falls Church, Va. Included in the authorization is a clause that allows the Secretary of the Army to "revoke at any time any permit for the use of said water that may have been granted" when there is not enough to serve the needs of the Federal Government. The District Engineer of the Corps of Engineers told me in a 1977 letter that it is unlikely that the corps would have to stop supplying water to the Virginia communities and that it has no intention of exercising its authority to discontinue service.

Despite these disclaimers, the Arlington County Board has asked that the clause pertaining to revocation of the water supply permits be deleted. Agreeing with them that the letter of the law is more reassuring than a letter of assurance, I am introducing a bill to secure the right of Arlington and Falls Church to their water supply. The bill simply rescinds the authority of the Secretary of the Army to revoke unilaterally the water permits for northern Virginia communities. This proposal is not controversial and I urge my colleagues to support it.●

---

## POLITICS AND OIL

### HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. EDWARDS of Oklahoma. Mr. Speaker, I have maintained that Government policies are the chief cause of our Nation's energy crisis. I was very happy to read a recent article in the St. Louis Post Dispatch which documents this point very well. The author researched his subject very thoroughly, interviewing more than 150 industry executives, government officials, consumer representatives, and academic experts in Oklahoma, Texas, Washington, and New York. He discovered that almost everyone agrees our current energy policies just aren't working. His findings make an impressive case for drastic modification or repeal of many of our energy regulations.

The article reaches five conclusions: First, price controls on domestic oil have caused imports to be more profitable; second, frozen profit margins depress investment in needed refinery equipment; third, the entitlements program subsidizes imports; fourth, the buy/sell program gives small refiners no incentive to look for secure supplies; and fifth, the allocation program restricts competition and creates avoidable shortages.

The author states that these "conclusions are more than just the industry line. They are echoed by nearly every Government official directly involved in the administration of the regulation program. Industry and Government officials are in accord that the incredibly convoluted web of regulations has made an oil company's political savvy the most important determinant of its competitive position."

The fact that such a prominent and respected newspaper would publish such an article is a strong indication of how discredited our current energy policies are. I commend this article to my colleagues.

### Oil Industry Ills Laid to U.S. Bungling

(By Jon Sawyer)

Federal regulation of the oil industry has increased American dependence on foreign oil. It, more than any other single factor, contributed to the creation of gasoline-line chaos out of a slight shortfall in world oil supplies in the spring. It has made the notion of free enterprise in oil a sham.

These conclusions are more than just the industry line. They are echoed by nearly every government official directly involved in the administration of the regulation program. Industry and government officials are in accord that the incredibly convoluted web of regulations has made an oil company's political savvy the most important determinant of its competitive position.

These officials cited the following items as some of the recent results of government regulation:

Price controls, a short-term government effort to combat inflation, remained in effect for crude oil and petroleum products long after being dismantled for the rest of the economy. The controls made foreign production more profitable than domestic and discouraged critically needed investment in refinery modernization.

Regulatory amendments that were supposed to promote competition subsidized oil imports and funneled crude oil to inefficient refineries that lacked the equipment necessary to make products, such as gasoline, that were most in demand.

Allocation regulations, also imposed as a short-term expedient, distorted the market in times of surplus and created havoc during this year's shortage.

As director of the Office of Competition at the Department of Energy, William C. Lane Jr. shares the concerns of many critics about the implications for competition in an industry dominated by a handful of giant companies. He has no doubt that government regulation has made the problems worse.

"Everybody," he says, "from the Senate Antitrust Subcommittee to the Federal Trade Commission to the Department of Justice to the House Antitrust Subcommittee who has looked at this issue from the competitive point of view has said that pricing-allocation regulations don't work in this industry. Period."

Government regulation of the oil industry was not a phenomnenon of the 1970s. State agencies had restricted production for 40 years. At the federal level, the Mandatory Oil Import Control Program had restricted imports to 12 percent of domestic supplies since 1959.

As a result of the control program, according to a 1970 report by a Cabinet task force appointed by President Richard M. Nixon, American consumers were paying $5 billion a year to subsidize high-cost production and inefficient refineries.

"The present system," the task force concluded, "has spawned a host of special arrangements and exceptions for purposes essentially unrelated to the national security, has imposed high costs and inefficiencies on consumers and the economy and has led to undue government intervention in the market and consequent competitive distortions."

The recommendations of the task force were ignored as the Nixon administration moved toward wage and price controls in the summer of 1971. Between 1973 and 1975, as controls ended for the rest of the economy, they continued for "old" oil produced from existing fields. The Energy Policy and Conservation Act of 1975 extended the controls to new oil as well.

Price controls on petroleum products also had their origin in the 1971 program, with subsequent adjustments establishing the "base" as the price in effect on May 15, 1973.

"If a guy was in a price war on that particular day," an Energy Department regulator said, "he was theoretically locked into it ever since."

As the system of price controls evolved, refiners could pass through only documented increases in raw material and operating costs. Despite inflation, profit margins essentially were frozen at their 1973 level. If a company invested to improve or expand its refinery, price increases could only reflect the direct costs of the investment; no additional profit was allowed.

The controls discouraged refinery investment at a time when it was critically needed to cope with dramatic shifts in the qualities of crude oil available and the types of products required.

On the supply side, refineries have had to adjust to an increasing proportion of "heavy" crude oils that require more sophisticated equipment to process into products such as gasoline, heating oil and aviation fuel that come from what is termed the lighter end of the barrel. The proportion of sour, or high-sulfur, crudes also has increased, requiring more elaborate refining to meet environmental standards.

On the demand side, while total gasoline use is expected to peak in the early 1980s, the mix of gasolines required will change as leaded grades are phased out. As an additive used to raise the octane rating of gasoline, lead is a substitute for more severe "cracking" at the refinery. If demand for unleaded gasoline is to be met, according to industry and Energy Department reports, substantial investments in refinery equipment are required.

The industry was making the required investments until the advent of price controls, said Joe Moore, president of Bonner & Moore Associates, a consulting firm in Houston that has specialized in studies of the lead phase-out.

"Once the controls were put on," he said, "the industry stopped doing what it was supposed to do."

The result, Moore said, was a shortage of unleaded grades that forced several major companies into product allocation even before January's shutdown of Iranian production.

"The system wasn't set up to deal with inflation," said Edwin Mampe, the DOE's director of price regulations. "If price controls are set up for the long term, they've got to be adequate to handle inflation. Otherwise, you bankrupt people."

To Art Williams, manager of the Shell Oil Co.'s Wood River refinery, the cause-and-effect relationship of controls to curtailed investment is painfully direct. Williams says: "If you know someone with $500 million who'd like to invest it in a risk venture with government controls that say he can get no return on his money, send him around."

Whether price controls on crude oil have had a similar effect on domestic exploration and production is the subject of a trillion-dollar debate in Congress over President Jimmy Carter's proposed "windfall profits" tax on the additional revenues that the oil industry may or may not reap from decontrol.

What is not in doubt is that the controls gave an extraordinary cost advantage to refineries with access to domestic crude oil and that the federal government, in its attempts to redress that imbalance, ended up subsidizing oil imports and inefficient refineries.

By August 1974, independent refiners who did not have access to domestic crude were paying as much as $7 a barrel more than their competitors for oil. Recognizing that this was a "peculiar form of competition," as one DOE official put it, the government instituted a program called "entitlements" to equalize crude-oil costs for all refineries.

Under the program, refiners with more than the national average of price-controlled oil write checks each month to refiners with less than the national average. The checks can be large.

By summer, the Standard Oil Co. of Indiana had paid over $1 billion to its competitors. In practice, the program made refiners indifferent as to the source of their crude oil supplies.

Edd Grigsby, the Phillips Petroleum Co. specialist in government regulations, characterized the entitlements program as "the heart of the current energy policy, which is to subsidize imports and penalize those companies that elected to spend money in years past to develop domestic sources of crude oil."

Because entitlements are based on averages, refineries owned by major oil companies with access to lower-cost foreign oil have a big advantage. In July, for example, the weighted-average cost of all imports was $23.09 a barrel, and that was the figure used in computing entitlements. Yet the actual prices paid for foreign oil ranged from $18 to $45.

That cost spread has occasioned a divisive debate in the industry this fall and has led several companies to petition the DOE for relief.

"If this continues, the Exxons are going to get bigger and we're going to get smaller," said E. William Cole, vice president of the Union Oil Co. of California.

The original entitlements program was biased in favor of those refineries having a processing capacity of less than 175,000 barrels a day. The intent was to promote competition by giving a cost advantage to small refineries that did not have the economies of scale enjoyed by their giant competitors.

With the help of Joseph Califano, then a Washington attorney and later secretary of health, education and welfare in the Carter administration, a group of small Western refineries persuaded Congress to exempt entirely from the entitlements program small refiners with access to domestic crude.

The first four months of the exemption produced a $164 million windfall for the 56 refineries affected. With that record as evidence, the Federal Energy Administration—which had opposed the exemption all along—struck the best deal it could with Congress, spreading the total benefit of the exemption to all small refiners, not just those with domestic crude oil.

Under the revised program instituted in April 1976, government subsidies to small refiners averaged $2 for every barrell processed. Over the next three years, or until the bias was cut in half in June, 40 inefficient refineries—"bias babies"—were opened.

Almost none of the subsidized refineries had the equipment necessary to produce gasoline. According to conservative government estimates, the bias cost the country 50,000 barrels of gasoline a day during spring's shortage.

"People here knew what the likely results (of the bias) would be," said Douglas McIver, director of the entitlements program. "It was totally predictable."

The entitlements program and the small-refiner bias were offshoots of the allocation program that began as a federal response to spot shortages in the summer of 1973 and was codified into law by the Emergency Petroleum Allocation Act later that year. Other parts of the program, also intended to promote competition, had equally unintended effects.

The mandatory crude oil buy/sell program originally was intended to assure equal access to crude oil supplies during the Arab oil embargo of 1973-74. It required the 15 largest refiners to make crude oil available, at their own acquisition costs, to small refiners whose supplies had been cut off.

Use of the program declined after the embargo as the independent refiners bought cheaper oil that was available on the foreign spot market. When spot prices shot up again last year, however, the independents demanded and won a share of the major refiners oil.

From the major refiners perspective, the program was an invitation to disaster: It encouraged independents to seek the cheapest source of crude, no matter how insecure.

"The buy/sell program gave small refiners no incentive to look for secure supplies," said Roy Murdock of the Mobil Oil Corp. "So when things got tight, they lost a great deal more crude than they should have."

A Mobil study found that small refiners, representing 25 percent of the industry, accounted for half of the shortage in the spring.

A gasoline allocation system that imposed 1972 supplier-purchaser relationships on an industry undergoing a transformation to self-service operations brought further distortions. For most of the time the regulations were in effect, gasoline was in surplus and their main effect was to give a windfall to jobbers, middlemen of the industry.

As described by Alan T. Lockard, a DOE official responsible for allocations, the program undercut the large refiners' control over their own marketing by assigning new service stations to jobbers who in turn got allocations from the refiners.

"The jobbers loved it," Lockard said. "The system let people double, quadruple, quintuple their volume, with the refiner-suppliers standing by helpless."

"Some people who figured out the system are now huge marketers," said Edd Grigsby of Phillips. "They're the true entrepreneurs."

When the shortage hit, the distortions of the allocation program came home to consumers who discovered that an emergency change in the regulation's base period had put the gas in rural areas with small populations.

By early this year, even President Jimmy Carter, who had campaigned against decontrol, was saying that regulations haven't worked in the oil industry. In March, his administration implemented the gasoline "tilt" rule that all but decontrolled the price of gasoline, and in April he announced the phased decontrol of crude oil over the next two years.

At the same time, however, the President unveiled an energy plan—including the windfall profits tax, an energy security fund and an energy mobilization board—that promises to enmesh the federal government in the oil business more deeply than ever before.●

## BEFORE WE FOLLOW YOU INTO WAR, TELL US WHY

---

## HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. HARKIN. Mr. Speaker, if we learned one lesson from the war in Vietnam, I hope we learned how wasteful and how unnecessary it all was.

When Chinese Premier Deng Xsiao-Ping was wined, dined, and loved here in the United States last year, I wondered what the quadriplegic Vietnam veteran thought—he, who was told that he was fighting to hold the Communist Chinese at bay in Vietnam.

As the drums of war sound again, let us know, this time, what our young people are being asked to fight and die for.

I submit to my colleagues in Congress, the following column, by the Washington Post's William Greider:

### BEFORE WE FOLLOW YOU INTO WAR, TELL US WHY

(By William Greider)

The smell of war returns to Washington and this time I am listening seriously. I am thinking about August 1914, and the slide of accidental events which led to World War I. I am wondering if the American people fully grasp the preparations that policy makers and politicians are now espousing.

What time is it? The time is late.

What is the situation? The situation is grave.

What is required? A major effort.

This somber counsel comes from Dr. Henry Kissinger, interviewed the other day in The Wall Street Journal. I know Kissinger is brilliant but sometimes I wish there were a little button in his neck which ordinary citizens could push for a free translation of what exactly he said.

What must we avoid? We must avoid ad hoc decisions.

How should we think? We should think through how it all fits together.

Then what must we obtain? National resolve behind carrying through whatever it is.

Kissinger's pale shadow, Dr. Zbigniew Brzezinski, offered his own historic declaration. The "Post-Vietnam Era" is over, he announced in one of those semi-anonymous background briefings. As I listen to the war talk, the language of deployment and escalation, moves and countermoves, I can see that he has a point.

But I also wonder, in this steamy winter of crisis, if the government is recreating another "pre-Vietnam era"—a season of strategic steps which lead in time to another swamp.

Ordinary citizens, far away from the policy storms of Washington, may begin with simpler questions about Afghanistan. Where exactly is Afghanistan? What do they have in Afghanistan that we want? What are we supposed to do to get it back from the Russians?

Nothing. The short answer is nothing. Afghanistan is a nothing country with nothing we really want and we aren't going to do anything to get it back.

We are not talking about Afghanistan, citizens. We are talking about a new domino theory, born again for the Eighties. It is popularly known as the "Arc of Crisis," but Time magazine calls it the "Crescent of Crisis," which is more poetic than dominoes.

Why must we struggle over Afghanistan? Because Pakistan is next and then Iran and Arabia and soon the Russians will be toasting themselves in the cafes of Paris and the tearooms of London. Our world will be swallowed up by Red aggression if we and our ally, Red China, do not resist.

These are serious arguments, serious perceptions of danger. Still, I am compelled to note that these global thinkers—Kissinger and Brzezinski included—made the same arguments 20 years ago in another part of Asia. Only then we were told to struggle in Indochina against our enemy, Red China, who would swallow up Asia if we failed to act. It was better to fight in the streets of Saigon than the streets of San Francisco, as I recall.

I recognize that in the present climate these sentiments sound exceedingly wimpish, know-nothing, even craven. This is the hour for rallying and anyone who interrupts with simple-minded questions about the location of Afghanistan is automatically dismissed from the dialogue. It is also possible that the gunpowder I smell is merely a whiff of talc—a powderpuff crisis for the voters of 1980. But I keep thinking back to that news story about the first casualty in Vietnam, a boy from Tennessee, as I remember it. They went around to interview his family. His father did not know where Vietnam was.

Did we learn anything from Vietnam? My main feeling of dread about the present situation is that the government and its auxiliary policy makers are in danger of repeating the same fundamental errors which led to the ruined strategy in Indochina. I am not talking about errors of diplomacy or military tactics—though those were abundant. I am talking about errors of democratic leadership.

The Middle East is different from Indochina and so are the current events of crisis, but I do not hear the plain talk that citizens need if they are going to sign on for "national resolve," as Kissinger calls it. What I hear is the same kind of elliptical rhetoric which preceded Vietnam, heavy in portent and failing in precision. It sounds strong but lacks definition. It describes the consequences of inaction in the gravest terms but it evades the consequences of commitment.

Thus, for example, our Republican statesmen who are running for president, who depict themselves as knights stalwart, of democracy, scurry away from the question of the draft. No point alarming folks in an election year by suggesting that their sons and daughters might go to Oman or Pakistan or wherever.

Likewise, none of those who are proposing U.S. deployment of troops in the Middle East are talking about what this might mean, down the road a ways. The idea is to signal the Soviets of our "national resolve" but nobody has spelled out exactly what we are resolving to do, in the event that the Russians or someone else start shooting in the vicinity. Since war on one level or another has been a constant for 30 years in the Middle East, is it unreasonable to ask now, rather than later, what we are committing ourselves to do?

What I hear these days are essentially two different conversations. One is intense dialogue among the policy makers, full of prescriptions for action but too opaque for general understanding. The other, political rhetoric directed to the nation, is not much more than a rumble of patriotic thunder.

Everyone thrills to thunder. It's only later, when lightning strikes and the barn burns down, that folks get angry. This is essentially what happened to public opinion during the Vietnam war and I see a present danger forming of the same disastrous dimension.

Jimmy Carter added his own bracing presidential thunder last week, which, again, was strong on portent and weak on precision. He warned the Russians that he might have to resume the military draft—maybe after the election, certainly not before. He did not explain, for instance, how Gen. Zia of Pakistan, once regarded as unstable and repressive, had suddenly become our new bulwark of freedom. Carter said we are sending arms and maybe troops to defend our "vital interests" in a troubled region, but he did not define how these new commitments in the Middle East will be more successful than the old ones in Southeast Asia.

My question really is about how leaders in a democracy prepare people for a dangerous struggle without losing the next election. President Johnson essentially lied in 1964 and everyone can agree now that the nation paid dearly for his deception. Among other lessons, Vietnam left some commandments which the "Arc of Crisis" commanders ought to honor, if not for themselves, for the country.

Tell the truth. Americans can take it. They are more comfortable knowing the truth of the situation than with a lot of gauzy rhetoric and vague warnings.

I am not talking about the deep secrets of war strategy or the names of spies. I mean an honest account of what events are propelling us toward war and what the possible consequences will be.

I do not think we have gotten that yet from the Carter administration or the presidential challengers who love to talk tough. My hunch, which I cannot prove, is that we do not yet know the full truth about events in Afghanistan or in Iran, for that matter.

If Americans learn later that they were deceived or conned, they will not feel as resolute as the national leaders about continuing the struggle.

Obey the laws and the Constitution. That does not seem like too much to ask of the U.S. government, but the great scandal of Vietnam which no one would confront, including the Supreme Court, was the sleazy legal tricks used to justify the escalating military engagement and the suppression of citizen dissent.

This means, if the president wants to fight a war, he sends a declaration up to Capitol Hill and Congress votes on it. He does not segue into war by secret CIA armies or masked adventures by military advisers.

Tell us why. Why must we struggle for Afghanistan? The answer must be something more tangible and durable than the reasons supplied for Vietnam. That war was cast as a "war of honor" or a "test of strength" but it left the United States looking both weak and dishonored.

Forget the abstractions; give us concrete reasons. If the answer is oil, then some other tough questions must also be answered first. Why, for instance, do our European and Japanese allies seem so relaxed about Middle East oil supplies, so willing to let us do the nasty work? Isn't their oil at risk too? And, furthermore, what has the Carter administration done at home to insure emergency supplies of oil? The answer is not much, a modest scandal by itself.

Finally, there is a fundamental rule which I borrow from the Strom Thurmonds and Richard Russells and George Wallaces of American politics: If we get into a war, we should get in to win it.

Most Americans, outside the realm of policy theorists, instantly grasp the common sense of that rule. Only people who think war can be fine tuned and graduated into clever diplomatic signals will defend the gradual escalation of the Vietnam struggle.

War making was not invented in order to send signals to the Kremlin or anywhere else; war is meant for defeating an enemy force and capturing territory. If that's not the intended purpose, then don't send our boys to fight.

Simple as they sound, these are not easy rules for our leaders to follow. Each in its way poses a firebreak against careless adventure, against belligerent posturing which later slides into real bloodshed. And it makes diplomacy and war preparations much more complicated if a leader has to bring the general citizenry along with him on each step. But that is literally what global danger requires. Nobody ever said democracy was easier.●

## PTA THRIFTSHOP OF LA HABRA

## HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. DANNEMEYER. Mr. Speaker, from time to time we are privileged to be reminded of the tremendous potential for good that can be found among the constituency we represent. When these reminders do come to our attention, it must serve as an example and an object lesson to us all. I would like to share with each of you the following release from the PTA Thriftshop of La Habra.

This is a group of very fine civic-minded people who are actually out doing something for their less fortunate neighbors. This sort of activity is the highest expression of the Judeo-Christian ethic that so obviously motivated our Founding Fathers as they built this Government from which we benefit. One of the reasons that I am bringing this group to the attention of the House is that I believe that such work is the ideal way in which to help the poor and needy. The Government programs that have grown into what can best be described as a welfare industry help some people, but they serve to remove from most Americans the feeling of responsibility for the welfare of their neighbors. The attitude that the Government will take care of everyone, and that we do not share in the task beyond paying taxes has acted to alienate Americans from one another. If we return to the ethic that these people in La Habra exemplify, we will be returning to the standard of conduct that makes each of us willing to help his neighbor. It would be my hope that the example of these wonderful people would in some small way serve to spur others to similar action.

There is yet another consideration here, and that is the tremendous cost of the welfare industry. More volunteer activity by people on a community-by-community basis would not only bring us all closer together, but it would enable us to cut back on the inefficient and impersonal welfare system that seems only to encourage dependence and fraud. Please take the good works of these friends of mine from La Habra to heart and learn the important lesson that they have to share with all of us.

I ask unanimous consent the the following material be inserted in the RECORD.

### PTA THRIFTSHOP OF LA HABRA, INC.

(By Gerda Clerke)

The PTA Thriftshop is a nonprofit, tax-exempt, all volunteer organization. We have been in existence since 1958. We were started by the then existing 6 local PTA's. The original idea was to provide a store where low income families could clothe their children cheaply, and hopefully to help with the proceeds to cover "emergency welfare needs of children in our community", as our bylaws state. Some starting money was needed and the newly created Thriftshop borrowed from each of the participating PTAs $50. This money was paid back within the first year of operation and we were also able to handle a few welfare needs.

The Thriftshop operates independently of PTA. We operate under our own bylaws and under our own Board. We do rely on our PTA's for volunteers and donated usable items. Each PTA is responsible for staffing the shop for 2 weeks on a rotating basis.

Our overhead expenses are relatively small. We do not buy any of our merchandise, we sell only donated items. We have no paid staff. We do have to pay rent, utilities, liability insurance, necessary office supplies, etc., and we pay Sales Tax.

Our profits have from the start gone toward student welfare needs (not recipients of federal welfare programs, but hardship cases). As our profits increased we started a scholarship program for needy and deserving High School Seniors. At first these awards totaled only a few hundred dollars per year. Within the last three years we have given our scholarships in excess of $20,000, this current year in the amount of $9,900. But the scholarships are not our top priority, they will be given out as funds permit. Our top priority is to take care of student welfare needs. Referrals come to us through school nurses and/or administrators, who screen each case carefully to determine actual need. In contrast to our scholarship program, which receives wide publicity, all needy cases are handled on a strictly confidential basis, with no publicity ever. Even our Board does not have access to names of people who have been helped.

The help we have been giving to needy students in our more than 20 years of operations has covered a wide range: thousands of dollars have covered cost of many eyeglasses, hearing aids, medical and dental costs, prescription costs, etc. It is impossible to break the cost of help down into percentages per category. We act according to need; one year this need might run into thousands of dollars, while in another year it might be under $1,000. Also, every year we pay for many pairs of new shoes and new clothing for needy children.

Our PTAs have started two other social welfare programs: a Dental (started 1961) and a Medical Program (started 1973), in which area doctors volunteer to take 2 needy cases per year free of charge. Our Thriftshop is obligated under our bylaws to pay for all actual costs of treatment (lab fees, X-rays) etc. and for all prescriptions needed in treatment. These two programs also operate under their own bylaws and officers. The Thriftshop has contributed toward the operating costs of these two organizations and also made larger donations toward the dental health and nutrition education efforts of the Dental Program.

Occasionally we have made contributions to other organizations working in the field of child welfare, f.i. in 1978 $300 to "For Kids Sake" (child abuse) and this year $500 to the Gary Center's Dental Clinic.

Our purpose is to help children. Our prices are considerably lower than those of other area Thriftshops. In other words an awful lot of volunteer effort and dedication goes into raising the money we spend on child welfare. Just a few practical examples to illustrate what the Thriftship is all about:

Many years ago a Jr. Hi girl, very attractive, came to school always dressed in a real shabby man's jacket—it was all she had. Thriftship volunteers took her on a shopping trip and outfitted her with everything from underwear to dresses, shoes, coat, etc. The change in the girl's morale and personality was unbelievable. Or: a kid contracted polio, despite immunizations; many operations were needed (insurance doesn't cover everything) and the parents could not handle everything. The Thriftshop was one of the community organizations helping out until Children's Hospital took over treatment; we also bought the needed orthopedic shoes for the child.

Or: father in prison, 3 children, 2 elementary age, 1 Jr. Hi. Mother works but doesn't make enough to make ends meet, and she makes a few dollars too many to qualify for welfare and food stamps. The mother goes to work in summer sandals which are falling apart, the only shoes she has. The children's shoes are in equally bad shape—and this was during the rainy season. We bought new shoes for the whole family and also supplied them with some badly needed clothing and other items.

Or: during one very hot summer a very poor family with a baby in the house and the refrigerator breaks down, and there isn't money for the repairman. We paid for the refrigerator repair.

Or: a child is constantly late for school. The child tries very hard, but the mother just wasn't cooperating in getting him up in the mornings. The school nurse asked if we would pay for an alarmclock for the child. We did and the problem was solved.

Or: a girl wants to be a cheerleader at her High School, but there is no money in the family to pay for luxuries like a cheer leader's uniform. We paid for it.

Sometimes we help in other ways or try to. One year one of our scholarship recipients came back after he had received his check, almost in tears: "My family is on welfare and food stamps and the social worker cancelled our food stamps because of the scholarship and I don't want to hurt my Mom." We called welfare and food stamp office and wrote many letters to Legislators, County Supervisor, HEW, etc. We have a stack of correspondence on this case. The boy's old High School and the High School District Office were very helpful with also writing letters to Legislators and Agencies. The sad news is that regulations are regulations. Welfare benefits are not affected by scholarships, but for food stamp purposes scholarships are considered family income! The only way around this is to give the scholarship to the college directly, so no cash goes into the hands of the recipient directly. A family tries to better themselves and get out of the welfare mess and they get penalized because they were honest enough to tell the Social Worker of the scholarship. The happy ending of this story is that the sister of this boy received one of our scholarships this year and the girl told us proudly: "My family is no longer on welfare and foodstamps." A case like this where you can help somebody who is also trying to help himself, makes us especially happy.

We could tell many more of such human interest stories, but the ones above might give some idea of what the PTA Thriftshop is all about.●

---

## SOVIET AGGRESSION IN AFGHANISTAN

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. LEHMAN. Mr. Speaker, the brutal Soviet invasion of Afghanistan is a flagrant violation of the integrity of an independent nation and demonstrates a callous disdain for world opinion.

We cannot be surprised at this illegal act in view of Soviet behavior since the Second World War. The Soviet Union has never worried about legal technicalities when it has seized an opportunity to expand its influence. We must, however, recognize that the invasion of Afghanistan represents a new departure in Soviet foreign policy. Such overt military action has not been undertaken outside of the Eastern bloc. It is, therefore, the responsibility of the United States, its allies, and all countries which treasure their independence to make it clear to the Soviet Union that the costs it will incur for this invasion are too great. The Soviet must never again feel that they have more to gain than to lose by such an undertaking.

The recent vote in the United Nations was a heartening demonstration of the world's outrage. The overwhelming majority of nations condemned Soviet actions in Afghanistan. The Soviet Union was no doubt taken aback by its sudden isolation in the international community.

Verbal condemnations, however, are obviously not enough to change Soviet behavior. Stronger measures are called for, and I wholeheartedly support the measures announced by President Carter on January 4. Taken in concert, I believe they will have a punitive effect on the Soviet Union, particularly if we have the support of our allies.

Deferring consideration of SALT II will not be perceived by the Soviet Union as being a serious blow in view of Soviet doubts that the treaty would have been ratified soon in any event. It was an appropriate move, however, because we cannot possibly maintain a "business as usual" attitude in the face of aggression. I still believe that the SALT II Treaty is in the best long-range interests of both countries, and I hope the treaty will be considered at a more propitious time.

Reducing our trade will hamper Soviet efforts to satisfy the growing consumer demands within the U.S.S.R. Limiting the transfer of high technology items will hinder the growth of certain industries, while the curtailment of Soviet fishing in U.S. waters will cost the Soviets 3 percent of their annual fish catch.

The grain embargo demonstrates an important truth in today's world. Responding to an outside threat demands sacrifice. I agree with the President that the American farmers should not be forced to bear the entire burden of punishing the Soviet Union. Increased Government assistance to farmers is necessary to distribute the costs more evenly among all Americans. This expense will be borne by all taxpayers and consumers in this time of crisis.

The claim has been made by many of my colleagues that the suspension of grain sales to the Soviet Union will hurt the United States more than it will hurt the Russians. We should not minimize the cost to ourselves, but neither should be minimize the cost to the Soviet Union. The U.S.S.R. relies on us for about two-thirds of its grain imports. The Kremlin commitment to build up the country's meat supplies cannot be realized without U.S. grain. The Soviet Union is far from being a consumer-oriented society, but no nation wants to risk the kind of instability that can come from consumer dissatisfaction. The Soviet Union remembers all too well the food riots in Poland a few years ago which led to a change in that country's leadership.

The Kremlin does not have to answer to public opinion as do governments in free societies. Its disregard of human rights within the Soviet Union, as evidenced by the suppression of dissenters such as Andrei Sakharov, is aimed at maintaining a disciplined, if silent, public.

The Soviet leaders can prevent their people from knowing the truth about their motives and activities in Afghanistan. Moving the Olympic games from Moscow, however, would bring home to the people of the Soviet Union the outrage with which the rest of the world regards Soviet aggression. The people will have to question the wisdom of their leaders when their country is denied the prestige of hosting the Olympic games.

The Soviet Union has made no pretense about the political nature of the Olympics. Just as Hitler sought to demonstrate through the 1936 Olympics the superiority of the "aryan" race, the Soviet Union has sought to prove the superiority of the Communist political system. The world cannot confer legitimacy upon a government which commits illegal acts. I join with the President and my colleagues in Congress in urging the removal of the Olympics from Moscow. If they cannot be moved in time, the games should be postponed or canceled.

Much of what I have so far discussed has been criticized as being more symbol than substance. Taken together, I believe these actions will have a profound effect on the Soviet Union. We must, however, also evaluate what our military response ought to be.

The geographical location of Afghanistan means that the Soviets can present a greater threat to our vital interests in the Middle East. We must make it clear that intervention in the affairs of Afghanistan's neighbors will not be tolerated.

The United States must be ready to respond to any threat to its vital interests. We must be prepared. Readiness, however, does not mean merely increasing the military budget.

This crisis must not be used as a cover for more waste in our defense budget and indiscriminate spending in the name of national security. The Congress still has a responsibility to scrutinize the proposed increases and determine where the money will be best spent to truly enhance our security. It is in this time of crisis, more than ever, that we must use our resources wisely.

I will support all efforts to defend our Nation and our allies from outside threats. There can be no ambiguity in the position of the United States vis-a-vis the Soviet Union. There must be no misunderstanding of either country's intentions. No miscalculation can be made which would lead to greater confrontation and ultimately nuclear holocaust. This time of crisis calls for firmness and clarity in our relations.●

---

## WINDFALL PROFITS TAX

## HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. COLLINS of Texas. Mr. Speaker, yesterday I heard from a country banker down in east Texas. Jon Ruff is president of the First State Bank in Hallsville and was writing me about an article written by Bill Simon that he had read in the Wall Street Journal.

Bill Simon wrote an excellent article, and he ended up with this question about Congress, "Do they understand and are they committed to the fundamental principles and ideals that gave us the abundance and freedom that is America?"

Jon lives in a small town so he works 12 hours a day to make a living. He cannot understand the actions of politicians in Congress.

He does understand the sound logic of Bill Simon. When Bill was Secretary of the Treasury, he talked more commonsense than anybody in Washington. Since the Democrats controlled Congress, they were not listening.

At this time we have before us a windfall profits tax bill. This bill will tax American oil companies over 70 percent and will put a zero-percent tax on OPEC companies. Six years ago we were importing $3 billion of foreign oil, but this year America will import $80 billion in oil.

Let us see what Bill Simon said in the Wall Street Journal last week about "Free Enterprise and the Pols." Here is Simon's statement about the windfall profits tax.

> In the first place, it's not a tax on profits. Its assessment does not even include a calculation of profits.
>
> It's not in any sense of the word a "windfall." By every reckoning that I have seen—intermediate term or long-term, profit margins, return-on-equity, return-on-debt and equity, etc.—the oil industry's profits lie somewhere in the middle of the spectrum of American industry.
>
> It is really nothing more than a penalty assessment on the future productive and creative endeavors of an industry whose hands have already been effectively tied by a cornucopia of federal and state regulations; regulations that have produced a triple header of knocking the industry out of the ring of world-wide competition, preventing the production of even one drop of incremental oil or gas, and compelling this great nation to kow-tow to a bunch of desert sheiks. There is no economic or financial justification for this madness—only political.
>
> No, these pandering morons on the Potomac see the political benefit in "punishing" the oil companies. The pols and the press have already succeeded in deflecting the true blame for our energy crisis from Washington to the industry. Those "leaders" know that there are critical re-election votes in this shabby act of dishonesty but, after all, no one should be surprised because they only have one over-riding concern and that is their own re-election. So, in the process, few understand that it's not the "oil companies" we are punishing—it is the American people.●

---

## NASA'S FUTURE

## HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. HARKIN. Mr. Speaker, Science magazine last month published a provocative article that cogently describes the problems the National Aeronautics and Space Administration faces in trying to chart a path for its future. So that all of our colleagues may have an opportunity to read this excellent article, I would insert it at this point in the CONGRESSIONAL RECORD:

### UNCERTAINTIES MARK SPACE PROGRAM OF THE 1980's

(By R. Jeffrey Smith)

(NOTE.—Problems with the space shuttle, described in Science on 23 November, have seriously weakened other programs of the National Aeronautics and Space Administration (NASA). The following article describes the agency's attempts in light of these problems to chart a path for its future, and a related article (p. 1288) outlines the special troubles ahead for planetary exploration.)

"What we see is a classic case of a program and agency in search of a mission." Nine years ago, then-Senator Walter Mondale used these words to describe the struggles of the National Aeronautics and Space Administration (NASA) to win approval for the space shuttle. Today, as the shuttle nears completion despite technical roadblocks, the words still ring true: NASA is in the midst of an identity crisis. Having successfully placed a man on the moon at the end of the last decade, NASA remains bewitched by the question, what next?

There is a growing realization that the shuttle was approved as the workhorse of the space program in the 1980's with little thought as to what work it would actually perform. Although its capabilities have been limited by design changes, its potential is still great enough to produce confusion and squabbling among NASA's constituents and planners. President Carter was asked almost immediately after his inauguration to step in and chart the agency's path, but to date he has refused to do so, and produced only an ordering of priorities without any commitments.

Lacking an outside mandate, NASA has repeatedly had its budget chopped by the Office of Management and Budget (OMB). Space enthusiasts on NASA's authorizing subcommittees have been unable to put back projects desired neither by the executive nor by NASA's legion of fiscal watchdogs and space critics. Although the agency's technical competence and morale is said to depend in part on a continuous string of new projects leading to space launches, no new projects were approved last year; with major cost overruns on the shuttle, NASA's new program requests for fiscal 1981 might all be rejected.

Cutbacks have been particularly severe in NASA's most basic scientific research—planetary exploration, whose slice of the NASA pie has been hovering around 5 percent for several years. Angelo Guastaferro, the program's director, notes that "we've had 22 planetary encounters in the last 10 years. We'll be fortunte if we can achieve seven or eight in the next 10." The only planetary encounter authorized at present is the Galileo orbiter and probe of Jupiter, which will not reach its destination until 1986 or later, given delays brought on by problems with the shuttle. The Pioneer and Voyager programs to orbit Venus, Jupiter, and Saturn will all have ended by fall 1981. Sam Dallas, a project manager of NASA's proposed imaging radar orbit of Venus, fears that during this 5-year hiatus in planetary encounters, "scientists and engineers will be forced into other areas, with talent lost to private industry or defense. It will hurt future recruiting, too, as graduate students look elsewhere for thesis topics." Larry Colin, deputy director of space sciences at NASA's Ames Research Center, says "We've got nothing to talk about but wishes and dreams. We'll see a grandscale exodus from the field, with some of our best talent flying to the four winds."

The scientists are especially chagrined because, to the extent the hiatus is stretched out by the shuttle's inadequacies, it was all foreseen as early as 1975. Then the National Academy of Sciences' (NAS) space sciences board, at the urging of Gerald Wasserburg of Caltech, recommended that "NASA maintain direct launch capability" (other than the shuttle) adequate for planetary programs, until the shuttle became fully operational. The advice was rejected, and the program is reaping the consequences now. Also, to the extent that the shuttle has eaten up money that would otherwise be available for divisions such as space science or applications, managers there have become embittered. The NAS space science board wrote in 1971, "It is clear that space science and applications by themselves are insufficent to justify the cost of developing the shuttle." As uncertainty grows concerning the uses to which the shuttle may actually be put, this assessment seems borne out. There can at least be no dispute that the shuttle expense has set the chronology of anticipated science missions back by at least 5 years, and forced the outright cancellations of missions such as a lunar polar orbiter or a rendezvous with Haley's comet in 1986.

John Naugle, formerly, NASA's top scientist and now an agency consultant, claims that the cutbacks, combined with the absence of a strong White House space policy, "have had a devastating effect on the morale of the agency." In contrast to the heady days when NASA's employees were a almost spiritually motivated by the single purpose of reaching the moon before the Soviets, the agency is now in philosophical and motivational disarray.

Into what they claim is this breach of aggessive space leadership have stepped two senators who still share its passion, Senators Adlai Stevenson (D-Ill.) and Harrison Schmitt (R-N.M.), both of the subcommittee on science, technology, and space. Schmitt, who sprang into the Senate from his stint as an Apollo astronaut, comes by his space enthusiasm naturally; Stevenson's accrues largely from his position as subcommittee chairman. Both have introduced national legislation, cosponsored by 20 other senators, that would commit the United States to pursuit of specific goals in space. Stevenson's bill, the less ambitious of the two, orders continued research in communications and solar power satellites (Science, 23 November), stepped-up planetary exploration, and creation of a permanent office to operate so-called microwaves to survey land and water for government, private, and foreign clients. Schmitt's bill commits NASA not only to a program of remote sensing and satellite communications, but also to a space station or solar power satellite by the year 2000, and to additional manned planetary exploration (presumably to Mars) by 2010. Shrewdly, neither sponsor has attached a price tag to these goals.

Philip Handler, president of the National Academy of Sciences, backs the legislation, and suggests dire consequences if it is not enacted: "We are doubtful that a coherent program can survive without a formal, long-term commitment; in the absence of such a commitment, if decisions were to be taken sporadically, each considered within the context of a single annual budget cycle, the losses to science could be substantial and of national proportions."

So far, his clarion call has fallen on deaf ears, and the legislation has moved nowhere. As a first step, Stevenson and Schmitt have agreed to work out a compromise, but with Stevenson's retirement from the senate next year, any momentum gained by then could slip away. Over in the House, where the committee often seems composed of would-be astronauts, and the chairman sits in the midst of smiling astronaut photos and plastic rockets enclosed in glass, the bills have not even been introduced. Concerted opposition from the White House and a lack of public support contribute to disinterest. White House science adviser Frank Press, expressing the official Carter policy in a statement that brings him toe to toe with Handler, told the Senate subcommittee that "it is more appropriate, I believe, that priorities be set depending on the promise of the science and technology available and the budget situation at a given time, rather than overspecifying now what the future needs will be."

This sentiment was not well received by the bills' sponsors. "I sense that this administration has as its objective reorganization, study, and restudy, and that is one of the reasons it is such a small achiever," Stevenson responded tartly. Schmitt added, "I can't tell from this [Carter's policy] where this country is headed in space, Frank. I just can't see it in there. Right now, the people that are going to have to carry out a space policy won't get anything out of this document other than a statement 'we're going to continue to look at it and then maybe we'll make some decision.'"

But Press knows that the senators have not got enough support to mount a serious threat to the President's deliberate non-policy. In the era of limits, space is perceived as well within the outer reaches of the earth's atmosphere; fiscal pressures fall particularly heavy on such high-visibility basic research. There is a tendency to approach each new space project leading to a launch as a new federal program, notes Guastaferro. And the programs are not small. The lead time to develop a technological base for the more complicated planetary missions has become stretched and the cost has gone up, to a point where planetary encounters currently may require 10 years of planning and development, costing as much as $500 million. Since flaws in the spacecraft obviously are beyond repair, the risks attendant to such large expense can be enormous. The $95 million Seasat, launched into orbit last June to monitor ocean conditions, operated for 99 days before an avoidable electrical short ended its life 9 months too soon. With no huge manned program such as the Apollo behind which to hide, such failures in space science and applications achieve notoriety.

Thus, the task facing NASA becomes one of almost continuous salesmanship, both public and congressional, at which it has done especially poorly since Apollo ended. The agency, for example, spends enormous sums for public relations and on the graphic illustrations and simulations of space that one encounters everywhere throughout NASA's installations. But sales efforts work better with some programs than with others. Where as Earth-orbiting satellites with direct and useful applications may be easy to sell, planetary exploration is really only large-scale, short-duration basic research. As such, it shares the vulnerability of all basic research. Charles Hall, who directed the recent Pioneer probe of Saturn from NASA's Ames Research Center, explains, "I can point to no immediate, tangible benefits from planetary exploration that are easy to get a hold of. You have to be honest with yourself. Some of the statements about applications will be hard to prove in the long run; controlling weather on Earth, for example, is obviously not possible." Hall adds that the studies of ozone on Venus are an exception to this generalization, but that such exceptions are few.

Knowing this to be an obstacle, NASA's officials rarely attempt to sell the programs purely basic research. Noel Hinners, formerly NASA's top scientist and currently director of the National Air and Space Museum, notes that "even scientists don't understand that a lot of the space program is not being done just for science. If you were competing for all of the science money, you would never spend a billion dollars to do a Viking planetary program; it's not a pure kind of science trade-off." Instead, the engineers and scientists mention other values, few of them quantifiable in a benefit-cost analysis of the type fashionable at OMB.

The most prominent nonscientific goal that NASA used to crow about, for example, was technological and psychological dominance over the Soviets; this polemic fell victim, however, to the agency's clear, decisive 1969 victory and is rarely mentioned anymore. So officials such as Naugle now invoke the "basic need for challenging things to keep a society like ours healthy." As soon becomes evident with this sort of thing, many of the agency's directors suffer from what might be described as the intrinsic inarticulateness of men who climb mountains. "We explore the planets for more than just science," says Tom Young, the associate director at Ames. "The primary reason is new knowledge, but there is also the need to explore new frontiers and the stimulation of national pride and prestige. But I don't want to sound like Madison Avenue." Perhaps feeling some inadequacies, the agency has recently recruited James Michener, the novelist; Norman Cousins, the longtime editor of Saturday Review; Ray Bradbury, the science fiction writer; and Jacques Cousteau, the underwater explorer—committed and eloquent space buffs all—to testify before congressional committees and the public about the value of its million-dollar science projects.

But even if the agency has learned how to sell, it still may not known what. The confusion stems in part from the fact that technical capabilities in space have outpaced the national ability to spend, so the choices are many and the decisions difficult. Compounding the problem is the inherent unwillingness of the agency's engineers to be practical. Bruce Murray, director of the Jet Propulsion Lab (JPL) in Pasadena, likes to say that "NASA has the only federal charter for institutionalized imagination." Unfortunately, the same imagination that results in impressive breakthroughs may also result in absurd ideas. Hinners notes "the agency is often pulled along by the dreamers, obsessed with the fascination of building these unusual things. The engineering gets done before one considers adequately the use to which it would be put." The shuttle is an example of this, he says. "To often, it is very late in the game that scientists are called in to see how they would use what is being built." The process only exacerbates scientist-engineer differences and leads to internal squabbling over what the agency ought to be doing.

The problem as it relates to NASA's lack of success at selling itself is twofold: One, the agency fails to present a unified, identifiable theme, and two, the agency's wild ideas have a way of bubbling to the top at almost exactly the wrong moments, demonstrating an embarrassing lack of restraint. The agency is still living down the classic example, which occurred as long ago as 1969. In the midst of clamor for more attention to domestic troubles, a special commission led by Vice President Spiro Agnew produced a report that suggested building a 50-man space station, a manned base on the moon, a shuttlecraft that would run in between, and a manned flight to Mars by 1985. Reaction was so extreme that even today the agency is chary of discussing its badly desired unmanned mission to return a rock sample from Mars, a mission that would itself cost at least $1 billion. Sam Dallas attributes the Agnew proposal to "simple greed, following the Apollo success."

It is not clear, however, that the agency and its constituents have taken his sentiment to heart: Many observers consider the contemporary example of the Agnew proposals to be the highly discussed solar power satellite, which may cost more than $100 billion. Peter Glaser, an executive of Arthur D. Little, Inc., who holds a patent on the concept, explains that it was conceived as a competitor to the fast breeder reactor for power generation. He would like to see a pilot solar satellite plan completed by the mid-1980's, a prototype by the mid 1990's and construction shortly after the year 2000. The project would require—at the least—severe modifications of the soon to be completed shuttle. "Of course, we already know that the Soviets, the Japanese, and the British may be interested in building this if we don't," Glaser says.

Other thoughts prevail in Congress. Representative George Brown (D-Calif.), chairman of the House subcommittee on science research, and technology cautions that "the program could totally devour all the effort, capital, and technology available to move forward in near space." Others feel it might devour the credibility of the agency's enthusiats, and which much smaller proposals depend.

A particularly sharp critic of the proposal, and of the space community's other grand-scale ideas is Senator William Proxmire (D-Wis.), chairman of the appropriations subcommittee that must approve NASA's budget. Proxmire's views are more extreme than those of the members of his subcommittee, but his sentiments about NASA and its ideas are clearly shared by many. "I think the agency has its priorities wrong, much of the time," he told Science in an interview. The space telescope, a darling of the space astronomers that is currently nearing completion, "could have been built 5 to 10 years from now just as easily as today. The end of the universe will be there for a long time, and considering that light from outside the galaxy has already been traveling millions of years to get here, a few more years will not hurt. Every federal program is under great pressures, and NASA's are no different; as a spending priority, space pales in relation to education, transportation, or health. It's been a kind of fad, this intense competition with the Soviet Union. Then, when a huge bureaucracy was constructed to get us to the moon, it conceived of the shuttle just to save some jobs. I'd like to see it oriented in the most practical direction possible, probably in earth applications, and work that will increase productivity. Then we hear about the proposals for a Beverly Hills in the sky [Gerard O'Neill's space station]; to build anything like that would cost trillions of dollars."

Agency employees surveyed at three of NASA's centers almost uniformly derided such views as parochial. Fiscally conservative congressmen and budget planners at OMB were labeled nothing more then "bean counters." A common line, in which even new NASA employees are well tutored, is that NASA's budget has plenty of room for growth because HEW and several of the larger agencies spend the equivalent of its annual budget every week. Murray of JPL asserts that "the interest of the people in space exploration is enormous. The Washington process is a cynical one, and out of touch. It's just not popular to vote for imaginative things. Neither OMB nor Congress has a cubbyhole for imagination."

The only way to circumvent such thinking, Murray continues, is for the President to speak out vigorously on behalf of the space program. "The President's the only one that can testify to it's viability. Carter believes in space exploration—the only problem is that he doesn't project this," Murray says. "As a southern preacher, he thinks we have to suffer for a better future, and he doesn't articulate the exciting opportunities. His policy is nothing more than a utilitarian program 8 years too late—it's the Republican space program. You can see that it was written by staff people. It lacks fire and pizazz; what he doesn't realize is that the country's mood has changed."

Without more concerted attention at the top, Murray and his sympathizers are planning what any disaffected interest group would do in similar circumstances: to aggressively enlist grass-roots public support and to build a special-interest lobby on space to garner more federal funds. Lou Friedman, an advanced mission planner at JPL, is contemplating a 6-month's leave of absence to get the ball rolling. "I don't know that we want to influence legislation," he says, "at least not directly."

This might run afoul of proscriptions on political involvement by government employees. "What we'd like to do is increase the public's general level of interest." One idea he mentions is to broadcast the Galileo encounter with Jupiter as a miniseries on television, and ask viewers to nominate which of the planet's poles or moons they would like it to visit. "Out of ten to 20 encounters with the moons, we could give one or two to the public," he says. "Now I know that scientists may cry, 'oh Jesus, they picked the wrong one,' but I think it's important that space be considered a public program in the truest sense." Friedman says he is uncertain where the sponsorship would come from and leaves that as detail to be worked out along the way.

Some might consider this an extreme reaction on the scientists' side, but there is widespread interest in building up a base of support that will insulate the agency from the vicissitudes of the annual budget authorization process. Several space scientists suggest the best way for this to happen would merely be for the agency to develop an integrated program of small-scale projects, and to forego large shuttle-type expenditures. More money would then be available for earth-orbiting satellites, and planetary exploration, too. NASA has labeled the 1980's "A Decade to Learn." The question is, how painful a lesson will it be?●

## PRESIDENT CARTER'S SPEECH UPLIFTING

### HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. WON PAT. Mr. Speaker, President Carter's state of the Union speech is a timely and most welcome announcement that this country will no longer tolerate Soviet expansionism.

As one who has seen the true horrors of war at first hand, I have repeatedly warned that this country is taking grave risks with our national security by permitting the military to be ravaged by time, inflation, and a policy of not caring. The recent Russian occupation of Afghanistan is living proof that the Soviets mean business. President Carter understands this, I understand this, and it is hoped that the Congress will now recognize the severity of the threat facing this country.

As a member of the House Armed Services Committee, I will support an administrative budgetary request for an improved military. I believe that we must do everything possible to start building new ships for our weakened Navy, new tanks to match the large number of Russian tanks, and a new bomber to replace the aging B-52's.

I also urge the Congress not to take a myopic view of our defense policy. While it is true that Europe lies uppermost in the minds of many people and while it is true that the huge oil reserves of the Middle East are of vital importance to us, let us not forget Asia. In recent years, I have seen an erosion of military capabilities in the Pacific. This policy is dangerous and must be reversed.

President Carter is right in warning aggressors that we will no longer tolerate direct military threats to our security or the security of our friends. It is hoped that the leaders of Iran are listening to the President. The fate of the 50 hostages have not left the minds of Americans and there is no doubt that the Iranians face greater dangers from the Russians than from the Western nations. We want action on the hostages now and it is to their best interests that the Iranian Government respond favorably to the President's request for their immediate release. I believe that the mood of my colleagues in the Congress is unanimously behind the President on this matter and we will support any reasonable call he makes for action to secure their release.

One issue the President requested in his statement was the reinstatement of registration for a draft. This registration proposal was not supported by the administration last year and the Congress failed to pass it. In the weeks to come, my committee will most certainly be reviewing this matter and I am sure, will favorably act on it. It is my sincere hope that should this drastic action be necessary for the defense of freedom, that the American youth who will be affected will speak out in support of a willingness to defend our country should the need arise.

President Carter is also to be lauded for his stance on energy. This country can no longer depend on foreign oil to the extent that we now do. I have joined many of my colleagues in a call for a concepted drive to develop alternative energy sources. I stand behind the President in his call for action on this crucial matter. I understand that many are reluctant to expend the vast resources that this will require. But unless we act now, future generations will look back in time and wonder why we failed to provide the leadership that is required now.

Mr. Speaker, it is obvious that Americans face hard challenges in the months ahead. This will require a careful analysis of our priorities. I am convinced that Americans are ready and willing to do whatever is needed to keep our country strong. President Carter deserves our fullest support in this endeavor and it is rewarding to know that the White House is in good hands.

Thank you.●

## DECRIMINALIZATION OF MARIHUANA

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. MAZZOLI. Mr. Speaker, a variety of alarming medical and social problems associated with the use of marihuana have been highlighted by recent Senate judiciary hearings on "decriminalization".

I bring to my colleagues attention an editorial from the January 20, 1980, Washington Star arguing that "Decriminalization," as included within the proposed new uniform Federal criminal code, would be unwise.

This editorial, along with one from the Christian Science Monitor of January 21, 1980, as the panel topic, are as follows:

[From the Washington Star, Jan. 20, 1980]

### WRONG GESTURE, WRONG TIME

Two days of hearings before a Senate Judiciary subcommittee last week should raise a warning flag against the Senate's misguided and untimely push to "decriminalize" marijuana.

The critical issue is a proposal in the new uniform federal criminal code that would reduce possession of one ounce or less of marijuana from a misdemeanor to an "infraction," comparable to overparking. Other proposed changes would reduce the fine and eliminate imprisonment altogether for possession of one to five ounces.

The latter measure, while debatable, is less important than the former. Professional psychologist contended in the hearings that severe criminal penalties may injure youthful pot-users more than the drug itself. Their counsel is not to be dismissed lightly. And indeed the wisdom of imprisonment for consensual offenses is under intense debate today, and not only in connection with drug use.

But again, the crucial issue is the lifting of criminal sanctions against marijuana altogether. Here the social and medical evidence seems to us conclusive. It would be a mistake.

When reputable witnesses tell a Senate subcommittee that perhaps 10 per cent of U.S. high school seniors are "large" users of marijuana, meaning three to five joints a day, the country has an epidemic on its hands.

Probably that epidemic will be more successfully attacked in the long run by drug-abuse education and by parental concern and surveillance, than by federal law. But decriminalization is not a mere reform. It is a gesture of social policy—a signal that would surely be invoked to support the complacent contention that pot is a harmless pleasure to be freed everywhere of the stigma of criminality.

The measures under consideration now reflect the relaxed—but medically ignorant—climate of a few years ago when decriminalization was the fashionable cry. The Senate redrafted the law two years ago in response to that cry, relying on Judiciary Committee hearings of three years earlier. In the intervening years, the medical consensus on marijuana has changed, and it continues to change.

Among the findings put to the subcommittee last week, consider the following:

Habitual use (and perhaps only occasional use) is hazardous to human reproductive systems, male and female. It lowers testosterone levels in males, with uncertain effects at puberty when so many children first experiment with it. It lowers hormonal levels in women, causing infertility and perhaps even the risk of fetal deformity for those of child-bearing age.

Marijuana's active agent THC (tetrahydrocannabinol) has an affinity for fatty tissues, where traces of it linger, with possibly dangerous effects on cell division, for weeks. The brain is especially vulnerable. Some experiments indicate EEGs of habitual users are those of persons six to eight years younger.

The drug is irritating to the respiratory system, and possibly a more powerful carcinogen than nicotine. And the insult to lung tissues may not be entirely reversible.

These findings are controversial, of course. We know that kids aren't always deterred from silly pleasures even by proven medical dangers. But we also know that medical evidence of the harmfulness of marijuana is accumulating, that it isn't the innocuous drug some decriminalization advocates were so confidently advertising a few years ago, and that its use—perhaps in part because of the decriminalization propaganda—is swiftly increasing among young people even as the evidence of danger accumulates.

This is hardly the time for Congress to transmit the signal that would be implicit in decriminalization. We are aware of the social and legal pressures underlying this misguided initiative—including the harsh penalties that give the anti-marijuana cause a bad name in some jurisdictions. Degrees of punishment, or alternatives to punishment, may be appropriate for discussion; but that isn't the issue here.

The point is that federal marijuana decriminalization would be the wrong gesture at the wrong time, signaling a slack society's abdication to the responsibility to deal, sternly and intelligently, with a menace to the health and discipline of its children.

---

[From the Christian Science Monitor, Jan. 21, 1980]

### DRUG ALERT

Americans lulled into going along with the view that "pot" and "coke" are acceptable and largely harmless forms of recreation in 1980 may be in for a rude shock. All-too-routine news headlines over the past few days, in fact, ought to alert everyone to the distressing impact drug dependency in all its forms is having on many segments of society. In Tokyo, for instance, former Beatles star Paul McCartney is questioned in connection with a half pound of marijuana which narcotics agents say he brought into Japan. In Memphis, a respected doctor is found guilty of overprescribing "uppers" and "downers" and an assortment of other pills to another one-time rock idol, Elvis Presley. And in Boston, a prominent suburban physician and former state mental health commissioner is fined for failing to report drugs he prescribed to David Kennedy, son of the late Senator Robert Kennedy.

Testimony by researchers before a Senate judiciary subcommittee last week, however, offers encouraging evidence that at least some congressmen and drug experts are deciding such widely used drugs as marijuana need to be taken more seriously. Some former proponents of decriminalizing marijuana appear to be waking up to the dangers and destructive influence of so-called "head shops" with their drug paraphernalia and encouragement of drug abuse.

In this testimony researchers and public health officials not only underscored the disturbing extent of marijuana use, particularly among teen-agers. They disclosed that far from being a "harmless giggle" (as one rock star called it) marijuana is a "major and serious public health hazard." Dr. Robert DuPont, president of the Institute for Behavior and Health and a former director of the National Institute on Drug Abuse, was one testifier who explained that the growth of marijuana use and new medical research had led him to reverse his previous position in support of dropping criminal penalties for the use of small amounts of marijuana.

Although marijuana smoking among high-school students leveled off last year, the number of youngsters reporting daily use of the drug nearly doubled between 1975 and 1978. Moreover, new statistics from the University of Michigan Institute for Social Research indicate that cocaine use among high-school students is on the increase.

The potential health costs of such drug habits, of course, are only a small part of the problem. Organized crime feeds off the estimated $50 billion it receives annually from illicit narcotics. Law-enforcement officials in Florida, in particular, are struggling with limited success to contain the smuggling of vast amounts of cocaine and marijuana from Cuba and Colombia, trafficking which has led to street violence and killings between warring crime factions.

Federal law-enforcement officials have improved their coordination of enforcement efforts and are focusing primarily on apprehending the organizers and financers of the smuggling racket, rather than the users. But similar coordination in Congress in formulating a continuing and comprehensive narcotics policy would be helped by a proposal put forward by Senator DeConcini to create a Select Committee on Narcotics Abuse and Control. The House already has such a committee. But the Senate's oversight of the various aspects of narcotics abuse is spread out over at least five standing committees.

More federal money and manpower might help curtail the drug-related killings and other violent crimes that have prompted Florida officials to ask for more outside assistance. But greater public alertness to the potential dangers of drug abuse to society and individuals remains the foremost need.●

---

## A SALUTE TO INTERNS

## HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. BONER of Tennessee. Mr. Speaker, each Member of the Congress, during the course of the session, has the opportunity to provide a learning experience in the operations of the legislative system for students throughout the United States. I am uniquely honored this year to have five outstanding students from Nashville, Tenn. These young people, with their zest for learning and their drive to assist our office in legislative research, should be recognized for their outstanding contribution to our congressional operations. Hailing from Nashville, Tenn., are Nancy Graves, Katie Groos, and Joanna McIntosh, students at Harpeth Hall School. Lisa Halprin and Bill Beck are students at the University School in Nashville. These five Tennesseans will take their experiences in the Nation's Capital home to Tennessee.

Interns are more than useful in congressional operations. They are essential in providing a link to the constituency we serve. The Congress is lucky to have these young people all year round to provide fresh ideas and the necessary enthusiasm to accomplish unreachable goals.●

## A MIG PILOT CHOOSES FREEDOM

---

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. DORNAN. Mr. Speaker on January 14, I called attention to a Reader's Digest account of the heroic escape of Soviet Mig-25 pilot Viktor Belenko to the West.

Today, I would like to introduce a portion of that article into the RECORD. I would like to make some personal observations. Now, while the Soviet Union is consolidating the subjugation of the people of Afghanistan, continuing its pincer movement to assure them control of the Gulf of Hormuz, policymakers are lamenting the end of détente. Détente, of course, never really existed, except as figments of hyperactive imaginations.

Viktor Belenko's story reveals the nature of Soviet society in that all activities are utterly subordinate to the construction of the Soviet military machine. We ought to keep that somber fact in mind as we try to formulate policies to protect the security of our Nation.

The article follows:

[From the Reader's Digest, January 1980]

### A MIG PILOT CHOOSES FREEDOM

#### BLACK CROWS, WHITE CROWS

The Soviet Union maintains a military auxiliary, the Voluntary Society for Assistance to the Army, Air Force and Navy—or DOSAAF, from its Russian acronym. Among other functions, it provides young volunteers with military instruction preparatory to their entry into the armed services. The branch in Omsk offered flight training and by finding a job there Viktor reasoned, he could learn to fly, through DOSAAF.

Omsk was an important center of armament production. When Viktor arrived in June 1965, the factories manufacturing tanks, armored vehicles, artillery and aircraft engines were producing around the clock. Jobs were plentiful; the problem was finding a place to live. So a relative steered Viktor to the repair garage of the Omsk airport, which maintained a dormitory and cafeteria for its employes.

The garage, a cavernous brick hall, was cold and dark. A dozen mechanics worked under the supervision of senior mechanic Igor Andronovich Yakov, a husky man with huge hands calloused by 40 years of labor.

The dominant subject of conversation among the men was when, where and how to drink. About 11:30 the first morning, a master welder shoved some money at Viktor and, in a patronizing tone, said, "Kid, go buy some juice."

"I don't want anything to drink."

"I didn't ask what you want. I told you to buy vodka."

"No! I won't."

Brandishing a wrench, the welder approached Viktor.

"Enough" Yakov shouted. "All of you!"

Wielding a wrench of his own, Yakov grabbed Viktor by the arm and, jerking him away, announced, "The young man and I will buy the vodka."

They walked four or five minutes before Yakov spoke, "You realize they would have killed you."

"Maybe I would have killed some of them first."

"And in your grave, would you have been proud? Listen to me, young one; I know. In a socialist society do not be a white crow among black crows, else you will be pecked to death."

In time, Viktor came to like and sympathize with the mechanics. Most were competent craftsmen capable of fulfilling their daily quotas in half a day. Never, however, did they exceed their quotas, for that would have gained them nothing except higher quotas. The exhortations, slogans and promises of the Party were as irrelevant to their lives as the baying of some forlorn wolf on the faraway steppes. They subsisted in a swamp, looking forward only to the "little pink" which vodka put into their day.

Viktor's observations of the worker's life intensified his resolve to escape into flying. He excelled in the nightly DOSAAF classes taught by nononsense retired pilots. When he actually began to fly at summer camp, he knew his destiny lay in the sky. His instructors sensed it too.

In the spring of 1967, a colonel came to solicit applications for the Soviet Air Defense Command flight-training program conducted at Armavir in the Caucasus. The Mother Country required a new generation of fighter pilots. Only the best would be chosen; their training would be arduous. But for those who succeeded the rewards would be great.

The DOSAAF chief helped Viktor prepare an application and forwarded it with an ardent endorsement. Two weeks later the chief informed him he had been accepted.

#### WHY DOESN'T ANYTHING WORK?

A spirit of high expectancy and camaraderie pervaded the throng of young men Belenko joined in Armavir. They had traveled from all reaches of the Soviet Union, more than 4000 of them, lured and united by the hope that they would be chosen to fly. No one told them that only 360 would be selected.

Physicians inspected, pressed, probed, X-rayed and listened to Belenko for five days; then one stamped his records "Fit for Flight Training Without Restrictions." For him, the written examinations assessing basic knowledge of the sciences and Party theory were easy. When the names of the first 180 successful candidates were posted, his was there.

The would not meet for a long while, however. After basic military training, the cadets were transferred to an air base on the other side of Armavir to begin 15 months of academic studies. Classes ran from 7:30 a.m. to 7:30 p.m., six days a week. On Sunday mornings they swabbed, swept or dusted all crannies of the barracks; then a political officer treated them to a two-hour lecture on current world events.

The political officers, to make their points intelligible, had to disclose some facts, and Belenko's analysis of these facts plunged him into ever-deepening doubts. To demonstrate the inherent injustice and totalitarian nature of American society, a political officer declared that the Communist Party was terribly persecuted in the United States. Wait a minute! You mean they have a Communist Party in the United States; they allow it? Why, that would be like our allowing a Capitalist Party in the Soviet Union!

To dramatize the poverty, hunger and unemployment of contemporary America, the political officers showed 1930s films of Depression breadlines, current Soviet television films of New York slums and of workers eating sandwiches or hot dogs for lunch. The narrative explained that this was all the Americans could afford for "dinner."

If they are starving and prefer communism, why don't they come over here? But wait a minute. Who owns all those cars I see?

The West, especially the United States, was depicted as being in the throes of death. Yet no week passed without warning of the dreadful threat posed by the encircling Dark Forces of the West and their plots "to kidnap our Mother Country." This ubiquitous threat justified every sacrifice of material and human resources necessary to build Soviet armed forces into the mightiest in the world.

If they are so weak, why are they such a threat?

Belenko's disquietude receded before the prospect of flight. He and some other cadets were transferred to an air base eight miles outside Grozny near the Caspian Sea. Soon Belenko was managing the L-29 jet trainer more easily and surely than he had the prop plane in which he had learned. Alone in the cockpit, he was serenely free and unbound; he was where he knew he belonged.

After six months of basic flight training, the schedule stipulated that the cadets would study the MiG-17 for two months back at Armavir before the final phase of training. But the two months stretched into four because an emergency had sprung up in the countryside—harvest was nearing. Each weekend and sometimes two or three more days a week, officers and men alike were packed into buses and trucks to join the battle of the harvest.

Belenko despaired at the acres and acres of apples—tens of thousands, maybe hundreds of thousands of apples—rotting because nobody had arranged for them to be picked in time. He remembered how once in Rubtsovsk he had paid a whole ruble to buy one apple on the black market.

Why doesn't anything work? Why doesn't anything change?

#### AN ARCHITECTURAL MARVEL

In July 1971 Belenko passed his final flight examinations, and for the first time learned of all the benefits and perquisites bestowed on a Soviet pilot. To him they were breathtaking.

Whereas the average Soviet doctor or scientist was paid 120 to 130 rubles a month, he would earn 300. The typical young Soviet couple waited seven to eight years for an apartment, and the majority of Soviet dwellings still were without indoor plumbing. As a pilot Belenko was guaranteed an apartment with bath and kitchen. Food constituted the largest item in most Soviet budgets; meat and fresh vegetables frequently were unavailable; shopping was arduous and time-consuming. Pilots were entitled to four excellent free meals a day, seven days a week.

Most cadets married shortly before or after graduation, and in late August Belenko attended one of the weddings. At the party afterward he met a 20-year-old nursing student, Ludmilla Petrovna. She was blond, pretty, sensuous and, to Belenko, ideal. Their physical attraction was instant and mutual.

Their backgrounds, however, were dissimilar. Her father managed a large factory in Magadan, in the Far East; her mother ran a brewery. Both had high Party connections in Moscow. She had never wanted for anything and was accustomed to restaurants, theaters and to spending money as she pleased. She shared none of Viktor's interests in literature, athletics or the romance of flying. But the physical magnetism between them was powerful, and even though they had seen each other only seven or eight times, they married after he was commissioned in October.

Belenko never had thought of himself as other than a fighter pilot, but when the Party commission released the assignments of the new officers, he had been appointed a MiG-17 instructor in Salsk, 100 miles north of Armavir—to him, the worst duty conceivable.

Nevertheless, Belenko shared the elation of all the other newly arrived officers when they were handed keys to their apartments in a building that had been completed and certified for occupancy only a month before. Eagerly and expectantly Belenko unlocked the door. The floor, built with green lumber, was already warped and wavy. Plaster was peeling off the walls. The kitchen window was broken, and no water came from the faucet. The bathtub leaked; the toilet did not flush. None of the electrical outlets worked.

Already gathered in the halls were other officers who had found comparable conditions in their apartments.

This is outrageous. The Party must correct this.

Belenko and another lieutenant confronted the first Party representative they could find, a young political officer quartered in the building. He was cynical, yet truthful. The building had not been inspected. The military builders sold substantial quantities of allotted materials on the black market, then bribed the chairman of the acceptance commission and took the whole group to dinner. There the acceptance papers were drunkenly signed without any commission member's ever having been inside the building. What was done could not now be undone.

During the day Belenko studied psychology, methodology of flight instruction and political education. At night he mastered the building trade. He relaid the floor, replastered the walls, calked the bathtub, repaired the toilet, replaced the faucets and rewired the electrical sockets.

Then one night he was awakened by a loud boom followed by crunching noises. The building was splitting. A seam about a foot wide opened from the living room out into the world, and a much more gaping hole exposed his bedroom to his neighbor's living room. An army of workers was marshaled to save the building. They wrapped it in steel belts as if hooping a barrel and inserted steel beams through the interior. The beam running through Belenko's living room looked odd, but he found it useful for chinning and other exercises.

The emergency measures proved effective for a while. But after three weeks or so the center of the building started to sag and kept sagging until the whole edifice assumed the configuration of a canoe.

### THE DAM BURSTS

Ludmilla abhorred Salsk and the life of a military wife, and Belenko understood her feelings. Salsk, which under the tsars had been a place of exile, was a dingy city set on treeless flatlands. Dust intruded everywhere except when rain turned it to mud. There was no officer's club at the base, or any other facility that wives might enjoy. Belenko could only ask that she bear up in hope of eventual transfer.

On the chance that they could duplicate the happiness of their wedding trip, he proposed that during his next leave they vacation in Leningrad. About a week before they were to depart, he discovered that she had bought a ring for 140 rubles, spending most of the money he had saved for the trip. He vented his rage, and she announced her intention of divorcing him and returning to her parents.

He dissuaded her by reasoning that they were experiencing the kind of crisis that besets all young married couples. Soon she became pregnant. A child, he thought, would reunite them emotionally. And for a while after the birth of their son. Dmitri, in January 1973, they did share parental joy. But the necessity of caring for him confined Ludmilla and, instead of lessening the tensions, the baby exacerbated them. The marriage deteriorated into sullen hostility.

In the autumn of 1975 Belenko requested a transfer to a combat unit, preferably a MiG-25 squadron. The squadron commander, deputy regimental commander and regimental commander all tried to dissuade him from "forsaking duty" or "acting like a test pilot." But the transfer request was submitted precisely as military regulations authorized, and each had no choice except to forward it until the matter reached the school commandant, Maj. Gen. Dmitri Vasilyevich Golodnikov.

He understood, even admired Belenko's motives. He himself would prefer to be with combat forces in Germany or the Far East, where one might "see some action." But the overriding desire of every officer must be to serve the Party, and the Party needed him here. "I am not proposing that you spend the rest of your career as an instructor," General Golodnikov said. "I will be retiring in a couple of years, and I have friends. When I leave, I shall see that they help you."

Belenko understood the invitation to sell himself to the system. Yet it only reinforced his determination. When he said no a second time, Golodnikov abruptly dropped the mask of reason and affability.

"You are defying me! Your request is denied."

Belenko stood up and stared straight into the general's eyes. "I have something to say. I will stay in this school. I will work harder to follow every rule and regulation, to teach the students to fly, to enforce discipline in our regiment and school, to combat drunkenness, the theft of alcohol, the forgeries, embezzlement and corruption that exist everywhere in our school. To do that, it will be necessary to dismiss certain officers and commanders who are aiding these practices. And to do that, it will be necessary for me to write a letter to the minister of defense, in accordance with the Manual of Discipline, proving what is going on in our school."

"You may not do that." "Why not? It's strictly in accordance with regulations. Let me tell you some of the things I will say. I will talk first about the death of Lieutenant Lubach and his student. The investigating commission said it was an accident. It was murder. You said that many of our young instructors are not qualified. But why do you certify them as qualified? Why did you send Lieutenant Lubach's records to a combat squadron and have them returned so it would look as though he had experience in a combat squadron when you knew he couldn't fly? Why did you let him take that student up and kill himself and the student?"

Belenko went on, citing case after case of official corruption, theft and fraud.

Golodnikov, who had avoided Belenko's stare, now glared at him with sheer hatred. "Enough! This is pure blackmail." Golodnikov pressed a buzzer, and an aide appeared. "Tell Colonel Malenkov to report to me immediately."

Shortly, Malenkov, the chief of the hospital, came in. "It is clear to me that this officer is insane. I am sure that is what examination will find," Golodnikov announced.

For the next three days, Belenko, clad in a ragged robe, was locked alone in a hospital room. Nobody spoke to him. On the third morning he was led into Malenkov's office.

"Golodnikov is not a bad fellow," Malenkov said. "You drove him into a corner. If I tell him you were temporarily fatigued from overwork, that you will pursue this no further, I'm sure it all will be forgotten. Why don't we do that?"

"I will tell the truth."

Malenkov sighed. "Oh, Viktor Ivanovich, now you drive me into a corner. I will have to tell the truth, too, and try to help you."

The hospital chief arranged for Belenko to be examined by a friend, an incorruptible psychiatrist. After three hours of questioning, the psychiatrist gripped Belenko's hand hard. "Good luck, Lieutenant. Don't worry."

Four days later Belenko learned the results of the examination entirely by chance from an Armavir classmate who was visiting the base with an inspection team. When he offered congratulations, Belenko asked what he meant.

"Haven't you been told? You're going to a MiG-25 squadron in the Far East. The general gave you a recommendation. Said you're such an outstanding pilot you belong in our most modern aircraft." ●

## SALUTE TO THE JAYCEES

### HON. TENNYSON GUYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. GUYER. Mr. Speaker, citizens all over our country have been paying tribute to a fine organization, the National Jaycees, on this, the 60th anniversary of their founding.

Within my own district, the Piqua Jaycees are observing their own 32d birthday. These splendid young men from all walks of life, irrespective of race, creed, or color, have been manifesting youthful leadership, high ideals, participation in community as well as national programs, and establishing a commendable record for tomorrow's generations to emulate.

The Jaycees have sponsored sports, leadership training, public speaking, community enrichment, and idea creativeness which has produced patriotic, humanitarian, and social service in multiple ways.

At a time when our country is besieged with enormous problems at home: inflation, energy shortages, crime, problems of our aging, handicapped, family support, and myriad others in growing magnitude, we need the refreshment of youthful faith, the zest of youthful enthusiasm, the vigor of youthful willingness, and the indefatigable belief that the future belongs to those who are prepared for it. These high qualities find their truest embodiment within the Jaycees organization.

I am proud to represent not only the Piqua area Jaycees, but also want to salute and recognize the many other chapters that join to help solve today's problems, and move on to meet tomorrow's challenge. Our troubled world can well use their services.

Our leaders here at the Capitol would do well to look to these young Americans and bespeak our pride in their achievement.●

## INTELLIGENCE REFORM ACT OF 1980

## HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. SYMMS. Mr. Speaker, today I am introducing the Intelligence Reform Act of 1980 to modify the Hughes-Ryan amendment and provide our intelligence agencies with the flexibility they will need in conducting operations that will best protect the vital interests of our Nation. The bill which has been introduced on the Senate side by Senator MOYNIHAN, will have the effect of repealing the Hughes-Ryan amendment of 1974 which requires the President to approve in detail most CIA plans for covert operations and calls for eight Senate and House committees—which amounts to about 180 Members and about an equal number of staff—to be informed of any covert operations in advance or soon after they get underway.

The bill which I am introducing today provides that the intelligence agencies will have to come before only two committees, the House and Senate Intelligence Committees. This will not only improve the capabilities of our own CIA, but it will also provide other free world intelligence services with the confidence that they can share critical information with our CIA without fear that this information will be disseminated to nearly 200 people and possibly leaked in the process.

The Intelligence Reform Act of 1980 would also relieve the CIA from fully complying with the Freedom of Information Act, because at the present time, myriads of personnel are required to work on retrieving and reclassifying information on innumerable FIA inquiries which for the most part cannot be filled. These personnel could be more effectively utilized. And some of these inquiries, such as ones from foreigners and Communist governments, which the CIA must presently try to answer, should not even be considered.

The third and final provision of this bill would impose criminal penalties on those individuals who expose the identities of intelligence personnel. This provision is absolutely necessary to protect the lives of our intelligence agents and to prevent another incident like the murder of Richard Welch in Athens, Greece, which was caused by a leak somewhere in our system. In order to improve the capabilities of the CIA in the intelligence-gathering sphere, we are going to have to insure our agents that we will do everything possible to conceal their identities while they are conducting their activities; otherwise, no sensible person would want to work in some of these extremely critical operations.

This bill is a beginning in the process of strengthening our intelligence-gathering capabilities which have been so weakened over the past several years because of many alleged abuses by the agencies. I do not wish to convey that there were no misdeeds by the CIA or that the Congress should not be concerned about agency operations, but I think the "let us air all of the CIA's covert operations" attitude which has pervaded the thinking of many House and Senate Members over the past decade has to stop if this Nation is going to survive.

It is difficult to say that one or another thing would not have happened if the hands of our agencies had not been bound, but I think it is safe to say that if our covert operations had not been so emasculated in the past that perhaps the administration would have been more aware of the growing dissent in Iran and possible Soviet plans for expanded influence in the Middle East. Advance notice of some of these situations would provide the American President with much more flexibility in how to respond to these threats and could possibly preclude these tense situations from advancing to a full crisis state.

I think it is quite apparent to all Americans that our country's vital interests are now endangered around the globe by hostile forces, the most prominent being the Soviet Union. It is time that we do all that is necessary to protect those interests and the freedom of our citizens. The Intelligence Reform Act of 1980 is just one step in the process to help strengthen our ability to protect and guard those vital interests. I hope that my colleagues in the House will give their wholehearted support to this legislation which has a great deal of bipartisan support in the Senate. Time is a critical factor in this process, and we need to act now.●

---

## PERSONAL EXPLANATION

## HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. NELSON. Mr. Speaker, due to illness, I was not present to vote on rollcall No. 6 on Friday. Had I been present, I would have voted "yes" on House Resolution 529, to provide for the consideration of House Concurrent Resolution 204, to grant MFN trade status to the products of the People's Republic of China.●

---

## WORKPLACE FACILITIES

## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. GAYDOS. Mr. Speaker, 1 out of every 10 workers in private industry each year suffers the effects of an accident or disease incurred while working. Oftentimes these prove to be fatal. Furthermore, is should be noted that in many instances the concentration of industries with hazardous conditions in certain geographic areas, or their presence as the only industry in a community, gives workers, in effect, no opportunity to choose a safer job. Thus these workers are at the mercy of the safety measures provided by their employer.

Among the various industries through out this Nation, catastrophic explosions claim the lives of an inordinate amount of workers. Investigations into these explosions have revealed that quite frequently they are set off by some type of cutting, welding, or brazing. Failure to abide by proper safety precautions, such as making absolutely sure that all combustible substances in the area have been removed before welding, cutting, or brazing, more often than not result in tragedy.

At this time, I would like to provide for my colleagues, information on some recent explosions in the workplace which have claimed the lives of workers.

On October 4, 1979, two workers were killed in an explosion that occurred at an oil tank battery west of Dix, Ill. The two men, ages 28 and 36, were employees of a subcontracting firm hired to clean oil storage tanks for an oil pipeline company.

On November 7, 1979, a 31-year-old employee died of injuries received during an October 17, 1979, explosion at an oil refinery in Sulphur, La.

On November 7, 1979, an explosion at a paper mill south of De Ridder, La., killed two employees, ages 35 and 44. According to information from the investigation, the workers were welding in the boiler area of the paper mill when a fire started that resulted in the explosion.

On November 20, 1979, a 22-year-old employee was killed and another severely burned when a series of fuel tank explosions occurred at a phosphate plant about 15 miles southwest of Barton, Fla. It is suspected that the explosion was set off by an acetylene blowtorch which was being used to remove pipes from the top of a 50,000-gallon fuel oil tank.

The above examples are intended to demonstrate the serious consequences that can result from hazardous work environments. However, occupational hazards can be controlled by closely monitoring and modifying the work environment. For instance, the Occupational Safety and Health Administration (OSHA) has promulgated a comprehensive set of standards concerning welding, cutting, and brazing in the worksite. But OSHA cannot guarantee that the employer will abide by its standards. While it can conduct spot inspections and issue fines for violations, this serves primarily as a deterrent mechanism against potential violators. But not all people are equally deterred by the threat of fine or imprisonment. Thus willful and criminal violations continue to occur on the part of some employers. While these employers, who as evidence indicates represent a distinct minority, pose the gravest threat to worker safety, lesser violations also endanger the lives of workers. Therefore, it is vital that employers take the initiative in providing a safe work environment. It cannot be overemphasized that the primary responsibility for worker safety has always and continues to reside with the employer.●

---

## SOVIET A-PLANT ASSEMBLY LINE MOVING

### HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. WYDLER. Mr. Speaker, yesterday I pointed out to my colleagues that the Soviet Union nuclear program is moving ahead while our own program is still floundering under the Carter administration. I am afraid that this year's budget requests by the administration will simply confirm our fears that they are decimating the nuclear energy development program.

The Soviet officials told us about their plans to build a nuclear powerplant in the Ukraine when we visited Moscow in the spring of 1978. Although the timetable for constructing this plant has suffered some slippage, a recent article in Engineering News-Record has confirmed that the Soviets are back on track with their Volgodonsk construction. The plant, called Atommash, is equivalent to a multidollar facility in the United States although this country has nothing like it on the drawing boards. Although the Soviets have had some problems in meeting their schedule, there is no doubt that they remain serious about a strong nuclear program and I am including the article from Engineering News-Record which I trust my colleagues will find informative:

#### Soviet A-Plant Assembly Line Moving

The Soviet Union is spending about $650,000 a day to put up a vast plant at Volgodonsk, in the Ukraine, that will be the world's first designed to turn out nuclear power steam supply systems on an assembly line basis.

The fabrication and assembly plant for pressure vessels, steam condensers, piping and other large components to produce eight standardized 1,000-Mw pressurized water nuclear plants a year is a key to the Soviets' atomic power expansion program and their plans for exporting reactors.

The concept is similar to the one Westinghouse tried with its Offshore Power Systems (OPS) subsidiary in Jacksonville, Fla., which was intended to fabricate standardized 1,150-Mw plants on barges for floating stations (ENR 11/24/77 p. 22). While a considerable amount of money was spent, the idea fizzled when OPS' only customer, Public Service Electric and Gas Co. in New Jersey, canceled its order last year.

The Soviets, on the other hand, are moving ahead. Originally, they had hoped to double the current 10,000 Mw of nuclear capacity (from 28 mostly small plants) by 1985, allowing them to export oil by then. Delays in completing the fabrication complex may force a slow-down, however, and require them to continue importing large nuclear components from their Eastern bloc allies to achieve expansion goals. And it is unlikely they will ever be exporting oil.

#### ATOMIC MACHINERY

Dubbed Atommash, from the Russian words for atomic machinery, the plant is expected to cost a total of around $1 billion when it is finished in 1985. At present it has been under construction for seven years and is two years behind the original schedule.

But the Soviets have made a substantial start, as a recent visit by Engineering News-Record revealed. The main building, steel and aluminum panel structure measuring 2,514 x 1,289 ft and up to 131 ft high, is structurally complete.

Some 65,000 tons of steel were used in the building, which is to house two parallel halls for the production of nuclear reactor vessels and steam generators. Concrete piles were sunk 60 to 72 ft to support the frame.

The main building already houses dozens of large machine tools, furnaces and overhead cranes capable of handling steel components of up to 180 tons each. More than 20 cranes, including one rated at 1,340 tons, are either already in use or being assembled on rails. Many of the heaviest pieces of equipment are being purchased from western Europe.

Also under assembly is a 15,000-ton hydraulic press, supplied by Japan's Ishikawajima-Harima Heavy Industries, which will stamp out steel dishes 1 ft thick for the bases of pressure vessels.

The main building also contains an X-ray section with walls 9½ ft thick where welds will be tested by scanners.

Elsewhere on the 1,600-acre site, building number two, 1,640 x 984 ft, is under construction. More than half the steel is up and some panels have been placed. Of the five other major buildings, two are almost complete.

#### TRANSPORTING MODULES

The overall plan for Atommash also calls for building new mooring facilities on the nearby Tsimlyanskoye reservoir, to which the finished powerplant components will be shipped by heavy-duty trucks. They are then to be transported by water via the Don or Volga rivers to the European parts of the country.

The Soviet press and some foreign specialists working at the site have recently complained of a shortage of 3,500 workers and also of shortages of cement, lumber and steel at the site. Socialist Industry newspaper also says that the heating system in the main building is not yet operating, which threatens the operation of delicate machine tools there. Foreign specialists say that to receive deliveries, the huge end-doors of the plant must be opened, admitting blasts of frigid air.

In spite of the problems, the Ministry of Power is now trying to assemble Atommash's first 1,000-Mw reactor by 1982 to test the machinery already installed. While the Soviets are vague about production schedules, some sources, say Atommash will only reach its eight-a-year capacity in 1990, however.●

---

## HE HAD A DREAM

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mrs. COLLINS of Illinois. Mr. Speaker, January 15, 1980, marked the 51st anniversary of the birthdate of Martin Luther King, Jr. Dr. King was perhaps more than any single man; the voice and the instrument of the second American revolution—a revolution in attitudes in America and throughout the world. He preached brotherhood and nonviolence to a divided land seething with violence—and he had a dream.

He had a dream that one day there would truly be liberty and justice for all. And he had a dream that one day everyone would realize that the progress of America is reflected in the progress of the people within it.

Nearly 11 years have passed since Dr. King's tragic assassination in Memphis. But, Dr. King did not die; for he left this world a legacy. He left us with a new direction, he articulated our goals; and, perhaps most importantly, he crystalized in a movement the ideas of millions of individual Americans.

By commemorating Martin Luther King, Jr.'s birthdate, we commemorate his struggle to achieve equality and justice for all Americans, whether blacks in the South, Hispanics in the West, or whites in Appalachia.

Dr. King had a dream, and some of my colleagues in the 96th Congress have attempted since 1968 to honor this great man by enacting into law legislation which would make the birthday of Dr. Martin Luther King, Jr., a full national public holiday. We have failed to do so. However, in the words of Representative PARREN J. MITCHELL, "Without the spirit to struggle, we will not have the power to prevail." We will not lighten our spirit, nor lessen the struggle to see Dr. King's birthdate a public holiday.●

---

## REGULATIONS AND STEEL INDUSTRY

### HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. APPLEGATE. Mr. Speaker, as we begin the 2d session of the 96th Congress, we are faced with many of the same problems that concerned us during the first session. Among the more obvious ones, such as energy, the economy, and foreign affairs, we continue to be plagued by the ever increasing strangulation of bureaucratic regulations. The promulgation of many of these overly stringent and senseless regulations has reached epidemic proportions and warrants the immediate attention of this Congress.

It is often said that "the squeaky wheel gets oiled first," and if we, as Members of Congress, were to try to decide which agency's rules and regulations were most deserving of our oversight, the decision would clearly be in favor of the U.S. Environmental Protection Agency, for it is this agency that had led the way in adding costs to consumer goods, and in my own district, the 18th of Ohio, is the primary reason for literally thousands of layoffs in our coal fields.

A prime example of the type of authoritarian attitude being displayed by the EPA concerns their review of each State's State implementation plan (SIP), which fully describes a respective State's intent for fully complying with the Clean Air Act. During debate of the 1977 amendments to that act, it was voted that each State must submit and have approved by the EPA an SIP for its nonattainment areas, or those areas which exceed the national ambient air quality standards for each pollutant. This was to be done by July 1, 1979, over 6 months ago. Should this procedure not be completed in any one State, the 1977 amendments provided that no major stationary source in the respective State should be constructed or modified in any nonattainment area. Additonal sanctions, such as withholding certain Federal highways from noncomplying States could also be imposed.

While Ohio's SIP revisions have not been formulated, let alone approved, let me assure my colleagues that my State is not alone. As a matter of fact, only five States SIP's have been accepted to date. Therefore, the construction and economic sanctions I described above are in effect for 45 States. The ironic side of this issue is that legislation was introduced last year, which I and 130 other Members cosponsored, that would have helped eliminate this problem. H.R. 1150, sponsored by the gentleman from Oklahoma, Congressman WATKINS, would postpone for 1 year, until June 30, 1980, the date which SIP's had to be submitted and approved. However, no floor action was taken on H.R. 1150 and it sits today in the Interstate and Foreign Commerce Committee.

One end result of this ban on construction permits in Ohio and in other industrial States is that steel producing facilities are being stifled in their growth and production. As a member of the executive committee of the Congressional Steel Caucus, let me say that America's basic steel industry is now reasonably healthy after experiencing some very difficult times in recent years. However, if these conditons are to continue, action must be taken on this issue.

I do not believe it is too late for such action and call upon members of the Interstate and Foreign Commerce Committee to resume consideration of H.R. 1150 with the purpose of extending the SIP compliance deadline until the end of calendar year 1980. In my judgment, this would add reasonableness and commonsense to the current laws without lessening the quality of our air.

Mr. Speaker, in an effort to bolster that proposal, I submit for printing in the CONGRESSIONAL RECORD the perspective of the steel industry as presented by the Ohio Steel Group, an association of steel producers located in or near the State of Ohio. The perspective follows:

EXECUTIVE SUMMARY OF STEEL INDUSTRY PERSPECTIVE

Ohio cities are now subject to a construction ban under the Clean Air Act because Ohio's revised air pollution laws aren't approved by United States EPA. The EPA has threatened to reject at least part of Ohio's proposed plan to control particulate emissions, especially from the steel industry. Therefore, the construction ban is likely to continue.

The Ohio steel industry believes that U.S. EPA's threatened rejection is both unlawful and improper.

U.S. EPA's position is a reversal of its policy expressed last summer which would have found Ohio's proposed regulation changes to be approvable.

That U.S. EPA reversal involves the meaning of "Reasonably Available Control Technology" (RACT) and the claim by U.S. EPA that Ohio's proposal improperly relaxes existing law. Both U.S. EPA positions are wrong.

U.S. EPA has announced that it is attempting to impose on the steel industry nationally uniform pollution control technology requirements which were required in consent orders entered to settle specific enforcement actions involving specific steel plants. EPA's position violates EPA's own definition of "RACT, which allows each state great flexibility to determine what controls are reasonable and necessary at existing factories in its state.

Ohio's proposed regulations are a tightening, not a relaxation, of existing law. Nevertheless, a relaxation would be lawful and proper under the Clean Air Act Amendments of 1977.

The Ohio steel industry supports Ohio EPA's efforts to adopt revisions to its particulate regulations where Ohio exercises its proper responsibility in setting "RACT". The Ohio steel industry totally opposes U.S. EPA's attempted mandate of unnecessary, extremely expensive and perhaps unworkable controls on all steel manufacturing facilities in Ohio and elsewhere. The attainment of clean air does not require U.S. EPA's extreme policy.●

## ACHIEVEMENT IN RAILROAD RELOCATION

### HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. BEREUTER. Mr. Speaker, the city of Lincoln, Nebr., offers an outstanding example of how Government and the rail industry can cooperate to effectively alleviate traffic and safety problems.

In 1973 Lincoln was selected as one of 19 sites across the country for a demonstration project financed under the Federal-Aid Highways Act—Public Law 93-87. The act called for the Federal Government to fund 95 percent of project costs for relieving environmental, social, and economic problems associated with rail crossings. Gov. Charles Thone, then representing the First Congressional District of Nebraska, was instrumental as a member of the Public Works and Transporation Committee in securing a demonstration project for Lincoln. His efforts were supported in the Senate by Roman Hruska and Carl Curtis. Their leadership deserves praise.

Recently one phase of Lincoln's demonstration project was completed, as Burlington Northern lines that cross West O and West P Streets were eliminated. Ultimately, Rock Island, Union Pacific, and Burlington Northern lines in the city will be relocated and consolidated to run through the same corridor, the exact location of which has yet to be determined. The entire project is expected to be finished by 1985 at a cost of $35 million. The people of Lincoln undoubtedly will benefit from this relocation of rail lines away from major traffic arteries in the central city.

The State legislature has long recognized the need for relocation of rail lines away from the city traffic. Nebraska was a pioneer in forming local government units—railroad transportation safety districts—to utilize local money and available Federal aid to ease traffic tieups caused by rail crossings and to improve safety with more effective signals and upgraded grade crossings.

I believe Lincoln's success shows the effectiveness of Government and industry working together for the public good.●

## NICARAGUA—PART IX: THE ROLE OF THE PRIVATE SECTOR

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. HAMILTON. Mr. Speaker, the private sector of Nicaragua has kept a high profile during the past months of civil strife in that Central American nation. Its role has been one of active involvement in the revolutionary process. Businessmen were among those who denounced the Somoza regime in the strongest of terms. Countrywide strikes called for and coordinated by the private sector brought the regime to the brink of dissolution on more than one occasion. Under the aegis of the Broad Opposition Front, a coalition formed in September of 1978 as a locus of anti-Somoza sentiment, key businessmen worked hand in hand with clergymen and other civic leaders in an attempt to negotiate the transition to a new government. Both reprisals and general combat caused some of the private sector to sustain catastrophic losses during the war. Such a record would entitle any group to lay claim to a central place in postrevolutionary Nicaragua.

We members of the congressional mission to Nicaragua put the problems of the private sector high on our list of priorities. We returned from the mission convinced that the problems fall into two main categories. First and more immediate is the war-related destruction of the economic environment. Offices, plants, and equipment accounting for more than 25 percent of the industrial base have been ruined. Complete repair of the damage could cost between $400 million and $600 million, at least by rough estimates. Countless commercial opportunities have been lost, with the vital agricultural sector hit especially hard. Cotton and coffee exports, which together bring in more than half of all foreign exchange, have declined sharply, and production of beans, corn, and poultry, all in demand for domestic consumption, is off from one-quarter to three-quarters. Worse still may be what the future holds, for it is not entirely apparent to anyone where the capital to reconstruct and reactivate the economy will be raised.

The second category of problem, while less palpable, is every bit as serious as the war-related destruction just described. Business confidence is low because the private sector is uncertain of the Government's intentions toward it. Mr. Alfonso Robelo, an entrepreneur who is also a member of the ruling junta, has himself characterized the prevailing attitude of businessmen as one of tremendous caution. Expropriation of the holdings of Mr. Somoza and his associates has fueled misgivings, as have the Government's takeover of natural resources and its strict control of banks and insurance companies. Businessmen wonder whether they may become victims of abuse in the policy of expropriation, or whether their industries may eventually be treated as, for example, mining has been treated. Aggravating matters further is the common notion that some elements of the Sandinista movement favor immediate and total State management of the economy.

The physical needs of the private sector are well known. An executive with a large American company in Nicaragua said that he was staggered by the "magnitude of the investment and aid" the private sector would require. The Association of the American Chambers of Commerce in Latin America, noting the necessity of American imports for the smooth functioning of the Nicaraguan economy, testified that "there is an urgent need for more rapid disbursements now to restore and support credits for the private sector." It added that insufficient credits for imports "would cripple the Nicaraguan agricultural and industrial sector most of all" since the Nicaraguan public sector was not so dependent on imports.

A more sobering assessment has come from the government itself. Mr. Robelo has stated that a lack of help might compel the Government to change its policy toward the private sector, imposing restrictions on it so that the nation could survive on domestic resources alone. Perhaps the elementary nature of the private sector's needs says the most. Agriculture must have fertilizer, seed, chemicals, tractors, pumps, motors, hand tools, and spare parts. Industry must have oilseeds, tallow, plastic bags, tinplate, artificial and synthetic fibers, plastics, trucks, trailers, construction materials, various kinds of machinery and equipment, and spare parts.

The psychological needs of a business community whose confidence is low are less easily defined. It is evident that deeds are more important than words to such a community, but words should never be discounted. Junta member Sergio Ramirez reminded us that the Government had never said that it would nationalize business. Rather than taking advantage of the private sector's troubles, he asserted, the Government was seeking funds for recapitalization. He remarked that the Government approved of President Carter's supplemental request, 60 percent of which would be destined for the private sector. Mr. Bayardo Arce expressed similar thoughts at our meeting with the directorate of the Sandinista movement. He explained that he and his colleagues were in touch with business leaders to see how best to bolster the private sector with extensions of credit and controls on foreign exchange. When asked for a concrete example of the Government's aiding business, he cited attempts to hold down wage increases that the private sector could not afford to pay.

Yet another significant statement of moderate intent was made shortly after the congressional mission left Nicaragua. In an address to an international conference of the Chamber of Commerce of the Americas, Mr. Daniel Ortega avowed that the revolution was not opposed to private enterprise provided that the latter did not shirk its responsibility to help rebuild the nation. Mr. Ortega, a member of both the ruling junta and the Sandinista directorate, is known for his fiery, leftist rhetoric.

Nearly everyone in Nicaragua, whether in government or out, seems to believe that the private sector has a major role to play in reconstructing a shattered country. The society can neither duplicate its skills nor do without the results of its activities. The private sector itself insists upon securing its rightful place in the postrevolutionary era. The businessmen with whom we spoke were clear on that point, and they asked us for a tangible, forceful sign of our support. We were told time and again that the President's supplemental request was just such a sign.

In my opinion, the existence of a strong and vibrant business community signifies political pluralism and individual freedom in Nicaragua. By passing the President's bill we help the private sector flourish. If we defeat the bill, however, we abandon an important, pro-democratic group to an uncertain fate.

NOTE.—Previous statements in this series appeared on November 27, November 29, December 3, December 4, December 11, December 14, December 20, and January 22.●

---

## THE PIONEER COMES THROUGH

### HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. AuCOIN. Mr. Speaker, just 2 weeks ago, the Pacific Northwest lay crippled under sheets of snow and ice. Sudden storms whipped off the Pacific coast and up the Columbia River Gorge, paralyzing towns and cities between Portland, Oreg. and Walla Walla, Wash.

These communities would have been totally cut off from the rest of the State and country if it had not been for one trustworthy link that kept the lifeline open through the Columbia Gorge: the Amtrak Pioneer.

Not so long ago, this passenger train was among those proposed for elimination from the nationwide Amtrak system. The Pioneer runs between Salt Lake City and Portland once a day in each direction. When snow, freak ice storms and silver thaws—events that are not infrequent in this part of Oregon—make State and Federal highways impassable, the only remaining passenger link through the Columbia Gorge is the Pioneer.

Former Secretary of Transportation Brock Adams was ready to call the Pioneer a dinosaur just a few months ago. That assessment proved to be at odds with figures showing a dramatic increase in Pioneer's popularity. Based on those figures, Congress granted the Pioneer a 3-year reprieve. I have no doubt that even better days are ahead for the Pioneer. And I know several Oregonians who are thankful the Pioneer's wheels were still turning 2 weeks ago.

The train responded to distress calls from stranded communities by shipping in food and transporting the sick. In the absence of ambulances, the Pioneer transported a woman from Cascade Locks to Hood River for hospitalization. It answered another emergency in the case of an ill woman in the upriver city of The Dalles who needed medical treatment in Portland. The Pioneer also hauled grocery supplies and made special stops to pick up stranded travelers along the gorge.

With highways buried under snow drifts ranging from 5 feet in Hood River to 14 feet at Multnomah Falls, trucks did not have a prayer of making their usual runs.

Unless Congress had saved the Pioneer from forced extinction last fall, those communities would have felt far more than the pinch of cold winter storms. Amtrak was their only sustaining link.

Legislation should not require examples such as this to justify the value of a service. In judging Amtrak's worthiness, the trade-off in situations such as the Oregon ice storm never lines up neatly with the profit margin; rather, the difference between service and no service in this case came down to lives saved or lives lost. I, for one, am thankful Congress listened to the arguments I and others presented to save this train.

January 1980 proved the wisdom of that decision. Oregonians from Portland to Pendleton look upon the Pioneer as something more than an alternative to the automobile; in troubled times, they know it can be a lifesaver. Two weeks ago, when nothing else was moving along the frozen Columbia Gorge, the Pioneer proved the aptness of its name. It came through.●

## PROJECT PEACOCK

### HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. MOTTL. Mr. Speaker, as one who has been quick to point out the shortcomings of commercial television programing, I am pleased to have the opportunity to compliment the industry for a change. It is reassuring to see one of the major television networks, the National Broadcasting Co., break new ground in the important area of children's programing.

Mr. Fred Silverman, president of NBC, recently announced plans for a new prime-time project designed especially for children. "Project Peacock" will be a series of 20 prime-time children's entertainment specials. The programs will range from 1 to 2 hours in length, and will be aired on a biweekly basis. The series, scheduled for the 1981 season, will cover a wide range of topics. Mr. Silverman plans to draw on the creative skills of the best talent in the entertainment industry. And he pledges to make the "Project Peacock" series an outstanding, high-quality blend of entertainment and education that will appeal to viewers of all ages.

The network's program initiative is most encouraging. By recognizing the need for top-quality, meaningful programs for our youth, hopefully NBC will set an example for other networks and stations in demonstrating that quality and audience appeal need not be mutually exclusive goals in commercial broadcasting. Mr. Silverman has set an ambitious standard of achievement for NBC, and I wish him and his associates every success with "Project Peacock."●

## ATLANTIC TUNAS CONVENTION ACT (H.R. 6310)

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. MURPHY of New York. Mr. Speaker, the International Convention for the Conservation of Atlantic Tunas (ICCAT) was signed on May 14, 1966, and subsequently entered into full force and effect on March 21, 1969, upon receiving the required ratifications of seven of the parties to the Convention. Parties to the Convention now comprise 19 member countries as follows: the United States, Canada, Brazil, Cuba, France, Cape Verde, Portugal, Spain, Ghana, the Ivory Coast, Morocco, Senegal, South Africa, Gabon, Japan, Korea, Benin, the Soviet Union, and Angola.

The Convention was a response to the increasing exploitation of tuna resources of the Atlantic Ocean by a large number of nations of Europe, Africa, the Americas, and Asia. It further indicated the concern of the fishery experts of the ratifying nations over the danger of overfishing and the decline of productivity levels of stocks of tunas and tuna-like fishes.

The Convention provided for the establishment of a commission with each one of the contracting parties represented on the Commission by not more than three delegates. The Commission, which is required to meet once every 2 years, is charged with the responsibility of conducting research "on the abundance of tuna and tuna-like fishes, biometry and ecology of the fishes, the oceanography of their environment, and the effects of natural and human factors upon their abundance."

Those species of tuna that have been identified as being covered by the convention are the bluefin, southern bluefin, yellowfin, albacore, bigeye, Atlantic little tuna, blackfin and skipjack.

Those species of tuna-like fishes covered by the convention are the Atlantic bonito, frigate mackerel, bullet mackerel, Atlantic sailfish, black marlin, Atlantic blue marlin, Atlantic white marlin, longbill spearfish, Mediterranean spearfish and the broadbill swordfish.

Within the Commission is a council consisting of the Chairman and the Vice Chairman of the Commission, together with representatives from not less than four and not more than eight of the contracting parties. The council meets at least once between biennial meetings of the Commission.

The Commission is also empowered, on the basis of scientific information, to make recommendations to maintain the population of Atlantic tunas "at levels which will permit the maximum sustainable catch." Each recommendation shall become effective 6 months after adoption by the Commission, but any nation may file a formal objection to the recommendation and thus exempt itself from the effect of the recommendation. If a majority of the contracting nations file an objection to the recommendation, then the Commission's recommendation is deemed null and void. The enforcement of the Commission's recommendations are the responsibility of each contracting nation. Thus far, the Commission has taken regulatory action with regard to two species of tunas. The recommendations call for a ban on the taking of bluefin tuna weighing less than 6.4 kilograms. Also the recommendations restrict each nation's catch of bluefin to recent levels. The regulation, which calls for a ban on the taking of bigeye tuna weighing less than 3.2 kilograms, will not come into effect probably until early next year.

Although the United States ratified the Convention in 1967, it did not possess the statutory authority to carry out its provisions or implement the conservation measures recommended by the Commission until August 5, 1975, the effective date of the Atlantic Tunas Convention Act of 1975—Public Law 94-70. Section 10 of Public Law 94-70 authorized to be appropriated for the transitional quarter of 1976 and fiscal year 1977 such sums as may be necessary for carrying out the purposes and provisions of the act, including necessary travel expenses for the U.S. Commissioners and the U.S. share of the joint expenses of the Commission. Public Law 95-33 extended the authorization for appropriations for fiscal years 1978, 1979, and 1980.

The United States has played a leading role in bringing the International Commission for the Conservation of Atlantic Tunas into being, and has actively participated in the Commission's work. We have a strong interest in international tuna conservation and it is most important that we continue our involvement with the Atlantic Tunas Commission. To accomplish this purpose, the legislation would extend the funding authorization under the act for an additional 3 years, 1981, 1982, and 1983.

The estimated cost of administering the act during the extension period will be approximately $700,000 per year. Of this amount, approximately $50,000 will be used to meet the U.S. share of the contributions to the Commission; the remainder will be used by the Department of Commerce for research.●

## A TRIBUTE TO LONI HANCOCK

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. DELLUMS. Mr. Speaker, whereas, on Saturday, January 19, 1980, a testimonial dinner was being held to thank former council member Loni Hancock for her years of dedicated service to the Berkeley community, and

Whereas at this time we have the opportunity to recall and appreciate the many contributions Ms. Hancock has made to improve the quality of life in Berkeley during her 8-year tenure on the Berkeley City Council, and

Whereas Ms. Hancock's accomplishments are so numerous that we can mention but a few, her leadership in areas of environmental and social concern led to the successful adoption of many important and forward looking policies such as the neighborhood preservation ordinance which mandates strict demolition controls and extensive down zoning; the landmarks preservation ordinance which conserves Berkeley's architectural heritage; measure Y which insures acquisition and development of open space for parks in underserved areas of Berkeley; the hazardous biological research ordinance which regulates private laboratories doing recombinent DNA research and the smoking pollution control ordinance which regulates smoking in public places. She was key to the passage of the city's model affirmative action plan and job-sharing program. She consistently encouraged the formation and council funding of community-based social service agencies many of which became models on the national level. She believed deeply in the benefits derived from people's participation in making the decisions that shape the communities they live in. This belief led to her support of the fair representation ordinance which allows each council member to appoint a representative to each city board and commission. Her recognition of the need for public scrutiny and participation in the city's budget process resulted in the formation of the Citizen's Budget Committee. Her active interest in the economic well being of the city led to the formation of the Economic Development Commission. As an advocate of cooperative endeavors she helped make the dream of Savo Island cooperative housing a reality, and

Whereas Loni Hancock's past and present endeavors to improve the quality of life have brought her respect and recognition both in Berkeley and nationally,

Whereas Saturday, January 19, 1980, was proclaimed "Loni Hancock Day," in the city of Berkeley in recognition of the extraordinary services she has performed for the city. I commend and congratulate Ms. Hancock on her numerous achievements and contributions to our community, and share this information with my colleagues.●

## MRS. CHARLIE MAE HAYNES TO BE HONORED

### HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. PHILLIP BURTON. Mr. Speaker, on Sunday, February 10, 1980, the Third Baptist Church in San Francisco will honor Mrs. Charlie Mae Haynes for her years of dedicated work for the church and for the community which it serves.

Mrs. Haynes is the widow of the late Rev. F. D. Haynes, Sr., who served as pastor of the Third Baptist Church for many years.

Mrs. Haynes was born in Calvert, Tex., and moved to Los Angeles in the early 1930's. In 1945, she moved to San Francisco and has been a tireless worker for the city ever since. Mrs. Haynes is, by background, a social worker and has worked in the Child Welfare Division of the San Francisco Department of Social Services for many years. She is a former member of the Board of Education of the San Francisco Unified School District.

She has also served as: Member, President's Advisory Board, San Francisco State University; member, Board of Directors, Volunteer Bureau; member, Board of Directors, San Francisco Council of Churches; member, Citizen's Committee, 6th Army; president, Church Women United; and vice president—Women's Missionary Union, Third Baptist Church.

Mrs. Haynes is also a very active worker with the National Baptist Convention where she serves as assistant supervisor in the oratorical contest, assistant coordinator for Young People's Leaders Division, and cochairman of the National Baptist Retirement Fund.

It is my pleasure to share with my colleagues this acknowledgement of Charlie Mae Haynes' fine contribution to the city of San Francisco. I join with the congregation of the Third Baptist Church and Mrs. Haynes, many friends in commending her on this special day.●

## MRS. GOLDEN'S ABRIDGED ARTICLE

### HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. MOORHEAD of California. Mr. Speaker, the Congress has not turned a deaf ear to proponents of alternative energy resources. Although we may not always agree on the means, I believe there will be continued progress in providing the private sector with the necessary incentives to gradually lessen our dependence on foreign oil.

Dorothy M. Golden, of Burbank, Calif., has been tireless in her efforts to alert us to the advantages of methanol and other alternatives to oil as the following autobiographical sketch indicates:

MRS. GOLDEN'S ABRIDGED ARTICLE

It was during the summer of 1973 that I decided to fight back.

It was then that OPEC, the foreign cartel, had declared an oil embargo on the United States.

In those days no one had to look for a scapegoat. We knew full well that thirteen small Arab nations had simply ganged up on the big United States.

What provoked me was that although the embargo just about wrecked the economy of our country—in 1974 we would experience a severe recession—none of our leaders in Congress or the White House were yelling, "You gangsters can't do that to us!" I wondered why our elected representatives, our editors, our TV commentators couldn't see how vulnerable we had become.

Although I had no scientific background on such matters, I began asking questions. For the American Consumers Council I had been writing a series of informative reports about what one housewife thought could be done to stop inflation and what consumers could do to get their elected representatives to keep the promises they made on the eve of their election.

These reports were passed along by Council members to their local newspapers and to friends in every part of the country. Eventually my thoughts began to appear in 35 newspapers across the country in a column called "The Straight Goods".

I began inquiring about the oil shortage as gas prices were beginning to zoom upward. Where were we to go for help? No two economists could agree on the solution to untying the OPEC noose from our throats. If one person can make a difference, perhaps I could somehow be that person.

I pushed hard my search for a substitute fuel. In November of 1974 I came across the report of a study made by the Chemical engineers of Texas A and M University. This announcement hidden in the middle of our thick Los Angeles Times stated that methanol can be made from coal at a price competitive with gasoline and what was more important, methanol has significant advantages over gasoline as a fuel for internal combustion engines. The engineers went on:

"Included is the fact that methanol burns cleaner, a $100 billion consideration in itself, but its biggest present asset is that using it as automobile fuel, and producing it from coal, would make the United States, Europe and Japan independent of oil-producing states for their energy needs."

In addition to being able to operate efficiently in our motor vehicles—without requiring changes in internal combustion engines, the mix of fuel could be as high as 30% less oil to import from OPEC!

Scientists from MIT and from Stanford University confirmed that the technology of extracting methanol from coal had been developed as far back as 1910 * * * that no further experimentation was needed to use this clean-burning fuel substitute for gasoline. The plastics and plywood industries use alcohol in their manufacturing process. Race car drivers use it to obtain greater speed from racing cars.

Executive Engineer Farno Green of General Motors, to the consternation of the oil companies, said:

"The United States could stop importing oil and still produce enough new fuel to run 100 million cars a year, if only it would apply its technological skills to converting agricultural wastes into usable energy."

During the fall of 1976 I received a news clipping from friends in Omaha stating that farmers in Holdridge, Nebraska were making their own alcohol stills and producing methanol from corn husks and, in combination with gasoline, were selling it as fast as they could distill it—for 53 cents a gallon!

And then, like dominoes falling in a row, I began to hear from readers of STRAIGHT GOODS that Princeton, New Jersey; Baytown, Texas; Ft. Lewis, Washington; Wilsonville, Alabama and Toledo, Ohio were building pilot synthetic oil plants.

I went on to tell readers about countries all over the world—Turkey, India, South Africa, Scotland, Morocco, Yugoslavia, South Korea, Spain and China who were tapping coal to produce methanol and hydrogen fuels. Later Brazil was to make it mandatory for all their cars to use either a forty per cent blend of methanol (made out of sugar cane) with gasoline, or one hundred per cent methanol once a minor adjustment was made to the motors of those cars using pure alcohol.

People were beginning to understand that methanol meant alcohol, and alcohol could be made out of all sorts of renewable products. Cars could be driven with it in combination with gasoline or solely on alcohol.

Gasoline-alcohol blends are now exempt from federal excise tax. This will lower the cost of gasohol by several cents a gallon. Also gasohol is now exempt from the Clean Air Act's prohibition on the sale of new additives in gasoline. Gasohol may now be sold in blends containing ten percent alcohol fuel.

I learned that what stirred my imagination on November 22, 1974 when I first read of the study made by the Texas A and M University engineers that clean-burning methanol, made from organic wastes or natural gas or coal, once more confirmed that it could be produced at a cost even more competitive than gasoline.

It appeared that some independent entrepreneur in Long Island, New York had come across the same report I had read:

"Engines with carbon deposits were cleaned up by running them on alcohol. It was also found that engines run cooler on a mixture of methanol and water, a mixture that actually increases power over that produced by burning pure methanol."

Further disclosure was the fact that United International Research of Hauppauge, Long Island has come up with a blend of 25% alcohol and water and unleaded gas which has a potential of saving 75 million gallons of gasoline a day. This new, improved gasohol fuel is called hydrofuel and costs about ten cents a gallon to make!

Who, I wondered, could I get to break this story wide open. If hydrofuel had a catch which made it impractical, the public deserved to know about it now—not in 1995. And if there was no catch to it, and we could manufacture a synthetic fuel from limitless, renewable resources, disclosure of this otherwise well kept industrial secret would without a doubt crack OPEC wide apart, and reverse the inflationary spiral driving the U.S.A. into the worst depression of all time.

Eventually I became reconciled to the reality I could expect no help from the mass media. Still I persisted. Each time I found another way to alert a part of the public to the potential of alcohol fuels I did something about it.

On the other hand, the Nebraska experiment, originated by the Holdridge farmers, was spreading to more and more mid-western states. Alcohol fuel was actually being sold commercially under the name of gasohol—how about that!

My contacts in Omaha, Harriet and Millard Speier, wrote that their neighbors have been useing gasohol and were very pleased with its performance.

We firmly believed we had found a way to tell everyone we could reach in Washington that farmers like the idea of competing with the oil industry, that they would like nothing better than to stop buying energy from the oil companies at high prices and then have to worry about the prices they were going to have to charge for their crops.

In the early days of the automobile, Henry Ford and other automotive magnates had asked Thomas Edison to research what the best fuel would be for motoring. Edison's findings were summed up in one word—Methanol. Edison, the innovator, the great inventor, listed three reasons why methanol should be the nation's motoring fuel. First, it did not pollute the air; second it left no dirty carbon deposits in cylinder heads and a motor could be driven for fifty years without wearing out. Edison never got around to explaining his third reason for the value of methanol.

My opponents wanted to hear no more of that kind of research. Once and for all they let me know there would be no more debating with me—methanol was out!

But why? Because it was too expensive to make! And until "gasoline is sold for as high as 85 cents no way will we invest our stockholders' money in that fuel." The day that reason came in the mail, gasoline in my neighborhood was selling for 90.9 cents a gallon.

While Congress and the President were bickering, the CIA was again caught napping. A revolution took place in OPEC's second largest oil producing country—Iran. The shock waves hit California first. The nightmare I had dreaded and warned against—since the embargo of 1973—had reappeared.

Again there were long waiting lines at gas stations. "No more gas" signs hung out sometimes after only one hour of dispensing. Gasoline was skyrocketing to over a dollar a gallon. Resort towns deserted; tourist business ruined; recreational vehicle companies and related businesses closing their doors. Depression—panic—even violence at the gas pumps.

Here we go again!

Maybe it's time now that I quit and forget all about methanol and gasohol and hydrofuel and solar energy and just concentrate on being a wife and a mother. And focus all the anger inside of me on housework?

Then on the morning of July 13th, 1979, I pick up the morning paper from our front lawn. My eye catches an item hidden away on the second page, at the very bottom. It is a small one paragraph announcement—instead of being on the front page in the screaming headlines it deserves. I read:

"The U.S. Senate today voted to provide $22 billion in federal loan guarantees to support the production of gasohol, a mixture of gasoline and alcohol as an alternative automobile fuel. The amount was raised from $11 billion by amendment—82 to 10."

Is this really the beginning of the end of the long years of fighting, probing, telephoning, debating, xeroxing hundreds and hundreds of pages of validated data, never backing away altogether—never letting migraines, or a husband's constant call for another kind of joint venture stand in the way.

Members of Congress stop bickering with one another and at long last they had joined together to fight OPEC.

Maybe it would be better to put my typewriter away, have the telephone disconnected and retire to easier pastures?

Well, not exactly . . . maybe not until "The Gasohol Lady" can drive her 1976 Nova down to the local gas station and "fill er up" with a choice of methanol, ethanol, gasohol, dieselhol, or 10 cents a gallon hydrofuel.●

---

## REPRESENTATIVE BROWN DISCUSSES THE NEED FOR ECONOMIC GROWTH AS A PRECONDITION TO MINORITY OPPORTUNITIES

### HON. JACK KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. KEMP. Mr. Speaker, at this time I would like to place in the Record an extremely important article written by my friend and colleague Bud Brown. Congressman Brown, as ranking member of the Joint Economic Committee, has been a leading proponent of increasing economic growth through the stimulation of the supply side of our economy. This article, which appeared in the Washington Post, shows the importance of economic growth to all members of this society, especially minority citizens.

Minorities in this country have been harmed the most by the sad shape of the economy in the past few years. Our present policies of high taxes, overregulation, and massive Government deficits have resulted in a slow or no-growth economy that is beset by double-digit inflation. And though the cost to all of us has been great, it has been truly devastating to minorities.

To make the American dream a reality for all our citizens, we must embark on a new course of economic growth that increases the rewards to work, saving, and investment.

The article follows:

[From the Washington Post, Jan. 15, 1980]

### Major Hope for Minority Jobs: Economic Growth

(By Clarence Brown)

The relationship between white and minority unemployment has troubled political, economic and social observers for decades. The crude and cruel rule of thumb is that whatever the white unemployment rate, the minority unemployment rate will be approximately double. Unfortunately, this has been generally true since employment figures were first categorized by race.

The recession that is slowly gripping the economy is expected to increase overall unemployment to 8 or 9 percent. Granting these estimates, the misery of unemployment will be even more severe for minority workers as their unemployment approaches 20 percent.

Since the mid-1960s, a similar relationship, though not as tight, has developed between white and minority teenage workers. We enter this recession with minority teenage unemployment near 35 percent (50 percent in some central cities).

There are many reasons given for the spread between white and minority unemployment rates. Discrimination, no doubt, is at the heart of the problem. Much has been done not only to lessen the effects of discrimination, but also to improve the American psyche regarding racial matters. However, the problem of discrimination, because it requires a change of attitude as well as behavior, will be present for a long time to come. Consequently, the beneficial effects on minority employment of the elimination of discrimination will be insufficient in the short run to offer much hope of dramatic improvement.

The effect of the minimum wage on young workers, especially minority teen-agers, has been well documented. But, though a youthful differential in the minimum wage laws would be particularly beneficial to minority teen-agers and would help close the gap between white and minority unemployment rates, the simple political fact is that such a change is not foreseeable in the short run.

What hope is there, then, for lessening the differential?

The hope is economic growth.

Supply-side economics has received increasing support from economists and increasing interest from the press and politicians lately. The reasoning behind this approach is simple: if the economy is being hurt by inflation—that is, too much money chasing too few goods—then the solution should be an increase in the supply of goods. Furthermore, if production is stimulated, the problem of unemployment is simultaneously attacked. Supplyside economics reasonably requests that policy-makers reduce the tax and unnecessary regulatory burdens that impair additional efforts to save, invest and work—the three linchpins of economic growth.

Now, there is nothing more obvious than saying that the way to reduce unemployment is to stimulate economic growth. What is not obvious is that economic growth has a more substantial impact on reducing black unemployment than on white unemployment, a fact confirmed by a study just completed, at my request, by the National Commission on Manpower Policy. Thus, if this country entered into a prolonged period of economic growth at a rate substantially higher than its current abysmal 2 to 3 percent per year, then the differential between white and minority unemployment rates would be reduced substantially.

In conjunction with this finding, Dr. Idabell Sawhill, director of the commission, testified at a recent Joint Economic Committee hearing on minority employment opportunities that, in the latter years of the recovery just ended, minority teen-age employment increased three times as fast as white teenage employment, that minority teen-agers were getting one out of every five new jobs during this period—an amazing development considering that this small portion of the minority work force faces the most severe barriers to employment.

This study does not disregard the need for training programs to aid the structurally unemployed. Though we have spent $90 billion on manpower programs over the past 15 years, we have failed to direct money to private-sector employers for on-the-job training and employment of these individuals and have concentrated instead on the public sector. We need a more balanced approach.

The present recovery is, unfortunately, being brought to an end by insufficient, outdated government economic policies that rely on the old shibboleths of trying to stimulate demand by increasing government spending and, consequently, government tax revenues. The result is that marginal tax rates on individuals and businesses have gone through the roof. This means that the rate of return on additional saving, working and investing has been lowered. Output and hopes of full employment are being strangled. Combined with the misguided monetary policy of the Fed under its former chairman, G. William Miller, demand-side economics has left a legacy of the highest inflation rate in 30 years, negative productivity growth, the weakest dollar ever, falling real income for our workers and unemployment rates for minorities at disgraceful levels.

It could have been different if we had done more than pay lip service to economic growth in recent years; if we had realized that inflation, though good for government revenues, is deadly to economic growth; if we had realized that our economic problems were the result of our misdirected economic policies and had not spent the past three years placing the blame on greedy American workers and employers. And it could have been different, in social terms as well as economic, if we had realized that sustained economic growth can do much to lessen the discrepancies between the different racial groups in this country in their employment and income opportunities.●

---

## COL. BERNARD K. OLSON

### HON. ALVIN BALDUS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. BALDUS. Mr. Speaker, it gives me pleasure to rise today to extend my congratulations and appreciation to a member of my constituency who has served his country's military with distinction for over 35 years. This man is Col. Bernard K. Olson of Rice Lake, Wis., who recently ended his military career after 35 years of service to the U.S. Army.

Colonel Olson has earned the respect and esteem of many people for the quality of his leadership and standards of excellence in his dedicated service to his country and fellow citizens.

During this span of years which began in 1943, Colonel Olson was twice distinguished with the Legion of Merit Medal, the second highest peace time decoration the Army can bestow, and was awarded the Armed Forces Commendation Medal, and the Meritorious Service Medal.

Colonel Olson has had a wide and varied military career both on active duty and in the reserves. He saw service in World War II and Korea. Upon his departure from Korea, Colonel Olson was awarded the Armed Forces Commendation Medal for meritorious service.

Prior to being called up in 1950, Colonel Olson started a musical radio program over station WJMC in Rice Lake, Wis. This weekly show has been heard on Sunday evenings for over 29 years and is used to promote the Army Reserve. For his work in this public affairs area, Colonel Olson was awarded his first Legion of Merit Medal in September 1972.

Because of the length of his service, Colonel Olson was tranferred to the Retired Reserves recently. His Milwaukee unit held a retirement banquet in his honor and presented him with a silver snifter inscribed with the dates of his service. The Army command also conferred the Meritorious Service Medal on Colonel Olson for his many years of service to the unit. Shortly thereafter, the Deputy Chief of Staff for Logistics, U.S. Army, Washington, D.C., awarded him a second Legion of Merit Medal for his 8 years of service with that office. Thus, unless a military emergency should develop in which the Government would see fit to recall the Army Retired Reserve, the military career of Colonel Olson has come to a close.

Mr. Speaker, I appreciate the opportunity to afford this national recognition to Colonel Olson. His insight, leadership, and dedication have enriched his community, State, and Nation. We do, indeed, salute a distinguished officer—Col. Bernard K. Olson.●

---

## INNOVATIVE PRESCHOOL PROGRAM FOR SPINA BIFIDA CHILDREN

### HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. SOLARZ. Mr. Speaker, I would like to call to the attention of my colleagues, the introduction of a new preschool educational program in my district located at the Warbasse Cooperative Nursery on 2785 West 5th Street. This is Brooklyn's first preschool educational program for children with spina bifida, a crippling disease which afflicts newborns. Spina bifida is a congenital defect that interferes with the development of the spinal cord.

An important step forward in public education has been the mainstreaming of handicapped children. The Warbasse Cooperative Nursery program will bring 15 children into the regular nursery.

I would like to take this opportunity to congratulate the parents in the area and Marcia Kepeca, director of the Warbasse Nursery, for working so hard to create this program in cooperation with the Spina Bifida Association of Greater New York. Funding was provided by the disabled children's program of New York State and the Harriet Annenberg Foundation.

It is my sincere hope that this will be the first of many such preschool nursery programs. I respectfully request that the following article which appeared in the Monday, January 21, 1980, issue of the Brooklyn Bay News be placed in the Record:

[From the Bay News January 21, 1980]

#### Aid For Diseased

Spina bifida is the single most common crippler of the new born. Affecting 12,000 children yearly, it interferes with development of the spinal cord resulting in paralysis.

New York's first educational program designed for children with spina bifida began recently at the Warbasse Cooperative Nursery, 2785 West 5th Street.

The unique features of the Warbasse pilot program is that it "mainstreams" 15 children with spina bifida into groups of children already attending school. Children 29 months or older attend five mornings from 9:00 to 12 noon. Younger children enter the toddler program from 10:00 to 12 noon two mornings per week. Each group has a licensed teacher and several aides depending on the number of children involved. A physical therapist is present two days a week and a psychologist is available for consultation.

Marcia Kepeca, director of the Warbasse Nursery, said, "We believe that children with handicapping conditions are first and foremost children . . . and that is that focus of the program."

The Spina Bifida Association of Greater New York sponsored the search that led to creation of the Warbasse program. Funding has been obtained from the Disabled Children's Program of New York State and the Harriet Annenberg Foundation.●

## TELEVISION FAIRNESS FOR NEW JERSEY

### HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. GUARINI. Mr. Speaker, New Jersey is only one of two States currently without a commercial VHF television station. Residents of my State must rely on those UHF stations assigned to New Jersey or on the commercial VHF stations in New York or Pennsylvania for their news and public affairs programing.

This is an unconscionable situation for a major State, a State of 8 million people, the State that ranks eighth in both population and productivity.

Accordingly, in a determined effort to alleviate these conditions and in light of the unprecedented decision by the Federal Communications Commission divesting RKO General, Inc., of three of its broadcast licenses, including one in New York City, I recently took the initiative in calling upon Chairman Charles Ferris of the FCC on behalf of my State and the people of New Jersey. In my letter of January 25, I urged Commissioner Ferris "to give full consideration to relocating," channel 9, RKO's commercial television license in New York to the State of New Jersey.

The current situation presents a prime opportunity to provide the residents of New Jersey with a VHF television station that we so dearly need, yet so sadly lack. This occasion also enables the FCC to take clear and decisive action regarding a problem with which they have grappled for years, although to little avail.

The absence of a commercial television station in New Jersey has been an issue for decades. Our people know it, our State's image and economy has suffered because of it, and even the FCC has recognized it.

In 1976, the Commission publicly concluded that the State of New Jersey did not have adequate locally oriented television broadcast service. In fact, late last year, Commissioner Joseph Fogarty stated:

> We are still inclined to the same finding, and I fear that those observing our seemingly endless quest for a remedy may be getting the impression that they are witnessing a regulatory shell game.

Despite the FCC's efforts to increase the amount of New Jersey coverage by the New York City and Philadelphia commercial stations, the results have been less than satisfactory. Just a few short months ago, Chairman Ferris reiterated that he was going to—

> demonstrate the concern of the FCC to assist all the residents of New Jersey who are not deprived of what I believe to be sufficient local news or public affairs programing.

It is obvious that while a greater physical presence in New Jersey of out-of-State stations is of some help, it is not enough. It is equally evident that an increase of State UHF stations will not adequately meet the demand of the 8 million strong viewing market in New Jersey. It is now clear that only a statewide commercial VHF television station is capable of serving New Jersey and servicing its people in a credible, comprehesive and complete manner.

For New Jersey has long been the "forgotten" State in an era when television has become our national, and most essential, media. Its residents have continually sought to receive equitable broadcast representation, and are keenly aware of the absence of fair and just coverage of their State.

Mr. Speaker, in light of the fact that New York is more than adequately served by a plethora of stations, the transfer of this one license to New Jersey is squarely in keeping with our Nation's cherished concept and time-honored tradition of a balanced reportage.

Accordingly, I urge my colleagues to support my efforts in this direction so as to assure all of our citizens of equal access to the media outlets and communication channels of our society.●

---

## OBSERVATIONS ON H.R. 4788: THE WATER POLICY DEVELOPMENT ACT OF 1979

### HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. EDGAR. Mr. Speaker, I draw my colleague's attention to the following:

#### THE PRESIDENT'S GOALS FOR WATER PROJECTS AND PROGRAMS

On June 6, 1978, the President sent a water policy message to Congress in which he announced a number of water policy initiatives designed to:

(1) Improve the planning and management of Federal water resource programs to prevent waste and to permit cost-effective, safe and environmentally sound water projects to move forward expeditiously.

(2) Provide a new, national emphasis on water conservation.

(3) Enhance Federal-State cooperation and improved water resources planning.

(4) Increase attention to environmental quality.

Since that time, the Administration has proposed to Congress specific legislative initiatives in the areas of cost sharing, independent review of project plans, and new Federal grant programs to improve State planning for water conservation and management. The President has also instituted, administratively, improvements in the Principles and Standards under which water projects are planned, as well as improved procedures for benefit and cost estimates.

#### GENERAL CHARACTERISTICS OF H.R. 4788

H.R. 4788 reflects neither the letter nor the spirit of the President's reform initiatives. Rather it continues a long tradition of:

(1) Prematurely authorizing projects which still are in the study stage or are under review within the Executive Branch.

(2) Authorizing projects and other activities which are clear departures from established Federal Policy and accepted management principles and for which no rationale or justification has been developed other than the accommodation of some special interest.

Collectively, these actions undermine the orderly and consistent implementation of the Federal water program.

#### BUDGETARY IMPACTS

The dollar amount of the objectionable items authorized in this Bill is about $2.5 billion. To the extent that these unsound or premature initiatives are actually funded and implemented, special interests benefit not only at the expense of the Nation's taxpayers but also, often to the detriment of the Nation's natural resources. Because of inflation and the fact that these authorizations serve as precedent for future authorizations, the potential budgetary implications are, in fact, far in excess of $2.5 billion.

Some have argued that the Administration should not be concerned with the authorization of unsound activities since their actual implementation can be prevented through the budgetary and appropriations process. Unfortunately, actual experience in water resource programs does not support such a view. All to frequently the same special interests that, in the past, were successful in obtaining authorization were, sooner or later, also successful in obtaining funding for implementation.

#### SPECIFIC CATEGORIES OF OBJECTIONS TO H.R. 4788

Cost Sharing.—The President's cost sharing proposals call for consistent State involvement in the financing of water projects. H.R. 4788 ignores the President's proposals for generic cost sharing reform. Not only does the Bill ignore the President's recommendations for cost sharing reforms, it also, in the case of projects with an implementation cost of about $90 million, specifically reduces currently applicable non-Federal cost sharing requirements. In doing so, the Bill moves further away from consistency in cost sharing—and from the principle that local beneficiaries pay appropriate shares of the costs of projects from which they derive significant local benefits—in favor of accommodation to particular special interests. Not only is this ad hoc application of special cost sharing rules a poor management practice, it is not equitable to treat one geographic area more favorably in this respect than others are treated within the same Bill.

Single Purpose Water Supply Initiatives.—The provision of municipal and industrial water supply historically has been a local and State responsibility. Corps of Engineers involvement in water supply has been, with very few exceptions, limited to provision of water supply storage in multiple purpose reservoirs so that the best use can be made of limited reservoir sites. The cost of this storage is fully reimbursable by local project sponsors under the provisions of the Water Supply Act of 1958.

H.R. 4788 contains several new authorities for the Corps of Engineers in the area of municipal and industrial water supply. They range from a generic study authority for single purpose water supply projects, after a study resolution has been adopted by one of the Public Works Committees, to the authorization of study, or study and construction, of a number of municipal water supply facilities including conveyance, pumping, distribution, treatment and filtration facilities. We have identified specific costs of over $170 million (unadjusted for inflation) for these new authorities on the nine projects in the Bill. But clearly, the budgetary outlays could easily amount to billions, should these precedents lead to a number of other Federally-financed projected. (The Bill's repayment provisions over 50 years for Federal investments in construction do not reduce the strain on the Federal budget during the decade or more when the Federal budget must handle the outlays with no repayments yet coming in; in addition, repayments would be made at subsidized interest rates.)

In spite of the potential Federal outlays for these single purpose water supply projects, there is no systematic rationale for their selection and inclusion in the Bill. The Administration, in contrast, has underway an intergovernmental study, chaired by the Department of the Army, to investigate the institutional and financial problems surrounding urban water supply, and to lay out alternative approaches to their solution, including options for a greater Federal role. This study, scheduled for completion this spring, should provide a rational basis for appropriate actions at all levels of government in this vital water problem area.

The argument that inclusion of arbitrarily selected projects in the Bill represents "demonstrations" of a Federal role in the growing problem of urban water supply/conveyance/distribution/treatment facilities is spurious. There is no need to "demonstrate" that the Corps of Engineers can construct such facilities. Local entities, public and private, have been building them for years. The issue is what the Federal role in meeting such local needs should be—and that issue needs more analysis and discussion before precedent-setting actions are taken.

Other Projects Authorized Without Benefit of Any Study, on the Basis of Incomplete Studies or Incompletely Reviewed Studies.—H.R. 4788 authorizes 54 other projects with a currently estimated cost in excess of $1.3 billion, for which no report has been transmitted to the Congress.

The reasons for the absence of a report vary—in some cases no studies have been undertaken; others have incomplete studies; others have completed studies which are now at various stages of review within the Executive Branch.

By its requirements for individual project authorization, Congress shares with the Administration a recognition of the economic, environmental and social significance of a particular solution to a water problem. By prematurely authorizing these projects, Congress would preempt the orderly progress of a project from the study stage to implementation. Such orderly process is absolutely necessary to insure that only cost effective and environmentally acceptable projects are built.

### OTHER PRECEDENT-SETTING PROVISIONS

The Bill contains numerous provisions which would involve the Corps of Engineers in new missions which have heretofore not been Federal responsibilities. There has been no adequate justification for assumption of these responsibilities by the Federal Government. One significant provision would vastly expand the applicability of the National Dam Inspection Act to thousands of very small dams with minimum hazard potential and would put the Army in the business of restoring unsafe dams owned by State or local public entities. There is no evidence that the Federal Government needs to or ought to assume this local responsibility.

The current Federal program is to inspect all high-hazard dams as well as certain others, and appropriately leaves with States and local entities, public and private, the responsibility for repair of the dams they own.

The Bill would also provide precedents for new Army missions: remedial work to correct the effects of landslides unrelated to water projects; acquisition of land not contiguous to water projects for purposes of recreation; and treatment of local storm drainage problems as flood control projects to be funded in large part at Federal expense. Such expansion in the Federal role—and the future budgetary strains created by that expansion—have simply not been sufficiently justified.

### CONCLUSION

H.R. 4788 in its present form could result in Federal expenditures of about $2.5 billion unadjusted for inflation in future years for specific projects and activities to which the Administration has strong substantive or procedural objections. The Bill, moreover, would provide strong precedents for new Federal responsibilities costing billions of dollars more.

By adding premature, inappropriate, or unjustified projects to the multi-billion dollar backlog of already-authorized work, H.R. 4788 only inhibits the orderly solution of the Nation's water problems. The Federal water program budgets, like the budget for other Federal programs, is limited. If unsound projects are actually funded, budgetary resources are diverted from more worthwhile water projects; even if unsound projects are never funded, alternative solutions to the real problems are delayed or prevented by the false expectations and/or legal impediments created by authorizations on the books. In either case, the Nation as a whole suffers. It is for this reason, ultimately, that the Administration is anxious to work with Congress to put together a water project authorization Bill that does permit timely progress in solving the Nation's water problems.

(These observations address the Bill as reported out of Committee in October 1979. A Committee amendment adopted on January 22, 1980, adds more than 20 additional provisions which are objectionable on essentially the same bases as the objections cited herein.) ●

---

## RICHARD BARNET ON THE DRIFT TO GLOBAL CONFRONTATION

### HON. JOHN CONYERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● **Mr. CONYERS.** Mr. Speaker, the recent events in the world are ominous, defy easy solutions, yet beg for intellectual clarity, historical perspective, and appropriate policy responses.

They will force us to define, more responsibly and precisely than we have during the past two decades, what the abiding interests of the United States and the West are, and how these interests can best be safeguarded and advanced. Yet in the early stages of these multiple foreign policy crises, there has been a singular absence of broad, varied debate on the nature of the crisis, and on reasonable alternatives in dealing with world events. In fact, part of the danger in the present situation is the pervasive tendency in and out of Washington to simply follow the President's lead—understandable in the light of our system of government and culture, but, nevertheless, profoundly deficient from the standpoint of policy.

The President's state of the Union address spelled out a variety of military actions that suggest our past experience in Vietnam, Iran, and in other parts of the world—that indiscriminate military assistance to shaky regimes and new outpourings of defense dollars are costly, dangerous, and counterproductive—has largely been forgotten. Yet there are few voices today challenging these policies and an extremely narrow range of alternatives that are being discussed.

Before we plunge headlong into a new round of military action and costly defense mobilization, we should at least pause to consider the potentially grave consequences this will have for our society and economy. Already, as a result of the President's new foreign policies, the 1981 budget registers a major retrenchment on domestic programs and a severe squeeze on the Federal Government's fiscal ability to maintain and expand worthwhile and necessary programs at home.

One of the few, and most distinguished, voices to challenge the President's foreign-policy direction is Richard J. Barnet, a leading student of international affairs during the past two decades. Barnet was a member of the State Department Policy Planning Group in the early sixties. He is the author of major books, "Roots of War, Global Reach," and most recently, "The Giants: Russia and America." Barnet furnishes in the article reprinted below a badly needed historical perspective and alternative policy analysis, that I urge my colleagues to read and consider. The article was first published in the Washington Post, January 20, 1980.

The Barnet article follows:

[From the Washington Post, Jan. 20, 1980]

### WE NEED NEW RULES, NOT MILITARY RISKS OR NUCLEAR BLUFFS

(By Richard J. Barnet)

The 1980s have begun with the brutal Soviet invasion of Afghanistan, the collapse of of détente and the distinct possibility of direct U.S. Soviet confrontation in the coming weeks in Pakistan or Iran. The world seems closer to a major war than at any time since the 1930s. The informal, de facto rules of the Cold War have broken down.

For a generation, the United States conducted military interventions in Iran, Guatemala, Lebanon, the Dominican Republic, Vietnam, Cambodia and elsewhere. The Soviets invaded Hungary and Czechoslovakia, but outside the area occupied at the end of World War II by the Red Army Soviet military expansionism was contained. The United States was free to dispatch its forces around the world outside the Soviet bloc without courting a risk of nuclear war; the Soviet Union, as the Cuban missile crisis showed, was not. In the past five years, however, Cuban troops backed by the Soviet Union intervened in Angola and Ethiopia, without American response.

This operational code of the Cold War was based on shared perceptions of power. With the invasion of Afghanistan, the Soviets have demonstrated that the old rules no longer apply. Their willingness to send their military forces outside the Soviet bloc and to brook the predictable consequences is particularly disturbing because it lends credence to the fear that old Russian imperial ambitions in the whole strategic area have been revived.

Henry Kissinger's structure of peace, fragile as it was, is collapsing. This fundamental question now facing the United States is what can take its place.

The urge to "punish" the Soviet Union for naked agression is understandable, and the impulse to do it with symbolic military measures is predictable. But the military responses now being planned show a basic lack of understanding of the dimensions of the present crisis and a failure to take a hard look at the consequences of planned military moves.

There is rapidly developing in this country a political myth in the tradition of the "Yalta sellout" and "Who lost China?" slogans of the 1940s, a myth that holds that military weakness is behind our current predicament. Yet the United States does not lack the airborne divisions, planes and ships to launch a military operation against Iran right now. And even tripling such forces cannot rescue the hostages.

In Vietnam the mismatch between military power and the political problems we were seeking to solve was the heart of the tragedy. Now we appear ready to bring back the Green Berets in modern dress, another military fix. Once again we will assign to the armed forces impossible missions, and once again the prestige and power of the United States will suffer. But this time the war is already regional and threatens to involve more than a billion people.

The military options are all unpromising. The instability of the region is causing the U.S. to resort to the very policies that have promoted the instability.

We forget that the shah fell not because he lacked arms—we sold and gave him $20 billion worth—but because he was a corrupt, brutal and hated ruler. The arms served to catalyze public discontent and to symbolize U.S. responsibility for maintaining his tyranny.

In the same way, arming a brutal unpopular government in Pakistan will strain the fragile bonds that keep that collection of nationalities together and will exacerbate the separatist movement of the Baluchis and Pashtoonis, all of which plays into the Russians' hands. Arming Afghan guerrillas or Pakistanis to fight in Afghanistan would be both cynical and foolish; the fighting might serve to keep the battle in the public eye but it could not liberate Afghanistan from the Soviet army. In the process a good many Pakistanis and Afghans would die and the Russians could be provoked into a Cambodia-style incursion against the rebel "sanctuaries" A revived India-Pakistan war is a likely consequence.

A Chinese "punitive" invasion of Indochina would no doubt distress the Russians, but the only lesson they would learn from it is that a general South Asian war was inevitable. Establishing U.S. bases in regimes as politically vulnerable as Sadat's Egypt or Saudi Arabia is crackpot realpolitik.

There is only one real military option to counter further Soviet aggession, and that is to keep raising the risk of nuclear war and to make it ever more "credible." By definition, that means basing national security policy on bluff, for there is nothing the Soviets could do in the Middle East that would be as destructive to the vital interests of the United States as a nuclear war. A nuclear strategy is an exercise in controlled recklessness. It is based on the expectation that the Soviets will back down in a confrontation or that the consequences of a nuclear war can be limited. Both are increasingly dubious propositions. In a world brimming with armaments, bluffs are likely to be called.

The most dangerous aspect of the reviving political myth of American weakness is the notion that it was a shift in the nuclear balance that emboldened the Russians to act in Afghanistan. The United States has the nuclear arsenal to destroy the Soviet Union utterly and the Soviets know it.

Far from looking weak militarily, the United States looked as if it had abandoned detente and was prepared to resume the quest for massive military superiority. SALT was already as good as dead. The United States had already announced a commitment to a major escalation of the military budget. The decision to emplace in Europe the cruise missile and Pershings, a new strategic nuclear weapons system as far as the Soviets were concerned, had been made and Brezhnev's October offer to negotiate a reduction in European-based nuclear weapons had been dismissed. The motives in Washington may have all been defensive, but they did not look defensive in Moscow. As they looked out from the Kremlin, Soviet leaders saw West Germany moving closer to acquisition of nuclear weapons and a U.S.-Chinese military alliance taking shape. The U.S. military programs of the 1980s would restore an overwhelming nuclear superiority to the United States unless matched at a fantastic cost.

The stakes are much too high to base policy on a view that the Soviets have fixed intentions. Whether the Soviet motivations were "offensive" or "defensive" matters less than whether it is possible to restore a structure of peace that can inhibit further military moves by the Soviet Union.

The great danger of the 1980s is that the possibilities for miscalculation have increased enormously. If President Carter appears a vacillating and uncertain leader, the Soviets appear mercurial and unpredictable. With President Brezhnev about to leave, it is not clear who is in charge. A "tough" policy is needed, but mindless military escalation is not the route. A policy that can impress friends and adversaries is one rooted in a clear view of vital interests, a realistic awareness of what can and cannot be achieved, and a steadiness of direction.

The ambiguity of policy and intentions in both capitals is creating a moment of extreme danger and, like the Cuban missile crisis, a time of opportunity as well. Because the old ground rules have broken down, de facto rules about what the superpowers can and cannot do must be put into place. The new rules will either be forged in the crucible of confrontation or they will be arrived at by explicit agreement.

If we are to slow down the drift to war, new principles governing superpower behavior must be negotiated. They should be simple and explicit.

For example, both superpowers could agree not to deploy their forces in any country in which they are not now located. Such a freeze on bases and troop deployments would outlaw future Vietnams, Dominican Republics, Czechoslovakias and Afghanistans. Proxy armies, as in Angola and Ethiopia, would be expressly prohibited. Such an agreement would clearly be in the U.S. interest since, unlike the first postwar generation, the Soviets now have more opportunities for military intervention than does the United States.

Why would the Soviets agree? No one knows for sure that they would. However, their record of military intervention has not been spectacularly successful. In Egypt, Sudan and Somalia, they lost control and made enemies of the countries on which they had lavished military aid. Pacifying Afghanistan will not be all that easy and the price already paid has been an overwhelming vote of condemnation by the Third World nations. The stated goal of their diplomacy has been to establish the principle of equality with the United States in military relations. Clear ground rules that inhibit both superpowers equally are in their interest as well as in ours. If there is a structure of peace that protects legitimate Soviet interests, then there is a good chance that they would renounce unilateral military and paramilitary action.

The United States should work for a neutralized Afghanistan, with borders guaranteed by all the states in the region and with Soviet troops withdrawn. The analogy would be Austria—from which Soviet troops also withdrew—militarily neutral but with an internal political system closer to that of the Soviet bloc. (Austria, of course, in economic and political terms is part of the West.) It would be foolish to underestimate the difficulties, but it is a realistic goal as part of a larger process for the restoration of a less dangerous U.S.-Soviet relationship.

Neither superpower can control internal political events in the Third World. An agreement that reflected such an understanding of our historical moment is absolutely crucial to the avoidance of war. The failure to grasp the power of liberation ideologies is the fundamental weak point of the official view in Washington, and, it seems, in Moscow, too.

In one sense we are at the "end of ideology." Neither "communism" nor "capitalism" remains a credible philosophical system for organizing society in the contemporary world. There is growing suspicion of all ready-made systems. The existing models are too much beset by internal contraditions and failures. They mean too many things.

There is panic and violence in the world—not, as at other historical moments, because of a fanatic belief that one system or another has a monopoly on truth, but because of widespread feelings that on one in charge knows what to do. The failure of both "socialist" and "capitalist" regimes to bring liberation or dignity to billions of people has unleashed a profound spiritual reaction—a radical rejection of the dominant international culture.

The popular impulse is not so much to build a "nation" in the 19th century sense of the word as to restore a sense of cultural and religious autonomy and to achieve and identity which—as in the case of the Kurds, for example—may be transnational. But the transforming impact of popular passions is real, and in the corridors of power it is hopelessly misunderstood. The official American worldview ignored Islam in Iran until the mobs were in the streets. The Russians have been more aware of popular passion as a major political force of our time, but they too are so bound by the traditional geopolitical view of the world that their only response is to try to crush it.

Given the realities of world power and the parallel reflex responses in Washington and Moscow, there is no way out of the national security dilemma as it is now being defined. Unless we change the conceptual framework, we are doomed to a series of military moves and countermoves that cannot be kept under control. But the United States does have an historic opportunity to help build a new world consensus to contain aggression. It can do that only by identifying more with the concerns of the weak states where the world's majority lives.

To build a world consensus we need new ground rules that will be equally applicable to everybody. To curb proliferation, the U.S.-Soviet competition in nuclear weapons must come to a halt. To build a new world majority for reestablishing the minimum international order necessary to survive the rest of the century, the poor countries must have a significantly greater stake in that order.

The principal security problem for the United States in the 1980s is mounting instability everywhere; the Russians are just a part of the problem. Making new military alliances with weak, illegitimate governments creates more instability. The escalating disorder in the world requires a clearer relationship with the Soviets, not a breakoff in relations. We need more emphasis on human rights, not less; only legitimate governments, not repressive juntas, can keep order over the long run. We need accommodation with the developing countries on economic issues. We dare not let our obsession with the Soviet Union define our global security policy.

A few years ago these were the stated views of the Carter administration. Now, that effort to develop rational security policies appropriate for the 1980s is being abandoned, and we march to catastrophe under the banner of an obsolete *realpolitik*. If we could learn that uncontrollable forces of liberation are on the move in the world and that they need not be our enemies, we could help to create a political climate in which aggression can be contained.●

---

## A MESSAGE OF HOPE FROM EXILE IN SIBERIA

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. LENT. Mr. Speaker, I wish to share with my colleagues a message I have just received from my Fourth Congressional District's prisoner of conscience, Ida Nudel.

Written in English on a postcard, Ida's message was sent from the remote village of Krivosheino, where she is in exile on a charge of malicious hooliganism. Ida's crime? Displaying from the balcony of her Moscow apartment a banner demanding a visa to Israel. Ida Nudel has been seeking to emigrate to Israel for nearly a decade, but, although her husband and her sister were granted permission to emigrate to Israel, Ida Nudel has been refused, in flagrant violation of the Helsinki accords on human rights.

Although living under the most primitive conditions and under constant harassment, Ida Nudel's indomitable spirit has never flagged. Last May, at the suggestion of Lynn Singer, president of the Long Island Committee for Soviet Jewry, I adopted Ida as my Fourth District's prisoner of conscience. Since then, each week, I have been writing letters of encouragement to Ida, and, each week, writing to Soviet authorities demanding they permit her to emigrate to Israel.

Until receiving Ida's postcard, I had no indication my weekly messages were getting through. But listen to what Ida wrote on December 28, 1979:

> Dear Norman! Thank you very much for your letters of June 1, 8, 15, 22. I am sorry my poor English doesn't permit me to express properly how deeply I was moved. Your letters were great support for my soul. I know that you and many are very anxious and very persist(ent) in obtaining freedom for me and for so many in situation such as my(mine) and even worst. I am very thankful for that! I ask you very much, in spite of things not going as we dream, don't give up, be stubborn and you will succeed. My best wishes for you and all your family for 1980 year. Cordially, Ida.

Mr. Speaker, I cannot express adequately the tremendous lift in spirit I received from Ida Nudel's postcard. It is the most heartening thing that has happened to me in a long time. For 8 months, I have been writing weekly letters of encouragement to Ida, and her first word to me is an offer of encouragement. What a courageous spirit. What magnificent determination and perseverance.

Mr. Speaker, in response, I assured Ida that I will never let up in my efforts to free her until she arrives safely in Israel, as did the previous prisoner of conscience from my Fourth Congressional District, Hillel Butman. Furthermore, I promised Ida that I would bring her message to the attention of my colleagues. I am doing so here in asking that you join with me in demanding that Soviet leaders, from Leonid Brezhnev on down, reverse their grim persecution and oppression and grant freedom to those, like Ida, whose only desire is to practice their religion in the country of their choosing.

Mr. Speaker, in these days of growing world tension, we must redouble our efforts in the cause of human rights. We must lend our support and encouragement to those, like Ida Nudel who are struggling for their freedom. Her courage, determination, and perseverance in the face of adversity should inspire every one of us to do our utmost for her and her fellow victims of persecution and intolerance. Our voices are heard—even behind the walls of the Kremlin. Let us join in renewed demands for freedom for Ida Nudel and thousands of other Soviet Jews being oppressed in the Soviet Union.●

---

## WHITE HOUSE CONFERENCE ON SMALL BUSINESS SUPPORTS LEGISLATIVE VETO

### HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. LEVITAS. Mr. Speaker, those of us who have concern for the opportunities of the Nation's small business were most pleased when, in April 1978, President Carter called for a White House Conference on Small Business. In doing so, he recognized that small business means a great deal to our national economy in terms of productivity and growth. The President emphasized the need to develop a broad new legislative and policy agenda for small business, and he ordered this Conference to develop that agenda. He also insisted that the Conference must reach the Nation's grassroots in developing this agenda, and he assured participants that their views would have a significant impact on public policy.

The Conference did reach the grassroots. A series of 57 open forums were held througout the Nation, initially involving over 30,000 people. Thousands of recommendations emerged from these forums, and they were then fashioned by a series of 10 regional conferences into over 300 issue statements which were used as a working agenda at the recently completed national conference. The 1,500 delegates at this final conference were asked to use these statements to recommend a final 15 that the White House said would be the basis of Federal policy for the next quarter century. President Carter called this process "participatory democracy at its finest," and I wholeheartedly agree.

At the national conference the delegates continued to voice the concerns expressed over and over during earlier phases of the process. One of the most frequently heard concerns was the need for regulatory reform. Of the hundreds of recommendations the delegates reviewed, they voted as one of their top 15 recommendations that Congress take a greater role in overseeing the regulatory process including instituting a legislative veto over rules and regulations. Specifically, the conference recommended that:

> Congress shall exercise line-item veto over regulations within a specified time through congressional oversight committees, with one-house floor vote.

This action places the President in an interesting situation. He has expressed opposition to the legislative veto concept, in the past. He recently vetoed a bill because he claimed it contained a legislative veto, although his accompanying statement failed to explain why he has previously signed 40 bills during his term in office containing 52 legislative veto provisions.

Nonetheless, the President has chosen to disagree publicly with Congress on the issue of legislative veto. He has not heeded the broad base of support for legislative veto that exists in the Congress. He has not recognized the fact that Congress has continually endorsed the legislative veto mechanism. He has not realized the significance of the fact that the Levitas legislative veto bill, H.R. 1776, currently has more than 230 cosponsors, well over a majority of the membership of the House.

So far the President has not realized tide of significance of all of this in maintaining his public opposition to legislative veto. Now, however, he is faced with the recommendations of his own grassroots Conference on Small Business. His own White House Conference has overwhelmingly endorsed the legislative veto. The legislative veto survived an arduous process to become one of the major policy recommendations of his own Conference.

The Conference delegates were told that the President was serious in his commitment to use the recommendations that emerged from the process—all of them. The question is: Can the President now choose to ignore one of his Conference's top priorities? Can he ignore the results of participatory democracy at its finest? I believe not. I hope his administration will now join with the Congress and implement the legislative veto proposals.

The legislative veto will put elected officials back in control of the rulemaking process. This is as it should be. Rules are laws, and the Constitution vests lawmaking authority in the hands of elected officials. What we have now is a situation where unelected bureaucrats write far more of our laws than does the elected Congress. Bureaucrats currently write 18 regulations for every law Congress passes, and there is no comprehensive mechanism for reviewing their work before it is imposed upon our citizens. The existing system of government by regulation violates the fundamental principle of representative democracy.

The legislative veto can correct this problem. It will give Congress the authority to review, and veto if necessary, proposed regulations before they can go into effect. It is a simple, yet effective, mechanism to insure that elected officials have the final words over all of our laws. The 1,500 delegates to the White House Conference on Small Business understood the need for the legislative veto and recommended to the President that it be implemented. I hope he will view this recommendation in the spirit he promised when he called the Conference together. The delegates have spoken. Now it is up to the President.●

## PHIL PORTNOY HUMANITARIAN AWARDS

### HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. RINALDO. Mr. Speaker, the Phil Portnoy Association of Union, N.J., represents the grassroots people of America who are dedicated to their community and to helping our fellow citizens cope with unforeseen tragedies. This sense of community service is one of the great strengths of this Nation and of the American people.

It thrives in Union, N.J., where the Phil Portnoy Association has encouraged individuals to contribute their time and talents to helping others meet the burdens of life and overcoming the disappointments caused by crippling accidents, fires, and other tragic circumstances.

The Phil Portnoy Association annually honors individuals who have demonstrated compassion, leadership, and dedication to helping others. On February 2, 1980, the Phil Portnoy Association will give its humanitarian awards to two outstanding citizens of Union, Mrs. Rhoda Fried and Mrs. Lucille Longo. Their contributions and efforts are impressive and deserving of this honor.

Rhoda Fried has served as a member of township of Union Board of Education for 5 years, and is now its president. I should note that the public school system in Union is more than meeting expectations for quality education. Recently, the results of the nationwide California aptitude tests revealed that students in the Union public school system achieved a rather extraordinary rating in competition with students all over the Nation. This is a credit to the Union Board of Education, Mrs. Fried, the administration, faculty, students, and their parents.

Over the past decade, Mrs. Fried has unselfishly given her time, talent, and energies to benefit thousands of public school children as a member of the PTA at the elementary, junior high school, and high school levels. As anyone involved in education recognizes, it is a tremendous responsibility and a time-consuming one, but the rewards in terms of stimulating children to learn and to develop their potential are great.

In the meantime, Mrs. Fried has raised funds to help accident victims; those unfortunate citizens whose families cannot finance the extraordinary costs of rehabilitation and treatment of serious injuries. As treasurer of the Phil Portnoy Humanitarian Association, Mrs. Fried was instrumental in persuading businessmen, and professional and working people in Union to contribute to helping others.

I congratulate Mrs. Fried and her family on receiving the Phil Portnoy Association Humanitarian Award.

Likewise, the association and the community of Union Township deeply appreciate the valuable contributions of Mrs. Lucille Longo. It takes hard workers to do the nitty-gritty jobs of raising funds for charities and of interesting our fellow citizens in public service. Mrs. Longo has done an outstanding job in all respects.

Raising funds for charitable causes is always difficult. But equally important, Mrs. Longo personally followed through to implement programs of assistance to those in need. For 7 years she was in charge of delivering food baskets to the needy on Thanksgiving, Christmas, and Easter. Hundreds of poor families whose meager incomes could not provide them with a decent holiday dinner are grateful to Mrs. Longo and her volunteers for their thoughtfulness and concern.

Mrs. Longo also recognized that children need healthy recreation pursuits as well as food. Her service as a member of the Union Township Recreation Commission provided the support needed to expand and continue many of Union's recreation programs for the young.

Over a period of 8 years, Mrs. Longo served as secretary for the Phil Portnoy Association, enabling its members to reach out to help those whose lives were shattered by tragic circumstances. I congratulate Mrs. Longo, her husband, Charles, and their daughter, Cheryl.

In every respect, Mrs. Longo and Mrs. Fried exemplify the humanitarian instincts of the Phil Portnoy Association. It is highly respected for its charity and concern for the victims of accidents, and Phil Portnoy, himself, knows from his own experience that with help from others and personal courage, the handicapped can lead fruitful and meaningful lives in the service of their fellow citizens and their community.●

## STATEMENT ON INTRODUCTION OF H.R. 6247, TAX TREATMENT OF THE COMMUNITY INCOME OF SEPARATED SPOUSES

### HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. GIBBONS. Mr. Speaker, on January 22, 1980, I introduced H.R. 6247, legislation which is badly needed to cure a grievous injustice under present law in the case of married individuals, residing in community property States, who live apart and file separate tax returns. In this situation, each spouse is required to report the one-half of community income attributable to the income and earnings of the other spouse, whether or not such income is in fact received. H.R. 6247 will correct this problem by amending the Internal Revenue Code to provide that separated spouses will be taxed only on the real economic income earned or received by each, and not on a share of community income not actually received.

Typically, the worst cases under present law have involved an unsupported wife who does not know, and has no way of knowing, the financial status and affairs of the community or even the whereabouts of her husband. In many cases, no return has been filed or tax paid by the absent husband. In this situation, the wife has no control over her statutory income tax liability and no means to compel her husband to divulge information for tax filing purposes concerning the community's assets, liabilities, or income. As a practical matter, the wife filing separately can neither prepare a return showing the community income nor pay the tax on such income, despite her legal requirement to do so. In many cases, the final result of imposing a tax liability on the separated wife for the one-half of the community earnings of the husband is to create an uncollectible deficiency.

Despite the availability in most community property States of a suit for separation of property—or a suit against the husband's heirs after the community is dissolved by death—the wife is, as a practical matter, helpless if the husband cannot be located for service of process. Further, while the wife may be relieved of certain obligations to creditors and others under a State exemption statute if she renounces the community, such renunciation does not relieve her of liability for Federal income taxes due on the one-half of community income attributed to her for tax purposes.

Both the Tax Court and the U.S. Supreme Court have invited Congress to amend the Internal Revenue Code to dissolve the community for tax purposes where in fact, the separated spouse receives no financial benefit from the community earnings of the other separated spouse. The tax-reporting dilemma of separate spouses, resident in community property States, was first brought to the attention of the Congress in July 1977 by the General Accounting Office in a letter report to the Joint Committee on Taxation. The GAO recommended that, where certain conditions exists, the separated spouse who does not receive the one-half of community income be relieved of tax liability with respect to such income. The four conditions specified by the GAO were: First, a separate return had been filed by an individual who is married; second, there is omitted from the gross income reported on the separate return, community income derived from income earned by the other spouse or derived from community property; third, the married individual filing the separate return lives separate and apart from the other spouse for the entire taxable year; and fourth, the individual filing the separate return established that he or she has not received, directly or indirectly, any of the community income omitted from gross income.

These four conditions are incorporated in the bill's new section 66 of the IRC which refers to section 879(a) for the applicable tax computation rules. That is, where these four conditions are present, the community income of separated spouses, both citizens or residents of the United States, will be treated in the same way as the community income of a U.S. citizen or resident who is married to a nonresident alien individual. This means that the community income which is earned income will be taxable to the spouse who has rendered the personal services. Community income which is business income, including a partner's distributive share of partnership income, will be taxable to the spouse who exercises substantially all of the management and control of the trade or business. Community income derived from the separate property of one spouse will be taxable to that spouse.

This legislation would improve the equity of our Federal tax laws for separated spouses and I am hopeful that this bill will receive the support and expeditious consideration that it deserves.●

---

## INTELLIGENCE REFORM ACT OF 1980

## HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. YOUNG of Florida. Mr. Speaker, I am today introducing legislation to eliminate three problems which have hurt the ability of the United States to conduct aggressive, effective intelligence operations.

The bill would: Provide that the CIA report covert activities only to the House and Senate intelligence committees, instead of to the eight congressional committees which receive that information now; change the law so that foreign agents would no longer have access to information relative to the operation of our Government through the Freedom of Information Act; and make it a Federal crime to reveal the identity of undercover agents or informants of the CIA, intelligence agencies of the Department of Defense, or the foreign counterintelligence or counter-terrorism components of the FBI.

Mr. Speaker, as a member of the Permanent Select Committee on Intelligence, I feel it is vital that we level with the American people about the state of our intelligence agencies. The truth is that the CIA and our other intelligence agencies have nearly been put out of business in recent years. It is time that we tell the American people just how serious the political attacks on our intelligence operations have been. And it is time for us to stress, again and again, that an effective intelligence operation is vital and essential to maintaining a strong America.

Intelligence activities may not be a nice business, but unfortunately, the game in which we are players is not a nice game. That we allow foreign agents access to important information relative to our Government through the Freedom of Information Act is unthinkable and must be changed. To allow those who reveal the identity of intelligence agents to go free while their victims lose their lives can no longer be tolerated.

The last section of my bill is directed at those who have set out to identify CIA personnel and agents in a deliberate attempt to damage the United States even if it endangers lives. The bill would make such actions punishable by up to 10 years imprisonment, a fine of up to $50,000, or both.

Another bill, which I introduced earlier, would repeal the current requirement that a court order be obtained before electronic surveillance of foreign agents can be conducted. To restrict the FBI's use of electronic surveillance of foreign agents in our country spying on us when we are being told that there are already more Soviet agents in this country than we can keep track of is a condition that must be changed.

Only last night, on nationwide television, the American people heard Arkady Shevchenko, former Under Secretary of the United Nations, estimate that half—roughly 300—of the Soviet employees on the United Nation's staff are spies. Mr. Shevchenko gave this information to the House Permanent Select Committee on Intelligence of which I am a member, last week, and I am glad that the information has now been made public so that the people of our country can better understand the Soviet threat.

### H.R. 6316

A bill to improve the intelligence system of the United States, and for other purposes.

*Be it enacted by the House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the Intelligence Reform Act of 1980.

SEC. 2. Section 662(a) of the Foreign Assistance Act of 1961. as amended (22 U.S.C. No. 2422(a)) is amended to read as follows:

"No funds appropriated under the authority of this chapter or any other Act may be expended by or on behalf of the Central Intelligence Agency for a special activity, unless and until—

"(1) the President finds that the activity is important to the national security of the United States and reports, as soon as possible, a description and scope of the activity to the Permanent Select Committee on Intelligence of the United States House of Representatives and to the Select Committee on Intelligence of the United States, or,

"(2) the National Security Council determines that the activity does not involve substantial resources or risks and falls within a category of special activities which category shall have been found by the President to be important to the national security of the United States and which finding shall have been reported to the Permanent Select Committee on Intelligence of the House of Representatives and to the Select Committee on Intelligence of the United States Senate.

"For the purposes of this subsection, the term 'special activity' means an activity conducted abroad in support of national foreign policy objectives which is designed to further official United States programs and policies abroad and which is planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such an activity, but not including diplomatic activity or the collection of production of intelligence or related support functions."

SEC. 3. Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. Sec. 403g) is amended to read as follows:

"In the interests of the security of the foreign intelligence activities of the United States and in order to further implement the proviso of Section 403(d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of any law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or number of personnel employed by the Agency. In furtherance of the responsibility of the Director of Central Intelligence to protect intelligence sources and methods, information in files maintained by an intelligence agency or component of the United States Government shall also be exempted from the provisions of any law which require the publication or disclosure, or the search or review in connection therewith, if such files have been specifically designated by the Director of Central Intelligence to be concerned with: The design, function, deployment, exploitation or utilization of scientific or technical systems for the collection of foreign intelligence or counterintelligence information; Special activities and foreign intelligence or counterintelligence operations; Investigations conducted to determine the suitability of potential foreign intelligence or counterintelligence sources; Intelligence and security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; *Provided*, That requests by American citizens and permanent resident aliens for information concerning themselves, made pursuant to Sections 552 and 552a of Title 5, shall be processed in accordance with those Sections. The provisions of this Section shall not be superseded except by a provision of law which is enacted after the date of this Amendment and which specifically repeals or modifies the provisions of this Section."

SEC. 4. The National Security Act of 1947 is amended by adding at the end thereof the following new title:

### "TITLE V—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

#### "PROTECTION OF IDENTITIES OF CERTAIN UNITED STATES UNDERCOVER INTELLIGENCE OFFICERS, AGENTS, INFORMANTS, AND SOURCES

"SEC. 501. (a) Whoever, having or having had authorized access to classified information that—

"(1) identifies as an officer or employee of an intelligence agency, or as a member of the Armed Forces assigned to duty with an intelligence agency, any individual (A) who in fact is such an officer, employee, or member, (B) whose identity as such an officer, employee, or member is classified information, and (C) who is serving outside the United States or has within the last five years served outside the United States;

"(2) identifies as being or having been an agency of, or informant or source of operational assistance to, an intelligence agency any individual (A) who in fact is or has been such an agent, informant, or source, and (B) whose identity as such an agent, informant, or source is classified information, intentionally discloses to any individual not authorized to receive classified information any information that identifies an individual described in paragraph (1) or (2) as such an officer, employee, or member or as such an agent, informant, or source, knowing or having reason to know that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's intelligence relationship to the United States, shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(b) Whoever with the intent to impair or impede the foreign intelligence activities of the United States discloses to any individual not authorized to receive classified information any information that—

"(1) identifies as an officer or employee of an intelligence agency, or as a member of the Armed Forces assigned to duty with an intelligence agency, any individual (A) who in fact is such an officer, employee, or member. (B) whose identity as such an officer, employee, or member is classified information, and (C) who is serving outside the United States or has within the last five years served outside the United States; or

"(2) identifies as being or having been an agent of, or informant or source of operational assistance to, an intelligence agency any individual (A) who in fact is or has been such an agent, informant, or source, and (B) whose identity as such an agent, informant, or source is classified information, Knowing or having reason to know that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's intelligence relationship to the United States, shall be fined not more than $5,000 or imprisoned not more than one year, or both.

#### "DEFENSES AND EXCEPTIONS

"SEC. 502. (a) It is a defense to a prosecution under section 501 that before the commission of the offense with which the defendant is charged, the United States had publicly acknowledged or revealed the intelligence relationship to the United States of the individual the disclosure of whose intelligence relationship to the United States is the basis for the prosecution.

"(b)(1) Subject to paragraph (2), no person other than a person committing an offense under section 501 shall be subject to prosecution under such section by virtue of section 2 or 4 of title 18, United States Code, or shall be subject to prosecution for conspiracy to commit an offense under such section.

"(2) Paragraph (1) shall not apply in the case of a person who acted with the intent to impair or impede the foreign intelligence activities of the United States.

"(c) In any prosecution under section 501(b), proof of intentional disclosure of information described in such section, or inferences derived from proof of such disclosure, shall not alone constitute proof of intent to impair or impede the foreign intelligence activities of the United States.

"(d) It shall not be an offense under section 501 to transmit information described in such section directly to the Permanent Select Committee on Intelligence of the United States House of Representatives and to the Select Committee on Intelligence of the United States Senate.

#### "EXTRATERRITORIAL JURISDICTION

"SEC. 503. There is jurisdiction over an offense under section 501 committed outside the United States if the individual committing the offense is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act).

#### "PROVIDING INFORMATION TO CONGRESS

"SEC. 504. Nothing in this title shall be construed as authority to withhold information from Congress or from a committee of either House of Congress.

#### "DEFINITIONS

"SEC. 505. For the purposes of this title:

"(1) The term 'classified information' means information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or Executive order (or a regulation or order issued pursuant to a statute or Executive order), as requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

"(2) The term 'authorized', when used with respect to access to classified information, means having authority, right, or permission pursuant to the provisions of a statute, Executive order, directive of the head of any department or agency engaged in foreign intelligence or counterintelligence activities, order of a United States district court, or provisions of any Rule of the House of Representatives or resolution of the Senate which assigns responsibility within the respective House of Congress for the oversight of intelligence activities.

"(3) The term 'disclose' means to communicate, provide, impart, transmit, transfer, convey, publish, or otherwise make available.

"(4) The term 'intelligence agency' means the Central Intelligence Agency, any intelligence component of the Department of Defense of any foreign counterintelligence or counterterrorism component of the Federal Bureau of Investigation.

"(5) The term 'informant' means any individual who furnishes or has furnished information to an intelligence agency in the course of a confidential relationship protecting the identity of such individual from public disclosure.

"(6) The terms 'officer' and 'employee' have the meanings given such terms by sections 2104 and 2105, respectively, of title 5, United States Code.

"(7) The term 'Armed Forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

"(8) The term 'United States' when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.".

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE V—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

"Sec. 501. Protection of identities of certain United States Undercover intelligence officers, agents, informants, and sources.
"Sec. 502. Defenses and exceptions.
"Sec. 503. Extraterritorial jurisdiction.
"Sec. 504. Providing information to Congress.
"Sec. 505. Definitions.".●

## VISITING RUSSIA

### HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mrs. SPELLMAN. Mr. Speaker, last April, I had the distinct honor of visiting the Soviet Union as a member of a special selected delegation of House leaders. At the invitation of the Supreme Soviet, 17 of us made the trip to continue and hopefully broaden the ongoing dialog between our two countries. The talks were successful beyond any of our expectations, particularly in the area of human rights and treatment of Soviet dissidents. Within days, political prisioners were being freed from Russian jails; dissidents were being exchanged for Soviet spies held in this country, and predictions were made that 1979 would see a record number of Soviet Jews permitted to leave the U.S.S.R.

Mr. Speaker, I cannot help but contrast the warm optimism our delegation and many others felt last spring with the chilling pessimism of the current season. In the last few weeks, Russian troops have conducted an unprecedented invasion of defenseless

Afghanistan, trade and cultural exchange agreements between the United States and the Soviet Union have been canceled, and many observers have proclaimed a new "cold war" is upon us.

I, for one, would like to think the deteriorating relationship between our two countries will not spill over into the area of human rights and the treatment of Soviet Jews. I would like to feel there is hope for continued progress to end the suffering of these people at the hands of their Soviet oppressors. And I am buoyed that, amid the bad news of recent days, there are good signs as well.

For one thing, despite rising world tensions, 1979 did turn out to be a record year for emigration of Soviet Jews. More than 51,000 Jews were permitted to leave the U.S.S.R. from January to December. And I am not convinced that 1980, despite its shaky start, will not turn out to be a better year still.

One thing is certain. We in the United States cannot let up now. We cannot afford the luxury of inaction. In the 1980's, it is all the more important that we continue to speak out on the plight of Soviet Jews. It is all the more imperative that we work to end the unjust treatment of people like imprisoned human rights activist Anatoly Shcharansky and just-exiled physicist Andrei Sakharov and, of course, Ida Nudel. It is all the more necessary that we bring to world attention the harassment of countless other Soviet Jews, denied the right to emigrate from the U.S.S.R. as guaranteed by the Helsinki accords.

To be sure, the next few months will not be easy ones. There will be setbacks. There will be defeats. But the burden of the Soviet Jews is truly a burden which we all bear and one which we all must seek to alleviate.

Our own "cockeyed optimist," the late Hubert H. Humphrey, said that, even the worst of times: "Life's unfairness is not irrevocable; we can help balance the scales * * *" I really believe that is true. So long as we continue to speak out, there is hope for the future. So long as we continue to decry the mistreatment of Soviet Jews, we will continue to make progress. So long as we continue to work for a change in the attitude of Soviet leaders, there will be victories as well as defeats. The important thing is not to let up, not to let the events of recent weeks weaken our resolve or sap our spirit.

We can take heart in one thing. We have decency and justice firmly on our side. And they can be powerful allies indeed.●

---

## THE YEAR OF THE COAST: 1980

### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. STUDDS. Mr. Speaker, 1980 has been designated the "Year of the Coast." As chairman of the House Subcommittee on Oceanography, I intend to be in the forefront of this national effort to shed more light on the value of our coastal resources and on the very great pressures that threaten their continued vitality.

This past Friday, in my weekly report to the people which I am today submitting for publication in the CONGRESSIONAL RECORD—I discussed the reasons why a national program to save our coastlines is so imperative at this time, as well as the legislative remedies our subcommittee intends to pursue.

I would urge my colleagues to focus on the specific issues involved, and to consider ways in which they and their constituents can assist in this national campaign.

The article follows:

WEEKLY REPORT TO THE PEOPLE

(By Representative Gerry E. Studds)

THE YEAR OF THE COAST: 1980

The population growth in the coastal regions of this country over the past few decades has been staggering. Today as we enter the 1980's, nearly four out of every five Americans live within 100 miles of the oceans or the Great Lakes. By the end of this decade, nearly 75 percent of the American people will reside within 50 miles of the sea.

Residents of Southeastern Massachusetts—one of the fastest growing areas on the East Coast—do not need to be told of the great pressures this unprecedented growth has placed on our coastal environment. The tremendous economic incentive to develop our region and similar regions of the country has in many instances led us to build unwisely in areas far too fragile to accept such construction; to virtually eliminate public access to thousands of beautiful beaches; and to randomly construct massive energy facilities in the coastal zone. In our haste, we as a nation have damaged or destroyed over 40 percent of our wetlands, and continue to do so at a rate of 300,000 acres per year.

We are only now beginning to recognize the consequences of our actions, and what we are learning is not pleasant. It has only been in the last ten years, for example, that we have come to understand the extraordinary importance of wetlands in the chain of life. We now know, for instance, that most of the top value fish in the Atlantic and Gulf waters are directly dependent in some stage of their lives upon these areas. It is particularly sobering to recognize that man himself is a part of that same chain.

I do not mean to suggest that we have lost forever the battle to develop the coastal regions of our country in a careful and deliberate manner. I am suggesting, however, that we are well on the way toward such a defeat. It is imperative that we begin today to carefully evaluate our actions over the past few decades and to decide the wisest course for the future.

The coming year will present us with a unique opportunity to begin this effort. 1980 has been proclaimed "The Year or the Coast" by a number of major environmental groups and by the President of the United States. This designation will be the theme for a great many activities—both here in Washington and locally around the country—designed to increase public awareness of the value of our coastal resources and the great threat they face today.

As chairman of the Subcommittee on Oceanography, I intend to be in the very forefront of this effort. Legislatively, we will focus on four primary areas: The Coastal Zone Management program; the protection of undeveloped barrier islands; the development of ocean thermal energy; and the protection of fisheries habitats.

COASTAL ZONE MANAGEMENT

Any comprehensive review of the state of our coastlines must begin with a careful review of the Coastal Zone Management Act (CZMA), which still stands today—eight years after its enactment—as the only comprehensive tool which the Federal Government has to manage our coastal resources.

In passing the CZMA in 1972, the Congress recognized that it was in the national interest to protect and preserve our coasts. It recognized as well that individual states had neither the funding nor the expertise to develop and implement wise management policies for these areas. Consequently, it approved a program which offered both. It was thought at the time—an era when conservation issues were preeminent—that states would recognize it was in their own best interest to participate. As a result, participation was made strictly voluntary, and it was decided that individual states—with their unique coastal resources—should not be forced to comply with specific federal guidelines on development.

Eight years later it is clear that the program is not fully working the way the Congress intended. Regional hearings we have held recently in Washington and in Detroit, Seattle, San Francisco and New Orleans have shown us that the results achieved and the protections provided have varied greatly from state to state. In general, however, these protections have not relieved the tremendous pressures which unchecked development and growth have placed upon our coastal areas.

In this the Year of the Coast, we will have a special chance to broaden and strengthen this act so that it does provide more uniform protections for our shorelines. We must guarantee through the CZM program that no matter where they are located, our wetlands, beaches, dunes and barrier islands will not be destroyed or irreparably harmed. We need to restore some measure of predictability and direction to the CZM program so that those involved in planning coastal development will restrict development in our most fragile areas and permit it only in those areas where it is appropriate and where it poses the least threat to our environment. Later this year we expect to introduce legislation revamping the CZM program. To a large extent we will use the information we have gathered in our national hearings—including two to be held soon in Boston and Atlantic City—as the basis for these changes.

This legislation will be crucial to the success or failure of the Year of the Coast because the CZM program encompasses so many different types of safeguards for our coasts, including flood protection in hazardous areas, the Coastal Energy Impact Program, and protections from perhaps the most controversial of all coastal issues—offshore oil drilling.

The CZM Act, for example, gives the governor of a state the responsibility to review an oil company's drilling plans prior to any offshore drilling operations. If a governor determines that these plans are not consistent with the policies of his state's CZM program, then he has the authority to prevent any drilling activities whatsoever. Provisions of the CZM Act like this are crucial to the survival of our coasts. We must make sure that the Act is working—and working well—if we are to have any chance of managing our coastal resources in an effective manner.

### BARRIER ISLANDS

We are only now beginning to understand the importance to our environment of barrier islands and beaches. These long, fingerlike pieces of land protect estuaries and sounds—which are among the richest and most productive ecosystems known to man—from natural disruptions like storms and hurricanes and from man-made disasters like coastal oil spills. They are unique components of the coastal zone and as such merit special attention and protection.

Any permanent development on these islands and beaches is both unwise and hazardous because of the tremendous physical changes they are constantly experiencing.

Land considered safe today for building may well be covered with water within a few years, the result of the great natural forces at work in these areas. They are as well extremely vulnerable to ocean storms, which periodically hasten these natural changes—as was apparent in New England during the blizzard of 1978.

Unfortunately, the dynamic and fragile character of our barrier islands has not yet been sufficiently recognized by the Federal Government, which has instead encouraged and assisted the development of these islands. In fact, a recent study by the Department of the Interior found that "over three fiscal years, the permit granting and licensing agencies committed nearly half a billion dollars to barrier island development projects." The study goes on to conclude that "this action results from a general lack of knowledge and understanding of barrier islands as unique resources warranting special attention and a lack of appreciation of the need for protection."

It is particularly disturbing that the Federal Government has not only encouraged the development of these islands, but has spent millions of valuable taxpayer dollars redeveloping areas clearly not suited for development in the first place. As a result of these policies, barrier islands have become urbanized at a rate twice that of the nation as a whole. Already 14 percent of our island space is considered urban as opposed to only three percent of the mainland.

The Year of the Coast offers us an opportunity to change these policies and to alert the public at large to the tremendous importance of these areas. I have recently cosponsored the Barrier Islands National Parks Bill which would provide funds for the purchase of undeveloped islands for inclusion in a system of National Parks.

### OCEAN THERMAL ENERGY

One of the most promising new technologies which could help the United States become independent of imported oil during the 1990's is ocean thermal energy conversion (OTEC), a process which uses the temperature difference between warm, surface waters and cold, deeper waters to generate electricity. While this process would not be practical in the cold waters of New England, large OTEC platforms could be located near the coasts of Hawaii, Puerto Rico and other areas with warm waters, and the electricity they produce could be delivered to shore by submerged cables.

While the technology involved in producing ocean thermal energy on such a large scale still needs additional engineering and demonstration, it is clear that OTEC could become one of the major new types of electrical generating plants being built in the 1990's. The construction of these facilities could relieve us of one of the greatest pressures now being placed on our coastal environment: the need for electric utility companies to find sites near water to build their traditional oil, coal, or nuclear power plants. The emergence of OTEC is a viable alternative energy source would reduce the need to allocate space in already crowded coastal areas for the construction of such plants.

While some local environmental disruption may still be caused by the huge volume of water which must be pumped through an operating OTEC plant, all indications are that the overall impact upon the environment would be far less severe than the problems caused by the power plants on which we now rely.

Because of the great potential for ocean thermal energy, I have cosponsored legislation to speed up the construction of large scale demonstration plants. I have also written and introduced legislation to remove some of the legal and financial barriers to the prompt commercial construction of OTEC plants. This legislation has been referred to our Oceanography Subcommittee—where we will begin public hearings on it next week. I believe our effort to develop renewable energy alternatives from the sea is an important and vital part of what we can accomplish during the Year of the Coast.

### FISHERIES HABITAT PROTECTION

The Fisheries Conservation and Management Act (FCMA)—the act which established the 200 mile fishing limit—has made significant progress in restoring the vitality of our domestic fisheries. Since its inception in 1977, landings by American fishermen have increased significantly, while foreign fishing within our waters has dropped dramatically. Fisheries management plans are now being developed across the country by Regional Councils comprised in part by working fishermen.

Unfortunately, much remains to be done before we can rest assured that the future of the fishing industry will always be as bright as it is today. The law establishing the 200 mile limit was important because it gave us a tool with which to manage the harvest we reap from the sea. Equally important, however, are safeguards that will allow our commercial and recreational fisheries to continue to regenerate in sufficient number. Wetlands, estuaries, harbors and bays provide the habitats for most of our fisheries during various stages of their development. The absence of these habitats would lead to a dramatic if not total decline in the fish population. Ironically, there is no requirement that federal agencies protect these important areas. One of our major efforts during the Year of the Coast will be to guarantee the protection of these fish habitats.

Our subcommittee staff is currently studying various proposals to safeguard these areas, and I am hopeful that we will soon be prepared to introduce legislation that will bring this about. The continued viability of our fishing industry depends upon it.

### PUBLIC INVOLVEMENT

To a large extent it will be the success we have in increasing public awareness of the issues involved that will ultimately determine the success of the Year of the Coast. This will be our single greatest challenge in the year ahead.

Below are a few ideas for Year of the Coast activities in which all citizens can participate.

Review implementation of local, state and federal laws aimed at controlling shoreline development, protecting or improving water quality, protecting wetlands, etc. Consult with your local Conservation Commission.

Invite a coastal speaker to address an organization to which you belong, or offer to provide a speaker to civic organizations, schools, etc.

Ask local radio stations to designate coast appreciation days with public service announcements, interviews, and debates on coastal issues.

Organize a Bike Ride along the coast with stops along the way for events that draw attention to coastal issues.

Urge the schools and your children to attend or run Year of the Coast programs and to schedule PTA meetings about coastal concerns.

Organize a marshland restoration project or a beach cleanup project.

Sponsor harbor festivals, in coastal communities, emphasizing such themes as waterfront revitalization, historic appreciation and preservation.

Set up tours of wetlands, tidepools, beaches, islands and other coastal areas during all seasons of the year, emphasizing awareness of ecological processes and coastal geology.●

---

## THE EIGHTH ANNUAL CINDERELLA-PRINCE CHARMING BALL

### HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. FARY. Mr. Speaker, distinguished colleagues, I would like to bring to your attention a very commendable activity organized by the Adult Culture Group of the Polish Roman Catholic Union of America: their annual Cinderella-Prince Charming Ball. I commend the organizers of this function because, what could be more beneficial than teaching young people the social graces that will help them throughout their lives? I think the Cinderella-Prince Charming Ball is a good way for adults and young people to mingle and get to know one another benefiting both generations by closing the gap between them while preserving a tradition of elegance.

The following is a brief history of the Cinderella-Prince Charming Ball that was prepared by the PRCUA Adult Culture Group's historian, Regina Ocwieja, for the program of the eighth annual ball which took place recently:

> The Cinderella-Prince Charming Ball was organized in 1972 by Regina Ocwieja, then Director of District 8 of the Polish Roman Catholic Union of America. The concept and idea was presented to the P.R.C.U.A. Adult Culture Group for discussion and acceptance. On November 18, 1972, the First Cinderella-Prince Charming Ball was held and chaired by Regina Ocwieja. The idea is original, as is the title, chosen because the Ball is for the young people in High School whose life is just budding, and whose evenings are supervised, with a time limit usually set by the parents. Also, this is a romantic age, where Fairy Tales are just now being put aside and are still fresh in the memory of the young people. The Ball is a very glamorous dream for the young people to realize.
>
> The purpose of the Ball is to teach the young people social graces, have them become the guests of honor, be honored by the Adults, and to give monetary awards from the Scholarship Fund to the Candidates, Cinderella, Prince Charming, and First Runners Up.
>
> Under the Youth Program of the Women's Department of the P.R.C.U.A. the

Teens and the Adults are participants in the Polish Ethnic Dancing School Program. We have a Teen School Director, Emily Skrzypiec, a Dance Instructor and Choreographer, Micheline Bindowski Bencik subsidized by the Women's Department of the P.R.C.U.A. The Teens respond and perform upon the requisition of the Women's Department of the P.R.C.U.A. at all times, participating and entertaining at various Civic, Church, and Social Organizations whenever our services are requested.

The Adults are members of various P.R.C.U.A. Societies, and devote themselves to the specific purpose of promoting Polish Culture and promoting the welfare of the young people who are a branch of their group. In 1978, the young people organized their own society, "Wesoly Lud". "(Happy People)".●

## THE JET NOISE BILL

## HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. MINETA. Mr. Speaker, we in the House will soon be called to vote on the conference report on H.R. 2440. Unfortunately most of the provisions in this bill have to do with jet noise standards and have never been considered by this House. As our Members seek to inform themselves about this legislation, they may find the following statements informative. The first is an editorial from the Washington Post dated December 30, 1979. The second is an editorial from the Sacramento Bee dated January 14, 1980. The third is a statement of position from the Port Authority of New York and New Jersey. And fourth is a statement of position by the California State Department of Transportation. I submit these for inclusion in the RECORD and commend them to the attention of my colleagues at this point:

### NOISE IN THE SKY

The last time we looked in on the effort in Congress to weaken aircraft noise standards, things were not promising. The Senate had passed a bill to prolong the time during which airlines can continue to fly noisier-than-necessary planes, and the possibility seemed strong that the House would agree. But something happened to the bill on its way to the House floor, and the noise standards seem much safer now than they did just two weeks ago.

Twice within the period, proponents of relaxing the standards scaled down their legislation in attempts to make it acceptable to the House and the Carter administration. Finally, they withdrew it from consideration, fearing it would be defeated in a House vote. What remains of this effort to keep noisy airplanes in the air longer—and this will be on the House calendar when it returns in January—is a bill that is fortunately only a shadow of its former self.

The Senate had voted to exempt from the noise requirements that begin to take effect in 1981 almost all two- and three-engine jets and to authorize waivers of those requirements for some four-engine jets. Through a bit of parliamentary maneuvering, this proposal went directly to a conference committee without ever having been debated on the House floor.

The conference's first effort at a "compromise" was a bill to exempt two-engine planes and permit waivers for some three-engine planes, but to leave the rules as they now are for the biggest jets. When anti-noise congressmen and Secretary of Transportation Neil Goldschmidt set out to rally opposition to it, the bill's sponsors reconvened the conference committee. Their second compromise proposal limited the exemptions to some, but not all, two-engine planes. That was the version finally withdrawn after a rule permitting it to come up in the House before adjournment was approved by only three votes.

An argument can (and no doubt will) be made that the House should accept this last proposal because the Senate and the airlines have given up so much of what they wanted. They are now prepared to settle for a minor breach in the noise standards, having started out seeking a huge breakthrough. But that misses the point of what has been going on. The opposition to this legislation rests on the belief that anti-pollution standards once set should not be relaxed except for overwhelming economic or technical reasons. Proponents of weakening the noise standards couldn't make that case to the satisfaction of a majority in the House for the three- and four-engine planes, and it seems unlikely they can make it for the smaller ones, either.

Rather than regard what remains of the Senate's original bill as a "compromise," members of the House should examine it on its merits. Before even so limited a relaxation of standards is passed, its proponents should be forced to prove that overwhelming reasons exist to delay the time at which those who live near airports begin to get some relief from noise in the sky.

---

### QUIETING THE JETS

Even though a U.S. Senate effort to critically weaken the federal rules designed to reduce the noise of jet airplanes around airports by 1985 has been unsuccessful, a compromise measure that was approved by the House-Senate conference committee should be given the closest scrutiny when it comes before the House later this month.

The Senate passed a bill in May exempting older, four-engine jets from the anti-noise rules in exchange for a promise by the airlines to buy newer, quieter airplanes later. However, because it was unacceptable to some House conferees who had strong support in their chamber, and because the Carter administration threatened to veto it, the measure was changed considerably—and for the better—in the conference committee.

According to the compromise, three- and four-engine jets still will have to meet the federal anti-noise standards that go into effect in 1985. Then airlines must either replace them with newer, quieter airplanes or reduce the noise of the older jets by refitting the engines. Two-engine jets with more than 100 seats will be exempt from the 1985 regulations until 1986. Then they will have to be replaced by quieter aircraft, or their engines modified. Airlines flying two-engine jets with fewer than 100 seats would be given three more years to comply with the 1985 anti-noise standards.

Parts of that compromise may be necessary for some aircraft under circumstances where it would cripple an airline financially to convert its equipment by 1985. However, where such hardship can't be demonstrated, the nation will be better off if the 1985 anti-noise regulations are left intact.

Since, in the long run, the cost of jet aircraft noise abatement will be paid by the airline passengers anyway, the choice is between the additional cost of an airline ticket and the sometimes intolerable noise suffered by those who live near airports.

When the measure approved by the conference committee goes to the House for a floor vote later this month, it should be therefore considered strictly on its merits, not merely as "something better" than the original, unacceptable Senate bill. Before any of the 1985 anti-noise standards are relaxed, even in a limited way, it is not too much to ask that the proponents of such action be forced to prove that persuasive reasons exist to postpone the time when those who live near airports get some relief from jet aircraft noise.

---

NEW YORK, *January 16, 1980.*

Hon. NORMAN Y. MINETA,
*Cannon House Office Bldg.,*
*Washington, D.C.*

DEAR MR. MINETA: Thanks to the effort of many parties, significant concessions have been won in the House-Senate noise bill conference. They are not enough.

Full implementation of the present Federal Aviation Administration/Department of Transportation fleet noise rule still represents a distinct advantage over the proposed legislation in terms of quiet to our communities.

As now written, the bill could allow the continued operation of most two-engine aircraft into metropolitan airports until 1988. This is bad news for airport neighbors around LaGuardia and Newark International where there is a heavy concentration of these aircraft.

The conference report urging the FAA to consider exempting four-engine aircraft when retrofit or replacement would cause hardship for "smaller" carriers is a threat to anticipated noise improvement around Kennedy International and Newark International.

The Port Authority continues to oppose the legislation. Our Aviation Department has prepared the enclosed analysis of the legislation's impact around the New York/New Jersey airports. It speaks for itself.

We urge you to work for the defeat of this still-retrograde measure.

Sincerely,

ALAN SAGNER,
*Chairman.*

---

SACRAMENTO, CAL., *Jan. 21, 1980.*

NORMAN Y. MINETA,
*House of Representatives, Capitol Hill, D.C.*

The Aviation Safety and Noise Abatement Act of 1979, amended by the conference report accompanying H.R. 2440, has come a long way toward eliminating California's objections concerning certain waivers of quieter aircraft engine deadlines, we realize that a great deal of compromise has gone into the conference report and that many positions have changed substantially; however, we believe there are still two provisions in the report which are unacceptable, first, noncomplying two-engine aircraft would be able to fly up to seven years beyond cutoff dates in current regulations. While noise levels at airports might decline after 1985, this bill will add noise at California airports during the coming five years. For those who live under the approach and takeoff areas at airports five years is a lifetime.

The other unacceptable provision in the report would eliminate the opportunity for the purchaser of a home, in an area found to be impacted by airport nose, to sue the airport for relief by the mere publication of notice of the existence of a noise exposure map in a newspaper somewhere in the same county. This elimination of the constitutional rights of homeowners cannot be supported.

With elimination of these two provisions, we believe this legislation would be acceptable to this department and to those California citizens now suffering unacceptable levels of airport noise.

ADRIANA GIANTURCO,
*Director of Transportation.*●

## UKRAINIAN PROCLAMATION

### HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. GIAIMO. Mr. Speaker, last week marked the 62d anniversary of the Proclamation of Independence of the Ukraine and the 61st anniversary of the Act of Union which united all Ukrainian lands into one independent and sovereign state. Unfortunately, this independence was short lived. Despite the fact that the Bolshevik government recognized the Ukraine as a sovereign nation, it soon undertook a military attack against the infant state. For 3½ years, the Ukrainians fought to preserve their freedom, but after being completely overpowered, they were forced to submit to Soviet imperialism. Since that time, the history of the Soviet-dominated Ukraine has not been happy. It is replete with acts of inhumanity and of blatant abuses of human rights that continue to this day.

Liberty and self-determination are among the most cherished possessions of a people. The world is the lesser when people such as the Ukrainians are denied their fundamental rights. That is why free people throughout the world must grieve at the lack of liberty in the Ukraine.

But the flame of liberty, once ignited, is not easily extinguished. It continues to warm the hearts and souls of true Ukrainian patriots. Even today Ukrainians who love their native land are persecuted by their overlords who seek to russify them. These descendants of the patriots of 1918 continue to hope for freedom, and all of us should share in their hope.

It is fitting that we recognize the anniversary of the independence of the Ukraine. It may no longer exist as a free nation, but it lives in the hearts of all true Ukrainians, and indeed, all free people.●

## FISHERIES DEVELOPMENT

### HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. MURPHY of New York. Mr. Speaker, following is a copy of the Executive Communication No. 3078 from the Department of Commerce in explanation of a draft bill which was introduced in the form of H.R. 6311, to establish a program for the further development of the U.S. fishing industry, with particular emphasis on new and nontraditional fisheries, and to promote the optimum utilization of the Nation's fishery resources, and for other purposes.

The communication follows:

THE SECRETARY OF COMMERCE,
*Washington, D.C., December 20, 1979.*

Hon. THOMAS P. O'NEILL, Jr.,
*Speaker of the House of Representatives,*
*Washington, D.C.*

DEAR MR. SPEAKER: Enclosed are six copies of a draft bill "To establish a program for the further development of the United States fishing industry, with particular emphasis on new and non-traditional fisheries, and to promote the optimum utilization of the Nation's fishery resources, and for other pruposes."

Together with a statement of purpose and need in support thereof, and a section-by-section analysis.

We have been advised by the Office of Management and Budget that there is no objection to the submission of our bill to the Congress from the standpoint of the Administration's program and further that enactment of this legislation would be in accordance with the program of the President.

Sincerely,

LUTHER HODGES, Jr.,
*Acting Secretary of Commerce.*

Enclosures.

STATEMENT OF PURPOSE AND NEED

In November 1978, a Fisheries Development Task Force was established within the Department of Commerce to determine the appropriate role of the Federal Government in providing assistance to the domestic fishing industry to promote the development of U.S. fisheries. The Task Force concluded that there was a legitimate basis for a targeted program of Federal cost-sharing assistance to the industries in the fisheries sector primarily with respect to new and non-traditional fisheries and, as a result, a new Federal policy was formulated and announced in May 1979. The purpose of this policy is to promote the further development and strengthening of the United States fishing industry.

The policy statement carried with it the Administration's commitment to provide the financial resources necessary for its implementation. It specified that the Administration would propose new legislation to provide funds for fisheries development activities and to specify criteria and guidelines for the use of those funds for fiscal years 1981-84.

The expressed purpose of this draft bill is to support fisheries development activities in a cooperative effort with the U.S. fishing industry, with emphasis on activities related to new and non-traditional fisheries. The legislation establishes a Federal fisheries development program with stated goals and objectives, and provides Federal grant and contract authority for fishery development projects. Significant cost-sharing would be required of the industry and state and local governments.

Funds for fisheries development under the draft bill will continue to be provided through the Saltonstall-Kennedy (S-K) Act of 1954. A maximum annual ceiling is added on the amount of funds transferred to the Secretary of Commerce in annual appropriation acts with receipts not transferred being returned to the General Fund of the Treasury.

One other area related to fisheries development is addressed in this draft bill. Assets of the Fisheries Loan Fund (Section 742(c)) of the Fish And Wildlife Act of 1956), which will otherwise terminate on September 30, 1980, would be placed in the fishing vessel portion of the Federal Ship Financing Fund (Title XI of the Merchant Marine Act of 1936). This would provide funds to guarantee loans to fishing vessels to be used in developing fisheries.

This draft bill satisfies the commitment made by the Administration to provide funds for fisheries development activities. The bill and regulations which will be promulgated thereunder also satisfy the Administration commitment to specify criteria and guidelines for the use of fisheries development funds.

SECTION-BY-SECTION ANALYSIS

The following is a short section-by-section description of the bill.

SECTION 2—FINDINGS, PURPOSE, AND POLICY

As set forth in this Section, the basic purposes and policies of the legislation are:

(1) consistent with the purpose and policies of the FCMA, to encourage growth and development of the U.S. fishing industry through a coordinated program involving Federal, State and local Governments, and the fishing industry;

(2) to assure achievement of domestic harvesting goals with respect to optimum yield and to promote more effective utilization of fish resources harvested by U.S. fishermen in the Fishery Conservation Zone, the territorial sea, the Great Lakes, inland waters, and on the high seas, for the benefit of the U.S. commercial and recreational fishing industries and the U.S. consumer;

(3) to concentrate efforts on removal of impediments to development of fisheries not fully utilized by U.S. fishermen; and

(4) to expand the availability and awareness of safe, wholesome fish and fish products to United States consumers.

SECTION 3—DEFINITIONS

This Section defines a number of terms used in the bill. Where appropriate, definitions are referred to below in the discussion of substantive sections.

TITLE I—FISHERY DEVELOPMENT PROGRAM

SECTION 101—FISHERY DEVELOPMENT PROGRAM

This Section establishes a fishery development program to further industry growth and development with emphasis on the new and non-traditional fisheries, to foster stability and efficiency, and to help satisfy consumer demands for safe, wholesome, and nutritious fish and fish products.

SECTION 102—RESPONSIBILITIES OF THE SECRETARY

This Section authorizes the Secretary of Commerce to conduct research, investigations, information gathering and dissemination, and other activities to carry out the fisheries development program. Specific types of activity to achieve the three program goals set forth in Section 101 are described. This Section includes new authority to provide financial and technical assistance to private nonprofit industry export development organizations which would not actually engage in foreign trade or commerce.

SECTION 103—CONSULATION AND COORDINATION

This Section provides that the Secretary of Commerce shall, as deemed appropriate, (1) consult and coordinate with Federal, State and local Government agencies, the U.S. fishing industry, consumer representatives, and others; and (2) establish regional committees of Federal personnel for the purpose of coordination. The establishment of such regional committees was explicitly promised by the fisheries development policy statement. In addition, the bill directs Secretaries of other Departments to cooperate with the Secretary of Commerce to carry out the policies and purposes of the Act. It may be appropriate, in some circumstances, if such cooperation involves major expenditures of funds to make arrangements for reimbursement of the other Departments.

### SECTION 104—GRANTS, CONTRACTS, AND FINANCIAL ASSISTANCE

This Section authorizes the Secretary to make grants, and to enter into contracts, cooperative agreements, and other arrangements on a cost-sharing basis to provide financial assistance to Federal or State agencies, persons (including corporations, partnerships and other associations organized under the laws of the U.S.), and other organizations, for the planning or implementation of comprehensive programs for development of fisheries in a region or appropriate area, or for the planning or implementation of other fishery development projects which are identified as appropriate for Federal involvement. Terms and conditions are to be established for the submission, evaluation, and review of programs and projects. The Secretary must insure that there is significant cost-sharing on the part of the applicants before approving the use of Federal funds. Proposals may be for more than one year, although funding will be provided only for one-year periods with option to renew. This Section would permit contracts with foreign organizations, if such contracts were considered advisable. This authority is included to permit the United States or domestic groups to contract with foreign organizations to provide services such as training of U.S. fishermen, or to demonstrate new harvesting or processing methods or techniques.

### SECTION 105—REGULATIONS

This Section directs the Secretary to promulgate rules and regulations necessary and appropriate to carry out the Act.

### TITLE II—MISCELLANEOUS PROVISIONS

### SECTION 201—EFFECT ON OTHER LAWS

This Section provides that this bill is not intended to affect authority for fishery research and development in other applicable law, and that the authority in this bill is not to be construed to conflict with the FCMA or other conservation and management laws or with the Federal Food, Drug, and Cosmetic Act, or other laws concerning food safety and consumer protection.

### SECTION 202—FISHERY DEVELOPMENT PROGRAM REPORT

This Section requires the Secretary to submit a fisheries development program report to Congress along with the annual report submitted under the Fish and Wildlife Act of 1956.

### SECTION 303—FUNDS FROM FISHERIES LOAN FUND

This Section transfers to the Federal Ship Financing Fund established under Title XI of the Merchant Marine Act funds remaining in the Fisheries Loan Fund on September 30, 1980, the date on which that fund is set to terminate under provisions of the Fish and Wildlife Act. After the transfer, the Federal Ship Financing Fund will be available, to guarantee obligations of vessels engaged in developing fisheries which might not otherwise meet the economic soundness criteria of Title XI. The Secretary is directed to promulgate regulations specifying conditions under which fishing vessels will quality for guarantees under this program and only 20 percent of the total guarantees made for fishing vessels under Title XI can go to vessels in developing fisheries. Furthermore, it must be shown that reasonable financial assistance is not available before Federal assistance would be approved.

### SECTION 204—AMENDMENT TO SALTONSTALL-KENNEDY ACT

This section places an annual limit on the amount of funds transferred to the Secretary of Commerce under the Saltonstall-Kennedy Act and provides that receipts in the Fund that are not transferred should be returned to the General Fund of the Treasury.●

## WHY AMERICA SHOULD NOT PARTICIPATE IN THE 1980 MOSCOW OLYMPICS

## HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. LEHMAN. Mr. Speaker, 2 years before the Soviets invaded Afghanistan, I joined with my colleagues in calling for the removal of the 1980 Olympic games from Moscow. Continued Soviet human rights violations and the blatant disregard for the Helsinki agreement propelled me to support the relocation of the games. The question then, as now, is not whether the games should or should not be politicized. The brute fact is that the games are political and have been so for a long time. In 1936, when the Nazis hosted the games and exploited them on behalf of their propaganda effort, the United States did not boycott and even cooperated with the Nazi request to remove two American Jewish athletes from competition.

The Soviet invasion of Afghanistan has caused a public debate on the Moscow Olympics to resurface. I would like to share with my colleagues, the reflections of Rabbi Ralph P. Kingsley of Temple Sinai in North Miami Beach whose recent sermon so eloquently addressed this question.

The article follows:

### WHY AMERICA SHOULD NOT PARTICIPATE IN THE 1980 OLYMPICS

Had I the patience, I could look through my sermon files going back several years and find the sermon in which I said—the U.S. should not attend the Moscow Olympics. Exactly when that was or what the context, I must admit I don't remember.

Probably the sermon in question had to do with some Soviet Jewry related theme. But it really doesn't matter. What does matter is that I would repeat the sentiment. I do not believe the U.S. Olympic team should go to Moscow. I repeat it with a little more confidence in the possibility of its fruition than I did then, for I believe the sentiment in this country is rapidly shifting—in fact, has already shifted—in that direction. Which, by the way, is also irrelevant, for right or wrong ought not as a matter of principle, depend on the shifting winds of the political climate.

But, of course, we are not dealing only with principle, but also with practical politics. The conditions are optimum when the principle involved and the pragmatics chance to come together. And that, it seems to me, is where we are, which is why I believe we ought not waste the opportunity.

One more preliminary word, by way of clarification. I don't think anyone objects to Soviet athletes participating in Olympic games. They certainly should not be disadvantaged. Nor should American athletes, or Israelis—as indeed the latter have been over recent years. Our concern is not the participants, but the place, and the message which the place conveys. To go to Moscow, symbol of the nation which for all of these recent years has mocked and laughed at the very principles and values that we Americans (not to speak of we Jews) have held to be most precious—human dignity, freedom, integrity—would be hypocritical for us indeed.

To put the entire matter into focus, let me direct our attention to three specific questions:

1. The matter of politicizing the Olympics.
2. The moral stance of America.
3. The question of Soviet Jews and the effect of the Olympics on them.

There are those who have argued that the Olympics should be above politics. "We ought not politicize the Olympics," they say. I couldn't agree more. Precisely because the Olympics should be removed from the political arena, is the reason the games should be removed from Russia.

The fact is, the Olympics have been used for political purposes. Hitler used the 1936 Olympics to show off his Aryan race and to build support for his nation by showing it as peace loving at the very time when Jews were being excluded from social and athletic clubs, from citizenship, and were being clubbed and sent to Detention Camps, precursors of the infamous Auschwitz, Dachau, Mauthausen, etc. To the world, seeing Hitler's smiling face on the newsreel clips and hearing the voices cheering in the Munich Stadium, it seemed that all was well in Germany—even when Jesse Owens was being snubbed. But then, he was only a Black Man—so what difference did it make? The conditions in Moscow today are not at all dissimilar. And we Jews, of course, are still at the center of things. So what else is new?

During the War Years, it was the political climate which forced cancellation of the games in 1940 and 1944.

More recently, I do not need to remind you of the tragedy of 1972, again in Munich, and the shameful continuation of those games as if nothing had happened after the murder of all but one of the Israeli athletes. It was, incidentally, the same Avery Brundage, Hitler's great admirer, who was in charge back in 1936, who so ordered the continuation after a brief memorial service.

1976 was also not without its political tensions.

Yes, I agree. Politics has no place in sports. But the reality is that it is present. The Olympics have been used. The question therefore is a new one. How do we deal with it? Certainly not by making believe it does not exist.

The Soviet Union wants nothing more than to place her best face before the world and to give the millions of watchers—and remember, the games will be beamed via Satellite throughout the world, 1st, 2nd, 3rd, 4th (wherever it is)—the impression that Russia is really a super place.

Never mind the oppression, the censorship, the jails and camps filled with political prisoners, the ideology of power and subversion, exported to any place which shows the seeds of rebellion. The world will be exposed only to the clean streets of Moscow, its tall buildings, and sunshine and the cheering crowds.

Refuseniks and other dissidents will have been rounded up and sent out of the city or put into prisons where they can't hold up placards saying "I want to go to Israel," "I want to be a Jew." All the world will see is peace and tranquility, wondering how the reports of the betrayal of Helsinki and the reign of terror could really be true.

No indeed. There are few easier ways available to Moscow with which to achieve an enormous political gain. So let us not fall into that trap of on the one hand arguing that the game should be above politics, and on the other, providing the ideal environment for a nation to do its political thing.

There is then a second area of concern, and that is America, and its image on the world scene.

We are being challenged as we have not been challenged for a long time. Iran and Afghanistan are simply the most recent of a number of tests on the international scene. The world waits and watches.

I said several weeks ago that I thought one of the results of the 70's was that we in America had determined to seek responses other than force with which to conduct our international affairs—except as a last resort.

I believe the U.S. needs to make a statement to the Soviet Union and to the world. We have done so by withholding the grain sale and by placing SALT II on the back burner. Both actions, I must tell you, are painful. I believe in "Detente." I believe that we must continue to seek ways to reduce tensions between East and West. It is my fervent prayer that the course successive administrations—Republican and Democrat—have sought to chart will not have been in vain. If the arms race continues full speed ahead, I have great fear for the future of this planet.

But I also believe that lines must sometimes be drawn and statements made—in a dramatic way. Our refusal to participate in the Moscow Olympics on the grounds that it is unseemly to hold an international event in a nation that has thumbed its nose at international law, and the sensitivities of the community of nations, is not less than a moral obligation which is incumbent on our freedom loving nation. It behooves us to act out those principles which we preach—the more so since that kind of statement makes its impact in a non-threatening peaceful manner.

More than that, we ought to use all of our powers of persuasion to bring like minded nations with us—so that we can say, very loudly, that we reject Russian oppression, and the abuse of military power; that we will not be mocked or used; that there is a time when the truth needs to be told.

The one fear that I have is how our absence from Moscow, and our public protest to the point of backing away from Detente will affect Jews. The sad conclusion there is that it probably cannot get worse for them. Sharansky, whose birthday is on Monday, still sits in prison, as do Mendelevich and Slepak and Ida Nudel and the host of others who are P.O.C.'s. The Refuseniks who are not in jail are harassed and not given their visas anyway. Every report indicates that there will be a giant sweep soon that will remove them from the Olympic area lest they harm the tranquil atmosphere the Russians are trying to create. Perhaps it will be better for them if there were no Olympics or at least no TV cameras to give the wrong impression. The fear is not the cancellation of the Olympics. The fear has to do with what will happen to them if Detente truly fails, and we return to the era of the Cold War and the impenetrable Iron Curtain. Will we have any leverage left? But that is a far greater problem than the Olympics.

I believe that for America, or any freedom loving nation to send an Olympic team to Moscow, would make a mockery of everything the Olympics are said to represent—politically and morally—international cooperation, openness, equality, freedom, fairness, truth.

I believe further that we, as concerned Americans and as believing Jews, ought to do several things.

1. Write or cable our support to the President and to the Olympic Committee and newspapers, urging the withdrawal of our team from the Moscow Olympics, suggesting if you would that every effort be made to find another location, so that those athletes who have prepared so long and hard not be penalized.

2. Let the Media, which is involved in millions of dollars of advertising, know that we will not watch the games in Moscow—and be party to the charade which the Russians will present to us.

3. Applaud and support those who like our own member, Mel Rachleff, have cancelled large Olympic contracts on moral grounds despite the personal economic loss involved.

4. And notwithstanding the recent setbacks, continue to raise voices calling for international agreements that disavow force, and threat, and which earnestly work for the achievement of the peace and security for which we all yearn so fervently. Perhaps the greatest danger of all is the danger of forgetting the horrors of war, and permitting appeals to our baser more jingoistic inclinations to get the better of us.

Let us pray that calm will prevail, that reasonableness will ultimately triumph, and our vision of justice, freedom and peace for all, may one day be achieved.

Amen.●

---

## THE 1980 ECONOMIC OUTLOOK

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report from January 9, 1980, into the CONGRESSIONAL RECORD:

THE 1980 ECONOMIC OUTLOOK

Prominent economic forecasters are sketching an outlook for 1980 that has moved from bad to worse.

The elements of most forecasts are well known to us by now. Inflation will continue to rage, dropping below the current 13 percent rate but staying in the double-digit range through the first half of 1980 and remaining close to that level in 1981. A recession, which most believe has already begun, will push the unemployment rate to about 8 percent by the end of the year, compared to 6 percent at present. There will be sharp declines in housing starts and new car sales, with the construction and automobile industries bearing the brunt of the turndown. The gross national product may fall approximately 1.5 percent, a shift that contrasts unfavorably with the rise of 0.5 percent in 1979.

The outlook is bleak, but forecasters warn of factors that could make things even worse. Among additional threats to the economy are shocks that might come in the year ahead due either to economic or military conflict arising from tensions in the Middle East or a breakdown in the world monetary system occasioned by flight from the dollar and soaring prices for oil and gold. On the positive side, it should be said that the economy is facing neither a depression nor an acceleration of inflation. Inflation will ease, though not substantially enough to cause real cheer, and unemployment will increase, though probably not enough to cause real pain.

Economic forecasting is a hazardous business, and revisions of forecasts by the economic experts have become routine. At the beginning of 1979, for example, virtually all forecasters thought that the year would be one of slow growth interrupted by a recession. They were right about the slow growth, but they predicted a recession that never came and projected less inflation and more unemployment then the economy manifested. The strength of the economy in 1979 repeatedly surprised the experts. A recession was always "just around the corner." There is still evidence of vigor in the economy: retail sales and corporate profits are good, the unemployment rate has recently inched down, and a record 97.6 million Americans are at work in civilian jobs. However, the accumulating signs now say that the long-expected recession is upon us. A key government index designed to show the turning points of economic trends plunged sharply in November. In addition, the housing industry is shaky, automobile sales are slumping, consumer confidence is slipping, and costs continue to rise without offsetting increases in productivity. The consensus view of the experts is that the economy will decline significantly in 1980. What to date has been only a forecast is now becoming a reality.

The major problem of economic policy in 1980 will be the difficulty of maintaining fiscal and monetary restraint over the period of time needed to quell inflation. The fear is that we will laps into the practice of trying to "fine-tune" and stimulate the economy to pull it out of its slump. A part of the problem of policy will be the question of a tax cut. Some experts argue that with the persistence of double-digit inflation well into 1980, the plans for a big tax cut should be deferred. However, some of these experts see the possibility of marginal adjustments in taxes, including rollbacks in depreciation rates for business and measures to reduce the liability of taxpayers whom inflation pushes into higher brackets. Other experts think that a big, recession-fighting tax cut should be enacted in the spring of this year after the unemployment rate passes 7 percent. Some of these experts favor a tax cut in the range of $20 billion to $30 billion.

Although the immediate economic forecast is bleak, there are sound reasons for optimism in the years ahead. One reason is our realistic attitude toward the economy. We know that "quick-fix" solutions are ineffective and that long-term strategies are required to move th economy away from its cycle of boom and bust. Makers of policy can no longer persuade us that skillful management of the economy will consistently produce high employment and steady growth. Another reason for optimism is the existence of a group of bright, young economists whose influence is just beginning to be felt. These "supply-side" thinkers believe that the Government should tinker with the economy less. They contend that the Government should adopt sustained policies of moderate growth in the money supply, reduce spending and regulation, and encourage increases in the supply of goods and services by cutting taxes and offering incentives for saving and investment. Because of their work and its growing acceptance in Congress, there is a dawning realization that greater investment and improved productivity are the keys to economic efficiency and the fight against inflation. There is also a realization that the adversary relationships among Government, business, and labor must be ended. Still other reasons for optimism are the growth in the Nation's pool of talented workers (due in no small part to the entrance of women and older persons into the labor force), a stronger inclination in Congress to support regulatory reform, the movement of Congress toward a national energy policy, and the feeling among the American people that energy must be conserved and alternative sources of energy developed.

The American economy will be strained and buffeted in 1980. I myself believe that 1980 will be a period of some retrenchment that will prepare use for renewed growth in the decade of the 1980's.●

---

## DISCRIMINATION AGAINST AMERICANS ABROAD

### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, January 28, 1980*

● Mr. ALEXANDER. Mr. Speaker, as the Chairman of the House Export Task Force and as a member of the President's Export Council, I am growing increasingly concerned about the waste of a valuable resource in our attempt to bring the Nation's trade deficit into balance—I refer to American citizens living and working abroad.

It is apparent to me from my experience in talking and working with this group of citizens that America has unintentionally and unwittingly discriminated against this group because of the near absence of a political nexus with the Congress and the Executive.

Through the efforts of a personal friend of mine, Mr. Andy Sundberg, the director of the American Citizens Abroad, I have learned just what this group of people can accomplish in overseas markets. For the most part, they speak the language of the host country where they reside, they have personal friends and connections with leaders of business and industry in these nations, and perhaps most importantly, they are willing to actively promote American goods and services. Instead of insulating this valuable connection from our political sources we should refine and cultivate it.

This group of citizens is discriminated against by laws and regulations that make overseas Americans noncompetitive in the markets of the world. The American Citizens Abroad has compiled these issues into printed form and submitted them to the President for his consideration. Over the next few weeks, I am going to insert excerpts from this document so that Members of Congress can have an insight into the problems that these citizens face. I believe that at the end of the series my colleagues will agree that remedial action must be taken. Today I insert part I of the preface to this report:

A COMPENDIUM OF ISSUES PREPARED BY AMERICAN CITIZENS ABROAD

DEAR MR. PRESIDENT: Nearly a year ago, on December 18th, 1978, ACA prepared and sent to you a report identifying fifty issues that we felt needed to be addressed in your report to the Congress on discriminatory American laws and regulations that affect Americans living overseas. We were most pleased that your staff found our report of use, and that you took the trouble to acknowledge ACA's role in helping you prepare the report that you submitted to the Congress on August 27th, 1979.

Earlier this year the Congress asked that you prepare an expanded version of this same report. This time the Congress asked that you address not only how our laws may be discriminating against our citizens abroad, but also the equally vital question of how our laws may be impeding the ability of American citizens to compete in the major markets of the world.

ACA has prepared a new report covering both of these perspectives on the overseas American situation. We are most pleased to send this new report to you with this letter, and we hope that you and your staff will find this report as useful as the first one.

We earnestly hope that in your new report you will not only address the specific issues that are raised, but that you will also lead us and the Congress toward more felicitous treatment of overseas Americans so that all Americans can better prosper. This will very much depend upon your willingness to address two fundamental questions. First, what basic guarantees do overseas Americans have concerning their retention of obligations, rights and benefits when they are resident outside of the United States. Secondly, what guarantees do overseas Americans have that American laws and regulations will not put them at a competitive disadvantage, with respect to citizens of other nationalities living outside of their country of citizenship.

We thank you for being willing to address these two critical questions of basic American policy because we are convinced that once they are addressed good speed will be evidenced in bringing the myriad individual issues into a proper conformity with these basic policy positions.

We wish to renew our offer to serve you and your staff in any appropriate manner to help in the preparation of your new report. We await your call.

Our kindest regards and thanks for your most kind consideration.

Most sincerely,

JOHN IGLEHART.
LARRY R. KOHLER.
DON V. W. PERSON.
ANDY SUNDBERG.
FRANCIS PRIBULA.

PREFACE

The oil crisis of 1974 was a major turning point in the history of the Free World. The sudden, brutal, increase in the price of petroleum which began then has been followed by successive price increases whose end is nowhere in sight.

Overnight, the international economic order was abruptly changed. Countries whose individual national economies had been structured so as to give general foreign trade equilibriums balancing imports with exports began, sooner or later, to understand that these old structures would no longer suffice. Much greater emphasis would henceforth need to be given to building exports at a very rapid and sustained rate to compensate for the huge new requirements to pay for the much more expensive fuel imports.

Different nations reacted differently to this new challenge. Take, for example, France. Soon after the oil crisis, leading French companies began to apply pressure to the French Government to evolve new policies for stimulating exports. In the summer of 1976, then Prime Minister Jacques Chirac created a special commission to study the problems confronting Frenchmen while they lived away from France. It was asked to identify programs that could be tried to encourage more French citizens to be willing to move abroad to strengthen the role of France around the world. This commission was headed by a former Government Minister, Andre Bettancourt.

After a year's work, the Bettancourt Commission issued a series of recommendations, many of which were subsequently enacted. The overseas Frenchman was already being rather well protected abroad. He already had some subsidized French schools at his disposition, already had no taxation of his earned or unearned income, already had the right to elect six Members of the French Senate to represent uniquely his interests. But more was felt to be needed. And more was given. Social Security benefits were increased. The taxation of Frenchman who retained their domicile in France and were only temporarily abroad was lessened. More subsidies were granted to overseas French schools. The list was most impressive.

In West Germany similar studies were undertaken. The overseas German is not as well taken care of as the overseas Frenchman, but he still has some significant encouragements. While abroad the overseas German has subsidized schools for his children, no taxation of his earned or unearned income, the right to remain voluntarily in the Social Security system at home, the right to unimpeded transmission of German citizenship to his children born abroad, etc.

In Japan the Government recognized its responsibility toward overseas Japanese citizens. There was, of course, no taxation of Japanese citizens abroad. But there were new programs to subsidize Japanese schools abroad. Other concerns were studied and other incentives proposed.

In the post-1974 crisis environment, the United States took a most curious tack in a very different direction. It was decided that the overseas American was the recipient of too many special favors and these had to be reduced. Despite the fact that the overseas American was the only individual in the international marketplace carrying the full burden of his home country taxation on both his earned and unearned income this was felt to be not enough. Historically some exclusions from overseas earned income had been granted by more indulgent Congresses. Indeed, in 1926, the Congress decided that it would help the foreign trade interests of the United States to exclude from U.S. taxation all income earned overseas by Americans resident abroad. This principle prevailed until 1962 when with the excuse that a few movie stars were abusing this exclusion it was decided to place a ceiling on the amount that could be excluded from U.S. taxation. Since 1962, the existence of this exclusion in any form came to be looked upon as an unjustified loophole in American tax law.

Thus, in 1976, when the full force of the new international economic order was coming to be realized by our major competitors abroad, the United States chose to strike a blow at the big loophole enjoyed by Americans abroad. Suddenly, overnight, the average amount of tax that had to be paid by overseas Americans to the United States was tripled! No such augmentation in tax liability had ever been seen at home since the introduction of the progressive income tax system.

Naturally enough, the overseas American community was stunned and thrown into a turmoil. A number of major American companies realized that they could no longer remain competitive overseas if they employed Americans abroad. Many senior American executives went home. At the same time a tremendous amount of pressure was applied to the Executive Branch of the Government in Washington and to the Congress to reverse this astonishingly inappropriate policy. It was not easy to convince the Congress that action needed to be taken. For one thing, the Congress had been convinced by the Department of the Treasury that the impact of the closing of the loophole would be small. To the general surprise of everyone, the actual impact of the change that was made was nearly ten times the estimate that the Treasury had given to the Congress.

No one likes to admit having made a mistake. And, as is so inevitable with ferreting out loopholes and closing them, there is a certain amount of temporary euphoria and gratuitous demagoguery which commits proud legislators and senior civil servants to positions which it is later very hard to abandon.

To the great dismay of the overseas American community, the newly-elected President Carter chose for his principal tax adviser the same person who had been the architect of the loophole closing fiasco of 1976. True to form, when the necessity of amending the 1976 changes became universally apparent, the Treasury Department came forward with very few positive suggestions. Eventually the Congress adopted a more generous new law, but for many Americans abroad this still left them in a situation that was less favorable than the one that they had enjoyed in 1976. And, it was readily apparent that overseas Americans were in a class by themselves as the only individuals who faced the problems of ubiquitous double taxation and at the same time had fewer home country benefits than anyone among their competitors abroad.

In 1978, a few of the wiser leaders of the Congress began to suspect that what the United States was doing to the overseas American might be very dangerous to the United States. After some reflection, the Congress decided that a close look should be taken at the present practices of the United States toward its overseas citizens to see if there were not some systematic manifestations of discrimination in American laws against those living abroad.

In 1979, the Congress began to realize that the treatment being given to overseas Americans might not only be discriminatory, but might also be creating economic harm, to the United States in making Americans non-competitive against citizens from other countries in the great markets of the world.●

---

## SENATE COMMITTEE MEETINGS

**Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.**

**As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGESSIONAL RECORD on Monday and Wednesday of each week.**

**Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.**

**Meetings scheduled for Tuesday, January 29, 1980, may be found in the Daily Digest of today's RECORD.**

### MEETINGS SCHEDULED

### JANUARY 30

9:00 a.m.

Judiciary

Criminal Justice Subcommittee

To hold joint hearings with the Subcommittee on Child and Human Development of the Committee on Labor and Human Resources on S. 105, to prohibit the intentional restraint of a child in violation of a valid State custody determination.

6226 Dirksen Building

Labor and Human Resources

Child and Human Development Subcommittee

To hold joint hearing on the proposed Parental Kidnaping Prevention Act (See also Judiciary Subcommittee on Criminal Justice).

6226 Dirksen Building

9:30 a.m.

Budget

To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 Congressional budget.

6202 Dirksen Building

*Finance

Taxation and Debt Management Generally Subcommittee

To hold hearings on S. 219, to provide a Federal income tax deduction to taxpayers who make a charitable deduction whether or not they itemize their other deductions.

2221 Dirksen Building

Governmental Affairs

To hold joint oversight hearings with the Subcommittee on Energy, Nuclear Proliferation, and Federal Services on the activities of the Department of Energy.

3302 Dirksen Building

10:00 a.m.

Banking, Housing, and Urbans Affairs

Financial Institutions Subcommittee

To resume oversight hearings on money market mutual funds, focusing on the impact of the growth of money market funds on regulated financial institutions and monetary policy.

5302 Dirksen Building

Energy and Natural Resources

Business meeting, to consider committee budget and other pending calendar business.

3110 Dirksen Building

Environmental and Public Works

To hold an organizational meeting to consider committee budget and other administrative matters.

4200 Dirksen Building

Foreign Relations

To hold open and closed hearings on the proposed arms sales to Morocco.

4221 Dirksen Building

Labor and Human Resources

Aging Subcommittee

To hold joint oversight hearings with the Special Committee on Aging on regulations to implement the Older Americans Act Amendments of 1978.

4232 Dirksen Building

Rules and Administration

Business meeting, to consider proposed legislation requesting additional expenditures for fiscal year 1980 by the Committee for inquiries and investigations; proposed legislation to clarify the intent of the Senate whereby contributions are prohibited by all federal officers or employees or persons receiving any salary or compensation from the U.S. to any other such officer, employee or person who is their employer; to reconsider S. Res. 294, to redefine Senatorial official office expenses; and other administrative business.

301 Russell Building

Select on Indian Affairs

To hold hearings on S. 2055, to establish a reservation for the confederated tribes of Siletz Indians of Oregon.

5110 Dirksen Building

Special on Aging

To hold joint oversight hearings with the Subcommittee on Aging of the Committee on Labor and Human Resources on regulations to implement the Older Americans Act Amendments of 1978.

4232 Dirksen Building

Joint Economic

To begin hearings on the state of the U.S. economy.

318 Russell Building

10:30 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Foreign Claims Settlement Commission, Select Commission on Immigration and Refugee Policy, and Supreme Court.

S-146, Capitol

2:00 p.m.

Armed Services

Procurement Policy and Reprograming Subcommittee

To hold hearings on H.R. 5580, proposed North Atlantic Treaty Organization Mutual Support Act.

212 Russell Building

### JANUARY 31

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

9:30 a.m.

*Finance

Taxation and Debt Management Generally Subcommittee

To continue hearings on S. 219, to provide a Federal income tax deduction to taxpayers who make a charitable deduction whether or not they itemize their other deductions.

2221 Dirksen Building

Judiciary

Constitution Subcommittee

Business meeting, to consider S. 1790, proposed Privacy Protection Act.

457 Russell Building

10:00 a.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Maritime Commission, Marine Mammal Commission, and the U.S. Metric Board.

S-146, Capitol

Banking, Housing, and Urban Affairs

Consumer Affairs Subcommittee

To hold hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To resume joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances being released into the environment.
4200 Dirksen Building

Foreign Relations
Western Hemisphere Affairs Subcommittee
To hold closed hearings on the situation in El Salvador.
S-116, Capitol

2:30 p.m.
Appropriations
Labor-HEW and Subcommittee
To review programs administered by the Department of Health and Human Services.
S-128, Capitol

### FEBRUARY 1

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Health Services Administration.
S-128, Capitol

Banking, Housing, and Urban Affairs
Economic Stabilization Subcommittee
To hold oversight hearings on the impact of high interest rates on inflation.
5302 Dirksen Building

Environment and Public Works
To resume hearings on S. 2080, proposed Public Buildings Act.
4200 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To continue joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances being released into the environment.
1318 Dirksen Building

10:30 a.m.
Joint Economic
To continue hearings on the state of the U.S. economy.
457 Russell Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold open and closed hearings to review programs administered by the Office of the Secretary of State.
S-146, Capitol

### FEBRUARY 4

9:00 a.m.
Armed Services
General Procurement Subcommittee
To resume hearings on the Soviet Union's defense expenditures and programs, and on the defense aspects of export licensing procedures.
1114 Dirksen Building

Environment and Public Works
Resource Protection Subcommittee
To hold hearings on S. 2181, proposed Fish and Wildlife Conservation Act; H.R. 4084, proposed Suisun Marsh Preservation and Restoration Act; H.R. 4887, authorizing funds through fiscal year 1983 for the San Francisco Bay National Wildlife Refuge; H.R. 4889, authorizing funds through fiscal year 1983 for the Great Dismal Swamp National Wildlife Refuge in the States of Virginia and North Carolina; and S. 2115, to establish the Bogue Chitto National Wildlife Refuge in the States of Louisiana and Mississippi.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on Amendment No. 398, proposed Monetary Policy Improvement Act to S. 85, and S. 85, 353, and H.R. 7, bills to strengthen the ability of the Federal Reserve Board to conduct monetary policy, to promote greater equality, enhance the safety and soundness of the banking system, and improve the efficiency of the Federal Reserve payments systems.
5302 Dirksen Building

Energy and Natural Resources
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, to hear officials from the Department of Energy.
3110 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Center for Disease Control.
S-128, Capitol

3:30 p.m.
Conferees
On H.R. 5235, to revise the pay provisions of certain medical personnel in the Armed Forces.
S-146, Capitol

### FEBRUARY 5

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:30 a.m.
Judiciary
Business meeting, to consider pending nominations and legislation.
2228 Dirksen Building

Labor and Human Resources
Employment, Poverty and Migratory Labor Subcommittee
To hold oversight hearings on the activities of the Legal Services Corporation.
4232 Dirksen Building

Select on Small Business
To hold hearings on the impact on communities and small businesses of the decision of the U.S. Steel Corporation to shut down several of its plants.
424 Russell Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Institutes of Health.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To review those programs administered by the Office of the Attorney General, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on Amendment No. 398, proposed Monetary Policy Improvement Act to S. 85, and S. 85, 353, and H.R. 7, bills to strengthen the ability of the Federal Reserve Board to conduct monetary policy, to promote greater equality, enhance the safety and soundness of the banking system, and improve the efficiency of the Federal Reserve payments systems.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To resume joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 1998, to provide for certain public lands to be held in trust by the United States for the Tule River Indian Tribe.
5110 Dirksen Building

Joint Economic
To resume hearings on the state of the U.S. economy.
2212 Rayburn Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981, for the National Institutes of Health.
S-128, Capitol

### FEBRUARY 6

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act.
6226 Dirksen Building

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold oversight hearings to examine current problems and programs of the hearing impaired, and to explore future technological developments designed to handle their problems.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Institutes of Health.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To review those programs administered by the Office to the Secretary of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearing on S. 2177, proposed Emergency Home Purchase Assistance Authority Amendments.
5302 Dirksen Building

Energy and Natural Resources
To resume hearings to review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, to hear officials from the Department of Agriculture.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees.
To continue joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

Governmental Affairs
To resume consideration of S. 262, to require that all Federal agencies conduct a regulatory analysis before issuing regulations and to require the use of less time-consuming procedures to decide cases.
3302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Institutes of Health.
S-128, Capitol.

### FEBRUARY 7

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:30 a.m.
Judiciary
To resume hearings on S. 680, proposed Citizens' Right to Standing in Federal Courts Act.
2228 Dirksen Building

Judiciary
Criminal Justice Subcommittee
To hold hearings on S. 1482, to set forth certain pretrial, trial, and appellate procedures for criminal cases involving classified information.
357 Russell Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Alcohol, Drug Abuse and Mental Health Administration.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Judiciary.
S-146, Capitol

Banking, Housing, and Urban Affairs
To resume oversight hearings on the New York City federal loan guarantee program.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To continue joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To resume hearings on S. 742, proposed Nuclear Waste Management Reorganization Act.
3302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Health Resources Administration.
S-128, Capitol

### FEBRUARY 8

10:00 a.m.
Banking, Housing and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To continue joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of the Assistant Secretary for Health, Scientific Activities Overseas, and Retirement Pay for Commissioned Officers.
S-128, Capitol

### FEBRUARY 13

10:00 a.m.
Energy and Natural Resources
To resume hearings to review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, to hear officials from the Department of the Interior.
3110 Dirksen Building

### FEBRUARY 18

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To review those programs administered by the Department of Education.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Communications Commission.
S-146, Capitol

### FEBRUARY 19

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for Elementary and Secondary Education and Impact Aid programs.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Arms Control and Disarmament Agency, Commission on Civil Rights, Equal Employment Opportunity Commission, and the Legal Services Corporation.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation to renew the Home Mortgage Disclosure Act.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To resume hearings on S. 1938, proposed Federal Radiation Protection Management Act.
3302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Emergency School Aid, and Libraries and Learning Resources.
S-128, Capitol

Technology Assessment Board
Business meeting on pending Board business.
EF-100, Capitol

### FEBRUARY 20

9:00 a.m.
Veterans' Affairs
To hold hearings S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.
412 Russell Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Vocational Education, Student Assistance programs, and Student Loan Insurance Fund.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Commission on Security and Cooperation in Europe, International Communications Agency, and the Japan-U.S. Friendship Commission.
S-146, Capitol

Energy and Natural Resources
Business meeting, to consider proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.
3110 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Special Institutions.
S-128, Capitol

### FEBRUARY 21

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:30 a.m.
Veterans' Affairs
To hold hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment opportunities.
412 Russell Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for Higher and Continuing Education, Educational Activities Overseas, Higher Education Facilities Loan and Insurance, and College Housing Loans.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Small Business Administration.
S-146, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for special projects of the Department of Education.
S-128, Capitol

### FEBRUARY 22

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on a proposed amendment to establish standards for developing a cost ratio trigger for burden of proof in rate cases, to S. 1946, to provide railroads with more pricing rate flexibility and contract provisions.
235 Russell Building

10:00 a.m.
Banking, Housing and Urban Affairs
International Finance Subcommittee
To resume hearings on the U.S. embargo of grain and technology exports to the Soviet Union.
5302 Dirksen Building

### FEBRUARY 25

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the conduct of monetary policy.
5302 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 1280, proposed Energy Management Partnership Act.
3110 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To resume hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Human Development Services.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and related agencies subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the administration of foreign affairs within the Department of State.
S-146, Capitol

### FEBRUARY 26

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Health Care Financing Administration.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and related agencies subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for international organizations and conferences within the Department of State.
S-146, Capitol

Banking, Housing, and Urban Affairs
To continue oversight hearings on the conduct of monetary policy.
5302 Dirksen Building

Energy and Natural Resources
To continue hearings on S. 1280, proposed Energy Management Partnership Act.
3110 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

Labor and Human Resources
To consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2066, to convey certain land in Colorado to the Ute Mountain Ute Indian Tribe.
5110 Dirksen Building

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from Disabled American Veterans.
318 Russell Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for International Commissions of the Department of State, and the Office of the U.S. Trade Representative.
S-128, Capitol

### FEBRUARY 27

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Social Security Administration.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the International Trade Commission, and the Federal Trade Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold oversight hearings to examine the scope of rental housing.
5302 Dirksen Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.
3110 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Inspector General, Office of Civil Rights, Policy Research, and Departmental Management.
S-128, Capitol

### FEBRUARY 28

9:00 a.m.
Veterans' Affairs
To hold hearings on the recruitment and retention qualified health-care professionals to staff the Veterans' Administration health-care facilities.
412 Russell Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Community Services Administration, and the Railroad Retirement Board.
Room S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Board for International Broadcasting, and the Securities and Exchange Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
Insurance Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the crime and riot-re-insurance program of the Federal Emergency Management Administration.
5302 Dirksen Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To continue hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.
3110 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.
3302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Commission on Libraries and Information Services, Corporation for Public Broadcasting, Occupation Safety and Health Review Commission, Mine Safety Review Commission, and the Soldiers' and Airmen's Home.
S-128, Capitol

### FEBRUARY 29

9:30 a.m.
Labor and Human Resources
Employment, Poverty and Migratory Labor Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the Legal Services Corporation.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for domestic programs of ACTION, National Labor Relations Board, Federal Mediation and Conciliation Service, and the National Mediation Board.
S-128, Capitol

Banking, Housing, and Urban Affairs
Insurance Subcommittee
To continue hearings on proposed authorizations for fiscal year 1981 for the crime and riot-re-insurance program of the Federal Emergency Management Administration.
5302 Dirksen Building

MARCH 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on proposed legislation to renew the Home Mortgage Disclosure Act.
5302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To review those programs administered by the Department of Labor.
S-128, Capitol

MARCH 4

8:00 a.m.
Veterans' Affairs
To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment and education opportunities.
412 Russell Building

9:30 a.m.
Labor and Human Resources
Handicapped Subcommittee
To hold oversight hearings on the implementation of the Education for All Handicapped Children Act (P.L. 94-142).
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for Public Service Jobs, Special Youth Programs, the Job Corps, and Jobs for the Elderly.
1223 Dirksen Building

Energy and Natural Resources
Business meeting, to resume consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.
3110 Dirksen Building

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from Veterans of Foreign Wars.
318 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for General Manpower Training programs, Private Sector Initiatives, State Employment Security Agencies.
1114 Dirksen Building

MARCH 5

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Occupational Safety and Health Administration, and the Mine Safety and Health Administration.
1114 Dirksen Building.

Energy and Natural Resources
Business meeting, to continue consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.
3110 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Employment Standards Administration, Bureau of Labor Statistics, and President's Committee on Employment of Handicapped.
1114 Dirksen Building

MARCH 6

9:30 a.m.
Veterans' Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee by March 15.
412 Russell Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to continue consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.
3110 Dirksen Building

*Select on Indian Affairs
To hold hearings on S. 1507, to provide for the purchase of certain facilities, lands, and water rights in and around the San Luis Rey River. San Diego, California, to be held in trust for, and operated and maintained by certain boards of Mission Indians.
5110 Dirksen Building

MARCH 7

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on S. 864, 1499, 1663, 1744, bills to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies.
5302 Dirksen Building

MARCH 10

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for general administration and legal activities of the Department of Justice.
S-146, Capitol

MARCH 11

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Bureau of Investigation, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

2:00 p.m
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Immigration and Naturalization Service, Department of Justice.
S-146, Capitol

MARCH 12

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
Business, meeting, to consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on S. 1699, proposed Energy Impact Assistance Act.
3302 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To continue hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.
4232 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Prison System, and Office of Justice Assistance, Research and Statistics, Department of Justice.
S-146, Capitol

MARCH 13

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee

To hold hearings on proposed legislation to establish Commissions on National Youth Service and Volunteerism.
4232 Dirksen Building

MARCH 20

9:00 a.m.
Veterans' Affairs
Business meeting, to consider S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.
412 Russell Building

MARCH 24

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Census, general administration, and economic and statistical analysis, Department of Commerce.
S-146, Capitol

MARCH 25

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Development Administration, and Regional Planning Commissions, Department of Commerce.
S-146, Capitol

MARCH 26

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
Business meeting, to mark up S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act; and proposed legislation to establish Commissions on National Youth Service and Volunteerism.
4232 Dirksen Building

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Industry and Trade Administration, Minority Business Development Agency, and the U.S. Travel Service, Department of Commerce.
S-146, Capitol

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Oceanic and Atmospheric Administration, Department of Commerce.
S-146, Capitol

MARCH 27

9:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from AMVETS, Paralyzed Veterans, Blinded Veterans, W.W.I. Veterans, and Military Order of the Purple Heart.
1202 Dirksen Building

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Patent and Trademark Office, National Telecommunications and Information Administration, and science and technical research, Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Maritime Administration, Department of Commerce.
S-146, Capitol

MARCH 28

10:00 a.m.
Banking, Housing and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

MARCH 31

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.
S-146, Capitol

APRIL 1

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.
S-146, Capitol

APRIL 2

9:30 a.m.
Veterans' Affairs
To resume hearings on the Federal government's efforts to assist Vietnam-era veterans in readjusting to society, and the use of excepted appointments for disabled veterans.
412 Russell Building

APRIL 17

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the development of children who benefit from adoption by facilitating their placement in adoptive homes.
4232 Dirksen Building

MAY 1

10:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on issues Congress might consider which would affect youth in the coming decades.
4232 Dirksen Building

MAY 22

9:30 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold oversight hearings to examine issues affecting infant mortality, and preventable birth defects.
4232 Dirksen Building

JUNE 11

9:30 a.m.
*Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General of the Veterans' Administration.
412 Russell Building

# HOUSE OF REPRESENTATIVES—*Tuesday, January 29, 1980*

The House met at 12 o'clock noon.

Rev. Edwin Reece Alexander I, pastor, Grace Baptist Church, Springfield, Tenn., offered the following prayer:

Our Father and our God, we come into Thy presence with thanksgiving. Thankful for bountiful blessings showered upon this great Nation. She stands with outstretched arms and open heart to gather in Earth's oppressed. Thou hast given her a unique role among the nations and delivered her in times of trouble. O merciful Father, keep her yet.

Now Lord, we invoke Thy presence and blessings upon this session of Congress. I pray for each Member of the House of Representatives, their families, and their constituents. Give wisdom and divine direction in all decisions made in these Halls. May Thy purpose be accomplished in human history. Thy kingdom come, Thy will be done on Earth, as it is in heaven. In Jesus' name. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on January 28, 1980, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 478. Joint resolution to extend by 60 days the expiration date of the Defense Production Act of 1950.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 918. An act to amend the Small Business Act and Small Business Investment Act of 1958 and for other purposes.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5288. An act to amend title 38, United States Code, to improve and modernize the vocational rehabilitation program provided veterans under chapter 31 of such title, to improve the veterans' educational assistance program, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1830. An act to provide for a research, development, and demonstration program to achieve the early commercialization of ocean thermal energy conversion systems, and for other purposes; and

S. 1855. An act to amend the Tribally Controlled Community College Assistance Act of 1978.

## REV. EDWIN ALEXANDER

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, I am honored to introduce to the Congress the Chaplain for Tuesday, January 29, 1980, a native Tennessean, the Reverend Edwin Alexander. Reverend Alexander has for 4 years been the guiding force behind Grace Baptist Church in Springfield, Tenn., and has been in the ministry for over 33 years. He is a graduate of Union University in Jackson, Tenn., and Southwestern University in Fort Worth, Tex. In addition, he is active as president of both the Rotary Club and the Ministry Association for Robertson County, Tenn.

I join with his son, Edwin Alexander II, wife, Juanita, and family and friends in paying special tribute to Reverend Alexander's many years of serving in the ministry and helping people of all walks of life.

## THE CURRENT 4-CENT EXEMPTION IS VITAL TO KEEP MOVING TOWARD GASOHOL EXPANSION

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I have seen a number of letters from interest groups involved in highway construction urging rejection in the windfall profit tax conference of the Senate-passed provision to extend the current 4-cent exemption from the Federal gasoline excise tax for alcohol-gasoline blend fuels. They argue that the exemption will drain the highway trust fund. That is absolutely absurd. Even with a massive effort to bring gasohol production online, the quantity of gasohol produced over the life of the proposed exemption will not represent anywhere near levels that would run the highway trust fund dry. But that is the cry we are hearing. The record must be set straight.

And I want to stress that the excise tax exemption is enormously critical. In fact, it is vital to the continued production of gasohol. That exemption means a clear reduction in the price at the pump, and the present production price differential makes that encouragement necessary.

I do not want to see gasohol given the kiss of death, but that very well could be the case if that tax exemption—overwhelmingly approved in the Senate—is dropped in conference. And I would remind the highway lobby that those highways will have very few supporters if we do not have the fuel to drive on them. I urge my colleagues to contact the House and Senate conferees on the windfall tax bill and plead with them to support the exemption for gasohol, thereby keeping this domestic renewable energy source a viable option for America.

## SHIFTING TAX BURDENS

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, one of the most disturbing elements contained in the President's budget are projections through 1983 showing a proportional decrease in the share of the Federal tax burden which corporate income taxes will provide, and the accompanying increase in the burden on individual income taxes.

Corporate income taxes, which now provide 14 percent of Federal receipts, will fall by 1983 to only 11 percent. In 1970 the corporate income tax share of financing the Federal budget was 17 percent. The trend is clearly downhill—and accelerating. At the same time, the citizens of this Nation, who already pay 46 percent of all receipts through individual income taxes, will be asked to shoulder 50.7 percent of the tax burden by 1983. While the net benefit to the economy of this shift is unknown, there is no doubt but that this will result in a negative impact on the individual.

This shift is occurring with little or no public awareness—and major lobbying efforts are underway to provide enormous new reductions in corporate tax payments. It should be the subject of a national debate, and I hope the Ways and Means Committee will examine the implications of this trend in 1980.

The corporate sector is clamoring for capital formation through lower taxes. The individual American has an even greater need for capital formation—to buy a house, to invest in family education and for better health and security. The shrinking savings rate of our people is an ominous omen—unfortunately more threatening than capital shortages for industry.

## CARTER TAX BURDEN HIGHEST IN PEACETIME HISTORY

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, President Carter's proposed budget is an historic document—he proposes to place the highest peacetime tax burden ever on American taxpayers. His budget increases taxes by $77 billion over last year

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or inserti ons which are not spoken by the Member on the floor.

and pushes the Federal tax burden to almost 22 percent of GNP. Not only the highest peacetime tax burden, but also the highest wartime tax burden except for the single year of 1944.

President Carter, who said in 1976—

> I would never increase taxes for the working people of our country . . . and you can depend on that if I am elected.

Is in fact increasing the average annual tax burden by over a $1,000 per working person during his Presidency.

Under Carter, taxes are increasing 50 percent, inflation has tripled, unemployment is projected to return to 7.5 percent, interest rates have doubled, and the budget that he promised to balance remains unbalanced.

The sad truth is that President Carter has delivered on none of his economic promises and his failure to perform is about all we can depend on.

## THE OTHER BUDGET

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, yesterday President Carter submitted his proposed budget for fiscal year 1981. While interest is properly concentrated on the 1981 budget numbers, I think it is important to remember that fiscal 1980 still has 8 months to run. I would, therefore, like to share with my colleagues what the budget tells us about the present fiscal year.

The administration now estimates that 1980 spending will increase $32 billion from the President's original 1980 budget. Fortunately for the President, but unfortunately for taxpayers, tax revenues are up $21 billion, in large part because inflation has driven taxpayers into higher tax brackets. As a result, the deficit increases $11 billion. I wish I could express surprise at these figures, but the fact is that most of us on the Budget Committee—both Republicans and Democrats—expected something like this. With 8 months yet to run in the fiscal year, with even the administration predicting a recession, and with an election coming up, I am more than a little uneasy about the prospects for additional upward reestimates before the fiscal year ends.

I also call to my colleagues' attention the ominous fact that these latest budget estimates show that the authority to spend—which is what drives future Federal spending—increases more than 17 percent from 1979 to 1980. If the advertised growth rate for the 1981 budget looks restrained it is only because of these incredible increases in 1980; in fact, spending over the 2-year period from 1979 to 1981 increased nearly 25 percent.

Let me leave you with another ominous fact: 1980 spending is up $16 billion and the deficit is up $10 billion over the budget resolution which the Congress adopted just 2 months ago.

☐ 1210

## CARTER-KENNEDY-DEMOCRAT MAJORITY BUDGET THEORY

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, last Friday, my staff had to stay late to await delivery of the Carter 1981 budget. After looking at it, I can see why the administration chose to slip this to us late Friday afternoon. They probably hoped no one would read it.

The President brags this is a tight, lean budget, whose hallmark is reducing the deficit.

What he does not say is that he is reducing the deficit by raising taxes by billions to the highest levels since 1944. And billions of this increase is caused by inflation alone.

I call it the Carter-Kennedy-Democrat majority budget theory: More inflation and higher taxes produce lower deficits.

This theory is practiced for good reason: It absolves the President from making the hard choices he keeps preaching to us about.

He makes no trade offs in this budget—he simply increases spending for everything, defense and domestic programs alike.

This is nothing more than a resurrection of the guns and butter philosophy of the Johnson administration. It is the belief that you can give everything to everybody and no one will have to pay for it.

Saying that this budget is lean and tight is like putting a miniskirt on the fat lady in the circus and calling her thin.

Nobody is really fooled, and nobody will be fooled by this administration.

This budget is nothing but a return to the rapacious Federal policies of the past that put us where we are today.

## A HUMPTY-DUMPTY BUDGET?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, listening to administration spokesmen describe the new budget, I was reminded of the immortal words of Humpty-Dumpty in "Alice in Wonderland":

"When I use a word," he said, "it means just what I choose it to mean—neither more nor less."

The President calls his 1981 budget "prudent and responsible." How can an inflationary budget be prudent? And how can a budget that obviously underestimates spending be responsible?

As the Wall Street Journal points out, income transfers will account for 45 percent of this budget. Defense spending is budgeted at 23.7 percent, about the same as 1979. In fact, as a percentage of the gross national product, or the labor force or net public spending, the United States will be spending no more on defense than we did in 1977.

Productivity is actually falling. But where is a tax cut for investment?

This Humpty-Dumpty administration prattles on, Mr. Speaker; you do remember what happened to Humpty-Dumpty?

☐ 1220

## HOW LONG MUST PEOPLE OF HARRISBURG WAIT?

(Mr. ERTEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERTEL. Mr. Speaker, I did not intend to speak at this time, but events leave me no other choice. The administration yesterday notified the media in my congressional district that the Harrisburg flood protection project should not be approved by this House at this time, because it has not undergone final review by the Chief of Engineers.

Well, Mr. Speaker, the Chief of Engineers has completed his review of the Harrisburg project. In fact, he completed it May 16, 1979—8 months ago. For 8 months, then, this administration has done nothing on the Harrisburg project, and in addition they are wrong in their advice to the media in my district.

I would only ask the administration, how long do the people of Harrisburg have to wait? How long do they have to wait for a project to which the Environmental Protection Agency has no objections? How long do they have to wait for a project whose benefits exceed costs by 2 to 1? How long do the people of Harrisburg have to wait for this administration to go forward with much needed flood protection to prevent the damages that are shown in this particular photograph? Mr. Speaker, I ask this administration—how long?

## ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION FOR FISCAL YEAR 1979—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. ROSTENKOWSKI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

*To the Congress of the United States:*

I transmit herewith the Annual Report of the National Advisory Council on Adult Education for Fiscal Year 1979, as required by Section 313(d) of the Adult Education Act (Public Law 91-230).

JIMMY CARTER.

THE WHITE HOUSE, *January 29, 1980.*

## ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION FOR 1978—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

*To the Congress of the United States:*

I am pleased to transmit the Annual Report of the National Advisory Council on Adult Education for 1978 as required by the Adult Education Act.

JIMMY CARTER.

THE WHITE HOUSE, *January 29, 1980.*

## WATER RESOURCES DEVELOPMENT ACT OF 1979

Mr. ROBERTS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4788) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDGAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 387, nays 6, answered "present" 2, not voting 39, as follows:

[Roll No. 12]

YEAS—387

Abdnor
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashbrook
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Burton, Phillip
Butler
Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Cheney
Chisholm
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hall, Ohio
Hamilton
Hammerschmidt
Hanley
Hansen
Harkin
Harris
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Leath, Tex.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McCormack
McDade
McHugh
McKay
McKinney
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rose
Rosenthal
Rostenkowski
Roth
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Tex.
Winn
Wirth
Wolpe
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—6

Jenrette
Lloyd
McDonald
Mitchell, Md.
Moorhead, Calif.
Wilson, Bob

ANSWERED "PRESENT"—2

Hagedorn
Vento

NOT VOTING—39

Addabbo
Anderson, Ill.
Andrews, N.C.
Barnes
Biaggi
Burton, John
Carr
Clay
Conyers
Crane, Philip
Diggs
Eckhardt
Edwards, Okla.
Flood
Hall, Tex.
Hance
Harsha
Lewis
Lundine
McCloskey
McEwen
Miller, Calif.
Murphy, Ill.
Myers, Pa.
Pease
Quayle
Railsback
Rodino
Runnels
Santini
Satterfield
Stokes
Symms
Thompson
Treen
Wilson, C. H.
Wolff
Wright
Wyatt

□ 1230

So the motion was agreed to.

The result of the vote was announced as above recorded.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 4788, with Mr. McHUGH in the chair.

□ 1240

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, January 28, 1980, title I was open to amendment at any point, and pending was a demand for a recorded vote made by the gentleman from Pennsylvania (Mr. EDGAR) on an amendment offered by the gentleman from Illinois (Mr. MICHEL).

Does the gentleman from Pennsylvania (Mr. EDGAR) insist on his demand for a recorded vote?

Mr. MICHEL. Mr. Chairman, I ask unanimous consent that the Chair's putting of the question on the Michel amendment be vacated.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. EDGAR. Mr. Chairman, reserving the right to object—and I will object—I wonder if the gentleman would discuss just briefly the purpose for asking unanimous consent to vacate the normal procedure.

Mr. MICHEL. If the gentleman will yield, Mr. Chairman, I appreciate the gentleman taking the reservation so that I might inform the membership of the Committee what we propose to do.

As the Members will recall, last evening, when the Committee rose, we were about to vote on the initial language of the amendment which I had offered. The Committee rose, after which we had conversations with Members interested and staff as to the possibility of our refining our language to be more acceptable to the distinguished members of this committee and the body. Overnight we were able to accomplish that, and because of the parliamentary bind in which we found ourselves, it requires unanimous consent, really, for all practical purposes, to substitute this new language for that which we were about to vote on.

It is more than a grammatical change, and for that reason I think the membership is certainly entitled to hear the specific language of our refined amendment as opposed to the one we offered yesterday and which was pending as we came into session this morning.

Mr. EDGAR. Further reserving the right to object, the gentleman will, after this action is taken, if no one objects, then ask unanimous consent to substitute language for the language in the amendment; is that not correct?

Mr. MICHEL. That is correct.

Mr. EDGAR. The gentleman will at that point explain the changes of his amendment as compared to yesterday?

Mr. MICHEL. Yes.

Mr. EDGAR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois (Mr. MICHEL) to vacate the proceedings by which the Chair put the question on the amendment offered by the gentleman from Illinois (Mr. MICHEL)?

There was no objection.

Mr. MICHEL. Mr. Chairman, I ask unanimous consent that the amendment be modified.

The Clerk will report the modification to the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The Clerk read as follows:

On page 71, immediately after line 7, insert the following and redesignate the succeeding sections accordingly:

"COST LIMITATIONS AND OVERRUN PREVENTION"

"SEC. 101. In order to insure against cost overruns, each estimated cost set forth in this Act for a project shall be the maximum amount authorized for that project, except that such maximum amount shall be automatically increased for—

(A) changes in construction costs (including real property acquisitions) as indicated by engineering and other appropriate cost indexes; and

(B) modifications which do not materially alter the scope or functions of the project as authorized."

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. ERTEL. Mr. Chairman, reserving the right to object, I will not object but I did want to address some questions to the author of the amendment, the gentleman from Illinois (Mr. MICHEL).

Initially, under this amendment, we had a colloquy yesterday about the automatic increases, that the maximum amount authorized would be automatically increased. I see that the gentleman has put that into this amendment.

My question is who will determine this? Will that be the Appropriations Committee? When the authorization comes to Appropriations, will they determine that the project authorization has increased by the amount set by the indices and, second, Will the Appropriations Committee make the determination whether or not the modifications have been materially altered? Who makes that determination? Will the gentleman be kind enough to tell us?

Mr. MICHEL. If the gentleman will yield, as the gentleman pointed out, the Appropriations Committee would make that determination.

The gentleman will remember that in the initial language of the amendment which we offered yesterday we simply said "may be adjusted to reflect," and, as the gentleman has so well pointed out, in the refined language it is "shall be automatically increased for," as well as the changes we made in paragraphs (A) and (B).

In paragraph (A) "changes in construction costs (including real property acquisitions)" is a refinement of the original language, and paragraph (B) is simply a streamlining, "modifications which do not materially alter the scope or functions of the project as authorized."

Those inserted words are at the request of the gentleman from Washington (Mr. MCCORMACK), with whom we also had a significant exchange in colloquy yesterday on a particular project in which he had an interest.

Mr. ERTEL. Further reserving the right to object, Mr. Chairman, I would like to address just one further question.

The gentleman is not intending by this language, then, that some outsider could file a lawsuit based upon this language, but in fact the actual interpretation of the wording is for an appropriations committee and, therefore, the Appropriations Committee would determine the increases in the authorization and if there is a material alteration; is that correct?

Mr. MICHEL. The gentleman is absolutely correct.

Mr. ERTEL. I thank the gentleman.

I have one further question.

The gentleman from Washington (Mr. MCCORMACK) and I had a colloquy with the gentleman yesterday along this same line, and as to how this would be interpreted. Is this amendment intended to reflect that colloquy as well?

Mr. MICHEL. Exactly. There would be no difference in that exchange of words that we had if we were to simply repeat them here. As I said, the real impact, the real import of our effort is to refine the language to be more in keeping with some of the worthwhile suggestions that the committee members have made themselves.

Mr. ERTEL. I thank the gentleman for his explanation.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. CARTER. Mr. Chairman, I reserve the right to object.

Mr. Chairman, on the 28th of January in a colloquy with the distinguished gentleman from Pennsylvania (Mr. EDGAR) I made the statement that the Federal Building in Chester, Pa., soon to be built would be named for my distinguished friend. My sources of information were in error, and I regret that I was also in error.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. MYERS of Indiana. Mr. Chairman, I reserve the right to object.

Mr. Chairman, we are all concerned, of course, about reducing cost overruns and preventing these when at all possible. But subparagraph (B) bothers me somewhat.

One of the things we have found is that there have been many, many lawsuits which have slowed down and cost the projects considerably more money. It is really fuel to the opponents to delay projects. The gentleman says "modifications which will not materially alter the scope or functions." Would the gentleman explain somewhat what he means by "materially"? What would be a material change?

Mr. MICHEL. If the gentleman will yield, I must say that that determination would be made by the Appropriations Committee. The language "to materially change or alter the project" means a substantial change.

Yesterday we had an exchange in which there were suggestions that maybe a footing for a particular project had to be deeper than what it was conceived to be. Would that be a material or substantial change? Of course not, if it did not alter the authorized project in a substantial way the original intent and purpose of that project. I think the committee has to use its good judgment in making that determination.

Mr. MYERS of Indiana. Because of our energy changing needs, some of these projects which were originally designed and intended to be only flood control possibly in the future will be added hydro generation. I wonder if that would be a material change, if during the construction suddenly they realize that there is enough water there, that there is a possibiliy that we could put generation into the station. That would be a material change that we would really be prevented from doing under the gentleman's amendment as I read it.

□ 1250

Mr. MICHEL. Mr. Chairman, if the gentleman will yield, actually what we are doing by adopting this language is simply repeating what currently is in the law.

Mr. MYERS of Indiana. I am concerned about lawsuits. This is a vehicle used by opponents to stop and delay every project. I am afraid what the gentleman's amendment is going to do is open up another avenue, another means, that the opponents are going to slow down and stop the projects.

Mr. MICHEL. I do not share the gentleman's concern. Frankly, over a long period of time I have felt that members of the committee, as well as the Members of this body, have a real legitimate right from time to time to question the progress of a particular project.

The fact that 10 years ago we made a determination and that we are so stuck in cement that we cannot change our minds or our views about a particular project, denies this body the opportunity to work its will.

Mr. MYERS of Indiana. I certainly do not disagree with the gentleman. Annually on the Appropriations Committee, which this amendment really seems to not have any faith in or trust in, we hear the corps. The advocates and the opponents come in, testify about the progress of the project, and if there are any changes, they explain it to us why those modifications are necessary.

If there has been a cost overrun, they have to fully explain. Often we do make some modification to reduce that cost overrun. I do not see now that that really will be included in this process where we can reduce the cost overruns, or make some modification even to reduce the cost overruns.

I am afraid we are going to defeat our committee's ability to hold down excessive spending with the gentleman's amendment.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from California.

Mr. CLAUSEN. As a follow-on to the comment of the gentleman from Illinois about restating the law, I would just like to clarify what we on the Public Works Committee understand his substitute amendment to accomplish. We understand, and Mr. Michel has assured us that he intends, that this amendment is merely a restatement of existing law and procedures relating to costs and postauthorization changes to projects.

The Public Works Committee, and indeed the Congress, have never given the Corps of Engineers "blank-check" authority for projects authorized in water resources development acts. Rather, for almost 30 years, the water resource projects we have authorized have contained cost ceilings which have been implicit in the cost estimates we have used in authorizing these projects and in the understanding that we have shared with the corps concerning its authority to modify previously authorized projects. Even since 1952—and I would like to refer my colleagues to the report prepared and submitted by the Chief of Engineers on March 27, 1952, which is printed in House Document No. 272, part I, volume 3, of the 82d Congress—it has been understood by both the corps and the Congress that the corps' authority to make modification to congressionally authorized water projects has been constrained to remaining within the limits set out in that report. Since 1952, a large body of case law has developed to interpret the scope and reach of that authority. The Michel amendment merely recognizes these facts and formalizes them as an item of statutory law.

Mr. Chairman, there is good reason why the Public Works Committee and the Congress have followed these practices in the past and why it is proper to continue them in the future.

In authorizing water resources development projects, the corps must have adequate flexibility to make certain postauthorization cost adjustments, beyond those occasioned merely by inflation, in timely fashion. During construction, there frequently arises the need for unforeseen changes. These may be unanticipated site or other conditions; and changes in design, scale or type of physical features. These modifications must be approved and made in a relatively short time or the project is delayed or comes to a stop—resulting in increased costs and schedule delays, exactly not what the stated purpose of the gentleman's amendment is.

Another reason relates to the fact that many of the postauthorization changes that must be made to water projects come through positions of other agencies and new laws and regulations needed in postauthorization which, while not project-specific, do require adjustments in design for specific projects, often in the interest of greater environmental protection or enhancement. Such changes ought not be discouraged or delayed, so long as project economics remain sound when the changes are included, and so long as—in the words of the corps report I spoke of earlier as well as of the gentleman's amendment—the scope or functions of the authorized project are not materially altered. In the event that the scope or function are materially altered, the corps' authority is constrained and they must bring the project modifications to the attention of the Congress for specific action.

There are still other reasons. To avoid delay on a critical path item, there would be pressures with too rigid a modification policy to cut back in features which are not scheduled until toward the end of the project or are not critical to the accomplishment of some other element of work. Areas such as recreation, fish, and wildlife enhancement/mitigation, and archeological protection would be especially vulnerable. The protection of requirements such as concurrent funding for mitigation, or the legal requirements of FWCA or NHPA regulation, will not, in the real world, provide sufficient counterpressure. There would still be a tendency to do the minimum feasible under cost constraints rather than take the most effective and justifiable measures. There is also the risk under too rigid a policy of creating unfortunate incentives to incorporate undesirable project design changes to avoid cost overruns. Obviously, such a situation would not be in the best interests of the Nation and our water resources development program, and so we have given the corps some flexibility in dealing with problems like these. We also intend to preserve this flexibility under the Michel amendment.

Mr. MYERS of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Illinois (Mr. Michel)?

Mr. BEVILL. Mr. Chairman, I reserve the right to object.

In listening to the colloquy here, if the gentleman from Illinois would permit me to ask a question on this, I noticed the gentleman says that it is the case law and this is the law already. May I ask the gentleman what the gentleman expects to accomplish by putting this amendment in the bill, if it is already the law?

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Illinois.

Mr. MICHEL. It is the ceiling on the total authorizations that is new. We have got, as I made mention yesterday during the course of my discussion on the original amendment, the many projects which we felt we ought to have some kind of benchmark, some kind of direction to guide our Appropriations Committee, rather than simply a blanket open-ended proposition over which we have no voice at all. I think the thrust of the language, for all practical purposes would make these estimated costs in the bill a benchmark to which we ought to hold fast and true.

Mr. BEVILL. The gentleman is aware, I am sure, that for the past 3 years the Appropriations Subcommittee on Energy and Water Development has been under the President's budget each year?

Mr. MICHEL. Yes.

Mr. BEVILL. So I really do not understand why the gentleman from Illinois is trying to hamstring the Appropriations Committee, because the system has worked, and I share the views of the gentleman from Indiana that we are creating a vehicle here to simply have lawsuits and to delay water projects at greater expense because these court cases do, as the gentleman knows, result in more expenditure, higher cost, and higher inflation. This, to me, it seems, would be the only thing that it would accomplish.

I can appreciate—and I share the gentleman's view that we are all looking for ways to save money—we want to do that. I can appreciate what the gentleman from Illinois is seeking to do, but I do question the wisdom of putting an amendment like this and hamstringing an Appropriations Committee that has always stayed under the President's budget and goes through this each year and does not need any guidance as far as this type of legislation is concerned, because the system has worked.

As the gentleman knows, we have so many things here in the Government that do not work that we need to be working on. I question the wisdom of adopting this.

The gentleman knows what is going to happen. It is going to take a court to decide what is a material change. That is going to be the result of this amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Illinois?

### PARLIAMENTARY INQUIRY

Mr. HARSHA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HARSHA. Mr. Chairman, is the parliamentary situation such, if there is no further objection to the unanimous-consent request, we then get an opportunity to discuss the amendment further, or do we just vote on it?

The CHAIRMAN. The gentleman is correct. The gentleman from Illinois (Mr. Michel) would be recognized for 5 minutes in support of his modified amendment.

Mr. HARSHA. I thank the Chairman.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Illinois (Mr. Michel)?

There was no objection.

The CHAIRMAN. The gentleman from Illinois (Mr. Michel) is recognized for 5 minutes in support of his modified amendment.

Mr. MICHEL. Mr. Chairman, I do not want to prolong this discussion unnecessarily, other than to yield for a question from the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

● Mr. HARSHA. Mr. Chairman, I am pleased to support the gentleman's amendment because, while providing a cost ceiling, automatically adjustable for legitimate cost increases, it makes no change in the corps' existing authority to make postauthorization changes in projects as circumstances warrant.

I wish further to emphasize that the cost figures in the bill are not frozen by the gentleman's amendment; the authorized amounts are not rigid. By the authority contained in this provision, the cost estimates are automatically raised, without further legislation, to reflect verifiable changes in the total range of cost factors affecting a project. This is absolutely automatic, requiring no action by an executive agency or the courts. To the extent that there is any dispute over the degree of the change or to the effect that cost changes have indeed occurred, those determinations are reserved to us in the Congress.

It should go without saying—but I shall so state to preclude misunderstanding on this point—that any adjustment to be made with respect to any authorization figure in this bill shall be made in such a manner as to take into account any and all increases in costs which have occurred at any time since such figures were originally developed.

I also support the amendment with the express understanding that, as the debate yesterday and today has made clear, the corps' authority under existing law to make postauthorization modifications which do not materially affect the scope or purpose of a project as authorized remains unchanged. For example, the authority to include hydroelectric power generation, water supply or recreation benefits in an already-authorized project, as provided in existing law, remains intact. Any such modification, and any cost escalation associated with such a modification, is to be factored into the total cost adjustment.

This longstanding interpretation of law and congressional policy has been reflected in a 1946 report to the House by the Flood Control Committee, as cited in EDF, Louisville & Nashville Railroad, et al. against Clifford R. Alexander, et al. as follows:

> [I]t has been the policy of the Flood Control Committee and the Congress to recognize that changing conditions often make plans obsolete, and to avoid undue rigidity they have given the Secretary of War and the Chief of Engineers the authority to modify plans as may be found necessary and desirable. The committee finds that this confidence and responsibility has been carefully exercised, and that modifications approved by the Chief of Engineers and the Secretary of War are only those which are clearly within the established policies of the Congress.
>
> Lt. Gen. John W. Morris, Chief of Engineers, testified in the above case, as noted in the opinion. "It was his opinion that Congress 'would [not] expect us to take the taxpayers' money in 1979 and build a Model-T.' " * * * Unless major changes had been effected in the function or purpose of the project, Congress "expected the Corps . . . to execute its programs at the time they are being executed to modern requirements."

Again, it is with the understanding that this long-standing policy remains in force, and the law embodying this policy remains intact, that I support this amendment.●

Mr. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I am of the opinion that the questions that were raised by the members of the Appropriations Committee are worthy of consideration. However, I also believe that the language we have and the fact that it is a restatement of existing law and procedures relating to water project post authorization changes and cost increases will give us a measure of flexibility in order to address some of the concerns that the members of the Appropriations Committee have.

Therefore, it would be my intent to support the amendment.

Mr. Chairman, I support the substitute Michel amendment because it removes a number of objections that I had to his original amendment. It makes clear that the cost increases are to be automatic rather than discontinuing, which was not as clear in the original version. It specifically requires that they will be mandatory—through use of the word "shall"—rather than permission as permitted by the original amendment's "may." And the substitute is far more certain than it's predecessor in terms of assuring that the Corps of Engineers will retain the authority they presently exercise to make certain modifications to authorized projects and to have the costs of water projects increase reasonably without having to return to Congress for a whole new reauthorization.

Flexibility, of course, is a key characteristic that has always been built into the corps project modification authority and that is understood to be preserved by the Michel amendment. The Congress has enacted several general authorities on water resources, to be implemented by the Chiefs of Engineers under the direction of the Secretary of the Army. These include the addition of water supply under the Water Supply Act of 1958, the addition of recreation under the Water Project Recreation Act of 1965, the deletion of water quality under section 65 of the 1974 Water Resources Development Act, and the provision of basic facilities to enhance later addition of hydroelectric power units upon their specific authorization. The utilization of these general authorities is not meant to be negated or in any way lessened or restricted by the language of the Michel substitute. The same is understood to hold true for the new general authorities contained in H.R. 4788, such as section 360's fish and wildlife mitigation authority, section 220's wildlife habitat enhancement authority and the recommendations that may result from the bill's national hydropower study.

There is one other point, Mr. Chairman, that I would like to clarify. It is our understanding on the committee that the automatic cost increases spoken of in the gentleman's substitute amendment are meant to be calculated by looking at the date that each respective project's estimated costs were developed and not, for instance, by using date of enactment as a reference point. This is necessary to take into account the fact that the estimated costs mentioned in the bill reflect, in most instances, currently available information. For a few projects, however, the cost estimates are somewhat older than those for most projects, and these former projects are not meant to be penalized because of this fact.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL), as modified.

The amendment, as modified, was agreed to.

### AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. EDGAR: Page 74, line 16, substitute a period for the comma following $48,600,000, and delete everything beginning with "except" on line 16 through the word "disposal" on line 21, and insert the following: "However, initiation of construction is contingent upon studies by the Corps of Engineers assuring that dredged material disposal is not in violation of the London Ocean Dumping Convention and that the project is economically feasible, and on approval of the Secretary of the Army."

Mr. EDGAR. Mr. Chairman, I offer this—and everybody will breathe a sigh of relief when I say this—this last amendment that I have to title I. I offer this amendment as a clarifying amendment so that this bill respects our international situation as it relates to the Gulfport Harbor, Miss., project.

Mr. Chairman, I offer this amendment in response to specific concerns raised by the Department of the Army to the Gulfport project, as well as to the general concern of our colleagues from Mississippi that this project move forward here today.

Specifically, this amendment to section 101 of the bill would do the following:

First, it would delete any directive that the dredged material be disposed of in open water thereby making such disposal permissive;

☐ 1300

Second, it would delete the arbitrary declaration that benefits of dredged soil disposal exceed cost; and

Third, most importantly, it would provide that no appropriation shall be made for construction until there has been an adequate investigation of the dredged materials to assure that disposal will not result in violation of the London Ocean Dumping Convention.

The language of the Gulfport Harbor, as reported by the committee, explicitly requires open-ocean dumping of dredged spoil. It is not clear from this language how sections 404 and 101 of the Clean Water Act, dealing with pollution discharges and ocean dumping respectively, would be fulfilled.

Most importantly, by mandating ocean dumping in this authorization legislation, Congress would be limiting the possible alternatives, if further study showed that ocean dumping was not the best option to follow.

Finally, Mr. Chairman, I would like to underscore the applicability of our international obligations, particularly with respect to Mexico. The United States is currently a part of an international ocean dumping convention and, in respect to the Mexican situation, our relationships have been quite strained over the oil-pollution problem. To determine if Gulfport Harbor dredge material surpasses allowable disposal levels, certain tests need to be performed on the dredged materials. These tests are important, and the Congress should know the result of the tests before appropriating funds for construction. Upon the dumping of this material in the Gulf of Mexico, we ought to know what kind of toxic wastes, or toxic material, may be dumped. To do otherwise, in the face of international obligations that must necessarily be adjudged the supreme law of the land, would be to invite litigation and delay of the project.

Furthermore, with the current importance and sensitivity of United States-Mexican relationships, the Congress will want to take special care to know the full implications of a go-ahead on open dumping in the Gulf of Mexico which may, in fact, strain those relations.

Mr. Chairman, I trust that our colleague from Mississippi will recognize the need.

Let me say just a couple of other words about the project itself. Gulfport Harbor, Miss., project will provide great benefit to the area of Mississippi. It will also provide great benefit to several companies, including the Du Pont Corp., one of the 20 most lucrative corporations in the Nation. It also provides direct benefit to Hooker Chemical Co., which has been making the newspapers recently.

I have before me multiple users of this particular harbor. They are Southern Metal Services, Inc.; E. I. du Pont de Nemours & Co.; Goldin Industries; Phillip Brothers, Inc.; First Mississippi Corp.; Transammonia International; Hooker Chemical Co.; Becker Industries; and Swift Chemical Co. These are just some of the users of this particular project.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent Mr. EDGAR was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. An estimated $50 million will be invested in this project and, because of the importance of this particular project, as outlined in the Secretary's discussion and report that I have seen, it indicates that these companies will have great benefit accruing to them because of this project.

I had originally intended to offer a motion to delete this particular project, but after reviewing the material and talking with the colleague whose district falls most generally in the area of the project, I decided not to offer the amendment to delete, but to be responsible to the objections of the Army Corps of Engineers.

I would also like to draw attention to my colleagues to a statement marked Point 40 in the 125 objections of the Army Corps of Engineers. They make this point, and I quote:

> 40. *Gulfport Harbor, MS* (Sec. 101, p. 74) Would authorize the carrying out of the navigation project with the dredged material to be disposed of in the open water of the Gulf of Mexico at an estimated cost of $48.6 million. Army objects unless this provision is amended because it only recently has been advised by EPA that disposal of the dredged material in Gulf waters could result in a violation of the London Ocean Dumping Convention depending on whether the dredged materials contain certain toxic matters. At a minimum, the provision should be amended to (1) delete any directive that the dredged materials be disposed of in open water, thereby making such disposal permissive; (2) delete the declarations of economic feasibility; and (3) provide that no appropriations shall be made for construction until there has been an adequate investigation of the dredged materials to assure that disposal will not result in a violation of the Convention.

My amendment simply does that.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me say in the beginning that this provision is in the bill because it was requested by the gentleman and the EPA, and all the environmentalists.

Here is the situation. It is a Catch-22 deal. They do not want dumping behind dikes, so they asked that we put this provision in for ocean dumping. Now, if they stop ocean dumping, there will be no more dredging and, of course, that is the objective of the group.

There is already a chief's report on this, and nothing else is required. It is finished. We have no objection. We are not going to violate any treaties, because it still has to be worked out with EPA as they go along.

I see no need for such change. The chief's report is complete. We provide for gulf disposal because the environmentalists asked for it.

So it is certainly inconceivable that they are going to ask us to cut our own throats just to see if we bleed. I hope my colleagues will vote down the amendment.

Mr. HARSHA. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

The committee, Mr. Chairman, in adopting the authorization for the Gulfport Harbor, the committee reviewed the report of the Chief of Engineers which recommended only advanced engineering and design with a series of alternatives which might be considered during the phase 1 process. However, it was felt that this review might take as long as 10 years to complete and this was unacceptable.

Now, as a result of the committee's concern, the Environmental Protection Agency evaluated the proposal to discharge dredged material into the gulf and approved this option. They did so because they felt it was the option which was the best environmentally sound solution to the disposal problem, and they so indicated this by letter to the gentleman from Mississippi (Mr. LOTT). He has a copy of that letter for Members who wish to review it.

I might add parenthetically that one of the alterations to the ocean disposition of the dredged material was deposit of the material on a series of islands, but it was EPA's position or opinion that this was less acceptable than ocean dumping. The Environmental Protection Agency, the Department of the Interior, the Department of Commerce, the Corps of Engineers, and all concerned State and local agencies have agreed, mind you, have agreed that the disposal methods called for in this legislation are the most environmentally acceptable. Because of this consensus the committee authorized construction of the project and ocean disposal of the dredged material.

Mr. EDGAR. Mr. Chairman, will the gentleman yield at that point?

Mr. HARSHA. Yes, I yield to my good friend from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, I think the gentleman has hit on an important point in his listing of all of the agencies that have agreed. I think the gentleman is correct to the point of information that was available to the people who were setting out to look at possible alternatives.

But, information has been provided that those who made that agreement, particularly those from EPA, and those sending letters and discussing the possible alternatives of open sea dumping, did not take into account the legal ramifications of violating the London Ocean Dumping Convention. If those materials have any hazardous, toxic substances in them, we will then be in violation of the London Convention.

I think my amendment simply provides that that is one alternative that can be looked at, and it is, in fact, a very good alternative if the materials that are dredged up in deepening the harbor are, in fact, provided out further into the ocean and disposed of. But, the concern is that we will be out there dumping these materials without any real check as to their toxicity or whether or not they violate the London Convention.

☐ 1310

So, I think the gentleman is making some new points that there has been a lot of agreement on how to approach this particular problem. The Army Corps of Engineers through their letter and from conversations with General Robinson yesterday indicate very strongly that the Army is concerned that if the language is allowed to continue in the legislation as predicted, that we in fact may be in violation of that London Ocean Dumping Convention.

Mr. HARSHA. I thank the gentleman for his comments, but I wish the Army Corps of Engineers would consult with the committee as well as they have with the gentleman, because we have no word from the Army Corps of Engineers along the lines the gentleman has suggested. We have no word from the Environmental Protection Agency that they have any knowledge that there is any toxic substance in that dredged material.

Mr. EDGAR. Will the gentleman yield further?

Mr. HARSHA. Let me finish my statement. I will yield if I have additional time.

Let me point out that what the gentleman is doing may have the alternative effect of providing the least acceptable environmental way of disposing of this dredged material, but the real hooker in the gentleman's amendment, of course, is the very last phrase: "And on approval of the Secretary of the Army."

We are never going to get the approval of the Secretary of the Army until this Congress or the subsequent Congresses knuckle under to the administration to get their program through, until we get a cost-sharing program through that is totally acceptable to the bureaucrats downtown; until they take over the policymaking provisions in this program downtown and take it away from the Congress.

Let me point out to the gentleman, as has been pointed out time and again, the administration will not send any project up here. They have put a hold on every project until they get their independent review of water projects by the Water Resources Council. They did this as late as yesterday in the President's budget message, and let me read to the gentleman what the President said.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent Mr. HARSHA was allowed to proceed for 2 additional minutes.)

Mr. HARSHA. The budget message says:

> No new starts for water resource construction are specifically recommended in the 1981 budget because the independent review of projects by the Water Resources Council must await authorizing legislation.

In other words, ladies and gentlemen, "Until I get what I want you are not going to play ball in my ball park. You cannot have a project. You cannot decide policy."

That is what the fight is all about, and with that phrase in there allowing the Secretary of the Army to have the final approval we are never going to see the project completed, and I urge defeat of the amendment.

Mr. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my full 5 minutes because I believe the gentleman from Ohio and the gentleman from Texas have raised some points and concerns we would have as an authorizing committee. Clearly, as we attempt to address this question of ocean disposal it is going to require what I have perceived to be new and innovative ideas. I can testify to the fact, on the basis of having considered a number of innovative projects in the country, that the difficulty in attaining acceptable spoil sites is on the increase, and this is particularly true of some of the coastal communities where there is limited geographical area to address a spoil site. As a consequence, we find not only locational probelms, but environmental problems, and this leads to fiscal problems for the local area. So, on the basis of testimony that we have had before the committee, we felt that it was time to go out and do something a little bit more innovative.

There are some projects or modifications that are included in this bill, in addition to the Gulfport Harbor project, to address these problems.

I want to defer any further comments on the amendment itself because I am sure that the gentleman from Mississippi (Mr. LOTT) will more than adequately address it. I will withhold, but the point that I do want to stress to the members of the committee is that investment in port facilities and the infrastructure of our country is linked not only to the health of our regional and national economy, but also to our national defense, and clearly the matter of disposing of the spoils in an acceptable manner has to be given the kind of priority that I believe the committee has given to it.

I would suggest that, with respect to the Gulfport project, we would be better advised to support the committees that deal with this, who were aware of the issues and the already stated position of EPA, the Department of the Interior, the Department of Commerce, the Corps of Engineers, and all the concerned State and local groups that have agreed to the ocean disposal methods, with full knowledge of all applicable environmental requirements, and who made a decision with full knowledge of the facts surrounding the ocean-dumping issue.

All have agreed that this is the most environmentally acceptable approach to it, notwithstanding other comments. And I would restate that the committee with these facts before it decided to authorize the ocean disposal for dredged material.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I wanted to let the gentleman from Mississippi, and if there are any questions the gentleman wanted to ask, he could ask that gentleman.

Mr. LOTT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I certainly appreciate the comments of the gentleman from Texas, the distinguished chairman of the subcommittee, and the distinguished ranking minority member of the full committee, the gentleman from Ohio (Mr. HARSHA), and the remarks of the gentleman from California (Mr. CLAUSEN). Quite frankly, they have made the major points, but I would like to make just a couple of comments.

This project has been in the mill for 14 years. I personally have been working on it for 9 years. My predecessor worked on it before that. Four of the previous 5 years we spent trying to come up with the most feasible and acceptable environmental way of disposing of this spoil. We considered at least four alternatives, and at least two of them I would have preferred, but because of the environmental concerns and the efforts of EPA, this process was finally agreed upon and accepted by the board, by local officials, by State officials, and Federal officials, as being and described as being an exemplary and innovative approach to disposal of spoil.

The gentleman from California referred to that. This was followed by letters of approval signed by Barbara Broom of EPA, dated September, 1978, in which it was described as the environmentally preferred process. I have here before me letters from the Corps of Engineers signed by General Morris, who, of course, is the Chief, of May 1978. I have a letter from the Fish and Wildlife Service, Lynn Greenwalt, also saying that it was an environmentally acceptable way to do this project.

As far as some recent discovery that might conflict in some way with the London Ocean Dumping Convention, that convention was December 29, 1972. It seems like this is something that has come up out of the blue. After all the efforts we have put into this project, and because of the delays, I might add, to meet the environmental concerns, the cost of the project is almost really more than doubled.

I urge my colleagues to approve this project, which is a multiple-use project, which benefits a lot of people with jobs, and the economy of the area. All I can see this amendment doing is delaying the project further, and adding more to the costs.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have some questions on something I would like to know for myself in this regard. If I could have the attention of the chairman of the subcommittee, the chairman said this is not going to break any international laws or any ocean convention. I am not arguing for or against the amendment, but I think it is important that the House know this.

Do I understand it correctly that if this is found to be in violation of the London Ocean Dumping Convention or international law, that it is not the intent of the Congress here to say that it is our intent to go ahead and break that law, mandating breaking the law?

☐ 1320

Mr. ROBERTS. Certainly there is no exemption here from the ocean dumping treaties.

Mr. BEDELL. I understand that, and I understand the problem involved. I am sympathetic with the problem the gentleman has in getting EPA approval. My concern is are we legislating at this time and are we saying that we are mandating that if it is found that we are in violation of international law that we are supposed to go ahead and violate that convention?

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. I thank the gentleman for yielding. I appreciate the gentleman's point, but the Constitution of the United States provides that the treaties of the United States are the supreme law, as is a constitutional provision. Therefore, if anything we do here is in violation of treaty law of the United States, it would be overridden by the treaty and, therefore, could not be done That is a matter of standard law, and I do not see that as a real issue.

Mr. BEDELL. If the gentleman will yield further, it was not a point; it was a question. I was trying to find out. So apparently the gentleman is saying if, indeed, that is a requirement in the treaty to which we are signatory we are not to go ahead and violate the treaty.

Mr. ROBERTS. That is correct.

Mr. Chairman, I request a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Edgar).

The amendment was rejected.

The CHAIRMAN. Are there additional amendments to title I?

### AMENDMENT OFFERED BY MR. DAVIS OF MICHIGAN

Mr. DAVIS of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Davis of Michigan: Page 94, line 8, insert after "Neebish," the following: "Lime, Sugar,".

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Michigan. I yield to the gentleman from Texas.

Mr. ROBERTS. I thank the gentleman for yielding. The gentleman showed us a copy. It adds the two islands that were not named. They are covered, but they were not named. Certainly they were intended to be included, and we have no objection to them on this side.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Michigan. I yield to the gentleman from California.

Mr. CLAUSEN. I thank the gentleman for yielding.

The minority has no objection to the suggested amendment.

Mr. DAVIS of Michigan. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Davis).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title I? If not, the Clerk will designate title II.

Title II reads as follows:

## TITLE II—WATER RESOURCES STUDIES

Sec. 201. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare and submit to the Congress feasibility reports on the following water resources projects.

### GRAYS HARBOR, WASHINGTON

The project for navigation at Grays Harbor, Washington, at an estimated cost of $1,000,000.

### REDBANK AND FANCHER CREEKS, CALIFORNIA

The project for improvements on Redbank and Fancher Creeks, California, at an estimated cost of $325,000.

### SACRAMENTO SHIP CHANNEL, CALIFORNIA

The project for navigation on the Sacramento River, California, from San Francisco Bay to the Port of Sacramento. The Chief of Engineers is authorized to undertake detailed engineering and design for the project after completion of the feasibility report, at an estimated cost of $750,000. Such detailed engineering and design may be undertaken only after such feasibility report has been transmitted to the Secretary of the Army.

### ASHTABULA HARBOR, OHIO

The project for Ashtabula Harbor, Ohio: Enlargement of the turning basis known as area G by extending it eastward not more than five hundred feet and northward to within one hundred and fifty feet of the United States east breakwater, at an estimated cost of $365,000.

### CRESCENT CITY HARBOR, CALIFORNIA

The project for harbor improvement at Crescent City, Del Norte County, California, for deepening and maintaining a twenty-foot channel in the outer harbor area, including a connecting channel between the harbor entrance and the outer basins and the inner harbor, and a sixteen-foot channel between the inner harbor and the inner boat basin and establishment of a sixteen-foot channel in the vicinity of the fish boat harbor, at an estimated cost of $620,000.

### TENKILLER FERRY LAKE, OAKLAHOMA

The project for Tenkiller Ferry Lake, Arkansas River, Oklahoma: Construction of treatment facilities and a regional conveyance system of water from Tenkiller Ferry Lake, at an estimated cost of $1,000,000.

### ENGLEWOOD LAKE, OKLAHOMA

The project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas: For the Englewood Lake project, Oklahoma, at an estimated cost of $1,100,000.

### WILMINGTON HARBOR, NORTHWEST CAPE FEAR RIVER NORTH CAROLINA

The project for navigation at Wilmington Harbor, Northeast Cape Fear River, North Carolina, including consideration of reimbursement of non-Federal interests for costs of deepening that part of the Cape Fear River between Castle Street and United States Highway 133 bridge, at an estimated cost of $200,000.

### RICHARD B. RUSSELL DAM AND LAKE (PUMPED STORAGE), GEORGIA AND SOUTH CAROLINA

The project for the Richard B. Russell Dam and Lake (formerly Trotters Shoals Reservoir), authorized by section 203 of the Flood Control Act of 1926 (80 Stat. 1405) to include pumped storage facilities, at an estimated cost of $900,000.

### MONONGAHELA RIVER, PENNSYLVANIA

Lock and dam numbered 7 (Grays Landing) and lock and dam numbered 8 (Point Marion) replacement, at an estimated cost of $1,200,000.

Sec. 202. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare a feasibility report of treatment facilities and a regional conveyance system for water from Kaw Lake, Oklahoma, at an estimated cost of $1,000,000. The Secretary, acting through the Chief of Engineers, upon completion of such report is further authorized to construct treatment facilities and conveyance facilities to treat and convey water from Kaw Lake to the town of Stillwater, Oklahoma, at a cost not to exceed $27,000,000, with repayment of such construction costs and associated operation and maintenance costs to be made to the Federal Government in accordance with the provisions of the Water Supply Act of 1958 (Public Law 85–500).

Sec. 203. The Secretary of the Army, acting through the Chief of Engineers, is authorized to prepare a feasibility report of the project for water supply within the New York metropolitan area, substantially in accordance with the recommendations of the Chief of Engineers in the report dated March 28, 1979, titled Northeastern United States Water Supply Study. Such report shall also include an interim report on stage I, New York City water tunnel numbered 3, which shall be submitted to Congress as expeditiously as possible. Such interim report shall include a review of the detailed engineering plans for such tunnel which plans were prepared for the City of New York. Nothing in this section shall be construed as authorizing either the study or construction of any facility which would have, directly or indirectly, any effect on the water supply (including underground water) of Suffolk and Nassau Counties, New York. There is authorized to be appropriated to carry out the feasibility report authorized by this section not to exceed $10,000,000. There is also authorized to be appropriated not to exceed $25,000,000 for work necessary to preserve and prevent deterioration of work and facilities accomplished on such tunnel by the City of New York. Any funds expended for such purpose shall be repaid to the United States in accordance with the provision of the Water Supply Act of 1958.

Sec. 204. The Secretary of the Army, acting through the Chief of Engineers, shall, in cooperation with other departments, agencies, and instrumentalities of the United States, and with State and local governments, determine the extent of shoreline erosion damage in the United States causally related to the regulation of the waters of Lake Superior by the International Joint Commission—United States and Canada, in response to an emergency application by the United States made on January 26, 1973, and to report to Congress, not later than the end of the second year following the initial appropriation to carry out this section, the results of such survey, together with recommendations of a methodology for, and a determination of, the cost of indemnifying individual shoreline property owners, and a recommended schedule for such indemnification. There is authorized to be appropriated to carry out this section not to exceed $2,130,000.

Sec. 205. Section 142 of the Water Resources Development Act of 1976 (Public Law 94–587) is amended by inserting immediately after "Napa," the following: "San Francisco, Marin,".

Sec. 206. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare and submit to Congress feasibility reports on the following water resources projects at the following locations:

Homochitto and Buffalo Rivers, Saint Catherine and Coles Creeks, Bayou Pierre, and other major tributaries draining into the Mississippi River between Bayou Pierre and the Buffalo River, Mississippi, to recommend remedial measures for flood control, bank stabilization, sedimentation, and related purposes.

Saint Francis Lake and Floodways in Poinsett County, Arkansas, for flood control and allied purposes.

Halifax River, Florida, to recommend remedial measures for improvement of the quality of water and related land resources with particular emphasis on the feasibility of modifying impediments interfering with the river's flow.

Illinois River in the vicinity of Hardin, Illinois, to recommend remedial measures for bank stabilization.

Kuskokwim River at Bethel, Alaska, feasibility of erosion control improvements. A report on this study shall be submitted to Congress not later than two years following the date of enactment of this Act.

Kinnickinnic River, Milwaukee County, Wisconsin, for flood control and allied purposes.

Sec. 207. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare a feasibility report, of northeast Texas, including, but not limited to, Grayson, Collin, and Denton Counties, to determine the need for storage of water in single and multiple-purpose projects required to meet anticipated demand in the region, at an estimated cost of $5,000,000. Such study shall include consideration of treatment facilities and such regional conveyance systems, as necessary, and the interconnection of existing and proposed water storage projects.

Sec. 208. The Secretary of the Army, acting through the Chief of Engineers, is authorized to conduct a study, at an estimated cost of $135,000, of the feasibility of redeveloping the hydroelectric capacity of the Jackson Mills Dam and the Mines Falls Dam at Nashua, New Hampshire.

SEC. 209. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the detailed engineering and design for a flood control project at Milton, Pennsylvania, including, but not limited to, final construction plans at a cost not to exceed $2,500,000.

SEC. 210. (a) The Secretary of the Army, acting through the Chief of Engineers, shall prepare a feasibility report on the enlargement of the navigation project for Galveston Harbor and Channel, Texas. Such report shall include the costs and benefits of improvements initiated by local interests after the date of enactment of this section which the Chief of Engineers determines are compatible with and constitute an integral part of his recommended plan.

(b) Upon approval by the Congress of such report, the Secretary of the Army, acting through the Chief of Engineers, shall reimburse the local interests, in accordance with subsection (d) of this section, for the funds expended to construct such portions of the projects as are included in the approved project, if prior to such construction the detailed plans and specifications of such portions of such project were approved by the Chief of Engineers, if during such construction the Chief of Engineers inspected the work in progress, and if, after such project has been approved by Congress and after such construction has been completed, the Chief of Engineers approves such construction as in accordance with the approved project.

(c) The cost of work for which reimbursement is authorized by this section shall be determined in accordance with section 8(a) (2) of the Act of March 2, 1919 (33 U.S.C. 624).

(d) The Federal share of the cost of work for constructing the harbor and channel improvements authorized for reimbursement by this section shall be as follows:

(1) 100 per centum of the cost of a forty-foot or shallower project depth.

(2) 80 per centum of the cost of a forty-one- through forty-five-foot project depth.

(3) 66⅔ per centum of the cost of a forty-six- through fifty-foot project depth.

(4) 50 per centum of the cost of a fifty-one-foot or deeper project depth.

(e) The authorization to reimburse local interests contained in this section shall expire three years from the date of enactment of this section unless local interests begin construction of any portion of the project which is included in the approved project within such three-year period.

(f) Notwithstanding any other provisions of this section, the total authorization to carry out this section shall not exceed $25,000,000.

SEC. 211. (a) The Secretary of the Army, acting through the Chief of Engineers, shall prepare a feasibility report on the enlargement of the navigation project for Brazos Island Harbor, Texas. Such report shall include the costs and benefits of improvements initiated by local interests after the date of enactment of this section which the Chief of Engineers determines are compatible with and constitute an integral part of his recommended plan.

(b) Upon approval by Congress of such report, the Secretary of the Army, acting through the Chief of Engineers, shall reimburse the local interests, in accordance with subsection (d) of this section, for the funds expended to construct such portions of the project as are included in the approved project, if prior to such construction the detailed plans and specifications of such portions of such project were approved by the Chief of Engineers, if during such construction the Chief of Engineers inspected the work in progress, and if, after such project has been approved by Congress and after such construction has been completed, the Chief of Engineers approves such construction as in accordance with the approved project.

(c) The cost of work for which reimbursement is authorized by this section shall be determined in accordance with section 8(a) (2) of the Act of March 2, 1919 (33 U.S.C. 624).

(d) The Federal share of the cost of work for constructing the harbor and channel improvements authorized for reimbursement by this section shall be as follows:

(1) 100 per centum of the cost of a forty-foot or shallower project depth.

(2) 80 per centum of the cost of a forty-one-through forty-five-foot project depth.

(3) 66⅔ per centum of the cost of a forty-six-through fifty-foot project depth.

(4) 50 per centum of the cost of a fifty-one-foot or deeper project depth.

(e) The authorization to reimburse local interests contained in this section shall expire three years from the date of enactment of this section unless local interests begin construction of any portion of the project which is included in the approved project within such three-year period.

(f) Notwithstanding any other provision of this section, the total authorization to carry out this section shall not exceed $25,000,000.

SEC. 212. The last sentence of subsection (d) of section 167 of the Water Resources Development Act of 1976 (Public Law 94-587) is amended by striking out "and 1979." and inserting in lieu thereof a comma and the following: "1979, 1980, and 1981.".

SEC. 213. The Secretary of the Army, acting through the Chief of Engineers, shall conduct a study of the feasibility of completing the authorized and partially constructed La Farge Dam project, Kickapoo River, Wisconsin, for flood control and allied purposes, without a permanent pool for recreation and conservation purposes at an estimated cost of $200,000.

SEC. 214. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to study, the siltation problems on the Mississippi River upstream of River Mile 327, At Quincy Bay, Broad Lake, including the access channel thereto, and Triangle Lake areas located in the vicinity of Quincy, Illinois, with a view toward determining the feasibility of alleviating immediate and long-term siltation problems in the interest of navigation, environmental quality, water quality, recreation, fish and wildlife, and other such water resource needs, at an estimated cost of $183,000. Such study shall be conducted in cooperation with interested Federal and State agencies. The Secretary of the Army, acting through the Chief of Engineers, shall report thereon to the Congress with his recommendations, to include proposed items of non-Federal cooperation with three years of the initial funding for the study.

SEC. 215. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to make studies in cooperation with the governments of the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands for the purposes of providing plans for the development, utilization, and conservation of water and related land resources of such Territory and Commonwealth, at an estimated cost of $2,000,000 for each of the two studies. Such studies shall include appropriate consideration of the needs for flood protection, wise use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water management facilities systems, general recreation facilities, enhancement and control of water quality, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, economic and human resources development, and shall be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies.

SEC. 216. The Secretary of the Army, acting through the Chief of Engineers, shall make such studies as may be necessary to determine the feasibility of measures to prevent and abate streambank erosion along the Tensaw River, Alabama, in order to protect Blakeley, Alabama, listed on the National Register of Historic Places from such erosion, at an estimated cost of $200,000. Such studies shall be made in consultation with the Historic Blakeley Foundation. The Secretary of the Army, acting through the Chief of Engineers, shall report the results of such studies to Congress, together with recommendations.

SEC. 217. The Secretary of the Army, acting through the Chief of Engineers, shall prepare a feasibility report on treatment, conveyance, and distribution facilities for water in Buffalo, New York, at an estimated cost of $2,000,000. Such feasibility report shall include a review of the plans and recommendations for pumping facilities and for sludge treatment and disposal facilities prepared for the city of Buffalo. The Secretary, acting through the Chief of Engineers, upon completion of such report is further authorized to construct or recontruct pumping facilities and treatment and filtration (including sludge treatment and disposal) facilities at a cost not to exceed $14,400,000, with repayment of such construction costs to be made to the United States in accordance with the provisions of the Water Supply Act of 1958 (Public Law 85-500).

SEC. 218. (a) The Secretary of the Army, acting through the Chief of Engineers, shall make a study of the possibility of rehabilitating the hydroelectric potential at former industrial sites, millraces, and similar types of facilities already constructed, of the possibility of converting such sites for use as new, small hydroelectric projects, and of expediting the licensing of such projects. The Secretary of the Army, acting through the Chief of Engineers, shall also provide technical assistance to local public agencies and cooperatives in any such rehabilitation at sites studied or qualified for study under this section.

(b) There is authorized to be appropriated to carry out this section, $5,000,000 per fiscal year for the fiscal years ending September 30, 1981, September 30, 1982, and September 30, 1983.

SEC. 219. (a) The Congress declares that there is a national interest in the development of new water supplies, on an economical basis, for domestic, municipal, industrial, and other public purposes through Federal construction of single and multiple purpose water supply projects.

(b) In carrying out a policy to encourage a more efficient use and adequate supply of water as a way to benefit municipal, industrial, and agricultural development, wetland preservation, fish and wildlife protection, and other national purposes, the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to survey, plan, and recommend to the Congress for construction, single and multiple purpose water supply projects needed to meet existing and anticipated future demand, including treatment, conveyance, and distribution facilities, consistent with the policies set forth in this section. No such survey shall be undertaken unless approved by resolution of the Committee on Endowment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(c) The costs allocated to water supply, treatment, conveyance, and distribution in any such project shall be repaid by the water users to the United States over a period not to exceed fifty years, with interest at the rate specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85-500).

(d) The Secretary of the Army, acting through the Chief of Engineers, is authorized to recommend modified cost-sharing and repayment schedules for that portion of the water supplied under this section to a municipal system serving a rural community, whether incorporated or unincorporated, with a population of less than fifteen thousand, which is not part of a larger population center.

SEC. 220. (a) The Secretary of the Army, acting through the Chief of Engineers, shall investigate and study the feasibility of utilizing the capabilities of the United States Army Corps of Engineers to conserve wildlife (including their habitats) where such wildlife is indigenous to the United States, its possessions, or its territories, and may be expected to be adversely affected by action or proposed action of a Federal agency. The scope of such study shall include the use of engineering or construction capabilities to create alternative habitats, or to improve, enlarge, develop, or otherwise beneficially modify existing habitats of such wildlife. The studies shall be conducted in consultation with the Director of the Fish and Wildlife Service of the Department of the Interior, and the Director of the National Marine Fisheries Service of the Department of Commerce, and shall be transmitted by the Secretary of the Army to Congress, together with the findings, conclusions, and recommendations of the Chief of Engineers.

(b) The Secretary of the Army, acting through the Chief of Engineers, is further authorized to conduct demonstration projects of alternative or beneficially modified habitats for wildlife. There is authorized to be appropriated not to exceed $10,000,000 to carry out such demonstration projects. Such projects shall be developed in consultation with the Director of the Fish and Wildlife Service and the Director of the National Marine Fisheries Service.

SEC. 221. The Secretary of the Army, acting through the Chief of Engineers, is authorized to make a nationwide study and appraisal of the nature and scope of the Nation's flood problems and the effectiveness of existing programs, both structural and nonstructural, in reducing losses from floods, at an estimated cost of $1,200,000, and to report thereon to Congress within three years with recommendations on proposed modifications to existing laws and policies to improve the overall effectiveness of the nationwide efforts to reduce such losses. In the conduct of this study particular attention should be given to flood problems existing in highly developed urban watersheds and their relationships to local storm drainage and pollution control measures.

AMENDMENTS OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. ROBERTS: Page 97, strike out lines 7 and 8, and insert in lieu the following:

The project for improvements on Redbank and Fancher Creeks, California. The Chief of Engineers is authorized to undertake detailed engineering and design for the project after completion of the feasibility report, at an estimated cost of $575,000. Such detailed engineering and design may be undertaken only after such feasibility report has been transmitted to the Secretary of the Army.

Page 100, lines 6 and 7, strike out ", substantially in accordance with the recommendations", and insert in lieu thereof the following: "for the purpose of reexamining the conclusions and recommendations".

Page 100, line 9, after the period, insert the following new sentence: "Such report shall include, but not be limited to, a reassessment of the water deficit for the study area and a reassessment of the possibilities for environmental quality plan alternatives to the Hudson River Diversion Project.".

Page 110, line 23, insert "in the conservation of existing water supplies and" after "interest".

Page 111, line 1, insert "through Federal construction and assistance in the repair and improvement of existing water supply systems and" after "purposes".

Page 111, line 9, strike out "for construction, single and multiple purpose water supply projects" and insert in lieu thereof "(1) projects for construction and assistance in the repair and improvement of existing water supply systems (including, but not limited to, demand-reducing techniques), and (2) projects for the construction of single and multiple purpose water supply systems".

Page 113, after line 19, insert the following:

SEC. 222. The Secretary of the Army, acting through the Chief of Engineers, shall prepare feasibility reports on treatment, conveyance, and distribution facilities for water in Berlin, New Hampshire, and Rochester, New Hampshire, at an estimated cost of $1,000,000. The Secretary of the Army, acting through the Chief of Engineers, upon completion of such reports, is further authorized to construct treatment and conveyance facilities for such communities at an estimated cost of $10,000,000.

SEC. 223. The Secretary of the Army, acting through the Chief of Engineers, shall prepare a feasibility report of the metropolitan Boston, Massachusetts, area (including, but not limited to, Suffolk, Norfolk, and Middlesex Counties) to determine the need for repair, improvement, and expansion of existing treatment, conveyance, and distribution facilities for water to meet anticipated demand in such area, at an estimated cost of $5,000,000.

Mr. ROBERTS. Mr. Chairman, I will try not to take the full 5 minutes because we want to move along and we have a pretty good chance of finishing this up this evening. Basically, title II has five projects: Authorization for the Corps of Engineers to undertake advanced engineering and design for the Red Bank-Fanchers Creeks in California, subject to the completion of the feasibility study. The big departure in this section is that we are moving ahead to get some experience on water supply projects. There are two projects here for Boston. There is one project for New York City, and there is a project for Cleveland.

I want to read a telegram into the RECORD from the mayor of New York. It says:

DEAR CHAIRMAN ROBERTS: Today the House of Representatives will consider H.R. 4788, the Water Resources Development Act of 1979. Section 203 of this bill authorizes a 25 million dollar loan for work necessary to preserve and prevent deterioration of work and facilities accomplished on stage one of the 3rd city water tunnel in New York.

As I testified in April of last year, the distribution system for the city's water supply depends heavily on the existing 2 water tunnels, one of which is more than 60 years old and the other in excess of 40. We have simply not been able, given existing technology to examine the condition of the tunnels, while they are in use, prudence dictates, however, that where the consequences of failure are so great due caution must be exercised.

New York City has been well aware of its responsibility in this area. A quarter of a century ago, its 8 million residents made a commitment to avoiding such a catastrophe by conceiving the 3rd city water tunnel. After study and planning, a determination was made to go ahead with construction of what was projected to be the largest nonfederally funded public works project in the world. The start was made, the city's resources committee and more than 250 million expended.

On behalf of the more than 8 million people I count as my constituents and on behalf of the many millions more who depend on the viability of the city that you consider in a favorable light this appeal to complete the 3rd city water tunnel. I would like to thank the chairman and the committee for the time and attention given to this matter which is of the utmost importance to the city of New York.

Sincerely,

EDWARD I. KOCH,
*Mayor, City of New York.*

Mr. Chairman, the situation is in some of the older cities, particularly in the East, where the water supply systems are so old that we are unable to employ the necessary water conservation. As a matter of fact, in New York City the estimated loss is over 100 million gallons of water a day due to the leakage of the old systems. They are so overcrowded, however, that neither one can supply New York City, and they cannot shut the other one down for maintenance.

We also propose for the preparation of a feasibility report to determine how to get into the repair, improvement, and expansion of water treatment facilities in the city of Boston, another similar case.

Mr. Chairman, a lot of people think we ought to jump out and have a $5 billion water supply program. We, frankly, do not have that experience. Rather than diving in over our heads, we have some demonstration projects scattered over the country, about five of them. We think this is the way to go about it, and I urge support for the amendments.

Mr. CLAUSEN. Mr. Chairman, I rise in support of the amendments.

Mr. Chairman, as the distinguished chairman of our Water Resources Subcommittee, the gentleman from Texas (Mr. ROBERTS), has stated, the thrust of the amendments is directed toward the establishment of some demonstration projects in the area of water supply. As you know, the committee itself over the years has done its level best to go out into the country and hold hearings, most of which commence as a result of a request from Members of Congress, in order to get a measure of the water-related problems that exist, and whether or not the legislation of the Public Works Committee ought to be moving in the direction of trying to address some of these problems.

□ 1330

As a result of the hearings held in Philadelphia, Buffalo, and New York City, it was clearly evident that there are some very pressing water-supply problems that need to be addressed. It was very vividly pointed out to the committee in a committee hearing in New York City that was requested and organized by our distinguished committee member, the gentlewoman from New York (Ms. FERRARO), who is a member of the committee and who put together a well-coordinated hearing to give us a basis of information that we could not have attained had we not gone to the city of New York.

The same is true of Boston and, quite frankly, the whole of the infrastructure of our water-distribution systems indicates that there are problems that will have to be addressed.

The amendment of the committee that is being offered to this title adds clarifying language to section 219 of the bill to further explain what types of projects are meant to be covered by that section's general authority.

As many of my colleagues know, section 219 makes a declaration of Federal interests in the development of single- and multiple-purpose water supply projects.

The language which the Committee on Public Works would like to add to section 219 does not, in my opinion, substantively change the reach or the effect of that section. Rather, it merely makes clear what was always meant to be included within the scope of the language of section 219, that conservation of water supply is important and must not be overlooked, particularly in places like the Northeast where the enormous amounts of water are presently being lost due to the badly deteriorated condition of comparatively ancient delivery systems, which I alluded to before, and the Federal Government must give consideration to assisting in the repair and improvement of the deteriorated systems.

Mr. Chairman, the Committee on Public Works and Transportation did hold these in-depth hearings last spring that I referred to and I believe that, as a result, the committee as a whole feels very strongly that these initiatives are vitally important to the Nation.

Mr. Chairman, we were the ones who moved out ahead of all of the administrations in the past in addressing the clean-water programs and the pollution problems of the Nation.

Mr. Chairman, I can remember back in the 1960's when, as an example, we found that the authorization level in 1968 was at about $1 billion for the clean-water program. The funding level was about $250 million.

In the late 1960's and early 1970's the executive branch, working in concert with the Congress, did move forward in a cooperative manner to address in a most responsible manner the requirements of water pollution, and I really believe that we are moving now toward realizing what I think that all Americans believe is a necessary national objective; namely, to have the cleanest possible water obtainable consistent with environmental, economic, and social factors.

I perceive, with the involvement we have had in the waste water management programs in the country that there may very well come a time, as we move in the direction of adding water supply and water conservation objectives, we need to look at an integrated arrangement for all water issues—quantity and quality.

### AMENDMENT OFFERED BY MR. HARSHA TO THE AMENDMENTS OFFERED BY MR. ROBERTS

Mr. HARSHA. Mr. Chairman, I offer an amendment to the amendments.

The Clerk read as follows:

Amendment offered by Mr. HARSHA to the amendments offered by Mr. ROBERTS: At the end of section 222 as proposed to be added to the bill by the Committee amendment, insert the following new sentence: "The costs of construction shall be repaid to the Federal Government over a period of fifty years after completion of construction of the water supply system. The first annual payment shall be a minimum of 0.1 per centum of the total amount to be repaid. The annual payments shall be increased by 0.1 per centum each year until the tenth year at which time the payment shall be 1 per centum of the total principal amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment (including interest over such five-year period) at the rate specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85-500).".

Mr. HARSHA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. EDGAR. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk concluded the reading of the amendment.

Mr. HARSHA. Mr. Chairman, this amendment is simply an amendment to put this particular project on a payback basis. The amendment is to require the non-Federal sponsor of the Berlin and Rochester water supply projects authorized in the committee amendment to repay the Federal investment in accordance with terms and interests of the Water Supply Act of 1958. This amendment would conform the authorization to the other water supply initiatives in this legislation, all of which require repayment to the Federal interests.

One feature of the amendment, Mr. Chairman, provides that the non-Federal sponsors may choose to defer interest payments during the first 10 years after completion of construction, provided that the non-Federal sponsors agree to repay such deferred payments in equal installments over the remaining 40 years. There will be no additional interest on any deferred payments, of interest or principal.

Mr. Chairman, this amendment is supported by the author of this legislation, or this particular section in the bill and I understand it is supported by the distinguished chairman of the subcommittee, the gentleman from Texas (Mr. ROBERTS). It is acceptable to our side and I urge its adoption.

Mr. EDGAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are launching off in the bloc amendments to title II in an area of consideration which is very vital and very important to our Nation. I am not going to object to or vote against either the amendment of my colleague, the gentleman from Ohio (Mr. HARSHA), to pay back some portion of the water supply and conveyance system or the several study amendments that have been provided by our committee.

Mr. Chairman, I would, however, like to mention this is a moment of departure into an area of vital importance for the 1980's and 1990's. We are about to begin to look at, very critically and carefully, what Federal role, what Federal responsibility we have in the creation of water treatment and conveyance systems, nationally.

Mr. Chairman, a group I chair called the Northeast-Midwest Congressional Coalition, in conjunction with a group of Governors and several other groups, did a study of older industrial cities and their infrastructure problems, particularly as they relate to water. I know there are several amendments in this legislation to provide help to places like Buffalo, New York City, Boston, and places in the South and West who have a terrible problem with water treatment and conveyance systems.

Mr. Chairman, I am not going to offer any amendments to delete any of those projects because I think the Members who have offered them have put forth worthy arguments of need. I simply caution the House that as our chairman has indicated this is a first toe in the water, a first step that will initiate what Federal role and responsibility we will have far down into the distant future.

Many of us who live in North, South, East, and West in older industrial cities who put their water delivery and treatment centers in place 75, 100, 125 years ago, recognize that we, in fact, have to have a responsible role in rehabilitation, reconstruction, and renewal of those systems in many of our populated as well as our not so populated areas of the country.

Mr. Chairman, I would hope that as the debate and dialog proceed this afternoon and on into future debates on this very issue, that we talk about such things as what the Federal role should be; how does the community set up a system where it can qualify. What about the small community of 50,000 who may not have the political clout of a larger community of several million; will they, in fact, have access?

□ 1340

What about the larger communities that may not have persons who serve adequately on either the authorizing or appropriation committees that have jurisdiction?

Also, what kinds of criteria do we want to raise? Do we want to mandate that if we have limited funds, let us say $2 billion is available for water treatment and conveyance systems, that first priority be to renovation and reconstruction.

I commend the committee for accepting the amendment that was put forward last week to use the word "repair" as one of the vital parts of this particular language, because I think renovation and reconstruction of existing systems do have some priority in issues relating to water conveyance and delivery.

Second, we might want to focus on the issue of water conservation. Should there be some Federal responsibility in asking communities that come to us for help to, in fact, participate in some water conservation water priorities within their own communities.

Finally, there are probably a whole host of other questions that I have not raised, that perhaps the demonstration projects we are putting in this bill will be the first steps in helping us discover what is, in fact, an adequate criteria for Federal water policy. I would caution all of us that it would not be good policy if 5 years from now we were back on the House floor simply placing water treatment and conveyance systems in legislation like this without the kind of proper criteria I have outlined.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

(At the request of Mr. ERLENBORN and by unanimous consent, Mr. EDGAR was allowed to proceed for 2 additional minutes.)

Mr. ERLENBORN. Mr. Chairman, let me ask the gentleman if during the hearings before the gentleman's committee some of the questions that I think obviously have to be raised and asked were answered on the basis of any testimony before the gentleman's committee?

For instance, when we addressed the problem of sewage treatment facilities some years ago and Federal help to the local communities, we continued to rely upon private engineering firms, private construction firms to provide those services. In the approach we have in the bill today, we are going to let the Corps of Engineers provide the engineering and do the construction. That is the first question I would like to ask, if there is any evidence before the gentleman's committee that it is wise to move engineering and construction to the public sector.

Mr. EDGAR. We had adequate and somewhat extensive hearings before our committee, but I would like to defer to our chairman for a response to exactly the content of the hearings.

Before I defer, I would like to make this point. The gentleman raises a good point and it ought to be part of a national water criteria. I will not use the word policy, but criteria, in evaluating and judging different water treatment and conveyances systems, the very question the gentleman raises.

Mr. ERLENBORN. Mr. Chairman, if the gentleman will yield further, I would like to put another question or two and the chairman could then answer.

Mr. EDGAR. Surely, I yield further.

Mr. ERLENBORN. That is only my first question.

The second question is, is financing to be made out of our Treasury to be repaid over a 50-year period really much different than a grant in today's economy?

Is it wise to choose these programs on an ad hoc basis, rather than to have a State-by-State allocation of what are admittedly limited resources and then to have the funds decided to be spent in one community or another within the State according to the most pressing needs?

I see all these things as paralleling what we did with sewage treatment. I think that ought to be a good guide for us. Instead, we seem to be choosing this ad hoc basis on an altogether different route.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has again expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. Mr. Chairman, I yield to the chairman for a response to those questions.

Mr. ROBERTS. Mr. Chairman, as far as what the gentleman said, I am somewhat surprised. Of course, the Corps of Engineers does not do everything inhouse. They contract a substantial portion of the engineering and they contract the construction. As far as the payback provisions, the Government gets its money back. The United States has the facility as an asset, and it costs the Federal Government nothing. I think certainly these towns cannot afford to pay it. Let us take the gentlewoman from New York. We will talk in a few minutes about New York City.

Mr. Chairman, there is another matter I wish to address at this point. Earlier the House adopted an amendment offered by the gentleman from Illinois (Mr. MICHEL) relating to escalation of costs of Corps of Engineers water resources projects. I offered no objection to that amendment on the grounds that it simply restated existing law and procedures. The gentleman from Illinois himself confirmed this.

On August 20, 1951, the Committee on Public Works of the House of Representatives adopted a resolution authorizing the chairman of the committee to appoint a special subcommittee to study the policies, practices and procedures in connection with the authorization and construction of river and harbor and flood control projects.

In connection with the hearings and investigation of the special subcommittee, the Chief of Engineers prepared and submitted a report of the Federal civil works program as administered by the Corps of Engineers. That report is printed as House Document No. 272, part I, volume 3, of the 82d Congress. In that report the Chief of Engineers set forth his interpretation of the corps' authority for modification of projects. The committee and the corps have followed this interpretation since that time. The amendment offered by Mr. MICHEL is accepted with the understanding that it constitutes a restatement, in law, of the interpretation of allowable modifications of an authorized project set forth in the referenced report of the chief of engineers. The relevant portion of that report is as follows:

> 5. AUTHORITY FOR MODIFICATIONS
>
> Favorable survey reports submitted to Congress by the Corps of Engineers usually recommend authorization of a certain improvement subject to such modifications as in the discretion of the Chief of Engineers may appear advisable. The Corps of Engineers recognizes that such permission to alter authorized projects is an important delegation of authority, and has attempted to exercise that privilege carefully. The Corps classes such permissible modifications in two categories:
>
> a. Those necessary for engineering or construction reasons to produce the full usefulness of the improvement envisioned by Congress, such as shifting a dam from one site to a more adequate nearby site; changes in storage capacity or allocation of a reservoir to ensure its optimum performance for all interests; changes in channel alinement as indicated by more detailed surveys; or change from a concrete to an earth dam, or vice versa, as dictated by more complete foundation explorations or the relative availability and cost of construction materials.
>
> b. Moderate extensions of authorized project limits, such as levee extensions to protect developing urban areas or increasing the size of locks to meet changing requirements of navigation. Such changes are considered to be those required to meet changing engineering or economic conditions, and within the intent of Congress in authorizing the project.
>
> On the other hand, the Corps considers it necessary to bring project modifications to the attention of Congress for specific action whenever such modification will—
>
> a. Materially alter the scope or function of the project.
>
> b. Materially change the authorized plan of improvement.
>
> c. Involve special circumstances unknown to the Corps and to Congress when the project was authorized.

I also wish to point out that there is nothing in the gentleman's amendment which in any way takes away the Corps of Engineers' authority to add the purposes of water supply under the provisions of the Water Supply Act of 1958 and of recreation under section 4 of the Flood Control Act of 1944 and the Federal Water Project Recreation Act of 1965. Purposes added under these acts of course, do not constitute material changes to a project.

Finally, I wish to express my understanding that the costs cited in the gentleman's amendment as the maximum base costs were estimated and developed at various times, and it is from the time of original estimation and development of these costs that the cost escalation provisions in the amendment are to be computed.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, to further respond to the gentleman, this is precisely the reason why the committee chose not to go launching out into a major national program, because I have the same concerns as the gentleman has; but as the chairman stated, the bulk of the engineering is coordinated through the Corps of Engineers, but actually contracted out to the private engineering organizations.

I never want to lose that kind of diverse and competitive engineering experience that is there in the private sector. For that reason, we felt there were certain areas where we could gain experience on a demonstration project basis before we move out and launch anything in the way of a major national program.

As a matter of fact, knowing how the Congress operates with the kinds of regional factionalism that has developed over the years, I think that we would be well advised to take a hard look down the track to some sort of a State allocation arrangement; but structuring it along the lines of our successfully administered clean water program.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for those comments.

If I could just close on one focus. The chairman has mentioned that in one city we were talking about $12 billion of expense. It was the evaluation of our study in the Northeast-Midwest region that we are talking about really major commitments of dollars if the Federal Government moves in this direction. I am just cautioning, as the gentleman has done in his questioning, that as we move the next step beyond the demonstration projects in this bill that we have at that point developed some criteria that will enable us to move out into the 1980's and 1990's with a Federal commitment, with a payback, with water conservation as a major mechanism within these particular provisions.

Mr. Chairman, I thank the gentleman for his questions.

Mr. NOWAK. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New York.

Mr. NOWAK. Mr. Chairman, I rise in support of H.R. 4788, the Water Resources Development Act of 1979. This bill contains many significant and innovative provisions designed to meet this Nation's water and related resources needs in a responsible and balanced manner. I would like to comment on several important sections of this bill which hold great promise for the Buffalo area.

Section 101 of the bill provides authorization for a $1.67 million flood control project for Cazenovia Creek Watershed, N.Y. Flooding has long been a problem in the Cazenovia Creek Basin. Damaging floods along the creek generally occur during late winter and early spring when major runoff events from snowmelt and rainfall on frozen ground frequently combine with ice-jam conditions.

This project will provide for the installation of an ice retention structure on Cazenovia Creek about a mile upstream of Union Road in West Seneca to prevent flooding in the area.

Another important provision of the bill, section 316, modifies the project for Sandridge Dam and Reservoir, Ellicott Creek, N.Y. This section authorizes the Corps of Engineers to construct a combination of channel enlargement work and diversion channels in lieu of the authorized multiple-purpose reservoir.

Flooding on Ellicott Creek, caused by melting snow coincident with moderate rain usually occurring in late winter or early spring damages rural properties in the upsteam reaches and urban properties in Williamsville, Amherst, and Towanda. Along with the need for flood damage reduction, there exists a need for additional recreational facilities, including parks and trails, to satisfy the increasing demands of the rapidly developing areas.

Section 367 of the bill modifies the navigation project for the Buffalo Ship Canal, N.Y., which authorizes the Corps of Engineers to restore the South Michigan Avenue Bridge over the canal. The bridge superstructure was removed in 1964; however, the remaining abutments have impeded shipping in the area, causing costly delays for the flour milling freight traffic. Under the proposed new project, the construction of the new bridge and the removal of the abutments would not only improve navigational access, but would provide new vehicular access to the Kelly Island area, where a $12 million industrial sewer installation project is underway. The Corps Division Engineer's analysis indicated that a significant reduction in shipping rates, lost vessel time and towing charges will result from the project. Most importantly, a serious threat to the economic well-being of the flour milling industry on the Niagara Frontier will be eliminated.

Traditionally, repair of water distribution facilities has been a local responsibility. However, the deteriorating condition of water conveyance and distribution systems has been gaining wide attention. Even in the President's water policy message in June 1978, he expressed concern about the soundness of these systems. Realizing that this problem must be addressed in some fashion, the Public Works Committee, in section 219 of the bill, provides for the authorization of committee resolution of studies of single purpose water supply projects, including conveyance and distribution facilities. The carrying out of such studies, on a selective basis, is the necessary first step in determining whether general Federal assistance is appropriate and, if so, the extent of such assistance.

I have long been an advocate of developing a Federal Government program to assist in rehabilitating the deteriorating water supply systems in the Nation's urban areas as part of ongoing urban revitalization efforts. As a result of my concern, I arranged for a hearing in Buffalo by the House Water Resources Subcommittee to examine the city's water system rehabilitation needs. It was frightening to learn that at least half of Buffalo's water mains are more than 100 years old. During the hearings, witnesses testified that these rehabilitation efforts to modernize the water distribution system would be very costly and obviously warrant outside financial help. Local taxpayers cannot carry that kind of load.

Section 217 of the bill authorizes the Corps of Engineers to do an in-depth feasibility study of Buffalo's deteriorated municipal water supply distribution system. This feasibility report would permit the corps to assess the validity of these assertions and the extent of Buffalo's problem. In addition, the construction authorization would permit Buffalo to modernize its prime water intake from Lake Erie, the 65-year-old Colonel Ward Pumping Station.

I would like to emphasize that this project is not a federally funded grant program, but rather a loan program in which every dollar—with interest—must be repaid to the Federal Government (100 percent reimbursement—under the conditions set forth in the Water Supply Act of 1958.)

In addition to the items I mention, H.R. 4788 includes numerous projects and provisions which address vital and critical water resources needs of our Nation. I urge my colleagues to support its passage.

Ms. FERRARO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the committee amendment. The committee amendment to title II includes an amendment I offered to section 203 which is designed to alleviate the concerns of some Members that the section authorized further work or study on a plan to divert water from the Upper Hudson River to augment New York City's water supply. At this point I would like to engage Chairman ROBERTS in a colloquy on the studies authorized by section 203 and on the question of the Hudson River diversion project. Do I correctly understand that the water deficit reassessment authorized by the committee amendment is to include as major elements an analysis of water conservation and demand management techniques that may be available to help the city solve its water supply problems?

Mr. ROBERTS. Yes, the gentlewoman's understanding is correct.

Ms. FERRARO. Do I further understand that it is the committee's intention that the corps should complete the water deficit reassessment, including the 90-day comment period, before undertaking the reassessment of environmental quality plan alternatives, and that the study of alternatives shall not proceed unless the deficit reassessment concludes that a shortage does, in fact, exist?

□ 1350

Mr. ROBERTS. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I yield to the chairman of the subcommittee.

Mr. ROBERTS. Yes, the gentlewoman from New York (Ms. FERRARO) is correct.

Ms. HOLTZMAN. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, the gentleman from New York (Mr. McHUGH) and I have been very concerned about the Hudson River skimming project and had originally planned to offer an amendment to delete all funds for the project. We are, therefore, pleased by the committee amendment but are still concerned that certain language in the committee report that states that the Hudson River diversion project is a logical early element for meeting the New York metropolitan area's water supply needs and that on balance social and environmental impacts appear to be more positive than negative suggests the committee's approval of the skimming project. There is a considerable body of evidence that the skimming project would entail substantial environmental and health-related risks that have not been adequately addressed by the Corps of Engineers' studies that have been conducted thus far. I feel it is also necessary to examine how much of any projected deficit can be met by repairing the current distribution system. Do I correctly understand that the committee amendment supersedes that committee report language and that nothing in the committee report on in the bill is meant to convey the committee's support of the skimming project?

Mr. ROBERTS. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I am happy to yield to the chairman of the subcommittee.

Mr. ROBERTS. Mr. Chairman, the gentlewoman from New York (Ms. HOLTZMAN) is correct. We are indebted to both the gentlewoman from New York (Ms. HOLTZMAN) and the gentlewoman from New York (Ms. FERRARO) for working out the difficulties on this project so it may proceed.

Ms. HOLTZMAN. Mr. Chairman, I appreciate the gentleman's contribution, and I want to thank my colleague, the gentlewoman from New York (Ms. FERRARO) for her assistance.

Ms. FERRARO. Finally, Mr. Chairman, may I ask the subcommittee chairman, is it correct that under no circumstances is the corps to do any work or pilot plant construction or further study on the Hudson River diversion project without a future direct authorization from the Congress?

Mr. ROBERTS. Mr. Chairman, if the gentlewoman will yield, yes, that is correct.

Ms. FERRARO. Mr. Chairman, I thank the gentleman very much.

Mr. CLAUSEN. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I am happy to yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, I just want to take a brief moment to compliment the gentlewoman from New York (Ms. FERRARO), a member of our committee, for the kind of aggressive and yet responsible fashion in which she has brought to the attention of the committee the problems of that area on behalf of the entire New York delegation. Having been privileged to go to New York to make an observation of the problem at firsthand, she is truly deserving of the commendation of all the committee members for her input and for the responsible manner in which she has addressed the problem.

Mr. Chairman, I just want to make sure that is clearly stated on the record.

Ms. FERRARO. Mr. Chairman, I thank the gentleman from California (Mr. CLAUSEN) for his kind words.

Mr. Chairman, though section 203 has generated considerable controversy regarding the skimming project, I am delighted to report the solid support that exists for the other project authorized by the section—New York City's water tunnel No. 3. During hearings on the tunnel in New York City—and many of my colleagues were there with me—the subcommittee heard witness after witness, including Mayor Koch, a representative of Governor Carey, and panels of labor and environmental groups express their support for the tunnel as a critical element in any plan to solve the city's water-supply problems.

The story of the water tunnel goes back to 1954, when the city government, realizing that its water supply system was in need of modernizing, began study of a proposed third water tunnel to bring water to the city's residents and businesses. After exhaustive study, in 1970 the city began construction of water tunnel No. 3, which, by the way, was projected to be the largest nonfederally funded public works project in the world. But after spending over $250 million, and completing 30 percent of the tunnel, the city was forced by the 1975 fiscal crisis to abandon further work on the tunnel.

New York City needs to have water tunnel No. 3 completed and ready for use as soon as possible. Ninety percent of New York's water is delivered through two tunnels, aged 62 and 43 years respectively, neither of which has ever been dewatered for inspection and maintenance.

In fact, it has been said that if they shut down one of the valves to the tunnel to do maintenance, they fear that they will be unable to reopen the valve.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. FERRARO) has expired.

(By unanimous consent, Ms. FERRARO was allowed to proceed for 3 additional minutes.)

Ms. FERRARO. Mr. Chairman, the possibility of impure elements seeping into the water in these tunnels poses a serious threat to sanitation in hospitals, nursing homes, restaurants, and homes.

Another problem with the city's water delivery system is the difficulty of maintaining adequate water pressure. Hot summer weather exacerbates this problem, with water pressure levels sometimes dropping as low as 5 pounds from their normal range of 30 to 50 pounds. In a city that averages over 133,000 fires a year, the potential danger from inadequate water pressure is compelling.

Even those of you who do not represent the people of New York City have an interest in reliability of water delivery to the city. Without adequate water for cooling, the computers used by the New York Stock Exchange as well as the many large banks and other corporations that are headquartered in New York City would be forced to close down.

Finally, I would like to address the value of the water tunnel as a conservation measure. According to Corps of Engineer estimates, leaks in the distribution system are responsible for the loss of 60 million gallons of water per day in New York City. Even residential metering would have no effect on these massive losses. So you can see that the construction of this tunnel is probably the single most important conservation measure that can be taken.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. FERRARO) has again expired.

(On request of Mr. EDGAR, and by unanimous consent, Ms. FERRARO was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I am happy to yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I would like to commend the gentlewoman from New York (Ms. FERRARO) on her statement, but I would ask if we could save some time by entering into a colloquy in reference to the subject that the gentlewoman's last point referred to. That is water conservation.

I had prepared several different versions of an amendment to help us focus on the need to make up the criteria we use in getting the Federal Government involved, focusing its attention on the whole issue of water conservation. If the gentlewoman would allow, I would like to read the language of that amendment. I know there was a portion of the amendment to which the gentlewoman objected, but just for the record, let me read the language, as follows: At the end of title II add the following:

> With respect to any feasibility report for, or maintenance or construction of, any water treatment, supply or conveyance facilities authorized in this title, the area or areas to be receiving the water through or from such facilities shall concurrently prepare a water conservation program to be implemented within a reasonable period of time. Such program should include, but not be limited to, metering, revision of plumbing codes, drought contingency plans, public education on the benefits of water conservation, and form of pricing policy to eliminate declining block rates.

Mr. Chairman, this amendment would have been an attempt to try to place in the language here a hopeful adjustment to the attempted feasibility studies that would help to focus on water conservation.

I think I understand the gentlewoman to say that it is her intention in the language that she reads in the legislation—and hopefully the committee would concur—that water conservation can and should be a major element in the study and review of the Army Corps of Engineers in this area. Is that not correct?

Ms. FERRARO. Mr. Chairman, the gentleman is correct. But I would like to go a little further in reference to the gentleman's particular language in that amendment, which I do object to, and that is where the gentleman indicates that concurrently there is to be a project for conservation which includes metering.

If the gentleman is talking about a feasibility study of metering or a feasibility study of another way of conserving, I would say that is fine. There is nothing wrong with that.

However, if the gentleman is talking about actual metering to be concurrent with the project itself, that is a distinct problem, because, for instance, in New York City, in order to place meters in each one of the homes and have them operate effectively, it would take between 10 and 20 years to install the equipment. That means a lot of water loss over the next 10 years in an attempt to add some sort of conservation measure after that period of time.

Mr. EDGAR. Mr Chairman, I thank the gentlewoman for her comments. I would just like to say that it is not my intention to hold up or exacerbate the discussion. It is my intention to suggest that we ought not to use Federal dollars to reward communities which may in fact, with the Federal involvement, waste water or not be concerned about water conservation.,

I think the gentlewoman shares my concern, while not agreeing on the word, "metering," that any Federal involvement in small communities, medium sized cities, or large cities ought to be tied to some concern about water conservation, and we ought not to use Federal dollars to reward communities that are not conservation minded.

Mr. Chairman, I thank the gentlewoman for her comments.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. Ferraro) has again expired.

(On request of Mr. Clausen, and by unanimous consent, Ms. Ferraro was allowed to proceed for 2 additional minutes.)

Mr. CLAUSEN. Mr. Chairman, will the gentlewoman yield?

Ms. FERRARO. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, on that point I wanted to ask the gentleman from Pennsylvania (Mr. Edgar) this question: Did I understand the gentleman correctly that he is not going to be offering this amendment at the end of title II, or is he still planning to offer the amendment?

Mr. EDGAR. Mr. Chairman, if the gentlewoman will yield, I think the colloquy we have had and the discussions I have had at least with some of the staff on our committee indicate that the language used in the bill which talks about a more efficient use of an adequate water supply and some of the criteria that we hope will be laid out assures the demonstration projects will insist on water conservation. If that is the assurance I have from both the gentlewoman in the well and the committee staff, I will not offer that amendment at the end of title II.

Mr. CLAUSEN. Mr. Chairman, if the gentlewoman will yield further, I was going to say that the committee amendments themselves in the bill generally do address that problem, and furthermore, if we were going to move in the direction of perfecting what I think is a desirable criteria, we need to have an experience with the demonstration projects themselves and/or it ought to be addressed in the water resource council bill or under the other form of criteria, namely, principles of standards in the concept of cost sharing but not in this particular piece of legislation. That is my theory.

Ms. FERRARO. Mr. Chairman, I thank the gentleman for his contribution.

Mr. Chairman, I also want to thank the chairman of the subcommittee, the gentleman from Texas (Mr. Roberts), for his assistance in securing the important provisions contained in section 203, and also to congratulate him on his outstanding leadership on this entire bill through subcommittee and full committee consideration.

□ 1400

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time by striking the requisite number of words so that I might save the time of the committee. I had intended to offer an amendment later on which I probably will not offer at this point, merely for the purpose of saving the time of the committee. That amendment would have stricken the eight or nine, depending on how you count them, water projects, water distribution projects that are authorized in this bill. But I do want to express my concern, even though I do not offer that amendment. I do not offer it because I fear I would not have the votes to adopt the amendment anyhow. But I think that my concern is one that is shared by many Members.

First of all, as to whether these projects have any precedents, I call the attention of the Members to a letter dated January 24, 1980, signed by Congressmen Harsha, Johnson, Clausen, and Roberts. In this they say:

> In the area of water supply, this bill recognizes for the first time the Federal interest in assisting the repair and restoration of water treatment, conveyance and distribution systems through the authorization of a limited number of small projects, together with the general provision for studies.

In the past it has been the responsibility of local government to provide for water supply, treatment and distribution, and it has historically been financed by the issuance of revenue bonds. Water is one of the greatest revenue makers, at least in my part of the country, for the local municipalities. They cannot only pay for the sinking of the wells and the treatment facilities and the distribution facilities, but make a profit as well, by selling revenue bonds and then setting rates for the sale of water that exceed the cost of construction.

In the CQ comment on this, in their issue of January 19, 1980, toward the end of their story about the bill, CQ says:

> Even more precedent setting, the bill would have the Corps construct at no cost to the local governments several local water purification and distribution systems. The Corps has built local water distribution systems before but always as part of a multi-purpose project that provided irrigation, flood control and navigation, in addition to supplying local water.

When we talk about the cost of this to the Federal Government, I am surprised when the chairman, the gentleman from Texas (Mr. Roberts), says, "There is no cost to the Government." If he computes the cost to the Government the way he does, I wish he would loan me not $174 million, as this is going to cost the Federal Treasury, but loan me just $174,000 to be amortized over the next 50 years.

It would not cost the gentleman anything, and I would love to have the money over the next 50 years, even willing to pay Treasury rates plus a quarter or one-half percent. That would be a great boon to me, and it would not cost the gentleman anything the way he computes the economics of financing this system. But it is not just the $174 million; it is the precedents that are being set by making this a Federal responsibility and saying it will be done by the Corps of Engineers taking over the supervision of engineering and construction and telling the local communities they do not have to try to help themselves.

I already have some communities in my district coming to me and saying, "We have a water supply problem. Where is the money?" I say, "What do you mean? What money?" They say, "We want the Federal Government to have the Corps of Engineers come out here and do our engineering, decide how we are going to build this, manage the construction, and then give us a no-interest or low-interest loan for this." And I said to them, "Have you gone to the Engineers to find out how to construct this?" And they said, "No. That is the hard way. We do not intend to do that." I said, "Have you gone to the financial community to see if you could sell revenue bonds?" And they say, "No. That is too expensive, that is the hard way. We would like some of your Federal funds."

Are these funds in the budget, or is this going to be another budget-busting operation, and just the beginning, a beginning of what may be, in the opinion of the Corps of Engineers and in the opinion of the Washington Post and others who have editorialized in this area, a commitment of tens of billions of dollars in the future? This is the toe in the door for more of these federally funded projects, not even following the good precedents that we have in the area of sewage treatment where there would be some local determination as to the allocation of these funds to the most needy communities.

I think these are things that have not been debated here on the floor. I do not think the committee has explained them sufficiently. I do not think we ought to make this kind of a commitment today when we are seeing people having to pay 13 percent, 14 percent interest because of inflation, when we see inflation running at a higher rate than it has in the last 33 years, to bust the budget with this new kind of approach.

Mr. ERTEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to have the attention of the Member who just spoke, the gentleman from Illinois (Mr. Erlenborn).

I wonder if in his area he has had any water supply projects financed by the Farmers Home Administration, Rural Water Development Act, EPA, or any of those. Certainly this is precedent for the supply of water projects, and I wonder if the gentleman objects to those? Further, if he in fact tells his constituents not to accept them?

Mr. ERLENBORN. If the gentleman will yield, to my knowledge there are no grants from Farmers Home Administration or any of these other agencies.

Mr. ERTEL. There are no loans from Farmers Home Loan?

Mr. ERLENBORN. To my knowledge. We do not have very many farmers in my district, and I would be happy to do away with those programs.

Mr. ERTEL. I thank the gentleman.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, H.R. 4788 contains 16 initiatives relating to water supply or infrastructure redevelopment. Currently, the Federal interest in water supply is limited to provision of storage in Corps of Engineers reservoirs for municipal and industrial purposes. The cost of providing this storage is reimbursable, with interest, over a 50-year period. However, the corps can not build a reservoir only to provide water supply storage under existing law. To include water supply the project must have multiple purposes such as flood control. In 1965, Congress approved the Northeast water supply study. This authorization resulted from the catastrophic drought that had occurred in the region in 1963. Under the mandate of this act, Congress recognized that the assurance of an adequate supply of water for the metropolitan centers of the United States had become a problem of such magnitude that the welfare and prosperity of the country required the Federal Government to assist in water supply problems. Under this provision the Corps of Engineers was authorized to assist in the preparation of plans to meet the water needs of the northeast United States, including construction of storage facilities, conveyance facilities and purification plants. While several projects have been formulated under this authority, none have yet been authorized for construction.

In H.R. 4788 the committee had adopted several requests for authorizations of water supply projects which involve treatment and conveyance facilities. In doing so the committee continues to recognize that there is a need for a Federal investment in water supply, as mentioned by the 1965 act. I should point out that a coalition of Northeast and Midwest Congressmen recently published a report identifying over $75 billion in needs for rehabilitation for existing water supply projects in the Northeast. Section 219 of the bill, which authorizes the corps to undertake single purpose water supply investigations, is intended to address this growing problem. It should also be pointed out that the authorizations of projects for water supply are not expected to increase the expenditure of the civil works program of the U.S. Army Corps of Engineers. As our colleagues on the Appropriations Committee know, the appropriations for this budget function have remained nearly constant over the last decade. It is anticipated that the amendments made by this legislation will not increase these expenditures but merely enlarge the focus of the program to include those subject areas.

Mr. Chairman, I point out also to the gentleman that, as I understand, while these particular projects are not as yet included in the President's budget, they will be included in the future budgets of this body and that any money appropriated by this Congress for these projects will be reimbursable from the local areas.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, can the gentleman assure me that if we add money to the President's already $16 billion unbalanced budget, we add money in this area, the gentleman will be successful in getting this Congress to take that money out of some other area so that we do not just increase the deficit?

Mr. LIVINGSTON. This is just an authorization measure. No money will be appropriated by this bill.

Mr. ERLENBORN. The gentleman does not expect to spend the money, the gentleman is just going to authorize it?

Mr. LIVINGSTON. The money may be appropriated, not necessarily in this Congress, but that is a decision for the Appropriations Committee. Furthermore, the appropriations have been nearly constant for the program over the last decade. Also, the amendment simply changes the type of projects that will be funded to include this additional purpose.

Mr. ERLENBORN. If the gentleman will yield, I hear the gentleman repeating what the chairman, the gentleman from Texas (Mr. ROBERTS), said about this really not costing us anything because it is going to be paid back in 50 years. I would extend to the gentleman the same opportunity I extended to Chairman ROBERTS, to give me a low-interest, 50-year loan. I would be happy to get it.

□ 1410

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Ohio.

Mr. HARSHA. Did the gentleman from Illinois ever vote for foreign aid in this House?

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Is the gentleman going to interrogate me?

Mr. HARSHA. I would ask the gentleman if he did. The gentleman is fully aware that there are loans to foreign aid which we do not ever get back, which I am sure the gentleman has supported in legislation on the floor.

Mr. LIVINGSTON. Mr. Chairman, I yield back the balance of my time.

Ms. FERRARO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, perhaps the most important provisions of H.R. 4788 are contained in section 219. For the first time, Federal water policy is extended to include the water supply and conveyance problems of our Nation's urban areas.

The best way to explain the significance of section 219 is by comparing the current state of Federal urban water policy with the state of Federal energy policy back in 1973–74, when the Arab oil embargo introduced the phrase "gas line" into our national vocabulary.

You will recall that the Arab nations lifted their embargo after a while, and the Federal Government adopted none of the changes in Federal energy policy that could have averted further difficulties. As a direct result, the American people were presented with a repeat performance complete with gas lines, heating oil shortages, and industrial layoffs due to energy shortages.

Section 219 of this bill gives us the opportunity to start down the road away from a national water supply crisis. The urban areas of our country, particularly the urban northeast, are desperately in need of assistance in repairing their aging water mains. The new policy direction charted by section 219 say that the Congress is not going to close its eyes to the reality of water supply problems in the cities: is not going to repeat the mistakes made in the energy area.

I commend the committee for its foresight in moving ahead to meet the challenge presented by urban water problems by adopting section 219, and I urge the House to follow the committee's lead.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HARSHA) to the amendments offered by the gentleman from Texas (Mr. ROBERTS).

The amendment to the amendments was agreed to.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas (Mr. ROBERTS), as amended.

The amendments, as amended, were agreed to.

The CHAIRMAN. Are there further amendments to title II?

### AMENDMENT OFFERED BY MR. ENGLISH

Mr. ENGLISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGLISH: On page 98, strike out lines 15 through 19.

Mr. ROBERTS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. EDGAR. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk concluded the reading of the amendment.

Mr. ENGLISH. Mr. Chairman, I am offering an amendment to the Water Resources Development Act of 1979 to delete the following:

Englewood Lake, Oklahoma.—The project for water quality control in the Arkansas-Red River Basin, Texas, Oklahoma, and Kansas: For the Englewood Lake project, Oklahoma, at an estimated cost of $1,100,000.

I would not be opposed to this feasibility study if, in addition to water quality control, it was for purposes of municipal and industrial water supplies, irrigation, flood control, or recreation. However, feasibility studies for Englewood Lake have already been conducted as part of the Arkansas Red River chloride control project which the Corps of Engineers by letter of May 30, 1979, has determined to be economically and technically unfeasible at this time.

The lake, as proposed, could only be used for water quality control and could not be used as a freshwater supply by the local communities.

For this reason, I would ask my colleagues to join me in deleting this unnecessary provision from the bill.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, the gentleman from Oklahoma (Mr. ENGLISH) has provided us with a copy of the amendment. Everybody concerned with this is agreeable that it should be dropped. I am happy to recommend that the committee accept the amendment on this side.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from California.

Mr CLAUSEN. The gentleman was kind enough to provide the minority with the amendment. We are in accord with the gentleman's amendment to delete the project.

Mr. ENGLISH. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ENGLISH).

The amendment was agreed to.

### PARLIAMENTARY INQUIRY

Mr. EDGAR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. EDGAR. The amendment has been agreed to. I have not objected to that, but when the Chair put the question as to whether or not anyone objected to the reading of the amendment, I stood and objected primarily because I feel that it is good policy in terms of water authorization and appropriations bills for the full House to in fact hear the amendments.

The parliamentary inquiry is whether the Chair heard the objection of the gentleman from Pennsylvania and whether or not the Clerk was in error in sitting down and not reading the full amendment.

The CHAIRMAN. The Chair noted the gentleman's objection, and the Clerk continued thereafter to read the amendment. However, there were only approximately two words left to read at the time the gentleman interposed his objection. The Clerk read those words and then sat down.

Mr. EDGAR. I appreciate that, Mr. Chairman.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that titles III and IV be considered as read and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. EDGAR. Mr. Chairman, reserving the right to object, I have approximately three additional amendments to title II, and we know that we all want to move to title III and title IV of the bill.

In reserving the right to object, I wonder if the chairman would give assurance that as we move on to title III and title IV in the bill, that we, in fact, will hear and listen to, in an orderly fashion, the amendments, as we did yesterday and up to this point today.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. ROBERTS. Certainly. We would have no objections. It was my understanding that the gentleman had no further amendments to offer to title II.

Mr. EDGAR. Further reserving the right to object, Mr. Chairman, the gentleman had indicated to the Chairman that once we passed title II, we would be willing to accept a unanimous-consent request to have the bill open for consideration at all times. The rule indicates that we would proceed by title. I do have a couple of additional amendments to title II, and I will not object at this time if, in fact, those amendments will still be in order and if, in fact, the gentleman does not plan to terminate time on these amendments.

Mr. ROBERTS. I certainly will not object.

Mr. EDGAR. Mr. Chairman, I withdraw my reservation of objection.

### PARLIAMENTARY INQUIRY

Mr. CLAUSEN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CLAUSEN. Mr. Chairman, have we disposed of the committee amendments, as amended by the gentleman from Ohio?

The CHAIRMAN. Yes. The gentleman is correct, the committee amendments, as amended, have been agreed to.

Mr. CLAUSEN. The committee amendments, as amended by the gentleman from Ohio, have been adopted.

### PARLIAMENTARY INQUIRY

Mr. ERTEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ERTEL. Mr. Chairman, am I under the understanding at this point that titles II, III, and IV are now open to amendment?

The CHAIRMAN. That is correct, if no objection is heard.

Mr. ERTEL. I have no objection.

Mr. CLAUSEN. Mr. Chairman, reserving the right to object, I want to make sure we are going to be proceeding in an orderly manner. I am assuming we will proceed through title II for the consideration of the amendment and then follow on with the consideration of titles III and IV.

The CHAIRMAN. The Chair will advise the gentleman that if the unanimous-consent request is adopted without objection, titles II, III, and IV will be open for amendment at any point. Committee members will, of course, have priority in recognition.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Texas.

Mr. ROBERTS. My understanding is that the gentleman had a corrective amendment from the gentleman from Ohio (Mr. STANTON), to present.

Does the gentleman have the amendment from the gentleman from Ohio (Mr. STANTON) to present, which is strictly a corrective or technical amendment, where there was one letter wrong?

The CHAIRMAN. The Chair will inquire.

Does the gentleman from California (Mr. CLAUSEN) continue to reserve his right to object?

Mr. CLAUSEN. Yes. I do not want to be carrying out an amending process where that which has been already passed on a title-by-title bases we are going to be going back to that. As a matter of going forward and finishing of titles II, III, and IV, I am concerned about anything in the way of a retroactive amendment to previous titles. If I can be assured of that I have no reservation.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I have three additional amendments that I plan to offer to title II.

Mr. CLAUSEN. Title II?

Mr. EDGAR. To title II. As I understand, and I am not going to object because, as I understand, the Chairman is willing to move in an orderly fashion as we did yesterday and to accept the title II amendments and then move to title III and title IV.

Mr. CLAUSEN. So the consideration will be on the remainder of title II, III, and IV, and not going back retroactively to title I?

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Texas.

Mr. ROBERTS. I would suggest the gentleman go ahead and offer whatever amendments he plans to offer then to title II, if we are going to have problems.

Mr. CLAUSEN. I would object to going back to title I.

□ 1420

Mr. ROBERTS. We are not going to go back to title I.

Mr. CLAUSEN. Mr. Chairman, with that assurance, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. ROBERTS)?

Mr. ERTEL. Mr. Chairman, I reserve the right to object, and I do object. I think we ought to go by title II, then go to title III and title IV. I object.

The CHAIRMAN. Objection is heard

### AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDGAR: Page 103, strike section 210.

Page 105, strike section 211.

Redesignate succeeding sections accordingly.

Mr. EDGAR. Mr. Chairman, before getting into the content of the amendment which I am offering, I would like to apologize publicly to Mr. ENGLISH, who had offered an amendment and there was an attempt made to ask unanimous consent that that amendment be considered as read. I had indicated to both the majority and the minority that I had intended to want to listen to each of the amendments as offered because of the problem we ran into with the Tellico Dam last year, last June, where a Member of Congress walked onto the floor, asked that an amendment be considered.

The majority and the minority accepted the amendment and the word 'Tellico" was not read. I did not have a copy of that amendment that the gentleman offered, and while I support the amendment he offered, it was on a page that has many more words than were offered in the reading of the amendment. It included a great deal of explanation. Had I received a copy of that, I would not have as vigorously objected to not having the amendment read. My interest was simply to protect all of our rights under the bill.

Mr. Chairman, this amendment would strike sections 210 and 211 which direct the corps to prepare a feasibility report on the enlargement of the navigation projects for Galveston Harbor, Tex., and Brazos Island Harbor, Tex., respectively. These reports are to include a report on the works of improvement done by local interests after these sections are enacted into law. Sections 210 and 211 provide for reimbursement of local interests for work carried out by them after passage of this bill if the Chief of Engineers determines that such works are compatible with his recommended plan for harbor improvements and provided further that he approves such work prior to its construction, inspects the work in progress, and finally certifies that it is in accordance with the enlarged project as finally approved by Congress. Total cost of the reimbursement is not to exceed $25 million in each instance.

The Department of the Army objects to these reimbursement provisions because they represent a substantial deviation from established policy. The Army states:

> To assure objectivity, such improvement works should follow the development of an approved report, instead of being initiated prior to the development of the approved project.

Army's objection here is a serious one indeed, for what assurance is there that an economically justified project will be forthcoming? But, if in the process local interests are spending money in accordance with some of the safeguards provided, an unusual situation of influence and pressure will develop which may well interfere with an objective final recommendation from the Army. The corps, for instance, might give the OK to do one feature, the local interests would carry it out, and the corps might subsequently find that the remainder of the work is not justified. Local interests could well then subject the corps to pressure on the grounds of having spent all this money with the corps' initial approval only to be undercut. In such a circumstance, the corps would face a fait accompli, and undoubtedly be faced with strong pressure for reimbursement.

When President Eisenhower vetoed the rivers and harbors bill in 1958, some 22 years ago, he listed as one of his objections the fact that the bill would reimburse local interests for work which they had accomplished prior to construction authorization. We have the same sort of situation here, it seems to me.

In addition to my objection to the reimbursement provisions, I have further reservations about the manner in which harbor projects are selected for feasibility and construction. We have no priority listing of needs, but rather an ad hoc selection of harbor projects in this bill, including two provisions here for harbors on the Texas gulf coast. If Congress is to avoid the charge of logrolling, pork-barreling, and the like, then there ought to be some more systematic way of proceeding with these authorizations than the present practice.

Finally, this section provides a cost-sharing formula for channel improvements for this harbor: 100 percent of the cost of a 40-foot deep project would be Federal, 80 percent of the cost of a 41- through 45-foot project would be Federal, 66⅔ percent of a 46- through 51-foot project would be Federal, and 50 percent of the cost of a 51-foot or deeper project would be Federal. What this means is the Federal Government would pay all the costs for a 40-foot channel. Do we want to set this cost-sharing policy in concrete? Does this policy not run in the opposite direction from what the President called for? These are serious issues which merit considerable debate.

The year 1980 has been declared the Year of the Coast by President Carter. I think that the variety of harbor provisions in H.R. 4788 ought to be scrutinized in light of the reasons for which the Year of the Coast was established. The concern over loss of wetlands, deterioration of water quality in our estuaries, the loss of fisheries, the demise of shellfish populations all have increased in recent years. The pressures for development on our coastlines are extraordinary. These concerns make it all the more imperative that such policy considerations not be subordinated through a reimbursement mechanism that puts the cart in front of the horse.

How much money should the Federal Government be spending to subsidize projects on the coast? What is the impact of such projects on the coastline? In the development of H.R. 4788 I do not see that much consideration of these questions has been given.

In summary, the Department of the Army objects to the reimbursement provision in sections 210 and 211, maintaining that the sections did not materialize out of a systematic selection process, and a very questionable cost-sharing policy would be put into effect. I therefore urge the adoption of the amendment.

Mr. ROBERTS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am surprised the gentleman objects to saving money, because that is what these two items do. There is no reimbursement except such as the Corps of Engineers recognize as contributing 100 percent to the project. They alone determine what would be repaid, if any.

☐ 1430

It means that these projects can start and proceed in an orderly fashion. Normally, for up to 40 feet, we provide 100 percent. Some of the projects go up to 50 feet. These dredging projects for harbors basically are Federal expenditures. We have limited that. We have scaled it down to where in one of these projects local people are going to have to come up with $60 million; in another, $50 million. The Corps of Engineers only repays those which they decide should be repaid. There is no guarantee that these people will ever get one nickel. In the meantime, they can go ahead with their dredging.

These are projects that ought to be done simply from the safety angle. It is impossible for a tanker of any size to get into a port with a 40-foot depth. So, a lot more tankers come in instead of a few which are a little bit larger.

So, the projects are justified any where in the world. They have favorable cost-benefit ratios even on 100 percent, but we are not providing 100 percent. We are requiring them to put up the front money, which is exactly what the President has advocated in his cost sharing. They put up the front money and they only get back what the corps says is a direct contribution to the project, and in proportion to what the corps says they are entitled to. There is no guarantee whatsoever that they will get a dime.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I would like to address a few questions to the manager of this bill concerning section 220 of title 2.

A constituent of mine has been very worried about the impact of this section and section 360 and 220 on the mineral rights to land he sold to the Department of the Interior in 1968. The amount of land in question is about 15,000 acres in Brazoria County, Tex., the San Bernard Wildlife Preserve. When my constituent sold the land, he retained the mineral rights and received assurances from the Department of the Interior that no obstacles would be placed in the path of mineral development.

Since that time, the best estimates are that there are 50 billion cubic feet of natural gas on the land. Would this section, or section 360, or any other section I may have overlooked, impede the development of the minerals on this land? I would like to reassure my constituent, but the language of the bill is so vague, that I thought it best to get some indication of intent from the manager and chief sponsor of this bill. Is there anything in section 220 that would infringe upon or deprive my constituent of the exercise of his contractual rights?

The property is now the San Bernard Wildlife Preserve.

Mr. ROBERTS. To start with, this bill in no way affects the Department of the Interior. His contract is with the Department of the Interior. We have no connection with it whatsoever, and certainly, as I can see, there is no way even if it were a corps project that it could affect any mineral rights or property rights whatsoever.

Mr. PAUL. I thank the gentleman.

Mr. CLAUSEN. Mr. Chairman, if the gentleman will yield, this clearly is not intended to, and I am sure that if there were an impact of that kind, I am sure the affected party would have to be compensated.

Mr. ROBERTS. Mr. Chairman, I do

not want to prolong this. This, I think, is going to save the Government an awful lot of money and have two very needed projects. The gentleman referred to the Corps of Engineers objecting. I think specifically the gentleman should say the Assistant Secretary of the Army objecting, because they are Corps of Engineers plans. They are operated, supervised by the corps, and can save some money.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Pennslyvania.

Mr. EDGAR. I appreciate the gentleman's comments, and as he talked about earlier today, he indicated the cost saving that was involved. The one statement I made in my comments I would like to direct attention to. That is the fact that if the District Engineer says to a local community, "You can go out and do *x* project," and then after a full study is done on the total needs of the area the District Engineer decides that that is not an efficient use of the funds and that this project design is improperly oriented, will there be any pressure, in the gentleman's opinion, on the corps to go along with their initial idea as opposed to what may be, after retrospection and thought by the Corps of Engineers, a more reasonable project?

Mr. ROBERTS. Well, I would assume that certainly before these people start spending that kind of money they are going to have the corps' approval and a Chief's report on it. Then, once it is done, it would be subject to any change that the Chief would accept later on.

Mr. HARSHA. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amednment.

Mr. Chairman, most of these projects are very similar, but let me point out to the committee the safeguards that we have written into this legislation. Now, first the Corps of Engineers must prepare feasibility reports on the enlargement of the navigation projects for both of these ports. Those reports shall include the cost and the benefits of the improvements initiated by the local interests after the date of enactment of this section which the Chief of Engineers determines are compatible with and constitute an integral part of his recommended plan. So, first the Corps of Engineers has to find that what the local interests do are compatible with and constitute an integral part of his recommended plan.

Then, the Congress must approve the report before the Secretary of the Army can reimburse the local interests for money that they have expended. But, we have a cost limitation, strangely enough, on these projects where we do not on some others, of up to $25 million, but not to exceed that. We have a cost limitation, so that is another safeguard written in.

Normally, as the distinguished chairman of the subcommittee indicated, harbor projects and channelization in harbors and dredging are constructed at 100-percent Federal cost, except for provision of lands, easements, or rights of way—which is a non-Federal cost. But we have been more restrictive than usual with this project and have said that only part of the project shall be at the usual 100 percent. We have said that another part shall be at 80 percent, another part shall be at 66⅔ percent, and lastly another part shall be at 50 percent. That means that the local people have to assume those proportionate percentages of cost of that project. In other words, we have got a declining Federal involvement in this project where normally all we require, as I stated, the local sponsor to provide is land, easements, and rights-of-way.

So, we have taken step after step of precautionary measures to try to safeguard the Federal interest in this. Frankly, this whole thing is quite a gamble on the part of the local interests, because if they do not comply with the Corps of Engineers report; if they do not comply with what Congress authorizes; if they are found not to be compatible with the report and if they do not constitute an integral part of that recommended plan, then they get nothing. They get nothing.

But, more importantly, this will help the community get about the effort to develop this port and construct it, because if we wait for the normal process of some 22 steps, and wait for the corps' report to come back, for the Congress to authorize that report, and so forth and so on, 10 to 20 years will pass and that port will not be developed. I would point out that ports are a very integral part of our national defense system. We need at this time of uncertainty to have these ports that accommodate oceangoing vessels for the national defense of this country. Any action to expedite improvement of our ports should be encouraged, where it is reasonable to do so. I think that we have written into the project and in the language of the bill enough safeguards to protect the Federal Government's investment in this, and I urge the defeat of the amendment.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I want to say first to my distinguished friend from Pennsylvania (Mr. EDGAR) that I appreciate his concern about economies, but if we are going to destroy a community we do it by not investing any money in it. The Galveston port project is not the place to do that. This is a project well delineated by both Mr. ROBERTS and Mr. HARSHA; and fully evaluated by the committee. It is important to a major segment of this country. If we are going to be able to produce oil and gas and chemicals in the Ninth Congressional District, we must have deep water.

□ 1440

It is important to the future of this country. It is important to millions, even billions, of dollars of in-place manufacturing and refining capacity. It is one of the largest refining districts in the United States. This is an area that needs that kind of facility if we are ever going to free our country from OPEC domination. I would ask the Members to kill this amendment, support this project, and support the committee effort to improve and build this country.

Mr. DE LA GARZA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in prior dialog with the gentleman from Pennsylvania (Mr. EDGAR), we discussed the steps that the projects must take, the 21 or 24, whatever they are. This project relating to Brazas Island Harbor I am advised, is at the Secretary of the Army level, which is the last one before the final step, so we are well along the way in that respect.

The most important thing here—and I think the gentleman is not acquainted with the facts—is that this is a long established port in south Texas that was initiated sometime in the 1930's. With all due respect to local or provincial pride from my end, the port is becoming obsolete to the necessities of the 1970's and 1980's. This is the end of the intracoastal canal that crosses from Florida to Brownsville. This is the end of the shipping of grains and agricultural commodities to the Far East and to Europe from an American port.

Also if there be any interest in a good-neighbor policy, this is in effect the closest port for the northern-eastern part of Mexico. A tremendous amount of the Mexican oil to the United States and northern Mexico comes through that port, and we facilitate entry into Mexico of American commodities. The Members might be interested to know also that a large portion of the Mexican export cotton comes overland across the Rio Grande River to the Port of Brownsville where it goes into foreign commerce, helping us have a favorable balance of trade with Mexico.

This project that the gentleman is trying to delete was technically authorized in 1960, the deepening and the widening and the extension of the jetties for safety purposes to the ships coming in. So we are now in the 23d of 24 steps. Economywise, as a major proponent of watching our expenditures, I would say it would be foolish at this stage of that project to turn it down, after the Corps of Engineers and after the local interests have done all of this work.

Also the gentleman had voiced some objections as to nonparticipation by local interests. This project provides for the possibility of up to 50-percent participation by local interests if you go to the maximum depth required in the channel. So not because it is in my district, the facts are there, if the Members would read the report. It is an ongoing project. It is a project that is vital to the interests of all that area of south Texas and northern Mexico. It is a project that is vital to the economy of our area because there they also make offshore oil rigs. They make there offshore rigs that go to the North Sea, that go to Indonesia, and they need a deeper waterway to get out of the port; otherwise they have to reassemble them outside of the jetties out in the gulf. This port is a master technical project for all of the needs of that area.

I would say with all due respect, it would be criminal and foolish at this stage of the project to turn our backs and say, no, you cannot complete this project that was initiated in the 1930's, that was authorized in 1960, and now here we come in 1980 and say, "You have got 90 percent; we are going to forbid you to go any further."

I would ask my colleagues again to join with me and the committee to refuse the acceptance of this amendment which would be disastrous to an ongoing, successful, needed project in that area of Texas and the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR).

The amendment was rejected.

Mr. SYNAR. Mr. Chairman, I move to strike the last word.

### PARLIAMENTARY INQUIRY

Mr. ROBERTS. Mr. Chairman, I have a paliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBERTS. Does the Chair feel that it is necessary to read this entire colloquy? Is it subject to objection, the colloquy, or can we put it into the RECORD?

The CHAIRMAN. The precedents (Deschler, chapter 5, section 14.5) require that if it is legislative history, it be entered on the record by actual debate.

Mr. SYNAR. Mr. Chairman, I appreciate the opportunity offered by my friend from Texas, the chairman of the subcommittee, to clarify a matter in the legislation which is of utmost concern to me and the Second District of Oklahoma, which I represent.

Section 372 of the bill authorizes the Corps of Engineers to allocate up to 20,000,000 gallons of water per day to the city of Broken Arrow, Okla., from the Fort Gibson or Tenkiller Lake projects in my district. The committee's report on the bill states that if all conditions of the Water Supply Act are met, water may also be made available to other communities in the area.

Mr. Chairman, I have been working for some time now with Congressman JIM JONES, sponsor of the provision, and the Staff of the Water Resources Subcommittee, to try and come to some mutual accommodation on this particular provision. I would ask the distinguished gentleman from Texas for his assistance in clearing up this matter.

I do not have to emphasize the fact that water is a very precious commodity in my State of Oklahoma. Fortunately, my own district has been blessed with an adequate supply of water. However, in terms of long-term growth planning, my district will need all it can get, and there is still disagreement over how best to allocate the water supplies we have. I do not object to sharing abundant natural resources, but I do think the people in the communities surrounding water projects should have a fair chance to benefit from those water supplies. While the committee's report language states that water may also be made available to other communities, it does not really clarify whether or not Broken Arrow should be given priority over these other communities when water allocations are made. I am concerned that this specific allocation to the city of Broken Arrow will in effect give priority to that city over these communities in my district which also need and want water from the projects.

For the purpose of clarification, I would ask the distinguished chairman of the subcommittee whether he can assure me that the committee did not intend for the city of Broken Arrow to receive priority treatment over other communities in my district for the purpose of future water allocations from the Fort Gibson and Tenkiller projects.

Mr. ROBERTS. Mr. Chairman, if the gentleman will yield, I certainly can understand the concerns expressed by the gentleman from Oklahoma with regard to a potential misinterpretation of the committee's intent on this provision. The language now in the bill simply allows the Corps of Engineers to allocate, in accordance with all the provisions of the Water Supply Act, water supply to the city of Broken Arrow, or to other communities in the area. I would like to assure the gentleman from Oklahoma that the committee did not intend for priority or preference to be given to Broken Arrow over other communities or rural water districts.

Mr. SYNAR. Mr. Chairman, I thank the gentleman from Texas for his cooperation and assistance in clarifying this matter for me, and I am satisfied that those communities in my district will not be treated unfairly when allocations are made from those two projects.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from California.

Mr. CLAUSEN. I thank the gentleman for yielding.

The gentleman has shown me a copy of the colloquy that was developed between him and the chairman of the committee. It has always been the objective of the committee to try wherever possible—and, frankly, to insist upon this—that the appropriate local officials will make the ultimate allocation distribution decision.

Mr. SYNAR. I appreciate the gentleman's comments. That was the purpose of the colloquy, to let State and local officials determine the allocation distribution.

Mr. EDGAR. Mr. Chairman, I move to strike the last word.

☐ 1450

Mr. Chairman, in order to expedite the process and to move this bill along and not to be seen as a person who is trying to offer dilatory tactics, I rise to strike the last word to indicate that I had intended to offer an amendment on the Russell Dam pumped storage project in Georgia and South Carolina.

Mr. Chairman, the Richard B. Russell Dam was originally authorized in 1966 at $84.9 million. The current cost estimate is $299 million; with the addition of pumped storage, the estimated cost is $359 million. Compared to other projects, Russell Dam is substantially more expensive. Typically, Russell and other public hydro projects cost one-third more than private projects in terms of dollars per kilowatt hour. Although the project is currently in litigation, construction on the dam is proceeding.

The Russell Dam is designed to produce peakload power. This is the energy provided for a few hours when demand for electricity is high and exceeds baseload generating capacity. Thus, the dam will be generating electricity on an intermittent, rather than a continuous basis.

Current law, specifically the Public Utilities Regulatory Policies Act of 1978, encourages the utilization of such procedures as time of day pricing, seasonal price differentials, and load management techniques. The demand for peak power, which Russell Dam will produce, will be reduced. In view of the compelling need to conserve, and the economic incentives for business, industry, and residential consumers to conserve, the Russell Dam project appears as an example of planned obsolescene.

We cannot continue to spend Federal tax dollars for unwarranted projects, or even projects with marginal benefits for a few. The economics of energy have changed and will continue to change and the investment of Federal money must occur where it will achieve the greatest return. The Russell Dam is a peakload facility and current estimates are that by 1985 there will be sufficient existing peakload power facilities to meet demand. If completed, the Russell Dam project would be a minor element in the overall energy scheme of the Southeastern United States. Meanwhile, the project provides a very real possibility that the fishery now established at the heavily used Clark Hill Reservoir, immediately downstream from the dam, will be damaged and a valuable asset reduced to a dead lake with mud flats.

Today, we hear the argument that we need additional energy if we are to get out of the strangleholds of the OPEC cartel. However, the Russell Dam project will not prove to be a substantial addition to the power within either the Virginia/Carolina subregion or the Southeastern Reliability Council grid. Upon completion, Russell Dam would represent only 0.4 percent of the Virginia/Carolina subregion and only 0.2 percent of the Southeastern Reliability Council grid. It is quantitively important only to the Southeastern Power Administration, an agency of DOE charged with marketing the power produced by Federal dams in the region. So the question boils down to one of the availability of heavily subsidized Federal power, rather than the availability of electric power per se.

By way of illustration of the subsidy involved, I would point out to my colleague that the corps' impact statement on the additional units for Russell Dam estimated the current value of power from the project at 36 mils per kilowatt-hour. However, during fiscal 1979, the Southeastern Power Administration was selling Federal power in the region for 6 mils per kilowatt-hour. It is unfortunate, indeed, that all of our constituents are not eligible for such a subsidy.

Rather than undertake such an addition, I would rather see Congress promoting more energy conservation programs in the area. They are far most cost effective and far less damaging. An example of what I am talking about can be shown by a study that was done on another corps project, the Dickey-Lincoln Dam up in Maine. The study, done in 1976, had the project's cost at $668 million, producing 1.2 billion kilowatt-hours or 4.1 trillion Btu's per year. The conservation alternative included the use of attic insulation (9-inch fiberglass, contractor installed at $0.30 per square foot) spending the same $668 million. The energy saved was 177 trillion Btu, per year or 43 times as much as Dickey-Lincoln. Another alternative was wall insulation (foam installed at $0.70 per square foot) spending the $668 million. The energy saved was 31 trillion Btu's per year or 43 times as much as Dickey-Lincoln. The last alternative explored was the use of storm windows ($30 each, installed) spending the same amount, $668 million. The energy saved was 18 trillion Btu's per year or more than four times as much as Dickey-Lincoln. The bill, as reported by the committee, deauthorizes the Dickey-Lincoln project.

For similar reasons, I urge my colleagues not to throw good money after bad. I urge the adoption of the amendment.

### AMENDMENT OFFERED BY MR. EDGAR

Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDGAR: Page 113, following line 19, add a new section 222 and renumber any succeeding section accordingly:

"SEC. 222. (a) The Secretary of the Army (hereinafter referred to as the 'Secretary') shall, within thirty days after enactment of this section, establish a task force to review the construction, organization, and management of the Tennessee-Tombigbee Waterway to determine the extent to which they conform to the purposes and intent of the project's authorization (Public Law 79-525). The task force, in conducting its review, shall hold no fewer than four public hearings, at least one of which shall be held within the States of Alabama and Mississippi respectively. Members of said task force shall include the Chief of Engineers, the Assistant Secretary of the Army (Civil Works), the General Counsel of the Department of the Army, the Comptroller General of the United States, the Secretary of Transportation, the Director of the Office of Management and Budget, the Federal Co-chairman of the Appalachian Regional Commission, or their representatives, three members of the general public, appointed by the Secretary, and one member representing each of the States of Alabama, Mississippi, and Tennessee respectively. The Secretary shall appoint a task force chairman who shall set the dates for hearings, meetings, workshops, and all other official task force functions in carrying out the purposes of this section. The Secretary is authorized and directed to finance from funds available to him the reasonable expenses of the task force created by this section. The task force shall dissolve on May 1, 1981.

(b) The task force shall submit to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works, no later than May 1, 1981, a report on the Tennessee-Tombigbee Waterway, including—

(1) a detailed accounting of funds expended for planning or construction of the Tennessee-Tombigbee Waterway and related projects, and the specific legislative authority for each major feature;

(2) an analysis of the compatibility of the present design and plan of the Tennessee-Tombigbee Waterway with the original design memorandum, environmental impact statement and cost estimates;

(3) an analysis of existing cost sharing and repayment obligations, including a summary and explanation of cost sharing and repayment obligations required by statute or administrative practice that have been waived or modified with respect to the Tennessee-Tombigbee Waterway;

(4) the impact of project completion upon competing modes of transportation;

(5) the record of enforcement of the requirements of the Civil Rights Act of 1964; and;

(6) the impact of project completion upon the water and related land and wetland resources of Mobile Bay.

(c) Within nine months of the date of enactment of this section, the Secretary shall submit to the House Committee on Public Works and Transportation and the Senate Committee on Environment and Public Works an evaluation of the national economic development benefits and costs of the Tennessee-Tombigbee Waterway in accordance with the procedures of 18 C.F.R. Part 713, as published in the Federal Register on December 14, 1979.

(d) Nothing in this section shall be construed as diminishing or enhancing any authority of the Secretary of the Army, acting through the Chief of Engineers, to construct the Tennessee-Tombigbee Waterway.

### PARLIAMENTARY INQUIRY

Mr. CLAUSEN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CLAUSEN. Has the gentleman withdrawn the other amendments he was offering? I do not follow the procedure here and I need to have a clarification. Has he withdrawn the other amendments he offered?

The CHAIRMAN. The Chair will advise the gentleman that there is no amendment pending other than the one that the Clerk is now reporting.

Mr. CLAUSEN. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CLAUSEN. There was some question on the Galveston Harbor dredging and the Brazos Island Harbor dredging. Is the gentleman offering amendments or not offering amendments on this? According to the list that has been provided, the gentleman is going to offer that amendment.

Mr. EDGAR. That amendment was offered and defeated.

The CHAIRMAN. The Clerk will read.

The Clerk continued the reading of the amendment.

Mr. HARSHA. If the gentleman would not object, since we have a copy of the amendment and the majority has a copy of the amendment, I would ask unanimous consent that any further reading of the amendment be dispensed with and that it be printed in the RECORD.

I know the policy on this but I am making this request rather than the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I have no objection.

Mr. HARSHA (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. EDGAR. Mr. Chairman, I hope that Members who have copies of the amendment will examine the amendment carefully. It simply tries to address the problems we face with the Tennessee-Tombigbee Waterway. It is designed to be a study and analysis of this particular project with an expeditious reporting back to Congress on that particular project.

Mr. Chairman, the purpose of my amendment is to provide the Congress with an updated objective base of information on the largest public works project in the country, the Tennessee-Tombigbee Waterway.

Mr. Chairman, let me say clearly to my colleagues at the outset the amendment would not block construction of the Tennessee-Tombigbee project, while the studies proposed by my amendment are underway.

Mr. Chairman, the first subsection of this amendment provides for the convening of a task force to explore a number of factual and legal questions that have been raised about this multibillion-dollar project.

As the amendment makes clear, both the corps and the States would be active participants in the task force with no effort to "end run" their respective expertise and interests.

The structure of the task force is patterned after the San Luis Task Force, a congressionally mandated group authorized by Public Law 95-46 at the beginning of the last Congress. That task force completed its mission as charged and its report has provided valuable information about the reclamation program operated by the corps' sister agency in the Department of the Interior.

The second subsection would direct the Secretary of the Army to provide an economic reanalysis of the project using the most current standards and procedures. The U.S. Water Resources Council, upon which the Department of the Army sits as a voting member, has recently completed an extensive rulemaking effort aimed at improving the quality of cost-benefit calculations for Federal water projects. The attempt has been made to place Federal economic analysis on a par with the state of the art as used in private business. It is no secret that professional economists have found past benefit-cost calculation—for many projects, not simply for Tenn-Tom—to be somewhat of a joke. I think it would be most helpful for those of us in the Congress to see these new standards applied, by way of illustration, to the largest project in the Federal water resource program.

Finally, let me reiterate, the third subsection of this amendment makes quite clear that the investigation and analysis provided herein will have no effect on the continuing construction of the project.

Mr. Chairman, several articles have appeared in the past year questioning various aspects of the Tennessee-Tombigbee project—not only in the general press and in environmental publications, but also in business and trade publications as well. The issue has been raised as to whether the Congress can even get the objective report out of its own General Accounting Office on this project To my knowledge, the Public Works Committee has not explored any of these allegations, and in the interests of oversight and of updating the factual base of information available to the Congress I offer this amendment.

I would hope that the Members of the House who are present here would look carefully at the study language of my amendment. I do not think it is dilatory. I think it reflects some of the history of the Tennessee-Tombigbee Waterway project.

Mr. Chairman, I draw your attention to an article, a special report in Coal Week, February 1979, entitled, "Tombigbee's Goal for Coal Movement, a Big Pipedream."

Also in an article dated February 8, 1979, in ENR, McGraw-Hill's Construction Weekly, the title of the article, "Tenn-Tom Traps Corps in Political Web."

Each of those articles and others outline in great detail some of the problems we face here in Congress with this multibillion-dollar project. I simply offer my amendment for a study group so that we can move forward with this project with all of the facts and with all of the information at hand.

Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this project originates and runs south through the eastern side of Mississippi which I have the honor to represent. Since I have been a member of the Committee on Appropriations, I have actively supported the Tennessee-Tombigbee navigation project after this area became a part of my district in 1966.

The gentleman states he has no intention of delaying the project, while his proposed restudy is made. He would provide for all these Government agencies plus State representatives and others to come up with answers because of various critical articles that have been written, in many cases by those somewhat partisan or even antagonistic.

Mr. Chairman, I have been on the Committee on Appropriations since 1943. May I say the articles that appear against the Tenn-Tom are similar to articles which appeared against the Bonneville Power Administration. We had and sometimes now have the same type of statements made against the Tennessee Valley Authority. The St. Lawrence Seaway went through a period of attack. In fact just about all improvements we have had have gone through similar periods.

Let me say now, the Tennessee-Tombigbee authorized in 1946, got off the drawing boards when our committee provided $500,000 in, I believe, 1967 to start preliminary planning and construction. It has been reviewed periodically not only by the Corps of Engineers and the Congress, but also by the courts. Not only has it withstood various charges and statements but also the attacks in the courts. I have copies of decisions by the court. Our Committee on Appropriations has had hearings on the matter and those hearings are available to my friend from Pennsylvania. If the gentleman will just take time to read these, I truly believe he will not need a new study. He could read the hearings we have had before the Committee on Appropriations. These transcripts are readily available to the gentleman and the gentleman can satisfy himself without going to this expense and stirring up the people throughout this area.

Mr. Chairman, one of the points raised in the courts was that neither the public, the Congress nor the complainants against the Tenn-Tom were aware that the Corps of Engineers, in the proper exercise of its discretion, had provided for widening the canal from 170 feet to approximately 300 feet.

On this point, I would like to quote from the opinion of the district judge, Judge Keady: I quote:

> Prior to the submission to Congress of the 1966 Supplement to GDM 1 and Secretary Resor's memorandum purporting to exercise discretionary authority to widen the channel, the House of Representatives, while resolved into a Committee of the whole House, was advised by Congressman Whitten that "indications are that (TTW) will likely be between 250 and 300 feet wide," 112 Cong. Rec. 23374 (1966) (Deft. Ex. 43, Attachment 5). On June 24, 1970, Congressman Whitten advised the full House of Representatives that the TTW "will provide a 9 foot slack water navigation channel with bottom widths of 280 feet in the divide cut and 300 feet in the remainder of the route." 116 Cong. Rec. 21252 (1970) (Deft. Ex. 43, Attach. 17).

Before requesting discretionary authority from Secretary Resor in 1967, the Chief of Engineers had caused public notice to be given of the modification to a 300-foot-wide channel, public hearings were held, and project opponents given a chance to voice their objections. These records thus show that those of us on the Appropriations Committee were aware of this exercise of discretion but that I had twice called it to the attention of the Congress in the record and thus to the public.

Mr. Chairman, further when it was realized that due to passage of time and changes in policy by the Congress, the Highway Act of 1976, provided relief in section 132(a), I had much to do with writing this language which enabled this project to be treated as later projects had by providing for bridges to meet modern highway demands. The Congress plans for recreation facilities in line with those provided for similar projects this day and time.

About a week or 10 days ago I went along the Tennessee-Tombigbee from up in the northern part of my State down to Columbus. About 50 percent of the funds have been provided and almost all of the project construction is under contract. In considering the cost-benefit ratio, since more than half the costs have been incurred, it would mean that the real benefits measured against the remaining costs would be about more than twice as great as it was at the outset.

So may I say again that our committee developed for the committee and the public use, all facts concerning this great project, of value to the whole Nation. It is my belief that the Bonneville power and TVA has strengthened all the competitive forces which they faced earlier that might be in that area because they have increased economic activity.

I think with time the Tennessee-Tombigbee navigation project is going to be of sufficient size to lead to a tremendous developing in the area, which will increase the transportation that is carried by rail and by truck; but be that as it may, a study made by the Appalachian Commission shows that 23 States will benefit directly from it and coal, so vital to our needs, will be one of the major commodities to make use of this canal.

Not only that, but as I pointed out yesterday, in the last 50 years this country has increased its population from about 110 million to about 220 million. Presumably in the next 50 years we will be up to around 400 million. I say to you that this project will give to the southeastern part of the United States a tremendous potential for growth and development. It is said that we will have heavy industry coming to that area, and we have several plants already.

These industries will not take away from any other section, but as we grow toward the 400 million population level, we will get credit, all of us, for being as farsighted and constructive as we were with Bonneville power in the Northwest and the St. Lawrence Seaway in the Northeast. Where would we be if we did not have irrigation in the Western States? If we did not have such projects today, where would we be? If we did not have the St. Lawrence Seaway, where would we be? Our energy shortage would really be acute if we did not have the TVA and Bonneville.

Now, may I say again, the gentleman says that all he wants is to satisfy himself and the Congress as against these articles which are written by special interests in most instances, none of which are accurate in my opinion, having read them; but the gentleman is also asking for information that is readily available now. If the gentleman would just take the time to read the hearings where we have had these things presented, he will find all these satisfactorily answered before our Committee on Appropriations.

Most of the contestants waited until this project was half completed; the real benefit ratio against the remaining costs is practically doubled because it is half complete or, that is, the contracts in existence will make it half complete. The contestant acted approximately 8 years after I reported the facts to the Congress.

So may I respectfully suggest to my friend, the gentleman from Pennsylvania, let us supply him with this material that is already available and save all this time and effort.

□ 1500

The CHAIRMAN. The time of the gentleman from Mississippi (Mr. WHITTEN) has expired.

(At the request of Mr. EDGAR, and by unanimous consent, Mr. WHITTEN was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Pennsylvania

Mr. EDGAR. Mr. Chairman, I commend the gentleman in the well for bringing to our attention the fact that there has been some discussion of this project in the courts. The project is a rather large project. I appreciate the fact the gentleman has just recently visited the project.

My interest in offering the amendment is to focus primarily on all of the controversy that has been raised on a project which when the gentleman first showed interest in this project many years ago, I think in good faith had the opinion that the project was necessary and that the cost-benefit ratios were equitable and that the reasons and purposes for the project were clear.

As the project has emerged and developed, it has occurred to the gentleman from Pennsylvania that what has happened is that the Federal Government has put its toe in the water and it has begun to move along the project. Then some of the history of this particular waterway project has changed. The dollar amounts have changed. The amount of tonnage that was going to be utilized by this water project has changed. That is why the gentleman from Pennsylvania has offered an amendment to study all of the ramifications of the controversy that is raging on this project. I can respect the opinion of the gentleman in the well that that is not necessary because of appropriation hearings; but it has been brought to my attention through several different sources, including the Army Corps of Engineers, that there are still some questions raging on this project.

I thought perhaps through offering this simple study resolution, patterned after the resolution that already the Committee on the Interior has put forward, that this would be a way in which we could address these controversial issues and get some resolution.

Mr. WHITTEN. Mr. Chairman, may I say to my colleague, I appreciate the attitude the gentleman has shown here. You know, we have a difference of viewpoints here. There are those on the one side who look completely at the environment and things of that sort and are not only opposed to improving the environment, but they are opposed to changing the environment. Then there are those that look at it on the other side. I do not know that there is any way to ever reconcile those differences; but that was determined by the Congress when this was started with the appropriations. So I would say that if the gentleman would allow me, we have had years of hearings on this project, along with others for further financing, I believe that we could supply the gentleman with all the information that the gentleman would need.

The CHAIRMAN. The time of the gentleman from Mississippi (Mr. WHITTEN) has again expired.

(At the request of Mr. EDGAR, and by unanimous consent, Mr. WHITTEN was allowed to proceed for 2 additional minutes.)

Mr. WHITTEN. Mr. Chairman, if the gentleman would yield further, I doubt that we could satisfy those who have written these articles. We could not do it any more than those who wrote the same type of articles against the Tennessee Valley Authority. We could not hope to satisfy those who attacked the Bonneville Power Administration or the St. Lawrence Seaway.

Now, may I say that, as a Member of Congress I have supported the development of our country. With 220 million people now, instead of the 110 million we had back in 1926, and in the next 50 years there may be 400 million population, it is the farsightedness of the Congress of today that we must look to if we are to take care of the 400 million people of the future.

I believe if the gentleman could take time to read the available hearings, I believe that I could satisfy him.

Now, I want to say again, there is no way to satisfy those who take another position for reasons of their own.

Mr. EDGAR. Mr. Chairman, I appreciate the comments of the gentleman. If the gentleman would yield further, it is my information that the authorization for this project was in 1946 and that in 1950 and in 1951 the Committee on Appropriations after its investigation of the feasibility of the project put the project on a deferred list for restudy. They put it in that category where it remained for roughly 15 years.

In 1966 the corps resumed study of the project and found it to be economically justified based on the channel width of 170 feet.

In 1967 the Secretary of the Army responded to the request of the corps for authority to expand the project width by approving a 300-foot channel for purposes of future planning.

The corps never requested construction authorization for a 300-foot channel from the Secretary of the Army from the Congress. Nevertheless, construction funds were first appropriated, as the gentleman is aware, in 1971, leading up to the kind of history that we have in that particular project.

Mr. WHITTEN. Mr. Chairman, may I say, if the gentleman will come before the committee, we will show the gentleman that the authorities that the gentleman points out provide for discretion on the part of the Corps of Engineers. In the exercise of that discretion, the determination was made that since this actual development came later than it was at the origin, that under the authority granted them to have discretion, that they had determined this 300-foot channel.

As I have pointed out, the opinion of the court, and in the extension of my remarks I will get permission to use that, the court quoted the speech I made on the floor calling it to the attention of the Congress at that time.

□ 1510

May I say—and I say it with some degree of pride—that this project got off dead center when we provided $500,000 in appropriations for preconstruction and design. I had some experience in developing the facts in the record and came to see the feasibility of the project. That is how it got started.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this legislation.

First I would like to take this opportunity to pay tribute to the outstanding leadership of the chairman of the subcommittee on water resources, Hon. RAY ROBERTS. His leadership in the area of developing our Nation's resources has been invaluable to our country. I would also like to commend the chairman on Public Works and Transportation, Chairman BIZZ JOHNSON. It has been my privilege to work with him on numerous occasions and his advice has always been sound. In addition, Mr. Chairman, let me add this—the ranking minority member of the committee, Mr. HARSHA and the ranking minority member of the subcommittee, Mr. CLAUSEN have provided tremendous leadership in bringing this legislation to the floor.

We all know there has been a great deal written and spoken about this legislation. We have read the articles and editorials describing this legislation as "boondoggle" and "pork barrel." I would like to say to my colleagues that as chairman of the Energy and Water Development Appropriations Subcommittee, our committee each year has the opportunity to hear several hundred witnesses from the areas where those projects are located. These are the people who know the value of these projects. They know what it is like to have their farms and homes ruined by devastating floods. I submit to you that these people do not view the projects as "boondoggles."

In 1963, the Wilmington Harbor, N.C., project was estimated to have a benefit-cost ratio of 1.6 to 1. Consisting of annual navigation benefits of $439,000 and 2,789,000 tons by 1990. In the past 6 years alone, the actual navigation benefits have been $3,976,000 and 3,284,000 tons annually.

It is clear that the Federal water resource development program has been planned and executed in a rational and economical fashion using conservative estimates of project benefits. The committee believes that projects should be planned with the best estimates of both benefits and costs so that the Nation's present and future population can enjoy the full value accruing from this important program.

I am confident this committee has looked at these projects very carefully and evaluated them on their merits. That is the responsibility of the members serving on the committee. I would urge the Members of the House to vote for this bill because it is a good bill and deserves the full support of the House so that we can send out a message that the Congress, those who are elected to represent the people and not some bureaucrats who do not have to answer to the people as we do, are going to insure that property and resources of our people are protected.

I would like to give the Members of

the House just a few examples of the real value of some of these projects.

The Lake Pontchartrain, La., flood control project was placed in operation in 1956. During Hurricane Flossie that same year, the partially completed project prevented $21.8 million in damages from hurricane driven tides. The project was completed in 1965 at a cost of $8.3 million and has, over a 23-year span, prevented $1.8 billion in damages. When the project was authorized the estimated benefit-cost ratio was 1.3 to 1. The actual benefit-cost ratio to date is 144 to 1.

The St. Louis, Mo., flood control project was essentially completed in 1975 at a cost of $81.3 million. Including damages prevented while still under construction, the project has prevented $292.5 million in damages through 1978. The estimated benefit-cost ratio was 1.07 to 1. The actual benefit-cost ratio to date is 3.5 to 1.

Similarly, the volume of waterborne transportation over Federal projects has been historically underestimated. When the lower Columbia and lower Snake River navigation systems were under consideration, it was estimated that freight transportation would grow to 26,800,000 and 8,264,000 tons respectively by the year 2000. By 1978 the actual tonnage was 25,020,000 and 9,822,000 respectively.

In the case of the Tampa Harbor, Fla., navigation project, the 1948 estimate projected a total freight tonnage of 4 million by 1977. The actual tonnage achieved by 1977 was 31 million.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. BEVILL) has expired.

(By unanimous consent, Mr. BEVILL was allowed to proceed for 2 additional minutes.)

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Alabama (Mr. BEVILL), as well as with the remarks of the gentleman from Mississippi (Mr. WHITTEN).

The truth is contrary to what the gentleman from Pennsylvania (Mr. EDGAR) says; there is no debate raging on this project. There have been a few people who have tried in every way they can to kill it. They have been to court four times, and they have even briefly convinced the President of the United States to put it on his "hit list."

The corps conducted a tremendous hearing at the request of the President. As the result of that hearing the administration concluded that the project had merit. So now there is no real debate on it except by a few people who continue to seek ways to delay or kill the project.

I will ask the gentleman from Alabama (Mr. BEVILL), in his position as chairman of the subcommittee of the Committee on Appropriations, if he knows of any other project with which he has been associated over the years that has ever been studied as much as the Tennessee-Tombigbee Waterway.

Mr. BEVILL. None. Mr. Chairman, this project has been completely studied. It was studied, and restudied for years.

Mr. EDWARDS of Alabama. The gentleman from Alabama (Mr. BEVILL) will agree with me, then, that it has been studied to death, and it is time to finish the construction? The gentleman will agree that the project is moving along well, and it should be continued?

☐ 1520

Mr. BEVILL. I do. It is one-third complete, 50 percent of the funds have been provided, and most of the contracts are let. To delay it now, is simply going to add to the cost, that is all that is going to do, because this project is going to be completed. It should be completed in 1984. This Congress has always supported this project and it is going to continue to support it.

Mr. EDWARDS of Alabama. I thank the gentleman.

Mrs. BOUQUARD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered concerning completion of the Tennessee-Tombigbee Waterway. I strongly support the completion of this valuable project.

Out of the anarchy and revolution in Iran, we have learned many lessons. One of the lessons that we have learned is that we cannot depend upon foreign oil as our primary source of energy.

President Carter indicated in his state of the Union address that one of our chief alternatives for replacing our petroleum use is coal. In the past he has called for a two-thirds increase in the production of coal. However, we cannot significantly increase our coal production unless we expand our transportation facilities, both rail and water.

The Tennessee-Tombigbee Waterway can help brighten this picture. This waterway will tie together 12 river systems and, by connecting the Tennessee and Tombigbee Rivers, will shorten the distance from many inland ports to the gulf and foreign markets by as much as 800 miles. Chattanooga, Tenn., in my district, will be 800 miles closer to the gulf once this project is complete.

An abundance of coal deposits is readily available along the Tennessee River. However, the cost of shipping such a distance to get the fuel to market dim the current prospects for mining this needed fuel. By reducing the distance from coal-producing States, southeastern powerplants and to the gulf, this waterway will, in turn, reduce the cost of coal, resulting, ultimately, in lower utility rates. This fact should give considerable impetus to the goal of completing the waterway.

For these and equally valid reasons, I strongly support this project, and urge my colleagues to defeat any amendment which would delay its completion.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I do not want to belabor this debate or prolong it unnecessarily, but I think this amendment points to one of the very fundamental issues that this House is faced with right now. This amendment is inspired by the environmentalists. The environmentalists have a no-growth policy. They do not want this country to develop anything. They do not want us to continue to develop a river transportation system. They do not want us to provide for additional jobs. They do not want us to provide measures to conserve and protect our water. They do not want to develop the seaports or the river ports for our national defense or for our economic development. They do not want any growth. They will do everything conceivably possible to try to delay the growth of this country, the improvement of our national water transportation system, the restoration of our water supplies and the development of our ports.

This project has been authorized and reauthorized. This project has been in and out of the courts, and they have lost on every occasion. So they are back here now with another effort to put a roadblock in the way of the development of this country. This theme, if the Members will pay attention to these amendments, runs rampant throughout all of these amendments.

So this issue is now before us. It is out in the open. I urge the House to defeat this amendment and let us get on with not only the passage of this bill but with the development of our country, the preservation of our water transportation system, our water resources and the development of our harbors and ports of this country.

I urge the defeat of the amendment, Mr. Chairman.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will only take a minute. This amendment would do by legislation or proposes to do by legislation what the environmentalists have lost in the courts.

I urge the rejection of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR).

The amendment was rejected.

Mr. EDGAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have only one additional amendment to title II, and then we will move to title III and title IV. I chose not to call record votes on many of the issues that we face this afternoon, one, because I knew what the outcome of the votes would be, but, two, because I felt it was important for us to discuss the issues.

Following this 5 minutes of general debate on the bill I am going to ask unanimous consent to offer an amendment—it is a little unusual—that I consider to be nongermane, and a point of order would lodge against the amendment.

I am going to ask unanimous consent that the amendment be permitted to be considered. It simply reads, in section 222 of the bill:

> The Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service, shall study and report by April 1, 1981, to the appropriate committees of the Senate and the House of Representatives on the feasibility, the desirability, and the public interest involved in requiring that full public access be provided

to all water impoundments, with recreation-related potential, which were authorized or are proposed to be authorized, utilizing funds authorized by Public Law 83–566, as amended.

As most of us would know, in listening to the language, we are not dealing with the bill. It relates primarily to the Department of Agriculture. But the essence of this amendment provides for full access for open availability to areas that we are funding under this bill at a Federal expense. As I read the amendment, it would provide for recreation-related involvement and opportunities for many of our people throughout the country who may not be given full access because of some private property owner limiting that access.

So I hope that Members on both sides might analyze and listen carefully to the amendment and, hopefully, will accept it.

Mr. Chairman, the purpose of the amendment at the desk is to authorize and require the Secretary of Agriculture, acting through the Administrator of the Soil Conservation Service, to prepare a report for the appropriate committees of the House and Senate that assesses the feasibility, desirability, and the public interest involved in providing full public access at impoundments that have recreation potential that have been built with public funds through the SCS's small watersheds program under Public Law 83–566.

Many of these impoundments have untapped outdoor recreation potential for the rural communities in their vicinities. These reservoirs are scattered throughout the Nation with over 1,200 projects currently authorized and over 500 currently considered complete. Although some of the reservoirs associated with these projects already have public access areas and recreation facilities, it is widely recognized that more can be made available for recreational purposes. A review of all currently authorized Public Law 566 projects shows that only about 10 percent of the projects list recreation as a present project benefit. It may be desirable to make changes to promote more opportunities for recreation at these projects. In order to make wise choices in this policy area, the Congress needs more complete information.

In June of 1977, the National Watershed Congress issued a special study committee report on perceived needs to bolster an ailing small watersheds program. A key recommendation of that report focused on a need for "the orientation of the program (to) be shifted away from strict economic development * * * and (that) (m)ore consideration should be given to 'quality of life.'" Under this category the Watershed Congress places strong emphasis on improving recreational opportunities.

Critics of the Public Law 566 program are constantly harping on the fact that benefits of these projects are too often spread very thinly in the communities where they are constructed. Outdoor recreation is a benefit which can be widely shared by people of all ages, income levels, and by rural as well as city dwellers nearby. My amendment is simply aimed at having the Agriculture Secretary provide us with enough information so we can make informed judgments and changes in current practices if such changes would be beneficial.

Small watershed projects not only can contribute opportunities for water-based recreation at impoundments such as swimming, boating, waterskiing, and fishing, but also with many of these projects there is considerable land area that could be made available for public use for other types of recreation such as hunting, camping, hiking, picnicking, and related outdoor sports. In many communities, the best areas for outdoor recreation can be found near rivers and streams. This is because the flood plain is often relatively undeveloped, abundant fish and wildlife habitat exists there, and large areas of land are sometimes suitable for more intensive recreation development. In recent years, however, many people feel the emphasis of the Public Law 566 program has downplayed these natural amenities in project designs, thus overlooking the potential for broader benefits to the public. Passage of the amendment would set us on a course that might help us take advantage of these natural river, reservoir, and flood plain characteristics.

Finally, Mr. Chairman, I wish to point out to my colleagues that an identical provision has been accepted in the companion version to this legislation by the Subcommittee on Water Resources of the Senate Public Works Committee. This amendment will provide useful information for Congress to make needed changes to improve the availability of recreation opportunities to rural Americans through the Public Law 566 program. I urge its adoption.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. Mr. Chairman, I would like to state that I agree with the purpose and the intent of the amendment, which is to provide public recreation for those things created at public expense. But I do have a couple of questions in relation to it.

No. 1, it refers "to all water impoundments, with recreation-related potential, which were authorized or are proposed to be authorized, utilizing funds authorized by Public Law 83–566, as amended."

In there, there is no limitation on how much will be expended. Are we talking millions, are we talking billions, are we talking hundreds of thousands for these studies?

We want to be careful about what money is spent under this bill, and there is no limitation. Therefore, they could utilize all of the funds for these studies which are provided for in 83–566. I think it would be appropriate to provide a limitation. I was wondering what the gentleman's thinking is.

Mr. EDGAR. Mr. Chairman, the gentleman agrees with the gentleman from Pennsylvania that, if we had an assessment of each of the projects in this bill that had recreation-related activities, it might be possible to draw some assessment of the dollar value. It is not the intent of this gentleman to offer an amendment that would unduly burden this bill or unduly burden the Federal Treasury in providing access to areas. But it seems to me appropriate that if we are asking the Federal Government to pay in some instances 100 percent of the funding for projects that do have recreation-related potential, we ought to also allow and permit the access to those areas of the public rather than making them private recreational areas. I think we will get some experience by having this amendment adopted as part of the bill. I do not think that either the Secretary of Agriculture or the Director of the Soil Conservation Service would permit the expenditure of all of the funds authorized by Public Law 83–566 to be expended solely on the projects related to this bill.

Mr. ERTEL. If the gentleman will yield, I do not know how much money has been authorized by Public Law 83–566.

Mr. HARSHA. Mr. Chairman, will the gentleman yield to me for a moment? I think I can save a lot of time, because I intend to object to the unanimous consent request. I would rest on the gentleman's statement that it is not germane.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

Mr. ROBERTS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did not understand the situation. The gentleman from Texas (Mr. DE LA GARZA) is here. He says that already on all of the new projects of Public Law 566 where it is 100 percent Federal, they are requiring public access, as the gentleman has requested.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. That includes all Army Corps of Engineers projects as well?

Mr. ROBERTS. Of course. With the Army Corps of Engineers it is automatic. I do not think we have ever had one that did not have public access.

I would be happy to work with the gentleman, as I told him, even though the amendment is nongermane. I would not object to it in that particular case, but I think the gentleman's problem has already been solved by the gentleman from Texas.

Mr. EDGAR. I thank the gentleman.

● Mr. BONKER. Mr. Chairman, in H.R. 4788 the Public Works Committee gives a much-needed and long-delayed boost to a channel-deepening project in Grays Harbor, Wash.

Unfortunately, however, the authorization for a Grays Harbor feasibility study inadequately recognizes that the project is composed of two distinctly different parts: One channel dredging and improvement segment of 22 miles through Grays Harbor itself and another of 2.2 miles upstream in the Chehalis River.

The longer Grays Harbor segment of the project enjoys considerable support among my constituents in the area and is generally recognized as important to the general public interest and to the economic growth and prosperity of the community. The record of general public interest is much less clear for the shorter river segment, which also includes modification of a railroad bridge that spans the river.

Because it is served by a 30-foot channel, the port at Grays Harbor is at a disadvantage in competition with other, larger Northwest ports.

Ships with a draft of more than 30 feet are increasingly common. Some vessels are forced to bypass Grays Harbor. Others are able to enter the harbor only during day-time high tides and cannot leave with full loads. And competition is hampered in the foreign markets that the port now serves. Port officials, for example, recently found that all ports that are prospective customers in the Far East have channels of more than 30 feet already in place or under development. A need is clear for the 40-foot channel that the project would provide through Grays Harbor.

However, in the Chehalis River upstream from the harbor the current case is less compelling for the final 2.2 miles of the project. The bulk of the dockside port and industrial development lies below the Union Pacific Railroad bridge. Modification of the bridge and extension of the 40-foot channel into the river could benefit no more than two private firms. At this point, the general public interest that would be served by channel improvements in the harbor itself simply has not been established in the upstream, river portion of the project.

H.R. 4788 also establishes a new, one-step authorization process for water projects, including Grays Harbor. Under one-step authorization, the decision to commence the process becomes especially significant. This new approach can be very useful in cutting unnecessary delay and needless delay, but it also demands greater diligence in assessing accurately all the benefits and costs of a proposal before that project is allowed to proceed.

While I concur with the committee's decision to authorize a feasibility study of the 22-mile segment of the Grays Harbor project from the harbor entrance to the railroad bridge, I believe that including the bridge modification and the upper 2.2 miles of channel work in the same authorization at this time is premature. A more complete assessment of those who would benefit from this rover work should be made first, and understandings should be reached about the share, if any, of the project costs that should be borne directly by those firms who would benefit from it.●

The CHAIRMAN. Are there additional amendments to title II? If not, the Clerk will designate title III.

Title III reads as follows:

### TITLE III—PROJECT MODIFICATIONS

SEC. 301. (a) The project for the Caesar Creek, Ohio River Basin, Ohio, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct a public water supply system in accordance with the document entitled "Southwest Ohio Water Plan", prepared by the Ohio Department of Natural Resources (April 1976), with modifications as the Chief of Engineers deems advisable, at an estimated cost of $66,000,000.

(b) Prior to the construction of the water supply system pursuant to subsection (a) of this section, the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests which provides that (1) such non-Federal interests will provide the Secretary with the lands, easements, and rights-of-way necessary for the Secretary to construct such water supply system, (2) after such construction is completed, all right, title, and interest of the United States in such water supply system shall be conveyed to such non-Federal interests who shall thereafter operate and maintain such water supply system, and (3) the costs of construction shall be repaid to the Federal Government over a period of fifty years after completion of construction of the water supply system. The first annual payment shall be a minimum of 0.1 per centum of the total amount to be repaid. The annual payments shall be increased by 0.1 per centum each year until the tenth year at which time the payment shall be 1 per centum of the total principal amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment (including interest over such fifty-year period) at the rate specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85–500).

SEC. 302. (a) The project for navigation improvements in Mobile Harbor, Theodore Ship Channel, Alabama, approved by resolutions of the Committee on Public Works of the Senate and the Committee on Public Works of the House of Representatives, dated December 15, 1970, and modified by section 112 of the Water Resources Development Act of 1976, is hereby further modified to provide that the non-Federal interests shall contribute 25 per centum of the costs of areas required for initial and subsequent disposal of dredged material, and of necessary retaining dikes, bulkheads, embankments, and movement of materials therefor.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State of Alabama, interstate agencies, municipalities, and other appropriate political subdivisions of the State and industrial concerns are participating in, and in compliance with, an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 303. (a) The project for flood protection on the Saginaw River, Michigan, authorized by the Flood Control Act of 1958 (Public Law 85–500) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to implement a nonstructural project for the purposes of flood damage reduction and recreation on the Tittabawassee River at Midland, Michigan, as determined by the Chief of Engineers to be economically justified (determined using the interest rate prevailing at the time such project was first authorized), at an estimated cost of $3,500,000. If such nonstructural project is not implemented, the project originally authorized may be implemented.

(b) Non-Federal cooperation shall be required for such project as determined by the Chief of Engineers and in accordance with the cost-sharing principles of section 73(b) of the Water Resources Development Act of 1974 (Public Law 93–251) and the Federal Water Project Recreation Act (Public Law 89–72). Prior to initiation of the project, non-Federal interests shall agree to furnish such cooperation in accordance with section 221 of the Flood Control Act of 1970 (Public Law 91–611).

(c) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to include the costs and benefits of non-Federal improvements initiated by non-Federal interests subsequent to January 1, 1978, which the Chief of Engineers determines are compatible with and constitute an integral part of the project authorized by this section. In determining the non-Federal share for the project, the Chief of Engineers may give credit for such costs incurred by non-Federal interests in carrying out such improvements.

(d) The project for flood protection on the Saginaw River, Michigan, authorized by the Flood Control Act of 1958 (Public Law 85–500) is hereby further modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to acquire from the State of Michigan by purchase or exchange such real property not exceeding one thousand acres as the Chief of Engineers determines necessary to construct such project at Shiawassee Flats, at an additional estimated cost of $2,000,000.

SEC. 304. (a) The project for the East Fork Lake, Ohio River Basin, Ohio, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1215), is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct a public water supply system substantially in accordance with the plan entitled "East Fork Lake Water Supply and Intake Plan", dated October 19, 1977, with modifications as the Chief of Engineers deems advisable, at an estimated cost of $18,400,000.

(b) Prior to the construction of the water supply system pursuant to subsection (a) of this section, the Secretary of the Army, acting through the Chief of Engineers, shall enter into an agreement with appropriate non-Federal interests which provides that (1) such non-Federal interests will provide the Secretary with the lands, easements, and rights-of-way necessary for the Secretary to construct such water supply system, (2) after such construction is completed, all right, title, and interest of the United States, in such water supply system shall be conveyed to such non-Federal interests who shall thereafter operate and maintain such water supply system, and (3) the costs of construction shall be repaid to the Federal Government over a period of fifty years after completion of construction of the water supply system. The first annual payment shall be a minimum of 0.1 per centum of the total amount to be repaid. The annual payments shall be increased by 0.1 per centum each year until the tenth year at which time the payment shall be 1 per centum of the total principal amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment (including interest over such fifty-year period at the rate specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85–500)).

Sec. 305. (a) The project for harbor improvement at Noyo, Mendocino County, California, authorized by the River and Harbor Act of 1962 (76 Stat. 1173), is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the cost of areas required for initial and subsequent disposal of dredged material, and of necessary retaining dikes, bulkheads, embankments, and movement of materials therefor.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State of California, municipalities, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

(c) If, in lieu of diked disposal, the Secretary of the Army, acting through the Chief of Engineers, determines ocean disposal is necessary, the Federal share of the cost of such ocean disposal shall be 100 per centum.

Sec. 306. The navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173, 1174) is hereby modified to provide that the United States shall pay for the remedial work to Long Creek Canal which the city of Virginia Beach, Virginia, was required to carry out as a result of such navigation project, at a cost not to exceed $1,660,000.

Sec. 307. The project for navigation on the Southern Branch of Elizabeth River, Virginia, authorized by resolutions of the Senate and House Public Works Committees, dated October 1, 1976, and September 23, 1976, respectively, under the provisions of section 201 of Public Law 89–298, is hereby modified to delete the requirement that local interests contribute in cash for land enhancement benefits 2.4 per centum of the construction cost, including engineering and design and supervision and administration thereof, of all work to be provided by the Corps of Engineers.

Sec. 308. The general comprehensive plan for flood control and other purposes in the Ohio River Basin authorized by the Flood Control Act approved June 28, 1938, is hereby modified to authorize the Secretary of the Army acting through the Chief of Engineers, to reconstruct and repair the Cherry Street bridge and the Walnut Street bridge, Massilon, Ohio, at an estimated cost of $1,500,000. Non-Federal interests shall own, operate, and, upon completion of the work authorized by this section, maintain such bridges in accordance with the requirements of the Flood Control Act approved June 28, 1938.

Sec. 309. The Pick-Sloan Missouri basin program, authorized by the Flood Control Act of 1944 (58 Stat. 887) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct and to hydraulically, electrically, and financially integrate with the existing Missouri River Basin Federal power system for operation and marketing of power, an adjacent-type pumped-storage hydroelectric facility with an estimated total capacity of 1,180 megawatts as part of the Fort Randall Dam-Lake Francis Case project, South Dakota, substantially in accordance with the plan set forth in the report of the Board of Engineers for Rivers and Harbors dated January 18, 1978, at an estimated cost of $270,000,000, except that not to exceed $50,000,000 is authorized for initiation and partial accomplishment of this section.

Sec. 310. (a) The Stamford Harbor, Connecticut, navigation project authorized by the River and Harbor Act of 1919 is hereby modified to provide that for disposal of material dredged in maintaining the project, non-Federal interests may furnish without cost to the United States an area located between the harbor's east branch channel and Kosciuszko Park which is satisfactory to the Secretary of the Army, acting through the Chief of Engineers, for the disposal of the dredged material. The Secretary of the Army, acting through the Chief of Engineers, shall construct a dike to retain the dredged material and non-Federal interests shall contribute 25 per centum of the costs of constructing such dike. Non-Federal interests shall acquire all easements and rights-of-way required for construction at the site and hold the United States free of damages incurred during construction and maintain such dike upon completion.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State of Connecticut, interstate agencies, municipalities, and other appropriate political subdivisions of the State and industrial concerns are participating in and in compliance with an approved plan for the Stamford Harbor area for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

Sec. 311. The flood control project for Lavon Dam modification East Fork Trinity River, Texas, authorized by the Flood Control Act of 1962 is modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to reimburse the Milligan Water Supply Corporation for the cost of relocating a three-inch waterline downstream, at a cost of $27,023.

Sec. 312. (a) The Galveston Channel forty-foot project for navigation in Galveston Bay, Texas, authorized in accordance with section 201 of the Flood Control Act of 1965 (Public Law 89–298), is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the costs of areas required by initial and subsequent disposal of dredged material, and of necessary retaining dikes, bulkheads, embankments, levees, and spillways therefor. Credit shall be allowed in connection with the above project in an amount equal to the reasonable expenditure made by non-Federal interests in the acquisition of disposal areas and construction of necessary retaining dikes, bulkheads, embankments, levees, and spillways prior to the date of enactment of this section.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State of Texas, interstate agencies, municipalities, and other appropriate political subdivisions of the State and industrial concerns are participating in, and in compliance with, an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

Sec. 313. The navigation project at Mamaroneck Harbor, New York, authorized by the first section of the Act entitled, "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1038), the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), and section 101 of the Rivers and Harbors Act of 1960 (74 Stat. 480) is hereby modified to provide that the Federal share of the additional cost of disposing in ocean waters dredged material resulting from dredging necessary to maintain the project, above the cost of disposing of such dredged material on land, shall be 80 per centum.

Sec. 314. The project for flood control, Wenatchee, Washington, Canyons 1 and 2, authorized by resolution of the Committees on Public Works of the House of Representatives and Senate on December 15 and 17, 1970, respectively, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire lands, easements, rights-of-way, and to carry out relocations for such project on condition that local interests enter into a legally binding agreement, prior to construction, to reimburse the United States for the total cost of such acquisitions and relocations, and to repay such costs in not more than fifty equal annual installments, including interest on the unpaid balance. The rate of interest on the unpaid balance shall be that specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85–500).

Sec. 315. (a) The Intracoastal Waterway from Saint Marys, Georgia, to Miami, Florida, authorized by the River and Harbor Act of 1927 is hereby modified to provide that non-Federal interests shall contribute 25 per centum of the cost of areas required for initial and subsequent disposal of dredged material, and of necessary retaining dikes, weirs, return culverts, and embankments therefor.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State of Florida, interstate agencies, municipalities, and other appropriate political subdivisions of the State, and industrial concerns are participating in, and in compliance with, an approved plan for the general geographic area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

Sec. 316. The project for the Sandridge Dam and Reservoir, Ellicott Creek, New York, for flood protection and other purposes as authorized in section 201 of the Flood Control Act of 1970 is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a combination of channel enlargement work and diversion channels along Ellicott Creek mostly in the town of Amherst in accordance with the report of the Chief of Engineers dated April 2, 1979, except that cost sharing for such project shall be as provided in the report of the Board of Engineers for Rivers and Harbors dated July 20, 1978, at an estimated cost of $13.200,000.

Sec. 317. The hurricane-flood protection project for Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298) is hereby modified to provide that the Secretary of the Army, acting through the Chief of Engineers, is authorized to construct features, such as a flood wall with sluice gates or other means, at an estimated cost of $3,500,000, to insure that, by the most economical means, the level of protection within Jefferson Parish provided by the hurricane-flood protection project will be unimpaired as the result of any pumping station constructed by local interests. Requirements for non-Federal cooperation for the additional work authorized by this section shall be on the same basis as levee improvements for hurricane-flood protection on this project.

SEC. 318. The project for flood control in the Saint Francis Basin, Mississippi River and Tributaries, authorized by the Flood Control Act approved May 15, 1928, is modified to provide for improvement of the Fifteen Mile Bayou and tributaries and Eight Mile Creek, Paragould, Arkansas, as recommended by the district engineer and the Mississippi River Commission in reports dated February 1978, and May 24, 1977, respectively, subject to local cooperation requirements established by section 10 of the Flood Control Act approved July 24, 1946, and section 203 of the Flood Control Act approved August 13, 1968, at an estimated cost of $21,600,000.

SEC. 319. The Yaquina Bay and Harbor project, Oregon, authorized by the River and Harbor Act of March 2, 1919, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to raise the south jetty to protect vehicular access provided, at non-Federal cost, to public use areas on accreted land adjacent to the south jetty, from damaging effects of overtopping of the jetty, on condition that local interests provide the necessary lands, easements, and rights-of-way for such modification. The estimated Federal construction cost of this modification is $2,200,000.

SEC. 320. The navigation project for Yazoo River, Mississippi, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the cost of the alteration of the Shepardstown Bridge (mile 147.8) shall be entirely borne by the United States at an estimated cost to the United States of $3,600,000.

SEC. 321. The following water resources development projects are hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to carry out all dredging and related work required in connection with the navigation aspects of such projects independently of all other aspects of such projects, at an estimated cost of $41,000,000;

(1) Great Egg Harbor Inlet and Peck Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965 (79 Stat. 1073, 1074).

(2) Corson Inlet and Ludlam Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

(3) Townsend Inlet and Seven Mile Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

(4) Hereford Inlet to the Delaware Bay entrance to the Cape May Canal, New Jersey, authorized in section 101(a) of the Water Resources Development Act of 1976 (90 Stat. 2917).

(5) Barnegat Inlet to Longport, New Jersey, authorized in section 101(a) of the Water Resources Development Act of 1976.

With respect to each project, the non-Federal share of the cost of the dredging and related work referred to in this section shall be the same as the percentage applicable to such project as authorized immediately prior to the date of enactment of this section.

SEC. 322. The project for flood protection on Willow Creek, Oregon, authorized by section 204 of the Flood Control Act of 1965 is hereby modified substantially in accordance with the special report of the Chief of Engineers, dated May 15, 1974, at an estimated cost of $24,100,000.

SEC. 323. Section 115 of the Water Resources Development Act of 1976 (Public Law 94–587) is amended as follows: (1) by striking out "the phase I design memorandum stage of advanced engineering and design of" and inserting in lieu thereof the following: "construction of a"; and (2) by striking out "$2,800,000." and inserting in lieu thereof the following: "$170,000,000.".

SEC. 324. (a) The project for the Barbers Point Harbor, Hawaii, authorized by the River and Harbor Act of 1965 (79 Stat. 1092) is hereby modified to require a non-Federal cash contribution of 4.4 per centum of actual Federal construction costs, to be paid in estimated annual installments as construction proceeds, the final costs to be adjusted after actual costs have been determined. An additional non-Federal cash contribution shall be paid each year, equal to 50 per centum of the excess, if any, of the actual net revenue from the non-Federal sale of coral dredge materials for that year over the net estimated revenue from the sale of such project material for that year as determined in the computation of the 4.4 per centum cash contribution requirement. The procedure and the unit values used for determining excess net revenues shall be approved by the Secretary of the Army.

(b) Agreement to make contributions as provided for in subsection (a) of this section shall be entered into between the non-Federal interests and the Secretary of the Army prior to initiation of construction.

SEC. 325. The plan for the harbor improvement at Honolulu Harbor, Oahu, Hawaii, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) is hereby modified to delete the requirement that local interests contribute in cash, prior to initiation of construction, a lump sum amounting to 2.6 per centum of the estimated first cost of the general navigation facilities for the project, ascribed to land enhancement through disposition of dredged material.

SEC. 326. (a) The project for navigation of Charleston Harbor, South Carolina, authorized by the River and Harbor Act of October 17, 1940, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a two-mile extension of the harbor navigation channel in the Wando River to the State port authority's Wando River terminal at an estimated cost of $4,500,000.

(b) The paragraph in section 101(a) of the Water Resources Development Act of 1976 under the heading "Cooper River Basin" is hereby amended by striking but "$500,000." and inserting in lieu thereof "$600,000, including the Wando River Channel Extension.".

SEC. 327. The navigation project for Santa Cruz Harbor, Santa Cruz, California, authorized in section 101 of the River and Harbor Act of 1958 (Public Law 85–500) is hereby modified to provide that 100 per centum of the cost of operating and maintaining the sand bypassing facility authorized as part of such project shall be paid by the United States. In addition, such project is further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct an impermeable core within the existing jetties at such harbor, at an estimated cost of $360,000, and to undertake such maintenance dredging outside the boundaries of the authorized project as may be necessary to prevent or mitigate shoaling, surge, and related problems in the harbor.

SEC. 328. The project for flood control in East Saint Louis and vicinity, Illinois, authorized by section 204 of the Flood Control Act of 1965, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide drainage channels in conjunction with the pumping plant to improve project effectiveness and the local environment, substantially in accordance with the report of the District Engineer, Saint Louis district, entitled "Reevaluation Report, Bluewaters Ditch area", dated September 1976, at an estimated additional cost of $1,130,000.

SEC. 329. The project for the mouth of the Colorado River, Texas, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the diversion channel authorized as a part of such project to divert Colorado River flows into Matagorda Bay shall be constructed and maintained entirely at Federal expense and for the purpose of fish and wildlife enhancement, at an estimated additional construction cost of $425,000. The benefits attributable to the diversion channel shall be deemed to at least equal its costs.

SEC. 330. The project for flood protection at Winona, Minnesota, authorized under the provisions of section 201 of the Flood Control Act of 1965, is hereby modified to provide that changes to two bridges within the limits of the city of Winona, Minnesota, made necessary by the project and its present plan of protection, shall be accomplished entirely at Federal expense, at an estimated cost of $605,000.

SEC. 331. The project for navigation, Humboldt Harbor and Bay, California, authorized by section 101 of the River and Harbor Act of 1968 is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct needed protection works to prevent shoreline erosion damage to public and private facilities at and near Buhne Point, California, totally at Federal cost, at an estimated cost of $1,000,000.

SEC. 332. The project for navigation for the Atlantic Intracoastal Waterway bridges, Virginia and North Carolina, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818) is hereby modified in accordance with the recommendations of the Chief of Engineers in House Document Numbered 94–597 with respect to Hobucken and Core Creek bridges at an estimated cost of $14,400,000.

SEC. 333. (a) The water resources development project for Harlan County Lake, on the Republican River, Nebraska, authorized by the Act of August 18, 1941 (Public Law 288, Seventy-seventh Congress), is modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to repalce, renovate, and upgrade the existing Federal recreation facilities of the project, and to provide for maintenance and operation of such facilities.

(b) The work authorized by this section shall include purchase of a dredge, dredging of channels, construction of breakwaters, replacement and extension of outdated water access facilities, the performance of necessary bank stabilization and appropriate filling activities, and such other items as are identified in connection with these activities located at Gremlin Cove, Patterson Harbor, Hunter Cove, and Methodist Cove/Pheasant Point in the June 1977 report of the Army Corps of Engineers.

(c) The modification authorized by this section shall be entirely at Federal expense, at an estimated cost of $4,810,000.

SEC. 334. The project for Burlington Dam and Reservoir on the Souris River, North Dakota, authorized in the Flood Control Act of 1970 is hereby modified in accordance with the recommendations in the proposed report of the Chief of Engineers, at an estimated cost of $92,600,000. The Secretary, of the Army, acting through the Chief of Engineers, shall, within two years of the date of enactment of this Act, submit to Congress a report as to possible adverse effects resulting from such construction and the operation of the project as modified, which shall include such recommendations as the Secretary deems necessary to mitigate such effects. No appropriation shall be made to construct such project until such report has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, and for the purpose of securing consideration of such approval the Secretary of the Army, acting through the Chief of Engineers, shall submit such report including all relevant data and all costs.

Sec. 335. The project for flood control on Corte Madera Creek, Marin County, California, authorized by section 201 of the Flood Control Act of 1962 is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct the project for unit 4, from the vicinity of Lagunitas Road Bridge to Sir Francis Drake Boulevard, substantially in accordance with the plan, dated February 1977, on file in the office of the San Francisco district engineer. The plan is hereby further modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to construct such flood proofing measures as may be necessary to individual properties and other necessary structural measures in the vicinity of Lagunitas Road Bridge to insure the proper functioning of the completed portions of the authorized project. The non-Federal share of the costs of such measures shall be in accordance with the cost-sharing provisions contained in section 73(b) of the Water Resources Development Act of 1974. The project is hereby further modified to eliminate any channel modifications upstream of Sir Francis Drake Boulevard.

Sec. 336. The project for the town of Niobrara, Nebraska, authorized by section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to relocate existing Nebraska Highway Number 12 through the relocated town of Niobrara, Nebraska, with necessary connections to Nebraska Highway Number 14, at an estimated cost of $1,600,000.

Sec. 337. The project for improvement of the Mississippi River below Cape Girardeau with respect to the Teche-Vermilion Basins, Louisiana, authorized in the Flood Control Act of 1966, is hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to relocate at Federal expense the Highway 71 bridge required to be relocated by this project or, at his discretion, to reimburse local interests for such relocation carried out by them at an estimated cost of $1.200.000.

Sec. 338. The authorization for the Heise-Roberts local protection project, Idaho, contained in section 10, Public Law 534, Seventy-eighth Congress, and section 204, Public Law 516, Eighty-first Congress, is hereby modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary of the Army, acting through the Chief of Engineers. Local interests shall pay the first $25.000 in cash or materials of any such costs expended in any one year.

Sec. 339. The project for Jackson Hole Snake River local protection and levees, Wyoming, authorized by the River and Harbor Act of 1950 (Public Law 81–516), is hereby modified to provide that the operation and maintenance of the project and of additions and modifications thereto constructed by non-Federal interests shall be the responsibility of the Secretary of the Army, acting through the Chief of Engineers.

Sec. 340. The Granger Dam project, San Gabriel River, Texas, is modified to require the Secretary of the Army, acting through the Chief of Engineers, to elevate, relocate, or make such other changes as may be necessary to insure that county roads numbered 361 and 428, including bridges, Williamson County, Texas, be upgraded to conform to the same standards as relocated FM Road numbered 971 at a cost not to exceed $2,000,000. The work authorized by this section shall not be commenced until appropriate non-Federal interests agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance.

Sec. 341. The project for King Harbor, Redondo Beach, California, authorized in House Document Numbered 303, Eighty-first Congress, is hereby modified to provide that all costs of the dredging and maintenance of such project shall be borne by the United States.

Sec. 342. The project for Lewisville Lake, Texas, authorized by the River and Harbor Act of March 2, 1945, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers to take such actions as may be necessary to insure that approximately four thousand feet, including bridges and approaches, of the road crossing Cottonwood Branch of Lewisville Lake, Texas, formerly designated State Highway 24T, will be above elevation five hundred and thirty-two feet above mean sea level, at an estimated cost of $2,000,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to accept all such work thereafter for operation and maintenance.

Sec. 343. The project for Dardanelle lock and dam, Arkansas, authorized by the River and Harbor Act of July 24, 1946, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to take such action as may be necessary to replace the existing bridge across Cane Creek, Logan County, Arkansas, with a new bridge at an estimated cost of $1,500,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance and no other requirements shall be imposed on non-Federal interests in connection with this work.

Sec. 344. Section 62(c) of the Water Resources Development Act of 1974 is amended by striking out "$330,000" and inserting in lieu thereof "$500,000".

Sec. 345. (a) Subsection (a) of section 66 of the Water Resources Development Act of 1974 (Public Law 93–251) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and thereafter to maintain such channel free of such trees, roots, silt, debris, and objects.".

(b) Subsection (b) of section 66 of the Water Resources Development Act of 1974 (Public Law 93–251) is amended by adding at the end thereof the following new sentence: "Non-Federal interests shall pay 25 per centum of the cost of maintaining the channel free of such trees, roots, silt, debris, and objects.".

Sec. 346. Subsection (a) of section 92 of the Water Resources Development Act of 1974 (88 Stat. 39) is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) in the third sentence thereof, by striking out "Each installment" and inserting in lieu thereof "Except as provided in paragraph (2) of this subsection, each installment"; and

(3) by adding at the end thereof the following new paragraph:

"(2) The Secretary of the Army, acting through the Chief of Engineers, shall, upon the request of Saint Bernard Parish, Louisiana, modify the agreement entered into between the Secretary and Saint Bernard Parish pursuant to this section so that each installment to be paid by Saint Bernard Parish as its part of the non-Federal cost of the hurricane-flood protection project on Lake Pontchartrain, Louisiana, shall be one-fiftieth of the remaining unpaid balance as set forth in such agreement plus interest on such balance, and the total of such installments shall be sufficient to achieve full payment of such balance, plus interest, within fifty years of the initiation of project construction.".

Sec. 347. The second sentence of subsection (b) of section 116 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended to read as follows: "The Secretary of the Army, acting through the Chief of Engineers, shall, before beginning any operation to maintain the channel authorized by this section, enter into a separate agreement with the appropriate non-Federal interests which is applicable only to that operation and which requires such non-Federal interests to pay 25 per centum of the cost of such maintenance operation.".

Sec. 348. (a) The Act approved March 29, 1956 (Public Law 455 of the Eighty-fourth Congress, 70 Stat. 65) as amended, is further amended by striking out all after the phrase "cost of $88,000,000" and inserting in lieu thereof a period and the following: "The replacement and expansion of the existing industrial canal lock and connecting channels or the construction of an additional lock and connecting channels in the area of the existing lock is hereby authorized. The conditions of local cooperation specified in House Document Numbered 245, Eighty-second Congress, shall apply to the construction of the replacement or additional lock and connecting channels, except that the additional costs, as determined by the Chief of Engineers, of lands, easements, and rights-of-way acquisition and relocations of residences, industries, and utilities beyond those costs at the Meraux site (Violet), including such costs attributable to the relocation, replacement, modification, or construction of bridges or tunnels, shall be borne by the United States. All other costs of relocation, replacement, modification, or construction of bridges and tunnels (at a cost not to exceed $94,500,000), required as a result of the construction of the replacement or additional lock and connecting channels shall be borne by the United States; and before construction of bridges and tunnels may be initiated the non-Federal public bodies involved shall agree (1) to hold and save the United States free from damages resulting from construction of the bridges and tunnels and their approaches, (2) upon completion of construction, to accept title to such bridges and tunnels and approaches and thereafter to operate and maintain the bridges and tunnels and their approaches as free facilities.".

(b) The Secretary of the Army, acting through the Chief of Engineers, is directed to make a maximum effort to assure the full participation of members of minority groups living in the affected areas, in the construction of the replacement or additional lock and connecting channels authorized by this section, including actions to encourage the use, wherever possible, of minority-owned firms. The Chief of Engineers is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendations for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.

SEC. 349. The second paragraph under the center heading "BRAZOS RIVER BASIN" in section 10 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved July 24, 1946 (60 Stat. 649), is amended by inserting "or water supply" after "irrigation".

SEC. 350. (a) The project for Cheatham lock and dam authorized by the Act of July 24, 1946 (Public Law 525, Seventy-ninth Congress), and the Act of June 12, 1956 (Public Law 396, Eighty-second Congress), is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to pave the portion of Cheatham County Road, known as Old State Highway 12, in Cheatham County, Tennessee, beginning at the point where such road intersects State Highway 12 and ending at Sycamore Creek Bridge, at an estimated cost of $160,000.

(b) The Federal share of such paving shall be 80 per centum.

SEC. 351. The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act of May 17, 1950, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct, operate, and maintain a reregulating dam in accordance with the plans set forth in the report of the District Engineer, United States Army Engineer District, Seattle, Washington, dated August 1975, at an estimated cost of $190,300,000.

SEC. 352. The project for Libby Dam, Kootenai River, Montana, authorized by the Flood Control Act of May 17, 1950, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to install power generating facilities at the Libby Reregulating Dam substantially in accordance with the report of the Chief of Engineers, in House Document Numbered 96–19, at an estimated cost of $46,300,000.

SEC. 353. The navigation project at Irondequoit Bay, New York, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is hereby modified—

(1) so that it shall not include the construction of a movable railroad bridge, and

(2) so that the Federal share of the cost of constructing a highway bridge across the bay outlet shall be 80 per centum.

SEC. 354. The navigation project for the Shallotte River, North Carolina, authorized by the Acts of March 4, 1913, and January 21, 1927, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to remove the sand bar adjacent to the mouth of the Shallotte River and maintain an access channel through such bar, at an estimated cost of $200,000.

SEC. 355. The navigation project for Masonboro Inlet, North Carolina, authorized by the River and Harbor Act of 1950, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to correct erosion problems at Wrightsville Beach caused by the navigation project, at an estimated initial cost of $3,000,000.

SEC. 356. The project for navigation at Houston Ship Channel (Greens Bayou), Texas, authorized under section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to perform such dredging operations as are necessary to maintain a forty-foot project depth in that section of Greens Bayou from mile 0 to mile 0.34 as described in House Document Numbered 257, Eighty-ninth Congress.

SEC. 357. The project for flood control and other purposes on the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, upon the request of and in coordination with Colorado Department of Natural Resources and upon the Chief of Engineers' finding of feasibility and economic justification, to reassign a portion of the storage space in the Chatfield Lake project to joint flood control-conservation purposes, including storage for municipal and industrial water supply, agriculture, and recreation and fishery habitat protection and enhancement. Appropriate non-Federal interests shall agree to repay the cost allocated to such storage in accordance with the provisions of the Water Supply Act of 1958, the Federal Water Project Recreation Act, and such other Federal laws as the Chief of Engineers determines appropriate.

SEC. 358. The project for flood protection on the Sacramento River, California, authorized by the Flood Control Act approved March 1, 1917, as amended, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct bank protection works along the reach of the Sacramento River and its tributaries from Red Bluff to Shasta Dam, and from Chico Landing downstream along each bank to the head of the Sacramento River Flood Control Project levees, subject to the same requirements of non-Federal cooperation applicable to other similar elements of the project, and to include mitigation of fish and wildlife losses induced by the project. The evaluation and justification of the project shall be based on the overall benefits and costs of all project elements. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $25,000,000 to carry out the purposes of this section.

SEC. 359. The West Kentucky tributaries feature, Mississippi River and tributaries project (Obion Creek), Kentucky, authorized by the Flood Control Act approved October 27, 1965, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire for the United States at least 6,000 acres of woodlands for fish and wildlife management, recreation, and environmental purposes in the flood plain of the Obion Creek Basin, Kentucky, at an estimated cost of $2,740,000.

SEC. 360. The Secretary of the Army, acting through the Chief of Engineers, is authorized to modify any water resources development project for mitigation of damages to fish and wildlife if the estimated cost of such modification does not exceed 10 per centum of the estimated total cost of such project or $7,500,000, whichever is the lesser. No appropriation shall be made for any such modification of a project if such modification has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. For the purpose of securing consideration of such approval, the Secretary of the Army shall transmit to Congress a report of such modification, including all relevant data and all costs.

SEC. 361. The project for Lucky Peak Lake, Idaho, authorized by the Flood Control Act of 1946, as modified by the Water Resources Development Act of 1976, is further modified to provide for an increase in the diameter of the additional dam outlet authorized in such 1976 modification to twenty-three feet and to provide that the Secretary of the Army shall (1) authorize any entity having the necessary license from the Federal Energy Regulatory Commission to construct such outlet in accordance with such entity's plans, as approved by the Secretary of the Army, and to use such outlet for the generation of electricity, (2) provide that all property rights in such outlet, subject to the provisions of this section, shall be conveyed to and remain with the United States, and (3) reimburse such entity for an amount equal to the estimated cost, as determined by the Secretary of the Army, of the original outlet as authorized by the Water Resources Development Act of 1976. Such cost shall be determined as of the time of the construction of the twenty-three foot outlet.

SEC. 362. The project for Twin Valley Lake, Wild Rice River, Minnesota, authorized by section 201 of the Flood Control Act of 1970 (Public Law 91–611) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire lands and undertake measures for fish and wildlife mitigation; generally in accordance with the mitigation plan described in the January 1978 report of the Saint Paul District Engineer at an estimated Federal cost of $1,500,000.

SEC. 363. (a) Bank protection activities conducted under the Rio Grande bank protection project pursuant to the Act of April 25, 1945 (59 Stat. 89), may be undertaken in Starr County, Texas, notwithstanding any provision of such Act establishing the counties in which such bank protection activities may be undertaken, at an estimated cost of $700,000.

(b) Any bank protection activity undertaken in Starr County, Texas, pursuant to subsection (a) of this section shall be—

(1) in accordance with such specifications as may be prepared for such purpose by the International Boundary and Water Commission, United States and Mexico; and

(2) except as provided in subsection (a), subject to the terms and conditions generally applicable to activities conducted under the Rio Grande bank protection project.

SEC. 364. The project of Osceola Harbor, Arkansas, authorized under section 107 of the River and Harbor Act of 1960 is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct two dikes at Lake Neark, Arkansas. One dike at the lower end of Lake Neark shall be constructed at Federal expense for the purpose of reducing the annual Federal operation and maintenance requirements for Osceola Harbor, Arkansas, and the other dike at the upper end of Lake Neark shall be constructed, together with associated recreation development, in cooperation with the city of Osceola, Arkansas, in accordance with cost-sharing provisions of the Federal Water Project Recreation Act (Public Law 89–72), for the purpose of enhancing the recreational benefits at Lake Neark. Such modification shall be made substantially in accordance with the recommendations of the Memphis District Engineer, Army Corps of Engineers, contained in Design Memorandum Numbered 203, dated November 1977, at a total estimated cost of $877,500.

SEC. 365. The project for Walter F. George Lock and Dam, Alabama and Georgia, authorized by the Acts of March 2, 1945, and July 24, 1946, is hereby modified to provide that the cost of park and recreational facilities constructed in connection with such project shall be paid 80 per centum by the United States and the remainder by non-Federal interests. The Secretary of the Army, acting through the Chief of Engineers, shall reform the existing contracts concerning such recreational facilities entered into before the date of enactment of this Act in accordance with the modification authorized by this section.

SEC. 366. The Mississippi River and tributaries project, authorized by the Flood Control Act of May 15, 1928, is hereby modified to provide for the acquisition and development of approximately 6,400 acres of bottomland hardwoods to mitigate the effect of the Tensas-Cocodrie pumping plant in accordance with the recommendations of the Chief of Engineers in his report dated November 15, 1978, at an estimated cost of $4,780,000.

SEC. 367. The navigation project for Buffalo Ship Canal, Buffalo, New York, authorized by the River and Harbor Act of March 2, 1945, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to take such actions as may be necessary to insure that a lift span bridge at South Michigan Avenue over the ship canal shall be restored and the cost shall be entirely borne by the United States at an estimated cost to the United States of $3,500,000.

SEC. 368. The project for flood protection on the Susquehanna River at Sunbury, Pennsylvania, authorized by the Flood Control Act of 1936, as modified by the Flood Control Act of 1941, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to permanently seal the closure structure at the abandoned Reading Railroad site, at an estimated cost of $50,000.

SEC. 369. The project for the Hudson River, New York; New York City to Waterford authorized by Act of June 25, 1910 (Public Law 318, 61st Congress), as amended, is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to remove shoals between the mouth of Roeliff Jansen Kill, Columbia County, New York and the present navigation channel and to place such removed material at an appropriate site designated by the State of New York, at an estimated cost of $100,000.

SEC. 370. The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate and construct at full Federal expense additional new marina facilities at Lake Texoma, Texas and Oklahoma, as deemed appropriate by the Chief of Engineers, at an estimated cost of $300,000. Such facilities are limited to basic support facilities, including site preparation and access roads, basic nonrevenue producing facilities, which may include parking areas and boat launching ramps, and other facilities required to assure navigational safety.

SEC. 371. The project for the Anacostia River and tributaries, District of Columbia and Maryland, approved under authority of section 205 of the Flood Control Act of 1948, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to prevent damage to the project caused by the 100-year flood, including, but not limited to, replacing riprap, removing sediment deposits, shaping and sodding slopes, and seeding, at an estimated cost of $4,400,000.

SEC. 372. The project for Fort Gibson Lake, authorized by the Flood Control Act of 1961, and the project for Tenkiller Ferry Lake, authorized by the Flood Control Act of June 28, 1938, and the River and Harbor Act of July 24, 1946, are each modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to allocate, in accordance with all of the provisions of the Water Supply Act of 1958, sufficient storage to provide up to 20,000,000 gallons of water per day to the city of Broken Arrow, Oklahoma.

SEC. 373. The project for flood control and other purposes on the Yazoo backwater area, authorized in the Flood Control Act of August 18, 1941, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a pumping station or stations with a total capacity of 25,000 cubic feet per second, at an estimated cost of $41,000,000.

SEC. 374. The flood control project for the San Lorenzo River, Santa Cruz County, California, authorized by the Flood Control Act of 1954, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to dredge the San Lorenzo River to provide flood protection to Santa Cruz, California, and surrounding areas, entirely at Federal expense, at an estimated cost of $2,000,000. No dredging of such river (other than that authorized by the preceding sentence) shall be accomplished by the Secretary, acting through the Chief of Engineers, except as provided in a law enacted after the date of enactment of this Act.

SEC. 375. The project for San Leandro Marina, California, authorized by resolutions of the Committee on Public Works of the House of Representatives and the Committee on Public Works of the Senate, dated June 22, 1971, and December 15, 1970, respectively, under the provisions of section 201 of the Flood Control Act of 1965, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to provide at Federal expense an access channel to the relocated boat launching ramp constructed by non-Federal interests, at an estimated cost of $50,000.

SEC. 376. Section 109 of the Water Resources Development Act of 1976 (Public Law 94-587) is amended (1) by striking out "at an estimated cost of $700,000"; and (2) by adding at the end of such section the following: "The Chief of Engineers is authorized to undertake detailed engineering and design for the project after completion of the feasibility report, at an estimated cost of $25,000,000. Such detailed engineering and design may be undertaken only after such feasibility report has been transmitted to the Secretary of the Army.".

SEC. 377. (a) The Secretary of the Army, acting through the Chief of Engineers, shall conduct a study of the entire Clinton River, Michigan, watershed to determine whether the recommendations of the District Engineer concerning flood protection for the Lower Clinton River, Michigan, in House Document Numbered 91-431 are the most effective method of providing such flood protection, at an estimated cost of $1,000,000. In reviewing this project the Secretary shall consider the following:

(1) The need for a comprehensive plan of the entire watershed and the need to prevent future flooding in the watershed through prevention measures, including, but not limited to, retention facilities.

(2) The effect of alternative future development patterns on other branches of the Clinton River on the scope of this project.

(3) Homeowners who will need flood insurance due to drainage backup and make them aware of the availability of flood insurance.

(4) The interplay of flood and pollution control to determine if there are conflicting policies in the 12 Towns Drain district.

(5) The possible use of drainage backup valves as a flood control measure.

(6) The specific problems that can be addressed of the current inadequate drainage system in the affected area, and how these drains can be practically improved.

(7) The possible use of a modified nonstructural plan which would provide flood protection without making major structural modifications to homes in the affected area.

(b) If, as a result of such study, the Secretary of the Army, acting through the Chief of Engineers, determines that the recommendations referred to in subsection (a) are not the most effective method of providing flood protection, the Secretary shall determine the most effective method or methods of providing such flood protection.

(c) The Secretary of the Army, acting through the Chief of Engineers, shall submit a report describing the results of the study referred to in subsection (a) to Congress not later than January 15, 1981.

The CHAIRMAN. Are there any amendments to title III?

AMENDMENT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: Page 157, line 16, strike out "1981" and insert in lieu thereof "1982".

Page 157, after line 16, insert the following:

SEC. 378. The project for flood protection along the Sacramento River and its tributaries, California, authorized by the Flood Control Act of 1917, as amended, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to accomplish remedial construction necessary to restore the project flood control levees along the Colusa Trough Drainage Canal and the Knights Landing Ridge Cut, at an estimated cost of $7,000,000.

SEC. 379. The flood control project for Prosperity Lake, Center Creek, Jasper County, Missouri, authorized by the Water Resources Development Act of 1974 is modified to require the Secretary of the Army, acting through the Chief of Engineers, to rehabilitate or replace the following bridges: Joplin Street, Center Street, Reed Avenue, Fifth Street, Sarcoxie, Missouri, at an estimated cost of $300,000.

SEC. 380. The water resources study to provide a plan for the development, utilization, and conservation of water and related land resources of the Consolidated City of Jacksonville which includes the urban area of Jacksonville and all of Duval County, Florida, authorized by the resolution of the Committee on Public Works of the House of Representatives, dated April 11, 1974, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a deep monitoring well or wells, for the purpose of determining salt water intrusion and other problems relating to groundwater quality, at an estimated cost of $100,000 per well.

SEC. 381. (a) The project for navigation at Moriches and Shinnecock Inlets, New York, authorized in section 101 of the River and Harbor Act of 1960 (Public Law 86-645) is hereby modified to require the Secretary of the Army, acting through the Chief of Engineers, to take such action as may be necessary to stabilize Moriches Inlet at ten feet mean low water for the purpose of insuring safe navigation, at an estimated initial cost of $5,000,000. Such project is further modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary of the Army, acting through the Chief of Engineers. Local interests shall pay the first $25,000 in cash or materials for any such costs expended in any one year.

(b) The Congress hereby finds that the application of the provisions of section 209 of the Flood Control Act of 1970 results in the benefits from measures authorized by this section exceeding their economic costs.

SEC. 382. The project for navigation at Wilmington Harbor, Northeast Cape Fear River, North Carolina, authorized by the Flood Control Act of July 3, 1930, as amended and supplemented, is hereby modified in accordance with the recommendations contained in the report of the Board of Engineers for Rivers and Harbors, dated January 2, 1980, except that the acquisition of wetlands is not authorized. Non-Federal interests shall be reimbursed for costs incurred in completing such portion of such recommended modifications as the Secretary of the Army, acting through the Chief of Engineers, determines meets the specifications contained in such report. The estimated cost of the modifications authorized by this section is $6,082,000.

SEC. 383. The project for San Leandro Marina, California, authorized by section 201 of the Flood Control Act of 1965 is modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to acquire such land as the Chief of Engineers determines necessary for disposition of dredged spoil resulting from the project, at an estimated cost of $350,000.

SEC. 384. (a) The project for navigation improvements in Pascagoula Harbor, Mississippi, authorized by section 101 of the River and Harbor Act of 1962 (P.L. 87-874) is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the costs of areas required for intial and subsequent disposal of dredged material, and of necessary retaining dikes, bulkheads, embankments, and movement of materials therefor, at an estimated cost of $1,000,000.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary of the Army upon a finding by the Administrator of the Environmental Protection Agency that for the area to which such construction applies, the State of Mississippi, interstate agencies, municipalities, and other appropriate subdivisions of the State and industrial concerns are participating in, and in compliance with, an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities and the Administrator has found that applicable water quality standards are not being violated.

SEC. 385. The project for Kawkawlin River flood control, Michigan, authorized under the authority of section 205 of the Flood Control Act of 1948, as amended, is hereby modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary of the Army, acting through the Chief of Engineers, at an estimated annual cost of $70,000.

SEC. 386. The project for New Melones Dam and Reservoir, California, authorized by the Flood Control Act of 1962 is hereby modified to authorize the following roads to be upgraded to Federal-aid secondary system standards: (1) 5.1 miles of the Parrotts Ferry Road, from north of the Parrotts Ferry Bridge to State Route 4 at Vallecito, Calaveras County, California, and (2) 5.4 miles of Parrotts Ferry Road from south of the Parrotts Ferry Bridge to State Route 49 near Sonora, Tuolumne County, California, at an estimated Federal cost of $15,000,000. The cost of the work authorized by this section shall be paid entirely by the United States.

SEC. 387. The project for the Juniata River and tributaries, Pennsylvania, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87-874) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to exchange with the Pennsylvania Department of Environmental Resources, without monetary consideration, 796 acres of real property at Raystown Lake bordering the Rothrock State Forest which was acquired in connection with such project for all the real property contained in Trough Creek State Park and Warriors Path State Park. Such project is further modified to authorize an additional $7,500,000, over the next three fiscal years, for recreational development at Raystown Lake.

SEC. 388. The project for flood protection on the Mississippi River at Davenport, Iowa, authorized by section 201 of the Flood Control Act of 1970 (Public Law 91-611) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to provide for mitigation and enhancement measures at an estimated cost of $400,000.

□ 1530

Mr. ERTEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. EDGAR. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk concluded the reading of the amendment.

Mr. ROBERTS. Mr. Chairman, in deference to the committee, and in an attempt to save time, I am not going to take the 5 minutes, but merely to say that we have another group of projects. The amendment has been read in full. All of them have been checked every way by the committees.

Some of the Members will want to speak on the projects individually, but otherwise, I move the adoption of the amendment.

Mr. CLAUSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the committee amendment, which contains 12 modifications of authorized projects.

□ 1540

The purpose of the initiative is to clarify the intent of Congress with respect to certain projects, to change the scope of certain ongoing projects to include other purposes; and one amendment to change the cost-sharing arrangement for dredged material disposal similar to the other committee amendment previously discussed. The purpose of this action is to accommodate certain requests which have been made of the committee in the nearly 7 months that have passed since it actually reported out H.R. 4788.

The requests have been reviewed by the full committee and were adopted last week. I urge my colleagues to approve this action.

Mr. EDGAR. Mr. Chairman, I move to strike the last word.

I wonder if the chairman of the full committee would agree to a dialog just to ask one question.

I rise just to raise a question about this block of amendments. The gentleman indicated in questioning on the block of amendments to title I that the total cost of that block of amendments was somewhere in the neighborhood of $57 million. I did not ask the question when we considered the block of amendments to title II, but I would ask if the gentlemen would give the House the total amount of funding in title III that will be added with the block amendment provided by the committee.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. ROBERTS. I believe the gentleman from California has that exact amount.

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from California.

Mr. CLAUSEN. Mr. Chairman, as we discussed yesterday, I believe we went through each one of the titles. Again, it was incorporated in the record, but I will repeat it. The first title was $56,605,000. The second title was $16,575,000. Title III is $37,902,000. Title IV is $13,000,000. For a total of $124,082,000.

Mr. EDGAR. I thank the gentleman for responding to the question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ROBERTS).

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments to title III?

If not, the Clerk will designate title IV.

Title IV reads as follows:

### TITLE IV—GENERAL PROVISIONS

SEC. 401. In the case of any water resources study which is or has been authorized to be undertaken by the Secretary of the Army, acting through the Chief of Engineers, the Secretary, acting through the Chief of Engineers, shall prepare a feasibility report. Such feasibility report shall define with reasonable certainty the engineering features (including hydrologic and geologic information), the environmental benefits and detriments, the costs and benefits including the objectives set forth in section 209 of the Flood Control Act of 1970, the public acceptability, and the purpose, scope, and scale of the recommended plan. The feasibility report shall also define the Federal and non-Federal participation in the recommended plan and demonstrate that States, other non-Federal interests, and Federal agencies have been consulted and coordinated with in the development of the recommended plan. The report shall contain information of sufficient detail on which to base an authorization for construction of any recommended plan. This section shall not apply to any study with respect to which a report has been submitted to Congress before the date of enactment of this Act.

SEC. 402. Section 181(a)(2) of the Water Resources Development Act of 1976 (Public Law 94-587) is amended by striking out "(A)" and by striking out ", and (B)" and all that follows down through and including the period at the end thereof and inserting in lieu thereof a period.

SEC. 403. Subsection (f) of section 202 of the Water Resources Development Act of 1976 is amended by striking out "and 1979." and inserting in lieu thereof a comma and the following: "1979, 1980, 1981, 1982, 1983, and 1984.".

SEC. 404. (a) Section 32(e) of the Water Resources Development Act of 1974 is amended by striking out "$50,000,000" and inserting in lieu thereof "$75,000,000".

(b) Subsection (f) of section 32 of the Water Resources Development Act of 1974 is amended by striking out "1981." and inserting in lieu thereof "1983.".

(c) Section 32 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at the end thereof a new subsection:

"(g) In addition to the other authorities in this section, the Secretary of the Army, acting through the Chief of Engineers, shall provide technical assistance to retard streambank erosion to any person or agency requesting such assistance, if the applicant is experiencing, or can be expected to experience, erosion which may threaten dwellings or loss of property. The Secretary may also provide assistance to an applicant who would be likely to be affected by flooding downstream from property threatened by erosion if the owner of such property agrees to allow the applicant to perform erosion-retarding work.".

SEC. 405. (a) Section 54 of the Water Resources Development Act of 1974 (88 Stat. 26-28) is hereby amended as follows:

(1) Subsection (c) (1) is amended by striking out "for a period of five fiscal years" and by adding at the end thereof the following: "Such programs shall be completed by September 30, 1982.".

(2) The last sentence of subsection (d) (1) is amended by striking out "ninety days" and inserting in lieu thereof "six months" and by striking out "five-year".

(3) The last sentence of subsection (e) is amended to read as follows: "The final report shall be submitted within six months after the last fiscal year of funding and shall include a comprehensive evaluation of the national shoreline erosion control and demonstration program.".

(4) Subsection (f) is amended to read as follows:

"(f) There is authorized to be appropriated to carry out this section not to exceed $11,000,000.".

(b) The Secretary of the Army, acting through the Chief of Engineers, shall apply to demonstration sites at the following communities in New Jersey: Fort Elfsborg, Sea Breeze, Gandys Beach, Reeds Beach, Pierces Point, and Fortescue, those erosion by control techniques found to be most feasible in the program authorized by section 54 of the Water Resources Development Act of 1974 (Public Law 93-251).

(c) Such demonstration projects shall be carried out in cooperation with Federal, State, and local agencies, and private organizations.

(d) Such demonstration projects may be carried out on private or public lands except that privately owned lands shall not be acquired under authority of subsections (b) through (f) of this section. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with non-Federal interests who shall pay at least 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(e) The Secretary of the Army, acting through the Chief of Engineers, shall prepare and submit to Congress a report on each site during the fiscal year following completion of construction at that site. Such report shall include an analysis of the technique or techniques used and an evaluation of their functioning to that point.

(f) There is authorized to be appropriated not to exceed $2,500,000 to carry out the subsections (b) through (f) of this section.

SEC. 406. Section 104(b) of the River and Harbor Act of 1958, as amended by section 302 of the River and Harbor Act of 1965, approved October 27, 1965 (79 Stat. 1093), is amended by striking out "$5,000,000" and inserting in lieu thereof "$8,000,000".

SEC. 407. Section 2 of the Act entitled "An Act to amend an Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved June 22, 1936", approved August 28, 1937 (33 U.S.C. 701g), is amended by adding "(a)" after "SEC. 2." and adding a new subsection "(b)" as follows:

"(b) Upon request of the Governor of a State, or appropriate official of local government, the Secretary of the Army, acting through the Chief of Engineers, is further authorized to provide designs, plans, and specifications, and such other technical assistance as he deems advisable, at Federal expense, to such State or political subdivision for its use in carrying out projects, for removing accumulated snags and other debris, and clearing and straightening channels in navigable streams and tributaries thereof.".

SEC. 408. Section 2 of the Act of August 28, 1937 (33 U.S.C. 701g), is amended—

(1) by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000"; and

(2) by striking out "$250,000" and inserting in lieu thereof "$500,000".

SEC. 409. Section 209 of the Flood Control Act of 1970 is amended by inserting "(a)" immediately after "SEC. 209." and by adding at the end thereof the following new subsection:

"(b) The Secretary of the Army, acting through the Chief of Engineers, shall include in every report relating to a water resources development project, specific information on the benefits and costs attributable to each of the objectives referred to in subsection (a) of this section.".

SEC. 410. For the purposes of the Act entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes", approved June 21, 1940 (33 U.S.C. 511 et seq.), the Port of Houston Authority bridge over Greens Bayou approximately two and eight-tenths miles upstream of the confluence of Greens Bayou, Texas, and the Houston Ship Channel is hereby delared to be a lawful bridge for all purposes of such Act. The Secretary of Transportation is authorized to reimburse the bridge owner for work done prior to the date of enactment of this setcion which work. under the Act of June 21, 1940 (33 U.S.C. 511 et seq.), would be the responsibility of the United States if performed after the date of enactment of this section. The total of all Federal funds authorized to be expended under any provision of law as the result of the declaration made in the first sentence of this section shall not exceed $450,000.

SEC. 411. The Secretary of the Army, acting through the Chief of Engineers, is authorized to renovate and improve the six Federal Government quarters existing at Dalecarlia Place, Dalecarlia Reservoir (Washington Aqueduct), Washington, District of Columbia, as the Secretary, acting through the Chief of Engineers, determines to be necessary, at an estimated cost of $200,000.

SEC. 412. (a) The Secretary of the Army, acting through the Chief of Engineers, shall undertake a program to increase his capability to control river ice and harbor ice, and to assist communities in breakng up such ice that would otherwise be likely to cause or aggravate flood or other damage or severe streambank erosion.

(b) The Secretary is further authorized to provide technical assistance to local units of government to implement local plans to control or break up river ice and harbor ice. As part of such authority, the Secretary is authorized to purchase, utilize, and, if requested by local units of government, loan any necessary ice-control or ice-break equipment to such local units of government.

(c) The sum of $5,000,000 is authorized to be appropriated to the Secretary in each of the fiscal years ending September 30, 1981, September 30, 1982, and September 30, 1983, to implement this section.

SEC. 413. The Secretary of Transportation is authorized and directed to transmit to Congress a list of those bridges over the navigable waters of the United States constructed, reconstructed, or removed during the period January 1, 1948, to January 1, 1980.

SEC. 414. The laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resource development enacted after November 8, 1966, and before January 1, 1980, shall be compiled under the direction of the Secretary of the Army and the Chief of Engineers and printed for the use of the Department of the Army.

SEC. 415. (a) Notwithstanding any other provision of law, simultaneously with promulgation or repromulgation of any rule or regulation under authority of any law of the United States relating to rivers and harbors, flood control, beach erosion, or other water resources development under the jurisdiction of the Secretary of the Army, the Secretary shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in subsection (b) of this section, the rule or regulation shall not become effective, if—

(1) within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the rule or regulation promulgated by the Secretary of the Army dealing with the matter of          , which rule or regulation was transmitted to Congress on          .", the blank spaces therein being appropriately filled; or

(2) within sixty calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within thirty calendar days of continuous session of Congress after such transmittal.

(b) If, at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule or regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after such rule is prescribed unless disapproved as provided is subsection (a) of this section.

(c) For purposes of subsections (a) and (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of thirty, sixty, and ninety calendar days of continuous session of Congress.

(d) Congressional inaction on, or rejection of, a resolution of disapproval shall not be deemed an expression of approval of such rule or regulation.

SEC. 416. Subsection (b) of section 94 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by striking out "$600,000" and inserting in lieu thereof "$6,300,000".

SEC. 417. The prohibitions and provisions for review and approval of activities in waters of the United States as set forth in section 9 and in section 10 of the Act of March 3, 1899 (30 Stat. 1151), and the first section of the Act of June 13, 1902 (32 Stat. 371), shall not apply to the Great Miami River, Ohio, and its tributaries above river mile 7.5.

SEC. 418. The project for flood control and improvement of the Lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), is modified and expanded to provide that, at full Federal expense, the Secretary of the Army, acting through the Chief of Engineers, shall construct an auxiliary structure or take such other measures as the Chief of Engineers deems appropriate to insure the stability, dependability, and safety of the Old River Control Complex, Louisiana, authorized in the Flood Control Act of 1954 and to regain the operational capabilities of such Complex, all in accordance with the plan in the report of the District Engineers, New Orleans District, dated October 14, 1977, and entitled "Flood Control, Mississippi River and Tributaries, Old River Control, Louisiana, Auxiliary Structure, Letter Report".

SEC. 419. (a) The Secretary of the Army, acting through the Chief of Engineers, is directed to study and recommend to Congress the extent of non-Federal cooperation that should be required for the provision of necessary retaining works for dredged materials at water resources development projects under the jurisdiction of the Secretary of the Army. The results of this study and the recommendations of the Secretary of the Army and the Chief of Engineers shall be submitted in a report to Congress not later than three years after the date of enactment of this section.

(b) Pending congressional action on the recommendations of the study to be undertaken pursuant to subsection (a) of this section and except as provided in subsection (c) of this section, the provision of or payment for necessary retaining works for dredged materials at water resources development projects under the jurisdiction of the Secretary of the Army shall be a Federal responsibility. The Secretary of the Army, acting through the Chief of Engineers, shall reimburse any non-Federal interest for the provision of or payment for retaining works for dredged materials at water resource development projects under the jurisdiction of such Secretary made on or after the effective date of this section and prior to final congressional action on recommendations of the study authorized by subsection (a) of this section if such provision or payment is not otherwise a requirement specified in existing law.

(c) Nothing in this section shall exempt any non-Federal interest from any requirement to provide or contribute payment for retaining works for dredged materials at water resources development projects under the jurisdiction of the Secretary of the Army where such a requirement is specified in existing law. A project requirement that non-Federal interests simply provide lands, easements, and rights-of-way, or suitable areas for disposal of dredged material shall not be construed to require non-Federal provision of or payment for retaining works for dredged materials.

(d) This section shall take effect on September 30, 1978.

SEC. 420. (a) The Secretary of the Army, acting through the Chief of Engineers, shall study and recommend to Congress those criteria (including, but not limited to, drainage area, amount of runoff, and frequency of flooding) to be used in determining the Federal and non-Federal interests in providing protection against, or reducing damage from, flooding.

(b) Until a statute enacted after the date of enactment of the Water Resources Development Act of 1979 otherwise provides, the Federal flood control interest shall be based on the criteria contained in Engineer Regulation 1165-2-21, entitled "Flood Control Works and Storm Sewer Systems in Urban Areas", dated August 7, 1972.

(c) The report and recommendations authorized by this section shall be submitted to Congress not later than three years after the date of the first appropriation of funds under this section.

(d) There is authorized to be appropriated not to exceed $500,000 to carry out this section.

SEC. 421. (a) The authorization for the Trexler Dam and Lake project, Lehigh County, Pennsylvania, as part of the Delaware River Basin project pursuant to section 203 of the Flood Control Act of 1962, is terminated upon its removal from the comprehensive plan for the Delaware River Basin by the Delaware River Basin Commission.

(b)(1) The survey for flood control and other purposes in the Beargrass Creek Basin, Kentucky, authorized by resolution of the Committee on Public Works, United States Senate, January 29, 1965, is not authorized after the date of enactment of this Act.

(2) No report on the basin referred to in subsecion (b)(1) of this section shall be submitted to Congress.

(3) No further study of the Beargrass Creek Basin, Kentucky, shall be undertaken except as authorized by a law enacted after the date of enactment of this Act.

(c) The portion of the project for the Nansemond River, Virginia, from the United States Highway 460 Bridge at Suffolk, Virginia, to the upstream project limits at river mile 18.66, a distance of approximately two thousand five hundred feet, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 11, 1888 (25 Stat. 410), and modified by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved July 3, 1930 (46 Stat. 922), is not authorized after the date of enactment of this section.

(d) The Dickey-Lincoln School project, Saint John River, Maine, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1074), is not authorized after the date of enactment of this Act.

SEC. 422. Those portions of the Trent River in the City of New Bern, County of Craven, State of North Carolina, bounded and described in Committee Print Numbered 95-56 of the Committee on Public Works and Transportation of the House of Representatives are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States.

SEC. 423. (a) The Corps of Engineers Historical Foundation, is authorized to design and erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the service of the United States Army Corps of Engineers in war and peace.

(b) Upon request of the Secretary of the Army, the Secretary of the Interior is authorized and directed to select, with the approval of the Commission of Fine Arts and the National Capital Planning Commission, a suitable site on federally owned public grounds in the District of Columbia, or its environs, upon which may be erected the memorial authorized in subsection (a) of this section. If the site selected is on public grounds under the jurisdiction of the government of the District of Columbia, the approval of the Mayor of the District of Columbia shall also be obtained.

(c) The design and plans for such memorial shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission. The United States and the District of Columbia shall be put to no expense in the erection thereof.

(d) The authority conferred pursuant to this section shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this section, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial.

(e) The maintenance and care of the memorial erected under authority of this section shall be the responsibility of the head of the department, agency, or instrumentality having jurisdiction over the site of the memorial.

SEC. 424. After the date of the enactment of this section, the Secretary of the Army shall have all of the authority which the Secretary of the Air Force has immediately prior to such date over the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona. The Secretary of the Army, acting through the Chief of Engineers, is authorized to take necessary remedial measures to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona, constructed under authority of section 304 of Public Law 209 of the Eighty-third Congress, at an estimated cost of $7,500,000.

SEC. 425. The Secretary of the Army, acting through the Chief of Engineers, is authorized to acquire real property by condemnation, purchase, donation, exchange, or otherwise, as a part of any water resources development project for use for public park and recreation purposes, including but not limited to, real property not contiguous to the principal part of the project.

SEC. 426. The Secretary of the Army, acting through the Chief of Engineers, is authorized to preserve, restore, interpret, and maintain those historic properties located on water resource development projects under the jurisdiction of the Department of the Army if such properties have been entered into the National Register of Historic Places.

SEC. 427. (a) If the Secretary of the Army acting through the Chief of Engineers, determines that the construction of any identifiable segment of a major waterway constitutes the proximate cause of damage to any water well, spring, or artesian well, which is used or is susceptible for use for any beneficial purpose, then the Secretary of the Army, acting through the Chief of Engineers, is authorized to compensate any owner of such well, spring, or artesian well, or such owners' designated lessee or authorized user, for actual damage sustained, including any diminution in land value caused by such damage.

(b) The Secretary of the Army, acting through the Chief of Engineers, shall pay no claim for compensation under this section unless such claim is presented to an authorized agent of the United States Army Corps of Engineers within one year of the completion of the identifiable segment of the waterway project determined by the Secretary of the Army, acting through the Chief of Engineers, to have been the proximate cause of damage.

(c) This section shall not be construed to affect any rule of substantive law regarding rights to underground water.

(d) The Secretary of the Army, acting through the Chief of Engineers, shall report annually to Congress on payments made under this section.

SEC. 428. Subsection (b) of section 120 of the Water Resources Development Act of 1976 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982.".

SEC. 429. Section 108(k) of the Water Resources Development Act of 1974 (Public Law 93–251) is amended by striking out "$103,522,000" and insert in lieu thereof "$140,000,000".

SEC. 430. (a) Any agency of the United States with the authority and responsibility to grant or review any license or permit needed to utilize hydroelectric power at existing dams or former industrial sites shall make every effort to simplify application procedures and to expedite the consideration of any license or permit that may be necessary for the construction or operation of such facility, or for the sale of power from such facility.

(b) The Comptroller General of the United States shall report to the Congress within one year of the enactment of this Act on the implementation of this section, his evaluation of any continuing institutional problems involved in hydroelectric development at existing dams or former industrial sites, and his assessment of the need for additional congressional action to facilitate hydroelectric development at existing dams or former industrial sites.

SEC. 431. (a) The Secretary of the Army is prohibited from determining the forty-five-acre cabin site in the South Recreation Area at Conchas Lake, New Mexico, to be excess of project needs prior to 1996, unless such a determination is agreed to by the Governor of the State of New Mexico or his designee.

(b) The Secretary of the Army shall not require the removal or sale and purchase of existing cabins, cottages, or other privately owned improvements located on the site referred to in subsection (a) of this section prior to 1996, unless agreed to by the Governor of the State of New Mexico or his designee. Existing and prospective lease arrangements shall reflect the requirements of this section.

SEC. 432. Section 1114 of title 18, United States Code, is amended by inserting "or any uniformed civilian official or uniformed civilian employee of the Corps of Engineers of the Department of the Army assigned to perform investigations, inspections, or law or regulatory enforcement functions in connection with civil activities of the Department of the Army," immediately after "Foreign Service,".

SEC. 433. (a) As soon as practicable after deauthorization of the Big Darby Lake project, Big Darby Creek, Ohio, the Secretary of the Army shall, notwithstanding any other provision of law, convey to the State of Ohio without payment of monetary consideration all right, title, and interest in the approximately eight hundred thirty-four and nine one-hundredths acres of land acquired for the Big Darby Lake flood control project.

(b) The conveyance of land under subsection (a) of this section shall be made on the condition that the State of Ohio administer such land for wildlife management purposes through the department of natural resources of such State. If at any time after such conveyance such land is not so administered all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

SEC. 434. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to convey to the State of Georgia, subject to the provisions of this section, all of the rights, title, and interest of the United States in and to a parcel of land with improvements thereon lying and being situated in Chatham County, city of Savannah, State of Georgia, and more particularly described as follows: Beginning on said harbor line at point A, which is 710.00 feet in a southeasterly direction from the southeast corner of the dock of the Seaboard Coastline Railway, formerly known as Seaboard Air Line Railway, and 123.40 feet distant on a bearing of south 69 degrees 45 minutes 03 seconds east from harbor line point numbered 90; thence from point A 340.00 feet distant on a bearing of north 20 degrees 15 minutes 57 seconds east to point B; thence 753.54 feet on a bearing of north 73 degrees 00 minutes 50 seconds east to point M; thence 785.00 feet on bearing of south 20 degrees 14 minutes 57 seconds west to point N, which is 34.35 feet on a bearing of north 71 degrees 25 minutes 55 seconds west from harbor line point 94; thence from point N 373.90 feet on a bearing of north 71 degrees 25 minutes 55 seconds west to harbor line point 92; thence 226.20 feet on a bearing of north 69 degrees 45 minutes 03 seconds west to a point A, the beginning; and containing 7.75 acres more or less; all bearings being referred to the true meridian.

(b) The conveyance authorized by this section shall be made upon payment to the United States of the fair market value of the land and the improvements thereon, and upon such other terms, conditions, reservations, and restrictions as the Secretary of the Army shall deem necessary to protect the interests of the United States.

SEC. 435. (a) Section 4 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (Public Law 92–367; 33 U.S.C. 467c), is amended by inserting "(a)" immediately after "SEC. 4.", and by adding at the end thereof the following new subsection:

"(b) In any case where the Secretary determines that a dam inspected under this Act which is owned by a State, a political subdivision thereof, or any other such public agency or instrumentality is in such a hazardous condition that it is a danger to human life or property, the Secretary is authorized to restore such dam to a safe condition if the State, political subdivision, or other public agency or instrumentality owning such dam, agrees prior to any such restoration (1) to repay to the United States, over a period not to exceed fifty years from the date of completion of the restoration, all costs of such restoration, together with interest, at a rate computed in accordance with section 301(b) of the Water Supply Act of 1958, and (2) to maintain such dam upon completion of such restoration in a safe condition.".

(b) The first section of Public Law 92–367 is amended by repealing the final sentence.

SEC. 436. (a) The Act entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of special alterations between the United States and the owners of such bridges, and for other purposes", approved June 21, 1940 (33 U.S.C. 511 et seq.), is amended by adding at the end thereof the following new section:

### "BRIDGE PROTECTION SYSTEMS

"SEC. 14. (a) For the purpose of protecting bridges and enhancing the safety of vessels navigating in their vicinity, the Secretary may, upon those terms and conditions he considers appropriate, financially assist a bridge owner in the construction or alteration of a bridge protection system.

"(b) A bridge owner who determines that his bridge is susceptible to damage due to the absence of a bridge protection system or the inadequacy of an installed bridge protection system may apply to the Secretary for financial assistance under this section. The application, and any material the Secretary requests supplemental thereto, shall be in a form and contain the information prescribed by the Secretary.

"(c) Federal financial assistance for a project under this section shall be in an amount equal to 75 per centum of the cost of construction or alteration of the bridge protection system.

"(d) Upon commencement of work on a bridge protection system, the Secretary may make partial payments as work progresses. However, the aggregate of partial payments may not exceed 50 per centum of the total cost of construction or alteration unless the Secretary determines that partial payments in excess of that amount are in the public interest.

"(e) A recipient of financial assistance under this section shall keep those records prescribed by the Secretary, including records which fully disclose the amount and disposition of the financial assistance received. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the recipient that are pertinent to the financial assistance received under this section.

"(f) After the construction or alteration of a bridge protection system has been accomplished in accordance with this section, the bridge owner shall maintain the bridge protection system in proper repair so that it continues to serve its intended purpose and does not present an obstruction, hazard, or danger to the free navigation of the navigable waters of the United States.

"(g) There is authorized to carry out this section not to exceed $2,000,000 per fiscal year for those fiscal years beginning on and after October 1, 1980.".

(b) Section 8 of such Act is amended by striking out the period at the end thereof and inserting in lieu thereof ", other than section 14.".

SEC. 437. (a) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking out "$2,000,000" and inserting in lieu thereof "$2,500,000" and by striking out "$3,000,000" and inserting in lieu thereof "$3,750,000".

(b) The amendments made by subsection (a) shall not apply to any project where a non-Federal interest has initiated payment of the non-Federal share of the cost of the project prior to April 1, 1979.

SEC. 438. (a) The second sentence under the heading "WABASH RIVER BASIN" in section 203 of the Flood Control Act of 1968 (Public Law 90–483) is amended by striking out "project," and all that follows down through and including the period at the end thereof and inserting in lieu thereof "project.".

(b) The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91–611) shall not apply to any agreements, including agreements on water supply and recreational development, between the Federal Government and the State of Indiana for local cooperation as a condition for the construction of the projects for Big Blue Lake and Big Walnut Lake, Indiana, authorized by section 203 of the Flood Control Act of 1968. The Secretary of the Army, acting through the Chief of Engineers, is authorized to contract with the State of Indiana on the items of local cooperation for such projects, which are to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature making the necessary appropriations and funds being allocated for the same or subject to the avilability of funds on the part of the State.

Sec. 439. (a) The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to develop and implement a flood warning system for the Whitewater River, San Bernardino and Riverside Counties, California, at an estimated cost of $300,000.

(b) Prior to installation, local interests shall agree to operate and maintain the system authorized by subsection (a), and develop, maintain, and implement emergency evacuation plans satisfactory to the Secretary of the Army.

Sec. 440. Section 1812 of the Revised Statutes of the United States (40 U.S.C. 50) is amended to read as follows:

"Sec. 1812. The Chief of Engineers shall, as superintendent of the Washington Aqueduct, annually submit to the Secretary of the Army, within nine months after the end of each fiscal year, a report of his operations for that year and a report of the conditions, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under his charge.".

Sec. 441. Section 35 of the Water Resources Development Act of 1974 is amended to read as follows:

"Sec. 35. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to plan and implement a demonstration project for the removal and disposal of debris and obsolete buildings in the vicinity of Fort Glenn on Umnak Island in the Aleutian Islands, Alaska, remaining as a result of construction during World War II. To the maximum extent feasible, such project shall use local resources in an effort to reduce the high rate of unemployment among local residents. There is authorized to be appropriated $14,700,000 to carry out the purposes of this section.".

Sec. 442. The Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse non-Federal interests for expenditures made for improvements of the Oakland Inner Harbor, except that (1) no such reimbursement shall be made until the project for improvement of the Oakland Inner Harbor shall have been authorized by law, and (2) such reimbursement shall be only for such work as the Secretary of the Army, acting through the Chief of Engineers, determines to be in accordance with the approved project.

Sec. 443. Appropriations for any project which is authorized for initial construction by this Act are authorized for those fiscal years which begin on or after October 1, 1980.

Sec. 444. This Act may be cited as the "Water Resources Development Act of 1979".

### AMENDMENTS OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Roberts: Page 163, line 2, after the first period insert the following: "The possible prevention of loss of life shall be a benefit for the purposes of this section.".

Page 179, line 16, after "owned by" insert "the corporation created by the Act of June 15, 1916 (36 U.S.C. 21–29; 39 Stat. 227), or".

Page 179, line 20, after "if" insert "such corporation or".

Page 185, after line 8, insert the following:

Sec. 443. The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91–611) shall not apply to any agreements between the Federal Government and the State of Nebraska for local cooperation as a condition for the construction of the erosion protection project at the Louisville State Recreation Area on the right bank of the Platte River, near Louisville, Nebraska, authorized by section 14 of the Flood Control Act of 1946. The Secretary of the Army, acting through the Chief of Engineers, is authorized to contract with the State of Nebraska on the items of local cooperation for this project, which are to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature's making the necessary appropriations and funds being allocated for the same or subject to the availability of funds on the part of the State.

Sec. 444. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to construct a bridge over the Tombigbee River at about mile 334, and necessary connecting road approaches, between Alabama highway 86 and Mississippi highway 388, at an estimated cost of $13,000,000. The total cost of construction shall be borne by the United States.

Sec. 445. The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91–611) shall not apply to any agreements between the Federal Government and the State of Missouri for local cooperation as a condition for the construction of the project at Long Branch Lake, Missouri, authorized by the Flood Control Act of 1965. The Secretary of the Army, acting through the Chief of Engineers, is authorized to contract with the State of Missouri on the items of local cooperation for this project, which are to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature's making the necessary appropriations and funds being allocated for the same or subject to the availability of funds on the part of the State.

Sec. 446. (a) The Secretary of the Army, acting through the Chief of Engineers, shall study and prepare a report of the possibility of expanding and upgrading the functions of the Lake Superior Area Office of the Army Corps of Engineers in Duluth, Minnesota, in the event that the functions of the Army Corps of Engineers relating to the Great Lakes are transferred from the St. Paul Office to the Detroit District Office. Such report shall be submitted to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate not later than June 1, 1980.

(b) None of the functions of the Army Corps of Engineers relating to the Great Lakes shall be transferred from the St. Paul District Office to any other district office of the Army Corps of Engineers before the date of the submission of the report described in subsection (a).

Redesignate succeeding sections accordingly.

Mr. ROBERTS. Mr. Chairman, title IV contains the six provisions relating to the water resources development program of the Corps of Engineers. These include the inclusion of prevention of loss of life as one of the ojectives to be considered in the evaluation and formulation of water resource projects, and relative to flood control projects the cost-benefit ratio. It is almost unbelievable that the corps has not been able to consider saving lives as a benefit.

The modification of the provisions in the bill authorizing Federal assistance in the repair of publicly owned dams to make it clear that the provisions also apply to dams owned and operated by the Boy Scouts of America.

A provision permitting the State of Nebraska to make its contract for repayment of its share of the cost of erosion protection on the Platte River at Louisville, Nebr., contingent on future appropriations. This is to avoid a requirement in their constitution which prohibits long-time contracts.

Authorization of construction of a bridge over the Tom Bigbee River at mile 34 between Alabama and Mississippi.

A provision permitting the State of Missouri to make its contract for the repayment of its share of the Long Branch Lake project contingent on appropriations, the same as the Missouri situation.

Also a provision that none of the functions of the Corps of Engineers relating to the Great Lakes shall be transferred from the St. Paul District Office until the Corps of Engineers submits a report to the Congress on the possibility of expanding the functions of the Lake Superior office of the corps.

Mr. Chairman, I move adoption of the amendment.

Mr. EDGAR. Mr. Chairman, I ask unanimous consent that titles III and IV be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HARSHA. Mr. Chairman, reserving the right to object, we have passed over title III, and without unanimous consent it is my understanding that the gentleman could not offer any amendment to title III. Is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. HARSHA. Further reserving the right to object, could the gentleman explain to me what amendments he proposes to offer to title III?

☐ 1550

Mr. EDGAR. I would be glad to. I would hope that we could protect the gentleman from Montana in offering his amendment to the Libby Dam, and then I have three amendments I would like to offer, amendments in title III.

My first amendment would include those projects which do not have corps reports. My second amendment would relate to modifying miscellaneous road and bridge provisions in title III. My third amendment would delete section 370 of the bill. This is deletion of the provision for construction of a marina facility in Lake Texoma, Tex. No study, no report, no review, no cost sharing would be involved in that amendment.

Those 3 of the 10 or so amendments I had prepared would be the 3 the gentleman from Pennsylvania would offer, and would necessitate my not having to go to the other procedure I talked to the gentleman about.

Mr. HARSHA. Could the gentleman enlighten me as to the amendments he proposes to offer to title IV in the event he gets an opportunity to offer amendments to title III?

Mr. EDGAR. Well, the decision has not been made as to all of the amendments. I have provided to the gentleman as a dear colleague letter seven amendments that I potentially could offer, given the fact that the gentleman from Pennsylvania has been narrowing his scope and the number of amendments. I would judge that I would offer three, maybe four, of those amendments to title IV.

I do have prepared amendments to just about every line in title IV, and I would not want to tie up the House in having to offer each of those amendments, as the gentleman understands, because of an oversight of looking down to tie my shoe when we passed over title III. I am asking at the graces of the Committee of the Whole in accepting this unanimous-consent request so that the three amendments that I plan to offer may be offered, plus at least the amendment of the gentleman from Montana, who was overlooked at the same time.

Mr. HARSHA. Well, as far as I am concerned I do think that the gentleman did not hear the chairman when he announced the title was concluded, and personally I have no objection to giving the gentleman the unanimous consent to proceed.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ROBERTS. Mr. Chairman, reserving the right to object, would the gentleman ask for a time limitation? If so, I would not object.

Mr. EDGAR. I would agree to a time limitation on title III to end at 4:30.

Mr. ROBERTS. With that agreement, I would certainly not object, Mr. Chairman.

The CHAIRMAN. Is there objection to the original request of the gentleman from Pennsylvania?

Mr. CLAUSEN. Mr. Chairman, reserving the right to object, if there is going to be a time limitation that will be agreed to on the title III amendments, which I understand is being asked by the chairman, is that agreeable to the gentleman from Pennsylvania, the time limit?

Mr. EDGAR. The gentleman from Pennsylvania would accept a time limitation to 4:30, which would be following the unanimous-consent request. I would request respectfully from the chairman that the gentleman from Montana be given at least 5 minutes of that time so that he can offer his amendment.

Mr. CLAUSEN. Mr. Chairman, I withdraw my reservation of objection.

Mr. HARSHA. Mr. Chairman, further reserving the right to object, I would like to have the attention of the gentleman from Pennsylvania.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, my reason for requesting the gentleman to yield was to be sure that as part of the debate on the amendment of the gentleman from Montana, that we have 5 minutes also in opposition. I intend to oppose the amendment, and I should like to have an agreement that if he has 5 minutes to propose his amendment, we have 5 minutes to oppose it.

Mr. HARSHA. I yield to the distinguished chairman. I have no objection if he does not.

Mr. ROBERTS. If it is agreeable with the gentleman from Pennsylvania.

I want to get agreement. We will make it 4:40, and that will take care of the times we are talking about.

Mr. HARSHA. Mr. Chairman, I want to make it sure that I am understood on this. The unanimous-consent request is only to permit the introduction of three amendments the gentleman from Pennsylvania alluded to, and the one amendment of the gentleman from Montana, and no other amendments.

Mr. EDGAR. That is correct.

Mr. HARSHA. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is the gentleman from Pennsylvania revising his unanimous-consent request to limit the amendments to title III to the ones specified by the gentleman from Ohio?

Mr. EDGAR. Yes.

The CHAIRMAN. Is there objection to the revised request of the gentleman from Pennsylvania?

Mr. CARNEY. Mr. Chairman, reserving the right to object, I ask unanimous consent to revise and extend my remarks at the appropriate time in title III now that we have opened up title III again.

The CHAIRMAN. The gentleman will withhold until the unanimous-consent request pending is disposed of.

Mr. EDGAR. Mr. Chairman, I would include in my unanimous-consent request not only limiting it to the four amendments that have been agreed upon, but also allowing those Members who would like to revise and extend their remarks on title III to do so.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ERTEL. Mr. Chairman, reserving the right to object, as I understand it, at 4:40 then, we will then proceed into title IV?

Mr. EDGAR. If the gentleman will yield, that will be the next unanimous-consent request the gentleman from Texas will offer after my unanimous-consent request is accepted.

Mr. ERTEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HUGHES. Mr. Chairman, reserving the right to object, in addition to permitting those who want to revise and extend their remarks with reference to title III, I would want the right to address any amendments the gentleman proposes to offer.

Mr. ERTEL. Mr. Chairman, reserving the right to object, I have a parliamentary inquiry. If the amendments are printed in the RECORD and we go back to title III and allow that time until 4:40, any amendment in the RECORD would be entitled to an additional 5 minutes?

Mr. EDGAR. If the gentleman will yield, I think the gentleman from Pennsylvania has indicated that he does not intend, if this unanimous-consent request is accepted, to go back in a dilatory way on title III and offer any other amendments other than the three I have asked unanimous consent for. My unanimous-consent request is that the three amendments which I have offered, plus the one amendment of the gentleman from Montana, plus the unanimous consent to revise and extend in title III, is solely the context of my request, and this gentleman will not go back to title III and offer any of the line-by-line and amendment-by-amendment amendments I have in the RECORD.

The CHAIRMAN. In response to the gentleman's parliamentary inquiry, the unanimous-consent request which was offered by the gentleman from Pennsylvania (Mr. EDGAR) will protect only those amendments referred to by Mr. EDGAR, and will not permit other amendments printed in the RECORD to title III to be offered.

Mr. ERTEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CLAUSEN. Mr. Chairman, reserving the right to object, I just want to make it clear that all of the Members that have a desire to or want to do so under this unanimous-consent request will have the right to revise and extend their remarks on title III or any part relating thereto. Is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. CLAUSEN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 1600

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that all debate on title III and all amendments thereto end at 4:40.

The CHAIRMAN. Does the gentleman from Texas wish to allocate any portion of that time under his unanimous-consent request, consistent with the discussion that took place previously?

Mr. ROBERTS. Five minutes only. I think there is enough to go around. I will not use my 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. ROBERTS)?

Mr. EDGAR. Reserving the right to object, in our colloquy we had suggested that the gentleman from Montana be given at least a minimum of 5 minutes and the gentleman from Washington be given 5 minutes. I would have no objection to that.

The CHAIRMAN. Does the gentleman from Texas (Mr. ROBERTS) so revise his unanimous-consent request?

Mr. ROBERTS. I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. ROBERTS) as revised?

Mr. CLAUSEN. Reserving the right to object, 10 minutes is going to be allocated to the Montana project. Is the balance to be divided among the Members standing, or will there be a division between the majority and the minority of the remaining time?

Mr. ROBERTS. If the gentleman will yield, that would be up to the Chair, but we have already authorization for revision and extension. We have beaten this thing over the head all day, and I would certainly hope we can go ahead with it. I will certainly give my attention to that.

Mr. CLAUSEN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. Roberts)?

There was no objection.

The CHAIRMAN. The Chair has discretion to allocate time under the unanimous-consent request. In addition to the allocation which has been requested of 5 minutes for the gentleman from Montana and 5 minutes for the gentleman from Washington, the Chair in the exercise of that discretion will allocate a total of 10 minutes to the gentleman from Pennsylvania (Mr. Edgar) on the basis that he is offering three amendments, and will allocate the balance of the time to those Members who are standing.

Members standing at the time the unanimous-consent request was agreed to will be recognized for 40 seconds each, with the possible loss of time if there are any recorded votes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Edgar) for 10 minutes.

### PARLIAMENTARY INQUIRY

Mr. EDGAR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EDGAR. It occurs to me that we did not take a final vote on the amendments that were read en bloc to title IV, and I think the amendments had been read and were pending at the time. Is that not correct?

The CHAIRMAN. The gentleman from Pennsylvania is correct.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding. Is the gentleman talking about the projects that he is proposing to deauthorize?

Mr. EDGAR. Mr. Chairman, could I take back my time? No; I am suggesting that the parliamentary situation is that while title III is open and title IV is open, title I is open in a limited respect. But pending before the House, if the parliamentary situation is correct, is a block of amendments that the Chairman, the gentleman from Texas (Mr. Roberts) had offered and which were read into the record, and would suggest we have a vote on those amendments en bloc before we proceed.

Mr. ROBERTS. If the gentleman will yield, the gentleman from Pennsylvania is correct, and I will ask that the amendments to title IV be agreed to.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. Edgar) is correct.

The question is on the amendments offered by the gentleman from Texas (Mr. Roberts).

The amendments were agreed to.

### AMENDMENTS OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Edgar: Page 127, line 17, strike section 318.

Page 128, line 4, strike section 319.
Page 131, line 13, strike section 326.
Page 132, line 1, strike section 327.
Page 133, line 17, strike section 331.
Page 135, line 4, strike section 334.
Page 145, line 13, strike section 354.
Page 145, line 20, strike section 355.
Page 146, line 1, strike section 356.
Page 147, line 3, strike section 358.
Page 149, line 12, strike section 362.
Page 154, line 15, strike section 374.
Page 155, line 3, strike section 375.
Renumber sections in title III accordingly.

Mr. EDGAR. Mr. Chairman, we do not have to spend a long time on this amendment, and I would hope that the Members who have projects that are listed in this amendment would not take lengthy debate to defend their projects. This amendment is similar to the amendment which was offered by the gentleman from Pennsylvania to the list of projects in title I. This amendment relates to a number of projects in title III which the Army Corps of Engineers finds have no final report.

The first project that has any impact by my amendment is the Yaquina Bay and Harbor in Oregon. The total Federal cost is around $4 million. It would modify an existing protection project by raising the south getty 8 feet to prevent erosion to an access road to the beach area. The objection is that no studies have been undertaken, and there is a lack of any demonstration of economic feasibility.

The second project is the Charleston Harbor project in South Carolina. The total Federal cost is $4.6 million. It would modify the project to authorize a 2-mile extension of a navigation channel. A permit has been issued to non-Federal interests to do this work, but there is no authorized Federal project. The objection is that there is no Chief's report.

The third project is Santa Cruz Harbor, Calif. The total Federal cost is $260,000. Again there is no Chief's report.

The next project is the Humboldt Harbor and Bay, Calif., project. The total Federal cost is $1 million. It would modify the navigation projects to authorize construction of protection works to prevent shoreline erosion. The objection is that there has been no study or report as to feasibility.

The next project is the Burlington Dam, N. Dak., project. The total estimated cost for the project is $92.6 million, and of the modifications authorized by this provision and essential for this project, if it were to be constructed at all, is $35 million. It would modify the proposed authorized project on the Souris River, N. Dak. There is also no report on that project.

Also my amendment will provide a number of other specific projects, and I could go down through the list, including the Houston Ship Channel, the Sacramento River bank protection project, the Twin Valley Lake project, and there are several others. In each case there is no report. I do not want to stand in the well and defend these projects or in fact point out the negative aspects of the projects. I simply want to call the attention of the House to the fact that there is no final report.

The CHAIRMAN. Are there any Members who would like to use their time?

The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

Mr. ALEXANDER. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Pennsylvania (Mr. Edgar) bases his support for deletion of a number of the projects in title III on the contention that no final report is available from the Chief of the U.S. Army Corps of Engineers on these projects.

There are reports available, Mr. Chairman. The facts are that the administration has been sitting on these reports to justify their opposition to new water resource project starts.

Let me cite the case of Fifteen Mile/Ten Mile Bayou in Crittenden County, Ark. This project is intended to relieve severe flooding problems in the West Memphis, Ark., area. West Memphis is the second largest city in my congressional district.

During a recent 12-month period, West Memphis was subjected to substantial damage by three floods. In one instance 200 families had to be evacuated and 600 acres of the city were flooded.

The work that has been proposed would provide for enlargement of 21 miles of stream channels on Fifteen Mile and Ten Mile Bayous. The work would be completed at an estimated cost of $12.1 million. Its benefit-to-cost ratio is 1.9. No environmental objections to the project, to my knowledge, have been raised and the project has the unanimous support of local interests.

The report on this project was submitted to the Mississippi River Commission on February 28, 1978, and was forwarded to the Office of the Chief of Engineers on April 5, 1978. In other words, Mr. Chairman, the report has been on the Chief's desk for 9 months.

All the administration need do to thwart urgently needed flood control efforts is to let reports lay on the Chief's desk. Meanwhile the people of West Memphis, Ark., remain threatened with periodic flooding and loss of income and property while the administration defies the will of the Congress in determining water policy.

Mr. Chairman, my people have been patient in awaiting the relief that this project would provide. They have been more than patient.

To allow final reports to be held hostage in this manner is unconscionable. This project has met every test required by law. It is a good project that has stood up under every review.

The people of West Memphis deserve the protection from chronic flooding that plagues that area.

I urge my colleagues to oppose this amendment.

Another project with which I am familiar is charged with the same offense of lack of final report. This is the Eight Mile Creek project in Greene County, Ark.

Increased siltation and rainfall runoff rates affecting Eight Mile Creek have generated a severe flood threat problem for Paragould, Ark., and adjacent farming areas. Paragould is the fourth largest city in my district.

The project that has been proposed would provide protection against this threat for approximately 3,000 residents, 4 major industrial plants, churches, public buildings, and business establishments in Paragould and 125 farms affected by the flooding.

The proposed project would consist of 11.4 miles of channel improvement and environmental/recreational features including establishment of a greenway along the channel improvement incorporating hiking and biking trails and miniparks.

The estimated cost, that is the Federal share, of the project is $9.84 million and its benefit to cost ratio is 2.

The final report and revised draft environmental impact statement on the Eight Mile Creek project was transmitted to the Mississippi River Commission on March 29, 1977, and to the Office of the Chief of Engineers in May 1977. This project's final report, Mr. Chairman, has gathered dust on the Chief's desk for 21 months.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding. The Fifteen Mile/Ten Mile Bayous project is not included.

Mr. ALEXANDER. That project is not included in the gentleman's amendment?

Mr. EDGAR. That is correct.

Mr. ALEXANDER. The gentleman does not intend to object to this project?

Mr. EDGAR. That is correct.

Mr. ALEXANDER. I thank the gentleman.

☐ 1610

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Clausen).

Mr. CLAUSEN. The dilemma in which we find ourselves in this particular situation is, wherever there are no report, we found that, quite frankly, the administration simply did not act and apparently an effort not to submit some reports for reasons that only those in the administration know. As a result of some of the circumstances as well as the urgency of the matter, oftentimes in the form of a modification, it was determined that the committee itself should go forward and act and this is precisely what it has done, in order to comply with the pleadings from the Members supported strongly by their constituency.

(By unanimous consent, Mr. Roberts yielded his time to Mr. Johnson of California.)

Mr. JOHNSON of California. Mr. Chairman, I rise in opposition to the amendment as offered by the gentleman from Pennsylvania. I particularly want to point out section 358 which has to do with bank protection and erosion control on the Sacramento River, one of the main rivers in the Central Valley in the State of California. This work has been going on since 1917 on this river. Section 358 would take in another 60-mile stretch of the river from Chico Landing to the Shasta Dam. This is a very important river. It carries an awful lot of water during flood stage, it carries an awful lot of water during the irrigation season. We must protect the banks of that river if we are going to protect life and property along the river.

Mr. Chairman, this program has been very active of late. This is a new authorization calling for an additional $25 million that will be available to the Corps of Engineers. Each project that is done on the river in the way of revetment for the protection of a meandering river will have to meet the cost-benefit ratio agreed to by the State fish and wildlife people for environmental purposes.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. Edgar).

The amendments were rejected.

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edgar: On page 153 strike lines 4 through 13 and redesignate succeeding sections accordingly.

Mr. EDGAR. Mr. Chairman, the amendment which I offer is a rather sensitive amendment as you will hear in a moment. This amendment would strike section 370 which provides full Federal funding for a marina site preparation at Lake Texoma in Texas. There is no study or report from the chief and the Army has indicated in its letter dated January 19 that it objects to this provision.

There are more substantiated objections to this project; namely, the failure to consider such matters as this marina in relationship to the priorities of this Congress. We should have a priority listing of areas where such facilities are needed if we are going to have the Army Corps of Engineers in the business of developing marinas.

Mr. Chairman, many Members have taken the well of this House and justifiably argued for their particular project because they felt strongly for them; for flood control, for protection of life, and for protection of property. I do not think it is in the best interests of the House in light of the President's projected $15 billion to $16 billion deficit or the $30 billion deficit this year for the Federal Government to be spending any money developing marinas and if, in fact, we do get in the business of creating marinas we should, in fact, have them on some priority basis.

Finally, Mr. Chairman, a question can be raised about the priority in authorizing such work in tight budget years such as this and about the failure of having at least some cost sharing. Why should the Federal Government at full, 100-percent expense provide a marina in this particular lake when there are many other marinas in other lakes that may have jurisdiction and, frankly, I do not think the Army Corps of Engineers should be in the business of building marinas or access to them.

I yield back the balance of my time, Mr. Chairman.

(By unanimous consent, Messrs. Leath of Texas, de la Garza, and Ertel yielded their time to Mr. Roberts.)

Mr. ROBERTS. Mr. Chairman, I think the gentleman has overlooked something. Lake Texoma is the largest attended public facility owned by the Federal Government. Ten million to 11 million visitors a year use this facility.

Mr. Chairman, these marinas are in turn leased to an operator on a basis of percentage of income. It is done everywhere. As I stated, this is the largest lake in terms of attendance. The idea is to provide marinas for these visitors, average Americans. One of them is in Oklahoma in the district of the gentleman from Oklahoma (Mr. Watkins) and one is in mine. All that is done is to clean out a place and put a small revetment around it so they can protect the small boats. There are plenty of places for the rich folks with yachts but there are no places for the poor folks. And again, this will make money as the facility is used.

The corps immediately upon construction leases these marinas on a percentage basis of income to a private individual and it is paid back from the word go.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I will be happy to yield.

Mr. EDGAR. Mr. Chairman, in a tight budget, does the gentleman think it makes sense to spend $300,000 of the taxpayers' money to build a marina such as this?

Mr. ROBERTS. Any time it is an investment, yes, and certainly $300,000 on a marina should be paid back in 3 years.

Mr. EDGAR. If the gentleman will yield further, is there any cost sharing involved in terms of paying back for the cost of the construction of the marina?

Mr. ROBERTS. The whole thing is paid back on a percentage of the take.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Harsha).

Mr. HARSHA. Mr. Chairman, I would like to point out that this is a request to the Corps of Engineers to investigate first and then construct a marina at Lake Texoma. Now this is not unusual. We do this at most of the reservoirs created by our water resource development projects. Almost every project has a certain amount of benefits which result from recreation. The Corps of Engineers provides more recreation facilities than any other Federal agency in the Government. I would just like to remind the Members that the chairman of the subcommittee, the gentleman from Texas (Mr. Roberts) has been here for 2 days this week, 1 day last week, defending every project in this bill for each and every Member.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Messrs. Cheney, Chappell, and Livingston yielded their time to Mr. Harsha).

Mr. HARSHA. Mr. Chairman, I thank my colleagues for yielding me their time.

Now, what the gentleman from Texas (Mr. Roberts) requested the committee to approve was a study by the Corps of Engineers, to see whether or not it is feasible to construct a marina at Lake Texoma in addition to whatever other recreational facilities they have. If the study proves the project feasible, then $300,000 is authorized to implement this recreational improvement. This is a reasonable request and I support it. I think the Members owe the gentleman from Texas (Mr. Roberts) a vote of thanks for his efforts to defend their authorizations and I hope the Members will respond by voting down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Edgar).

The amendment was rejected.

□ 1620

The CHAIRMAN. The Chair at this time recognizes the gentleman from Montana (Mr. Williams) for 5 minutes for the purpose of offering an amendment.

### AMENDMENT OFFERED BY MR. WILLIAMS OF MONTANA

Mr. WILLIAMS of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Williams of Montana: Page 144, strike out line 13 and all that follows down through line 4 on page 145.
>
> Redesignate succeeding sections accordingly.

Mr. WILLIAMS of Montana. Mr. Chairman, in the next 5 minutes we are going to hear discussed a project which has been at the center of controversy in my district for two decades now. It involves two dams in controversy, the Libby main dam, which has already been constructed. It was begun in 1966. That dam, by the way, is rated at 420 megawatts, although it puts out about 480 megawatts. It is a base load and a peaking combination facility. Had I been here a decade ago, I would have supported the building of that main dam.

The second part of the controversy surrounds what we call the Libby reregulating dam. That is at the heart of the issue today. That proposed project is 10 miles downstream from the main dam. The prime purpose of that dam is not to deliver additional power, but merely to change the configuration of the power produced in the main dam above it.

Now, when I came to this Congress a year ago, I tended to be in favor of the Libby reregulating dam, but many prudent, thoughtful people who lived in my district asked me some good questions about that dam.

By the way, these were long-time residents of Montana, hunters and fishermen. Let me share with you some of the questions they asked. They wanted to know how future electric demands are forecast, and have they been accurate in the past two decades.

They wanted to know if the Corps of Engineers uses appropriate methods and data in preparing their cost-benefit analysis. They wanted to know if this rereg dam is going to help the river fluctuations downstream.

They wanted to know if the studies done by the Corps of Engineers met the national environmental policy act standards.

They also wanted to know if there were any other options beside that reregulating dam for meeting needed power in this country.

Now, the Members of the Montana congressional delegation who represent this area joined with me in trying to find the answers to those questions, because they were good questions. We finally asked the GAO to do three studies. The GAO gave us an answer in May, another answer in November, and another answer in December of last year. Here is what the GAO considered. They reviewed the methods of forecasting and examined the accuracy of past forecasts. They reviewed the need for additional peaking resources in the Pacific Northwest. They provided us with cost-benefit indicators on this Libby reregulating unit and they identified options other than Libby to meet or decrease peak demands.

Now, let me tell you about the answers that the GAO came up with. They raised serious questions, serious questions, my colleagues, about the accuracy of power forecasts in the Pacific Northwest. They agreed, the GAO agreed with the necessity of peaking power and there is no argument about the necessity for peaking power, but they asked, prudently I think, they asked this Congress to consider alternative ways to meet that need.

What did they tell us about cost benefits? They said:

> On this dam the Corps of Engineers used methods which over-estimated the project's benefits.

The Corps of Engineers admitted that, recomputed the cost benefit and found out they were only half of what the corps itself had thought they were.

Now GAO tells us that the people in this Nation are going to lose 42 cents for every dollar they put into this dam.

Finally, on alternatives to the Libby Dam, the GAO told us there is load management. There is intertype power exchanges. There is cogeneration. There is peak load pricing and there are also several other ways, including conservation.

Here is what the GAO concluded:

> The proposed Libby project should proceed no further until Congress has more information on it. Accordingly, we recommend that the Secretary of the Army direct the Chief of Engineers to recompute and to report to the Congress the costs and benefits for the project.

Now, and this is crucial, the Corps of Engineers agrees, the Corps of Engineers agrees and does not want this project authorized now.

Now, some will say, "No, no, Blumenfeld doesn't speak for the Corps of Engineers."

The CHAIRMAN. The time of the gentleman from Montana (Mr. Williams) has expired.

The Chair recognizes the gentleman from Washington (Mr. McCormack) for 5 minutes.

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the proposed amendment. I think I speak for the Members from the Pacific Northwest, whether their constituents are served by public or private utilities.

One must understand the concept of a reregulating dam. Libby dam was built as the first part of a two-part unit with the second part—a reregulating dam to be built downstream to retain a reregulating system when Libby the large volume of water released in a short period of time when the system is used for peaking power. All concerned, including the Corps of Engineers, the Congress, and the congressional committees involved have always assumed that Libby dam, and its reregulating dam, were to be a single package.

Last year a court decision said that the reregulating dam was not specifically authorized, and therefore had to be reauthorized. For that reason, it is in this bill. However, it has always been a part of the project.

The entire hydroelectric system along the Columbia River is, in reality, a series of dams, each of which acts as a regulating dam for the one above it. However, Libby has no regulating dam yet. It is partially built. More than $26 million has been spent on this dam. The authorization in this bill would continue this partially completed project.

I should point out that the Bonneville Power Administration has informed us repeatedly that we will have severe shortages of energy in the Northwest in the mid-1980's, unless we have abundant water in the Columbia River system. The shortages are projected for the time when this dam is supposed to come on line. It is important to understand that Libby dam will produce 483 megawatts more peaking power with a reregulating dam than is now possible.

In other words, with the reregulating dam we gain 480 megawatts of peaking power at the Libby dam. In addition to that we gain 88 more megawatts of off-peak power at the reregulating dam itself. This is a total of 571 extra megawatts. The electricity produced at these dams will cost only 16.2 mils, compared to the 40- to 50-mil cost of electricity produced by a coal plant, and the hydro plant will not create the environmental problems associated with a coal plant.

Please remember the concept of a reregulating dam. It is used with another (existing) dam that is being used for peaking power by running a lot of water through in a hurry. Thus, a reregulating dam is necessary to allow Libby Dam to function properly as a part of the Northwest power system.

Mr. Chairman, I hope we will reject this amendment. I must say that some of the data I have presented was provided to me from Senator MELCHER, of Montana, a former Member of this House, who supports the project.

The CHAIRMAN. The time of the gentleman from Washington (Mr. McCORMACK) has expired.

(By unanimous consent, Mr. FITHIAN yielded his time to Mr. WILLIAMS of Montana.)

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Chairman, I thank the gentleman from Indiana (Mr. FITHIAN) for his generosity in yielding his time to me.

Let me complete my statement. The crucial thing, now that all the studies are done, is that the corps now agrees and has asked that this Congress not authorize this dam. That, I think, is absolutely crucial.

The question is not whether we need peaking power or whether we do not. Those are not the arguments. The argument is simply this: Should we immediately authorize a dam for which the need has not been established—and the Army Corps of Engineers agrees with that—or should we go ahead and authorize it despite all the facts that are now in?

Mr. Chairman, I think we should just wait.

The CHAIRMAN. Are there any other Members who wish to use their time, under the limitation of debate, on the pending amendment?

If not, the question is on the amendment offered by the gentleman from Montana (Mr. WILLIAMS).

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, I would like to offer some thoughts on the Gallipolis Lock on the Ohio River between Ohio and West Virginia.

The rationale for the Gallipolis lock enlargement is the old bottleneck argument—other locks downstream on the Ohio are larger—1,200 feet long compared to 600 feet for Gallipolis—and can pass more barge traffic. As in the past, there is no requirement on the barge beneficiaries to repay the costs of this expensive project through user fees. While highway users pay for road improvements, barges still do not cover the Federal investment in waterways.*

While heavily investing in this project, which, by the way, has not even completed the phase I design memorandum stage, the Ohio River navigation system has major unresolved economic, social, and environmental problems which will be aggravated by the Gallipolis project.

Raising the water level has softened and weakened the banks of the Ohio and its tributaries, causing formerly stable land to slump and wash away. Farmland, towns, and highways are being damaged. The unofficial estimate of damages behind the Cannelton Dam alone is $800 million.

The system of locks and dams on the Ohio River has caused a deterioration of water quality. Fast-moving, turbulent water cleanses itself of pollutants most effectively. The new lock and dam enlargements have turned the Ohio into a slow-moving river—a virtual series of lakes—and have thus reduced its assimilative capacity. EPA estimates a 30-percent loss in assimilative capacity behind Markland Dam near Cincinnati. The public water supplies for 3 million people are drawn from the river, and the deterioration of water quality translates into increased costs for water purification, and could become a serious health hazard in time of drought.

As the economic structure of the Ohio Valley becomes more committed to increased barge transportation, there will be pressure to take upstream farmland for more reservoirs. These reservoirs, costing hundreds of millions of dollars, would be needed to provide releases of water to float barges on the mainstem Ohio during time of drought.

The Ohio River has been closed to barge traffic as a result of floods, drought, and freezeovers in winter months. In addition, barge collisions with locks and dams can shut down the river to navigation. The vulnerability of the navigation system to these extremes of weather calls into question the wisdom of making the economy of the valley further dependent on barge transportation. All of these problems point to the need to review a complete report from the Corps of Engineers which will examine the needs of the area and alternatives to the Gallipolis project.

Senator WENDELL FORD, of Kentucky, has stated that damages from the new locks and dams may run up to $4 billion.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I would like to address the chairman of the subcommittee with an inquiry regarding section 376 of the act.

Mr. Chairman, the language of the committee report on this section provides for engineering and design for the proposed project after the preparation of the feasibility report.

While I appreciate the expeditious manner in which we are moving on this project, I am concerned that such a go-ahead without congressional approval will allow the Corps of Engineers to proceed on a plan other than that approved by the local area, the two-dam "all river plan."

You may recall, Mr. Chairman, that the "all river protection plan" was recommended on February 27, 1975, by the district engineer, Los Angeles District, Corps of Engineers.

In 1976, Congress authorized phase I of this project, but the language at that time specifically provided that the project proceed in accordance with the all river plan. Because this plan is the result of the delicate compromise of all concerned parties, I believe it is important that our actions today be consistent with our original intentions.

Is it the understanding of the chairman that this money is being authorized with the intent that the project proceed according to the "all river plan?"

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the subcommittee chairman.

Mr. ROBERTS. Yes. That is my understanding.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Chairman, I wonder if I may have the attention of my colleague, the gentleman from Pennsylvania (Mr. EDGAR).

Originally my colleague, the gentleman from Pennsylvania, had noticed his intent to strike from the bill section 321. Is it my understanding that my colleague has abandoned that particular amendment?

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, the gentleman from Pennsylvania does not intend to offer any additional amendments to title III. The gentleman's project in title III is protected.

Mr. HUGHES. Mr. Chairman, I rise in support of the Water Resources Development Act. I want to commend the gentleman from Texas (Mr. ROBERTS) for the fine work that his Subcommittee on Water Resources has done on this legislation. I also want to extend my special gratitude to my colleague from New Jersey (Mr. HOWARD) who, as a member of the committee, has provided me with valuable assistance.

The legislation has a special importance for the south Jersey region that I have the privilege of representing in the Congress. It would authorize solutions to two of the most pressing water-related problems affecting my congressional district. It would enable the Army Corps of Engineers to dredge and maintain the major inlets along the Atlantic coast on a regular basis. And it would direct the corps to develop low-cost erosion-control projects for six south Jersey communities along Delaware Bay.

The inability to dredge and maintain our major inlets has been one of our most longstanding and frustrating problems in New Jersey. The inlets are the lifeblood of many of our coastal communities. The fishing, boating, and resort industries rely heavily on clear navigation channels between the Intracoastal Waterway and the Atlantic Ocean. The inlets also take on a national significance as well. By connecting the Atlantic with the Intracoastal Waterway, the inlets play a key role in facilitating the movement of interstate commerce.

Unfortunately, the condition of the inlets has deteriorated greatly over the years. There has been severe shoaling in many places, seriously threatening the safety and well-being of the fishermen and other boaters that are forced to use these inlets. The Corps of Engineers has authority to dredge the inlets, but it can do so only as part of expensive, multipurpose construction projects. Unfortunately, our small coastal towns cannot afford to pay the local share of such expensive undertakings, and the inlet projects have never been carried through to construction.

---

* In 1978 Congress passed a token fuel tax for barges, but this will recover less than 20 percent of the federal navigation outlays when it takes full effect later this decade.

Section 321 of the bill would change this situation. It would enable the corps to conduct the necessary dredging and maintenance of these inlets without having to build the other portions of the projects. The five inlets affected are Barnegat, Corsons, Great Egg Harbor, Hereford, and Townsends.

There are several advantages to this staging arrangement. It would give the corps the flexibility to pursue feasible options besides construction of jetties and groins to stabilize the inlets. The corps has never looked at the possibility that the inlets can be stabilized by the simpler, less expensive procedure of maintenance dredging. This option may well prove to be the better permanent solution to the inlet problems. It would insure that the inlets are dredged and maintained at the lowest possible cost. It also would establish a procedure to keep the inlets clear on a regular basis through maintenance dredging. And it would enable local communities to contribute their fair share of the costs of dredging the inlets without committing them to costly multipurpose projects.

The administration has objected to this provision authorizing the staging of the projects. It contends that economic justifications and appropriate cost-sharing for the dredging have not been demonstrated. It also claims that there may be difficulties in securing local cooperation and assurances.

With all due respect, the administration's objections are not well founded. The dredging of the inlets is already authorized by existing law as part of expensive construction projects. The bill simply separates dredging from the rest of each project. By doing so, it actually reduces Federal costs as the corps will not have to build an expensive project to take care of the shoaling problems in the inlets. It can address the problems with the much less costly approach of maintenance dredging.

The administration's fears of not obtaining local support also are not well founded. There is incredibly strong local support for the dredging. Moreover, the bill states specifically that the non-Federal share of dredging costs shall be the same as the share applicable to the total project as authorized.

A second provision of the Water Resources Development Act also would have significant benefits for New Jersey. This provision, section 405(b), would authorize badly needed assistance to six south Jersey communities along Delaware Bay. These communities are Fort Elfsborg, Fortescue, Gandys Beach, Sea Breeze, Reeds Beach, and Pierces Point. They desparately need help. Serious flooding and erosion from recurring storms are damaging and, in some cases, destroying bayfront homes and commercial buildings in these communities. In addition, the flooding and erosion pose serious threats to the safety and economic well-being of the residents.

The town of Sea Breeze is typical. It lost its protecting beach in a storm several years ago. As a result, the town experiences serious flooding of its buildings and main access roads several times a year. During these times, the town is isolated and must do without fuel supplies, five protection, and ambulances.

Fortescue is another example of a bay community that suffers from serious flooding and erosion problems. Beach and shoreline erosion has become so severe in recent years that high waves during storms are threatening the survival of the town's marina industry.

A study by the Corps of Engineers bears out the need to assist these six communities. The study, released in December 1978, found that serious flooding and erosion affected all of the communities and had reached a "severe stage" in some places.

The legislation would remedy these serious problems by authorizing low-cost flood-control projects for these bayshore communities. It calls for the projects to make use of the erosion-control techniques found to be most feasible under section 54 of the 1974 Water Resources Development Act. That section authorized the corps to construct a series of alternative erosion-control demonstration projects throughout the country. Under the bill, the corps is to apply the most feasible techniques from those projects to the six bayshore communities. With direction and assistance from the corps, residents and local governments would carry out the projects. The projects would not require massive, capital-intensive construction projects, but instead would use small-scale innovative techniques geared toward the particular community.

Here again, the administration has lodged objections, contending there is no need for additional erosion-control demonstration projects. Again, I feel the administration's objections are baseless. These communities are in dire need of assistance. The bill would provide such assistance in a most effective, economical way. It calls on the corps to use those erosion-control techniques that have a proven track record. Moreover, the administration has overstated the authorization level for the projects, claiming they will cost $5 million. The bill's authorization is only one-half that amount, $2.5 million.

In summary, the Water Resources Development Act would provide much needed assistance to New Jersey inlets along the Atlantic and its communities along Delaware Bay. It would address serious local problems and serve the national interest. I strongly urge my colleagues to support it.

(By unanimous consent, Mrs. SMITH of Nebraska yielded her time to Mr. BEREUTER.)

The CHAIRMAN. The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

● Mr. BEREUTER. Mr. Chairman, I rise in support of a project authorized in section 336 of the pending bill, H.R. 4788, the Water Resources Development Act. Specifically, I refer to the provision which authorized the Corps of Engineers to relocate Highway 15 in Niobrara, Nebr.

In 1957 the Corps of Engineers completed construction of the Gavin's Point Dam on the Missouri River near Yankton, S. Dak. Upon completion of the project, it was learned that the nearby town of Niobrara, Nebr., was experiencing damaging seepage and drainage problems due to an increase in the level of surface water brought on by the project.

In a Corps of Engineers design memorandum (No. MG-91, page I-1) dated June 1970, the corps stated—

> Periodic flooding and a rising ground water table caused by the operation of the Gavin's Point Reservoir (Lewis and Clark Lake) in particular and the Missouri River mainstream reservoir system in general have resulted in a physical taking of the Niobrara State Park and portions of the Village of Niobrara. Based on the limited experience . . . since the project went into operation, these effects will continue to encroach on adjacent private and public lands to the extent that the Park and the Village will be untenable for their past and present functions. Without immediate and vigorous action by the corps and at all influential levels of Government, the residents of the Village will suffer irreparable financial loss. Since the efforts of periodic flooding and slowly rising groundwater are creeping and insidious in nature, many of the residents will be unable to cope without the type of aggressive help given to victims of an overwhelming disaster . . .

Consequently, the corps recommended, through this report, that the town of Niobrara be relocated at a cost to the Federal Government of $11.4 million. My predecessors in Congress, Senators Roman L. Hruska and Carl T. Curtis authored the legislation and spearheaded the effort which led to the relocation of the town of Niobrara—an act that was accomplished in 1977.

Unfortunately, the corps did not complete the job for it failed to connect the relocated village of Niobrara to Highway 12, the highway on which the old town of Niobrara was located, although it built part of the roadway for the highway within the village itself. I would add that at the time of relocation, the town's railroad was also abandoned. The only access the citizens of Niobrara now have to the main highway is a gravel road.

To some of my colleagues, this may not seem to be a significant problem. However, the residents of Niobrara have been all but cut off from the mainstream of commercial traffic and tourism—an inconvenience to which they should not be subjected. Some business losses in the community have been estimated by as much as 50 percent because of the loss of Highway 12.

The corps mistakenly and contrary to congressional findings maintains that the relocation of Highway 12 was never their responsibility. I reject that contention and am pleased the committee came to a similar conclusion by its decision to authorize the project.

The Corps of Engineers assumed responsibility when it built the dam causing the original damage to the village of Niobrara. Congress, through specific legislative direction, authorized the relocation of the town. Relocation of the highway to serve the village is an integral part of the relocation project. The bill before us provides that specific authorization—it simply completes a job Congress has previously mandated.

For the record, I would like to cite the corps and the Bureau of Reclamation have assumed responsibility for similar projects. The construction of a dam on Papillion Creek, near Omaha, Nebr., required the reconstruction of a portion of Highway N-36 at a cost of $2,157,192.31. The dam was a Corps of Engineers project. The cost of the road reconstruction was paid by the corps except for approximately $4,400 which included some preliminary engineering costs prior to their authorization date and interest payments to the contractor. This project was let to contract in March of 1975 and accepted in September of 1976.

When Swanson Reservoir, near Trenton, Nebr., was built by the Bureau of Reclamation, 8.3 miles of U.S. Highway 34 were relocated at a cost of $674,500. This cost was entirely paid by the Bureau. An additional 6.3 miles of U.S. 34 were relocated at a cost of $521,856 with 65 percent paid by the Bureau. The latter 6.3 miles were east of the reservoir and included reconnection to the existing highway. These projects were begun in 1950 and completed in 1952. The construction of the Garrison Dam on the Missouri River in North Dakota inundated two towns (Sanish and Van Hook) and State Highway 23. The Corps of Engineers built a replacement village named New Town and relocated Highway 23 (including a new Missouri River Bridge) as part of the dam construction project.

It is my belief that the Corps of Engineers did not follow the intent of Congress on this matter. What the good people of Niobrara have asked is to complete the project which was clearly made necessary by action of the Corps of Engineers downstream on the Missouri River.

The rerouting of Highway 12 is critical to the community of Niobrara, and it is a fair and equitable action. Accordingly, I ask my colleagues to support the decision of the committee and the intent of previous congressional action.●

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ALBOSTA).

● Mr. ALBOSTA. Mr. Chairman, I rise in support of the Water Resources Development Act of 1979. As a member of the Subcommittee on Water Resources and the full Public Works and Transportation Committee, I am pleased that I was able to participate in the formation of this important legislation.

H.R. 4788 authorizes and modifies many needed water development and flood protection projects around the country. These projects provide positive benefits for the communities in which they are located. These benefits outweigh the terrible costs of floods and draughts that otherwise would plague these areas.

If we are to develop this country's hydroelectric power and lessen our dependence on foreign oil and if we are to continue our abundant agricultural production, then we must pass this legislation and get on with the business of strengthening America.

I urge my colleagues to carefully consider this legislation and not vote to further delay needed water projects that have been mired in bureaucratic delay that has given us the present condition we are in. Congress needs to pass the Water Resources Development Act intact so that these vitally needed projects can move forward quickly for the benefit of this country and its citizens.●

● Mr. CARNEY. Mr. Chairman, Moriches Inlet is located on Fire Island, in Suffolk County, N.Y. It is 80 miles east of New York City and 52 miles west of Montauk Point, Long Island's eastern tip. Fire Island separates the Great South Bay and Long Island's Intercoastal Waterway from the Atlantic Ocean. There are approximately 60,000 boats in use in Suffolk County, with 6,000 of these operating in the tributary area of Moriches Inlet. New York State estimates that recreational boating in this area will increase by 50 percent by the end of the century.

The closest inlets to Moriches Inlet are Fire Island Inlet, 30 miles to the west, and Shinnecock Inlet 15 miles to the east. When Atlantic storms hit the Long Island area, boaters are unable to seek refuge in the inner bays unless they travel for the period necessary to reach the Fire Island and/or Shinnecock Inlets. This lack of a centrally located access to shelter is a safety hazard, that should be cured as soon as possible.

Moriches Inlet itself was opened by a storm in 1931. The inlet channel has been dredged intermittently since then, in 1958, 1963, and 1966. However, due to rapidly changing shoaling conditions, Moriches Inlet has now been characterized by the U.S. Coast Guard as unsafe for navigation at any time.

From 1974 to 1978, six people died in the inlet due to capsizing of vessels. The rate of fatalities in Moriches Inlet is three times the national average according to Coast Guard statistics. The danger to boaters increases during storms, when they have less control of their ship as it passes through the outer bar at the inlet. In fact, the Coast Guard station at Moriches Bay has indicated that even their vessels run the risk of sinking if they attempt to traverse the inlet and outer bar during a storm to rescue a ship that is in danger of sinking.

When the Moriches Inlet project was authorized by the River and Harbor Act of 1960 (Public Law 86-645), there was substantial commercial fishing in this area. Because of the unstable condition of the inlet, this traffic has decreased. Making the inlet safe for navigation will cut down on the amount of fuel used by commercial as well as recreational boaters, as their travel distance to the ocean will be markedly decreased. Thus, the project is supportive of energy efficiency.

This amendment to the 1960 authorization will require 5 million Federal dollars for construction, as well as additional money for maintenance of the area. As recently as December 1978, the Corps of Engineers had issued a finding that supported the proposal.

Although project documentation has not been completed, the benefits of seasonal navigation would, according to Col. Clark Benn, New York District Engineer, of the U.S. Army Corps of Engineers, "justify the costs."

The Long Island Regional Planning Board's coastal management program has placed a high priority designation on completion of this project. The Suffolk County Legislature unanimously approved a resolution on December 27, 1979, supporting the proposal I am now advocating here. The Coast Guard and Army Corps of Engineers recognize the danger that the inlet currently poses to life and property. The inlet is recognized by local governments to contribute to the economic viability of Suffolk County. Therefor, I urge you to approve this amendment. Its benefits are obvious, far-ranging and well worth the expenditure of Federal funds involved.●

● Mrs. SMITH of Nebraska. Mr. Chairman, title III clarifies the existing authority of the Secretary of the Army, acting through the Chief of Engineers, to replace, renovate and upgrade existing Federal facilities at Harlan County Lake in my State of Nebraska. The plan for this work was described in a June 1977, report of the Army Corps of Engineers. The plan provided for dredging, construction of breakwater, replacement and extension of outdated water access facilities, and bank stabilization and filling activities. I commend the committee for including this essential work.

The construction of the dam that created Harlan County Lake was authorized in 1941 and completed in 1952, prior to the enactment of The Federal Water Project Recreation Act. The provision in the bill that the gentleman's amendment seeks to strike simply insures that Harlan County Lake will not become a bug infested swamp. This corps project is in great need of the facilities and upgrading that I have described and the provision the gentleman seeks to strike will insure these facilities will be built without the administratively and retroactively applied cost sharing requirements of the 1965 act. Such projects were not covered in the act in the first place.

Recreation facilities would be provided by the Federal Government at projects predating the 1965 act, in accordance with the authority contained in section 4 of the Flood Control Act of 1944. That authority further charges the Corps of Engineers with the responsibility to insure that there be ready access to and exit from such facilities and their associated water areas for general public use.

The latter responsibility is appropriately Federal in nature and particularly important to fulfill at older corps projects where existing facilities were not originally designed to safely accommodate a heavy traffic of recreationists. Such facilities are essential to maximize the recreational benefits which have resulted from the addition of these valuable facilities. The Harlan County project provides a variety of benefits, including flood control, irrigation, and recreation. Many, many acres of prime agriculture land were inundated to create this lake which has prevented major flood damages estimated at $13.2 million.

While irrigation and flood control are the primary purposes of the creation of this lake, public recreation is a collateral benefit which cannot be underestimated. Harlan County Lake attracted over 1 million visitors last year. It has been a popular vacation spot since it opened in 1952. It was second in hunting attendance and third in camping among the 11 lake and dam areas of the four-State Kansas City district of the corps.

All this has been accomplished despite the fact that siltation has made the boat docks on the lake virtually unusable during certain periods of the recreation season. In fact, visitation levels are correlated with the lake elevation levels. Sparse inflow and low precipitation can also make recreational use of the lake impossible.

The continued upkeep of the lake by the corps is vital to the economy of the area. Tourism is Nebraska's third largest industry and lakes like Harlan County Lake are vital to this industry. The local support for the continued improvement of the lake is substantial. However, private or local government financing of the upgrading is simply not available; the local government's tax base is too small to absorb these costs.

I believe the Federal government has an obligation to finish what it has started and this legislation will assure that essential renovation work can be done.●

The CHAIRMAN. All time has expired on title III.

Are there any amendments to title IV?

AMENDMENT OFFERED BY MR. SHARP

Mr. SHARP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sharp: Page 183, line 6, strike out "projects for Big Blue Lake and" and insert in lieu thereof "project for".

Page 183, line 11, strike out "projects" and insert "project".

Mr. SHARP. Mr. Chairman, under section 221 of the Flood Control Act of 1970 it is Federal policy that a State must be forthcoming with a firm commitment of its financial portion of any project. The State of Indiana, unlike other States, has not been willing to do that as of yet.

While section 221 has been a problem for us to move ahead on projects, I am concerned about what is being attempted here in section 438, where the committee, out of deference to the State of Indiana—and I sincerely appreciate that—has decided to waive the Federal requirement on the financial commitment for two specific projects, one being the Big Walnut Lake and the other being the Big Blue Lake. My concern is that Big Blue Lake, which is in my district, I do not think deserves that special consideration that is being attempted to be provided here.

The committee report says that the circumstances for granting any kind of waiver such as this ought to be extraordinary, and the committee is, naturally and wisely, reluctant to grant such waivers. In fact, I would encourage them not to grant such a waiver in the specific case of this project in my district.

I say that for this reason: The circumstances that were present have clearly changed. First of all, there is no need for the project now because the basic planning will not be completed before 1984 if the project is decided to be constructed. It is not under construction or about to be constructed now.

Second, Mr. Chairman, the project simply does not have support for it. The State government, the State legislature, and the Governor have all been unwilling to make any kind of commitments toward the project. The State legislator in the area indicates that there will not be forthcoming money from the State government. In the two counties affected by the project we have consulted widely and urged people to contact us, and the opposition is 7 to 1 against the project. In October I indicated that I would ask that the project be deauthorized.

Under these circumstances—and I realize that the committee did not have an opportunity to get the full information because this is a recently developing set of circumstances—I do not think we can justify for the State the granting of a special exception under Federal law for a project which has so little support, if any at all.

Mr. Chairman, I will in fact later be seeking to get the program itself deauthorized. Certainly I do not think we can justify making such a special exception, and I urge my colleagues to support the amendment.

□ 1640

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that all debate on title IV and on the bill end at 5:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. FITHIAN. Reserving the right to object, Mr. Chairman, I do so simply on the basis of fairness. I have been waiting on this floor for 2 days. Thirteen Members of the House have, in order to try to save time for this Committee, in order to test the principle of deauthorization, merged together in a single amendment. To now deny 13 of us some kind of equity in debate is going too far. Therefore, I am constrained to object unless there is some reason that the chairman can give me that would indicate that this is not a fair reason for objecting. I do not want to be an obstructionist.

Mr. ROBERTS. If the gentleman will yield, I think the gentleman makes a good point; but the situation is that the Speaker has asked us to adjourn at 5:30, and we do not know when we can get back to the bill or when we can get time. I would like to wrap it up.

Mr. FITHIAN. Further reserving the right to object, I would like to assist the chairman in wrapping this up.

I have no desire to drag this bill on, otherwise the gentleman would have seen the 800 amendments that I told the gentleman about. But I think, after all this time, we should at least have 20 minutes among the 13 of us to offer our amendment. Therefore, if it is the chairman's wish to modify his unanimous-consent request to give those 13 of us who have this amendment 20 minutes—that is only 2 minutes per person—that would seem fair.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. EDGAR. Mr. Chairman, reserving the right to object, I wonder if we could amend the unanimous-consent request that all debate end at 6 o'clock, giving those who have waited so long to offer their amendments which they could not offer to title I, title II, and title III but in fact have their amendments in title IV, adequate time for debate; and that would mean that the House would adjourn somewhere around 6:01. I think that is a reasonable amount of time. If the chairman would amend his unanimous-consent request to 6 o'clock, I think everyone would be protected under the rule.

Mr. ROBERTS. If the gentleman will yield, I have asked the General Counsel to check with the Parliamentarian to see if it is agreeable with the Speaker for us to continue to 6 o'clock. If it is, I would certainly amend my request.

Mr. EDGAR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Does the gentleman from Texas (Mr. Roferts) withdraw his unanimous-consent request at this time in light of the delay?

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto end at 6 o'clock, allowing 20 minutes for the gentleman from Indiana (Mr. Fithian).

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. CLAUSEN. Mr. Chairman, reserving the right to object, I yield to the gentleman from Ohio (Mr. Harsha).

Mr. HARSHA. Mr. Chairman, what is

the gentleman reserving for the gentleman from Indiana?

Mr. ROBERTS. If the gentleman will yield, the gentleman from Indiana, on behalf of 13 Members, has asked for a total of 20 minutes. I see nothing wrong with that.

Mr. HARSHA. If the gentleman will yield, do the opponents get 20 minutes to respond to the gentleman's amendment?

Mr. ROBERTS. If the gentleman will yield, we will have whatever time is allocated. I do not know that we will need 20 minutes.

Mr. CLAUSEN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MYERS of Indiana. Mr. Chairman, reserving the right to object, I will have to object unless we give equal time to the opponents as well as the proponents. I have no objection, but in the spirit of fairness you cannot just give time to the proponents of this amendment and not protect both sides.

Mr. ROBERTS. Mr. Chairman, I withdraw the unanimous-consent request.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are all familiar with section 221. I certainly cannot disagree with the spirit of section 221 and its necessity, because there have been a number of States and a number of organizing units throughout the country who once got their projects reneged on the agreement to fulfill their responsibility. That was the spirit and the reason we had section 221.

The State of Indiana is unique, along with several other States, because of the fact that Indiana cannot go into debt by constitution. Its constitution also denies it the right to contract forward, somewhat like we cannot appropriate forward beyond 1 year. So the Indiana Legislature is unable or its present administration is unable to sign into a contract obligating future legislatures just as we do not have the right to obligate future Congresses or appropriations, at least through the appropriations process.

So that is the reason section 221 needs to be exempt from this particular feature of the law, because Indiana cannot sign a contract. There was an agreement at one time where we could waive. Through the Attorney General and the Corps of Engineers they decided we could not waive this provision. So Indiana does not ask the Federal Government to put any money up, any front money, to be reimbursed later by future legislatures or the State at a future time. Indiana would match dollar for dollar annually its obligation. So the Federal Government would not be losing money on the State of Indiana.

This is the reason this particular section is put in here.

The one section I really cannot justify. I really do not know why Big Blue was put in. I can tell you why Big Walnut was. The State of Indiana has been telling me, "Oh, yes, we would like to have Big Walnut, but we cannot enter into section 221. We would like to have it, but the Attorney General has told us we cannot sign a contract."

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Indiana.

Mr. SHARP. Mr. Chairman, I have no objection to the effort of the committee, and I appreciate its willingness to bend and make an exception for the State of Indiana. My problem is with the one specific project and that is the one where, in fact, the State government has not shown the interest, so it seeks to address only that.

Mr. MYERS of Indiana. Mr. Chairman, as I say, I cannot tell you why Big Blue was put in, but I do know the circumstances of Indiana, and I presume Indiana said they are ready to go on Big Blue, the reason it was put in here. But I want to justify why the committee put this particular section in, because at least Walnut is ready to be built and the State said they cannot do it. I am getting tired hearing the State of Indiana say, "Oh, we would like to build it, but we cannot do it because the Federal Government will not allow us, we have to contract with the Federal Government."

I would just like to relieve that objection and let the State of Indiana say either "Yes" or "No" on the merits of the Big Walnut. Big Blue I know nothing about except I do know it is moving along in channel. But I did want to justify and to explain why 221 was put in here, because it is not asking for any special favor particularly. Indiana will live up to its obligation, but by its constitution it is unable to meet the requirements of section 221. I thank the committee for putting this particular section in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SHARP).

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. FITHIAN

Mr. FITHIAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FITHIAN: Page 171, after line 25, insert the following:

(e) The following projects are not authorized after the date of enactment of this Act:

(1) the Lafayette Lake Dam and Reservoir project, Wabash River, Indiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298);

(2) the navigation project on the Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87–874);

(3) the flood control project for the Big Blue River, Wabash River Basin, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742);

(4) the portion of the Norfolk Harbor and Thimble Shoal Channel, Virginia, improvement project (authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1250)) identified in paragraph 2(2) (b) of the report of the Chief of Engineers, Department of the Army, dated February 19, 1954 (Senate document numbered 122, Eighty-third Congress, second session, pages 1 and 2) as "an anchorage 38 feet deep and 1,500 feet square, an anchorage 35 feet deep and 1,500 feet square, and an anchorage 20 feet deep, 1,000 feet wide, and 3,000 feet long, opposite Lambert Point and south of Craney Island.";

(5) the project for Elk Creek Lake, Rogue River Basin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192);

(6) the project for Cascadia Dam and Reservoir, South Santiam River, Oregon, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193);

(7) the flood control projects for South Plymouth and Genegantslet Lakes, Susquehanna River Basin, authorized by section 10 of the River and Harbor Act of December 22, 1944 (58 Stat. 893);

(8) the projects for West Oneonta Lake, Davenport Center Lake, and Copes Corner Lake, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1573);

(9) the project for improvement of the Chester River, Pennsylvania, authorized by the first section of the River and Harbor Act of March 2, 1919 (40 Stat. 1277);

(10) the project for the Connecticut River, above Hartford, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919);

(11) the project or Sixes Bridge Dam and Lake, Maryland, authorized by section 85 of the Water Resources Development Act of 1974 (88 Stat. 36);

(12) Salt Creek Lake, Salt Creek, Ohio, authorized by the Flood Control Act of 1962 (76 Stat. 1188);

(13) Lincoln Dam and Reservoir, Wabash River, Illinois, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081);

(14) Helm Lake, Skillet Fork of the Little Wabash River, Illinois, authorized by section 203 of the Flood Control Act of 1968 (83 Stat. 742–743);

(15) the project for Coney Island Creek, New York, authorized by the River and Harbor Act of August 30, 1935 (49 Stat. 1030).

(f) No Federal money may be authorized for planning or implementation of the Northfield Mountain Water Supply Project, Massachusetts, or the Miller's River Basin Water Supply Project, Massachusetts.

Mr. FITHIAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. FITHIAN. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for an additional 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. MYERS of Indiana. Reserving the right to object, Mr. Chairman, are we going to cut the time off after we find out about the 6 o'clock?

Mr. ROBERTS. If the gentleman will yield, the gentleman is talking about 15 minutes for all of the Members who are involved?

Mr. FITHIAN. If the gentleman will yield, yes, I am.

Mr. ROBERTS. If the gentleman will yield, does the gentleman have some sort of an agreement with them that some Member will not be jumping up to speak?

Mr. FITHIAN. If the gentleman will yield, I trust that they are all going to cooperate with us. They are not all on the floor at this moment, but we have been working diligently on this amendment.

Mr. ROBERTS. If the gentleman will yield, Mr. Chairman, I would like to announce that we have permission from the Speaker, if we can finish by 6:30, to finish and get out of here; otherwise we have to rise at 5:30.

I would not object to the 15 minutes for the gentleman. He has 19 projects to talk about.

Mr. MYERS of Indiana. Further reserving the right to object, Mr. Chairman, I certainly concur with the chairman in wanting to get out of here as early as possible. I hope it will not take that long. But I would not want to see the proponents here using 20 minutes and then the time being limited for the opposition or the opponents of this amendment to express their views. So if there is an agreement we will not cut off the time, I do not think we will take 20 minutes on our side.

Mr. ROBERTS. If the gentleman will yield, I would certainly agree that if we have to rise, we will just have to rise. We will have to proceed as best we can and hope that we can get through.

Mr. MYERS of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana (Mr. Fithian)?

Mr. ALEXANDER. Mr. Chairman, reserving the right to object, is a list of the projects available to the Members?

Mr. FITHIAN. If the gentleman will yield, yes, there is.

Mr. ALEXANDER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. PERKINS. Mr. Chairman, reserving the right to object, I want to see the list of the projects. I think it is really unfair to come before the Committee with an amendment without providing this information.

Mr. FITHIAN. If the gentleman will yield, Mr. Chairman, this amendment purely and simply involves those 19 projects of 13 Members of this House in whose districts they are. So unless you have signed on as someone who wants to get rid of the project in your district, you cannot be in this amendment.

Mr. PERKINS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. HARSHA. Mr. Chairman, I reserve the right to object.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the distinguished chairman.

Mr. ROBERTS. Mr. Chairman, I would like to make sure that these projects are wholly within the district of those people involved. I understand the first one, the Lafayette Lake, is part in the gentleman's district and part in someone else's district.

☐ 1650

Mr. FITHIAN. If the gentleman will yield, that is correct. I fully intend to explain that, Mr. Chairman.

Mr. ROBERTS. But all of the others are in——

Mr. FITHIAN. I can only say that those Members who were solicited and came forward have assured our staff that these are in their district. If the gentleman will just give me a couple of minutes, I will read the projects off, and the Members affected and everybody will know where we are.

Mr. ROBERTS. I thank the gentleman.

Mr. HARSHA. If the gentleman will respond to me, Salt Creek Lake at Salt Creek, Ohio, is, I believe, in my congressional district. I made no such understanding with the gentleman, or commitment.

Mr. FITHIAN. The only information we have, I tell the gentleman from Ohio, is the gentleman from Ohio, Mr. Clarence Miller, has come forward and says it is in his district and has asked we include it in our deauthorization list.

Mr. HARSHA. Part of it is in my district.

I object to the gentleman getting 15 minutes.

The CHAIRMAN. Objection is heard.

The gentleman from Indiana (Mr. Fithian) is recognized for 5 minutes in support of his amendment.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. Chairman, I was going to go over a list of these projects, but it is difficult to do that in 5 minutes. Let me just speak specifically to the project that is in my district, 98.8 percent of it is in my district and 1.2 percent of it is in the district of the gentleman from Indiana (Mr. Myers).

Now we have formed this effort to deauthorize based upon the problems we have all had from one time or another to deauthorize projects under the present system.

Some of the projects have not had any funding since as long ago as 1937, and some, as my friend from Indiana will point out, have had funding as recently as 1975. That is my project.

We have shaped this amendment then based upon the principle by which this committee and its members, in a constant staccato of refrain in the past 2 days, have said, "It is up to the individual member."

I challenge the committee now to make good on those commitments.

I want to point out the case for the deauthorization of Lafayette Lake. Back in 1975—in fact, long before I became a Member of this House—Lafayette Lake was somewhere along the way authorized. In fact, I supported that project. We received some support from this committee. I appreciate that.

Then, due to events over which I had no control—in fact, my colleague from Indiana had more control than I, because it was his party that controlled the Governorship, his party that controlled the House, and his party that controlled the Senate in the State of Indiana.

After much controversy from the local community, led by our own State legislators, they went to Indianapolis and deauthorized State participation in this project; with the Governor's approval and near unanimous consent of the House and Senate, this project was stricken from the list.

I am a practical person. I understand the system here. I would like now to call to the attention of the members of this committee how I have tried to work within that system.

In 1976 in the spring, I asked for hearings on the project. The gentleman from Texas (Ray Roberts) consented to hearings. People came in and testified, county commissioners, State legislators, and citizens.

Upon the conclusion of those hearings. Mr. Chairman—I was promised by the chairman of the subcommittee he would help us out and this problem would be eradicated. He was unable to do that because of the objection of a single Member of this House.

We now stand at an interesting position. The Governor of the State of Indiana, both houses of the State legislature, one Democratic U.S. Senator, one Republican U.S. Senator—both from Indiana—the member in whose district 98.8 percent of the project is located, and local constituents oppose this project.

There is no question, my friends, this project is not going to be built. This committee persisting in leaving this on the unauthorized list is nothing more than a dog-in-the-manger tactic, and everybody knows that. It will not be built.

If the gentleman from Indiana, Mr. Floyd Fithian, gets unelected and someone gets elected supporting it, it will not be built, because the State has officially withdrawn almost unanimously their part in this. The rules of the game require the local sponsorship.

Now I went to the committee the second year. I objected. We did not get help. Then I said, "I will not be an obstructionist." I did not offer an amendment.

The second time the water project bill came to the floor, I had had no help from the committee. I offered an amendment just touching on Lafayette Lake. I had opposition from the committee. There was a voice vote, and it lost.

The third try is today where those of us who have projects similar to these are asking for equity and fairness and justice, and in fact the operation of the representative system of Government which this committee today proposes to deny.

Now that is the issue.

We will be told there is a process for deauthorization.

I would like to point out to this committee that there are projects in this 19 that have not received 1 cent of funding since 1937. Do not give me the "8-year routine" argument. I can tell my colleagues from personal experience it does not work and it will not work.

I am only asking for justice, Mr. Chairman. I am asking for fairness. I am asking that the chairman of the committee not leave this House with a broken promise, and I am asking for the representative system of Government to work.

Now, I do not long and often take the time of this House, but I must tell my colleagues when an injustice, a rank injustice is being performed, and it is being performed on behalf of one Member of this House only; and when I was assured of that by members of this committee—by the chairman of this subcommittee—something must be done. One

Member blocks this action and one Member is the reason this project cannot be deauthorized. Where? Where, I ask my colleagues, is justice?

Where is equity? Where is fairness? Where is the representative system and how it is supposed to work?

My opponent put out a very misleading and misinforming letter to the colleagues of the House arguing great cost-benefit ratios. In fact, the cost-benefit ratio is a loser, 57 cents to the dollar. He has argued for flood control.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. FITHIAN) has expired.

(By unanimous consent, Mr. FITHIAN was allowed to proceed for 3 additional minutes.)

Mr. FITHIAN. But now, the ratio is 57 cents on the dollar. We could argue the merits of it. We could argue the merits from now on. That is not the issue. The issue is that this project and this other list of projects are clearly not going to be built. Therefore, it is a travesty. It is a perversion of the system to persist, because when one persists, this is what happens.

Let me tell the Members how it really works. It denies the State of Indiana the right under its own laws to develop a stream park or whatever. It denies our local park board the right to do what they would like to do in the area. It even denies the property owner his rights without just compensation and without due process.

This is what we are doing, simply because the Federal Government has insisted on retaining an authorized project.

Now it is not just the project of the gentleman from Indiana (Mr. FITHIAN) that is at stake here. What is at stake is the very process of deauthorization; the very process itself is at stake.

This is different from all of those amendments we have argued over for the last 2 days. This is a principle that is involved here. Can this House or cannot this House deauthorize a project that is not going to be built? That is the only question.

The gentleman from Illinois, Mr. GEORGE O'BRIEN, is sitting here. The gentleman from Connecticut, TOBY MOFFETT, is sitting here. I see the friends who have projects in this. We are all caught in the same bind.

Now, I would plead with my colleagues, whatever their feelings on projects—and I have not raised my voice, and I have not spoken against any other project.

Now, I am not going to mislead the Members by saying all is unanimous in opposition. A mayor of my own party in my hometown happens to still have hopes for a reservoir some day. I understand that. The point is, the practical political consideration, that under the laws of the State of Indiana we are not going to build this project ever. If it could have been built, the gentleman from Indiana, Mr. MYERS, and I would have built it. The fact of the matter is it is not going to be built. It cannot be built, and playing dog in the manger is not becoming a Member of the U.S. House of Representatives.

Mr. Chairman, this amendment seeks to deauthorize and return to local control 19 Federal water projects which were authorized in years past but which are no longer needed, nor wanted in the districts they were meant to serve. I am joined in this bipartisan effort by 12 of my colleagues who have asked that one or more projects located in their districts be included in the amendment.

However worthwhile these projects may have appeared when originally planned, with the passage of time they have become impractical. They will never be built. For lack of economic justification, potential environmental damage, and often because of strong local opposition, most have been relegated to the Army Corps of Engineers' "deferred" or "inactive" lists. Many of these 19 projects have been dormant on the drawing board for decades. One of them was first authorized in 1919; one in 1930; and three in 1938.

If these 19 unwanted projects were ever built, they would potentially cost the American taxpayer almost $3 billion. That would be enough to cover much of the cost of all the programs and projects to be authorized in H.R. 4788. As we add billions of dollars to the prospective expenditures of the American people in H.R. 4788, surely there is some merit to compensating for this by, at the same time, trimming out deadwood from already existing authorizations.

What my 12 colleagues and I ask in this amendment is perhaps against conventional wisdom as to how a Congressman is supposed to behave. I am well aware that many Members of this body have dedicated much of their careers to trying to get needed public works projects authorized for their districts.

For a Member of Congress to seek deauthorization of a project in his district is tantamount to political heresy. But here things are reversed; we who represent the districts in which these 19 projects are located do not want them. They have become liabilities rather than assets. Even though they will never be built, these projects are not benign symbols of Congress eventual good intentions. Their continued authorization as Federal public works projects stands in the way of any local initiatives for alternative development of the resources they affect. You cannot create a State park where a Federal reservoir has been authorized.

As long as the project remains on the books nothing on the local level can be planned even after it becomes clear beyond all reasonable doubt that funds for the Federal project will never be appropriated. In such circumstances, I do not think it is too much to ask that the Federal Government get out of the picture to let local and State governments work their will and to give people living on the affected lands peace of mind about their future.

In my own district, I have been trying unsuccessfully for 4 years to get the Lafayette Lake project deauthorized. When I first came to Congress, I was an advocate of this multimillion-dollar project and set out to get funds appropriated to build it. But circumstances change. It became very clear that what started out looking like a good thing for the Second District was not.

Local citizens became interested in developing the scenic Wildcat Valley which would be inundated by the project into a State or local recreational area. Farmers in this rich agricultural area whose land would be swallowed up by the 3,200-acre reservoir and others who would lose their homes appealed for the project's deauthorization. Studies showed that the dubious benefits of the project could not justify its $145 million cost. Finally, in 1975 in the face of overwhelming evidence against Lafayette Lake, Ind., Gov. Otis Bowen ordered work on the project stopped.

In 1977, State legislators representing the districts affected by Lafayette Lake sponsored a bill to terminate State participation in the project. That bill passed the Indiana House almost unanimously and the Senate by a substantial margin. Without local participation, Lafayette Lake is a dead letter, but since it is still federally authorized, residents of that area continue to live in fear of being forced from their homes and local government is naturally reluctant to provide them needed public construction facilities when the possibility of a reservoir remains.

In short, my esteemed colleagues, local residents want Lafayette Lake deauthorized, the Governor and State Legislature of Indiana want it deauthorized and have officially withdrawn State support, both U.S. Senators from Indiana want it deauthorized, and finally, I, who represent the district where it would be built, want it deauthorized. By what standard of justice can this project remain on the books.

I sincerely hope that you will join my 12 colleagues and me in voting for this reasonable and timely amendment.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I yield to the gentleman from Connecticut.

Mr. MOFFETT. I want to commend the gentleman and associate myself with his remarks and say with regard to the Connecticut River diversion project there is a great deal of opposition even from the people in Massachusetts, many of whom are supposedly going to benefit from this project. It is clear that the Army Corps has not looked in a solid way at alternatives and that many of us are trapped; and my amendment, which is included in the gentleman's block seeks to end once and for all, at least as long as we can, for this authorization, the whole controversy over this one project.

□ 1700

The gentleman's general statements are absolutely on target. I commend him for his remarks.

In my region, the Army Corps of Engineers has spent years studying the possible diversion of the Connecticut River waters to "improve the dependable supply of water for the Boston metropolitan area." Local opposition notwithstanding, the corps went ahead and recommended only last March that some $129 million be expended to construct facilities for diversion. But the outcry from local groups was so loud, and the resounding "no" resolution passed by the Connecticut General Assembly on the diversion issue indicated such overwhelming community opposition that the corps backed off.

Formally just this last December from urging a go-ahead on the Connecticut River diversion. Needless to say, the communities in the Connecticut River basin were greatly relieved that they would no longer have to contend with the potential loss of millions of gallons of water through the proposed diversion to the Boston area.

Nevertheless, I have inserted into the bill today an amendment which would foreclose the possibility of a diversion of the Connecticut River in the future. I offer my amendment not only for the benefit of citizens in the areas which would have been affected had the diversion been approved, but also because I believe a variety of alternatives are unexplored, as yet, to provide for the Quabbin Reservoir's needs in a much more cost-efficient way than diversion.

Let me now hasten to add that the citizens opposing this river diversion are not suffering from niggling, narrow-minded regionalism, nor are they refusing to Boston's citizens badly needed water. No, in fact, many of the most vocal opponents of the diversion plan are themselves citizens of Massachusetts who point out that the corps made their recommendations without attempting to explore alternatives to the Boston area's future water requirements. For instance, no one knows how much water is lost because of leaky pipes between the Quabbin Reservoir—which is the major source of Boston's water supply—and the residential areas it supplies.

Leaking water pipes are characteristic of many eastern Massachusetts communities. To date, little has been done to identify specifically these leaks and make attempts to repair them. I commend the efforts of Congressman MOAKLEY to address the rehabilitation needs of the Northeast and Midwest through legislation which, as I understand it, has been incorporated into the bill. Helping cities and towns repair their water systems, is a critical need which has, so far, gone unmet by Federal aid programs. So Mr. MOAKLEY's very prudent approach is a refreshing one.

Second, in the conservation department, any significant conservation program in the eastern Massachusetts residential sector is nonexistent. But instead of studying the ways in which we could be supplementing the Boston area supply, through conservation, the corps recommended getting water through a highly expensive river diversion. This response by the corps demonstrates how an area is really rewarded for its failure to implement an effective water conservation plan. Certainly we do not want this kind of message going out to our communities.

Third, the ground water supply source has gone largely untapped. In eastern Massachusetts, I am told that many uncapped wells exist for which the water quality and quantity remains unknown. These wells should be identified and exploited, if they contain potable water.

Finally, in the area of watershed management, the Quabbin Reservation can be more wisely managed to increase water supply yield by the Boston Metropolitan District Commission. This information comes to me from area citizens and scientists who have taken a special interest in the river diversion issue. According to these individuals, up to 80 percent of the present shortfall of water at Quabbin Reservoir could be eliminated by modern forestry practices which, in turn, could create a new wood products industry there.

So, in summation, although stopping the Connecticut River diversion is important, in itself, for the local citizens, a much larger lesson can be learned from our experience there. That as a matter of course we should always explore alternatives to any of these very costly projects and I just do not think the corps is in the habit of doing this.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(At the request of Mr. CLAUSEN and by unanimous consent, Mr. FITHIAN was allowed to proceed for 2 additional minutes.)

Mr. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I yield to the gentleman from California.

Mr. CLAUSEN. I am concerned about the statement the gentleman made, the point being that the deauthorization process is not working. The gentleman indicated that there was evidence in some of the projects that are authorized in the gentleman's amendment that it is not working. Could the gentleman be a little bit more specific or provide a little bit more in the way of detail as to which projects he is referring to or instances where the so-called deauthorization process that we now have does not work?

Mr. FITHIAN. I would be happy. Coney Island Creek, N.Y., I am told by those who have looked into this, located in Mr. SOLARZ' district, the project was authorized in 1935 and last funded prior to 1937. That is just one example.

Mr. CLAUSEN. If the gentleman will yield further, could the gentleman say why the process is not working? Is it an administrative hangup?

Mr. FITHIAN. I really do not know. As I understand the process, after 8 years of no funding it goes back to the gentleman's committee and it should be removed from the authorized list. If the gentleman's committee does not remove it, then I guess each year they just send it back and the gentleman's committee and they then fail to remove it from the list or something. I do not know how the gentleman's committee works.

Mr. CLAUSEN. Because basically the process has been working, and wherever there is no controversy or request for the committee to stop the deauthorization process, then it goes forward automatically. But I do not recall exactly.

Mr. FITHIAN. I just must say to the gentleman that I do not know the particulars.

I would point out one additional point, as Congressman CRANE and Congressman O'BRIEN will demonstrate pretty shortly, this is not a partisan Democratic amendment versus the minority. We have Members on both sides of the aisle caught in exactly the same box.

Mr. CLAUSEN. As I discussed with the gentleman, I think it is important for us to take a look at how the so-called deauthorization process is, in fact, working, and for that reason I have asked in a very constructive way why it is not.

Mr. FITHIAN. I understand and I appreciate the gentleman's question.

Mr. CLAUSEN. I think as far as I am concerned, in the foreseeable future I want to get into this a little bit further.

Mr. FITHIAN. I appreciate that. I hasten to point out that in the Lafayette Lake Dam case the 8 years have not run.

Mr. DANIEL B. CRANE. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I yield to my friend from Illinois.

Mr. DANIEL B. CRANE. Mr. Chairman, I would like to deauthorize the Lincoln Reservoir.

The proposed Lincoln Reservoir would take thousands of acres of land and displace many families. It would reduce the productivity of many more thousands of acres because of drainage construction. The fragile drainage system of Douglas County, the flattest in the State of Illinois, would be greatly disrupted. All of this would occur despite the fact that there are less costly alternatives of providing the same benefits that the Lincoln Reservoir would provide.

The bottom land, which is alleged to be protected by flood control benefits, is less valuable than the prime farmland which would be damaged and destroyed.

The city of Charleston, Ill., is faced with the need of an increased water supply. It should be allowed and encouraged to proceed with the development of a water supply with the question of Lincoln Reservoir resolved once and for all.

The construction of Lincoln Reservoir would play havoc with the local economies of Coles and Douglas Counties. On a national level the extravagant cost of a project such as this, with its limited uses, would be inflationary and a total waste of the taxpayers' money.

The U.S. Army Corps of Engineers' cost-benefit ratio is highly questionable in regard to this project. In light of past experiences with similar projects, their ratio is in all probability totally unrealistic.

There is no substantial basis of support for the proposed Lincoln Reservoir project. I urge my colleagues to support the Fithian amendment to eliminate this and other questionable activities of the Corps of Engineers.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I am happy to yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. I understand the gentleman's problem with respect to his own project. But there is a project in this amendment of the gentleman's, paragraph 5 dealing with Elk Creek Lake on the Rogue River. I just talked to the Governor's office in my State and the Governor does not want this deauthorized. I am curious as to why the gentleman put that in his amendment.

Mr. FITHIAN. It is at the request of the Congressman in whose District I understand this lies. And he is here.

Mr. DUNCAN of Oregon. I understand that he is. I intend to offer an amendment to the gentleman's amendment at the appropriate time. The gentleman has no personal interest in that himself?

Mr. FITHIAN. I am only interested personally in one project, and that is 98.8 percent in Floyd Fithian's congressional district.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(At the request of Mr. Simon and by unanimous consent, Mr. Fithian was allowed to proceed for 3 additional minutes.)

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I am happy to yield to the gentleman.

Mr. SIMON. I thank the gentleman for yielding. I rise in support of the Fithian amendment. Like many others here, I have a project that has been going on for some years, the Helm Lake project. It is partially in the district of my colleague from Illinois (Mr. Crane) and he is in agreement with me that this ought to be deauthorized. What we have is a situation similar to the gentleman from Indiana where property owners do not know what to do, whether they should improve their property, or what they should do. If clearly this project is not going anywhere, it seems to me that if the Members from those districts want to have that deauthorized it should not be done precipitously just a year, 2 years, or 3 years afterward. But if, after a reasonable time, we want to deauthorize, we ought to go ahead and do it. I commend my colleague and I hope we support his amendment.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I am happy to yield to my friend next door from Illinois (Mr. O'Brien).

Mr. O'BRIEN. Mr. Chairman, I rise in support of the amendment. Since 1962 when this project was authorized the estimated cost has mounted to just short of a billion dollars, based on 1979 costs. The Corps of Engineers has spent $2,265,000 on the advanced engineering and design work.

Congress annually voted planning funds for the Duplicate Locks projects until 1976 when the House Appropriations Committee put a stop to it. The committee deleted the project from the corps' budget after the State of Illinois declined to provide written assurances of local cooperation. In the absence of such support, there have been no further appropriations and the project is for all intents and purposes dead. But it remains on the books as a project authorized by Congress and this has been an obstacle to other, more viable projects in our area.

The city of Lockport, Ill., has set aside a large tract of land for industrial development but has been unable to interest companies in the site because the land would be taken by the corps if construction ever started on the authorized project. Similarly, a National Park Service is studying to determine whether the old Illinois and Michigan Canal should be designated a historic park as part of the national trails system. But the corps claims ownership of the long-abandoned Illinois-Michigan Canal and will be reluctant to part with it because the canal lands would be needed should the authorized project ever be built.

Mr. Chairman, I have become convinced over the last few years that there is not a chance in the world that Congress will appropriate funds for the Duplicate Locks. In these times of fiscal restraint, we must close the books on projects like this.

Mr. HANLEY. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I am happy to yield to the gentleman from New York (Mr. Hanley).

Mr. HANLEY. Mr. Chairman, I rise in support of the amendment offered by my colleague from Indiana, Mr. Fithian, to deauthorize numerous water projects in a number of congressional districts. Five of these projects are located in my 32d Congressional District of central New York. They include Copes Corner Lake, Davenport Center Lake, Genegantslet Lake, South Plymouth Lake, and West Oneonta Lake. All five projects were originally intended to control flooding and protect communities in southern New York and eastern Pennsylvania, and all five have been authorized for a period of more than 30 years, but preconstruction planning was terminated long before I came to the Congress in 1965. Throughout my years of service I have attempted to resolve the situation in order that my constituents in the affected areas would have some idea of what their future would be. Years of inactivity on each project has done little to remove the fear and uncertainty of Government intentions.

I believe that the time has come to put an end to this situation through the deauthorization of these projects. The Corps of Engineers has already determined that no economic justification exists for construction. This fact, coupled with an almost complete lack of community support, is more than adequate grounds for deauthorization. I want to make it very clear that I do not wish in any way to minimize the importance of flood control in these areas. History has shown very clearly that it is a serious problem that needs correction. The fact of the matter is, however, that nonstructural alternatives exist to solve the problems, and such alternatives offer the most practical, workable, and cost-effective solution. I urge your support for this amendment.

Mr. FITHIAN. I thank the gentleman for his support and defer to his judgments since all those projects are in his district.

Mr. SHARP. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I am happy to yield to the gentleman from Indiana (Mr. Sharp).

Mr. SHARP. Mr. Chairman, I support the amendment offered by my colleague from Indiana, Mr. Fithian. One of the projects it seeks to deauthorize, the Big Blue Lake, is entirely in my district.

During my first 4 years in Congress I supported appropriations to complete the economic and environmental studies on this project. I argued that we should have the best possible information available to us before making a decision.

Last year the Corps of Engineers completed the phase 1 general design memorandum and the draft environmental impact statement. On the basis of the information and analysis in these documents, I concluded that the Big Blue project is economically unjustifiable.

I explained my conclusions and reasoning to the people of the affected area in a newsletter, asking their views. Their response, by a 7-to-1 margin, was in opposition to construction of the project.

The current cost estimates for the project are in the range of $130 million according to the Corps of Engineers. But the phase 2 studies are not scheduled for completion until 1984. The costs will continue to rise.

These cost estimates also seriously understate the real costs by assuming a 3¼-percent interest rate. If anyone in this Chamber thinks the Federal Government is going to be able to borrow money for such a project at 3¼ percent at any time during the next several years, then you may wish to vote against this amendment.

But if you recognize the irrationality of claiming positive benefit-to-cost ratios because of such unreasonable numbers, you will want to support this amendment. By deauthorizing the project now, we will not only save the $130 million or more that it would eventually cost, we will also save the $800,000 or more that the corps will request for additional engineering studies.

Mr. Chairman, if my colleagues still wish to continue with this project in spite of 7-to-1 local opposition and the funny economics that assumes 3¼-percent interest rates, let me suggest two more arguments for opposing the Big Blue project and supporting the Fithian amendment.

First, the State of Indiana is unlikely to appropriate its share of the money. The State Representatives from the affected area was recently quoted to the effect that Indiana does not have the money, and the project will never be built unless it becomes a 100-percent Federal project. Should we continue to spend $800,000 for planning on a dead project?

Second, I ask my colleagues to consider the recreation aspects of the proposed Big Blue Lake. As the costs of this project have risen in recent years, the corps' estimate of the number of visitors, and the assigned dollar value of recreation benefits, have risen to keep up.

The corps now estimates the lake will eventually attract 2 million visitors a year. But the Indiana Department of Natural Resources, which will manage the lake, says that at 1.3 million visitors a year, the gates will have to be closed because of overcrowding.

Furthermore, the estimate of recreation benefits ignores a major problem in the design of the lake. In the corps' own words, 1 year out of every 4 "an esthetically unpleasing mudflat would be exposed" and "the lower lake level may also cause problems with beach areas, boat ramps, and so forth." Picture if you will, Mr. Chairman, the lovely recreational aspects of visiting a lake that, because of low water, is surrounded by mud flats.

This is what we are voting on, Mr. Chairman. We are deciding whether the Congress will stop this foolishness now. If my colleagues believe we should use a 3¼-percent interest rate to justify the economics of a project, and if they believe we should spend millions so the American people will be able to spend their recreation time visiting mudflats, then we will defeat the amendment.

But if we want to catch up with the wisdom of the American people, and the vast majority of the residents in my district who want to reject this project, we will support the Fithian amendment and deauthorize the Big Blue project.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(At the request of Mr. Robert W. Daniel, Jr., Mr. Fithian was allowed to proceed for 1 additional minute.)

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I am happy to yield to the gentleman from Virginia.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, I urge my colleagues to support the Fithian amendment. Its passage will deauthorize a small anchorage in Norfolk Harbor contiguous to an industrial area in Portsmouth, Va. Dredged after its authorization by Congress in 1954, the anchorage is no longer in use. The president of the Virginia Pilots' Association, the association of pilots who board vessels and pilot them into Norfolk Harbor, states that the anchorage can no longer accommodate even average-size vessels that transit the area. He also states that pilots have, for years, considered this not an anchorage, but a wide area in the thoroughfare.

The proposed action will therefore not affect local shipping, and is necessary before water-oriented industrial development can occur in this section of Portsmouth. No public funds will be involved in the deauthorization.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I am happy to yield to the gentleman from Pennsylvania.

Mr. ERTEL. I thank the gentleman for yielding. I have looked at this amendment now for the first time by the gentleman and see that he has a deletion for the flood control project for South Plymouth and Genegantslet Lakes, Susquehanna River Basin. Would the gentleman be kind enough to tell me what they are and where they are?

Mr. FITHIAN. I could not, but I can tell you that Jim Hanley can. The projects are in his district, the Congressman from New York.

Mr. ERTEL. Are they all in upper New York State?

Mr. HANLEY. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I yield to the gentleman.

Mr. HANLEY. We have five projects in central New York, in my district.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(At the request of Mr. Edgar and by unanimous consent, Mr. Fithian was allowed to proceed for 3 additional minutes.)

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I am happy to yield to the chairman.

Mr. ROBERTS. As I see it, the gentleman has an objection only on two projects, the gentleman's project and the project in Oregon. I wish the gentleman would let us get this thing over with, would withdraw those amendments, and then we will try to work them out later, amend this thing, or else we will just have to vote it down. I would ask the gentleman to amend it to that extent and let us go on from here.

Mr. FITHIAN. I appreciate the efforts of the chairman in trying to conciliate matters.

□ 1710

I would point out to the chairman that when Floyd Fithian makes a commitment to a Member of this House, it stands. I have made a commitment to Jim Weaver, and I am not about to accept the gentleman's suggestion.

The CHAIRMAN. Does the gentleman relinquish the balance of his time?

Mr. FITHIAN. No, he does not. I have another minute and a half.

I just want to say that the most recent effort to divide us down to two only demonstrates, only underscores, my friends, what I am about to say, and I did not want to say that in this debate. But, there is a coalition of people in this House welded together by immediate past projects, present projects, and prospective projects.

Now, I understand the power structure of this House. I understand my friend, who has 1.2 percent of the project that I want deauthorized, is the ranking member on the Appropriations Committee. I understand that, and the attempt now by the chairman to isolate those of us, the two of us who have two single Members——

Mr. ROBERTS. Would the gentleman yield? I am not trying to isolate him. I am trying to get things, get 90 percent of the figure.

Mr. FITHIAN. I understand, and I understand the gentleman has announced his retirement from this House. I congratulate him on his long and illustrious career. But I also understand that when the gentleman in his speech remarks on how he is going to help Floyd Fithian, he is going right to Texas and any help goes with them. That is one reason I will not agree. We both understand also that I have tried for 4 years to work with this commitee. I have been told by various Members, young and old alike, that there was an injustice being performed here. Obviously there was, but the evidence is that Members would not stand up against the committee routine, regimen, and discipline.

That is precisely where we are now. That is where we are in this House. That is why you list good projects with lousy ones when this bill embodies the good of the people of this country. But, that is precisely where the House of Representatives is.

I talked to the majority leader the other day, and I suggested that there was one way out. He could figure on 1,500 amendments, one to each line, and simply stop the wheels of progress. If justice is not done this year, I will fill the next water bill with thousands of amendments. It has not made much difference if one is in the majority party here. Obviously, that makes no difference against this coalition.

Mr. AMBRO. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. AMBRO. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HARSHA. Mr. Chairman, I object. The unanimous-consent request is only for 20 minutes.

The CHAIRMAN. Objection is heard.

Mr. EDGAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman from New York (Mr. Ambro) would take the well, I would like to suggest that he pose his question.

Mr. AMBRO. It was not really a question, but the gentleman in the well was being rather agitated by this whole process. He cast general aspersions on the committee, and it seems to me that the gentleman should recall that he and I went to Lafayette, Ind., together as the result of what this committee did, to engage in a demonstration program for that great city to remove all of its tracks in the inner city, and this committee did indeed work closely with the gentleman. So, those kinds of attacks——

Mr. FITHIAN. I apologize to my friend, obviously, and I appreciate his support in the past, and appreciate the efforts of this great committee. I pointed out in my debate, I hope, that there are many, many useful projects in this country because of people like Ray Roberts. I am just talking about obstructionism here when I said that that is the effort I have worked on for 4 years. I have tried every angle that is available.

Mr. EDGAR. Mr. Chairman, I yield back the balance of my time.

Mr. WEAVER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all I would like to say that I think this is a healthy debate. I want to commend the chairman and the ranking minority member and the members of the Public Works and Transportation Committee. I also want to pay particular thanks to the courage of Bob Edgar for raising this issue and fighting alone here. He deserves all of our thanks.

The efforts of Mr. Edgar may well help us remedy the failings of our current water policy. I want to thank Congressman Fithian of Indiana for putting together these projects for deauthorization.

The two projects that are in the Fithian amendment, the Cascadia Dam and the Elk Creek Dam, are entirely in the Fourth Congressional District of Oregon—entirely. I have the privilege of representing that district, and I have increased my vote in that district each time I have run for election.

The Cascadia Dam is not controversial in its deauthorization. Both Senators have announced that they would like it killed, also. Elk Creek still has some support in my district, even though two other dams in the immediate area have rendered its completion unnecessary. The Lost Creek Dam, which has 50 megawatts of power is built now, and it does a good job. I supported it and always did support it.

The Applegate Dam is very questionable, but it is being built at a cost of $100 million. Although I must point out that one could buy the land it was supposed to save from floods for $12 million, so it is of questionable value. But, it is being built because the people there signified they wanted it built.

But, may I make a point to this Chamber. My opposition killed Elk Creek Dam in my first term in Congress, and increased my vote in that southern county. I have increased my vote there in the last election after very clearly killing this dam. The dam was to have an irrigation project on it, the Medford project. That project was voted down by the local irrigation district, so it was an irrigation dam without an irrigation project. It is a dam that was supposed to help control the Rogue River, one of our great fishing rivers, when the scientific tests showed the turbidity then put into the Rogue River may seriously affect detrimentally the fish.

This is one of our great rivers. The opponents of the bill included the timber industry, Boise Cascade and Medco, the largest independent lumber firm in the county, because there is substantial timber back of the dam, and these firms are strongly in opposition. So therefore, while it is still possible to build the Elk Creek Dam, the Congressman from the district in which it resides, myself, has strongly been opposed to it and has killed it in the appropriations process, and now wants it deauthorized.

Let me just say one last thing. This is a spawning stream. Elk Creek is on the Rogue River. I very frankly and very selfishly want to continue to eat its salmon. I love salmon. We have got to leave some spawning streams in this region. We have two dams already on the Rogue River. Let us deauthorize only this one.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. I will be delighted to yield to my dear friend from Oregon, who once represented my district.

Mr. DUNCAN of Oregon. I thank my dear colleague for yielding to his dear colleague, and I think we really have mutual esteem and affection for one another, but there is a disagreement. I suppose I would be less than truthful if I said that I did not have some sort of proprietary interest in this project because I did precede the gentleman in the well as a Member of Congress. But, I would like to ask the gentleman if it is not true that the Elk Creek Dam is a part of a three-dam project as it was originally authorized. Is that not correct?

Mr. WEAVER. There were three dams authorized, and they had the nonsense that the three worked synergistically, which of course they do not.

Mr. DUNCAN of Oregon. Is it not true that two of those dams, one has been constructed and another is under construction?

Mr. WEAVER. The gentleman is batting two out of three. I think that is pretty good.

Mr. DUNCAN of Oregon. Is it not true that the third dam is still the subject of turgidity studies and environmental impact statement, which will not be completed until March?

Mr. WEAVER. This is quite true, but I can tell the gentleman that I have taken the opportunity to deauthorize this dam so that these moneys can be stopped and not wasted.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

(At the request of Mr. Duncan of Oregon and by unanimous consent, Mr. Weaver was allowed to proceed for 1 additional minute.)

□ 1720

Mr. DUNCAN of Oregon. I have now batted three out of three in my questions. I would like to say that this is a problem that disturbs me greatly because I firmly believe that the Rogue River project is a good one as authorized and that it ought to be completed. I appreciate that the gentleman who now represents that district feels differently. I must firmly disagree with his judgment to attempt to get it deauthorized. I do not intend to support him, but I must bow to the congressional tradition which, in my judgment—and with a great deal of reluctance—dictates against my offering an amendment to strike that I originally intended to offer.

Mr. WEAVER. To my dear and distinguished colleague may I say that when a new Congressman represents the great Fourth Congressional District of Oregon and they support the dams, they can start the authorization program all over. My people want it killed, and I want it killed.

Mr. DUNCAN of Oregon. If the gentleman will yield further, I have talked to the Governor's office. The Governor's office thinks it ought to stay authorized. I believe it ought to stay authorized. I think we can always kill it if the facts of these studies show that it ought to be. It is very difficult to get it reauthorized once it is killed.

Mr. WEAVER. If the Governor's office wants the legislation and can appropriate State funds, then let them try, rather than ask Oregon and the Nation's taxpayers to fund a project which is opposed by such a wide array of Oregonians; who, I might add, are the very people and interests which this needless and expensive project is allegedly supposed to benefit.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that all debate on title IV and all amendments thereto end at 6 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MOFFETT. Reserving the right to object, Mr. Chairman, for 2 days we have been treated on the floor and in our offices on the TV screen to a debate which perhaps adequately reflects this House, and it probably does, and the sentiment of this House which has been 95 percent in favor of water projects all over this country. So the first time in the debate at about 4 o'clock we had four or five speakers come out in actual opposition, to break the monotony if nothing else. It is precisely at that point that now we are being asked to limit time. This is the first time I have spoken on the bill. I have not tried to come over here and raise a lot of fuss on the bill, but it seems to me that Members ought to have at least a chance to speak about their respective projects.

Mr. ROBERTS. If the gentleman will yield, it was my intention to vote this up or down now, and then all we have to do is to tie up some loose ends.

Mr. MOFFETT. I will say to the chairman with all due respect, and he has worked very hard on this bill and I respect the work he has done, that is precisely what I am concerned about, that we vote this up or down when there are still Members who want a chance to speak.

Mr. ROBERTS. If the gentleman will yield further, the time has already been limited on that. The gentleman from Indiana already agreed to that time, and the gentleman has already used his time.

Mr. MOFFETT. When did that time expire, if I might ask the Chairman?

Mr. ROBERTS. I will ask the gentleman from Indiana (Mr. FITHIAN).

The CHAIRMAN. The Chair will advise the gentleman that there is no time limitation agreed to at this point.

● Mrs. BYRON. Mr. Chairman, located on the historic Monocacy River in Frederick County, Md., Sixes Bridge Dam was one of a series of impoundments recommended in the 1960's for low-flow augmentation of the Potomac River. Although it was authorized for planning in the Water Resources Development Act of 1974, it has never been funded.

The July 1973 cost estimate of the project was $35,372,000. It would create a 3,500-acre reservoir (4,600 acres at flood pool) and the total project acreage would be 10,880. In addition to removing this land from the tax rolls, the project would flood prime farmland at a time when local, State, and Federal officials are adopting policies to preserve agricultural land, especially valuable farmland located so close to major metropolitan areas such as Washington and Baltimore. The project is widely opposed by the local community.●

● Mr. OBERSTAR. Mr. Chairman, the committee amendment to title IV contains a provision of great importance to the people living along and near Lake Superior. The committee last week accepted my amendment which would delay implementation of the Corps of Engineers realinement of Great Lakes functions in the North Central Division until Congress has received the results of a corps study now in progress.

At my request, the division has undertaken a study of upgrading its office in Duluth. Greater autonomy would give the corps' Duluth office increased flexibility to deal with corps functions in northeastern Minnesota. I am deeply concerned about the impact of the transfer of the St. Paul District's Great Lakes functions if the Duluth office is not upgraded. Greater autonomy for Duluth would complement a realinement plan which seeks to bring together all Great Lakes functions under the Detroit District. My amendment will maintain the level of service now provided the people of Minnesota by the St. Paul District while providing coordinated management of the corps functions dealing with the Great Lakes.

Coordination of those functions makes a great deal of sense. Removing responsibility for northeastern Minnesota from St. Paul to Detroit, however, presents the possibility that the corps will be less able to fulfill its responsibilities related exclusively to Minnesota and Lake Superior.

Providing the Duluth office with greater authority to deal with those responsibilities will solve a major shortcoming of the proposed realinement.

My amendment does not prejudge the corps study by mandating the upgrading of Duluth. It merely delays realinement until the corps has reported the results of its study to the appropriate committees of Congress. With that study completed, the Corps and Congress will be better able to evaluate the reorganization proposals.●

● Mr. OTTINGER. Mr. Chairman, H.R. 4788, the Water Resources Development Act of 1979 contains several provisions of tremendous importance to communities in Westchester County, N.Y. The first two projects involve flood control of the Mamaroneck/Sheldrake and Byram Rivers. The third involves the dredging of the Mamaroneck Harbor.

In 1978, when the water resources bill came to the floor, I spoke at length about the need for flood control on the Mamaroneck/Sheldrake and Byram Rivers. Since the project was first authorized in June 1956, the area has been devastated by several floods causing millions of dollars worth of damage. One storm alone—in 1975—caused $19.7 million worth of damages in the Mamaroneck and Sheldrake Basins. This storm poured 9 feet of water into the downtown area of the village of Mamaroneck, drowning one man in his car and forcing the evacuation of 200 others.

These two projects have a positive benefit/cost ratio: 1.2 to 1 in the case of the Mamaroneck/Sheldrake and 1.3 to 1 in the case of the Byram River. They have virtually no local opposition and very limited environmental impact. They will provide safety and economic security to the town and village of Mamaroneck and the village of Port Chester.

Nonetheless, the projects have been plagued by incredible delays. It is now 24 years since the citizens of Westchester requested Federal help with the flooding on these streams. It is unconscionable that nothing has been done on this except unending study and review. At this moment, the project report is sitting at the Water Resources Council, awaiting yet another review. In the meantime, this area has been declared a disaster numerous times and thousands of Federal dollars have gone out to residents of the flood-prone areas in the form of loans, grants, and insurance payments. Surely the cheapest thing to do, even now, is to put an end to the spiraling and repeated costs of the flooding and inflationary cost increases in the projects and get them built.

The bill also reinstates a portion of the Mamaroneck/Sheldrake project which had been cut from the main project in 1978. In the Upper Sheldrake project portion of the project, the benefits outweigh the costs by 2 to 1. This area, as the rest of the basin, has been waiting for over two decades for help. All work on the report for the Upper Sheldrake portion ceased abruptly, despite protest from the New York Commissioner of Environmental Conservation, because of a sudden change in policy; after all the hearings had been held, problems resolved and commitments made.

The bill also provides desperately needed temporary relief for the village of Mamaroneck. Section 313 provides for the Federal Government to supply 80 percent of the incremental costs of disposing of dredge material taken from the village's harbor in an environmentally sound fashion.

The first authorization for dredging of Mamaroneck Harbor was passed by Congress in 1938. Since then, the corps has dredged the Harbor four times—the last time was 14 years ago—and it is badly in need of more work. Within the last 4 years, the harbor's main channel has been gradually filled with 2 feet of silt and the village and the corps have received constant complaints from the boat operators that the channel and moorings are actually shallower than the minimum levels marked on the charts.

The corps made plans to dredge the channel in fiscal year 1978, informing the village that, according to a cooperation agreement written years ago, the village would be required to pay for disposal of the dredge material. In prior years, while dumping was permitted in Long Island Sound, this would have cost approximately $165,000. Environmental concerns have prompted the closing of the New York end of the sound to dumping of dredge materials; until completion of a corps study of alternatives, the village would have no choice but to pay over a half million dollars to dispose of the dredge material in the open sea.

The corps study of alternatives to dumping in Long Island Sound is now under way, and scheduled for completion by 1982. But in the meantime, Mamaroneck's harbor is filling in with silt at an alarming rate. Its main channel is now only 8 feet deep and much of the Harbor is difficult to negotiate for the deep-draft sail boats which have put in at the harbor in the past.

Mamaroneck Village cannot afford to lose its harbor. Harbor businesses, including five boatyards, pay over $2 million in annual salaries to village residents and a half million in annual taxes. A recent Federal grant to the Harbor Island Park pumped over $114,000 into the harbor-related recreation facilities. One company dependent on the harbor builds large boats on Government contracts as well as large commercial and recreational boats. Maintaining a viable harbor is crucial to maintaining the local economy.

I would like to commend the committee for taking action on a policy issue concerning flood control in small drainage areas, section 420.

In May 1978, the corps issued a final regulation—no congressional comment sought—which arbitrarily precluded from consideration in a corps study any benefits or improvement in conjunction with a flow of 800 cubic feet per second or less in a 10-year storm. This criterion was applied to whole projects and to portions, so that when one portion of a project is eligible for corps work, the ineligible portion is withdrawn and the community can receive Federal help for only part of its needs.

The abrupt issuance of this regulation was extremely disturbing. Its intended and most immediate victims are the urbanized areas most in need of help, depriving them of flood protection. A look at the list of projects which the corps dropped as a result of this regulation shows a heavy impact on urbanized areas. The Governor of the State of New York estimated that this regulation could cost the State $50 million in flood damages.

Many of the projects were in small jurisdictions in urbanized areas, communities that are least able to pay flood control costs. Most disturbing, however, was that such a far-reaching policy should have been established without soliciting a single comment from Congress.

Such policy decisions are the right and responsibility of Congress. The corps regulation represents a national withdrawal by the administration from long-standing national policies enacted by Congress, and is inconsistent with numerous past authorizations for specific projects.

I would like to commend the members of the Public Works Committee for approaching this issue directly. With informed comments from corps, it is, I think, up to Congress to establish criteria as to what does and does not constitute the Federal interest in flood control. A fully developed policy, passed by Congress, should govern policy decisions, and not a sudden regulatory change, unsubstantiated by estimates of costs or benefits to the Federal Government or to the public it serves.●

● Mr. MURPHY of New York. Mr. Chairman, I rise in favor of the legislation before us today. This bill marks for the first time that Federal funds will be authorized for building and rehabilitation of urban water supply systems. Urban areas have previously been ineligible for this support forcing major cities to watch their systems deteriorate while tens of billions of dollars were funneled into giant water projects in the West.

It has been commonly believed that urban water supply is not a problem in the East because the area is water rich. While it is true that the East typically receives adequate rainfall, there is a major crisis in the works. The development of new supplies for urban water systems has become increasingly difficult and expensive. The supplies readily available within the jurisdictions of cities have, for the most part, already been developed. New sources are at increasingly greater distances from users, require extensive transmission facilities, and sophisticated treatment. In addition, the transportation of water from its source to areas of population density requires costly conduits, sometimes over 100 miles in length, which are in many cities inadequate and in disrepair as a result of age, overuse, and lack of maintenance.

In 1965, the 89th Congress recognized that assuring adequate supplies of water for the great metropolitan areas of the United States had become a problem of such magnitude that the welfare and prosperity of this country required the Federal Government to assist in the solution of water supply problems. The Congress passed Public Law 89–298 directing the Secretary of the Army to study the long-range water needs of the Northeastern United States and authorized the Army Corps of Engineers to prepare plans to provide for the construction, operation, and maintenance of facilities to meet this goal.

In July 1977, the corps completed its its study which encompassed the Washington, New York, and eastern Massachusetts-Rhode Island metropolitan areas. This Northeastern United States water supply study (NEWS) concluded that immediate action must be taken to avert critical water shortages in all three areas.

The Metropolitan New York area has a long history of utilizing creative and innovative methods to address its water supply needs. Its present water system was developed over a period of 140 years. Because of New York City's location, surrounded by salt water and having limited ground water resources, the water supply system had to take advantage of the nearest surface water sources. This began with the development of the Croton River system within the Hudson River Basin. As demands increased, the system was expanded and at present, includes 19 reservoirs located in 3 drainage basins in 8 upstate New York counties. The yield of these reservoirs is 1,290,000,000 gallons per day which is transmitted to the city by a series of underground tunnels of extensive length and complexity. This system has served the city well but is badly in need of rehabilitation and expansion to insure the quantity and quality of water needed as New York City enters the 21st century.

At present the system lacks adequate delivery capacity, sufficient pressure in times of stress, and reliability. Particularly during the summer, the city's water demands are too great for the existing tunnels to handle. And these demands will continue to increase year-round.

The New York City Board of Water Supply recently wrote to the Mayor that—

> The existing facilities have reached the limit of their capicity to deliver water where it is most needed. The present facilities are so fully committed that a cessation of flow in any of them would create a situation of grave proportions.

The tunnels and pipes that carry New York City water have eroded to the point that their operating days are numbered. The metal valves inside the tunnels controlling the flow of water are worn down and must be replaced. It is purely a matter of age. Tunnel No. 1 was built in 1917. Tunnel No. 2 was completed in 1936. There is no way to repair these facilities other than to drain them of water, close them down and do the work.

The construction of the third city water tunnel was initiated in 1970 at a cost of nearly $20 million but was halted in 1975 as a result of the city's fiscal crisis.

The funds authorized in this bill are necessary to insure the completion of the third tunnel. Aside from providing increased delivery capacity to meet the increased demands, it will provide adequate pressure for the low points in the system in Brooklyn, Queens, and Staten Island, as well as allow for the shutdown and repair of the existing tunnels.

The Army Corps of Engineers, the Governor of the State of New York, local elected officials, public interest and environmental groups, business and labor interests, as well as the 8 million residents of New York City, support the construction of the third water tunnel as the solution to an otherwise inevitable water crisis.●

Mr. ROBERTS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. WRIGHT, having assumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4788) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, had come to no resolution thereon.

## APPOINTMENT OF ADDITIONAL CONFEREES ON S. 932, DEFENSE PRODUCTION ACT EXTENSION AMENDMENTS OF 1979

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint five additional conferees on the Senate bill, S. 932, to amend the Defense Production Act of 1950.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana? The Chair hears none and, without objection, appoints the following additional conferees: Messrs. WAMPLER, OTTINGER, and MOFFETT solely for consideration of title V of the Senate amendment and modifications thereof committed to conference; and Mr. NEAL and Mr. KRAMER, solely for consideration of title IX of the Senate amendment and modifications thereof committed to conference.

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5507, TO AMEND THE INTERNAL REVENUE CODE OF 1954

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 96–740) on the resolution (H. Res. 544) providing for the consideration of the bill (H.R. 5507) to amend the Internal Revenue Code of 1954 to eliminate the requirement that States reduce the amount of unemployment compensation payable for any week by the amount of certain retirement benefits, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## INTELLIGENCE IN FOREIGN POLICY

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LAGOMARSINO. Mr. Speaker, the crisis of confidence faced by our intelligence services was finally acknowledged by the President in his state of the Union message. Many of us had been arguing for some time that our U.S. intelligence efforts were being crippled at the expense of our national security interests. Certainly, the events in Iran brought sharply into focus the deterioration of our intelligence capabilities. Then with Afghanistan, new questions were raised.

It has become apparent that the invasion of Afghanistan was not so much a surprise because of the lack of intelligence, but was rather a failure by our highest policy leaders to correctly analyze the intelligence data available to them.

Foreign Affairs Committee Chairman ZABLOCKI has initiated a series of hearings on the role of intelligence in the foreign policy process. He should be commended on his efforts to call attention to this vital component of our national decisionmaking process.

Yesterday, in the first hearing in the series, Prof. Lyman Kirkpatrick accurately called attention to one of the major problems in intelligence analysis:

> The greatest dangers in this area are the policy-level officials who either refuse to give consideration to the views of the intelligence community, edit or modify the national estimates in passing on their findings to the President, or even worse block from the Chief Executive reports presenting conclusions contrary to their own.

Perhaps the best example of this is offered in the Jack Anderson column in the January 28 edition of the Washington Post, which I submit for the RECORD:

[From the Washington Post, Jan. 28, 1980]

### CARTER HAD WARNING ON AFGHANISTAN

(By Jack Anderson)

By his own admission, President Carter was caught off guard by the Afghanistan invasion because he trusted his summit partner, Leonid I. Brezhnev, who had blandly denied that the Soviets had aggression in mind. Afterward, Carter lamented that the Soviet leader had lied to him.

Certainly, the evidence was available to the president that the Soviets were preparing to strike across the Afghan border. Last September, a top-secret report of the Senate Foreign Relations Committee laid out the probability of a Russian military move there with remarkable clarity.

The report, prepared by three staff members, was distributed to key senators on the committee. Its contents were also communicated to the White House.

I have obtained a copy of the still-secret September 21 report, titled "Developments in Afghanistan and Possible Increased Soviet Intervention." If the president had read it, he might have been less taken aback by the Russians' Christmas-week invasion.

The report notes first that the bloody coup which replaced one Soviet puppet with another earlier in September gave the Kremlin essentially two choices: Increase its commitment in Afghanistan or let a Soviet-backed regime go down the drain.

The reason the Russians faced this decision, the report explained, was the deteriorating situation in Afghanistan. Noting "widespread but uncoordinated insurgencies . . . in all parts of the country," the report added: "Extensive Soviet material support, together with several thousand military 'advisers,' have enabled the regime to retain a tenuous hold on power. The government's position continues to erode, however."

The report cited intelligence warnings of "the somewhat increased readiness of one Soviet airborne division in a Soviet military district adjacent to Afghanistan," and speculated that the Russians were concerned about the possible need to protect or evacuate 5,000 to 6,000 Soviets.

But the report also raised the possibility that the Russians' increased military readiness in the area might reflect "an unfolding coherent plan to intervene massively to support [Afghan President Hafizullah] Amin." In this instance, of course, there was a massive intervention, but one that resulted in President Amin's overthrow and execution.

The committee report listed five factors that were "pushing Moscow toward deeper military involvement" in Afghanistan:

Traditional Russian designs on its neighbor dating back to the czars.

Hopes that a Marxist ally might add to Soviet influence on Pakistan, India, and Iran.

Desire for a buffer against China.

The need to show the United States that the Soviets would not let its hands be tied by detente.

"The creeping military logic" that the Afghan rebels could be beaten by a little more Russian involvement.

Three factors "influencing Moscow to be very cautious" were also listed in the report: Soviet fears that they'd be unable to control Amin, that they might get bogged down in a Vietnam situation, and that the United States might show "assertiveness" by taking counteraction elsewhere, or maybe killing the strategic arms limitation treaty (SALT II).

In addition to the Senate committee report, another knowledgeable source gave the Carter administration a solid early warning of the Soviet attack. In October, Pakistani Foreign Minister Agha Shahi told the Senate committee and Secretary of State Cyrus R. Vance "flat out that the Soviets were building up for a move into Afghanistan and then Pakistan," sources told my reporters Dale Van Atta and Hal Straus.

#### COPTER CRISIS

Iraq trains some of the world's most vicious terrorist groups, and has been properly condemned for this by the Carter administration. But behind the scenes, the State Department is quietly helping the Iraqis close a deal for six high-performance helicopters that could be used to further terrorist activities.

The "executive" choppers—Italian-made Sikorsky S61s with American-produced General Electric engines—are luxury models that make those in the presidential fleet look like stripped-down jalopies.

The contract specifications indicate use by top officials. But it would be no great trouble to convert the high-speed helicopters to use as weapons carriers, hit-and-run taxis for terrorist squads, low-level strafing or military observation.

---

## BUSING AND EDUCATION

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COLLINS of Texas. Mr. Speaker, education is the No. 1 concern for the young people of America. We have all been discouraged at the continual decline in the student achievement test scores of graduating seniors. With busing and the tension it has developed, the SAT scores have declined in our country by 10 percent. This means black and white graduating seniors know 10 percent less than the students of the sixties.

In my home community of Dallas, Tex., our school board and competent judges have tried to meet the requirements of the courts.

As we started the seventies, 69 percent of the Dallas schools were white according to the Washington Star, but this has now declined to 33 percent. Still the Supreme Court is not satisfied.

A fair and analytical evaluation was made on the editorial page of the Washington Star. You will see the logic of the editorial as it covers our Dallas educational crisis. Here is the Washington Star article:

### SELF-DEFEATING REMEDIES

The Supreme Court this week revoked an earlier agreement to consider a Dallas school case. It called its earlier inclination "improvident," but it wasn't. As Justices Powell, Stewart and Rehnquist argue, the Court is evading an issue that cries out for guidance.

The issue is what the three justices call "self-defeating remedies" in school desegregation that promote resegregation and leave minority students even more isolated than before court intervention.

The Dallas case appears a classic instance. Since a U.S. District Court in 1971 imposed a "busing" remedy in Dallas (the nation's eighth largest school district, of 351 square miles) whites have fled the schools in vast numbers. When the Court first acted, "Anglo" students were 69 percent of Dallas's enrollment. By 1975 they were 41 percent. Last year, 33.5 percent. Presumably white enrollment is still falling. In 1971, the District Court ordered 1,000 Anglo students bused to formerly all-black high schools. "Fewer than 50," says the court, "attend those schools today."

That sobering experience explains why the same District Court—and a substantial part of the Dallas community—are now at odds with the Fifth Circuit Court of Appeals about what further desegregation is workable. A revised Dallas plan, busing about 20,000 students, leaves 62 schools, a third of the system, as "one race" schools—where more than 75 per cent of the students are of one race.

The District Court tolerates this vestige of segregation because to alter the racial alignment further would mean busing young schoolchildren—and, further, because it is the court's experience that cross-busing high school students in 1971 failed entirely. The District Court approves so-called "magnet high schools," more likely to put a multiracial clientele in the schools.

What brought all this to the Supreme Court's attention was Fifth Circuit Court disapproval. It has sent the case back to Dallas for further exploration of the 62 "one-race" schools remaining in the system.

As Justice Powell indicates, this is essentially an irrelevancy. The 62 one-race schools reflect practicalities perceived by everyone in Dallas, and are (in the case of the refusal to bus younger children) consistent with Supreme Court rulings.

To go on pressing, in large cities, for an end to all one-race schools means stimulating white flight—as in Dallas, Boston, and other places—leaving minority students more isolated and sapping the vitality and tax base of the cities.

Congress, alas, lacks the resolution and leadership to establish, as it is empowered to do, a fair and workable national school policy. In its absence, prudent judgments still need to be made. When they are reasonably made by lower courts in consultation with the people affected they should not be casually set aside on old and often irrelevant precedents. In the Dallas case, Justice Powell observes, "the Court of Appeals failed to accord proper deference to the District Court's conscientious execution of this delicate task."

The Supreme Court should intervene. It should clear up old rulings that now render workable desegregation plans legally suspect. It should make room for prudence in school desegregation. There were three votes to do so this week. It is everyone's loss that there were only three.

## THE WEB SYSTEM

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DASCHLE. Mr. Speaker, the legislation which my South Dakota colleague JIM ABDNOR, our neighbor MARK ANDREWS of North Dakota and I are introducing today would authorize funding for the WEB water system in north central South Dakota. Senators MCGOVERN and PRESSLER are introducing identical legislation in the Senate at this hour. We from South Dakota are joining together on behalf of this WEB system with a degree of unity and emphasis not seen in our delegation, or in our State, since the divisive Oahe Irrigation System controversy began almost a decade ago.

The WEB system is of critical importance to thousands of people in our State, people who live in an area of short water supply and truly horrendus groundwater quality. It would provide domestic and livestock water for citizens in 51 communities scattered across seven counties in South Dakota and a small portion of North Dakota.

The WEB system would also be a long overdue and very modest first installment in Federal repayment for the extensive loss our State accepted with the construction of the mainstem Missouri River dams. With the elimination of funding for the half billion dollar Oahe irrigation system, which itself was envisioned decades ago as only partial repayment for the flooding of South Dakota's finest farmland, our State has been left with absolutely nothing to show for its major sacrifice along the Missouri. In return for providing power, flood control, and navigation benefits worth billions to our neighbors, we to date have received not a penny.

The WEB system is large as rural water systems go. To construct it with Farmers Home Administration assistance will require the special authorization we introduce today as well as a special appropriation to insure other worthwhile Farmers Home rural water efforts are not shortchanged.

But, though large for a rural water system, WEB is tiny in comparison to the sacrifice made by my State for the benefit of others and is less than one-seventh as costly as the now virtually abandoned Oahe irrigation project which was to have compensated South Dakota for her losses from the mainstem Missouri dams. WEB represents a responsible, feasible undertaking with broad local support, an undertaking of the type the administration, throughout its efforts to trim massive water projects and reform water policy, has consistently said it favors. We have worked closely with the administration in developing both the bill and the identical amendment we introduce today and are hopeful we will receive formal support in the near future.

Finally, Mr. Speaker, almost as important as the substance and merit of the WEB legislation is the unanimity of support it enjoys in our congressional delegation and our State. South Dakota, like many other States, has seen her water development efforts largely paralyzed by divisions over massive water projects designed decades ago. In our case, the Oahe irrigation project so polarized the water issue that there has been virtually no unified support for any water proposal anywhere in the Oahe region for a decade. If successful, this legislation would indicate to the people of our State, and really to the Nation, that where local people can agree on a course of action and present a scaled down, cost effective proposal to their Federal Government, that Government will not turn its back on them.

For all of these reasons, I urge your consideration of this legislation and hope that it will receive speedy approval from this Congress.

□ 1730

## WEB WATER SYSTEM IN SOUTH DAKOTA

(Mr. ABDNOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ABDNOR. Mr. Speaker, today I have introduced legislation to authorize development of the WEB water system in north central South Dakota. Congressman DASCHLE and Congressman ANDREWS of North Dakota join me as cosponsors, and Senators MCGOVERN and PRESSLER have introduced an identical measure in the Senate.

The WEB system would serve about 30,000 persons, including more than 12,000 on about 2,900 individual meters in rural areas and more than 17,000 in 51 small towns. The area to be served is characterized by very inadequate water supplies both in terms of quality and quantity. That, plus much hard work by the project's organizers, accounts for the fact that 95 percent of the towns and more than 70 percent of the rural people in the project area have signed up to be served.

According to our contacts with USDA, WEB is technically eligible for financing from the Farmers Home Administration. The size of the project and the amount of financing needed far exceed South Dakota's regular allotment, however, and would constitute a significant drain upon the national appropriations to FmHA in any single year; thus, the need for the specific authorization my colleagues and I have introduced today.

In addition to the unanimous and active support of the congressional delegation, WEB has the support of the Governor, and we have been greatly encourage by the support of the administration as well. The following is the text of the most recent correspondence, dated January 8, 1980, which I have received from Secretary Andrus in this regard:

U.S. DEPARTMENT OF THE INTERIOR,
*Washington, D.C., January 8, 1980.*

HON. JAMES ABDNOR,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. ABDNOR: This is in further response to your letter of July 12 and the letter of July 20 signed by you and the other members of the South Dakota Delegation in which you expressed your support of efforts by the Department of the Interior to provide financial assistance for studies of new or improved source of domestic water for several countries in north-central South Dakota. I apologize for the delay in our response to your letters; we have, however maintained contact with your staff on this matter.

As you will recall from our previous correspondence and meetings, it is my intention to provide financial support for a study of the WEB pipeline proposal. I had hoped that this support would have been available by now so that work on the WEB study could proceed more rapidly. However, we have found that there are legal impediments to our original proposal to transfer funds from the Water and Power Resources Service (formerly the Bureau of Reclamation) to the Missouri River Basin Commission. Consequently, the Department is now exploring other possible means of making sufficient funds available for the WEB study. This has been discussed with your staff.

I continue to be impressed with the broad support which the WEB pipeline proposal continues to enjoy. I assure you that the delays which we have encountered in making funds available in no way alter our previous position on this matter. I will inform you as soon as a suitable mechanism for accomplishing the transfer of funds has been approved. I appreciate your continued cooperation and patience. Do not hesitate to call if you have any questions.

Sincerely,

CECIL D. ANDRUS,
*Secretary.*

My colleagues will note that the Secretary has hoped to expedite consideration of the project, but that legal impediments have been encountered. My bill would overcome those obstacles and enable development of WEB to move forward, subject only to the appropriations process.

The progress of WEB thus far is a testament to what can be accomplished with a positive attitude, hard work, and cooperation. It is also a statement about what is owed South Dakota in terms of water development, insofar as the support of the administration is concerned. It is evident, since its position on WEB differs markedly from its position on other water development projects, that Secretary Andrus and other policymakers at the Interior Department have come to appreciate the great unfulfilled Federal commitment to my State under the Pick-Sloan Missouri River Basin program. For the record, let me reiterate what that commitment was and why it was made.

Prior to passage of the Flood Control Act of 1944, which authorized development of the Pick-Sloan Missouri River Basin project, the Missouri used to flood Iowa and other States downstream from South Dakota. The river became a torrent up to 10 miles wide on those fertile Iowa farmlands, and the destruction was translated into political pressure for action. The solution proposed and the action taken included the construction of four massive dams on the river in South Dakota, the reservoirs of which comprised in excess of 500,000 acres, most of which have been permanently inundated and all of which were removed substantially from productive contribution to the economy of my State.

Obviously, South Dakotans did not take lightly the permanent flooding of so vast an area of our State for the benefit of others. Powerful voices of opposition, including my own, were raised but overridden in the interplay of national and regional political forces against those of the State and localities.

For our sacrifice, however, we were given the unanimous pledge of all concerned that our economic losses would be fully compensated through low-cost hydropower, recreational opportunities and, most importantly, the development of irrigation.

The pledge was committed to law in the 1944 act, but the result has been dismal as far as the interests of South Dakota are concerned. The dams have been constructed, the reservoirs filled years ago, and the permanent flooding endured; but, to date, not one single acre of federally assisted irrigation has been developed out of these reservoirs, pursuant to the commitment made to us in the act passed in 1944. Downstream States are enjoying the flood control and navigational benefits. In addition, they are enjoying the benefits of low-cost hydropower, including that which was dedicated to irrigation development in South Dakota. In fact, my State has received as little as 12 percent of the hydropower while Minnesota, Iowa, and Nebraska have received as much as 67 percent.

By any standard of fairness, a great debt to my State remains outstanding. By any measure of justice, we must be allowed to reclaim the hydropower promised us; and the Federal assistance authorized in the 1944 act as compensation for our economic losses must be provided. In reality, we recognize that fiscal constraints at this time preclude provision of funding for the full acreage of irrigation actually authorized for development in the 1944 act—some 575,000 acres of full irrigation water service and 66,000 acres of supplemental water service. To the maximum extent practical, however, and consistent with other political and environmental factors, South Dakotans have every right to expect the Federal Government to live up to its commitment.

It is in this context that we seek funding for the WEB water system. It is not an irrigation project nor is it a substitute for any of the projects authorized in the Flood Control Act of 1944. Specifically, it is not offered as a trade off for deauthorization of the Oahe unit, initial stage; and in our extensive meetings with administration officials none has preconditioned their support for WEB upon deauthorization of the Oahe unit. Indeed, WEB stands on its own, and its local sponsors know the worst thing that could happen would be for their project to become mired in the Oahe controversy.

WEB will not have the beneficial economic impact associated with irrigation, but it will enable nearly 30,000 persons to drink water which complies with Federal standards established under the Safe Drinking Water Act. It is impossible to put a price on the benefit of healthful and adequate supplies of water, but we know that we must pay the price. We know, too, from our contacts with the Farmers Home Administration that the WEB project is in line with the requirements under its rural water and sewer financing program. Thus, the legislation Congressman ANDREWS, my colleagues in the South Dakota delegation, and I are offering today will serve to facilitate and expedite development of a good and badly needed project.

As a means of further speeding the process, we are considering offering the text of the bill as an amendment to the Rural Development Policy Act, which will reach the floor of the House soon. This would circumvent the delay associated with the normal committee hearing process and, assuming success, would enable us to seek construction funding in fiscal year 1981, beginning October 1, 1980.

The amendment will be offered if sufficient support can be generated in the administration and among our congressional colleagues, particularly the leadership of the Agriculture Committee. As a member of the Agriculture Committee, which reported the Rural Development Policy Act, Congressman DASCHLE will offer the amendment; and Congressman ANDREWS and I will support it in the debate on the floor of the House.

In an era of intense controversy and bickering over water development, the positive spirit of cooperation and support afforded the WEB water system is most encouraging. The local sponsors are to be commended for their initiative in seeking to correct the dire water quality and quantity problems the citizens of the project area have been forced to endure.

The Federal Government should not be expected to provide solutions for every local problem throughout the Nation; but, within the context of its unfulfilled commitment to South Dakota and within the framework of the existing authority of the Farmers Home Administration, the WEB project certainly merits Federal support. I shall continue to exert my strongest efforts toward that end, and I urge my colleagues to support enactment of the necessary legislation.

I include the text of the bill at this point in the RECORD:

H.R. 6320

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That effective immediately upon the passage of this Act, there are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, including necessary administrative expenses, which shall be used to plan and develop in portions of, but not limited to, Walworth, Edmunds, Brown, Campbell, Potter, McPherson, Faulk, Hand, Spink, and Day Counties in South Dakota a rural water treatment and distribution system which will furnish water for domestic and other purposes, hereafter referred to in this section as the WEB Pipeline Project, as generally proposed by the WEB Water Development Association, Inc. Any funds appropriated under the authorization contained in this section shall remain available until expended.

SEC. 2. Any funds appropriated under the authorization contained in Section 1 shall be transferred by the Secretary of the Interior to the Secretary of Agriculture when such funds are appropriated. The Secretary of the Interior is authorized to enter into cooperative memoranda of understanding as may be required with the Secretary of Agriculture to provide services to carry out the purposes of this Act.

SEC. 3. The Secretary of Agriculture shall use any funds transferred pursuant to Section 2 for necessary administrative expenses, and to provide financial assistance to plan and develop the WEB Pipeline Project under the terms and conditions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), and under rules and regulations promulgated by the Department of Agriculture under the authorities contained in that Act. Such funds shall be expended in the ratio of 75% grants and such loans as may be necessary.

## FUSION ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM

(Mr. McCORMACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, last week I submitted legislation known as the Fusion Energy Research, Development, and Demonstration Act of 1980, H.R. 6260. Yesterday, 34 members of the House Science and Technology Committee joined with me in cosponsoring an identical version of this bill, H.R. 6307.

I now am inviting all Members of the House of Representatives to join in sponsoring this legislation which will establish the most exciting energy research, development, and demonstration program in this Nation's history; and which, when completed, will usher in a new era of absolutely unlimited energy for all humankind for all time. The fusion energy bill commits this Nation to an aggressive engineering program, somewhat like the Apollo program which landed men on the Moon and returned them safely during the decade of the 1960's, to a program of constructing and successfully operating a magnetic-fusion electric generating plant before the end of this century.

The overall cost of the entire magnetic-fusion program is anticipated to be about $20 billion for the 20 years between now and the end of the century, when we will have a successful fusion-generating plant on the line. Members of Congress and the public should understand that this is a new initiative which is possible now for the first time because of our spectacular successes in magnetic-fusion research during the last 18–20 months. We could not rush nature in providing us with the answers to these research projects, but nature has been good to us and the scientists of the fusion community around the world now are overwhelmingly confident that with an aggressive engineering program we can be producing fusion electricity before the year 2000. There can be no doubt that we can succeed if we start now with the type of program that is outlined in the Fusion Energy Research, Development, and Demonstration Act; and I now invite all the Members of the House to join in cosponsoring this legislation. There is no doubt that the successful use of fusion energy will be the second most important energy-related event in human history—second only to the controlled use of fire.

I will insert additional information on this subject under Extension of Remarks in today's RECORD, along with a copy of the bill; and I will provide each Member with a "Dear Colleague" letter providing the same information. I invite all the Members to join in cosponsoring this most important energy legislation.

## WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5858, SUNSET REVIEW ACT OF 1979

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 5858, the Sunset Review Act of 1979. Through an error, I was previously listed as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## SOVIET EXPANSION CONTROL OF THE SEALANES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. EDWARDS) is recognized for 60 minutes.

### GENERAL LEAVE

Mr. EDWARDS of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. EDWARDS of Oklahoma. Mr. Speaker, almost no one in this country would deny that ominous expansion of Soviet military forces into Afghanistan is cause for great concern. All eyes are now turned to the Middle East. And rightly so. In the midst of our concern, however, it is well to remind ourselves that the surge of Russian troops and tanks into Afghanistan was preceded, by roughly 3 months, by the disclosure of a Russian armored combat brigade in Cuba. I mention Cuba in connection with Afghanistan because I want to emphasize that the two episodes are not isolated events. We must attend to the Middle East—it is an absolutely vital area—but we must also look at Soviet expansion around the world. For the threat it poses is indeed a global one, centered in the Persian Gulf region and stretching to the Caribbean and the Sea of Japan.

More specifically, Soviet expansion is a growing threat to the unhindered use of the world's sealanes, the vital threads by which nations are linked in a web of interdependence. Mr. Speaker, we have to appreciate fully the fact that anything less than global access to the world's waterways places this country in serious jeopardy.

We do not know if the Russians have completely worked out a "master plan" for domination of the sealanes. We do not have access, in any precise and specific way, to Soviet intentions. We cannot tune into the thoughts of their strategists. But what we can do—and must do—is clearly recognize what Russian geopolitical achievements of the past several decades have placed the Soviets in a position to do. In doing this we should keep several elementary facts constantly before us. We live in a world made acutely dangerous by growing economic interdependence and competition for scarce resources, by fragile Third World political systems, and by a massively armed regime whose official ideology commits it to global expansion and domination.

Let us then consider specific examples of Soviet expansion and the likely consequences for the West if this expansion goes unchecked.

The recent invasion launched by the Soviet Union against Afghanistan compels us to recognize anew the centuries old Russian desire for warm-water ports. The invasion really should not come as a surprise, for the Soviets have explicitly made reference to "the general direction of the Persian Gulf * * * as the center of aspirations of the Soviet Union."

With the southern border of Afghanistan 350 miles from the Arabian Sea, Soviet aircraft based in southern Afghanistan are now some 500 miles closer to the sealanes serving the Persian Gulf. Thus, the incentives for the Soviets to continue their expansion in this region are enhanced. At present the Soviets are moving to upgrade the airports at Herat, Shindand, and Farah to the south, into full-fledged advance airbases. In fact, Russian aircraft are now closer to strategic points in the Persian Gulf than they would be if based in Tehran.

The ports at Gwadar in southwestern Pakistan and Chah Bahar in southeastern Iran beckon the Soviets enticingly. The attractiveness of these ports is, of course, easily understood. Naval bases in this area would provide ready access to the Gulf of Oman and the Straits of Hormuz, which lie at the entrance of the Persian Gulf. The Straits of Hormuz are a vital "choke point" through which about 60 percent of the oil destined for Western European countries moves every day. Traffic through the straits is heavy: About 77 ships a day (or roughly one ship every 19 minutes) negotiate the narrow straits. And most of these ships are oil tankers.

Since both the eastbound and westbound shipping channels are located in Oman's territorial waters, this conservative, pro-Western country is responsible for guarding this increasingly vulnerable waterway. In light of this, it is well to keep in mind that Oman's Navy is very small, numbering around 15 ships.

The Soviet Union could obtain a corridor to the Arabian Sea if political instability grows in the area adjacent to Afghanistan's southern border. The key area is Baluchistan, a volatile and disputed territory in southeastern Iran, which straddles Iran and southwestern Pakistan and whose inhabitants spill over into Afghanistan. Throughout the last decade the Baluchis have tried to form a separate state that would be independent of both Iran and Pakistan. The separatist movement on the Iranian side has been picking up steam in recent months.

An independent Baluchistan would almost certainly need the support of an ally powerful enough to guarantee its security against Iran and Pakistan. In such an event the Soviets could present themselves as a logical choice, possibly under the guise of a legitimate Afghan Government. The southern flank of a separate pro-Soviet Baluchistan would contain the port towns of Gwadar, Chah Badar, Pasni, and perhaps Karachi. As much as 700–800 miles of seacoast would thus be included in the new state. Advanced airbases in southern Afghanistan coupled with access to ports on the Arabian Sea would give the Russians a double-fisted threat to Persian Gulf oil. Given this scenario, the Soviet Union would possess greatly enhanced ability to neutralize U.S. naval forces in the area.

Considerations that make a drive for autonomy in Baluchistan more likely are beginning to receive careful attention in Western intelligence circles. A guerrilla organization among radical Baluchi nationalists has been forming for at least 6 months. In addition, there have been reports, so far unconfirmed, that the Russians have been using Afghan intermediaries to supply arms to Baluchis in Iran. To the extent that the Karmal regime strengthens its control over Afghanistan it will be increasingly able to give attention to exploiting separatist movements south of its border.

When we turn our attention west of Afghanistan the picture is just as bleak, Mr. Speaker, for that way lies Iran. Recent weeks have seen an intensive concentration of Soviet forces in western Afghanistan along the Iranian border. This is especially significant when one takes into account that the strongholds of the Afghan rebel tribesmen are located in the north and east. The airbases previously mentioned are within 100 miles of the Iranian border, and they are being rapidly expanded. Hundreds of tanks—perhaps as many as 3,000—have been reported in the region. Soviet troops here are supported by sophisticated weapons, including armored personnel carriers, multiple-rocket launchers, self-propelled artillery, and mobile antiaircraft guns. Clearly, Soviet forces are in position and equipped for a thrust into Iran should Moscow give the word. And the justification available to the Soviets is the same they used for Afghanistan; namely, that political instability in a bordering country threatens the security of the U.S.S.R.

Even apart from a military strike against Iran, the Soviets are now in a more favorable position to support subversion in both Iran and Pakistan, and to hasten especially the destabilization of the progressively fragile Khomeini government. One analyst who warned of the possible invasion of Afghanistan last fall now warns that radical Afghan expatroits now living in Iran are in a position to play the role of Soviet surrogates in the event of a civil war in Iran.

Perhaps the situation would not be quite so ominous, Mr. Speaker, if Afghanistan represented the only staging point for Soviet aspirations in the Middle East. But, in fact, the Soviet Union is resolutely involving itself in countries all around the perimeter of the Persian Gulf. For example, there is evidence of a growing military presence in South Yemen, a completely Marxist, pro-Soviet country strategically located near the mouth of the Red Sea and bordering Oman.

Intelligence reports have indicated that as many as a dozen Soviet nuclear submarines are docked in South Yemen, along with several surface warships. In addition, Soviet destroyers, based in Yemen and outfitted with sophisticated electronic listening devices, have been prowling the Straits of Hormuz. East Germans virtually run the internal security system of the Yemeni Government.

Furthermore, some analysts have assembled evidence to support the chilling contention that South Yemen is being prepared as possible entry point for Cuban troops on the Arabian peninsula. Recent intelligence reports have indicated that the Soviets have been shipping first-rate armored equipment to South Yemen—equipment that is much too sophisticated for their Arab clients: Combat carriers, battle tanks, and antiaircraft vehicles. This is precisely the same kind of modern armored equipment the Soviets have introduced into Cuba. In the wake of the Afghanistan situation we seem to have forgotten about that infamous brigade in Cuba—but this is equipment the Russians have been training the Cubans to use.

Why is this significant? Again, Mr. Speaker, it is a question of geographical and political configurations. A mobile armored force in South Yemen, manned by trained personnel, is well-suited for a quick strike against an attractive and vulnerable target: Oman. As we have seen, Oman is of great strategic importance as its northern tip is situated at the mouth of the Persian Gulf. The size of the Omani Army is such that it could not reasonably be expected to resist such an attack. Obviously, a Soviet or pro-Soviet presence in Oman would be an excellent staging point for more ambitious Russian projects. Saudi Arabia in particular would, in this event, be in serious jeopardy.

Oman has already been plagued with insurgency problems of its own. Chiefly with British help, the Sultan of Oman was able to defeat guerrillas in its Dhorfar Province along the frontier it shares with Sotuh Yemen. These guerrillas were trained and armed in South Yemen and so indirectly supported by the Soviet Union. A renewed Dhorfar insurgency, aided and supported by the Yemenis, could set the stage for an attack by Cuban-manned armored divisions.

One must bear in mind that many of the regimes in the Middle East are very fragile politically. The destabilization of the region around the Arabian peninsula could very well contribute to the destabilization of other, more moderate Arab governments, such as Saudi Arabia.

That this is not mere speculation, Mr. Speaker, can be appreciated by taking a careful look at the attempted takeover of the Grand Mosque in Saudi Arabia. For understandable reasons, the Saudis have tried to put a calm face on the episode. But European intelligence sources state that 70 to 80 of the 500 attackers received training from both Cubans and Russians in South Yemen, and that Yemeni participated in the assault Units of the South Yemen Army, complete with Soviet bloc advisers, were mobilized along the Saudi border. Large stockpiles of Soviet arms were established just inside the border. A prominent British analyst has gone so far as to say that this was all part of a large-scale scenario that was to involve similar uprisings in other Saudi cities.

The Soviets have also been busy on the African continent. They have established a presence in three strategically located countries: Ethiopia, Mozambique, and Angola. In Ethiopia the Soviets are pushing toward completion of their base complex at the port of Massawa, just inside the mouth of the Red Sea and directly opposite Saudi Arabia. Combined with the base at Aden, the Soviet Union has taken a significant step closer to being the dominant naval power in the Red Sea area. Obviously, the ability to disturb the flow of maritime traffic in the Suez Canal, the Gulf of Aden, and the Persian Gulf goes with this achievement.

Mozambique possesses airfields capable of handling Russian backfire bombers equipped with anti-ship missiles. The same is true of Angola. The introduction of such aircraft into these countries would clearly upgrade the Soviets' ability to interrupt, or even stop, the flow of shipping along the Cape route which hugs the coast of South Africa. It is essential to note that the sea lanes along this route have the third largest concentration of maritime traffic in the world—and could very well move to second place in the early part of this decade.

In light of this, it is disturbing to note that the United States is losing its naval capability in the South Atlantic, inasmuch as Brazil has recently told our naval mission at Rio de Janeiro to leave. U.S. presence at this base goes back to 1922. In this absence of an effective U.S. naval presence operating out of South America, the Russians would be in a position to control the sealanes in the entire South Atlantic.

Although most of the discussion concerning the strategic importance of the sealanes has focused on oil coming from the Middle East, we must not lose sight of the fact that South Africa is an enormous source of many minerals critically important to the industrial nations. Western European nations depend almost totally on imports to meet their mineral requirements. The United States is in a better position than Europe. But we, nonetheless, import 90 percent of our chrome ore, for example. Chrome ore is an essential component in the production of several alloy steels and cannot be substituted for. The only significant alternative to South Africa as a source for chrome ore is the Soviet Union. Most of this—38 percent—comes from South Africa. The United States is a leading consumer of chromium at a time when its share of the market is declining.

In respect of world reserves of strategic raw materials, South Africa holds the dominant position in chrome ore, vanadium, gold, manganese ore, fluorospan, and platinum group metals. South Africa ranks second as a holder of the world's reserves in diamonds, third in nickel, fourth in uranium, zinc, and phosphate rock. Many of these raw materials are vitally important to our steel industry.

The United States, Western Europe, and Japan will, in all probability, continue to rely on imports to meet their need for minerals and precious metals. But these countries face increasing problems in light of the reluctance of most mineral-producing nations to permit Western investment in their mineral resources. And there are few alternative sources. South Africa's liberal mining policy and enormous mineral potential places it in a position of unquestionable importance to the industrial nations. Seen in this light, South Africa is all the more important as a source of strategic raw materials.

The Soviet Union at this time has two client Marxist states in the southern tier of Africa, above and on both sides of South Africa—namely, Angola and Mozambique. They provide the Russians with docking facilities for their naval vessels, and airfields for their aircraft, and also could furnish them with a platform for guerrilla incursions into pro-Western states such as Rhodesia and South Africa. Of course, the Soviets would take the precaution of camouflaging their own involvement and support of such "popular" movements.

With convenient and strategically important naval and air bases in Angola and Mozambique, the Soviets are in a position to increasingly isolate South Africa by controlling, under appropriate conditions, the flow of shipping around the South African coast. These appropriate conditions would include the opportunity to support "liberation movements" in South Africa and Rhodesia.

It would be foolish to discount a scenario under which the Soviet Union would participate in some form of direct intervention in South Africa.

Again, this scenario would no doubt be prepared for and helped along by stepped-up terrorist activity in the area, leading to great civil unrest and the establishment of a Marxist, pro-Soviet regime. These events could then pave the way for an influx of Soviet technicians and military advisers, who would participate in, and support, a takeover of mine operations and processing plants.

This analysis is familiar and appreciated by Soviet strategic planners. And they are perfectly aware of the advantages flowing from political instability in the Third World, especially as this relates to the availability of raw materials. In 1974, a Soviet analyst observed that "Africa holds a leading position in the world, both in reserves and output of many kinds of raw materials. The deposits of some of the minerals in Africa are unique * * * most of them concentrated in South Africa." Another Soviet strategist has argued that "trade in raw materials, particularly fuel * * * is the epicenter of the crisis shocks and the weakest link in the system of capitalist international economic relations."

The message should be clear: The Soviets themselves see economic interdependence as a weak link that can be exploited to their advantage. Preparations must, of course, be made, if they are to do this. But this is just the path they seem to be embarking upon. To the extent that the Soviets increase and expand their influence in Southern Africa, they will be in a position to either deprive the West of their strategic raw materials or to make their acquisition dangerously expensive and difficult. The Director of the Institute for Energy Studies at the Rand Afrikaans University sums up the situation with these sober words of warning:

> Soviet domination of Southern Africa would provide a strong impetus to efforts to revitalize existing producer organizations and to form new cartels under Soviet leadership . . . In other words, the Western nations must consider the possible elimination of South Africa as a major supplier of strategic minerals, not so much for its effect on costs, but for its effect on the security of their supplies.

In short, Southern Africa's prominent position in the minerals and precious metals market provides the Russians with an attracive and logical test of the "weak link" scenario.

It used to be said, with great assurance and self-confidence, that the Caribbean was "an American lake." But a close look at recent Soviet activity in Cuba disturbs such assurance. Obviously, the matter of the Soviet brigade is cause for serious concern. In addition, Cuba has been, for some time, the focus of Russian naval and air presence. Mig-23 fighters are now in place on the island. Much has been made of the fact that their aircraft are not outfitted to deliver nuclear warheads, and therefore they are there only for defensive purposes. The fact remains that these same planes can be quickly and simply modified to achieve nuclear capability.

Moreover, the Cubans are building an excellent deepwater port, capable of servicing nuclear powered submarines, at Cienfuegos Bay. The past several months have seen considerable Soviet activity at Cienfuegos, much of it cloaked in secrecy. Thus far, U.S. intelligence has been unable to penetrate this veil of secrecy and determine precisely what the import of all this activity is. In any case, a program of submarine transfers from Russia to Cuba is now underway.

The submarines which the Soviets have supplied to Cuba are capable of operating not only in the Caribbean and the Gulf of Mexico, but also, to some extent, in the Atlantic Ocean. Soviet naval vessels have operated in the waters off Cuba and have stayed at anchor for as long as 60 days at a time. In fact, the frequency of Soviet naval units have reached the point that, as some analysts have put it, the Soviet navy is now a "normal and persistent feature in the Caribbean." Soviet naval task forces almost always combine their visits to Cuba with training maneuvers with the Cuban Navy. Between July 1969 and May 1974 the Soviets undertook 20 deployments, involving at least 24 submarines, to Cuban ports. These deployments involved both diesel-powered and nuclear-powered submarines equipped with cruise missiles and ballistic missiles.

While the United States has fiddled with friendly gestures toward Castro, the Russians have been busy turning Cuba into the dominant military power in Latin America.

Again, Cuba's attractiveness to the Russians is twofold. First, it provides naval bases from which Cuban or Soviet warships can threaten the sealanes in and around the Caribbean. Second, a militarily well supplied and armed Cuba can provide, and in fact has provided, a platform and staging area for the encouragement of political destabilization in other Latin American countries. An example of this strategy is the use of AN-26 Curl medium transport aircraft to deliver military cargo to Costa Rica in the summer of 1979. The cargo was subsequently delivered to Sandinista guerrillas in Nicaragua. An assault aircraft with a range of 600 miles, this plane was made available to Cuba by the Soviet Union.

Cuba has been honing sophisticated methods for assisting other Communist guerrilla groups in Central America, including the use of other countries as intermediaries in providing arms. Guatemala and El Salvador in particular are important target countries for Cuba.

Oil that is shipped from the west coast of the United States passes through the Panama Canal and the Caribbean on its way to the eastern seaboard. On the southern periphery of the Caribbean Sea lies Venezuela, a major oil-exporting country which uses the channels just east of Puerto Rico to send its oil to the United States. It is estimated that by 1985 approximately 50 percent of our total energy requirements in the form of imported petroleum will come through the Caribbean route.

The point is not that Cuba is becoming a major military power capable of seriously threatening U.S. territory. The point is, by a series of steps, taken over a period of time, the Cubans are accumulating a military presence and capability that will, if allowed to increase, pose a significant threat to the shipping lanes in the waters off the southern and eastern shores of the United States. Even apart from the problems the Cubans could create for materials coming into the United States, there would be the threat of interfering with our ability, in an emergency, to quickly resupply Western Europe by sea.

With the final withdrawal of U.S. personnel from South Vietnam, the Russians inherited the excellent port at Camranh Bay, a key deepwater facility in the South China Sea—again, a port that sits astride a major shipping route from the Sea of Japan to the Indian Ocean. Japan's vulnerability to Soviet naval power is thus increased. One student of Soviet naval capability in the Pacific Theatre stated bluntly: "The Soviet Navy has the ability to threaten Japan's survival." This assessment is underscored by the fact that Japan imports about 90 percent of its oil from the Middle East, and is becoming progressively more dependent upon imports to meet its need for strategic minerals.

In a major naval exercise in April 1975, the Soviet Navy deployed four task forces around Japan. Two of these task forces were very pointedly deployed astride major Japanese trading routes. Understandably, the Japanese were disturbed.

Two years later, the Soviets reinforced their point with maneuvers that sent warships into the Sea of Japan, and reconnaissance aircraft on both sides of the Japanese islands.

This show of strength comes at a time when the Soviet-Japanese dispute over four islands north of the Japanese island of Hokkaido remains unresolved. The importance of these islands comes into view when we note: First that they are the scene of a growing Soviet naval presence; second that they guard the important straits between the Sea of Okhotsk and the Pacific; and third that they contain an excellent, secluded anchorage site. The latter, at Hitokappu Bay, permits large naval groups to be formed in secrecy, in preparation for missions in the Pacific Ocean. Students of history will recall that Hitokappu Bay provided the staging area for the Japanese assault on Pearl Harbor. The lesson does not seem lost on the Soviet admirals.

The only area where the Soviets have received a major setback is in the Mediterranean, where President Sadat threw them out of Egypt. Recent events in Yugoslavia, however, have required us to attend again to the prospect of Soviet expansion into the Mediterranean. If the death of Tito should give rise to political turmoil in Yugoslavia and block a smooth transition of leadership, the Russians might see intervention as a risk worth taking. Secure bases in the Mediterranean would enable the Soviets to remedy their current disadvantage in submarines there. It would also provide bases from which Soviet aircraft could threaten shipping. If Yugoslavia were absorbed into the Soviet bloc, Moscow will achieve a "quarter increase in its Mediterranean naval strength."

In an astonishingly short time—about two decades—the Soviet Union has built a formidable blue-water navy. It is only logical that they should seek the means to use it, and this clearly means the establishment of forward bases to support missions and maneuvers. In the large-scale Okean II naval exercises held in April 1975 the Soviets simultaneously deployed forces in the major ocean theatres. In addition, and of crucial importance, they were able to provide air cover for these vessels by using airfields in their client states of Cuba, Guinea, and Somalia.

In addition to a rapid buildup of warships, the Russians have achieved a parallel buildup of an "ancillary fleet" of merchant ships, fishing vessels, and ocean survey vessels. As is fairly well known, many of these ships bristle with electronic eavesdropping equipment. Soviet merchant ships are fitted with special hatches which enable them to carry military equipment—including tanks, artillery, and nuclear missiles. In fact, Soviet military equipment used to secure Russian expansion in Vietnam and Angola was delivered to Haiphong and Luanda with the Russian merchant fleet.

Military power is clearly a prominent tool of Soviet foreign policy. There is every reason to believe that it will continue to be. And there is every indication that the Russian navy will continue to be an important element of Soviet military power. Admiral Gorshkov, Commander in Chief of the Soviet Navy for over 20 years, has stressed that the navy must be strong enough to "counter the oceanic strategy of imperialism." Properly interpreted, this means the ability to deny Western forces control of, or access to, the major sea lanes.

The overall intention of Moscow's strategists has not changed in (at least) 62 years: It is to impose Moscow's will on world events. And what is Moscow's will? Khrushchev, a blunt man who had little love for polished speech, once told the United States: "We will bury you." Today's officials speak not so bluntly, but just as clearly. In an address to the Soviet Party Congress in 1976, Leonid Brezhnev stated that "there is no room for compromise in the struggle between socialism and capitalism." Three years earlier, on the eve of the Moscow-Washington summit meetings, Pravda had written:

> Peaceful coexistence does not mean the end of the struggle of the two world social systems. The struggle between the proletariat and the bourgeoisie, between world revolution and imperialism will be waged up to the complete and final victory of communism on a world scale.

In light of such statements, we must take with the utmost seriousness the fact that the Soviet Union today is in a progressively stronger position to deny the West unimpeded use of the sea, and thereby to isolate or neutralize the chief power centers of the non-Communist world. In a word, the Soviets are behaving like sophisticated chess masters. They are resolutely putting their pieces in place. It would be folly to doubt seriously that they have the will to use them.

What can the United States do? In the first place, the strengthening of our Navy must be a top priority and proceed with all possible speed. Second, our intelligence capability must be upgraded. Third, we must resolve to think in a truly global way. A good chess player knows how important it is to survey the entire board and size up quickly the full range of moves his opponent is capable of making. If he concentrates on only one part of the board, his narrowness of focus may well cost him the game. The world is like a chessboard, and we have to be able, given the present geographical and political configurations and alliances, to see new patterns emerging. To be surprised in today's world of global interdependence, because we have failed to take into account the geopolitical situation, and what it portends is to invite our own disaster.

Mr. Speaker, I would like to yield to my friend from Missouri (Mr. Coleman).

Mr. COLEMAN. Mr. Speaker, I thank the gentleman for yielding and I join with him in this special order.

Mr. Speaker, today I had the honor of addressing the 16th annual U.S.-European Parliamentary Meeting on U.S. relations with the Third World nations.

One focus of my presentation was the emergence, over the past decade, of the Soviet Union as a destabilizing force in the Third World. It was very reassuring to find that the majority of the European parliamentarians shared my concern for this development. Unfortunately, it has taken the Soviet Union's massive invasion of Afghanistan to force the United States to recognize the fact that the Soviet Union has adopted a new, aggressive, and more belligerent policy in world affairs.

America should have recognized this policy shift in the mid-1970's, after the Soviet-Cuban partnership that placed a Marxist government in power in Angola. At that time, shortsighted observers argued that the Soviet-Cuban action in Angola was the exception, not the rule, of Soviet intentions. They argued that the framework of détente would restrain further Soviet activity of this type. We all know now, as we should have known then, that this proved untrue.

In 1978, Soviet-Cuban support for a Marxist dictatorship in Ethiopia again was instrumental in securing there a pro-Soviet Government. Once again, some observers in the United States argued that the Soviet Union would be constrained by world pressure and opinion to end its adventuresome activities in the Third World. Once again these observers were wrong.

Today we are faced by a full-fledged Soviet invasion of Afghanistan. This is not "fraternal intervention" as the Soviets argue so cynically and transparently. The very first act of the Soviets in Afghanistan was the assassination of Afghanistan's head of government. This was followed by a massive Soviet invasion of the sovereign territory of Afghanistan.

The invasion of Afghanistan by the Soviet Union poses a clear and present danger to the security of the United States. The presence of Russian troops in Afghanistan increases the danger of military confrontation in the Persian Gulf region and introduces an additional element of instability to an already volatile area. As a result of the invasion the United States as well as other nations will be forced to adopt a realistic view of Soviet activities and intentions.

Here in the United States it is clear that present U.S. foreign policy is not prepared to deal with this change. Our reaction to recent events has been tentative and indecisive. It is imperative that we reassess our present foreign policy in light of the Soviet Union's present aggressive, global policy.

First, we must formulate a policy to deal with the immediate problems confronting us. We must strengthen our national defense. We must establish greater cohesiveness of action with our allies. Finally, we must cultivate closer working relations with democratic nations of the Third World. For in the long term, the fostering of freedom and democratic principles—not just in the United States but throughout the world—is the best way to insure our own security and the security of those nations which share our ideals.

Mr. Speaker, the following speech was delivered to the 16th meeting of the U.S. Congress and the European Parliament by the Honorable E. Thomas Coleman:

### Sixteenth Meeting Between Members of the U.S. Congress and the European Parliament Second Plenary Session

(By Hon. E. Thomas Coleman)

Ladies and Gentlemen, it is an honor to discuss with this distinguished group a subject of growing international concern, namely, recent developments in the Third World. The timing of this meeting is certainly propitious. We are beginning a new decade and, and very conceivably, a new era in international relations. The Third World will be an important force in the upcoming decade and will undoubtedly have a significant impact on U.S. foreign policy. It is appropriate that I confine my remarks to the U.S. perception of these occurrences.

It was not long ago that very little attention was given to the "Third World". For the purpose of this statement, I will use the State Department definition of the term "Third World", which refers to those countries with underdeveloped but growing economies, often with colonial pasts, and low per capita incomes. In the past, this group of nations were frequently viewed as of only tangential importance in the overall scheme of international relations. In many respects, I fear the United States failed to recognize the gradual emergence of the Third World as a new source of power and influence in a changing international environment. This is no longer the case.

Recent events in Iran and Afghanistan have highlighted fundamental changes in the international system. The concepts of bipolarity and superpower diplomacy which were dominant in the past, while still of critical importance, must now be considered in light of interdependence, the North-South dialogue, and calls by some Third World nations for a "New Economic Order". The growing overlap in Great Power diplomacy and relations with the Third World has made the task of U.S. foreign policy decisionmakers even more difficult. Recently, this convergence has reached a critical stage, marked by the unfolding of a more aggressive and expansionistic Soviet policy toward the Third World. This policy poses a very serious threat to world peace and consequently is causing grave concern here in the United States.

Perhaps we should pause a moment to ponder why the Third World is so important. If one looks at the purely physical dimensions of the Third World, it is evident that this loose coalition of states represents an imposing new force in world politics. Over two-thirds of the world's nations are found in the Third World.

The Third World occupies over 40% of the globe's total land area. Its people constitute almost half of the world's total population, approximately two billion people. Thus, given the enormous physical size and rapidly expanding population of the Third World, it is not surprising that in recent years it has begun to play an increasingly important role in international politics.

Combining its size and population with its richly endowed natural wealth, the Third World offers political and economic potentialities which cannot, and should not, be ignored by the industrialized nations of the world. In fact, it is quite clear that the economic prosperity of the United States and the nations of Western Europe depends increasingly upon raw materials imported from the Third World, some of which are of strategic value or in short supply.

One has only to recall the impact of the 1973 OPEC oil embargo to realize the true significance of this situation. The embargo exposed the growing vulnerability of the United States, Western Europe, and Japan to any prolonged disruption of oil supplies. This may soon be the case in other resource areas as well, such as bauxite, tin, or nickel.

The OPEC oil embargo was, however, only one of two important events in the 1970's to send shock waves through the international system. The second was Soviet/Cuban involvement in Angola in 1975. Both these events presaged new policies on the part of the Third World and the Soviet Union respectively.

The OPEC embargo fragmented the delicate working relationship between the United States and the Middle Eastern oil producing nations. Soviet involvement in Angola introduced a new phase in Soviet foreign policy characterized by an abandonment of continentalism in favor of aggressive globalism.

The OPEC oil embargo served notice to the industrial nations of the West that interdependence was now a reality. The world economy had become increasingly integrated, and the international economic principle of comparative advantage received wider acceptance. While the growth of interdependence during the 1970's may have had positive repercussions, particularly when cooperation on the economic level spilled over onto the political level, this was not always the case.

Abuse of interdependence by some nations has been extremely harmful to the international system. Manipulation of resource markets has proved particularly damaging, undermining mutual trust and the desire for cooperation. Further harm has resulted from the belief by some Third World nations that the world economic system is a zero-sum equation, in which gains for some can only be accomplished at the expense of others.

This is an especially disturbing concept which we must work to correct. Development and real prosperity for even the poorest Third World nations is possible, indeed, perhaps a necessary corollary to, continued economic growth and prosperity in the developed world. In this respect, the industrialized nations of the West are far more capable of satisfying Third World economic needs than the Soviet Union.

Western technology is more advanced, the Western economic system more sophisticated and flexible, and the Third World/Western infrasturcture of international trade mechanisms more mutually compatible. In terms of developmental assistance, the West once again has a decisive advantage, both quantitatively and qualitatively. The Third World is turning increasingly to the industrialized West for assistance in solving critical problems in development.

The second major event in the 1970's affecting both the developing world and the industrial nations of the West was Soviet/Cuban involvement in Angola. While not having the same immediate impact as the OPEC embargo, Soviet involvement in Angola was nevertheless extremely significant. Moscow's actions represented a notable deviation from past patterns of Soviet behavior in the Third World.

The traditional Soviet policy of continentalism appeared to be set aside in favor of more aggressive, global actions. Soviet activities in Ethiopia in 1978 and the present invasion of Afghanistan have further substantiated this new policy. Today, it is clear that Soviet interest in the Third World is at an all-time high. The willingness of Soviet leaders to use Soviet military might to attain their goals is clear. No longer can Soviet policy and actions in the Third World be ignored.

The Soviet invasion of Afghanistan appears to be the death-knell for "detente" in Soviet-American relations. Third World leaders would also be well-advised to take note of this shift in Soviet policy for it is they who ultimately will be most threatened by it.

These new developments have forced America's leaders to rethink U.S. policy toward the Third World. Admittedly, in recent years American foreign policy has appeared to be tentative and indecisive. Fortunately, the "mood of withdrawal" engendered by the Vietnam War is now subsiding. As we enter the 1980's, America's confidence is returning. We see a heightened awareness among the American people that the democracy and freedom which we presently enjoy must be protected.

What, then, should be the basic tenets of U.S. foreign policy toward the Third World in the 1980's? There is little question that portions of present U.S. policy must be reshaped and reformulated. The many dramatic changes which have taken place in the world system over the past decade dictate this.

Obviously, our relationship with the Third World should be a central concern of any new policy. Some observers suggest that the United States adopt a policy of retrenchment and neo-isolationism. This would be inadvisable and counterproductive. Rather, it is my firm belief that the best instincts of the United States and its basic national interests require it to play a larger, more creative role within the community of nations, particularly among poorer nations. This role must be constructive, emphasizing close cooperation on all levels, economic, political, and, when necessary, military.

The United States must give firm support to developing countries which espouse political freedoms and democratic principles. Recent events affecting the Third World, particularly the dramatic changes in Soviet foreign policy, make it imperative that the democratic nations of the world—developed or underdeveloped—work together to insure the continued security of their jointly shared interests and ideals.

Economic development in the Third World must be a major focus of this new policy. As I have already noted, the Third World has increased its strength and international position in recent years. Yet this political progress has not been matched by economic growth. Development is still non-existent in many Third World countries.

Indeed, many are falling even farther behind, ironically, the victims of higher energy prices paid to other Third World countries. Thus, the Third World's control over natural resources and the industrialized West's dependence on these resources for its own continued growth, draw us closer together and form the basis for mutual growth and economic prosperity. And it is important to point out that Western trade and economic assistance offer the Third World an opportunity to become producer nations rather than just the raw resource reservoirs of the industrialized world.

America's leaders must recognize that the global nature of today's problems requires that we work more closely with the Third World, as well as with the other industrialized nations. We must return to functional diplomacy, a concept in international relations which emphasizes political, economic, and military cooperation with kindred states.

And what can we, as Members of the United States Congress, do to help facilitate these necessary changes?

While the President has the chief responsibility in formulating U.S. foreign policy, Congress also plays an integral role. Congress has done so in the past and will no doubt continue to do so in the future. Congress could, for example, helping in making the American people more aware of the Third World's critical importance to them.

I will not dwell on all the foreign policy areas which would be affected by a re-evaluation of U.S. foreign policy. I would, however, like to examine the U.S. foreign aid program, an area of foreign policy clearly within the purview of Congress and which is in desperate need of reform.

The U.S. foreign aid program initially received strong support from the American people. Today, however, U.S. public support for foreign aid is at an all-time low. Waste, inefficiency, misdirection and what many Americans perceive to be a lock of gratitude on the part of recipient nations, have combined to erode popular support. In addition, a significant portion of our foreign aid is now disbursed through multilateral institutions, of which the U.S. is a member, to Third World countries which are openly hostile to the U.S. and whose ideals are antithetical to our own. The absurdity of this situation has not been lost on the American people.

The U.S. foreign aid program can still be an important element in our nation's foreign policy. But it must have the support of the American people. This can only be accomplished if the program is drastically changed. First and foremost, waste and inefficiency in the program must be eliminated. Second, it is imperative that there be a signicant ideological connection between U.S. foreign aid and those countries who receive it.

The U.S. should direct its aid to those nations having friendly relations with us, and whose governments foster democratic principles. Sadly, there are fewer and fewer democratic nations in the Third World. Therefore, U.S. foreign aid should serve as a signal of American commitment to the democratic nations of the Third World, so they will know we support them in their struggle for political freedom and economic development. This should not be construed as an attempt to ignore those nations which do not fully meet this criteria. It simply means democratic Third World nations should be priority aid recipients.

In closing I would like to emphasize one essential point: Any new U.S. foreign policy must be based upon the principles and ideals held dear by our nation and its people. For America's strength lies in its acceptance of diversity and pluralism; its faith in science and technology as tools of progress; its historic commitment to the principles of cooperation within the community of nations; and, most important, its belief in man's individuality and in the freedom of the human spirit. If these values are protected and fostered, they will ultimately prevail and our future will be secure.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman for his contribution.

At this point, Mr. Speaker, I would like to yield to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I would like to commend the gentleman from Oklahoma for his initiative in bringing to the attention of our colleagues the crucial issue of protecting the world's sealanes from Soviet control.

Since the Arab oil embargo of 1973, the United States has been preoccupied with establishing American energy independence and securing access to foreign supplies of petroleum. The efforts have been dismal so far, and without a coherent energy policy from the current administration, the outlook for the future is not encouraging. If our immediate survival depends on foreign supplies of oil, then we had better be sure we can guarantee continued delivery of that oil by way of the world's sealanes. I am not confident that our present and projected naval strength can provide that guarantee.

Furthermore, American dependence on other strategic raw materials is usually overlooked. The Department of the Interior recently identified manganese, cobalt, chromium and the platinum-group metals as the commodities of most critical importance to U.S. strategic interests.

Cobalt: The United States imports 97 percent of its domestic needs of cobalt. There is no substitute for its use in high-temperature parts of jet engines and turbines, and in cutting tools.

Manganese: The United States imports 98 percent of its needs of manganese. Its chief use is in steel production, for which it has no substitute.

Chromium: The United States imports 92 percent of the chromium it uses. Chromium is of critical importance in stainless steel, heat-resisting alloys and plating. There is no substitute for its use in stainless steel.

Platinum-group metals: The United States imports 91 percent of the platinum-group metals consumed in domestic production. Its main use is as a catalyst in automobile exhaust converters.

The primary source for all these metals is Africa, and without a strong U.S. naval capability, our means for assuring access to those strategic raw materials would be severely hampered. Some years ago, a heated debate took place in Congress over the advisability of providing for a military installation on Diego Garcia in the Indian Ocean. Recent events in the Middle East and west-central Asia have proved the wisdom of the decision to approve that base. As the Soviet threat to the Mildle East, Persian Gulf, Indian Ocean, and Africa becomes more apparent, American resolve to provide for a strong Navy will be evermore severely challenged.

The real key to the strength of America's defense and its Navy lies in the perception that the United States has a credible deterrent to aggressive actions by our adversaries. Obviously, our defense capability does not measure up to that test. If we do not possess such a capability, then we can only stand by helplessly and watch while sovereign nations are swallowed up by our adversaries, and we leave ourselves vulnerable to a cutoff of strategic raw materials vital to our domestic economy.

The question is not just: "Do we have an adequate defense and naval capability?" It is also: "Do we have the will to use it?"

Again, I want to commend the gentleman from Oklahoma for his leadership, which I am confident will carry this body forward to take those actions which will help us achieve the naval strength the United States needs to guarantee our continued access to the strategic raw materials so necessary for the survival of our society.

□ 1740

The question is not just do we have an adequate defense and naval capability, it is also, and perhaps even more importantly, do we have the will to use it.

Again, I want to commend the gentleman from Oklahoma for his leadership, which I am confident will carry this body forward to take those actions which will help us achieve the naval strength the United States needs to guarantee our continued access to the strategic raw materials so necessary for the survival of our society.

Mr. EDWARDS of Oklahoma. I thank the gentleman for his contribution. He has made some important points that point out again the threat to this country from Soviet expansion and our own problems in this area.

Mr. Speaker, I yield now to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Speaker, I thank the gentleman from Oklahoma for yielding. I wish to commend the gentleman most highly for taking this special order pointing out the dangers and the flaws of our own foreign policy in defending ourselves against the encroachments of the Soviet Union and their obvious intended purpose to pose an openly aggressive posture throughout the world, which has been demonstrated very recently in Afghanistan.

I have pointed out to my colleagues in the past the dangers of what I consider to be an end run around the central armed camp in Europe which today poses much of the same problem that was posed to our allies in Europe in 1935, 1936, 1937, and 1938, when the then aggressors, which were the Nazis, simply made an end run around the maginot line which had been devised forever to protect any encroachment in that area in the form of aggression.

What the Soviets are doing at this point is very slowly end running that armed camp in Central Europe as has been demonstrated through Vietnam, through Southeast Asia, through Central Asia, as they are doing at the moment, and somewhat earlier in this game in Africa, Central Africa, the Horn of Africa, South Central Africa and what has been going on for almost a quarter of a century in the Caribbean and most recently in the countries in Central America, which is really a pincer movement by Soviet aggression which will eventually strangle the United States. As has been pointed out by my colleagues, the gentleman from Oklahoma and the gentleman from California, it will be a cutoff of all of our sources, mineral sources and other sources for defense and for defense only.

The situation of our Navy today is grave. Again I want to take this opportunity to thank the gentleman from Oklahoma for pointing out these grave dangers. We know that we are not in a position to do any more than provide for a defense of our own hemisphere, but I think the time has come to immediately call for the administration to reinstitute the B-1 bomber program, to ask for immediate deployment with our allies in Europe of the neutron artillery shell, to ask for a buildup in our naval forces which is going to take time, but it will stiffen our spines and will tell the Soviet aggressors that we are going to defend ourselves.

Again I thank the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman from Arizona.

Before I yield further, I want to take just a second to make a point, since the gentleman from Arizona did mention the situation in Africa, that the Soviets have, indeed, been quite busy in the African Continent. They have established a presence in three strategically located countries: Ethiopia, Mozambique, and Angola. In Ethiopia the Soviets are pushing toward completion of a new complex just inside the mouth of the Red Sea directly opposite Saudia Arabia, combined with the base at Aden. The Soviet Union has taken a significant step closer to being the dominant naval power in the Red Sea area.

Obviously, the ability to disturb the flow of maritime traffic in the Suez Canal, the Gulf of Aden, and the Persian Gulf, goes with this achievement.

Mozambique possesses airfields capable of handling Russian Backfire bombers equipped with antiship missiles.

The same is true of Angola, the introduction of such aircraft into these countries would clearly upgrade the Soviet's ability to interrupt or even stop the flow of shipping along the Cape route which hugs the coast of South Africa.

It is essential to note that the sealanes along this route have the third largest concentration of maritime traffic in the world and could very well move to second place in the early part of this decade.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. McDONALD).

Mr. McDONALD. Mr. Speaker, I thank the gentleman for yielding. I applaud the gentleman's efforts to bring this topic before the House floor today.

Mr. Speaker, I am pleased to join the gentleman from Oklahoma and our colleagues in the discussion today of the importance of the sealanes of the world to the United States.

If the President meant what he said in his State of the Union address, we have drawn the line in the Persian Gulf area. From the point of view of naval operations, this will be a difficult place for the United States to operate. The United States has only one real base in the area worth the name—the much maligned Diego Garcia. This base, while extremely useful, is hardly prepared to sustain a war effort in the Persian Gulf area. Our closest bases of any substance would really be those in the Philippines. This is a long supply line to say the least.

Our other access to the area would be via the Suez Canal and there we can count on a friendly reception. However, at the southern end of the Red Sea lies the so-called People's Democratic Republic of Yemen, stuffed with Cuban advisers and a somewhat smaller Soviet group. Therefore, if the Soviets choose they can close the southern end of the Red Sea from Aden and reduce our forces to making the long trip about the Cape of Good Hope. And such an event will bring the United States and President Carter smack up against our foolish policy toward South Africa, which possesses one of the finest naval bases in all of Africa—Simonstown. The Carter administration speaks offhandedly of working together with the People's Republic of China—one of the bloodiest dictatorships on record, yet it refuses to work with South Africa on matters of common interest to the survival of the Western world at considerable peril to our Nation. So, our supply line from the East will be tenuous at best.

However, once we can get our ships and supplies into the Persian Gulf area, our problems may just be starting. The Soviet fleet, should the orders be given, could saturate the area with submarines and surface task forces that would stretch our Navy to its limits fending off attacks, while also supporting our forces ashore. Initially, such Soviet attacks could be mounted with considerable effectiveness by Backfire bombers from Black Sea fleet airfields. Maintaining control of the air and securing the sealanes for whatever ground and air forces we place in the Persian Gulf area would take nearly our whole fleet in my view. If North Korea chose that time to attack South Korea or the Soviet Union chose that time to attack NATO, we would have to sacrifice one theater or the other to the Soviet aggressor. Our Navy is not large enough to accomplish both missions.

If we are going to have a showdown with the U.S.S.R., it can only be done in one theater. We cannot fight a two theater war with our Navy and win. The time to rebuild our Navy is now. We need a two ocean Navy again if we are to fight and win the next war. The future of American and Western civilization demands that we do no less.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman from Georgia.

I yield to the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Speaker, I wish to commend my colleague, the gentleman from Oklahoma, for taking this time to discuss the importance of the sealanes of the world, but particularly those that affect our ability to conduct commerce with other nations and his very pointed statement earlier that these are now threatened almost daily by the Soviet Union in their march forward to world conquest. Though many of the news media and many of the other people of our country from academia even some of our own colleagues have tended to play down or make light of this Soviet advancement throughout the world and do not tend to pay attention to what it means to our ability to maintain just steady lines of commerce, if nothing else.

□ 1750

So, Mr. Speaker, I think the gentleman from Oklahoma (Mr. Edwards) is correct, along with many other members from our Committee on Armed Services who have tried to point out to us that the time is very much in the present when we need to worry about our ability to maintain adequate naval forces in order to just protect our own interests.

I hope that the other Members of the House are listening today to this important presentation by my colleague. It is important for its timeliness at this juncture. I wish also to compliment the gentleman from Oklahoma (Mr. Edwards) for bringing this map before us. The map makes even more graphic how important it is to pay attention and not wait, as so many people did—to pay attention to the warning signals that many people tried to indicate when Mr. Hitler was preparing to dominate Europe. At that time nobody paid any attention. We tended to dismiss him as another crackpot, and I am afraid that we waited too long.

I hope that we do not wait that long in the case of the Soviet Union, which has not deviated one iota from its basic mission of conquering the world.

Mr. Speaker, I do compliment my colleague, the gentleman from Oklahoma (Mr. Edwards), for bringing this subject to us today.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank my friend, the gentleman from California (Mr. Rousselot). Let me say that the situation is as he sees it and as I hope all my colleagues see it.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to my friend, the gentleman from New York (Mr. Solomon).

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Oklahoma for yielding.

Mr. Speaker, I first want to commend the gentleman from Oklahoma (Mr. Edwards) for bringing this special order to the floor of the House and for saying the things that have needed to be said for a long time. I know that the gentleman from Oklahoma has been a leader in this field and has been saying these things before. Unfortunately, the White House has not been listening. Unfortunately, the Congress itself has not been listening.

Mr. Speaker, like most Americans, I reacted to President Carter's tough warning to the Soviet Union that we will repel attempts to control the oil-rich Persian Gulf with a mixture of alarm and relief. Alarm—because Soviet troops today are perched perilously close to the borders of Iran and Pakistan. The Soviet invasion of Afghanistan does, indeed, pose the gravest threat to the security of the United States since World War II.

But I also felt a sense of relief while listening to the President deliver his state of the Union message last week. Relief that the President has finally opened his eyes to the seriousness of the Soviet threat. I am relieved that he intends to use his good offices to snap the foreign policy establishment and the Congress out of its debilitating post-Vietnam hangover once and for all.

I applaud the steps President Carter has proposed to deal with Soviet aggression. By calling for increased military spending, registration of the eligible for possible military service and for a stronger CIA, he has effectively repudiated the policies which the majority in Congress has irresponsibly pursued since the end of our involvement in the Vietnam war. These steps and more are essential if we are to deter the Russians from seizing control of Mideast oil and thus, bring our economy and those of the rest of the free world to their knees.

But these measures will require sacrifice from the American people. That is why I think the American people deserve an explanation, a full and complete account of how their policymakers in Congress and the administration led our Nation down a path to where we are unprepared to meet this grave threat to our security, a threat which has been apparent to me and many others for years. While I applaud the President for stating it, the so-called Carter doctrine can be renamed "The Doctrine of the Obvious"—that the Persian Gulf is critical to our survival as a free, prosperous nation. Now the American people deserve to know: Why did we have to wait until we have almost lost the gulf to the Russians to declare that it is in our vital interests?

Mr. Speaker, I have joined this special order today to give the American people the explanation they deserve.

During the past 5 years, the American people have heard a great deal about places such as Angola, Ethiopia, Somalia, Yemen, Iran, Pakistan, and Afghanistan. Each of these countries, while distinct in language, culture, and geography, share one thing in common—each represents a defeat for the United States and the accumulated effect of them all is unparalleled in our history. Let there be no mistake: Since the end of our involvement in Vietnam, the United States has been in retreat around the globe and, in particular, in the oil-rich areas of the Persian Gulf and the Arabian Sea.

In the mid-1960's, a conscious policy decision was made at the highest levels of the American Government to reject strategic superiority as a feasible or desirable goal. Former Secretary of Defense Robert McNamara expressed this new policy in the following way—

> It is precisely the mutual capability to destroy one another, and conversely, our respective inability to prevent such destruction, that provides us both with the strongest possible motive to avoid a strategic nuclear war.

It is to the introduction of this doctrine of mutual assured destruction (MAD) that the relative decline in U.S. strategic power relative to the Soviet Union can be traced. This cynical doctrine, coupled the the post-Vietnam desire by the majority in Congress to turn inward and away from our responsibilities as leader of the free world, has added up to a foreign policy based on deliberate weakness. And Mr. Speaker, let us call it by its proper name. It is appeasement, pure and simple.

Mr. Speaker, this conscious policy of unilateral disarmament and retrenchment has been conducted under Republican and Democratic administrations alike. But the pace of this retrenchment was accelerated to critical levels beginning with the 94th Congress, elected in 1974. And for its first 3 years in office, the Carter administration did nothing but encourage this policy.

Mr. Speaker, let us review some of the unilateral actions taken by Congress and the administration which help explain why we have been so ineffective in preventing or changing the serious threat to our survival posed by aggression in Afghanistan and the Persian Gulf region. Let us look first at decisions affecting our defense capability:

When Mr. Carter took office, our defense planners called for the construction of 244 high-technology B-1 aircraft. But the President canceled this program, and today we have none.

President Carter canceled the neutron bomb, even after he convinced the West Germans to go ahead with the project.

The decision was made to slow down production of the F-14 fighter plane, designed to insure maritime air superiority.

The administration deferred the development of an MX mobile missile system.

The Trident program has been dragged out.

The Trident II missile program has been dropped.

The recently approved nuclear aircraft carrier as subjected to a 3-year delay and a Presidential veto.

The merchant marines have fallen into disrepair. Today, the United States has only 18 ships in its bulk cargo fleet. Less than 2 percent of the Nation's bulk trade is carried in U.S.-flag ships, which means that dependence on foreign sources of raw materials is unnecessarily compounded.

Mr. Speaker, the list goes on. All of these decisions were made in the last 3 years. They were made at a time when international events cried out for just the opposite. I would like to review just a few of those events:

In 1975, Congress rejected President Ford's plea to aid the pro-Western faction in the Angolan civil war. Today, a Marxist regime sits in power.

Beginning in the mid-1970's, Congress vastly over-reacted to abuses in the CIA and acted to effectively strip the Agency of its covert information-gathering activities.

The Senate not only voted to give away the Panama Canal, but Congress voted funds to the Panamanians for the privilege of taking it away from us.

President Carter abrogated our mutual defense treaty with Taiwan, which sent a clear signal to the rest of our allies that being a friend of the United States can be a dangerous pastime.

Mr. Speaker, this list of examples of retreat and retrenchment on the part of the United States goes on too, and I have not even mentioned SALT yet. Even in the face of massive violations of the SALT I treaty on the part of the Russians, this administration has serenely pursued ratification of SALT II.

And we should not forget that to this day, as we are considering the registration of our young people for military service—as we are considering massive increases in defense spending, necessary increases, I believe—as we are considering—and I hesitate to say this, for the thought is so horrible—as we are considering military responses to the Russians should they cross those borders into Iran and Pakistan—to this very day when we are soberly considering these and other responses to Soviet aggression, the President of the United States insists that the United States continue to abide unilaterally by the terms of the SALT I and SALT II treaties.

Mr. Speaker, this Congress ducked its responsibility to reject this kind of foreign policy during the 1970's. In fact, Congress helped inspire it. Now it is our duty to reject it.

Mr. Speaker, while Congress and the administration pursued a foreign policy which emphasized appeasement rather than peace through strength, the Soviet Union's military capability vis-a-vis our own has been dramatically expanded. In 1954, at the height of Western political determination, the United States allocated 12.7 percent of its GNP for national defense. Today, it has fallen to 4 percent. Meanwhile, the Soviets have increased their expenditures from 8 percent in 1958 to 18 percent by 1980. Since the SALT negotiations began in 1969, Soviet defense expenditures have increased more than 50 percent, both absolutely and as a share of the Soviet's GNP.

What has President Carter proposed to meet this challenge? I have already stated my belief that his previous foreign policy, as well as the actions of the majority in Congress during the 1970's, amounted to a policy of appeasement. But what does the new, tough Jimmy Carter have to offer? In his budget message and recently unfolded 5-year defense plan, the administration calls for increased military outlays of just 3.3 percent for fiscal year 1981, after inflation. That means there will be no acceleration of the MX program. No new bomber development. No Trident II development. No procurement of interceptors for air defense enhancement. And no funding for shipbuilding that would provide an Indian Ocean presence.

Mr. Speaker, while I applaud the President for his tough talk, the sad fact is that this Congress and this administration have not as yet seen fit to take this emerging crisis seriously when all the warning signs are plain as day—as they have been for years. Because of a protracted period of weakness, indecisiveness, and retreat during the 1970's, the Nation now faces its most serious threat to its security since World War II. During that period, some of us tried to make our voices heard—the voices of military preparedness, international realism, and a healthy distrust of Russian motives. In the first years following our withdrawal from Vietnam, we were called alarmists, "reactionaries," throw-backs to the Cold War era. Now we are being called right.

Mr. Speaker, statements by me or the President or the foreign policy leadership about the gravity of this crisis will not turn the country around and put it back on the track to military superiority. Congress must now show the resolve it so sorely lacked for most of the last decade. We must make an imprint on our Nation's foreign policy and on the state of our military preparedness. I call upon this Congress to take a hard look at the state of U.S. security. Let us now make those decisions that will guarantee that our children will have an opportunity to live in the kind of world that we ourselves inherited.

□ 1800

Mr. GRASSLEY. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to my friend, the gentleman from Iowa (Mr. GRASSLEY), who has taken a very active role in fighting for a strong national defense for a good many years now.

Mr. GRASSLEY. Mr. Speaker, I want to thank the gentleman from Oklahoma for yielding to me and thank him for his leadership in bringing this issue not only to the attention of the House but also to the entire Nation. The chain of events over the past 4 years that the gentleman has laid out before us is, indeed, sobering. The Soviet Union has expanded its sphere of influence and has embarked on new military adventures that threaten to push the entire world to the brink of war. They have new footholds and that map lays it out very graphically.

In 1917 the Soviet Union set out on a course of world domination. That is their ultimate objective and, as the map demonstrates, they are making progress. The Russians have not changed over the years since 1917 for a leopard cannot change its spots. If they really desired peace in the world, a renunciation of their aggressive military expansionist policies would be a logical first step.

Military adventurism and political intrigue have been masquerading as détente and, as a consequence, the hopes for a peaceful resolution of our differences have dimmed.

We ought to strengthen America, but this does not mean that the United States ought to be the sole policeman of the world. Our fellow citizens of the world, around the globe in North America, Western Europe, and Japan, have as much a stake in containing communism as we do in the United States. These people know how precious a commodity freedom is.

We do not have to and should not proceed on the basis that we have to be the sole protector of the world—the only foe of communism. But if we can regain our leadership within the concept of collective security, then, of course, we will collectively contain those who do not believe in a free market or the free exchange of ideas.

Our security as a nation and our strength as a people are more than guns, tanks, weapons, and soldiers under arms. If we think in those simplistic terms, then, quite frankly, we are going to be deluded into thinking that we are strong when in fact we are not. The strength of America must be measured not only by our military forces and weapons, but by our economic strength and the spiritual values which we embrace. I am talking about what is often referred to as moral fiber. When Americans look to military weapons as our only defense, then we are, in fact, very weak.

Germany under Adolph Hitler has previously been mentioned as a nation that was militarily strong; but, Nazi Germany was economically weak. It was morally weak Nazi Germany did not have the patriotism that you have to have to endure a long series of military conflicts.

Military power is not and should not be an end in itself. Unless our economy is strong, unless we are unified as a people, then we are not going to recapture our position as the leader of the free world.

So we need to think of ourselves beyond just the military strength of America, beyond just battleship and tanks. We must look to our free market economic system and our spiritual values. We have lost our position as leader of the free world economy due to chronic double digit inflation and the decline of the dollar.

Other nations are concerned with the economic strength of America. That fact of life was brought out last fall at the International Monetary Fund conference where our delegate had to listen to free world leaders and representatives of undeveloped nations lecture the United States. They told us that we must get our economic house in order.

The economy of the entire world is based upon the strength of America's economy and our ability to bring inflation under control. We cannot have a strong military unless we have a strong economy and a stable dollar.

So, in closing, I want to thank the gentleman from Oklahoma for bringing all of this to the attention of the people and, hopefully, out of colloquies like this is going to come once again an America that is strong, and knows where it is going. We will have an America that will have the economic and spiritual resources to achieve its goals.

Mr. EDWARDS of Oklahoma. I thank the gentleman for a very good statement.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding and I thank him for taking this time of discuss the problem that we have in the sealanes of the world with regard to our particular situation in Navy ships. It had appeared over the last few years that we were heading down toward perhaps a 250-ship Navy, the way the 5-year shipbuilding plans were going, and I am delighted to see that the President in his budget this year has done what appears to be a turnaround in ship construction. I do think it is worth mentioning, however, what some of these ships are that are in this shipbuilding program.

□ 1810

He has proposed 17 ships to be constructed in the fiscal 1981 budget, which is 5 more than last time, but 5 of these ships are what are called SURTASS ships. They are antisubmarine warfare-type ships looking for submarines, not the kind of ship we normally think of as a ship of the line out there escorting carriers, and this sort of thing.

Two of these ships are the Marine preposition ships the Members have been hearing about lately, which I think is a good thing, but again is not a ship of the line in the normal sense that we think about. So when we take the 5 SURTASS ships and the 2 Marine preposition ships, then we get away from that number of 17. We get back down to 10 frigates and cruisers and submarines and this sort of thing.

So while I think the President is moving in a better direction, I do not think we ought to be misled as to our shipbuilding program simply by looking at the number of ships that are proposed.

By the same token, the President has proposed 19.4 average ships per year over the next 5 years in his 5-year shipbuilding program.

There again a number of the preposition ships are involved in it and also some SURTASS ships.

Keep in mind that the 5-year shipbuilding programs are nice when they come out, but frequently we never see the program actually take place.

I hope that the great resolve with which we are pursuing this particular defense budget this year will carry forward after the election, after this present crisis subsides, as I am convinced that it will, because I think it is just one of many crises that will be coming up over the years, particularly around the Persian Gulf, particularly around the area that the gentleman has so graphically displayed on his map.

So we cannot, assuming that we can settle this crisis in the near future, then revert to our old ways.

If the gentleman would yield just briefly further, I would like to also discuss the question of Navy aircraft, tactical aircraft, because we have talked a lot about aircraft carriers, and an aircraft carrier is not worth very much if it does not have planes on it.

Well, the problem is over the last few years, the last number of years, the Navy, by everybody's agreement, has needed to procure between 160 and 200 tactical aircraft just to sort of stay even with our needs, considering attrition and so forth.

We have not met that number yet. We have been procuring less than 100 this year in the budget. We are procuring 72 Navy tactical aircraft, which is just about half or less than half of what we really need on an annual basis.

What this means is that as we try to procure more tactical aircraft in the years ahead, and as we attempt to beef up our ship procurement in the years ahead, in order to meet the goals that the President has set out and that the Navy and others know that we need, we are going to build up such a bow wave effect that if we are not careful we will find cutbacks in these programs simply because we do not have the money to procure the ships and the planes.

So I would hope that this Congress and future Congresses will be very diligent in looking at these budgets and trying to determine the real needs as far as the Navy is concerned, because if we do not continue to maintain superiority in the sealanes of the world, then our very location in this world between the Pacific and the Atlantic leaves us very vulnerable.

Again, I appreciate the gentleman taking this time. I appreciate his yielding me some time.

Mr. EDWARDS of Oklahoma. I thank the gentleman for his contribution, because quite obviously, many of us have been aware that the United States is rapidly developing a one-ocean Navy and at the same time the Soviet is building up its naval forces at a very rapid rate. It frightens me. That is what prompted me to bring this to the floor today.

I hope that many Members will read in the RECORD what the gentleman from Alabama has just said so that we can get together on building a stronger Navy than even what has been proposed by the President.

● Mr. DORNAN. Mr. Speaker, I commend the distinguished gentleman from Oklahoma for having taken a special order at a critical point in our history.

In 1967, James Burnham, an American political scientist of international reputation, remarked:

> No nation has ever had, in foreign fields, so mixed a bag of remarkable, global scale achievements and needless, very nearly catastrophic failures as the United States has gathered during the past generation.

Thirteen long years later, the global scale achievements have become few and precarious, and the foreign policy failures have been legion. Perhaps the reason for this inconsistency can be traced to the lack of a national strategy and the tendency among our political leaders to forge ad hoc solutions to emerging crises, often too little and too late.

It is appropriate to recall Burnham's remarks in these days of international tension, a tension brought about by our unwillingness to check the aggression of the Soviet Union. It would be utterly illogical of us not to expect the Soviets to take advantage of the explosive situation in the Middle East. Their barbaric invasion into Afghanistan is evidence of a pattern. By this invasion, the Soviets have once again openly challenged American vital interests, and have put pressure on the United States.

While we have deplored the Soviet attack of Afghanistan, and the subsequent war they are waging with the anti-Communist Afghan rebels, we have done little else to directly thwart the Soviet attempt to subjugate that country. The Soviets have been given a free ride to crush those Afghan rebels, who, with primitive means, fiercely fight the Red aggressor from the north. Moscow's domination of that country gives Russia a strategic base from which to seek control of that critical part of the world. Soviet airbases in Afghanistan will be but 1 hour from the sealanes of the Persian Gulf, and the oil lifeline of the United States, Western Europe, and Japan.

The Soviets ignore the loud protests of the civilized world. But these loud protests and hostility to this action must forcefully continue. The year 1968 is not so long ago to recall the Soviet invasion of Czechoslovakia and how that incursion became a fait accompli after a few weeks of protest. The Soviet troops are still in Czechoslovakia.

So too, will the outrage and agitation brought on by the Afghanistan invasion die down to the point where the world will view Soviet troops in Kabul as a normal event. It is not inconceivable that this attitude will develop concerning Afghanistan, as it did in Czechoslovakia in 1968. It is not hard to imagine that in a few weeks a well publicized parade of Soviet tanks and troops maching back to Mother Russia will take place. This staged event will be interpreted, by those who wish to interpret it thus, as a withdrawal on the part of the Soviets, a sign of good will. Then, we will have the needed justification to participate in the Olympics, and appease our athletes. But nothing will have changed. Because the Soviets are there to stay.

This is just the latest example of Soviet aggression and American retreat.

Is it not time to stop this American failure? Is it not time to prohibit the Soviets from filling the leadership void we have so consistently avoided for the past decade?

We failed in Vietnam, and now that Soviet-backed regime has invaded its neighbors, fought with the Chinese, thrust its people out to sea to die, and now stands on the doorstep of Thailand.

We failed in Africa and allowed the Soviets to set up their proxy forces in Angola, Ethiopia, and throughout the Horn of Africa.

We failed in our own hemisphere, our own backyard, as Soviet troops sit waiting in Cuba despite our 2-week outcry in which we invoked the Monroe Doctrine, claiming to still actually enforce it, and then did little about the Soviet presence there.

We failed in Iran. For the 87th day (Tuesday) our American diplomats in that country sit imprisoned, no doubt wondering where their Government is. Our response to the hostage crisis has included attempts to put pressure on Iran through the United Nation. In addition to this time-consuming exercise in futility, we have refused to light the national Christmas tree, and have flocked to the Lincoln Memorial crying for the return of our people, a touching sign of sincere patriotism, but our fellow Americans are still there, and we have grown accustomed to stalemate.

And now we face the Soviet threat in Afghanistan.

What will be the next in the chain of events, in the path the Soviets seek to follow to world domination?

The Soviet invasion of Afghanistan is the first instance in which they have wandered outside their historical sphere of influence. But their invasion there should come as no surprise, for since the days of the czars, when the Russians pushed southward into Asia, they have long desired to control that land, and the road to the Persian Gulf through the Kyber Pass. The Soviets will use Afghanistan as their primary base of military, political, and economic operations in the Middle East and throughout Southwest Asia.

Moscow's umbrella of influence will now stretch from Indochina to the Arabian Peninsula to the Horn of Africa. Ever so swiftly in the past decade have Soviet forces, or their surrogates, taken control in such countries as Vietnam, Ethiopia, Angola, South Yemen, and Cuba. Saudi Arabia reported just last week that hundreds of Cuban troops and Soviet generals have airlifted to South Yemen; 500 Cuban instructors are with the South Yemen militia; 2,000 Soviet experts serve with the South Yemen forces. Add to that 1,000 Cuban air pilots already in Ethiopia, and 3,000 Cuban troops with Soviet advisers in the Horn of Africa, and it is clear that the Soviet influence in that region of the world is quickly becoming the most dominant.

As this adventurism goes unchecked, Moscow inevitably concludes that the United States is unable to check them. The great peril brought on by the Soviet invasion of Afghanistan, from where they sit perched on the border of anarchic Iran has not elicited an effective response from the United States. The Soviets know the United States has gone through a decade of neglect of its security forces, and that psychological retreat caused by the Vietnam tragedy has damaged this country's capability to respond to the Russian challenge. The Soviets, and indeed they are not alone, perceive a weak and irresolute America. And so they continue their expansionism.

Soviet defense outlays in the 1970's exceeded that of the United States by 30 percent. Uniformed Soviet personnel is estimated at 4.3 million, nearly twice the size of the American force. From 1970 to 1979, Soviet manpower grew by 400,000 while American manpower fell from a peak of 3.1 million in 1970 to 2.1 million in 1979. The Soviets have 1.56 million combat troops to 220,000 for the United States. It would take one-third of our total combat force to match the Soviet force now in Afghanistan. Moscow has more soldiers on its border with China than the United States has in its entire Army. In 1962, the Soviet Union had 10 SS-6 missiles aimed at us; now, they have 2,400 modern-type ballistic missiles aimed at us including fearsome, accurate heavy SS-18's.

Our foreign policy has been characterized by a lack of an overall strategy, conflicting priorities, divided counsel and a playing for the headlines.

The picture is a gloomy one; America is at an alltime low in economic, military and political prestige. But, we must not believe that we are doomed to be swept away by the Soviet aggressors into the dustbin of history. We cannot wait for the new administration to come to office. We must stand up now. We could start by building the B-1 bomber.

America possesses the technology to develop a superior defense system once again. We must make it our priority to rebuild our power, prestige, and strength. Weakness has always invited war and it is only through a position of strength that America can pursue a policy of peace.

Our military expenditures must not compete with other spending programs which are inherently more politically attractive in the short run. Social programs cannot be treated as the only necessity and survival as a luxury. Before the situation deteriorates further, the United States must respond with a forceful, clear, and complete program of assistance to our threatened friends and not merely a temporary, insufficient token of aid. That policy can only lead to even worse results.

In 20 years from now, let us not look back and characterize this conflict in 1980 with the Soviet aggressor as "inevitable." That is the description of participants who fail to see events coming and who allow events to take them where they may.●

● Mr. CLINGER. Mr. Speaker, the United States and our allies are facing the gravest threat to our security since World War II.

The Soviet Union, flagrantly violating international law and the United Nations Charter, has invaded the independent nation of Afghanistan, executed its leader, and installed a puppet regime.

The unconscionable Soviet conquest of Afghanistan poses a direct threat to the interests of the United States. The Russians are now only 350 miles away from accomplishing a prime goal since czarist days—direct access to a warm water port. Furthermore, if the Soviets push south along the Iranian-Pakistani border, claiming to "support the national liberation movement" of the Baluchis, they would lie directly on the Strait of Hormuz, enabling Moscow to cut off Western oil supplies at will.

Mr. Speaker, recent events have unfortunately lead me to believe that this "proximity theory" is, indeed, the case—that Moscow's real goal in the Afghanistan invasion is eventual control of the sealanes supplying the West with oil, and possibly control of the oil itself. The Soviets have 25,000 troops poised on the

Afghan-Iranian border. Military experts believe that these forces could secure a passage to the Persian Gulf within 48 hours. Additionally, Russian and their surrogate Cuban forces in Ethiopia and South Yemen have steadily increased in numbers and strength. These forces can strangle another supply route of Western oil at will: The Gulf of Aden. Additionally, these countries lie directly south of Saudi Arabia, giving Russia the proximity to create instability in the oil-rich nation, and take advantage of the consequences of such instability.

But perhaps the most frightening revelation in recent weeks has been America's inability to counter the Soviet challenge. The President can threaten to resist future aggression, but the administration's past weaknesses hinder attempts to back up the pledge.

The Soviet Union is no longer, as it was called in the heyday of détente, a "potential adversary." The deplorable invasion of Afghanistan exposed Russia for what it is: a formidable, "real" adversary bent on expansionism.

Mr. Speaker, I urge that the Soviet Union be considered as such, and that, in light of this, we take appropriate actions. The United States must be prepared to counter future challenges across the globe. The administration should realize that peace is best assured through strength.

Furthermore, I urge that this Congress make clear, in no uncertain terms, that we consider any Soviet military move into Iran or Pakistan as a direct threat to the security of the United States, and that we will take any and every step available to counter the threat.

Our Nation is facing an extremely serious challenge. But I have no doubt that, with the strong will and resolve of the American people, we will meet this challenge.●

● Mrs. HOLT. Mr. Speaker, I share the concern of many Members of this Congress, of the administration, and of the public that Soviet aggression in the Middle East poses a fundamental challenge to American economic and military security.

Though we cannot exactly what is in the minds of Kremlin strategists, a brief look at the map of the Middle East will show why this concern is not unfounded. A constellation of Soviet-dominated or influenced states now stretches across the Middle East. To the West, Soviet advisers and Cuban troops are present in large numbers in Ethiopia, a strategic nation that sits astride the Bab-el-Mandeb Straits at the entrance to the Red Sea. I need not remind Members of this House that was those Cuban troops who, with Soviet support, waged a major military campaign which ultimately severed control of Ethiopia for its current Marxist rulers. Now the Soviet investment is paying off.

Aden, otherwise known as South Yemen, sits on the other side of the strait. Some 8,000 Cubans and 7,000 East Germans are now deeply involved in the government of that country, and Aden currently serves as the base for approximately 20 Soviet ships operating in the Indian Ocean. From Aden, those ships can strike rapidly and effectively at the vital shipping lines which link the Persian Gulf with the West and the Far East.

And now the Soviet Union has forcibly conquered Afganistan. From that strategic country, the Soviets may now, if they wish, drive to the East toward Pakistan and the warm water ports of the Indian Ocean, or toward the West and the oil fields and ports of Iran. From bases in Afghanistan the Soviets can also threaten with air power the shipping traffic entering and existing the Persian Gulf.

The importance of gulf oil cannot be overestimated. Over 50 percent of that oil currently is destined for Western industrial markets or for Japan. Without it the economies of those countries would grind to a screeching halt. The Soviets know this, and we know it. Yet with increasing boldness the Soviet Union has moved into this vital area, virtually without challenge. The potential instability of those Middle East states not under Soviet domination is another worrisome factor, particularly when the U.S.S.R is now in such a favorable position to politically destabilize those countries from secure bases in the region.

We can expect that the Soviets will continue to press their advantage—through the use of East European and Cuban surrogates, and possibly through new military maneuvers. Last October the Russians carried out a 2-day military maneuver in which they demonstrated (with Aden as their southern point of destination) their ability to deliver 100,000 men plus armor and logistical equipment into the Middle East within 1 week. For the United States today I hope this would be possible. Our oil lifelines lay exposed, but our ability to defend either them or our sources of oil is in question. Control of those oil supplies is clearly the Soviets' goal. The only remaining question is our response.

The nature of our response is, in turn, open to question because of the declining size of our Navy. We have sent two carrier task forces into the Indian Ocean in response to the Middle East crisis, but this has at the same time weakened our Pacific Fleet.

The need for a substantive and realistic American response is clear. The solution to the problem cannot be found in rhetoric, but instead will require a long-term commitment of both will and resources. I know that the American people are ready. I hope that the Congress will firmly face up to these issues this year.●

● Mr. DICKINSON. Mr. Speaker, the United States and our hostages are now beginning our third month of imprisonment and blackmail by Iran. Communist Russia has just launched a massive invasion of Afghanistan—the first time since World War II that they have unilaterally used their own troops against another nation outside their Warsaw Pact puppets.

The events in Iran and now the Soviet invasion of Afghanistan forces us to address some critical questions, the answers to which unequivocally indict a sick and self-defeating foreign policy which has been practiced by the United States in recent years. Neither the questions nor their answers are too complicated for most Americans to deal with. They do not require the training of a Ph. D.

First of all, why did the Marxist terrorists want to take over our embassy and, as Khomeini said, why did the new regime in Iran want to "rub the Americans' snout in the dirt"? That has a simple answer—they did it because they hate and want to severely damage the world image of the United States. Why did the Soviets launch a naked invasion of historically neutral Afghanistan? Neither is the answer to this question difficult.

They have several reasons, to include the very philosophy of communism—the near evangelical religious fervor which dictates that the entire world, in time, must be won to communism. This requires the neutralization of those forces that oppose that goal—the United States and other nations of the world who have historically blocked the ambitions of Marx, Lenin, Stalin, Khruschev, and now Brezhnev. One only has to look at a map which shows Europe, Africa, and Central Asia to see what the Soviets have in mind.

Ethiopia, which provides access to the Red Sea, the Gulf of Aden, and the Indian Ocean, is now in the hands of a Marxist regime controlled by the Soviets. The Soviets are presently sponsoring Marxist insurrection across the strait in North and South Yemen, on the southern tip of the Arabian Peninsula, which would give them complete control of ingress or egress of the Red Sea. The Red Sea is bordered on the east by Saudi Arabia and on the west by Egypt and the Sudan, all our friends; and without the Red Sea, the Suez Canal would be worthless. Now notice the strategic location of Afghanistan. It provides the Soviets a deep salient south, along the eastern border of Iran and the long northwestern border of Pakistan and places them only 300 miles from the warm waters of the Arabian Sea and our vital oil routes of the Persian Gulf and the Gulf of Oman. If they complete this move and establish a presence on the southern coast of Iran and/or Pakistan and decide to block our oil supply, we will not have to worry about any more gasoline lines at our local service stations—there will not be any oil to buy.

The discussion above explains why the Iranians and Russians would want to take these actions. The remaining question—the most serious question—is why would they take actions which violate all international norms of law and civilization, and apparently without any fear of the United States? There can only be one answer. Both the Iranians and the Soviets have drawn the conclusion that "the United States will not do anything."

The hostages are now in their third month of captivity. Administration action to this point has been limited to what any observer might see as "hollow words." I recently walked out of a briefing of Congressmen by a State Department official who was asked, "What will we do if the Iranians kill some hostages?" He answered something to the effect of, "we will consider that a very serious matter."

When the Russians and their Cuban puppets successfully practice aggression all over the world and get away with it, why do we hope there will not be more Angolas, Ethiopias, and Afghanistans—and how can we expect the Iranian terrorists and others not to abuse Americans anywhere in the world?

A Central Intelligence Agency (CIA) end-of-the-decade report to the House Armed Services Committee reveals that the Soviet Union outspent the United States on defense by almost 30 percent during the period 1970–79, or an amount of approximately $100 billion.

The Armed Services Committee, of which I am a senior member, released the CIA report last week.

In view of our foreign policy defeats and the ever-increasing aggressiveness of the Soviet Union—their possible hand in Iran and their direct attack on Afghanistan—these facts take on great significance for the redirection of American military and foreign policy in the "decade of the 1980's."

The study points out that for the 1970–79 period, the pattern of Soviet military spending was one of continuous growth in contrast to our downward defense spending trend. Although we did show some increases in procurement, research and development, and operations and maintenance in 1976, declines persisted in military personnel and military construction.

The CIA stated—

> The report presents estimates of what it would cost to produce and man in the United States a military force of the same size and with the same weapons inventory as that of the USSR and to operate that force as the Soviets do.

Although the Agency acknowledged difficulty in comparing Soviet and United States military spending the report said it "is likely to be in error by more than 10 percent in the current period or by more than 15 percent early in the decade."

In the strategic area, Soviet expenditures, measured in dollars, is estimated to be 2⅔ times ours during the period 1970–79. For 1 year alone, 1979, we know Soviet outlays amounted to $165 billion compared to $108 billion for the United States—a difference of 50 percent.

The difference in their spending and ours over the past decade amounts to more than $100 billion to their advantage. To demonstrate what this money could have procured for U.S. security, take a look at the following lists: 200 MX missiles plus shelters; 13 Trident submarines plus missiles; 244 B–1 bomber fleet; 7,000 XM–1 tanks, plus the matching complement of infantry fighting vehicles; 275 AMST transport aircraft needed to carry modern army fighting forces and their equipment; and all of the F–14's, F–15's, F–16's, F–18's, and A–10's needed to modernize our tactical air forces.

If we are fortunate, and are able to read and heed warnings—such as this CIA report and recent events in Iran and Afghanistan—I hope that for the liberty of our country, we do not repeat these neglects of the 1970's as we move into the 1980's.

We are like the television comedian who says "I don't get no respect." It is true—we will not get any respect from anyone until we demand it.●

● Mr. CARTER. Mr. Speaker, while I am pleased to join in this dialog concerning Soviet expansionism in the Persian Gulf region, I sincerely regret the chain of events which has brought on this discussion. I wish to take this opportunity to address one facet of this most disturbing situation: Our ability militarily to meet the Soviet challenge for control of the Persian Gulf sealanes.

Like others, I deplore the unwarranted invasion of Afghanistan by the Soviet Union. The violation of that country's territorial integrity was an action which tipped the hand of the Russians so blatantly that surely no nation can fail to see the Russian's intent in that part of the world. But I must caution my colleagues to bear in mind that we are not playing penny-ante poker. We must be very careful in how we respond to the Soviet agression; we do not want to put our necks in a noose.

For months I have recognized that the Russians' apparent design was to surround the oil-producing nations of the Middle East in a great, pincerlike movement.

The first signal was the Russian backing of Cuban mercenaries in the takeover of Angola. We have since seen Ethiopia taken over by the same Cuban mercenaries, again with Russian backing, a takeover which opened up that country's ports on the Red Sea.

South Yemen, on the tip of the Arabian Peninsula, and on the southern border of Saudi Arabia, was next to see Russian-backed Cuban soldiers move in.

Blatant Russian instigation and support of unrest in Iran after the seizure of our Embassy was but another in the long line of Soviet moves toward surrounding and controlling the oil producing countries of the Mideast.

While not itself an oil-producing nation, Afghanistan's location adjacent to Iran clearly was the motivation for the Soviet presence which was apparent since the Marxist coup in 1978 and which culminated with the full-scale invasion in December.

Given this series of Russian moves as I have watched them over the past year and a half, I was pleased at the President's announcement, in his state of the Union message, that it is our intention to protect U.S. vital interests in the Persian Gulf.

I must add a note of caution, however: We must not fail to recognize that protection of those interests will not be easy and, at the present time with our present military capability, may be extremely difficult to attempt in a direct manner.

Having visited Saudi Arabia in the past few weeks and having flown over portions of the Persian Gulf, I believe it is important that we bear in mind the physical limitations of protecting that part of the globe.

Compared to the Russians, with the relatively short distance from their border and with their present toehold in Afghanistan, our supply lines are too long to sustain a military action in the Persian Gulf.

There are two ways to reach the Persian Gulf. One is through the Suez Canal, which can be easily blocked.

The other way would be the long way around the Cape of Good Hope off South Africa.

The even longer approach to the Persian Gulf through the Indian Ocean via the Pacific is subject to possible blockage at the Straits of Malacca.

The alternative to these sea routes would be an airlift which, as I understand it, we would be hard pressed to accomplish, if we could accomplish it at all.

Added to these difficulties with supply lines is the fact that, with the exception of our base on the island of Diego Garcia in the Indian Ocean, we have no bases in this region. And, Diego Garcia may be too far from the Straits of Hormuz to be of great use.

While the Russians make port calls throughout this area and can dock in several ports where they or their Cuban surrogates have been active. The Russians do not have a single sea base in the Indian Ocean area at this time. It may behoove this country to help insure, through diplomatic initiatives, that such a base is not offered or agreed to by any of the nations which surround the Indian Ocean basin.

It has long been my steadfast belief that the United States should be so strong militarily that no nation dare attack us. I submit that this remains the best policy which we can follow in order to contain the threat of Soviet expansion.

It is when we are perceived to be weak that we are at risk, and I submit that stepping up our military preparedness will reduce that risk.

In an analysis of the need for creating a U.S. light-armored corps that could be transported in existing aircraft to meet Soviet threats, the Armed Forces Journal in its current edition cited some statistics which I believe illustrate this point of the need for strengthening our military capability.

In that analysis the magazine stated that at this time the Soviet Army has at least seven airborne divisions available for deployment anywhere in the world.

To counter those divisions, the magazine goes on, the United States has the 101st Airborne, the 82d Airborne, and several Marine divisions which, in number, may equal the Russian airmobile divisions. However, the Russians have 2,000 armored vehicles in their force while we have fewer than 200. In addition, our medium tanks in that force can be airlifted only in the C–5A, which itself is limited in number, and neither of our medium tanks can be carried in a C–141.

This leaves us only with the alternative of delivering those tanks by sea, which as I have pointed out presents serious difficulties.

To strengthen our own military preparedness cannot be accomplished overnight. I submit that our best course in the meantime is to help our allies in the Middle East to be able to defend themselves.

While we can help Middle East countries to be able to defend themselves, the region is likely to remain unstable so long as there remains no solution to the decades-old problem of the Palestinians.

There has been immense progress between Israel and Egypt since the initiation of friendlier relations in the fall of 1977. A resolution of the continuing Palestinian problem, however, still is not in reach, and it would be in our interests and in the best interests of world peace to continue to work at solving this very difficult political dilemma.

I want to commend my good friend from Oklahoma for this opportunity to comment on the significance of the recent Soviet actions and what our most appropriate response might be. This is an extremely important matter and one in which I believe the American people are intensely interested.●

● Mr. FINDLEY. Mr. Speaker, I would like to express my thanks to the gentleman from Oklahoma, MICKEY EDWARDS, for initiating this discussion of Soviet expansion and control of sealanes. The events in Iran and Afghanistan have indeed demonstrated to the United States the extent to which our conception of "détente" has lulled us into complacency and obscured our perception of Soviet intentions and motivations in its foreign activities. I wholeheartedly agree with Mr. EDWARDS that we should view these events as part of the Soviet's global strategy, and in turn, direct our own efforts toward adopting a more coherent counterstrategy to meet and arrest this Soviet threat. We appear to have lost sight of our world leadership responsibilities. Foreign policy no longer seems to be solidly grounded in a comprehensive framework, but operates in fits and starts, constantly lurching from one world crisis to another. The sense of drift, of lack of cohesion, and of aimlessness, not only invites Soviet adventurism, but causes our allies to question the credibility of our commitment to them.

I think it is imperative that the United States demonstrate to our friends and allies our resolve to confront directly Soviet expansionism, not only in the Persian Gulf, but also in the Asian Pacific—a region which may well be the Soviet Union's next target. Without question, the sealanes of East and Southeast Asia, particularly the Straits of Malacca, will acquire increasing importance to the West as vital military access routes to the Indian Ocean and Persian Gulf. The dramatic expansion of the Soviet naval fleet in recent years indicates that the Soviets, too, recognize the strategic importance of these sealanes. Japan and many of our Southeast Asian allies have already repeatedly voiced their concern that this Soviet naval buildup might interfere with the transport of their oil and other supplies.

It is for this reason that I, along with 24 of my colleagues have introduced House Concurrent Resolution 234, a resolution directing the President to consult with friendly nations in the Pacific area for the purpose of devising a sealane security system (SSS). The goal of this system would be to provide lifesaving assistance on the high seas, and safe, secure, and free transit through international sealanes adjacent to East and Southeast Asia.

Under this plan, member nations of ASEAN (Indonesia, Malaysia, the Philippines, Singapore, and Thailand), plus, Australia, Canada, Japan, New Zealand, and South Korea, would contribute naval or other resources to a multinational fleet fully coordinated under U.S. leadership. This fleet would patrol the international sealanes proximate to East and Southeast Asia, emphasizing safety in all aspects for all vessels using these waters. It would not alter or supplant the United States-Japan Mutual Security Treaty, the ANZUS Treaty, or any of our other collective security systems. Its mission would be limited to assuring sealane safety and security in the designated international sealanes.

If the United States is to make a meaningful response to the Afghanistan invasion, we should begin now to clarify and enhance the nature and extent of our defense commitment to the Asian Pacific region as one part of a more clearly conceptualized global strategy. We have every reason to believe that the Soviet Union will indeed continue to push and probe the United States and our allies simultaneously from various directions. And, the sealanes of the Persian Gulf and Asia Pacific are particularly tempting targets because they act as lifelines to many nations. It is for this reason that a U.S.-sponsored, multilateral system, such as the one I propose, would be the most effective way of demonstrating a unified response to the Soviet Union's apparent multipronged strategy.

A list of the cosponsors of House Concurrent Resolution 234 follows:

Paul Findley, Republican of Illinois; William S. Broomfield, Republican of Michigan; Bob Wilson, Republican of California; Floyd Spence, Republican of South Carolina; Ralph S. Regula, Republican of Ohio; Larry Winn, Jr., Republican of Kansas; Charles H. Wilson, Democrat of California; F. James Sensenbrenner, Jr., Republican of Wisconsin; Tom Corcoran, Republican of Illinois; Tim Lee Carter, Republican of Kentucky; G. William Whitehurst, Republican of Virginia; Robert J. Lagomarsino, Republican of California; Robert E. Bauman, Republican of Maryland; Arlan Stangeland, Republican of Minnesota; Robert E. Badham, Republican of California; Vic Fazlo, Republican of California; Dan Lungren, Republican of California; Richard H. Ichord, Democrat of Missouri; Charles Wilson, Democrat of Texas; Bill Frenzel, Republican of Minnesota; James H. Quillen, Republican of Tennessee; Paul Simon, Democrat of Illinois; G. V. (Sonny) Montgomery, Democrat of Mississippi; Joel Pritchard, Republican of Washington; Tennyson Guyer, Republican of Ohio.●

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 60 minutes.

---

## HON. JOHN CAVANAUGH RULES OUT 1980 REELECTION BID

Mr. REUSS. Mr. Speaker, I have a duty this evening which is neither altogether joyous nor wholly sad. I pay tribute along with so many of our colleagues, to the gentleman from Nebraska, Mr. JOHN CAVANAUGH, who has recently decided not to seek reelection.

In his two terms on the House Committee on Banking, Finance and Urban Affairs and in the Congress, John has been one of our brightest stars.

His enthusiasm, his dedication, his ability to stand back from the hurly-burly of congressional politics, have refreshed those of us who have worked closely with him.

He is truly in the tradition of another great Nebraskan, George Norris.

Mr. Speaker, I ask unanimous consent at this time to place into the RECORD the statement of the gentleman from Nebraska, JOHN CAVANAUGH, announcing his decision not to seek another term, and editorials on that event from the Lincoln Star and the Lincoln Journal respectively.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Articles referred to follow:

### CAVANAUGH RULES OUT 1980 REELECTION BID

I will not ask the people of the Second Congressional District of Nebraska to again grant me the privilege of representing them in the Congress of the United States in the election to be held in 1980. For nearly a decade I have devoted my energies and abilities to public service. I began the decade of the 1970's in the service of my country as a member of the United States Army. I have enjoyed the honor of four years' service to the people of the State of Nebraska as a representative in the State Legislature. When this new year has ended I will have completed four years as a Representative of the people of the Second Congressional District in the United States Congress.

There is no greater honor which the citizens of a free society can confer upon a fellow citizen than the privilege of representing them in those deliberations which will determine the freedoms and obligations to be enjoyed and borne by each member. While still a young man I have been three times so honored by the people of Nebraska, and I have acquired a debt of gratitude and affection for the people of this State which will not be extinguished in my lifetime.

While I consider participation in our political process a noble goal and the sacred duty of each citizen, I believe that in a democratic society the honor of public service should be sparingly enjoyed both for the good of those chosen to serve and for the vitality of the democracy. Therefore today, for what I hope will be the good of both my country and myself, I am removing myself from consideration for further public service in 1980.

I sincerely hope that those thousands of Nebraskans who have given me their trust will understand that I have spent nearly all my adult years in public life. In order to fairly serve the needs and interests of 500,000 constituents more than 1,000 miles from the Capital as well as make judgments on the future direction and destiny of 220 million Americans, the energies and attention of any person would be strained. In order to serve the people I have asked my wife, Kate, to make more personal sacrifices than either the bonds of marriage or the boundless generosities of love entitle me. She has made them cheerfully, and we have greatly enjoyed our ten years together. But now I have other considerations as well. Four children under the age of seven years have a rightful claim to the attention and affection of their father. I have concluded that to continue to defer those claims "until after the next election" is an endless road traveled sadly by too many men too deeply captivated by public life. Simply stated, I want to pursue the opportunity of spending more time with my wife and children.

I will leave public service with a feeling of both satisfaction and a sense of having left much unfulfilled. I am pleased that during my service in both the State Legislature and the Congress I have been able to make contributions to the revitalization of the center of our city, I was able to rewrite the law for Sanitary Development Districts to provide more protection of homeowners and more orderly growth for development of our urban areas and I endeavored to reform the state penal system to more effectively meet the needs of our State. In the Congress my efforts resulted in a significant expansion of the rights of privacy of our citizens from unwarranted violation by the government. I have worked to eliminate waste, inefficiency and insensitivity in the services our government offers while I have endeavored to promote and expand equal opportunities for all of our citizens and to preserve and fulfill the obligations of our society to our veterans and to our elderly citizens.

Today, the greatest dangers we face are the careless greed of many of the large economic interests in our society and the mindless selfishness of many of our people. We must fight the growing cynicism which now afflicts our society and is reinforced daily by the news media with no sense of purpose or prospective, and we must reduce the power and the cost of our government if we are to retain our freedoms.

If we can meet these challenges successfully the fruits of the next decade will be the greatest in all of our history. If we fail we may lose all that has been given us.

I began public life with the inspiration of my family, the help of my friends, and my faith in the future. In the intervening years I have added to my family, enriched my friendships and increased my faith in the future. Public life has been good to me, and I thank God for his generosity.

---

[From the Lincoln Star, Jan. 3, 1980]

### CAVANAUGH'S DECISION: BEYOND PARTISANSHIP

If John Cavanaugh of Omaha does indeed announce today that he will not seek re-election to the House from Nebraska's Second Congressional District, as the Lincoln Journal reported Wednesday, the state and nation will be the poorer for it.

We say that not out of partisan dismay—although there will be considerable handwringing on the part of Nebraska Democrats who see Cavanaugh as that party's brightest star in the future—but because the personal characteristics Cavanaugh brings to politics and government are precisely those of which the nation needs more, not less, as we enter the 1980s.

One can disagree with Cavanaugh's voting record and political philosophy but no one can dispute that he is tough, smart, honest and independent.

Cavanaugh speaks his mind—even when he doesn't need to—and that sometimes perplexes his friends and delights his enemies. But that honesty is rare, and to be prized. He at times has little patience with fools and in a calling with a surfeit of fools, that can be a liability, but a refreshing one. He has a healthy perspective on the importance of his office and the institution of government. We see him as having, in his mind, stripped them of phony regal trappings. He is, as Shirley Chisholm has said of herself, "unbossed and unbought," and the fact that re-election has never been his highest priority sets him apart—and above—most of his colleagues.

At a time when special interests are in the process of capturing the Congress and it is populated with more than enough one-issue fanatics, partisan zealots, toadies, errand boys, spineless hacks who bend with the wind and egomaniacs whose commitment to the job ends with winning the election, the loss of a Cavanaugh diminishes the Congress by more than just one member.

If Cavanaugh does bow out, that probably will reflect the enormous pressure public service places on a family man. The 34-year-old congressman might figure it is time for him and his wife to serve themselves and their four small children rather than half a million constituents and the nation at large.

We'll rejoice for Cavanaugh if an escape from public life brings the family greater fulfillment and happiness. But at the same time there is profound sadness in witnessing a fine young politician hang it up. The nation really does need more like him.

---

[From the Lincoln Journal, Jan. 3, 1980]

### JOHN CAVANAUGH'S BOMBSHELL

No event in recent Nebraska political history hit the state with quite such a wallop.

Democrats, Republican and independents Wednesday were universally dumbfounded—that's the right word—by the Journal's exclusive report that Rep. John Cavanaugh of Omaha is bypassing a run for the third term.

It's not exactly like the sun refusing to come up in the east. Still, there wasn't a soul in the political community who, as of a week ago, hadn't expected the iconoclastic Cavanaugh to try to extend his congressional career in 1980. And then in 1982, 1984, etc.

Indeed, the talented, gutty and politically wise Irishman was widely envisioned as a prospective major power in the House of Representatives, where Nebraska rarely has had any clout.

What nobody had figured on was that there may be more important matters in the life of young John Cavanaugh than being a congressional wheel—matters such as his growing, energetic family, and his physical ability to be close to it while the kids really need a father's closeness. That kind of priority-setting says worlds about Cavanaugh as a human being.

The loss of Cavanaugh to his party is devastating. Even though the Second District is nominally Democratic in terms of registration, Cavanaugh was the first Democrat in 28 years to be elected to Congress. And that was tough. Whoever Democrats pick as their 1980 champion in the Second District race is guaranteed a difficult, uphill struggle.

Beyond party considerations, Cavanaugh's bowing out at this time and place is a saddening development for Nebraska.

He was the only member of Nebraska's Washington delegation—Democrat or Republican, House or Senate—who supplied representation to those Nebraska citizens totally unrepresented for decades, the liberals of both parties, in all three districts.

It was expressly in the belief that those minority Nebraskans needed representation in Washington, that there ought to be some diversity in the otherwise monolithic political coloration of the state's congressional bloc, that the Journal endorsed Cavanaugh's nominations and elections, in 1976 and again in 1978.

Those endorsements were never recanted even when we held our nose at a number of Cavanaugh's House votes. For the structural reason expressed above, plus Cavanaugh's personal qualities—which includes genuine compassion for the weak and the disadvantaged, for not taking himself too seriously and his clear, sardonic vision of the political rat race—we very likely would have backed his re-election again this year, regardless of the Republican opposition.

The time may come when John Cavanaugh can again offer himself as an elective option for Nebraskans, or some of them. That would be a wholesome occasion. In any reckoning of Nebraska's political best and brightest, John Cavanaugh would be among the elite.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

If I may just comment very briefly to my colleague and distinguished chairman of the Committee on Banking, Finance, and Urban Affairs, I have taken above average interest in the career of our colleague from Nebraska, because I spent 2 of my college years at Dana College in Blair, Nebr., which is in his district, and I have been impressed by the quality of representation that area has received during this period from JOHN CAVANAUGH.

I would simply want to join in the gentleman's words of commendation, and I would add that my hope is that as he reflects upon the contribution that he has made to the people of that area and to the people of this Nation, that JOHN CAVANAUGH might consider this matter of stepping aside.

The Nation would be well served, and his district would be well served if we had his continued presence here in the House.

Mr. REUSS. I thank the gentleman.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

Mr. Speaker, it was with great regret that I read of the retirement of my classmate and dear friend JOHN J. CAVANAUGH. I have been privileged to share his friendship both across the hall in the Cannon Building and with him as we sat side by side on the House Banking Committee. He embodies the best traits of a fine legislator: great ability, hard work, and a strong sense of ethics. The House will truly lose one of its finest Members when JOHN goes back to Nebraska at the end of the 96th Congress.

My primary exposure to Representative CAVANAUGH's legislative abilities comes from our mutual membership on the Banking Committee. We are both members of the Subcommittee on International Development Institutions and the Subcommittee on International Trade and Monetary Policy. We have dealt with many difficult issues here and I have always found that JOHN CAVANAUGH asked the tough, hard questions, and put his incisive mind to work on the most intractable problems. The entire committee benefitted from his contribution. He never failed to represent the best interests of his constituents.

One of JOHN's reasons for leaving at the very beginning of a brilliant congressional career deserves special mention. This is his devotion to his family. Too often in this place, as well as in many other professional environments, the family is placed on the back burner in a congressional career. JOHN CAVANAUGH has never succumbed to this temptation. He has always kept his wife and children in the forefront of his life and I feel that he deserves recognition for this. We all wish he and his family the best of luck in their return home. The House of Representative's loss is truly Omaha's gain.

Mr. REUSS. I thank the gentlewoman.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I am delighted to yield to the gentleman from Kansas.

Mr. GLICKMAN. I am pleased to join in the special order of my colleague, the gentleman from Wisconsin (Mr. Reuss).

I walked into this Chamber tonight and was delighted to hear that the red menace is the Soviet Union and not John Cavanaugh, because I think that one thing that we have to realize is that our friend John Cavanaugh is not only not a menace, but clearly one of the most talented persons with the most extraordinary amount of integrity and foresight of anybody in the House.

I think that John was the first person I met when I was here in Congress. We came in together. We sat at a luncheon, and, in fact, it was given by the gentleman from Texas, Mr. Jim Wright, who was running for majority leader at that time.

I sat there with John and came home to my wife and said, "I think I have a friend in this place, at least somebody who will talk to me, not only in the proceedings."

☐ 1820

Then John and I and Kate and my wife Rhoda became friends over the next month or so. Then we had the swearing-in ceremony here in the House, in which case we had a new Speaker, Tip O'Neill. But he was overshadowed by five red-headed people here on the floor, John, Kate, and the three kids, including babies crawling all over the proceedings; and he managed to dominate the media and Time, and Newsweek, and U.S. News, and the New York Times, all to my own personal chagrin. But I think perhaps that is of great significance because of the love he has for his family.

John, Kate, Rhoda, and I have been very good friends. In fact, we have probably been the best of friends since we have been in Congress. We love them for their naturalness and for their openness.

But if I had to describe John in any word, I would quote Dante who said the deepest place in hell is reserved for those who in a period of moral crisis claim neutrality. I do not think there is anybody in this Chamber who does not claim neutrality more than John Cavanaugh. I think he has been a symbol of integrity and deep friendship for me and I think for the rest of the Members of this House as well.

Mr. REUSS. I thank the gentleman.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from California (Mr. Panetta).

Mr. PANETTA. Mr. Speaker, obviously we come here not to bury John but to praise John. Obviously he is not someone who is passing from us, but is young, is vibrant, and is obviously going to go back and continue to be an active member of his community and of his State.

The fact is that John has made a decision in conscience to change from his role as Representative in this House. If there is anything that characterizes him, it is that he does act out of conscience and that he makes his decisions based on that. It is not easy to assume the burdens that a Member does, either in terms of reelection or the responsibilities that one has in this Chamber. We all face those same burdens and those same responsibilities, and so it is often the public's image that somehow the role of Representative is an easy one. It is not; and in his conscience he felt that this was not the time to continue that career, but to make a change, to take a sabbatical leave, or hopefully a sabbatical leave from this institution.

So I think he has made a supreme act of following his conscience in making that decision. I respect him for it. I give my regards to both him and his wife.

We look forward when his sabbatical concludes to him returning to this institution.

Mr. REUSS. I thank the gentleman.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from California (Mr. Waxman).

Mr. WAXMAN. I thank the gentleman for yielding. I want to join my colleague in this special order paying tribute to John Cavanaugh. I think it is a loss for the country not to have him continue in the Congress.

But I also feel a real personal loss not only in lost friendship with someone with whom I share the everyday experiences of being a Member, but John and I are in a carpool together. Now that we have no controls on the price of energy, I fear our carpool is going to run into great expenses in trying to get to our home and back to the Capitol.

John aptly would have applied to him all of the adjectives of hardworking, dedicated, and sincere. He is the kind of person who I think in public office has worked to restore the faith that people seem to have lost in their public officials. He is a man of great integrity. We will certainly miss him and we want, all of us, I am sure, in the House, to wish him well, every success. We will just have to pay the price, whatever it may be, for the gas that we will not share with him.

Mr. REUSS. I thank the gentleman.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to John's distinguished Nebraska colleague, Mr. Bereuter.

Mr. BEREUTER. Mr. Speaker, it is indeed a pleasure for me to have this opportunity to participate in these proceedings honoring my colleague from Nebraska, Representative John Cavanaugh.

My wife and I first met John and Katy Cavanaugh when he and I served in the Nebraska Unicameral with him in 1975 and 1976. Since our desks were side by side in the Chamber, I got to know John very well. John Cavanaugh proved himself to be a well-respected legislator, dedicated to the highest principles—and in short was truly one of the most effective members of the Unicameral during his 4-year term.

Now that I have served with him for a year in the 96th Congress—not in a body of 49 legislators, but 435 Members—I have found that the principles that have guided him in the past have remained with him. He is a conscientious Congressman who consistently votes his conscience.

Despite the fact that John and I are members of different political parties, he and I have maintained good relationships throughout our years of contact. I am most grateful to him for the hospitality and courtesy he provided when I first joined this body in 1979; that courtesy and friendship has continued throughout our service here, and I have no doubt it will continue until the end of the 96th Congress.

Perhaps nothing illustrates John's dedication to principle more than an incident that occurred during his service in the Nebraska Unicameral. When first seated as a freshman legislator in the Unicameral, John had the "audacity" to lock horns with one of the epitome of the old guard, State Senator Terry Carpenter, who many here may remember as the famous nominator of "Joe Smith" as Vice-President during the 1956 Republican convention.

Mr. Carpenter's comments about the young "whipper-snapper" on the floor of the Unicameral rivaled the flame in John's hair. To some it might be unusual—but not to me—that a few years later John Cavanaugh would be leading the floor fight in the Nebraska Unicameral to seat his own nemesis, Terry Carpenter.

The apparent winner of a write-in campaign for the legislature after he had unsuccessfully attempted to unseat Senator Carl Curtis in the U.S. Senate. Mr. Carpenter was not seated, but it was certainly not due to a lack of conviction to principle or a lack of effort on the part of now-Congressman John Cavanaugh.

A lighter side to John also emerged in the Nebraska Unicameral one day, when unannounced he entered the Chambers dressed in full regalia as a drum major, marched down the center aisle with baton and all, and marched out the door. It is the only time I have ever seen or heard of any legislative body struck speechless.

John also had the habit of taking his children on the floor of the Nebraska Unicameral, especially during the first day each year. With his three, now four, young children and my two young sons, our part of the Chamber was, shall we say, quite an active area during opening day ceremonies. John and Kate Cavanaugh's family has now expanded to four beautiful, small children and while some here may think that John's retirement may be due to the fact that he can no longer fit his family on the floor of even the U.S. Congress, I know different.

If there were a way for John to continue serving here and meet what he perceives as his full responsibilities to his wife and children, I am sure John would do it. But I know John well enough to know that he has his priorities correct—John will not let his congressional service interfere with his relationship with his family. He knows that frequent trips to the floor with his children are no substitute for his real priorities.

For these and a great many other reasons, I am most pleased to join with the others present here today to honor my colleague, my friend, and the only real legislative drum major I know, upon his announced retirement from the U.S. Congress at the end of this session. I will miss the frequent contact with him, his counsel, and the valuable perspective he brings to the Nebraska congressional delegation and this Congress. John Cavanaugh, you and your family have the best wishes of my family and me as you embark on future paths in 1981.

Mr. FOWLER. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Georgia (Mr. Fowler).

Mr. FOWLER. In the early days of this Republic the best minds of the community would be persuaded to take time off from building a barn to build a nation. I think John Cavanaugh has been in that tradition. He has brought a sense of passion to his office. He has brought a sense of urgency to his public responsibilities. He has defended the public interests when challenged by the overwhelming forces of the private interests, and he is now returning to make contributions to his community.

□ 1830

I want to thank him for that service and applaud his constituents for his election, and congratulate him on his return.

Mr. REUSS. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from California (Mr. Rousselot).

Mr. ROUSSELOT. Mr. Speaker, I thank the chairman of our Banking Committee for yielding to me, and for taking this time to publicly say to John Cavanaugh, "We appreciate the service you have given to the House of Representatives and on behalf of your constituency."

I had the opportunity to serve with John on the Banking Committee, over which our distinguished chairman here presides very carefully, and can testify although I did not know until today that he marched through as a drum major in the Nebraska Legislature, and I am sure he could have brought our committee to its feet several times if he had done that in our committee, and I want to make it clear that we both marched many times to different drums, but in any respect I do consider him one of the far more competent members of the Banking Committee, as I know the chairman does. He took the job very, very seriously.

It was a privilege for me as a minority member of that committee to cosponsor and work with John Cavanaugh for privacy legislation, which was very desperately needed in the banking field, and to have worked with him in making sure that that went through. He persisted in a very competent and careful way to make sure that that legislation went on the books to protect the privacy of people's financial records. I learned at that time and place that not only was he competent and persistent, but that he had a very incisive mind and was a very skillful craftsman of legislation, and that it held up even in the other body, which is something of a compliment, I think.

Many times, when we had legislation before our committee, he was willing to ask questions that nobody else would ask, and I considered him to perform a very worthwhile service even though sometimes I did not even understand where he was starting when he began his questioning. He brought out items of things relating to legislation that needed to be brought to the attention of the committee.

So, he will be missed, and we do understand his reasoning for returning to private life because we have seen his four youngsters here on the floor many times. They brighten up and go very well with the decor here with their red hair. Certainly, we will miss his legislative capability and his real competence.

We are sorry that he has made this decision. We understand it, but we appreciate the chairman taking time today so that those of us who have served with him, even those of us who have disagreed with him from a political standpoint, can give clear testimony to his fine service.

Mr. REUSS. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. Gephardt).

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding, and I thank him for finding this time for us on the floor to say what we want to say about John Cavanaugh.

It is with a sense of relief that I rise to note that John is leaving the Congress. I have, for the time that I have been here, I think been most often confused with John Cavanaugh, so I know today that after his leaving that will not happen. But, I might add that that has been the greatest honor that perhaps has been accorded me since I have been in the Congress, to be confused with John Cavanaugh.

It is with a sense of loss that we note his leaving. It is very difficult to get good, talented, gifted people to take time out of their lives to give public service, to serve in this body. It is even more difficult some times to get them to stay.

So, it is with a great sense of loss that we note his leaving tonight. There are many words we could use to describe John that could be very accurate. The word "integrity" has been used a lot here tonight. Obviously, others are intelligence, competence, and courage, but I think the best way to present my feelings about what he meant to this body was a little anecdote about one night when we had just gotten here. We were discussing together a difficult vote on the floor—difficult not because of the issue. We both, I think, knew what the right vote was, but we were both aware that the right vote could easily be misinterpreted by our constituents and would be seen perhaps widely by our constituents as a wrong vote.

John said, and I am paraphrasing, "The only reason to be here is to vote for what you think is right."

Clearly, he did that in every vote he cast. I think that anecdote clearly tells about his character, his integrity, what he is really made of.

John Kennedy once said, "In a democracy the people get the kind of government they demand and deserve."

In the Second District of Nebraska for the last 3 years, and certainly for the rest of this year, the people of that district certainly have gotten just that in John Cavanaugh. It has been a pleasure to serve with him, and we will miss him very much.

Mr. REUSS. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. Watkins).

Mr. WATKINS. Mr. Speaker, before coming to the Congress, the 95th Congress, as a freshman, the Lewis family in my hometown of Ada, in the Stratford area of Oklahoma, told me with great enthusiasm that I should meet another young elected Congressman from Omaha, Nebr.—John Cavanaugh. He was one of the first individuals I met when I came to Congress.

I would like to ask, Mr. Speaker, how do you measure the bigness of a man? How do you measure the stature of a man? Some people do it by a ruler; some do it by scales; some do it by money; some do it by power.

Let me say that it takes a big, big man to make the decision to step down and quit the U.S. Congress. The flaming redhead from Omaha, John Cavanaugh, has never stood taller in my eyes than when he made the decision to step out of the Congress to be with his family. Of his own free will and accord he wanted to go back to Omaha so that he could spend more time with his family.

John, I admire you for that decision. I respect you for the decision. I salute you for that decision. To my friend John Cavanaugh and his wife Kate, and their beautiful children, I wish you Godspeed and God's blessings in your future endeavors.

Mr. REUSS. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. Skelton).

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding. I would like to take this moment also to express my sense of loss to a friend, a good friend, since we entered the U.S. Congress together. The loss of John Cavanaugh in this body, I think, is a loss to the Nation and to the State of Nebraska. However, the decision that he made I know is a difficult one, and one that he feels is best for himself and for his family. I salute him for that difficult choice.

When we speak of John Cavanaugh, I think that is synonymous with the phrase, "good character."

He is a man of good character, and he reflects honesty, total integrity, hard work, the courage of his convictions, and he is a good friend. I think even more important is that when he was assigned a task he took that task seriously, whether it was difficult or whether it was menial. He got the job done. He did his committee work. He did his work on the floor. When asked to do something for his constituents or for a colleague, he got the job done.

There was a story that came out of the Spanish-American War about a young lieutenant by the name of Rowan, who was assigned to a difficult task to deliver a message to the insurgent leader in Cuba by the name of Garcia. The president, President McKinley, assigned this task to young Lieutenant Rowan. He went down there and traversed the island and delivered the message, of course, of the story that was later made famous. But the important moral to that is that he got the job done. JOHN CAVANAUGH for his district in Nebraska and for his country carried the message to GARCIA during his two terms in Congress.

□ 1840

I will say this with all sincerity: As long as America can produce men of good character like JOHN CAVANAUGH to serve in the U.S. Congress, we will have a good and a great nation.

I thank the gentleman for yielding.

Mr. REUSS. I thank the gentleman.

Mr. Speaker, I now yield to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. I thank the gentleman from Wisconsin very much.

Mr. Speaker, I thank the gentleman from Wisconsin for asking for this time. It is kind of a unique ritual that occurs in the House. In this instance it is kind of ironic because JOHN has in making his decision decided that he really does not need this kind of adulation and praise. I think it is kind of funny that we are doing it anyway. The reason we are doing it anyway is because we mean it and because JOHN means something special to us as a person.

When the announcement came out that he was not going to run again, I was back in Tennessee over the Christmas break. My mother-in-law, who knows JOHN, told us the news over the telephone and that it appeared in the Washington paper. My wife and I were just really dumbfounded. But then upon hearing his reasons, we, of course, reached the same understanding that many of us in this body have reached upon reflection. It is interesting to reflect on how many people have asked this question in this body in the few weeks that we have been back since the break. "Why is JOHN leaving? Why is JOHN leaving?" The reason so many people have asked the question is that he is exactly the kind of person that we want to come to this body. Many of my other colleagues who participated in this special order have outlined all the reasons why—his diligence, his objectivity, his integrity, his intelligence. It is alternately a shame and with an understandable source of pride that he would leave for the reasons that he is leaving.

I have just a personal note to make about what he meant to me. He is one of the few people that I would ask about a complicated issue when I came to the floor and wanted to know what the right vote was. I think a lot of us have had that experience. We wish him well, and I console myself with the thought that some people have retired from the House for family reasons, for business reasons, whatever reasons, and when their children were older and when they were in different circumstances, they came back in the other body as a Member of the U.S. Senate. I do not think that is a thought that JOHN ought to completely dismiss. Senator BENTSEN serving in the body right now went on just such a journey. I hope that is within the realm of possibility. I congratulate JOHN on the terrific service he has had here in this Chamber and wish him well.

● Mr. WHITLEY. Mr. Speaker, it was with regret that I learned of the decision of my colleague, the Honorable JOHN CAVANAUGH, not to seek reelection at the end of the current session of Congress.

JOHN CAVANAUGH, at the age of 31, was one of the youngest Members to take the oath of office at the beginning of the 95th Congress. At the age of 50, I was one of the older Members of the 95th new Members.

But as a group, those of us first elected in 1976 found much in common and worked closely together to support each other and to resolve mutual problems. JOHN CAVANAUGH took a strong interest in the affairs of our 95th New Members Caucus, as well as the activities of the Committee on Banking, Finance and Urban Affairs, to which he was assigned.

Intelligent, articulate and energetic, he was exactly the kind of person we like to see elected to Congress as a young man with an unlimited future ahead of him.

His decision to seek fulfillment in other areas is understandable, but regrettable. We shall miss him, but the House will be richer for his service here.

I join his many friends in wishing him and his family Godspeed in his future endeavors.●

Mr. REUSS. I thank the gentleman.

I now yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman for yielding.

I think it is curious, and I guess it is kind of the wish that all of us have that as a corpse we will be able to lie in a casket and listen to the whispers of the people as they file past to find out what they really thought of us. I think the sentiments being expressed here today are those of genuine respect and love for the gentleman from Nebraska who is going to depart from us.

I, myself, have been a recipient of his generosity, but more so from his wife in her attempts to improve my dietary habits at their home, to no avail as she can tell you. Having a 30-year-old, going on 34-year-old, Irishman in the House, it is always a difficult task to make any changes in genealogical heritage. When I heard the news—and somebody called me from Chicago and said it was in the Chicago Tribune—that he was going to leave, I was very upset. I called him that afternoon just as he was holding his press conference in Omaha. I guess I was upset for a very selfish reason and that is because he to me epitomized the best of all the Congress has, and that is a combination of intelligence and imagination and integrity—not any one of those qualities but all of those qualities in a combination. I really knew when I was dealing with him that I was dealing with a moral person, somebody who was trying to do the right thing—the right thing for the right reason—and that when he was deliberating in his decision-making process, as much as any person in this body has ever tried to do it, he tried to do it for the right reason—not for his own selfish, personal aggrandizement.

I think the decision he made is ultimately a moral decision. It is one, I think, that many people who serve in this body have to come to grips with. I think many people who walk in this Chamber today made the wrong decision. They did not choose their family; they did not choose the values they believe in; they did not choose the things that do take priority in their lives. For that reason I do respect him. I do believe he did have the potential, and he still does have the potential—and on this I agree with the gentleman from Tennessee (Mr. GORE)—where someday we will see him in the U.S. Senate, because there are very few men of his intelligence, integrity, and imagination, very few men with his good sense, good humor, and good judgment, and very few people who can give that kind of moral leadership to this country that we desperately need. He will be sadly missed in this body.

As he leaves—or whatever the term is we are going to use here tonight to describe it for the next year as he finishes out his term of office—I will miss him because he was somebody whom you could go to and ask honestly where he stood on an issue and know that you were going to get an honest answer based upon the kind of feeling and considerations of what was the proper way to be voting on a particular issue. I found that to be the exception rather than the rule as I walked this body for the past 3 years. For that reason more than any other, I think that I myself and the country will be the sadder for his not having served in this body after this year has passed.

I thank the gentleman from Wisconsin (Mr. REUSS) for having conducted this very appropriate session as well.

Mr. REUSS. I thank the gentleman.

I now yield to the very distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. I thank my colleague, the gentleman from Wisconsin (Mr. REUSS), the very distinguished chairman of the Committee on Banking, Finance, and Urban Affairs.

I think the timing the chairman has evidenced this evening is worthy of note.

My colleague, the gentleman from Massachusetts (Mr. MARKEY), in his Gaelic way said:

> I think it is nice to have somebody hearing a eulogy for an occasion around here.

I will say to JOHN there is no Member, as our colleagues have said earlier, who is more respected and well liked than he is in this body. I think we all probably from different parts of the country, when we heard through various means of communication, the fact that when JOHN made the announcement that he would not seek reelection, were affected by the impact, because as a young Member, a person who almost instantly had success in his personal relationships in letting us all know the professional capability that he does have and possess, his ability to separate in this gray area that we work in the proper solutions to the very vexing problems in this country regarding so much of just what was critical, he is making that decision in the early part of a great career. I think each of us probably admires him more for one of the reasons, because each of us probably has put in our own minds ourselves in the position that he is in. Some people pass the point of no return, and perhaps my colleague in the well and I have well passed that point. But we look at that decision that John has made, and I think he made the right decision—maybe not the right decision for the Congress because it loses what it cannot gain back—a Member of his capability and courage and integrity, but it is a gain for society. Society sees an example of a man ready to make his sacrifice personally not for his own immediate—let us call it ego, maybe political ambition for the long range—but for the good of the family and the community.

☐ 1850

John, we know the contribution that you will continue to make to your country, to your State and to your community and your family. We are proud of you, we admire you and we will always be your friend.

Mr. REUSS. I thank the gentleman and yield to the gentleman from Iowa (Mr. Bedell).

Mr. BEDELL. Thank you, Mr. Chairman. I appreciate your calling these special orders for our good friend, John Cavanaugh.

I have seen many changes in the House since I first came to the House of Representatives. I believe there are many that are still needed. That is why we are going to miss John Cavanaugh, because John is one of those people who has the courage to stand up for what he believes is right and if we need anything in the House today I think it is courageous people.

We have just been discussing here today a water projects bill. We can argue up and down the merits of that bill, but the fact is that it takes courage to stand up and challenge some of your elders on these projects. It was here in the House of Representatives that John Cavanaugh challenged a project in his own State of Nebraska. The issue is not whether he is right or wrong, the issue is whether we are going to have people in the House who have that type of courage and, John, that is one of the reasons we are going to miss you so sorely here is because we need people with that type of courage.

It has been my privilege also to work with John on other projects such as gasohol in which the chairman as well as myself have a great interest.

I many times tell people that the most important thing in our lives, in my opinion, is not the honors we may gain, the wealth we may accumulate or the power that we may get or the great acclaim we may get from our fellow citizens. It appears to me the most important thing we perform in our journey here on Earth is the influence we have upon those who are around us by the example that we set for them and, John, we know that you are going to set that example just as well in your own community or wherever you may be as if you were here in this House. Perhaps you have served a great purpose in reminding some of us that there are things more important than the glory and the power which may come from great political office.

I also commend you for having the courage to look at your values and determine what is really important as we look at our values. Frankly, that is one reason I am here. Right or wrong, my wife and I look at what we thought was important in life and we felt we would get more satisfaction out of coming here than we would continuing in the life that we had. That is what you have done and I think it helps to remind all of us that maybe we should stop and ask ourselves what is really the best thing that we might do.

We are going to miss you very much, John. We are going to miss you because of what you stood for and what you have done while you have been here and the friendships we have had with you but I for one am not going to shed a tear. Instead of that I am going to thank God for the opportunity that we have had to be with you this time and have your leadership and example as something that we could follow while you are here.

Thank you, Mr. Chairman.

Mr. REUSS. I thank the gentleman and yield to the gentleman from Pennsylvania (Mr. Kostmayer).

Mr. KOSTMAYER. I thank the gentleman from Wisconsin.

I am not John Cavanaugh, although some people think so. I am not leaving. I like is here. I have done my best all my life to get here. It has cost me a considerable sum and I hope to stay for sometime, the other party notwithstanding.

This is our chance to get even with Mr. Cavanaugh. I think the gentleman from Nebraska has been enduring all this with a considerable amount of pain. This sort of thing is precisely the reason he is leaving us. I am sure he would liked to have slipped away unnoticed and unmentioned, but we as the ultimate celebrants of sentiment would not have permitted such a breach of good taste.

I recall at the beginning of this Congress, when John was moving from the Cannon Building to the Longworth Building into smaller quarters, he was complaining even then that his office was still too big for him. This was puzzling and confusing to him and he asked, "Who are all those people in the outer office?" His staff was too big, his office was too big, he had had enough of it. I do not think it was because he lacks ambition or because he is not interested in human achievement or possibility. I think it is because he has ambitions for others, not only for himself. And at a remarkably young age he has recognized the difference between the two. While his wife, Kate, and their four children will be the better, I suspect, for this decision, I think we will not. Their gain is surely our loss. Now he will possess that intimacy with his own family which so many of us, the practitioners of a kind of instant but hollow intimacy, still lack.

My colleagues this afternoon have spoken of their professional and political relationship with John but our relationship has not been that kind. I do not share his committee assignments or all his views of course. We share other things I think. In fact, during this session of the Congress, what I sometimes call this semester of the Congress, John and I are taking a course in American history at the American University here in Washington as we did once before and enjoying it very much. I suspect I have probably eaten more meals at John's home here in Washington than I have at my own, and while I think probably dinner with the Cavanaughs qualifies one for combat duty, I nevertheless will miss it.

I am not a wordsmith, Mr. Speaker, and to try and describe our friendship I think would only minimize it. What is unsaid is not unfelt.

Mr. REUSS. I thank the gentleman and yield to the gentleman from Michigan (Mr. Blanchard).

Mr. BLANCHARD. Thank you, Mr. Chairman.

Earlier we heard reference to a cold corpse and our delight in the fact that for once we can say some nice things about a person we have known so they can hear them. I kind of wish that John Cavanaugh had been a cold corpse when we voted on the Chrysler legislation in the Banking Committee however and if I had known he was going to be here to listen to all the kind remarks I am not sure I would have even come over. However, be that as it may, as a colleague on banking along with you, Mr. Chairman, I want to thank you for scheduling this special order.

I have not known John as well as I would like to. He is one of those people you hope and expect to get to know better as you work with them in a professional way, and on banking we have that.

As the chairman was, I was extremely concerned about his decision to leave. He has got to be one of the most conscientious members of the Banking Committee. Noteworthy is some of the work he performed on, right to privacy and human rights. He has to be one of the most judicious Members of Congress.

What I have always liked about him was that he never reacted in a typical fashion. So often all of us are so predictable on issues, especially younger Democrats appear to be extremely predictable, always volunteering the expected liberal position on every little issue and John was never quick to react on an issue or a position but always seemed to weigh it very, very carefully. I suppose that is why you did not just automatically seek reelection like most of us do. We are almost always running for reelection before we think about whether we ought to and I guess that makes you somewhat ahead of your time or older than your years or more thoughtful than the rest of us, or someone who has been blessed with a different type of vision or judgment than all of us wish we had.

I guess the major reason I was concerned about John Cavanaugh leaving was, it is a little scary to have someone who was elected to Congress after I was who is deciding to leave before I have made that decision. That is a little disconcerting.

Having heard the draft Cavanaugh movement begin right here tonight, it confirms what I have suspected all along. In fact, knowing some of his staff members better than I know JOHN, I have known all along that, even though I do not think JOHN has recognized it yet, that, with his experience, with the kinds of people he has worked, with his abilities and with his commitment I am sure when he and his family go back to Omaha, go back to Nebraska, they are going to be in public service whether they hold office or not. They are going to be working for people, for the Democratic Party, working for better government, whether they hold office or not.

□ 1900

I truly believe whether he is a Senator or a statesman or in some other capacity, we are not only going to see JOHN CAVANAUGH in public service in a formal way some day, but he is going to be back in Washington. That would be my prediction; so we do not mourn the loss of a friend. We are going to see him and see him often, we trust. We wish he and his family the very best in the years ahead. We are proud to have been counted among his colleagues. We are proud of him.

Mr. REUSS. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. Mr. Speaker, I thank the gentleman for this opportunity to add my sentiments to that of my colleagues about JOHN CAVANAUGH.

Mr. Speaker, JOHN CAVANAUGH and I entered Congress at the same time in January of 1977. Therefore, we belong to the 95th Congressional Caucus. I can remember when we came into the Congress that JOHN appeared to me to be very youthful. He had a young family. I was very impressed with the redheaded young infants that he brought to the floor. I was very impressed with his youthful determination.

Since our arrival, we have seen many changes in this body and have considered a great many complex and important issues. My colleagues have mentioned many of the traits of character he possessed and demonstrated here on this floor. I agree with all of those. I want to include that to me he has shown a great deal of perception and insight as well into the confusing and often frustrating issues that we face here day-by-day.

The Second District of Nebraska will be losing an able and intelligent representative and the Congress will be losing an informed and knowledgeable voice.

I want to personally wish JOHN and his wife, Kathleen, and their four children, the best of luck in the future. It is strange that as a young fellow he is retiring from Congress, but I guess that means he will be regarded as a seasoned Congressman. We wish him the best. I ask for God's blessing upon him, upon his children and his family.

Mr. REUSS. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from Hawaii (Mr. HEFTEL).

Mr. HEFTEL. Mr. Speaker, it is interesting that the only time that JOHN CAVANAUGH ever asked me to consider my vote and to listen to his opinion on a vote was when he wanted to defeat a project for his State because he did not think it was in the interest of good government or good commonsense. Good commonsense is the thing that I think we recognize most about JOHN. I certainly have not gotten to know him very well, frankly, but in the experience I have had with him he has got that nice quiet confident attitude and intelligence. He sort of learned to balance things. We do not think of him in terms of ego, which is the hallmark of Congress, but rather the competence, the intelligence, the integrity.

It is interesting to note that there was an attempt made to have JOHN stay in the Congress. I understand that the gentlemen met with the Speaker of the House. When JOHN finished, the Speaker wondered if perhaps JOHN was right and the Speaker had been wrong all these years, and he said so.

He is a young man. I can understand his thinking in terms of semesters, in fact, young enough to be my son; but he is a great credit to his family and to his district, because he is going to go back and bring something to that district that is invaluable, a Congressman who decided not to be reelected, but going back with the knowledge and understanding he will bring to that community. I have a feeling that JOHN will be back serving the people, be it in his district, be it in the Senate, or be it in his own small community that he lives in; but he will be serving. He will be setting an example. He will be a credit to us all and he will be something for us to remember, namely, that there are a lot of important things in life and perhaps this is not the most important.

Our best to you always, JOHN.

Mr. REUSS. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from Kentucky (Mr. HUBBARD).

Mr. HUBBARD. Mr. Speaker, I thank the gentleman and I congratulate the gentleman from Wisconsin for his thoughtfulness in reserving this time in order that the colleagues and friends of Congressman JOHN CAVANAUGH can gather here this evening to pay him tribute.

Naturally, I congratulate JOHN CAVANAUGH for his contributions to the Congress, the people of Nebraska, and in fact all the people of the United States can be and should be grateful to this young man for the time and effort which he has contributed to this country by service in the U.S. Congress.

Several of us from the 94th class have come to pay tribute to this one who came a term after us. I shall never forget in January of 1977 when the new Members and other Members gathered for the swearing in ceremonies for the 95th Congress the handsome family of JOHN CAVANAUGH, including for sure his beautiful wife, Kate, and those four beautiful children who were scrambling on the table to my left and who made national news by their activities, the color of their hair and other traits of the Cavanaugh family and the Barrett family on Kate's side and later that picture just recently made the national news again, the scene of the Cavanaugh family in January of 1977 at the swearing in ceremony as they were pointing out Congress in session.

Mr. Speaker, we have had the privilege of watching JOHN CAVANAUGH in the House Committee on Banking and Urban Affairs as he has enlightened us from time to time and helped to bring issues to decision. It is with a note of sadness that all of us share this time of saying to a colleague that we selfishly wish he had decided to run again and serve in the next Congress. Yet we realize that his decision is personal. His decision is one that has been given much thought. Many of us who have young children and a wife whom we from time to time neglect too much in this effort to be a 7-day-a-week Congressman admire his judgment in many ways for deciding at this point to give more time to his wife and family. Many of us are challenged by that to try to do that, plus to be in Congress, if that is possible; but to JOHN CAVANAUGH, we thank him for the contributions he has made to this country and to this Congress and for the helpfulness and guidance that he has given each of us, including those of us who came here before him, as he has served in this House.

Mr. PEASE. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Ohio.

Mr. PEASE. Mr. Speaker, I am pleased to participate this evening in this special order paying tribute to our friend, JOHN CAVANAUGH.

JOHN and I have served together on the House Committee on International Relations. When he was appointed as a member of that committee in the 95th Congress, it was, as I recall, his third committee, and that is a very heavy assignment. I was terribly impressed all during that session with the diligence that JOHN allowed. He was at the committee meetings as much or more than many of the members for whom that committee was a primary responsibility.

I remember very well also that JOHN and I were companions on a trip to the Middle East in January of 1978 which had, I think, a rather substantial effect subsequently on the proceedings of the House concerning its decisions about Middle Eastern policy. I recall, too, very well on that occasion the diligence that JOHN showed and the perceptive question that he invariably asked as we went to the various countries.

Mr. Speaker, on a more personal note, I have known JOHN as a friend and admired him very much. I do not think any Member this evening has challenged the wisdom of his decision to retire from Congress and not run for reelection. Considering his personal family situation, all of us would agree that he is putting his priorities in the right place. The tragedy is that he must face that decision and require us to lose one of our better Members.

I hope that there are people in America watching this program who will understand that life in Congress and work in Congress is very arduous indeed. Most of us who are a little older than John Cavanaugh have been fortunate enough to be able to order our lives in such a way that we can manage the workload. For most of us, our children are older perhaps and gone from home, our financial matters are secure and taken care of, and we are able to manage the very, very heavy workload of a Member of Congress. John cannot do that in good conscience and still devote the attention he feels his four children and his wife deserve.

Mr. Speaker, for that I salute him. I only wish that it were not necessary.

● Mr. VENTO. Mr. Speaker, I want to join the other Members of the House in saluting my friend, distinguished, and esteemed colleague, John Cavanaugh.

John and I came together as Members of the 95th class and, for awhile, we had neighboring offices on the fourth floor of Cannon. We also share the same committee assignment, Banking, Finance and Urban Affairs, and it was really here that we have had the opportunity to work on so many issues and bills together.

During the extensive committee hearings on the Federal Reserve, John and I shared many of the same concerns and priorities. With inflation remaining this country's No. 1 domestic problem, we knew that our decisions regarding the Federal Reserve and its monetary policies could have lasting impact and repercussions on the entire American economy. John has brought to his years of service in Congress an enthusiasm and dedication which has benefited all with whom he has had contact.

I have cosponsored many bills with John and I think this reflects our similar goals even though our constituencies and, in some cases, our philosophies may differ. As an example, I am a sponsor of John's Fair Information Financial Privacy Act, and I believe that it is one of the most important consumer protection bills this Congress will be considering. John will be around for the rest of the term, anxious to shepherd it through the House and Senate and watch it become law.

John, I can understand your wanting to spend more time with your family including those beautiful children who used to peek around the corner in Cannon. We will miss your active participation but indeed in these few years of service you have left a mark and record of public service of which you and your constituents in Omaha, Nebr., have a right to be proud. My personal best wishes and congratulations and I look forward to a vigorous and successful effort for the rest of the year. In the words of Robert Frost to his impatient team as he concluded reflection of the abstract: "We have many miles to go before we rest." ●

● Mr. ERTEL. Mr. Speaker, when John Cavanaugh leaves this House at the end of the 96th Congress, the people of Nebraska will have lost an effective advocate and we will lose a dedicated colleague.

During his brief tenure in Congress, John Cavanaugh has given public service a good name. He has worked hard, attended to his responsibilities and maintained the perspective to know when it is time to move on.

John Cavanaugh's decision not to seek reelection shocked many of us. Seldom do Members with such talent and promise step down voluntarily. But, the very qualities which make him such an exceptional colleague, also account for his exceptional decision. John is leaving the Congress to allow himself more time with his family—a goal many of us share, but few fulfill.●

● Mr. ST GERMAIN. Mr. Speaker, in the interest of privacy—and in the case of John Cavanaugh, that is Privacy with a capital P—I trust these remarks here this afternoon will be stricken from the record.

As far as a large segment of our financial community—and its millions of customers—are concerned, John Cavanaugh invented and patented the word privacy in the 95th Congress.

And in pushing through the Right to Financial Privacy Act of 1978, John Cavanaugh wore out a generation of Government bureaucrats convinced they could bamboozle the young Nebraska Congressman. Some, I think, finally decided to escape through early retirement.

All these succession of legal whizzes from downtown quickly learned that John Cavanaugh does not bamboozle very easily. They learned—and our subcommittee learned—that you had better be armed with facts, you better have read every single line of the bill before you tangled with the Omaha redhead.

I know that we are trying to be lighthearted in our remarks this afternoon, but I must in all seriousness say that I have never seen a Member of Congress work harder, master the details quicker, and argue with more tenacity than John Cavanaugh. And I must say in all seriousness that his announced retirement is a severe blow to me personally—a severe blow to the effectiveness of our Financial Institutions Subcommittee.

We like to talk about his role in the privacy legislation, but John has been there every moment on every little thing our subcommittee has done for the past 3 years—whether it was pushing legislation or asking these penetrating questions in investigations. And on those occasions when John came down on the other side of an issue, I would have been most happy to see John take a morning off.

All I can say, John, is that you are making a big mistake. What is this business of retiring at 35? You ought to stay here and struggle with the rest of us—we need you—and besides, I am not sure that the judicial system of Nebraska can take a full-time John Cavanaugh. It may be too much for Omaha.

When the bright lights of Nebraska get to you, John, you can come back again.●

● Mr. ZABLOCKI. Mr. Speaker, it is with regret that I join in today's tribute to John Cavanaugh, and regret that he has decided not to seek reelection, because I would much rather that he would remain with us. We need more John Cavanaugh's in Congress.

John is one of that good new caliber of Congressmen who brings a fresh outlook on many of the major issues before us, while at the same time showing a willingness to listen to and learn from more experienced Members. He came here after the Vietnam war, a supporter of peace, but not an automatic critic of programs needed for our national defense.

John was a valued member of the Foreign Affairs Committee during the 95th Congress. He was selected by the leadership to fill a temporary vacancy on the committee in January 1977. He quickly proved himself to be a knowledgeable student of foreign affairs. His questions of witnesses were always well timed and to the point. He worked hard on our legislation and investigations. His presentations were eloquent.

Because of his special expertise as a member of the Banking Committee, John joined our Subcommittee on International Economic Policy and Trade which considers such matters in the international field. Though a junior member, he served with distinction in important assignments including service on conference committees with the Senate on OPIC and on agricultural trade legislation.

I sought at the start of the current Congress to have John's membership continued on our committee. Unfortunately, under the caucus rules, it was not possible. But we on the committee still consider him to be one of our family when he has the opportunity to join us.

John, we will wish you well upon your return to Omaha. We know you will have a distinguished future.●

● Mr. UDALL. Mr. Speaker, John Cavanaugh is not just a good lawyer, but a good man and a good public servant, who leaves a fine record of accomplishment in the Congress.

I could not let John leave without saying that I am more than a little saddened to see a young man like him leave these Halls. It is my hope that he will see fit to someday reenter politics. The country can use him.●

● Mr. CORRADA. Mr. Speaker, it is with a sense of regret that I join in this tribute to John Cavanaugh, who has announced he will not seek reelection as Representative of the Second District of Nebraska. His departure from this legislative body at the end of the 96th Congress, his distinguished performance on behalf of his constituents and his country, his perception and action to solve some of the broader issues that face our Nation will be sorely missed.

In representing the citizens of his congressional district in Nebraska, and in the brief time we have shared with John Cavanaugh here, we have come to respect him for his honesty, dedication to work, and the courage of his convictions.

John Gardner wrote that democracy is measured not by its leaders doing extraordinary things but by its citizens doing ordinary things extraordinarily well. That being true, the departure of John from Congress is not a loss to his country for I am certain his considerable talents will be utilized for the public good in whatever endeavor he may be involved in the future.

We wish him the very best in his new career with the certainty that he will bring to it the same dedication and ability with which he served his district, his State, and his country.●

● Mr. LLOYD. Mr. Speaker, it is with deep regret that I must say farewell to John Cavanaugh, for he has served his constituents and the Nation well. It has been a pleasure to work with him in this Chamber. He is a wise man and his reasons for leaving are sound. Public office is a high honor and a large responsibility, but the responsibility to one's family is even greater. John Cavanaugh handles both of these responsibilities well. I know that he will continue to be an asset to our Nation. I also know that his wisdom and knowledge will be greatly missed in this Chamber. It has been an honor to serve with him.●

● Mr. D'AMOURS. Mr. Speaker, for 3 years it has been my privilege to serve on the House Banking Committee and its Subcommittee on Financial Institutions with the gentleman from Nebraska, John Cavanaugh.

John Cavanaugh's decision to leave Congress after only 4 years' service saddens me for a number of reasons. I will personally miss his warmth and friendship. Having served with him on the Banking Committee, I will miss his diligent and intelligent input, as will, I am certain, the entire membership of the committee. John's work in securing a financial right to privacy for Americans who deal with our banking industry is only one shining example of his significant contribution to that committee.

Mostly though, I am saddened because I know John is a hard-working, unpretentious, honest, and objective person. Most importantly he is not a knee-jerk ideolog. Certainly there are others in Congress who possess these virtues but we all wish there were many more.

Somehow our greatest tributes and sorrow seem to be reserved for the departure from Congress of those who have been here the longest. Perhaps that is as it should be. Still, I think the Congress could not possibly lose more than it does with the departure of John Cavanaugh. There are many types Congress might do without—John is not one of them.●

● Mr. YOUNG of Missouri. Mr. Speaker, Congressman John Cavanaugh's decision not to seek reelection from Nebraska's Second District leaves the House without one of its brightest young stars.

In his two terms in office, John has demonstrated creativity and independence as he pursued a variety of national, regional, and local matters. To mention just a couple of interests, he has fought successfully for enlargement of the rights of privacy of individuals against unfair intrusion by the Government, and has worked to root out waste and inefficiency in the delivery of Government services. Closer to home, he has continued the fine work he began in the Nebraska Legislature on public works projects and criminal justice reform for his area.

Now John Cavanaugh has decided to step down to devote more time to his family. The Lincoln Star probably put it best when it said in an editorial last month:

> We'll rejoice for Cavanaugh if an escape from public life brings the family greater fulfillment and happiness. But at the same time there is profound sadness in witnessing a fine young politician hang it up. The Nation really does need more like him.●

● Mr. JOHNSON of California. Mr. Speaker, I was very sorry to learn that our colleague, John Cavanaugh, has decided to not seek reelection to the House of Representatives. We will hate to see his departure.

John, in his brief career in the House, has made his mark. He has served his constituents of the Second District of Nebraska and his Nation well. He is a conscientious member of the Banking, Finance and Urban Affairs Committee where his participation will be missed.

John is a fine young attorney who has great things in store for him. I know we will hear much of him in the future.

Our loss will be his family's gain. However, knowing how demanding of one's time this job can be, I can certainly understand John wanting to spend more time with them, and we wish them well.

To John, his wife, Kathleen, and his lovely children, we extend our very best wishes for happiness and success.●

● Mr. RAHALL. Mr. Speaker, I am pleased to rise today, and pay tribute to one of our colleagues. However, I am saddened by the occassion, because one of this body's distinguished Members, John J. Cavanaugh of Nebraska, has announced that he will not seek reelection.

Since 1976, John Cavanaugh has served the residents of five Nebraska counties, Burt, Cass, Douglas, Sarpy, and Washington, with dedication and hard work. His record in the area of constituent service ranks first class.

His membership on the Banking, Finance, and Urban Affairs Committee, has proven him an able legislator, and he will be missed by his colleagues on that committee.

From 1972 to 1976, John served in the Nebraska State Legislature. There he set the tone for public service that he carried to Congress. Regardless of the political consequences, John Cavanaugh has represented his district with honesty, hard work, and concern.

In his brief time as a Member of the U.S. House of Representatives, John Cavanaugh has been instrumental in putting forth new ideals and new leadership for his State and Nation. His youth brought vitality. His experience brought insight, and his presence will be missed.●

● Mr. LONG of Louisiana. Mr. Speaker, it was with regret that I learned my friend and colleague John Cavanaugh has decided not to stand for reelection to his Second Congressional District seat representing the people of Omaha.

The two-term Nebraska Democrat has been an asset to his district and his fellow Congressmen. His record in office shows that he is a much-needed legislator. He has been a strong advocate of legislative oversight, reduction in paperwork, and watchdogging the budget. While serving the interests of his peers he proved to be an able legislator and a dedicated public servant. I am only one of many Members who will miss John's leadership in the House of Representatives.●

● Mr. MOAKLEY. Mr. Speaker, the 97th Congress, convening in this Chamber next January, will be poorer for the loss of my friend and colleague, the Honorable John Cavanaugh of Nebraska. Congressman Cavanaugh's announcement that he does not intend to seek a third term in Congress will create a real void within the Nebraska delegation, and the Congress as a whole.

It is very seldom that one encounters an individual the likes of John Cavanaugh. Honest to the point of being blunt, no one could doubt his native intelligence, political intuitiveness, creativity, and independence. John Cavanaugh's efforts at eliminating waste, inefficiency, and insensitivity in the Federal Government's social service programs, his commitment to protecting citizens from unwarranted invasions of their privacy and his concern for the elderly, the veteran and the urban and rural poor have borne fruit in the legislative products he has impacted.

His work while a member of the House Committee on International Relations during his first term and as a member of the House Banking Committee during both terms share a number of ingredients in common: perceptiveness, clarity of thought, brevity of expression, and singularity of purpose.

I can well appreciate John's desire to be with his family during its formative years. The presence of a father within the family unit is critical in that unit's growth and nurturing. I only wish the Congress and the people of the United States would be as fortunate as John Cavanaugh's family in laying claim to him in the future.●

● Mr. BINGHAM. Mr. Speaker, I was distressed to learn that my good friend John Cavanaugh had decided not to seek reelection to the House.

It seems to me that there is something amiss when an outstanding young Member such as Mr. Cavanaugh, who has so much to offer this House, feels disinclined to stay on. What are we doing wrong, John?

In the 95th Congress, Mr. Cavanaugh's first term, he was elected a temporary member of the Foreign Affairs Committee and as such became a member of the Subcommittee on International Economic Policy and Trade, which I have the honor to chair. In spite of heavy responsibilities in other committees, Mr. Cavanaugh rapidly became one of the most valuable members of that subcommittee. It was a pleasure to work with him, as well as to travel with him on a delegation headed by our chairman, Mr. Zablocki, to several Middle Eastern countries.

We wish him well in whatever he intends to do, but we want him to know that we shall miss him—and his delightful wife as well.●

● Mrs. SMITH of Nebraska. Mr. Speaker, I would like to join in offering a sendoff to our colleague, the gentleman from Nebraska (Mr. CAVANAUGH).

Only those who have toiled at the daily work of the House of Representatives can appreciate the demands of being a Member of Congress—its satisfactions, its intense frustrations, and its long hours.

If I had a family as does JOHN CAVANAUGH, I think I would make the same decision. I believe it is true that young children need both parents, and serving as a Member of Congress places definite limitations on available family time. And, of course, Kate Cavanaugh undoubtedly has endured much from the irregular hours that go with being the wife of an politician.

Although we have not always agreed on issues, I stand here today to say that he has always been gentlemanly and forthright in matters of public policy. I commend him for that, and I am sure he will continue to exemplify all that is kindly and helpful to his family, relatives, and friends.

JOHN CAVANAUGH's congressional career has been rather brief, but he now has what no one can take away—admittance into the fraternity of those who have served his fellow man in the Congress of the United States.

So I wish him well in whatever new effort presents itself to him. I applaud his decision to leave this distinguished House of Representatives.●

● Mr. NEAL. Mr. Speaker, for the past 3 years it has been my pleasure to serve with my friend and colleague, the gentleman from Nebraska (Mr. CAVANAUGH), on the Committee on Banking, Finance and Urban Affairs. For the same period of time, I have been even more closely associated with him in our work on the Subcommittee on International Trade, Investment and Monetary Policy, of which I am chairman. I have, therefore, had an excellent opportunity to observe the quality and the quantity of his work, which have been outstanding, in every respect, in both instances.

As a member of the subcommittee, JOHN J. CAVANAUGH can always be counted on for thoughtful, informed, conscientious assessment of any issue; and to render a fair, impartial, independent judgment based on all the merits as he perceives them. Often attentive to details which have attracted less consideration than they deserve, the gentleman has never been hesitant to probe into them with vigor and thoroughness, and to state his case eloquently and persuasively. His contributions have been substantial, and I especially want to acknowledge them and to thank him for them.

Now we have learned, Mr. Speaker, that the gentleman expects to retire from the Congress at the end of this session. If there is, indeed, a gain and a loss in his leaving, the loss will be ours. It is my fond hope that he will gain.●

● Mr. ANNUNZIO. Mr. Speaker, I welcome the opportunity to pay tribute to Hon. JOHN CAVANAUGH, Congressman from the State of Nebraska.

I want to state at the outset that I truly admire JOHN's decision not to run for relection. I was involved in politics before JOHN was born, and I must say that it has been a rewarding life. But, it takes a special kind of man to recognize that a life at home with his family is rewarding too, and purposely change careers in order to obtain such a life.

It can be very easy to catch "Potomac Fever" once in Washington, and it can be equally hard to leave this city, voluntarily anyway. But we all know that the time constraints on Members of Congress have increased steadily over the years. It is a difficult life for a person with a family and the years have a tendency to blend together. JOHN's decision to go home to Omaha with his family I am sure was not an easy one, but it is indeed an admirable one.

I admire the work he has done on the Banking Committee during the past 4 years. He has shown a special sensitivity for consumers and their problems, for the need of financial privacy, and the needs of the little guy.

JOHN had all the signs of a bright and promising career here, but I know that his future will be equally bright back home. I wish him the best. I am sure that all the readers of the Omaha Sun newspaper will miss Mrs. Cavanaugh's Washingotn news column, but are pleased that Kate Cavanaugh and her husband will be coming home.●

● Mr. BARNARD. Mr. Speaker, when I came to Congress in January of 1977, I was joined on the Banking Committee by the new Member from Nebraska, JOHN CAVANAUGH. From our vantage point near the end of the Democratic bench, I rapidly learned that what JOHN lacked in terms of seniority, he more than made up in terms of intellectual depth and determination.

In the space of just 4 years, JOHN has made a major impact on the Banking Committee, and while we did not always agree, his points were always made with clarity and a real insight into the needs of the consumer.

I will not even attempt to list the impact that JOHN CAVANAUGH has had on the legislation considered in the Banking Committee, for the list would be far too long. Even when we were on opposite sides, I always asked myself what JOHN would think of the legislation in question, for if there was any weak point or inconsistency, he would be sure to find it.

However, the number of times we disagreed were far outnumbered by the times that we agreed, and with his retirement I feel that I am losing a valuable colleague who will be sorely missed.

Just last fall, during the conference of the International Monetary Fund in Yugoslavia, those of us on the delegation were highly impressed by JOHN's knowledge of international economic problems, and the insights he brought to discussions of possible solutions. This knowledge has been also reflected in his contributions in both the International Trade Subcommittee and the International Organizations Subcommittee.

On domestic issues, his background in urban politics and the problems of urban areas has made a real contribution to deliberations on the City Subcommittee.

However, I got to know JOHN best because of his contributions to the Financial Institutions Subcommittee, where we both sit. His suggestions about the problem of usury ceilings, and the effect they are having on mortgage markets has been a great help in working out a solution to this perrenial problem, and his recent efforts to insure the privacy of financial records will likely result in a rapid solution to the problem of misuse of consumer's financial data.

Mr. Speaker, I deeply regret that I, among others, will not have JOHN CAVANAUGH around to advise the Banking Committee and this House next year. However, I can well understand his desire to be closer to his family during his children's formative years, and I am grateful that we had his counsel for as long as we did.●

● Mr. MINISH. Mr. Speaker, I am honored but saddened to be participating in this special order this afternoon: Honored, because I have enjoyed the privilege of witnessing firsthand the selfless adherence to the public's interest which has characterized JOHN CAVANAUGH's service on the House Banking Committee; saddened, because his decision not to seek reelection will deprive the next Congress of a bright, energetic, yet judicious Member who exemplifies qualities always desirable but rarely present in public officials in such generous measure.

Membership in the House places tremendous demands on one's time, demands which the father of small children feels all the more keenly. I fondly remember swearing-in day in 1977 when JOHN's three children launched him into international prominence by crawling around on the committee tables here on the floor. My colleagues may not be aware that the children's brilliant public relations stunt reached newspapers as far away as Hong Kong, where the press fretted, "Could this ever happen here?" Frankly, I never thought it could happen here in our Chamber, but I am glad it did, because it marked the beginning of JOHN CAVANAUGH's productive legislative career.

Since that time JOHN and his lovely wife Kate have added a fourth beautiful red-haired child. JOHN's contributions in Congress have also increased. His legislative leadership in the areas of financial privacy and U.S. participation in international lending institutions are but two of the reasons why the people of Nebraska's Second Congressional District can be proud of their representative's service to them and to the Nation. We, his colleagues, will be fortunate to have JOHN CAVANAUGH among us at least for 1 more year.

I hope that JOHN will not lose his passion for influencing the formation of public policy for the better. I am sure that he will remain active and involved. And I hope for the sake of Nebraskans as well as for the Nation at large that JOHN CAVANAUGH will return to these Halls in the not-too-distant future.●

● Mr. FASCELL. Mr. Speaker, it is a privilege to join my colleagues today in paying tribute to Congressman JOHN J. CAVANAUGH, who will return to private life at the conclusion of this legislative session. It has been a distinct personal and professional pleasure to work with JOHN during the past 3 years in the House, on the Foreign Affairs Committee and with the United States-Canadian Interparliamentary Group. I will miss this outstanding young man and I know his absence will be felt by all those who have served here with him.

JOHN's principal committee assignment is with the Banking, Finance and Urban Affairs Committee; however, during the last Congress he was temporarily assigned to the Foreign Affairs Committee. He made a very valuable contribution during that time. His knowledge of financial issues was particularly useful during consideration of foreign assistance issues and his insightful questioning of witnesses was always perceptive and to the point. JOHN consistently stressed the need to examine established programs for current relevance, he sought to understand thoroughly the complexities of foreign relations and he brought a fresh outlook to the business before committee. His tenure was productive in spite of its brevity and we all regret the fact that he was unable to continue with Foreign Affairs in the current Congress.

JOHN also served with the House delegation to the United States-Canadian Interparliamentary Group, which I chair. He was an active participant in all our work, a very positive force in our discussions of relations between Canada and the United States.

In addition to intelligence and knowledge, JOHN has brought wit and exuberance to his work. He has been a fine Member of Congress and a fine friend. Although we feel a sense of loss at the news of his plans to leave the House, I realize that we have gained by his service among us. His future is sure to be a distinguished one and I wish him all possible success for the years ahead.●

Mr. REUSS. Mr. Speaker, we have heard it from MURPHY and MARKEY and HANLEY and O'NEILL and all the rest of us ethnics, the old song, "Johnny, we hardly knew you," but this is not a wake. JOHN is a public citizen and that he will remain.

It has been overlooked here tonight that one-fourth of JOHN's House career lies gloriously ahead of him and we are looking forward in this year of 1980. we are only in January now, and I know that JOHN will stick to his devotion to the great causes which he has espoused and that this year as in his earlier years he will perform something worthy to be remembered.

For another thing, he is going back to his hometown to make a living and to be closer to his loved ones; but when you work downtown and when you live in your neighborhood, you are going to have friends and neighbors who need help and I know you will be a public citizen to them and give them of your help.

□ 1910

And finally, years from now you may remember that almost every one of your friends who have given their little testimony here tonight has said they feel it in their bones that you are going to be back here in Washington—and I join them in that feeling—whether it is here in this beloved House or over in the other body. And I do not even exclude the chance that by national acclamation one day the prize which William Jennings Bryan sought and which thrice eluded him may be given to President JOHN CAVANAUGH.

So, JOHN, go from this place hence with our love and fond memories, and God bless you.

Mr. Speaker, I yield back the balance of my time.

## GENERAL LEAVE

Mr. REUSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today in tribute to the Honorable JOHN CAVANAUGH.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## REGULATORY POLLUTION IN THE AUTO INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

● Mr. ASHBROOK. Mr. Speaker, at the end of the last session this Congress voted for a $1.5 billion bail out of the Chrysler Corp. Since that major vote we have been seeing a number of new efforts by Chrysler to rejuvenate its market standing. However, we have also seen both Ford and General Motors cut back production and phase out plants. In my opinion the Ford and GM moves are the first indications that all is not well with the auto industry in general. Worse than this, the course of events in recent weeks underscore that fact that the Congress had the historic opportunity to confront basic problems within the auto industry, and American industry as a whole with the Chrysler bill, but instead chose to vote a quick fix. By avoiding a major opportunity to remedy the worsening economic climate in America Congress may have sentenced this nation to a decade or more of continued inflation and frustrated economic growth.

On January 10 Ford announced the phase out of its large car assembly factory in Los Angeles. This will layoff over 145,300 workers and affect another 70,000 nationwide with short term layoffs. William Bourke, executive vice president of North American Operations for Ford, also announced that his firm may lose as much as $1 billion in the United States and Canada during 1980. General Motors is also phasing out its home Cadillac plant in Detroit. Currently GM has 17,200 persons on indefinite layoffs because of other production cut backs. While some of these upheavals reflect a shift away from large car production due to consumer preferences there is an undercurrent that other forces are at work to hamper growth in the auto industry.

For years there have been indications that the U.S. economy has been functioning under increasing stress. Poor balance of trade figures have been registered for years. Inflation and unemployment have risen. Foreign imports have flooded many sectors of the American economy. Part of the blame can be placed on oil imports and the tidal wave of price increases that have swept through the economy due to energy costs. However, in the auto industry, in energy fields, and in the economy in general a major factor that is constantly downplayed by government and the media is the burden of regulations. Over the years regulation has grown in the market sector to warp and pervert economic laws and to cripple the U.S.'s ability to compete in the international marketplace.

The regulatory issue was the underlying cause of the Chrysler situation. It was like the problem at Three Mile Island—an accident occurred that pointed to a long neglected area for reform Chrysler was the Three Mile Island of the auto industry. Its failure called attention to the fact that something had clearly gone astray in the industry. Unfortunately, the Chrysler bill was like the Markey amendment on nuclear, it was a short term response that totally neglected the need for overall analysis and reform of the situation.

The failure of Chrysler and the ongoing problems of the auto industry are analogous to many environmental matters the Congress has discussed over the years. Each corporation and small business is like a stream that flows in a relatively clean environment of the free market. There are rocks and waterfalls and occasionally a stream dries up, but this is all part of the natural order of things in the marketplace. Into this pristine ecosystem comes the polluting influence of Government regulation. Some additions may have short-term attributes, just like fertilizers. But all additions change the original system. Corporations and small businesses, like streams, have methods to adapt to changed circumstances. In the environment this is called a carrying capacity. Each has its own carrying capacity for foreign substances.

However, if the environment changes too radically or the cumulative level of pollutants creates unalterable changes beyond the carrying capacity the stream not only is polluted, it begins to die. The marine life fails to reproduce, the cycle of renewal breaks down, and all that is left is a wasteland.

So it is with industry. Too much paperwork, too much Government waste and bureaucracy begins to burden the systems that produce new ideas, produce new capital, and produce new markets. As these natural renewal systems in the marketplace wither and die an organic entity of the corporation begins to fray at the edges and eventually dies as well.

Some corporations, just like some streams, have a better ability than others to carry pollution. A Mississippi River can take the tons of garbage and oil that are part of river commerce much better than some small mountain streams. So it is that a Fortune 500 corporation can adapt to the tons of Government forms and the millions of dollars in extra-regulatory costs than a small local business. When a great river dies it is an ecological calamity, when a great corportion goes under it is also a great calamity and just as much a danger signal to the marketplace as the great river's pollution is to the environment of the planet.

My colleagues who take the lead on environmental issues do not advocate ad hoc cleanup efforts for the Mississippi River or other ecosystems when they face pollution threats. The environmentalists press for comprehensive approaches to limit waste and they strive to find the sources of pollution. When we find an ailing firm in the marketplace we should consider the same type of action. The ad hoc solution for Chrysler did not address the sources of its demise anymore than an ad hoc cleanup of some river addresses the dangers of some universally used chemical. The environmentalists argue that one day we could face full-scale obliteration of the planet's ecosystem if we do not curtail pollution.

I argue that we could face full-scale obliteration of the market economy if we do not begin to stop the wanton abuses of the regulators. This is the crux of the Chrysler question. Chrysler's impending collapse occurred because the per unit cost of regulation has exceeded the corporation's ability to absorb the loss with economies of scale. Factors stemming from poor marketing judgment and management decisions weakened the corporation's natural ability to withstand regulatory pollution by cutting its market share and lowering its production volume.

However, it was the Federal regulatory behemoth that delivered the death blow to Chrysler. According to Lee A. Iacocca, chairman of the board for Chrysler, the burdens have accelerated beyond belief. The Environmental Protection Agency only required 14,000 pages of forms and reports in 1972; in 1978 that soared to 228,000 pages. In order to take the first 58 grams of pollution out of auto emission Chrysler had to expend $25 per car in production costs. The 1980 and 1981 standards from the EPA require another 5 grams of pollution emissions to be removed. This will cost an additional $238 per car.

A corporation like Chrysler had no problem absorbing the 1972 regulatory costs, but those costs began to change the market, just like those first drops of waste begin to change a stream's ability to survive. The influx of foreign cars became a flood in the seventies and Chrysler's production, weighed down by the Federal Government, began to lag. The larger firms of Ford and General Motors were less affected by Federal pollution, but they also functioned less effectively. Throughout the seventies Chrysler's market share dropped and its regulatory cost per unit went higher. Today its "carrying capacity" has been exceeded and it is beginning to die.

The Congress had a major choice to make on the Chrysler matter. It could have viewed the financial collapse as an isolated incident: a once-in-a-lifetime phenomenon like some large meteor slamming into the Earth and leaving a mile-wide crater. In this context the quick fix of the loan could be argued along the lines of some sort of disaster assistance. The other view is more troublesome. If Chrysler goes down now because of regulatory burdens how long will it be before other major corporations go under as the environment becomes increasing polluted by the forces of Government intervention?

Under this scenario how should the Congress address the issue? Certainly a short-term loan guarantee will only provide a dangerously false sense of having solved the problem. If the marketplace is crippled by the actions of the Federal Government then it could be a matter of time before GM, Ford, and other firms join Chrysler in similar fates. At that point it would be only a matter of how much money was left in the Treasury before the cupboard was bare and the market system was dead.

The bill that passed the House last December made no provision for a review of the growing regulatory burden on the auto industry in the Nation. In fact, the Congress tends to avoid the issue of what its laws have wrought on the private sector. It is politically far easier to address disaster on an ad hoc basis than to realize a pattern might be emerging.

Our problems with trade deficits, our balance-of-payments problems, the shaky footing of the dollar on world currency markets, and the inability of domestic firms to compete with foreign goods all tie in to the Chrysler failure. At the base of all of them is the common thread of Government intervention. Just like DDT that was traced through the food chain in the sixties, the unwarranted hand of Government can be traced through the distribution system of the private sector. DDT was banned and other pesticides controlled. It is now time to ban some regulations and place a lid on new interventionist developments.●

---

## TOO MUCH GOVERNMENT REGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 15 minutes.

Mr. COLLINS of Texas. Mr. Speaker, have the Members seen the final issue for 1979 of the daily Federal Register? 1979 ended the year at page 77,497. In 1978, the year before, the Register accumulated 61,261 pages. Thus there were 16,236 more pages in the course of a single year required to detail the new regulations and revisions of old ones proposed or finalized for the Government's control of American life.

That is an increase of 26.5 percent in one year. Comparing 1979 to 1969 shows a 279-percent increase of 57,031 pages in regulations.

We are in the midst of a large, coordinated, and costly effort to reform regulations. This program is supposed to get rid of duplication, gaps and contradictions in the rules.

At the end of November the Council issued a semiannual calendar of significant regulations under development. There were 129 of these reported by 25 different Government agencies.

The Council says that only those regulations are included in the calendar that will have "an annual effect on the economy of $100 million or more; (or) that will impose major increases in costs or prices. * * *"

The real question is what are the penalties of compliance. The Kaiser steelworks in Fontana, Calif., is faced with compliance costs of $400 million in the 1980's. This has forced Kaiser to try to sell the steelworks. A Japanese potential buyer concluded that it was not a good buy. We should be watching the papers for Kaiser's next move. United States Steel is now negotiating with EPA concerning antipollution costs of $100 million for its Geneva Works in Utah. The outcome will determine whether this $2.7 billion facility will be shut down.

At a different level of regulation United States Steel is confronted with what seems a totally unreasonable regulation in Alabama. A few years ago they installed pollution controls with a cost effectiveness of $1,100 for each pound of of dust collected per hour.

By 1978, EPA required an additional control to catch 17 more pounds of dust per hour beyond the 20,000 pounds per hour already being collected. This step cost $7 million, with a cost effectiveness of $406,000 per pound per hour. Such costs are grossly disproportionate to the benefits gained.

Where there is no competition, regulatory costs are simply passed on to the consumer. In my State, a utility had one coal-fired plant some years ago that needed only one permit: To insure that its smokestack would not intercept low-flying planes. An ash precipitator for that plant cost $4 per kilowatt of electricity generated. Today that utility's coal-fired plants have six Federal and 17 State permits to be obtained at a cost of $63 per kilowatt. This makes electricity cost much higher to a homeowner.

Was it the intention of Congress that the cost of regulation in the United States should amount to $450 for every man, woman, and child in America? Did we intend that Standard Oil of Indiana should be forced, as it is, to keep 636 miles of computerized records for the Department of Energy? Did we mean for General Motors to employ 22,300 people on Federal paperwork? How can it be constructive to our energy programs and in the public interest to require the oil industry to obtain 138 decisions from bureaucrats and prepare paperwork at 88 points in the licensing process—before they can drill an oil or gas well?

Government permits can kill a good idea as SOHIO finally gave up on its plan to build a pipeline from Long Beach to Midland as they got 892 permits and still could not get construction authorized.

Environmental controls are excessive,

and now the Government is moving into incremental pricing to add increased energy costs to business.

We have more government than we need, more regulations than we can carry, and more taxes than we can afford to pay. Let us have less government.

---

## THE CARTER STATE OF THE UNION MESSAGE VERSUS THE FISCAL YEAR 1981 DEFENSE BUDGET: THE DANGER OF MAKING AN EMPTY THREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

● Mr. KEMP. Mr. Speaker, the Congress and the Nation welcomed President Carter's belated recognition of the magnitude of the Soviet threat now arrayed against American interest in the Middle East in an arc of crisis from the Khyber Pass to the Bosphorus. I, and many of my colleagues have been critical of the unwillingness of the President to recognize the adverse consequences for American interests of the unchecked growth of Soviet military power in the past. The President's state of the Union message was a welcome rhetorical respite from the rosy bromides the President has served the Congress and the American public about Soviet intentions over the past 3 years.

So much the greater, then, was the expectation of those who have been critical of the President's budget in the past that the President would match his words with the only measurable form of action directly under his control; the fiscal year 1981 Department of Defense budget. The President's budget is, regrettably, a crushing blow to those who had expected the President to match his strong language with decisive action. The defense budget is not only hopelessly inadequate to the magnitude of the military challenge we face, it threatens to plunge the Nation into a protracted period of grave danger. The latter danger arises from the President declaring the Persian Gulf a "vital" interest of the United States without requesting forces adequate to protect that vital interest.

Prior to being specific, it is worth noting a few details about the aggregate fiscal year 1981 budget level. In 1977, the President made a commitment to our NATO allies that the United States would increase its defense expenditures 3 percent per year in real terms. In the intervening period, however, persistently underestimated rates of growth of inflation caused virtually no increase in defense expenditures to occur with a corresponding slowdown in the expected growth of American military power. This slowdown was recognized by several Senators who were well informed about national security policy. As a consequence of the continued expressions of concern about the adequacy of the U.S. defense posture, these Senators were assured that the expenditure targets would be reviewed upward to assuage their concerns.

The outcome of these negotiations resulted in the budget presented to the Congress for fiscal year 1981; a budget which will result in a 3.3-percent increase in defense expenditure—outlays—in the coming year, and 5.6 percent in obligational authority. The figure agreed to by the President represents something of a compromise between the 5-percent increase his Senate critics were requesting, and his original recommendation of only 3 percent in real growth.

The excessive zeal with which the administration has promoted the current defense budget, as reflecting a major increase in defense expenditure, is entirely misplaced. President Ford proposed a defense program for the fiscal years 1979–83 that was drastically slashed by the incoming Carter administration. Expenditures for strategic forces were cut $24 billion; a reduction that is the proximate cause of the grave danger the United States is confronted with during the early 1980's by depriving the United States of any new strategic bomber deployment; a 3-year delay in the deployment of the MX during which time, the placing of the entire U.S. ICBM force in jeopardy; and delays in the Trident program which will not permit full deployment until 1996.

Overall defense expenditure will be reduced by $57 billion over the proposed budget of President Ford; enough resources to have turned President Carter's empty threat to defend the Persian Gulf into a credible commitment which would have impressed friend as well as foe.

The budget, published yesterday, ostensibly calls for a "real" increase in military expenditure next year, after adjusting for inflation, and projects further spending boosts in the following 4 years.

In fact, under Mr. Carter's program, the United States next year will expend no more on defense than it did in 1977 as a percentage of gross national product, labor force, or net public spending, and only slightly more as a share of total Federal outlays.

Moreover, the President's claim that his 1981 defense budget represents a "real" increase in spending is based on assumptions about inflation that may or may not turn out to be true. The budget estimates that inflation in goods and services purchased by the military will be about 8.5 percent, compared to an overall rate of inflation currently of more than 13 percent. If the inflation rate turns out to be higher than allowed for in the defense budget, the "real" increase in defense spending could turn out to be a decrease unless additional appropriations are made.

Growth rates of expenditure are, of course, of little significance in themselves because one is concerned with the forces actually procured and operated with this increase in resources allocated to defense; a specific concern I will soon address.

Defense expenditure adequacy is not an issue subject to our own preferences; it can only be described as adequate or inadequate in the context of the threat posed by foreign adversaries. In this sense, defense is the only "uncontrollable" expenditure in the Federal budget. Last month, the CIA released its annual review of Soviet defense expenditure. This document revealed that the Soviet Union now expends approximately 50 percent more per year on defense than does the United States, and these expenditures are growing at a rate of 4 percent per year.

Even if the President would allow the defense budget to be increased from the 4.5-percent average annual rate of growth of obligational authority over the next 5 years to 5 percent, a simple calculation reveals how inadequate the Carter defense program is likely to be. If the United States increases its defense expenditure by 5 percent, and the Soviets continue to increase their defense expenditure 4 percent per year, it will not be until the year 2022 that the two defense budgets will be equal. Since the Soviet Union begins from a higher level of defense expenditure, cumulative defense investment over such a 42-year period would reside heavily in their favor. While defense capability is not directly correlated with defense investment, under circumstances where their exists such a gross asymmetry between American and Soviet defense investment, one cannot be surprised by the fact that Soviet military power greatly exceeds our own in many areas of interest crucial to our long-term security.

The President's revised fiscal year 1981 budget and the fiscal years 1981–85 contains some programmatic changes over his original budget—the budget the Congress would have received had not his Senate critics intervened. The budget in its revised form has not been modified to reflect the presence of more than five Soviet motorized rifle divisions now operating only 300 miles from the Straits of Hormuz. The traumatic deterioration in the international environment over the past 60 days has gone unrecognized in other than a rhetorical sense by the President.

Those who listened to the President's rhetoric will be dismayed to learn that insofar as defense procurement is concerned, most major weapon systems that were procured in fiscal year 1980, are actually purchased in smaller, not larger quantities in fiscal year 1981, and in most cases where procurement levels have been increased, the improvement is on a very modest scale. The following list of quantities procured—as opposed to dollars expended—illustrates the fact that the President has decided to settle for rhetorical toughness rather than matching his rhetoric with genuine defense programs:

PROGRAM REDUCTIONS, FISCAL YEAR 1980 TO 1981

| | Quantity procured | |
|---|---|---|
| | Fiscal year 1980 | Fiscal year 1981 |
| Army Programs | | |
| Cobra/TOW (AH–1S) helicopter | 15 | 0 |
| C–12A cargo aircraft | 10 | 0 |
| UH–60A Blackhawk helicopter | 94 | 80 |
| Hawk antiaircraft missile | 197 | 0 |

PROGRAM REDUCTIONS, FISCAL YEAR 1980 TO 1981—Continued

| | Quantity procured | |
|---|---|---|
| | Fiscal year 1980 | Fiscal year 1981 |
| **Army Programs—Continued** | | |
| Stinger air defense missile | 2, 400 | 1, 326 |
| M60A3 tank | 64 | 0 |
| M109A2/A3 self-propelled howitzer (155 mm.) | 94 | 36 |
| M125A2 81 mm. mortar carrier | 52 | 0 |
| M728 combat engineer vehicle | 56 | 0 |
| M198 towed howitzer.(155 mm.) | 208 | 144 |
| M240 armor machinegun | 2, 970 | 2, 360 |
| **Navy/Marine Corps Programs** | | |
| A–6B Intruder aircraft | 6 | 0 |
| C–9B Skytrain cargo aircraft | 2 | 0 |
| CH–53E Super Stallion cargo helicopter | 15 | 14 |
| EA–6B Prowler electronic warfare aircraft | 6 | 3 |
| BC–1300 Hercules aircraft | 3 | 1 |
| F–14A Tomcat fighter | 30 | 24 |
| P–3C Orion patrol aircraft | 12 | 8 |
| UC–12B utility trainer | 12 | 0 |
| Sidewinder air-to-air missile | 320 | 220 |
| Standard SM–1 air defense missile | 480 | 260 |
| TOW antitank missile | 3, 940 | 0 |
| Trident I strategic missile | 82 | 72 |
| MK–48 heavy torpedo | 144 | 0 |
| MK–60 Captor deep water mine | 260 | 0 |
| **Air Force Programs** | | |
| A–7K trainer aircraft | 12 | 0 |
| A–10 attack aircraft | 144 | 50 |
| C–130 Hercules cargo aircraft | 8 | 0 |
| E–3A AWACS warning aircraft | 3 | 2 |
| F–15 Eagle fighter | 69 | 30 |
| Sidewinder air-to-air missile | 2, 050 | 260 |
| Sparrow air-to-air missile | 1, 320 | 910 |

PROGRAMS UNCHANGED

| | | |
|---|---|---|
| E–2C Hawkeye warning aircraft (Navy) | 6 | 6 |
| Harpoon antiship missile | 240 | 240 |
| Phoenix air-to-air missile | 60 | 60 |

PROGRAMS INCREASED, FISCAL YEARS 1980 to 1981

| | | |
|---|---|---|
| **Army Programs** | | |
| General support rocket system | 1, 764 | 2, 340 |
| Patriot air defense missile | 155 | 183 |
| Roland air defense missile | 410 | 600 |
| TOW antitank missile | 6, 620 | 12, 000 |
| Fighting vehicle system | 100 | 400 |
| M88A1 recovery vehicle | 67 | 175 |
| M548 logistics carrier | 242 | 272 |
| XM–1 tank | 352 | 569 |
| Division air defense gun | 0 | 12 |
| Firing port weapon (submachinegun) | 1, 600 | 4, 000 |
| Copperhead guided 155 mm artillery round | 2, 100 | 4, 300 |
| Vehicle rapid fire weapon system, 25 mm | 310 | 480 |
| **Navy/Marine Corps Programs** | | |
| Sparrow air-to-air missile | 240 | 770 |
| Standard ER air defense missile | 55 | 275 |
| Standard MR air defense missile | 30 | 70 |
| Tomahawk cruise missile | 6 | 12 |
| Stinger air defense missile | 254 | 347 |
| MK–15 Phalanx close-in weapon system | 50 | 62 |
| MK–38 mini mobile target | 1, 100 | 1, 200 |
| MK–75 76-mm gun mount | 3 | 4 |
| M198 towed howitzer | 74 | 120 |
| **Air Force Programs** | | |
| Civil Reserve Air Fleet | 6 | 7 |
| F–16 fighter | 175 | 180 |
| KC–10A tanker aircraft | 4 | 6 |
| TR–1 reconaissance aircraft | 2 | 4 |
| Air-launched cruise missile | 225 | 480 |

In addition to the failure of the administration to request levels of procurement for an adequate defense capability, I am disappointed at the shortchanging of New York State defense-producing firms.

The Cobra AH–1S helicopter request has been reduced from 15 aircraft procured in fiscal year 1980 to no aircraft in fiscal year 1981. Components of this weapons system are produced by Bell Aerospace Corp. in western New York.

The administration reduced its procurement of the A–6B attack aircraft deployed by the Navy and Marine Corps from six aircraft in fiscal year 1980 to no aircraft in fiscal year 1981. The EA–6B electronic warfare aircraft was reduced from six planes in fiscal year 1980 to three planes in fiscal year 1981. The President's request for F–14A Tomcat fighter aircraft for the Navy was reduced from 30 aircraft in fiscal year 1980 to 24 aircraft in fiscal year 1981.

All three of these aircraft types are produced by the Grumman Corp. in New York State.

The President also prosed his fourth revision in 3 years of the 5-year shipbuilding program for the U.S. Navy, and a review of these initiatives is equally revealing, particularly when fiscal year 1980 procurement is compared with fiscal year 1981 procurement:

| Ship type | Quantity procured | |
|---|---|---|
| | Fiscal year 1980 | Fiscal year 1981 |
| ARS salvage ship | 0 | 1 |
| CG–47 Aegis crusier | 1 | 2 |
| CVN nuclear aircraft carrier | 1 | 0 |
| FFG guided missile frigate | 6 | 4 |
| Landing ship dock | 0 | 1 |
| SSN–683 class attack submarine | 2 | 1 |
| T–AGOS ocean surveillance ship | 1 | 5 |
| T–AKX maritime prepositioning ship | 0 | 2 |
| Trident submarine | 1 | 1 |

The proposed fiscal year 1981 shipbuilding program increases the number of ships produced by three by cutting the number of combatant ships produced—the FFG frigate and the SSN–68B attack submarine—and increasing the number of support ships.

Of 61 major (nonshipbuilding) procurement efforts that were being procured in fiscal 1980, quantities to be acquired in fiscal year 1981 will be reduced or remain unchanged in 35 accounts (57 percent), and will be increased on 26 accounts (43 percent). While this performance is a noteworthy improvement over the performance of the previous 3 years of the Carter administration, this defense program scarcely reflects the new-found toughness of the President one would expect from hearing his state of the Union message.

The proposed budget is not, in fact, responsive to either the Soviet threat as it existed before its more bellicose intentions were made manifest after the Afghanistan invasion, or to the President's newly ordained commitment to defend the Persian Gulf region. Rather, it appears to smack of an intra-administration political compromise of what could be squeezed out of nondefense programs with political safety to be shifted to the defense budget to assuage Senate SALT critics. Such a process is hardly likely to result in a defense budget adequate to U.S. security requirements. Instead, it promotes the most dangerous kind of international posturing; the making of an empty threat. The budget lacks the hint of strong urgency to respond to the commitments American troops may be obliged to redeem; a clear invitation to the Soviets to test American resolve.

Mr. Speaker, I am not at this time convinced of the need to reinstate registration and draft of men or women. Its clear however, we cannot continue as is.

What I do advocate is a reform of the All-Volunteer Force.

As I have urged previously, such reform should provide greater financial incentives for longer term initial enlistments.

And it is this Nation's shame that some men and women in the enlisted ranks must "moonlight" in civilian jobs to avoid poverty level conditions for themselves and their families because of the daily devaluation of the U.S. currency.

Providing greater financial rewards for longer, first-time enlistments would, I am convinced, save many millions of dollars in the long run in terms of training costs of skilled personnel who leave the service for civilian jobs when current shorter terms of enlistment expire. We need also to immediately upgrade our Reserves.

Although the President plans to submit supplemental budget requests to meet increases in fuel costs for the Department of Defense, there is no indication that he intends to submit a revised budget request to respond to the manpower crisis and to the consequences of the Soviet invasion of Afghanistan, the indefinite deferral of the SALT II treaty, and the unambiguous evidence of hardening Soviet belligerence. I hope the President's discovery of the malignancy of Soviet intentions will soon be matched by a defense program that parallels his new-found wisdom.●

## JAMES W. BELL, PRESIDENT OF CANNERS LEAGUE OF CALIFORNIA, RETIRES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. JOHNSON) is recognized for 10 minutes.

● Mr. JOHNSON of California. Mr. Speaker, the full California congressional delegation wishes to commend and honor James W. Bell, the retiring president of the Canners League of California for his many years of distinguished service to the canning industry, and to Members of Congress in helping them to address numerous industry-related problems.

As a major spokesman for the Canners League, Mr. Bell has frequently represented the industry at the State and Federal levels on legislative and regulatory issues of importance to food processors.

Among the notable accomplishments in Mr. Bell's career is his service as a member of the executive board of the Association of Food and Drug Officials, as editor of its Quarterly Journal. He is also a member of the American Public Health Association, the Institute of Food Technologists, and several other food industry service groups. He is a registered sanitarian both in California, and in his home State of Arkansas, and has authored numerous technical papers on a wide variety of subjects related to the food industry, including liquid waste disposal, sanitation in food plants, and food and drug control in California.

Prior to joining the Canners League in March of 1969, Mr. Bell served as a food and drug sanitarian with the Arkansas State Board of Health, as assistant to the executive vice president of the National Canners Association, and as chief of the California Department of Public Health's Bureau of Food and Drug.

Under his leadership, the league has grown substantially in its membership and influence. Soon after taking over as chief executive officer of the league, Mr. Bell merged it with the California Olive Association and began expanding its membership to the point where, today, it speaks for the vast majority of California fruit and vegetable canners. In addition, through its newly established affiliate and associate memberships, the league is also the spokesman for a large segment of the suppliers to the industry and processors of other kinds of food products.

In 1971 Mr. Bell greatly increased the effectiveness of the league's work with the legislature and the numerous State government regulatory agencies that the canning industry must deal with by moving the association's office from San Francisco to Sacramento, California's State capital.

In his private life, he is a member of the Masonic Order, including the Scottish Rite and Shrine, is active in church and local civic affairs, and is known as a worthy opponent on the tennis courts.

Canning industry members join the California congressional delegation in wishing Mr. Bell well in his retirement.●

---

## EXPORT CONTROLS FOR FOREIGN POLICY PURPOSES UNDER THE EXPORT ADMINISTRATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

● Mr. BINGHAM. Mr. Speaker, for the benefit of my colleagues, the U.S. export community, and the general public, I place in the RECORD at this point the President's notification to the Congress of his renewal of export controls for foreign policy purposes for 1980, together with an enumeration of those controls (enclosure 1) and the rationale for the extension of each control (enclosure 2). This notification is required by the Export Administration Act of 1979.

Previous legislation granted the President unlimited discretion to control exports for foreign policy purposes. One of the purposes of new legislation I introduced last year was to remedy that deficiency by providing standards to govern the use of such controls.

The Export Administration Act of 1979 provides that all foreign policy controls will expire at the end of each calendar year unless renewed. The President must notify Congress of the annual renewal of each control, justify the renewal in terms of six criteria specified in the act, and report on any efforts to achieve the purposes of the control by other means. The six criteria, provided in section 6(b), are as follows:

First, the probability that such controls will achieve the intended foreign policy purpose, in light of other factors, including the availability from other countries of the goods or technology proposed for such controls;

Second, the compatibility of the proposed controls with the foreign policy objectives of the United States, including the effort to, counter international terrorism, and with overall U.S. policy toward the country which is the proposed target of the controls;

Third, the reaction of other countries to the imposition or expansion of such export controls by the United States;

Fourth, the likely effects of the proposed controls on the export performance of the United States, on the competitive position of the United States in the international economy, on the international reputation of the United States as a supplier of goods and technology, and on individual U.S. companies and their employees and communities, including the effects of the controls on existing contracts;

Fifth, the ability of the United States to enforce the proposed controls effectively; and

Sixth, the foreign policy consequences of not imposing controls.

THE WHITE HOUSE,  
*Washington, December 29, 1979.*

Hon. THOMAS P. O'NEILL, Jr.,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: In accordance with the authority contained in section 6 of the Export Administration Act of 1979 (Public Law 96–72 of September 29, 1979; hereinafter "the Act"), I hereby extend export controls maintained for foreign policy purposes as specified in Enclosure 1. In accordance with section 6(e) of the Act I hereby notify Congress of this extension.

I am also submitting, as Enclosure 2, my conclusions with respect to: the criteria set forth in section 6(b) of the Act; the nature and result of alternative means attempted to achieve the purposes of these controls or the reasons for extending them without attempting any such alternative means; and the ways in which such controls will further significantly * * * the foreign policy of the United States or will further its declared international obligations.

Pursuant to section 6(k) of the Act, the countries and the goods and technologies listed in Enclosure 1 will be clearly identified in Export Administration Regulations published in the *Federal Register* as being subject to export controls for foreign policy purposes.

With reference to section 4(c) of the Act, adequate evidence has been presented demonstrating that, notwithstanding foreign availability, the absence of these controls would prove detrimental to the foreign policy of the United States.

Revisions of the regulations are being issued with an effective date of January 1, 1980, to comply with section 6(a)(2). They will be reissued in final form later in 1980, in order to take into consideration public comments received pursuant to section 13(b) of the Act.

Sincerely,

JIMMY CARTER.

The result of these provisions is that we now have, for the first time, a public enumeration of and rationale for the foreign policy controls applied by this country. Guidance is provided for the business community on the criteria governing license approval and denial. Effects of the controls on U.S. exports are specified insofar as possible.

I believe this annual exercise is a most salutary development and a good example of the kind of thing we were trying to encourage with the new act.

Of course, this notification does not take into account new controls imposed on the Soviet Union after January 1, because of the invasion of Afghanistan, but is of all the more interest in light of that development and the economic decisions we must now make in response.

### ENCLOSURE 1

### EXPORT CONTROLS FOR FOREIGN POLICY PURPOSES EXTENDED FOR THE PERIOD JANUARY 1 THROUGH DECEMBER 31, 1980

I. All countries except members of the North Atlantic Treaty Organization, Japan, Australia, and New Zealand:

A. A validated license is required for the export of crime control and detection instruments, equipment, and related technical data.

B. Applications for validated export licenses will generally be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

II. South Africa and Namibia only:

A. A validated license is required for the export of:

1. All U.S.-origin commodities and technical data for military and police entities;

2. Aircraft and helicopters and items controlled pursuant to the South African arms embargo for all consignees; and

3. Computers for government consignees exceeding performance levels permitted for shipment at national discretion under multilaterally agreed security export controls.

B. Applications for validated export licenses will:

1. Be denied for military or policy entities except, on a case-by-case basis, for medicines, medical supplies, and medical equipment not primarily destined to military or police entities or for their use; and

2. Generally be considered favorably on a case-by-case basis for:

a. Aircraft and helicopters for which adequate written assurances have been obtained against military, paramilitary, or police use; and

b. Computers which would not be used to support the South African policy of apartheid.

III. Libya, Iraq, People's Democratic Republic of Yemen, and Syria only:

A. A validated license is required for the export of aircraft valued at $3 million or more and helicopters over 10,000 pounds empty weight.

B. Applications for validated export licenses will generally be considered favorably on a case-by-case basis for such aircraft and helicopters for civil use if issuance of the licenses would be consistent with the policies set forth in subsections 3(4), 3(8), and 3(10) of the Act and subject to the requirement in subsection 6(i) of the Act to notify Congressional committees.

IV. Libya only:

A. A validated license is required for off-highway wheel tractors of carriage capacity of 10 tons or more.

B. Applications for validated export licenses will generally be considered favorably on a case-by-case basis for such tractors in reasonable quantities if for civil use, such as transportation of oil field equipment.

V. North Korea, Vietnam, Kampuchea, and Cuba only:

A. A validated license is required for all commodities and technical data except:

1. Technical data generally available to the public and educational materials;

2. Personal baggage, crew baggage, vessels and aircraft on temporary sojourn, ship stores, and plane stores;

3. Foreign-origin items in transit through the United States;

4. Shipments for U.S. Government personnel and agencies; and

5. Gift parcels not exceeding $200 of commodities such as food, clothing (non-military), and medicines.

B. Applications for validated licenses will generally be denied. Exports on a non-commercial basis to meet emergency needs will be considered on a case-by-case basis.

VI. USSR only:

A validated license is required for the export of petroleum equipment.

VII. All countries:

A. A validated license is required for the export of the following commodities and related technical data:

1. Commodities which could be of significance for nuclear explosive purposes; and

2. Any commodities which the exporter knows or has reason to know will be used directly or indirectly for:

a. Designing, developing, or fabricating nuclear weapons or nuclear explosive devices;

b. Devising, carrying out, or evaluating nuclear weapons tests or nuclear explosions;

c. Designing, constructing, fabricating, or operating the following facilities or components for such facilities:

i. Facilities for the chemical processing of irradiated special nuclear or source material;

ii. Facilities for the production of heavy water;

iii. Facilities for the separation of isotopes of source and special nuclear material; or

iv. Facilities for the fabrication of nuclear reactor fuel containing plutonium.

B. In reviewing applications for validated licenses pursuant to sub-paragraph VII A above, the following considerations are among those which will be taken into account:

1. The stated end-use of the component;

2. The sensitivity of the particular component and its availability elsewhere;

3. The types of assurances or guarantees give in the particular case; and

4. The non-proliferation credentials of the recipient country.

---

## ENCLOSURE 2

## CONCLUSIONS WITH RESPECT TO CRITERIA, ALTERNATIVE MEANS, AND FURTHERANCE OF FOREIGN POLICY OR INTERNATIONAL OBLIGATIONS

### I. CRIME CONTROL AND DETECTION INSTRUMENTS AND EQUIPMENT

These controls continue in effect pursuant to section 6(j) of the Act.

No country has been formally determined to have a government engaging in a consistent pattern of gross violations of internationally recognized human rights. Therefore, except for the embargoes on North Korea, Vietnam, Kampuchea, Cuba, and the South African police and military, the validated license requirement for these items does not constitute a presumption that an application for such a license would be denied. However, where a consistent pattern of such violations appears to be developing, either positive or negative use of export controls might help to deter such development.

### II. SOUTH AFRICA AND NAMIBIA

Prohibition of the export of virtually all items to military and police entities and controls on the export of aircraft and helicopters to all consignees and on the export of specified computers to government consignees are intended to distance the United States from the practice of apartheid, strengthen the effect of the United Nations arms embargo, and support racial justice throughout Africa.

There has been no movement toward fundamental social and political change in South Africa. Not extending controls would adversely affect the credibility of our South African policy in the minds of both the South African Government and black African nations.

The United States has attempted to influence the South African Government through public expressions of dissatisfaction with its social and political systems and reduction of diplomatic and other relationships. These other means have been insufficient to serve as an adequate alternative to export controls.

Regarding enforcement, it is recognized that it is extremely difficult, if not impossible, to prevent the South African military and police from acquiring U.S. goods indirectly. On the other hand, we believe that U.S. firms have been conscientious in complying with the controls. Foreign firms with no U.S. ties are probably less zealous in adhering to U.S. regulations, especially for items exported to them under general license and for U.S. components or technology incorporated in foreign manufactured products.

Most types of equipment and technology affected by the controls are available from foreign sources. However, Australia recently restricted sales of aircraft to South Africa.

The effects of the controls on U.S. exports can be only roughly estimated. Factors other than export controls affect the overall export picture.

In general terms, the U.S. share of the South African market dropped from 13 percent in 1977 to 11 percent in 1978. If the 13 percent share had been maintained, U.S. exports would have been $400 million higher in 1978. In 1977 the United States had the largest market share; in 1978 the United Kingdom and Germany had larger shares. Significant decreases in U.S. market shares occurred from 1977 to 1978 in pharmaceuticals, tires, chemicals, trucks, locomotives, motor vehicle components, and computers. For the first five months of 1979 the U.S. share of the market had recovered to 12.8 percent. There have been substantial U.S. sales since May.

Although it is difficult to determine whether losses are the result of the embargo or of other factors, examples reported by individual U.S. firms include the following:

Loss to a Japanese firm of a $45 million order for a commodity for which previous orders alternated between U.S. and German suppliers;

Inability of a U.S. company to provide technical data to its South African subsidiary, which resulted in the loss of $1 million in annual royalty payments and ultimately led to divestiture of the subsidiary;

Loss to a British firm which stresses U.S. export controls in its markteing efforts of three contracts for about $10 million and of estimated follow-on sales of about $26 million;

Placement with a non-U.S. firm of a $50 million order by a South African company which had previously purchased exclusively from U.S. companies;

Sourcing by a U.S. project manager of $500 million worth of contracts in 1979 without U.S. participation;

Damage to reputation as a reliable supplier because of inability to supply parts and servicing for previously sold equipment;

Loss of exports because of the difficulty of determining whether an insignificant portion might reach the military or police; and

Additional administrative expenditures in order to comply with U.S. regulations while attempting to meet existing contractual and servicing agreements.

### III. TERRORISM

The listing of Libya, Iraq, People's Democratic Republic of Yemen, and Syria in the heading of part III of Enclosure 1 of this notification constitutes the determination, pursuant to subsection 6(i)(1) of the Act, as to which countries have repeatedly provided support for acts of international terrorism.

Exports to these countries of crime control and detection instruments and equipment (which include vehicles designed to military specifications), aircraft valued at $3 million or more, and helicopters over 10,000 pounds empty weight are controlled pursuant to section 6(i) of the Act.

Syria and Iraq have not made major purchases of U.S. aircraft since 1976. The People's Democratic Republic of Yemen trades largely with the USSR and exports of aircraft to that nation have been minimal. Libya, however, has the potential to continue to be a significant market for U.S. aircraft and helicopter manufacturers.

Controls on the export to these countries of U.S.-origin aircraft valued at $3 million or more and helicopters over 10,000 pounds can be effectively enforced.

Large transport aircraft are available from French, German, and British companies as well as from the Soviet Union. Helicopters are produced by the same countries, as well as by Israel and Japan.

Examples of consequences attributed to these controls by individual U.S. firms include the following:

U.S. helicopter manufacturers report that they have not pursued inquiries from or marketing efforts in these four countries because of the uncertainties caused by the U.S. controls; and

A major U.S. aircraft manufacturer may lose a $186 million sale of aircraft to Libya because of the application of this control.

### IV. LIBYA

Controls on the export to Libya of large tractors further the foreign policy objective of regional stability and are consistent with our policy on military sales to that country. Libyan troops have been directly involved in three countries in the past year (Chad, Uganda, and the Central African Republic) and are on a high state of alert along the border with Egypt, where a brief border war broke out in 1977.

Large tractors could be used to transport tanks and other outsized military vehicles, thereby enhancing the mobility of Libya's sizable armored force.

This type of vehicle is available from foreign suppliers in adequate quantities to serve the Libyan market. However, U.S. controls prevent an American contribution to Libyan military activity.

Controls of sales of off-highway tractors of carriage capacity of 10 tons or more can be effectively enforced.

Discontinuation of the controls would be seen by other friendly countries as a United States contribution to strengthening Libyan capability to mount hostile actions along its borders.

The controls supplement other means designed to influence Libyan behavior, including numerous demarches on issues such as Libyan activity in Uganda. There are very few alternative means available to the United States. For example, Libya has no need for U.S. economic or military assistance.

In 1977 the U.S. exported to Libya 330 vehicles of this type with a value of $7.1 million; these figures dropped in 1978 to 14 vehicles at $0.3 million. A sale of about $60 million was lost to a foreign firm in 1978. Industry representatives estimate a potential Libyan market of about $50 million. There is also some indirect adverse effect on exports to other markets.

### V. EMBARGOES OF COMMUNIST COUNTRIES

The embargoes on exports to North Korea, Vietnam, Kampuchea, and Cuba are administered not only under the Export Administration Act but also under the Trading With the Enemy Act. The latter authority continues by virtue of sections 101(b) and (c) and 207 of Public Law 95-223, and has been extended twice pursuant to national interest determinations, the most recent being from September 14, 1979, to September 14, 1980.

These embargoes were originally imposed for security reasons. During the Korean conflict we imposed an embargo against North Korea. During the Vietnam war we embargoed trade with communist controlled portions of that country and, when the communists took over complete control in 1975, this embargo was extended to all of Vietnam and to Kampuchea. The embargo against Cuba came at a time when Cuban actions presented a serious threat in the Western hemisphere.

The circumstances which prompted imposition of these embargoes have changed over the years. However, it would be irresponsible to discard them on that basis alone. Ending a virtually total embargo is a dramatic action with significant policy ramifications.

North Korea is still technically in a state of war with the United States, the Republic of Korea, and the United Nations. It is expanding its offensive military and subversive potential and suppressing human rights. It recently rejected U.S. overtures for tripartite discussions on ways to ease tensions on the Korean peninsula.

In the case of Vietnam, we announced our willingness some time ago to end the embargo at such time as normal diplomatic relations are established and Ambassadors are in place. Subsequent Vietnamese invasion and occupation of Kampuchea have blocked progress.

Controls on exports to Kampuchea should be similar to those affecting Vietnam, particularly in light of the present occupation. The United States is making a major exception to the embargo of Kampuchea in the form of humanitarian aid to the people.

Full normalization of trade and diplomatic relations with Cuba hinges upon Cuban willingness to address, among other issues, restraint in other countries and compensation for American citizens whose property was expropriated by the Cuban Government.

The controls on North Korea, Vietnam, Kampuchea and Cuba are understood and generally supported by the public, so there is little difficulty in enforcing them.

Other countries are not formally cooperating with the United States in these embargoes. However, third country exports to North Korea are minimal because that country is in default on its international trade payments, there is very little trade of any kind with Kampuchea, and Vietnam and Cuba now largely orient their former trade with the United States toward the USSR.

All of the OECD countries combined exported only $435 million to Vietnam in 1977. Even without the embargo, the Vietnamese would probably have turned elsewhere whenever possible, buying from the United States only when it was in their particular interest to do so. The most notable loss has been the replacement of U.S. firms by European firms in oil and gas exploration activities in and offshore Vietnam.

In 1959, U.S. firms supplied 64 percent of Cuba's total imports. If the embargo were lifted, the USSR would probably continue to be Cuba's major trade partner, but U.S. exporters, with the advantage of proximity, could be expected to replace some Japanese, Canadian, and European firms currently exporting to Cuba.

In aggregate value, U.S. exports to Cuba would likely not exceed $300 million annually over the medium term and would probably reach no more than $100-150 million in the first year if trade were resumed.

Because Cuba does not represent a substantial incremental market for any specific U.S. industries, the embargo has not retarded the ability of any U.S. economic sectors to compete in world trade. Exporting to Cuba would not, therefore, substantially raise production levels or efficiency in any industries.

### VI. PETROLEUM EQUIPMENT TO THE USSR

The control on the export of petroleum equipment to the USSR provides a flexible foreign policy tool. When necessary and appropriate it can be used to sensitize the Soviets regarding actions which are damaging to United States foreign policy interest.

The United States supports the improvement of bilateral economic relations with the Soviet Union as an element in our effort to improve overall relations. At the same time it is recognized that improvement in one sector of the bilateral relationship cannot be long sustained if it is not accompanied by improvements in other areas. Discontinuation of this control would represent a change in policy not warranted by existing circumstances in our relationship with the USSR.

Among the various means of furthering U.S. objectives vis-a-vis the Soviet Union, this control continues to be useful.

While the United States Government can effectively control exports of U.S.-produced petroleum equipment, for most items adequate quantities of similar equipment are available from foreign sources. There is only limited foreign availability of some deep submersible pumps and seismic equipment.

The effect of the controls on U.S. exports can be only roughly estimated since other factors affect the data. Although no license applications have been denied since the control was imposed in August 1978, some exports have been lost.

U.S. exports of petroleum equipment to the USSR average about two percent of total U.S. petroleum equipment exports. The U.S. share of the Soviet market had been generally increasing until the third quarter of 1978. In 1974, U.S. suppliers received 13.6 percent of all Soviet oil and natural gas machinery orders placed with Western manufacturers. The 26.9 percent U.S. share of the 1977 Soviet market for petroleum equipment increased markedly to 55.5 percent in the first quarter of 1978 and to 51.1 percent for the third quarter. It dropped to 8.0 percent for the last quarter, bringing the figure for all of 1978 down to 44.6 percent. The U.S. shares for the first three quarters of 1979 were 23.5, 20.0 and 9.7 percent.

Although it is difficult to determine whether losses are the results of the controls or of other factors, reports by U.S. firms include the following:

Loss to foreign competition of contracts for gas lift equipment valued at about $70 million (plus larger anticipated follow-on sales) because of delays and uncertainty in the U.S. licensing process;

Expenditures in the range of hundreds of thousands of dollars attributable to late delivery penalties and other costs related to the licensing process;

Use of the U.S. license requirement by foreign companies as leverage to obtain sales, since U.S. companies must schedule delivery to allow time for a license review and U.S. firms are never certain that the license will be granted.

### VII. NUCLEAR NON-PROLIFERATION CONTROLS

Section 17(d) of the Act and section 309(c) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242 of March 10, 1978), are interpreted as intending that:

(a) Nuclear non-proliferation controls do not expire on December 31, 1979, and a determination to extend them is thus not required; and

(b) The criteria and other factors set forth in section 6(b) and (e) of the Act are not applicable to these controls.

The Congress is therefore notified that these controls continue in force.

Nuclear non-proliferation controls further significantly the foreign policy of the United States and its declared international obligations.●

---

## IN MEMORY OF JUSTICE WILLIAM O. DOUGLAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, Justice William O. Douglas will be best remembered, in accordance with his own wishes, as a conservationist—not only for the wilderness he so loved, but also for the rights and guarantees of the first amendment that he so cherished. This remarkable man was a teacher, a writer, a chairman of the Securities and Exchange Commission, a jurist, an environmentalist and a humanist. Any one of these careers would have been sufficient for most people. Justice Douglas did them all.

Every one of his undertakings was based on a conviction that principles of conduct ought to be implemented through concrete action. It was not enough for him to write on conservation matters; he annually led a band of hikers along the historic C. & O. Canal to demonstrate the need to preserve this waterway. It was not enough for him to teach the law of corporations at Columbia and Yale; he was one of the first members of the Securities and Exchange Commission and later its chairman. He did not set out for a career on the Supreme Court but it was there he made his greatest contribution, and there, that his principle of advocacy and action put to best use in this staunch defense of the first amendment.

His service to the Court spanned nearly two generations and witnessed a rapidly changing America. In 1939, at the age of 40 he was appointed to the Court. The crucial issue then before the Court centered on the authority that President Roosevelt had vested in the newly created "fourth branch" of Government—the administrative and regulatory agencies of the New Deal era. Justice Douglas consistently favored the agencies whenever Congress or the courts attempted to weaken or restrain these creations of what he saw as enlightened Government.

After World War II, a new issue dominated the Court's deliberations: freedom of speech. How much dissent could a democracy endure? Does a Communist have equal rights under the Constitution even in the circumstances of "the cold war?" Can citizens be investigated to establish their national loyalty?

Justice Douglas' response was bold, confident, and often in the minority. He placed more trust in the individual citizen than in the Government and began to use a phrase that crept increasingly into his opinions: The purpose of the Bill of Rights is to keep the Government off the backs of the people.

In the early 1960's, other issues arose with fierce intensity. A restless America began to recognize that for many Americans—blacks, women, the accused, the poor—the Bill of Rights was a hollow promise. They came to the Supreme Court for help. Setting out from the landmark decision in 1954, striking down racial segregation in public schools, Justice Douglas and his brothers, more than the other two branches of Government in the 1950's and 1960's, took action to secure the rights of racial minorities, to assure that persons accused of crimes were treated fairly, and to preserve free speech.

Through his opinions and most notably his dissents, he reminded us that the Bill of Rights is as pertinent today as it had been in the less complex days of the 18th century. He leaves that reminder for future generations of Americans.

As the leading advocate for "the firstness of the first amendment" and its guarantees of freedoms of speech and press, Justice Douglas wrote thousands of words extolling the high place in our constitutional order which these rights hold. He probably best described his philosophy on the marriage of free speech and advocacy in one of his most notable first amendment decisions in the 1949 case *Terminiello* v. *Chicago* (337 U.S. 1). In that decision the Court reversed the conviction of a public speaker whose address provoked anger and resentment. Writing for the majority, Justice Douglas said:

> According a function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.

Justice Douglas' staunch defense of free speech is undoubtedly his greatest contribution to American jurisprudence and his greatest legacy to this Nation.

Another area of Justice Douglas' special interest has contemporary significance as the Congress considers measures to improve our citizens' access to justice. He was a vigorous champion of expanding the right of injured persons to bring their complaints to the Federal courts. The concept of "standing" is the doctrine of law which defines the class of persons who may sue to vindicate the infringement or deprivation of rights. Throughout his term on the Court, Justice Douglas sought to expand the classes of persons who may seek redress for the invasion of a legal right. Because he believed that standing "protects the status quo by reducing the challenges that may be made to it and its institutions," Justice Douglas regularly dissented from the Court's restricted view of it.

It would be a special tribute to Justice Douglas for this Congress to enact legislation to expand and broaden the rights of citizens to bring suits in Federal courts for unlawful Government action and to clarify the standing of the Justice Department to bring suits on behalf of institutionalized persons.

The challenges of govering in a free society that Justice Douglas regularly confronted, are the challenges each of us must face. Keeping the channels of information open is more important than ever before. Justice Douglas can no longer stand vigil over our right to free speech. It is our responsibility.

Justice Douglas was a man who climbed mountains in his private life and moved them in his public life. He is silent now. But the thunder of his decisions will be heard for years to come.●

## SCHOOL LUNCHES—A SUCCESS IN NEW ORLEANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 5 minutes.

● Mrs. BOGGS. Mr. Speaker, I would like to share with you and my colleagues in the House an article which appeared in the Times-Picayune outlining the outstanding success of our New Orleans school lunch program under the leadership of Mrs. Ethel Ott. Under Mrs. Ott's able and practical guidance, the children in New Orleans enjoy appealing and nutritious lunches.

The article follows:

[From the Times-Picayune, Nov. 30, 1979]

### LUNCH FOR 70,000—ALL IN A DAY'S WORK FOR ETHEL OTT

(By Janet Wallfisch)

If planning daily nutritious, appetizing and economical meals for your family is a burdensome task, consider Ethel Ott's job. She plans meals for some 70,000 children and adults every school day of the year.

For the past six years Mrs. Ott has been the food service director of the Orleans Parish Public Schools. She begins her day at 7 a.m. in her office in the Food Services Department, leaves for lunch at one of the 130 public schools where she eats with, talks to and observes the children, and then returns to her office and the supervision of her 900 employees.

What foods appear on the daily menus is up to Mrs. Ott, and this is no hit-and-miss situation. In charge of purchasing all the foods, she said, "All of our foodstuff is bought on a bid system. I use seasonal foods and sound judgment.

"Before I put anything new on the menu it is tried and tasted. At two elementary schools and a junior and senior high school we try out a new item and if the children eat it and like it, that particular food goes on the specifications. If the children don't like it, or leave most of it uneaten, we don't include it. It's that simple. The children make the decisions, and we encourage comments."

In talking about specific foods, she remarked that tacos and pizzas are now regular items on the menus, but they had to be tried first. The latest thing, for example, is batter-fried fish, instead of breaded. "The children tasted it and liked it. Most children are good fish eaters. We use shark, too, when we can get it. It's mild flavored, bones are no problem, and it's adaptable. It can be fried, or flaked in gumbo, or cooked in courtbouillon. "The out-and-out favorites remain hamburgers and hog dogs, however. Pick-up foods are popular, too. Children like anything they can eat with their fingers. Don't adults like finger food, too?

"The U.S. Department of Agriculture tells us what the meals must consist of, including two ounces of meat or meat equivalent (cheese, fish or peanut butter), a ¾ cup of fruit and/or vegetable in two servings. Sample menus are: Meatloaf and gravy, creamed potatoes, corn and apple crisp; turkey, cornbread dressing, green peas, cranberry sauce and pie, with milk. Always milk with every meal.

"For those children who pay, in elementary school this lunch costs 25 cents; in the higher grades, it's 30 cents because of larger portions. We are reimbursed by federal and state monies.

"We serve breakfasts, too, at 64 schools, enabling those young people whose parents can't provide it to have a good hot breakfast to start the day. Tests have proven that children who partake are absent less, punctual, and more alert and interested in learning.

"There's also a summer school food service program for six weeks in coordination with NORD. Everybody can participate, rich or poor, in any of the services."

Mrs. Ott said, too, that the School Board hires young dieticians who are unable to get internships, and train them. "We have an on-going training program for cooks, bakers, etc. As a matter of fact, there are 32 degreed dieticians in the system at this time."

Dedicated, busy Mrs. Ott arrived in New Orleans in 1954 to assume the job of assistant chief dietician at the Veterans Administration. Before that, she was connected with the VA in Hartford, Conn., and Tucson, Ariz., and prior to that was a second lieutenant in the Army serving overseas in Germany.

After starting her career at the school board as manager at Hines and then Warren Easton, she subsequently became area supervisor. In 1973, after a stint with the State Department of Education, she applied, along with 45 other applicants, for the then available job as food director. Much to her surprise and gratification she got the job, and has been assuring our children of appetizing, nutritional meals ever since.

Always thinking of the best interest of the children, Mrs. Ott said, "I'd like to see the lunchtime set-up turned around so that kids play before lunch and then eat. They shouldn't feel rushed.

"Louisiana has the finest school lunch program in the nation," Mrs. Ott announced. Cognizant of this fact, and the woman largely responsible for it in New Orleans, the International Food Manufacturers Association, in May, presented Mrs. Ott with the Silver Plate award in the elementary and secondary schools category. This is an especially important honor as the association includes people in every phase of food production and equipment, and this was the first time a Louisiana school food service director won such an award.

Mrs. Ott said, in praise of her employees, that she wouldn't have won this honor without them.

In addition to having the satisfaction of knowing that thousands of children are happy at mealtime, Mrs. Ott declared, "I love our food."●

## NEW BINDING-MAILING FORMAT FOR CONGRESSIONAL RECORD APPROVED BY JOINT COMMITTEE ON PRINTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

● Mr. THOMPSON. Mr. Speaker I am pleased to report to my colleagues that the Joint Committee on Printing has unanimously approved a new format for the Congressional Record and authorized the Government Printing Office to modernize and automate the binding and mailing equipment used in the production of the Congressional Record and the Federal Register.

These changes will result in a savings of over $1.5 million a year to legislative branch appropriations when fully implemented. In addition, another benefit of perhaps equal importance will result—the delivery of both the Record and Register to subscribers outside of the Washington, D.C., metropolitan area will be expedited substantially and, at the same time, mailing costs will be held to minimum in the future.

The Joint Committee has directed the Government Printing Office to implement these changes as soon as possible. The cost of the new equipment, estimated to be approximately $8.6 million, will be recovered in less than 4 years through the reduced labor and mailing costs of the new system.

The leadership of both the House and the Senate has enthusiastically endorsed these changes. The administrative committee of the Federal Register voted unanimously to approve a new format for the Register, identical to the changes approved for the Record, which was necessary since both publications are produced at the Government Printing Office on the same equipment.

The Joint Committee is seriously committed to reducing Government spending wherever possible, while maintaining or improving service to the public. This is but another example of where I am happy we have done both.●

## LEGISLATION INTRODUCED TO LIMIT UNITED STATES-SOVIET SCIENTIFIC EXCHANGES IN RESPONSE TO ACTIONS AGAINST ANDREI SAKHAROV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Brown) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, today I am introducing legislation which is designed to demonstrate to the Soviet Union that their actions against Dr. Andrei Sakharov will have a serious and adverse impact upon United States-Soviet scientific exchanges. In the past the Soviet Union has placed great value upon these exchanges, which have had a mutual value to the United States.

The actions against Andrei Sakharov, however, changed the climate for such exchanges, even in areas where the Soviet invasion of Afghanistan did not. As chairman of the Subcommittee on Science, Research and Technology of the Committee on Science and Technology, I have had considerable opportunity to investigate our present programs, and have some ability to influence the future direction of those programs. The legislation which I, and the ranking minority member on my subcommittee, Representative Harold Hollenbeck, introduce today is our present thinking about what steps the United States should take to modify future scientific exchanges with the Soviet Union.

Hearings, of course, will be held on this matter. This Thursday my subcommittee will hold joint hearings with the House Foreign Affairs' Subcommittee on International Security and Scientific Affairs on the upcoming Helsinki Scientific Forum, where the actions against Andrei Sakharov are certain to be discussed. Other hearings will occur in the future.

At this time I wish to have the text of House Joint Resolution 487 printed in the Record for the review of my colleagues:

### H.J. Res. 487

Whereas the free exchange of ideas of interaction is a fundamental principle of the Constitution of the United States, and has been subscribed to by all signatories to the Final Act of the Conference on Security and Cooperation in Europe (hereinafter referred to as the "Final Act");

Whereas scientific and scholarly exchanges between the United States of America and the Union of Soviet Socialist Republic (hereinafter referred to as the "Soviet Union") embody this principle;

Whereas the signatories to the Final Act recognized therein that cooperative efforts in science and technology are urgently required to solve world-wide economic, environmental, and social problems;

Whereas the signatories to the Final Act guaranteed therein to respect "human rights and fundamental freedoms including the freedom of thought" and "conscience" and guaranteed "to promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms which derive from the inherent dignity of the human person and are essential for his free and full development" and which are required for open and effective scientific and technical cooperation;

Whereas Andrei Sakharov, physicist, member of the Soviet National Academy of Sciences, and Nobel Peace Prize Laureate, has worked for peaceful international scientific cooperation, has championed freedom of scientific investigation and communication, has condemned the use of force by all nations as a threat to human existence, and has actively sought to assume faithful adherence to the principles of the Final Act by the authorities of the Soviet Union;

Whereas in consequence of his acts the authorities of the Soviet Union have involuntarily relocated, harassed, and attempted to silence Andrei Sakharov and his wife, Elena Bonner, and have stripped him of many public and professional honors;

Whereas by these acts the authorities of the Soviet Union have violated the spirit and letter of the Final Act;

Whereas scientists and scientific societies of the United States and other nations have condemned the aforesaid acts of authorities of the Soviet Union; and

Whereas these actions against Andrei Sakharov have severely damaged the fragile relationship between the United States and the Soviet Union, and, if continued, raise great doubts about any future relations:

*Now therefore be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Government and people of the United States:

(1) join the American and international scientific communities in condemning the internal exile and dishonoring of Andrei Sakharov by the government of the Soviet Union;

(2) urge the immediate restoration of Andrei Sakharov and his wife to their former situation;

(3) declare that it is the policy of the United States government to halt official travel to the United States which is not essential to our national needs, by scientists and scholars of the Soviet Union, for a minimum of one year;

(4) recommend that all agencies of Federal, State, and local governments, including but not limited to the National Science Foundation, the National Bureau of Standards, the National Aeronautics and Space Administration, the Department of Energy, and the Environmental Protection Agency, private agencies and professional societies, scientists, and engineers be requested to defer all official and non-essential travel to the Soviet Union for a period of one year unless otherwise dictated by extraordinary circumstances or individual conscience;

(5) call upon the governments, professional societies, and individual scientists and engineers of nations who are signatories to the Final Act to join the United States of America in resolutions or other appropriate actions similar to this one; and

(6) direct the President to report to the Congress at the earliest practical moment, and thereafter as necessary, concerning other domestic and foreign policies which are appropriate to further the purposes of this resolution.●

## LEGISLATION CALLING FOR RELEASE FROM INTERNAL EXILE OF DR. SAKHAROV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Wolff) is recognized for 5 minutes.

● Mr. WOLFF. Mr. Speaker, I, along with Chairman Zablocki, have introduced a resolution calling for the release from internal exile of Dr. Andrei Sakharov.

Dr. Sakharov has for years devoted tremendous energy and resolve in his advocacy of the cause of human rights throughout the world. His efforts were acknowledged in 1975 with his receipt of the Nobel Peace Prize. But as we know, human rights are not very fashionable in the Soviet Union; Dr. Sakharov was not permitted to accept his prize personally.

Up until now, Dr. Sakharov has been left alone by the Soviet authorities; his status as one of the leading scientists in his country provoked hesitation from those who wished to silence him. Last week, however, the Soviets decided to change this policy to one of active repression. Dr. Sakharov's place of exile in Gorky has been conveniently located next to the police station.

To make matters entirely intolerable, a live-in KGB agent has been stationed right in his living room. Not only have contacts with foreigners been forbidden, but all "criminal elements," loosely applied to mean almost anyone, are denied access. The Soviet police, true to their reputation, are reported to have brutalized some of the few who have been able to get in to see the Sakharovs; when Dr. Sakharov's wife, Yelena Bonner, tried to intervene on behalf of one of her unfortunate guests, she was forcibly ejected from the police station, causing her physical harm.

I am sure that every freedom-loving individual throughout the world shares my sense of utter revulsion at this inhuman display of institutionalized repression. The Soviets have demonstrated conclusively that they have and will continue to systematically destroy the basic rights of their citizens and neighbors, world opinion be damned. I have not forgotten the Shcharanskys and the Ginsburgs who continue to languish in Soviet prisons; but the arrest of Dr. Sakharov bears added significance. In a time when the relations between our two countries are severely strained, the Soviets have found it opportune to thumb their noses in our direction. All have acknowledged Dr. Sakharov as being the voice of the oppressed behind the Iron Curtain. I vow that this thoughtful and compassionate voice sall not be silenced.●

## THE RETIREMENT OF THE HONORABLE JOHN CAVANAUGH

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, it comes to few men or women to receive such paeans of praise as are occasioned by the retirement from the House of one of its signal Members. What good luck that the vigor and freshness of the gentleman from Nebraska, JOHN CAVANAUGH, allows him the supreme pleasure of attending such a tribute and savoring its rich rewards personally—an opportunity not enjoyed by all who leave us.

The circumstance of chance has been eliminated in JOHN'S choice to leave this body, having listened to the calls of paternity and family above the call to further service in public office. In fact, the suasion of prestige and the magnetism of command have little effect on this man consumed by devotion to his family—a faultless decision, albeit a disappointing one, for those of us who have enjoyed his collegiality and friendship.

Some Members take up the option of private life because they have to, or because they have reached that apex of a public career which bids them to look for respite. That wisdom which comes of age or anguish or that ultimatum of the electorate or that blissful satisfaction of merited rest seems to be the common motivation of most leavetakings in the past.

Add to such reasons the disquiet and unease which a changing institution insists upon and which some former Members found to be too much to bear. Not in confident well-wishing did they leave, but in frustration or with sarcasm and a touch of too much protesting.

Upon reflection. a nation cannot drain its wellsprings of talent or its reservoirs of optimism without being ever-conscious that replenishment is essential. And it is not enough that some individuals are to be consumed whole by the hungry body politic while others pursue personal goals. The system of rewards and satisfactions must compensate those who serve just as they represent the larger society. Even so, that measure of adequate service varies with the individual's possession of expendable energies and the rate at which they are invested.

In JOHN CAVANAUGH'S case. he has displayed a high capacity and a floodgate dispensation of his considerable imagination, determination, and initiative while serivng on the Banking Committee, the Foreign Affairs Committee, and, most lately, the Post Office and Civil Service Committee, which I chair.

It is hard for constituents to appraise the work of their Representative since they see only the highlighted efforts of press or media, or they notice only the visible give-and-take of controversy, or they experience only the quiet efficiency and district service in casework and individual problem solving. But to colleagues is given the chance to gage the work and sentiment of one chosen by the half million citizens of any congressional district in the country. In committee work, the sluggard bullwork of the Congress, the mettle of office is tempered, and is felt by those who share the crucible.

It is in these seemingly endless repetitions of issue, comment, repost, and crisis that the legislative life of the Nation evolves toward solutions and abatement. It is in these elastic walls of compromise and practicality that the general welfare is meted out with as little harm and as much benefit as is possible in a contentious world.

It is in this arena, too, that a Congressman like JOHN CAVANAUGH can give his all in a high-intensity burst of zeal born of the Omaha wards and christened in the mighty Missouri. Two terms is short for this House, but if you do it right it can bring a lifetime of satisfaction.

But let us also be aware that many from our past have circulated in the pond of public affairs, at one time to seek the center, at another to enjoy the shaded hole, and then another time to venture forth again. What will lure Mr. CAVANAUGH from that shaded spot cannot be foreseen presently, but I do suspect that the desire to serve and to lead will not suspend for one who has experience beyond his years and dreams beyond his own fulfilling. I hope so, anyway.

Good luck to JOHN, and best wishes to his family into whose affections he returns.●

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request fo Mr. DANIEL B. CRANE) to revise and extend their remarks and include extraneous material:)

Mr. ASHBROOK, for 15 minutes, today.

Mr. COLLINS of Texas, for 15 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. PAUL, for 60 minutes, on January 31, 1980.

(The following Members (at the request of Mr. LOWRY) to revise and extend their remarks and include extraneous material:)

Mr. JOHNSON of California, for 10 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Ms HOLTZMAN, for 5 minutes, today.

Mr. THOMPSON, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. PEPPER, for 60 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BONKER to revise and extend his remarks under title II.

(The following Members (at the request of Mr. DANIEL B. CRANE) and to include extraneous material:)

Mr. VANDER JAGT.

Mr. COUGHLIN.

Mr. SPENCE.

Mr. GINGRICH.

Mr. SHUSTER.

Mr. LAGOMARSINO.

Mr. SYMMS.

Mr. DANIEL B. CRANE.

Mr. ROYER.

Mr. DERWINSKI.

Mr. COLLINS of Texas in two instances.

Mr. PAUL in four instances.

Mr. MITCHELL of New York in two instances.

Mr. WHITEHURST.

Mr. BROOMFIELD.

Mr. CONTE.

Mr. LEE.

Mr. DERWINSKI in two instances.

Mr. ROUSSELOT.

Mr. SHUSTER in two instances.

Mr. RUDD.

(The following Members (at the request of Mr. LOWRY) and to include extraneous material:)

Mr. CAVANAUGH.

Mr. ROE in two instances.

Mr. SANTINI.

Mr. STARK in two instances.

Mr. MAZZOLI in two instances.

Mr. FORD of Michigan.

Mr. EDGAR in three instances.

Mr. WAXMAN.

Mr. NEAL.

Mrs. SCHROEDER.

Mr. LEHMAN.

Mr. MOAKLEY in three instances.

Mr. ALEXANDER.

Mr. UDALL.

Mr. BEDELL.

Mr. LONG of Maryland.

Mr. HALL of Texas.

Mr. BREAUX.

Mr. HAMILTON.

Mr. BEILENSON.

Mr. MCCORMACK.

Mr. BOLAND.

Mr. ICHORD.

Mr. ANDERSON of California in two instances.

(The following Members (at the request of Mr. BLANCHARD) and to include extraneous matter:)

Mr. MCDONALD in five instances.

Mrs. BOGGS.

Ms. OAKAR.

Mr. HARRIS in two instances.

Mr. PATTERSON.

Mr. ICHORD.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1830. An act to provide for a research, development, and demonstration program to achieve the early commercialization of ocean thermal energy conversion systems, and for other purposes; to the Committee on Science and Technology; and

S. 1855. An act to amend the Tribally Controlled Community College Assistance Act of 1978; to the Committee on Education and Labor.

## JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on January 28, 1980, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 478. To extend by 60 days the expiration date of the Defense Production Act of 1950.

## ADJOURNMENT

Mr. BLANCHARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 30, 1980, at 3 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3323. A letter from The Comptroller General of the United States, transmitting his review of the deferrals and revised deferrals of budget authority contained in the message from the President dated December 26, 1979 (House Document No. 96-242), pursuant to section 1014 (b) and (c) of Public Law 93-344 (H. Doc. No. 96-260); referred to the Committee on Appropriations and ordered to be printed.

3324. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Royal Thai Government for permission to transfer certain U.S. origin defense articles to the Government of Malaysia, pursuant to section 3(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3325. A letter from the Deputy Assistant Secretary of Defense (Comptroller-Administration), transmitting notice of a proposed new records system for the Department of the Air Force, pursuant to 5 U.S.C. 522a(o); to the Committee on Government Operations.

3326. A letter from the Secretary of the Interior, transmitting notice of the proposed refund of $32,280 in excess royalty payments to Aminoil U.S.A., Inc., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

3327. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

3328. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on the Colorado River Channel to Bay City, Tex., in response to a resolution of the House Commitee on Public Works and Transportation adopted October 10, 1974; to the Committee on Public Works and Transportation.

3329. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Grand River Shallow-Draft Navigation, Michigan, in response to a resolution of the House Committee on Public Works and Transportation adopted April 9, 1957; to the Committee on Public Works and Transportation.

3330. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize a supplemental appropriation to the National Aeronautics and Space Administration for Research and Development; to the Committee on Science and Technology.

3331. A letter from the Chairman, Water Resources Council, transmitting a draft of proposed legislation to amend the Water Resources Planning Act of 1965, as amended; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

3332. A letter from the President, Legal Services Corporation, transmitting the Corporation's budget request for fiscal year 1981, pursuant to section 1105(e)(2) of the Economic Opportunity Act, as amended (88 Stat. 380); jointly, to the Committees on the Judiciary and Appropriations.

3333. A letter from the Acting Chairman, Administrative Conference of the United States, transmitting a supplementary report on the Conference's study and evaluation of the rulemaking procedures under section 18 of the Federal Trade Commission Act, as amended, pursuant to section 202(d) of Public Law 93-637, as amended (90 Stat. 588, 92 Stat. 2130), together with additional resolutions addressing pending legislation adopted by the Conference's 20th Plenary Sessions; jointly, to the Committees on the Judiciary, and Interstate and Foreign Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 544. Resolution providing for the consideration of H.R. 5507, a bill to amend the Internal Revenue Code of 1954 to eliminate the requirement that States reduce the amount of unemployment compensation payable for any week by the amount of certain retirement benefits, and for other purposes (Rept. No. 96-740). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR (for himself, Mr. DASCHLE, and Mr. ANDREWS of North Dakota):

H.R. 6320. A bill to authorize the appropriation of funds for the WEB water system; to the Committee on Agriculture.

By Mr. BEARD of Rhode Island:

H.R. 6321. A bill to amend title 38, United States Code, to increase the size of the estate permitted to incompetent institutionalized veterans who receive certain Federal benefits; to the Committee on Veterans' Affairs.

By Mr. BONER of Tennessee:

H.R. 6322. A bill to provide that flammability standards promulgated by the Consumer Product Safety Commission and applicable to items of childrens' sleepwear also shall be applicable to items of childrens' underwear; to the Committee on Interstate and Foreign Commerce.

By Mr. BREAUX:

H.R. 6323. A bill to provide for multiple-use management under the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, of national forest lands not included in the National Wilderness Preservation System; jointly to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. BRODHEAD:

H.R. 6324. A bill to provide that individuals filing claims for extended or additional compensation will be taken into account for purposes of the trigger provisions of the Federal-State extended unemployment compensation program; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H.R. 6325. A bill to amend the Federal Election Campaign Act of 1971 to exclude from the definition of the term "contributions" donations to a county committee of a political party for construction or purchase of certain office facilities; to the Committee on House Administration.

By Mr. BROWN of California (by request):

H.R. 6326. A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards, including certain special statutory programs, and for other purposes; to the Committee on Science and Technology.

By Mr. DASCHLE:

H.R. 6327. A bill to amend title 38, United States Code, to provide expanded readjustment benefits for Vietnam-era veterans by promoting employment of such veterans through a program of job vouchers; to the Committee on Veterans' Affairs.

By Mr. GONZALEZ:

H.R. 6328. A bill to amend the Railroad Retirement Act of 1974 with respect to annuities for widows and widowers of certain railroad employees; to the Committee on Interstate and Foreign Commerce.

By Mr. JENRETTE:

H.R. 6329. A bill to amend the Military Selective Service Act to provide for reactivation of registration and classification under such act and to provide authority for induction of individuals for training and service in the Ready Reserve of the Reserve components of the Armed Forces; to the Committee on Armed Services.

By Mr. KASTENMEIER:

H.R. 6330. A bill to establish a procedure for the processing of complaints against Federal judges, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVITAS (for himself and Mr. JOHNSON of California):

H.R. 6331. A bill to amend the act of July 31, 1946, as amended, relating to the U.S. Capitol Grounds, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MATHIS:

H.R. 6332. A bill to amend the Export Administration Act of 1979 to provide that certain export controls cannot be imposed on agricultural commodities to a country unless such export controls are imposed on all goods or technology to that country; to the Committee on Foreign Affairs.

By Mr. PASHAYAN (for himself and Mr. JOHNSON of California):

H.R. 6333. A bill to provide for a reduction of the burden on respondents in the censuses of agriculture, drainage, and irrigation taken in 1983 and thereafter; to the Committee on Post Office and Civil Service.

By Mr. PREYER:

H.R. 6334. A bill to amend chapters 21 and 23 of title 44, United States Code, relating to the National Archives Trust Fund Board; to the Committee on Government Operations.

By Mr. PREYER (by request):

H.R. 6335. A bill to amend chapter 23 of title 44, United States Code, to reconstitute the membership of the National Archives Trust Fund Board, and for other purposes; to the Committee on Government Operations.

By Mr. RAILSBACK:

H.R. 6336. A bill entitled: "Equal Access to Justice Act"; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 6337. A bill to amend section 119 of the Internal Revenue Code of 1954 to provide that meals furnished directly or indirectly in kind by an employer to an employee may be considered furnished for the convenience of the employer without regard to whether the meals are furnished on the business premises of the employer; to the Committee on Ways and Means.

By Mr. FAZIO (for himself, Mr. Beilenson, Mr. Brown of California, Mr. John L. Burton, Mr. Coelho, Mr. Conyers, Mr. Dellums, Mr. Devine, Mr. Dixon, Mr. Edwards of California, Mr. Florio, Mr. McCloskey, Mr. Matsui, Mr. Mineta, Mr. Patterson, Mr. Stark, Mr. Waxman, Mr. Weaver, and Mr. Wolff):

H.R. 6338. A bill to provide for the establishment of the Lake Tahoe National Scenic Area; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of California (for himself and Mr. Hollenbeck):

H.J. Res. 487. Joint resolution defining policies of the United States with respect to scientific and technical exchanges with the Soviet Union; to the Committee on Foreign Affairs.

By Ms. MIKULSKI:

H.J. Res. 488. Joint resolution to authorize and request the President to issue a proclamation designating January 8, 1981, as "Elvis Presley Day"; to the Committee on Post Office and Civil Service.

By Mr. WHITTEN:

H.J. Res. 489. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. FENWICK (for herself, Mr Fascell, Mr. Bingham, Mr. Buchanan, and Mr. Simon):

H. Con. Res. 265. Concurrent resolution expressing the sense of the Congress that Andrei Sakharov should be released from internal exile, and urging the President to protest the continued suppression of human rights in the Soviet Union; to the Committee on Foreign Affairs.

By Mr. WOLFF (for himself, Mr. Zablocki, Mr. Brademas, Mr. Rosenthal, Mr. Glickman, Mr. Dickinson, Mrs. Collins of Illinois, Mr. Wolpe, Mr. Bingham, Mr. Fountain, Mr. Reuss, Mrs. Fenwick, Mr. Ford of Michigan, Mr. Derwinski, Mr. Goodling, Mr. Gilman, Mr. Stark, Mr. Winn, Mr. Conte, Mr. Solarz, Mr. Foley, Mr. Pease, and Mr. Findley):

H. Con. Res. 266. Concurrent resolution calling for the immediate release of Andrei Sakharov from the internal exile being imposed on him by the Soviet Union; to the Committee on Foreign Affairs.

By Mr. JOHNSON of California (for himself and Mr. Harsha):

H. Res. 545. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportion; to the Committee on House Administration.

By Mr. MURPHY of New York:

H. Res. 546. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Merchant Marine and Fisheries; to the Committee on House Administration.

By Ms. OAKAR:

H. Res. 547. Resolution expressing the sense of the House of Representatives that if the United States does not participate in the 1980 summer Olympic games, athletic games should be held in the United States for the participation of athletes from the United States and from other countries; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res. 548. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on the Judiciary; to the Committee on House Administration.

### MEMORIALS

Under clause 4 of rule XXII,

336. The SPEAKER presented a memorial of the House of Representatives of the State of Washington, relative to relocating the 1980 Summer Olympic Games; to the Committee on Foreign Affairs.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. YOUNG of Missouri introduced a bill (H.R. 6339) for the relief of Dr. Noel F. and Maria L. Villanueva, which was referred to the Committee on the Judiciary.

### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1918: Mr. Albosta.

H.R. 3958: Mrs. Smith of Nebraska.

H.R. 4200: Mr. Bafalis.

H.R. 4378: Mr. Cavanaugh.

H.R. 4646: Mr. Thompson and Mr. Coleman.

H.R. 5038: Mr. Carter.

H.R. 5062: Mr. Solarz.

H.R. 5570: Mr. Weaver.

H.R. 5586: Mr. Dannemeyer and Mr. Grisham.

H.R. 5609: Ms. Oakar and Mr. Dellums.

H.R. 5622: Mr. Oberstar, Mr. Richmond, and Mr. Ottinger.

H.R. 5671: Mr. Kemp.

H.R. 5709: Mr. Waxman.

H.R. 5742: Mr. Ambro.

H.R. 6021: Mr. Bailey, Mr. Traxler, Mr. Hall of Ohio, Mr. Weaver, Mr. Patterson, Mr. Young of Alaska and Mr. Swift.

H.R. 6070: Mr. Broyhill, Mr. Philip M. Crane, Mr. Duncan of Tennessee, Mr. Hansen, Mr. Hinson, Mr. de la Garza, Mr. Sebelius, Mr. Stangeland, Mr. Lujan, Mr. Hammerschmidt, Mr. Wyatt, Mr. Whitten, Mr. Ginn, Mr. Erlenborn, and Mr. Pashayan.

H.R. 6171: Mr. Kogovsek, Mr. Mottl, Mr. Whitehurst, Mr. Mollohan, Mr. Mathis, Mr. Pritchard, Mr. Stanton, Mr. Markey, Mr. Hughes, Mr. Pepper, Mr. Forsythe, Mr. Sebelius, Mr. Murphy of Illinois, Mr. Mineta, Mr. Fish, Mr. Mitchell of Maryland, Mr. Leach of Louisiana, and Mr. Stangeland.

H.R. 6223: Mr. McCormack.

H.J. Res. 69: Mr. Kramer and Mr. Giaimo.

H.J. Res. 219: Mrs. Bouquard, Mr. Clinger, Mr. Florio, Mr. Fountain, Mr. Hutto, Mr. LaFalce, Mr. Murphy of New York, Mr. Panetta, Mr. Quillen, Mr. Rangel, Mr. Richmond, Mr. Steed, Mr. Symms, Mr. Synar, Mr. Wolff, Mr. Wolpe, and Mr. Won Pat.

H. J. Res. 300: Mr. Carney.

H. J. Res. 357: Mr. Addabbo, Mr. Carr, Mr. Gilman, Mr. Goldwater, Mr. Hubbard, Mr. Lloyd, Mr. Paul, Mr. Petri, and Mr. Zablocki.

H.J. Res. 372: Mr. Annunzio, Mr. Beard of Rhode Island, Mr. Brademas, Mr. Broomfield, Mr. Fascell, Mr. Forsythe, Mr. Garcia, Mr. Howard, Mr. Leland, Mr. Levitas, Mr. Minish, Mr. Barnes, Mr. Boland, and Mr. Goldwater.

H. Con. Res. 129: Mr. Marlenee.

H. Con. Res. 245: Mr. Robinson, Mr. Neal, and Mr. Blanchard.

H. Con. Res. 257: Mr. Kindness, Mr. Mollohan, Mr. Stump, Mr. Devine, Mr. Dannemeyer, Mr. Symms, Mr. Grisham, Mr. Stangeland, Mr. Watkins, and Mr. Wylie.

H. Con. Res. 259: Mr. Harris, Mr. Fish, Mr. AuCoin, Mr. Lowry, Mr. Carr, Mr. Wolpe, Mr. Waxman, Mr. Moakley, Mr. Stark, Mr. Weiss, Mr. Solarz, Mr. Oberstar, Mr. Markey, Mr. Jeffords, Mr. Yates, Mr. Stack, Mr. Mineta, Mr. Forsythe, Mr. Long of Maryland, Mr. Kemp, Mr. Beilenson, Mr. Green, Mr. Lundine, Mr. Mitchell of Maryland, Mr. Drinan, Mr. Marks, Mrs. Fenwick, Mr. Wolff, Mr. Frost, Mr. Mazzoli, and Mr. Rousselot.

### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5858: Mr. Frenzel.

### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3580

By Mr. DASCHLE:

—Page 28, after line 9, insert the following new section:

Sec. 7. (a) Effective immediately upon the passage of this Act, there are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, including necessary administrative expenses, which shall be used to plan and develop in portions of, but not limited to, Walworth, Edmunds, Brown, Campbell, Potter, McPherson, Faulk, Hand, Spink, and Day counties in South Dakota a rural water treatment and distribution system which will furnish water for domestic and other purposes, hereafter referred to in this section as the WEB pipeline project, as generally proposed by the WEB Water Development Association, Inc. Any funds appropriated under the authorization contained in this section shall remain available until expended.

(b) Any funds appropriated under the authorization contained in subsection (a) shall be transferred by the Secretary of the Interior to the Secretary of Agriculture when such funds are appropriated. The Secretary of the Interior is authorized to enter into cooperative memoranda of understanding as may be required with the Secretary of Agriculture to provide services to carry out the purposes of this Act.

(c) The Secretary of Agriculture shall use any funds transferred pursuant to subsection (b) for necessary administrative expenses, and to provide financial assistance to plan and develop the WEB pipeline project under the terms and conditions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and under rules and regulations promulgated by the Department of Agriculture under the authorities contained in that Act. Such funds shall be expended in the ratio of 75 per centum grants and such loans as may be necessary.

H.R. 4788

By Mr. EDGAR:

—On page 157 strike lines 18 through 25 and on page 158 strike lines 1 through 12 and redesignate succeeding sections accordingly.

—On page 165 strike lines 8 through 24 and on page 166 strike lines 1 through 25 and on page 167 strike lines 1 through 10 and redesignate succeeding sections accordingly.

—On page 172 strike lines 8 through 25 and on page 173 strike lines 1 through 13 and redesignate succeeding sections accordingly.

—Page 180, line 3, add the following after 'condition.' before the ' " ' : "The Secretary is not authorized to carry out any of the work described in this subsection unless the state in which the work is to be accomplished has in existence and is maintaining a dam safety program for non-Federal dams which insures that non-Federal dams are built in accordance with sound engineering practice, protect the safety of the public, and are maintained in safe condition.".

—On page 184 strike lines 10 through 22 and redesignate succeeding sections accordingly.

—Page 172, line 1, insert the following and renumber succeeding sections accordingly:

(e) (1) That portion of the general comprehensive plan for flood control and other purposes in the Missouri River Basin authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1218), as modified by section 203 of the Flood Control Act of 1966 (80 Stat. 1421), which authorized the Meramec Park Lake is not authorized after the date of enactment of this Act.

(2) The Secretary of the Army, acting through the Chief of Engineers, shall immediately undertake interim management and maintenance of works, structures, and interests in lands related to the project pending further disposition of such works, structures, and interests in lands in accordance with a statute enacted after the date of enactment of this Act.

(3) The Secretary of the Army, acting through the Chief of Engineers, shall conduct an investigation and study in order to identify and assess alternatives for the future disposition and utilization of the works, structures, and interests in lands related to the project. In carrying out such investigation and study, the Secretary of the Army, acting through the Chief of Engineers, shall hold public meetings in the area and shall consult with appropriate public and private interest groups in the area, including but not limited to (1) State, county, and other local governments, (2) Federal departments, agencies, and instrumentalities, (3) private groups, clubs, and associations which have demonstrated an interest in the project, (4) former landowners of the project lands, and (5) leaders and individuals of area business and agricultural communities. Not later than one year after funds are made available to carry out such investigation and study, the Secretary of the Army, acting through the Chief of Engineers, shall report to Congress the results of such investigation and study of alternatives, and the recommendations of those consulted, including the Chief of Engineers' assessment of such recommendations.

(4) Nothing in this Act shall terminate the authority or responsibility of the United States to satisfy, pursuant to the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 U.S.C. 4601 et seq.) and any other applicable provision of law, all relocation assistance and land acquisition obligations which were incurred prior to the date of enactment of this Act as a result of carrying out the project.

(5) There are authorized to be appropriated such amounts as may be necessary to carry out this Subsection. Funds available for the project deauthorized by this Act may be used to carry out the provisions of this Act.

—Page 172, line 1, insert the following and renumber succeeding sections accordingly:

(e) The project for Helm Reservoir authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 739) as part of the Wabash River Basin Comprehensive Plan, is not authorized after the date of enactment of this Act.

—Page 172, line 1, insert the following new subsections:

(e) The Grove Lake, Kansas River project authorized by section 203 of Public Law 87-874, is not authorized after the date of enactment of this Act.

(f) The project for La Farge Lake on the Kickapoo River, Wisconsin authorized by section 203 of Public Law 87-874, is not authorized after the date of enactment of this Act.

(g) The project for Lukfata Lake, Oklahoma, authorized by section 203 of Public Law 85-500, is not authorized after the date of enactment of this Act.

(h) The project for Yatesville Lake, Kentucky, authorized by section 204 of Public Law 89-298, is not authorized after the date of enactment of this Act.

—Page 172, line 1, insert the following new subsection and renumber any succeeding subsections accordingly:

(e) The Union Lake flood control project, Missouri, authorized by the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (Public Law 75-761), and the Flood Control Act of 1966 (Public Law 89-789), is not authorized after the date of enactment of this Act.

—On page 154 strike lines 8 through 14 and redesignate succeeding sections accordingly.

# SENATE—*Tuesday, January 29, 1980*

*(Legislative day of Thursday, January 3, 1980)*

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father who has watched over us during the night, we thank Thee for this new day. Help us to remember that all time belongs to Thee and we are responsible for how it is used. Help us neither to squander time, nor be so obsessed with saving it that we become slaves to appointment pads and time pieces, and thus lose a sense of proportion and perspective. Teach us to use time creatively and constructively. May we pace the day's work according to the rhythm born in us, alternating exertion and relaxation. Save us from self-centered business or from self-centered pious withdrawal. Lord, help us to live each day so that at the end there is nothing to conceal from Thee and nothing for which we cannot thank Thee. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., January 29, 1980.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY F. BYRD, JR., a Senator from the State of Virginia, to perform the duties of the Chair.

WARREN G. MAGNUSON,
*President pro tempore.*

Mr. HARRY F. BYRD, JR., thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

### PRIORITY ENERGY PROJECTS

Mr. ROBERT C. BYRD. Mr. President, expedited construction of critical energy facilities has been identified as one means of promoting increased energy independence and reducing our reliance on imported oil. New petroleum refineries, coal-burning powerplants, synthetic fuel plants and pipelines are needed to provide energy for the Nation. The tangle of laws and procedures that have hampered the construction of new energy projects have prevented development of our own plentiful domestic energy resources.

A balanced piece of legislation was passed by the Senate on October 4, 1979. The Energy Mobilization Board, as set forth in the Senate bill, will help expedite vital projects. It will do so without undermining environmental laws. The primary purpose of the bill has been reinforced as the Senate acted on it. That purpose—to reduce unreasonable delays in the regulatory process—has been preserved.

Creating an appropriate balance between energy and environmental requirements is always a difficult task. That challenge has been central to the formation of a national energy policy. The debate on this bill outlined the major issues involved in the development of compatible energy and environmental policies, and shows how they may be reconciled.

The House passed its version of this legislation on November 1, 1979. This measure goes further than the Senate bill in that it provides for the waiver of substantive provisions of Federal law, and in some instances, State laws implementing Federal statutes. Although the Energy Mobilization Board legislation was the first bill of the three-part energy package to be passed by both Houses, final passage has still not been accomplished. This is due, in large measure, to the heated controversy between House and Senate conferees over the waiver issue.

Despite the general consensus on the urgent need for an independent authority to slash through redtape for priority energy projects, the legislative bargaining on this issue has been symptomatic of the problem the bill seeks to solve. Almost 3 months have passed since the bill was passed by both Houses, but no concrete action has yet been taken. The Energy Mobilization Board is the third cornerstone of our energy package and its enactment is the highest congressional priority. I urge both Senate and House conferees to act quickly on this matter so that we may move toward increased domestic energy production and reduce our reliance on foreign oil.

Mr. President, I reserve the remainder of my time.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting minority leader is recognized.

Mr. STEVENS. Mr. President, we have no request for time on this side and I should like to reserve the remainder of my time.

## RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

## THE ECONOMIC EFFECTS OF THE SANCTIONS AGAINST THE SOVIET UNION

Mr. PROXMIRE. Mr. President, the economic sanctions against the Soviet Union, initiated by President Carter, are an appropriate response to the aggression committed by the U.S.S.R. against Afghanistan and they will, in my judgment, work.

### NEED FOR A NEW MONITORING AND REPORTING SYSTEM

But to assure the effectiveness of the embargoes, we need a monitoring and reporting system tailored to the specific requirements of the present situation. I am now drafting legislation to accomplish this end, and I shall introduce a proposal in the near future. For the present, I wish to demonstrate that the sanctions, if imposed for a long enough period of time and if properly enforced, will have an immediate as well as a long-term, damaging influence on the Soviet economy.

### STUDY BASED ON NUMEROUS HEARINGS

My conclusion is based on a study which I prepared assessing the probable economic effects of the trade sanctions against the Soviet Union. The study itself is based in large part on more than 10 years of hearings and investigations concerning the Soviet economy, conducted while I was chairman or vice chairman of the Economic Committee and as chairman of the Subcommittee on Priorities and Economy in Government. In addition to the numerous studies and voluminous reports the Joint Economic Committee has issued on the Soviet economy over many years, the Subcommittee on Priorities and Economy in Government since 1974 has been holding annual hearings on the allocation of resources in the Soviet Union. In these hearings, we have regularly received testimony in executive session from the Director of the Central Intelligence Agency and other intelligence offices, as well as testimony in open session, concerning Soviet economic conditions and trends.

By other intelligence offices, I mean the Defense Intelligence Agency also.

Mr. President, these hearings have not been publicized. They have not been known widely, even by other Members of the Senate or House—it is a joint committee—because they have been held in executive session and the hearings have been sanitized and released only after the hearings have been concluded.

In the remainder of my remarks, I shall summarize the results of my study, "The Effects on the Soviet Union of a Grain Embargo and Other Economic Sanctions."

### SOVIET ECONOMIC WEAKNESSES

Two features of the Soviet economy must be kept in mind in order to view the trade sanctions in perspective. First, the Soviet economy is weak and faltering. It is in the midst of a long-term slowdown and caught up in severe structural problems which, under the best of circumstances, will make it difficult if not impossible for the Kremlin to reverse the downward slide.

Second, the Soviet Union has changed its trade policies with the West in recent decades, increased dramatically this trade in the past 10 years, and has become more dependent than ever before in its history on both food and technology from the West.

### EFFECTS OF THE EMBARGOES

Because the Soviets are unable to produce themselves the feed grain necessary to increase the production of meat, the embargo of grain will have an immediate effect. This embargo will significantly reduce meat consumption in the U.S.S.R. for the next several years and cause serious difficulties for the Soviet leadership for failing to improve the quality of the average citizen's diet. The failure to upgrade dietary standards could also hurt worker productivity which would contribute to the overall economic slowdown.

The embargo of Western technology, if kept in force and poined by similar embargoes from other Western nations, will contribute to the ongoing slowdown of the Soviet economy and retard plans for the modernization of Soviet industry.

In my judgment, the trade sanctions will be more damaging to the U.S.S.R. than to those nations who participate in them because of the relative weakness of the Soviet economy. But there will be costs to bear by all.

### EFFECT ON UNITED STATES-SOVIET TRADE

There will be an immediate suspension, obviously, of some trade between the United States and the Soviet Union. If the present sanctions are enforced for a period of 1 year or more and if they are widened as a result of the continuing deterioration of relations between the Soviets and ourselves, the sanctions could result in an end to most United States-Soviet trade. We could also see a significant restriction of all Western trade with the Soviet Union for the foreseeable future. But, as I indicated, the effectiveness of the sanctions will depend upon our willingness to enforce them strictly and over a long period of time, as well as the cooperation we get from our allies.

For these reasons, I believe a special monitoring and reporting system must be established in order to verify compliance with the sanctions and to provide Congress with the information it needs to be assured that the sanctions are having the effect that is intended.

### SPECIAL MEETING OF COCOM

In addition, there should be a special meeting of the Coordinating Committee (Cocom), which was set up informally many years ago in an effort to control exports from the West to the U.S.S.R. of products that could be used for military purposes. Cocom has never been as successful as was intended and has not lived up to its early promise. I urge the administration to call for a special meeting of Cocom in order to review and strengthen its monitoring procedures. I also believe, in view of present circumstances, that Cocom should be placed on a much more formal basis and that it may be time for a new arrangement if it cannot be reinvigorated. I hope that, in any such action, Congress will be consulted and that any agreement reached with the other nations will be submitted to the Senate for its approval.

### SANCTIONS WILL PUNISH THE SOVIETS ECONOMICALLY

The main point I want to make with respect to the sanctions is that they will severely penalize the Soviets economically for their aggressive actions, provided they are properly implemented.

The United States, of course, has economic problems too, but Moscow's are much more serious, and the trade sanctions will make them more serious and hurt the Soviets badly.

The massive deployments in Afghanistan will be additional burdens on the Soviet's strained transportation system and manpower supplies, cause diversions from ongoing construction projects, and worsen the problem of industrial bottlenecks.

The economic trends are in our favor, and we should exploit them to the hilt. It is for this reason and because of the Soviet need for Western grain and technology that I conclude the embargoes will work if properly enforced.

Of course they will probably not force the Soviets to withdraw from Afghanistan. But they will punish the Soviets by causing them to pay a heavy economic price for their aggression.

Mr. President, I ask unanimous consent that the study entitled "The Effects on the Soviet Union of a Grain Embargo and Other Economic Sanctions" be printed in the RECORD at this point.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

### THE EFFECTS ON THE SOVIET UNION OF A GRAIN EMBARGO AND OTHER ECONOMIC SANCTIONS

(A Report by Senator WILLIAM PROXMIRE)

#### 1. SUMMARY

The likely results of economic sanctions against the Soviet Union will be determined by a number of factors among the most important of which are (1) the present state of the Soviet economy and current trends, and, (2) trade relationships and financial flows between the U.S.S.R. and the United States and other major trading partners. Knowledge of the state of the economy, its strengths and weaknesses, is necessary to assess the probable influence of denials of economic resources. A picture of the trade patterns will help us see which resources the U.S. and other countries supply to the Soviet Union and how cutoffs by the U.S. might be made up by increased purchases from other countries.

Any effort to predict future events in an area as complicated as this should be considered an educated guess, at best. Among the many variables that need to be considered, but cannot now be known, are the comprehensiveness and duration of the sanctions, cooperation of other nations, weather conditions and their effects on Soviet crops, and policy responses by the leadership in Moscow. Nevertheless, the two major factors enumerated above provide the necessary framework for considering how the sanctions can influence future events.

The assessment in this report is based in large part on more than 10 years of hearings and studies concerning the Soviet economy conducted while I was Chairman, or Vice-Chairman of the Joint Economic Committee (1967–1974) and as Chairman of the Subcommittee on Priorities and Economy in Government, the capacity in which I now serve. Since 1974 my Subcommittee has been receiving testimony in executive session on Soviet economic developments from the Director of the Central Intelligence Agency (CIA) and other intelligence officials.

On the assumption that the sanctions announced thus far will be maintained for at least two years, the following conclusions are drawn:

1. An embargo of grain and other food products will significantly reduce meat consumption in the U.S.S.R. for the next several years and cause serious difficulties to the Soviet leadership for failing to improve the quality of the average citizen's diet and adversely hurt worker productivity.

2. An embargo of western technology and manufactured products such as oil and gas equipment and a curtailment of western credits will contribute to the ongoing slowdown of the Soviet economy, significantly impair future prospects, and retard plans for modernization.

3. The economic sanctions could result in an end to most trade between the U.S. and the Soviet Union and could significantly restrict all western trade with the Soviet Union for the foreseeable future.

4. Because the economy of the U.S.S.R. is weak and faltering relative to the U.S. and other western nations, the effects of trade sanctions will be more damaging to the U.S.S.R. than to those nations who participate in the sanctions. Moreover, the massive deployments in Afghanistan will put additional burdens on the Soviet's strained transportation system and manpower supplies and cause diversions from ongoing construction projects.

It should be emphasized that these possible effects are highly dependent upon the depth, breadth and length of the embargoes. Most importantly, they are conditional on the cooperation of other producing nations. Because of the uncertainties involved, it would not be possible to forecast quantitatively Soviet economic developments, with a reasonable degree of assurance. Additionally, it should be noted that the embargoes will also be costly for the U.S. and other nations. The effects on the U.S. and the West are not included in this assessment.

#### 2. THE SOVIET ECONOMY—RECENT PERFORMANCE AND PROSPECTS

The Soviet Union ended the decade in the midst of a long-term economic slowdown with most western experts predicting slower growth and severe problems during most of the 1980's. The Gross National Product (GNP) grew at just under 6 percent annually during the 1950's, slowed to about 5 percent in the 1960's, and slowed further to under 4 percent during the 1970's.

Economic performance was especially poor in 1979, a wet Fall in 1978 followed by a harsh Winter contributed to a dismal grain crop of 179 million tons, far below the average of 219 million tons for the previous 3 year period, and far short of the amount required to fulfill the livestock program established to improve the quality of the Russian diet. Industrial production and, significantly, the production of oil also declined while the demand for energy increased.

Although much of the shortfall for 1979 can be attributed to the adverse weather, the problems experienced are symptomatic of fundamental weaknesses in the Soviet economy. The agriculture sector has been a problem area for many years and promises to remain so. Throughout most of the decade the demand for grain for human consumption and feed grain exceeded production and there was an increasing need to import grain. Aside from the weather, the difficulties in this sector are the result of a shortage of arable land, poor yields and unavailability of fertilizer, and shortages of tractors and machinery. The encouragement by the government to private plots and livestock holdings have ameliorated, but cannot solve the problem of poor productivity on the collectives. The situation will become all the more serious if predictions of a return to the drier and less favorable climate of the pre-1963 period turn out to be correct.

These deficiencies lie at the base of the government's most serious consumer problem. Despite some improvements the growth of per capita consumption has failed to keep up with the raised expectations of the early part of the decade. In general, per capita consumption is below that of the United States, Western Europe and Eastern Europe. Food and feed production shortfalls were a principal reason. Disappointing harvests in 1972 and 1975 led to the present policy of importing large quantities of grain in order to curtail the distress slaughtering that took place in the earlier years. But the import program was not sufficient to upgrade dietary standards to those of the West or even Eastern Europe. Meat consumption in the U.S.S.R. is 40 percent of that of the U.S. and 70 percent of that of Hungary and Poland. In past years following crop failures there have been reports of demonstrations, riots, and widespread discontent over food shortages in Eastern Europe.

The energy sector is another problem area. The Soviet Union has vast supplies of energy resources and is presently an exporter of oil and gas. However, according to estimates of the Central Intelligence Agency (CIA), new major oil deposits are not being found and developed rapidly enough to offset declines in older fields. The CIA predicted in a 1977 report that production would begin to fall off in the late 1970's or early 1980's, falling from a peak of 11–12 million barrels per day to between 8 and 10 million barrels per day by 1985. The major consequences would be that the Soviet Union would become a net importer of oil and thereby lose a valuable source of hard currency and need to find a new source.

The projected energy shortage would also prevent the Soviets from operating their plant and equipment at full capacity and further contribute to the economic slowdown predicted for the 1980's. Other factors tending to impose constraints on growth include a reduced growth rate of the labor force, diminishing returns to a more slowly growing capital stock, shortages of materials other than energy such as steel, and a slowdown in the growth of productivity.

For the 1980's Soviet GNP has been projected by the CIA and others to grow at an annual rate of 3 percent to 4 percent. The CIA has revised its projections downwards on the basis of the poor showing in 1979 and now believes GNP will grow at less than 3 percent for the next few years and then gradually fall further. If oil production declines to 10 million barrels per day by 1985, the CIA estimates growth in GNP would be about 2 percent in the mid 1980's. If oil production declines to 8 million barrels per day, GNP growth could fall to less than 1 percent.

The significance of all this can be seen partly in the relative sizes of the Soviet and American economies. The Soviet Union, with a population that exceeds that of the U.S. has a GNP that is about 80 percent that of the U.S. The Soviets have somewhat closed the GNP gap between us in the past several decades, but they did so by achieving growth rates that consistently exceeded ours. Rates of growth of 2 percent or less would probably mean that they will fall further behind us in the coming years. Even if they manage to keep up in GNP growth, they are likely to continue experiencing major sectoral problems which will impede plans for improving consumer standards and modernizing the industrial base.

#### 3. SOVIET TRADE WITH THE U.S. AND THE WEST

The volume and amount of Soviet trade with the U.S. and other western countries increased dramatically in the past decade. OECD exports to the U.S.S.R. rose from $2.6 billion in 1970 to $15.1 billion in 1978, the last full year for which data is available. U.S. exports rose in this period from $118 million to $2.2 billion. The trend in imports was equally sharp, rising from $2.5 billion for all OECD countries to $13.2 billion, and for the U.S. from $72 million to $540 million. This trend represents a major policy shift in Moscow with respect to both the quantity and quality of its trade relations with the West.

The growth in Soviet imports from the U.S. was mostly in agricultural products, principally grain, which comprised 75 percent of the total in 1978, or $1.7 billion. Fifty percent of Soviet grain imports have come from the U.S. since 1972. In terms of quantities the 1974 agreement between the U.S.S.R. and the U.S. provides that the Soviets will purchase a minimum of 6 million tons and a maximum of 8 million tons annually. Under the actions taken in 1979, which have recently been suspended by the U.S., grain sales to the U.S.S.R. would have risen much higher in 1980.

Present Soviet agricultural trade trends are a remarkable turnaround when seen in historical perspective. The Soviet Union has traditionally been a net exporter of agricultural products. As recently as 1962 net grain exports were 7.7 million tons. Poor harvests began reversing the trend in the mid-1960's and by the late 1970's the U.S.S.R. was importing grain from Eastern Europe, which until then it had been supplying, as well as from the West. However, the need for imports has been mostly in the feed grain area, a consequence of the Soviet program to increase domestic consumption of meat and poultry. The frequent crop failures, the commitment to increased meat production, and the lagging productivity in the farm sector make it likely that the U.S.S.R. will need to continue to import large amounts of grain throughout the 1980's.

Although U.S. exports of manufactured products are not as large as agricultural products in volume, a substantial portion have been concentrated in key Soviet industrial projects. These include more than $350 million in equipment for the Kama River Truck Plant, $200 million in 4 ammonia plants, $48 million for a drill bit plant, $88 million for two iron ore pelletizing plants, $47 million for a friction bearing plant, $35 million for an earthmoving tractor plant, and $30 million for a subsea oil equipment plant. In addition, U.S. firms have sold equipment for the production of consumer goods including a $29 million tableware plant and a $25 million baby formula plant. But the emphasis has been in equipment for metal working and metal processing and a substantial portion has gone for the Soviet oil and gas industry, pipeline and railroad construction, and open pit mining.

U.S. imports from the Soviet Union reached $350 million in 1974 and were at $254 million in 1978. Most of our imports have been in the category of raw materials and semiprocessed products.

Soviet trade with other western countries follows similar patterns. It has accelerated imports of equipment and technology in order to further its own domestic economic development, and it has purchased large quantities of grain to make up for poor harvests in 1973, 1975 and 1979. It also imports large amounts of steel.

Total imports of equipment from the West rose from about $1 billion in 1971 to $6 billion in 1978. The Soviets have also increased their steel imports, this figure rising from $365 million in 1971 to $2.8 billion in 1978. The largest suppliers of manufactures are Germany, Japan, Finland, France, Italy, and the United Kingdom. The largest suppliers of steel are Germany, Japan, Italy, and France. Canada and Australia in the past, have been important grain suppliers. Non-U.S. OECD imports from the U.S.S.R. have been mostly oil and gas and other raw materials and semiprocessed products.

The Soviet Union's success in expanding imports throughout the decade was not matched by growth in the hard currency export sector. Despite increases in the value of its oil and gas exports, it ran up a hard currency trade deficit of $24 billion in 1970–1978. The Soviets have not been able to expand exports of manufactures. It did increase its sales of arms and gold and these sales prevented an even larger trade deficit. Future earnings from sales of arms and gold are considered to be substantial but limited by the rate of gold production and the demand for arms from developing countries.

Although the Soviet debt is considered manageable, the predicted decline in oil production and other domestic economic problems created a serious dilemma for Soviet leaders even before the trade sanctions were imposed. As growth slows, its need for imports of western equipment and technology increases, if it is to achieve its economic development goals. Imports in these categories have played a significant role in Soviet development plans, although it is not possible to qualify their importance. The shortage of hard currency, however, will constrain further imports in this area, and the economic sanctions being pushed by the U.S. will impose even greater constraints.

### 4. THE EFFECTS OF THE SANCTIONS

The Administration's sanctions against the Soviet Union in response to the invasion of Afghanistan take the form of a partial trade embargo and a threat to boycott the Moscow Olympics. The trade actions block the sale of 17 million tons of grain for which permission was previously granted, curtail Soviet fishing privileges in U.S. waters and prohibit the sale of "high technology" items such as computers and certain machine tools and oil and gas equipment.

The effects of the sanctions will depend upon how long they are kept in effect, how well they are enforced and whether the U.S. acts unilaterally or is joined by others. Obviously, the effects will be greater if they are in force for several years, if other nations cooperate, and if they are tightly implemented. But even a temporary, partial embargo by the U.S. would have some short-term influence on the Soviet economy. Such a temporary action would also probably have long-term effects on U.S.-Soviet trade prospects.

If the grain embargo is imposed by the U.S. and if other grain producing nations join us for a period of 1 year, a significant effect will follow. Curtailment of the sale of 17 million tons of grain will reduce Soviet meat consumption by about 4 percent according to the Department of Agriculture. This assumes the Soviets will draw down some of its reserves, engage in some distress slaughtering, and make up for some of the shortfall through purchases elsewhere in the world market.

Reduction of meat consumption should be considered a serious consequence of the grain embargo. It means a lowering of consumer standards and a setback of the goal of improving the average citizen's diet and probably a return of meat consumption down to the levels of nearly a decade ago. The failure of the diet improvement program could have an indirect effect on economic growth if future meat shortages have an adverse effect on worker productivity.

The curtailment of fishing rights would probably have no significant effects by itself, but could further complicate the goal of upgrading the diet. The U.S. has already issued permits allowing the Soviets to catch 75,000 tons of what was expected to be an allocation of about 425,000 tons in 1980. The reduction in U.S. waters will be about 350,000 tons or 3 percent of the Soviet total annual catch. This amount could possibly be made up in other waters, especially in areas such as off the coast of Africa where the catch is large (about 2.5 million tons) and where official statistics are said to understate the true size of the catch.

The trade embargo could add to Soviet food production problems if the sale of products used in the production of fertilizer is curtailed. Under the agreement between Occidental Petroleum Corporation and the Soviet Union, superphosphates needed to expand mineral fertilizer production to compensate for deficiencies in Soviet farm land are to be exchanged for products that would be imported into the U.S.

The Soviet Union has concentrated, in its non-agricultural purchases from the West, on machinery and equipment intended for the development of natural resources and industrial production. These imports play an important role in several key industries and in Soviet plans reducing production bottlenecks, eliminating its technology lag, and speeding up its economic growth.

The U.S. exports a relatively small share of the total amount of manufactured goods and high technology purchased by the U.S.S.R. from the West. Nevertheless, the U.S. non-agricultural exports have played a key role in advancing a number of major Soviet industrial projects in critical industries such as oil and gas, metals and transportation. A cessation of this trade will accelerate the decline in oil production and hamper Soviet industrial modernization plans. These effects would be intensified if other nations curtailed their sale of steel and steel pipe to the U.S.S.R.

A concerted embargo of non-agricultural exports by the U.S. and other western countries could, if imposed for a period of years, cause a serious disruption of Soviet modernization plans and contribute to the ongoing slowdown of the Soviet economy. Such an action would force the U.S.S.R. to employ less efficient and more costly equipment and manufacturing processes than those presently being obtained from the West, prevent the elimination of the bottlenecks that presently plague the industrial sector, and assure a further widening of the technology gap that now exists between the U.S.S.R. and the West.

Finally, the trade sanctions will have an adverse effect on long term trade relations with the Soviet Union. Any suspension or interruption of a sale to a foreign country has serious consequences for the business firm involved. Several suspensions of individual sales in the high technology area have occurred in recent years as a result of political disagreements with the Soviet Union and in each case some hardship was imposed on the business sector. The more sweeping embargoes that have been initiated are bound to have more sweeping effects on business firms who may lose sales, on business perceptions, and on future business planning. The Soviets, too, are likely to be reluctant to become as dependent on U.S. products as they are today. It is conceivable that U.S.-Soviet trade could significantly slow down and even come to a standstill. Trade between the U.S.S.R. and other Western nations is also likely to be retarded as a result of the embargoes assuming those countries restrain sales.

### CONCLUSIONS

The current situation presents one of the most severe challenges to western cohesion in recent history. The preceding analysis assumes our NATO allies will join us in a common front against the Soviet threat. If they do not and instead adopt a business as usual attitude concerning trade with the Soviet Union, the strains within NATO could become too much to bear.

In order to assure the effectiveness of the trade sanctions a monitoring and reporting system must be established. Therefore, legislation should be adopted by Congress setting up monitoring procedures with respect to the embargoes of grain and high technology items to verify compliance with the sanctions and to require periodic reports to Congress. In addition, there should be a special meeting of the Coordination Committee (COCOM), which is supposed to control western exports to the U.S.S.R., of products that could be used for military purposes, to review and strengthen its monitoring procedures.

## NOW IS THE TIME FOR A BUDGET SURPLUS

Mr. PROXMIRE. Mr. President, very briefly, as all Senators, of course, I was very interested and concerned about the President's state of the Union message, particularly his budget that has just been released in the last couple of days. Mr. President, if ever there was a time for a surplus in the budget, that time is now. We face the most serious inflation this country has ever faced in peacetime. People go back to 1946 and say that was a higher inflation. That was an inflation that was caused because we had wage-price controls in effect for 4 years during World War II. Of course, when we took them off, prices increased. They did not increase very much after that. As a matter of fact, 3 years later, prices actually declined. That was a wartime inflation. Throughout our history, we have had a wartime inflation, but never an endemic peacetime inflation.

There are many things we can do to help restrain that inflation, but the clearest action that Congress can take is a painful action, a tough action. That is to balance the budget and provide for a surplus. We certainly should do that in fiscal year 1981.

If you look at the economic assumptions the administration makes, they assume growth of close to 3 percent, which is the normal growth we have had over the years. They assume an inflation of more than 9 percent. That is the classic case for a surplus, rather than a deficit; yet, the administration proposes a deficit of almost $16 billion.

Mr. President, the only reason that deficit is not just as big as it has been over the past few years is that the windfall profit tax brings in a net of $13.9 billion. If we were to add that $13.9 billion we have not had before to the proposed deficit, we would have a $30 billion deficit.

Mr. President, I realize that there is great enthusiasm for military spending in the Senate and House and the President is asking for an increase. Of course, this is a tough time to balance the budget with that enthusiasm, but I think we can reduce spending overall. I am not one of those who thinks that we have to go hog wild in increasing military spending, because there is a tremendous amount of waste there. There is waste in procurement, waste in manpower, and waste in the bureaucracy in the Pentagon. There is waste in all kinds of areas.

But in the event Congress should decide it is necessary to increase military spending to a point where we have to have a $615 billion outlay, then the answer is to face up to it, if necessary, with a tax increase.

I would not favor that because, as I say, I favor reducing spending. It is tough to do, but I think we can do it.

In any event, we should not under any circumstances in fiscal year 1981 have a deficit. In a year of normal growth of the economy and 9 percent or more inflation, that is just plain wrong. It does not make sense.

## THE EPISCOPAL CHURCH AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, as we all know, one of the greatest strengths of the United States is the pluralistic nature of our society. The rich interchange of viewpoints from various racial, ethnical and religious groups has allowed our country to more adequately deal with the problems of the modern world. Only by working together may the various sectors of society form a fair and clear understanding of common moral principles.

One religious group which recognized this fact is the Episcopal Church. In a December 1977, statement from the church's general convention, its executive council explained that as more diverse cultural groups participate in American life, the "presumptions as to what is fairness that have been imposed on our society by the majority are being challenged and broken down." In their place is emerging "a new law of human rights" which more justly defends the basic rights of all people.

This "new law of human rights" is being formed by international agreements and treaties, such as the Helsinki accord, which expresses a common concern for human rights of all citizens in all nations.

But this is not enough. The United States still has failed to accede to the Genocide Convention. The United States still has ignored the need to defend the most precious right to life. It is time we act.

Ratification of this important treaty would reaffirm our Nation's belief that all groups which make up America—every racial, ethnical, religious and national group in the world community—deserve protection from genocide. Ratification would be a step in the right direction. It would aid in the protection of one of our most precious national resources—the interchange of ideas among citizens of diverse backgrounds and races.

The loss of any individual, of any group, is a loss for all.

It is for these reasons that the Episcopal Church, along with many other religious and social organizations, urges ratification of the Genocide Convention.

I urge my colleagues to respond affirmatively.

## RECOGNITION OF SENATOR HARRY F. BYRD, JR.

The PRESIDING OFFICER (Mr. PROXMIRE). Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

## TRADE SANCTIONS AGAINST SOVIET UNION

Mr. HARRY F. BYRD, JR. Mr. President, first I want to associate myself with the comments just made by the distinguished senior Senator from Wisconsin in regard to trade sanctions against the Soviet Union as a result of the naked Russian aggression in Southwest Asia.

Mr. President, last week I spoke to a large audience in the city of Roanoke, Va. During the course of my speech I urged that the United States go beyond President Carter's partial grain embargo. I urged that there be a total trade embargo against Russia. I urged that our country take its case to the United Nations and that, hopefully, the United Nations would participate in a trade embargo against Russia.

During that speech, the audience was very kind and I got several standing ovations. But I got the strongest reaction, affirmative reaction, when I said that there should be a total embargo on trade with Russia with the help of the United Nations, if we can get it, but the United States acting alone, if we must.

I commend the able Senator from Wisconsin on his comments earlier this morning.

## THE PRESIDENT'S BUDGET

Mr. HARRY F. BYRD, JR. Mr. President, Public Law 95-435, approved October 10, 1978, decrees that "Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts."

Yesterday, President Carter submitted to the Congress his budget for fiscal year 1981, which begins on October 1 of this year. His proposals include an increase of $16 billion in spending for the current year and a further increase of $52 billion for 1981, for a total spending increase of $68 billion.

His budget projects a deficit for the current year of $40 billion and a deficit for 1981 of $16 billion.

Mr. President, I think an overwhelming majority in the Congress and the Nation agree that increased outlays for defense are essential, but three-quarters of the spending increases proposed by the President are outside of the defense area.

News accounts indicate that huge budget increases have been in the defense area. That is not correct. Three-quarters of the increases have been outside of the defense area.

As a matter of fact, the President's budget document asserts that he recommends $20 billion in new and expanded domestic programs.

Mr. President, I think the time has come for the Congress and the President, acting together, to put this Government's financial house in order.

The people of our Nation are suffering under an inflation of 13 percent.

The new budget by the President projects revenues which are approximately double the revenues taken in by the Government since President Carter became President.

The only reason the deficit is not higher is due to the huge amounts of taxes that the Government is collecting from the American people.

In my judgment, it is the duty of Congress to get hold of these spending programs and bring them under control, in the name of fiscal responsibility. If Congress and the President are to obey the law, the law now on the books, the 1981 budget must be balanced. The law requires it.

I conclude as I began: Public Law 95-435, approved October 10, 1978, decrees that "Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts." There are only 18 words in that piece of legislation. Will Congress comply?

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 10 a.m. today, and that Senators may speak therein up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider only the nominations on the calendar, all of which I believe have been cleared.

Mr. STEVENS. The Senator is correct.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

## DEPARTMENT OF TRANSPORTATION

The assistant legislative clerk read the nomination of William J. Beckham, Jr., of Michigan, to be Deputy Secretary of Transportation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr President, I move to reconsider the vote by which the nomination was confirmed, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The assistant legislative clerk read the nomination of Iraline Green Barnes, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President. I move to reconsider the vote by which the nomination was confirmed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remaining nominations on the calendar be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

### DEPARTMENT OF DEFENSE

Togo D. West, Jr., of the District of Columbia, to be General Counsel of the Department of Defense.

### U.S. INTERNATIONAL TRADE COMMISSION

Michael J. Calhoun, of the District of Columbia, to be a member of the U.S. International Trade Commission.

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

John A. Calhoun III, of Massachusetts, to be Chief of the Children's Bureau.

Margaret Joan Giannini, of New York, to be Director of the National Institute of Handicapped Research.

William Lee Smith, of Maryland, to be Commissioner of Education.

### NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE COAST GUARD

Sundry nominations placed on the Secretary's Desk in the Coast Guard.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider en bloc the vote by which the nominations on page 2 of the Executive Calendar were considered and confirmed en bloc.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I do the same.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE 1980 SUMMER OLYMPIC GAMES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now resume consideration of the Olympics resolution, House Concurrent Resolution 249, and that the time between now and 10 a.m. not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 249) urging the United States Olympic Committee, the International Olympic Committee, and the Olympic committees of other countries to take certain actions with respect to the 1980 summer Olympic games.

The Senate resumed consideration of the concurrent resolution.

Mr. STEVENS. Mr. President, I am not going to belabor the statements I made yesterday concerning the resolution. I state again and make it very plain for the record that I am speaking for myself, and I am not speaking in a leadership capacity for the Republicans in the Senate. But as a former member of the President's Commission on Olympic Sports and one who has spent a great deal of time in trying to assure the continuity of the Olympics as one of the essential forums of the world to pursue on a peaceful basis the interchange of ideas, and to make available to our young people the opportunity to demonstrate their capabilities as free Americans, I have tried to do everything I could to create a climate in this country, from a legislative point of view, that would maintain the Olympics and our role in the Olympics so that we as Americans could be proud of that role.

The Amateur Sports Act of 1978, I think, reflects that dedication of the legislative branch of our Government. I am saddened that both the executive branch and Congress feel that it is necessary to inject what I consider to be politics and political considerations into a longstanding tradition and to, in effect, disrupt the games because I feel that the action that is being taken by our Government in injecting itself into these games for the summer of 1980 will in fact lead to the downfall, to the decline of the Olympic games as one of the real significant movements of the world to maintain relationships on a peaceful basis.

As I said, I am not going to belabor the point. I apparently stand practically alone in the Senate on this matter. That does not bother me. I think history will show that the action that is being taken by the Senate, the action that was taken by the House of Representatives, and the position that was taken by the President were wrong.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr.

Zorinsky). Without objection, it is so ordered.

Debate on the resolution is limited to 1 hour to be equaly from Idaho (Mr. Church) and the Senator from New York (Mr. Javits).

Mr. JAVITS. Mr. President, I am prepared to yield to the chairman of the committee if he wishes me to do so. The chairman will proceed on his own time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

Mr. President, the amendment (No. 1640) pending before the Senate would substitute language on the 1980 summer Olympics approved yesterday by the Committee on Foreign Relations for the provisions of House Concurrent Resolution 249 approved last week by the House of Representatives.

Let me briefly explain the points on which the Committee on Foreign Relations resolution differs from the measure passed by the House.

First, it incorporates a vote of confidence in the athletes of America and in the U.S. Olympic Committee. We should recognize the dedication that drives our young men and women who excel in sports. Even if there are no Olympic games this year at which they can display the results of their training, they nonetheless have earned the support of the American people. There is no similar provision in the House resolution.

Second, the resolution urges the International Olympic Committee to accept promptly the proposals made by President Carter, and endorsed by the U.S. Olympic Committee, that the 1980 games be relocated, postponed, or canceled. This provision is very similar to that passed by the House, but it has been brought up to date by recognizing the decision of the U.S. Olympic Committee over the weekend. I should add that the committee heard expert testimony yesterday about the difficulty of either relocating the games in time to hold them this year or postponing them.

The International Olympic Committee's charter is quite specific about requiring that the games be held every 4 years.

Third, the committee language provides that, if the International Olympic Committee fails to accept the United States proposal, the Congress urges that no American team participate in the Moscow Olympics and that no Americans attend the games in any capacity. This language is different from the House version in two respects:

It does not link nonparticipation to the issue of Soviet troops remaining in or withdrawing from Afghanistan. It was the committee's view that the decision to boycott the Moscow games should be a clear policy stand, a firm response to the invasion itself, and to the fact that the Soviet breach of international law had made it unfit to host games whose high aim is the promotion of international goodwill and peaceful competition.

The committee felt that it was unlikely that the Soviet troops would withdraw from Afghanistan and improper to tie our position of principle to a goal we did not realistically hope to attain.

Nevertheless, the committee's language is not so determinative of future conduct that, should there be an end to Soviet occupation of its neighbor, the U.S. Olympic Committee would be bound not to enter an Olympic team.

The decision on filing entries need not be taken until nearly the end of May. If circumstances change—a slim hope, in my view—the United States retains its freedom to act.

For the present it is appropriate to stand on the principle that Soviet aggression must be resisted with all the useful responses we can make.

In the third clause of the committee resolution, moreover, we also urge that as long as no American team will be competing in the games, no other Americans should lend their presence and sanction to the Soviet propaganda extravaganza. The provision is simply a logical extension of the principle of an athletic boycott.

I would stress, however, that neither the committee nor the administration, judging by the testimony presented yesterday, contemplates coercing or compelling Americans to stay away from Moscow. Ours is a society that honors individuals' rights to travel freely, to think for themselves, to speak their own minds, and to follow their own convictions. We believe it is important to express national policy on the matter of the Olympics, but it would be repugnant to American tradition to use extraordinary powers, except in an emergency, to penalize dissent from that policy. This resolution contemplates no such penalties.

The fourth clause of the resolution urges the Secretary of State to redouble the Government's efforts to obtain other nations' support for our policy. The language is parallel to that of the House, but notably stronger.

Finally, the committee determined that this moment of crisis in the Olympic movement was also a time of opportunity, a time to direct the thinking of the International Olympic Committee toward finding permanent homes for the summer and winter Olympic games, including a summer site in Greece.

The Greek Government is interested in this idea. Its merits and demerits need to be carefully weighed by the experts whose task is the preservation of the Olympic movement. For the time being, however, we felt it proper to register a strong interest in the proposal, as it was knowledgeably put to the committee by the able junior Senator from New Jersey, Mr. Bradley. I will let him make his own persuasive case for the idea to the Senate, but I would say that his suggestion is the most convincing I have heard from those who seek, as we all do, to separate sports and politics within the Olympics.

His proposal was not considered in the House of Representatives and is a new feature of the committee's resolution.

Thus, Mr. President, the Committee on Foreign Relations brings to the Senate a resolution to which it has given careful thought, a resolution which reflects the situation as it has changed since the House of Representatives acted last week, and a resolution which I believe establishes a firm declaration of national policy to guide the administration, our athletes and the American people on this important, complex and controversial issue.

Mr. ROBERT C. BYRD. Mr. President, I thank Mr. Church and Mr. Javits and the other members of the Foreign Relations Committee, and I thank Mr. Cannon and the other members of the Commerce Committee for presenting to the Senate this important resolution on the Olympics.

The Olympics are something dear to the American heart. This is a sports loving country. Professional or amateur sports organizations exist in almost every American town and city. Few actions are so able to capture American attention, and bring us together as a people, as sports can do.

But another matter that will bring the American people together is this country's security in a time of crisis.

We have seen this most recently demonstrated when American hostages were taken during the seige of our Embassy in Tehran. We have seen this during this country's response to the invasion of Afghanistan by the Soviet Union.

It has been gratifying to watch the swell of public support behind the movement to relocate, postpone, or cancel the summer Olympics now scheduled for Moscow. There has been a healthy national dialog on this.

Hearings have been held by both the House and Senate committees. Both the Senate Commerce Committee and the Senate Foreign Relations Committee reported their respective resolutions unanimously.

Even a great majority of the athletes whose lives are most directly affected by an Olympics boycott have expressed their willingness to stand behind Congress in this act.

However much we would like to have the Olympics games be above politics, we have to recognize reality. The Olympics are an important international event.

Successful sponsorship of the Olympics goes to the very heart of Soviet prestige.

However much we might deny it, our attendance at the Moscow Olympics would be to tacitly endorse, and to lend respectability to, a regime whose international conduct in invading Afganistan is unacceptable to the contemporary world.

I am very hopeful that an alternate site or alternate games can be arranged for the nations that stand by principle and refuse to attend the Moscow Olympics. At the very least, I believe this Senate should consider ways to recognize the very considerable accomplishments of American athletes who would be normally representing us in the Olympics.

I think we should remember that it was the Soviet Union that invaded Afghanistan; and it was the Soviet Union that vetoed the effort by the Security Council of the United Nations to employ sanctions against Iran. These actions have caused much sacrifice.

The American hostages are undergoing sacrifices in Tehran, as the families of the American hostages are undergoing sacrifices in this country.

The American farmers are undergoing sacrifices from the grain embargo. American businessmen endure sacrifices because of the cutoff of sales involving technology to the Soviet Union.

Six hundred thousand Afghans have been driven from their homes by the ruthless, brutal invasion by Soviet paratroopers, motorized divisions, and airplanes.

These people have driven people from their homes. These people and their families are hungry, without shelter, without enough clothing, without adequate weapons to defend themselves. They, too, are undergoing sacrifices.

I think all this has to be considered as we debate the sacrifices that are being made if the United States and other countries withdraw from the Olympics. All of the sacrifices should be kept in mind.

For the United States to go to the Olympics would lend respectability, legitimacy, and prestige to the Soviet Union, the very country that has visited sacrifices upon the Afghans, that has killed Afghans, that has visited hunger, deprivation, homelessness on the Afghans; that has caused the Pakistanis to have to make sacrifices; and that has contributed, through the Security Council veto, to the sacrifices being made by the hostages.

Let us remember the sacrifices of the hostages. They are continuing to make sacrifices every day; and let us remember the sacrifices of their families.

I hope these sacrifices will not be forgotten as we acknowledge the sacrifices that top American athletes will be making if we withdraw from the Olympics. In addition, there will be sacrifices made by the outstanding athletes of other countries of the world that stand by principle.

We should applaud our athletes and the athletes of all the countries of the world that refuse to go to the Olympics. All of these athletes will be making sacrifices.

Mr. President, I yield the floor.

Mr. CHURCH. Mr. President, I am happy to yield to my good friend and colleague, the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I yield myself 10 minutes.

Mr. President, we labor under no illusion about a boycott of the Olympics by U.S. athletes, which we certainly hope will be universal—that may be too much to hope for, but we hope it will be wellnigh universal among our athletes—and we trust that they will realize that the national interest must come before any of our personal interests.

Many have a chance to prove that in an active way almost every day. But, to most, that privilege is denied until we run into an emergency like this. I really feel very deeply about these athletes and for their views as expressed to us yesterday in the Foreign Relations Committee by one of their number, Miss DeFrantz, who headed the Olympic rowing team in 1976 and is in training for the rowing team again this year.

She spoke of the strength and endurance of the athletes and of their great disappointment, even though that disappointment will be tempered by the fact that, according to the U.S. Olympic Committee, an Olympic team will be chosen in any case. We have encouraged them in that selection and in assuming that there will be games of a suitable kind to show the prowess of our athletes and the athletes of other countries which join us in this boycott.

I might say parenthetically that that boycott movement is gathering great momentum, Mr. President. We have an estimate of 20 as the number of nations which are likely to join us. My own opinion is that that number is very likely to be materially exceeded. I believe the nations of the world are finally awakening to what is going on beneath their very eyes. The rule of force, if the Soviets have their way, will finally have lead the world to a trial, a grave trial, perhaps even involving even the danger of extinction for the next 10 to 20 years.

And so, when Miss DeFrantz spoke of strength and endurance, it made a very deep impression on me. But that very strength and endurance, Mr. President, emphasized by Miss DeFrantz should now be used by the athletes in the defense of their country, with a real understanding that it sometimes takes more strength and endurance, more than the strength and endurance which athletic participation calls for, to endure a disappointment, when it is called for in the highest interest of a nation which, on the whole, has tried to lead the world toward paths of justice and paths of peace.

I address this to the athletes, Mr. President. They are the ones who are likely to be the most hurt by what has occurred. I hope that they will see that the strength and endurance which made them champions are now equally required, if not more so, by the peace of the world and the interest of our Nation.

Now, Mr. President, why do I say this, when I also acknowledge that it is very doubtful that a boycott of the Olympics by the United States and many other nations will cause the Soviet Union to turn from its aggressive course?

I say that, Mr. President, because we are now in a stage of what another one of the athletes, Mr. Oerter, a discus thrower, who had a different view than Miss DeFrantz on the boycott issue, called the unifying factor for the United States. I think it is a unifying factor for all the forces which, notwithstanding their shortcomings are nonetheless stumbling their way on the road toward a better or more peaceful and a more just world than we have.

Mr. President, there is very rarely an opportunity which is exactly opposite to the situation it relates to. Afghanistan might be considered some peripheral event, half the world away. Many Americans have never heard of it. For the last couple of years, the government has probably been, for practical purposes, very much under the thumb of Moscow, anyhow. Yet all of a sudden, it erupts into a great world issue.

Mr. President, it erupted into a great world issue because it comes at a time and in a place and in a situation which serves notice on the world that there is some new crowd or new attitude in control in the Kremlin that is a lot more reckless than the previous one. Heretofore, Mr. President, it has been almost a maxim that when the Soviets get to the brink, they pull back. They have now put the world in doubt as to whether that is or will be so: hence, the enormous rush to prepare for what we must face if it is not so. Because we cannot risk the chance that the collar of Moscow—once affixed on any country, because of the nature of the system—is almost impossible to break, whether it is on Afghanistan or any other country.

And here is the first time that the Soviet Union, with its own troops—not Cubans or forces which they call fighters for national liberation such as the Vietcong or whatever, but their own troops—have sought to overpower and subjugate a people against their will.

Mr. President, the Olympic games might very well be that unifying factor. Athletics, prowess in athletics, has a great appeal to the heart of the whole world. And the frustration of athletes may very well turn into a determination not to submit to the forces of tyranny and totalitarianism, which are so clearly represented on the other side, on the part of the rest of the world which no other event could have sparked.

So this boycott resolution is important. I hope very much that we will treat it with the seriousness and judiciousness which it deserves.

I believe, Mr. President, that we will see that reaction from other nations and that, whereas, they, too, were inclined to dismiss this as a slap on the wrist and as something which may have been an expression of weakness rather than of strength, they will in the coming days come to realize that this is just such an action which can produce the clarion call to at long last rally the forces of freedom.

When people have to choose, there is no easy way out. They have to choose yes or no. We know what that means in this Chamber.

It is high time that especially our allies, who have on occasion had a free ride because we were willing to carry the ball, take the beating, and we pay the bill, now have to stand up and be counted. This is the first inning, Mr. President, of what may be a long game, and this is the time when we expect people to declare themselves.

So I hope, Mr. President, that our athletes, will have their chance by being chosen on the team, and will have their opportunity in other theaters of competition to show their prowess, without breaking the Olympic tradition. I am against breaking the Olympic tradition. I do not believe we ought to run adversary Olympic games. But I believe that somehow or other the world will hold together and that 1984 will see other Olympic games. We should not destroy the system. Mr. President, to give our athletes, and those of other countries similarly-minded, an opportunity to show their prowess to the world is a good and healthy thing. I hope we go through with that effectively. I would encourage the

U.S. Olympic Committee to proceed that way.

I have one other word, Mr. President, and that is about money. I yield myself 2 more minutes.

It costs money to train an Olympic team. I understand about $30 million has already been spent. Once the people who contribute heard about the fact that the United States was going to boycott the games, contributions fell off very materially.

Mr. President, from the point of view of the expression of the average citizen's feelings, nothing could be worse. I hope very much that people will realize that just as we expect our athletes to give their strength and endurance to enduring this disappointment, so we hope the public will continue, and indeed increase, as its gesture of protest, their contributions to the Olympic teams, so that the training of the athletes may be completed and so that they would, in some proper theater, be able to perform in the way that we hoped they might have performed at the Olympic games in Moscow.

Finally, Mr. President, this resolution is not conditioned on withdrawal of the Soviet Union from Afghanistan, and I am glad it does not, because this resolution should not be conditioned, Mr. President, on their mere military withdrawal from Afghanistan. That is very likely to occur some time in the next few months anyhow, when the Soviet Union has firmly fixed its collar on Afghanistan and effectively controls it with 10, 12, or 14 divisions on its northwest border, so that if Afghanistan breathes too hard, they can move in there in 6 hours. That withdrawal is not going to be the end of this event, Mr. President, nor is it going to teach the Soviet Union that this kind of adventure does not pay.

I believe we have to be convinced in the world that the Soviet Union really wants détente. We ought to persist in seeking détente, but one of the elements of seeking détente is that you know when you are threatened and that you have the means to counter threats. Then and then only can you have détente.

When we are convinced and the world is convinced—not we alone for I am not foolish about that—that the Soviet Union is willing to return to at least a détente course, then, whether it is a week or a month or a year, or 10 years from now, we should be willing to take up that offer.

I am pleased, Mr. President, and I believe the committee is to be commended, for not having conditioned the effect of this resolution on the physical, technical withdrawal of Soviet troops.

Now, Mr. President, I give due thanks to the House under the leadership of Congressman Zablocki and the Foreign Affairs Committee for initiating that resolution, and thanks, Mr. President, to our own Members who led various groups of Senators, first Senator Muskie, a member of our own committee, then Senator Pryor and Senator Heflin, all of whom, with many colleagues, introduced resolutions.

And thanks to Bill Bradley, Mr. President. It is a great honor to the Senate to have him here as one of the pool of brains and experience which makes these 100 men and women what they have been and still are. I often look around this Chamber, Mr. President, and wonder where are the Websters, Clays, Calhouns, and Borahs of the current Senate.

Well, I think they are here and history will tell us they are here—with different dress, different attitudes, different ideas, but still what we were. I believe an occasion like this summons forth those qualities, evidenced, to my great pleasure, in new Members, and especially a new Member who was a former athlete and who will be, we know, a great Senator.

So, Mr. President, I am very deeply gratified to be the ranking member of the Foreign Relations Committee in the midst of this maelstrom, keeping its head, pursuing a steady course and doing what has to be done with small beginnings, Mr. President, but with small beginnings which portend much greater and more decisive decisions in the days ahead. I hope the Senate will approve this resolution without change.

Mr. President, I reserve the remainder of my time.

Mr. MUSKIE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MUSKIE. Mr. President, I yield myself 2 minutes.

First of all, I thank Senator Javits for what he has had to say about the action taken by the Foreign Relations Committee, and thank him especially for those qualities of his which are now legendary in the Senate and which contributed to the shaping of the final resolution.

As he indicated, I introduced a resolution, and other Senators did. I believe the resolution reported by the Foreign Relations Committee is an improvement on all of those which the committee heard yesterday.

Second, I associate myself with the remarks of the distinguished chairman of the Foreign Relations Committee (Mr. Church) as well as those of Senator Javits on their interpretation of this resolution and what the Foreign Relations Committee had in mind in sending this resolution to the floor. I will not embellish the points they have made because our time is limited. I also want to yield to Senator Bradley shortly so that the Senate may have the benefit of his views.

Before I yield, I ask unanimous consent that Senator Levin be added as a cosponsor of amendment No. 1640 to House Concurrent Resolution 249.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, as the Senate considers today the concurrent resolution on the 1980 summer Olympics, I would like to share with my colleagues two editorials, one by Donald K. Powers of the Maine Broadcasting System, and the second, an editorial that appeared this weekend in the Bangor Daily News.

These two commentaries articulately express support for our Government's policy regarding the Moscow Olympics and showing strong disapproval of the Soviet invasion of Afghanistan.

Mr. President, I would like to read just a couple of excerpts from the first of those editorials as follows:

Keep politics out of the Olympics? Of course. Americans have long proven they believe in that.

But let's not kid ourselves about the current situation. When Soviet tanks rolled over a neighbor, they "crossed the border" from politics to war. Unless they quickly reverse their field, they will have killed the Olympic spirit as far as Moscow is concerned. For the world community to go play in their backyard this summer would be the height of hypocrisy. Our appearance in Moscow would tacitly contradict our country's vehement disapproval of their war action.

When it comes to speaking out against unprovoked war, Olympic athletes should confirm their support of the U.S. government. If they don't, millions of Americans will begin to question their support of the Olympics.

Keep the Olympics out of politics? . . . of course!

But let's also keep aggressive warring nations out of the Olympics.

Mr. President, I ask unanimous consent that the editorials be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

EDITORIAL

JANUARY 14, 1980.

Keep politics out of the Olympics? Of course. Americans have long proven they believe in that.

But let's not kid ourselves about the current situation. When Soviets tanks rolled over a neighbor, they "crossed the border" from politics to war. Unless they quickly reverse their field, they will have killed the Olympic spirit as far as Moscow is concerned. For the world community to go play in their backyard this summer would be the height of hypocrisy. Our appearance in Moscow would tacitly contradict our country's vehement disapproval of their war action.

When it comes to speaking out against unprovoked war, Olympic athletes should confirm their support of the U.S. government. If they don't millions of Americans will begin to question their support of the Olympics.

Keep the Olympics out of politics? . . . of course!

But let's also keep aggressive warning nations out of the Olympics.

---

[From the Bangor Daily News, Jan. 19, 1980]

BOYCOTT THE OLYMPICS

Following the Soviet occupation of Afghanistan, President Carter included among his list of U.S. retaliatory responses the possible boycott by this country of the 1980 Olympics in Moscow.

This week the administration edged slightly closer to "the possible boycott" by announcing an approximate date of a supposed final decision on the boycott threat.

Does the president really have a choice in the matter?

We don't see how. It is growing compellingly clear to us and others that, of all possible nonmilitary responses, a boycott of the Olympics would hurt the Soviets the most.

The Russians have invested all of Moscow's construction budget for the past few years in new Olympic facilities.

From all reports, the Soviets view their hosting of the Olympiad as an enormous political opportunity, a chance for the Soviets to enhance their world image, clinch their frustrated quest for legitimacy, and most importantly, show off the best aspects of their system to thousands of tourists and millions of television viewers throughout the world.

An effective boycott of the Games would

be a staggering blow to the Russians. It is a setback that the Soviet Union richly deserves, a retaliatory kick in the behind that just might give both the Soviet people and the Kremlin some idea of our willingness to punish Soviet aggression—present and future.

Granted, the boycott isn't apt to alter in any way the Soviet game plan in Afghanistan. And it is regrettable that devoted, dedicated athletes must be shortchanged by the dictates of global politics.

But anything less than an absolute and unequivocal boycott of the 1980 Moscow Olympics by this country will send a familiar signal to the Russians that they may on the one hand play host for an international civilized affair while mauling and trampling elsewhere.

President Carter should declare a U.S. boycott of the Olympics immediately.

If an alternate site can be arranged and carried out logistically—such as Montreal—fine. But the feasibility of conducting the Games elsewhere should not influence the president's decision.

The Soviet Union needs to be taught a memorable lesson in the caliber of U.S. resolve.

Mr. MUSKIE. Mr. President, I share Senator JAVITS' impression of the appearance of Senator BRADLEY before the Committee on Foreign Relations yesterday. It was an outstanding presentation from a Senator who, as Senator JAVITS has pointed out, has experience as an athlete who has played in the Olympics and, who, in addition to that, brings a quality of thoughtfulness and comprehension to this issue which, I think, lends important and impressive support to the action which the Senate is being urged to take today.

I yield to the Senator from New Jersey such time as he would like to take.

Mr. BRADLEY. Mr. President, I thank my distinguished colleague from Maine (Mr. MUSKIE) and the distinguished Senator from across the river in New York (Mr. JAVITS) for their very kind remarks concerning my contribution to this debate on the very critical and, in some senses, painful issue that is before this body today.

Mr. President, I rise in support of the concurrent resolution that was drafted by the Committee on Foreign Relations yesterday, after lengthy testimony. I think that it addresses the political issues that confront us today as a nation. I think it also addresses the issue of the future of the Olympic games and, perhaps, shows a path that could be followed to make the Olympic games more consistent with the ideal that their founders in the late 19th century had in mind.

Mr. President, it is very clear that the ideal of the Olympics is one that most reasonable people strongly support: the ideal of the oneness of the world, of brotherhood, of mutual understanding. This is something that indeed, is worth pursuing. However, the reality of the Olympics, over the last 30 or 40 years, has been something quite different from that ideal. It has been marred, time and time again, by nationalistic displays and buffeted by international politics. To see this one does not have to point only to the "Nazi Olympics" of 1936, or to the withdrawal of the Swiss and the Dutch in 1956 in condemnation of the Soviet invasion of Hungary, nor to the events of 1968 and the assassinations of 1972, or to the withdrawal of 28 Third World countries from the Montreal Olympics in 1976. No, one need not point just to those things. The conduct of the Olympic games makes clear that the Olympics, as constituted today, are far from the ideal that their founders had in mind.

Mr. President, U.S. participation under the Olympic flag in Moscow at a time when innocent Pushtoon people allegedly are being nerve-gassed in Afghanistan, in my view, is not something that would earn this country respect or make us proud as a nation. Therefore, the resolution before the body today clearly addresses the issue when it calls for the withdrawal of the U.S. competition in the Olympic games in Moscow if they are not moved or postponed.

It is my personal belief that they will not be moved. To move them would present enormous logistical problems. Nor are they likely to be postponed. In my opinion the International Olympic Committee has not demonstrated over the years, an ability to respond quickly to changing realities in the world. Therefore, what matters inevitably will lead to is the decision as to whether U.S. athletes should withdraw from the Olympics.

That is a painful decision. It is a painful decision for those athletes who have struggled through many years to have the opportunity to compete against the best of their counterparts in probably the best-known sports competition in the world. But there are times—this is one of them—when the imperatives of a stable and free world order are really more important than the imperatives of the playing field. I hope that this realization is not lost on our allies, who are more dependent or oil imports from the Middle East and have as great, if not a greater stake in preserving the sovereignty and integrity of nations in that region than we do.

Mr. President, there are elements in this resolution which will be, and should be, considered punitive to the Soviet Union. Some people will also feel it deals harshly with the Olympics. But in fact there is an important element of this resolution that is far from punitive. Indeed it is hopeful. It promises the beginning of a new Olympics closer to its original ideal. The element I am talking about is the provision of the resolution that calls for the International Olympic Committee to give urgent consideration to the establishment of a permanent home for the Olympics in the country of their origin, Greece.

Mr. President, there are many changes needed in the Olympics as we know them today if we are to have an Olympic freer of politics. In 1976, after witnessing the increasing politicization of the Olympics over the years, and after having a genuine, worthwhile and memorable personal experience in the Olympics in 1964, I reflected on the changes that would have to be made to return them closer to the ideal and made specific recommendations—such things as having only one uniform standard of eligibility for competition, making skill the only criterion for competition, and abandoning the ridiculous notion of amateurism in a world of differing social and economic systems.

Mr. President, for a moment I would like to reflect on my personal experience in 1964, playing with the U.S. Olympic basketball team. In the finals, we played the Soviet Union. We won. Two years later, I was playing for an Italian meatpacking firm. We played the Soviet team in the European Cup finals. Mr. President, man for man, that team was the same team that played in the Olympics of 1964, except now they were not called the Soviet National Team, but were called the Soviet Army Club Team—amateurs, according to the rules of international competition; professionals, indeed, if viewed from the standpoint of how much time they spent playing the game and what their compensation was. So the first recommendation that I made in 1976 for a purified Olympics was to establish ability as the sole criterion for eligibility.

Second, I suggested that we give everyone who participates a medal—give everyone who participates a medal and save the gold medal for only those individuals who break the Olympic record, who break the world record. Thereby, we would put into the Olympic games that competition against a standard which is the fundamental aspect of the ideals, and remove from the games competition among nations and against individuals who represent them.

Mr. President, I further suggested, as a third point, that we abandon team sports in the Olympic games, because they too easily simulate war games. One only has to look at the Hungarian-Soviet water polo game in 1956, or the Czech-Soviet ice hockey game in 1968, or any time the Indians and the Pakistanis play field hockey, to recognize that these games, indeed, simulate war.

Mr. President, the fourth point I made about reforming the Olympics was to make them more participant oriented. In many cases, the athlete has gotten lost amid the gigantic construction projects, the TV cameras, and the hoards of tourists that flock to one site or another in the quadrennial festival. If, indeed, the purpose is to promote mutual understanding and brotherhood, the way to do that is through enhancing the experience of the athlete who lives in the Olympic village and meets and interacts with people from all over the world. That was the most enjoyable and memorable aspect of my experience.

But the experience in the Olympics today forces that to be compacted into a 2-week period, a 2-week period when competition is intense, when training is absolutely necessary, and when national goals and national success is paramount in the minds of the competing athletes.

That is why, Mr. President, I also suggested that we expand the Olympic games from 2 weeks to 2 months, and that instead of recognizing only the quickest and most agile and strongest among the world youth, we expand the concept of the Olympic games so it also recognizes other artistic and cultural qualtities that make the world a wonderful place to live, indeed, that would make the Olympic games more rewarding and genuinely offer the opportunity to promote brotherhood and mutual understanding among men and women.

Mr. President, the fifth suggestion that I made was that the Olympics be located permanently in Greece.

Too often have we been preoccupied with firsts in Olympics: the first Asian games, the first Latin American games, the first games in Germany after World War II, and now the first Communist games.

Not only does that set the stage for the host country to produce a gigantic display of nationalism, but it also encourages a situation where the Olympics infringes into the domestic politics of that host country. For example in the last Olympics, for more than a year the location of the Olympics site and their financing arrangements played havoc with the politics of that nation.

Mr. President, the way to end this kind of quadrennial nationalistic expression is to give the games a permanent home in the country of their origin, Greece, where, according to an expanded concept of them, the world's youth would return every 4 years for a 2- or 3-month period in which they could really interact and really focus on the ideals upon which the Olympics are founded.

Mr. President, I think the Senate is sensitive to the need for such reforms, and that is why the resolution we consider today is designed not simply to condemn the Soviet Union but simultaneously to offer hope for a new Olympics, truer to the ideal of their founders. It is constructive and offers the prospect that, indeed, brotherhood and mutual understanding might become paramount at all Olympic games.

Mr. President, I thank the Chair.

### AMENDMENT NO. 1640

Mr. MUSKIE. Mr. President, I ask unanimous consent at this point to substitute the committee's language with respect to the resolving clause of the House concurrent resolution. I ask unanimous consent that it be substituted for the language in the House bill.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, I know of no objection on this side. This is the product of the committee by a vote of 14 to 0, and I hope that the Chair will accomplish that objective.

The PRESIDING OFFICER. Without objection, the amendment (No. 1640) is agreed to.

Mr. JAVITS. I thank the Senator from New Jersey.

Mr. MUSKIE. Mr. President, the Senator from New Jersey has made an eloquent statement this morning; he also made one yesterday before the Foreign Relations Committee.

Mr. President, I ask unanimous consent that the text of his statement before the committee be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT OF SENATOR BILL BRADLEY

Pierre de Coubertin, founder of the modern-day Olympic Games near the turn of the last century, defined their purposes this way:

"The aims of the Olympic movement are to promote the development of those fine physical and moral qualities which are the basis of amateur sport and to bring together the athletes of the world in a great quadrennial festival of sports, thereby creating international respect and good will and thus helping to construct a better and more peaceful world."

Regrettably, anyone familiar with the Olympics knows that for many years the reality has fallen far short of de Coubertin's ideals. Nationalism has become paramount at the Olympics. Instead of athletes competing primarily against a standard of excellence, they have been turned into agents for nations competing against each other in a highly-politicized environment.

There are many examples of politics intruding into the Olympics: the 1936 games in Nazi Germany, the 1956 games in the shadow of the Soviet occupation of Hungary, the sudden withdrawal of North Korea's team during the 1964 games in Tokyo, the row over South African participation in 1968, the terrorist slayings of Israeli athletes in Munich in 1972, and a boycott by 28 Third World nations and the China-Taiwan dispute in 1976.

Because of all these developments and others, I concluded that the spirit of the Olympics was being extinguished, that an Olympics which encourages political exploitation can be harmed by politics, and that some political conflict between major powers inevitably would bring the games to a halt or destroy them altogether unless they were changed in fundamental ways and moved to a permanent home in Greece, where they began 3,000 years ago.

Accordingly, in 1976, as an athlete and citizen, I wrote a newspaper article outlining my concerns and several proposals for reforming the Olympics. In that article, which I will submit for the record, I also said, "I believe the United States should discontinue its participation in the games unless the promotion of mutual understanding among nations becomes a more central focus of the quadrennial festival." That remains my position toward the Olympic Games, as they are constituted.

Now, four years later as a United States Senator, I find myself participating in the controversy which might lead to the demise of the 1980 Olympics. But it must be remembered that what might be destroyed is not the ideal of de Coubertin. After my visit to Moscow last summer, it was clear to me that Soviet leaders will spare nothing to make the Olympics the biggest peacetime propaganda event since Sputnik. Look what they already are saying in a 50-cent party handbook: "The decision to give the honor of holding the Olympic Games in the capital of the world's first socialist state was convincing testimony to the general recognition of the historic importance and correctness of the foreign policy course of our country, of the enormous services of the Soviet Union in the struggle for peace."

The prospect of American participation under the Olympic flag in Moscow while innocent Pushtoon people are nerve-gased in Afghanistan would not be something that should make the United States proud or respected. I therefore urge the United States Olympic Committee to withdraw from competition in the Moscow Olympics if the games are not postponed or moved.

The invasion of Afghanistan violated the most basic elements of international standards for behavior. The United States and other nations can not condone such aggression, or give Soviet leaders any reason to have doubts about where we stand.

By withdrawing from the Moscow games as long as Soviet troops are in Afghanistan, we will show not only that we condemn that invasion but also that we no longer will participate in the political corruption of the Olympics.

Although it will hurt those athletes who have trained hard and long, I believe the imperatives of a stable and free world order take precedence over the imperatives of sports. Our allies should not fail to come to the same realization.

The shock of U.S. withdrawal, along with our allies and some Third World countries, might not end the Olympic Games, but rather offer an opportunity to restructure them more in accordance with Olympic ideals.

The first step toward an Olympics freer of politics is to offer full support for permanent placement of the games in their ancient birthplace, the country of Greece. Urging the International Olympic Committee to establish a permanent site in Greece is a constructive approach. The permanent home would come to be identified with the Olympics as an institution. The Olympics no longer would be identified with the nationalistic displays of temporary hosts.

If the United States were to take the lead in proposing such action now in addition to declaring our position on the Moscow situation, it would demonstrate how seriously we take the Olympic principles—too seriously to let them be trampled in Moscow, and seriously enough to think hard about how best to preserve them.

It also would communicate to the world's athletes that we take their efforts seriously and are concerned about their future. We want to minimize the chance that politics will mar their human accomplishments again.

Therefore, if the Committee reports a resolution on the Moscow Olympics to the full Senate, I urge it to include language which expresses to the International Olympic Committee the sense of the Senate that the IOC should create a permanent home for the Olympic Games in Greece, the country of their origin.

I ask my colleagues to act now, before it is too late and the spirit of the Olympics is lost forever. If we act in time, 1980 will be remembered not as the year that politics defeated the Olympics, but instead as the year the Olympics rose above politics and regained its position as the "Truce of Gods."

Thank you.

---

[From the New York Times, July 21, 1976]

### FIVE WAYS TO REFORM THE OLYMPICS

(By Bill Bradley)

The Olympic Games are scheduled for Moscow. It is 1980. The political disputes of previous years—the North Korean pull-out in 1964, the racial protests of 1968, the terrorist attack of 1972, and the China-Taiwan dispute of 1976—are part of the Olympic legacy as much as the spirit of sportsmanship of Pierre de Coubertin, founder of the modern Olympic Games. The Russians have spent $2 billion on the stadiums, dormitories and various other monuments. ABC has contributed $100 million for United States television rights. The Soviet commissars of sport expect their athletes to win all the medals except five, which will go to East Germany. Although the United States team, amateurs (high school students largely), has trained hard, it is no match for the Soviet Army professionals. The Kremlin's propaganda machine prepares story after story about the prospect of nationalistic triumphs and how they will represent the superiority of the Soviet system.

Suddenly, two weeks before the opening ceremony, the President summons the head of the United States Olympic Committee to the White House. Two days later, the highest United States Olympic official, by profession a car dealer, announces our withdrawal from the Olympics, fulfilling a threat made four years earlier in the heat of the China-Taiwan dispute. The head of the United States Olympic Committee and the President justify the action on grounds of national security, and the Soviet committee exiles 40 commissars of sport. A few aristocrats on the International Olympic Committee issue statements about the value of fair play. But the Olympic Games as we knew them in the post-World War II era are dead.

Maybe the Olympic won't end exactly that way, but many people have called for their abolition on the grounds that they have been too expensive and too political. I believe the United States should discontinue its participation in the Games unless the promotion of mutual understanding among nations becomes a more central focus of the quadrennial festival.

First, the Olympics should be open to everyone. An athlete's skill should be the only requirement for eligibility. Amateurism is impossible to interpret or to enforce with uniformity in a world with disparate political and economic values. In 1964 I played on the United States Olympic basketball team in Tokyo. We beat the Soviet Union for a gold medal. Two years later I was playing for the team of an Italian meat-packing firm in the European Cup championship. We met (and defeated) the Soviet team in the semifinal. Man for man they were the same as the Soviet national team in Tokyo, except now they were called the Soviet Army Club Team. They were professionals paid for playing basketball, yet by international standards they were amateurs.

Second, team sports should be eliminated from the Olympics. They too easily simulate war games. One has only to consider the Soviet-Hungarian water polo game in 1956, the Soviet-Czechoslovak ice hockey match in 1968, or any time the Indians and Pakistanis meet in the field hockey final, in order to see that the "friendly combat" of the playing field whips up national passions. Even participants in team sports frequently feel they represent their countries more than themselves and compete for national prestige rather than for the joy of collective fulfillment that a team's quest for excellence can uniquely provide. If the public demands world champions, each sport can sponsor a separate world tournament, but not in the Olympics.

Third, everyone in the Olympics should get a participant's medal. Silver and bronze medals should be eliminated and the gold medal should go only to someone who breaks an Olympic record. Then an athlete would compete against a standard, not against another athlete or another country.

Fourth, the Olympics should be situated permanently in Greece, the country of their origin. All nations who compete in the Games should help underwrite the expense of a permanent facility that ultimately might become self-sustaining. Every four years, the world's youth would return to Mount Olympus in a spirit of friendship to compete in the finest athletic installation in the world.

The present system of financing the Olympics promotes the incursion of the festival into the politics of the host nation. Furthermore, the quadrennial expenditure of vast sums of money ($600 million Mexico City, $800 million in Munich, $1.5 billion in Montreal) for capital projects that are little used after the Games is incredibly wasteful.

If the appeal of a purified Olympics could be parlayed into a sharing of the financial risks and rewards by all nations, each Olympiad could be made a time to focus on the oneness of the world instead of a time to champion the nationalistic grandeur of increasingly expensive physical facilities.

Fifth, the Olympics should be more participant-oriented. The athlete has gotten lost amide the site competitions, the multi-million-dollar construction projects, the TV cameras and the hordes of tourists. I would like to see the Games become more of a festival.

Everything should be aimed toward providing the participant with a unique experience. By lengthening the Games to two months, events could take place at a less feverish pace. Athletes could spend more time in the Olympic Village getting to know each other. The normal diversions of the village might be expanded to include cultural and artistic expressions from various parts of the world. Though the emphasis would still be athletic, the presence of other disciplines would recognize the value of the whole person. In such an environment the stress would lie not on the rewards to be taken home but the experience of living for two months in a microcosm of the world. Such an Olympics might even contribute to mutual understanding among nations.

Mr. MUSKIE. Mr. President, in addition, in his statement yesterday, the Senator from New Jersey quoted Pierre de Coubertin, the founder of the modern-day Olympic games near the turn of the last century, who defined their purposes this way:

> The aims of the Olympic movement are to promote the development of those fine physical and moral qualities which are the basis of amateur sport and to bring together the athletes of the world in a great quadrennial festival of sports, thereby creating international respect and good will and thus helping to construct a better and more peaceful world.

Mr. President, I would like to make the point that the resolution pending before us, which I hope the Senate will adopt, is more consistent with the spirit of that declaration than would be our attendance at the Moscow games this year.

This action taken by the United States is pro-Olympics, not anti-Olympics.

There were those witnesses yesterday, motivated by the highest considerations, who lamented the possibility that this action by the United States might destroy the Olympics. I do not believe that will happen.

Second, they lamented that, if that were the case, the United States would be held responsible in the eyes of the world for that destruction.

Mr. President, we ought not lose sight of the fact that the aggressor in this case has not been the United States. It has been the Soviet Union. The Soviet Union, when it crossed the border into Afghanistan, violated the spirit of the Olympics.

If they were to succeed, they could destroy the spirit of the Olympics and, in effect, the Olympics themselves.

That is the point I think the Senator from New Jersey (Mr. BRADLEY) is making. He has made it eloquently this morning. I am not going to try to embroider on his eloquence. I simply want to embrace it and commend him for what he has contributed to this dialog.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The time of the Senator from Maine has expired. The Republican side has 4 minutes remaining.

Mr. MUSKIE. How much time would the Senator from Michigan like?

Mr. LEVIN. Thirty seconds.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senator from Michigan may have 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the recent Soviet invasion and occupation of Afghanistan violate all norms of international behavior. The flagrant trampling of those values is an action worthy of worldwide censure and isolation, and it is with that intent that American athletes and the U.S. Olympic Committee should lead the move to deprive Moscow the honor of hosting the 1980 summer Olympic games.

In calling for a transfer or boycott of the Moscow Olympics, it is worthwhile to recall the words of Baron de Coubertin, the founder of the modern Olympic movement. As an Olympic publication notes, he did not revive the Olympic games merely to give contestants a chance to win medals and to break records, nor to entertain the public, nor to provide for the participants a stepping stone to a career in professional sport, nor certainly to demonstrate the superiority of one political system over another.

One of his five aims in reestablishing the Olympics was to "create international amity and good will, thus leading to a happier and more peaceful world." The Olympic Committee would therefore be displaying a disrespect for its own high aims by allowing Moscow to host the summer games. The Soviet aggression must be seen not only as an aggression against Afghanistan, but against the "international amity and good will, leading to a happier and more peaceful world" to which the Olympic movement is pledged.

An Olympic boycott of the Moscow games would serve not only the cause of world peace, but the best of the Olympic ideal as well. The Olympic participants are athletes—yes. But they are citizens of the world first, and citizens of conscience. I believe our Olympic athletes could not sleep well in Moscow while 100,000 Soviet troops are brutally suppressing the right of the people of Afghanistan to determine their own national destiny.

On January 8, I appeared on a morning news show to argue the case for an Olympic boycott. I closed my remarks with this question:

> Would we go to the Olympics if the games were held in Tehran while fifty of our citizens were being held hostage there?

I wished to point out that we all draw lines at which we say we cannot go to the

Olympics with a clear conscience. The representative of the USOC did not answer my question. With the invasion of Afghanistan we have crossed that line. Polls show that over 80 percent of our population favors moving the site of the Olympics or boycotting them.

Many of our allies are moving in the same direction. Both Canada and Great Britain are enthusiastic about moving the site of the games, and West Germany and others may follow. And yesterday 35 Moslem countries condemned the Soviet aggression and urged all Islamic nations "to withhold recognition of the illegal regime in Afghanistan and sever diplomatic relations with that country until the complete withdrawal of Soviet troops." Saudi Arabia was the first nation to call for a boycott of the Moscow games, and it is certain that other Islamic nations will join them. They recognize the fact that their participation in the games would be taken as a conferral of legitimacy upon the Soviet aggression. Everything possible must be done to demonstrate to the Russians that their aggression will not be condoned, will not be tolerated, and will, if continued, cause their permanent isolation in the world community.

Is it injecting "politics" into sport to say that the fundamental political order which makes the Olympic games both possible and desirable must be upheld if the games are to survive? It is for the sake of the Olympics and everything else which we hold dear that we call upon the international athletic community to deprive the Soviet Union of this privilege which they so clearly no longer deserve. Will the absence of athletes from Moscow this summer cause the Soviet troops to evacuate Afghanistan? Perhaps not. But it could serve to emphasize the importance of peaceful relations between nations, and that the adherence to basic norms of behavior is imperative to a nation's standing in the world community.

The decision by the American athletes and organizations to abandon the Moscow games will not be made easily nor be borne lightly; but neither can the rumble of Soviet tanks crossing its border into a defenseless country. I urge my colleagues to overwhelmingly support this resolution so that we may strengthen the resolve of our athletes to do the right thing and to send the decisive message to Moscow that we will do what we can to make sure that Afghanistan is a Russian error of such historic magnitude that she will terminate her aggression.

● Mr. DOLE. Mr. President, since the Soviet invasion of Afghanistan last December, the United States has sought an appropriate response that will convey to the Soviet Union and the rest of the world our unwillingness to tolerate Soviet aggression. This invasion was the most blatant and cynical act of expansion since Stalin divided Poland with Hitler. President Carter has correctly warned President Brezhnev of the grave consequences that will result if Soviet troops are not withdrawn, and the measure the Senate considers today is both a tangible punishment a symbolic protest, underlining the seriousness with which we regard this evil act.

It is the feeling of the Senator from Kansas, that the Soviet invasion is in clear violation of the basic principles on which the Olympiad is based, and I suggested last January 11, that the games be moved to a site more compatible with the Olympian principles of international brotherhood and peace. For more than 80 years, the Olympic games have played a significant role in the creation of international amity, engendering goodwill among nations. The games have served as an opportunity for the youth of the world to participate in a political athletic competition, and to gain a personal understanding of young people from all nations. In more recent years, however, there have been attempts to use the games for the prestige and attention they bring, and to highlight certain political causes—just as Hitler used the 1936 Olympics to enhance the credibility of his regime.

Mr. President, it would indeed be ironic that a nation guilty of blatant expansionism, one that has chosen to jeopardize world peace by a senseless act of war, be host to the world's Olympic teams.

While this action we consider today is largely symbolic, it cannot be denied that the Soviets have invested a great deal in preparation for the games. It is the hope of the Senator from Kansas, that this response will have far-reaching effects on the Kremlin as well as on the people of the Soviet Union. It is likely that Soviet officials will be placed in an embarrassing position in offering an explanation to their people when Olympic teams do not arrive. The acceptance of Moscow as a civilized and recognized world-class government is bound to lose a great deal in the eyes of those who are most concerned, the Russians themselves.

If we look to the past for guidance, it becomes evident that our participation in the 1936 Berlin games was a mistake, and it is crucial that we do not make that mistake again. We must send to the world a message—a message that says we will no longer tolerate Soviet expansionism. And we should not risk the misinterpretation of this message by participating in the Olympic games in a manner that is "business as usual."

Mr. President, it is highly unlikely that the situation in Afghanistan will be reversed. As this latest Soviet action becomes more clearly understood, we may find the need to employ tougher sanctions against the Soviets. We must build up our own defense capabilities and restructure our foreign policy to meet this new Soviet challenge. But for now, it is the feeling of the Senator from Kansas that a boycott of the Moscow Olympic games is a responsible and deliberate demonstration against unacceptable international behavior.●

● Mr. WEICKER. Mr. President, I support the passage of House Concurrent Resolution 249. I believe this to be an essential step in our efforts to respond to the Soviet invasion of Afghanistan.

As I stated when I introduced Senate Concurrent Resolution 64 on January 22, urging an Olympic boycott and expanded economic sanctions against the Soviet Union, there is a common law standard of international behavior. When these norms are violated, it is the obligation of civilized nations everywhere to concretely respond, otherwise such crimes against humanity proliferate—and eventually threaten us all.

The Soviet invasion of sovereign Afghanistan is such a crime. It is our responsibility therefore to undertake every action available to us, short of war, to condemn and refute Soviet expansion. This resolution provides one such opportunity.

Much has been said on this floor about the significance of these Olympic games for the Soviets. They represent a pristine and elevated platform from which the Russians can display their magnificent Communist system. By wrapping themselves in the Olympic ideals of peaceful relations and competition between the nations of the world, the Soviets will attempt to place the imprimatur of the international community on their recent act of international brutality.

What is perhaps just as important is what an American boycott of these games could mean to the United States and the American people. Certainly we all enjoy the "drama of human competition" and revel in the pageantry of this spectacle. But what the President, the House and now the Senate has recognized with this resolution is that it is our principles and not our diversions which are of the highest importance. It amounts to the recognition that we are willing to sacrifice on behalf of what we believe is right.

It is my hope that we as a Nation can recognize further that the solutions to the grave problems which we face—Soviet expansion, instability of the Persian Gulf, inflation, and a crumbling dollar—all are within our own grasp. It is our own ability to bring under control our fatalistic dependence of OPEC oil, not Middle East bases or some vague Presidential doctrine, which will determine whether the remainder of this century will be a time of weakness, or strength, for the United States the cause of freedom we represent around the world.

Mr. President, I urge adoption of the resolution.●

● Mr. COHEN. Mr. President, I rise in support of the resolution pending before the Senate. I believe it is the responsibility of the U.S. Senate to register its opinion that the 1980 summer Olympic games not be played in Moscow.

If the International Olympic Committee does not accept the wisdom of relocating or postponing these games, it will be abetting the Soviet Union's effort to legitimize its role in the international community. We have seen what role the Kremlin chooses to play in geopolitics, in Cuba, in Africa, in Southeast Asia, and now in Afghanistan. Without regard to worldwide opinion or the spirit of détente, the Soviet Union has systematically rejected the hope that the Olympic games symbolize: that all people of the world can exist in peace and in brotherhood. The Soviets have rejected this hope by bringing Cuban troops into Angola, as their surrogates in carrying out military revolt in that country; by aiding the North Vietnamese in starving more than half of the population of

Cambodia; and now by subjugating a nonalined nation, Afghanistan, through a carefully planned and premeditated massive invasion with Russian troops.

To permit the games to be played in Moscow would be to tarnish the hope and symbolism of the Olympics.

I hope that the games will be played—in a nation that recognizes their symbolic importance and their reason for being played. America is devoted to the spirit of Olympic competition and should work to preserve the tradition of peaceful, international brotherhood these games have promoted.

For that reason, I support this resolution, especially the call for consideration of a permanent site where the Olympic ideal might be more happily and completely fulfilled.

If the International Olympic Committee decides to hold the games in Moscow, I believe the United States should sponsor an international sports festival that would provide an alternate arena for competition between athletes from boycotting nations. This festival might truly reflect the purpose of international athletic events—to promote international understanding and brotherhood.●

● Mr. SASSER. Mr. President, the threat to international peace is grave. Very real and very serious differences abide among the American people as to the proper response of the United States. It is precisely the danger of the threat to peace that demands a reasoned and appropriate response.

I commend President Carter once again for his actions thus far against the Soviet Union. The combined impact of the grain embargo, the technology-transfer curtailment, and the fishing rights prohibition cannot be ignored. The unexpectedly lopsided vote in the United Nations condemning the invasion of Afghanistan revealed an ever-growing momentum of retaliation worldwide for this violent act of aggression.

The Senate has an opportunity to take an active role in this rising tide of reaction against the Soviet Union. We have before us a resolution urging an American boycott of the 1980 Olympic summer games if the International Olympic Committee fails to cancel or move the games in the face of continued military occupation of Afghanistan by the Soviet Union. The resolution is consonant with the highly commendable action taken by the U.S. Olympic Committee on Saturday. It is consonant with the actions of an increasing number of nations which have committed to a boycott against the Moscow games. It is consonant with the compelling need to pursue high-profile, high-impact, nonmilitary global retaliation against the Soviet Union.

Mr. President, I doubt that there is a single Member of Congress who has not considered, with deep disappointment and regret, the fate of the young athletes—and I will say young because the so-called "old man" of the discus is my age—who have given over their lives to the gruelling challenges to body, mind, and spirit that Olympic training represents. These are the individuals whose individual achievements transcend sports competition. It is their faces, their predecessors' faces, that we, along with tens of millions of other Americans, watch every 4 years. We bask in the reflected glory of their excellence. And, in the context of this debate, we swell with national pride when the Star-Spangled Banner is played for the gold medal winner.

It has been said that the Olympics will be political as long as the teams are divided by nationality. I would not go that far, but the element of national image and prestige cannot be denied.

If the nationalist implications of winning are so apparent, what then can be said of hosting the Olympic games? It is a mark of national honor, a source of tremendous prestige. One has only to review the actions of the Soviet Government in recent months in "sanitizing" Moscow of dissidents, complainers, and even candor-prone children, to understand the breadth and depth of Soviet hopes to showcase a fantasy view of the Soviet system around the world.

This propaganda campaign would have been conducted with or without the invasion of Afghanistan, to be sure. But the outrageous and despicable act of aggression by the Soviet Union against its weaker neighbor, a sovereign state, demands an international refusal to play a part in that campaign.

This is not an easy choice, Mr. President. It is our only choice in the matter. A threatened boycott of the 1980 Olympic summer games in Moscow is the most immediate and most direct feasible action available to us. I will vote for this resolution fully cognizant of the burdens I am asking our Olympic teams to bear. I will vote for it fully cognizant also of the far greater burdens to be borne if we fail to act.●

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by Mr. Cannon be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

### Statement By Senator Cannon

Last Thursday, an Original Concurrent Resolution affecting the participation of a United States Olympic team, and the site of the Twenty-Second Summer Olympiad originally scheduled to be held in the Soviet Union, was unanimously approved and reported by the Senate Committee on Commerce, Science, and Transportation.

S. Con. Res. 66 states that the United States Olympic Committee honor the request of the President to propose the transfer or cancellation of the 1980 Summer Games; and that the International Olympic Committee adopt such a proposal. If the International Olympic Committee rejects such a proposal, the Concurrent Resolution urges the U.S. Olympic Committee and the Olympic Committees of other countries not to participate in the 1980 Summer Olympic Games and conduct alternative games of their own. The idea of changing sites is not unprecedented. The 1976 Winter Olympic Games were originally scheduled for Denver, but were moved to Innsbruck, Austria. The games have been cancelled on three occasions due to World War I and World War II. A National Olympic Committee withdrawing its team from the games has also occurred. In 1956, Spain, Switzerland and the Netherlands withdrew their teams from the Melbourne games due to Soviet invasion of Hungary. And in 1976, 28 African nations abandoned the Montreal games as a protest against the participation of New Zealand, a country with strong sports ties with South Africa.

This past weekend, the United States Olympic Committee held an Executive Session and unanimously endorsed a recommendation that the International Olympic Committee transfer, postpone, or cancel the 1980 Summer Olympics. The members of the United States Olympic Committee should be commended for their most courageous action.

I urge the International Olympic Committee to adopt the proposal of the United States Olympic Committee when this issue is discussed February 10 during the next session held in Lake Placid, New York. Only if the Olympiad is transferred, postponed or cancelled will the games rise above politics and regain its illustrious status.

Yesterday, the Senate Foreign Relations Committee unanimously approved a resolution that included the USOC's activity last weekend. I believe the Concurrent Resolution introduced by Senator Church should be adopted by the Senate. The language contains the spirit of S. Con. Res. 66 and includes the language that was adopted by the United States Olympic Committee. I believe this resolution will best protect our national interest, the rights of our athletes and the true spirit of the Olympic movement. I ask the Senate to adopt this resolution without delay.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business of not to exceed 30 minutes and that Senators may speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE NEW MELONES DAM AND RESERVOIR PROJECT, CALIFORNIA

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5872.

The PRESIDING OFFICER (Mr. Levin) laid before the Senate H.R. 5872, an act to modify the New Melones Dam and Reservoir project, California.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice by its title and the Senate will proceed to its consideration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that only an amendment by Mr. Randolph and myself and an amendment——

Mr. DOMENICI. It is in the same bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no amendment from the floor be in order.

Mr. STEVENS. With the exception of

an amendment we have cosponsored with Senator RANDOLPH.

Mr. ROBERT C. BYRD. Yes, with that exception.

The PRESIDING OFFICER. Without objection, it is so ordered.

### UP AMENDMENT NO. 929

(Purpose: To authorize water resource development projects in West Virginia, Kentucky, and Alaska)

Mr. RANDOLPH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH), for himself and Mr. ROBERT C. BYRD, Mr. FORD, Mr. GRAVEL, and Mr. STEVENS proposes an unprinted amendment numbered 929.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 2, after line 2, insert the following:

SEC. (a) The Secretary of the Army, acting through the Chief of Engineers is authorized to design and construct the project for navigation improvements at Kodiak Harbor, Alaska in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in his report dated September 7, 1976, at an estimated cost of $8,597,000.

(b) (1) The Secretary of the Army, acting through the Chief of Engineers, shall design and construct, at full Federal expense, such flood control measures at or in the vicinity of Pikesville, Kentucky, and of Grundy, Virginia, on the Levisa Fork of the Big Sandy River; Pineville, Kentucky, on the Cumberland River; and Williamson and Matewan, West Virginia, on the Tug Fork of the Big Sandy River, as the Chief of Engineers determines necessary and advisable to afford these communities and other flood damaged localities and their immediate environs on both the Levisa and Tug Fork of the Big Sandy River and Cumberland River a level of protection against flooding at least sufficient to prevent any future losses to these communities from the likelihood of flooding such as occurred in April 1977, at an estimated cost of $200,000,000. Non-Federal interests shall hold and save the United States free from damages due to the construction works, and maintain and operate all the works after their completion in accordance with regulations prescribed by the Secretary of the Army.

(2) Congress hereby finds that the benefits attributable to the objectives set forth in section 209 of the Flood Control Act of 1970 exceed the cost of the flood control measures authorized by this section.

Mr. RANDOLPH. Mr. President, the amendment is of intense interest to many Members. It would authorize Corps of Engineer projects in West Virginia, Kentucky, and Alaska.

The majority leader of the Senate, Mr. ROBERT C. BYRD, of West Virginia, has been most active and helpful over a long period of time in connection with the project known as Tug Fork, an area of the State of West Virginia bordering Kentucky. We have passed the Tug Fork legislation on three occasions. We have been unable as of this date to secure passage in the House of Representatives and enactment into law.

I did have the opportunity, I will say to the majority leader, earlier today to talk about the pending legislation on water resource projects with the chairman of the Committee on Public Works and Transportation of the House of Representatives, Representative JOHNSON of California. He indicated that they are in continued and rather heated debate again as often takes place on water projects.

Included yesterday during House debate on the Water Resources Development Act was a vote, a vote which included approval of Tug Fork by a substantial margin, which seems to indicate the position of the House on this project. I mention it only because the debate continues in the other body on a measure that also contains the Tug Fork program as we have authorized it in the Senate.

The amendment that is offered by the majority leader, myself, and several other Senators, including Senator STEVENS, the acting minority leader, would authorize the Corps of Engineers to proceed with the design and construction of a project to alleviate major flooding in the States of West Virginia and Kentucky. This project has been developed by the Corps of Engineers to provide flood protection in the Tug Fork and Cumberland River Valleys.

I wish to underscore that the project would authorize floodwalls and a river cutoff to alleviate flooding in the major communities along the Tug and Levisa Forks and Cumberland Rivers in West Virginia and Kentucky.

Very damaging floods have swept through several southern West Virginia counties in this immediate region, and I will discuss some of those. The county seat of Mingo County, Williamson, has been hard hit. The city has actually been closed down. The business life still over a long period of time, and the residential areas have been inundated. It is not something that has come and then it will never happen again. This area over and over again has suffered with devastation, destruction, and the heavy costs of rebuilding. Frankly, the Federal Government has had to come in and help in connection with these rebuilding, reconstruction, and rehabilitation projects.

Mr. President, this is a valid amendment. When I say it is a valid amendment I mean it has had the most careful consideration in the Senate. We have passed legislation containing this project on three prior occasions.

I, of course, recommend it to the Members of the Senate and simply add that in the authorization bills for the Corps of Engineers, the Senate bill always contain this provision, for the three times I mentioned. But, there were other problems that surfaced, not this project, which prevented final action by either the House or the Senate on the water resources authorization bill.

Now we are attempting here, and properly so, to amend a House-passed bill. The project is needed. It is needed badly. It is a vitally important region of West Virginia and Kentucky that is affected, an area of very, very heavy coal mining operations, both deep mines and surface mines.

We are in no way trying to bring about something that is a bonanza. We are authorizing a project which has had a long study, a continuing review, passage by the Senate on three occasions, and now brought forth by this methodology. I know the able majority leader will speak to this project.

Mr. ROBERT C. BYRD. Mr. President, will my distinguished senior colleague yield?

Mr. RANDOLPH. Yes, I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, this amendment authorizes $200 million in flood protection measures for a water resource project that is vital to the interests of the entire Nation.

The Tug Fork Valley of West Virginia is one of the largest coal-producing areas serving the Eastern United States, but, unfortunately, it is located in a highly flood-prone area. In April 1977 the Tug Fork Valley was devastated by a 500-year high level flood that caused in excess of $200 million in damages, and an incalculable amount of human misery and suffering. It was truly one of the miracles of this century that no lives were lost in connection with that flood. Only 9 months later, on January 26, 1978, the Tug Fork Valley again experienced flooding, resulting in further damages which the Army Corps of Engineers estimated at approximately $9 million. These continuing flood conditions in the Tug Fork Valley have been, and continue to be, the major impediment to increased coal production and the concomitant economic development of this valley.

The Tug Fork Valley contains 5 percent of the Nation's recoverable coal and if we are to achieve any measure of energy independence—which, to date, has consisted mostly of rhetoric—it can only happen through increased coal production in areas such as Tug Valley which serve the populous and manufacturing areas of the Eastern United States and by increasing mandatorily, if necessary, our coal usage. But, to accomplish this goal, both the mines and the people who mine coal must be protected from flooding.

Mr. President, I would like to commend my colleague, Senator RANDOLPH, who chairs the Committee on Environment and Public Works; and Senator GRAVEL, who chairs the Subcommittee on Water Resources, and Senator DOMENICI, the ranking member, for their diligent work on the Tug Fork legislation.

Both Senators RANDOLPH and GRAVEL have given unselfishly of their time and energy to develop this legislation. Water authorization bills which included authorizations for protection of the Tug Fork Valley have passed the Senate three times: On June 22, 1977; May 4, 1978; and October 14, 1978. However, none of these measures achieved enactment into law.

In many instances, the historical development and economic growth of this Nation can be directly traced to the development and proper utilization of our water resources. This amendment likewise, will protect and make possible the further development of one of this Nation's most precious and needed resources—coal—our only available and reliable energy source. I want to state emphatically that Senators RANDOLPH, GRAVEL, and I will continue our maximum efforts to secure passage of S. 703, the Water Resources Development Act of 1979, as it proceeds through its various legislative processes toward final enactment.

However, time is of the essence. The people of the Tug Fork Valley have waited too long already—over 2½ years—for this urgently needed and long overdue protection, and that is why we are moving today to amend H.R. 5872—to get this protection as quickly as possible. In the last 65 years, the brave residents of Tug Fork have experienced 13 major floods and suffered hundreds of millions of dollars in damages.

The April 1977 flood destroyed more than 600 homes and damaged in excess of 4,700 others. It left clothing and household goods clinging to tree tops along the river banks, and closed permanently 10 percent of the business establishments including two coal mines. It washed out bridges and over 200 miles of highways and railroad tracks. And it devastated the cities of Matewan and Williamson.

Mr. President, this amendment is sorely needed to minimize and, hopefully, eliminate the constant threat of floods for the energy rich Tug Fork Valley area of the United States, and I urge its adoption.

Mr. STEVENS. Mr. President, the last time the water resources subject was on the floor I did have a colloquy with my good friend from West Virginia, the chairman of the committee, Senator RANDOLPH. As I recall, my good and close friend from New Mexico (Mr. DOMENICI) was there at that time also. This colloquy concerned the plight of the Kodiak Harbor, and I am delighted to see that the committee has determined that this harbor is of such high priority that it, too, ought to be included in this amendment today.

It is one of the most active of the harbors in the country today. The Alaska fishing fleet is building at a rate that no one can comprehend. We have increased our harvest from the seas off Alaska since the passage of the 200-mile limit bill.

I might say with some pride that my youngest son, as a matter of fact, is on one of the vessels of this fleet—as a matter of fact, it was the vessel we called the Highliner of the Pacific last year. They awarded to the captain of that vessel the Highliner award which meant that it caught fish of greater dollar value than any vessel on the Pacific, in the Pacific fleet.

It is a matter of great concern to all of us that this harbor be improved and that we have adequate facilities for this expanding fleet.

I want to personally thank the chairman of the committee and the ranking member of the committee who are here today to offer this amendment. The cosponsors have already been listed, which cosponsors include my colleague from Alaska, who is the chairman of the subcommittee.

It is a very vital project and a very necessary project, I think, for the benefit of the Nation as a whole, and I am delighted to see it offered here once again.

It has previously been passed in the Senate three times but not once have we been able to enact it into law, and I hope this one can be enacted into law so that we can proceed with this very vital harbor when it is most needed so that the fishing fleet can use it at this time.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. RANDOLPH. The Senator is aware of the discussions we had recently on this project. I know the members of our committee, particularly Senator DOMENICI, ranking minority member of the Subcommittee on Water Resources, who has given attention to it, as well as Senator STAFFORD, the ranking minority member on our committee feel very strongly, as does the Senator from Alaska, about the necessity for prompt action with reference to this project. It is one that is very important to the overall energy situation of the United States of America, is it not?

Mr. STEVENS. Yes; it is very vital to have these vessels there so they can have a safe port and not go further as they are involved in fishing off the shores of Alaska. Kodiak is the second largest fishing port in the United States, and it is very much in need of expansion, as would be authorized by this amendment.

Mr. DOMENICI. Mr. President, as the ranking Republican on the Water Resources Subcommittee, I have no objection to this amendment. Both of the projects contained therein—the Kodiak Harbor project and the Tug Fork project—have already passed this Senate three times previous to today.

In that regard, that should dispel any concern about the institution, about the committee, the committee of jurisdiction in terms of these two projects as part of an ongoing procedure here in the Senate of evaluating such projects. So, in that regard, I am here to indicate I have no objection to this amendment.

However, I would be remiss if I did not indicate my extreme concern about the water policy of this country. First of all, there are no priorities. We have a program that is basically about as willy-nilly as the wish and whim of Members of both bodies and crises that occur.

Second, because of this, this overall program, in this Senator's opinion, has been losing credibility in the institution and nationally. While this country needs more resources put into water policy and water projects, the program is declining. As a matter of fact, the truth is that the investment by this Nation through the Corps of Engineers has now dropped about 40 percent in 4 years. I say to my good friend from New York (Mr. MOYNIHAN), while the water needs grow, the investment is down in real dollars.

I believe that is not an indication that Congress is not concerned about water policy but, rather, it is an indictment of a system that is not working very well, a very vulnerable subject to attack, and we have not taken the aggressive innovative action in Congress to revive it, make it more credible and more operative.

In my opinion, there is no way that this can continue without doing great harm to the American people and the country. There is, indeed, no way that this revitalization can occur, until we bring the sovereign States into the act in terms of meaningful participation, until we assign to them a significant role in prioritizing projects and until we clearly define that they must put up some amount of the cost of projects that we give them this privilege of prioritizing.

Because I feel so strongly about that, I have introduced a sweeping measure with some tremendous assistance from the Senator from New York (Mr. MOYNIHAN) as its prime cosponsor. Senate bill 1241 would completely change the water policy of this country in terms of prioritizing the role of the States, defining their monetary requirements, and expediting the projects which now, in the corps' hands, are taking an average of 26 years from the time they begin.

Having said that, I would ask my good friend, the senior Senator from West Virginia (Mr. RANDOLPH), the chairman of the committee, a question. The Senator from New Mexico, as the chairman knows, is generally concerned in this area. I want the full Public Works Committee to proceed with dispatch concerning the omnibus water bill before it. But, equally as important, I want to make sure that the Domenici-Moynihan bill, basically, what I have just described, Senate bill 1241, will have a full opportunity to be heard by that committee so that the distinguished Senator from New York (Mr. MOYNIHAN) and I can attempt to give this institution an opportunity to vote in an enlightened manner on the approach and philosophy of the Domenici-Moynihan bill.

I ask my good friend: Does the Senator join with us in this sense of urgency that we be given this opportunity and that we have an expedited omnibus bill so we will have that chance?

Mr. RANDOLPH. Mr. President, I am not reluctant to join with the Senator. I am eager to join with the Senator. And I indicate that to the Senator from New Mexico (Mr. DOMENICI) and the Senator from New York (Mr. MOYNIHAN).

I have had the opportunity, even last night, to read a documented, reasoned proposal, which is a joint proposal, that sets forth the deficiencies in the present program of water projects. This was given to me by the Senator from New York (Mr. MOYNIHAN).

Now, I wish to say—and this is not a pleasantry—that both of the Senators who are proposing this change realize that I, as Thomas Jefferson said:

> As new discoveries are made, new truths discovered and opinions change with the charge of circumstances, institutions must advance also, and keep pace with the times.

But even another man at a later time, a President during a crisis, Abraham Lincoln, used this language when he faced a very real need for change. He said these words:

> We must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.

That is the spirit in which I would think that we will go into the matter which is proposed.

The Senators are both knowledgeable in this field. I think that what is being said by the Senator, and perhaps will be strongly reinforced by the Senator from New York today, regarding what I call the equities of this water resource program, makes certain good sense to me.

When I say that, I want to tell you that there are serious questions in my mind as to the continuance of the current arrangement—I have said that and I reemphasize it—for authorizing and prosecuting, if we use the word advisedly, the water resources projects. In fact, there is a lack of progress being made.

I think Senator MOYNIHAN has called to my attention that which is valid. When a project is approved it is 30 years before it is actually brought to reality.

Mr. MOYNIHAN. Mr. President, will the distinguished chairman yield?

Mr. RANDOLPH. Yes, I yield.

Mr. MOYNIHAN. Mr. President, I believe the number is 26 years.

Mr. DOMENICI. That is correct. And that is before it starts.

Mr. MOYNIHAN. Yes.

Mr. DOMENICI. Not how long thereafter.

Mr. RANDOLPH. Yes.

Of course, Senator DOMENICI and Senator MOYNIHAN, if they had a project in which they were intensely interested—even with their stability—they might not be around to see the project come to fruition. I would not like that, I assure you.

I fully understand the demonstration concept which is offered by Senators DOMENICI and MOYNIHAN. I think that the concept deserves not just consideration, but I think it has a priority with me and I am sure with other members of the committee. I think the 14 members of our committee will look with favor on not putting this on a shelf, but moving it forward. I make that pledge, of course, on my personal behalf. The block grant approach could do considerable to assist in the development and implementation of water resource projects.

When this matter comes to the full committee—and that will be later this spring—for consideration, I want to carefully, as the other Members will, examine the Domenici-Moynihan proposal with the hope, even though I could not completely support everything that is proposed at this point, that there could be at least some phasing in, of the demonstration program that is offered by the two Senators.

Both of the Senators are to be commended. This is not just a gesture when I say that.

I know in New York, that the State has been bypassed. It really has. It has been bypassed, and perhaps—and I must not be unkind to anyone—there has not been the interest here on Capitol Hill given by Senators and Representatives from New York State to this subject matter. And that is not in any way a criticism that is aimed at any individual. But I just think that we have not heard too much from those in New York State until now and we are hearing it, and hearing it clearly.

Well, we must not just do something because we hear it now. But we are convinced—I am—that this is a very propitious time in which to have the discussion here today, as we think of two projects which, very frankly, have passed this Senate three times and yet have not become a part of our law. The people in the southern part of West Virginia, in the Cumberland River Valley of Kentucky, are frightened almost every time it begins to rain because they see the wiping out of the communities and the starting again.

So I am going to work, and I believe the committee members will work, with both Senators, and we will develop an effective and better water resources program than we have at the present time.

I believe this is a good pledge. I make it with the best of intention, and I assure both Senators as long as I am chairman of the Committee on Environment and Public Works I will take it as a pledge which I shall be responsible to see is carried forward.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I know that my friend from New Mexico and I could not value more what we have just heard. When JENNINGS RANDOLPH, of West Virginia, makes a pledge, an event has occurred. We thank the chairman for his openness to this matter.

I would ask the chairman to bear with me for just a few remarks about the specifics before us and the proposals we have made.

It seems to me that in this rather unusual arrangement of attaching a major enterprise of this kind to a bill which just came over from the House, putting in something for Alaska, which had also been previously approved, the most important fact is that we are doing once again what we have done two and three times before, which is to approve these measures because this present arrangement is not getting the work done.

The chairman has spoken of people in the Cumberland, Tug Fork, and Mingo Counties. When it rains, they are concerned.

They ought to be, after that 1977 flood. But, when is this work going to get done? At the rate we are going, they can expect some relief in the 21st century.

I wish the majority leader had been able to stay on the floor because I know he cares about this. I am here to say that the work we are authorizing may get done in the 21st century. As we know, the corps has not designed a project. As we know, the corps does not know what it will cost. And, as we know, the present arrangements date back, if I am not mistaken, to the legislation which followed the Ohio River floods of 1936, which imposed the cost-benefit standard, and which is a questionable arrangement, frankly.

Mr. RANDOLPH. Will the Senator yield?

Mr. MOYNIHAN. I yield.

Mr. RANDOLPH. At that time it was the beginning of not just taking a project because Senator So-and-So or Representative So-and-So wanted it and it seemed to be a good project.

Mr. MOYNIHAN. It has advanced, but it has led to some strange counting. It has led, for example, to the present law which states that Congress hereby finds that the benefits attributable to the objective set forth in section 209 of the Flood Control Act of 1970 exceed the cost of the flood-control measures authorized by this section.

In other words, we are stating what in fact we do not know, but we are just getting by because otherwise we will not have this program which we need.

I stand silent on this matter, but I do say to our beloved chairman that the day has come when this new arrangement will work.

I see the majority leader on the floor, and I repeat what I said earlier.

The proposal we are adopting today may come to fruition in the 21st century. The average time between authorization and the beginning of construction is some 26 years. The backlog is irrational and unmanageable. The criteria are wrong and the regional balance is altogether out of proportion.

In the budget which the President sent to the Congress yesterday, there is $4 billion for water projects. The State of New York has six-tenths of 1 percent. We cannot go on that. That is true of the whole Northeast part of the United States in regard to these programs. These programs had to do with Western expansion, going back to the great flood on the Ohio in 1936.

But more importantly than who shares, there is not a penny for new construction in the President's program; not a penny. We have authorized some work but at the rate we are going, we will never get it.

Did the Senator from New Mexico say the projects are down 40 percent?

Mr. DOMENICI. Yes, in real dollars, in 4 years.

Mr. MOYNIHAN. The amount of construction is down, down, down. What we are trying to do is to introduce a program which is rational and national. It divides the national appropriation among the States with a formula pertaining to population and to territory, with a special provision for Alaska. It gives the States the requirement to rank their priorities and then to choose them and not to go through the gymnastics of the benefit-cost ratio, or the exemptions, as we have to do now.

I am just so pleased to hear our chairman say that there comes a time when old arrangements have to be changed. If we are going to have a national input behind these programs, they cannot be blocked by the odd person here and there. The majority leader heard me screaming 2 years ago. That stalemate will go on until we do the kind of things we are talking about.

That is why we have taken this occasion, and we are grateful for the opportunity. I am, for one, and I know the Senator from New Mexico is also enormously heartened to hear the chairman say what he has had to say.

Mr. DOMENICI. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. DOMENICI. Mr. President, I too, thank the distinguished chairman (Mr. RANDOLPH) for his words of wisdom this morning. Things that have worked for decades in this great American society frequently just stop working for various reasons. I believe it is obvious that the American water policy—everything from the corps' projects to the Bureau of Reclamation, and everything in between—is not working. We have to redefine our national intent.

I repeat, I did not prepare and think through Senate bill 1241, and go visit with my good friend from New York (Mr. MOYNIHAN), asking him to look at it and be my cosponsor, because I am against water projects. Quite to the contrary, I am convinced that unless we turn that program around where it makes more sense, where it can be expedited, where it can address a diversity of issues in an equitable and fair manner, we are going to have less and less of a national program, with an ever-increasing problem in the country. The crisis of oil and energy is here now, and the next crisis will be the crisis of water.

(Mr. BUMPERS assumed the chair.)

Mr. MOYNIHAN. Will the Senator agree that if one is against a water program in this country, all they have to do is to do nothing, keep the present arrangements in place, and we will end up with nothing?

Mr. DOMENICI. I agree wholeheartedly.

Mr. MOYNIHAN. Some people feel we might somehow or other be opposed to these programs. What we see is their demise, their steady demise.

Mr. DOMENICI. I will make one further observation. In this Senator's opinion, much of the delay that has attended significant water projects in this country is because we have not put the proper responsibility in local officials, Governors, mayors, commissioners at the county level, and the like. Consequently, national officers have to make fantastic decisions affecting local environment and local policy. As well intentioned as they are, their activity is met by delay, harangue, litigation, and continual effort to get it done nontheless, because it seems that from on high they have been told to, under this policy we have.

The other ingredient of our bill is that we are going to put that capacity, that problem of working with the local people, satisfying local needs, environmental concerns and priorities, back down there for the next decade or so and see if it will not be better handled by those at the local level.

I am going to close by saying that I pledge this: that this is the first barrage here this morning; that the U.S. Senate is going to vote on whether we want to continue the archaic policy that we have in water projects and water programs or whether they want to enter the decade of the eighties committed to a national program that will work, even if some particular traditions have to be phased out and we move on with some new and better traditions that will serve the people.

I thank my good friend from West Virginia (Mr. RANDOLPH) for his good words today. It is my privilege to be here in support of the two projects that have been approved by the Senate three times heretofore. I hope they will be expedited. I know of his great concern for the people affected by the major product in that amendment. I want to do my part to assist him in expediting it.

Mr. RANDOLPH. Mr. President, may I just comment that I am grateful for the Senator's words. In the absence of the majority leader, I want the record to indicate that he and I know just what the loss was in that last flooding in 1977, something over $100 million. That, of course, has been just the last that we had. Before that, other floods took place.

You see, someone might say, Mr. President, well, let the people go elsewhere. How are we going to mine the coal?

Mr. MOYNIHAN. That is where the coal is.

Mr. RANDOLPH. How are we going to mine the coal? That is where the coal is in southern West Virginia and other parts of the State—the very narrow valleys and precipitous hills. These are the problems that we face.

I want to underscore that the Tug Fork proposal comes here and we are realists when we bring it in. It is not that we want something to accrue to our benefit as having been able to do something. We feel it is in the national interest. That does not mean that we are not active. We have and we shall continue to be.

But beyond these two projects in West Virginia, and parts of Kentucky and Alaska, we come to a benchmark, as it were, a watershed, even, if we want to use that, because that is a word that is used.

Mr. MOYNIHAN. Not a bad image, I say to the chairman.

Mr. RANDOLPH. We come to that point where the discussion and counseling that the Senator from New Mexico (Mr. DOMENICI) and the Senator from New York (Mr. MOYNIHAN) have given to us should be disseminated to the Senate. I hope that with what is said here today, we can, in the proper manner, bring that to the attention of other Senators because always, they and their aides are not reading the RECORD—understandably. But on this subject, it may surprise them before we get the work done even in the committee itself.

Mr. DOMENICI. I thank the chairman.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senator from Kentucky (Mr. HUDDLESTON) be included as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Also, for the record, may we have the reading of the names of those who sponsor the amendment?

The PRESIDING OFFICER. The clerk will read the names of the sponsors.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH), for himself, Mr. ROBERT C. BYRD, Mr. FORD, Mr. GRAVEL, Mr. STEVENS, and Mr. HUDDLESTON.

Mr. RANDOLPH. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

So the bill (H.R. 5872) was passed.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 11:46 a.m., recessed until 1 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BOREN).

## RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, the leadership is attempting to assist in getting a waiver resolution with respect to the Nicaraguan matter, and at this moment we are still waiting on the budget waiver.

So, in an effort to give every opportunity to try to put that waiver resolution together, and get the votes for it, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, the Senate, at 1:01 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SARBANES).

---

## THE 1980 SUMMER OLYMPIC GAMES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be 5 minutes for debate on the resolution, equally divided between Mr. CHURCH and Mr. JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CHURCH, I yield to the distinguished Senator from South Carolina 1 minute.

Mr. HOLLINGS. Mr. President, I commend the Committee on Foreign Relations on its consideration of the House resolution and for their action in deleting the reference in the whereas clause:

> Whereas the President on January 20, 1980, urged the United States Olympic Committee to propose to the International Olympic Committee that, if the Soviet troops are not withdrawn from Afghanistan within one month, the 1980 summer Olympic games be transferred from the Soviet Union or be cancelled for this year;

That means by February 20.

Specifically, Mr. President, I never could understand the commonsense behind the idea that so long as you stop invasion, so long as you stop aggression, so long as you stop murder and mayhem in Afghanistan by, say, February 19, then we shall come to the Olympic games. Inferentially, we reward and condone and the Foreign Relations Committee has caught this misunderstanding. I am sure it was not intended.

The fact is that they have already offended the principles and precepts of the United States of America with the invasion in and of itself. I particularly hope we can in this resolution, as the resolution indicates, back our Olympic athletes but also back our country.

I thank the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator. I associate myself with his remarks.

Mr. MATSUNAGA. Mr. President, I rise in strong support of House Concurrent Resolution 249, as reported by the Senate Committee on Foreign Relations which urges, among other things, the International Olympic Committee to accede to the request of the U.S. Olympic Committee to relocate the 1980 summer Olympic games.

Mr. President, last week, President Carter delivered to the Congress and the American people a strong and sober state of the Union address. He said that America, along with the entire world, has entered into the decade of the 1980's in the midst of a deepening political crisis—a crisis caused by the Soviet Union's ruthless invasion of the sovereign nation of Afghanistan.

The Soviets have steadfastly claimed that they have done nothing in Afghanistan but go to the aid of a friendly neighbor in distress. However, it is clear that the world community has recognized the Soviet action for what it really is—unmitigated armed aggression. Indeed, the Soviet Union has been condemned by an overwhelming majority of the members of the United Nations, and rightly so. Without regard to international law or respect for the sovereignty of an independent nation and its people, the Soviets conspired in the overthrow and execution of Afghanistan's head of state, and invaded that country's cities and villages with tens of thousands of troops. The terrible circumstances of this action, as expressed by Deputy Secretary of State Warren Christopher, are "unprecedented even in the long, postwar history of Soviet occupation and domination of neighboring states. The Soviet action is a threat to world peace—and, in particular, to the security of the nations surrounding Afghanistan."

There is no question in my mind, Mr. President, that we must now send a clear and unmistakable signal to the Soviets that they will have to pay a heavy price for their aggression. To be sure, all Americans must make sacrificies in order to permit our Nation to take reprisals, short of military action, which will extract a penalty from the Soviets.

Mr. President, if we as a nation, have learned any lessons from history, I hope we have learned how to deal with aggression, by one nation against another to which we cannot reply militarily. I need not remind my colleagues that the United States, and its allies did not deal appropriately with Nazi Germany prior to the Berlin Olympics in 1936. Shortly before the summer games of that year, Hitler's army occupied the Rhineland. Tragically, we allowed the German war machine to act with impunity. We took no reprisals to penalize Hitler; we conducted business as usual by sending our Olympic team to Berlin for the international competition.

Looking back, it seems to me that our participation in the Berlin games was a serious mistake, and subsequent developments bear that out. In the years following the Berlin Olympiad, Hitler invaded Austria, he invaded the Sudatenland, he occupied Lithuania, ad he blitzkrieged Poland, while we and our European allies stood idly by. One unopposed act of aggression invited another, until we who had stood on the sidelines finally had no choice but to go to war.

Mr. President, are we to repeat this course of events in the 1980's with the Soviet Union? The answer should be a resounding "No!"—we cannot afford to repeat the mistakes of our past; the price will be too high. We must make the Soviets aware of the consequences of their illegal aggression and our stubborn determination to oppose it. President Carter has determined that the removal of the summer Olympic games from Moscow, or short of that, the boycott of the Moscow games by American athletes, if Soviet troops remain in Afghanistan, would be the single most effective short-term nonmilitary sanction we can impose on the Soviet Union for their actions which now threaten world peace and security. I strongly believe that this is the best course of action, and I therefore support House Concurrent Resolution 249, which urges the International Olympic Committee to approve the proposal of the U.S. Olympic Committee to move the Moscow games to an alternative site.

Mr. President, like every other Senator, and every American for that matter, I feel very deeply for the many young men and women athletes in the United States, and, particularly, for the Olympic hopefuls from my home State of Hawaii, who have devoted so much time and effort in training for the Olympic games. As one, who in his younger days played football and competed in boxing, judo and wrestling, I know what sort of dedication is demanded of an individual who strives to achieve excellence in any sport, especially as an Olympic athlete. In the case of our American athletes, preparing for the Olympic games is an even more difficult task, for unlike other nations of the world, our Government does not finance amateur sports, or subsidize the training of our Olympic hopefuls. American athletes who aspire to compete in the Olympiad must choose to make sacrifices, physical and financial, on their own.

But they, too, must understand that peace throughout the world is impossible if the Soviet Union is allowed to believe that there is no price to pay for their military aggression. Other Americans will be paying a price for cutting our exports of grain and high technology, and all Americans will pay whatever it costs to improve our military strength in the face of this Soviet threat.

As President Carter said in his recent letter to the president of the U.S. Olympic Committee:

> I have the deepest admiration and respect for Olympic athletes and their pursuit of excellence. No one understands better than they the meaning of sacrifice to achieve worthy goals. There is no goal of greater importance than the goal at stake here—the security of our Nation and the peace of the world.

I might point out, Mr. President, that the first resolve of the pending resolution would rightly express the Senate's commitment to our athletes, that the U.S. Olympic Committee and the athletes competing for positions on the U.S. Olympic team should receive the continuing support, commendation, and contributions of the American people. Should we approve this section of the resolution, this is one Senator who intends to hold the Congress to that resolve.

In conclusion, Mr. President, I would like to commend the Senate Foreign Relations Committee on the content of the resolution before us today. Certainly, it deserves the unanimous approval of the U.S. Senate to show the firm resolve of the Congress and the American people to promote the ideals upon which world peace must be built.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. How much time is allocated to the minority under the agreement?

The PRESIDING OFFICER. Two and a half minutes.

Mr. JAVITS. Mr. President, I yield 1 minute to Senator Boschwitz.

Mr. BOSCHWITZ. Mr. President, I am going to vote against the resolution. I think it is a nonmilitary response and it seems to be becoming the principal response. The Olympics is one of the few things that the American Government does not finance. It is an opportunity for thousands of people to travel to Russia and see what a closed society really is like. It is an opportunity for the world press, on the sports pages rather than the general news pages, to see what a closed society is really like. I believe they should be aware that dissidents and children are being moved out of Moscow so that they will not be polluted by Western thought. I do not believe that a boycott of the Olympics would be any deterrent at all.

Mr. President, I have tried to review the New York Times of 1936 and I really have not been able to establish that there was a great victory of public relations through precautions on the part of the Germans. I cannot imagine that happening in 1980, 45 years later.

Mr. JAVITS. Mr. President, I yield 10 seconds to the Senator from Maryland.

Mr. MATHIAS. Mr. President, the Soviet Union stands condemned before the world for its brutal aggression in Afghanistan. Early today, the foreign ministers of 35 Islamic countries, meeting in Islamabad, Pakistan, denounced the Soviet invasion of Afghanistan as the "flagrant violation of international law"; that it is.

Two weeks ago, by an overwhelming vote of 104 to 18, the United Nations General Assembly demanded that the Soviet Union withdraw its troops from Afghanistan.

But the Soviet Government remains unmoved by these expressions of world outrage. Soviet troops continue their military subjugation of Afghanistan openly and unashamedly. Indeed, the Soviet Government cares so little for world opinion that, just a week ago today, the KGB arrested Nobel Peace Laureate Andrei Sakharov and sent him into internal exile because he had dared to condemn the Soviet invasion of Afghanistan.

Soviet brutality against Soviet citizens who champion the cause of human rights is nothing new. Sakharov joins a long list of distinguished and heroic men and women who have been persecuted for their convictions. Already he has proved, by demanding an "open and public trial," that his great voice raised in the cause of human rights will not easily be stilled. And already we have heard other voices raised in the Soviet Union to protest this latest persecution of Sakharov.

But the sad truth is that neither the voice of Academician Sakharov raised within the Soviet Union, nor the chorus of voices outside the Soviet Union that is demanding that Soviet forces withdraw from Afghanistan will be heard by the Soviet people.

Today the Soviet people do not know what shame the actions of their Government has brought upon them. They do not know that army units operating in their name are subjugating Afghanistan.

Today, we have an opportunity to get that message across to the Soviet people. We have an opportunity to tell the people of the Soviet Union and the Soviet Government that the world community finds aggression equally repulsive whether it is practiced in Kabul or in Gorki.

I am well aware that hundreds of dedicated American athletes have worked long and hard to become members of the U.S. Olympic team and to represent this country in the Moscow Olympic games. And, because of that, I have agonized over this vote.

But, we are dealing with a regime which has determined to make the 1980 Olympics a Soviet propaganda triumph. The Soviet leaders intend to exploit the Olympic games to impress, not only the world, but their own people with the power and prestige of the Soviet State. They intend to use the 1980 Olympics to make an overpowering political statement.

It is for this reason that we, along with all of those who condemn aggression and who speak for human rights, must make a political response. We must tell the people of the Soviet Union that their Government cannot expect to conduct the Olympics and aggression at the same time.

Mr. JAVITS. Mr. President, we urge the Senate to support this resolution. If I believed as Senator Boschwitz believes, I would vote no, too. But this is an opening gun at a moment when we have this to do and when we can do it. Therefore, let us do it.

I learned something in boxing years ago, Mr. President, at the price of being sat on the seat of my pants many times: You hit them from where you are. This is where we are.

I assure the Senator that this is not where we are going to stop. This is a beginning. This is one time when I think we are getting to be both unified and determined and, Mr. President, it is high time, indeed.

The PRESIDING OFFICER. All time has expired.

Mr. ROBERT C. BYRD. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. Has the pending business that was laid before the Senate yesterday evening been disposed of by a voice vote?

The PRESIDING OFFICER. The Chair informs the Senator from Idaho that the substitute has been agreed to by voice vote.

Mr. CHURCH. Then, Mr. President, I send to the desk an amendment to the preamble of House Concurrent Resolution 249 and move its immediate consideration.

The PRESIDING OFFICER. The amendment to the preamble would be in order after the resolution has been acted upon.

The question before the Senate is, Shall the concurrent resolution, as amended, pass? The yeas and nays have been ordered on that question. The clerk will call the roll. The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), and the Senator from Michigan (Mr. Riegle) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon) and the Senator from Louisiana (Mr. Long) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from South Dakota (Mr. Pressler), and the Senator from North Dakota (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Young) would vote "yea."

The PRESIDING OFFICER (Mr. Burdick). Is there any other Senator in the Chamber who wishes to vote?

The result was announced—yeas 88, nays 4, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—88

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Bradley
Bumpers
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Exon
Ford
Garn
Glenn
Goldwater
Hart
Hatch
Hayakawa
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Lugar
Magnuson
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Proxmire
Pryor
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—4

Boschwitz
Hatfield
Stevens
Tsongas

NOT VOTING—8

Baker
Cannon
Gravel
Kennedy
Long
Pressler
Riegle
Young

So the concurrent resolution (H. Con. Res. 249) was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I commend the Senate on the overwhelming vote by which it has agreed to this resolution this afternoon. I think the case for it was no better stated by anyone participating in the debate than by the distinguished Senator from New Jersey (Mr. BRADLEY), the one Member of the Senate who is a gold medal winner in the Olympics. He said:

> The imperatives of a stable world order are more important than the imperatives of the playing field.

I compliment him on the very constructive role he has played from the outset in bringing this matter to a vote today.

UP AMENDMENT NO. 930

Mr. CHURCH. Mr. President, I send to the desk an amendment to the preamble of House Concurrent Resolution 249.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Idaho (Mr. CHURCH), for himself, Mr. PELL, Mr. MCGOVERN, Mr. BIDEN, Mr. GLENN, Mr. STONE, Mr. SARBANES, Mr. MUSKIE, Mr. ZORINSKY, Mr. JAVITS, Mr. PERCY, Mr. BAKER, Mr. HELMS, Mr. HAYAKAWA, Mr. LUGAR, and Mr. LEVIN, proposes an unprinted amendment numbered 930:
>
> Strike the preamble and insert in lieu thereof the following:
>
> Whereas the Soviet Union initiated a massive invasion of Afghanistan on December 27, 1979; and
>
> Whereas this invasion constitutes a flagrant violation of international law and the sovereignty of Afghanistan; and
>
> Whereas this invasion is a threat to the peace, security, and stability of the world; and
>
> Whereas the Soviet Union is violating all standards of international conduct; and
>
> Whereas the world community has denounced this Soviet act of aggression overwhelmingly in the United Nations Security Council and in the United Nations General Assembly resolution calling for the immediate and total withdrawal of foreign troops in Afghanistan; and
>
> Whereas the United States Olympic Committee, responding to the urgings of the President of the United States, has directed its officers to propose to the International Olympic Committee that the 1980 Summer Olympic Games be removed from the territory of the Soviet Union and either relocated, postponed or canceled: Now, therefore be it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read:

> A concurrent resolution urging that the International Olympic Committee move or cancel the 1980 summer Olympics, that no United States team participate in Olympic games held in Moscow, that the U.S. Government intensify its efforts to win international support for a boycott of Olympic games held in Moscow, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senate Concurrent Resolution 70 and Senate Concurrent Resolution 66 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE NATIONAL BASKETBALL ASSOCIATION ALL STARS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of House Concurrent Resolution 260 relating to the basketball all-star game and the Senate proceed to its immediate consideration with the overall time limit not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the resolution by title.

The legislative clerk read as follows:

> Concurrent resolution (H. Con. Res. 260) welcoming the National Basketball Association All-Stars to the Washington metropolitan area for the thirtieth annual National Basketball Association All-Star Game.

The Senate proceeded to consider the concurrent resolution.

Mr. SARBANES. Mr. President, I am pleased to rise in support of this resolution honoring the 30th annual National Basketball Association all-star game to be held this coming Sunday at the Capital Centre in Largo, Md. This game is truly one of the outstanding athletic events of the year and we welcome to the Washington metropolitan area and to Maryland the NBA 1980 all stars.

It is particularly appropriate that the Bullets should be the host team for the 1980 all-star game. The Bullets have qualified for participation in the NBA playoffs during each of the past 11 years. In three of the past five seasons, the Bullets were one of two teams in the National Basketball Association championship series. In 1978 the Bullets brought a championship to Largo by winning one of the most memorable and tightly contested championship series.

The success of the Bullets is a tribute to the management, coaches, players, and, perhaps most especially, the fans. In recent years the cry of "Bullet fever" has been heard throughout this area as Bullets' fans, some of the most vocal and enthusiastic in the entire country, have expressed their support. These same fans will be out in force on Sunday to cheer for the best in professional basketball.

The NBA all-star game is being played in Maryland for the first time ever, and it is with typical Maryland hospitality that I join in welcoming to our State Commissioner Lawrence O'Brien and the National Basketball Association for tne playing of the 30th NBA all-star game.

Mr. MATHIAS. Mr. President, the name "Largo" is more and more well known on the American sports scene, and the playing of the NBA all-star game at Largo will underscore the importance that the Capital Centre has taken in the life of the national capital metropolitan area and indeed in the sports life and cultural life of the entire country.

This is an important event. It is an event which will not only give a particular pleasure and spice to the sports fans of the national capital area and the State of Maryland, but also it will underscore the commitment of the United States to the best in sports, in athletics, and in physical conditioning.

We are very proud that we have a facility such as the the Capital Centre at Largo which can be the host to this important event.

So I urge the Senate to unanimously adopt the resolution saluting the NBA all-star game and saluting the players who will play, and I hope that it will be an outstanding sports event.

Larry O'Brien, is, of course, no stranger to Washington or to many of us. I think his leadership in the world of basketball is an important ingredient in making this game the important national event that it is.

I hope that this will be the outstanding sports weekend which we all want it to be and I believe that the recognition by the Senate today will add to that probability.

Mr. SARBANES. Mr. President, I am prepared to yield back my time and vote on the resolution.

Mr. MATHIAS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 260) was agreed to.

Mr. SARBANES. Mr. President, I move to consider the vote by which the concurrent resolution was agreed to.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I suggest the absense of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

## BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and I have been assured by Mr. MUSKIE that I have his approval in doing this—to proceed to the consideration of Senate Resolution 330, the budget act waiver with respect to S. 2012, providing assistance which can contribute to a restoration of peace and stability in Central America and the Caribbean.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The resolution (S. Res. 330) to waive section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2012, was considered and agreed to, as follows:

*Resolved,* That pursuant to section 402(c) of the Congressional Budget Act of 1974, provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2012, a bill to authorize assistance in support of peaceful and democratic processes of development in Central America and the Caribbean.

Such waiver is necessary to allow the authorization of (1) $80,000,000 in additional budget authority for fiscal year 1980 to provide economic assistance, (2) $2,000,000 in additional budget authority for fiscal year 1980 for foreign military sales credits, and (3) $1,000,000 in additional budget authority for fiscal year 1980 for international military education and training, for nations in Central America and the Caribbean.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1979, deadline because the events in Central America and the Caribbean nations which led to the request for additional funds did not occur until after May 15, 1979.

The effect of defeating consideration of this supplemental authorization will be to limit the ability of the President to provide economic assistance which can contribute to a restoration of peace and stability in Central America and the Caribbean.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## SPECIAL CENTRAL AMERICAN AND CARIBBEAN SECURITY ASSISTANCE ACT OF 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 586.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2012) to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America, with special attention to reestablishing conditions of stability and growth in the Nicaraguan economy, and to provide additional economic support for other countries in Central America and the Caribbean, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Special Central American and Caribbean Assistance Act of 1979".

Sec. 2. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 536. Central American Economic Support.—(a) The Congress finds that economic growth, political stability, and the development of free institutions in Central America are important to the national interests of the United States. The Congress further declares and finds that the United States can and should play a constructive role in helping to achieve these goals and that United States assistance is necessary and appropriate for Nicaragua and other countries in Central America.

"(b) To carry out the purposes of this chapter, there are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, not to exceed $80,000,000 for the fiscal year 1980, of which $75,000,000 shall be for Nicaragua and $5,000,000 shall be for Honduras. Such amounts are authorized to remain available until expended.".

Sec. 3. (a) There are authorized to be appropriated—

(1) pursuant to the policy and general authority of chapter 2 of the Arms Export Control Act, in addition to funds otherwise available for such purposes, $2,000,000 for the fiscal year 1980 to guarantee the financing of credit sales of defense articles and defense services to countries in Central America and the Caribbean under sections 23 and 24 of the Arms Export Control Act; and

(2) pursuant to the policy and general authority of chapter 5 of the Foreign Assistance Act of 1961, in addition to funds otherwise available for such purposes, $1,000,000 for the fiscal year 1980 for military education and training in Central America and the Caribbean.

(b) The funds appropriated pursuant to this section are authorized to remain available until expended.

Sec. 4. (a) Not later than sixty days after the date of enactment of legislation appropriating funds to carry out the provisions of section 536 of the Foreign Assistance Act of 1961 and thereafter, except as provided in subsection (b), at intervals of not more than three months, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report on assistance for Nicaragua from the United States and other sources, including—

(1) the amount of funds furnished by the United States and expended since the transmittal of the preceding report or, in the case of the first report, since the date of enactment of such appropriations legislation, and the purposes for which such funds were expended;

(2) the amount of funds furnished from sources other than the United States and expended since the transmittal of the preceding report or, in the case of the first report, since the date of enactment of such appropriations legislation, and the purposes for which the funds were expended;

(3) the status of private enterprise and ownership of property in Nicaragua, including information concerning the nationalization or expropriation of property of United States citizens, and specific measures the United States Government has taken and intends to take respecting such nationalization or expropriation;

(4) the status of freedom of the press and other communications media in Nicaragua; and

(5) a statement that the Government of Nicaragua has not engaged in activities referred to in section 502B(a)(2) of the Foreign Assistance Act of 1961.

(b) The President is not required to prepare and transmit a report under this section if, at the beginning of the period to be covered by such report, all of the funds appropriated under section 536 of the Foreign Assistance Act of 1961 have been expended.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ZORINSKY. Mr. President, on November 9, 1979, the Carter administration forwarded to Congress an $80 million supplemental aid request for Central America. At the same time, the administration notified Congress that it planned to reprogram aid funds totaling $50 million to $70 million for the combined Central American and Caribbean region. As justification for these actions, the President informed Members of Congress:

> Many of our neighbors in Central America and the Caribbean are in crisis—crisis marked by economic problems, terrorism, and popular frustration. The resolution of these problems in ways that will preserve the independence and security of these countries, while expanding democracy and supporting human rights, is very much in the national interest of the United States.

In response to the President's message, draft legislation incorporating the $80 million supplemental was introduced, by request, on November 15 and referred to the Committee on Foreign Relations. On December 6 and 7, the committee devoted 2 days of hearings to the proposal. At that time, it received testimony from a variety of witnesses, including academic experts, development specialists and spokesmen from the U.S. Catholic Conference and from the American Chamber of Commerce in Nicaragua. In addition, the committee heard from the distinguished senior Senator from Minnesota, plus a number of administration witnesses led by Deputy Assistant Secretary Warren Christopher.

In the course of the following week, on December 13, the committee proceeded to mark up the proposed legislation, and for markup purposes it agreed to consider a substitute proposal offered by my able colleague Senator Lugar, who serves as the ranking member on the Subcommittee on Western Hemisphere Affairs. After the Lugar substitute was discussed, debated and slightly modified, the committee endorsed it overwhelmingly and ordered it reported by a vote of 11 to 1.

Mr. President, I ask unanimous consent that the committee amendment be agreed to and that that bill, as amended, be considered as an original text for the purpose of this amendment.

The PRESIDING OFFICER (Mr. Exon). Without objection, it is so ordered.

Mr. ZORINSKY. Mr. President, in plain, simple language, here is what the bill does:

It authorizes the appropriation of $80 million in economic support funds for this fiscal year. Of this amount, $75 million shall be used to provide disaster relief aid and reconstruction assistance for Nicaragua and the remaining $5 million shall be used to finance a number of municipal development projects in Honduras.

Since the bulk of the funding is for Nicaragua, the bill requires the executive branch to file quarterly reports not only on how these funds are actually expended but, in addition, on aid furnished by other donors; on the status of free enterprise and property rights; on the status of press freedom and other communications media; and on the human rights situation in general with reference to the specific requirements contained in the Foreign Assistance Act.

Finally, for Central America and the Caribbean the bill authorizes the appropriation of $2 million to guarantee credit sales financing of defense articles and services, plus $1 million for the international military training and education program.

With this in mind, Mr. President, it is obvious that the primary purpose of the pending measure is to provide much needed assistance to the new government of Nicaragua. Indeed, more than 90 percent of the funds in the bill are earmarked for the war-ravaged nation of Nicaragua and are designed to meet its postwar reconstruction needs. Of the $75 million for these purposes, $70 million will be provided on a concessional loan basis and the remaining $5 million on a grant basis. In broad outline, this funding will help to accomplish two important objectives: First, it will provide urgently needed dollars necessary to finance imports for the reconstruction effort. Second, these dollars will, in turn, generate local currency which will be allocated to private and public sector activities to facilitate economic recovery. Many of the imports will be purchased from U.S. suppliers, and the Nicaraguan private sector will benefit from about 60 percent of the local currency activities. Moreover, it is estimated that the loan proceeds will directly generate more than 30,000 man/years of employment in Nicaragua, where unemployment is currently running between 30 and 40 percent.

Thirty million dollars in local currency will be available for credit, principally for working capital for small- and medium-sized businesses and farms. Other funds will be directed to housing construction and a national university agricultural school (projects to be undertaken by private contractors), as well as to basic public works projects. In sum, direct private sector participation in the package totals about $45 million, or 64 percent of the total program loan. In addition, the $5 million grant will fund agricultural technical assistance, grants to private and voluntary agencies, various types of technical assistance for municipal development, assistance to the Central American Institute of Business Administration, funding for U.S. technical experts, and scholarships for poor students at the American school.

In judging the merits of this proposal, Mr. President, let me turn to the committee report, which states the case in these terms:

> All in all, the Committee finds little to quarrel about in the proposed aid package for Nicaragua. As a result of its recent civil conflict, the country is simply in desperate straits. On the human side, the war left 35–40,000 dead; 100,000 wounded; 40,000 orphaned; 250,000 homeless; 35–40 percent unemployed; and 1,000,000 in need of food assistance. On the economic side, war damages, including plants and facilities destroyed, capital flight and production losses, are estimated at almost $2,000,000,000; the national debt is calculated at $1.5 billion, some $662 million falling due this calendar year. Since virtually no money was left in the national treasury, debt renegotiations are scheduled to get underway shortly.
>
> In a nutshell, the short-to-medium term economic outlook is bleak indeed. The funds contained in this bill will undoubtedly help to improve the situation, but the Committee is under no illusions about the magnitude of the problem and the impact $75,000,000 will have. These funds will make a positive and needed contribution to the economic recovery of Nicaragua, but they will not provide a cure-all.
>
> Similarly, the Committee has no illusions about the impact of this measure on the political situation in Nicaragua. It will not guarantee either stability or moderation. But it will help. Moreover, it will indicate our willingness to do business with a revolutionary government in a political situation that remains in flux. It will also indicate our willingness to accept the new government as a nationalist movement—one that is composed of and represents a wide variety of political interests and viewpoints.

Looking at the other side of the coin, Mr. President, the committee report also notes "* * * the legitimate concerns which have been raised about the nature of the Nicaraguan Government and the future direction of it." The report goes on to state that the committee shares these concerns, as evidenced by the comprehensive reporting requirement which the committee views as "absolutely essential," and which will enable Congress "* * * to monitor the use of aid dollars in Nicaragua and keep close watch on developments relating thereto."

Mr. President, my voting record on the bilateral aid program makes it abundantly clear that I am less than enthusiastic about our foreign assistance program. With considerable regularity, I have opposed the aid program—not because I am against helping the less fortunate of the world, but because this promise of help is rarely fulfilled, while the taxpayers' dollars are scattered to the four winds, ultimately ending up in the coffers of some tyrant or dictatorial regime. All in all, it tends to be a pretty unsavory business—one which eventually comes back to haunt us and damage our interests around the world. Examples are not difficult to find—Iran under the Shah; Nicaragua under Somoza.

The fundamental mistake we make—as we did in these and in so many other cases—is to back governments or regimes which enjoy little or no popular support. Despite such conditions, U.S. aid and assistance continues, year after year and decade after decade. The upshot of it all is that U.S. policy becomes identified with the tyrants and dictators of the world, rather than with the aspirations of the masses and the democratic principles we otherwise profess.

If the aid program is a means to an end, then all too often, it seems to me, we have lost sight of the end or what the objective is. This is a pretty sad commentary on a program that annually costs the taxpayers literally billions of dollars.

These are my concerns about the aid business in general. However, I also want the record to show that in the specific case of Nicaragua and the $75 million in this bill for the new government, I take a back seat to no one in terms of supporting this request. Regardless of what kind of label is assigned to the Nicaraguan Government, the fact is it enjoys broad-based, popular support; it has obvious economic needs and requirements; and, despite our many years of support for the Somoza dynasty, it has expressed a willingness to work with us, not for purposes of self-enrichment, but for the betterment of the people of Nicaragua.

This is a revolutionary development in itself. It deserves the strong support of the Senate and of the Congress as a whole.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ZORINSKY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ZORINSKY. Mr. President, we have received a letter from the Secretary of State, Mr. Cyrus Vance, from which I should like to quote:

> Dear Senator:
>
> The Administration's proposed Special Central American and Caribbean Assistance Act (S. 2012) will soon be considered by the Senate. This legislation is a key part of our nation's urgent response to events in this troubled region. I hope that it will have your strong support.
>
> I urge you to support this effort to demonstrate that the United States can move quickly to preserve its vital interests. We have a unique opportunity to demonstrate to our own Hemisphere that change is possible without resort to authoritarian rule.

Mr. President, I ask unanimous consent to have this letter, in its full text, printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE SECRETARY OF STATE,
> *Washington, January 29, 1980.*
>
> DEAR SENATOR: The Administration's proposed Special Central American and Caribbean Assistance Act (S. 2012) will soon be considered by the Senate. This legislation is a key part of our nation's urgent response to events in this troubled region. I hope that it will have your strong support.
>
> Our interests are being challenged in Central America and the Caribbean, as in Iran and Afghanistan. Social and economic pressures have led to a period of fundamental change throughout the region, and Cuba is working hard to exploit the resulting tension. This combination is provoking widespread instability and uncertainty.
>
> To meet this challenge and to address urgent humanitarian needs, President Carter has proposed an additional $80 million in Economic Support Funds for the region. Most of this assistance will go to the private

sector in Nicaragua, to strengthen its ability to play an active role in the political structure. If we can help in this reconstruction effort, we will enhance the prospects for development and stability in the entire area. We will also have an opportunity to participate with the Nicaraguan people as they confront fundamental decisions on the future political orientation and character of their society.

I urge you to support this effort to demonstrate that the United States can move quickly to preserve its vital interests. We have a unique opportunity to demonstrate to our own Hemisphere that change is possible without resort to authoritarian rule.

Sincerely,

CYRUS VANCE.

Mr. ZORINSKY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 931

Mr. WEICKER. Mr. President, I have an amendment at the desk which I call up and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an unprinted amendment numbered 931:

On page 6, add the following new section:

"SEC. 5. ASSISTANCE TO MEXICO

"Notwithstanding any other provision of law, no funds shall be authorized, nor funds appropriated for the United Mexican States until the President of the United States determines and certifies to the Congress that the oil spill from Ixtoc I located in Campeche Bay, Mexico has been brought under complete control and capped."

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I am sorry that it is necessary to reiterate this issue in this forum. But the fact is that since June 3 of 1979, and contrary to reports by the Mexican Government, the oilspill from Ixtoc I in Campeche Bay goes on unabated. On more than one occasion I have stood on the floor of this Chamber and advised my colleagues of that fact.

At a hearing held in December of 1979, a 1-day hearing, all the pertinent information on this matter was reviewed very carefully. The conclusion arrived at from that hearing was that, one, the information given us by the Mexican Government was incomplete; and, two, that in order to ascertain the degree of the problem it would be necessary to have American observers onsite, which request was made of the Mexican Government by the U.S. Government and which request has gone unanswered, to the point of my understanding here on the floor of the U.S. Senate.

I realize the sensitivity of the matter and the fact that we desperately want Mexican oil. But I suggest that because of the rate of flow, which could be anywhere between 5,000 and 50,000 barrels of oil per day, and the large section in the Gulf of Mexico, the fish life is being literally destroyed. Never mind the damage that will be done when the currents push this oil back up on U.S. shores, more particularly, on the shores of the Texas coastline.

I repeat, it is not a question of raising this as a matter of first impression here today. It has been raised on the floor here at least three times by this U.S. Senator. It has been formally raised in the matter of an inquiry to the Mexican Government by the U.S. Government. We have had hearings on the problem. And still nothing is done.

There will be those that say, "Well, there are no funds in this bill for Mexico."

That does not bother me. What I want us to do is to use this as the occasion to highlight the anxiety and the protest of this Government to the Government of Mexico for an action which continues in total disregard of both the U.S. interests here on our coastline and the interests of the world in the ecosystems of the Gulf of Mexico.

If one member of the committee can turn to me and justify the failure of the Government of Mexico to respond to this problem, I will be glad to withdraw the amendment. I am not here for an academic exercise.

If one member of the committee can justify the continuance of that oil spill, where the Government of Mexico has specifically refused the technology of the United States and the assistance of the United States, except in the most limited way, and where they have refused onsite inspection, and where they have actually lied to the inquiries made of their Government by ours, if anybody can justify that, I stand here eager to listen to the explanation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WEICKER. I will certainly yield to the distinguished Senator.

Mr. JAVITS. Mr. President, this Senator is not going to try to debate Ixtoc I. But this Senator would like to know why we should cut off our nose to spite our face.

Whatever the Senator may say about indicting those responsible for Ixtoc I, and I assume his case is that it is not an accident, what has it got to do with Nicaragua, which is what he wants to hang this amendment on, and if he does hang it on, as he perhaps knows, it would result in enormous complexities for people who really have taken a terrible beating?

I think that question is a legitimate question, quite apart from this particular oilspill.

Mr. WEICKER. My response to the distinguished Senator from New York is that he is as aware as I am of the fact that on more than one occasion during both of our careers, amendments have been introduced to measures before the Senate which are somewhat different from the main purpose of the legislation.

I do not see that the Nicaraguan problem will be interfered with at all.

I have used this as a vehicle, however, at least to the extent of being roughly the same area of the world and, certainly, dealing with our foreign policy when there is at least some connection, which is more than can be said for many of the amendments that get tacked on around here.

It is merely a statement of concern by the Senate of the United States over the very callous disregard by the United States of Mexico insofar as their pollution of both the Gulf of Mexico and the shores of this country.

I do not see why it should interfere at all with the legislation that is in the main bill.

Mr. JAVITS. It will, however, because such a matter has to go to conference. When, as, and if it gets to conference, the House people may feel very embarrassed about not including it, because a good many of them probably feel as does the Senator from Connecticut. If it comes to the President in that form, for high reasons of state, he may very well veto it. It introduces a totally different controversy into this bill.

May I make a suggestion to the Senator? I notice that there is a bill on the calendar which is going to be debated; it relates to Senate rules about gifts, et cetera. I do not know how it came to be there; but having been here a day or two, I can assume that the Senator wanted that matter voted on. He may have put it on some other bill. But those who feel as I do about whatever they were doing probably said, "Look, we'll give you a separate vote on that."

Why not take this thing and let me talk to the leadership on both sides of the aisle, joined by Senator ZORINSKY, who is managing the bill on the other side, and see if we can get the Senator a separate vote on his proposition? That is what he is seeking. He has the yeas and nays on this.

This bill, S. 2012, is one to which the Senator probably is sympathetic. The bill presents a real problem for us in that it deals with a severely devastated country in the post-Somoza policy.

Mr. WEICKER. I am well aware of the measure to which the Senator from New York refers. Is that Senate Resolution 109?

Mr. JAVITS. I think so.

Mr. WEICKER. That is my resolution to try to clean up the ethics code of this body.

There we have two entirely different subjects. There is at least the relationship in my amendment to a matter of foreign policy, to a matter of foreign policy in an area of the world in proximity to the nations discussed in the pending measure. No, that would not be a satisfactory resolution of the problem.

In addition, the thing that bothers me somewhat is that every day this matter goes on somewhere between 5,000 and 50,000 barrels of oil—I cannot give an accurate figure—pour into the Gulf of Mexico, with absolutely no complaint on the part of our Government.

For those two reasons, I prefer to see this thing through in this legislation.

The Senator is well aware that I am not going to be a part of that conference. I am sure that probably the feelings he expresses here can be shared by others; and if a few people in the conference want to work the Senator's will should it be adopted on the floor, fine.

What bothers me is that I see in our response to Mexico our whole attitude toward the energy problem, which is that we will take any indignity whatsoever, so long as we can get oil or the prospect of oil. A long time ago, this would have been called to a halt or called to account by this Nation.

I am told by my colleagues and the State Department that this is a very sensitive situation with Mexico; we might need their oil. Never mind that it is going to destroy the Gulf and the coastline of this country, because we do not stand up, not just as a matter of principle but also to a very real danger to something else that is important in this country—the ecosystems, the wildlife, and the food. That is one of the great fishing grounds of the United States of America.

Yes, I am forcing the issue. Maybe I will be voted down on the floor. But it should be just as appalling to all other Senators as it is to me that in trying to pursue this in a logical and a fair way—that is, asking the Mexican Government for the information, which information was not supplied, or was then supplied indirectly—and go the next step, which is through our State Department, to have observers to ascertain the damage being done, we have never received the courtesy of a reply. That request was made 3 or 4 weeks ago.

Our Government—not I—the State Department, has not had the courtesy of a reply. I have tried to use all avenues of approach and not jump the gun, so to speak, by finally coming to the floor.

Finally, I think a statement is necessary by us as a body that we want an answer. If anyone thinks that is a shameful thing to do under the circumstances, with our panting around the world for oil, I cannot go along with that. If anyone can refute anything I say, in the sense of the oilspill continuing, in the sense of the barrels of oil pouring into the Gulf of Mexico, let him do so. In a month, it is going to hit the shoreline of the State represented by Senator TOWER, because of the weather and the shifting of the current. If anyone can dispute these things, I would be glad to hear them.

To me, this is a matter of enormous urgency to all of us. Apparently, the administration is afraid to pursue it. Therefore, I ask the legislative branch for a response to what the Mexican Government is doing.

Mr. TOWER. Mr. President, I strongly recommend against the adoption of the amendment offered by the distinguished Senator from Connecticut. I understand his motivation.

No one here, with the probable exception of my colleague from Texas, Senator BENTSEN, feels a greater sense of frustration over the Ixtoc oilspill than I do. It is my State that stands to suffer the greatest amount of damage from this oilspill. Indeed, it already has suffered some.

However, as I see it, this amendment would be just another affront to the great Republic of Mexico, among others that have been promulgated against that friendly neighbor and trading partner over the course of the last 3 or 4 years.

In fact, this is a gesture, an expression, of anger and impatience. It does nothing but insult the Mexicans.

As has been pointed out, there is no money in this bill for Mexico. As a matter of fact, I wish we did have some sort of economic assistance program for Mexico, because I think that if the internal economy of that country could be stimulated, it would be good for both Mexico and the United States. One reason why we have illegal immigrants from Mexico coming across our borders is the economic situation in Mexico. I believe that a program of enlightened assistance would be worth considering by the Congress of the United States. In any case, there is no money in this bill, no authorization, for Mexico.

This amendment, then, becomes a way of expressing displeasure. It is, in fact, an insult and an affront.

Let us consider the fact that Mexico has some legitimate grievances against the United States. We have dumped salt water from the Colorado River into Mexico without there being any compensation.

Right now, our relationship with Mexico is not what it should be. Mexico has been a good neighbor of the United States for a long time. They are a principal trading partner of the United States. We have always enjoyed a substantially favorable trade balance with Mexico. That is to say, they have always bought more from us than they have sold to us. We have a number of mutual interests that I think can best be resolved through diplomacy and goodwill, not by thundering declarations in the Senate of the United States.

I believe that a lot of our problems with Mexico are a result of the ineptitude of this administration in the handling of its relations with Mexico, and I do not want to get into a partisan debate about that. In fact, this administration did veto what now appears to have been a perfectly good deal for the sale of natural gas.

Then, the Immigration and Naturalization Service decided to erect the infamous "tortilla curtain" around El Paso, to try to prevent the inflow of illegal aliens.

Then, the President goes to Mexico and makes some bad jokes about Montezuma's revenge.

I just mention these as a few of the sticky points in our relationship with our neighbor to the south.

The amendment of the Senator from Connecticut will accomplish nothing. It will not stop the flow of oil from Ixtoc I. It will not improve the climate of relations between the United States and Mexico. It will not hasten the day when the well is capped and the danger of the oilspill subsides and recedes.

It serves only to be another irritant in our relationship with the Republic of Mexico.

I am certainly not pleased with the recent level of cooperation between the United States and Mexico over the oilspill.

I think in fact our neighbors to the south have been somewhat intransigent, but these criticisms are best aired in another forum and not in this one.

I cherish the relationship that we have with Mexico, and I fervently would like to see it improved. It should be improved. Indeed, the right approach by the United States I think could result in substantial improvement.

The previous President of Mexico did not have a friendly attitude toward the United States, but the current President Jose Lopez Portillo came into office, in fact, extending the right hand of friendship to the United States. And it is we who have made the principal errors that have led to the deterioration of our relationship with that great republic.

I hope that the Senate will not engage in an exercise of this kind which is tantamount to a temper tantrum and which will not impress the Mexicans at all and, far from contributing to any improvement in the climate of our relationship, far from applying any irresistible pressure on Mexico to cooperate with us more, it will be just another factor which in the aggregate contributes to the current unacceptable state of our relationship with Mexico.

I urge my colleague from Connecticut not to pursue this amendment.

Mr. WEICKER. Mr. President, if I may respond to the distinguished Senator from Texas as to the affront which he bears to Mexico, would he like to answer my question as to what he considers the spilling of the oil and the unwillingness to even explain or respond to inquiry on that subject by Mexico to the United States?

Mr. TOWER. I will restate what I have already said. Our relationship is good and Mexico has not been disposed to be cooperative. I do not think we improve the climate of cooperation by the passage of such an amendment.

Mr. WEICKER. The difference, of course, is that this is in the nature of a condemnation by the Senate of actions by the Government of Mexico. So it can be put into the verbal category. But what they are doing to this country is a specific act of wrong and what goes even farther is that it has now been proven at the hearings that were held here a short while ago, No. 1, the Mexican Government lied to the United States on the amount of oil that is coming forth from the well, and No. 2, now it refuses to allow any onsite inspection of the problem.

So I think I can appreciate the eloquence of the distinguished Senator from Texas in his desire for good relations, and I might add I voted for that natural gas bill. I have long been a proponent of good relations with Mexico. Indeed, my family has lived down there since the 1920's. And it is not in any sense directed toward exacerbating ill will between our two nations. I agree that the present administration has done nothing to bring us closer together. The oilspill is a specific act, not a matter of general policy, a specific act of wrong which is not being righted and which is not being addressed by our Government.

I sat up here on behalf of the interest of the Senator from Texas trying to preach decontrol and deregulation in New England to get additional production. I am going to go ahead and take the bit in my teeth on behalf of what is correct in terms of principle.

The Senator from Texas sits here—I might add half of his State government came to these hearings deeply concerned as to what is being done to his State—and now he says just worry about the relations with Mexico and let the oil wash ashore on the Texas beaches.

If it were just the Texas beaches, I would be more than glad to go ahead and lay the amendment aside; if that is the interest of those most directly affected as represented by the Senator from Texas, fine. I am not going to interfere. The difficulty is now the entire Gulf of Mexico and fishing grounds that are valuable to the United States of America.

As much as we may need oil, we also need food and so does the world.

When he talks about the acts of friendship of the Government of Mexico, may I point out to him that Mexico's price per barrel of oil is $32 per barrel and OPEC's price is $26. So the Mexicans are giving it to us even more so than OPEC. This is our friend to the south.

May I point out to him, contrary to the comments of the distinguished Senator from Texas, and this has changed this year, we now have a $1 billion trade deficit with Mexico. They export $7 billion to the United States; we $6 billion to Mexico. There is nothing to be gained there.

Now I think I understand what is going on here. The Senator is correct. Feelings were hurt on the other side when the President vetoed the natural gas bill. But that in no wise can be connected with condoning by inaction a wrong presently being perpetrated by the Government of Mexico on both the United States and the world community.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. TOWER. I do not think the Senator quite understood what I had to say. I am far more concerned, I am sure, than the Senator from Connecticut about the consequences of the oilspill. Some of the best friends I have in Texas are in the shrimp business, and I am conscious of what can happen should this oil sweep into the Laguna of Madre and into the nursery grounds where the shrimp breed and are produced. I know what the consequences would be to my State.

What I am saying is I do not believe that this amount is going to create the kind of climate in which we can achieve greater cooperation. I do not believe that we would be disposed to do more about the salinity of the Colorado River if the Mexican Congress passed a resolution of condemnation of the United States.

Mexico is not going to be browbeat or intimidated by an amendment of this kind. I am calling for balancing our relationship with Mexico.

We took Texas away from them back in 1836, and I am glad we did. I enjoy being a Texan, and I think I enjoy it more under the American flag than I would under the Mexican flag, although I think I might even enjoy it more if we would secede from the United States and join OPEC, but this might not be the right time to bring that up. Obviously I am being facetious. Unfortunately, there are some reporters who always take me seriously when I say these things.

But the main point is this: There are greivances on both sides. I do not think that we improve the climate of cooperation by the passage of an amendment of this kind.

I think there are probably more grievances on our side than there are on their side at this point. But again we should not pass an amendment of this kind that certainly does not make it any easier for our diplomats to do business with Mexico.

This is not in the way of really even calling on Mexico to do anything about it. It is a slap in the face. There is no money in this bill for Mexico. The matter is not relevant or germane to this bill. So it is a gratuitous slap in the face.

I submit you are not going to contribute to the solution of a very, very serious problem, and one that concerns me on a daily basis, in any case by passing an amendment of this kind.

I am not thinking in terms of the oil from Mexico. My State is a net exporter of energy. We produce all that we can use, and sell the rest of it to the other States of the United States at a price that they fix, and I am aware that the price of the Mexican oil is high.

In fact, however, it is a hemispheric source which should be far more reliable than sources outside of this hemisphere over the long pull.

I think there are many other reasons why our relations with Mexico should be improved. Energy is not the sole reason.

I again suggest to the Senator from Connecticut that this is really the politics of gesture, and contributes nothing to the solution of the problem.

Mr. WEICKER. Mr. President, again, in response to the Senator from Texas, the fact is that subsequent to the hearings held in December at which this matter was aired, a formal request was delivered to the Government of Mexico by the Government of the United States asking—not telling but asking—whether or not observers would be allowed on scene to verify the state of the oilspill at Campeche Bay. That was in December. We have not even had the courtesy of a reply.

Now, if the Senator from Texas has a suggestion as to how we can get a reply from the Government of Mexico or how the facts can be ascertained so as not to engage in an action here on the floor without relationship to the situation in the Gulf of Mexico, I would be perfectly glad to listen to it.

Mr. TOWER. Mr. President, if the Senator will yield, I have no pat solutions, and I do not know how we are going to elicit a reply, but I do not think you are going to receive one if you pass an amendment of this sort in the U.S. Senate.

Mr. ZORINSKY. Mr. President, will the Senator yield?

Mr. WEICKER. I will.

I suppose our position is that whenever we are kicked in the teeth, to take it, and maybe something nice will happen.

I suggest to you that we have followed every proper diplomatic course——

Mr. TOWER. I do not suggest——

Mr. WEICKER. I will yield in a minute. We have followed every proper diplomatic course to handle this in a proper, civilized way.

The Government of Mexico chooses not to act in that way, and that is the reason why I stand on the floor of the Senate. I have not jumped the gun. We tried indeed before the request went to the Government of Mexico—we relied on the Mexican figures until they were proved patently false.

I find this defense of no reply and false figures to be rather interesting, by the Senator from Texas, but hardly the basis upon which to conduct a foreign policy either now or in the future.

There is no argument, I cannot argue against, if the Senator came on the floor and indicated that indeed they were going to cap and that a response would be forthcoming, then of all this would be, you know, a proper response to the questions I have raised. But all that has been said is, "Let us just keep on taking it and maybe something nice will happen."

Maybe something nice will happen with the Soviet Union. Maybe something nice will happen in Iran. I happen to belong to a school which feels that after your patience has been tried to a point you are going to take some firm steps to indicate your displeasure in any particular matter, this included.

What bothers me is that it is not without penalties so far as our citizenry are concerned. So I can appreciate the frustration of the Senator from Texas with past attitudes of the administration when it comes to the Government of Mexico. But this is something separate and distinct, where they are clearly in the wrong, where U.S. interests are affected negatively, and to assume the supine posture with the cheek turned and the mouth shut, I find this attitude not at all in character of the Senator from Texas, and certainly it is not in character for this Senator nor should it be for the United States of America.

Mr. TOWER. Mr. President, will the Senator yield? Will the Senator from Connecticut be prepared to accept an amendment to his amendment imposing complete economic sanctions against Mexico until the matter is resolved?

Mr. WEICKER. I should think maybe that might be another step in the future.

Mr. TOWER. How about military action? The Senator from Connecticut is suggesting that I am being supine, that I am prepared to see the United States slapped in the face. The Senator from Connecticut is following the Jimmy Carter approach, and that is when you are kicked around, respond with rhetoric. That is exactly what this is. This is rhetoric. This is not going to do anything. It is not going to achieve any end result.

If the Senator is generally interested in achieving a result, I think he would use more sophisticated means than the passage of an insulting amendment in the Senate of the United States.

Mr. WEICKER. I would be more than delighted to have the Senator from Texas join in calling for complete embargo of the Soviet Union, including manufactured goods, foodstuffs, and everything, a total embargo.

Mr. TOWER. I am right with the Senator. That is what I suggested all along.

Mr. WEICKER. That is what I suggested 2 days ago.

Mr. TOWER. This business of the Olympics and some feed grains is not going to hurt them very much. Why not put a total industrial embargo on the Soviet Union? I will go along with you on that one any day.

Mr. WEICKER. Fine. We are together on that.

Mr. TOWER. I notice the Soviets are a much tougher opponent than Mexico is.

Mr. WEICKER. No. 2, a total ban on all OPEC oil, a 30-percent cutback this year, and 1 percent per month starting January 1, 1981, until we phase out of OPEC oil.

Mr. TOWER. Coupled with a tabling of the windfall profit tax, and I would go along.

[Laughter.]

Mr. WEICKER. No.

Mr. ZORINSKY. Mr. President, will the Senator from Connecticut yield?

Mr. WEICKER. I have clearly tried to review the steps which have been taken. I first stood on the floor of the Senate and alerted my colleagues to the problem back in November of last year.

I then asked for hearings to be held by the Energy Committee.

Joint hearings were held by Commerce and Energy at which the facts were developed that the problem indeed was serious, that it was not at all as had been portrayed in the press as having been resolved or portrayed, I might add, by the Government of Mexico to the press. That was the next logical step.

Then the State Department at those hearings indicated they would make further inquiry as to the state—they asked specifically, "Senator, would you forbear on the issue of observers, onsite observers, while we make inquiry of the Mexican Government as to whether or not the problem is as described in the hearings or described to us by the Mexican Government?"

I said of course I would hold back, and I did.

The information was then received that the problem was as described in the hearings not as described in communications with the Mexican Government.

At that point they agreed to my suggestion that a communique be addressed to the Mexican Government asking that onsite observers from the United States, from NOAA, from the crisis team headed up by the Coast Guard, be permitted to go onsite. It is that inquiry which has received no response. So I had tried every step of the way to do the logical.

I know this is not the time for any embargo yet, but it is time to indicate that we are concerned in a follow-on way. That is all that is being asked for here today.

You should know that within the last 2 or 3 days NOAA has now sent back its entire team into the Gulf of Mexico. They are not doing this just on a flight of fancy. Clearly the problem has again reached serious proportions.

If anybody else can suggest a more logical succession of steps than what I had done here please do so.

It is not just popping up at the last minute. I grant you nobody wants to listen. Everybody is pussyfooting around the place on this problem because they are afraid of offending Mexico because we need that $32 a barrel oil.

Let us understand the decisions and the trade-offs we must make in the course of those decisions. What I am not going to tell you is that there is not an ongoing oil spill. What I am not going to do is go ahead and keep silent to give the American people the impression that everything is all right in the Gulf of Mexico.

This is the problem, this is the ongoing situation. And if we care to ignore it, let us do so consciously and let us do so by vote of the U.S. Senate.

Now, that vote might be a little bit embarrassing if the crisis is as severe as I believe it to be. It might be a little bit embarrassing a couple of months from now if, indeed, those shrimp grounds are wiped out. But there you are. There you have it. You have got to make a choice.

Quite frankly, defending the Government of Mexico, which is the one that created the problem and which has been less than candid with the Government of the United States, that is the least of my worries at this juncture. My concerns are for the citizens of this country, whether they be fishermen or whether they are those who are residing along the coastline which are going to be affected by the lack of action by the Mexican Government.

Mr. ZORINSKY. Mr. President, I do not take the floor to take issue with the veracity of what my colleague from Connecticut has stated concerning the gravity of this situation. I take the floor to rebut his actions through this amendment, for fear that it will not accomplish those ends which the Senator from Connecticut seeks.

For instance, currently, we have a narcotics aid program of $9 million to Mexico. We also are spending an additional $500,000 a year on family planning programs in Mexico. Both of these programs are very worthwhile and have been so judged by this very body. Terminating these types of programs will not stop the oil spill, but it would further exacerbate our relations with the nation of Mexico and the resolution of this issue.

I am sure very few people will deny the problem which the Senator from Connecticut has very expeditiously brought to the forefront. But I think we have to approach the resolution to the problem by remembering that we must once again learn to live as a family in an area, in a Hemisphere.

In any family, it is much easier to communicate with one another through a rational, logical, less formal means than to mandate and force one's ideas upon the other. You may win this victory, but the next victory will be harder coming and harder coming.

All we have to do is look at the borders and what it costs the taxpayers of the Soviet Union and the People's Republic of China on a daily basis to protect their borders and, in contrast how our borders for many, many years have been taken for granted with a much lower cost to the taxpayers.

As the Senator from Texas has adequately brought out, there are claims from the Mexican Government and people against our country, also. We seem never to feel that we are wrong, but cannot understand when another nation may feel that they are not wrong.

Obviously, I, in this body, and the Senator from Connecticut, represent the taxpayers and the people of the United States of America and certainly should bring this issue to the attention of the American people. But I feel this is the wrong format and the wrong forum and the wrong bill.

I may be a little personally and emotionally involved in this bill, inasmuch as I went to Nicaragua at the termination of the revolution and saw the suffering that had gone on, the blood that had been shed. This bill is not the appropriate vehicle to resolve differences with the nation of Mexico.

The administration has taken it upon itself to make Mexico the only nation in the world to which it has appointed two Ambassadors, one Ambassador at Large and one Ambassador, period. Now, the dual nature of our representation has begun recently. It was done against my objection. I voted against an Ambassador at Large position, because I did not believe that it would enable the United States to do more for Mexico or to communicate better.

But since we have both positions, why not try to utilize them in attempting to resolve this problem. In any case a resolution can better be accomplished through diplomacy, rather than through forced legislation of this nature on the floor of the U.S. Senate.

I would like to table the amendment of the Senator from Connecticut.

Mr. WEICKER. Mr. President, I hope the Senator will forebear that so we may thoroughly air the issue before he presents his tabling motion.

Mr. ZORINSKY. Does the Senator have any idea how long?

Mr. WEICKER. I would not expect it to take any more than 10 or 15 minutes. Obviously, nobody is prepared to debate. It is going to be a little difficult to debate.

The PRESIDING OFFICER. The

Chair understands the tabling motion has been withdrawn.

Mr. ZORINSKY. Mr. President, I withdraw the tabling motion.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, in relation to the comments made by the distinguished manager of the bill, if this is the result of the appointment of two ambassadors, you know, silence on the part of the Government of Mexico, I think we should go back to the old format of only one.

Mr. TOWER. I agree with that.

Mr. WEICKER. Indeed, maybe, insofar as result is concerned, none would be appropriate. We would be at the same point that we are now, that of total silence.

I want to make clear that I have long advocated that this Nation address itself to the problems of its neighbors—Mexico, South America, and the Caribbean. This has been a dominant theme in my foreign policy utterances since I have been in the Congress of the United States since 1968. And I feel as strongly about that today as I always have.

But you just cannot turn your back on what is going on in the gulf. Up to this point, it is estimated that there could be anywhere up to 2 billion barrels of oil in the gulf, with no end in sight.

Again, I could understand if our technology were not up to the task. But the fact is the Mexicans initially refused that technology and have tried to implement technology clearly falling short of being able to overcome the situation. But, most important, the Government of Mexico has lied, pure and simple.

So, in addition to being inept in the business of offshore drilling, they teamed that up with their lying to the U.S. Government and the damage that will accrue to the citizens of this Nation. And it adds up to a picture that regardless of my affection for the Government of Mexico, I am just not prepared to accept that type of conduct.

Just to make certain, and I want you to be certain in your own minds as to what the situation is, I will be more than glad to have some substitute here which guarantees to me a report within a matter of 2 weeks. No more than 2 weeks, because in 2 weeks, if the maximum is true, 50,000 barrels a day, you are talking about a million barrels while we sit here and debate this matter—a million more barrels into the gulf.

But I think it is important that I probably do get more allies on my side. And the one way I am going to convince you is let you see with your own eyes. Try your own sources of information. Try your own avenues to the information. That is fair enough.

I do not sit on the Foreign Relations Committee. I intend to support the bill, as far as Nicaragua is concerned. I have no problem there at all. I am not trying to interfere with this particular piece of legislation.

But I think, as responsible legislators, we are deserving of an answer. If they come back and say, "We can't cap it. We don't have the technology. The technology does not exist," fair enough. Fair enough. I will not complain. I will not introduce this legislation. Nobody is asking that the impossible be accomplished. But I do not think the request of the U.S. Government being responded to by silence or by lies is sufficient for the purposes of this Government. It is as simple as that.

Now, if the distinguished Senators, Senator ZORINSKY and Senator JAVITS, were interested, as I say, in coming back to this floor with a report on the status of Ixtoc I within a short period of time, I will be glad to go ahead and withdraw the amendment.

Is that too much to seek, or is it something, again, that the Senator wants to avoid? Perhaps nobody does want the answer.

Mr. ZORINSKY. Will the Senator from Connecticut yield?

Mr. WEICKER. I yield.

Mr. ZORINSKY. I cannot speak for the entire Foreign Relations Committee. Certainly, we can pose these types of questions and obtain what answers are available. I would say the Senator is certainly entitled to answers. However, I would have to do more research as to what answers are available before making a commitment to the Senator on behalf of the Foreign Relations Committee.

Mr. WEICKER. I will call for a quorum in a minute, Mr. President, but it is amazing that I should receive opposition to what I am talking about. Admittedly, people do not have the information or the facts to oppose.

Let me assure you, Mr. President, I am not exaggerating as to the degree of the problem. It is something I am quite familiar with and I am in possession of detailed information on the subject. I am trying to resolve it. I know it is not being resolved.

The Senator from Texas gets up and says there are better ways of doing it. After 7 months of this situation going on, there is no end in sight and there is no desire to even learn the truth. If you want to know why we get jerked by fire and chain around the world, Mr. President, it is because of that kind of a mess.

Mr. President, I suggest the absence of a quorum.

Mr. TOWER. Will the Senator withhold that for a moment?

Mr. WEICKER. I do.

Mr. TOWER. Mr. President, I do not think anybody disagrees that there are problems. I do not think anybody has expressed great happiness with the respone of Mexico. I do not think that is the issue. The question is, what do we contribute to the solution of the problem by the passage of an amendment of this kind? I suggest we contribute nothing. We exacerbate what is already a bad situation.

Mr. ZORINSKY. Mr. President, I would just like to say regardless of the outcome of the vote on the tabling motion—and I would like to make a motion at this time to table the Weicker amendment—I would promise Senator WEICKER that I will continue to try to get some of the answers, win or lose on the outcome of this vote.

The PRESIDING OFFICER (Mr. TSONGAS). The Senator from Connecticut.

Mr. WEICKER. I would ask the distinguished Senator to delay pursuing the tabling motion at this time as we are trying to find out the facts in a very serious situation.

Mr. ZORINSKY. Will the Senator yield?

Mr. WEICKER. Now that I have had this sprung on me, I might not be willing to go ahead and postpone. Is there a request for a tabling motion here?

Mr. ZORINSKY. No more so than a request for a quorum call from you prior to my request.

Mr. WEICKER. But there is quite a difference between a quorum call and closing off a Member from pursuing his case.

Mr. TOWER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Has there been a motion to table?

The PRESIDING OFFICER. There has not been a motion to table.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, last month, I spoke on the floor of the Senate concerning relations between the United States and Mexico. I felt at that time, because of a long history of working in the cause of United States-Mexican friendship, that I could serve a useful purpose by expressing my concern about the emerging difficulties between the two nations that are destined to share this continent as neighbors. In the course of my remarks, I referred specifically to the Ixtoc I oil spill and the fact that the Government of Mexico had been less than forthcoming in working with us to develop a solution to the problem.

Mr. President, I represent the State that stands to suffer the most from the consequence of the Ixtoc spill. Fully as much as the Senator from Connecticut, I want to see that well capped, and I want to see it brought under control. But the amendment by the Senator from Connecticut will not stop the flow from that well. All it will do, Mr. President, is create another element of irritation in United States-Mexican relations at a time we can least afford it.

The Weicker amendment does not give us a solution to the problem; it merely creates a new one. It is clearly provocative, and it is counterproductive.

It is no secret, Mr. President, that the recent Mexican decision to purchase U.S. grain embargoed to the Soviet Union is an example of the positive potential inherent in United States-Mexican relations. I believe that we must acknowledge our problems with Mexico, and Ixtoc I is surely one of those problems. It is a problem of intense and legitimate concern for my State and my country. As the aggrieved party, we have a clear right to information about Ixtoc I. But we must not allow these specific areas of irritation to destroy the fabric of friendship that binds our two countries together.

Mr. President, I urge defeat of the amendment. We do not have a traditional aid relationship with Mexico. Our program of assistance centers on issues such as narcotics control and the eradication of agricultural pests. These are problems that concern us fully as much as Mexico.

When they talk about using our helicopters and our herbicides to spray the fields of people in southern Mexico, taking on some of their small farmers in doing it, they are doing something that is important to the United States. When they talk about cooperating with our drug-control people, they are doing something that is important to the United States.

As one who has chaired the Interparliamentary Union meetings with Mexico for some time for the Senate side, I am familiar with our joint efforts on issues like prison exchange. I saw the problems of working out these kinds of programs with a very sensitive Mexican Government. I have seen the problems that we have had trying to take care of some of the agricultural pests—screwworms, the Mediterranean fruit fly, the coffee rolla, and all of the rest. These programs require absolute cooperation with the Mexican Government, and they work to our mutual benefit.

I promise that the Mexicans do not view these activities as an aid program. They look on them as cooperative programs of sovereign nations working for their mutual benefit.

To come at them with this kind of approach, as sensitive as they are, I think will punish this country as much as it does Mexico.

It is my understanding that they have made an interception on the 1x–10c pipe and are now very close to successfully controlling the discharge of that oil. I was advised of that early this week.

I know they are interested in putting a stop to it. I have been down to the Bay of Campeche many times. I know of the damage that has to be occurring to the rich marine life in that area. It is one of the most productive gulf areas along the entire coast. That has to be of great concern to the Mexican Government, as well as to us.

But I think the reaction we will get to this kind of amendment, on the part of a proud country that has said, "We don't need United States aid and we are not going to accept United States aid," will be negative and counterproductive. I urge defeat of the amendment.

I know my friend from Connecticut is deeply concerned, and I share that concern. I worry about the Texas coast. I find fault with the cooperation we have had with Mexico on a number of issues, including Ixtoc I, and I have stated that concern on the floor of the Senate.

But, in this instance, I think that the barriers will be even more difficult to overcome if we adopt this kind of amendment.

Mr. WEICKER. Mr. President, again in response to the distinguished Senator from Texas, I reiterate that I am not generalizing with this amendment as a specific problem. It has nothing to do with a lack of cooperation between our two governments over the years. Indeed, that lack has been there.

I can assure the Senator from Texas that anything required in a general sense to bring about good relations between our two nations will have my support as, indeed, I have supported it over the years.

Let me point out several things to the Senator from Texas. Already, to the U.S. Government—I do not know what the figures are to the government of the State of Texas—the cleanup costs have been $10 million to the U.S. Government—I add that $10 million down a rat hole has not done anything.

Add to that the cost to the State of Texas and, obviously, it will be considerably more.

The issue of the relief wells which the Senator raised, we have been assured now for almost 3 months from time to time, and I mean officially the State Department, that one of the relief wells was in the posture as described by the Senator from Texas, and that success was imminent. We were assured the sombrero was working. It was not.

I remember seeing a banner headline in the Washington Post and the New York Times that the sombrero was put in place and the well "capped."

I never saw anything about it in the press except one article in the Washington Post, hidden on page 10, and, indeed, it was not capped. The sombrero had been removed because it was not working.

Never mind the famous Mexican invention of throwing steel balls in the well hole in the hopes of blocking the spill only to have the steel balls get fired up out in the air, totally impossible of resolving that problem.

Unfortunately, unless the distinguished Senator from Texas has onsite information, I suggest he not believe what has been told him, certainly by anybody from Pemex or the Mexican Government, because they both consistently lied, both to the State Department and the crisis team which was down there to assist them.

Mr. BENTSEN. Will the Senator yield?

Mr. WEICKER. Yes.

Mr. BENTSEN. Insofar as the cap, the information I received at the time was not that they had stopped the flow of oil. The information I received was that they had stopped most of it, but were not able to stop it all.

The Senator is quite right, it was removed. But the information I received earlier this week was by a United States servicing company which advised me they felt they were at the point of consummation of the interception.

This information was not provided by Pemex, and not provided by the Mexican Government.

The problem we run into is, and I have been reared on that border, is that we have so many cooperative endeavors that are important to both sides.

I look at the problem of the Mediterranean fruit fly. If they finally get really established on our side of the borders, the citrus industry is down the tube. Yet we work with the Mexican Government to try to keep it from getting up there.

I look at the problem with hoof and mouth disease and the cooperation we have had from Mexico. It redounded to both our benefit. It was helpful to Mexico and helpful to the United States. But we had to do some of the financing.

The same thing with the screw-worm program, where we are cooperating to protect important economic interests in both countries.

Now look at drug control, and go down into the area and see the efforts that are being made with helicopters there, and in spraying some of the fields with herbicides.

It has to give the Mexican officials in those areas some problems, but they are doing it, and it benefits Mexico, and it benefits the United States.

I do not want to see such programs come to an end, and they surely can be halted overnight if Mexico desires to do so.

I just do not believe they will be able to move any faster than they are right now. It seems to me there is every economic incentive for them to cap that well and to bring it to a halt.

Mr. WEICKER. I would agree that we would all think that. The fact remains, the history of the situation was that they were, first, too proud to ask the United States for technology assistance when theirs was not up to the task. They then went ahead and imported technology, I believe from Sweden or one of the Scandinavian countries, which did not work. Then they turned to the United States, asked for assistance, and then abandoned that, to a great degree, and sort of tried to cure the problem by hushing it down so the United States would not know what was going on.

The Senator is correct. He said initial information was that the flow had been stopped to only a degree.

The difficulty is that the Mexicans said it was down to 1,000 or 2,000 barrels a day. Right now, the estimates are between 5,000 and 50,000 barrels a day, which is a great deal more than the first estimate.

The problem here is that this is probably the greatest manmade disaster in the history of the world. It is down there right now. There has been nothing to compare with it.

As an advocate of offshore drilling up to this point— I might add, off the New England States—I would only suggest that to turn our heads, stick them in the sand at this juncture, is hardly an adequate response to a nation that either will not answer our inquiries or, when it answers the inquiries, patently lies about the situation. That is the difficulty I am having.

What I have asked of the Foreign Relations Committee and its distinguished subcommittee chairman (Mr. ZORINSKY) is that, since I seem to be waging this battle alone, I know what will happen here. I will be proven right very shortly on the shores of the Senator's own State. in about a month's time, because the currents have shifted. But I do not want to be in a position of saying "I told you so."

I want all the knowledge at hand to be brought to bear on the problem in Campeche.

Mr. BENTSEN. So do I.

Mr. WEICKER. There is no way that can be done unless the Mexican Government invites that technology in, nor is there any way it can be done if they deny the basic facts of what the tragedy consists of.

Mr. BENTSEN. I am deeply concerned about the damage to the U.S. coast, and I am fully aware that these currents are about to turn. I have read those reports.

Mr. WEICKER. They have turned.

Mr. BENTSEN. We will continue to have problems if this well is not capped successfully.

I have made a speech on this floor concerning the issue and how I thought Mexico had not been fully forthcoming with respect to the problem.

I suggested that if it had been a Texas well in our part of the gulf that was spilling oil on the beaches of Cancun, or one of the other resorts, we would hear an immediate outcry and reaction from the Mexican Government, and we would have expected it.

Frankly, what we are seeing is not a traditional aid relationship but a cooperative effort on problems like the Mediterranean fruit fly, the screwworm program, and the drug control program—all things that are helpful to the United States. We shoot ourselves in the foot if we bring those programs to a halt.

Mr. WEICKER. Will the Senator join me if I modify the amendment to the extent of requesting of the Mexican Government a report on the status of Ixtoc I by such and such a date?

As I said before, as the Senator correctly identifies, there is almost no aid. I am trying to bring the focus on the problem. There is no aid. If there is anything in there, it is peanuts. That is not what I am trying to achieve here.

The fact is that this situation has been ignored and ignored and ignored by the Senate of the United States. I am saying now that I need a few allies. I have the State Department writing a letter, and we have the Energy Committee with its 1 day of hearings.

I am trying to marshal a little muscle on behalf of those who would like to have an answer to the problem. I would be more than glad to modify the amendment to request of the Government of Mexico a response in the sense of what the result of the Ixtoc oil spill is, by such and such a date. I would be glad to do that.

Mr. BENTSEN. I think we are certainly entitled to a response as to what the current status is. The oil has washed up on our beaches and may do so again.

Mr. WEICKER. That is all I want.

Mr. BENTSEN. As a Senator of the State whose coastline has been damaged by it, I see no reason why that should not be provided. In fact, it must be provided.

Mr. WEICKER. That is all I seek.

Mr. ZORINSKY. Mr. President, will the Senator from Connecticut yield?

Mr. WEICKER. I yield to the distinguished Senator.

Mr. ZORINSKY. As I said before, the only assurance I can give the Senator from Connecticut is the fact that the questions would be asked of our State Department. Whatever reply they receive or is given to me is the reply I would have to give the Senator from Connecticut.

Beyond that, I can make no assurances on behalf of the entire Foreign Relations Committee, because to do so would be to obligate other members as to time concerning the hearings or pursuing this to whatever extent the Senator has in mind, without knowing what their time requirements are.

Mr. WEICKER. That is a good suggestion by the Senator from Nebraska.

We all did want to listen to the comments of the Senator from Texas. We were in the middle of a conversation and interrupted it. I will suggest the absence of a quorum, so that we can define what is being discussed here, and we might be able to work it out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VISIT TO THE SENATE BY MEMBERS OF THE AUSTRALIAN PARLIAMENT

Mr. SIMPSON. Mr. President, I take a moment to introduce to the Senate two remarkable gentlemen who are visitors to our country. These two gentlemen are from Australia, and they are members of the Federal Parliament in Australia. They are Senator Gareth Evans, of the Labor Party, and Senator David Macgibbon of the Liberal Party. These two gentlemen are guests in our country.

[Applause, Senators rising.]

## SPECIAL CENTRAL AMERICAN AND CARIBBEAN SECURITY ASSISTANCE ACT OF 1979

The Senate continued with the consideration of S. 2012.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, it is my understanding from the Senator from Connecticut and the Senator from Nebraska that a request will be made by the State Department or by the committee, in which we ask the current status of Ixtoc I and what is being done. I certainly think we are entitled to that and that we should be advised as to what steps are being taken. Representing a State that has had substantial damage from the outpourings of that well, we certainly are entitled to know.

Mr. WEICKER. The Senator from Texas describes correctly the general terms of our agreement, which is that the chairman of the subcommittee, Senator ZORINSKY, would write to the State Department, making inquiry as to the status of Ixtoc I and/or information, or lack thereof, from the Mexican Government to our State Department; that both his letter and the response to his letter would be placed in the CONGRESSIONAL RECORD no later than February 15.

On that basis, if that is agreed to, I would ask unanimous consent to withdraw my amendment.

Mr. TOWER. Mr. President, if the Senator will yield, I suggest an alternative date, since we may not be in session on the 15th. The 17th is the first day after the Lincoln Day week when we may or may not be in session.

Mr. WEICKER. That is no problem.

Mr. JAVITS. The 18th is a Monday.

Mr. WEICKER. So it would be Monday, the 18th. I have no problem.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, will the Senator yield?

Mr. WEICKER. I yield.

Mr. JAVITS. I have just ascertained from a representative of the ranking minority member, the Senator from Indiana (Mr. LUGAR), that Senator LUGAR undoubtedly will join Senator ZORINSKY in that request.

The PRESIDING OFFICER. Is there objection to the request?

Mr. TOWER. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. TOWER. Mr. President, I join my distinguished colleague from Texas in that course of action. I believe that is far more constructive than the amendment that has been proposed. I think that once we get that response, we can consider where we go from that point. With that assurance, I hope the Senator from Connecticut will withdraw his amendment.

Mr. WEICKER. I can assure the Senator from Texas that, so far as I am concerned, his hope will be realized. However, what he had better hope for now is that the Government of Mexico is going to respond to the request; because I have a feeling that come February 18, if the course of action is the same as it has been up to this point, they are not going to answer it. At that stage of the game, an entirely different situation will be presented to the Senator from Texas, to me, and to the Senate.

Mr. President, I withdraw the amendment. I hope we will have a response to the Senator from Nebraska, who, in effect, it writing on behalf of the U.S. Senate, to get an answer to this question.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WEICKER. I yield.

Mr. JAVITS. I say to my colleagues from Texas, both of whom are here, that I do not think there is anyone on this floor who is more intimately tied into efforts to work with Mexico—at least, in the Senate—than Senator BENTSEN and I.

I believe this can be done with complete concern and solicitude for our respective interests and the dignity of Mexico. If it is a matter which is troublesome to the great State of Texas, as it obviously is, we should get more than just sterility.

And this is not disrespect. It is simply one nation asking another for some helpful information.

So, I hope that with that attitude we may be able to move a little bit further. If that is what the Senator really wants, which is a factual inquiry, then we should have it.

I wish to say, also, that I have found, and Senator BENTSEN will speak for himself, a great desire on the past of President Jose Lopez Portillo for honorable—I use that word very advisedly—mutual, equal relations with the United States. He really put himself out, to my knowledge, time and again, and I am very hopeful that if we approach this matter in this spirit perhaps we will get a little bit further than the Senator indicates we have gotten so far.

The PRESIDING OFFICER. Is there objection to the request to withdraw the amendment?

Without objection, it is so ordered.

Mr. ZORINSKY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ZORINSKY. Does the Senator from Connecticut have to vitiate the request for the yeas and nays?

The PRESIDING OFFICER. Not if there is a unanimous consent to withdraw the amendment.

Mr. ZORINSKY. Mr. President, I wish to concur with the sentiments expressed by the Senator from New York with regard to President Portillo and the people of Mexico.

I have the feeling that we have a better chance of eliciting responses in this manner of making requests rather than mandating responses through legislative action as originally proposed. Hopefully this course will be proved right.

Mr. WEICKER. Mr. President, I wish the Senators good fortune and God speed on this particular mission. Indeed, knowing the eloquence of the distinguished Senator from New York, the tenacity of the Senator from Texas, and the abilities of the Senator from Nebraska, I truly hope that they succeed where I have failed because should they do so we are all the beneficiary, and I wish them nothing but the best of luck for what it is that we all together seek.

The PRESIDING OFFICER. Are there further amendments to be proposed?

Mr. BENTSEN. Mr. President, I wish to comment further. I thank the distinguished Senator from New York for his comments and agree with my colleagues that this is information that as the party who has been damaged, whose coastline and tourist industry has been damaged, we are certainly entitled to this information. But as one who also has stood in this Chamber and tried to work for better relations with Mexico, as one who has both praised and criticized Mexico at times, I wish to acknowledge again that when the President of the United States put the embargo on wheat sales, the Government of Mexico did step up and buy a very substantial amount of that wheat. That was a positive step; where I have been critical of some past actions, I wish to recognize the Mexican grain purchase as a plus that is appreciated in this country.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, the history of American foreign policy has, in recent years, been a history of reaction. Too often, we have rushed into a given area after a crisis has developed in an attempt to patch together our interests with gestures that confer too little, too late, to too few. The result has been a foreign policy which is directed at the problems of the moment rather than the opportunities of the future, a policy which is fragmented rather than comprehensive, a policy which generates confusion rather than support among our own citizens.

President Carter has recently described three fundamental challenges to U.S. foreign policy: Growing Soviet military strength, continued dependence on imported mineral resources, and increasing social, political and economic turmoil in the Third World. Mr. President, these are not new challenges. They have been gaining in significance for many years, and they have been dominant for roughly the past decade. Yet because of our frequent failure to anticipate the events which derive from these challenges, we have lost the initiative and surrendered a policy of coherence for isolated programs of desperation.

This is as evident in Central America and the Caribbean as anywhere. Despite the fundamental importance of these regions to our own security, our policy has for too long been characterized by inattention, ignorance, a lack of concern, and a blind acceptance of the status quo. We have frequently overlooked the problems of economic development in these nations, mistaking the support of governments for the friendship of populations. While there are many economic and political success stories in Central America and the Caribbean, it is clear that there are many nations facing instability because their populations labor under the twin burdens of repression and poverty. By failing to anticipate consequences and act upon opportunities, we have often been confronted with political shocks rather than smooth relations.

Domestic instability, as we have learned too often, frequently results in international instability. Economic stagnation, disease, and suffering, if borne too long, foster the intervention of radical demagogues, thereby setting back both the policy interests of the United States and the long-term self-interest of the nations involved.

In Nicaragua, we have witnessed a U.S. foreign policy which has consistently lagged some 6 months behind events. As a recent article in Foreign Affairs demonstrates, we failed to account for mass dissatisfaction at a time when we might have bolstered a moderate government. Thereafter, we attempted to promote moderation at a time when the population had rallied behind a radical leadership. Thus, by overlooking reality and pursuing a policy of reaction, we missed an opportunity to promote stability in a region of the world which concerns us all directly Nicaragua is thus a case history of the failure of American foreign policy, and it bears close study if we are not to let the mistakes of the past become the path of the future. I would therefore commend to the attention of my colleagues the analysis of Prof. William M. LeoGrande, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

### THE REVOLUTION IN NICARAGUA: ANOTHER CUBA?

For two decades, the hemispheric policy of the United States has been haunted by the specter of "another Cuba." The fear that Cuba's revolutionary upheaval might be repeated elsewhere energized the Alliance for Progress and, when progress gave way to order, the same fear justified providing counterinsurgency assistance to a continent increasingly dominated by military dictatorships. Lyndon Johnson sent a force of 20,000 men to the Dominican Republic in 1965 to prevent "another Cuba," and Henry Kissinger unleashed the CIA on Chile for the same reason.

The collapse of the Somoza dynasty in Nicaragua has made this fear more palpable than ever. The United States labored mightly over the past year to prevent the accession of a Sandinista government in Nicaragua, but in the end was reduced to reluctantly arranging the terms of transition from Somoza to a provisional government appointed by the guerrillas. Preoccupied with isolating the Sandinistas, Washington policymakers consistently underestimated their strength and exaggerated that of Somoza. Now that he is gone, the Cuba specter still hovers, threatening to obscure U.S. understanding of the dynamics of post-Somoza politics just as it obscured the dynamics of his collapse.

Nicaragua's future course will be determined fundamentally by internal forces—how the revolutionary coalition breaks down into contending political camps, the relative strengths of those camps, and the issues around which the political battles of the future are fought. No external actor will be able to control this process, but the United States can have an impact on it by affecting the alignments of the political contenders and the issues which divide them. Whether Nicaragua becomes "another Cuba" will depend in no small measure on whether the United States reenacts the mistakes it made 20 years ago in its relations with the first Cuba.

### II

Nicaragua, like Cuba, was victimized early in the century by the new "Manifest Destiny" which guided U.S. hemispheric policy during those years.[1] It became a virtual protectorate of the United States in 1912 when the Marines were dispatched, ostensibly to protect American property and citizens during a period of civil strife. In fact, U.S. interest in Nicaragua was primarily strategic. Considered for a time as a possible site for the canal across the isthmus, Nicaragua's location remained strategically important for defense of the canal in Panama. U.S. control over the customs houses of Nicaragua was established less to insure the loans of U.S. bankers than those of Europeans, whose potential for intervention the United States perceived as a strategic threat.

Except for a brief interlude in 1925–26, U.S. troops remained in Nicaragua until 1933. The second occupation never quite succeeded in pacifying Nicaragua. Augusto César Sandino, a general of the Liberal Party, refused to accept the imposition of a Conservative president, and for nearly six years he fought a guerrilla war against the Marines, achieving international stature as a nationalist and anti-imperialist. When the United States withdrew under the banner of FDR's Good Neighborism, it left the task of ensuring stability to the American-trained National Guard under the command of Anastasio Somoza Garcia. One of Somoza's first achievements was to lure the legendary Sandino to Managua on the pretext of arranging peace, only to have him assassinated. In 1936, Somoza forced the civilian president from office, arranged his own election, and thus began a family dynasty which ruled Nicaragua for 43 years.

The Somoza dynasty rested upon two pillars of support: the National Guard, transformed by patronage into a personalistic instrument of political repression, and the backing of the United States, ensured by the Somozas' anti-communism and their ability to maintain order. Though their reign did little to alleviate the tremendous poverty of one of the hemisphere's poorest countries, the Somozas proved adept at personal enrichment. At the end, Anastasio Somoza Debayle, son of the Guard's first commander, controlled an economic empire estimated to be worth nearly a billion dollars, including one-third of the nation's arable land and many of the major industries. So complete was his economic control that foreign investors avoided Nicaragua for want of any reasonable investment opportunities.

During the first three decades of the postwar period, opposition to the dynasty was weak and divided. The moderates in the traditional opposition parties were paralyzed by the Somozas' close ties with the United States, and by their own fear of the more radical opposition—a fear which lured them, time after time, into unequal "alliances" with the government. The radical opposition, on the other hand, was contained by ferocious repression. Thus the future of the dynasty seemed secure when, on December 23, 1972, the earth began to move, changing not only the physical geography of Nicaragua, but its political geography as well.

### III

The political aftershocks of the earthquake that destroyed Managua fatally weakened the structure of Somoza's rule. Turning adversity to advantage, Somoza and his associates enriched themselves shamelessly with the international aid intended for earthquake victims. With Somoza in charge of reconstruction, the city of Managua was rebuilt on Somoza's land, by Somoza's construction companies, with international aid funneled through Somoza's banks.

The extent of corruption, together with the expansion of Somoza's economic empire into areas of economic activity previously reserved for other members of Nicaragua's bourgeoisie, alienated large sectors of both the middle and upper classes. Among Nicaragua's lower classes, the economic adversity caused by the earthquake stimulated more radical oppositon, manifested in the wave of strikes, demonstrations and land seizures that swept the country in 1972–73.

The moderate opposition coalesced around the leadership of Pedro Joaquin Chamorro, editor of the anti-Somoza daily La Prensa, and a social democrat who in 1974 organized seven opposition political parties and two labor confederations into the Union Democrática de Liberación. In the same month that Chamorro founded the UDEL, the nation's attention was fixed momentarily on a group which would eventually become the focal point of the more radical opposition—the Frente Sandinista de Liberación Nacional.

Founded in 1962, the FSLN was one of the many guerrilla organizations spawned in Latin America by the example of the Cuban Revolution. It had scant success during its first decade, being routed by the National Guard in its only two serious military ventures. Though it gained strength in the rural north after the earthquake, in 1974 it still had fewer than one hundred members. Then, on December 27, 1974, 25 FSLN guerrillas invaded a Managua Christmas party, capturing 12 of Nicaragua's most prominent business and political leaders. The guerrillas exchanged their hostages for 14 political prisoners, one million dollars in ransom, and safe passage to Cuba. The boldness of the Christmas operation brought the FSLN national recognition, just as Fidel Castro's abortive 1953 attack on the Moncada barracks elevated him to national prominence in the struggle against Batista.

Somoza's embarrassment over the Christmas raid led him to embark upon a war of extermination against the FSLN. He declared a state of seige, created an elite counterinsurgency force within the National Guard, and obtained an 80 percent increase in U.S. military aid. The National Guard then proceeded to conduct a reign of terror in the northern departments of Zelaya, Matagalpa and Segovia, where the FSLN had been most active. For two years, peasants in those areas were subjected to a systematic campaign of torture and mass execution. To deprive the FSLN of support, 80 percent of the rural population was uprooted and herded into resettlement camps. The countryside then became a free-fire zone.

Such gross violations of human rights appalled Nicaragua's moderates and earned the Somoza government well-deserved international opprobrium. In January 1977, Nicaragua's Roman Catholic bishops joined in a pastoral letter accusing the National Guard of "humiliating and inhuman treatment ranging from torture and rape to summary execution." Reports by both Amnesty International and the U.S. Department of State confirmed the bishops' charges.

Thus, when the Carter Administration unveiled its new human rights policy in 1977, Nicaragua became one of its principal targets, constituting a near-perfect showcase for the policy. The FSLN, never a serious threat to the Somoza regime, had not been heard from since their Christmas operation. The absence of any apparent security problem in Nicaragua meant that U.S. policy there, unlike policy toward Iran or South Korea, could be safely guided by the moral imperative of human rights undiluted by national security concerns. Reductions in U.S. military assistance to Nicaragua on human rights grounds emboldened Somoza's moderate opponents, who had historically been immobilized by the unflagging U.S. support which the dynasty had enjoyed.

Then, in October 1977, the supposedly defunct FLSN launched a series of small-scale attacks on National Guard garrisons in five cities. Though the attackers were easily driven off, the assaults shattered the myth of Somoza's invulnerability and provided additional fuel to the burgeoning opposition's moderate and radical wings. Coincident with the attacks, 12 prominent Nicaraguan professionals exiled in Costa Rica (el Grupo de Los Doce) praised the Sandinistas' "political maturity," and asserted that the FLSN would have to play a role in any permanent solution of Nicaragua's problems.

The willingness of the more progressive moderate forces to open a dialogue with the FSLN was due both to their own exasperation over the ineffectiveness of electoral opposition, and to a significant shift in strategy by elements of the FSLN itself. Ideological differences over the proper strategy for defeating Somoza emerged within the FSLN in 1975, and after the FSLN's founder, Carlos Fonseca Amador, was killed in combat in November 1976, the Sandinistas split into three factions, or "tendencies." The traditional strategy of rural-based guerrilla warfare was upheld by the Prolonged People's War Tendency (Guerra Popular Prolongada—GPP), while the Proletarian Tendency (Tendencia Proletario—TP) advocated a shift to political work among the urban proletariat. Both groups agreed, however, that the time was not ripe for major military actions, and both rejected extensive cooperation with "bourgeois elements."

A third group, the Insurrectional Tendency (Tendencia Insurreccional, known popularly as the Terceristas), shared neither of these views. Believing that opposition to Somoza had become nearly universal, its leaders favored exemplary military action to spark popular insurrection. Most significantly, they also advocated the unity of all opposition forces, whatever their class character, around a program of social reform and democracy. It was the Tercerista faction which carried out the October 1977 attacks, and it was they who set about building links to the moderate opposition through Los Doce. Still, as 1978 began, the FSLN had neither the political nor the military strength to offer a serious challenge to the Somoza regime.

On January 10, 1978, Pedro Joaquin Chamorro was assassinated in Managua, and the nation erupted in a paroxysm of outrage and spontaneous violence. After two weeks of riots in Managua, Nicaragua's business leaders called a general strike with a single demand—Somoza's resignation. The two-week strike was 90 percent effective. Midway through it, the FSLN added its endorsement, and the Terceristas launched military attacks in several cities. But the political initiative clearly lay with the moderate opposition.

For the next six months the country was rocked by sporadic violence, most of it uncoordinated and organized by a widely disparate array of opposition groups. During these crucial months from March to August 1978, the political initiative slipped inexorably from the moderates to the FSLN. The Sandinistas spent those months gathering their forces, stockpiling arms and organizing the urban and rural poor. The moderates spent them waiting for the United States to push Somoza out of power. Unable to bring Somoza down by themselves and afraid of the Sandinistas' radicalism, the moderates expected the United States to act for them. They were encouraged in this belief by the Carter Administration's earlier condemnation of Somoza's human rights record, and by the shared interest in avoiding a Sandinista victory.

---

[1] For an excellent history of early U.S.-Nicaraguan relations, see Richard Millet, *Guardians of the Dynasty,* Maryknoll, N.Y.: Orbis Books, 1977.

As civil violence became endemic, U.S. policy was caught in the pull of opposing imperatives. Should the United States stand by its advocacy of human rights and democratic reform in the face of Somoza's deteriorating political position? Or should human rights be subordinated to the political stability long provided by a brutal but reliable ally? Complicating this choice was the Carter Administration's self-imposed prohibition on interventionism in the Hemisphere and uncertainties as to whether Somoza could, in fact, restore order. To some extent, differing evaluations of the situation tended to be bureaucratically based. The ability of the Administration to devise a coherent policy was further diminished by the potent "Nicaragua lobby" in Congress, and its willingness to hold unrelated legislation hostage to the Administration's actions. This interplay of forces resulted in a policy which was more a product of bureaucratic compromise than of a clear assessment of U.S. interests. In fact, there was hardly a policy at all.

In April 1977, the United States restricted both military and economic aid to Somoza on human rights grounds; in September, the restrictions were relaxed. The government's harsh repression of the January 1978 riots sparked by Chamorro's assassination prompted the United State to impose new restrictions and to call for a "dialogue" between Somoza and the moderate opposition. Six months later, President Carter sent Samoza a letter congratulating him on his improved human rights record.

This last action in particular led much of the moderate opposition to conclude that their strategy of forcing Somoza's resignation with the help of U.S. pressure was untenable. Their only viable option, then, was to join in cooperation with more radical elements. The result was the creation of the Broad Opposition Front (Frente Amplio Opositor—FAO), the first coalition uniting the moderate and radical wings of the anti-Somoza opposition.

In August 1978, the FSLN seized the National Palace while the congress was in session, taking 1,500 hostages. The Sandinistas, audacity captured the popular imagination and with it the leadership of the anti-Somoza struggle. As the attackers and 59 newly freed political prisoners drove to the airport for a flight to Panama, thousands of Nicaraguans lined the streets to cheer them. The palace assault was followed swiftly by a new general strike, and in September the FSLN repeated its action of the previous October by attacking the National Guard in several cities. This time, however, the guerrilla actions sparked mass insurrections in Matagalpa, Leon, Esteli, Chinandega and Grenada. To "save" the cities from the rebels, the National Guard was forced to destroy them from the air. It took nearly three weeks and over 3,000 dead before the Guard prevailed. When the Sandinistas withdrew, taking thousands of new recruits with them, the Guard "mopped up" with hundreds of summary executions. After September 1978, no compromise that would retain Somoza in power was possible.

The spectacle of an army waging war against its own citizenry prompted a reevaluation of U.S. policy by convincing officials that Somoza would never be able to restore political stability. Moreover, the FSLN's unexpected strength and support raised the specter of an eventual Sandinista victory unless some sort of "political solution" could successfully replace Somoza with a moderate government. From the fall of 1978 onward, the single goal of U.S. policy was to prevent the succession of an FSLN-dominated government. Under OAS auspices, the United States organized a mediation effort aimed at creating an "interim government" composed of the FAO and Somoza's National Liberal Party; the National Guard would remain intact. The plan envisioned no role for the FSLN, and the guerrillas denounced it as *Somocismo* without Somoza.

Such a strategy might have had some chance of success in January 1978. By 1979, it was hopelessly unrealistic. The U.S. mediation effort destroyed what little remained of the moderates' political initiative. By pressuring the FAO to abandon its call for Somoza's immediate resignation and negotiate with the regime, the United States destroyed the moderates' unity and their credibility. When the mediation began, the FAO included 16 opposition groups; by the end, fewer than ten remained. As it became increasingly isolated, the FAO could only have recovered if Washington had made up its mind to force Somoza out of office. This it was not willing to do.

Somoza played the mediation masterfully. By stalling for time, he was able to rearm and reinforce the National Guard, demoralize and fragment the moderate opposition, and give the United States the impression that he was negotiating in good faith. When he rejected the final mediation proposal for an internationally supervised plebiscite in January 1979, his position appeared much improved. His gamble, in essence, was that if the United States faced a clear and unequivocal choice between Somoza and the Sandinistas, it would eventually come to his aid. He was only partially mistaken.

Despite U.S. threats that a collapse of the mediation would affect the "whole range" of its relations with Nicaragua, retaliation was largely symbolic. The four-man U.S. military mission was withdrawn, and the embassy staff was cut by half. The surprising mildness of these sanctions derived from a variety of factors. Washington intelligence analysts were predicting that Somoza's National Guard could, through sheer firepower, defeat any feasible FSLN offensive. Thus policymakers may have felt more secure sticking with an unpopular but powerful Somoza than ousting him in favor of the politically divided and isolated moderates. Somoza, at least, would prevent a Sandinista victory. At the same time, Representatives Charles Wilson (D-Tex.) and John Murphy (D-N.Y.) were threatening to torpedo the Panama Canal treaties' implementation legislation if the Administration moved openly against Somoza.

In June 1979, the three factions of the FSLN launched the "final offensive" against the Somoza dynasty. Within weeks, they controlled most of the nation's major cities, virtually all the countryside and half of Managua. The new offensive heightened U.S. fears of an FSLN victory and promopted a retreat from the "noninterventionist" low profile which characterized policy after the collapse of the mediation. Addressing the Organization of American States (OAS) on June 22, Secretary of State Cyrus Vance finally put the United States on record as favoring Somoza's resignation. The rest of his proposal, however, was largely oblivious to political realities in both Nicaragua and the OAS. Making no mention of the Provisional Government for National Reconstruction appointed only days earlier by the FSLN and National Patriotic Front (a more militant coalition group than the FAO), Vance called for a "broad-based representative government," and an OAS peacekeeping force to ensure a ceasefire. Though the peacekeeping force was roundly condemned, the final OAS resolution called for Somoza's departure and legitimated the next phase of U.S. involvement by calling on member states to "facilitate an enduring and peaceful solution" to the civil war.

With all of Nicaragua engulfed in battle and the FSLN forces gaining steadily, the United States began an attempt to construct a constitutionalist solution. Somoza would resign in favor of a constitutional successor who would then appoint a council of prominent independent Nicaraguans and turn power over to them. The council would mediate between Somoza's Liberal Party, the National Guard and the opposition to create an interim government composed of all these forces. That government, with the National Guard still intact, would then prepare elections in 1981.

The unreality of this convoluted scheme is truly astonishing. The only real difference between it and the U.S. position during the earlier mediation was a willingness to force Somoza's resignation. Had the United States been willing to demand that resignation nine months earlier, such a solution might have been feasible. By July, however, even the most conservative opposition groups had already endorsed the provisional government which the United States insisted on studiously ignoring. The constitutionalist plan collapsed when the United States found that none of Nicaragua's moderates would endorse or participate in it.

Finally, with the FSLN on the verge of a military victory, the United States abandoned its attempts to construct a government which would exclude any significant Sandinista participation. The accession of the FSLN-backed provisional government was accepted as inevitable, and the United States sought simply to negotiate the terms of transition in order to minimize FSLN influence. In this endeavor, it had two levers: Somoza would resign at U.S. direction, and the United States would provide massive economic aid to an acceptable government. In exchange, it wanted the addition of two more moderates to the provisional government's five-member junta, and a guarantee that neither Somoza's Liberal Party nor the National Guard would be dismantled.

Recognizing full well that the United States was negotiating with it only out of necessity following failure to undermine its support, the junta was not disposed to accede to these demands. Nor could it have done so politically. The provisional government derived its authority from the FSLN, which had appointed it and agreed to abide by its authority. Every important action taken by the junta was cleared in advance with FSLN field commanders. If the junta had shattered its own delicate political balance by adding moderates, or if it had agreed to retain the hated National Guard, it would have signed its own death warrant.

Thus despite pressure from the United States and several Latin American countries which had aided the anti-Somoza opposition, the junta would do no more than guarantee the lives of Somocistas and National Guardsmen, and leave open the possibility for "honest" members of the Guard to join the new national army. The battlefield situation, plus the moderation of the provisional government's program and cabinet, finally led the United States to accept the junta's terms.

On July 17, President Anatasio Somoza Debayle went into exile in Miami. With him went the entire senior command of the National Guard, as well as its morale. The Guard proceeded to disintegrate ignominiously, and within 24 hours had ceased to exist. Thus was realized the very eventuality which U.S. policy since January 1978 had sought to avoid—a complete Sandinista military victory.

How could U.S. policy have failed so dismally? Despite bureaucratic conflicts and congressional pressures, the failure cannot be attributed to the lack of a clear policy objective, at least not after Chamorro's assassination. Nor can the failure be fatalistically attributed to the internal dynamics of Nicaraguan politics. There was nothing inevitable about the final outcome in Nicaragua; indeed, when U.S. policy became fully geared to preventing an FSLN victory, the FSLN was by no means the dominant element in the anti-Somoza opposition.

As events unfolded in Nicaragua, the United States consistently tried to fit a square peg of policy into the round hole of reality. By failing to assess accurately the dynamics of Somoza's decline, the United States produced proposals which were invariably six months out of date. When the political initiative lay with the moderate opposition, the United States acted as if it still lay with Somoza. When the initiative shifted to the radicals, the United States acted as if it lay with the moderates. And when, at the last moment, the United States recognized that the radicals held the initiative, it seemed to think it could cajole them into returning it to the moderates.

Such misperception is not explicable merely in terms of an intelligence failure, any more than it was in Iran. The pace of events in Nicaragua was clear to anyone who wished to see it, and many did. A large part of the problem was the selective perception of policymakers who seemed to believe (or hope) that Somoza could restore order long after that became impossible, that the moderates were strong enough to form a post-Somoza regime excluding the radicals, and finally, that the radicals could be induced to surrender their leadership of the opposition on the very threshold of victory.

The source of these misperceptions was the fear of "another Cuba," and the questionable conviction that the radical opposition was intent on creating one. Now that Somoza has departed in "worst-case" fashion as far as U.S. policy was concerned, there is a great danger that policy toward the new regime will be plagued by assumptions and perceptions which are as unrealistic as those of the past two years. If this happens, the goal of preventing another Cuba will end up as did the goal of preventing an FSLN victory.

### IV

Both the composition and program of Nicaragua's Provisional Government of National Reconstruction reflect its intent to lead a multi-class cooperative effort to rebuild a nation devastated by war. The challenge it faces is formidable; the task of reconstruction is mammoth and the political forces the government seeks to unite are diverse and inherently conflictual. The anti-Somoza coalition which forms the basis of the new government was held together only by its opposition to the dictatorship. As the contending political groups marshal their forces and forge their alliances for future battles, the provisional government will become a focal point for the inevitable conflicts generated by the dual processes of economic recovery and political renovation.

The new government's executive is a five-member junta appointed on June 16, 1979 by the FSLN and the National Patriotic Front. With two radicals, two moderates and one left-wing social democrat, the junta is the delicately balanced result of intense negotiations within the anti-Somoza camp. It includes only one Sandinista, Daniel Ortega Saavedra, a veteran member of the FSLN and currently a Tercerista representative on the FSLN's National Directorate. The other radical Moisés Hassan Morales heads the United People's Movement (Movimiento Pueblo Unido—MPU), a grass-roots community organization of students, workers and urban poor. The junta's moderates are Violeta Barrios de Chamorro, the widow of the martyred editor, and Alfonso Robelo Callejas, former head of the Supreme Council of Private Enterprise, Nicaragua's largest umbrella organization for the business community. Sergio Ramírez Mercado, a socialist academic and member of Los Doce, has already emerged as the informal leader of the junta because of his pivotal position between the junta's Left and Right.

The 18-member cabinet appointed by the junta is more moderate in composition than the junta itself. Most of its members are well-known professionals and business leaders, many drawn from Los Doce. Legislative authority is vested in a 33-member council composed of representatives from all the political, social and civic groups which participated in the anti-Somoza struggle. The council's composition is as delicately balanced between moderates and radicals as is the junta's.

The political and socioeconomic programs adopted thus far by the provisional government, with their essentially social-democratic thrust, reflect a political compromise between radical and conservative forces rather than a consensus for social democracy. Thus, the government's reconstruction program offers both a guarantee of private property and a promise of profound revolutionary social transformations, while remaining purposely vague on the limits of each.

The specific policies outlined are strongly developmentalist and redistributive. If the government is to meet its developmental goals (especially in the reconstruction period) while preserving the private sector, it must retain the cooperation of Nicaragua's bourgeoisie. Yet the government's redistributive goals will require a substantial shift of national income from the upper to the lower classes and significant state regulation of the private sector. As to how these two sets of goals are to be reconciled, the program of the provisional government is silent.

This is where the major political struggles of Nicaragua's future lie. As rebuilding commences, the provisional government must eventually confront the central issue of the Nicaraguan revolution: What is to be the pace and depth of social transformation? The way in which various political and social forces define their positions in this issue and vie with one another for control over the revolutionary process will define the political battles of the months to come. Before we turn to the specific issues around which these battles are likely to be fought, we must first survey the strengths and weaknesses of the contenders.

### V

Throughout the insurrection, U.S. policymakers habitually referred to the nonsocialist opposition as "the moderates." Yet those so labeled actually span the political spectrum from unabashedly reactionary to left-wing social democratic. The most conservative elements remained in the Broad Opposition Front until the end; the more progressive deserted the FAO for the rival National Patriotic Front, formed after the collapse of the first mediation.

Because the moderates are so diverse ideologically, they are unlikely to constitute a cohesive political force. Now that Somoza has departed, the two major coalition organizations will probably dissolve, leaving the moderates fragmented in a welter of civic and business groups. Debilitated by years of Somocismo, it is doubtful that any of the old political parties survived the civil war as functioning organizations. Thus, the moderates' greatest political weakness in the post-Somoza period will be precisely what it was during the insurrection: the absence of any effective political organization or mass base of support. New moderate political parties may form, but they are likely to be as numerous as the ideologies to which the moderates subscribe.

The moderates are not without significant political resources, however. The upper class controls a substantial portion of the means of production and the middle class possesses important technical skills. The new government will need their cooperation in rebuilding the war-torn economy, and that fact will give them considerable influence over economic policy.

The other advantage enjoyed by the moderates is the support of the United States and the many Latin American governments which aided the anti-Somoza struggle. Nicaragua will need an estimated four billion dollars to recover from the devastation of the civil war, and these countries have pledged to provide substantial assistance. The United States, for one, has made its aid contingent upon the moderation of the new regime. Of course, having the backing of the United States is a Janus-faced asset for Nicaragua's moderates. If the United States should offend Nicaragua's heightened sense of national pride by demanding explicit policy concessions in return for aid, association with the United States could become as great an albatross for Nicaragua's moderates as it did for Cuba's 20 years ago.

Nicaragua's radicals are as diverse ideologically as its moderates, though they are better organized. United in their desire to see a socialist transformation of Nicaraguan society, the radicals differ on how to accomplish this, how rapidly to attempt it, and what sort of political system ought to result from it. The immediate goal of the FSLN, which is, of course, the preeminent group on the Left, is to maintain sufficient unity among its three existing factions to ensure an eventual transition to socialism. This will be no easy matter, for despite its March 1979 unity pact, the FSLN's internal differences remain sharp.

As the most moderate FSLN tendency, the Terceristas will probably advocate continuing their earlier strategy of cooperating with nonsocialist elements; just as unity was necessary to depose Somoza, so, too, will it be necessary to rebuild the country. Of all the FSLN factions, the Terceristas are most likely to uphold the moderate program of the provisional government, endorse gradual change and pursue an electoral road to socialism. A number of the leaders of this faction (including the legendary "Comandante Cero," Eden Pastora) are non-Marxist social democrats and radical Christians committed to pluralist democracy. Because the Terceristas were responsible for the FSLN's more audacious actions (e.g., the Christmas operation and the seizure of the National Palace), they are the largest and best known of the three tendencies. Yet their very heterogeneity could prove to be a liability.

The Prolonged People's War Tendency (GPP) and the Proletarian Tendency (TP) have undergone less ideological dilution. Both are avowedly Marxist and more likely to advocate an early transformation of the national revolution into a socialist one. The GPP, the larger of the two, has concentrated its political work among peasants in the north, and retains its commitment to the guerrilla army as a politico-military vanguard; the TP has focused on organizing the urban proletariat, and advocates the creation of a Marxist-Leninist vanguard party. The war brought thousands of new recruits to both factions, but their leaders can hardly be certain of the ideological commitment of this augmented rank and file. Both factions will use the immediate future to consolidate. For the moment, however, all three are committed to supporting the program of the provisional government and strengthening the unity of the FSLN.

Despite its internal divisions, the political advantages enjoyed by the FSLN are enormous; a near monopoly of arms, organization, administrative control and popular legitimacy. The disintegration and defeat of the National Guard leaves the FSLN as the only effective military force in Nicaragua, and it will soon become the new national army. The FSLN is also the best organized political group in the nation, perhaps the only one with the capacity to mobilize mass popular support. Certainly it is presently the one capable of administering the country.

Somoza's grip on the government was maintained primarily with patronage, and what remains of the administrative bureaucracy will be trusted by neither the provisional government nor the FSLN. Yet the first order of business for the new regime must be the restoration of order and the distribution of essential goods and services. The military structure of the FSLN appears to be the only apparatus available to take on these administrative tasks. Moreover, the FSLN has had three months of experience administering a liberated León. If it does become the de facto administrative apparatus of the provisional government, the junta will necessarily have to coordinate all its policy decisions with it.

But the FSLN's most important political advantage is the least tangible one: the legitimacy of the revolutionary regime rests with the FSLN because the Sandinistas made the revolution. The provisional government recognizes this full well. During the last days of the civil war, it made no important decision without first gaining approval by radio from FSLN commanders in the field. The prologue to the government's initial program is careful to note that it was approved by the FSLN. FSLN commanders such as Ortega, Pastora, Tomás Borge and Jaime Wheelock are already better known than any member of the provisional government. When teenagers in Nicaragua's cities held off the National Guard with hunting rifles, they called themselves Sandinistas, and when victory was won, the cheers and banners which filled Managua were the slogans and emblems of the FSLN.

Despite its divisions, the FSLN's virtual monopoly of so many essential political resources means that it will be decisive in resolving any serious political conflict. No conceivable coalition of other forces can out weigh it. Thus the basic dynamic of Nicaraguan politics in the near future will most probably be centered within the FSLN, in the debates among its three factions. The fortunes of the various moderate groups will depend largely on how their actions influence those debates—either reinforcing the Terceristas' arguments for gradualism or undermining them.

### VI

The pressure on the provisional government to pursue a radically redistributive policy will be enormous. Apart from the radicalism of the FSLN, it must also contend with a politically mobilized and increasingly organized lower class whose grievances against Somoza were as much socioeconomic as political. Though first priority must go to the immediate problems of feeding and housing 500,000 refugees and reactivating the economy, Nicaragua's workers and peasants are not likely to tolerate having their economic demands deferred for very long. The government's calls for self-sacrifice will be heeded only if the populace perceives the sacrifice as egalitarian, and even that will require redistributive policies that may stir upper-class resistance. Given the promises of employment, housing, health and education contained in the government's program, the government appears to realize that it could not survive for long by presiding over a return to the socioeconomic status quo. Nor is there any indication it would wish to do so.

We can predict with some confidence, then, that the policies of the provisional government will tend to favor Nicaragua's workers and peasants. Some of the moderates, no doubt, will accept that as unavoidable, absorbing the cost as the inevitable price for preserving the private sector. More conservative elements, however, are likely to see the class character of the government's policy as the first steps toward outright socialism. They would resist such policies, either individually or collectively, with the only weapon at hand their control over the means of production. Some such resistance is almost inevitable.

The provisional government's response will depend upon the extent of the resistance. If it is restricted to a narrow sector of the bourgeoisie, it may pose no serious economic threat to the plans for reconstruction. At some threshold, however, the provisional government would be faced with very difficult choices. If it were to ease the pace of social reform in an attempt to restore business confidence, it might alienate the FSLN, forfeit its popular support, and thereby bring about its own demise. Yet the only alternative would be to neutralize the resistance of the upper class by depriving it of its control over the means of production—i.e., by suddenly initiating a rapid transition to socialism. The attendant economic dislocations would be considerable, but the broad state sector which already exists (administering Somoza's former holdings) would make this solution a feasible one.

Whatever the response of the provisional government, any significant upper-class resistance to the government's redistributive policies is likely to provoke a sharp radicalization of the revolution. A substantial redistribution of income is the minimum program for even the Terceristas, and resistance by the upper class will tend to reunify the FSLN around a more radical strategy. If the Nicaraguan bourgeoisie forces the FSLN to choose between its promise to respect private property and its commitment to social transformation, they will quickly become a class without a country.

The provisional government has one strategy it can pursue to minimize the sort of class conflict outlined above: it can use the proceeds of the "national patrimony" (the econmic empire of Somoza and his cronies) to finance its social policies, thus satisfying lower-class demands without endangering incentives for upper-class investment. The upper class would still have to bear heavy state regulation, but would probably perceive that as more tolerable than provoking a political crisis. There are already indications that the provisional government intends to pursue such a course; if it does so with any success, the Nicaraguan political equation will become a good deal more complex.

Given a consistent policy of social reform, the Terceristas will almost certainly hold to their current strategy of gradualism and multi-class cooperation. As long as that strategy is fruitful, the GPP and TP will probably mute their demands for more radical policies in order to preserve the unity of the FSLN, and because all three factions recognize the need for the private sector's coopertaion in the task of reconstruction. This would not resolve the differences between radicals and moderates, but those differences would tend to be manifested over political issues rather than economic ones.

Unlike its economic program, the junta's plan for political reconstruction is unambiguous. It promises a series of elections over the next few years to choose municipal governments, a national legislation and finally a president. The program guarantees freedom of the press, speech and association, including the right to organize political parties irrespective of ideology. Two political issues are likely to emerge: (1) What should be the timing of the elections, and what impact will they have on the "momentum" of the revolutionary process? and (2) What will be the role of the FSLN?

The FSLN's current strategy is to press for a gradual broadening of redistributive policies and an eventual transition to socialism. The political strategy of the moderates will be to contain this process. One way to contain it would be to call for elections as early as possible, using the electoral interlude to regroup politically, divert and diffuse the radicalism of the masses, and possibly regain the political initiative from the FSLN. The FSLN's reaction to such a gambit is uncertain: the more moderate Terceristas would be most likely to accept the electoral challenge, but the GPP and TP could well advocate cancelling the elections altogether.

Assuming elections do get under way, how will the FSLN, a politico-military organization originally created to wage revolutionary war and establish a revolutionary regime, fit into an electoral democracy? As it becomes the new national army, how can its military role be reconciled with its role as one political party contending among many? If elections produce a particularly unrevolutionary government, from whom will the FSLN-qua-army take its orders, the government or the FSLN's National Directorate? It is hard to imagine that Nicaragua's moderates will ever reconcile themselves to perpetual radical control over the armed forces. At some point, they will surely demand the depoliticization of the military. Yet it is even harder to imagine that FSLN would acquiesce to that.

Despite many uncertainties as to the precise course of future events in Nicaragua, only two outcomes are at all likely. If the provisional government can successfully retain the support and cooperation of both the moderates and the Terceristas, the currently unstable social-democratic equilibrium can be consolidated. Nicaragua would then emerge with an electoral democracy, and the issue of whether radical redistribution gives way to gradual socialist transformation could be settled at the ballot box.

If the provisional government loses the support of either the moderates or the FSLN, the ensuing political conflict will move the revolution sharply to the left. In a "no-holds-barred" struggle with the radicals, the moderates simply do not have the political resources to prevail. The outcome would be a socialist transformation which would be neither gradual nor peaceful.

### VII

Our ability to shape the course of Nicaragua's political future in ways congenial to U.S. preferences is severely limited, both by the suspicion accruing from four decades of U.S. support for Somoza, and by the nationalist dimension of Nicaragua's revolution. However, our ability to aggravate Nicaragua's political conflicts and demolish bilateral relations by a poorly conceived policy is virtually unlimited. There is a danger that the wishful thinking and selective perception which plagued U.S. policy during the insurrection will now be transformed into a "worst-case" mentality which sees in every progressive measure adopted by the provisional government evidence of "another Cuba."

In this regard, there are striking parallels between the current situation in Nicaragua and the situation in Cuba 20 years ago. In both countries, nationalism long frustrated by a history of U.S. political and economic hegemony burst forth in revolution, deposing a military dictator notable only for his brutality, corruption and friendship with the United States. Internal support for both revolutions transcended the boundaries of class and ideology, yet both triumphed by the military might of the opposition's more radical elements. Cuba's Provisional Revolutionary Government was no less moderate in its initial composition than Nicaragua's new government, and its policies were no more radical. Almost as soon as it came to power, Cuba's anti-Batista coalition began to disintegrate over the issue of how deep and extensive social reform ought to be. Buoyed by U.S. hostility to every reform measure, Cuba's moderates were intransigent in the belief that the United States would never allow their political defeat.

The irreducible truth of Cuba's revolution, however, was that it abolished the ability of the United States to dictate Cuban reality. A policy of hostility toward the revolutionary government effectively disarmed and isolated Cuba's political moderates, and their resistance to social reform produced social revolution. More significantly, U.S. economic sanctions and military threats forced Cuban socialism, on pain of extinction, to align itself with the Soviet Union.

The deterioration of U.S.-Cuban relations was rooted in the U.S. response to both peripheral and fundamental issues.[2] The peripheral or "indicator" issues were events that U.S. policymakers interpreted (often mistakenly) as indicating that the Cuban government was irredeemably radical and anti-American. The trial and execution of several hundred *Batistiano* police and military officials was the first event of this sort. The second was Cuba's determination to broaden its diplomatic and trade relations to include socialist countries. Neither of these policies posed any real threat to U.S. interests, yet the United States reacted acrimoniously to both.

The fundamental issue which generated U.S.-Cuban hostility was the unwillingness of the United States to accept with equanimity the redistributive social reforms adopted by the revolutionary government. To be sure, such reforms damaged the interests of U.S. investors in Cuba, but they did not damage the national interest. The only serious threat to U.S. national interests came when Cuba sought the protection of the U.S.S.R. in the form of intermediate-range ballistic missiles.

A reenactment of the mistakes made by the United States in its relations with Cuba could easily lead to a similar disintegration of relations with Nicaragua. In the immediate future, bilateral relations will revolve around six issues: (1) the trial of Somocista officials; (2) Nicaragua's establishment of relations with the socialist bloc; (3) the extent of Cubian aid to Nicaragua; (4) the U.S. reaction to the pace of Nicaraguan social change; (5) the conditions imposed by the United States on its reconstruction aid; and (6) Nicaragua's policy toward guerrilla movements in Honduras and El Salvador.

The first three of these issues are peripheral; none of them will give any valid indication of Nicaragua's future course, and none should be allowed to damage U.S.-Nicaraguan relations. Given the ferocity and brutality with which the National Guard waged war, the trial of certain officials as war criminals is not unreasonable. Indeed, it may be the only way to avoid a wave of personal vendettas. If the trials exhibit an honest effort to ascertain the facts, and if the punishments fit the crimes, the United States should not view the trials as human rights violations. Similarly, the establishment of normal diplomatic and trade relations between Nicaragua and the socialist countries should not be interpreted as hostile or detrimental to U.S. interests. It is simply the natural policy for a non-aligned country.

Nicaragua's relations with Cuba, however, may prove to be a more volatile issue. Cuba has already agreed to provide the new Nicaraguan government with substantial aid, including not only supplies but medical and educational personnel as well. The herculean task of reconstruction makes the provisional government hard-pressed to reject help from any quarter. Nicaragua's acceptance of Cuban aid may prompt vociferous denunciations from Somoza's supporters in Congress, but U.S. policymakers would be well advised to pay less heed to such voices than was paid to them during the insurrection. Cuba's assistance to the new government will be no more decisive for Nicaragua's future than Cuba's modest aid to the rebels was decisive in the victory of the revolution.

The fundamental issue for future U.S. relations with Nicaragua will be precisely the same as it was for relations with Cuba: How will the United States react to fundamental social change? At the outset, the United States should recognize that there will inevitably be such changes and they will be, at a minimum, radically redistributive. Such reforms will not necessarily be the precursors of a socialist transformation, and it would be a mistake for the United States to oppose them as such. Indeed, whether redistribution gives way to elimination of the private sector will depend in part on how the United States responds. A policy which is tolerant, even supportive, of social change would be in the best interests not only of the Nicaraguan people but of the United States as well.

If, despite U.S. urgings, the Nicaraguan revolution becomes a social revolution, the precepts of nonintervention and tolerance of ideological pluralism will face their most stringent tests since the 1970 election of the late Chilean President Salvador Allende. A reflexive policy of hostility might be domestically popular and viscerally satisfying, but it would probably have as little effect as the sanctions directed against Cuba in the 1960s. Moreover, a close examination of U.S. interests suggests that a policy of staunch hostility would be counterproductive. Even if Nicaragua adopts a socialist model of development, i.e., becomes "another Cuba" domestically, it does not follow inexorably that it would become "another Cuba" in its foreign alignments. Given the paucity of Nicaragua's natural resources and of U.S. investments there, the principal threat to U.S. interests is not socialism in Nicaragua, but a Nicaragua closely aligned with the Soviet Union. Coexistence with a socialist Nicaragua might not be pleasant for the United States, but it would be a good deal less damaging than driving Nicaragua into the Soviet camp.

As Nicaragua's revolutionary process unfolds, there will be a great temptation for the United States to use its reconstruction assistance as leverage to ensure moderation. There is also grave danger in this. Since it will be politically impossible for the provisional government not to pursue a vigorous program of social reform, U.S. pressure to the contrary can only inflame Nicaraguan nationalism without slowing the pace of change. Indeed, it would make more fundamental change all the more likely. A threatened withdrawal of U.S. aid is not even apt to deter a socialist transformation if Nicaragua's internal politics become so polarized that the FSLN adopts that course. In such a situation, any U.S. Administration would face tremendous domestic political pressure to retaliate with a cutoff of aid. A thoroughly radicalized Nicaraguan government would then have little choice but to turn to the socialist camp for economic assistance.

To avoid the pitfalls inherent in any attempt to use reconstruction assistance as an economic bludgeon, U.S. policymakers should remove the temptation altogether by establishing, in cooperation with other donors, a multilateral aid fund under OAS administration. What little we would lose in economic leverage would be more than compensated diplomatically by diminishing Nicaraguan suspicions of U.S. intent.

One strategic concern of U.S. officials is that a radical government in Managua will embark on a campaign of exporting revolution to its Central American neighbors. This fear for the security of the conservative military regimes in Honduras, El Salvador and Guatemala is a realistic one, but its formulation betrays a distressing myopia. Nicaragua may well provide sanctuaries and even limited arms to guerrillas from Honduras and El Salvador, just as Costa Rica provided such assistance to the anti-Somoza opposition. For Nicaragua's new leaders to do otherwise would be for them to turn their backs on their own revolutionary experience.

Nicaraguan sanctuaries and arms, however, will not produce revolution in Honduras or El Salvador. If Cuba's experience in the late 1960s proved anything, it proved that revolutions cannot be exported—they are invariably domestic products. Yet the example of Nicaragua's revolution will surely stimulate opposition to military dictatorship, not just in Central America but throughout the Hemisphere. It is truly unfortunate to find U.S. policy still focused narrowly on how to ensure the stability of such regimes by insulating them from the political fallout of the Nicaraguan revolution.

The value of stability is not inherent; it depends on the quality of the society over which stability reigns. The fear of "another Cuba" has caused the United States to lose sight of this truism in the years since the Alliance for Progress faltered and died. Coming so soon in the wake of Iran, the Nicaraguan revolution ought to have reminded us that stability enforced by bayonets is fragile indeed. Yet one has the uneasy feeling that, instead of searching for a way to replace the Hemisphere's military dictatorships short of violent upheaval, U.S. policymakers are already narrowly preoccupied with preventing "another Nicaragua."

### VIII

Twenty years ago, the United States and the newly victorious government in Cuba faced one another with mutual suspicion and latent hostility. Certainly, both parties contributed to the spiralling process of animosity which ensued. Yet it is equally certain that the United States could have done much to avoid the deterioration of relations simply by being more sensitive to the nationalist and reformist aspirations of revolutionary Cuba.

Today, the United States faces another revolutionary government and again there are mutual suspicions and uncertainties. Relations have begun on a more solid footing because the United States joined the anti-Somoza forces before the proverbial train left the station, but we were still the last aboard. Thus far the United States has opted for a constructive "wait-and-see" policy which promises to judge the new Nicaraguan government on the basis of its actions rather than on U.S. preconceptions. Yet there is still the danger that such judgments will be colored by unrealistic expectations of how the new regime ought to behave.

The changes pending in Nicaraguan society are major ones, and they will probably be less incremental than the United States would like. They will engender sharp debate in Nicaragua, and probably political conflict as well. The most conservative forces, the forces with which the United States feels the greatest kinship, are not likely to fare well in these debates. Their future depends upon their willingness to accommodate themselves to a new Nicaragua in which their political might and economic muscle are no longer as potent as they once were.

---

[2] See Lynn B. Bender, *The Politics of Hostility: Castro's Revolution and United States Policy*, Hato Rey, Puerto Rico: Inter American University Press, 1975.

The United States faces a similar dilemma. If "another Cuba" means a regime less pliant to U.S. interests, Nicaragua has already become another Cuba. If "another Cuba" means a radically reformist regime which puts the interests of the general populace ahead of the interests of the upper classes, Nicaragua will almost inevitably become another Cuba. If these are the facets of Cuban reality to which the United States objects, the prospects for friendly U.S.-Nicaraguan relations are dim indeed.

Yet neither of these prospects threatens the vital interests of the United States. Neither leads inexorably to a Nicaragua aligned with the Soviet Union, which is after all the sort of "another Cuba" which the United States ought to be most concerned about. The linkage between internal reform and external realignment toward the U.S.S.R. is likely to be forged only by U.S. hostility to the domestic changes wrought by Nicaragua's revolutionary process. That, at least, was our experience with Cuba. If the United States responds to change in Nicaragua with support, or at least tolerance, we can still avoid repeating the sorts of errors that proved so strategically costly 20 years ago. To do otherwise is to invite another Cuba.

Mr. DURENBERGER. Mr. President, we have a unique opportunity to attempt the stabilization of Nicaragua and other countries in Central America and the Caribbean. The Special Central American and Caribbean Security Assistance Act, S. 2012, contains modest amounts of funding which can underwrite economic growth in Nicaragua and elsewhere. This funding will not buy us friendship, but it will serve our national interests.

Of the $75 million programed for Nicaragua in this bill, $70 million takes the form of concessional loans. Moreover, 60 percent of the funding involved is directed at the private sector of the Nicaraguan economy. It will help to revitalize industries, to promote commerce, and to raise agricultural produce. It will therefore help to end the threat of economic stagnation, removing thereby the temptations to seek radical solutions. The funding will permit us to compete with Cuban adventurers in the area of our greatest strength—economic development.

History has demonstrated most clearly that a diversified market economy is uniquely capable of providing balanced growth, equitable distribution of benefits, and the optimum satisfaction of basic human demands for dignity, decency, and security. The supplemental assistance bill which we are now discussing will greatly assist in creating such an economy. By promoting the growth of grass-roots capitalism, it will make the claims of radical adventurers ring hollow.

More importantly, the bill will help to bolster the moderates within the current government. While the Sandinista government clearly pursues a political philosophy different from our own, the Sandinistas have shown themselves to be surprisingly pragmatic and moderate. Nationalizations have largely been confined to the holdings of the Somoza family and direct foreign investment has been actively welcomed. In contrast to events elsewhere, such moderation is more than we might have expected, and it should not be discouraged by neglect.

Clearly, the political situation is potentially unstable. The new government is defined by a fragile coalition of rightists, centrists, and leftists, a coalition which might break down at any time. However, I firmly believe that by offering the modest levels of reconstruction assistance contemplated in the pending bill, we can bolster the moderates and decrease the chances that Nicaragua will slide into the economic chaos which provides a hotbed for radicalism.

If we do nothing to assist Nicaragua, we invite either economic stagnation or assistance from such other nations as Cuba. In either event, to withhold assistance from Nicaragua for fear that the country may become a "second Cuba" is only to create a self-fulfilling prophecy. Nothing is more sure to send the Sandinista government looking for assistance from other sources than the apathy or hostility of the United States.

If, on the other hand, we offer assistance to Nicaragua—assistance which is largely in the form of concessional loans directed at the importation of American goods into the private sector—we need not face the prospect of looking back regretfully at an opportunity foregone.

Mr. President, there are obvious risks involved in providing foreign aid to Nicaragua. But there are even greater risks involved in not providing foreign aid to Nicaragua.

In summary, Mr. President, I urge support for the bill for three very simple reasons. First, it is timely; we must move before the situation further deteriorates. Second, it is smart; it fosters the national interest of the United States. Third, it is moral; it helps a devastated people to help themselves.

I thank the Chair.

Mr. ZORINSKY. Mr. President, I would like to compliment the Senator from Minnesota for his recognition of the needs of the people of Nicaragua. He spent many hours in his involvement with regard to this issue with his appearance at hearings and in meeting with some Nicaraguans during their recent visits.

I want to thank him for his involvement in this legislation, and I also want to thank my colleague, who is absent at this particular moment, Senator LUGAR.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ZORINSKY. Yes.

Mr. JAVITS. I would like to associate myself with the views of Senator ZORINSKY and to thank the Senator from Minnesota for his interest and also for his very enlightened presentation of the situation.

Mr. DURENBERGER. Mr. President, I thank the Senator from New York and, in particular, the Senator from Nebraska for his courage and leadership, his interest and his help on this issue.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. BRADLEY). The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, there was a Chinese warlord many centuries ago who advocated and practiced the strategy, as he put it, of raising a ruckus in the East and striking in the West. A friend of mine, Jim Daniel, wrote a book with that title 10 or 15 years ago, with reference to Marxism and the strategy of the Communists in our time.

I was thinking this morning, Mr. President, that while events halfway around the world have America's attention diverted, at the brutal Soviet invasion of Afghanistan, and the unstable Indian Ocean, there is a crisis of potentially equal significance brewing at our front door in Central America.

Mr. President, that the situation in Central America has all the dimensions of a major crisis is absolutely beyond question. In the past year we have witnessed the fall of one government and the destabilization of another in Central America.

In the Caribbean we find nations that have been merely pinpoints on a map in terms of general awareness, nations of more interest to geography teachers than to U.S. policymakers, rising and challenging America's traditional leadership in an area that has been described as our soft underbelly.

Because of an historical, almost callous, lack of interest in our southern neighbors, the United States today finds itself with an array of potentially hostile governments at its vulnerable southern flank.

It is time we confronted the reality of the situation, Mr. President. No band-aid of quick-fix foreign aid is going to heal the disease of longstanding American neglect of our Latin American neighbors.

In El Salvador the past year has witnessed the fall of one government and its replacement with one seeking to be more moderate. Even this has not been enough to satisfy the demands of terrorists in that country—whose sole aim appears to be the destabilization of any legitimate government no matter how moderate it may be, and its replacement with an ideologically based regime.

The Marxist orientation of nearly all of the terrorist groups in El Salvador is widely known. What is not so widely known is the growing support for these groups on the part of Cuba, which seems more and more ready to assist terrorists in El Salvador, much as Cuba assisted the Sandinistas at a critical point.

You can add to that Cuban support and continuing backing of El Salvadorian terrorists by Nicaragua, where a number of Salvadorian terrorists actually participated in the Sandinista "revolution"—I think I ought to put quotation marks around the word "revolution"—supplying needed manpower and, at a critical juncture, badly needed money estimated at more than $1 million.

How long any government can remain stable and deal with the continual acts of terrorism—random murders, sabotage and kidnaping—is a matter of question, and this Senator feels if U.S. aid is to be provided to any nation in Central America at this point, El Salvador should be the primary recipient.

Honduras shares a large common border with Nicaragua. The Committee on Foreign Relations has singled out Honduras as a government worthy of receiving U.S. aid, and has earmarked $5 million of the money authorized in this legislation for Honduras.

While Honduras appears to be the least threatened country in the northern tier of Central America it has no major indigenous terrorist movement to speak of, and its local Communist party remains essentially quiescent—it remains a prime target for the terrorists who operate with growing impunity in Central America. Its geography alone makes it a tempting target for rural-based terrorist actions such as were organized in Nicaragua.

The Honduran activists are in constant contact with fellow terrorists in other Central American countries, most notably El Salvador and Guatemala.

Recently its Communist Party has taken moves to branch out into "revolutionary action"—and again I will put those words in quotation marks, because they are a euphemism for terrorist activities. Thus the committee has moved at an early stage to help stem the tide of terrorism in Honduras, and while the $5 million the committee has authorized is helpful in showing a U.S. tilt toward the current government in Honduras, it is hardly an amount sufficient to provide Honduras with the nonlethal counterinsurgency equipment and training it needs, and that it must have, if it is to nip its indigenous terrorist movement in the bud.

Honduras needs a full-blown program of counter-insurgency training if it is to remain free.

Guatemala has a long history of terrorist activity. Terrorism generated from the left has spawned terrorism from the right. It is an unfortunate fact of life in Guatemala, but one should expect little else when the central government is rendered virtually helpless in combating terrorism from wherever it may come.

The government there desperately needs nonlethal anti-insurgency and crowd control equipment. Guatemala is one of the staunchest allies of the United States in Latin America. While there are some human rights purists who decry the situation there, it seems to me that their approach is narrowminded, certainly in terms of helping solve Guatemala's endemic terrorist problem because they have been trying, successfully, to deny the governing authority, the training and equipment to combat terrorist activities on both the left and right.

Now, this is a misdirected policy. We could get into a discussion of human rights and the highly selective way in which this country has assessed its friends and allies, on the one hand, and its adversaries, on the other, within the framework of our human rights priorities.

The pending legislation should earmark, I think, at least $20 million of the total amount authorized to provide training and equipment for nonlethal crowd control and counterinsurgency activities for Guatemala.

Costa Rica is a nation with little choice but to shift with the winds of fortune. At this point, those winds are blowing from Cuba and its Central American ally, Panama.

With no significant military force and a union movement falling more and more under the control of leaders who are widely described as ideological Communists, Costa Rica is hostage to the whims and fancies of its all-powerful union leaders. Clearly, their tilt is toward Havana, and so goes Costa Rica. Costa Rica served as a convenient staging area for Sandinista attacks on Nicaragua, with terrorists able to move with impunity across the national boundaries of Costa Rica into Nicaragua, attack, and return to safe haven in Costa Rica. Nicaraguan forces in hot pursuit were unable to cross the same boundary with the same impunity and were thwarted in their attempt to control Sandinista hit and run raids.

Therefore, Mr. President, for Costa Rica, the future is clouded. As long as Costa Rica serves as a safe haven for terrorist movements and does not lift a finger in protest, it is convenient for Cuba and other backers of terrorism in Central America to have a "neutral" government in Costa Rica. Whether Costa Ricans are willing to continue to pay the high price for such "neutrality" remains to be seen. For Costa Rica, the future is not happy. Its neutrality and its perceived freedom thus depend on its usefulness to Cuba and its allies.

Now, we all know who is at the head of the line there—the Soviet Union.

Panama served as a convenient conduit for Cuban assistance to the Sandinistas and other terrorist groups. In addition, Panama supplied troops from its own forces to aid the Sandinistas in their overthrow of the Somoza government. I think this must be admitted that this is a violation of all of the principles of nonintervention in the affairs of another American Government flies in the face of the OAS charter. Nonetheless Panama remains unrebuked by anybody.

Now, Mr. President, there is one question that this Senate one of these days is going to have to face and answer and perhaps explain to the American people. And that is, can we assure that Panama will not continue to come to the aid of other terrorists' movements in Central America?

The question of whether any U.S.-supplied military equipment was funneled by Panama to the Sandinistas is one that also remains unanswered. I would be interested, as one Senator, in knowing whether there was a violation of U.S. laws concerning the transfer of such arms.

This administration's "special relationship" with Panama should not blind Congress to the reality of Panama's role as a haven for terrorists and supplier of men and materiel to insurgent forces.

The Government of Nicaragua is highly unstable, with questionable control of the countryside and dwindling popular support.

The more than 2,000 Cubans in Nicaragua since the Sandinista "revolution" does not bode well for the welfare of Nicaraguans. Initial humanitarian acts have been followed by Cuban assistance in setting up Nicaraguan counterparts to the dreaded Cuban "Committees for the Defense of the Revolution," which, in plain words, is the effective means of State control of local populations that has solidified the totalitarian control of Cuba by Fidel Castro. Will Nicaragua soon have the same kind of system of State security that now prevails in Cuba? That is a question that we ought to confront.

Now, human rights violations in Nicaragua, which were so loudly decried under the Somoza government, are now being reported with ever-growing frequency under the Sandinista government which has taken over.

But we do not hear the wails of protest about these things. I hear continued references to Somoza. But the political reactions to the human rights violations under and by the Sandinistas, well, these episodes pass like a ship in the night. Nothing is said about them. Certainly, I have heard no protest on this floor about them.

We heard plenty about the Somoza regime, but nothing about the atrocities that are occurring now that the Sandinistas have taken over.

There was an expulsion of a leading human rights activist, which is one more sign of an ever-tightening control of human activities by the central government in Nicaragua. Add to this the takeover by the government there of television and radio and the virtual State control of the press.

Are these not signs that should alarm every Member of this Senate?

Public expressions of discontent with the acts of the Sandinista government become all the more difficult with a hamstrung press, radio, television, and other media. Are these not questions of interest to us? I think so.

Cuban intelligence advisors also are at work assisting the Sandinista government in setting up other forms of state control in Nicaragua. The police and military apparatus soon will be a close copy of the Cuban model, with all that means for loss of freedom in the country.

The nonalined position the Government of Nicaragua is taking in world councils places the country in general opposition to U.S. policies. As the slow drift of Nicaragua toward the Soviet camp continues, the government pursues a foreign policy protesting "nonalinement" and neutrality, but one in reality supportive of Marxist-style insurgencies throughout Latin America.

In the pursuit of its own insurgency, the Sandinistas participated in the deaths of more than 20,000 Nicaraguans. Those 20,000 dead human beings will neither "suffer under Somoza," nor enjoy the questionable benefits of living under a Sandinista regime.

They are gone. They have been exterminated. I hear nothing about those 20,000. And yet this Senator is bound to raise the question as to whether 20,000 dead human beings are not a high price to pay for ideological purity, Marxist-style, or, for that matter, for the "Sandinista revolution," so-called.

The bottom line is this, Mr. President: this Senator feels that the United States should not participate in propping up the sagging Sandinista government in Nicaragua. The United States should not be a party to assisting a government whose policies are inimical to our own, whose leaders do not wish to support us when we need that support, and whose announced, stated program is to support the destabilization of other nations who are friends of the United States.

Nor should the United States support Nicaragua as long as its leaders seek to destroy the free enterprise system of that country. It is difficult for the United States—a free enterprise economy—to trade openly with a socialist economy. It should be U.S. policy to promote with its aid moneys, with its tax moneys in one form or another in foreign aid, only such economic systems that are free enterprise ones.

Simply said, the United States should not put its imprimatur on the Sandinista government of Nicaragua.

Therefore, as I stated as a member of the Foreign Relations Committee at the time this legislation was being considered, I cannot support this proposal, which gives aid and comfort to the Sandinista insurgents and helps them solidify their control over Nicaragua.

The United States should not sweep away all hope of those moderate Nicaraguans who yearn for a free society, a Western-style democracy for Nicaragua. The United States should not give its seal of approval to the ideologues that now control the central government in Nicaragua—and the provision of U.S. aid, no matter how insignificant it may be in terms of the total Federal budget, is a propaganda victory nonetheless for the Sandinistas.

The United States has national interests in Central America. The primary interest is the promotion of stability in the region. In pursuit of this, the United States should come to the assistance of nations there which seek to be the friend of the United States. Guatemala, Honduras, and El Salvador are traditional friends, nations which have supported the United States in international forums, nations which have long regarded themselves as part of the Inter-American system of which the United States is the leader.

Guatemala, Honduras, and El Salvador are three nations—among others in Central America—which need U.S. help and need it now while they are still friendly toward the United States. In the face of insurgencies, aided by Cuba and assisted by the Sandinistas, all three countries must bring about stability internally. Countering terrorism is not pretty business: but failure to deal with terrorism resolutely means death for innocent citizens and the potential for repression under a Cuban-model totalitarian State which are far worse than the alleged human rights violations charged to each of these nations at present.

Thus, to the friends of the United States goes the helping hand of friendship. When internal stability is restored in each country, then, and only then, can the United States talk with its friends about other internal problems which have human rights implications.

Because so many administrations have chosen to ignore our Central American friends, the United States now is faced with some hard choices in the region. But the securing of stability is the prime U.S. interest there. All other considerations are secondary.

Mr. President, just as an illustration, let us consider the grain embargo which the President has ordered with reference to the Soviet Union. Some question still remains as to whether Argentina is going to be fully supportive of the United States in this regard. Argentina has been denied assistance, even to the extent of our Government's refusal to sell Argentina a couple of helicopters to be used for surveillance purposes in connection with terrorists in that country.

In short, our policy toward Argentina has been this: "We do not like your human rights record. You are not like we are. Therefore, we condemn you. We will have nothing to do with you. You will get nothing from us."

And now there are some who wonder why Argentina is just a little bit reluctant to go along in full support of the grain embargo. They need to look only as far as our misdirected, selective human rights policy for an answer.

This is part and parcel of this business of ignoring our friends, or worse, while embracing regimes that are not friendly to us.

I say, Mr. President, that this must stop. We must work with our friends, whether they are perfect or not, and certainly, we must support nations which are trying to remain non-Communist.

### UP AMENDMENT NO. 932

For that reason, Mr. President, I send to the desk and unprinted amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 932.
>
> On page 3, strike line 22 and substitute in lieu thereof the following: "year 1980, of which $35,000,000 shall be for Nicaragua, $20,000,000 for El Salvador, $20,000,000 for Guatemala, and".

Mr. HELMS. Mr. President, regardless of my feelings about the pending legislation, if my friend from Nebraska and other proponents of the bill feel that they can accept this ammendment, I shall be reasonably satisfied. I commend this amendment to their consideration. Perhaps they would like to comment on their reaction to it.

Mr. ZORINSKY. Will the Senator from North Carolina yield?

Mr. HELMS. I am delighted to yield to my friend.

Mr. ZORINSKY. Certainly, the Senator from North Carolina has looked into the needs of many of the Latin American nations with which he is familiar and which he has mentioned in his remarks today. As to some of his statements, I certainly would be supportive of the Senator from North Carolina on another bill and at another time.

Mr. President, I have gone through prolonged hearings and personally looked into the needs and the matters concerning the nation of Nicaragua. I have had conversations with the Nicaraguan Chamber of Commerce, their industrialists, their small businessmen, the Archbishop of Nicaragua and many common citizens of Nicaragua. They have led me to believe that their needs are addressed by this legislation, as proposed by the administration and modified by Senator RICHARD LUGAR of Indiana, who is the ranking minority member on our subcommittee. I do feel that, possibly, some of the suggestions of the Senator from North Carolina may have merit. However, I cannot accept the amendment to this particular bill, due to my feelings about the needs of the nation of Nicaragua as they currently exist.

Mr. TSONGAS. Mr. President, earlier, the Senator from Minnesota got up and spoke about U.S. foreign policy toward the Third World and, I thought, made one of the more enlightened statements that I have heard since I came to Congress 5 years ago. It is my hope that the sentiments he expressed are the wave of the future, not the wave of the past. Only time will tell.

Twenty years ago, Mr. President, people stood up on the floor of this Chamber and said, "Well, maybe Batista was not such a great soul after all," but they never said anything about him when he was in power. "And this fellow, Fidel Castro, we do not like the way he combs his beard, and we have to get rid of him; he is a threat. So the way we are going to get rid of him is to isolate him." And they raised the specter of communism and everybody rallied around the flag and we isolated Castro, all right. He is still in power and most of those who were here and argued that case have long since passed on to the boards of directors of various U.S. firms.

Castro is in power today because we isolated him and gave him no choice but to turn to the Soviets. The people whose arguments resulted in that policy are the same ones who have continued for 20 years to argue for more isolation.

The tragedy of American response, Mr. President, is that, rather than these people being laughed into silence, those people who had a different perspective were afraid of them and did not respond. Our support for Batista is a matter of record.

If you want to understand Castro, go back and look at Batista. If you want to understand what happened in the Dominican Republic, go look at Trujillo. If you want to see what happened in Nicaragua, look at Somoza. If you want to find out what happened in Vietnam, look at Diem. If you want to find out what happened in Cambodia, look at Lon Nol. Look at the Shah of Iran.

At what point does someone, having been hit over the head with a two-by-four, begin to realize that he is making a mistake? All a leader needed for decades, in the John Foster Dulles tradition, to get U.S. aid was to be a Napoleon-like figure, wear a uniform, suppress his people, enrich himself, speak the proper anti-Communist slogans and the proper pro-American slogans, and he had our aid. It did not make any difference what he did to his own people. The values that we embrace at home meant nothing. And eventually, these dictators fell, a vacuum was created, and the radicals took over. Then we wondered what happened.

There are times, I am sure, when the leaders and planners in the Kremlin get discouraged about their capacity to deal with the Third World. They must take comfort then in reading the CONGRESSIONAL RECORD, and knowing that even though they do not have much to deal with, they can depend on the United States to make mistakes.

The United States has had one serious success in foreign aid. It was called the Marshall Plan. The whole basis for the Marshall Plan was that we decided to give the Europeans a reason to believe in the free enterprise system. We believed at that time that our system was better and that they did not need helicopters, they did not need gunships or armored personnel carriers; they needed economic development to give people a stake in the system, to provide, if you will, the milieu for the development of the middle class.

Apparently, we do not believe that any more. We somehow believe that our system, in direct competition with the Soviets, will not be attractive. That is unfortunate, because it happens to be wrong. There are scores of countries that have looked to the United States for economic ties and we delight in spurning them. Then, once having spurned them, we wonder at their hostility and we wonder why they turn to the Soviets. As soon as they turn to the Soviets, that, then, reinforces the original bankrupt policy of spurning them.

This circle of self-inflicted foolishness is not a matter of academic interest. It happens to be U.S. policy. This administration, which knows better, recommends piddling U.S. economic aid amounts—piddling compared to what other countries give as a percentage of GNP and compared to the needs that are out there. The administration does not have the courage to do what it knows is best. This Senate and this Congress go even farther and cut even that piddling amount. Why? Because it plays well back home.

It is my hope, Mr. President, that eventually this Congress, and this administration, and this country, will honestly believe that the U.S. economic system is better—not better in rhetoric, but better in fact; that we can compete with the Soviets, who have very little going for them in the long term, and that if we could simply avoid mistakes, avoid the self-inflicted wounds, we could do quite well.

I say to the Senator from Minnesota that his comments gave me some comfort and, indeed, I hope that when the Soviets and Cubans read the CONGRESSIONAL RECORD and read the comments of the Senator from Minnesota, they will be struck with fear that finally, perhaps, rationality has descended upon the U.S. Senate.

Mr. ZORINSKY. Mr. President, unless the Senator from North Carolina wishes more time on this particular amendment, I would move to table the amendment.

Mr. HELMS. Will the Senator withhold that for a few minutes?

Mr. ZORINSKY. Certainly.

Mr. HELMS. And then we can proceed.

Mr. President, I am not sure that I understand fully the message of my friend from Massachusetts. It is quite a distance to that side of the Chamber. But he said something about not liking Fidel Castro because of the way he combs his beard.

I have no problems with Mr. Castro's beard. My problem with him is that he is a Marxist, totally allied with the Soviet Union. So are all these other Marxist elements that are spawning terrorism throughout Central America.

My problem is that Mr. Castro is part and parcel of the Soviet Union's attempt to dominate this world, a goal which the Soviet Union itself has made clear to us time and time again.

So I have no problem with anybody's beard. It is their motives.

Mr. President, I have been told that just yesterday the Government of Nicaragua closed down the Trotskyite newspaper, El Pueblo in Managua. This is significant in itself as an attack on freedom of the press. But it is even more significant as an attack on the Trotskyite element in the Sandinista revolution. This is a sure sign that the orthodox Marxists—the Soviet linked Marxists—are absolutely in control.

That is the point I would hope to drive home in terms of this bill and in terms of the pending amendment. The Soviet-line Marxists are in control, period.

From the very beginnings, the Bolshevik faction has attacked the Trotskyites.

I understand that the closing of the Trotskyite newspaper is only the latest in a series of actions against the Trotskyite faction. Now of course I hold no brief for either faction. I do not like any Marxist. They are both Communists. But this is clear proof that Soviet oriented Communists have seized absolute control in Managua, period. So much, then, for all the talk about factions in Nicaragua.

It is also significant that the Sandinista government also put pressure on Mrs. Chamoro's newspaper to prevent the publication of a social Christian manifesto attacking the Marxist policies of the government. So much then for the argument that the Sandinistas are moderates, representing a wide spectrum of opinions. Apparently the only opinions permitted in Nicaragua today are orthodox Soviet Communist opinions, and none other need apply.

If I do nothing else with this amendment, Mr. President, tabled though it may be, I will at least have put this Senator on record about the condition as it exists in Nicaragua today.

Finally, Mr. President, the notion that $75 million of the U.S. taxpayers' money is going to keep Nicaragua from going to the left is so preposterous it hardly needs comment. The well-known CIA memorandum on the role of Panama as a conduit for Cuban arms and assistance to overthrow the legally elected Government of Nicaragua made it clear that Castro ordered the Sandinistas to adopt the strategy of a coalition government. They immediately did so. Such coalition governments are always window-dressing to hide Communist control.

Of course the Sandinista regime has so-called moderates and so-called private enterprise elements. It is not hard to find a businessman willing to make money by cooperating with the Communists. That type has existed since the time of Lenin, and Lenin used them cynically to seize power.

The question is, who has control?

Who has the Ministry of Interior and the secret police?

Who has the Ministry of Justice?

Who has the Ministry of Foreign Affairs?

Who has the Ministry of the Economy, and what policies are being followed?

What percentage of industry has been nationalized?

Who controls the credit policies, and the export-import transactions of this so-called free enterprise?

Why have all the banks been nationalized?

Why are the basic industries being run through a state corporation, EDENA. Why is EDENA being run almost exclusively by Communist technicians from Cuba?

The answer to all these questions, Mr. President, is simple. The fact is that Nicaragua is in transition to a Communist-style state under Cuban tutelage.

The whole structure is in place, the funds to be authorized in this bill will be distributed through that structure. Naturally, in a transition process, certain elements of private enterprise remain. But when the funds in this bill are distributed through a Marxist structure those funds will be used to reinforce a Marxist economy. If any private enterprises get assistance through this bill, that assistance will be used to serve Marxist priorities and to render the private enterprises subservient to the Marxist state.

Now I yield to the Senator from Nebraska for his tabling motion, Mr. President.

Mr. ZORINSKY. Mr. President, I move to table the amendment of the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment (UP No. 932) of the Senator from North Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator From Alaska (Mr. GRAVEL), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Michigan (Mr. RIEGLE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Wyoming (Mr. SIMPSON), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The PRESIDING OFFICER. Is there any other Senator in the Chamber who wishes to vote?

The result was announced—yeas 61, nays 26, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—61

Baucus
Bayh
Bellmon
Bentsen
Biden
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Chafee
Church
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Exon
Ford
Glenn
Hart
Hayakawa
Heinz
Hollings
Inouye
Jackson
Javits
Johnston
Kassebaum
Leahy
Levin
Lugar
Magnuson
Mathias
Matsunaga
McGovern
Melcher
Metzenbaum
Moynihan
Muskie
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Ribicoff
Sarbanes
Sasser
Stafford
Stennis
Stevenson
Stewart
Tsongas
Weicker
Williams
Zorinsky

NAYS—26

Armstrong
Boren
Byrd,
  Harry F., Jr.
Cochran
Eagleton
Garn
Hatch
Heflin
Helms
Humphrey
Jepsen
Laxalt
Long
McClure
Morgan
Proxmire
Randolph
Roth
Schmitt
Schweiker
Stevens
Stone
Thurmond
Tower
Wallop
Warner

NOT VOTING—13

Baker
Cannon
Chiles
Goldwater
Gravel
Hatfield
Huddleston
Kennedy
Nelson
Riegle
Simpson
Talmadge
Young

So the motion to lay on the table Mr. HELMS' amendment (UP No. 932) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. ZORINSKY. Mr. President, I yield to my colleague from New York.

Mr. JAVITS. Mr. President, Senator ZORINSKY has taken such a very distinguished personal part in this whole effort and has learned and now knows so much about this problem. He has been down there a number of times. He has really served our country and the Senate so well in that regard. I think it only appropriate that an article about his activities headed "Shift Gears—Senator Backs Latin American Chance," in the Monday, October 29, 1979, St. Louis Post-Dispatch should be part of this RECORD since it represents a culmination of everything that he has done, aided by Senator LUGAR, the ranking minority member on the subcommittee which Senator ZORINSKY chairs.

Mr. President, I ask unanimous consent that the article to which I have made reference be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SHIFTS GEARS: SENATOR BACKS LATIN AMERICAN CHANGE

(By Bob Adams)

WASHINGTON.—On the desk of Sen. Edward Zorinsky, D-Neb., is a booklet from the Omaha Optimists' Club—a small symbol of his conservative Midwestern background.

But in the course of an interview, something else appears on the desk as well—snapshots of Zorinsky shaking hands with triumphant Sandinista guerrilla-fighters in Nicaragua.

The change on his desk symbolizes a significant political evolution on the part of the 51-year-old Nebraskan. Zorinsky is a one-time Republican who whyly notes that he's been described as being "to the right of Attila the Hun" politically. But in his eight months as chairman of the Senate Foreign Relations Subcommittee on Western Hemisphere Affairs, Zorinsky has surprised Washington by emerging as an outspoken champion of change in Latin America.

Last June, with the civil war between the Sandinistas and the U.S.-backed dictator Anastasio Somoza still raging in Nicaragua, Zorinsky startled his colleagues by saying the United States should support the Sandinistas. He even suggested military aid.

"It is time to stop kidding ourselves," Zorinsky said bluntly. "Somoza will have to go, and we must do our part in helping to get rid of him."

More recently, Zorinsky mocked what he believed was a false crisis over 2000 to 3000 Soviet combat troops in Cuba. While Sen. Frank Church, D-Idaho, usually a Senate liberal, was demanding the withdrawal of the troops, and President Jimmy Carter called the status quo intolerable, Zorinsky said the panic was absurd.

"There is a ridiculous quality to the issue, and the whole town knows it—but nobody really has the guts to say it," he declared.

He went on to ridicule the hoopla as "Fortress Fidel, an American political comedy starring Woody Allen"—hardly the kind of thing the Optimists Club would expect from a conservative.

Zorinsky is quick to point out that he hasn't suddenly gone soft on communists. Rather, he believes that blind U.S. support for unpopular dictators like Somoza, simply because they claim to be anti-communist, plays into Fidel Castro's hands.

Why, Zorinsky asks, should the United States forever be on the wrong side of popular revolutions—and drive the revolutionaries into Castro's arms?

"Somoza kept repeating that there were only two choices—him or the Communists," Zorinsky said in an interview. "But I did some research on what a 'Sandinista' was.

"I found that Sandino, after whom the movement was named, expelled Marxists from his own revolutionary group. I found that the Sandinistas in Nicaragua represented a broad spectrum of society—church groups, chambers of commerce, industrialists, business people, politicians, Marxists.

"And when you added all this up, it totaled about 90 percent of the people. That led me to believe that when 90 percent of the people believe the government should be changed, that's the side the United States should support. It's just common sense and logic.

"The State Department," he observed tartly, "has proven again and again that we can be on the losing side in foreign affairs. We have a unique propensity for alienating people who, under normal circumstances, should be our friends." Zorinsky acknowledges that this approach doesn't always play well in Nebraska. He got some letters from constituents criticizing him for "helping the communists in Nicaragua." But he says most Nebraskans are taking a wait-and-see attitude. And he believes the Midwest may be more ready for a fresh approach than is commonly realized.

"I think people are tired of the old communist-under-every-bush approach," he says flatly. "I think until I'm proven wrong, the people will give me a chance."

He points proudly to an editorial in the Kearney County News—straight from the Grain Belt—praising him for breaking through "the barriers of indifference and ignorance that keep up Yankee gringos from understanding what is happening with our neighbors to the south."

Nobody was more surprised at Zorinsky's emergence as a spokesman for certain Latin American radicals than Zorinsky himself. Little in his background foreshadowed it.

Zorinsky, who was in the tobacco and candy business, had been active in Republican politics and became mayor of Omaha in 1973. In 1976, he decided to run for the seat of retiring U.S. Senator Roman Hruska. But Hruska had somebody else in mind as the Republican nominee. So Zorinsky bolted his party, became a Democrat, won the election against Hruska's hand-picked candidate.

In the Senate, Zorinsky's voting record has been conservative. In 1978 the conservative Americans for Constitutional Action gave him a 74 percent approval rating; the liberal Americans for Democratic Action gave him only 25 percent. Before joining the Latin American subcommittee, he voted against the Panama Canal treaties.

Zorinsky's involvement with Latin America was something of an accident. He had sought a spot on the Senate Foreign Relations Committee because grain exports were important to Nebraska. As a freshman senator, he was last on the list when subcommittee chairmanships were handed out. He wound up with Latin America.

"I had never been south of the Pisces Hotel in Acapulco," Zorinsky noted. He also didn't speak Spanish. "But I decided to learn what I could about our policies in Latin America."

On Capitol Hill and at the State Department, the people who deal with Latin America says he learned a lot, very fast.

"It's amazing how much he's learned in the last eight months, and how hard he's worked at it," said one State Department official who doesn't always agree with Zorinsky. "He's certainly been a forward looking force on the Nicaraguan question," said another State Department source. "I wouldn't describe him as a liberal. He's more of an eclectic. He wants to hear what we have to say. But he has a way of making up his own mind."

"He's really made himself accessible to people," says Robert H. Dockery, staff director of the subcommittee on Latin America, who notes that Zorinsky has even removed the door from his office.

When the Sandinistas won in Nicaragua, Zorinsky decided to make an on-the-spot inspection. He arrived last August, two weeks after the take-over, when the sounds of rifle fire still crackled in the humid night air.

He said he was impressed with the leadership of the new government—particularly with their determination to be judged on their own merits rather than according to any ideological stereotype. He noted that although there are Marxists among the Sandinistas, there are democratic elements, too.

U.S. aid to rebuild the war-ravaged country is critical, Zorinsky believes, in encouraging the moderates there. Otherwise, they may have no place to turn but Cuba.

"We have an opportunity to create a model for all of Latin America," Zorinsky said. "Nicaragua can show that a revolution doesn't have to end in communism. It can end in a moderate government. If there's going to be a Cuba in this hemisphere—if there's going to be a defender of the rights of people—it ought to be us, the United States of America."

The same pragmatism characterized Zorinsky's response to the recent controversy over Soviet troops in Cuba. Instinct told him that politics was creeping into the fray. His own research confirmed it.

"I went to the briefings and saw the photos and the intelligence reports," Zorinsky said. "It was quite obvious that those troops had been there quite a while, and that the magnitude of the problem was being overblown."

On a broader scale, Zorinsky calls on American foreign policy-makers to treat Latin American nations as equals—something Latin Americans have sought, for the most part unsuccessfully, in their long history of relations with the U.S. Recently, Zorinsky was one of a handful of Democrats to vote against the nomination of former Rep. Robert Krueger of Texas as a special coordinator for Mexican affairs. Zorinsky saw the move as patronizing to Mexico—and as a political payoff to Krueger, who lost a Senate election in 1978.

Zorinsky's blunt-speaking ways and his refusal to play the Washington game have sometimes rubbed his colleagues the wrong way. He recalls turning down a diamond-studded pin offered by the Senate to all incoming Senators—and then being chastised by two Senate wives whose husbands were afraid to wear theirs as a result. "These kinds of things don't ingratiate you," he observes wryly.

He has given back $1 million in allocations for staff salary and office expenses since he was elected in 1976, and challenged other senators to join his "million-dollar club." So far no takers.

"I've been chastised in the past by some of my colleagues for being too outspoken," observed the senator from Nebraska. "And maybe it's true. But I don't know any other way."

Mr. ZORINSKY. Mr. President, I wish to thank my distinguished colleague from New York, Senator Javits, and also all those staff people who worked so diligently to provide the backup information. In the long hours of hearings, the dedicated devotion of the staff members to this effort was especially valuable.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I have believed always and continue to believe and will in the future that as a Member of this body, Members in expressing themselves and in passing their votes express themselves in good conscience and follow that conscience through to the decision process of voting yea or nay.

I will not refer to the vote in reference to the amendment proposed by the Senator from North Carolina, but I do wish to call attention to what I believe is an error in the logic of the Senator from Massachusetts (Mr. Tsongas) who spoke in reference to Castro and the attitude of people in this country who are against him, indicating that perhaps if not fully we are against Castro because he wears a beard.

I am going to use these few moments to indicate that I am against Fidel Castro because he is a foe of freedom, against human rights. He is not a humanitarian.

I hope you will allow me this brief but accurate story of what happened to Col. James B. McCauley, who was my friend.

McCauley was a successful manufacturer in this country. He operated a plant in Bristol, Va., near Kingsport, Johnson City, Tenn. He was interested, through friends, in having a plant established in Cuba.

He went there not as one who wanted to pull out profits from Cuba but to give employment, very frankly, except for a few key personnel, to needy Cubans who would be employed in that enterprise.

When Fidel Castro took over, James B. McCauley quickly made a trip to see what was happening to his plant.

In driving to the plant the Castro forces pulled him off to the side of the road, threw Col. James B. McCauley, a former Air Force officer of the United States, into the ditch, and burned his car before his very eyes.

His plant was expropriated. He never received during his lifetime—he died disillusioned—a single penny from the U.S. Government, certainly not from the Castro regime, for what had been done to him in an effort to be one of those good Americans, as I speak of them, who are not interested in the length of a beard or the haircut of an individual but are interested in the record, and the record is that Fidel Castro does not have and should not have, in my opinion, the support of the United States of America.

Now, I would not rise in this way except to say that I think I heard correctly when Senator Tsongas made this statement this afternoon during debate—and if I am in error as to what he said I would want to be corrected—and it is not to refer to the vote but only to say that there are those of us who, I think, even though we do not speak too often on these matters on the floor, but out of an experience such as I have documented, give an indication of what Fidel Castro believes in and what his government stands for, his pro-Soviet Union regime on which he thrives.

Mr. STONE. Mr. President, the bill which we will shortly vote on on final passage provides a large sum of money to Nicaragua and no money to Honduras, Guatemala, or El Salvador.

Mr. JAVITS. Correction, Honduras receives $5 million.

Mr. STONE. A sum of $5 million for which country?

Mr. JAVITS. Honduras.

Mr. STONE. Honduras.

El Salvador is currently being torn to shreds by radicals on both sides, radicals on the left and radicals on the right, but particularly on the left.

El Salvador changed its government some weeks ago and was immediately supported in that change by the U.S. Government with words, not with tangibles.

El Salvador is going down the chute fast. It may not be able to last more than a few more months, and the pace at which we consider assisting them to survive against the radicalism and terrorism that we see every day is a snail's pace indeed.

The Senator from North Carolina's amendment would have made some priority allocations of funding to El Salvador and to Guatemala, which is next in line.

Members of the Senate, we are going to hand a large sum of millions to the Sandinista government which last week received a high-level delegation of experts from the Soviet Union to assist them in managing their economy.

It is too late to buy their loyalty or friendship to the United States. It is too late to think that you are going to divert the leadership or Government of Nicaragua from a pro-Castro, pro-Soviet foreign policy which you will see develop as soon as they have our money.

I read the following text of a dispatch from Managua, 18 January:

> Managua, 18 Jan.—Five officials of the Soviet Union's departments of planning and foreign trade arrived here today to discuss the activation of trade between that country and Nicaragua. The group will spend 2 weeks in Nicaragua, advising the Sandinist government also on the development of the 1980 economic reactivation plan. The principal officials in the Soviet delegation are N. V. Noviev [name as received], a Foreign Trade Ministry official, and V. S. Koshentayevskiy, a member of the State Planning Commission.
>
> Meanwhile, the Sandinist National Liberation Front (FSLN), through General Directorate Secretary Rene Nunez, today rejected Guatemalan reports that FSLN members, including Comdr Eden Pastora, had participated in an international meeting of guerrillas to prepare an offensive against the Guatemalan Government. Today it was also learned that the Nicaraguan Foreign Ministry is preparing a reorganization of its diplomatic corps in the Central American area, which includes the replacement of its ambassadors in Panama and Costa Rica, Jose Pasos and Edelberto Torres, respectively.

Members of the Senate, you are doing the wrong thing. This is a wrong act. There are humanitarian motives that prompt us to help people who are the subject of turmoil in Nicaragua, but for this to be an exclusive aid bill to Nicaragua in hopes it is not too late to change their bent is nonsense, and for us not to do anything for El Salvador months and months after all of the press of this country pointed out what was happening as recently as yesterday in all the national press in America, we have seen the kinds of terrorism that have taken place there, and we are not doing anything about it.

Mr. JAVITS. Mr. President, will the Senator yield? He is wrong. He just happens to be 100 percent wrong. I would never debate this with the Senator, except on his facts.

Mr. STONE. I yield to the Senator. Go right ahead.

Mr. JAVITS. On page 3, top of the page of the committee report—please look at it—it says:

> In addition to the request for "new money," the Carter Administration also announced the reprogramming of $50–$70 million for countries in Central America and the Caribbean. The reprogramming effort was designed to cover the following:
>
> $5.0 million in Economic Support funds for El Salvador;
>
> $25–35 million in development assistance funds for El Salvador and Honduras;
>
> $10 million in development assistance funds for the Eastern Caribbean to be distributed by the Caribbean Development Bank;
>
> $10–20 million in Foreign Military Sales credits and International Military Education and Training for Central America and the Caribbean.

On the latter reprograming, on my motion we added $3 million to the bill—$2 million for military materiel and $1 million for military training in the countries of the area that so negotiate with the Department of State.

So those are simply facts. I have no complaint about whatever the Senator may argue on his views of the issue.

Mr. STONE. The announcement of reprograming has been made and made and made and Ambassador Bowdler made it again a few days ago. And I have written the Secretary of State this week saying, "Where is the money?"

The point is, we have not got it. The point is, when an amendment was made to put it in this bill, it was rejected. The point is El Salvador goes week after week after week being promised, but no money.

Mr. JAVITS. Will the Senator yield again?

Mr. STONE. Yes.

Mr. JAVITS. The same is true of Nicaragua. This is an authorization bill. It has yet to be appropriated.

The foreign aid appropriation bill right now is locked in combat in conference committee. Senator INOUYE is here and he will tell you that.

Mr. STONE. The point is El Salvador is at a very great risk of falling. Nicaragua has already changed their government. We are moving with deliberate speed to help them with financial aid, although I tell you that the thought and the hope of that financial aid is misguided and misplaced and it will not work.

But there is a chance to save El Salvador from being dominated by the leftists and the Marxists. But that chance is being wasted while we talk about reprograming. Incidentally, no new money, except for some housing guarantees that will never be used; $15 million in housing guarantees for El Salvador that you will find will not be used because of the risks down there. But the reprograming money that has been promised has been promised and promised and promised.

I assure the Senator from New York that I have met with the administration officials many times. Finally, after not getting it, I wrote a letter a few days ago to the Secretary of State: "When, oh, when are we going to have it?" Day after day you see the situation worsen in El Salvador, while we go leisurely on our way in the Central American situation.

Mr. JAVITS. Will the Senator yield further?

Mr. STONE. Yes.

Mr. JAVITS. Just two points, and then I shall be through.

As to the reprograming, that, too, has to be approved, I believe, by the Appropriations Committee. So that they are both in the same hands.

Second, I would assure the Senator, for myself, that I will dedicate myself to seeing that both of these matters proceed in tandem. As I say, I do not want to debate with the Senator on the merits of the issue. There is very serious worry in El Salvador as to whom you will be giving your money to.

The Senator says there is the same doubt in Nicaragua.

Mr. STONE. Oh, no.

Mr. JAVITS. No. What I meant is as to the type of government that is in office and whether it is going to be right, left, middle, or what.

Mr. STONE. It is very simple. The coalition now in control in El Salvador has the support of the U.S. Government. It has been broadened to include the Christian Democrats. It was broader yet.

But when we did not provide any aid, a lot of the members of that coalition flaked off. And it is getting worse again, as we go leisurely on our way. Even in tandem is not good enough, I submit to the Senator. It is not fast enough. That country is going down the tube in a matter of weeks. The best we have there is months.

Yet we have a chance for revolution, for orderly change, and all we get is promises, frankly, of reprograming and no new money.

All I am saying is this bill which we are about to pass, and which I will happily vote "No" on, is not going to do what you think. It is going to be wasted money.

What is worse, we are not concentrating on the proper priority, which is to save the rest of Central America, including Guatemala, where oil has been discovered near the Mexican field, to save it from going down.

Mr. JAVITS. If I may just give the Senator and the Senate one additional fact.

I have just been informed by the committee staff that under the continuing resolution, funds have been reprogramed for El Salvador. These are actual funds of $25 million in development assistance, $5 million in economic support funds, and $2 million in Public Law 480. So El Salvador is not being neglected.

Mr. STONE. I beg to differ that it has been neglected. It is being neglected. The money is not on the way and we are in bad shape in El Salvador, I have checked as recently as today, the committee staff to the contrary, notwithstanding.

Mr. STEVENS. Will the Senator yield for purposes of making an inquiry to the majority leader?

Mr. ZORINSKY. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to ask the distinguished majority leader if there will be further votes this evening and if he has an idea of where we are going to go tomorrow after we finish this?

Mr. ROBERT C. BYRD. Mr. President, the rollcall vote on final passage of this bill will be the final vote today.

On tomorrow, the Senate will proceed to resume its consideration of the social security disability bill. There has been some action on that bill several days ago, I believe, last fall, as a matter of fact. It is under a time agreement.

The Senate will resume action on that at about 10:30 tomorrow morning. I understand there are a dozen amendments or more, so there will be rollcall votes throughout the day tomorrow.

Mr. STEVENS. I thank the Senator.

Mr. THURMOND. Mr. President, I rise today in opposition to the Special Central American and Caribbean Security Assistance Act of 1979. My primary objection to this bill is addressed to the foreign aid it gives to Nicaragua. While it is clear to me that, in some instances, the economc assistance we give to lesser developed countries benefits not only them, but ourselves as well, I am not convinced that such would be the case with Nicaragua.

Mr. President, when Nicaraguan President Anastasio Somoza was overthrown and a new government was set up composed of former guerrilla and civic leaders, there was hope that a fully democratic system would be established. It was hoped that the human rights so long violated in this Central American country would now be honored.

Unfortunately, this has not been the case. There is every indication that the new government is highly unstable, that several thousand Cuban troops are present in the country, and that the leaders of the new coalition are decidedly pro-Marxist. For us to now channel money to this country would do nothing more than fuel the flame of Marxist control. It would only make the Soviet and Cuban goal of adding Nicaragua to the list of Communist-controlled countries in Central America that much easier. There is no question in my mind that money given by us to the present government would be used to help achieve Marxist objectives of the leaders in power. For the Senate to authorize this expenditure would be an irresponsible act, especially in the face of the growing worldwide Communist threat, spearheaded by the Soviet Union. For these reasons, I must oppose this legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. ZORINSKY. Mr. President, I ask for the yeas and nays.

**The PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

**The PRESIDING OFFICER.** The bill, having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

**Mr. CRANSTON.** I announce that the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from Alaska (Mr. Gravel), the Senator from Kentucky (Mr. Huddleston), the Senator from Massachusetts (Mr. Kennedy), the Senator from Michigan (Mr. Riegle), and the Senator from Georgia (Mr. Talmadge) are necessarily absent.

**Mr. STEVENS.** I announce that the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), and the Senator from North Dakota (Mr. Young) are necessarily absent.

**The PRESIDING OFFICER.** Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 55, nays 34, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—55

Baucus
Bayh
Bellmon
Bentsen
Biden
Boschwitz
Bradley
Bumpers
Chafee
Church
Cohen
Cranston
Culver
Danforth
DeConcini
Domenici
Durenberger
Durkin
Ford
Glenn
Hayakawa
Heinz
Hollings
Inouye
Jackson
Javits
Johnston
Kassebaum
Leahy
Levin
Lugar
Magnuson
Mathias
Matsunaga
McGovern
Metzenbaum
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Ribicoff
Sarbanes
Sasser
Schweiker
Stafford
Stevens
Stevenson
Stewart
Tsongas
Weicker
Williams
Zorinsky

NAYS—34

Armstrong
Boren
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cochran
Dole
Eagleton
Exon
Garn
Hart
Hatch
Heflin
Helms
Humphrey
Jepsen
Laxalt
Long
McClure
Melcher
Morgan
Pressler
Proxmire
Pryor
Randolph
Roth
Schmitt
Simpson
Stennis
Stone
Thurmond
Tower
Wallop
Warner

NOT VOTING—11

Baker
Cannon
Chiles
Goldwater
Gravel
Hatfield
Huddleston
Kennedy
Riegle
Talmadge
Young

So the bill (S. 2012), as amended, was passed as follows:

S. 2012

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Special Central American and Caribbean Assistance Act of 1979".

Sec. 2. Chapter 4 of part 11 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

Sec. 536. Central American Economic Support.—(a) The Congress finds that economic growth, political stability, and the development of free institutions in Central America are important to the national interests of the United States. The Congress further declares and finds that the United States can and should play a constructive role in helping to achieve these goals and that United States assistance is necessary and appropriate for Nicaragua and other countries in Central America.

"(b) To carry out the purposes of this chapter, there are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, not to exceed $80,000,000 for the fiscal year 1980, of which $75,000,000 shall be for Nicaragua and $5,000,000 shall be for Honduras. Such amounts are authorized to remain available until expended.".

Sec. 3. (a) There are authorized to be appropriated—

(1) pursuant to the policy and general authority of chapter 2 of the Arms Export Control Act, in addition to funds otherwise available for such purposes, $2,000,000 for the fiscal year 1980 to guarantee the financing of credit sales of defense articles and defense services to countries in Central America and the Caribbean under sections 23 and 24 of the Arms Export Control Act; and

(2) pursuant to the policy and general authority of chapter 5 of the Foreign Assistance Act of 1961, in addition to funds otherwise available for such purposes, $1,000,000 for the fiscal year 1980 for military education and training in Central America and the Caribbean.

(b) The funds appropriated pursuant to this section are authorized to remain available until expended.

Sec. 4. (a) Not later than sixty days after the date of enactment of legislation appropriating funds to carry out the provisions of section 536 of the Foreign Assistance Act of 1961 and thereafter, except as provided in subsection (b), at intervals of not more than three months, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report on assistance for Nicaragua from the United States and other sources, including—

(1) the amount of funds furnished by the United States and expended since the transmittal of the preceding report or, in the case of the first report, since the date of enactment of such appropriations legislation, and the purposes for which such funds were expended;

(2) the amount of funds furnished from sources other than the United States and expended since the transmittal of the preceding report or, in the case of the first report, since the date of enactment of such appropriations legislation, and the purposes for which the funds were expanded;

(3) the status of private enterprise and ownership of property in Nicaragua, including information concerning the nationalization or expropriation of property of United States citizens, and specific measures the United States Government has taken and intends to take respecting such nationalization or expropriation;

(4) the status of freedom of the press and other communications media in Nicaragua; and

(5) a statement that the Government of Nicaragua has not engaged in activities referred to in section 502B(a)(2) of the Foreign Assistance Act of 1961.

(b) The President is not required to prepare and transmit a report under this section if, at the beginning of the period to be covered by such report, all of the funds appropriated under section 536 of the Foreign Assistance Act of 1961 have been expended.

The title was amended so as to read:

A bill to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America and the Caribbean.

**Mr. ZORINSKY.** Mr. President, I move to reconsider the vote by which the bill passed.

**Mr. LUGAR.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

**Mr. ROBERT C. BYRD.** Mr. President, thanks are due to the members of the Foreign Relations Committee and its fine staff for the careful work that went into the preparation of the report on S. 2021. This work reflects well on the committee chairman, the distinguished Senator from Idaho (Mr. Church) and on the ranking minority member, the distinguished Senator from New York (Mr. Javits).

Particular thanks are due to the bill's managers, the distinguished Senator from Nebraska (Mr. Zorinsky) and the distinguished Senator from New York (Mr. Javits). Mr. Zorinsky is chairman of the Latin American Subcommittee of the Foreign Relations Committee and, therefore, particularly well versed in these matters. Both these gentlemen are to be commended for their able handling of this bill, particularly for agreeing to call up this bill with less advance warning than the leadership is usually able to give them and for the skill with which they managed the bill throughout the afternoon.

I particularly express my thanks to them for seeing the bill through to completion on this day. This is a bill that was not supposed to have passed until Friday of this week.

I also express appreciation to the members of the Committee on the Budget on both sides of the aisle for their expeditious handling of the waiver that made it possible for this bill to be called up today.

**Mr. ZORINSKY.** Mr. President, if the distinguished majority leader will yield, I thank him for his kind compliments. I think that, once again, he has illustrated his ability and tenacity in scheduling the Senate in a timely manner and recognizing the windows when they are open in order to bring this legislation to the U.S. Senate. For that, I thank him. It was a team effort all the way around, with his leadership.

**Mr. ROBERT C. BYRD.** The Senator is very kind.

## ROUTINE MORNING BUSINESS

**Mr. ROBERT C. BYRD.** Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business not to exceed 15 minutes and that Senators may speak therein up to 5 minutes each.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

## THE WINTER INSTITUTE ON SCIENTIFIC CREATIONISM

**Mr. JEPSEN.** Mr. President, a few weeks ago, Mr. H. B. Wagoner of Des

Moines, Iowa, informed me that the Institute for Creation Research was conducting a course at Graceland College in Lamont, Iowa, entitled the "Winter Institute on Scientific Creationism." To Mr. Wagoner's knowledge, this was the first scientific creationism course to be offered in Iowa, for which course credit was given. The class was offered the week of January 14–18 for 3 semester hours of credit.

Courses on the theory of evolution have, for many years, been standard fare in universities all over the country, and it has been generally maintained that creation has been intellectually discredited and has no support in the scientific community, other than that based on religious faith. Information from the Institute for Creation Research, however, reveals that a growing minority of scientists are asserting that the laws and principles of science are remarkably in accord with the concept of creation by a supernatural Creator. I am, therefore, very pleased to see that a course such as this is being offered and that it is being offered for college credit to boot.

## NATIONAL FAMILY BUSINESS PRESERVATION ACT OF 1980

Mr. STEWART. Mr. President, I commend the distinguished chairman of the Senate Select Committee on Small Business for introducing the National Family Business Preservation Act of 1980. The small business community of this country spoke out loud and clear on the issue of preserving the family-owned business at the recent White House Conference on Small Business, where over 1,500 delegates from each of the 50 States established the preservation of the family-owned business as one of the top three priorities on the small business legislative agenda for the 1980's.

The landmark legislation Senator NELSON has introduced goes to the heart of one of the most serious problems facing family-owned small business today—an antiquated tax structure which makes it virtually impossible for ownership of a small business to remain within the family after the death of the principal owner. Under current tax laws, the surviving family members frequently have no choice but to sell off the family business in order to pay the stiff estate tax. In many instances, these small businesses do not remain small businesses, but rather are swallowed up by large and impersonal corporate organizations. Unless action is taken to stem this tide, the family-owned small business, the living embodiment of the American free enterprise system, may very well become a thing of the past.

Specifically, the National Family Business Preservation Act of 1980 would enable family members who inherit a small business to exempt one-half the value of a family-owned business up to a maximum of $500,000 from Federal estate taxes. Under current law, the maximum which can be exempted from the estate taxes is $175,000. In this time of spiraling inflation, the restrictions established under the old law are simply insufficient to enable family-owned businesses to be handed down from father or mother to son or daughter.

An important provision of this carefully drafted legislation ensures that this larger exemption will not become a tax loophole, subject to abuse by heirs who have no interest in maintaining the family business. In order to actually qualify for the tax exemption, the family would have to actively own and operate the business for a minimum of 5 years after the death of the parent. If control of the business was relinquished before the 5 years had elapsed, the heirs would be liable for the full amount of the exemption.

Why, you might ask, should we be so concerned about preserving the family-owned small business? Well, for one thing, it is certainly a heart-rending spectacle when the children of parents who have spent a lifetime building a small business are denied the opportunity to carry on the family tradition of entrepreneurship and service to the community.

But I think the problem runs deeper than the considerable personal tragedy involved. In these days when it is so difficult for the consumer to get satisfaction, when shoddy workmanship has almost become a way of life, the family owned and operated small business remains a bulwark of integrity. Nobody takes more pride in his or her work, in the quality of the product or the service provided, than a small businessperson. When there is a family tradition to uphold, the qualities of pride, integrity, and personal responsibilty for the performance of the business become that much greater.

It is the responsibility of Congress to provide an atmosphere conducive to the health and growth of small business in this country. Small businesspeople are not looking for any special advantages for preferential treatment; they simply want a fair opportunity to continue to exist in the American free enterprise tradition. The National Family Business Preservation Act of 1980 addresses an inadequancy in the Federal estate tax laws which threatens the very survival of an integral segment of the small business community. It does so in a straightforward and equitable manner, and I would therefore urge speedy passage of this legislation.

## THE 1980 OLYMPICS

Mr. STEWART. Mr. President, the question of whether we should go to the Olympics has been hotly debated this week in Alabama, Washington, D.C., and all over the Nation.

I firmly believe that Moscow is no place for international games based on goodwill and international cooperation since the Russians have violated the very purpose and meaning of the Olympics. Thus I have supported a Senate resolution that urges the International Olympic Committee to either relocate the Olympics or else face an American boycott of the 1980 games.

A few have argued that the Olympic boycott is an empty gesture to Moscow and that the only people hurt will be our American athletes. I strongly disagree.

As just one point of proof, take a look at the economics involved here. The Russians have been preparing for some 30,000 American tourists to attend the Moscow-based games. Using this estimate those Americans could have been expected to pour, over $60 million into the Russian economy just on travel, meals, and lodging alone. And these are only starting figures that do not include the dollars that would be spent on first-class accommodations, travel outside of Moscow, and souvenirs.

The Russians have stated that they have spent $350 million for the Moscow games, but more reliable sources have stated that the figure is closer to $3 billion. Frankly, it is dangerous nonsense to feed the Soviet economy so that their power-hungry leaders can have even more funds to fuel their troops in foreign lands. Let us not be so naive—the guns they are building are aimed at all of us and all nations of the free world.

Obviously, an American boycott of the Olympics is not an empty gesture. Through our boycott of this would-be prestigious occasion for the Soviets, we are clearly telling the Russians in a language they understand—greenback U.S. dollars—that we will neither condone nor ignore their ruthless invasion of a sovereign country.

Of course economics are not the only issue here. The Russians intend to use these Olympics as a snow job for international approval and credibility of their totalitarian regime. Not only have they invaded another country, but internally they have exiled many of their own citizens such as Andrei Sakharov, a Nobel Prize-winning laureate who dared to speak out against Soviet injustice. Under disturbingly similar conditions, we failed to boycott 1936 Olympic games and thereby gave credibility to Hitler and his Nazi regime. Let us not do the same with the Soviets and the 1980 games.

Without doubt we all share a deep regret with our athletes, sport enthusiasts, and all people who have looked to the Olympics as a symbol of world peace and cooperation. I have watched Jenni Chandler, our Olympic diver from Lincoln, Ala., develop into a promising Olympian and a fine young woman. Jenni has pledged her full support to the American position and stands willing and ready to boycott these Olympics. I am sure that all Alabamians join me in lauding the valiant stand of this young American.

The only reasonable step that the International Olympic Committee can make at this time is to move the Olympics to a more deserving country. But if they refuse to change the official site, let them know Americans will not participate in the hypocrisy of celebrating an international competition within a country that has no regard for the self-determination of individual nations.

## THE KENNEDY DECLARATION OF CONSCIENCE

Mr. McGOVERN. Mr. President, our colleague, (Mr. KENNEDY) has delivered an address that should be carefully pondered by every citizen who covets a future of peace and prosperity for the United States. The Senator from Massachusetts in an appearance at Georgetown University yesterday, has offered a declaration of conscience that seeks to convert the 1980 Presidential campaign into an examination of the central issues before the Nation.

Thoughtful commentaries on the Kennedy speech have been offered in today's press by Mr. David Broder of the Washington Post, by Mary McGrory of the Washington Star, and by Jack Germond and Jules Witcover of the Washington Star. I ask unanimous consent that the text of Senator KENNEDY's address and the three mentioned articles be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### ADDRESS OF SENATOR EDWARD M. KENNEDY

Five days ago President Carter announced a doctrine—a doctrine that would define the area of the Persian Gulf as an American vital interest and that could commit the American people to military intervention in defense of this area.

The question that requires careful consideration is what does this Carter Doctrine mean for the world—and for our own country.

Many Americans feel that once the President of the United States has made an assessment and set a course, the rest of us should stand silent in the ranks even if we have a different view of the national interest. That is not the lesson of our liberty—or the heritage of our history.

Forty years ago, when the Nazis swept across the Low Countries and France, a far more urgent threat to our security, there was no suspension of the public debate—or the presidential campaign. If we could discuss foreign policy frankly when Hitler's panzers were poised at the English Channel, surely we can discuss foreign policy when the Soviet Union has crossed the border of Afghanistan.

If the Vietnam war taught us anything, it is precisely that when we do not debate our foreign policy, we may drift into deeper trouble. If a President's policy is right, debate will strengthen the national consensus. If it is wrong, debate may save the country from catastrophe.

So I make no apology for raising questions about the Carter Doctrine. The exercise of dissent is the essence of democracy. Whether we are citizens or candidates, we have not only the right but the obligation to deal with issues that may shape—or shatter—our future.

All of us condemn the brutual Soviet invasion of Afghanistan. This wanton act of aggression has aroused the conscience of America—and of all the world. It must be met with an appropriate response by the United States and all our allies.

But is this really the gravest threat to peace since World War II? Is it a graver threat than the Berlin Blockade, the Korean war, the Soviet march into Hungary and Czechoslovakia, the Berlin Wall, the Cuban Missile Crisis, or Vietnam? Exaggeration and hyperbole are the enemies of sensible foreign policy.

In fact, the Russians have dominated Afghanistan not for four weeks, but for 22 months. Years ago Afghanistan passed under Soviet influence. It passed behind the Iron Curtain, not in 1980, but in 1978, with hardly a word of regret from the Carter Administration. When two Marxist regimes in Kabul failed to put down Afghan resistance, the Russians decided to install a third regime and to put down the insurgency themselves. Afghanistan, as they saw it, was slipping away.

President Carter confessed that he was "surprised" by their action. For many months, the Administration had ignored the warning signals. The American Ambassador to Afghanistan was killed in Kabul last February while Soviet military advisers looked on. We were aware well in advance that the Russians were massing their forces. But the Administration said virtually nothing until after the invasion, when they drew a line in the dust that was already rising from the tread of Soviet tanks.

Afghanistan is 7,000 miles away. Only 90 miles from our shores Moscow had already seen a Carter line that did not hold. Last fall, the President said Soviet combat troops in Cuba were unacceptable. But soon he changed his mind. He charged up the hill—and then charged back down.

Theodore Roosevelt once warned: "Don't bluster, don't flourish your revolver, and never draw unless you intend to shoot."

The false draw in Cuba may have invited the Soviet invasion of Afghanistan.

This is a real crisis, but it is also part of the recurrent condition that has periodically disturbed the peace for a third of a century. It must be countered. But it must not become so consuming that we lose sight of more vital interests. For example, this nation has an important stake in the independence of Yugoslavia. If President Tito were to die while we were preoccupied in the Persian Gulf, the Soviets could be tempted to launch an attack on Yugoslavia—a country that President Carter as a candidate declared he would not defend.

A measured response to the potential threat in the Persian Gulf must reflect certain principles that will prove less hazardous and more effective than a unilateral and unlimited American commitment.

First, this is not just our problem. It is a greater problem for nations that have a greater dependence on Middle East oil. We must seek their views and act in concert. We cannot impose policies on NATO and Japan; but together, we can set a common policy. This is even truer of the Islamic states, the countries that could be most menaced by Soviet adventurism. It is impractical to rely on a doctrine that requires us to stand astride the Persian Gulf solely on our own.

Second, we must not discount condemnation of Soviet aggression by the international community. This is important, but not because the Russians are moved by world opinion. They are not. It is important because the Soviet Union now finds itself estranged from the Third World—a result that will gravely handicap the Russians in lands they have previously regarded as their private hunting ground. This reaction runs deep in the Moslem world, where Arab nationalism and Moslem religious feeling can become a powerful force against Soviet ambition.

Third, American naval and air forces should be strengthened in the area. We must recognize, however, that such forces alone cannot secure control of a great land mass. But an enlarged presence, including carefully selected military facilities, could have a deterrent effect on the calculations of the Kremlin. And with our allies, we should increase military aid to nations that may have to face the Soviet threat.

Fourth, the greater threat to these nations is often internal decay and subversion, not external aggression. Military aid is not enough. We must also provide economic assistance and political support. Saudi Arabia and its neighbors must be strengthened against subversion from the PLO and other Soviet surrogates. And we must help Pakistan help the million refugees who are pouring across the border from Afghanistan.

Fifth, mutual assistance must be mutual. In return for strengthening their defense, the oil producing states should assure a more certain oil supply at reasonable prices. We should negotiate an arrangement that enhances both their national security and the energy security of NATO, Japan, and the Third World.

Sixth, we must not over-react to the present crisis in ways that undermine the security of Israel. That democracy is our most stable and dependable ally in the Middle East. We must not barter the freedom and future of Israel for a barrel of oil—or in a foolish effort to align the Moslem world with us, whatever the cost. Indeed, Egypt and Israel together already constitute a bulwark against Soviet expansion—and the cornerstone of the wider alliance we must seek.

Even as we take these steps, even as we express our abhorrence of the aggression in Afghanistan, let us not foreclose every opening to the Soviet Union. This is not the first abuse of the Soviet power, nor will it be the last. And it must not become the end of the world. Ten months after the Cuban missile crisis—a far greater threat to American security than Afghanistan—the United States Senate ratified the nuclear test ban treaty by an overwhelming vote. The task of statesmanship is to convince the Russians that there is reason for fear, but also reason for hope, in their relations with the United States.

America should be not only a powerful military force, but a continuing force for arms control. We should not hesitate to stand for human rights, including the most basic of all human rights—the right to survive and to live in peace, free from the fear of nuclear war.

Nor does a regional crisis justify a reflex decision to spend many billions more on defense systems that have no relevance. Afghanistan highlights the necessity for improving our conventional forces and increasing our military readiness, but it is hardly an excuse for haste on nuclear weapons like the M-X missile. Needless weapons drain the resources to pay for needed ones.

Above all else, we must realize that symbols are no substitute for strength. And in the State of the Union message President Carter offered a new symbol. He requested funds for computer runs to register young Americans for the draft. He said this step could "meet future mobilization needs rapidly, if they arise." But draftees, who take six months to train, would be a very slow deployment force. Registration now would save only 13 days in the event of mobilization. If registration and the draft were essential in a real emergency, there would be no dissent from me or most Americans. But I oppose registration when it only means reams of computer print-outs that would be a paper curtain against Soviet troops. If the President wants a peacetime draft, he should say so. But I oppose the peacetime draft—and I also oppose the President's plan for registration—which is the first step in that direction. We should not have taken this step across the threshold of Cold War II. We should not be moving toward the brink of sending another generation of the young to die for the failures of the old in foreign policy.

Exaggerated dangers and empty symbols will not resolve a foreign crisis. It is less than a year since the Vienna Summit, when President Carter kissed President Brezhnev on the cheek. We cannot afford a foreign policy based on the pangs of unrequited love.

In the same spirit of realism, we must deal with the crisis in Iran. It is now 86 days since our diplomats and our embassy were seized. We cannot afford a policy that seems headed for a situation of permanent hostages. The time has come to speak the truth again: This is a crisis that never should have happened. In the clearest terms, the Administration was warned that the admission of the Shah would provoke retaliation in Tehran. President Carter considered those warnings and rejected them in secret. He accepted the dubious medical judgment of one doctor that the Shah could be treated only in the United States. Had he made different decisions, the Shah would doubtless still be in Mexico, and our diplomats would still be going about their business in Tehran.

The Administration continues to call for economic sanctions. I oppose them. They will only propel Iran toward the Soviet orbit. They will do nothing to free the hostages. Eighty-six days is enough. It is time to bring the hostages home. The Administration should now support a United Nations commission to investigate Iranian grievances, similar to earlier commissions on other countries. The commission on Iran should be established immediately, but it should begin its work only when every American hostage has come back safely to our shores. Let no one doubt that America will never yield to blackmail, and that harm to even a single hostage will bring swift retaliation. But let no one doubt that America is ready for a negotiated solution to this impasse.

The 1980 election should not be a plebiscite on the Ayatollah or Afghanistan. The real question is whether America can risk four more years of uncertain policy and certain crisis—of an Administration that tells us to rally around their failures—of an inconsistent non-policy that may confront us with a stark choice between retreat and war. These issues must be debated in this campaign.

The silence that has descended across foreign policy has also stifled the debate on other essential issues. The political process has been held hostage here at home as surely as our diplomats abroad. Before we permit Brezhnev and Khomeini to pick our President, we should pause to ask who will pay the price.

The Carter Doctrine offers defense contractors a bright future of expansion and profit. But the middle class, the bluecollar workers, minorities, and every victim of discrimination by race or sex or age—they all face the bleak prospect of higher taxes, higher interest rates and higher inflation. The young will pay a further cost in registering for the draft. And, as the President's budget makes clear, programs of social benefit and justice will once again be postponed. If the principle of sacrifice is to prevail, let it apply as well to the oil companies and all the other elements of the military—industrial complex.

Last week, we heard a State of the Union message that left behind the problems this President was elected to resolve. The Administration, but not the nation, has turned away from those problems and from the people who live with them every day—people out of work or about to lose their jobs, families who cannot buy a home, parents who cannot send sons and daughters to college, the sick who cannot pay their bills for health and the elderly who must now choose between heat in their apartment and food on their tables.

When the unity of our present fear fades, when the crowds stop cheering and the bands stop playing, someone has to speak for all the Amercians who were ignored in the State of the Union address.

It is their Union too—and the state of their lives deserves to be addressed.

If my candidacy means anything, it means a commitment to stand and speak for them. So let me tell you what we did not hear from the President last week: Inflation will continue. Unemployment will go up. Energy prices will rise to even higher levels. The cost of home heating oil has soared to 95 cents a gallon; and now we discover that Exxon has registered the first four billion dollar profit in the entire history of industrial corporations.

And these domestic concerns are not merely matters of social justice; they are also at the center of our foreign crisis. Iran and Afghanistan demonstrate a fundamental truth of the American condition. We are perilously dependent on OPEC oil.

A house weakened in its own foundation cannot stand. Unless we put our energy house in order, our strength and credibility will continue to fall; the world will grow steadily more dangerous for our country and our interests.

The Carter Administration has accepted our petroleum paralysis. They talk of sacrifice—but it is an unequal sacrifice founded on unfair prices that bring hardship to our people. The President's decision to decontrol the price of oil will cost the average family a thousand dollars each year throughout the decade of the 1980's. We all remember the Democratic presidential candidate in 1972, whose campaign was assailed because he proposed assistance of a thousand dollars a year for every person in poverty. How then are we to regard a Democratic President in 1980, who wants to do the opposite, who wants to take a thousand dollars a year from every family and transfer it to the oil conglomerates?

We must cure our addiction to foreign oil. Not only does the administration claim we face the gravest crisis since World War II, they also claim they are making hard decisions to meet that crisis. Long before Afghanistan, they proposed a stand-by gasoline rationing plan—and that is all they propose today. The time for a stand-by plan is over. The time for a stand-up plan is now.

We must adopt a system of gasoline rationing without delay—not rationing by price, as the Administration has decreed, but rationing by supply in a way that demands a fair sacrifice from all Americans.

I am certain that Americans in every city, town, and village of this country are prepared to sacrifice for energy security. President Carter may take us to the edge of war in the Persian Gulf. But he will not ask us to end our dependence on oil from the Persian Gulf. I am sure that every American would prefer to sacrifice a little gasoline rather than shedding American blood to defend OPEC pipelines in the Middle East.

Just as energy insecurity weakens our national security, so inflation weakens our position in the world. Our goods have been priced out of the international marketplace. The value of the dollar has plummeted.

The numbers have nearly lost their capacity to shock. Twelve straight months of inflation over 10 percent. Wild gyrations in the price of gold. Interest rates at 15 percent. Unemployment at 6 percent. And now recession is just around the corner.

The fact is, America did not elect Gerald Ford in 1976. But under a Democratic administration, we have had three more years of Republican inflation, three more years of Republican interest rates, and three more years of Republican economics.

As a candidate, President Carter taunted President Ford in 1976 because the misery index—the sum of the inflation rate and the unemployment rate—had reached a level of 13 percent. Today that index stands at 19 percent.

These statistics are familiar. But one new fact sums up all the current chaos in our economy. The President who promised a balanced budget as a candidate four years ago now proposes a budget with a deficit of $16 billion for the coming year. If you do a little arithmetic, if you take this new deficit and add it to other Carter deficits of the past three years, you will discover an extraordinary thing—the total federal deficit during the Carter Administration will go down in the economic record book as the largest deficit of any presidential term in the history of America.

During this campaign, I have called for long-term steps to combat the fundamental causes of inflation—to foster more competition, more investment, and more productivity in our industry, and more emphasis on our foreign trade. They are obvious measures—measures that must be adopted now if we are to succeed in righting our capsized economy.

Potentially one of the most important short term weapons against inflation is voluntary restraint. But President Carter has hardly touched that weapon. He waited 21 months to set guidelines on wages and prices. And inflation is actually worse since his guidelines were put in place than it was before. The Administration's anti-inflation policy has the same credibility with major corporations that the Administration's foreign policy has with the Soviet Union.

The time has come for a frank admission that under this President, the voluntary guidelines have run their course and failed.

Inflation is out of control. There is only one recourse: the President should impose an immediate six month freeze on inflation—followed by mandatory controls, as long as necessary, across the board—not only on prices and wages, but also on profits, dividends, interest rates, and rent.

The only way to stop inflation is to stop it in its tracks. Only then can we break the psychology of inflation that runs through every aspect of our economy and erodes our power in the world.

Today, I reaffirm my candidacy for the Presidency of the United States. I intend to stay the course. I believe we must not permit the dream of social progress to be shattered by those whose promises have failed. We cannot permit the Democratic Party to remain captive to those who have been so confused about its ideals.

I am committed to this campaign because I am committed to those ideals.

I am committed to an America where the many who are handicapped, the minority who are not white and the majority who are women will not suffer from injustice, where the Equal Rights Amendment will be ratified, and where equal pay and opportunity will become a reality rather than a worn and fading hope. I want to be the President who finally achieves full civil rights—and who passes an economic bill of rights for women.

And I am committed to an America where average-income workers will not pay more taxes than many millionaires, and where a few corporations will not stifle competition in our economy. I want to be the President who at last closes tax loopholes and tames monopoly, so that the free enterprise system will be free in fact.

And I am committed to an America where the state of a person's health will not be determined by the amount of a person's wealth. I want to be the President who brings national health insurance to safeguard every family from the fear of bankruptcy due to illness.

And I am committed to an America where the cities that are the center of our civilization and the farms that are the source of our food will be preserved and strengthened. I want to be the President who halts the loss of rural land to giant conglomerates and who declines to accept urban slums, unequal schools, and an unemployment rate in the inner city that approaches 50 percent.

And I am committed to an America that will safeguard the land and the air for future generations. I want to be the President who stops the seeding of the earth with radioactive wastes from nuclear plants—and who refuses to rely on a nuclear future that may hazard the future itself.

And I am committed to an America that is powerful enough to deter war—and to do the work of peace. I want to be a President who does not rush to a helter-skelter militarism or a heedless isolationism, who improves our military without gilding our weapons, who lifts at least a little the nuclear night that hangs over the world and who makes the world itself a little safer for both diversity and democracy.

And for all these commitments, I have only just begun to fight.

I am convinced that the people are not selfish or hopeless—and that government is not helpless to serve the public interest. I am convinced that we as a people are ready to sacrifice—to give something back to our country in return for all it has given to us.

It is easy to preach sacrifice, while practicing the politics of symbols. It is easy to bend to the prevailing political breezes. All politicians are tempted to do this at times.

But as I said a year ago, sometimes a party must sail against the wind. Now is such a time. We cannot wait for a full, fair wind or we will risk losing the voyage that is America. A New England poet once wrote: "Should the storm come, we shall keep the rudder true."

Whatever comes in the voting of this year, or in the voyage of America through all the years ahead, let us resolve to keep the rudder true.

---

[From the Washington Post, Jan. 29, 1980]

### A RETURN TO LIBERAL FORMULAS

(By David S. Broder)

In an effort to revive his flagging bid for the Democratic presidential nomination, Sen. Edward M. Kennedy yesterday reverted to the formulas of traditional liberalism which have fueled his political career but which were subordinated, if not forgotten, in the first three months of his challenge to President Carter.

It was far from certain whether Kennedy's left-turn of foreign and domestic policy would rally enough support to overcome the high-flying president. But his aides and friends rejoiced last night in the belief that Kennedy had at least reclaimed a position as the spokesman for Democratic liberals, from which he can function in the Senate for the next four years and perhaps as a presidential candidate again in 1984.

Kennedy yesterday came out against the draft, the shah, the oil companies and using the Soviet invasion of Afghanistan to justify a new round in the arms race. He came out for gasoline rationing, wage and price controls and a compromise with the Iranian regime to gain release of the hostages.

In redefining his case against the renomination of the incumbent, he explicitly identified himself with the cause and views of Sen. George S. McGovern, the 1972 nominee and symbol of liberalism in foreign and economic policy.

Unsurprisingly, Kennedy's address was cheered by McGovern and by Rep. Morris K. Udall, of Arizona, who carried the liberal banner longest in the 1976 fight against Carter.

Unsurprisingly, too, it was labeled "irresponsible" by a nameless spokesman for the Carter-Mondale campaign.

Sen. Henry M. Jackson (D-Wash.), an exponent of military power, called it "a strong speech," but noted his disagreement with Kennedy's opposition to resumption of draft-registration or a peacetime draft.

But a Democratic senator who is publicly neutral in this fight but personally close to Kennedy gave a more significant comment when he said: "I think Ted is right in provoking a basic debate on Carter's policies and not just because he's running against him. But I doubt that he [Kennedy] is going to help himself a lot by staking out the stands he's taken. His instincts are right, but the time may be wrong for him."

From the opposition party, John P. Sears, Ronald Reagan's campaign manager, said he thought Kennedy wise to "move to the left of Carter domestically, but I would think internationally, he'd want to be to the right of him. That way he could try to strip him from both sides."

Kennedy consulted with some Democrats who urged exactly that course, but in the end, according to his press secretary, Tom Southwick, he rejected the counsel to take a hard-line military-diplomatic stance, "and that ended the discussion."

When it was time to put the new policy emphasis into speech form, Kennedy turned to people who reflected his own historic liberalism and dovishness.

Peter Edelman, head of Kennedy's domestic issues staff and a veteran of the Robert F. Kennedy campaign, said the principal authors of the Georgetown University address were Carey Parker, Kennedy's longtime Senate aide, and Robert Shrum, a former McGovern speechwriter and liberal activist.

Longtime Kennedy family intimate Arthur Schlesinger Jr. also contributed to the framing of the speech, according to a campaign official for Kennedy.

But Southwick said "the essence of the speech was his and his alone, as much as any speech he's ever given."

That likelihood was signaled in the comment Kennedy made Sunday to Mike Barnicle, a Boston Globe columnist and close friend. Barnicle quoted Kennedy as saying, "When my grandchildren ask me 20 years from now why I ran for president in 1980, I'll be able to tell them why. I'll be able to tell them about the things I talked about and the things I stood for."

That was not the case in many of his earlier speeches. Kennedy talked about such safe subjects as leadership and the national spirit. He camouflaged his traditional economic views by saying "we do not ask to bring back the New Deal or restore the New Frontier to life."

When he drew a storm of criticism early in the campaign by suggesting that Carter's decision to admit the deposed shah of Iran to the United States for medical treatment had triggered the hostage situation, he persisted for a few days, then subsided into silence on the subject.

Yesterday, he decided, as one aide said, to "let it all hang out," and by doing so, he immensely cheered his immediate entourage of liberal-minded staff aides and their counterparts in Kennedy campaigns around the country.

"I'm not sure what the effect will be up here," said Janet Mills, a Kennedy supporter in Maine, "but I think he's right to come out and take a stand on the issues. We need a debate on these questions, instead of just begging people to come out and vote for this one or that one."

But Kennedy's decision to sharpen his policy differences with Carter is just as much a "political" decision as Carter's refusal to meet his challengers in open debate. Carter has taken the classic tactic of the front-runner, and Kennedy's decision reflects the risk-taking that is forced a challenger who finds himself a distinct underdog.

The latest polls show Kennedy trailing in the Feb. 10 Maine caucuses and the Feb. 26 New Hampshire primary—two tests he has said he must win in order to survive politically.

As Udall said yesterday in applauding the Kennedy speech, "his problem has been to provide a credible set of counter-policies that would justify putting down an incumbent president. He's been 'ad-hocing' it all these weeks, and it hasn't worked, so he's wise to make the speech. I'm not sure what effect it will have on the campaign, but it will end the rumors that he's panicking and pulling out."

McGovern, who, like Udall, has endorsed Kennedy, said he thought it "a good speech," but he conceded that "the fact the president is riding a popularity crest currently means Ted will take some heat."

"But he had to do it to get some credibility for his effort," McGovern said. "There's no point changing leaders if you're going to follow the same course."

The same mixture of support and concern came from Rep. Paul Simon, the Kennedy leader in Illinois. Simon said, "A tough speech was what we need—and I hope it's what the public wants. The rationing part will not go well in my district, but the wage and price controls will sell. It is not a speech whose individual points are going to end up being approved in southern Illinois or New Hampshire, but the overall image is of someone who's willing to come to grips with the issues, instead of just waffling around. And that is what Kennedy has to sell."

The "sell" began yesterday, in a television version of the speech beamed into New Hampshire and Maine, and it will continue for the next four weeks until the New England voters have rendered their verdict.

Kennedy himself appeared to anticipate that the decision may not be favorable, by quoting the keynote line from the December 1978 speech he delivered to the Democratic mini-convention in Memphis—a speech whose rapturous reception from the liberal activist delegates really triggered his challenge to Carter.

"As I said a year ago," he said, "sometimes a party must sail against the wind."

As a politician, that is what Kennedy has done well, and in his moment of extremity, that is what he is doing again.

---

[From the Washington Star, Jan. 29, 1980]

### KENNEDY SAVES HIMSELF, IF NOT HIS CAMPAIGN

(By Mary McGrory)

Edward Kennedy, in the Georgetown speech that heralded his second coming as a candidate, may not have saved his campaign. But he saved himself.

He may not get back a single vote, outside of his native Massachusetts, for what he said—many Americans would rather send their sons and daughters to the Khyber Pass than face gas rationing. But he will earn the gratitude of liberals, who, upon viewing the results from Iowa, decided that the cause of liberalism was dead and buried.

In the gulping reaction to the newly martial commander in chief's State of the Union—only the hawks dared take exception—Kennedy learned something: Battered, bloody and probably doomed as he is, he is the only one who can save the sanity of that minority which would like to stop and think a bit before embarking on World War III.

Last Monday's humiliation in the heartland plunged his camp into despair. For 48 hours, the question was not if he would withdraw, but when. Why, the stricken followers at the headquarters asked one another, should he put himself through the agony of a string of losses in his New England stronghold? Let him get out. Or, at most, go through the motions in New Hampshire.

But Wednesday night, Jimmy Carter threw a lifeline into the pits. He stood up in the House chamber and started hurling thunderbolts. This was the State of the Union? The draft? Military intervention in the Persian Gulf? Drawing lines in the dirt?

It was the opening that Kennedy had been looking for.

The whole mood at the headquarters changed. It wasn't Kennedy who had to be saved. It was the country.

As for the candidate, he seemed entirely revived. He started churning about town plugging into the highest levels of government, demanding briefings. It was like the old, pre-announcement days, when operatives in the agencies routinely reported to him about what was going on, sometimes before the White House got the word.

Over the weekend, many pilgrims, fearful that in adversity he might turn right, journeyed to his home in McLean, bent on warning him that he must speak up and fight on. He might go down—probably would—but he must go down in flames.

They never got a chance to speak. He had already made up his mind, as one of his callers said, "that even if he goes to the convention with 30 delegates, he has got to stay in."

So Kennedy went to Georgetown and swung hard. It wasn't Resurrection City, exactly. The students are for Carter, and had no trouble, according to a campus poll, with the State of the Union message—they are ready to register.

But as a graduate student, who is willing to go "wherever they send me," and favors the revitalization of the CIA, said, "There is something still about the Kennedys." Students formed lines at 7 o'clock in the raw morning. The international press waited in line. And the family was there, and the staff, unpaid but proud and relieved, and the ones who always turn out when a Kennedy is about to make a move.

There was one last-minute change in the rerun of last November's tableau at Faneuil Hall. The armchairs for Joan and two of their three children were hastily transferred from the stage to the floor.

He was well prepared, reading his rehearsed speech from a teleprompter, speaking deliberately. The audience was equally primed. The applause was frequent and fervent. In the new combative mood, they wanted to compete with the Carter applause.

Gone was the tentative challenger who had tiptoed through Iowa, avoiding any criticism of the commander in chief. Kennedy made a preemptory strike on the dialogue which will surely open up with the release of the hostages—a likely prospect in post-election Iran.

The Republicans want to start the argument with Carter's failure to stop the fall of the shah. Kennedy began it with Carter's decision to admit the shah to the United States. America may not be willing to consider how it all began. Teddy is ready.

And speaking of Afghanistan, does the Soviet invasion really pose "the gravest threat to peace since World War II?"

And why was Carter so "surprised" at the move? Doesn't he read his own intelligence reports? And what's wrong with negotiation? Is it a lost art in the militant, militarized White House.

"We should not be moving towards the brink of sending another generation of the young to die for the failures of the old in foreign policy," Kennedy cried, amid cheers.

The Boston Strong Boy baited the reclusive statesman in the Oval Office, the one who at Vienna kissed Brezhnev on the cheek.

"We cannot afford a foreign policy based on the pangs of unrequited love," jibed Kennedy.

It was a long way from Fanueil Hall, where he said, as he loftily prepared to renew the Kennedy lease on the White House, "I question no man's intention."

He's going to question everything from here on out. Nobody thinks he's going to knock Carter's block off; but he's going to muss up his halo. At Georgetown, Kennedy became the fighting candidate everyone expected him to be when he started out the first time.

---

[From the Washington Star, Jan. 29, 1980]

### Kennedy Plays All His Cards In Bold Gamble

(By Jack W. Germond and Jules Witcover)

Like any good card player, Sen. Edward Kennedy has concluded after weeks of frustration that the only way he can win is to play with a full deck.

That, beyond his conviction that the failure of the Carter administration permeates foreign as well as domestic policy, is why he played his Iran and Afghanistan cards in his critically bold speech at Georgetown University. And that is why he played the Chappaqiddick card in his audacious television statement last night.

The Georgetown speech saved nothing for later in the game—a call for wage and price controls, gasoline rationing, a U.N. investigation of the shah's regime, and opposition to registration for the draft. It flatly blamed President Carter's mismanagement for the taking of American hostages in Tehran and charged that Carter's "false draw in Cuba (in demanding removal of Soviet combat troops) may have invited the Soviet invasion of Afghanistan."

And politically, the speech was a sharp knife attempting to cut away the curtain over domestic debate on Iran and Afghanistan deftly draped by a president appealing for national unity in a time of crisis.

The political necessity for Kennedy in his high-risk gamble was spelled out in these lines: "The 1980 election should not be a plebiscite on the ayatollah or Afghanistan. The real question is whether America can risk four more years of uncertain policy and certain crisis—of an administration that tells us to rally around their failures. . . . These issues must be debated in this campaign."

The Democratic challenger charged that "the political process has been held hostage here at home as surely as our diplomats abroad," and to a degree that contention has validity. Declaring Iran and Afghanistan off limits has been a central tenet of the Carter campaign strategy, and was the justification for running an Oval Office campaign in the Iowa caucuses he swept a week ago.

Kennedy's hope obviously is to smoke Carter out and to get the voters to examine not merely the president's call for patriotism but his actual handling of the two Middle East crises that have come to dominate the political landscape at home.

The immediate effect will be to signal to all the presidential candidates on the Republican side that it is now politically acceptable to open fire on Carter over Iran and Afghanistan. Indeed, Ronald Reagan already had done so before Kennedy spoke. Thus, a political hazard for Kennedy is that he must anticipate that the Carter campaign may paint him not only as a politician putting self before country but also as a Democrat getting in bed with Republicans to help tear down his own party's 1980 chances.

But considering Kennedy's frustration and his reading that the cloak of silence on Iran and Afghanistan spread over the campaign debate was choking the life out of his candidacy, he had no political alternative. This is especially so now that the polls show him trailing Carter badly even in his native New England.

Kennedy must now hope that Carter will rise to the bait and engage him in a dialogue on both foreign and domestic policy, and that the voting public will react negatively to the president if he continues to refuse.

Kennedy's forceful opposition to registration for the draft, predictably, drew a roar of approval from his student audience at Georgetown, and it may well rally one constituency to him. But against the wave of patriotism that has swept the country and helped the president inundate Kennedy in Iowa, he may need much more to escape a backlash against his speech.

As long as public patience with Carter's handling of the two crises lasts, Kennedy is in a political race against time. He must hope that he can somehow hang on in the Maine caucuses on Feb. 10 and the New Hampshire primary on Feb. 26, and that in the meantime there will be some break in the Middle East crises that will force or persuade Carter to come out of the White House and take him on.

Obviously, the course of events is out of the hands of the Democratic challenger. But at least Kennedy has now played all the cards in his hand, and in so doing has provided a much stronger justification for his candidacy than he had been able to offer until now.

## NATIONAL RELIGIOUS BROADCASTERS SUPPORT VOLUNTARY SCHOOL PRAYER

Mr. HELMS. Mr. President, last week, the National Religious Broadcasters held their 37th annual convention here in Washington, D.C. National Religious Broadcasters is an association of more than 900 organizations which produce religious programs for radio and television and operate stations carrying predominantly religious programs. These organizations are responsible for more than 70 percent of all religious radio and television in the United States, plus missionary broadcasting around the world. In the United States alone, NRB members reach an average weekly audience of more than 115 million people by radio and almost 14 million more by television.

On January 23, the NRB convention adopted a resolution supporting congressional efforts to restore the right of voluntary prayer to students attending our Nation's public schools. As Senators will remember, the Senate passed such legislation as an amendment to S. 450, the "Supreme Court Jurisdiction Act of 1979." That legislation is presently pending before the House Judiciary Committee and Representative Philip Crane of Illinois has filed a discharge petition on S. 450 so that the House of Representatives may consider this important legislation this year.

The resolution approved by the National Religious Broadcasters reads as follows:

Whereas America was founded by people seeking the free exercise of religion and has been established as one nation under God;

Whereas the First Amendment to the Constitution remains our best safeguard of the free exercise of religion;

Whereas the greatness of America rests upon the spiritual heritage and moral integrity of the American people; and

Whereas the long-standing practice of voluntary prayer in public schools has been an important part of America's religious heritage;

Therefore be it resolved that the National Religious Broadcasters commends the Senate of the United States for passing legislation to restore the right of voluntary prayer in public schools and requests that the House of Representatives take favorable action on this legislation.

Also, on the same day, a panel of religious leaders attending the convention issued a statement supporting the voluntary prayer legislation.

Mr. President, I ask unanimous consent that a copy of the statement be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Declaration of Voluntary School Prayer

We believe that when the Supreme Court prohibited voluntary pray in public schools it violated the First Amendment's guarantee of the free exercise of religion and at the same time established a national religion—the religion of secular humanism. The dramatic rises in crime, violence, drug and alcohol abuse, promiscuity and vandalism in our schools are daily reminders of the result of expelling God from the classroom. We applaud the action of the United States Senate in passing legislation to protect our freedoms under the First Amendment by restoring the right of voluntary prayer in public schools and we urge the House of Representatives to act favorably on this legislation.

Bill Bright, Campus Crusade For Christ.
Pat Robertson, 700 Club.
Jim Bakker, PTL Club.
Del Fehsenfeld, Action Life Ministries.
Page Patterson, Criswell Center for Biblical Studies.
James Robison, Robison Evangelistic Ass'n.
Morton Hill, Morality in Media.
Adrian Rogers, President, Southern Baptist Convention.
Jerry Falwell, Old Time Gospel Hour.
Charles Stanley, First Bapist Church, Atlanta.
Robert Dugan, National Ass'n. of Evangelicals.
James Kennedy, Coral Ridge Presbyterian Church.
Ben Armstrong, National Religious Broadcasters.
Jonathan Rogers, Church of God in Christ.
Demos Shakarian, Full Gospel Businessmen.
Robert Grant, Christian Voice.

## WILLIAM E. SIMON: FREE ENTERPRISE AND THE POLS

Mr. HELMS. Mr. President, writing in the Wall Street Journal, former Secretary of the Treasury William E. Simon has taken Congress to task for its ill-advised approval of both the windfall profit and Chrysler bailout legislation last session.

Bill Simon's comments—aimed at what he calls the "pandering morons on the Potomac"—are a stinging indictment that no doubt some Members will resent. However, I am bound to say that my good friend's disgust with our legislative nonsense is altogether justified.

Senators and Representatives ought to understand and appreciate the basic fundamentals of the American free enterprise system—if anyone does. But this does not appear to be the case. The sad fact is that Congress has demonstrated its inability to think beyond the next election. It is Congress, playing politics, that is largely responsible for the mess our economy is in.

In the hope that my colleagues will give some thought to Bill Simon's comments, I ask unanimous consent that the article entitled "Free Enterprise and the Pols" by William E. Simon, which appeared in the January 10 edition of the Wall Street Journal, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### FREE ENTERPRISE AND THE POLS

(By William E. Simon)

In their mad rush to adjourn before the holidays, our elected representatives in Congress, yours and mine, may have given us in one week two Christmas presents that set the precedents which may finally destroy economic and political freedom for us and our children.

Once, in another context, columnist William Safire said, "I am writing this piece in controlled rage." That is an apt description as I try to prevent the bile pouring from within from mixing with the ink from my pen. Because, by passing the so-called "windfall profits" tax and the emergency Chrysler bailout package, these Washington bunglers may have given us holiday gifts from which there is no salvation.

What is there to say about the "windfall profits" tax that has not already been said so many times on this page and elsewhere? In the first place, it's not a tax on profits. Its assessment does not even include a calculation of profits.

It's not in any sense of the word a "windfall." By every reckoning that I have seen—intermediate term or long-term profit margins, return-on-equity, return-on-debt and equity, etc.—the oil industry's profits lie somewhere in the middle of the spectrum of American industry. What then is this marvelous piece of legislative buffoonery?

#### CORNUCOPIA OF REGULATIONS

It is really nothing more than a penalty assessment on the future productive and creative endeavors of an industry whose hands have already been effectively tied by a cornucopia of federal and state regulations; regulations that have produced a triple header of knocking the industry out of the ring of world-wide competition, preventing the production of even one drop of lacremental oil or gas, and compelling this great nation to kow-tow to a bunch of desert sheiks. There is no economic or financial justification for this madness—only political.

No, these pandering morons on the Potomac see the political benefit in "punishing" the oil companies. The pols and the press have already succeeded in deflecting the true blame for our energy crisis from Washington to the industry. Those "leaders" know that there are critical reelection votes in this shabby act of dishonesty but, after all, no one should be surprised because they only have one over-riding concern and that is their own re-election. So, in the process, few understand that it's not the "oil companies" we are punishing—it is the American people.

It reminds me of a time I was testifying before the Senate Finance Committee, making a plea for statesmen instead of the standard brand politicians. Chairman Russell Long remarked, "Mr. Secretary, do you know the definition of a statesman? It's a dead politician." Well, everybody roared with laughter. I guess I would think it was humorous too—if it weren't so tragic.

Would that that were the whole story. Look at the industry these Washington bunglers have chosen to work their political magic (or should I say mayhem) on. Is it the jewelry industry? Is it the toy industry? Is it the entertainment industry? NO! Our brilliant leaders have picked the one industry, the only industry, that is integrally tied—indeed, that is critical—to the economic and national security strength of our country.

And what is there to say about the Chrysler bailout that has not already been said on this page and elsewhere! For just about 10 years now Chrysler's failures have been apparent. And make no mistake, they are Chrysler's failures. There have been two economic booms, two clusters of record-breaking auto sales years and yet through all of this Chrysler was, and is, unable to improve its market share or its financial condition.

Whose fault is that? Who should pay for a corporate management's failures? And isn't that what it's all about? Understand that come next April 15, when you formally consent to having a major part of your income removed and redistributed by your representatives in Washington, that it is going to underwrite Chrysler's management failures, as it is our once private subways and bus lines and railroads and our utilities.

And while you're signing your check, don't forget that those who presumably know Chrysler the best—its suppliers and its bankers—have assessed Chrysler's products, its position, its management and its potential and have cast their vote, NO.

Not for a moment am I denying that the American auto industry has serious competitive problems and nor for a moment do I doubt that many of them, perhaps most of them, lie at Washington's doorstep. But do you correct one mistake by making a larger one?

Over and again, we pay the bills for inefficient private enterprises via taxes, and when that money runs out we do it indirectly when the huge federal budget deficit compels the Federal Reserve to hype the money supply in order to monetize our debts. How can it be that shifting the bad debts of a private corporation, no matter how big, on to the backs of the taxpayers, represents a sound, equitable solution, consistent with our credos of political and economic freedom?

What's going on my fellow Americans is that we are slowly but surely being shoved onto the garbage pile of history by ignorant, and worse, hypocritical politicians. We have raised to high office and turned our destiny over to a group of men and women who either do not understand or, far worse, do not care about the principles and the creed behind them, which not only animated our nation's birth but enabled it to become the shining example and inspiration it was to all the world until recently.

You know, the trappers in the 19th Century had a saying that an American is the only animal in the world that can be skinned more than once. Will we never learn until it's too late, until all is lost?

And I am sad and angry beyond belief to be compelled to admit that the members of my own party, the Republican Party, have been the worst offenders—dare I use the word traitors? The Democrats? Well, they have been committed for two generations to the tired old politics and the tired old economics that have bred the ills with which we are now afflicted. But the Republicans in Congress, my colleagues who have supported the political and economic freedoms with their rhetoric, but who jumped aboard a bandwagon leading to betrayal under the mistaken notion that they can secure a few more votes next November, are the Judases in this replay of an old story.

#### HELD MOST ACCOUNTABLE

These gentlemen, these Republican Senators and Representatives who profess to understand the free enterprise system, the role of profits in creating investment in new plants and equipment, the importance of savings, the critical supremacy of the private sector, the unending value of the free market and free choice—these men who then stand up and vote for the very same measures that deny all of these things, are the ones who should be held most accountable.

At long last, what are they doing? What have they done? We are vilifying an industry that is necessary for our salvation. We are protecting a corporation that had blundered for a decade. We extol the weak, the immoral and the failures. We condemn and penalize the upright and the successful. We elect to represent us men and women who totally ignore the long-term benefit of all of us, and strive to do what is popular for the moment to a few.

We have sent to our nation's capital as our representatives men and women of both parties who not only do not understand the principles that gave us freedom in America, but who do not even care any more.

No more can any one count on my support because he comes in bearing the label "Republican" or "Conservative." I am saving my dollars and my votes and my support for men and women of any political party who can pass one test and one test alone: Do they understand and are they committed to the fundamental principles and ideals that gave us the abundance and freedom that is America?

## LOW-COST, SMALL-SCALE APPROACHES TO COMBINED SEWER POLLUTION PROBLEMS SHOULD BE ADOPTED

Mr. PERCY. Mr. President, many of the Nation's older urban centers are faced today with seriously overloaded and inadequate sewer systems. For example, 10 of our Nation's 20 largest cities have combined sewer systems, in which storm water and waste flow through the same sewer pipes and tunnels. When these sewer systems overflow, the flooding pollutes waterways, streets, and basements with environmental wastes.

Two solutions are usually proposed to eliminate combined sewer overflow. A common approach is to construct separate sewer systems: One system to handle liquid waste and a second to capture stormwater runoff. A second solution is to increase the capacity of the combined system. These projects, however, are extraordinarily expensive and require many years to construct. The U.S. Environmental Protection Agency (EPA) has conservatively estimated that were the Nation to adopt such capital-intensive, large-scale construction projects to remedy all of its combined sewer flooding and pollution problems, costs could reach at least $88 billion.

Yet, even this astronomical figure is probably a conservative estimate. The EPA's estimate was made in 1978 dollars and thus does not reflect the impact of inflation. Assuming an annual inflation rate of 7.5 percent, which itself is significantly below actual rates, an annual increase of over $6.6 billion would be needed just to keep up with inflation. Furthermore, large public works projects of this type are notorious for cost overruns. Even after inflation is accounted for, costs often run far beyond the level initially projected. Cost overruns can at times exceed initial estimates by 100 to 200 percent.

Our Nation is searching urgently for constructive approaches to control Government expenditures. We cannot afford to invest the taxpayers' dollars in such large-scale public works projects that in the end can only promote Government overspending. New, less expensive, approaches to combined sewer overflows must be found that can help us control taxes and prevent urban flooding and the excessive pollution of our waterways.

In order to begin exploring the alternatives, on March 9, 1978, I requested the U.S. General Accounting Office (GAO) to search for inexpensive, smaller-scale solutions to the flooding and pollution problem caused by combined sewer overflows. The GAO's report, which I received on December 28, 1979, advocates a range of low-cost, nonstructural alternatives to alleviate these problems, and concludes that Federal policies have, in fact, been responsible for much of the historic bias in favor of large-scale, capital-intensive remedies. The GAO has put forth several excellent and cost-effective recommendations for change in Federal water pollution policies and practices.

The small-scale remedies that GAO has reviewed range from such simple, inexpensive practices as street sweeping and homeowner downspout disconnections to more complex solutions such as instream aeration. As a general rule, these techniques do not achieve the degree of improvement that can be expected from the construction of new sewer systems. They can, however, provide significant benefits at great savings to the taxpayer compared to construction-oriented solutions.

In Rochester, N.Y., for example, a $12 million set of small-scale nonstructural techniques could result in a 65–70 percent annual reduction in the volume of combined sewer overflows. A construction-oriented approach to the problem could eliminate 98 percent of the overflow. Yet this approach would cost approximately $300 million. In this case, a structural solution would be 15 times more expensive per unit of overflow reduction than the available small-scale alternatives. When small-scale alternatives can achieve nearly three-quarters of the benefits of large-scale construction at one-fifteenth the comparative cost, simple fiscal prudence should dictate their adoption. The resources available to combat this problem are extremely limited. We must strive to make the most effective use of each taxpayer dollar.

Unfortunately, as the GAO has noted, the EPA itself has discouraged the adoption of these inexpensive yet sensible solutions and instead has favored construction of large-scale, wasteful, capital-intensive projects. This policy excludes many excellent low-cost remedies. Periodic sewer flushing, a simple and inexpensive technique, can sometimes increase effective sewer capacity by as much as 38 percent.

GAO has cited the architectural-engineering industry for failing to take the lead in providing creative, efficient solutions. The GAO points out that, regrettably, the profession has actually been a leading advocate of the large scale, structural approaches. GAO reasons that the architectural-engineering firms stand to benefit far more by proposing large-scale endeavors, instead of application of small-scale technology. Most contracts for sewer work link firms' fees to the projects' total costs. The more expensive the project, the higher the commission received, says GAO. We must develop a system that rewards the creative application of effective, small-scale alternatives by the architectural-engineering profession. I am looking forward to working with the leadership of each profession to explore ways of how small-scale technologies might begin replacing wasteful, large-scale approaches.

There is, however, another reason that alternative solutions have been seemingly ignored. That is the inflexibility of national and State water quality goals. The States, subject to approval by the EPA, must set pollution standards for State waterways, bearing in mind the national "fishable/swimmable" goal for all waterways spelled out in the Federal Water Pollution Control Act of 1972. Although that goal may be admirable in the abstract, in its concrete applications, it can lead to a tremendous waste of taxpayer dollars. For example, the Chicago Tunnel and Reservoir Plan (TARP) currently under construction will eventually comprise more than 132 miles of tunnels at a cost of nearly $11 billion. Much of the construction is intended to insure that the Chicago area waterways, such as the Chicago River, will be clean enough to allow fishing and pleasure boating. If completed, TARP will cost more than any other public works project in American history—exceeding in cost even the Grand Coulee Dam and the Trans-Alaska Oil Pipeline. Yet, most of the Chicago River has never, and will never, be used for any purpose other than supporting purely industrial traffic—mostly barges. A Chicagoan intent on pleasure boating or fishing will surely favor nearby Lake Michigan, with its superb marinas, beach and fish life.

Congress itself bears a major portion of the responsibility for setting the unrealistic and costly "fishable/swimmable" goal. In 1972, with the commendable intent of cleaning up our Nation's waterways as soon as possible, Congress required that the goal be met by 1983. This deadline has forced communities to rush ahead into hastily conceived and poorly thoughtout antipollution measures, including the large scale, expensive structural solutions.

To correct these problems, the GAO has recommended that the Congress:

Amend the Federal Water Pollution Control Act to allow for increased flexibility in meeting water quality goals;

Allow EPA to fund low-cost, nonstructural solutions to combined sewer pollution overflows; and permit Federal funding of certain flood control projects related to combined sewer overflows.

The GAO has also recommended that the EPA require communities to adopt an approach to sewer problems known as "best management practices" (BMPs), which would require communities to first experiment with a variety of low-cost techniques before embarking on large-scale structural remedies. The GAO further encourages the EPA to take the lead in demonstrating the use of small-scale technology in this field and promoting its widespread implementation.

I strongly support the GAO's recommendations. We must amend our ways in the '80's if we are intent upon saving tax dollars while protecting the environment. Lower cost, small-scale technology should be viewed by EPA as a real opportunity to serve the public interest in the most cost-effective way possible. We must stop funding grandiose sewage projects when less costly technologies have proven to be remarkably effective. Innovative, small-scale approaches should be rewarded by the Federal Government, not smugly dismissed.

Finally, I applaud the General Accounting Office for the preparation of this excellent report which was preceded by a similarly outstanding six-volume report on TARP. I would particularly like to commend Bill Krueger, Mary Quinlan, Dan White, and Watt Sammons of the GAO's Washington office, and Stewart Herman, Don Knutson, Sam Bellino, Lela Mitchell, John Rose, and Frank Comito of the Chicago regional office for their important contributions to this outstanding report.

I plan to circulate the GAO findings

and recommendations to the appropriate committees of the Congress, local units of government, and members of the architectural and engineering profession. It is a blueprint that will aid our cities while saving billions of tax dollars.

---

## THE LEADERSHIP OF PRESIDENT SAM CHURCH, JR., UNITED MINE WORKERS UNION

Mr. PERCY. Mr. President, one of the most hopeful developments in American trade unionism today is the election to the presidency of the United Mine Workers of Sam Church, Jr.

Mr. Church became president of the UMW only last December, yet he has already taken innovative steps toward reforming the union's image, making it not only an aggressive advocate of coal miner's rights, but also a conciliatory and cooperative organization that can be counted on to work with the coal industry to expand coal usage and production to the betterment of our Nation.

Membership in the UMW has declined steadily in the last decade. In 1970, about 90 percent of all active miners were UMW cardholders. In 1980, that figure has dropped to 72 percent. In real numbers, 90,000 active miners were UMW members 10 years ago. The union's membership has doubled since that time, but it has been matched by an even larger increase in the number of nonunion miners, mostly in the Western States. In all, about 240,000 active and retired miners claim UMW membership today, 10,000 less than 10 years ago.

Several factors account for this decline. Certainly Mr. Church's predecessor, Arnold Miller, was a hard working union president who served the union well during his 1973–79 tenure. He held the office, however, during the most tumultuous period in the union's history, following the 1969 murder of UMW presidential candidate Joseph Yablonsky, and was never able to restore peace among its embattled ranks. The dramatic rise in the use of Western, low-sulfur coal, mined largely by non-UMW miners, has also had a dramatic impact on the strength and effectiveness of the UMW.

UMW miners, nonetheless, still mine half of our Nation's coal, and as America searches for ways to use more high-sulfur coal, it is likely that the union will increase its membership.

For this reason, it is crucial that at this juncture the United Mine Workers be headed by creative and spirited leadership. The mine workers of our country have exactly that in the person of Sam Church.

President Church in 2 months has acted dynamically to make the union one which both miners and industry can trust. This certainly is our experience in Illinois today. Our Nation's coal industry will not be able to rebuild itself if its miners seize the opportunity for wildcat strikes as a means of settling every grievance with the coal industry. Our miners must act responsibly, resolving disputes wherever possible without crippling the very industry we aim to rebuild. When America demands greater coal production, we will need our miners to be there.

President Sam Church has already made tremendous strides to ease the labor-management tension that had developed in the past few years. From all accounts, he is a man who can be counted on to restore vitality and responsibility to this important American union.

Mr. President, I ask unanimous consent at this time that the following article on President Church, which appeared in the January 28, 1980 New York Times, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### MINERS' UNION GAINS RESPECT IN INDUSTRY

(By Ben A. Franklin)

WASHINGTON, January 27.—Barely a month after a convention of coal miners gave him extraordinary and successive votes of confidence, the new president of the United Mine Workers is translating that mandate into new respect for the beleaguered union from the coal industry.

Sam Church, Jr., a burly, 43-year-old former miner who was the U.M.W. vice president, took over a 240,000-member union that had been impotent under his ailing predecessor, Arnold R. Miller. After a third heart attack, Mr. Miller stepped down Nov. 16 in a bargain with Mr. Church and the union's executive board that gave Mr. Miller the title of "president emeritus for life."

Facing an internal financial crisis as well as anti-Miller factionalism, Mr. Church came away from the union's nine-day convention in Denver last month not only with a treasury-saving 120 per cent dues increase—Mr. Miller had been unable to get an increase—but with other evidence of the delegates' willingness, even eagerness, to follow him.

If that was a change, after seven years of increasing rank-and-file insurrectionism under Mr. Miller, the style of Mr. Church's response to it has been even more unusual.

#### BUSINESS OFFICE EXAMINED

Since the Denver convention, which ended Dec. 20, Mr. Church has installed a management survey team of business-trained academics in the musty U.M.W. building here, an innovation at the stubbornly unchanging union headquarters.

Under a $15,000 consultants' contract, the experts are to recommend next month the steps to reorganize and modernize the union's creaking business office. Mr. Church showed his sensitivity to the traditional coal field suspicion of "experts" and "outsiders" by forming his survey team exclusively of experts from West Virginia University's College of Business at Morgantown, a major coal-producing center.

A coal industry executive said of Mr. Church: "He has proved to be very aggressive on behalf of his membership and very responsive to the needs of the industry. The industry's expectation of Mr. Church's presidency are being more than met."

Mr. Church managed to cool two potential union-management conflicts involving rank-and-file protests against what were described as deteriorations in mine safety enforcement.

#### 8 MINERS DIE THIS YEAR

In West Virginia and in his own home area around Appalachia, Va., in the violence-prone mountains of that state's southwestern coal fields, industry officials credited Mr. Church with having at least momentarily avoided spontaneous walkouts by publicly proclaiming his "outrage" that two mine workers had died in the pits in the first 15 days of 1980.

According to Federal mine safety officials eight miners were killed across the nation in the first 25 days of 1980 as against 11 in the same period last year.

By singling out for criticism West Virginia and Virginia, with four of this year's eight deaths between them, Mr. Church obtained from Gov. John D. Rockefeller 4th the authority to appoint the chief investigator of a team that will examine the performance of the West Virginia Mine Safety Department.

In Virginia, Mr. Church denounced Gov. John N. Dalton for "ignoring" the "worst mine fatality rate in the country," which he said was partly the result of "clear violations of state mine safety law."

A coal industry spokesman said the union president's criticism of Virginia was likely to have the effect of arousing state and Federal mine safety inspectors and cooling a potentially disruptive wildcat strike.

---

## BILLIONS LOST ANNUALLY TO PROFESSIONAL MOTOR VEHICLE THEFT: A NATIONAL SOLUTION IS URGENTLY NEEDED

Mr. PERCY. Mr. President, on November 27 through 30 and December 4, 1979, the permanent Subcommittee on Investigations, of which I am the ranking minority member, held public hearings on the growing crime of professional motor vehicle theft. Until the 1970's, motor vehicle theft was a crime committed primarily by joyriding youths. Since then, it has rapidly expanded to become a sophisticated criminal profession fueled by staggering profits and minimal risks. Sadly, in the short span of a decade, motor vehicle theft has become a flourishing growth industry in every region of this country.

Ten witnesses from local, State, and the Federal law enforcement agencies testified before the subcommittee. Each of these witnesses stated unequivocably that professional motor vehicle theft cannot be reduced unless a comprehensive Federal antitheft program is instituted.

The statistics clearly demonstrate the immediate need for action. A motor vehicle is stolen every 32 seconds in this country. In 1978, almost 1 million motor vehicles were stolen in the United States. In the first 9 months of 1979, motor vehicle theft has increased an alarming 11 percent over the same period in 1978. If the present trend continues, 1 out of every 40 to 45 vehicles now on the road will be stolen or have its contents or accessories stolen during 1979.

On a national scale, motor vehicle theft cost the Nation close to $4 billion a year in property losses and increased costs to the criminal justice system. Of this amount, the insurance industry collects $2 billion a year in premiums. Theft claim costs are routinely passed along to the consumer in the form of higher insurance premiums. In theft-prone communities, the cost of insuring a car is soaring. In New York City, where the greatest number of vehicles is stolen annually, motorists pay nine times the national average for the comprehensive portion of their vehicle insurance, which includes coverage against theft. In Chicago, another city which has experienced a severe vehicle theft problem, motorists pay four times the national average for their comprehensive coverage. Surely, escalating insurance costs are pricing some Americans out of the automobile market.

But motor vehicle theft is not solely an urban problem. According to Federal Bureau of Investigation Uniform Crime Reports, motor vehicle theft is the fastest growing crime in rural America. Lt. Richard McQuown of the Kentucky State Police testified that the 35 to 40 chop shops in operation in the State are primarily responsible for Kentucky's $40 million vehicle theft loss of 1978.

### THE GROWING ILLICIT MARKET FOR STOLEN VEHICLES

When a professional steals a vehicle it disappears virtually without a trace, according to the testimony of law enforcement officials. The statistics support their claim. According to the Attorney General's Office, in 1967, 86 percent of all stolen vehicles were recovered. In 1978, only 60.6 percent were recovered. This dramatic decline in the recovery rate indicates that professionals are responsible for an increasing number of motor vehicle thefts. For example, law enforcement experts now estimate that in New York City and Chicago, professionals commit from 55 to 70 percent of vehicle thefts.

Probably the most lucrative activity for the professional thief is the "chop shop" or stolen parts industry. Within hours after a theft, a "chop shop" dismantles the vehicle into its various component parts. The sheet metal parts from the dismantled vehicle—the front end, hood, deck lid, and bumpers—bear no identifying numbers. These parts are quickly transported to salvage yards and repair shops dealing in "hot parts." Increasingly, repair shops purchase these "steal-to-order" parts to repair damaged vehicles instead of ordering new parts from the factory or used parts from legitimate salvage dealers. The subcommittee witnesses cited three primary reasons for this growing market in stolen vehicle parts.

First, replacement parts ordered directly from the manufacturer are extremely expensive. Replacement parts are often priced as much as 400 percent above the price of the parts as they originally came off the asembly line. For example, it now costs an astounding $26,418 to purchase separately all the parts for a 1979 automobile with a sticker price of $5,741, according to a study by the Alliance of American Insurers. Chop shops, on the other hand, supply replacement parts for as little as one-third the cost of factory replacement parts.

Second, repair shops often must wait weeks, even months, before receiving requested replacement parts from manufacturers. In an effort to reduce the waiting period, repair shops have traditionally contacted legitimate salvage yards for used parts, but the legitimate yards may not have the requested part in stock. However, yards which purchase steal-to-order parts fill orders quickly. In many cases, a phone call to a salvage yard with chop shop connections can cut delivery time to 1 day.

Third, repair shops incur much greater labor costs when repairing a damaged vehicle with factory parts instead of stolen parts. A factory door may arrive in 30 separate pieces and take 8 to 10 hours to assemble. But the chop shop operator delivers the door in one piece. In fact, Alex Jaroszewski, a former Chicago chop shop operator, testified that he would not only deliver the requested part; but in many cases he would deliver it in the color needed for the replacement part.

The consumer saves nothing in this process. The chop shops, salvage yards, and repair shops that deal in stolen parts pocket the savings while charging the consumer the going market price. According to another former professional auto thief appearing at our hearings, Wilfred Bunnell, Jr., of Ohio, it is quite common for a vehicle to be stolen and chopped for a $400 to $700 fee. The customer could then be charged from $2,000 to $3,000 for just one part—the front end of the stolen vehicle.

Investigators specially trained to detect the use of stolen crash replacement parts face the frustrating, and often impossible, task of proving the crime. After a vehicle is stolen and chopped into parts, there is little likelihood of apprehension, because the parts in greatest demand bear no identifying numbers. Except for those rare occasions when a vehicle theft victim is able to make a personal identification of parts taken from his car, there is no systematic means to identify vehicle parts as stolen. Every law enforcement official appearing before the subcommittee testified that identifying replacement parts as stolen is often the greatest obstacle to the investigation and prosecution of chop shop operators.

FBI Special Agent Richard Schwein related one disturbing instance where FBI agents intercepted a truckload of unnumbered late-model body parts from a known vehicle thief and organized crime affiliate. Yet, because the parts could not be positively identified as stolen, the agents were unable to bring the case to trial.

Even if a thief is apprehended and convicted, the risks of incarceration are very small. Judges tend to view vehicle theft as a victimless crime. For example, in his 12-year career, "John Smith," the mastermind of a nine-State vehicle theft ring involving 40 to 45 persons and 1,500 to 2,000 thefts, was fined $100 for his first offense, and sentenced to 1 year of weekend incarceration for his second offense, before finally being imprisoned after a third conviction. Alex Jaroszewski was arrested three times for his vehicle theft activities, but never spent a day in jail.

### TO CATCH A THIEF

On the first day of our hearings, we saw the ease with which an automobile can be stolen. "John Smith," a convicted auto thief testifying under an alias, demonstrated an assortment of theft techniques used to open doors, unlock steering columns, and start the ignitions on American-made motor vehicles. My distinguished colleague, Senator COHEN, with Smith's assistance, learned to unlock the door of a 1979 Ford Fairmont in less than 10 seconds by using a thin, notched metal strip known as a "slim-jim." My distinguished colleague, Senator NUNN, the proud owner of a Ford pickup, was disturbed to see Smith break into that model vehicle by using two simply designed wire hooks—again, in less than 10 seconds. Once inside, Mr. Smith easily defeated the latest ignition cylinders and steering column locks, each in less than 3 minutes. And the 1979 vehicle antitheft designs which Smith defeated in our hearing room are the same designs used in the 1980 models.

On the final day of the subcommittee hearings, we heard testimony from John Howland, a mechanical engineer with the Arthur D. Little Co., who conducted a study of vehicle theft and vehicle security devices in 1978 for the Department of Transportation. In only 6 months, and with a budget of $121,280, Howland designed an antitheft system which a highly sophisticated professional vehicle thief fully versed in the system's operation could not defeat. He estimated that his system would cost the consumer an additional $17 to $36 per vehicle if installed as standard equipment. Howland stated that his was only one of many possible effective antitheft systems.

Bunnell testified that, while in the vehicle theft business, he had been able to defeat every new antitheft device Detroit devised within a matter of hours of his first exposure to it. Clearly, the motor vehicle industry, with its highly sophisticated engineering capabilities, can and should strive for a "better idea" in designing antitheft devices.

Representatives of GM, Ford, and Chrysler all acknowledged that they would upgrade vehicle antitheft systems if given proper market incentives. But, as Senator NUNN pointed out, because strong market incentives to increase the security of vehicles do not exist, the Federal Government must step in to protect the consumer.

### PROPOSED SOLUTIONS

There is legislation now before the Senate—the Motor Vehicle Theft Prevention Act of 1979 (S. 1214)—which I introduced along with Senator BIDEN, that would authorize the Secretary of Transportation to require the placement of vehicle identification numbers (VINS) on major component parts, if proven to be cost-effective.

This is perhaps the most important tool available for combating the burgeoning chop shop industry. Using these numbers, law enforcement officials can determine the origin of a part in question, thus enabling a positive identification of a stolen part. Presently, engines, transmissions, and the door post, dashboard, and one or more confidential locations on passenger cars bear VINS. Yet, according to the two chop shop operators who testified before the subcommittee—Alex Jaroszewski and Wilfred Bunnell, Jr.—it is standard operating procedure for chop shops to discard those few VIN-marked parts from their stolen vehicle inventory. These valuable parts are routinely thrown away to substantially reduce the likelihood of being caught redhanded with readily identifiable stolen parts.

This practice has led most vehicle

theft experts to conclude that if other valuable body parts were marked, the chop shop operators would also be deterred from trafficking in these parts, rendering the stolen vehicle worthless to the professional criminal. Local law enforcement officials, FBI officials, a consultant to the Department of Transportation in the area of vehicle theft, Federal, State, and local prosecutors, and the former vehicle thieves who testified before the subcommittee all agreed that placement of VINS on major component parts—making them easily identifiable to law enforcement officers—would drastically reduce the marketability, and thus the demand, for stolen parts.

"John Smith," Wilfred Bunnell, and Alex Jaroszewski, all stated that they never would have entered the vehicle theft business if major vehicle body parts had been stamped with VINS. The risks would have been too high, and the profits too low. Clearly, few dealers in component parts would risk buying or selling stolen merchandise if they knew the part could be easily identified as stolen.

In addition, S. 1214 would also make it a Federal offense to knowingly possess a part which has an altered or obliterated VIN. Regarding these measures, FBI Director William Webster testified:

> If, as proposed . . . regulatory authority were used to order the placement of VINs on the major components of new cars, the chop shop operations could no longer deal in unnumbered, untraceable parts.

Representatives from both Ford and General Motors testified on the final day of hearings that they are undertaking experimental programs that will enable law enforcement to identify previously unmarked vehicle components. Representatives of both companies confirmed that the marking of six additional parts will cost a maximum of $5 per vehicle.

S. 1214 also authorizes the Secretary of Transportation to require, if proven to be cost-effective, the improvement of the locking mechanisms of ignition systems, doors, trunks, and hoods. According to law enforcement testimony, as well as the testimony of former professional vehicle thieves, increasing the time it takes to steal a vehicle to 10 minutes—and thus increasing the risk of apprehension—would deter many professional thieves and all but eliminate amateur theft. This provision would be instituted within 4 years after the enactment of the legislation, so as to give the motor vehicle manufacturers sufficient time to comply with its requirements.

Presently, the Department of Transportation only has authority to issue anti-theft standards to reduce the threat to public health and safety posed by reckless amateur thieves known as "joyriders." Providing the Secretary of Transportation with the authority to issue antitheft standards to discourage all vehicle theft would be an important step in reducing professional motor vehicle theft, and the skyrocketing cost of insurance premiums, not to mention the inconvenience and lost work hours that often afflict victims of motor vehicle theft.

Chrysler, Ford, and General Motors have all expressed their concern about the magnitude and cost of the vehicle theft problem. I hope that their concern will be transformed into strong support for the increased use of VIN marking and the improvement of antitheft security systems as called for by S. 1214. Both measures are designed to make the professional vehicle thief's task much more difficult while offering American motorists a much greater degree of protection against the theft of their valuable motor vehicles.

### RETAG OPERATIONS

Professional motor vehicle thieves may also "retag" stolen vehicles. In order to partially recoup the costs of their coverage, insurance companies publicly auction wrecked vehicles for which they have retained title. The legitimate purpose of the auction is to afford buyers the opportunity to buy the wrecked vehicle for its usable parts and, in some cases, to rebuild the wreck so that it is once again roadworthy. However, as both law enforcement officials and the former thieves who testified before the subcommittee illustrated, the wrecks sold at auction are very often so badly damaged that it is not cost-effective to rebuild the vehicle.

Consequently, "retag" operators will purchase some of these badly wrecked vehicles at auction. After such purchases, retaggers steal vehicles identical to the wrecks and then switch the public vehicle identification numbers and other identifiers from the wrecks to the stolen vehicles from which the "hot" numbers have been removed.

Within a matter of hours, the stolen vehicles receive new identities. The retag operators then can apply to the State for new titles for what are supposedly rebuilt vehicles. Only a trained motor vehicle theft investigator would detect such frauds. And a retagger's profit per vehicle is even greater than a chop shop operator's profits. According to Bunnell, his Ohio auto theft ring made as much as $6,000 on a single retagged vehicle.

### PROPOSED SOLUTION

Lt. Vladimir Ivkovich, commander of the Illinois Secretary of State's Northern Illinois Auto Theft Unit, testified that 80 percent of the badly damaged vehicles bought at insurance auctions are used for retagging stolen vehicles. According to Ivkovich, insurance companies should sell badly wrecked vehicles only as "junk," which cannot be rebuilt and retitled, rather than as supposedly rebuildable salvage. Ivkovich also recommended that State authorities perform a careful physical inspection of all rebuilt vehicles before issuing a clear title so that retagging frauds can be detected.

### ORGANIZED CRIME

Two days of the hearings were specifically dedicated to probing the motor vehicle theft problems of Chicago and New York City, and the violence resulting from organized crime ties to theft operations.

According to the testimony of J. Philip Kruse, the criminal intelligence commander of the Illinois Department of Law Enforcement, "Orangized crime involvement in the chop shop operations was entirely predictable." Kruse noted that the two elements which attract organized crime's interest to an illicit activity are both present in motor vehicle theft—high profits and low risks.

Commander Kruse testified that organized crime dominates the chop shop operations in the Chicago metropolitan area. The constant violence associated with Chicago chop shop operations indicates the organized crime presence. Kruse recounted that during 1977 alone, eight persons known to be involved in chop shop operations were murdered in traditional gangland style.

Alex Jaroszewski ran a Chicago chop shop from 1970–72 for the late Chicago-area salvage yard owner and reputed organized crime figure, Steven Ostrowsky. Mr. Jaroszewski was twice asked to chop the cars belonging to organized crime figures who Ostrowsky claimed he had murdered with the assistance of William "Billy" Dauber (a reputed organized crime figure). On another occasion, Mr. Jaroszewski was instructed to be Ostrowsky's "wheel man" in the murder of an alleged informant.

Lieutenant Ivkovich, in his 6 years as commander of the Illinois Secretary of State's Auto Theft Unit for Northern Illinois, also learned that organized crime dominated the chop shop operations, using violence and intimidation to secure its growing profits.

Ivkovich testified:

> I have survived two attempts on my life which I believe were made by affiliates of Chicago organized crime figures.

He also noted:

> Organized crime now controls Chicago chop shop operations. According to our intelligence reports, the thieves, chop shop operators and salvage yard owners trafficking in stolen parts all pay protection money to the "Outfit"—the name given to Chicago organized crime. If you don't pay, you can't stay in business; it's that simple. The Outfit doesn't tolerate people who don't follow the rules.

Commander Kruse also pointed out that such violence is a tremendous obstacle to law enforcement efforts to combat this serious problem. "When the lives of potential witnesses, confidential informants, and even law enforcement officials are jeopardized by an organization that will stop at nothing to protect its interests, arrests and prosecutions become even more difficult to obtain."

According to Sgt. Frank Martin of the New York City Police Department Auto Crime Unit, organized crime has also infiltrated the lucrative motor vehicle theft operations in New York City.

Martin testified:

> A good percentage of the vehicles stolen for resale and stolen for parts are stolen under the direction, protection, and guidance of organized crime.

He continued:

> It has been said, and I have no reason to doubt it, that auto theft is second only to the narcotics trade in profit potential.

### PROPOSED SOLUTION

S. 1214 would provide additional tools necessary for law enforcement officials to combat organized crime's increasing involvement in this lucrative and sophisticated crime. This includes expanding the racketeering influenced and corrupt organizations (RICO) statute to cover professional motor vehicle theft operations. Those individuals in businesses which traffic in stolen vehicles and their parts could have their assets seized and forfeited by the Federal Government. They could also be fined $25,000 and/or imprisoned for up to 10 years.

Federal law enforcement officials nationwide vigorously support the expansion of the RICO statute to cover chop shop operators. The Justice Department, which has announced its strong support for S. 1214, expects this expansion will deter otherwise legitimate businesses from the temptation to deal in fenced automobile body parts.

### INSURANCE FRAUD

In spite of the alarming growth in vehicle theft losses, many people view vehicle theft as a victimless crime. After all, insurance companies compensate owners of stolen vehicles for their losses. This public attitude has undoubtedly contributed to the growth of a third lucrative area of motor vehicle theft—insurance fraud.

According to Sergeant Martin, Lieutenant Ivkovich, and Sgt. Robert Pope of the Cincinnati Police, owners of "gas guzzlers" and "lemons" are now resorting to setting their vehicles on fire or paying others to dispose of their vehicles, then reporting their vehicles stolen. The owners collect the blue book value for the vehicle from the insurance company, which, in many cases, is a significantly higher sum than the vehicles' actual market value. In short, the insurance companies have become the highest bidders for vehicles of declining value.

According to Sergeant Martin, more than 10 percent of the 83,112 vehicles reported stolen in New York City in 1978 were insurance fraud cases.

In the course of the hearings, the subcommittee learned from Lieutenant Ivkovich about another variation of the insurance fraud scheme. Many insurance companies insure automobiles over the telephone without ever physically inspecting the vehicle. A person may falsely report a vehicle stolen—even a nonexistent vehicle—collect for theft, reinsure the car with another company, and report it stolen again.

### PROPOSED SOLUTION

The present insurance company policy of insuring vehicles over the telephone is a customer convenience. It reduces insurance company processing costs and the time it takes a customer to insure a vehicle. However, this practice may also be encouraging insurance fraud which in turn inflates insurance premiums.

Consequently, both Lieutenant Ivkovich and Sergeant Martin recommended an industrywide policy of eliminating the practice of insuring vehicles over the telephone. In addition, they called for increased investigations of theft claims by the insurance companies and increased cooperation with law enforcement in its pursuit of insurance defrauders.

The hearings on professional motor vehicle theft by the Permanent Subcommittee on Investigations brought home the alarming scope of professional motor vehicle theft; 15 months of investigation by the subcommittee, encompassing hundreds of interviews with vehicle theft experts, have made it abundantly clear that we have a serious problem on our hands. It contributes to the violent spread of organized crime, and it is growing at an alarming rate. The sophisticated operations of vehicle thieves, and the ready, highly profitable market for stolen vehicles and their parts, affect every motorist in the form of rising insurance premiums. This costly problem has been ignored too long by Congress and the Federal law enforcement community. Legislative action is needed now. Encouragingly, a solution is at hand. S. 1214, the Motor Vehicle Theft Prevention Act of 1979, is one legislative remedy which the overwhelming majority of vehicle theft experts believe will drastically reduce the problem. The legislation has been endorsed by the Coalition to Halt Automotive Theft. CHAT members include the International Association of Auto Theft Investigators, the International Association of Chiefs of Police, State Farm Mutual Automobile Insurance Co., Government Employees Insurance Co., the American Insurance Association, National Association of Independent Insurers, the Automotive Dismantlers & Recyclers of America, and the Automotive Service Councils, Inc. I strongly urge my colleagues to give this measure their timely consideration and approval.

Mr. President, I ask unanimous consent that S. 1214, the Motor Vehicle Theft Prevention Act, be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 1214—MOTOR VEHICLE THEFT PREVENTION ACT OF 1979

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Motor Vehicle Theft Prevention Act of 1979".

### TITLE I—FINDINGS AND PURPOSES

SEC. 101. The Congress finds and declares the following:

(a) The annual number of reported motor vehicle thefts is approaching one million vehicles. Approximately 50 percent of all larcenies reported to law enforcement authorities in the United States are directed against the motor vehicle, its accessories, or its contents. The recovery rate of stolen vehicles has significantly decreased over the past decade.

(b) The theft and disposition of stolen motor vehicles and their parts is becoming more professional in nature. It has also attracted elements of organized crime which have used intimidation and violence as a means of obtaining increased control of "chop shop" operations. These activities are having a serious effect on interstate and foreign commerce. There is indication that organized crime is using auto theft proceeds to purchase addictive and illegal drugs for resale and for other illicit activities that are extremely harmful to our society.

(c) The theft of motor vehicles has brought increased and unnecessary burdens to automobile users and to American taxpayers as the national financial cost of motor vehicle-related theft offenses now approaches $4,000,000,000 annually. This has had an impact on the overall rate of inflation through higher insurance rates.

(d) National and international uniformity on certain standards such as vehicle identification and titling would further facilitate commerce and prevent criminal abuse.

(e) A cooperative partnership between the States and the Federal Government is required to devise appropriate interrelated systems in the area of motor vehicle titling and registration in order to help curb motor vehicle theft.

(f) Farm and industrial users are concerned with the theft of their self-propelled vehicles. Due to a lack of meaningful data in this area, a need exists to study this problem.

(g) The theft of motor vehicles and their parts and their unlawful disposition can be significantly curtailed through the more effective use of the facilities of the National Crime Information Center by both law enforcement authorities and the State motor vehicle registrars.

(h) The cooperation and assistance of the automobile insurance industry is needed to curb the growing problem of insurance fraud through improvements in their procedures for their claim processes, disposition of salvage vehicles, and issuance of policies.

(i) Automobile antitheft campaigns at the local level which have increased citizen involvement and have been sponsored by the insurance industry have been effective in reducing motor vehicle theft.

(j) An increased vigilance by used motor vehicle dealers, motor vehicle dismantlers, recyclers, and salvage dealers, and by motor vehicle repair and body shops is crucial to curtail their important industries from being used to facilitate crime through the disposition of stolen motor vehicles and their parts.

(k) The shipment of stolen motor vehicles and their parts as well as farm and industrial equipment outside the United States is a serious problem. The cooperation of shippers and operators of the Nation's vessels, railroads, and aircraft is necessary to hinder such illicit exportation.

(l) The continued assistance and cooperation of our sovereign neighbors, Canada and Mexico, are key ingredients necessary to aid us in our efforts to protect our citizens' property by limiting the opportunity for stolen motor vehicles to enter their respective countries from the United States.

(m) An increased prosecutive emphasis must be given by Federal, State, and local prosecutors to motor vehicle theft violations with particular emphasis being given to professional theft rings and "chop shops".

(n) The commendable and constructive efforts of the Attorney General, Secretary of Transportation, Secretary of the Treasury, Secretary of State, and Secretary of Commerce in the formation of the Interagency Committee on Auto Theft Prevention, with the cooperation from the private sector, should be continued and expanded upon.

SEC. 102. The purposes of this Act are to—

(a) improve the standards for security devices for motor vehicles;

(b) improve the identification numbering systems for motor vehicles and their major components;

(c) increase the Federal criminal penalties for those persons trafficking in stolen motor vehicles and their parts; and

(d) establishing procedures to reduce opportunities for exporting stolen motor vehicles.

### TITLE II—IMPROVED SECURITY FOR MOTOR VEHICLES AND MOTOR VEHICLE PARTS

SEC. 201. Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end the following new subsection:

"(j) Standards established by the Secretary under this section shall include standards to reduce the theft of the motor vehicle and its parts, taking into account—

"(1) the cost of implementing the standard and the benefits attainable as a result of the implementation of the standard;

"(2) the effect of implementation of the standard on the cost of automobile insurance;

"(3) savings in terms of consumer time and inconvenience; and

"(4) considerations of safety."

Sec. 202. (a) In exercising the authority given to the Secretary of Transportation under section 103(j) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392), as added by section 201 of this Act, the Secretary shall consult closely with the Attorney General, the International Association of Chiefs of Police, the International Association of Auto Theft Investigators, the National Automobile Theft Bureau, and other groups and individuals interested in or affected by the motor vehicle theft problem.

(b)(1) Within twelve months after the date of enactment of this Act, the Secretary of Transportation shall issue proposed notices of rulemaking covering the areas of unauthorized starting of the motor vehicle and major component identification.

(2) The proposed rule covering the prevention of the unauthorized starting of the motor vehicle shall take into consideration ongoing technological developments relating to the utilization of the microelectronics in the motor vehicle, automatic activation of the security system, and possible elimination of the existing metallic mechanical key system presently used to activate the motor vehicle.

(3) The proposed rule relating to the theft of motor vehicle parts shall take into consideration ongoing technological developments, including laser marking machines, to place identification numbers on those major components which are the primary target of the "chop shops".

(4) After an appropriate comment period and the analysis thereof, the Secretary of Transportation shall issue final rules as soon as possible, but not later than twenty-four months after the date of enactment of this Act. The initial effective date of such final rules shall be as soon as practicable but before the introduction of two model years or two calendar years, whichever is shorter, following the issuance of any final rule. Any final rule shall encourage and permit the manufacturer to conform to its requirements before the rule's mandatory effective date.

Sec. 203. Whenever there is in effect a Federal motor vehicle security standard relating to a motor vehicle's starting system, the locking systems for the engine, passenger, and trunk compartments, and component part identification established under this title, no State or political subdivision of a State shall have any authority to establish or to continue in effect, with respect to any motor vehicle or motor vehicle part, any security standard relating to those same systems which is not identical to such Federal standard.

## TITLE III—ANTIFENCING MEASURES

Sec. 301. (a) Chapter 25 of title 18, United States Code, is amended by adding after section 509 the following new sections:

"§ 510. Altering or removing motor vehicles identification numbers

"Whoever knowingly removes, obliterates, tampers with, or alters any identification number for any motor vehicle or part thereof required under regulations issued by the Secretary of Transportation shall be fined not more than $5,000, imprisoned not more than five years, or both.

"§ 511. Forfeiture of motor vehicles and their parts which have had identification numbers altered or removed

"(a) Property Subject to Forfeiture.—Any motor vehicle or motor vehicle part required to have an identification number pursuant to regulations issued by the Secretary of Transportation which has had such number removed, obliterated, tampered with, or altered shall be subject to seizure and forfeiture to the United States unless—

"(1) such motor vehicle part has been attached to a motor vehicle owned by an innocent purchaser of such part; or

"(2) such motor vehicle or motor vehicle part has a replacement identification number which is authorized by the Secretary of Transportation or is in conformity with the applicable law of the State where such motor vehicle or motor vehicle part was seized.

"(b) Forfeiture Procedures.—All provisions of law relating to the seizures, summary and judicial forfeiture procedures, and condemnation of vessels, vehicles, merchandise, and baggage for violation of customs laws; the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from such sale, the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have incurred under the provisions of this section, insofar as applicable and not inconsistent with such provisions. Such duties as are imposed upon the collector of customs or any other person in respect to the seizure and forfeiture of vessels, vehicles, merchandise and baggage under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be designated for that purpose by the Attorney General.".

(b) The table of sections for chapter 25 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"510. Altering or removing motor vehicle identification numbers.

"511. Forfeiture of motor vehicles and their parts which have had identification numbers altered or removed.".

Sec. 302. Section 2311 of title 18, United States Code, is amended in the definition of "Securities" by inserting immediately after "voting trust certificate;" the following: "motor vehicle title until it is cancelled by the State indicated thereon or blank motor vehicle title;"

Sec. 303. Section 2313 of title 18, United States Code, is amended—

(1) by striking out "moving as, or which is a part of, or which constitutes interstate or foreign commerce," and inserting in lieu thereof "which has crossed a State or United States boundary after being stolen,"; and

(2) by inserting "possesses," immediately after "receives,".

Sec. 304. (a) Chapter 113 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2319. Trafficking in motor vehicles or their parts which have had identification numbers altered or removed.

"Whoever buys, receives, possesses, or obtains control of, with intent to sell, transfer, distribute, dispense, or otherwise dispose of, any motor vehicle or motor vehicle part, knowing that an identification number required pursuant to regulations issued by the Secretary of Transportation has been removed, obliterated, tampered with, or altered, shall be fined not more than $25,000, imprisoned not more than ten years, or both.".

(b) The table of sections for chapter 113 of title 18, United States Code, is amended by adding at the end thereof the following:

"2319. Trafficking in motor vehicles or their parts which have had identification numbers altered or removed.".

Sec. 305. Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting "sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles)," immediately after "section 1955 (relating to the prohibition of illegal gambling business),"; and

(2) by inserting "section 2319 (relating to the trafficking in motor vehicles or their parts with altered or removed identification numbers)," immediately after "sections 2314 and 2315 (relating to the interstate transportation of stolen property),".

Sec. 306. (a) Section 3002 of title 39, United States Code, is amended—

(1) in the section heading, by inserting "and manipulative devices" after "keys";

(2) in subsection (a), by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)";

(3) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(4) in subsection (c), as redesignated by paragraph (3) of this section, by inserting "and subsection (b)" immediately after "subsection (a)";

(5) by inserting after subsection (a) a new subsection (b) to read as follows:

"(b) Except as provided in subsection (c) of this section, any manipulative type device which is designed or adapted to operate, circumvent, remove, or render inoperable the ignition switch, ignition lock, door lock, or trunk lock of two or more motor vehicles, or any advertisement for the sale of any such manipulative type device is nonmailable matter and shall not be carried or delivered by mail."; and

(6) by adding at the end a new subsection (e) to read as follows:

"(e) Upon evidence satisfactory to the Postal Service that any person is engaged in a scheme or device for obtaining money or property through the mail by advertising or offering for sale any motor vehicle master key or manipulation device made nonmailable by this section, the Postal Service may issue an order of the same kind and with the same incidents as that authorized by section 3005 of this title.".

(b) The table of sections for chapter 30 of title 39, United States Code, is amended in the item relating to section 3002 by inserting "and manipulative devices" after "keys".

Sec. 307. (a) Section 1716A of title 18, United States Code, is amended in the section heading by inserting "and manipulative devices" after "keys".

(b) The table of sections for chapter 83 of title 18, United States Code, is amended in the item relating to section 1716A by inserting "and manipulative devices" after "keys".

## TITLE IV—IMPORTATION AND EXPORTATION MEASURES

Sec. 401. (a) Chapter 27 of title 18, United States Code, is amended by adding after section 552 the following new section:

"§ 553. Unlawful importation or exportation of stolen self-propelled vehicles, vessels, or aircraft

"(a) Whoever imports, exports, or attempts to import or export (1) any self-propelled vehicle, or part of a self-propelled vehicle, vessel, or aircraft, knowing the same to have been stolen, or (2) any self-propelled vehicle or part of a self-propelled vehicle, knowing that its identification number has been removed, obliterated, tampered with, or altered, shall be fined not more than $10,000, imprisoned not more than five years, or both.

"(b) For purposes of this section, the term—

"(1) 'self-propelled vehicle' includes any automobile, truck, tractor, bus, motorcycle, motor home, and any self-propelled agricultural machinery, self-propelled construction equipment, self-propelled special use equipment, and any other self-propelled vehicle used or designed for running on land but not on rail;

"(2) 'vessel' has the meaning given to it in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401); and

"(3) 'aircraft' has the meaning given to it in section 101(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(5))."

(b) The table of sections for chapter 27 of title 18, United States Code, is amended by adding at the end thereof the following:

"553. Unlawful importation or exportation of stolen self-propelled vehicles, vessels, or aircraft.".

SEC. 402. The Tariff Act of 1930 is amended by adding after section 624 (19 U.S.C. 1624) the following new sections:

"SEC. 625. UNLAWFUL IMPORTATION OR EXPORTATION OF STOLEN SELF-PROPELLED VEHICLES, VESSELS, OR AIRCRAFT; CIVIL PENALTY.

"(a) Whoever knowingly imports, exports, or attempts to import or export (1) any stolen self-propelled vehicle, vessel, aircraft, or part of a self-propelled vehicle, or part of self-propelled vehicle from which the identification number has been removed, obliterated, tampered with, or altered, shall be subject to a civil penalty in an amount determined by the Secretary, not to exceed $10,000 for each violation.

"(b) Any violation of this section shall make such self-propelled vehicle, vessel, aircraft, or part thereof subject to seizure and forfeiture under this Act.

"SEC. 626. INSPECTION OF USED SELF-PROPELLED VEHICLES TO BE EXPORTED; DEFINITIONS.

"(a) A person attempting to export a used self-propelled vehicle shall present, pursuant to regulations prescribed by the Secretary, to the appropriate customs officer both the vehicle and a document describing that vehicle which includes the vehicle identification number, before lading if the vehicle is to be transported by vessel or aircraft, or prior to export if the vehicle is to be transported by rail, highway, or under its own power. Failure to comply with the regulations of the Secretary shall subject the exporter to a penalty of not more than $500 for each violation.

"(b) For purposes of this section and section 625, the term—

"(1) 'self-propelled vehicle' includes any automobile, truck, tractor, bus, motorcycle, motor home, self-propelled agricultural machinery, self-propelled construction equipment, self-propelled special use equipment, and any other self-propelled vehicle used or designed for running on land but not on rail;

"(2) 'aircraft' has the meaning given to it in section 101(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(5)); and

"(3) 'used' refers to any self-propelled vehicle other than a new self-propelled vehicle which is exported by the original manufacturer or by such manufacturer's authorized agent.".

SEC. 403. The Tariff Act of 1930 is further amended by adding after section 588 (19 U.S.C. 1588) the following new section:

"SEC. 589. ADDITIONAL AUTHORITY FOR UNITED STATES CUSTOMS SERVICE.

"A customs officer, as defined in section 401(1) of this Act, may (1) carry firearms, execute and serve search warrants and arrest warrants, and serve subpenas and summonses issued under the authority of the United States, and (2) make arrests without warrant for any offense against the United States committed in his presence or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed, or is committing, such a felony.".

SEC. 404. (a)(1) Section 7607 of the Internal Revenue Code of 1954 (26 U.S.C. 7607) is repealed.

(2) The table of sections for subchapter A of chapter 78 is amended in the item relating to section 7607 by striking out "Additional authority for Bureau of Customs" and inserting in lieu thereof "Repealed".

(b) A prosecution under section 7607 of the Internal Revenue Code of 1954 (26 U.S.C. 7607) for any violation of law occurring before the effective date of subsection (a) of this section shall not be affected by the repeal made by such subsection or abated by reason thereof.

(c) Civil seizure, forfeiture, and injunctive proceedings commenced under section 7607 of the Internal Revenue Code of 1954 (26 U.S.C. 7607) before the effective date of subsection (a) of this section shall not be affected by the repeal made by such subsection or abated by reason thereof.

### TITLE V—REPORTING REQUIREMENTS

SEC. 501. (a) Within eighteen months, after the date of the enactment of this Act the Attorney General, after consultation with the Secretaries of Agriculture, Commerce, Transportation, and the Treasury, shall submit to the Congress a report on the developments in the area of the theft of off-highway vehicles and the steps being taken to help prevent their theft as well as hinder their subsequent disposition, and facilitate their recovery. Included in the report shall be—

(1) the progress being made by the various manufacturers of off-highway vehicles to develop identification numbering systems effective in identifying such vehicles;

(2) the effectiveness of the location and manner by which such identification numbers are affixed to the off-highway vehicle by the manufacturer, including the affixing of such number in a confidential location;

(3) the degree to which the various manufacturers are reporting the characteristics of their numbering identification systems for off-highway vehicles to the National Crime Information Center (NCIC) so that appropriate edit controls over entries and inquiries can be established by NCIC;

(4) the progress being made toward the establishment within the off-highway vehicle industry of an industrywide unique identification numbering system;

(5) the degree to which manufacturers of off-highway vehicles have affixed unique identification numbers to the major components of the vehicle;

(6) the degree to which manufacturers of off-highway vehicles have established record systems which permit a cross-referencing between the identification number of the vehicle and those of the major components;

(7) changes being made to the format and procedures of the NCIC to better deal with the theft of off-highway vehicles and their major components;

(8) the degree of cooperation of the various manufacturers of such off-highway vehicles with the Nation's law enforcement community to reduce the theft problem in this area;

(9) the efforts being made by the owners of existing off-highway vehicles to affix an owner applied number (OAN) to such vehicles and the major components thereof;

(10) the passage of any State laws relating to the titling or deeding of off-highway vehicles;

(11) the passage of any State laws which make it a State crime to remove, obliterate, tamper with, or alter the identification number affixed by the manufacturers to any off-highway vehicle or major component of such vehicle;

(12) the passage of any State laws permitting the seizure by law enforcement for investigative purposes and possible forfeiture of any off-highway vehicle or major component thereof which has had its manufacturer's affixed identification number removed, obliterated, tampered with, or altered;

(13) the degree to which manufacturers of off-highway vehicles have developed a manufacturer's certification of origin which contains adequate internal security features to guard against forgery, alteration, and counterfeiting, lists the serial number of the vehicle itself as well as the serial numbers of any major components, and can serve as a de facto title for such vehicle by assignment to subsequent purchasers;

(14) the steps being taken by those elements of the private sector which auction off, make loans on, and insure off-highway vehicles to help deter stolen off-highway vehicles from being reintroduced into the channels of legitimate commerce; and

(15) any assessments of the scope of the problem as well as any recommendations the Attorney General may deem appropriate.

(b) For purposes of this section, the term "off-highway vehicle" means a vehicle or work machine that is self-propelled or pushed or towed by a self-propelled vehicle and the primary function of which is off-highway in application. Any on-highway operation is incidental to the vehicles primary function. This includes self-propelled agricultural, forestry, industrial, construction, and any other non-transportation special use equipment.

SEC. 502. On or before the first June 30 which occurs at least fifteen months after the date of enactment of this Act, and on or before each June 30 thereafter for the following nine successive years, the Attorney General, in consultation with the Secretary of Transportation, the Secretary of the Treasury, and the Postmaster General, shall submit to the Congress a report on the implementation and development of the provisions of titles II, III, and IV of this Act and the effectiveness of such provisions in helping to prevent and reduce motor vehicle-related theft.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION FOR 1978—MESSAGE FROM THE PRESIDENT—PM 153

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Labor and Human Resources:

*To the Congress of the United States:*

I am pleased to transmit the Annual Report of the National Advisory Council on Adult Education for 1978 as required by the Adult Education Act.

JIMMY CARTER.

THE WHITE HOUSE, *January 29, 1980.*

## REPORT OF THE NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION FOR 1979—MESSAGE FROM THE PRESIDENT—PM 154

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Labor and Human Resources:

*To the Congress of the United States:*

I transmit herewith the Annual Report of the National Advisory Council on Adult Education for Fiscal Year 1979, as required by Section 313(d) of the Adult Education Act (Public Law 91-230).

JIMMY CARTER.

THE WHITE HOUSE, *January 29, 1980.*

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2853. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Farm Credit System: Some Opportunities for Improvements," January 25, 1980; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2854. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, five reports of violations of the Anti-Deficiency Act (Section 3679, Revised Statutes), and of Department of Defense Directive 7200.1; to the Committee on Appropriations.

EC-2855. A communication from the Assistant Director for Legislative and Public Affairs, United States International Development Cooperation Agency, transmitting, pursuant to law, a report on the progress made in carrying out section 610 of the FY 1979 Foreign Assistance Appropriations Act; to the Committee on Appropriations.

EC-2856. A communication from the Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Air Force's proposed Letter of Offer to Israel for Defense Articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2857. A communication from the Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Air Force's proposed Letter of Offer to Morocco for Defense Articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2858. A communication from the Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Army's proposed Letter of Offer to Morocco for Defense Articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC-2859. A communication from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2860. A communication from the Director of Congressional Relations, U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's 1980 annual report; to the Committee on Commerce, Science, and Transportation.

EC-2861. A communication from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development; to the Committee on Commerce, Science, and Transportation.

EC-2862. A communication from the Secretary of Commerce, transmitting, pursuant to law, an interim report on the progress of the planning and construction of facilities for the 1980 Winter Olympic Games; to the Committee on Commerce, Science, and Transportation.

EC-2863. A communication from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, that no grants or contracts were awarded under section 27 of the Toxic Substances Control Act during the past year; to the Committee on Commerce, Science, and Transportation.

EC-2864. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Uncertainties About the Effectiveness of Federal Programs to Make New Buildings More Energy Efficient," January 28, 1980; to the Committee on Energy and Natural Resources.

EC-2865. A communication from the Federal Cochairman, The Ozarks Regional Commission, transmitting, pursuant to law, the Commission's 1979 annual report; to the Committee on Environment and Public Works.

EC-2866. A communication from the Chairman, United States International Trade Commission, transmitting a revision of the draft bill to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1981 in the amount of $16,981,000; to the Committee on Finance.

EC-2867. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the twelfth annual report on Medicare, covering the administration and operations of that program during fiscal year 1979; to the Committee on Finance.

EC-2868. A communication from the Chairman, Board for International Broadcasting, transmitting, pursuant to law, the Board's sixth annual report on its activities as well as its review and evaluation of the operation and mission of Radio Free Europe/Radio Liberty, for the period October 1, 1978 through September 30, 1979; to the Committee on Foreign Relations.

EC-2869. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after the execution thereof; to the Committee on Foreign Relations.

EC-2870. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-2871. A communication from the Mayor, the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the rate of compensation of the City Administrator; to the Committee on Governmental Affairs.

EC-2872. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the 1979 annual report of the General Accounting Office; to the Committee on Governmental Affairs.

EC-2873. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting a draft of proposed legislation to amend the Civil Service Reform Act of 1978; to the Committee on Governmental Affairs.

EC-2874. A communication from the Chairman, Council of the District of Columbia, reporting, pursuant to law, that the Mayor, via the Office of Documents, has indicated that Act 3-148, the University of the District of Columbia Bookstore Fund Establishment Act of 1979, should be regarded as a "pocket vetoed" measure; to the Committee on Governmental Affairs.

EC-2875. A communication from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, concerning the report on activities carried out under the Rehabilitation Act of 1973, as amended; to the Committee on Labor and Human Resources.

EC-2876. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the second annual report on drug abuse, prevention, treatment and rehabilitation; to the Committee on Labor and Human Resources.

EC-2877. A communication from the Comptroller General of the United States, reporting, pursuant to law, on the President's third special message for fiscal year 1980, transmitted on December 26, 1979, pursuant to the Impoundment Control Act of 1974; to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, the Committee on Finance, and the Committee on Governmental Affairs.

EC-2878. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Water Supply Should Not Be An Obstacle to Meeting Energy Development Goals," January 24, 1980; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, jointly, by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a communication transmitted by the Comptroller General of the United States, relative to water supplies not being an obstacle in meeting energy development goals, be referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table, as indicated:

POM-535. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION NO. 8

"Whereas, Proper economic planning, fiscal prudence and common sense require that the federal budget include all federal spending and be in balance; and

"Whereas, The annual federal budgets continually reflect the unwillingness or inability of the legislative and executive branches of the Federal Government to balance the budget; and

"Whereas, The national debt now amounts to hundreds of billions of dollars and is increasing enormously each year as federal expenditures exceed federal revenues; and

"Whereas, The inflation and other results of the fiscal irresponsibility of the Federal Government demonstrate the need for a constitutional restraint upon excessive spending; and

"Whereas, Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the states, Congress shall call a convention for proposing amendments to the Constitution; now, therefore, be it

*"Resolved by the Senate and Assembly of the State of Nevada, jointly,* That this legislature requests the Congress of the United States to call a convention limited to proposing an amendment to the Constitution of the United States which would provide that, in the absence of a national emergency, the total of all federal appropriations for any

fiscal year must not exceed the total of the estimated federal revenue for that year; and be it further

"*Resolved,* That this legislature conditions this request upon the Congress of the United States' establishing appropriate restrictions limiting the subject matter of a convention called pursuant to this resolution to the subject matter of this resolution, and if the Congress fails to establish such restrictions, this resolution has no effect and must be considered at nullity; and be it further

"*Resolved,* That a copy of this resolution be immediately transmitted by the legislative counsel to the Vice President of the United States as President of the Senate and the Speaker of the House of Representatives of the United States, to each member of the Nevada congressional delegation and to the presiding officer of each house of the legislatures of the several states; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-536. A resolution adopted by the House of Representatives of the State of Rhode Island; to the Committee on Labor and Human Resources:

"House Resolution 7131

"Whereas, The Federal government, through the Health Planning Act of 1974 has required Rhode Island to submit, through the State Department of Health, a Statewide Health Systems Plan in the spring of 1980; and

"Whereas, The public hearing process has revealed substantial community opposition to the draft plan approved by the Statewide Health Coordinating Council; and

"Whereas, This community opposition has led to a need to substantially revise the plan prior to its submission; and

"Whereas, The implementation of a statewide health plan would have substantial impact on the way in which health services will be provided in Rhode Island, and

"Whereas, Additional time to prepare the plan would be in the best interests of the state, now therefore be it

"Resolved, That the House of Representatives hereby requests Congress to extend the date for submission of the Rhode Island Statewide Health Plan by one year, and be it further

"Resolved That the Secretary of State be and he is hereby directed to transmit a certified copy of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and the members of Congress representing Rhode Island."

POM-537. A resolution adopted by the Italian-American Labor Council, Inc., New York, New York, relating to the SALT II Treaty; which was ordered to lie on the table.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on the Budget, without amendment:

S. Res. 330. Resolution to waive section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2012.

By Mr. WILLIAMS, from the Committee on Labor and Human Resources, without amendment:

S. Res. 341. An original resolution authorizing additional expenditures by the Committee on Labor and Human Resources for inquiries and investigations. Referred to the Committee on Rules and Administration.

By Mr. PELL, from the Committee on Labor and Human Resources, with an amendment:

S. 1386. A bill to amend and extend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes (Rept. No. 96-557).

S. 1429. A bill to extend the Museum Services Act for 2 years, and for other purposes (Rept. No. 96-558).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McGOVERN (for himself and Mr. Pressler):

S. 2230. A bill to authorize the planning and development of the WEB Pipeline Project in South Dakota; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RIBICOFF (by request):

S. 2231. A bill to amend chapter 23 of title 44, United States Code, to reconstitute the membership of the National Archives Trust Fund Board, and for other purposes; to the Committee on Governmental Affairs.

By Mr. PELL:

S. 2232. A bill to amend section 2382 of title 10, United States Code, to exempt contracts of $1,000,000 or less; to the Committee on Armed Services.

By Mr. CRANSTON:

S. 2233. A bill to permit the Forest Service to acquire lands outside the boundaries of the Los Padres National Forest in California; to the Committee on Energy and Natural Resources.

By Mr. STEVENSON:

S. 2234. A bill to provide for notification to the Department of Health, Education, and Welfare by certain persons conducting recombinant DNA research, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself and Mr. Riegle):

S. 2235. A bill to authorize the Secretary of the Army to convey to the Michigan Job Development Authority the lands and improvements comprising the Michigan Army Missile Plant in Sterling Heights, Macomb County, Michigan; to the Committee on Armed Services.

By Mr. BAYH (for himself, Mr. Cranston, and Mr. Baker):

S.J. Res. 135. A joint resolution to provide for designation of the first Friday of March as "Teacher Day, United States of America"; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McGOVERN (for himself and Mr. Pressler):

S. 2230. A bill to authorize the planning and development of the WEB pipeline project in South Dakota; to the Committee on Agriculture, Nutrition, and Forestry.

### WEB PIPELINE PROJECT

Mr. McGOVERN. Mr. President, today my colleague from South Dakota (Senator Pressler) and I are introducing legislation authorizing planning and development of the WEB Water Development Association's pipeline concept for the State of South Dakota.

The WEB pipeline is a project to serve domestic and livestock needs of 12,000 South Dakotans living on farms in my State and another 18,000 residents in 51 South Dakota communities.

It will consist of a main trunkline and smaller "feeder" systems spanning 9 north central South Dakota counties, including Campbell, Walworth, Potter, McPherson, Edmunds, Faulk, Brown, Spink, and Day Counties. Additionally, it will deliver water to the border with the State of North Dakota to serve a few hundred North Dakotans nearby. The water will be treated centrally.

The WEB Water Development Association, comprised of a Board of Directors and membership from the affected counties, has secured a feasibility study of this concept using local "interest fees" from the potential beneficiaries—including the municipalities to be served, money from the Oahe Conservancy Subdistrict, and if they can eventually fulfill their commitment to do so—the U.S. Department of the Interior.

Various alternative options were explored by the WEB Association's contracting engineer—a joint venture of Bartlett and West, and Boyle Engineering. The WEB Association board of directors has chosen a system that is more expensive and extensive than the cheapest alternative, but scaled down considerably from the most expensive option. They are recommending to the general membership of the association that they vote to adopt a 5.7 million gallon per day, $69 million system.

The legislation which Senator Pressler and I are cosponsoring would provide a mechanism allowing for money to be appropriated to the Department of the Interior for construction of the pipeline, with the money then to be transferred to the Department of Agriculture so it can be granted and loaned under provisions of the Consolidated Farm and Rural Development Act by the Farmers Home Administration. As my colleagues will recall, that legislation provides that rural water systems can be constructed using a maximum of 75 percent grants and 25 percent loans. This bill specifically requests that precise percentage "mix" of grants and loans for this project, although the money would not come from the usual FmHA account for that purpose, this being one of the most extensive and expensive rural water systems ever constructed under FmHA authority.

Mr. President, my colleagues may well ask why this legislation is constructed in the manner it is. Some explanation is warranted.

Many of my colleagues may recall that the legislation which is to foster water resource development in the Missouri River Basin States is known as the Pick-Sloan Missouri Basin program, authorized by the Flood Control Act of 1944. Under that development "umbrella" various water resource projects such as the Initial Stage, Oahe Unit—a multiple-purpose irrigation, municipal-industrial water supply, flood control, recreation and wildlife conservation project—were to be constructed to meet the water development needs in the basin States.

That project, the Initial Stage, Oahe Unit, was rejected by local beneficiaries through their elected board of directors serving on the Oahe Conservancy Subdistrict and the Spink County Irrigation

District. It was placed upon President Carter's water projects "hit list." The Congress subsequently upheld that action. There has been no effort on the part of the South Dakota congressional delegation to "move it" despite these objections. But that project's demise has left us with a very real problem.

Fully 60 percent of the communities in my State, and most rural residents, have domestic water supplies which are nearly "unfit to drink"—but when you have no other choice you drink what you have, despite Federal water quality standards. South Dakotans may not need or want massive irrigation projects to water their crops, but let there be no mistake—in rejecting Oahe, South Dakotans were not saying they would prefer no solution to their water quality and quantity problems. The opposite is true.

Even as Oahe was nearing the construction stage, a group of South Dakotans in Walworth, Edmunds, and Brown Counties formed a nonprofit corporation to look into the possibility of a pipeline to serve the water needs of residents in those counties which would not have benefited from the Oahe project's water supply. That is the origin of the WEB (Walworth-Edmunds-Brown) Water Development Association. They conducted a feasibility study, but Mr. President, there were too few people and too many miles of pipeline needed at too large a capacity for them to afford it.

But with Oahe's demise, Mr. President, the local people could not believe that now a larger number of people in roughly the same geographic area could not find a feasible way to meet their domestic water needs—and that is the origin of the present pipeline concept.

My colleagues may legitimately ask why this project is not being authorized under the Pick-Sloan Missouri Basin program. There are a variety of reasons—one is time.

Time, Mr. President, for this Nation to decide whether or not it will be our policy to allow the U.S. Army Corps of Engineers to construct single-purpose water pipelines. With the "Pandora's box" that opens up in relation to the northeast municipal water system rehabilitation program, I think it will be too many years for me to ask my constituents to wait for us here in Congress to resolve that policy question.

Time, Mr. President, because the Federal water development program moves so slowly through so many levels of reconnaissance, feasibility, and detailed planning studies, with years spent at each level.

Time, Mr. President, because the Flood Control Act of 1944 would have to be amended to allow for construction of a single-purpose water project like the WEB pipeline if the people of South Dakota were to benefit in this way from the Federal hydropower revenues which have always been intended to support water development in the Missouri River Basin States.

Mr. President, the members of the WEB Water Development Association do not have that kind of time to wait for our Nation to get its water policy program together. They also do not have time to wait for the traditional Farmers Home Administration funding level to be boosted to the point where this single project would not end up consuming the entire annual appropriation for that program.

Mr. President, it is well known among the WEB Water Development Association's membership that I personally would have liked nothing more than to see them able to utilize the hydropower revenues generated at Federal facilities along the Missouri River mainstem in our State to finance the bulk of this project's cost. But very early on it became clear this simply was not going to be possible. Yet, the revenues from that hydropower generation are today accruing to the U.S. Treasury in the hundreds of millions of dollars per year.

The WEB Water Development Association has worked closely with the Department of the Interior and their congressional delegation to explore every available option for funding. It is the consensus of the Department, the U.S. Department of Agriculture and us in the delegation that the route embodied in this legislation is the best one to pursue.

Why does this legislative route involve the Department of the Interior? Because the Department of Interior has recognized our need and pledged their support to this effort. This legislation allows them to "make good" on that promise.

Why does this legislation mandate 75 percent grant money for this project? Because there is no other way the job can get done. If this same project were financed using the Pick-Sloan Missouri Basin program, the "grant" from the Federal Treasury would run as high as 80 percent with the balance paid by the water users, so in this way this is a good deal. And again, time plays a role. If this project costs an estimated $66.9 million today, with interest rates on construction being what they are, it could easily amount to more once the other funding mechanisms were put in place.

Mr. President, it is my earnest hope that the committee or committees with jurisdiction over this legislation will do everything in their power to give this project close consideration. Certainly this is a "precedent." Certainly a $50-million grant and a $16.9-million loan to South Dakota is a "lot" to ask. But Mr. President, the need is there, the local interest and support is in place, and such a project is feasible in this context.

The WEB Water Development Association has shown a great deal of local initiative in pursuing their program of water development. They have made an up-front financial commitment in having financed their own study of this project.

I believe under every conceivable notion of what this Nation's water policy is and is supposed to be, they have endeavored to secure a badly needed water supply. It is not their fault that Federal water policy planning moves so slowly, or that there is no existing Federal program which is available for their use today. But these residents of my State should not be penalized for that shortfall in our national program. Senator Pressler and I are presenting this legislation at the same time it is being offered by our colleagues Congressmen Tom Daschle and Jim Abdnor in the House of Representatives in an effort to reward local initiative, local financial commitment, and local need. I hope my colleagues will support us in this effort.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2230

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Section 1. (a) Effective immediately upon the passage of this Act, there are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, including necessary administrative expenses, which shall be used to plan and develop in portions of, but not limited to, Walworth, Edmunds, Brown, Campbell, Potter, McPherson, Faulk, Hand, Spink, and Day Counties in South Dakota a rural water treatment and distribution system which will furnish water for domestic and other purposes, hereafter referred to in this section as the WEB Pipeline Project, as generally proposed by the WEB Water Development Association, Inc. Any funds appropriated under the authorization contained in this section shall remain available until expended.

(b) Any funds appropriated under the authorization contained in subsection (a) shall be transferred by the Secretary of the Interior to the Secretary of Agriculture when such funds are appropriated. The Secretary of the Interior is authorized to enter into cooperative memoranda of understanding as may be required with the Secretary of Agriculture to provide services to carry out the purposes of this Act.

(c) The Secretary of Agriculture shall use any funds transferred pursuant to subsection (b) for necessary administrative expenses, and to provide financial assistance to plan and develop the WEB Pipeline Project under the terms and conditions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), and under rules and regulations promulgated by the Department of Agriculture under the authorities contained in that Act. Such funds shall be expended in the ratio of 75 percent grants and such loans as may be necessary.

● Mr. PRESSLER. Mr. President, I join today in sponsoring legislation which would authorize the development of a water pipeline for the delivery of domestic water to the residents of at least 10 counties in northeastern South Dakota.

The WEB pipeline project, which would deliver potable water for human and livestock consumption eastward from the Missouri River, was put together by the residents of the area which will be served by the project.

The WEB Association, originally comprised of local governments from several South Dakota counties, began working on the idea of a domestic water pipeline to deliver potable water from the Missouri River in 1975. The bill we introduce today is a testament to the hard work and tenacity of the association's members.

Since 1975, the WEB Association has studied the area's water needs and surveyed the residents of each county as to their willingness to support the proposed pipeline. Indeed, the residents of the project area have expressed their support for the pipeline by paying a good-intention fee of $35 per household. Today the WEB Association, Inc. is a nonprofit organization whose members are those who will benefit from the development of the pipeline.

The WEB board traveled to Washington at the end of November 1979 to present their latest engineering feasibility plan to the entire South Dakota congressional delegation. The plan is well conceived and feasible. When the project is completed, it will serve 51 towns and at least 17,413 people plus livestock.

The WEB pipeline is one of the alternatives to the original Oahe project, which met with great opposition in the State. In fact, President Carter placed the Oahe project on his 1977 "water project hit list" due to the poor cost-benefit ratio of the project and the lack of local support for it. At that time Secretary of the Interior Cecil Andrus said that he could not recommend future funding for any project in the State unless there was local support.

The WEB project has local support. Since the beneficiaries of the project have posted good-intention fees, the project also meets current administration policies regarding cost sharing for water project construction. The administration, specifically the Secretary of the Interior, supports the project, as do all members of the South Dakota congressional delegation.

I have supported the WEB project since its inception, and I hope the legislation we introduce today will be passed soon. The administration has delayed water development in South Dakota. Since the people in the WEB project area have met every water policy test proposed by the administration, we cannot afford any further delay.●

---

By Mr. RIBICOFF (by request):

S. 2231. A bill to amend chapter 23 of title 44, United States Code, to reconstitute the membership of the National Archives Trust Fund Board, and for other purposes; to the Committee on Governmental Affairs.

### NATIONAL ARCHIVES TRUST FUND BOARD

● Mr. RIBICOFF. Mr. President, at the request of the Administrator of General Services, I am introducing legislation which would reconstitute the membership of the National Archives Trust Fund Board and clarify the powers of that Board.

The Administrator of General Services advises that, from the standpoint of the administration's program, there is no objection to the submission of this legislation.

I ask unanimous consent that the text of the bill and the accompanying letter be printed in the RECORD.

There being no objection, the bill and the letter were ordered to be printed in the RECORD, as follows:

S. 2231

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That chapter 23 of title 44, United States Code, is amended as follows:

SEC. 1. Section 2301 of title 44, United States Code, is amended to read as follows:

"2301. Establishment of Board; membership; purpose

The National Archives Trust Fund Board shall consist of the Administrator of General Services, as Chairman, and the Secretary of the Treasury and the Archivist of the United States. The exclusive purpose of the Board is to support the functions and operations of the National Archives and Records Service, especially in the area of the preservation of records."

SEC. 2. Section 2302 of title 44, United States Code, is amended to read as follows:

"2302. Authority of Board; seal; employees; bylaws, rules, regulations

In carrying out the purposes of this chapter, the Board may—

(1) adopt an official seal, which shall be judicially noticed;

(2) appoint, or authorize the Chairman to appoint necessary employees in accordance with Civil Service laws and regulations;

(3) enter into contracts for the performance of its functions and operations in accordance with Federal procurement laws and regulations; and

(4) adopt bylaws, rules and regulations necessary for the administration of the Board's functions and operations under this chapter. The Board shall transmit to the Congress no later than 60 days from the enactment of this provision its initial set of bylaws, rules and regulations, and shall subsequently provide the Congress with timely notice of any amendments to these bylaws, rules and regulations."

SEC. 3. Chapter 23 of title 44, United States Code, is amended by adding the following new sections 2309 and 2310:

"2309. Audits, inspections and investigations

The Inspector General of the General Services Administration may upon his own initiative, or upon the request of the Board or its Chairman, audit or inspect the records, accounts, and management, or investigate the operations of the National Archives Trust Fund and shall report thereon in writing to the Board.

"2310. Annual Report of the Trust Fund Board

No later than 60 days following the end of the fiscal year, the Board shall file a report to the Congress of its operations under this chapter. The report shall include an accounting of receipts and disbursements from the Trust Fund for the fiscal year just concluded. The report shall also include copies of any reports the board has received during the fiscal year from the Inspector General of the General Services Administration."

SEC. 4. The table of contents for chapter 23 is amended by amending or adding the following entries:

"2301. Establishment of Board; membership; purpose

"2309. Audits, inspections and investigations

"2310. Annual Report of the Trust Fund Board"

---

GENERAL SERVICES ADMINISTRATION,
*Washington, D.C.*

Hon. WALTER F. MONDALE,
*President of the Senate*
*Washington, D.C.*

DEAR MR. PRESIDENT: Transmitted herewith for referral to the appropriate committee is a draft bill prepared by the General Services Administration, "To amend chapter 23 of title 44, United States Code, to reconstitute the membership of the National Archives Trust Fund Board, and for other purposes." The draft legislation is designed to promote my goals of managing the National Archives Trust Fund in a more businesslike manner and of requiring greater scrutiny and oversight of the Fund's operations.

Among the particular changes to the existing statute which these amendments would accomplish are the following:

(1) The membership of the Board would be reconstituted to include the Administrator of General Services, as Chairman, the Secretary of the Treasury, and the Archivist of the United States;

(2) Present statutory language which inhibits the Administrator's management of the Board would be deleted, while language would be added which guarantees that the purposes of the Fund will exclusively support the activities of GSA's National Archives and Records Service, especially in its records preservation responsibilities;

(3) The Board could only employ personnel in accordance with Civil Service laws and regulations;

(4) The Board could only contract in accordance with Federal procurement laws and regulations;

(5) The full authority of the GSA Inspector General would extend to the operations of the Board; and

(6) The Board would be required to submit to the Congress copies of its bylaws, rules and regulations; an annual report; and copies of any GSA Inspector General audits or reports.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this proposed legislation to Congress.

Sincerely,

R. G. FREEMAN, III,
*Administrator.*●

---

By Mr. PELL:

S. 2232. A bill to amend section 2392 of title 10, United States Code, to exempt contracts of $1,000,000 or less; to the Committee on Armed Services.

● Mr. PELL. Mr. President, today I am introducing legislation to streamline the Vinson-Trammell Act of 1934 and make it easier for our Nation's small companies to compete for defense contracts.

My colleagues will recall the Vinson-Trammell Act as an "old chestnut" brought back to life by the expiration last year of the Renegotiation Board. The purpose of the act is to impose profit limitations of 10 percent and 12 percent, respectively, on shipbuilding and aircraft contracts. Vinson-Trammell has not been in force for well over 20 years, but now the Internal Revenue Service—which is mandated by existing law to reimplement the 1934 act—is in the process of preparing regulations to enforce the profit limitations.

I believe that it would be entirely unproductive to enforce the act as it is now written. Vinson-Trammell requires lengthy audits and reports on all defense contracts in excess of $10,000. It has been projected that IRS will have to spend $120 million per year and hire over 1,000 new bureaucrats just to monitor the mountain of paper which these audits and reports will generate.

Added to these excessive administrative and compliance costs will be the tremendously negative impact on small business if Vinson-Trammell is enforced in its current form. It is expected that over 10,000 additional audit reports annually will be generated by the reimplementation of Vinson-Trammell.

A quagmire of paper will be necessary to fulfill the complicated auditing requirements. The resulting added costs will effectively prohibit many smaller companies from competing for defense contracts.

The solution, I believe, is to target the enforcement of the Vinson-Trammell Act on the larger defense contracts, as was the focus of the Renegotiation Board. This can be accomplished very simply, by raising the floor that triggers the act's accounting requirements from the present $10,000 to $1,000,000. My proposal will not effect the profit limitations on shipbuilding and aircraft contracts over $1,000,000. It will eliminate needless paperwork on smaller military contracts, and make the Vinson-Trammell Act far simpler—and cheaper—for IRS to enforce. The figure of $10,000 may well have been realistic for enforcement 45 years ago, but it hardly seems a realistic figure today, in light of the compliance costs and burdens it will impose on small business and the IRS.

I would hope that my proposal could be quickly enacted, because the Internal Revenue Service regulations reimplementing Vinson-Trammel are scheduled to go into effect within a few months. At a time when we should be improving the economic climate for small business, Congress should not let a vestigial statute like Vinson-Trammel go into effect without revising a provision which will have a very damaging effect on thousands of smaller companies engaged in military contracts for the Government.

I am sure that each of my colleagues has in his or her State a number of smaller companies that will be adversely affected if the Vinson-Trammel Act goes back into effect as it is now written. My proposal is a simple and equitable way of streamlining the enforcement of the act, and will make it easier to focus enforcement on larger defense contracts. I urge my colleagues to quickly adopt this bill, and avoid the bureaucratic nightmare which will result if Congress allows the Vinson-Trammell Act to go into effect without revision.●

---

By Mr. CRANSTON:

S. 2233. A bill to permit the Forest Service to acquire lands outside the boundaries of the Los Padres National Forest in California; to the Committee on Energy and Natural Resources.

### LOS PADRES NATIONAL FOREST

● Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to permit the Forest Service to acquire lands outside of the Los Padres National Forest in California and incorporate them in the forest, irrespective of any existing provision of law limiting such land acquisition.

The Los Padres National Forest abuts the incredibly beautiful Big Sur coast, the largest and most scenic stretch of undeveloped coastline in the entire continental United States.

Currently there is a limitation of 3,000 acres on the amount of land the Forest Service can add to the Los Padres National Forest. Although the Forest Service is still within the statutory limit on expansion of the Los Padres, the Forest Service is not able to acquire—or even accept as a gift—some very desirable totally undeveloped properties along the coast because they are very large and would immediately put the forest over the acreage limitation.

Last year the Packard Foundation purchased the 3,040 acre Potter Ranch adjacent to the Los Padres Forest and donated the property to the University of California. This property would have been a splendid addition to the national forest system if only the Forest Service had been in a position to acquire the property.

I understand that there is another parcel on the market right now which the Trust for Public Lands has expressed an interest in.

But TPL needs some assurance that the land can be transferred to the Federal Government before it purchases the property.

The pressures for the breakup of the large landholdings along the Big Sur coast are continuing, and I anticipate that there will be other parcels on the market which will be in the Federal interest to acquire.

People who know the Big Sur coast and admire the area want to preserve it as it is today. They may want to make donations of land to the Forest Service. It makes no sense to put an arbitrary limitation on the amount of Big Sur land the Federal Government can acquire from landowners who wish to make gifts or bargain sales to the Forest Service. And it certainly is in the public interest to preserve this spectacular coastline for future generations to enjoy.

This bill does not require the expenditure of Federal funds and it does not authorize any new moneys. I am merely proposing that the cap on Los Padres Forest additions be lifted so that the Forest Service can accept donations of Big Sur lands, and adjust the boundaries of the forest accordingly.

Mr. President, I am aware of the keen public interest in the preservation of the Big Sur coast, and the considerable discussion on how best to accomplish this objective. I am introducing this bill today so that we can have hearings on this proposal at a very early date, and take appropriate action before there is any further breakup of the Big Sur lands.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2233

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7(a)(1) of the Act of September 3, 1964, as amended by inserting after the second proviso the following: "Except that the foregoing provisos shall not apply to the Los Padres National Forest, California, and for any lands acquired the Secretary of Agriculture shall establish appropriate forest boundaries."●

---

By Mr. STEVENSON:

S. 2234. A bill to provide for notification to the Department of Health, Education, and Welfare by certain persons conducting recombinant DNA research, and for other purposes; to the Committee on Labor and Human Resources.

### RECOMBINANT DNA RESEARCH AND DEVELOPMENT NOTIFICATION ACT OF 1980

● Mr. STEVENSON. Mr. President, today I am introducing a bill requiring individuals and institutions not now subject to the National Institutes of Health recombinant DNA research guidelines to notify the Secretary of Health, Education, and Welfare of research, development, and production activities involving recombinant DNA techniques. The bill provides a civil penalty for violation of this requirement. It outlines procedures to prevent unwarranted disclosure of trade secrets and other proprietary information submitted to the Government. And it directs the Secretary to report periodically to Congress on the value of the notification procedure and the adequacy of precautions reported to have been taken to protect the environment, the health of laboratory personnel, and the public. The authority provided by the act would expire after 3 years, unless renewed by Congress.

Eighteen months ago, the Subcommittee on Science, Technology, and Space issued a report, "Recombinant DNA Research and Its Applications", which cited extensive testimony on the scientific importance of this new technology and its prospective uses in medicine, industry, and agriculture. It was predicted that at least some commercial applications of recombinant DNA would be realized within 5 to 10 years.

The optimistic forecasts we heard in our November 1977 hearings were, if anything, conservative. Advances in understanding of genetics continue with rapidly increasing Federal Government support of academic research employing recombinant DNA. Barely 4 years old, the San Francisco firm of Genentech has succeeded in producing both human insulin and human growth hormone from a combination of natural and synthetic DNA sequences inserted into E. coli bacteria. The Cetus Corp. of Berkeley has undertaken various energy, pharmaceutical, and chemical-related projects, including the conversion of ethylene and propylene into their useful oxides and glycols and of sugar into alcohol for use in gasohol. A Bethesda company, Genex, intends to produce important amino acids less expensively than they can be obtained by conventional methods.

All three firms are backed by major drug, oil, and chemical companies, such as Eli Lilly, Chevron, Standard Oil of Indiana, National Distillers, International Nickel, and Koppers, as well as by venture capital investors. Increasingly, however, large corporations are developing their own competence, facilities, and research objectives. Lilly, Upjohn, Pfizer, Searle, Merck, Hoffman-LaRoche, Dupont, and Monsanto all have in-house research programs underway or in planning that involve antibiotics, antiviral agents such as interferon, fermentation processes, and agricultural chemicals.

Enthusiasts are contemplating multibillion dollar markets in recombinant DNA products. The ultimate impact of this and other biotechnologies is being compared to the electronics revolution stemming from the invention of the transistor. At the very least, and at a time of growing concern about American industrial technology and international competitiveness, the conditions surrounding recombinant DNA research seem unusually favorable to the achievement of significant innovations—the development of an extremely versatile technology, generous public support of basic research, establishment of close university-industry ties, availability of venture capital, and the involvement of both small and large firms.

Government regulation, in these circumstances, should not be undertaken lightly. However, the modest registration requirement I propose is justified as a minimal precaution against inadvertent harm to public health or the environment. Far from impeding the orderly progress of the research and its commercial exploitation, moreover, mandatory registration may actually facilitate it.

In 1976, the National Institutes of Health issued experimental guidelines to be followed by recombinant DNA researchers receiving NIH funds. Since then, public concern about possible health hazards has lessened. Research discoveries and risk assessment experiments have resolved a few of the uncertainties. The NIH standards have been revised and, in important respects, relaxed. Nonetheless, certain kinds of experiments remain prohibited; physical and biological containment measures are prescribed for most permitted experiments; and wholesale dismantling of the guidelines is highly unlikely in the foreseeable future. The general conclusions of the subcommittee in 1978 still, apparently, represent the consensus of the scientific community.

> Recent scientific data indicate that permissible experiments employing NIH-approved host organisms and vectors do not pose significant risks to laboratory workers, the public, or the environment. Uncertainty remains, however, about the safety of experiments with other materials and about the hazards that may be associated with future uses of the technology, including the large-scale production of organisms with recombinant DNA and their release into the environment for presumably beneficial purposes. These uncertainties, which will be resolved over the course of years, justify continued exercise of caution in both research and commercial applications of recombinant DNA techniques.

Attempts in previous Congresses to give the NIH guidelines the force of law and apply them to privately supported research have failed in the absence of confirmed hazards and in the face of industry's repeated assurances of voluntary compliance. The subcommittee called for such legislation or use of existing statutory authority in 1978. The NIH Recombinant DNA Advisory Committee, the AFL-CIO Department of Professional Employees, and various environmental groups have all endorsed comprehensive regulation in recent months. Yet the prospects of enacting regulatory legislation have not improved in the 96th Congress. Mandatory registration of private research and development is a reasonable alternative. It will give Congress and the public a basis for evaluating claims of voluntary compliance with the guidelines and the Government a complete record of recombinant DNA activities in the event hazards unexpectedly emerge. It will contribute to more informed decisions by NIH concerning actions under the guidelines and changes in the guidelines.

In addition, the revised NIH guidelines adopted in December 1978 pose a dilemma to which there is no satisfactory solution short of compulsory registration. The new guidelines allow researchers to seek individual exemptions from prohibitions, approval of new host-vector systems, and permission to conduct large-scale experiments that are essential to commercial development of recombinant DNA applications; yet they provide no protection against disclosure of proprietary information. This has left industry with the unattractive options of registering recombinant DNA work with NIH at the risk of having trade secrets disclosed to competitors, reneging on commitments to comply with the guidelines at the risk of public exposure and criticism, curtailing development altogether, or performing R. & D. abroad.

Companies whose work is most advanced have quietly pressured NIH for a resolution of their dilemma, and the Director has responded with a proposed amendment to the guidelines assuring the confidentiality of proprietary data submitted to NIH in connection with applications for approval of scale-up and other experiments that would otherwise be inconsistent with the guidelines.

In our report, the subcommittee strongly advised against Government participation in a system of "voluntary compliance," and I remain convinced that the voluntary registration scheme described in the August 3 Federal Register serves neither the public's nor industry's interests. First, there can be no assurance that all researchers and institutions will register their work with NIH, and thus, no basis for assessing claims of voluntary compliance with the guidelines.

Second, those who do register may do so selectively by providing only information relevant to a specific application, rather than reporting the full range of the institution's activities. Indeed, even information that is submitted may be withdrawn prior to scientific review if there is disagreement with the agency over its proprietary nature. In effect, the Government may be in the position of condoning certain activities and assuring the public of their safety on the basis of incomplete data. Third, the discovery that a few nonregistrants had ignored the guidelines could well discredit the voluntary registration system and the approvals NIH had previously given to those who observed it in good faith.

The bill I am introducing today will help resolve the long-simmering controversy over recombinant DNA research. It will protect the integrity of public health policy and the interest of responsible companies. It will promote innovation without imposing unreasonable paperwork or other burdens on private enterprise. It imposes no additional requirements on university and other researchers who are already subject to the NIH guidelines. It provides statutory safeguards against release of trade secrets. For these reasons, I hope that this legislation will receive broad support and early consideration in this session. I will shortly schedule hearings by the Subcommittee on Science, Technology, and Space on the status of recombinant DNA research, its regulation and development. Interested persons are invited to contact the subcommittee at 5202 Dirksen Senate Office Building, Washington, D.C. 20510.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2234

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Recombinant DNA Research and Development Notification Act of 1980".

#### FINDINGS

SEC. 2. The Congress finds that—

(1) research and other activities involving recombinant DNA increase our understanding of basic biological processes;

(2) the knowledge gained from such research and other activities may provide substantial benefits to medicine, industry, and agriculture;

(3) while no imminent hazards have been demonstrated, the extent to which organisms containing recombinant DNA present a risk of injury to the health of individuals and to the environment has not yet been determined; and

(4) until the uncertainties regarding the safety and potential benefits of recombinant DNA research and other activities are resolved, protection of the public health and welfare and the responsibilities of the Federal government regarding the commerce of the United States are best served by requiring persons who conduct such research and activities to notify the Department of Health, Education, and Welfare of the conduct of such activities and the precautions taken to provide for the safe conduct of such activities.

#### DEFINITIONS

SEC. 3. For purposes of this Act, the term—

(1) "DNA" means deoxyribonucleic acid;

(2) "recombinant DNA" means either—

(A) molecules that are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell; or

(B) DNA molecules that result from the replication of a molecule described in subparagraph (A) of this paragraph;

(3) "recombinant DNA activity" means the possession of recombinant DNA by any person, and any activity (including research and transportation) undertaken by any person for the production or use of recombinant DNA;

(4) "commencement of a recombinant DNA activity" means the date on which actual laboratory experimentation or growth media development is initiated, and such term shall not mean the date on which planning for such activity is initiated, unless such planning date coincides with the date of initiation of actual laboratory experimentation or growth media development; and

(5) "Secretary" means the Secretary of Health, Education, and Welfare.

#### NOTIFICATION

SEC. 4. (a) (1) Any person conducting recombinant DNA activity, other than a person conducting such activity at, or sponsored by, an institution that receives any support for recombinant DNA research from the National Institutes of Health, shall submit a report of such activity and such additional information relating to such activity as the Secretary shall prescribe under paragraph (2) of this subsection to the Secretary. Such notification shall be transmitted to the Secretary within 10 days after the date of enactment of this Act or within 10 days after the date of commencement of a recombinant DNA activity which is undertaken on or after the date of enactment of this Act, and every 12 months thereafter until such activities are terminated.

(2) The Secretary shall prescribe the content and form of the information to be submitted to the Secretary under paragraph (1) of this subsection. Such information shall include, but need not be limited to—

(A) the individual's or entity's name;

(B) an identification of the place or places in which such research or activity is being conducted;

(C) an identification of the source of the DNA and the host-vector system employed;

(D) the level of physical containment of such activity;

(E) the volume of the growth media in which recombinant DNA organisms will be grown;

(F) an outline of the experiments to be conducted over the subsequent 12 month period, including the stages of such experimentation, and the production goals of such activities; and

(G) the date on which such research or activity was commenced.

(b) Within 10 days after receipt of such notification, the Secretary shall acknowledge such receipt in writing to such person.

### PENALTIES

SEC. 5. (a) Any person required to notify the Secretary under section 4 of this Act who fails to notify the Secretary concerning the commencement or continuation of recombinant DNA research or activity in accordance with such section shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each such violation. Each day such violation continues shall constitute a separate violation.

(b) Such a penalty shall be assessed by the Secretary by an order made on the record. Such order must be preceded by written notice to such person of the Secretary's intent to issue such order and an opportunity for a hearing pursuant to a request made within 15 days after the date on which such notice is received, in accordance with section 554 of title 5, United States Code.

(c) Any person who has requested, in accordance with the provisions of subsection (b) of this section, a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the thirty-day period beginning on the date on which the order making such assessment was issued.

(d) If any person fails to pay an assessment of a civil penalty—

(1) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with the provisions of subsection (c) of this section; or

(2) after a court in an action brought under the provisions of subsection (c) of this section has entered a final judgment in favor of the Secretary; the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the thirty-day period referred to in subsection (c) of this section or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In any such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

### ACCESS TO INFORMATION

SEC. 6. (a) The Secretary shall make available upon request any information which is submitted pursuant to this Act, except that information which is exempt from disclosure pursuant to section 552(b)(4) of title 5, United States Code, shall not be disclosed by the Secretary. In submitting information pursuant to this Act, a person may designate items of information considered by such person to be exempt from disclosure. Prior to making a determination pursuant to a request for release of such information under section 552 of title 5, United States Code, the Secretary shall consult with the person who submitted such information.

(b) If the Secretary determines that such information is not exempt from disclosure, the Secretary shall notify the person who submitted such information of such determination and that he intends to release such information. Such information shall not be released by the Secretary before the fifteenth calendar day following the date of such notification, unless the Secretary determines that release of such information is required to protect against an imminent hazard to the public or to the environment.

(c) Notwithstanding the provisions of this section, the Secretary may release any information upon a determination that such release is necessary to protect against an imminent hazard to the public or to the environment.

### REPORT

SEC. 7. Not later than six months after the effective date of this Act, and annually thereafter, the Secretary, in consultation with the Secretary of Commerce and the Director of the Office of Science and Technology Policy, shall submit a report to the Committee on Labor and Human Resources and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Interstate and Foreign Commerce and the Committee on Science and Technology of the House of Representatives, relating to the implementation of this Act in the prior 12-month period. Such report shall include an evaluation of the notification requirement established by this Act, an assessment of the extent to which persons subject to this Act complied with applicable requirements, an assessment of the extent to which precautions reported to have been taken in the use of recombinant DNA were adequate to protect the health and welfare of individuals involved in research and other activities and the general public, and such other information or recommendations as the Secretary determines to be appropriate.

### EFFECTIVE DATE

SEC. 8. The provisions of this Act shall take effect on the tenth day after the date of the enactment of this Act and shall terminate 36 months thereafter.●

---

By Mr. BAYH (for himself, Mr. CRANSTON, and Mr. BAKER):

S.J. Res. 135. Joint resolution to provide for designation of the first Friday of March as "Teacher Day, United States of America"; to the Committee on the Judiciary.

### TEACHER DAY, UNITED STATES OF AMERICA

● Mr. BAYH. Mr. President, I think no profession in our society shapes the future of all citizens more than that of teaching. One of the greatest assets of a democratic nation is an educated citizenry. I am proud that the United States was the first nation to embrace the concept of universal free public education. Without an educated citizenry our whole way of life would be greatly different. Our ability to deal with crises would be diminished. Our productivity and vitality would decline. Our system of government could not function. We would not be a strong nation. And, most of all, without skilled, dedicated teachers, our educational system would suffer.

From personal experience as a student when I was growing up, in my role as a parent, and as a Member of Congress concerned with the condition of our educational system, I know that good education is a result of high quality teachers. We in America know that the excellence of our teachers is without parallel elsewhere in the world.

Because I have such a high regard for teachers and the important role they play in the world today, I am introducing a resolution, along with Senator CRANSTON and Senator BAKER, to designate the first Friday of March as Teacher Day, United States of America. It is important for the Nation to set aside a day to honor all of those teachers who have made and will continue to make a difference in our later lives.

Teaching is more than instructing students in reading, writing, and arithmetic. Teachers enable their students to visit worlds they would otherwise have never known, to discover peoples who might otherwise have remained hidden forever, to go back into history and learn of civilizations and their relationships to our world today which might otherwise have been forgotten forever. Through teachers we learn how to help educate ourselves. Methods for finding out information are revealed to us.

Through their dialog, direction, and values, we are taught how to recognize right from wrong and to relate to our fellow citizens. It is because of the preparation we receive from our teachers that we are able to address the many complex issues with which our Nation is faced. Only through education can we have the expansion of knowledge and melding of imagination and problem solving which has been the genius of American scientific and technological achievement.

We all have fond memories of our teachers and how they have impacted on our lives. Their inspiration and enrichment in the classroom should never be taken for granted. By designating one day of the year as a day for recognition for all teachers who have contributed to our betterment, we will only begin to honor them for their many fine contributions to our way of life.

I ask unanimous consent that the resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

### S.J. RES. 135

Whereas teachers, through education of the young, provide both the foundation of modern civilization and the means for enhancing the lives of all members of society; and

Whereas the personal inspiration and enrichment which students receive from their teachers extend far beyond the few years spent in the classroom to exert a valuable lifelong influence on the young people of this Nation, and through them, on all of our citizens; and

Whereas teachers richly deserve individual recognition, honor, and encouragement for their dedication and excellence in the pursuit of their profession; and such recognition, honor, and encouragement should be bestowed each year on a nationwide basis; and

Whereas students, parents, school administrators, and all other citizens of the United States should be encouraged to personally communicate by word and deed to their present and former teachers, the special appreciation and recognition that teachers so richly deserve: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is hereby authorized and requested to issue a proclamation designating the first Friday of March as "Teacher Day, United States of America", and inviting the people of the United States to observe the period with appropriate activities.●

## ADDITIONAL COSPONSORS

### S. 30

At the request of Mr. HELMS, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of S. 30, a bill to repeal section 11(n) of the Federal Reserve Act (12 U.S.C. 248(n)).

### S. 219

At the request of Mr. MOYNIHAN, the Senator from Alabama (Mr. HEFLIN), the Senator from Oklahoma (Mr. BOREN), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 219, a bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to taxpayers whether or not they itemize their personal deductions.

### S. 445

At the request of Mr. PERCY, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 445; a bill to reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anticompetitive regulation, and to make regulation more effective and responsive to the public interest.

### S. 2082

At the request of Mr. ZORINSKY, the Senator from North Dakota (Mr. YOUNG), and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 2082, a bill to amend title 17 of the United States Code to exempt nonprofit veterans' organization and nonprofit fraternal organizations from the requirement that certain performance royalties be paid to copyright holders.

### S. 2083

At the request of Mr. THURMOND, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of S. 2083, a bill to amend title II of the Social Security Act to provide that income attributable to services performed before an individual first becomes entitled to old-age insurance benefits shall not be taken into account (after 1977) in determining his or her gross income for purposes of the earnings test.

### S. 2216

At the request of Mr. WALLOP, the Senator from South Dakota (Mr. PRESSLER), and the Senator from California (Mr. HAYAKAWA) were added as cosponsors of S. 2216, a bill to improve the intelligence system of the United States, and for other purposes.

### SENATE JOINT RESOLUTION 12

At the request of Mr. HELMS, the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 12, a joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right of life to the unborn.

### SENATE JOINT RESOLUTION 19

At the request of Mr. WALLOP, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Joint Resolution 19, a joint resolution to authorize the President to issue a proclamation designating March 1979 as "Youth Art Month."

### SENATE JOINT RESOLUTION 39

At the request of Mr. RANDOLPH, the Senator from New Mexico (Mr. SCHMITT) was added as a cosponsor of Senate Joint Resolution 39, a joint resolution to provide for the designation of the second full calendar week in March of each year as "National Employ the Older Worker Week."

### SENATE JOINT RESOLUTION 82

At the request of Mr. GOLDWATER, the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Idaho (Mr. McCLURE), the Senator from Montana (Mr. MELCHER), the Senator from New Mexico (Mr. SCHMITT), the Senator from Illinois (Mr. PERCY), and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) were added as cosponsors of Senate Joint Resolution 82, a joint resolution to designate the week commencing with the third Monday in February of each year as "National Patriotism Week."

### SENATE JOINT RESOLUTION 131

At the request of Mr. JAVITS, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating April 10, 1980, as "ORT Centennial Day".

### AMENDMENT NO. 1640

At the request of Mr. CHURCH, the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 1640 proposed to House Concurrent Resolution 249, a concurrent resolution urging the U.S. Olympic Committee, the International Olympic Committee, and the Olympic Committees of other countries to take certain actions with respect to the 1980 Summer Olympic games, in accordance with the requests of the President.

## SENATE RESOLUTION 341—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WILLIAMS, from the Committee on Labor and Human Resources, reported the following original resolution, which was referred to the Committee on Rules and Administration.

### SENATE RESOLUTION 341

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate in accordance with its jurisdiction under rule XXV of such rules, the Committee on Labor and Human Resources is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,940,000, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation, as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

## SENATE RESOLUTION 343—SUBMISSION OF A RESOLUTION EXPRESSING GRATITUDE FOR EFFORTS IN PROTECTING THE INTERNATIONAL SCHOOL OF ISLAMABAD

Mr. STEVENS (for himself and Mr. ROBERT C. BYRD) submitted the following resolution, which was referred to the Committee on Foreign Relations:

### SENATE RESOLUTION 343

Whereas on November 21, 1979, approximately 15 rioters rushed the International School of Islamabad where 40 students were present;

Whereas, at the same time the rioters rushed the school compound, the attack on the United States Embassy, seven miles away, was in progress;

Whereas Colonel Ishmail Kahn and Mr. Bill Hamidullah, risking their own lives, led the school staff in defending the compound against the rioters and averted the sort of tragedy which took place at the Embassy; and

Whereas all students and staff were unharmed due to the courage and presence of mind of Colonel Ishmail Kahn, and Mr. Hamidullah: Now, therefore, be it

*Resolved:* That in recognition of the steadfastness and forceful action of Colonel Ishmail Kahn and Mr. Hamidullah in repelling the attackers of the International School of Islamabad the Senate expresses gratitude and appreciation.

Mr. STEVENS. Mr. President, I am pleased to submit a resolution, on behalf of myself and the majority leader, expressing the gratitude of the U.S. Senate for the actions taken by Col. Ishmail Kahn and Mr. Bill Hamidullah for their heroic actions in protecting the International School of Islamabad in Pakistan.

On November 22, during the attack on the U.S. Embassy in Pakistan, another mob swarmed the International School of Islamabad where at least 40 students were trapped. Col. Ismail Kahn, a retired Pakistani Army colonel and Mr. Bill Hamidullah, the general services officer at the school as well as the staff at the compound were successful in confronting the rioters and fending them off until the army arrived and secured the campus. The damages were limited to broken windows and vandalism, but the incident could have resulted in the loss of many lives had it not been for the courage and presence of mind of Colonel Ishmail, Mr. Hamidullah, and the ISI staff. I hope that my colleagues will join in expressing our thanks and recognition of their selfless and heroic actions.

Mr. President, I ask unanimous consent that letters from Secretary of State Cyrus Vance to Colonel Ishmail and Mr. Hamidullah and an article published in the Washington Post, November 23, 1979, which details the actions of these two men, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
*Washington, December 26, 1979.*

Col. ISHMAIL KHAN,
*Islamabad, Pakistan.*

DEAR COLONEL ISHMAIL: I have learned from Ambassador Hummel as well as from news reports of the courageous role you played when the International School in Islamabad was under attack on November 21. I want you to know how much I appreciate your action. Your prompt and forceful stand at the school helped to avert the sort of tragedy which took place at the Embassy. You have my deepest thanks.

Sincerely,

CYRUS VANCE.

---

THE SECRETARY OF STATE,
*Washington, December 27, 1979.*

Mr. WAYNE HAMEL,
*Acting Administrator,*
*International School of Islamabad,*
*Islamabad, Pakistan.*

DEAR MR. HAMEL: I have learned from Ambassador Hummel of the courageous action taken by your staff to protect the students when the International School was attacked on November 21. Their steadfastness and quick action in repelling the attackers deserves the highest commendation. I understand that Mr. Hamidullah's role in organizing the defense particularly deserves recognition.

I would appreciate your passing on my profound appreciation and gratitude to the entire ISI staff whose conduct in defending the school demonstrated a devotion to duty and courage of the highest order.

Sincerely,

CYRUS VANCE.

---

[From the Washington Post, Nov. 23, 1979]

### TERRIFIED YOUTHS HID TO ESCAPE MOB

(By Stuart Auerbach)

ISLAMABAD, Pakistan, November 22.—It was dusk and the sky glowed red from the fire blazing at the U.S. Embassy seven miles to the north, when Wendy Koritki spotted a mob of Pakistani youths pouring over the fence of the International School of Islamabad.

"They're here. They're here. They're coming over the fence," screamed the 13-year-old ninth grader as she raced back into the school building.

Thus began the terror yesterday for about 60 American children who were caught at school by rampaging mobs, which burned the American Embassy here, the American libraries in Rawalpindi and in Lahore and businesses with "American" in their names here and in Rawalpindi.

While the focus was on the 90 people trapped for seven hours in the burning embassy building, the Americans threatened elsewhere faced hours of terror until Pakistan's Army-run martial law government finally sent in troops to control the mobs.

Thomas F. Putscher, a 32-year-old Agency for International Development auditor, was taken as a hostage to Quaid-i-Azam University for 7½ hours after being beaten by the mob.

One woman was reported to have been so scared after getting out of the burning embassy that she hid in the bushes instead of seeking sanctuary with the others in the British Embassy. Another woman spent seven hours huddled with her children in a quiet corner of the embassy compound hoping the mob would not spot her.

Perhaps the most extreme terrorism was felt by the children at the school, who knew the embassy was surrounded and could see its flames lighting the sky.

"We were worried about our parents," said Devin Haggerty, 17.

Most of the other foreign children already had been taken home by late yesterday afternoon, and the Americans had been divided by neighborhoods so diplomats from other countries could take them to safety in car pools.

It was then that the Pakistani mob invaded. The children were moved quickly into a small music room.

"We heard windows breaking," Haggerty, a senior, said. "We heard doors being pounded on 10 or 15 yards from where we were."

What they did not see was the strong defense put on by Pakistani employes. They were led by a retired military officer, Ishmail Khan, a former Pakistan chief of protocol who was once the military attache in Washington. He had come to the school when he saw the mob climbing the fence.

He quickly grabbed baseball bats and brooms and organized school employes to begin beating on the mob, which fell back as police and troops arrived.

About 15 students had taken refuge in the darkened auditorium. They did not know it was safe to come out, and when a Pakistani employe asked if anyone was there they were too afraid to answer. Their terror lasted about an hour longer.

Meanwhile at the embassy, Putscher was among 16 persons trapped while eating lunch in the American Club on the embassy grounds. They hid for hours in the dining room until the building started blazing. When they ran out, said Putscher they were beaten with bricks, sticks and fists while police and army troops stood by and did nothing.

"They didn't do much to prevent me from being dragged away. I am just glad to be alive," said Putcher, who had a gash on his nose, a sore back, a slight concussion and possible internal injuries.

He said he was dragged off to the university campus and held as a hostage from 4:40 p.m. to midnight yesterday. The other 15 persons were finally put in a police truck and taken for the night to the military containment in nearby Rawalpindi for their own safety.

Marine Sgt. Mike Sirois, 27, of Harvey, Ill., was treated at the British Embassy today for burns on his forearms picked up during the battle for the embassy. He was not sure how he got them, but he said they probably were caused by the tear gas canisters he was tossing at the invading mob.

## SENATE CONCURRENT RESOLUTION 71—SUBMISSION OF A CONCURRENT RESOLUTION STATING THE OBJECTION OF CONGRESS TO CERTAIN PROPOSED SALES OF DEFENSE ARTICLES TO MOROCCO

Mr. McGOVERN submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 71

*Resolved by the Senate (the House of Representatives concurring)*, That, pursuant to section 36(b) of the Arms Export Control Act, the Congress objects to the following proposed sales of defense articles, as described in documents transmitted by the President to the Congress on January 24, 1980:

(1) The proposed sale of six OV-10A aircraft to Morocco (transmittal number: 80-21).

(2) The proposed sale of twenty F-5E/F aircraft to Morocco (transmittal number: 80-22).

(3) The proposed sale to Morocco of twenty-four Hughes 500MD helicopters, twelve equipped with TOW and twelve equipped as gunships (transmittal number: 80-23).

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

### MOROCCO ARMS SALES

Mr. McGOVERN. Mr. President, while we are still reeling from the shocks of Iran and Afghanistan, the United States is facing another foreign policy dilemma that could be critically important for long-range U.S. interests in the Third World. That dilemma is whether or not we should supply Morrocco with approximately $233 million worth of arms for use in the disputed territory of the western Sahara.

Ordinarily, this question would not raise much concern in Congress. Few people have ever heard of the western Sahara, much less know where it is located. But Morocco is an old friend and ally of the United States, one of the few moderate states in the Moslem world with whom we have close ties. There is no question that we should do everything we can to contribute to the stability and development of this key Arab country.

In my judgment, however, this does not necessarily mean that we must agree with Rabat on every issue—especially where we see threats to the stability of the regime itself. Out of a desire to defend an ally, we need not be blind to the real dangers that menace its survival. Had we disagreed with the Shah of Iran at an earlier stage of our relationship, we might not be experiencing the excruciating situation we now face in Tehran.

For the past 4 years, Morocco has been fighting a guerrilla war in the western Sahara, a former Spanish colony roughly the size of Colorado. The war started after the death of Generalissimo Franco, when Spain gave up its last colonial territory and ceded administrative powers—but not sovereignty—to Morocco and Mauritania. Morocco took the northern two-thirds, Mauritania the southern third. An organization known as the Polisario launched a campaign of military resistance, arguing that the indigenous Saharan peoples were never afforded an opportunity to express their own wishes for independence.

Exhausted by the war, Mauritania decided in August of 1979 to make its peace with the Polisario in its sector. But before a transition could take place, Morocco occupied the territory and annexed the southern third of the western Sahara to its own, claiming all of it as a part of the sovereign State of Morocco. Weeks after the takeover, President Carter announced his decision to lift the existing embargo on arms for use in this war; this appeared to place the United States in support of an act of territorial aggrandizement.

I oppose a Moroccan arms sale for the Sahara, first, because it ties us to a war which our own intelligence and military advisers tell us is unwinnable; and, second, because it ties us to a political position which is counterproductive to U.S. goals. The Polisario grows stronger with time, making bolder attacks within Moroccan frontiers, assured of sanctuary and arms from Algeria and buoyed by expanding diplomatic support. The bulk of international public opinion opposes Morocco's claims. The Organization of African Unity has called for a cease-fire, negotiations, and a referendum. Morroco has consistently failed to negotiate, except on terms which are tantamount to a Polisario surrender. Libya seems to be trying to play a stronger role in supporting the Polisario, which some 35 countries have already recognized, including nearly half of Africa.

To continue to support King Hassan's policy in the Sahara, therefore, is to risk the downfall of the king, an increase of tensions in the Moslem world, and the alienation of a substantial body of Third World opinion. Ending the war would better serve our interests and those of Morocco. We will not contribute to that goal by fueling the conflict with more arms, encouraging the king to pursue a military victory.

Recent events reinforce this view. In announcing the decision to reverse its previous policy, the administration stated that it decided to send arms to Morocco in order to encourage a settlement. This is an argument based on an old premise; namely, that a nation engaged in hostilities will become more secure and less bellicose once it has as much arms as it feels it needs. Unfortunately, in the 4 months since the President's announcement. the King has provided us with painfully little evidence to support that naive notion. To the contrary, Morocco has launched a new military offensive, boycotted further attempts to get talks started and flatly ruled out compromise.

To take but one example: In a televised speech delivered on November 5, 1979, King Hassan said he would fight "forever and ever" would never yield 1 foot of the desert, even if it cost him his throne. The King equated the struggle in the western Sahara to a holy war, a "war of civilization." Is this the settlement that we want to encourage in Morocco?

Mr. President, at this dangerous time in our Nation's history, we must also consider the broader international perspective. We must be careful not to jump in with arms to every ally who requests them, irrespective of their use. What would make sense would be a package of modest military and economic assistance to Morocco. The arms should be for legitimate defensive needs, not for territorial expansion. In this way, we could maintain our traditional supply relationship but avoid entering into a new arena of direct military involvement in a controversial guerrilla war.

In addition, we need to consider our relationship with Algeria. At the present time, we are Algeria's largest trading partner. She supplies us with 9 percent of our oil and natural gas and has, for her own reasons, struck an independent stance in the nonalined movement. It is likely that Algeria will distance herself even more from Moscow as a result of the invasion of Afghanistan.

The Saharan conflict still holds some promise of resolution. The United States may still play a constructive role as an honest broker, protecting our interests in both Morocco and Algeria. Providing over 200 million dollars worth of arms to Morocco for use in the Sahara does little for our credibility; it may kill whatever chance remains for us to press for a peaceful settlement.

Finally, Mr. President, we must consider the role of Congress in reviewing arms requests of this nature. The Foreign Relations Committee addressed this issue last September, but the administration seems to have gone beyond the committee's guideline.

The committee recommended that the United States "should begin a concerted diplomatic initiative to find a negotiated settlement." Other than one visit to Morocco by Deputy Assistant Secretary of State Warren Christopher, we have seen no "concerted diplomatic initiative" at all. Furthermore, the committee recommended that—

> While arms should be furnished to Morocco for the defense of that country and as an expression of support for the Moroccan Government * * * the United States should make it clear that provision of these weapons is not an American endorsement of Morocco's policy in the Sahara and therefore the United States should not provide weapons that would be suitable only for counterinsurgency operations in the Western Sahara.

Instead, the administration decided to go full speed ahead.

For these reasons, Mr. President, I am introducing a resolution of disapproval for the proposed Moroccan arms sales. It is my earnest hope that the Foreign Relations Committee will support this resolution in the longrun foreign policy interests of the United States. Perhaps the administration can be persuaded to put together a package of assistance that genuinely relates to the real needs of our friend and ally. Under its present policy, the administration is sowing the very seeds which may someday lead to the downfall of the regime we are hoping to sustain.

Mr. President, Representative SOLARZ visited the area of northwest Africa last fall and wrote an excellent article on the question of U.S. policy toward Morocco that I wish to have printed in the RECORD. It discusses the full range of issues connected with the arms sales request and I highly recommend it to anyone concerned with this matter.

I ask unanimous consent that the article on this subject by Congressman SOLARZ be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ARMS FOR MOROCCO?

(By Stephen J. Solarz)

Most Americans have probably never heard of the Western Sahara. If the name of this Colorado-sized territory in northwest Africa evokes any image at all, it is likely to be one of nomads with their tents and camels against a background of blinding sunlight and endless sand engaged in the ancient and timeless confrontation between man and nature. During a visit to the region last summer, I often wondered at the contemporary international significance of this vast and empty-looking land with its parching 120° days, fierce sandstorms, and blue-robed, nomadic inhabitants.

Yet the Western Sahara is the scene of a major four-year-old war for national independence waged by Algerian-backed Polisario Front guerrillas against Morocco and, until recently, Mauritania—a struggle which now threatens to escalate into a large-scale regional and even international conflict. In that struggle, an old friend of the United States, the Kingdom of Morocco, seeks American military support for a cause which the overwhelming majority of countries in the world oppose as a contradiction of the very principle of national self-determination. Most important, perhaps, the Moroccan request poses anew the fundamental question raised by our experiences in Angola, Iran and Nicaragua—whether U.S. policy must always accommodate our friends even when they cling to ill-conceived or untenable positions, or whether our interests are better served by adapting to compelling regional circumstances.

At the moment, the Administration's policy toward the Western Sahara appears to be swinging toward a "globalist" approach which emphasizes the implications of the conflict for our reputation as a reliable ally rather than the intrinsic merits of the dispute itself. It has proposed, in spite of the reported opposition of the State Department and skepticism of the Central Intelligence Agency, to abandon its existing policy of selling Morocco arms only for the defense of its own internationally recognized boundaries. Instead, we would be providing King Hassan II with new weapons suitable for counterinsurgency warfare in the disputed area—particularly OV–10 "Bronco" armed reconnaissance aircraft and attack helicopters embellished by TOW antitank missiles. In the coming months, Congress will be reviewing these and any other proposed military sales in the context of both the Arms Export Act and the overall foreign assistance program for Morocco. The issues posed by the Saharan war are unlikely to be resolved quickly, and they will undoubtedly provide a major test of our post-Vietnam diplomacy.

Last July, the Subcommittee on Africa of the House Foreign Affairs Committee held hearings on U.S. policy toward the conflict in the Western Sahara. In addition to academic experts on the region, we heard from Administration witnesses who presented a series of arms sales options, most of which involved some change in our existing policy of public neutrality on the substance of the dispute in the Western Sahara. As Chairman of the Subcommittee, I felt a need to become more familiar with many of the complex and controversial issues raised at our hearings before coming to a judgment on our overall policy.

In an effort to get a better sense of the situation in the Sahara and its implications for American foreign policy in the region, I traveled last August to Morocco, Mauritania, the Western Sahara and Algeria (including the Polisario Front political headquarters and refugee camps at Tindouf) as well as to Spain, France and Liberia. Fortunately, I was able to meet all of the key leaders in the region, including King Hassan, Algerian President Chadli Benjedid, Mauritanian Prime Minister Ould Haidalla, and Polisario Deputy Secretary-General Bachir Mustapha Sayed, as well as a significant cross-section of relevant government and political elites.

One strong impression that I carried away from my trip was that the military and diplomatic drama now being played out in the Western Sahara is a political version of Rashomon. Like the characters in this Japanese film of a rape as seen from the very different perspectives of the rapist, the victim and the victim's husband, the major interested parties disagree profoundly over even the most basic facts of the situation, such as the population of the Western Sahara and the identity of the guerrilla forces. Morocco, for example, contends that there are at most 74,000 people who come from the Western Sahara and that the overwhelming majority of them are still there, living happily under Moroccan rule. The Polisario, on the other hand, argues that there are closer to 750,000 inhabitants of the territory and that they have almost all fled to refugee camps in Algeria and to other neighboring states.

Similarly, Morocco claims that the Polisario is a wholly owned and operated subsidiary of the Algerian government, created several years ago for the sole purpose of advancing Algeria's geopolitical interests in the region. Algeria, which hotly denies this analysis, contends that the Polisario is a genuinely indigenous and independent liberation movement with which it has a real sense of ideological identification but over which it does not exercise any direct control. And while Algeria acknowledges its strong support for the Polisario's effort to establish an independent Saharan state, it argues forcefully that it is not engaged, nor does it have any interest in, destabilizing the Moroccan government. Indeed, given the extent to which any successor leadership in Rabat is likely to be at least as militantly nationalistic as the current government, Algerian leaders say they "prefer the devil we know to the devil we don't know."

I found out personally just how difficult it can be to sift fact from fiction amidst the shifting political sands of the Sahara. From 1975 onward, Morocco shared with Mauritania a de facto condominium over the Western Sahara, following the departure of the former colonial power, Spain. In early August 1979, however, the Polisario and Mauritania signed a peace treaty in which Mauritania renounced all territorial claims to its portion of the territory. A week later Morocco augmented troops which were already in this area in accordance with a previous Moroccan-Mauritanian agreement.

At that time, I was told by Colonel Dlimi, the head of Morocco's security services, that there had just been spontaneous demonstrations of support for Morocco throughout the Mauritanian section and most notably in the major city of Dakhla (population 5,000, according to the 1974 Spanish census). The Colonel even produced two journalists who had just returned from Dakhla and testified to the existence of the demonstrations and their apparent sincerity. He then asked if I would like to go to Dakhla in order to see the situation for myself. Since the existence of such demonstrations seemed to indicate that the inhabitants of the territory identified with Morocco rather than the Polisario (which, if true, would constitute a fact of enormous political significance), I decided to accept the Colonel's invitation.

The next morning I was flown to the city in the King's private airplane. When I arrived, I was greeted by nearly a thousand people, which I was told was the entire population of Dakhla, enthusiastically waving red Moroccan flags and photographs of King Hassan while loudly chanting slogans of allegiance to Morocco. Although Morocco troops were everywhere in evidence, it did appear as if the demonstrators were genuinely committed to the Moroccan cause. Having suspected that many of the people in Dakhla might be pro-Mauritanian and pro-Polisario, I was a little surprised to see such a unanimous expression of pro-Moroccan feeling. When I subsequently arrived in Mauritania, however, I was informed by high Mauritanian officials that the demonstrators I had observed were largely Moroccans whom the retreating Mauritanian administration had observed arriving in Dakhla by air the previous day. Finally, when I arrived at the Polisario camp in Tindouf, Algeria, I was told by the former Mayor of Dakhla and other ex-residents that the true population of prewar Dakhla was in excess of 15,000 but that nearly all the residents had voted with their feet for the Polisario by fleeing the city. All of this was a powerful reminder of the difficulty of establishing an objective basis for a rational analysis of the problem and the consequent desirability of a cautious approach toward policy-making.

## II

The Western Sahara lies along the Atlantic coast of northwest Africa opposite the Canary Islands, and is bounded by Morocco to the north, Alegeria to the east, and Mauritania to the south and east. Spain commenced its colonization of the territory in 1884 but did not complete its conquest of the interior until 1934. Until little more than a decade ago, the majority of the indigenous population led a nomadic existence arising from the desert's unsuitability for farming and the need to move toward areas where there is sufficient rainfall to support an animal-based economy. Their quest for water often took the several Western Saharan tribes into neighboring countries without regard for colonial or postcolonial frontiers.

The situation changed some with the discovery of the world's fourth largest phosphate deposit at Bu Craa in 1963. Subsequently, as a result of the combined impacts of Spanish efforts to develop the local economy and the Sahelian drought of 1968–73, most of the population had become settled in small cities and towns by the end of the 1960s. Inspired by the worldwide anticolonial movement, the new urban elite began to form modern nationalist political movements. After 1966, the U.N. General Assembly passed several resolutions calling for a U.N.-supervised referendum in the Western Sahara to enable the indigenous population "to exercise freely its right to self-determination and independence." At the same time, Morocco and Mauritania asserted historical claims to the area and argued that the results of any true consulation with the people of the territory would be favorable to their respective causes and countries.

In May 1975, an eight-day U.N. Visiting Mission led by representatives of Iran, the Ivory Coast and Cuba, which traveled all over the Western Sahara, concluded that "the population, or at least almost all those persons encountered by the Mission, was categorically for independence and against the territorial claims of Morocco and Mauritania." Moreover, they said the Polisario Front (Popular Front for the Liberation of Saguia El Hamra and Rio De Oro—the two major regions of the Western Sahara) "appeared as a dominant political force in the Territory. The Mission witnessed mass demonstrations in support of the movement in all parts of the Territory."

Morocco and Mauritania had previously requested an advisory opinion from the International Court of Justice regarding the legitimacy of their historical claims to the Western Sahara. Despite the repeated assertions I heard from virtually every Moroccan I met that the decision of the ICJ constituted a legal endorsement of their position, the truth is that the Court's ruling, which was handed down in October 1975, represented a decisive rejection of the case for Moroccan and Mauritanian sovereignty over the Western Sahara.

For while the Court acknowledged "indications" at the time of Spanish colonization of "ties of allegiance" between the Sultan of Morocco and "some, but only some of the nomadic tribes of the territory"—along with overlapping "ties" between "almost all the nomadic tribes of Western Sahara" and the "Mauritanian entity"—it declared that these historic ties did not amount to "effective and exclusive state activity" and therefore did "not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity." The people of the territory, therefore, were entitled to determine their own future as provided for in numerous U.N. resolutions.

Despite this adverse ruling, Morocco and Mauritania pursued their claims to the Western Sahara. In November 1975, while General Franco lay on his deathbed in Madrid and the Spanish government was politically incapacitated by the impending succession crisis, Morocco launched its dramatic "Green March," in which 350,000 Moroccans, armed only with the Koran in one hand and the Moroccan flag in the other, walked into the Sahara in a modern ritual of manifest destiny. Confronted in a moment of internal political disarray, Spain signed the tripartite Madrid Agreement on November 14, under which it agreed to withdraw from the Western Sahara by February 28, 1976.

Although the Madrid Accords established a Moroccan-Mauritanian "interim government" in the territory, they also provided for the "collaboration of the Jema'a," the largely Spanish-picked local territorial council; declared that the views of the Saharan population, as expressed through the Jema'a, "will be respected"; and mandated that the U.N. Secretary-General be informed of the various measures taken. Convoked by the Polisario Front only two weeks after the Madrid Accords, the Jema'a voted to dissolve itself and transfer its authority to the Polisario. Reassembled a few months later, however, by Morocco and Mauritania, it agreed to the partition of the Western Sahara between the two claimants.

But the withdrawing Spanish authorities refused to attend this decisive session on the ground that the U.N. Secretary-General had declined to send a representative to legitimate the consultation, and to this day the Spanish have contended that the second Jema'a vote did not constitute a free and genuine expression of the will of the Saharan people. In April 1976, Morocco and Mauritania, claiming that a legitimate act of self-determination had already taken place, officially partitioned the Sahara, with the former annexing the more populous and phosphate-rich northern two-thirds and the latter taking the southern third.

As the Moroccan and Mauritanian military moved in during late 1975, the Polisario helped organize an exodus of much of the territory's population to Tindouf, Algeria, where a refugee camp for Sahelian drought victims had already been established. In the years that followed, the Front conducted an increasingly successful hit-and-run war for independence from its Algerian rear base, backed by military supplies and financial aid from Algeria and Libya. Last August an exhausted Mauritania, unwilling to defend itself further against increasingly effective Polisario attacks, signed a peace treaty with the Polisario, renouncing all territorial claims in the Western Sahara. In a secret annex to the treaty, Mauritania stipulated that it would turn over its section of the Sahara—called the Tiris el Gharbia—to the Polisario in seven months. But Morocco, unwilling to permit the Polisario to establish itself in the southern part of the territory and determined in any case to assert its historic claim to the entire Western Sahara, promptly and forcibly annexed the Tiris as its 37th province.

Since January 1979, the Polisario has also mounted a series of attacks on a stretch of southern Morocco which is largely populated by Saharan exiles and related ethnic groups. Their purpose is evidently to further sap Morocco's will to continue the war in much the same way they succeeded through similar attacks against Mauritania in eroding Mauritania's commitment to the conflict. In the Western Sahara itself, over 50,000 Moroccan troops are increasingly confined to a handful of urban enclaves (both north and south of the original demarcation line) where they are regularly besieged by a growing Polisario contingent of at least 12–15,000 full-time guerrillas.

The Polisario's military success in the last year has been matched by its growing diplomatic support. At the recent summit meeting of the Organization of African Unity (OAU) in Monrovia, Liberia, a resolution calling for a cease-fire and internationally supervised referendum to determine the political future of the Western Sahara was adopted by a vote of 33 to 2 with 8 absentions. This resolution was based on the report and recommendations of an OAU "wise men's" committee consisting of Presidents Nimeiri of Sudan, Obasanjo of Nigeria, Traoré of Mali, Touré of Guinea, and Nyerere of Tanzania. The subsequent Nonaligned Conference in Havana endorsed the OAU's recommendations and condemned Morocco's forcible seizure of the Tiris el Gharbia following the Polisario-Mauritania peace treaty. The United Nations, which has consistently called for self-determination and specifically invited an OAU role, seems prepared to make a similar expression. The Polisario's government-in-exile, the Sahara Arab Democratic Republic, has now been recognized by 32 mainly African states. Their ranks comprise not only the more "radical" regimes like Ethiopia, Mozambique and Benin, but also "conservative" countries like Togo and Rwanda and "moderate" governments like Mexico, Tanzania and Uganda.

The reasons for Morocco's persistence in the Sahara include: a powerful nationalism which has in recent times generated claims to all of Mauritania and parts of Algeria and Senegal as well; King Hassan's use of the "national cause" as a means of bolstering his internal political standing; control over Saharan phosphates by a country which already provides 40 percent of world phosphates exports and could significantly enhance its market power by adding an additional 20–25 percent from Bu Craa; and a concern about the appearance of a shift in the regional power balance in favor of the Polisario's Algerian and Libyan backers. For Algeria, what began in 1975 as a strategic political counter to Moroccan expansionism and perhaps a quest for a more secure passageway to the Atlantic to facilitate the profitable development of its own iron mines at Gara Djeibilet, has since ripened into an ideological commitment to the same sort of armed struggle for self-determination that Algeria itself engaged in two decades earlier and that constitutes an important asset for Algeria's Third World diplomacy.

III

When I began my visit to the region, I leaned toward the view that there might well be a convincing strategic and political case for changing our arms sales policy toward Morocco. But I came away from my trip persuaded that the proposed sale of offensive arms to Morocco for use in the Western Sahara would have significantly negative consequences for U.S. foreign policy and that the advantages cited in behalf of such a course of action are either minimal or nonexistent.

In the first place, it would be a fundamental contradiction of the principles on which our country was founded, as well as our commitment to human rights, if we were to assist in the suppression of a genuinely indigenous and internationally recognized effort to achieve self-determination particularly in the absence of any compelling strategic considerations to the contrary.

Although Moroccan spokesmen have charged that the Polisario is mainly an Algerian creation and that its following consists largely of Algerian mercenaries and Sahelian refugees, these allegations are contradicted by the reports of more objective observers. It was the 1975 U.N. Visiting Mission, dominated by representatives of two conservative states (Iran and the Ivory Coast), which first brought the Polisario Front's dominant political position in the Sahara to the world's attention. More recent reports by area specialists, journalists and veteran observers of African liberation movements who have visited the Front's refugee camps in Tindouf and traveled with guerrilla units in the Sahara conclude that the Polisario is overwhelmingly based on the indigenous Western Saharan population, that it has managed to create a national as opposed to a purely tribal sense of political consciousness, and that it has achieved an extraordinary degree of independent organizational competence.[1] As a leading Spanish official with long experience of the Western Sahara problem commented, "The Polisario has created a nation."[2]

Some have questioned the viability of an independent Saharan state in view of the Spanish census of 1974 which revealed only 74,000 inhabitants. However, both the U.N. Visiting Mission and more recent studies suggest that the Spanish count omitted significant numbers of nomads and tens of thousands of exiles in Morocco and Mauritania who had fled the combined French-Spanish repression of 1958. If one also adds those in neighboring countries (especially Mauritania) who have an ethnic or familial connection to the Saharans and would be inclined to cast their lot with an independent Saharan state, it is reasonable to estimate a population of at least 125,000 to 150,000.[3] In any case, with its natural resources of phosphates and its rich coastal fisheries, not to mention possibilities for iron and oil, the Western Sahara should not have great difficulty in supporting its modest population.

Because of the character of the conflict and the nature of the weapons it is using, the impression has developed in some Western circles that the Polisario is the cutting edge of Soviet expansion in the Maghreb. Actually, based on my personal conversations with the Polisario leadership as well as other sources, it would appear that the Front is neither pro-Marxist nor pro-Soviet. In response to questions, the Polisario leaders indicated that, in the context of an independent Saharan state, they would be inclined, for economic, cultural and geopolitical reasons, to look toward the West, not the East, for support.

In fact, they are the only major liberation movement in Africa that has not received direct Soviet, Cuban or Chinese military assistance. A substantial amount of their equipment is Soviet in origin, but this has been transferred from Algeria and Libya, which purchased the arms with hard currency. There is no evidence that the Soviets, who have a substantial investment in Moroccan phosphates, have approved or encouraged these transfers and indeed no Eastern bloc country has yet recognized the Polisario government-in-exile. The Polisario's main political effort in Europe has been directed toward the West European democratic socialist parties, not the East European communist parties.

Concerning future intraregional relations, the Front's leadership acknowledges its intention to maintain close relations with Algeria but also places considerable emphasis on the necessity of cooperation with Morocco "since we share 500 kilometers of border with Morocco but only 50 with Algeria." As an illustration of their desire for a negotiated settlement they cite the clause in the Mauritania-Polisario peace treaty which would have delayed a Polisario administration for seven months, thereby providing the King with an opportunity to save face in the context of his joining a diplomatic negotiation.

Given its diplomatic preferences, the Polisario Front has refrained from asking the Soviets for military support because it does not want to internationalize the conflict. But if the United States changes its policy and begins to provide Morocco with new counterinsurgency equipment for use in the Western Sahara, it could push the Front toward global alignments which would be unfavorable to our own interests in the region. In any case, while we may not have any real interest in facilitating the establishment of a Saharan homeland in the Western Sahara, neither do we have any significant interest in preventing it.

Second, according to U.S. military experts, the Moroccan army is unlikely to achieve anything more than marginal improvements in its unfavorable military position no matter what equipment we provide. The major weaknesses of the Moroccan military in the Western Sahara are in the areas of communications, command and control. The problem lies in the King's refusal to grant his field commanders enough autonomy to communicate directly with each other and to react quickly to local circumstances. Since King Hassan fears a renewal of the coup attempts of 1971 and 1972, he continues to insist on overcentralized communications and command structures.

---

[1] *U.S. Policy and the Conflict in the Western Sahara*, Subcommittees on Africa and on International Organizations, Committee on Foreign Affairs, House of Representatives, 96th Congress, 1st Session, July 23–24, 1979, Washington: GPO, 1979.

[2] Those not familiar with the Western Sahara have sometimes tended to connect the Polisario with the Palestine Liberation Organization. Despite their similar names they have little in common. The PLO is formally committed to the establishment of a Palestinian state and the elimination of an existing state, Israel, while the Polisario is committed only to the establishment of a Saharan state and does not aim to eliminate Morocco as an independent country. The PLO has also conducted acts of terrorism against civilians, whereas the Polisario campaign is directed against military rather than civilian targets.

[3] This is the conclusion of a forthcoming Ford Foundation-sponsored study of the Western Saharan issue by Tony Hodges. See also footnote 1 above.

Thus, several hours often pass between a reported attack on a Moroccan garrison and the arrival of nearby air power, since the request has to go through Rabat. Furthermore, field commanders lack the authority to embark on preventive patrolling. These conditions also help sap military morale, as do the unfavorable climate, the increasing number of Polisario guerrillas, and the gap between largely incompetent (but loyal), corrupt senior officers and middle or lower ranking cadres. Sophisticated American arms, however generously supplied, will prove ineffective in the absence of a significant improvement in the ability of the Moroccan army to effectively integrate them into its order of battle.

Third, a change in our arms sales policy toward Morocco would probably halt the improvement that has taken place in our economic and political relationship with Algeria, which became a much more important economic partner of the United States than Morocco. Thus Algeria provides nine percent of our crude oil imports (16 percent of East Coast imports) and two percent of our total natural gas consumption; U.S. firms have won over $6 billion in construction contracts since the early 1970s; and Export-Import Bank loans and guarantees now total $1.4 billion.

Politically, Algeria tends to be remembered for its militant sponsorship of a New International Economic Order as well as support for a potpourri of national liberation movements. However, there is strong evidence, particularly since the election of Chadli Benjedid to succeed the late Houari Boumedienne as President in February 1979, that Algeria has begun to take more moderate positions on a number of international issues which are consistent with our own policy objectives. The Algerians worked with Yugoslavia and India at Havana in the effort to prevent Cuba from directing the nonaligned movement toward a distinctly pro-Soviet position; favored a peaceful resolution of the conflict between North and South Yemen at a time when the Soviets were supporting the latter in the use of military forces; opposed Soviet policy in Ethiopia and Uganda by supporting the Eritreans and the Tanzanian-aided overthrow of Idi Amin; and stiffened their previously tolerant attitude toward airplane hijacking.

In the course of my conversations with high Algerian officials, they privately acknowledged that the state of Israel is an "historical reality" whose existence must be taken into account in the context of a comprehensive resolution of the conflict in the Middle East, criticized Cuba's overambitious policy in Africa and the Vietnamese invasion of Cambodia and expressed interest in purchasing U.S. military supplies. Furthermore, unlike Boumedienne, Benjedid appears to be much more of pragmatist than an ideologue, and there is reason to believe that, if and when the new Algerian President consolidates his power, the stage will be set for further progress in the relations between our two countries. But such an improvement will probably become much more difficult to achieve if, in the interim, we abandon our policy of neutrality and tilt in favor of Morocco by providing it with arms for use in the Sahara.

Fourth, a change in our arms-sales policy would have adverse consequences for our relations with a number of important African and Third World countries. The OAU summit's overwhelming approval last July of the recommendations of its wise men for a cease-fire and internationally supervised referendum constituted a real watershed in Africa's view of the Western Sahara issue. It represented a clear turn away from the Organization's previous temporizing approach, reflecting both the Polisario's military and diplomatic gains and the wise men's own research into an unresolved problem of self-determination.

Of course OAU resolutions do not, in and of themselves, convey the intensity of African feeling on an issue, or the extent to which an apparently opposed U.S. policy could affect our African relations. Obviously the Western Sahara is not going to replace Zimbabwe-Rhodesia, Namibia and South Africa as the main area of African interest in international affairs. Yet I was impressed by OAU Chairman and Liberian President Tolbert's observation that the OAU vote indicated "a clear consensus in Africa for self-determination in the Western Sahara" and that "Africa would look with much disfavor" upon a change in our arms sales policy.

Other important friends of the United States in Africa, particularly Nigeria and Tanzania, who have appreciated the determination of the Carter Administration to view African problems in an African context, would also see such a change in policy as an implicit repudiation of the new direction in which the President has steered our African policy. While few states are likely to permit bilateral relations with the United States to suffer due to this issue alone, a change in our policy could contribute to cumulative downturns where there are also other matters of concern.

In the aftermath of the OAU vote, we are seeing growing support for the Polisario position at the United Nations, in other world forums, and in individual acts of diplomatic recognition. Because the United States must seek diplomatic support in a variety of multilateral institutions, it would be a serious mistake to antagonize African and Third World nations on a major issue unless there were compelling strategic and political interests at stake. For example, at the World Health Assembly last June, and in a variety of international meetings subsequently, it was the voting strength of the Africans which blocked Arab efforts to take punitive action against Egypt and Israel. The African group in the nonaligned movement joined with others to successfully block efforts at Havana to expel Egypt. A decision on the part of the United States to provide Morocco with offensive arms—clearly contradicting the OAU resolution calling for a cease-fire and an exercise in self-determination—could make it more difficult for us to attain such support from African and other Third World countries in the future.

Fifth, a decision to provide Morocco with new arms suitable for use in the Sahara would require us simultaneously to change our interpretation of the 1960 U.S.-Morocco military agreement under which Morocco is not permitted to use American weapons outside of its internationally recognized borders. Such a reinterpretation would constitute a significant retreat from the Administration's own efforts to prevent U.S. arms exports from contributing to dangerous military conflicts abroad.

For almost two years we have maintained a policy of refusing to sell Morocco the equipment in question precisely because Morocco refuses to abide by our existing interpretation of the 1960 agreement which prohibits the use of U.S. weapons in the Sahara. In fact, Morocco today continues to use our F-5 aircraft and 106 mm. recoilless guns in the Western Sahara [4] despite official U.S. requests to redeploy such equipment to Morocco proper. For us now to revise our interpretation of the agreement in order to sell Morocco new arms for the Sahara would be to condone Morocco's past behavior and invite similar violations of U.S. restrictions elsewhere.

Part of the rationale for both new equipment and a new interpretation of the bilateral accord is that since the Polisario has launched an intensified series of attacks on southern Morocco, Morocco now needs to use U.S. arms in the Sahara in order to defend its own recognized borders. However, it is one thing to countenance Morocco's occasional use of American equipment to respond to specific attacks upon its internationally recognized territory and quite another to revise our interpretation of the bilateral military accord in the context of Morocco's continuing campaign to enforce its claim of sovereignty in the Western Sahara—a claim which has not been recognized by a single country in the world. Such action would clearly go against the grain of our government's past support for the international legal doctrine of "proportionate" reprisal under which we have accepted only limited use by Israel of American military equipment in its effort to strike back at PLO terrorists in southern Lebanon.

Another element of the proposed reinterpretation is the notion that Morocco's "administrative authority" over the Western Sahara justifies its use of U.S. equipment for "internal defense and security" in the administered areas. But this would require us to ignore the clear intention of the international community to deal with the Western Saharan problem by political, not military, action, as well as our own statements of support for a regional solution. The OAU has specifically called for the "preparation of an atmosphere suitable for peace in the region through an immediate and general cease-fire." In testimony before the House Subcommittee on Africa, Nicholas Veliotes, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs declared, "We hope that the issue can be solved on a regional basis, specifically by the OAU," and Harold Saunders, Assistant Secretary of State for Near Eastern and South Asian Affairs, said "We have offered to help [the OAU and other mediators] in any way that we can." [5]

Finally, whatever the legal case for permitting Morocco to defend that part of the Sahara over which it has exercised de facto administrative control since 1975, there would appear to be no merit in the argument that Morocco should be allowed to use American military equipment in that part of the Western Sahara which Morocco recently moved into over the opposition of its former Mauritanian partner. It is hard to see how giving Morocco permission to utilize American military equipment throughout the Western Sahara could be in any way squared with the relevant legislation's reference to "legitimate self-defense." It would in fact be seen by the world as a reward for aggression.

IV

In view of the demonstrable disadvantages associated with the Administration's newly announced policy of providing Morocco with arms specifically suitable for use in the Western Sahara, what are the presumed advantages which would result from this course?

Some have argued that we should alter our existing arms sales policy in order to maintain or enhance our mutually beneficial relationship with the pro-Western regime in Morocco, or even to prevent a friendly King from having to give up his throne because he had to give up the Western Sahara.

There is no doubt that Morocco has been helpful in a variety of ways to the West in general, and the United States in particular. The Moroccan government does, for example, permit port visits by our ships and refueling stops by our airplanes. It helped facilitate the initial Sadat-Begin contacts which later culminated in the Camp David Agreements. And it sent troops to Zaïre's Shaba province to protect Western interests at the time of the second invasion of Zaïre by Katangan exiles living in Angola.

---

[4] *U.S. Policy and the Conflict in the Western Sahara*, p. 153.

[5] *Economic and Military Assistance Programs in Africa*, Subcommittees on Africa and on International Organizations, Committee on Foreign Affairs, House of Representatives, 95th Congress, 2nd Session, March 1, 1978, Washington: GPO, 1978, p. 156; *U.S. Policy and the Conflict in the Western Sahara*, p. 103.

On the other hand, if our relationship with Morocco is to be seen in its proper perspective, it should also be noted that Morocco has occasionally acted in ways that are not compatible with our regional concerns: it dispatched three brigades to fight against Israel in the 1973 War; it voted for the 1975 U.N. resolution stating that "Zionism is a form of racism"; it joined the other hard-line Arab states at the Baghdad Summit in October 1978 in denouncing the peace treaty between Israel and Egypt; it has severed diplomatic relations with Cairo; and it excluded an Egyptian delegation from the Islamic Conference at Fez last spring. Consequently, while we clearly have an interest in a close and constructive relationship with Morocco, we have no obligation, morally or politically, to support Morocco in what is essentially an unjust and unwinnable war.

Fortunately, there are other ways in which we can indicate a continuing responsiveness to Morocco's legitimate diplomatic and military requirements. We could, for example, continue to provide Morocco with arms primarily designed for the defense of Morocco rather than the annexation of the Western Sahara, while increasing the level of our economic and humanitarian assistance. Last spring when the Administration was reviewing its arms sales policy toward Morocco, it indicated that our refusal to provide Morocco with offensive arms had caused a significant strain in the overall relationship between our two countries. Yet in spite of that, King Hassan and his principal advisers recently described the state of U.S.-Moroccan relations as "excellent."

In part, this reflected U.S. cooperation in the return airlift of Moroccan troops from Shaba, Congress' recent decision to increase the amount of overall military aid by 50 percent, and the Administration's earlier approval of the sale of U.S.-licensed, Italian-made Chinook helicopters contracted for prior to the imposition of our Saharan restrictions, as well as spare parts and ammunition for previously supplied F-5 aircraft.

The Moroccan government also has its own interest in maintaining good relations with the United States even if there continue to be restrictions on the use of our military equipment. After France, we are Morocco's greatest Western source of economic and military assistance, and our moderating diplomatic influence would be an important trump card for Morocco in an eventual negotiation to end the war in the Sahara. In fact, the Moroccan leaders with whom I spoke put much more emphasis on the need for U.S. diplomatic understanding than they did on the need for new arms. Needless to say, it is inconceivable that the conservative Moroccan leadership would turn in spite toward the Soviets even in the unlikely event that the latter wished to antagonize the Third World by associating itself with a war against self-determination.

Therefore, to the extent that we continue to be responsive to the Moroccan government's need for defensive arms, economic assistance and diplomatic ties, our refusal to supply the requested counterinsurgency equipment should not occasion a serious break in our relationship with the King.

Some have speculated that a willingness to be more forthcoming in the sale of offensive American arms would encourage Morocco to reverse its current opposition to the Egyptian-Israeli peace treaty, thereby advancing U.S. interests in the Middle East. But a more credible reading is that the King has decided to sever relations with Egypt and refrain from supporting the Camp David process because he clearly believes that the opposite course would be incompatible with his own political interest in avoiding isolation within the Arab world. In this connection, it is worth noting that the Saudis, who steadfastly opposed the Egyptian-Israeli treaty, are now Morocco's leading source of external assistance and have offered to pay for any new American arms. To the extent that Morocco is relying on Saudi Arabia for financial assistance in acquiring the arms it hopes for from the United States, it is exceedingly unlikely that the King would take a course of action that would be unwelcome to his Saudi supporters.

Some are also persuaded that, in view of the impressive mobilization of the Moroccan people during the Green March and their continued overt support of the war for the Sahara, the King could not survive politically if he agreed to substantial concessions to the Polisario. Thus they urge a change in our arms sales policy to enable a relatively pro-Western regime to continue in power. Yet both governmental analysts and journalists have detected a growing war-weariness in Morocco during the last year, evidenced by private anti-war expressions among the heavily taxed upper-middle class, widespread strikes by workers unwilling to sacrifice for the "national cause," and reports of anti-war sentiment in important sections of the army.

Notwithstanding the diverse discontents caused by the conflict and its consequences, the Moroccan political parties—from the Communists on the Left to the Istiqlal nationalists on the Right—do tend to be more monarchical than the monarch on this issue. And the King has legitimate reason to fear that a *precipitate* withdrawal from the Sahara could lead to his own downfall. A number of well-informed U.S. experts believe, however, that the King might well be able to prepare his country for a realistic but face-saving settlement. Indeed it is quite possible that the King faces greater risks to his throne—from both the Right and the Left—by continuing an unwinnable and expensive war than by moving carefully to end it. In this sense, the sale of offensive Amerian arms to Morocco for use in the Sahara may do more ultimately to undermine the monarchy than to shore it up.

The real threat to the King is not from without but from within. If there is no way he can militarily drive the Polisario from the field, there is also no way the Polisario can militarily force Morocco out of the Western Sahara. But by enouraging the King to maintain the illusion that a military victory is possible, we are much more likely to prolong the war than to shorten it. And with Morocco spending a million dollars a day on a war it cannot win the King will be less able to deal with the festering problems within Morocco itself.

Recognizing the overriding U.S. interest in preventing the internationalization of what has thus far been a localized crisis, the Administration has argued that a change in policy would increase our influence with Morocco, putting us in a better position to urge a negotiated solution of the conflict. In reality, the proposed arms sales would be more likely to have the opposite effect. During the course of my conversations with the King and his chief military advisers, they made it clear that they looked toward U.S. arms for the Sahara as a means of producing a quick Moroccan victory. To the extent that Moroccan decision-makers believe that a military victory is possible—in spite of the opinion of knowledgeable military analysts that such a victory is impossible—our selling Morocco arms suitable for use in the Sahara would not encourage it to make the concessions necessary for a diplomatic solution of the conflict.

Morocco's failure to explore new negotiating possibilities at the time of the Mauritanian-Polisario treaty, its forcible annexation of the ex-Mauritanian sector, and its continued refusal to admit that it is fighting an indigenous foe in the Western Sahara, all suggest that new American arms will be used with the aim of securing a military victory rather than to facilitate a negotiated settlement. On the other hand, an ineffectual but provocative U.S. policy change is likely to result in a hardening of the Algerian and Polisario positions, and to the extent that their cooperation is necessary for a peaceful resolution of the problem it will probably reduce the chances for a negotiated settlement.

Most important, the longer the conflict goes on the greater are the risks of escalation and internationalization. With the Polisario now engaged in periodic raids against Morocco proper, the King is under considerable pressure from frustrated military commanders and an angry population to strike back at the main Polisario bases in Algeria. So far Morocco has acted with great restraint in responding to these Polisario incursions. But the possibility of regular Moroccan forces engaging in "hot pursuit" of Polisario guerrillas, and coming into conflict with the Algerian army, cannot be dismissed. Lately Egypt has become somewhat involved in the conflict by shipping Morocco light arms and ammunition. Until now, the Polisario Front has refrained from large-scale recruitment of ethnic Saharans living in Mauritania or from using Mauritanian territory to mount attacks on Moroccan positions in the Sahara. Nor has it acted to obtain advanced military equipment or advisers from the Soviet Union and Cuba. If we change our policy, the Eastern bloc countries could see an opportunity to gain an advantage, particularly in view of the Polisario's favorable military prospects and widespread diplomatic support, and move to become involved in a conflict from which they have thus far abstained.

Finally, some have suggested that a change in our arms sales policy would be seen by other countries as a manifestation of our willingness to help a friend in need and would therefore bolster our overall global credibility in the aftermath of perceived defeats in Angola, Iran and Nicaragua. While there are some countries such as Saudi Arabia and Egypt which would be clearly pleased by such a development, even they do not view our arms sales policy toward Morocco as a litmus test of our determination to come to the aid of friendly countries. For example, the Saudis assigned an infinitely higher priority to U.S. military support of neighboring North Yemen when it was attacked by South Yemen last year than they do to U.S. military assistance to Morocco in the Sahara. Other friends of the United States with interests in the region would be very displeased, particularly Spain (whose Prime Minister has declared that self-determination has not yet taken place and whose governing party recognizes the Polisario Front as the legitimate representative of the Saharan people). The French position is characteristically ambiguous. While abandoning previous official rhetoric against "microstates" and placing some restrictions on arms deliveries and new arms contracts for Morocco, the French would apparently like the United States to assume a military role that they themselves have partially relinquished due to their own interests in Algeria, Africa and the Third World.

Actually, a change in our arms sales policy would virtually guarantee the very crisis of credibility that it purports to avoid. Since the equipment in question would not significantly alter the Moroccan military and diplomatic position, it would simply link us more closely with a deteriorating situation. As in Angola, increased U.S. military involvement without corresponding prospects for military success could lead to a widening international credibility gap and domestic recriminations as well. On the other hand, to the extent that we provide Morocco with arms for its own self-defense but not for use in the Sahara, we can maintain that we are willing to help our friends, but not by providing assistance in a war of dubious legitimacy which has attracted virtually no international support. At the same time, we could explain to the Saudis and Egyptians that U.S. arms cannot reverse Morocco's military and diplomatic decline but might provoke a dangerous escalation, and we could encourage them to work for a political solution.

V

Beyond providing Morocco with additional assistance for its legitimate military and economic concerns while maintaining a policy of neutrality in the dispute in the Western Sahara, there are other things that the United States could do to advance its interests in the region.

Our primary objective should be to facilitate a resolution of the conflict. Unfortunately, a negotiated settlement will not be easy to achieve. On both the substance of a solution as well as the modalities of a negotiation the parties to the conflict are far apart. Morocco, contending that the Polisario is not a free agent, insists on solving the problem through bilateral discussions with Algeria, which it firmly believes holds the key to a solution. Algeria, on the other hand, takes the position that the conflict in the Sahara is between the Polisario and Morocco, and that any negotiation to bring the war to an end should be between them. Similarly, while Morocco is prepared to accept a settlement based on the principle of autonomy within the framework of Moroccan sovereignty, but is not willing to consider a withdrawal from the Western Sahara, the Polisario is insisting on complete independence (or at least the right of self-determination which, in their view, would produce the same result) and categorically rejects the possibility of accepting autonomy in lieu of sovereignty.

It probably would not be appropriate for the United States to take the initiative in seeking a negotiated settlement of the conflict. We could, however, quietly encourage other interested parties, such as Spain, Saudi Arabia, France and the OAU, to take the initiative in moving the dispute from the battlefield to the conference table.

Whether or not the final determination of Western Saharan sovereignty comes through an internationally supervised referendum (as recommended by the OAU and other international organizations),[6] other possible arrangements which might be conducive to compromise include: the establishment of a loose political and economic confederation in the region as one means of providing the Polisario with a political entity in the Western Sahara while simultaneously saving King Hassan's diplomatic face; joint Moroccan-Western Saharan ownership and management of the phosphate mine at Bu Craa (currently Morocco owns 65 percent and Spain 35 percent, although there has been no production for several years due to wartime insecurity); and provision for continued Moroccan access to sub-Saharan Africa through minor adjustments in the borders of an independent Western Sahara.

We should also quietly ease the existing prohibitions on contacts between our diplomats and Polisario officials and on visits by our diplomatic personnel to the Moroccan-held areas of the Western Sahara. These self-imposed restrictions were originally based on a well-intentioned desire to appear neutral on the substance of the dispute. But for us to continue these restrictions in the current circumstances is to deprive ourselves of the information needed for rational decision-making on a major world problem. We paid a significant political price for depriving ourselves of such potentially informative contacts in Iran, and there is no reason to make the same mistake again.

The case of the Western Sahara illustrates the need to avoid an approach to foreign policy problems that pose a stark contrast between a "globalist" position of supporting our friends regardless of the indigenous realities and a "regionalist" position of adapting to local circumstances regardless of international implications. It is true that Morocco is a friend in difficulty but there is more than one way that we can respond to its need for external assistance. Under existing circumstances the sale of counterinsurgency military equipment to Morocco for use in its war of annexation in the Western Sahara is compatible neither with our ideals nor our interests.

---

[6] While the modalities of such a referendum would be complex, they would not be insuperable given a modicum of goodwill on all sides. In this connection, the very detailed Spanish census of 1974 could serve as a helpful, if incomplete, means of establishing a list of eligible voters.

---

## AMENDMENTS SUBMITTED FOR PRINTING

### SPECIAL CENTRAL AMERICAN AND CARIBBEAN SECURITY ASSISTANCE ACT OF 1979—S. 2012

#### AMENDMENT NO. 1641

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted an amendment intended to be proposed by him to S. 2012, a bill to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America, with special attention to reestablishing conditions of stability and growth in the Nicaraguan economy, and to provide additional economic support for other countries in Central America and the Caribbean, and for other purposes.

---

## AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate today to consider the committee's budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today to hold a hearing on pending executive nominations, proposed hearings on nonproliferation, and Senate Resolution 299, Senator BELLMON's study of foreign policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

---

## ADDITIONAL STATEMENTS

### OUR DECLINING INTERNATIONAL TRADE SHARE

● Mr. JAVITS. Mr. President, last year we approved the President's trade reorganization plan that attempts to reorder, streamline, and otherwise rationalize the administration of international trade functions of the Federal Government.

In this reorganization plan we were not merely addressing imperfections in the machinery of Government—we were addressing an issue which represents the lifeblood of this Nation's economy. In an interdependent world economy, the international competitiveness of U.S. industry and trade bears on more than an exclusive community of export companies. In fact, the ability of the United States to compete in world markets will increasingly affect every facet of our economy. Indeed, our ability to compete overseas is no longer a luxury made available by an indefinitely expanding domestic market. The situation instead is one in which we will depend increasingly on overseas markets to support growth and employment, and more critically, one in which international competitiveness will determine our ability to compete in our home markets.

If there is any doubt concerning the critical need to strengthen the role of the U.S. Government in export promotion, a recent survey of 1,000 major U.S. corporations conducted by the New York consulting firm Egon Zehnder International, Inc., reveals that the U.S. Government does the poorest job of any industrial country in the world in promoting its exports. Indeed, 57 percent of the respondents classified the United States as one of the world's two worst export promoters.

The data reveal the job ahead of us. Since 1960, our share of world markets has declined from 20 percent to 14 percent. Yet more crucial to employment and growth is the deterioration in our share in world manufactured exports which has declined from 25.3 percent in 1960 to 17 percent in 1978. Even more disconcerting is the fact that our traditional trade surplus in manufactured goods fell from a surplus of $20 billion in 1975 to an actual $5.8 billion deficit in 1978. Among other things, this development disproves the thesis that a floating exchange rate for the dollar will automatically cure our chronic balance of trade deficits.

The President's Export Council, under the chairmanship of Reg Jones of GE, of which I am a member, has been actively engaged in just this kind of effort. Across the board, the PEC has been involved in identifying and addressing weaknesses and deficiencies in our international trade policy in order to shore up our trade performance in the face of stiff world competition.

I commend to my colleagues an article by former Assistant Secretary of Commerce Frank Weil on the subject of our declining world market share. As he did so well when in office, Mr. Weil effectively portrays the basis for our declining competitiveness compared with our world trading partners especially the West Germans and Japanese. I ask that Mr. Weil's remarks be printed in the RECORD.

The remarks follow:

[From the New York Times, Nov. 7, 1979]

### Putting Steel Into America's Share of World Markets

(By Frank A. Weil)

WASHINGTON.—In the United States, when we talk about energy problems, we say "conserve" and "produce." But in Bonn and in Tokyo, they say "conserve" and then go on to talk about "exporting manufactured goods." The West Germans and Japanese have had the ironic fortune of too few policy alternatives. Their limited energy resources have forced them to meet their higher energy costs by exporting. Their conserve-and-export approach has contributed to trade surpluses, strong currencies, low inflation and relatively low unemployment and high growth in productivity. At the same time, we face persistent balance-of-trade and balance-of-payments deficits, a weak dollar, inflation, persistent unemployment and ever-lower rates of growth in productivity.

This suggests that classical economic theory about floating exchange rates' automatically solving our trade problems has not worked quite as intended. If we added the word "export" to our energy formula of conserve-and-produce, we might over a period of time significantly improve our prospects for coming to grips with our overall energy problem.

Since 1960, America's share of world markets has declined from 20 percent to 14 percent. If we let that trend to continue to 1990, we will face a trade deficit so big that no combination of conserve-and-produce can save us. But if we reverse that trend and increase our share of world markets by just 1 percent, even with substantial increases in energy prices and imports, we could be close to a balance in our trade and payments accounts.

Sounds easy. But is it? What would it take?

Our accomplishments in new multilateral trade agreements have been underrated. But those new liberalized trade rules alone will not solve our trade and energy problems. Our trading competitors are already better positioned in world markets. We must act quickly and decisively to improve our competitive position.

First, the Government needs to coordinate its babble of internal contradictory trade voices, as was done in other policy areas with the creation of the Departments of Defense, Transportation, Housing, Energy, etc. We must act and speak at home and abroad with one effective voice, as do virtually all of our competitors. The Congress is at present entertaining the Administration's trade-reorganization proposal; that plan may be a step in the right direction, but it falls short because it leaves the making of trade policy divorced from the responsibility of operating trade programs. Let's hope that the 1980 Presidential campaign leads to a stronger, more-centralized United States trade agency. Second, a new trade organization by itself will not create an effective export policy or effectively implement the new trading rules. We will have to do much more. Despite the absence of political advantage, the Government must support its business community at home and abroad. Our Government's actions must be better balanced and more realistic about some social and economic burdens we impose at home that our competitors do not carry at all. We will have to expedite executive and Congressional action on a long list of deferred foreign-trade problems such as taxation of American business and citizens abroad, permissible export incentives and the unlinking of exports from restraints tied to nontrade foreign and domestic-policy issues. Third, we need to attack the problem of our fundamental industrial competitiveness. We need to reexamine tax policy as it affects savings and capital formation; regulatory and tax policies as they affect innovation; and all the factors—regulatory, social, fiscal and monetary—that have slowed our rate of productivity growth to the lowest of any major industrialized nation.

Our historic wealth and commanding lead have sapped some of our drive and sense of urgency. That we only export 6 percent of our gross national product—Japan exports 15 percent of its GP, and West Germany, 25 percent—is a symptom of our past and an augury. I do not believe that our country has lost its will or capacity to compete. Now that our need to export is clear, this nation absolutely has the ability to respond. As I traveled in my former Government job in the last two and one-half years, I found a lot of people who are searching for something they can do to help solve the energy problem so that they will not have to be burdened by what they cannot do, like driving and heating less. A collective national effort to manufacture and sell in world markets is a positive action in which every American can have a sense of participation. If we remember that exports are as essential to the needle on our gasoline gauge as conservation and production, we will be better able to solve the problems of energy and inflation.●

## LESSONS OF CHRYSLER

● Mr. WILLIAMS. Mr. President, in the closing hours of the first session of this Congress, we approved the Chrysler Loan Guarantee Act. I supported that bill in its final form because I believe that it represented the best response possible, under the circumstances, to the human suffering and economic dislocation that would be caused by the collapse of the Nation's 10th largest industrial firm. Although the United Auto Workers has now come forward with the further concessions required by it under the act, it will be some time before we know whether the banks, State and local governments, and dealers and suppliers will come forward with the contributions they must provide in order to open the way for the issuance of federally guaranteed loans. And the ultimate success of the congressional response will, of course, not be certain for several years.

Mr. President, absent other alternatives, the Congress must study the need and propriety of Federal assistance when one of this Nation's major economic units is at the brink of failure. The stakes are simply too high to be ignored. Yet I must say that the Chrysler experience has led me to question whether it is practical or appropriate for the Banking Committees of Congress to attempt to function as the board of directors of Chrysler or any other private enterprise.

Felix Rohatyn, the distinguished investment banker and the chairman of New York City's "Big Mac" financial oversight board, raises similar concerns in a January 13 New York Times article entitled "A Better Way to Bail Out Chrysler." While I do not necessarily endorse his suggestion that a modern equivalent to the Reconstruction Finance Corporation be established, I do concur that the Congress should give far deeper consideration to the likelihood of other major corporations seeking Federal assistance, and formulate a responsive policy. I believe that such a policy should be carried out by an independent group able to make hard decisions, force concessions, and be as insulated as possible from political considerations. Only those criteria can truly benefit the Nation while protecting public funds.

I further believe that such a policy must be based on considerations beyond those of competent management and adequate capital. In the automobile industry, for example, the introduction of new technology and the dispersal of facilities make adequate protection of workers a fundamental concern. Further, intensifying foreign competition and the growing internationalization of auto production raise key labor and trade issues.

Mr. President, the formulation of a firm yet flexible policy response to the forces which threaten our manufacturing sector and the jobs of millions of Americans will not be simple or easy. But beginning to address that issue now, rather than waiting for the next Chrysler to knock on Congress door, will help to assure a consistent, effective, and responsible approach to the serious structural economic problems which face America today.

I ask that Mr. Rohatyn's article be printed in the RECORD for the benefit of my colleagues.

The article follows:

[From the New York Times, Jan. 13, 1980]

### A Better Way To Bail Out Chrysler

(By Felix G. Rohatyn)

The recent passage of legislation to provide $1.5 billion in Government-guaranteed loans to the Chrysler Corporation raises two questions that are important enough to warrant serious public debate:

1. Is it in the public interest to avoid large bankruptcies or should the marketplace take its toll, come what may?
2. If saving large businesses is deemed to be in the public interest should there be created a special organization to handle those cases, similar to the Reconstruction Finance Corporation of the 1930's?

In December of 1974 I argued, in these pages, that a new R.F.C., adapted to the present circumstances, be created. Recent history and what we can expect in the near future seem to me to make the argument more compelling.

The answer to the first question posed, the "public interest" issue, seems to me to have been given by the Congress and the Administration in the case of Chrysler. The votes in the Senate and the House, and the arguments made to support the legislation, made it clear that a majority felt the public interest would be harmed by a bankruptcy of Chrysler. It is also obvious that the same arguments can be made for other large United States business entities and that an important first step in national policy has been taken.

It is very dangerous to generalize on any subject but I believe an argument can be made that in many cases at least, a massive bankruptcy would be against the public interest. The cost in human suffering, the cost to the taxpayers directly or indirectly, the dangers to the economy or the banking system in a period of fragility seem to me arguments that are valid. One cannot, and should not, however, flatly preclude such an event.

At that point such a policy becomes a blank check for mismanagement, fiscal recklessness, obsolete products, etc. Bankruptcy should always remain as an option.

Which brings me to the second question, namely, should a special Government corporation be set up to handle those companies that are meant to be saved? Much of the recent experience suggests the affirmative. I would make the following arguments:

The Chrysler legislation has crossed the line of "public interest." Whether we like it or not, the national policy decision has been made to commit large amounts of public funds to keep an ordinary large company (not a vital defense contractor like Lockheed, or a large municipality like New York City) out of bankruptcy. It is difficult to imagine any other big company or financial institution denied similar treatment after this precedent.

It is impossible to imagine a worse forum to execute such a policy than the Congressional process. A major restructuring of a large corporation in difficulties is a delicate exercise. It requires timeliness, an expertise in capital structures and the ability to use a number of options, one central authority to negotiate concessions from the various participants (unions, banks, stockholders, suppliers, etc.) before committing Federal funds, and the ability to negotiate privately and away from political pressures. In the Congressional process, timeliness is impossible since, unless the corporation is at the brink, no action is possible. The adverse publicity caused by the process of hearings would exacerbate the problems. By the time the corporation could get help the disease could be incurable. The professional financial expertise is not available and the range of options is too limited; loan guarantees are not necessarily the best or safest approach, even from the Federal Government's point of view. Last but not least, concessions can best be wrested from the participants by a dispassionate, professional third-party organization, free of political pressures, which has not only the power to commit but also the power to say no. The possibility of bankruptcy must not be eliminated since that is the only real leverage.

The above leads me to the conclusion that a special corporation, set up along the lines of the R.F.C., would be appropriate. In 1974 I stated:

"There exists today no public instrument for providing the only true safety net that a major corporation or bank should avail itself of when in difficulty—a major infusion of equity capital . . . There will be wide opposition to such a thesis both on ideological and practical grounds. The specter of socialism will be raised by the conservatives and the cry of "big business bailout" by the liberals. Serious concerns with respect to the governance of such an enterprise, to its potential political power, to the possible conflicts of interest and corruption posed by such a mass of capital will have to be debated and resolved. But the need for the enterprise would appear to be sufficiently great to outweigh the drawbacks."

The new R.F.C. should have the flexibility to make whatever from of investment is required. Purchases of equity, preferred stock, loans, loan guarantees should all be available to it. It should never, however, invest more than 50 percent of the amount required for any restructuring.

If Government funds are to be committed to save large businesses then let the funds be committed in a business-like way, by professionals, as part of an overall plan that has the greatest chance of success. Senate cloakroom negotiations between labor lobbyists and Congressional staffers are not a businesslike way to negotiate labor's contribution to a rescue. Treasury staffers' hopes for bank participation may result in more shattered dreams than actual commitments. It is fostering a dangerous illusion to pretend that a large loan guarantee to a company that is losing money, has very little equity and is already overburdened with debt, is not extremely risky.

We are now entering what may be our most dangerous economic climate since the early 1930's and our most dangerous international climate since the Cuban missile crisis. Our dependence on foreign energy is greater than ever; paying for the oil will create enormous pressure on the dollar and will require major efforts on the part of our banking system. Supply interruptions could cause industrial and financial chaos. Only the most determined ostrich can stick his head in the sand and pretend there does not exist at least the possibility of major dislocations.

Under those circumstances how many airlines, already highly lever-aged, could get into serious difficulty? How many steel companies could be under pressure? How many banks would have problems with domestic or foreign loans? And, were any of this to happen, is it conceivable that, say, two airlines, three banks, two steel companies and an automobile company would simultaneously be testifying before the Senate Banking Committee about urgently needed financing assistance? Such a scenario could only have one of two results: The companies would go bankrupt waiting in line; or the taxpayers' money would be wasted in hasty credits granted haphazardly.

There is no need to create a mammoth bureaucracy, but an institution that has the power to make the basic investment needed in troubled situations, namely equity, i.e. the purchase of common stock.

An R.F.C. with an initial capitalization of $5 billion in common stock subscribed to by the Treasury, and the authority to issue up to $10 billion in United States guaranteed obligations would provide a major safety factor to the economy in the dangerous period ahead. Since it would be a safety net for business, financing the capital subscription should come from the private sector. It could take the form of a 1 percent tax surcharge on the profits of all businesses earning more than $1 million a year.

We need an instrument to be a corporate life raft in an unexpected storm. The investments it makes should be temporary. It should only remain as an investor until it can divest itself of its commitments through the marketplace. It should never provide more than 50 percent of the capital required by any type of rescue. The new R.F.C. should therefore be a revolving fund—hopefully profitable—that steps in where no alternatives are available and that steps out when the public interest has been served and normal market forces operate.

Involvement in other areas that I had envisaged in 1974, such as new energy projects or involvement with municipalities such as New York City's problems would be prohibited. The energy area will be covered by the Energy Security Corporation, about to come into being and set up along similar lines. ENCONO, the Energy Corporation for the Northeast, will hopefully follow.

In the municipal area, it is really for the states or state agencies set up for the purpose, to play the role of the R.F.C. In the case of New York City, the Municipal Assistance Corporation played that role, providing financing to the city while negotiating with unions, banks and ultimately the Federal Government. With the legitimacy provided by the Governor and the State Legislature, a private management and board, full public scrutiny and accountability, the Assistance Corporation is a local, municipal version of an R.F.C. It works and it has not resulted in dozens of local units of government rushing to its bosom needlessly.

In a similar vein, the R.F.C. should combine public purpose with prudent business practice and, with the proper leadership and oversight, should accomplish both to the ultimate benefit of the taxpayers. In addition to investing it should have the power to do unpleasant but necessary things such as changing the board of a company it invests in and replacing management.

It should be managed by paid professionals with its own board of directors, the majority of which would be private citizens and would include the Secretary of the Treasury, the chairman of the Federal Reserve Board, the chairman of the Securities and Exchange Commission and the chairman of the Council of Economic Advisers. The final decision of whether to invest and restructure or to reorganize under the bankruptcy laws would be the responsibility of the board as a whole.

Many variations can be discussed, but the basic principle must be faced; if the Federal Government is going to be involved in the restructuring of large and ailing enterprises, as it is and, in certain cases, as it should be, then let us do it right. Let us create the right structure and give it the flexibility and powers that it needs. Public-private partnership is here to stay. If Chrysler ultimately fails it will not prove that Government should not have tried the cure; it will prove that the right medicine was not applied at the right time. The right medicine should be available in the future; it will quite probably be needed.●

## ARE WE HEADING INTO WAR?

● Mr. **GOLDWATER.** Mr. President, a former member of the U.S. Air Force, a brigadier general in that organization is a gentleman that I have known for many years and for whom I have profound respect. He not only was an outstanding Air Force officer but, combined with that, an unusual intellect that has enabled him to constantly and exactly forecast what will be going on in this world we live in. Appearing in the Washington Star of the 19th of January, there is an article by Gen. Robert Richardson III under the title, "Are We Heading Into War?" This is an extremely interesting presentation of an answer to a question that is more and more being asked by the American people. I ask that the article be printed in the RECORD:

### ARE WE HEADING INTO WAR?

(By Robert Richardson III)

Recent events in Iran and Afghanistan and the shelving of SALT II have prompted people to ask: "Is war in sight"? My answer, less from the vantage point of one privileged to read secret intelligence estimates than from the point of view of practical military considerations, is a qualified "no." That is qualified to the extent that we are speaking of warfare of the World War I, World War II, Korean or Vietnam variety. These types of wars are what most people envision when they ask this question. They were all classical, lengthy wars of attrition in which citizen forces fought and heavy casualties were sustained.

Unfortunately, thanks to the disastrous unilateral disarmament policies of the past 20 years, the United States today is incapable of sustaining a conventional war of attrition against Soviet or Soviet-supported forces in a distant area such as the Middle East, even though our national interests called for it and we had the will to engage in one—which in itself is questionable. The best the United States can now do would be one-shot air or naval punitive strikes and withdraw.

This situation does not apply, as yet, to nations such as the Soviet Union, China or even lesser non-atomic powers. On the other hand, I believe it does apply in varying degrees to all the major NATO nations. The reason for the difference is the asymmetry in the quantity and sophistication of forces and in their wartime support capabilities.

The problem is that the ability of the United States and its major allies to resort, if necessary, to nuclear weapons created a climate in which increased complexity, performance and hence unit costs have been accepted since World War II at the expense of quantity, stockpiling and mass production capabilities. This trend was made more accute by the reduced defense budgets of recent administrations.

Classical major conventional wars have always been wars of attrition. There is normally a "holding phase" during which one side, faced with superior local forces, goes on the defensive and accepts fairly heavy losses while mobilizing and deploying the means not only to replace the losses and sustain the fight but also to build up their capabilities as necessary to pursue their objectives. Meanwhile, the opponent is doing the same thing and a local, wartime arms race ensues.

The key words in this classic scenario are attrition and mobilization. To sustain a conventional war of attrition requires a steady stream of new manpower and equipment—tanks, guns, ammunition, ships, planes, missiles, etc. And this is where the problem arises with respect to the United States or any of its major European allies being able to wage a conventional war at this time.

Modern U.S. and NATO equipment is so costly and sophisticated, stockpiles are so limited, and the time required to produce the first new replacements ordered after the onset of a war is so long—years—that a minimum loss rate can no longer be sustained. The Soviets, on the other hand, have the trained reserves, stockpiles and back-up forces and weapons with which to replace reasonable losses until their wartime production can come into play.

The United States now has, for all practical purposes, a one-shot, force in being, military capability. We can no longer take sustained losses and continue to fight. Our choice, should we be politically maneuvered into a conventional war, will be to invite a Dunkirk or else resort to atomic weapons.

It is hard to see any U.S. administration, let alone the Carter administration, initiate nuclear warfare except in response to an attack against the U.S. proper. The odds are that they would even accept the total loss of Persian Gulf oil to the Soviet Union or its puppets before going nuclear to defend the Middle East. The Soviets know this and our allies and friends know this. This is why the use of U.S. forces to oppose Soviet-supported aggression against Pakistan, Saudi Arabia or even Israel is unlikely at this time.

What is now needed is a crash program to correct the disastrous weaknesses in U.S. forces brought about by the misguided budget and arms control policies of the past few administrations. If America hopes to protect vital areas and its allies in its 1980s without resort to nuclear weapons from the onset, we must not only re-establish our strategic deterrent but also rebuild a capability to wage sustained limited conventional war. Until this is done, no old-fashioned types of wars are in sight! ●

## RESOLUTIONS OPPOSING CUTS IN SCHOOL LUNCH PROGRAM

● Mr. TALMADGE. Mr. President, I have received two resolutions from the Cobb County Board of Education and the local Parents and Teachers Association in opposition to the administration's proposed 5-cent reduction in the Federal cash reimbursement for paying children who participate in the school lunch program. I have advised the school board of my opposition and ask that both resolutions be printed in the RECORD.

The resolutions follow:

### RESOLUTIONS BY COBB COUNTY BOARD OF EDUCATION IN OPPOSITION TO CUTS IN SCHOOL LUNCH REIMBURSEMENT FOR PAID LUNCHES

Whereas, the National School Lunch Act was established in 1946 as a nutrition program to "safeguard the health and well-being of the nation's children" and

Whereas, the Congress in its wisdom provided federal assistance to support lunches for all children and amended the Act in 1970 (P.L. 91–248) to provide for supplemental assistance to pay the full cost for free and reduced price meals and

Whereas, the present energy and inflation problems have greatly increased the cost of producing school meals, thereby making it necessary for local school systems to increase pupil sale prices and

Whereas, the paying pupils who come from middle-income homes ($14,000-$25,000) are being priced out of the school lunch program with these continuing rising costs related to inflation and energy and

Whereas, the Congressional Budget Committees and the Administration both recommended a cut in federal reimbursement for the lunches served to paying children in the 1980 budget and

Whereas, such a cut would make it necessary for the Cobb County School System to increase pupil sale prices (combining inflation, energy and reimbursement cut) for the 1980–81 school year and

Whereas, such a cut would cause many children from middle income families to drop out of the school lunch program and

Whereas, all children are required to attend school and need a nutritionally adequate school lunch to function effectively and

Whereas, a reduction in pupils served school lunch is detrimental both to the nutritional status and education benefits of pupils and to the efficiency of operation of the program and

Whereas, the President is preparing the 1981 budget which will most likely contain a similar proposal for cuts in federal reimbursement for lunches served to paying children, be it therefore

*Resolved*, That the Cobb County Board of Education does hereby oppose and reduction in federal school lunch reimbursement for the paying child, and be it further

*Resolved*, That a statement opposing any proposed cut be sent to the President of the United States, each member of the Georgia Congressional delegation, Congressman Carl Perkins, Senator George McGovern, Congressman Robert N. Giaimo, Senator Edmund Muskie, Congressman Jamie Whitten, Senator Thomas Eagleton and be it further

*Resolved*, That Senator Herman Talmadge and Honorable Larry McDonald be requested to enter this statement of the opposition of the Cobb County Board of Education in the CONGRESSIONAL RECORD.

### RESOLUTION

Whereas, the Fourteenth District of the Georgia Congress of Parents and Teachers recognize the importance of practicing good nutrition and

Whereas, they also recognize the important role that the school nutrition program plays in developing desirable food habits of young people and

Whereas, the school nutrition program is an integral part of the total educational experience of students at school and

Whereas, the effectiveness of the school nutrition program is a cooperative effort shared by the family and school and

Whereas, the parents of children enrolled in the Cobb County Schools need to be meaningfully involved in helping their children to develop desirable food habits in school and away from school and

Whereas, there is a need to create an awareness among parents and other people in the community of the role of school nutrition in the health and education of children and

Whereas, the school nutrition program also makes a positive impact on the economy of Cobb County through its employment of more than 500 people and the purchase of food and supplies to serve more than 7.2 million lunches annually, be it therefore

*Resolved*, That the month of January, 1980 be declared as School Nutrition Month, be it further

*Resolved*, That parents and other members of the community be encouraged during School Nutrition Month to become more aware of the school nutrition program and their role in improving its effectiveness in the health and education of children as well as its benefit to the economic health of the community. ●

## ANTHONY SOLOMON—PRESIDENT OF THE NEW YORK FEDERAL RESERVE

● Mr. JAVITS. Mr. President, the management of U.S. international monetary policy in recent years has been a challenge for even the most seasoned international monetary experts. This turbulent period has seen the dollar buffeted by seemingly relentless pressure on international markets, the world balance of payment situation rebound from the first round of OPEC price increases and then deteriorate with the second, and the price of gold multiply in the face of dollar instability and world insecurity.

One of this country's leaders in international monetary affairs has been Under Secretary of the Treasury Anthony Solomon, the newly designated president of the New York Federal Reserve. In this critical period of instability, Secretary Solomon was instrumental in devising the November 1978 dollar rescue package which dispelled any notion that the United States was seeking a depreciated dollar. Importantly, too, the 1978 support package spread responsibility for dollar support—to other major currency countries by enhancing swap agreements and arranging foreign currency denominated bond sales.

When in the fall of 1979 it appeared that stronger domestic measures addressing inflation were reouired in order to support the dollar, Secretary Solomon worked hand-in-hand with Federal Reserve Chairman Volcker. Their coordination and understanding at that critical moment augurs well for their ability to meet together the international financial problems that loom so darkly on the horizon.

Secretary Solomon's efforts to spread responsibility for the operation of the international monetary system, specifically the diversification of world reserve assets, should be continued by Secretary Solomon's successor. Specifically, his efforts to implement a substitution account to diversify world reserves in an orderly way out of dollars into SDR's is one important step toward enhanced international monetary stability.

I have worked closely with Anthony Solomon and have found him to be a talented, forceful, and resourceful advocate of U.S. monetary policy. He has won the respect of U.S. and Western Hemisphere bankers throughout the world, a vital requirement for the most important position in the Federal Reserve System after the Chairman of the Federal Reserve Board.

Mr. President, I recommend to my colleagues a recent editorial in the Wall Street Journal on Secretary Solomon's appointment. The editorial aptly highlights Anthony Solomon's international financial qualifications, but also makes clear how fortunate this country is to keep him in Government. I ask that the editorial appear in its entirety in the Record.

The editorial follows:

[From the Wall Street Journal, Jan. 23, 1980]

### Wise Choice at NY Fed

Anthony Solomon's appointment as president of the Federal Reserve Bank of New York assures for the next year at least that there will continue to be concord between the Treasury and its operating arm in the international financial markets. In domestic matters, the New York bank—the most important in the Federal Reserve System—takes its instruction from the Federal Open Market Committee in which the New York Fed's president is able to cast one vote. In international matters, it gets its general operating instructions from Treasury.

Relations between officials at Treasury and the New York Fed have not always been amicable. There was a profound difference of view in the early 1970s as to whether the central bank should intervene in foreign exchange markets to support the dollar or whether the currency should not only be devalued but allowed to float downward to gain maximum advantage for American exporters.

There was considerable uneasiness when Paul Volcker came to the New York Fed in May of 1975 for, as undersecretary of the treasury, he had been the instrument of two devaluations and presided over the disastrous period of free floating. There is no such feeling about Anthony Solomon. As undersecretary to secretaries Blumenthal and William Miller, Mr. Solomon has been widely credited with putting together the November 1978 support package which helped convince the skeptical international community that the U.S. really "cared" about maintaining the value of the dollar.

The package was an extensive one, closely coordinated between the Treasury, the Federal Reserve, the Germans, the Swiss and Japanese. The U.S. announced that it would raise up to $30 billion if necessary to correct the excessive decline of the dollar. It involved a drawing on the International Monetary Fund, increased swap credit lines, larger gold sales and the issuance of up to $10 billion in foreign currency denominated securities. The latest of these sales is currently in progress in Germany.

The package was not enough. It was followed almost a year later with domestic measures aimed at curbing the growth of monetary aggregates. The measures, introduced by Paul Volcker, who had become chairman of the Federal Reserve Board in August, were well received in the markets and generally supported within the Treasury.

The dollar has been stable since then, despite an explosion in the price of gold, which soared by $465 an ounce between November and its peak of $800 on Monday. Mr. Solomon, who had favored joint intervention to bring the price down when it had traded at $144 an ounce during the International Monetary Fund meetings in Belgrade, held back on intervention more recently because the buying was panic inspired. He preferred to see the gold market break of its own weight, which in fact it did Tuesday when gold slumped $113.50 to $737.50 at the second fixing in London.

The Soviet invasion of Afghanistan, the stalemate over the American hostages in Tehran and fears over aged President Tito of Yugoslavia all increased the appetite for gold among Asian and Middle Eastern investors. The political instability in the world also made the dollar look good. There was a widespread assumption that the U.S. was probably the safest country in the world in which to put one's assets.

Fear is no substitute for monetary reform, however, and Mr. Solomon—at times alone among American policymakers—has pushed for the introduction of an SDR-denominated substitution account.

The account, which would be managed by the International Monetary Fund, would provide central banks with a means for diversifying their reserves in an orderly fashion. The Fund's board and financial officials of the five largest industrial countries have been hard at work trying to put together an outline for the account to present to the Interim Committee—the policy-making body of the Fund—at its Hamburg meeting in April. The account was on the agenda, with other monetary matters, when the so-called Group of 5 met in Frankfurt on Sunday. The meeting was attended by Treasury Secretary Miller, Federal Reserve Chairman Paul Volcker, as well as Mr. Solomon.

Mr. Solomon has made no secret of his desire to leave the Treasury for largely personal reasons. He agreed to stay at the urging of President Carter and Secretary Miller because he wanted to see the work on the substitution account through to completion.

Whether his replacement, who will not be easy to find, will share Mr. Solomon's somewhat quixotic enthusiasm for the SDR remains to be seen. It is also a reasonable question whether the modest reform is worth all the high-level effort. But Washington is anxious to show that it wants some of the responsibilities of running the major reserve currency lifted from its shoulders. And Washington worries about the stability of a multi-reserve system. Gold, it is repeatedly emphasized, is no longer a plausible alternative.

In their new roles, Chairman Volcker and President Solomon will be able to continue the close collaboration, which has done so much to improve this country's image in the international financial markets. Mr. Solomon, who had also been responsible for debt management at the Treasury, is by no means as well known in the domestic money markets. Fed watchers will be looking with interest to see how he votes within the FOMC and how influential he will prove to be. It is hoped that his thinking will be as cautious and balanced on the domestic scene as it has been in the international arena.●

---

## THE OLYMPIC BOYCOTT

● Mr. MOYNIHAN. Mr. President, almost 3 weeks ago, on January 10, I announced my opposition to holding the summer Olympics in Moscow. Ten days later, I elaborated on the subject in an article which appeared in the New York Daily News. From the beginning of the crisis provoked by Soviet aggression in Afghanistan, it has seemed to me that a refusal to participate in the propaganda festival the Soviets plan for the Olympics was necessary—even inevitable.

The case has been carefully developed on the floor of the Senate, and if I would add to it, it is only to refer to a statement, printed today, written by Andrei Sakharov, and smuggled to the world's attention by his wife from Sakharov's forced exile. Sakharov refers to a "general worsening of the international situation and of intensification in the persecution of dissidents within the country," that is, within the Soviet Union. With his characteristic imperturbability, Sakharov tells us, "My fate has been a happy one—I succeeded in being heard." I must say that we have heard, but it is now for us to listen. We heard Shchransky and Ginzburg last July, and others before and since. We will do something today to indicate not only that we have heard, but that we have listened and understood—and acted.

Mr. President, I ask that there be printed in the Record my article of January 20, and an insightful commentary on this subject by Robert Kaiser, which appeared in the Washington Post on January 10, and the full text of Andrei Sakharov's statement from Gorky.

The material follows:

[From the New York Daily News, Jan. 20, 1980]

### Russians Play Politics So Put 'Em In Penalty Box

(By Daniel Patrick Moynihan)

The worldwide reaction to the Soviet invasion of Afghanistan once again raises the question of convening the Summer Olympics in the Soviet Union. But it is not really a new question. Moscow's interest in Olympic competition has *always* been political in one way or another.

Athletic competition is, for the Soviets, but another way of trumpeting the virtues of their totalitarian state. Of course, they have always reacted with self-righteous indignation whenever an Olympic competitor from a Communist country decided to opt for life in one of the free societies which have been host of the games in the past. But, in 1980, for the first time, the Soviets would have had no fear that one of their athletes might defect to the West. Free to know that they would be spared that embarrassment, the Soviets could turn to "controlling" the situation. Would reporters be free to report what they saw? Would Soviet citizens, especially human-rights activists, be allowed to establish contact with Westerners in Moscow?

These questions, I believe, now pale in comparison to the larger issues raised by the blatant Soviet recourse to armed force in Afghanistan. For it underscores dramatically the fact that the Soviets do not share our appreciation for the common spirit which is supposed to animate the Olympic Games.

Like any other activity in which the Soviet government participates, there is but one purpose—the advancement of its totalitarian aims. Just as the brutal suppression of cultural activity inside the Soviet Union demonstrates that, there, there is no such thing as "art for art's sake," so does the Soviet view of competitive athletics remind us that, there, there is no such thing as "sport for sport's sake." For the Soviets, amateur athletic competition is professional politics.

Yet the Soviets persist in attempting to secure world acceptance as a legitimate state and as an advanced society. They do this by offering nominal assent to the proper language of international life, but then distort it for their own purposes. They crave to impose their definition of terms upon the rest of the world. Unceasingly, their propaganda apparatus portrays their government as the victim of misunderstanding but even more of outright conspiracy. Armed with such self-righteousness, the Soviets demand that the rest of the world show its good intentions by treating the Soviet state as it would treat any other.

It is startling that at his junction in world affairs, there are still those who would argue that the world ought to afford the Soviets the legitimacy they seek. It is not that we are without the lessons of history in this regard. In 1936, Hitler was host of the Olympic Games precisely to establish in the popular mind the legitimacy of the Nazi regime. At a time when Nazi Germany was flouting the rules of civilized conduct—not merely subjecting its own citizens to unspeakable brutalities, but also scrapping international agreements with serene contempt—the world chose to ignore what lay right before its eyes and proceeded with business as usual with the Nazis. We know the consequences.

Thus I believe the position taken by the Secretary of State and by the President to the effect that the Soviets will either leave Afghanistan or we will leave the Moscow Olympics is both sound and necessary. The games should be moved—or alternative games should be organized—to a place where the Olympic spirit will be allowed to breathe. There is a special poignancy in this for all those who have prepared for the games with great effort and at great sacrifice. Yet I would say that to elevate the competition itself to an absolute status is, in its own way, a departure from the very spirit of the games.

If we must forgo the opportunity to excel on the athletic field we will at least have the greater opportunity to demonstrate something far more important—our excellence as a democracy and our stout heartedness as a people of principle.

---

[From the Washington Post, Jan. 10, 1980]

### Olympic Boycott: "A Genuine Punishment"

For the Soviet Union, the Olympic Games are a matter of legitimacy, and that makes them a matter of grave concern. Participants in the debate over whether to boycott the Games in Moscow this year to protest the invasion of Afghanistan should realize that no other non-military move could so directly challenge the Soviet leadership, or so startle the Soviet public.

The quest for legitimacy has been one of the principal themes of Soviet history since the Bolshevik Revolution. This is not surprising in a system controlled by revolutionary usurpers. No Soviet leader has ever won a legitimate election, nor even inherited legitimate sovereign power. This simple fact guarantees the insecurity of Soviet leaders—insecurity that leads, for example, to the harsh repression of Soviet dissidents even as they are dismissed in official accounts as a meaningless fringe element. Dissidents of any kind must terrify insecure autocrats.

The contemporary generation of Soviet leaders has sought to enhance its claim on the loyalty of 260 million citizens by increasing Soviet stature in the world and maintaining peace and prosperity at home. In Soviet terms, it has succeeded quite well on both counts. These have been good years for the Soviet autocrats.

But the fear of illegitimacy haunts the Soviet leaders still, partly because they know their society contains many potentially restless elements and partly because the Soviets have never been able to establish reliable, stable relationships with foreign countries—even countries that they occupy militarily, like Czechoslovakia.

For many years the Russians sought to host an Olympiad, and repeated rejections of their applications caused anger and resentment. Finally, at a time when the era of détente seemed firmly established and when no other major country wanted to compete for the honor, the International Olympic Committee picked Moscow as the venue for this year's summer Olympics.

There should be no underestimating the significance the Soviets themselves put on their selection. They have been treating this Olympiad as one of the great events of their modern history, and the preparations have been lavish. The entire budget for new construction in the Soviet capital for several years has been devoted to building Olympic facilities. At the same time, the authorities have been making preparations to deport potential troublemakers—including political and religious dissidents—from Moscow during the Olympics. And until now, at least, they have refused to make arrangements to sell Western publications in Moscow during the Games.

Like Hitler in 1936 (and participants in this debate should also study that Olympiad), the Soviets are preparing a great propaganda offensive for this summer. Olympic committees in the West may see a distinction between politics and sports, but the Soviets do not, and never have. Only in the Soviet bloc do the same athletes represent their country in both professional and amateur world championships.

An effective boycott of the Games this summer would be a tremendous blow to Soviet prestige; but perhaps more significant, the collapse of this Olympiad would send a genuine shock through Soviet society. The leaders would explain it as a hostile manifestation of imperialism and, in the short run, might fan Russian xenophobia on their own behalf; but in the longer term, the failure of these Olympics could cause the first serious challenge to the legitimacy of Soviet power in many years.

The Soviet public today is not totally isolated from the outside. Tens of millions of Russians listen daily to foreign radio broadcasts; thousands more travel abroad or meet visiting foreigners. The idea that an Olympiad could collapse because of international disapproval of actions by the Soviet government would certainly sink in. The consequences of this are unpredictable, but they must terrify Soviet leaders. It might turn out that the Soviet people decide they have been humiliated by their own rulers. This is not necessarily likely, but it is possible.

A boycott of the Olympics will not retrieve the national sovereignty of Afghanistan, nor ensure the future tranquillity of Pakistan and Iran, nor preserve Western interests in South Asia. But it would be a genuine punishment to the Soviet regime.

Moreover, a successful Olympiad would persuade the Soviet leadership that it has little to fear from the outside world, no matter what it has done to Afghanistan and the norms of international behavior. (Hitler reoccupied the Rhineland few months before the 1936 Olympics.) Western Olympic committees may declare that by going to Moscow they are not endorsing the Soviet regime or its behavior, but the Russians will surely see it differently.

---

[From the New York Times, Jan. 29, 1980]

### Sakharov's Statement Carried From Gorky to Moscow by His Wife

(Moscow, Jan. 28—Following is the text of Andrei D. Sakharov's statement, brought from Gorky by his wife, Yelena Bonner, and translated from Russian by The New York Times:)

On Jan. 22, I was arrested on the street and taken to the office of the Procuracy of the U.S.S.R. A. Rekunkov, First Deputy Procurator General of the U.S.S.R., informed me that I was being deprived of my titles of Hero of Socialist Labor, of all decorations and prize awards, by decree of the Presidium of the Supreme Soviet of the U.S.S.R. I was asked to return the medals and orders and certificates, but I refused, believing that I was given them for good reason. Rekunkov also informed me of the decision to banish me to the city of Gorky, which is closed to foreigners.

On the same day, with my wife, Yelena Bonner, who was allowed to go with me, I was taken by special flight to Gorky, where the city's deputy procurator explained the conditions of the regime decreed for me—constant observation prohibition against leaving the city limits, prohibition against meeting with foreigners and "criminal elements," prohibition against correspondence and telephone conversations with foreigners, including scientific and purely personal correspondence and telephone calls, even with my children and grandchildren, Matvei, 6, and Ana, 4. I was instructed to report three times a month to the police, with the threat of arrest in case of noncompliance.

#### ISOLATION FROM OUTSIDE WORLD

The authorities are thus imposing on us complete isolation from the outside world. The house is surrounded 24 hours a day by police and K.G.B. details, which pose obstacles to visits to us by anyone, including our friends. Telephone connections with Moscow and Leningrad are completely blocked. We have not been able to call even my wife's mother, to tell her how we were. I was not able to call a physicist colleague, a highly respected Soviet scholar. These restrictions also apply to my wife, who is supposedly "free." She sent a telegram to our children in the United States, but there was no answer, so she is deprived of contact with the children.

Even in prison, there is more possibility of communication with the outside world.

No longer youngsters and not in the best of health, we are completely deprived of help from our friends, of medical help from our doctors.

These repressive actions against me were undertaken at a time of general worsening of the international situation and of intensification in the persecution of dissidents within the country.

#### FOREIGN POLICY MOVES ARE LISTED

The worsening of the international situation was caused by actions of the U.S.S.R., which is doing the following:

1. Launching in Europe a broad and demagogic campaign with the aim of strengthening its military superiority.
2. Trying to destroy the recently outlined peace opportunities in the Middle East and southern Africa.
3. Supporting terrorist regimes in Ethiopia and some other countries.
4. Maintaining military units in Cuba.
5. Supporting the actions of quasigovernmental terrorists in Iran who have violated the basic principles of diplomatic work.
6. The culmination of this dangerous policy was the invasion of Afghanistan, where Soviet soldiers are waging merciless war against insurgents, against the Afghan people.

Within the country, the authorities have taken new action against the core of the human rights movement. Velikanova and Nekipelov have been arrested, Landa has been threatened with arrest. The magazine Poiski is being broken up. Abramkin, Sokirko, Grimm have been arrested.

The movement for religious freedom is being persecuted and the clergymen Dudko and Yakunin have been arrested. Regelson has been arrested. Trials and arrests are proceeding in the Ukraine and in the Baltic. Repression has increased against the Crimean Tatars; Reshat Dzhemilyov has been convicted.

The actions of the authorities against me in this situation are aimed at making the continuation of my public activities completely impossible. They are aimed at humiliating and discrediting me and at the same time making possible further repressive measures against all dissident groups in the country, with less possibility of the world finding out about them, and further international adventures.

On Jan. 24, Izvestia published an article containing slander against me and a deliberate distortion of my position. My position remains unchanged. I am for a pluralistic, open society, both democratic and just; for convergence, disarmament and peace; for the defense of human rights in the whole world—in our country, in the countries of Eastern Europe, in Indonesia, China, Chile, everywhere; for a worldwide amnesty for prisoners of conscience; for doing away with the death penalty. I am for giving priority to the problems of peace, the problem of averting thermonuclear war.

From the article in Izvestia it is apparent that the main reason for the repression against me at this particularly anxious time was my position condemning the intervention in Afghanistan, which is a threat to the entire world, and demanding the withdrawal of Soviet troops from that country, perhaps with their replacement by United Nations units, (see my interview with The New York Times and with American television), as well as my having joined in a document on the subject issued by the Moscow Helsinki group.

Being in a state of complete isolation and anxiety for members of my family and for my daughter-in-law, Liza Alekseyeva—to whom I am no longer able to provide any protection—I demand that they be given an opportunity immediately to leave the U.S.S.R. and join their children and grandchildren. Although my wife is technically free, I will, of course, be afraid not only for her health, but for her life, if she is forced to travel to them [world illegible] (unfortunately, we know that the [state security] organs are capable of applying Mafia-type techniques).

### VIOLATION OF RIGHTS CHARGED

The actions of the Soviet authorities are a gross violation of my basic right to receive and disseminate information (Article 19 of the Universal Declaration of Human Rights). Soviet representatives are trying to calm world public opinion by saying that I will be able to continue scientific work and that there is no threat of criminal prosecution against me. But I am prepared to stand public and open trial. I do not need a gilded cage. I need the right to fulfill my public duty as my conscience dictates.

I am grateful to all those who have come to my defense. My fate has been a happy one—I succeeded in being heard. But I ask everyone not to forget those who have selflessly served and are still serving in the defense of human rights, those whom I mentioned in this letter and all those whom I did not mention.—

ANDREI SAKHAROV.

GORKY, *January 27, 1980.*●

## THE 100TH ANNIVERSARY OF THE POLISH NATIONAL ALLIANCE

● Mr. LEVIN. Mr. President, 100 years ago on February 15, 1880, the Polish National Alliance was established in Philadelphia where 10 men, under the leadership of Julius Andrzejkowicz, proposed the consolidation of existing Polish-immigrant organizations in the United States. Thirteen delegates, representing the 498 members of 12 organizations around the country, met in a constitutional convention in Chicago in September 1880. By 1913, membership numbered over 100,000. Today's membership, under the leadership of President Aloysius A. Mazewski, is the largest fraternal order of and for Americans of Polish heritage in the United States with its main office in Chicago.

In its 100-year history, the Polish National Alliance:

Provided and continues to provide educational financial assistance;

Founded in 1912 the Alliance College in Pennsylvania;

Donated the Kosciusko Monument in Washington, D.C.;

Led the movement to establish Pulaski Day each year on October 11;

Was instrumental in the formation of the Polish American Congress, composed of 12 million members, which is dedicated to the restoration of freedom and independence in Poland;

Provided outstanding public service from its ranks in both the civic sector and in both World Wars; and

Publishes two newspapers.

Its statement of purpose adopted in 1880 remains relevant 100 years later:

> To lay a foundation for material and moral growth of the Polish element in the United States through a development fund which is to be the sole property of the Alliance and from which Polish Homes, Schools and other welfare projects are to be financed.
>
> To provide protection for the Polish immigration.
>
> To provide political enlightenment to the Polish immigrants as citizens of the United States.
>
> To commemorate Poland's historic anniversaries.

The influx of Polish immigrants in America's 19th and 20th centuries has provided our Nation with thriving communities of families dedicated to the preservation of Polish culture and tradition. The PNA's efforts in civic, cultural, and educational affairs has made its past its pathway to its future and has truly brought its people into the mainstream of American life.

We congratulate the entire national membership on this milestone in its history.●

## GI BILL AMENDMENTS OF 1979—H.R. 5288

● Mr. BAUCUS. Mr. President, in 1944, President Franklin D. Roosevelt signed the first GI bill. Since that time, the Servicemen's Readjustment Act and its successor programs have provided educational and training benefits to almost 18 million American veterans, their survivors, and dependents.

The many opportunities provided by these benefits have proved invaluable to veterans trying to readjust to civilian life after serving their country in the armed forces, and I am very pleased that the Senate passed the GI Bill Amendments of 1979 by such an overwhelming majority. Surely, the support given this important legislation reflects the Senate's strong sense that the American people owe a great deal to the many courageous citizens who have served our country in the military service.

I am reminded of the words of Gen. Douglas MacArthur when he spoke of his deep admiration for the many brave Americans who served their country in time of need:

> They suffered hunger and thirst; the broiling sun of relentless heat; the torrential rains of tropical storms; the loneliness and utter desolation of jungle trails; the bitterness of separation from those they loved and cherished. They went on, and on, and on, when everything within them seemed to stop and die . . . when I think of their patience under adversity, of their courage under fire, and of their modesty in victory, I am filled with an emotion of admiration I cannot express.

One small way to show our grateful admiration to the American veteran is by providing the opportunity to receive educational and training benefits.

The GI Bill Amendments of 1979—H.R. 5288—revises and improves the veterans education assistance program. Small changes were made to tighten language and thereby reduce waste and abuse. As with all Federal programs, we must be vigilant that the money we appropriate goes for the cause intended—in this case, providing educational and training assistance for the American veteran. Also, the Veterans' Administration and HEW nursing home inspection efforts will be coordinated, thereby cutting back on duplication in Federal efforts, and resulting in savings to taxpayers.

I was very pleased to support a 15-percent increase in GI bill benefits. This increase will be effective September 1, 1980. GI bill benefits were last increased in October of 1977. Since that time, the cost of living has increased more than 20 percent, and double-digit inflation continues at an alarming rate. At the same time, many veterans are nearing the last years of their delimiting period—the time in which they have to use these important benefits. Clearly, then, we have an obligation to insure that GI benefits provide an adequate level of assistance as veterans attempt to use these benefits as efficiently and completely as possible within a limited time. I might also add that this increase was within the limits imposed by the second budget resolution. Thus, we provided deserving veterans with a much needed increase in GI bill benefits, while managing to continue our efforts to balance the budget and fight inflation.

The legislation also provides a limited extension of GI bill benefits to certain deserving Vietnam era veterans. Specifically, Vietnam veterans who are still in need of basic secondary education education or job skills will be given until December 31, 1982, to use their GI bill benefits. This is not an across the board extension. Rather, it is a limited and targeted extension for veterans who are unskilled or unemployed, and therefore have a special need for these benefits. In addition, separate unemployment statistics will now be kept by the Bureau of Labor Statistics on those veterans who served in the Vietnam theater. This will enable the U.S. Government to better understand and address the serious problem of veteran unemployment.

I also supported an amendment which requires HEW to conduct any epidemiological studies necessary to determine the long-term health effects of exposure to Agent Orange. The VA is already conducting a similar study, and it is my sincere hope that both of these studies will be conducted as quickly and thoroughly as possible. Indeed, the Federal Government has an obligation to address the issue of exposure to dioxin, the chemical contaminant in Agent Orange and resolve it one way or another as soon as possible.

I was disappointed that another amendment I supported did not receive the support of a majority of my colleagues. This amendment would have established a job voucher program for Vietnam veterans. The program was limited and would have provided incentives for employers to hire veterans. Also, such a program would have provided an alternative to formal education for many veterans who would find on the job experience more useful for their long-term career plans. This job voucher program would have served the important purpose of cutting down on discouragement and unemployment among Vietnam veterans.

Another important change in this new legislation elevates the Deputy Assistant Secretary of Labor for Veterans Employment to the level of an Assistant Secretary. This change is not simply meaningless bureaucratic title shuffling. In fact, it will give the problem of veterans employment the strong advocate it must have in the Department of Labor. An Assistant Secretary will be able to deal effectively with veterans employment problems, thereby strengthening our commitment to this important issue.

I can think of no better way to express our respect and gratitude for American veterans than by providing them with these important benefits. Again, I congratulate my colleagues for giving this important legislation such strong support.●

## PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I submit for the Record the notifications I have just received.

The notifications follow:

Defense Security
Assistance Agency,
*Washington, D.C. January 14, 1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith transmittal No. 80-24 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $120.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified Transmittal.

Sincerely,

Ernest Graves,
*Lieutenant General, USA.*

---

[Transmittal No. 80-24]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value: Major Defense Equipment,* $108.0 million; Other, $12.0 million; Total, $120.0 million.

(iii) Description of Articles or Services Offered:

(1) One thousand (1,000) CBU-58 munitions.

(2) Five hundred eighteen (518) CBU-71 munitions.

(3) Three thousand four hundred thirty-five (3,435) GBU laser guided bombs.

(4) Six hundred sixty (660) AIM-9P SIDEWINDER missiles.

(5) Nine hundred sixteen (916) AGM-65A Maverick missiles.

(iv) Military Department: Air Force.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: Jan. 14, 1980.

---

Defense Security
Assistance Agency,
*Washington, D.C., January 22, 1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80-29, concerning the Department of the Army's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $12.7 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
*Lieutenant General, U.S.A.*

---

[Transmittal No. 80-29]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value: Major Defense Equipment*, $11.4 million; Other, 1.3 million; Total, $12.7 million.

(iii) Description of Articles or Services Offered:

Fifty (50) M220A1 TOW guided missile launchers, one thousand (1,000) BGM-71A TOW guided missiles, and ancillary equipment.

(iv) Military Department: Army (VAP).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 22 Jan. 1980.

---

Defense Security
Assistance Agency,
*Washington, D.C., January 22,1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80-33, concerning the Department of the Army's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $473.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
*Lieutenant General, USA.*

---

[Transmittal No. 80-33]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value: Major Defense Equipment,* 0.0 million; Other, $473.0 million; Total, $473.0 million.

(iii) Description of Articles or Services Offered:

This case provides funding for civil engineering and related services in support of construction projects at the military academy being built for the Royal Saudi Army near Riyadh, Saudi Arabia.

(iv) Military Department: Army (HAY1).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 22 Jan. 1980.

---

Defense Security Assistance Agency,
*Washington, D.C., January 22, 1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80-34, concerning the Department of the Army's proposed Letter of Offer to Jordan for defense articles and services estimated to cost $46.8 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
*Lieutenant General, USA.*

---

[Transmittal No. 80-34]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Jordan.

(ii) Total Estimated Value: Major Defense Equipment*, $43.8 million; Other, 3.0 million; Total, $46.8 million.

(iii) Description of Articles or Services Offered:

Seventy eight (78) M109A2 155mm self-propelled howitzers.

(iv) Military Department: Army (UZQ).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: January 22, 1980.

---

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

Defense Security Assistance Agency,
*Washington, D.C., January 22, 1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80–35, concerning the Department of the Army's proposed Letter of Offer to Jordan for defense articles and services estimated to cost $19.9 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
*Lieutenant General, U.S.A.*

---

[Transmittal No. 80–35]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Jordan.

(ii) Total Estimated Value: Major Defense Equipment*, $18.4 million; Other, $1.5 million; Total, $19.9 million.

(iii) Description of Articles or Services Offered:

Twenty-nine (29) M110A2 8-inch self-propelled howitzers.

(iv) Military Department: Army (UZM).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 22 Jan. 1980.

---

Defense Security
Assistance Agency,
*Washington, D.C., January 22, 1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80–36, concerning the Department of the Army's proposed Letter of Offer to Israel for defense articles and services estimated to cost $22.7 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
*Lieutenant General, USA.*

---

[Transmittal No. 80–36]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Israel.

(ii) Total Estimated Value: Major Defense Equipment*, $20.4 million; other, $2.3 million; total, $22.7 million

(iii) Description of Articles or Services Offered: Twenty five (25) M60A1 tank chassis bridge launchers with armored vehicle launched bridges.

(iv) Military Department: Army (XKI).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 22 Jan. 1980.

---

Defense Security Assistance Agency,
*Washington, D.C., January 24, 1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80–21, concerning the Department of the Navy's proposed Letter of Offer to Morocco for defense articles and services estimated to cost $17.5 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
*Lieutenant General, USA.*

---

[Transmittal No. 80–21]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Morocco.

(ii) Total Estimated Value: Major Defense Equipment,* $15.8 million; other, $1.7 million; total, $17.5 million.

(iii) Description of Articles or Services Offered:

Six (6) OV–10A aircraft with logistic support, training, armament, ammunition and the necessary navigation, communications and ground support equipment to operate and maintain the aircraft.

(iv) Military Department: Navy (SAF).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: January 24, 1980.

---

Defense Security
Assistance Agency,
*Washington, D.C., January 24, 1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80–22, concerning the Department of the Air Force's proposed Letter of Offer to Morocco for defense articles and services estimated to cost $170.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
*Lieutenant General, USA.*

---

[Transmittal No. 80–22]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Morocco.

(ii) Total Estimated Value: Major Defense Equipment,* $153.0 million; Other, $17.0 million; Total, $170.0 million.

(iii) Description of Articles or Services Offered:

Twenty (20) F–5E/F aircraft with logistic support, training, armament, ammunition and the necessary navigation, communications and ground support equipment to operate and maintain the aircraft.

(iv) Military Department: Air Force (SCA).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 24 Jan. 1980.

---

Defense Security
Assistance Agency,
*Washington, D.C., January 24, 1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80–23, concerning the Department of the Army's proposed Letter of Offer to Morocco for defense articles and services estimated to cost $45.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
*Lieutenant General, USA.*

---

[Transmittal No. 80–23]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Morocco.

(ii) Total Estimated Value: Major Defense Equipment,* $40.5 billion; Other, $4.5 million; Total, $45.0 million.

(iii) Description of Articles or Services Offered:

Twenty-four (24) Hughes 500 MD helicopters with logistic support, training, armament, ammunition and the necessary navigation, communications and ground support equipment to operate and maintain the aircraft. Twelve of the helicopters will be equipped with TOW and twelve will be equipped as gunships.

(iv) Military Department: Army (UJZ).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: Jan. 24, 1980.

---

Defense Security
Assistance Agency,
*Washington, D.C., Jan. 24, 1980.*
Hon. Frank Church,
*Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 80–28, concerning the Department of the Air Force's proposed Letter of Offer to Israel for defense articles and services estimated to cost $35.1 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Ernest Graves,
*Lieutenant General, USA.*

---

[Transmittal No. 80–28]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Israel.

(ii) Total Estimated Value: Major Defense Equipment,* $32.2 million; Other, $2.9 million; Total, $35.1 million.

(iii) Description of Articles or Services Offered: One hundred (100) GBU–15 Air munitions.

(iv) Military Department: Air Force (AFW).

---

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: None.

(vii) Section 28 Report. Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 24 Jan. 1980.●

## WATER POLICY REFORM

● Mr. MOYNIHAN. Mr. President, I wish to bring the attention of my colleagues to an article in the New York Times of this Sunday, January 21, entitled "Region Seeks To Tap Water Bonanza."

For those who may not have seen it, the article discusses water policy reform, specifically the measure being offered by Senator Domenici and myself in the Senate Environment Subcommittee on Water Resources. Our bill, S. 1241, and the modified demonstration program that we have subsequently offered would truly create a rational and national water policy, in place of the ad hoc and haphazard decisionmaking characteristic of the status quo.

Senator Domenici and I are both strongly committed to formulating a coherent water policy for the Nation, a water policy in which projects do not take an average of 26 years between authorization and implementation as in the status quo, a water policy in which clear and standard cost-sharing rules supplant the 185 existing cost-sharing formulas.

In short, we stand behind a major and much needed change and I ask my colleagues in the Senate to join us.

Mr. President, I ask that the Times article I mentioned above be printed in the Record.

The article follows:

### Region Seeks To Tap Water Bonanza

(By Irvin Molotsky)

Washington.—A favorite phrase these days in the office of Senator Daniel Patrick Moynihan is "rational and national," which, the New York Democrat says, describes his backing of a proposal to alter the way the Federal Government divides its funds for water resources across the country.

The current system, he says, is neither rational, since it largely ignores the pressing water supply problems of aging cities, nor national, since most of the money goes toward water projects in the West and the South, helping do such things as irrigate lettuce fields and provide water for livestock.

"The Federal Government is willing to spend money to wash hogs but not babies," Senator Moynihan recently told a subcommittee that is considering the proposal. "The Federal Government is willing to spend millions of dollars to clone the Mississippi River," he went on questioning a plan to contruct a parallel waterway and ask, "What's wrong with the Mississippi?"

As the bill makes its way through Congress, the years of neglect of New York City's water supply system become more and more apparent, with hardly a week passing without a major water main break. The latest big was earlier this month, in a 20-inch main at Bush Street near 179th Street in the Bronx; it flooded part of the Grand Concourse. There were 469 water main breaks in the city in 1978 and 536 breaks in 1979, with December's breaks yet to be announced.

In this regard, New York City is no different from the other old cities of the Northeast. But the magnitude of New York's problem is greatest. There are 6,200 miles of water mains, ranging in size from six to 72 inches, under the city streets. In recent years, the replacement rate has slipped to 150 years. Edward Scheader, chief of the design division of the Bureau of Water Supply, expresses the modest hope of getting the rate down to 100 years.

It is because of the deteriorating city systems that Senator Moynihan has embraced the proposal, whose original sponsor was a man whose constituency and state is so unlike Senator Moynihan's that it would appear, on its face, unlikely that such a bill could serve such diverse interests. The originator was a Republican from the Southwest, Senator Pete V. Domenici of New Mexico.

New York's Governor Carey is supporting the Domenici-Moynihan approach, as are the Governors of Hawaii, California, Michigan, Virginia, Oregon, Utah, Massachusetts and Connecticut. Its companion measure has been introduced in the House of Representatives by Jerome A. Ambro of Long Island and has 15 co-sponsors, mostly New Yorkers, but also including Representatives James C. Cleveland, Republican of New Hampshire, who is a high-ranking minority member of the Public Works and Transportation Committee. Since Mr. Ambro ranks high in the Democratic majority of that committee, the Ambro-Cleveland combination would seem to enhance the prospects of the bill reaching the House floor if the Senate acted favorably on it.

The Domenici-Moynihan proposal would take $1 billion and divide it among the states according to a formula based on population and land area, allowing the states to make the basic decisions as to which projects would get funds. Senator Domenici favors that approach, an aide said, because the current system is so burdened with red tape that it takes an average of 26 years from the time a project is proposed until it is completed.

#### A PROTOTYPE LAW

Senator Moynihan favors it because it would, for the first time, provide a substantial amount of money for New York and other, older Eastern states to spend money for water projects that now get little Federal support. For example, under current practices, New York State gets less than 1 percent of the Federal water funds spent across the country. If the money were spent according to the Domenici-Moynihan formula, New York's share would rise to 4.7 percent of the $1 billion proposed by the two Senators for spending by states on water projects.

A total of $2.6 billion is being spent under the existing program, but it is not clear whether the Senate, the House of Representatives and the Carter Administration will, if the Domenici-Moynihan approach is adopted, treat the $1 billion as a supplement or insist that it be subtracted from the total in the next Rivers and Harbors Act.

That act is almost a prototype of the pork barrel legislation that still has its place in Congress, despite the position of President Carter, who has come out against some of the water projects in the South and West. So many projects are lumped together that it draws wide Congressional support. For example, the current measure calls for spending millions of dollars in Mississippi for the Bayou Pierre, the Buffalo and Homochitto Rivers and the St. Catherine and Coles Creeks, in Alaska on the Kuskokwin River and in Wisconsin on the Kinnickinnic River.

It also would provide millions in New York to combat beach erosion on Coney Island and in Connecticut for flood control in the Mamaroneck and Sheldrake River Basins and the Byram River. But Senator Moynihan wants to provide money for such a huge project as New York City's third water tunnel, something that probably would not get funds under the present system. The tunnel was under construction from 1970 until 1975, when the city's fiscal crisis forced a halt in work on it. A total of $350 million has been spent on the tunnel, which is to stretch someday for 12.7 miles from the Hillview Reservoir in Yonkers and supply all five boroughs. It has been dogged by delays and litigation, with six contractors suing the city last year for work that they said they had not been paid for. They sued for $100 million and settled for $18 million. The House of Representatives is to vote this week on the Rivers and Harbors Act, which also contains provision for a $25 million loan for the water tunnel. The city would like to get the loan, of course; it would prefer the approach in the Domenici-Moynihan measure.

According to a Moynihan aide, the Senator wants to provide $100 million to get the project moving again, with $400 million to $500 million needed to complete the first of four stages.

The two existing tunnels, the Senator's aide noted, are 40 and 60 years old and they have not been checked or maintained since they went into service, because they could not be shut down to permit it. Even though the consequences would be severe if something should go wrong with either of the two existing tunnels, Federal funds have never been used for such a local project.●

## JUSTICE WILLIAM O. DOUGLAS

● Mr. BAYH. Mr. President, I share the regret of all Americans at the death of one of our greatest jurists and citizens, Mr. Justice Douglas. In his more than 36 years on the Supreme Court, Justice Douglas championed the rights of the poor, the oppressed, and the so-called fringe elements of our society. His huge number of dissenting and concurring opinions reflect Justice Douglas' fierce individualism and respect for personal thought and conviction. More than 1,200 of his opinions fill the pages of the United States Reports since 1939. Writing on the 35th anniversary of Douglas' ascension to the high bench, Dean Michael I. Sovern of Columbia Law School said that "Douglas belongs to no 'school' and he fits no mold. Indeed, he has cast his own mold." Justice Douglas' thoughts have pervaded American society for nearly half of this century.

Little was known of Justice Douglas when he was nominated by President Roosevelt to succeed Justice Louis D. Brandeis. The only Senator who voiced opposition to his nomination on the Senate floor objected that little was known of his views on civil rights and civil liberties, the two fields in which he will be most remembered. His life reflected his basic concern for the aggregation of undue power in society, a concentration threatening to smother human individuality. Douglas once wrote that:

> [T]he growth of bigness has resulted in ruthless sacrifices of human values. . . . Man loses opportunities to develop his personality and his capacities. He is denied a chance to stand on his own before man and God. He is subservient to others and his thinking is done for him from afar.

Justice Douglas' championship of human potential was reflected in his first amendment positions on freedom of speech, press, religion, and association. He viewed the amendment as a tool for personal fulfillment, as a "respect for the conscience of the individual" to think and believe as one chooses. He consistently struck down laws infringing on freedom of expression, a term that he defined broadly to encompass many types of nonverbal conduct. He maintained that any conduct that constitutes expression is protected unless it is "closely brigaded with illegal action" so as to be inseparable from it. In a 1949 case involving a hostile mob confronting a speaker, he asserted that a key function of the first amendment is to invite dispute, and even to stir people to anger. Following Justice Brandeis' famous concurring opinion in Whitney against California, Douglas felt that the broadest discussion on conflicting ideas will best lead to reasoned resolution of difficult issues.

Justice Douglas was one of the leading exponents of the constitutional right to privacy. He viewed the right to be let alone as a right guaranteed by both the 1st and 14th amendments, and vigorously denounced electronic eavesdropping. In the 1965 case Griswold against Connecticut, the Justice authored the opinion finding a constitutional right to privacy emanating from the "penumbra" of the specific provisions of the Bill of Rights, though not specifically mentioned in the Constitution. He agreed with Justice Black that the Bill of Rights was incorporated to the States via the 14th amendment. Unlike Justice Black, however, who insisted on incorporation of only the specific rights in the Constitution, Justice Douglas maintained that the Bill of Rights contained "natural rights" far broader than those explicitly mentioned in the text of the Constitution.

Justice Douglas exercised a key role in elevating the 14th amendment equal protection clause into a major constitutional weapon, a clause that Justice Holmes once termed "the last resort" of constitutional lawyers. He was always sensitive to the plight of the poor and of disadvantaged minorities, especially in the areas of voting and access to the courts to address infringements of constitutional rights. He authored the landmark 1961 civil rights decision Monroe against Pape, which held that plaintiffs need not exhaust State remedies before proceeding in Federal court to address infringements of constitutional rights.

Justice Douglas played a major role in the so-called criminal law revolution of the Warren Court, expanding the rights of accused persons. He staunchly defended the fifth amendment privilege against self-incrimination, and insisted not merely on lack of coercion, but rather on a confession freely and voluntarily given. In addition, he early maintained that due process of law requires appointed counsel for all indigent defendants, and his view was ultimately embraced by the majority of the Court.

As reflected in the sheer number of his opinion, Douglas was a man of robust action and decision, and not merely of abstract thought. It has often been said that he did not write for the law casebooks, often barely stating the facts of the case before proceeding directly to his opinion. He wrote in 1960 that:

> I often think that a disproportionate part of the energies of our profession is devoted to the semantics of the law. . . . The priests of the profession argue and debate about nice points of law that may seem important to those who lead smug lives in ivory towers, but quite unimportant in the life of the nation.

Justice Douglas' extraordinary career encompassed the teaching of law in the halls of Yale and Columbia Universities, as well as traveling in distant lands, whose peoples he lectured and wrote extensively about. Justice Douglas believed in the living law as a means of dealing with contemporary human problems. Concerning the following of precedent, he said that "(i) t is better that we make our own history, than be governed by the dead." Although he is gone, Justice Douglas' impact on the jurisprudence and fabric of American society will live forever.

Mr. President, as chairman of the Subcommittee on the Constitution I have been familiar with the opinions and thoughts of Justice Douglas throughout his career. His stands on controversial issues often challenged us all to react and sometimes to disagree with his views. His death will leave us without that challenge. We shall miss his wisdom as well as his wit and his humanity.

Mr. President, I would like to close on a personal note by conveying my deepest sympathy and that of the Senate to Kathy Douglas. She has made and is making a significant contribution to our country in many ways in her own right. In addition, she has been an important member of that indefatigable Douglas team. We shall miss her partner but know that his good work shall be continued through her dedicated efforts.●

---

## AFGHANISTAN AND THE 1980'S

● Mr. BAUCUS. Mr. President, the 8th decade in the tumultuous 20th century has begun with the world's attention gripped by the Soviet invasion of Afghanistan. Not since the Cuban missile crisis in 1962 has a single event so shocked and outraged the world.

The Soviet's action has delivered a dangerous challenge to international peace and world stability. It has forced a sober reassessment of this Nation's relationship with the Kremlin. It has stalled Senate consideration of the SALT II treaty indefinitely, leaving the world with the chilling prospect of an accelerated arms race looming on the horizon. Most importantly, the Soviet aggression in Afghanistan has caused us to take a good hard look at our role as the leader of the free world.

This is not the first time the Soviets have imposed their will on a foreign nation. They did it in 1956 when they crushed the Hungarian revolution. And they did it again when they invaded Czechoslovakia in 1968.

But the invasion of Afghanistan is the first time the Soviets have sought to seize complete military control of a nation that was not already under Soviet domination.

The United States and our allies must respond to this latest Soviet challenge in a way that leaves no doubt that we absolutely will not tolerate aggression and suppression of sovereign nations. Members of Congress will have to ponder seriously and carefully the implications of the Soviet invasion of Afghanistan, and reassess our relations with the Soviets. We must draw the line now. But this reassessment must not reflect impatience, hostility, or despair. Rather, it must reflect determination not to allow the Soviet Union, or any other aggressive power, to crush the will and freedom of another nation.

That principle is the bedrock of our national heritage, and the American people recognize that the actions taken by the Soviets in Afghanistan threaten that principle.

This crisis requires a deliberate, measured, and effective response from the United States. We must show the Soviet Union that not only do we condemn their actions, but we have the capacity to respond.

It is my profound hope that our response reflects the wisdom and foresight our Nation and its people have always shown in times of crisis.

Mr. President, Henry Steele Commager, has recently written an article in the Christian Science Monitor, entitled, "Consulting our Hopes, Not our Fears." Which is a brilliant and balanced account of where the United States has been in the past, is now, and can be in the future.

Tracing the events that led us from our post World War II position as the undisputed leader of the free world to the current world of vying nuclear super powers, dwindling resources, and an increasingly vocal and anguished third world, Dr. Commager points a narrow path which leads us not to despair, but to hope.

This future is a future where finite resources are not squandered. This future is a future where more powerful nations of the world recognize the many less developed nations to share this earth with, and begin to work with them on their own terms to bring an end to the poverty and despair they now suffer. It is a future where the true meaning of security and military strength is understood rather than exploited.

Mr. President, the crisis in Afghanistan is the opening thunder of a decade that promises to be filled with challenges and problems, but I am confident that we can meet those challenges. We must simply learn to draw on the tremendous strength and courage and spirit of America and her people.

I submit for the RECORD the article to which I have made reference.

The article follows:

[From the Christian Science Monitor, Jan. 7, 1980]

### CONSULTING OUR HOPES, NOT OUR FEARS

(By Henry Steele Commager)

History does not know or acknowledge decades; these are artificial divisions imposed on history by men for their own convenience. The decade of the '70s had its roots in the '40s: It is not so much the '70s with which we are concerned as the postwar era that is now coming to a somewhat disorderly end. It is, we might say, high time.

At the close of World War II, the United

States bestrode the world like a colossus. It was the only nation to emerge from the war unscathed, its territory intact, its economy prosperous, its morale high. Victory perched on U.S. banners, and leadership was accorded by default.

The U.S. seized that leadership, and fulfilled it. "We have learned," said Franklin Roosevelt, "to be citizens of the world, members of the human community," and for a brief time that proud statement was justified. Victorous in every quarter of the globe, we took to heart Sir Winston Churchill's proud benediction: "In Victory: Magnanimity. In Peace: Good Will."

We did not punish the vanquished but helped them to revive; we created the United Nations; we launched the Marshall Plan—"the most unsordid act in history," Sir Winston called it. At home we repulsed the forces of oppression and enlarged the arena of democracy and the scope of the welfare state. A brave new world seemed in the making.

Then the clouds spread over the bright skies. The Grand Alliance fell apart. Deeply suspicious of the West, Russia withdrew behind an Iron Curtain and, with the blockade of Berlin, the cold war was almost officially under way. Soon communism was triumphant in China, and the United States committed the flagrant folly of embracing the fantasy that the real China was in Taiwan and embarked upon a 20-year cold war with China.

Soon we plunged into the Korean war and committed ourselves to the fatuous principle that we were, somehow, an "Asian power."

Meanwhile, inspired by the exhilarating prospect of moving out of centuries of exploitation, poverty, and backwardness, the African and Asian nations of what we were to call the third world made a desperate bid for independence—not only political but economic.

Instead of welcoming and cooperating with this greatest revolution in human history—the convulsive attempt of two-thirds of the people of the globe to emerge out of the darkness of the past into the sunlight of the new century—the United States, blinded by fear of the spread of communism, set its face adamantly against this revolution.

Within a few years the victors of World War II were glaring at each other with undisguised hostility, and the United States, Russia, and China moved into a cold war that was to endure for a quarter of a century.

It is futile now to allocate responsibility for the disasters that followed: the expansion of the cold war from Europe to Asia; the Korean war, whose heritage is still with us; the collapse of the much-touted Alliance for Progress; the entanglement of the United States in the internal affairs of Southeast Asia; and the greatest tragedy in our history since slavery, the Vietnam war, a tragedy that (unlike slavery) we deliberately embraced. These interventions set a pattern that was shortly to be reproduced in every quarter of the globe.

The United States, assuming that God and history had imposed upon it an obligation to preserve peace and freedom everywhere, intervened in Cuba, Guatemala, Nicaragua, Brazil, Chile, Portugal, Greece, Iran, and perhaps a dozen other nations in Africa and Asia. Sometimes it was done overtly; for the most part, covertly.

All of this required—or seemed to require—departure from traditional US policies of encouragement to liberal crusades and hostility to tyranny. It led to intervention in the internal affairs of a score of nations, in direct violation of the terms and the spirit of the Monroe Doctrine and of the Charter of the United Nations.

US intervention led to a vast growth of the military; to the burgeoning of the Central Intelligence Agency in 60 countries; to the emergence, for the first time, of the principle that it cost more to be at peace than to be at war, to the militarization of the economy, of society, and of politics, of science and of learning; to the creation of what was most feared by the Founding Fathers—the "security state."

Chickens finally came home to roost. We had created the atomic weapon and we are, so far, the only nation ever to detonate it in anger; we discovered that we had opened a Pandora's box of atomic weapons. Soon the Soviets had the atom bomb—soon half a dozen nations had it—and now we are threatened by its proliferation throughout the globe. We had ousted a Mossadeq from the throne in Iran and now we have an Ayatollah Khomeini to deal with.

We overthrew Salvador Allende in Chile and now are confronted with an intransigent totalitarian government that makes a mockery of our campaign for human rights; we launched a Bay of Pigs assault against Castro, and are shocked that he should turn to the Soviets for support.

We built up the largest and most expensive military establishment in history but discover that it is incapable of providing security against the threats produced by the modern world. Instead * * * impact on our economy.

We constitute 6 percent of the population of the globe but use 40 percent of its oil, and are unable to cope with an "energy problem that is largely of our own making. We have allowed money and special interests to corrupt politics at every level, and are astonished to discover that the majority of our people have no faith in the efficacy of the political processes.

The '70s have provided us with a new watershed, one that already appears to have a character of its own. It marked something of a return to more traditional policies and practices, a disillusionment with the neoimperialism of previous decades.

It was a readiness to substitute negotiation for military confrontation, a recognition of the folly of imagining that the world war divided into two camps and that those who were not with us were against us.

There was a readiness to acknowledge the emergence of a third—and even a fourth—world, with its own character and its own legitimacy. The symbol of this was the reapproachment with China, a development of immense importance not only in itself, but because it made clear the folly of our earlier misconceptions and dramatized the ease with which these might at last be put aside.

For 20 years we had conducted a cold war with China as uncompromising as the one we conducted with the Soviets. For 20 years we had succumbed to paranoid fears—the kinds of fears explicit in Dean Rusk's immortal warning that a million Chinese might land on the shores of California. Now, at last, common sense took over and we discovered that our fears were groundless and that, on the whole, a capitalist United States and a Communist China could get along quite well together.

With that gigantic example before our fascinated gaze, we may yet discover that we can consult our hopes and not our fears elsewhere on the globe.

It cannot be said that we "solved" the China problem; it is rather that we discovered that it was a problem of our own making, and that we simply bade it goodbye. Whether we have learned enough from that experience to abate the cold war elsewhere remains to be seen.

Few things are more sobering than the realization of impotence, and our impotence in the face of the oil crisis and the religious fanaticism of the Muslim world may suggest that the methods of peaceful negotiation are more effective than those of either war or subversion.

What confronts us now and in the next decade or two is not new; it is rather the shock of recognition that is new.

What are the circumstances and the problems that make the latitude and the longitude of our immediate future?

First, that we have, finally, moved away from the concept of infinity of resources to a realization that our resources—and those of the globe—are finite.

In his First Inaugural Address, Thomas Jefferson was able to speak of a nation "with room enough for our descendants to the hundredth and thousandth generation"; now the land is taken up, now no one ever speaks of future generations, certainly not of thousands of generations.

How does a nation brought up on the concept of infinite resources adapt itself to resources that are not only finite, but about to disappear in one or two generations?

Second, there is a depressing decline in industrial productivity. The United States, having set the pace for the rest of the world through the 19th and much of the 20th century, now lags behind such nations as West Germany, France, and Japan in industrial efficiency. This might be put down—as it is in Britain—to a sullen revolt against the whole Industrial Revolution; but Americans, while they may be disillusioned with the Industrial Revolution, are not prepared to forgo its glittering contributions. If we cease to be effectively competitive, what will happen to our economy? If our economy sags, what will happen to our world position?

Third, there is the discovery that our vaunted military prowess provides no genuine security against the forces that threaten us. The arsenals are there, and growing space. But when the great powers have a capacity to destroy each other 10 times over, older notions of security are obsolete.

And in an era when governments themselves resort to terrorism, reliance on older standards of security are all but futile. We have spent, in the past quarter-century, more than $2,000 billion on armaments, and we are less secure than when we started.

Fourth, there is the realization that the feverish search for "security" has misfired, because it has conceived of security solely in military terms. We are beginning, at long last, to realize what we should have known all along—what Francis Bacon said over three centuries ago:

"Walled towers, stored arsenals and armouries, goodly races of horse, chariots of war, elephants, ordnance, artillery, and the like: all this is but a sheep in a lion's skin, except the breed and disposition of the people be stout and warlike."

That is still true, though we must rephrase it to comport with modern weaponry. National security does not consist in superiority in arms, for in an age of atomic weapons there can be no such thing. But it is in the stoutness of the people—their intelligence, their resourcefulness, their wisdom. It is secured by the devotion of the people to the commonwealth—a devotion, alas, now eroded—by the nurture of national resources and the cultivation of human resources: the health, wealth, happiness, and the virtue of the people.

Not only this, but the '60s and the '70s have taught us that the traditional concept of security makes, in fact, for insecurity. It wastes the national wealth on unproductive activities, for armaments produce nothing and are obsolete within four or five years. It wastes natural resources of oil and uranium and a hundred other ingredients. It wastes, perhaps most important of all, brains: Almost one-half of all scientific research in the United States is now connected with the military. It contributes, by its insatiable demands, to inflation and may contribute to bankruptcy. A nation that spends a substantial portion of its material and intellectual resources on producing arms will find itself incompetent to deal with the real problems that confront it.

Fifth, we witness now the emergence of

uncontrollable irrationality and violence in international relations. War itself has always been a monument to this, but in the past, even war has at least pretended to abide by laws and rules.

What confronts us now is the emergence of anarchy: Iran is merely the most dramatic illustration of this. We should have anticipated this development. After all, we contributed to it: We violated international law in our assault upon Cuba; we resorted to limitless violence in our attack upon Vietnam and Cambodia, dumping 7 million tons of bombs on those unoffending countries.

We now are required to learn what the Old World has long known, that terrorism has the capacity to level great discrepancies in power and to make power, as it were, impotent.

Britain can destroy the Irish Republican Army, but only at the cost of Ulster; we can destroy Iran, but only at the cost of the death of the hostages, the destruction of oil fields, and the risk of antagonizing the whole of the Muslim world. What all this suggests is that in the modern world every action produces a kind of chain reaction, and that even the most powerful nation can no longer afford to risk war.

If we are to solve, or even to survive, the problems that glare upon us from every quarter of the globe, we must first take to heart, and to mind, the sagacious counsel of John Stuart Mill:

"When society requires to be rebuilt, there is no use attempting to rebuild it on the old plan. No great improvements in the lot of man are possible until a great change takes place in the fundamental constitution of our mode of thought."

We are attempting, in an almost haphazard fashion, to bring about a new domestic and world order, built on law, committed to the peaceful negotiation of international rivalries and conflicts; assist in the orderly emergence of a host of third-world nations; and preserve those natural resources of land, sea, and air that are the heritage of all mankind and of posterity—all this without changing those fundamental assumptions that have been largely responsible for the problems themselves.

The first and most basic difficulty is that we are attempting to solve global problems within the framework of nationalism. Every major problem that now confronts us—population, energy, the pollution of land, sea, and air, the control of the weather, the exhaustion of the soil and of the resources of the seas, nuclear power, and nuclear war—is global; not one can be solved by any one nation.

Nationalism as we now practice it is as anachronistic as was States' rights when John C. Calhoun and Jefferson Davis proclaimed that doctrine. Yet instead of abating nationalism, our generation has exacerbated it: Some 150 nations, from mighty empires like the Soviet Union or the United States to tiny Pacific islands, now proclaim their sovereignty and act in defiance of the interests of mankind and of posterity.

The second assumption we must banish is that to which I have already referred: the notion that war is a viable instrument of international policies. That much we have, perhaps, learned from the laboratory of Vietnam; we should have learned it from Hiroshima and Nagasaki. Militarism is as anachronistic today as traditional nationalism.

A third assumption that has been drained of meaning is that our political rhetoric, or dialogue, addresses itself effectively to reality. Future students who immerse themselves in the rhetoric of contemporary American politics will be as bemused by its irrelevance as students of today are at the rhetoric of the argument over States' rights in the 19th century.

What we—and others—need to rediscover is a political philosophy that addresses itself to the great questions of politics and morals. What is called for here is a recognition of the permanent meaning of ideas such as liberalism and conservatism, of the common interests of mankind in survival, and of our fiduciary obligation to posterity.●

## GOVERNOR LANDON'S REMARKS

● Mr. DOLE. Mr. President, I would like to call the Senate's attention to a statement made by Gov. Alf M. Landon on January 21, 1980. In his statement, Governor Landon very properly points out and puts in perspective the current position of the United States geopolitically and our future role in preserving world peace and security.

I hope that my colleagues take the time to read his comments while remembering that freedom is a precious commodity which once lost is hard to regain.

Governor Landon states clearly that President Carter has yet to create a credible response to Soviet aggression. More than rhetoric is needed and it is our duty to add substance to the administration's rhetoric to insure that the United States is second to none militarily.

The statement follows:

### STATEMENT BY ALF M. LANDON

At last the truth that the United States of America is in the most dangerous position since World War II is reaching the American people.

President Franklin Roosevelt assured the American people at the start of that war that we had on hand or on order all the military equipment we needed. It took over two years to get that equipment ready for use on the battlefields. The English held off our enemy until we had what was essential to equip our troops.

Today we are in that same apalling terrifying condition.

Last week, President Carter assured us that we are a match to the Russians in our national defense, when, as a matter of fact, we are weak—except for nuclear power.

Our dependence rests, in all reality, on the government of China's determination, as it did on England.

Our military equipment for national defense is mere window dressing to Russia, as is all of President Carter's foreign policy—the U.N.—grain embargo—cutting down the Russian passenger planes between Russia and America—closing Russian and American consulates—freezing export of technology.

There is only one answer: a crash program of building military equipment essential for our preservation of life and liberty as a free people. Along with that must go a mandatory registration for the essential national services. There is no time to waste in discussing who is to blame.

When we start on that program, it will be a definite encouragement to China and other nations everywhere to do more while we are preparing the modern military weapons we must have to do our part for our own and their security to defend all from the cruelty of the Russians.

We have been blind . . . blinded by our own arrogance. But the great ability of all Americans working together will not leave us long empty-handed. Then the future will be secure.●

## MX REFLECTIONS

● Mr. LAXALT. Mr. President, in our society the power of poetry is frequently underestimated. Too often it is considered little more than fluff. Diverting, perhaps, but not really a serious medium of communication.

Yet poetry can be devastating. As a comment on pubic policy it can be used with great effectiveness.

Just how effective poetry can be was clearly shown in a recent poem by Shelly Nahas, of Glenbrook, Nev. Shelly, whose family I number among my closest friends, goes after the proposed MX siting in Nevada with a force impossible to duplicate in prose.

Mr. President, for the information—and enlightenment—of my colleagues, I ask that her poem entitled "MX Reflections" be printed in the RECORD.

The poem follows:

### MX REFLECTIONS

I've often thought ourselves naive
And just a bit too fair
But never have we duped ourselves
With more elaborate care.
The MX system now proposed
Is really quite amusing,
If 30 billion dollars
Is what you don't mind losing.
A recent pamphlet published,
To soothe away concern,
Just leaves the reader more in doubt
The more he tends to learn.
While Russia disregards all laws,
Attacking foreign nations,
*We* persist in our attempt
To further good relations,
By making sure that all new arms
Are clearly set in view
For Moscow and her entourage
To carefully review.
To quote an Air Force statement,
The system's quite "unique"
(If self-imposed disablement
Is really what you seek.)
While Russia moves with quick intent
And global war is looming,
The MX boasts a transport scheme
Overt and "time-consuming".
The mode of missile movement
Is altogether rare,
For *in full view*, a missile's moved
With agonizing care
To "shelters" made of concrete tubes
—just one per "cluster" please!
For after all, our Russian friends
Demand to be appeased.
The system's like a shell game
—a case of hide and seek,
Where every silo has a "port"
Through which the Russians peek.
As per the SALT agreement,
We must not try to lie;
It might disrupt the Russian plan
To try and "verify".
Because this MX missile scheme
Is backed by good reviewers,
We'll have to change our motto soon
To something slightly newer.
To update past allegiances
Is clearly now a must.
So let's just say, instead of God,
*In Moscow We (Now) Trust.*

NOTE.—Words appearing in quotations were taken directly from "The MX System and the Environment" prepared by the Department of the Air Force in cooperation with the Department of the Interior.●

## WELCOMING CEREMONY FOR THE 1980 UNITED STATES WINTER OLYMPICS TORCH RELAY TEAM ON CAPITOL GROUNDS

Mr. STEVENS. Mr. President, I send a resolution to the desk and ask that it be stated.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 342) authorizing a welcoming ceremony for the 1980 United States Winter Olympics Torch Relay Team on the Capitol grounds.

Mr. STEVENS. Mr. President. This resolution has been introduced by the majority leader and myself, and the two distinguished Senators from New York (Mr. JAVITS and Mr. MOYNIHAN). This Senate resolution is a modification of the concurrent resolution which I introduced yesterday concerning the bringing of the Olympic flame from Olympia, Greece, by an Air Force jet to the United States. I believe it is a noncontroversial resolution in that it deals solely with a ceremony honoring the holding of the winter Olympic games at Lake Placid.

It is a tradition, Mr. President, to bring the Olympic flame from Olympia, Greece, to the site of the games. This time, a runner will be passing through as he carries the torch to Lake Placid for the opening of the winter games scheduled for February 13.

I am informed that the runner carrying the torch is due to arrive on the Capitol steps shortly after 11 a.m. on Friday, February 1. It is my hope that Members of Congress and their staffs who are interested in the Olympics will be on hand to welcome this symbol of the games and of world peace to our Nation's Capitol. I urge interested Members and their staffs to join together in support of the winter games at Lake Placid, which is the host city in our country, and in support of all the athletes who will represent our country in this world competition.

I express my gratitude to the majority leader for his handling of this matter. This will, I think, put Congress on notice of the symbolic ceremony that will take place on Friday. I am hopeful that he will consent to the adoption of this resolution today. I know of no opposition to it.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. I am happy to yield to my good friend.

Mr. ROBERT C. BYRD. Mr. President, the distinguished acting Republican leader has discussed this resolution with me. It is a Senate resolution, is it not?

Mr. STEVENS. It is a Senate resolution.

Mr. ROBERT C. BYRD. I appreciate the Senator's courtesy in adding my name as a cosponsor. I wonder if Mr. CHURCH has had an opportunity to cosponsor this resolution.

Mr. STEVENS. We did not clear this with the Committee on Foreign Relations since the other resolution was not referred to that committee. We referred it solely to the Rules Committee. This deals with the question solely of the use of the Capitol steps during this symbolic gesture and nothing further.

Mr. ROBERT C. BYRD. Yes, I thought the distinguished Senator from Idaho might wish to cosponsor this resolution. Would it be agreeable to the distinguished acting Republican leader if we can contact the distinguished chairman to see if he might like to have his name added as a cosponsor?

Mr. STEVENS. I would be happy if the distinguished chairman of the Foreign Relations Committee would join in cosponsoring this resolution. Let us defer on this until we hear from him. I would like to have it considered today if at all possible. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. STEVENS. Mr. President, I do not ask for that until we hear from the Senator from Idaho.

(Later the following occurred:)

Mr. STEVENS. Mr. President, I renew the request for the immediate consideration of the Senate resolution.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I want to make certain we have deleted the reference to the House of Representatives. Is this a Senate resolution only?

The PRESIDING OFFICER. It is a simple Senate resolution.

Mr. STEVENS. I thank the Chair.

### OLYMPIC WELCOME RESOLUTION

● Mr. JAVITS. Mr. President, New York is honored to serve as the host State for the 1980 winter Olympic games. I would like to welcome heartily the Olympic torch relay team to the Capitol Grounds and to the State of New York.

We have heard much about the Olympics in recent days. This week, the Senate voted to recommend a boycott of the Moscow summer Olympic games, a move which had my full support. Hosting the Olympic games is an honor and a privilege. This is a right which the Soviet Union clearly has forfeited. But our protest against the Soviet Union's aggression should not be confused with a protest against the Olympic games themselves. It is quite the opposite. The Olympic games are a symbol of peace and international understanding. It is an honor which is especially meaningful to us this winter, in these dangerous times.

Mr. President, I send best wishes of support and encouragement to the U.S. Olympic team and look forward to the excitement and beauty of Lake Placid.●

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The preamble to the resolution is agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 342

Whereas the 1980 United States Winter Olympics Torch Relay Team will be carrying the Olympic Flame through the Nation's Capital on its way from the Flame's permanent home in Olympia, Greece to Lake Placid, New York, site of the 1980 Winter Olympics; and

Whereas the Relay Team has expressed a desire to participate in a ceremony on the steps of the Capitol Building on Friday, February 1, 1980; and

Whereas all Americans have taken great pride in the participation by and accomplishments of the United States Olympic Team, and the teams of other nations in previous Olympic Games, and eagerly anticipate the excitement and beauty of the 1980 Winter Olympics in Lake Placid, New York: Now therefore, be it

Resolved, That the 1980 Winter Olympics Torch Relay Team shall be honored by a welcoming ceremony on the steps of the United States Capitol Building on February 1, 1980, such ceremony shall be open to the public and arranged not to interfere with the needs of Congress, under conditions to be provided by the Capitol Police Board; and be it

Further resolved, That the support, encouragement and best wishes of the American people accompany the United States Olympic Team to Lake Placid, New York for the 1980 Winter Olympic Games.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## BEATRICE BRAUDE

Mr. ROBERT C. BYRD. Mr. President, I believe the following measure has been cleared by the minority.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 578.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 546) for the relief of Beatrice Braude.

The bill (S. 546) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any statute of limitations, lapse of time, or bar of laches, the Court of Claims shall have jurisdiction to hear, determine, and render judgment upon any claim for back pay by Beatrice Braude against the United States arising out of the termination of her employment at the United States Information Agency on December 30, 1953.

SEC. 2. Suit upon any such claim may be instituted at any time within one year after the date of enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided in this Act, proceedings for the determination of such claims, and review and payment of any judgment or judgments thereon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28, United States Code.

## TIME-LIMITATION AGREEMENT— SENATE RESOLUTION 109

Mr. ROBERT C. BYRD. Mr. President, with respect to Calendar Order No. 447, Senate Resolution 109, I ask unanimous consent that there be a time limit overall of not to exceed 4 hours, to be equally divided between Mr. WEICKER and Mr. RIBICOFF, and that the time limitation include any time on amendments, debatable motions, appeals, or points of order, if such points of order are submitted to the Senate for its decision or discussion, including a motion to reconsider.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### ORDER FOR CONSIDERATION OF SENATE RESOLUTION 109 ON TOMORROW OR THURSDAY

Mr. ROBERT C. BYRD. Mr. President, am I not authorized under the order entered last fall to call up Senate Resolution 109, the ethics resolution?

I do not recall the number of days after the Senate resumes session that would have to transpire.

The PRESIDING OFFICER. Two weeks.

Mr. ROBERT C. BYRD. Two weeks.

Mr. President, I ask unanimous consent that I be authorized to call up at any time tomorrow or Thursday Senate Resolution 109, the ethics resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it would be my intention not to call that resolution up tomorrow unless the Senate has disposed of the social security disability bill first, but if the social security disability bill has not been disposed of tomorrow, I am not sure that Mr. LONG can resume action on that bill on Thursday because the last time I talked with him he indicated that on Thursday he would be resuming the conference action on the windfall profit tax, in which event I would like then to proceed on Thursday to call up the ethics resolution in accordance with the order of last fall.

### ORDER FOR CONSIDERATION OF S. 1648

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of Senate Resolution 109, the ethics resolution, the Senate proceed to the consideration of Calendar Order No. 445, S. 1648, that is the airport and airway improvement bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER THAT CONCURRENT RESOLUTION BE INDEFINITELY POSTPONED

Mr. ROBERT C. BYRD. Mr. President, the Senate has acted on the House resolution on the China trade agreement. I, therefore, ask unanimous consent that Calendar Order No. 583, Senate Concurrent Resolution 47, the Senate version, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECESS TODAY UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR REDUCTION OF LEADERSHIP TIME TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that, on tomorrow morning, the time of the two leaders or their designees be reduced to 2 minutes each. I have cleared this with the acting minority leader (Mr. STEVENS).

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR RECOGNITION OF SENATORS DOLE, ARMSTRONG, WALLOP, AND BENTSEN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the two leaders on tomorrow Messrs. DOLE, ARMSTRONG, WALLOP, and BENTSEN be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER FOR CONSIDERATION OF H.R. 3236 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon completion of the special orders on tomorrow, the Senate resume consideration of Calendar Order No. 438, H.R. 3236, the Social Security Disability Amendments of 1979. Mr. LONG will manage the bill on this side of the aisle and I believe Mr. DOLE is the ranking manager on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MATSUNAGA. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to; and at 7:03 p.m. the Senate recessed until tomorrow, Wednesday, January 30, 1980, at 9:30 a.m.

### NOMINATIONS

Executive nominations received by the Senate January 29, 1980:

#### DEPARTMENT OF STATE

Harry E. Bergold, Jr., of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary.

#### INTERNATIONAL COMMUNICATION AGENCY

Mary G. F. Bitterman, of Hawaii, to be an Associate Director of the International Communication Agency, vice R. Peter Straus, resigned.

### CONFIRMATIONS

Executive nominations confirmed by the Senate January 29, 1980:

#### DEPARTMENT OF TRANSPORTATION

William J. Beckham, Jr., of Michigan, to be Deputy Secretary of Transportation.

#### DEPARTMENT OF DEFENSE

Togo D. West, Jr., of the District of Columbia, to be General Counsel of the Department of Defense.

#### U.S. INTERNATIONAL TRADE COMMISSION

Michael J. Calhoun, of the District of Columbia, to be a Member of the U.S. International Trade Commission for the term expiring December 16, 1988.

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

John A. Calhoun, III, of Massachusetts, to be Chief of the Children's Bureau, Department of Health, Education and Welfare.

Margaret Joan Giannini, of New York, to be Director of the National Institute of Handicapped Research.

William Lee Smith, of Maryland, to be Commissioner of Education.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Iraline Green Barnes, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of 15 years.

#### IN THE COAST GUARD

Coast Guard nominations beginning James S. Painton, Jr., to be captain, and ending Ronald G. Grimmer, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 17, 1979.

# EXTENSIONS OF REMARKS

## WE MUST CUT OIL IMPORTS NOW

### HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. NEAL. Mr. Speaker, in a recent article published in the Washington Post, the former Under Secretary of Energy, John F. O'Leary, discussed how world oil surpluses over the last 30 years served to buffer the United States against the impact of the continuous political instability in the Middle East. Even after the 1973-74 oil embargo and the price hikes that followed, the surplus continued to have a positive effect. Between 1974 and 1978, the price of imported oil in real terms actually declined. The Iranian revolution, however, has eliminated our oil buffer zone and has left us extremely vulnerable to ever changing political conditions. Mr. O'Leary warns that the price increases we experienced last year are mild compared to future problems that will result from declining oil production. Almost certain supply interruptions during the 1980's may have such a calamitous effect on our "oil-driven" economy and our way of life that it could lead to war.

Mr. Speaker, Mr. O'Leary's article speaks powerfully to the need to take tough actions now to reduce our dangerous dependence on foreign oil. I would urge my colleagues to read it and to heed his warnings. I would also urge my colleagues to consider supporting the immediate imposition of gasoline rationing, which, in my opinion, is the only quick and fair way to reduce oil consumption dramatically in this country and to rewrite the scenario that Mr. O'Leary has outlined.

The article follows:

[From the Washington Post, Jan. 22, 1980]

A FUTURE WITHOUT AN OIL "CUSHION"

The 1970s were particularly unkind to American consumers of fuels and power, but those years were only prologue: the 1980s will be harsher by far. Indeed, the crossover into a world of permanent petroleum shortages, once predicted to occur in the mid- to late-1980s, is now at hand, foreshadowing oil-driven economic crises, social unrest and the growing possibility of military action—the time-honored remedy of nations whose peacetime policies have failed.

It is now recognized that an energy transition with profound implications for our society began in the 1970s. But what is so striking—and less widely recognized—about the transition is that it occurred despite the existence of chronic, large surpluses of oil production capacity. Whatever its outcome, the Iranian revolution has eliminated those surpluses, thereby removing a strategic cushion that has insulated consumers against exogenous shocks for more than two decades.

The golden era of surplus-producing capacity began in 1947, as production from rich pre-war finds in Venezuela and the Middle East began to be felt in world markets. As a result, oil prices were distinctly favorable to consumers—so much so, in fact, that the real price of crude oil (the price adjusted for inflation) dropped 50 percent between 1948 and the 1973 oil embargo. Those surpluses and price declines were attributable to the continued success of the petroleum industry in its exploratory activities.

Immense new reserves were added to the world's total each year, with the bulk of the new supplies to be found in the nations that now make up OPEC. Those additions followed a pattern set in the early days, a pattern decreeing that most production comes from relatively few large fields and that peak producing capacity occurs early in the exploitation life of the field.

Those surpluses served to buffer the impact of political instability on world markets beginning in the early 1950s and extending through the Arab-Israeli war of 1973. They existed until the Iranian revolution, when the disappearance of Iran's share of OPEC production—20 percent—was offset by increased production from other nations. Without this response, the relatively minor disruption of petroleum markets in the United States would have been transformed into chaos.

For the past two or three years, it has been evident that forces were at work that would eliminate this strategic cushion of surplus-producing capacity by the mid- to late-1980s. That date has been advanced by the Iranian revolution. Indeed, that crossover may be occurring now. For it is probable that the revolution's political fallout will be in the form of reduced investment in new capacity by other Middle East nations, a development for petroleum supply that will transcend the loss of Iranian output.

The leadership of Saudi Arabia, Kuwait, the United Arab Emirates and perhaps Iraq will go slow on expansion plans largely as a result of internal political pressures created in the wake of the revolution. This in turn will virtually guarantee that OPEC producing capacity will not expand beyond present levels and may even contract during the next 5 to 10 years. In the past few weeks, there have been unmistakable manifestations of the trend that is precipitating the "crossover"—in Kuwait, the UAE, Iraq and Saudi Arabia, where officials either have been noncommittal about their plans or have announced production cutbacks.

The consequences of these trends are not difficult to predict. During the decades of sustained surpluses, we had first a 25-year period in which prices in real terms declined and then the sharp upward movement that came about as a result of the economic and political pressures arising from the Arab embargo of 1973-74. Following the embargo from 1974 until 1978, the old surplus-enforced pattern of declining costs reasserted itself, with the result that the real price of petroleum at the beginning of 1978 in real terms was significantly below the price at the beginning of the 1973-74 embargo period.

The Iranian revolution has caused a spiking in price that has paralleled the spiking that occurred during the 1973-74 embargo. Will we see a repetition of the downslide in real prices in the years to come? The answer almost certainly is no, because the major factor contributing to falling prices—chronic and sustained surpluses—has disappeared. In fact, it is fair to predict that from this time forward, at least during the 1980s, we shall see constant upward pressure on price.

But price impacts will not be the most serious consequences of "crossover." Rather, the enormously disruptive effects of even relatively small supply interruptions, interruptions that are almost inevitable during the 1980s, will contribute to widespread uncertainty and, during times of crises, to severe economic disruption. As these periods of oil-driven economic crisis occur, there will almost certainly be a spillover into social unrest and, with it, the growing possibility of military action.●

---

## MOSCOW IS NO PLACE FOR THE OLYMPIC GAMES

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. WAXMAN. Mr. Speaker, the House of Representatives passed, on January 24, by an overwhelming margin, a resolution urging the U.S. Olympic Committee and the world community to remove the Olympic games from Moscow and, if this was impossible, to boycott them completely. In so doing, the House acted to affirm the principles we stand for at home and abroad.

Our action demonstrates, in this instance, that we have understood Santayana's famous dictum that those who do not learn from the past are condemned to repeat it.

In 1936, America sent its Olympic athletes to Berlin. At that time, we chose to be indifferent to the nature of Nazi society. We refused to acknowledge that Hitler was intent on using the games, and the participation of all the nations of the world in them, to confer legitimacy on his regime and its contemptible political, racial, and social policies.

In 1980, the world faces the same choice again. The country hosting the games has brutally invaded and occupied a sovereign nation, Afghanistan, murdering its president and his family in the process. The country seeking to bring the world together under the umbrella of sport has ignored the massive demand of the world's nations for an immediate withdrawal of its troops from Afghanistan. The country waiting to open its arms to all visitors next summer has exiled a recipient of the Nobel Peace Prize, Andrei Sakharov and obliterated his public existence—without even the pretense of a trial. The KGB has arrested scores of other dissidents in recent weeks. And it is intent on sweeping Moscow clean of

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

subversives—Jews and others—who might disturb the image Moscow wishes to project.

It would be the height of hypocrisy, under such circumstances, for the United States, which represents the cause of freedom throughout the world, to participate in the Olympics in Moscow.

In urging others to boycott the Soviet Union, we are asking them to understand that the cost of ignoring these violations of international law, this wholesale repression of human rights, is to repeat the tragic mistake of going to Berlin 44 years ago.

TV-Guide has persuasively stated for its millions of readers the need to move the Olympics. I am pleased to share its editorial on this issue with my colleagues:

[From TV Guide, Jan. 26, 1980]

### As We See It: Moscow Is No Place for the Olympic Games

We agree with President Carter that the Soviet invasion of Afghanistan casts serious doubt on whether the Olympic Games should be held in Moscow this summer. The argument that the Games are above international politics is idealistic but fallacious.

It is the same argument put forward in 1936 by Avery Brundage, then head of the U.S. Olympic Committee. At that time there were some who questioned whether we should send a team to Berlin, where Hitler would be using the Games as a Nazi propaganda weapon.

"We are a sports group," said Brundage, "organized and pledged to promote clean competition and sportsmanship. When we let politics, racial questions or social disputes creep into our actions, we're in for trouble."

We did go to Berlin, and Jesse Owens, by taking four Gold Medals, somewhat soured Hitler's triumph; but in hindsight it was a mistake. We should have taken the opportunity to show the German people that the United States, at least, refused to countenance the barbaric cruelty of the German government.

It is not possible—unfortunately—to separate athletes from the actions of their governments even during the Olympic Games. How can we think of clean competition and sportsmanship on the playing fields in Moscow when Soviet troops brazenly occupy Afghanistan, when Soviet-directed Cuban troops occupy Angola and Ethiopia, when Soviet-supplied Vietnamese troops occupy Cambodia, and Soviet-inspired political or guerrilla movements harass governments in Africa, the Middle East and South America.

Finally, the Soviet Union's cynical veto of the United Nations resolution calling for economic sanctions against Iran for holding our embassy personnel hostage underscores not only the Soviet enmity toward this country but their determination to undermine the West and force their political system upon the world by whatever means.

There is no denying that despite the disappointment it would cause American athletes and television viewers, it would be in the best interest of our country—and the world—if we were to tell the Soviet people in unmistakable terms that we are not hypocrites, that we cannot send our athletes to compete in a country whose government flouts basic human rights, bullies small countries, and poses a constant threat to world peace.●

## NUTRITIONAL COUNSELING FOR THE ELDERLY

### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. LEHMAN. Mr. Speaker, at the beginning of this Congress, I introduced H.R. 533, legislation to amend the Social Security Act to include nutritional counseling as a home health service.

Home health services provide essential services to people unable to leave their homes for necessary medical attention. Such services include physical, occupational, or speech therapy, and part time or intermittent nursing care and are available to persons under a physician's care and confined to their residences. Medicare provides coverage for home health services and allows reimbursements for all reasonable costs related to patient care. Through this coverage medicare enables many people to utilize previously inaccessible home health services.

Concern for America's well-being should extend to all facets of the complete health picture. An important but long overlooked element of total health care is nutritional care, which is not complete without dietary counseling. While providing for various other important needs of home health service recipients, we cannot ignore their everyday nutritional needs. Proper care and counseling, provided by or under the supervision of a registered dietitian, can be integrated into preventive, diagnostic, curative, and restorative health services.

As part of home health services, nutritional counseling would be available to those who need it most, individuals confined to their homes and unable to normally take advantage of such services. Dietary counseling is good preventive medicine which will prove cost effective as well as forestall additional physical suffering among our elderly. Good nutrition is a cornerstone of positive health and we should recognize it as such by passage of this bill.●

## DENVER PUBLIC LIBRARY'S ENERGY/ENVIRONMENT INFORMATION CENTER

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mrs. SCHROEDER. Mr. Speaker, energy will obviously be on everybody's mind, including Congress, in the decade to come. To make the best decisions we can on the issues, we need the best information and information systems possible.

The Denver Public Library has developed an energy/environment information system which deserves both our attention and praise. The following article, submitted at the recent White House Conference on Libraries, explains the system well:

### Library Connection to Energy/Environment Information

In addition to the Library of Congress, one public library has worked quietly and diligently over the past several months to prepare for its role in the White House Conference Information Center. Denver Public Library is contributing its unique and highly developed specialization in energy/environment information to the activity which is being billed as the "prototype" of library services for the future. This specialized capability is known as the Regional/Environment Information Center which is located in and operated by the Denver Public Library.

Denver has not received nor did it expect anything more than a "low-profile" treatment for its part in the Conference Information Center. But one thing Denver City Librarian, Henry G. Shearouse, would like for people to understand is that the Regional Energy/Environment Information Center is not a "computer data base" as it has appeared to be in stories about the Conference. "In library terms," says Shearouse, "it is best explained as a ten-state energy/environment information and referral service which relies upon funds, resources, and practices which are not traditional to the public library."

The non-traditional aspects of this activity have prompted Denver Public Library to refer to it as their "uncommon cooperative venture." Without doubt, the Regional Energy/Environment Information Center is a unique example of cooperation between federal, state, and local governments, between energy/environment interests in both the public and the private sector. Both the funding and the resources for this activity depend upon the ability of Denver Public Library to achieve cooperation and support from interests and institutions which are not traditionally aligned with a public library.

The Regional Energy/Environment Information Center was implemented in June, 1977, when five federal regional agencies indicated their mutual "desire and intent" to work cooperatively to establish and support a centralized clearinghouse for energy/environment information. Denver Public Library was selected as the site and institution to operate the clearinghouse, primarily because of its Conservation Library Center established in 1960, one of the most complete and unique sources of energy/environment information in the country. The Energy Research and Development Administration and the U.S. Enviromental Protection Agency funded the first year's activities.

Whereas federal agencies took the lead in establishing the information center, Denver Public Library has borne the brunt of the responsibility for keeping it going. This has meant negotiating "cooperative agreements" with federal agencies on an annual basis. Colleen Cayton, Development Officer of Denver Public Library who is charged with that responsibility, points out, "the money budgeted to federal agencies does not carry an amount earmarked for information services and certainly not for public libraries. What we do is package our product and our services in terms which relate to the current program priorities and budgets of a specific agency. We must sell them on the fact that 'information services' are vital to achieve their program objectives. Oftentimes, that is the easy part. The real challenge comes in selling them on the fact that a public library is capable of presenting the rationale as well as delivering the services which warrant their serious consideration of the proposals we submit."

Nevertheless, this year, the U.S. Department of Energy, the U.S. Department of Agriculture, and the U.S. Environemntal Protection Agency have approved the funding proposals submitted by Denver Public Library. Other funds for operation of the Center originate in the State of Colorado's budget for the Colorado Resource Center, and local tax-appropriated library funding supports the materials budget of the Conservation Library. Additional proposals for funding and cooperation presently pend before the Energy Information Administration, the U.S. Bureau of Land Management, the National Park Service, and the U.S. Forest Service.

The objective of the Regional Energy/Environment Information Center is to provide a centralized information system accessible to the residents of the ten-state Rocky Mountain "energy-impacted" region. The emphasis is on providing more than a bibliography, preferably to furnish an answer to the question posed. To facilitate questions and answers, the Information Center utilizes FTS lines (courtesy of the DOE agreement) to invite collect telephone information inquiries from residents throughout the region. The FTS also permits access to information resources throughout the country. The staff utilizes the unique materials of the Conservation Library, the DOE RECON data base, and other commercial computer sources as well as the materials held in other departments of the library. When questions are referred to another department of the library, DPL supports its case for basing specialized information services upon the resources which exist in a major public library.

The Regional Energy/Environment Information Center is directed by Kay Collins, a librarian who received the American Motors Association Conservation Award in 1970 for being the first in her profession to specialize in the energy/environment field. That specialization has meant that Ms. Collins pursues her job more like a reporter than like a librarian. Colleen Cayton points out that the visibility and involvement of Kay Collins and of other staff members in the energy/environment community is important to the success of the Information Center. It is not only a part of identifying the market and its needs and of identifying information sources, but of establishing the credibility which is important to those who need and use these information services. It also enables the Center to understand and appreciate the time-critical and issue-oriented information needs associated with energy and environmental matters.

The Regional Energy/Environment Information Center, according to Denver Public Library, is a concept and practice which carries a variety of implications for the future of public library service. It represents the value and cost effectiveness of building new information capabilities into existing resources and information services—namely into the public library. Beyond that, it says that a library's attitude and approach to information markets and services, rather than funding, may be the most inhibiting factor for broadening the use and base of support for the public library.●

---

## RESUMED LIFE AID SOUGHT FOR "RIGHT-TO-DIE" PATIENT

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. MAZZOLI. Mr. Speaker, the following newspaper report, which I ask permission to extend in the RECORD, illustrates very forcefully the danger in the adoption of legal procedures which provide for the termination of life.

I refer to the so-called right-to-die laws. They are pernicious and dangerous.

Later news reports indicate that dialysis has been ordered resumed in the case of Mr. Spring, the subject of this article. Nevertheless, his case demonstrats the inherent danger in any legislation which enables a judge to "play god" with a human life.

I believe, Mr. Speaker, that my colleagues would profit from reading the following article which appeared in the Washington Post on January 23, 1980:

[From the Washington Post, Jan. 23, 1980]

RESUMED LIFE AID SOUGHT FOR "RIGHT-TO-DIE" PATIENT

(By Fred Barbash)

A fully conscious 78-year-old Massachusetts man, who got the "right to die" he never asked for last week and whose life-sustaining devices have now been discontinued, reportedly has said he wants to live.

The man, Earle Spring, has missed three dialysis treatments since a judge went along with his family's determination that he "would want to die" if he were competent to say so.

Last Friday, however, according to nurses at the Holyoke Geriatric Center, Spring told them he did not want to die.

The nurses apparently waited until Monday to report their conversations with Spring to local newspapers. A lawyer yesterday asked a jduge to reconnect the dialysis machine pending further inquiry.

But the judge, instead of acting immediately, scheduled a hearing for 10 a.m. this morning.

Meanwhile, Spring today could miss a fourth of the dialysis treatments he needs to keep his blood from being fatally poisoned by his malfunctioning kidneys.

Spring never did tell anyone he wanted to die. His family sought and received a court judgment that he was mentally incompetent and incapable of expressing a reliable opinion on the subject.

But nurses at the home wrote a letter to the Holyoke Transcript saying they were "appalled over the recent court decision and we feel helpless and frustrated having to abide by it."

One nurse described a conversation with Spring Friday in which he was asked how he was: "Fine," he reportedly responded.

"Are you in pain," she asked. "No." he responded.

"Do you want to die?"

"No," he said.

The nurses would not accept calls yesterday to explain why they waited until Monday to report the conversation. The judge was not available for comment on why he delayed a decision until today.

Mark Berson, a court-appointed guardian for Spring, sought the reconnection of the dialysis machine yesterday. At least, he said, Spring should be treated until the court could reexamine the question of his "right to die."●

---

## ANTAL DORATI: LEADER IN DETROIT'S RENAISSANCE

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. FORD of Michigan. Mr. Speaker, in recent years the city of Detroit and the entire Wayne County metropolitan area have been undergoing a spectacular commercial, civic, and cultural renaissance. An important element of this renaissance has been the revitalized Detroit Symphony Orchestra under the inspired leadership of Antal Dorati. Maestro Dorati's contribution to the Detroit Symphony and to the cultural life of Detroit is discused in detail in an article in the January 22 Wall Street Journal. I would like to include that article in the RECORD at the conclusion of my remarks:

DETROIT'S ANTAL DORATI, MASTER MERCHANDISER, THRIVES ON PROMOTING

(By Leonard M. Apcar)

DETROIT.—A great symphony orchestra, says conductor Antal Dorati, should be savored like cognac: Lift the filled glass to the light. Admire the amber hue. Swirl. Sniff. Then set it down and talk about it for half an hour.

"Part of the excellence" of a cognac or a concert, Mr. Dorati insists in his high-pitched Hungarian accent, is making it "a matter of conversation." Since he assumed direction of the Detroit Symphony Orchestra in 1977, Mr. Dorati has worked incessantly toward that end. He has revitalized a formerly troubled ensemble, making it a staple of conversation in a town better known for motors and machines than for music.

In promoting this city's orchestra, Mr. Dorati and his ambitious staff will stop at almost nothing. For his arrival, Mr. Dorati's likeness loomed up from 25 billboards. The orchestra's collection of press clippings about itself quickly tripled. Local newspapers portrayed the hiring of Mr. Dorati, an internationally respected conductor, as a clever coup by the symphony's board.

Mr. Dorati is the orchestra's self-appointed merchandiser. He rarely declines an opportunity to promote his product. He relishes giving talks to all kinds of audiences—auto executives, socialites, high school journalists. His name is familiar to local butchers, bakers, and shoemakers. "It's important for people to know what I'm doing," explains the 73-year-old maestro. "And it's important to win more and more friends for the orchestra."

This sense for marketing and promotion distinguishes Mr. Dorati from the white-tie-and-tails predictability of many of his peers. He has parlayed that instinct into a sizable reputation as a "symphony builder." At one time or another in his 55-year music career, Mr. Dorati has helped to develop the skills and respectability of orchestras in Dallas, Minneapolis, and Washington, D.C. During his tenure in these cities, as in Detroit, each orchestra's reputation improved—in large measure because of Mr. Dorati's blend of musical competence and merchandising acumen. "He's a consummate conductor," says Robert J. Noerr, manager of Washington's National Symphony, "and a consummate salesman."

That mixture is peculiar in the music business. Many conductors frown on taking part in money-raising activities. Some couldn't care less whether the hall is filled for every performance. In contrast, Mr. Dorati seems to enjoy a hard sell if it brings results. "Being a good salesman is artistic," he maintains. "What else are we but advocates and salesmen for our music?"

### PROMOTING THE PRODUCT

Some of his tactics resemble those of a car dealer. To grab attention and audiences, he interrupts the season's program each year to produce a heavily promoted "festival" honoring a single composer or period. In addition, he continually makes big-label recordings to keep his orchestra's product before the music world's critics. And he insists on demonstrating the product by taking the musicians on extended tours.

"Playing first-class music can take an orchestra only so far," says Mr. Dorati. An orchestra's improved playing "must be exposed to greater audiences. The showing itself will develop the product."

For many culture buffs in Detroit, Mr. Dorati's self-styled resuscitation came none too soon. Twice in its 65-year history, the city's orchestra was disbanded for lack of money and support. Before Mr. Dorati arrived, it had degenerated into a lackluster, second-rate ensemble rife with internal bickering. A lengthy musicians' strike four years ago sent ticket sales and donations into a tailspin. Violent crime in Detroit also discouraged many would be concert goers.

### WINNING PRAISE

But under Mr. Dorati's baton, the orchestra has been winning praise from critics here and in New York and abroad. What's more, the once-uninterested community is turning out to support it. A Beethoven festival of four concerts highlighted Mr. Dorati's arrival. All four were sold out. Since then, the number of individual and business donations has climbed more than 25% and season-ticket sales have more than doubled. Overall attendance has risen to record levels. "There was an immediate response," says a former staff member, "which we attribute to Antal Dorati."

Mr. Dorati has struck some sour notes, too. A festival honoring composer Franz Shubert attracted only moderate attention, and some special concerns here last spring sold poorly.

In fact, when Mr. Dorati was music director of Washington's National Symphony before coming to Detroit, the orchestra had trouble making sustained gains in attendance and income. In 1976, for example, financial problems forced cancellation of a major European tour. And money problems, coupled with growing disenchantment of some Washington symphony-board members with Mr. Dorati's forceful personality, triggered a confrontation that led to his abrupt replacement by Russian cellist Mstislav Rostropovich.

Money has also been a source of aggravation in Detroit. In the season that ended last May, the orchestra strummed up its largest net loss in years. Another "sizable deficit" is expected this season, symphony officials say. In the past few years, the orchestra's budget, which includes Mr. Dorati's salary of about $150,000 a year, has about doubled to nearly $7 million.

Mr. Dorati seems rather cavalier about such concerns. The crescendo of gains and successes in Detroit has prompted him to proclaim that he already has reached his personal goal for the orchestra. In September he told an interviewer he is so close to achieving "world-class" status for the orchestra that "I refuse to talk about it any more." Mr. Dorati's explanation: "The more we emphasize that we are trying to achieve world rank, the more people think we haven't accomplished it."

Convincing the public of that new stature has proved no small feat in Detroit. The city doesn't have concert hall, so the orchestra performs in an auditorium better suited for corporate meetings and car shows. Recording sessions are held in a dusty, boarded-up theater in a decayed section of town.

The biggest obstacle, though, seems to be boredom. Boredom exists everywhere, Mr. Dorati suspects, but it is particularly acute in Detroit because of the city's "assembly-line atmosphere." Besides, he says, symphony calendars are steeped in predictability. The routine is set months in advance. The orchestra plays in selections twice a week or so for about eight months, making "a very dignified veil of boredom descend upon the whole operation."

To lift the veil, Mr. Dorati cooks up festivals—strings of concerts that run in tandem with lectures by visiting musicians, critics and scholars. The purpose, he says, is to create "very intense" music-making that spotlights the orchestra for several days. Festivals are deliberately excluded from season-ticket packages. In this way, Mr. Dorati tries to attract a larger traditional audience and to capture some first-timers, too.

### EUROPEAN TOUR

The strategy worked instantly in Detroit. Word about the Beethoven festival spread quickly. Suburban socialites who hadn't been to a concert in years hit up friends for tickets. By the final performance, scalpers were getting two to three times the original price. Later, Ford Motor Co. agreed to underwrite a national broadcast of the festival on public television. And a local department store picked up the tab for printing souvenir booklets requested by 6,300 people.

For an orchestra bent on achieving world-class status, such home-town triumphs aren't enough. Last fall, Mr. Dorati led the Detroit orchestra on a month-long, 24-concert tour across Western Europe that won wide acclaim. "Here is an orchestra of sound musicianship and first-rate quality," said the Times of London.

In Barcelona, where the tour opened to a sell-out audience, Mr. Dorati received several ovations, including rhythmic applause when he hesitated to take a fourth bow. Later in Madrid, Queen Sofia attended a concert. She slipped backstage afterward to congratulate the conductor.

Such trips are expensive and unprofitable. But Mr. Dorati believes they are necessary to boost the orchestra's standing. After all, he explained to a Detroit business audience before his European tour, "the Pope travels to do a better job in Rome."

### FOOT-STOMPING OVATION

Regular tours of the U.S. are another part of Mr. Dorati's development plan. He wants the orchestra to perform at least once a year in New York because he considers it the center of America's music world and the home of the country's most prestigious critics. Last spring, he conducted the orchestra in Carnegie Hall, shrewdly choosing the music of Richard Strauss's rarely performed opera, "Die Aegyptsche Helena." Why that selection? "I knew it would hit the mark and draw a crowd," he explains. It did. The hall sold out. The orchestra got a 20-minute, foot-stomping ovation and lavish praise from the press.

To reach other audiences from Detroit, Mr. Dorati puts his orchestra through a regimen of recordings. With about 600 titles on major labels, he ranks among the world's most recorded conductors. In fact, his stature in the recording field immediately brought the Detroit orchestra a recording contract after a 15-year hiatus. Its first effort, an all-Tchaikovsky album released by London Records about a year ago, was a best-seller for several months and remains high on the classical-records list.

To the insatiable Mr. Dorati, all this is just for starters. he wants another overseas tour in two or three years. And more recordings. And a new hall with better acoustics. He has even presented board members with his own unsolicited sketches of what he wants built. "People who aren't willing to bear the expenses of cultural activities," he declares, "simply shouldn't have them." As a consequence, he adds bluntly, "they will not live, but merely exist."●

---

## THE SAGEBRUSH REBELLION: MYTH AND REALITY

### HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. SANTINI. Mr. Speaker, many of my colleagues have expressed interest about the Sagebrush Rebellion, a movement which has its roots in my home State, Nevada. In recent months I believe there has been much misinformation about this issue both in the executive branch and in the Congress itself.

It is therefore my pleasure to place in the RECORD a statement describing the Sagebrush Rebellion by a distinguished Nevada State senator, Richard Blakemore. He chairs the Nevada Select Committee on Public Lands which deserves much of the credit for focusing national attention on Federal land management policies in the West.

The Nevada Legislature's Select Committee on Public Lands, in an effort to dispel a good deal of misinformation about the Sagebrush Rebellion, has issued a statement of the facts, goals, and objectives of the Sagebrush Rebellion. The statement also addresses certain things that have never been the goals of the rebellion and are not now, but which have been attributed to the rebellion by those seeking to discredit it.

State Senator Richard E. Blakemore, (Democrat) Tonopah, chairman of the select committee said:

> There are two ways to look at the distortions and outright falsehoods now beginning to surface about the motives and goals of those in the West who are seeking to establish a degree of State and local control over our public lands. On the one hand, it is extremely irritating and frustrating to read and hear the deliberate misinformation and scare stories about the Sagebrush Rebellion. We will be energetic and aggressive in meeting this sort of irresponsible attack, not with emotion but with objectivity and careful response with facts. On the other hand, we can take comfort in the irresponsible attacks of the environmental extremists. They badly underestimated the responsive chord struck by the Sagebrush Rebellion. Now, they've concluded they had better take the whole thing very seriously and their attacks reflect panic.

### WHAT IS THE SAGEBRUSH REBELLION?

It is both a general attitude and a specific set of actions. The general attitude reflects the feeling that Federal policies affecting the West, such as the water project "hit list," are made in ignorance of conditions and concerns in the West, that those policies are made for a so-called national constituency without regard for western problems, and that this colonial treatment is going to get worse as the West is called upon to satisfy the Nation's energy demands.

The specific set of actions that comprise the rebellion include the 1979 Nevada legislation asserting State control over the public lands, efforts in other Western States to pass similar legislation and efforts to organize Western States and local governments in support of regional public lands goals in the areas of wilderness review, rangeland leasing, grazing fees, mining and oil exploration, agricultural development, and community expansion.

The term "Sagebrush Rebellion" is a product of the media and, while catchy, is not entirely accurate since all current and anticipated actions are entirely within legal and constitutional bounds.

### WHAT THE SAGEBRUSH REBELLION IS NOT

It is not the intent in Nevada or other Western States to dispose of all the land into private ownership. Several Western States have sizable amounts of State-owned public land. It is managed well and it is in multiple use. It is not locked up. It would be the initial intent of the Nevada Legislature to dispose of or exchange some 5 million acres of public land that is checkerboarded with railroad land along the Humboldt Valley. It is also intended to dispose of most of the 40,000 acres of public land in the Las Vegas Valley, most of which is interspersed with private land. Most of the remaining land, would continue to be public and open to multiple use.

Some of the most active supporters of the Sagebrush Rebellion are ranchers. This is because they have suffered more than any other group from public lands mismanagement. The ranchers are united however, in not wanting all the public lands sold. In fact, the rancher wants to keep public lands public but under State management which would be more responsive to local conditions.

### WHAT ARE THE ULTIMATE GOALS OF THE SAGEBRUSH REBELLION?

The basic goals are to bring about changes in the management of public lands, to increase disposal where it is clearly warranted and to insure that the land is protected from a national panic for energy development. These general goals translate into specifics. The West supports the wilderness concept for land that truly has wilderness characteristics. The West does not support wilderness study or wilderness designations based on quotas and arbitrary standards such as the land bordering another agency's wilderness study area. The West does not support wilderness designations for areas where reliable mineral surveys have not been done. The West supports a grazing leasing policy that gives the rancher incentive to improve and conserve the range. The current 1-year leases have the opposite effect. The West supports disposal of public lands that are unmanageable such as that checkerboarded with railroad lands and urban area public lands that are interspersed with private lands. The West wants more than lipservice paid to State and local government involvement in the development of Federal policies for land management. At present, the Department of Interior accords State and local elected officials no prominence or consideration whatever in the development of agency regulations. The suggestions and requests of a county commissioner or even a Governor in the West representing thousands of people are given the same weight as those of armchair environmentalists from New Jersey.

Webster defines colonialism as "control by one power over a dependent area or people." This is the situation as perceived in the West. And like the former colonies of the world, the West is told by Washington that this control is for our own good—that we are too naive or incompetent to even assist in managing our own affairs. Given the record of BLM on all of the issues listed, Nevadans and many in other Western States have concluded that management of public lands in a rational way allowing for orderly energy and mineral production, consideration for the social and economic consequences of land management policies on westerners, and protection of the natural resources of the West, will be far better accomplished by State control of the public lands.

### WHAT ABOUT ACCESS UNDER STATE CONTROL?

A major issue related to the Sagebrush Rebellion involves the provision of access to public lands. Sportsmen in particular are legitimately concerned on this issue. The State of Nevada will not only continue to honor all existing access routes to and over public lands, but it will also be developing a program to provide better access over private lands to get to public lands. The recent 1979 legislature enacted A.C.R. 37 which ordered a comprehensive study of access issues and problems in Nevada. Public hearings are to be held in several Nevada localities over the next few months.

Nevada law presently exempts private landowners from liability when access is permitted to or over private lands. Only in cases of willful and malicious negligence or when compensation is accepted by the private owner is liability applicable.

State purchase of easements and incentives to private landowners are among the preliminary alternatives now being studied by the State. In developing a fair and effective solution to the difficult problem of access to public lands, the State hopes to demonstrate that it will be an effective manager of public lands in the future. It should be noted that the Federal Government has done little to increase access to public lands in those areas where access is through private land.

### WHO IS BEHIND THE SAGEBRUSH REBELLION?

Support for the Sagebrush Rebellion is strong among the users of public lands, especially ranchers, miners, and some outdoor recreationists all of whom see wilderness review, Organic Art regulations and the general attitude of the management agencies toward users becoming more threatening to the future use of the lands. In addition, State and local elected officials who must deal with the many problems arising from extensive public lands holdings in their areas have become very sensitive to the land management practices of Federal agencies. And, what they see has aroused them to support some of the goals of the Sagebrush Rebellion. Finally, there is a great deal of grassroots support in the West for the Sagebrush Rebellion from people who have no direct interest in the public lands but who strongly resent Federal attitudes toward the West. These attitudes include the claims that westerners are either too stupid or too corrupt or both to manage the public lands responsibly. This patronizing: "You can't trust yourselves so Washington has to look after you" mentality is extremely irritating to many westerners who know their land and who, in many cases, have led the Federal Government in environmental legislation to protect the land. The West is reacting strongly to being ignored, patronized or threatened.

The Nevada Legislature of 60 members voted 55 to 4 with 1 abstention on the Nevada legislation to assert State control over the public lands. Of the 60, 48 represent the urban areas of Las Vegas and Reno, so it is clear that the supportive sentiment in Nevada extends far beyond those who live and work on the public lands. Support for the Nevada legislation included a number of legislators with strong environmental records who see no record of environmental excellence in the BLM and who are confident the State could do a better job. This is true in much of the rest of the West as well.

### CAN THE STATES AFFORD TO MANAGE THE PUBLIC LANDS?

The question might better be can we afford not to? Recognizing their deplorable image as land managers, BLM has made much of the assertion that the States can't afford to manage the lands. Federal officials have tried to drive a wedge between State and county officials by suggesting the loss of payments-in-lieu under State control. This line of reasoning is, at the same time, laughable and desperate. In most Western States, energy exploration and development are increasing rapidly. In Nevada, gold and several other minerals are booming. Very clearly, the income from the public lands is growing dramatically. At the same time, what is being spent on the public lands? BLM has made much of the Public Rangelands Improvement Act of 1978 which authorized $1 billion over 20 years for range improvement. The Carter administration did not put one dime in the 1980-81 budget for this purpose. The West sees this as another indication of the administration's attitude toward the West. After all, if you improve the range, you may have to allow more cattle on it. That would be contrary to the lock out mentality prevalent in Washington. Finally, in those areas where Western States manage large areas of State land, cost of management equal to or better than BLM management is significantly less, which is no surprise given the Federal reputation for economy and efficiency. It is worth noting, too, that virtually all Western States are extremely healthy financially, none with a budget deficit. Yet we are told that the Federal Government with a debt that the human mind cannot even comprehend can better afford to manage the land.

Many of the problems cited have been recognized by the Federal Government and some even by enviromental groups. The West sees no answers to these problems being offered by the Federal Government. In the best American tradition, the West is uniting to protect its interests and, by so doing, we believe that the national interest benefits as well.●

---

## A BILL TO CHANGE RAILROAD ANNUITIES

## HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. GONZALEZ. Mr. Speaker, I am introducing a bill today that will be helpful to widows and widowers of certain railroad employees.

Under present law, when a railroad employee dies the surviving spouse receives an annuity, but it is less than the annuity he or she would have received if the spouse had lived to retirement and then passed away. Needless to say, in this time of rampant inflation, this drop in income has caused many problems for those surviving spouses who are finding it increasingly difficult to survive on the annuity that they receive.

The bill I am proposing would essentially allow the surviving spouse to receive the annuity that he or she would have received if her spouse had died after being retired. Thus, the surviving spouse would not experience a large drop in his or her monthly income at a time when they are already under a severe strain due to the death of their partner.

I feel that this is a fair and just amendment to the present law and I would hope that the committee could consider such legislation in the near future.●

---

## SUPPORT FOR THE CIGARETTE SAFETY ACT GROWS

## HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. MOAKLEY. Mr. Speaker, since its introduction last October, organizations and individuals from around the country have expressed support for the Cigarette Safety Act, H.R. 5504.

Today, I would like to share with my colleagues the endorsements of the Decorative Fabrics Association, Inc., the Business and Institutional Furniture Manufacturer's Association, and KPIX-TV in San Francisco.

Their endorsements follow:

DECORATIVE FABRICS ASSOCIATION, INC.,
*January 11, 1980.*

Re H.R. 5504.
Hon. JOSEPH MOAKLEY,
*Cannon Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN MOAKLEY: On behalf of the Decorative Fabrics Association (DFA) (see attached), I want to offer our complete support and cooperation for H.R. 5504, which you introduced in October 1979. (This bill would require the Consumer Product Safety Commission to prescribe regulations requiring cigarettes and little cigars to self-extinguish within five minutes if not smoked.)

We have been involved with upholstered furniture flammability since 1970, when it was still under the aegis of the Department of Commerce. With the formation of the Consumer Product Safety Commission in 1972 the Flammable Fabrics Act came under its jurisdiction. It took the CPSC almost eight years to develop a draft proposed standard for upholstered furniture flammability which would eliminate approximately 60 to 75 percent of all our fabric lines from the marketplace. In addition, it would increase costs to the consumer and still not effectively reduce upholstered furniture fires.

As we know you are aware, the CPSC presently does not have jurisdiction to regulate the cigarette as a source of ignition. With the spector of the CPSC Draft Standard hanging over our heads, the Upholstered Furniture Action Council's voluntary standard is by far the best approach and we support this program. However, the only truly effective solution is to treat the source of cigarette ignition. Your bill would place the responsibility directly where it belongs, as well as result in the prevention of fire involving items other than upholstered furniture.

The DFA not only supports your bill, but is prepared to work actively through letters, telephone calls, telegrams, personal contacts, etc., to achieve its adoption. We can also call upon the American Society of Interior Designers (ASID), which represents approximately 15,000 interior designers, and other home furnishings industry organizations who also have a vital interest in this proposed legislation.

We commend your understanding of the real problem of cigarette ignition and will do everything possible to help in your efforts.

We look forward to hearing from you and your staff.

Sincerely,

STEPHEN L. TATE,
*President, DFA.*

---

BUSINESS AND INSTITUTIONAL FURNITURE MANUFACTURER'S ASSOCIATION,
*Grand Rapids, Mich., January 18, 1980.*

Subject: H.R. 5504, Cigarette Safety Act.
Hon. JOSEPH MOAKLEY,
*Cannon Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN MOAKLEY: Our Association would like to take this opportunity to express strong support for the bill that you introduced to require cigarettes to stop burning within a period of five minutes when left unattended.

In 1978 BIFMA published a Voluntary Upholstered Furniture Flammability Standard for business and institutional markets which was the result of several years work by our Flammability Standards Subcommittee and based on an in-depth fact-finding report conducted by Underwriters Laboratory. The BIFMA Standard is dependent upon cigarette ignition, which is the only current test procedure that can be directly related to actual furniture ignition hazard, as discussed by Underwriters Laboratories, Inc. in their Fact-Finding Report dated June 20, 1977. In addition to ourselves, cigarette ignition testing is done by the National Bureau of Standards and the home furniture industry to test for upholstered furniture ignition hazards.

The very fact that the cigarette has been clearly identified as the cause for a great percentage of the fire related injuries and deaths of this country, it should be clear to all considering this matter, that flammability safety standards for upholstered furniture should be written by the cigarette industry and not the furniture industry.

When our Standard was written we included in the introduction a statement that reads as follows: "In addition to this First Generation Standard, BIFMA supports further research which would require the cigarette industry to manufacture cigarettes that would self extinguish in a reasonable length of time when left unattended." Although our Association spent several years and many dollars developing our Upholstered Furniture Flammability Standard, and although the method of test for cigarette ignition resistance within the Standard is dependent upon a continuously burning cigarette for an ignition source, we assure you that when this legislation becomes law, we will be happy to retire our Voluntary Upholstered Furniture Flammability Standard due to lack of interest or need.

Sincerely yours,

STEPHEN D. CHANNER,
*Executive Director.*

---

EDITORIAL No. 2902, KPIX-TV

(By Pat Polillo)

SAFE CIGARETTES

Did you know that when you light up a cigarette, it's not just the match that makes it burn? Chemicals are added to most cigarette papers and the papers are full of little holes to let the air through. A lot of cigarette makers also use tobacco that has a high concentration of nitrates in it. All these things contribute to the fact that a freshly-lit cigarette burns for almost a half hour, even if nobody is smoking it.

Now, that's an important fact because it's the reason about 1800 people die every year. One of these people died right here at this San Francisco hotel last June. He was a fireman, trying to put out a fire that was caused by a burning cigarette.

Most of these fire deaths could be prevented if the tobacco industry would start making cigarettes that go out automatically if someone forgets to puff on them.

Now, the Burn Council at San Francisco General Hospital has been trying for years to get the tobacco people to produce safe cigarettes voluntarily. They didn't have any luck with that, but a few months ago, a Massachusetts Congressman named Joe Moakley heard about what they were trying to do, and offered to introduce a bill that would force the industry to make these cigarettes.

The bill says that by 1981, all cigarettes would have to be made so that they would stop burning within five minutes after someone stopped smoking them. Five minutes was chosen because a dropped cigarette usually has to burn for about that long before a fire will start.

We think all these unnecessary fires have been tolerated for too long. We're going to send Congressman Moakley a copy of this editorial to let him know we support his bill. If you want me to include your letters, write to me. I'm Pat Polillo, and here's the address.●

## REBUILDING U.S. INTELLIGENCE

### HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. BROOMFIELD. Mr. Speaker, at a time when events in Iran and Afghanistan remind us all of the importance to the United States of an improved intelligence capability, the International Security and Scientific Affairs Subcommittee of the House Foreign Affairs Committee yesterday heard from three distinguished witnesses on the role of intelligence in the foreign policy process: Dr. Ray Cline, director of studies, Georgetown University's Center for Strategic and International Studies; Lyman B. Kirkpatrick, Jr., professor of political science at Brown University; and Richard K. Betts, research associate of the Brookings Institution.

Dr. Cline, who has served as Deputy Director of the CIA and as Director of the Bureau of Intelligence and Research at the Department of State, described the serious threats faced by the United States and its allies and outlined the steps that must be taken to rebuild and depoliticize the U.S. intelligence system in order to help assure our security in a volatile world.

I am pleased to share Dr. Cline's statement with my colleagues:

### THE ROLE OF INTELLIGENCE IN THE FOREIGN POLICY PROCESS

(By Ray S. Cline)

I am deeply gratified that this Subcommittee on International Security and Scientific Affairs is considering the role of intelligence in the foreign policy process. It is high time. In my opinion the future of intelligence is one of the most crucial policy issues, especially today. There is a welter of international conflict and ambition. It is not peacetime. We are in a state of war—low intensity war—but still a situation in which our vital interests abroad are in direct confrontation with Soviet thrusts to expand Moscow's sphere of control over other nations.

In the Mideast, in particular, we face serious threats to the political and economic stability of the great industrial democracies that are our main allies. They are frightened. One of the reasons is that we have weakened our intelligence system drastically for several years. It must be rebuilt. We cannot delay. President Carter, for the first time in his term of office, concluded in his State of the Union Address to Congress a few days ago, "we need to remove unwarranted restraints on America's ability to collect intelligence." He has also discovered after three years of on-the-job training that the Soviet leaders are not invariably truthful about their intentions.

The question now before the nation—and this subcommittee—is what must be done as the United States prepares for its own security in the volatile world of the 1980s. In general we must reassume a role of greater responsibility for protecting our interests and our allies abroad. This means better diplomacy and stronger military presence in forward deployment. It also means major improvements in our intelligence capabilities worldwide. We cannot afford always to be surprised. That way lies another Pearl Harbor. Intelligence activities must focus on giving our policymakers sufficient information to protect our security, to promote our international interests, to develop foreign policies supportive of democractic values, and to prevent the reduction of other important nations to anarchy and lawlessness on the Iran model. We must have advance warning of trends that threaten to shift the balance of world power in favor of the Soviet Union and against the United States, allowing Moscow what its leaders call an "irreversible gain in the correlation of forces."

I suggest four moves:

1. Reorganize the intelligence community dropping the emotionally overburdened acronym "CIA,"
2. Strengthen and depoliticize coordinated central intelligence research and analysis,
3. Build up our clandestine agent network overseas, and
4. In real crises (like Iran and Afghanistan) use it covertly to protect American strategic interests.

The semi-fictional "CIA" of world headlines is an international whipping boy on which every tinhorn dictator or ayatollah can blame his difficulties. Thanks to the unbalanced, sensationalized criticisms of CIA by the U.S. news media, in general, the name "CIA" has to go.

We must raise to new excellence the analytical and information processing elements of the several intelligence agencies in CIA, the Departments of State and Defense by gathering them under one budgetary and administrative entity to be called the U.S. Intelligence Community (USIC). It would be a confederal association of agencies physically situated in different government departments but responsible to a single managerial chief, designated the Director of National Intelligence (DNI). The DNI ought to be selected for a term of five years on the basis of established character and intellect plus bona fide experience in both the world of research scholarship and high-level policy management of intelligence operations.

The new USIC would operate under a new charter providing a unified budget, central tasking of intelligence collectors, and coordinated intelligence reporting. It would be structurally decentralized into competing centers of research and estimates. Nothing illegal or operational would ever be done by this reorganized national analytical intelligence service, and it could establish more open exchanges of information and views with private scholars, journalists, and "think tanks," while carefully reserving the right under strengthened legislative sanctions to keep secret such data or findings as would jeopardize sources or methods of getting, processing, and analyzing intelligence.

The Director of National Intelligence and the USIC should plainly be charged by law with fiduciary responsibility to the nation and the Congress, as well as the National Security Council for "correlation and evaluation" of intelligence relating to national security. Intelligence should definitely be removed from the game of partisan appointments and political football. The two Congressional Intelligence Committees would have to concur in the appointment of the DNI and also concur in his removal except at the end of his term in office.

My third suggestion is to set up all secret intelligence collection agencies as independent commands in the Defense Department, State Department, or other Cabinet departments with overseas responsibility like Treasury, Commerce, and Agriculture. Signals interception, overhead and underwater technical reconnaissance, and human-source contacts all should have strictly professional staffs and leadership devoted to effective collection in response to authoritative tasking by the USIC.

The collection agency responsible for establishing secret contact with human sources abroad should be totally shielded from the public eye. The chief should be an experienced CIA officer, appointed by the DNI, and his identity kept secret. His Washington office should be called the Strategic Services Staff (SSS), subordinated directly to the DNI and the National Security Council. His overseas officers would be assigned real State, Defense, or other official cover—not the transparent "reserve officer" status that in the past has exposed most CIA identities abroad—with pitiful results that we see in Teheran. In the future all kinds of cover, official and unofficial, would be used as required, and the aim would be concealment, not bureaucratic tidiness or propriety.

The clandestine target of the SSS ought to be violent changes or fundamental shifts in political power structures anywhere in the world before they occur. Our defense and foreign policy planners need to know these things if this nation is to survive as a great power able to defend its people and interests in an increasingly hostile international environment.

Finally if our clandestine contacts alert us to hostile acts we should use those same undercover assets to take covert actions to help friendly individuals abroad and—in menacing situation—prevent seizures of political power by hostile forces. The leverage of secret advice, accurate information, and confidential funding on a basis unattributable to the United States Government is enormous. It allows influence to be exercised to prevent either outright surrender or resort to military force. It is the heart of real world conflicts of the kind journalists like to call "back-alley" games. Major nations play in these covert games because their interests require it. Only the United States has engaged in unilateral disarmament.

To remedy this incredible self-denial, it is only necessary to remove restrictions in the current Carter-Mondale Executive Order and drop restrictive, almost punitive legislation as in S 2525. The National Security Act of 1947 as amended—and capable of further modification in general policy definition if necessary, is good enough, With A reasonable Congressional exercise of the oversight function, the basic charter that saw us safely through the 1950s and 1960s will serve through the 1980s. A cripling and engulfing—"chilling"—charter will not.

Advance notification of CIA's covert action plans should be restricted to the Senate and House Intelligence Committees, where tight security controls exist and not given to the 150 plus Congressmen in seven committees who are now advised. We should repeal the foolish Hughes-Ryan Amendment requiring the wider notification. The Chairman and Minority Leaders of Armed Services, Foreign Affairs, and Appropriation and Budget Committees might well be advised ex officio on major sensitive intelligence operations, but the whole membership of these committees need only to be briefed on the substantive findings and budget requirements of the intelligence community.

I suggest that if President Carter means what he has belatedly said in the State of the Union Message he should leave the old charter alone and remove the shackles. The changes that really need to be made are repeal of the Hughes-Ryan Amendment, closing the FOIA window on intelligence and truly protecting the identity of clandestine officers and agents.●

## SUMTER COUNTY SCHOOL DISTRICT NO. 2'S POSITIVE MENTAL ATTITUDE PROGRAM

### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. SPENCE. Mr. Speaker, during the past several years, the public schools of America have come under increasing pressure from the public to provide quality instructional programs which effectively meet the needs of all students.

Since 1957, with the advent of the Russian sputnik, many educational programs have been implemented with the primary purpose of improving scientific technology and expertise to win the race in space. During the past two decades, a wide variety of programs have been designed, many of them federally funded, to improve opportunities for students of varying abilities and interests. These range from the compensatory programs aimed primarily at economically disadvantaged students to those for the gifted and talented. Some have met with measurable success, while others have failed to produce the desired results.

As a Member of Congress from South Carolina, it gives me great pleasure to bring to the attention of my colleagues the activities which have been developed and implemented in Sumter County School District No. 2, Sumter, S.C., to improve educational opportunities for all students.

Sumter County School District No. 2 is located in central South Carolina, with an enrollment of approximately 10,000 students. The district is the 12th largest of the State's 92 school districts, and includes a unique population.

The district includes students from Shaw Air Force Base, one of the Nation's largest aerial reconnaissance bases, and from many isolated rural areas. The divergent population requires great imagination and creativity to meet the needs of students who differ so dramatically.

Three factors distinguish the district two program. First, the program is structured upon a very basic premise which has been substantiated by educational research, but has not been explored in depth on the massive scale now underway in Sumter. How a person feels about himself, whether he feels that he can—which equates to self-confidence, is the critical element for success.

Second, the program is massive in scope. It involves every employee and every student. A full program encompassing 185 days was implemented at the beginning of the 1979–80 school year. It is designed to help each staff member, teacher, district employee, and most important, each student, develop a greater self-confidence. This should result in greater academic achievements for students and better prepare them for functioning well in society.

Third, the district expects to measure statistically the relationship between improved self-confidence and academic competency. The results thus far have been very encouraging. The district has become a vast arena for developing and implementing educational strategies and methods to promote positive attitudes and greater self-confidence. Local businesses have contributed large lighted billboards and bumper stickers depicting the positive attitude theme. Local and State radio and television stations convey to the people of South Carolina attitude boosters for the day. Positive self-confidence strategies have been developed and implemented by teachers, parents, and citizens of the community.

A positive parenting program has been developed and implemented to actively involve parents, and provide needed reinforcement.

We are proud of the accomplishments made by all employees of Sumter County School District No. 2, and by members of the community, businesses, industry, and the media who support this great undertaking.

In a period when bad news seems to predominate, I am sure that all of us appreciate hearing and learning of some positive efforts in education. I believe that they have great promise, not only in South Carolina, but throughout the Nation as well.●

## TONY FARMA WORKS HARD FOR NONTRADITIONAL STUDENTS

### HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. MOAKLEY. Mr. Speaker, I have had the privilege of working with Mr. Tony Farma, of Needham, Mass., on pending education legislation over the recent years. Tony Farma has been serving as president of the U.S. Association of Evening Students, and in that capacity, he has testified before various congressional committees on ways to better fulfill our Nation's education requirements.

Tony Farma has been a font of information for me on education legislation and a wealth of knowledge in the area of adult education which has enabled me to better represent the tens of thousands of evening and part-time students in the Metropolitan Boston area.

Recently, the Boston Globe carried an article concerning Tony, his achievements, and his involvement with the USAES. I am submitting the article here for the interest of my colleagues in the House of Representatives:

[From the Boston Sunday Globe, Jan. 27, 1980]

### HE'S A CHAMPION OF THE NONTRADITIONAL STUDENT

(By Muriel Cohen)

When Tony Farma was 42, he decided that "a piece of my life was missing" and enrolled in evening classes at Suffolk University. Six years later, Farma, an insurance agent and former office business manager, and the father of five had a bachelor's degree.

"I just felt I had to have a college degree," said Farma with a wry grin.

Now Farma is 49. His family has grown. He now boasts twin granddaughters. And Tony is on his way to a master's degree in higher education administration.

While juggling a long day between a demanding business topped off by classes, Farma also spends a good deal of time as president of the United States Association of Evening Students.

Farma won't discuss numbers but says he likes to say that the USAES represents the interests of more than 400,000 evening and part-time students nationwide.

"Such students represent 41 percent of the total student population in the country and 56 percent of the enrollment in the country's community colleges," Farma explained.

The organization is currently gearing up for a possible legal challenge to the state's tuition schedule for continuing education students.

"The non-traditional or the part-time student pays more than the regularly enrolled student for courses run as 'continuing education' at the state colleges," said Farma.

He said an attorney is researching the possibly discriminatory fees assessed part time and evening students and expects that Massachusetts will be a target for any possible suit.

According to Farma, some $400,000 in tuition fees paid by state college continuing education students was channeled to the support of the system's Dover computer center rather than benefiting those students.

At the present, said Farma in an interview last week, the organization is also lobbying for financial aid and other benefits for students like him.

He estimates that he will have spent $6000 by the time he completes his master's degree at Suffolk in June, 1981. "I never received a cent of aid," said Farma.

In addition, he said, loans for part time students are practically non-existent. "The people who need it the most are getting the least," he summarized.

He said that priorities for the USAES were attempts to change administrative attitudes toward the non-traditional student and a need to increase financial aid, loans and scholarships, for such students.

Farma's push on those issues comes at a time when most US colleges and universities are anticipating a dramatic drop in the pool of 18-year-old candidates because the declining birthrate in the sixties. Individually and through higher education associations, colleges and universities have gone on record as planning to appeal to the non-traditional or part time learner with a variety of day and evening classes to fill the seats left because of the fall-off in 18-year-olds.

Farma said that his organization has developed ties with other student groups but points out that the interests of the younger students in more traditional programs are predictably different.

"They are more concerned about proms and such things. We are more mature and career oriented understandably," said Farma.

"We have concentrated on getting more services like keeping cafeterias open in the evening," and Farma. Despite the numbers of area colleges offering evening classes, Farma said, the administrators are largely geared to an "eight a.m. to four-thirty p.m. audience."

He said that a majority of the non-traditional students are taking courses for career purposes, "for upward mobility."

Large numbers, according to Farma, are women trying to upgrade their skills to reenter the job market.

Locally, there are chapters at Northeastern University, Bentley and Bristol Community College, Farma said.

Farma said that the USAES national executive board met last weekend and approved nationwide support of truth-in-testing legislation. He said he would lobby for the Massachusetts bills that have been filed requiring disclosure by the testing companies of questions, answers and the statistical margin for error.

According to Farma, the organization was founded 20 years ago, but became politically active some three years ago with intensive lobbying on behalf of the non-traditional student.●

## SENATOR HART'S VIEWS ON THE DRAFT

## HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. PAUL. Mr. Speaker, with the war drums beating, we are hearing calls for the reinstitution of the unconstitutional military draft.

Not only is the draft a clear violation of the 13th amendment, and of the whole thrust of our Constitution, but it is militarily, morally, economically, politically, and practically unwise.

Last year Senator GARY HART of Colorado authored some additional views on the draft from his perspective as chairman of the Military Construction Subcommittee of the Senate Armed Forces Committee. I would like to call some excerpts from these views to the attention of my colleagues, especially to those who are thinking that we need the draft or its handmaiden, registration.

### ADDITIONAL VIEWS OF MR. HART

Arguments in favor of returning to a draft are based on three major false premises.

The first false premise is that our Army requires approximately 780,000 men and women to generate its current 19 division equivalents. In fact, we should be able to form 19 division equivalents from a substantially smaller Army. The United States Army today has the lowest ratio of combat power to manpower in the world, among major powers. Its total Army division "slice"—the number of personnel required to man and support each division—is over 40,000 men. In contrast, the French slice is about 25,000, the German 28,000, and the Israeli 27,000.

A principal reason for our Army's inefficient use of manpower is its outdated firepower/attrition doctrine. This World War I doctrine requires, not surprisingly, a massive World War I-type logistics and support system which absorbs large quantities of manpower. A shift to a maneuver doctrine of ground warfare would both improve the Army's effectiveness in battle and enable it to generate more combat forces for a given quantity of manpower. The Soviet army, which has a maneuver doctrine, has a division slice of just over 10,000 men (including category II and III divisions; but the above U.S. figures also include four "category II" divisions, divisions which require a National Guard augmentation brigade). If the U.S. Army could achieve a division slice of 25,000 men—about average for our allies—we could field our current 19 division equivalents with 475,000 men, a saving of about 300,000. If the Army needed 300,000 fewer men, would we still hear arguments for returning to a draft?

The second false premise is the concept of a "Nation in Arms." We still structure our peacetime military, especially the Army, to be capable of massive expansion in time of war through a return to a draft. Currently, the Department of Defense has a stated requirement for 650,000 draftees by 180 days after mobilization.

It could be argued that two types of ground conflict might require a draft: a prolonged conflict in a secondary theater, such as the war in Vietnam, or a war in Europe. I seriously question whether we should plan for the first type of conflict. Based upon our Vietnam experience, such wars seem to cost more than they are worth. While we may have to engage in short, sharp "police actions" in the Third World to support allies against external aggression, our current 19 active Army divisions, 3 Marine Corps divisions, and 8 National Guard divisions would appear more than adequate for such. Indeed, we do not have the air or sea transport capacity to move and support overseas more than a fraction of that force. A draft would not seem relevant to a short Third World conflict.

In terms of a conflict in Europe, we must look at the mobilization requirements in both the early phase, where rapid reinforcements is the stated objective, and in the longer term. Several questions can be raised about the requirement for early-phase reinforcement, and about the relevance of a draft to that requirement:

(*a*) If, as seems likely, a war in Europe occurs with little strategic warning, can we realistically plan for early reinforcement? Where do aircraft carrying reinforcements plan to find undamaged airfields on which to land? Will pre-positioned stocks be intact? Will highly vulnerable European port facilities be intact and able to receive the equipment for reinforcing units? How will arriving units assemble and move to battle areas while under attack? Unless these questions can be answered satisfactorily, and in my view they have not received satisfactory answers thus far, the rapid reinforcement requirement is open to question.

(*b*) Can we move existing units to Europe in the early phase of a conflict? Not all active Army divisions will have pre-positioned equipment, even when current plans are fulfilled. No National Guard divisions will have pre-positioned equipment. Without pre-positing, it seems improbable that units can be used as units for early-phase reinforcement. Can we not use troops from the units which we cannot move to Europe in the early phase to provide individual replacements, especially in the combat arms, for the units which are fighting? If this is done, how urgent a problem is the current shortage in the Individual Ready Reserve?

(*c*) Should early-phase reinforcements be a European rather than an American task? The European NATO nations have a large pool of trained reservists most of whom today have no unit assignments or equipment upon mobilization. Rather than the United States returning to a draft, would it not be more efficient for our European allies to take over the early-phase reinforcement task, using these reservists to form combat units? This would not put an inequitable burden on the Europeans if it were coupled, as I believe it should be, with an assumption by the United States of the task of dealing with the Soviet navy, and the expansion of our Navy which is necessary to take on that task.

Until these questions are answered, I see little justification in the early-phase reinforcement requirement, and less in moves to return to a draft to support that requirement.

Looking at the long-term requirement to be prepared for the (unlikely) eventuality of a European war lasting many months, a draft only makes sense if we can equip the troops we would be drafting. The Department of Defense could draft 650,000 men within 180 days after mobilization, but could it equip them? A modern Army requires not just rifles, but many pieces of complex equipment, which we today produce only at very limited rates; communications and other complex electronic equipment, air defense and other battlefield missile systems, armored fighting vehicles, etc. In 1941, such equipment was far simpler, and it was possible to raise production rates quickly, but that is no longer the case today. It is even less true for other services: modern supersonic fighters and warships are produced only at a low rate, and to raise that rate substantially would be both difficult and slow. I see little point in planning to draft masses of men we will not be able to equip.

Neither the early-phase reinforcement requirement nor the requirement to hedge against the possibility of a long war appear to justify the mobilization base arguments put forward by the proponents of registration, much less arguments for a draft. Yet these unjustifiable requirements not only serve as arguments in the Senate for registration, they also contribute, along with the firepower/attrition doctrine, to our current large division slice. The Army's training base is designed to expand the Army in wartime by training draftees. If we recognized that the Nation in Arms concept is no longer relevant to our real needs and restructured the Army's personnel and training system accordingly, much of the current training base could be transformed into combat units. This action would permit us to reduce the total Army division "slice" and thus our overall manpower requirement.

The third false premise is that the United States should view itself as predominantly a major land power. In fact, we are by nature a sea power, not a land power. Land forces inherently require a large quantity of manpower; most of our significant current and projected recruiting shortfalls are in the Army. In contrast, naval forces are capital intensive. As I stated in the White Paper on Defense, which I co-authored with former Senator Robert Taft, Jr., "because we can match our potential opponents only through qualitative superiority, it is of critical importance for us to concentrate our defense expenditures in those areas, where, out of each defense dollar, the minimum goes for manpower and the maximum is available for capital expenditure * * *. Expenditures for land forces fail to meet this requirement; out of each dollar going to the Army, 59 percent must be spent for manpower costs; out of each dollar of naval expenditures, only 33 percent is for manpower."

In 1964, the Navy had 917 ships in the active fleet, compared to 462 today. But it had only 143,000 more personnel. The ability of a Navy to support 100 percent more ships with only 27 percent more people shows that a shift from the current Continental Strategy to a Maritime Strategy would enable us to reduce substantially our requirement for military manpower. A larger and more powerful Navy would also provide a military force better suited to our island geography, our world-wide economic interests, and even to the defense of NATO. Our European allies can generate the land forces NATO needs, and they can do so economically by making better use of their reservists. But only the United States can counter the growing Soviet navy.

The coming shortage of military manpower adds an argument to the already powerful battery favoring a Maritime Strategy and its logical accompaniment, a smaller Army and a more powerful Navy.

Thus, a return to a draft would merely prop up our current inefficient Army force structure, the outdated concept of the "Nation in Arms," and the incorrect Continental Strategy. In doing so, it would weaken, not strengthen, us militarily. We can improve our military capabilities and reduce our manpower requirements by undertaking needed reforms in our strategy doctrine and force structure.●

## BRING BACK BATTLESHIPS

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. WHITEHURST. Mr. Speaker, in the January 21, 1980, issue of Navy Times, Brig. Gen. J. D. Hittle, USMC (retired), wrote a thoughtful commentary on the wisdom of utilizing the four battleships now in our mothball fleet.

Mr. Speaker, at first blush this idea may seem farfetched, but General Hittle raises some very interesting points that the Members of this body and the Defense Department should consider. Above all, the availability of these vessels would contribute significantly to the President's announced resolve in maintaining a high-visibility presence in the Persian Gulf.

### WE SHOULD BRING BACK BATTLESHIPS

(By Brig. Gen. J. D. Hittle)

The Persian Gulf crisis has forcefully demonstrated the dangers of the decline of U.S. naval power.

Only by moving major fleet units from where they have been, and are needed, could the United States put meaningful power in the crisis area of the Indian Ocean approaches to the Persian Gulf.

Such a seapower switch should bring home another strategic lesson. It's this: In the face of continuing and relentless Soviet aggression, U.S. survival shouldn't have to depend on an ultimately disastrous "bulb-snatching" seapower strategy.

One fact certainly has emerged from the growing crisis. The United States must have, at the earliest possible moment, more major combatant ships. There is a need right now for big, tough, fast, long-range, heavily armed, and versatile men-of-war.

Unfortunately, design and construction of such a type of ship is at best a matter of several years. The United States simply can't afford the luxury of such a wait.

Fortunately, however, the United States does not have to wait for such ships to be built. They are here, afloat, and available. What's more, they are paid for.

The time has come to take advantage of a huge naval and national asset.

I am, as you may already suspect, referring to the four Iowa-class battleships in the Navy's reserve fleet. At present, they are mothballed, silently riding the tides in some Navy yard back-water channel.

These are not, as some cynics may claim, rusting remnants of a bygone day.

Far from it. These four battleships—Iowa, New Jersey, Wisconsin and Missouri—still rate among the toughest ships ever built.

Here are a few of their basic characteristics:

Armament: Nine 16-inch, and 20 five-inch guns. Deck space for missile installation. Tonnage: 45,000 tons. Speed: 32 knots. Length: 880 feet. Endurance: Up to three months at sea, depending, of course, on mission and cruising speeds. Combat survivability: As good, and probably better, than any of our Navy's surface combat ships today. Armor: 16-inch steel belt, heavily armored steel decking. Age: 35 or more years old. Yet, their condition is not measured by calendar age. They have benefitted from a remarkable preservation program. The operational service of these ships has been relatively brief. Consequently, in terms of useage, they are much younger than some of the ships that are the combatant backbone of the Navy.

The New Jersey, for instance, was pulled out of mothballs, reconditioned and put into action during the latter part of the Vietnam war. Her powerful guns, with a range up to about 20 miles and each projectile weighing a ton, gave our troops a kind of fire support that no other weapon system could provide.

She was on the firing line, efficiently doing her job as recently as the Vietnam war. That's hardly the performance of an obsolete weapon!

Reconditioning would include upgrading electronics, and, perhaps, installation of missiles.

The proposal of Adm. John S. McCain Jr., USN (Ret.), former Commander-in-Chief Pacific, deserves reconsideration. His concept was to remove the after 16-inch gun turret. This would provide a large deck space, which would be used by embarked helicopters. It is estimated that such a modification would provide room for about a dozen. Below-deck space berthing would let the ship embark a lean battalion of Marines. What would result is a powerfully armed, heavily armored, fast, long-range ship with her own Marine landing force and the helicopters and landing craft for putting it ashore.

What's more, such a ship would have the kind of guns that landing forces need, but which, unfortunately, are increasingly scarce in today's Navy. Thus, the "gun gap" would be significantly narrowed.

With their large command and staff space and facilities, they could well serve, at the same time, as flagships.

These four battleships, with wisely assigned operating areas, could be moved as specific threats occur, or better, as anticipated. Such powerful and versatile ships would fit neatly into the concept of the Rapid Deployment Force, and would both complement and augment the effectiveness of the RDF.

As to their propulsion machinery, it can't be measured by ships' age, either. A high-ranking naval officer, familiar with these battleships, reportedly recently said, "These propulsion systems are among the best the Navy ever built. They are good for at least another 30 years."

While not an immediate requirement, the present 16-inch gun range of about 20 miles could be upgraded and greatly extended by such developments as the rocked-assisted projectile.

All of the Iowa-class virtues add up to the kind of ship, when reconditioned and, perhaps, modified, is just what our thinly stretched Navy needs to put our nation's seapower where it is needed in distant seas. It is the kind of ship that would, by its very presence, show that the United States means to protect her interests, and has the means of doing so.

This ability to show our power is all the more important today because so much of our power is hidden. Missiles are tucked away underground. Nuclear subs cruise long and deep. Attack carriers, so vitally valuable. stay well out to sea, and out of sight.

The visibility of our nation's power must be made manifest again.

Anyone who has seen one of these huge, big-gunned battleships on the horizon won't easily forget the sight. They seem to cover the horizon itself.

Putting these 45,000-ton modified battleships to sea would not be a seapower step toward yesterday. Rather, it would be a keen recognition of modern naval trends. There are persistent reports that Russia is taking a step upward in size from her large Sverdlov heavy cruisers and has under construction a 35,000-ton battle cruiser. This, incidentally, is the same tonnage as the North Carolina and Washington type battleships of World War II. The Iowa class is longer, but has the same basic armament and armor.

In view of her reconditioning for Vietnam service, the New Jersey could be put to sea in a relatively short time. Even without the after-turret removal and below-deck spacing for Marines, she could perform valuable service. Serious consideration should, therefore, be given to recommissioning her virtually "as is." She could later be modified when one or more of the other three have had their modifications and joined the fleet.

In summary: The fighting ships we need are here, now. They are available. They are paid for. They offer a historic opportunity—a "quick-fix" and a powerful one for our nation's under-strength Navy.●

## CARTER FAILS ON FISCAL PROMISES

---

## HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. SHUSTER. Mr. Speaker, Mr. Albert Hunt of the Wall Street Journal has written an excellent article entitled "Carter's Failure To Reach His Fiscal Goals Fuels Campaigns of Political Opponents."

I commend it to my colleagues.

[From the Wall Street Journal, Jan. 29, 1980]

### Carter's Failure To Reach His Fiscal Goals Fuels Campaigns of Political Opponents

(By Albert R. Hunt)

Washington.—The most convincing case, politically, against Jimmy Carter's latest budget already has been made—by Jimmy Carter.

Throughout the 1976 presidential election, Mr. Carter effectively railed against Republican economics. And he promised a series of specific improvements that were to culminate in the budget unveiled yesterday. But the new budget shows that none of these major goals was realized.

Thus, the President's fiscal 1981 budget and economic projections, the centerpiece of his promises in 1976, will be the focal point for the economic debate in 1980. Carter supporters legitimately note that Presidents rarely achieve all their economic goals. Even so, the fiscal 1981 budget is remarkable in its consistent inability to meet the administration's aims. This provides appetizing ammunition for the President's political rivals.

Yesterday, Sen. Edward Kennedy, Mr. Carter's chief Democratic opponent, fired the first round. In a speech here, he called for an across-the-board wage and price freeze followed by mandatory controls, and also urged gasoline rationing. Under the Carter administration, the Massachusetts Democrat charged, "We have had three more years of Republican inflation, three more years of Republican interest rates, and three more years of Republican economics. He also contended that the Carter administration "will go down in the record book" for the largest combined budget deficits "of any President in the history of America."

#### "WORST IN THIS CENTURY"

Similarly tough criticism is coming from the conservative Republican presidential aspirants. Leading GOP contender George Bush blasted the fiscal 1981 budget as a "devastating indictment" of the Carter administration. Specifically, he charged: The President has failed to deliver on his promise of of a balanced budget and the combined rates of inflation and unemployment are the highest since the Depression. "The standard of economic performance based on the President's promises," Mr. Bush concluded, "rivals the worst in this century."

The White House response to these charges is, first to point to selected areas of improvement, such as a lower unemployment rate and a reduction in the budget deficit. Beyond that, however, the response mainly is to blame most economic problems on external factors, principally international oil-price boosts.

But the incumbent's chief hope is to keep public attention on the recent foreign crises. These have enabled Mr. Carter to soar ahead of opponents in public-opinion polls. Thus the budget stresses the big new defense spending and new get-tough-with-the-Russians policy. "We have coopted the Warbucks issues," predicts one Carter political strategist.

This tactic doesn't only seem effective, but it's necessitated by Mr. Carter's 1976 economic rhetoric. For example, four days before the last presidential election. Mr. Carter charged that the "bottom line of the disastrous (Republican) economic policies" was the real gross weekly earnings of an industrial worker. That figure, measured in constant dollars, had declined from $104.38 a week in 1969 to $102.88 in late 1976, he noted, showing a drop in workers' real purchasing power. But during the past three Carter years, that same measurement has fallen twice as fast, declining more than 3% to $99.05 last month.

The fiscal 1981 figures in the budget disclose similar contrasts between the President's promises and performance in most other major economic areas too. These include:

Balanced budget: In his first 1976 debate with President Ford, Jimmy Carter pledged: "We will have a balanced budget in fiscal 1981 if I am elected President. I keep my promises to the American people." Instead, the fiscal 1981 budget projects a deficit of almost $16 billion. Mr. Carter criticized the Republicans for budget deficits averaging $24 billion a year; under his administration, the deficits will average more than $33 billion annually.

Inflation: "The Republicans have become six percenters on inflation," Mr. Carter declared on Sept. 24, 1976. "They ask us to accept that rate, to think of 6% as normal, to be glad it isn't worse. But the fact is that it is a terrible, unacceptable rate, and that their own mismanagement has caused it." By this year, he promised to cut the inflation rate to 4% or less. But the inflation rate has soared to more than 13%. Recently, the President sought to blame this all on Arab oil-price boosts but, even apart from energy, the consumer price index last year rose more than 11%.

Interest rates: In 1976, Jimmy Carter assailed the Republicans for creating "the highest interest rates since the Civil War," and specifically complained that home mortgage interest rates had climbed to 9% from less than 6%. Last month the average mortgage interest rate for new homes reached 11.65% and, in the past three years, the prime lending rate that banks charge their best customers has more than doubled to 15¼%.

Tax bite: As the Democratic presidential nominee, Mr. Carter noted that federal tax receipts, as a percentage of the Gross National Product, or total output of goods and services, had been growing, and he vowed to "stabilize" or "level off" that percentage. When he took office, federal taxes were 19% of GNP. But the fiscal 1981 budget shows government receipts rising to 21.7% of GNP, the highest percentage since the record level of 21.9% back in wartime 1944.

Unemployment: Mr. Carter comes closer to his promises here, although he still falls far short. In the last campaign he promisd to reduce the jobless rate from 7.9% of the work force to between 4% and 4.5% this year. The unemployment rate has declined sharply, but still was at 5.9% last month. Moreover, Mr. Carter's budget projections predict unemployment will climb back to 7.5% late this year, or around the same level the President said was intolerable in 1976.

Along with huge increases in employment during the past three years, a few other optimistic signs exist for the White House. Although there's still a deficit, the budget notes that the fiscal 1981 red ink is only 0.6% of the GNP or "well below the 2% average of the 1970s."

The Carter administration already is trying to strike a theme of new realities to put the economic problems in a more favorable light. In his budget message, the President said the proposals "reflect the maturing of the administration's basic, consistent, underlying policy themes: restraint in budgeting the taxpayers' dollars; the strengthening of our defense; providing energy for the future; improving opportunities for the nation's youth, and making government work better."

#### HUMPHREY-HAWKINS ACT

At the same time, the budget declares that circumstances require postponing the goals of the Carter-approved Humphrey-Hawkins Act. Accordingly, this measure's target of reducing unemployment to 4% has been delayed two years, until 1985, and cutting the inflation rate to 3% has been put off five years, until 1988.

But that won't assuage the President's opponents. Some, like Sen. Kennedy and Mr. Bush, are noting that in 1976 Mr. Carter coined a new phrase, the "misery index," which is the combined rates of inflation and unemployment. Back then, Mr. Carter chastised President Ford for allowing the "misery index" to hit its highest level "in more than 50 years."

When Mr. Carter became President, this index stood at about 13%, with unemployment a little below 8% and inflation at a 5% annual rate. The fiscal 1981 budget projects a "misery index" next fall of around 18%, with unemployment close to 7.5% and consumer prices increasing at 10% to 11% a year. When asked about this in a recent interview, Mr. Carter had forgot about the "misery index," but his memory is likely to be refreshed repeatedly in this election year. "We're going to make him miserable with his own misery index," vows one GOP political strategist.●

---

## ECONOMIC OUTLOOK

## HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. EDGAR. Mr. Speaker, the Northeast-Midwest Congressional Coalition Task Force on the Budget, under the able leadership of Representatives Carl Pursell and Thomas Downey, has released a preliminary analysis of the President's 1981 budget proposals, prepared by the Northeast-Midwest Institute.

I am pleased to submit the first eight pages of this analysis for the Record. During the coming days I will submit the remaining portions for the Record:

### Analysis of the President's 1981 Budget

#### ECONOMIC OUTLOOK

The word most often used to describe the 1980 economy is "uncertain," although most economists in and out of the government agree that the long-awaited recession has begun. While it was predicted to have started a year ago, the downturn was postponed as consumers dipped into savings, homemakers sought work in the economy to supplement family income, and homeowners refinanced their homes to maintain high spending levels in anticipation of even higher inflation. These avenues of escape seem to have been fully utilized, however, and as consumer demand dips, the level of unemployment is expected to rise from its current 6.0 percent to between 7.5 and 8.0

percent by fall 1980. Although inflation as measured by the consumer price index is expected to slow from the present 13.3 percent to 10.0 percent in the coming year, this rate will be sufficiently high to inflate wages, resulting in some taxpayers moving into higher tax brackets while real purchasing power falls.

The president's budget is a reflection of both the present and anticipated state of the economy, as well as a reaction to it. While the planned reduction in the deficit is aimed at curbing inflation, certain planned spending increases are intended to aid sectors of the economy which otherwise would suffer the most in a recession. Budget reductions in some areas and increases in others are based on the administration's own predictions concerning changes in three key economic indicators: the inflation rate, the unemployment rate, and the gross national product. In evaluating the administration's budget, it is necessary to first examine the economic assumptions on which the budget is submitted.

### *Inflation*

There is little doubt that the inflation rate will remain high in the coming year. The president expects inflation rates of 10.4 percent in 1980 and 8.6 percent in 1981, based on the change in the consumer price index. Chase Econometrics, Inc. predicts an 11.5 percent inflation rate in 1980, and slightly over 9 percent for 1981. At the same time, Data Resources, Inc. forecasts inflation rates of 8.7 percent in 1980 and 8.6 percent in 1981. Foreign suppliers probably will raise oil prices again, but when these increases will occur and how steep they will be is unknown. Because 75 percent of all households which rely on oil for home heating are located in the Northeast-Midwest region, any increase in oil prices will more adversely affect homeowners in this region than in other parts of the country.

### *Unemployment*

The administration predicts a $15.8 billion deficit, with a 7.4 percent unemployment rate in fiscal 1981. Chase Econometrics, Inc. forecasts an 8.4 percent unemployment rate for the same period, with some states such as Michigan and New York likely to experience unemployment rates higher than 10 percent. This rate may be reduced somewhat by the nation's higher defense budget, if the spending increase is translated into contracts awarded to firms in the Northeast-Midwest region. In order to have an impact on the region's substantially higher unemployment rate, defense contractors must aggressively seek new contracts (the region's share of prime contract dollars dropped from 54 percent in 1955 to 38 percent in 1978).

PROJECTED UNEMPLOYMENT

| | Percent | | |
|---|---|---|---|
| | 1979 | 1980 | 1981 |
| U.S. total: | | | |
| President's 1981 budget | 5.8 | 7.0 | 7.4 |
| Chase Econometrics, Inc | 5.8 | 7.2 | 7.7 |
| Northeast-Midwest region [1]: | | | |
| New England | 6.0 | 8.2 | 8.2 |
| Mid-Atlantic | 7.0 | 9.2 | 9.5 |
| Midwest | 5.9 | 7.7 | 7.8 |
| Total | 6.4 | 8.4 | 8.4 |

[1] Staff calculations from data of Chase Econometrics, Inc.

According to the House Budget Committee, a one percentage point increase in national unemployment reduces revenues $14-16 billion, raises spending $3-4 billion, and raises the federal budget deficit $17-20 billion if all other economic measures remain unchanged. Higher-than-projected unemployment would jeopardize the $15.8 billion deficit projected by the president.

### *Gross national product*

The recession will slow the rate of growth of real income nationwide and the president predicts 2.8 percent growth in the gross national product in 1981. Because of the Northeast-Mideast region's heavy dependence on jobs in the durable-goods industries, it has been hurt more severely than the rest of the nation by economic downturns and has taken longer to recover from them. Although Chase Econometrics, Inc., predicts that real income will continue to grow for the entire nation, albeit at a slow rate, the Northeast-Midwest region will experience actual declines in real income during 1980.

PROJECTED GROWTH IN REAL GROSS NATIONAL PRODUCT

| | Percent | | |
|---|---|---|---|
| | 1979 | 1980 | 1981 |
| President's 1981 budget | 0.8 | −1.0 | 2.8 |
| Data Resources, Inc | 1.5 | 1.2 | 4.3 |
| Chase Econometrics, Inc | 2.3 | −1.2 | 2.2 |

PROJECTED GROWTH IN REAL INCOME [1]

| | Percent | | |
|---|---|---|---|
| | 1979 | 1980 | 1981 |
| U.S. total | 2.6 | .9 | 2.40 |
| Northeast-Midwest region: | | | |
| New England | 1.65 | −1.01 | 2.04 |
| Mid-Atlantic | .56 | −.62 | .82 |
| Midwest | 1.35 | −.85 | 2.20 |
| Total | 1.35 | −.78 | 1.63 |

[1] Staff calculations from data of Chase Econometrics, Inc.

### *Conclusion*

The steel and auto industries, in particular, have laid off significant numbers of workers, leading to repercussions in other industries. On the brighter side, the region is beginning to diversify its industrial base, insulating itself somewhat from the impact of future recessions. Such high technology industries as telecommunications, computers, and electronics are expanding in the region and will be relatively unaffected by the recession. In total, the economic outlook for the region can be described as bleak in 1980, and only marginally better in 1981.

## BUDGET OVERVIEW

### *The deficit and inflation*

Arguing for fiscal restraint, the president has proposed a total budget for outlays in fiscal 1981 virtually equal to his fiscal 1980 budget in real dollar terms. Almost all of the new spending outlays come from two sources: uncontrollable programs such as social security and increased defense spending. Real dollar receipts, on the other hand, would be increased 5.4 percent, to about $600 billion, largely as a result of the proposed windfall profits tax. The resulting deficit would be about $15.8 billion, substantially lower than last year's.

The deficit, however, is highly sensitive to national economic conditions, and a recession could lower budget receipts and force higher expenditures for social programs. An increase in inflation could raise tax revenues, but also could reduce the purchasing power of federal agencies.

An important note: All budget tables in this report show both types of increases in budget amounts—the actual change in dollars as expressed in the budget, and the "real" change, which takes inflation into account.

The most frequently used measure of inflation is the consumer price index (CPI), but it is inappropriate for this analysis because the government often buys products, that consumers do not (missiles and telecommunications systems, for example). As a result, the CPI does not give an accurate picture of price increases faced by the government. The measure of inflation used here is the implicit price deflator for gross national product, which is more comprehensive than the consumer price index and generally is accepted as the best indicator of price changes in the entire economy. The president estimates that the deflator for fiscal 1981 will be 8.6 percent. Other analysts forecast different rates of inflation (see the "Economic Outlook" section on Page 1), but the best way to analyze the president's budget is to use his own economic assumptions, so that initial discussions can be over the budget and not over whose estimate for inflation is more accurate.

### *Budget authority*

The president's proposed total budget authority for fiscal 1981 shows an apparent increase of 6.4 percent over 1980. But if the effects of inflations are taken into account and the yearly totals are compared in real dollar terms, proposed 1981 total budget authority is two percent less than in 1980. Major decreases are found in the Energy and Commerce and Housing Credit functions (the only functions that sustain losses before and after adjustment for inflation). Moderate increases in actual dollar authority for Natural Resources and Environment, Veterans Benefits and Services, and Administration of Justice will not be enough to offset higher prices, and these areas will suffer reductions in real dollar spending. The president has proposed significant growth in budget authority for Defense, International Affairs, and Health.

### *Outlays*

Single-year figures for outlays bear little relation to those for budget authority. Outlays represent actual levels of spending proposed for the budget year. Budget authority permits obligations to be made in the form of outlays during the budget year or future years. For this reason, a large portion of the budget for outlays may be the result of budget authority decisions made in previous years. A substantial increase in budget authority for a particular function will not be reflected in the budget for outlays if the authority is intended for use in later years. Budget authority in fiscal 1981 for International Affairs, for example shows a considerable increase over 1980, while the budget for outlays actually has declined.

Although total budget outlays in fiscal 1981 show an actual increase of 9.3 percent over 1980, few individual budget functions show any real dollar increase after adjusting for the effects of inflation. The largest

BUDGET DEFICIT SUMMARY

[In millions of dollars]

| | 1977 | 1978 | 1979 | 1980 | 1981 |
|---|---|---|---|---|---|
| Budget receipts | 357,762 | 401,997 | 465,940 | 523,829 | 599,988 |
| Budget outlays | 402,725 | 450,836 | 493,673 | 563,583 | 615,761 |
| Deficit | −49,963 | −48,839 | −27,733 | −39,754 | −15,773 |
| Budget authority | | | 566,732 | 653,974 | 696,080 |

real dollar increases are found in Defense (3.2 percent) and Income security (6.1 percent). The Health and General Purpose Fiscal Assistance functions both experience modest gains in real terms. Actual dollar figures suggest that fiscal 1981 outlays for Energy, Transportation, Community and Regional Development, and Education, Training, Employment, and Social Services all have increases, but an adjustment for inflation indicates that these outlays will buy fewer goods and services than in 1980. The largest spending cuts have been proposed for Agriculture and Commerce and Housing Credit.

FISCAL 1981 BUDGET AUTHORITY

[In billions of dollars]

| | | 1979 | 1980 | 1981 | Percent change, 1980–1981 | |
|---|---|---|---|---|---|---|
| | | | | | Actual | Adjusted for inflation |
| 050 | National defense | 127.8 | 141.6 | 161.8 | 14.3 | 5.2 |
| 150 | International affairs | 8.7 | 13.0 | 16.9 | 30.0 | 19.7 |
| 250 | General science/space/technology | 5.4 | 6.2 | 6.9 | 11.3 | 2.5 |
| 270 | Energy | 7.4 | 41.5 | 7.4 | −82.2 | −83.6 |
| 300 | Natural resources and environment | 13.2 | 12.7 | 13.3 | 4.7 | −3.6 |
| 350 | Agriculture | 9.3 | 5.0 | 5.5 | 10.0 | 1.3 |
| 370 | Commerce and housing credit | 5.9 | 10.2 | 5.9 | −42.2 | −46.7 |
| 400 | Transportation | 19.2 | 21.0 | 23.6 | 12.4 | 3.5 |
| 450 | Community and regional development | 10.0 | 8.9 | 9.8 | 10.1 | 1.4 |
| 500 | Education, training, employment, and social services | 32.6 | 31.2 | 34.8 | 11.5 | 2.7 |
| 550 | Health | 53.9 | 60.0 | 71.5 | 19.2 | 9.7 |
| 600 | Income security | 191.9 | 222.1 | 251.4 | 13.2 | 4.2 |
| 700 | Veterans benefits and services | 20.5 | 21.2 | 22.7 | 7.1 | −1.4 |
| 750 | Administration of justice | 4.2 | 4.4 | 4.7 | 6.8 | −1.6 |
| 800 | General government | 4.4 | 4.9 | 4.9 | 0.412 | −7.9 |
| 850 | General purpose fiscal assistance | 8.3 | 8.7 | 9.6 | 10.3 | 1.6 |
| 900 | Interest | 52.5 | 63.3 | 67.2 | 6.2 | −2.2 |
| 920 | Allowances | | 0.1 | 2.0 | 1,900.0 | 1,741.6 |
| 950 | Undistributed offsetting revenues | −18.5 | −22.2 | −25.1 | 13.1 | 4.1 |
| | Total | 556.7 | 654.0 | 696.1 | 6.4 | −2.0 |

FISCAL 1981 OUTLAYS

[In billions of dollars]

| | | 1979 | 1980 | 1981 | Percent change, 1980–1981 | |
|---|---|---|---|---|---|---|
| | | | | | Actual | Adjusted for inflation |
| 050 | National defense | 117.7 | 130.4 | 146.2 | 12.1 | 3.2 |
| 150 | International affairs | 6.1 | 10.4 | 9.6 | −7.7 | −15.0 |
| 250 | General science/space/technology | 5.0 | 5.9 | 6.4 | 8.5 | −.1 |
| 270 | Energy | 6.8 | 7.7 | 8.1 | 5.2 | −3.1 |
| 300 | Natural resources and environment | 12.1 | 12.8 | 12.8 | 0 | −7.9 |
| 350 | Agriculture | 6.2 | 4.6 | 2.8 | −39.1 | −44.0 |
| 370 | Commerce and housing credit | 2.6 | 5.5 | .7 | −87.3 | −88.3 |
| 400 | Transportation | 17.4 | 19.6 | 20.1 | 2.6 | −5.6 |
| 450 | Community and regional development | 9.5 | 8.5 | 8.8 | 3.5 | −4.7 |
| 500 | Education, training, employment, and social services | 29.7 | 30.6 | 32.0 | 4.6 | −3.7 |
| 550 | Health | 49.6 | 56.6 | 62.4 | 10.2 | 1.5 |
| 600 | Income security | 160.2 | 190.9 | 220.0 | 15.2 | 6.1 |
| 700 | Veterans benefits and services | 19.9 | 20.8 | 21.7 | 4.3 | −3.9 |
| 750 | Administration of justice | 4.1 | 4.5 | 4.7 | 4.4 | −3.8 |
| 800 | General government | 4.1 | 4.9 | 4.9 | 0 | −7.9 |
| 850 | General purpose fiscal assistance | 8.4 | 8.7 | 9.6 | 10.3 | 1.6 |
| 900 | Interest | 52.5 | 63.3 | 67.2 | 6.2 | −2.2 |
| 920 | Allowances | — | .1 | 1.5 | 1,400.0 | 1,281.2 |
| 950 | Undistributed offsetting revenues | −18.5 | −22.2 | −25.1 | 13.1 | 4.1 |
| | Total | 493.7 | 563.6 | 615.8 | 9.3 | .6 |

This analysis of the president's fiscal 1981 budget was prepared Saturday, January 26, and Sunday, January 27, 1980 by these staff members of the Northeast-Midwest Institute and Northeast-Midwest Congressional Coalition.

NORTHEAST-MIDWEST INSTITUTE

Jon Clark, Tom Cochran, Diane DeVaul, Mary Fitzpatrick, Diana Hamilton, Sally Hardy, Alice Hellerstein, Anita Lindsley, Diane Orton, Mike Sullivan, and Peter Tropper.

NORTHEAST-MIDWEST CONGRESSIONAL COALITION

Shelley Amdur, Suzanne Braunegg, Bill Hogan, Larry Zabar, and Stanley Collender, Administrative Assistant to Representative THOMAS J. DOWNEY.

INTERNS

Glen Dalgon, Jim Goldston, Dianna Linder, Peter J. McDonough, Peter Sanborn, and Elizabeth Shue.

This publication was prepared and printed with the assistance of grants provided to the Northeast-Midwest Institute by the Rockefeller Brothers Fund and the Robert Sterling Clark Foundation.●

## SURFSIDE BEACH EROSION PROJECT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. PAUL. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work of some citizens in my district who are working to halt serious beach erosion problems near Surfside and Freeport, Tex.

Since 1938, 500 feet of public beach over a 2½-mile stretch, including four houses, have been lost as a result of erosion; 200 feet of beach have been lost in the last 8 years alone, and more houses may be threatened in the near future.

County officials pointed out that the loss of sand dunes in the area is one of the main reasons for the erosion, and various projects ranging in cost from $16 to $48 million have been proposed to rectify the erosion problem.

While everyone has been talking about the need for costly projects to halt the erosion, one very imaginative group has undertaken a positive program with a total cost of $10.

Under the direction of Mr. Ed Seidensticker and Mr. Charles Moss, a group of young people from various 4-H Clubs collected Christmas trees which they use to stake in the beach. The trees serve as sand-catching barriers and help prevent erosion. The project is apparently working well; the height of the dunes has been raised 3 feet in a single year. And the only cost is $10 for the stakes.

Sometimes an ounce of imagination can literally be worth a million dollars.●

## COMPANY CAFETERIA PLAN

### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. VANDER JAGT. Mr. Speaker, I am pleased to introduce today legislation to amend our tax laws and correct a long overlooked inequity.

Section 119, the so-called company cafeteria section of the Internal Revenue Code, presently allows the cost of meals furnished under certain conditions by an employer to his employees not be considered income to the employees and, hence, not taxable to them. One of the principal criteria under the present law is that the meals must be provided on the business premises of the employer, generally in a company cafeteria.

This requirement harshly discriminates against those employees and employers who cannot provide company cafeterias. There are hundreds of thousands of small businesses and even branch offices of larger companies which are unable to make available on premise eating facilities for their employees. While these employers wish to enhance their employees' productivity, health, and safety by providing a meal for them on their business premises, they simply cannot for lack of adequate space or for economic reasons as they may not be wealthy enough to afford the costs of construction and operation of a company cafeteria.

In these types of instances it is simple tax equity that an employer should not be denied the right to provide meals during the work day off his premises if he deems it in his business interest to do so.

This bill corrects this inequity by allowing the meal to be furnished "directly or indirectly in kind"—meaning the meals may be furnished on or off the business premises of the employer but that cash may not be provided by the employer for the purchase of the meals.

The concept is simple. Where a company cafeteria exists, the meals are provided there. Where it is not possible or not economically feasible for the employer to provide a company cafeteria, the meal could be consumed in a nearby eating establishment or in a shared company cafeteria. Payment for the meal could be by direct contract between the employer and a foodservice establishment with an accounting system agreeable to the parties or by the use of a coupon system. As with the company cafeteria, the plan would be available to all employees who wish to participate, and meals would be consumed only during the workday. I should also point out that this concept follows closely that allowed under the law in 10 countries of Western Europe including West Germany, France, and the United Kingdom.

In addition to the compelling tax equity reasons for this amendment, I am greatly encouraged by the economic results forecast in connection with the implementation of this concept. Economic analyses developed by the restaurant industry and the National Restaurant Association and reviewed by Dr. Alan Greenspan, former Chairman of the Council of Economic Advisors, project an increase in foodservice sales of three-quarters of a billion dollars annually coupled with the creation of 28,000 new jobs in the restaurant industry.

This estimate of new jobs is particularly important as they are a principal source of employment for the structurally unemployed. Foodservice industry employment today is constituted of 13.7 percent minorities and 31.8 percent teenagers. With the shockingly high current black teenage unemployment rate of 36.3 percent, this new job market should help alleviate the severe structural unemployment problem in the United States today.

In closing, I am delighted to introduce this bill which serves the interest of tax equity, small business and "the little guy."●

## PERILOUS WORLD SITUATION

### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues a letter sent to me by a very close friend of mine. Prof. Floyd Hoskins and I taught school together in Georgia for 7 years, and he now serves as a foreign policy adviser to me. Floyd has had 40-plus years of military, diplomatic, and political experience, and his thoughts on the current world situation merit the attention of the Members of this House.

The letter follows:

DEAR NEWT: We recognize that you are in the central arena where there is much action. Laurel and I read newspapers, Newsweek, U.S. News and World Report, Atlas, Asia, and many other news sources. And of course there is TV and radio. In spite of all this that comes into our home, we are very much alarmed and concerned. This letter is an expression of that concern.

Since 1978, events have been building toward a point of no return, and now it appears that 1980 is our most crucial year—possibly. What is so disturbing is the apparent lack of concern in our foreign policy and our inability to react. In fact there appears a fear of acting positively and strongly. Doesn't anyone realize that the world is pleading for strong leadership and aggressive policies? Power and respect go hand in hand, and we are afraid to display power and, as a result, we are losing both power and respect.

The Iran issue is unique. Fifty years ago it would have meant war. Today the Administration has tried to avoid the issue by playing for time, and time in the eyes of the so-called "students" is victory. We have sought others to help extricate our hostages to no avail; now the United Nations is on trial and predictably will fail and be significantly weakened. Then where do we go? Prayer?

The recent Soviet move into Afghanistan has been predictable since April 27, 1978, when the pro-Soviet faction set up the Taraki government. We should have recognized then that this was the beginning, since the Soviets do not go into any country halfway. Afghanistan was drifting closer to Iran and the pro-West Arab states. In addition, the Afghanistan government had actively opposed Cuban troops being in the Horn of Africa.

Now with the oil crisis that began in 1973 and the increasing importance of the Persian Gulf, it becomes obvious to anyone what the Soviets are up to. Afghanistan is the "cockpit of Asia"; it is the buffer state between Soviet Russia and India; it is the barrier to the warm water ports which the Russians and Soviets have sought.

Iran has become the focal point of a sort of Islamic renaissance, albeit primitive, and it has awakened Moslems far beyond the borders of Iran, well into Central Russia. It has stirred Moslems along the interior of the People's Republic of China. It certainly has shaken the invincibility of Moslem security in Saudi Arabia.

Thus, with all of this taking place, the Soviets now "pull a Czech" takeover in Afghanistan. This has shaken the entire Moslem world. If the Soviet juggernaut can take over this country, then what about Iran? Certainly the tribal people of Baluchistan (pro-Iran yet anti-Khomeini) now skirmishing with Revolutionary Council forces have led the Soviets (who are now in the south of Afghanistan) to think that this area is troublesome and should be incorporated. This now puts the Soviets on the Gulf of Oman, very close to the entrance to the Persian Gulf, and certainly with near-control of the Straits of Hormuz.

Crossing the straits we find small states such as South Yemen pleading for U.S. military aid. (I know that some aid has been sent, yet on this evening's NBC News it was reported that "the White House is considering the 'principle' of military aid to South Yemen"). North Yemen is now a Soviet stronghold. Cross the straits to the Horn of Africa and we find Cuban troops in former Ethiopia and a weakened Somaliland.

Thus, within a matter of days the entire eastern edge of the Moslem world could be cut off by the Soviets—with little of the Soviet military involved except in Afghanistan. What is happening before our eyes is the creation of another Soviet surrogate, perhaps better known as another "cat's paw." Cuba was No. 1. Then came Vietnam in November, 1978, as No. 2. And now, in January of 1980—Afghanistan as No. 3.

Surely, if we want to make a "Vietnam" out of Afghanistan, we should rush supplies to the Afghan guerrillas fighting for their country. This would enhance our prestige in the Moslem world, at least the part of it that looks to us for protection and a steady level of trade. They well realize that if the Soviets move in—they lose all.

When I heard that the President was considering boycotting the Olympics, I could have vomitted. And that comment from the President that he "could not believe Brezhnev would do such a thing." My mind instantly reflected back on statements made by Neville Chamberlain in his 1938 meeting with Hitler.

My dear friend, as one who has worked in the field against the Soviets, let me assure you that the Soviets are prepared and are now moving "out." In other words the training exercises are over. To me, it seems we are reliving 1938.

My students, the 18-year-olds especially, are worried. Several called me today, and one, a captain in the U.S. Marine Corps Reserve, drove down from Marietta to discuss the situation. There is real concern and the country is far more united than most members of Congress believe. You may well ask, "what should be done?" First of all, Carter is running out of time. He has but a few days to act decisively or we will really lose.

The Soviet economy cannot function without large imports from the industrialized West, meaning mainly the U.S. Slap an embargo on everything. Freeze assets. Order the Soviet missions within the U.S. to be reduced within 48 hours to one-tenth of their present personnel complement. This does not require U.N. sanctions, but resolute action on the part of the United States.

Of course it will hurt for awhile, but when the Soviets respond (and they will respond because they understand force), they will not engage in hostilities with the U.S. Thus a direct confrontation on the economic and diplomatic level will bring results. Most importantly, it will raise the prestige of the U.S. in the eyes of our many trading partners, particularly in the Mideast, and all countries relying on the safe passage of their tankers through the Persian Gulf, Red Sea, and Gulf of Suez.

But act we must. We cannot toss out placebos, such as building a giant aircraft carrier (which takes five years) or appropriating funds for ten more submarines. The time to act is now. If we do not, the prestige of the

U.S. will rapidly decline during 1980 and our economic power (the dollar) will continue to nosedive.

Newt, I have poured out on paper what is really eating at me, and believe me, it is doing the same to tens of thousands of other Americans. Spread the word, push, shove, walk and stand tall. Work to give this country's leaders direction. The American people are impatiently waiting for action.

Sincerely,

FLOYD HOSKINS.●

---

## SENATOR EDWARD KENNEDY'S GEORGETOWN ADDRESS MERITS ATTENTION

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● **Mr. UDALL.** Mr. Speaker, if Senator KENNEDY accomplishes nothing more than to begin discussion on the wide range of issues he discussed in his Georgetown speech yesterday, the American people owe him a great debt of thanks. Our citizens deserve to hear open debate on the alternatives they have as we enter this critical decade in our country's history. To Senator KENNEDY's credit, he has offered a plan that sets him apart from the other candidates for the Presidency, as well as the incumbent, and gives the American voter a choice.

I am happy to offer Senator KENNEDY's remarks for the RECORD and congratulate him on his speech.

ADDRESS OF SENATOR EDWARD M. KENNEDY

Five days ago President Carter announced a doctrine—a doctrine that would define the area of the Persian Gulf as an American vital interest and that could commit the American people to military intervention in defense of this area.

The question that requires careful consideration is what does this Carter Doctrine mean for the world—and for our own country.

Many Americans feel that once the President of the United States has made an assessment and set a course, the rest of us should stand silent in the ranks even if we have a different view of the national interest. That is not the lesson of our liberty—or the heritage of our history.

Forty years ago, when the Nazis swept across the Low Countries and France, a far more urgent threat to our security, there was no suspension of the public debate—or the presidential campaign. If we could discuss foreign policy frankly when Hitler's panzers were poised at the English Channel, surely we can discuss foreign policy when the Soviet Union has crossed the border of Afghanistan.

If the Vietnam war taught us anything, it is precisely that when we do not debate our foreign policy, we may drift into deeper trouble. If a President's policy is right, debate will strengthen the national consensus. If it is wrong, debate may save the country from catastrophe.

So I make no apology for raising questions about the Carter Doctrine. The exercise of dissent is the essence of democracy. Whether we are citizens or candidates, we have not only the right but the obligation to deal with issues that may shape—or shatter—our future.

All of us condemn the brutal Soviet invasion of Afghanistan. This wanton act of aggression has aroused the conscience of America—and of all the world. It must be met with an appropriate response by the United States and all our allies.

But is this really the gravest threat to peace since World War II? Is it a graver threat than the Berlin Blockade, the Korean War, the Soviet march into Hungary and Czechoslovakia, the Berlin Wall, the Cuban Missile Crisis, or Vietnam? Exaggeration and hyperbole are the enemies of sensible foreign policy.

In fact, the Russians have dominated Afghanistan not for four weeks, but for 22 months. Years ago, Afghanistan passed under Soviet influence. It passed behind the Iron Curtain, not in 1980, but in 1978, with hardly a word of regret from the Carter Administration. When two Marxist regimes in Kabul failed to put down Afghan resistance, the Russians decided to install a third regime and to put down the insurgency themselves. Afghanistan, as they saw it, was slipping away.

President Carter confessed that he was "surprised" by their action. For many months, the Administration had ignored the warning signals. The American Ambassador to Afghanistan was killed in Kabul last February while Soviet military advisers looked on. We were aware well in advance that the Russians were massing their forces. But the Administration said virtually nothing until after the invasion, when they drew a line in the dust that was already rising from the tread of Soviet tanks.

Afghanistan is 7,000 miles away. Only 90 miles from our shores Moscow had already seen a Carter line that did not hold. Last fall, the President said Soviet combat troops in Cuba were unacceptable. But soon he changed his mind. He charged up the hill—and then charged back down.

Theodore Roosevelt once warned: "Don't bluster, don't flourish your revolver, and never draw unless you intend to shoot."

The false draw in Cuba may have invited the Soviet invasion of Afghanistan.

This is a real crisis, but it is also part of the recurrent condition that has periodically disturbed the peace for a third of a century. It must be countered. But it must not become so consuming that we lose sight of more vital interests. For example, this nation has an imporant stake in the independence of Yugoslavia. If President Tito were to die while we were preoccupied in the Persian Gulf, the Soviets could be tempted to launch an attack on Yugoslavia—a country that President Carter as a candidate declared he would not defend.

A measured response to the potential threat in the Persian Gulf must reflect certain principles that will prove less hazardous and more effective than a unilateral and unlimited American commitment.

First, this is not just our problem. It is a greater problem for nations that have a greater dependence on Middle East oil. We must seek their views and act in concert. We cannot impose policies on NATO and Japan; but together, we can set a common policy. This is even truer of the Islamic states, the countries that could be most menaced by Soviet adventurism. It is impractical to rely on a doctrine that requires us to stand astride the Persian Gulf solely on our own.

Second, we must not discount condemnation of Soviet aggression by the international community. This is important, but not because the Russians are moved by world opinion. They are not. It is important because the Soviet Union now finds itself estranged from the Third World—a result that will gravely handicap the Russians in lands they have previously regarded as their private hunting ground. This reaction runs deep in the Moslem world, where Arab nationalism and Moslem religious feeling can become a powerful force against Soviet ambition.

Third, American naval and air forces should be strengthened in the area. We must recognize, however, that such forces alone cannot secure control of a great land mass. But an enlarged presence, including carefully selected military facilities, could have a deterrent effect on the calculations of the Kremlin. And with our allies, we should increase military aid to nations that may have to face the Soviet threat.

Fourth, the greater threat to these nations is often internal decay and subversion, not external aggression. Military aid is not enough. We must also provide economic assistance and political support. Nations in the area must be strengthened against subversion from the PLO and other Soviet surrogates. And we must help Pakistan help the million refugees who are pouring across the border from Afghanistan.

Fifth, mutual assistance must be mutual. In return for strengthening their defense, the oil producing states should assure a more certain oil supply at reasonable prices. We should negotiate an arrangement that enhances both their national security and the energy security of NATO, Japan, and the Third World.

Sixth, we must not over-react to the present crisis in ways that undermine the security of Israel. That democracy is our most stable and dependable ally in the Middle East. We must not barter the freedom and future of Israel for a barrel of oil—or in a foolish effort to align the Moslem world with us, whatever the cost. Indeed, Egypt and Israel together already constitute a bulwark against Soviet expansion—and the cornerstone of the wider alliance we must seek.

Even as we take these steps, even as we express our abhorrence of the aggression in Afghanistan, let us not foreclose every opening to the Soviet Union. This is not the first abuse of Soviet power, nor will it be the last. And it must not become the end of the world. Ten months after the Cuban missile crisis—a far greater threat to American security than Afghanistan—the United States Senate ratified the nuclear test ban treaty by an overwhelming vote. The task of statesmanship is to convince the Russians that there is reason for fear, but also reason for hope, in their relations with the United States.

America should be not only a powerful military force, but a continuing force for arms control. We should not hesitate to stand for human rights, including the most basic of all human rights—the right to survive and to live in peace, free from the fear of nuclear war.

Nor does a regional crisis justify a reflex decision to spend many billions more on defense systems that have no relevance. Afghanistan highlights the necessity for improving our conventional forces and increasing our military readiness, but it is hardly an excuse for haste on nuclear weapons like the M-X missile. Needless weapons drain the resources to pay for needed ones.

Above all else, we must realize that symbols are no substitute for strength. And in the State of the Union message President Carter offered a new symbol. He requested funds for computer runs to register young Americans for the draft. He said this step could "meet future mobilization needs rapidly, if they arise." But draftees, who take six months to train, would be a very slow deployment force. Registration now would save only 13 days in the event of mobilization. If registration and the draft were essential in a real emergency, there would be no dissent from me or most Americans. But I oppose registration when it only means reams of computer print-outs that would be a paper curtain against Soviet troops. If the

President wants a peacetime draft, he should say so. But I oppose the peacetime draft—and I also oppose the President's plan for registration—which is the first step in that direction. We should not have taken this step across the threshold of Cold War II. We should not be moving toward the brink of sending another generation of the young to die for the failures of the old in foreign policy.

Exaggerated dangers and empty symbols will not resolve a foreign crisis. It is less than a year since the Vienna Summit, when President Carter kissed President Brehznev on the cheek. We cannot afford a foreign policy based on the pangs of unrequited love.

In the same spirit of realism, we must deal with the crisis in Iran. It is now 86 days since our diplomats and our embassy were seized. We cannot afford a policy that seems headed for a situation of permanent hostages. The time has come to speak the truth again: This is a crisis that never should have happened. In the clearest terms, the Administration was warned that the admission of the Shah would provoke retaliation in Tehran. President Carter considered those warnings and rejected them in secret. He accepted the dubious medical judgment of one doctor that the Shah could be treated only in the United States. Had he made different decisions, the Shah would doubtless still be in Mexico, and our diplomats would still be going about their business in Tehran.

The Administration continues to call for economic sanctions. I oppose them. They will only propel Iran toward the Soviet orbit. They will do nothing to free the hostages. Eighty-six days is enough. It is time to bring the hostages home. The Administration should now support a United Nations commission to investigate Iranian grievances, similar to earlier commissions on other countries. The commission on Iran should be established immediately, but it should begin its work only when every American hostage has come back safely to our shores. Let no one doubt that America will never yield to blackmail, and that harm to even a single hostage will bring swift retaliation. But let no one doubt that America is ready for a negotiated solution to this impasse.

The 1980 election should not be a plebiscite on the Ayatollah of Aghanistan. The real question is whether America can risk four more years of uncertain policy and certain crisis—of an Administration that tells us to rally around their failures—of an inconsistent non-policy that may confront us with a stark choice between retreat and war. These issues must be debated in this campaign.

The silence that has descended across foreign policy has also stifled the debate on other essential issues. The political process has been held hostage here at home as surely as our diplomats abroad. Before we permit Brehznev and Khomeini to pick our President, we should pause to ask who will pay the price.

The Carter Doctrine offers defense contractors a bright future of expansion and profit. But the middle class, the blue-collar workers, minorities, and every victim of discrimination by race or sex or age—they all face the bleak prospect of higher taxes, higher interest rates and higher inflation. The young will pay a further cost in registering for the draft. And, as the President's budget makes clear, programs of social benefit and justice will once again be postponed. If the principle of sacrifice is to prevail, let it apply as well to the oil companies and all the other elements of the military-industrial complex.

Last week, we heard a State of the Union message that left behind the problems this President was elected to resolve. The Administration, but not the nation, has turned away from those problems and from the people who live with them every day—people out of work or about to lose their jobs, families who cannot buy a home, parents who cannot send sons and daughters to college, the sick who cannot pay their bills for health and the elderly who must now choose between heat in their apartments and food on their tables.

When the unity of our present fear fades, when the crowds stop cheering and the bands stop playing, someone has to speak for all the Americans who were ignored in the State of the Union address.

It is their Union too—and the state of their lives deserves to be addressed.

If my candidacy means anything, it means a commitment to stand and speak for them. So let me tell you what we did not hear from the President last week: Inflation will continue. Unemployment will go up. Energy prices will rise to even higher levels. The cost of home heating oil has soared to 95 cents a gallon; and now we discover that Exxon has registered the first four billion dollar profit in the entire history of industrial corporations.

And these domestic concerns are not merely matters of social justice; they are also at the center of our foreign crisis. Iran and Afghanistan demonstrate a fundamental truth of the American condition. We are perilously dependent on OPEC oil.

A house weakened in its own foundation cannot stand. Unless we put our energy house in order, our strength and credibility will continue to fall; the world will grow steadily more dangerous for our country and our interests.

The Carter Administration has accepted our petroleum paralysis. They talk of sacrifice—but it is an unequal sacrifice founded on unfair prices that bring hardship to our people. The President's decision to decontrol the price of oil will cost the average family a thousand dollars each year throughout the decade of the 1980's. We all remember the Democratic presidential candidate in 1972, whose campaign was assailed because he proposed assistance of a thousand dollars a year for every person in poverty. How then are we to regard a Democratic President in 1980, who wants to do the opposite, who wants to take a thousand dollars a year from every family and transfer it to the oil conglomerates?

We must cure our addiction to foreign oil.

Not only does the administration claim we face the gravest crisis since World War II, they also claim they are making hard decisions to meet that crisis. Long before Afghanistan, they proposed a stand-by gasoline rationing plan—and that is all they propose today. The time for a stand-by plan is over. The time for a stand-up plan is now.

We must adopt a system of gasoline rationing without delay—not rationing by price, as the Administration has decreed, but rationing by supply in a way that demands a fair sacrifice from all Americans.

I am certain that Americans in every city, town, and village of this country are prepared to sacrifice for energy security. President Carter may take us to the edge of war in the Persian Gulf. But he will not ask us to end our dependence on oil from the Persian Gulf. I am sure that every American would prefer to sacrifice a little gasoline rather than shedding American blood to defend OPEC pipelines in the Middle East.

Just as energy insecurity weakens our national security, so inflation weakens our position in the world. Our goods have been priced out of the international marketplace. The value of the dollar has plummeted.

The numbers have nearly lost their capacity to shock. Twelve straight months of inflation over 10 percent. Wild gyrations in the price of gold. Interest rates at 15 percent. Unemployment at 6 percent. And now recession is just around the corner.

The fact is, America did not elect Gerald Ford in 1976. But under a Democratic administration, we have had three more years of Republican inflation, three more years of Republican interest rates, and three more years of Republican economics.

As a candidate, President Carter taunted President Ford in 1976 because the misery index—the sum of the inflation rate and the unemployment rate—had reached a level of 13 percent. Today that index stands at 19 percent.

These statistics are familiar. But one new fact sums up all the current chaos in our economy. The President who promised a balanced budget as a candidate four years ago now proposes a budget with a deficit of $16 billion for the coming year. If you do a little arithmetic, if you take this new deficit and add it to other Carter deficits of the past three years, you will discover an extraordinary thing—the total federal deficit during the Carter Administration will go down in the economic record book as the largest deficit of any presidential term in the history of America.

During this campaign, I have called for long-term steps to combat the fundamental causes of inflation—to foster more competition, more investment, and more productivity in our industry, and more emphasis on our foreign trade. They are obvious measures—measures that must be adopted now if we are to succeed in righting our capsized economy.

Potentially one of the most important short term weapons against inflation is voluntary-restraint. But President Carter has hardly touched that weapon. He waited 21 months to set guidelines on wages and prices. And inflation is actually worse since his guidelines were put in place than it was before. The Administration's anti-inflation policy has the same credibility with major corporations that the Administration's foreign policy has with the Soviet Union.

The time has come for a frank admission that under this President, the voluntary guidelines have run their course and failed.

Inflation is out of control. There is only one recourse: the President should impose an immediate six month freeze on inflation—followed by mandatory controls, as long as necessary, across the board—not only on prices and wages, but also on profits, dividends, interest rates, and rent.

The only way to stop inflation is to stop it in its tracks. Only then can we break the psychology of inflation that runs through every aspect of our economy and erodes our power in the world.

Today, I reaffirm my candidacy for the Presidency of the United States. I intend to stay the course. I believe we must not permit the dream of social progress to be shattered by those whose promises have failed. We cannot permit the Democratic Party to remain captive to those who have been so confused about its ideals.

I am committed to this campaign because I am committed to those ideals.

I am committed to an America where the many who are handicapped, the minority who are not white and the majority who are women will not suffer from injustice, where the Equal Rights Amendment will be ratified, and where equal pay and opportunity will become a reality rather than a worn and fading hope. I want to be the President who finally achieves full civil rights—and who passes an economic bill of rights for women.

And I am committed to an America where average-income workers will not pay more taxes than many millionaires, and where a few corporations will not stifle competition in our economy. I want to be the President who at last closes tax loopholes and tames monopoly, so that the free enterprise system will be free in fact.

And I am committed to an America where the state of a person's health will not be determined by the amount of a person's wealth. I want to be the President who brings national health insurance to safeguard every family from the fear of bankruptcy due to illness.

And I am committed to an America where the cities that are the center of our civilization and the farms that are the source of our food will be preserved and strengthened. I want to be the President who halts the loss of rural land to giant conglomerates and who declines to accept urban slums, unequal schools, and an unemployment rate in the inner city that approaches 50 percent.

And I am committed to an America that will safeguard the land and the air for future generations. I want to be the President who stops the seeding of the earth with radioactive wastes from nuclear plants—and who refuses to rely on a nuclear future that may hazard the future itself.

And I am committed to an America that is powerful enough to deter war—and to do the work of peace. I want to be a President who does not rush to a helter-skelter militarism or a heedless isolationism, who improves our military without gilding our weapons, who lifts at least a little the nuclear night that hangs over the world and who makes the world itself a little safer for both diversity and democracy.

And for all these commitments, I have only just begun to fight.

I am convinced that the people are not selfish or hopeless—and that government is not helpless to serve the public interest. I am convinced that we as a people are ready to sacrifice—to give something back to our country in return for all it has given to us.

It is easy to preach sacrifice, while practicing the politics of symbols. It is easy to bend to the prevailing political breezes. All politicians are tempted to do this at times.

But as I said a year ago, sometimes a party must sail against the wind. Now is such a time. We cannot wait for a full, fair wind or we will risk losing the voyage that is America. A New England poet once wrote: "Should the storm come, we shall keep the rudder true."

Whatever comes in the voting of this year, or in the voyage of America through all the years ahead, let us resolve to keep the rudder true.

### CONCLUSION

The plan would reduce gasoline consumption by 24 percent, or the equivalent of the 1.7 million barrels of oil per day now imported from the Persian Gulf.

In general the plan follows the basic proposal developed in 1979 by the Department of Energy and now being revised in accord with recommendations of Congress.

Ration checks would be distributed in an amount sufficient to reduce gasoline consumption by 1.7 million barrels a day. Approximately half of the reduction would be achieved in the first year, and the remainder would be phased in over a two-year period.

The ration checks would be distributed by mail to eligible individuals and businesses, who would redeem the checks for gasoline coupons at designated locations such as banks and post offices.

The coupons would be used to purchase gasoline. They could also be bought and sold freely on a white market at whatever price the market sets.

A percentage of the total national allocation would be placed in a "National Ration Reserve" for emergency purposes.

Allocations to each state would be based on the historical use of gasoline in the state.

A percentage of the amount allocated to each state would be set aside for a "State Ration Reserve," to be distributed at the state's discretion for hardships and other special cases.

Supplemental allotments would be issued by DOE for priority activities, including law enforcement, fire, mail, ambulances, defense, public transportation, sanitation, snow removal, telecommunications, energy production and conservation, agriculture, and off-highway vehicles.

The plan differs from the DOE proposal in two significant respects:

(1) Ration checks would be issued to individuals on the basis of driver's licenses. The DOE proposal relies on motor vehicle registrations. Under both the Kennedy plan and the DOE proposal, eligibility of commercial firms would be based on motor vehicle registration.

(2) "Energy conservation" activities would be included as an additional category in the list of supplemental allotments. The DOE proposal includes only "energy production" activities in the energy area.

U.S. OIL IMPORTS—JANUARY, 1980

| | Barrels a day |
|---|---|
| Persian Gulf: | |
| Iran | 0 |
| Saudi Arabia | 1,350,000 |
| United Arab Emirates | 290,000 |
| Iraq, Kuwait, Qatar | 100,000 |
| Total | 1,740,000 |
| Non-Persian Gulf: | |
| Algeria | 551,000 |
| Indonesia | 413,000 |
| Libya | 712,000 |
| Nigeria | 894,000 |
| Venezuela | 580,000 |
| Bahamas | 142,000 |
| Canada | 422,000 |
| Mexico | 450,000 |
| Netherlands Antilles | 242,000 |
| Puerto Rico | 60,000 |
| Trinidad/Tobago | 200,000 |
| Virgin Islands | 403,000 |
| Other | 893,000 |
| Total | 5,962,000 |
| Total imports | 7,702,000 |

Source: Department of Energy; Congressional Research Service.●

## A TRIBUTE TO HARRY V. DAWSON

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. ANDERSON of California. Mr. Speaker, in recognition of 32 years of service to the United Brotherhood of Carpenters and Joiners of America, a dinner will be held for Harry V. Dawson on February 9, 1980, in Long Beach. Many words of praise and appreciation are bound to be heard this night as those who know him as a friend and as a champion for union workers gather to salute his long years of dedication and accomplishment.

Harry Dawson first joined the Carpenters and Joiners Union in July 1948 after service in the U.S. Navy. After 3 years with local 25, he transferred to local 1140 where he became assistant business representative in September 1956.

As the years passed, his performance as a union advocate generated greater confidence in his abilities as a leader. When business representative Gordon McCulloch left local 1140 in 1959 to become secretary of the California State Council of Carpenters, it was Harry Dawson who won election to the vacant position. Later, in 1972, another opportunity for advancement opened up and he assumed financial duties making him business representative-financial secretary, the position he retired from on January 1, 1980.

Harry Dawson's achievements extend far beyond the work he did at locals 25 and 1140. In 1968 he served as president of the Los Angeles District Council of Carpenters. At the regional level, he became president of the Southern County Conference of Carpenters in 1973. One year later he became vice president of the State council and in 1978 he assumed the position of State council president.

Most remarkable about this long career of service is the firmness and fairness that continually characterized the Harry Dawson approach. In contract negotiations and other union activities, his presence always brought order to situations no matter how chaotic they seemed.

Mr. Speaker, I am proud and pleased to bring the career accomplishments of this man to the attention of my colleagues today. His relentless devotion to the welfare of the worker makes him deserving of this recognition.

My wife, Lee, joins me in congratulating Harry Dawson on his brilliant career. We extend to Harry and his entire family; wife, Edna; daughter, Vickie; and son, Harry Dawson III, our sincerest wishes for a bright and happy future.●

## IDA SPELLMAN

## HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. LAGOMARSINO. Mr Speaker, I would like to bring to the attention of my colleagues the fact that one of the most public-spirited citizens of our day, Mrs. Ida Spellman, has decided to step down from her position as a detective in the Ventura Police Department after 30 years of service. I would like to take this occasion to honor, celebrate, recognize, and commend the 30 selfless, loyal years of service and dedication by Ida Spellman to the community of Ventura, Calif.

Mrs. Spellman's 30-year record of service on the police force is distinguished. She was the first woman officer on the Ventura Police Department. Mrs. Spellman also was the first woman officer from the Ventura department, and only the eighth in the world, to attend the FBI Academy for police officers in Quantico, Va. For at least 20 of the past 30 years she has been a detective. Much of her time has been spent investigating crimes against persons, particularly rape, child molestations, and sexual assaults.

Ida Spellman has served under six police chiefs since she started at $200 a month in early 1950. She originally signed on as a Ventura officer because it paid about $60 a month more than working as a secretary for a car dealer. For nearly two decades she has been known as "Mother" to most of the officers in Ventura.

Ida's countless years of service and dedication to the people, to the quality and future of Ventura, remain with us an inspiration for the years ahead. Ida Spellman shows all of us how far and affectively the efforts of a single woman, wise and gifted, can reach. Most important of all, she is a good friend, an outstanding woman, and an exceptional American.●

## THE SAFETY OF NUCLEAR POWER

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. PAUL. Mr. Speaker, shortly after we adjourned, an article appeared in the Washington Post, December 23, 1979, by Joanne Omang. Since the beginning of the accident at Three Mile Island, I have said that its results showed the relative safety of nuclear power, not its danger. I would therefore like to call this article to my colleagues' attention. I have seen this information reported nowhere else, although I have no doubt that it would have been big news, had the readings been different.

The article follows:

[From the Washington Post, Dec. 23, 1979]

RADIATION LEVEL IS LOW AT THREE MILE ISLAND PLANT

(By Joanne Omang)

Radiation levels inside the damaged Three Mile Island nuclear power plant are vastly lower than expected, a finding that could save the plant's owners about $25 million.

The readings are so much lower, in fact, that they are raising scientific questions about the behavior of certain radioactive elements during the reactor malfunction there March 28.

A November probe by remotely controlled instruments into the Pennsylvania reactor's containment building was the source of the figures. It found gamma radiation, the most penetrating and dangerous type, was 0.7 rads per hour, a level 1/500th to 1/3,000th of the estimates made in July by a Bechtel Corp. study. The study said 320 to 2,400 rads could be expected. A 500 rad/hour level is considered fatal.

Similarly, the report's estimate of beta radiation, which can be stopped by minimal protective clothing, was about 100 times too high.

The Bechtel study was considered authoritative until the actual measurements were made, and many estimates of cost, time and manpower needed for the cleanup were based on it. The latest estimates before this finding involve four to five years and at least $400 million in direct expenses alone.

The new readings mean that a high-pressure spray system to wash down all the interior walls of the containment building will not have to be used, according to Robert C. Arnold, senior vice president of Metropolitan Edison Co. in charge of the utility's cleanup and restart effort.

Workers will be able to enter much earlier than planned and will be able to work three to four hours before receiving their three-month exposure limit, Arnold said. The cleanup effort will take about three months less than expected, which translates into $25 million, he added.

"It's a very important finding," Arnold said. "It means the initial stages of the cleanup can be approached faster than we expected."

Bechtel engineers apparently overestimated the amount of radioactive material deposited on the inner walls of the containment building when the reactor lost its coolant and overheated. "It shouldn't really be seen as an error," Arnold said. "It wouldn't have taken much cesium floating around to get the radiation to the lower levels they were postulating."

Radioactive cesium, a product of nuclear fission, had been expected to escape from the reactor coolant water into the air when the accident occurred. Instead, it apparently remained in the water that is now six feet high and awaiting removal in the containment building basement.

Robert Rider, one of 10 Bechtel employes who compiled the July study and now project engineer for the consulting firm's recovery work, said the radiation predictions were based largely on one gamma radiation instrument monitor that proved to be defective.

"It was the only one designed to monitor high levels," he said. "The others were all off the scale." The error, he said, was compounded by the assumption that more of the cesium would come out of the water than proved to be the case.

"It's more soluble than we expected," he said.

Existing radiation levels come largely from the krypton gas floating inside the reactor building, the probe showed. Metropolitan Edison has asked the Nuclear Regulatory Commission for permission to vent the gas after filtering and recovery, but several alternative methods of purging the gas are under NRC consideration and no decision has been made.●

## FBI—TOP PERFORMANCE

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. COLLINS of Texas. Mr. Speaker, the consistent, excellent performance in line of duty by the FBI is an inspiration to our country. When I was down in Texas, I heard from Jerry Bartos about their assistance in the investigation of pursuing irregularities in purchasing for the Dallas School System Administration. Bartos is the school board member who aggressively pushed their investigation.

He told me how impressed he was with the thorough and competent work of the FBI. He said they make no press statements, answer no public questions, but just quietly and efficiently follow up every lead and area of review.

Bartos said when the FBI studies a subject, they will end up with all the facts, fairly and in complete balanced perspective.

This study in our community resulted in three indictments. Two promptly pleaded guilty. The FBI says nothing, and in this world where everyone clamors for strong press notices, this is most unusual.

But the best way to judge the FBI is by results. It is great to have an organization with such dedicated personnel as we have in the FBI. When the job is tough, we call on the FBI. When the job is completed, it is the FBI who quietly, courageously, and fairly gives another top performance.●

## NINETY-SIXTH CONGRESS, FIRST SESSION

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report from January 16, 1980, into the CONGRESSIONAL RECORD:

NINETY-SIXTH CONGRESS, FIRST SESSION

With the conclusion of the first session of the 96th Congress, a few observations about recent congressional performance are in order.

It was a slow-moving Congress that completed work on only a handful of major proposals, and it left a long list of bills to be considered in 1980. It was more than two months late with final action on the federal budget, and it struggled with energy issues right up to the last gavel. It was a Congress marked by forceful single-issue lobbyists, a burgeoning workload, divisive tussles over spending priorities, rising pressures from constituents, and an increasingly independent membership. These features of Congress and other trends in American politics, such as the decline of the political parties, congressional reforms that diffused power, and the greater use of television, computers, and polls, have made the task of congressional leadership all the more arduous. Contrary to widespread impressions, President Carter was able to put together a respectable legislative record. The significant legislation passed by Congress was, for the most part, legislation that the President himself had requested. The following are accomplishments of Congress in some important fields of legislative endeavor:

FEDERAL BUDGET

The predictions last January were that Congress would be characterized by fiscal restraint. Some restraint—but not enough—was shown. The 1980 budget called for outlays of $547 billion, revenues of $517 billion, and a deficit of $30 billion. The deficit was the lowest in real terms in six years, less than one-half the deficit of only a few years ago. The outlays were estimated to be 21.9 percent of the gross national product, a drop from the 22.4 percent average of the past four years. Real growth of spending was only 1.7 percent, much less than the 3.4 percent average of the past five years. What growth there was in the budget was not due to more spending for new programs, but rather to more demand for income security (especially social security), defense measures, and energy initiatives. In the second session, Congress will take up proposals to limit spending to a specified percentage of the gross national product. The goals will be to bring spending under control and to preserve the necessary flexibility to respond to changing economic conditions.

### ENERGY POLICY

For several years now, Congress has provided the nation with a forum in which to explore, debate, and pass judgment on a broad range of strategies for coping with the energy problem. This session, Congress completed action on a bill to help the poor and the elderly pay their fuel bills. Congress also acted to give the President the authority to develop a stand-by plan for gasoline rationing in the event of a severe shortage in supply. Left to be resolved in the next session are the issues of a tax on the windfall profits of oil companies, a "fast track" for critical energy projects, and government assistance to the synthetic fuels industry.

### GOVERNMENT OPERATIONS

This session of Congress placed less emphasis on starting new programs and more emphasis on improving the operation of programs already in existence. The idea was to make the government more efficient, cost-effective, and responsive to the needs of the people. The formal oversight activity of congressional committees increased by about 25 percent. A new Department of Education was created to consolidate management and centralize responsibility for more than 150 federal education programs. Trade and foreign aid programs were reorganized.

### FOREIGN AFFAIRS

The year 1979 saw Congress cooperating closely with the President in the area of international relations. The suffering refugees of Southeast Asia were assisted with $100 million in emergency aid. In light of the establishment of relations with Mainland China, a new law was passed to define the future conduct of relations with Taiwan. Congress approved legislation to implement the Panama Canal Treaties, and it offered military and economic assistance to Egypt and Isreal to bolster the historic peace treaty between them. Congress also gave final consent to the single largest trade agreement in our history. The agreement should expand our markets abroad, creating jobs at home and fortifying the dollar in world commerce.

A long list of bills awaits consideration in the next session. Two reforms of the political system—full disclosure of lobbying activities and tighter limits on campaign contributions by political action committees—are on the agenda. A major revision of the 200-year-old patchwork of federal criminal laws, court reform to ease the backlog of cases, and the drafting of charters for the Federal Bureau of Investigation, the Central Intelligence Agency, and other intelligence offices are underway. Sunset legislation will be proposed to make most federal entities justify their existence. Deregulation bills for the communications, railroad, and trucking industries will likely be debated, as will bills to reform food and drug laws. Promising new drugs may be marketed earlier, dangerous drugs may be controlled better, and the nation's food may be monitored more closely. Conservation will be in the news because the House has already passed and sent to the Senate the single largest land preservation bill in our history, one setting aside 120 million acres in Alaska as parks, protected forests, and wilderness areas. Of course, the 1981 budget, the strategic arms limitation talks, and national energy policy will be dominant concerns in the second session of the 96th Congress.●

## ROBERT B. CROW

## HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. CONTE. Mr. Speaker, it is seldom that one man, personally, in a brief lifetime touches the lives of thousands of young people in such a profound way as did Robert B. Crow.

Bob, a very dear friend and contemporary of mine, spent two summers working with me during my first years here in Congress. We shared the joys and frustrations of life at those times and never regretted the challenges we faced together. It was with great sorrow and a sense of deep personal loss that I learned of Bob's death on December 22, 1979. His passing was a particularly jarring event for me and Mrs. Conte. Having just learned of his illness during the holidays, I went to visit Bob on Saturday, December 22 in Greenfield, Mass., only to discover that he had passed away peacefully in his sleep during the night.

The loss of his friendship, his spirit for life and its challenges, his wry sense of humor, his political wit and his many contributions to the education of young men across America are felt by literally thousands of young men today. Bob was a life-long teacher, administrator, and fund raiser for Deerfield Academy in Deerfield, Mass. He excelled in all that he did, for he knew only how to excel when faced with a challenge.

For 35 years Bob had been a vital part of Deerfield Academy. He was appointed to the faculty in 1944 as a history teacher, winning quick recognition as one of Deerfield's ablest and most colorful teachers. Hundreds of his former students will recall with delight the excitement of his classes and especially the relish with which he told them of Mark Hanna's description of Theodore Roosevelt as "that damned cowboy" or his wry comments about Franklin D. Roosevelt. The classroom was only one of several areas in which he excelled. Students at the school considered it a mark of distinction to be placed in his dormitory. He was the coach of the Deerfield debating teams which achieved three New England championships.

In 1968, he was appointed to the position of alumni secretary and director of development which he held at the time of his death. The talents which he had displayed as a teacher carried over into his new responsibilities. He became nationally well known as one of the very best in his field of fund raising. Under Bob's supervision, in 1978-79 Deerfield was one of only two schools in the country to raise over $1 million in annual alumni giving. In so doing, he helped preserve Deerfield's quality education for generations of young people who will never even meet Bob, but they will certainly know his memory and his legacy.

On the national level, Bob had been a member of the board of trustees of the Council for the Advancement and Support of Education here in Washington from 1974 to 1978, and of the organization's executive committee in 1976-77, and chairman of the CASE Independent School Advisory Committee in 1974-78. Education was not a job to Robert Crow; it was his life. He lived it with every breath he took and every lesson he taught. It is not surprising that his will directs that his entire estate be left to establish the Robert B. Crow Concert and Lecture Series at Deerfield Academy. Neither is it surprising that in the brief month since his death, a small group of his friends and former students have created the Robert B. Crow Memorial Fund and have donated to it $600,000 for ongoing education programs at the academy he loved so well.

Bob Crow also had a penchant for involvement in national and local politics. He was elected as a Massachusetts delegate to every Republican National Convention from 1950 to 1960, and again in 1970. He also served as an aide to the Republican National Committee in 1944, 1948, and 1952. On the local level, he was chairman of the Deerfield Republican Town Committee from 1952 to 1964.

Dead now at 58, Bob Crow was really too young to fill the Mr. Chips role so fondly attributed to outstanding New England boarding school teachers. I, personally, will deeply miss Bob's friendship, yet I know my life has been much richer for having known him so well and for having shared a portion of his very full life.●

## NUCLEAR ENERGY AND ECONOMIC PROGRESS

## HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. SYMMS. Mr. Speaker, at a recent conference sponsored by the Atomic Industrial Forum, Senator JAMES McCLURE of Idaho made a presentation on the relationship of an adequate energy supply to economic growth, and specifically the role nuclear energy can play in providing upward mobility in American society. Senator McCLURE succinctly described some of the apparent motives of the antienergy lobby.

**I would like to share the highlights of Senator McCLURE's statement with my colleagues in Congress:**

[From Nuclear Industry, December 1979]

### AT ISSUE: GROWTH VERSUS NO-GROWTH

The mood of the Monday morning opening conference session was serious—and at the same time combative—with three of four speakers casting the struggle for the survival and expansion of nuclear power as one between advocates of economic growth and forces of no-growth, people who would slow or halt all energy sources to see the economy stagnate to satisfy their social and political views.

The lead-off speaker, Senator James McClure (R-Idaho), told the packed audience to recapture the moral initiative and firmly believe that "nuclear energy is a moral necessity for mankind," and then promote it with "religious fervor."

Physicist Edward Teller strongly endorsed McClure's suggestions, and drew sustained applause when he called nuclear power "an important part in the battle for survival of freedom."

### INESCAPABLE CHOICE

Westinghouse Electric Corp. Chairman R. E. Kirby said the public must be told it will have to choose between nuclear energy and some tough alternatives—inflation, higher unemployment, no economic growth, and national insecurity.

The battle lines in Congress are clearly drawn—breeder reactors, the Barnwell reprocessing plant, nuclear exports, and spent fuel storage—but these are merely a means to an end for nuclear opponents, said McClure. "There is, for them, no compromise short of total destruction of the nation's nuclear energy program."

The real issue is growth versus nogrowth, he said, and at stake are the lifestyles of future generations, the economic and political independence of the U.S., and the energy necessary for national defense.

The anti-nuclear attitude is quite prevalent on Capitol Hill, said McClure, and those who espouse it have one major advantage over supporters of nuclear energy:

"They are embarked on a quasi-religious crusade to rid mankind of the imagined horrors of the atom. This provides a strong moral position which can easily override the factual arguments and logical presentations of nuclear energy supporters, unless they too believe that their position is morally correct. The supporters of nuclear energy must truly believe that nuclear energy is a moral necessity for mankind and that, without it, future generations will sink ever deeper into poverty and, eventually, dictatorship."

If nuclear supporters continue to concede the moral issue to their opponents, "then it is only a matter to time before the Congress joins the Administration in performing the final rites over our nuclear energy program," he emphasized.

Don't count on Congress for leadership, he warned. "Congress follows what it perceives is public opinion. The battle will be fought in American public opinion.

### THE AFFLUENT ANTI'S

The opponents of growth, McClure said, have been variously called the "me generation" and the "new class." Whatever the label, they are an affluent, politically active, college-educated minority whose influence is far out of proportion to their numbers because of positions they occupy in the media and bureaucracy.

Characteristic of this "new class" is to want to limit growth so that no one else's enjoyment of the goods of society will infringe on their own, he said. And this is couched in the moral smokescreen of husbanding scarce resources and preserving the environment.

Another characteristic of this group is to give lip service to democracy while actually holding it in contempt, he said. This was illustrated in California where the population voted two-to-one against a nuclear moratorium in 1976, and yet state bureaucrats imposed one anyway.

On the surface the new class is advocating a simpler, less hectic existence, said McClure, when in fact, an economy that doesn't grow makes no allowances for upward mobility and would result in a permanent underclass. By controlling the supply of energy, they can control the rate at which the economy is to grow, giving the Federal government unprecedented ability to control individual lifestyles.

"The concept of controlling the behavior of the energy-using population, or for controlling behavior generally, is found throughout the actions proposed by the new class," he said. "They believe that they know better than the rest of the population, and that their superior knowledge gives them the right to impose their standards, values, and lifestyles on the rest of the population regardless of the wishes of that population."

Virtually every source of energy is under attack, he said. Coal advocates are called polluters, and even the "benign" source—hydroelectric power—always seems to have an endangered species near the proposed dam. Solar power, too, will come in for attack on the grounds of land use and capital costs if it ever gets to the point where it can be provided in large amounts, he said.

"The one common factor behind the opposition to a particular energy form seems to be that as it remains unfeasible, or in the planning stage, it is all right, but the moment the option may become practical, it is met with opposition."

### POINTS OF ADVANTAGE

McClure concluded with several advantages that industry can capitalize on: every poll indicates that most Americans favor the development of all energy sources; for the most part, the inaccuracies of energy opponents are so blatant that even unsophisticated observers can see through them when presented with accurate data; the American public is basically optimistic, and is rapidly tiring of the harbingers of doom who see disaster in every action.

Any nuclear power moratorium is "ludicrous" and "incredible" in light "of Iranian political blackmail today," Westinghouse's Kirby told the conference, without specifically mentioning the licensing freeze imposed by the NRC.

A more appropriate response, he said, "would be an acceleraton of plants under construction and a case-by-case evaluation of completed plants. Needlessly delaying the operation of completed plants serves only to accelerate energy inflation and prolong our dependence on foreign oil."

### DWINDLING RESERVE

Regardless of whose forecasts are used, the U.S. will have to double its electric generation capacity by the year 2000, according to Kirby. By the early 1990s the reserve margins of today will be much smaller on a national average, meaning a new wave of orders for electric power plants will be inescapable from 1983 and the following years, especially in the booming sunbelt states. "We also believe that in areas such as the northeast, nuclear plants will be built, not only for added capacity, but also as direct substitutes for existing oilburning plants," he said.

Between now and 1983 it is imperative that industry act on the basic lessons of Three Mile Island. "A second TMI could change the public's reasonable fear into hostility," he cautioned.

"Today, the management of utilities—not just operating personnel—must have an intimate knowledge of the safety requirements of their nuclear plants, and must add management force to the drive to meet such safety standards."

Of equal importance, he asserted, is to supply the public with information on which to base its decisions. In this area, Kirby suggested stressing the part of nuclear power in economic growth.

"For a brief time, the events of March and April have allowed nuclear detractors to obscure the inescapable connection between nuclear energy and economic growth," he said. "They know that if nuclear energy is eliminated, that growth will be at least slowed down.

"It is a fact that growth is a politically and economically stabilizing force in any nation. The essential weakness of the negative growth advocates is that they offer their fellow citizens no new source of that stability," said Kirby. "They offer instead the groundwork for social unrest and economic regression."

Americans have faith in their engineers and scientists and have long looked to technology as the primary source of solutions for social problems, Kirby asserted, and that attitude hasn't basically changed for the great majority.

### WHO GETS HURT

"The public ought to know that when energy shortages trigger economic slowdowns, the minorities are hit first. The nation's recession is a minorities' depression. And a woman's. And a young person's."

Kirby made a strong pitch for halving the 12-year-long construction and licensing time. "A light will have dawned by 1983 even in the darkest recesses of obstructionism and bureaucracy * * * that the excessively long and incredibly costly regulatory morass can and must be reduced by half."

A call for streamlining the licensing process is not a call for less safety, he said. it is "nonsense" to assume that safety will be found somewhere in 12 years of requirements to build a nuclear plant.

"Cutting licensing procedures to six years will force all regulators—layers of them—to separate the important from the unimportant . . . to rescue safety matters which have become smothered in a mush of picayune detail. Cutting licensing time in half will enhance safety, not compromise it."

The warmest reception of the session was reserved for Teller, professor emeritus at the University of California, who compared the antigrowth sentiment in the U.S. with that in one period of the Ming dynasty in China in the 15th century.

During the Ming dynasty, the Chinese built a canal from north to south China, invented gunpowder, the horse harness, printing, and had the best navigational equipment in the world and were the first explorers of the oceans, he said.

### A TRUE "CHINA SYNDROME"

Then during the 15th century, one of the Ming emperors became isolationist "in the best tradition of the students of the 1960s," and only beauty and the making of pottery became relevant. "That's all China became—pottery and Confuscious," Teller said. By the time Columbus discovered America, all the Chinese ships had been burned. This, he quipped, is the real "China syndrome."

That technology is the devil is not new, he remarked. The anti-nuclear movement isn't original; its roots go back five centuries and it has occurred again and again. The question is who will win. "China became an underdeveloped country, and we are on the way to becoming an underdeveloped country."

Industry is not going to win with exaggeration, or with standard advertising tactics explaining that nuclear power is necessary, Teller said. Industry can win by sticking to the facts and following McClure's advice of doing it with flamboyance and "religious fervor."

### "A MODEST PART"

Teller received vigorous applause when he stated: "Nuclear power is part—a modest part—but an important part in the battle for survival of freedom. We must do the job or go the way of the Ming dynasty."

Teller also told the conference that he disagrees with the Kemeny Report recommendation that NRC should be replaced with another agency. The AEC was replaced with ERDA, and ERDA with DOE, he said, and it always created confusion and delay.

Rather, he said, better people should be appointed to the Commission—people with respect for and confidence in technology. "I think members of the NRC should tender their resignation and be investigated for their knowledge before being allowed to continue," he remarked. "The FAA isn't a political football, why should the NRC be?"

### FREEMAN MORE CAUTIOUS

Richard M. Freeman, one of three members of the board of directors of the Tennessee Valley Authority, told the conference that every plant under construction in the U.S. should be finished, but beyond that "it is less clear to me what the future of nuclear power should be."

The future will depend on questions of cost and safety, he said. And it is becoming more difficult to compare the relative costs of nuclear power and coal and the "soft" technologies.

"The costs of conservation and some of the soft energy alternatives are easier to measure, and many of these energy sources are cheaper than either coal or nuclear," he said. "But they will not meet our energy needs today.

"As for safety, we really don't know for sure how safe we can make nuclear. But we also don't know how safe we can make the burning of coal. Reliance on either of these options alone probably would involve greater risks and costs for society than using both options."

Freeman, whose utility has three reactors in operation and 14 under construction, questioned whether a utility should be allowed to operate a lone nuclear plant. "A smaller utility, owning a single reactor, may not have the institutional memory or the financial strength it takes to design and operate a device as sophisticated, complex, and demanding of specialized expertise as a nuclear plant," he said.

### BEYOND THE REGULATOR

Freeman cautioned against relying on regulators to ensure safety. "We must avoid the posture that unless the regulators require something for safety's sake, it is not necessary. We're going to have to make our own safety assessments and, in essence, do a better job than the regulators.

"A Nuclear Regulatory Commission is essential as a last line of defense. But it can never obtain sufficient manpower and expertise to assure that every reactor is designed and operated as safely as possible," he added. "In the last analysis, the companies that build and operate the plants are responsible, and they will make or break the nuclear option."●

## TRADE WITH THE SOVIETS

## HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. LEE. Mr. Speaker, we must look pretty silly to the folks in the Kremlin; the very picture of capitalism, torn between principles and profits.

For years, we have sold the Soviets just what they wanted: food, computers, industrial plants, materials, virtually meeting their every need for the right price. The only thing they cannot buy direct from the United States—strategic arms plans—they seem to be able to purchase through others in third party sales.

Détente has been a booming commercial success, quite possibly too much of a success. More importantly, the Soviet Union has proven to be a good customer.

Despite all of its Communist rhetoric, the Soviet Union falls far short of this country in many very important aspects of life. Its government has funneled substantial research into military hardware and other strategic areas, leaving sizable gaps in the rest of its needs.

It still has trouble feeding its 259 million people, even though leaders have desperately tried in recent years to modernize agriculture and overcome climate. And it still has trouble putting together a comprehensive automated industrial community that can reach America's level of production.

Because of the problems, Soviets have gone deeper and deeper into world markets during the last decade.

The President's decision to halt the sales of grain and technology was—because he speaks for all of us in the international community—America's statement on the Russian Bear's invasion of Afghanistan. I wholeheartedly agree with his decision, but I also fear that we may be doing little more than an exercise in futility, a national experiment in economic masochism, unless our friends around the world join with us. Unless there is an active and assertive unity among world traders to stop selling to the Soviets, our efforts will go for naught.

We have no assurance, even if that unity is created, that the Soviet Union will feel the pinch enough to cease military operations against Afghanistan. Communist propaganda for years has told its own people that the Soviet Union goes to world markets for convenience, not need. We do know that there will be no effect if America's exports are replaced with another nation's.

We have a chance today to declare one of the most basic tenets of the civilized world: that no nation may be given the opportunity to benefit from another's work and initiative unless it is willing to play by the accepted rules. With the help of other nations, we should now be moving to tighten the economic clamps we have available.

Review of Soviet-American trade agreements are underway now to determine which purchases may be helping the Russian war effort. We already know that the trucks carrying an estimated 70,000 to 100,000 troops into Afghanistan were made using American-bought foundries in a plant automated with American technology.

I encourage the President to stop all trade with the Soviet Union and with each of its satellite nations. Everything from soft drinks to soybeans, computers to porta-johns, should be canceled. American dockworkers have already begun refusing to load Soviet-bound cargo in an independent protest.

For too long, we have played the part of an obliging enemy because we have placed the dollar foremost on our priorities list. It makes good business but poor policy. There are some things that money cannot buy: a life lost in Communist expansion; the freedom of an entire nation; our own peace of mind and integrity.

Until the Soviet Union demonstrates that it can abide by everyone's rules, the floodgates of trade should be welded shut.

Even in the heartland of capitalism, principles must come first.●

---

## CECELIA M. SELLE

## HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. LONG of Maryland. Mr. Speaker, all too often we hear about employees, in private industry or government, who take no pride in their work: the workers who are late, or incompetent, or careless.

But I would like to tell you about a really exemplary employee with the Department of Health, Education, and Welfare, Mrs. Cecelia M. Selle. On January 9, 1980, I presented Mrs. Selle with a congressional commendation.

Mrs. Selle recently retired after 12 years of service with HEW, 7 of them with the Inquiries Staff, Bureau of Program Policy, Health Care Financing Administration, in Baltimore. Mrs. Selle inspected the correspondence prepared by her division to be certain that it was correct and responsive.

Mrs. Selle did her job conscientiously and with pride. The Acting Chief of the Inquiries Staff, Mr. Dominic C. Jollie, told me that Mrs. Selle is "a hard-working person who did her work well everyday. It mattered to her that a letter going to an elderly person was the nicest, neatest, clearest letter that could be written. The people of the United States lost a good employee."

I would like to thank Mrs. Selle, before the U.S. Congress, for her service to our country.●

## CARTER AND COMMUNIST CHINA

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. DERWINSKI. Mr. Speaker, I wish to insert into the Record an editorial that appeared in the January 24 Southtown Economist which serves the southwest suburban area of Chicago. Syndicated columnist, Stanley Karnow raises some necessary questions regarding the Carter administration's embracing of Communist China. I direct the editorial to the Members' attention:

### In "China Card" Carter Doesn't Have an Ace up His Sleeve

(By Stanley Karnow)

Washington, D.C.—After admitting that he has been naive about the Soviet Union for three years, Jimmy Carter now seems to be displaying a similar kind of innocence toward China. And his approach to Peking also could prove to be a formula for disaster.

The administration's new reach to the Chinese was stated a couple of weeks ago in Peking by Secretary of Defense Harold Brown, who expressed the hope that the "global strategic relationship" between the United States and China would "broaden and deepen" in the face of their common hostility toward the Soviet Union.

But that objective, in my opinion, is fraught with hazards. For the so-called "China card," which the Carter administration has been yearning to play against the Russians since its formal recognition of Peking last year, is hardly an ace of spades. Backing the Chinese against the Soviet Union, therefore, could be dangerous.

This is not to deny that the United States and China share a parallel interest in discouraging Soviet designs in South Asia. It would be risky, however, for the United States to commit itself to the cause of the Chinese in their larger dispute with the Russians.

Such a commitment could draw the United States into a war of enormous dimensions should a big Sino-Soviet conflict erupt. It also could involve the United States again in Southeast Asia if tensions between China and Vietnam break out in renewed fighting.

A closer security link with Peking makes it more difficult as well for the United States to improve its ties with the Russians in the event that they retreat to a more moderate stance in Afghanistan and elsewhere.

Most significantly, it is an illusion to believe that China can serve as a real counterweight to the Soviet Union in a triangular power game. As Brown himself observed during his trip, the Chinese military machine is obsolete. Its modernization would cost more than either the United States or China could afford.

A realistically prudent view of the prospects for military cooperation between the United States and China is held by the Pentagon professionals, who estimated in a secret study made last year that giving the Chinese a "confident capability" to defend themselves against the Soviet Union would cost between $41 billion and $63 billion.

The study recently was leaked to Drew Middleton of the New York Times, presumably in an attempt to dampen the notion that a U.S. military aid program to China is a plausible undertaking.

According to Pentagon experts, China lacks the capacity to handle a large-scale infusion of modern arms, even if they were provided by the United States. As the study puts it, China's "relatively unsophisticated common soldiers" probably are unable to maintain even "low technology." Besides, China's needs are tremendous.

Bringing its forces up to date, the study calculates, would require from 3,000 to 8,600 new medium tanks, some 10,000 armored personnel carriers, roughly 20,000 heavy trucks, 6,000 air-to-air missiles, 720 mobile surface-to-air missile launchers and, among other equipment, 240 fighter-bomber aircraft.

In addition, the backward Chinese economy would have to be expanded and modernized in order to sustain a rise in the level of the country's military effectiveness.

The Pentagon specialists doubt that American advisers could operate easily in China, since "traditional Chinese xenophobia" would "limit our ability to deal directly with the Chinese on a large scale."

The experts further point out that the Soviet Union might react against a U.S. buildup of the Chinese military establishment by staging a "preemptive" attack against China. They suggest, too, that American support for China during an actual conflict might prompt Moscow to launch "retaliatory" strikes against the United States or Western Europe.

On the other hand, the Pentagon specialists see no way for either the Russians or the Chinese to defeat each other decisively. A Soviet conventional or nuclear offensive cannot result in domination of China, which is too vast a land to control. Nor can the Chinese do more than conduct "shallow raids" against Soviet territory.

But, the experts conclude, the outcome of a Sino-Soviet war ultimately could be detrimental to the West. For even though the Russians would not beat the Chinese, they would weaken China sufficiently to permit the redeployment of Soviet troops out of Asia into Europe.

It is questionable, with all this, whether President Carter is listening to the cautious counsel of the professionals. True, he has ruled out the delivery of weapons to China for the present. But, by supplying Peking with a ground satellite facility that has been denied to the Soviet Union, he is signalling that he may be prepared to go further in underwriting the Chinese militarily.

Expedients contrived to meet immediate crises have a way of becoming long-range policies. Thus the courtship of China, initiated in order to exert pressure on the Russians in the current confrontation, could develop into a marriage that, over time, may jeopardize rather than strengthen genuine U.S. aims.●

## TRIBUTE TO THOMAS L. HANRAHAN

### HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. CAVANAUGH. Mr. Speaker, we have lost a good friend, the country has lost a good man, and the family of Tom Hanrahan has lost a loving husband and father. Tom Hanrahan was one of the finest men I have had the pleasure to know and his death on January 26, 1980, at the age of 50 was a great tragedy for all who knew him.

By all the measures by which the lives of men are judged, Tom Hanrahan's life was a success. As the vice president of Tele-Trip, a subsidiary of Mutual of Omaha, he was a moving force behind the most efficient and convenient provider of low-cost travel insurance available in our country. He had risen to a major position in his company through his continuous hard work, his dedication to providing low-cost and convenient travel insurance to the American travelers and his personal loyalty to his employer, Mr. V. J. Skutt and Mutual of Omaha. But Tom Hanrahan was more than a successful businessman and he viewed his participation in business as more than a method of making a living. Within the past year Tom had been actively pursuing an idea he had for making available communication facilities for hearing impaired travelers through the insurance marketing booths maintained by Tele-Trip at the Nation's airports. Tom had become aware that the technology now existed to provide telephonic communication to hearing impaired citizens but that the technology was not being made available at the Nation's airports. When Tom Hanrahan saw a need and a solution he tried to bring them together and that was the basis of his success as a businessman and as a person.

In addition to a pleasing Irish wit, Tom possessed a vigorous interest in politics and particularly the career of Speaker O'Neill and myself. In all of my public life, I have never enjoyed a more vigorous supporter or more dedicated friend than Tom Hanrahan. He was a constant voice of encouragement and model for inspiration. I shall miss him very much.

Tom Hanrahan's greatest achievement, however, was his success as a husband and father. His affection and love for his wife Barbara was constant and compelling and his dedication to his children, Kevin, Patrick, and Michaela was an inspiration to me. His pride in the success of Kevin was a joy to behold and his hopes for each of his children was the primary motive of his life. Truly the loss of Tom Hanrahan will diminish the lives of all who knew him. To his family we send our lasting sympathy. We have lost a good friend and the Nation has lost a good man.

Mr. Speaker, I am also requesting that your kind note of sympathy be included in the Record.

The Speaker,
U.S. House of Representatives,
*Washington, D.C., January 28, 1980.*

Mrs. Thomas L. Hanrahan,
*Omaha, Nebr.*

Dear Barbara: I was deeply saddened to learn of the death of your husband and my friend, Tom. He was indeed one of the truly good men I have known. Tom was a dedicated family man, loyal to his friends and committed to making a contribution to his community and country. As you well know, Barbara, Tom also possessed a fine Irish wit and knew how to enjoy himself. The last time I enjoyed the pleasure of his company was when he attended my annual St. Patrick's Day Party here in Washington last year. I remember his telling me how proud

He was that Kevin was working for the House of Representatives.

His loss will leave a great emptiness in each of us who knew and loved him—but the memory of his kindness, humor and friendship will remain an inspiration to all.

Millie joins me in expressing our deepest sympathy and sincere affection. May the strength of the love and trust Tom gave you sustain you in his loss.

Sincerely,

THOMAS P. O'NEILL, JR.●

## IN PRAISE OF CANADIAN COURAGE IN IRAN

### HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. ROUSSELOT. Mr. Speaker, let me be among the first to congratulate the gutty action of our ally, Canada, in providing shelter for six of our diplomats in Iran. At the risk of their own safety, the Canadians manning their country's Embassy in Tehran hid our fellow countrymen until such time as they could be spirited away to freedom. It was an act of courage, the likes of which the world has seen little in recent times. The Government and people of Canada are to be heartily commended for their help.

My interest in this dramatic story also has special meaning. My legislative assistant for foreign affairs, Bill Norton, is a personal friend of two of the newly freed Americans, Mark J. Lijek and his wife, Cora Amburn Lijek. Shortly before they left for Iran last summer, Bill had Mark, a former college roommate, and Cora to his home for a farewell dinner. Jokes were made about the tense situation in Iran. But little did anyone know that much of the Lijek's tour of duty in Iran would be spent in hiding in the Canadian Embassy, following their escape from the Islamic militants.

For the Lijeks and four other Americans the story has had a happy ending. It is my fervent hope that the hostages remaining in the U.S. Embassy compound will also soon be free.

Again, Mr. Speaker, congratulations to the Canadians for this act of bravery, and a job well done.●

## SOVIET DEFENSE SPENDING

### HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. MITCHELL of New York. Mr. Speaker, the portents of Soviet aggression, which the Carter administration has only just come to recognize, presented themselves in data regarding the U.S.S.R.'s defense expenditures. In the past decade, Soviet defense spending has grown continuously. Recent Central Intelligence Agency estimates of Soviet military expenditures relative to U.S. defense spending indicated that the Soviets outspent the United States by 260 percent in the past decade.

The results of such spending patterns have been increasing Soviet dominance in many elements of military might. In 1979, data presented to the House Armed Services Committee revealed the following ratios of defense strength:

| | U.S.S.R. | United States |
|---|---|---|
| Equipment and facilities dollars | 1.8 | 1.0 |
| Research, development, training, education | 2.0 | 1.0 |
| ICBM's | 1.5 | 1.0 |
| SLBM's | 1.3 | 1.0 |
| ICBM boosters | 1.8 | 1.0 |
| ICBM Reentry vehicles | 1.3 | 1.0 |
| ICBM-Mirv's | 2.0 | 3.0 |
| Throw weight | 3.5 | 1.0 |
| Megatonnage | 7.0 | 1.0 |
| Tanks | 7.3 | 1.0 |
| Personnel carriers | 2.5 | 1.0 |
| Artillery | 4.0 | 1.0 |
| Bombers | 1.0 | 3.0 |
| Planes other than strategic aircraft | 1.5 | 1.0 |
| Attack submarines | 3.4 | 1.0 |
| General purpose submarines | 3.4 | 1.0 |
| Major combatant ships | 1.3 | 1.0 |
| Helicopters | 1.0 | 3.6 |
| Strategic spending | 3.0 | 1.0 |
| Research and development | 1.5 | 1.0 |

Further indications of Soviet military preparedness can be found in their expenditures for civil defense. The Soviets spend 10 times as much as the United States and have 11 times the number of people involved in civil defense. As a result of this emphasis, it has been estimated that Soviet casualties in the event of a nuclear war would be 10 times less than those in the United States.

With Soviet equipment and Cuban troops in Ethiopia, Soviet arms and advisors in Yemen, and Soviet troops in Afghanistan, it has become all too clear that the Soviets intend to use their military might. It is just as clear that the United States cannot, in the face of this pattern of Soviet aggression, continue its pattern of declining defense spending. We must recognize our responsibility to the world by endeavoring to restore a sense of balance and peace to the international situation.●

## WHY PENALIZE TAIWAN?

### HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. HALL of Texas. Mr. Speaker, there has been a great deal of discussion in recent weeks about the role of "politics" in the Olympics. The Russians have been saying that a boycott of the summer Olympics by the United States is a symbol of political interference. Well, to get an example of how politicized the Olympics has become, we need look no further than the churlish treatment the Republic of China on Taiwan has received at the hands of the International Olympic Committee. Taiwan is a legitimate nation of 17 million inhabitants, and yet it is not allowed to use the name of its country, fly its flag, or sing its anthem at the winter and summer Olympics. Talk about politics. This is politics in the extreme. The distinguished sports writer and columnist, Red Smith, put this matter in proper perspective in the Monday, January 28, issue of the New York Times. I commend his article to the attention of my colleagues and the Nation as follows:

A COUNTRY'S RIGHT TO IDENTITY

(By Red Smith)

"The International Olympic Committee has ruled that when Eric and Beth Heiden of Madison, Wis., compete in speed skating at the Lake Placid Games next month, they must wear the red and green emblem of New America and if they win, they will receive their medals while the Pine Tree flag is raised and the band plays 'God Bless New America.'"

Americans reading an announcement to that effect would not be amused. They would say the name, flag and anthem of a country are chosen by the people of that country and where does the I.O.C. get off trying to usurp that privilege. That's what citizens of Taiwan are saying, and have been saying for years. And they are still getting pushed around.

The nation of 17,000,000 on the island of Taiwan used to be called the Republic of China, and its people and athletes still considers that the proper name. The United States has no more right than the I.O.C. to change a country's name, but since we recognized the Peoples' Republic of China on the mainland, it has been convenient to refer to the "other China" as Taiwan.

Hearings are scheduled this week on two lawsuits involving Taiwan's right to use what it regards as its proper name, flag and anthem at the Winter and Summer-Games. One is an injunction by a skier against the Lake Placid 1980 Olympic Games, Inc., charging illegal discrimination against athletes from Taiwan. The other is an appeal from a ruling in Lausanne, Switzerland, denying a temporary injunction to prevent the I.O.C. from enforcing the so-callled Nagoya Resolution.

The resolution, adopted by the executive board of the I.O.C. but still up for ratification by the membership before the Lake Placid Games, changed the name of the Republic of China Olympic Committee to the Chinese Taipei Olympic Committee and directed that the flag, anthem and emblem must be changed.

"I am a sailor," said Thomas Hsueh, spokesman for the R.O.C.O.C. "I was in Kingston getting ready for the yachting competition four years ago. I knew nothing about politics and I cared nothing—until Pierre Trudeau spoke on television." His lips tightened at the memory.

Four years ago the Canadian Government reneged on its promise to welcome all accredited nations to the Montreal Games. Under pressure from the Peoples' Republic of China—the big Red machine on the Asian mainland—Ottawa declared the Taiwan athletes would be admitted only if they changed their name, flag and anthem. There were calls for the withdrawal of the United States team but that time the White House took the position that President Ford was not empowered to pull out our athletes. Even Lord Killanin, president of the I.O.C., stood up for Taiwan. Trudeau backed down again, offering to let the athletes fly the R.O.C. flag and play its anthem provided the name was changed to the Olympic Committee of Taiwan.

"On television," Hsueh said the other day, "Trudeau had a sneer on his face. He said, 'Yes, they can fly anything they want and play any tune they want.' All of a sudden I realized he was calling my country's flag a thing and our anthem a tune."

The yachtsman is an American-educated engineer and a musician. He speaks perfect English, four Chinese dialects and only Berlitz knows how many other languages. During the hassle in Canada, he was called to Montreal to help handle the press. When the Taiwan delegation learned its athletes would not receive visas under their country's name, the team was withdrawn. Since then, Hsueh has served when needed as unpaid spokesman.

"When the injunction was denied in Lausanne," he said, "the wire services reported it as a victory for the I.O.C. That was an error. In his opinion denying the injunction on technical grounds, the judge observed in passing that the I.O.C. probably violated its own charter in adopting the Nagoya Resolution. That issue is still to be decided. The appeal regarding a temporary injunction is up for a hearing on Thursday."

Since Chiang Kai-shek took it on the lam for Taiwan in 1949, mainland China has refused to participate in the Olympics as long as "the other China" was represented. With cyclopean vision typical of the playground directors, at least some of the Olympic brass has bought mainland China's argument that there cannot be two Chinas, even though there are two Germanys and two Koreas.

Meeting last October in Nagoya, Japan, the I.O.C. executive board adopted a resolution recognizing the Peking faction as the Chinese Olympic Committee and providing that the Chinese Taipei Olympic Committee would have to get a new emblem, flag and anthem.

Over the protests from Taiwan, a mail vote of the membership was taken. Along with the ballots went an untrue statement that the executive board's vote had been unanimous and a copy of a letter from the U.S. State Department to Julian Roosevelt of the United States Olympic Committee saying that the United States did not recognize the flag and anthem of the Republic of China as "symbols of national sovereignty."

It is conceivable that neither the State Department letter nor the false claim of unanimity influenced the membership. However, no supporting arguments for the Taiwan position were mailed with the ballots. The vote was 62-17 in favor of the resolution.

The suit to enjoin the Lake Placid Games is to be heard by State Supreme Court Justice Norman Harvey in Plattsburgh, N.Y., Thursday. It was filed by Liang Ren-guey of the Taiwan ski team, who charges that the ruling on his country's name, flag and anthem discriminates unfairly against him, since it does not apply to other national groups.

He says United States and New York laws forbid discrimination in games run under U.S. auspices. He is dead right.●

---

## LOWER TAXES

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. COLLINS of Texas. Mr. Speaker, lower taxes are a great need of the average American today. We remember Benjamin Franklin's answer to Parliament about the stamp tax.

Back in 1765 the English Parliament had slapped the stamp tax on the Colonies.

And these innovative Members of Parliament thought they had found a new way to tax that would be indirectly absorbed by business.

The Colonies from all 13 States told England what they thought of stamp taxes. Benjamin Franklin was summoned to testify before the House of Commons on February 3, 1766.

A Member of Parliament asked this question about businessmen in the Colonies, "Do not they, as much as possible, shift the tax off from the land and lay the burden heavier on trade?"

To which Franklin replied:

> I never heard such a thing suggested. And indeed an attempt of that kind could answer no purpose. The merchant or trader is always skilled in figures and ready with his pen and ink. If unequal burdens are laid on his trade, he puts an additional price on his goods; and the consumers who are chiefly landholders, finally pay the greatest part, if not the whole.

Franklin should rise from his grave to bring this message again today to our innovative and creative Congressmen who dream up and legislate more ways to spend money. The best way to reduce taxes is to stop spending money. Taxes always pass down the line and end up with higher prices for the consumer.

America today already has more government than the people want, more government than the people need, and more taxes than they can afford to pay.

There is no easy way to pay taxes. Progress for America will come when we lower taxes.●

---

## BEDELL STATEMENT ON VETERANS HEARING

### HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. BEDELL. Mr. Speaker, on December 17, I held an informal hearing in Sioux City on veterans issues for veterans in my district. In addition to the wide attendance by veterans, this hearing was also attended by Representative BOB EDGAR, who serves on the Veterans' Affairs Committee, and representatives from the National and Des Moines Veterans' Administrations. Because this meeting highlighted many of the pressing veterans issues of the day it was of great benefit to those who participated. I would like to submit the testimony that was received at this hearing so my colleagues in Congress can also benefit from the comments of veterans in my district.

Following, in the first of a series of testimony I will be submitting to the RECORD this week, is the statement of Val Likens of the American Legion.

#### STATEMENT

Congressmen Bedell and Edgar, The American Legion is herewith submitting our written testimony and it is respectfully requested that it be made a part of the hearing record in its entirety.

I wish now to highlight our statement in respect to our time limits.

#### VETERANS MEDICAL CARE PROGRAM

It is an acknowledged fact that the centerpiece of the veterans benefits program is the medical care program that is operated by the Veterans Administration. Without this centerpiece, it would be difficult to justify the continuation of the VA as a single agency for the administration of veteran benefits. That is the reason we are so concerned about the present and future of the VA medical care program because we are witnessing so many reductions in the system that clearly diminishes its ability to meet the demands for the care of eligible veterans.

It is very apparent that the main problem is the Office of Management and Budget, hereafter referred to as OMB. It appears that there is either a lack of proper information getting through to them or inadequate manner to do so is being used, they are just naturally anti-veteran oriented by direction or bv nature, or a combination thereof.

One specific illustration is the reduction in beds and personnel in our VA Medical Centers. Even though a portion of the beds and personnel have been restored, we have been advised that OMB can not visualize or accept the fact that the needs for the ensuing influx of World War II veterans can't be met under the existing circumstances.

The reduction of beds in the VA Medical Centers in Iowa can not all be directly attributed to the austerity program that is presently existing because many of them are the result of OSHA safety requirements and others the result of remodeling construction. Our concern is whether there will be adequate funding to reinstate these beds when the construction is completed.

As an illustration, the VA Medical Center, Des Moines, experienced a Full Time Employment loss of 11 positions at the end of Fiscal year 1978 and the beginning of FY 1979. Beginning in January of Fiscal Year 1979 an additional 41 positions were lost and of the 3800 positions recently reinstated systemwide only 16 were returned.

It has repeatedly been stated by the Administration that the largest budget in history has been awarded the Veterans Administration. Such a statement is true but they don't explain the fact that the increase hasn't even kept up with the inflation rate, or the pay raises.

Inflation itself has eaten up the increased budget in just operating expenses. Bread has increased 20 percent, milk 10 percent, canned foods 20 percent, wheelchairs 5 percent plus the increased cost of utilities, etc.

The VA has not received funding for the pay raise that went into effect October 1, 1979. The VA Medical Center, Des Moines, has received funding for the additional 16 employees authorized but if additional funding is not provided to cover the pay raise then these monies will have to be diverted to cover part of the pay raise, thereby leaving the planned cumulative employment reduced by 22.7 Full Time Employees. In other words, it appears that by a designed scheme there will be an additional loss of personnel, not a gain of 16, due to an inadequate budget.

There are 12.5 million WW II veterans who average 59.5 years of age and are rapidly arriving at the time of life when they will be, more than in the past, subject to more illnesses which require hospitalization, let alone the WW I, Korean and Viet Nam veterans. Knowing that the demand for care is going to increase, it is essential that the VA be prepared for the demand. The Administration keeps telling us that they will do more with less but our experience will not support such to be a fact.

We are constantly being told about veterans who have been denied admission to our VA Medical Centers. They might have received some type of outpatient advice or care but upon return to their home were hospitalized in their local community at their own expense.

As an illustration, on any given day in recent months, there have been vacant operating beds at the VA Medical Center, Des Moines, even though the statistics disclose a very high acceptance rate.

Other VA Medical Centers can provide similar statistics. However, based on the number of complaints, we receive, something must be wrong with the system. It is our opinion that there is too much emphasis on the Outpatient Program which eliminates certain inpatient admissions plus selective admissions for educational purposes.

Another threat to the VA Medical Care Program is the salary structure of VA physicians compared to other Federal Agencies, such as the Department of Defense, and Public Health whose basic salary is $62,000 per year compared to $54,304 per year maximum salary for VA physicians. There is a bill pending in Congress, HR 5235, which if passed will further increase the disparagement conditions. This bill provides for a $75,000 maximum wage plus other fringe benefits, which amounts to an approximate $5,000 addition, for all physicians in Government service except those in the Veterans Administration.

Those VA physicians in a metropolitan location where the cost of living, transportation and other basic needs are so much higher than in a rural setting, should also be given more differential consideration.

The threat of having to pay for parking at VA Medical Centers, along with non competitive salaries is also going to result in a higher turn over and loss of professional personnel and more difficulty in recruitment.

The reduction in Post Graduate and In-Service Training Funds (813) which is for the sole purpose to send people to learn new techniques, procure additional supplies etc., with no salaries involved, has also had a most dramatic effect on the effectiveness and morale of VA professionals and staff. Additional funding for this most important program should be increased.

Another lack of perception by OMB is the starting salary for nurses, and if they are going to be forced to pay for parking, it will become that much more difficult to recruit good and dedicated nurses. As an illustration, a Junior Grade Nurse who has a 2 year Associate Degree or a 3 year diploma has a $12,531 entrance level salary. A wage grade (blue collar) employee, with no experience, starts at a $11,980 minimum salary and is increased to $12,604 after six months.

An Associate Grade Nurse with a College Degree has a $14,659 entrance level which is only a $2,055 difference between the blue collar worker after six months.

An LPN, who has a minimum of one year schooling has s $8,952 entrance level and goes to $10,049 after six months.

A Nursing Assistant with no experience starts at $8,128 and goes to $8,952 after six months. How can OPM, OMB, and Congress support such a rationale?

Congress passed Public Law 96-22 which provides dental care for many additional eligible veterans but no additional funding has been provided. Most VA Medical Centers, especially those near retirement communities, have experienced a considerable increase in dental outpatient activity since the enactment of this law which became effective October 1, 1979. Again, using the VA Medical Center, Des Moines, as an illustration. They had 20 such cases in October, 1979, which was a 15 percent increase in the total number of cases and 25 such cases in November, 1979, which was a 20 percent increase in total cases. The cost per case is estimated to be $500 and will place a burden on an already inadequate dental fee allocation. In fact, all but $6,000 has been spent as of December 7, 1979 of an $83,000 allocation for the Iowa Dental Fee Program for the first quarter of Fiscal Year 1980. It is estimated that there will be a 25 percent increase in applications as information pertaining to this new law reaches qualifying veterans.

### STATE VETERANS HOME PROGRAM

The State Veterans Home Program is another vital link in the delivery of health care services to our veterans and one which The American Legion strongly supports. The State operated Veterans Home Program works closely with the Veterans Administration primarily through the office of the Assistant Chief Medical Director for Extended Care, Department of Medicine and Surgery. This facility primarily meets the needs for domiciliary and skilled nursing care with a limited number of hospital type beds for acute care. We in Iowa are proud of our State Veterans Home located in Marshalltown which has been acclaimed to be a model facility.

We, of course, are most concerned about the continued support of the State Veterans Home Program in partnership with the Federal Government. It is our hope that the Senate and House Veterans Affairs Committees will continue to strive to provide a more equal cost sharing responsibility.

### REGIONAL OFFICE ACTIVITIES

The Regional Office functions have also been adversely affected due to the anti-veteran attitude and austerity program of this administration and the OMB.

Congress passes legislation that requires many administrative hours to implement but adequate funding and personnel is not authorized to timely execute the laws. Central Office of the Veterans Administration implement additional surveys, questionnaires, and field investigations which are an additional expense and time consuming activities with no additional funding or personnel, but rather a reduction in same.

It is the opinion of The American Legion that any claimant who qualifies for a benefit administered by the VA Regional Office should have quality and timely action taken on his (or her) claim. It appears that today the main emphasis is quantity, not quality, deny rather than allow, and do more with less. Consequently, the claimant is the one who suffers.

The personnel in the VA Regional Office, Des Moines, for the most part, are no doubt some of the most dedicated, sincere, hard working and truly interested individuals in the system. They must administer the laws and regulations even though it hurts them inwardly to do it.

Part of this dilemma can be attributed to the Target System. It was designed to be a manpower saver and unfortunately the budget and staffing for the Regional Office has been predicated on an earlier established time schedule which has experienced so many set backs that the correlation of the two are now completely out of tune and the staffing pattern is inadequate for an efficient and effective operation.

Another problem that exists is the present freeze on employment and no overtime money available. With such a small staff the loss of one employee, without being replaced, creates a productivity and timeliness problem.

The accumulative man years Full Time Employment Equivalent, hereafter known as FTEE, Des Moines Regional Office, is 144.6 but the number that is presently in the office is 134 permanent full time employees and 9 temporary employees. This office was authorized 148.0 man years at the end of Fiscal Year 1979 and then reduced to 141.0 man years at the end of Fiscal Year 1980, which is a reduction of 7 man years.

The reduction in personnel has already adversely affected the processing of claims in a timely manner. As an illustration, an application for a non service connected disability pension that used to take an average of 120 calendar days to process is now taking up to an average of 180 calendar days. Such a fact being known, a request was made to Central Office to hire 3 additional personnel and money for overtime and both requests were denied.

There is always a large turnover of personnel in the transcription pool and with the freeze on hiring and no flexibility, a backlog was created and the pool was shut down to dictation until the backlog was cleared. This resulted in a chain reaction wherein no dictation could be done, only in an emergency to a secretary, thereby further curtailing the timeliness of adjudicating claims.

The American Legion believes and supports reasonable austerity but it is now becoming ridiculous and many claimants are suffering the result thereof. Therefore, we ask the support of this Committee and Congress to help alleviate this unsavory situation.

### SERVICE CONNECTED DISABILITIES

We are most grateful for the 9.9 percent increase in the compensation rates which were effective October 1, 1979. However, there are still areas of vital concern to us.

The Government must pay greater attention to the residual effects on veterans who were exposed to Agent Orange. There was widespread use of this highly toxic herbicide during the Vietnam War and thousands of U.S. servicemen came in contact with it in fighting areas. Since Agent Orange was used as an act of war by our Government, they should be held liable for any adverse effect it has on our servicemen.

The same is true of the adverse effects experienced by those individuals, military and nonmilitary, who were exposed to the dangers of asbestos.

The American Legion, and the Iowa Department especially, is very proud of the part they played in a recent Veterans Administration Board of Veterans Appeals "Landmark" decision to establish service connection for cancer the result of a veteran having been exposed to Ionizing Radiation during tests in the South Pacific. This was a most difficult accomplishment due to the "foot dragging" of several Federal Agencies and their reluctance to release certain important and pertinent information for case development purposes. Not only is the Veterans Administration guilty but also the Department of Defense, Health, Education, and Welfare, National Institutes of Health, and the Nuclear Regulatory Commission. It would appear that the employees in these Agencies are trying to save the Government money at the expense of the Government's own victims. Legislation should be enacted which will force such Federal Agencies to cooperate to the fullest extent in the development of such cases by releasing free of charge all of the requested information pertaining thereto.

### VIETNAM ERA VETERANS GI BILL EDUCATION

The American Legion is also very concerned about the Vietnam Era Veterans and their educational benefits. We feel that there should be an immediate increase in the education and training allowances for those Vietnam veterans who are still in training under the GI Bill. The last increase in training allowances was October 1, 1977 and the inflation factor has risen astronomically since that date. The American Legion has requested a 15 percent increase, which most certainly is not excessive.

### SPECIAL PENSION PROGRAM FOR WORLD WAR I VETERANS

The American Legion has introduced into this Congress H.R. 2057, a measure that would provide a special pension for veterans of World War I. We believe these veterans should have a special pension program that is liberal and generous due to their special status. After all, they are the ones responsible for helping to get all the benefits available to the veterans, widows and dependent children today.

Due to the rapid increase in the cost of living, the inflation rate, and the passage of Public Law 95-588, these veterans and their dependents who are limited to a meager and static income need special attention, and we petition the Congress to pass this bill in an expedient manner because the 600,000 plus World War I veterans are expiring at a rate of 4,000 per month.

### VETERANS DISABILITY AND DEATH PENSION PROGRAM

The non service connected disability and death pension program is no doubt the most controversial benefit and program in the Veterans Administration. With the passage of Public Law 95-588, the Veterans and Dependents Pension Improvement Act of 1978, which became effective January 1, 1979, the program became more controversial than ever, due to the comparison of it to other pension programs. It is most unfortunate that the title states "Pension Improvement Act of 1978" because such is not a fact. This representative, as an individual and service officer, not the Iowa Department of The American Legion, has dubbed this law as "The Pension Elimination Act of 1978".

The American Legion has supported the concept of this law by resolution, even though it is somewhat more restrictive than the other pension programs, but this law is too restrictive, mainly because it doesn't have as many exclusions.

The most significant area is that portion pertaining to widows and orphans. It is so restrictive that it is inequitable. A widow who qualifies for Social Security benefits is usually eliminated from qualifying for death pension benefits. A dependent child is practically eliminated under any circumstances.

Public Law 95-588 is supposed to be an improved pension act, but this representative is here to tell you Congressmen that in all of the thirty plus years that I have been involved in service work, I have never seen so many denials of pension applications or potential claimants refrain from making application for a pension knowing it would be denied due to excessive income or estate.

Statistics will reveal that those pensioners who were sent cards to elect to receive pension under the provisions of Public Law 95-588, that only about 23 percent of all such individuals benefited by electing to change. Public Law 95-588 was very helpful to certain veterans and widows, but they are in the minority. This should also indicate that only 23 percent of the potential claimants will qualify for a VA pension. When any law benefits only 23 percent of the potential number of claimants, something is wrong with the law. It is our opinion that the law should be expeditiously repealed or drastically amended so the motto of the Veterans Administration can be fulfilled to its fullest extent, "To Care For Him Who Shall Have Borne The Battle, His Widow And His Orphan". It must be remembered that pension is strictly a benefit for wartime veterans only.

Other areas of vital concern to The American Legion is Judicial Review, Third Party Reimbursement, Veterans Employment and Preference, and The Elimination of 180 Days Of AWOL As A Bar To Benefits.

The American Legion is very concerned about difficulty encountered in placing veterans in employment due to the restrictions and narrow definitions of eligible veterans. We strongly support H.R. 3228, a bill that would greatly increase the number of Vietnam and disabled veterans eligible for affirmative action required for Federal contractors for veterans. This bill would also delete the 30 percent disability requirement and the stipulation that the Vietnam veterans be discharged from military service within 48 months preceding an application for employment. Again, Veterans Preference is strictly a Wartime Benefit.

The American Legion is also very disturbed by the introduction, in the Senate, of S. 1041 by the Administration which would eliminate the bar to benefits. We feel that to grant benefits to an individual who did not perform honest and faithful military service is an insult to those who did. Deserters, and those who were continually AWOL should not be placed in the same category as those who performed honest and faithful service.

In closing, The American Legion, Department of Iowa, wishes to express our appreciation for the courtesies extended to us and wish to compliment you for holding such a hearing as this out in the field and also to thank you for your continued interest and dedication to the cause and care of the veterans and their dependents.●

---

## DR. FREDERICK ROBBINS HONORED

## HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Ms. OAKAR. Mr. Speaker, it is with a deep sense of pride that I take this opportunity to pay personal tribute to a very dedicated member of the greater Cleveland community as well as the Case Western Reserve University School of Medicine.

Dr. Frederick Robbins, dean of the Case Western Reserve University School of Medicine, was the recipient of the 1954 Nobel Prize for his contribution in developing the polio vaccine along with Dr. John Enders and Dr. Thomas Weller.

Dr. Robbins' outstanding contribution in the field of medicine of isolating the polio virus, which eventually led to the Salk vaccine, will be honored at a reception this spring.

The following article mirrors my deep sense of pride:

[From the Cleveland Plain Dealer, Jan. 26, 1980]

### SIEGE HERO—POLIO-PLAGUED TOWN TO HONOR CWRU'S ROBBINS

(By Elizabeth Price)

Thirty years ago, a spunky Texas town was reeling from one of the worst polio epidemics in the United States, remembers Dr. Ralph Chase.

Nearly 500 of San Angelo's 50,000 residents had been struck by the polio virus in 1948-49, leaving 84 people paralyzed and 28 dead. Statistically, only 14 cases should have hit the town in polio's peak year.

"We were living under siege of a ravaging disease. When a child complained of a headache, the mother called the physician immediately," said Chase, a pediatrician who grew up in San Angelo and vividly recalls the summer of 1949.

"We're the type of community that has dug and scratched its way and has kept alive by luck. We're the last oasis on the eastern edge of desert. We're used to tough living, but we're not used to fighting things we can't see," he said.

With that kind of history, San Angelo has a profound appreciation for the development of the polio vaccines that have virtually eliminated the disease in this country.

In April, the town is planning a hero's welcome for Dr. Frederick C. Robbins, dean of the Case Western Reserve University school of medicine. Robbins received the 1954 Nobel Prize for his part in developing the polio vaccine.

"He represents in our minds the person who turned around polio so that San Angelo didn't become a ghost town," said Chase.

Robbins will deliver a public lecture on polio April 22 at Angelo State University. He will also attend a reception being given in his honor by a man who suffered polio as a child.

"Lots of the victims want to meet him. They want to say, 'Hey, thank you," said Chase.

Robbins accepted the invitation from San Angelo, which he had not heard of before, on behalf of the three scientists, including himself, who collaborated in Boston on isolating the polio virus, which eventually led to the Salk vaccine.

Dr. John F. Enders, the leader of the research team, is now retired and living outside Boston. Dr. Thomas H. Weller, the third member, is on the faculty of the Harvard University School of Public Health.

Chase pointed out that the three men are not as well known as Dr. Jonas Salk or Dr. Albert B. Sabin, developers of the injectable and oral vaccines. But while Robbins, Weller and Enders might not have been publicly recognized, the scientific community always recognized their contribution as more significant than Salk's, Chase said.

Robbins, not Salk, was invited to lecture to give credit where credit was due, Chase added.

Robbins, who has been dean of the CWRU medical school since 1966 and will retire from that post in July, said he appreciates the invitation. "One always appreciates being appreciated."

But, he added, "I have a lot of respect for Jonas (Salk) . . . It happens that he couldn't have done what he did without our work, but we couldn't have done what we did without others before us. Science is a kind of building process. You put one block on top of another.

"From a public relations point of view, he got a lot more attention than we did, which was fine with us."●

---

## EDWARD P. JUTEAU, JR.

## HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. MITCHELL of New York. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding record of achievement belonging to a member of my constituency, Mr. Edward P. Juteau, Jr. Mr. Juteau, a resident of Herkimer, N.Y., is a veteran of the Vietnam war where he served as a medic. Yet, Mr. Juteau did not stop serving his comrades when he left Vietnam. Today, in spite of serious ill-health, he continues to serve.

Daily, he contributes to the causes of his fellow veterans by serving as a rallying point. He continually and diligently works to bring veterans together to battle a common cause. His activities serve to stir public interest in and enhance our awareness of the unique problems of the Vietnam veteran. He gives of his time and effort to individually assist, cheer and comfort those veterans suffering extreme difficulties. He serves to inspire many young people to work for the causes of our veterans.

His efforts as a vocal spokesman for the Vietnam veteran have been so effective that he has been appointed as the vice president of Agent Orange Victims International. Through his active involvement he has enabled this issue to receive the vital attention it is due.

Through his example, Mr. Juteau serves to remind us all of the immense debt we owe our veterans; that if we can expect young Americans to die for our country in a time of war, we most certainly must work for them in a time of peace.

In his 29 years, Mr. Juteau has accomplished more than many individuals who have lived to a ripe old age. He should be justly proud of his achievements. We all are proud to have him among us.●

---

## STRATEGIC METALS, CRITICAL CHOICES

### HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday January 29, 1980*

● Mr. BREAUX. Mr. Speaker, for several years now, I have been publicly warning of the dangers in our Nation's heavy dependence on other nations for a continued supply of certain critical raw materials, I personally believe that it is inexcusable for the United States to have to rely so much on other nations for the supply of minerals which are so critical to our national defense and economy.

It is especially inexcusable for our country to rely on these other nations since we do have alternative sources of supply; namely, in the deep ocean seabed. The ocean holds vast supplies of manganese, copper, cobalt, and nickel, and the United States is the one country with the technology in place to retrieve these minerals. Deep sea mining is achievable if Congress acts expeditiously in enacting legislation to provide a more stable investment climate for the several U.S. consortiums to proceed.

The Senate has already passed the deep sea mining bill during the last session and the House should proceed with all due haste to act this year. The bill, H.R. 2759, has been favorably reported by three of the four House committees and awaits final action by the Foreign Affairs Committee.

The enclosed article in Time magazine clearly and succinctly states the case with respect to the U.S. strategic minerals situation. With the current state of foreign affairs, we in the Congress should finalize action on H.R. 2759 to allow this country to become self-sufficient in these critical metals.

STRATEGIC METALS, CRITICAL CHOICES

The rising use of trade sanctions around the world has demonstrated how economic warfare is now diplomacy by other means. Since 1973 oil producers have openly used their petroleum weapon to further their Middle East political objectives. Last year Nigeria introduced natural resources tradeoffs by threatening to cut oil exports to the U.S. if the Carter Administration lifted the American boycott on chrome imports from racially troubled Zimbabwe Rhodesia. Both the possibility of other OPEC-type raw material cartels and Soviet economic retaliation against the U.S. have begun to worry the experts. Warns Harry J. Gray, chairman of United Technologies: "The minerals situation is similar to oil. Without an intelligent national minerals policy now, we will become increasingly vulnerable."

The U.S. is already alarmingly dependent on imports for many of its most critical industrial raw materials. In all, 98% of America's manganese, 97% of its cobalt, 93% of its aluminum and 91% of its chromium come from foreign ores. More than 50% of its tin, nickel, zinc and tungsten ores are also imported. The supply of several of these materials is susceptible to interruption because they come from either the Soviet Union or from unstable southern African nations that suffer serious internal troubles. The most important minerals include:

COBALT

A white metal used in jet aircraft engines as well as mining and machine-tool bits, cobalt is supplied mainly by Zaire, which has 65% of the non-Communist world's reserves. Recurrent civil wars over the past three years have kept the price dancing between $6.40 and $50 per lb. Other producers include the U.S.S.R. and Cuba. Reports Charles River Associates, a consulting firm in Boston: "The cobalt situation is one of the most serious problems facing consumers of critical materials today."

MANGANESE

The Soviet Union and South Africa provide more than 60% of the world's supply of this metal, which is essential in steel production. Australia is a major exporter, but its potential for expansion is limited. Other non-Communist exporters, such as Brazil and Gabon, have either declining exports or unstable internal politics. The Boston consultants call the manganese situation "a cause for some concern" because the possibility of finding substitutes is "extremely limited."

CHROMIUM

The major deposits of this material, used in stainless steel, ball bearings and surgical equipment, are in South Africa, Zimbabwe, Rhodesia and the Soviet Union. Says Allen G. Gray, technical director of the American Society of Metals: "A cutoff of our chromium supply could be even more serious than a cutoff of our oil supply. We do have some oil, but we have almost no chromium."

TITANIUM

As strong as steel but 45% lighter, this metal suddenly became scarce around the world early last year, after the Soviet Union, the largest supplier of titanium "sponge," the semiprocessed metal, abruptly stopped signing new export contracts. Military experts speculate that the Soviets have diverted their normal 3,500 tons of exports to the construction of many submarines and aircraft. Since the metal is used extensively in high-performance jets, missiles and nuclear plants, U.S. and European aerospace companies have been scrambling to buy the remaining titanium sponge produced by Japan, Britain and China. As a result, since last March prices in Europe have jumped from $3.98 to $25 per lb.

Ever since oil-exporting countries showed how to run up prices by banding together, other developing countries have dreamed of emulating OPEC's success. Discussions have been held about forming cartels to cover commodities as varied as coconut oil, copper and phosphate rock. Such Xerox copies of OPEC have almost universally failed because of easily available substitute products or the unwillingness of would-be cartel members to cut production enough to maintain high prices. The copper exporting organization, for example, was weakened when industrial users began replacing that metal with plastics and aluminum, and effectively collapsed when the last recession produced a worldwide copper glut. The danger of other cartels remains remote—for now. Even so, individual nations may be moved to reduce exports, and those actions could severely tighten supplies and send prices surging.

The American dependence has focused attention on the size of current stockpiles and the feasibility of developing new domestic sources. Since World War II the Government has maintained strategic stockpiles of 93 key materials, including tin, copper and titanium, for use in a national emergency. Some are critically low. Only 32,000 tons of titanium are stockpiled, far below the 130,000-ton goal. Cobalt reserves are 22,000 tons short of the 43,000-ton target.

Though no modern industrial nation can be a totally self-sufficient island, the U.S. has little choice except to build safe stockpiles of those essential materials, such as chromium and manganese, that are found in quantity in only a few countries. The mineral-rich American West, Alaska and the oceans bordering the U.S. contain vast unmined natural resources that hold the longer-term promise of more domestic sufficiency and security. These minerals often remain in the ground or under water because of ecological concerns or the higher profits that firms can earn abroad. Steep mining taxes in Minnesota, Montana and other states have also discouraged digging. Geologists have singled out 40,000 acres of federal land in Idaho as a possible source of cobalt. Yet last November the Senate Energy and Natural Resources Committee designated 2.2 million acres surrounding the site as a wilderness preserve, and banned any commercial activity that would disturb the elk, bighorn sheep and 188 other species that inhabit the area.

Of course, companies can do more to develop secondary and tertiary sources, many of which will become both economically feasible and absolutely necessary as conventional minerals become costlier in the 1980s. For example, the U.S. imports 93% of its bauxite, the major aluminum ore, but the Bureau of Mines is experimenting with a process to extract alumina from clays found in Georgia and Arkansas. More experiments, more domestic mining and some compromises on the environmental front would help avoid repetition of the oil saga of the 1960s and 1970s, when the U.S. became needlessly overdependent on dubious foreign suppliers. In an era of growing economic confrontation, increasing reliance on imported minerals creates a potentially dangerous breach in the nation's defenses.●

## WATER RESOURCES DEVELOPMENT

### HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. EDGAR. Mr. Speaker, as we debate H.R. 4788, the Water Resources Development Act, I think it would be useful for our colleagues to review the following message from President Eisenhower to the Congress.

VETO OF RIVERS AND HARBORS BILL

(On April 15th, President Eisenhower returned to Congress without his signature S. 497, an omnibus rivers and harbors bill. The text of this veto message follows. 104 Congressional Record 5721 (S. Doc. 88)).

To THE SENATE OF THE UNITED STATES:

I return herewith, without my approval, S. 497. The bill would properly authorize needed appropriations of over § 800 million for 14 previously authorized river-basin plans on which legal limitations on appropriations were imposed in earlier legislation. The bill would also authorize future appropriations for 140 new water-resources development projects or project modifications estimated to cost nearly $900 million. Many of these are sound projects which will make important contributions to our national wealth, but others are not justified for reasons I shall detail.

It is with real regret that I have found it necessary for the second time in 2 years, and for many of the same reasons, to disapprove omnibus legislation authorizing appropriations for rivers and harbors and flood-control improvements.

The Congress in enacting S. 497 has in many instances disregarded the careful study and considered judgments of the professional services and other executive agencies concerned. The bill would authorize 28 new projects or project modifications estimated to cost about $350 million under terms which I cannot approve without destroying some of the most important governmental policies in the field of water-resources development. The bill has other unacceptable provisions. In particular I believe that the bill is defective for the following reasons:

1. It would authorize 14 projects, estimated to cost about $168 million, on which the local participation provided for in the bill does not adequately reflect the substantial local benefits which would result. It would also reduce the cost sharing required for one other previously authorized project. I believe a sound national policy requires that a comparable measure of responsibility for projects where there are identifiable beneficiaries must remain at the State and local level. I also believe, as I stated in August of 1956 in my disapproval of legislation similar to S. 497, that authorization of water-resource projects on the terms provided for in the bill would result in the loss of the best test yet devised for insuring that a project is sound—the willingness of local people to invest their own money in a joint enterprise with the Federal Government.

2. It would authorize 4 projects estimated to cost over $27 million on which adequate reports have not yet been submitted to the Congress under legally established procedures. It is, therefore, not possible to determine whether their authorization would be in the public interest.

3. It would authorize 3 projects estimated to cost about $115 million which the reports of the Chief of Engineers show have no economic justification.

I cannot overstate my opposition to this kind of waste of public funds.

4. It would authorize the reimbursement of local interests for work accomplished by them in their own behalf prior to authorization of a Federal project, on the grounds that the work is similar to that undertaken elsewhere by the Federal Government. I consider it quite inequitable to provide for this kind of reimbursement when local communities all over the country are investing their money in public works projects which are similar to many kinds of Federal projects.

5. It would authorize a new small-boat harbor in spite of the fact that adequate harbors are located nearby and the likelihood that local interests cannot meet the cost-sharing requirements recommended by the Chief of Engineers.

6. It would authorize as costs to Oahe and Fort Randall Reservoirs five payments for damages alleged to have been suffered from construction of those reservoirs in South Dakota. In three of these cases the executive branch has determined that there is no legal liability and the Congress has previously accepted this determination. In 1 of the other 2 cases there appears to be no merit to the claim, and in the final case it may be possible to adjust the claim administratively.

7. It would authorize, in reservoir projects of the Corps of Engineers and the Bureau of Reclamation, the inclusion without reimbursement of water storage for increasing the flow in times of low water, even though the beneficiaries of such works may be clearly identifiable. It would also authorize the inclusion of municipal and industrial water supply storage in such projects without providing adequate standards for payment of an appropriate share of the basic costs by local interests. In addition, there has been insufficient exploration of the complex legal implications of these ambiguous provisions as affecting water rights. It is my firm conviction that such important substantive changes affecting water resources policy and costs should be made, if at all, only after full, independent consideration not related to an omnibus authorization bill. The Secretary of the Army has previously made suggestions for acceptable legislation on this subject.

8. It contains a provision that, contrary to a time honored principle, is intended to affect the conduct of litigation now pending in a Federal Court.

In addition, the bill would authorize 3 projects estimated to cost about $38 million, representing the first proposals for a broad new Federal program of hurricane flood protection in tidal waters, without adequate consideration of the level of local participation in the cost of such a program. These three are sound, worthwhile projects, and I believe that the Federal Government has a responsibility to assist State and local communities in such a program of local protection against floods resulting from hurricanes. I have, therefore, requested the Secretary of the Army to submit to me at the earliest practicable date his recommendations for an appropriate division of responsibilities between the Federal Government and the affected State and local governments for such a program. I shall then be prepared to recommend to the Congress the enactment of legislation on this subject.

The argument has been advanced that S. 497 is needed for the stimulus to the economy which would result from starting the projects it would authorize. I would point out that significant steps have already been taken to accelerate Federal construction activities. Should it be found desirable to increase these activities further, appropriations will be recommended for projects capable of being started quickly.

At the present time there is a backlog of public-works projects estimated to cost nearly $5 billion. With a few minor exceptions, it would be many months, even years in the case of larger projects, before the necessary plans could be completed and actual construction started on the new projects which this bill would authorize.

I believe that the experience of the last 3 years suggests that the authorization of water resources development projects might better be handled by a divided approach to the problem. Projects favorably reported on by the Chief of Engineers, and to which the executive branch has no objection, could be included in one bill. The authorization of other projects, not meeting either of the above criteria, could then be proposed in separate bills, one for each such project. This approach would, I believe, provide a better opportunity for the kind of careful review by the Congress and the executive branch which should be given to matters of such importance to the people of this Nation.

Meanwhile, I recommend that the Congress act quickly to provide increased monetary authorizations for the river basins where 1958 and 1959 fund requirements for projects now under construction will exceed present statutory limits. This can be accomplished by enactment of legislation submitted to the Congress in January by the Secretary of the Army.

DWIGHT D. EISENHOWER.

The White House, April 15, 1958.●

## TIM LEE CARTER

### HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. ICHORD. Mr. Speaker, our colleague from Kentucky, TIM LEE CARTER, has announced that he will be leaving the House at the end of this term after 16 years of service.

There is a saying around Washington about those who leave Congress that, "They don't go back to Pocatello." Dr. CARTER, however, is looking forward to returning home, just as he told us last November when he announced his retirement.

An article which appeared in the Louisville, Ky., Courier-Journal during this past recess took a look at our colleague from Kentucky in the hometown to which he is going back. I offer it for the RECORD.

NO MORE HOUSE CALLS—TIM LEE CARTER HAS NO REGRETS ABOUT RETIRING

(By Bill Osinski)

TOMPKINSVILLE, KY.—From the heights of Capitol Hill to the mud flats of Turkey Neck Bend is a step up, the way Tim Lee Carter sees it.

The eight-term Republican representative from Kentucky's 5th District will be leaving Washington for good soon, and he'll be bringing everything but regrets home to Tompkinsville.

After the current Congress adjourns next December, Carter will be herding cattle instead of legislation; watching birds instead of political polls; mending patients instead of amending bills.

His wife, Kathleen, will be trading the dazzle of Embassy Row for a modest brick house on Main Street.

Neither seems to be troubled by the coming transition.

"You won't catch Potomac Fever when you live on the Cumberland," Mrs. Carter said.

Carter, a 69-year-old physician-lawmaker, has taken several different doses of life in the Cumberland River Valley to give him immunity from the blandishments of the nation's capital.

He was a principal, teacher and basketball coach at Monroe County High School in Tompkinsville in the 1930s. After obtaining a medical degree, he spent the next 30 years as a country doctor in a territory where almost every house call was an adventure.

Once he closes the congressional chapter of his life, he'll become a country squire, while retaining a city-tempo schedule.

"I'll be busy at something; I've been busy all my life," said Carter, who had recovered well enough from heart surgery last August to be able to clamber up a corn silo last week.

There are plenty of things around Tompkinsville that will be competing for a share of his time.

For starters, he has two farms. One is just outside Tompkinsville, where he raises prize Black Angus cattle. The other is in the Turkey Neck Bend bottomland of the Cumberland River, where he raises corn and breeds a strain of Charolais and Hereford cattle.

At home, Carter will try to find time to indulge in his hobbies of bird watching and collecting Indian artifacts.

Then there is his medical practice, which he hopes to resume on a limited basis. He said he wants to restrict himself mostly to diagnostic work and to a shortened workday at the medical clinic where he practices.

"I'll just have to come in late and slip away at a certain hour," he said.

Judging from the way people in his hometown respond to his presence, his chances of sticking to that resolution don't look all that good.

A walk down the business blocks of the town is a rapid-fire series of half-salutes from the congressman. He quite often can start a conversation by recalling the circumstances of someone's birth or rattling off a few generations of the person's genealogy.

A few Monroe countians have the given name of Tim Lee, after the doctor who delivered them. Kathleen is also a popular girl's name.

"We don't know who's going to be watching out for us in Washington now," said one Tompkinsville storekeeper, "but we're glad to have Dr. Carter back taking care of us here."

Mrs. Carter said she wonders whether her husband will be able to keep pace with the demands of his retirement. Their house on Main Street is accessible to any passer-by, and friends, political colleagues and patients often take the presence of the Carters' cars in the driveway as an invitation to drop in.

Also, Carter often fields telephone calls from U.S. Senators as well as long-time patients with sick grandchildren.

The political byplay is the most taxing, his wife said.

Several of Carter's friends have officialy or unofficially announced their intentions to run for his seat. For that reason, he has decided to stay neutral until after the primary, despite the pressure for endorsements.

Still, an eight-term congressman does not just banish himself from the realm of politics. Carter turned aside suggestions that he assume the chairmanship of the state Republican Party, although he recently shared his thoughts with former U.S. Sen. John Sherman Cooper on others who have been mentioned for the post.

Trying to pull Carter's strings is apparently a bipartisan pastime. Sen. Edward M. Kennedy, D-Mass., tried to enlist Carter to appear with him during a recent Kentucky swing in Kennedy's presidential campaign.

But Carter refused. "I just didn't feel that would be the right thing to do," he said.

The net effect is a heavy drain on a man who is still recuperating from serious surgery, Mrs. Carter said.

"They just don't let him rest," she said.

Part of their retirement plans, though, is to turn one of their farms into a countryside getaway. They hope to remodel the log house on their Turkey Neck Bend farm—a structure that may be almost two centuries old.

From the back porch, they can enjoy the view of their river bottom fields, where stands a tree that has been documented as the world's largest swamp oak. The venerable tree used to provide shade for 100 head of cattle, but lightning killed it earlier this year and some tree-sized limbs have already fallen off.

The prospect of an early death is actually one of the things that led him into politics, Carter said. Running for congress was a cinch compared with running to the bottom of a hollow to deliver a baby, he said.

"If I'd stayed here, I'd have been dead by now," he said.

Recalling when he sometimes had to travel by rowboat, when amputations were sometimes performed on kitchen tables and when home births were the norm, Carter said there was little time for fun and games in the life of a country doctor.

One winter night, Carter recalled, his car broke down at the bottom of a river bank and he had to hike a couple of miles uphill in the snow to be on time for a delivery. Once the baby was born, he said, the proud father started haggling over the fee.

Another time, when his wife went along to assist him, the engine of the Cumberland River ferry died in midstream, and the boat started drifting downriver. His wife became frightened and jumped off as soon as the ferry hit the bank, and Carter felt compelled to join her.

They both had to scramble the mile or so along the bank to the ferry landing, and they arrived about the same time the ferry did, after its engine was re-started.

However, the country doctor got practical experience that many of his urban colleagues missed, Carter said. He treated diseases in the backwoods such as malaria, which was rarely seen in cities.

Also, he said he learned to rely on his hands and his instincts for diagnosis, instead of on sophisticated instruments.

"We had to examine people closely; we didn't depend on X-rays," Carter said.

Unlike other lawmakers who have left Washington discouraged at their inability to affect change within the system, Carter is leaving on what he feels is a high-water mark in legislative accomplishment.

As minority chairman of a key subcommittee, Carter played a pivotal role in the passage earlier this month of the Child Health Assurance Program Act. The law provides federal funding for preventive medical services for the children of the "poorest of the poor," Carter said.

Carter regards the legislation as his most significant. He said he hopes to add to it next year with a bill that would provide national health insurance for catastrophic illnesses.

That package, he said, should provide "all the national health insurance plan we'll need."

Carter has also been busy helping provide for Tompkinsville. The hometown he's returning to is not nearly so humble as when he left 15 years ago.

During that period federal money has come into Tompkinsville for a courthouse, a water and sewage treatment plant, a wing on the local hospital, a vocational school, library programs and a high school gymnasium, among other things.

When Carter was in Congress, he used his medical prescription pad to write himself and his colleagues notes on the national issues of the day. Starting next winter, the pad and the doctor will return to their earlier roles.●

## REPUBLICAN POLICY COMMITTEE ENDORSES H.R. 2440

### HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. SHUSTER. Mr. Speaker, this afternoon the House Republican Policy Committee voted to support passage of the conference report on H.R. 2440—the Aviation Safety and Noise Abatement Act of 1979. The committee believes that the conference report represents the best possible solution to the twin problems of aviation noise and safety in light of economic, energy, environmental, and technological constraints.

In order that my colleagues may better understand the reasoning behind the committee's actions, I ask unanimous consent that the full statement adopted by the Policy Committee be printed in the Record.

### Republican Policy Committee Supports Passage of H.R. 2440, the Aviation Safety and Noise Abatement Act of 1979

The House Republican Policy Committee strongly endorses the House-Senate Conference Report on H.R. 2440, the Aviation Safety and Noise Abatement Act of 1979. The bill represents a realistic compromise arrived at by balancing environmental, energy and economic considerations to assure that noise will be reduced and safety will be enhanced at our nation's airports.

For 68 percent of the current noncomplying airline fleet, the conference bill imposes requirements which are as strict as, or stricter than, the current FAA noise regulations. Specifically, the bill make no changes in current FAA regulations for four-engine, narrow bodied aircraft. These aircraft are the noisiest airplanes in the fleet and constitute 30 percent of the noncomplying fleet. The conference bill imposes requirements which are stricter than current FAA regulations for three-engine aircraft, which constitute 38 percent of the noncomplying fleet.

The conference bill does allow limited extensions of compliance dates for two-engine aircraft, constituting 32 percent of the noncomplying fleet. For two-engine aircraft with a seating configuration of more than 100 seats, the compliance date is set at 1985.

In an effort to promote purchase of new aircraft, however, the bill provides an additional year's extension if the operator of the aircraft has entered into a binding contract by January 1, 1983, for delivery prior to January 1, 1986, of a replacement aircraft which meets Stage 3 FAA noise standards, the highest standards attainable under existing technology. This additional one year extension should encourage the airlines to purchase Stage 3 aircraft, which are 25 percent more fuel efficient and less polluting than retrofitted aircraft.

For two-engine airplanes with a seating configuration of less than 100, the bill provides an extension of compliance until 1988. Domestic aircraft manufacturers have not yet begun production of two-engine planes with less than 100 seats. These aircraft will be designed and developed in the next few years and carriers will be more likely to purchase them if they are not required to undergo the expense of retrofitting older aircraft. Since existing regulations permit noncomplying aircraft to be operated until January 1, 1985, under an FAA approved replacement program in many cases the conference bill will allow only a 1 year extension beyond existing requirements for two-engine aircraft with more than 100 seats and a 3 year extension for two-engine aircraft with less than 100 seats.

In addition to the energy and environmental aspects mentioned above, retrofitting is extremely costly. Regulations requiring early retrofit could result in the airlines retiring two-engine aircraft from their fleets rather than incurring the costs of retrofit. If this occurs, small and medium-sized communities would be in danger of losing regular service.

In light of these circumstances, the House Republican Policy Committee believes that the waiver provisions of the conference bill promote noise reduction, energy efficiency, a cleaner environment, and small community service.

In addition to these provisions directly affecting the noise standards, the bill also:

Directs the Secretary of Transportation to establish a single noise measuring system which has a highly reliable relationship between projected noise exposure and surveyed reaction of people to noise. Airport operators may then develop and submit to the Secretary a noise exposure map that defines non-compatible land uses in the airport vicinity.

Authorizes $15 million for grants to air carrier airport operators for noise compatibility planning.

Authorizes $25 million for noise compatibility programs such as use of preferential runways, sound proofing of public buildings, noise reduction flight procedures, and land acquisition.

Although the noise abatement provisions represent the major impact of H.R. 2440, the bill contains other important substantive provisions promoting aviation safety. Specifically, the bill:

Directs the Secretary of Transporation to submit status reports to the Congress in the development and implementation of collision avoidance systems. The reports are required to set forth proposed timetables for implementation of such systems and any legislation needed to implement them.

Authorizes $207 million for FY 1980 for discretionary programs for airport development.

Authorizes an additional $44 million for development of major air carrier airports.

Authorizes an additional $13 million for development at general aviation airports. This will permit improvement of reliever airports near congested hub airports, reducing the likelihood of a collision between a commercial air carrier and a general aviation aircraft.

Establishes criminal penalties for carrying loaded firearms or explosives in baggage checked on an aircraft.

The House Republican Policy Committee firmly believes that the provisions of H.R. 2440 will improve the public safety and therefore represent a legitimate response of the federal government to a public concern. The House Republican Policy Committee encourages Republican Members of the House to support the conference report on H.R. 2440.●

## AMENDING IMMIGRATION AND NATIONALITY ACT

### HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. BEILENSON. Mr. Speaker, I joined yesterday with my colleagues Julian Dixon and Henry Waxman in introducing legislation amending the Immigration and Nationality Act to end the discriminatory exclusion of aliens solely on the basis of their sexual preference. While we would have preferred that this exclusionary policy be changed administratively, recent determinations by the Justice Department indicate that congressional action is necessary to eliminate this unjust and outmoded policy.

The 1952 Immigration and Nationality Act and its subsequent amendments required the INS to deport or refuse to issue visas to aliens in 31 categories, including "psychopathic personality" and "sexual deviation." Each of these two categories was enacted at least partially in order to exclude homosexuals from entry into this country. In making this determination of unfitness, Congress on each occasion relied on prevailing medical and psychiatric opinion, which then viewed homosexuality as a transmittable mental disorder.

However, in 1973, the American Psychiatric Association, which had long since discarded the theory of homosexuality as evidence of a "psychopathic personality," dropped it from its psychological nomenclature altogether. In doing so, it concluded that "homosexuality per se implies no impairment in judgment, stability, reliability or general social or vocational capabilities." The American Public Health Association has made a similar determination.

This past year, several Members of Congress and others sought to effect an administrative change in this policy and the U.S. Surgeon General, in fact, directed Public Health Service officials not to regard homosexuality as a "mental disease or disorder," and to cease the detainment and examination of aliens based on suspected homosexuality. However, despite suggestions rooted in previous INS rulings that the agency adopt a "discretionary policy" in this matter, the Justice Department concluded that INS was statutorily obligated to enforce the existing exclusion. Thus, barring remedial congressional action, it appears that what the Washington Post called medieval barriers at the border will continue to exist.

Mr. Speaker, if we have learned anything from the civil rights movement, it is that, as a fair and just people, we cannot afford to categorize human beings and deny them basic rights and privileges based on factors wholly unrelated to their fitness to exercise such privileges. A person's sexual orientation, so long as it is expressed in private between consenting adults, should not be used to deny that person entry into the United States.

It is time to revise our outdated immigration laws and concentrate our limited resources on issues that really matter to us. The Immigration and Naturalization Service is so overworked and understaffed that we cannot justify our present policy of requiring the INS to spend their time and resources on the ferreting out of possible homosexuals.

This is the kind of law which Congress would never pass now and which has no place in our immigration statutes in 1980. Virtually nobody in this country equates homosexuality with a psychopathic personality or mental defect anymore. The law excluding homosexual aliens should be repealed. As a practical matter, it is impossible to enforce with any consistency; and, it is outmoded, discriminatory, and arbitrary.

Our bill to repeal this law is a matter of fundamental fairness, and we hope it will receive serious consideration this session. At this point, we would like to insert into the Record editorials from the Washington Post and Los Angeles Times supporting corrective legislation in this area.

[From the Washington Post, December 31, 1979]

#### MEDIEVAL BARRIERS AT THE BORDER

When U.S. Customs officials in Minneapolis found a copy of a homosexual-oriented magazine in the suitcase of a West German visitor last summer, they proceeded to grill him: was he a homosexual? "No, I'm bisexual," the man replied—which was enough for Immigration and Naturalization Service inspectors to deny him entry into the country. At the San Francisco airport, a London man wearing a "Gay Pride" button got the same question; when he said he was a homosexual, he was told he could not enter the country.

Intolerant receptions, yes; but they were based on a policy Congress enacted 27 years ago. Then in August of this year, the surgeon general announced that homosexuality would no longer be considered by government physicians to be a "mental disease or defect." That led to the dropping of a Justice Department suit against the Londoner. But on the next day, immigration authorities in San Francisco stopped two men, one with a gold ring in his ear and another with what authorities said looked like a woman's handbag. Under a temporary INS policy, these two were conditionally admitted pending resolution of the issue.

Now comes a conclusion by Justice Department lawyers that INS must enforce the old statutory ban on the admission of homosexual foreigners. It is absurd. Sexual conduct, unless it is violent and criminal, should not be a criterion for judging who does and doesn't qualify to visit this country. The provision of the statute should be repealed.

[From the Los Angeles Times, December 31, 1979]

### A MATTER FOR CONGRESS' ATTENTION

In 1952, Congress passed a statutory ban on the admission of homosexual foreigners to the United States on the basis that homosexuality was a disease. The practical difficulty of enforcing the law was evident, and apparently only a small number of persons have been excluded from this country because they were believed to be homosexual.

But the law has come under attack in the past year, and in August the U.S. surgeon general announced that government physicians would no longer regard homosexuality as a "mental disease or defect." He advised immigration officers to stop referring aliens to the Public Health Service solely on the ground of suspected homosexuality.

Before conforming to this change of policy announced by the surgeon general, the Immigration and Naturalization Service asked the Justice Department for legal advice. Justice Department lawyers concluded that "the INS is statutorily required to enforce the exclusion of homosexual aliens" because that policy had been decreed by Congress. In short, the Justice Department said, government officials cannot set aside a law just because they disagree with it.

The 1952 statute in respect to homosexuals was an unwise and discriminatory law, and should be changed—but it should be changed by Congress, and not by order of an appointed official.●

---

## PROPOSED ENERGY COMMITTEE FAILS TO CONSOLIDATE OVERLAPPING JURISDICTION

### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. VANDER JAGT. Mr. Speaker, after reviewing the proposal of the Select Committee on Committees to establish a standing Energy Committee in the House, I have reluctantly concluded that this is not an acceptable solution to the problem of fragmented jurisdiction on energy issues.

My reluctance to oppose a resolution establishing an Energy Committee stems from my strong personal belief that the duplication of committees involved in energy related legislation has hindered development of an effective comprehensive national energy policy. Earlier in the 96th Congress, I cosponsored a bill to establish a standing Energy Committee with the hope that it could serve to centralize jurisdiction on energy matters.

I presented a statement to the select committee which outlined the problem we now have with 18 committees and over 40 subcommittees having some jurisdiction over energy legislation. This situation has often necessitated joint referrals, and the overlapping jurisdiction thwarts development of a comprehensive solution.

In its present form, the select committee's proposed resolution to establish a standing Energy Committee does not adequately consolidate jurisdiction over energy. As I understand, each existing standing committee, with the exception of the Interstate and Foreign Commerce Committee, will continue to exercise jurisdiction over laws and issues which it has dealt with in the past. The Interior Committee will continue to exercise jurisdiction over nuclear power and environmental issues related to energy. The Science and Technology Committee will continue to have jurisdiction over energy research and development, as well as demonstration. The Agriculture Committee will have jurisdiction over gasohol to the extent that it already has. And so it appears to be with the Banking Committee's role in energy, as well as that of the Merchant Marine and Fisheries Committee on Outer Continental Shelf issues.

Thus, the most striking change is the loss of the Interstate and Foreign Commerce Committee's Subcommittee on Energy and Power, which will essentially be elevated in status to a full committee. I am told that the new Energy Committee would probably be able to claim concurrent jurisdiction over energy related pieces of legislation with the other committees which will continue to hold jurisdiction over their particular area. Adding another layer of committee for energy bills to hurdle is exactly what we do not need—especially when no provisions are included to expedite consideration of referred bills.

Surely we can do better than expanding a subcommittee into a full standing committee. We really ought to consolidate energy jurisdiction in the House, but the proposed Energy Committee, in its present form, simply does not do it.

Perhaps a standing Energy Committee in the House will convince Americans that the Congress is actually doing something about energy. But, I do not think we can fool the people so easily by this kind of symbolic shuffle, most would prefer a substantive energy policy.●

---

## AIR NOISE REDUCTION STANDARDS

### HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. HARRIS. Mr. Speaker, probably every Member of this House regularly uses Washington National Airport. As a representative of thousands of northern Virginians who live beneath your flight paths, I urge you to reject the most recent incarnation of H.R. 2440, which in spite of all its revisions, still waives important air noise reduction standards.

Do not be fooled, H.R. 2440 will prolong the serious health impact and economic burden on my constituents and on millions of Americans who live near airports.

Numerous studies have documented the effect on health, and particularly hearing, that long-term exposure to airplane noise can have. These studies have also revealed high levels of stress and tension among airport area residents subject to earsplitting overflights. Public health demands strict adherence to noise reduction standards.

The technology to meet these standards is available and affordable. Some responsible airlines have already made the nominal investment in public health, and have significantly reduced the noise output of their fleets.

But by the terms of the conference report, other airlines who have deliberately avoided the nominal cost of noise reduction could escape the standards, and escape their responsibilities as corporate citizens. Two-engine aircraft with more than 100 seats could be exempt from noise reduction requirements until 1986. Three-engine aircraft could be exempt until 1985. And two-engine planes with less than 100 seats could avoid the standards until 1988.

The conference report makes is possible for the planes that cause 70 percent of the noise to escape noise reduction standards. But it makes no provision for my constituents to escape the noise, or its harmful effects.

H.R. 2440, as it is now written, also represents a waiver of the legislative process. This House has never approved or even debated legislation altering air noise standards.

When we considered the real H.R. 2440, it was a bill authorizing $10 million for airport improvements. I joined with the vast majority of the House in supporting that legislation.

Airport development funds are still in the bill, along with some other worthwhile provisions I could support. But I must oppose this attempt to cover the onerous provisions of the new H.R. 2440 with a few good sections.

A basic objection to this legislation remains that the House has never before considered a waiver of air noise standards. We are presented here with a fait accompli in the form of a nonamendable conference report dealing with major health and transportation policy. The integrity of the legislative process, and of a cooperative, two-House Congress, demands rejection.

Before your next flight over my constituents, I urge you to make an important contribution to the reduction of the intollerable noise burden they and millions of other Americans endure. I urge you to reject the conference report on H.R. 2440 and preserve air noise reduction schedules now in effect.●

## CONFERENCE ON THE FAA RESPONSE TO USER CONSENSUS VIEWS AND RECOMMENDATIONS

---

### HON. BILL ROYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. ROYER. Mr. Speaker, data from a recent public opinion survey shows that people killed in airplane crashes are 13.4 times more dead than people killed in automobile accidents.

Although this is nonsense, it accurately represents the way people feel; 50,000 people can die each year on our highways, and no one gets excited. Several hundred die each year in airline accidents and the public becomes alarmed. Despite this, the public has made it very clear to its elected representatives that they want air travel to be as safe as humanly possible. And they are willing to pay for it.

Ten years ago, in response to the public desires for increased levels of aviation safety, Congress passed the ADAP bill. The aviation trust fund was set up to improve system safety. Since then all airline passengers have paid an 8-percent ticket tax to make their flights safer. All general aviation pilots have paid a 7-cents-per-gallon fuel tax to make their flights safer.

Everything went well with the trust fund for a few days until some unelected officials got in the act. The FAA Administrator and the OMB Director got together and decided to use the safety money to make the Federal budget deficit look smaller.

Since then they and their successors have succeeded to the point of amassing about $3 billion in uncommitted surplus. But in the process they amassed many enemies, some of whom are in Congress. Finally, the administration noted that the size of the surplus was getting embarrassing, so they redoubled their efforts to unload it on day-to-day operations and maintenance expenses. Of course, this was not Congress intended purpose for the trust fund. FAA also noted the rapidly rising prices in the fine arts market, and cleverly used $200,000 of safety money to invest in sculpture at Atlanta airport.

I questioned Langhorne Bond on all this at recent hearings. I said that I wished the FAA Administrator would be a leader in the fight for increased aviation safety instead of a collaborator with OMB. I said it was sad that the agency charged with aviation safety had to be begged to spend safety money from a safety trust fund on safety projects.

I must admit, his response made sense. He is a member of the President's team. He must espouse the President's larger objectives. Although he did not mention it, he obviously saw what happened to his former boss, Brock Adams, who apparently was not a team player. I can understand Mr. Bond's motives, although I do not necessarily agree with them.

Let us look now at what this team playing is doing to the FAA R. & D. budget request over the next 5 fiscal years. The administration's proposed ADAP bill requests $90 million in 1981 increasing linearly to $110 million in 1985. But let us factor in inflation at 10 percent and talk in terms of constant 1979 dollars. In this frame of reference, the requests drop from $81 million in 1981 down to $58 million in 1985.

It appears, however, that in yesterday's Presidential budget the FAA R. & D. request dropped down to $85 million—from the $90 million in their earlier ADAP proposal. So perhaps I should lower all my estimates by $5 million. That would leave a little over $50 million in 1985 for R. & D.

Now with this declining budget FAA must, of course, complete work on many ongoing projects like collision avoidance and postcrash safety. But they must also complete the development in the next 5 years for a new ATC computer system which will cost nearly $2 billion. To do this, Al Albrecht and company better start to practice walking on water.

Because of the extreme difficulty of fulfilling these existing commitments with a declining budget, I suggest that you change the name of this conference from "New Initiatives" to "No Initiatives." I do not want to demean the concept of FAA consultation with the users. I just feel that the next 5 years will see a lot more funds cut and programs scrubbed than new starts or new initiatives.

I turn now to two tactical errors which I think the users made in this so-called new initiatives process. First, every manager knows that in years of shrinking budgets, you have to set priorities. The high priority programs are spared, and the others are axed. But the users went through the whole new initiatives process without setting priorities. So who gets this powerful tool? FAA. And since the users made many more recommendations than could possibly be funded, nearly everything FAA picked has been covered in one of the many user recommendations. This allows the FAA to pick and choose as they please and still claim the overall result has user support.

The second tactical error of the users involves the timing of today's FAA response to the user recommendations. Although the President's budget was released yesterday, FAA's response document was written prior to that in order to prepare for today's January conference date. So naturally no budget figures could be included in the written response. The result is a lot of words—some rather ambiguous—but no dollar figures. Personally, I'd rather have waited a month to see the dollar figures and how they changed as a result of user recommendations.

So the users made recommendations without priorities and received responses without funding information. In my opinion, this detracts from the usefulness of the exchange. I certainly want to see that funding information, and I plan to request it from FAA.

Now I would like to make one observation from my position on both the Science and Technology Committee and the Public Works and Transportation Committee. As the flow of R. & D. products dries up, the flow of regulatory products increases. So it is today we see more rules, regulations, airspace restrictions, limitations, quotas, time slot allocations, and charges. I would like to see this trend turned around.

What I propose to do, with the full cooperation of Chairman Tom Harkin of the Transportation, Aviation and Communications Subcommittee, is to derail FAA from its 5-year march downhill in real R. & D. dollars. We hope to obtain language in the ADAP bill requiring annual authorizations for R. & D.—rather than one 5-year authorization. These annual authorizations would come under the jurisdiction of our subcommittee. Drawing from the $3 billion trust fund surplus, we would hope to authorize the amount required to get the safety job done—not the amount the OMB beancounters feel like releasing. Tom Harkin and I hope you, the users, will support us in our efforts on this legislation.

In closing, I would like to shift gears and say this to Al Albrecht, Neal Blake, Joe DelBalzo, Bob Wedan, and Sig Poritzky: I would not try to get you more R. & D. money if I did not think you could use it wisely.●

---

## TOMORROW'S LEADERS—SERVICE ACADEMY NOMINEES

---

### HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. PATTERSON. Mr. Speaker, one of the most rewarding annual events which I enjoy is the nomination of students from my congressional district to our Nation's armed service academies.

I make it a practice to make the selection process as deserving as possible for the nominee. The criterion set down by my reviewing committee is rigid and demanding. This insures that the best and brightest will represent my district and its communities at the service academies.

This year I have nominated 12 outstanding young men and women from my district for appointment to the service academies. I am sure that my constituents join their families and me in wishing them well. Whether they attend a service academy or not, these young people are a credit to their community and their country, and represent the abilities which characterize the leaders of tomorrow.

The following students have been nominated to all three of the service academies and have been recommended to the Military Academy at West Point, the Naval Academy at Annapolis, and the Air Force Academy at Colorado Springs:

Carole Fitsch, Westminster High School; Gregory Diaz, Cypress High School; and David Rocha, Saddleback High School.

The following students have been nominated to the Air Force Academy at Colorado Springs and the Naval Academy at Annapolis:

Niki Hithe, Westminster High School; Wade Prather, Cypress High School; Jeffrey Ramos, Garden Grove High School; and Mark McLean, La Quinta High School.

My nominees for the Air Force Academy at Colorado Springs are:

David Gabriel, Cypress High School; Christopher Brown, St. John Bosco High School; and Randall Warrick, Western High School.

My nominee to the Naval Academy at Annapolis is:

Richard Austin, Loara High School.

My nominee to the Military Academy at West Point is:

Irene Thomas, Pacifica High School.●

---

## HISTORY OF THE TENNESSEE-TOMBIGBEE WATERWAY

### HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. EDGAR. Mr. Speaker, authorized in 1946, the Tenn-Tom was investigated in 1950 and 1951 by the investigative staff of the House Appropriations Committee which found that the economic justification of the project was based on tonnage estimates which were worthless. The report concluded that the benefit-cost ratio would not be 1.13 to 1, but rather only 0.27 to 1. The committee found that the corps had laid plans to almost double the width: "The proposed ultimate width was not 170 feet but, instead, 300 feet." In response to the committee's demand for an explanation, the corps replied:

> The Tennessee-Tombigbee Waterway is authorized for a width of 170 feet. To increase this width to 300 feet would require additional authorizing legislation by the Congress . . . The authority delegated to the Chief of Engineers by Congress to make necessary modification of authorized projects does not extend to major increases in project scope, such as that which would be involved in widening the Tennessee-Tombigbee Waterway.

As a result of its 1950–51 investigation, the House Appropriations Committee placed the project in the "deferred for restudy" category, where it remained for roughly 15 years. In 1966 the corps resumed study of the project and found it to be economically justified on the basis of a channel wider than 170 feet. In 1967, the Secretary of the Army responded to the corps' request for authority to expand the project width by approving a 300-foot channel for purposes of future planning. The corps never requested construction authorization for the 300-foot channel from the Secretary of the Army or from the Congress. Nevertheless, construction funds were first appropriated in 1971.

For the benefit of the Members, I would like to include the following articles for their review:

[From the McGraw-Hill's Construction Weekly, Feb. 8, 1979]

### TENN-TOM TRAPS CORPS IN POLITICAL WEB

For 30 years the Corps of Engineers has been tangled in a web of political and economic problems associated with its Tennessee-Tombigbee Waterway, now under construction in Alabama and Mississippi. So long, in fact, has the Tenn-Tom been both a regional boon and an administrative headache that history has begun to repeat itself.

Authorized by Congress in 1946, Tenn-Tom was investigated in 1950 by a House Appropriations subcommittee whose 1951 report found the project lacking in economic justification, with a benefit-cost ratio of 0.28 to 1.

The subcommittee uncovered material "which clearly indicated that the [Corps'] proposed ultimate width for two-way navigation of the project was not 170 ft. [as authorized] but, instead, 300 ft."

The subcommittee demanded an explanation, and the chief of engineers at that time acknowledged that the Tenn-Tom "is authorized for a width of 170 ft. To increase this width to 300 ft. would require additional authorizing legislation by the Congress."

The Corps finally began building the project in 1972 at a width of 300 ft. The only authority it cited for not building the authorized 170-ft. channel was a 1967 memo by then Secretary of the Army, Stanley R. Resor, allowing the change "so that further planning may proceed on the basis of a 300-ft.-wide waterway."

The ambiguity of the memo and the Corps' failure to return to Congress landed them in federal court, challenged by a lawsuit filed two years ago by the Louisville and Nashville Railroad and the Environmental Defense Fund (EDF). An eight-day hearing on the legality of the Tenn-Tom concluded in Greenville, Miss., last week.

The plaintiffs have asked Federal District Judge William C. Keady to enjoin further construction of the $1.67-billion project until the Corps asks Congress for its formal approval of the 300-ft. width and other changes. A ruling could come within a few weeks.

#### BIG CONSTRUCTION

About 25 percent complete now, the Tenn-Tom is the largest waterway project in the history of the Corps, linking the Tennessee and Tombigbee watersheds by a 27-mile cut through a divide in the hills of northeast Mississippi. The 232-mile waterway would extend from Pickwick Lake south to Demopolis, Ala., where it would meet the existing Black Warrior-Tombigbee Waterway, some 217 miles above Mobile. The project consists of three segments: the divide cut, a canal section that will parallel the east fork of the Tombigbee for about 45 miles, and a 160-mile river section. A system of 10 locks and dams, requiring 2.2 million cu. yd. of concrete, will impound a chain of long, shallow lakes with a navigation channel 9 to 12 ft. deep and 300 ft. wide. Scheduled for completion in 1986, the job requires excavation of 308 million cu. yd. of material, about half of it from the divide cut.

Political support for the project in the South and in Congress has been strong. "I don't remember a single member of Congress who opposed this project," said Sen. John C. Stennis (D-Miss.) during Appropriations Committee hearings on Tenn-Tom last year. One reason may be his active support, which last year included a call to the General Accounting Office (GAO) that resulted in the termination of that agency's investigation of Tenn-Tom (ENR 5/11/78 p. 9).

The GAO investigation followed an earlier report by the Army Audit Agency claiming the Corps had failed to include $344 million in the Tenn-Tom estimate when it started construction in 1972. The agency claimed only work in approved design memorandums was included in the Corps' cost figure and, therefore, called the cost-benefit ratio for the project suspect (ENR 4/27/78 p. 11).

#### LONG COURT FIGHT

Attorneys for the railroad and EDF, led by Joseph V. Karaganis, plan to address cost-benefit and environmental issues in subsequent suits if they lose on the authority question. Judge Keady elected to hear the authority issue first, since the other questions will be moot if he finds the canal is illegal.

Keady, 65, is particularly qualified to try the case. He was a nationally known maritime lawyer for some 32 years, representing both railroad and towboat interests during the post-war expansion of the barge industry.

At issue is whether the Corps overstepped its bounds and violated its "discretionary" authority to make the following physical changes in the Tenn-Tom between 1946 and today:

Expansion from a 170 to a 300-ft-wide waterway.

Increase in depth from 9 to 12 ft in portions of the river section.

Addition of five dams to create a chain of lakes, as opposed to a diked waterway, in the canal section.

Addition of 19 river bend cutoffs to the 22 authorized for the river section, resulting in an overland canal that dissects rather than follows the Tombigbee between Columbus and Amory.

Increase in depth of five of the 10 locks in the system.

#### CORPS' DEFENSE

Lt. Gen. John W. Morris, Chief of Engineers, testified last week that these alterations were "minor modifications" within the discretionary authority granted in the 1946 Tenn-Tom legislation. "I'm not sure that every time we think there's the least question of authority that we have to run back to Congress asking what does this mean or what does that mean," he stated.

Morris held that the increase in channel width to 300 ft was permissible partly because of what he termed the "generous" language in the 1946 act calling for a Tenn-Tom channel depth of "not less than 9 ft" and a bottom width of "not less than 170 ft in the river and canal section and 150 ft in the divide cut."

However, the chief of the Corps' engineering division in Washington, D.C., said in a deposition taken last December that the terms "minimum bottom width" and "and not less than 170 ft" were engineering nomenclature for providing minimum navigational clearances.

#### PLANNING MEMOS

Internal Corps' memorandums introduced into the trial record, over the objections of Justice Department attorneys representing the Corps, suggest some of the reasons for the construction changes. For example, in 1975, according to one memo, the Corps noted that the Tombigbee River south of Demopolis is "more crooked than a barrel of snakes." The average tow on that section of the river is four barges, due to channel restrictions and frequent high water. Since 1966, however, the Corps had figured on a 300-ft-wide waterway carrying two-way, eight-barge tows from Pickwick pool in Tennessee close to 450 miles south to Mobile. This 300-ft assumption formed the basis for the navigation benefits and benefit-cost ratios reported to Congress through the spring of 1975.

Maintaining the benefits reported to Congress, the Corps realized, would require bend widening cutoffs, bridge relocations, and the addition of duplicate locks at Demopolis and Coffeyville to handle the combined tonnage from the Tenn-Tom and the Upper Black Warrior. None of these improvements were authorized by Congress, however.

By November, 1975, top Corps officials had decided the 300-ft waterway was authorized as far south as Demopolis, but that the Corps would have to return to Congress for an okay on the lower Tombigbee improvements. Nevertheless, the memos indicate that the benefits for the project continued to be predicated on the assumption of an eventual 300-ft channel to Mobile. "If we do assume the cutoffs will be provided" a Corps planner wrote in a November, 1975, memo, "We are . . . adopting the camel's nose or incremental approach to project construction."

[From the Coal Week, Feb. 12, 1979]

### TOMBIGBEE'S GOAL FOR COAL MOVEMENTS: A "PIPE DREAM"

The $1,600-million Tennessee-Tombigbee Waterway is pegged in large part on coal shipments, deriving a full 70 percent of its cost-benefit justification from its ability to link the Tennessee River to the port of Mobile.

A federal judge is expected to rule in a few months on a lawsuit filed by the Louisville & Nashville Railroad, challenging the authority of the Corps of Engineers to widen the 235-mile waterway.

One unexamined issue in the years of litigation and controversy over this largest public works project in US history is whether or not coal operators and shippers will use it. Coal Week correspondent James Branscome sheds some light on that question.

In 1974, in response to a dramatic $500-million increase in the cost of the Tennessee-Tombigbee Waterway (TTW), the Mobile District of the Army Corps of Engineers commissioned Kearney Management Associates of Chicago to conduct a new study of the canal's potential navigation benefits. In its "Evaluation of the Transportation Economics of the TTW," published in early 1976, Kearney estimated that 28-million tons of commerce would move over the TTW in its first year of operation, 1986. Sixty-five percent of the total commerce—18.4-million tons—would be a down-bound coal.

More than half of the coal tonnage, 9.9-million tons, would originate in northern Alabama and southeastern Tennessee and find its way to the export (presumably metallurgical) market through McDuffie Island Terminal at Mobile. Kearney's coal traffic estimate became the major factor in keeping the TTW's benefit-cost ratio above unity.

#### EVERY TON OF COAL TO MOBILE?

While opinions vary widely on the extent to which the TTW will induce new coal development in southeastern Kentucky and eastern Tennessee, most coal operators, sale agents and industry observers in recent interviews say Kearney overestimated the production potential for southern Tennessee. Kearny estimated that the Chattanooga Bureau of Economic Analysis (BEA) economic area (northwestern Georgia, northeastern Alabama and southern Tennessee) would produce 7.2-million tons of export met coal that would move over the canal in 1986.

The Corps is "pipe dreaming" if it anticipates 7- to 8-million tons of export met coal moving on the TTW out of southern Tennessee's Sequatchie and Walden's Ridge areas, according to Bill Allison, president of Tennessee Consolidated, a subsidiary of A.T. Massey and one of the largest export met coal producers in the southern mountains.

Pete Serodino, the largest marine contractor on the Tennessee River, says the Kearney figures "would mean every ton produced in this area would have to go to Mobile, and I just don't see that happening." Serodino, who builds barge terminals as well as barges and tugboats, says the $3.5-million figure for Graysville is "entirely out of reason" and declares that there is "no hope" for 3-million tons moving through Chattanooga. Among the factors cited by Allison, Serodino and others are the current condition of the export market. TVA purchasing practices, extraction problems, limited reserves, lack of adequate preparation plants and terminal facilities, and the quantum leap in production that would be required.

In 1977, Tennessee produced just over 10-million tons of coal, most of it in the northeastern area. Southern Tennessee (primarily Tennessee Consolidated) exported about 1-million tons of coal. John K. Irish Coal Sales and Smith Coal Sales accounted for another 500,000 tons in northwestern Georgia, northeastern Alabama, and southern Tennessee. The Kearney scenario, then, would require nearly a 500 percent increase in export production from the Chattanooga area in a 7-year span.

"Seven million tons of coal seems to me to be a considerable amount of coal to be coming out of the southern Cumberlands," observes Dale Studer, president of Sequatchie Valley Coal, which mined 300,000 tons of steam coal in southern Tennessee in 1977. "I doubt very much that there could be that much coal produced by 1986. There certainly would have to be a doubling or tripling of coal production in the state, because not all of it is going down that canal."

An October 1978 "Coal Resources" study by 3R Corp, for the Corps Mobile District shows that Tennessee's annual production will actually decline from 10.3-million tons in 1977 to 10-million tons in 1986.

Rudy Lane, president of Arrow Transportation, one of the largest commercial barge lines operating on the Tennessee River, says that the Corps' tonnage figures for southern Tennessee "are not that fantastic. There are enough reserves in those fields to last practically indefinitely." This is, of course, true for southeastern Kentucky. But 3R's study shows this isn't the case for southern Tennessee.

#### TENNESSEE'S RESERVES WOULD BE DEPLETED

The Bureau of Mines (BOM) demonstrated reserve base (January 1976) in the 10 coal-bearing counties of southern Tennessee totals 257-million tons. In its coal resources study for the Corps, 3R "refined" BOM's estimates of "coal reserves" to calculate the "recoverable or mineable reserves" that could potentially move on the TTW. The 3R study shows that these same 10 counties have 109-million tons of recoverable coal. If coal leaves southern Tennessee at the rate Kearney estimates, all of southern Tennessee's current recoverable reserves would be depleted in 15 years or around the year 2000—well before the end of the 50-year economic life of the canal. (Kearney's studies are based on that 50 year reference.)

When Kearney was conducting its survey in 1975, many coal companies were mapping plans for southern Tennessee which since have been shelved. The most significant of these shelvings occurred at Amax, which had expected to export 1-million t/y from reserves it owns in Sequatchie, Bledsoe and Van Buren counties. The state's Water Quality Control Board, however, denied Amax a permit in January 1977. Some observers feel Amax is "licking its wounds, waiting for the opportunity to come back." But Studer feels the board's decision "has quite a severe impact on the way that major producers look at southeastern Tennessee." In any case, there hasn't been any change in the law or regulations that led to the Amax decision.

TVA navigation department officials say that if all proposed terminals are approved and built, there will be adequate facilities to handle TTW tonnage. Best estimates by TVA and private operators for flow-through capacity for all existing and proposed terminals from Harriman, TN to Stevenson, AL fall short of 7.2-milion tons, however. (This excludes two facilities which are running TVA steam coal at capacity.) Moreover, a proposed terminal facility at Bridgeport, AL received so much local opposition that the Corps denied the permit. Opposition also has been raised to proposed terminals at Soddy-Daisy, Dayton and Oak Ridge.

Currently there is only one preparation plant operating in southern Tennessee (owned by Tennessee Consolidated). Allison feels there are not enough continuous blocks of mineable coal in the region to justify increasing capacity to 7-million tons. The Goldfields subsidiary and Dayton Mining each have plans for a preparation plant, but the total throughput capacity for both plants is less than 1-million tons.

Whether or not the Corps might voluntarily (or as a result of force) take another in-depth look at the economics of the TTW isn't clear. But, the agency does report to Congress each year on the cost-benefit ratio as it seeks authorization to spend funds on the project.●

---

## STATEMENT BY MR. HANLEY IN SUPPORT OF NEW MAIL FRAUD LEGISLATION

### HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● **Mr. HANLEY.** Mr. Speaker, today, I have introduced a bill which will help protect Americans from a continuing $600 million a year loss to mail fraud operators.

Literally tens of millions of dollars can be saved if we improve the legal tools needed for the effective use of civil sanctions by the Postal Service against mail schemes which are responsible each year for thousands of cases of financial harm and tragedy.

As chairman of the Committee on Post Office and Civil Service, and its Subcommittee on Investigations, I personally have heard testimony on mail fraud schemes which have as their target the elderly, the unemployed, and the sick. Mail fraud operations increase, even though criminal convictions for mail fraud also increase. The lure of great profits draws more operators into the field. The need to curb such profits through injunctions, mail stop orders, and civil fines is obvious.

This legislation provides new tools for the Postal Service to protect the majority of consumers before harm is done and savings lost.

The bill provides that the Postal Inspection Service may go to a mail promoter and demand in return for compensation a product advertised for sale through the mail. The product may then be tested by the Postal Service without the present necessity of waiting for the return by mail of a product ordered by mail before testing can begin. This change is necessary because new mail fraud schemes depend on one-shot mailings of their product in order to evade Postal Service investigation. By the time that investigation has taken place, the operator already has closed shop and moved on.

The bill also provides that a violation of a mail stop order will subject a violator to a possible $10,000 fine for each violation. This provision is necessary because the mail stop order, which directs a postmaster to intercept mail to a specific address within his jurisdiction and return to sender all remittances in response to a mail fraud or false pretense scheme, now can be evaded by merely changing the address of the scheme. A civil fine for violation of an order which may be appealed as a matter of law to a circuit court of appeals will be directed at a person or a corporation, thus making a violation a matter of personal or corporate responsibility. This change is necessary to overcome the neutralizing of the mail stop order process by merely changing the address of the mail order operation.

The bill then provides two new remedies for the protection of the public which will prevent loss to the consumer, rather than waiting for years to go by to obtain a criminal mail fraud conviction.

Two thousand criminal convictions last year speak well of the energy and dedication of the Postal Inspection Service, perhaps our finest law enforcement agency. But criminal convictions deal in punishment and not in preventive medicine needed to protect individuals and the public. This bill provides that medicine by meeting the challenge posed by new and old mail fraud schemes.

This bill will be good for the mail order industry as well as consumers. The mail order industry, which grosses $60 billion a year, depends on the trust of the consumer, and that trust is being threatened by mail fraud schemes. A full restoration of that trust requires constant vigilance over mail fraud. This bill is a significant step in that direction.●

## THE TREATMENT OF U.S. NATIONALS LIVING AND WORKING OVERSEAS

---

## HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. **ALEXANDER**. Mr. Speaker, I would like to continue with the preface of the report prepared by the American Citizens Abroad on the treatment of U.S. nationals living and working overseas.

### REPORT OF AMERICAN CITIZENS ABROAD

In 1979, Congress passed and the President enacted Public Law 96-60. Section 407 of this act is an amendment to the previously mandated study. The Congress stated in the preamble to the new section that: "American Statutes and Regulations should be designed so as not to create competitive disadvantage for individual American citizens living abroad or working in international markets."

The record shows that the Congress is concerned not only with analyzing individual laws and regulations and their affect on fair and equitable treatment of Americans abroad, or their affect on the ability of Americans to compete abroad, but also with the more fundamental questions of the basic policy of the United States towards its citizens abroad. Indeed it is generally recognized that such a policy clarification is a prerequisite to the analysis of how individual issues of laws and regulations can be determined to be non-discriminatory or competitively helpful or harmful.

### AMERICAN CITIZENS ABROAD

In the summer of 1978, a group of overseas Americans created a new organization, American Citizens Abroad, for the express purpose of helping the President carry out the study that had been mandated by the Congress. ACA gathered information from hundreds of overseas citizens. ACA studied the myriad statutes and regulations that affect Americans abroad. And, ACA prepared a report identifying fifty issues that needed to be addressed by the President in his report to the Congress. ACA's first report was submitted to the President of the United States on December 18th, 1978.

### THE PRESIDENT'S FIRST REPORT TO THE CONGRESS

On August 27th, 1979, the President sent to the Congress a Report on Equitable Treatment of United States Citizens Overseas. The submission of this report came as a surprise to many as just two weeks previously, on August 15th, 1979, the President had signed Public Law 96-60, whose Section 401 extended until January 20th, 1980, the deadline for the new report, of expanded scope, that the Congress had requested on overseas Americans.

It came as an even bigger surprise, and as a profound disappointment, to those who read this report to discover that the President had chosen not to address any of the basic policy questions as to how Americans should be treated while abroad. All that he had offered the Congress was a list of issues that had already been identified by ACA with little of substance in suggesting redress or even accepting that redress in the name of equity was called for.

### CONGRESSIONAL REACTION TO THE PRESIDENT'S REPORT

A number of Members of the Congress were disturbed by the President's approach to the study on overseas Americans as it was presented in his August 27th Report. Some took the trouble to write individually to the President to clarify the intent of the Congress in asking for such reports from the Executive Branch. Some specifically asked the President to address the basic policy questions of how overseas Americans fit into the social, political, economic and ideological objectives of the United States, and how far American obligations, rights and benefits are supposed to extend to, or be denied to, our citizens while they are away from home.

### ACA'S NEW REPORT

ACA has carried out another review of the problems confronting Americans living away from home. This new review covers not only the issues that were addressed in the first ACA report, and the answers to some of these issues as given in the President's report to the Congress, but also attempts to place these and other issues into the context of how American practices enhance or hinder the ability of American citizens to compete in the world marketplace.

This new ACA report follows below. It is structured to be useful to those who have been asked by the President to carry out the new research effort. The issues that were identified in the first ACA report follow in the same numerical sequence. New issues that are raised in this Second ACA report follow the numbering sequence starting at issue fifty-one. A cross-reference of the ACA issues to the responses to some of the issues in the President's report is shown in the index at the beginning of this report.

To avoid redundancy, the ACA issues previously identified will be addressed anew only in summary form. The President's analysis will also be mentioned only in summary form. The new ACA comments on these issues, both to reply to the President's report and to add new commentary on their international competitive import will be kept as brief as possible.

The original ACA report, and the President's report to the Congress will be appended to this new ACA report for ready reference. The issues that were addressed in the President's report have been numbered for cross-reference purposes in the order in which they appeared in his report.

### INTRODUCTION TO THE SECOND ACA REPORT

It is beyond dispute that the overseas American has greater burdens and fewer benefits while he is away from home than almost all of his competitors from other Free World countries. The explanation for this unfortunate competitive situation comes from myriad factors related to the origins of the United States as a country, its generally insular mentality, its traditional disdain for involvement in overseas markets, and its curious xenophobia which spills over onto its attitude toward its own citizens who have gone abroad, for whatever purpose.

The luxury of such prejudices, which may have had only nominal cost in the past, may be beyond the resources of the United States today. For this reason, the new international economic realities make a reassessment of the American treatment of its overseas citizens imperative.

The overseas American community has no natural constituency representation in the Government. There is no Department of the Cabinet which is designed to look out for the rights, and problems of overseas Americans. There is no Committee of the Congress which has jurisdiction over the entire spectrum of issues that concern Americans living away from home. And, unfortunately, there are no individual representatives of the overseas American community sitting in

Washington as the elected representatives in the Congress, or as the appointed delegates of their interests anywhere in the Administration.

It is not surprising, therefore, that all eyes turn toward the White House for resolution of this complicated problem. Nowhere else in the Federal Government can all of the disparate threads of this Gordian knot be drawn together and cleaved asunder.

If the President refuses to address the basic questions that plead for clarification, there is no other place that these questions can be addressed.

ACA, therefore, adds its voice to those of the Members of the Congress who have asked the President to lead us toward more felicitous policy. The questions that the President is invited to address are simple yet quite profound in their domestic and international import. They are:

1. What basic policy does the United States have toward the overseas American in terms of the obligations, rights and benefits that should be retained by or denied to the overseas American? And, what justification is there for any differences in the treatment of the American abroad from the treatment he would have had if he had remained at home?

2. What basic policy does the United States have toward the overseas American in terms of guaranteeing him the ability to compete on an equal basis with individuals of other nationalities in the international markets of the world? What justification is there for U.S. policies that impede the ability of individual Americans to compete abroad?

ACA hopes that the President will accept to confront these questions. And, subsequent to this long-overdue clarification of basic American policy, ACA hopes that the President's new report to the Congress as requested by PL 96-60, Section 407, will once again analyze all of the issues that affect Americans living overseas to bring all U.S. laws and regulations into harmony with the new policy guidelines for defining equity and international competitive ability.

ACA, once again, renews its offer to assist the President, members of his Administration, and the Members of the Congress, in the identification of problems facing overseas Americans, in the analysis of the harm that these problems are causing for all Americans, and in the elaboration of successful methods of redress.●

## UKRAINIAN INDEPENDENCE DAY

### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 24, 1980*

● Mr. CONTE. Mr. Speaker, the Soviet aim of aggrandizement, so recently manifest in the invasion of Afghanistan, is a recurrent phenomenon with historical roots in the pre-Marxist regime. It is an aim which has culminated in an empire which stretches across 11 time zones and covers one-sixth of the Earth's land masses. It is an empire comprised of more than 100 nations, many of which were once independent. The Ukraine, which constitutes the largest non-Russian nation both within the U.S.S.R. and Eastern Europe, is but one example of a nation which fell victim to this Soviet objective.

In January of 1918, the Ukraine flirted with independence, a flirtation which resulted in the establishment of the Ukrainian National Republic. Yet independence was short-lived; the Russian army invaded that same year. Sixty-two years later, the quest for freedom and independence continues. A long and checkered past of political dissension and protest has not abated; equally strong are the protests which ring forth from that captive nation today.

Russification of the Ukraine by the Soviets has been met with formidable challenge. The people of the Ukraine continue the struggle for greater authenticity in culture, language, politics and religion. They seek the basic human and civil rights accorded to every man by the Helsinki agreements. They strive to shed the status of a captive nation and remove the shackles of Russian confinement. The quixotic struggle for freedom has no end in sight. It is a quest which will nevertheless continue.

The 62d anniversary of Ukrainian Independence affords us the opportunity to applaud and champion the struggles of the Ukrainian people. It further underscores several lessons which must be recorded indelibly in the minds of America's policymakers. First, Russia is not a unified empire. It is characterized by internal dissent, cosmetically quelled by force and militarism. yet, shimmerings of the volcano are nonetheless evident. Second, Soviet aims of aggrandizement will continue to dictate much of Moscow's policy. Cognizant of both lessons, the United States will be better equipped to not only champion the cause of human rights, but to deal with present and future challenges to the peace and freedom which we have made our objective.●

## JAYCEE WEEK

### HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. HARRIS. Mr. Speaker, last week over 500 young men in the Eighth Congressional District of Virginia celebrated an anniversary. Sixty years ago, the Jaycees, formerly known as the Junior Chamber of Commerce, was founded in St. Louis, and in 1980 boasts over 400,000 members in the United States. Jaycees across America are actively involved in civil affairs today as they have been over the years. They have tackled problems in their communities, their States, and on the national and international level—all with one purpose in mind—the common good.

Mr. Speaker, these 500 young men, in 10 local chapters in my district are an integral part of 180 chapters located throughout Virginia. They toil long hours on projects to help retarded children, victims of muscular dystrophy, cystic fibrosis, juvenile diabetes, and heart disease. They perform a wide range of community action and individual development programs. All of these young men exemplify their creed which states that, "Service to humanity is the best work of life."

I salute the Jaycees on their 60th year of service to the people of northern Virginia and wish at this time to recognize the president's of those outstanding chapters located in the Eighth District:

Alexandria Jaycees—President Joe Saunders.

Annandale Jaycees—President Jay McIver.

Burke Jaycees—President Wayne Frazier.

East Lake Jaycees—President Ed Fitzgerald.

Franconia Jaycees—President Gregg Modesitt.

Greater Newington Jaycees—President Gene McKewan.

Greater Springfield Jaycees—President John Chwat.

Mount Vernon Jaycees—President Bruce Dilkes.

Cardinal Jaycees—President Richard Boswin.

Lorton Jaycees—President Rudy Owens.

District XXII (22) Director—Pat Milroy.●

## PEOPLE'S REPUBLIC OF CHINA, WHAT KIND OF STATE?

### HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. McDONALD. Mr. Speaker, last week this body saw fit to pass most-favored-nations status for the People's Republic of China. This is a mistake as was our diplomatic recognition of the People's Republic of China. This is also a basic mistake of our foreign policy. We attempt to deal with so-called Communist countries as nation states. They are not nation states in the traditional sense of the word. In each instance they are being run by a revolutionary instrument of the Communist Party going by the name of the central committee of that party. Therefore, the constitution of each Communist country is a peculiar instrument, superficially in some instances sounding like those of Western nations, but in fact ratifying central committee rule of that nation in the name of international communism. The constitution of the People's Republic of China is no exception. I have made a study of this matter in the hope that we can understand what we have done, what we have recognized and with whom we are trading. In the first part of this study, I will sketch in some background and then go into the actual structure of communism in the People's Republic of China. My purpose is to shed some real light on the problem in contrast to the pious hopes expressed by many in the Carter administration.

The study follows:

## U.S. DIPLOMATIC RECOGNITION OF THE PEOPLE'S REPUBLIC OF CHINA (PRC) AND UNILATERAL ABROGATION OF THE MUTUAL DEFENSE TREATY WITH THE REPUBLIC OF CHINA (ROC) ON TAIWAN

### INTRODUCTION

On Dec. 15, 1978 President Carter announced to the American people a momentous foreign policy decision. The White House statement declared: "as of Jan. 1, 1979, the United States of America recognizes the People's Republic of China (PRC) as the sole legal government of China. It is gratifying to know that the People's Republic of China accords similar recognition to the United States of America." While establishing diplomatic relations with the PRC, the President announced: "on the same date, Jan. 1979, the U.S. will notify Taiwan that it is terminating diplomatic relations and that the Mutual Defense Treaty between the United States and the Republic of China is being terminated in accordance with provisions of the Treaty, that is, by Jan. 1, 1980."

It is true, of course, that the new U.S. posture toward the PRC is only a logical conclusion of the well-known Kissinger-Nixon "realpolitik" approach to the problem of the Chinese communist regime, which resulted in the notorious Shanghai communique issued during Mr. Nixon's PRC visit on Feb. 22, 1972, in theory recognizing PRC sovereignty over Taiwan (the One China Doctrine). The fact remains however, that President Carter did not even succeed in extracting from the Chinese communists a formal, written pledge of non-aggression against Taiwan in exchange for diplomatic recognition.

Vague promises of peaceful reunification on the part of the Chinese communist leadership and, on our part, of limited defensive arm shipments to Taiwan failed to dispel worldwide concern, as Paul Johnson, former editor of the New Statesman and prominent British author, expressed it when he wrote, "Suddenly, the world seems to be full of abandoned American allies." [1]

Attention focused on the Mutual Defense Treaty abrogation, the second part of Carter's diplomatic package, consequently, in the media and the Congress. Many members on both sides of the aisle showed displeasure with the lack of consultation by the White House. Several senators and congressmen announced their intention to challenge the President's decision to abrogate in the courts.

A poll taken by the New York Times revealed no major groundswell of favorable public opinion. Forty-five percent of persons questioned said no when asked, "Do you think that Jimmy Carter should push for closer ties with communist China, even if that means breaking off relations with the nationalists on Taiwan?" Only 27 percent answered affirmatively, while the rest gave no answer or replied that they did not know.[2]

The issue for many—breaking off diplomatic relations with the ROC (Taiwan), recognized as an ally of "long-standing" and an economic success in Asia, obscured the equally important aspect of the official United States recognition of the communist-controlled government of the PRC.

Recognition was routinely granted, and from a rather awkwardly formulated White House statement—"the U.S. recognizes the People's Republic of China as the sole legal government of China"—it is not clear whether we have recognized a new state or a new government of the already existing Chinese state.

International law requirements for the recognition of a new state or government are, it is true, pragmatic and differ from state to state. There are no firmly set criteria by the community of nations for the guidance of its members.

In their recognition policy most countries stress as a requisite element the stability of the new state or government and its ability to effectively exercise control over the territory and its population. In US recognition policy of the 1920s, emphasis was also laid upon the ability and willingness of the new state (government) to engage in a normal relationship and meet its international obligations.[3] Unfortunately, this second requirement, however, has been deemphasized in US recognition practice since the early 1930s (recognition of the USSR in 1932).

In view of the past performance and history of the PRC since 1949, the question arises whether it has been wise and in the national interest to recognize the PRC and its communist controlled government as the legitimate successor of the ROC (Taiwan), despite its apparent efficient control of the mainland China territory and population. Blind following of precedents (i.e., our past recognition of the USSR, other People's Republics or "socialist" states) is no excuse for committing the same blunder again; and, in any case, precedents are not binding under international law. Each state decides arbitrarily whom it will recognize, since there is no right to demand nor duty to grant recognition to a state or government.

Before gambling with the "China card" and other dubious geopolitical games with "triangular" superpower combinations, it would be useful to examine the nature, motivations and intentions of the recently recognized PRC.

### THE NATURE OF THE PRC

The most suitable source of basic information about a state is its own constitution, especially in the case of the so-called "socialist" states organized along Marxist-Leninist lines. The PRC is one of those states, and its three constitutions (1954, 1975 and 1978) reflect the basic principles guiding the activities of the Communist Party of China (CCP), which is in total control of the People's Republic of China.

A review of the three PRC constitutions will disclose strict adherence to the basic principles of the Marxist-Leninist general theory of state and law, as they are similarly applied in other communist-controlled states. The preamble and the guiding principles section of the three constitutions are remarkably similar to constitutions of other communist-controlled states, irrespective of alleged doctrinal disagreements.

By 1949 the CCP had achieved victory in the "civil strife" with the Kuomintang nationalists, and on October first of that year the Central People's Government of the People's Republic of China was established. Lack of understanding of the true nature and aims of the Chinese Communists, who were perceived by many in the US as "merely agrarian reformers," greatly facilitated the communist takeover.

It took the Chinese Communist Party five years to consolidate its control over mainland China, and on September 20, 1954 the First National People's Congress adopted the PRC's first constitution.

A comparative analysis of the 1954 constitution with the later constitutions of 1975 and 1978 reveals two basic facts:

1. The CCP, despite semantic camouflage in the 1954 constitution, has always been in total control of the PRC, a fact constitutionally sanctioned in the 1975 and 1978 documents.

2. The Chinese people was subjected, between 1954 and 1978, to an experiment of revoluntary social engineering on an unprecedented scale, even in comparison with the U.S.S.R.[4]

Article one of the 1954 constitution defines the PRC as a people's democratic state. As in other so-called people's democracies, the CCP total control was camouflaged by introducing a system of people's democratic dictatorship. The preamble of the 1954 constitution alleges that this dictatorship is exercised by a "broad people's democratic united front, composed of all democratic classes, democratic parties and groups, and popular organizations" which are "led by the CCP." This is the only instance when the CCP is mentioned, and only indirectly, in the 1954 constitution.[5]

For almost thirty years "the people's democratic state" has been used by the CCP as an instrument to implement the Party's policy of revolutionary transformation of Chinese society—a "special cudgel, rien de plus," to use Lenin's favorite expression.

CCP leadership, under Chairman Mao, tried to outdo the Soviet communists by launching "the great leap forward" in 1958 to "accelerate transition to communism." The catastrophic results are well known.

This CCP attempt contributed considerably to the "Sino-Soviet split," since Mao refused to take advice and heed the warnings of the Soviet communists about the dangers of his "voluntarist decisions." It also created an upheaval within the CCP itself. In order to survive the factional struggle and eliminate the opponents of his "permanent revolution," Mao unleashed the "great proletarian cultural revolution," in the mid 1960's, which lasted until 1969 and greatly "destabilized" the country.

Since 1970, with Mao's health failing for several years, the necessity to bring stability to the PRC and consolidate CCP control has been recognized by both the "radicals" and the "pragmatists" within the Party apparatus. Both groups evidently considered the 1954 constitution obsolete and decided to produce a new fundamental law reflecting the tremendous revolutionary transformations which took place in China during the twenty-odd years of CCP control. On Jan. 17, 1975, the 2,864 deputies attending the First Session of the Fourth National People's Congress (the PRC's pseudo-parliament) adopted a new constitution unanimously. Its thirty brief articles update the antiquated provisions of the 1954 constitution.

The "innovations" introduced by the new constitution may be divided into two categories.

The first category is purely semantic and fictitious in character. Its most important items reflect the allegedly changed nature of the PRC as a state. Article I characterizes it as "a socialist state of the dictatorship of the proletariat led by the working class and based on the alliance of workers and peasants" in contrast to Article I of the 1954 constitution, which stated that the PRC was "a people's democratic state." Both definitions, for the reader familiar with Marxist-Leninist (Mao Zedong) thought, are purely fictitious, since they have nothing to do with the Chinese proletariat, peasants and "people," not to speak of "democracy."

The only meaningful term in both constitutions is "dictatorship" (used in the Preamble of the first constitution and Article I of the second constitution).

---

Footnotes at end of article.

It took the Chinese communists twenty-one years to drop the camouflage and identify the true holder of dictatorial power. Reflecting the CCP's confidence in their firm control of the Chinese masses, the 1975 constitution displayed a candor uncommon in communist constitutions in force at that time. Article II constitutionally sanctions the explicit supremacy of the Communist Party of China (CCP) over all organs and offices of the state and over the People's Liberation Army (PLA), stating, in part:

"The Communist Party of China is the core of leadership of the whole Chinese people. The working class exercises leadership over the state through its vanguard, the Communist Party of China."[6]

As with all communist doctrinal statements, this constitutional provision can be accurately grasped only if we apply to its analysis Marxist-Leninist ideo-semantic criteria. Thus, not only has the Chinese working class nothing to do with exercising the dictatorship, through its vanguard, the CCP, but as a mass organization with a membership of many millions, the CCP has little to do with the actual exercise of power. Rather, it is the core of the Party, the apparatus and higher Party organs, which exercise total control over the Party as well as over 900 million Chinese people.

Since both the dictatorship of the proletariat in the PRC and the "all-people state" in the USSR are deliberate semantic covers for total control by the respective Communist Parties' apparatus over "their" states, the vitriolic arguments of the Chinese communists against the Soviet concept ("all-people state") as being a deviation from Marxist-Leninist thought sound artifical indeed and suggest ulterior motives.

Thus, in fact, since its establishment in 1949, the PRC has been subject to the total control of the CCP apparatus, and the 1975 and 1978 constitutional "innovations" concerning the nature of the state—as compared with the 1954 constitution—are clearly of a cosmetic nature.

The new 1975 and 1978 constitutions, however, contain provisions which, under dry and innocuous language, reflect tremendous changes wrought upon Chinese society by the Party—changes that in human and statistical terms assume apocalyptic proportions.

Article V of the 1954 constitution recognizes four forms of ownership of the means of production: state ownership, that is, ownership by the whole people; cooperative ownership, that is, collective ownership by the working masses; ownership by individual working people; and capitalist ownership. Article VI through X, with some reservations, provide for constitutional protection of these forms of ownership.

After almost three decades of the Communist Party dictatorship in China, tremendous changes occurred in the system of ownership of the means of production. Article V of both the 1975 and 1978 constitutions states laconically that in the PRC "there are mainly two kinds of ownership of the means of production at the present stage: socialist ownership by the whole people and socialist collective ownership by the working people."

Despite the constitutional protection of 1954, therefore, two types of ownership of the means of production were completely eliminated: ownership by individual working people and capitalist ownership.

Whereas the fate of the capitalist (free-enterprise) sector in the PRC economy was already clear from the 1954 constitutional provision (Article X), according to which it was to be transformed into a party-state owned sector, the abolition of the ownership of the means of production by handicraftsmen and other non-agricultural individual working people as well as peasant ownership of land and other means of production reflects a human tragedy of mass proportions.

Despite the constitutional guarantees of 1954 that these small owners would be encouraged to organize producers', supply and marketing, and credit cooperatives voluntarily (Articles VIII and IX), the CCP, under the chairmanship of Mao Zedong, as early as 1958 launched a massive campaign destined to terrorize the small landowning peasants and handicraftsmen into agricultural communes and cooperatives. It is impossible in this short essay to go into details of this insane scheme to implement the communist tenets of collectivizing agriculture and eliminating the middle- and lower-middle classes in rural and urban areas. Suffice it to say that in view of the Chinese population numbering anywhere between 800 to 900 million people, the number of victims greatly surpassed even the Stalin collectivization "holocaust" in the 1930s. Elimination of landlords (well-to-do farmers) alone, whom Mao decreed to be liquidated as a class, resulted in the execution of several millions between 1949 and 1954.[7]

In effect, Mao's Great Leap Forward became a great leap backward in the field of agriculture as well as industry, and the PRC has never recovered from its consequences. The scheme was so "hare-brained" that even the Communist Party of the Soviet Union tried to dissuade Mao from promoting it with such haste, probably remembering the crisis caused by the Stalin collectivization, which almost wrecked the Soviet communist system.

The Great Leap Forward created violent dissensions within the CCP, which erupted into factional struggle of great ferocity. Opposed by several members of the top communist leadership, including members of the Politburo, Mao launched the Great Proletarian Revolution campaign against the more "pragmatic" members of the CCP apparatus, in order to save his vision of the permanent revolution (1966–69).

It is noteworthy that, despite the complete failure of Mao's internal policies, these policies have been reaffirmed not only in the 1975 constitution adopted during his lifetime but even more explicitly in the 1978 constitution, which was promulgated about a year and a half after his death by the new "pragmatic" leadership, following elimination of the "Gang of Four."

The 1975 constitution is obviously an interim document, drafted during a period of great uncertainty and intra-party strife. It is short, consisting only of thirty brief articles, compared to the 104 articles of the 1954 constitution. In addition to constitutionalizing the dictatorship of "the proletariat," exercised by the CCP, it incorporated policies that came to the fore during the Cultural Revolution. Its Preamble, while naturally stressing the line and policies indicated by "Marxism-Leninism-Mao Zedong thought," prudently avoided excessive glorification of the living but ailing Chairman Mao, whose name was not even mentioned in the Preamble.

It is therefore rather surprising that the newest constitution, now in force, adopted on March 5, 1978 by the Fifth National People's Congress, revives the Mao cult as practiced throughout the Great Proletarian Cultural Revolution. Mao is mentioned by name four times in the Preamble, which calls him "our great leader and teacher," "founder of the PRC" and exhorts the people "to always hold high and staunchly defend the great banner of Chairman Mao." This may indicate a resurgence of influence of the so-called "radical" faction within the CCP apparatus.

Factional struggle in Communist Parties, however, seldom means disagreement about basic doctrinal Marxist-Leninist tenets but indicates a power struggle between groups within the apparatus, cloaked in theoretical arguments. (The present deputy chairman of the CCP Central Committee, Deng Xiaoping, has been purged twice as a "capitalist roader," while its present Chairman, Hua Guofeng, was Mao's Minister of Public Security.)

A review of the two recent consitutions (1975 and 1978) also shows that despite the greater length of the 1978 document with its sixty articles, both documents contain identical principles governing the operations of state organs as well as broad guidelines for PRC foreign policy. Article III of both constitutions states:

"The people's congresses at all levels/the National People's Congress, the local people's congresses at various levels/and all other organs of state practice democratic centralism."

This principle, originally formulated by Lenin in 1906, is actually a party management principle, which has been devised to conceal the fact of the total control of higher party organs (the Party oligarchy) over the Party lower organs and rank-and-file membership. It was taken over without the slightest change by Mao Zedong and applied to the management of the CCP as well as of the PRC, which is under its control.

The democratic element in this formula refers to the "electivity" of the people's congresses at all levels and all other organs of state, as well as the right of the electorate to recall the delegates. The "democratic" character of the PRC electoral system has been well described recently in a newspaper report on the current session of the National People's Congress:

"The direct election of local people's congresses will not alter the grip of non-elected Communist Party committees on all important decision-making in China. Local congresses elect delegates to congresses at higher levels which invariably endorse decisions already made by [Communist] China's ruling CP Politburo in Peking."[8]

Despite the longing of the Chinese people for more representative democracy reflected in many wall posters in large cities during recent months, the element of "centralism" is rigidly observed, since the decisions of the higher Party organs are absolutely binding on lower organs through the party-state vertical control network.

For the first time both the 1975 and 1978 constitutions introduce guidelines governing PRC foreign policy. Despite vociferous protests against "subversion and aggression against our country by imperialism and social imperialism [i.e., the USSR]," and promises that "it will never seek hegemony or strive to be a superpower," the PRC is constitutionally committed "to uphold the principle of proletarian internationalism" (a Leninist code word for the global support of the revolutionary class—communist—struggle). The 1978 Preamble states: "We should strengthen our unity with the proletariat and the oppressed peoples and nations throughout the world, the socialist countries and the third world countries."

In addition, it is important to note, the PRC is constitutionally committed to reunite Taiwan with mainland China. The 1978 Preamble states:

"Taiwan is China sacred territory. We are determined to liberate Taiwan and accomplish the great cause of unifying our motherland."

As in the case of their Soviet communist counterparts, this does not prevent the followers of Marxism-Leninism-Mao Zedong thought from declaring in the same Preamble:

"In international affairs we should establish and develop relations with other coun-

---

Footnotes at end of article.

tries on the basis of the Five Principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's international affairs, equality and mutual benefit, and peaceful coexistence."

In Marxist-Leninist, Mao Zedong dialectical logic, these two formulas—proletarian internationalism and peaceful coexistence—are not mutually exclusive and contradictory, since peaceful coexistence is understood by communists all over the world as a "specific form of class struggle," a diplomatic instrument serving to destroy "the capitalist" (free-enterprise) adversary, while exploiting its advanced technology and purchasing huge quantities of foodstuff to avoid famine.

Analysis of the structure of the state, delineated in Chapter II of the recent constitutions (1975 and 1978) is hardly worthwhile, since the state with its legislative, executive and judiciary organs, as already pointed out, has no independent existence, actual power being exercised by the relatively small group of CCP oligarchy, i.e., the higher Party organs.

With regard to the definition of Fundamental Rights and Duties of Citizens, Chapter III in the PRC constitutions, comment is superfluous—the nature and aims of the communist Chinese partocracy already having been analyzed—but it is of particular interest in the light of the Carter administration's emphasis on human rights.

Speaking at a White House ceremony marking the 30th anniversary of the passage of the UN Declaration of Human Rights, shortly before the "normalization" of our relation with the PRC, President Carter, who extended diplomatic recognition solely by exercise of a presidential prerogative, vowed:

"Our human rights policy is not a decoration. It is not something which we have adopted to polish up our image abroad, to put a fresh coat of moral paint on the discredited policies of the past. Toward regimes which persist in the wholesale violations of human rights, we will not hesitate to convey our outrage—nor will we pretend that our relations are unaffected."

Mr. Carter's inconsistency in claiming that "human rights is the soul of our foreign policy" was pointedly criticized by President George Meany of the AFL–CIO, who stated bluntly:

"On December 15, he renounced that principle by extending diplomatic recognition to the People's Republic of China, one of the world's most repressive violators of human rights."[9]

The PRC 1978 constitution, as all constitutions of communist-controlled states, contains a number of articles which offer an elaborate list of human rights allegedly enjoyed by PRC citizens, from the right to vote (Article XLIV) freedom of speech, correspondence, press, assembly association . . . (Article XLV) to the right to lodge complaints . . . with organs of the state at any level against any person . . . . for transgression of law or neglect of duty (Article XLV).

We must, however, bear in mind that the PRC is a totalitarian party-state, where the CCP not only legislates, governs and distributes the country's social product; it manages not only policy (domestic and foreign), the economy and culture but also the minds, tastes, sentiments and imagination of the people. Under those circumstances, Article XLVI of the constitution, for all practical purposes, cancels all rights of PRC citizens, if they conflict with their primary duty:

"Citizens must support the leadership of the Communist Party of China, support the socialist system, safeguard the unification of the motherland and the unity of all nationalities in our country and abide by the Constitution and the law."

### CONCLUSION

In concluding this study of the PRC, its nature and aims as reflected in its three constitutions, nothing seems more fitting than to mention another typically "Chinese" human right, guaranteed by Article XLV of the 1978 constitution:

"Citizens . . . have the right to speak out freely, air their views fully, hold great debates and write big-character posters."

The meaning of this "human right" has nowhere been as well described as in a recent New York Times editorial entitled "Goodbye, Wall for Democracy," giving its interpretation by the present "pragmatic" Chinese communist leadership:

"But the much celebrated Peking thaw seems to have been overcome by a sudden frost. In recent weeks, the authorities have cracked down on statements 'against the proletarian dictatorship, against the leadership of the Communist Party, against Marxism-Leninism and Mao Zedong thought.' Wall posters may now only be put up at approved places—which do not include Tian An Men square—and those deemed anti-Government or anti-Communist may be prohibited altogether. The Government press now criticizes the early posters for raising the questions of 'defending human rights.' Violators of the new regulations are threatened with heavy sentences and dissenters report that one of their leaders, Wei Jingsheng, has been arrested and charged with being a counter-revolutionary, a crime punishable by death.

"An epitaph to public dissent appeared the other day on Peking's 'democracy wall,' much used for the last fall's tribute to freedom: 'Goodbye, wall for democracy . . . I hurried to you in the cold days in November. You embraced me with a gray wall and looked at me with gray eyes, and told me about "friendship and hope."[10]

### FOOTNOTES

[1] *NYT*, Jan. 10, 1979, p. A5.

[2] *NYT*, Dec. 19, 1978.

[3] See Clyde Eagleton, "International Government," New York, 1948, p. 78; and C. C. Hyde, "International Law Chiefly as Interpreted and Applied by the United States," Vol. 1, Boston, 1947.

[4] Despite the high-sounding guarantees of citizens' rights, which are incorporated in all PRC constitutions.

[5] Analogous caution was exercised by the Soviet communists in their first two constitutions (1918 and 1924) during Lenin's period, which did not even mention the communist party (The RCP(b)) as a power center. Article 126 of the Stalin constitution (1936) also lists the CPSU only as one of the mass organizations "where the most active and politically conscious citizens unite."

[6] Similarly, in its new constitution of Oct. 7, 1977, the USSR while "abandoning" the dictatorship of the proletariat and replacing it with the meaningless formula of "the socialist all-people state," also constitutionally affirmed Party control over the state. Article VI proclaims: "The leading and guiding force of Soviet society and the nucleus of its political system and of all state and social organizations in the Communist Party of the Soviet Union . . . The Communist Party, armed with the teachings of Marxism-Leninism, determines the general perspectives of the development of society and the course of the domestic and foreign policy of the U.S.S.R."

[7] See a well documented study by Richard L. Walker, "Human Cost of Communism in China," Committee on the Judiciary, U.S. Senate, Washington, D.C., 1971.

[8] See Jay Matthews, "China to Widen Local Voting," the Washington Post, June 18, 1979, A20.

[9] News from the AFL–CIO, Dept. of Public Relations, Doc. 20, 1978.

[10] NYT, April 5, 1979, A22. ●

---

## HIS WORD WAS HIS HONOR

## HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. BOB WILSON. Mr. Speaker, with the lonely sound of taps echoing across the stillness of the last day of the decade of the 1970's, we said goodby to Eddie Hébert. The passing of a close friend is not something that is easily put behind you. For moments shared together leave lasting memories that cannot be so suddenly taken away.

Eddie's vigorous and powerful personality was always filled with life. His matchless zest for living could not help but overflow into the lives of those of us who were fortunate enough to walk through life with him.

It has been said of Eddie that he was a man of prudence, good judgment, and commonsense—a man whose word was his honor, a good and true friend. And he was certainly all those things. But no single phrase could ever capture the vitality of this man. In Eddie Hébert was color, vigor, personality, and style—a true man of New Orleans, the city he loved and represented so well for 36 years.

During his years in the House, he served with distinction on the District of Columbia Committee, the Un-American Activities Committee, the Committee on Standards of Official Conduct, and the Armed Services Committee. To each of these assignments, he brought a probing and perceptive insight sharpened by his years as an investigative newspaper reporter and editor. His skill at digging for facts made him a valuable member of several investigative committees. His probing for the right answers led to many reforms and saved taxpayers millions of dollars which might have been spent unwisely. Eddie was not afraid to search for truth no matter where the facts lead him. He was greatly admired and respected on both sides of the aisle because of his forthrightness and unequivocable positions on issues. You knew where Eddie stood on the point at issue.

In this era of situational morality and relative ethics, a man of strong political courage becomes harder and harder to find. Eddie Hébert was such a man. In good times and bad, in the midst of praise or criticism, he upheld those ideals and principles in which he so devoutly believed. When it would have been easier to "go along" for the sake of compromise, Eddie stood by his convictions. But moral courage and strength of character have not always been properly rewarded and he felt the sting of defeat when the Democratic Caucus removed him from the chairmanship of the Armed Services Committee—a defeat which he accept-

**ed with the grace and composure which characterized his life.**

**Eddie Hébert was a man of tough mind and tender heart, of great passion and iron self-discipline; a man for work and a man for play; a man for joy and a man for suffering. But most of all, he was my personal friend and I shall miss him. His spirit, his courage, and his inspiration will live on in the lives of all those who were privileged to know and call him friend.**

**I know I shall treasure the memories of our shared experiences as long as I live.**

**Shirley and I extend our deepest sympathy to Gladys, Dawn, and his four grandchildren. We share their great loss.●**

---

## FUSION: UNLIMITED ENERGY FOR ALL MANKIND. WE MUST START NOW

### HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

**● Mr. McCORMACK. Mr. Speaker, for 30 years scientists around the world have worked to understand the physics and mechanics of nuclear fusion, the ultimate universal source of energy which drives the Sun and the stars. Years of frustration and disappointment slowly gave way to modest successes during the mid-1970's and to a series of brilliant accomplishments in fusion research laboratories in the United States during the last 2 years.**

**As a result of these successes, the world stands today on the threshold of a new era. We now know that with an aggressive engineering program we can apply the new lessons learned from these decades of research, and that we can, with near certainty, build and successfully operate a fusion electric generation plant before the end of this century.**

**Therefore, this is truly a unique moment in history. We now can, for the first time, undertake a fusion program with a schedule we can control and with targets we can set in advance; we can succeed by the projected dates—if we have the will to do so.**

**The goal makes it all worthwhile. When we enter the era of fusion energy—about the beginning of the 21st century—we will enter an era of absolutely unlimited energy supplies for all humankind for all time. Furthermore, this energy will be clean, inexpensive, and available to all. There is no doubt that this accomplishment will be the second most important energy event in the history of the human race—second only to the controlled use of fire.**

**Accordingly, the time has come to make a national commitment to an aggressive fusion program.**

**Last week I submitted legislation to establish such a program. The bill, H.R. 6260, is called the Fusion Energy Research, Development, and Demonstration Act of 1980. Thirty-five other Members of the House have joined in cosponsoring this legislation. I now invite all Members to join us in sup**porting this exciting adventure. Please **call 5-2884 if you wish to do so.**

The text of the bill follows:

H.R. 6260

**A bill to provide for an accelerated program of research and development of magnetic fusion energy technologies leading to the** construction and successful operation of a magnetic fusion demonstration plant in **the United States before the end of the twentieth century to be carried out by the Department of Energy**

***Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Fusion Energy Research, Development, and Demonstration Act of 1980".**

FINDINGS AND POLICY

**SEC. 2. (a) The Congress hereby finds that—**

**(1) the United States of America continues to be dependent on imported oil, and is faced with a finite and diminishing resource base of native fossil fuels;**

**(2) the current imbalance between supply and demand for fuels and energy in the United States is likely to grow each year for many years, aggravating an energy crisis and threatening the economic strength and national security of the Nation;**

**(3) the energy crisis can only be solved by firm and decisive action by tho Federal Government to conserve energy consumption in every realistic manner and to develop as quickly as possible a diversified and pluralistic national energy production capability;**

**(4) it is the proper and appropriate role of the Federal Government to undertake research, development, and demonstration programs in fusion energy technologies;**

**(5) fusion is the process by which the Sun makes its energy, and every nation of our world possesses in the oceans and waters of our planet an easily accessible and inexhaustible supply of fuel for fusion energy which cannot be embargoed, is inexpensively recoverable, and is usable with minimal environmental impact;**

**(6) the early demonstration of the feasibility of using magnetic fusior energy systems for the generation of electricity and the production of heat, hydrogen, and other synthetic fuels will initiate a new era of energy abundance for all mankind forever;**

**(7) the widespread use of fusion energy systems to supplement and eventually replace conventional methods for the generation of electricity will help provide energy independence for all nations of the world;**

**(8) the spectacular successes encountered in magnetic fusion energy research since mid-1978 provide fusion scientists throughout the world with the confidence that the time had come to move aggressively into the engineering phase of fusion development; and that the conditions required for scientific breakeven can be obtained in devices now under construction;**

**(9) the early development and export of fusion energy systems, consistent with the established preeminence of the United States in the field of high technology products, will improve the economic posture of the United States, and ultimately reduce the pressures for international strife by providing access to energy abundance for all nations;**

**(10) innovation and creativity in the development of fusion energy components and systems can be fostered through continued research of alternate concepts which show promising potential; and**

**(11) it is contemplated that the programs established by this Act will require the ex**penditure of approximately $20,000,000,000 **during the next twenty years.**

**(b) It is therefore declared to be the policy of the United States and the purpose of this Act to establish an aggressive research, development, and demonstration program involving magnetic fusion energy systems. Further, it is declared to be the policy of the United States and the purpose of this Act that the objectives of this research, development, and demonstration program are—**

**(1) to proceed immediately with all work necessary to construct and operate a fusion** engineering test facility by calendar year **1986;**

**(2) to follow the operation of the fusion engineering test facility with all steps necessary to construct and successfully operate a magnetic fusion demonstration facility before the end of this century;**

**(3) to maintain, and where appropriate expand, the base programs for fusion energy research, and the development and testing of appropriate alternative confinement technologies;**

**(4) to maintain a strong research and de**velopment program in advanced fusion **fuels; and**

**(5) to take appropriate measures to ensure the maintenance of an uninterrupted source of scientific and engineering talent from the Nations' colleges and universities in support of the magnetic fusion energy effort.**

DEFINITIONS

**SEC. 3. For purposes of this Act—**

(1) a "fusion energy system" is a system of components which uses magnetic fields and appropriate monitoring and control systems to contain a hot, highly ionized gas (called a plasma) for the purpose of creating a con**trolled environment in which a fusion reaction can proceed, and which may include additional components such as energy storage and coversion devices, and systems to generate electricity or produce hydrogen and other synthetic fuels;**

**(2) the term "magnetic fusion energy** system" may be used interchangeably with **the term "fusion energy system";**

**(3) "fusion" refers to the process whereby two very light nuclei (for example, deuterium and tritium) are forced together, forming a compound nucleus, which subsequently separates into constituents which are different from the original colliding nuclei, with an accompanying energy release;**

**(4) the term "fusion engineering test facility" (FETF) refers to a fusion energy system designed to achieve net energy production; and may involve any or all of the generic engineering systems necessary for the construction of a demonstration plant;**

**(5) the term "fusion demonstration plant" (FDP) refers to a full-scale prototype production plant designed to demonstrate the safety, reliability, duty factors, and maintenance standards of a fusion energy system, incuding the generation of electricity or the production of synthetic fuel;**

**(6) the term "advanced fusion fuels" refers to fuels which will undergo a fusion reaction, other than that involving deuterium with tritium;**

**(7) "scientific breakeven" refers to the condition existing when sufficient fusion reactions are occurring to produce as much power as is consumed in creating the conditions for the fusion reactions to occur;**

**(8) "facility" means any building complex, or other device constructively employing fusion systems; and**

(9) "Secretary" means the Secretary of Energy.

### RESEARCH, DEVELOPMENT, AND DEMONSTRATION OF MAGNETIC FUSION ENERGY SYSTEMS

SEC. 4. (a) The Secretary is directed to establish immediately and carry forth such research, development, and demonstration programs, projects, or activities as may be necessary to meet the objectives of this Act as set forth in section 2(b). As a part of any such program, project, or activity, the Secretary shall—

(1) conduct and promote the coordination and acceleration of research development, and demonstration programs relating to magnetic fusion energy systems and components thereof;

(2) seek support from and encourage cooperative efforts with the United States private sector and with other governments in carrying out the purposes of this Act;

(3) study the potential of using fusion energy systems for the production of hydrogen and other synthetic fuels, and for other nonelectric applications; and

(4) investigate the potential of using fusion power for the electrification of all or part of domestic ground transportation systems.

### DISSEMINATION OF INFORMATION AND OTHER ACTIVITIES TO EDUCATE THE PUBLIC ON THE USE OF FUSION ENERGY TECHNOLOGIES

SEC. 5. The Secretary shall take all possible steps to assure that full and complete information with respect to the potential benefits of fusion energy, and the status and progress of fusion research, development, and demonstration is made available to Federal, State, and local authorities, relevant segments of the economy, the scientific and technical community, and the public at large, both during and after the close of the programs under this Act, with the objective of promoting and facilitating to the maximum extent feasible the early and widespread knowledge of the practical uses of fusion energy throughout the United States.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There is hereby authorized to be appropriated to the Secretary, for the fiscal year ending September 30, 1981, $500,000,000, inclusive of any funds otherwise authorized to the Secretary for the purpose of research, development, and demonstration of magnetic fusion energy technologies, and for each succeeding fiscal year such sums as may hereafter be provided in annual authorization Acts.●

---

## TRIBUTE TO WILLIAM ORVILLE DOUGLAS

## HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. MOAKLEY. Mr. Speaker, it is with sadness, and a deep sense of sorrow, that I rise today to pay tribute to one of the most influential and outstanding jurists in our Nation's history—William Orville Douglas. Justice Douglas was an architect of the rights of privacy, speech, and press; a man who saw his role as that of helping to insure that the Government, at every level, did not invade the privacy of individuals; a man whose impact, as a jurist and citizen, was felt not just by our generation, but will be felt by many generations to come.

I do not rise today to speak of Bill Douglas, Justice of the Supreme Court of the United States; or of Bill Douglas, Chairman of the Securities and Exchange Commission; or of Bill Douglas, the Wall Street lawyer, environmentalist, world traveler, scholar, author, or civil libertarian. I come instead to pay tribute to the wisdom, philosophy, and being of William Orville Douglas.

When Bill Douglas came to Washington, during the Great Depression, it was neither to attain high political office nor to spend his life embroiled in politics. He came instead at the request of Franklin Delano Roosevelt, to head the SEC and to use his knowledge of Wall Street and the business community, to liberate our Nation from the worst financial disaster in which it had ever found itself. He did not know then that he would soon become one of the youngest Supreme Court Justices in history and would spend more than 36 years in that powerful and prestigious position.

When Bill Douglas came to Washington, he was able to transcend much of the political world that we all know, and was, thus, able to give of himself without compromise. He once said:

> I had an advantage, which few experience—the advantage of not ever having the Potomac fever, but only a desire to leave the city and get back to my woods and mountains as quickly as possible.

And it was in that advantage that Justice Douglas realized not just the need, but the right, as important a right as any addressed in the Bill of Rights, that communities receive a clean and esthetic environment.

Yet, Justice Douglas' concern for rights and freedom went far beyond domestic issues. His concern and involvement included issues of international development, of the needs of Third World nations, of the brotherhood of men and of the recognition of the limitations which faced a finite planet. He spoke out on these issues, and traveled the world to learn as much as he could to address with authority the issues of world peace, equity, and development. He wrote books such as, International Dissent, which recognized the need for a global community and the need for international solutions to our most serious problems.

Perhaps, what was most important about Bill Douglas, was not his specific views on civil disobedience, international dissent, or the host of other controversial positions which he took, but, rather, was his view of himself; of the need to be involved in his community and to be involved with the trials and tribulations with which our communities and citizenry suffer.

He stated:

> Many people assume that a Supreme Court Justice should be remote and aloof from life and should play no part even in community affairs. But if Justices are to enjoy First Amendment rights, they should not be relegated to the promotion of innocuous ideas.

His ideas were far from being innocuous, but rather spoke frankly and to the point to many of the inadequacies and contradictions that he spent his life trying to right.

Mr. Speaker, my colleagues, I think that simply eulogizing William O. Douglas is, perhaps, not enough. I believe that he demonstrated one of the highest and most noble qualities that we, as a country and a civilization, hold dear; the quality of statesmanship. Throughout his controversial career he concerned himself not with the conventional or popular, but, rather, he followed the dictates of his conscience that justice, freedom, and equality serve as the precepts of our society, country, and civilization. William O. Douglas was, indeed, a statesman, a man with courage and conviction, and the kind of man we do not often encounter. We will not forget William O. Douglas; we will be well served by following his example.●

---

## SAVINGS INTEREST TAX EXCLUSION

## HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. RUDD. Mr. Speaker, the declining ratio of savings by Americans of every income level is a distressing situation which deserves careful attention by the Congress.

The following chart outlines the rapidly deteriorating situation regarding personal saving:

| | Percent [1] |
|---|---|
| The U.S. savings rate: | 7.4 |
| 1971 | 7.7 |
| 1972 | 6.2 |
| 1973 | 7.8 |
| 1974 | 7.3 |
| 1975 | 7.7 |
| 1976 | 5.7 |
| 1977 | 5.7 |
| 1978: | |
| First quarter | 5.9 |
| Second quarter | 5.3 |
| Third quarter | 5.2 |
| Fourth quarter | 4.6 |
| 1979: | |
| First quarter | 5.0 |
| Second quarter | 5.4 |
| Third quarter | 4.3 |
| Fourth quarter [2] | 3.3 |

[1] Savings as a percent of total disposable income.

[2] Preliminary figure.

Source: U.S. Department of Commerce.

The savings rate for the last quarter of 1979, 3.3 percent, is the lowest since the Korean war era. The rates of the early 1970's were markedly higher before beginning to plummet in 1976, leaving the United States currently with the lowest rate of personal savings in the industrialized world.

Several elements have combined to cause this downward spiral in savings.

As taxpayers receive higher salaries to offset inflation they are pushed into higher and higher tax brackets, resulting in increased taxes but a reduction in real income. Obviously, interest from savings accounts adds to this nominal increase in gross income, but again, in terms of actual buying power, our taxpayers' incomes are not worth as much as they were before inflation. And, indeed, even before taxes, the return on savings is eroded by the double-digit inflation of today, usually resulting in a net loss. For instance, there is simply no way to keep up with the 1979 inflation rate of 13.3 percent announced by the Labor Department over the weekend.

Let me say parenthetically that I am sponsoring legislation which would index the tax schedules to allow for income increases which merely keep pace with inflation.

Additionally, I believe that it is important to encourage savings and bring tax treatment toward savings in line with our Nation's policy on dividends which currently allows a $100-tax exclusion on an individual return and $200 on a joint return. To extend this principle to another, equally important, investment area seems eminently reasonable and prudent.

The recent trend toward reduced savings portends dangerous consequences for our Nation's future economic health if not reversed soon.

Americans are responding, quite naturally, to the dismal economic truth that dollars in the future will have less purchasing power than dollars today. This is based on their thus far accurate perception that inflation will continue unabated.

With these negative factors operating concurrently, it should come as no surprise that Americans are pervasively adopting a short-term "buy now" philosophy with resulting consequences for savings.

Obviously, long-term investment financed through saving will inevitably be reduced as less and less capital is available for business expansion and home loans in particular.

Needless to say, a modest tax exclusion for savings interest will not single-handedly remedy the grim situation. The only long-term answer is to reduce the runaway inflation which is wrecking our economy. This, in turn, can only be accomplished by eliminating deficit spending through reduced Federal spending.

In the interim, a tax exclusion would restore some of the savings incentive which has been lost due to the combined effects of inflation and taxation.

I am pleased to have joined my distinguished colleague from Louisiana, Mr. MOORE, a member of the Ways and Means Committee, in cosponsoring H.R. 1429 to provide a $100 savings interest tax exclusion for individuals and $200 for those filing a joint return.

I view with mixed emotion the news last week that the conference committee on the so-called windfall profits tax legislation has agreed to accept the Senate-passed Bentsen amendment which provides for an expanded tax exclusion by adding savings interest to the dividend exclusion already provided.

While I wholeheartedly support this concept, I will not be able to vote for the bill to which it has now been attached because of my strong opposition to the massive windfall profits tax constructed by the House and Senate at the President's request.

I am optimistic nonetheless that if the conference report fails, the savings tax exclusion may be passed separately on its own merits or attached to a more acceptable bill in the future.•

---

## THREE MILE ISLAND MYTHS DEFLATED

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

• Mr. DERWINSKI. Mr. Speaker, in light of the hysteria and exaggerated press reports surrounding the Three Mile Island episode I wish to insert an article by Mr. M. Stanton Evans, which reports on the official findings of the Presidential Commission. This article appeared in the February 2 edition of Human Events, and I wish to include it in the RECORD at this point for the Members' attention:

### THREE MILE ISLAND MYTHS DEFLATED

(By M. Stanton Evans)

The nuclear power industry, sorely injured by the Three Mile Island accident last year, has started to go on the offensive.

News of this development is conveyed in the current issue of *Fortune*. According to this journal, teams of nuclear engineers from Westinghouse and other firms have taken to the campus lecture circuit, trying to straighten out the colossal errors of fact that have been spread among the populace in the wake of TMI. It's a job that certainly needs doing.

Interestingly, some of the best available evidence for debunking myths on nuclear energy comes from the so-called Kemeny report, widely quoted in criticism of practices at TMI and at the Nuclear Regulatory Commission. The report is the handiwork of the President's Commission on the Accident at TMI, headed by Dartmouth College President John G. Kemeny.

While chastising staff technicians and regulators for over-emphasizing fail-safe mechanisms rather than guarding against human error, the Kemeny Report makes it crystal clear that the hysteria about the accident at TMI was totally uncalled for. In particular, the report drives home the fact that the alleged hazards from radiation and the possibility of nuclear explosion were virtually nonexistent—contrary to the appalling scare stories that were circulated last March and April.

Among other things, the Kemeny Report finds that the safety equipment at Three Mile Island was good, and that the regulators were well-prepared—over-prepared, in fact—for development of a major accident. But the Commission also found that regulations governing the facility were too voluminous and complex, and that there was too much reliance on a regulatory mind-set, not enough on training people to deal with smaller accidents in commonsensical fashion. As for possible health effects, the Commission found:

1. "The danger was never—and could not have been—that of a nuclear explosion (bomb)." Nor was there an imminent danger that the famous "hydrogen bubble" would explode. Even in the event of a so-called "meltdown"—in which the nuclear fuel might melt and fall through the floor of the reactor vessel—the Commission found no likelihood that large amounts of radioactivity would have been released. Since this event did not occur, the conclusion is speculative, but is based on a hard-eyed assessment of the TMI facility.

2. Nor was there any lethal radiation danger to the population in the immediate vicinity. "* * * [T]he radiation doses were so low that we conclude that the overall health effects will be minimal * * *. The average dose to a person living within five miles of the nuclear plant was calculated to be about 10 per cent of annual background radiation and probably was less * * *. On the basis of present scientific knowledge * * * there will be no detectable additional cases of cancer, developmental abnormalities, or genetic ill-health as a consequence of the accident at TMI."

3. The worst health consequence of TMI was caused, not by the accident itself, but by the reaction to it. "The major health effect of the accident appears to have been on the mental health of the people living in the region * * * and of the workers at TMI." People were terrified of reported possible explosions and radiation dangers, leading to severe "mental stress." The Commission found that this mental stress was "the most severe health effect of the accident."

This last finding means, quite literally, that those who most loudly trumpeted the alleged health dangers of TMI were themselves responsible for those dangers. The Kemeny Report lays blame for these developments on confused reports from federal and state officials, and also offers a critique of media coverage of the episode, particularly of media competence to deal with issues of this type. Too many reporters, the Commission says, simply didn't understand what they were reporting.

This critique of media performance at TMI amounts to little more than a slap on the wrist. Some who remember the screaming headlines and excited TV reports about the accident may feel a harsher judgment is required. There were times back there last March and April when scarcely a day could pass without some new horrific scare story about the possibility of vast explosions, radiation hazard, meltdown, and other assorted nuclear perils.

During the height of the hysteria, Accuracy in Media did an excellent job of spotting and correcting factual misstatements and ludicrous horror stories being pumped out by the press and electronic media. In one especially ridiculous episode, NBC News played up the death of 19 cows and calves in the countryside near TMI, giving rise to the (wholly unjustified) suspicion that they had been killed by nuclear radiation. As AIM observed, the true, nonnuclear cause of death was not reported by NBC.

More recently, the Media Institute has published a lengthy statistical analysis of TV coverage of nuclear power in general and TMI in particular, showing that the vast majority of alleged authorities interviewed and quoted by the networks concerning TMI were critics of nuclear safety, that the pronuclear interviews were generally with spokesmen for government or industry, and that the networks' own handling of the accident was heavily weighted to the negative side, by a margin of about 13 to one. Small wonder people were experiencing "mental stress" concerning TMI.

The point is aptly made by Anne D. Trunk, a citizen-member of the President's Commission and a resident of Middletown, Pa., near TMI. She says that, as a result of media coverage of the episode, "the public was pulled into a state of terror, of psychological stress. More so than any other normal news source, the evening national news reports by the major networks proved to be the most depressing, the most terrifying. Confusion cannot explain away the mismanagement of a news event of this magnitude."●

## JOE HEALY LEAVES FLYING TIGERS

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. ANDERSON of California. Mr. Speaker, I would like to take a moment to say a few words about a man who has been a leader in establishing an effective, efficient airfreight transport system in this country.

The man I speak of is of course, Joseph J. Healy. He is a man that started at the bottom and moved up to help build one of the greatest airfreight organizations in the world—the Flying Tigers. Joe will be leaving the Flying Tiger Line in only a few days, after more than 30 years of hard work with that organization. Joe will be joining Purolator Courier, where he will continue to use his knowledge and background in expedited airfreight transportation.

The Flying Tiger Line was founded in 1945, right after War II and only 3 years before Joe started work with them as a cargo handler in Teeterboro, N.J., in 1948. During his stint at Flying Tiger he also served as vice president of the eastern division, vice president of systems and ground operations, and vice president of planning. In 1974 Joe was promoted to executive vice president and chief operating officer.

It was not until September of 1978 that Joe assumed the position of president that he will now be leaving. While he was with Flying Tiger, the airline became the Nation's biggest all-cargo airline. Under Healy's direction, Flying Tiger's service expanded to Asia, after the airline was certificated to fly over the Pacific in 1969.

Healy has been successively the youngest terminal manager in the airline at 24, director of ground operations, a vice president, and in 1970 a senior vice president. He has been a member of the board of directors since 1972.

In 1973, Joseph Healy was honored by the Airfreight Motor Carriers Conference as "Airfreight Man of the Year."

Healy serves as vice chairman of the International Chamber of Commerce's Air Transport Commission; he is a member of the Industry Policy Committee and the Economic Task Force of the International Air Transport Association (IATA).

In the past, Healy has served as Vice Chairman of the National Committee of International Trade Documentation; as a member of the IATA's Traffic Advisory Committee; chairman of the board of Bradley, Inc.; and a member of the board of Air Cargo, Inc.

Those of you who served with me on the Aviation Subcommittee have had a chance to see Joe in action and recognize his great ability as a witness. He has helped us to clearly understand the problems within his industry of airfreight transportation.

I know Joe will do the same outstanding job at Purolator Courier as he has done for the past 30 years with Flying Tiger Line. Both my wife, Lee, and I wish Joe, his wife Audrey, and their six children, the best for a prosperous, happy, and healthy future.●

## PHIL SCAFFIDI—AN OUTSTANDING EXAMPLE OF COURAGE AND LEADERSHIP

## HON. JACK KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. KEMP. Mr. Speaker, John F. Kennedy once stated:

> The courage of life is often a less dramatic spectacle than the courage of the final moment; but it is no less a magnificent mixture of triumph and tragedy. A man does what he must—in spite of personal consequences, in spite of obstacles to live our lives as God intended us.

Phil Scaffidi of Buffalo, N.Y., exemplifies this type of extraordinary courage—this desire to overcome, to achieve and to excel not only in the field of sports, but in life itself. A star athlete in both high school and college, Niagara University basketball player Phil Scaffidi was recently told by his doctors that he had contracted a malignant cancer. This young man's courage and determination remained undaunted, however, as he vowed to continue to play basketball after the removal of a malignant tumor.

Today Phil is fighting back against the cancer, and he is rewriting the books on this dreaded disease. Recently Phil broke the all-time record of most assists on a basketball team at Niagara University. Unquestionably, Phil's spirit is very much alive.

In the Sunday Buffalo Courier Express, Erik Brady profiled the life of this courageous young man. Phil Scaffidi has been an all-around athlete throughout his life, beginning with Little League baseball and football. While he attended St. Joseph's Collegiate Institute in Buffalo, he received numerous awards such as the Billy Kelly Award in 1973 and Athlete of the Year in 1974.

Phil was an outstanding player in four different sports during his high school career. He won 13 varsity letters in track, football, baseball, and basketball. Phil played on the all western New York baseball team, New York State baseball all star team, was All Catholic in four sports, and won a 4 year basketball scholarship to Niagara University where he is today.

Following his operation Phil was determined to play basketball again, and he has done so with excellence. He loves sports, and when he could not play collegiate baseball because of his 2 years with the Pittsburgh Pirates, Phil coached the Niagara University baseball team. He is truly an outstanding and very dedicated athlete.

I would like to extend my sincerest appreciation and admiration to Phil for the inspiration and determination which has made his life, and the lives of all who know him, so rich.

Mr. Speaker, at this point I would like to commend to you and my colleagues the following Buffalo Courier Express article by Erik Brady, concerning Phil Scaffidi and his accomplishments:

### THE PHIL SCAFFIDI STORY

(By Erik Brady)

You would never suspect Phil Scaffidi was a patient as you watch him walk the corridors of Roswell Park Memorial Institute, the cancer research center in Buffalo. He doesn't move like a sick person. In his walk there is a certain bounce, a swagger, a fluid gait—the unmistakably cock-sure strut of the athlete. He looks as though at any moment he could dart down the hallway at top speed on some sort of hospital fast break.

Instead, he walks into a room where doctors, determined to halt his cancer, wait to do tests. But the strut remains the same. It comes naturally.

As he walks, Scaffidi stops and talks with nearly everyone he sees, from director Dr. Gerald P. Murphy to a janitor swabbing the floor. He carries news of his basketball team, the Niagara University Purple Eagles. Dr. Murphy, a member of Niagara's Board of Trustees, is interested. So is the janitor.

The big news for the nurses, though, is that Phil was engaged to be married on Christmas Eve. It is now three days later, and he breaks the news by saying "I popped it," meaning the question, and by sliding one hand over his ring finger. The nurses all smile.

Phil Scaffidi is well-like outside Roswell Park as well. Legions of Western New York sports fans have marveled at how he has come back from major cancer surgery to play basketball again at Niagara. They know his story and have taken it to heart. This Friday, at the Statler, is a dinner in Scaffidi's honor, organized by Los Angeles Dodger manager Tom Lasorda and attended by a host of other major-league celebrities, including Chuck Tanner, manager of the

World Series champion Pittsburgh Pirates, and Chuck Knox, coach of the Buffalo Bills.

"I appreciate it, I'm humbled by it. The people in Western New York—in Buffalo and Niagara Falls—have been great to me," says Scaffidi. But there is one thing about it all that bothers him a little bit. He's not complaining or anything, just a little bit concerned. "John Doe may be a pretty good guy, and people might like him, but if John Doe steps off the curb tomorrow and gets run over by a bus, everybody will say he was a super guy, a tremendous guy," Phil explains. "That's the way people are. It's human nature, but I don't want people feeling sorry for me just because I got sick. I know there are people healthier than I am, but I don't know how many there are happier than I am. I mean that."

Scaffidi does not allow anyone to have pity for him. It is the one thing be cannot stomach. And it is the secret ingredient that has allowed him to achieve the nearly impossible—to play major college basketball again.

Tuesday it will have been one year since Phil Scaffidi came home from Denver, where he underwent the surgery that cost him 60 percent of his liver, one adrenal gland, a kidney, his gall bladder and part of his diaphragm. Doctors had succeeded in carving out of him a massive malignant tumor, 18 inches long, during an 8½-hour operation. And in the hospital room, where his parents visited him after he had awakened earlier than expected from the operation, he made a dribbling motion with his hands.

He couldn't speak, not with his tongue, but what he had said was he would play basketball once more. He said it again, out loud this time, when he returned to Buffalo last January 29, the night a benefit was held for him at Mulligan's on Hertel Ave. Phil couldn't be there himself, he was still too weak, but word of his homecoming got around. His friends wanted to believe he could play again, but they knew what he had just been through—it was the reason over 1,000 had gathered at Mulligan's. The shock was still fresh. They wanted to believe, but many could not.

One who did was Mike Naples, Phil's best friend. Ten years before, when they were in eighth grade, the two used to shovel off the back-yard basketball court and play a Buffalo brand of winter basketball—dribbling with gloves on over patches of ice, the ball making a hollow sound as it bounced off the frozen cement. Sometimes Naples would slow to half-speed; after all, this was merely a back-yard one-on-one match between friends. But Scaffidi never saw it that way. He played to win, even in the snow. He always plays to win. Always.

"I had been playing sports all my life, and all of a sudden it was over—I could never play again," he is saying after practice at the NU Student Center on New Year's Eve. "I was determined not to let that happen. And now I'm back. I may not play much, but I'm here. It's like I died and came back. And now I appreciate everything: the coaches, the players, the camaraderie, the sweat. I love to play."

He must love to play. While other players simply slip into sneakers and jock straps, Scaffidi must endure a half-hour ritual every time he goes on the court.

Trainer Ray Kist applies heat to Scaffidi's 23-year-old knees, then a whirlpool treatment, then massage. Then the knee braces go on. When Phil was in bed, his weight plummeting from 178 pounds to 136, the muscles in his thighs atrophied, and he developed arthritis in his knees. More than his cancer, it is the bulky knee braces and his balky knees that have kept him from regaining his speed and returning to his former form on the court. But the knee treatment is only part of the process. Kist rubs Vaseline into the surgical incisions—they make a jagged interstate roadmap over Phil's stomach—so that they will not be irritated by the rib brace and restriction brace that go on next, to buttress his midsection. Then he is ready to play basketball.

Ray Kist met Scaffidi three years ago when he was a trainer at St. Francis of Loretto, Pa., and Niagara was in town. The two met in a bar after the game—"not so coincidental," explains Kist. "It's a small town"—and they hit it off over a few beers. The next season St. Francis coach Pete Lonergan, a St. Bonaventure graduate, took the job as Dan Raskin's assistant at Niagara—and Kist came along. Now he and Scaffidi room together on road trips, and they spend so much time together in the training room that Phil calls Kist "my bodyguard." When Kist is married in September, Scaffidi will be in the wedding.

"Niagara is like a family to me," Phil says, looking around the deserted Student Center. "And my own family, my father and mother, everyone, has been so good to me—I can't even describe it. Mary Sullivan, my girlfriend, is the nicest person I've ever met. It's all of these people, my friends and my family, who have pulled me through this thing. What I need now is to get the cancer into remission. Sure, I've got a problem. But in a lot of ways I'm very lucky. Roswell Park, one of the best cancer research institutes in the world, is 20 minutes from my house. I've got great relatives and friends. And I've got a lot of great memories, too."

Many of Phil's fond memories revolve around sports. What's more, local sports fans know him as a fine athlete. But the ironic thing is that he has actually been a better athlete than many people recall.

For instance, most fans know that Phil has been a starter for Niagara since his freshman year, and that his playmaking ability has put him in the Purple Eagle record book for most assists. But people aren't as quick to recall that in Scaffidi's first year Niagara won 17 games and received a bid to the National Invitational Tournament. The Eagles lost by five points to Kentucky. There was no shame in losing to the Wildcats, the eventual champions, and being the first player introduced at Madison Square Garden that afternoon ranks as Phil's fondest sports memory.

Phil was also an All-Catholic football quarterback at St. Joseph's Collegiate Institute. What may not be recalled, though, is that Bill Hurley, who was among the top collegiate quarterbacks in the country this year at Syracuse University, didn't become the St. Joe quarterback until his senior year—after Scaffidi graduated and left the post vacant.

Scaffidi "quarterback" the basketball team at St. Joe's as well, and in his junior and senior years the Marauders won the Manhattan Cup championship. Garland Hughes, the burly center on St. Joe's current squad, has promised Phil the Marauders will win it again this year, completing the three legs it takes to retire the trophy.

Scaffidi was a sprinter on the St. Joe's track team, too, and of course he was a baseball player—good enough so that the Pittsburgh Pirates offered him a pro contract after high school. His baseball coach at St. Joe's, athletic director Joe Wolf, maintains Phil is the best all-around high school athlete he ever saw.

Scaffidi played two years in the Pirates organization, knowing that under NCAA rules he could still compete as an amateur in college basketball if pro baseball didn't work out. Because of his pro stint, however, he can't play on the Niagara baseball team—instead, he coaches it.

He has originally signed a letter of intent to play his college ball at Canisius, but he went with the Pirates instead. When he left baseball, he opted for Niagara. (Mike Naples was a reserve player with Canisius, but the two old friends were not apart for long; Mike graudated from Canisius in May and immediately became Niagara's sports business manager.)

He couldn't be any closer to his Niagara coaches—Raskin, Lonergan and Wally Thompson—as well as to the players and "bodyguard" Kist. They have been able to keep a potentially tense situation loose using humor and good-natured kidding. If Scaffidi is drinking a Coke and offers one of them a sip, they are bound to decline by saying they don't need the carcinogens. It sounds cruel, but it isn't. Athletes poke fun at each other all the time, usually picking on some obvious characteristic. If one guy has a big nose, he'll hear jokes about it. The same with Scaffidi's cancer. It is the law of the locker room. And it is one of the reasons Scaffidi wanted to play again: "If you can't laugh at things," he asks, "what do you have to live for?"

"Phil has a problem," acknowledges Coach Raskin. "We don't try to hide it—he has cancer, and it is a terrible thing—but we try to laugh about things sometimes. People who don't know us cringe when they hear it, but it helps him. And he is the one who starts with the gags. It takes the pressure off of you. Phil will not allow you to have pity for him. Of course he gets depressed about things. That's normal. But I think the humor is one of the ways he has been able to handle it."

Scaffidi's season was almost cut short this year after he played in an exhibition game against the Republic of China, in which the Student Center crowd gave him a resounding ovation. Doctors had found spots on his lungs and what is left of his liver, and were contemplating another operation. There may well be another one, but for now doctors have decided to treat Phil with chemotherapy and medication.

"I don't say what is going to happen the next day, the next day and the next day," says Phil, looking around the Student Center after the New Year's Eve practice. "It's out of my hands. I trust in my doctors, and whatever they say I have to do I do. Except when they say I have to stay in the hospital a certain number of days. I set a goal and get out earlier. You have to help yourself, you have to stay optimistic, you can't ever give up.

"Every time a team I'm playing for goes out for a game I expect us to win. We're not always favored, but you have to be optimistic all the time. We've got five guys and they've got five guys, and you never know what's going to happen. If you're not optimistic, if you stop trying, that's when you're going to lose. Sometimes I see people at Roswell who get so depressed they give up. I try to talk to them. There's always a chance."

He speaks quickly, and he jumps from one thought to another. It's as though he has a lot to say but not enough time to say it.

"What I have is adrenal cortical carcinoma, which is adrenal cancer. Sometimes I think I brought it on myself, because I've been so hyper all my life, pumping the adrenalin in games. The only thing I really regret is the wear and tear I've put on my family and friends. I just wish they could all understand that no matter what happens I'm okay."

Only moments before, Phil had stood in the locker room with his teammates and greeted the new year with champagne in Dixie cups, poured by Scaffidi and Kist. Last New Year's Eve, Phil had been just two days away from surgery. Now he was toasting the future.

And what of the future?

"I hope to graduate with my physical education degree from Niagara, and then I want to get a good job because Mary and I will be getting married in early summer. I can hardly believe it, because I can't even change a fuse. I'll have to learn those things. And I want to coach basketball, and baseball too, I hope. The future looks good."

What Phil Scaffidi has done this season, playing basketball again, is a feat that transcends individual athletic contests. There is no space in the box scores to record it. But there it is, as plain to see as a slam dunk: incredible courage.

Maybe he deserves a medal. Considering the hue of his Eagles, make it the Purple Heart.●

# SENATE—*Wednesday, January 30, 1980*

*(Legislative day of Thursday, January 3, 1980)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by Hon. WENDELL H. FORD, a Senator from the State of Kentucky.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

"Lord, as we go to our work this day, help us to take pleasure therein. Show us clearly what our duty is, help us to be faithful in doing it. May all we do be well done, fit for Thine eye to see. Give us enthusiasm to attempt things, patience to perform. When we cannot love our work, may we think of it as Thy task, and make what is unlovely beautiful through loving service, for Thy name's sake." Amen.

—George Dawson, 1821–76.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. MAGNUSON).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., January 30, 1980.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

WARREN G. MAGNUSON,
*President pro tempore.*

Mr. FORD thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized for not to exceed 2 minutes.

## CANADA AND OTHER FRIENDS

Mr. ROBERT C. BYRD. Mr. President, all Americans are grateful this morning for the news that six American Embassy personnel who fled the U.S. Embassy in Tehran when it was seized nearly 3 months ago have escaped from Iran with the assistance of the Canadian Government. In giving refuge to these Americans, the Canadians risked their own lives; to get these Americans out of the country, the Canadians had to close their own Embassy. The Canadian Government has set a magnificent example of courage and sacrifice and humanity. Canadians can be very proud. Americans are very grateful.

Canada has shown once again the validity of the adage that when the chips are down, one learns who his true friends are. Canadians, our English and French speaking neighbors to the North, have demonstrated in this difficult situation that they are friends indeed.

Other nations have shown that they too are friends in these troubled times. The British Embassy gave refuge to Americans fleeing the burning Embassy in Islamabad, Pakistan, several weeks ago. And through the last few months, Mrs. Thatcher's government has demonstrated that it is one of our staunchest supporters. European governments—especially the West German Government—and others around the world such as the Australian Government have sought to show that they support efforts to win the release of the hostages in Tehran and that they oppose Soviet aggression in Afghanistan.

Japan is one of our most important Pacific allies and trading partners. Initially, the Japanese seemed slow to respond to the crisis in Iran and I criticized the activities of Japanese banks that seemed to undercut U.S. efforts at applying economic pressures on Iran. But Japanese official policy has emerged in strong support of the kind of efforts that the United States is seeking to mobilize against Iran and Soviet aggression.

Prime Minister Ohira has made a strong, clear policy statement in a speech delivered to the Japanese Parliament on January 25, 1980. In this speech, Prime Minister Ohira reaffirms Japanese-American cooperation. He condemns the Soviet intervention in Afghanistan and the seizure of the American hostages in Tehran. And he commits his government to study and implement measures in response to these acts, "even if they may involve sacrifices" on Japan's part.

We need and welcome Japan's help just as we need and welcome the help of Canada and others of our friends. The interests of us all are at stake—preservation of a civilized international system and resistance to aggression. There is growing evidence that in these troubled times, the United States does not stand alone.

Mr. President, I ask unanimous consent that key passages on Iran and Afghanistan excerpted from the policy speech of January 25, 1980, before the Diet by Prime Minister Ohira be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

KEY PASSAGES ON IRAN AND AFGHANISTAN

The fundamental aim of our foreign policy is to strengthen the solidarity with the countries of the free world, and on the basis of such solidarity, to expand the rings of friendship and cooperation throughout the world. The unfaltering relation of mutual confidence between Japan and the U.S. based upon the Japan-U.S. security arrangements is, needless to say, the cornerstone of our foreign policy. In order to solidify this cornerstone even further the government of Japan intends to continue its sustained efforts for the enhancement of the Japan-U.S. cooperation in the political, economic and cultural fields. At the same time, the government of Japan intends to strengthen the cooperative relations with other countries of the free world including those of Western Europe.

I believe that everyone on this globe eagerly desires peace. The fact, however, that certain countries still attempt to impose their positions on others by resorting to the use of force and thus threaten the peace and stability of the world, is truly deplorable.

The military intervention into Afghanistan by the Soviet Union cannot be justified on any account. The internal affairs of Afghanistan must be left in the hands of Afghanistan itself. Japan urges the immediate withdrawal of the Soviet forces and strongly supports the resolution adopted for this end at the emergency special session of the U.N. General Assembly.

The government of Japan will continue to make efforts befitting our country in order to contribute to the resolution of this serious situation on the basis of our solidarity with the United States and in cooperation with other friendly countries in Europe and in other parts of the world. Japan has demonstrated its stand on the issue through the activities in the U.N. and in the area of exchange of personnel with the Soviet Union. We shall continue to study and implement, as the situation develops, appropriate measures including the tightening of the export control in Cocom, taking into consideration the public opinions both at home and abroad. I believe that we must not shun these measures even if they may involve sacrifices on our part.

I also wish to make it clear that Japan has no intention to engage itself in any activities which may undermine the measures taken by other friendly countries or to lessen their effects.

For the purpose of maintaining the stability of neighboring countries in the area, particularly Pakistan, we would like to give positive consideration, in cooperation with the U.S. and western European countries, to the requests from those countries for cooperation in the economic field.

The seizure of the U.S. Embassy in Tehran is an unlawful act that threatens the basic order of the international community, and the taking of the hostages is unacceptable also from the humanitarian viewpoint. I strongly hope that the hostages are released without loss of time and that the situation is resolved in a peaceful manner. To this end, Japan will continue to support actively the international efforts including that of the U.N. Also, as the situation requires, Japan will act appropriately, in cooperation with the United States as well as European and other countries regarding ways to achieve an early release of the hostages.

## RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized for not to exceed 2 minutes.

Mr. STEVENS. Mr. President, I yield the time that was allotted to me to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the Senator and appreciate very much his yielding to me.

## GENOCIDE IS NO DOMESTIC MATTER

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Convention charge that genocide is not a proper subject for treatymaking. I take this opportunity to dispose of this groundless objection once and for all.

The allegation is that genocide is not an international matter because treatment by a state of its nationals is only of domestic concern. This suggests that any international action in response to genocide would violate the sovereignty of a state committing the crime within its borders. This objection to the Genocide Convention falls short of the truth in three ways.

First, if members of the international community decide the very depravity of genocide is serious enough to cross borders, then genocide stops being simply a domestic matter. International law defines what is an international crime. And international consensus is the creative force behind international law. That consensus most certainly exists today—83 nations have ratified the Genocide Convention—including most of our NATO allies. And that consensus makes legitimate the placing of international sanctions on the perpetrators of the most heinous crime: Genocide.

Second, putting aside the sheer baseness of genocide, the crime warrants international status because it threatens the stability of the international order. As an enemy of peace both within and without a country, genocide raises justifiable concern among countries both next door and far away.

Third, genocide, by definition, transcends state boundaries. The crime is defined as an act committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such. Throughout the course of history, racial groups and religious faiths have migrated across continents, traversed oceans, and split into subgroups. Much of this process has ignored national boundaries, leaving many races represented all over the world. Therefore a crime against a race in one country will be resented by members of that race everywhere, and construed as an international crime.

The importance of international outrage, the desire for peace, and the dispersion of those of common heritage combine to refute the charge that genocide is a domestic matter. I urge my colleagues in the Senate to ratify the Genocide Convention.

I thank my good friend from Alaska once again for graciously yielding me his time.

## RECOGNITION OF SENATOR DOLE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kansas (Mr. DOLE) is recognized for not to exceed 15 minutes.

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business without prejudice to the orders; and that Senators may speak therein; and that the period not extend beyond 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the leader very much.

## OUR PETROLEUM SUPPLY LINES

Mr. STENNIS. Mr. President, whatever else we may have to do to meet the developments of Afghanistan, we are faced with a fast-developing hazard to our petroleum supply lines in the Persian Gulf-Indian Ocean area. The Russian invasion, which is certainly leading to a conquest of Afghanistan, is clearly carried forward by Russia for the serious purpose of making highly gainful advances there for themselves. While they may have some immediate interests in securing Afghanistan, their most threatening goal is gaining absolute control of the petroleum resources of that area and the oil lines leading out of the area. This would give them the power to cut off and terminate as they see fit the shipping routes that supply us and much of the remainder of the free world with oil that is at present indispensable to our economy and the economies of Western Europe, Japan, and other allies.

Having and controlling an all-weather warm water port and thus having for the first time a year-round access to the ocean lanes of the world would greatly further these Russian goals. This would be a far-reaching development of the gravest kind, and there is no time for us to lose in improving our position to counter that possibility.

Fortunately, there is time for us to react and protect ourselves. The President should move vigorously to acquire facilities in this part of the world. We should not delay now to fully negotiate with all others interested in joining a plan for facilities in this area. Facilities should be acquired now and designed for operating on a joint basis with others for the benefit of all so that we can unite our efforts with Western European and Pacific powers and with regional friends who want to join us in these efforts which benefit them as well.

Like it or not, we must do what is necessary to protect ourselves and our interests in the area. This includes, as I see it, the overwhelming necessity of establishing forthwith facilities in that area to be used as naval ports and airfields to serve the necessary seapower, as well as other necessary military power which could include land based air power, troops, and supplies.

We are some 10,000 miles from the oil reserve area. The facilities in the Indian Ocean at Diego Garcia are absolutely essential, will soon be improved and are available to us. But Diego Garcia is over 2,000 miles away from the crucial area of the Persian Sea. Alone, it is inadequate to serve all of our demanding needs. Military supplies of virtually all kinds, even including food, will not be available but will have to be supplied from America. Airfields are needed to permit operations close to this indispensable area.

President Carter has carefully and actually drawn the line in his speech and says that we will protect this Persian Sea area as a source of our essential energy supply. This calls for prompt action to back up our position. Furthermore, to select the sites, which is an executive function, and proceed promptly to build facilities, will show most convincingly that we are preparing to act on this policy. This is by far the best proof that we really intend to establish and back this policy without fail. Short of such action will, of course, create doubt as to our purposes.

The first tangible result of our action on military facilities will be a deterring effect on Russia. They will know, we will know, and our friends will know the United States can get there in time and with enough to protect its interests. The second will be a protection for the source of oil supply for us and the remainder of the free world. A semi-permanent U.S. position in that "oil area" will buy the necessary time to solve our own problems of creating an independence of supply sources for the essential petroleum needs of our own vast economy.

We are confronted with many added demands in our military program. I have never advocated the reckless expenditures of funds for military purposes. We cannot shore up the entire world, nor can we meet every demand. But the need and demand for facilities that demonstrate U.S. commitment, interest, and capability is for our own direct protection. In view of these situations, I trust that President Carter will proceed with all due speed in meeting this essential need.

Let me add, Mr. President, this is no quick thought with me. This is a deliberate conclusion of what I think is of major importance, that it is indispensable. It by all means holds a great possibility of benefit to our side, so to speak, through the deterrent effect that it is bound to have on the Soviets. It closes the door totally to any doubt they may have to as whether or not we are going to proceed with actual quick preparation of purpose in this area.

I thank the leadership, each side, very much for arranging for me to have this time at this point.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. STEVENS. Mr. President, is there time left for morning business?

The ACTING PRESIDENT pro tempore. There is time.

## AMERICAN PERSONNEL IN IRAN

Mr. STEVENS. Mr. President, over a month ago at meetings arranged by the majority leader, representatives of the administration conveyed information concerning the American personnel in Iran which was of a highly sensitive nature.

I do not wish to confirm or deny the total information that appears in the press this morning concerning those six Americans who are now back from Iran, but I just want to point out that there were four Senators who were involved in and had knowledge of the situation concerning those Americans, the majority leader, the chairman of the Committee on Foreign Relations, the ranking Republican on the Committee on Foreign Relations, and myself as acting minority leader.

I point this out in order to demonstrate for the record that the Senate as an institution is capable of respecting highly classified and sensitive information.

I hope Members of the Senate and members of the executive branch who deal with this type of information will realize as a result of this specific incident, and there are others, that the Senate is highly conscious of the need to maintain and respect the necessity to classify information in the age in which we are living today.

## ORDER OF BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the time for Senator DOLE commence after Senator WALLOP has made his comments under the order, if the majority leader has no objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I have no objection. I would simply suggest that Senators who have orders may have them in such sequence—that the sequence as set forth yesterday not necessarily mean that they may not be recognized at any time—that Mr. WARNER may go now or Mr. DOLE may go now and other Senators may proceed, but I hope Senators will be here and ready to be recognized under the orders so as not to delay the Senate.

The ACTING PRESIDENT pro tempore. Does the Senator from Alaska withdraw his request?

Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## RECOGNITION OF SENATOR WALLOP

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank the Chair and I thank the majority leader for confusing me with the distinguished fully haired Senator from Virginia. Both of us have one thing in common: we both have beautiful wives. Mine is less famous. But he, for sure, has more on top of his head than I have, although both may have the same inside.

Mr. ROBERT C. BYRD. May I say both have a good sense of humor also.

Mr. WALLOP. I thank the distinguished majority leader.

## THE PHASEOUT PROVISION OF THE WINDFALL PROFIT TAX

Mr. WALLOP. Mr. President, we asked for time this morning to talk a little bit about the conference on windfall profits.

There are some rather wild statements being flung about in the press by various members of the administration and various parties to and various parties outside of the conference. One of the problems that exists is something that the Senate had as part of its agreement when it passed the windfall profit tax. It is an agreement that was hammered out, as everyone well remembers, with a good deal of give-and-take on the part of everybody, and which has reference to the so-called phaseout provision.

The Senate, by a rather handsome margin, decided that it was in favor of a phaseout and it settled on a figure that is virtually the same as the compromise figure that the two Houses have now reached as a trigger point at which time the tax would begin to phase out. It was the position of the Senate that this was not a windfall or a windfall could not be construed as something that would exist interminably without review. The Senate concluded that it is an impossibility, in fact a contradiction in terms, that a circumstance called windfall would exist ad infinitum, and we agreed that we would have a phaseout provision.

The House had taken a position that this should be a permanent tax, and they have now been offered what would appear to be a very fair compromise to their position. The Senate's position is that we want to phase the tax out once the revenue requirements have been reached. Senator DOLE should be commended for the cooperative approach he has taken in the conference.

The compromise offered by the Senator from Kansas (Mr. DOLE) is that the tax on the incentive categories of oil, newly discovered, tertiary, and heavy oil, would be phased out once the revenue target of $227 billion is reached. The remaining categories of oil would remain under the windfall profits tax until the end of 1991, when the tax itself would begin to phase out. Senator DOLE is interested in producing more domestic energy.

The House conferees seemed to be more interested in the production arguments surrounding newly discovered, heavy, and tertiary oil when they were trying to extract part of the tax money from the independent producers. We all heard stories of how the House wanted to tax independent producers so that they could lower the tax rate on the incentive categories of oil. The phaseout compromise offered by Senator DOLE promises an era when full incentives can be given to newly discovered, heavy, and tertiary oil. But suddenly the House conferees are no longer interested in the production arguments associated with these categories. They want a tax on all categories of oil extending to 1991, and then to stop. And of all of the preposterous arguments in the world is to create a cliff where everything stops. If you want a real disincentive to production, that has got to be it.

The conferees have maintained single-minded attention to revenues, not energy. With the tax mechanism in place, the House conferees seem reluctant to allow any kind of meaningful phaseout of the tax at all.

A sad but true testimony to how this legislation has departed from the energy bill we sought last year is provided in the final revenue target reached by the conferees. There was nearly $100 billion difference in the revenue projections in the House and Senate bills. The Senate had exempted independent producers and tried to maintain as low a tax as possible on newly discovered oil, tertiary oil and heavy oil. Suddenly, out of the blue, the House insisted on splitting the difference between the two bills. The conferees were faced with raising a tax of $227 billion, regardless of how the added tax burden would affect domestic energy production.

Mr. President, splitting the difference between one onerous tax and another does not make a rational energy policy. Forcing the independents to pay an additional $23 billion in tax liability over the next decade does not help this Nation find more oil. I will admit that I am pleased that the conferees chose to lessen the tax burden for the independent producers, but by taxing the independents we still tie them to same burdensome system of base prices and regulations that we were trying to avoid through decontrol.

Mr. President, we have not ended decontrol, we have enmeshed the problems of price controls into the tax system. We have not taken a step toward lessening our dependence on OPEC. This tax will only continue the circumstance that makes it more profitable to produce, refine and broker oil than it is to address our domestic energy problems.

Mr. President, there are still some unresolved questions facing the windfall conference committee which I hope will be addressed with true concern for equity and fairness. The conferees have yet to decide how they will treat severance taxes imposed by State governments on oil. The House conferees have indicated that they want severance tax increases to be nondeductable from the windfall tax, while the Senate maintains that future severance tax increases, if they are applied on the entire barrel of oil, should be deductible.

Mr. President, the Senate provision provides adequate guarantees that a State government will not be able to raise its severance tax at the sole expense of the U.S. Treasury. If a severance tax increase is applied across the board, on the full value of the barrel of oil, deductibility will not cause State legislatures to rush headlong into a severance tax increase binge. In my State of Wyoming, legislators are debating whether they wish to increase severance taxes. The same process is going on in New Mexico, Michigan, and other oil producing States. These men realize how any tax increase can damage the energy producing industries in their State, and they make changes in their estate taxes only with the greatest caution.

There are many Senators who feel comfortable with their States severance tax. I believe Texas has a 12.5 percent severance tax on oil, and the severance tax in Louisiana and Alaska is even higher. Is it fair to tell other States that they cannot increase their severance taxes, even when doubling their tax rates would leave them with severance taxes less than Alaska's or Louisiana's? I submit that the Federal Government should not get into the business of disrupting the State's traditional power to tax the mineral extraction activities within its boundaries.

Mr. LONG. Will the Senator yield at that point?

Mr. WALLOP. I am happy to yield to the distinguished chairman.

Mr. LONG. Mr. President, the windfall profit tax in many respects does resemble a severance tax. I agree with the Senator that it is very inappropriate for the Federal Government to try to tell the States that they cannot pass a severance tax. I find it rather amusing that the Federal Government for 200 years never sought to raise any revenue in this fashion. The States have been at it—in Louisiana, we have been at it for 70 years.

Now, at long last, the Federal Government decides to get into this type of taxation. What is the first thing they want to do? Muscle the States out of there.

The States were not telling the Federal Government that the Federal Government cannot tax. The States are willing to share revenues with the Federal Government, as they do in other taxes, sales taxes, income taxes, inheritance taxes, and whatever.

But for the Federal Government, at this late date, to decide that it wants to have a tax of this sort and then proceed to tell the States that they cannot have one, in my judgment, is not only ridiculous, it is outrageous.

Mr. WALLOP. Mr. President, it is and has all the traits of the caricature that sometimes one sees in the newspapers of Uncle Sam as a real money grubber.

Mr. LONG. Yes.

Mr. WALLOP. And it is a lack of equity in conscience and a lack of justice that propels them into this. I think it is unbecoming of the Federal Government to get into that position, and I hope that they would see fit to back off. Because there is money enough, as the chairman well knows—and the leadership he has provided in this thing has been exemplary, as far as this Senator is concerned—but there is money enough. After all, the President still has only identified $142 billion worth of need out of the $227 billion they want to raise. And I doubt seriously if any State is going to go on a severance tax binge. But they are going to have to do something to produce energy and that creates impact which creates requirements on their tax bases.

Mr. LONG. Mr. President, I hope the Senator has no objection to the type of thing the Senate Finance Committee is doing.

Mr. WALLOP. No. If the States want to tax, they have to tax across the board. That is exactly right. What we did was design a way so the States could not be as inequitable in their approach as the Federal Government seeks to be in its approach.

Mr. LONG. I thank the Senator.

Mr. WALLOP. I thank the chairman very much.

There is one other tax that has yet to be addressed by the conferees, and that is the status of the Indian tribal lands. The House had no provision on Indian lands, but the Senate chose to follow a long line of tax precedents and exempt Indian tribal lands from the windfall tax. The conference has decided justly to exempt State-owned lands and certain charities. Any Federal taxation on Indian trust resources would be an intrusion into the relationship between the Federal Government and its Indian wards. Taxation would be contrary to congressionally established and judicially enforced Indian policy, antithetic to Federal programs of tribal self-determination and economic development and would discriminate against federally sanctioned Indian tribal governments. Mr. President, I hope sincerely that the windfall conferees will recognize the long standing tax exempt status of Indian tribes and see that they are exempt from the windfall profit tax.

Mr. President, I see that the Senator from New Mexico (Mr. SCHMITT) is here, and I also see that the ranking member of the Finance Committee is here for their participation in this debate.

I only hope that the rest of the windfall conferees would not get down into the sole aspect of revenue-raising bill and would keep one eye on America's energy security future.

I yield the floor.

Mr. SCHMITT addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is not recognized under an order.

The order is for the Senator from Kansas (Mr. DOLE).

Mr. SCHMITT. Mr. President, I ask unanimous consent that the Senator from New Mexico be recognized until the Senator from Kansas is in the Chamber.

Mr. ROBERT C. BYRD. Mr. President, I object. I am sorry to have to object, but we have orders for the recognition of four Senators. If they want to yield their time, fine. I would have been glad to have gotten an order for the distinguished Senator from New Mexico.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kansas (Mr. DOLE) is recognized for not to exceed 15 minutes.

Mr. DOLE. Mr. President, last Friday 39 Republican Senators sent me a letter urging that the windfall profit tax conferees hold firm against a combined administration-House assault on the termination mechanism in the Senate bill. These Senators, along with several Democrat Senators, have indicated that the triggered phaseout is the "single most important provision in the bill." They further stated that they would find it difficult to support the conference report if it did not contain a triggered phaseout.

The Senate bill, as all in this Chamber realize, provides that when 90 percent of the estimated revenue of the bill is raised, the tax begins to phase out at the rate of 3 percent per month. By contrast, the House tax is permanent, except for the provisions applying to new and tertiary oil.

This attempt to bolster the Senate position was criticized by the distinguished Senate majority leader as well as by the White House. Apparently the Senators that signed the letter realize something that has not gotten through to the White House. There is no ground swell of support for this tax on the part of Americans around the country.

Those citizens to whom the Senator from Kansas has spoken understand that the so-called windfall profit tax is nothing more than another tax on consumers.

I might say that the Senator from Kansas addressed a number of people who are not in the oil business at all. The American consumers are convinced, and probably correctly so, that whatever tax we impose on the oil industry will sooner or later be passed on to them in the form of higher prices or in some other way that the American taxpayers, the American consumers, will pay the tax which President Carter and other administration leaders keep indicating is a windfall profit tax affecting only the oil industry. Let us not try to kid the American consumer.

It is preposterous to believe that this massive tax will only affect the oil industry. Every business in this country considers taxes—by all levels of government—merely as costs of doing business that are passed along to consumers. Once this is realized it becomes clear that rather than "recapturing profits" the Carter tax will only add to the costs of petroleum-based products in this country.

Mr. President, this question of who will pay for the windfall profit tax is an interesting one that deserves further illumination. From the beginning this administration has told the Congress and the American people that the tax would not be passed on to consumers. Rather, it would be paid out of corporate profits. Those of us with some sense of economics questioned this assumption that a basic law of business was being repealed. Surely, we said, the oil companies will merely add this tax on to the price of their products. No, the administration responded, the price of petroleum products is dictated by OPEC not the domestic industry. The tax could not be "passed on" because the domestic industry does not have the market power to set prices.

In opposition to the Senate passed triggered phaseout, however, this same administration chooses to argue the contrary, the triggered phaseout is bad, we are told, because the domestic oil industry will raise its prices to more quickly phaseout the tax.

Mr. President, how can the industry raise prices to more quickly phaseout the tax if they lack the market power to raise prices?

I think that is the question we are now addressing in the conference.

On the other hand, if the industry has this market power to raise prices, why will this tax not be passed on to consumers. The administration cannot have it both ways.

I find the administration cozying up to big oil, which seems to be contrary to the public statements expressed by President Carter and others. We find it showing up time after time in the conference, the administration supporting the efforts and the appetite of so-called big oil in America.

This Senator believes that the tax will be passed on to consumers. I support the triggered phaseout precisely because the tax will be passed on to consumers. The only thing worse than a $227.3 billion tax on American consumers is a permanent tax on these same consumers.

There is no support for another tax in this country. We can call it a windfall tax or a value-added tax or any other new idea, but the American consumers have had just about all the taxes they can stand. To indicate in one breath we are going to tax the industry and not the consumer is pretty hard for the consumer to understand because they are very sophisticated.

Mr. WALLOP. Will the Senator yield for a question?

Mr. DOLE. Yes.

Mr. WALLOP. Has anybody ever tried to explain to the Senator or to the conferences to justify arriving at a figure of $227 billion and then saying it is a permanent tax and has no consequences?

Mr. DOLE. No. In fact, it occurred to the Senator from Kansas it may not even be in conference. We argued for weeks on this floor over $1 billion or $2 billion. In the second meeting of the conference, the majority gave away $50 billion. This action increased taxes $50 billion on American consumers, over my objection and the objection of a few others.

Mr. WALLOP. But having settled on that, what significance does it have if it does not phaseout?

Mr. DOLE. It does not have any.

Mr. WALLOP. It has none. It is a fraud to even say that that is what the tax is.

Mr. DOLE. Now we are talking about $300 or $350 billion and then maybe phasing it out. As far as this Senator is concerned what the Senator from Wyoming suggested was the best possible way to start the phaseout. I understand they will not buy that, however.

Now they are talking about no phaseout, a permanent tax. The Senator is absolutely correct, it makes no sense at all.

Mr. WALLOP. It is typical of the inconsistency and the sort of manipulation of facts to deal with their own preconceived ideas which has characterized this debate since we first got into it. Those of us who were trying to make it an energy debate and who sought to have production responses, to do something responsibly, have obviously failed in that, or even to persuade the members of the press or anybody else.

Mr. DOLE. I think from the start we have had the media focusing on the dollars. Who cares about energy, just tax the oil companies. That makes good headlines. Most of the newspapers that the American people read, and on the TV, say that it is great, that the price of gasoline is too high. But the higher the tax, the higher that price will be.

I think one of the White House attacks on the phaseout deserves mention.

Mr. President, when the so-called windfall profit tax was reported out of the Finance Committee it would have raised $138 billion in 11 years. At this level, the tax was bad energy policy and an unreasonable burden on American consumers. After 6 weeks on the Senate floor the tax grew to $178 billion. At this rate it would extract about $800 from every American over the period and force the abandonment of thousands of barrels of domestic oil. The Senate bill did, however, have the triggered phaseout provision which assured that the tax would slowly die as the revenue target was met.

In the first 2 days of conference the amount of the tax was raised to $227.3 billion, over the objection of this Senator. This is a staggeringly large figure—almost $90 billion more than the amount agreed to by the Finance Committee.

Now the House is balking at the Senate provision that would phase the tax out when this enormous amount of revenue is collected. The House and the administration believe that this tax should be saddled on our consumers for at least 11 years, no matter how much money is raised. Mr. President, at this point we must draw the line. The damage to the domestic energy industry and the burden on American consumers is already too large. We must insist that this tax phaseout when the projected revenues have been raised.

One other part of the White House attack on the phaseout deserves mention. A Presidential spokesman suggested that it is ironic that Republican Senators would urge that the triggered phaseout be retained at the same time that the major oil companies reported historic annual profits. The true irony in these events is that the administration would even mention the large profits of big oil. It is, after all, the administration and the House that tied up the windfall conference for days while they argued that big oil should pay less of the tax and that small independent producers should pay more taxes. After such activity it can not now tar us with the big oil brush. It is the administration that has espoused the cause of the major oil companies in this conference, not the Republican Senators.

We spent 4 or 5 days arguing about making the little independent companies pay more than the major oil companies. It is hard to understand the administration's tactics.

I say to my colleagues that I am not so certain that there will be a windfall tax this year unless there is some reality, some realistic approach, because I believe the conferees for the most part do not represent oil-producing States. They do not fully understand the difficulty we had in the Senate to pass what is now in conference. They want more taxes and more taxes and more taxes. The Senator from Kansas has tried to make this point, and I am hopeful that those who have an interest in seeing something done will read the RECORD and read that there is opposition to what is being done in the conference.

I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I understand the Senator from Wyoming has some time left. How much time does the Senator have remaining?

The PRESIDING OFFICER (Mr. PRYOR). The Senator has 3 minutes remaining.

Mr. STEVENS. And the Senator from Kansas has some time remaining?

The PRESIDING OFFICER. The Senator from Kansas has 7 minutes remaining.

Mr. STEVENS. I ask that the time of the Senator from Wyoming be added to the time of the Senator from Kansas.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I would like to yield half of my time to the distinguished Senator from Texas, if there is no objection, and then the other half of that time to Senator Domenici.

Mr. DOMENICI. I just need 2 minutes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. The Senator from Kansas is prepared to yield the floor. I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I thank the distinguished Senator from Kansas.

I have vigorously opposed this ill-conceived and misnamed oil windfall profit tax from its inception, Mr. President, and I shall vote against final approval of the conference report on this incredible destructive tax.

I frankly still find it almost impossible to believe that Congress, and the Senate in particular, would permit itself to be stampeded into passage of a tax bill so lacking in economic justification and so destructive of our national interest in energy security.

It is a demonstrable fact that oil company profits cannot fairly be considered excessive by any reasonable standard of measurement, and oil decontrol is not likely to alter that basic fact. For evidence of that, the Senate need look no farther than the Department of Energy, where Government financial analysts have reached that conclusion time after time in recent years.

In November of last year—after I threatened to sue the agency—the Department of Energy finally made available to me an unpublished analysis of oil company profitability and future capital requirements which, among other things, summarizes key financial data for approximately 40 major oil companies for the 12-year period from 1967 to 1978.

That internal DOE study found that oil company profitability, measured as rate of return on investment, is about the same as that for some 1,500 nonoil manufacturing companies. For the years 1976 through 1978, in fact, the oil company rate of return progressively lessened compared with the nonoil group.

The DOE study also found that for 3 out of the last 4 years studied, oil company profits have increased at less than the rate of inflation. The 1978 rate of profit increases was less than one-half the inflation rate.

According to the DOE study, oil company profit and cash flow increases over the past several years have essentially paralleled increases to capital and exploratory expenditures. For instance, oil company capital and exploratory expenditures in 1978 increased at a rate nearly 1 percent above the inflation rate and 2.4 times as much as profits increased.

Mr. President, this DOE study does not stand alone in its conclusion that oil companies are generally no more profitable than other companies. The evidence of that fact is overwhelming.

In view of that widely known fact and in view of the fact that the health and vitality of the oil industry is crucial to our energy future, I still find it difficult to understand how Congress can possibly justify serious consideration, let alone approval, of this counterproductive single-industry tax.

The truth, of course, Mr. President, is that the drive to enact this tax is fueled by nothing more than short-term political considerations and a desire to increase Government spending and further expand the scope of Government domination of private industry. It is just that simple, Mr. President, and we ought to acknowledge it openly.

It seems at this time inevitable that this pernicious, production-inhibiting oil tax will soon become law, and that there will be dancing in the streets of the OPEC capital cities on the day of its signing.

If enactment of this tax now seems unavoidable, that makes it all the more critical that the tax be phased out completely when the tax has produced the revenues it is targeted to produce. A phaseout based on achievement of a specified revenue goal will allow the Government to make plans on the basis of assured tax receipts while also giving oil producers and investors some reasonable expectation that the tax eventually be phased out.

If there is ever to be any prospect of the United States breaking its dangerous dependence on foreign energy, it is critical that this oil tax be phased out at the earliest possible date.

I urge my Senate colleagues on the conference committee to maintain the position of the Senate on this issue. If we are to have this destructive tax on oil, then, at the very least, it must be phased out when it has raised the targeted revenues.

Mr. President, I think that this is the most squalidly political act indulged in by Congress in the 19 years that I have been privileged to serve in the Senate.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. Has the Senator from Kansas yielded time to the Senator from New Mexico?

The PRESIDING OFFICER. He has.

Mr. DOMENICI. How much time did he yield?

The PRESIDING OFFICER. He yielded 10 minutes.

Mr. DOMENICI. I yield myself 3 minutes of that 10 minutes.

Mr. President, I come to the floor today to lend my support to the Senate conferees, urging that they insist on the Senate position with reference to the phaseout of the windfall profits tax.

A number of times in the past, even since the oil embargo, various people in Government and various legislators have proposed that we put a tax on gasoline in this country and the hue and cry from the American people and from fellow legislators has been incredible: How can we add a tax burden to the American consumer on a product like gasoline? We cannot even add a penny to the trust fund to maintain the highways we have built with the trust fund without everybody talking about what a disgrace it is to tax this product that is already so expensive.

I think we who are here talking about this phaseout are here because the American consumers, who are going to be buying the products of crude oil, petroleum and others, are going to be paying an enormous tax and they do not even understand that they are and we are here talking as if it were not going to fall on the American consumers.

Well, a 30-percent windfall tax—and it is not a windfall, it is 30 percent of the price of a barrel of new oil, tertiary oil, and heavy oil, the cost of which we do not even know—is going eventually, pure and simple, to add 30 percent to the cost of gasoline by way of taxes to our Federal Government and the American people are the victims of a hoax. They do not even know that 4, 5, or 6 years out, when the actual cost of producing this new oil, heavy oil, tertiary oil—and, I repeat, we do not even know what that cost is—is purely and simply a 30-percent excise tax, just as if we were putting a tax on a gallon of gasoline. In fact, it is far more than the 1, 2, 3, or 4 cents a gallon that we do not even want to consider because of its tremendous impact on the American consumers, including those who are poor and live in areas where they have to travel a long way.

How many times have we heard that here, in the Senate, from those who are concerned about the high price of gasoline and petroleum products? Those who think that 30-percent excise tax on these kinds of expensive future energy sources that will produce gasoline, those who assume that is not going to be a tax on the shoulders of the American automobile driver, truck driver, those who use any kind of petroleum product, are just absolutely failing to tell the American people the truth.

Can you imagine, if we converted that 30 percent into a new per-gallon tax on gasoline, to come in 7 years from now, can you imagine the hue and cry in America? No, but they are saying it is not a tax on the people. How can we do anything other than adopt the Senate position that, at some time in our history, in the predictable future, when we had taken out of this marketplace over $200 billion in taxes, when most of the new oil will be new, heavy and tertiary, expensive, the cost of which we do not even know—how can we not take it off the shoulders of the American people?

I repeat, the American people—not the energy companies. By that point in time, the old oil arguments of excess profits because the cartel has raised the price an inordinate amount are all gone. The 30 percent, if carried on in perpetuity, as contemplated by some of the conferees, will be purely and simply a huge tax on gasoline and cause us not to produce the energy we need to produce. It seems absolutely incredible to me that the Senate is not filled with Senators who are concerned about placing an enormous new tax on the American people, who have to use their automobiles, who have to use this kind of fuel to heat their homes, trucks that have to travel with it. And we are all saying it is just a tax on the big oil companies—purely and utterly impossible, untrue, and a fantastic hoax on the American people.

Mr. SCHMITT. Will the Senator yield?

Mr. DOMENICI. I am pleased to yield whatever time I have to my colleague from New Mexico.

Mr. SCHMITT. Mr. President, my distinguished senior colleague is entirely correct. This is a hoax. It is a tax to be paid by the consumer.

I am also of a persuasion that I hope the administration and the majority persist in their efforts to do all the wrong things because then I think we can kill this bill on the floor of the Senate. I would like to have that opportunity. If they do persist without a phaseout, if they persist in this, bringing under the umbrella of taxation not only the independent oil and gas industry, the domestic oil and gas industry, but the American consumer, to the extent described by the Senator from New Mexico, then I think we will kill this bill here, and they better realize that.

This is one of the final nails in our coffin, a coffin which has been progressively nailed shut since 1954 when the U.S. Supreme Court imposed price controls on domestic natural gas, which held that price below the cost of finding new gas.

Mr. DOMENICI. If the Senator will yield, when he said "the final nail in our coffin," he is not speaking as the Senator representing only New Mexico, and he means the American people, the economy?

Mr. SCHMITT. There is absolutely no question that I mean the American people and the American economy.

It is not a New Mexico issue, a Wyoming issue, a Kansas issue, a Colorado issue, or a Louisiana issue. It is an issue that is destroying this country, a country with the strongest economy in the world, because it has been a free enterprise system up until recently.

But in 1954, we almost unconsciously decided that we would begin to manage the energy economy—we, being the Federal Government—and we do not know how to manage that economy any more than we know how to manage any other part of the economy.

But in 1954, with the artificial pricing of natural gas, we began that long process of encouraging domestic consumption, discouraging efforts to find new gas supplies, and forced U.S. oil investments to move abroad to compete in the energy market.

The result. In 1954 there were 20,000 independent explorers and producers in the petroleum industry. Traditionally, these independents have found over 80 percent of new domestic oil and gas. Today, there are only 12,000 such independents, and their number is dwindling daily.

In 1966 the Federal Government suspended the leasing of Federal lands for oil and gas exploration and production. This action was the beginning of a systematic Federal policy of restricting or denying access to potential domestic energy supplies under federally managed lands. In spite of our peril, this policy continues in effect today not only with respect to oil and gas, but also for coal, uranium, and geothermal energy, and this administration talks about alternative forms as a substitute for oil and gas.

The result. Instead of being self-sufficient in energy, we import nearly 50 percent of our oil requirements at prices 2 to 3 times what they would be if produced domestically; we import an increasing amount of natural gas at prices 3 to 4 times domestic costs; we cannot convert from imported oil to abundant domestic coal for the production of electricity because not enough coal can be mined; there has not been a new mine opened in New Mexico since 1968, and the administration calls for conversion to coal; and we face the prospect of being dependent on imports of uranium to fuel as much as 25 percent of our nuclear power production at the end of the century.

Where is our commonsense in that kind of policy?

In 1968 for the first time, domestic consumption of crude oil exceeded domestic production; an event that only geologists seem to notice and weep about.

In 1970 passage of the National Environmental Policy Act whose national interest perspective began a decade of activities that prevented even rational domestic energy development.

The result. The act and its regulations and court interpretations still serve to obstruct offshore and onshore drilling, refinery and powerplant siting, pipeline construction, coal mining and coal conversion, and many other activities necessary to energy independence and national survival.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Colorado (Mr. ARMSTRONG) does have 15 minutes.

Mr. SCHMITT. Will the Senator from Colorado yield 5 minutes of his time to me?

Mr. ARMSTRONG. Mr. President, I am pleased to yield to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, 1971, another milestone, price controls were imposed on domestically produced crude oil serving to reinforce the adverse effects of the earlier controls on domestic natural gas prices. As the costs of finding and producing new oil exceeded the price that could be charged, U.S. oil investments accelerated their movement abroad where costs were much lower.

The result. By the end of 1971, U.S. drilling had dropped to 27,300 wells from a high of over 58,000 in 1956. By 1973, the United States had become dependent on imports for one-third of its crude oil needs.

Mr. President, the significance of these signals is that there has not been a lack of oil and gas available to domestic drilling, it has been Government controls that prevented that drilling.

King Hubbard's analysis was entirely correct that the number of feet of drilling has been drifting off, but not because there was none to search for, it has been dropping off because of improper management of the energy economy by the Federal Government.

In 1973, the first OPEC oil embargo. OPEC's control of production and our dependency on imports reached the point where OPEC could control both world energy prices and world economic policy.

In 1974, the much heralded "Project Independence" was begun including, unbelievably, the continuation of price controls on domestically produced oil and gas.

The result. Finally, disaster. The decline in the search for new domestic oil and gas accelerated. By the end of 1976, the United States was importing 40 percent of its oil needs.

In 1977, we all remember that Jimmy Carter declared war on energy. His "moral equivalent of war" has been more regulation and taxation, which we are discussing here again today, neither of which contains any promise of victory through domestic production.

The result. By the end of 1979, the United States was importing over 45 percent of its oil needs at a cost to the consumer of about $65 billion, that is $65 billion not reinvested in the U.S. economy.

Mr. President, in spite of this record of disastrous milestones I have just summarized, we are here today again discussing another milestone of disaster commonly known as the windfall profit tax. As my colleagues have indicated so clearly, it is not a windfall profit tax, it is an excise tax, a tax on production that the consumers will pay.

It is a hoax. It is the biggest hoax I have been party to since my arrival in the Senate 3 years ago.

I am sorry to say to my constituents that I have been unable to derail this effort to raise their cost in the present and in the future, and to begin the further process of destroying the domestic oil and gas industry and, particularly, that part of the industry, the independents, which have found so much of our domestic energy supplies.

This Senator finds it incomprehensible that the administration and the majority supporting this measure would advocate such a gross tax on the American people at a time of high inflation and at a time when that tax will discourage our ever achieving energy independence. It is no longer a tax that is directed to penalize the oil industry. It is a tax to raise revenue.

More and more, as the Senator from Kansas has indicated, we see the administration working hand-in-hand with the major oil companies, at the expense of the exploration and discovery of new domestic oil by the independents.

I hate to see any part of our market system managed by the Federal Government, but I certainly hate to see the part managed that is the most productive part. That is what the administration is trying to do, and that apparently is what the majority of the conference committee is trying to do; and this Senator is more opposed to that process today than when he argued against that in the first place.

I thank the Senator from Colorado for yielding.

Mr. President, I look forward to the remarks of the Senator from Colorado. I yield to the Senator from Colorado the remainder of my time.

Mr. ARMSTRONG. Mr. President, I appreciate the Senator's remarks. But before commenting on this bill, I inquire if the Senator from New Mexico is raising the possibility that if this bill continues to get worse in conference, that he might be one of those who would be disposed to consider a filibuster on the conference report?

Mr. SCHMITT. The Senator from New Mexico, along with a number of other Senators that he has discussed this possibility with, is very much of that mind, not only because of the resistance to a phaseout position, which has been so well discussed by the senior Senator from Wyoming, but also because of the general concept that seems to now be behind the so-called windfall profit tax.

The proponents of this bill had better realize that they are facing defeat on the floor of the U.S. Senate if they do not shape up. I am not sure that they will not be defeated no matter what they do because it is such a lousy bill. If they do not do what the Senator from Kansas and the Senator from Wyoming and others are advocating, they are in serious trouble.

Mr. ARMSTRONG. Mr. President, the Senator from New Mexico has explained the situation in terms of unmistakable clarity. I compliment him for his statement and associate myself with the direction of his thinking.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado has approximately 9 minutes remaining.

Mr. ARMSTRONG. Mr. President, I shall make a brief observation about the bill itself, and then I will ask the Senator from Kansas if he can help clarify a couple of issues that I think need to be brought to the attention of the Senate.

It was evident that as the bill left the Senate, it would result in a less productive energy economy. It would result in less production of domestic fuel at a time when we need more, not less, oil and natural gas produced in this country. It is obvious that this will result, even as the bill left the Senate, in transferring some $170 billion from the private sector to the Government sector, with all the consequences other Senators have pointed out. But at least the bill, as it left the Senate, did contain a provision to phase out the tax at a certain date.

I say to the Senator from Kansas that I understand that the conference committee has agreed, at least tentatively, to delete from the bill that phaseout provision. It is my recollection that that phaseout provision was adopted by the Senate by a margin of about 2½ to 1. It was obviously a provision which was considered with great care by the Senate and after much debate, after a vigorous discussion on both sides of the issue.

I am curious to know what considerations prompted the conference committee to withdraw from the Senate position. Am I correct in assuming that this is still up for consideration, or has the decision been reached?

Mr. DOLE. So far as this Senator knows, no decision has been reached on the phaseout; but I suggest that I know that the White House and the administration, long since, have forgotten about any energy policy. This is a tax bill. They want to make it a permanent tax bill. How much can we extract from the industry to pass on to the American consumer?

The Senator from Kansas was bewildered at the second meeting of the conference when we added $50 billion to that, after we had struggled here for 4, 5, or 6 days, arguing about $1 billion or $2 billion.

Mr. ARMSTRONG. That is exactly what prompts my concern about the phaseout. We had 5 weeks of debate in the Senate on that bill and reached the agonizing decision that involved dozens of hours of debate on the floor, as the Senator from Kansas knows, as well as dozens of hours of backstage meetings, meetings in the cloakroom, negotiations to arrive at a very delicately balanced package of $170 billion. That was the figure that represented the best judgment of the Senate. I would have anticipated that our conferees would go into that conference to fight like tigers for the Senate's position. Yet, I understand that our conferees gave that up the first day.

Mr. DOLE. The second day. We did not meet long the first day, or we would have given it up then.

Mr. ARMSTRONG. Was the decision to go from $170 billion to more than $220 billion reached on the basis of a vote taken by the conferees of the Senate?

Mr. DOLE. I think it was unofficially a sort of head count. The Senator from Kansas did not agree with that action, but the majority did. I think there was a feeling that we should do something for Christmas; that before we all left for Christmas, we should drop $50 billion more into the pot. So we did that, in my view, on the theory that the American people would know Congress was doing its best, to increase their taxes before we left.

Mr. ARMSTRONG. In this head count, how many of the Senate conferees were counted as being in favor of this $50 billion increase and how many were counted against it?

Mr. DOLE. Not many. I know one for certain who was against it. I see another one leaning. I would guess that on the Senate side there were very few, because a lot of pressure was being applied.

There was a feeling that if we could just decide on how much the tax should be, the rest would be easy. We have found out since that it is not that easy. The White House has gotten a taste of the tax and wants more of it. They do not want it to phase out.

I have heard figures of $300 billion or $350 billion before we start a phaseout. I am not even certain that that is in conference. It seems to me that we are talking about something that is not even in conference. We already split the difference between the House bill and the Senate bill and reached $227.3 billion.

It is my hope that this exchange this morning will indicate, particularly to the House conferees of both parties, that there are some Senators who are not happy about what is happening in the conference.

Mr. ARMSTRONG. I do not want to press the Senator from Kansas unduly, but I am under the impression that it is the tradition in this body that Senate conferees go into conference with some kind of obligation to fight for the Senate position.

Maybe this $50 billion already has been given away; maybe it is irrevocable. Now I am concerned about the phaseout, and it is my recollection that the phaseout provision was adopted by a vote of 58 to 26 in this body. I am not a conferee. I ask the Senator from Kansas: If our conferees give up on that kind of provision and come back and say, "We have given up on $50 billion; we have given up on the phaseout," have they really fulfilled their obligation as conferees to represent the Senate position?

Mr. DOLE. We have had some victories for the Senate, so far as depletion allowance and things of that kind are concerned; but I hope there is a clear message and a clear signal going to all the conferees, including the Senator from Kansas, that there are Senators here, in both parties, who are very concerned about the phaseout. The White House should know and the administration should know that we are very concerned about the phaseout.

This bill is a long way from becoming law if there is not some accommodation of those interests. It is not that we are opposed to the tax. I voted for it.

Mr. ARMSTRONG. I ask the Chair or the Senator from Kansas a procedural question.

I think this phaseout is one of the critical issues in the whole windfall tax package. My question is this: First, would it be in order to move to instruct conferees? Second, as an alternative to that, if a conference report comes back which does not contain the phaseout provision, may I obtain a separate vote on that issue by moving to refer the bill to conference with instructions, if that should be my desire at that time?

In other words, will the world know how Senators really stand on the phaseout question?

Mr. LONG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator propose that as a parliamentary inquiry?

Mr. ARMSTRONG. Yes.

The PRESIDING OFFICER. As to the first question, there is precedent as to instructing conferees by resolution, after the conference has begun.

As to the second question posed by the Senator from Colorado, if the Senate is the first body to act on the conference report, a motion to recommit with instructions is in order.

Mr. ARMSTRONG. I thank the Chair.

I make no such motion today. But I just want to indicate to my distinguished colleague from Kansas, the ranking Republican member of the conference, and the distinguished chairman of the Finance Committee, who I note is now on the floor, that there are Senators who are very much concerned about this issue and who would be ready to go the last mile in order to prevent that phaseout provision from being knocked out of the bill.

Before I yield the remainder of my time to whoever wishes it—I will yield to the Senator from Louisiana—I point out that a rumor has reached my ears that some House conferees are trying to hang on a bill having to do with tax exempt revenue bonds, and I recall that that bill has not passed in either House. That is the same kind of tactic—this business of adding in conference legislation not considered by either House——

Mr. WALLOP. Mr. President, will the Senator let me respond to that?

Mr. ARMSTRONG. I will be glad to.

Mr. WALLOP. There is a fervent rumor about that the chairman of the House Ways and Means Committee, Mr. ULLMAN, seeks to attach his bill, the tax-exempt mortgage bond bill.

That is the same way we got the beautiful thing called carryover basis which we are now trying 4 years later to dispose of.

The PRESIDING OFFICER. All of the time of the Senator from Colorado has expired.

Mr. DOLE. Mr. President, I ask unanimous consent that we may proceed for an additional 5 minutes.

Mr. LONG. Mr. President, reserving the right to object, I believe I will have to object on behalf of the majority leader, since I have been so requested. I personally would have no objection, but I am afraid it has to be cleared with the majority leader.

Mr. DOLE. I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

(The following statement was made later and is printed at this point in the RECORD by unanimous consent.)

Mr. LONG. I yield myself 3 minutes, Mr. President, to comment on the colloquy that occurred before the pending business was laid before us.

Mr. President, I personally have no intention whatever of yielding on the so-called phaseout proposal.

I assume that, with the significance that amendment involves and the tremendous interest that there is in it on both sides of the Capitol Building, we will have to make some kind of a compromise. But the Senator from Louisiana will insist that the compromise that we have be a meaningful compromise and that it be something that would gain a substantial amount for the Senate position.

This Senator did vote and a majority of the Senate conferees did vote for a compromise to more or less split the difference between the House figures and the Senate figures.

The Senator from Louisiana took the lead in doing that. One of the reasons that he did was because he is convinced if we do not pass the windfall profit tax bill the President is going to withdraw his deregulation order and we will be back in the same mess that we were in from 1973 up to 1978 where the Federal law, controls, and tax policies inhibit and impede the exploration and the development of new sources of energy.

On one aspect of that matter, when the bill was in the Senate the Senator from Kansas (Mr. DOLE) made a valiant fight against raising the tax here in the Chamber and then in debate and in negotiations that took place we fought for a matter of a week and finally compromised it over the matter of $1 billion in that tax.

Let us examine the time factor, if we made progress at that rate in the conference. Keep in mind, Mr. President, that is a conference of 11 Senators and 15 House Members, a total of 26 people all of whom are subject to making a speech every time we get to some controversial point. This has a potential of even more oratory than we experienced here in the Senate while that bill was before us for 6 weeks out here.

The bill has been in conference since it passed on December 17. If we take the rate of progress on the matter that the Senator from Kansas (Mr. DOLE) so valiantly fought—and I supported him in that—over the $1 billion as it was at that rate and if we took the same period of time to resolve the $100 billion in controversy between the two Houses, at that rate it would take us 2 years to complete the conference; in other words, the bill at that rate would be in conference between now and the year 1982.

So we simply had to find some ways to accommodate one another, and what we did was to split the difference on the figures.

There is nothing new about that. That is par for the course. In trying to get conferees together, when two sets of conferees are at loggerheads, sometimes the only way they can ever manage to resolve their difference is just to split the difference. In many of these cases, that is what conferees have done. They told me with regard to the Chrysler bill they did that. I heard one of the conferees explain that in order to reach an agreement that is all they could do because there was so much of a difference between the two bills.

Mr. President, that is the kind of thing we did when we just agreed to split the difference on the total raised by the tax.

I fully appreciate the arguments against the tax. They were very well made and they were all heard here, and I appreciate them. But I am convinced, if we do not pass that windfall profit tax, the companies will be denied the profits that they otherwise would make and, therefore, there will not be any profits to tax, so that the industry would be better off to pay a tax than it would be if it were held to the price controls that existed prior to the President's deregulation order.

It is only for that reason that I support the agreements that have been thus far made and that I support the bill itself.

But the Senator from Colorado, the Senator from Kansas, and all those Senators can rest assured that the Senator from Louisiana is going to continue to support the phaseout because he believes in it. I think it is right, and I believe it is just a matter of time before the House conferees as well as the administration will realize that the Senate is in earnest about this matter, and when they do I think they will agree with something that we can recommend to the Senate.

● Mr. GARN. Mr. President, I am happy to join my colleagues this morning, in discussing the windfall profit tax bill. As I am sure my colleagues know, I have a great aversion to legislation of this kind. This legislation is punitive; it is discriminatory; it is, basically, mendacious.

To begin with, it is not a windfall profit tax bill. It was not a windfall bill in the beginning, and it still is not. It was an excise tax bill, and an excise tax bill it remains.

Second, this bill is discriminatory. It discriminates against one specific industry. It is, essentially, a violation of the Constitution to do what we do in this bill. We say to a specific industry: "You are huge; you take in enormous gross profits; we could use some of those profits to help us fund our pet social programs; it would be a good idea to balance the budget. Therefore, we will take away some of those profits."

We do not tax all industries that make large profits. The auto industry makes large profits. We do not even tax all industries that make a high percentage of profit. The publishing and broadcasting industries do that. We just tax the oil industry, because for the moment, people hate the oil companies, so we can get away with it. That is what I mean by discriminatory and unconstitutional.

The Senator from Texas offered an amendment that would have taxed all industries that make excess profits. But that amendment did not go anywhere, because that is not what the majority of the Senate was interested in doing. They wanted to raise money the easiest way they knew how: Tax the oil industry. The Senator from Maine stood right here on the Senate floor and admitted that this bill had nothing to do with energy: "We have to raise as much money as we can to pay for all the programs we have already enacted. Of course, we were not counting on this windfall profit tax money when we enacted the programs, and I do not know how we were going to pay for them if this had not come along, but we have to have this money now." I am paraphrasing, of course, but let me quote the Senator from Maine exactly:

> My immediate objective is to set aside a sizable portion of the revenues to be generated by the pending bill to balance the budget.

That ought to dispell any notion that this was an energy bill. We were raising revenue, in as painless a way as possible. Of course, the people of America will pay this tax, just as they do any other tax, and precious little they will get for it, either.

Third, this bill punishes one of the most efficient industries in America. I have plenty of criticisms of the oil industry. Sometimes I think they work overtime to make themselves look bad. But whatever the appearance, they have done a marvelous job of providing energy to the people of this country, at remarkably low prices. Even during the years after the first Arab oil embargo, from 1973 through 1978, real prices for the products people use declined. If we ever got rid of the regulatory structure in Washington, we might see that same thing happen again.

This is a bad bill. It was bad when the House passed it; it was bad when the Finance Committee reported it; it was bad when the Senate passed it; it is worse now. This bill contains provisions that are so bad, in terms of what we all know we should be doing in energy policy in America, that it is almost beyond belief.

We should be encouraging the production of every drop of oil we know about in this country. We all know that. Even the proponents of this bill know it. Instead, we lay a tax on tertiary recovery. We lay a tax on heavy oil. We know where that oil is, and we tax it. We tax old oil at punitive rates. The proponents of this bill say that the oil will be produced anyway, and they point happily to a study by the Congressional Budget Office to make their case.

Well I say to my colleagues, that these taxes will discourage heavy oil production; they will keep old oil in the ground; they will discourage the investment needed to produce tertiary oil. I don't care how many CBO studies there are that say differently. I know oilmen, and I know people, and I am here to tell you that if you tax this stuff, you will get less of it; a lot less.

We want to encourage the discovery of more oil. Everyone knows that. Even the proponents of this bill will admit it. And yet this bill lays a tax on oil that has not even been discovered yet. What on earth for? Is that a "windfall"? Of course not. There cannot be an inventory profit on something that is not even in the inventory. We will discourage the production of new oil just as sure as God put the stuff in the ground. The OPEC countries must be laughing up their sleeves to see the contortions we go through to maintain their monopoly on oil production. They could not write a better script themselves.

And now they are trying to extend the duration of this "windfall" tax. What a joke. Everyone knows that even the worst hurricane stops sometime, and that the windfall has to come to an end. But I heard talk on the floor of this Senate about making this a permanent tax. And why not? People will go right on hating the oil companies. They will go on making large gross profits. Never mind that their net profit per gallon is about 2 cents. Never mind that they are investing more in exploration than they are making. They will be a good source of revenue for our social programs for as long as we can see into the future. But at the least we can count on enormous revenues, billions and billions of dollars that we can get the oil companies to collect our revenues for us.

What a break that is for us. We may have found the perfect system. We can spend all we want to on our pet projects. And we will not even have to levy any taxes on the people. We can just tax the oil companies, and the companies can raise our taxes for us. Of course, it is the people that will pay, in either case, but they will not know that. They will blame it all on the oil companies, and we can go our merry way.

Mr. President, this tax ought to be revealed for what it is: An obscene tax. It is a travesty of justice, a violation of the Constitution, and a violation of elementary principles of accountability. I promise to vote against it.●

## VITIATION OF SENATOR BENTSEN'S SPECIAL ORDER

The PRESIDING OFFICER. The Senator from Texas (Mr. BENTSEN) not being present in the Chamber his request for special order is vitiated.

## SOCIAL SECURITY DISABILITY AMENDMENTS OF 1979

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3236, which the clerk will state by title.

The second assistant legislative clerk read as follows:

A bill (H.R. 3236) to amend title II of the Social Security Act to provide better work incentives and improved accountability in the disability insurance program, and for other purposes.

The Senate resumed consideration of the bill.

### AMENDMENT NO. 731

The PRESIDING OFFICER. The pending amendment is amendment No. 731.

The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, under the unanimous-consent agreement, the Senator from Louisiana has control of 53 of the remaining minutes and the Senator from Kansas (Mr. DOLE) has control of 41 of the remaining minutes.

Mr. SCHMITT. Mr. President, will the Senator from Kansas yield time on the bill before us for a discussion of an amendment that I intend to offer later in the morning on that bill?

Mr. DOLE. Mr. President, I yield 5 minutes to the Senator.

Mr. SCHMITT. Five minutes are more than enough.

Mr. President, I say to both of the distinguished managers of this disability insurance measure that in my pursuit of an issue in the last session of this Congress, namely, the issue of the IRS becoming a small debt collector for the Federal Government, I discovered that they were already a small debt collector for the Federal Government in at least one area. There may be others. But this is the only one that I have been able to discover, and has to do with the collection of debts owed under the aid for dependent children program. This measure before us would attempt to extend that debt-collection authority to collect child support payments for the State to non-AFDC families.

As I argued some time ago on an appropriations bill dealing with student loans, I do not think this is an appropriate function for the IRS. Later in the morning or early afternoon I will be offering an amendment that will delete the provision in this bill to expand IRS authority as a small debt collector.

This movement, or incipient movement, and it has not succeeded, fortunately, so far, to have the IRS as a tax collecting agency, can very seriously undermine the IRS as a tax collecting agency and possibly harm the voluntary nature of the system. In fact, that has been the judgment of the commissioner of the IRS.

It would increase the cost of collecting taxes by changing withholding patterns. It would play into the hands of many of the previous abuses that we know of in the IRS system and probably goes counter to the Tax Reform Act of 1976, which provides for privacy of records, and that would pose problems for any collection activity undertaken by the IRS.

As the Senators, I am sure, recall, we created the inspectors general in the agencies to look into matters such as the collection and the efficacy of the collection mechanisms of the various agencies, and I think we owe it to ourselves, if not to the agencies, to see if the inspectors general mechanism can work in this and other regards.

There is, of course, just the basic question of what are the rights of individuals, the legal rights of individuals, to due process in questions of debts owed or potentially owed to the Federal Government.

When we put the IRS in a position that we can subtract from a tax refund the Government's idea of what is owed to the Government, or to a State government in the instant case, then we are clearly moving away from providing due process.

I bring this up at this point just to alert the managers of the bill that an amendment will be offered, and we will have copies of the amendment to them very shortly, and I hope the colleagues who are listening to this discussion will begin to look at this issue very carefully. There have been "Dear Colleague" letters provided and other information will be available shortly.

Mr. President, I yield back to the managers. I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. DOLE. I suggest it be charged equally.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, we really should be debating and discussing the pending amendment, the Percy amendment, which is the pending business. So I suggest that the time be charged equally to Senator PERCY and to the manager of the bill. I have 22 minutes and he has 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that Linda McMahon, Sheila Burke, Bob Lighthizer, and Rod DeArment be granted floor privileges during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask unanimous consent that—I yield myself 30 seconds—David Koitz and Margaret Malone of the Congressional Research Service be permitted privileges of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Illinois seek recognition?

Mr. PERCY. Yes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, as I understand it, the pending business is amendment No. 731?

The PRESIDING OFFICER. The Senator is correct.

Mr. PERCY. First, Mr. President, I ask unanimous consent that two members of the Governmental Affairs staff, Tim Jenkins and Charles Berk, and a member of my personal staff, Barbara Block, be permitted on the floor during consideration of H.R. 3236 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I rise to continue my remarks of December 5, 1979, concerning my amendment No. 731, designed to curb certain abuses of the supplemental security income program by newly arrived aliens. This amendment was originally contained in S. 1070, which I introduced on May 3, 1979, and is being introduced as an amendment to H.R. 3236, an act designed to remove certain work disincentives for the disabled from the supplementary security income program (SSI). Another portion of S. 1070 has already been added as an amendment to H.R. 3236.

Over 2 years ago, I discovered that a loophole in this Nation's immigration and social security laws was costing the American taxpayer many millions of dollars annually in SSI benefits to newly arrived aliens.

Here is how the loophole works:

The immigration law requires as a condition of entry for certain categories of aliens that they have a sponsor, often a close relative or friend, who is a citizen or permanent resident of the United States. As a condition for granting an immigration visa to the alien, the sponsor promises the Government that the immigrant will not become a public charge. Without this presumed commitment the alien would not be permitted to come to the United States.

It is perfectly clear that unless a commitment is given, and a sponsor signs that he will be responsible for the immigrant, and indicates that the immigrant will not become a public charge, there would be no chance for that immigrant to come into the country. If they had not signed on that way, and had not demonstrated their financial ability to provide support for the immigrant, there would have been no chance for the alien to come in.

That is the theory behind it. The commitment is there, and is in writing, and it certainly is the strongest kind of a moral obligation.

The privilege of coming into this country is sought by literally millions of people. To grant that privilege to a relatively few people each year, has to be, and is, based by law on the certification of the sponsor that the alien will not become a public charge. As far as I can see it is all theory. There is no factual evidence supporting it.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. PERCY. I would be happy to yield.

Mr. DOLE. The Senator from Kansas certainly supports the concept.

Mr. President, this amendment, in conjunction with the provision in the bill which requires aliens to reside in the United States for 3 years before becoming eligible for SSI benefits, will correct a situation which has outraged the American public for several years. It assures that the financial responsibility for the alien remains on the shoulders of the sponsor where it belongs rather than being allowed to be transferred to the backs of the taxpayers.

There is no reason for American taxpayers to have to provide a tax-free, 100 percent Government-funded pension to aliens who have been in this country for only 30 days and contributed little or nothing to the economy. The burden of Government programs, in terms of inflation and taxation, on our own citizens is nearing the unbearable. So, if we are going to spend these dollars, they should not be spent on short-term aliens. Better still, we should save these dollars and give our taxpayers a break.

There are ample protections provided in the amendment for aliens and sponsors alike to preclude undue hardships, and I urge my colleagues to support the amendment.

The only question we would have would be on the matter of jurisdiction, whether we would have jurisdiction or whether the Judiciary Committee would have jurisdiction. I am a member of the Judiciary Committee. I understand the Senator from Illinois may have worked out any jurisdictional problems and, if so, then both managers of the bill would be prepared to accept the amendment.

We are trying to check on our side of the Judiciary Committee to see if there are any objections to the amendment. I cannot understand why there would be any objections because I think it is an outstanding effort by the Senator from Illinois.

So the Senator from Kansas supports the effort. I hope we might avoid a rollcall, but if that is not possible, maybe we could have it a little later on after we have had another amendment or two.

Mr. PERCY. I think it has been worked out. There might be some questions in some Senator's minds about the way it has been done, but I will be very happy to describe what has been worked out for the guidance and reaction of the floor managers of the bill.

The law, however, also permits a new immigrant to apply for and receive supplemental security income (SSI) benefits 30 days after arrival in the country. To round out the loophole, the courts have ruled that the sponsor's promise to support the immigrant is nothing but a "moral obligation."

As a result, responsibility for financial support of the immigrant is shifted from the immigrant and his sponsor to the taxpayers. In effect, the immigrant gets a gift from the Government—an instant pension.

The GAO determined that during 1977, in five States alone—those with the largest number of aliens—about 37,500 newly arrived aliens received close to $72 million in SSI benefits. About $16 million of this amount was paid to refugees. The GAO further found that of the total alien population receiving SSI an estimated 63 percent had enrolled in the program during their first year of residency in this country. All told, 96 percent of those aliens receiving SSI had resided in the United States for 3 years or less at the time they first began receiving benefits.

In numerous cases, sponsors who have reneged on their promises of support had the full financial capability to support the newly arrived alien but instead chose to take advantage of the loophole. A May 7, 1979 article in the Los Angeles Times provides some choice examples:

> A 65-year-old man in Sunnyvale, California, * * * entered the country under the sponsorship of his daughter, who earns over $25,000 and lists assets worth over $130,000. He applied for and received welfare benefits within four months of his arrival.
>
> Three months after entering the United States, a couple from San Francisco began receiving monthly benefits of $338, despite the fact that their son-in-law had signed an affidavit guaranteeing that they would not become public charges. Once they got on welfare, he discontinued all assistance, whereupon the couple's benefits were increased to $522 per month.
>
> One elderly woman, whose entry was sponsored by her daughter in Illinois, actually applied for welfare two months before she arrived in America. The payments began 15 days after she joined her daughter.

Similar instances of abuse have also been fully documented by the GAO.

The amendment for which I speak today would make the sponsor's affidavit of support a legally enforceable contract. This measure has received strong bipartisan support. Senator CRANSTON is its principal consponsor and 23 other Members of the Senate have signed on as cosponsors.

On October 26, 1979, during Finance Committee consideration of H.R. 3236, Senator ROTH offered as an amendment that portion of S. 1070 requiring all aliens, with the exception of refugees, to meet a 3-year residency requirement for participation in the SSI program. The committee unanimously approved the amendment which is now included in section 504(a) of H.R. 3236.

Today, in voting on this amendment which is specifically concerned with the affidavit of support, we have an opportunity to eliminate this intolerable loophole.

While a 3-year residency requirement for participation in the SSI program is undoubtedly an important step in curbing the abuses now under discussion, a residency requirement alone will not prevent sponsors from reneging on their promises of support to newly arrived aliens. However, with the added deterrent of a binding affidavit of support, few would treat their obligations lightly. If the sponsor chooses not to live up to his obligation of support, he may be subject to civil suit in either Federal or State court.

I would like to make it very clear that this amendment does not penalize the honest and well-intentioned sponsor. The sponsor can be relieved from his obligation of support if he is able to affirmatively demonstrate that his financial resources subsequent to the execution of the affidavit have diminished for reasons beyond his control and that he is financially incapable of supporting the alien. If such a determination is made, the alien who has lost his means of support would be eligible for SSI assistance.

In order to best effect the amendment's cost-saving purpose, an enforceable affidavit of support is essential to eliminate the loophole. The time has now come for the responsibility of an alien's support to be squarely placed on the shoulders of the sponsor who promises to do so, and not the American public. We have before us a real opportunity to enact cost-saving legislation that can be implemented quickly and efficiently. We, the 96th Congress, committed to vigorous oversight, have promised our constituents a close scrutiny of Federal spending and have promised to cut costs wherever it can be achieved and justified. Clearly, this amendment will fulfill that mandate. I would, therefore, urge my colleagues to accept the amendment and make the sponsor's affidavit of support a legally binding and enforceable agreement.

Mr. President, I would also like to add modifying language to my amendment. The modifying language provides that in the event the immigration sponsor does not live up to the terms of his support agreement, the Attorney General or the affected alien can bring civil suit against the sponsor in the U.S. district court for the district in which the immigration sponsor resides or in which such alien resides, without regard to the amount in controversy. This modification would give the Federal courts exclusive jurisdiction to enforce a sponsorship agreement when no State or local public assistance funds have been paid to the alien.

In the event that local or State public assistance funds are paid to the alien because the sponsor has not lived up to the terms of his support agreement, State or local authorities may bring civil suit against the immigration sponsor. The suit may be brought in the State courts for the State in which the immigration sponsor resides or in which such alien resides without regard to the amount in controversy. If the amount in controversy is $10,000 or more, civil suit may be brought by the State or local authorities, in the U.S. district court for the district in which the immigration sponsor resides or in which the alien resides.

Additional modifying language also clarifies the liability of a sponsor who, without just cause, fails to comply with the terms of his support agreement. In such a case, the Federal Government would be expected to seek vigorous enforcement of the support agreement on behalf of the alien who has lost his means of support. While the Government is seeking enforcement of the support agreement, the newly arrived alien would be eligible to receive SSI benefits. Of course, the sponsor would, at a minimum, be held liable by the Federal Government for full reimbursement of SSI benefits paid to the abandoned alien.

I ask unanimous consent that the above-described modifying language be added to my amendment No. 731.

The PRESIDING OFFICER (Mr. CULVER). Will the Senator also send to the desk——

Mr. PERCY. Mr. President, I ask unanimous consent that my distinguished colleague, the Senator from Washington (Mr. JACKSON) be added as a cosponsor to my amendment No. 731.

Mr. LONG. Mr. President, will the Senator explain what the modification of the amendment is?

The PRESIDING OFFICER. Does the Senator reserve the right to object?

Mr. LONG. Yes, I do, Mr. President. I would like to find out what the modification is.

Mr. PERCY. Mr. President, the modification would provide that suit could be brought against a sponsor; that he could be held legally liable. There is now a moral obligation; there is not a legal liability. And that is the gaping loophole that we discovered had been taken advantage of. Word of mouth through the community—I know in Chicago, alone—indicates that, well, all you do is bring them over, sign the slip, say you are going to be morally obligated, and you will be a public charge but you can take them right down and get a supplementary income.

Mr. LONG. Is that the amendment or the modification?

Mr. PERCY. That is the modification of the amendment.

Mr. LONG. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

The amendment (No. 731), as modified, is as follows:

On page 106, after line 24, insert the following:

TITLE VI—A PROVISION RELATING TO THE IMMIGRATION AND NATIONALITY ACT

"SUPPORT OF ALIENS

SEC. 601(a) Chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end thereof the following new section:

"SEC. 216(a) No alien shall be admitted to the United States for permanent residence unless (1) at the time of application for admission an agreement described in subsection (b) with respect to such alien has been submitted to, and approved by, the Attorney General (in the case of an alien applying while in the United States) or the Secretary of State (in the case of an alien applying while outside the United States), or (2) such alien presents evidence to the satisfaction of the Attorney General or Secretary of State (as may be appropriate) that he has other means to provide the rate of support described in subsection (b). The provisions of this section shall not apply to any alien who is admitted as a refugee under section 203 (a)(7), paroled as a refugee under section 212(d)(5), or granted political asylum by the Attorney General.

"(b) The agreement referred to in subsection (a) shall be signed by a person (hereinafter in this section referred to as the 'immigration sponsor') who presents evidence to the satisfaction of the Attorney General or Secretary of State (as may be appropriate) that he will provide to the alien the financial support required by this subsection, and such agreement shall constitute a contract between the United States and the immigration sponsor. Such agreement shall be in such form and contain such information as the Attorney General or Secretary of State (as may be appropriate) may require. In such agreement the immigration sponsor shall agree to provide as a condition for the admission of the alien, for the full three-year period beginning on the date of the alien's admission, such financial support (or equivalent in kind support) as is necessary to maintain the alien's income at a dollar amount equal to the amount such alien would receive in benefits under title XVI of the Social Security Act, including State supplementary benefits payable in the State in which such alien resides under section 1616 of such Act and section 212 of the Act of July 9, 1973 (Public Law 93–66), if such alien were an 'aged, blind, or disabled individual' as defined in section 1614(a) of the Social Security Act. A copy of such agreement shall be filed with the Attorney General and shall be available upon request by any party authorized to enforce such agreement under subsection (c).

"(c)(1) Subject to paragraphs (3) and (4), the agreement described in subsection (b) may be enforced with respect to an alien against his immigration sponsor in a civil action brought by the Attorney General or by the alien. Such action shall be brought in the United States District Court for the district in which the immigration sponsor resides or in which such alien resides, without regard to the amount in controversy.

"(2) Subject to paragraph (4), for the purpose of assuring the efficient use of funds available for public welfare, the agreement described in subsection (b) may be enforced with respect to an alien against his immigration sponsor in a civil action brought by any State (or the Northern Mariana Islands), or political subdivision thereof, which is making payments to, or on behalf of such alien under any program based on need. Such action may be brought in the United States District Court for the district in which the immigration sponsor resides or in which such alien resides, if the amount in controversy is $10,000 or more (or without regard to the amount in controversy if the action cannot be brought in any State court), or in the State courts for the State in which the immigration sponsor resides or in which such alien resides, without regard to the amount in controversy.

"(3) The right granted to an alien under Paragraph (1) to bring a civil action to enforce an agreement described in subsection (b) shall terminate upon the commencement of a civil action to enforce such agreement brought by the Attorney General under paragraph (1) or by a State (or political subdivision thereof) under paragraph (2).

"(4) The agreement described in subsection (b) shall be excused and unenforceable against the immigration sponsor or his estate if—

"(A) the immigration sponsor dies or is adjudicated as bankrupt under the Bankruptcy Act,

"(B) the alien is blind or disabled from causes arising after the date of admission for permanent residence (as determined under section 1614(a) of the Social Security Act),

"(C) the sponsor affirmatively demonstrates to the satisfaction of the Attorney General that his financial resources subsequent to the date of entering into the support agreement have diminished for reasons beyond his control and that he is financially incapable of supporting the alien, or

"(D) judgment cannot be obtained in court because circumstances unforseeable to the alien at the time of the agreement.

"(d) (1) If an agreement under subsection (b) becomes excused and unenforceable under the provisions of subsection (c) (4) (C) on account of the sponsor's inability to financially support the alien, such agreement shall remain excused and unenforceable only for so long as such sponsor remains unable to support the alien (as determined by the Attorney General, but in no case shall the agreement be enforceable after the expiration of the three-year period designated in the agreement. The sponsor shall not be responsible for support of the alien for the time during which the agreement was excused and unenforceable, except as provided in paragraph (2).

"(2) (A) If the Attorney General determines that a sponsor intentionally reduced his income or assets for the purpose of excusing a support agreement, and such agreement was excused as a result of such reduction, the sponsor shall be responsible for the support of the alien in the same manner as if such agreement had not been excused, and shall be responsible for repayment of any public assistance provided to such alien during the time such agreement was so excused.

"(B) For purposes of this paragraph the term 'public assistance' means cash benefits based on need, or food stamps.".

(b) The table of contents for chapter 2 of title II of the Immigration and Nationality Act is amended by adding at the end thereof the following new section:

"SEC. 216. SUPPORT OF ALIENS."

(c) Section 212(a) (15) of the Immigration and Nationality Act is amended by inserting before the semicolon the following: ", or who fail to meet the requirements of section 216".

(d) The amendments made by this section shall apply with respect to aliens applying for immigrant visas or adjustment of status to permanent resident on or after the first day of the fourth month following the date of the enactment of this Act.

On page 99, line 23, strike out "or (II)" and insert in lieu thereof the following: "(II) the support agreement with respect to such alien under section 216 of the Immigration and Nationality Act is excused and unenforceable pursuant to subsection (c) of such section, (III) the sponsor of such alien (as defined in section 216 of the Immigration and Nationality Act) fails to provide support for such alien under the terms of the support agreement as required under such section 216, and such alien affirmatively demonstrates to the satisfaction of the Attorney General that he did not participate in any fraud, collusion, or misrepresentation on the part of the sponsor, that he believed in good faith that the sponsor had adequate financial resources to support him, and that he could not have reasonably foreseen the refusal or inability of the sponsor to comply with the support agreement (providing that the three-year residency requirement shall not apply only for the period during which such sponsor fails to provide support under such agreement), or (IV)".

On page 33, amend the table of contents by adding at the end thereof the following items:

TITLE VI—A PROVISION RELATING TO THE IMMIGRATION AND NATIONALITY ACT

SEC. 601. SUPPORT OF ALIENS.

Mr. LONG. Mr. President, I yield myself 3 minutes.

Mr. President, the Senator from Louisiana and, so far as I know, other members of the Finance Committee, have no objection to this amendment. We think the amendment is meritorious. As far as this Senator is concerned, he would have no objection if the Senate saw fit to agree to it.

The problem is, from our point of view, that we do not have jurisdiction over the matter. It is not a Finance Committee matter. It is properly within the jurisdiction of the Committee on the Judiciary. It may very well be that someone on the Judiciary Committee might object to the amendment, and we had some indication previously that there might be such an objection.

The Senator from Louisiana would be happy to yield his time to anyone who cares to oppose the amendment. As far as this Senator is concerned, it is a matter beyond the Finance Committee's jurisdiction, but anyone has a right to offer an amendment, as the Senator has done.

As far as the Senator from Louisiana is concerned, it is purely a matter of asking the Senate and if the Senate wants to agree to the amendment, more power to them. They can go right ahead. Otherwise, the Senate may prefer to await action by the Judiciary Committee. If the Senate so wishes, then the chairman of the committee would be perfectly content to await the recommendation of that committee. I have no objection to the amendment.

Mr. PERCY. Mr. President, what I have suggested to the distinguished minority manager of the bill (Mr. DOLE), and I ask the judgment of the floor manager of the bill (Mr. LONG), because this has been a subject of jurisdictional controversy, and because the Senator from Illinois wants to alert every member of the Judiciary Committee that this is going to be voted on, I would not want Members of the Senate to leave their committees just for this amendment.

I feel the best way to work it out would be to ask unanimous consent that whenever the next rollcall occurs on any other amendment or on final passage, that the amendment of the Senator from Illinois, amendment No. 731, be voted on at that particular time, just before the other amendment.

Mr. LONG. Mr. President, I join the Senator in making that request, that immediately after the next rollcall vote we call the roll on the Percy amendment.

The PRESIDING OFFICER. The Chair understood the proposed unanimous-consent request to suggest that the Percy amendment would be considered prior to the next amendment and the Senator from Louisiana is suggesting afterwards. What is the form of the unanimous-consent request?

Mr. PERCY. Mr. President, it is immaterial to the Senator from Illinois, if there are other amendments to be voted on, whether it is the next amendment or whether it will be immediately following. I would suggest immediately following the next amendment, back to back.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I would like to take this moment to thank Senator PERCY for his cooperation and assistance in working to iron out a concern I had with the language in his original amendment relating to the support agreement.

The amendment as modified by Senator PERCY today will add one more exception to the 3-year residency requirement which is contained in H.R. 3236, by allowing the legal alien to demonstrate to the satisfaction of the Attorney General that he had no prior knowledge of the sponsor's refusal or inability to provide support and that he believed in good faith that the sponsor had adequate financial resources to support him. Should the Attorney General be convinced of the legal alien's lack of knowledge or participation in the sponsor's failure to provide support, the residency requirement would be dropped and the legal alien would be eligible for SSI benefits. The additional exception in section III of section 504 of H.R. 3236 was needed because the original amendment made no exception for the legal alien eligible for SSI, who through no fault of his or her own was left without any means of support.

Mr. President, I support the requirement that a sponsor sign a legally binding contract to provide support before a legal alien is granted permanent residency in the United States. In fact, it is difficult for me to believe that this loophole was not closed by the Congress at an earlier date. Should the sponsor break his commitment of support for reasons other than those which are considered to be excusable such as death or bankruptcy however, I believe that the Federal Government has a responsibility to provide for an innocent legal alien until such time as the Attorney General can force the sponsor to carry out his commitments.

I believe that under the new law very few, if any sponsors will sign an affidavit of support in bad faith. Sponsors will be aware of their liability and will not be inclined to sign an agreement unless they fully intend to provide support for at least 3 years. While I believe instances of the sponsors failure to provide support should be few and far between, it is still unfair to require the States to pick up the cost of supporting the legal alien in those hopefully few cases when a sponsor without just cause, fails to meet the terms of his support agreement. I would add that it is important to consider that the legal aliens we are referring to who are eligible for SSI benefits, are either blind, disabled, or over the age of 65. The primary intent of the Percy amendment is to provide the Federal Government with the mechanism necessary to enforce a sponsor's affidavit of support agreement. It is not to penalize legal aliens who enter the country with the good faith understanding that they will be provided for by their sponsor.

Mr. President, the amendment as modified by Senator PERCY today will strengthen our immigration policies and at the same time keep intact the sense of humanity upon which our supplemental security income laws were written.

Mr. PERCY. Mr. President, I ask unanimous consent that Donna Maddox of my staff be permitted access to the floor on this bill and on all subsequent votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it is my understanding that the Senator from New Mexico (Mr. SCHMITT) is on his way to propose an amendment. I would suggest the absence of a quorum, awaiting his arrival.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I would like to have the attention of the manager of the bill.

The PRESIDING OFFICER. The Senate will be in order.

Mr. RIBICOFF. Mr. President, I am concerned with a very narrow issue which arises out of the report language which appears on page 10 of the Senate report concerning demonstration projects. In this bill we have given the Secretary the authority to establish demonstration projects under the disability insurance program and the supplemental security income program.

The bill and the report are rather specific as to the tvpes of demonstration projects to be carried out under the Disability Insurance program. For example, specific mention is made to encourage "greater use of private contractors, employers, and others to develop, perform or otherwise stimulate new forms of rehabilitation.

In regard to the supplemental security income program's demonstration projects, however, the report merely instructs the Secretary to conduct demonstration projects that "are likely to promote the objectives of * * * of the SSI program."

My concern is that I would like to see the results of demonstration projects that make greater use of the private sector in stimulating the rehabilitation of SSI beneficiaries as well as the results of projects which stimulate the rehabilitation of disability insurance beneficiaries. To this end, I assume that the use of the private sector in demonstration projects to stimulate the rehabilitation of SSI recipients is clearly within and consistent with the "objectives of the SSI program"?

Mr. LONG. The Senator is correct.

Mr. RIBICOFF. And am I correct that our intent here today is that the Secretary should make use of the private sector as well as the public sector in the establishment of both disability insurance and supplemental security income demonstration projects to stimulate rehabilitation?

Mr. LONG. Yes, that is correct.

Mr. RIBICOFF. I thank the distinguished chairman.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. RIBICOFF. On my time, I guess.

The PRESIDING OFFICER. The Senator has no time. The time will be equally divided.

Mr. LONG. Mr. President, I yield myself 1 minute.

May I ask if the Senator from Wisconsin is ready to call up his amendment? I understand he has an amendment he intends to offer.

### AMENDMENT NO. 745

Mr. NELSON. Mr. President, I call up printed amendment No. 745, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON), for himself and Mr. HUDDLESTON, proposes an amendment numbered 745.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 56, line 11, after the comma insert the following: "and after he has complied with the requirements of paragraph (3),".

On page 56, line 19, before the period insert the following: ", or (if later) until the Secretary has complied with the requirements of paragraph (3)".

On page 56, line 20, strike out the quotation marks and the second period.

On page 56, between lines 20 and 21, insert the following:

"(3)(A) The Secretary shall develop and initiate all appropriate procedures to implement a plan with respect to any partial or complete assumption by the Secretary of the disability determination function from a State agency, as provided in this section, under which employees of the affected State agency who are capable of performing duties in the disability determination process for the Secretary shall, notwithstanding any other provision of law, have a preference over any other individual in filling an appropriate employment position with the Secretary (subject to any system established by the Secretary for determining hiring priority among such employees of the State agency).

"(B) The Secretary shall not undertake such assumption of the disability determination function until such time as the Secretary determines that, with respect to employees of such State agency who will be displaced from their employment on account of such assumption by the Secretary and who will not be hired by the Secretary to perform duties in the disability determination process, the State has made fair and equitable arrangements to protect the interests of employees so displaced. Such protective arrangements shall include, without being limited to, such provisions as are provided under all for (1) the preservation of rights, privileges, applicable Federal, State, and local statutes and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements; (2) the continuation of collective-bargaining rights; (3) the assignment of affected employees to other jobs or to retraining programs; (4) the protection of individual employees against a worsening of their positions with respect to their employment; (5) the protection of health benefits and other fringe benefits; and (6) the provision of severance pay, as may be necessary. In determining that the State has made fair and equitable arrangements as provided for in the preceding sentence, the Secretary shall consult with the Secretary of Labor.".

On page 59, line 19, before the period insert the following: ", and how he intends to meet the requirements of section 221(b)(3) of the Social Security Act".

Mr. NELSON. Mr. President, I send to the desk a modification, which has technical changes, and ask for its consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 56, line 11, after the comma insert the following: "and after he has complied with the requirements of paragraph (3),".

On page 56, line 19, before the period insert the following: ", or (if later) until the Secretary has complied with the requirements of paragraph (3)".

On page 56, line 20, strike out the quotation marks and the second period.

On page 56, between lines 20 and 21, insert the following: "(3)(A) The Secretary shall develop and initiate all appropriate procedures to implement a plan with respect to any partial or complete assumption by the Secretary of the disability determination function from a State agency, as provided in this section, under which employees of the affected State agency who are capable of performing duties in the disability determination process for the Secretary shall, notwithstanding any other provision of law, have a preference over any other individual in filling an appropriate employment position with the Secretary (subject to any system established by the Secretary for determining hiring priority among such employees of the State agency).

"(B) The Secretary shall not make such assumption of the disability determination function until such time as the Secretary of Labor determines that, with respect to employees of such State agency who will be displaced from their employment on account of such assumption by the Secretary and who will not be hired by the Secretary to perform duties in the disability determination process, the State has made fair and equitable arrangements to protect the interests of employees so displaced. Such protective arrangements shall include [without being limited to, such] *only those* provisions *which* are provided under all applicable Federal, State and local statutes *including, but not limited to,* (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements; (2) the continuation of collective-bargaining rights; (3) the assignment of affected employees to other jobs or to retraining programs; (4) the protection of individual employees against a worsening of their positions with respect to their employment; (5) the protection of health benefits and other fringe benefits; and (6) the provision of severance pay, as may be necessary.

On page 59, line 19, before the period insert the following: ", and how he intends to meet the requirements of section 221(b)(3) of the Social Security Act".

Mr. NELSON. Mr. President, I raised this issue in the Committee on Finance, but did not have prepared, at that time, an amendment. I advised the committee at the time that I would have an amendment to meet the problem we are concerned with here, when the bill was taken up on the floor of the Senate.

Mr. President, the Senator from Kentucky (Mr. HUDDLESTON) and I introduced this amendment for printing on Wednesday, December 5, and placed the text of the amendment and a memorandum explaining it in the CONGRESSIONAL RECORD, pp. 34699–34700.

I discussed this amendment during the Finance Committee's consideration of the disability bill, at which time, there was general agreement on the substance of the amendment we are offering today. My staff has consulted with the staff of the floor managers from both the majority and minority side, and I believe that there is no objection to the amendment.

The amendment provides employment protections for State employees who now administer the disability insurance (DI) program. The reason any such provisions are necessary is that, under H.R. 3236, as approved by the House of Representatives and by the Senate Committee on Finance, there is an increased likelihood, however small, that the Federal Government will take over, in any given State, the administration of the DI program. In the event of such an occurrence, this amendment provides that affected State employees will be given preference in any positions created by the Federal Government and protects the existing rights of the State employees under all applicable Federal, State, and local laws who are displaced by the Federal takeover.

### BACKGROUND

H.R. 3236, as approved by the House and by the Finance Committee, would eliminate the provision in present law which provides for disability determinations to be performed by State agencies under an agreement negotiated by the State and the Secretary of HEW. Instead of these agreements, the bill would provide for standards and criteria contained in regulations or other written guidelines of the Secretary. It would require the Secretary to issue regulations specifying performance standards and administrative requirements and procedures to be followed in performing the disability function in order to assure effective and uniform administration of the disability insurance program throughout the United States.

The bill also provides that if the Secretary finds that a State agency is substantially failing to make disability determinations consistent with the Department's regulations, the Secretary shall, not earlier than 180 days following his finding, terminate State administration and make the determinations himself. In addition to providing for termination by the Secretary, the bill also provides for the termination of the disability insurance program by the State. Under H.R. 3236, the State is required to continue to make disability determinations for 180 days after notifying the Secretary of its intent to terminate. Thereafter, the Secretary would be required to make the determinations.

### IMPACT OF H.R. 3236 ON STATE AGENCIES AND STATE EMPLOYEES

In the Ways and Means Committee report accompanying H.R. 3236, it was acknowledged that if the bill is enacted,

> There is more likelihood that some States may decide not to participate under the program or the Secretary may determine that a State is not complying with the regulation requirements promulgated under this legislation.

In the past, certain States have seriously considered withdrawing from the program, and several States and State employee unions believe that H.R. 3236 will make such an option even more attractive for many States. In Wisconsin, for example, the State government has indicated it will terminate the administration of the program beginning this year.

If the Federal Government does indeed take over State disability determination agencies, the employment status of many States employees will be uncertain. Because there are no assurances in H.R. 3236 that these State employees will be reemployed by the Federal Government, many of these State employees could lose their jobs as DI employees permanently, even though it is generally recognized that State agencies have the "greatest reservoir of talent in the disability program."

### NELSON-HUDDLESTON AMENDMENT

The Nelson-Huddleston amendment provides that first, whenever a State chooses to terminate its administration of the disability program or second, whenever the Secretary of HEW terminates the administration of the disability program by a given State, a specific plan must be developed, and all appropriate procedures initiated to implement the plan, before the Federal Government can assume the responsibilities of the State disability determination unit. The plan must provide a procedure to insure that affected State employees will be given preference in any positions created by the Federal Government and to protect the existing rights of State employees under all applicable Federal, State, and local laws.

More specifically, the amendment requires the Secretary of HEW to establish a procedure to give employees of the affected State agency who are "capable of performing duties" in the disability determination process for the Federal Government a "preference" over any other individual in filling an appropriate employment position with the Federal Government. In order to accomplish this objective, the Secretary would have to establish a hiring priority procedure among the employees of the State agency.

For those persons who choose not to be employed by the Federal Government, or for whom Federal Government employment is not offered, the Secretary of Labor is required to insure that the State has made fair and equitable arrangements to protect the interests of employees who are displaced. Such protective arrangements shall include only those provisions which are provided under all applicable Federal, State, and local statutes including, but not limited to: First, the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements; second, the continuation of collective-bargaining rights; third, the assignment of affected employees to other jobs or to retraining programs; fourth, the protection of individual employees against a worsening of their positions with respect to their employment; fifth, the protection of health benefits and other fringe benefits; and sixth, the provision of severance pay, as may be necessary.

Mr. President, the intent of this amendment is to insure that the Federal Government does not in any instance come into any State capitol in the United States, take over the administration of the disability insurance program, and hire a whole new set of employees to work for the Federal Government without first utilizing and considering those State employees who administered the disability insurance program for the State. The amendment does not prohibit the Secretary of HEW from taking over the administration of the State program, nor does it hinder any State's ability to terminate its administration of the disability insurance program.

Rather, the amendment simply places an additional requirement in the law concerning the status of State employees before any action can be taken that could damage the employment situation of these employees.

Finally, the amendment requires the Secretary of HEW to file a detailed plan by July 1, 1980, on how the Department intends to implement the provisions of this amendment. Included in that plan should be a detailed analysis of how the Secretary intends to protect the pension rights and all other employee benefit rights of those persons who leave State government to assume Federal employment.

Mr. President, since the Senator from Kentucky and I introduced amendment No. 745, the Department of Health, Education, and Welfare, the American Federation of State, County, and Municipal Employees, and the National Association of Disability Examiners have carefully reviewed the language of our amendment and made several helpful suggestions to improve it. I have sent these modifications to the desk.

I urge adoption of amendment No. 745, as modified.

Mr. President, what this really means is that the State employees are now administering the program, funded by the Federal Government. If, under the rare circumstance—and they will be rare circumstances—the administration of that program is taken over by the Federal Government, those who currently hold the jobs administering the programs will simply be given preference for any of those positions when they are taken over by the Federal Government.

Mr. LONG. Mr. President, I yield myself 3 minutes.

The Senator's amendment provides that if a State—and I assume he has the great State of Wisconsin in mind—wants to withdraw from making disability determinations under the disability program, the Federal Government has to hire its employees. Obviously, Mr. President, the people over in HEW do not want to have those employees dumped on their doorstep and I do not think anyone in a responsible position would like to be denied the right to hire whoever he or she finds qualified to do a job in the event that they are required to do it. This is not a situation, Mr. President, where the Federal Government is proposing to oust the States from their jurisdiction. As long as the State is administering this program under the law, they have the decision on whom they want to hire.

We are not arguing about that. But if the State just wants to get rid of the responsibility, vacate the premises, it is difficult to see why the Federal Government ought to be required to hire all those State employees. As I understand it, HEW opposes the amendment. The administration is opposed to it for the very logical reason that they ought to say whom they are going to hire.

Mr. NELSON. I am advised by staff that HEW does not oppose the amendment. We were assured this morning—my staff was assured this morning—by Mr. Welch of HEW that they do not oppose the amendment.

Mr. LONG. If the Department supports the amendment, Mr. President, it will have to advise me. My impression was that the Department had been consulted and advised the Senator with regard to the language of the amendment, but I have not been advised that the administration favors the amendment. Perhaps we can find out and confirm the matter one way or the other before we vote on it.

I have not discussed the matter with them personally, but that is my advice from staff, that the administration does not favor the amendment. Perhaps we can get the matter ironed out and find out more about it during the next half hour or so.

Mr. NELSON. Mr. President, let me say to the Senator, so it will follow at this place in the RECORD, under the law, if the State is not administering the disability law pursuant to the rules and guidelines in the statute, the Secretary may—may—take over the administration of the program.

No. 2, a State may turn the administration over to the Secretary of HEW. So those are the two circumstances.

All this amendment proposes is that if the Federal Government should take over the administration of the program because the State was not complying with the law, which is unlikely to happen but might, or if a State decides to yield the administration of the law to the Federal Government, which might happen in a circumstance or two or three, those employees who occupy those jobs now being paid for by the Federal Government anyway, sitting at their desks, in their offices, may continue to administer the program. There has been no change at all, really, except an exchange someplace, putting in HEW in place of the State. It is the same program, same employees, same everything.

This amendment simply says that, if that happens, the affected employee should not suddenly be without a job; that if he were qualified to administer it under the State government, if he is still qualified to do it, then he ought to be able to have that job unless the Federal Government decides, well, we are going to cut 10 percent of the employees.

They can do that if they can reduce the number. But if they are going to retain the spot, that person who already has it ought to have the preference to get the job.

I am certain the Senator from Louisiana is not arguing that they ought to be able, willy-nilly, just to fire a good, hardworking employee who has 10 or 20 years in, just because they change the title of the government that is administering the program. That is all this amendment does.

Mr. LONG. Mr. President, the Senator has been provided with some information at variance with the information provided to the manager of the bill. I hope that we are able to obtain some better advice before we vote on the amendment. I hope the Senator will withhold his amendment. If we cannot do any better, we can suggest the absence of a quorum.

Mr. NELSON. I am agreeable to laying the amendment aside temporarily and proceeding to whatever other business there is and, at such time as that question is resolved to everybody's satisfaction, we can take it up again. Is that the way the Senator wishes to do it?

Mr. LONG. I think that would be a good idea.

Mr. DOLE. Will the Senator from Wisconsin yield?

Mr. NELSON. Yes, I yield.

Mr. DOLE. Mr. President, I am sympathetic to the problem the Senator from Wisconsin has. I hope we can put our heads together and work out some solution, but I hope in the process, we do not slow down the disability determination process. I think that is one reservation some of us may have, but I am willing to work with the Senator from Wisconsin on it.

Mr. NELSON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

### AMENDMENT NO. 749

(Purpose: To provide that the waiting period for disability benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness, in lieu of providing a demonstration project relating to the terminally ill)

Mr. BAYH. Mr. President, I call up my amendment No. 749.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Indiana (Mr. BAYH) proposes an amendment numbered 749.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, between lines 11 and 12, insert the following new section:

"ELIMINATION OF WAITING PERIOD FOR TERMINALLY ILL INDIVIDUAL

"SEC. 105. (a) The first sentence of section 223(a)(1) of the Social Security Act is amended, in clause (ii) thereof—

"(1) by inserting '(I)' immediately after 'but only if', and

"(2) by inserting 'or (II) he has a terminal illness (as defined in subsection (e)),' immediately after 'the first month in which he is under such disability,'.

"(b) Section 223 of such Act is further amended by adding at the end thereof the following new subsection:

"'Definition of Terminal Illness

"'(e) As used in this section, the term "terminal illness" means, in the case of any individual, a medically determinable physical impairment which is expected to result in the death of such individual within the next 12 months.'.

"(c) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act filed—

"(1) in or after the month in which this Act is enacted, or

"(2) before the month in which this Act is enacted if—

"(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

"(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month;

except that no monthly benefits under title II of the Social Security Act shall be payable by reason of the amendments made by this section for any month before October 1980.".

On page 101, strike out lines 1 through 17. Redesignate sections 506 and 507 as sections 505 and 506, respectively.

On page 32, amend the table of contents by adding at the end of title I the following item:

"Sec. 105. Elimination of waiting period for terminally ill individual.".

On page 33, amend the table of contents by striking out the item relating to section 505, and redesignating sections 506 and 507 as sections 505 and 506, respectively.

Mr. BAYH. Mr. President. I rise today to offer amendment No. 749, a substitute amendment to the demonstration project in H.R. 3236. My amendment would eliminate the waiting period for the collection of disability insurance for the terminally ill.

Currently social security disability benefits do not begin to accrue until 5 months after a claim is filed with the Social Security Administration. For the terminally ill, this waiting period often means they will not be able to collect those disability benefits at all, the only social security benefits they will ever be personally able to collect.

We have all received heart rending correspondence from constituents who have not been able to receive such benefits. They are usually in desperate financial situations after long and costly illnesses and are looking for some means of relief. They do not want to collect welfare. For many of them to be put on the welfare rolls at the end of their lives is the final and ultimate humiliation.

Yet even when some of them finally resort to the collection of welfare, they run into obstacles. I would like to read a couple of sentences from a letter from one of my constituents whose son-in-law was dying of a brain tumor:

> My son-in-law was operated on for a brain tumor on October 11, 1978. The physician gave him 3, probably 6 months to live. They have used up what money they had and their insurance had not been in force long enough as he had just changed jobs . . . I have paid some of their rent but, since I am a widow I can not pay much on a second household . . . His regular social security checks will not start until March 3 . . . His welfare will not start until April, the end of his 6 month period . . . He is taking medicine that costs about $90 a month.

This young man died on February 24, his wife destitute, several weeks before he could collect his disability insurance check. I submit this correspondence for the RECORD.

There are those who would say this amendment costs too much money. I agree that $100 million is a lot of money. However, we must continue to be the humanitarian Nation we have always been. We must not, in my opinion, sacrifice the pride and comfort of our citizens in our efforts to save.

Almost 400,000 people will die of cancer this year. Millions will be afflicted. These people who want to receive these benefits are not asking for charity, not asking for welfare benefits, they are asking for social security benefits, benefits they have earned.

The high cost of dying of a terminal illness is something that many of us will unfortunately be acquainted with. One in four of us will either have cancer or have a relative who has cancer, not to mention other fatal illnesses. At this time in a person's life when they are spending enormous amounts of money to prolong life for an additional month or just to relieve the pain of dying how can we say the terminally ill are not special, not worthy of some additional consideration, not worth the estimated $100 million next year. I for one cannot.

I have, however, made the effective date the next fiscal year in order to expedite the budget process this year.

There are those who would say these people can collect welfare benefits. The correspondence from my constituent speaks eloquently of that problem. But, in addition, can any of us here say that if we were dying we would feel comfortable having to collect welfare benefits. If there is recourse available to these people to collect money they can feel they have earned, are we not adding to the burden of dying by saying if you have a problem you can collect welfare, become dependent upon the State in your final months even though you have worked proudly all of the rest of your life.

There are those who have said the terminally ill are not special in terms of disability. I submit they are for two reasons. First, the terminally ill are usually at the end of a long and costly illness not at the beginning of a disability. Second, these people will never collect any other disability insurance personally. They will never collect old age benefits. Two years hence they will not be collecting SSI benefits. For most of these people, according to the American Cancer Society estimates, well over 90 percent of them, the 5 months we are talking about is the only 5 months they will ever receive benefits. That alone distinguishes them.

I understand there is a possibility we may be ruled nongermane. While I do not totally understand the fine points of germaneness and would never question the technical accuracy of such a ruling I feel very strongly that on a practical level this amendment should be considered germane. It, like all the other amendments in the bill, amends the disability insurance benefit provision. It is a substitute to a demonstration project on terminal illness and section 303(b) of the bill amends the same section of the law we are amending. So, on a practical level, I do not believe it is a new subject for this bill.

I would hope that my colleagues will join me in supporting this amendment to help alleviate some small portion of the monumental financial difficulties involved in terminal illness through a means that helps maintain the dignity of the recipient because the money is earned benefits, not welfare, not charity.

The correspondence follows:

FEBRUARY 28, 1979.

DEAR VIVIANA: I wrote you about my daughter's husband.

They returned the paper giving you authority to check his records about Welfare and SSI. Well, they delayed the Social Security and Welfare checks long enough so they did not receive any. I believe they received two SSI checks. They did have a medicaid card for medicine and they got food stamps.

He passed away on February 24th.

Thanks for trying to help them.

Yours truly,

---

FEBRUARY 12, 1979.

DEAR MR. BAYH: I would like to have some information and possibly, some additional help for my daughter.

My son-in-law was operated on for a brain tumor on Oct. 11, 1978. The physician gave him 3 and probably 6 months as he could not remove all of the tumor.

They have used up what money they had and their insurance had not been in force long enough as he had just changed jobs. They are both 39 years old.

I have paid some of their rent but, since I am a widow, I can not pay much on a second household. My apartment is not large enough for 2 families.

My daughter was working part time at 2 places. They were getting some Social Security Supplement. Then the SS said she made too much and they reduced the Supplement $100.00. His regular SS checks will start 3-3-79.

His welfare will not start until April, which will be the end of his 6-month period. He is taking medicine that costs about $90 a month.

Would you please let me know if this is the best help that they can get. Why can't his SS start earlier and, also, why does it take 6 months before the welfare can pay. What is the maximum that my daughter can earn? She has her application in at General Motors plants in Anderson.

If there is something you can do to help, please let me know. At that time, I will let you know their names.

Thank you.

Yours truly,

---

To summarize very briefly, this amendment is the result of some very personal experiences that were brought to the attention of the Senator from Indiana, which I think are similar to experiences that have been shared by every colleague because we all deal with constituents who are confronted with terminal illness, basically cancer.

The problem is this. We are all familiar with the fact that we have a significant waiting period after one becomes disabled, before he or she can draw disability provisions. The basic reason is to prohibit fraud, to prevent or limit the incidence of fraud, and, as a result of keeping people off disability, to cut down the cost of the program.

One who loses a leg or is otherwise disabled does qualify at the end of 5 months and can then draw disability payments, theoretically, for the rest of his life, or her life, or through the period of the disability.

In the event one is disabled because of terminal illness and is required to wait the 5-month period, the statistics, as brutal as they are, point out that more than half of all those people do not live the 5 months. So they never qualify for disability payments.

What I would do in this amendment is, upon certification of terminal illness, permit the person to start drawing disability payments.

I point out that at a time someone has been declared terminally ill, there is a dramatic need to provide assistance. There is all the increased cost, the loss of income, and the indescribable emotional circumstances that surround a family confronted with that kind of situation.

It seems to me that is a time the Government should be compassionate and should say, if a person has been declared terminally ill, that we are not going to quibble about whether he will live 5 months or 6 months or 7 months, that we are going to permit him to qualify for disability.

Mr. President, I ask unanimous consent to place in the RECORD data relative to the cost of the program before us.

There being no objection, the President ordered to be printed in the RECORD, as follows:

From: Harry C. Ballantyne

Subject: Eliminate the Waiting Period for Disabled Persons Who Are Terminally Ill—Information

The attached draft bill would eliminate the waiting period for persons with "a medically determinable physical impairment which is expected to result in the death of such individual within the next 12 months." For the purpose of the cost estimates shown below, it was assumed that this meant death within 12 months after the onset of disability.

In preparing the estimates, it was assumed that payments for the months in the waiting period would be made to disabled persons who are diagnosed as terminally ill, but who nevertheless live for 12 or more months after onset of disability, and that there would be no requirement to return these payments. On the other hand, if an illness which is not diagnosed as a terminal illness does nevertheless result in death within 12 months, a retroactive payment would be made for the waiting period. Thus, the cost of the proposal is higher than it would be if all payments were made retroactively in only those cases in which death actually occurs within 12 months of onset, but it is difficult to estimate how much higher.

As a rather arbitrary assumption, we assumed the cost of the proposal is about 50 percent more than it would be if all payments for the waiting period were made retroactively after the occurrence of death within 12 months. The resulting estimates of additional benefit payments in fiscal years 1980–84 are shown in the following table.

*Additional benefit payments*

(In millions)

| Fiscal year | Proposal as drafted | Retroactive payment of benefits after death within 12 months |
|---|---|---|
| 1980 -------- | $150 | $100 |
| 1981 -------- | 180 | 120 |
| 1982 -------- | 200 | 130 |
| 1983 -------- | 225 | 145 |
| 1984 -------- | 250 | 160 |

It is estimated that about 100,000 disabled workers would be affected in the first full year under the bill as drafted. (If all payments were made retroactively, the number would be about 75,000.)

The above estimates are based on the assumption that the draft bill is enacted in August 1979, making the proposal effective for final determinations made in August 1979 and later. The estimates are also based on the intermediate assumptions in the 1979 Trustees Report.

HARRY C. BALLANTYNE,
*Acting Deputy Chief Actuary.*

Mr. BAYH. I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, the Senate is currently considering an amendment which would eliminate the 5-month waiting period for social security disability benefits for terminally ill persons. This amendment will help the terminally ill and their families meet their medical expenses.

It is estimated that as many as 1,000 cancer patients die daily in the United States.

I am now directing myself not to persons with disabilities, such as the loss of a leg, which are also serious, but to cancer patients that have been told by their doctors they just have to sit and wait until they die.

The family's shock on learning of the disease and the emotional toll on the family during the course of disease cannot be measured. Nothing we do here today can change that.

However, we can help the patient and their families meet some of the overwhelming expenses incurred during this traumatic period. We will not be doing this as any kind of special favor.

Since we introduced the bill which this amendment is patterned after, S. 1203, I have—as well as many other Members of the Senate—received many letters from cancer victims and their families supporting the repeal of the waiting period.

A common theme is noted in these letters—a loved one is ill with terminal disease and cannot get social security benefits for 5 long months. Sometimes they must wait longer than that for the benefits to be processed.

The loved one may be dead before the 5-month waiting period is up. The family has worked for years and always paid into social security. They have paid their dues.

I am then asked if the current law is fair to these people. While I could mention the need to preserve the fiscal integrity of the social security program, I do not think this response would be of much comfort to them.

It is unfair to deny social security benefits to persons who have paid for them. It is even more unfair to deny these benefits to a person and his or her family at a time when they are badly needed, before a loved one dies. By repealing the 5-month waiting period for the terminally ill we are remedying this inequity.

There are many, many thousands of cases where a doctor informs a person he has got cancer and has a short period to live. They often die before they get a chance to use the social security benefits they paid for all those years.

Mr. President, I would like to take a moment to recognize one man's contribution to our awareness of this issue—Mr. Howard Dalton, of Everett, Wash.

Mr. Dalton learned that he had terminal cancer late last year. He learned shortly thereafter that the law required he wait 5 months for social security benefits. His doctor did not think he would live long enough for him or his family to receive any benefits.

Since learning of this law, Mr. Dalton has been vigorously battling his own illness and also working on behalf of many others who suffer from terminal illnesses to acquaint the public and this Congress with the inequity in social security law. Our consideration of this amendment today owes much to his efforts.

I believe he presented some very vivid testimony before the Finance Committee in support of this amendment.

The Senate today has an opportunity to insure that duly earned social security benefits be given to the terminally ill and their families when they most need economic assistance, at the time they first learn of their illness. I hope the Senate will support this amendment to repeal the 5-month waiting period for social security disability benefits.

A Seattle Times editorial succinctly summarizes the need for this legislation. Mr. President, I ask unanimous consent that the Seattle Times editorial, "Cruel Irony Mars Social Security Law" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Seattle Times, Jan. 31, 1979]

CRUEL IRONY MARS SOCIAL SECURITY LAW

Disabled by a cancer that doctors say will take his life within the next few months, an Everett man has been told he is fully eligible for Social Security disability benefits.

But there is a cruel irony in the case of Howard Dalton: He may not live long enough to receive any payments.

Dalton and countless other clients of the Social Security system—individuals who have shared with their employers the costs of financing it—cannot receive prompt benefits resulting from a medical impairment that can be expected to last 12 months or to end in death.

That is because the law says benefits cannot begin until a worker has been totally disabled throughout a waiting period of five months. The first month's benefit is for the sixth full month of disability and is payable early in the seventh month.

When Congress enacted the disability phase of the Social Security program more than 20 years ago (with a waiting period even longer than it is now), the objective of delaying benefit payments was to keep program costs down.

The legislation plainly ignored the plight of people like Dalton, who has been told that the most optimistic medical forecast is that "I would last 8 to 10 months as of last Thankgiving."

Dalton is more fortunate than many, in that he has sufficient private resources to pay his bills. The government provides early supplementary income aid in certain circumstances, but eligibility is confined to those with very low earnings.

Local Social Security officials say they cannot make exceptions. The law is unequivocal regardless of special circumstances. Worse, even when the waiting period is over, there are no provisions for retroactivity.

An administration spokesman says abolition or modification of the waiting period would add significantly to Social Security tax payments for workers and employers—as much as 1.25 per cent of the taxable payroll.

All of which provides a fresh argument for relieving the Social Security system of disability and Medicare obligations, shifting them to the general tax fund instead.

Meantime, the case is strong for amending the law to allow a measure of flexibility in handling claims by the terminally ill and others in unusual circumstances.

A caring and conscientious congressman would move quickly to seek just such an amendment.

Mr. MAGNUSON. Mr. President, I know that this amendment may cost the Treasury some money. If a person who pays into social security is terminally ill and dies within the 5-month waiting period, the Treasury makes some money.

That is a devil of a way to collect money, is it not?

I hope the committee will accept this amendment. It applies only to those people who have been declared terminally ill and are likely to die within a 12-month period.

Sometimes it takes 6, 7, or 8 months by the time they are through making out the papers and everything else.

I speak for the cancer victims. The Senator from Indiana talks about other disabled people. It is a shame.

I do not think any government wants to collect money because someone has the misfortune to have cancer and dies before they have a chance to use some of the money, some of the benefits of their social security funds, which is all they have.

The Treasury might make a little money, too, if they die within 2 or 3 months. Then they do not have to pay for the entire 5-month period.

This is very unfair. It is a dickens of a way for the Treasury to collect money.

Mr. HAYAKAWA addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. I yield myself such time as I may require.

Mr. President, a parliamentary inquiry.

In due course, I expect to make a point of order that the pending amendment is not germane. However, I do not desire to prevent Senators from expressing their views on the subject, in view of the fact that the amendment is pending. I inquire of the Chair if it in any wise prejudices the rights of the manager of the bill to make that point of order if he waits long enough for someone to offer an amendment to the amendment?

The PRESIDING OFFICER. The Senator has an opportunity to make his point of order at the time of the completion of the allotted time for consideration of the amendment.

The Senator, at the same time, would not lose his right to make that point of order in the event of an intervening amendment to that amendment.

Mr. LONG. I believe the Senator from California wishes to offer an amendment.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MAGNUSON. I know there are several Senators—who are not in the Chamber at this time—who want to speak on this amendment, including my colleague from the State of Washington, Senator JACKSON. I am sure the Senator from Indiana is not through, either.

Is the Senator from California going to speak to this amendment?

Mr. DOLE. No.

Mr. MAGNUSON. Could we set aside this amendment temporarily?

Mr. LONG. Mr. President, I believe I should speak to the amendment for a few minutes, because it will be my reluctant duty to oppose the amendment, and I think I should explain my reasons.

The disability program has cost the Treasury far, far more than anyone ever estimated. It was the privilege of the Senator from Louisiana to support the disability program when it first became law. At that time, we represented to the Senate—those of us who were sponsoring the amendment—that this was going to cost about one-half of 1 percent of payroll. This program now is costing us about 2 percent of payroll. It is costing us about $15.6 billion.

That is the case because of an element of compassion that exists in almost every human being which tends to cause one's sympathy to go out to a person who is partially disabled, even though that person may not be totally and permanently disabled as required by the law.

Because of that, when people take appeals from the decisions in the Department of Health, Education, and Welfare, or before the examiners at the State level, who are not known as people with hearts of stone, about 50 percent of the time the appeal is successful. In the event it is not successful, and they go to court with it, about 50 percent of the time they win the lawsuit.

If we were required to waive the waiting period, the additional cost to the program would be about $3 billion a year, or almost another one-half of 1 percent of payroll; and that would have to be paid in addition to the social security tax increase which everyone in Congress is worried about at this point. Of course, that is not being proposed in this amendment.

This amendment is estimated to cost $850 million over the 1980–84 period, and $165 million in the next year.

Mr. MAGNUSON. Is that for a 3-year period?

Mr. LONG. $165 million in 1981.

Mr. MAGNUSON. I wish the Senator would say the annual cost.

Mr. BAYH. They are not the figures I got from Social Security.

Mr. LONG. I understand.

Mr. President, let us discuss the case of cancer, for a moment or two.

I have known a lot of people who have had cancer and who have had terminal illnesses. In my experience, I am not familiar with any of those people being fired from their jobs or ousted from their positions because they had cancer.

I know of a lot of brave people, many of whom were friends, who carried on courageously until the very end, until they were bedridden and simply could not perform.

I recall one good example of a very fine man who was a good friend of mine. He was working for the Federal Government. This person had terminal cancer. He was determined to carry on and did so, bravely.

I was discussing his situation at one time with the President of the United States, at the White House, and the President insisted on giving the man a telephone call and congratulating him for the fine job the man was doing for his country, and the man appreciated it very much.

In due course, we found that some of his fellow employees wanted this man to retire. Under the Federal law, as a Federal employee, he could have taken retirement partly because of his illness. This person was outraged about it. It turned out that his fellow employees felt that they would be promoted. About four or five people on the ladder would move up one step if this man stepped aside. So his fellow employees would have liked him to retire so that they could have a promotion.

What usually happens in cases in which a person has a terminal illness—cancer, in particular—is that his fellow workers share some of his burdens so that that person can do the job to a greater extent that he would otherwise.

We can find no more obvious example than that of Hubert Humphrey, one of the great Senators of all time, who served with distinction right until the last couple of weeks before the good Lord called him home.

I recall Dr. Schuler, on the "Hour of Power," tell about how Hubert Humphrey's family called Dr. Schuler and urged him to talk to Senator Humphrey; and the doctor urged him to go back to the U.S. Senate because the Senator was not doing anything by being at home and suffering the pains that accompany cancer.

The Senator returned; and I am sure that everyone who was here to witness his return regarded it as one of the most impressive things they have seen in the U.S. Senate—the magnificent speech that courageous man made, and the inspiration he gave to every Member of this body while he was suffering from cancer, until nearing the end.

I recall sitting with that great Senator in one of the rooms just off the Senate Chamber and hearing him say that he was not going to go quietly; that he was going to go out with a whoop; that he was going to stand here until the end and advocate things in which he believed.

But, if someone had to get out of bed late at night to come down here and make a quorum we would not have demanded that Hubert Humphrey do that. That is something the rest of us could do. Likewise, on some of the tedious work that need be done, other Senators would be perfectly content, and glad to share the burden, because one of their Members was ill. That is usually what happens.

Just this morning, coming to work, I was discussing this very fact with a lawyer who, in my judgment, is a very great lawyer, a very talented, able man. I mentioned the fact that, to my knowledge, I know of no one who has been fired from his job because he had cancer. This particular lawyer said that, in his firm, they had four lawyers with cancer. One of them just got through negotiating a renewal of his contract with the firm, and they gave him a pay raise.

Just because you have cancer does not mean that your brain is not functioning. It does not mean that you cannot do anything.

Mr. President, when we tell people with cancer, "You are going to die, you are disabled, you cannot do anything," it tends to make those people give up. They should be encouraged to try and live as long as they can and make the best contribution that they can.

We had a very impressive witness come before the committee, and he was well known to the Senators from the great State of Washington, testifying for the amendment. It turns out that the witness himself was one of the best examples of why the amendment should not be agreed to. That was a man, himself, who had such a problem, making a very noble and fine contribution. He was a useful citizen of this society and he was continuing to make a substantial contribution.

If we are going to waive the waiting period for people who have cancer, well knowing that those people can make a contribution, they are not totally and permanently disabled, they can still make a very useful contribution, then how do we justify not waiving the waiting period for those who actually are disabled and cannot do anything, nothing whatever?

In other words, far more than one who has cancer but who can make a useful contribution and can do his job and, in fact, can do it, how do we justify not waiving it for those people who are, in fact, disabled and, in terms of the statute, let us read that language there. Here is what the statute says. Let me read the exact words. I will ask the staff to find those words. Let me read:

> The term "disability" means (a) the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of time not less than 12 months.

Then it goes on.

Mr. President, the key words here are "inability to engage in any substantial gainful activity."

The reason that the program is costing four times the estimate, the reason it is costing $14 billion rather than $4 billion is that of the compassion of people to find ways to declare a person unable to engage in any substantial gainful activity when in fact that person is able to engage in a substantial gainful activity.

Mr. President, under our present budget we are confronted with a situation where there is more money being spent on social welfare programs than there is on the defense of the Nation. The defense of our Nation has had a smaller and smaller share of the budget to the extent that if we were required to go to war with the greatest military power in the world we would have to put our young men in the air to attack that great military power in airplanes that are 30 years old.

Who would like to have his son take off to attack the greatest military power in the world in 30-year-old airplanes? I would hate to try to get somewhere in a 30-year-old automobile, much less in a 30-year-old airplane. But we would be confronted with that.

We have old ships that are not adequate for the needs of a modern-day Navy. We do not have the tanks, and we certainly do not have the modern tanks we should have for the fulfillment of our defense commitments. We need far more than just a 5-percent or even a 10- or 12-percent increase in our purchase of hardware. We should have a 100-percent increase.

We are not providing adequately for things that are vital to the survival of this Nation. And we go ahead, Mr. President, spending more and more money on social services where it is not absolutely necessary.

I have struggled in the vineyards of economy from time to time, and it is the impression of this Senator that what wrecks our budget is not the outright waste, it is not the case where someone is stealing money, or spending money that has no justification for it, but it is the case of marginal spending, spending on things that are not absolutely necessary.

Mr. President, in the social welfare areas we have a great number of examples. Just to give one, no one ever thought when we started the unemployment insurance program that it was to be a guaranteed vacation with pay program and yet, in many cases, it has become one.

For example, one of this Senator's friends retired recently from Exxon in Baton Rouge, La. He had earned a good retirement and he took advantage of it. I was shocked when I heard that someone told him he should go down and apply at the unemployment office because he could get a year of unemployment benefits to supplement his retirement benefits—under a very fine retirement program in and of itself, supplemented by the social security payments.

The man at the time said it looked to him like that would be just stealing to go down and take this unemployment money in addition to the social security pension, and in addition to the private pension that was available to him.

But the people said, "Look, all the rest of them do it, and you ought to do it too."

Then, Mr. President, I looked into the matter and found that in some States legislation has been passed not only to implement this approach, that a person who has earned a generous retirement would be paid the unemployment insurance money as well, but I learned that in some States they have actually passed laws through the legislature to require the employer to advise that employee that when he retires he can have unemployment benefits as well as having a private pension and as well as having a social security payment.

That is just one example of areas where we are spending just a lot of money.

It is the judgment of some Senators on the Committee on Finance that in the unemployment area alone there is at least $3 billion a year of unnecessary spending. This is not to say that this benefit for retirees might not be helpful, it might not be comfortable, or it might not be justified under certain circumstances. This is merely to say that we could get by without having a program that would pay people unemployment benefits when they have actually retired and are not available to take a job somewhere.

Now, this case, Mr. President, of course, has a lot of sympathy, to support it. All I can advise the Senate is that the more we get into this thing, the more it costs, and the more it will cost. The more you do this sort of thing, the more you will do. The more precedents you set like this, the more precedents you will have to set. The more you extend these programs, the more you will be required to extend them in the future.

How can we tell these people who are not actually disabled to the extent that they can have gainful employment that they must have no waiting period when we have other people who are truly disabled who would be required to have the waiting period?

Yes, I have complete sympathy with those people. But, Mr. President, if I should be taken down with cancer tomorrow, I would not resign from the U.S. Senate. I would continue to carry on, and I would somewhat resent anyone suggesting that I should declare myself disabled because I had cancer.

I would hope, Mr. President, that we would recognize that as much as we like to do some of these things there is a limit to the capability of the taxpayers to pay for all of that, and this program is far beyond its estimate already, and should not be drastically expanded with a floor amendment of this sort.

Now, in due course, I will make a point of order, Mr. President, because I believe the amendment is not in order. But I did feel it was my duty to display my reasons why, on the merits, I do not believe the amendment should be voted by the Senate.

Mr. MAGNUSON. Mr. President, will the Senator yield for a question?

Mr. LONG. Yes.

Mr. MAGNUSON. I have figures, and I think the Senator from Indiana has figures, from social security that this will cost approximately $100 million a year. I agree with the Senator. I have to struggle with these appropriations all the time.

The Senator, however, mentions all of these abuses of unemployment insurance. Well, let us take $100 million out of there, or $200 million, or $300 million, or $400 million, and put it someplace where it is a question of whether this is fair or not. It is not a question of whether you have cancer. It is a question of when you are declared terminally ill and are going to die, a certain period of time, maybe 1 month, maybe 2 months, maybe 3 months, and you have to wait, you paid in social security all your life, and I just do not see the comparison between some of the ways the Senator points out in social security and what we adequately trim in order to take care of a situation that is obviously unfair to people who have paid in social security.

I have a figure that it costs about $100 million a year.

Mr. LONG. Mr. President, just permit me to say this: We are going to have to cut back on social security.

Mr. MAGNUSON. You can cut back on all kinds of things.

Mr. LONG. Not to finance other things—we will have to cut back just to stay within the budget resolution. I will have to do it. It was my painful duty to do that. We voted for the budget process, and when the Senate passes a budget resolution we have to provide for that.

Mr. MAGNUSON. You are revising social security, on which you have done a good job, but this is being very unfair. We cut back about $6 billion in social security—I mean social needs in the Appropriations Committee.

Mr. LONG. Let me just make a point, Mr. President.

Mr. MAGNUSON. Last year we cut cut back, I might say to the Senate, $8 billion, $8.1 billion.

Mr. LONG. Mr. President, it might shock some people to hear this, but every person within the sound of my voice is going to die. Every last one of us will die. It is just a matter of when.

The question of whether we are going to pay these disability benefits out depends really under the law upon the extent to which a person is disabled. We have a waiting period. Here is just one good example—here is a Mr. Dalton, a very fine, impressive witness, testifying before our committee for this amendment.

He said he was told by the doctors in November 1978 that he had 6 or 8 months to live.

When he was testifying before the committee, that was 12 months later, and the man showed no signs of being in extremis at that point.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. LONG. Yes.

Mr. BAYH. I think, with all respect—I know how compassionate the Senator from Louisiana is, and I know how sensitive he is to spending money—but I have to say that the Dalton example and the Humphrey example argue for the point expressed by the Senator from Indiana and the Senator from Washington that those people would not qualify for for disability. Those people would not be covered under this.

What we are after is not somebody who is going to be fired because he has cancer, because most cancer patients want to work as long as they can. But when the good Lord gets ready to grab hold of you, and you are in that bed, and you cannot work, what we are saying is you ought to have a chance to get some of that social security you paid into the social security system to pay for the groceries and for your children. That is all we are saying.

I appreciate the Senator's yielding.

Mr. LONG. Mr. President, we have a program that is costing $15 billion a year. By current standards it was supposed to be costing us $4 billion a year. How do you account for the fact that it is costing four times what we estimated? Well, the reason, Mr. President, is when someone comes in with a compassionate situation the people in the Department who see that are inclined to go along with him because they feel sorry for him, and I do not blame them. I would tend to be the same way if I had that job.

Likewise when they appeal it. Then the person who hears it on appeal is inclined to allow benefits.

Then, if they lose their appeal, they take the case to court. What does the judge do? He looks at that person and sees there a person who, for all we know, might be on a job right then, might be working on the job, but the person makes a pitiful case before the judge, and what does the judge do? He decides the person is disabled and he puts him on the rolls. He knows he fudged on the law, but he goes back home and sleeps well that night. He knows, although the person was not totally disabled, he felt like he did a good deed like he did.

Mr. President, I have done things like that in one respect or another and felt proud about it.

I recall one time a young man went over the hill and was gone for a long time. I reviewed that court-martial and found an excuse to throw it out on a technicality. I recall that my superior in the Navy asked me how could I do that on that technicality. I was saying that a muster roll that was certified by Randall Jacobs, the head of personnel of the U.S. Navy, was not a muster roll. That was a technicality because it was only an excerpt from a muster roll. I said, "Randall Jacobs will never challenge this. This will be the kind of case that will make you shed a tear when you see what happens with that young man, and there will not be any argument from Randall Jacobs or anybody else," because nobody would dare challenge what I was suggesting, or what was actually happening in that pitiful case.

So when people see people who are not totally and permanently disabled as the law requires, but who are sick, who are ill, who are going to die, their compassion reaches out and they will say they are disabled even though they know those people can still make a contribution, they can still be useful. Many times they are doing it at the time they are making that application.

To waive the waiting period, Mr. President, because the man is about to die—well, there is no better excuse for doing it in that case than it is for doing it in a case where a person is totally disabled and cannot do anything at all.

Mr. BAYH. Mr. President, I yield 5 minutes to the Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, I am pleased to join with Senators BAYH and MAGNUSON, and 28 other Members of the Senate, in sponsoring this amendment to H.R. 3236—the social security disability bill which is now before the Senate. Our amendment will provide immediate disability insurance benefits to terminally ill persons—benefits they often desperately need. Under current law, all disabled persons are required to wait 5 months before receiving disability benefits, regardless of the immediacy of their needs or prospects for recovery. This creates an inequitable situation whereby terminally ill patients receive no help from social security during the first 5 months of their disability, and will, in fact, never receive assistance from the fund if they die during that period. Social security benefits are not paid retroactively, and therefore, an individual afflicted with a terminal illness may be without means to meet the high costs of medical attention and care so often needed during the last months of their lives. Quite simply, at a time when these persons most need assistance, and after they have paid into the system for insurance against this very type of tragic occurrence, they cannot obtain it.

Mr. President, this is a situation that begs for remedial action by Congress, and I believe that the amendment we are offering today to the social security disability bill offers the sort of relief that is warranted for those who are suffering from a terminal illness and are incapable of work.

Thousands of Americans each year discover that they are afflicted with a terminal illness and then must face the prospect of dealing with a Government agency which to them appears uncaring and unmindful of their desperate needs. In this regard, the Senate Finance Committee has itself recognized the needs of the terminally ill by including within the disability bill authorization for the Social Security Administration to participate in a demonstration project conducted by the Department of Health, Education, and Welfare. This project would study the impact of current provisions of the disability program on the terminally ill to determine how best to provide benefits to these people through Social Security Administration programs. The committee has recommended that $2 million be appropriated for participation in this demonstration project.

Mr. President, I believe that this provision in the bill indicates that the Finance Committee recognizes the terminally ill as a distinct class of benefit recipients who deserve special attention, and recognizes there is a difference between one who is dying and one who is suffering a long term disability. But the fact is, we do not need to spend millions for studying their plight. We know that the terminally ill need social security benefits immediately upon determination that they are completely disabled and that death is impending. Their need is buttressed by the fact that they have quite often exhausted their own financial resources by the time that it is determined that they can no longer work, and the fact that most terminally ill individuals die within the five month waiting period after they have been determined by the Social Security Administration to be totally disabled. The consequence is that most terminally ill patients never receive social security disability insurance benefits.

Mr. President, I have become personally aware of the needs of the terminally ill over the past few months as a tremendous number of my own constituents have written in support of the measure we are offering today. Their plight has been championed by a man from my own home town of Everett, Washington, who is himself plagued with virulent lung cancer and has been told that he must put his affairs in order and prepare to die. His name is Howard Dalton, and he has valiantly fought to see that the law we are considering today is amended to take care of those who most need assistance. I believe that their needs and his efforts should not go unrecognized as their cause is both just and reasonable.

Mr. President, my own investigation into this problem leads me to believe that the amendment we offer today is adequate to meet the needs of the terminally ill, and is well tailored to meet the fiscally conservative standards which we have set for ourselves when considering programs which will add additional, and potentially costly, benefits to the social security program. In this regard, it is my understanding that the Social Security Administration estimates that the program will cost an additional $100,000,000 if implemented for an entire year, and will cost much less if implemented during this fiscal year. This is not an exorbitant amount when it is considered that it will help thousands of Americans to meet the financial crisis which often accompanies terminal illness. I would hope, therefore, that the Senate will give serious consideration to our measure and amend the Social Security Act to provide disability benefits for the terminally ill.

Mr. President, I yield back to the floor manager the remainder of my time.

Mr. BAYH. Mr. President, I deeply appreciate the concern expressed by both Senators from Washington. I think what we are trying to do does not create wasteful programs, but we are trying to deal with very unique problems of pain and suffering.

I yield 5 minutes to the Senator from Tennessee (Mr. SASSER), who is, unfortunately, in a uniquely qualified position to speak with personal experience on this matter.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Indiana for yielding.

Mr. President, today I rise in support of the amendment offered by my friend from Indiana (Mr. BAYH). I want to commend the Senator on his initiative and timeliness in introducing this proposal to eliminate the 5-month waiting period for terminally ill disability applicants.

Mr. President, it is appropriate that the Senate take this action today. The elimination of the 5-month waiting period will help remove an onerous financial burden from terminally ill workers and their families, who are already carrying burden enough.

The 5-month waiting period translates into a 6-month process, Mr. President. Benefits are paid only for the first full month after the waiting period, meaning the applicant's first benefit check arrives during the seventh month. Prior to 1972, the waiting period was 6 months; benefits were not received until the beginning of the eighth month. And despite the financial hardships faced by the terminally ill worker, the law requires a waiting period to reduce all doubt of possible recovery. Tragically, the worker may never survive the waiting period.

The law thus denies timely benefits to terminal patients who have contributed to the disability trust fund. The contributions were made in good faith, with reasonable assurance that the worker would be able to reap some limited benefits from his contribution. And a technicality, Mr. President, a mere technicality denies terminally ill disabled workers from receiving benefits when they are of critical importance.

Let me quote the words of Justice Cardozo, in *Helvering* v. *Davis* (301 U.S. 619):

> Needs that were narrow or parochial a century ago may be interwoven in our day with the well-being of the Nation. What is critical or urgent changes with the times. . . The hope behind this statute is to save men and women from the rigors of the poor house as well as from the haunting fear that such a lot awaits them when journey's end is near. . .

The 6-month waiting period, as well as the present 5-month process, were established at a time when medical diagnosis techniques were imperfect. Terminal cases could not be diagnosed with certainty. Due to improvements in education and technology, diagnosis techniques are more sophisticated. Little doubt usually exists over the terminal or nonterminal nature of an illness.

Terminal patients often suffer from mental anguish as well as a physical impairment, due to worries over financial matters. This fact can be seen in a letter I received from the wife of a disabled constituent:

> I am writing to thank you for getting my husband his disability, which will start in May if he is still living. . . . that really helped him to know that we could look forward to some sort of income.

Unfortunately, this constituent died in March, exactly 5 months after his application for disability benefits.

Objections have been raised to the amendment based on its cost. It is true that it will require some $82 million in new money. The Social Security Administration, however, predicts that on the average, only 2½ months of the 5-month period would be used. This could translate into a cost savings for social security as funds are distributed more efficiently over a relatively short time span.

The average benefit available under this amendment is only $320 a month; $320 a month, Mr. President, for medical costs that averaged $19,054 in 1972, according to a study done by Cancer Care, Inc. That is roughly $25,000 in 1979 figures.

Ideally, we would now be considering the elimination of the waiting period for all disability applicants. The case of the terminally ill worker is urgent, however. Medical costs continue to increase, and the specialized care needed by the terminal patient repidly exhausts any available funds.

I see this amendment as a new beginning, Mr. President—one step toward making Government programs more responsive to the needs of the people they are supposed to serve. As Justice Cardoza said, "What is critical or urgent changes with the times." The time for action is overdue.

I urge the Senate's approval of the proposal.

I thank my colleague from Indiana.

Mr. BAYH. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER (Mr. STEVENSON). The Senator from Indiana has just under 11 minutes.

Mr. BAYH. Mr. President, I point out that I have always found and have known the Senator from Louisiana to be a very compassionate individual who likes to help people. And it is only because of the extreme urgency of this particular question and the fact that if we do not attach it to this particular bill the ball game is over for the rest of the session. This is why the Senator from Indiana would resort to this particular procedure.

I also point out that the measure which is being added to this particular bill at this time has been in the Finance Committee for some period of time. It is not something on which we are catching anyone by surprise. I just want to alert my colleagues in the Senate of that.

We are talking about individuals who qualify for disability insurance. Someone who meets the criteria described very graphically and dramatically by the Senator from Louisiana would not be qualified under this amendment.

Hubert Humphrey for example, worked right down to his last breath. The worker who is helped by his coworker so he can continue to draw a check, by definition, does not qualify as disabled.

What we are talking about here is not someone who is qualified to be gainfully employed but someone who is not.

It was mentioned that nobody has been fired because they had cancer. That may or may not be the case. But the fact of the matter is that cancer has a very devastating impact on human beings. I suggest that it is going to be very difficult to find anybody, an auto worker for example, who cannot check in at that clock every morning will remain on the payroll because if he or she is not working, if they are not turning the nuts and bolts on that production line, they are not being paid.

We are talking about someone who, because of physical disability, created by a terminal illness, cannot work, cannot maintain any substantial employment, in accordance with the specific wording in the law already referred to by my good friend and chairman of the Finance Committee.

I must say we are talking about a rather unique kind of individual. I think the Senator from Louisiana pointed out that for most people who have cancer, who have a terminal illness, the therapy is to make each day count, to make it as productive as they possibly can. They try to ignore the fact that their time is limited and create as much opportunity for themselves and their family as they possibly can, as long as they have the strength to do so.

Because of the very nature of cancer as a disease, most of the patients I have had the experience to know will put off as long as they possibly can succumbing to disability and therefore resorting to using this provision.

I suggest when the time comes when they cannot lift up their hand or their head, then it seems to me it is time for the Government to say, "We are going to help provide for you and your family during the last years of your life with money from a source into which you have been making contributions all your working life."

Now, I want to talk about the cost, because we are all very cost conscious. I have to confess to my colleagues that the real fact is that social security cannot give us good information on cost. However, I refer my colleagues to the estimates we received from the distinguished acting deputy chief actuary which I have already placed in the RECORD, who points out that, as drafted, this will have a total cost, in talking about a whole year for all citizens, of $150 million. Interestingly enough, if they had it paid retroactively, it would only cost $100 million. Mr. Ballentine then says that it is "a rather arbitrary assumption" because they really do not know.

The reason I think the retroactive level is probably more accurate is that the very nature of cancer and the very nature of terminal illness makes it almost impossible to defraud the system. So I think we are not going to have that extra amount that is mentioned in the advance payments assessment but rather will come closer to what social security said would be retroactive payment.

It is going to cost more than that next year. Social security said as a retroactive payment, if they use that figure, it is $120 million, and if it is paid in advance it is $180 million. Somewhere in that ballpark is probably what it is going to cost.

I would like to suggest I do not know of a better way to try to deal with the inequities that exist in the system than to pass his amendment. I cannot think of anything more inequitable than the system which presently exists, where a person can pay into social security all their life, and if they lose an arm or a leg and live for another 10 years they can receive disability payments. But we are not dealing with that situation.

The Senators from Washington, Tennessee, and Indiana are dealing with a situation where that person pays in all their life, gets cancer or some terminal illness, with a doctor certifying that they are terminally ill, and the statistics showing that they will probably not live the 5 months necessary to qualify. They cannot even get their social security money out of their account to help pay for their family expenses while they are dying. I do not want to be overly dramatic, but that is what we are asking.

Someone who has statistics to show that other disabled people they will not live long enough to cash checks on their own social security fund should be permitted to do so.

Mr. LONG. Mr. President, the Department of Health, Education, and Welfare is opposed to the amendment even though those in that department understand the problem. They point out that because of the uncertainties involved in these matters, there is no way of really knowing that a person is going to die within 12 months. Some people will live longer than that and some people will not live that long.

I point out, Mr. President, that it is difficult to see why we should deny one person who is totally disabled the benefit accorded to someone else. This would put pressure on doctors to certify that they think people are going to die in 12 months when the doctors do not really know.

As I say, Mr. President, if we extend this principle, that these totally disabled people should have the waiting period waived in compassionate cases—generally, every meritorious case is a compassionate case—I do not see for the life of me how we could decline on subsequent bills from extending this further.

The cost of extending the provision to all the disabled will be $3 billion a year. The pending amendment, of course, is a compassionate amendment. But, Mr. President, that extension is a matter we must eventually confront.

Mr. President, I must make the point of order that there is nothing in this bill which has to do with the waiting period. This amendment is to waive the waiting period and, as such, Mr. President, the amendment is not germane to this bill. When the time expires, I will have to make the point of order that the amendment is not germane. Under the unanimous-consent agreement, the amendment cannot be considered.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. BAYH. Mr. President, unless there are others who want to talk on this, I do not want to appear at a disadvantage, although I have found that RUSSELL LONG's arguments can be made succinctly and no matter what you say afterwards it is pretty hard to keep up with them.

May I not prevail on the Senator from Louisiana, though he has made a good case—not to the Senator from Indiana—could we not let this rise or fall on the basis of a vote and not have the question about whether it is germane or not?

Mr. LONG. Mr. President, I will have to make the point of order. I will withhold the point of order until Senators have made their statements.

Mr. DOLE. Is there any time remaining?

Mr. BAYH. I am happy to yield whatever time I have remaining to the Senator from Kansas.

Mr. DOLE. Mr. President, the Senator from Kansas has listened to the debate and I was present when the constituent of the Senator from Washington testified before the Finance Committee with very moving testimony. This is one of the issues we do not really like to confront. As the Senator from Louisiana pointed out, there are inequities in it. I believe there are others who are totally disabled, with spinal injuries and other injuries, who perhaps should be included. If we start that, I guess the cost goes up to $3 billion.

I have discussed this with a lot of people in my State of Kansas who feel very strongly about eliminating the waiting period. I assume that, to some, it is heartless if we do not do that.

The Senator from Kansas prepared two statements, one in favor of the amendment and one against the amendment. That is how flexible this Senator is on the issue, because it is a tough issue. We discussed it in the Finance Committee and we decided to include money in the bill for a demonstration project to test various means of aiding the terminally ill in lieu of eliminating the waiting period at this time.

I certainly sympathize with these individuals and their families. Certainly, there are some on this floor who have had personal contact with the tragedy of cancer. But the issue just does not exist in a vacuum. If we eliminate the waiting period for individuals who expect to die within 12 months, what are we going to do for those who are going to die in 12½ months or 13 months or 14 months? That is one of the points that troubles the Senator from Kansas.

Do we let the family doctor make the determination of terminal illness or do we require at least two doctors' opinions? What do we do with people who will live for a number of years with an expensive disability and have considerable medical bills?

Mr. BAYH. Mr. President, if the Senator will yield, would the Senator feel more comfortable with this if we required two doctors to attest to this terminal illness?

Mr. DOLE. That is one of the suggestions the Senator from Kansas is going to make at the appropriate time.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. LONG. Mr. President, I yield myself 1 minute on the bill to make the point of order that the amendment is not germane to the bill.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Is it possible for the Senator from Indiana to modify his amendment to require two doctors' opinions instead of one? I want to be absolutely certain that anyone who is concerned about the fraud question of this issue will have his mind relieved.

The PRESIDING OFFICER. The Senator does have the right to modify his amendment.

Mr. BAYH. I offer such a modification and ask that it be inserted in the proper place, that two doctors be required to testify to the terminal illness of the patient.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 39, between lines 11 and 12, insert the following new section:

"ELIMINATION OF WAITING PERIOD FOR TERMINALLY ILL INDIVIDUAL

"SEC. 105. (a) The first sentence of section 223(a)(1) of the Social Security Act is amended, in clause (ii) thereof—

"(1) by inserting '(I)' immediately after 'but only if', and

"(2) by inserting 'or (II) he has a terminal illness (as defined in subsection (e)),' immediately after 'the first month in which he is under such disability,'.

"(b) Section 223 of such Act is further amended by adding at the end thereof the following new subsection:

" 'Definition of Terminal Illness

" '(e) As used in this section, the term "terminal illness" means, in the case of any individual, a medically determinable physical impairment which is expected to result in the death of such individual within the next 12 months and which has been confirmed by two physicians in accordance with the appropriate regulations of title XX.'.

"(c) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act filed—

"(1) in or after the month in which this Act is enacted, or

"(2) before the month in which this Act is enacted if—

"(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

"(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month;

except that no monthly benefits under title II of the Social Security Act shall be payable by reason of the amendments made by this section for any month before October 1980.".

On page 101, strike out lines 1 through 17. Redesignate sections 506 and 507 as sections 505 and 506, respectively.

On page 32, amend the table of contents by adding at the end of title I the following item:

"Sec. 105. Elimination of waiting period for terminally ill individual.".

On page 33, amend the table of contents by striking out the item relating to section 505, and redesignating sections 506 and 507 as sections 505 and 506, respectively.

Mr. METZENBAUM. Will the Senator from Indiana yield so I may ask to be added as a cosponsor?

The PRESIDING OFFICER. The Senator from Indiana has no time.

Mr. BAYH. Mr. President, I ask unanimous consent that the Senator from Ohio be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The point of order having been made that the amendment is not germane and the bill is being considered under an agreement which reqiures that amendments be germane, the Chair sustains the point of order on the grounds that the amendment does inject a new subject matter.

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Parliamentary, may the Senator from Indiana, having consulted with the two Senators from Washington, the Senator from Tennessee, and others, now, in order to get this issue joined, appeal the ruling of the Chair?

The PRESIDING OFFICER. The Senator may do so.

Mr. BAYH. Mr. President, with all deference and respect to my good friend, the Senator from Louisiana, who has a very difficult burden to bear, and with great respect for the present Presiding Officer, who is put in a rather difficult position at this moment, I must, in order to join this issue, respectfully appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There are 20 minutes on the appeal, equally divided.

Who yields time?

Mr. LONG. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, when the Senate votes cloture and when the Senate enters into a unanimous-consent agreement, that is a compact among Senators to abide by their agreement. For the Senate to overrule the Chair in a situation of this sort is to stultify itself and to break our agreement when we entered into a unanimous-consent agreement. The advice of this Senator, every step of the way, has been that this amendment is not germane to the bill. There is nothing in this bill about the waiting period. This adds a totally new issue to the bill, it is not germane to the bill, and it does not fall within the unanimous-consent agreement.

Mr. President, Senators ought to stop this kind of thing, coming in here after they have made a unanimous-consent agreement and asking Senators to stultify themselves by saying something is germane when, under the rules, it is clearly not germane. This amendment is not germane to the bill.

To say we want to vote on the issue and, therefore, we want to ask the Senate to stultify itself and break a gentleman's agreement among Senators that we are going to bring this amendment up, it will be considered, and then to seek, by a majority vote, to break an agreement that is entered into by unanimous consent, Mr. President, is something that the Senate should not do.

Mr. President, the Senator should withdraw his appeal. I plead with him to do that. If he does not do it, of course, it shall be my duty to vote to sustain the Chair because the Chair has done his duty. Quite apart from the merits of the amendment, the Chair has done what any conscientious Presiding Officer, advised by the Parliamentarian, would be required to do under the circumstances.

I hope we are not going to try to set these precedents, bring up an amendment and when one in advised that the amendment is not germane to the bill and when we have had a ruling that the amendment is not germane, then insist on forcing Senators to vote on a motion to overrule the Chair, or ask Senators to overrule the Chair, to try to say it is germane when it clearly is not. The Parliamentarian, I must add, has clearly advised that that is so.

Mr. MAGNUSON. Mr. President, section 505 of the bill states:

> The Secretary of Health, Education, and Welfare is authorized to provide for the participation, by the Social Security Administration, in a demonstration project relating to the terminally ill which is currently being conducted within the Department of Health, Education, and Welfare. The purpose of such participation shall be to study the impact on the terminally ill of provisions of the disability programs administered by the Social Security Administration.

It seems to me that this amendment is germane to that section of the bill. It mentions terminally ill. It mentions the program. It mentions the administration of the program and a study of the impact of the terminally ill provisions, specifically the terminally ill provisions, of the disability programs mentioned in the act.

I cannot see why it is not germane to that section of the bill. It mentions the terminally ill, specifically we are suggesting that the law be changed to carry out section 505 in a way that delivers services to the terminally ill.

Is that not what this amendment is all about? I suggest that the appeal from the Chair is well taken.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes, I yield.

Mr. BAYH. Mr. President, I must say that I think the assessment of our distinguished chairman of the Committee on Appropriations is very relevant here. Not only is he the chairman of the HEW Subcommittee on Appropriations and has a pretty good idea of what is relevant and germane in HEW and what is not, but he is also chairman of that committee that appropriates all the money and understands the critical nature of the expenditure, the importance of examining carefully where we spend dollars.

I suggest that it is very difficult—in fact, it is impossible—for the Senator from Indiana to see, if we are talking about germaneness—not the rightness of a provision, how the effort that we are making to say that if you have terminal illness, you should qualify for disability payments, can be nongermane to the language—and I quote as the Senator from Washington did—"to study the impact on the terminally ill of provisions of the disability programs administered," and so on.

Now, I do not know of a more germane issue. I do not know how anything can be germane if this is not germane.

I say this to both my distinguished colleagues, who play such an important role in the Finance Committee and are so ably managing this bill. I say this not in criticism, but so the record will be clear for those who have not studied this measure as closely as some of us who have been personally involved.

As far as the compact is concerned, as far as trying to avoid slipping something over that is unexpected is concerned, this amendment has been resting in the Finance Committee for some time. It has been clearly understood that we were trying to get an amendment to this bill for some time. It was heard in the committee because of the courtesy of the chairman. It was fully understood, I thought, that this measure was going to be presented on the floor at the time it was on the floor. But for circumstances which I still cannot fully understand, the unanimous-consent agreement was entered into without the Senator from Indiana knowing about it.

I take the blame for that. I am not

suggesting anything was tried to be slipped over on the Senator from Indiana. I hope none of my colleagues feel that we are trying to violate some compact by slipping something unexpected or unforeseen on them at this time.

I know at least 50 Members of the Senate who are cosponsors, or said they would support this measure, who fully expected a chance to vote on the merits of this measure at this time.

I regret, because of the parliamentary situation, we have to present the question on the point of order instead of on the merits.

Mr. LONG. Mr. President, section 505 of this bill, to which reference has been made, authorizes appropriations from general revenues for the Social Security Administration to participate in a demonstration project to study the impact of the present program on the terminally ill and how best to provide services to help them. The Bayh amendment provides an entitlement to benefits payable from the Social Security trust funds to terminally ill persons.

It is an entirely different program.

Mr. President, the mere fact that the bill says something about the terminally ill in the course of the bill does not authorize any new benefit for the terminally ill. A study is not a vast new entitlement program. It is an entirely different matter.

Everyone knows, Mr. President, that the cloture rule and the unanimous-consent rules on germaneness are a very narrow proposition in the Senate.

If the Senator had an amendment that would seek to expand the appropriation authorization in the bill, that might be different; to expand the authorized study in the bill might be germane. But here we have a whole new program that would cost, over the first 5 years, over $1 billion.

The Senator is saying that his amendment is germane because we have something in the bill that authorizes an appropriation—not an entitlement, but an appropriation—to have an experimental study with regard to a demonstration project on the terminally ill.

Mr. President, this Senator has been advised from the very beginning that this amendment was not germane to the bill. He looked into it, studied it, and the Parliamentarian did likewise.

Mr. President, the Chair should be upheld.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, who has time?

Mr. LONG. How much time does the Senator desire?

Mr. DOLE. Two or three minutes.

Mr. LONG. I yield 3 minutes to the Senator.

Mr. DOLE. Mr. President, I want to check first with the Senator from Indiana.

Was the amendment made to provide for a statement of two doctors?

Mr. BAYH. That is accurate. It is now part of the bill, part of the amendment.

Mr. DOLE. That has been added?

Mr. BAYH. Yes.

Mr. LONG. Mr. President, I make the point of order that is also new material in the bill.

Mr. BAYH addressed the Chair.

Mr. LONG. It is not germane.

The PRESIDING OFFICER. The question now is on the appeal from the ruling of the Chair.

Mr. DOLE. Mr. President, I point out that it seems to me we all want to do the same thing, and I hope we can reach some compromise to allow us to accomplish our goals.

In the Senate Finance Committee, we are working on coverage for catastrophic illness, will probably report a bill on that, which would certainly cover the very point the Senator from Washington, the Senator from Indiana, and other Senators, including the Senator from Kansas and the Senator from Louisiana, are concerned about. It is our proposal. It seems to me that might be a more appropriate place to address this issue.

Beyond that, I am wondering and asking myself the question of whether or not it is reasonable to divide the disabled into those with life expectancies of less than 12 months and those with life expectancies of more than 12 months.

It seems to me we will not be doing equity in this case. I certainly understand the emotional involvement, not only in the amendment, but in the outcome of the amendment.

The Senator from Kansas does not have any solution, but we are in the process now of marking up a bill dealing with catastrophic illness, and if there is anything more catastrophic than cancer, this Senator is not aware of it.

It would seem to me we might be given the opportunity, those of us who support the concept presented by the distinguished Senator from Indiana and the distinguished Senators from Washington (Mr. MAGNUSON and Mr. JACKSON), to address this problem in that legislation.

I cannot speak for the Senator from Louisiana, the chairman, but I suggest that might be a possibility as we prepare to report that bill sometime this year—I would hope early this year.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I would like to again point out that the Senator from Indiana has been knocking around legislative halls quite a long while. I understand that although in this body all of us are equal, there are some who are a little more equal than others.

This applies in particular situations in certain committees involving certain legislation.

I know that the Senator from Lousiana and the Senator from Kansas have tremendous influence as regards legislation in the area in which we are now dealing. I only point this out, not at the risk of self-serving flattery, but the real facts of life.

Given those real facts of life, the Senator from Indiana would normally not resort to this kind of strategy because it does convey a certain degree of lack of respect for those who have significant responsibilities—I hope the Senators know I do not have a lack of respect for them.

But I point out that this particular measure was introduced some time ago in the last session, reintroduced in this session, and it is in the committee.

The same reasons that the chairman has, which I am sure he feels very strongly about, I do not know anybody more humane than Senator LONG, but those same feelings with which I respectfully disagree, which now cause him to oppose this amendment, also cause him to oppose the bill presently in his committee.

I think that is remarkable consistency.

So it seems to me the only way we have of addressing this question is on the floor as an amendment.

Although the 12-month period has been used so far as terminal illness is concerned, and it was used because of the general description within the medical community, I reemphasize that of those who are declared terminally ill—in other words, who would not be expected to live more than 12 months—do not usually live 5 months. That is the issue.

When you have a significant category of citizens who have paid into the social security system and who are confronted with dire emergencies prior to death, the issue is whether they should be given the opportunity to dig into their own probably depleted resources to cover those expenses.

That is why the Senator from Indiana is compelled to follow this recourse—not because of his refusal to recognize reality and the strength of the chairman and the ranking Republican member.

Mr. LONG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes and 14 seconds.

Mr. LONG. Mr. President, any Senator in this body can ask the Parliamentarian, before he votes on cloture, or can consult with the manager of the bill, before he agrees to a unanimous-consent request, or he can raise the issue when the matter comes up, as Mr. PERCY did, and say, "Is my amendment germane?" If he is advised that his amendment is not germane or it is likely to be ruled not germane, he can say, "I am not going to agree to a unanimous-consent request unless you agree that I may offer my amendment."

The Senator from Indiana can offer his amendment on any other revenue bill to come before the Senate, and there will be a lot of other revenue bills before the Senate during the remainder of this session.

The Senator did not have an agreement that the amendment would be regarded as germane on this bill. It is not germane. The Chair has done his duty, and the ruling of the Chair should be upheld.

The Senator can offer the amendment on some other bill, and I cheerfully invite him to do that. It is not germane on this bill, and the agreement among Senators should be respected by the Senators who agreed to the unanimous-consent request.

Mr. BAYH. I doubt whether the Senator from Louisiana knows this—he has no reason to know it—but when the staff of the Senator from Indiana consulted with the Parliamentarian, the advice the latter gave was that this measure would be germane. I am sure that, upon reflection and study, the Parliamentarian, on grounds that were good to him——

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. LONG. When was the Senator advised of that?

Mr. BAYH. When was that?

Mr. LONG. Yes.

Mr. BAYH. I cannot tell the Senator the exact date.

Mr. LONG. Was that before we entered into the unanimous-consent agreement or after?

Mr. BAYH. I am advised that it was after.

Mr. LONG. If it was after, it would not make any difference, because both sides have a right to explain why they think an amendment is germane or not. When both sides have been heard, the Parliamentarian should advise the Chair, and the Chair should rule.

This unanimous-consent agreement was made on November 20, 1979.

Mr. MAGNUSON. On this bill?

Mr. BAYH. The only reason the Senator from Indiana brings this up is to show that at least at one time in the discussion of this matter, it was a close question and that the Parliamentarian came down on the other side of it.

It is a question of great significance, as to whether we are going to help people who have cancer and other terminal illnesses to provide for themselves and their families in their last hours.

The Senator from Indiana comes down very strongly on the position enunciated first by the Senator from Washington, that a study about terminal illness certainly gives sufficient germaneness. But if we have different opinions on that, certainly a matter of such significant consequences, of life and death, should not be decided by the Senate on a point of order.

Mr. LONG. Mr. President, the Senator can raise this issue on any other bill.

I have a memorandum which was prepared with the help of our staff, and I ask unanimous consent to have it printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

### Bayh Amendment on Terminally Ill

Under the time limitation agreement, no amendment not specified in the agreement may be considered unless it is germane to the bill. The Bayh amendment introduces new matter not dealt with in the House bill or the Committee amendment. It is therefore not germane and should be considered not in order.

It might be argued that the provision is germane because the bill contains a section dealing with the terminally ill. This argument is invalid for these reasons:

(1) Section 505 of the bill authorizes appropriations from general revenues for the Social Security Administration to participate in a demonstration project to study the impact of the present program on the terminally ill and how best to provide services to help them. The Bayh amendment provides an entitlement to benefits payable from the Social Security Trust Funds to terminally ill persons.

(2) Section 505 of the bill is free standing legislation. The Bayh amendment permanently amends the Social Security Act.

(3) Section 505 of the bill would permit appropriations totalling ten million dollars or less over the next five years. The Bayh amendment would directly result in expenditures totalling more than one billion dollars over the same period.

Neither the House bill nor the Committee amendment substantively modify the provision of present law (section 223(a) of the Social Security Act) which would be changed by the Bayh amendment. Present law provides that disabled individuals may not receive disability benefits during the first five full months of disability unless they were previously entitled to disability under the program and the prior disability ended within the previous 5 years. This rule would be unchanged by the bill as reported. (Other aspects of the bill change the rules as to when a disability terminates and the Committee bill does make a conforming amendment to section 223(a) to reflect the new provisions relating to benefit termination. However, that change, unlike the Bayh amendment, does not eliminate the waiting period for a category of individuals who are now subject to it.)

Mr. LONG. Mr. President, the Senator from Indiana is not prejudiced in any way; because, according to his own representation, he did not raise the question prior to the time the unanimous-consent agreement was entered into. Subsequent to that time, when the point came up, the Parliamentarian, of course, should consider the authorities that can be suggested by both sides.

The Senator could offer his amendment on any other bill, and he would be within the rules, and he would not be asking Senators to go contrary to the agreement they made in November of last year.

Mr. BAYH. Mr. President, I do not want to quibble on that point——

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Louisiana has 1 minute.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, "Shall the ruling of the Chair stand as the judgment of the Senate?"

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Hampshire (Mr. Durkin), the Senator from Alaska (Mr. Gravel), and the Senator from Massachusetts (Mr. Kennedy) are absent on official business.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), the Senator from North Carolina (Mr. Helms), the Senator from New Hampshire (Mr. Humphrey), and the Senator from North Dakota (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. Goldwater) would vote "nay."

The PRESIDING OFFICER (Mr. Boren). Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 55, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—37

Armstrong
Bellmon
Bentsen
Boschwitz
Byrd, Harry F., Jr.
Byrd, Robert C.
Chafee
Chiles
Cranston
Danforth
Dole
Domenici
Exon
Garn
Hart
Hatch
Heflin
Hollings
Inouye
Jepsen
Johnston
Laxalt
Long
Matsunaga
Muskie
Nunn
Percy
Pressler
Proxmire
Ribicoff
Roth
Simpson
Stafford
Stevens
Talmadge
Tower
Wallop

NAYS—55

Baucus
Bayh
Biden
Boren
Bradley
Bumpers
Burdick
Cannon
Church
Cochran
Cohen
Culver
DeConcini
Durenberger
Eagleton
Ford
Glenn
Hatfield
Hayakawa
Heinz
Huddleston
Jackson
Javits
Kassebaum
Leahy
Levin
Lugar
Magnuson
Mathias
McClure
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Nelson
Packwood
Pell
Pryor
Randolph
Riegle
Sarbanes
Sasser
Schmitt
Schweiker
Stennis
Stevenson
Stewart
Stone
Thurmond
Tsongas
Warner
Weicker
Williams
Zorinsky

NOT VOTING—8

Baker
Durkin
Goldwater
Gravel
Helms
Humphrey
Kennedy
Young

So the ruling of the Chair was not sustained as the judgment of the Senate.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Indiana.

Mr. LONG. Mr. President, I yield time on the bill to the Senator from Maine. How much time does the Senator from Maine require?

Mr. MUSKIE. Not more than 5 minutes.

Mr. LONG. I yield the Senator 5 minutes.

Mr. MUSKIE. Mr. President, I am sorry I was not on the floor when this amendment was brought up in the course of the debate. I was tied up in Budget Committee hearings. We are having hearings on the administration's budget proposal.

Mr. ROBERT C. BYRD. Mr. President, may we have order? Senators should hear what the Senator from Maine is about to say.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maine.

Mr. MUSKIE. This amendment arose as we were bringing those hearings to a close. Since I do have some responsibility for bringing to the attention of the Senate matters that impact seriously on the budget. I think I have an obligation to do so in this case even though it is clear from the vote that has alrady been taken what the will of the majority of the Senate is.

I am not sure whether or not the relevant points, which I think ought to be a part of the record, were raised in the earlier debate.

I know the distinguished floor manager of the bill undoubtedly is expressing his point of view with his customary thoroughness and eloquence, but I do want to make it clear to the Senate that this amendment has serious budget implications not just for a single year but for the long run. In addition, the implications for further change are inherent in the amendment.

I just cannot believe that the Bayh formulation—and I say this with all respect to my good friend from Indiana—will stand as the ultimate policy because it would generate inequities that some future Senate will be motivated to react to in the way that the Senate has reacted to this case. So, without unduly delaying the Senate, I would like to make my points.

First, as I understand the amendment, it provides that persons medically determined to be terminally ill—that is, expected to live 12 months or less—would not be required to wait 7 months from the onset of their disability before receiving social security benefits.

Because the amendment is effective in 1981, and the 1981 budget resolution has not yet been agreed to—we just began consideration of it today—under section 303 of the Budget Act the legislation is subject to a point of order until the Congress has acted on the first budget resolution. But I do not want to emphasize that. I want to emphasize the policy problem.

With respect to this amendment, outlays would be increased as follows: Fiscal year 1980 by $120 million; fiscal year 1981 by $132 million; fiscal year 1982 by $143 million; fiscal year 1983 by $153 million; fiscal year 1984 by $163 million; and the 5-year impact totals $711 million.

The argument for this amendment is put most succinctly, and I find the amendment as appealing as any Senator in this Chamber. The argument for the amendment is that some totally disabled people never receive social security disability insurance benefits because they die before the 5-month waiting period has expired. That simple statement will prompt every Senator to vote yea and do so as visibly and as clearly and as loudly as he can. Certainly, that is my instinct.

But what is the other side of the story? First, there is no evidence that the terminally ill have a greater need for benefits during the first 5 months of disability than do other disabled beneficiaries.

The amendment, in effect, says that those who are medically determined to be terminally ill and expected to live 12 months or less should not be subject to the 5-month waiting period, but those who are going to die in 2 years will get no benefit during that 5-month waiting period. They will still have to wait.

If you were to buy the logic behind this, then you would eliminate the 5-month waiting period altogether, so as not to create any inequity.

The second point is it would be difficult to administer and would create anomalies because it is frequently difficult to determine medically if a person is terminally ill and can be expected to die within 12 months. One of our colleagues told me—and I will not name him—that his grandmother was declared terminally ill and lived for 14 years after the determination.

The third point is that in some cases people could be found to be terminally ill, as I just described, and yet could live more than 12 months or even recover. It would be unfair to other disabled beneficiaries that such people would get 5 additional months of benefits.

The fourth point is that in still other cases, people not found to be terminally ill could die within 12 months of becoming disabled. Their survivors could claim that they were treated unfairly because they did not get 5 additional months of benefits.

The fifth point is that physicians would be placed in the difficult position of determining whether to state a person is terminally ill so that he can receive 5 months' extra benefits or to withhold the information on the grounds that it would be harmful to the patient and his family.

With cancer victims, for example, doctors often make the judgment that a given cancer patient—because of his mental condition or emotional state—ought not to be advised that he is terminally ill or that the doctor should not predict a date of death within 12 months. What do you do in that case?

The next point, Mr. President, is the problems and anomalies caused by the amendment could lead to pressures to shorten or eliminate the waiting period altogether which would substantially increase the cost of the disability program.

With respect to the budget itself, given action to date in the Senate—including the reported version of the pending legislation—the Finance Committee is over its fiscal year 1980 outlay crosswalk by $1 billion, over its fiscal year 1981 outlay crosswalk by $1.3 billion, and over its fiscal year 1982 outlay crosswalk by $1.2 billion. These significant overages reduce the spending available to other committees in each year under the ceilings in the second budget resolution.

Mr. President, I have stated the perspective of the chairman of the Budget Committee on this amendment as succinctly as I can. I do not take pleasure in it and I did not take pleasure in voting to support the motion to table.

May I ask the Parliamentarian whether he has had an opportunity to study the question of the point of order under the Budget Act?

The PRESIDING OFFICER. It is out of order.

Mr. MUSKIE. It is out of order? So it is subject to the point of order.

The PRESIDING OFFICER. The Chair has the question under advisement at this time.

Mr. MUSKIE. I see. I will withhold that.

Mr. MAGNUSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I am happy to yield to the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, the Senator has not made up the first budget resolution, has he?

Mr. MUSKIE. Of course not.

Mr. MAGNUSON. And if Congress votes something before you make it up, you just have to accommodate what Congress voted, do you not?

Mr. MUSKIE. The Senator is exactly right.

Mr. MAGNUSON. All right. We voted this thing, or we are going to vote it.

Mr. MUSKIE. Mr. President, that is the Senator's prerogative. But it is also my prerogative to tell the Senate——

Mr. MAGNUSON. Wait a minute. If it is an extra cost, I ask the question, then, does it have to be accommodated by the budget?

Mr. MUSKIE. Of course. But what the Senator seems to be implying is that if I think the proposal is out of order, I should not raise the question because it is the Senate's will to do what it wants to. Of course, it is the Senate's will. But, the whole thesis of the Budget Act is that the Senate ought to have all of the information that is possible to bring to bear on the issue before it votes, so that it can make an intelligent vote. I understand that the Senator can disagree with what I said.

Mr. MAGNUSON. Mr. President, I will say to the Senator from Maine that this is an amendment that has been around for months.

Mr. MUSKIE. I do not challenge that.

Mr. BAYH. Years.

Mr. MAGNUSON. Years.

Mr. MUSKIE. There may be a reason why it has been around for years and not adopted. There may be a good reason, and I may have touched upon some of those reasons.

The Senator from Washington knows better than to suggest that I have the power to deter the Senate from doing what the Senate wants. The Senate could increase the deficit for fiscal year 1980 to $60 billion, if it wishes. I cannot stop it.

But when I see a proposition like this—one which has problems that the Senate ought to take into account, it is my job to lay it out for the record. I am sorry if that is inconvenient and embarrassing. But that is the fact.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. BAYH. Mr. President, I appreciate the fact that the Senator from Maine has brought to the attention of the Senate these matters.

I will say that most of those have been raised very eloquently by the Senator from Louisiana, which certainly does not preclude the Senator's right as chairman of the Budget Committee to bring them up again.

The PRESIDING OFFICER. Who yields time to the Senator from Indiana?

Mr. BAYH. Mr. President, the question I wanted to raise goes directly to the Senator from Maine and he and the Parliamentarian are now involved in a discussion to determine whether the subject is under a point of order.

The PRESIDING OFFICER. The time is under control. Does anyone yield time?

Mr. DOLE. Mr. President, I yield to the Senator from Indiana 5 minutes off the bill.

Mr. BAYH. Mr. President, I point out to both the Parliamentarian and the Senator from Maine that, at least from the standpoint of the point of order, the Senator from Indiana—both Senators from Washington, and the Senator from Tennessee—thought we would escape any immediate point of order by pointing out that none of these funds are applicable in this fiscal year. It does not take effect until the next fiscal year.

Mr. MUSKIE. Mr. President, section 303 applies to the legislation that would impact upon a fiscal year before the first concurrent budget resolution for the year has been adopted.

In other words, this amendment changes the law applicable for 1981, and the fiscal year budget which we have just begun to consider. The Parliamentarian has not yet determined whether section 303 applies to the amendment. I do not have any parliamentary bias against the amendment of the Senator, but section 303 does impact upon legislation that first increases outlays in 1981. Whether it does so in a way that does violence to section 303 the Parliamentarian is now considering.

Mr. BAYH. Would the Senator feel more comfortable if we made it applicable to this fiscal year? I am not quibbling.

Mr. MUSKIE. May I say I am not comfortable about the whole amendment. I thought I went out of my way to indicate that. Does the Senator think it is easy for me to stand here and make a case against an amendment of this kind? Of course I am not comfortable. Does the Senator think I can be more comfortable because he changes the effective date? No, I cannot be more comfortable. The basic point is that I have to stand here in opposition to an amendment which clearly the majority of the Senate wants to pass, is emotionally inclined to pass. No, I am not comfortable. That change will not make me any more or less comfortable.

I would say to the Senator that, by making that change, it might avoid a point of order. I would not object to his doing that.

Mr. BAYH. The Senator from Indiana is not unaware of the difficulty of dealing with the cost of this. That is why in the early debate on this, the Senator from Indiana and others tried to point out the unique characteristics of the kinds of citizens we are dealing with here. To suggest that someone who has been declared by two doctors as terminally ill present the same question as someone who has lost a leg, I think is to ignore the reality of the situation.

The reason we are confining it to those who are terminally ill, and the reason I think we have a compelling case for this, is that if a person loses a leg and is disabled, upon living beyond 5 months he can then start drawing out of his social security disability fund.

The tragic but real fact of life is if someone has been declared terminally ill as a cancer patient and he is the average patient, he does not live beyond 5 months. In fact, he probably does not live beyond 2½ to 3 months.

What we are suggesting is that this fact presents a compelling reason to let someone draw from that security fund into which he has contributed without a 5-month waiting period.

I must say that the statement made by the Senator from Maine, in which he suggests that it does not make any difference whether one is dying from cancer or is disabled in some other way, seems to me to show a lack of familiarity with the problems suffered by those who have cancer.

Mr. MUSKIE. I do not think I made any such suggestion.

Mr. BAYH. If this Senator may continue with his comments, I think the Senator from Maine did say there was no reason to treat the terminally ill any differently than other disabled and thus he was concerned—I understand his concern—that this would be setting a precedent for other kinds of disability.

Mr. MUSKIE. I did not suggest that. I have friends with cancer, some of whom have been ill for less than 5 months, some whom have been ill for more than 5 months, some for more than 12 months, and I find it difficult to understand why, when one of these friends dies 13 months after becoming ill, he or she should not get this exemption, but one who dies within 6 months does.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. This Senator yields himself 2 minutes.

The PRESIDING OFFICER. There is no time remaining.

Mr. DOLE. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. Twenty-four minutes remain on the bill.

Mr. DOLE. I yield 2 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. I hope we are having this debate without suggesting that any of our colleagues who may be concerned about the costs are not compassionate and concerned about people who have cancer. That is not what the Senator from Indiana is suggesting. What he is suggesting is that the fact is that those who are covered must be declared terminally ill by two doctors.

There is a definition, a certain standard, a certain criterion, that has to be met under social security regulations to show that this is a very serious determination. Having given that determination, the majority of those who are thus classified live less than 5 months. Some of them may live 13 months and thus would be covered and be able to draw. There is no question about that. But the vast majority of them would not.

I suggest to the Members there is a uniqueness about the circumstances surrounding a family where there is someone who is unable to work, who is dying from cancer, that does not exist in the families of others who are disabled because of other reasons.

Mr. MUSKIE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MUSKIE. Mr. President, I guess it is unavoidable——

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. I yield 5 minutes to the Senator from Maine.

Mr. MAGNUSON. Will the Senator yield for me to ask for the yeas and nays?

Mr. MUSKIE. Yes.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MUSKIE. I might say I am not concerned primarily with cost, Mr. President——

Mr. BAYH. If the Senator will permit me to interject, as he tried to correct my inferences, I thought I had made it very clear that the Senator is not objecting on the basis of cost.

Mr. MUSKIE. I understood the Senator to say that, but he also said something else. I just want to make it clear in my own words. It is not cost, principally. I understand that budgets are more than costs and deficits. Budgets are people as well. I know that. I fight for them all the time in that Budget Committee. If Senators have any question about that, I invite them to attend the markup sessions.

I cannot fight for unlimited funds for every human cause and still discharge my responsibilities as chairman of the Budget Committee. If the only way I can be compassionate is to raise all limits on people programs, then we might as well drop the budget process.

Secondly, I am not making a distinction on the basis of a disease. I made the distinction very succinctly; it was in writing and will go into the RECORD exactly as written.

Mr. President, this amendment is subject to a point of order under the Budget Act. I am not going to raise the point of order. There has already been one point of order and the Senate has voted on it. So I think the Senate ought to vote up or down on the amendment. I have made my case. It is subject to a point of order and I hope Senators will bear that in mind. My not raising it today does not mean that I unilaterally repeal section 303 of the Budget Act.

I think there is no reason why Senators should not vote on the merits as they see them and, whatever the Senate votes, the Senate is my boss, as Senator Mansfield used to say.

I say just one word in closing: I am asked constantly why we cannot balance the budget. It is these kinds of things, with a deep emotional appeal, that have as much to do with the growth of Federal spending as anything else in the budget. Just look at the charts in the new budget on where the budget growth has been in the last 10 or 15 years. It has been in this area of payments to individuals, and it is so easy for us to act on them. Then, having written them into law as entitlements, the Appropriations Committee will say to us, "Well, we cannot control them, because they are entitlements; it has already been written into the law," and they are right.

Mr. MAGNUSON. I agree this is an entitlement.

Mr. MUSKIE. It is an entitlement, of course.

Mr. MAGNUSON. Not subject to appropriations.

Mr. MUSKIE. That is exactly what I am saying. The only place to apply a budgetary judgment on it is now; we cannot do it any other time.

### UP AMENDMENT NO. 933

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 933 to amendment numbered 749:
>
> On page 2, line 7, change the "12" to "6."

Mr. DOLE. Mr. President, I hope the Senator from Kansas is being constructive, as I suggested to the Senator from Indiana earlier, when we tried to satisfy some of the concerns by requiring a second opinion. I think, in line with what the Senator from Indiana stated several times on the floor, that since most of the people affected die within the 5-month waiting period, it would be more in line with the purpose of the Senator from Indiana and the Senator from Washington and others if we change it so it would read to certify that the individual is terminally ill and is expected to die within 6 months instead of 12 months.

The people who will live beyond 5 months will get benefits after that waiting period. It seems to me that with this minor change we can still meet the needs of those who are expected to die during the waiting period while keeping the cost down somewhat.

I share some of the agony expressed by the distinguished chairman of the Committee on the Budget that anyone who suggests any tampering with the amendment might be suspect in the eyes of some. But it seems to this Senator that there is a cost problem.

I hope that if, in fact, this amendment is passed, my modification will help to assure that it survives the conference. I hope the Senator from Indiana might be willing to accept that modification.

Mr. BAYH. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Does the Senator from Indiana have time?

The PRESIDING OFFICER. The Senator does not have time. The time is under the control of the Senator from Connecticut and the Senator from Kansas.

Mr. RIBICOFF. May I ask how much time the Senator from Indiana desires?

Mr. BAYH. Five minutes.

Mr. RIBICOFF. Mr. President, I yield 5 minutes to the Senator.

Mr. BAYH. I thank the Senator from Connecticut.

Mr. President, my reluctance to accept the amendment of the Senator from Kansas, which I know is offered in good faith, is based on the fact that the 12-month period was arrived at after consulting with a number of physicians who deal on a daily basis with terminal illness, and terminal illness, as a term of art, is used in the frame of reference of someone who is not expected to live more than 12 months.

I point out that being categorized as terminally ill and thus being assessed by two doctors as having a longevity of less than 12 months does not automatically qualify someone to start drawing disability payments. One has to have that assessment, plus one also has to meet the other criteria which are established under title XX for disability as not being able to maintain any substantial means of gainful employment.

In other words, those cancer patients who live on for 14 years are not qualified—and everybody who has cancer would not meet the criterion of being terminally ill in that 12-month period. Many of them—in fact, most cancer patients—work right down to the last physical capability of doing that. That is a unique quality, I think, of cancer patients. Those people really want to hang in there, and want to be active as long as possible.

There is a specific description, a legal description, as to what criteria and what definition would be applied under medical terms if one were declared terminally ill after discovery of breast cancer. It includes the turning over of actual medical records and hospital records which indicate that the perimeters of the carcinoma go beyond the area of radical excision of the tumor and surrounding lymph nodes. The records must include biopsies, information on the location of the tumor, information on the extent of metastasis and voluminous additional objective medical information.

One would have to conform to that general description as established by the social security rules and guidelines, would have to not be able to maintain any substantial employment—as well as meet the terminal illness definition which is extremely strict. So I do not see the necessites of the amendment of the Senator from Kansas.

What it potentially does is get a number of people who might die just before they got to the 5-month period and still not qualify. It increases the number who would not qualify but who died before they could reach the point. If, indeed, the people who are judged terminally ill are not expected to live more than 6 months we may be creating unsolvable problems for physicians and we are going to have people who are going to be suffering. I do not think the Senator from Kansas wants that.

Mr. DOLE. That is not the intent of my amendment. I wanted to tighten it up, obviously, so we might satisfy some of those budgetary concerns. There is no way of knowing how much it is tightened up, but it seems to me it is a position where, if you live beyond the 6-month period, you are receiving benefits; if you are certified that you cannot live beyond 6 months, there is no waiting period. It seems to me it is a compromise that ought to be acceptable and that many of us would support.

Mr. MAGNUSON. Will the Senator yield in the meantime?

Mr. DOLE. Yes, I yield.

Mr. MAGNUSON. I hope the Senator will withdraw his amendment, because, if and when this amendment passes, we are going to go to conference anyway. It is not in the House bill. I am hoping we can work something out on this amendment by which the Senator can withdraw it, because the matter will be up in conference. Then we can work out whether it is a 5-month period or a year and get more information on the facts involved and it will be somewhere within that period.

Of course, 5 months is a little deceiving, anyway, because you cannot shut it off when somebody is going to die.

Second, it takes, sometimes, 8 or 9 months to get through the paperwork. The regulations and paperwork with HEW and social security are horrendous.

Some of these people actually get the doctors to certify. It takes months sometimes, weeks at least. So the time element, to set a time date, is a little unusual.

Mr. DOLE. I thank my distinguished colleague.

Mr. President, it would seem to me that most physicians could look at someone and after the examination probably determine very easily if that person might survive 3, 4, or 5 months. It might be difficult to make a judgment on 12, 15, or 18 months.

But, in any event, it seems to me there is a consensus being reached.

We understand the problem. We hope we can deal responsibly with the problem so we do not do violence to the social security system, or any part thereof.

Mr. MAGNUSON. The Senator's amendment has 6 months?

Mr. DOLE. Six months.

It seems to me a physician, or two physicians, can determine after examination if someone is very critically ill and will not survive 6 months more easily than that he will not survive 9 months, 12 months, or 15 months.

So it would seem to me the one way to properly address that and make certain we are looking at those extreme cases and reduce it from 12 to 6 months.

Mr. BAYH. Will the Senator yield?

Mr. DOLE. Yes.

Mr. BAYH. I apologize for interrupting.

Mr. President, I know exactly what the Senator is trying to accomplish. I know of his compassion and concern for this problem. We do not want to allow someone, who either intentionally or unintentionally, is taking advantage of this special provision designed to meet a certain unique health problem.

The Senator from Indiana is concerned because in discussing with doctors the description of terminal, the 1-year frame of reference is usually used.

As I pointed out, in the case of cancer, most of those folks do not live 5 months.

But I am concerned that by cutting it back to 6 months, we may be giving those in the profession who are asked to attest or to swear to this particular criteria a burden they do not feel they can meet. They could say that they think someone would live for 1 year, but they would not want to swear to only 6 months.

I know of the Senator's concern. I ask the Senator if he would consider withdrawing this amendment with the understanding we would go together and talk to professionals in the field to see if this would cause a problem. If not, I would support any efforts he and others might make in conference to do what we all want to accomplish.

Mr. DOLE. Mr. President, I commend the Senator from Indiana. He, more than anyone on this floor, understands the problem.

I also want to commend the distinguished senior Senator from Washington (Mr. MAGNUSON), who brought this witness to our committee, along with Senator JACKSON.

The Senator from Kansas will be a conferee. I think this debate has been helpful in the right sense. There are some problems with the amendment, but there is no question about anyone's motives in this Chamber.

Mr. President, I ask that the amendment be withdrawn and that we do work on this between now and the time of the conference.

There is nothing in the House bill on this issue, so it is going to depend on persuasion on the Senate side.

As to those of us who are conferees, it is my hope we can come up with something we can sell the conference and still be responsible in light of the very sound arguments made by the distinguished Senator from Maine (Mr. MUSKIE).

The PRESIDING OFFICER. The amendment is withdrawn.

● Mr. CHILES. Mr. President, I would like to explain my concern about the amendment to eliminate the waiting period for disability benefits for terminally ill individuals.

Certainly, none of us here likes to be debating the pros and cons of an issue like this. Human life and death, which each of us faces sooner or later, is not something to put in dollars and cents or cost-benefit analyses. But neither is life and death a precise science, where we can exactly predict how long a person will or will not live. I have heard my colleagues here today present case examples to support or refute arguments about this amendment. We all know of individuals who have been told they have only a few months or few years to live that are alive today and may outlive us all. We also know that terminal illness cannot and should not be equated with total and permanent disability to engage in substantial gainful activity.

The problem in eliminating the waiting period for one group of individuals, depending on a set of variables that are beyond human ability to precisely measure, is that we are unable to know what impact this will have on the stability of the trust funds, or how the administrative difficulties will be solved. If I were a physician treating a patient with an incurable disease, and knowing of the mental anguish that individual was facing with medical costs, I would find it terribly hard not to find that person eligible for disability and qualified for this exemption from the waiting period. When we consider the wide variance in the cost estimates for this amendment, the discrepancies in the error rate to be expected, and the largest "unknown"—how many applicants will be determined eligible for humane reasons whether they are disabled or not, or expected to die within a year or not—I do not feel we can approve this exception to the waiting period without looking at the fairness of the waiting period for all disability applicants.

I would like to express one additional concern. When we talk about the mental anguish seriously ill individuals face, we know that one of the major factors is financial worry about the cost of catastrophic illness. And I wonder with national health insurance proposals before the Congress and the Finance Committee planning to resume active consideration of catastrophic coverage shortly, if this bill is the appropriate vehicle to debate the amendment. I believe that the subject matter of the amendment, regarding the waiting period and the issues of the cost of catastrophic illness, cannot be given adequate consideration on the Senate floor during debate on the pending legislation.●

The PRESIDING OFFICER. The question recurs on the amendment (No. 749), as modified, of the Senator from Indiana. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. DURKIN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from North Carolina (Mr. HELMS), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

The PRESIDING OFFICER (Mr. STEWART). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—70

Armstrong
Baucus
Bayh
Biden
Boren
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Church
Cochran
Cohen
Cranston
Culver
DeConcini
Dole
Durenberger
Eagleton
Ford
Garn
Glenn
Hatch
Hatfield
Heflin
Heinz
Hollings
Huddleston
Jackson
Javits
Jepsen
Kassebaum
Laxalt
Leahy
Levin
Lugar
Magnuson
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Nelson
Packwood
Pell
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Schmitt
Schweiker
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NAYS—23

Bellmon
Bentsen
Boschwitz
Byrd, Harry F., Jr.
Chafee
Chiles
Danforth
Domenici
Exon
Hart
Hayakawa
Humphrey
Inouye
Johnston
Long
Muskie
Nunn
Percy
Pressler
Proxmire
Roth
Simpson
Tower

NOT VOTING—7

Baker
Durkin
Goldwater
Gravel
Helms
Kennedy
Young

So Mr. BAYH's amendment (No. 749), as modified, was agreed to.

AMENDMENT NO. 731, AS MODIFIED

The PRESIDING OFFICER. The question recurs on amendment No. 731, as modified. The yeas and nays have been ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DeCONCINI. Mr. President, will the Senator yield for a statement without losing his right to the floor?

The PRESIDING OFFICER. There is no time for debate.

Mr. DeCONCINI. Mr. President, I ask unanimous consent that I may have 30 seconds for a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DeCONCINI. Mr. President, I appreciate the remarks of the distinguished Senator from Illinois (Mr. PERCY), and for his effort to work with the staff of the Judiciary Committee in clarifying certain aspects of the pending amendment.

At the request of the chairman of the Judiciary Committee, Senator KENNEDY, I wish to submit for the RECORD a statement he would have made today regarding the pending amendment—and to add my voice in support of his concerns.

As a member of the Juiciary Committee—and as a member of the Select Commission on Immigration and Refugee Policy, charged with reviewing all aspects of our immigration laws—I simply want to stress that I believe the measure before us today is only an interim step, pending the findings of the Select Commission and the work of the Judiciary

Committee, in whose jurisdiction this question falls.

As the Senate knows, the Select Commission is now at work, attempting to overhaul our Nation's immigration laws and policies—including the requirements sponsors and immigrants alike must meet when petitioning to enter the United States. It is a complex issue, and one which has not been sufficiently studied either by the administration or the Congress.

So pending this larger review, I think we should state clearly that we are attempting today to simply clarify certain aspects of the sponsorship requirements under the Immigration Act. And we are doing so without prejudice to either the jurisdiction of the Judiciary Committee, or to the work of the Select Commission on Immigration and Refugee Policy.

Mr. President, I ask unanimous consent that Senator KENNEDY's statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR KENNEDY

Despite many deep concerns I have over the pending amendment offered by Senator Percy and Senator Cranston relative to affidavits of support required of sponsors of immigrant petitions under provisions of the Immigration and Nationality Act—and despite jurisdictional questions—I will not oppose it today.

Although members of the Judiciary Committee staff have been consulted by the sponsors of the amendment—and I appreciate the effort to reach a consensus on what, if anything, should be done regarding this question—I am nonetheless concerned over precipitous action without the benefit of hearings by the Judiciary Committee or any real Congressional study of this issue.

This has been my concern for some time, since Senator Percy first proposed a version of this amendment late last year—which I strongly opposed. There has been a tendency to sound the alarm over alleged abuses of affidavits of support by sponsors, without any real data supporting such alarm—except for one very narrow, and questionable, study undertaken in San Francisco by the General Accounting Office.

Furthermore, there have not been open hearings by Congressional committees, nor an adequate review of this issue by the Administration.

As a result, I have been concerned that we are rushing to judgment on a complex issue without sufficient facts, and without soliciting views from the public in formal hearings. There is the danger we are using a sledgehammer to swat at an uncertain abuse of the immigration law.

As Chairman of the Judiciary Committee I share the view that there is a long overdue need for immigration reform—including reform of the procedures we follow in admitting, and processing, legal immigrants to our country. To move towards this overall reform, last year I expedited consideration in the Senate of a bill to create a Select Commission on Immigration and Refugee Policy—to review all aspects of our immigration law and practice—including the question of affidavits of support.

This Commission is now functioning, and in some of its hearings and deliberations thus far, it has already focused on the question of what requirements immigrants and their American citizen sponsors should meet prior to entry.

So my concern today is that we not prejudge the Commission's work, nor preclude efforts later to make substantial modifications in the provisions of the amendment now pending before the Senate.

More importantly, I think it is crucial that we monitor closely how the provisions of this amendment are, in fact, implemented—to determine whether they are administered fairly, or contrary to the spirit of our immigration law and the principle of family reunion. We all know from past experience that administrative interpretations of complex regulations—such as those established in this amendment—can easily be distorted through administrative regulation.

With this understanding—that this amendment is seen as an interim measure, to be reviewed in light of the findings and recommendations of the Select Commission, and that the sole jurisdiction of the Judiciary Committee is acknowledged—I will not oppose this amendment today.

I ask that a letter from the voluntary agencies on this amendment be printed in the RECORD.

The letter follows:

AMERICAN COUNCIL FOR
NATIONALITIES SERVICE,
*Washington, D.C., December 12, 1979.*

Hon. EDWARD M. KENNEDY,
*Dirksen Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: This letter is in regard to section 504(a) of H.R. 3236 and amendment number 731. The former provision would impose a three-year residency requirement before aliens legally admitted for permanent residence, with the exception of refugees, could qualify for SSI. The latter provision would make the sponsor's affidavit of support enforceable by means of a civil suit which could be brought by the alien, the Attorney General, or a state which furnished assistance to the alien. The undersigned groups are opposed to these provisions because they make dramatic changes in our immigration laws without ever having been considered by the congressional committees specifically responsible for these laws. Our opposition is specially strenuous because H.R. 4904, the welfare reform bill, contains provisions which adequately address congressional concern over alleged alien abuse of SSI and yet are fairer, more flexible, and do not radically change the Immigration and Nationality Act.

If enacted, the Senate proposals would create unfair hardships for many thousands of lawfully admitted permanent resident aliens and to their U.S. citizen relatives who have contributed significantly to our society. As a result, they raise serious questions of law and policy, such as the financial and administrative burdens of enforcement, the effect on family reunification—a cornerstone of our immigration policy, and possible violation of the Final Act of the Helsinki Conference. Similar proposals have been made in the past, yet none has ever been studied by the House immigration subcommittee or by the Senate Judiciary Committee.

Not only have these proposals not been reviewed by the most knowledgeable congressional committees, but they are based primarily on one GAO report. On October 11, 1978 critique of this report revealed serious flaws in the study. It was distributed to every Senator by the Washington Lawyers' Committee for Civil Rights Under Law and the Mexican American Legal Defense and Educational Fund.

In view of the insufficient and inadequate data on which these proposals are based, the availability of fairer and more flexible provisions, and the thorough review of all our immigration laws currently being conducted by the Select Committee for Immigration and Refugee Policy, we urge you not to support section 504 (a) of H.R. 3236 or amendment number 731.

Sincerely,

Aliens Right Law Project/Washington Lawyers' Committee for Civil Rights Under Law; American Council for Nationalities Service; American Immigration and Citizenship Conference; Association of Immigration and Nationality Lawyers; Migrant Legal Action Program; Mexican American Legal Defense and Educational Fund; National Council of La Raza; and United States Catholic Conference/Migration and Refugee Services.

● Mr. ROTH. Mr. President, I am pleased to cosponsor the amendment offered by the distinguished Senator from Illinois. As my colleague from Illinois has explained, the amendment was originally contained in S. 1070 which I also cosponsored. S. 1070 was essentially a two-pronged attempt to curb alien abuse of the supplemental security income program. The major provisions of the bill would have established a 3-year residency requirement in order to be eligible for SSI benefits and would have made the affidavit of support signed by the alien's sponsor legally enforceable.

The need for this legislation was pointed out in a GAO report issued in February, 1978 entitled "Number of Newly Arrived Aliens Who Receive Supplemental Security Income Needs To Be Reduced." This report stated that in the five States with the largest alien population, approximately $72 million in SSI payments was received by 37,500 newly arrived aliens. Sixty-three percent of the aliens receiving SSI enrolled during the first year in the United States and 96 percent of the recipients enrolled during the first 3 years of residency.

During the Finance Committee's consideration of H.R. 3236, I offered as an amendment that part of S. 1070 which establishes a 3-year residency requirement in order to become eligible for SSI benefits. The amendment, which was accepted unanimously by the committee is the first step toward eliminating alien abuse of our Nation's welfare programs.

The amendment being offered today by the distinguished Senator from Illinois goes one step closer to reaching that goal. Specifically, it provides for making the affidavit of support legally enforceable. Presently, an alien entering the United States must prove that he or she will not become a public charge. In order to accomplish this, an alien often is sponsored by a relative or close friend. Prior to entry into the country, the sponsor signs an affidavit of support which states he will accept financial responsibility for the alien. The large percentages of aliens receiving SSI in the first 3 years of entry, as stated in the GAO report, indicates many sponsors are not living up to this obligation.

In fact, the court has ruled the affidavit of support is not now legally enforceable. Rather, it is only a moral obligation on the part of the sponsor. The end result is the pledge of support is really nothing more than a "paper tiger." By adopting this amendment, we would reinforce our immigration and naturalization laws which state that an alien may not enter this country if he will be a public charge. We will insure tax dollars will not be spent on benefits which violate the intent of that law.

This amendment is not intended as a punitive measure toward the sponsor who attempts to meet the requirements in good faith. It provides that if the financial situation of the sponsor changes for reasons beyond his control, he will be relieved of the pledge of support and the alien would then be eligible to receive SSI even if he has not met the 3-year residency requirement.

I believe this amendment is consistent with our efforts to reduce Federal spending and I urge my colleagues to adopt this amendment to make the affidavit of support legally enforceable.●

● Mr. HAYAKAWA. Mr. President, as you know, I am a cosponsor of the amendment concerning legal alien abuse of the social security system which was offered by the distinguished Senator from Illinois.

I am very, very troubled that we here in Congress are willing to recognize a serious problem but are unwilling to act to rectify it. For far too long now aliens have been encouraged to come to this country to live off the good will and free hand of the American taxpayer. How can we continue to justify this spending? I am sure each of you have received letters from constituents in your home State asking this same question.

While studying this issue over the past year and a half, I found that although laws appear to preclude aliens from receiving public assistance in their first 5 years of residency, a loophole actually exists which permits an alien to apply for and receive any number of benefits without breaking the law. Those loopholes have been pointed out by the courts, by Guy Wright, a noted columnist who has pursued this problem from his column in the San Francisco Chronicle, and the General Accounting Office. Both Senator Percy and I introduced legislation in the 95th Congress aimed at closing this loophole, however neither bill was considered before the end of the Congress.

Again, early in the 96th Congress, we each introduced legislation addressing this problem. The Finance Committee included a provision in H.R. 3236, the bill we are now debating, to establish a 3-year residency requirement before an alien may be able to apply for Federal assistance. This requirement was part of the legislation proposed by both Senator Percy and myself. It is indeed, a beginning, but certainly not a solution to this bureaucratic "Catch 22." The situation remains where an alien comes to this country under the auspices of a sponsor. If it becomes necessary for the alien to seek financial assistance but for one reason or another the sponsor fails to provide the assistance guaranteed by signing the "affidavit of support," the alien then applies for benefits despite a residency requirement in the Immigration and Nationality Act. However, because there is no residency requirement in the Social Security Act the requirement stipulated by the Immigration and Nationality Act is nullified.

As I mentioned before, the Finance Committee has taken the initiative and moved to close part of the loophole by putting a requirement into the Social Security Act that specifies that an alien must be a resident of this country for at least 3 years before applying for Federal financial assistance. There is no recourse available to the U.S. Government when a sponsor fails to live up to his commitment, however. The affidavit of support signed by both an alien and his sponsor pledging financial support for the alien is not legally enforceable in a court of law.

Senator Percy's amendment to legalize the affidavit of support is an action to correct the inconsistency in the existing law. Senator Bayh pointed out during previous discussion of this matter that simply changing the affidavit of support will not totally close the loophole which is necessary to stop the abuse of our public assistance programs.

The Immigration and Nationality Act states that an alien likely to require public assistance will be denied admission to the United States, unless a sponsor in the United States signs an affidavit agreeing to sponsor that alien for 5 years. My wife and I have had the opportunity to provide that security to aliens, both relatives and acquaintances, wishing to enter this country on several occasions. Each time Marge and I discussed the responsibility associated with signing that document. We made plans in the event that, for some unforeseen reason, the person could not provide for himself. We always considered the signing of that affidavit to be a very serious act of citizenship.

It was not until I began to read in Guy Wright's columns about the terrible abuses of this responsibility of sponsoring an immigrant that I learned of the void in our laws. My research has not only confirmed the void, but lead me to what I believe is the key to locking that loophole. The law now states that if an alien becomes a "public charge" within 5 years of entry, he or she is subject to deportation. The law does not, however, define what constitutes a public charge. Mr. President, the absence of this definition has allowed thousands of aliens to collect benefits totaling millions of dollars each year, after residing in this country for as little as 30 days.

If it is the intent of Congress to stop this abuse of public funds, it is imperative that a definition of "public charge" be included in the law. I am aware that the ultimate effect of such a definition would subject aliens to deportation if they had to go on public assistance. It should go without saying that it is not my intention, or do I feel it is the intention of any Member of Congress, to call for the deportation of any alien who finds after arriving in the United States he cannot support himself. Rather, the intent is that careful consideration be given to requests for the admittance of aliens under affidavits of support.

I do not believe that this is more or less harsh than the original intent of our social security and immigration laws. Consequently, hearings should be held on the issue of what is a public charge. Under the current law, there is absolutely no recourse to the flagrant disregard of the intent of the law.

I also urge my colleagues to vote for amendment No. 731 to strengthen the social security and immigration and nationality laws by making the affidavit of support legally binding. A person seeking to enter this country should consider what are his responsibilities—not only how much he can get.●

Mr. CRANSTON. Mr. President, the amendment I have cosponsored with Senator Percy will complete action taken by the Finance Committee to close a loophole in the supplemental security income program which costs Federal taxpayers some $70 million annually in SSI-related payments to newly arrived immigrants.

The Immigration and Nationality Act requires as a condition of entry for certain categories of aliens that they have a sponsor, often a close relative or friend, who is a citizen or permanent resident of the United States. This sponsor promises, as a condition of granting an entry visa to the immigrant, that the new immigrant will not become a public charge.

Under the Immigration and Nationality Act, an immigrant who becomes a public charge within 5 years of entry is subject to deportation.

The Social Security Act, however, permits a new immigrant to apply for and receive supplemental security income (SSI) benefits 30 days after arrival on American shores.

To round out the loophole, the courts—partly in response to the harsh deportation penalty provided in the immigration statute—have ruled that receipt of SSI benefits does not constitute becoming a public charge and, furthermore, that the sponsor's promise of support is nothing but a "moral obligation."

As a result, the sponsor by disavowing his support agreement can shift responsibility for financial support of the immigrant to the taxpayers. In effect, the immigrant gets an "instant pension."

This situation is an affront to taxpayers. Nor is the situation fair to conscientious sponsors who live up to the letter and spirit of their promises of support. And, it is certainly unfair to all immigrants who have worked hard to support themselves and their families as substantial contributing members of communities in every State.

In fact, columnist Guy Wright of the San Francisco Examiner writes that—

> Some of my bitterest mail on this subject has been from readers who came to this country as immigrants and resent being ripped off.

The amendment Senator Percy and I are offering to the committee bill assures that those immigrants sponsored by individuals who are financially able will in fact be supported by their well-to-do sponsors.

The amendment also assures—and has been modified to spell out that assurance—that no one who is truly needy and has been abandoned by his or her sponsor will go without assistance. Instead, the Government will pursue the defaulting sponsor while the immigrant receives necessary assistance.

The bottom line is the needy immigrant will receive SSI assistance regardless. But the financially able sponsor will not be able to hand off his obligation to his neighbors. And all sponsors of new immigrants in the future will understand clearly the import of the promise of support.

I urge Senate approval of this sensible and humane approach to a volatile problem.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. What is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Illinois.

The question is on agreeing to the amendment of the Senator from Illinois, as modified.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. MATSUNAGA. Mr. President, I rise in support of the Percy amendment, which would make a sponsor's affidavit of support in behalf of an immigrant an enforceable agreement. Under existing law a sponsor's affidavit is meaningless if the affidant refuses to support a destitute immigrant for any reason whatsoever. To give meaning to the affidavit an immigrants sponsor should be required to keep those promises upon the strength of which the immigrant was admitted to the United States. It is wrong for a U.S. citizen to promise to support an immigrant and then renege, leaving the immigrant homeless and penniless in a strange land. The Percy amendment would provide the legal enforcement of support affidavits. But the amendment also provides that the affidavit of support will be excused and be rendered unenforceable in the event that the sponsor dies or cannot provide support because of circumstances which were unforeseeable when the immigrant was admitted.

The amendment is intended to prevent the perpetration of fraud upon the American taxpayer by forcing him to support a newly arrived immigrant by way of public welfare assistance while the sponsor is capable of providing the promised support. The amendment would not cause any undue hardship on either the immigrant or the sponsor.

There is no better way to provide for the poor and needy, citizens and aliens alike, than to make sure that persons who do not require assistance do not receive it. This approach is consistent with the efforts of Congress and the administration to reduce fraud and abuse and to make sure that only those who are most in need of public assistance receive such benefits.

As a matter of sound policy, not the innocent taxpayer but those sponsors who promised to support an immigrant and who are capable of doing so should be required to provide that support. The Percy amendment would bring about this result for a 3-year period after the immigrant's admission, while protecting any alien whose sponsor encounters unforeseen circumstances.

I urge adoption of the Percy amendment.

Mr. CRANSTON. I announce that the Senator from New Hampshire (Mr. Durkin), the Senator from Alaska (Mr. Gravel), and the Senator from Massachusetts (Mr. Kennedy) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. Durkin) would vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Maine (Mr. Cohen), the Senator from Arizona (Mr. Goldwater), the Senator from North Carolina (Mr. Helms), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—92

Armstrong
Baucus
Bayh
Bellmon
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Eagleton
Exon
Ford
Garn
Glenn
Hart
Hatch
Hatfield
Hayakawa
Heflin
Heinz
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Laxalt
Leahy
Levin
Long
Lugar
Magnuson
Mathias
Matsunaga
McClure
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Schmitt
Schweiker
Simpson
Stafford
Stennis
Stevens
Stevenson
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Williams
Zorinsky

NOT VOTING—8

Baker
Cohen
Durkin
Goldwater
Gravel
Helms
Kennedy
Young

So Mr. Percy's amendment (No. 731, as modified) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment numbered 745 by the Senator from Wisconsin (Mr. Nelson).

Mr. SCHMITT addressed the Chair.

The PRESIDING OFFICER. The time is controlled by the Senator from Wisconsin (Mr. Nelson) and the Senator from Louisiana (Mr. Long).

Mr. SCHMITT. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCHMITT. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment offered by the Senator from Wisconsin (Mr. Nelson), amendment No. 745.

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from New Mexico.

### UP AMENDMENT NO. 934

(Purpose: To strike out section 403 of the bill relating to use of Internal Revenue Service to collect child support for non-AFDC families)

Mr. SCHMITT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated. The legislative clerk read as follows:

The Senator from New Mexico (Mr. Schmitt), for himself, Mr. Domenici, Mr. Laxalt, and Mr. Weicker, proposes an unprinted amendment numbered 934.

Mr. SCHMITT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 73, strike out lines 15 through 22.

Redesignate sections 404 through 409 as sections 403 through 408 respectively.

On page 32, amend the table of contents by striking out "Sec. 403. Use of Internal Revenue Service to collect child support for non-AFDC families." and redesignate sections 404 through 409 as sections 403 through 408 respectively.

Mr. SCHMITT. Mr. President, I have been informed that the Senator from Ohio (Mr. Metzenbaum) has an urgent need for recognition. I ask unanimous consent that my amendment be set aside, and that I be recognized at the conclusion of the activity of the Senator from Ohio to bring the amendment up again.

Mr. METZENBAUM. I appreciate the consideration of the Senator from New Mexico, but I certainly do not wish to impose upon his efforts. I am prepared to go forward, but the Senator was recognized before me. I respect him and I am perfectly willing to await my turn. I am willing to go forward. However the Senator from New Mexico wishes to proceed, I certainly will agree to. I do not mean to suggest that I have an urgent personal problem, as we sometimes do. I am not in that situation. I certainly appreciate the offer of the Senator from New Mexico.

Mr. SCHMITT. I thank the Senator. I do not believe this amendment will take a great deal of time.

Mr. METZENBAUM. I appreciate the Senator's offer.

Mr. SCHMITT. I do think it will pass overwhelmingly. Therefore, if I could proceed, I will try to limit the time that I use.

Mr. METZENBAUM. I thank the Senator.

Mr. SCHMITT. Mr. President, this amendment, introduced on behalf of myself, Senator Domenici, Senator Laxalt, and Senator Weicker, would, very simply, delete section 403 of the bill, entitled

"Use of Internal Revenue Service To Collect Child Support of Non-AFDC Families."

Under present law, enacted in 1975, States are authorized to use the Federal income tax mechanism for collecting child support payments for families receiving aid to families with dependent children, AFDC payments. This provision of the bill would expand that authority to include non-AFDC child support enforcement cases brought within the jurisdictions of the States.

Let me first state that I support the efforts of State and Federal agencies in collecting delinquent child support payments and other delinquent, truly delinquent payments owed to the Federal Government.

In the instant case, the problem of runaway spouses is a serious one which requires much more attention by the affected agencies and States. I think that the committee and I agree that the seriousness of the problem is real and that there is a need to do something about it. We do not, however, based on the bill before us, agree on how to handle the problem.

It seems that every time an agency or department these days encounters any problems with collections of debts, the solution proposed is to let the Internal Revenue Service collect the debts for them, in spite of the institution by Congress of the Office of Inspector General and other potential remedies.

This past September, I am sure my colleagues remember, we debated about a proposal in an appropriations bill to have the IRS collect delinquent veteran and/or student loan accounts. The Senate, in its wisdom, struck that proposal from the Treasury, Postal Service appropriations bill by a vote of 52 to 38.

This year, the proposal before us is to expand an already dangerous precedent, of which at that time I was unaware, that deals with the collection of AFDC debts. In particular, child support payments.

The Comptroller General, an advocate of the use of IRS for collection of delinquent debts, has stated that Federal departments and agencies "have not been aggressive in pursuing collection (of debts)," and recommended steps which could be implemented in the agencies to increase collection deficiencies.

These recommendations have, for the most part, not been implemented and Congress has not asked various agencies why they have not been implemented. We are, however, quick to propose the IRS to collect debts.

In 1978, Congress enacted Public Law 95-452 which created the Office of Inspector General in various departments and agencies whose function is "to promote the efficiency and economy of and to prevent and detect fraud and abuse in the programs administered by each agency." It appears that it is within both the jurisdiction and responsibility of Inspectors General to follow up on the recommendations of the GAO with respect to debt collection and to make certain that debts owed to that particular department or agency are being effectively collected.

It is my impression, at least at this early date in the use of Inspectors General, that little or no effort has been undertaken by the Congress to adequately direct the Inspectors Generals to tighten debt collection procedures in their respective agencies.

We have heard so much around here about the money owed to the Federal Government and the failure of agencies to collect some of the debts to the Government. The figures are disturbing, but we should be very careful in looking at what the agencies are actually doing about trying to collect delinquent debts, before we look to a panacea, and particularly the siren song of IRS. It makes a great deal more sense to use existing mechanisms which are available to us and to the agencies than to, at this time, bring the IRS more massively into debt collection rather than tax collection.

Mr. President, the Congress also has the option to allow agencies to turn to commercial debt collection agencies. On the Senate Calendar right now is a bill, S. 1518, which would allow the Veterans' Administration to utilize a consumer reporting agency for certain debt collection purposes. It is my understanding that some agencies already have this authority and that it has worked out very well.

The issue before us is of a somewhat different nature. First of all, we are not dealing with any money owed to the Federal Government. We are talking about money owed to an individual by another individual, established under court action. Because child support payments are ordered by the court and in their absence the taxpayers will be forced to supply assistance, the Government is indirectly involved. It seems that there is an appropriate concern for the Government but not in the manner which we are proposing here in this bill.

Second, it has been argued that this provision in the bill is simply an extension of existing law which permits the IRS to add the debt as a tax liability. It is further argued that there is really no distinction between AFDC and non-AFDC recipients. That, however, is not the point. The opinion of this Senator is that we made a serious mistake in 1975 and we should not continue that mistake by expanding this program. What the Congress should do is consider the repeal of the 1975 provision. However, let us at least prevent its expansion under this amendment.

Mr. President, the Internal Revenue Service was created as a tax-collecting agency and not a debt-collecting agency. To expand this role is fraught with danger, as the debate last year indicated when dealing with IRS debt collection of delinquent student loans.

To begin with, it may become a very expensive experiment. The IRS collects about 90 percent of Federal revenues. Taxpayers voluntarily determine that they owe more than 97 percent of this total and pay it, largely through withholding, without any direct IRS enforcement action. The withholding system makes it possible for the IRS to collect tax revenue at the inexpensive cost of about 50 cents per $100 collected.

In a letter to me in September, Commissioner Jerome Kurtz of the IRS stated:

> If taxpayers react to the idea of IRS becoming the Nation's small debt collector by adjusting their tax withholding as much as 1 percent, the initial loss of Federal taxes voluntarily paid would be $4 or $5 billion. We are seriously concerned about the risks to which a National non-tax debt collection program would expose the withholding system.

Mr. President, I think we would ignore Commissioner Kurtz' remarks at our peril.

The proponents of this provision in the bill will argue that this loss of tax revenue has not occurred since enactment of the program. The fact is, one, it is too soon to see the effects, and two, according to the committee report: "This provision for using the IRS in child support collections has been used very sparingly by the States."

In fact, Mr. President, according to my research, the IRS acted on only 17 cases in 6 States, for a total collection of $15,000.

The provision in the committee bill would bring all persons subject to child support payments under the reach of this IRS authority whether they were, in fact, economically destitute or not.

When the provision as in the bill becomes more visible through increased use, I think we shall start seeing the effects of tax collection on increased withholding by the American people.

The major concern of this Senator is the threat to the rights privacy of individuals. Again, even the IRS has concerns about the privacy of individuals. In that same letter, Commissioner Kurtz wrote that serious questions are raised by the use of tax information and the tax administration system for nontax purposes. Any controversy between the taxpayer and the agency would put the IRS "in an awkward position. To maintain taxpayer privacy and to prevent unauthorized disclosure of tax information, IRS would be burdened with dealing with the taxpayer in attempting to resolve the controversy between the taxpayer and the agency owed the debt—without the authority to resolve the matter."

Commissioner Kurtz went on to write:

> Additionally, we question whether the inter-agency use of personal financial data on citizens would adequately recognize concerns about citizen privacy in the use of data processing technology.

The Tax Reform Act of 1976 specifically dealt with eliminating the abuses of the IRS and their authority, especially under political pressure. Now we are turning the clock back and telling the IRS to divulge information to various agencies that need it for debt collection. This is the bottom line. Not only is this opening the door to abuse but it will surely undermine the confidence of our citizens in the confidentiality of any information provided to the IRS.

Mr. President, we have all heard horror stories of IRS agents abusing their authority. Unfortunately, many are true. Hardly a year passes without some congressional act limiting some activity of the IRS which is in direct opposition to congressional intent. Last year it was the taxing of private schools. At other times, it took report language to remind the IRS that taxpayers have certain rights and are entitled to due process.

Here we are, proposing now to extend the authority and the power of the IRS in an area in which they just do not belong. It does not make any sense to this Senator and I hope it does not make any sense to the Senate.

Mr. President, I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, I yield myself such time as I may take.

Mr. President, this amendment was unanimously approved by the Committee on Finance. The Finance Committee has been concerned for many, many years about the fact that many people who father children abandon them, leave them, flee. The children become recipients of welfare and the taxpayers have to support them. The Finance Committee tried to correct this problem and they did take action to correct it.

We provided that when an individual abandoned his family, abandoned his children, fled the State, concealed himself—hid—the State could file a procedure and ask the Internal Revenue Service to help locate him and help collect the money owed for support. That program, Mr. President, is working exceedingly well. Welfare rolls have been going down and people have been required to support their children.

Many articles have appeared endorsing it. It has saved a great deal of money for the taxpayers of this country. Welfare rolls have declined.

The Finance Committee took another step. We decided that, in addition to trying to prevent people from fleeing and forcing their children to go on welfare, we would try to keep them off welfare. My amendment is the next logical step. It also would permit States—not individuals, States—to come in and ask the Internal Revenue Service to help locate a parent that had abandoned his family and is not supporting his wife, not supporting his children. Then the IRS will come to the aid of the State in collecting delinquent payments that had been ordered by a State court but which the State was unable to collect.

Mr. President, that is all there is to it. It does not have a single thing to do with the secrecy of tax returns; it does not have a single thing to do with using IRS as a collection agency for private debt. Private debt is not involved here. The action of a State is involved here, and if States cannot get the cooperation of the Federal Government in enforcing their decrees, something is basically wrong with our Federal Establishment.

Ours is supposed to be a nation where States and the Federal Government work together for the benefit of each other. This amendment, Mr. President, is sorely needed, because if we are going to try to keep our families together we need to run down and catch these people who sire these children, father them, abandon them, and neglect them, who hide; and now, when the State comes in and requests the IRS to do something about it, we want the cooperation of the Federal Government—to wit, IRS—in trying to do something about it.

Mr. President, the Department of the Treasury is not opposed to this amendment. I hold in my hand a communication from a highly respected individual, Dr. Larry Woodworth, whom all of us in the Senate knew. Unfortunately, he has passed on. He was Assistant Secretary of the Department of the Treasury and before that chief counsel on the staff of the Joint Committee on Taxation. I read from his letter dated December 7, 1977:

> We have no objection to extending the section 6305 collection authority in non-AFDC cases.

I repeat, Mr. President, this is not a private debt collection matter. This is to aid the States, under due process of State law, to enforce a decree against a man who has fled and abandoned his wife, abandoned his children, and left them as objects of charity or for the taxpayers to pay for when they go on the AFDC rolls.

Mr. LONG. Will the Senator yield?

Mr. TALMADGE. I yield to my distinguished chairman.

Mr. LONG. Mr. President, is it not true that we have managed to prevail upon the IRS to cooperate in a program that is now bringing in about $500 million to reduce welfare by making runaway fathers contribute something to their children right now, and that the IRS was very reluctant to go along with that, and the committee had to persevere through the years to get that program enacted?

Mr. TALMADGE. My distinguished chairman is entirely correct. When this was first proposed, IRS was opposed to it. But since 1975, the States have collected $3.9 billion in AFDC and non-AFDC child support. It has saved billions of dollars to the taxpayers of this country.

Mr. LONG. Is it not true that the provision we are discussing here is not a situation where a private litigant can call upon the IRS? It would be a case where a State government is doing what it can to help some mother look after her child, and that father, for all we know, might be in the 70-percent tax bracket, remarried to someone who might be making as much money as he is making. He refused to pay for his children, then moved somewhere where they have some local influence, perhaps on his side, perhaps on her side, and the State cannot get the local district attorney to do anything about it.

If they abandon a child—say, for example, in Maryland—and the wife does not want to apply for welfare, she wants to do something for her children and does not want to suffer in silence, when the State of Maryland, for example, tries to help that little mother get something for her children, why should not the IRS cooperate?

Mr. TALMADGE. The Senator is correct and I agree with him enthusiastically and wholeheartedly.

Mr. LONG. The Senator well knows that when Uncle Sam is owed some money, IRS has more capability than anybody on Earth to get that money. That is one thing the Federal Government is best at, extracting money from people. When you have these little children whose mother does not want to go on welfare, and does not belong on welfare, the father is well able to support those children, why should not IRS cooperate?

Mr. TALMADGE. Particularly when the State comes in to aid this abandoned mother and her abandoned children and takes up that matter and asks for Federal action, because IRS cannot get involved until the State comes along. The State has to be involved. When the State comes to the aid of that welfare mother, then only, and not until then, can IRS get involved.

Mr. LONG. Mr. President, I think the Senator has made a very fine suggestion. The committee agreed with him unanimously about this matter. There is no doubt in my mind that we shall save the taxpayers billions of dollars once we get this thing on the basis that it is just the thing to do to support your children if you are able to do so. What costs this Government tens of millions of dollars, actually many billions of dollars, is these braggarts going around the barrooms or places where men congregate, bragging how they escape doing their duty to their children and the mother of those children. It makes people think they can get away with it. What the Senator is seeking to do is say that, when the State has done everything it can to help that mother and her children, the Federal Government must cooperate.

Mr. TALMADGE. Exactly.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, I have listened with great interest to the eloquence of the two Senators, one from Louisiana and one from Georgia, in describing the problem. I agree completely with their analysis of the problem. What I do not agree with is their proposed solution. There are other solutions.

I think both Senators would admit that the IRS is not the only solution to every problem faced by this Government in the collection of money. They collect money very well, perhaps too well. I agree with the distinguished Senator from Louisiana: They are an excellent agency in collecting money. In my opinion, we give them too much authority to collect money. The question is, do we, philosophically, want the IRS to move progressively into being a debt collection agency as well as a tax collection agency? It is my philosophical position that we should not. We should find an alternative means to collect these debts.

They should be collected. I agree with all the statements made about the position that mothers find themselves in. But do not put the IRS any farther into this thing than they are already.

Mr. TALMADGE. Will the Senator yield?

Mr. SCHMITT. Yes, I yield.

Mr. TALMADGE. Mr. President, did I understand the Senator to say that he is in favor of the existing law that IRS would be used when the State is requesting action when the fugitive father has children on the State AFDC rolls?

Mr. SCHMITT. No. I am not in favor of the IRS being a debt collection agency.

I am not trying at this time to amend the basic law, just to try to prevent its expansion.

I agree with the Senator's analysis of the problem, but not the solution.

Mr. TALMADGE. Is the Senator opposed to existing law where the IRS can help the State collect money from a fugitive father when they are on the welfare rolls?

Mr. SCHMITT. Yes. I think there are other solutions. Not to collecting it, but to the IRS becoming a debt collection agency.

Mr. TALMADGE. Opposed to the existing law as well as the amendment?

Mr. SCHMITT. Yes. The Senator has analyzed my position correctly.

Mr. LONG. Will the Senator from Georgia yield?

Mr. TALMADGE. The Senator from New Mexico has the floor and he yielded to me.

Mr. SCHMITT. I am happy to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, we are collecting right now $500 million a year where the family is on welfare. Does the Senator oppose that?

Mr. SCHMITT. I think I have made myself very clear. My opposition is philosophical to the IRS being a debt collection agency.

I am not asking at this point, I may never ask, that we roll back the law. I am not sure it is possible. But I certainly think it is possible, based on last September's vote in the Senate and, hopefully, on this vote, to prevent an expansion of the IRS into a debt-collection agency.

They have had second thoughts about it. They said last September very specifically they did not want to get into small debt collection with respect to student loans, or anything else.

It is my clear impression that could be extended into this kind of debt collection. It just is not appropriate for us to impose the IRS on the citizenry for any kind of debt collection, and it is not appropriate for us to jeopardize the voluntary nature of our tax structure by a debt collection activity.

As soon as there is a significant amount of IRS debt collection activity, the potential debtors almost certainly will begin to voluntarily withhold more of their taxes, and that would be a very serious consequence in what should be a voluntary tax situation.

Mr. LONG. If the Senator will yield, it seems to me those who are opposed to using the IRS to obtain the information and participate in an effort to make fathers contribute to their children have, over a period of time, pretty well thrown in the towel and agreed that this is a good program, to make fathers contribute something to their children.

We were not getting anywhere until we made the Federal Government participate. At first, the IRS did not want to tell us where the fathers were. We had to pass a special law to make them do that.

So by making those in the Federal Government participate and cooperate, we made a lot of headway in making the fathers do something for their children rather than leave them suffering, or on welfare, or needing to go on welfare.

Mr. SCHMITT. I think the Senator agrees that everything we did in the past might not have been right.

In this case, I think we could have found, and may someday find, a better solution to the problem.

My concern is the integrity of the tax system. It is bad enough that people have to pay as much as they do. But it is clear we must have a system based on voluntary compliance.

What we are headed toward, because of efforts like this and the overwhelming burden of taxes in this country, is a nonvoluntary tax system. That, I think, is something this country can ill afford to have, a nonvoluntary tax system. A negotiated tax system is already creeping into major parts of our economy.

It will cost us an extraordinary amount of money in revenue if we end up in that position.

This is just a further push in the direction of a nonvoluntary tax system, a negotiated tax system, and I do not think we need that position.

Mr. President, the real issue before the Senate on this amendment is the role of the IRS. Is it a tax collector or a debt collector?

If we need a debt collection agency, let us talk about it. But let us not jeopardize the voluntary system of tax payments in this country by having the IRS become a debt collector.

We should face that question directly and not through the back door as is now being done with the AFDC provisions and would be further expanded under the provisions in the bill.

In a sense, the nose of the IRS camel is under the tent and the camel is trying to get in. I would like to bat that nose a bit with a 2 by 4.

I hope we can agree we should keep it out of debt collection, but we should also commit ourselves to finding ways in which debts can be collected.

As a matter of fact, I think that was one of the principal forces behind the passage of the legislation that created the inspectors general. That is what they should be doing, creating within the agencies the kind of environment in which these debts are collected, without resorting to the IRS.

It is a very dangerous area, without adequate philosophical debate, and that is what I hope my colleagues will recognize, also.

Mr. President, I would be happy to yield back the remainder of my time if my colleagues are finished.

Mr. TALMADGE. Does the Senator from Kansas desire time?

Mr. DOLE. Just long enough to make a statement in opposition to my distinguished colleague from New Mexico.

Mr. President, I appreciate the concern of the Senator from New Mexico that the Internal Revenue Service should not be turned into a debt-collection agency with freewheeling powers which threaten the rights of individuals. However, I do not believe the very limited but effective use of the IRS to collect child support payments should be halted.

It is true that the Department of the Treasury opposed this duty originally, but the Senate Finance Committee spent a great deal of time drafting legislation to meet the concerns of the Department when this program was originally put in place. The IRS has not been used to collect child support payments very often, but the authority to use the IRS when necessary is very important.

This program has already been extended to non-AFDC families in the past, but the authority has not been made permanent. The non-AFDC authority was not allowed to lapse because of the objections of the Treasury Department or anyone else, however, but only because the press of legislative business at the end of the last Congress caused a lack of action on a number of provisions relating to the child support, AFDC and social services programs. It is my understanding that the Treasury Department has specifically stated that it has no objection to extending the child support collection authority to non-AFDC cases.

While it is true that the first and most important duty of the Internal Revenue Service is to collect taxes, there does not appear to be a more appropriate agency to collect other debts owed to society which can help ease the tax burden of those who do meet their obligations willingly. Therefore, I oppose the amendment and hope my colleagues will oppose it as well.

(Mr. BAUCUS assumed the chair.)

Mr. TALMADGE. Mr. President, I yield such time as I may need.

Mr. President, I reiterate that the IRS has already done exactly this. The IRS is cooperating with the States to help them run down a man who abandons his wife and his children and, when requested by the State, to collect support payments when the children are on welfare.

All this committee bill would do would be to extend that to help the States enforce decrees that have become State judgments, when the man has fled the jurisdiction of the State, concealed himself, and refused to comply with the court order and the State law.

If we cannot have the Federal Government working in cooperation with the States tc enforce decrees, I do not know what we ought to do, Mr. President.

If I remember my constitutional law, the Constitution of the United States says that all States shall give full force and credit to the judgments of the courts of every other State.

If the Constitution means what it says in giving full force and credit to the judgments of the courts of the States, why should the IRS not come in, when a State says, "Well, Mr. IRS, help us locate this man and collect the support from him."

The man has fled, concealed himself, and will not pay a judgment of the State of New Mexico, or Louisiana, or Georgia, or Kansas. Why not help the States track him down and make him support the wife he abandoned, the children he abandoned, in order that that wife and children will not become recipients of welfare, rather than force the taxpayers of New Mexico, Louisiana, Georgia, or Kansas to have to step in his shoes and support that family.

Now, what is wrong with that? That is what my amendment does.

Mr. SCHMITT. If the Senator will yield, I will tell him what is wrong with it.

It ignores the basic problem the Senator from New Mexico is raising. The problem is whether the IRS ought to do this, or some other agency.

The IRS is a tax collection agency. It has to stay that or we are going to lose the benefits of a voluntary system. That is the fear of the Senator from New Mexico. The Senate agreed with me last fall, in September, and I hope it will agree with me today.

Mr. LONG. I yield myself 1 minute.

Mr. President, the Senator's argument is based on the theory that the IRS is not a debt-collecting agency. Any time someone fails to pay his taxes, he owes a debt to the United States. At that point, it is the business of the IRS to collect the debt, and they are very good at it. They will put you in the penitentiary, if necessary, in order to make you pay that money. They are so good at it that they should help this woman and her children. Make poppa pay for their support. The IRS knows where to find him.

Mr. President, we are not asking that the IRS initiate the charge. All we are saying is that when a State does everything it can to help that mother and those children so that they can be supported in dignity, as they have a right to be supported by the parent, at that point the Federal Government should cooperate and help. It seems reasonable to this Senator.

Mr. SCHMITT. Mr. President, those little women and little children will have the Government's help in finding the spouses and collecting the money from them, and the agencies are in place to do that, and it does not have to be the IRS. The Senator from Louisiana has to agree with that. It just does not have to be the IRS.

The IRS, in spite of the Senator's semantics, is a tax collection agency. If there is nonpayment of taxes, it is still a tax. You can call it a debt, if you wish. Call it a debt, as the distinguished majority leader once gave us the benefit of. You can call it anything you want, but it is still a tax; it is not a debt.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. SCHMITT. I am happy to yield.

Mr. STEWART. I have listened to the debate with great interest, and I have heard the Senator from New Mexico mention from time to time an alternative agency or an alternative method he has in mind for the collection of these moneys. Will he tell me where he would suggest placing this?

Mr. SCHMITT. First, the basic responsibility will be with the agency under which the program is administered.

The inspectors general were created in order to see that agencies carried out their functions, to minimize fraud and abuse of their programs. This is a form of fraud and abuse of their programs.

First, I would like to see us insist that the inspectors general who are within the given agency do the job they are supposed to be doing. Or, as a supplement, as I indicated, the Veterans Administration is now working at this, and there is a bill before the Senate to give it the authority to use private collection agencies as part of this function.

There are other possibilities, besides the IRS. My concern has to do with the IRS becoming something other than a tax-collecting agency and beginning to erode the voluntary nature of our tax system.

In addition, there are real questions about the Privacy Act and the IRS providing agencies with information they would have. There are real questions as to due process in some instances of this kind. I do not think the IRS should be a collection agency.

I am not at all arguing with the distinguished Senators that we must do a better job than we have done. I am raising the philosophical issue of what the function of the IRS is in this Nation and what the value is of the voluntary tax system, not that we should not try to collect the money.

Mr. STEWART. When the Senator talks about using a private collection agency, is he making that suggestion to enforce a State court decree? Is he talking about that?

Mr. SCHMITT. Excuse me?

Mr. STEWART. Is the Senator talking about using a private collection agency in aiding or assisting a State court decree?

Mr. SCHMITT. This is now being examined by the Veterans Administration as a potential way of collecting debts owed to it. It is under contract to the Federal agency.

It is not my understanding that there would be anything illegal about private debt-collection agencies, under contract, collecting funds for either the States or the agencies under which they fall. Obviously, that is something that will have to be examined.

My point is that we have not looked at the alternatives to the IRS. We immediately turn to the IRS as a collection agency. I do not think that is right. It is one of the fundamental aspects of our tax system.

Mr. STEWART. I thank the Senator.

Mr. SCHMITT. Mr. President, I will be happy to yield back the remainder of my time.

Mr. LONG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 5 minutes remaining, and the Senator from Louisiana has 14 minutes remaining.

Mr. LONG. Let me read this:

> No amount may be certified for collection under this subsection except the amount of the delinquency under a court order for support and upon a showing by the State that such State has made diligent and reasonable efforts to collect such amounts utilizing its own collection mechanisms, and upon an agreement that the State will reimburse—

The State will pay for the Federal Government to do it—

> the United States for any costs involved in making the collection.

Mr. President, it is costing us billions of dollars that we must assess on taxpayers to support these little children, where the father walks off and leaves them. Some of these families, to be sure, are not on welfare. Those we are talking about right now are not, and we do not want them to go on welfare. We do not want to force an honorable, decent woman to go in and apply for welfare when that father is well able to support those children. She should not even be eligible for welfare, because she should be able to obtain support to provide adequately for her children.

Down through the years, we had to fight to make the IRS even tell where those fathers were, when the IRS had the information and knew where to find them. We managed to win that. Then one agency and another did not want to be bothered. We had to overcome that, and in doing so, we are saving the Government about $500 million a year in unnecessary welfare costs. That is just a beginning.

We can save this Government billions of dollars by fixing it so that people cannot escape their duty to their children. Why should not the IRS, which has the information, tell the State where the fellow is? Why should not the IRS, when the State has done everything it can to try to collect support for the children, cooperate and help to collect that money?

We are doing that with regard to the welfare cases. If you want it to work, you will fix it so that it is the thing to do to support your children.

When people thumb their noses at their own children and at the mothers of those children, and when the local and State governments are trying to help those families, we should not require those mothers and little children to suffer in silence. When the State wants to help them, the Federal Government should cooperate.

Mr. SCHMITT. Mr. President, I remind my colleagues that the existing debt-collection efforts relative to AFDC recipients are not particularly overwhelming. In 1978, as I indicated, there were 17 cases, and the total amount involved was $15,000.

I also remind my colleagues that where the IRS creates voluntary compliance through fear—fear of an audit, fear of being caught and not paying your taxes—this debt collection would operate in reverse. The fear would be that the IRS would begin to attach any resources, and withholding would decrease. That is the concern of the IRS.

We would begin to see, if we continued to erode this system by putting more debt collection in the hands of the IRS, an erosion of the voluntary system. As I indicated, a 1-percent decrease in voluntary withholding would result in $4, $5, or $6 billion less revenue to the Federal Government, which would have to be collected in other ways.

I hope my colleagues realize that the vote on this amendment is not a vote relative to whether we should collect the payments or not but whether the IRS should be put further into the business of collecting debts for the Federal Government. There are other and better ways to do it. We must be willing to examine those ways and to put them into place, without violating the tax system of this country or violating the rights to due process of the people of the United States.

Mr. TALMADGE. Mr. President, I will take about 30 seconds.

Every provision of privacy and due process in the code is preserved by this amendment.

It will not add one additional Federal employee to IRS. All it does is call on IRS to carry out the constitutional provision that full faith and credit will be granted to the decree of every State in this Union.

Mr. President, I am prepared to yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. SCHMITT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Mexico.

On the question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. Gravel), and the Senator from Massachusetts (Mr. Kennedy) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Maine (Mr. Cohen), the Senator from Arizona (Mr. Goldwater), and the Senator from North Dakota (Mr. Young) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 28, nays 66, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—28

Armstrong
Bayh
Biden
Bradley
Danforth
Domenici
Durenberger
Garn
Hatch
Hatfield
Hayakawa
Humphrey
Jepsen
Kassebaum
Laxalt
Leahy
Lugar
Mathias
McClure
Pryor
Riegle
Schmitt
Stafford
Stevens
Stevenson
Wallop
Warner
Weicker

NAYS—66

Baucus
Bellmon
Bentsen
Boren
Boschwitz
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cranston
Culver
DeConcini
Dole
Durkin
Eagleton
Exon
Ford
Glenn
Hart
Heflin
Heinz
Helms
Hollings
Huddleston
Inouye
Jackson
Javits
Johnston
Levin
Long
Magnuson
Matsunaga
McGovern
Melcher
Metzenbaum
Morgan
Moynihan
Muskie
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Randolph
Ribicoff
Roth
Sarbanes
Sasser
Schweiker
Simpson
Stennis
Stewart
Stone
Talmadge
Thurmond
Tower
Tsongas
Williams
Zorinsky

NOT VOTING—6

Baker
Cohen
Goldwater
Gravel
Kennedy
Young

So Mr. Schmitt's amendment (UP No. 934) was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### AMENDMENT NO. 745, AS MODIFIED

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Wisconsin (Mr. Nelson).

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. Nelson), for himself and Mr. Huddleston, proposes an amendment numbered 745, as modified.

Mr. DOLE. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

### AMENDMENT NO. 935

(Purpose: To amend the maximum level of family benefits)

Mr. METZENBAUM. Mr. President, I call up an amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. Metzenbaum), for himself, Mr. Goldwater, Mr. Cranston, Mr. Magnuson, Mr. Kennedy, Mr. Williams, Mr. McGovern, Mr. Durkin, Mr. Weicker, and Mr. Eagleton, proposes an amendment numbered 935.

The amendment is as follows:

On page 34, strike lines 4 through 11 (inclusive) and insert in lieu thereof the following:

"Any reduction in this subsection which would otherwise be applicable, shall be reduced or further reduced (before the application of section 224) so as not to exceed 100 percent of such individual's average indexed monthly earnings (or 100 percent of his primary insurance amount, if larger)."

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I be permitted to yield the floor to the Senator from South Carolina (Mr. Thurmond) for a period not to exceed 5 minutes and that the 5 minutes not be charged against the consideration of this amendment, either against the proponents or opponents.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I wonder if the Senator would be kind enough to make it about 8 minutes, in view of replies that others may make.

Mr. METZENBAUM. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

### THE NEED FOR REMEDIAL LEGISLATION TO CLARIFY PROBLEMS WITH THE SOCIAL SECURITY "EARNINGS TEST"

Mr. THURMOND. Mr. President, while the Senate has under consideration the pending social security disability legislation (H.R. 3236), I would like to address the need for prompt Senate action on legislation to remedy certain unanticipated and unintended problems that have arisen from application of the changes made in the social security earnings test by the 1977 Social Security Act Amendments. As a result of unforeseen effects of the 1977 amendments, thousands of retired persons have suffered a loss or drastic reduction in social security benefits, and many others who are planning to retire in the near future also face the possibility of substantially lower retirement incomes, if corrective legislative action is not soon forthcoming.

One of the unintentional ramifications of the 1977 Amendments that has greatly concerned me and many of my constituents is the treatment of income earned for services rendered by self-employed persons prior to retirement, but actually received by them after they retire and apply for old age insurance benefits. For example, many self-employed insurance agents receive renewal commissions during their retirement years on policies sold by them before retirement; farmers often are paid, after the time when they began drawing social security, for crops and livestock raised prior to retirement; members of partnerships, including attorneys, accountants, and other professionals, customarily are paid after retirement for services rendered before retirement and for capital contributed to the partnership.

Before the 1977 amendments to the social security earnings test, the receipt of such deferred income after retirement by formerly self-employed persons did not affect their social security benefits, because the recipients were not performing substantial services.

They were, in fact, retired. However, when the law was changed to eliminate the "substantial services" and "monthly earnings" tests, these deferred income payments were counted as "earned income," which causes a reduction in social security benefits if it exceeds the annual earnings limitation amount. It is now clear that Congress never intended this to be the result of the 1977 amendments, and that remedial action is warranted.

In an effort to expedite Senate action on this matter, I introduced S. 2083 on December 5, 1979, and I am pleased that the distinguished ranking member of the Finance Committee, Senator Dole, joined with me then as an original cosponsor. Several other Senators have introduced related legislation, including Senators Durenberger, Matsunaga, and Durkin, and I understand Senator Dole also earlier authored a bill to remedy the problem as it relates to farmers. I believe that the distinguished chairman of the Finance Committee, Senator LONG, shares these concerns, inasmuch as he offered an amendment in 1978 with Senator CURTIS to correct some of these inequities. Unfortunately, that legislation was not enacted.

Mr. President, I am prepared to offer an amendment at this time to the pending bill. This amendment would clarify application of the earnings test as it relates to retired, formerly self-employed persons who are receiving deferred payments for preretirement services. However, I have been advised that, although the pending bill relates to social security, this amendment would be considered nongermane. Furthermore, since I introduced S. 2083, the House has passed legislation (H.R. 5295) to take care of this matter and several closely related problems involving application of the new social security earnings test. I believe there is substantial sentiment and good reason to address all of these related problems in one package.

In view of these considerations, Mr. President, I do not intend to offer this amendment at this time. However, I would like to elicit some assurances from the managers of the bill that prompt action will be forthcoming by the Finance Committee to rectify these inequities, which are causing severe hardships for thousands of retired persons. I wonder if the distinguished chairman and ranking member of the Finance Committee would see fit to comment on the prospects for early Senate action on the House-passed bill, H.R. 5295, the bill Senator DOLE and I introduced, S. 2083, or other legislation which might be reported to address these serious problems.

I also hope that the chairman of the Social Security Subcommittee, Senator NELSON, could give us some assurance of prompt attention to this matter by his subcommittee.

Mr. DOLE. Will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, let me assure the distinguished Senator from South Carolina that I share his concern about this situation. As the Senator stated, the Senator from Kansas did cosponsor legislation with him. The Senator also correctly noted that the distinguished former Senator from Nebraska, Senator Curtis, and the chairman of the committee (Mr. LONG) made certain changes.

I do believe the Finance Committee should act promptly on this issue, and I plan to bring it up at the earliest opportunity this year. We need to look at the total problem of the committee before deciding on how to proceed.

I think the Senator has suggested maybe some kind of a package arrangement. But I hope that we are in a position—at least this Senator is, speaking on behalf of Republicans on the committee—to make some commitments for early action and hearings on this proposal.

Mr. THURMOND. Mr. President, I wish to thank the able and distinguished Senator from Kansas and express my appreciation for his interest.

Mr. President, I yield to the able and acting chairman of the committee (Mr. TALMADGE).

Mr. TALMADGE. Mr. President, the distinguished chairman of the committee has been called out of the Chamber briefly. He will return. I am sure our committee will look favorably upon this matter, if budget limitations permit.

As you know, we are engaged right now in a conference with the House on the windfall profits tax bill, and that will take some time to conclude. We also have other matters that will expire this year.

But I hope that we could get early action of the committee. I am sure I speak for the chairman when I say that the committee will give it urgent consideration.

Mr. THURMOND. Mr. President, I thank the distinguished Senator from Georgia, the acting chairman of the committee, for his consideration of this matter. I yield to the distinguished Senator from Wisconsin.

Mr. NELSON. Mr. President, I wish to say to the distinguished Senator that I can see no problem in the Finance Committee since about 2 years ago the Finance Committee passed legislation addressing itself to precisely the issues which have been raised here as a consequence of the change in the 1977 amendments. We passed the legislation which addressed this problem with regard to farmers, salesmen, teachers, and students in the Senate and it went to the House.

The House has now passed a bill covering all of these problems. I believe they passed it 360 to 0. That bill is now pending in the Finance Committee. So far as I know, there is no controversy about it. At the earliest opportunity I would expect the Finance Committee to act unanimously on this question as it did 2 years ago, and that it would then come to the floor and pass here again. Since we will be passing the House bill, that will resolve the matter.

Mr. THURMOND. Mr. President, I thank the able Senator from Wisconsin, the chairman of the Social Security Subcommittee of the Finance Committee, for his interest in this matter and his commitment, if you will, to try to have hearings as soon as possible. Again, I want to say that the bill the House passed is a package, as the able Senator referred to it, and if we can get action on it soon, it will remedy this situation and will certainly prevent inconvenience to a lot of people.

I thank all Senators.

I thank the able Senator from Ohio for his kindness.

### UP AMENDMENT NO. 935

Mr. METZENBAUM. Mr. President, the social security disability amendments which the Senate is considering today contain both progressive and regressive measures.

Although the bill is praiseworthy for its thoughtful efforts to assist disabled workers to return to the work force, we cannot overlook a major provision of the bill which, if enacted, would have deeper and more severe repercussions, than could ever be offset by the total of the bill's progressive components.

Our amendment offered today is cosponsored by Senators GOLDWATER, CRANSTON, MAGNUSON, KENNEDY, WILLIAMS, MCGOVERN, DURKIN, EAGLETON, and WEICKER.

It would modify the cutbacks contained in section 101. I believe they are ill conceived and so harsh that they are punitive. They represent an unwarranted and precedent-shattering cutback of existing social security program benefits.

Section 101 would, if enacted into law, break a solemn agreement between the Congress and the people, a promise which lies at the foundation of the social security contributory insurance system.

It would break the promise we have made to America's 100 million workers, that if and when they need their social security benefits, those benefits will be there for them.

Section 101 is entitled "Limitation of Total Family Benefits in Disability Cases." The title sounds inocuous, but let us look at the effects on a typical American family if it is enacted.

In this family the wage-earner is age 40 with a spouse and two children. If the wage-earner's average weekly wages were $250, and if he is disabled in an accident today, then under the current law, he, his wife and two children would be entitled to a weekly disability benefit of about $184. This constitutes a pretty tight budget for four persons, especially with two growing children.

But, under the bill before us today, that already meager benefit level would be cut down to about $161 a week. This is a loss of $23 a week; we would be breaking our promise to the average American family to the tune of $100 a month.

We would be going back on our word by about 13 percent. In total, this is a $1.5 billion social security benefit cut.

What is most ironic, is that the Congress would be breaking its word to this average family with the worker's own money because the disability insurance program, like the entire social security title II program, is a mandatory contributory program.

I do not believe that we should break our promise to the worker who has put in 20 years of social security taxes. But today's bill presents us with a sweeping average 10- to 15-percent reduction.

The cutbacks mandated in this bill have drawn criticism from respected social security experts and concerned organizations throughout the country. Among those most critical of the philosophy and impact of sections 101 and 102 are six men who are intimately familiar with the social security disability program:

John J. Corson, former Director under President Roosevelt, of the Bureau of Old Age and Survivors Insurance.

Charles Schottland, Social Security Director in the Eisenhower administration.

William Mitchell, Commissioner of Social Security for Presidents Eisenhower and Kennedy.

Robert Ball, the Commissioner of Social Security under Presidents Kennedy, Johnson, and Nixon.

Samuel Crouch, former Director of the Bureau of Disability Insurance under Presidents Eisenhower, Kennedy, Johnson, Nixon, Ford, and Carter; and Wilbur J. Cohen, a distinguished former Secretary of the Department of Health, Education, and Welfare.

And they are joined in their opposition by a spectrum of national organizations, including the National Council of Senior Citizens, the American Association of Retired Persons-National Retired Teachers Association, the Disabled American Veterans, the National Association for Retired Citizens, and the National Association of Catholic Charities, just to name a few.

Well, then, who supports sections 101 and 102? The Finance Committee report argues that the disability program has grown too rapidly, that some disabled beneficiaries receive windfall benefits, and that the general benefit level acts as a disincentive to rehabilitation and to getting the worker back into the work force.

If all these arguments were true, then we would have a compelling reason to move quickly to reassess and adjust the administration of this program.

But the fact is that these arguments are inaccurate and outdated. So I would like to respond briefly to each of these supposed justifications for this unprecedented social security cutback.

Concerns that rapid, unanticipated growth would bankrupt the disability trust fund began in the early 1970's, but are not well founded today. The number of disability applications peaked in 1975, and there has been a strong and steady downturn since then, both in the number of awards of benefits, and in the number of awards per 1,000 insured workers. The Finance Committee's own report notes that there were 94,289 fewer disability awards in 1978 than in 1975, and that the 1978 rate of 5.2 awards per 1,000 insured workers is much lower than the 1975 rate of 7.1 awards per 1,000 insured workers.

The Finance Committee report also notes that—

> In the first 5 months of 1979 this trend continued, with awards in that period about 13 percent lower than for the same five month period in 1978.

So the program has seen a 23-percent decrease in new participation between 1975 and 1978 and is looking at a decrease that could amount to 13 percent fewer awards this year than last year.

Further proof that the disability program is totally under control comes from reading the most recent disability insurance program statistics.

First, there are actually fewer people receiving benefits now than there were a year ago. The program has 13,000 fewer beneficiaries, a reduction of one-half of 1 percent.

Second, the number of disabled workers entering the program over the last 3 months was the lowest of any 3-month total since 1971.

We are actually looking at a program that is growing smaller, not larger, which proves that the administrative remedies have taken hold.

It is very hard to argue that we have a runaway program on our hands.

Next we should look at the assertion that some program beneficiaries receive more in benefits than they had in predisability earnings. This is an assertion that is extremely misleading. The fact of the matter is that the term "previous earnings" means an average from a lifetime of covered earnings.

It is not an accurate representation of total earnings, including fringe benefits, immediately prior to the onset of disability.

But in order to clarify the point and to make it explicitly clear, our amendment, in unequivocally clear language, would make it clear that no person would receive more in security disability benefits than he or she received in average wages during their working years, or than they are entitled to through their primary insurance amount.

This amendment differs from the amendment that I described in my "Dear Colleague letter," in that this amendment answers the one question that I have heard most frequently in discussions of this bill. This amendment sets a firm cap on family benefits, and that cap makes it completely impossible for any worker to get a benefit check that is more than his or her average monthly wages.

This should lay to rest the concerns of those who believe that the disability program has become, not an income replacement program, but a welfare program.

This amendment allows us to maintain the integrity of the trust funds, at the same time that it permits us to return to disabled persons a fair and equitable benefit.

The Finance Committee bill cuts an average of 15 percent off everybody's benefits to get at a few benficiaries whose benefits have been placed in question. This is too high a price to pay, and too precipitate an action to take. It is against the integrity of the social security program.

Mr. President, I believe that these facts argue persuasively against the wholesale benefit cuts which this bill imposes on disabled workers.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the specific language of the total disability.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Section 223(d)(2)(A) of the Social Security Act.
>
> The legal definition of disability: "(A person) shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work."

Mr. METZENBAUM. Mr. President, it is total disability that throws a family into turmoil. It leaves a once productive and healthy worker to a life at home or in the hospital.

It does not become us in the Senate to say to the newly disabled worker, whose own mandatory contributions have gone to build this trust fund. "Sorry, friend. The Senate has decided to break its word to you and your children. We want $60 or $80 or $100 a month back in the trust fund."

Mr. President, we can afford the good provisions of this bill without paying for them through the savings we would realize by enacting the bad provisions.

We can keep our promise to social security contributors and beneficiaries alike. We can eliminate unfair benefits. We can keep an actuarially sound plan, and we can even improve the administration of this vitally important program, if we join to support our amendment to modify the benefit cuts proposed in this bill.

Mr. President, I yield to the Senator from California. How much time does the Senator need?

Mr. CRANSTON. Mr. President, I need about 3 minutes.

Mr. METZENBAUM. Mr. President, how much time does the Senator from Ohio have remaining?

The PRESIDING OFFICER (Mr. TSONGAS). The Senator has 13½ minutes.

Mr. METZENBAUM. I yield 3 minutes to the Senator from California.

Mr. CRANSTON. I thank the Senator.

Mr. President, I am a cosponsor of the amendment offered by the Senator from Ohio. This amendment would refine section 101 of H.R. 3236. This section proposes to place a limit on family disability benefits for individuals becoming entitled to benefits on or after January 1, 1980, based on disabilities that began after calendar year 1978.

It is extremely important that the full story on this issue this section addresses be aired before we come to a vote on this amendment. The Finance Committee report on H.R. 3236 lists several concerns which it says necessitate the severe changes in the family benefit structure. I wish to speak to each of the concerns listed by the Finance Committee in order to place this debate in proper perspective.

The Finance Committee says the benefit formula must be changed because there are several situations where the payment of disability benefits to an individual from a number of public disability pension systems results in aggregate benefits which exceed the individual's predisability earnings. I do not contend that this problem does not exist to some degree, but rather wish to point out that some important questions are left unanswered by the Finance Committee and that the committee report's statement of this problem is incomplete—although I am sure not deliberately so. I am sure, Mr. President, that the report tries to make the best case possible for the committee's action—not to mislead anyone.

Let us first seek to determine how large a population is receiving this so-called windfall. We are told in the committee report that approximately 6 percent of all DI beneficiaries receive benefits exceeding predisability net earnings.

First, it should be made clear that the 6 percent figure is purely conjecture by the Social Security Administration. According to the SSA, it conducted a random sample of 10,000 DI recipients—note that this was prior to the 1977 Social Security Amendments—and used the benefit levels of these 10,000 beneficiaries to estimate average predisability earnings. Even if we assume that the resultant figure is correct, how does the estimate translate into numbers of families and individuals?

Some useful statistics appear in the October 1979 issue of the Social Security Bulletin published by the SSA. In 1978, there were 457,451 disabled workers receiving DI benefits, 6 percent of that number is approximately 27,000 individuals or families, nationwide, who may be receiving various small amounts over their predisability earnings.

Who are those families? The SSA tells us that about 3 in 4 of the estimated 6 percent were earning salaries below the poverty level—$4,000—before they became disabled and that they are still below the poverty level with their DI benefit.

What are other characteristics of these families? In many cases, their "higher than 100-percent disability payment" is caused by the DI supplement for dependents. That means families in this category tend to be young, with dependents, and, because eligibility for workers age 45 and younger is determined solely on the basis of a strict definition of disability—no consideration is given to social or vocational limitations—these young beneficiaries must be severely disabled in order to be eligible.

Most other so-called abusers of this program are from two-earner families. The Finance Committee paints a shocking picture of these cases on page 70 of their October 1979 Finance Committee publication (Committee Print 96–23), but I ask my colleagues to study this chart carefully. The earnings figures are all hypotheticals—and faulty ones at that. First, the Finance Committee chose to suppose high family earnings for its hypothetical cases.

Second, contrary to widespread public knowledge and data, the committee depicts female spouses as earning amounts equal to their male partners.

Third, the committee report ignores two important facts in its post-disability figures: It does not deduct the typical large expenses which accompany disability, and it takes no account of the fact that the spouse of a disabled worker is often forced to stop working or diminish work hours in order to care for the disabled spouse.

Fourth, after assuming a high amount of predisability earnings, it assumes a high average lifetime earnings for the couple in order to hypothesize a post-disability benefit amount. These assumptions make the situation look far more disparate than it really is.

Without better answers to these questions and concerns, it seems that the Finance Committee is proposing drastic measures, affecting all post-1968 DI claimants after January 1, 1980, in order to cure a very small problem. Is this not rather like attempting to kill an ant with a steamroller?

The Finance Committee report further states that public and private actuarial studies show that high levels of benefits, benefits which replace over 80 percent of a worker's predisability earnings, may constitute an incentive for impaired workers to join the benefit rolls, and a disincentive for disabled beneficiaries to attempt to return to the work force.

This supposition must also be examined carefully. With regard to the public actuarial studies, the SSA's own reports fail to support Finance Committee contentions that "high" benefits have kept recipients from returning to work. In order for high benefits to be a disincentive to return to work, the recipient must be able to return to work. The social security DI program is not an easy one to get on. Former SSA Commissioner Ross presented material during Finance Committee hearings showing that over 70 percent of those who consider themselves disabled and apply for benefits are turned away. An April 1979 social security bulletin stated:

> For most disabled workers whose claims were allocated because they were unable to work recovery is not possible and program incentives to foster recovery are likely to have little effect.

The same Social Security Bulletin says:

> It is not possible to determine . . . the direct effect of receipt of benefits on incentives to remain on the rolls.

On page 17, the same April 1979 Social Security Bulletin points out that age and primary diagnosis explain more of the variance in recovery rates than other factors.

The Finance Commitee report cites on page 40 a private sector actuary who said:

> Claim costs increase dramatically when replacement ratios exceed 70 percent of gross earnings.

Not cited was the testimony of Merton Bernstein, professor of labor law at Washington University Law School and author of a prizewinning book entitled "The Future of Private Pensions." Mr. Bernstein submitted testimony to the Finance Committee arguing that comparing private pension plans to the DI program is like comparing grapes to grapefruit for several reasons.

First, the 70-percent replacement level about which the private sector actuary is speaking applies to a percent of total lifetime earnings. In the public DI program, we are talking about a percent of average lifetime earnings—a very different, smaller amount.

Second, private disability plans are generally found only in higher paying jobs where the replacement rate—70 percent—of lifetime earnings may accurately reflect what a family could actually live on. In fact, according to Professor Bernstein, most private plans are designed to facilitate the removal of active disabled workers, and so are intended to offer very high incentives in order to stop work. When the incentive is far lower, there seems to be no basis for assuming the same cause and effect.

Finally, the Finance Committee, throughout its report, alludes to its concern over the rapid growth of public disability programs. However, my colleagues must note carefully two important points made in the committee report itself: First, experts cannot agree what caused the tremendous growth of the program in years past. Second, and most important, the program stopped growing in 1978. Alice Rivlin, Director of the Congressional Budget Office, wrote to Congressman GIAIMO, chairman of the House Budget Committee, in July of 1979 saying that, while the old age and survivors insurance fund is in trouble, the disability insurance trust fund is strong.

Mr. President, it is of utmost importance that my colleagues consider all these points before voting on this amendment, or on final passage to this bill. We must know and understand fully what the problem is before we decide what medicine to prescribe. Then, in choosing the cure, we must also proceed with caution. One does not amputate an arm to cure a broken finger.

In my view, section 101 of the committee bill would merely result in a transfer of problems to another area, and the hardships this section would cause would overshadow by far the supposed immediate savings it would produce.

For these reasons, I urge the Senate to adopt Senator METZENBAUM's amendment to H.R. 3236.

Mr. METZENBAUM. Mr. President, I am grateful for the support of the distinguished majority whip.

I ask unanimous consent to have added the name of Senator JENNINGS RANDOLPH as one of the cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. I yield to the Senator from Connecticut 5 minutes.

Mr. RIBICOFF. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Ohio. Senator METZENBAUM's amendment modifies section 101. Section 101 of this bill unreasonably reduce family benefit levels.

In the Finance Committee, I opposed the formulas adopted by the committee concerning these two sections. I continue to oppose them.

It is easy for us in the U.S. Senate to talk in terms of "caps," "formulas" and "budgetary savings," but that is not the real issue before us. The issue is people—disabled, crippled, and paralyzed people. People who can no longer earn a living; people whose whole day may be spent merely trying to sit up in bed; people who cannot bathe themselves; and people who need attendants to feed them. But most important, Mr. President, these are people who at one time were working in the mainstream of the U.S. economy; paying their income taxes and their social security taxes, and now, because of their disabilities, they are unable to work.

If you talk with the people receiving disability insurance, practically all of them would give up all of their benefits just to be healthy and working again.

### WORK DISINCENTIVE

Proponents of the committee's reduced "cap" on family benefits argue that these severe cuts in family benefits are necessary to strengthen work incentives and improve recovery rates. Listen to them and you will hear them assert that "high" benefits deter a recipient from returning to work. This contention is unfounded in theory and fact since it assumes that these disabled people are even capable of returning to work. For the vast majority, this is simply not possible. A look at the criteria used for determining if a person is disabled in the first place makes this obvious.

Under current law, an applicant for disability insurance must be unable because of his or her impairment, to do any work that exists in the national economy regardless of whether or not:

Such work exists in the immediate area in which he or she lives;

There is a specific job vacancy; and

The person would be hired if he or she applied for the job.

Second, given the fact that most disabilities are degenerative in nature, once a person is determined to be disabled, a return to work is highly unlikely. To cut family benefits in the name of work incentives is to ignore reality.

Moreover, Mr. President, the Social Security Administration's own studies fail to support the arguments that "high" benefits have kept recipients from returning to work. The April 1979 study states:

> If a simple disincentive effect in high benefit levels leads to greater benefit dependency, it might be expected that those with the highest benefits would have the lowest recovery experience. The data in this study, however, shows higher recovery rates for those with the highest benefits.

In order for high benefits to be a disincentive to return to work, the recipient must be able to return to work. Most on the program simply cannot work. Moreover, data in the Social Security Administration's own study indicates that those with high benefits return to work in greater numbers.

### REPLACEMENT RATES

During the committee's deliberation, there was much discussion about the so-called high replacement rates. That is, social security family benefits replace too much of the beneficiary's predisability earnings. This is simply not true.

The average social security disability insurance benefit replaces only 58 percent of the beneficiary's average lifetime earnings. Furthermore, unlike most private sector insurance plans which attempt to replace income earned immediately prior to disability, social security benefits are based on average lifetime earnings. Therefore, as compared with the private sector, social security replacement rates are lower because a beneficiary's early years of low earnings have to be averaged against his later years of higher earnings which immediately preceded his disability.

Additionally, in regard to replacement rates, the committee focused attention upon the 6 percent of the disabled social security population who receive in excess of their average lifetime earnings. This 6 percent has to be put into perspective. These are people with the lowest predisability earnings. The overwhelming majority of this 6 percent had average annual earnings below $4,000; $4,000 is below the poverty level. Nevertheless, the Metzenbaum amendment effectively reduces the benefits of this 6 percent by providing that no family benefit exceed 100 percent of the worker's average monthly earnings.

Because of their low income, these disabled poor are eligible for benefits under other Federal programs such as SSI and food stamps. But the disabled poor recipient does not get a "windfall." SSI benefits are disregarded dollar for dollar against social security and veterans benefits. And as Senator Wallop has brought to our attention, disability benefits are offset by workers compensation benefits.

The replacement rates and the benefit levels will be severely reduced by the Senate bill. Under current law, a person with dependents who had average lifetime monthly earnings of $887 receives $724 in family benefits. This is an 82-percent replacement rate.

The Senate bill reduces that $724 benefit level to $635. This constitutes a 72-percent replacement rate and a reduction from current law of 10 percent. This is simply too severe and an intolerable reduction in benefits.

### TRUST FUND

In committee the argument was made that greater savings must be achieved and that cuts in family benefits are necessary in the name of fiscal austerity. To this end we are asked to drastically reduce the benefits for disabled, crippled and paralyzed people.

The bitter irony is that the disability insurance trust fund is in no danger of bankruptcy at all.

Furthermore, the annual growth rate of the number of beneficiaries on the rolls is the lowest since the beginning of the program. In fact for the first time ever, the disability insurance program is manifesting a negative annual growth rate and an actual reduction in the number of beneficiaries on the rolls.

Mr. President, I ask unanimous consent to have printed in the Record a table to this effect.

There being no objection, the table was ordered to be printed in the Record, as follows:

*Disabled worker beneficiaries in current payment status*

| | Number of workers (thousands) | Percentage change year-to-year |
|---|---|---|
| Beginning of: | | |
| 1960 | 344 | 40.7 |
| 1961 | 455 | 36.2 |
| 1962 | 618 | 35.7 |
| 1963 | 741 | 19.9 |
| 1964 | 827 | 11.6 |
| 1965 | 894 | 8.1 |
| 1966 | 988 | 10.5 |
| 1967 | 1,097 | 11.0 |
| 1968 | 1,193 | 8.7 |
| 1969 | 1,295 | 8.6 |
| 1970 | 1,394 | 7.6 |
| 1971 | 1,493 | 7.1 |
| 1972 | 1,648 | 10.4 |
| 1973 | 1,833 | 11.2 |
| 1974 | 2,017 | 10.0 |
| 1975 | 2,237 | 10.9 |
| 1976 | 2,489 | 11.3 |
| 1977 | 2,670 | 7.3 |
| 1978 | 2,834 | 6.1 |
| 1979 | 2,880 | 1.6 |
| 1980 | 2,870 | —0.3 |

Mr. RIBICOFF. Mr. President, in fact, the most recent data available from the Social Security Administration is extremely optimistic and pertinent. The total number of disabled workers receiving benefits for the 3-month period ending with January 1980 is the lowest since the 3-month period ending in January 1971.

Mr. President, I ask unanimous consent to have printed in the Record a memorandum from the Social Security Administration.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

SOCIAL SECURITY ADMINISTRATION,
*January 25, 1980.*

To Senator Ribicoff's Office.
From Bruce Schobel, Actuary.
Subject: Recent Social Security Experience—Workers Receiving Disability Insurance Benefits.

Social Security program data for the month of January, 1980, became available this week. The number of disabled workers receiving benefits from the DI program at the end of January is 2,866,387. This figure represents a decline of 0.4 percent from January 1979, when there were 2,879,020 workers receiving benefits.

The number of disabled workers awarded benefits in January, 1980 is 28,572. Monthly award data is subject to considerable variation due to accounting periods and other factors. Therefore, a single month's awards should not be considered significant. However, the total of 92,014 for the three-month period ending with January, 1980 is the lowest since the three-month period ending with January, 1971, when the total was 90,557.

BRUCE SCHOBEL.

Mr. RIBICOFF. Mr. President, the Monday, December 10, 1979, issue of the Wall Street Journal reported that the Social Security Advisory Council indicated that the current social security system is financially sound, and that the often voiced fears about the system's failure are unfounded.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### SOCIAL SECURITY SYSTEM SHOULD BE FUNDED IN PART BY GENERAL REVENUES, PANEL SAYS

WASHINGTON.—A government advisory panel urged broad reforms in the Social Security system to assure its solvency for the next 75 years.

The Advisory Council on Social Security recommended that part of the system be funded by general revenue derived from income taxes, rather than by payroll taxes.

The council said its proposed financing change would reduce the present 6.13 percent payroll tax rate for workers and employers to 5.6 percent next year. And a payroll tax boost could be put off until the year 2005, Council Chairman Henry Aaron told a news conference.

"The structure of financing Social Security would be improved and made more reliable" if the system relied less on payroll taxes, said Mr. Aaron, a Brookings Institution senior fellow. "The overall structure of the tax system (also) would be improved."

The 13-member council, made up of academic experts and representatives from labor, government and business, also recommended to Congress:

Reducing slightly the maximum portion of workers' wages subject to Social Security taxes;

Gradually phasing into the Social Security system all employes of government and nonprofit organizations;

Improving benefits for divorced women, widows and workers at the low and high ends of the wage spectrum;

Eventually increasing to 68 from 65 the age at which a person is eligible for maximum Social Security retirement benefits;

Shoring up Social Security trust funds during periods of high unemployment by tapping general revenues, and,

Subjecting one-half of all Social Security benefits to income taxes.

In a 400-page report to Congress, the advisory council suggested that the switch from payroll to income-tax financing begin next year in the Medicare hospital-insurance program. Part of the current Medicare payroll tax would be used to finance Social Security's largest trust fund, which pays benefits to the elderly and the survivors of a deceased breadwinner.

The council found that the current Social Security system was financially sound, stating that present low levels of the three trust funds are temporary and have "little bearing on the long-run financial strength" of the system. "Fears so often voiced about the security of Social Security are unfounded," Mr. Aaron told the news conference.

The group stopped short of recommending extension of benefits in certain areas, such as for short-term disability. It also refused to endorse the "full-scale shared earnings" idea, under which wives who don't work could receive benefits based on one-half of a couple's combined earnings.

Appointed every four years to assess the Social Security system, the council has seen many of its past recommendations approved by Congress. But Congress has so far ignored previous councils' recommendations to finance part of Social Security by general revenues.

There is considerable political pressure on Congress to roll back current scheduled increases that will boost the payroll tax rate to 6.65 percent by 1981. Some expert groups, such as the Congressional Budget Office, have said such a rollback might be unsound because the elderly trust fund may face cashflow problems as soon as late 1983.

Mr. RIBICOFF. Mr. President, the disability insurance trust fund crisis has passed. Today, however, we are faced with the prospect of a more devastating crisis: further crippling an already disabled population.

### CONCLUSION

I am not one who believes that social security benefits can never be cut. That is not the question here. The question before this body is whether section 101 of the Finance Committee bill constitute a fair and reasonable reduction. I do not think so and I urge my colleagues to recognize this and vote for the Metzenbaum amendment.

Mr. President, I praise to the highest extent the distinguished Senator from Ohio for taking the lead in this most important and fair amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Will the Senator from Louisiana yield 5 minutes?

Mr. LONG. Yes.

Mr. DOLE. Mr. President, I certainly appreciate the efforts of the Senator from Ohio.

Again, it is one of these situations where we have mixed feelings. I took the same position in the committee that the Senator from Ohio is taking here. I offered pretty much the same proposal, but I did not succeed. We got into the question of, how can we compromise, how can we not do violence to the program and still have some concern about expenditures?

I say at the outset that my sympathies are certainly with Senator METZENBAUM, but I believe the solution we came up with in the Finance Committee is a fair compromise and I continue to support it.

We debated this issue for some time and we compromised at the figures in the bill.

I guess there are Senators on the Finance Committee, and others on the floor, who would like to loosen the cap, and there are probably just as many who would like to tighten it.

It is my understanding the distinguished Senator from Oklahoma, the ranking Republican member of the Budget Committee, will offer an amendment to, in effect, tighten the program.

So I think the case is made for the committee position. We have on the one hand the Senator from Ohio who seeks to loosen the cap—and I certainly do not question his motives, I can understand the fine support he has. Then, on the other hand, we have someone else who would move in the other direction, who has just as much concern for the disabled and the program, but also understanding the need for some restraint.

When the Finance Committee discussed the family benefit cap, we had the House formula in front of us, and we had other formulas in front of us. Some of the formulas would have achieved more savings than we eventually approved, and others would have achieved less savings. There was concern from individuals on both sides of the issue that we were not proceeding correctly. On the one hand, some members felt that we were not going far enough to limit benefits. On the other hand, some felt that we were going too far in that direction.

Those of us who were concerned that the proposed benefit cuts would unduly harm the disabled—particularly those who will never be able to work again and yet who are still young and have families to support—wanted a much less stringent formula for the family benefit cap than the one passed by the House of Representatives. We suggested that family benefits be limited to 90 percent of an individual's earnings averaged over the 5-year period of highest earnings.

Those who were most concerned about effecting savings to the trust fund wanted a formula more stringent than the House formula, such as 80 percent of average indexed monthly earnings (AIME) or 130 percent of the individual's primary insurance amount (PIA). Because a case could be made for both points of view, and because there was strong sentiment on both sides, we reached a compromise somewhere in the middle as indicated previously.

To move the issue, I offered a formula of 90 percent of AIME or 175 percent of PIA. The chairman suggested that we meet halfway between that formula and the formula in the House bill at 85 percent of AIME or 160 percent of PIA. The committee accepted the chairman's suggestion in the spirit of compromise and with the hope that we could report a balanced bill which included work incentives and administrative improvements but met the budget goals set by the chairman to report no bill from the Finance Committee with a net cost.

I suggest that if this amendment is adopted, and particularly since we have adopted that of the Senator from Indiana (Mr. BAYH), there will not be any net savings.

Let me point out to both sides that we have included in the bill a mandate for the Secretary of Health, Education, and Welfare to monitor very carefully the impact of the family benefit limit and to report to the Congress on its effects. If we find that we should change the cap—either loosen or tighten it—we will have that opportunity after we have more information on the effect of the limit.

The PRESIDING OFFICER. The Chair advises the Senator from Kansas the time has expired.

Mr. DOLE. One additional minute?

Mr. LONG. Yes.

Mr. DOLE. So, Mr. President, I suggest a good-faith effort was made. A lot of time was devoted to this particular issue.

Those of us on the committee who felt, as the Senator from Ohio felt, did not have the votes. Those of us who felt as the Senator from Oklahoma may feel did not have the votes. It was not a clear cut decision. We agreed on a compromise.

The Senator from Kansas accepted that. It seems to me, if we want any bill at all passed today or tomorrow, whenever we finish this bill, we ought to stick to that compromise.

I thank the chairman for letting me proceed.

Mr. LONG. Mr. President, have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. They have not.

Mr. LONG. I ask for the yeas and nays.

The PRESIDING OFFICER Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG. Mr. President, the disability program is costing far more than anyone ever anticipated. It was estimated in the beginning that this program was going to cost us about one-half of 1 percent of payroll over the long run.

By those standards, Mr. President, the program at this time would be costing us about $4 billion, if we had been able to hold the disability program to what we intended when we got into it.

The distinguished Senator from Georgia at that time, the Honorable Walter George, made the speech on behalf of the minority on the committee who were supporting the amendment and he made a very persuasive statement that the cost could be contained. I have no doubt he was completely sincere in that.

I am sure that great statesman would be very disappointed if he were with us today to look and see how this cost is running four times the estimate. The long-range cost is running almost 2 percent of payroll, and in 1979 it cost about $14.3 billion.

The reason it has run so high is because when the benefits are so generous for people who are declared to be disabled, it provides an incentive for people to contend they are disabled, to convince themselves they are disabled, and to convince other people they are disabled.

When they undertake to do that, it is very difficult to prove that they are not, in many situations, and many of these cases have a lot of compassion to them.

When people have a disability, they have a limitation. But they are not totally and permanently disabled as this bill and this law contemplates. As a matter of responsibility, we on the Committee on Finance, as did our colleagues in the House of Representatives, sought to contain the cost of this program.

Mr. President, the House sent us a bill that would have saved, over a 5-year period, $2.664 billion. They recognized the problems we are speaking to here. We on the Finance Committee tried to do our best to discharge our responsibilities to the taxpayers, and we proposed a bill that would have saved, overall, about $914 million over that 5-year period. In effect, we would have tightened up on the loose ends and loosened up on the tight ends, so that the program would make better sense, as we see it, to take care of meritorious programs more generously and at the same time cut back on some things where we felt the program had gotten out of hand.

The Bayh amendment, as agreed to by the Senate, would reduce that $914 million saving over the 5-year period down to $74 million. If this amendment is agreed to, the noble efforts of the House committee and the House of Representatives to save us $2.664 billion—I confess, not as well achieved in the Senate Finance Committee on the economy part, but still a statesmanlike effort to save us $914 million—will have descended to where the cost of the program will be increased by $731 million over the 5-year period.

So, what started out to be a courageous effort to trim the cost of a program that is out of hand would be reversed, and the bill would bring about a big increase in cost rather than a reduction. I challenge whether we would be justified in doing it.

Let us take one simple case. The people who came here to speak for insurance companies said it is foolhardy to pay for disability more than 60 percent of what the person had been making prior to his disability. They said it is not a good insurable risk if you pay more than 60 percent, because of the great temptation to claim the benefits when he does not have to work. Beneficiaries do not have to pay taxes on these benefits. Furthermore, they have no work expense. They do not have to take transportation to and from work. They do not have to launder their clothes as often. They can stay home.

When we take that into account, Mr. President, and assure someone who has succeeded in having himself put on those rolls as disabled that he is going to get 100 percent of what he was making before, in terms of dollars that means he is really getting something like 120 percent or 130 percent. For sitting around the house, he is getting 130 percent of what he was earning, because he has no work expenses and no taxes to pay.

Mr. President, it is rather foolhardy and it conflicts with all experiences and all insurance principles to make it so generous that people make more money by being disabled or being declared disabled than when they are working on a job.

The committee discussed this. We talked about being more generous and less generous. In looking at the House bill, which would have fixed the rate at about 80 percent, it was proposed to go as high as 90 percent. After considering the various considerations involved, we decided that we would compromise on 85 percent. But that 85 percent of predisability earnings, when we take taxes and expenses into consideration, could result in more net income than the person had when he was working, and that does not make too much sense.

The House had the overall basic benefit set at 150 percent. We set it at 160 percent.

Mr. President, this amendment would cost an additional $805 million over the next 5 years. It would turn a bill that started out to be one to bring the runaway cost of a program under control into one that would accelerate the runaway cost of the program.

Just as a matter of responsibility and duty, to try to protect the taxpayer and to see that his money is spent wisely, that we are not taxing him needlessly, I cannot support the amendment, and I hope very much that the Senate will not agree to it.

I know that the administration was opposed to the Bayh amendment and that the administration will be concerned about this. I think everyone will agree that there are a lot of good provisions in this measure. I fear and I believe that to adopt the amendment would mean that the Senate and the committee would have done its work for naught, that the whole thing would wind up going down the drain.

If it did get as far as the President's desk, I fear the President would feel compelled to veto the bill. I would hate to see that. We have worked hard on the bill, and it contains many provisions that should be enacted. If we upset the apple cart and engage in fiscal irresponsibility, it seems to me that the bill will not become law; and all our good intentions and our desire to benefit workers and their dependents will have failed.

Mr. President, I will read one paragraph of a letter from the Commissioner of Social Security, William J. Driver:

> The bill represents a balanced policy to improve protection and opportunities for those entitled to disability benefits while strengthening the insurance principles of the disability insurance program. I hope you will keep these points in mind as you consider H.R. 3236, and oppose any significant amendments designed to breach the balance the Finance Committee has reached in their legislation.

Mr. President, I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> THE COMMISSIONER
> OF SOCIAL SECURITY,
> *Washington, D.C., January 29, 1980.*
>
> DEAR SENATOR: The Senate will shortly consider legislation that would make significant improvements in the social security disability program. The bill, H.R. 3236, was approved without objection by the Finance Committee on November 8.
>
> The bill contains provisions which expand benefits in the disability insurance and the supplemental security income programs and alleviate some of the risks faced by the disabled who want to try to return to work. The legislation would extend Medicare protection for an additional 3 years after a disabled person returns to work. It would permit the disabled to deduct impairment-related work expenses in determining whether they meet the disability earnings test. And, it would permit automatic reinstatement of benefits to those disabled beneficiaries who are unsuccessful in their work attempt. These work incentive features of the bill are consistent with what the handicapped groups have advocated for the program.
>
> This legislation also makes administrative improvements that will result in a fairer, more efficient claims process.
>
> You are no doubt aware that there is opposition to H.R. 3236 because of two provisions that would adjust benefits for some future beneficiaries. One would adjust benefits to workers with dependents so that disability payments would not exceed the earnings on which they are based. A second provision would equalize the way benefits are computed for younger workers so that they are not treated more favorably than older disabled workers.
>
> While the benefit reductions in the bill before the Senate would be less than those in the House passed bill, H.R. 3236 would still save some $600 million by 1984. Whichever version of these provisions is finally enacted, both provisions would improve the equity of the social security disability insurance program and are essential features of the bill.
>
> In the legislation before the Senate:
>
> No current beneficiary would be adversely affected.
>
> The worker's own benefit would not be subject to a cap.
>
> The elderly and the retired would not be affected.
>
> Eligibility requirements for benefits would not be changed.
>
> This legislation is the result of careful study by the Administration and the Congress of the disability program. Examination of the program leads to the conclusion that the program treats some workers more generously than others by providing benefits that exceed pre-disability earnings. These benefits are not consonant with sound social insurance principles. Other features of the present law are clearly disincentives for those disabled beneficiaries who want to return to work.
>
> The bill represents a balanced policy to improve protection and opportunities for those entitled to disability benefits while strengthening the insurance principles of the disability insurance program. I hope you will keep these points in mind as you consider H.R. 3236, and oppose any significant amendments designed to breach the bal-

ance the Finance Committee has reached in their legislation.

Sincerely,

William J. Driver.

Mr. LONG. Mr. President, the letter is not directed at this particular amendment; but it seems to me that this amendment does clearly breach the balance that Mr. Driver referred to in his letter.

Mr. MOYNIHAN. Mr. President, will the Senator from Ohio yield me 5 minutes?

Mr. METZENBAUM. I yield 5 minutes to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I support my esteemed colleague, the distinguished Senator from the State of Ohio. I concur with his eloquent argument that it would be wrong to place a cap on disability benefits. I voted against such a cap in the Committee on Finance, and I will vote against it today. I would just like to add a few additional comments on the difficult and unfortunate situation we face.

The Social Security Act, the mainsail of our domestic and social policy, has been virtually untrammeled since its inception in 1935. We have, over four decades, strengthened, not weakened, its provisions. What we see before us today is a direct and dangerous assault on the integrity and realiability of our social security entitlements. It is an attack not on disability insurance alone, but on the system as a whole. For by opening up one program to reductions, we set a precedent for future cutbacks in all our entitlement programs.

Just a few short months ago, I stood here arguing the importance of supporting these entitlements. The context then was the Labor-HEW appropriations bill. As we considered slashing that appropriation in the name of eliminating waste, fraud, and abuse from our AFDC and medicaid programs, I warned that next we would be considering cutting the entitlements to pensions for the elderly, the disabled, and the retired. I did not think that that day would arrive so soon, however, and the development does not please me.

Disability benefits, like old-age benefits, are financed through the payroll tax. It is a contributing system from the standpoint of a future beneficiary, in one's long-term financial security. Until now, no one would have thought to slash these benefits, and imperil that security. But now we stand here and are told to put an artificial cap on benefits for the disabled, for people who have contributed throughout their working lives.

It is cruel and it is unfair. We are considering this benefits cap, and this reduction in "drop out years" in the name of saving money. But think about how we are going to save money. We will be cutting costs by hurting those most dependent on Federal help—the disabled, those who cannot work. It is these dependent people that we choose to burden with our impulsive parsimony.

The proponents of the bill would not have us view matters that way. They assert that the costs of disability insurance have skyrocketed, that the rolls have swollen with people undeserving of benefits. The only way to reduce the expense, they suspect, is to cap benefits and try to push people off the social security rolls, presumably by forcing them to return to work.

But will this be the effect? People will not return to work if they are unable to. Instead, they will be forced to accept SSI, welfare, or home relief. We will simply be shifting some of the burden of helping the disabled onto our programs of public assistance. Cutting benefits will not produce a reduction in costs; it will just reallocate some of the expenses from one program to another—and from one tax to another.

Is this the intent of the legislation? Is this how we want to reduce Federal spending? Our priorities seem rather confused. Are we not, by cutting these benefits, penalizing those who will in the future become disabled because of past growth of the program? It seems to me that this is the case, and it seems to me unfair. Not least because we seem to be fighting the last war. We know that the tremendous growth of the disability program has slowed over the past few years. From 1960 to 1978, for example, the number of persons receiving disability benefits grew from just under 700,000 to almost 4.9 million. However, this rate of growth has slowed, and the total number of persons receiving payments seems to have leveled off, at slightly less than 4.9 million, since the last quarter of 1977. In 1979, the rate has declined still more. Secondly, although there has been a slight decrease in the absolute numbers of people receiving disability insurance benefits there may still be some on the rolls who should not be. In any complex national program paying individual benefits to millions of people there is certain to be some confusion, inefficiency, and waste. We have learned much about these phenomena in hearings that I recently held. But we also learned that the problems of needless expenditure result much more from agency waste than from client fraud. And if this is so, then we should be attacking the waste, from the administrative end, rather than slashing the entitlements to the poor and the disabled. We cannot penalize the needy for the sins of the bureaucracy.

There is yet another—and far more fundamental—matter at issue here. The legislation before us is not the result of a disposition in the Finance Committee to take money away from the disabled. The impulse originated elsewhere. Five years ago, Congress passed the Congressional Budget and Impoundment Control Act of 1974. This was thought to be a progressive reform of our budgetary processes and a necessary defense of cherished programs against the executive branch's increasing inclination not to spend the funds appropriated for them. As such, it was supported by many liberal Congressmen and interest groups at the time. They favored a means of insuring congressional control over budgetary decisions.

But as is painfully obvious today, the Budget Act has had some results of quite a different character. Instead of protecting valuable programs, it has become a means of attacking them, and of doing so in a particularly insidious way. Those who prepare the annual budget resolutions—and as a member of the Committee on the Budget I know this process well—never have to take responsibility for the concrete results of their actions. The budget resolution simply directs the other committees, in this instance the Committee on Finance, to cut a certain amount of money somewhere. It is suggested that a portion of this come out of the "income security function." And then it is left to the Finance Committee to decide whose benefits to cut. We are free to slash the benefits of dependent women with children, of indigent hospital patients, of retired persons who worked 40 years for their social security "pensions," of able-bodied persons who were thrown out of work by the closing of a factory, or of disabled persons who cannot work. It matters not that these are entitlement programs. It matters not that persons have come to rely on them. It matters not that reducing these entitlements is harsh. It matters not that in an important sense it is irresponsible.

Those who crafted the budget resolutions that precipitated the "savings" in the bill before us today are free to say "We did not mean for you to cut disability benefits!" They could say that no matter what particular set of entitlements were under the legislation knife.

When the Budget Act was new, I was a professor of political science with a graduate student who was thinking of dissertation topics. I suggested that he might undertake to forecast the events that would result from the Budget Act. And even as a fledgling observer of national affairs, he accurately predicted the sequence of events that we are now living through. He anticipated, 5 years ago, that the new budget procedures would yield "super committees" which, in the name of fiscal responsibility, could command the most irresponsible of social policies without ever having to be held responsible for them.

It is a particular irony that those who today are most upset about the reductions in disability benefits contained in H.R. 3236 include many of the same liberal-minded individuals and groups who were most enthusiastic about the Budget Act in 1974.

I point no fingers and mean to imply no blame. We are living with the consequences of the Budget Act. Some of them are laudable and necessary. Others are—there is no other word—cruel.

Those of us who believe that an entitlement program authorized by the Social Security Act represents a solemn commitment by the Federal Government to the citizens of the United States are now forced into the role of "budget busters." It is not, if I may say, a pleasant position to be in. Nor are we apt to win many battles. But we must do our best, and we will.

Congress does not have to cut entitlement programs that provide the most—and often the most meager—sustenance for some of the least fortunate persons in the land. We must not allow ourselves to be coerced by the

Budget Act into accepting such cuts. I do not accept the cuts embodied in sections 101 and 102 of the bill before us, and I hope that the Senate will demonstrate that it does not by embracing the amendment of the Senator from Ohio.

Mr. President, I point out a matter which is of some concern to me, and I think it may be of concern to others.

The Committee on Finance, of which I am a member, is responding here today not basically to any concerns which arose within our committee with respect to this program but, rather, to a directive we received from the Budget Committee to reduce expenditures for income maintenance.

I do not in the least argue that the Budget Committee has faced difficult decisions this past year, when this decision and directive were made. I am a member of that committee. Even so, I believe that the way in which a working majority of the Budget Committee, through no fault whatever of the chairman, is opposed to so many social enactments of the past generation is having an ominous effect.

We are simply told, "Cut those programs." We are not told which programs, we are not told how to cut them. Those who give that directive are not thereafter responsible for any specific result and can disclaim the intent that it should have been this particular program. Yet, they have nonetheless required that it be one of a very narrow range of programs, all of them in the field of social welfare.

It has become a baleful fact that those who have other uses for Federal moneys—and there always are those, and a majority of the Budget Committee certainly has no special use for this function of the budget, as it is called—it has come to the point where it has simply directed that the "income security function" be cut, and the Federal Government begins to take away what have been understood as entitlements at law when they were enacted.

It was not but about 4 months ago that I stood on this floor with respect to a not dissimilar matter in the social security area and said if we can take away from women and children, which was the question then in the AFDC program, what was considered their entitlements, then the day will not be far when we can take away entitlements from the retired, the sick, and the disabled. Indeed that day has not been far coming.

We have a responsibility to the social security program as a right provided by law; a right not to be diminished in the name of a budgetary action.

If Congress should wish to diminish it by statute, directly addressing the results of the action of such cuts, then this would be another matter. But this is not such a case and it is a very unhappy precedent.

I congratulate the Senator from Ohio for carrying on this battle. It is not over, but we are today doing something that was never thought would be done by this Congress, and we are doing it in response to an act which was one of the favored enactments of the progressives in this Chamber when it took place 5 years ago. It has not taken long for it to become an instrument of certainly anything but progressive social actions.

I am sorry this is happening. I hope this amendment will be approved.

I thank the Chair.

Mr. METZENBAUM. Mr. President, I thank the support of the distinguished Senator from New York.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, I simply wish to clarify two points very briefly.

One, there is no effort in this bill to break the cap, as has been suggested by the distinguished minority Member of the minority handling this measure.

As a matter of fact, what is happening is that the cap is being broken by the Finance Committee bill because it is pushing the cap down on a negative basis.

The second thing I wish to point out is that the very distinguished manager of the bill, my good friend from Louisiana, mentioned that there was a threat of a veto. The best information that I have is that there is no such threat of a veto if this amendment is adopted. And if the Senator from Louisiana knows of information to that effect he knows more than I do because we have been advised, at least by the White House, that this is not the case, but if I am misinformed then I stand to be corrected.

Am I correct on that? Is there some specific threat of a veto if the amendment is adopted?

Mr. LONG. What I said is that if this amendment is agreed to in addition to what we already have, and if we lay on the President's desk a bill that is going to lose $731 billion it certainly violates the objectives Mr. Driver set forth in his letter, and I think because of the cost of the bill and the burden on the budget the President would necessarily have to seriously consider vetoing the matter.

Mr. METZENBAUM. I appreciate the clarification. That is the Senator's thought.

Mr. LONG. But I would not want to say to the Senator that I have been told that the bill will be vetoed. I have not been told that. But I think what I said speaks for itself and I will leave it.

Mr. METZENBAUM. I appreciate the clarification and thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, the Senator from Oklahoma wishes to offer an amendment to the amendment, as I understand it. That being the case, as far as the Senator from Louisiana is concerned, in order that that might be achieved, I should think it would be appropriate that I yield back the remainder of my time and perhaps the Senator might yield back the remainder of his time. Then I will be glad to see that he has at least half the time to speak on the amendment to be offered by the Senator from Oklahoma because I am very sure he will be opposed to it.

Mr. METZENBAUM. With that understanding, I certainly have no objection and yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The Senator from Oklahoma.

### UP AMENDMENT NO. 936

(Purpose: Substitute amendment to Metzenbaum UP Amendment No. 935, to amend the maximum level of benefits)

Mr. BELLMON. Mr. President, I send to the desk a substitute amendment for the Metzenbaum amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes an unprinted amendment numbered 936 to the unprinted amendment of the Senator from Ohio (Mr. METZENBAUM) numbered 935.

In lieu of the language proposed to be inserted, insert the following UP amendment 935:

any reduction under this subsection which would otherwise be applicable, shall be, reduced or further reduced, (before the application of section 224) to the smaller of—

"(A) 80 percent of such individual's average indexed monthly earnings (or 100 percent of his primary insurance amount, if larger), or

"(B) 130 percent of such individual's primary insurance amount.".

Mr. BELLMON. Mr. President, I yield myself such time as I may require.

This substitute amendment has the same effect as the amendment that had originally been filed and printed as amendment No. 741.

What the amendment does is to provide for a lower family benefit cap than is proposed in the reported bill. It would limit monthly disability insurance benefits for future beneficiaries—I underline the word "future"—for future beneficiaries and their families to the lesser of 80 percent of the worker's averaged index monthly earnings or 130 percent of his or her primary insurance amount.

This amendment will save about $2 billion in Federal funds over the next 5 years. This may sound like a huge cut in the program, but it amounts actually to less than 6 percent of the $35 billion cumulative growth which will take place in the social security disability program costs over the next 5 years under the Finance Committee amendment,

The combination of this amendment and the changes recommended by the Finance Committee will reduce the growth—now I am not talking about reducing the program; we are talking about reducing the growth in costs of the program by about 10 percent over the next 5 years. In other words, even with my amendment there will still be a very considerable amount of growth in this program.

Mr. President, I ask unanimous consent to have printed in the Record at this point a table showing the effect of this amendment compared with current law and the Finance Committee's amendment.

There being no objection, the table was ordered to be printed in the Record, as follows:

TABLE 1.—ESTIMATED OUTLAYS FOR SOCIAL SECURITY DISABILITY INSURANCE BENEFITS

[Based on projections by Congressional Budget Office; in billions of dollars]

| Fiscal year | Current law | H.R. 3236 as reported: Amount saved | H.R. 3236 as reported: Net outlays | H.R. 3236 as reported: Growth over 1979 | Amendment No. 741 (Bellmon): Additional amount saved | Amendment No. 741 (Bellmon): Net outlays | Amendment No. 741 (Bellmon): Growth over 1979 |
|---|---|---|---|---|---|---|---|
| 1979 | 14.0 | | | | | | |
| 1980 | 16.1 | 0.043 | 16.0 | 2.0 | 0.066 | 16.0 | 2.0 |
| 1981 | 18.5 | .135 | 18.4 | 4.3 | .231 | 18.1 | 4.1 |
| 1982 | 21.9 | .275 | 21.6 | 7.6 | .419 | 21.2 | 7.2 |
| 1983 | 24.0 | .467 | 23.5 | 9.5 | .586 | 22.9 | 8.9 |
| 1984 | 26.7 | .693 | 25.8 | 11.8 | .737 | 25.1 | 11.1 |
| 1980–84 total | 107.2 | [1] 1.590 | 105.3 | 35.2 | 2.039 | 103.3 | 33.3 |

[1] Increases in administrative costs and changes in other programs cause the overall net 5-yr. savings in the Finance Committee's version of H.R. 3236 to be only $914,000,000.

Note: Totals may not add due to rounding.

Mr. LONG. Mr. President, will the Senator yield to me one moment?

Mr. BELLMON. I yield.

Mr. LONG. Mr. President, I ask unanimous consent that the time in opposition to the Bellmon amendment be assigned to the Senator from Ohio (Mr. Metzenbaum).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I also wish to stress that this amendment does not cut benefits to any person already drawing these benefits. It applies prospectively to persons who will be coming onto the rolls in the future.

This amendment was offered in the House Ways and Means Committee by Representative Gephardt and was rejected on the House side by only two votes.

Mr. President, increases in the disability rolls must be a concern to all of us.

Mr. President, I ask unanimous consent that tables showing the growth of disability enrollments in the social security and supplemental security programs be printed in the Record at this point.

There being no objection, the tables were ordered to be printed in the Record, as follows:

TABLE 2.—GROWTH IN THE DISABILITY INSURANCE PROGRAM

| Year | Number of insured workers (in millions) [1] | Applications: Number received (in thousands) | Applications: Rate per 1,000 insured workers | Disabled-worker benefits in current payment status: Number (in thousands) | Disabled-worker benefits in current payment status: Rate per 1,000 insured workers | Disability termination rates (rate per 1,000 average beneficiaries on the roll) |
|---|---|---|---|---|---|---|
| 1968 | 70.1 | 719.8 | 10 | 1,295.3 | 18 | 109 |
| 1969 | 72.4 | 725.2 | 10 | 1,394.3 | 19 | 108 |
| 1970 | 74.5 | 869.8 | 12 | 1,492.7 | 20 | 100 |
| 1971 | 76.1 | 924.0 | 12 | 1,647.7 | 22 | 96 |
| 1972 | 77.8 | 947.5 | 12 | 1,832.9 | 24 | 84 |
| 1973 | 80.4 | 1,067.5 | 13 | 2,016.6 | 25 | 84 |
| 1974 | 83.3 | 1,331.2 | 16 | 2,236.9 | 27 | 81 |
| 1975 | 85.3 | 1,284.3 | 15 | 2,488.8 | 29 | 75 |
| 1976 | [2] 87.0 | 1,233.3 | 14 | 2,670.2 | 31 | 68 |
| 1977 | [2] 88.8 | 1,235.3 | 14 | 2,834.4 | 32 | 72 |
| 1978 | [3] 90.6 | 1,184.7 | 13 | 2,879.8 | 32 | |

[1] As of Jan. 1 of following year.

[2] Based on preliminary data.

[3] Projection by the Office of the Actuary, Social Security Administration.

TABLE 3.—GROWTH IN THE SSI—DISABILITY PROGRAM

I. FORMER STATE-RUN PROGRAMS FOR AGED, BLIND, AND DISABLED

| Year | Number of beneficiaries: Total | Number of beneficiaries: Old age assistance | Number of beneficiaries: Aid to blind and disabled | Blind and disabled as percent of total |
|---|---|---|---|---|
| 1968 | 2,809,700 | 2,027,000 | 782,700 | 27.8 |
| 1969 | 2,957,600 | 2,074,000 | 883,600 | 29.9 |
| 1970 | 3,098,000 | 2,082,000 | 1,016,000 | 32.8 |
| 1971 | 3,172,300 | 2,024,000 | 1,148,300 | 36.2 |
| 1972 | 3,181,800 | 1,933,000 | 1,248,800 | 39.2 |
| 1973 | 3,172,900 | 1,820,000 | 1,352,900 | 42.6 |
| II. SUPPLEMENTAL SECURITY INCOME PROGRAM (SSI) | | | | |
| 1974 | 3,996,064 | 2,285,909 | 1,710,155 | 42.8 |
| 1975 | 4,314,275 | 2,307,105 | 2,007,170 | 46.5 |
| 1976 | 4,155,939 | 2,147,697 | 2,088,242 | 50.2 |
| 1977 | 4,237,692 | 2,050,921 | 2,186,771 | 51.6 |
| 1978 | 4,216,925 | 1,967,900 | 2,249,025 | 53.3 |

Mr. BELLMON. Mr. President, I wish to comment briefly on these two tables. In December 1968 about 1.3 million disabled workers were drawing social security benefits. Ten years later, in December 1978, the number drawing benefits had grown to 2.9 million, an increase of 123 percent.

It is important to keep in mind that there were no significant changes in the definition of disability during the 10-year period. During those 10 years the incidence of disability rose from 18 workers per thousand to 32 workers per thousand, almost double.

Even these figures on the social security disability insurance program only tell part of the story. In 1974 the Federal Government took over from the States the welfare programs for the aged, blind, and disabled. The disabled portion of that new program, called the supplemental security income program, SSI, has also grown rapidly. Indeed, the number of disabled persons receiving SSI now exceeds the number of aged recipients in that program, something that was never dreamed of when the program began.

Mr. President, let me repeat that for emphasis. The number of disabled persons receiving SSI now exceeds the number of aged recipients, which is not something any of us expected when we voted for SSI.

In December 1978 approximately 2.2 million persons received disability benefits under the SSI program. This is a growth of 175 percent over the 800,000 receiving disability aid under the predecessor State programs in December of 1968.

So again, Mr. President, let me point out what happened after the Federal Government instituted the SSI program. In December of 1978 there were 2.2 million persons who received disability benefits under that program. That is 175 percent more people than were receiving benefits 10 years earlier under the State programs which SSI replaced.

If we add up those totals, Mr. President, and if we adjust the totals for people who receive both SSI and social security disability insurance, we find that the combined enrollments in the two programs have ballooned from about 2.1 million in 1968 to about 4.3 million in 1978, a growth of 105 percent in 10 years.

While many of the people receiving these benefits unquestionably need and deserve them, we must ask whether these numbers suggest that we have been either too generous with benefit levels or too lax in screening people or, perhaps, we have been negligent in both.

The average social security disability monthly benefit payment has increased from $118 to $328 from 1969 to 1978.

This is a 178 percent increase during the period when the cost of living rose by about 80 percent.

Even more significant is the fact pointed out by the Finance Committee report that in 1976 a newly retired worker with dependents who had median earnings got disability benefits equal to 90 percent of his predisability earnings, up from a 60 percent replacement ratio in 1967. Part of this is due to the overindexing of benefits under the automatic increase provisions enacted in 1972. This problem was partly corrected by the 1977 amendments which revised the benefit formula, although benefit levels will still rise faster than inflation under the law as it now stands. Higher benefit levels have undoubtedly been an important factor in the increase in the disability incidence rate that has occurred between 1968 and 1974.

At the same time that there have been sharp increases in the disability incidence rate, there have been decreases in termination rates. Those rates have decreased from 109 per 1,000 beneficiaries on the roll in 1968 to about 72 per 1,000 in 1977. Benefit terminations result from both deaths and recoveries. While it is encouraging that the rate of terminations because of death have been dropping, we must be concerned that the rate of terminations because of recovery has also been dropping. This has occurred despite a large investment in rehabilitation services and despite the trend toward younger recipients coming on the rolls. Again we must ask whether the higher benefits have caused people to find ways of staying on the rolls once they get on them.

Mr. President, I would like now to comment a little further on the matter of increased benefit levels. When disability benefit levels approach or exceed predisability earnings, there is a work disincentive. Earlier this year the Secretary of HEW stated that 6 percent of DI beneficiaries receive more through their DI benefits than their net earnings while working and that 16 percent have benefits which exceed 80 percent of their net prior earnings. High replacement rates are an incentive for an impaired worker to file for disability benefits and for those already on the rolls to be dissuaded from returning to work. If we do not change the law these high replacement rates will clearly become even more of a problem. As I have already said, the worker with median earnings when qualified for benefits in 1976 received disability benefits equal to 90 percent of his predisability earnings.

In discussing this problem, the Finance Committee report on H.R. 3236 stated the following:

> Disability income dollars are, in general, much more valuable and have much more purchasing power than earned dollars. The DI benefits are fully tax exempt, as are insured benefits except for employer-provided benefits in excess of $100 a week. For a worker with a spouse and a child, paying an average state income tax, 50 percent of salary in the form of disability benefits may well equal 65 percent or more of gross earnings after tax. In addition, the disabled individual is relieved on many expenses incidental to employment such as travel, lunches, special clothing, union or professional dues, . . . (Page 39, Report No. 96–408)

Furthermore, Mr. President, the income lost due to disability does not create hardships for many of the families affected to the extent one might think. Again, the Finance Committee's report is perceptive on this point:

> Analysis done by the Congressional Budget Office further indicates that it is not correct to assume that a typical disabled worker family is dependent entirely or almost entirely on social security benefits. Disabled workers in families with children derive on average only about 40 percent of their total cash income from social security benefits. The analysis indicates that very few worker families have more than a 10 percent reduction in disposable income as a result of disability. (Page 40, Report Number 96–408)

Now, Mr. President, I am not suggesting that many families are not hurt economically by having the breadwinner disabled. Quite the contrary. We need to provide disability benefits to those who are truly disabled. But we must also take care not to encourage people to file for disability—or to stay on the rolls after they once have been determined disabled, by giving them an economic incentive to do so. My amendment would provide for a family benefit cap equal to 80 percent of the individual's averaged indexed monthly earnings (AIME) or 130 percent of his or her primary insurance amount (PIA) whichever is lower. The 80 percent of AIME is the same as the House-passed provision, while the Senate Finance Committee has recommended 85 percent. The 130 percent of PIA alternative ceiling was rejected in the House Ways and Means Committee by only two votes, with the House eventually adopting a 150-percent ceiling. The Finance Committee on the other hand has recommended a ceiling of 160 percent of PIA.

I believe that the cap proposed by my amendment will adequately provide for a worker and his or her family, while still providing the worker with an incentive to return to work. We must remember, Mr. President, that the cap is 80 percent of the average gross income which results in 100 percent replacement of income after taxes and work expenses for the typical case. A disabled worker does not pay any state, Federal or payroll taxes, work expenses, union dues, etc. The 130 percent limitation affects those recipients at the higher end of the income scale, not those who have lower preretirement incomes.

The 80/130 cap on family benefits is fair and adequate. Private insurance companies generally limit benefits to no more than two-thirds of predisability gross earnings to assure that beneficiaries are not financially better off than when they were working. My amendment does not propose a two-thirds limitation of predisability earnings, but rather an 80 percent level.

I ask unanimous consent that a table be included in the RECORD at this point showing the various family benefit caps in the Finance Committee's bill, the House bill, and my proposed amendment.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 4.—ALTERNATE SOCIAL SECURITY MAXIMUM BENEFIT LIMITATION PROVISIONS FOR FAMILIES OF DISABLED WORKERS[1]—H.R. 3236

| | Present law | Finance Committee bill | House-passed bill | Bellmon amendment[2] |
|---|---|---|---|---|
| Description of provision | Family disability benefits range from 150 percent to 188 percent of the worker's benefits—depending on the benefit level. In about 1/5 of all cases, benefits exceed 80 percent of a worker's average predisability earnings. | Family disability benefits may not exceed 85 percent of the worker's average predisability earnings or 160 percent of the worker's benefit, whichever is less. | Family disability benefits may not exceed 80 percent of the worker's average predisability earnings or 150 percent of the worker's benefit whichever is less. | Family disability benefits may not exceed 80 percent of the worker's average predisability earnings or 130 percent of the worker's benefit, whichever is less. |
| Savings to the social security disability program (millions of dollars, fiscal years.) | Not applicable | FY 1980—$41, FY 1981—$138, FY 1982—$247, FY 1983—$338, FY 1984—$415, total—$1,169. | FY 1980—$62, FY 1981—$207, FY 1982—$371, FY 1983—$507, FY 1984—$623, total—$1,770 | FY 1980—$109, FY 1981—$369, FY 1982—$666, FY 1983—$924, FY 1984—$1, 152, total—$3,220. |
| Monthly family benefit amounts:[3] | | | | |
| Low earner | $262 | $175 | $175 | $175. |
| Average earner | $721 | $632 | $592 | $513. |
| Maximum earner | $992 | $907 | $850 | $737. |
| Number of people affected (1st full year). | Not applicable | 120,000 families; 355,000 beneficiaries. | 123,000 families; 358,000 beneficiaries. | 150,000 families; 385,000 beneficiaries. |

[1] Provision applies only to people becoming newly entitled to benefits after 1979.

[2] Amendment offered by Representative Gephardt during the Ways and Means markup on the bill but defeated by a narrow margin.

[3] Average monthly earings for low earner are $194, for average earner—$882; for maximum earner—$1,700.

Mr. BELLMON. Mr. President, some will question whether or not the amounts shown on this table are an adequate level of income. Mr. President, this is a very legitimate concern, and it raises a point that is very important. Disability insurance was never intended to be a welfare program. It is not, and should not be operated on a basis of whether a benefit is "adequate." By saying that a benefit level is too low and ought to be higher, we are taking the program away from its insurance principles and turning it into a welfare program. In the social security programs, benefits are based not on what an individual ought to have, but on what he or she is entitled to according to his or her work and earnings history.

If a person's benefit is "too low" there are other assistance programs available to help that individual such as supplemental security income, medicaid, food stamps, AFDC, social services, housing subsidies, and the like. Many of the low earners shown on the table most likely qualify for public assistance, and well they should, as they need other income to provide them with an adequate means of support. We must be wary of using a program such as disability insurance for welfare purposes. It was not meant for that. It was meant to replace part of the earnings of an individual based largely on his contributions to the system, not on what his "needs" are.

That is the welfare responsibility.

This is a very important point Mr. President, especially in light of the fact that we will soon be considering social security legislation, presumably to avoid or moderate large payroll tax increases now scheduled for 1981. That being the case, we must face the benefit issue head on. My amendment gives the Senate the opportunity to take a needed first step.

Lest any Senators be misled by the $2 billion my amendment would save over the next 5 years, I again want to put those savings in perspective. I refer again to the table I previously included in the RECORD showing the projected growth in the social security disability insurance program over the next 5 years with and without my amendment.

This table shows, Mr. President, that under the Finance Committee bill, growth in the disability insurance program will cost the Federal Government about $35.2 billion more over the next 5 years than it would cost if the program could be operated at the 1979 level over that period. If this amendment is approved, the cumulative growth—and I am talking now about growth, not costs—if this amendment is adopted, the cumulative growth over the next 5 years will be $33.3 billion. That is a reduction of about $2 billion. That is the amount of reduction in program growth that this amendment, in addition to the savings already recommended by the Finance Committee will achieve. As I said before, this is equal to about 6 percent of the estimated growth in the program.

So Mr. President, any suggestion that this amendment would wreck the disability insurance program is totally false. This is a modest, reasonable amendment.

In closing, I want to give one example which illustrates why a tighter benefit cap than the Finance Committee proposal is needed. This example is taken from page 64 of the House Ways and Means Committee's report on H.R. 3236.

If a man and wife who have one child each earn $12,000 their total net income will be about $16,600, assuming average deductions. If one of them becomes disabled and the other continues to work, under current law their net income will be about $16,700—actually an increase over what they took home prior to the disability. The committee bill would impact very little on this disincentive to return to work. My amendment would give a family of this type coming on the rolls in the future a $15,700 net income with an incentive to return to work of $1,000. I want to stress again that my amendment would not change benefits for people already on the rolls.

I feel, Mr. President, that we cannot allow the present benefit structure to continue if we are to insure the integrity of the disability insurance program. It should not be a welfare program and it should not contain work disincentives. It simply comes down to providing benefits based primarily on earnings histories, and insuring that recipients do not have greater net earnings from being disabled than they had from predisability income. The amendment I offer will make a major step toward resolution of these problems. I urge its adoption.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I have tremendous respect for the distinguished Senator from Oklahoma, but I am in total disagreement with him in connection with this amendment.

Let me first point out that, as far as the welfare programs in this country are concerned, I think if you adopt the Bellmon amendment you may have a mirage of thinking that you are saving $2 billion by cutting back on disability insurance from a fund that is sufficiently strong at the moment that the President of the United States is talking about borrowing from that fund for social security purposes at a later point in the year.

But the net result would be, if you adopted the Bellmon amendment, that more people would be drawing down welfare checks in this country in order to supplement their meager income from disability insurance.

The Senator from Oklahoma gave an example—and I will come back to that in a moment. But I would like to first talk about an individual who is earning the minimum wage and his average monthly earnings are $479. The benefit under the present law would be $419. The benefit under the Finance Committee bill would be $407. The Senator from Ohio's amendment would restore the munificent sum of $12 to bring it back to $419. But the Bellmon amendment would cut that figure down to $346.

I submit to the Members of the Senate, assuming this man is a normal married man and has a wife and two children, I cannot, for the life of me, understand, in the times in which we live, how that individual can get by with $479 as a living wage. He cannot. It is impossible.

But now you are going to say to him: "You are totally disabled." And the definition of totally disabled is not a figment of somebody's imagination. It has already been talked about by the Senator from Ohio and the Senator from Connecticut, and pointed out that you not only have to be disabled in your opinion, but you have to be disabled in such a manner that you cannot find a job, not only in your own community, but that you cannot work in any other field and you cannot even work in some other part of the country.

What we are saying to that person is: "We are cutting you from $479 in average monthly earnings, from the $419 that you could get under the present law, to $346." That, Members of the Senate, just is totally unreasonable.

The Senator from Oklahoma said that if a married couple were earning $24,000 and if one of them became totally disabled, and they each were earning $12,000, that somehow their income would rise to $16,700 under the disability provision of this law.

Well, frankly, I do not understand that. I will be happy to have the Senator from Oklahoma explain that in further detail to the Members of this body.

Mr. BELLMON. Will the Senator yield?

Mr. METZENBAUM. On the time of the Senator from Oklahoma, yes.

Mr. BELLMON. Mr. President, it is a very simple calculation. The workers with $12,000 incomes obviously pay taxes. They have certain costs of holding down jobs. When one of the workers becomes disabled and begins to receive these benefits, their combined take-home pay actually goes up by $100, under the terms of the committee bill.

Mr. METZENBAUM. Mr. President, the Senator has to submit a little more to me than that, because I do not accept those figures as being realistic. Each one makes $12,000. One goes off of the $12,000. How does that one now wind up bringing more money in?

Mr. BELLMON. If the Senator will allow me, if a man and wife with one child each earn $12,000, their net income, after taxes, will be about $16,600. That should not be too hard to understand. That is the way tax laws are written.

If one becomes disabled and the other continues to work, under current law their net income will rise to about $16,700, because one of them will be taking home disability insurance payments which are tax free.

It is for this reason that we feel the present law is a disincentive for this person to return to work. The person who goes off disability insurance and goes back to work will actually have less real income than they were getting when one of the two partners was disabled and not working.

Mr. METZENBAUM. Mr. President, I would like to point out to the Senator from Oklahoma that, under the present law, if each is making $12,000, then that would be $1,000 a month and the individual would only receive 77 percent of what their average monthly earnings had been.

I do not understand how—and the income tax rate would not make up that difference. Therefore, I have difficulty, still, in following the point.

But I will continue on with my discussion, because I want to make it clear to the Senator from Oklahoma, who mentioned something about getting more money——

Mr. MUSKIE. Will the Senator yield to clarify a point? The Senator said under present law the benefit would be 77 percent.

Mr. METZENBAUM. Yes. I will yield on that point, because that is correct.

Mr. MUSKIE. I do not carry these tables around in my head, but I know the size of benefits depends upon the size of income—the lower the income, the higher percentage of benefits. It also depends upon the size of a family.

You have to take into account all of those variables in comparing one illustration with another.

I sat here and suddenly heard the Senator say that under the present law the example used by Senator BELLMON would be 77 percent. It may be, but I do not know the basis for that.

Mr. METZENBAUM. The maximum you can get under the present law with a full size family is 77 percent of your average monthly earnings if you are making $1,000 a month.

Mr. MUSKIE. What is a full size family, 14, 20, 5?

Mr. METZENBAUM. Four. I think the maximum family benefit would be 77 percent.

Mr. MUSKIE. And Senator BELLMON had two parents working in his example.

Mr. BELLMON. That is right.

Mr. METZENBAUM. Therefore, the disability benefit would be something less than 77 percent. I cannot say what it would be.

Mr. MUSKIE. I have a paper which shows that in 1976 the average newly entitled disability beneficiary family got 90 percent of the predisability earnings. That is before the Finance Committee bill, before the Bellmon amendment, before the amendment of the Senator from Ohio. I have not made the analysis that underlies this figure, but as I understand it, the figure is valid.

Mr. METZENBAUM. I have to say I know of no one for whom I have more respect than the distinguished chairman of the Budget Committee.

Mr. MUSKIE. May I say to the Senator, respect for me personally has nothing to do with this figure because I did not generate it and I cannot vouch for it.

Mr. METZENBAUM. I have before me a chart showing that at a $400 average monthly income, it would be 90 percent; at $477 it would be 88 percent; at $1,000 it would be 77 percent; at $1,500 it would be 63 percent; and continuing down.

Mr. MUSKIE. The difference is that the Senator is talking about income at $1,000 a month.

Mr. METZENBAUM. That is correct.

Mr. MUSKIE. This figure represents an average of all beneficiaries. Well, $1,000 is not too high in today's terms.

Mr. METZENBAUM. It is pretty low. I do not have the figure the Senator referred to. At this point, I have never heard the figure that the average beneficiary under disability insurance gets 90 percent. If I am wrong, I would like to be corrected. But at this moment I do not know that to be the fact and, therefore, I do not want to proceed on that assumption. I do not think it is the fact, but if I am wrong I will be prepared to recognize that fact.

Let me further point out to my friend from Oklahoma that at the very beginning of his remarks he talked about persons who are on SSI who get disability.

I just want to say that as I understand it, that is a totally different program than that with which we are dealing here on the floor of the Senate today.

Mr. MUSKIE. Will the Senator yield?

Mr. METZENBAUM. Yes.

Mr. MUSKIE. I would like to give the source for the figure I gave earlier, which is on pages 38 and 39 of the committee report:

> An analysis by the social security actuaries has indicated: The average replacement ratio of newly entitled disabled workers with median earnings and who have qualifying dependents increased from about 60 percent in 1967 to over 90 percent in 1976.

Mr. METZENBAUM. The Senator is reading from what?

Mr. MUSKIE. The bottom of page 38 and the top of page 39 of the committee report. It is not my figure; it is out of the committee report.

(Mr. MATSUNAGA assumed the chair.)

Mr. METZENBAUM. I am frank to say I recognize the language but I do not know what the language refers to as far as "newly entitled disabled workers with median earnings who have qualifying dependents."

I will accept the language of the report, however. The figures I have, which I am sure come from credible sources, indicate that depending upon what your earnings are, your ratio of benefits goes down to the point so indicated by the figures that I gave previously.

The Senator from Oklahoma talked about the fact that some persons might receive more under disability benefits for not working than for working. I want to point out to him—and I mentioned it in my earlier remarks—that that is in the law as it is at the present time, but the fact is that my amendment would provide a limitation on that and specifically prohibit receiving anything in excess, as disabilty benefits, over and above the average monthly earnings.

The Senator also commented on the fact that the disabled do not have to pay other expenses.

I would like to point out to him that the disabled do have their special kinds of problems. In the average family, if the family goes to work, if everyone leaves the home and both members of the family go to work, they turn down the heat and save some money. They do not have to have anybody staying with the disabled worker, if that worker has to stay at home alone. Those are expenses that must be recognized as a reality of life if they are totally disabled individuals.

Furthermore, I want to point out that there are expenses which have to do with that which are not covered by medicare or medicaid, and the totally disabled worker has that problem to contend with.

The Senator from Oklahoma says that this is not a welfare program, and I could not agree with him more. This is a program that the Congress enacted. They made a contract with the people who paid into the fund. Would anyone realistically suggest that if we bought an insurance policy 5, 10, or 15 years ago, and that insurance policy provided for a certain amount of disability benefits at a certain point in our life if we should become disabled, that under those circumstances the insurance company could cut back the amount of those benefits?

That is what we are talking about doing here. The Finance Committee is talking about cutting them back substantially, $1.5 billion. The Senator from Oklahoma is talking about cutting them $3.5 billion. The Senator from Ohio is attempting to restore $900 million of the $1.5 billion of the cut of the Finance Committee.

There is not any logic, reason, fairness, or equity to say to people, "You have paid in for a number of years and now we are changing the amount of disability benefits for some reasons that have to do with the procedures that the Congress has decided upon."

Once we make a contract and say that we are going to pay a certain amount of dollars, we ought to live up to that contract.

I think in simple terms that is what this issue is all about. It is not a question of whether you believe in welfare or are opposed to welfare. We can all say we would like to get everybody off of welfare. But this is a contractual relationship. This is a relationship where the people have paid their money in and they have a right to expect to be paid when they become totally disabled. That is the issue as I see it which is before the Senate.

I think the Finance Committee bill is bad, very bad. I think the amendment proposed by the Senator from Oklahoma would just exacerbate the problem.

Mr. President, I reserve the remainder of my time.

Mr. MUSKIE. Mr. President, will the Senator from Oklahoma yield me some time?

Mr. BELLMON. Mr. President, I yield as much time as he needs to the Senator from Maine.

Mr. MUSKIE. I thank the Senator.

Mr. President, for the purpose of making clear in the RECORD the purpose of the Finance Committee bill and the Bellmon amendment, I ask unanimous consent that there be printed at this point in the RECORD the lower third of page 38 of the committee report, all of page 39, all of page 40, and the top of page 41 of the committee report.

Mr. METZENBAUM. Not wishing to object, Mr. President, I shall object only for one purpose. I now note that at the top of page 38, it is indicated that the average replacement rate percentage is 58 percent; using the high 5-year indexed earnings in the last 10, it is 49 percent. I have no objection if the entire page 38 is printed.

Mr. MUSKIE. I have no objection to the entire page being printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 15.—DI REPLACEMENT RATES COMPUTED FROM 2 DIFFERENT MEASURES OF DR DISABILITY EARNINGS

| Replacement rates[2] (1979 PIA) levels | Awards at each level of earnings replacement[1] | | | |
|---|---|---|---|---|
| | Using AIME | | Using high 5 yr of indexed earnings in last 10 | |
| | Number of cases | Percent of total | Number of cases | Percent of total |
| Under 30 percent | 0 | 0 | 268 | 3 |
| 30 to 39 percent | 79 | 1 | 2,930 | 31 |
| 40 to 49 percent | 3,669 | 38 | 2,168 | 23 |
| 50 to 59 percent | 1,456 | 15 | 1,184 | 12 |
| 60 to 69 percent | 947 | 10 | 1,353 | 14 |
| 70 to 79 percent | 1,215 | 13 | 771 | 8 |
| 80 to 89 percent | 1,477 | 15 | 526 | 5 |
| 90 to 99 percent | 181 | 2 | 148 | 2 |
| 100 percent and over | 561 | 6 | 237 | 2 |
| Total sample | 9,585 | 100 | 9,585 | 100 |
| Average replacement rate (percent) | 58 | | 49 | |

[1] These awards include both individual and family benefits where applicable. The actual awards were made before a "decoupled" system was put into effect. However, the awards were recomputed for sample purposes as if a decoupled system existed to give some sense of the longer-range direction of DI replacement rates.

[2] Represents replacement of gross earnings.

Both approaches to measuring replacement—i.e., either long or recent periods of a worker's earnings history—show that there are a substantial number of DI awards which by themselves result in replacement rates in excess of predisability earnings. Using 80 percent of gross predisability earnings as an approximation of predisability disposable earnings, about 23 percent of the awards in the sample were above that level using AIME as the base period for measurement, and approximately 10 percent of the awards in the sample were above that level using the high 5 years of indexed earnings during the 10-year period prior to the onset of disability as the base period for measurement. Approximately two-thirds of these cases involved the payment of dependents benefits in addition to those of the worker.

Actuarial studies in both the public and private sector have indicated that high replacement rates may constitute an incentive for impaired workers to attempt to join the benefit rolls, and a disincentive for disabled beneficiaries to attempt rehabilitation or return to the work force. An analysis by the social security actuaries has indicated:

"The average replacement ratio of newly entitled disabled workers with median earnings and who have qualifying dependents increased from about 60 percent in 1967 to over 90 percent in 1976, an increase of about 50 percent. During this time the gross recovery rate decreased to only one-half of what it was in 1967. High benefits are a formidable incentive to maintain beneficiary status especially when the value of medicare and other benefits are considered. We believe that the incentive to return to permanent self-supporting work provided by the trial work period provision has been largely negated by the prospect of losing the high benefits."

("Experience of Disabled Workers Benefits Under OASDI, 1972–1976," actuarial study No. 75, June 1978.)

An actuarial consultant's report to the Committee on Ways and Means also concludes:

"* * * disability income dollars are, in general, much more valuable and have much more purchasing power than earned dollars. The DI benefits are fully tax exempt, as are insured benefits except for employer provided benefits in excess of $100 per week. For a worker with a spouse and a child, paying an average State income tax, 50 percent of salary in the from of disability benefits may well equal 65 percent or more of gross earnings after tax. In addition, the disabled individual is relieved of many expenses incidental to employment such as travel, lunches, special clothing, union or professional dues, and the like."

It is a cause for deep concern that gross ratios of 0.600 or more apply to all young childless workers at median or lower salaries and to nearly all workers with a spouse and minor child for earnings up to the earnings base. In other words, all workers entitled to maximum family benefits are overinsured except older workers whose earnings approach the earnings base, middle-aged workers who earn not more than the earnings base, and young workers except those earning substantially more than the earnings base.

Although these excessive replacement ratios have not been in effect long enough to have been fully reflected in the disability experience, overly liberal benefits may have played some part in the 47 percent increase, between 1968 and 1974, in the average rate of becoming disabled. Other than the indexing provisions, statutory changes during this period could have had no great effect. There is no evidence that the health of the nation has deteriorated. Rising unemployment has clearly been a factor, but the increasing attractiveness of the benefits must also be an important influence.

(U.S. Congress, House, Subcommittee on Social Security of the Committee on Ways and Means, Report of Consultants on Actuarial and Definitional Aspects of Social Security Disability Insurance, 94th Congress, 2d Session, 1976.)

Testimony heard by the Finance Committee from a private actuary on behalf of a number of insurance companies includes similar observations. This actuary states the following about private disability insurance experience:

"* * * claim costs increase dramatically when replacement ratios exceed 70 percent of gross earnings, and are unsatisfactory when replacement ratios exceed 60 percent of gross earnings . . . Expected claims is the level of claim costs that is assumed in determining premiums, so a ratio of 100 percent would be what a company would expect to achieve when it sets rates . . . large exposures show claims at 87 percent of expected when the replacement ratio was 50 percent, 93 percent of expected when the replacement ratio was 50 percent to 60 percent, 106 percent when the replacement ratio was between 60 percent and 70 percent, and a jump in the ratio of actual to expected claims of 219 percent—more than double what the premium allowed—when the replacement ratio exceeded 70 percent of gross earnings."

(U.S. Congress, Senate, Committee on Finance, testimony of Gerald S. Parker on H.R. 3236, Social Security Disability Legislation, October 10, 1979.)

Analysis by the Congressional Budget Office further indicates that it is not correct to assume that a typical disabled worker family is dependent entirely or almost entirely on social security benefits. Disabled workers in families with children derive on average only about 40 percent of their total cash income from social security benefits. The analysis indicates that very few worker families have more than a 10 percent reduction in disposable income as a result of disability.

In summary, this analysis shows that the combined impact of high social security disability insurance replacement rates and substantial other sources of family income is to insulate disabled worker families, as a group, from any major reduction in income as a result of their disability.

*Committee bill.*—The committee is concerned about the impact these high benefit levels and replacement rates have had on the growth of the program, in that they may have caused both incentives for impaired workers to stop working and apply for benefits, and disincentives for DI beneficiaries to leave the benefit rolls. The Committee further is concerned about the inappropriateness of having situations where benefits exceed predisability earnings in a program intended primarily to replace lost earnings.

The Committee bill would address these concerns through a provision which limits total DI family benefits to an amount equal to the smaller of 85 percent of the worker's AIME or 160 percent of the worker's PIA. Under the provision no family benefit would be reduced below 100 percent of the worker's primary benefit. The limitation would be effective only with respect to individuals becoming entitled to benefits on or after January 1, 1980, based on disabilities that began after calendar year 1978. The limitation would not apply to individuals who join the benefit roll after the effective date of the provision who were on the rolls (or had a period of disability) at another time prior to calendar year 1980. This will preclude the new limit on family benefits from applying to anyone who was on the roll in the past. Approximately 120,000 family units, encompassing 355,000 beneficiaries, will be affected by the limitation in the first full year after enactment.

The Secretary would be required to report to the Congress by January 1, 1985 on the effect of the limitation on benefits and of other provisions of the bill.

The committee further is concerned about situations where the payment of disability benefits to an individual from a number of public disability pension or like systems results in aggregate benefits which exceed the individuals' predisability earnings. While coordination exists between the DI program and State worker's compensation programs for the purpose of keeping the two forms of disability benefits at an aggregate level no higher than the worker's net predisability earnings, there are numerous other Federal and State programs providing disability benefits or compensation which are not coordinated at all with the DI program. The General Accounting Office has already undertaken a study of the relationship between social security and workers' compensation under the existing provision. The Committee requests the General Accounting Office to also study the prevalence of multiple receipt of disability benefits from DI and other programs (in addition to worker's compensation), as well as various approaches to better coordinate the overall benefits provided to an individual for the purpose of precluding them from exceeding the worker's predisability earnings. This report and the recommendations of the General Accounting Office will be the subject of hearings which the committee intends shall be held next year by its subcommittee on social security.

Mr. MUSKIE. Mr. President, I find myself at a disadvantage by not being familiar, in a statistical way, with the very complicated problem of analyzing the benefit structure and the benefit distribution, but a point very clearly stated over and over again in those pages of the report is found in these words.

> Actuarial studies in both the public and private sector have indicated that high replacement rates may constitute an incentive for impaired workers to attempt to join the benefit rolls, and a disincentive for disabled beneficiaries to attempt rehabilitation or return to the work force.

If that is the effect of the present benefit levels of the program, then, clearly, we have a program that increases costs to the disadvantage of the taxpayers and also reduces resources available for other worthwhile purposes. So we have to look at the effectiveness and efficiency of many of these programs.

Mr. President, I support Senator BELLMON's amendment to Senator METZENBAUM's amendment.

A major purpose of the Finance Committee bill is to limit social security disability benefits to assure that a family will not have higher income than before the worker became disabled. The effect of the amendment offered by Senator METZENBAUM is to defeat this purpose of the bill and to virtually wipe out the savings that the bill achieves.

The Senate has already adopted the amendment proposed by Senator BAYH to eliminate the waiting period for the terminally ill. If the Metzenbaum amendment is also adopted, the bill will be changed from one saving $0.9 billion over the first 5 years to a measure costing $0.6 billion over the 5-year period.

The Bellmon amendment would accomplish an important objective—reducing the incentives for people to file for disability benefits and to stay on the benefit rolls. The present high level of benefits acts as a work disincentive—one-fifth of disability beneficiary families get benefits that exceed 80 percent of the worker's predisability earnings. Also, disability benefits are tax free, as the Senator from Oklahoma has emphasized, and disabled beneficiaries get medicare protection after 2 years, creating a further disincentive to work.

It is interesting to know what average medicare benefits amount to. In 1979, actual average medicare benefits for the disabled were $1,346 per year; in 1980, an estimated $1,538; in 1981, an estimated $1,749.

I have no figures estimating the value of the tax-free nature of these benefits but obviously, this ought to be taken into consideration. Obviously, on the record, there is now some work disincentive. There is no disagreement here. Even Senator METZENBAUM, in his setting his benefits at no higher than 100 percent of predisability earnings, acknowledges that anything above that figure operates as a disincentive. So what operates as a disincentive? Or what is the appropriate level of disability benefits—when added to the tax-free advantages, when added to the medicare advantages and other benefits, whatever they may be? We have to take all of this into account in making a judgment as to whether or not we have created work disincentives that add to the cost of the disability program.

The level of disability benefits has been rising in recent years. In 1967, on the average, as I have said already, newly entitled disability beneficiaries with families got benefits equal to 60 percent of their predisability earnings. That percentage grew to 90 percent by 1976.

Mr. President, the President has been criticized for not balancing his fiscal year 1980 budget. He was criticized this morning in the Budget Committee hearings and has been criticized in the press and by others. But responsibility for budget balancing, Mr. President, is not the President's alone. We must demonstrate by our actions today that we intend to move toward bringing this budget into balance.

We have had two votes now and are about to have a third inside of a week which show the same trend—demonstrating the attractiveness of converting social programs from spending programs under control of the Congress to entitlement programs that are beyond our control unless we change the law.

That is the reason why every chart—in the newspapers analyzing the budget, in the budget documents, and in the magazines next week displaying charts showing where budget growth has taken place—will show the growth has taken place in the entitlement field.

The President's representatives this morning were specifically criticized for not offering proposals to reduce uncontrollables by controlling entitlements. The administration said, "Well, quite frankly, we see no disposition on the part of Congress to control entitlements." We in Congress and the Budget Committee saw it last year. We adopted a reconciliation instruction in this Chamber, which was directed in part at achieving savings in entitlement programs. It is dead—dead in both Houses, getting nowhere.

A number of Senators who have been voting for these entitlement programs in the last 2 weeks have been coming before the Budget Committee in support of budget-balancing amendments to demonstrate their commitment to balanced budgets. Mr. President, how are we going to balance budgets when these entitlement programs are described as contracts with the people, as sacrosanct and, once enacted, not to be tampered with? Mr. President, there is no way of doing it.

According to the President's Budget, uncontrollable programs will increase, in 2 years, from a total cost of $366.1 billion in fiscal year 1979—74.2 percent of the budget—to $471.6 billion in fiscal year 1981—76.6 percent of the budget.

If that trend continues, they will amount to over 80 percent of the budget in this decade, and early in this decade. Then I am asked by Senators to sit there, presiding over these balanced budget amendments, and to take seriously their assertions that those amendments would help us control these programs. Nothing could be more ridiculous in the face of the record that this Congress has set in the last 2 years.

If that is the will of the Congress, if that is the will of the Senate, I accept it. But I think it is time that the American people, through their press, through our actions, at least see where the problem is.

We all get letters and respond to them in a reassuring way—"Balance the budget." "Oh, yes, we will." Then we all find a way to blame something; a lot of us have been blaming uncontrollables.

I can see the letters going out now. I heard the chairman of the Appropriations Committee say that we cannot touch entitlements. They are contracts, matters of law. So we blame entitlements, but refuse to do anything about them.

Mr. President, it is for that reason, more than this particular amendment—although I think the merits of this amendment are very clear—that I am making this statement. The Senate must confront that issue: Once we have written entitlements in the law, are they forever sacrosanct, beyond any claim to budget perfections, ever immune from budget balancing? Are they priorities ever set in concrete, never to yield to programs better suited to meet the problems of those who are its beneficiaries?

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

The Senator from Ohio has 16 minutes left.

Mr. METZENBAUM. Mr. President, I am frank to say to the Senate that when my good friend, the Senator from Maine, referred to a paragraph on page 39, saying: "The average replacement ratio of newly entitled disabled workers with median earnings and who have qualifying dependents increased from about 60 percent in 1967 to over 90 percent in 1976, an increase of about 50 percent," the Senator from Ohio was totally amazed by those figures and at this moment cannot fully understand them, because when we look at page 38 of that same report and get the breakdown of what the actual benefits are that are being paid, we find totally different figures. They are not close, just totally different figures.

The chart is called "Disability Insurance Replacement Rates Computed From Two Different Measures of DR Disability Earnings," and they use two different charts.

The first one uses the average indexed monthly earnings, and they talk about the replacement rates, and they talk about the number of cases and the percentage of the total.

Now, the replacement rates, meaning what percentage of the gross earnings is received by the disabled, we find 39 percent, or below the 49 percent level.

In other words, 39 percent of all the people receiving disability insurance are receiving less than 49 percent of their total earnings, of their average monthly earnings.

If we go over and take the highest 5 years of their indexed earnings in the last 10, we find that 57 percent of the total are receiving less than 49 percent of their disability insurance.

If we move that figure on up and go from 50 percent to 59 percent of their disability insurance, we add another 15 percent of the total.

If we go from 60 to 69 percent, we add another 10 percent. If we go from 70 to 79 percent, we find another 13 percent.

We have a total of 92 percent receiving less than 89 percent, but the great majority of those are at the lower portion.

If we look at the figures, using the highest 5 years of the indexed earnings in the last 10, we will find 57 percent, as I previously mentioned, are receiving less than 49 percent of their indexed earnings averaged out on a basis of the highest 5 years of the last 10.

Then if we go to the 59 percent of disability insurance figures, we add another 12 percent, another 14 percent if we go to 69 percent, another 8 percent if we go to 79 percent, or 91 percent of the total receipts, something less than 79 percent of their average earnings based on the top 5 years of the last 10.

When we look at the average, the average replacement rate for the average indexed monthly earnings is 58 percent, and if we use the highest 5 year basis, it is 49 percent.

Mr. President, I think it is easy to be misleading on an issue of this kind. I am frank to say that when I saw the 90 percent figure on the average, I did not know what it meant, and I still do not know what it means.

I do know what the specific breakdown means. I do know what the figures are that have heretofore been submitted. That is that people on disability are receiving but a shadow of what they were receiving if they worked.

There is no incentive to be disabled. Anyone who comes to the Senate and suggests there is a great incentive to lie on one's back and to be unable to do anything and not go back to work is not reporting the facts to the Senate in accordance with the reality of what is taking place.

We made a commitment, a commitment to the people who were paying into the disability insurance fund, that the levels would be at a certain point, and almost with no exception the Congresses in the past have seen fit to increase those levels, not to decrease them.

This is the first impact. This is the first invasion of the disability insurance funds.

I believe we have a right to be proud of the fact that there is that much money still in the disability funds that the President is talking about borrowing from them. But I do not think we ought to be finding any argument to cutting an additional $2 billion from those disability benefits in addition to the $1.5 billion the Senate Finance Committee is wanting to take away from them.

I hope the Senate sees fit to reject the Bellmon amendment. I hope the Senate sees fit to keep the cap at the present level, not to increase it, but to keep it at the present level, with the proviso that in no instance shall any particular individual receive in excess of 100 percent of the average of monthly earnings, and that would only be applicable in the extremely low levels of people earning less than $300 to $400 a month.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. TALMADGE. Mr. President, I yield such time as I may need on the bill.

Mr. President, this is a very complex and a very controversial issue. It is difficult to understand without understanding every formula and every table involved.

The House sent to the Finance Committee a bill on this issue that would save over a 5-year period approximately $2.664 billion.

The Senate Finance Committee, after mature deliberation, devised a bill that was a give-and-take compromise, and over a 5-year period the Senate Finance Committee would save approximately $914 million.

The amendment offered by the distinguished Senator from Ohio would negate virtually, if not all, the savings of the Senate Finance Committee, reducing it to virtually zero.

The Bellmon amendment, if agreed to, would save over a 5-year period approximately $3.644 billion.

We think the result of the Senate Finance Committee is a fair compromise. I hope the Senate will reject the amendment of the distinguished Senator from Oklahoma, reject the amendment proposed by the distinguished Senator from Ohio, and approve the bill as submitted by the Senate Finance Committee.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma to the amendment of the Senator from Ohio. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "nay."

The PRESIDING OFFICER. Is there any Senator in the Chamber who has not voted and who wishes to do so?

The result was announced—yeas 24, nays 70, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—24

Armstrong
Bellmon
Byrd, Harry F., Jr.
Exon
Garn
Hart
Hatch
Hayakawa
Helms
Hollings
Humphrey
Laxalt
Lugar
McClure
Muskie
Proxmire
Schmitt
Schweiker
Simpson
Stevens
Thurmond
Tower
Wallop
Zorinsky

NAYS—70

Baucus
Bayh
Bentsen
Biden
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chafee
Chiles
Church
Cochran
Cohen
Cranston
Culver
Danforth
DeConcini
Dole
Domenici
Durenberger
Durkin
Eagleton
Ford
Glenn
Hatfield
Heflin
Heinz
Huddleston
Inouye
Jackson
Javits
Jepsen
Johnston
Kassebaum
Leahy
Levin
Long
McGovern
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Morgan
Moynihan
Nelson
Nunn
Packwood
Pell
Percy
Pressler
Pryor
Randolph
Ribicoff
Riegle
Roth
Sarbanes
Sasser
Stafford
Stevenson
Stewart
Stone
Talmadge
Tsongas
Warner
Weicker
Williams

NOT VOTING—6

Baker
Goldwater
Gravel
Kennedy
Stennis
Young

So Mr. BELLMON's amendment (UP No. 936) to Mr. METZENBAUM's amendment (UP No. 935) was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. CHILES. Mr. President, I have given a great deal of thought to the various amendments to change the provisions of this bill.

Early last year, we faced the need to make some reforms in the social security program. That is never a popular thing to do because it involves changing the way we are doing things so we can improve the system. Improvements are definitely needed. Inflation is out of hand and is hitting the fixed income population—primarily the elderly—the hardest. The long-range solvency of social security may be threatened.

As we look at the total social security and disability insurance program, we see how population and economic trends have changed in the 45 years since the program began. It is time we dropped outmoded provisions to insure the long-range stability of the social security system.

Social security started as a social insurance program of basic benefits for Americans in their old age and survivors of deceased workers. Over the years we have added very worthwhile income protection for disabled workers and health insurance for the aged and disabled. We have periodically increased benefits and added cost-of-living increases. Some of the benefits we have added—such as student financial aid for survivors who attend postsecondary schools are not need-based and duplicate other parts of the budget, where we are providing billions in grants, loans, and work-study assistance. Other provisions such as allowing certain disabled workers to receive benefits of more than 90 percent or 100 percent of their average earnings or letting younger workers drop a much higher proportion of earnings in computing their benefits, create an unintended "windfall" and an inequity in the program.

The Finance Committee bill provides an important work incentive by extending medicare benefits to disabled workers who return to the job, allowing deductions of extraordinary work-related expenses and eliminating the waiting period for those who are not successful in their work attempt and must return to the rolls.

These provisions are sound, beneficial, and like a lot of good ideas, they cost money. On the other hand, the steady increase in benefits under the disability program is creating a disincentive, as well as unjustified cost to the program. We have seen applications and awards of disability grow at an alarming rate in the last 10 years, and we have seen an even more alarming drop in the number of individuals on disability returning to work. This trend is particularly evident during recession periods.

I believe a strong, secure social security program is based on an equitable structure of basic benefits to the elderly, survivors, and the disabled. If a retiree has only social security to live on and is in a poverty situation, he must seek supplemental assistance in the form of food stamps and other aid from programs funded by general revenues. I believe that it is only fair that we not drain the social security trust funds by providing benefits of a welfare nature when there are programs funded by general revenues to which those who need more help can apply.

The bill would not cap the benefits or change the drop years for individuals already on disability, but the work incentives would be available for all. I have heard from a number of older Americans who are concerned about the implications of any kind of benefit cap or computation change for newly disabled workers, even though the elderly would not be directly affected. I have heard from many, many more who are concerned about the impact inflation is having on their fixed incomes, who call for the budget to be balanced, and who are vitally concerned about the long-term stability of the social security trust funds. Most elderly folks I talk to understand basic economics—that you do not get something for nothing. When you increase benefits, you pay one way or the other—either in higher taxes or a bigger deficit and inflation.

As chairman of the Special Committee on Aging, I firmly believe that we must offer older Americans and those who are permanently disabled a solid income of basic benefits. But we cannot improve the system unless we make some reforms that will be in tune with people's concerns and the times.●

### UP AMENDMENT NO. 935

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment of the Senator from Ohio. The yeas and nays having been previously ordered, the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), and the Senator from North Dakota (Mr. Young) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. Goldwater) would vote "yea."

The PRESIDING OFFICER (Mr. Levin). Are there any other Senators wishing to vote?

The result was announced—yeas 47, nays 47, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—47

Bayh
Biden
Bradley
Bumpers
Burdick
Byrd, Robert C.
Church
Cranston
Culver
DeConcini
Durkin
Eagleton
Ford
Glenn
Hatfield
Heflin
Heinz
Huddleston
Inouye
Jackson
Javits
Leahy
Levin
McGovern
Magnuson
Mathias
Matsunaga
Melcher
Metzenbaum
Morgan
Moynihan
Nelson
Pell
Pressler
Pryor
Randolph
Ribicoff
Riegle
Sarbanes
Sasser
Stafford
Stevenson
Stewart
Stone
Tsongas
Weicker
Williams

NAYS—47

Armstrong
Baucus
Bellmon
Bentsen
Boren
Boschwitz
Byrd,
Harry F., Jr.
Cannon
Chafee
Chiles
Cochran
Cohen
Danforth
Dole
Domenici
Durenberger
Exon
Garn
Hart
Hatch
Hayakawa
Helms
Hollings
Humphrey
Jepsen
Johnston
Kassebaum
Laxalt
Long
Lugar
McClure
Muskie
Nunn
Packwood
Percy
Proxmire
Roth
Schmitt
Schweiker
Simpson
Stevens
Talmadge
Thurmond
Tower
Wallop
Warner
Zorinsky

NOT VOTING—6

Baker
Goldwater
Gravel
Kennedy
Stennis
Young

So Mr. Metzenbaum's amendment (UP No. 935) was rejected.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LONG. Mr. President, point of order. The Senator has to vote with the prevailing side in order to move to reconsider.

The PRESIDING OFFICER. The Senator from Louisiana is correct. The point of order is well taken.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Wisconsin (Mr. Nelson).

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, have I been recognized?

The PRESIDING OFFICER. I did indeed recognize the Senator, but there was a prior matter I had to dispose of first.

Mr. ROBERT C. BYRD. Mr. President, will the Chair recognize the Senator from New York? He has been seeking recognition.

The PRESIDING OFFICER. Does the Senate wish to set aside this amendment further? The Nelson amendment is the pending matter.

Mr. JAVITS. Mr. President, I do not know what the majority leader's desire is. I have an amendment.

Mr. LONG. Mr. President, there is a pending amendment. Point of order, Mr. President. Is not the Nelson amendment pending?

### AMENDMENT NO. 745

The PRESIDING OFFICER. The question now recurs on the Nelson amendment. There are 52 minutes remaining on the Nelson amendment.

Mr. LONG. Mr. President, at the time the Nelson amendment was called up, I was under the impression the administration did not favor the Nelson amendment.

I now have a letter from the Assistant Secretary for Legislation of HEW. The letter states:

> With regard to HEW's current position on Senator Nelson's revised amendment to H.R. 3236 designed to protect state employees, the Department of HEW can support the concept of this amendment. There are still some limited technical questions that remain unresolved, however, if the Senate adopts the amendment we would submit those at the time of a Senate-House Conference.

In view of the fact the administration would now be willing to accept the amendment, I am willing to accept the Nelson amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. LONG. Yes.

Mr. DOLE. The Senator from Kansas is aware of the letter. I have discussed it with Senator Nelson. We are prepared to accept the amendment, and that will take care of it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LONG. Mr. President, I am willing to yield back the remainder of my time.

● Mr. HUDDLESTON. Mr. President, I commend my distinguished colleague, the Senator from Wisconsin, for his efforts in support of employees of State disability determination units, and I am pleased to join him in offering this amendment.

Mr. President, since May of this year, I have been concerned about the fate of State career employees in disability determination units should Federal takeover occur. I believe that without adequate job security provided for State employees, orderly transition from State to Federal control would be next to impossible. Thousands of disability applicants would unfairly bear the burden of an unorganized disability operation through program disruption and delays in claims adjudication. Still thousands more State employees would be left not knowing whether the new Federal operation of the program would provide jobs for them or simply ignore what amounts to, in some cases, an entire career of service to the disability program.

The amendment that I join Senator Nelson in offering today would go a long way in guarding the jobs of some 9,000 experienced and faithful State disability examiners in this country. Our amendment would, in the event of a Federal takeover of a State disability unit, provide that the administrating agency give preference to these qualified State disability examiners in filling Federal positions. It would insure the Federal Government's reliance upon and utilization of those individuals representing our greatest reservoir of talent in the disability program.

With the tightening of Federal controls on State disability operations provided for in H.R. 3236, it is imperative that there be a balancing effect for State employees if a State can no longer manage the program under Federal guidelines. Any legislation which increases the likelihood of a Federal takeover of the disability insurance program should, in turn, provide strong job protection rights for State employees. We must protect these employees who stand to lose from the increased Federal authority and decreased State authority outlined in this bill.

I realize that it would not be reasonable, Mr. President, to guarantee a job to every State employee should a disability program federalize in their State. We are not in a position to anticipate what Federal job availability will be at such a time, and even if we were, each situation in each State will demand a slightly different approach. What I am proposing, however, is that we recognize the legitimate concerns of thousands of State employees, and attempt to deal constructively with a prospective nationwide problem before it occurs.

In my contact with Kentucky State disability examiners, several of whom are on the national board of the National Association of Disability Examiners (NADE), I have developed a great sympathy for and commitment to their cause. I urge my colleagues to pay heed to the unfortunate experience of the State disability determination unit in Senator Nelson's home State of Wisconsin. Even aside from the loss of 161 skilled disability examiners employed in his State, the disruption of over 35,000 Wisconsin claimants more than sufficiently supports our argument that a detailed plan for system takeover from State to Federal is imperative. I urge my colleagues to join us in this effort by supporting this amendment.●

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Wisconsin (Mr. Nelson).

The amendment, as modified, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, for the information of Senators, there will be no more rollcall votes tonight. I understand Mr. Baucus has an amendment he wishes to call up, which may be acceptable. Mr. Javits has an amendment he would like to call up and we can make it the pending question, perhaps, for tomorrow. Mr. Chiles has a resolution on a matter that he will call up for a voice vote. I think it will be unanimously voted up. Mr. Baucus has an amendment.

I understand from the manager and ranking minority member that the Senate might be in a position to resume consideration of this bill at 10 a.m. tomorrow.

Mr. DOLE. Yes.

Mr. FORD. Will the majority leader yield?

The PRESIDING OFFICER. The Chair recognizes the Senator from New York (Mr. Javits).

### UP AMENDMENT NO. 937

(Subsequently numbered Amendment No. 1646)

(Purpose: Relating to limitation on total family benefits in disability cases)

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New York (Mr. Javits) proposes an unprinted amendment numbered 937.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 33, line 15, strike out all through page 34, line 11, and insert in lieu thereof the following:

"(6) (A) Notwithstanding any of the preceding provisions of this subsection other than paragraphs (3) (A), (3) (C), and (5) (but subject to section 215(i) (2) (A) (ii)), the total monthly benefits to which beneficiaries may be entitled under sections 202 and 223 for any month on the basis of the wages and self-employment income of an individual entitled to disability insurance benefits, whether or not such total benefits are otherwise subject to reduction under this subsection but after any reduction under this subsection which would otherwise be applicable, shall be reduced or further reduced (before the application of section 224) as necessary so as not to exceed 100 percent of such individual's primary insurance amount, or (if greater) the sum of the following:

"(i) 85 percent of such individual's average indexed monthly earnings to the extent that such earnings do not exceed the amount established for purposes of this clause by subparagraph (B), plus

"(ii) 70 percent of such individual's average indexed monthly earnings to the extent that such earnings exceed the amount established with respect to clause (i) but do not exceed the amount established with respect to this clause by subparagraph (B), plus

"(iii) 38 percent of such individual's average indexed monthly earnings to the extent that such earnings exceed the amount established with respect to clause (ii) but do not exceed the amount established with respect to this clause by subparagraph (B), plus

"(iv) 24 percent of such individual's average indexed monthly earnings to the extent that such earnings exceed the amount established with respect to clause (iii) by subparagraph (B).

Any such amount that is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

"(B) (i) For individuals who initially became eligible for disability insurance benefits in the calendar year 1979, the amounts established with respect to clauses (i), (ii), and (iii) of subparagraph (A) shall be $493, $737, and $1,085, respectively.

"(ii) For individuals who initially become eligible for disability insurance benefits in any calendar year after 1979, each of the amounts so established shall equal the product of the corresponding amount established for the calendar year 1979 by clause (i) of this subparagraph and the quotient obtained under subparagraph (B) (ii) of section 215 (a) (1), with such product being rounded in the manner prescribed by section 215(a) (1) (B) (iii).

"(iii) For purposes of this paragraph, eligibility of an individual for disability insurance benefits shall be determined under sections 215(a) (3) (B) and 215(a) (2) (A) as applied for this purpose.".

The PRESIDING OFFICER. May we have order in the Chamber, please?

The Senator from New York.

Mr. JAVITS. Mr. President, my amendment is intended to deal with what I consider to be a real inequity in the bill. The committee bill hits unusually hard those individuals with AIME levels of between $700 to $1,000 and reduces their income replacement rates twice as much as the rates on all other categories except for the very low-income people, who would get 90 percent, 88 percent, and 85 percent of their AIME under the bill.

I do not think that is fair, Mr. President, and I shall debate that tomorrow. I might say, so we have a concept of the figures, that over the 5-year period which has been the criterion here, the people in these categories, if they were restored to the same kind of proportion which the other income categories have in this bill other than the very lowest, it would cost $153 million over a 5-year period.

It seems to me, Mr. President, that I have not heard and I have not seen any justification that these middle-income recipients of disability should take twice the beating everybody else does. Therefore, Mr. President, I think that ought to be corrected. The cost is not all that high, especially in view of the fact that Members have already indicated a sympathy for doing something about the very heavy cuts in this bill. It seems to me that this is an inequity that richly deserves correction.

Mr. President, I ask unanimous consent that my prepared statement as well as a table which will show clearly that this inequity is being perpetrated, may be printed in the Record at this point.

There being no objection, the statement and table were ordered to be printed in the Record, as follows:

### Statement

Mr. President, a majority of my colleagues did not agree with the Metzenbaum amendment. Apparently, concerns about balancing the budget and assuring that post-disability benefits do not exceed pre-disability earnings carried the day. In an attempt to accommodate the financial concerns of my colleagues and yet remedy a clear injustice in the Committee bill, I am offering an amendment which would partially restore the maximum family benefits of lower-middle income beneficiaries whose family benefits would be disproportionately reduced without adequate justification. My amendment would raise the family cap in the Committee bill for beneficiaries with average prior earnings (AIME) ranging from approximately $600 per month to $1,000 per month so that the reduction in the replacement percentage of their average prior earnings (AIME) is roughly proportional to such reductions for most other income groups.

For example, for a worker who had average prior earnings (AIME) of $800 per month and who became disabled and entitled to benefits in 1980, the Committee bill would reduce the present maximum family benefit of $685.50/month to $589.80/month. This represents a 12 percent reduction in the replacement rate for the average prior earnings (AIME), namely, from 86 percent of the AIME to 74 percent of the AIME. Such a percentage reduction is twice that of a beneficiary who had average prior earnings (AIME) of $600/month or $1,200/month. I do not think that such a severe, disproportionate reduction for this AIME group is justifiable. Mr. President, I have included in the Record a table prepared by the Social Security Administration's Office of the Actuary showing the maximum family benefits and related replacement ratios for differing AIME levels under present law, the Committee bill, and my amendment.

The Office of the Actuary has also prepared estimates of the amount of reduction in DI benefit payments that would result from the cap in the Committee bill and the cap in my proposal. The short-term numbers are as follows:

ESTIMATED AMOUNT OF REDUCTION IN DI BENEFIT PAYMENTS

[In millions]

| Fiscal year | Cap in Finance Committee bill | Cap in Javits' amendment | Difference |
|---|---|---|---|
| 1980 | $25 | $21 | $4 |
| 1981 | 97 | 81 | 16 |
| 1982 | 175 | 146 | 29 |
| 1983 | 262 | 217 | 45 |
| 1984 | 350 | 291 | 59 |
| Total | 909 | 756 | 153 |

Over the next 75 years, average expenditures, as a percentage of taxable payroll, would be reduced by an estimated .06 percent under the Committee bill and by .05 percent under my proposal.

My amendment would raise the maximum family benefit for beneficiaries who became disabled in 1979 and who had average prior earnings (AIME) around the average wage figure of $882/month and would yet retain the Committee-proposed reductions for other AIME groups by means of the following cap:

Total Family benefits=Sum of: 85 percent of the first $493 of the worker's average indexed monthly earnings (AIME) plus 70 percent of AIME in excess of $493 but not in excess of $737 plus 38 percent of AIME in excess of $737 but not in excess of $1,085 plus 24 percent of AIME in excess of $1,085.

As under the Committee bill, total family benefits would not be limited to an amount less than the worker's primary insurance amount. I should add that the bend points in the above formula ($493, 737, 1,085) would be indexed by average wages to obtain the corresponding bend points for workers becoming disabled in any year after 1979. The 1980 bend points would be $532, $796, and $1,171. The formula I propose can be viewed as a modification of the Committee's 85 percent AIME/160 percent PIA formula through the striking of the 160 percent PIA factor and the replacing of the 85 percent AIME figure with four AIME percentages starting at 85 percent and declining as the corresponding AIME dollar levels increase.

Mr. President, my amendment would partially restore disproportunately large and injustifiable reductions in the maximum family benefits for average income beneficiaries and yet not make the bill unacceptable to those who are concerned about cutting costs. The amendment I propose is a compromise between those who want to reduce benefits and those who do not. I commend my proposal to this Body for close consideration and approval.

MAXIMUM FAMILY BENEFIT AMOUNT (FBA) FOR WORKERS WHO BECOME DISABLED AND ENTITLED TO BENEFITS IN 1980, UNDER PRESENT LAW AND UNDER 2 ALTERNATIVE PROPOSALS TO REDUCE MAXIMUM FAMILY BENEFITS, FOR ILLUSTRATIVE AMOUNTS OF AVERAGE INDEXED MONTHLY EARNINGS (AIME)

| AIME | FBA under present law |  | FBA under Senate Finance Committee bill[1] |  |  | FBA under proposed alternative[2] |  |  |
|---|---|---|---|---|---|---|---|---|
|  | Amount | As percent of AIME | Amount | As percent of AIME | Difference from present law (percent)[3] | Amount | As percent of AIME | Difference from present law (percent) |
| $135 | $183.00 | 136 | $122.00 | 90 | 45 | $122.00 | 90 | 45 |
| $200 | 264.90 | 132 | 176.60 | 88 | 44 | 176.60 | 88 | 44 |
| $300 | 312.90 | 104 | 255.00 | 85 | 19 | 255.00 | 85 | 19 |
| $400 | 360.90 | 90 | 340.00 | 85 | 5 | 340.00 | 85 | 5 |
| $477[4] | 418.80 | 88 | 405.50 | 85 | 3 | 405.50 | 85 | 3 |
| $500 | 439.00 | 88 | 425.00 | 85 | 3 | 425.00 | 85 | 3 |
| $600 | 526.00 | 88 | 487.40 | 81 | 6 | 499.80 | 83 | 4 |
| $700 | 613.00 | 88 | 538.60 | 77 | 11 | 569.80 | 81 | 6 |
| $800 | 685.50 | 86 | 589.80 | 74 | 12 | 638.60 | 80 | 6 |
| $882[5] | 720.60 | 82 | 631.70 | 72 | 10 | 669.70 | 76 | 6 |
| $900 | 728.30 | 81 | 641.00 | 71 | 10 | 676.60 | 75 | 6 |
| $1,000 | 771.20 | 77 | 692.20 | 69 | 8 | 714.60 | 71 | 6 |
| $1,100 | 814.10 | 74 | 743.40 | 68 | 6 | 752.60 | 68 | 6 |
| $1,200 | 860.40 | 72 | 786.60 | 66 | 6 | 786.50 | 66 | 6 |
| $1,300 | 886.60 | 68 | 810.60 | 62 | 6 | 810.50 | 62 | 6 |
| $1,400 | 912.90 | 65 | 834.60 | 60 | 6 | 834.50 | 60 | 6 |
| $1,500 | 939.10 | 63 | 858.60 | 57 | 5 | 858.50 | 57 | 5 |
| $1,600 | 965.40 | 60 | 882.60 | 55 | 5 | 882.50 | 55 | 5 |
| $1,700 | 991.60 | 58 | 906.60 | 53 | 5 | 906.50 | 53 | 5 |

[1] Total family benefits would be limited to the smaller of 85 percent of the worker's AIME (or 100 percent of his primary insurance amount (PIA), if larger) or 160 percent of the worker's PIA.

[2] See covering memorandum for description of proposal.

[3] Represents difference in FBA under present law and under the proposal, as a percent of AIME, and therefore may not equal the difference of the percentages because of rounding.

[4] Represents estimated AIME for worker with wages equal to the Federal minimum wage in each year through 1979.

[5] Represents estimated AIME for worker with wages equal tu the average wage in each year through 1979.

Note: The information in the above table is based on the average wage amount that has been established for 1978 and the benefit formulas that have been determined for 1980. The effect of the June 1980 benefit increase is excluded.

Source: Social Security Administration, Office of the Actuary, Dec. 12, 1979.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LONG. I am willing to have the yeas and nays on tomorrow.

Mr. JAVITS. I realize that.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JAVITS. I thank the Chair.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, I do not believe the amendment should be agreed to. The committee bill and the Javits amendment both have the effect of limiting family disability benefits as compared with present law. Both would have approximately the same impact at lower benefit levels and at higher benefit levels. However, in the middle range of benefit levels, the Javits amendment would reduce benefits by a somewhat smaller amount than the committee bill. For example, at an $880 AIME level, the present law benefit is about $720. The House bill would reduce this to $595, the committee bill would reduce it to $630, and the Javits amendment would reduce it to $670. The net impact of the Javits amendment would be to reduce the savings of the committee bill by $4 million in fiscal year 1980 and by a total of $153 million over the 5-year period 1980–84.

Mr. President, with regard to this proposal, HEW has submitted this statement:

HEW opposed this proposal and favors the House provision. The proposal is more liberal than either the House or the Senate Finance Committee caps on these benefits, and compared to the House cap it would cut the first 5-year savings nearly in half. Furthermore, a cap at middle and upper levels that is based on a uniform percentage of primary insurance amount, that is, 150 percent of the primary insurance amount, as in the House bill, does not seem unreasonable and would enhance public understanding of the cap.

That is the position, Mr. President, of the Department of HEW, which really would prefer the House position, which is an even more strict limitation than the position of the Senate Finance Committee.

Mr. President, I believe the committee has been generous and has gone beyond what the administration has recommended. I believe we have done enough for people in the middle-income area in this instance, and I hope the committee position will be sustained. We will have the opportunity to debate this tomorrow.

Mr. President, in view of the fact that we will take up this matter tomorrow, I ask unanimous consent that this matter be temporarily laid aside and that we proceed with it tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

### UP AMENDMENT NO. 938

(Purpose: To provide for voluntary certification of medicare supplemental health insurance policies)

Mr. BAUCUS. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an unprinted amendment numbered 938.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out section 508 of the bill and insert in lieu thereof the following:

### VOLUNTARY CERTIFICATION OF MEDICARE SUPPLEMENTAL HEALTH INSURANCE POLICIES

SEC. 508. (a) Title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

### "VOLUNTARY CERTIFICATION OF MEDICARE SUPPLEMENTAL HEALTH INSURANCE POLICIES

"SEC. 1882. (a) The Secretary shall establish a procedure whereby medicare supplemental policies (as defined in subsection (g)) may be certified by the Secretary as meeting minimum standards set forth in subsection (c). Such procedure shall provide an opportunity for any insurer to submit any such policy, and such additional data as the Secretary finds necessary, to the Secretary for his examination and for his certification thereof as meeting the standards set forth in subsection (c). Such certification shall remain in effect, if the insurer files a statement with the Secretary no later than December 31 of each year stating that the policy continues to meet the standards set forth in subsection (c), and if the insurer submits such additional data as the Secretary finds necessary to independently verify the accuracy of such notarized statement. Where the Secretary determines such a policy meets (or continues to meet) the required standards, he shall authorize the insurer to have printed on such policy an emblem which the Secretary shall cause to be designed for use as an indication that a policy has received the Secretary's certification. The Secretary shall provide each State insurance commissioner with a list of all the policies which have received his certification.

"(b) Any medicare supplemental policy issued in any State which has established under State law a regulatory program providing for the application of minimum standards with respect to such policies equal to or more stringent than the standards provided for under subsection (c) shall be deemed (for so long as the Secretary finds such State program continues to require compliance with such standards) to meet the standards set forth in subsection (c).

"(c) The Secretary shall not certify under this section any medicare supplemental policy for any period, nor continue a certification for any period, unless he finds that for such period such policy—

"(1) meets standards set forth by the Secretary with respect to adequacy of coverage (either in a single policy or, in the case of nonprofit hospital and medical service associations, in one or more policies issued in conjunction with one another), but such standards shall not require coverage in excess of coverage of the part A medicare deductible and the following coverage required under section 7 (I) (2) of the 'NAIC Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act', adopted by the National Association of Insurance Commissioners on June 6, 1979:

"(A) coverage of part A medicare eligible expenss for hospitalization to the extent not covered under part A from the 61st day through the 90th day in any medicare benefit period;

"(B) coverage of part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days:

"(C) upon exhaustion of all medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 90 percent of all medicare part A eligible expenses for hospitalization not covered by medicare, subject to a lifetime maximum benefit of an additional 365 days; and

"(D) coverage of 20 percent of the amount of medicare eligible expenses under part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of $200 of such expenses and to a maximum benefit of at least $5,000 per calendar year;

"(2) is written in simplified language, and in a form, which can be easily understood by purchasers;

"(3) does not limit or preclude liability under the policy for a period longer than six months because of a health condition existing before the policy is effective;

"(4) contains a prominently displayed 'no loss cancellation clause' enabling the insured to return the policy within 30 days of the date of receipt of the policy (or the certificate issued thereunder) with return in full of any premium paid;

"(5) can be expected (as estimated for such period, not to exceed one year, to the maximum extent appropriate, on the basis of actual claims experience and premiums for such policy and in accordance with accepted actuarial principles and practices) to return to policyholders in the form of aggregate benefits provided under the policy, at least 75 percent of the aggregate amount of premiums collected in the case of group policies, and at least 60 percent of the aggregate amount of premiums collected in the case of individual policies; and

"(6) contains a written statement, in such form as the Secretary may prescribe, for prospective purchasers of such information as the Secretary shall prescribe relating to (A) the policy's premium, coverage in relation to the coverage and exclusions under medicare, and renewability provisions, and (B) the identification of the insurer and its agents.

"(d) (1) Whoever knowingly or willfully makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to the compliance of any policy with the standards set forth in subsection (c) or in regulations promulgated pursuant to such subsection, or with respect to the use of the emblem designed by the Secretary under subsection (a), shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

"(2) Whoever falsely assumes or pretends to be acting, or misrepresents in any way that he is acting under the authority of or in association with, the program of health insurance established by this title, or any Federal agency, for the purpose of selling or attempting to sell insurance, or in such pretended character demands, or obtains money, paper, documents, or anything of value, shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

"(3) (A) Whoever knowingly sells a health insurance policy to an individual entitled to benefits under part A or enrolled under part B of this title, with knowledge that such policy substantially duplicates health benefits to which such individual is otherwise entitled, other than benefits to which he is entitled under a requirement of State or Federal law (other than this title), shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned not more than five years, or both.

"(B) For purposes of this paragraph, benefits which are payable to or on behalf of an individual without regard to other health benefit coverage of such individual, shall not be considered as duplicative.

"(C) This paragraph shall not apply with respect to the selling of a group policy or plan of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations (or combination thereof), for employees or former employees (or combination thereof) or members or former members (or combination thereof) of the labor organizations.

"(4) (A) Whoever knowingly, directly or through his agent, mails or causes to be mailed any matter for a prohibited purpose (as determined under subparagraph (B)) shall be guilty of a felony and upon conviction thereof shall be fined not more than $25,000 or imprisoned for not more than five years, or both.

"(B) A prohibited purpose means the advertising, solicitation, or offer for sale of a medicare supplemental policy (or a certificate issued thereunder), or the delivery of such a policy (or a certificate issued thereunder), into any State in which such policy or certificate has not been approved by the State commissioner or superintendent of insurance. For purposes of this paragraph any medicare supplemental policy (or a certificate issued thereunder) shall be deemed to be approved by the State commissioner or superintendent of insurance of such State if (i) it has been approved by the commissioners or superintendents of insurance in the States in which more than 30 percent of such policies or certificates are sold, or (ii) such State has in effect a law which the commissioner or superintendent of insurance has determined gives him the authority to review, and to approve, or effectively bar from sale in the State, such policy or certificate; except that such a policy or certificate shall not be deemed to be approved by a State commissioner or superintendent of insurance if such State requests to the Secretary that such policy or certificate be subject to such State's approval.

"(C) This paragraph shall not apply in the case of a person who mails or causes to be mailed a medicare supplemental policy (or certificate issued thereunder) into a State if such person has ascertained that the party insured under such policy to whom (or on whose behalf) such policy or certificate is mailed is located in such State on a temporary basis.

"(D) This paragraph shall not apply in the case of a person who mails or causes to be mailed a duplicate copy of a medicare supplemental policy (or of a certificate issued thereunder) previously issued to the party to whom (or on whose behalf) such duplicate copy is mailed, if such policy or certificate expires not more than twelve months after the date on which the duplicate copy is mailed.

"(e) The Secretary shall provide to all individuals entitled to benefits under this title (and to the extent feasible, individuals about to become so entitled) such information as will permit such individuals to evaluate the value of medicare supplemental policies to them and the relationship of any such policies to benefits provided under this title.

"(f)(1)(A) The Secretary shall, in consultation with Federal and State regulatory agencies, the National Association of Insurance Commissioners, private insurers, and organizations representing consumers and the aged, conduct a comprehensive study and evaluation of the comparative effectiveness of various State approaches to the regulation of medicare supplemental policies in (i) limiting marketing and agent abuse, (ii) assuring the disemination of such information to individuals entitled to benefits under this title (and to other consumers) as is necessary to permit informed choice, (iii) promoting policies which provide reasonable economic benefits for such individuals, (iv) reducing the purchase of unnecessary duplicative coverage, and (v) improving price competition.

"(B) Such study shall also address the need for standards or certification of health insurance policies sold to individuals eligible for benefits under this title, other than medicare supplemental policies.

"(C) The Secretary shall, no later than July 1, 1981, submit a report to the Congress on the results of such study and evaluation, accompanied by such recommendations as the Secretary finds warranted by such results with respect to the need for legislative or administrative changes to accomplish the objectives set forth in subparagraphs (A) and (B), including the need for a mandatory Federal regulatory program to assure the marketing of appropriate types of medicare supplemental policies, and such other means as he finds may be appropriate to enhance effective State regulation of such policies.

"(2) The Secretary shall submit to the Congress on January 1, 1982 and periodically as may be appropriate thereafter (but not less often than once every two years), a report evaluating the effectiveness of the certification procedure and the criminal penalties established under this section, and shall include in such reports an analysis of—

"(A) the impact of such procedure and penalties on the types, market share, value, and cost to individuals entitled to benefits under this title of medicare supplemental policies which have been certified by the Secretary;

"(B) the need for any changes in the certification procedure to improve its administration or effectiveness; and

"(C) whether the certification program and criminal penalties should be continued.

"(g) For purposes of this section, a medicare supplemental policy is a health insurance policy or other health benefit plan offered by a private entity to individuals who are entitled to have payment made under this title, which provides reimbursement for expenses incurred for services and items for which payment may be made under this title but which are not reimbursable by reason of the applicability of deductibles, coinsurance amounts, or other limitations imposed pursuant to this title; but does not include any such policy or plan of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations (or combination thereof), for employees or former employees (or combination thereof) or members or former members (or combination thereof) of the labor organizations.

"(h) The Secretary shall prescribe such regulations as may be necessary for the effective, efficient, and equitable administration of the certification procedure established under this section.".

(b) The amendment made by this section shall become effective on the date of the enactment of this Act, except that the provisions of paragraph (4) of section 1882(d) of the Social Security Act (as added by this section) shall become effective on January 1, 1982.

(c) The Secretary of Health, Education, and Welfare shall issue final regulations to implement the certification procedure established under section 1882(a) of the Social Security Act not later than October 1, 1980. No policy shall be certified and no policy may be issued bearing the emblem authorized by the Secretary under such section, until January 1, 1982. On and after January 1, 1982, policies certified by the Secretary may bear such emblem, including policies which were issued prior to January 1, 1982, and were subsequently certified, and insurers may notify holders of such certified policies issued prior to January 1, 1982, using such emblem in the notification.

Mr. BAUCUS. Mr. President, this amendment substitutes a new section 508 in lieu of the current section dealing with voluntary certification of medicare supplemental health insurance policies in States that do not have adequate programs of their own.

This provision is favored by many senior citizens and consumer organizations. The General Accounting Office and the administration have gone on record in strong support of enactment of a voluntary certification program.

A number of my colleagues have been especially helpful in developing this substitute amendment. I want to thank Senators CHILES, CULVER, and METZENBAUM, for their efforts and commitment to providing needed protection to the elderly.

While I believe that the committee modification as originally adopted on December 5 is a good one, the amendment I am offering today makes a number of technical changes and clarifications which will significantly improve the proposed certification program. Let me stress that this is a fine tuning of a previously adopted amendment and it does not depart from the original intent.

Section 508 is necessary because the medicare program places certain limitations on the kinds of health services which are covered. In addition, there are deductibles and coinsurance amounts for which the beneficiary is liable.

In order to supplement their medicare coverage, nearly two-thirds of the aged population purchases private supplemental health insurance—the so-called MediGap policy. Detailed hearings held by the Senate and House Aging Committees, the House Interstate and Foreign Commerce Committee, and other investigations have identified numerous and widespread abuses in the sale of MediGap policies.

The difficulty has been, Mr. President, that in the last decade, to say the least, too many rotten apples have spoiled the barrel. That is, too many insurance agents and insurance companies have taken advantage of senior citizens, widows, widowers. These individuals often cannot read the fine print in the policy or for whatever reason purchase policies that in many cases are duplicative and does not provide the coverage they think is being given.

To assist beneficiaries and to avoid exploitation, the Senate adopted without objection a Finance Committee modification of the disability bill on December 5. The provision would require the Secretary of Health, Education, and Welfare to establish a voluntary program for certification of MediGap policies which meet certain minimum standards in States that do not apply equivalent or higher standards.

Let me stress the urgency in adopting and beginning to implement this important program. The earliest disclosures of the problem date back to 1971 when the Senate Antitrust and Monopoly Subcommittee held hearings. Roughly 19 reports, investigations, and congressional hearings have been released which further identify and document abuses in the sale of MediGap policies to the elderly.

Indeed, the House Select Committee on Aging estimates the loss to senior citizens to be $1 billion a year.

Senior citizens, like most Americans, are uninformed about insurance. An insurance policy is a "blind item"—senior citizens have no way of judging the value of what they are purchasing. They have to accept the representation of agents. They fail to understand the effect of small print commonly contained in such policies which say that in the case where a senior has more than one such policy, only one policy will pay. Senior citizens need some guidance as to what is an acceptable policy.

A Federal voluntary certification program represents a sensible approach to eliminating these problems. The Federal Government created many of these problems through the enactment of medicare and is therefore obligated and responsible to do something about it.

It has been suggested that Congress defer taking positive action on a voluntary certification program to give State legislatures an opportunity to enact the standards adopted by the National Association of Insurance Commissioners.

I commend the NAIC for adopting model minimum standards for medicare supplementary health insurance policies.

But there is no reasonable justification for delaying implementation of this program in spite of the NAIC's standards.

The senior citizens of the Nation cannot wait. They need help now. In 1971, the Senate Anti-Trust and Monopoly Subcommittee detailed significant abuses in the mail order sale of medicare supplementary health insurance policies. The next year, the National Association of Insurance Commissioners adopted model minimum standards for mail order insurance.

In 1979—some 8 years later—less than half of the States had adopted model standards for mail order policies. Moreover, even the ones that had enacted the regulations have found them inadequate and have asked Congress to step in.

The purpose of the study in section 508 is not to determine the need for a voluntary certification program, but rather whether States have identified approaches that might be useful in making the Federal program more effective.

In delaying implementation of the certification procedure, we would be doing a grave disservice to the senior citizens of our Nation.

It is our effort here, Mr. President, to try to find some way to encourage the States to remedy the problem. My bill represents a reasonable way to light a fire under the States to encourage them to take care of the problem in their own backyards.

Under the procedure in my amendment, companies could submit their policies to the Secretary of HEW for certification that the policy meets prescribed standards. The company could then display an emblem of certification on its policy.

To be certified, a policy would have to meet standards with respect to coverage drawn primarily from the National Association of Insurance Commissioners model regulations; be written in simplified language and in a form which can be easily understood; not limit benefits for more than an initial 6-month period because of a health condition existing before the policy was effective; prominently display a "no-loss cancellation clause" enabling the insured to return a policy within 30 days without financial loss; be expected to return to policyholders in the form of aggregate benefits at least 75 percent of the amount of premiums collected in the case of group policies, and at least 60 percent in the case of individual policies; and contain information that prospective purchasers would need to make an informed evaluation of the policy.

In addition, the Secretary would make readily available to medicare beneficiaries such information as will assist them in evaluating MediGap policies.

As I have said, policies issued in any State which has implemented a regulatory program that requires compliance with minimum standards that are equal to or higher than the Federal standards would be deemed to be certified. A key standard in the voluntary certification program is the minimum loss ratio. The purpose of this provision is to insure the policyholders receive reasonable financial return for their health insurance premium dollar.

In the area of medicare supplementary insurance, it is common for companies to return as little as 20 or 30 percent on the premium dollar while Blue Cross and Blue Shield, by contrast, return over 90 percent on the premium dollar. The average loss ratio for all health insurance within the insurance industry is 80 percent.

It is unconscionable to let companies return only 20 or 30 cents on the premium dollar, retaining the rest in profits and administrative expenses.

In order to guarantee that every purchaser of a certified policy receives full and fair value, the bill provides that the Secretary will compare actual incurred losses and earned premiums each year for every certified policy form in order to determine whether it can be expected to return to the policyholder an acceptable level of payment.

If the actual data shows a payout lower than 60 percent of premiums for individual policies or 70 percent for group, certification would be withdrawn. Exceptions could be granted where the policy is in its early years and lacks credible loss experience, or where the operation of permitted preexisting-disability exclusions might create temporary aberations in a policy's benefit payment experience.

I want to stress that the standards to be applied is the loss ratio actually experienced on a yearly basis, not a loss ratio which might be anticipated over a longer period of time.

For example, take an individual policy which showed an actual loss ratio of 50 percent on its current experience, but which was anticipated to have a lifetime loss ratio over 20 years greater than 60 percent. This policy should not be certified until its current loss ratio increased to at least 60 percent.

There is no good reason why persons who buy a policy form in the first several years following its issuance should receive a poorer value than those who buy later. And there can be no assurance that a company's estimates of its long-term premium income and payout will actually occur.

For example, a company may argue that its present loss ratio of 30 percent will increase to 70 percent as the policy ages—thus producing an average loss ratio of, say, 60 percent over the next 10 years. One of the problems with such estimates is that the company may simply raise its premiums to offset increases in the payout—thus effectively keeping the loss ratio from increasing as predicted. Moreover, experience with our public health care programs shows dramatically how difficult it is to predict health care costs.

Under the provisions, penalties would be provided for engaging in certain fraudulent activities: For furnishing false or misleading information for the purpose of obtaining certification; for misrepresentation as an agent of the Federal Government for the purpose of selling insurance to supplement medicare; and for knowingly selling insurance policies whose benefits would be reduced or denied because they duplicate benefits under another policy held by the purchaser; and for knowingly advertising, soliciting, or offering mail-order policies in a State contrary to the desire of the State insurance commissioners.

Under the bill, selling MediGap policies by mail would be a felony unless approved by the State in to which it is mailed, or by another State in which over 30 percent of such policies are sold, or if the State has laws which permits the commissioner to review, approve, or bar these mail-order policies.

The purpose of this provision is to assure that a State insurance commissioner will have Federal sanctions available to help him protect the residents of his State against shoddy policies mailed in by out-of-State companies. The various exemptions are designed to make it unnecessary for the State and out-of-State companies to initiate any special review and approval procedure where the State chooses not to do so.

Upon conviction of any one of these four offenses, which will be classified as felonies, an individual would be subject to a fine of up to $25,000 or imprisonment for up to 5 years, or both.

Certification will assure medicare beneficiaries that the policy they purchase will provide adequate, fairly priced protection against health care expenses that are not covered by medicare. Certification, together with the provisions for full disclosure, will create a climate of consumer understanding that will foster healthy competition with a competitive advantage for the best plans.

Under the bill, the Secretary will also make available to all medicare beneficiaries information which permits them to evaluate the value of supplemental policies. This provision too will promote enhanced consumer information.

A decade of abuse and problems in the sale of MediGap policies to the elderly have been documented by investigations, reports, and congressional hearings conducted by House and Senate Select Committees on Aging.

What do these disclosures show?

Senior citizens receive confusing information about the scope and extent of coverage provided.

Unethical sales practices result in tragic situations where older Americans purchase 2, 3, 4, and in 1 case as many as 90 duplicative and worthless policies in supplementation of medicare.

Restrictive benefit clauses often make the policies financially unattractive or even worthless.

Complex policy language makes it difficult, if not virtually impossible, for these consumers to make informed and intelligent choices about the policies they wish to purchase.

By acting now to establish a program of voluntary certification, the Congress can send a strong message to those who market poor quality plans and to those who prey upon the elderly and the infirm.

I believe that we have already waited far too long to combat and eliminate the documented abuses and confusion in the medicare supplementary field.

Mr. President, in the intervening weeks since we first considered the social security disability legislation, there have been many comments on section 508. Many representatives of the health insurance industry and State regulators have contacted me indicating their views with respect to a voluntary certification program. I want to thank especially Harp Cote and Jay Jenks for their suggestions and thoughtful comments.

I have met with these individuals and spoken with countless others over the phone. I have tried to accommodate many of the concerns of the insurance industry and State regulators. I have made every effort to compromise and revise in response to legitimate comments.

My amendment incorporates many of the sound recommendations received over the past several weeks.

Let me briefly explain some of the changes reflected in the pending substitute. Some are perfecting amendments. Others are designed to clarify certain provisions of the program.

The substitute for section 508 is being

offered in the expectation that it will significantly improve this program. The substitute in no way undermines or violates the essence of the program—which is to establish a procedure whereby medicare supplemental policies can be certified as meeting minimum standards.

Under the amendment, the scope of the proposed program has been limited so that it now focuses exclusively on areas of demonstrated abuses.

This has been accomplished by excluding from the definition of affected policies, group contracts established by an employer or labor organization. No case has been made that the MediGap abuses apply to employer-based and union-sponsored group policies sold to the elderly.

The amendment makes it clear that these policies will not come within the ambit of the voluntary certification program or the felony provision dealing with duplication of benefits and mail order policies.

The scope of the amendment has also been clarified with respect to State and Federal laws which provide health benefits. Concern was expressed that the penalty provision for selling duplicative policies would inadvertently interfere with State laws such as veterans' programs, workmens compensation, and no-fault auto insurance. The provision has been amended so that the duplication penalty would not apply where individuals purchased benefits which might overlap with benefits which they might become entitled to under requirements of State or Federal law (other than under title 18).

The pending amendment responds to the concern over broad secretarial discretion in setting regulations to implement and administer the voluntary certification program. In the original provision, for example, the Secretary had discretion in establishing the reasonableness of the premium charge. This discretion has been eliminated altogether since it is not the intent of the bill's sponsor to have the Secretary engage in rate-setting of insurance premiums.

Clarifications have also been made to stress that minimum standards will largely be drawn from the insurance commissioners themselves. I do not intend for the Secretary to arbitrarily impose unreasonable standards on MediGap policies for the purposes of receiving certification. In setting standards, therefore, with respect to adequacy of coverage, the Secretary will use as a guideline, the NAIC model regulations to implement the Individual Accident and Sickness Insurance Minimum Standards Act. This is another example of how the scope of the provision has been limited.

The amendment eliminates potential abuse by unscrupulous agents of the Federal seal of approval for the purpose of twisting or replacing good policies. Representatives of the insurance industry and State officials have stated that they fear that unethical agents will use the "good housekeeping seal" to encourage senior citizens to replace good policies that are not yet certified because they were issued before the voluntary certification program became effective.

The substitute eliminates this possibility by amending the effective dates of the program to occur in two stages. First, the Secretary of HEW will issue final regulations to announce the certification procedure by October 1, 1980; 15 months will elapse, however, before the Secretary may actually certify a policy and issue an emblem stating that fact.

The delay in the issuance of the certification seal will allow all companies which market MediGap policies to adjust those policies to conform with Federal standards so that the seal can be provided for policies already in force when the program takes effect as well as for policies issued after that date.

The enormous concern shown by these individuals over the possible misuse of a well-intentioned program represents the best evidence of the extent of agent abuses. It provides a compelling argument in support of establishing these critical protections for elderly Americans.

The amendment will not require nor promote excessive regulations by State commissioners on the issue of mail order insurance.

State insurance commissioners who are normally wary of Federal intervention have asked the Federal Government to help them regulate mail order insurance sold to the elderly in supplementation of medicare. At the present time, it is possible for an insurance company licensed in any one of the States to offer its policies for sale in each of the other States without having these policies approved by the insurance commissioner of the States into which policies are mailed. What this means is that mail order firms escape regulation. They have the competitive advantage by being allowed to market policies which do not conform to State standards.

In response to a questionnaire on whether the States would support the mail order provision, many State regulators answered emphatically in the affirmative.

One commissioner maintained that "too much of the so-called MediGap supplemental insurance market is being solicited through the mails, insulated from State regulations."

Another commissioner indicated his full "*** support of Federal legislation designed to regulate all mail order insurance policies at the State level including those policies purportedly sold to supplement medicare coverage, whether sold on an individual or group basis. I am in complete agreement with the superintendent of insurance of the State of New York with respect to his concern about phony trusts, especially when created by insurance companies, whose only purpose is to circumvent State insurance laws which define 'group insurance' and do not include fictitious groups, such as 'trusts' whose members have nothing in common except their common interest in the purchase of insurance."

A commissioner of a large Southern State responded:

> I strongly support your suggestion to bar the sale through the mails of any policy which has not been approved by the State insurance commissioner of the State into which the policies are mailed.

Consistent attempts have been made throughout the entire bill to draw upon the recommendations of the National Association of Insurance Commissioners. The NAIC, in fact, endorses the mail order provision, I quote:

> The NAIC supports efforts to deter market abuses by imposing federal criminal sanctions for certain types of market conduct. This support was recently expressed in the number of affirmative responses to a questionnaire * * * Most insurance regulators would agree that properly drafted criminal penalties for medicare supplemental insurance abuses are an excellent example of how federal legislation can complement existing state regulation by reinforcing rather than undercutting state regulatory activities.

My amendment makes it a felony to knowingly mail any medicare supplemental policy into a State where the policy has not been approved by the State insurance commissioner. In order to avoid placing an unfair burden on State commissioners and insurers, however, the amendment permits the commissioner to deem a MediGap policy approved in his State: If it has been approved by commissioners in the State where more than 30 percent of those policies are sold, or if the State officials believes he already has sufficient authority to monitor the sale of mail orders policies in his State. In effect, the Federal sanction will be available only to the extent that the State insurance commissioner wishes to subject a policy to his own approval.

The original provision providing for the establishment of a voluntary certification program of MediGap policies sold to the elderly is a good one. The substitute amendment makes the program a better one. The focus of the legislation has been limited, concerns over broad secretarial discretion have been addressed, and potential abuses of the Federal seal have been eliminated.

The certification program will result in no significant additional Government expenditures. It will create no new Federal bureaucracy. The Secretary of HEW will not have wide powers to promulgate a raft of new regulations. Consumer groups, senior citizens organizations, the administration, and the General Accounting Office are on record in strong support of this approach.

Congress can take a giant step toward reducing the abuses in MediGap practices by enacting this program. It will provide assurance to older Americans that the insurance policy they purchase meets basic standards for coverage and benefits. Senior citizens have waited too long for these minimum assurances. They should not be forced to wait any longer.

With that in mind, the Senator from Kansas, I understand, is going to offer an amendment to this amendment which, in effect, delays the implementation date of the HEW volunteer certification process and modifies it in a way so that the Secretary of HEW will not implement the voluntary certification process unless the Secretary of HEW finds, within a year and a half, that certain States, on a State-by-State basis, have not established standards eoual to or stronger than those outlined in the bill. Mr. President, I shall accept that amendment in pursuit of finding a beginning so we can take the first step and remedy the problem.

I compliment the Senator from Kansas. I think he has been very wise in suggesting the amendment. I do not mean to steal his thunder in describing it, but he also provides in the amendment that Congress will have 60 days to review the findings of the Secretary.

I think that is a good compromise. It is a good beginning. And it is my hope, Mr. President—in fact, it is my understanding—that all the principal actors in this amendment agree to it.

I thank all those parties for their very fine efforts.

Mr. President, I ask unanimous consent that a list of some of the abuses we are covering, as well as a table listing some of the studies of abuses, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### CASE HISTORIES

There is a veritable litany of case histories where senior citizens are easy prey for aggressive and unscrupulous insurance agents.

Item: A 76-year-old Illinois woman was sold some 71 life and hospitalization policies since she was widowed in 1976. Some 42 of the policies are currently in effect. It was reported she had to mortgage her farm to keep up with the premiums which in one year amounted to $15,000.

Item: An 80-year-old Pennsylvania woman spent over $50,000 on 31 policies over a three-year period. She took out a $3,000 loan from a bank to make insurance payments.

Item: A Pennsylvania widow also near 80 was spending $100 of her $109 old age pension on insurance. She said she sold baked goods and dipped into her small savings to survive.

Item: An 87-year-old Wisconsin woman purchased 19 different policies from 6 agents representing 9 companies and costing $4,000. As in these other cases, the policies were largely worthless because of duplication.

Item: A Florida couple, age 82 and 78, delayed repairing their refrigerator, television or stove because they were trying to keep up with $2,882 yearly premium on 19 separate insurance policies.

Item: An Ohio woman bought 13 different policies over a two-year period, costing her more than $9,000 or 68 percent of her income.

Item: An 84-year-old Texas woman paid over $15,303 for 23 health policies. Investigation revealed that several of the items she thought were insurance policies were worthless vehicle warranty contracts and a deed to worthless, unwanted Texas land.

Item: A 94-year-old Kansas man was sold 26 accident and health policies in the past three years.

Question 1: Should the enactment of a program of voluntary certification and other reforms in the Baucus amendment be postponed until further study can be made?

Answer. No. Senior citizens cannot afford to wait. They need help immediately. An insurance policy is very much a "blind item"—consumers cannot judge the worth of the policy themselves and must rely upon the representations of agents. There have been 19 major studies of this issue going back as far as 1971. These studies are listed below. They confirm the nationwide scope of the problem and the fact that few States have taken action to prevent senior citizens from being sold multiple, duplicate and essentially worthless insurance policies.

December 1979. Study of Medigap Insurance by George Washington University's Intergovernmental Health Policy Project (soon to be released).

November 1979. Study by American University on "Medicare Supplements and their value and control under grant No. 90–a–1677 from the Administration on Aging (HEW).

June 1979. Hearings by the House Interstate and Foreign Commerce Committee.

June 1979. Study by the U.S. General Accounting Office for the House Committee on Aging.

June 1979. Hearings by the Massachusetts Legislature.

November 1978. Hearings by the House Select Committee on Aging and a report "Abuses in the Sale of Health Insurance to the Elderly in Supplementation of Medicare: A National Scandal."

September 1978. Study of Medigap Insurance by the Chicago Tribune.

July 1978. Study of Medigap Insurance by the Federal Trade Commission.

July 1978. Study by the Kansas Insurance Commissioners.

May–June 1978. Hearings by the Senate Committee on Aging.

March 1978. Exposé of Medigap Insurance Abuses by the Newark Star Ledger.

December 1977. Investigation by the Wisconsin Insurance Commissioner.

July 1976. Investigation by the State of Oregon.

January 1976. Study by Consumer Reports magazine.

September 1974. Study by the State of Pennsylvania Department of Insurance.

December 1974. Report on Medigap Insurance by the Senate Committee on Aging.

May 1973. Consumer Reports magazine.

January 1973. Investigation by the Pennsylvania Department of Insurance.

May 1972. Hearings by the Senate Judiciary Committee, Subcommittee on Anti-Trust and Monopoly.

Mr. BRADLEY. Mr. President, as a member of both the Finance Committee and the Special Committee on Aging, I would like to join Senator BAUCUS today in reaffirming support of the MediGap amendment added to H.R. 3236 by the Finance Committee last November.

The enactment of medicare in 1965 provided long awaited relief to those of our Nation's elderly burdened with high medical expenses and little, if any, insurance coverage. Now, 15 years later, we are coming to terms with the fact that medicare is not a comprehensive program. Many of the medical services used by the elderly are not covered under medicare. Furthermore, the growing financial strain associated with these gaps in coverage has eroded some of the early achievements of this insurance plan. The aged pay more out-of-pocket for medical services today than they did in 1965. Only 38 percent of all medical bills faced by the elderly are paid by medicare; the remainder are paid out-of-pocket, or through medical assistance or private insurance.

The growing financial burden of these uncovered services has created a new market—the medicare supplemental or MediGap insurance industry. A vast array of private insurance companies, from the most respectable to the less reputable, have entered the marketplace. Over 50 percent of people over 65, or 12.6 million, have at least one such policy, spending between $500 million and $1 billion annually on premiums. The supplemental policies that call themselves MediGap are of very different types, with very different benefits and degrees of supplementation of medicare. While many MediGap insurers deal in an honest way with their elderly clientele, some insurers have exploited this new market, preying on the real fears of the elderly over rising health care costs.

In 1978 the Special Committee on Aging held hearings which detailed numerous horror stories about unscrupulous marketing tactics for MediGap policies. Postdating, forgery and misrepresentation are all too common, and consumers are often knowingly sold plans with duplicative coverage, believing that each policy fills a different gap. For example, testimony revealed that one 87-year-old woman was sold 19 separate MediGap policies in a single year.

Abuses such as fraud, highlighted in the Senate hearings, are only part of the problem. Confusion about what is and what is not covered by medicare is widespread among beneficiaries. Hence the need for supplementation in specific areas is not always understood. Moreover, consumers are generally not well informed about health insurance and can misinterpret the usefulness of various policy provisions and exclusions. Another critical cause of misunderstanding derives from the lack of standardization of MediGap policies. With no two policies exactly alike, it is difficult, if not impossible, for the consumer to evaluate the relative cost or merits of different MediGap policies.

Because the insurance industry is regulated by the States, regulation of the MediGap market has been very uneven. In most States interest in the MediGap insurance area has developed only gradually. Most State efforts have focused on requiring insurers to provide information and disclosure about their policies. Some States have mandatory standardization and minimum loss ratio requirements. Some States provide medicare beneficiaries with information on how to make good choices among various MediGap alternatives through booklets with descriptions and warnings.

Some States have gone further, requiring insurers to provide consumers with disclosure forms describing medicare benefits, the supplemental policy's benefits and major areas that neither medicare nor the MediGap policy covers.

Sometimes insurers are required to reveal the plan's estimated loss ratio, that is, the percentage of the premium dollar returned in benefits; a number of States have mandated minimum loss ratios by all health insurers. And some States have done virtually nothing. The picture, in short, is very much a patchwork. Abuses and confusion continue.

Such is the backdrop for the MediGap provision approved by the Senate Finance Committee last November. The committee's amendment is intended to remedy the major problems in the MediGap marketplace by providing for voluntary certification of medicare supplemental health insurance policies. The Secretary of HEW, in consultation with the National Association of Insurance Commissioners, would establish minimum standards for MediGap policies. Private insurance companies could then submit their policies for certification. Policies issued in any State which has its own program requiring compliance with minimum standards comparable to those included in the Federal certification program would also be considered certified and would bear the HEW "seal of approval."

Policies certified would be required to contain a written statement of the policy's premiums, coverage, renewability, and coinsurance features. They would also have to be written in simplified language which can be understood by the purchasers. Finally, HEW would undertake a major program of providing information to medicare beneficiaries about medicare coverage, the gaps in coverage, and the value of supplementary policies. The result of this program of voluntary certification and consumer education should be to assure more informed choices by those purchasing MediGap insurance and thereby to reduce the abuses and confusion which currently characterize the medicare supplemental insurance field.

Some have proposed that we delay enactment of this voluntary certification program. I do not believe that further delay is either necessary or reasonable. Nineteen major reports issued since 1972 have documented the serious problems associated with the patchwork of so-called MediGap insurance. Senior citizens and their families should not be required to wait for yet more evidence of abuse. At the present time they have no way of identifying good policies. They must rely on the representations of agents. This modest proposal for voluntary certification is much needed and long overdue. I strongly urge its enactment.

● Mr. METZENBAUM. Mr. President, I rise in support of the Baucus amendment to establish a voluntary certification program for medicare supplemental policies sold to the elderly. Recent investigations by both the House and Senate Select Committees on Aging have documented abuses in the sale of this insurance which are so extensive they constitute a national scandal. I commend Senator BAUCUS for his excellent work on this issue.

I have been deeply concerned about this issue for some time. The Subcommittee on Antitrust and Monopoly has been conducting an extensive examination of the insurance industry under the McCarran-Ferguson Act. Over the past 2 years I have chaired six major hearings on issues ranging from unfair discrimination in property and auto insurance to excessive rates and marketing abuses in credit insurance. I am, therefore, especially pleased to support this amendment, a proposal which addresses an extremely urgent problem in the insurance business. My staff has worked closely with Senator BAUCUS and the Finance Committee on this amendment.

The voluntary certification program is an important step forward. Presently, few States regulate this type of insurance effectively. Widespread and systematic abuses of senior citizens have been documented in thorough congressional hearings and reports. Many companies routinely return as benefits only 30 or 40 cents out of every premium dollar. Numerous agents, as shown by extensive testimony, misrepresent the scope of coverage, and overload unknowing senior citizens with duplicative coverage. Many companies sell by mail in order to use jurisdictional limitations to avoid regulation by States in which they sell.

Examples of flagrant maltreatment abound. An 88-year-old woman in Florida was sold more than $10,400 of health insurance in a year. A blind, 94-year-old man in Kansas was sold nearly 26 accident and health policies in 3 years. In Pennsylvania, a truly shocking case involved the sale of 31 policies costing $50,574 to an 80-year-old woman over a 3-year period. Every policy lapsed, but not until the woman's entire life savings had been wiped out.

The list is endless; I could recite cases like these all day. Hearings held by the House and Senate Select Committees on Aging, as well as by a number of State commissioners, document a national scandal of awesome proportions. Low pay-outs, high-pressure sales tactics, and duplicative coverage are typical of many insurers operating in many States. The exhaustive record compiled leaves no room for the theory that the problems documented can be explained by an occasional unscrupulous agent or misunderstanding by a policyholder.

Former insurance commissioner William J. Sheppard of Pennsylvania described the problem as "the disgraceful exploitation of the senior citizens of Pennsylvania through the sale of health insurance." Former insurance commissioner Harold Wilde of Wisconsin characterized the "medi-scare insurance racket, as a multimillion-dollar rip-off of our senior citizens" and stated that it has "swindled tens of thousands of Wisconsinites over the past few years." Executive director William R. Hutton of the National Council of Senior Citizens recently stated that the sooner we reach a national standard for MediGap insurance, the quicker we can wipe out "the disgrace of these horrors." The recent staff study of the House Select Committee on Aging concluded that there are widespread abuses with respect to MediGap insurance and that there has been a failure to aggressively regulate such abuses by many State insurance commissioners.

Most MediGap insurance is sold by small specialty companies. The House Select Committee on Aging reported that all but one major company, to which it has sent questionnaires, agreed that the current concern about abuses in the sale of medicare supplementary insurance is justified.

The elderly are easy victims for unscrupulous insurance sellers. Senior citizens often fear no one will sell them health insurance because of their age. Terrified by the crushing costs of medical care, they tend to buy policies indiscriminately in an effort to purchase security. At the same time, they are frequently ignorant about insurance matters, and not always able to look out for their own bests interests. As a result, they are easy marks.

Medicare, of course, is a Federal program. Since MediGap insurance is expressly designed to cover what medicare does not, it is especially appropriate that Federal standards govern this type of insurance.

I would prefer mandatory standards. I believe that the record of chronic abuses and inaction by the majority of States clearly supports the imposition of compulsory minimum standards. But a voluntary program is a start. And with tough but fair standards, a good start. Voluntary certification would allow the better policies the opportunity to earn the "Good Housekeeping" seal of approval. Consumers could then be assured of a fair deal whenever they bought a policy certified by the U.S. Government.

But for such a system to work, it is imperative that the standards set be both high and rigorous. It would be a cruel hoax indeed if a policy officially certified by the Federal Government turned out, after all the experience came in, to be a ripoff.

I believe that certification by the U.S. Government should be a mark of excellence. I support this program only on the assumption that no MediGap policies will be certified by the Secretary of HEW unless they are of truly first-rate quality. It is imperative that the standards applied be both high and rigorous.

A key provision is the minimum loss ratio. This standard will insure that at least 60 percent of premiums paid are returned to individual policyholders as benefits. While much lower than the standard generally achieved by Blue Cross/Blue Shield plans, this measure is a guarantee of minimum economic value. In administering this program, I expect the Secretary to make sure that policies remain certified only if actual data, checked on a yearly basis, show that the loss ratio standard is actually being met.

As I understand the amendment, long-term anticipated loss ratios, based on estimates of future losses, will not be relied on. Without reference to actual loss and premium experience on a current basis, it would be extremely difficult to monitor compliance with the standard.

Other key provisions in the amendment are the disclosure requirements. Senior citizens must be informed not only what a policy covers, but what it does not. This is key to avoiding pie-in-the-sky sales presentations which often conceal glaring deficiencies in coverage. Also of great importance are penalties provided for selling duplicative coverage, pretending to act under the authority of a Federal agency, or selling policies through the mail in States where they have not been approved.

The voluntary certification program is an important step forward. It is a moderate and balanced program. The problems congressional hearings have documented in the sale of health insurance to the elderly are of the utmost severity and urgency. Little effective action has been taken by the States to date. It is imperative that Congress act quickly and decisively to protect the Nation's elderly from insurance ripoffs.●

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator Culver, Senator Metzenbaum, and Senator Levin be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SENIOR CITIZEN HEALTH INSURANCE REFORM

● Mr. CULVER. Mr. President, in the 1st session of the 96th Congress, Senator Baucus and I introduced the Senior Citizen Health Insurance Reform Act of 1979. This legislation would establish a voluntary certification program for companies selling insurance policies intended to supplement medicare coverage, and stiffen the penalties for unethical sales practices. As such, it would provide much-needed consumer protection to the millions of older Americans who purchase such health insurance policies. The major provisions of the Senior Citizen Health Insurance Reform Act have been included in the Social Security Disability Amendments of 1979, which are now before the Senate.

Many people under age 65 do not realize that medicare covers only a modest and declining portion of the elderly's health-care expenses. To offset the skyrocketing costs of health care and the potentially bankrupting effect of a catastrophic illness, 15 million out of 23 million, or two-thirds, older Americans have turned to private health insurance policies to fill the gaps in their medicare coverage.

Numerous investigations and detailed hearings, by both House and Senate Committees on Aging, have documented widespread abuses in the sale of these medicare supplemental, or so-called MediGap, policies. Instead of bolstering medicare benefits, many policies sold to the elderly merely duplicate coverage already held and return as little as 20 cents in benefits for every dollar paid in premiums. A Federal Trade Commission study released in July 1978, noted that fully one-quarter of our senior citizens who attempt to purchase extra insurance to supplement medicare are actually sold unnecessary, costly, and overlapping coverage. The multiple abuses uncovered in the supplemental insurance area may well constitute a $1-billion-a-year fraud against older Americans.

Mr. President, it may not be possible to guarantee that no older person is sold an unneeded health insurance policy, or one that fails to provide all the needed benefits, but it is possible to reduce substantially the current fraud and abuse in this area. Many people are persuaded to buy unnecessary or duplicative policies because they lack the information needed to evaluate the value of various insurance plans. Few understand the implications of various escape clauses that exclude coverage of preexisting health conditions for lengthy waiting periods, or specify that only one policy will pay in the event of an illness. The fine print, technical provisions, and complex language contained in many policies often confuse the elderly. Moreover, older consumers have little or no protection against unscrupulous tactics by companies and agencies selling MediGap policies.

The supplemental medicare insurance legislation included in the social security disability amendments would address these problems of abuse and fraud against the elderly in several ways. This bill would direct the Secretary of Health, Education, and Welfare to establish Federal minimum standards for "MediGap" insurance. Companies providing such policies could then voluntarily submit their policies to the Secretary for certification. Policies meeting minimum standards for value and clarity would receive a uniform seal of approval which then would give the elderly purchaser some standard by which to judge the policy and some assurance that the policy is not deceptive. The Federal minimum standards outlined in this legislation are based on model standards adopted by the National Association of Insurance Commissioners (NAIC).

To address the problem of unethical sales practices, this bill would institute Federal criminal penalties for those who knowingly sell to a person eligible for Federal health insurance programs such as medicare, a policy which substantially duplicates protection already owned. It would also be a felony for any insurance salesman to pretend to be a representative of medicare as a tactic to pressure the elderly to purchase a policy.

Mr. President, not all senior citizens are touched by the documented abuses in the supplemental medicare insurance field, nor are most insurance companies or agents guilty of perpetrating those abuses. But the problems faced by this Nation's elderly, in attempting to insure their financial security against the rising costs of health care, cannot be ignored. I urge my colleagues to support this provision of the disability amendments and the protection it provides.●

Mr. DOMENICI. Mr. President, will the Senator yield me 3 minutes?

Mr. BAUCUS. I yield.

Mr. DOMENICI. As I understand it, the Dole substitute which the Senator has addressed in his remarks as a compromise has not yet been introduced, but will be shortly, is that correct?

Mr. BAUCUS. That is correct.

Mr. DOMENICI. I am a cosponsor of it and I rise in support of it. The senior Senator from Florida and I as the ranking Senator on the Aging Committee, undertook hearings in that committee on this issue of fraud with reference to so-called MediGap insurance. I am sure it exists. I am sure that population of senior citizens that are concerned about whether or not they are going to be able to take care of the expenses that accompany sickness and ailments of aging are among our poorer population and many of them have been misled. Many of them have been victims of agents that have almost been malicious in their intent to defraud and cheat them.

While all this investigation has been occurring, the States in the Nation have begun to respond with statutes and regulations that will protect the citizens in their respective States. It is this Senator's opinion that this amendment will say to the States, "Unless you want the Federal Government to get involved, you had better clean up your own house; you had better pass at least a minimal disclosure and substantive requirements proposed by your own industry and reiterated in this amendment." They will be given a clear opportunity, under the Dole modification, to do that. If they do not, and it is found that they do not, or they are not ready within the time prescribed in this amendment, then the U.S. Government, through the Secretary of HEW, will so find and will inform the committees of jurisdiction in both bodies and we shall be free to act.

I think, on the State-by-State basis, it is obviously the intent of this amendment that it will be clearly visible to all which States are really desirous of protecting the senior citizens within their States. We shall find out, in short order, whether the States are really capable of doing that and, if they are not, they and the insurance industry will have to take the medicine of having, on a State-by-State basis, the National Government certify which policies meet minimum standards and which do not.

I hope they will all enact legislation so they can police the industry and protect their citizens. It will be a far better approach.

Having said that, I commend the Senator from Montana for the interest and effort he has engaged in this issue. I am confident we must do something. I am hopeful that the industry and the States will do it for themselves and we shall not have to breach the long-standing commitment of our National Government to stay out of the regulation of insurance. I wholeheartedly concur that something must be done. I hope this is enough. I hope the Dole compromise, which I want to be a cosponsor of, will pass tonight and become the law of the land.

I thank the Senator from Montana for yielding.

Mr. BAUCUS. Mr. President, I yield the floor.

Mr. CHILES. Will the Senator yield me a second?

Mr. DOLE. I yield to the Senator from Florida.

Mr. CHILES. Mr. President, I support the Senator from Montana in his amendment. The Committee on Aging, almost 2 years ago, held hearings on the MediGap insurance abuses and I think what we are doing here today is an attempt to correct that.

### NO DELAY ON MEDIGAP INSURANCE AMENDMENT

Mr. President, I rise in support of the MediGap amendment, section 508 of the bill before us, which the Senate unanimously agreed to consider as part of this bill on December 5, 1979. We have considered this matter long enough, and I believe any further delay would send an unmistakable message to the millions of older Americans who are waiting for Congress to take action against the blatant abuses which have been uncovered in the sale of MediGap insurance policies.

Mr. President, as chairman of the Committee on Aging, I sat through 2 days of eye-opening testimony from elderly people who had been swindled—from State insurance commissioners who verified that these problems had been around for a long time—and from State law enforcement officials who told us how hard it was to control MediGap abuses. That was in 1978. And the Committee on Aging also had hearings on MediGap abuses, and issued a report, in 1974.

The House Subcommittee on Health and the Environment has held 2 days of hearings. The House Select Committee on Aging has held hearings. The Finance Committee and the Ways and Means Committee have studied MediGap problems, and both of these committees have taken decisive action. The Ways and Means Committee has already reported an amendment very similar to the one before us now. I call attention to the statement made by members of the Ways and Means Committee in their committee report: That a "consensus has emerged about the critical need to act" on MediGap abuses.

This amendment is solidly supported by older Americans, by consumer groups, by the Department of Health, Education, and Welfare, and by the White House. They have all given this issue study, and they are all urging that there be no further delays.

There is some pretty strong support right here in the Senate too. Just before the Christmas recess, Senator DOLE, Senator BAUCUS, and I and 20 other Senators circulated a letter urging all Members to support this amendment and give it quick action.

The first time severe problems in marketing MediGap insurance policies were given Federal attention was in 1971. There have already been 20 major studies of this issue.

I think that is enough study, and we have waited long enough. Older Americans should not be asked to wait even longer. They have already lost millions of dollars. Granting further study would only mean further losses.

Mr. President, some health insurance companies and State insurance departments raised objections to portions of the amendment before us because they thought some of the language was too vague and needed more clarification. They were afraid there would be some unintended consequences once the voluntary certification program was implemented.

I point out that Senator BAUCUS and Senator DOLE and the Finance Committee staff have listened to these concerns. Senator BAUCUS has made a number of technical changes and clarifications to this amendment in response to these concerns. I think they are all good changes and will strengthen the amendment.

I do not think anyone quarrels with the minimum standards for MediGap insurance policies proposed in the amendment. These standards come from recommendations made by the National Association of Insurance Commissioners and members of the Health Insurance Association of America.

What some do not like, however, is the provision for HEW certification of policies which meet these standards.

Mr. President, I remind my colleagues once more that this would be a purely voluntary program. No insurance company in any State would be required to participate. The amendment simply says that those policies which meet the minimum standards outlined in the bill—minimum standards which the industry and the National Association of Insurance Commissioners have agreed upon—could carry a claim to that effect.

Further, the provision for a voluntary certification program supports and encourages State regulation. It in no way preempts State regulation. Policies sold in any State which regulates MediGap insurance sales in a comprehensive manner would automatically be certified. In this way, any State which finds a better way than what we are proposing now would in no way be penalized.

I know that a number of States have already made some good faith efforts to strengthen their protections against MediGap sales abuses, and I hope that additional States will do so. I am afraid, however, that if we backtrack on this legislation now, the progress we have been seeing at the State level will slow down considerably.

Forty-three percent of all State insurance departments have classified MediGap marketing abuses as a "major" problem. Most of the rest of the States indicated that MediGap problems were serious, if not "major." Very few States, however, have conducted an investigation of MediGap problems, and 75 percent of all States do not think that additional State legislation is needed to control abuses.

By the end of 1979, only a few States had taken truly comprehensive action to combat MediGap abuses. Wisconsin and California have been leaders in this area, and now Massachusetts and New Jersey are in the process of adopting comprehensive new regulations.

Even though a large number of States, somewhere between 20 and 30, have given some attention to MediGap abuses recently, most of the actions have been quite limited. For instance, somewhere around 20 States have produced, or plan to produce, a consumer information pamphlet on MediGap. But only two States—Wisconsin and Michigan—require that it even be used at the time of sale of delivery of a MediGap insurance policy. Of the nine States which are developing information disclosure procedures, Wisconsin is the only State which mandates the delivery of a disclosure form at the time of sale, as suggested by the National Association of Insurance Commissioners.

Only eight States have set, or are proposing, minimum loss ratios for MediGap insurance policies.

Mr. President, I think these are all encouraging actions, but I point out that half the States have yet to take any action and that much more comprehensive action is needed even in most of those States which have taken some action since so much publicity has been given to MediGap insurance abuses.

I, for one, would be very happy if this happened, and we no longer had a need for any kind of voluntary certification program. But I do not think we have arrived at that point yet.

I am fearful, therefore, Mr. President, that any signal from the U.S. Senate that we are not serious about continuing to monitor this situation would mean the end of any of the progress we have made so far.

### MODIFICATIONS TO MEDIGAP AMENDMENT

Mr. President, Senator BAUCUS and Senator DOLE and the Finance Committee staff have spent considerable time going over the language of section 508 of the bill before us—the MediGap amendment which the Senate has agreed to consider as part of the disability bill. Senator BAUCUS is proposing a number of technical and clarifying changes which I support.

I would like to point out that these changes have been made partially in response to some fears expressed by a few health insurance companies and State insurance commissioners who felt that portions of the language were not defined clearly enough. This has been a good faith effort to make sure that there are not unintended consequences once the amendment's provision for a voluntary certification program of medigap policies is implemented, and I think these changes are good ones and will strengthen the amendment.

Mr. President, these changes should make it easy for us to act now. It has been almost 2 years since I first chaired hearings which revealed startling abuses in the sale of MediGap insurance policies to the elderly. There have been additional hearings and numerous studies since that time which have shown clearly that this market is full of instances of overselling low-value insurance policies and tricking elderly people into squandering their life savings on dozens of insurance policies which will provide them little or no return.

I would hate to be the one to say that we think we need further study before we act.

It appears that the New York State insurance department had feared that the amendment would preempt their no-fault auto insurance rules. The amendment would in no way preempt any State law or regulations, but his has been further clarified.

Some insurance companies were fearful that the provision for State approval of mailorder insurance sales would have acted as a disincentive for employer/employee and labor organization group MediGap plans. This was never intended by the amendment. As a matter of fact, we all recognize that these are often the best MediGap insurance plans available to retired workers. Further clarification of this fact has also been made.

Other technical changes have been made to make sure there are no misunderstandings about the Secretary's authority to determine voluntary loss ratio standards and information disclosure forms for use in the voluntary certification program.

### UP AMENDMENT NO. 939

(Purpose: To require a finding by the Secretary that State programs are inadequate before he implements the certification program)

Mr. DOLE. Mr. President, I send an amendment to the Baucus amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Until the time of the first degree amendment has been used or yielded back, the amendment is not in order.

Mr. BAUCUS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Louisiana yield back?

Mr. LONG. I yield back my time, Mr. President.

The PRESIDING OFFICER. All time having been yielded back, the clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Kansas (Mr. Dole) for himself Mr. Hayakawa, and M. Domenici, proposes an unprinted amendment numbered 939 to the amendment proposed by Mr. Baucus numbered 938.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the unprinted amendment numbered 938 add the following:

At the end of section 508(c) insert the following:

(2)(A) The Secretary of Health, Education, and Welfare shall not implement the certification program established under section 1882(a) of the Social Security Act with respect to any State unless he makes a finding, based on the study carried out under section 1882(f)(1)(A)(vi) of such Act and information submitted by such State, that such State cannot be expected to have established, by January 1, 1982, a program meeting the requirements of section 1882(c) of the Social Security Act. If the Secretary makes such a finding, and such finding is not disapproved under subparagraph (B), he shall implement such program under section 1882(a) with respect to medicare supplemental policies sold in such State, until such time as such State meets the requirements of section 1882(b) of such Act.

(B)(i) Any finding by the Secretary under subparagraph (A) shall be transmitted in writing to the Senate Committee on Finance and the House of Representatives Committees on Interstate and Foreign Commerce and Ways and Means.

(ii) The findings of the Secretary shall not become effective until 60 days after transmittal of the report to the Congress. In counting such days, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period indicated.

Amend section 508(a) by amending the text of section 1882(f)(1)(A) of the Social Security Act (as added by section 508(a)) by striking out "and (v) improving price competition" and inserting "(v) improving price competition, and (vi) establishing effective State programs as described in subsection (b)".

Mr. DOLE. Mr. President, I wish to begin by commending my fellow colleagues, the Senator from Florida (Mr. Chiles), the Senator from New Mexico (Mr. Domenici) and also the Senator from Montana (Mr. Baucus), for the work they have done in bringing the abuses in the sale of medicare supplemental policies to light. I also thank the distinguished Senator from Nebraska (Mr. Exon) for his efforts. He has assisted us in working out a compromise and we appreciate his efforts.

Senator Chiles chaired hearings of the Special Committee on Aging some 18 months ago, during which time the shocking behavior of some unscrupulous agents and insurance companies was cited. Hearings by the House Select Committee on Aging followed shortly thereafter uncovering similar examples of abuse. We heard stories about individuals who were sold 3, 4 and sometimes as many as 10 policies. The media became enchanted with agents in ski masks and hoods who hand mended their "twisting" ways.

A legislative remedy was proposed and is now a part of the social security disability bill before the Senate. That remedy proposes there be a voluntary certification program for medicare supplementary policies; criminal sanctions for agents or companies who misrepresent themselves as an agent of the government or who knowingly sell a duplicate policy, penalties to limit certain mail order sales; and also requires the Secretary of HEW to conduct a comprehensive study of health insurance purchased by the elderly.

I agree with my colleagues completely on the seriousness of this problem. The behavior of some agents and companies is indeed shocking and should be dealt with.

The original amendment agreed to by the Finance Committee, was an attempt to deal with many of the problems identified in these hearings and investigations.

Over the last month countless meetings have been held with representatives of the insurance industry in an attempt to refine the provision agreed upon earlier, and accomodate, to the extent possible, their concerns. The amendment offered today by the Senator from Montana reflects many of the changes recommended and is an improvement over our previous efforts. However, my amendment represents a further attempt to encourage State activity and avoid unnecessary Federal activity.

I suggest that this issue is a matter that certainly deserves attention. It has had the attention of the Senate and the attention of the Finance Committee, and certainly the Special Committee on Aging under the leadership of Senator Chiles and Senator Domenici.

We believe we have worked out a compromise that will help control some of the abuses and, at the same time, permit some flexibility.

It is the purpose of my amendment to require that before the Secretary implements the certification program in a State, as outlined in the proposal pending before us, he must make a finding that the State has failed, to establish a program by law or resolution, to regulate medicare supplemental policies.

The Secretary must additionally report his findings to the Congress, which is then given 60 days to review these findings which are based on a study to be completed by July 1, 1981.

I further outline what we mean by 60 days. It is not 60 legislative days. That could be forever. But it is 60 days in session. We used some boilerplate language suggested by the Parliamentarian to further spell that out.

The amendment, as proposed, leaves the rest of the program and time schedule in place.

In offering this amendment, the Senator from Kansas, in no way, wishes to place in doubt his continued belief in the need for stronger regulation of this form of insurance and in no way is this an attempt to unnecssarily stall or otherwise delay activity in this area.

In conversations with a number of insurance commissioners, the desire on the part of many states to resolve these problems through State actions, has become apparent. The Senator from Kansas believes it is in the best interest of this program, and of the medicare beneficiary, to encourage these efforts. My amendment, though placing an emphasis on the State programs, still retains the ability of the Federal Government to proceed if the States fail to meet this goal and thus the medicare beneficiary is assured of action being taken.

### UNITED STATES

The Senator from Kansas does not believe all the solutions will fall solely within the appropriate jurisdiction of the Federal Government, nor the insurance industry, nor of the State insurance commissioners. The responsibility for solving the problems with medicare supplementary health insurance must be shared by us all.

The insurance industry itself has begun to address these problems, and they are to be commended for their efforts. Many State insurance commissioners are contributing their thoughts and expertise in helping solve the question of how to prevent abuses in the system while still providing for and encouraging the availability of rational and responsive medicare supplementary health insurance.

My amendment is built upon my belief in this need for a united front.

After countless conversations and meetings of Members of the Senate and, certainly, the staff of Senator Baucus, my staff and others, who deserve considerable accolades for their efforts, believe this proposal represents a fair compromise.

### CONCLUSION

We, each of us, have a responsibility to the elderly in our communities to protect them against the type of abusive practices that have come to light with respect to the sale of medicare supplementary health insurance. The Senator from Kansas is hopeful that the final legislation agreed upon will assist us in these efforts.

Mr. HAYAKAWA. Mr. President, I too, have been most interested in this amendment and am happy that the distinguished Senator from Kansas (Mr. Dole) has been able to work this out with the junior Senator from Montana.

I believe this is a good compromise of the two respective positions and it appears that this will resolve the issue satisfactorily. I cannot emphasize enough my concern over the Government's attempt to interfere in the prerogatives and responsibilities of the States. Yet I am concerned too with the protection of consumers from irregular practices. I believe that the compromise worked out by the Senator from Kansas and the junior Senator from Montana adequately meets both my concerns.

I thank the distinguished ranking minority member of the committee for his contribution to this important question.

Mr. President, I am prepared to yield back the remainder of my time on my amendment.

Mr. BAUCUS. Mr. President, I rise to state my agreement with the Senator from Kansas, and to say that I was remiss in not stating earlier that the Senator from Florida (Mr. CHILES), the Senator from Iowa (Mr. CULVER), and the Senator from Kansas were really pioneers here. I am a latecomer to the effort to solve this problem.

I wanted to make sure that those in earshot and those who read the RECORD know that Senator CHILES is one of the foremost pioneers. I thank the Senator for his efforts.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LONG. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (UP No. 939) was agreed to.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana, as amended.

The amendment (No. 938) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that Senator EXON be added as a cosponsor to the Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMENDATION OF THE GOVERNMENT OF CANADA FOR ITS ACTIONS WITH RESPECT TO CERTAIN U.S. HOSTAGES IN IRAN

Mr. CHILES. Mr. President, I call up Senate Resolution 344 and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 344) commending the Government of Canada for its actions with respect to certain United States citizens in Iran:

Whereas six Americans sought refuge in Tehran after the takeover of the United States Embassy in November 1979;

Whereas the Americans were given refuge by the Canadian Embassy for twelve weeks;

Whereas the whereabouts of these Americans was kept a secret in order to protect the lives of those Americans held at the United States Embassy;

Whereas this action was taken despite the threat this posed to the lives of Canadian Embassy officials;

Whereas Canadian Ambassador Kenneth Taylor acted with particular courage and compassion in seeking the eventual departure of the Americans from Iran; and

Whereas the six Americans have now safely left Iran:

*Resolved,* That the Senate, on behalf of all Americans, hereby commends the Government of Canada for its actions in protecting certain United States citizens and arranging for their departure from Iran.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he transmit such copy to the Government of Canada.

Mr. CHILES. Mr. President, this resolution has been cleared. The Committee on Foreign Relations has reported it out of committee, and in a moment I will move for its immediate consideration.

I think I speak for all Americans today when I say a special "thank you" to our neighbor to the north. The decisions that they made and the actions that they took saved the lives of six Americans. The decisions and actions of the Canadian Embassy staff in Iran were taken at great risk to their own lives and safety.

The announcement that the six Americans had managed to leave Iran safely with the aid of the Canadian staff is news of a kind we do not seem to hear much of these days. We are always talking about countries that sort of kick the United States at times. It is very pleasant to see our neighbor take this kind of risk and come to our aid.

I know all Americans are proud of that today and the common heritage we share with our neighbors in Canada, their great love for freedom, their great love for law, their great love for people, being able to decide their own fate in a free and democratic way.

I wanted to take this opportunity to have the Government of the United States express to Canada and to each of the members of the Embassy in Tehran that took this courageous action, our "thank you."

Mr. President, I ask unanimous consent that the following Senators be made cosponsors of the resolution: Messrs. CHURCH, PELL, MCGOVERN, BIDEN, STONE, SARBANES, ZORINSKY, JAVITS, PERCY, HAYAKAWA, GLENN, NUNN, WILLIAMS, EXON, DOMENICI, MATHIAS, ROBERT C. BYRD, STEVENS, ROTH, and DOLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, will the Senator yield to the Senator from New Mexico?

Mr. CHILES. I yield.

Mr. DOMENICI. Mr. President, I am privileged to be a cosponsor of this resolution. I commend the distinguished Senator from Florida for submitting it and for bringing it to the floor this evening.

A friend in a time of need is a friend indeed. That is an old saying that we do not use frequently any more, but it certainly is applicable to Canada today. It certainly is appropriate that the U.S. Senate indicate to the people of Canada our heartfelt appreciation.

The United States—at least, in the recent past—is not quite sure who its friends are or who its enemies are. We help a great many people, and we are not sure where they stand when we are in a time of need. That has been the case for the last couple of months.

There never has been any doubt where Canada stood. Obviously, for much of that time, when they have stood with us on the Iranian issue, the Afghanistan issue, and others, they also, without any of us knowing, were taking a great risk to do a genuine act of mercy and kindness and decency, directed at our people and particularly the six hostages.

I thank them, as a Senator of the United States. I hope they understand that we genuinely appreciate what they have done with respect to these hostages, as the Senator from Florida has described, and their very significant contributions to our position with reference to the illegal acts that have occurred and the great threats that are occurring in the Middle East.

I thank the Senator from Florida for the privilege of cosponsoring the resolution, and I commend him once again for bringing it to the attention of the Senate and the American people.

Mr. CHILES. I thank the Senator.

Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator from Florida for yielding.

### GALLANTRY THAT SHALL NOT BE FORGOTTEN

Mr. President, the gallant and selfless action of Kenneth Taylor, Canadian Ambassador to Iran, and his three colleagues in helping six trapped American diplomats escape from Iran will not soon be forgotten by this Nation.

As the mother of one of the rescued Americans has said: "I'm going to be indebted to Canada for the rest of my life." So shall we all be. This resolution recognizes that debt and should be adopted unanimously.

The Canadian diplomatic service, through these individuals, has made a statement about human dignity and human worth that will reverberate around the globe. It has set an example of courage and discretion that commands the respect and admiration of all those who believe, with the great Persian poet Sa'adi, that:

All Adam's sons are scions of one another.
Each of the same composition as others;
So, while one encounters pain and grief,
The others will find no relief.
You, who are indifferent to another's pain,
Should not be worthy to claim Adam's name.

I am indebted for this translation to Dr. Ibrahim Pourhadi.

I think the words of Sa'adi describe appropriately the gallantry that shall not be forgotten.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CHILES. I yield to the distinguished Senator from Kansas.

### COURAGEOUS CANADIANS

Mr. DOLE. Mr. President, the world has just learned of the courageous actions taken by the Canadian Government and its people through their Embassy officials in Tehran. At considerable risk to themselves, Ambassador Taylor and the other Canadian Embassy officials provided refuge to six officials of the U.S. Embassy escaping the seizure of our Embassy. Though the danger of reprisal—both from the terrorist elements of Iranian society and from the governing authorities in Tehran—was constantly present, these brave people of Canada hid our officials during these past tumultuous weeks.

Then, in a daring ruse and causing great personal danger to themselves, these Canadian officials helped our citizens to escape from Iran using false Canadian passports. Seldom in the annals of recent history has it been more dangerous to be a friend to the United States. Yet, our fellow Americans from across the border acted without hesitation and in disregard for the harmful consequences to themselves in securing the safety and escape of our diplomats.

This great act of courage and friendship inspires the deep appreciation and gratitude of all the people of the United States. Mr. President, the Senator from Kansas believes this resolution, expressing such appreciation, is a timely and appropriate means of extending our thanks to the Government and people of Canada, and in particular to Ambassador Taylor and the officials of the Canadian Embassy in Iran.

Mr. President, we have had some eloquent statements. The Senator from Kansas and all other Senators appreciate the courageous actions taken by the Canadian Government and its people through their embassy officials in Tehran. For that, as the distinguished Senator from Maryland just indicated, they shall not be forgotten.

It indicates again the strength of the friendship that exists, and it is a demonstration that is more than symbolism of the concern of Canadians for human rights. I especially pay tribute to Ambassador Taylor and others directly involved.

I thank the Senator from Florida for his efforts and for permitting me to be a cosponsor of the resolution.

Mr. CHILES. I thank the Senator from Kansas.

Mr. TSONGAS. Mr. President, will the Senator yield?

Mr. CHILES. I yield to the distinguished Senator from Massachusetts.

Mr. TSONGAS. Mr. President, I commend the Senator from Florida for bringing this resolution before the Senate.

One need only look back over the last couple of years and the issues that have been facing this country, and he can see a systematic withdrawal of our allies from any kind of meaningful support, especially as it reflects upon the lack of support by our "allies" in Europe. This is one of the few instances, beyond what Mrs. Thatcher has done in England, which indicates that there is really a Western alliance that means something.

I commend the Government of Canada; and as an individual, I express my support for what they have done. It makes me proud that I spent my honeymoon in Canada.

Mr. CHILES. I thank the Senator.

Mr. President, I yield to the Senator from Delaware.

Mr. ROTH. I thank the distinguished Senator from Florida.

Mr. President, I, too, commend the Senator from Florida for submitting a Resolution of Appreciation to the Government and people of our great friend to the north, Canada, for having given sanctuary to six American diplomats who had escaped from the occupied American Embassy in Tehran, and for having arranged for their dangerous exit from Iran and return to safety in the United States.

The relations between the United States and Canada have from the births of our two countries been as close and friendly as any in the world. We have the longest undefended common border in the world. We share a common tradition and history. We have gone to war together, shoulder to shoulder against common enemies.

But, Mr. President, nothing has dramatized the closeness of the relationship more than the decision taken unhesitatingly by a special session of the Canadian Cabinet to grant the American diplomats refuge in the Canadian Embassy in Tehran and to spirit them out of the country at the first opportunity.

The decision to protect and rescue the Americans placed at great risk the lives of Canadian diplomats in Tehran and made inevitable the closing of the Canadian Embassy there.

For weeks, the staff of the Canadian Embassy lived in fear that the presence of the Americans would be discovered by Iranian authorities and that retribution would certainly ensue. The men and women of the Canadian Embassy exhibited courage and steadfastness that deserves our highest admiration and gratitude.

We owe a special debt of gratitude to the Canadian Ambassador, Mr. Kenneth Taylor, who actively participated in a number of efforts to free our hostages in the American Embassy while all the time harboring U.S. diplomats in his own Embassy. Ambassador Taylor's courage and nerveless performance is in the highest tradition of diplomatic service. We are indeed fortunate to have such a friend.

Mr. President, the Iranian Foreign Minister has had the gall to accuse the Canadian Government of lawlessness in rescuing our citizens. In aiding and abetting the terrorist occupation of the American Embassy in Tehran, the so-called Government of Iran placed itself beyond the pale of civilized behavior. Having itself placed our chargé d'affaires, Bruce Laingen, under arrest despite his diplomatic immunity, the Iranian authorities are in no position to demand adherence to international law.

Having seen no evidence that the self-proclaimed Government of Iran was prepared to adhere to international norms, the Canadian Government courageously and wisely decided that the safety of human beings took precedence over the desires of the Iranian authorities. We thank them deeply for that decision.

Should the Iranian authorities want to use the escape of the Americans from the Canadian Embassy as an excuse to punish the hostages for alleged spy activities, they should reconsider now. They should be under no illusion that the American Government and people will sit by twiddling their thumbs while our fellow citizens are harmed.

If on the other hand, the newly elected Government in Iran is sincere in its desire to resolve whatever disputes or complaints it has against us, it should begin by releasing immediately the remaining hostages in Tehran. There can be no justification for their continued incarceration.

Once the hostages are released, we would be prepared to seek ways to resolve whatever differences there may be between us.

The choice is theirs. We sincerely hope that it will be the right one.

Mr. WILLIAMS. Mr. President, I am sure my colleagues were as deeply moved as I last night to discover that six American diplomats were able to escape from Iran with the help of our good friends and allies in the Canadian Embassy in Tehran.

By now the news of their escape from the besieged American Embassy is well known and the accounts of their 3-month refuge in the Canadian Embassy well publicized.

At a time like this I find it hard to express the warm gratitude and deep emotion which this event has sparked. I can only imagine how the families of those six Americans feel today. As the news about the Canadian-American effort spread across the country last night there was a spontaneous outpouring of appreciation, not only from U.S. officials but from people all over the Nation. This appreciation is, I believe, heightened by the sense of isolation and concern we have all felt in recent days over the difficulty we have faced as a Nation in obtaining agreement and support from our allies to counter the ongoing hostage situation in Iran and the Soviet aggression in Afghanistan. With our country under this kind of pressure the heroic support of Canadian officials and the Canadian Government, which would have been spectacular under any circumstances, has become an even greater symbol of cooperation and support.

Last night's news of the Americans' escape was brought home to me when I learned that one of the people to safely arrive in Canada was Cora Amburn Lijeck, whose parents live in New Jersey. I know the Amburn family has been most anxious about their daughter's safe return, and I share their sense of relief that she is home at last.

Our faith in our traditional alliance and our mutual values have been affirmed many times over today because of the Canadian success in protecting the lives of our citizens. I am sure I speak for my colleagues in the Senate when I express our deep and abiding gratitude for the brave efforts of the Canadian officials who risked their lives to help bring those six Americans home.

Therefore, Mr. President, I am most honored to join in sponsoring the resolution before the Senate commending Canada for the valiant actions of its officials to save our citizens in Iran.

Mr. CHURCH. Mr. President, the Senate Foreign Relations Committee this morning approved a resolution, introduced in the Senate by the distinguished Senator from Florida, Mr. Chiles, commending the Government of Canada for its heroic actions in behalf of our diplomatic personnel in Iran.

At considerable personal risk to himself and his staff, the Canadian Ambassador in Tehran, Kenneth Taylor, gave sanctuary to six Americans who managed to slip away from the American Embassy compound as it was being seized by student militants on November 4.

With the approval and cooperation of the Canadian Government, Ambassador Taylor ultimately aided these six Americans to make good their escape from Iran even though his action required the Government of Canada to close down its diplomatic mission in the Iranian capital.

Few actions in recent history demonstrate the underlying friendship and goodwill which characterize relations between the United States and our Canadian neighbors. In this instance, Canada has taken a stand which not only reinforces the long-standing affection between our two countries but stands as a shining example to the entire world of civilized courtesy and human decency in the face of flagrant breaches of international law.

This resolution was approved by the Senate Foreign Relations Committee by a vote of 12 to 1 and I urge its speedy passage by the Senate.

Mr. CHILES. Mr. President, I note in the newspapers today a statement by the Foreign Minister of Iran expressing his great disapproval of the act taken by the Canadians. In fact, he told Canada that "It will pay." I believe that by this resolution, we are telling Canada, "We owe you." We are delighted because of the courage of Ambassador Taylor and his entire staff.

Mr. President, I ask for the immediate consideration of the resolution.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to, and the preamble is agreed to.

---

## DISPUTE RESOLUTION ACT

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 423.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 423) entitled "An Act to promote commerce by establishing a national goal for the development and maintenance of effective, fair, inexpensive, and expeditious mechanisms for the resolution of consumer controversies, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

### SHORT TITLE

Section 1. This act may be cited as the "Dispute Resolution Act".

Sec. 2. (a) The Congress finds and declares that—

(1) for the majority of Americans, mechanisms for the resolution of minor disputes are largely unavailable, inaccessible, ineffective, expensive, or unfair;

(2) the inadequacies of dispute resolution mechanisms in the United States have resulted in dissatisfaction and many types of inadequately resolved grievances and disputes;

(3) each individual dispute, such as that between neighbors, a consumer and seller, and a landlord and tenant, for which adequate resolution mechanisms do not exist may be of relatively small social or economic magnitude, but taken collectively such disputes are of enormous social and economic consequence;

(4) there is a lack of necessary resources or expertise in many areas of the Nation to develop new or improved consumer dispute resolution mechanisms, neighborhood dispute resolution mechanisms, and other necessary dispute resolution mechanisms;

(5) the inadequacy of dispute resolution mechanisms throughout the United States is contrary to the general welfare of the people;

(6) neighborhood, local, or community based dispute resolution mechanisms can provide and promote expeditious, inexpensive, equitable, and voluntary resolution of disputes, as well as serve as models for other dispute resolution mechanisms; and

(7) the utilization of neighborhood, local, or community resources, including volunteers (and particularly senior citizens) and available building space such as space in public facilities, can provide for accessible, cost-effective resolution of minor disputes.

(b) It is the purpose of this Act to assist the States and other interested parties in providing to all persons convenient access to dispute resolution mechanisms which are effective, fair, inexpensive, and expeditious.

### DEFINITIONS

Sec. 3. For purposes of this Act—

(1) the term "Advisory Board" means the Dispute Resolution Advisory Board established under section 7(a);

(2) the term "Attorney General" means the Attorney General of the United States (or the designee of the Attorney General of the United States);

(3) the term "Center" means the Dispute Resolution Resource Center established under section 6(a);

(4) the term "dispute resolution mechanism" means—

(A) a court with jurisdiction over minor disputes;

(B) a forum which provides for arbitration, mediation, conciliation, or a similar procedure, which is available to resolve a minor dispute; or

(C) a governmental agency or mechanism with the objective of resolving minor disputes;

(5) the term "grant recipient" means any State or local government, any State or local governmental agency, and any nonprofit organization which receives a grant under section 8;

(6) the term "local" means of or pertaining to any political subdivision of a State; and

(7) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

### CRITERIA FOR DISPUTE RESOLUTION MECHANISMS

Sec. 4. Any grant recipient which desires to use any financial assistance received under this Act in connection with establishing or maintaining a dispute resolution mechanism shall provide satisfactory assurances to the Attorney General that the dispute resolution mechanism will provide for—

(1) assistance to persons using the dispute resolution mechanism;

(2) the resolution of disputes at times and locations which are convenient to persons the dispute resolution mechanism is intended to serve;

(3) adequate arrangements for participation by persons who are limited by language barriers or other disabilities;

(4) reasonable, fair, and readily understandable forms, rules, and procedures, which shall include, where appropriate, those which would—

(A) ensure that all parties to a dispute are directly involved in the resolution of the dispute, and that the resolution is adequately implemented;

(B) promote, where feasible, the voluntary resolution of disputes (including the resolution of disputes by the parties before resorting to the dispute resolution mechanism established by the grant recipient);

(C) promote the resolution of disputes by persons not ordinarily involved in the judicial system;

(D) provide an easy way for any person to determine the proper name in which, and the proper procedure by which, any person may be made a party to a dispute resolution proceeding;

(E) permit the use of dispute resolution mechanisms by the business community if State law so permits; and

(F) ensure reasonable privacy protection for individuals involved in the dispute resolution process;

(5) the dissemination of information relating to the availability, location, and use of other redress mechanisms in the event that dispute resolution efforts fail or the dispute involved does not come within the jurisdiction of the dispute resolution mechanism;

(6) consultation and cooperation with the community and with governmental agencies; and

(7) the establishment of programs or procedures for effectively, economically, and appropriately communicating to disputants the availability and location of the dispute resolution mechanism.

### DEVELOPMENT OF DISPUTE RESOLUTION MECHANISMS BY STATES

Sec. 5. Each State is hereby encouraged to develop—

(1) sufficient numbers and types of readily available dispute resolution mechanisms which meet the criteria established in section 4; and

(2) a public information program which effectively communicates to potential users the availability and location of such dispute resolution mechanisms.

### ESTABLISHMENT OF PROGRAM; DISPUTE RESOLUTION RESOURCE CENTER

Sec. 6. (a) The Attorney General shall establish a Dispute Resolution Program in the Department of Justice. Such program shall include establishment of a Dispute Resolution Resource Center and a Dispute Resolution Advisory Board and the provision of financial assistance uner section 8.

(b) The Center—

(1) shall serve as a national clearinghouse for the exchange of information concerning the improvement of existing dispute resolu-

tion mechanisms and the establishment of new dispute resolution mechanisms;

(2) shall provide technical assistance to State and local governments and to grant recipients to improve existing dispute resolution mechanisms and to establish new dispute resolution mechanisms;

(3) shall conduct research relating to the improvement of existing dispute resolution mechanisms and to the establishment of new dispute resolution mechanisms, and shall encourage the development of new dispute resolution mechanisms;

(4) shall undertake comprehensive surveys of the various State and local governmental dispute resolution mechanisms and major privately operated dispute resolution mechanisms in the States, which shall determine—

(A) the nature, number, and location of dispute resolution mechanisms in each State;

(B) the annual expenditure and operating authority for each such mechanism;

(C) the existence of any program for informing the potential users of the availability of each such mechanism;

(D) an assessment of the present use of, and projected demand for, the services offered by each such mechanism; and

(E) other relevant data relating to the types of disputes addressed by each such mechanism including the average cost and time expended in resolving various types of disputes;

(5) shall identify, after consultation with the Advisory Board, those dispute resolution mechanisms or aspects thereof which—

(A) are most fair, expeditious, and inexpensive to all parties in the resolution of disputes; and

(B) are suitable for general adoption;

(6) shall make recommendations, after consultation with the Advisory Board, regarding the need for new or improved dispute resolution mechanisms and similar mechanisms;

(7) shall identify, after consultation with the Advisory Board, the types of minor disputes which are most amenable to resolution through specific dispute resolution techniques, in order to assist the Attorney General in determining the types of projects which shall receive financial assistance under section 8;

(8) shall, as soon as practicable after the date of the enactment of this Act, undertake an information program to advise potential grant recipients, and the chief executive officer, attorney general, and chief judicial officer of each State, of the availability of funds, and eligibility requirements, under this Act;

(9) may make grants to, or enter into contracts with, to the extent or in such amounts as are provided in appropriation Acts, public agencies, institutions of higher education, and qualified persons to conduct research, demonstrations, or special projects designed to carry out the provisions of paragraphs (1) through (7); and

(10) in awarding such grants and entering into such contracts, shall have as one of its major priorities dispute resolution mechanisms that resolve consumer disputes.

(c) Upon request of the Center, the Community Relations Service of the Department of Justice and the Federal Mediation and Conciliation Service are authorized to assist the Center in performing its functions under this section.

(d) Upon the request of the Attorney General, not more than a total of ten Federal employees from the various executive agencies (as defined in section 105 of title 5, United States Code) may be detailed to the Center to assist the Center to perform its functions under this Act. The head of any such agency, with the consent of the employee concerned, may enter into an agreement with the Attorney General to provide for the detail of any employee of his agency for a period of not more than five years, notwithstanding the time limitation contained in section 3341 of title 5, United States Code. An employee detailed under this section is considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed. Such employee is entitled to pay, allowances, and other benefits from funds availabe to the agency from which such employee is detailed, except that the Department of Justice shall pay to such employee all travel expenses and allowances payable for services performed during the detail.

### DISPUTE RESOLUTION ADVISORY BOARD

SEC. 7. (a) The Attorney General shall establish a Dispute Resolution Advisory Board in the Department of Justice.

(b) The Advisory Board shall—

(1) advise the Attorney General with respect to the administration of the Center under section 6 and the administration of the financial assistance program under section 8;

(2) consult with the Center in accordance with the provisions of section 6(b)(5), section 6(b)(6), and section 6(b)(7); and

(3) consult with the Attorney General in accordance with the provisions of sections 8(b)(4) and 9(d).

(c)(1) The Advisory Board shall consist of nine members appointed by the Attorney General, and shall be composed of persons from State governments, local governments, business organizations, the academic or research community, neighborhood organizations, community organizations, consumer organizations, the legal profession, and State courts.

(2) A vacancy in the Advisory Board shall be filled in the same manner as the original appointment.

(3)(A) Except as provided in subparagraph (B), members of the Advisory Board shall be appointed for terms which expire at the end of September 30, 1984.

(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of the term.

(d) While away from their homes or regular places of business in the performance of services for the Advisory Board, members of the Advisory Board shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Federal Government service are allowed expenses under section 5703 of title 5, United States Code. The members of the Advisory Board shall receive no compensation for their services except as provided in this subsection.

(e) The Chairman of the Federal Trade Commission may advise and consult with the Attorney General, and may consult with the Center, regarding matters within its jurisdiction.

### FINANCIAL ASSISTANCE

SEC. 8. (a) The Attorney General may provide financial assistance in the form of grants to applicants who have submitted, in accordance with subsection (c), applications for the purpose of improving existing dispute resolution mechanisms or establishing new dispute resolution mechanisms.

(b) As soon as practicable after the date of the enactment of this Act, the Attorney General shall prescribe—

(1) the form and content of applications for financial assistance to be submitted in accordance with subsection (c);

(2) the time schedule for submission of such applications;

(3) the procedures for approval of such applications, and for notification to each State of financial assistance awarded to applicants in the State for any fiscal year;

(4) after consultation with the Advisory Board, the specific criteria for awarding grants to applicants under this section, which shall—

(A) be consistent with the criteria established in section 4;

(B) take into account—

(i) the population and population density of the States in which applicants for financial assistance available under this section are located;

(ii) the financial need of States and localities in which such applicants are located;

(iii) the need in the State or locality involved for the type of dispute resolution mechanism proposed;

(iv) the national need for experience with the type of dispute resolution mechanism proposed; and

(v) the need for obtaining experience in each region of the Nation with dispute resolution mechanisms in a diversity of situations, including rural, suburban, and urban situations; and

(C) provide that one of the major priorities of the Attorney General shall be the funding of dispute resolution mechanisms that resolve consumer disputes;

(5)(A, the form and content of such reports to be filed under this section as may be reasonably necessary to monitor compliance with the requirements of this Act and to evaluate the effectiveness of projects funded under this Act; and

(B) the procedures to be followed by the Attorney General in reviewing such reports;

(6) the manner in which financial assistance received under this section may be used, consistent with the purposes specified in subsection (e); and

(7) procedures for publishing in the Federal Register a notice and summary of approved applications.

(c) Any State or local government, State or local governmental agency, or nonprofit organization shall be eligible to receive a grant for financial assistance under this section. Any such entity which desires to receive a grant under this section may submit an application to the Attorney General in accordance with the specific criteria established by the Attorney General under subsection (b)(4). Such application shall—

(1) set forth a proposed plan demonstrating the manner in which the financial assistance will be used—

(A) to establish a new dispute resolution mechanism which satisfies the criteria specified in section 4; or

(B) to improve an existing dispute resolution mechanism in order to bring such mechanism into compliance with such criteria;

(2) set forth the types of disputes to be resolved by the dispute resolution mechanism;

(3) identify the person responsible for administering the project set forth in the application;

(4) include an estimate of the cost of the proposed project;

(5) provide for the establishment of fiscal controls and fund accounting of Federal financial assistance received under this Act;

(6) provide for the submission of reports in such form and containing such information as the Attorney General may require under subsection (b)(5)(A);

(7) set forth the nature and extent of participation of interested parties, including representatives of those individuals whose disputes are to be resolved by the mechanism, in the development of the application; and

(8) describe the qualifications, period of service, and duties of persons who will be charged with resolving or assisting in the resolution of disputes.

(d) The Attorney General, in determining whether to approve any application for financial assistance to carry out a project under this section, shall give special consideration to projects which are likely to continue in operation after expiration of the grant made by the Attorney General.

(e) (1) Financial assistance available under this section may be used only for the following purposes—

(A) compensation of personnel engaged in the administration, adjudication, conciliation, or settlement of minor disputes, including personnel whose function is to assist in the preparation and resolution of claims and the collection of judgments;

(B) recruiting, organizing, training, and educating personnel described in subparagraph (A);

(C) improvement or leasing of buildings, rooms, and other facilities and equipment and leasing or purchase of vehicles needed to improve the settlement of minor disputes;

(D) continuing monitoring and study of the mechanisms and settlement procedures employed in the resolution of minor disputes in a State;

(E) research and development of effective fair, inexpensive, and expeditious mechanisms and procedures for the resolution of minor disputes;

(F) sponsoring programs of nonprofit organizations to carry out any of the provisions of this paragraph; and

(G) other necessary expenditures directly related to the operation of new or improved dispute resolution mechanisms.

(2) Financial assistance available under this section may not be used for the compensation of attorneys for the representation of disputants or claimants or for otherwise providing assistance in any adversary capacity.

(f) (1) In the case of an application for financial assistance under this section submitted by a local government or governmental agency, the Attorney General shall furnish notice of such application to the chief executive officer, attorney general, and chief judicial officer of the State in which such applicant is located at least thirty days before the approval of such application. The chief executive officer, attorney general, and chief judicial officer of the State shall be given an opportunity to submit written comments to the Attorney General regarding such application and the Attorney General shall take such comments into consideration in determining whether to approve such application.

(2) In the case of an application for financial assistance under this section submitted by a nonprofit organization, the Attorney General shall furnish notice of such application to the chief executive officer, attorney general, and chief judicial officer of the State in which the applicant is located and to the chief executive officers of the units of general local government in which such applicant is located at least thirty days before the approval of such application. The chief executive officer, attorney general, and chief judicial officer of the State, and the chief executive officers of the units of general local government shall be given an opportunity to submit written comments to the Attorney General regarding such application and the Attorney General shall take such comments into consideration in determining whether to approve such application.

(g) (1) Upon the approval of an application by the Attorney General under this section, the Attorney General shall disburse to the grant recipient involved such portion of the estimated cost of the approved project as the Attorney General considers appropriate, except that the amount of such disbursement shall be subject to the provisions of paragraph (2).

(2) The Federal share of the estimated cost of any project approved under this section shall not exceed—

(A) 100 per centum of the estimated cost of the project, for the first and second fiscal years for which funds are available for grants under this section;

(B) 75 per centum of the estimated cost of the project, for the third fiscal year for which funds are available for such grants; and

(C) 60 per centum of the estimated cost of the project, for the fourth fiscal year for which funds are available for such grants.

(3) Payments made under this subsection may be made in installments, in advance, or by way of reimbursement, with necessary adjudgments on account of underpayment or overpayment. Such payments shall not be used to compensate for any administrative expense incurred in submitting an application for a grant under this section.

(4) In the case of any State or local government, or State or local govermental agency, which desires to receive financial assistance under this section, such government or agency may not receive any such financial assistance for any fiscal year if its expenditure of non-Federal funds for other than nonrecurrent expenditures for the establishment and administration of dispute resolution mechanisms will be less than its expenditure for such purposes in the preceding fiscal year, unless the Attorney General determines that a reduction in expenditures is reasonable.

(h) Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to any grant recipient, finds that the project for which such grant was received no longer complies with the provisions of this Act, or with the relevant application as approved by the Attorney General, the Attorney General shall notify such grant recipient of such findings and no further payments may be made to such grant recipient by the Attorney General until the Attorney General is satisfied that such noncompliance has been, or promptly will be, corrected. The Attorney General may authorize the continuance of payments with respect to any program pursuant to this Act which is being carried out by such grant recipient and which is not involved in the noncompliance.

(i) The Attorney General, to the extent or in such amounts as are provided in appropriation Acts shall enter into a contract for an independent study of the Dispute Resolution Program. The study shall evaluate the performance of such program and determine its effectiveness in carrying out the purpose of this Act. The study shall contain such recommendations for additional legislation as may be appropriate, and shall include recommendations concerning the continuation or termination of the Dispute Resolution Program. Not later than April 1, 1984, the Attorney General shall make public and submit to each House of the Congress a report of the results of the study.

(j) No funds for assistance available under this section shall be expended until one year after the date of the enactment of this Act.

### RECORDS; AUDIT; ANNUAL REPORT

SEC. 9. (a) Each grant recipient shall keep such records as the Attorney General shall require, including records which fully disclose the amount and disposition by such grant recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount of that portion of the project or undertaking supplied by other sources, and such other sources, and such other records as will assist in effective financial and performance audits.

(b) The Attorney General shall have access for purposes of audit and examination to any relevant books, documents, papers, and records of grant recipients. The authority of the Attorney General under this subsection is restricted to compiling information necessary to the filing of the annual report required under this section. No information revealed to the Attorney General pursuant to such audit and examination about an individual or business which has utilized the dispute resolution mechanism of a grant recipient may be used in, or disclosed for, any administrative, civil, or criminal action or investigation against the individual or business except in an action or investigation arising out of and directly related to the program being audited and examined.

(c) The Comptroller General of the United States, or any duly authorized representatives of the Comptroller General, shall have access to any relevant books, documents, papers, and records of grant recipients until the expiration of three years after the final year of the recipient of any financial assistance under this Act, for the purpose of financial and performance audits and examination.

(d) The Attorney General, in consultation with the Advisory Board shall submit to the President and the Congress not later than one year after the date of the enactment of this Act, and on or before February 1 of each succeeding year, a report relating to the administration of this Act during the preceding fiscal year. Such report shall include—

(1) a list of all grants awarded;

(2) a summary of any actions undertaken in accordance with section 8(h);

(3) a listing of the projects undertaken during such fiscal year and the types of other dispute resolution mechanisms which are being created, and, to the extent feasible, a statement as to the success of all mechanisms in achieving the purpose of this Act;

(4) the results of financial and performance audits conducted under this section; and

(5) an evaluation of the effectiveness of the Center in implementing this Act, including a detailed analysis of the extent to which the purpose of this Act has been achieved, together with recommendations with respect to whether and when the program should be terminated and any recommendations for additional legislation or other action.

### AUTHORIZATION OF APPROPRIATIONS

SEC. 10. (a) To carry out the provisions of section 6 and section 7, there is authorized, to be appropriated to the Attorney General $1,000,000 for each of the fiscal years 1980, 1981, 1982, 1983, and 1984.

(b) To carry out the provisions of section 8, there is authorized to be appropriated to the Attorney General $10,000,000 for each of the fiscal years, 1981, 1982, 1983, and 1984.

(c) Sums appropriated under this section are authorized to remain available until expended.

Amend the title so as to read: "An Act to provide financial assistance for the development and maintenance of effective, fair, inexpensive, and expeditious mechanisms for the resolution of minor disputes.".

**Mr. FORD.** Mr. President, on February 9, 1979, I introduced S. 423, the Dispute Resolution Act. This legislation, which was cosponsored by Senators KENNEDY, DANFORTH, BAYH, and METZENBAUM, was unanimously accepted in the Senate in April and had passed the Senate in the last two Congresses as well. Therefore, I am pleased that the House has adopted S. 423 in substantially the same form as was passed by this body last April.

As chairman of the Consumer Subcommittee, I have been deeply concerned by the numerous serious problems that consumers have brought to my attention which too often cannot be appropriately resolved due to the lack of adequate dispute-resolution mechanisms. The hearings that were held by the Senate Committee on Commerce, Science, and Transportation on similar legislation have demonstrated the need for alternative forms for the resolution of consumer disputes. Throughout the course of deliberations on this measure, we have seen that frustration and alienation is prevalent among citizens whose legitimate grievances go unresolved for want of readily available means, other than formal legal processes, for their adjudication. Through enactment of the Dispute Resolution Act the Congress will provide a well-reasoned response to this national problem.

The value of this legislation lies in its recognition that dispute resolution is a dynamic process which must be fashioned according to the needs and desires of grant recipients rather than in response to strict federally imposed guidelines. There can be little doubt that the creation of a national clearinghouse for technical information and assistance, coupled with a meaningful grant funding program, will spur State and local governments and nonprofit organizations to improve existing programs and experiment with new ideas to address the problem of resolving minor disputes.

The genesis of this legislation was the various studies of small claims courts undertaken early in this decade. In particular, the 1973 study of the National Institute for Consumer Justice documented the inadequacies of many existing procedures for resolving disputes arising out of consumer transactions. Although this legislation has undergone substantial transformation since it was originally introduced, I am very pleased that the House-adopted version contains a provision requiring that a major funding priority be mechanisms designed for the resolution of consumer disputes. There can be no doubt that the frequency and severity of consumer complaints fully justifies particular attention being directed to their resolution. Furthermore, I am confident that businesses will support this most appropriate focus of concern since unresolved disputes are most often reflected in a loss of subsequent business from the consumer.

The measure has received widespread support from the administration and diverse organizations which represent the States' judiciary, the legal profession, the business community, consumers and other segments of society.

The Dispute Resolution Act is most worthy of our favorable consideration. Attainment of the goal of increasing access to and the quality of justice for all citizens is, at least in part, at hand through the enactment of this measure. The need is great and the burdens for all affected by the legislation are minimal. I, therefore, urge support for S. 423, as amended.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the Dispute Resolution Act by Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

I am pleased that Congress has passed the Dispute Resolution Act of 1979, which I cosponsored earlier this year with my distinguished colleague from Kentucky, Senator Ford.

Enactment of this legislation by the Congress marks the culmination of years of effort and commitment by this body as well as outside private and public interest groups to provide a vehicle to relieve the American people of the Hobson's choice between forfeiting their rights or bringing their minor disputes to overburdened courts for interminable litigation.

Our colleagues, who have ensured the passage of the Dispute Resolution Act, should be proud of this achievement. We should also acknowledge our debt to former Attorney General Bell, Daniel Meador, and others at the Department of Justice, the American Bar Association, and the Chamber of Commerce all of whom strongly supported and assisted in the passage of this legislation.

Our action today is, most importantly, an achievement for the American people for whom securing justice has become an arduous effort which taxes their patience, their hope, and their finances. Complex procedures, disproportionate expenses, and long delays have chilled the expression of a fundamental right of all our citizens—the right of access to justice to resolve their disputes. Nothing is more spirit-breaking than having a dispute ripe for airing and consistently meeting only frustration when seeking a forum. Our action today is a signal to the American people that the doors of justice shall no longer be closed and that their faith and hope for an equitable resolution to their disputes may be renewed.

S. 423, is a recognition by the Congress of the inabilities of the present judicial system to provide justice for a majority of the American people. It is a recognition that, while no wrong should be without a remedy, not all cases need judges, not all disputes need courtrooms, and not all disputants need lawyers. It is a recognition of our responsibility to assist States, localities, and groups in designing innovative mechanisms that meet their special needs and which will make access to justice a reality rather than a hollow promise. The act will encourage groups, individuals, local court systems, and State agencies to experiment with the idea that alternatives to litigation are at times better suited for resolving daily disputes among citizens.

This act will establish the dispute resolution resource center which will provide a centralized administrative and research facility for the establishment of alternatives to traditional courtroom methods of resolving controversies. The resource center will be a national clearinghouse for valuable information and technical expertise for those who wish to establish alternatives to courtroom litigation. The greatest benefit of the clearinghouse will be that it is an in-place source to be called upon. It will not undermine existing programs, but will encourage the establishment of these important alternatives to litigation across the country.

10 million dollars will be provided to States, localities, and non-profit organizations through the Dispute Resolution Act, to improve existing programs and to establish new ones. This grant program will not replace State funding, but rather it will serve as an incentive for experimentation and improvement of dispute resolution mechanisms at the State and local level. The Dispute Resolution Act specifically provides for a gradual decrease in Federal funding and the States, ultimately, will be responsible for ensuring that only successful projects are continued.

Our action today in passing the Dispute Resolution Act sounds a new beginning. Through the commitment of my colleagues, on both sides of the aisle, meaningful justice provided in a fair, efficient, inexpensive, and expeditious manner will be a reality for all Americans. The demonstrated need of the American people for this act has been so central and so critical, and our action today ensures that they will not now have to settle for less.

Mr. FORD. Mr. President, I move that the Senate concur in the House amendments.

Mr. HAYAKAWA. There is no objection.

Mr. FORD. Mr. President, we had checked with the minority, and they had no objection. I should have made that statement at the beginning. The members of the Committee on the Judiciary and the Committee on Commerce agreed to this unanimous-consent request.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

## WHO HAS TIME TO THINK?

Mr. MATHIAS. Mr. President, when I first came to Congress some years ago, my wife and I continued to live on our farm near Frederick, Md. That entailed a trip every day of 50 miles, which took somewhat over an hour each way.

From time to time, people would say, "Well, how can you spend more than 2 hours a day commuting?" Members of my staff would wince visibly when I would reply to that question by saying, "It is the only time during the day I have to think. It is the only time during the day that I think."

Now that I no longer live at that distance and have less time to commute, I often miss that quiet period in the early morning, when the Sun was bright and the Earth was fresh and my mind was clear, in which to meditate on the duties that the day would bring as soon as I had arrived on Capitol Hill.

This was recalled to my memory by an article that I wish to bring to my colleagues' attention in the November/December 1979 Public Administration Review, an article entitled "The Limitations of Muddling Through: Does Anyone in Washington Really Think Anymore?"

It addresses intelligently and sympathetically the problem we all face: Not having time to think.

We all put in 12 to 18 hour days that leave us panting. Whatever creativity and wisdom we have is fragmented by the incessant demands made upon our time—all legitimate perhaps individually, but, taken together, devastating and debilitating. This is not good for us and certainly not good for the people we represent.

This article speaks to our condition. We ought all take time to close out the cacaphony of Washington for a moment and read it. And then to ask ourselves: Is this the best way to serve the Nation?

Mr. President, I ask unanimous consent that the text of this thoughtful article by Bruce Adams be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### The Limitations of Muddling Through: Does Anyone in Washington Really Think Anymore?

Twenty years ago, Charles E. Lindblom made a major contribution to the public administration literature by describing a common sense, incremental approach to problem solving. By making a virtue of what he determined to be a necessity, Lindblom recognized some of the very real limitations in policy formulation and relieved the collective conscience of a generation of policy analysts and political decision makers.

While much of what Lindblom wrote continues to be valuable today, the limitations of his thesis (which he conceded to be many but failed to delineate at any length) deserve serious attention. The primary danger, of course, is that the legitimate process that he described will be misused by those who are not fully aware of its limitations. Lindblom's incremental approach is appropriate for certain people in various circumstances but not for everyone always. The purpose of this article is to consider the nature of the political decision-making process in Washington in 1979, 20 years after the publication of Lindblom's classic article, with special attention on the limitations of muddling through in an increasingly complex political environment.

#### WHAT IS THE LIFE OF A TOP OFFICIAL LIKE?

Washington in 1979 is much like the world of the Red Queen in Lewis Carroll's Through the Looking Glass. As the Queen explained to Alice: "Now, here, you see, it takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!"

Members of Congress, Cabinet officers, assistant secretaries, White House staff, and special assistants spend most of their days racing from one meeting to the next as their in-boxes and phone messages pile up.

Just recently, we have as evidence Elizabeth Drew's Senator. In March, The New York Times Magazine chronicled a routine day in the life of Secretary of State Cyrus Vance—up at 5 a.m., in the office before 7, over 40 meetings and phone calls before departing for home at 7:16 p.m. In February, The Washington Monthly described a "hypothetical but realistic" schedule for a secretary of a major domestic department. The secretary's three-by-five schedule card had 15 entries, beginning with a breakfast meeting and ending with an embassy cocktail party. There is, of course, some hype to these stories, both on the part of the subjects and the authors, but there is no denying the essential accuracy of the portrait of busyness that they paint.

There is usually one thing missing from the three-by-five schedule cards that rule the lives of these busy people. There is no time to think very deeply or broadly about anything. The busy work drives out the time for reflection. The ability to take time to identify priorities and develop coherent strategies to carry them out is limited. Former HEW Secretary Joseph Califano had a poster on his office wall with a quotation from Thoreau: "It is not enough to be busy . . . the question is: what are we busy about?" It is a question that our top government officials have all too little time to ponder.

In 1977, a special House commission chaired by Representative David Obey (D.-Wisc.) reported that: "Rarely do Members have sufficient blocks of time when they are free from the frenetic pace of the Washington 'treadmill' to think about the implications of various public politics." The Obey Commission found that in an average 11-hour day, a House member has only 11 minutes to read. Eileen Shanahan, an HEW assistant secretary for the first two and one half years of the Carter administration, says, "I used to make people at HEW laugh out loud by saying that I longed for the orderly pace and intellectual depth of daily journalism. Only I meant it!"

When Alfred Kahn was named chief inflation fighter he shocked the Washington press corps by announcing that he wanted "to reverse the Washington pressures that I've been receiving—the pressures to act now and think later." The Washington Post ran a headline that could only have seemed notable in Washington: "Kahn to Think Over Inflation Issue." Months later, when asked if he has been successful at reversing the Washington pressures, Kahn flaty responds: "No, of course not."

#### WHY DOES IT HAPPEN?

In Washington, the urgent drives out the important. The short term demands on the top policy maker are staggering. In a very real sense, our top public officials in Congress and the exclusive branch become the prisoners of others. Their calendars are controlled by someone else, and their days are dominated by the demands of others—people fill their in-boxes with paper and phone messages, their calendars are clogged with meetings ceremonial and otherwise.

This is especially bad for those who administer agencies or who deal frequently with Congress. According to Patricia Wald, who recently left her position as assistant attorney general for legislative affairs to become a federal appeals judge: "It is not possible to set your own schedule. You can try, but you have to be ready to junk your whole schedule and go to whatever the crisis is. I literally come in in the morning with a list of things to do and the whole day goes off in a different direction."

It is tempting to believe that most of this is merely people acting self important, but most of the busyness is genuine. The large majority of the claims on the top official's time are at least somewhat legitimate when looked at on a case-by-case basis. All of them are important to somebody. And there is usually a political price to pay for each request that is denied. But the tyranny of the clock is real, and the cumulative impact of the demands is intolerable.

It should not be surprising that the time demands on government officials are so numerous and come from so many sources. It is that way by design in our democracy with its carefully established system of checks and balances where power is shared by numerous institutions. In addition to the demands of running a major bureaucracy, a Cabinet secretary, for example, has to respond to the Congress, the White House, the press, interest groups, and other agencies and governments.

The sheer size of government causes enormous management and ceremonial demands. There are more programs at HEW, for example, than there are days in the year. It takes time to ensure internal agency communication and due process, but they are essential to maintaining staff morale and effectiveness. Real crises do occur and must be dealt with. Public policy development is much tougher in an era of rapid change in technology and society than it once was. The press—which can make officials appear better or worse than they are—wants hard answers on short deadlines. The substantive and ceremonial demands of other officials and groups that can help or hurt an official's program must be taken seriously.

And Herbert Kaufman of The Brookings Institution points out that "buried in the details and seeming triviality are matters with real policy implications." For top officials, "life consists of watching the smallest details as well as the largest," according to Stanley Surrey, an assistant secretary for tax policy at Treasury during the Kennedy and Johnson years.

While the legitimate work demands are large, there is a significant degree of foolishness involved as well. Unfortunately, because power in Washington often has as much to do with symbols and appearance as with substance and reality, much of the foolishness is necessary as a means of enhancing or maintaining power. Protocol often prefers a high ranking official to an informed one. Washington is a town where assistant secretaries have been known to cancel meetings when a peer has the audacity to send a deputy. It is a town where people usually do not sign what they write and do not write what they sign. The worst workaholic sets the pace in each office. Those who work less or fail to attend Saturday meetings lose influence.

Secretary of State Vance is a good example of a victim of the protocol trap. Vance said that he would not travel as much as Kissinger, but, of course, he is constantly on the move. Why? Other countries pay serious attention to the level of representation they receive. If Vance sends a deputy to a NATO conference, for example, rumors fly through Europe and around the world that the U.S. has downgraded NATO.

Congressional committee chairmen want Cabinet secretaries to testify even when assistant secretaries may be better informed on the subject of the hearing. Why? The Cabinet secretaries tend to attract media attention and they satisfy the chairmen's feelings of being part of a co-equal branch of government. The congressional demand might not always be reasonable, but the price of refusing is often too high.

But these top officials are not just the prisoners of others, many of them are also prisoners of their own egos and senses of responsibility. The official reads that peers in other agencies are working long hours, and he or she comes to like the image of being busy and exercising real authority.

Staying on the move and working long hours give the official a sense of self-importance and often a sense of indispensability. Getting VIP treatment for giving a speech in Las Vegas or holding a press conference in Washington provides ego gratifications that serious reflection can not match for many. Solving short term crises can be exhilarating, fulfilling the childhood desire to play fireman. "Part of the evil of the thing is that it's all so fascinating," according to Senator Charles Mathias (R.-Md.).

A large part of the problem relates to what Joseph Bower of the Harvard Business School calls the "myth of the good manager," the person who knows everything and does everything. The conscientious government official is reluctant to delegate, to let go of anything that might be of some importance. This is especially true because of the initial lack of familiarity that political appointees have with most of their colleagues and the career civil servants. Just about the time a comfortable relationship has developed, the political executive is often getting ready to return to private life.

Alan Campbell, Director of the Office of Personnel Management (OPM), points to the "fishbowl character of what you do and therefore the need to really be careful that you are not signing off on something which could be on the front page of The Post or The Times the next morning." Former HEW Secretary Califano was skewered in the press for signing a job description for a cook that was less than forthcoming about the duties of the job. At the time, he felt it was not worth the 30 minutes to rewrite it. He felt differently soon after

To the official, the in-box and the calendar become escapes, the paths of least resistance. When frustrated with tough, long term problems, the official, consciously or not, can turn to the immediate and achieve some gratification. The permanent bureaucracy is perfectly willing to add to the foolishness by clogging he official's in-box and calendar with items of border-line significance so that the official has no time to take any serious action that might threaten the status quo.

In time, the official can lose track of priorities. And this is where a conscientious official could be lulled into complacency by Lindblom's theory of incrementalism. Contrary to Thoreau's sage advice, it often seems that in Washington it is enough to be busy. It does not always matter much what you are busy about. In jobs where it is difficult to measure the quality of output, the quantity of input can become a substitute. The very first question on newly installed White House Chief of Staff Hamilton Jordan's ill-conceived evaluation form for top Carter administration officials asked when the person being evaluated arrived at and left work. While it is easy to be busy, it is much more difficult to be productive.

Campbell suggests that the business "may have more to do with early toilet training than it has to do with the objective situation in the job." Perhaps HEW Secretary Patricia Harris said it best when asked to account for the frantic pace of some of her Cabinet colleagues: "there is something about the male machismo that says that you have to work 20 hours a day." And Carter's macho appointees are not all male.

### DOES IT MATTER?

Lindblom and his fellow theorists of incrementalism have made a virtue of muddling through, but there are serious drawbacks to the reactive style of management that buries officials with the immediate to the exclusion of the important. A passage from Lewis Carroll's "Alice's Adventures in Wonderland" makes the point:

"Would you tell me, please, which way I ought to go from here?" [asked Alice]

"That depends a good deal on where you want to get to," said the Cat.

"I don't much care where . . .", said Alice.

"Then it doesn't matter which way you go," said the Cat.

It is widely accepted that the political dialogue of the day is intellectually bankrupt. The political consensus of the New Deal is shattered. Nothing has replaced it. The forces of negativism have progressive forces on the defensive. The country is in transition, but it is, like Alice, not sure where it is going. It needs a new articulation of national purpose and the appropriate role of government. As HEW Secretary Harris has pointed out, the intellectual community, as the traditional idea initiator in our society, bears a heavy burden for this paucity of positive new approaches. The country needs thinkers in government as well.

As long as our ablest public officials are tied up with the bureaucratic red tape and overwhelmed by their in-boxes and their three-by-five schedule cards, there is little hope that government will provide the visionary and creative leadership that our nation so desperately needs. The present system draws all of the best people, even those in policy and planning jobs, into matters of day-to-day strategy and tactics. The price we pay for an excessive focus on the muddling through aspects of governing is large. Government's failure to anticipate problems—the energy and inflation issues are the most obvious—and its seemingly endless reactive and inadequate crisis management have helped to fuel the growing lack of public confidence in government and the growing belief that government cannot deal with our problems. Lindblom points out that long-run considerations need not be omitted in this process, but it is a point that he gives little attention to.

The opportunity for creative reflection is minimal in the present system. Representative Abner Mikva (D-Ill.), one of the most thoughtful and creative members of Congress, is leaving after five terms to become a federal appeals judge. Mikva says he is "looking forward to having the capacity to think about what I am doing before I do it and not just running onto the House floor with my voting card in my hand wondering whether to vote aye or nay."

When we pressed, people in government express a common frustration. "I will try to take an issue like energy, for example, and try to evaluate it and talk about more than just whether we can get gas to a service station dealer in the district," says Representative Leon Panetta (D.-Calif.). "I try to talk about the overall issue and where we are heading and what needs to be done in terms of the country. That is the kind of thing that we should be spending more time on, but we really don't." Arnold Packer, the assistant secretary for policy at Labor, has expressed a similar feeling: "I have this conceptual idea about international economics and U.S. productivity. But there just isn't the creative time to do it, partially because you are just too busy and even if you could put aside the time you are too fatigued."

"Nobody really has a handle on how we move into the future," according to Panetta. What are the issues that in five or ten years we will wish we looked at today? What are the ultimate implications of our move from an industrial society to a service economy? Who is looking at the long term social effects of the telecommunications revolution and other similar aspects of our rapidly changing society?

The fault lies partially with the public and the press. Talking in public about new, untested responses to difficult, long range problems can be dangerous politically. Joseph Duffey, chairman of the National Endowment for the Humanities warns that: "It is hard to think out loud and express your ambivalence too clearly because everything you say has a certain symbolic attachment to it." One who spoke forthrightly about energy policy a few years ago, for example, might not be around today.

Some of the most thoughtful public officials admit that they have no time to develop new ideas but say they are working off intellectual capital built before coming into government. This is hardly comforting. In addition to the fact that not everyone can retire to a tenured position in an ivory tower, new problems arise that demand new solutions. Today's remedies are out of date tomorrow. Constant innovation is needed to avoid constant crisis. Henry Kissinger might have brought a world view into government, but it became increasingly difficult to understand what principles guided him in later years. As new problems arose, Kissinger's answers seemed sloppier and sloppier.

A system that runs people ragged for 12 to 18 hours a day shortens their perspectives and squeezes out their creativity and imagination. They reach the point of diminishing returns. They become stale and lose their receptivity to new ideas and insights. They mouth yesterday's truths and lose touch with their goals and values. They often face the choice between being an effective public servant and leading a sane family life. "Public life in this country has gotten to the point where people who are engaged in it are driven," according to Senator Mathias. "And I think that's bad. I think the public will pay in the quality of service they get."

When everything is instinctive, officials lose their ability to think broadly and deeply about fundamental national problems. They work longer and longer and think worse and worse. The question before them is not: "what is the best policy for the nation?," but rather: "what is the best policy I can come up with by Tuesday that Congress would take seriously?" When pressed for time, they seek out the easiest information available, the first historical analogy that comes to mind, the most obvious alternatives. There is little time for hard critical analysis and little opportunity to think about the long term consequences and the potential for implementation of the ideas they do come up with. They burn out and leave, or, worse, they burn out and stay.

The problem appears to be that while most of the demands on the time of these officials are at least somewhat legitimate, the cumulative impact is intolerable. If this is so, the problem will not be solved until the officials take one step back from the frantic pace of everyday life to look at the whole of their lives and think through a few basic questions:

What is this doing to me as a human being?

What are my relevant goals and value?

What three things do I really want to accomplish?

Where should government be in this area in five years?

While Lindblom is correct in pointing out that one cannot always maximize one's values and inquire deeply and broadly into everything, thinking about questions like these occasionally is not frivolous. Unless the officials have some idea of the answers to them, as the Cat told Alice, it really does not matter what they do in the short term.

This does not mean that the top 100 government officials should be detailed to Walden Pond to commune with the ghost of Thoreau. It does not even mean that they should block out periods of time during the week just for "thinking great thoughts." Pity the poor secretary who would have to answer the phone with: "I am sorry, Mr. President, he is thinking today." Admittedly, inspirations and insights often come in flashes, and one can get them as easily in the shower or while jogging as in meditation.

Public officials can and must build into their lives time to think through their goals, time to work on their priorities, and time for themselves and their families. Compared to these higher needs, much of what top officials do is trivial. Without a system of fairly rigid rules built into their everday life, however, officials will have a difficult time saying "no" to even the most marginal demands on their time. Officials need rules and incentives that force priority issues and long range thought into their in-boxes and onto their three-by-five schedule cards. This will force them to make harder choices among the day-to-day routine requests that now dominate their lives. Obviously, these rules must not be so rigid and comprehensive that they choke off spontaneity.

It takes self-confidence, judgment, and discipline to say that what is important to you is more important than what the world brings you in your in-box. Yet, it is this strong sense of purpose that is the essence of leadership. One has to understand the importance of this and have the will and discipline to do it.

Elliot Richardson, who has held four Cabinet posts, says that "perhaps the most valuable single thing that a person can have to protect himself from being overwhelmed by detail is what you might call a sense of the terrain or what the map as a whole looks like. And even though you may get stuck for a while in some impassible swamp, there is no reason that you should come to believe that the swamp is all there is." Richardson says that he never has learned to say "no" to demands on his time very well but that "the first thing you have to learn is the necessity of it."

Obviously, different people have different temperaments and different job responsibilities. Some are pure incrementalists with no inclination for priority setting or long range thought. Others are intellectuals from the academic world who thrive on reflection. Some are good in face-to-face give and take; others work better alone and with memoranda. Of course, a Cabinet secretary has more control over his or her life than a special assistant. An assistant secretary for policy has more time for long range thought than the head of a line agency or a congressional relations office. With top government officials who span the spectrum, no single set of techniques apply to all. People who are not inclined to be reflective, will not be; but for those who want to fight the system, a shopping list of strategies—what Stephen Hess of The Brookings Institution calls "survival techniques"—from which different people can select different items seems like the most useful approach. Some are comprehensive approaches. Others are small games that people play on themselves that may seem trivial to others. They are for the most part neither spectacular nor glamorous; many would fit well in a book of techniques for muddling through. Each is helping or has helped someone fight the Washington pressures against reflection. Hopefully, they could help others.

People who have spent time around Elliot Richardson describe a role they identify as the "strategic thinker," a disciplined manager of time who periodically takes the time to decide priorities, to think through strategy, and to make his or her calendar reflect these priorities. This person recognizes that there are only a small number of major changes that one can accomplish in the limited time one is in government. The strategic thinker devotes time to identifying and implementing those changes and thinking about how the various parts of the operation relate to the overall goals.

"Leadership," according to Richardson, "is a function of the establishment of goals which in turn necessitate the sacrifice of alternatives." So the strategic thinker does not fall victim to the "myth of the good manager." He or she does not try to know everything and do everything. This requires a self-confidence that recognizes that no one is indispensable and a humility that recognizes the limitations of what any single individual can do. Benjamin Heineman, assistant secretary for planning at HEW, says that "you have to have a sense of what you want to leave because an awful lot of it is ephemeral. . . . I would rather do five things reasonably well than be at every meeting or be involved in every issue." The way a top official uses time is the most important signal to others of what he or she really thinks is important.

This, of course, is exactly the ground on which James Fallows, in his *Atlantic* articles, criticizes President Carter, the ultimate clean desk man. "Carter's problem is not that he doesn't think," according to another Carter appointee. "His problem is that he doesn't choose."

Federal Trade Commission Chairman Michael Pertschuk quickly learned the danger of trying to do too much with limited resources. Pertschuk explains that in his early months at the FTC "staff were always coming up with cases and rule proposals and everyone of them had some merit. Suddenly I realized that if I kept voting for all of these complaints and rules, none of them would get done. . . . So I got to be, in effect, part of the conservative majority of the commission in terms of saying 'no' to things that are valid." According to Pertschuk this requires "some modest sense of institutional humility that is not characteristic of liberals."

In addition to recognizing the need not to overburden staff, it is important to reverse the pressure to siphon off all of the best people on short term, hot issues. HEW's Heineman points out that: "What you have to do in a planning office is build in a capability for people to do some longer range thinking even if someone sitting in this particular job has a hard time doing it." The head person must establish the appropriate incentives as well as the capacity for long range thought and careful attention to priority issues. However, while high quality staff is an essential element in solving the problems of time, it can have the opposite effect as well. Senator Daniel Moynihan (D.-N.Y.) recently observed that, after a point, "increased assistance begins to defeat its purposes by consuming the very time and energy it was supposed to free up."

Even with a good sense of priorities, the daily demands on top officials are such that "it is not ordinarily possible to do serious, original, conceptual, long term work in government," according to Richard Darman, an assistant secretary for policy at Commerce during the Ford administration. The task, according to Darman and others, is, in the words of Simon Lazarus of President Carter's Domestic Policy Staff, "to plug into the best thinking that there is in the private world and try to put it into effect." The best recent example of this, according to Lazarus, is the Carter administration's development of its civil service reform package. Under the supervision of Alan Campbell, hundreds of experts and interested parties were involved in a highly publicized process of task forces that helped develop and build support for the reform package. The effort was notable for its success and also for the administration's inability to use it as successfully on other high priority issues.

In a town where the in-box rules, the trick is to get out ahead of issues so that the in-box is filled with issues the official cares about. Former HEW Secretary John Gardner consciously used "a policy of self entrapment." When he wanted to think deeply and broadly about a subject, he would make a commitment to give a speech or write an article on the topic. As the due date would draw near, with his credibility on the line, he would demand time to work on it. The marginal and the trivial would have to stand aside.

The Carter administration uses the Presidential Review Memorandum (PRM) in an effort to get policy development into the in-box. The memoranda package views and recommendations of various agencies on important domestic and foreign policy issues. One participant in the PRM process admits that "not a hell of a lot of new thought" has resulted but points out that it has "some value by focusing you on where you are going."

Elliot Richardson established a new management system at HEW in the early 1970s designed to allow him to focus his time on policy making in priority issues rather than in reacting to a series of small issues raised by others. The heart of the process was a master calendar that coordinated planning and program activities with the budget process, a refinement of management techniques that had been tried before in Washington. Richardson conveyed his priorities at the beginning of the process and received an orderly flow of information that reflected those priorities.

Other less ambitious but highly useful priority setting devices can be used. Former Treasury Assistant Secretary Stanlev Surrey would set aside a weekend at the start of each year to sketch out an agenda for the upcoming year. Former Commerce Assistant Secretary Darman had a chart of over 100 issues with 10 or 20 marked as top priority issues. He would review and update it each week. These may not sound like revolutionary ideas; they are not meant to. But they did provide their authors with a counterforce to the sky-is-falling mentality that raises daily trivial affairs to the status of legitimate crises.

FTC Chairman Pertschuk takes his senior staff on a weekend retreat every six months to discuss commission priorities. Joseph Nye, deputy undersecretary of State for nonproliferation during the first two years of the Carter administration, scheduled small, informal planning sessions every few weeks. They would give him an excuse to prepare a short memorandum for the discussion which would usually involve a series of items that did not have to be dealt with immediately.

Robert Kennedy would open his office to a broad range of people outside normal channels as a way of seeking out different points of view. Inflation fighter Kahn likens himself to a "blotter," constantly reaching out to new people and for new ideas, recording the ideas in a notebook, and occasionally taking the time to go through the notebook to compose a memorandum of opportunities for the president.

Carter deserves credit for adding former Time editor-in-chief Hedley Donovan to his senior staff as a means of providing him with contacts with the world of ideas. Hopefully, Donovan will keep the president well supplied with people (and ideas) off of the Washington path who will challenge him in ways that Hamilton Jordan and Jody Powell cannot be expected to.

Samuel Huntington, a former top aide to National Security Advisor Zbigniew Brzezinski, says that for anyone advising the president, it is not only important but possible to "set aside several hours a week for study and reflection to think hard about issues and to gain a deeper understanding." It simply must be done. John McNaughton, as assistant secretary of Defense under Robert McNamara, used a small traffic light to protect this kind of time for himself. A green light meant that he could be disturbed; an orange light meant that he was working on something important but could be disturbed for something urgent; and a red light meant that he did not want to be disturbed unless he had summoned the person. While at HUD, HEW Secretary Harris got to work early and insisted on being left alone to work at her desk for an hour and one half each morning when she is fresh. Harris admits that "most of the rest of the time I am fighting" the clock.

In Washington, however, the unorthodox is usually the first to go when the schedule gets tight. Assistant Attorney General Philip Heyman recently brought a number of academics to Washington to spend the day with him and his staff to discuss organized crime. Heyman says this type of session is rare because "the evidence is that it gets pushed out of the way by the immense number of middle level matters" that his criminal division must deal with. As he spoke, Heyman had five documents red tagged "urgent and important" on his desk and a constantly ringing phone.

To counter the tendency to cut out the unorthodox, officials would be well served by adopting strict decision rules that scheduled periodic retreats well staffed in advance, monthly long range staff planning sessions, or lunches with creative people they do not have to talk with in their normal routine. These sessions should be made priorities over all other than genuine emergencies.

Congress is easily one of the heaviest time eaters of the political executive's daily schedule, but Congress can also be part of the solution. Timely oversight or foresight hearings on high priority issues can help put those issues in the in-box and on the schedule card.

Congress's own use of time could be much improved. At present, as former Representative Michael Harrington (D-Mass.) has pointed out, "the rewards all run to the reactive." Creativity and thought are undertaken at one's political peril. By ridding themselves of much of what Harrington calls the "nonessential garbage" that clutters the congressional calendar—the routine annual authorizations and frequent quorum calls—members of Congress could free time for serious attention to long term, high priority issues.

Former Representative Ned Pattison (D.-N.Y.) proposed a three-month moratorium on legislative activity at the end of the first year of each Congress. Pattison proposed that the period be used for concentrated oversight and foresight to educate members in areas of fundamental national concern. Undoubtedly, media cynics would play it as a three-month holiday, political cartoonists would have a field day, and members in marginal districts would rush home to campaign, but the need for something like this is clear. A less dramatic approach proposed by Pattison would be to devote one Wednesday each month to the effort, banning legislative activity on the floor and in committees. In recent years, Harvard's Institute of Politics has hosted newly-elected members of Congress for a series of seminars. There is no reason to believe that more senior members would not profit from some of the same.

Nevertheless, thinking great thoughts and heading off potential crises are not the be-all and end-all of life. As President Carter wrote in a memorandum to top officials at the start of his Administration: "I'm concerned about the family lives of all of you. I want you to spend an adequate amount of time with your husbands, wives, and children . . . you will be more valuable to me and to the country with rest and a stable home life."

When they have the time, Carter officials have been known to sit around and laugh about that memo . . . and moan a little as well. Even though he has not done much to follow up, the president was absolutely correct. The most elementary psychology text can tell you that stress is only good to a point and that at some point after that performance and attitudes, not to speak of marriages, go to hell. When the tobacco industry, upset with former HEW Secretary Califano's anti-smoking drive, printed "Califano Is Dangerous to My Health" bumper stickers, several of his top aides promptly put them on their office walls.

People must block out time to preserve their human dignity and their relations with their families. Time out of the office and out of Washington doing things unrelated to work is the key to avoid being ruined by the system. Here again, rigid rules can help the official battle against the trivial. Former State Department official Nye made a simple but important pledge when he went into government: he would eat dinner with his wife and children every night. It made for some late family dinners and often four meals a day for the children, but it established an important counter pressure that helped him decide to go home rather than prepare one more marginal cable.

Senator Mathias somewhat longingly tells about former Senator William Borah (R-Idaho) who rode horseback in Rock Creek Park every morning until 11:00. "Think about what a good thing that was," says Mathias. "Not only for Senator Borah and for his horse but for the country. There is no time better to think out complex problems than when you are doing something like riding a horse or walking or some exercise that has your blood moving through your brain and at the same time is not occupying all of your attention." Senator Mathias has no illusions about a return to the days of Senator Borah's morning rides, but he does argue eloquently for the need for government officials to get away from their daily grind and find time for exercise and relaxation.

In the hothouse atmosphere of Washington, even so basic a form of relaxation and stimulation as reading is often ignored. Reading is the way many get insights and perspectives. It should not be suspended upon entrance into the federal government although it often is. FTC Chairman Pertschuk is an exception. He takes off the entire month of August each year for reading, reflection, and relaxation. In 1977, he worked his way through a heavy program of anti-trust literature. In 1978, he read more broadly. The reading of history, economics, literature, and philosophy when combined with experience in the real world can help the government official bring broad humanistic values to bear on matters of public policy.

The problem with taking time for one's self and family is, of course, that one might have to forego a measure of short term influence or effectiveness. To his or her peers, the persons might appear to be lazy or, perhaps worse, a dilettante. But the cost of being a follower, of going along with the peer pressure to grind one's self into the ground is ultimately much greater. The truly self confident, creative person does not need to be in every meeting and involved in every issue. A modicum of none-conformity in this regard would pay large dividends.

### WHY ISN'T SOMEONE WORRYING ABOUT THIS?

We have come a long way since the time when President Coolidge napped afternoons in the White House and Senator Borah rode horseback in Rock Creek Park. The complexity of public problems has increased exponentially. Life in the top positions of government is going to be rough for any conscientious public servant. At a minimum, it is going to be a long string of 10 and 12 hour days. There is no way to change that.

It is demonstrably true, however, that too many of our best public officials are chewing up their lives and those of their families on matters that will seem trivial just weeks or months or years from now, on what former Solicitor General and Watergate Special Prosecutor Archibald Cox calls "pressures of the here and now that are of a very small and unimportant realm." Locked into a patterned routine, these officials are not doing themselves any good, and they are not doing their government all that much good either. By running themselves ragged on a series of marginal, short run issues and problems, they are failing to anticipate potential problems, design creative approaches, and help define a new vision for America.

The problem, of course, is not limited to government. Those in the top of our major private institutions suffer from many of the same difficulties. Nor, apparently, is it either ideological or uniquely American. This summer, *The Economist* wrote of the new Tory ministers in Britain that "the thorny problems in some in-trays are tempting some to rush their fences."

So why isn't someone worried about this? The press does not take it very seriously—limiting attention to day-in-the-life-of-X stories and telling us about the marriages Joe Califano was crushing at HEW. These stories are always either funny or tragic, but they seldom provide serious analysis of the problem. Public policy schools have not done enough to focus attention on the problem or to train prospective government officials in ways to cope with it, admits Graham Allison, dean of the Kennedy School of Government at Harvard. Alan Campbell is the president's personnel director and one of the brightest stars of the Carter administration, but he does not see this problem as a responsibility of his office. "That doesn't mean I shouldn't," says Campbell. "But we really haven't spent any time on it. We worry about alcoholism and things like that." The 20th anniversary of Lindblom's important article marks an appropriate time for renewed interest on the part of leading public administrators both inside and outside of government on the strengths and limitations of various techniques of policy-making.

## ADDRESS BY SENATOR EDWARD M. KENNEDY

Mr. TSONGAS. Mr. President, on Monday the senior Senator from Massachusetts, Senator KENNEDY, spoke at Georgetown University.

I ask unanimous consent that the address by Senator Kennedy at that time be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD. as follows:

### ADDRESS OF SENATOR EDWARD M. KENNEDY

Five days ago President Carter announced a doctrine—a doctrine that would define the area of the Persian Gulf as an American vital interest and that could commit the American people to military intervention in defense of this area.

The question that requires careful consideration is what does this Carter Doctrine mean for the world—and for our own country.

Many Americans feel that once the President of the United States has made an assessment and set a course, the rest of us should stand silent in the ranks even if we have a different view of the national interest. That is not the lesson of our liberty—or the heritage of our history.

Forty years ago, when the Nazis swept across the Low Countries and France, a far more urgent threat to our security, there was no suspension of the public debate—or the presidential campaign. If we could discuss foreign policy frankly when Hitler's panzers were poised at the English Channel, surely we can discuss foreign policy when the Soviet Union has crossed the border of Afghanistan.

If the Vietnam war taught us anything, it is precisely that when we do not debate our foreign policy, we may drift into deeper trouble. If a President's policy is right, debate will strengthen the national consensus. If it is wrong, debate may save the country from catastrophe.

So I make no apology for raising questions about the Carter Doctrine. The exercise of dissent is the essence of democracy. Whether we are citizens or candidates, we have not only the right but the obligation to deal with issues that may shape—or shatter—our future.

All of us condemn the brutal Soviet invasion of Afghanistan. This wanton act of aggression has aroused the conscience of America—and of all the world. It must be met with an appropriate response by the United States and all our allies.

But is this really the gravest threat to peace since World War II? Is it a graver threat than the Berlin Blockade, the Korean War, the Soviet march into Hungary and Czechoslovakia, the Berlin Wall, the Cuban Missile Crisis, or Vietnam? Exaggeration and hyperbole are the enemies of sensible foreign policy.

In fact, the Russians have dominated Afghanistan not for four weeks, but for 22 months. Years ago, Afghanistan passed under Soviet influence. It passed behind the Iron Curtain, not in 1980, but in 1978, with hardly a word of regret from the Carter Administration. When two Marxist regimes in Kabul failed to put down Afghan resistance, the Russians decided to install a third regime and to put down the insurgency themselves. Afghanistan, as they saw it, was slipping away.

President Carter confessed that he was "surprised" by their action. For many months, the Administration had ignored the warning signals. The American Ambassador to Afghanistan was killed in Kabul last February while Soviet military advisers looked on. We were aware well in advance that the Russians were massing their forces. But the Administration said virtually nothing until after the invasion, when they drew a line in the dust that was already rising from the tread of Soviet tanks.

The Carter Doctrine offers defense contractors a bright future of expansion and profit. But the middle class, the blue-collar workers, minorities, and every victim of discrimination by race or sex or age—they all face the bleak prospect of higher taxes, higher interest rates and higher inflation. The young will pay a further cost in registering for the draft. And, as the President's budget makes clear, programs of social benefit and justice will once again be postponed. If the principle of sacrifice is to prevail, let it apply as well to the oil companies and all the other elements of the military—industrial complex.

Last week, we heard a State of the Union message that left behind the problems this President was elected to resolve. The Administration, but not the nation, has turned away from those problems and from the people who live with them every day—people out of work or about to lose their jobs, families who cannot buy a home, parents who cannot send sons and daughters to college, the sick who cannot pay their bills for health and the elderly who must now choose between heat in their apartments and food on their tables.

When the unity of our present fear fades, when the crowds stop cheering and the bands stop playing, someone has to speak for all the Americans who were ignored in the state of the Union address.

It is their Union too—and the state of their lives deserves to be addressed.

If my candidacy means anything, it means a commitment to stand and speak for them. So let me tell you what we did not hear from the President last week: Inflation will continue. Unemployment will go up. Energy prices will rise to even higher levels. The cost of home heating oil has soared to 95 cents a gallon; and now we discover that Exxon has registered the first four billion dollar profit in the entire history of industrial corporations.

And these domestic concerns are not merely matters of social justice; they are also at the center of our foreign crisis. Iran and Afghanistan demonstrate a fundamental truth of the American condition. We are perilously dependent on OPEC oil.

A house weakened in its own foundation cannot stand. Unless we put our energy house in order, our strength and credibility will continue to fall; the world will grow steadily more dangerous for our country and our interests.

The Carter Administration has accepted our petroleum paralysis. They talk of sacrifice—but it is an unequal sacrifice founded on unfair prices that bring hardship to our people. The President's decision to decontrol the price of oil will cost the average family a thousand dollars each year throughout the decade of the 1980's. We all remember the Democratic presidential candidate in 1972, whose campaign was assailed because he proposed assistance of a thousand dollars a year for every person in poverty. How then are we to regard a Democratic President in 1980, who wants to do the opposite, who wants to take a thousand dollars a year from every family and transfer it to the oil conglomerates?

We must cure our addiction to foreign oil.

Not only does the administration claim we face the gravest crisis since World War II, they also claim they are making hard decisions to meet that crisis. Long before Afghanistan, they proposed a stand-by gasoline rationing plan—and that all they propose today. The time for a stand-by plan is over. The time for a stand-up plan is now.

We must adopt a system of gasoline rationing without delay—not rationing by price, as the Administration has decreed, but rationing by supply in a way that demands a fair sacrifice from all Americans.

I am certain that Americans in every city, town, and village of this country are prepared to sacrifice for energy security. President Carter may take us to the edge of war in the Persian Gulf. But he will not ask us to end our dependence on oil from the Persian Gulf. I am sure that every American would prefer to sacrifice a little gasoline rather than shedding American blood to defend OPEC pipelines in the Middle East.

America should be not only a powerful military force, but a continuing force for arms control. We should not hesitate to stand for human rights, including the most basic of all human rights—the right to survive and to live in peace, free from the fear of nuclear war.

Nor does a regional crisis justifiy a reflex decision to spend many billions more on defense systems that have no relevance. Afghanistan highlights the necessity for improving our conventional forces and increasing our military readiness, but it is hardly an excuse for haste on nuclear weapons like the M–X missile. Needless weapons drain the resources to pay for needed ones.

Above all else, we must realize that symbols are no substitute for strength. And in the State of the Union message President Carter offered a new symbol. He requested funds for computer runs to register young Americans for the draft. He said this step could "meet future mobilization needs rapidly, if they arise." But draftees, who take six months to train, would be a very slow deployment force. Registration now would save only 13 days in the event of mobilization. If registration and the draft were essential in a real emergency, there would be no dissent from me or most Americans. But I oppose registration when it only means reams of computer print-outs that would be a paper curtain against Soviet troops. If the President wants a peacetime draft, he should say so. But I oppose the peacetime draft—and I also oppose the President's plan for registration—which is the first step in that direction. We should not have taken this step across the threshold of Cold War II. We should not be moving toward the brink of sending another generation of the young to die for the failures of the old in foreign policy.

Exaggerated dangers and empty symbols will not resolve a foreign crisis. It is less than a year since the Vienna Summit, when President Carter kissed President Brehznev on the cheek. We cannot afford a foreign policy based on the pangs of unrequited love.

In the same spirit of realism, we must deal with the crisis in Iran. It is now 86 days since our diplomats and our embassy were seized. We cannot afford a policy that seems headed for a situation of permanent hostages. The time has come to speak the truth again: This is a crisis that never should have happened. In the clearest terms, the Administration was warned that the admission of the Shah would provoke retaliation in Tehran. President Carter considered those warnings and rejected them in secret. He accepted the dubious medical judgment of one doctor that the Shah could be treated only in the United States. Had he made different decisions, the Shah would doubtless still be in Mexico, and our diplomats would still be going about their business in Tehran.

The Administration continues to call for economic sanctions. I oppose them. They will only propel Iran toward the Soviet orbit. They will do nothing to free the hostages. Eighty-six days is enough. It is time to bring the hostages home. The Administration should now support a United Nations commission to investigate Iranian grievances, similar to earlier commissions on other countries. The commission on Iran should be established immediately, but it should begin its work only after every American hostage has come back safely to our shores. Let no one doubt that America will never yield to blackmail, and that harm to even a single hostage will bring swift retaliation. But let no one doubt that America is ready for a negotiated solution to this impasse.

The 1980 election should not be a plebiscite on the Ayatollah or Afghanistan. The real question is whether America can risk four more years of uncertain policy and certain crisis—of an Administration that tells us to rally around their failures—of an inconsistent non-policy that may confront us with a stark choice between retreat and war. These issues must be debated in this campaign.

The silence that has descended across foreign policy has also stifled the debate on other essential issues. The political process has been held hostage here at home as surely as our diplomats abroad. Before we permit Brehznev and Khomeini to pick our President, we should pause to ask who will pay the price.

Afghanistan is 7,000 miles away. Only 90 miles from our shores Moscow had already seen a Carter line that did not hold. Last fall, the President said Soviet combat troops in Cuba were unacceptable. But soon he changed his mind. He charged up the hill—and then charged back down.

Theodore Roosevelt once warned: "Don't bluster, don't flourish your revolver, and never draw unless you intend to shoot."

The false draw in Cuba may have invited the Soviet invasion of Afghanistan.

This is a real crisis, but it is also part of the recurrent condition that has periodically disturbed the peace for a third of a century. It must be countered. But it must not become so consuming that we lose sight of more vital interests. For example, this nation has an important stake in the independence of Yugoslavia. If President Tito were to die while we were preoccupied in the Persian Gulf, the Soviets could be tempted to launch an attack on Yugoslavia—a country that President Carter as a candidate declared he would not defend.

A measured response to the potential threat in the Persian Gulf must reflect certain principles that will prove less hazardous and more effective than a unilateral and unlimited American commitment.

First, this is not just our problem. It is a greater problem for nations that have a greater dependence on Middle East oil. We must seek their views and act in concert. We cannot impose policies on NATO and Japan; but together, we can set a common policy. This is even truer of the Islamic states, the countries that could be most menaced by Soviet adventurism. It is impractical to rely on a doctrine that requires us to stand astride the Persian Gulf solely on our own.

Second, we must not discount condemnation of Soviet aggression by the international community. This is important, but not because the Russians are moved by world opinion. They are not. It is important because the Soviet Union now finds itself estranged from the Third World—a result that will gravely handicap the Russians in lands they have previously regarded as their private hunting ground. This reaction runs deep in the Moslem world, where Arab nationalism and Moslem religious feeling can become a powerful force against Soviet ambition.

Third, American naval and air forces should be strengthened in the area. We must recognize, however, that such forces alone cannot secure control of a great land mass. But an enlarged presence, including carefully selected military facilities, could have a deterrent effect on the calculations of the Kremlin. And with our allies, we should increase military aid to nations that may have to face the Soviet threat.

Fourth, the greater threat to these nations is often internal decay and subversion, not external aggression. Military aid is not enough. We must also provide economic assistance and political support. Saudi Arabia and its neighbors must be strengthened against subversion from the PLO and other Soviet surrogates. And we must help Pakistan help the million refugees who are pouring across the border from Afghanistan.

Fifth, mutual assistance must be mutual. In return for strengthening their defense, the oil producing states should assure a more certain oil supply at reasonable prices. We should negotiate an arrangement that enhances both their national security and the energy security of NATO, Japan, and the Third World.

Sixth, we must not over-react to the present crisis in ways that undermine the security of Israel. That democracy is our most stable and dependable ally in the Middle East. We must not barter the freedom and future of Israel for a barrel of oil—or in a foolish effort to align the Moslem world with us, whatever the cost. Indeed, Egypt and Israel together already constitute a bulwark against Soviet expansion—and the cornerstone of the wider alliance we must seek.

Even as we take these steps, even as we express our abhorrence of the aggression in Afghanistan, let us not foreclose every opening to the Soviet Union. This is not the first abuse of Soviet power, nor will it be the last. And it must not become the end of the world. Ten months after the Cuban missile crisis—a far greater threat to American security than Afghanistan—the United States Senate ratified the nuclear test ban treaty by an overwhelming vote. The task of statesmanship is to convince the Russians that there is reason for fear, but also reason for hope, in their relations with the United States.

Just as energy insecurity weakens our national security, so inflation weakens our position in the world. Our goods have been priced out of the international marketplace. The value of the dollar has plummeted.

The numbers have nearly lost their capacity to shock. Twelve straight months of inflation over 10 percent. Wild gyrations in the price of gold. Interest rates at 15 percent. Unemployment at 6 percent. And now recession is just around the corner.

The fact is, America did not elect Gerald Ford in 1976. But under a Democratic administration, we have had three more years of Republican inflation, three more years of Republican interest rates, and three more years of Republican economics.

As a candidate, President Carter taunted President Ford in 1976 because the misery index—the sum of the inflation rate and the unemployment rate—had reached a level of 13 percent. Today that index stands at 19 percent.

These statistics are familiar. But one new fact sums up all the current chaos in our economy. The President who promised a balanced budget as a candidate four years ago now proposes a budget with a deficit of $16 billion for the coming year. If you do a little arithmetic, if you take this new deficit and add it to other Carter deficits of the past three years, you will discover an extraordinary thing—the total federal deficit during the Carter Administration will go down in the economic record book as the largest deficit of any presidential term in the history of America.

During this campaign, I have called for long-term steps to combat the fundamental causes of inflation—to foster more competition, more investment, and more productivity in our industry, and more emphasis on our foreign trade. They are obvious measures—measures that must be adopted now if we are to succeed in righting our capsized economy.

Potentially one of the most important short term weapons against inflation is voluntary restraint. But President Carter has hardly touched that weapon. He waited 21 months to set guidelines on wages and prices. And inflation is actually worse since his guidelines were put in place than it was before. The Administration's anti-inflation policy has the same credibility with major corporations that the Administration's foreign policy has with the Soviet Union.

The time has come for a frank admission that under this President, the voluntary guidelines have run their course and failed.

Inflation is out of control. There is only one recourse: the President should impose an immediate six month freeze on inflation—followed by mandatory controls as long as necessary, across the board—not only on prices and wages, but also on profits, dividends, interest rates, and rent.

The only way to stop inflation is to stop it in its tracks. Only then can we break the psychology of inflation that runs through every aspect of our economy and erodes our power in the world.

Today, I reaffirm my candidacy for the Presidency of the United States. I intend to stay the course. I believe we must not permit the dream of social progress to be shattered by those whose promises have failed. We cannot permit the Democratic Party to remain captive to those who have been so confused about its ideals.

I am committed to this campaign because I am committed to those ideals.

I am committed to an America where the many who are handicapped, the minority who are not white and the majority who are women will not suffer from injustice, where the Equal Rights Amendment will be ratified, and where equal pay and opportunity will become a reality rather than a worn and fading hope. I want to be the President who finally achieves full civil rights—and who passes an economic bill of rights for women.

And I am committed to an America where average-income workers will not pay more taxes than many millionaires, and where a few corporations will not stifle competition in our economy. I want to be the President who at least closes tax loopholes and tames monopoly, so that the free enterprise system will be free in fact.

And I am committed to an America where the state of a person's health will not be determined by the amount of a person's wealth. I want to be the President who brings national health insurance to safeguard every family from the fear of bankruptcy due to illness.

And I am committed to an America where the cities that are the center of our civilization and the farms that are the source of our food will be preserved and strengthened. I want to be the President who halts the loss of rural land to giant conglomerates and who declines to accept urban slums, unequal schools, and an unemployment rate in the inner city that approaches 50 percent.

And I am committed to an America that will safeguard the land and the air for future generations. I want to be the President who stops the seeding of the earth with radioactive wastes from nuclear plants—and who refuses to rely on a nuclear future that may hazard the future itself.

And I am committed to an America that is powerful enough to deter war and to do the work of peace. I want to be a President who does not rush to a helter skelter militarism or a heedless isolationism, who improves our military without gilding our weapons, who lifts at least a little the nuclear night that hangs over the world and who makes the world itself a little safer for both diversity and democracy.

And for all these commitments, I have only just begun to fight.

I am convinced that the people are not selfish or hopeless—and that the government is not helpless to serve the public interest. I am convinced that we as a people are ready to sacrifice—to give something back to our country in return for all it has given to us.

It is easy to preach sacrifice, while practicing the politics of symbols. It is easy to bend to the prevailing political breezes. All politicians are tempted to this at times.

But as I said a year ago, sometimes a party must sail against the wind. Now is such a time. We cannot wait for a full, fair wind or we will risk losing the voyage that is America. A New England poet once wrote: "Should the storm come, we shall keep the rudder true."

Whatever comes in the voting of this year, or in the voyage of America through all the years ahead, let us resolve to keep the rudder true.

Mr. TSONGAS. Mr. President, I had the opportunity to be there and frankly I found it to be a speech that I think articulated the reason why I as one Member of this body support the candidacy of Senator KENNEDY. Let me just highlight some of the issues raised in that speech:

> If the Vietnam War taught us anything, it is precisely that when we do not debate our foreign policy, we may drift into deeper trouble. If a President's policy is right, debate will strengthen the national consensus. If it is wrong, debate may save the country from catastrophe.

One need not be committed to either candidate or to a particular party to understand the soundness of that statement.

On the issue of energy he said:

> And these domestic concerns are not merely matters of social justice; they are also at the center of our foreign crisis. Iran and Afghanistan demonstrate a fundamental truth of the American condition. We are perilously dependent on OPEC oil.
>
> A house weakened in its own foundation cannot stand unless we put our energy house in order, our strength and credibility will continue to fall; the world will grow steadily more dangerous for our country and our interests.
>
> We must cure our addiction to foreign oil.

One could only reflect on how true that rings, given the time spent in this body in trying to develop a national energy policy.

The third area that I highlight is in reference to third world countries and the need for comprehensive, viable foreign policy:

> Fourth, the greater threat to these nations is often internal decay and subversion, not external aggression. Military aid is not enough. We must also provide economic assistance and political support.

Certainly if one were to look at the statement that I made since I came back from southern Africa, that is really, I think a kind of signpost as to where we should be going and does point out the basic lack of a foreign policy by the administration.

It is my hope that these kinds of statements will nudge the President and his administration in a direction that I could support, and I wish to commend Senator KENNEDY for raising these issues and I think most fundamentally providing the clear rationale for his candidacy.

In addition, Mr. President, I wish to have printed in the Record an article that appeared today in the Washington Post entitled "The Anti-Kennedy Bias in TV News Reporting," by Tom Shales.

I pride myself on being reasonably immune from criticism in the press, having endured a lot of it as a Congressman from my particular hometown newspaper. But it seems to me that when you are talking not about a Congressman or a Senator but about a Presidential candidate reporters have a certain obligation. There is nothing really to prevent people in the media from irresponsibility except their own sense of professionalism, and I have had experience in my life where that sense of professionalism was simply not adequate and I guess you just learn to live with it.

But what happens to a Congressman or a Senator in some respect is really not all that crucial, but when you are talking about a candidate for the Presidency I would have hoped that the media in this country would have treated the candidacy with the kind of respect and professionalism that they demand indeed of people in public life.

The article by Tom Shales in today's paper, which I think has been met with some agreement with the people from the media that I have spoken to, points out the kind of shocked quality of various members of especially the television media, and I hope that beyond the issue of Senator Kennedy the media would understand the enormous impact it has on the U.S. electoral process and they should understand that, in fact, they are Americans as well.

An interesting contrast to the news reporting indicated by this article is the rather, in my opinion, courageous stand taken by the media on the six Americans who were hiding in Tehran.

So we have interesting contrasts, one reflecting the best of American journalism in what must have been a very difficult decision and one that represents the worst of American journalism.

It seems to me that it should be quite obvious which approach is not only better for the media but better for the country as a whole.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### The Anti-Kennedy Bias in TV News Reporting

(By Tom Shales)

It's hard enough running against an incumbent for the presidential nomination. Sen. Edward M. Kennedy (D-Mass.) has also had to run against all three television networks. It would take a combination of FDR and Abraham Lincoln on the same ticket to defeat that kind of coalition.

For the past three months the network nows departments have had a field day playing Get Teddy. They have turned the election process into the Wide World of Politics and portrayed Kennedy as the creamed skier feasting on the agony of defeat. They supply the viewing electorate only with a daily fix on winners and losers, and they have all but declared Teddy the loser.

The latest sneak attack was committed by the exhibitionistically scrappy Phil Jones, who covers the candidate for CBS News. On Monday night's Evening News, Jones described Kennedy's appearance at Georgetown University and cracked, "and with that, Kennedy looked into the TelePrompTer and read a speech." CBS even included a shot of the TelePrompTer. THIS is news?

President Carter planned to use a TelePrompTer, too, for his State of the Union address; one was installed in the House of Representatives for him. But he changed his mind and relied on a typed text. No one at CBS, however, said, "and with that, President Carter looked down at his script and read a speech."

Even some network newsmen acknowledged—"privately," the way wee small voices at the White House are always being quoted on network newscasts these days—that the anti-Kennedy bias is phenomenal. We turn on the nightly news to find out how badly Teddy is doing today.

"It's the new sociology of news," says one of the most respected TV newsmen in the business. "They forced Teddy to declare for the nomination, and then the minute he declared, they started saying, "What good is he?'"

Says another longtime newsman at another network: "I don't think it's all television's fault, but television probably thinks less than newspapers—good newspapers— do.

"And all the while TV has been beating up on Kennedy, there's been almost benign neglect of Carter. Here you have a guy who is really a disaster, but the networks have gone right along with his Rose Garden strategy. There is absolutely no innovation in their coverage."

The symbolism that goes with presidential regalia is passed along to viewers by television, and rarely given a critical glance by TV newsmen. But the symbolism that goes with a Kennedy candidacy is subjected to repeated smart-alecky scrutiny, partly because the Kennedy mystique has such historical resonance.

When Roger Mudd decided to prove his manhood on the air with the landmark Teddy Kennedy profile which CBS televised on Nov. 4, it looked as though Mudd might be opening the door to new, tougher, more rigorous political reporting on television. It's been tougher and more rigorous all right—but only on Kennedy.

Jones followed up on Nov. 17 with a CBS Evening News report in which he deemed it terribly newsworthy that Kennedy had misidentified a railroad, that he was "using his family" to get votes—surely an unheard-of ploy in American politics—and that he stammered in response to a question on racial issues.

"He often appears to be a man without a plan," said Jones.

More recently, Kennedy was subjected to further unprofessional indignities on the ABC News program "Issues and Answers." In the last minute of the show, reporter Bob Clark suddenly said, almost jokingly, "Senator, if I may interrupt, people are going to think we are derelict if we don't get one Chappaquiddick question into this show."

Kennedy had less than 40 seconds to respond to the question Clark asked. He tried to bring up what he thought were the actual "moral issues" of the campaign but was cut off in mid-sentence when time ran out.

"We felt very bad about it," said Peggy Whedon, producer of the program, later. "It was miscalculation, purely. The clock did it to us." Sen. Kennedy was "a little testy" about the incident, she said, and "his people were angry" as they left the studio. And with good reason.

Meanwhile, on NBC's "Meet the Press," President Carter held forth with his big born-again grin as reporters pelted him with questions that, but for a few exceptions, had the stinging power of rose petals.

Television loves to give its audiences good news. It loves to give them winners. It loves to give them black-and-white comic strip versions of complex events. So the hair-spray crowd has put on the kid gloves for Carter, who is given great credit for withstanding all the crises he helped bring about, and saved all the knockout punches for Kennedy.

"It's really been savage against Kennedy," says one veteran political observer active in broadcasting. "I've been shocked by it, absolutely astounded by the coverage. And the double-standard is incredible. Carter is full of 'steely resolve' but Kennedy is 'hustling votes.'"

Why is this happening?

"I think partly because there's been so much garbage about how the press loves the Kennedys in recent years, that the reporters feel they all have to establish their neutral credentials by knocking him around. They're leaning way over backwards, that's for sure. They're preparing audition tapes so that nobody will look back someday and say, 'Oh, Phil Jones—that Kennedy whore.'"

Former presidential adviser Bill Moyers, who couldn't stomach the network news circus and this week begins a new season on public television, feels the problem involves more than just the hostility some correspondents feel toward Kennedy.

"Television is unfair to politicians generally, just as it is unfair to thinking people," Moyers says from New York. "Politicians deal in a world of complexity, and television deals in a world of simplicity. Television insists they play by the rules of television and not by the rules of politics.

"The rules of politics are negotiation, weaving, subtlety, nuance, trading, advancing, retreating, and so on; these are the things with which you sustain a political process. But television doesn't like nuance. And television doesn't like subtlety."

TV news melodramatizes events to make them good shows cast with cartoon personalities, and this streamlined version of what is happening in the world becomes the TV reality millions see on their screens. Principal offenders like Jones may stand out for their shamelessness, but the three network news departments are pretty much hewing to the same party line on Kennedy.

"A kind of group radar does take over," says Moyers. "One guy sees a blip and seizes on it, then another guy seizes on that, and so on. Teddy Kennedy hasn't been judged on whether he's been a good senator, on his grasp of the issues, on his views on Afghanistan, Iran, or anything else. Instead, it's been television deciding whether he's a good campaigner or not.

"At the same time, it's all biased in favor of Jimmy Carter. Inflation is not only as bad as it was, it's worse than ever. Americans are still being held hostage in Iran. And Russian troops are still in Afghanistan. But Jimmy Carter is high in the polls because he is able to communicate, through television, the symbols of leadership even when he is not in fact leading."

Broadcasters are continually demanding repeal of the Fairness Doctrine that is supposed to keep them in line on matters of public import. They say they don't need a Fairness Doctrine. They say it inhibits them. They say we should trust them to be fair.

Like hell we should trust them to be fair.

Mr. TSONGAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE AUSTRALIAN RESPONSE TO THE SOVIET INVASION OF AFGHANISTAN

Mr. GLENN. Mr. President, tonight, Australian Prime Minister J. Malcom Fraser will arrive in Washington for a brief visit to discuss the appropriate international response to the Soviet invasion of Afghanistan. Such a visit will be especially valuable, for Australia has already demonstrated its recognition that the cynical and ruthless Soviet attack on Afghanistan represents a grave threat to world peace.

In the wake of the Soviet invasion, the United States has urged many countries to take a firm stand against the Soviet moves. However, no urging was necessary in the case of Australia. It spontaneously took a number of actions—some of which involved real sacrifices for it—which demonstrated its farsightedness and its solidarity with the United States.

These steps included:

Support for the U.S. grain embargo by refusing to meet any Soviet shortfall in grain purchases.

An offer of greater Australian involvement in patrolling and surveillance of the Indian Ocean, either independently or jointly with the United States.

Support for a boycott of the Olympic games or their removal from Moscow.

The indefinite suspension of arrangements and agreements with the Soviet Union over fisheries matters. Approvals already given to two ventures were withdrawn, and a planned February visit by a Soviet fisheries delegation was canceled.

The indefinite suspension of scientific collaboration with the Soviet Union.

The refusal of Soviet requests for expanded airline cooperation.

The provision of 10,000 tons of Australian wheat to Pakistan to help Afghan refugees.

Mr. President, the United States faces a difficult and trying time as a result of the Soviet decision to resort to naked military force to control the fiercely independent people of Afghanistan. Many nations are reluctant to recognize the threat such Soviet action poses to themselves and to the peace of the world. The United States is extremely fortunate to have in Australia a staunch ally, one which is willing to face facts squarely and to act upon its judgments and convictions.

Australia, along with New Zealand, has been our partner in the tripartite ANZUS security pact for nearly 30 years. It is also a signatory of the Manila Pact of 1954. During the past three decades, the cooperation between our two countries has been close, and the relationship has been valuable to both countries. It is all too easy to overlook the contributions made by such a loyal ally because of our concern over how to deal with less responsible nations. Let us not make this mistake with Australia, for it deserves our gratitude and support.

## LACK OF ACCOUNTING AND COST CONTROLS

Mr. SASSER. Mr. President, I rise to discuss a matter of serious concern—that is, the lack of accounting and cost controls for the foreign military sales program.

### DRAMATIC GROWTH

During the decade of the 1970's, the foreign military sales program has grown dramatically. Annual sales agreements amounted to $1.4 billion in 1971. By 1978, the annual rate had reached $13.5 billion. During this 8-year period, 1971 through 1978, foreign military sales agreements to customers worldwide amounted to $71.1 billion. Over the past 6 years, total foreign military sales have amounted to $67 billion. Virtually all of these sales have been made to countries with strong and sound economies.

### COSTING CRITERIA

Mr. President, these military sales are made to foreign powers on certain costing conditions established in law and Defense Department instructions and directives.

Simply stated, the law and DOD directives state that the Defense Department shall charge the full price for the item sold so that there is no element of subsidy in the program. The program should break even—no profit and no loss.

### FOREIGNERS—NOT AMERICANS—SHOULD PAY

In other words, the American taxpayer should not be charged in any way for military goods sold to foreign powers, especially not now when we are attempting to rebuild our own defense forces. The foreign purchasers should pay the full price. This seems simple enough.

### ARMS EXPORT CONTROL ACT

Mr. President, the Congress enacted and the President signed the Arms Export Control Act of 1976. This statute requires recovery of all direct and indirect costs so that there are no elements of subsidy in the program. Foreign governments are to pay the full amount of procurement contracts entered into for them to assure the United States against any loss.

### REPLACEMENT COSTS

In the case of an item sold out of Defense Department inventory, such as an engine motor, generator, and so forth, the foreign government is to be charged the actual or replacement cost. In other words, if the item sold from stock costs $1,000 when it was manufactured 5 years ago, and will cost $1,500 to manufacture and replace it in inventory required for American forces, then the cost to the foreign power should be $1,500, and not the $1,000 that is normally being charged by DOD. This is the law and the requirement of DOD directives and instructions. Yet, GAO identified $69 million worth of losses to the American taxpayer due to this type of undercharge in the selected cases it reviewed.

### FULL COST RECOVERY

Full cost recovery also includes recovery of indirect costs such as charges for the use of Government-owned assets; nonrecurring research and development and production costs; and administration costs. It includes charges for the full cost of Defense Department services, such as DOD quality control inspections.

### TOTAL COST

All of these costing criteria are established by law and DOD directives. The whole point is that prices of items sold to foreign powers shall be at their total cost to the U.S. Government.

### GENERAL ACCOUNTING OFFICE INVOLVEMENT

Over the past decade, the General Accounting Office has published about 40 reports covering a wide range of financial management problems for the foreign military sales program.

Since 1975, the GAO has issued 34 of those reports.

### SOME EXAMPLES

Mr. President, let me give some examples of Defense Department practices which are costing the taxpayers millions of dollars—and allowing millions of dollars of subsidy to foreign powers.

### CHARGES NOT MADE FOR INVENTORY LOSSES

In maintaining inventories, the Defense Department incurs normal inventory losses such as damage, deterioration, pilferage, and disposal of obsolete items. It has been 10 years since the Department of Defense first required that foreign governments be charged for inventory losses on sales of nonstock fund items, such as engine motors or generators. This directive was followed up by an amendment to the Arms Export Control Act in 1978, expressly requiring that the 1969 directive be implemented. Yet, at the time that the GAO was completing its review of the matter in 1979, the military services were still "studying the matter."

The net result? Foreign governments had not been assessed for their fair share of inventory losses. Their share amounted to millions of dollars. The law has been ignored. And no attempt is underway to identify and recover the undercharges on foreign military sales—the majority of which go to countries with strong economies which could well afford to pay their fair share.

### EXAMPLE OF LACK OF CHARGES FOR USE OF GOVERNMENT-OWNED ASSETS

Since 1970, the General Accounting Office has been reporting that although Government-owned assets are used to produce items sold to other countries, these countries have not been charged for the use of the assets as required by law and Defense Department policy. Moreover, now that the undercharges have been identified by GAO reports, the Defense Department is still not giving attention to recovering unbilled costs of using Government owned assets for foreign military sales.

What is the result? Foreign customers have been subsidized by the American taxpayer to the tune of millions of dollars—$157 million for case reviewed by GAO simply for failure to charge for use of Government-owned assets. Why? Simply because the Defense Department—over a period of 10 years—has still not brought its serious accounting and financial management problems to a proper resolution.

### COST WAIVERS

The Arms Export Control Act of 1976 provided that under certain conditions, nonrecurring research and development costs and other costs associated with a sale may be waived—that is, not charged to the foreign country—by Defense. Over the next 15 months, the Department authorized or considered cost waivers of about $500 million. Moreover, the Congress was not being advised of the amounts being waived or the specific reasons for granting waivers.

### FOREIGN GOVERNMENTS KNOWINGLY UNDERCHARGED

In addition to the unexplained cost waivers, the General Accounting Office has noted instances which have resulted in foreign governments being knowingly undercharged, and thus subsidized by the American taxpayer, by millions of dollars.

The Congress has made it clear that foreign governments should not be subsidized through the foreign military sales program.

Despite this, the GAO found, however, that:

After various foreign governments complained about high prices, Defense and State Department officials directed the military services to charge prices which did not include all costs. On four sales cases the military services were directed to omit about $7.9 million.

The Army intentionally did not charge a foreign country appreciable costs incurred to overhaul equipment. Overhaul costs were greater than originally anticipated. Instead of charging the foreign country for these costs as intended by law and required by Defense pricing policies, the Army improperly transferred the costs to an Army overhaul project, thereby subsidizing the foreign country.

These examples of undercharging are not isolated instances. The GAO, in the cases they reviewed, identified $8 million worth of intentional undercharging. Another $75 million of intentional undercharging was identified by the internal auditors of the military services and a Navy study team.

### NAVY STUDY TEAM

Mr. President, I am particularly troubled by the revelation of the GAO regarding a Navy study team. That team was studying foreign sales pricing and identified $10 million in unrecovered costs on six sales. This included $1.6 million for Government-furnished equipment, $2.4 million for training, and $4.7 million in asset-use charges. The study team concluded if all open sales cases were to undergo similar examination, there was a potential for a recovery of an additional $100 million to $200 million in costs and charges. The team recommended that the remaining open sales cases be reviewed and that the unrecovered costs so identified be recovered.

What was the Navy response? Predictable. It stopped the review, did not attempt to charge foreign governments for the $10 million in costs already identified and probably cost the taxpayers hundreds of millions of dollars for those open cases which it would not allow to be reviewed.

### $370 MILLION UNDERCHARGED

Mr. President, the GAO has found that in the past 6 years, the Defense Department has not charged an estimated $370 million for quality assurance services provided on items sold to foreign countries—even though recovery of costs for the services had been required since at least 1970. The GAO noted that—

> The problems encountered in not recovering these costs were indicative of Defense's continued failure to recover all costs for foreign military sales.

### $2 TO $3 BILLION LOSS

Mr. President, since 1976, the GAO has identified over $1 billion in unrecovered costs on selected foreign military sales cases. The total of such unrecovered costs is undoubtedly substantially more. By one estimate, it is $2 to $3 billion.

Mr. President, I think it is outrageous that the American taxpayer is being made to bear an unnecessary burden of $2 to $3 billion simply because of the serious financial deficiencies of the Defense department. This is an intolerable situation—an intolerable burden. Yet, it has been going on for a period of a decade and the problem shows no sign of abating.

### CONCLUSION

Mr. President, the problem of noncompliance or long delays in implementing Defense policies has been disclosed in over 30 General Accounting Office reports issued in the past few years on deficient pricing practices.

Mr. President, I believe that basic corrective action is long overdue. The Defense Department should provide sufficient resources to insure that its pricing policies—and the laws enacted by Congress—are effectively implemented.

The notion that the American taxpayers should subsidize arms sales to foreign powers is, I believe, improper, irresponsible, and illegal.

Moreover, I believe it is especially ironic—even scandalous—for the American Government to be subsidizing the manufacture of arms to be shipped to foreigners—while at the same time the hard-pressed taxpayer is being asked to pay full price for the necessary rebuilding of the American defense forces in the 1981 President's budget.

Mr. President, just maybe we would not have to be struggling so hard to play catch up in the defense area if we could get the Defense Department to block this $2 to $3 billion hemorrhage in the Federal budget.

---

## ALASKAN VILLAGERS ARE RUNNING OUT OF HEATING FUEL

Mr. STEVENS. Mr. President, people throughout the cold regions of the Nation are feeling the crunch of rising energy prices this winter. But there are few places in the United States where astronomical energy prices are being felt as deeply as in my State of Alaska. An article which appeared in the New York Times yesterday entitled "Alaskan Villagers Are Running Out of Heating Fuel" illustrates the crisis nature of this situation.

Four rural communities have mere gallons of fuel left and 30 other communities are anticipating similar problems this winter. In several tundra communities with no wood available to burn and temperatures dipping to 40 below zero, fuel shortages are truely a matter of life and death.

For residents of these villages, it is not a simple matter of calling the fuel dealer and getting a delivery the next day. At least 75 percent of Alaskan communities do not have road access to supply centers. Therefore Alaskan villagers must order their entire supply of winter fuel in the preceding summer and have it delivered by barge. Can you imagine the financial hardship if residents of your State—be they middle income or poor—were forced to pay their entire winter fuel bill in one lump sum. If villagers cannot afford the full amount, or if they do not correctly anticipate how cold the temperatures will be throughout the winter—they will run short, sometimes during the harshest months.

To fly relief fuel into these communities this winter will allow residents to pay back their bills in increments throughout the year—just as most utility customers in the rest of the States do. It is my understanding that some of that money will be given as grants to offset the transportation costs of the fuel during emergencies. I hope that we can work in Congress and with the appropriate Federal agencies currently dispensing energy assistance funds to permanently establish such a flexible and useful loan/grant program for Alaska.

I applaud this sensitive and farsighted action by our Governor and legislature. This program fills a great need for Alaskans who require assistance not necessarily in the form of a subsidy.

I ask that the article appearing in the New York Times be printed in the RECORD.

The article follows:

[From the New York Times, Jan. 24, 1980]

### ALASKAN VILLAGERS ARE RUNNING OUT OF HEATING FUEL

JUNEAU, ALASKA, January 23.—Although Alaska exports one million barrels of oil a day, four remote native villages are on the verge of running out of heating oil and 30 other communities do not expect supplies to last through the bitterly cold winter, state officials say.

"I only got 15 gallons left," said Henry Evon, president of the Kwigillingok Village Council. He spoke from the only telephone in the remote community of 210 people on the icy Bering Sea nearly 500 miles west of Anchorage.

"I know of one family that's planning to move in with another if they can't purchase fuel," said James Atti, who works for the Village Council, "And I know of one family that's living with another family because their house is cold."

### LESS FUEL ORDERED FOR YEAR

Facing the rising petroleum and transportation costs that have brought fuel to $2 a gallon in remote areas and lulled by two mild winters; many natives ordered less fuel when they made their annual purchases last spring.

But this winter was not another mild one. Fuel consumption climbed sharply as the temperature hung at 40 degrees below zero in northern areas for more than three weeks.

The cold season lasts six months in northern Alaska, and many rural Alaskans are nearly running out of fuel for the small stoves they use to heat their modest, mostly wooden dwellings.

The Alaska Legislature, which Convened this month amid debate over how to spend an estimated $3 billion that oil production will provide within the next year, has been asked to consider a $1.5 million emergency appropriation.

APPROVAL BY COMMITTEES

House and Senate Finance Committee members approved the appropriation Monday, and it is expected to win final legislative passage later this week.

The measure would lend village councils money to purchase fuel in bulk and subsidize the high cost of delivering it.

Mr. Evon said that his community had borrowed 5,000 gallons of fuel from the Bureau of Indian Affairs school as an emergency measure but that the fuel was quickly running out even though it was being rationed.

Fuel is also running out in Kongiganek and Kasigouk, smaller villages in western Alaska, and Nulato, only 100 miles south of the Arctic Circle.

The Alaska Pipeline, bringing its unrefined crude from Prudhoe Bay to Valdez, passes about 300 miles east of Nulato, the closest of the four villages to the pipeline.

Villagers order their yearly fuel supply in the spring. It is shipped by barge to coastal communities for distribution by airplane to the roadless tundra towns.

An estimated 445,000 gallons of heating fuel is needed along with 155,000 gallons of gas, according to a survey by the Rural Alaska Community Action Program, an agency that serves rural communities.

The program director, Philip J. Smith, said that in the last six weeks the Alaska Village Electric Cooperative, which serves rural areas, has sent shut-off notices to over 1,000 reidential customers. The amount of unpaid bills is in excess of $750,000, he said.

## THE DEATH OF COL. EBERHARD DEUTSCH

Mr. LONG. Mr. President, it was with painful sadness that I learned of the lamentable death of a dear friend, an outstanding jurist and a great American—Col. Eberhard Paul Deutsch.

Colonel Deutsch died on January 16, 1980 at his home in New Orleans. Colonel Deutsch was an American patriot in every sense of the word. He served his country with distinction in both World War I and World War II. During World War II, Colonel Deutsch took part in 12 major engagements, including the invasion of Sicily and an airborne landing behind the lines in Normandy. He was awarded a total of 16 American and foreign decorations and service medals.

In 1945–46, he served on Gen. Mark W. Clark's staff as principal legal advisor in the military administration of Austria and in their creation of that country as a free and independent nation.

But Colonel Deutsch's service to his country did not end with World War II. From February, 1964, to 1976, he was Civilian Aide for the State of Louisiana to the Secretary of the Army, and served as Civilian Aide At Large from 1976 until his death.

Mr. President, the death of this great American has truly distressed me because of our close and warm relationship.

I knew Eberhard Deutsch for the better part of my adult life and respected him as a man and as a great lawyer. In connection with my service in the Senate, I many times sought the advice of Colonel Deutsch, particularly on matters involving international law—a field in which he excelled.

It was my privilege to have sponsored a proposal by Colonel Deutsch to reconstitute the World Court so that the justices of that court would no longer be bound in their rulings and deliberations to the nations from which they were appointed.

I often looked up to Colonel Deutsch as a son would to his father because he had the kind of experience and wisdom that younger men seem to obtain for themselves. From time to time he also represented my family in legal matters. Not only was he a great lawyer, but he had commonsense and tremendous talent.

Mr. President, to read to you Colonel Deutsch's many honors and accomplishments would require hours of this Senate's time. However, some of Eberhard Deutsch's distinctions can not go without mention.

Among his American decorations and service medals were the Silver Star, Legion of Merit, Bronze Star for Valor, Army Commendation, Purple Heart, Presidential Unit Citation, and two certificates of Appreciation for Patriotic Civilian Service.

In 1976, he was presented the Distinguished Civilian Service Award, the highest award the Secretary of the Navy can bestow on a civilian.

The French awarded Colonel Deutsch their Croix de Guerre with Palm and Fourragere, Verdum St. Mihiel, and Order of Lafayette.

In his legal career Eberhard Deutsch was 1961–62 chairman of the American Bar Association's standing committee on Admiralty and Maritime Law. In 1962–63 and 1965–68, he was chairman of the American Bar Association's Standing Committee on Peace and Law Through United Nations. Colonel Deutsch served as chairman of the Louisiana State Bar Association's Standing Committee on Reform and was chairman of the Commission for Revision of the Corporation Laws of Louisiana.

In addition to being a senior partner in one of New Orleans' largest and most respected law firms, Colonel Deutsch served as Consul General of Austria in New Orleans. In 1967, Austria awarded Colonel Deutsch its Gold Cross of Merit.

Mr. President, in behalf of this honorable body, I offer condolences to Colonel Deutsch's son, Brunswick G. Deutsch, his two sisters, and to all of those who knew, respected, and loved him as I did.

## WHAT CONGRESS REALLY THINKS OF ITSELF

Mr. DECONCINI. Mr. President, on January 14, 1980, U.S. News & World Report published the results of a poll of all Members of the House of Representatives, who were asked to name the three Members they most respect, are most persuaded by, and the one individual they consider to be the most effective lawmaker.

I think I speak for a majority of Arizonans when I say that I was proud to note that the Member selected as the single most effective Congressman was MORRIS K. UDALL. If that was not enough, his colleagues also voted him among the three most respected and most persuasive Members.

New York Congressman RICHARD OTTINGER noted:

> Mo Udall is one of the few members who commands instant attention when he speaks.

Mr. President, I applaud Mo UDALL on this high honor bestowed on him by his fellow Members of the House, and I want to say that I am proud to be a part of Arizona's congressional delegation.

For a small State, Arizona has had its share of oustanding people on Capitol Hill. In this Chamber, Carl Hayden is revered and remembered. BARRY GOLDWATER, the 1964 Republican Presidential nominee, is respected and admired. Ernest MacFarland, another Arizonan, was Senate majority leader.

JOHN RHODES, another Republican, speaks well for his party as House minority leader. STEWART UDALL, a former Arizona congressman, went on to become Secretary of the Interior under two Democratic Presidents. Mr. President, I would add Mo UDALL to this proud list. He is a credit to his native Arizona, to his country and to the Congress.

It is with pleasure and admiration that I commend the U.S. News & World Report article to my colleagues. I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT CONGRESS REALLY THINKS OF ITSELF

When judging the performance of Congress, senators and representatives are proving to be their own harshest critics.

Many legislators see their institution as so undisciplined, so overstaffed and so swayed by special interests—and lacking in leadership and individual courage—that it cannot function adequately.

An overwhelming majority of the senators and House members answering a survey conducted by *U.S. News & World Report* concedes that Congress is doing either poor or only fair in responding to the nation's needs. Fewer than 1 in 4 think Congress is doing a good job.

Many found Congress all too willing to give "the people what they want—not what they need." The desire to be popular "is a spirit that prevails in Congress," asserted Representative James M. Collins (R-Tex.). Added Representative William M. Brodhead (D-Mich.): "Congress responds to what it thinks the people are worried about, but it is, I believe, out of touch with the people."

One of Congress's defenders, Representative Don L. Bonker (D-Wash.), asserted: "Given the complexity of today's issues, the intense regional, economic and even partisan interests that come to bear on legislation, the overall record is not all that bad."

The magazine's poll drew responses from 192 of Congress's 535 senators and representatives—36 percent of the membership. Many questionnaires were returned with lengthy, handwritten comments—some signed, others not—that conveyed lawmaker's mounting concern for the institution they represent and for the future of legislative government itself.

The results indicate that members are well aware of their own shortcomings and that they are increasingly willing to give up some of their freewheeling independence in exchange for firmer leadership and tighter organization.

It is perhaps significant that, when asked to name their most respected and effective colleagues, members of the Senate and the House often bypassed their chosen leaders in favor of other, less-well-known lawmakers. The two top men in Congress's hierarchy, Senate Majority Leader Robert Byrd (D-W. Va.) and House Speaker Thomas P. "Tip" O'Neill (D-Mass.), finished second and third, respectively, in separate polls to determine the most respected members of each chamber.

### SEARCH FOR A MORE RESPONSIVE CONGRESS

Lawmakers showed no hesitancy in pinpointing what they see as Congress's weaknesses. Much of the criticism—from Republicans and Democrats alike—focused on the problems of weak internal leadership, poor communication, disunity and members' preoccupation with their own parochial interests.

Commented Representative Leon E. Panetta (D-Calif.): "Over the past several decades, Congress has progressed from a body controlled primarily by the dictates of party leadership to one whose membership is increasingly independent and, thus, more susceptible to pressures from single-issue constituencies." What must be developed, the congressman declared, is "a more careful balance between these two extremes."

Too often "we act in response to interest groups," observed another House member. "In seeking their vote and support, we are acting in our own self-interest, rather than that of the nation."

Though satisfied with Congress's overall performance, Senator Harrison H. Schmitt (R-N.M.) faulted his colleagues for failing to deal adequately with "major issues of energy, defense, taxes and regulatory reform." Another lawmaker said he doubted that Congress "has the backbone to legislate effectively" in the areas of government spending and inflation.

One House member blamed Congress's problems on an "ossified majority leadership" that "appears to be out of touch with the American people. As long as that prevails, Congress will not meet the people's needs."

Many Republicans echoed the sentiments of Representative Arlen Erdahl (R-Minn.): "The party in control is without cohesive direction or discipline. It is drifting, trying to respond to crises as they arise." The Democratic leadership "couldn't manage a two-car funeral," quipped Representative Henry Hyde (R-Ill.). However, Representative Bill Frenzel (R-Minn.) said the problem goes beyond leadership. "We have plenty of leaders," he concluded, "but no followers."

Said another member: "The media create the impression that we change things by changing Presidents. Not much will change on issues of inflation and energy until we change the faces in Congress."

### WHO REALLY RUNS THE HOUSE AND SENATE?

Despite complaints about current leaders, no consensus for their replacement turned up when senators and representatives, assured of anonymity, were asked to name their most effective and most respected colleagues. Participants in the survey listed three choices in each of three leadership categories.

Picked as the most respected House member was Majority Leader Jim Wright of Texas. A 25-year veteran of Congress, Wright also was chosen overwhelmingly as the House's most persuasive debater. Said an admiring Democrat: "Jim's a fighter who goes full tilt all the time for the party but who's never bitter in defeat." At 57, Wright is next in line for Speaker, when O'Neill, 67, steps down and if the House remains under Democratic control.

Representative Morris K. Udall (D-Ariz.), who is chairman of the Interior and Insular Affairs Committee, emerged from the survey as a lawmaker with a large following among his peers. Second only to Wright in having the respect of his colleagues, Udall was chosen as the House committee chairman most effective in getting legislation enacted. As a persuasive debater, he placed third—behind Wright and Representative John Anderson (R-Ill.). "Mo Udall is one of the few members who commands instant attention when he speaks," said Representative Richard Ottinger (D-N.Y.).

Senators were much more circumspect in deciding who among them is the most respected. Fifty-eight senators got at least one vote. Minority Leader Howard Baker of Tennessee finished at the top of the list with 18 votes. Baker won praise on both sides of the aisle for his fairness, integrity and competence. Baker's "a genuinely nice guy," according to fellow Senator William Roth (R-Del.).

Behind Baker, tied with 16 votes apiece, were Majority Leader Byrd, Jacob Javits (R-N.Y.) and Edward M. Kennedy (D-Mass.).

If any one of the lawmakers emerged as a Senate powerhouse, he is Russell B. Long (D-La.), chairman of the Finance Committee.

Long was the runaway choice of his colleagues for the most effective committee chairman and he edged out Byrd and Javits as most persuasive in debate. Commented a Republican adversary of Long: "He's fairly reasonable. He compromises a lot and that makes him highly successful. He may get the biggest bite of the apple, but at least you end up with the core."

### TOO MUCH TO DO, TOO LITTLE TIME?

An overriding complaint among senators and House members is the seemingly endless amount of work—much of it trivial—they are expected to handle.

Representative Carroll Hubbard (D-Ky.) described the frustrations: "Most of our time is spent as ombudsmen rather than as legislators. We spend many hours responding to constituent requests, attending functions, working on Social Security and veterans' claims, and securing such things as grants, loans, flags, publications, calendars, letters of recommendation and blacktop for roads in our districts. Returning telephone calls and answering letters are taking more of my time each year.

"The request and demands are increasing. In order to be considered a responsive congressman by my constituents, I, like most of my colleagues, spend much of my time—often seven days a week—attempting to fulfill these requests."

Senator Alan K. Simpson (R-Wyo.) concluded that "a great deal of time is wasted. There is not enough time to do one's homework before a bill is suddenly tossed out on the floor for discussion and a vote—and usually under a time agreement which prevents thorough debate."

By a 2-to-1 margin, legislators were in agreement that Congress had allowed itself to become overstaffed and that the staffs are generating a lot of unnecessary work.

"We have paid lip service to fighting growing bureaucracy while our committee and personal staffs have grown by leaps and bounds. We then excuse such growth by pleading that we have to keep up with the executive branch," declared Representative Dan Glickman (D-Kans.), A senator commented: "Our staffs have become another self-perpetuating bureaucracy."

"Committee staffs," added a House member, "could easily be cut by one third to one half."

Staffs "promote new bills for job justification," said Representative Collins, who has introduced his own bill to reduce congressional employment by half. Asserted Senator Simpson: "The staff has the power to overwhelm individual members with a workload which leads to legislation not even tinged with the aura of common sense but which only springs from a highly technical and clinical viewpoint of the eager and 'burrowing in' staff member."

Several characterized Congress's staff situation as "a national scandal" that is only waiting to be discovered by the nation's taxpayers.

### DO LOBBIES HAVE TOO MUCH POWER?

Although most survey respondents said special-interest groups do not exert excessive influence over Congress, a significant minority expressed concern about their power.

"The increasing role of special-interest organizations in financing congressional campaigns is a very disturbing trend, which has given some groups an inordinate influence on Capitol Hill based on their ability to generate campaign funds," contended Representative Panetta.

Some pointed to the recent watering down of oil decontrol and oil "windfall profits" legislation as examples of what can happen when lobbying organizations bring their full weight to bear. "The problem," said one senator, "is that opposing views don't get voiced, and there is a vacuum on several issues of importance."

Several members of Congress expressed concern over the influence of so-called single-issue lobbies—women's-rights advocates, abortion foes, environmentalists, for example. "These people often care about nothing but their one issue—and they can drive you crazy with it," confides a House member. "You can have a perfect voting record 99 percent of the time, but oppose them just once and they'll hound you out of public life."

Representative Thomas Tauke (R-Iowa), however, said he doesn't find lobbying pressure on Capitol Hill as intense as he experienced earlier as an Iowa state legislator. But, he added, "lobbies are becoming sophisticated enough to work through each member's constituents. Is that good citizen participation in government or excessive special-interest pressure on Congress?"

Several argued that lobbies "cancel each other out" for the most part, while others defended lobbies as useful tools in the legislative process.

"Rarely, if ever, are members unable to attain all the information necessary to make informed judgments on matters before the Congress," a House member commented in support of lobbies. "In many cases, the opposing lobbyists supply differing opinions and bits of information that aid in the process of fully ventilating issues. Frankly, a congressman with integrity is not going to be unduly influenced by any lobbyist."

A few members of Congress said that they thought the press, in effect, constituted the most influential "lobby" group on Capitol Hill, but one senator contended: "No lobby can match the White House when it comes to playing hardball."

### CONGRESSIONAL SALARIES: TOO HIGH OR TOO LOW?

On one matter that relies many voters, nearly all lawmakers seemed to be in agreement: They earn their $60,663-a-year salaries.

Only 13 survey respondents thought they were overpaid. Standing virtually alone was one anonymous House member who thought that a figure of "$44,600 would be about right."

A sizable minority complained that their salaries are inadequate given the demands of the job and the costs of staying in office. "It is tough for a member with a family to support and no outside income to maintain two homes and make ends meet," said one.

"It's one hell of a job," declared Representative John Jenrette, Jr. (D-S.C.). "Without our egos, few would stay. We make decisions that affect everyone, yet many corporate officers make much more with less responsibility and without constant demands.

Added another House member: "No one can understand the hours and effort the job requires—and the anxieties of lack of tenure."

There was criticism of Congress awkward handling last fall of its most recent pay increase. "Irresponsible," one senator called it. A House member termed it "poorly timed."

Some, while defending their own incomes, were not so sure that all of their colleagues deserved their pay. "Most members are really underpaid relative to what they would achieve outside the Congress," a House member asserted. "But a not insubstantial minority are overpaid for what they know or do."

Representative Joel Deckard (R-Ind.) thinks that "collectively, Congress has not earned a raise" because of its failure to deal adequately with the issues of inflation, energy and budgetary restraint. "Unfortunately, there is no practicable way to raise the salaries of those who have voted properly on these issues while cutting the pay of the rest," Deckard complained.

### WHAT DOSE CONGRESS NEED MOST?

There were dozens of suggestions for making Congress more efficient and responsive to the nation's needs.

Representative Pat Schroeder (D-Colo.) argued for fewer committees and subcommittees. "Jurisdictional overlaps are an outrage," she said. "They allow everyone to take potshots, and no one has to take responsibility. We blame all ills on the bureaucracy, and yet increase its authority yearly."

Another thought a four-year term for the House would result in greater efficiency and responsiveness. 'Too many votes are cast for political posturing; too many votes are cast to avoid a poor rating on some group's sheet, and too much time must be devoted to campaigning," asserted one congressman.

Senator Thad Cochran (R-Miss.) called for a Congress with "more backbone to stand up to pressure groups that may not have the national interest at heart," while Representative Brodhead said the prime need is "wiser, more courageous members."

Although many of Congress's institutional reforms of the early 1970s came under attack in the survey, legislators overwhelmingly rejected the idea of returning to strict adherence to the seniority system for selecting committee chairmen. That "would be a giant step backwards," said Representative Panetta. Some thought the power of seniority is still too much of a factor in the selection of congressional leaders.

Others, however, expressed worry over a current practice that allows committee members to easily replace an unpopular chairman. "I notice chairmen are supporting legislation against their best judgment in fear of losing their chairmanships," said Representative William Goodling (R-Pa.). Another hinted that the selection of chairmen might be influenced through the "transfer of campaign funds by one member to another member's campaign." Such practice, asserted the House member, "should be illegal."

Over all, members of Congress seem to have a clear understanding of their duties. Most said their primary responsibility was to "take informed positions on national issues" rather than follow their constituents' every wish or act as a Washington go-between for their districts and states. Yet there was broad recognition that this lofty ideal is difficult to achieve and maintain.

Representative Schroeder put it this way: "We should be working on legislation and oversight of the executive branch rather than sending out baby books, birthday cards, newsletters and such. But what we have on Capitol Hill are close to 535 public-relations firms working for re-election 365 days a year."

## THE HIDDEN BUDGET: SPENDING INCREASES FOR 1980

**Mr. HARRY F. BYRD, JR.** Mr. President, this is the third day on which I have risen to comment on the budget proposals submitted to the Congress by President Carter on Monday.

Once again, I invite the attention of the Senate to the potential violation of the law inherent in the President's 1981 budget.

The budget for 1981 calls for a deficit of $16 billion. If this budget is put into effect, it will violate Public Law 95–435, signed into law on October 10, 1978, by President Carter himself.

Section 9 reads as follows:

> Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

I believe that is clear enough. Any deficit in the coming year will be illegal.

Now, returning to analysis of the President's proposals it is important to realize that there really are two budgets in the documents which the President sent to the Congress: the widely publicized budget for 1981, and the hidden budget—a major revision of budget figures for 1980, the current year.

The hidden budget includes a $16 billion spending increase over the total approved by Congress last November—just 2 months ago.

The biggest increase is $5 billion for interest on the debt, resulting from the skyrocketing interest rates that have been necessitated to combat our rampant inflation, an inflation stimulated by continued and accumulated deficit spending.

Of course the Government has to pay this interest, but neither the 1980 budget nor the 1981 budget will do anything to abate the inflation that has forced the interest rates upward.

Indeed, debt interest will soar to $79 billion next year, consuming one-fourth of all individual and corporate income taxes.

Among the other spending increases for the current year are $800 million in foreign aid; $1.2 billion shifted from 1981 in the foreign military sales trust fund in a transparent effort to make the 1981 budget look leaner; $2 billion for purchase of grain that will not be going to Russia; about $1 billion for new and expanded transportation programs; $2 billion in medicaid and medicare, which have high rates of waste, fraud and abuse; and $2.6 billion in mortgage assistance.

Some of this is inevitable—"uncontrollable," as the budget officials like to say—but to the extent that this is the case, I believe that outlays which can be controlled should be reduced to offset these increases. Otherwise, what is the point in the annual exercise of solemnly enacting the so-called binding resolution on the budget?

The Washington Post yesterday morning published an excellent editorial concerning the 1980 budget increases, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### THE CARTER BUDGET

The Carter administration wants you to know that its budget for 1981, published yesterday, is tight as a drum. It's rigorous, responsible and severely anti-inflationary, according to a chorus of official voices. Maybe so—but you shouldn't let your attention be diverted from the current budget, which seems to have become strangely fatter since last fall.

The budget for 1981, which doesn't go into effect until next October, is at present a secondary matter. It will be largely formed by questions that have not yet been answered. One question is whether, and how much, President Carter will decide to increase defense spending. The present version is based on policy as it stood last summer, with the 3 percent annual rise to which the United States has been committed for the past two years. If there is to be a reaction to events in Afghanistan and the Persian Gulf, it will have to be added to the budget that appeared yesterday. The other question is, of course, whether the recession forecast continuously since last spring will actually appear, and when. These open questions make writing the budget more uncertain than usual—and the labor of reading it less enlightening than ever.

Instead, it is useful to look at the three-year pattern that is emerging from last year to next. That pattern is not reassuring. The Carter administration is letting the current budget go slack; it is an election year. Restraint is postponed until next year.

The budget for fiscal 1979, which ended last September, turned out to be significantly more restrictive than the White House expected, mainly because inflation pushed up tax receipts. But, oddly, the consequences were the opposite of those you'd normally expect. Unemployment ran lower than forecast, and inflation notoriously went nearly twice as high. It was a warning that the administration was still underestimating the force of inflation and overestimating the danger of unemployment.

A year ago, when it brought out the 1980 budget the administration emphasized that it had kept the deficit under $30 billion. Congress with great travail, managed to do the same. Its second budget resolution, passed last November, held the deficit to $29.8 billion. But now the administration reports that it's going to be about $10 billion larger than that. There is the money for the embargoed grain, and for more mortgage assistance, and for transportation, and for a little of this and a little of that.

When the federal government steps up defense spending, the wave of inflation begins as soon as the contractors begin tooling up. That happened in 1965, and the seeds of the present inflation were planted then—when Lyndon Johnson refused to seek the increase in taxes necessary to offset it.

Perhaps it is unrealistic to suggest a tax increase in an election year. Certainly Mr. Carter thinks so. The administration would prefer that you concentrate on all the rigor and restraint that, at least according to present plans, will come after the election in the next budget. But it's the current budget that counts—and that one is moving toward a higher deficit and higher inflation.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 155

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Joint Committee on Economics:

*To the Congress of the United States:*

Last year world oil prices more than doubled. This increase will add some $200 billion to the bill for imported oil paid by consuming nations. Higher oil prices were the major reason for the worldwide speedup in inflation during 1979 and the dimming of growth prospects for 1980.

The United States was severely affected, as were other oil-importing countries. Our share of the additional oil bill will come to almost $45 billion this year. Partly, but not solely, because of higher oil prices, inflation accelerated sharply. The consumer price index rose by over 13 percent. The Nation's output of goods and services, which had been predicted in last year's *Economic Report* to grow by 2¼ percent over the 4 quarters of 1979, rose by less than 1 percent.

Although growth slowed, our economy offered strong resistance to the forces of recession. Despite virtually universal forecasts of imminent recession, output continued to rise throughout the second half of last year. Housing sales and construction held up better than expected until late in the year. By reducing their savings, consumers maintained spending in the face of the multibillion dollar drain of purchasing power from higher oil prices. Because business inventories have been kept remarkably lean, declines in sales did not lead to major inventory corrections. More generally, the economic recovery of recent years has been free of the distortions which, in the past, made the economy sensitive to recessionary forces.

Employment growth held up even better than output, and unemployment remained under 6 percent all year. Unfortunately, the strength of employment gains reflected a sharp decline in productivity—2 percent over the year. This fall in productivity added to costs, and thus bore a share of the responsibility for higher inflation.

While inflation worsened in 1979, a large part of the acceleration was concentrated in a few areas—energy; homeownership and finance; and, early in the year, farm and food products. Elsewhere consumer price inflation was more moderate, as prices rose by 7.5 percent over the year. Wage gains were no higher than in 1978, despite the speedup of inflation. The government's voluntary wage and price standards were widely observed and limited sharply the extent to which inflation spread from oil and a few other troubled sectors to the rest of the economy.

### THE IMPORTANCE OF REDUCING INFLATION

It is my strong conviction that inflation remains the Nation's number one economic problem. Energy and housing prices are still moving up rapidly, adding directly to inflation and continuing to threaten a new price-wage spiral in the rest of the economy. Even apart from these special problem sectors, inflation is now running at an 8 to 9 percent rate, compared to 6 or 6½ percent several years ago, in part because of a disappointing productivity performance.

Our immediate objective for 1980 must be to prevent the spread of double-digit price increases from oil and other problem sectors to the rest of the economy. My budget and economic policies have that as their primary goal. We share that same urgent goal with virtually every other oil-importing country. Halting the spread of inflation is not enough, however. We must take steps to reduce it.

Each new round of inflation since the 1960s has left our country with a higher underlying inflation rate. Without longterm policies to pull down the current 8 to 9 percent rate, our Nation will remain vulnerable to still further increases. Another sharp rise in oil prices or a worldwide crop shortage could provide the next turn of the ratchet. Failure to lower inflation after the latest episode would strengthen long-run inflationary expectations and erode resistance to even larger wage and price increases. Over the longer term, we will either bring inflation down or it will assuredly get worse.

### A STRATEGY FOR DEALING WITH INFLATION

To fight inflation I propose that we act along four lines. The *first* and most immediate of these is fiscal and monetary restraint:

Under the economic conditions that now confront us we must concentrate on reducing the budget deficit by holding down Federal spending and forgoing tax reductions. We cannot afford a permissive economic environment in which the oil-led inflation of 1979 gives rise to a widespread acceleration of wage and price increases in 1980 and 1981.

To reduce inflation in subsequent years, the budget will have to stay tight. That does not mean that it should fail to respond to changing economic circumstances or that taxes can never be reduced. But compared to an earlier less inflationary era the room for budgetary maneuver has appreciably narrowed.

Monetary policy will have to continue firmly in support of the same anti-inflationary goals.

The *second* line of action is restraint by the private sector in its wage and price decisions. Aided by the deliberations of the Pay and Price Advisory Committees appointed last year, we have been updating and improving the voluntary wage and price standards.

As a *third* line of action we must pursue measures to encourage productivity growth, adapt our economy rapidly to the fact of scarcer oil supplies, and improve our competitive standing in the world economy. By dealing with these fundamental aspects of economic performance, we seek to ensure that the longterm monetary and fiscal restraints needed to curb inflation go hand-in-hand with a healthy growth in output, employment and living standards. These measures will also help us reduce inflationary pressures from the cost side.

Recent history has driven home the lesson that events outside our country—such as worldwide crop shortages or sudden increases in OPEC oil prices—can have major inflationary effects on the domestic economy. The *fourth* line of action, therefore, must be the use of measures relating to energy and food that reduce our vulnerability to outside inflationary shocks.

### THE SHORT-TERM ECONOMIC OUTLOOK

We face a difficult economic transition in the next year or two. According to my economic advisers, our economy is likely to undergo a mild recession early this year. Most private forecasters share this view. Consumer purchasing power is being drained away by rising energy prices; moreover, construction of new homes may decline somewhat further because of limited supplies of mortgage credit and high mortgage interest rates.

Since economic growth in recent years has been well balanced, there are no serious distortions in our economy to intensify the forces of recession. An economic downturn, if it occurs, should therefore be brief and mild. By yearend our economy should be growing again, and the pace of expansion is likely to increase in 1981.

Unemployment will probably rise moderately this year. Next year a stronger pace of economic expansion will create more new jobs, and unemployment will begin to come down again.

Inflation has been building in our country for a decade and a half, and it will take many years of persistent effort to bring it back down. This year energy prices will still go up faster than other prices, but less so than in 1979. Some of the other special factors that contributed to inflation last year should do so to a smaller degree, or not at all, in 1980. Enactment of the budget that I have recommended, and continued exercise of reasonable restraint by business and labor in their wage and price decisions should make it possible to lower the rate of inflation from 13 percent in 1979 to close to 10 percent in 1980, and to a range of 8 to 9 percent in 1981. But that accomplishment will still leave inflation running at an entirely unacceptable pace. We cannot, and will not, rest until reasonable price stability has been achieved.

### BUDGET POLICIES

My budget proposals will reduce the Federal deficit by more than half to $16 billion in fiscal 1981. Accomplishing this reduction, despite the effect of slower economic growth on Federal tax revenues, has required severe restraint on Federal spending. Outlays will increase from $564 billion this year to $616 billion in fiscal 1981. Although real defense spending will rise, total Federal outlays, adusted for inflation, will remain virtually constant. I propose to reduce inflation-adjusted spending outside of defense.

My 1981 budget is based squarely on the premise that bringing an end to inflation must remain the top priority of economic policy. Not only are budget expenditures held to the minimum level consistent with urgent national needs, but tax reductions are forgone. This austere budget policy, accompanied by supportive policies of monetary restraint, is a necessary condition for controlling inflation.

Citizens all across our country are facing rising tax burdens because of increased social security taxes and because inflation pushes individuals into higher income tax brackets. They want, and deserve, tax reductions when cuts can be granted within the framework of a prudent budgetary policy. Businesses need greater incentives to invest in the new and modern plant and equipment that is essential to growth in our productive capacity and to long-run improvement in economic efficiency. If we continue to keep the growth of Federal expenditures under tight rein, tax reductions will be forthcoming. But I could not and did not recommend tax relief this year.

I am aware that a mild recession is widely forecast. Indeed the estimates of revenues and expenditures in my budget assume its occurrence. But forecasts are necessarily uncertain. Our economy has shown remarkable resilience to date, and there is no evidence that a recession has begun. Under those circumstances, to have recommended a tax reduction and a much larger budget deficit would have been a signal that we were not serious in our fight against inflation. It would have increased inflationary expectations, weakened the value of the dollar in exchange markets, and risked the translation of last year's oil-led inflation into a new and higher wage-price spiral in 1980. In recognition of these realities, my budget proposals concentrate on reducing the deficit.

In this uncertain period, of course, economic policy cannot be fixed in place and then forgotten. If economic conditions and prospects should significantly worsen, I will be prepared to recommend to the Congress additional fiscal measures to support output and employment in ways and under circumstances that are consistent with a continued fight against inflation.

Restraint in the 1981 budget has been accomplished while still moving forward with Federal programs and expenditures that address our Nation's critical needs.

Outlays for defense will increase by over 3 percent in real terms. Both strategic and conventional forces will be strengthened. Our commitment to our NATO allies will be met, and our ability to deploy forces rapidly anywhere in the world will be improved. Recent events in Southwest Asia have underlined the necessity for these actions.

Expenditures will be raised to expand domestic energy supplies, increase energy conservation, and provide assistance to low-income families least able to pay higher energy prices.

Support for basic research, enlarged in the past three fiscal years, will be further expanded to a total of $5.1 billion in 1981. Sustained commitment to basic research will assure continued American scientific and technical preeminence.

A major new initiative, for which $1.2 billion in new budget authority is requested, addresses the serious problem of unemployment among disadvantaged youth.

These programs were made possible within the framework of a tight budget by pruning less essential programs, increasing administrative efficiencies, and reducing fraud and abuse. Legislative proposals to reduce Federal spending will save $5½ billion in fiscal 1981 and even more in subsequent years.

### PAY AND PRICE STANDARDS

A little more than a year ago, I asked business and labor to join with me in the fight against inflation by complying with voluntary standards for pay and prices. Cooperation with my request was extensive. Last year's acceleration of inflation did not represent a breakdown of the pay and price standards. Skyrocketing energy prices, and rising costs of home purchase and finance lay behind the substantial worsening of inflation. Declining productivity also added to business costs and prices.

The pay and price standards, in fact, have served the Nation well. Although the price standards had only limited applicability to food, energy, and housing prices, in the remaining sectors of the economy, for which the standards were designed, prices accelerated little during the first year of the program. Wage increases were no larger than in 1978, even though the cost of living rose faster. Increases in energy prices did *not* spill over into wages and the broad range of industrial and service prices.

On September 28, 1979, my Administration and leaders of the labor movement reached a National Accord. We agreed that our anti-inflation policies must be both effective and equitable, and that in fighting inflation we will not abandon our effort to pursue the goals of full employment and balanced growth.

As an outgrowth of that Accord, I appointed a Pay Advisory Committee to work together with my Administration to review and make recommendations on the pay standards and how they are being carried out. A Price Advisory Committee was established to make recommendations with respect to the price standards.

The most immediate problem in 1980 is to ensure that last year's sharp increase in energy prices does not result in a new spiral of price and wage increases that would worsen the underlying inflation rate for many years to come. Understandably, workers, business managers, and other groups want to make up for last year's loss of real income, and they may seek to do so by asking for larger increases in wage rates, salaries and other forms of income. Such efforts would not restore real incomes that have been reduced by rising world oil prices and declining productivity, but they would intensify inflation. Improvements in our living standards can only be achieved by making our economy more efficient and less dependent on imported oil.

Voluntary standards for wages and prices, together with disciplined fiscal and monetary policies, are the key ingredients in a strategy for reducing inflation. During the years immediately ahead, monetary and fiscal policies will seek a gradual but steady lowering of inflation. By itself, restraint on borrowing and spending would mean relatively slow economic growth and somewhat higher unemployment and idle capacity. Effective standards for moderating wage and price increases will lead to greater progress in lowering inflation and thereby reduce the burden on monetary and fiscal policies and provide scope for faster economic growth and increased jobs.

### LONG-TERM ECONOMIC GOALS

Just before my Administration took office the overall unemployment rate was still close to 8 percent. For blacks and other minorities, the rate was over 13 percent and had shown little improvement since the recovery began in early 1975.

Since then increase in employment have been extraordinarily large, averaging nearly 3½ percent per year. The gains for women were twice as large as for men. For blacks and other minority groups the percentage rise in employment was half again as large as for whites. Aided by a strongly expanded Federal jobs program for youth, employment among black and other minority teenagers grew by over 15 percent. Employment among Hispanic Americans rose by over 20 percent.

Unemployment rates have come down substantially for most demographic groups. Unemployment among black teenagers, however, has not fallen significantly and remains distressingly high.

To address the very serious problem of unemployment among disadvantaged youth, my Administration has substantially expanded funds for youth employment and training programs over the past 3 years. My 1981 budget includes an important new initiative to increase the skills, earning power, and employability of disadvantaged young people.

In 1978 the Humphrey-Hawkins Full Employment and Balanced Growth Act was passed with the active support of my administration. The general objectives of the act—and those of my Administration—are to achieve full employment and reasonable price stability.

When I signed that act a little over a year ago, it was my hope that we could achieve by 1983 the interim goals it set forth: to reduce the overall unemployment rate to 4 percent and to achieve a 3 percent inflation rate.

Since the end of 1978, however, huge OPEC oil price increases have made the outlook for economic growth much worse, and at the same time have sharply increased inflation. The economic policies I have recommended for the next 2 years will help the economy adjust to the impact of higher OPEC oil prices. But no policies can change the realities which those higher prices impose.

I have therefore been forced to conclude that reaching the goals of a 4 percent unemployment rate and 3 percent inflation by 1983 is no longer practicable. Reduction of the unemployment rate to 4 percent by 1983, starting from the level now expected in 1981, would require an extraordinarily high economic growth rate. Efforts to stimulate the economy to achieve so high a growth rate would be counterproductive. The immediate result would be extremely strong upward pressure on wage rates, costs, and prices. This would undercut the basis for sustained economic expansion and postpone still further the date at which we could reasonably expect a return to a 4 percent unemployment rate.

Reducing inflation from the 10 percent expected in 1980 to 3 percent by 1983 would be an equally unrealistic expectation. Recent experience indicates that the momentum of inflation built up over the past 15 years is extremely strong. A practical goal for reducing inflation must take this fact into account.

Because of these economic realities, I have used the authority provided to me in the Humphrey-Hawkins Act to extend the timetable for achieving a 4 percent unemployment rate and 3 percent inflation. The target year for achieving 4 percent unemployment is now 1985, a 2-year deferment. The target year for lowering inflation to 3 percent has been postponed until 3 years after that.

### MEASURES TO IMPROVE ECONOMIC PERFORMANCE

Achieving satisfactory economic growth, reducing unemployment, and at the same time making steady progress in curbing inflation constitutes an enormous challenge to economic policy.

To lower inflation, we will have to persist in the painful steps needed to restrain demand. But demand restraint alone is not enough. We must work to improve the supply side of our economy—speed its adjustment to an era of scarcer energy, increase its efficiency, improve the workings of its labor markets, and expand its capital stock. We must take measures to reduce our vulnerability to inflationary events that occur outside our own economy. Only an approach that deals with both demand and supply can enable the Nation to combine healthy economic growth with price stability.

### LONG-RUN ENERGY POLICIES

Over the past 3 years I have devoted a large part of my own efforts and those of my Administration toward putting in place a long-term energy policy for this Nation. With the cooperation of the Congress much has already been accomplished or stands on the threshold of final enactment.

The phased decontrol of natural gas and domestic crude oil prices will provide strong, unambiguous signals encouraging energy conservation and stimulating the development of domestic energy supplies. But decontrol of oil, in the face of very high OPEC prices, inevitably generates substantial windfall profits. The windfall profits tax I have proposed will capture a significant portion of these windfalls for public use.

The increased Federal revenues from this tax will make it possible to cushion the poor from the effects of higher oil prices, to increase our investment in mass transit, and to support programs of accelerated replacement of oil-fired electricity generation facilities and increased residential and commercial energy conservation. I have also proposed incentives for the development of energy from solar and biomass sources, and have asked the Congress for authority to create an Energy Security Corporation to provide incentives and assistance on a business-like basis for the accelerated development of synthetic fuels. Other legislation that I have proposed, which is also now before a Conference Committee of the Congress, would create an Energy Mobilization Board to cut the red tape and speed the development of essential energy projects. I urge the Congress to take the final steps to enact the enabling legislation for my energy initiatives.

These policies will sharply increase the efficiency with which our Nation uses energy and widen the range of economically feasible energy sources. In so doing, they will help make our economy less inflation-prone. They will also drastically cut our reliance on imported oil, and by making our Nation less vulnerable to sudden increases in world oil prices, reduce the probability of sudden inflationary surges.

By the end of this decade, we will be well on the way to completing the transition toward the new world of scarcer oil supplies. In the interim, however, our country still remains dangerously exposed to the vagaries of the world oil market.

I am pursuing measures to deal with this transitional problem. Together with other major oil-consuming countries in the International Energy Agency we are working to devise improved means of matching any future cuts in oil supplies with joint action to reduce oil demand. By avoiding a competitive scramble for scarce oil, we can reduce the chances of further large price increases.

Last year I pledged that our country would never again import more oil than we did in 1977—8.5 million barrels a day. This year I am establishing a lower import target of 8.2 million barrels a day. I am prepared to reduce that target in the event that discussions within the International Energy Agency produce a fair and equitable agreement that requires still lower imports. I will impose a fee on purchases of foreign oil if they threaten to exceed the limit that I set.

While international cooperation is essential, so are measures we can take on our own. In accordance with legislation enacted last year the Administration has developed a standby motor fuel rationing plan to deal with major supply interruptions, defined to be a shortfall in supply of 20 percent or more. This plan will be submitted to the Congress in February. But even smaller supply interruptions can cause severe economic problems. We are therefore considering proposals for standby measures to be applied if lesser, but still significant, disruptions occur. The Strategic Petroleum Reserve (SPR) can cushion the impact of an abrupt cutoff in supplies. My budget provides funds for resuming SPR purchases this year if conditions permit.

### IMPROVING LABOR MARKETS

The persistence of high unemployment among some groups of workers while jobs go begging and unemployment is low elsewhere is not only a major social problem but a waste of national resources. The lack of skills, the imperfections of the labor market, and in some cases, the discrimination that gives rise to this situation, reduce national productivity and contribute to inflation.

Although our labor market currently works quite well for most people, it does not work well for disadvantaged and minority youth. In recognition of this fact, I have recently sent to the Congress proposals designed to deal with teenage unemployment.

The goals of my proposals are:

To teach basic skills in the secondary schools to those youths who did not master them in elementary school and who need special help;

To provide part-time employment and training to dropouts if they participate in long-term training to develop skills that will improve their prospects; and

To provide intensive long-term training aimed at helping older youths out of school find jobs in the private sector.

The funds will go largely to poor rural areas and central cities, where youth unemployment is particularly high because of inadequate education, and where local resources are insufficient to rectify the problem.

Another segment of the labor force needing special assistance is the working poor. The welfare reforms which I have sent to the Congress will provide training, help in seeking jobs, and work opportunities for poor but employable persons.

### REFORMING REGULATION

Regulation has joined taxation, defense, and the provision of social services as one of the principal activities of the government. Unneeded regulations, or necessary regulations that impose undue burdens, lower efficiency and raise costs.

For the past 3 years I have vigorously promoted a basic approach to regulatory reform: unnecessary regulation, however rooted in tradition, should be dismantled and the role of competition expanded; necessary regulation should promote its social objectives at minimum cost.

Working with the Congress we have deregulated the airline industry. We are now cooperating with congressional committees to complete work on fair and effective legislation that eliminates costly elements of regulation in the trucking, railroad, communications, and financial industries.

Within the executive branch, we are improving the quality and lowering the cost of regulations. The Regulatory Council, which I established a year ago, is helping us comprehend the full scope of Federal regulatory activities and how these activities, taken together, affect individual industries and sectors. A number of regulatory agencies are experimenting with new regulatory techniques that promise to achieve regulatory goals at substantially lower costs.

### INCREASING INVESTMENT AND ENCOURAGING RESEARCH AND DEVELOPMENT

We do not know all of the causes of the slowdown in productivity growth that has characterized our economy in recent years. But we do know that investment and research and development will have to play an important role in reversing the trend.

To meet the Nation's sharply increased requirement for investment in energy production and conservation, to fulfill its commitment to cleaner air and water and improved health and safety in the workplace, and at the same time to provide more and better tools for a growing American work force, our Nation in the coming decade will have to increase the share of its resources devoted to capital investment.

We took one step in this direction in the Revenue Act of 1978, which provided a larger than normal share of tax reduction for investment incentives. Passage of my pending energy legislation will make available major new incentives and financial assistance for investment in the production and conservation of energy. When economic conditions become appropriate for further tax reduction, I believe we must direct an important part of any tax cut to the provision of further incentives for capital investment generally.

One of the most important factors in assuring strong productivity growth is a continuing flow of new ideas from industry. This flow depends in the first instance on a strong base of scientific knowledge. The most important source of such knowledge is basic research, the bulk of which is federally funded.

Between 1968 and 1975 Federal spending for basic research, measured in constant dollars, actually fell. But since that latter year, and especially during the years of my Administration, Federal support for basic research has increased sharply. In spite of the generally tight economic situation, the 1981 budget I am submitting to the Congress calls for yet another substantial increase in real Federal support for basic research. Even during a period of economic difficulties, we cannot afford to cut back on the basis for our future prosperity.

### AGRICULTURE

Because the worldwide demand for food has grown substantially, overproduction is no longer the primary problem in agriculture. Government policies now seek to encourage full production, while cushioning the American economy and the American farmer from the sharp swings in prices and incomes to which the farm sector is often subject. Over the past several years my Administration has created a system of farmer-owned grain reserves to supplement the loan and target-price approach to farm income stabilization. In periods of low prices and plentiful supplies, incentives are provided to place grain in the reserves, thereby helping to support farm income. The incentives also work to hold the grain in reserve until prices rise significantly, at which time the grain begins to move out into the market, helping to avoid or to moderate the inflationary consequences of a poor crop.

Over this last year, the reserve has been tested twice. When fears of poor world harvests threatened to drive grain prices to extraordinarily high levels last spring and summer, farmers sold grain from the reserve, limiting the price rise. Since I suspended grain shipments to the Soviet Union this month in response to that country's brutal invasion of Afghanistan, increased incentives to place grain in reserve have been serving as one of our main defenses to protect farmers from precipitous declines in prices.

### THE INTERNATIONAL ECONOMY

Other countries besides our own suffered important setbacks in 1979 from the dramatic increase in oil prices. Growth prospects worsened, inflation increased, and balance of payments deficits rose. In such difficult times economic cooperation between nations is especially important. Joint action among oil-consuming countries is needed to reduce the pressure of demand on supply and to restore order in world petroleum markets. Cooperation is necessary to protect international financial markets against potential disruptions arising from the need to finance massively increased payments for oil. And cooperation is also necessary to prevent a destructive round of protectionism.

Because the dollar is the major international store of value and medium of exchange, the stability of international financial markets is closely linked to the dollar's strength. The actions taken in November 1978 by the United States and our allies to strengthen and stabilize the dollar worked well during the past year. That the dollar did well despite accelerating domestic inflation is due in part to a significant improvement in our current account balance during 1979. U.S. exports grew rapidly and thus helped to offset rising payments for oil. During the autumn of 1979, however, the dollar came under downward pressure. The October actions of the Federal Reserve Board to change the techniques of monetary policy helped moderate inflationary expectations which had been partly responsible for the pressure on the dollar. As a Nation we must recognize the importance of a stable dollar, not just to the United States but to the world economy as a whole, and accept our responsibility to pursue policies that contribute to this stability.

The Multilateral Trade Negotiations of the Tokyo Round were successfully completed and became law in the United States during 1979. These trade agreements are a major achievement for the international economy. By lowering tariff barriers both in the United States and abroad, they will help increase our exports and provide Americans with access to foreign goods at lower prices. Perhaps more important, these agreements will limit restrictive and unfair trade practices and provide clearer remedies where there is abuse. They cannot, by themselves, assure smooth resolution of all trade issues. Indeed, the real test will come as we begin to carry them out. Nevertheless the agreements reached last year do represent a clear commitment to the preservation and enhancement of an open system of world trade.

### CONCLUSION

The 1970s were a decade of economic turmoil. World oil prices rose more than tenfold, helping to set off two major bouts of inflation and the worst recession in 40 years. The international monetary system had to make a difficult transition from fixed to floating exchange rates. In agriculture a chronic situation of oversupply changed to one which alternates between periods of short and ample supplies.

It was an inflationary decade. It brought increased uncertainty into business and consumer plans for the future.

We are now making the adjustment to the realities of the economic world that the 1970s brought into being. It is in many ways a more difficult world than the one that preceded it. Yet the problems it poses are not insuperable.

There are no economic miracles waiting to be performed. But with patience and self-discipline, combined with some ingenuity and care, we can deal successfully with the new world. The 1980s can be a decade of lessened inflation and healthy growth.

JIMMY CARTER.

JANUARY 30, 1980.

---

## MESSAGES FROM THE HOUSE

### ENROLLED BILL SIGNED

At 7:23 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4320. An Act to consent to the amended Bear River Compact between the States of Utah, Idaho, and Wyoming.

The message also announced that the Speaker has appointed Mr. WAMPLER as an additional manager in the conference on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 932) to extend the Defense Production Act of 1950; and that the Speaker has appointed Mr. OTTINGER and Mr. MOFFETT as additional managers on the part of the House solely for the consideration of title V of the Senate amendment and modifications thereof committed to conference, and Mr. NEAL and Mr. KRAMER as additional managers on the part of the House solely for the consideration of title IX of the Senate amendment and modifications thereof committed to conference.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 344. A resolution commending the Government of Canada for its actions with respect to certain United States citizens in Iran.

By Mr. CRANSTON, from the Committee on Veterans' Affairs, without amendment:

S. Res. 345. An original resolution authorizing additional expenditures by the Committee to Veterans' Affairs. Referred to the Committee on Rules and Administration.

By Mr. JACKSON, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 346. An original resolution authorizing additional expenditures by the Committee on Energy and Natural Resources for inquiries and investigations. Referred to the Committee on Rules and Administration.

By Mr. PELL, from the Committee on Rules and Administration, without amendment:

S. Res. 347. An original resolution authorizing additional expenditures by the Committee on Rules and Administration for inquiries and investigations (Rept. No. 96–559).

S. Res. 348. An original resolution to pay a gratuity to Angelina C. Beckmann.

S. Res. 349. An original resolution to pay a gratuity to Carolyn Watson and Abraham G. Watson.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 350. An original resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations. Referred to the Committee on Rules and Administration.

By Mr. THURMOND (for Mr. Kennedy), from the Committee on the Judiciary, without amendment but with a preamble:

S.J. Res. 130. A joint resolution to authorize and request the President to proclaim May 1, 1980, as "National Save the Children Day" (Rept. No. 96–560).

By Mr. THURMOND (for Mr. Kennedy), from the Committee on the Judiciary, with an amendment and an amendment to the title:

S.J. Res. 19. A joint resolution to authorize the President to issue a proclamation designating March 1979 as "Youth Art Month" (Rept. No. 96–561).

By Mr. ROBERT C. BYRD, from the Committee on Rules and Administration:

Special Report Relating to Consolidation of Certain Standing Rules of the Senate (Rept. No. 96–562).

## REFERRAL OF S. 2040

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Proxmire, I ask unanimous consent that S. 2040, the Small Business Export Expansion Act, introduced by Mr. Nelson and other Senators on November 26, 1979, and referred to the Committee on Small Business, if and when it is reported that it be referred to the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 2236. A bill to amend the Currency and Foreign Transactions Reporting Act to provide for more efficient enforcement, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHURCH:

S. 2237. A bill to amend the Colorado River Basin Project Act to prohibit any Federal official from undertaking reconnaissance studies of any plan for the importation of water into the Colorado River Basin; to the Committee on Energy and Natural Resources.

By Mr. CANNON (for himself, Mr. Stevenson, and Mr. Schmitt) (by request):

S. 2238. A bill to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD (for himself, Mr. Nelson, and Mr. Cranston):

S. 2239. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of incentive stock options; to the Commitee on Finance.

By Mr. CANNON (for himself, Mr. Stevenson, and Mr. Schmitt) (by request):

S. 2240. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN:

S. 2241. A bill for the relief of Vernon Myers; to the Committee on the Judiciary.

By Mr. ROTH:

S. 2242. A bill to amend the Internal Revenue Code of 1954 to provide for a 50 percent maximum rate of income tax for individuals, to provide for a separate computation of such tax on personal service income and nonpersonal service income, and for other purposes; to the Committee on Finance.

By Mr. SASSER:

S.J. Res. 136. Joint resolution to designate the month of March 1980 as Gospel Music Month; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 2236. A bill to amend the Currency and Foreign Transactions Reporting Act to provide for more efficient enforcement, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. PROXMIRE. Mr. President, I am introducing legislation to close loopholes in the Bank Secrecy Act that hinder the ability of Federal law enforcement authorities to investigate narcotics trafficking, tax evasion and other criminal activities. The purpose of the act is twofold: To establish the documentary evidence necessary to allow Federal agencies to reconstruct financial transactions and the movement of currency and to alert them to unusual money flows that might warrant investigation. The act requires that banks report large financial transactions. In addition, any person who transports more than $5,000 out of or into the United States must file a report with the U.S. Customs Service.

The law has two serious gaps, however. First, while the statute makes it illegal for a person to leave the country with more than $5,000 without having filed a report, a Federal court has held that the law does not make the attempt to leave the country illegal. This has created a "Catch 22" paradox in which an individual violates the law only when he actually leaves U.S. territorial limits. At that time, however, he can neither be arrested nor prosecuted since he is outside of U.S. jurisdiction.

Second, a Customs officer who has probable cause to believe that a person is taking over $5,000 out of the country without filing a report must first obtain a search warrant before looking for the unreported money. In most instances, however, the suspect has gone by the time the warrant is obtained, thus making it impossible for Federal authorities to discover whether or not the law is being violated.

The bill being introduced would amend the Bank Secrecy Act, formally known as the Currency and Foreign Transactions Reporting Act, to give Federal agencies the full authority that they were intended to have. Specifically, the bill would:

Make it illegal to attempt to leave the United States with more than $5,000 without filing the reports required under the present law. This would make it possible for Customs officials to apprehend suspects before they left U.S. jurisdiction; and

Allow Customs officials to search for unreported amounts of currency or monetary instruments without first obtaining a search warrant where there is reasonable cause to believe that the money is being taken illegally out of the country.

In addition, it would amend the law to tighten the conditions under which Federal authorities could seize money that was transported into or out of the United States without the required reports being filed. The aim is to protect the innocent traveler who unknowingly fails to file the required report from having his or her money seized. The act currently says that any instrument of more than $5,000 brought into or taken out of the country without being reported is subject to "seizure and forfeiture." In practice, the Treasury Department follows internal guidelines that state that "seizures/forfeitures should be made *only* if the regulations have been *knowingly* violated." (Emphasis included.) My amendment would simply incorporate that standard into the seizure section of the act.

The bill would also add a new section to the law authorizing the Secretary of the Treasury to give informants a share of the unreported money that was or was attempted to be taken illegally out of the United States if they provide information that leads to the recovery of the money. Awards would be authorized only when the Government realized an actual recovery of more than $50,000 or more through fines, penalty or forfeiture. This step hopefully will give informants further incentive to report cash smuggling to Federal officials.

These proposed changes have been endorsed by the Justice and Treasury Departments. Companion legislation has already been submitted in the House.

Mr. President, I ask unanimous consent that the proposed legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2236

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 231 (a) (1) of the Currency and Foreign Transactions Reporting Act (31 U.S.C. 1101 (a) (1)) is amended by inserting ", or attempts to transport or have transported," before "monetary instruments—".

Sec. 2. Section 232 (a) of the Currency and Foreign Transactions Reporting Act (31 U.S.C. 1102 (a)) is amended by inserting before the period at the end thereof the following: ", except that in the case of a failure to file a required report, this subsection shall apply only if the person required to file the report knowingly fails to file the report".

Sec. 3. Section 235 of the Currency and Foreign Transactions Reporting Act (31 U.S.C. 1105) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) Any customs officer may stop, search, and examine without a search warrant, any vehicle, vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the United States on which or on whom such officer has reasonable cause to believe there are being transported monetary instruments for which a report is required under section 231 of this title.".

Sec. 4. (a) Chapter 1 of the Currency and Foreign Transactions Reporting Act is amended by adding at the end thereof the following:

"§214. Rewards for informants

"(a) The Secretary is authorized to pay a reward to any individual who provides original information which leads to a recovery of a criminal fine, civil penalty, forfeiture, which exceeds $50,000, for any violation of this title or any regulation issued hereunder.

"(b) The amount of any reward under this section shall be determined by the Secretary, but shall not exceed 25 per centum of the net amount of the fine, penalty, or forfeiture collected or $250,000, whichever is less.

"(c) Any officer or employee of the United States or of any State or local government who provides information described in subsection (a) in the performance of official duties is not eligible for a reward under this section.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

(b) The analysis of such chapter is amended by adding at the end thereof the following:

"214. Rewards for informants.".

---

By Mr. CHURCH:

S. 2237. A bill to amend the Colorado River Basin Project Act to prohibit any Federal official from undertaking reconnaissance studies of any plan for the importation of water into the Colorado River Basin; to the Committee on Energy and Natural Resources.

### PROHIBITING WATER DIVERSION PROPOSALS

● Mr. CHURCH. Mr. President, today I am introducing legislation which extends the current prohibition banning the Secretary of the Department of Interior from undertaking studies of any plan for the importation of water into the Colorado River Basin to cover all Federal officials.

Periodically, proposals have been made to divert water from the Pacific Northwest to other areas. The fact of the matter is that water is extremely precious and already in short supply within the Pacific Northwest. Available water is already claimed. There is no water to spare. It takes very strenuous efforts to conserve and make do with already limited supplies of this vital resource.

In 1968 proposals were made to divert water from the Columbia River Basin to the Colorado River Basin. At that time I authored legislation which specifically prohibited the Secretary of Interior from undertaking any studies, either reconnaissance or feasibility, of any such interbasin transfers. Congress approved this 10-year moratorium, and extended it in 1978 for another decade.

This current moratorium is directed at the Department of Interior because it is the Federal agency with programmatic authority concerning major water projects in the Western States.

It is now necessary to make it clear to other Federal agencies that Congress intends to prohibit such interbasin transfer studies. It has come to my attention that the Environmental Protection Agency, during the course of a larger study of western water, has engaged in the study of potential transfers of water from the Columbia River Basin and its tributaries, to the Colorado River Basin. I am told that a draft of this study, performed under EPA contract by the University of Oklahoma, was presented last week before a meeting of the Western States Water Council in San Antonio, Tex.

This development points to the necessity for enactment of legislation to spell it out to other Federal officials, beyond the Department of Interior, that the study of transferring water from the Pacific Northwest to other areas is banned. Passage of this legislation will put an end to Federal agencies attempting to do what current law clearly prohibits the Department of Interior from doing. I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2237

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the proviso contained in section 201 of the Colorado River Basin Project Act (43 U.S.C. 1511) is amended by striking out "the Secretary" and inserting in lieu thereof "any Federal official".●

---

By Mr. CANNON (for himself, Mr. Stevenson, and Mr. Schmitt) (by request):

S. 2238. A bill to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development; to the Committee on Commerce, Science, and Transportation.

● Mr. CANNON. Mr. President, I introduce today, at the request of the National Aeronautics and Space Administration, and on behalf of myself and my colleagues, Mr. Stevenson and Mr. Schmitt, a bill to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development for fiscal year 1980.

I ask unanimous consent that the text of the bill, the letter of transmittal, and the sectional analysis be printed in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2238

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (1) of subsection 1(a) of the National Aeronautics and Space Administration Authorization Act, 1980 (Public Law 96–48), is amended by striking out "$1,586,000,000" and inserting in lieu thereof "$1,886,000,000."

---

National Aeronautics and
Space Administration,
*Washington, D.C., January 28, 1980.*

Hon. Walter F. Mondale,
*President of the Senate,*
*Washington, D.C.*

Dear Mr. President: Submitted herewith is a draft of a bill, "To authorize a supplemental appropriation to the National Aeronautics and Space Administration for Research and Development," together with the analysis thereof.

The bill would authorize an additional appropriation for "Research and Development" for Space Shuttle totaling $300,000,000. The additional funding is required in FY 1980 to sustain the Space Shuttle development efforts required to achieve a first orbital flight by the end of the year, while allowing for the buildup of follow-on orbiter production activities on schedule to meet critical civil and military operational requirements. The funding requirement is due primarily to increased efforts in completing systems installation and test, particularly the thermal protection system, and pre-launch processing of the first orbital vehicle and in systems qualification and certification testing across all elements of the program. These increased efforts have required more work than was planned resulting in a delay of the first manned orbital flight from the previous schedule of March 1980.

The National Aeronautics and Space Administration recommends that the enclosed draft bill be enacted. The Office of Management and Budget has advised that such enactment would be in accord with the program of the President.

Very truly yours,

Robert A. Frosch,
*Administrator.*

---

### Sectional Analysis

The bill increases the authorization for Research and Development for Space Shuttle, for fiscal year 1980, from $1,586,000,000 to $1,886,000,000.

The supplemental authorization will be subject to the same conditions and limitations contained in the National Aeronautics and Space Administration Authorization Act, 1980 (Public Law 96–48).●

---

By Mr. PACKWOOD (for himself, Mr. Nelson, and Mr. Cranston):

S. 2239. A bill to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of incentive stock options; to the Committee on Finance.

### INCENTIVE STOCK OPTIONS

● Mr. PACKWOOD. Mr. President, Senator Nelson and I have been joined by our distinguished colleague from California, Senator Cranston, in introducing legislation which would create a new category of stock options called "incentive stock options." This new class of stock options features those provisions, taken from both the pre-1964 laws governing restricted stock options and the later qualified options, which offer the greatest incentives and safeguards. This bill promotes productivity by restoring a valuable form of noncash compensation that both lowers labor costs and resulting product prices while motivating superior performance by employees. It would give more people a vested interest in their firm and enable small, growing companies to compete with large, established corporations in attracting top-caliber employees.

### THE PRODUCTIVITY PROBLEM

In the past decade, the United States has experienced a serious and steady decline in its productivity growth rate. It has become clear that this drop is not a temporary aberration or a cyclical phenomenon. The economic implications of lagging productivity growth make it essential for Congress to act to reverse this trend.

The move to stimulate the supply of resources and output in the economy received a boost last year. After years of consumption-oriented tax measures, 1978 saw Congress focus on a tax policy designed to stimulate economic growth and capital formation. This was an excellent beginning. But as the Joint Economic Committee recently concluded:

> Some of the tax changes in the Revenue Act of 1978 will stimulate investment. But these are not sufficient.

Incentive stock options allow a further step in the direction of greater productivity growth by making it easier for new companies to start up and grow.

### ROLE OF SMALL BUSINESS

Small, growing companies provide more than their share of technological innovation and job growth. Then can continue to contribute this sort of economic dynamism, however, only if they are successful in attracting and motivating highly talented employees.

Incentive stock options significantly improve the ability of young companies to compete successfully for capable individuals. These smaller businesses are often unable to offer the job security or the salary levels that are available in larger corporations. But since the stock of smaller companies often grows at a more rapid pace than larger companies, stock options in these businesses can be extremely attractive, thereby providing an incentive for talented individuals to risk their careers in the uncertainties of a new venture.

### LEGISLATIVE HISTORY

In the past, there has been some degree of controversy over stock options. Until the early sixties, companies could offer such incentives in the form of restricted stock options. In 1963, the Kennedy administration recommended that these provisions be repealed. The administration argued that since individuals were taxed on personal service income at rates up to 92 percent, but long-term capital gains were taxed at only 25 percent, stock options allowed too much conversion of ordinary income into capital gains. Congress first limited the value of options, creating the "qualified stock option" in 1964, then phased out all stock option preferences in 1976.

Today, circumstances are considerably different. Changes in the tax code have drastically reduced the sheltering effects of stock options. The maximum tax rate on personal service income is now 50 percent and the capital gains rate, as a result of actions taken last year, now stands at a maximum of 28 percent. As I will explain in more detail later, the effect of the change is that stock options now can be reinstated at no net cost to the Treasury. In fact, a revenue gain will result after the first couple of years following enactment of the bill.

### EXPLANATION OF PROVISIONS

Current tax law authorizes only so-called "non-qualified options." When employees exercise these options, they must pay income tax—at ordinary income rates—on the paper profit (or "spread") between their option price and the market price when they buy. This cost and risk of loss on a "profit" never realized has forced most companies to turn from stock options to straight cash compensation and stock purchase plans. These cost companies more and motivate employees less.

This bill creates a new category of stock options called incentive stock options. It incorporates what we believe to be the best features and safeguards of both the "pre-64" restricted option and the later qualified options. Employees would not be required to pay tax at the time they exercise these options. Since any spread would not be treated as personal service income to the employee at the time of exercise, the company would not be able to deduct it as compensation. The employee could then be eligible for capital gain treatment when the stock is sold. As under present law, the employer would not have a deduction at the time the employee sells the stock.

In order to be treated as an incentive stock option plan, the following rules must be met:

First. The option must be issued at 100 percent of its fair market value. However, if a good faith effort is made to issue the stock at not less than its fair market value, but it is later determined to be undervalued, the option will still be treated as an incentive stock option. This provision helps avoid the imposition of drastic consequences on employees as a result of inadvertent undervaluation of the stock by the employer.

Second. The option can be exercised up to 10 years after issuance, as with restricted stock options. Rules for qualified options allowed only 5 years.

Third. Shareholder approval is required, as in the case of qualified stock options.

Fourth. As was true for restricted options, employees would be permitted to exercise the options in any sequence. Qualified options rules required options to be exercised in the order granted.

Fifth. To qualify for long-term capital gain treatment, the employee would be required to hold the stock 2 years after the company had granted the option and 1 year after the employee had exercised the option. This is similar to rules governing restricted stock options. If the stock is sold within 2 years, ordinary income would be realized up to the lesser of the gain or the spread between the option price and the value of the stock at the time of exercise, as with qualified options

Sixth. Similar to qualified options, the optionee must be an employee continuously from grant to 3 months prior to exercise.

Seventh. At grant, the employee may not own more than 10 percent of the voting power or value of the stock of the company, unless the option price is at least 110 percent of the fair market value. This is similar to the rules for restricted options. In contrast, qualified stock guidelines did not permit the employee to own more than 10 percent of the voting power or stock value if the equity capital is $1 million or less, decreasing to 5 percent of the equity capital is $2 million or over.

Eighth. Variable options are permitted, as under restricted options.

Ninth. As with both restricted and qualified options, options issued would not be transferable other than at death and would be exercisable during the employee's lifetime only by the employee.

### REVENUE EFFECT

As I stated briefly before, such stock options can be reinstated at no net cost to the Federal Government. The Joint Committee on Taxation has determined that this bill, after possible miniscule revenue losses in the first 3 years after its enactment, will result in a revenue gain. For example, the committee estimates that the revenue increase will approximate $15 million in fiscal year 1984 and $30 million in fiscal year 1985.

We look forward to working with other Senators, the Department of the Treasury and the public to consider any improvements in this important piece of legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

### S. 2239

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) part II of subchapter D of chapter 1 of the Internal Revenue Code of 1954 (relating to certain stock options) is amended by adding after section 422 the following new section:

"Sec. 422A. Incentive stock options.

"(a) In General.—Section 421 (a) shall apply with respect to the transfer of a share of stock to an individual pursuant to his exercise of an incentive stock option if—

"(1) no disposition of such share is made by him within 2 years from the date of the granting of the option nor within 1 year after the transfer of such share to him, and

"(2) at all times during the period beginning with the date of the granting of the option and ending on the day 3 months before the date of such exercise, such individual was an employee of either the corporation granting such option, a parent or subsidiary corporation of such corporation, or a corporation or a parent or subsidiary corporation of such corporation issuing or assuming a stock option in a transaction to which section 425(a) applies.

"(b) Incentive Stock Option.—For purposes of this part, the term 'incentive stock option' means an option granted to an individual for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

"(1) the option is granted pursuant to a plan which includes the aggregate number of shares which may be issued under options, and the employees (or class of employees) eligible to receive options, and which is approved by the stockholders of the granting corporation within 12 months before or after the date such plan is adopted;

"(2) such option is granted within 10 years from the date such plan is adopted, or the date such plan is approved by the stockholders, whichever is earlier;

"(3) such option by its terms is not exercisable after the expiration of 10 years from the date such option is granted;

"(4) the option price is not less than the fair market value of the stock at the time such option is granted;

"(5) such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

"(6) such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock of the employer corporation or of its parent or subsidiary corporation.

Paragraph (6) shall not apply if at the time such option is granted the option price is at least 110 percent of the fair market value of the stock subject to the option and such option by its terms is not exercisable after the expiration of 5 years from the date such option is granted. For purposes of paragraph (6), the provisions of section 425(d) shall apply in determining the stock ownership of an individual.

"(c) Special Rules.—

"(1) Exercise of option when price is less than value of stock.—If a share of stock is transferred pursuant to the exercise by an individual of an option which would fail to qualify as an incentive stock option under subsection (b) because there was a failure in an attempt, made in good faith, to meet the requirement of subsection (b)(4), the requirement of subsection (b)(4) shall be considered to have been met.

"(2) Variable price option.—

"(A) In general.—For purposes of subsection (b)(4), the option price of a variable price option shall be computed as if the option had been exercised when granted.

"(B) Definition.—For purposes of this paragraph, the term 'variable price option' means an option under which the purchase price of the stock is fixed or determinable under a formula in which the only variable is the fair market value of the stock at any time during a period of 1 year which includes the time the option is exercised; except that such term does not include any such option in which such formula provides for determining such price by reference to the fair market value of the stock at any time before the option is exercised if such value may be greater than the average fair market value of the stock during the calendar month in which the option is exercised.

"(3) Certain disqualifying dispositions where amount realized is less than value at exercise.—If—

"(A) an individual who has acquired a share of stock by the exercise of an incentive stock option makes a disposition of such share within the 2-year period described in subsection (a)(1), and

"(B) such disposition is a sale or exchange with respect to which a loss (if sustained) would be recognized to such individual,

then the amount which is includible in the gross income of such individual, and the amount which is deductible from the income of his employer corporation, as compensation attributable to the exercise of such option shall not exceed the excess (if any) of the amount realized on such sale or exchange over the adjusted basis of such share.

"(4) Certain transfers by insolvent individuals.—If an insolvent individual holds a share of stock acquired pursuant to his exercise of an incentive stock option, and if such share is transferred to a trustee, receiver, or other similar fiduciary in any proceeding under the Bankruptcy Act or any other similar insolvency proceeding, neither such transfer, nor any other transfer of such share for the benefit of his creditors in such proceeding, shall constitute a disposition of such share for purposes of subsection (a)(1).".

(b)(1) Section 421(a) of such Code (relating to general rules in the case of stock options) is amended by inserting "422A(a)," after "422(a),".

(2) Section 425(d) of such Code (relating to attribution of stock ownership) is amended by inserting "422A(b)(6)," after "422(b)(7),".

(3) Section 425(g) of such Code (relating to special rules) is amended by inserting "422A(a)(2)," after "422(a)(2),".

(4) Section 425(h)(3)(B) of such Code (relating to definition of modification) is amended by inserting "422A(b)(5)," after "422(b)(6),".

(5) Section 6039 of such Code (relating to information required in connection with certain options) is amended—

(A) by inserting ", an incentive stock option," after "qualified stock option" in subsection (a)(1),

(B) by inserting "incentive stock option," after "qualified stock option," in the second sentence of subsection (a), and

(C) by adding at the end of subsection (d) the following new paragraph:

"(4) The term 'incentive stock option', see section 422A(b).".

(6) The table of sections for part II of subchapter D of chapter 1 of such Code is amended by inserting after the item relating to section 422 the following new item:

"422A. Incentive stock options.".

Sec. 2. The amendments made by this Act shall apply with respect to options granted after the date of enactment.●

By Mr. CANNON (for himself, Mr. Stevenson, and Mr. Schmitt) (by request):

S. 2240. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

● Mr. CANNON. Mr. President, I introduce today, at the request of the National Aeronautics and Space Administration, and on behalf of myself and my colleagues, Mr. Stevenson and Mr. Schmitt, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes for fiscal year 1981.

I ask unanimous consent that the text of the bill, the letter of transmittal and the sectional analysis be printed in the Record.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2240

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1980:

(a) For "Research and development," for the following programs:

(1) Space Shuttle, $1,873,000,000;

(2) Space flight operations, $809,500,000;

(3) Expendable launch vehicles, $55,700,000;

(4) Physics and astronomy, $438,700,000;

(5) Planetary exploration, $179,600,000;

(6) Life sciences, $49,700,000;

(7) Space applications, $381,700,000;

(8) Technology utilization, $13,100,000;

(9) Aeronautical research and technology, $290,300,000;

(10) Space research and technology, $115,200,000;

(11) Energy technology, $4,000,000; and

(12) Tracking and data acquisition, $359,000,000.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Construction of man-vehicle systems research facility, Ames Research Center, $7,480,000;

(2) Modification of steam ejector system and thermal protection laboratory, Ames Research Center, $2,300,000;

(3) Modification of the unitary plan wind tunnel, Ames Research Center, $3,400,000;

(4) Modifications to various buildings for energy conservation, Jet Propulsion Laboratory, $1,500,000;

(5) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, $2,000,000;

(6) Rehabilitation of high temperature hot water system, zone 2, industrial area, John F. Kennedy Space Center, $760,000;

(7) Modifications for avionics integration research laboratory, Langley Research Center, $5,756,000;

(8) Modifications to aircraft landing dynamics facility, Langley Research Center, $15,000,000;

(9) Rehabilitation and modification of gas dynamics laboratory, Langley Research Center, $2,000,000;

(10) Decommissioning of Plum Brook Station Reactor facility, Lewis Research Center, $3,000,000;

(11) Modifications to central air system, various buildings, Lewis Research Center, $7,655,000;

(12) Rehabilitation of electrical switchgear, engine research building, Lewis Research Center, $1,700,000;

(13) Rehabilitation of roof, Phase II, Building 103, Michoud Assembly Facility, $3,800,000;

(14) Rehabilitation of chilled water system, Michoud Assembly Facility, $782,000;

(15) Various locations as follows:

(A) Modification of 26-meter antenna, DSS–44, Canberra, Australia, $1,200,000;

(B) Replacement of azimuth radial bearing, DSS–14, Goldstone, CA., $950,000;

(16) Space Shuttle facilities at various locations as follows:

(A) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $5,400,000;

(B) Modifications to solid rocket motor manufacturing and assembly facilities, Thiokol plant, Wasatch, Utah, $2,700,000;

(C) Minor Shuttle-unique projects, various locations, $2,000,000;

(17) Space Shuttle payload facility: Rehabilitation and modification for payload ground support operations, John F. Kennedy Space Center, $1,617,000;

(18) Repair of facilities at various locations, not in excess of $500,000 per project, $15,000,000;

(19) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $20,000,000;

(20) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,000,000; and

(21) Facility planning and design not otherwise provided for, $10,000,000.

(c) For "Research and program management," $1,047,154,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000, for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (20), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representative and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent.

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 percent of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (21) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. In addition to the amounts authorized to be appropriated under section 1 of this Act, there is hereby authorized to be appropriated to the National Aeronautics and Space Administration, to be available no earlier than October 1, 1981, such sums as may be necessary:

(a) For "Research and development,"

(b) For "Construction of facilities,"

(c) For "Research and program management."

All of the limitations and other provisions of this Act which are applicable to amounts appropriated pursuant to subsections (a), (b), and (c) of section 1 of this Act shall apply in the same manner to amounts appropriated pursuant to subsections (a), (b), and (c), respectively, of this section.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1981."

---

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
*Washington, D.C., January 28, 1980.*

Hon. WALTER F. MONDALE,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Submitted herewith is a draft of a bill, "To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," together with the sectional analysis thereof. It is submitted to the President of the Senate pursuant to Rule VII of the Standing Rules of the Senate.

Section 4 of the Act of June 15, 1959, 73 Stat. 75 (42 U.S.C. 2460), provides that no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation. It is a purpose of the enclosed bill to provide such requisite authorization in the amounts and for the purposes recommended by the President in the Budget of the United States Government for fiscal year 1981. For that fiscal year, the bill would authorize appropriations totaling $5,736,654,000 to be made to the National Aeronautics and Space Administration as follows:

(1) for "Research and development" amounts totaling $4,569,500,000;

(2) for "Construction of facilities" amounts totaling $120,000,000; and

(3) for "Research and program management," $1,047,154,000.

In addition, the bill would authorize such sums as may be necessary for fiscal year 1982, i.e., to be available October 1, 1981.

The enclosed draft bill follows generally the format of the National Aeronautics and Space Administration Authorization Act, 1980 (Public Law 96-48). However, the bill differs in substance from the prior Act in several respects.

First, subsections 1(a), 1(b), and 1(c), which would provide the authorization to appropriate for the three NASA appropriations, differ in the dollar amounts and/or the line items for which authorization to appropriate is requested.

Second, section 6 of Public Law 96-48, which added a new section 308 to the National Aeronautics and Space Act of 1958 and amended section 203(c)(13) to increase the amount for which the Administration may settle or adjust claims, has been omitted since those amendments are now permanent law.

Third, in addition to providing authorization of appropriations in the amounts recommended by the President in his Budget for fiscal year 1981, the bill also would provide authorization for such sums as may be necessary for fiscal year 1982. It is specified that all of the limitations and other provisions of the bill applicable to amounts appropriated pursuant to section 1 shall apply in the same manner to amounts appropriated pursuant to section 6.

Finally, the last section of the draft bill, section 7, has been changed to provide that the bill, upon enactment, may be cited as the "National Aeronautics and Space Administration Authorization Act, 1981," rather than "1980."

Where required by section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4332(2)(C)), and the implementing regulations of the Council on Environmental Quality, environmental impact statements covering NASA installations and the programs to be funded pursuant to this bill have been or will be furnished to the Committee on Commerce, Science, and Transportation, as appropriate.

The National Aeronautics and Space Administration recommends that the enclosed draft bill be enacted. The Office of Management and Budget has advised that such enactment would be in accord with the program of the President.

Very truly yours,
ROBERT A. FROSCH,
*Administrator.*

### SECTIONAL ANALYSIS

#### SECTION 1

Subsections (a), (b), and (c) would authorize to be appropriated to the National Aeronautics and Space Administration funds, in the total amount of $5,736,654,000, as follows: (a) for "Research and development," a total of 12 program line items aggregating the sum of $4,569,500,000; (b) for "Construction of facilities," a total of 21 line items aggregating the sum of $120,000,000; and (c) for "Research and program management," $1,047,154,000. Subsection (c) would also authorize to be appropriated such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Subsection 1(d) would authorize the use of appropriations for "Research and development" without regard to the provisions of subsection 1(g) for: (1) items of a capital nature (other than the acquisition of land) required at locations other than NASA installations for the performance of research and development contracts; and (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to insure that the United States will receive benefit therefrom adequate to justify the making of that grant.

In either case, no funds may be used for the construction of a facility in accordance with this subsection, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator notifies the Speaker of the House, the President of the Senate and the specified committees of the Congress of the nature, location, and estimated cost of such facility.

Subsection 1(e) would provide that, when so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts for maintenance and operation of facilities, and support services may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Subsection 1(f) would authorize the use of not to exceed $25,000 of the "Research and program management" appropriation for scientific consultations or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection 1(g) would provide that of the funds appropriated for "Research and development" and "Research and program management," not in excess of $75,000 per project (including collateral equipment) may be used for construction of new facilities and additions to existing facilities, and for repairs, rehabilitation, or modification of facilities.

#### SECTION 2

Section 2 would authorize upward variations of the sums authorized for the "Construction of facilities" line items (other than facility planning and design) of 10 per centum at the discretion of the Administrator or his designee, or 25 per centum following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, for the purpose of meeting unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for "Construction of facilities" under subsection 1(b), paragraphs (1) through (20).

#### SECTION 3

Section 3 would provide that not more than one-half of 1 per centum of the funds appropriated for "Research and development" may be transferred to the "Construction of facilities" appropriation and, when so transferred, together with $10,000,000 of the funds appropriated for "Construction of facilities," shall be available for the construction of facilities and land acquisition at any location if the Administrator determines (1) that such action is necessary because of changes in the aeronautical and space program or new scientific or engineering developments, and (2) that deferral of such action until the next authorization Act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. However, no such funds may be obligated until 30 days have passed after the Administrator or his designee has transmitted to the Speaker of the House, the President of the Senate and the specified committees of Congress a written report containing a description of the project, its cost, and the reason why such project is necessary in the national interest, or each such committee before the expiration of such 30-day period has notified the Administrator that no objection to the proposed action will be made.

#### SECTION 4

Section 4 would provide that, notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Commerce, Science, and Transportation;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c); and,

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House, the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

#### SECTION 5

Section 5 would express the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

#### SECTION 6

Section 6 would authorize to be appropriated to the National Aeronautics and Space Administration for fiscal year 1982 such sums as may be necessary: (a) for "Research and development," (b) for "Construction of facilities," and (c) for "Research and program management." All of the limitations and other provisions of the Act applicable to amounts appropriated pursuant to subsections (a), (b), and (c) of section 1 would apply in the same manner to amounts appropriated pursuant to subsections (a), (b), and (c), respectively, of this section.

#### SECTION 7

Section 7 would provide that the Act may be cited as the National Aeronautics and Space Administration Authorization Act, 1981." ●

---

### By Mr. ROTH:

S. 2242. A bill to amend the Internal Revenue Code of 1954 to provide for a 50-percent maximum rate of income tax for individuals, to provide for a separate computation of such tax on personal service income and nonpersonal service income, and for other purposes; to the Committee on Finance.

#### SAVINGS EXPANSION ACT

Mr. ROTH. Mr. President, I am today introducing legislation to encourage the savings necessary to expand economic growth in the United States.

We must expand economic growth, and increased savings is critical to economic growth.

Nothing is more important than growth. The basic choice facing the economy is to grow or not to grow. If we had put a modest but sustained growth policy in place in 1950, the results would by now be enormous. Consider the period 1950 to 1979. In 1979, U.S. GNP reached \$2⅓ trillion. It could have been \$3½ trillion.

Between 1950 and 1979, the average annual growth of the U.S. economy in real terms was 3.6 percent. Many other major industrialized countries grew at annual real rates averaging in excess of 5.5 percent. If the United States had grown an average 1.5 percent faster each year since 1950, at a rate of just over 5.0 percent, its GNP in 1979 would have been \$3½ trillion.

With a \$3½ trillion economy, incomes would have been 50-percent higher than they were in 1979. Jobs would have been plentiful. Federal revenues in 1979 would have been \$250 billion higher, enough to have provided for a balanced budget, welfare reform, national health insurance, and unquestioned military preeminence, with enough left over to have let us reduce payroll and income taxes instead of raising them. Of course, price stability would have been another spin-off of the growth of real output and the balanced budget.

Faster growth, higher incomes, and plentiful jobs are exactly what the unemployed, underprivileged, and the minorities of this country have been seeking for many years. It is no accident that the greatest gains in income, jobs, and dignity for minority workers have come during period of rapid expansion.

Savings is the key to increased economic growth. Saving, basically, is the amount of each year's GNP left over after immediate consumption. Only the amount saved provides the resources for investing in long-term capital goods, the plant and equipment that expands capacity, increases productivity, and stabilizes prices.

The United States has the lowest rate of saving in the Western World, resulting in the lowest rate of productivity growth, investment, and real wage increases among the major industrialized nations. Personal savings is falling because inflation and high tax rates reduce the real rate of return on savings. As people are pushed into higher tax brackets, they get to keep less of each additional dollars of savings income. Since income from savings is added to earned income, the highest tax rate each taxpayer pays is imposed on his or her savings income. The higher the tax rate individuals face on the additional income from saving, the less likely they are to save. Thus, the present high tax rates discourages new savings, encourage consumption, and force savings away from productive investments into tax-exempt bonds and tax shelters.

The total amount of savings in the United States—personal saving, retained earnings, and depreciation set-asides—has already fallen so low that we are not providing enough investment to keep pace with replacing worn-out machinery and equipping a growing labor force. This is leading to falling productivity, lower real wages and reduced job opportunities. Unless action is taken, we face a decade of stagnation.

Furthermore, millions of taxpayers have purchased bonds and made deposits at low-interest rates in years past, only to find these rates overwhelmed by inflation. Their real rate of return on most stocks and bond is now less than zero, yet is considered to be income and is taxed as such. This is particularly hard on retirees.

In order to encourage additional savings, the tax rates at which additional savings income is taxed must be reduced.

The legislation I am introducing today, which is also being introduced today in the House by Congressman Brown of Ohio and Congressman Rousselot of California, proposes to reduce the tax rate on additional savings by treating interest and dividend income more equally with earned income.

Specifically, the bill reduces the top marginal tax rate to 50 percent from its current level of 70 percent.

It further provides that earned income and savings income shall be taxed separately, after allowable deductions and exemptions, with the first dollars of each type of income starting in the lowest tax brackets. A limit on eligibility is imposed for those upper income taxpayers with more than \$10,000 in certain sheltered "preference" income.

The bill equalizes tax rates for both earned and unearned income at rates ranging from 14 percent to 50 percent. This ends the discrimination against saving which has been in the code since 1969. Currently, "personal service income" faces a maximum tax rate of 50 percent, while savings income faces a top rate of 70 percent. The change will ultimately lead to more Federal revenue, because of a sharp drop in the use of tax shelters as the top rate is reduced.

Furthermore, lower and middle income tax rates on savings income are reduced by an income-splitting provision. In current law, after exemptions, earned and unearned income are added together to obtain taxable income, stacking one on top of the other to reach the higher brackets. Under this proposal, each taxpayer would compute a tax on earned income alone, and on unearned income alone, and then add the taxes together. In this way, the first dollar of each type of income would start in the 14-percent tax bracket.

Each type of income would rise only through as many brackets as its own size would warrant. The result would be lower tax rates on added income of both types. Specifically, the tax rate on additional interest and dividends from added savings would be in a lower tax bracket than at present for most taxpayers, resulting in more incentive to add to savings.

Currently, individuals with more than \$10,000 in "preference" income—income from tax-sheltered activities—are subject to the minimum tax. As a further inducement for such individuals to return to more productive, ordinary investment, the bill limits the participation of those upper income individuals who continue to use tax shelters. Individuals with more than \$10,000 in preference income—other than capital gains—are prohibited from using this income-splitting provision.

Mr. President, for most working-age taxpayers, the bulk of income is earned with only a few hundred or a few thousand in savings income added on the top. This bill would bring this income down from the taxpayer's top tax bracket, where it may face rates of 24, 36, or even 70 percent, and puts it into the 14 or 16 percent brackets, producing increased savings incentives at relatively low cost.

Outside of completely exempting all interest and dividend income from taxation, the most effective way to encourage increased savings is to reduce the marginal tax rates on interest and dividend income.

On equity grounds, and as a key first step, I supported and voted for the legislation to provide a tax exemption of up to \$400 for interest and dividend income.

This legislation is designed to build on the savings exemption, and I intend to modify this bill as soon as the savings exemption issue is resolved. For in order to encourage additional savings, the tax rates at which additional savings income is taxed must be reduced. By starting both earned and unearned income off in the lowest tax bracket and at the lowest tax rates, and by applying the 50-percent maximum earned income tax rate to unearned income, the Savings Expansion Act reduces the marginal tax rates an additional interest and dividend income—increasing the rate of return on saving and encouraging the additional savings needed to increase productivity, restrain inflation, and expand real economic growth.

Mr. President, I ask unanimous consent that the bill and a Wall Street Journal editorial endorsing this legislation be printed in the Record.

There being no objection, the bill and editorial were ordered to be printed in the Record, as follows:

S. 2242

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Section 1. Amendment of 1954 Code, Etc.

(a) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

(b) Technical and Conforming Amendments.—The Secretary of the Treasury or his delegate shall, not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives a draft of the technical and conforming amendments which are necessary to reflect throughout the Internal Revenue Code of 1954 the substantive amendments made by this Act.

Sec. 2. 50-Percent Maximum Rate for Individuals; Separate Computation of Tax

"(a) General Rule.—Section 1 (relating to tax imposed on individuals) is amended to read as follows:

"Section 1. Tax Imposed.

(a) General Rule.—

"(1) Individuals.—Except as provided in paragraph (2), there is hereby imposed on the income of every individual a tax equal to the sum of—

"(A) the tax on personal service taxable income determined under the applicable rate schedule, plus

"(B) the tax on nonpersonal service taxable income determined under the applicable rate schedule.

"(2) Certain individuals with items of

TAX PREFERENCE, ESTATES AND TRUSTS.—There is hereby imposed on the income of—

(A) every individual who has items of tax preference described in section 57(a) (other than paragraph (9) thereof) for the taxable year in excess of $10,000 ($5,000 in the case of a separate return by a married individual (as defined in section 143)), and

"(B) every estate or trust taxable under this section,

a tax equal to the tax on taxable income determined under the applicable rate schedule.

"(b) Applicable Rate Schedule for Married Individuals Filing Joint Returns.—In the case of—

"(1) every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

"(2) every surviving spouse (as defined in section 2(a)),

the following is the applicable rate schedule:

| "If the amount on which the tax is to be determined is: | The tax is: |
|---|---|
| Not over $2,100 | 14% of taxable income. |
| Over $2,100 but not over $4,200 | $294, plus 16% of excess over $2,100. |
| Over $4,200 but not over $8,500 | $630, plus 18% of excess over $4,200. |
| Over $8,500 but not over $12,600 | $1,404, plus 21% of excess over $8,500. |
| Over $12,600 but not over $16,800 | $2,265, plus 24% of excess over $12,600. |
| Over $16,800 but not over $21,200 | $3,273, plus 28% of excess over $16,800. |
| Over $21,200 but not over $26,500 | $4,505, plus 32% of excess over $21,200. |
| Over $26,500 but not over $31,800 | $6,201, plus 37% of excess over $26,500. |
| Over $31,800 but not over $42,400 | $8,162, plus 43% of excess over $31,800. |
| Over $42,400 but not over $56,600 | $12,720, plus 49% of excess over $42,400. |
| Over $56,600 | $19,678, plus 50% of excess over $56,600. |

"(c) Heads of Households.—In the case of every individual who is the head of a household (as defined in section 2(b)), the following is the applicable rate schedule:

| "If the amount on which the tax is to be determined is: | The tax is: |
|---|---|
| Not over $2,100 | 14% of taxable income. |
| Over $2,100 but not over $4,200 | $294, plus 16% of excess over $2,100. |
| Over $4,200 but not over $6,400 | $630, plus 18% of excess over $4,200. |
| Over $6,400 but not over $9,500 | $1,026, plus 22% of excess over $6,400. |
| Over $9,500 but not over $12,700 | $1,708, plus 24% of excess over $9,500. |
| Over $12,700 but not over $15,900 | $2,476, plus 26% of excess over $12,700. |
| Over $15,900 but not over $21,200 | $3,308, plus 31% of excess over $15,900. |
| Over $21,200 but not over $26,500 | $4,951, plus 38% of excess over $21,200. |
| Over $26,500 but not over $31,800 | $6,859, plus 42% of excess over $26,500. |
| Over $31,800 but not over $42,400 | $9,085, plus 46% of excess over $31,800. |
| Over $42,400 | $13,961, plus 50% of excess over $42,400. |

"(d) Unmarried Individuals (Other Than Surviving Spouses and Heads of Households).—In the case of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) the following is the applicable rate schedule:

| "If the amount on which the tax is to be determined is: | The tax is: |
|---|---|
| Not over $1,100 | 14% of taxable income. |
| Over $1,100 but not over $2,100 | $154, plus 16% of excess over $1,100. |
| Over $2,100 but not over $4,200 | $314, plus 18% of excess over $2,100. |
| Over $4,200 but not over $6,200 | $692, plus 19% of excess over $4,200. |
| Over $6,200 but not over $8,500 | $1,072, plus 21% of excess over $6,200. |
| Over $8,500 but not over $10,600 | $1,555, plus 24% of excess over $8,500. |
| Over $10,600 but not over $12,700 | $2,059, plus 26% of excess over $10,600. |
| Over $12,700 but not over $15,900 | $2,605, plus 30% of excess over $12,700. |
| Over $15,900 but not over $21,200 | $3,565, plus 34% of excess over $15,900. |
| Over $21,200 but not over $26,500 | $5,367, plus 39% of excess over $21,200. |
| Over $26,500 but not over $31,800 | $7,434, plus 44% of excess over $26,500. |
| Over $31,800 but not over $39,200 | $9,766, plus 49% of excess over $31,800. |
| Over $39,200 | $13,392, plus 50% of excess over $39,200. |

"(e) Separate Returns by Married Individuals; Estates and Trusts.—In the case of—

"(1) every married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013, and

"(2) every estate and trust taxable under this subsection,

the following is the applicable rate schedule:

| "If the amount on which the tax is to be determined is: | The tax is: |
|---|---|
| Not over $1,050 | 14% of taxable income. |
| Over $1,050 but not over $2,100 | $147, plus 16% of excess over $1,050. |
| Over $2,100 but not over $4,250 | $315, plus 18% of excess over $2,100. |
| Over $4,250 but not over $6,300 | $702, plus 21% of excess over $4,250. |
| Over $6,300 but not over $8,400 | $1,132.50 plus 24% of excess over $6,300. |
| Over $8,400 but not over $10,600 | $1,636.50, plus 28% of excess over $8,400. |
| Over $10,600 but not over $13,250 | $2,252.50, plus 32% of excess over $10,600. |
| Over $13,250 but not over $15,900 | $3,100.50, plus 37% of excess over $13,250. |
| Over $15,900 but not over $21,200 | $4,081, plus 43% of excess over $15,900. |
| Over $21,200 but not over $28,300 | $6,360, plus 49% of excess over $21,200. |
| Over $28,300 | $9,839, plus 50% of excess over $28,300." |

(b) Determination of Income.—Section 63 (defining taxable income) is amended to read as follows:

"Sec. 63. Taxable Income Defined.

"(a) Corporations.—For purposes of this subtitle, in the case of a corporation, the term 'taxable income' means gross income minus the deductions allowed by this chapter.

"(b) Individuals.—For purposes of this subtitle, in the case of an individual—

"(1) Personal service taxable income.—The term 'personal service taxable income' means personal service income reduced by so much of the allowable deductions as the individual elects to allocate against such income.

"(2) Nonpersonal service taxable income.—The term 'nonpersonal service taxable income' means gross income reduced by the sum of—

"(A) personal service income, plus

"(B) so much of the allowable deductions as are not allocated against personal service income under paragraph (1).

"(3) Taxable income.—The term 'taxable income' means gross income minus the allowable deductions.

"(4) Allowable deductions.—The term 'allowable deductions' means—

"(A) in the case of an individual who elects to itemize his deductions, the deductions allowed by this chapter, or

"(B) in the case of any other individual, the sum of—

"(i) the deductions allowable in arriving at adjusted gross income.

"(ii) the deductions for personal exemptions provided by section 151, and

"(iii) the standard amount.

"(c) Standard Amount.—For purposes of this subtitle—

"(1) In general.—Except as provided in paragraph (2), the term 'standard amount' means—

"(A) $3,400 in the case of—

"(i) a joint return under section 6013, or

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $2,300 in the case of an individual who is not married and who is not a surviving spouse (as so defined), "(C) $1,700 in the case of a married individual filing a separate return, or

"(D) zero in any other case.

"(2) SPECIAL RULE FOR CERTAIN DEPENDENTS.—In the case of an individual with respect to whom a deduction under section 151(e) is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, the term 'standard amount' shall not exceed such individual's earned income (as defined in section 911(b)) for such taxable year.

"(d) PERSONAL SERVICE INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'personal service income' means any income which is earned income within the meaning of section 401(c)(2)(C) or section 911(b) or which is an amount received as a pension or annuity which arises from an employer-employee relationship or from tax-deductible contributions to a retirement plan. For purposes of this paragraph, section 911(b) shall be applied without regard to the phrase ', not in excess of 30 percent of his share of net profits of such trade or business,'.

"(2) EXCEPTIONS.—The term 'personal service income' does not include any amount—

"(A) to which section 72(m)(5), 402(a)(2), 402(e), 403(a)(2), 408(e)(2), 408(e)(3), 408(e)(4), 408(e)(5), 408(f), or 409(c) applies; or

"(B) which is includable in gross income under section 409(b) because of the redemption of a bond which was not tendered before the close of the taxable year in which the registered owner attained age 70½.

"(e) ITEMIZED DEDUCTIONS.—For purposes of this subtitle, the term 'itemized deductions' means the deductions allowable by this chapter other than—

"(1) the deductions allowable in arriving at adjusted gross income, and

"(2) the deductions for personal exemptions provided by section 151.

"(f) ELECTION TO ITEMIZE.—

"(1) IN GENERAL.—Unless an individual makes an election under this subsection for the taxable year, no itemized deduction shall be allowed for the taxable year. For purposes of this subtitle, the determination of whether a deduction is allowable under this chapter shall be made without regard to the preceding sentence.

"(2) WHO MAY ELECT.—Except as provided in paragraph (3), an individual may make an election under this subsection for the taxable year only if such individual's itemized deductions exceed the standard amount.

"(3) CERTAIN INDIVIDUALS TREATED AS ELECTING TO ITEMIZE.—The following individuals shall be treated as having made an election under this subsection for the taxable year:

"(A) a married individual filing a separate return where either spouse itemizes deductions.

"(B) a nonresident alien individual, and

"(C) a citizen of the United States entitled to the benefits of section 931 (relating to income from sources within possessions of the United States).

"(4) TIME AND MANNER OF ELECTION.—Any election under this subsection shall be made on the taxpayer's return, and the Secretary shall prescribe the manner of signifying such election on the return.

"(5) CHANGE OF TREATMENT.—Under regulations prescribed by the Secretary, a change of treatment with respect to the standard amount and itemized deductions for any taxable year may be made after the filing of the return for such year. If the spouse of the taxpayer filed a separate return for any taxable year corresponding to the taxable year of the taxpayer, the change shall not be allowed unless, in accordance with such regulations—

"(A) the spouse makes a change of treatment with respect to the standard amount and itemized deductions, for the taxable year covered in such separate return, consistent with the change of treatment sought by the taxpayer, and

"(B) the taxpayer and his spouse consent in writing to the assessment, within such period as may be agreed on with the Secretary, of any deficiency, to the extent attributable to such change of treatment, even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

This paragraph shall not apply if the tax liability of the taxpayer's spouse, for the taxable year corresponding to the taxable year of the taxpayer, has been compromised under section 7122.

"(g) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 143."

(c) REPEAL OF MAXIMUM RATE ON PERSONAL SERVICE INCOME.—Part VI of subchapter Q of chapter 1 is hereby repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1980.

---

[From the Wall Street Journal, Nov. 28, 1979]

### RESCUING SAVINGS

Late in the day, the Senate has begun to worry about the damage the proposed "windfall profits tax" on oil could do to national savings. Corporate profits, after all, are a major source of economic savings, meaning money set aside to expand and replenish the Nation's productive capital.

So this week the Senate Finance Committee is trying to agree on a savings amendment to the windfall bill. This late rider is at least as important as the main body of the bill because it could determine the tax treatment of savings over the next 10 years and hence bear heavily on the future productivity of the U.S. economy.

The saving rate in the U.S. is very low. Of the total amount of savings generated, a chunk is taken off the top to finance the government's budget deficit. Most of what's left goes to replace worn out plant and equipment. Of the funds remaining for net investment, practically every dollar is needed to equip the growing labor force so that productivity per worker doesn't decline. Steve Entin of the Joint Economic Committee staff has calculated that in 1977-78 there was less than $5 billion left with which to meet mandated spending on environmental and safety equipment and to finance real economic growth. Little wonder U.S. productivity is so low.

Now enter the "windfall profits" tax. It's going to reduce the oil industry's cash flow and ability to finance investment internally. That means a decline in total savings, a decline that Donald Lubick, Assistant Secretary of the Treasury for Tax Policy, acknowledges when he says that "funds to finance investment in new field capacity will come from the private sector through capital markets as it did at the birth of the oil business."

Of course, if oil industry revenues were to balloon with decontrol, the tax would not be at the expense of the current retained earnings of the industry. But we have explained in previous columns why crude oil price decontrol is unlikely to significantly increase oil industry revenues, and Mr. Roberts brings these points up to date elsewhere on this page today. Members of the Finance Committee themselves are beginning to wonder how oil industry revenues can rise when consumers are already paying the world price for refined products. However, they are still determined to take advantage of the public ire toward oil companies induced by years of demagogy, and lay on a big new tax.

They are frightened, though, by recognition of what their bill will do to savings, investment, productivity and growth. So they are fishing around for some way to offset the effect on savings. If the Senators are intent on passing this destructive bill to begin with, we suppose it's good that they want to rescue savings. So they could do a lot worse than to hook on to the approach that Senator Roth and Representatives Bud Brown and John Rousselot have been working on.

These lawmakers have figured out that there's a difference between giving a tax break on existing savings and encouraging new, additional savings. An interest deduction from taxable income doesn't affect the tax rates; it just excludes a fixed amount of interest income from tax, and once the exclusion is used up any new saving is taxed at the existing high rates.

At the present time savings income (interest and dividends) is stacked on top of wages and salaries for tax computation. In other words, wages and salaries enter the tax brackets at a rate that begins at 14 percent and runs up to 50 percent. Savings income then enters the tax brackets at a rate that begins at the highest marginal rate applicable to the taxpayer's wage or salary income and runs from there up to 70 percent.

What Senator Roth and Representatives Brown and Rousselot want to do is to treat savings income the same as wage and salary income by splitting it out and taxing it at the same 14–15 percent rates. By eliminating the tax discrimination against savings income, this approach significantly lowers tax rates and provides an incentive to every earner to save more of his income.

In addition to encouraging more savings, the Roth-Brown-Rousselot approach would pull a lot of savings out of tax shelters and add to the economy's productivity.

But whether the Finance Committee goes with this particular approach or not, we hope the Senators have learned enough supply-side economics to recognize that if they are serious about savings, they must increase the after-tax rate of return to new savings.

For our part, we will be holding our breath. Any Congress that can come up with a piece of legislation as obscene as the "windfall profits" tax can come up with an awful savings amendment as well.

---

## ADDITIONAL COSPONORS

### S. 1843

At the request of Mr. CRANSTON, the Senator from Arizona (Mr. DECONCINI), the Senator from Colorado (Mr. HART), and the Senator from Florida (Mr. STONE) were added as cosponsors of S. 1843, a bill to provide for Federal support and stimulation of State, local, and community activities to prevent domestic violence and provide immediate shelter and other assistance for victims of domestic violence, for coordination of Federal programs and activities pertaining to domestic violence, and for other purposes.

### S. 2084

At the request of Mr. SIMPSON, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 2084, a bill to deny eligibility for unemployment compensation benefits to certain members of the armed forces who are discharged from active duty before completion of at least five-sixths of their initial enlistment obligations.

### S. 2166

At the request of Mr. MELCHER, the Senator from North Dakota (Mr.

Young), the Senator from Arizona (Mr. Goldwater), and the Senator from Hawaii (Mr. Matsunaga) were added as cosponsors of S. 2166, a bill to promote the development of Native American culture and art.

### S. 2189

At the request of Mr. Jackson, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 2189, a bill to establish a program for Federal storage of spent fuel from civilian nuclear prowerplants, to set forth a Federal policy and initiate a program for the disposal of nuclear waste from civilian activities, and for other purposes.

At the request of Mr. Johnston, the Senator from Idaho (Mr. Church), the Senator from Texas (Mr. Tower), and the Senator from Washington (Mr. Jackson) were added as cosponsors of S. 2189, supra.

### SENATE JOINT RESOLUTION 82

At the request of Mr. Goldwater, the Senator from Utah (Mr. Garn) was added as a cosponsor of Senate Joint Resolution 82, a joint resolution to designate the week commencing with the third Monday in February of each year as "National Patriotism Week".

### SENATE JOINT RESOLUTION 133

At the request of Mr. McGovern, the Senator from Washington (Mr. Magnuson) was added as a cosponsor of Senate Joint Resolution 133, a joint resolution requesting the Secretary of Agriculture, in cooperation with the Secretary of Health, Education, and Welfare, to develop a plan for local nutrition monitoring throughout the United States.

### SENATE CONCURRENT RESOLUTION 60

At the request of Mr. Jepsen, the Senator from Arizona (Mr. Goldwater), the Senator from Utah (Mr. Garn), and the Senator from Alabama (Mr. Heflin) were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

### SENATE CONCURRENT RESOLUTION 61

At the request of Mr. Jepsen, the Senator from Arizona (Mr. Goldwater), the Senator from Utah (Mr. Garn), and the Senator from Alabama (Mr. Heflin) were added as cosponsors of Senate Concurrent Resolution 61, a concurrent resolution expressing the sense of the Congress with respect to the treatment of Christians by the Union of Soviet Socialist Republics, and for other purposes.

### SENATE RESOLUTION 308

At the request of Mrs. Kassebaum, the Senator from Oregon (Mr. Packwood), and the Senator from Kansas (Mr. Dole) were added as cosponsors of Senate Resolution 308, a resolution to express the sense of the Senate that parity for women's track and field events should be achieved in the 1984 Olympic games.

### AMENDMENT NO. 731

At the request of Mr. Percy, the Senator from Connecticut (Mr. Weicker), the Senator from Alaska (Mr. Stevens), and the Senator from Washington (Mr. Jackson) were added as cosponsors of amendmetnt No. 731 proposed to H.R. 3236, a bill to amend title II of the Social Security Act to provide better work incentives and improved accountability in the disability insurance program, and for other purposes.

### AMENDMENT NO. 749

At the request of Mr. Metzenbaum, his name was added as a cosponsor of amendment No. 749 proposed to H.R. 3236, a bill to amend title II of the Social Security Act to provide better work incentives and improved accountability in the disability insurance program, and for other purposes.

---

## SENATE RESOLUTION 344—SUBMISSION OF A RESOLUTION COMMENDING CANADA FOR ITS ACTIONS WITH RESPECT TO CERTAIN UNITED STATES CITIZENS IN IRAN

Mr. CHILES (for himself, Mr. Church, Mr. Pell, Mr. McGovern, Mr. Biden, Mr. Sarbanes, Mr. Zorinsky, Mr. Javits, Mr. Percy, Mr. Hayakawa, Mr. Glenn, Mr. Nunn, Mr. Williams, Mr. Exon, Mr. Domenici, Mr. Mathias, Mr. Robert C. Byrd, Mr. Stevens, Mr. Roth, and Mr. Dole) submitted the following resolution, which was referred to the Committee on Foreign Relations:

### S. Res. 344

Whereas six Americans sought refuge in Tehran after the takeover of the United States Embassy in November 1979;

Whereas the Americans were given refuge by the Canadian Embassy for twelve weeks;

Whereas the whereabouts of these Americans was kept a secret in order to protect the lives of those Americans held at the United States Embassy;

Whereas this action was taken despite the threat this posed to the lives of Canadian Embassy officials;

Whereas Canadian Ambassador Kenneth Taylor acted with particular courage and compassion in seeking the eventual departure of the Americans from Iran; and

Whereas the six Americans have now safely left Iran:

*Resolved,* That the Senate, on behalf of all Americans, hereby commends the Government of Canada for its actions in protecting certain United States citizens and arranging for their departure from Iran.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he transmit such copy to the Government of Canada.

---

## SENATE RESOLUTION 345—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON, from the Committee on Veterans' Affairs, reported the following original resolution, which was referred to the Committee on Rules and Administration:

### S. Res. 345

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Veterans' Affairs is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $269,000, of which amount not to exceed $14,800 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

---

## SENATE RESOLUTION 346—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JACKSON, from the Committee on Energy and Natural Resources, reported the following original resolution, which was referred to the Committee on Rules and Administration:

### S. Res. 346

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Energy and Natural Resources is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $1,583,700, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

### SENATE RESOLUTION 347—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. PELL, from the Committee on Rules and Administration, reported the following original resolution, which was ordered placed on the calendar:

S. RES. 347

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on Rules and Administration is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $715,900, of which amount not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

### SENATE RESOLUTION 348—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. PELL, from the Comittee on Rules and Administration, reported the following original resolution, which was ordered placed on the calendar:

S. RES. 348

*Resolved,* That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Angelina C. Beckmann, widow of Bernard J. Beckmann, an employee of the Senate at the time of his death, a sum equal to eight and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

### SENATE RESOLUTION 349—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY

Mr. PELL, from the Comittee on Rules and Administration, reported the following original resolution, which was ordered placed on the calendar:

S. RES. 349

*Resolved,* That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Carolyn Watson, mother of W. David Watson and to Abraham G. Watson, father of W. David Watson, an employee of the Senate at the time of his death, a sum to each equal to two and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

### SENATE RESOLUTION 350—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 350

*Resolved,* That, in holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, the Committee on the Judiciary is authorized from March 1, 1980, through February 28, 1981, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $4,971,700, of which amount (1) not to exceed $177,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,350 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1981.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

## AMENDMENTS SUBMITTED FOR PRINTING

### FEDERAL RESERVE MODIFICATION ACT OF 1979—S. 353

AMENDMENTS NOS. 1642 THROUGH 1644

(Ordered to be printed and referred to the Committee on Banking, Housing, and Urban Affairs.)

Mr. TOWER submitted three amendments intended to be proposed by him, jointly, to S. 353, a bill to facilitate the development and implementation of monetary policy; to reduce and restructure reserve requirements; and to provide for the maintenance of reserves by member banks and other depository institutions in Earnings Participation Accounts at the Federal Reserve banks.

● Mr. TOWER. Mr. President, I am submitting today three amendments to S. 353, legislation which I introduced approximately 1 year ago to facilitate the development of Federal Reserve monetary policy and to reduce the burdens of Fed membership. These amendments, together with S. 353, will be the subject of Banking Committee hearings on February 4 and 5.

The first amendment will revise the reserve requirement provisions of S. 353 so as to have all transaction accounts, including NOW, automatic transfer, and demand-deposit accounts, subject to the same reserve standards. This amendment would set reserve requirements on the first $35 million in transaction accounts at 3 percent. All other reserve ranges in S. 353 would remain the same.

During the Banking Committee's markup session on Federal Reserve membership legislation this past November, I indicated that I would propose an amendment to S. 353 to direct the Federal Reserve to establish a pricing schedule for Fed services. Accordingly, the second amendment would require the Federal Reserve to price its services and charge interest on its float. The Fed has been moving in this direction, but I believe that this should be specifically required as part of any Fed membership bill.

The third amendment would authorize the Federal Reserve, by unanimous vote, to impose for limited periods of time supplemental reserve requirements on transaction accounts at all depository institutions. Under the amendment, the Fed could impose a reserve requirement of up to 3 percent on the first $35 million of an institution's transaction balances and a requirement of up to 5 percent on such balances in excess of $35 million.

All supplemental reserve balances would have to be maintained at a Fedral Reserve Bank, either directly or indirectly, and vault cash could not be used to satisfy the reserve requirement. Supplemental reserves were discussed at the Banking Committee's November 7 markup as a tool which the Federal Reserve might need if a monetary policy or other economic emergency exists.

While I believe that S. 353, without the supplemental reserve requirements, would enable the Federal Reserve to conduct monetary policy adequately, I believe that supplemental reserve requirements should be discussed at next week's hearings, particularly since the Fed first proposed the possible need for such requirements.

Although I have expressed some skepticism as to the need for supplemental reserves, I do want to state clearly that the amendments regarding transaction accounts and pricing of services are beneficial and should be accepted as part of S. 353.●

### SOCIAL SECURITY DISABILITY AMENDMENTS OF 1979—H.R. 3236

AMENDMENT NO. 1645

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to H.R. 3236, an act to amend title II of the Social Security Act to provide better work incentives and improved accountability in the disability insurance program, and for other purposes.

AMENDMENT NO. 1646

(Ordered to be printed.)

Mr. JAVITS proposed an amendment to H.R. 3236, supra.

## NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JACKSON. Mr. President, I would like to announce a change in the schedule for the hearings on the geopolitics of oil held by the Committee on Energy and Natural Resources. In place of the closed session previously scheduled for February 5, the committee will hold an open hearing the same day in room 3110 of the Dirksen Senate Office Building. The subject of the hearing will be the Geopolitics of the Middle East, and the witness will be Prof. Bernard Lewis of the Princeton University Institute for Advanced Study. The hearing will begin at 9 a.m. The revised schedule for the other briefings is as follows:

February 7.—Other producers (Producers that are not members of OAPEC).

February 14.—The Soviet Union and Eastern Bloc.

February 19.—The industrialized consumers.

February 21.—The less developed countries.

With the exception of the February 5 hearing, the briefings will commence at 8:30 a.m. in room S-407 of the Capitol and will be closed to the public. Questions concerning the briefings should be directed to Jim Pugash, staff counsel, at (202) 224-0611.●

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

● Mr. WILLIAMS. Mr. President, I wish to announce that the Subcommittee on Housing and Urban Affairs, which I chair on the Banking, Housing, and Urban Affairs Committee has scheduled a hearing on Wednesday, February 6, 1980, at 9:30 a.m. in room 5302 Dirksen Senate Office Building. The hearing will focus on the state of the single and multifamily housing markets and pending proposals to revise the Emergency Home Purchase Assistance Act of 1974 (S. 2177 and S. 2178).●

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LONG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today to hear administration, congressional, and former administration officials on the proposed arms sales to Morocco.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LONG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate today, beginning at 10 a.m., to mark up the Committee Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. LONG. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate today to hold a hearing on S. 2055, legislation to establish a reservation for the Siletz Tribe.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS

### THE PROBLEM OF UNDOCUMENTED WORKERS IN THE UNITED STATES

● Mr. HAYAKAWA. Mr. President, the problem of undocumented workers in the United States is rooted deeply in the economic health of Mexico. Unfortunately, Mexico has just experienced its worst harvest in 30 years—a situation which is expected to send more than the usual number of workers across the border seeking employment. It is vitally important, therefore, that the Congress of the United States begins to deal with the problem of illegal immigration from Mexico. It is a problem that has been with us for some time, and will be with us until we legislate a solution. Numerous solutions have been proposed, ranging from an open border to a high fence. I have sponsored legislation to provide Mexican workers with temporary work permits; many of my colleagues have introduced other measures.

However, I have yet to see significant action on this issue. We need to hold hearings in committee, report legislation, and debate the issue on the Senate floor. This situation, as a recent article in the Los Angeles Times illustrates, will only become more severe. I ask that the article be reprinted in its entirety for the benefit of my colleagues.

The article follows:

#### CROP FAILURE DRIVES MEXICANS NORTH

(By Mark Seibel)

MEXICO CITY.—Mexico's worst harvest in 30 years could drive thousands more undocumented Mexicans to the United States in search of work at a time when talk of recession and high interest rates have many Americans fearing for their jobs.

Mexican and U.S. analysts say there is no way to determine how many Mexicans will cross the border because of the poor harvests.

Officials have blamed low rainfall and early frosts for causing the yield of beans and corn, staples in the Mexican diet, to decline by 32 percent and 18 percent respectively.

"There's no way to tell how many will cross the border," said Vernon McAgnich, the U.S. general counsel here. "But you can bet an increase."

Peasant leaders in some states already are saying their compadres are leaving for the United States, and analysts here point out that of the eight Mexican states, U.S. officials believe to be the primary source of undocumented workers, only one—Guanajuato—did not suffer losses in both beans and corn crops.

Farmers in Guanajuato, whose capital, also named Guanajuato, is about 150 miles northwest of Mexico City, did note a 40 percent drop in corn production. But the bean crop was up nearly 50 percent.

That rise was hardly enough to offset major losses in most of Mexico's 31 states, however. In Durango state, for example, the corn yield dropped 59 percent and the bean harvest declined 81 percent, from 131,416 tons in 1978 to 24,204 tons in 1979. Durango is about 350 miles south of the Texas border.

Overall, Mexico's corn harvest was nearly 2 million tons less this year than the record 10 million ton harvest last year, and the bean harvest dropped from 930,000 tons last year to 628,000 this year and the sorghum yield dropped 4 percent.

Mexico's agriculture minister, Francisco Merino Rabago, called it the "worst agricultural year in three decades."

Although the huge farms in Senora and Sinaloa posted record yields of soybeans this year and the rice and cotton harvests also were better than last year's, nothing can compensate for the loss of corn and beans. Soybeans, cotton and rice are grown on large, efficiently managed farms, but Mexico's beans and corn primarily are grown on small family plots, and the farmers rely on the corn not just as a commodity to sell, but as next year's food for their families.

The situation is complicated because the drop in the sorghum crop will force peasants to feed corn to their livestock.

Enrique Dias Ballasteros, director of the government's National Company for Public Sustenance, insists that the poor harvest does not mean Mexicans will starve next year. "It won't be anything extraordinary," he said. And Mexican officials point out that the corn harvest of 8.9 million tons is still more than the 8.3 million that officials say Mexico needs to fulfill its internal needs.

But the government has taken emergency measures in 18 of Mexico's 31 states in an effort to reassure the residents that there will be enough food for next year.

The government has announced that it will provide more than 4 million "man-days" of work to residents in the stricken areas and has said workers will be paid not only in cash but with food provided by the government's National Company for Public Sustenance, a sprawling enterprise that not only imports foodstuffs, but also sells them in 6,000 supermarkets throughout the country.

Conasupo, as the national company is known here, also announced Friday that next year it will purchase 4.2 million tons of grain from foreign sources, mostly in the United States, at a total cost of more than $807 million. Nearly 3 million tons of that will make up the poor harvest, officials said.

Analysts here say the government's efforts are aimed at forestalling the expected migration from the fields, which, they point out, affects Mexico's overcrowded urban centers even more than it does the United States.

Few here, however, anticipate that the efforts will discourage the peasants from leaving their lands.

Analysts point out that in at least eight of the states that have suffered agricultural losses this year, economic conditions were such that Mexicans left in great numbers anyway.

A report prepared last spring, before the poor harvest, says the eight states—Michoacan, Zacatecas, San Luis Potosi, Jalisco, Durango. Chihuahua, Guanajuato and Nuevo Leon—had high populations and failing agriculture.

"This (the crop failure) will just add to it," said an official who asked that his name not be used. "They will be leaving for jobs, and, I think, to escape hunger."

But the latest exodus may be coming at an inconvenient time.

While the latest U.S. Labor Department statistics show a decline in unemployment during November, from 6 percent to 5.8 percent, economists are still predicting a recession and higher unemployment.

The unemployment may be highest in the construction trades, where Mexican workers have frequently found jobs, particularly in boom states such as Texas.

Even in Dallas, which still boasts of the second highest number of housing starts in the nation, home construction declined 15 percent this year, and researchers are expecting another 20 percent decline next year.

Few experts here care to predict what effect the decline in construction as well as a recession might have on the expected Mexican influx.

"I doubt they'll have any trouble finding jobs," said a U.S. official.●

## CIGARETTE BOOTLEGGING UPDATE

● Mr. MORGAN. Mr. President, during the last session of the 95th Congress, considerable time was taken up in consideration of S. 1487, a bill to make possession of contraband cigarettes a Federal crime. After many days of discussion and deliberation, the bill passed the Senate and after a conference with the House passed into law as Public Law 95–575.

Recently, the Winston-Salem Journal ran an editorial describing life under the new Federal law. In pertinent part, the editorial noted that the cigarette bootlegging law was passed to save an alleged $500 million in tax revenue lost to State governments because of smuggling from low tax States into high tax States. Most of this smuggling was supposed to be done by organized crime and supporters of the bill argued long and hard that they were not interested in the individual who occasionally took a couple of cartons or a case of cigarettes across State lines.

During the debate, I stated that in my opinion the dimensions of the problem had been exaggerated and urged my colleagues who were intent on passage to moderate the provisions of the bill.

Now I think it is of interest to the Senate to know that New York State Taxation Investigation Director, Alfred Donati, Jr., also has some doubts and has stated:

> Whether smuggling was that substantial or whether we were mistaken is being looked at now.

The tax commissioners of New York, Massachusetts, and Pennsylvania now agree that their previous revenue loss estimates were too high, also.

Surprisingly, despite this uncertain foundation, the Winston-Salem Journal goes on to compliment the enforcement effort in North Carolina. The removal of certain unnecessary recordkeeping and reporting provisions by the supporters of the bill in response to my concerns, according to the Journal, has helped enforcement in North Carolina and generated, to some extent, a spirit of cooperation in North Carolina. Because the Congress increased the number of cartons one can buy before triggering reporting procedures, many cigarette dealers will sell the number of cartons not covered by the law but no more. Thus the loser is the organized criminal who must buy in large quantities and who now finds his supply cut off by dealers who do not want to be bothered by new Federal procedures.

Mr. President, let me repeat what I said in 1978. I am fundamentally opposed to the Federal Government's enforcing State tax laws. I still believe quite strongly that this breeds irresponsible action by States who feel that the Federal Government will pick up the tab for enforcing unreasonable State revenue laws.

I also am opposed to open-ended regulatory power for the Federal agencies as advocated by certain Members of the House of Representatives during the conference on this bill in 1978. And I note that because of the efforts of Senator KENNEDY, Senator THURMOND, Senator HATCH, and others during the conference we were able to achieve more reasonable control of Department of Treasury regulations.

An important lesson to be learned from the passage of this bill is that cooperation between Senators to resolve honest disagreements can produce legislation which satisfies legitimate concerns without being unduly oppressive. I wish again to compliment Senators KENNEDY and BELLMON for their willingness to compromise on this bill last year and for their willingness to work with those of us, especially Senators FORD and HUDDLESTON, who were concerned for the interests of legitimate small business persons in our States.

Mr. President, the verdict is still out on Public Law 95–575. As of now it appears to be operating with minimal interference with honest businessmen and with State law enforcement efforts. I reserve my judgment on the need for future funding and continuation of this law, but I am pleased to report on the progress of this legislation as of today.

I request that the editorial of the Winston-Salem Journal of October 23, 1979, be printed in the RECORD.

The editorial follows:

### A SIGNIFICANT EFFECT

A task force of federal agents is making progress in battling a serious—though possibly exaggerated—problem: the smuggling of cigarettes from North Carolina to states with substantially higher cigarette taxes. Spurred by claims that state and local governments nationwide were losing up to $500 million a year in lost tax revenues, federal Alcohol, Tobacco and Firearms agents began a crackdown late last year. Agents say that a year-old federal law has helped them to curb the incidence of cigarette smuggling across state lines, but their investigation has led them to conclude that the problem is not as widespread as many have claimed.

'These Northern states were crying to Congress that they were losing so much money," said ATF agent Johnny C. Binkley, who supervises the 16 agents working in North Carolina. "We just simply have not found that to be true." Officials in several Northern states now admit that their previous estimates of lost revenues may have been in error. ". . . Whether smuggling was that substantial or whether we were mistaken is being looked at right now," said Alfred Donati Jr., director of the special investigations bureau in the State of New York, Department of Taxation and Finance. New York tax officials had previously estimated that cigarette smugglers cost the state up to $110 million a year. Officials in Massachusetts and Pennsylvania also now agree that their earlier estimates of tax loss may have been exaggerated.

Whatever the severity of the problem in the past, however, the new federal laws has apparently had a significant effect in curtailing smuggling. The law, which carries a maximum penalty of three years in prison and a $5,000 fine, requires dealers in the state to keep records of the name, address, destination, vehicle license number, signature and declaration of intended use of anyone buying more than 300 cartons of cigarettes. Because of the law, many dealers now simply refuse to sell more than 299 cartons to any buyer. "I have never seen a law, federal or state, that has had such a deterrent effect as this one has," said Brinkley.

The law does little to prevent the individual smoker from stocking up on cigarettes when passing through North Carolina. The disparity between the taxes charged by different states—only two cents in North Carolina, as opposed to more than 20 cents in some Northern states—makes such stockpiling very tempting. What the law does do is discourage the large-scale smuggling of cigarettes across state lines for the purpose of making large profits—precisely the sort of enterprise that organized criminals have been known to favor.

North Carolina Sen. Robert B. Morgan was instrumental in securing modifications in the new law which aimed it more specifically at large-scale organized smuggling while easing the paperwork burden on dealers. The measure, Morgan said at the time, is "not for the purpose of collecting taxes, but instead gets at organized crime." After one year, the federal law seems to be having its desired effect.●

## ADDRESS BY WALTER E. HOADLEY OF THE BANK OF AMERICA

● Mr. HAYAKAWA. Mr. President, earlier in January I had the privilege of attending conference on Asia-Pacific in the 1980's: Toward Greater Symmetry in Economic Interdependence. At the conference I had the good fortune to hear Walter E. Hoadley of the Bank of America speak on "Structural Changes in the United States." Mr. Hoadley is a distinguished economist and a member of my Budget Advisory Committee. I would like, therefore, to let the Senate have the benefits of his thoughts and ask that his speech be entered in the RECORD.

The speech follows:

### STRUCTURAL CHANGES IN THE UNITED STATES

American values and perspectives have changed markedly during the 1970's and seem likely to continue to do so in the 1980's. The repercussions of these changes are now increasingly evident within the United States and will become more noticeable across the ASEAN countries and the rest of the world in the years just ahead.

In many respects the 1980's will be a Decade of Destiny for the United States.

To some extent our nation wasted the 1970's by not facing more directly many basic problems which were unfolding: e.g., inflation, energy and other shortages, fiscal and monetary discipline, lagging innovations and productivity, balance of payments deficits, declining value of the dollar, and the cleavage between the public and private sectors. You will note that none of these problems is really cyclical. We spent far too much time debating, drifting, and doubting rather than deciding on new courses of action.

Nevertheless, the decade of the 1970's was our nation's greatest period of economic advancement. Few people in the world had a better overall economic year in 1979 than those who lived in the United States.

But, we dare not waste the decade of the 1980's either for ourselves or for the other peoples on the earth. Too much is at stake for all of us.

### UNITED STATES PUBLIC ATTENTION NARROWLY FOCUSED

As everyone following developments in the United States knows, our public attention in recent months has been heavily concentrated on Iran, oil, U.S.S.R., Cambodian refugees and the "boat people" and the forthcoming

November Presidential election. Media time has been heavily devoted to these issues.

Relentlessly coming to the surface, however, are basic or structural problems which are beginning to affect more and more Americans in their day-to-day living and therefore are taking on increasing political as well as economic significance. These problems are not new but arise fundamentally out of several decades of public policies which concentrated almost exclusively upon stimulation of domestic demand to put idle people and resources to work.

Each problem reflects longstanding well intentioned public policies and attitudes which have taken too much out of our economy without caring to put sufficient resources and new strength back into it.

At home we encouraged consumption; discouraged innovation, investment, savings, productivity, and work; and met too many costs by having the U.S. government expand the money supply rather than increase taxes. In the international field, we pursued somewhat localized policies. We tended to minimize our increasing vulnerability to foreign supply sources and encouraged others to retain dollars without a forceful strategy to protect their value. We penalized Americans for selling and investing abroad. We downplayed our substantial U.S. competitive advantages including the management skills of U.S. transnational organizations.

More and more Americans now realize that we can no longer afford the luxury of these past policies and practices however well intended.

Our principal national objective can no longer be just full employment as it has been for more than four decades. In fact, full employment, the goal and dream of my generation, has been technically achieved this past year and still prevails widely in our nation. Full employment must continue to be a national objective but not the single most important one. Inflation control has now clearly moved into first place.

Instead of the great satisfaction from full employment predicted by countless scholars and political leaders, we have seen that few people have even noted its actual accomplishment. We now realize once again that expectations and progress along the way often prove more satisfying than full realization of almost any goal. But most Americans seem exceptionally difficult to satisfy these days.

### WHY ARE AMERICANS SO NEGATIVE?

1. Bad news.—is about the only news which is offered by the media; record economic performance is now pretty much taken for granted. We still have no satisfactory measures by which to judge our enormous progress in a vast array of dynamic fields, especially in our service enterprises which comprise two-thirds of our national economic activity.

2. Economic security.—is also pretty much taken for granted because most Americans have achieved a large degree of it, now consider it a right, and deem any new economic uncertainty as cause for major concern rather than a normally expected occurrence. Economic security has been accompanied by a steady narrowing of the gap between tax-free welfare benefits and after tax take-home pay from private employment.

3. Perfectionism.—has been adopted by so many Americans that they have little sense of what's "normal" in work, health, or family life and become frustrated when everything is not perfect in a world of imperfect humans.

4. Inflation.—is destroying purchasing power in a way never experienced by most Americans; hence, the old normal of no or low inflation understandably still dominates most adult feelings and current inflationary trends cause alarm.

5. Energy and other shortages.—seem contrived or unreal to 29 year old average aged Americans because limited supplies have really not been a serious threat since World War II, more than three decades ago.

6. Economic developments outside the United States.—have previously provided little or no reason for public interest or concern within our country, so a weak dollar aggravating domestic inflation comes as a distinct surprise. Most U.S. voters believe that our nation has few real friends abroad and too often is forced to face global issues alone.

These developments definitely reflect some of the basic changes taking place in our society and introduce continuing new uncertainties. The very significant overall U.S. economic achievements of the 1970's have dispelled many traditional concerns about job security and no popularly supported national goal has yet been put in its place.

### DISTINGUISH BETWEEN STRUCTURAL AND CYCLICAL CHANGES

Thoughtful Americans are making a major change in their approach to most forecasts and decision-making. They have learned that a large part of our current national frustration is caused by undue reliance on cyclical thinking about most economic trends and developments, thinking which results in an attitude of waiting until something familiar from the past reappears.

From time to time in history, business cycles and cyclical thinking are submerged by a tide of structural changes. In the 1930's, a deep cyclical phenomenon gave way to a period of chronic sluggishness. Another era of major change obviously took place during and after World War II when public priorities, values and expectations also were altered drastically. A much feared and forecasted postwar depression, in fact, never came.

In my judgment, we are now in another era of structural change arising out of a convergence of many specific lasting—not cyclical—changes in both the quantity and quality of U.S. life. This era can be expected to persist for at least five years and probably a decade or longer as U.S. citizens and institutions adjust to "new normal" conditions.

In this case, the new normal, in contrast to earlier times, will be marked by more, not less, uncertainty, crises, tensions, and government actions—yet there will be a great deal of solid progress while the corrective adjustment process unfolds.

What are some of these basic or structural changes now taking place in the United States? They frequently are closely related to the most important problems which confront our country:

1. Shift in public priorities to higher quality of life and away from general acceptance of good economic performance as sufficient or satisfactory.

2. Persistent inflation and expectations of further losses of purchasing power cause massive protective shifts in savings and investments seeking highest quality, safety, and more certain inflation offsetting yields; stimulate speculation in housing, precious metals, etc., and contribute to moral decay.

3. Slower real growth, returning to historically lower rates after the end of the prolonged post-World War II catch-up era; reflects less willingness by private sector to take risks because of sharply higher energy costs and government policies; and public resentment over congestion and pollutants associated with recent excessive economic expansions.

4. Shortages of energy, water, and potentially other resources—natural and contrived—cause market disruptions, sharply increased prices, and more political pressures to limit U.S. exports of scarce materials.

5. Increased grass roots participation in overall government activity via state and local initiatives and legislation designed to limit government spending, reduce taxes, and restrain excessive regulatory interference in private affairs; places strong pressures on the federal government also to pursue more disciplined fiscal and monetary policies; and raises prospects for greater tax incentives to investors and savers.

6. More reliance upon the private sector and market mechanisms to achieve results in many sectors heavily dependent upon government funds and programs.

7. Excessive financial liquidity created by chronic government budget deficits; inflation rate now quickly reflected in short-term interest rates and probably long-term as well; rising threat of capital rather than credit shortages; shift away from too literal pursuit of monetarist theory policies but more determined official effort to control money creation.

8. Rapid expansion of role of women and minorities in U.S. labor force, increasing productivity and offsetting some tendency toward job dissatisfaction and reduced work ethic in an overall atmosphere of full or near-full employment.

9. Increased internationalization of U.S. public thinking attributable to adverse pocket-book impact of declining dollar through higher prices of imported products, recognition of heavy dependence upon foreign sources for petroleum and other vital resources, and gradual understanding of the contributions of U.S. exports to domestic employment.

10. Increasing acceptance of the need to rearm—economically and to some extent militarily amidst greater challenges to the U.S. from other nations; prospects for rising U.S. nationalism as a result of the Iranian hostage conflict.

Other structural changes could be listed, but these serve to illustrate in recent years that the old normal of almost total cyclical dominance is fading in the U.S. The old normal—in contrast to what we can now see ahead—had a higher degree of certainty, greater consensus thinking and willingness to follow majority leadership, higher public patience, and more agreement and confidence that real progress was being achieved and would continue. Cycles and rhythms will still be present in the future but will be far less dominant. We must expect less certainty and inevitably more crises in the 1980's.

### THE KEY QUESTION FOR THE 1980'S

I haven't yet mentioned the most profound actual or potential structural change involving the United States. It lies in one overriding question on which I know is on the minds of many if not most world leaders, including those here today. In fact, how this question is answered will determine in large measure many critical policies and prospects for the United States and other nations for the 1980's and well beyond.

The question is—Has the United States passed the zenith of its economic power and leadership in the world? Or, more directly—Is the United States "over the hill?"

A "yes" answer pretty clearly means more international challenges and overtures against U.S. interests, increased tensions and prolonged negotiations over any U.S. needs or requests, and diminishing prestige. Domestically, a "yes" answer almost certainly means a contracting rather than a traditionally expanding economy, and individual and group expectations for less and less rather than more and more.

A "no" answer does not imply an immediate lessening of problems for the United States, but indicates a new resurgence of determintion and performance ahead for our country. On this basis, the United States can be expected to work its way through the Achieving Eighties, with substantial progress in resolving many of its present principal problems.

The case for the "yes" answer is a familiar accounting of everything which seems to be going wrong in the United States, with the conviction that our nation is on an irreversible course of self-destruction. Those who hold this view contend that our country is:

1. Lacking strong leadership in government.
2. Unable or unwilling to take the disciplinary measures to stop inflation.
3. Characterized by workers who won't work or don't care about quality.
4. Less and less interested in taking risks, preferring to preserve what we have rather than create more.
5. Divisive on almost all issues and unable to obtain consensus.
6. A "paper tiger" in defense and an unreliable ally.
7. Content to rest on its laurels as a "fat" nation.

I've heard these points and others made in many oversea conversations. Most of this audience no doubt has had similar experiences. Never in my business career have I heard more disparaging remarks about the United States than in recent months.

I have found myself pondering all these accusations of weakness to try to separate facts from emotional criticism or wishful thinking. I have wondered how the image of a nation can change so quickly from the oft said "most powerful on earth" to one which can be challenged on all sides as "over the hill" and too feeble to assert itself on important issues at home and abroad.

### THE POSITIVE VIEW ON U.S. PROSPECTS

In many instances when the United States has been chided or denounced by foreigners in my presence, other non-Americans have risen to take a much more positive view. These are the ones who see opportunity in the United States on a scale unequalled elsewhere. They are impressed by our political stability, massive consumer market and relatively attractive labor and other cost levels.

Moreover, within our own country the case for a "no" answer to the "U.S. over the hill" question is found in the belief that the United States:

1. Is now on a decade-long basic process to correct weaknesses arising out of excessive government spending linked to our past almost-total preoccupation with consumption and the demand management side of our economy.
2. Has unequaled national vitality and flexibility in its system.
3. Has enormous resources still to be developed.
4. Has the best educated and utilized labor force.
5. Has the ability to change public priorities, e.g., from unemployment to inflation control.
6. Public will meet any challenges once the seriousness of the problem is understood and the alternative courses of action are known.
7. Voters are strikingly more realistic about fiscal matters than in earlier decades.
8. Is about to embark on a new surge of higher productivity because of the maturing vigor of recent women and minority entrants into our labor force, passing of the peak in expansion of investment for health, safety and the environment, and the prospects of a sharp upturn in innovation, research, development and productive investment.
9. Will benefit from increasing internationalism of public thinking, reinforced by the growing contributions of foreign investors who will help expand U.S. exports, enhance quality and introduce more miniaturization efficiency into American mass production organizations.

### FOR NEW SENSE OF U.S. PURPOSE—ASK AMERICANS

In my judgment, the new sense of purpose for the United States for the 1980's will be derived as each American answers this same question.

Some recent U.S. national polls suggest that the "over the hill" view is not limited to offshore doubters. Slightly more than half of U.S. adults currently believe that they have reached the peak of their living standards for many years to come and probably their lifetime.

Taken literally, this would mean an end to the American dream that tomorrow will always be better for us and our children. My own interpretation is more positive, namely, that the average American adult has grown up in a political and economic environment which has lauded expanded consumption—taken job security for granted—and degraded production and the supply side in general of our economy.

Not surprisingly, therefore, too many Americans cannot see that the solution to our major problems lies in new vigorous attention and encouragement to supply management, particularly in the private sector. By pursuing this policy a new national sense of purpose will be found.

If we Americans believe our country is not over the hill, everyone will know whether we are correct in a few years. We can make sure that it isn't by supporting public and private actions which will increase the productive side of our economy—i.e., strengthen saving; investment; efficiency, quality; increase innovation; increase incentives to work, invest, and make more profits; reduce regulations on business; provide more realistic environmental standards to permit greater development and use of U.S. energy resources; widen the gap between tax-free welfare payments for those who can work and the minimum wage, and encourage the greater joint use of skills and powers between the public and private sectors.

My management colleagues at Bank of America and I are not willing to say that the U.S. is over the hill. The process to correct our principal problems is already underway, but it's going to take a great deal of public effort and support to complete it in the decade ahead.

Let me also say that low public confidence across America is not new. I've seen it at least five times previously in my lifetime—in the depths of the depressed 1930's, in the early years of World War II, during the persistent threat of the long-expected post World War II depression (which never came), during the years of cold war with the Soviet Union, and amid the social unrest associated with the Vietnam War. In each case, public confidence was ultimately restored and a new economic resurgence took place.

Why should it not happen again?

### THE ASIAN NATIONS CAN BENEFIT FROM U.S. CHANGES

Whenever a country undergoes some significant changes, as the United States is now doing, the opportunity arises for a comprehensive reappraisal of needs, relationships, policies, and programs. If the structural changes mentioned here are as profound and far-reaching as I believe them to be for the United States, certainly the ASEAN nations will be affected directly and indirectly.

Just beneath the surface in our country is always a current of incipient protectionism which can quickly emerge into a wave of anti-foreign sentiment in the face of some unhappy incident. The strong prospect of an economic recession this year in the United States, primarily in the older industrial centers of the Northeastern states, obviously increases the possibility of fewer U.S. imports and possibly some more restrictions on trade. This danger seems small, however, because the Southeast Asian countries' exports to the U.S. are fairly high priority items to a considerable extent and not dominant competition in most U.S. markets.

U.S. consumers are now extremely value conscious and are seeking the highest quality possible. Many have extended themselves somewhat during the recent Christmas shopping season, and can be expected to buy at a distinctly slower rate during the next six months or longer. In addition, the rapid rise in the price of petroleum and other energy products necessitates more prudent spending on other items in the family budget. Essentials will remain in strong demand.

As American families make these shifts in their purchasing patterns on a structural basis, it will be important that sellers of ASEAN products monitor their U.S. markets with extreme care. Many fairly permanent decisions will be made in 1980 toward products and sources which can affect sales for years to come. An image of exceptional quality and service as well as value will be of the utmost importance.

Similarly, in 1980 American business firms will be carefully making their plans for longer range raw materials and processed goods purchases against a background of domestic inflation and the spectre of possible mandatory economic controls. Any help which can be obtained from ASEAN sources will be eagerly recognized. Clearly, there is widespread understanding in the U.S. that world market conditions are unsettled and will remain so at least during the year ahead. There is a keen U.S. interest in doing business with nations and companies which will make and fulfill firm commitments in the mutual interest of all parties involved. The United States obviously has to be a reliable supplier as well.

Unhappjily, most Americans still have a rather hazy and not too positive view toward South East Asian countries. The Vietnam War experience is still to vivid not to be a negative factor in plans being made by many U.S. individuals, companies, and governmental agencies. Accordingly, any news reports of guerrilla warfare, border incidents, weak governments, or political maneuvers tend to reaffirm general doubts about the region and its future.

This situation calls for more ASEAN economic and diplomatic missions to the United States to explain and update policies and prospects and vice versa. This conference, once again, serves very constructive, informational and decision influencing purposes. Those who know South East Asia well are generally rather optimistic about the longer range outlook. They are impressed by the regional cohesiveness and stability which has been achieved because of the determined efforts of ASEAN leaders, many of whom are here today. Many senior U.S. government and corporate officials, however, still are not too familiar with the area and hesitant without strong new reasons to finalize major investment or similar decisions. There is still a continuing large-scale selling task to be done.

The greatest competitive threat to large-scale investments in almost any nation is the current attractiveness of opportunities in the United States. It is readily apparent that the persistent economic invasion of the United States by investors from outside is still underway with no real indication of any sharp downturn on the horizon.

Specifically, in my judgment the impact of major U.S. structural changes upon the ASEAN countries will be:

1. Persistent U.S. inflation means some continued weakness in the dollar and an urgent need for imports which will not aggravate the U.S. price level.

2. Slower real growth will limit general sales expansion in the U.S., but will not seriously impact many essentials.

3. U.S. shortages of materials available in South East Asia will mean strong sales opportunities.

4. Increasing grass roots political power in the U.S. will necessitate far more efforts by ASEAN leaders to explain their policies and actions in the U.S. communities in order to win strong U.S. support for ASEAN plans and projects.

5. More reliance in the U.S. upon the private sector means an increasing necessity for ASEAN leaders to increase their negotiations directly with U.S. private sector leaders on business matters and an opportunity to cooperate with the U.S. private sector to help answer regulatory questions on matters pertaining to a U.S.–ASEAN trade and investments.

6. Excessive financial liquidity offers borrowing opportunities for qualified ASEAN organizations, but a capital shortage will limit investments to those projects which promise the highest returns.

7. Rapid expansion in use of minorities in the U.S. labor force, "The Affirmative Action Program", and similar developments can provide some information to ASEAN countries on how to train and develop unskilled or inexperienced individuals into valuable members of the labor force.

8. Increased international of U.S. public thinking means that international development arising from the ASEAN countries will attract more interest in the U.S., particularly as to their economic effects on our country and whether they seem positive or negative toward the U.S. and probably Japan.

9. U.S. greater acceptance of the need to rearm economically in particular will lead to stronger U.S. competition in foreign markets and a more aggressive posture in world affairs.

Whether the United States has passed beyond the zenith of its economic and political power may be open to some question, but it is clear to me that our country is embarking on a major self-correcting program to reinforce its still enormous strengths. No one, of course, should expect the United States to reassume its earlier supreme global role in the post World War II era of worldwide economic rebuilding and postwar power vacuum among nations.

Americans generally are now quite willing to discuss our weaknesses and shortcomings. In fact, it is not difficult to find them in the United States or any other nation. It is far more difficult to find and articulate constructive suggestions as to how best to remedy any nation's problem in economic and politically realistic terms.

Therefore, I would predict that general American attitudes toward the ASEAN and other nations in the 1980's will hinge in no small way upon U.S. participant perception whether foreign negotiators seek to pursue and exploit the "over the hill" point of view. To do so, unfortunately, could fan a new fire of U.S. nationalism and certainly would accelerate U.S. economic rearmament activities. To test the skills of U.S. bargainers on the merits of the case before them will be essential, because we have much to learn about negotiating with fewer trump cards in our hand.

The United States basically is still very strong. We have lost some important momentum, however, and we cannot rest on any laurels we might have. The most important fact to everyone here today is that the American public now correctly senses something is wrong and is more and more prepared for whatever corrective action—including some sacrifices—may be necessary.

I'm personally convinced that our country will adjust to the many structural changes which are now underway and emerge stronger, in the 1980's, but this will have to be proved in this part of the world as well as elsewhere. Meanwhile, a constructive attitude toward the United States and its people and organizations will be helpful in understanding this period of structural change in our country.●

---

## U.S.-U.S.S.R. CIVIL DEFENSE PROGRAMS

● Mr. GARN. Mr. President, the issue of civil defense has been a source of debate for a number of years. Many scholars and strategic thinkers have made positive contributions to this debate. In this light, therefore, I would like to draw to the attention of my colleagues a very well written and provocative analysis by Col. Robert K. Peel, "Civil Defense: The United States Versus the U.S.S.R."

I believe the depth of Colonel Peel's commitment to the security of this Nation is evident in his research report on U.S. civil defense needs. Mr. President, I ask that Colonel Peel's study be printed in the RECORD.

The study follows:

### CIVIL DEFENSE—THE UNITED STATES VERSUS THE U.S.S.R.

#### SECTION I: INTRODUCTION

When we think of the strategic balance, we generally think in terms of weapon systems. We also think in terms of the triad—missiles, planes and submarine-launched missiles. In policy statements, we say that civil defense is also an important part of our strategic forces. When it comes to putting out money for our strategic forces, however, civil defense is hardly in the running as an important part of those forces. While this is true in the United States, it is hardly true in Russia. In the Soviet Union, civil defense is ". . . listed on par with other branches of the Soviet Armed Forces, and is considered to be an essential factor for ensuring the survival of the Soviet Union, and for the attainment of victory in a war."[1] Since the Soviets perceive civil defense as ". . . an integral part of Soviet overall defense capability. . ."[2] they put a considerable amount of money into it, and have done so on a continuing basis for many years.

In an article entitled "Nuclear War—A Soviet Option", Mr. O. C. Boileau, president of the Boeing Aerospace Company, commented as follows:

"Back when we were debating the anti-ballistic missile in this country several years ago, it was generally recognized that the effect of massive ABM deployments would be to undermine the stability of the strategic relationship between the two countries. If you had a first-class arsenal of ABMs, you might decide that you could afford to fire the first salvo of ICBMs because you could shoot down most of the other guy's missiles when he fired back. Neither nation wanted to risk having the other get into this tempting position.

Well, the Soviet civil defense program threatens to destabilize the strategic relationship for the same reasons . . . the net effect of a broad civil defense program is to transform strategic superiority into a tool useful for nuclear blackmail—or for winning a nuclear war.[3]

The Soviet Union believes, effectively then, not in a triad, but in a quad system that places civil defense on a par with missiles, planes, and submarine-launched missiles, and makes it an essential part of their strategic forces.

A comparison of the civil defense program in the U.S.S.R. and the United States points to the problem of destabilizing the strategic balance in favor of the U.S.S.R., and to steps needed to redress that balance.

#### SECTION II: CIVIL DEFENSE IN THE U.S.S.R.

The status of civil defense in the U.S.S.R., includes its place in strategic policy, the money and effort that goes into civil defense, its organization and its present capability.

In his book, Soviet Civil Defense in the 70s, Leon Goure brings out that the fact that the Soviets still have the view that ". . . the struggle and rivalry between socialist and capitalistic countries are part of and one of the forms of the world class struggle . . ."[4] and they feel that this struggle will continue until the Communists win a final victory on a world scale.[5] Thus, the ". . . fundamental operational doctrine of Soviet foreign and defense policies remain unaffected by any detente or, as the Soviets prefer to call it, 'peaceful co-existence,' between the U.S. and the Soviet Union."[6]

". . . G. Arbalov, the head of Civil Defense in the U.S.S.R., wrote in January 1975, that 'No country can set itself the aim of defeating the enemy at the cost of its own destruction."[7] The alternatives would be not to go to war, or to develop a war-survival capability. Current Soviet policy appears to be the latter. This impacts on foreign policy calculations, because it invalidates the U.S. concept of 'assured destruction', i.e., the U.S. view that if it can destroy one-third of the Soviet population and one-half to two-thirds of the industrial potential the Soviets will be deterred from going to war. "Since the Soviets feel that that level of destruction can be denied the U.S., to that extent civil defense contributes to Soviet deterrence of a U.S. attack."[8]

The Soviet civil defense program goes far beyond the protection of its population in wartime. It includes the hardening and dispersal of vital industries and services, the organizing, equipping and training of large civil defense formations, the compulsory training of the entire population, the protection of agriculture and food and water supplies, helping when natural disasters occur,[9] and urban planning measures which ". . . restrict the growth of large cities; reduce building density of urban areas and create satellite cities; and include the construction of wide major thoroughfares; construction of green belts and strips; construction of water reservoirs, and the building of network of highways around the city."[10] To enforce the urban planning, Soviet citizens must have residence permits in order to settle in a city.[11]

It is difficult to measure the cost of the Soviet civil defense program. It is estimated that Soviet civil defense expenditures last year were a billion dollars, ten times that of the United States. A CIA estimate puts the Soviet investment much higher. "Intelligence services in Western Europe have estimated $65 billion for the past decade."[12] Costs have to include shelter construction, training, hardening of industries, construction costs in connection with urban planning, exercises by large segments of the population, personnel costs for a large civil defense organization, dispersal of industries, etc.

Training has to be a large part of any discussion of effort that goes into the civil defense program in the Soviet Union. "The basis of the Soviet Civil Defense Program is the compulsory training of the entire adult population."[13] This training is an annual affair in which proficiency must be demonstrated.[14] The training begins with children who get ". . . a 15 hour course in school in the fifth grade and a 35 hour course in the 9th grade."[15] "Using model villages, defense training '. . . includes practice loading for evacuation, construction of expedient radiation shelters, fire fighting, rescue, medical

---

Footnotes at end of article.

aid, decontamination and reconstruction." [16] The size of training continues to increase, and realism is encouraged. In some exercises, volunteer blood donors actually give blood.[17] Civil defense lectures are a regular part of radio and TV programming.[18] Competitions by civil defense teams is promoted—even 'international competitions' are held with participants from Eastern European countries." [19] Factory workers are organized for civil defense, with some ". . . factories staffed by officers on active duty, frequently of general or colonel rank." [20] They are trained and equipped ". . . to conduct rescue, damage-limiting and emergency repair, and restoration work at the installation, in the event that it suffers damage from an attack." [21] Support of civil defense is also given by the various volunteer organizations.[22]

Soviet Civil Defense is organized at the top, in its central leadership, by a deputy Minister of Defense. He has an appropriate military staff organization working with him, and he is commander of the military civil defense forces.[23] Below that central leadership, civil defense is organized at its levels of government, i.e., Union Republic, region (or oblasts), cities, city-districts to rural districts, worker's settlements and villages. "At each government level, civil defense is organized on the basis of the government unit departments, i.e., at a city level, 'the services' are organized on the basis of the various municipal departments." [24] Military personnel fill the civil defense staffs at republic, region and large cities, and some factories, quite often, at general or colonel rank.[25] "The permanent, full-time staff of the civil defense organization now numbers 72,000, and a major portion of them are military. . . in time of crisis, this permanent staff would be augmented by the Soviet's police force of half a million." [26]

The present capability of the Soviet civil defense is very high. The number of shelters is growing rapidly every year, and with 53–64 percent of the urban population having accommodations four years ago, the number of shelters now available must have grown substantially. The shift in the 1970s to assigning priority to shelters in the Soviet civil defense programs indicates that the Soviets are pretty far along in their shelter construction program.[27] In addition, a trained cadre of about 10 million people make both the shelter program and crisis relocation believable programs.[28]

### *Crisis relocation*

Crisis relocation is an important part of the Soviets' plan to protect its population from attack.[29] ". . . A 1973 Soviet Civil Defense manual asserted that pre-attack evacuation and dispersal of the 'main mass of residents of large cities and important installations' can save it from harm." [30] It is planned that the workers will commute daily ". . . to their factories from their pre-attack evacuation site, while non-essential people will be evacuated further out for the duration of the emergency." [31] Thus, while one shift works in the factory (with shelters provided for only one shift), the other shift will be at the evacuation site. "They intend to evacuate and disperse their population prior to the onset of hostilities . . . they intend to supply an urban assembly area for each two to three thousand urban dwellers. These are permanently staffed . . . vehicle convoys and in some cases, trains will be provided. Some of the able-bodied will be formed into marching brigades." [32] Every means of evacuation, then, will be utilized, public and private. The Soviets are trying to complete the evacuation in less than 72 hours. Those traveling on foot must plan to go at least 25 Km (15.6 miles) or more.[33] Numerous evacuation exercises have been conducted during the last number of years, and they ". . . appear to be increasing in scope and frequency." [34] As part of urban planning, "the development of recreational zones on the city's periphery is said to facilitate the evacuation and dispersal of the urban residents and to create possible re-settlement areas for some of them." [35]

The evacuation areas, as previously noted, are located at least 25 Km from the towns or cities. Many are located on collective farms. "The farmer is given the number and even the names of the people he's to receive. . . . some of these groups will go right to work building simple shelters, which are already designed. It takes about 11 hours to construct a shelter which will hold ten people, and it will have a blast resistancy of 30 to 50 pounds per square inch and a radiation protection factor of about 1,000." [36]

Crisis relocation was pushed hard in the 1960s, but in the 1970s there has been a shift to assigning priority to the building of shelters in the Soviet Civil Defense Program. This shift indicates ". . . that the Soviets are pretty far along in their shelter construction program. This appears to be confirmed by Soviet statements which suggest that the earlier emphasis on Crisis evacuation was due in part to the limited shelter inventory, because it took a long time to develop a substantial ready shelter capacity." [37]

This re-emphasis on shelters rather than on crisis relocation is rather ominous. "With the development of a large ready shelter capacity in potential target cities and areas, the Soviet leadership is acquiring the capability of protecting valuable elements of the population in the event of a sudden outbreak of war, as well as avoiding giving the West strategic warning of its intentions, which the massive pre-attack evacuation is bound to provide." [38]

### *The shelter program*

The Soviets have been building shelters for over 40 years, so their inventory of shelters covers a wide variety.[39] The hard shelters are to be found in the urban areas and must protect against blast. (The hard shelters are built with reinforced steel and quality concrete. They are built to house large numbers of people).[40] The shelters found in rural areas and small towns protect mainly against fallout.

"Radiation covers are shelters built to protect against fallout in small towns and rural areas, and house less than 50 persons. Many designs and materials are used. They have, usually, simple air filters and ventilation systems. The P.F. ratings are variable. They could be erected rapidly by the local population." [41] They can be detached shelters, adapted basements, or cellars, or slit trenches. In winter, or areas of perma-frost, where diggings would be difficult, ". . . frozen blocks of earth can form the roof and 1–2 meters of snow on top—PF factor of 200–400." [42] Small expedient shelters in the winter can be built in the form of small huts made with poles and dry branches, with mounds of snow 1.5 to 2 meters thick at the top, and 4 to 5 meters on the sides. This is said to provide a protection factor of 50–80.[43]

In order to stay in a shelter for an extended time, several conditions are necessary. These include the required temperature and humidity, a ventilation system that provides breathable air, food, water and a sanitation system. The minimum space per person is 0.5 meters square.[44] Instructions on provisions and ventilation systems and sanitation systems are supplied to the people.

In the cities, "the most widely available shelters are the detached and basement shelters. The usual detached shelter is often used at factories and houses 150–1000 persons." [45] Features of the detached shelters include: at least two doors, built entirely underground, partitioned inside for groups of 50–75 persons, filter ventilation units, toilets, and air locks at the entrances.[46] The most common shelter is the basement shelter. The walls are ½ to 1½ meters thick and the roofs 12cm to 50cm thick. They generally have a tunnel for an emergency exit, usually found in the back yard. They house 50 to 500 or more persons, but usually 150–300 persons. They are equipped for long term occupancy.[47] Where possible, detached and basement shelters are given dual uses as shops, theaters, offices, storage facilities, etc.[48]

The Soviets have become very proficient in erecting blast shelters in under 72 hours. They are "built of pre-fabricated reinforced steel structural units, commonly water or sewer conduits 1.5 to 2 meters in diameter, or square. They have a PF in the range of 400 to 1000, with most in the 800 to 1000 range. They have blast doors and can house under 100 persons." [49]

The Soviets plan to have their industry also. "In a study by Boeing, which assumed the use of heavy nuclear weapons against hardened missile sites, with only smaller Poseidon and Trident warheads remaining, the damage to industry by these smaller warheads was calculated. 'The results showed that a lot of roofs would be blown off, but more than 50 percent of the industrial equipment around them would do even better.' While the buildings would be heavily damaged, a good part of the equipment would remain in working condition. This includes most of their heavy industry with survival of 75–90 percent." [50]

For the last 10 years, most of the new industrial facilities have been built in small or medium size towns. "Scientific centers have also been located away from large urban areas. Duplicate facilities have been built for some critical industries . . . some underground complexes." [51] Other industrial plans include: ". . . stockpiling of fuel, raw materials, spare and semi-finished parts, a certain degree of hardening of the installation, of the production process and of sources of power and transportation." [52]

## SECTION III: CIVIL DEFENSE IN THE UNITED STATES

In a statement by Bardyl R. Tirana, DCPA Director, to a Congressional Committee on January 8, 1979, he stated, "The committee has asked that I testify on the current status of U.S. civil defense. The existing U.S. civil defense program is not effective.

Since the early 1960's, the program has concentrated on sheltering the population in-place, in the best-available protection in existing structures, at or near homes, schools, and places of work.

Most of the capabilities for in-place protection developed through the 1960's have deteriorated significantly. Shelter stocks have exceeded their intended shelf-life and have deteriorated, and many have been removed from shelters. Other systems and capabilities have been held to a maintenance level or less for a decade." [53]

In a letter appearance before a Congressional Committee, on March 22, 1979, Mr. Tirana discussed crisis relocation. He pointed out that a study requested by the President indicated that with an effective crisis relocation program, we could project an 80 percent survival rate for the United States.[54] He then stated that the crisis relocation program was proceeding very slowly—that it would take a decade to complete the plans, let alone full implementation. "Thus, there is not at present an effective U.S. capability for population relocation during a crisis." [55] Without an effective crisis relocation program, it is projected that there would be only 80–90 million survivors in a nuclear war.[56]

In the United States, lip-service is given to the fact that Civil Defense is an important part of our strategic forces. In fact, it receives less than 1 percent of the monies for strategic forces.

---

Footnotes at end of article.

As far as organization is concerned, civil defense is no longer tied in with the armed forces of the country, but tied in with an organization most concerned with natural disasters. There are under 6,000 personnel professionally engaged in civil defense work in the country. Not all counties and cities have civil defense directors, because they don't choose to spend limited funds in this area. Of those that are on board, not too many have received available training, because again, local governments don't wish to spend money in this area. For the same reason, organizational positions are not fully manned. And because salaries are often low, the quality of the force is not all it could be. And even when the quality is good, moonlighting is required to keep the personnel financially solvent.

In summary, the United States does not have a viable, believable civil defense force, and surely not one that would cause strategic deterrence to an enemy of this country.

### *Crisis relocation*

The author of Counter-Evacuation indicates why the United States is so eager to embrace crisis relocation:

"The Soviet Union has highly deyeloped plans to evacuate their population centers in a nuclear confrontation. Their plans include construction of expedient shelters in the outlying areas and continued operation of their essential industry by commuting workers. If they should successfully implement their plan, a subsequent nuclear exchange with the United States would cost them far fewer casualties than they suffered in WWII. Without a corresponding evacuation, the United States could lose from 50 to 70 percent of its population. This asymmetry in vulnerability, if allowed to persist, would seriously weaken the bargaining position of the U.S. President. To restore the balance, a great reduction in vulnerability can be achieved most economically by planning a U.S. counter-evacuation as a response to a Soviet evacuation." [57]

The United States has more facilities to move people than the Soviet Union does. With all its automobiles, it ought to be able to move all its people out of the cities in one day, rather than three.[58] (Gasoline shortages would now be a consideration.).

There are problems, however. "Private ownership of housing, especially rural, is a disadvantage to a U.S. evacuation. . . . Unless redirection of food distribution to the rural area is clearly evident to the host population, legitimate concern for its future safety could seriously raise . . . resistance." [59] Also, since the Soviets will have a commuting work force maintain essential production, the United States will be at a great disadvantage in bargaining if the evacuation lasts more than a few days." [60] After all, the Soviets could be required to evacuate and return many times. But let the citizens of the United States have one or two false alarms, and the next time around, many would fail to go. There would then be tremendous pressure for shelters.[61]

The Soviet citizens understand as U.S. citizens do not, ". . . that nuclear war does not mean the end of mankind, or even the civilization of the participants, if prudent precautions are taken to protect the population from its effects." [62] We can, in fact, save many lives by utilizing the improvements in shelter technology made in the last ten years—some of it adapted from the Soviets. "We now know how to improvise very high protection factor shelters with excellent habitability in no more than 48 hours, using a wide variety of materials and measures at hand." [63] (See Table.)

Politics: To get the increases in the FEMA budget needed, would require reeducating the public. The new agency to which civil defense has been moved.

Threatening the survival of the evacuees—trying to move them to areas where no provisions, water or shelter are available.

Threatening the survival of the host population—too many evacuees, and no provisions.

Unresponsiveness—if the U.S. population doesn't move quickly, the Russians will lose their vulnerability faster than the Americans.

Lack of Durability: The Americans would have to endure the evacuation at least as well as the Russians.

Vulnerability to false alarms: The Soviets could be ordered to evacuate repeatedly—after one time; the Americans would have to go to a crash shelter program.

Disadvantageous Prospects for long-term survival: Why make the effort if you are going to starve or die of radiation anyway?

If crisis evacuation is to be meaningful, preparations should be made in the precrisis time: "1. Encourage people to accumulate two weeks supply of non-perishable food and other needed items. 2. Development of emergency plans. 3. Construct expedient shelters at plants, homes, and host areas.[64] 4. Direct crisis plans to re-direct food supplies to host areas. 5. Distribution of instructions to the people. 6. Once Soviet evacuation takes place, U.S. evacuation must follow immediately (have full gas tanks). 7. Expedient shelters should be built immediately." [65]

### *The shelter program*

The United States faces a greater fallout problem than the Soviet Union for two reasons: The Soviets have dirtier and bigger nuclear weapons, and the area of the United States is smaller than that of the Soviet Union by half.[66]

We are concerned about two kinds of shelters. A shelter that can withstand the blast effect—the lethal overpressures that can destroy buildings, and a shelter that can withstand the fallout threat. That is, we can expect ". . . an atack of 5000 megatons to arrive. This means a fatal dose to people who are unprotected, in about 25% of the area of the country, and to people in PF–20 shelters in about 5% of the area." [67]

While no place in the country is exempt from the hazards of lethal radiation, the weather pattern at the time of the detonation will determine where the fallout will be deposited. "In contrast to blast, it is theoretically possible to save everyone from fallout, anywhere it is possible to dig." [68]

In considering which areas should be evacuated, it should be remembered that densely populated areas not near targets would not need to evacuate, while small towns or cities near targets should evacuate. "Those nearby areas that trade with the urban areas are the logical reception areas for urban evacuees. They are also called Office of Business areas (OBE)." [69] The population of New York would have to be distributed over the Binghamton, Albany and Wilkes-Barre areas.[70]

"By taking advantage of the inherent blast hardness and wide adaptability of expedient shelter designs . . . areas threatened by overpressures of 5 or even 10 psi can remain unevacuated. The number of evacuees would be reduced by a significant factor. The load on reception areas and hosting ratios would be enormously reduced." [71]

"The basements and improved basements have the advantage of being waterproof. They are generally available where winters are severe." [72] From almost half to almost three-fourths of the population of the United States could be sheltered in rural residential basements, depending on how many people were crowded into them.[73]

About 70 percent of the population of the country lives in areas where small pole shelters could be made. "The small pole shelter, when made with green poles, with adequate cover of dry earth is extremely blast resistant in addition to having a very high radiation protection factor." [74] (See Table.)

"The door-covered trench shelter is potentially the most available single shelter type for evacuees. Interior doors are available in virtually every residence in sufficient numbers to shelter the occupants and are quite portable. Properly constructed, this shelter provides fallout protection in excess of 200, good weather and surprising blast protection . . . They are the most rapidly constructable of all the high PF shelters." [75]

When one considers the availability of expedient shelters in the United States, it is hard to understand why the various studies show such a high loss for the U.S. population in a nuclear war. Even in the heavily populated areas of the northeast, many people have back yards and parks available.

Unlike the Soviets, we have not been actively dispersing our industries, but have concentrated industrial complexes. "The Soviets perceive the state of civil defense in 'leading Capitalistic countries' as being unsatisfactory at present and not meeting the needs of modern nuclear war." [76] Indeed, "The high concentration of industry, which is characteristic of the main capitalistic countries, is in obvious contradiction to the requirements of a missile nuclear war. It results in giving the economic regions the significance of major military-industrial targets of strategic significance, the loss of which would undermine the economic capabilities of the state in wartime." [77]

There is no reason why we cannot harden existing industry, and make a determined effort to disperse future industry. We must also insure that there are shelters available at industrial sites for at least one shift of workers, and hardened shelters available to the workers who would have to commute during a crisis relocation situation.

## SECTION IV: DESTABILIZATION OF THE STRATEGIC BALANCE

It is important that we consider the possible outcomes of losing the strategic balance.

"The Soviet's leaders, beginning with Lenin, have made no secret of their views of history. They foresee the collapse of the West and the eventual triumph of communism. In this sense, they are not speaking merely as leaders of a powerful nation, but as men charged with the duty of carrying out the revolutionary mission of communism. The proclaimed objective of this doctrine . . . is a universal communist society." [78]

In an updated article of several years ago, entitled "Russia's Military Buildup", by Ernest Cuneo, the thought was expressed that ". . . the intent of a major power can be measured by what it does with its steel." [79] He then goes on to document that the Russians are arming to the teeth. "Thus, whatever may be the diplomatic talk of detente and of the thawing of the cold war, Russia relentlessly pursues a policy of unprecedented armament building, approaching what would have been called before World War II a massive mobilization." [80]

Mr. Samuel P. Huntington, Director, Center for International Affairs, Harvard University, testified before a Congressional Committee on January 8, 1979, as follows:

"The past decade has also seen a significant change in the military balance of power between the Soviet Union . . . and the United States and its allies. . . . The Soviet Union has now achieved essential equivalence in strategic forces with the United States. During the next several years, moreover, the Soviet Union will have significant advantages . . . [over] . . . the United States in two key sectors of the overall strategic balance. First, the Soviets will have the capability to destroy a major portion of the U.S. ICBM forces in a first strike, while the United States will not have a comparable capability. . . . Second, the Soviet Union will have a substantial civil defense program which

---

Footnotes at end of article.

could, through a combination of shelters, and evacuation, provide protection for Soviet leadership and the overwhelming majority of Soviet citizens in the event of a nuclear confrontation. The United States will not have a comparable capability. These two imbalances in the strategic equation interact with and reinforce one another. . . . The decision on nuclear escalation no longer rests primarily in American hands, as it did a decade or so ago. In addition, the ABM treaty in effect bans active defenses against missile attacks, and the United States has chosen not to maintain either a significant continental air defense capability or a meaningful civil defense program. . . . If an all out nuclear exchange were to occur now, the bulk of U.S. industry and urban structures would be destroyed and a high proportion of U.S. leadership and probably over 100,000,000 citizens would be immediate fatalities. . . . Civil defense clearly asumes new importance as a means of enhancing the survivability of American citizens."[81]

The Russians well understand the strategic importance of civil defense. Milovidov states, ". . . it is impossible without civil defense to protect the population and the nation's economy. Civil defense is becoming a strategic factor with substantial determining influence on the course and outcome of a modern war, as well as on the postwar restoration of the economy."[82]

In an article by Joseph Fromm, Deputy Editor for U.S. News and World Report, entitled "New Alarm Over Russian Threat," some chilling possibilities emerge:

"By 1983, most analysts predict, Russia will achieve an unprecedented, but probably temporary, strategic advantage over the United States. . . . With that advantage, the Soviets will be in a position to threaten a knockout attack against America's entire system of land-based inter-continental ballistic missiles, continue to confront Western Europe with superior forces and intervene in remote crisis spots with increasing vigor. . . . But there is another side to this picture. Russia's impressive gains in military strength will coincide with worsening economic difficulties in the Soviet Union. . . . In this situation, strategic analysts warn, the Soviets will be tempted to exploit their military advantage before the United States can reverse the balance and before the Kremlin feels the full effects of economic and political pressures."[83]

In this same article, Samuel P. Huntington is quoted as stating, "Historically—and we cite Hitler as an example—crisis and conflicts occur when one power has gotten a lead and the other party wakes up and attempts to catch up."[84] William Hyland, a key member of Henry Kissinger's foreign policy team, points out that the optimal period for the Soviets to act, or do something, is the next five years. After that the Soviets will have problems of their own. "While American analysts differ over future Kremlin behavior, there is little disagreement over the magnitude of the Soviet military buildup. . . . The buildup, it is argued, exceeds anything the Russians could conceivably require for defensive purposes."[85]

The Soviets will face the same energy problems as the United States very soon, and this will be part of the reason the Soviet's economic problems will grow. "A CIA report predicts that Russia's economic troubles will be exacerbated by a sharp fall in oil production over the next few years, from roughly 12 million barrels daily to a possible low of 8 million barrels. If this forecast is correct, Russia would be transformed from a major oil exporter . . to an importer, spending as much as 10 billion dollars in 1985 for foreign oil."[86]

A scenario of what might happen follows: The time is 1982. Soviet military might is at its peak. Its civil defense is ready. It has not yet run out of oil. An incident is provoked in Iran, perhaps—or any other place. The situation escalates until the Soviets evacuate their cities. The Americans follow suit, but with much difficulty. The crisis is allowed to relax somewhat and it appears the Russians return to their cities. In fact, if there are any peoples without shelters, they stay in the country. The Americans return to their cities. The Soviets then hit the United States with a preemptive strike, and simultaneously four things happen: 1. Our missiles are hit in their silos. 2. Killer satellites destroy our observation satellites and our communication and navigational satellites (a capability Ira Aker points out the Soviets have though we do not).[87] 3. Washington D.C. is hit by sub-launched missiles. 4 Large nuclear detonations in the atmosphere cause electromagnetic pulse to wipe out much of our communications. The Russians survive relatively intact, due to strong civil defense, but the United States is devastated.

". . . The Russian national sport is chess. To win at chess, it is not necessary to wipe the enemy players off the board. All that is necessary is to hold the opponent in check. It is not the number of pieces on the board that is decisive—indeed, it is obligatory to begin with parity—it is the tactical arrangement of the pieces on the board that matters. The present arrangement is frightening."[88]

Finally, in a comment by James Schlesinger recently, it was pointed out that the only way to have non-nuclear options, is to have a strong conventional forces capability.[89] Mr. Boileau points out: "Right now . . . our conventional forces are outmanned and out-gunned . . . In such a situation, we might be left with only our nuclear deterrent. And when that time comes—if it comes—and we are faced with Soviet nuclear superiority, then we have no deterrent at all."[90]

### *Possible methods of revitalizing U.S. civil defense*

The backbone of the Soviet civil defense is a strong shelter program and strong well-trained civil defense forces. The place for the United States to start to build a viable program is in the area of people and shelters.

Civil defense directors should be federalized to the extent that their salaries are fully funded and on a federal pay scale. This would mean that you could have a force of competent people on a livable wage in every county and city of any size in the United States. Training would be fully funded by the federal government. *Mobdes* (Reserves assigned to civil defense) personnel assigned to civil defense should be placed in category 'A' training status, so as to receive constant training and so as to be fully prepared. All reservists not on active reserve status, instead of being put in the inactive reserve, would become part of the national civil defense forces, as is done in Switzerland, and would be required to receive minimum annual training of from 16 to 40 or more hours. All Federal employees would receive 8 to 16 hours annual training in civil defense—to include the building of expedient radiation shelters, first aid, fire fighting, communications, etc. Subsidize similar training for all adults in adult education programs on a voluntary basis. The use of educational television stations for civil defense training on a regular basis would be helpful. Establish teams of reservists who could go out to small counties/towns to assist in times of natural disasters. It might even be wise to assign reservists to factories and large businesses.

It is essential that the shelter program be instigated to provide hardened shelters for workers who would have to commute during a crisis relocation situation, and also at factories and businesses that would have to be kept in production. They are also needed in densely populated areas, such as New York. In most other places, expedient shelters would provide satisfactory shelter. Some pre-preparation could be done on expedient shelters, such as building them adjacent to suburban homes, pouring heavy cement patios as roofs to the shelters. Factories should harden their present facilities, and future facilities should be dispersed to smaller towns and cities. This could be encouraged by special tax relief for a period of time. In the future, when public buildings are constructed, especially schools and federal buildings, basement floors should be included in their facilities—both to act as shelters and to conserve energy. Indeed, underground facilities would be desirable, water level and climate permitting. This would be desirable for shopping malls also. In some areas of the country, these could also double for tornado shelters.

One other area that deserves some attention is the area of warning the population of impending disasters. A device is needed that can have a warning signal activated by a central source, such as doctors, firemen and others currently use. One should be available in every home, car and office, and portable for those who work at some distance from them. It should also be possible to tie in Musac or other music systems in offices and malls so that warning could be given.

### *The will of the U.S. to keep the strategic balance*

Mr. Samuel P. Huntington has stated, "In order for the Soviets to use their own nuclear forces effectively as a political instrument . . . they would have to be able to protect their own population."[91] The same would, of course, apply to the United States. And if that effective use is for deterrence, and the survivability of the American people, then a strong viable civil defense is of utmost importance. Secretary Brown has stated, "What counts in deterrence . . . is not only what we may believe, but also what the Soviet leaders may believe . . ."[92] Mr. Huntington goes on, "Given the importance they attach to damage limitation as a necessary element in a deterrent posture, they cannot assign a high level of credibility to a deterrent policy which does not attempt to limit damage to U.S. society if that policy had to be implemented. A substantial asymmetry in survivability between Soviet and American societies in the event of a nuclear war can only encourage the Soviets to question the seriousness of U.S. purpose and hence also encourage them to follow a more adventurous policy."[93]

In point of fact, . . . "only a strong civil defense program would show strength of purpose or will to Soviets or our allies.[94] ". . . The least stable situation [then, for the United States] . . . is one in which there are marked asymmetries in civil defense capability . . . If the United States does not undertake an expanded civil defense program, the least stable situation will exist in a future crisis."[95]

We insist on having a fire station near where we live. We also want a good hospital nearby. We insist also on fire stairs on buildings and life boats on ships.[96] These lifesaving programs help us survive disasters. We should insist on civil defense also. If Norway, Switzerland and Israel can spend about ten dollars a person per year for civil defense, surely the United States can increase from a paltry 42 cents per capita to a like amount.[97]

Not only money, but people are needed in civil defense. In Switzerland, it is simple. "For every healthy and able man between the ages of 20 and 60 and not draft-

---

Footnotes at end of article.

ed for military service (or dispensed from such service by the war economy organization), civil defense service is compulsory."[98] Others may volunteer for civil defense service.[99]

"In a recent interview, Alexander Solzhenitsyn . . . said, 'The West is on the verge of a collapse created by its own hands.' He said he has noted a decline in both the strength and resolution of the West during the two years he's been out of Russia . . . What Solzhenitsyn seems to be saying is that the degeneration is underway, and that, off there in the wings, the military power is being prepared to apply the final push."[100]

Only if the American people can be aroused in time, and can fully realize what they face, will they successfully meet the challenge of survival.

### SECTION V: CONCLUSIONS

As civil defense in the Soviet Union and the United States are compared, it is obvious to see that a dangerous imbalance exists. It is in the area of civil defense that the strategic balance has been destabilized. The United States now finds itself in an either/or situation. Either the U.S. can immediately upgrade its civil defense program, *or* the U.S. will find itself in an untenable position—a position of surrender to nuclear blackmail. There is yet time! Using the lessons learned from the Russians in the building of expedient shelters, we can assure ourselves that we can indeed survive a nuclear war. The problem is that the Soviets know this lesson too—and what before was unthinkable, is now thinkable indeed, if they can assure themselves of the privilege of naming the time, place and conditions.

It is a matter, then, of immediately putting forth the money, manpower and effort to redress the strategic balance by building a viable civil defense program NOW!

PROTECTION AVAILABLE FROM EXPEDIENT SHELTERS

| Shelter types: Applicable site | Fallout protection factor[1] | Blast resistance (P.S.I.[2]) | Construction time (hours)[3] |
|---|---|---|---|
| Door-covered trench: Stable soil | 200+ | 5–6 | 12 |
| Log-covered trench: Stable soil | 200+ | 15–(?) | 36 |
| Wire-catenary: Stable soil | 200+ | 15–30 | 36 |
| Small pole: Unsaturated, unstable soil, high blast threat | 500+ | 30–80 | 48 |
| Israeli: Free-running soil | 500+ | 20–40 | 36 |
| A-frame: High water table | 20+ | 20–(?) | 48 |
| Basement: Cold climate, low water table | 10–20 | 2–3 | 6 |
| Improved basement: Cold climate, low water table | 40–200 | 10–30 | [4] 24–$7_2$ |

[1] With entrance kept clear of fallout.
[2] Pounds per square inch.
[3] Tested construction times by rural and small town residents using hand tools.
[4] Estimate.

Footnote [101].

### FOOTNOTES

[1] Leon Goure, *Soviet Civil Defense in the Seventies*, Report Prepared by the Center for Advanced International Studies, (Coral Gables: University of Miami, 1975), p. v.

[2] *Ibid.*

[3] O. C. Boileau, "Nuclear War: A Soviet Option, Part II" *Foresight*, (Winter, 1977), 2.

[4] Goure, *Op. cit.*, p. 7.

[5] *Ibid.*

[6] *Ibid.*, p. 4.

[7] *Ibid.*, p. 23.

[8] *Ibid.*

[9] *Ibid*, p. v.

[10] *Ibid.*, *p.* 70.

[11] *Ibid.*

[12] J. G. Hubbell, "Soviet Civil Defense: The Grim Realities," *The Reader's Digest*, (February, 1978), 80.

[13] Goure, *Op. cit.*, p. 82.

[14] *Ibid.*, p. 84.

[15] *Ibid.*

[16] Boileau, *Op. cit.*, p. 4.

[17] Goure, *Op. cit.*, p. 91.

[18] *Ibid.*, p. 93.

[19] *Ibid.*, p. 94.

[20] *Ibid.*, p. 46.

[21] *Ibid.*, p. 67.

[22] *Ibid.*, p. 46.

[23] *Ibid.*, p. 38.

[24] *Ibid.*, p. 39.

[25] *Ibid.*, p. 46.

[26] Boileau, *Op. cit.*, p. 2.

[27] Leon Goure, *Shelters in Soviet War Survival Strategy*. A Report for the Center for International Studies (Coral Gables: University of Miami, 1978), p. vii.

[28] Boileau, *Op. cit.*, p. 4.

[29] Goure, *Soviet Civil Defense in the Seventies*, p. 50.

[30] *Ibid.*, p. 51.

[31] *Ibid.*, pp. 51–53.

[32] Boileau, *Op. cit.*, p. 3.

[33] Goure, *Op, cit.*, p. 55.

[34] *Ibid.*

[35] *Ibid.*, p. 71.

[36] Boileau, *Op. cit.*, p. 3.

[37] Goure, *Shelters* . . ., p. vii.

[38] *Ibid.*, p. viii.

[39] *Ibid.*, p. 5.

[40] *Ibid.*, p. 10.

[41] *Ibid.*, p. 27.

[42] *Ibid.*, p. 34.

[43] *Ibid.*

[44] *Ibid.*, p. 51.

[45] *Ibid.*, *p.* 22.

[46] *Ibid.*, p. 11.

[47] *Ibid.*, p. 20.

[48] *Ibid.*, p. 24.

[49] *Ibid.*, pp. 24–24.

[50] Boileau, *Op. cit.*, p. 3.

[51] *Ibid.*, p. 4.

[52] Goure, *Soviet Civil* . . . , p. 67.

[53] U.S., Defense Civil Preparedness Agency, *Information Bulletin*. No. 303 (1979), First presentation, Tyrana, 1.

[54] *Ibid.*, Third presentation, p. 3.

[55] *Ibid.*, p. 2.

[56] *Ibid.*, First presentation, p. 1.

[57] C. V. Chester, G. A. Christy, C. M. Haaland, *Strategic Considerations in Planning a Counterevacuation* (Tennessee: Oak Ridge National Laboratory, 1975), p. 1.

[58] *Ibid.*

[59] *Ibid.*

[60] *Ibid.*, p. 2.

[61] *Ibid.*

[62] *Ibid.*, p. 3.

[63] *Ibid.*, p. 4.

[64] *Ibid.*, pp. 4–6.

[65] *Ibid.*, p. 22.

[66] *Ibid.*, p. 7.

[67] *Ibid.*, p. 9.

[68] *Ibid.*

[69] *Ibid.*, p. 11.

[71] *Ibid.*, p. 14.

[72] *Ibid.*, p. 16.

[73] *Ibid.*

[74] *Ibid.*, pp. 16–17.

[75] *Ibid.*, p. 17.

[76] Goure, *Soviet Civil* . . ., p. 30.

[77] *Ibid.*, p. 31.

[78] Oc. C. Boileau, "Nuclear War: A Soviet Option, Part I," *Foresight* (Fall, 1976), p. 3.

[79] *Deseret News*, Ernest Cuneo, "Russia's Military Buildup", No date, No page.

[80] *Ibid.*

[81] U.S., Defense Civil Preparedness Agency, *Information Bulletin*, No. 303 (1979), Second Presentation, Huntington, p. 3.

[82] Goure, *Soviet Civil* . . ., p. 27.

[83] J. Fromm, "New Alarm Over Russian Threat, *"U.S. News and World Report*, LXXXV (October 30, 1978), p. 47.

[84] *Ibid.*

[85] *Ibid.*, p. 48.

[86] *Ibid.*, p. 49.

[87] I. C. Aker, "The Military Space Program Lags," *National Defense*, LXIII (May–June 1979), p. 27.

[88] *Deseret News*, June 1, 1979, Michael Novak, "Salt II Checkmate is Enough for Russia," no page.

[89] Boileau, *Op. cit.*, part II, p. 5.

[90] *Ibid.*

[91] U.S., Defense Civil Preparedness Agency, *Information Bulletin*, No. 303 (1979), Second presentation, Huntington, p. 9.

[92] *Ibid.*, p. 10.

[93] *Ibid.*

[94] *Ibid.*, p. 11.

[95] *Ibid.*, p. 12.

[96] *Ibid*, p. 15.

[97] *Ibid.*

[98] Switzerland, Federal Office of Civil Defense, *The Swiss Civil Defense* (1978), p. 24.

[99] *Ibid.*

[100] Boileau, *Op. cit.*, Part II, p. 3.

[101] Chester, *Op. cit.*, p. 16.

### BIBLIOGRAPHY

Acker, I. C., "The Military Space Program Lags," *National Defense*, May–June, 1979.

Boileau, O. C., "Nuclear War: A Soviet Option—Part I," *Foresight*, Fall, 1976.

Boileau, O. C., "Nuclear War: A Soviet Option—Part II," *Foresight*, Winter, 1977.

Chester, C. V., Christy, G. A., Haaland, C. M., *Strategic Considerations in Planning a Counterevacuation*, Tennessee: Oak Ridge National Laboratory, 1975.

*Deseret News*, Cueno, Ernest, "Russia's Military Buildup," no date, no page.

*Deseret News*, June 1, 1979, Novak, Michael, "Salt II Checkmate is Enough for Russia," no page.

Fromm, J., "New Alarm Over Russian Threat", *U.S. News and World Report*, October 30, 1978.

Goure, Leon, *"Shelters in Soviet War Survival Strategy,"* a report prepared by the Center for International Studies, Coral Gables: University of Miami, 1978.

Goure, Leon, *"Soviet Civil Defense in the Seventies,"* A report prepared by the Center of Advanced International Studies, Coral Gables: University of Miami, 1975.

Hubbel, J. G., "Soviet Civil Defense: The Grim Realities," *The Reader's Digest*, February, 1978.

Switzerland, Federal Office of Civil Defense, *The Swiss Civil Defense*, 1978.

U.S., Defense Civil Preparedness Agency, *Information Bulletin*, No. 303, 1979.●

---

## A RESPONSE TO PRESIDENT CARTER'S BUDGET

● **Mr. HAYAKAWA.** Mr. President, in 1976 inflation was 4.8 percent, welcome relief from the 12.2 percent we had experienced just 2 years before. In 1977 inflation rose 6.8 percent. In 1978 it rose 9 percent. Last year our inflation rate rose 13.3 percent, the most since 1946 when the removal of wartime controls drove inflation up 18.2 percent. Now our President, after presiding over 3 straight years of increasing inflation, is telling us his budget for fiscal year 1981 is prudent and responsible.

President Carter's economic policies continue to be disappointing. He stated that we cannot spend our way out of inflation. He stated that "the unemployed should not bear the costs of our anti-inflation efforts." I agree, but, if we continue to follow his economic philosophy, the unemployed will remain so and we will all look back on 13.3-percent inflation with nostalgic longing. The major factor underlying both inflation and unemployment is productivity. Last year, for only the second time since World War II, we experienced a net loss in productivity. According to the Department of Labor, productivity fell 0.9 percent for 1979. The President's budget, and his projections into the years ahead, propose only more disincentives to productivity.

Government taxes continue and will continue to reduce the supply side of the economy and make increased productivity virtually impossible. According to President Carter's own figures, total tax receipts will rise 103 percent between 1980 and 1985. During that same period, the President projects that the gross national product (GNP) will only increase 75 percent. This drag on the private, productive sector of the economy will prohibit the business expansion necessary to increase productivity and create vitally needed new jobs. Productivity depends on business and business depends on money. Yet Government will continue to take a larger and larger share of the money from the productive sector of the economy leaving less and less for research and development, new machinery, new buildings and new jobs.

This can be seen in graphic detail if we compare the increases per year in personal income with the annual increases in personal taxes projected by the President's budget. In 1980, with personal income rising 9.7 percent personal income tax receipts will rise 9.6 percent. In 1981, with personal income rising 9.7 percent, personal income tax receipts will rise 14.9 percent. In 1982, with personal income rising 12 percent, personal income tax receipts will rise 16.1 percent. It gets worse. By 1985, the President projects that personal income will rise only 10.9 percent, but personal income tax receipts will rise 18.1 percent. Since personal income includes nontaxable Government transfer payments to individuals, the tax burden falls even heavier on those who pay the taxes. It is discouraging to note that the President expects total receipts as a percentage of GNP to rise from 21.1 percent in 1980 to 23.6 percent in 1985. Thus the incentive necessary for investment and capital formation will continue to decrease as the Government continues to take a larger and larger portion of the economic pie. In an editorial on January 29, 1980, the Wall Street Journal points out that, "incentive depends less on the tax on all income than the tax on additional income. The budget shows that the tax burden on increases in personal income will rise from 11.2 percent in 1980 to 23.3 percent in 1985—a startling 109-percent increase."

At the level of taxation that Jimmy Carter proposes to soak the taxpayer in coming years, productivity will decline further. Inflation will increase and the only employment many of our present unemployed will be able to find, will be public works jobs paid for with increasing Federal deficits.

An economy is a fragile thing. Government cannot continue to take and take and expect ours to be robust. If you have a milk cow, you have to feed her and care for her if you want her to give milk—you cannot beat her and starve her and expect the same results. I wonder how Jimmy Carter managed to raise peanuts. I think the Wall Street Journal summed up my feelings very well when they said, "the worst of circumstances—declining real growth, rising unemployment, 10-percent-plus inflation and a rising proportion of the budget going to pay the interest on the Federal debt—would appear to be just around the corner if the budget's economic forecast is accurate. The President proposes to deal with it all by offering even more of the same medicine that put us where we are. His spending proposals, combined with the tax increases * * * are a prescription for running the economy into the ground." ●

## HAL SCOTT RETIRES

● Mr. CHILES. Mr. President. Friday, February 1, 1980 marks the retirement of a man who holds a special place in the hearts of all Floridians who are concerned with the environment and natural resources of our beautiful State. Mr. Hal Scott has served for 10 years as President of the Florida Audubon Society and, in that decade, he has been a major force in the effort to preserve the State's delicate ecology and assure wise and prudent development of our resources.

The year 1980 has been designated by the President as the Year of the Coast, and I am struck by the fact that it is because of persons such as Hal Scott that we have become sensitive to the importance and vulnerability of our marine environment and coastal resources. Hal Scott has been a seminal thinker and educator in the whole area of resource management, pointing the way time and time again to how we can meet the needs of a vigorous growth State while insuring protection of the environment.

I can think of few areas of public policy that pose more difficult questions and decisions than environmental protection. The progress we have made in that direction has been a most strenuous process fraught with many roadblocks and setbacks. It is an effort that demands wisdom and hard-headed judgment. Those virtues are what Hal Scott has consistently brought to the public debate. Since my election to the Senate, I have valued his counsel on so many legislative matters. Because he really knows the legislative process, its potential and its limits, he has been able to play a most constructive role in the consideration and disposition of a whole range of issues.

It would be impossible to succinctly describe the tremendous record of service that Hal Scott has accomplished over the years. The esteem in which he is held is evidenced by the many honors that have come his way including the Special Award of the central Florida section of the American Institute of Architects; the Tropical Audubon Society 1978 Conservationist of the Year Award and the U.S. Army Corps of Engineers—Jacksonville district—Special Award. The breadth of his interest and involvement can be seen from his active service as vice chairman of the Department of Interior OCS Advisory Board, and member of the State Department Law of the Seas Public Advisory Committee, the Chemical Transportation Advisory Committee of Department of Transportation, and the Environmental Protection Committee of the Interstate Oil Compact Commission.

Perhaps the most telling thing that I can say about Hal Scott is that when he tried to retire a year ago, the Audubon Society and the entire conservation community of Florida simply refused to allow him to step down. This time he has stood firm and his retirement will soon be a reality. However, I know that Hal Scott will continue to be an active leader for the important goals he has pursued throughout his career. I know the entire Florida Congressional Delegation wishes him well in his future endeavors.●

## OPEC IS WINNER, THANKS TO U.S. PRICE CONTROLS

● Mr. TOWER. Mr. President, one of the truisms of basic economics is that when prices are set arbitrarily and artificially, without regard to the forces of supply and demand operating naturally in a free marketplace, resources will be misallocated, thus making shortage inevitable.

This simple phenomenon was argued repeatedly last year by opponents of the ill-conceived crude oil "windfall profit" tax bill. But without apparent success.

The adverse consequences of artificial price restraints are not confined to crude oil, of course, but will result from the price suppression of any other commodity as well. This fact is incontrovertible, but evidently is widely misunderstood or intentionally ignored by an amazing share of the public and Members of Congress.

Price controls on domestic crude oil production illustrate vividly why Americans today are not able to enjoy the necessary supplies of gasoline, fuel oil, and other crude oil byproducts. Those who do not comprehend that, unless prices are allowed to rise according to demand, additional energy supplies will be unavailable, insist on villifying American oil companies as the culprits. In fact, the major oil producers are mere bystanders in this period of spiraling crude oil prices. The real winner from U.S. price controls is not our domestic oil producers, but OPEC. Meanwhile, it is the American consumer who gets rolled.

An excellent analysis of how OPEC profits from U.S. price controls has been written by Prof. Randall J. Olsen, assistant professor of economics at Yale University, which appeared in the January 4 edition of the Wall Street Journal. I ask that this article be printed in the Record.

The article follows:

### How OPEC Profits From U.S. Price Controls

(By Randall J. Olsen)

OPEC, with the help of the U.S. government, has found an easy way to extract extra billions from the American economy.

To understand how this is happening, it's necessary to dispose of two myths. The first is that present price controls on domestic oil benefit the consumer by keeping gasoline and other products prices significantly lower than they otherwise would be. The second is that it is irrational for OPEC to be selling under contract for $25 a barrel at the same time that it is receiving about $40 a barrel on the "spot" market.

The first proposition has been challenged on this page on the grounds that the prices of petroleum products such as fuel oil and gasoline are already selling at close to world levels. The chief beneficiaries of controls on crude oil produced in the U.S. aren't the consumers but the refiners, who buy controlled oil at prices below those paid by European refiners but are selling their output at nearly the same prices as their counterparts elsewhere around the world.

However, this argument must be amended. Increasingly, it's not the U.S. refiners but OPEC's members who are benefitting from U.S. controls on domestic crude. OPEC is doing this through its pricing system, in which it sells some of its oil at "official" posted prices of up to $25 a barrel and a growing amount at up to $40 a barrel on the non-contract spot market. Far from being irrational, such a system appears to reflect a more or less calculated effort to exploit U.S. price controls. This system in turn reflects Energy Department regulations which attempt to prevent oil companies from charging the higher spot price for oil purchased at the lower contract price.

As is so often the case, government efforts to regulate the marketplace are having unintended consequences. DOE officials no doubt thought their rules would protect us from "profiteering" oil companies. Instead, their efforts are encouraging "profiteering" by OPEC. The oil companies are only a pawn in this game.

By law, the cost of imported oil must be mixed with the cost of domestic price-controlled crude. Because we import about half our oil, each one dollar per barrel increase in the price of OPEC crude increases the price of the mixture of domestic and imported crude only 50 cents per barrel. Suppose price controls on domestic oil actually resulted in lower prices for American consumers. This would mean that when OPEC increases its prices the purchasers who buy the resulting mixture in the U.S. would pay a smaller increase than their counterparts in Europe. There would be less incentive for U.S. consumers to conserve. This failure to conserve in the U.S. encourages OPEC to charge high prices.

This is almost what happens but not quite. As we have seen, U.S. consumers already are paying close to world prices for the end products made from crude. If they weren't, multinational oil companies would be rerouting their products to other markets to take advantage of higher prices there.

One might suppose the oil companies are making "windfall" profits in their refining operations on the difference between what they pay for their mix of price-controlled crude and foreign oil and the world prices they charge for products. But OPEC understands this, too, and has stumbled upon a simple method for pocketing those windfalls for itself.

OPEC's technique is to shift growing amounts of oil into the "spot" market. Spot oil traditionally has been lower priced, because it was the excess oil available for emergencies when a company or country found itself a bit short. But it is now higher; in fact, the price difference between contract and spot oil has risen in recent months to seemingly breathtaking levels. When one tracks the price of spot oil these days, one notices an interesting fact: When spot oil is mixed with less costly price-controlled U.S. crude, the result is oil whose average price is as high as the price paid by the rest of the world for oil.

Say, for example, that oil companies are generally paying a world contract price of $25 a barrel. And say that U.S. price controls prevent domestic producers from charging more than $10 a barrel. Is it any surprise that the spot price will be about $40?

U.S. companies generally can't sell that $40 oil in Europe or other non-U.S. markets because it's above the world price; the companies would take a beating on such a transaction. Instead, they import the $40 oil and sell the $25 oil elsewhere. There's no incentive to import the $25 oil because they can't make any more profit on it in the U.S. than they can on $40 oil. They are only allowed to pass through their costs, not charge a $15 markup. But they can sell the $25 oil elsewhere for whatever it will fetch.

The result is that the oil company earns a profit by selling high priced OPEC oil to the U.S. and low priced OPEC oil to Europe. OPEC, in effect, collects the difference between the controlled price of our domestic oil and the world price.

Once we understand what is going on in the oil market it is no surprise that OPEC was unable to agree upon a single benchmark price for oil. By having two benchmark prices for oil OPEC will be able to obtain roughly $40 billion per year *more* from America. It would be remarkable if OPEC passed up $40 billion just to have a unified oil price system. The only alternative we have is to raise the price of our domestic oil to the world price immediately. Those who would have us do otherwise are in fact seeking to enrich OPEC at the expense of Americans.●

## THE FTC AND THE CONSUMER

● Mr. METZENBAUM. Mr. President, several days before Congress recessed and the 1st session of the 96th Congress drew to a close, I began to submit on a daily basis editorials about the Federal Trade Commission. These editorials all shared similar themes—that the FTC is invaluable to consumers and that the congressional assault on this agency's authority is dangerous and wrong.

I would like to resume the practice of submitting such editorials on the FTC so that my colleagues will have the opportunity of hearing all sides of the argument for an independent, aggressive Federal Trade Commission.

Today, I am submitting an editorial which appeared in California's Sacramento Bee on November 29, 1979. It points out how important it is for American consumers to have a strong and active FTC working on their behalf. I ask that the editorial be printed in the RECORD.

The editorial follows:

### ATTACK ON THE FTC

The Federal Trade Commission, the consumer protection agency that in recent years has actively campaigned against misleading advertising and promotional activities, has managed to alienate a lot of powerful people. As a result, Congress held up its budget for two years in a row and is now considering a host of bills that would not only reduce the agency's scope, its powers and its finances, but redefine its very purpose.

The Senate Commerce Committee, in its anger about the FTC's campaign against deceptive children's television ads, recently voted virtually to eliminate the FTC's ability to make any industrywide rules about what constitutes acceptable advertising. And to curtail an investigation of tobacco industry health claims, it voted to sharply reduce the agency's ability to collect information for any investigation. Taken together, those and similar measures now going through the committee do more than kill specific investigations; they jeopardize all ongoing FTC inquiries and several existing FTC regulations, among them its highly praised rules banning deception in advertising of eyeglasses and vocational training programs.

In the House, the special interest attack on the FTC has been even more direct. The House called on any interested industry to submit whatever requests for exemptions from FTC investigation they choose and this week passed every exemption requested.

This outcome was predictable from the first test of these special interest bills, when the House, at the request of the funeral industry, overwhelmingly voted to simply overturn the FTC's proposed funeral industry rules. Those rules would have done no more than ban the most unscrupulous practices of the funeral industry. They would have prevented funeral parlors from lying about what were the minimum purchases legally required for burial and cremation. And they would have made it illegal to offer grieving relatives only the most expensive package of burial services, implying that these were all that were available. Although the FTC had conducted years of hearings before deciding on these eminently fair regulations, the House voted to undo them without even the pretense of a hearing on the merits.

The House has now passed several other special interest exemptions, as well as a more general "solution" to the FTC "problem," a bill providing that either house of Congress can veto any FTC ruling—thus opening the door wide to many more travesties like the funeral vote. The full Senate will vote soon on its Commerce Committee's recommendations and the House bills.

The FTC may have brought on its troubles with its own overzealousness, as its congressional critics maintain. But if the effectiveness of certain industries in obtaining indefensible special interest legislation from Congress proves anything, it is the pressing need for a zealous and independent FTC to protect consumers from unscrupulous uses of just such industry power.●

## RULES OF THE COMMITTEE ON THE JUDICIARY

● Mr. THURMOND. Mr. President, in accordance with paragraph 2 of rule 26 of the Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the rules of procedure of the Senate Committee on the Judiciary.

The material follows:

### RULES OF THE COMMITTEE ON THE JUDICIARY

#### I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of Sec. 133(a) of the Legislative Reorganization Act of 1946, as amended.

2. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

3. On the request of any member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

#### II. QUORUMS

1. Nine members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

#### III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

### IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bringing the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the Minority.

### V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the subcommittee unless he is a member of such subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the subcommittee chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate subcommittee or subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.●

## MARRIAGE WITH CHINA COULD JEOPARDIZE U.S. AIMS

● Mr. McGOVERN. Mr. President, Stanley Karnow is an experienced journalist with a background of expertise in Asian policy matters. In a recent article, he cautions that playing "the China card" could end up jeopardizing American interests. He raises some fundamental military and foreign policy questions about the unfolding security relationship between the United States and China which should be considered by the Senate as we seek to develop new responses to the breakdown of détente and the events in Southwest Asia. I am therefore asking to insert his article, entitled "The China Card," from the January 21 Baltimore Sun, into the RECORD.

The text of the article follows:

### THE CHINA CARD

WASHINGTON.—After admitting that he has been naive about the Soviet Union, Jimmy Carter now seems to be displaying a similar kind of innocence toward China. His approach to Peking could also prove to be an occasion for disaster.

The administration's new reach to the Chinese was stated recently in Peking by Secretary of Defense Harold Brown, who expressed the hope that the "global strategic relationship" between the United States and China would "broaden and deepen" in the face of their common hostility toward the Soviet Union.

But that objective is fraught with hazards. For the so-called "China card," which the Carter administration has been yearning to play against the Russians since its formal recognition of Peking last year, is hardly an ace. Backing the Chinese against the Soviet Union, therefore, could be dangerous.

This is not to deny that the United States and China share a parallel interest in discouraging Soviet designs in South Asia. It would be risky, however, for the United States to commit itself to the cause of the Chinese in their larger dispute with the Russians.

Such a commitment could draw the United States into a war of enormous dimensions should a major Sino-Soviet conflict erupt. It could also involve the United States again in Southeast Asia if tensions between China and Vietnam erupt in renewed fighting.

A closer security link with Peking makes it more difficult as well for the United States to improve its ties with the Russians in the event that they retreat to moderation in Afghanistan and elsewhere.

Most significantly, it is an illusion to believe that China can serve as a real counterweight to the Soviet Union in a triangular power game. As Mr. Brown himself observed during his trip, the Chinese military machine is obsolete. Its full modernization would cost more than either the United States or China could afford.

A realistically prudent view of the prospects for military co-operation between the United States and China is held by the Pentagon professionals, who estimated in a secret study made last year that giving the Chinese a "confident capability" to defend themselves against the Soviet Union would cost between $41 billion and $63 billion.

The study was recently leaked to Drew Middleton of the New York *Times*, presumably in an attempt to restrict the notion that a U.S. military aid program to China is a plausible undertaking.

According to the Pentagon experts, China lacks the capability to handle a large-scale infusion of modern arms, even if they were provided by the United States. As the study puts it, China's "relatively unsophisticated common soldiers" are probably unable to maintain even "low technology" equipment. Besides, China's needs are tremendous.

Bringing its forces up to date, the study calculates, would require from 3,000 to 8,600 new medium tanks, some 10,000 armored personnel carriers, roughly 20,000 heavy trucks, 6,000 air-to-air missiles, 720 mobile surface-to-air missile launchers, and, among other equipment, 240 fighter-bomber aircraft.

In addition, the backward Chinese economy would have to be expanded and modernized in order to sustain a rise in the level of the country's military effectiveness.

The Pentagon specialists doubt that American advisers could operate easily in China, since "traditional Chinese xenophobia" would "limit our ability to deal directly with the Chinese on a large scale."

The experts further point out that the Soviet Union might react against a U.S. buildup of the Chinese military establishment by staging a preemptive attack against China. They suggest, too, that American support for China during an actual conflict might prompt Moscow to launch retaliatory strikes against the United States or Western Europe.

On the other hand, the Pentagon specialists see no way for either the Russians or the Chinese to defeat each other decisively. A Soviet conventional or nuclear offensive cannot result in domination of China, which is too vast a land to control. Nor can the Chinese do more than conduct "shallow raids" against Soviet territory.

But, the experts conclude, the outcome of a Sino-Soviet war could ultimately be detrimental to the West. For even though the Russians would not beat the Chinese, they would weaken China enough to permit the redeployment of Soviet troops out of Asia into Europe.

This appraisal does not differ substantially from the assessments offered by professional soldiers in years past. Back in the late 1940s, for example, General George Marshall warned that involvement in China was the road to nowhere, and General Matthew Ridgway echoed the same sentiment during the Korean War.

It is questionable, with all this, whether President Carter is listening to the cautious counsel of the professionals. True, he has ruled out the delivery of weapons to China for the present. But, by supplying Peking with a ground satellite facility that has been denied to the Soviet Union, he is conveying the impression that he may be prepared to go further in underwriting the Chinese militarily.

Expedients contrived to meet immediate crises have a way of becoming long-range policies. Thus, the courtship of China, begun to exert pressure on the Russians in the present confrontation, could develop into a marriage that, over time, may jeopardize genuine U.S. aims rather than strengthen them.●

## CORRECTION IN THE ENGROSSMENT OF H.R. 5288

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CRANSTON, I ask unanimous consent that in the engrossment of the bill, H.R. 5288, an act to amend title 38, United States Code, and for other purposes, the Secretary of the Senate be authorized and directed to make the following corrections:

In the table contained in section 901 of the bill, strike out "230" in column II on the line relating to half-time institutional training, and insert in lieu thereof "130"; and in section 902(5), strike out "$75" and insert in lieu thereof "$79."

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER VITIATING ACTION ON S. 1879 AND TAKING ACTION ON H.R. 5176

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. GLENN, I make the following unanimous-consent request: On January 25, 1980, the Senate passed by voice vote S. 1879, the General Accounting Office Personnel Act of 1979. The Senate needs to pass the House bill on this same subject. It is my understanding that with the adoption of technical amendments it is likely that the House would then accept the bill and the technical amendments without requesting a conference.

Accordingly, I make the following request: I ask unanimous consent that the Senate vitiate its actions of tabling the motion to reconsider and passage of S. 1879 on January 25; that the engrossment and advancement to third reading be vitiated, and that the technical amendments, which I shall send to the desk, be considered and agreed to en bloc, and that the bill again be advanced to third reading; that the Committee on Governmental Affairs be discharged from further consideration of H.R. 5176, and that the Senate proceed to its immediate consideration; that everything after the enacting clause of H.R. 5176 be stricken, and that the text of S. 1879, as amended, be inserted in lieu thereof, the bill passed, and the motion to reconsider laid on the table, and that S. 1879 then be indefinitely postponed.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of Mr. GLENN proposes an unprinted amendment numbered 940:

On page 1, line 4, and on page 19, line 18, strike "1979" and insert in lieu thereof, "1980".

On page 2, line 23, strike all up to the word "in" and on line 24, and insert in lieu thereof: "(B) prohibit the personnel practices prohibited".

On page 6, line 2, strike "(c)".

On page 7, line 21, strike "chairman" and insert in lieu thereof, "chair".

On page 10, line 13, strike "prescribed" and insert in lieu thereof "payable".

On page 10, line 19, strike all after the period through line 22 and insert in lieu thereof the following: "All members of the Board shall be entitled to travel expenses and per diem allowances in accordance with section 5703 of title 5, United States Code.".

On page 18, line 22, strike "(17)" and insert in lieu thereof "(4)".

## ORDER FOR RECESS UNTIL 9:15 A.M. TOMORROW; AND FOR RECOGNITION OF CERTAIN SENATORS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m.

Mr. President, I ask unanimous consent that the weather forecast calling for snow be vitiated and that substituted in lieu thereof there be partly sunny skies. [Laughter.]

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. That the winds be not to exceed 2 miles per hour and that they be north, northeasterly, rather than southwesterly, and that there be no precipitation.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, in view of the order that was just entered, that the Senate, when it completes its business today stand in recess until 9:15 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the prayer, which I hope will provide for another snowless day on Friday, the following Senators be recognized and that the majority leader and minority leader, or their designees, not be recognized under the standing order—we will shut them out, along with the snow—and that Mr. LEVIN and Mr. HAYAKAWA—now, we have a request for rain tomorrow.

The PRESIDING OFFICER. Does the Chair hear 9:30?

[Laughter.]

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, now that we have been assured that there will be 29 days in this coming February, that the time for Mr. LEVIN and Mr. HAYAKAWA be reduced to 15 minutes, rather than to 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. And that they may fight or do anything they wish over the division of that time, as long as it is a friendly fracas, and that Mr. LEAHY be recognized for 15 minutes, all following the prayer.

And that upon the completion of those two orders, the Senate resume consideration of H.R. 3236, the social security disability bill.

Mr. President, I ask unanimous consent—the winds have changed again—that the order for the Senate's convening tomorrow at 9:30 be changed to 9:15 and that the order for the recognition of the leaders, or their designees, be restored, but with the proviso that it be reduced to 7½ minutes each.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. ROBERT C. BYRD. Now, if anybody can understand what I have just done, I would like for them to explain it to me.

Mr. MATSUNAGA. Mr. President, if the majority leader will yield, I was under the belief all along that the distinguished majority leader was created in His image. But, after listening to the orders being issued this evening, I am beginning to believe he is closer to the Creator than that.

## UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the Senate completes action on H.R. 3236 tomorrow, or at such time as that measure is set aside, whichever may be the case, the Senate proceed to the consideration of S. 1648, Calendar Order No. 445, which is the airport development bill; that action not be completed on that bill tomorrow, but that an amendment by Mr. SASSER be in order on Monday or Tuesday to that bill, on whichever day the Senate action is resumed on the bill, but that no other amendments be in order on such day, except amendments to the amendment, if there be such;

That on Friday of this week, the Senate proceed, first of all, to consider Senate Resolution 109, relating to functions of the Ethics Committee, on which there is a time agreement; and that upon the disposition of Senate Resolution 109 on Friday, the Senate proceed to the consideration of H.R. 5168, Calendar Order No. 454, which is the bill extending certain expiring provisions of law relating to personnel management of the Armed Forces;

That if there is a closed session—which I understand will be requested and seconded—the closed session not extend beyond 4 hours, the time to be equally divided between Mr. WARNER and Mr. NUNN; and that action on that bill not be completed that day, but that all amendments that have not been excepted according to the order be called up Friday, or otherwise, that they not be in order when the Senate resumes consideration of H.R. 5168 on Monday; that on Monday the only amendments to be in order would be the amendment by Mr. SCHMITT, which is already covered by the agreement, the amendment by Mr. ARMSTRONG, which is already covered by the agreement, and a substitute amendment to the Armstrong amendment on which there be a 2-hour time limitation; that amendment to be the Warner-Nunn amendment, and that the time on that amendment be equally divided between Mr. ARMSTRONG, the opponent of the amendment, and Messrs. WARNER and NUNN; and that any rollcall votes on legislation on Monday, if ordered, begin not before 6 p.m.

Mr. STEVENS. Reserving the right to object, it is my understanding that the Schmitt amendment, the Armstrong amendment, and the Warner-Nunn amendment would be the only amendments that would then be in order on Monday under the specific time agreement specified, and that any votes that take place on the amendments to that bill, once it is called up on Friday, will take place not before 6 o'clock on Monday? Is that my understanding?

That would mean that any amendments that are offered on Friday afternoon after the closed session would be voted upon not earlier than 6 p.m. on Monday, at the same time as the others. That is my understanding.

Mr. ROBERT C. BYRD. That is the understanding, Mr. President.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I wish to make a slight modification in the agreement on S. 1648, Calendar Order No. 445, the airport and airway improvement bill, as follows:

The time on any amendment being 30 minutes equally divided under the agreement previously entered, I ask unanimous consent that on an amendment by Mr. BELLMON, provided it is germane, there be a 1-hour time limitation to be equally divided in accordance with the usual form. It is my understanding that it will be a germane amendment and the request is conditioned on its being germane.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS UNTIL 9:15 A.M. TOMORROW

Mr. MATSUNGA. Mr. President, if there be no further business to come before the Senate, I now move that the Senate stand in recess until the hour of 9:15 a.m. tomorrow.

The motion was agreed to; and at 7:24 p.m. the Senate recessed until Thursday, January 31, 1980, at 9:15 a.m.

## NOMINATIONS

Executive nominations received by the Senate January 30, 1980:

### Department of Commerce

Margaret Muth Laurence, of Virginia, to be an Assistant Commissioner of Patents and Trademarks, vice Sidney A. Diamond, elevated.

### California Debris Commission

Col. Paul Frederick Kavanaugh, [redacted] Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of an Act of Congress approved 1 March 1893 (27 Stat. 507) (33 U.S.C. 661).

### National Council on the Arts

The following-named persons to be members of the National Council on the Arts for the remainder of the terms expiring September 3, 1980:

James E. Barnett, of Georgia, vice Thomas Schippers, resigned.

Leonard L. Farber, of Florida, vice Jerome Robbins, resigned.

Sandra J. Hale, of Minnesota, vice Angus Bowmer, deceased.

### Department of Transportation

The following-named persons to be members of the advisory board of the Saint Lawrence Seaway Development Corporation:

Conrad M. Fredin, of Minnesota, vice William W. Knight, Jr., resigned.

Francis Albert Kornegay, of Michigan, vice Miles F. McKee, resigned.

### Department of Justice

Raymond L. Acosta, of Puerto Rico, to be U.S. Attorney for the district of Puerto Rico for the term of 4 years, vice Julio Morales Sanchez, resigned.

John Saul Edwards, of Virginia, to be U.S. Attorney for the western district of Virginia for the term of 4 years, vice Paul R. Thomson, Jr., resigned.

James R. Laffoon, of California, to be U.S. Marshal for the southern district of California for the term of 4 years (reappointment).

John W. Spurrier, of Maryland, to be U.S. Marshal for the district of Maryland for the term of 4 years (reappointment).

### In the Navy

The following-named lieutenants of the U.S. Navy for temporary promotions to the grade of lieutenant commander in the various staff corps, as indicated, pursuant to title 10, United States Code, sections 5773 (staff corps), 5793 (Medical and Dental Corps) and 5791, subject to qualifications therefor as provided by law:

#### MEDICAL CORPS

Allred, Thomas J.
Aulicino, Pat L.
Ayers, Warren V.
Bass, Robert R.
Buckley, Robert L.
Choisser, William V.
Coddington, Charles C. I.
Collins, Thomas M.
Condie, Scott D.
Cook, Timothy G.
Dibala, Anne C.
Dufour, David R.
Eninger, Larry A.
Farrell, George J.
Gehret, Richard G.
Gliksman, Stanley H.
Hallinan, Timothy P.
Hayes, Arthur C.
Herr, Celeste E.
Herr, Harlan G.
Hoover, Lewis D.
Huyoung, Alfred R.
Johnson, Joe S.
Kosh, David L.
Manansala, Francisco S.
McCall, Mark J.
Meguiar, Ramon V.
Mikell, Oswald L.
Miller, Michael L.
Nelson, Robert J.
Patel, Dilip D.
Potter, Bonnie B.
Pratt, Randall N., Jr.
Pratt, Steven G.
Racicot, David F.
Ruel, Theodore A.
Ryan, Mark
Scott, William, Jr.
Seaquist, Mark B.
Smith, John C.
Taylor, John K.
Thompson, Douglas F.
Tomlin, Thomas A.
Treharne, John W., Jr.
Voit, Marek S.
Wedul, Mark V.
Wilberg, Carl W.

#### SUPPLY CORPS

Allion, Dennis G.
Appleby, Michael R.
Argento, Terry J.
Ball, Edgar S., Jr.
Bang, Paul G.
Banghart, Allan A.
Beassie, Leslie J.
Beckman, Robert J.
Bender, Danny A.
Bennett, Bruce R.
Berg, Roland D.
Bianco, Barron B.
Bird, Robert R.
Bocchino, David L.
Bohannon, Donald C.
Bonafede, James M.
Branaman, Larry G.
Burdon, William H.
Burgess, Andrew P. III
Burton, Robert N., Jr.
Callaway, Michael P.
Camp, Gary L.
Camp, Robert T.
Capizzi, David A.
Carpenter, Levon H.
Carroll, Joseph D.
Chambers, Thomas R.
Chitty, Frederick C.
Clark, James M.
Colvin, Bruce A.
Connolly, John J.
Conover, Richard P.
Cornelison, Gary A.
Craig, Rondall R.
Crandall, Stephen G.
Croll, John M.
Cummins, John L.
Cummingham, Victor E.
Davis, Peter M.
Dewell, Kenneth G.
Duffey, Thomas O.
Elder, Jeffrey J.
Emerson, Jimmie D.
Engel, Steven R.
Ensminger, David S.
Evans, Michael W.
Fages, Sheldon N.
Faubell, Paul D.
Faurie, Bruce R.
Featherstone, Harry L., Jr.
Flohr, Larry E.
Fremont, Robert F., III
Fuller, Dana A., Jr.
Gandola, Kenneth D.
Gillespie, Daniel D.
Ginman, Richard T.
Giordano, Donald M.
Granston, Jeffrey R.
Grant, Charles W.
Gregory, Troy R.
Griffin, James H., III
Griggs, William C.
Grimes, David M.
Gross, Thomas D.
Guerard, Franklin P.
Gunia, Earl G.
Gunter, Wallace E., Jr.
Gustafson, Robert A.
Hammons, Thomas J., III
Hannaford, Philip S.
Hanson, Ryan L.
Harder, Melvin S., III
Hayes, John R., Jr.
Hayes, Reginald S.
Helman, Kenneth H.
Henke, Louis III
Henning, Robert A.
Hertstein, Mark S.
Hickman, Ronald W.
Hickson, Edward E.
Hinkel, Shelby Jr.
Hodgkins, Henry A., Jr.
Hoffman, Thomas L.
Holland, Benjamin A.
Holt, Lonnie D.
Huddleston, Ronald D.
Huss, Boyce W.
Jackson, John E.
Jackson, William A.
Jenkins, Gwilym H., Jr.
Johnson, Mark S.
Johnson, Terrence B.
Johnson, William E.
Jones, David C., III
Jones, Samuel L.
Joslin, Richard M.
Kaloupek, William T.
Kaufman, Gary R.
Keating, Charles L.
Kelly, Daniel C.
King, Wallace V.
Kosar, Peter G.
Lambert, John R.
Lawrence, Robert C.
Leon, John A., Jr.
Locke, James W., Jr.
Main, Archibald M., III
Manley, Stewart L.
Martinec, Dennis P.
Matsushima, Rodney F.
McCoy, Rex C.
McCray, James E., II
McGee, Gary O.
McKenzie, Donald R., Jr.
Mercier, Kevin G.
Merrell, Thomas O.
Merritt, Karl W.
Miller, Felton
Miller, Raymond L.
Mitchell, Kent R.
Mitchell, Lonsdale C.
Moessner, Frederick W.
Moffitt, Michael A.
Monaco, Robert E
Moore, Joseph N.
Moore, Robert T., II
Moran, Michael D
Nogosek, John
Nyland, Stephen C.
Ohagan, Michael G.
Ostrom, Ronald G
Owen, Wayne A.
Pathwickpaszyc, John C.
Perkins, Charles A.
Perkins, George W., Jr.
Peterson, Carl R., Jr.
Pitkin, Richard C.
Pledger, John D.
Proctor, Leonard L.
Randall, Bobby L.
Reeve, Robert E.
Rich, Lyle V.
Rigg, David L.
Robertson, James M., III
Rodenbarger, Syd W.
Rorex, Thomas A.
Roundtree, Ronald T.
Rova, Bruce W.
Royer, Frank E.
Sargent, William H.
Sauer, George E., III
Schlax, Thomas P.
Schmidt, William G.
Schneider, Jeffrey W.
Schreiber, Thomas J.
Self, James J.
Seymour, Lyle M.
Shiffman, Robert L.
Shoemaker, Charles K.
Siegel, Allen R.
Simmons, John R.
Sims, Donald B., Jr.
Smith, Raymond W.
Standen, Eric A.
Stengelman, Anthony E.
Stilwell, Robert R.
Stone, Daniel H.
Sugermeyer, Robert S.
Sugihara, Ronald Y.
Sule, Michael F.
Sweney, Robert L.
Tarleton, George L., III
Thornton, Robert G.
Thorpe, Grant W.
Tibbetts, Joel F.
Tinker, William M.
Todd, Dale E.
Tufts, John E.
Ustick, Michael L.
Valentine, Stephen IV
Vinagre, Eduardo G.
Vinson, Charles M.
Vogelsang, James E.
Walters, James S.
Watkinson, Lyle P.
Weidemann, James L.
Wenslaff, William A.
Werthmuller, Roy W.
Weyrick, Philip F.
White, Charles E.
Willis, Roger A.
Wilson, Paul A.
Wimett, William T.
Wood, Robert H., II
Woodiel, James C.
Woods, Willie E.
Worrall, Eric H.
Wright, Dennis L.
Yates, David S.
Yount, Mark L.
Zehner, Dale J.

#### CHAPLAIN CORPS

Blegstad, Gary C.
Brookshire, Joseph W.
Bruce, Gerald R.
Chadwick, Thomas K.
Cluff, Merlin H.
Condon, William G.
Dieckhaus, Anthony W.
Duncan, Charles R.
Eis, Charles R.
Ferguson, Melvin R.
Fryer, Patrick L.
Gardner, Ronald E.
Giuntoli, Thomas G.
Grogan, Gerald R.
Jayne, Bruce C.
Jukam, Donald C.
Langhorne, George A.
Livojevich, Ronald
McCranie, Glenn H.
McCreary, Stanley H.
Moon, William R.
Pokladowski, Gregory S.
Rector, Larry J.
Rector, Roscoe E., Jr.
Salas, Jose F., Jr.
Tambourin, Sauveur D.
Tugan, Gary E.
Wambach, Joseph G.
Williams, Robert H.
Wiltshire, Wallace W., II
Winslow, David A.

#### CIVIL ENGINEER CORPS

Ackerbauer, Blair
Allen, Donald C., Jr.
Allen, James R.
Allshouse, Clare R.
Andvik, Brian K.
Bacon, Thomas A.
Bukoski, Thomas J.
Cahill, Patrick J.
Cherry, John M.
Christensen, Thomas H.
Clark, David J.
Clements, Frederick R.
Clough, Paul L.
Corbett, James T.
Craft, Gary M.
Dean, Joseph C.
Dennis, David R.
Dew, Fred W.
Dierckman, Thomas E.
Digeorge, Frank P., III
Elsbernd, Robert L.
Foster, James E.
Galer, Kenneth O.
Gebert, David K.
Glynn, William G.
Guthrie, Gene S., Jr.
Haas, Richard F., Jr.
Hall, William M.
Hanes, Samuel H., Jr.
Herning, Robert E.
Herriott, Thomas R.
Hill, Jerry D.
Hocker, Robert G., Jr.
Holst, Ronald P.
Howell, Richard A.
Katz, Alan W.
Kechter, Ronald A.
Keller, William J., Jr.
Keene, Ronald E.
Keifer, John M.
Kleven, Courtney C.
Knoll, Joseph C.
Kotz, John S.
Laboon, Thomas A., Jr.
Lappano, Gilbert C.
Larson, Steven C.
Law, George L.
MacNamara, Timothy C.
Mann, Douglas E.
McKinney, Charles G.
Molineaux, Ian J.
Morris, Donald E.
Morris, Donald G.
Morrow, James F., III
Murphy, Bernard F., Jr.
O'Toole, Thomas R.
Parisi, Anthony M.
Parsons, Robert C.
Perry, Michael J.
Pizzano, Robert C.
Pylant, Linward R.
Pyles, Troy K.
Rabold, Bernard L., Jr.
Rautenberg, Robert C.
Rigby, William H., Jr.
Saltenberger, William M.
Schneider, Charles H.
Scullion, Leonard P.
Seltzer, George H., III
Setzekorn, Robert R.
Spore, James S., III
Sullivan, John J., Jr.
Talmadge, Charles E.
Terry, Ronald E.
Thompson, Stephen R.
Thomson, Francis S., Jr.
Tull, Terrence W.
Turowski, Henry J., Jr.
Vanderels, David M.
Walker, William F.
Wong, Jack J., Jr.
Zook, Michael J.
Zuber, David E.

#### JUDGE ADVOCATE GENERAL'S CORPS

Baggett, Joseph E.
Bagley, David W., II
Baker, Stephen C.
Bartlett, James E., III
Becker, Fred R., Jr.
Bell, Dale E.
Bennett, John C. W.
Bergstrom, Alan L.
Boudewyns, Timothy M.
Buechler, Christopher L.
Carney, Patrick J.
Caruthers, William P.
Champagne, Gerald E.
Clark, Norman K.
Cliffe, James R.
Dalesio, Daniel J., Jr.
Dawson, Mark R.
Dirks, John A.
Duffy, Eugene O.
Eddy, Richard W., Jr.
Fahrenbacher, Ronald J.
Gonzalez, Glenn N.
Groat, John S., Jr.
Halvorson, James E.
Harrison, John G., Jr.
Haskel, Peter B.
Horgan, Mark M.
Jeffries, Charles C., Jr.
Kelley, Patrick W.
Kirkpatrick, Gerald J.
Leachman, Timothy L.
Ledvina, Thomas N.
Martin, Thomas L.
Massey, Thomas J., Jr.
McClain, Tim S.
McConnell, Daniel D.
McDonald, Alvin L.
McLaughlin, Peter J.
Meadows, Robert W.
Miller, William A.
Milner, Nora E.

Montgomery, John B.
Morgan, John D.
Muschamp, Werner, L.
Nystedt, Charles M., Jr.
Parnell, Joe M.
Peace, David L.
Pitts, Russell A.
Prochazka, Frank J., Jr.
Radd, John D.
Robertson, Brian D.
Rockwell, James D.
Scranton, Joseph D.
Seaman, Robert C., Jr
Sheehan, Patrick J.
Spence, Joseph M.
Stimson, Paul M.
Strong, Franklin W., Jr.
Tapajcik, John M.
Villemez, Clyde J., Jr.
Walsh, Richard F.
Westholm, Larry R.
Wurzel, David L.
Yuhas, Christine M.
Yund, Walter J., Jr.

DENTAL CORPS

Aker, Frank, III
Alvis, Stephen G.
Antioquia, Benjamin S.
Baker, Darrell A.
Barco, Clark T.
Biedermann, Kurt G.
Biggs, Andrew T.
Boyd, William J., Jr.
Brinkley, Eugene D., Jr.
Brown, Gordon M., Jr.
Cathers, Samuel J.
Cuprak, Elizabeth E.
Degroote, Douglas F., Jr.
Dodd, Robin B.
Elzie, Theodis
Engler, Robert A.
Ferjentsik, Ernest S.
Fox, Wendell J.
Galich, John W., Jr.
Haglund, Michael P.
Harrison, Glenn A.
Huebner, Dennis R.
Hutter, Jeffrey W.
Jaworski, Charles P.
Kaar, William H.
Koffler, David G.
Krochmal, James E.
Little, Michael E.
Lutcavage, Gregory J.
Marsaw, Frederick A., Jr.
Maynard, Robert D.
McAmis, Ronald W.
McCabe, Sheila M.
McDonald, William H.
Mehlenbeck, Clarence W.
Meyer, Daniel M.
Motley, Hudson G.
Paulson, Eric G.
Rech, John R.
Reder, Daniel G.
Remington, David N.
Rocklin, Michael F.
Ruliffson, Mark H.
Schmid, Paul E.
Schroeder, Dawn C.
Simecek, John W.
Smith, Raymond G.
Steere, James C.
Stgermain, Henry A., Jr.
Swearingen, William H.
Topcik, Philip L.
Turner, Carol I. B.
Walker, Cledius
Weaver, Peter M.
Wilcox, Dale E.
Wilkinson, Richard J.

MEDICAL SERVICE CORPS

Agent, Selwyn K.
Ambler, Frederick A.
Baker, Gerald C.
Baltrukonis, Joseph V.
Barber, Norman J.
Barina, Fred G., Jr.
Barnett, Phillip J.
Bauer, Peter J.
Beatty, Earl, III
Bennett, James D.
Bennett, Ronald E.
Berkley, Roy L.
Blome, Michael A.
Bohnet, Herbert F., III
Bolduc, Paul R.
Bowman, Jeffrey S.
Boyles, Robert W.
Breton, Robert W.
Broadhurst, Ronald W.
Brown, George R.
Brunza, John J.
Buffington, John R.
Butler, David E.
Campos, Theodore R.
Carroll, Robert M.
Christopher, John P.
Clarkson, Wallace M.
Cosenza, Joseph M.
Crabbe, Joel R.
Crabtree, Roger D.
Crafton, Lonnie D.
Crane, James A.
Crittenden, George H.
Cronin, Patrick D.
Dawson, Richard L.
Dean, Larry M.
Defibaugh, Thomas R.
DeLong, Douglas S.
Denayer, John W.
Densley, Merlynn D.
Dial, William S.
Dittman, David
Dotto, Kenneth M.
Dunkleman, Dennis C.
Eberle, James E.
Elkins, Bryan R.
Elster, Robert E.
Enright, Charles A.
Escamilla, Joel
Ewing, Ronald C.
Felton, Robert E.
Finke, Ronnie L.
Foster, Jerry A.
Frey, Mary L.
Fristad, Arvid C.
Fry, Wendell J.
Garton, Michael L.
Gibson Kenneth D.
Gray, Brian H.
Greedan, Andre M.
Greenan, John E. III
Grimes, Thomas A.
Grissom, Michael P.
Hargraves, David T.
Harrison, Robert B., Jr.
Hastings, Jerry T.
Helm, Wade R.
Henrich, William R.
Hermann, Dean A.
Hetrick, John R.
Hickery, Rodney D.
Hickey, Thomas M.
Higgins, Janet L.
Hisoire, Dennis P.
Hixson, Steven R.
Holman, Larry D.
Hughes, Francis J., Jr.
Hughes, Roger D.
Huju John I.
Hummel, James R.
Jillson, Susan G.
Johnson, David E.
Jones, Buddy L.
Joseph, William A.
Kane, Robert J.
Keenan, James M.
Kelly, Stephen J.
Knee, Dale O.
Kochis, James B.
Kolesar, Joseph T.
Kunkel, Clyde E.
Kurtich, Richard B.
Lamar, Steven R.
Lane, John C.
Larocco, James M.
Lawrence, Jonathan D.
Leadbeater, Warrell F.
Lemmerman, Donald J.
Lewis, Marion S.
Lewis, Morris N.
Love, Douglas Jr.
Mahin, Patrick L.
Malinky, Robert L.
Malinoski, James W.
Manley, Edward
Martin, Donna R.
Martin, Early M.
Maskulak, Michael J.
Mastervich, Mark M.
McBride, Joseph E.
McCaig, Joe M.
Miller, David A.
Mills, Wayne M.
Mitchell, Troy G.
Mize, Lewis W.
Moody, Johnny M.
Morey, Arlen D.
Morrison, Kathleen D.
Morrison, Tommy R.
Morton, David E.
Moses, William R.
Muklevicz, Robert E.
Mullen, Michael J.
Mullin, Jack A.
Mullin, Jimmie J.
Nelson, Ronald C.
Oldham, Richard T.
Owens, Jerry M.
Palmer, James F.
Parks, Jackie H.
Parr, Laurence F.
Pavlik, Robert E.
Penkunas, John J.
Penn, Jerry D.
Perkins, Nancy S.
Peterson, Jack L.
Pinkerton, Randy H.
Rathjen, Roger L.
Raymond, James L.
Reading, Thomas E.
Renfro, Mary A.
Reynolds, William H.
Ridgeway, Robert K.
Rockhill, Robert C.
Roman, Michael J.
Rooney, John A.
Ruffin, Tommy L.
Rutherford, Bruce D.
Ryan, Alan B.
Santore, Orlando J. Jr.
Schick, Gary E.
Schweinfurth, Karl E.
Seales, David M.
Seelbach, Richard A.
Sefranek, George A.
Seible, Lawrence G.
Shannon, Kenneth R.
Shepherd, Jack W.
Sheridan, Peter F.
Sherman, Forrest A.
Silvas, Jose M.
Skog, Roy R., Jr.
Sloan, Robert W.
Smith, Donald A.
Smith, Richard L.
Smith, Steven L.
Speir, Herbert A., III
Spillane, Dennis
Stewart, George W. K.
Stine, John W.
Struempler, Richard E.
Thompson, J. Ronald
Tingley, Terry J.
Todd, David J.
Todd, Michael L.
Tomlinson, Tommy M.
Trocha, Paul J.
Trosper, James H.
Turocy, Regis H.
Upton, Billy G.
Wallace, William E.
Wanamaker, John C.
Watson, Spann M.
Watts, Len S.
Weappa, Larry R.
West, Joseph J.
Whiten, Ronnie E.
Williams, Warren Jr.
Wood, Arthur B.
Woods, Walden R.
Yacovissi, Robert
Yost, Harry E.
Zimmerman, Craig A.

NURSE CORPS

Ahrens, William D.
Allison, Rachel V.
Ames, Ervin L.
Applegate, Joanne W.
Atkinson, Nancy J.
Bailey, Donna L.
Barlow, Judy L.
Bates, Richard A.
Baumann, Mary A. E.
Bechtel, Robert H., Jr.
Benway, Michael W.
Bessent, William M.
Beto, Cathleen A.
Bickford, Carol J.
Bishop, Joan A.
Bogart, Deanna R.
Boire, Loretto A.
Bolden, Cheryl V.
Bonnet, Kathleen M.
Bonta, Catharine M.
Bowden, Mary A.
Boyer, John F.
Breeding, Patricia A.
Broad, John R.
Brown, David A.
Brown, Paul P.
Brown, Terry L.
Burns, Kathryn P.
Cabral, Richard E.
Caffrey, Gloria J.
Capps, Karen N.
Carney, Carol A.
Carroll, Sue M.
Casa, Peggy B.
Cherrington, Dolores A
Christman, Patricia K.
Coffman, Peggy S.
Cornish, David L.
Correnti, Patrick S.
Cothern, Jimmie G.
Cox, Robert L., Jr.
Cranston, Christine S.
Cronin, Mary A.
Crowell, Mary J.
Curlee, Candace
Cychosz, Beverly K.
David, Lucy M.
Dawe, Cecelia M.
Deliberto, Vincent L.
Delowrey, Blanche S.
Desavorgnani, Adriane A.
Dick, Suzanne
Doyle, Marcia S.
Dunn, Richard A.
Eilers, Barbara G.
Ellis, Susan L. F.
Eversole, Donna R.
Field, Marion G., Jr.
Finn, Thomas J.
Foley, Barbara A.
Foster, Irene A. S.
Frazee, Daniel C.
Fry, June G.
Gantz, Gary S.
Garrison, Richard A.
Glenn, Judy J.
Graham, Alfred E., Jr.
Griffiths, Loretta A.
Guard, Janet D.
Haley, Kathleen A.
Hambidge, Anne A.
Hargrave, Michael R.
Harmeyer, Gary R.
Hasselbacher, Rosalinda
Head, Walter W., Jr.
Hemmelgarn, Nina T.
Henbest, David
Hobbs, Linda H.
Hodges, Gail L.
Hohon, Henry P.
Holmes, Lawrence C.
Honeywell, Joseph L.
Hughesrease, Marsha L.
Hyams, Orval W.
Johnson, Charlene E.
Johnson, Laurie L.
Jones, Christine S.
Jones, Donald G.
Jones, Donna M.
Jung, James W.
Kelly, Harriet P.
Kinzer, Virginia G.
Kirkman, Donna J.
Kjenstad, James E.
Kopanski, Ruth G.
Korns, Barbara J.
Kout, Kathryn K.
Kozlowski, Janet G.
Krahenbuhl, Allie F.
Kunkel, Ann M.
Laird, Janet F.
Lewis, Rosalie D.
Loftus, Margaret M.
Lombardi, Judith E.
Loose, David S.
Loveridge, Lois E.
Lujan, Eugenio A.
Maggi, Nancy F.
Majewski, Bernadette
Marine, Peggy D.
Marquart, Alison W.
Marsh, George L.
Matika, Linda C. T.
May, Rita V.
McClain, Terry W.
McConnell, Maryann S.
Michael, Dorothy A.
Minnick, Kristine E.
Mitchell, Henry, Jr.
Monahan, Michael E.
Monroe, Victoria M.
Morsillo, Sigrun M.
Neirynck, William E.
Nickerson, Carolyn J.
Norrick, Albert J.
Norris, Linwood W.
Nugent, Aurelia N.
O'Halloran, Jeannine L.
O'Hare, Patricia J.
Osborn, David L.
Parrotte, David F.
Perry, Cynthia E.
Peske, Lorelei S.
Petersen, Patricia L.
Peterson, Janet L.
Peterson, Peggy J.
Phillips, Jean M.
Picchi, Christine A.
Powers, John C., II
Pruitt, Nancy S.
Reitz, Anne E.
Rice, Edward V.
Roberts, James W.
Robinson, Leslie E.
Rollison, Lee K.
Roy, Terry D.
Ruschmeier, Elizabeth M.
Sample, Priscilla
Schafer, Dwight D.
Schemmer, Carol L.
Schneider, Donald P.
Schnoor, Elaine H.
Schwartz, Linda L.
Sciuto, Renata M.
Shaia, Evelyn R.
Sharpe, Jacqueline E.
Shelton, Mary C.
Smith, Julianne K.
Smola, Theresa N.
Soileau, Joseph C.
Spangler, Catherine E.
Spiers, Carol L.
Spraggins, Gerald G.
Standen, Julianne
Sullivan, Dennis J.
Swan, Catherine A.
Swanson, Jane W.
Taggart, Jack R.
Taschner, Ardis L.
Templeton, Alma N.
Thompson, Mari E.
Timmcke, Teresa A.
Tomsky, Carol N.
Trent, James E.
VanBuren, Donna J.
Walgren, Kenneth D.
Ward, Deborah A.
Ward, Elizabeth A.
Warren, Carolyn S.
Wells, Mary E.
White, Grace M.
Wilson, Wendy L.
Wright, Mitchell P.
Yoder, Marianne E.
Young, Robert R.
Zabel, Nancy D.

The following-named woman lieutenant of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the Supply Corps, pursuant to title 10, United States Code, sections 5773 and 5791, subject to qualifications therefor as provided by law:

Nelson, Rosemary E.

# HOUSE OF REPRESENTATIVES—*Wednesday, January 30, 1980*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

*Fear not, for I am with you, be not dismayed, for I am your God; I will strengthen you, I will help you, I will uphold you with My victorious right hand.*—Isaiah 41: 10.

Gracious Lord, from whom come all the gifts of life, we give thanks for the promise of another day and the opportunity to witness the beauty of Your creation.

When we are dismayed, give us the gift of hope, when we are afraid, allow us the gift of love, when we are frustrated and when resentment comes so easily, grant us the spirit of reconciliation that follows from trust in Your way.

Always, O Lord, bestow upon Your people the true peace that passes all human understanding, even until our final day. In Your name, we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 260. Concurrent resolution welcoming the National Basketball Association All-Stars to the Washington metropolitan area for the 30th annual National Basketball Association All-Star Game.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill and concurrent resolution of the House of the following titles:

H.R. 5872. An act to modify the New Melones Dam and Reservoir project, California; and

H. Con. Res. 249. Concurrent resolution urging the U.S. Olympic Committee, the International Olympic Committee, and the Olympic committees of other countries to take certain actions with respect to the 1980 summer Olympic games, in accordance with the requests of the President.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 546. An act for the relief of Beatrice Braude; and

S. 2012. An act to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America and the Caribbean.

## CANADIAN FRIENDSHIP TO AMERICANS IN IRAN

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, a friend in need is a friend indeed. Certainly the revelation of yesterday with respect to the accommodation provided by the Canadian Government to those distressed Americans in Iran is once again a classic demonstration of the quality of that bond of friendship which has historically prevailed between the United States and Canada.

Just this morning the Foreign Minister, Flora MacDonald, so modestly put it:

> If Canada had that same problem, the United States would be coming to our aid in the same sense that we did.

She said it so modestly, but that is typical.

I take this moment, Mr. Speaker, to express my personal gratitude to the Canadian Government for what it has done, and I am confident that all Americans will want to express their gratitude accordingly.

## CANADIAN AID TO AMERICAN CITIZENS

(Mr. D'AMOURS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. D'AMOURS. Mr. Speaker, I would like to call the House Membership's attention to a letter I have written to Canadian Prime Minister Joe Clark expressing our gratitude to the Canadian Government for coming to the aid of our citizens during their hour of need. I invite my colleagues to join me in signing this letter in order to express our appreciation in a very personalized manner.

As an American of Canadian ancestry, I take particular pride in expressing the appreciation of all Americans for the courageous action taken by Ambassador Kenneth Taylor and the Canadian Embassy staff in arranging the escape of six American diplomats from Iran.

Americans have always considered Canada to be a friend and important ally, and this most recent valiant action by the Canadian Embassy personnel in Iran solidifies those feelings.

## CANADA'S PROTECTION OF AMERICAN CITIZENS

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, in a few minutes the gentleman from Massachusetts (Mr. MOAKLEY) and I will be introducing a concurrent resolution expressing the gratitude of the U.S. Congress and the American people to the Government of Canada and its personnel for the wonderful work and friendship they have shown to our country by their recent actions enabling the escape of six American personnel from Tehran. We are in hopes that this concurrent resolution will pass both this body and the other body this afternoon.

Before submitting the concurrent resolution, it will be available here in the Chamber for any Members who wish to add their names as cosponsors.

Mr. SCHULZE. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. Mr. Speaker, I am happy to cosponsor this resolution to recognize the courage and friendship of the Government of Canada for assisting six Americans in their escape from Tehran and for Canadian support of moving the 1980 summer Olympic games from Moscow.

The Canadian Government sheltered in their Embassy six U.S. citizens who were able to evade capture in the U.S. Embassy in Tehran. While the details are not yet clear, obvious courage and fortitude on the part of the Canadian Government facilitated the escape. By sheltering our citizens and furnishing Canadian passports for the timely, well-planned escape, the Canadians certainly risked the well-being of their own Embassy personnel. This restraint—secrecy and planning on the part of Prime Minister Joe Clark and the Canadian Government—is to be commended.

Canada should also be recognized for their early support of moving the 1980 summer Olympic games from Moscow. This further exemplifies Canada's sense of world responsibility and the importance of human freedom.

For these reasons I ask my colleagues in the Congress to vote overwhelmingly in support of this expression of gratitude to the Government of Canada for its acts of friendship and courage.

## CANADIAN SHIELDING OF AMERICAN DIPLOMATS IN IRAN

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I join the gentleman from New Jersey (Mr. HOWARD) in expressing my deep appreciation to the Canadian people and their Government. The Canadian Embassy in

☐ This symbol represents the time of day during the House Proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Iran's action, in shielding six American diplomats from certain physical violence and psychological terror over the past 3 months, ranks high in the annals of international cooperation and neighborly friendship.

Iran's act of unprecedented terror last November has shaken the very foundations of international diplomacy. The events of the past several months have clearly demonstrated who, among the world community, the United States can rely on for support in perilous times such as these. I never doubted Canada's commitment to fundamental principles of human rights and international law. Canada's action, however, in providing sanctuary for the six American diplomats over a terror-filled 3-month period is an action which this body must go on record in support of.

Consequently, the gentleman from New Jersey and I are today offering a resolution expressing the sense of the House of Representatives on this issue.

## CANADA'S ACT OF FRIENDSHIP IN IRAN

(Mr. GORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORE. Mr. Speaker, two of the Americans released with the help of the Canadian Embassy, Joseph and Kathleen Stafford, are constitutents of mine from Crossville, Tenn. Thus, I take special pride in offering to Prime Minister Clark and Ambassador Taylor the deepest and most sincere thanks on behalf of the families and friends of these Americans.

There are two emotions in Tennessee in reaction to this event, one of joy and relief, and one of deep appreciation and thanks to Canada. The historic bonds of friendship between the United States and Canada will forever be stronger because of this courageous act by the Canadians.

In the last few months we have seen an alarming deterioration in the relations between some nations of the world. Apprehension, distrust, and discord seem to have replaced former bonds of cooperation and mutual concern for international well-being. Today, however, we can thank Canada for piercing this veil of indifference and coming to the aid of the United States at a time when such assistance was just what we needed. I am honored today to cosponsor the concurrent resolution expressing to the Canadian Government and to the Canadian people our thanks and appreciation for their assistance.

## AMENDING THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, this afternoon I am introducing a bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972. The purpose of this is to suspend the bioaccumulation and biomagnification tests conducted now by the EPA. These tests are highly controversial and of questionable value, if allowed to remain in force at this time, by the end of 1980 the Port of New York, New Jersey, and major ports throughout this country will be closed down because they will be prohibited from doing any further dredging and dumping.

This is an action that must be taken today in order to insure the operation and economic survival of these port cities around the country.

□ 1510

## A TRIBUTE TO JOHN CAVANAUGH

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

● Mr. VOLKMER. Mr. Speaker, last night many of our colleagues, in a special order, paid tribute to my classmate, JOHN CAVANAUGH, because of the announcement of his retirement from this august body. I could not be present and now wish to add my comments. I must note that traditionally these formal goodbyes, in the form of a special order, are usually reserved for Members whose careers in the House span decades. But today, I share the beliefs of my colleagues that the retirement of JOHN, when measured by his hardworking and effective participation on the House Banking and International Relations Committees and on the floor of the House, will result in a loss which will not easily be replaced.

As a fellow Member of the freshmen class of the 95th Congress, I am reminded of our early efforts in January 1977 to continue to procedural reforms of the House, begun in the 93d and 94th Congresses. JOHN's efforts to increase the participation of all Members of the House in decisionmaking, and to fully democratize the selection process of committee and subcommittee chairmen, resulted in successful and major reform of which this body can be proud.

Throughout the 95th and 96th Congress, JOHN has continually expressed his views, representing the people of Douglas, Sarpy, Washington, Burt, and Cass counties in a strong and effective manner. The citizens of the Second Congressional District of Nebraska will be hard placed to find such an able and constructive person to fill JOHN's shoes in the U.S. Congress.●

## LEBANON SHELLED BY ISRAELI GUNNERS

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I was dismayed to read in last evening's Washington Star that southern Lebanon has once again been shelled by Israeli gunners.

As the Members know, Mr. Speaker, I have seen the previous destruction that these actions have caused in Lebanon. This event has taken place after Syrian troops have moved out of Tyre. Only last week, the Lebanese Central Government has replaced these Syrian troops. Our ally Lebanon will only be strong if foreign sources, Israel, the PLO and Syria cooperate.

Lebanon has been devastated, but is attempting to rebuild itself.

I call upon all foreign sources to leave the country alone and help in this rebuilding process.

Article follows:

LEBANON CLAIMS ISRAEL SHELLS SOUTH COAST

BEIRUT.—Israeli gunners shelled the south Lebanon coast near the town of Tyre, and President Elias Sarkis summoned the Cabinet to discuss the deteriorating frontier situation, state-controlled Beirut radio reported today.

The broadcast reported at least three Israeli shells landed on the coast today, causing damage but no casualties. Travelers reported artillery fire between Palestinian guerrillas along the frontier and Israeli-backed rightist Christian militiamen.

The state radio yesterday said some 100 Israeli tanks and armored cars had crossed into the frontier's rightist Christian militia enclave and dug in around the villages of Al Marj and Ain Abel.

## OUTSIDE FORCES SHOULD WITHDRAW FROM LEBANON

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, I, like the gentlewoman from Ohio (Ms. OAKAR), was quite concerned to read in last evening's paper of the Israeli attacks in southern Lebanon and the movement of more Israeli tanks into that part of the world.

Having just returned from a factfinding mission on behalf of the Speaker, with several of my colleagues, I found throughout our discussions with leaders in that part of the Mideast a strong desire to rebuild the Central Lebanese Army. A strong central government and army in that country is essential to peace in not only Lebanon, but the Middle East.

To see the withdrawal of Syrian troops from Lebanon is an encouraging sign. But to see the incursion of other outside forces into this area is a sign of only further aggravation of the tensions that exist there. Such action is likely to lead only to increased tensions between Israeli and Palestinian forces, between Lebanese and Palestinian forces, and between Syria and Israel.

I would join with the gentlewoman from Ohio (Ms. OAKAR) in urging all outside forces withdraw from the country of Lebanon and that that country's central army be rebuilt in order to have peace in that country.

The territorial sovereignty, integrity, army, and Government of Lebanon must be maintained and strengthened if we are to have a withdrawal of all foreign forces in Lebanon. And as that strengthening occurs and as forces withdraw, such as Syrian troops have done recently, other outside forces, no matter of what country, should not take advantage and seek to expand their strength.

## CRUEL IRONY IN IRAN

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, it is with a sense of grim irony that I learned of how our Canadian friends used subterfuge and false documentation to spirit six U.S. diplomats out of Iran. It was a clever and daring feat and we owe the Canadians a debt of gratitude. Yet the bitter irony is in the fact that while such an elaborate scheme was necessary to smuggle six Americans out of Iran, nearly 7,600 Iranians have been legally and routinely admitted into the United States since the day our Embassy was seized, including about 1,200 "students." It is hardly necessary to point out that it has been administration policy to review the visas of Iranian nationals for possible deportation. The irony is, indeed, cruel. It is made all the more tragic because six U.S. diplomats had to spend 3 months in hiding before rejoining their families here, while 50 others remain hostage. I urge the President to use his authority to restrict the entry of Iranians during this period of tension, both as a national security measure, and again as a lesson to Iran that they cannot continue to embarrass us before the world.

## THERESA DiMARINO, ALEXANDRIA ATHLETE, BACKS OLYMPIC BAN: A PROFILE IN COURAGE

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HARRIS. Mr. Speaker, this is a hectic time for all of us. But I hope that Members of this House will pause for a few moments to reflect upon a letter I have just received from a courageous and patriotic young woman, with whom I had an opportunity to speak yesterday.

Theresa DiMarino, a constituent of mine who lives in the Mount Vernon area of the Eighth Congressional District of Virginia, is now in Floral City, Fla., training to become a member of the U.S. Olympic kayak team. Theresa, a student at George Mason University, has represented this Nation before in international competition, and wants very much to compete in the Olympics.

But beyond her personal desire, in spite of the personal sacrifices she has made in the effort to become part of the Olympic team, she is opposed to U.S. participation in the summer Olympics should they be held in Moscow.

Theresa's letter is a moving expression of personal sacrifice, personal honor, and love of country. I urge all of my colleagues to read and reflect upon Theresa's words as we continue to urge the International Olympic Committee to move the Olympics from Moscow.

The letter follows:

JANUARY 23, 1980.

DEAR CONGRESSMAN HARRIS: As you know, I am training for the 1980 Olympics to be held in Moscow. I have been training hard for many years in hopes of representing the United States in my sport of kayaking. I am currently training in Florida with the National team. I have given up many things to make this dream happen. I had to skip a year of college—which means harder studying and more courses next school year. I don't work—which means not much money. There is one thing that I did not give up and never will, the love of my country. There is no one making me go out and train, telling me what to think, or even how to think. We are free and all the glory I get from competing internationally goes to our country and also to myself which does not happen in Communist countries (like Russia!). The bottom line, Congressman Harris, is that I am in favor of the boycott. I have not stopped my intense training nor will I. I only hope the Olympic site can be changed, but if not there will be other games. I personally feel very moved by this world problem, maybe because I've competed against the Communists in world class competition and know how they operate. I am telling you my feelings not only as my Congressman, but also as my neighbor and friend. I hope you will send me any information or development in this boycott decision that Congress, or others might have.

Thanks for everything.

Sincerely,

THERESA DiMARINO.

## ACCOLADES FOR THE CANADIAN GOVERNMENT

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, at a time when U.S. citizens and policies are under seige in too many parts of the world, the selfless courage demonstrated by the Canadian Government in the rescue of six Americans in Iran was a most welcome display of friendship and human decency.

According to reports I have seen, the six Americans at first took refuge in a variety of friendly embassies. But it was the Canadians who took final responsibility for harboring them safely and for their eventual escape.

Canadian Prime Minister Clark said his Government would have offered help to anyone in the same position.

More than a demonstration of simple friendship, Mr. Speaker, the Canadian Government's action was a much-needed reaffirmation of its belief in the principles of moral courage, human decency, and the sanctity of civilized behavior among nations.

More important, it came at a time when these principles have been violated repeatedly by the Iranian Government and the terrorists who have occupied the U.S. Embassy in Tehran for the past 3 months.

I am proud, Mr. Speaker, to be a cosponsor of this Howard-Moakley resolution expressing the deep appreciation of every decent American to the Canadian Government and their people.

## U.S. GOVERNMENT OWES CANADA A DEBT OF GRATITUDE

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, I believe that the Government of the United States and the Congress in particular, owe the Government of Canada, its Prime Minister, Joe Clark, and its Ambassador to Iran, Kenneth Taylor, a debt of sincere gratitude for the courageous action taken by them to rescue six members of the American Embassy staff in Tehran.

The Government of Canada handled this affair with the greatest amount of care and responsibility with great risk to its own interests. Our Canadian friends have proven to be a reliable and honored ally and this is diplomatically and morally gratifying in an uncertain age.

I would also like to commend Prime Minister Clark's position regarding the Moscow Olympic games. I hope that United States-Canadian relations will continue to grow stronger especially in the areas of NATO, energy, and trade and that the bonds of friendship between our two peoples will also be strengthened.

## SUSAN B. ANTHONY—DEAD OR ALIVE AND IN CIRCULATION

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, effective this Friday, February 1, all window service employees of the U.S. Postal Service have been ordered to use the Susan B. Anthony dollar coin for change-making purposes unless the customer prefers not to accept them. If patrons complain they are to be directed to complete a complaint card. Consumer reaction, I believe, will be extremely unpopular. All post offices will display promotional materials in their customer service lobbies that bill the coin as "the dollar of the future—the Susan dollar coin." I would like to warn my colleagues to be prepared for a large influx of negative mail regarding this effort to keep the Susan B. Anthony coin alive and in circulation.

How long can the Postal Service keep Susan alive? The administration ought to do the sensible thing—stop making the coins now and let the coin collectors take this mistake out of circulation. If Susan B. Anthony is to be honored by a coin the Treasury Department would be well advised to start over with one that is not confusing in its size.

## NEWS STORIES REMINISCENT OF "ALICE IN WONDERLAND"

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. LUNGREN.** Mr. Speaker, yesterday, there were two heartening news stories that I heard: One, which has been referred to already, of course, is that Canada assisted six U.S. Embassy personnel in escaping from Iran.

The second bit of good news was the fact that Islamic countries meeting in Islamabad unanimously denounced the Soviet incursion into Afghanistan and demanded their troops' immediate withdrawal.

Today there were two other stories referring to these various things which I think bear our attention and which are certainly very reminiscent of the stories of "Alice in Wonderland."

The first is that the Iranian Foreign Minister accused Canada of breaking international law in helping these six Americans.

The second is that the Soviet news agency, Tass, has accused Islamic countries of "gross interference with the internal affairs of Afghanistan."

In light of these stories, let us congratulate the attendees of the conference, give our thanks to Canada, and denounce the ridiculous attempts by the Iranian Foreign Minister and the Soviet press to stand truth on its head.

## JESSE OWENS, OLYMPIC ATHLETE, STRICKEN WITH LUNG CANCER

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. DEVINE.** Mr. Speaker, I noticed where the other body yesterday nearly unanimously approved the resolution having to do with the boycotting of the Olympics. That brings to mind a sad announcement that occurred in the last few days that I think should be brought to the attention of the House.

One of the greatest Olympic athletes of our time is Jesse Owens. He was a teammate of mine at the Ohio State University. In 1935, at Ann Arbor, Mich., he broke three world records and tied a fourth, all in one afternoon.

In 1936, he showed his class, as a great representative of the United States, while shunned and ignored by Adolf Hitler. Jesse Owens excelled in the 1936 Olympics and as a great American in his personal life thereafter.

☐ 1520

I think my colleagues have read in the newspapers that Jesse has recently been stricken with lung cancer and is currently in the Community Hospital in Tucson, Ariz. I hope my colleagues who share my concern might think of dropping a card or letter to Jesse Owens at the Community Hospital in Tucson, Ariz. and keep him in our prayers.

## A HUMANITARIAN ACT BY OUR CANADIAN FRIENDS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. O'NEILL.** Mr. Speaker, yesterday, the world became aware of the extraordinary act of courage and friendship undertaken on behalf of six of our fellow Americans in Tehran by the staff of the Canadian Embassy, by the Canadian Ambassador to Iran, Kenneth Taylor, and by the Canadian Government.

Prime Minister Clark has stated in the past that Canada should demonstrate more often its close relationship with the United States. No more significant or dramatic demonstration could have been made.

We Americans will be forever grateful to our great friend and ally to the north for the protection and safe passage provided our diplomats.

It was a truly humanitarian act—and we will never forget it.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MOAKLEY) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
*January 30, 1980.*

Hon. THOMAS P. O'NEILL, Jr.,
*The Speaker, House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 10:30 a.m. on Wednesday, January 30, 1980, and said to contain the Economic Report of the President.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
*Clerk, House of Representatives.*
By W. RAYMOND COLLEY,
*Deputy Clerk.*

## ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–248)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

*To the Congress of the United States:*

Last year world oil prices more than doubled. This increase will add some $200 billion to the bill for imported oil paid by consuming nations. Higher oil prices were the major reason for the worldwide speedup in inflation during 1979 and the dimming of growth prospects for 1980.

The United States was severely affected, as were other oil-importing countries. Our share of the additional oil bill will come to almost $45 billion this year. Partly, but not solely, because of higher oil prices, inflation accelerated sharply. The consumer price index rose by over 13 percent. The Nation's output of goods and services, which had been predicted in last year's *Economic Report* to grow by 2¼ percent over the 4 quarters of 1979, rose by less than 1 percent.

Although growth slowed, our economy offered strong resistance to the forces of recession. Despite virtually universal forecasts of imminent recession, output continued to rise throughout the second half of last year. Housing sales and construction held up better than expected until late in the year. By reducing their savings, consumers maintained spending in the face of the multibillion dollar drain of purchasing power from higher oil prices. Because business inventories have been kept remarkably lean, declines in sales did not lead to major inventory corrections. More generally, the economic recovery of recent years has been free of the distortions which, in the past, made the economy sensitive to recessionary forces.

Employment growth held up even better than output, and unemployment remained under 6 percent all year. Unfortunately, the strength of employment gains reflected a sharp decline in productivity—2 percent over the year. This fall in productivity added to costs, and thus bore a share of the responsibility for higher inflation.

While inflation worsened in 1979, a large part of the acceleration was concentrated in a few areas—energy; homeownership and finance; and, early in the year, farm and food products. Elsewhere consumer price inflation was more moderate, as prices rose by 7.5 percent over the year. Wage gains were no higher than in 1978, despite the speedup of inflation. The government's voluntary wage and price standards were widely observed and limited sharply the extent to which inflation spread from oil and a few other troubled sectors to the rest of the economy.

### THE IMPORTANCE OF REDUCING INFLATION

It is my strong conviction that inflation remains the Nation's number one economic problem. Energy and housing prices are still moving up rapidly, adding directly to inflation and continuing to threaten a new price-wage spiral in the rest of the economy. Even apart from these special problem sectors, inflation is now running at an 8 to 9 percent rate, compared to 6 or 6½ percent several years ago, in part because of a disappointing productivity performance.

Our immediate objective for 1980 must be to prevent the spread of double-digit price increases from oil and other problem sectors to the rest of the economy. My budget and economic policies have that as their primary goal. We share that same urgent goal with virtually every other oil-importing country. Halting the spread of inflation is not enough, however. We must take steps to reduce it.

Each new round of inflation since the 1960s has left our country with a higher underlying inflation rate. Without long-term policies to pull down the current 8 to 9 percent rate, our Nation will remain vulnerable to still further increases. Another sharp rise in oil prices or a worldwide crop shortage could provide the next turn of the ratchet. Failure to lower inflation after the latest episode would strengthen long-run inflationary expectations and erode resistance to even larger wage and price increases. Over the longer term, we will either bring inflation down or it will assuredly get worse.

### A STRATEGY FOR DEALING WITH INFLATION

To fight inflation I propose that we act along four lines. The *first* and most immediate of these is fiscal and monetary restraint:

—Under the economic conditions that now confront us we must concentrate on reducing the budget deficit by holding down Federal spending and forgoing tax reductions. We cannot afford a permissive economic environment in which the oil-led inflation of 1979 gives rise to a widespread acceleration of wage and price increases in 1980 and 1981.

—To reduce inflation in subsequent years, the budget will have to stay tight. That does not mean that it should fail to respond to changing economic circumstances or that taxes can never be reduced. But compared to an earlier less inflationary era the room for budgetary maneuver has appreciably narrowed.

—Monetary policy will have to continue firmly in support of the same anti-inflationary goals.

The *second* line of action is restraint by the private sector in its wage and price decisions. Aided by the deliberations of the Pay and Price Advisory Committees appointed last year, we have been updating and improving the voluntary wage and price standards.

As a *third* line of action we must pursue measures to encourage productivity growth, adapt our economy rapidly to the fact of scarcer oil supplies, and improve our competitive standing in the world economy. By dealing with these fundamental aspects of economic performance, we seek to ensure that the long-term monetary and fiscal restraints needed to curb inflation go hand-in-hand with a healthy growth in output, employment and living standards. These measures will also help us reduce inflationary pressures from the cost side.

Recent history has driven home the lesson that events outside our country—such as worldwide crop shortages or sudden increases in OPEC oil prices—can have major inflationary effects on the domestic economy. The *fourth* line of action, therefore, must be the use of measures relating to energy and food that reduce our vulnerability to outside inflationary shocks.

### THE SHORT-TERM ECONOMIC OUTLOOK

We face a difficult economic transition in the next year or two. According to my economic advisers, our economy is likely to undergo a mild recession early this year. Most private forecasters share this view. Consumer purchasing power is being drained away by rising energy prices; moreover, construction of new homes may decline somewhat further because of limited supplies of mortgage credit and high mortgage interest rates.

Since economic growth in recent years has been well balanced, there are no serious distortions in our economy to intensify the forces of recession. An economic downturn, if it occurs, should therefore be brief and mild. By year-end our economy should be growing again, and the pace of expansion is likely to increase in 1981.

Unemployment will probably rise moderately this year. Next year a stronger pace of economic expansion will create more new jobs, and unemployment will begin to come down again.

Inflation has been building in our country for a decade and a half, and it will take many years of persistent effort to bring it back down. This year energy prices will still go up faster than other prices, but less so than in 1979. Some of the other special factors that contributed to inflation last year should do so to a smaller degree, or not at all, in 1980. Enactment of the budget that I have recommended, and continued exercise of reasonable restraint by business and labor in their wage and price decisions should make it possible to lower the rate of inflation from 13 percent in 1979 to close to 10 percent in 1980, and to a range of 8 to 9 percent in 1981. But that accomplishment will still leave inflation running at an entirely unacceptable pace. We cannot, and will not, rest until reasonable price stability has been achieved.

### BUDGET POLICIES

My budget proposals will reduce the Federal deficit more than half to $16 billion in fiscal 1981. Accomplishing this reduction, despite the effect of slower economic growth on Federal tax revenues, has required severe restaint on Federal spending. Outlays will increase from $564 billion this year to $616 billion in fiscal 1981. Although real defense spending will rise, total Federal outlays, adjusted for inflation, will remain virtually constant. I propose to reduce inflation-adjusted spending outside of defense.

My 1981 budget is based squarely on the premise that bringing an end to inflation must remain the top priority of economic policy. Not only are budget expenditures held to the minimum level consistent with urgent national needs, but tax reductions are forgone. This austere budget policy, accompanied by supportive policies of monetary restraint, is a necessary condition for controlling inflation.

Citizens all across our country are facing rising tax burdens because of increased social security taxes and because inflation pushes individuals into higher income tax brackets. They want, and deserve, tax reductions when cuts can be granted within the framework of a prudent budgetary policy. Businesses need greater incentives to invest in the new and modern plant and equipment that is essential to growth in our productive capacity and to long-run improvement in economic efficiency. If we continue to keep the growth of Federal expenditures under tight rein, tax reductions will be forthcoming. But I could not and did not recommend tax relief this year.

I am aware that a mild recession is widely forecast. Indeed the estimates of revenues and expenditures in my budget assume its occurrence. But forecasts are necessarily uncertain. Our economy has shown remarkable resilience to date, and there is no evidence that a recession has begun. Under those circumstances, to have recommended a tax reduction and a much larger budget deficit would have been a signal that we were not serious in our fight against inflation. It would have increased inflationary expectations, weakened the value of the dollar in exchange markets, and risked the translation of last year's oil-led inflation into a new and higher wage-price spiral in 1980. In recognition of these realities, my budget proposals concentrate on reducing the deficit.

In this uncertain period, of course, economic policy cannot be fixed in place and then forgotten. If economic conditions and prospects should significantly worsen, I will be prepared to recommend to the Congress additional fiscal measures to support output and employment in ways and under circumstances that are consistent with a continued fight against inflation.

Restraint in the 1981 budget has been accomplished while still moving forward with Federal programs and expenditures that address our Nation's critical needs.

—Outlays for defense will increase by over 3 percent in real terms. Both strategic and conventional forces will be strengthened. Our commitment to our NATO allies will be met, and our ability to deploy forces rapidly anywhere in the world will be improved. Recent events in Southwest Asia have underlined the necessity for these actions.

—Expenditures will be raised to expand domestic energy supplies, increase energy conservation, and provide assistance to low-income families least able to pay higher energy prices.

—Support for basic research, enlarged in the past three fiscal years, will be further expanded to a total of $5.1 billion in 1981. Sustained commitment to basic research will assure continued American scientific and technical preeminence.

—A major new initiative, for which $1.2 billion in new budget authority is requested, addresses the serious problem of unemployment among disadvantaged youth.

These programs were made possible within the framework of a tight budget by pruning less essential programs, increasing administrative efficiencies, and reducing fraud and abuse. Legislative proposals to reduce Federal spending will save $5½ billion in fiscal 1981 and even more in subsequent years.

### PAY AND PRICE STANDARDS

A little more than a year ago, I asked business and labor to join with me in the fight against inflation by complying with voluntary standards for pay and prices. Cooperation with my request was extensive. Last year's acceleration of inflation did not represent a breakdown of the pay and price standards. Skyrocketing energy prices, and rising costs of home purchase and finance lay behind the substantial worsening of inflation. Declining productivity also added to business costs and prices.

The pay and price standards, in fact, have served the Nation well. Although the price standards had only limited applicability to food, energy, and housing prices, in the remaining sectors of the economy, for which the standards were designed, prices accelerated little during the first year of the program. Wage increases were no larger than in 1978, even though the cost of living rose faster. Increases in energy prices did *not* spill over into wages and the broad range of industrial and service prices.

On September 28, 1979, my Administration and leaders of the labor movement reached a National Accord. We agreed that our anti-inflation policies must be both effective and equitable, and that in fighting inflation we will not abandon our effort to pursue the goals of full employment and balanced growth.

As an outgrowth of that Accord, I appointed a Pay Advisory Committee to work together with my Administration to review and make recommendations on the pay standards and how they are being carried out. A Price Advisory Committee was established to make recommendations with respect to the price standards.

The most immediate problem in 1980 is to ensure that last year's sharp increase in energy prices does not result in a new spiral of price and wage increases that would worsen the underlying inflation rate for many years to come. Understandably, workers, business managers, and other groups want to make up for last year's loss of real income, and they may seek to do so by asking for larger increases in wage rates, salaries and other forms of income. Such efforts would not restore real incomes that have been reduced by rising world oil prices and declining productivity, but they would intensify inflation. Improvements in our living standards can only be achieved by making our economy more efficient and less dependent on imported oil.

Voluntary standards for wages and prices, together with disciplined fiscal and monetary policies, are the key ingredients in a strategy for reducing inflation. During the years immediately ahead, monetary and fiscal policies will seek a gradual but steady lowering of inflation. By itself, restraint on borrowing and spending would mean relatively slow economic growth and somewhat higher unemployment and idle capacity. Effective standards for moderating wage and price increases will lead to greater progress in lowering inflation and thereby reduce the burden on monetary and fiscal policies and provide scope for faster economic growth and increased jobs.

### LONG-TERM ECONOMIC GOALS

Just before my Administration took office the overall unemployment rate was still close to 8 percent. For blacks and other minorities, the rate was over 13 percent and had shown little improvement since the recovery began in early 1975.

Since then increases in employment have been extraordinarily large, averaging nearly 3½ percent per year. The gains for women were twice as large as for men. For blacks and other minority groups the percentage rise in employment was half again as large as for whites. Aided by a strongly expanded Federal jobs program for youth, employment among black and other minority teenagers grew by over 15 percent. Employment among Hispanic Americans rose by over 20 percent.

Unemployment rates have come down substantially for most demographic groups. Unemployment among black teenagers, however, has not fallen significantly and remains distressingly high.

To address the very serious problem of unemployment among disadvantaged youth, my Administration has substantially expanded funds for youth employment and training programs over the past 3 years. My 1981 budget includes an important new initiative to increase the skills, earning power, and employability of disadvantaged young people.

In 1978 the Humphrey-Hawkins Full Employment and Balanced Growth Act was passed with the active support of my Administration. The general objectives of the act—and those of my Administration—are to achieve full employment and reasonable price stability.

When I signed that act a little over a year ago, it was my hope that we could achieve by 1983 the interim goals it set forth: to reduce the overall unemployment rate to 4 percent and to achieve a 3 percent inflation rate.

Since the end of 1978, however, huge OPEC oil price increases have made the outlook for economic growth much worse, and at the same time have sharply increased inflation. The economic policies I have recommended for the next 2 years will help the economy adjust to the impact of higher OPEC oil prices. But no policies can change the realities which those higher prices impose.

I have therefore been forced to conclude that reaching the goals of a 4 percent unemployment rate and 3 percent inflation by 1983 is no longer practicable. Reduction of the unemployment rate to 4 percent by 1983, starting from the level now expected in 1981, would require an extraordinarily high economic growth rate. Efforts to stimulate the economy to achieve so high a growth rate would be counterproductive. The immediate result would be extremely strong upward pressure on wage rates, costs, and prices. This would undercut the basis for sustained economic expansion and postpone still further the date at which we could reasonably expect a return to a 4 percent unemployment rate.

Reducing inflation from the 10 percent expected in 1980 to 3 percent by 1983 would be an equally unrealistic expectation. Recent experience indicates that the momentum of inflation built up over the past 15 years is extremely strong. A practical goal for reducing inflation must take this fact into account.

Because of these economic realities, I have used the authority provided to me in the Humphrey-Hawkins Act to extend the timetable for achieving a 4 percent unemployment rate and 3 percent inflation. The target year for achieving 4 percent unemployment is now 1985, a 2-year deferment. The target year for lowering inflation to 3 percent has been postponed until 3 years after that.

### MEASURES TO IMPROVE ECONOMIC PERFORMANCE

Achieving satisfactory economic growth, reducing unemployment, and at the same time making steady progress in curbing inflation constitutes an enormous challenge to economic policy.

To lower inflation, we will have to persist in the painful steps needed to restrain demand. But demand restraint alone is not enough. We must work to improve the supply side of our economy—speed its adjustment to an era of scarcer energy, increase its efficiency, improve the workings of its labor markets, and expand its capital stock. We must take measures to reduce our vulnerability to inflationary events that occur outside our own economy. Only an approach that deals with both demand and supply can enable the Nation to combine healthy economic growth with price stability.

### LONG-RUN ENERGY POLICIES

Over the past 3 years I have devoted a large part of my own efforts and those of my Administration toward putting in place a long-term energy policy for this Nation. With the cooperation of the Congress much has already been accomplished or stands on the threshold of final enactment.

The phased decontrol of natural gas and domestic crude oil prices will provide strong, unambiguous signals encouraging energy conservation and stimulating the development of domestic energy supplies. But decontrol of oil in the face of very high OPEC prices, inevitably generates substantial windfall profits. The windfall profit tax I have proposed will capture a significant portion of these windfalls for public use.

The increased Federal revenues from this tax will make it possible to cushion the poor from the effects of higher oil prices, to increase our investment in mass transit, and to support programs of accelerated replacement of oil-fired electricity generation facilities and increased residential and commercial energy conservation. I have also proposed incentives for the development of energy from solar and biomass sources, and have asked the Congress for authority to create an Energy Security Corporation to provide incentives and assistance on a business-like basis for the accelerated development of synthetic fuels. Other legislation that I have proposed, which is also now before a Conference Committee of the Congress, would create an Energy Mobilization Board to cut the red tape and speed the development of essential energy projects. I urge the Congress to take the final steps to enact the enabling legislation for my energy initiatives.

These policies will sharply increase the efficiency with which our Nation uses energy and widen the range of economically feasible energy sources. In so doing, they will help make our economy less inflation-prone. They will also drastically cut our reliance on imported oil, and by making our Nation less vulnerable to sudden increases in world oil prices, reduce the probability of sudden inflationary surges.

By the end of this decade, we will be well on the way to completing the transition toward the new world of scarcer oil supplies. In the interim, however, our country still remains dangerously exposed to the vagaries of the world oil market.

I am pursuing measures to deal with this transitional problem. Together with other major oil-consuming countries in the International Energy Agency we are working to devise improved means of matching any future cuts in oil supplies with joint action to reduce oil demand. By avoiding a competitive scramble for scarce oil, we can reduce the chances of further large price increases.

Last year I pledged that our country would never again import more oil than we did in 1977—8.5 million barrels a day. This year I am establishing a lower import target of 8.2 million barrels a day. I am prepared to reduce that target in the event that discussions within the International Energy Agency produce a fair and equitable agreement that requires still lower imports. I will impose a fee on purchases of foreign oil if they threaten to exceed the limit that I set.

While international cooperation is essential, so are measures we can take on our own. In accordance with legislation enacted last year the Administration has developed a standby motor fuel rationing plan to deal with major supply interruptions, defined to be a shortfall in supply of 20 percent or more. This plan will be submitted to the Congress in February. But even smaller supply interruptions can cause severe economic problems. We are therefore considering proposals for standby measures to be applied if lesser, but still significant, disruptions occur. The Strategic Petroleum Reserve (SPR) can cushion the impact of an abrupt cutoff in supplies. My budget provides funds for resuming SPR purchases this year if conditions permit.

### IMPROVING LABOR MARKETS

The persistence of high unemployment among some groups of workers while jobs go begging and unemployment is low elsewhere is not only a major social problem but a waste of national resources. The lack of skills, the imperfections of the labor market, and in some cases, the discrimination that gives rise to this situation, reduce national productivity and contribute to inflation.

Although our labor market currently works quite well for most people, it does not work well for disadvantaged and minority youth. In recognition of this fact, I have recently sent to the Congress proposals designed to deal with teenage unemployment.

The goals of my proposal are:

—to teach basic skills in the secondary schools to those youths who did not master them in elementary school and who need special help;

—to provide part-time employment and training to dropouts if they participate in long-term training to develop skills that will improve their prospects; and

—to provide intensive long-term training aimed at helping older youths out of school find jobs in the private sector.

The funds will go largely to poor rural areas and central cities, where youth unemployment is particularly high because of inadequate education, and where local resources are insufficient to rectify the problem.

Another segment of the labor force needing special assistance is the working poor. The welfare reforms which I have sent to the Congress will provide training, help in seeking jobs, and work opportunities for poor but employable persons.

### REFORMING REGULATION

Regulation has joined taxation, defense, and the provision of social services as one of the principal activities of the government. Unneeded regulations, or necessary regulations that impose undue burdens, lower efficiency and raise costs.

For the past 3 years I have vigorously promoted a basic approach to regulatory reform: unnecessary regulation, however rooted in tradition, should be dismantled and the role of competition expanded; necessary regulation should promote its social objectives at minimum cost.

Working with the Congress we have deregulated the airline industry. We are now cooperating with congressional committees to complete work on fair and effective legislation that eliminates costly elements of regulation in the trucking, railroad, communications, and financial industries.

Within the executive branch, we are improving the quality and lowering the cost of regulations. The Regulatory Council, which I established a year ago, is helping us comprehend the full scope of Federal regulatory activities and how these activities, taken together, affect individual industries and sectors. A number of regulatory agencies are experimenting with new regulatory techniques that promise to achieve regulatory goals at substantially lower costs.

### INCREASING INVESTMENT AND ENCOURAGING RESEARCH AND DEVELOPMENT

We do not know all of the causes of the slowdown in productivity growth that has characterized our economy in recent years. But we do know that investment and research and development will have to play an important role in reversing the trend.

To meet the Nation's sharply increased requirement for investment in energy production and conservation, to fulfill its commitment to cleaner air and water and improved health and safety in the workplace, and at the same time to provide more and better tools for a growing American work force, our Nation in the coming decade will have to increase the share of its resources devoted to capital investment.

We took one step in this direction in the Revenue Act of 1978, which provided a larger than normal share of tax reduction for investment incentives. Passage of my pending energy legislation will make available major new incentives and financial assistance for investment in the production and conservation of energy. When economic conditions become appropriate for further tax reduction, I believe we must direct an important part of any tax cut to the provision of further incentives for capital investment generally.

One of the most important factors in assuring strong productivity growth is a continuing flow of new ideas from industry. This flow depends in the first instance on a strong base of scientific knowledge. The most important source of such knowledge is basic research, the bulk of which is federally funded.

Between 1968 and 1975 Federal spending for basic research, measured in constant dollars, actually fell. But since that latter year, and especially during the years of my Administration, Federal support for basic research has increased sharply. In spite of the generally tight economic situation, the 1981 budget I am submitting to the Congress calls for yet another substantial increase in real Federal support for basic research. Even during a period of economic difficulties, we cannot afford to cut back on the basis for our future prosperity.

### AGRICULTURE

Because the worldwide demand for food has grown substantially, overproduction is no longer the primary problem in agriculture. Government policies now seek to encourage full production, while cushioning the American economy and the American farmer from the sharp swings in prices and incomes to which the farm sector is often subject. Over the past several years my Administration has created a system of farmer-owned grain reserves to supplement the loan and target-price approach to farm income stabilization. In periods of low prices and plentiful supplies, incentives are provided to place grain in the reserves, thereby helping to support farm income. The incentives also work to hold the grain in reserve until prices rise significantly, at which time the grain begins to move out into the market, helping to avoid or to moderate the inflationary consequences of a poor crop.

Over this last year, the reserve has been tested twice. When fears of poor world harvests threatened to drive grain prices to extraordinarily high levels last spring and summer, farmers sold grain from the reserve, limiting the price rise. Since I suspended grain shipments to the Soviet Union this month in response to that country's brutal invasion of Afghanistan, increased incentives to place grain in reserve have been serving as one of our main defenses to protect farmers from precipitous declines in prices.

### THE INTERNATIONAL ECONOMY

Other countries besides our own suffered important setbacks in 1979 from the dramatic increase in oil prices. Growth prospects worsened, inflation increased, and balance of payments deficits rose. In such difficult times economic cooperation between nations is especially important. Joint action among oil-consuming countries is needed to reduce the pressure of demand on supply and to restore order in world petroleum markets. Cooperation is necessary to protect international financial markets against potential disruptions arising from the need to finance massively increased payments for oil. And cooperation is also necessary to prevent a destructive round of protectionism.

Because the dollar is the major international store of value and medium of exchange, the stability of international financial markets is closely linked to the dollar's strength. The actions taken in November 1978 by the United States and our allies to strengthen and stabilize the dollar worked well during the past year. That the dollar did well despite accelerating domestic inflation is due in part to a significant improvement in our current account balance during 1979. U.S. exports grew rapidly and thus helped to offset rising payments for oil. During the autumn of 1979, however, the dollar came under downward pressure. The October actions of the Federal Reserve Board to change the techniques of monetary policy helped moderate inflationary expectations which had been partly responsible for the pressure on the dollar. As a Nation we must recognize the importance of a stable dollar, not just to the United States but to the world economy as a whole, and accept our responsibility to pursue policies that contribute to this stability.

The Multilateral Trade Negotiations of the Tokyo Round were successfully completed and became law in the United States during 1979. These trade agreements are a major achievement for the international economy. By lowering tariff barriers both in the United States and abroad, they will help increase our exports and provide Americans with access to foreign goods at lower prices. Perhaps more important, these agreements will limit restrictive and unfair trade practices and provide clearer remedies where there is abuse. They cannot, by themselves, assure smooth resolution of all trade issues. Indeed, the real test will come as we begin to carry them out. Nevertheless the agreements reached last year do represent a clear commitment to the preservation and enhancement of an open system of world trade.

### CONCLUSION

The 1970s were a decade of economic turmoil: World oil prices rose more than tenfold, helping to set off two major bouts of inflation and the worst recession in 40 years. The international monetary system had to make a difficult transition from fixed to floating exchange rates. In agriculture a chronic situation of oversupply changed to one which alternates between periods of short and ample supplies.

It was an inflationary decade. It brought increased uncertainty into business and consumer plans for the future.

We are now making the adjustment to the realities of the economic world that the 1970s brought into being. It is in many ways a more difficult world than the one that preceded it. Yet the problems it poses are not insuperable.

There are no economic miracles waiting to be performed. But with patience and self-discipline, combined with some ingenuity and care, we can deal successfully with the new world. The 1980s can be a decade of lessened inflation and healthy growth.

JIMMY CARTER.

JANUARY 30, 1980.

## EXTENSION OF TIME FOR JOINT ECONOMIC COMMITTEE TO FILE REPORT OF FINDINGS AND RECOMMENDATIONS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Joint Economic Committee be granted an extension of time from March 1, 1980, to March 15, 1980, to file a report of its findings and recommendations with respect to the Economic Report of the President, as required by section 5(b)(3) of the Employment Act of 1946 (15 U.S.C. 1024(b)(3)).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## REPORT ON RESOLUTION EXTENDING FILING DATE OF FINAL REPORT OF SELECT COMMITTEE ON COMMITTEES

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 96-742) on the resolution (H. Res. 533) extending the filing date of the final report of the Select Committee on Committees, which was referred to the House Calendar and ordered to be printed.

## RECESSION AND TARGETED FISCAL ASSISTANCE

Mr. BROOKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5980) to authorize a program of fiscal assistance during economic recessions and to authorize a program of targeted fiscal assistance, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 390, nays 9, answered "present" 2, not voting 33, as follows:

[Roll No. 13]

YEAS—390

Abdnor
Akaka
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Archer
Ashley
Aspin
Atkinson
AuCoin
Badham
Bafalis
Bailey
Baldus
Barnard
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burlison
Burton, John
Burton, Phillip
Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Cheney
Clausen
Cleveland
Clinger
Coelho
Coleman
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derrick
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Edwards, Okla.
Emery
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fazio
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Hollenbeck
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lundine
Lungren
McClory
McCloskey
McCormack
McDade
McHugh
McKay
Madigan
Maguire
Markey
Marks
Marlenee
Marriott
Martin
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, NY.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nichols
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Paul
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond

Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rosenthal
Rostenkowski
Roth
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Staggers
Stangeland
Stanton
Stark
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Swift
Symms
Synar
Tauke
Taylor
Thomas
Thompson
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Waxman
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wolpe
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—9

Bauman
Butler
Hansen
Kindness
Lloyd
McDonald
Mitchell, Md.
Rousselot
Wilson, Bob

ANSWERED "PRESENT"—2

Albosta
Mollohan

NOT VOTING—33

Addabbo
Anderson, Ill.
Applegate
Ashbrook
Barnes
Bonker
Broyhill
Carr
Chisholm
Clay
Diggs
English
Fascell
Flood
Gray
Hammerschmidt
Holland
Jeffords
Leath, Tex.
McEwen
McKinney
Mathis
Miller, Calif.
Moakley
Murphy, Ill.
Myers, Pa.
Rose
Runnels
Steed
Treen
Vanik
Watkins
Wyatt

□ 1540

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5980, with Mr. GEPHARDT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, December 14, 1979, section 1 was open to amendment at any point. Are there any further amendments to section 1?

Mr. BROOKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are picking up where we left off just before the end of the first session, and I will take only a few minutes here to refresh our memories.

H.R. 5980 authorizes two programs. One—and it is the major part of the bill—would provide up to $1 billion a year to State and local governments to help them overcome the effects of a national recession. This would be a standby program, on the books ready to use when a recession hits. It uses new, far more reliable data than previous antirecession programs did to indicate the start of a recession, to measure its impact, and to allocate the payments. The money would stop when the recession ends.

The other part of the bill authorizes a one-time payment that would go out as soon as the bill became law to cities that are still feeling the effects of the 1974–75 recession. The amount in the bill for this program now is $150 million as a result of an amendment the House adopted last month. I suspect we have not heard the last on this point, but that is where we stand now.

Mr. Chairman, this is a good bill that would permit the Federal Government to provide prompt, effective assistance to State and local governments that need it, whenever the national economy declines. It would also give a little boost to some of our cities that have not come all the way back from the last recession.

Mr. Chairman, it is highly possible that we could finish this bill this afternoon, and I would like to see those of you who have dinner invitations make them, as I would like to make mine.

Mr. Chairman, I urge the Members to kill most of the amendments that may be offered and to vote for the bill.

I yield back the balance of my time.

Mr. HORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we begin consideration of this bill, I would like to review the nature of the legislation that is before us.

It consists of two titles that are, in effect, two separate programs. The first program, countercyclical, would provide aid to State and local governments in the event of a national recession. The second program, targeted fiscal assistance, would provide a one-time payment to local governments that are suffering from high unemployment rates. These two programs are not jobs programs. They are not designed to subsidize or create jobs. They are designed to provide, on the basis of need, aid to State and local governments.

The countercyclical program provides financial relief to State and local governments adversely affected by a recession and serves two important purposes. It will lessen the need for State and local governments to cut back on vital services during times of economic hardship and it will reduce the pressure on State and local governments to increase taxes, and thus work at cross purposes with the Federal Government's effort to stimulate the economy through the reduction of Federal taxes. The program will only operate in the event of a national recession and will only provide assistance to State and local governments that are actually affected by the recession and will automatically cease providing assistance when the need is no longer there.

The program of targeted fiscal assistance provides a single payment totaling $150 million to local units of government that have higher than average unemployment rates.

The purpose of this program is distinctly different from the purpose of the countercyclical program. The countercyclical program provides fiscal relief to governments affected by a temporary downturn in the economy; the targeted fiscal assistance program provides fiscal relief to those local governments, urban, suburban, and rural, that are suffering from the problems of long-term economic decline—that is, decline that continues even during periods of national growth.

The countercyclical program is greatly improved over previous legislation enacted by the House.

It has a tough national trigger that insures that the country is well into a recession before the program triggers on.

The program is more sophisticated than past countercyclical programs in that it recognizes that State and local governments go into and out of the recession at different times and are affected by different degrees.

The program does not throw money away by aiding all governments when only a few may need it. The program provides assistance only to those governments affected by a recession and automatically ceases providing assistance when the need is no longer there.

A final point to consider is that both programs are inexpensive to operate. They do not require a lot of overhead; they do not create a bureaucracy or result in excessive redtape.

For the reasons I have touched on for the last few minutes, I urge the House to give this legislation the most serious consideration.

I, too, urge that the Members defeat the amendments and support this bill.

I yield back the remainder of my time.

□ 1550

Mr. KINDNESS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is necessary to point out that when this bill was considered in December there was considerable uncertainty in the Chamber and around the House about what it meant, what it would do, and that uncertainty persists and is not relieved a bit after the delay from December the 19th which I believe was the last date we considered the bill.

Here we are again to consider a matter that probably should have been delayed indefinitely.

Today we will be offering certain amendments which are intended to make this program operate at least in a more rational and equitable fashion than as the bill is presently drafted.

Mr. Chairman, you will remember when we left the matter in December, many Members were concerned by the fact the Department of the Treasury had not provided an accurate printout telling where those targeted fiscal assistance moneys would go. At that time some Members were running around with allocation figures given them by the Department of the Treasury and other proponents of the bill and they had to be told that the unemployment rates used to determine those allocations were from the wrong time period. Consequently, many places that thought they were eligible or were thought to be eligible, they were not eligible in fact and there were many more thought to be eligible than ever could be expected to be eligible when the correct rates were used.

Mr. Chairman, things have changed but not entirely. While the Department of the Treasury has now provided the Congress with an allegedly accurate printout, there is a minor problem with that printout. I would like to warn the Members about the effect of that printout that you are currently seeing, if anyone cares at all.

Simply put, Mr. Chairman, the Department of the Treasury's printout does not conform to the bill that is before us on the floor today. Later on today the House will be asked, through an amendment offered by the gentleman from North Carolina (Mr. FOUNTAIN) as I understand it, the distinguished chairman of the subcommittee, to change this bill so that the House will conform the bill to the Department of the Treasury printout. Somehow I thought our job was a little different than that and it seems that the facts are a little bit backward on this one.

I was under the impression that the agencies were supposed to conform the printout to the points that we gave them and not the other way around.

Here we are today apparently to conform our bill to the printout given us by the Department of the Treasury. It does sound peculiar. It is only peculiar if you have not been following the developments on this bill recently anyway. Most of the things that are contained in this bill are peculiar and I would hazard a guess that things are likely to stay that way pretty much for the life span of this legislation.

Mr. Chairman, I would like the Members to know what the problem is with the printout so they can understand, apply and interpret it correctly, at least as I understand it, and why we have to change the bill to conform to the printout.

Mr. Chairman, the bill before us now says that no community can receive funding if it has experienced a growth rate in employment in excess of 250 percent over the last 3 years. It is an antigrowth factor limiting the distribution of targeted assistance funds.

The administration suggested this factor for use in the bill originally, as I understand it, to the chairman of the committee, the gentleman from Texas (Mr. BROOKS), when he underwent that marvelous transformation from an opponent of such legislation to a strong supporter of it. There was no time to consider the effect of this or any other provision which the administration had stuck in the bill. The problem with the employment growth is that it just does not exist. We do not have the figures for each community and State around the Nation. The data for employment growth is simply not available. As a consequence, the Department of the Treasury substituted another factor for employment growth when it did the computer run that is being circulated currently and that factor says that no community can receive funding if it has experienced a growth rate in excess of 150 percent of national real wages and salaries over the last 3 years, rather than employment.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I do yield to the gentleman from North Carolina.

Mr. FOUNTAIN. I would like to say the gentleman is correct. The figures were incorrect.

Mr. Chairman, I propose to offer an amendment which will substitute 150 percent of real wages and salaries for the unavailable employment growth data, and those figures will correspond with the new printout which we have received, if it is adopted.

Mr. KINDNESS. Mr. Chairman, the gentleman's point is exactly correct.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. KINDNESS was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. The gentleman from North Carolina (Mr. FOUNTAIN) has just qualified the point I am attempting to make, that we have to change the bill now to conform to the printout and what we have in the printout is growth and wages and salaries as a factor to be measured to determine whether communities are cut off from participation in the distribution of those funds.

Now, Mr. Chairman, the problem is that if you do not have accurate figures as to employment increase, surely you do not have accurate figures as to wage and salary growth, either. If you do not know who is working or how many people are working, you cannot measure real wage and salary growth.

I think we ought to think about that, Mr. Chairman. I think the entire exercise is illustrative of a legislative body acting with unseemly haste, even at this late date, to shove something down our collective throats. The more you know about this legislation the more concern you should have.

If we plan to vote for this bill no matter what happens and kill the amendments, as has been suggested by the two gentlemen who previously spoke, then I recommend that you try to close your minds to the facts and learn as little as possible about this bill and its effects. That way at least next November you can tell your constituents at home that you did not understand the bill and you did not understand that it would do what it inevitably will do and that is to make a mess out of distributing the taxpayers' funds from taxes that, of course, are to be collected off in future years as a part of national debt.

At least you can tell the people at home you did not know, you did not understand. Surely you would not have meant it.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. KINDNESS. I would yield to the gentleman from Maryland.

Mr. BAUMAN. When this bill was last considered on December 14, the gentleman from Maryland had the dubious honor of handling the rule which made it in order. During the discussion then it was pointed out rather clearly that there were no statistics available to Members of the House so that they would know how the formula in the bill worked or what were the amounts for each of the jurisdictions they represented.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. BAUMAN and by unanimous consent, Mr. KINDNESS was allowed to proceed for 2 additional minutes.)

Mr. BAUMAN. Mr. Chairman, I have listened carefully to what the gentleman says and in the interim the Treasury Department has produced a list of the amounts of money that this formula will produce and the gentleman tells us the bill does not in fact authorize those amounts. So in order to conform the bill to the statistics of the Department of the Treasury, we are going to amend the bill?

Mr. KINDNESS. Well, Mr. Chairman, it is not a novel idea but that is the idea.

Mr. BAUMAN. Instead of the Department of the Treasury providing us with the correct statistics conforming with legislation written by a committee, we are being asked to change potential U.S. statutes—that is what we do here, pass laws, lest we forget that—to conform to a formula because otherwise they still could not tell us what money amounts the original bill provide, is that correct?

Mr. KINDNESS. That is correct, Mr. Chairman, with the single exception there is still substantial question as to the validity of the figures that are being used by the Department of the Treasury to come up with a printout that is currently being distributed.

Mr. Chairman, I would mention also that at the time of which the gentleman spoke, the earlier consideration of this bill, there was a printout circulating rather sub rosa. The reason it was sub rosa was they had already determined the figures were all wrong but it was used for conversational purposes here and there, perhaps to some good effect in terms of getting support for a bill.

Mr. BAUMAN. If the gentleman would yield further, how many billions of dollars are included in this bill, totally?

Mr. KINDNESS. Mr. Chairman, that is another matter that we have to consider adjusting here today. The bill as it comes to us calls for $1.25 billion, which is well in excess of the amount that is scheduled in the budget resolution to cover countercyclical fiscal assistance.

☐ 1600

Mr. BAUMAN. So that if we vote for this we increase the budget deficit by the amount in this bill, other than $500 million authorized?

Mr. KINDNESS. In excess of the $525 million that is authorized and that is in the budget resolution; however, an amendment will be offered to bring that into line a little bit later.

Mr. BAUMAN. Mr. Chairman, I thank the gentleman and I despair for the country.

### AMENDMENT OFFERED BY MR. FOUNTAIN

Mr. FOUNTAIN. Mr. Chairman, consistent with the tenor of the colloquy which has been taking place, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOUNTAIN: Page 67, strike out line 13 and everything that follows through line 21 and insert in lieu thereof the following:

"(B) such unit of local government is located in a county for which the rate of growth in total wages and salaries (as determined by the Secretary of Commerce for the purpose of computing the gross national product and reported to the Secretary) for the most recent 3 calendar years for which data are available (expressed as a percent) does not exceed 150 percent of the national rate of growth in total wages and salaries (as so determined) for such calendar years (expressed as a percent); and

Mr. FOUNTAIN. Mr. Chairman, when my colleague, the distinguished chairman of the committee, the gentleman from Texas (Mr. BROOKS) and I introduced this bill, it had 120 percent of the national rate—not 250, not 150.

In the full committee, without the very careful and deliberate consideration which is normally given these matters and to which the gentleman has made reference, the committee accepted a 250-percent employment growth rate.

Then when we examined it we saw what the undesirable effect would be; so I am offering an amendment which will reduce that 250 percent to 150 percent.

The subcommittee bill has provided, as recommended by the administration, that eligibility for targeted assistance be restricted to local governments in counties where the employment growth rate has not exceeded 120 percent of the national rate. As I have said, this figure was increased to 250 percent in the committee markup, thereby negating the very purpose of the provision to distinguish between stagnant and growing communities. Few, if any, local governments would be made ineligible by a growth rate that exceeds 250 percent of the national average.

Since that time, the administration has advised us that the employment growth data are not reliable or readily available. The Department of Commerce does receive reports from employers and they do have reliable information on wages and salaries. Consequently, my amendment, which is supported by the administration, would substitute 150 percent of real wages and salaries for the employment growth rate. This amendment will provide a more reliable measure and significantly improve the formula's ability to distinguish between a fiscally strained community and one which has been experiencing economic growth.

In my judgment, a growth rate ceiling of 150 percent above the national level is about as high as this figure can be pushed without neutralizing this eligibility factor.

### AMENDMENT OFFERED BY MR. MATSUI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. FOUNTAIN

Mr. MATSUI. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUI as a substitute for the amendment offered by Mr. FOUNTAIN: Page 67, strike out line 13 and everything that follows through line 21 and insert in lieu thereof the following:

"(B) such unit of local government is located in a county for which the rate of growth in aggregate real wages and salaries (as determined by the Secretary of Commerce for the purpose of computing the gross national product and reported to the Secretary) for the most recent 3 calendar years for which data are available (expressed as a percent) does not exceed 250 percent of the national rate of growth in aggregate real wages and salaries (as so determined) for such calendar years (expressed as a percent); and

Mr. MATSUI. Mr. Chairman, my amendment merely brings back the figure of 250 percent on real wages and growth. I do recognize the perfecting amendment offered by the gentleman from North Carolina in the sense that we do have to perfect the fact that the employment growth figure alone is insufficient, that we should use real wages and benefits; however, the gentleman brings a substantive aspect to this amendment when the gentleman indicates he wishes to drop the figure from 250 to 150 percent.

I might add that approximately 20 States of this country will be affected adversely by the amendment of the gentleman from North Carolina (Mr. FOUNTAIN) if it is allowed to remain as is.

I might also point out that when this matter was first discussed by the administration, when it was first discussed by the committee, the gentleman from North Carolina (Mr. FOUNTAIN) and the gentleman from New Jersey (Mr. RODINO) in the form of a bill, this provision was not in there. It was not until sometime in December when we realized from the Department of Labor that there was no statistical information on real increases in employment growth that we decided we had to change the figure.

What I am pointing out is the fact that this provision itself is ill-conceived and really makes very little sense, as the gentleman from Ohio has raised.

We are willing to leave the provision in, but I think we had better leave it in with the figure of 250 percent, because at least then we may know what the impact will be on the rest of the country and some of the communities that will be adversely hit by this.

The real danger in the amendment of the gentleman from North Carolina (Mr. FOUNTAIN) is the fact that you could have a very high rate of unemployment, a very disastrous position in a community, a State, a city or county, and at the same time, because the figure is high in terms of the real wages and growth, you would end up having a situation where the community would be excluded.

For that reason, I think my substitute amendment should pass.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I rise in support of the amendment of the gentleman from California. My own city is a case in point. I just checked with Treasury and double checked the figures in the various printouts around here. It is difficult to determine which one you should read from.

The Treasury assures me that the effect of the amendment of the gentleman from North Carolina (Mr. FOUNTAIN) would be to decrease the amount of money under this program which the city of Flint, Mich., an automotive city, would receive from $600,000 to $7,000. That is a very Draconian cut. I just verified these figures with the Treasury.

The problem is, real wages have grown in my city, but we are going up in unemployment at this point; so I think we should all look at the effect of the gentleman from North Carolina's amendment particularly with the changes taking place in the economy now. Unemployment in my district, of course, is higher because I come from a strong automotive area. This is a drastic cut for my district. The Treasury assures me that my analysis is correct, a drop from $600,000 to $7,000.

Mr. KINDNESS. Mr. Chairman, will the gentleman from California, yield?

Mr. MATSUI. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I would ask the gentleman whether it is correct that the figures available on growth in wages and salaries are based largely on industrial and governmental employment; is that a correct assumption?

Mr. MATSUI. I believe it is; yes.

Mr. KINDNESS. We have in our economy today, and this is a point I would like to make rather than a question, but a surmise I think we all should consider, we have occurring in our economy today quite a bit of change in the other portion of the economy, the small businesses that provide over half the employment in this country. Over half of those people who are employed are employed by small businesses that are not included in these figures; so you must doubt the validity of those figures. Of course, they may be used through the life of this legislation if it is passed with at least equal validity. It may be wrong from the beginning and at the end, but I would like to make the point that regardless of the assertions that the figures are more reliable, they are still not reliable because they leave out most of small business.

□ 1610

Mr. Chairman, the gentleman from Michigan (Mr. KILDEE) spoke of what is happening in the automobile industry and what is happening in Flint, Mich. I would strongly urge that the gentleman consider supporting the amendment that will be offered by the gentleman from Ohio (Mr. WILLIAMS).

The CHAIRMAN. The time of the gentleman from California (Mr. MATSUI) has expired.

(By unanimous consent, Mr. MATSUI was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. Mr. Chairman, will the gentleman yield further?

Mr. MATSUI. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, to continue, that is an amendment that would allow more current figures to be used in these calculations rather than figures that might be several years old, figures that would not address the problem adequately.

Mr. Chairman, I thank the gentleman for yielding.

Mr. MATSUI. Mr. Chairman, I thank the gentleman from Ohio (Mr. KINDNESS).

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Chairman, the rate of growth in a community may have very little relationship to the need of a community. In the case of the county that I represent, San Diego, we have a situation where there is an inordinately high number of senior citizens. We have, as has a great part of California, a great number of refugees from Southeast Asia. Those are people who must be factored into the community needs.

So to judge us on rate of growth alone will be to lose the point entirely.

Despite the long and great respect I have for the gentleman from North Carolina (Mr. FOUNTAIN), I must support the substitute amendment offered by our new colleague, the gentleman from California (Mr. MATSUI). This is an approach which ties need to the bottom line, as it were.

Mr. Chairman, I greatly appreciate the opportunity to be heard on this point.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to join in support of the amendment offered by my friend, the gentleman from California (Mr. MATSUI).

We are an area of the country that is experiencing a tremendous amount of growth. We are working very hard to produce the kind of jobs needed to absorb that population increase. It is very difficult to keep pace with the influx of people that we have in California, and the job creation problem, particularly in the manufacturing and service industries, constantly occupies us.

Mr. Chairman, I think the gentleman's point is very well taken, and I request my colleagues to join with the gentleman from California (Mr. MATSUI) in this matter and support his amendment which is so crucial to high-growth areas of our country.

Mr. BROOKS. Mr. Chairman, I rise in support of the Fountain amendment and in opposition to the Matsui amendment which is offered as a substitute for that amendment.

Mr. Chairman, I want to point out that the purpose of the provision is to eliminate payments to governments that should be able to handle their own fiscal needs. If employment in a community grows 250 percent above the average in the country, that community should be doing pretty well by anybody's standards, and they ought to be able to absorb some small local burden. I realize that we, too often, try to avoid that in the Congress and not have our local people absorb any of these burdens, but they ought to absorb something.

The amendment that the gentleman from North Carolina (Mr. FOUNTAIN) offers would provide that the communities with over a 150-percent growth rate would be ineligible. If they are over 150 percent, they ought to be able to stand on their own feet and cut it.

The figure of 250 percent adopted in the committee would make this growth test meaningless. I voted against it. For all practical purposes, it just means there is no test as far as growth is concerned, and that the fast-growing communities in this country, the ones that are doing the best, are going to be right in there with their hands in the till.

Mr. Chairman, I do not think we ought to do it that way. I would support setting the figure at 150 percent, and I endorse the amendment offered by the gentleman from North Carolina (Mr. FOUNTAIN). I do not agree that we should extend it to 250 percent, as the Matsui amendment would provide.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, let me reply to the gentleman from the Seventh District of Michigan (Mr. KILDEE) at this point by stating that whoever he got his information from in Treasury gave him phony information, because we have the printout from Treasury that shows that the drop in his district by changing the formula from 250 to 150 percent would be a change from $9,502 to $8,255. That is the information in the printouts which were sent to us by the Treasury Department.

Mr. Chairman, with respect to the Matsui observation, let me supplement what the gentleman from Texas (Mr. BROOKS) has already so well said. The targeted assistance program, which the gentleman and I are supporting as a short-term expedient until our subcommittee can reconsider general revenue sharing later this year—and I must say that is a portion of the bill about which I do not have a great deal of enthusiasm—is a part of the compromise we worked out. And it is intended to benefit only fiscally distressed communities.

If the gentleman does not agree with that purpose, he should vote against the targeted assistance title of this bill. If the gentleman has fast-growing communities in his district, this is not the program for him. General revenue sharing is the program designed to take care of all general purpose governments, including rapidly growing cities and counties which do indeed have high investment costs for such things as sewers, schools, streets, and so forth.

Mr. Chairman, I thank the gentleman for yielding.

Mr. KILDEE. Mr. Chairman, I move to strike the last word, and I rise in support of the substitute amendment.

In so doing, Mr. Chairman, I will respond to the statement of the gentleman from North Carolina (Mr. FOUNTAIN) that whatever I received from Treasury was not accurate. I know the gentleman believes that to be the case. I just double-checked with Treasury, and they believe those figures to be correct. The State of Michigan office believes those figures to be correct, and they have double-checked them.

I think the problem here is that some of us are being asked to buy the proverbial "pig in a poke." We have seen that there has been this effect upon a city, a drop from $600,000 to $7,000, and I certainly have double checked those figures to make sure I am correct. I would suggest that the gentleman from North Carolina (Mr. FOUNTAIN) do the same thing. I have no intention to deceive anymore than the gentleman from North Carolina (Mr. FOUNTAIN) has any intention to deceive.

On that point we agree. But I think that we have mixed somewhat together here in our figures unemployment rates with average wages and salaries, and in so mixing unemployment and average wages and salaries we do arrive at quite disparate figures.

In my city, for example, wages and salaries have continued to grow for those who are working. I am not sure how the gentleman blended the two together, but I do know as a matter of fact, that the figures show that unemployment is soaring in our city.

I know that the city government is operating on a very tight budget right now, and it has been looking to the passage of this bill to help it through the slowdown which has hit the automotive industry.

Mr. Chairman, I plead with the Members to consider the fact that Treasury agrees with my figures and the State of Michigan office agrees with my figures, and I think this type of cut is too much to ask anyone to accept.

Mr. MATSUI. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from California.

Mr. MATSUI. Mr. Chairman, I thank the gentleman from Michigan for yielding.

Mr. Chairman, I would only point out also to the gentleman from North Carolina (Mr. FOUNTAIN) that there are some safeguards in this legislation at this particular time. On page 66 of the bill, for example, it provides that if the unemployment rate of a community is below the national average, it will not qualify for the money. If per capita growth in the community is 120 percent over the national average, it will not qualify for the money. So we do have some built-in safeguards in this bill.

The provision that the gentleman had originally requested with the 150 percent figure, as I indicated earlier, is meaningless, because all it does is base it on growth. It does not take into consideration unemployment and poverty figures. So the figure in and of itself is meaningless.

Mr. Chairman, I would also point out to the chairman of the Committee on Government Operations that when he indicates that the figure of 250 percent sounds very large, I agree that it does sound large. However, wages and salaries over the past 3 years, according to Treasury, have grown at the rate of 7.15 percent. That means, if the figure of the gentleman from North Carolina (Mr. FOUNTAIN) of 150 percent passes, any community that has a real wage and benefit growth over a 3-year period in excess of 10.73 percent, that community will be ineligible.

Mr. Chairman, this is not a large sum. The figure of 250 percent sounds large, but the real figures, if we look at this, are not large at all. In fact, they are very small when we consider what our economic situation is today.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, I would simply like to say that we have to rely upon the printouts and information which is furnished us by bureaucracy. I think that is one of the unfortunate things in considering legislation. We need our own computer capability for checking Treasury printouts. But I have the official Treasury printouts, and these are the figures I have cited.

If these figures are inaccurate, then I would say all those figures are inaccurate, and maybe the whole bill ought to be killed for lack of information.

☐ 1620

But I do not think that is true.

You make reference to unemployment. We have found, year after year in taking testimony from the Labor Department, that unemployment rates for most communities are completely unreliable. We have added some new eligibility factors here which makes the targeted assistance formula a little more reasonable and rational. However, the experts have told us that the unemployment rates for communities with a population of less than 50,000 are simply random numbers—the same as taking numbers out of a hat.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. KILDEE) has expired.

(On request of Mr. FOUNTAIN and by unanimous consent, Mr. KILDEE was allowed to proceed for 1 additional minute.)

Mr. FOUNTAIN. So we have gone to a formula where we do have accurate and adequate information supplied to the Department of Commerce by the employers of this country, and that is the wage and salary data which we are using as a basis for the antirecession assistance program, which is title IV of the bill. This is the important part of the bill.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Chairman, I wanted to clarify, to see if I heard right, the figures that the gentleman mentioned the first time he spoke with reference to the city of Flint. The drop was from how much to $7,000?

Mr. KILDEE. Roughly $600,000, to $7,000.

Mr. KINDNESS. Could the gentleman tell me whether that $600,000 figure was perhaps calculated on the basis of current information rather than the 5-year average span?

Mr. KILDEE. The information I had was averaged-out information. I just verified it with the Treasury.

Mr. KINDNESS. It is not based on a current year, the most recently closed year being 1978?

Mr. KILDEE. Not to my understanding.

Mr. KINDNESS. If the gentleman will yield further for one moment, the gentleman from California has made a point that a 10-point-something increase in real wages and salaries would give rise to a cutoff situation under the amendment as proposed by the gentleman from North Carolina (Mr. FOUNTAIN). Do either of the gentlemen know whether the city of New York might be cut out by that? If so, I might prefer the amendment offered by the gentleman from North Carolina.

Mr. MATSUI. I do not know specifically about New York's situation. I would imagine they are in the printout someplace.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. I thank the gentleman for yielding.

Mr. Chairman, I ask unanimous consent to substitute the words "real wages and salaries" for the words "total real wages and salaries," as read by the Clerk. The Clerk was inadvertently given an earlier version of the amendment which had "total," and it should be "real wages and salaries" and not "total."

I ask unanimous consent to eliminate the word "total."

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HUGHES. Mr. Chairman, I wonder if I could have the attention of my colleague, the gentleman from North Carolina. I do not serve on this committee, and I have some major concerns about the legislation. I am frank to admit that much of what he says about the statistics is accurate, but we have a situation in New Jersey, in my district, particularly Ocean County, where we have had a tremendous amount of growth. It is a seashore area, with primarily a seasonable economy and little year-round industry. It is one of the fastest growing areas in the entire Northeast part of the country, if not the entire country, and yet we have pockets of unemployment. In fact, at times in some of these seashore communities the unemployment ranges up to 25 percent along the coast.

As I understand it, the purpose of the targeted fiscal assistance program is to offer a one-time, unrestricted payment to local jurisdictions with long-term fiscal problems. If we deny to Ocean County, for instance, funds under this particular program, as I believe we will, because their growth rate has been in excess of 250 percent, we are going to deny small communities that have long-term fiscal problems, it seems to me, under the gentleman's amendment, relief under this bill.

Is that what the gentleman's amendment does?

Mr. FOUNTAIN. If the gentleman will yield, will the gentleman ask the question again?

Mr. HUGHES. My question is, are you not going to be denying some of the small communities that have long-term fiscal problems, high unemployment rates, an inordinate amount of people on public assistance, are you not going to be denying those communities fiscal assistance under a formula that really has little relationship to fiscal stability or actual need?

Mr. FOUNTAIN. Under this particular title of the bill, we are not trying to take care of every community and every bailiwick in America.

If we did, there would be no telling how big the bill would have to be.

Communities like those the gentleman is talking about will get their assistance from the other title of this bill, the antirecession title, in addition to such nominal sums as they may get. I do not know how much the gentleman's community will get. I notice New Jersey gets $10,870,000 under the 150 percent amendment which I just offered. New York, I think, gets about $20 million. But this is a targeted assistance program not based on unemployment, because unemployment figures are unreliable. But the real wages and salaries are substantially reliable figures, and you will also get help under the general revenue sharing.

Mr. HUGHES. I understand. I can defend this section of the bill more than I can any other section because I believe that targeted fiscal assistance under a proper formula is justifiable. But I am saying to the gentleman that if my figures are accurate, you are going to be denying to one of my counties something like $250,000 on the basis of a formula that has no relationship to long-term fiscal problems. I have difficulty with the relationship between a 250 percent national growth rate and the long-term fiscal problems of small communities.

Mr. FOUNTAIN. The only thing I can say in response, none of these formulas are perfect.

Mr. HUGHES. I would agree with the gentleman.

Mr. FOUNTAIN. I happen to have five or six congressional districts in my own State which will not get a dime under this piece of legislation.

Mr. HUGHES. I thank the gentleman. I think the gentleman has answered my question. That is one of the reasons why I will support the Matsui amendment.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment to the amendment.

Mr. Chairman, I shall not take 5 minutes. I have had the opportunity to use a portion of the time of others in the form of yielded time. But I would just like to make it clear that it took a little figuring on my part, and I am sure it did on the part of others here, to determine whether they ought to support or oppose the amendment as offered by the gentleman from California (Mr. MATSUI).

I think in a very real sense, political sense, it would be the smart thing for me to vote for the amendment. There are some communities in my district that would probably be affected favorably by that amendment. But at the same time, all of the moneys that are used for targeted fiscal assistance are going to come out of the pot that is used for the other purposes of this bill, the countercyclical fiscal assistance.

Let us be aware that targeted fiscal assistance may very well use up the whole pot. And let us be aware that if that is the case, there is one of two courses of action that will be followed:

First, you are going to hear a lot of yells about no countercyclical assistance or, second, we are going to be back here considering putting more money in the pot.

I am not so sure that we want to see either of those things occur. So at this point I would be most inclined to say, let us take it easy on this targeted fiscal assistance and not spread it too far. It already has an expansive dimension to it. The gentleman from North Carolina has offered an amendment which, while I do not have any confidence in the figures that the Treasury Department has produced, at least seems to be the most cautious approach to possibly enlarging the pot out of which comes both targeted fiscal assistance and the countercyclical type.

So I would respectfully urge that the amendment to the amendment offered by the gentleman from California not be supported.

Mr. MATSUI. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from California.

Mr. MATSUI. Mr. Chairman, I tend to agree with the gentleman. You do not want to create a problem that is even greater than what we have right now. But if you leave some of these counties like Flint, Mich., and like the one the gentleman from New Jersey raised, untouched because of the formula, then we are going to have to come back next year and take care of these gentlemen.

So I think what you should do is spread it around a little more to the communities which need it right now, and maybe we will not come back next year. So if you do oppose my substitute, it may be more counterproductive to your goals, I believe, which is to ultimately not spend the money next year or the year after. That would be my analysis in response to the gentleman's comment.

Mr. KINDNESS. If I might direct a question to the gentleman—and I will be happy to yield for an answer—we are all afflicted with the same problem here, not knowing how to calculate this and not knowing how the money can be used to help in those situations where there is a great deal of unemployment. As we all know, the municipalities and counties involved are not very likely to be able to do much by way of putting people to work with these funds.

Has the gentleman any light to cast on that aspect of it? How is this going to help people who are out of jobs?

☐ 1630

Mr. MATSUI. Well, that is speaking to the bill itself. I am speaking to the amendment, to the particular amendment. I was in local government before I came to Washington. I must say that when we received revenue-sharing money and these kinds of moneys, it was of assistance to our community.

Mr. Chairman, I yield back the balance of my time.

Mr. KINDNESS. Mr. Chairman, I yield back the balance of my time.

● Mr. JOHNSON of California. Mr. Chairman, I rise in support of the Matsui substitute. The substitute by Representative MATSUI would retain in this bill the provision allowing for funds to go to communities in a county with a growth rate less than 250 percent of the national average for the last 3 years. This eligibility percentage should not be lowered, the effect of which would be to prevent fewer communities from receiving these necessary, antirecession funds. The threat of recession is real. We need to protect the public fully. The First District of California would lose about half of the funds they would otherwise be eligible to receive, unless this substitute by Representative MATSUI is adopted.

We should retain the provision allowing for funds to a county with a growth rate of less than 250 percent of the national average for the last 3 years. We should support, therefore, the Matsui substitute amendment.●

● Mr. EDWARDS of California. Mr. Chairman, I rise in support of the Matsui substitute amendment to the Fountain amendment.

I would like to credit the Government Operations Committee for their foresight in establishing a figure of 250 percent of the national average as the limit for growth in a local jurisdiction. We are, after all, considering an antirecession fiscal assistance bill which is designed to assist local communities in stressful times. There are many additional factors involved in measuring the economic news of a community beyond the growth rate. The Government Operations Committee recognized the validity of this when they set the figure at 250 percent, high enough so that needy communities would not be eliminated strictly because of a high growth rate.

It is not hard to imagine factors other than the growth rate which could indicate a needy community. An example of this which affects most of us and will continue to become more pervasive in the future is a community which is economically viable and has a concentration of a large national industry in the region. If this industry becomes uncompetitive and begins closing its operations, even the most prosperous communities can be plunged toward recession. My colleagues with auto or steel plants in their district are well aware of the pressing regional problems this presents. The results of such a closure are often long-term fiscal distress.

Consider further a healthy region or city which has a high growth rate but is plagued by a concentration of hardcore unemployed. This is a problem which is abundant in our country. Yet, if we accept the Fountain amendment the needs of these communities will be ignored.

Finally, I would like to call your attention to another example of a community which is certainly worthy of fiscal assistance but would be excluded under the Fountain amendment. Here I am referring to communities which have had a large population of Indochinese refugees settled into their region. The distribution of these people is guided by Federal policy and can place immense strain on the locality in which the refugee settle. We are hardly living up to our responsibilities when we impose burdens on a small community without assisting them in absorbing the new immigrants.

It is clear that a growth eligibility requirement is not the best trigger mechanism for Federal fiscal assistance because it does not take enough factors into account when discriminating between localities. Recognizing the limitations of this measure, I think it is essential that we be cautious in adopting a restrictive limitation on growth. This is the only way we can be certain our policy does not become destructive and result in the exclusion of many deserving areas.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MATSUI) as a substitute for the amendment offered by the gentleman from North Carolina (Mr. FOUNTAIN), as modified.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROOKS. Mr. Chairman, I demand a recorded vote.

Mr. BAUMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. BAUMAN. Mr. Chairman, I withdraw my point of order.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 294, not voting 21, as follows:

[Roll No. 14]

AYES—119

Akaka
Alexander
Ambro
Anderson, Calif.
Aspin
Bafalis
Baldus
Beilenson
Bethune
Bevill
Blanchard
Boggs
Bolling
Bonior
Breaux
Broomfield
Brown, Calif.
Buchanan
Burgener
Burton, John
Burton, Phillip
Cheney
Clausen
Coelho
Collins, Ill.
Conyers
Corman
Cotter
Danielson
Dannemeyer
de la Garza
Deckard
Dellums
Dickinson
Dicks
Dingell
Dixon
Dornan
Downey
Duncan, Oreg.
Edwards, Ala.
Edwards, Calif.
Fazio
Flippo
Florio
Ford, Mich.
Fuqua
Goldwater
Gonzalez
Hammerschmidt
Hansen
Hawkins
Hollenbeck
Howard
Huckaby
Hughes
Johnson, Calif.
Kazen
Kelly
Kildee
Kramer
Lagomarsino
Leach, La.
Lehman
Leland
Lewis
Livingston
Lloyd
Long, La.
Long, Md.
Lowry
Lungren
McCloskey
Maguire
Matsui
Mattox
Mica
Mineta
Moffett
Moore
Mottl
Nichols
Nolan
Oberstar
Obey
Panetta
Pashayan
Patterson
Paul
Pepper
Pritchard
Pursell
Quayle
Rahall
Ratchford
Rhodes
Rodino
Roybal
Royer
Sabo
Sawyer
Schroeder
Shumway
Simon
Stack
Staggers
Stark
Swift
Symms
Thomas
Traxler
Van Deerlin
Walgren
Waxman
Weaver
Williams, Mont.
Wilson, Bob
Wolpe
Young, Fla.

NOES—294

Abdnor
Albosta
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Anthony
Applegate
Archer
Ashley
Atkinson
AuCoin
Badham
Bailey
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Benjamin
Bennett
Bereuter
Biaggi
Bingham
Boland
Boner
Bonker
Bouquard
Bowen
Brademas
Brinkley
Brooks
Brown, Ohio
Broyhill
Burlison
Butler
Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Chisholm
Clay
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Daschle
Davis, Mich.
Davis, S.C.
Derrick
Derwinski
Devine
Diggs
Dodd
Donnelly
Dougherty
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fenwick
Ferraro
Findley
Fish
Fisher
Fithian
Foley
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frost
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Goodling
Gore
Gradison
Gramm
Grassley
Gray
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hance
Hanley
Harkin
Harris
Harsha
Heckler
Hefner
Heftel
Hightower
Hillis
Hinson
Holland
Holt
Holtzman
Hopkins
Horton
Hubbard
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Jenrette
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kemp
Kindness
Kogovsek
Kostmayer
LaFalce
Latta
Leach, Iowa
Lederer
Lee
Lent
Levitas
Loeffler
Lott
Lujan
Luken
Lundine
McClory
McCormack
McDade
McDonald
McHugh
McKay
McKinney
Madigan
Markey
Marks
Marlenee
Marriott
Martin
Mathis
Mavroules
Mazzoli
Michel
Mikulski
Miller, Ohio
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Murphy, NY.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nelson
Nowak
O'Brien
Oakar
Ottinger
Patten
Pease
Perkins
Petri
Pickle
Porter
Preyer
Price
Quillen
Railsback
Rangel
Regula
Reuss
Richmond
Rinaldo
Ritter
Roberts
Robinson
Roe
Rosenthal
Rostenkowski
Roth
Rousselot
Rudd
Russo
Santini
Satterfield
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shuster
Skelton
Slack
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stangeland
Stanton
Steed
Stenholm
Stewart
Stockman
Stokes
Stratton
Studds
Stump
Synar
Tauke
Taylor
Thompson
Trible
Udall
Ullman
Vander Jagt
Vento
Volkmer
Walker
Wampler
Watkins
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Ohio
Wilson, C. H.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—21

Addabbo
Anderson, Ill.
Ashbrook
Barnes
Brodhead
Carr
Fascell
Flood
Jeffords
Leath, Tex.
McEwen
Miller, Calif.
Murphy, Ill.
Myers, Pa.
Peyser
Rose
Runnels
Treen
Vanik
Wilson, Tex.
Wyatt

□ 1640

Mrs. BOUQUARD, Ms. FERRARO, Messrs. ALBOSTA, HOPKINS, HAGEDORN, YOUNG of Missouri, and WEISS changed their votes from "aye" to "no."

Messrs. LEHMAN, PASHAYAN, QUAYLE, HANSEN, STAGGERS, KRAMER, BUCHANAN, Mrs. BOGGS, and Mr. PEPPER changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

□ 1650

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. FOUNTAIN), as modified.

The amendment, as modified, was agreed to.

### AMENDMENTS OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. LEVITAS:

Page 62, line 17, redesignate subsection (b) as subsection (c) and insert immediately before such line the following new subsection:

"(b) PROCEDURE FOR CONGRESSIONAL VETO.—

"(1) TRANSMISSION TO CONGRESS.—The Secretary shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of any rule promulgated with funds appropriated under this title or relating to funds appropriated under this title.

"(2) RESOLUTION OF DISAPPROVAL.—Such rule shall not take effect, if—

"(A) within the 45 calendar days of continuous session of the Congress which occur after the date of the promulgation of such rule, both Houses of the Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress disapproves the rule promulgated by the Secretary of the Treasury with respect to           , such rule having been transmitted to the Congress on           .', the blank spaces therein being appropriately filled; or

"(B) within the 30 calendar days of continuous session of the Congress which occur after the date of the promulgation of such rule, one House of the Congress adopts such concurrent resolution and transmits such resolution to the other House and such resolution is not disapproved by such other House within the 15 calendar days of continuous session of the Congress which occur after the date of such transmittal.

"(3) TAKING EFFECT OF RULES.—If, within the 30 calendar days of continuous session of the Congress after the date of the promulgation of such rule, no committee of either House of the Congress has reported, or has been discharged from further consideration of, a concurrent resolution disapproving the rule, and neither House has adopted such resolution, the rule may take effect. If, within such 30 calendar days, a committee has reported, or has been discharged from further consideration of, such resolution, or either House has adopted such resolution, the rule may not take effect prior to the date which occurs after the 45 calendar days of continuous session of the Congress after the date of the promulgation of such rule.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 15, 30, and 45 calendar days of continuous session of the Congress.

"(5) EFFECT OF INACTION OR REJECTION OF RESOLUTION.—Congressional inaction on, or rejection of, a resolution of disapproval pursuant to this section shall not be deemed an expression of approval.

Page 77, line 8, redesignate subsection (b) as subsection (c) and insert immediately before such line the following new subsection:

"(b) PROCEDURE FOR CONGRESSIONAL VETO.—

"(1) TRANSMISSION TO CONGRESS.—The Secretary shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of any rule promulgated with funds appropriated under this title or relating to funds appropriated under this title.

"(2) RESOLUTION OF DISAPPROVAL.—Such rule shall not take effect, if—

"(A) within the 45 calendar days of continuous session of the Congress which occur after the date of the promulgation of such rule, both Houses of the Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress disapproves the rule promulgated by the Secretary of the Treasury with respect to           , such rule having been transmitted to the Congress on           ', the blank spaces therein being appropriately filled; or

"(B) within the 30 calendar days of continuous session of the Congress which occur after the date of the promulgation of such rule, one House of the Congress adopts such concurrent resolution and transmits such resolution to the other House and such resolution is not disapproved by such other House within the 15 calendar days of continuous session of the Congress which occur after the date of such transmittal.

"(3) TAKING EFFECT OF RULES.—If, within 30 calendar days of continuous session of the Congress after the date of the promulgation of such rule, no committee of either House of the Congress has reported, or has been discharged from further consideration of, a concurrent resolution disapproving the rule, and neither House has adopted such resolution, the rule may take effect. If, within such 30 calendar days, a committee has reported, or has been discharged from further consideration of, such resolution, or either House has adopted such resolution, the rule may not take effect prior to the date which occurs after the 45 calendar days of continuous session of the Congress after the date of the promulgation of such rule.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) continuity of session is broken only by an adjournment of the Congress sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 15, 30, and 45 calendar days of continuous session of the Congress.

"(5) EFFECT OF INACTION OR REJECTION OF

RESOLUTION.—Congressional inaction on, or rejection of, a resolution of disapproval pursuant to this section shall not be deemed an expression of approval.

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from from Georgia?

Mr. KINDNESS. Mr. Chairman, reserving the right to object, is an extra copy available?

Mr. LEVITAS. I have made available a copy to the ranking minority member, and I will be happy to furnish the gentleman with another copy.

Mr. KINDNESS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes in support of his amendment.

Mr. LEVITAS. Mr. Chairman, the purpose of these two amendments is to amend both title IV and title V, the fiscal assistance countercyclical section as well as the targeted fiscal assistance section, so that the Congress will have a right to review the regulations issued by the Secretary of the Treasury implementing these two titles.

An examination of the legislation indicates that there are 10 different sections in the bill in which authority to issue regulations to implement the section are conferred on the Secretary of the Treasury, including such broad areas as giving the Secretary the right to set forth rules to issue to each State and unit of local government; provides a statement of assurances; uses certain fiscal accounting and auditing guidelines established by the Secretary, and also procedures for maintaining access to records and the like. It gives the Secretary very broad power, in effect, to put in requirements never contemplated by the Congress, or indeed even can frustrate some of the specific requirements put in by the Congress.

I would like to point out, Mr. Chairman, that this is not some type of whimsical or imaginary concern, because when the Congress earlier passed other legislation giving the power to the Secretary to issue regulations in that case, during the last administration, the Secretary of the Treasury in that instance by his regulations specifically frustrated the specific mandate of the Congress. Letters were written to the Secretary by the chairman of the committee, Mr. BROOKS; by the chairman of the subcommittee, Mr. FOUNTAIN, pointing out that the Secretary had countermanded by administrative fiat, by regulation, what Congress had ordered by law. When the Secretary responded to the chairman and to the chairman of the subcommittee, the response was, "Well, we just have a difference of opinion."

I say to the Members that is unacceptable because the law confirms upon the Congress the power and the responsibility to make laws, and not the unelected bureaucrats. This amendment would provide veto over any regulations issued by the Secretary of the Treasury in implementing these regulations.

This would simply place the responsibility upon the elected Congress to make certain that the regulations issued by the Secretary, which he has very broad authority to issue, will carry out the intention of Congress, and we as the elected and accountable representatives of the people, and not the unelected bureaucrats, will have the final say-so. I think it is simply a question of who makes the laws in this country. Is it the elected Congress or is it the unelected bureaucrats?

In the case of the Secretary of the Treasury we have already had an experience where he, by regulation, has frustrated the specific mandate of the Congress. I think the time has come for us to exercise our responsibility and reclaim our prerogatives and powers.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding. I commend him for his amendment and for offering it, and urge support for the amendment particularly in view of the fact that the intent of the Congress is a little blurry on the legislation, and that heightens the need for us to take a look at the regulations when the regulations are promulgated. We may all be quite surprised by them.

Mr. LEVITAS. I think the gentleman is absolutely correct. I think it is very important to know, and many Members are not aware, that the Secretary will have the power to make regulations regarding payments to local units located in larger entities; to make rules relating to boundary changes; to have reorganizations of local governments. He has got vast power. It is a legislative power, and I think we ought to have the power to veto any regulations he issues that do not carry out the intent of the Congress.

I thank the gentleman for his support.

□ 1700

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendments. I oppose the amendments because I oppose the concept of legislative veto generally. We are kidding ourselves if we say we are going to look at every regulation and approve it. This is just not going to happen. In addition, for disbursements of targeted fiscal assistance on April 1, they would have to have the regulations out by February 15, so that Congress would have 45 days to look at those regulations. The two programs contained in this bill make legislative veto even less attractive than usual, because they are going to expire next September 30 and they will be gone before we can crank up any viable legislative veto machinery—if we ever could. There is not that much regulatory authority in this bill. These programs are pretty well self-executing. As soon as the regulations on eligibility are met, then the problem is merely one of disbursements under the rules, under the law. Sticking in a legislative veto could very well defeat that purpose, and I would urge defeat of the amendments.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words, and I, too, rise in opposition to the amendments. Generally, I oppose the concept of legislative veto. I commend the gentleman from Georgia (Mr. LEVITAS) for his attempts to call to the attention of the Congress the public, and the administration, the need for the Congress to have some type of oversight over regulations. The problems that the gentleman from Georgia attempts to address in his efforts to put legislative veto provisions in the bills going through the Congress are real. But I think that the method he is proposing is impractical.

I was chairman of the Paperwork Commission. We looked at this problem very carefully. We recommended in our report in October 1977 that this was not the way to go. Members of the Congress are also attempting to accomplish the same thing by the so-called sunset provisions. What I am trying to do is to hit the bureaucracy over the head and let them know that in issuing regulations they are creating laws, in essence, that have not been passed by the Congress and that could overstep the intent of Congress. So in that sense what the gentleman is doing is a good effort but, on the other hand, practically it is not possible for the Congress to oversee by legislative veto the regulations that are promulgated by the various agencies. We are tied up now in just trying to do what we are trying to do by way of legislation. For us to now have an additional responsibility of a legislative veto, it seems to me, would make almost impossible the job of the Congress, and I do not think we would accomplish anything. It seems to me that what we ought to do in order to solve this problem is to have better oversight by the Congress. The Committee on Government Operations cannot cover everything. We need more legislative oversight by all committees of Congress. I think that responsibility is equally important with the legislative work that we do. So I think the mission and the purpose of the gentleman from Georgia (Mr. LEVITAS) can be accomplished but it should be accomplished in a different way. It seems to me, as the gentleman from Texas (Mr. BROOKS) has said, it is impractical for us to really conduct oversight over all of the regulations issued.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I will be glad to yield to the gentleman from Georgia.

Mr. LEVITAS. I thank my colleague for yielding. I do not want to get into the merits at this point of the general concept of legislative veto. I think the House has spoken repeatedly on its feelings about that, that the elected officials, not the unelected officials, ought to make the law. But in this instance it is particularly important because the Secretary of the Treasury is given broad powers under this legislation to write rules affecting local government reorganizations, boundary changes, eligibility, and the like. Let me tell you, oversight will not work.

There is no more feared Member of Congress in the bureaucracy than the gentleman from Texas (Mr. Brooks), the chairman of this committee. His very name strikes terror into the hearts of the bureaucrats. Yet in 1976 when the Secretary of the Treasury issued regulations under the Revenue Sharing Act and the chairman of the committee pointed out those regulations went against the intention of the Congress, the Secretary of the Treasury thumbed his nose at this chairman of our committee and the chairman of the subcommittee.

Mr. HORTON. I would like to recapture my time. I will agree with the gentleman that the gentleman from Texas (Mr. Brooks) is certainly highly regarded by the administration. As far as we are concerned in the House, he does an excellent job, and the Committee on Government Operations does an excellent job with regard to oversight. But I would also say that if the Secretary of the Treasury thumbed his nose at the gentleman from Texas (Mr. Brooks) I am sure he is going to live to regret that because I think he will have to pay for it at some later date. I do not think we ought to put the legislative veto in this particular bill.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak against the amendment.

Mr. Chairman, I oppose the amendment for three reasons. In the first place, the amendment does not contain any expediting procedure for consideration of the matter by either of the Houses, and it would in effect be a nullity. Of course, the reason the gentleman from Georgia did not put it in is because he would have then made it subject to a point of order. But, nevertheless, without the expedited procedure, this action simply cannot be effective.

The second reason is, I think, related to the first. If in fact the bureaucracy violates the law, the best way to stop the bureaucracy's promulgating a rule contrary to the statutory mandate is in the courts. Courts would overturn such a rule if it were outside the law. If, indeed, the law is too ambiguous and grants too much authority, what is needed to be done is to limit the bureaucracy by amendment of the law, not by consideration of a specific exception as it comes up. We must learn to do these things if we are to actually control bureaucracy.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. Yes. I yield to the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding. I think the gentleman is saying in another way some of the things that I was saying. If these agencies are violating the law by issuing regulations which do not correspond with the law, they ought to be called up before the legislative committees of the Congress and made to toe the mark and correct those regulations. That certainly is one way to get at oversight without this legislative veto.

Mr. ECKHARDT. I certainly agree with the gentleman.

Let me make my third point. The third point is that the provision calls in the first place for concurrent legislative action, that is, of both the House and the Senate. It is true it provides an alternative means, but the Constitution says as clearly as anything can be said that any resolution or other action requiring the concurrence of both Houses is subject to Presidential veto, and if the bill does not provide for presentation to the President it is a nullity. Those are the three reasons I oppose it.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank my colleague for yielding.

In this particular instance, since the committee of jurisdiction to consider the legislative veto would be the Committee on Government Operations, I have no fear that if the chairman of the committee encountered the same type of intransigence on the part of the Secretary of the Treasury that he did in the case of the earlier Secretary, there would be an expedited hearing on the legislative veto, and I predict that it would be reported out without fail. The gentleman from Texas opposes all legislative vetoes, but he has been willing to exercise them at least in the case of Government reorganization plans before his committee.

Mr. ECKHARDT. If I may reclaim my time, at the very least this requires the ultimate agreement of the other body either by specifically joining in a concurrent resolution or by withholding any action. I submit either of those processes required the concurrence of both bodies. You cannot do this without submitting it for Presidential veto.

☐ 1710

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I do so because one of the main functions of the Committee on Government Operations is oversight and I believe that the rulemaking power has proven to be misused time and time again. I agree with my colleague from Georgia (Mr. Levitas) that the chairman of this committee does accept that oversight responsibility with great care. I am convinced he would not neglect the responsibility to review the rulemaking power granted under this bill and therefore I think the Congress should have the power to review the rules and regulations authority; 45 days, I think, is adequate time to consider this authority. I believe it is a responsibility of the Congress as a whole, one which it should assume unto itself.

Mr. Chairman, time and time again we complain about rules and regulations that are imposed by agencies that we thought were not intended, and I believe that the gentleman from Georgia (Mr. Levitas) as a member of the committee, has properly made it a responsibility of the executive branch to return to Congress for review of these rules and regulations.

Now, Mr. Chairman, that does not mean that the committee must go through every single rule and regulation. If the chairman would prefer that, I know that he has adequate staff and other members of his committee can assist. The Government Operations has an oversight subcommittee in which I know the gentleman takes great interest and I believe it is a responsibility this Congress should accept.

Mr. GRASSLEY. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I will be glad to yield to my colleague from Iowa.

Mr. GRASSLEY. I agree with my colleague from California and I thank the gentleman for yielding.

The bottom line is that the people of this country hold us responsible for these regulations written by the nonelected bureaucrats which regulations have the same force and effect on their lives as laws that we pass. Consequently if I am going to have that burden of responsibility, I want to have something to say about the regulations. I believe the Congress should assume that responsibility.

Mr. ROUSSELOT. I appreciate the gentleman's comment. I know the gentleman has been one of those who has worked to make sure that the Congress does reassume that responsibility, because the written rules and regulations have the power of law, as has already been described by our colleague from Georgia (Mr. Levitas). There are very substantial powers given to the Secretary under this bill and I believe that they should be reviewed.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the distinguished gentleman, the chairman of the committee, who, I agree with my colleague from Georgia, does an excellent job of oversight, and I am sure he would really enjoy this responsibility.

Mr. BROOKS. I appreciate the confidence the gentleman has in me and in the Government Operations Committee and its staff, but, "Henry, he don't want that ball."

Mr. ROUSSELOT. The gentleman may not want it but the House may just give it to him anyway.

Mr. BROOKS. Mr. Chairman, I think it is very unlikely that any committee in this Congress or all the committees put together are going to read every regulation that is issued. We would have to hire an army of lawyers and accountants to read all the regulations, and I would not want to add that many people to the payroll of the Committee on Government Operations.

Mr. ROUSSELOT. Mr. Chairman, I believe my colleague has done an excellent job of oversight in many areas and I do not believe he would neglect this responsibility and I think other members of the committee would be willing to join the chairman so the responsibility would not be on the chairman's shoulders alone.

It would be the whole committee and eventually the whole House. That is one of the purposes of the Committee on Government Operations, to give oversight to legislation such as this. The gentleman has helped create it so I am sure the gentleman would want to watch this progress under the rulemaking authority.

Mr. BROOKS. Will the gentleman yield?

Mr. ROUSSELOT. Certainly.

Mr. BROOKS. Right now, any committee can do that.

Mr. ROUSSELOT. But they do not always follow through when improper rules are written.

Mr. BROOKS. But they can. When there is a justified case the Committee on Government Operations does. The legislative committees have the same responsibility.

Mr. ROUSSELOT. As the gentleman knows, many times these agencies assume unto themselves in their rulemaking power, authorities that were never intended in the original legislation. I think it is in that area that we are concerned.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. VOLKMER and by unanimous consent, Mr. ROUSSELOT was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I would be glad to yield.

Mr. VOLKMER. I, too, want to join the gentleman from California in his support of this amendment, and commend the gentleman from Georgia, again, for asking the House to exercise its responsibility over the bureaucracy and over rulemaking authority.

Mr. Chairman, I would like to mention, while we have been here we have basically seen this same thing operate on numerous occasions where there have been rules or regulations made by the bureaucracy which were beyond the intent of the Congress and that the Congress has had to take action upon.

Mr. Chairman, this would specifically let the bureaucracy know that in this piece of legislation, on these programs, that when they do provide the regulations for the operation of the programs, whether it be for provisions for disbursing funds or for regulating municipalities on how to use the funds, that any Member of Congress, as those are being drafted, as they are being implemented, whether they are brought to their attention by the Member's staff—which I doubt, but it could be—but I think it would be more by the municipalities that are involved.

Mr. ROUSSELOT. I think the gentleman makes an excellent point.

Mr. VOLKMER. And that those municipalities then say, if it is in my community they would say, "Hey, Harold, look at this thing, did you all really intend to do that?"

I would say, "No, I do not think we intended that, I do not think Jack Brooks or anyone else intended to do that."

Mr. Chairman, I can then put in a resolution and try to bring it to the attention of everybody to do that without having to go through the regular process of making a law in order to change what that bureaucrat has done.

Mr. ROUSSELOT. Mr. Chairman, I think the gentleman has made a positive contribution.

Additionally, I think, it would put a sense of caution in the minds of the bureaucrats who write these regulations. If they knew they had to submit them to Congress even for 45 days, they would exercise greater care and judgment in what they do and examine how far beyond the law they really want to go in their rulemaking powers.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I will be glad to yield to the author of the amendment.

Mr. LEVITAS. Mr. Chairman, I commend the gentleman for his statement and I agree completely with him. Having oversight without a legislative veto at the end is like having a revolver without any bullets. If you want to get something done you have to have the sanction to enforce what you do.

If the Secretary of the Treasury will thumb his nose at the gentleman from Texas (Mr. BROOKS), he will thumb his nose at anybody, time and time again, unless we have the means and the ability to do something about it with congressional legislative review.

Mr. ROUSSELOT. I appreciate the gentleman's comment. I am glad the gentleman offered the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Georgia (Mr. LEVITAS).

The amendments were agreed to.

### AMENDMENT OFFERED BY MR. RODINO

Mr. RODINO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RODINO: Page 64, line 12, insert immediately before the period the following: ", except that, if the national rate of unemployment for the first quarter of such fiscal year (as determined by the Secretary of Labor and reported to the Secretary) exceeds 5 percent, then the amount authorized to be appropriated for such purpose for such fiscal year shall be $200,000,000".

Mr. RODINO. Mr. Chairman, I rise to offer an amendment to restore $50 million to title V of H.R. 5980, the targeted fiscal assistance program. The Senate agreed last year by a 3-to-1 margin to fund this program in fiscal year 1980 at a level of $340 million. The House Government Operations Committee voted to authorize $250 million for this important program.

On a late Friday afternoon, however, just before Christmas, with close to 100 Members absent, the House narrowly voted to reduce the funding for this modest program to $150 million. That action, if upheld, would, in my judgment, gut this small but extremely important attempt to provide much-needed assistance to the most fiscally stressed counties, cities and towns in our Nation.

So, I'm urging the House to increase the level of authorization for this program to $200 million, from $150 million, since the Nation's unemployment rate exceeded 5 percent—in fact, was 5.9 percent—in the first quarter of this fiscal year.

During the last recession, the deepest recession in the United States since the 1940's, many urban and rural communities experienced severe fiscal problems. The recession weakened their revenue bases at a time when there was a significant rise in their unemployment and service costs. Many local governments experienced serious budget deficits and some were on the brink of insolvency.

In 1976, the Congress responded to this severe and difficult situation by enacting the antirecession fiscal assistance program to provide emergency aid to distressed States and local governments. In 1977, the Congress extended this program together with additional funds. The antirecession program provided slightly more than $3 billion to an average of 18,000 State and local governments.

About 50,000 jobs were created for every billion dollars spent under the program. On the basis of this past record, the Treasury Department estimates that the $200 million under targeted fiscal assistance would create or save about 10,000 jobs.

Most local officials believe strongly that these expenditures were very helpful in avoiding tax increases at the local level that would have adversely affected strained household budgets. This program also helped to provide the financing for large numbers of essential local public employees, who deliver vital public services such as police, fire, and sanitation.

In 1977, the Senate Subcommittee on Intergovernmental Relations conducted a study on the creation of jobs under this program and documented numerous examples of the program's positive effects on local communities. In Columbus, Ga., 72 jobs were saved in the school system. In Detroit, with unemployment at 14 percent, 450 police officers were called back to work after a layoff, 17 emergency medical technicians, 37 firefighters and others also were recalled. In Rockford, Ill., with unemployment at 10 percent, 38 jobs in the police and fire departments were saved because of this program.

I introduced a bill to restore this program in January 1979. Ninety-six of my colleagues joined in sponsoring this measure and the Carter administration sponsored a similar proposal in March. The administration's proposal included targeted fiscal assistance—a program designed to bridge the gap between the end of the antirecession fiscal assistance program, which was suddenly canceled in October 1978, and the revised version of general revenue sharing that is now proposed by the President.

The administration's proposal would target the local shares of GRS to respond to the problems of fiscally stressed State and local governments. Although that will provide improved targeting to aid fiscally stressed cities, these localities need help now.

The Treasury Department has indicated to me that, although there has been improvement in numerous areas during the recent recovery, a large number of governments are still in a serious state of fiscal stress.

Their local tax rates are at legal or economic limits. Despite efforts to cut their budgets, these governments are experiencing inflationary pressures which are driving local expenditures higher. Additional research has demonstrated that this same combination of stagnant revenues and inflation-driven expenditures also is afflicting many rural governments.

Let me discuss, Mr. Chairman, the difficult position from which many of our Nation's communities must face the prospect of the next recession. We are told by many economists and indeed, the administration, that we are likely to experience a recession in 1980. Some economists believe that it may be relatively severe.

The point I want to emphasize is that many of our counties and cities have remained far behind during the previous recovery. They have been unduly burdened throughout the entire economic cycle. These will be especially hard-hit by yet another recession.

Many of these localities are still suffering from the last recession with unemployment rates of 8, 9, and even above 10 percent. The people who live in these cities, who work in the steel mills, in the automobile plants, and in other industries are most subject to the cold wind of recession.

These people hear talk from Washington about recession and increasing rates of unemployment and they know that it is their jobs that will be lost, their livelihoods that will be jeopardized, their hopes and dreams that will go up in smoke.

These people living in the hardest-hit communities of America are the people whom this legislation attempts to help. Several of these endangered cities have already taken drastic steps cutting off essential services. Let me illustrate:

In my own city of Newark, last June 450 employees were laid off in the immediate wake of the countercyclical aid program's termination, including 200 police officers. For 1980, Newark now proposes to raise taxes by increasing the property tax rate from $9.36 per $100 of assessed value to $9.99 per $100. This measure has yet to clear the city council. If the tax increase is not passed, substantial additional layoffs will be required. Even with the increase under consideration, a painful step in itself for the city, cuts are projected in health and recreation. Moreover, additional revenue measures will be required.

Detroit, with a work force of 23,000 employees, laid off 907 employees on October 1, 1979; 400 of thoes layoffs were police. The situation is still critical in Detroit. There will be a second layoff before the end of the present fiscal year. Detroit faces a $60 million budget gap in June of 1980, out of a $1 billion budget. This would be the biggest deficit Detroit has ever run. If there is no change in Federal or State legislation, that $60 million deficit could run as high as $100 million. At one time the city's police force had 5,000 members and there were 1,700 firefighters. Now the police force has been reduced to 4,000 and firefighters to 1,200. Other services have been cut substantially as well.

Last June, the city of New Orleans had to enact three new revenue measures that equaled approximately 15 percent of its 1979 budget. A version of that package raised $13 million in 1979. Yet, for 1980, the projected situation is far worse. Layoffs of approximately 500 employees are scheduled for 1980. Additional revenues must be raised through increased fees and permits. A freeze on hiring is anticipated to close the projected budget gap through attrition.

Pittsburgh was forced to increase both its city income tax and its property tax last June. That did not turn out to be enough. On January 1, 1980, Pittsburgh had to increase its property tax by about 20 percent. This increase was required because other revenues have not kept up with inflation in Pittsburgh.

Harsh, unavoidable actions by these and other economically distressed areas become necessary as the recession deepens. That is why we should approve this extremely important measure which will provide immediate assistance to the most distressed communities and standby antirecession protection later in the year for a larger group of State and local governments. The importance of targeted assistance—and of this amendment—is heightened by the fact that under this bill the first antirecession payments would not be distributed until October. I want to emphasize the special role the targeted assistance program will play in the interim.

This aid could be distributed by April when most economic forecasters indicate that we will be in the middle of a recession. The timing of this payment, therefore, is crucial. The 3,000 most distressed communities of the 39,000 in our Nation, would be able to receive $200 million under my amendment just before the crunch is expected to hit.

This program is timed so that it will target assistance to those areas hit first and hardest. Then, later in the year, as State and local governments begin to feel the effects of the recession, they will join the list of governments eligible to receive countercyclical or antirecession aid. Also, Mr. Chairman, I want to remind my fellow Members that although the distinguished chairman of the Government Operations Committee, Mr. Brooks, supported a reduction in the size of this program from $250 million, he indicated on the floor that he approved of the $200 million figure.

He indicated on the House floor on December 14, that he, and I quote, "thought, very candidly, that we should have raised it to maybe $200 million in the committee and then gone to conference with $200 million."

Mr. Chairman, this program is well structured, well timed, and well targeted: 71 percent of the funds go to local governments with unemployment rates of 7.1 percent or greater. The Treasury Department has been tracking the problems of a number of seriously fiscally stressed cities.

In conclusion, Mr. Chairman, let me urge my fellow Members to endorse and vote for this vitally important program, but to do so at a level that is meaningful. Therefore, I ask your support to set the level of funding for targeted fiscal assistance at $200 million.

□ 1720

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. Rodino) has expired.

(At the request of Mr. Horton, and by unanimous consent, Mr. Rodino was allowed to proceed for 3 additional minutes.)

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I thank the gentleman for yielding.

I just want to add my support to the amendment that the gentleman is offering. I think the gentleman has said it very well. There are units of government in this country that are very hard hit as a result of recession and that need this money very badly. The $150 million, it seems to me, is too low.

I was on the floor managing the bill when the bill came up in December. As the gentleman said, we did not have a lot of Members here. It was on a Friday and many of the Members had gone home. It was just before Christmas and a lot of the Members did not have an opportunity to vote on it. Unfortunately, that amendment carried.

It seems to me it cut too severely the amount that is to be distributed. That is a one-shot distribution. There are some 2,000 units of local government that are hard hit as a result of unemployment and as a result there is a need for additional funds in order for those municipalities to operate and to relieve their taxpayers as far as taxes are concerned; so it seems to me that what the gentleman is doing here is offering an amendment which brings it up to $200 million, which it seems to me is a better figure and closer to the amount of money that is needed to attempt to solve these problems. When you are dividing that up in a formula among 2,000 units of government, it is not an awful lot of money.

I would like to urge support of the House in the committee for the gentleman's amendment and I thank him for bringing it to our attention.

(At the request of Mr. Charles H. Wilson of California and by unanimous consent, Mr. Rodino was allowed to proceed for an additional 3 minutes.)

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from California.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I would like to support the gentleman in his amendment. I wonder if the gentleman can tell us what this does for California or Los Angeles County in particular?

Mr. RODINO. I do not have the printout here and it is best presented there.

Mr. CHARLES H. WILSON of California. It is intended to assist some of our larger cities and communities?

Mr. RODINO. Yes; it is. I would say, generally speaking, of course, one has to recognize that this is targeted fiscal assistance to those areas that are the most distressed areas.

Mr. CHARLES H. WILSON of California. I do have one question, however, that will affect how I vote.

Now, section 503 of the bill requires that the Secretary of the Treasury receive an assurance that the unit of local government will spend amounts received under this title only in accordance with the laws and procedures applicable to the expenditure of its own revenues.

I would like to know if this, in the gentleman's opinion, the bill including the gentleman's amendment, prohibits the local government from spending this targeted assistance on programs that the local government has expressly forbid itself from spending money on; that is, the statement of assurance pertains to programs as well as administrative prohibitions the local government places on itself.

Now, more specifically, if the City of Los Angeles, for example, has in its charter a prohibition on using its revenues for the financing of construction or other assistance to the 1984 Olympic games, and it could not use any targeted assistance funds for this purpose; is that true?

Mr. RODINO. I would yield to the distinguished chairman of the Committee on Government Operations to reply to that specific question.

Mr. BROOKS. Mr. Chairman, I thank my distinguished chairman of the Committee on the Judiciary and say to my friend, the gentleman from California, that in the bill we have before us on page 71 in section (5), lines 1 through 5, it says:

> "(5) an assurance that the unit of local government will spend amounts received under this title only in accordance with the laws and procedures applicable to the expenditure of its own revenues.

As I understand it, that would mean they would have to spend it under their own rules and regulations.

Mr. CHARLES H. WILSON of California. If the city charter forbids the use of city funds for such a purpose as the 1984 Olympics, this money would come under that provision?

Mr. BROOKS. That would be my understanding.

Mr. CHARLES H. WILSON of California. Mr. Chairman, I thank the gentleman.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding.

I want to be sure I understand correctly what we are doing with the amendment that is proposed here. This amendment would, in effect, halfway change the decision of the House or of the Committee of the Whole on December 14 or thereabouts when the authorized level of expenditure was reduced down to $150 million?

Mr. RODINO. Insofar as the amount is concerned, there would be that increase of $50 million.

Mr. KINDNESS. The contingency upon which it is based is a historic fact, is it not?

Mr. RODINO. The national rate of unemployment being 5 percent.

Mr. KINDNESS. Right.

Mr. RODINO. And more, and we know that in this first fiscal quarter it has been 5.9 percent, that everything else is status quo.

□ 1730

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has expired.

(On request of Mr. KINDNESS, and by unanimous consent, Mr. RODINO was allowed to proceed for 2 additional minutes.)

Mr. KINDNESS. Mr. Chairman, if the gentleman will yield further, I would point out that I did not raise a point of order with respect to the amendment because I understood the skids were appropriately lubricated. But I would point out that this is strictly a matter of reversing something that has already been decided upon by the House or by the Committee of the Whole, and the appropriate figure is $150 million.

I find it rather unusual to see this procedure employed to turn around a decision of the House or of the Committee of the Whole.

If the gentleman's amendment is not successful, I would ask, would the gentleman from New Jersey (Mr. RODINO) then be inclined to ask for a record vote or a separate vote on the original amendment when the committee rises and reports the bill back to the House?

Mr. RODINO. Mr. Chairman, I have not reached such a judgment. I have not even thought of that.

I am hopeful that the House of Representatives, in its wisdom will adopt this amendment. I think it is reasonable. I would like to point out that 71 percent of that $200 million would go to municipalities that are hard hit. These are the communities that are the hardest hit and that now have an unemployment rate of 7.1 percent overall.

Mr. Chairman, I think if we are going to do something meaningful, we should adopt this amendment. I do not know whether the gentleman supported the $150 million figure, but I would assume that we would reach out and understand that $50 million would go a long way toward assuring some of the municipalities, those that are really hard hit, that our targeted assistance would reach them. I am sure that our assistance would indeed be helpful.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield for another question?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I will ask the gentleman, Is it correct that in New Jersey and in the gentleman's home city local government is subject to a spending limitation of 5 percent of some figure?

Mr. RODINO. That is true.

Mr. KINDNESS. Is that not a part of the problem we are seeking to solve in the House?

Mr. RODINO. That is only part of the problem. Part of the problem is that in my district, in the city of Newark where I reside, 60 percent of the real estate is tax exempt.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has again expired.

(On request of Mr. KINDNESS, and by unanimous consent, Mr. RODINO was allowed to proceed for 1 additional minute.)

Mr. RODINO. Mr. Chairman, if I may continue, we have already been straining insofar as the ratables are concerned to try to bring in enough funding to keep the city's services at an acceptable level, and the city council presently has under consideration another substantial increase in the tax rate.

Removing the cap is not going to make a difference at all. The problem is the fact that we have not recovered from the last recession. We are hard hit. We have had to lay off almost 400 police, firemen, and other employees.

Mr. Chairman, this is not the case only in this particular city. It is the case in Detroit, in Pittsburgh, in New Orleans, and in a lot of rural communities.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has again expired.

(On request of Mr. BIAGGI, and by unanimous consent, Mr. RODINO was allowed to proceed for 3 additional minutes.)

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in full support of the amendment. Passage of this amendment is absolutely essential if we are to at least partially recoup the damage this House did to the original H.R. 5980 when it slashed the level of countercyclical funding from $250 to $150 million.

As this Nation begins the 1980's we find some of the chronic problems of the 1970's still with us not the least of which is the fiscal plight confronting many of our major cities. When the House considered the original H.R. 5980, the bill was already the product of extensive compromise. Let us not overlook the fact that all we are trying to do is extend a program which has in fact a proven track record of providing urgently needed aid to hard pressed cities.

Let me get somewhat parochial for the moment. Title II of H.R. 5980 to which the Rodino amendment is attached is of critical importance to the future financial life of New York City. Mayor Koch recently submitted his budget for fiscal year 1981, and it features the achievement of a balanced budget—1 full year ahead of the required Federal mandate as contained in the 1978 loan guarantee legislation.

In human terms the achievement of a

balanced budget has not come easy. There has been a massive reduction in the labor force in the city and new local taxes will have to be levied on citizens. Yet the city is committed to a balanced budget as a means of returning unconditionally to the private credit market.

An essential element in the city's fight to restore fiscal solvency is Federal and State assistance. The fact is enactment of the countercyclical bill in its original form could provide the city with some $40 million in assistance. The amount with a $150 million base level obviously is considerably less thus making the case for enactment of the Rodino amendment absolutely vital. It has been estimated that this increase could result in an additional $466,000 in Federal money flowing right into my congressional district.

New York City like other financially strapped municipalities is not exclusively responsible for its own problems. Certain Federal policies combined with the uncontrollable factor of inflation are significant contributors. Countercyclical assistance was advanced as a means to help those areas in the worst shape. It is an emergency program and should be viewed in that context.

The Rodino amendment is modest but essential. It is possible that the areas eligible for assistance today may in fact pull themselves out of their present recession. If so, then the need to extend this legislation will diminish. As the old cliche goes an ounce of prevention is worth a pound of cure. Let us view the Rodino amendment and H.R. 5980 as the ounce of prevention.

Mr. Chairman, I congratulate the gentleman from New Jersey (Mr. RODINO) for offering this amendment.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has again expired.

(On request of Mr. WALKER, and by unanimous consent, Mr. RODINO was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, would the gentleman confirm this for me: By this amendment we are really talking about authorizing an extra $50 million, are we not?

Mr. RODINO. That is correct.

Mr. WALKER. I assume that is correct because as far as the 5-percent figure is concerned, we have not been at that figure in years. So actually we are adding $50 million.

Can the gentleman tell me what this money is going to be used for?

Mr. RODINO. Mr. Chairman, the money is going to be used in the various municipalities in an effort to try to stabilize the various governments of those various municipalities. This money would be helpful for that purpose, whether it be used to restore essential services or to avoid enormous increases in the tax rates on which some of these various municipalities are functioning.

Mr. WALKER. Mr. Chairman, I thank the gentleman for that explanation.

Mr. RODINO. Mr. Chairman, I would like to say, since this is targeted fiscal assistance, it is the intention of this program fiscal assistance—that indeed if we want to be helpful to those areas most in need, and we should do so by increasing this sum of money.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has once again expired.

(On request of Mr. BROWN of Ohio, and by unanimous consent, Mr. RODINO was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

Mr. RODINO. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I will ask, is the gentleman saying that it is limited to those categories he mentioned? Is it not a fact that this money can be used for literally anything in these communities?

Mr. RODINO. Mr. Chairman, I believe the gentleman from Texas (Mr. BROOKS), the distinguished chairman of the Committee on Government Operations, recited the fact that these moneys, once they go to the municipalities, may be used to be helpful in whatever category they see fit to use them. However, I am sure that those communities that are distressed, are going to guarantee that that money is used to keep essential services operating.

Recognizing the fact that we may be in the midst of a recession, according to the economists, and that this recession may be even more severe by about April, when this money might be distributed, this targeted fiscal assistance would substantially lessen the burden these communities would have to bear.

Mr. WALKER. Mr. Chairman, I thank the gentleman for that explanation, but the problem I have with that is that we have recently had a program passed here in the House for heating assistance, and a lot of taxpayers are disturbed about that because we had the same kind of arguments from the floor on that issue. We knew that the money can be used for any purpose, but we were assured that it would be used in the right way.

We are talking here about using $50 million, and we are assured that the $50 million will be used in the right way.

Mr. Chairman, there is no certainty about that. Will the gentleman admit that?

Mr. RODINO. Mr. Chairman, that is the case with the $150 million as well.

My argument is based on the fact that local governments are in critical situations, and their communities are looking to us for assistance. The people in these communities are hurt by these situations, and without this kind of assistance they are going to have to strain and go beyond even their economic ability to sustain themselves.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, I thank him for that explanation.

It still occurs to me, though, that it is a rather weak argument to say that if we authorize $150 million and it can be abused, what we ought to do is add another $50 million to it.

Mr. RODINO. Mr. Chairman, I am saying that if we authorize $150 million—and that is what the House did on December 14—it is not going to do the kind of job that is intended by the legislation.

The $200 million is necessary, and it is a reasonable compromise between what the gentleman's committee supported when it voted for a $250 million targeted fiscal assistance program and the present provision, recognizing the need to bridge the gap between the time when that money would be distributed and the time when the so-called countercyclical funds might be distributed in the event of a recession.

Mr. WALKER. Mr. Chairman, I thank the gentleman for his explanation.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. RODINO) has again expired.

(On request of Mr. BROWN of Ohio, and by unanimous consent, Mr. RODINO was allowed to proceed for 3 additional minutes.)

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I am a great admirer of the gentleman in the well, in particular because he is a distinguished lawyer and I am not. I recognize that as a profession of some precision, at least in terms of the observance of the law when it is well written.

☐ 1740

What I am concerned about is the imprecision, as an economist, in the law as it is written now with reference to the distribution of funds which the gentleman seeks to impact by his amendment.

It is my understanding that the money in TFA is distributed on three tests. One is unemployment in excess of the national average. For SMSA's that unemployment would be 6 percent. For non-SMSA's it would be 6.1 percent. Then that the local entity must not have a per capita income in excess of 130 percent of the national average. And, finally, that it must have a growth rate in real wages and salaries lower than 150 percent.

The thing that concerns me in that most of all is the use of 6 percent and 6.1 percent statistics for local communities, because as a member of the Joint Economic Committee I am told repeatedly by the people who come up to give us the monthly unemployment statistics that below the State average—and in some small States, not even there—we do not have a precise figure, that that may be off by 3 or 4 points, that is, tenths of a percent, because the data is gathered the same way Lou Harris takes his poll of Presidential candidates, and that is a very small sample.

I am just asking the gentleman if he has confidence in the system on that basis. Is that precise enough for us to get down to SMSA's, even small ones, or certainly the small counties or cities?

Mr. RODINO. I must confess to the

gentleman that while he attributes to me a legal expertise, the matter he states is an attempt to interpret the economics formula in the bill. That I would have to leave with the gentleman's committee which sought a formula to best help the people in the municipalities that are most economically distressed. I cannot say whether or not that economic formula is precise enough, or whether there are other data or statistics that might be more helpful.

Mr. BROWN of Ohio. Mr. Chairman, I have to say to the gentleman that the thing that upsets me about this legislation is that in the last version of the bill two of my cities were included; in this version of the bill neither one of them is in but another one is included.

Mr. RATCHFORD. Mr. Chairman, I rise today to lend my full support to the Rodino amendment to H.R. 5980, which would raise the authorized level of tartercyclic aid program from $150 to $200 million.

I can only offer the highest praise for the work of the House leadership in bringing this important legislation, the Antirecession and Target Fiscal Assistance Act, to the floor for final consideration. As we look ahead to the remainder of 1980, with forecasts for gradually rising unemployment, and an impending recession, there are few initiatives of greater potential importance to local communities across the entire Nation. The Rodino amendment will move us a step closer to meeting our fundamental responsibilities in the face of difficult economic conditions.

Let me take a moment to illustrate what this legislation, and this amendment, can mean to distressed cities and struggling municipalities, in all regions of the Nation. In my district in Connecticut, communities throughout the Naugatuck Valleys are fighting for their very futures, attempting to maintain local services in the face of a declining tax base, and an increasingly old industrial mix. Communities such as Waterbury, Ansonia, Derby, Seymour, and Naugatuck, have faced unemployment rates in excess of 8 percent, even in the best of economic times, and now face the prospect of even greater joblessness, with little hope of relief.

A program of targeted fiscal assistance for communities such as these, which are suffering from long-term economic distress, can make an important difference for these important areas. Coupled with the countercyclical provisions of H.R. 5980 to shield the Nation from a serious recession, this targeted aid program will enable areas of high unemployment, and low per-capita income, to maintain services, and to halt the process of economic decline. The legislation before us would bring nearly $380,000 into the Fifth District of Connecticut, and the Rodino amendment would boost the area's targeted fiscal assistance to over $500,000. While these totals are not massive, they will mean the differences between jobs and services or economic disaster, for the most hard-pressed municipalities.

Mr. Speaker, I would like to express my gratitude to the distinguished chairman of the House Committee on Government Operations, Mr. Brooks, for his continuing patience and hard work in reaching an acceptable agreement on this important legislation with the administration. I deeply hope that my colleagues in the House will recognize the importance of this response to impending recession, and long-term economic distress, and urge their full support for the Rodino amendment now before us.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the appropriate moment, I have a substitute for the Rodino amendment, which is at the desk. I do not want to preclude my subcommittee chairman, or the chairman of the full committee, but I would reserve the right to offer that amendment.

Mr. FOUNTAIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I must confess that it is not easy to oppose an amendment offered by the very genial and lovable chairman of the Committee on the Judiciary, with whom many of us have been associated for many years. I appreciate his motives and his efforts on behalf of his State and his district because, I might point out, Newark, in the district of the gentleman from New Jersey, would receive the largest per capita allocation of any of the 200 largest cities in the United States under the $150-million figure, the authorization figure which we now have adopted. Newark would receive $5.47 per capita. While I agree that Newark is a needy city, I believe the $150-million authorization level treats Newark and other large cities very generously.

Mr. Chairman, I rise in opposition to the amendment for a number of reasons. My reasons for opposing any increase in the $150-million authorization for the title V targeted fiscal assistance program are explained in a letter which I sent to all Members.

The gentleman from Ohio (Mr. Kindness) has already explained that we have just voted, prior to going home for Christmas, to cut the targeted assistance funding from $250 million to $150 million. And now, in a parliamentary maneuver designed to make it eligible for consideration, an amendment has been offered to add $50 million back to the $150 million we have already adopted.

Briefly stated, I am supporting a limited, one-year targeted assistance program as a part of a compromise that has enabled the committee to bring what I think is a responsible and meritorious antirecession bill, in the form of title IV, before this House.

I have no great enthusiasm for the targeted fiscal assistance title, I must confess; but I think the compromise, the overall compromise, justifies supporting a $150-million program. However, targeted fiscal assistance is not a suitable or satisfactory method for helping declining or stagnant communities.

I believe needy governments can be helped more effectively by programs that promote economic development and private-sector jobs, rather than by making these governments more dependent—and permanently so—on the Federal Government for police, fire, sanitation, and other ordinary local services. To make matters worse, we simply do not have satisfactory data for distinguishing between local governments that are fiscally needy, and those that are not.

I should point out, however, that the targeted assistance title before the House is a considerable improvement over the bill sent up by the administration and passed by the other body. It is a superior bill because it uses the available data more rationally to identify governments that have not participated to a substantial degree in the Nation's economic growth in recent years.

On the other hand, targeted assistance does rely heavily on poor-quality unemployment rates for determining local government allocations. Consequently, no one can vouch for the fairness of the resulting distribution.

I strongly oppose increasing the present $150 million authorization for two good reasons:

The title competes with the far-more important anti-recession assistance program for a limited pot of money; and second, the $150-million authorization would provide ample assistance to the large, urban centers which it is intended to help.

The gentleman from New Jersey made a very pertinent observation when he said that economists are predicting a recession this year. Just today the House Budget Committee has forecast three recessionary quarters this year. And, for that reason, I think it is more important that we have adequate funds available under the antirecession portion of the bill.

Addressing the last point first, the $150 million will give New York City $28.1 million, which is equal to 18.7 percent of the national total.

□ 1750

Los Angeles City and County will receive $10.6 million; Detroit, $4.2 million; Philadelphia, $4.1 million; Chicago, $3.9 million; Boston, $2.1 million; the District of Columbia, $2 million; Baltimore, $1.9 million; and Newark $1.9 million. And so on down the list.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. Fountain) has expired.

(At the request of Mr. Wylie and by unanimous consent, Mr. Fountain was allowed to proceed for 3 additional minutes.)

Mr. FOUNTAIN. These sums are very generous supplements to the large revenue-sharing allocations which these governments are already receiving.

I am not aware of any good justification for increasing them. The subcommittee is going to take up the revenue-sharing bill soon for extension beyond September, I hope.

Now, with respect to the fact that the two programs compete for the $525 million in the budget for both purposes, I pointed out in my "Dear Colleague" letter that any amount authorized for targeted assistance will take money that would otherwise be available for antirecession assistance. That statement was based on the latest economic forecast available when I wrote my letter. It is subject to only minor qualification today.

The new Congressional Budget Office economic forecast—which we received just today—projects three recession quarters in fiscal 1980, starting this month. These three quarters would trigger antirecession assistance allocations of $195 million, $300 million, and $360 million, respectively.

The January and April quarters combined would trigger $495 million in antirecession payments, which could be charged against the $525 million budget authority for 1980. While these quarterly allocations, which must be paid within 120 days of June 30, might or might not be distributed as outlays before October 1, depending on how quickly the Commerce Department provides the necessary data, both the final data for the January quarter and the preliminary estimates for the April quarter will be available in ample time for the Appropriations Committee to act on an appropriation in fiscal 1980 for the anticipated payments.

A "Dear Colleague" letter has been distributed alleging that I provided erroneous information to the Members. That allegation is untrue. The gentleman from Connecticut, the distinguished chairman of the Committee on the Budget, advised me by letter of January 24, that, and I quote:

> Any amounts triggered by the title IV formula in fiscal year 1980 would constitute an obligation against fiscal year 1980 budget authority.

That statement is very clear. I think it is to the point. The gentleman from Connecticut then wrote me a second letter, reaffirming that the aforementioned statement is true, but is premised on two conditions; namely, that the antirecession formula would be triggered in sufficient time to become effective in fiscal 1980, and that there would be a fiscal 1980 appropriations bill.

Both of these conditions were, in fact, implicit in my questions to the chairman of the Committee on the Budget——

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. FOUNTAIN) has again expired.

(By unanimous consent, Mr. FOUNTAIN was allowed to proceed for 2 additional minutes.)

Mr. FOUNTAIN. As I stated earlier, these conditions could be met.

However, I view this clarification as useful in making explicit the conditions under which the money triggered by the title IV section of the bill would be charged against the 1980 budget authority.

Under these conditions, the $360 million which the CBO forecast will be triggered in the July quarter would clearly be charged against fiscal 1981 budget authority, just as $495 million is potentially an obligation against the $525 million budgeted for fiscal 1980.

I would caution the Members not to be fooled by misleading assertions citing budget technicalities. The real issue here—and the only one—is whether we want to reserve the bulk of the $525 million in the budget to adequately fund the antirecession assistance program, or whether we want to deplete these funds by spending more than $150 million for a one-time targeted assistance payment in April.

I urge my colleagues to stick with the $150 million targeted assistance ceiling, which this committee, as has already been pointed out, voted for just before the Christmas recess, and reserve these funds for the important antirecession program, which is based upon a much more reliable formula.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

I could not agree more with the gentleman in terms of what we are doing here. If we had set out to identify a number of communities or local governmental communities throughout the country that have severe problems that give rise to a certain amount of pressures, political or otherwise, for help from the Federal Government, and then said, "OK, let us find some rules that will fit these communities and bring them under the coverage of the bill," and then we found that what we did by way of a formula——

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. FOUNTAIN) has again expired.

(At the request of Mr. KINDNESS and by unanimous consent, Mr. FOUNTAIN was allowed to proceed for 3 additional minutes.)

Mr. KINDNESS. If the gentleman will yield further, if we had done that, then we said we did not hit it right, there is not enough money, I think we would have come out in just about the same place that we are right now.

I am not saying that is exactly what occurred. I do not know how this thing came into being exactly, but the fact is it looks like that is what we are trying to do when this Committee of the Whole has already acted, and decided that the level of authorized funding ought to be $150 million, then we said, "Oops, somebody is missing, somebody is not included who ought to be included. Somebody who is putting pressure on ought to be included. So we had better move the funds up another $50 million, cutting in half the reduction that was already made by the Committee of the Whole."

It does appear rather crass; it does appear as though we are doing something in a manner that really does not relate to a formula at all, and what it relates to is pressures that are being applied from certain communities, I guess. But I do not even know how to intelligently judge the value of those factors that have been put into the formula under which the $150 million are to be distributed. How can I feel trust in putting $50 million more in there?

I would ask the gentleman, for that reason, is there any basis that we can use to say why we are using the 150 percent of the national average of real wage and salary increase, for example, that is a factor in the formula, in which I still do not feel a great deal of confidence, but these are all arbitrary figures, as I understand it, and we have to draw a line someplace when we are drafting a program like this.

The Committee of the Whole has drawn an arbitrary line, if you will, at $150 million once, to make that decision.

We have a procedure in the House, as I understand it, when the Committee of the Whole has voted on something and reports back to the House, there can be a separate vote on any amendment that was adopted in the Committee of the Whole. That is not what we are doing here. We are doing something different. I do not know exactly what it is we are doing, but we are doing something.

What we are doing is reacting to pressure, some pressure that has been raised apparently since December 14, when the gentleman from North Carolina was successful with his amendment, that reduced from $250 million to $150 million the amount of targeted assistance authorized funding.

I certainly support the gentleman in the view that he has expressed in opposition to the amendment that is before the Committee at this point. There are a lot of other points I would like to express on this.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. FOUNTAIN) has again expired.

(At the request of Mr. KINDNESS and by unanimous consent, Mr. FOUNTAIN was allowed to proceed for 3 additional minutes.)

Mr. FOUNTAIN. I thank the gentleman for his observation.

May I make one other comment before the gentleman poses his question.

I think, too, we should bear in mind that the other body has authorized $340 million as the gentleman from New Jersey pointed out. As my colleagues know, we never come back from conference with the figure which we advocate over here; at least, I have not seen it happen often.

There is going to be some give and take, and I think the higher the figure on this side, the higher the figure is going to come back from conference for a program that is not needed as badly as antirecession assistance.

☐ 1800

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, my concern is the same as the gentleman's about targeted fiscal assistance. I just want to make a couple of points the gentleman has already made. The gentleman mentioned the fact that New York City gets 3.75 percent of all the money that is distributed.

Mr. FOUNTAIN. 18.7 percent.

Mr. BROWN of Ohio. 18.7 percent. It is $28,101,228, as I recall.

The thing I wonder about, I heard the other day, within the last couple of days that Manhattan is the hottest real estate market in the country, that property in Manhattan now has begun to zoom in price. The thing that startles me is why we then should ask the taxpayers in my district where, with all due respect, one can still get a pretty nice house for a very modest amount of money by comparison with New York or Washington, D.C., why we should put the money to assist that kind of a community. I already voted in favor of helping to bail out New York from its management problems and got a lot of guff in my district. I must say that I thought it was important that the city be saved. But is it important now that my district be further raided for the benefit of that city? One other city, if the gentleman can respond to that, that is in here is the city in which we all work, Washington, D.C. The cheapest house you can find, I am told, in Washington, D.C., now is really more expensive than many of the average homes in my district. Fifty thousand dollars is the average price, or was the average price last summer for a residence in Washington. As we all know, many of them are many, many times higher than that.

This is a boom town because it is in the most booming business we have in the country at the moment: Government. We set up a budget for the city of Washington that we vote separately for in this Congress. Why do we have to have the city of Washington in this to funnel more money in from our taxpayers that do not get anything?

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

(At the request of Mr. BROWN of Ohio and by unanimous consent, Mr. FOUNTAIN was allowed to proceed for 3 additional minutes.)

Mr. FOUNTAIN. Mr. Chairman, I appreciate the observations and comments of the gentleman. I share some of his views in connection with the targeted fiscal assistance provision of the bill, and that is why I think that ought to be the smallest part of the bill.

But, obviously, the administration had in mind trying to provide funds for those cities and areas of the country that were in fiscal distress. The difficulty is determining who is in fiscal distress.

Mr. BROWN of Ohio. If the gentleman will yield further, that is my question.

Mr. FOUNTAIN. We found unemployment alone was just not adequate.

Mr. BROWN of Ohio. That is my question. Is it fiscal distress because of management of the city? Is it fiscal distress because of too much public employment and not enough private employment? I mean, this is one of the highest income areas in the country right now. Why then is Washington benefiting that much in this formula? There is something a little whacky about that formula, is there not?

Mr. FOUNTAIN. I think any formula we come up with is probably going to have some allocations that might raise questions. These are considerations the Members of the House are going to have to take into account when they vote on this legislation.

But I do think the antirecession portion of the bill in particular, which relates to the economic condition of every area of the country in time of recession, is more equitable than the targeted fiscal assistance part. The targeted fiscal assistance table, however, does take into account more factors than the other body's version of the bill.

Mr. BROWN of Ohio. If the gentleman will continue to yield, it must have something to do, I would submit, Mr. Chairman, particularly when we get a loan of a lot of money for the city of Washington, D.C., out of it, it must have something to do with nonproductive employment, or something of that nature. By that I mean no slur on Federal employees, but I mean nonindustrial production, not anything that is a tax creator but, rather, a tax user.

But, for the life of me, I have difficulty figuring out why we should add the kind of money that is in this on top of that situation. Why should we put more money into New York after we have already had a special program to help out New York? I have cities that would like help, too, but it seems to me in my area, at least, their emphasis is more on get the Government off our back rather than trying to get on the Government tab.

Now, is there not something a little out of whack here when we add money on top of money? These programs are all designed to help depressed areas that we voted for in other ways. Do we want, then, to add another program on top of that? Is that the objective of this targeted fiscal assistance?

Mr. FOUNTAIN. The objective of targeted fiscal assistance was expressed by the administration. I assume the administration felt that New York City still is in need of some assistance, just as some other cities.

Mr. ALBOSTA. Mr. Chairman, I move to strike the last word and rise in support of the Rodino amendment.

Mr. Chairman, I rise in strong support of the gentleman from New Jersey's amendment to H.R. 5980, antirecession and targeted fiscal assistance.

This amendment is vital if this program is to make an impact where it is needed most—in areas of this country which continue to lag behind in economic growth—and therefore, which could benefit substantially from this program.

I know what this legislation means to these parts of the country because I represent a district in Michigan which still has counties with unemployment rates of 8.1 percent, 10.5, and 11.4 percent in 1980, almost 5 years after the last recession. The payment provided for in title V of this bill and which Mr. RODINO'S amendment will increase if adopted today by this House, is extremely important to many local units of government in my district and around the country. This lump sum payment means the difference between fiscal security or fiscal crisis for many State and local governments around the country who are still recovering from the effects of the last recession, the worst economic downturn since the Great Depression.

As a county commissioner in Saginaw, Mich., I faced these very same problems, so I understand the beneficial effects H.R. 5980 will have on counties, cities, and towns throughout this country.

During the recent holiday recess, I met with city officials throughout my district to discuss issues of interest. These city officials repeatedly stressed the important role programs such as revenue sharing play. They strongly support this countercyclical legislation that will be targeted to those areas of the country that really need the help, so as to maximize our tax dollars. Unless we target these funds and provide the $200 million authorization, this program will not be as effective as it should be, and we will be fooling ourselves to think that by passing a weakened H.R. 5980, this House has squarely met the continuing economic problems being faced by local units of government around the country.

I, therefore, urge the adoption of the Rodino amendment to H.R. 5980 and the passage of this needed legislation by this House.

I would further like to commend the gentleman from Texas (Mr. BROOKS). The first time I spoke on this floor I was speaking in favor of countercyclical legislation that was being adopted in the budget, and at that time, as I recall, Mr. BROOKS was speaking against it. So I appreciate his turnaround. I think it is very important. I think it is very commendable that the man did that. And I believe that time will prove that he is right.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. ALBOSTA. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding and commend him for his comments.

I would like to respond to some of the comments made. To begin with, the direction is being developed here to isolate New York City from the rest of the country. To set the record straight, there are many cities and many localities in this country that will benefit equally insofar as the largesse of this legislation is concerned.

☐ 1810

I heard it stated that Manhattan has high real estate properties. To begin with, for those who are uninformed, or at least are not aware of the composition of New York City, Manhattan is one of five boroughs, and I can bring the attention of the Members to part of Manhattan where we would be happy for anyone to have the property free. It is available free. That is how disastrous the poor economic conditions in that town have developed.

Furthermore, we have areas in the city of New York where we have ghettos, and we have bad housing. But, let me tell the Members what the mayor of the city of New York has done in order to balance the budget. They have discharged some 60,000 employees and are in the process of discharging others. There is expedition on the balancing of the budget.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(At the request of Mr. BIAGGI and by unanimous consent, Mr. ALBOSTA was allowed to proceed for 2 additional minutes.)

Mr. BIAGGI. In order to expedite the

objective of balancing the budget, he has further curtailed activities, further curtailed personnel, not without deep harm imposed on many individuals who will be separated from the service. But, the real purpose of that effort and the expedition is to get back on the public credit market. Unless the city can get back on the public credit market, which is part of the whole arrangement and plan, we will be in a very poor position when the end of that loan guarantee period comes.

So, he has been commended by Senator PROXMIRE. The city is doing a great job, but we expected an appropriate amount of Federal assistance as well as State assistance. The State assistance seems to be forthcoming, and here we are seeking Federal assistance. I simply put those points forward to eliminate some of the pointed remarks that hold New York City up as a horrible example. It is a perfect example of what some constructive assistance can do.

New York City is emerging from its financial dilemma, but it requires tough action, and it is forthcoming. The mayor of the city of New York has done an heroic job in that area, and most of the Members of this House know it, so he can get back on the public credit market.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(At the request of Mr. BROWN of Ohio and by unanimous consent, Mr. ALBOSTA was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ALBOSTA. I will yield in just a moment. I have something I want to say.

First of all, I want this body to know that if the rest of the Nation has got a cold, Michigan is going to have pneumonia. We have a tough time in Michigan. New York should not be pointed out and singled out separately. I have a rural district. I have the third largest congressional district east of the Mississippi River, so I do not have an urban area or city in my entire district—and I am up here fighting for this bill.

I am fighting for this amendment because I think it is right, and I think it is the only way some of my cities, as small as they may be, are going to be able to survive. So, we are either going to have to lay off those people we have hired to provide a service in small towns, or we are going to get some of this money.

Now, I will yield to the gentleman from Ohio.

(At the request of Mr. BROWN of Ohio and by unanimous consent, Mr. ALBOSTA was allowed to proceed for 3 additional minutes.)

Mr. BROWN of Ohio. Mr. Chairman, let me just say to both gentlemen that I love New York. I got my wife from Manhattan, and so I attest to my affection for the City of New York. I also, as a Republican, guess that the party has demonstrated its affection for Michigan. After all, we are going there for our convention to nominate the next President.

Mr. ALBOSTA. We appreciate that.

Mr. BROWN of Ohio. But, let me say to both gentlemen that I thought we had programs—many of which I voted for and some of which I thought were ill-advised and opposed, but many of which I voted for—to try to deal with the very problems that now there is just a little bit more frosting on the cake for in this targeted fiscal assistance.

To the gentleman from New York, before he leaves the Chamber, I accept his offer. If he has any free land in New York I will take it. I have got offers from one of my colleagues from Ohio for 3 acres. The gentleman from Illinois will take 5 acres. We will take it free. If you get a modest price—as a matter of fact, if you get a price as modest as some of the land has sold for in my district, I will take that for that price.

Mr. BIAGGI. We are not talking about numbers of acres. We are talking about a few abandoned brownstone homes.

Mr. BROWN of Ohio. I will take those abandoned brownstone homes. I will tell the gentleman why, because I just visited some homes in my area that are being redone by people of modest means who will be paying the taxes on this program, and they are getting in there, helping fix them up, but they are not asking for just a little bit more money from the Federal Government.

In my area, I would say to the gentleman from Michigan, we do not benefit from these programs. We benefit from our own efforts, but unfortunately, we get the crumbs from CETA. We get the crumbs from the urban renewal projects.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(At the request of Mr. BIAGGI and by unanimous consent, Mr. ALBOSTA was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. Mr. Chairman, if the gentleman will yield further so that I can set the record straight, we do not talk in terms of acres in Manhattan, as I am sure the gentleman knows. We do not talk about it in terms of acres. We talk in terms of 20-foot lots. We have abandoned brownstone houses. There is a program where one is required to apply and required to pay the taxes and rehabilitate them. If you do that, you will in fact be performing a service for our locality and the total community.

Mr. BROWN of Ohio. If the gentleman will provide me with the specifics and deeds of title, we will take care of them because we have a lot of people who would like to do things like that.

Mrs. HECKLER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Rodino amendment.

Mr. Chairman, it is obvious that the political implications of this bill are being explored and exploited, and I think it is really unworthy of the debate to consider the bill in terms of New York. Now, our affection for New York or for any other community is absolutely irrelevant.

The question is, what does this bill do to address the economic problems of many areas across the country, not one specific city, no matter how intriguing it is to use in debate. I would say to my colleague, whom I respect so much, who commented on the political pressures that must be behind this bill, I would like to say that I support the Rodino amendment not because of political pressures, but because of what I perceive very, very keenly to be the very real personal problems of the people I represent.

There are many, many communities in Massachusetts and across the Nation that are trying to recover from the 1974 recession. In that recession in certain areas in my district, the unemployment rate was 11 percent, and rose as high as 14 percent. That community is trying to recover and is attracting new industry and making a major attempt to rebuild its own economic base, but as a matter of fact it would benefit very, very substantially from the Rodino amendment.

I think it is very important to look at what we anticipate in our national figures. A recession has been predicted. This bill deals with a recession, in anticipation of a downturn in the economy, anticipating differences in crises, trying to address the impact. The Rodino amendment is a very important part of that. It is trying to address what is a growing rate of unemployment in Fall River, Mass. At a time in December when the national rate of unemployment was 5.6 percent, in Fall River it was already 6.9 percent. The Rodino amendment will help communities like that one and many others across the country. I strongly support it.

Mr. BROWN of Ohio. Mr. Chairman, will the gentlewoman yield?

Mrs. HECKLER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would just like to ask the gentlewoman if she is conscious of whether or not Massachusetts is one of those States that gets more out of this program than it puts in in the form of taxes, and the inflationary impact of the additional spending of that money.

☐ 1820

Does Massachusetts get or do they put in a little bit more? I am not asking the gentlewoman about her district. I am not asking about Fall River. I am asking about where the money comes from and where it goes.

Mrs. HECKLER. I would like to suggest to the gentleman that if we all cast our votes based upon the exact allocation from any specific program just to our States and did not consider the needs of the country or the needs of other regions, we would have a hopelessly provincial Congress, and I hope that decision would not be based on that.

Mr. BROWN of Ohio. Will the gentlewoman yield?

Mrs. HECKLER. I yield to the gentleman.

Mr. BROWN of Ohio. It just occurs to me, though, that if there is a community or if there are a few communities in Massachusetts that need help and in fact the State of Massachusetts would yield up more money to the Federal Government than it gets back, Massachusetts might be a lot brighter if they would take care of that problem with a

State program. It would save a lot of money. It would save all the inflation that we have. What Massachusetts does to assist its own citizens does not cost us inflation, which has eaten this country up and which is making people turn against not only local government but I think ultimately perhaps against the Federal Government—of course not in the gentlewoman's district.

Mrs. HECKLER. Since I know the gentleman was educated in Massachusetts, I wonder if he knows what he is saying when he says that Massachusetts has to become brighter.

Mr. BROWN of Ohio. I love Massachusetts.

Mrs. HECKLER. As a matter of fact, trying to get a quid pro quo from every bill before this Congress would be an irrational method of legislating. We have to look at our national problems and the national agenda. The recession has to be one of the gravest concerns not only for Massachusetts but for every State and urban area that would be impacted. I feel this bill and the Rodino amendment are a very rational response.

Mr. BROWN of Ohio. Will the gentlewoman yield one more time?

Mrs. HECKLER. I yield to the gentleman.

Mr. BROWN of Ohio. The gentlewoman and I served together on the Joint Economic Committee. Would we not be better off to follow the advice of that committee and just simply cut the taxes for these people in Massachusetts?

Mrs. HECKLER. To respond to the gentleman, I would like to say this. We have not even been able to secure a windfall profit tax from the conference. Promising taxes is not an immediate answer. This bill is an answer. I also would support an answer in taxation.

Mr. ROSENTHAL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 6:30.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BAUMAN. I object.

The CHAIRMAN. Objection is heard.

Mr. KINDNESS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, understanding that we are about to rise at 6:30, as I understand it, I think it is important that I not try the patience of the Committee to any great extent. But I think a couple of things have run through the debate on this amendment that are most disturbing to me. It concerns me greatly that we are losing sight of what is purportedly the main purpose of the bill—countercyclical fiscal assistance. We are supposed to be trying to do something to help local governments and State governments that are adversely affected by recessional circumstances. That is what the main purpose of the bill is, and then this targeted fiscal assistance is targeted, it is aimed. We know where it is going in advance, supposedly at least in general terms. We are wasting so much time on targeted fiscal assistance, and this amendment to increase the amount again when the Committee of the Whole has already voted to reduce it, is a waste of time. The whole thing is a waste of time.

I think we have heard some of the most interesting arguments in support of the Rodino amendment, but they all tend to say that the countercyclical assistance, which is the primary purpose of this bill, is a good thing. And then they say the targeted fiscal assistance is an even "gooder" thing if it happens to affect something in "my district."

This is not a matter of localism or parochialism, but if you look at it realistically, as our colleague, the gentleman from Ohio (Mr. BROWN) pointed out, Puerto Rico will receive more money than 33 of our States. Those States are listed in his "Dear Colleague" letter of January 28, and one of them may be your State. You had better take a look, by the way, to see if that is the case. It is not a parochial approach in arguing for or against this amendment that is disturbing to us. The whole targeted fiscal assistance portion of this bill is a parochial matter. Let us face it. That is how this started out. That is what this is all about.

The other side of that parochialism is that there are a lot of people out there who are very mad. They are very angry about the level of taxation that Uncle Sam is extorting—and that is just what it has gotten to be. It is an extortion. The cost of Government has risen more rapidly in the last 3 calendar years than anything else in our economy. People are mad about that. It is up to this Congress to do something about it, and we are not doing anything about it. No, instead we are considering measure after measure like this to take the taxpayers' money and redistribute it, adding to their burden, adding to the deficit, adding to the national debt. It is ridiculous.

Fifty million dollars is not a great big figure, but if we take enough $50 million amounts around here, it is ridiculous. When are we going to wake up and realize what people are saying out there in America? They are saying, "Get down to business, and your business in the Congress is to be more responsible with our money."

Now is a good time to be more responsible. This Committee of the Whole has already decided once to reduce the amount of money in the targeted fiscal assistance portion of this bill. It is time to reaffirm that decision. No matter what the parliamentary tricks employed may be, no matter what the grand sounding reasons for this amendment may be, it is time to be sensible and responsible and say, no, and then our taxpayers all over this country can breathe one little bitty sigh of relief. I ask that we defeat the amendment.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey (Mr. RODINO). When this bill first came to the floor last month, it contained $250 million for targeted fiscal assistance. The bill was then changed so that it now contains only $150 million. Earlier in this Congress the Senate approved its bill with $340 million by a 3-to-1 margin. The amendment now pending would increase the House figure to $200 million. This amendment is greatly needed and I urge my colleagues to support it. As many of the Members know, since the floor action last month, I have been speaking privately with a number of our colleagues, especially those on my side of the aisle, and I am hopeful that they will recognize the national importance of this amendment and will lend support to it and to this bill on final passage.

Many nationally respected economists are predicting an economic recession during the first half of this year. In testimony before the Joint Economic Committee the Secretary of the Treasury warned that "the New England, Middle Atlantic, and East North Central regions are expected to bear the brunt" of a recession. Many of the communities which are likely to be hardest hit by the economic downturn have not yet fully recovered from the 1974–75 recession. These governments continue to face the difficult task of providing needed social services from the diminished tax base of a stagnant or declining economy. In my own city we have had to face the unpleasant reality of reductions in many basic government services.

Many congressional districts which are facing severe economic burdens would benefit significantly from adoption of the Rodino amendment. The district which I represent would receive an additional $463,291, giving it a total of $1,910,382 (according to estimates by the Treasury Department). Adoption of the Rodino amendment would mean the total targeted fiscal assistance for New York State would increase from about $34 million to $45,371,166.

It is well known that that antirecession legislation has received some criticism in this Chamber in the past. I want to compliment the Government Operations Committee and Chairman BROOKS and Mr. HORTON for striving to fashion a bill which would satisfy the diverse interests represented in this body. H.R. 5980 has been restructured to use the gross national product and its wage and salary component rather than unemployment to measure a recession. Today's legislation is reasonable and merits the support of our colleagues. It would help to prevent further cuts in essential services and increases in local property taxes in communities which have been slow to recover from the last recession and it would offer some financial insurance to local governments against the adverse effects of future downturns in our national economy.

Approval of the Rodino amendment is vital in that effort and I urge the Members of the House to vote for it and for the bill.

### AMENDMENT OFFERED BY MR. BROWN OF OHIO TO THE AMENDMENT OFFERED BY MR. RODINO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Ohio to the amendment offered by Mr. RODINO: In the matter proposed to be inserted by the gentleman from New Jersey, strike out "5 percent" and insert in lieu of thereof "7.5 percent".

Mr. BROWN of Ohio. Mr. Chairman, one of the stalwart times of this body was under the leadership of the author of the Rodino amendment a few years ago. I said to him earlier that I am, indeed, an admirer of his, and I want to suggest that I thought his leadership at that time was responsible and fair. But with respect to this amendment, I would have to say he has found something of an indirect way of accomplishing something that otherwise I think might not have been germane in view of the adoption of the Fountain amendment to the targeted fiscal assistance part of this bill when we last had the bill up for consideration (which, as I recall, was before the first of the year) because at that time the gentleman from North Carolina removed from the targeted fiscal assistance funds the amount of $100 million, and by a vote of 184 to 153 that was adopted by this body. That is where the bill stands at this moment.

The real impact of the amendment of the gentleman from New Jersey (Mr. Rodino) is merely to put another fifty million bucks in the bill at this point, the targeted fiscal assistance point. The way he does that is also fairly direct. It just says that at any time unemployment in the United States and the whole country is over 5 percent, then the funds in the bill will go up $50 million. Of course, the unemployment in this country has not been below 5.6 percent for some time. As a matter of fact, we have to go clear back to 1973 before the last recession to get unemployment below 5 percent.

□ 1830

It was 5.6 percent for 1 month in June and that is as low as it has been during this past period of what I am told by my President have been good times. We are learning to accept that we have 5 percent unemployment as good times in the United States.

Now, therefore, what the amendment intends to do, what his amendment intends to do is just simply raise the amount in the targeted fiscal assistance by $50 million. It is a grab for additional money and I must say I do not resent anybody in the Congress doing that because after all it is here to be taken and it only comes from the taxpayers or from the printing presses. That is part of what the game here is about.

Mr. Chairman, on the other hand, I am a little distressed that we have to do it on that basis. What I have suggested is a little more realistic, that we do not add the $50 million until we go to 7.5 percent unemployment and, in fact, that is the direction in which we seem to now be headed. In other words, what I am saying is, if we really get into trouble in this country maybe we should put a little money into the kitty so the cities and county of the gentleman from New Jersey (Mr. Rodino) and some of the other parts of the country who benefit from this bill will really benefit. And the city of New York, which does have some problems. I concede to that, as I told you about my interest in New York.

Mr. Chairman, what really concerns me basically about this bill is the problem that I have not been able to research quite yet but I am going to try to do it. I think some of the congressional districts who probably benefit from this bill have higher per capita incomes than the congressional district which I serve that does not benefit from this bill.

Mr. Chairman, I think therefore the difference is how the government at the local and community level is operated and I have to say it does not appeal to me as a Member of Congress that we reward with taxpayers' hard-earned money from people who work hard and save it and try to provide for their own communities at a very moderate level that they are the ones who get called upon to pay the bills for places that perhaps are less efficiently run and a little more grasping in terms of what they like to get from other taxpayers.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Brown of Ohio was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Ohio. This is what concerns me and this is why I would like to address my amendment to the amendment of the gentleman from New Jersey (Mr. Rodino). If the gentleman really wants to have an impact on need at a time when all of us have need and at a time when perhaps even my district with their lower incomes, with their modest requests from Government, might have a need because unemployment generally is a lot higher, maybe the gentleman would be generous enough to let us not have to put in until there is a chance that we might get also some benefit from the legislation.

Mr. Chairman, I am merely asking that we raise the 5-percent trigger for targeted fiscal assistance to 7.5 percent. This is not a gutting amendment, it is not an amendment to kill targeted fiscal assistance, it is just an amendment to try to make it a little bit more fair for some of us who also have need and to get it when that real need does develop.

Mr. BROOKS. Mr. Chairman, I move to strike the last word.

After this discussion I cannot help be against this substitute. What it does, briefly, is negate the Rodino amendment. The vote is, if you are for raising this targeted fiscal assistance to $200 million from $150 million, with the hope that we can keep that in conference, then you will vote against the Brown substitute and for the Rodino amendment. If you want to keep it at $150 million and then run the risk in conference of the Senate running it up higher than that, then you can support the amendment of the gentleman from Ohio (Mr. Brown) and vote against the Rodino amendment.

I would ask for a vote.

Mr. BROWN of Ohio. Mr. Chairman, would my distinguished and generous chairman yield?

Mr. BROOKS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. The only change I made in the Rodino amendment was to change it to 7.5 percent.

Mr. BROOKS. And that just guts it. We understand the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. So that the trigger comes in when we get a worse situation.

The CHAIRMAN. The question is on the amendment offered by Mr. Brown of Ohio to the amendment offered by Mr. Rodino.

The question was taken; and on a division (demanded by Mr. Brown of Ohio) there were—ayes 25, noes 36.

RECORDED VOTE

Mr. BROWN of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 185, noes 207, not voting 42, as follows:

[Roll No. 15]

AYES—185

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Anthony
Archer
Atkinson
Badham
Bafalis
Barnard
Bauman
Beard, Tenn.
Bennett
Bereuter
Bethune
Bowen
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carter
Cavanaugh
Chappell
Cheney
Clausen
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Deckard
Derwinski
Devine
Dickinson
Dornan
Duncan, Tenn.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Findley
Flippo
Forsythe
Fountain
Frenzel
Fuqua
Gingrich
Glickman
Goldwater
Goodling
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Hefner
Hightower
Hinson
Holt
Hopkins
Hutto
Hyde
Ichord
Ireland
Jeffries
Jenkins
Johnson, Colo.
Jones, Okla.
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Lent
Lewis
Livingston
Loeffler
Long, Md.
Lott
Lujan
Lungren
McClory
McCloskey
McDonald
McKay
Madigan
Marlenee
Marriott
Martin
Mattox
Mazzoli
Mica
Michel
Miller, Ohio
Mollohan
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Natcher
Neal
Nelson
Nichols
O'Brien
Pashayan
Paul
Petri
Pickle
Porter
Preyer
Pritchard
Quayle
Quillen
Railsback
Regula
Rhodes
Ritter
Robinson
Rousselot
Royer
Rudd
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Steed
Stenholm
Stockman
Stump
Synar
Tauke
Taylor
Thomas
Trible
Volkmer
Walker
Wampler
Watkins
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson, Bob
Winn
Wylie
Yatron
Young, Alaska
Young, Fla.

NOES—207

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Annunzio
Applegate
Ashley
Aspin
AuCoin
Bailey
Baldus
Beard, R.I.
Bedell
Beilenson
Benjamin
Bevill
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Brademas
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Carney
Chisholm
Coelho
Conte
Conyers
Corman
Cotter
D'Amours
Danielson
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Dellums
Derrick
Dicks
Diggs
Dingell
Dixon
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fish
Fisher
Fithian
Foley
Fowler
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Gore
Green
Guarini
Hall, Ohio
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Heftel
Holland
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Jacobs
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Leach, La.
Lederer
Lehman
Leland
Levitas
Lloyd
Long, La.
Lowry
Luken
Lundine
McCormack
McDade
McHugh
McKinney
Maguire
Markey
Marks
Mathis
Matsui
Mavroules
Mikulski
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Nedzi
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pepper
Perkins
Peyser
Price
Pursell
Rahall
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Roberts
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Seiberling
Shannon
Simon
Skelton
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stark
Stewart
Stratton
Studds
Swift
Thompson
Traxler
Udall
Van Deerlin
Vander Jagt
Vento
Walgren
Waxman
Weaver
Weiss
Williams, Mont.
Williams, Ohio
Wirth
Wolff
Wolpe
Wright
Wydler
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—42

Addabbo
Anderson, Ill.
Ashbrook
Barnes
Carr
Clay
Collins, Ill.
Edwards, Ala.
Fenwick
Flood
Florio
Ford, Mich.
Ford, Tenn.
Frost
Gray
Hagedorn
Hillis
Jeffords
Jenrette
LaFalce
Leath, Tex.
McEwen
Miller, Calif.
Moffett
Murphy, Ill.
Myers, Pa.
Pease
Rose
Roth
Runnels
Santini
Schroeder
Slack
Stokes
Symms
Treen
Ullman
Vanik
Wilson, C. H.
Wilson, Tex.
Wyatt
Yates

□ 1850

The Clerk announced the following pairs:

On this vote:

Mr. Ashbrook for, with Mr. Addabbo against.

Mr. Hagedorn for, with Mr. Stokes against.

Messrs. MITCHELL of New York, VENTO, and HARSHA changed their votes from "aye" to "no."

Mr. HUTTO changed his vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. RODINO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. KINDNESS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 186, not voting 40, as follows:

[Roll No. 16]

AYES—208

Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Annunzio
Applegate
Ashley
Aspin
AuCoin
Bailey
Baldus
Beard, R.I.
Bedell
Benjamin
Biaggi
Bingham
Blanchard
Boggs
Boland
Bolling
Boner
Bonior
Bouquard
Brademas
Brodhead
Brooks
Brown, Calif.
Burlison
Burton, John
Burton, Phillip
Carney
Chisholm
Clausen
Clay
Coelho
Conte
Conyers
Corman
Cotter
Danielson
Davis, Mich.
Davis, S.C.
de la Garza
Dellums
Derrick
Diggs
Dingell
Dixon
Dodd
Donnelly
Dougherty
Downey
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Ertel
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio
Ferraro
Fish
Fisher
Florio
Fowler
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Gore
Green
Guarini
Hall, Ohio
Hanley
Harkin
Harris
Harsha
Hawkins
Heckler
Heftel
Holland
Hollenbeck
Holtzman
Horton
Howard
Huckaby
Hughes
Jenrette
Johnson, Calif.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kogovsek
Kostmayer
Leach, La.
Lederer
Lehman
Leland
Lent
Lloyd
Long, La.
Lowry
Luken
Lundine
McCloskey
McCormack
McDade
McHugh
McKinney
Maguire
Markey
Marks
Matsui
Mavroules
Mica
Mikulski
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Nedzi
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Pashayan
Patten
Patterson
Pepper
Perkins
Peyser
Pickle
Price
Pursell
Rahall
Rangel
Ratchford
Reuss
Richmond
Rinaldo
Roberts
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Seiberling
Shannon
Simon
Smith, Iowa
Solarz
Spellman
St Germain
Stack
Staggers
Stanton
Stark
Stewart
Stratton
Studds
Swift
Thompson
Traxler
Udall
Van Deerlin
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
White
Williams, Mont.
Williams, Ohio
Wirth
Wolff
Wolpe
Wright
Wydler
Yatron
Young, Mo.
Zablocki
Zeferetti

NOES—186

Abdnor
Andrews, N.C.
Andrews, N. Dak.
Anthony
Archer
Atkinson
Bafalis
Barnard
Bauman
Beard, Tenn.
Beilenson
Bennett
Bereuter
Bethune
Bevill
Bonker
Bowen
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Byron
Campbell
Carter
Cavanaugh
Chappell
Cleveland
Clinger
Coleman
Collins, Tex.
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Deckard
Derwinski
Devine
Dickinson
Dicks
Dornan
Duncan, Tenn.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Evans, Del.
Findley
Fithian
Flippo
Foley
Forsythe
Fountain
Frenzel
Gingrich
Glickman
Goldwater
Goodling
Gradison
Gramm
Grassley
Grisham
Gudger
Guyer
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hansen
Hefner
Hightower
Hinson
Holt
Hopkins
Hubbard
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Colo.
Jones, Okla.
Kelly
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach, Iowa
Lee
Levitas
Lewis
Livingston
Loeffler
Long, Md.
Lott
Lujan
Lungren
McClory
McDonald
McKay
Madigan
Marlenee
Marriott
Martin
Mathis
Mattox
Mazzoli
Michel
Miller, Ohio
Montgomery
Moore
Moorhead, Calif.
Myers, Ind.
Natcher
Neal
Nelson
Nichols
O'Brien
Paul
Petri
Porter
Preyer
Pritchard
Quayle
Quillen
Railsback
Regula
Rhodes
Ritter
Robinson
Rousselot
Royer
Rudd
Santini
Satterfield
Sawyer
Schulze
Sebelius
Sensenbrenner
Sharp
Shelby
Shumway
Shuster
Skelton
Smith, Nebr.
Snowe
Snyder
Solomon
Spence
Stangeland
Steed
Stenholm
Stockman
Stump
Synar
Tauke
Taylor
Thomas
Trible
Vander Jagt
Walker
Wampler
Watkins
Whitehurst
Whitley
Whittaker
Whitten
Wilson, Bob
Winn
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—40

Addabbo
Anderson, Ill.
Ashbrook
Badham
Barnes
Carr
Cheney
Collins, Ill.
Edwards, Ala.
Fenwick
Flood
Ford, Mich.
Ford, Tenn.
Frost
Gray
Hagedorn
Hillis
Jeffords
LaFalce
Leath, Tex.
McEwen
Miller, Calif.
Moffett
Murphy, Ill.
Myers, Pa.
Pease
Rose
Roth
Runnels
Schroeder
Slack
Stokes
Symms
Treen
Ullman
Vanik
Wilson, C. H.
Wilson, Tex.
Wyatt
Yates

□ 1910

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Hagedorn against.

Mrs. Fenwick for, with Mr. Ashbrook against.

Mr. LaFalce for, with Mr. Badham against.

Mr. Barnes for, with Mr. Cheney against.

Mr. Myers of Pennsylvania for, with Mr. Runnels against.

Mr. DINGELL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

● Mr. RANGEL. Mr. Chairman, I rise in support of H.R. 5980, a bill that would authorize $1.25 billion in fiscal assistance for States and local governments crippled by loss of revenues due to high unemployment and recession. This bill provides this much needed support through a two pronged approach.

First, for those areas that are currently experiencing economic malaise, as measured by high unemployment rates, this bill would authorize $150 million in fiscal assistance, targeted through a formula developed to include only those communities that are truly in need. Unfortunately, this bill only authorizes this program for a single year. I think that these communities would best be served if there was a sustained level of Federal assistance that would give them the financial cushion to adequately combat their economic problems. I think that this targeted fiscal assistance is the proper vehicle for aiding those areas that are in a period of economic distress or decline.

The second, more complex half of this bill is the antirecessionary fiscal assistance program, which provides funds during a recession for those areas that are most severely impacted, and provides an indexing mechanism that allocates assistance on the basis of the recession on a particular community. Since the onset of the recession this year is a foregone conclusion, the passage of this bill is imperative if we want to properly counter the impact of the recession, instead of enacting hastily prepared legislation in the midst of a recession that will be ineffective because of the lengthy period of preparation that accompanies legislation that we enact.

I urge my colleagues to support this bill, and additionally, to vote for the Rodino amendment, which would increase the amount of targeted fiscal assistance to $200 million, $50 million higher than the amount authorized in the present bill as amended by the Fountain amendment.●

● Mr. ASHBROOK. Mr. Chairman, rarely does this Chamber see such a counterproductive proposal as the countercyclical aid package. It was a bad idea when it came before this House in 1976, it was a worse idea when it was extended in 1977. In its wisdom the House let this monstrosity die in the waning hours of the 95th Congress. Like some budgetary "Lazarus," it is once more ready to roam the fiscal landscape. What was supposed to be the "Oversight Congress" is about to look the other way as a clearly bad program is resusitated.

Why is there such an obsession with a program that has a proven track record of disaster? Why have so many substantive flaws of this bill been glossed over in the name of timeliness? These are questions I know a number of my colleagues are asking and I can assure you the taxpayers of this Nation will be asking. This bill uses the wrong concept to address the wrong problem at the wrong time.

In times of recession the problem facing the Nation is a combination of a decline in productivity, a rise in the unemployment rate, and a static or dropping rate of industrial or overall economic growth. Various factors tend to make the impact vary from one locale to another. Among these are the types of industries first impacted by the recession, and the competence of the local or State government to address economic down turns. The Federal Government's role in most recessions is to aggravate the problems through inflation, and frustrating growth via redtape and paperwork. To vote for a bill that takes a possible billion extra dollars out of the hides of the taxpayers or out of the private capital markets and say this will solve a recession is to negate every shred of economic sense. The last thing the Nation needs at a time of recession is the Government sapping the private individual to give more money to State and local governments. I would like to know when the Federal Government ever succeeded in economic management? To reward its dismal record is unthinkable.

The best solution for recessions is for the Federal Government to remove the ongoing constraints on the private sector of our economy. So many more people would start small businesses, so many more people would be employed, if there were not the mountain of paperwork, the maze of redtape and the staggering financial overhead from Government regulations that serve as deterrents to growth. It is this fundamental area that we should be addressing.

The ludicrous nature of this bill is embodied within its very language. One section provides for Davis-Bacon coverage. If we are so worried about providing operating funds to local governments why are we so interested in increasing the cost of operations to that government by adding the excess baggage of the Davis-Bacon law? I think this one provision underscores the entire bill. This is not a solution as much as a grab-bag approach to complex economic issues.

I also wonder about the priorities in this bill. At a time of recession it is not the governmental sector that most people worry about rejuvenating. The private sector suffers the most in an economic downturn. The concept of handing over tax dollars to local governments is just part of the usual shovel money at a problem mentality that has gotten the Nation in many of its past economic jams.

Part of the faulty logic in the bills' approach is the falacy that local government revenue is damaged in a recession. Most economists would agree that property values, barring a great depression, are the most stable base of taxation. Since the bill report, itself, states that 81 percent of all local revenue comes from this form of taxation I fail to see how this billion-dollar bill can aid anyone. To look further into the future, if local governments do have to scale back operations in times of economic downturns what can this bill really do? Most recessions of any major proportion to trigger a bill such as this, last longer than part of 1 year. What happens when a local government maintains its level of services with help from this bill but comes into a new fiscal year without further help? It will still have to cut back, probably more than it would have the first time around as the revenue shortfall is now larger and the services to be cut back are 1 more year further developed and expanded. The cry from the grassroots will be to expand the program 1 more year. The action on the floor will be to expand coverage and payments, and all of a sudden we have an ongoing budget buster which will end up hurting the taxpayers.

During an election year I can understand why Mr. Carter might like to have additional funds to target to key cities and States. However, there is a lot more at stake in this Nation than Mr. Carter's political well-being. The voters of this Nation are suffering under high taxes, lack of energy because of Government mismanagement, and higher prices due to Government caused price increases. These issues should be the agenda of 1980. A bill like this one can wait, probably forever.●

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GEPHARDT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5980) to authorize a program of fiscal assistance during economic recessions and to authorize a program of targeted fiscal assistance, and for other purposes, had come to no resolution thereon.

### GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 5980, just considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

### PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman from Maryland will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, would it be in order under the extraneous material to include right after the vote on the Rodino amendment a copy of the vote taken on December 14 on the same proposition, for purposes of comparison?

The SPEAKER. If it is extraneous matter.

Mr. BAUMAN. It is about as extraneous as it can get.

I thank the Speaker.

The SPEAKER. The Chair would have to reply, after consultation with the Parliamentarian, that it already is in the RECORD, and it would be a duplication.

Mr. BAUMAN. I thank the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. BROOKS)?

There was no objection.

### REFERRAL OF HOUSE JOINT RESOLUTION 487 JOINTLY TO COMMITTEE ON FOREIGN AFFAIRS AND COMMITTEE ON SCIENCE AND TECHNOLOGY

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the joint resolution (H.J. Res. 487) defining policies of the United States with respect to scientific and technical exchanges with the Soviet Union, which was referred solely to the Committee on Foreign Affairs on January 29, 1980, be jointly referred to the Committee on Foreign Affairs and to the Committee on Science and Technology.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

### EXPRESSING APPRECIATION TO THE GOVERNMENT OF CANADA AND ITS PEOPLE FOR ITS SUPPORT AND ASSISTANCE IN SECURING THE SAFE RETURN OF AMERICAN EMBASSY PERSONNEL FROM IRAN

Mr. HOWARD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 267) expressing appreciation to the Government of Canada and its people for its support and assistance in securing the safe release of American Embassy personnel from Iran.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 267

*Resolved by the House of Representatives (the Senate concurring),*

SECTION 1. That the Congress of the United States expresses the appreciation of the American people for the historic close relations and cooperation of the Governments of Canada and the United States in conducting foreign policy, particularly in facing the recent crises in Southwest Asia and the Middle East;

SEC. 2. The Congress expresses its appreciation to the Government of Canada and its people for supporting the United States in its efforts to obtain the safe release of American embassy personnel.

SEC. 3. The Congress of the United States in particular expresses its deep appreciation and thanks to the Government of Canada, which at considerable risk to its own embassy personnel, protected, housed, and arranged the safe departure of six employees of the American embassy in Tehran.

SEC. 4. A copy of this concurrent resolution shall be promptly transmitted to the Canadian Prime Minister, and the honorable members of the Canadian House of Commons and Senate.

The SPEAKER. The gentleman from New Jersey (Mr. HOWARD) is recognized for 1 hour.

In the opinion of the Chair, this is a matter of great importance. We would wish that the House would continue to be in order during this debate.

#### GENERAL LEAVE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 267.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Speaker, all time which I may yield during consideration of this resolution will be for debate purposes only.

Mr. Speaker, not long ago, I was alerted by a constituent from Oceanport, N.J., that a number of employees of the American Embassy in Tehran remained in that city, though not as hostages inside our besieged Embassy. Extreme caution and confidentiality had to be observed, for news of their existence could trigger further harassment of the 50 hostages or retaliation against Canadian Embassy personnel who ultimately housed and protected the six additional American diplomats.

My constituent is the father of Cora Amburn Lijek, who with her husband Mark, worked in the Visa Department of the American Embassy in Tehran until the November 4 takeover. I share the relief of Joe Amburn and his wife that their daughter is safe. All of us have the Canadian Government to thank for the escape of this young couple and others.

Mr. Speaker, there has been a great deal of conversation around this Nation in the past difficult weeks saying that we have to take difficult stands, and we would like to know who our friends are.

Mr. Speaker, when we have found a true friend, I think it quite appropriate that this body in behalf and speaking for all of our American citizens, say a grateful thank you to the Government and the people of Canada.

Mr. Speaker, on behalf of my colleagues, I would like to say that it may well be that there has never been a resolution brought before this Congress with as many cosponsors on the initial submission of it as has been this resolution.

Mr. Speaker, at a time in which the United States is receiving mixed reactions to our international call for support, not only is it appropriate, but obligatory, that the U.S. Congress clearly express its deep appreciation and thanks to our ally, the Government of Canada, for protecting and engineering the escape of the six Americans.

This and other recent pro-American positions taken by the Canadians should not go unnoticed by other nations of the world seeking to challenge the strength of our allied ties. We must thank our friends, the Government and the people of Canada, for standing by us during this critical time. I urge the adoption of the resolution.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I would be delighted to yield to the gentleman from Wisconsin.

The SPEAKER. The Chair would like to say in the memory of the Speaker and the Parliamentarian there has never been a resolution of this type presented to this body and history is being written as a mark of appreciation to a neighboring country, and the Chair would ask that the House be in order.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the resolution and commend our colleague from New Jersey (Mr. HOWARD) for introducing and calling up this congressional resolution which commends the Government of Canada for its actions on behalf of six American diplomats in Iran.

The past 3 months, since the seizure of the American Embassy in Tehran, has been a trying period for the American people. The Iranian action, together with the Soviet invasion of Afghanistan, has brought on a basic reassessment of what the role of the United States should be in world affairs.

In dealing with these crises, it has been heartening to see how much of the world community stands with the United States in its opposition to lawlessness and aggression in international affairs.

On December 4, for example, the U.N. Security Council unanimously adopted a resolution urgently demanding that Iran immediately release the American hostages in Tehran. On January 14, the U.N. General Assembly voted 104 to 18 to demand the withdrawal of Soviet troops from Afghanistan. Yesterday, a meeting of Islamic nations criticized Iran's seizure of the hostages, and called for withdrawal of Soviet forces from Afghanistan.

Throughout these crises no nation has been any more steadfast in its support of a peaceful world system and opposition to international lawbreaking than has Canada, our good friend and neighbor.

Today we have learned of a new dimension of Canada's role. Despite obvious danger to their own lives in Tehran, Ambassador Kenneth Taylor and his staff for 3 months protected and finally secured the exit from Iran of six American diplomats.

This action is a shining example of the humanitarianism of Canadian foreign policy over the years as well as a demonstration of the closeness of United States-Canadian relations.

I urge the unanimous approval of this resolution.

☐ 1920

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to the chairman of the subcommittee dealing with American-Canadian affairs, the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, the past 3 months have been particularly difficult for U.S. foreign policy. The seizure of the U.S. Embassy in Tehran has created strains on U.S. foreign policy that have been compounded by the Soviet invasion of Afghanistan.

These adversities, however, have created a unity of purpose within the United States and a renewed sense of solidarity with most of the rest of the world community.

As these two crises have evolved, Canada has stood firm in its condemnation of the violation of international norms and law, and the American people have appreciated the Canadian support. We now know that we have more than just their foreign policy position for which to be grateful.

The Canadian Ambassador to Iran, the Honorable Kenneth Taylor, his staff, the Minister of External Affairs, Flora MacDonald and the entire Government of Canada have taken steps over the past 3 months to protect six American diplomats in Tehran and finally to arrange their safe departure from Iran. These actions were taken with the knowledge that they placed in jeopardy not only Canada's relations with Iran, but the personal lives of the Canadian diplomats.

Mr. Speaker, the successful exit of the six Americans from Iran is testimony to the thoroughness and efficiency of the Canadian Embassy personnel and is a credit to them and to the Canadian diplomatic service. Their courage in the face of clear danger to their own personal safety is testimony to the character of the Canadian people. And the steadfastness of the Canadian Government behind their efforts is testimony to the rectitude of Canadian foreign policy and to United States-Canadian friendship.

As chairman of the House delegation to the Canada-United States Interparliamentary Group, I have over the years developed close friendships with many members of the Canadian Parliament. Never have I been so proud of those relationships as I am today. On behalf of the House Members who participate in the Canada-United States Group, I would like to express our heartfelt appreciation for the efforts of the Canadian Government in securing the safety of these six American citizens.

Mr. Speaker, I urge the Members to support this resolution as a sign of our gratitude to Ambassador Taylor, his staff, the Canadian Government and the Canadian people.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, I join with the gentleman from New Jersey in applauding our friends to the north in Canada for the friendship that they have demonstrated in assisting us during this time of crisis, not only for their assistance in insuring the safe return of Americans imperiled within Iran's borders, but also for their support of a boycott of the Moscow Olympics.

At a time when the foreign policy on which this Nation will embark in the decade of the eighties is under close reexamination and scrutiny, I would point out that there are some other good friends on this globe who have already responded to the call that this country has issued. An accounting of those friends among the first to respond to this Nation's rebuke of Soviet aggression in Afghanistan reveals that Australia, Great Britain, and New Zealand led those nations which field athletic teams in the games. Others who have responded by calling for boycotting, moving, or canceling the games include Egypt, the Netherlands, Morocco, Chile, and China. Nonathletic powers who have lent their support include Fiji, Qatar, Djibouti, and Saudi Arabia, and it is anticipated that Norway, West Germany, Japan, and Israel will follow suit.

I believe that these are the times, Mr. Speaker, to take an accounting of our friends as we reexamine the foreign policy of this Nation in determining what future course we shall chart as a people. I know my colleagues join me in gratitude to our friends, not the least of which is our neighbor to the north, Canada, in this clear signal to the Soviet Union that its disregard for international law and the basic tenets of diplomacy has not and will not go unnoticed nor unheeded by the international community.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to the ranking minority member of the Foreign Affairs Committee, the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I, too, would like to compliment the gentleman from New Jersey for offering this resolution. I would like to associate myself with the very fine remarks made by the chairman of our committee. We all know that Canada has been an excellent neighbor. This recent help that it has given us in this hostage release from Iran has been unbelievable, and I just would like to join in and pay tribute to the Government of Canada and the people of Canada for this excellent action they have taken.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Speaker, I thank the gentleman for yielding. As Vice Chairman of the United States-Canadian Parliamentary Delegation, I think this is an obvious issue that deserves our commendation.

I would like to say I think this is one vote in the 14 years that I have served in Congress where everybody in this House, both parties, would like to vote immediately, and then allow the rest of the time to be consumed by those that would like to speak.

● Mr. LAGOMARSINO. Mr. Speaker, once again, under the leadership of Prime Minister Joe Clark, Canada has shown what it means to be a "good neighbor." The wise and courageous action of the Canadian Government in providing sanctuary and safe passage for six American Embassy employees and dependents from Tehran, Iran, marks another example of increased good will and cooperation between our two Governments.

The government of Conservative Party Leader Clark has been supportive of other American initiatives not only for release of the hostages in Tehran but also for action in response to the Soviet invasion of Afghanistan. Prime Minister Clark's support of the U.S. position for changing the site of the summer Olympics or canceling them will add greater influence to the U.S. position before the International Olympic Committee.

I applaud the leadership and the compassion that have marked the first 8 months of Prime Minister Joe Clark's government.●

● Mr. RHODES. Mr. Speaker, I rise in support of this resolution. I have also joined as a cosponsor in a sincere effort to extend to our friends north of the border the thought that all good Americans appreciate very much the action of the Canadian Government in helping six American diplomats escape confinement in Iran.

This electrifying and exciting act has generated a genuine spark of pride and friendship throughout the nation and here in the Congress as well.

Our unloving critics say our traditional values are isolated and rejected by the world community. Canada's brave action again proves that nations which value freedom, opportunity, service, and friendship—and which formed the political structure of the North American Continent several centuries ago, have a deep underlying affinity. We can thank our lucky stars that we are all North Americans.

Thanks, Canada, we needed that.

Mr. HOWARD. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER. The question is on the concurrent resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 370, nays 0, not voting 64, as follows:

[Roll No. 17]

YEAS—370

Abdnor
Akaka
Albosta
Alexander
Ambro
Anderson, Calif.
Andrews, N. Dak.
Anthony
Archer
Ashley
Aspin
Atkinson
AuCoin
Bafalis
Bailey
Baldus
Barnard
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Benjamin
Bennett
Bereuter
Bethune
Bevill
Biaggi
Blanchard
Boland
Bolling
Boner
Bonior
Bonker
Bouquard
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burlison
Byron
Campbell
Carney
Carter
Cavanaugh
Chappell
Chisholm
Clausen
Clay
Cleveland
Clinger
Coelho
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cotter
Coughlin
Courter
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Dannemeyer
Daschle
Davis, Mich.
Davis, S.C.
de la Garza
Deckard
Dellums
Derwinski
Devine
Dickinson
Dicks
Dingell
Dixon
Dodd
Donnelly
Dornan
Dougherty
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Calif.
Edwards, Okla.
Emery
English
Erdahl
Erlenborn
Ertel
Evans, Del.
Evans, Ga.
Evans, Ind.
Fary
Fascell
Fazio

Findley
Fisher
Fithian
Flippo
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Fuqua
Garcia
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Grassley
Green
Grisham
Guarini
Gudger
Guyer
Hagedorn
Hall, Ohio
Hall, Tex.
Hamilton
Hammerschmidt
Hance
Hanley
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hinson
Holland
Holt
Holtzman
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ichord
Ireland
Jacobs
Jeffries
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Kelly
Kemp
Kildee
Kindness
Kogovsek
Kostmayer
Kramer
Lagomarsino
Latta
Leach, Iowa
Leach, La.
Lederer
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Lloyd
Loeffler
Long, La.
Long, Md.
Lott
Lowry
Lujan
Luken
Lungren
McClory
McCloskey
McCormack
McDade
McDonald
McHugh
McKay
McKinney
Madigan
Maguire
Marks
Marlenee
Marriott
Martin
Mathis
Matsui
Mattox
Mavroules
Mazzoli
Mica
Michel
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mottl
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nolan
O'Brien
Oakar
Oberstar
Obey
Panetta
Pashayan
Patten
Patterson
Paul
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Preyer
Price
Pritchard
Pursell
Quayle
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Robinson
Rodino
Roe
Rosenthal
Rostenkowski
Rousselot
Roybal
Royer
Rudd
Russo
Sabo
Santini
Satterfield
Sawyer
Scheuer
Schulze
Sebelius
Seiberling
Sensenbrenner
Shannon
Sharp
Shelby
Shumway
Shuster
Simon
Skelton
Smith, Iowa
Smith, Nebr.
Snowe
Snyder
Solarz
Solomon
Spellman
Spence
St Germain
Stack
Stangeland
Stanton
Stark
Steed
Stenholm
Stewart
Stockman
Stratton
Studds
Stump
Swift
Synar
Tauke
Taylor
Thomas
Traxler
Trible
Van Deerlin
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams, Mont.
Williams, Ohio
Wilson, Bob
Winn
Wirth
Wolff
Wolpe
Wright
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NOT VOTING—64

Addabbo
Anderson, Ill.
Andrews, N.C.
Annunzio
Applegate
Ashbrook
Badham
Barnes
Bingham
Boggs
Burton, John
Burton, Phillip
Butler
Carr
Cheney
Collins, Ill.
Conyers
Derrick
Diggs
Edwards, Ala.
Fenwick
Ferraro
Fish
Flood
Frost
Goldwater
Gray
Hillis
Hollenbeck
Jeffords
Jenrette
LaFalce
Leath, Tex.
Lundine
McEwen
Markey
Miller, Calif.
Mitchell, N.Y.
Moffett
Murphy, Ill.
Myers, Pa.
Nelson
Nowak
Ottinger
Pease
Roberts
Rose
Roth
Runnels
Schroeder
Slack
Staggers
Stokes
Symms
Thompson
Treen
Udall
Ullman
Vanik
Waxman
Wilson, C. H.
Wilson, Tex.
Wyatt
Yates

□ 1940

The Clerk announced the following pairs:

Ms. Ferraro with Mr. Anderson of Illinois.
Mr. Addabbo with Mr. Treen.
Mr. Stokes with Mr. Butler.
Mr. Moffett with Mr. Wyatt.
Mr. John L. Burton with Mr. Badham.
Mr. Murphy of Illinois with Mr. Ashbrook.
Mr. Staggers with Mr. Edwards of Alabama.
Mr. Jenrette with Mr. Symms.
Mr. Gray with Mr. Goldwater.
Mr. Barnes with Mr. Mitchell of New York.
Mr. LaFalce with Mr. Hollenbeck.
Mr. Myers of Pennsylvania with Mrs. Fenwick.
Mr. Vanik with Mr. Cheney.
Mr. Miller of California with Mr. Fish.
Mr. Thompson with Mr. Hillis.
Mr. Roberts with Mr. McEwen.
Mr. Ottinger with Mr. Roth.
Mr. Annunzio with Mr. Jeffords.
Mrs. Boggs with Mr. Phillip Burton.
Mr. Derrick with Mr. Diggs.
Mr. Nowak with Mr. Waxman.
Mr. Stack with Mr. Rose.
Mr. Bingham with Mr. Runnels.
Mr. Lundine with Mr. Andrews of North Carolina.
Mr. Ullman with Mr. Frost.
Mr. Udall with Mr. Pease.
Mr. Charles H. Wilson of California with Mr. Nelson.
Mrs. Collins of Illinois with Mr. Carr.
Mr. Conyers with Mr. Yates.
Mrs. Schroeder with Mr. Markey.
Mr. Flood with Mr. Leach of Texas.

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE CARTER BUDGET: INFLATION FIGHTER OR FUEL FOR INFLATION?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GRASSLEY) is recognized for 5 minutes.

● Mr. GRASSLEY. Mr. Speaker, on January 28, 1980, Senator HARRY F. BYRD stated in the CONGRESSIONAL RECORD his objections to the administration's budget for 1981 as a total lack of discipline and a total surrender to inflation.

I would urge my colleagues to read his statement which is found on page S452. You should pay particular note to the fact that with the projected deficit of $16 billion, the President will be in violation of the law. The legislation which he in fact signed into law—legislation which I sponsored along with Senator BYRD prohibiting a Federal deficit in 1981 and thereafter.

The budget will add to inflationary pressures. It will continue the spending spree of the 1970's with an increase of $68 billion in Federal outlays over the total approved by Congress for the current year. It will raise the national debt to $939 billion. The rate of spending growth in the Carter years has exceeded the inflation rate by a significant amount.

I would urge my colleagues to determine for themselves, whether in fact the President has offered the Congress a budget which fights inflation or just fuels the flames of inflation. If you believe as I do, that the budget is fiscally irresponsible and does not meet the intent of the law, then we should have the courage and judgment to produce a budget that does.●

## BIG SPENDING BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 15 minutes.

Mr. COLLINS of Texas. Mr. Speaker, in the 1981 budget President Carter states the United States will have a $15.8 billion deficit. Yet, at the end of the same budget year the U.S. debt will increase by $46.6 billion. The debt is increased three times as much as the reported deficit. The difference includes a deficit of $18.1 billion for off-budget agencies plus $12.7 billion in borrowings from Government trust funds. It is all a deficit. If businessmen kept books like the U.S. Government, they would be sent to Leavenworth.

The national debt anticipates going over $900 billion in the fall of 1980. One development on the national debt is that foreigners now own 19 percent of the debt whereas they only owned 5 percent in 1970. Should foreigners ever begin to unload quickly, it would have a severe reaction.

This year President Carter is requesting a $616 billion budget. The year before Carter became President the budget was $366 billion and in his short time in office his big spending program has increased the budget to $616 billion.

One thing President Carter forgot to mention in his budget remarks was the fact that increased taxes provide $77 billion more this year. That is $77 billion more taxes from Americans.

The area that has been inadequately funded has been defense, where President Carter has run $9 billion a year behind the recommendations of President Ford. And what is most disturbing about defense is that the new 1981 defense budget of $142 billion only provides $30 billion for military weapons such as guns, ships, planes, and tanks. This means that every time $1 is going for defense planes, tanks, and guns, $4 is going for defense overhead.

When President Carter took office, inflation was 4.8 percent and today inflation is running 14 percent.

When President Carter entered the White House, the bank prime interest rate was 6.2 percent and today it tops 15 percent. When President Carter came to the White House, gold was $125 an ounce, but with the loss of world confidence gold is now over $600 an ounce.

But the greatest reflection on the inadequacy of the Carter administration is the fact that the average per capita income of Americans was fourth in the world and under Carter we have dropped to seventh and we are still dropping.

It is time our country got back to sound basic economics where a day's pay can be used at home instead of going up in smoke for taxes and inflation.

This country has too much government. We have more government than we need, more government than the people want, and more taxes than the average citizen can afford to pay.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman's yielding.

Mr. Speaker, I appreciate the gentleman's bringing up this point. I am a member of the Committee on Ways and Means, and we have all watched with great interest the Committee on the Budget. That $77 billion increase in revenue will occur if Congress does nothing. In other words, if Congress takes no action, the escalation cause of inflation and all kinds of incremental increases in social security taxes will occur—if the Congress does absolutely nothing. So a lot of Members of Congress can claim that they have in no way increased the taxes but actually they have by allowing it to go into place by doing nothing.

Mr. COLLINS of Texas. I appreciate the good work we are having on watching the budget. Unfortunately our party is not in control. We are the minority party, but come November I hope the American people understand the true facts.

## A TRIBUTE TO CANADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

● Mr. DERWINSKI. Mr. Speaker, I rise in tribute to Canada, our good friend and neighbor to the north. Canada has once again demonstrated the depth of the long-lived friendship between our two countries by helping six American officials to escape from Iran. I join with my colleagues in expressing heartfelt thanks to Canada on this occasion.

Some time ago the State Department was asked to publicly identify all the Americans being held hostage by the Iranian terrorists in Tehran. There was irritation in some quarters when the Department would not do so. Perhaps the Government did not even know who they were, it is surmised by some. The upshot is that there was good reason not to make known such a list. The point is that, in certain sensitive situations, there are legitimate secrets. If this particular secret about our six diplomats had been compromised, the results would probably not have been so felicitous.

In any case, thank you, Canada.●

## PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GILMAN) is recognized for 5 minutes.

● Mr. GILMAN. Mr. Speaker, I missed two rollcall votes on Tuesday, January 22 and Wednesday, January 23 because I was returning from a study mission with the Committee on Foreign Affairs in the Far East.

On January 22, I was absent when the House voted on House Resolution 514, the resolution making in order consideration of H.R. 2471, to authorize appropriations for the U.S. International Trade Commission and the U.S. Customs Service for fiscal year 1980. Had I been present, I would have voted "aye" on rollcall No. 2.

On January 23, I was absent for rollcall No. 3, the vote on House Resolution 513, the resolution making in order consideration of H.R. 4788, the water resources authorization. Had I been present, I would have voted "aye." ●

## ENCOURAGING SAVING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 30 minutes.

Mr. BROWN of Ohio. Mr. Speaker, these are tense times. We are threatened militarily and economically from abroad. At home, Americans struggle with each other for a bigger slice of a shrinking pie. It did not have to be this way.

If we had saved and invested a bit more; if we had grown only 1½ percent faster each year since 1950, we would now have a $3⅓ trillion economy, instead of just over $2¼ trillion. We would have $250 billion more in Federal revenues, balanced budgets, stable prices, income and payroll cuts, national health insurance, 50 percent higher living standards, millions more jobs, and a solvent social security system. We would have an ultramodern productive economy three times the size of the Soviet Union's instead of twice, and unquestioned military superiority. They simply could not have kept up with us.

Faster growth, higher incomes, and plentiful jobs are exactly what the unemployed, underprivileged, and the minorities of this country have been seeking for many years. It is no accident that the greatest gains in income, jobs, and dignity for minority workers have come during periods of rapid expansion.

Growth is critical, and saving is critical to growth. We have thrown away 30 years. The hour is very late. It is high time we got started.

This is too crucial an issue for casual legislation. We have to do it right, without ideology and without wishful thinking. It is a fact of life that the top half of the income distribution earns more than three-quarters of taxable income and undoubtedly does 90 percent or more of the Nation's personal saving. We have to encourage those with the capacity to save to get going to give this country the growth it needs to compete and survive in a hostile world. And whether we like it or not, that means reducing the tax rates on added earnings from added savings for people at all income levels.

I have made a careful study of this issue over several years. The Joint Economic Committee has held hearings on growth. We heard from the best experts in the country. I can tell you this: Savings can be encouraged. We can grow faster. Let me summarize some of what I have learned.

I must stress very strongly that the naive approach of exempting a limited dollar amount of interest from the tax will not work. That merely rewards old saving. Most returns have more interest and dividend income than the ceilings in a limited $200 or $400 exclusion. IRS figures prove this beyond a shadow of a doubt. The tax status of any added interest is completely unchanged by the exclusion. If the taxpayer had become discouraged and had stopped saving before the exclusion, he still will not save after the exclusion. If the taxpayer was using tax shelters before exclusion, he will still use them after the exclusion. We can justify some sort of exclusion on equity grounds to aid the elderly, whose interest on old bonds has been severely eroded by inflation. But we cannot, we must not, fool ourselves into thinking that a limited exclusion will increase saving. There are only two ways to encourage more saving: First, reduce the tax rate on savings income in each existing tax bracket; and second, shift savings' income into lower brackets.

Unless the actual tax rate paid on the last few dollars, on the marginal, potential added dollars of savings income is reduced, behavior will not be changed and saving will not be increased.

Today and tomorrow I am introducing two savings bills which illustrate these approaches. Either bill can be made compatible with whatever interest exclusion, if any, emerges from the windfall tax bill conference. The bill (H.R. 6375) which I have introduced with Senator SCHMITT, includes an interest exclusion. But it also reduces the effective tax rate on savings income in each bracket by 25 percent, by exempting 25 percent of every dollar of saving income from tax. This lowers the effective tax rates from the current range of 14 to 70 percent to 10½ to 52½ percent, greatly increasing the incentive to save.

The bill which I will introduce tomorrow (H.R. 6400) with Representative ROUSSELOT and Senator ROTH, is even better because it targets the incentives more strongly at those people of working age who can and should save more and spend less. Current law combines savings income and earned income for tax purposes. Instead of stacking savings income on top of earned income, which puts the savings income in the high brackets, I propose to split income into two parts for tax purposes. The first dollar of both earned income and unearned income would start in the 14-percent bracket, and the top tax rate on both would be 50 percent. Deductions and personal exemptions would be taken against either type of income, whichever was higher, or split between them. The two taxes would be added to find the total tax bill.

For most working-age taxpayers, the bulk of income is earned, with only a few hundred or a few thousand in savings income added on the top. This bill would bring this income down from the taxpayer's top bracket, where it may face rates of 24, 36, or even 70 percent, and puts it into the 14- or 16-percent brackets, producing a great jump in incentives at relatively low cost. A more detailed description of these bills appears below.

We must move on this matter. We cannot wait to find room in the budget. We must make room in the budget. These bills, when fully phased in, will run about $10 to $12 billion at today's prices for the income-splitting bill, and somewhat more for the other. But they will finance themselves in the short run out of the savings they generate. They will not be inflationary. In the long run, they will spur economic growth and cause people to leave the tax shelters for ordinary income, and pay for themselves many times over.

There is ample money for these bills. Inflation is raising taxes in real terms above current annual levels by $15 billion a year, year after year. This means $15 billion the first year, $30 billion the second, $45 billion the third, and so on. It should be no trouble to phase in a bill that will take only the first year's increase. It is affordable. It is essential. It is time to act.

### TWO APPROACHES TO SAVINGS

The United States has the lowest rate of saving in the Western World, resulting in the lowest rate of productivity growth, investment, and real wage increases among the major industrialized nations. Personal saving is falling because inflation and high tax rates reduce the real rate of return on savings. As people are pushed into higher tax brackets, they get to keep less of each additional dollar of savings income. Since income from savings is added to earned income, the highest tax rate each taxpayer pays is imposed on his or her savings income. The higher the tax rate individuals face on additional income from saving, the less likely they are to save. Thus, the present high tax rates discourage new savings, encourage consumption, and force savings away from productive investments into tax-exempt bonds and tax shelters.

The total amount of saving in the United States—personal saving, retained earnings, and depreciation set-asides—has already fallen so low that we are not providing enough investment to keep pace with replacing worn-out machinery and equipping a growing labor force. This is leading to falling productivity, lower real wages, and reduced job opportunities. Unless action is taken, we face a decade of stagnation.

### THE BROWN, ROUSSELOT, ROTH SAVINGS BILL

The bill proposes to treat interest and dividend income more equally with earned income for tax purposes, thereby encouraging saving and economic growth. This is a carefully targeted proposal of particular benefit to Americans of working years with the desire and ability to save and invest to provide for their retirement and to help the country grow.

The proposal reduces the top marginal tax rate to 50 percent from its current level of 70 percent.

It further provides that earned income and savings income shall be taxed separately, after allowable deductions and exemptions, with the first dollars of each type of income starting in the lowest tax brackets. A limit on eligibility is imposed for those upper income taxpayers with more than $10,000 in certain sheltered preference income.

On equity grounds, many Members have proposed an interest and dividend exclusion to partially compensate for the damage inflation has done to interest and dividend income from existing savings. This bill does not interfere with such efforts to reward existing saving.

However, in order to encourage additional savings, the tax rates at which additional savings income is taxed must be reduced. The bill equalizes tax rates for both earned and unearned income at rates ranging from 14 percent to 50 percent. This ends the discrimination against saving which has been in the code since 1969. Currently, personal service income faces a maximum tax rate of 50 percent, while savings income faces a top rate of 70 percent. The change will raise revenue, because of a sharp drop in the use of tax shelters as the top rate is reduced.

Furthermore, lower and middle income tax rates on savings income are reduced by an income-splitting provision. In current law, after exemptions, earned and unearned income are added together to obtain taxable income, stacking one on top of the other to reach the higher brackets. Under this proposal, each taxpayer would compute a tax on earned income alone, and on unearned income alone, and then add the taxes together. In this way, the first dollar of each type of income would start in the 14-percent tax bracket. Each type of income would rise only through as many brackets as its own size would warrant. The result would be lower tax rates on added income of both types. Specifically, the tax rate on additional interest and dividends from added savings would be in a lower tax bracket than at present for most taxpayers, resulting in more incentive to add to savings.

Currently, individuals with more than $10,000 in "preference" income (income from tax-sheltered activities) are subject to the minimum tax. As a further inducement for such individuals to return to more productive, ordinary investment, the bill limits the participation of those upper income individuals who continue to use tax shelters. Indviduals with more than $10,000 in preference income (other than capital gains) are prohibited from using this income-splitting provision.

The reduction of the top tax rate to 50 percent would cost $3.5–$4.0 billion, and the income-splitting provision, which could be phased in over time, would add another $7 to $9 billion. These provisions would result in substantial revenue reflow to the Treasury by sharply encouraging a switch from tax-exempt to taxable investments, thus reducing the cost considerably.

### THE BROWN-SCHMITT SAVINGS BILL

This proposal is designed to encourage a higher rate of saving by reducing the tax rates which apply to interest and dividend income. The primary beneficiaries will be retirees dependent on interest and dividend income, and those of working years with the will to save and invest to modernize America. The bill provides a two-part approach to interest and dividend income.

To compensate existing savings for the effects of inflation on fixed interest, the bill excludes from taxable income 100 percent of the first $200 and $400 of interest and dividend income on single and joint returns. These amounts are increased annually in stages—$300/$600, $400/$800—to $500 and $1,000 in the fourth year after enactment.

To encourage new saving, the bill excludes from taxable income 5 percent of all interest and dividends above the amounts described above, increasing annually in stages—10 percent, 15 percent, 20 percent—to 25 percent in the fifth year after enactment.

In order to encourage new savings, the tax rates which apply to interest and dividends must be reduced. A limited interest tax exemption will not substantially increase saving. It will primarily reward existing savings. On equity grounds, an interest exemption is advisable for senior citizens and low and moderate income taxpayers. This bill provides such an exemption. But in order to encourage additional savings, the tax rates at which additional savings income is taxed must be reduced. The 25-percent exclusion of additional interest and dividends has the effect of reducing the tax rates on additional savings income by one-quarter. For example, an individual in the 28-percent tax bracket would see the effective marginal tax rate on savings income fall to 21 percent. The 40-percent bracket would effectively fall to 30 percent, and the 70-percent bracket to 53 percent. This would result in a substantial increase in saving, a switch out of tax shelters, reduced interest rates, and less pressure on the Federal Reserve to create money. It is a progrowth, anti-inflationary step of great effectiveness.

The amendment would cost between $15 and $20 billion when fully operative. Phased in over 5 years, the cost would be about $4 to $5 billion the first year.

☐ 1950

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I will be happy to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, the Ways and Means Committee is in the process of hearings on the general subject of tax incentives for savings. During the 2 days of testimony received by the committee thus far, we have been reminded many times that Americans have not been prudent and conscientious about their savings plans lately. At the beginning of 1978, for example, savings as a percent of disposable income was 13.5 percent in West Germany, 12.3 percent in the United Kingdom, 8.6 percent in Japan, and only 5.3 percent in the United States. By the end of 1978, that percentage of savings for the United

States had slipped to 4.8 percent, and by October 1979, to 3.6 percent, the lowest level since the end of the Korean war.

Why are Americans saving less and less? Although it is difficult to find many areas of agreement among the country's economists, most do agree that Americans are not saving and that they are not saving because inflation and the Tax Code have combined to make saving a "dumb" financial move. With inflation running at over 13 percent as an annual rate and with interest rates on savings accounts hovering between 5.5 and 7 percent, Americans realize that for every dollar saved, a percentage of its value is lost due to inflation and the failure of interest rates to keep up with the inflation rate. The penalty for saving a dollar is exacerbated by the fact that the Internal Revenue Service is waiting in the wings for its share of the interest earned on that saved dollar. We reward deficit financing on a personal level by allowing interest paid on loans or credit card accounts to be deductible for tax purposes. Where is the incentive to save?

Today, my colleague on the Joint Economic Committee, Representative Bud Brown, and I are introducing a savings incentive measure which we believe will encourage savings and economic growth. This proposal will aid working Americans with the desire and ability to invest and save and it will benefit our retired citizens trying to stretch fixed incomes to cover rising costs.

Briefly, the proposal would reduce the top marginal tax rate to 50 percent from the current 70 percent. The bill further provides that earned income and savings income shall be taxed separately, after allowable deductions and exemptions, with the first dollars of each category of income starting in the lowest tax brackets. Eligibility is limited for those upper income taxpayers with more than $10,000 in certain sheltered "preference" income. We believe that this tax treatment will encourage additional savings and would end the discrimination against savings which has been part of the tax code since 1969.

For my colleagues review, I am including an editorial from the Wall Street Journal on November 28, 1979. This editorial discusses the Brown-Rousselot-Roth savings approach and the effect the enactment of this measure would have on savings and investment in this country. I urge my colleagues to read this editorial and to consider cosponsoring this legislation which would eliminate the tax bias against savings:

### Rescuing Savings

Late in the day, the Senate has begun to worry about the damage the proposed "windfall profits tax" on oil could do to national savings. Corporate profits, after all, are a major source of economic savings, meaning money set aside to expand and replenish the nation's productive capital.

So this week the Senate Finance Committee is trying to agree on a savings amendment to the windfall bill. This late rider is at least as important as the main body of the bill because it could determine the tax treatment of savings over the next 10 years and hence bear heavily on the future productivity of the U.S. economy.

The saving rate in the U.S. is very low. Of the total amount of savings generated, a chunk is taken off the top to finance the government's budget deficit. Most of what's left goes to replace worn out plant and equipment. Of the funds remaining for net investment, practically every dollar is needed to equip the growing labor force so that productivity per worker doesn't decline. Steve Entin of the Joint Economic Committee staff has calculated that in 1977–78 there was less than $5 billion left with which to meet mandated spending on environmental and safety equipment and to finance real economic growth. Little wonder U.S. productivity growth is so low.

Now enter the "windfall profits" tax. It's going to reduce the oil industry's cash flow and ability to finance investment internally. That means a decline in total savings, a decline that Donald Lubick, Assistant Secretary of the Treasury for Tax Policy, acknowledges when he says that "funds to finance investment in new field capacity will come from the private sector through capital markets as it did at the birth of the oil business."

Of course, if oil industry revenues were to balloon with decontrol, the tax would not be at the expense of the current retained earnings of the industry. But we have explained in previous columns why crude oil price decontrol is unlikely to significantly increase oil industry revenues, and Mr. Roberts brings these points up to date elsewhere on this page today. Members of the Finance Committee themselves are beginning to wonder how oil industry revenues can rise when consumers are already paying the world price for refined products. However, they are still determined to take advantage of the public ire toward oil companies induced by years of demagogy, and lay on a big new tax.

They are frightened, though, by recognition of what their bill will do to savings, investment, productivity and growth. So they are fishing around for some way to offset the effect on savings. If the Senators are intent on passing this destructive bill to begin with, we suppose it's good that they want to rescue savings. So they could do a lot worse than to hook on to the approach that Senator Roth and Representatives Bud Brown and John Rousselot have been working on.

These lawmakers have figured out that there's a difference between giving a tax break on existing savings and encouraging new, additional savings. An interest deduction from taxable income doesn't affect the tax rates; it just excludes a fixed amount of interest income from tax, and once the exclusion is used up any new saving is taxed at the existing high rates.

At the present time savings income (interest and dividends) is stacked on top of wages and salaries for tax computation. In other words, wages and salaries enter the tax brackets at a rate that begins at 14 percent and runs up to 50 percent. Savings income then enters the tax brackets at a rate that begins at the highest marginal rate applicable to the taxpayer's wage or salary income and runs from there up to 70 percent.

What Senator Roth and Representatives Brown and Rousselot want to do is to treat savings income the same as wage and salary income by splitting it out and taxing it at the same 14–15 percent rates. By eliminating the tax discrimination against savings income, this approach significantly lowers tax rates and provides an incentive to every earner to save more of his income.

In addition to encouraging more savings, the Roth-Brown-Rousselot approach would pull a lot of savings out of tax shelters and add to the economy's productivity.

But whether the Finance Committee goes with this particular approach or not, we hope the Senators have learned enough supply-side economics to recognize that if they are serious about savings, they must increase the after-tax rate of return to new savings.

For our part, we will be holding our breath. Any Congress that can come up with a piece of legislation as obscene as the "windfall profits" tax can come up with an awful savings and amendment as well.

---

## PAUL HENZE'S EMPLOYMENT SHOULD BE TERMINATED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Holtzman) is recognized for 30 minutes.

Ms. HOLTZMAN. Mr. Speaker, on May 1, 1979, Radio Free Europe broadcasted a 45-minute interview with Valerian Trifa, a naturalized American citizen who is alleged to have incited a pogrom against the Jews in Bucharest, Romania, during World War II. No mention was made during the broadcast that the Department of Justice had initiated proceedings against Trifa in May 1975 to strip him of his citizenship because of his alleged participation in war crimes.

Although I was deeply concerned that Radio Free Europe—an entity funded almost entirely by congressional appropriations—chose to interview an individual accused by the Justice Department with concealing his complicity in war crimes, I was equally disturbed by statements that I learned were subsequently made by Paul Henze of the National Security Council staff about the broadcast. Mr. Henze is the Security Council liaison with the Board for International Broadcasting, the agency which oversees Radio Free Europe's operations.

According to a transcript of the Board for International Broadcasting meeting of August 15, 1979, which I recently obtained, Mr. Henze characterized concern about the Trifa interview as "silly" and stated flatly that it "certainly isn't serious from the point of view of the White House." Despite strenuous protests from several Board members, Mr. Henze continued in the following vein:

> Let me state the White House position on this issue: Bishop Trifa, as an American citizen, represents an important ethnic group.

Similar statements were made by Mr. Henze at a Radio Free Europe/Radio Liberty Board of Directors meeting. Not only did Mr. Henze evidently find nothing seriously wrong in Radio Free Europe's providing a platform for an alleged Nazi war criminal under charges by the Department of Justice, but he implied that the propriety of the interview should be judged solely on whether Trifa's "ethnic group" would approve of, or be placated by, the broadcast. The obvious conclusion is that Mr. Henze believes that the number of possible votes to be gained or lost is the overriding factor in making a judgment of this kind.

Because of my concern about this matter, I wrote to President Carter on December 5 and 13, 1979, and on January 24, 1980, and asked that Mr. Henze immediately be dismissed. In response I have received two totally unsatisfactory letters from a staff member of the Security Council and no answer or explanation at all from the President or Dr. Brzezinski. Members of the press have been equally unsuccessful in obtaining answers to their questions on this matter from the White House.

I urge my colleagues to join me in protesting Mr. Henze's continued employment and the White House's continued unresponsiveness. Copies of my correspondence on this matter follow:

Committee on the Judiciary,
*Washington, D.C., December 5, 1979.*
Hon. Jimmy Carter,
*The President,*
*The White House,*
*Washington, D.C.*

Dear Mr. President: I am writing to you regarding statements made by a member of the White House staff which I consider to be unconscionable and grounds for his immediate dismissal.

As you may be aware, on May 1, 1979, Radio Free Europe broadcast a forty-five minute interview with Valerian Trifa, a naturalized American citizen who is alleged to have incited atrocities against the Jews in Bucharest, Romania during World War II. No mention was made during the broadcast that the Department of Justice had initiated proceedings against Trifa in May 1975 to strip him of his citizenship because of his alleged participation in war crimes and that the case was expected to go to trial in federal court in Detroit in the near future.

Because of the potential effect the Radio Free Europe broadcast could have on the pending litigation, and on the willingness of foreign governments to provide judicial assistance to the United States in other cases involving suspected Nazi war criminals, I directed my Subcommittee staff to investigate the circumstances surrounding the airing of the Trifa interview.

Although I am deeply concerned that Radio Free Europe—an entity funded almost entirely by our government—chose to interview an individual accused by the Justice Department with concealing his complicity in war crimes, I am equally disturbed by statements that I have discovered were subsequently made by Mr. Paul Henze of Dr. Brzezinski's Security Council staff about the broadcast. Mr. Henze apparently serves as the Security Council liaison with the Board for International Broadcasting, the agency which oversees Radio Free Europe's operations.

According to evidence I have received in the course of my investigation, Mr. Henze, during the Board for International Broadcasting meeting of August 15, 1979, characterized concern about the Trifa interview as "silly" and stated flatly that it "certainly isn't serious from the point of view of the White House." Despite strenous protests from several Board members, Mr. Henze continued in the following vein: "Let me state the White House position on this issue: Bishop Trifa, as an American citizen represents an important ethnic group." Similar statements were made by Mr. Henze at a Radio Free Europe/Radio Liberty Board of Directors meeting. Not only does Mr. Henze evidently find nothing seriously wrong in Radio Free Europe's providing a platform for an alleged Nazi war criminal under charges by the Department of Justice, but he implies that the propriety of the interview should be judged solely on whether Trifa's "ethnic group" would approve of, or be placated by, the broadcasts. The obvious conclusion is that Mr. Henze believes that the number of possible votes to be gained or lost is the overriding factor in making a judgment of this kind.

These statements are outrageous enough if they represent only Mr. Henze's personal feelings on this matter, and are sufficiently reprehensible in my view to warrant his immediate removal from your staff. If his comments accurately reflect the position of, or were sanctioned by, Dr. Brzezinski or other White House officials, they too should be called to account.

I would also note that Mr. Henze, during the same Board for International Broadcasting meeting, sought to downplay the importance of a Congressional inquiry into this matter. Other evidence I have received regarding statements made by Mr. Henze to Radio Free Europe employees in Munich would seem to confirm that this was his intent.

I find even the appearance of counseling non-cooperation in the case of a Congressional investigation to be extremely distressing. Since Mr. Henze wears the mantle of the White House, it is particularly damaging when he takes such a position. It is precisely because the government refused to investigate vigorously allegation that war criminals had been provided sanctuary in this country for 30 years that we are today forced to confront this issue.

Your Administration, at my urging and with the full support of my Subcommittee, has taken vitally important steps in the last year to upgrade the investigation and prosecution of alleged Nazi war criminals living in this country. In view of this, I cannot believe that Mr. Henze's statements represent your feelings in this matter. If they do not, I urge you promptly to take the action I have suggested.

Sincerely,

Elizabeth Holtzman,
*Chairwoman.*

---

National Security Council,
*Washington, D.C., December 12, 1979.*
Hon. Elizabeth Holtzman,
*Chairwoman, Committee on the Judiciary, House of Representatives, Washington, D.C.*

Dear Congresswoman Holtzman: Your letter to the President of December 5 has been forwarded to me for response since it concerns a member of the National Security Council staff. I should note that prior to its receipt, we had already received a number of calls here about the letter.

As to the matter you raise in the letter, please note the following: While the BIB transcript was not verified by Mr. Henze, and while his personal estimate of the importance of the Trifa broadcast can be justifiably contested by others, the transcript does make it very clear that Mr. Henze explicitly shared the view expressed by Ambassador Hayes that the broadcast was an "error of judgment." Nowhere in the discussion did he either support this broadcast or indicate, even in the slightest, any sympathy for Archbishop Trifa's alleged past activities. Obviously, the crimes that were committed during World War II are recognized as heinous and have no sympathy among anyone in the civilized world.

Sincerely,

Christine Dodson,
*Staff Secretary.*

---

Committee on the Judiciary,
*Washington, D.C., December 13, 1979.*
Hon. Jimmy Carter,
*The President,*
*The White House,*
*Washington, D.C.*

Dear Mr. President: On December 5, I wrote to you concerning certain statements made by Mr. Paul Henze of the National Security Council staff regarding a Radio Free Europe broadcast of an interview with alleged Nazi war criminal Valerian Trifa. These statements were made at an August 15 Board for International Broadcasting meeting.

Yesterday I received a response from another staff member of the National Security Council which I find to be inappropriate, inadequate and inaccurate.

I consider it to be inappropriate because my letter, written to you in my capacity as Subcommittee Chairwoman, was answered by a staff member of the Security Council, a co-worker of Mr. Henze's. This suggests that the White House attaches little importance to the issue I have raised.

I consider the response to be inadequate because it does not address the concerns I enumerated in my December 5 letter. First, it does not indicate whether Mr. Henze's remarks represent the position of, or were sanctioned by, the White House, as he so stated at the August 15 meeting. Second, the response does not discuss the fact that Mr. Henze, both at the Board for International Broadcasting meeting and in discussions with Radio Free Europe employees in Munich, minimized the importance of my Congressional investigation into the Trifa Broadcast. As I noted on December 5, I find even the appearance of counseling non-cooperation by a member of the White House staff to be extremely disturbing, given the past history of inaction by our government in cases of Nazi war criminals living in this country.

I consider the response to be inaccurate because it does not in any way reflect the verbatim transcript of the August 15 Board meeting. The transcript does not "make it very clear that Mr. Henze explicitly shared the view expressed by Ambassador Hayes that the broadcast was an "error of judgment". What the transcript does make explicitly clear is that Mr. Henze stated flatly and unequivocally that concern over the Trifa matter was "silly" and that the White House position was that Trifa "represents an important ethnic group". In fact, Mr. Henze steadfastly refused to retract his comments despite pleas from several participants in the meeting to do so.

Finally, I would note the issue is not, as the response states, that Mr. Henze never indicated any sympathy for Trifa's "alleged past activities", but whether he, or the White House, currently is willing to overlook those activities because Trifa "represents an important ethnic group" and might be able to deliver their votes.

I renew my request that Mr. Henze be dismissed.

Sincerely,

Elizabeth Holtzman,
*Chairwoman.*

---

National Security Council,
*Washington, D.C., January 3, 1980.*
Hon. Elizabeth Holtzman,
*Chairman, Subcommittee on Immigration, Refugees, and International Law, Washington, D.C.*

Dear Congresswoman Holtzman: In response to your letter of December 13, and, in the hope that this matter can be cleared up, let me reiterate the following points:

First, Mr. Henze's comments expressed a personal opinion and not a White House position.

Second, my reading of the informal transcript is that, while Mr. Henze thought the importance given to the Trifa matter "silly" as compared to other key issues affecting the future of the radios, such as relocation, he agreed with Ambassador Hayes that it was an "error of judgment" to have Trifa's interview broadcast. I quote:

Ambassador Hayes: "My real wonder is not that the Trifa matter happened. Even the editor who erred wouldn't have erred had it not been for the rush of a peculiar set of circumstances such as the other Bishop had refused to be interviewed. I think what we all should reassure ourselves about is, are we set up properly to cope with these things. How do we guard against it happening again?"

Mr. Henze: "Let me just state that I couldn't agree more with what you just said, John. The wonder is that they haven't made more mistakes. . . ."

Third, I signed the letter not as a colleague of Mr. Henze's but in my role as head of the NSC staff and thus directly concerned with anything affecting an NSC staff member. (The National Security Act of 1947 appoints a civilian Executive Secretary to head the NSC staff. By letter, President Nixon directed that when that position is vacant, as it has been for the last 10 years, the duties and responsibilities of that position be carried out by the Staff Secretary.)

I consider this a most unfortunate misunderstanding and hope that we can resolve it. I would be happy to meet with you at your convenience if you wish to discuss it further.

Sincerely,

CHRISTINE DODSON,
*Staff Secretary.*

---

COMMITTEE ON THE JUDICIARY,
*Washington, D.C., January 23, 1980.*

Hon. JIMMY CARTER,
*The President,*
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: I have just returned to Washington for the beginning of the second session of the Ninety-sixth Congress to discover yet another unsatisfactory response from the White House regarding certain statements made by Mr. Paul Henze of the National Security Council staff about a Radio Free Europe broadcast of an interview with alleged Nazi war criminal Valerian Trifa.

I would offer several comments about this latest response.

First, although I have written to you directly twice and have personally spoken to several members of your staff, in view of the signatory (the Staff Secretary of the Security Council), it appears that you continue to attach little importance to this matter. Although Ms. Dodson may be able to answer for the Security Council staff, she certainly is not in a position to speak for you or for the White House. Since Mr. Henze repeatedly invoked the name of the White House during the Board for International Broadcasting meeting in question, I believe it is imperative that you issue an authoritative explanation of this matter. I would note that members of the press who have spoken to Press Secretary Powell and National Security Adviser Brzezinski have also told me of their inability to get a proper White House response to their questions about this issue.

Second, even if Mr. Henze's comments "expressed a personal opinion and not a White House position", as the letter asserts, there is still no explanation as to why you would choose to continue to employ a staff member who holds—and publicly expresses—such views. Doing so suggests that you condone the opinions he expressed.

Third, this latest response still does not address the fact that Mr. Henze, both at the Board for International Broadcasting and in discussions with Radio Free Europe employees in Munich, minimized the importance of my Congressional investigation into the Trifa Broadcast. As I noted in my letters of December 5 and 13, I find even the appearance of counseling non-cooperation by a member of the White House staff to be extremely disturbing, given the past history of inaction by our government in cases of Nazi war criminals living in this country.

Fourth, while the response quotes a portion of the transcript—which is equivocal at best—in Mr. Henze's defense, it makes no attempt to explain either Mr. Henze's unequivocal remarks that concern about the Trifa matter was "silly" and that the White House position was that Trifa "represents an important ethnic group", or his refusal to retract his comments despite pleas from several participants in the meeting to do so.

I do not view this matter as a simple "misunderstanding", although I would agree with Ms. Dodson's characterization that it is "unfortunate". What is unfortunate is that the White House does not seem to grasp the import of what Mr. Henze has said and has chosen to send a series of unsatisfactory responses to my expressions of concern. Further, no action has been taken even short of removal, to suspend Mr. Henze from his relationship with the radios or to reprimand him.

I share Ms. Dodson's hope that this "matter can be cleared up". It will be if Mr. Henze is removed and if you personally condemn his remarks.

Sincerely,

ELIZABETH HOLTZMAN, *Chairwoman.*●

---

## AMERICAN MEMORIALS AND OVERSEAS MILITARY CEMETERIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, one of the programs coming under the jurisdiction of the Veterans' Affairs Committee, Subcommittee on Compensation, Pension, Insurance, and Memorial Affairs, of which I am chairman, is the American Battle Monuments Commission. Currently, the American Battle Monuments Commission administers and maintains 23 permanent American military cemeteries, memorials, and 11 separate monuments in 9 foreign countries, as well as other memorials in the United States. As the Members know, interred in these overseas cemeteries are our war dead of World War I, World War II, and the Mexican War. These cemeteries are closed for burials, except in the possible rare instance where the remains of U.S. war dead may be found from time to time on the battlefields of those wars.

The Commission has a very small staff of civilian personnel. Cemetery superintendents or assistant superintendents must, by law, be U.S. citizens. The great majority of personnel are foreign nationals of the countries where they are employed.

Pursuant to a policy initiated a number of years ago, there has been a concerted effort to reduce the American presence at U.S. overseas installations. This policy, together with budgetary restraints, imposed by the Office of Management and Budget, and losses in funds due to decreasing dollar rates, are serving to require the American Battle Monuments Commission to reduce its personnel below the number which can effectively maintain these shrines to our war dead.

I am, therefore, today introducing a bill which proposes to provide for a minimum number of employees for the American Battle Monuments Commission. It is planned to hold hearings on this proposal at an early date.

More than 6 million persons visit these shrines to our war dead each year. Therefore, since these shrines commemorate the achievements and sacrifices of our Armed Forces, it is imperative that these cemeteries continue to be the most beautiful and meticulously maintained cemeteries and memorials in the world. Establishing a minimum number of personnel will insure that this standard of care will continue.

One of the members of the American Battle Monuments Commission is Gen. Louis H. Wilson, retired Commandant of the U.S. Marine Corps, who has recently made an official inspection of several of our military cemeteries in Europe. In that regard, General Wilson wrote to Hon. W. Bowman Cutter, Executive Associate Director for Budget, Office of Management and Budget, urging the support of the Office of Management and Budget to maintain the capability of the American Battle Monuments Commission to accomplish its sensitive and important mission in a manner which the Congress and the American people expect.●

---

## SALE OF A U.S. GOLD BULLION COIN WOULD HELP REDUCE DEFICITS, FIGHT INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

● Mr. REUSS. Mr. Speaker, the soaring price of gold presents the U.S. Government with a rare opportunity to capitalize on the inflated price of an asset we hold in great abundance to help reduce deficits and fight inflation.

Congressman ANNUNZIO, chairman of the Subcommittee on Consumer Affairs of the House Committee on Banking, Finance and Urban Affairs, and I have informed the Secretary of the Treasury that we stand ready to sponsor such legislation as Treasury may request to sell off a small portion of the huge U.S. gold hoard in the form of a new gold bullion coin.

The United States today has a gold reserve of some $200 billion, much more than we need for any conceivable monetary purpose. This represents an unrealized capital gain of some $180 billion. If the Treasury, by some fortune, had acquired a similar hoard of Tiffany glass, French impressionist paintings, or antique furniture, which had increased 20 or 25 times in value, it would be well advised to sell off at least a small part of it. We propose doing the same thing with gold, say, 5 percent of our holdings.

Our letter to Secretary G. William Miller of January 24 explains our reasons for this proposal, and I include that letter at this point:

U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., January 24, 1980.*

Hon. G. WILLIAM MILLER,
*Secretary of the Treasury,*
*Washington, D.C.*

DEAR SECRETARY MILLER: As a result of the rise in the market price of gold, the United States has a gold reserve of some $200 billion, vastly in excess of any international monetary need. The United States' unrealized capital gain on this gold exceeds $180 billion.

If the Treasury had acquired a portfolio of similar noninterest bearing assets, such as paintings or antiques, which had increased many times in value, prudent management would suggest the sale at advantageous prices of at least a small part of that portfolio.

The Treasury's sale of gold bars in the recent past has had three disadvantages: (1) by reason of their set scheduling, the sales have missed an opportunity to make a bundle for the taxpayer when the price has been high; (2) because gold has been sold in the form of gold bars, rather than in the form of coins, selling at higher than the bullion price, the Treasury has missed out on a handy premium; and (3) the sale of 400-ounce gold bars means that only the wealthy are interested purchasers, whereas one-ounce coins would be attractive to the smaller investor.

Why not, therefore, sell a newly minted U.S. gold bullion coin, like the South African Krugerrand and the Canadian Maple Leaf, containing one ounce of pure gold at a premium over the gold value, with an extremely low face value, and bearing the likeness of some legendary Americans. (The Canadian one-ounce Maple Leaf has a face value of $50.00.)

Present law, as you know, permits the sale of gold bars, and also of a gold commemorative medallion (Public Law 95–630, November 10, 1978). Only a minor change in existing law would be necessary to authorize the Treasury to issue the gold bullion coins described above, and to sell them throughout the world at the best possible times and prices. The new law would, for reasons of prudence, limit the total amount of such sales to some small fraction of our huge gold hoard.

The gold bullion coin proposal would have the following advantages:

(1) A substantial portion of the projected $16 billion deficit for the next fiscal year could be financed by such gold sales. The psychological effect of a budget in substantial effective balance could make easier balancing the budget in future years.

(2) Because of lessened Federal borrowing, pressure on the money market would be lessened, and interest rates would come down—a consummation devoutly to be wished.

(3) A large proportion of these gold bullion coins could be sold to foreigners, thereby improving our trade balance. It would improve our trade balance even more by diverting purchases of imported foreign gold coins by United States citizens, which came to $728 million in 1978 and $900 million in 1979. An improved trade position would strengthen the dollar, enable us to buy needed imports cheaper, and thus further fight inflation.

We stand ready to sponsor such legislation to carry out the proposal as the Treasury may request, and ask that you and your associates bring your reaction to our proposal before our Committee at an agreeable date within the next few weeks.

Sincerely,

HENRY S. REUSS,
*Chairman.*
FRANK ANNUNZIO,
*Chairman,*
*Subcommittee on Consumer Affairs.*

The advantage of gold bullion coins over medallions is that it can be sold abroad, as well as to Americans, without the sales taxes and tariffs to which medallions are subject.

On January 23 I discussed this proposal on the MacNeil/Lehrer TV show. One of the panelists, Business Week Associate Editor Bruce Nussbaum, disagreed with any sale of gold. Two of the other panelists, however, strongly agreed with the proposal. James Sinclair, a gold dealer who manages the foreign currency and precious metals brokerage firm that bears his name, said:

> I think the plan reflects an understanding of the metal for what it is, and also I think the plan, taking advantage of seigniorage, that is, the issuing of gold coins, is an excellent one.

David Mizrachi, who monitors the gold market in his capacity as editor of Mid East Report, also endorsed the sale of a gold bullion coin. "I think it's a very good idea," he said, noting that it would help the balance of payments.

The sale of a small portion of our gold hoard would help reduce the balance-of-payments deficit, help finance the Federal deficit and thus reduce interest rates, and help fight inflation. There is no better purpose to which we could be putting a portion of our vast gold store at this time.●

---

## INTRODUCTION OF CONCURRENT RESOLUTION TO TERMINATE THE MARITIME AGREEMENT WITH THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

● Mr. MURPHY of New York. Mr. Speaker, today Mr. MCCLOSKEY and I, together with 37 cosponsors introduce a concurrent resolution which urges the President to terminate the maritime agreement between the United States and the Union of Soviet Socialist Republics unless the Soviet Union withdraws its military presence from Afghanistan.

The Soviet Union's invasion of Afghanistan has caused worldwide outrage and dismay. Although it has been overwhelmingly condemned by the United Nations General Assembly which has called for the immediate withdrawal of the invading troops, the Soviets have given no evidence of reversing their brutal, expansionist onslaught against a defenseless neighbor nation.

The President has already declared a virtual embargo on grain sales and other critical export products to the Soviet Union, and the Congress is in the process of urging that the 1980 summer Olympics be moved from the Soviet Union, or canceled, unless the Soviet troops are withdrawn.

These measures certainly indicate our Nation's resolve to apply appropriate political and economic pressure. Nevertheless, it is clear that more stringent steps should be taken.

The Soviet Union has made merchant shipping a priority and the U.S.S.R. has the largest merchant fleet in the world—a fleet that far exceed the requirements of its national seaborne trade. The state-owned Soviet fleet is utilized to assist in the expansion of Soviet political, economic, and military policy throughout the world.

On January 1, 1976, an agreement on maritime matters was concluded with the Soviet Union which, at that time, was intended to continue the normalization and expansion of the maritime relationship between the United States and the Soviet Union. This agreement provides for the carriage of bilateral liner and bulk cargoes between the two nations. Under the agreement, 40 specific ports in the United States are open to access by vessels of the Soviet Union, upon 4 days advance notice. Requests for entry to ports not specified in the agreement must be made in writing 14 days prior to call.

In addition to the bilateral carriage, the Soviet Union proceeded to utilize the port access provided by the agreement to penetrate the U.S. liner trades through highly expanded cross trading. Cross trading is the operating of a Soviet vessel, for example, in the trade between Japan and the United States. Moreover, the Soviet Union has operated its merchant fleet, not for normal market motivations, but to fulfill its compelling need for hard currency, and to serve as an operating element of the rapidly expanding Soviet Navy.

We firmly believe that the agreement on maritime matters should be terminated and Soviet vessel access to U.S. ports should be denied unless the Soviet troops are withdrawn.

I ask the House to support this measure which provides the President with one of the most effective available sanctions against the naked, brutal aggression of the Soviet Union.●

---

## NATIONAL ARCHIVES TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

● Mr. PREYER. Mr. Speaker, since the early part of the year the Government Information and Individual Rights Subcommittee, which I chair, has been examining reports of major management problems at the National Archives and Records Service (NARS). Our preliminary findings indicate that many of the problems pertaining to the operation of the National Archives Trust Fund can be corrected only through legislative action.

Yesterday, I introduced two bills, each of which would modify the current statutory authority for the trust fund. One of these bills (H.R. 6334) was developed in conjunction with the General Accounting Office. The other proposal (H.R. 6335) was introduced at the request of the Administrator of General Services, head of the Agency of which the Archives is a component.

Both bills are starting points for discussion. They are the outgrowth of findings presented to the subcommittee in testimony and in the General Accounting Office report entitled, "Improvements Are Needed in the Management of the National Archives Preservation and Trust Fund Activities" (October 26, 1979, LCD–80–13).

Let me provide some background.

Congress established the National Archives Trust Fund in 1941, authorizing a board of trustees to accept and administer gifts and other bequests for the general benefit of the National Archives. The act authorized the Archivist of the United States to charge a price for copies made of historical documents to cover the cost of preparing the copies plus a 10-percent profit. The legislation also provided for the trust fund employees without regard to civil service laws.

From an initial gift of $30,000 from a private donor, the fund has grown considerably. It had $5.1 million in retained earnings at the close of fiscal year 1978, against sales and expenses during that year of $7 million.

Following are the major problems noted by GAO, and largely confirmed by the GSA Office of Inspector General in its October 1, 1979 report, "Review of Management and Operations of the National Archives and Records Service":

Statutes governing the operation of the fund are vague and broad. Moreover, NARS has taken advantage of this situation and interpreted them to permit a diversity of business-type activities;

The authority to appoint employees without regard to civil service laws has been abused;

There has been an intermixing of trust fund and regularly appropriated activities that has resulted in appropriated money subsidizing trust fund operations;

The cost plus 10 percent pricing authority has been violated to the extent that the markup on some items has been over 400 percent, while others have been sold below cost;

There have been unauthorized charges to Federal agencies for materials and services furnished for official use; and

Although operated as a trust-revolving fund, NARS has not followed business-like practices for accounting, budgeting and reporting. The accounting system for example does not provide adequate cost data, many direct labor costs are not recorded, and financial statements do not match revenues with associated costs.

Some of these problems can be corrected through improvements in accounting systems and more aggressive management. The extent to which one concludes management can correct these problems defines the differences between the two bills I am introducing.

Both bills repeal the direct-hire/excepted appointment authority. Both provide for an annual report by the trust fund to Congress.

H.R. 6335, the bill authored by the General Services Administration, transfers existing authority over the Fund from the Archivist to the Administrator of General Services, who becomes Chairman of the Board. It relies primarily on improved management to correct present ills.

The other bill, H.R. 6334, leaves the Trust Fund Board with its current composition, but sets limits on those provisions of law that appear to have invited the abuses outlined above.

Hearings will be held by the subcommittee on these proposals early next year. The purpose of our continuing oversight of the National Archives is to develop legislative and administrative recommendations that will improve its operation and strengthen support for its basic mission, to preserve our government's history.

Anyone having questions can contact the subcommittee office at (202) 225-3741.●

---

## AGENT ORANGE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. DASCHLE) is recognized for 5 minutes.

● Mr. DASCHLE. Mr. Speaker, from 1962 to 1971, the Air Force in "Operation Ranchhand" sprayed over 10½ million gallons of agent orange and its toxic contaminant, dioxin, over much of Vietnam. Intended to defoliate jungle canopy hiding Vietcong and North Vietnamese troops and supply routes, it now appears that agent orange may have had more serious consequences on the American soldiers who fought there than the enemy. The Veterans' Administration has estimated that over 2.4 million veterans may have been exposed to agent orange while stationed in Vietnam, and recently the General Accounting Office disclosed that several thousand marines were in areas sprayed with agent orange only days before. This shocking news is magnified by the fact that very little is known about agent orange, especially the long-term biological and physiological effects on human beings.

What is known, however, is that the spraying of agent orange was stopped in 1971 after South Vietnamese newspapers began to report unusually high incidences of miscarriages and birth defects in newborn children. Additionally, the use of dioxin in the United States was banned this past year as the Environmental Protection Agency issued an emergency suspension order—the first in its history—again, after abnormally high cases of birth defects and miscarriages.

One thing certain is that agent orange has been found to be carcinogenic and teratogenic—causing birth defects—in lab animals. The connotations are ominous. Other symptoms include skin rashes, weight fluctuations, irritability, and impotence.

Finally, in recent weeks some significant actions have occurred. President Carter has ordered an interagency task force to look further into the long-term effects of agent orange exposure. This move will coordinate the various interdepartmental studies going on and insure that duplication of efforts does not occur. Also, in legislation sent to the President several weeks ago, the Veterans' Administration was directed to begin epidemiology studies to look further into this matter.

Probably the most important new development, however, is the discovery of traces of dioxin in veterans exposed to agent orange in Vietnam. This development could have a profound effect on the fundamental issue thus far missing, but addressed in my legislation. And that is what will be done for these veterans who thought the war in Vietnam was over long ago, only to find now that they are still battling a mysterious substance about which little is known and which may perhaps be more devastating to them and to their offspring than any bombs or bullets.

This, Mr. Speaker, is the paramount question and one that will have far reaching implications for the Government on other issues where a careless or callous attitude has been taken regarding the effects of hazardous substances on human life. The time is now to address the issue of compensation to the victim and his family. I have no doubt that many thousands of veterans and their families around the country have been affected to some degree by agent orange.

Recently, I have been told that many of our veterans' service organizations have been inundated with calls from veterans who feel they have been exposed to this deadly compound and several mentioned the fact that they had lost children, all within a few hours of birth, and all born severely disfigured and deformed. This legislation will authorize compensation to the veteran who has been exposed, and to his family.

Mr. Speaker, this is but small consolation for the loss of a child, but at least our Vietnam veterans will feel that their Government has finally faced up to the problem and not swept it under the rug as has been the case regarding a number of other problems common among our veterans who served during the Vietnam war.

Mr. Speaker, it is my hope that other Members of Congres will realize the importance and significance of this legislation and see fit to cosponsor and advocate on its behalf. It is the least we can do. I insert the text of the bill into the RECORD:

H.R. 6377

A bill to amend title 38, United States Code, to provide a presumption of service connection for the occurrence of certain diseases in veterans who were exposed to phenoxy herbicides contaminated by dioxins.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Vietnam Era Veterans Agent Orange Act".

SEC. 2. Section 312 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) (1) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, in the case of any veteran who served for ninety days or more during the Vietnam era (A) who is suffering from a disease developed to a 10 per centum degree of disability or more that has been determined under paragraph (3) (A) of this subsection to be a disease that may be caused by exposure to phenoxy herbicides contaminated by dioxins, and (B) who during such service was exposed to phenoxy herbicides contaminated by dioxins, as determined in accordance with regulations prescribed by the Administrator under paragraph (3) (C) of this subsection, such disease shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of service.

"(2) If the Administrator determines under paragraph (3)(B) of this subsection that exposure to phenoxy herbicides contaminated by dioxins may cause birth defects in the natural children of persons so exposed, then in the case of any person who—

"(A) is the natural son or daughter of a veteran who served for ninety days or more during the Vietnam era and during such service was exposed to phenoxy herbicides contaminated by dioxins, as determined in accordance with regulations prescribed by the Administrator under paragraph (3) (C) of this subsection; and

"(B) is suffering from a birth defect that in an adult is disabling to a degree of 10 per centum or more and that has been determined by the Administrator under paragraph (3) (B) of this subsection to be a birth

defect that may be caused by exposure of one of the parents of a child to phenoxy herbicides contaminated by dioxins;
such person shall be deemed for the purposes of this chapter to be a veteran of a period of war and such birth defect shall be deemed for the purposes of this chapter to be an aggravation of a preexisting injury suffered in line of duty in the active military, naval, or in service during a period of war.

"(3) (A) The Administrator shall determine, and shall promulgate by regulation, what diseases medical research has shown may be due to exposure to phenoxy herbicides contaminated by dioxins. The Administrator shall include in such regulations a specification of the standards used by the Administrator in making such determination.

"(B) The Administrator shall determine, and shall promulgate by regulation, what birth defects, if any, may be mutagenic birth defects resulting from exposure of the parent of a child to phenoxy herbicides contaminated by dioxins. The Administrator shall include in such regulations a specification of the standards used by the Administrator in making such determination.

"(C) The Administrator shall promulgate by regulation the conditions of service during the Vietnam era required to establish exposure of a veteran to phenoxy herbicides contaminated by dioxins for the purposes of paragraphs (1) and (2) of this subsection. Such regulations may not require that a veteran be required to provide any information to the Veterans' Administration for the purpose of determining such exposure beyond the information contained in the veteran's discharge papers and shall establish a presumption of exposure of a veteran to phenoxy herbicides contaminated by dioxins when Department of Defense records, information supplied by the veteran, and other information establish a possibility of such exposure. The Administrator shall include in such regulations a specification of the standards used by the Administrator in establishing what conditions of service are required to establish such exposure to phenoxy herbicides contaminated by dioxins.

"(4) Notwithstanding any other provision of law, section 553 of title 5, relating to agency rule making, shall apply to the promulgation of regulations under paragraph (3) of this subsection, and such regulations shall be made on the record after opportunity for an agency hearing in accordance with sections 556 and 557 of such title. Such regulations shall be subject to judicial review in accordance with chapter 7 of such title.

"(5) The Administrator shall complete final agency action on the regulations required to be promulgated by paragraph (3) of this subsection not later than the end of the one-year period beginning on the date of the enactment of the Vietnam Era Veterans Agent Orange Act and shall publish such regulations at the same time as one set of regulations.".●

## HON. MICHAEL SYNAR DEMONSTRATES HIGH STANDARD OF PERFORMANCE

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, the New York Times recently printed a story about our colleague, Mike Synar, the gentleman from Oklahoma. I think it portrays accurately the sense of dedication and the high standard of performance that Mike brings to his job, and which we who serve with him on the Government Operations Committee have come to know and appreciate.

That his qualities are also recognized outside Congress is shown by his recent selection by the Junior Chamber of Commerce as one of the 10 outstanding young men in the country, for which I congratulate him.

I include the Times article in the Record:

### Year in House Teaches Power of Lobbies

(By Steven V. Roberts)

Muskogee, Okla., January 19.—Since Congress adjourned last month, Representative Michael L. Synar has been traveling around his district in northeastern Oklahoma. And at almost every stop, elderly voters have expressed fear that Congress was about to impose a tax on Social Security benefits.

Since such a tax stands almost no chance of passage by Congress, Mr. Synar was stunned at the desperate urgency that struck him like a gale-force wind racing across the Oklahoma plains. With a little scrutiny, he discovered that special interest groups representing the elderly had warned their members that a tax was imminent.

"One of the major problems I have is the amount of misinformation coming out of Washington to the people of Oklahoma," he said. Discussing the situation over a lunch of finger-licking barbecue here in his hometown, he added: "You have groups who try to excite and persuade individuals that things are going to happen when it's just not true. They're lying to people, trying to get them to contribute to their lobbying operations."

#### POWER OF SPECIAL INTERESTS

A year ago Mike Synar arrived in Washington, a newly minted freshman, and The New York Times has since been reporting occasionally on his education as a lawmaker. As his second year in office begins, he feels that he has learned at least one profound lesson: the power of special interest groups seems to be rising as fast as the price of gold.

"Through their computers," explained the 29-year-old lawmaker, "these groups get to more of my voters, more often and with more information than any elected official can do. I'm competing to represent my district against the lobbyists and the special interests."

As he looks toward the second session of the 96th Congress, Mr. Synar is determined to promote legislation that will limit the political contributions made by special interests and force lobbyists to disclose more about their finances and activities.

"You talk about the press as the fourth branch of government, but the press is just observers compared to the special interests and the lobbyists," he asserted. "And since they've taken over such a role in government, I think they should make the same sort of financial disclosures that I do."

#### FINDS INFORMATION WRONG

As the Social Security issue illustrates, lobbyists derive power from their ability to feed information to the public, information Mr. Synar believes is often biased or wrong. But they also supply considerable data to the Congressmen themselves.

"I'd rather have the staff capability to do our own research, but we don't," said Bill Bullard, the Congressman's administrative assistant. "So we rely on lobbyists for a great deal of information, and that bothers me. They've got a product to sell, and of course they slant the information."

In the last year, Mr. Synar has also been struck by the ability of lobbying organizations to generate pressure on him from back home. One example was the bill to control rising hospital costs. He was deluged with protests from the administrators of all 26 hospitals in his district, even though only two institutions were large enough to fall under the proposal. In the end, he voted with the majority of the House to kill the bill.

Looming behind all this pressure is the power of money. Mr. Synar refuses to accept contributions from political action committees that are not based in Oklahoma, and that means he returns many checks.

#### PROBLEMS FOR LOBBYISTS

"That's caused a lot of problems for the lobbyists," the young lawmaker said laughing, clearly relishing the thought. "They don't know how to get to me. The way people determine who you are in Washington is not how you vote but who you get your money from."

He believes that he has learned something else in Washington—that there are no easy answers. But he says that the whole system—lobbyists, politicians and reporters—conspires to convince the voters that simplistic solutions do exist.

"Those words—balanced budget, gun control, strong national defense—they're so deceiving of what's going on," he complained. "A candidate who can afford to go on TV sells an issue in a 30-second spot. They play on fears, they demogogue it. I come home and I hear that Mike Synar voted against prayer in schools. Mike Synar did no such thing, but that's the buzzword."

After a year, the Congressman is frankly disappointed in some colleagues, particularly those who blanch at the thought of offending a special interest group. Others, he believes, care too much about regional interests and not enough about the country as a whole.

"The parochialism is real bad," said the freshman, who often casts more liberal votes than the rest of his state delegation. "That causes potentially good members to be mediocre members."

It has been a long, hard year for Mike Synar. To secure his base in the district he has gone home 33 times, and the young bachelor is left with little time for social life or recreation.

In terms of legislation, he received no top committee assignments and has yet to make his first floor speech.

But occasionally the student has turned teacher. After he sent out a newsletter to his district, devoted mainly to energy-saving tips, a senior Democrat did the same thing.

"That made me feel good," said the freshman. "Someone older was imitating us."

## JAMES T. McINTYRE IS DOING AN OUTSTANDING JOB

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, I was pleased to see the other day a story on the front page of the New York Times commending the performance of James T. McIntyre as Director of the Office of Management and Budget and describing him as one of the most influential members of the Carter administration. I could have told the Times that a long time ago. Jim McIntyre is doing an outstanding job for the administration and for the American people.

I include the article in the Record:

### With New Budget, Due Today, McIntyre Gains as a Carter Aide

(By Steven R. Weisman)

Washington, January 27.—When President Carter's Cabinet secretaries met at the White House for a preview of the Federal budget that is to be submitted to Congress tomorrow, James T. McIntyre Jr., director of the Office of Management and Budget, informed them in somber tones that Mr. Carter had decided at the last minute to cut spending by a staggering $100 billion. The secretaries stared in disbelief.

Actually, there are no deep cuts in the 1981 budget—Mr. McIntyre was just making fun of his reputation as the fierce fiscal avenger of the Carter Administration.

More than one person at the meeting observed afterward that the director would never have indulged in such self-parody a year ago. Then Mr. McIntyre, a low-key, 39-year-old Georgian, was still looked upon as a person growing into one of the most critical jobs in government. With the new budget, however, he is acknowledged by colleagues to have gained increasing confidence and to have come into his own as one of the most influential members of the Carter Administration.

#### CRAFTSMAN FOR CORNERSTONE

Specifically, he is seen as the principal craftsman of a cornerstone of the President's re-election campaign: a budget for next year in excess of $615 billion, marked by proposed spending increases for the military and a few popular domestic programs—and a halving of the deficit to about $15 billion. The budget is expected to contain no tax reductions, but proposed cuts are considered possible later in the year.

"It is not what I would call an austerity budget, not by comparison to last year," Mr. McIntyre acknowledged, noting that spending in many areas was going up. "But," he added, "I've looked through there again and again to find something we could cut without suffering adverse consequences, and I can't find it."

As he sees it, the newly proposed 1981 budget for submission tomorrow represents a two-year fiscal and political strategy that he and his advisers pressed on Mr. Carter some time ago.

Back in 1978, they privately suggested a budget for the 1980 fiscal year that would embody the sharpest real cutbacks in spending programs in many years. The strategy was to leave room for spending growth so the President could have latitude for new initiatives as he runs for reelection this year.

As it turned out, his recommendations were largely accepted in the last 12 months, not only by Mr. Carter but, perhaps more important, by a fiscally conservative Congress. Thus the current year's budget reflects reductions, some quite deep and painful, in certain education, health and public service job programs, an unusual occurrence for a Democratic President.

When Mr. Carter was considering whether to propose these cutbacks, some of the most bitter fights of his Administration occurred between Mr. McIntyre and the more liberal figures in the White House, especially Vice President Mondale and Stuart E. Eizenstat, assistant to the President for domestic affairs, and such Cabinet members as Joseph A. Califano Jr., then the Secretary of Health, Education and Welfare, and Patricia Roberts Harris, then the Secretary of Housing and Urban Development.

Today some of those involved in those fights agree that, in retrospect, a tighter budget posture in the last year has paid off for President Carter politically at a time of popular tax revolts across the country.

"Stu thought those cuts were a disaster, and so did his staff," said a White House aide. "But they turned out to be one of the best single things we ever did. And Jim was the primary person reminding the President of the importance of keeping spending down. Of course, it doesn't take much to remind the President because he already believes it."

There is little doubt that, because his views won out previously, Mr. McIntyre participated in the preparation of next year's budget with increased stature, measured in many ways that illustrate how a budget is put together.

Last Dec. 22, on a misty, gray Saturday, for instance, Mr. McIntyre and his staff joined Mr. Eizenstat for a three-hour marathon to work out final decisions on the budget at the Presidential retreat, Camp David, Md. At issue were nearly $10 billion in possible "add-backs"—some 30 spending items the President could add to the budget, which would increase the deficit. Only $2 billion was added.

No one suggests that Mr. McIntyre's views are accepted uniformly. He fought hard against giving Congress an outline of the Administration's military spending plans last month. While House proponents of the strategic arms limitation treaty with the Soviet Union were seeking disclosure of the spending plans to placate those senators wavering in their support of the treaty.

"Jim was afraid that if we tipped off our defense plans, our spending ceilings would become floors and Congress would feel obligated to add to whatever we proposed," said an aide to the Budget Director. Mr. McIntyre lost, however, and today he says he does not regret it. Giving out the numbers early turns out to have strengthened Mr. Carter's hand in meeting the new challenge from the Soviet intervention in Afghanistan, he says.

Nor has Mr. McIntyre won all his fights with Cabinet members. Last year, Mrs. Harris disagreed with him over housing subsidies when he asked that more of the money be spent on housing rehabilitation, less on new construction.

Mrs. Harris, a tough bureaucratic infighter who has been known to express herself loudly and bluntly, took Mr. McIntyre on and got the President to overrule him on the issue. This year, Mr. McIntyre tried again, but he met with the same wall of opposition from Mrs. Harris's successor, Secretary Moon Landrieu.

#### SUCCESSOR TO LANCE

Even Mr. McIntyre's fans say it has not always been this way, however. When he rose from deputy director to director of O.M.B. at the end of 1977, they recall, he did indeed feel overwhelmed by the demands of running one of the most powerful agencies of the Federal Government. The job fell to him abruptly after the resignation of the ebullient Bert Lance, at a time of great demoralization and paralysis because of Mr. Lance's financial problems.

"Bert was like a Deputy President," said a budget official. "He was chief economic spokesman and friend-maker for Carter. Jim had always been a nuts-and-bolts man, and it was a rude shock when he had to go to a position of predominance."

Although Mr. McIntyre had had a long relationship with the President, whom he served as state budget director when Mr. Carter was Governor of Georgia, he did not have the personal bond that Mr. Lance did.

Since then, Mr. Carter and Mr. McIntyre have developed a closer personal friendship. When the President flew to Camp David at Christmastime, he took budget memorandums from Mr. McIntyre and baklava baked by his wife Maureen. The McIntyres have a five-acre place in Virginia, 20 miles from Washington, where Mr. McIntyre built a barn himself to shelter their two ponies and six horses. One occasional visitor for weekend riding has been Amy Carter.

Mr. McIntyre's critics argue that he is too much of a "green-eyeshade type," as one put it, a reflective nay-sayer who cares little about the value of programs. His defenders suggest that at least part of this reputation comes from the way he likes to challenge expenditures in meetings, even if it means playing devil's advocate.

An Administration official said: "At meetings with Cabinet secretaries, Jim will occasionally say beforehand, 'Mr. President, I'm going to argue this line, and let's just see how hard they'll press. But it's not going to mess up the budget if you give a little.' "

"Jim is more confident because he knows the President knows that his job is to be unpopular," said a McIntyre aide. "He knows the President won't misunderstand his role. These days, when there are disagreements within the Administration they tend to be gentlemanly. There is much more esprit around here than ever."

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 10 minutes, today.

Mr. GRASSLEY, for 5 minutes, today.

Mr. COLLINS of Texas, for 15 minutes, today.

Mr. DERWINSKI, for 5 minutes, today.

Mr. GILMAN, for 5 minutes, today.

Mr. BROWN of Ohio, for 30 minutes, today.

(The following Members (at the request of Mr. PATTERSON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. MARKEY, for 5 minutes, today.

Mr. ASHLEY, for 5 minutes, today.

Ms. HOLTZMAN, for 30 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. MURPHY of New York, for 5 minutes, today.

Mr. PREYER, for 5 minutes, today.

Mr. DASCHLE, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JOHNSON of California to insert remarks prior to vote on Matsui substitute amendment.

Mr. JOHNSON of California and Mr. EDWARDS of California to revise and extend their remarks prior to vote on Matsui substitute amendment.

(The following Members (at the request of Mr. BROWN of Ohio) and to include extraneous matter:)

Mr. SOLOMON in two instances.

Mr. ROTH.

Mr. KEMP in two instances.

Mr. DANNEMEYER in two instances.

Mr. MCCLOSKEY.

Mr. HINSON.

Mr. HILLIS.

Mr. ROYER in two instances.

Mr. CORCORAN in two instances.

Mr. PAUL in four instances.

Mr. DERWINSKI.

Mr. RHODES.

Mr. STOCKMAN.

Mr. LAGOMARSINO.

Mr. FRENZEL in five instances.

Mr. MOORE.

(The following Members (at the request of Mr. Patterson) and to include extraneous material:)

Mr. Solarz in three instances.
Mr. Alexander.
Mr. Pickle in 10 instances.
Mr. Yatron.
Mr. Lloyd.
Mr. Aspin.
Mr. Huckaby.
Mr. Harris.
Ms. Holtzman.
Mr. Mavroules.
Mr. Ratchford.
Mr. Hamilton.
Mr. Natcher.
Mr. Montgomery.
Ms. Mikulski.
Mr. Edgar.
Mr. Studds in two instances.
Mr. Bedell.
Mr. Dellums.
Mr. McDonald in five instances.
Mr. Stark in two instances.
Mr. Oberstar.

## ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4320. An act to consent to the amended Bear River Compact between the States of Utah, Idaho, and Wyoming.

## ADJOURNMENT

Mr. PATTERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, January 31, 1980, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3334. A letter from the Deputy Assistant Secretary of the Army for Installations and Housing, transmitting a report covering fiscal year 1979 on military construction contracts awarded by the Army without formal advertisement, pursuant to section 604 of Public Law 95–356; to the Committee on Armed Services.

3335. A letter from the Assistant Secretary of the Navy (Manpower, Reserve Affairs, and Logistics), transmitting notice that a study has been conducted and a decision made to expand the existing food services contract at the Naval Training Center, Great Lakes, Ill., pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

3336. A letter from the Assistant Secretary of the Navy (Manpower, Reserve Affairs and Logistics), transmitting notice that a study has been conducted and a decision made to convert the function of key punching at the Fleet Accounting and Disbursing Center, San Diego, Calif., from a function performed by Department of Defense employees to a private contractor, pursuant to section 806 of Public Law 96–107; to the Committee on Armed Services.

3337. A letter from the Director, Federal Emergency Management Agency, transmitting a report that the Agency acquired no real or personal property during the quarter ended December 31, 1979, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

3338. A letter from the Manager of Corporate Accounting, Potomac Electric Power Co., transmitting the company's balance sheet as of December 31, 1979, filed with the Public Service Commission of the District of Columbia, pursuant to section 8 of the act of March 4, 1913; to the Committee on the District of Columbia.

3339. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the President's intention to exercise the authority of section 610(a) of the Foreign Assistance Act of 1961, as amended, to transfer certain funds appropriated for the Economic Support Fund under section 531 of the act, to be combined with funds for Peacekeeping Operations under section 552 of the act, and to be available for the purposes of the Sinai Support Mission; to the Committee on Foreign Affairs.

3340. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the act approved February 22, 1889, by the act approved January 25, 1927 (44 Stat. 1026), and by any other act of Congress; to the Committee on Interior and Insular Affairs.

3341. A letter from the Deputy Assistant Secretary of the Interior for Indian Affairs, transmitting a draft of proposed legislation to provide for the distribution of Warm Springs judgment funds awarded in Docket 198 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

3342. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report for fiscal year 1979 on the emergency medical services program, pursuant to section 1210 of the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

3343. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Wishart Point Channel, Va., in response to a resolution of the Committee on Public Works and Transportation of the U.S. House of Representatives, adopted December 9, 1975; to the Committee on Public Works and Transportation.

3344. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards, including certain special statutory programs, and for other purposes; to the Committee on Science and Technology.

3345. A letter from the Assistant Director for Legislative and Public Affairs, International Development Cooperation Agency, transmitting a report on progress in developing a standard to govern the allocation of development assistance for production and export of commodities in surplus in world markets, pursuant to section 610 of Public Law 95–481; jointly, to the Committees on Foreign Affairs and Appropriations.

3346. A letter from the Comptroller General of the United States, transmitting a report on the results of the Army's most recent testing of the XM1 tank, (PSAD–80–20, January 29, 1980); jointly, to the Committees on Government Operations and Armed Services.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATTERSON: Select Committee on Comittees. House Resolution 549. Amending the Rules of the House of Representatives to establish a standing committee on energy (Rept. No. 96–741). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 533. To extend the filing date of the final report of the Select Committee on Committees (Rept. No. 96–742). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2102. Pertaining to the inheritance of trust or restricted land on the Standing Rock Sioux Reservation, North Dakota and South Dakota, with amendment (Rept. No. 96–743). Referred to the Committee of the Whole House on the State of the Union.

Mr. DANIELSON: Committee on the Judiciary. H.R. 2475. For the relief of Isaac David Cosson, with amendment (Rept. No. 96–744). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOLEY:

H.R. 6340. A bill to amend the Emergency Agricultural Credit Adjustment Act of 1978 and the Commodity Credit Corporation Charter Act to extend and increase certain agricultural loan programs, and for other purposes; to the Committee on Agriculture.

By Mr. BINGHAM:

H.R. 6341. A bill to amend title V of the Social Security Act to require States to provide women access to their obstetric medical records and current information on obstetrical procedures, to amend the Federal Food, Drug, and Cosmetic Act to require the dissemination of information on the effects and risks of drugs and devices on the health of pregnant and parturient women and of prospective and developing children, and to provide for a study on the delayed long-term effect on child development of obstetrical drugs and procedures administered to or used by pregnant and parturient women; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. DEVINE:

H.R. 6342. A bill to provide for the blocking of assets of any country which violates international law with respect to the arrest or detention of U.S. citizens, and to provide for the compensation of those citizens from those assets; to the Committee on Foreign Affairs.

By Mr. EVANS of Indiana:

H.R. 6343. A bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to taxpayers whether or not they itemize their personal deductions; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 6344. A bill to amend title II of the Social Security Act to reaffirm the fact that benefits payable thereunder are exempt from all taxation; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 6345. A bill to amend the Federal Election Campaign Act of 1971 to disallow the personal use of amounts received as contributions; to the Committee on House Administration.

By Mr. LEWIS:

H.R. 6346. A bill to amend the Internal Revenue Code of 1954 to provide for a definition of the term "artificial bait"; to the Committee on Ways and Means.

By Mr. LUKEN:

H.R. 6347. A bill to improve the intelligence system of the United States, and for other purposes; jointly, to the Committees on Foreign Affairs and permanent Select Committee on Intelligence.

By Ms. MIKULSKI (for herself, Mr. Pepper, and Mr. Thompson):

H.R. 6348. A bill to amend title 5, United States Code, to provide for access to a certified nurse-midwife without prior referral in the Federal employee health benefits program; to the Committee on Post Office and Civil Service.

H.R. 6349. A bill to amend titles XVIII and XIX of the Social Security Act to provide for inclusion of services rendered by a certified nurse-midwife under the medicare and medicaid programs; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. MITCHELL of Maryland (for himself, Mr. Neal, Mr. D'Amours, Mr. Barnard, Mr. Mattox, Mr. Cavanaugh, Mr. Hansen, and Mr. Paul):

H.R. 6350. A bill to amend the Federal Reserve Act to require that detailed minutes of Federal Open Market Committee meetings shall be published on a deferred basis; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY:

H.R. 6351. A bill to amend title 38 of the United States Code to provide certain National Service Life Insurance policyholders an opportunity to double their National Service Life Insurance coverage; to the Committee on Veterans' Affairs.

H.R. 6352. A bill to amend section 1902 of title 38, United States Code, to extend eligibility for automobile adaptive equipment to certain additional veterans; to the Committee on Veterans' Affairs.

H.R. 6353. A bill to amend title 38, United States Code, to permit the exchange of 5-year level premium term policies of National Service Life Insurance to special endowment at age 96 plans; to the Committee on Veterans' Affairs.

H.R. 6354. A bill to amend title 38, United States Code, to extend from 60 to 120 days the period between notice of, and the effective date for, any reduction or discontinuance of veterans' compensation, dependency and indemnity compensation, or pension; to the Committee on Veterans' Affairs.

H.R. 6355. A bill to provide for a minimum number of employees for the American Battle Monuments Commission; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself and Mrs. Fenwick):

H.R. 6356. A bill to provide for the investment of contributions received by the American Battle Monuments Commission; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (by request):

H.R. 6357. A bill to amend title 38, United States Code, to increase the rate of compensation payable to veterans who have lost or lost the use of both upper extremities as the result of service-connected disability to the Committee on Veterans' Affairs.

By Mr. PAUL:

H.R. 6358. A bill to limit U.S. contributions to the United Nations; to the Commitee on Foreign Affairs.

H.R. 6359. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for certain social security taxes; to the Committee on Ways and Means.

H.R. 6360. A bill to repeal certain provisions of law relating to the private carriage of letters, and for other purposes; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. PEYSER:

H.R. 6361. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 in order to suspend temporarily the use of bioaccumulation and biomagnification testing in the evaluation of applications relating to ocean dumping of dredged material, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 6362. A bill to amend title 10, United States Code, to provide for the investigaion of accidents involving aircraft of an armed force and to clarify the use of reports of such investigations; to the Committee on Armed Services.

By Mr. ROBERTS (by request):

H.R. 6363. A bill to amend chapter 19, title 38 United States Code, so as to provide a statutory total disability for insurance purposes to any veteran who has undergone kidney or heart transplants; to the Committee on Veterans' Affairs.

H.R. 6364. A bill to amend title 38, United States Code, Chapter 15, to improve the death and disability pension program for veterans and their dependents; to the Committee on Veterans' Affairs.

H.R. 6365. A bill to amend title 38, United States Code, to extend community nursing home care at Veterans Administration expense to 9 months; to the Committee on Veterans' Affairs.

H.R. 6366. A bill to amend ttile 38, United States Code, to provide hospital and medical care to certain members of the Canadian Armed Forces; to the Committee on Veterans' Affairs.

H.R. 6367. A bill to amend title 38, United States Code, to permit veterans enrolled as full time students in the Spring quarter or semester to continue their work study program during the summer break; to the Committee on Veterans' Affairs.

H.R. 6368. A bill to amend title 38, United States Code, to provide for additional compensation for any veteran who has suffered loss or loss of use of one lung or one kidney; to the Committee on Veterans' Affairs.

H.R. 6369. A bill to amend 38 U.S.C. 301(3) so as to include lupus erythematosis among the chronic diseases; to the Committee on Veterans' Affairs.

By Mr. SKELTON (for himself and Mr. Gephardt):

H.R. 6370. A bill to amend the Commodity Credit Corporation Charter Act to establish a revolving fund to finance short-term export credit sales of agricultural commodities produced in the United States; to the Committee on Foreign Affairs.

By Mr. SOLOMON:

H.R. 6371. A bill to amend title II of the Social Security Act to make it clear that social security benefits are and will continue to be exempt from all taxation; to the Committee on Ways and Means.

By Mrs. SPELLMAN:

H.R. 6372. A bill to amend title 5, United States Code, to provide for voluntary withholding of State income tax for civil service annuitants; to the Committee on Post Office and Civil Service.

H.R. 6373. A bill to amend section 225 of the Federal Salary Act of 1967, as amended; to the Committee on Post Office and Civil Service.

By Mr. AKAKA (for himself, Mr. Bedell, Mr. Chappell, Mr. Fary, Mr. Forsythe, Mr. Frenzel, Mr. Gingrich, Mr. Ginn, Mr. Moakley, Mr. Natcher, Mr. Nolan, Mr. Oberstar, Mr. Mineta, Mr. Mottl, Mr. Murphy of Illinois, Mr. Myers of Pennsylvania, Mr. Pursell, Mr. Richmond, Mr. Roe, Mr. Wolpe, Mrs. Heckler, Mr. Jones of North Carolina, Mr. Skelton, Mr. Wright, Mr. Boner of Tennessee, Mr. Barnard, Mr. Ford of Michigan, Mr. Jones of Tennessee, Mr. Applegate, Mr. Bailey, Mr. Hanley, Mrs. Bouquard, and Mr. D'Amours):

H.R. 6374. A bill to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ambassador Kenneth Taylor; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROWN of Ohio:

H.R. 6375. A bill to amend the Internal Revenue Code of 1954 to exclude certain interest received by individuals from gross income; to the Committee on Ways and Means.

By Mr. DASCHLE:

H.R. 6376. A bill to provide price support for producers of sunflower seeds through loans and purchases by the Secretary of Agriculture; to the Committee on Agriculture.

H.R. 6377. A bill to amend title 38, United States Code, to provide a presumption of service connection for the occurrence of certain diseases in veterans who were exposed to phenoxy herbicides contaminated by dioxins; to the Committee on Veterans' Affairs.

By Mr. ENGLISH:

H.J. Res. 490. Joint resolution to require continuation of rail service by the Chicago, Rock Island, and Pacific Railroad through August 31, 1980; to the Committee on Interstate and Foreign Commerce.

By Mr. PAUL:

H.J. Res. 491. Joint resolution proposing an amendment to the Constitution of the United States to limit the number of years any individual may serve as a Federal judge or magistrate; to the Committee on the Judiciary.

H.J. Res. 492. Joint resolution proposing an amendment to the Constitution of the United States relative to force and effect of treaties and Executive agreements; to the Committee on the Judiciary.

By Mr. HOWARD (for himself, Mr. Moakley, Mr. Addabbo, Mr. Akaka, Mr. Albosta, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Anthony, Mr. Archer, Mr. Ashbrook, Mr. Bailey, Mr. Barnes, Mr. Beilenson, Mr. Bereuter, Mr. Blanchard, Mr. Brademas, Mr. Broomfield, Mr. Bauman, Mr. Cavanaugh, Mr. Chappell, Mrs. Chisholm, Mr. Clinger, Mr. Carr, Mr. Carter, Mr. Collins of Texas, Mr. Conable, Mr. Conte, Mr. Corrada, Mr. Coughlin, Mr. Courter, Mr. Philip M. Crane, Mr. D'Amours, Mr. Dannemeyer, Mr. Dan Daniel, Mr. Davis of Michigan, Mr. Derrick, Mr. Derwinski, Mr. Dickinson, Mr. Diggs, Mr. Dodd, Mr. Donnelly, Mr. Dornan, Mr. Dougherty, Mr. Downey, Mr. Duncan of Oregon, Mr. Eckhardt, Mr. Edgar, Mr. Edwards of California, Mr. Emery, Mr. Erdahl, Mr. Evans of Georgia, Mr. Evans of Indiana, Mr. Fary, Mr. Fascell, Ms. Ferraro, Mr. Fish, Mr. Fisher, Mr. Fithian, Mr. Flood, Mr. Florio, Mr. Foley, Mr. Ford of Michigan, Mr. Ford of Tennessee, Mr. Forsythe, Mr. Fountain, Mr. Fowler, Mr. Frenzel, Mr. Frost, Mr. Garcia, Mr. Gibbons, Mr. Gilman, Mr. Gingrich, Mr. Ginn, Mr. Glickman, Mr. Goldwater, Mr. Goodling, Mr. Gore, Mr. Green, Mr. Grisham, Mr. Gudger, Mr. Hagedorn, Mr. Hance, Mr. Hanley, Mr. Harris, Mrs. Heckler, Mr. Hefner, Mr. Hightower, Mr. Hinson, Mr. Hubbard, Mr. Hughes, Mr. Hyde, Mr. Jeffords, Mr. Jeffries, Mr. Jenrette, Mr. Johnson of California, Mr. Johnson of Colorado, Mr. Jones of North Carolina, Mr. Kazen, Mr. Kindness, Mr. Kogovsek, Mr. LaFalce, Mr. Lagomarsino, Mr. Leath of Texas, Mr. Leland, Mr. Lent, Mr. Lewis, Mr. Livingston, Mr. Lujan, Mr. Luken, Mr. McClory, Mr. McCloskey, Mr. McCormack, Mr. McDonald, Mr. McEwen, Mr. McHugh, Mr. McKinney, Mr. Madigan, Mr. Maguire, Mr. Markey, Mr. Martin, Mr. Mathis, Mr. Mavroules, Mr. Mica, Mr. Michel, Mr. Mineta, Mr. Mitchell of New York, Mr. Minish, Mr. Moore, Mr. Mottl, Mr. Murphy of Illinois, Mr. Murphy of New York, Mr. Murtha, Mr. Myers of Pennsylvania, Mr. Natcher, Mr. Nedzi, Mr. Nichols, Mr. Nolan, Mr. Oberstar, Mr. O'Brien, Mr. Ottinger, Mr. Panetta, Mr. Pashayan, Mr. Patten, Mr. Patterson, Mr. Pease, Mr. Pepper, Mr. Peyser, Mr. Perkins, Mr. Pickle, Mr. Pritchard, Mr. Pursell, Mr. Quillen, Mr. Rahall, Mr. Railsback, Mr. Ratchford, Mr. Reuss, Mr. Rhodes, Mr. Richmond, Mr. Ritter, Mr. Roberts, Mr. Robinson, Mr. Rodino, Mr. Roe, Mr. Roth, Mr. Rousselot, Mr. Roybal, Mr. Royer, Mr. St Germain, Mr. Sabo, Mr. Santini, Mr. Scheuer, Mrs. Schroeder, Mr. Schulze, Mr. Sebelius, Mr. Sensenbrenner, Mr. Sharp, Mr. Shumway, Mr. Shuster, Mr. Simon, Mr. Slack, Mrs. Snowe, Mr. Solarz, Mr. Solomon, Mrs. Spellman, Mr. Spence, Mr. Stack, Mr. Stockman, Mr. Stokes, Mr. Swift, Mr. Symms, Mr. Synar, Mr. Udall, Mr. Ullman, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Vento, Mr. Volkmer, Mr. Walgren, Mr. Walker, Mr. Wampler, Mr. Weaver, Mr. Whitehurst, Mr. Whitaker, Mr. Whitley, Mr. Williams of Ohio, Mr. Charles H. Wilson of California, Mr. Winn, Mr. Wirth, Mr. Wolff, Mr. Wolpe, Mr. Won Pat, Mr. Wright, Mr. Yatron, Mr. Young of Florida, Mr. Young of Alaska, Mr. Zablocki, and Mr. Zeferetti):

H. Con. Res. 267. Concurrent resolution expressing appreciation to the Government of Canada for its support and assistance in securing the safe release of American Embassy personnel from Iran; considered and agreed to.

By Mr. KEMP (for himself and Mr. Stratton):

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress that the International Olympic Committee should allow athletes representing the Republic of China to participate in the 1980 winter and summer Olympic games without changing the name, flag, or national anthem under which they participate; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York (for himself, Mr. McCloskey, Mr. Akaka, Mr. Bauman, Mr. Bevill, Mr. Biaggi, Mr. Bonior of Michigan, Mr. Carney, Mr. Clausen, Mr. Corrada, Mr. Philip M. Crane, Mr. D'Amours, Mr. de la Garza, Mr. Derwinski, Mr. Dickinson, Mr. Donnelly, Mr. Dougherty, Mr. Erlenborn, Mr. Fisher, Mr. Florio, Mr. Forsythe, Mr. Frost, Mr. Gramm, Mr. Hinson, Mr. Hubbard, Mr. Hutto, Mr. Jenrette, Mr. Lagomarsino, Mr. Lungren, Mr. Mollohan, Mr. Nichols, Mr. Pepper, Mr. Pritchard, Mr. Volkmer, Mr. Young of Alaska, Mr. Zeferetti, Mr. Cleveland, Mr. Evans of Georgia, Mr. Rudd, Mr. Whitehurst, Mr. Edwards of Oklahoma, Mr. Ottinger, Mr. Bereuter, Mr. Lent, Mr. Roe, Mr. Mathis, Mr. Neal, Mr. Snyder, Mr. Hughes, and Mr. AuCoin):

H. Con. Res. 269. Concurrent resolution urging the President to terminate the Maritime Agreement between the United States and the Union of Soviet Socialist Republics unless the Soviet Union withdraws its military presence from Afghanistan; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

By Mr. PATTERSON (for himself, Mr. Cleveland, Mr. Clay, Mrs. Schroeder, Mr. Derrick, Mr. Fisher, Mr. Whitley, Mr. Horton, Mr. Leach of Iowa, Mr. Solomon, Mr. Heftel, Mr. Winn, Mr. Nolan, Mr. Murphy of Pennsylvania, Mr. Mollohan, Mr. Sensenbrenner, Mr. Danielson, Mr. Mineta, Mr. Evans of Indiana, Mr. Stangeland, and Mr. Dougherty):

H. Res. 550. Resolution amending the Rules of the House of Representatives to establish a standing Committee on Energy; to the Committee on Rules.

By Mr. COLLINS of Texas:

H. Res. 551. Resolution directing the Secretary of State to provide certain information on human rights; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BETHUNE:

H.R. 6378. A bill for the relief of Hanife Frantz; to the Committee on the Judiciary.

By Mr. McDONALD:

H.R. 6379. A bill for the relief of Vernon Myers; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 654. Mr. Zeferetti.

H.R. 1437; Mr. Harris,

H.R. 1981: Mr. Dougherty.

H.R. 2056: Mr. Phillip Burton, Mr. Dougherty, Mr. Downey, Mr. Fish, Mr. Flood, Mr. Gray, Mr. Guarini, Mr. Hollenbeck, Mr. Maguire, Mr. Mineta, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Murphy of Pennsylvania, Mr. Nolan, Mr. O'Brien, Mr. Ottinger, Mr. Seiberling, Mr. Solarz, Mr. Mr. Stack, Mr. Stokes, and Mr. Vento.

H.R. 3105: Mr. Goodling.

H.R. 3106: Mr. Gore, and Mrs. Fenwick.

H.R. 3245: Mr. Neal and Mr. Whitley.

H.R. 4576: Mr. Dickinson, Mr. Charles Wilson of Texas, Mr. Gingrich, Mr. Butler, Mr. Hall of Texas, Mr. Frost, Mr. Quillen and Mr. Paul.

H.R. 4782: Mr. Whitley.

H.R. 5022: Mrs. Chisholm, Mr. Diggs, Mr. Mitchell of Maryland, Mr. Roe, and Ms. Mikulski.

H.R. 5128: Mrs. Spellman.

H.R. 5225: Mr. Shumway and Mrs. Holt.

H.R. 5243: Mr. Weaver.

H.R. 5654: Mr. Courter and Mr. Edwards of Oklahoma.

H.R. 5704: Mr. AuCoin, Mr. Butler, Mr. Corman, Mr. Fascell, Mr. Guyer, Mr. Jenrette, Mr. Kogovsek, Mr. Leach of Louisiana, Mr. Rahall, Mr. Rangel, Mr. Runnels, Mr. Solomon, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Young of Florida, and Mr. Zablocki.

H.R. 5862: Mr. O'Brien, Mr. Dickinson, and Mr. Dannemeyer.

H.R. 6012: Mr. Mitchell of New York, Mr. Hammerschmidt, Mr. Marriott, Mr. Synar, Mr. Skelton, Mr. Atkinson, Mr. Ford of Tennessee, Mr. Long of Maryland, Mr. AuCoin, Mr. Nolan, Mr. Horton, Mr. Runnels, Mr. Ginn, Mr. Rahall, Mr. Bonior of Michigan, Mr. Patten, Mr. Diggs, Mr. McCormack, Mr. Gray, Mr. Fascell, Ms. Mikulski, Mr. Oberstar, Mr. Hughes, Mr. Hagedorn, Mr. Jenrette, Mr. Symms, Mr. Downey, Mr. Buchanan, Mr. Coleman, Mr. Dan Daniel, Mr. Grisham, Mr. Vento, Mr. Bonker, Mr. Nichols, Mrs. Chisholm, Mr. Mineta, and Mr. Nowak.

H.R. 6021: Mr. Burgener.

H.R. 6154: Mr. AuCoin.

H.R. 6324: Mr. Bonior of Michigan, Mr. Kildee, and Mr. Ford of Michigan.

H.J. Res. 139: Mr. Petri.

H.J. Res. 372: Mr. White, Mr. Hughes, Mr. Gibbons, Mrs. Fenwick, Mr. Courter, Mr. Williams of Ohio, and Mrs. Holt.

H.J. Res. 445: Mr. Fisher, Mr. Sebelius, Mr. Broyhill, Mr. Minish, Mr. Jones of Tennessee, Mr. Whitley, Mr. Johnson of Colorado, Mr. Edgar, Mr. Rosenthal, Mr. Reuss, Mr. Courter, Mr. Paul, Mr. Hubbard, Mr. Steed, Mr Waxman, Mr. Lloyd, Mr. Hefner, Mr. Winn, Mr. Gingrich, Mr. Broomfield, Mr. St Germain, Mr. Flippo, Mr. Stratton, Mr. Russo, Mr. Murphy of Illinois, Mr. Ichord, Mr. Annunzio, Mr. Mazzoli, Mr. Shelby, Mr. Symms, Mr. Marriott, Mr. Dodd, Mr. Boner of Tennessee, Mr. Whitaker, Mr. Alexander, Mr. Pursell, and Mr. O'Brien.

H.J. Res. 469: Mr. Ambro, Mr. Barnes, Mr. Beard of Tennessee, Mr. Benjamin, Mr. Bonior of Michigan, Mr. Carney, Mr. Carter, Mr. Clinger, Mr. Conte, Mr. Corrada, Mr. Dixon, Mr. Dougherty, Mr. Duncan of Oregon, Mr. Edwards of California, Mr. Fazio, Mr. Fish, Mr. Frost, Mr. Guarini, Mr. Guyer, Mr. Harsha, Mr. Hinson, Mr. Horton, Mr. Jacobs, Mr. Jenrette, Mr. Kemp, Mr. Kostmayer, Mr. Lagomarsino, Mr. Latta, Mr. Lee, Mr. Lungren, Mr. McDade, Mr. McEwen, Mr. McHugh, Mr. Mazzoli, Mr. Murphy of Pennsylvania, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Panetta, Mr. Price, Mr. Roe, Mr. Scheuer, Mr. Sebelius, Mr. Solomon, Mr. Symms, Mr. Van Deerlin, Mr. Walgren, Mr. White, Mr. Whitehurst, Mr. Charles H. Wilson of California, Mr. Wyatt, Mr. Young of Florida, Mr. Coelho, Mr. Johnson of Colorado, Mr. Lloyd, Mr. Rodino, and Mr. Williams of Ohio.

H.J. Res. 481: Mr. Beard of Rhode Island, Mr. Murphy of Pennsylvania, Mr. Madigan, Mr. Mattox, Mr. Kindness, Mr. Alexander, Mr. Mathis, Mr. Winn, Mr. Fazio, Mr. Lagomarsino, Mr. Won Pat, Mr. Bowen, Mr. Sebelius, Mr. Forsythe, Mr. Conte, Mr. Fish, Mr. Synar, Mr. Scheuer, Mr. Lott, Mr. Lungren, Mr. Quayle, Mr. Pepper, Mr. Corcoran, Mr. Leach of Iowa, Mr. Stanton, Mr. Skelton, Mr. Vento, Mr. Roe, Mr. Hance, Mr. Carter, Mr. Frenzel, Mr. Whitten, and Mr. Montgomery.

H. Con. Res. 222: Mr. Derwinski.

H. Con. Res. 223: Mr. Derwinski.

H. Con. Res. 248: Mr. Lungren, Mr. Stangeland, and Mr. Montgomery.

H. Con. Res. 251: Mr. Pease, Mr. Bowen, Mr. Bonker, Mrs. Spellman, Mr. Bailey, Mr. Carr, Mr. Mazzoli, Mr. Carney, Mr. Shannon, Mr. AuCoin, Mr. Bonior of Michigan, Mr. Corrada, Mr. Moakley, Mr. Brown of California, Mr. Oberstar, Mr. Edwards of California, Mr. Wolff, Mr. Ford of Tennessee, Mr. Lagomarsino, Mr. McDonald, Mr. Forsythe, Mr. Matsui, Mr. Thompson, Mr. Quayle, Mr. Dingell, Mr. Yates, Mr. Stark, Mr. Rousselot, Mr. Hughes, Mr. Solomon, Mr. Rangel, Mr. Mineta, Mr. Kemp, Mr. Vander Jagt, Mr. Lungren, Mr. Broomfield, Mr. Diggs, Mr. Winn, Mr. Leach of Iowa, Mr. Buchanan, Mr. Moorhead of Pennsylvania, Mr. Pritchard, Mrs. Fenwick, Mr. Frost, Mr. Coelho, and Mr. Conyers.

H. Con. Res. 259: Mr. Ottinger, Mr. Downey, Mr. Dougherty, Mr. Edwards of Oklahoma, Mr. Buchanan, Mr. Leland, Mr. Weaver, Mr. Hughes, Mr. Lent, and Mr. Frenzel.

H. Res. 356: Mr. Courter, Mr. Howard, Mr. Ritter, Mr. Derwinski, Mr. Grassley, and Mr. Solarz.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

### H.R. 4788

By Mr. EDGAR:

(Amendment to title IV of H.R. 4788.)

—On page 179 strike lines 9 through 25 and on page 180 strike lines 1 through 5 and redesignate succeeding sections accordingly.

—On page 170 strike lines 6 through 11 and redesignate succeeding subsections accordingly.

—Section 415, strike the existing provisions of the section and insert in lieu thereof: "Simultaneously with promulgation or repromulgation of any rule or regulation under authority of any law of the United States relating to rivers and harbors, flood control, beach erosion, or other water resources development under the jurisdiction of the Secretary of the Army and at least thirty calendar days prior to the effective date of such rule or regulation, the Secretary shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives.".

—Section 438, strike the existing provisions and insert in lieu thereof the following: "Section 221(b) of the Flood Control Act of 1970 (Public Law 91-611) is amended to read as follows:

" 'A non-Federal interest shall be a legally constituted public body with full authority and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform; *Provided*, That, where the non-Federal interest is the State itself, the agreement may reflect that it does not obligate future legislative appropriations or other funds for such performance and payment when obligating future appropriations or other funds would be inconsistent with State constitutional limitations.' "

---

H.R. 5980

By Mr. DERRICK:

—Page 51, strike out line 6 through line 9, and insert in lieu thereof the following:

of the greater of—

"(i) the national per capita income, or

"(ii) the per capita income of the population of the State within which such unit is located,

as determined by the Bureau of the Census for general statistical purposes (for the most recently completed calendar year for which data is available) and reported to the Secretary.

Page 68, strike out line 1 through line 5, and insert in lieu thereof the following:

excess of 130 percent of the greater of—

"(i) the national per capita income, or

"(ii) the per capita income of the population of the State within which such unit is located,

as determined by the Bureau of the Census for general statistical purposes (for the most recently completed calendar year for which data is available) and reported to the Secretary.

By Mr. McCLOSKEY:

—Page 51, line 24, insert immediately before the period the following: "and for unincorporated areas of such county".

# EXTENSIONS OF REMARKS

## TRIBUTE TO ARETTA BARRINGER

### HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. SOLOMON. Mr. Speaker, on February 2 the people of Poestenkill, N.Y., will be paying tribute to one of New York State's most dedicated public servants, Aretta Barringer. For 52 years, until her decision not to seek the job last year, Aretta served as town clerk of Poestenkill. But do not get the idea that Aretta, who will be 90 on her next birthday, has settled into an easy retirement. She will still serve the town as registrar of vital statistics.

Aretta, besides having the distinction of serving longer as a town clerk than anyone else in New York State, can claim a couple of other firsts. She was the first woman in Poestenkill to hold a public office. This is not surprising, since she was also the first woman to vote in Poestenkill after women's suffrage.

Aretta's sense of duty as an elected official and citizen are only overshadowed by her own warm personality and integrity. Aretta's active role in that community and her 52 years of conscientious service to the people of Poestenkill will be forever cherished. I join with Aretta's many friends and neighbors in thanking her for a job well done and in wishing her the very best.●

---

## U.S. DOLLARS AND ARAB CULTURES

### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. STUDDS. Mr. Speaker, for the consideration of my colleagues, I would like to submit an article which appeared in the New York Times on January 28, 1980, which questions the wisdom of the internal investments of several Persian Gulf countries and the role of the United States in those investments.

In light of our recent policy failures in Iran, I think that we need to be mindful that certain parallels may be found in our involvement in other area countries as well.

The same resentment which accrued to the United States over lavish expenditures on arms and Westernization projects in Iran could have a sequel in other Middle Eastern countries.

### Critics Say Ill-Advised Spending of Oil Funds Hurts Arab Society

(By Youssef M. Ibrahim)

London, Jan. 27.—Economic experts on the Persian Gulf are warning increasingly that overly ambitious plans, bad advice, little experience and hurried spending in the Arab oil-producing countries have created a force that is tearing at the social fabric of these conservative Arab nations and distorting their economies.

The warnings are not new. But now they are voiced by a growing chorus of Arab technocrats in such places as Qatar, the United Arab Emirates, Saudi Arabia, Kuwait and Bahrain.

Because of the sensitivity of Arab rulers in these countries to open questions about the way they spend their oil money, the criticism often takes the form of scholarly exercises at seminars, or of dissidents anonymously pointing to what they see as potential disaster.

Nonetheless, with the Persian Gulf oil producers about to receive another large increase in revenues, questions about past and future spending policies are becoming more persistent both at home and abroad. In addition, President Carter has identified the Persian Gulf as an area of vital interest for the United States. And just across the Gulf from the Arab States is the disorder in Iran—a vivid reminder of the revolutionary forces that may be unleashed by large-scale unstructured spending.

Since 1974, when oil prices quadrupled, the handful of countries in the Gulf region—which have a combined population no larger than New York State—have spent $250 billion to push their primitive economies into the modern era.

The fear now is that along with their rising standard of living they might have bought a potential nightmare.

"We are talking about an unprecedented experience in history," said Tim Niblock, deputy director of the Center of Arab Gulf Studies at Exeter University. "What is happening there has no parallel anywhere. Many of these governments are losing control of their own countries."

This was, he said, the broad conclusion of a panel of experts who gathered at the center a few months ago to examine the development process begun by the Gulf states when the price of oil rose from $2 a barrel in 1973 to around $30 at present.

The critics say they see the following destructive patterns developing in the Gulf:

The oil producers, hampered in their development effort by small populations, are being flooded with foreign workers. In Qatar and Kuwait, imported labor is larger than the native population. By 1985 another two million foreign workers will be needed in the Gulf in addition to the nearly three million already there.

Development is focusing almost entirely on the oil sector and heavy industry. The neglect of nonoil resources has damaged such traditional areas of economic development as agriculture and fishing. Attempts that were made to modernize these sectors were poorly managed.

The industrialization effort has been undertaken without any regional coordination. As a result, airports, factories and industrial parks are being built without a rational program. With small consumer markets of their own, high labor costs and no raw materials aside from oil, these Gulf countries might be building white elephants.

The rapid modernization taking place in the Gulf, the vast expansion of the school system and of social welfare have not been matched by any degree of political liberalization. So, while a new generation is growing up better educated and more ambitious, it is deprived of participating in the decisionmaking process.

#### DISSIDENT'S BOOK IS BANNED

"They send us abroad; they give us the best education money can buy, but when we come home with our degrees from Harvard or Cambridge it is only to find out they are not serious about incorporating us in the system of government," said Abdallah al-Neifeissy. "They still want allegiance to the ruling families first, not know-how." Dr. Neifeissy served as chairman of the political science department of Kuwait University until 1978 when he wrote a book expressing similar views. Now his book is banned in Kuwait, and the Cambridge-educated professor says he can neither teach nor work there. He has taken refuge in Britain but remains one of the Arab world's best-known dissidents, expressing a view often heard in the Gulf these days.

To be sure, there has been a striking improvement in the living standards of the Arab populations in the Gulf. New roads, jammed with new cars, criss-cross every Arab capital, and they are lined with new buildings and broad villas. The rooftops bristle with televisions antennas. There are new hospitals, new hotels and even ice-skating rinks in some places like Kuwait where the thermometer stays at 115 degrees for months out of the year. Young Bahrainis and Kuwaitis pick up their car phones to call friends in London as they drive to their new universities, and they spend their summers in Western Europe and the United States.

The blessings of the consumer society of the West have indeed arrived in the Gulf.

But the price for this progress has been high, many believe. To Dr. Neifeissy, and many less outspoken Arab technocrats eager to keep their jobs, the huge presence of foreigners has become a major irritant. "We are sick of them; they are after the money, not the common good of the country," said a middle-level manager with Saudia, the Saudi national airline, on a recent flight from Dhahran to Jidda.

Yet the scale of development started by countries such as Saudi Arabia cannot be accomplished without foreign labor. With a native population of four million to five million, few skilled workers of their own and even fewer managers, the Saudis have tied themselves for at least the next two decades to a large contingent of foreign workers.

There are about two million migrants in Saudi Arabia. Kuwait has nearly 600,000, almost half its population. Tens of thousands of migrants live in the other Gulf Emirates. Experts say that more will come.

A recent study by J.S. Birks and C.A. Sinclair of Durham University in England projects that 1.9 million additional workers will have to be imported by the conservative monarchies of the Gulf in the next five years. Saudi Arabia, which has just completed a $180 billion five-year development program, is about to start another, with a price tag of $250 billion, according to American banking sources here who are familiar with the still-secret budget of the plan.

### A SHARE OF THE WEALTH DEMANDED

Nearly 70 percent of the migrant labor force consists of poorer Arabs, in including Palestinians, Egyptians and Yemenis. Because they share deep cultural and religious ties with their oil-rich brethren, they do not really see themselves as invited guests. Many with the support of their governments, have loudly demanded a greater share of the wealth.

Reports from Saudi Arabia and other Gulf countries suggest that the rulers are alarmed at the hostile domestic reaction to the large presence of foreigners, particularly the Westerners.

Reliable sources in Saudi Arabia said that the Saudi Royal Commission in charge of the two huge Jubail and Yanbu industrial parks had recently asked the Development Institute of South Korea to study ways of reducing the number of foreign workers.

Most experts say the only way to do so is to cut back on the development process and on oil production. But they say that the process is to far advanced to be reversed. "Even if the Saudis cut back on oil production now, let's say by half, the prices will double," says Robert Mabro, an economist at the Middle East Center at Oxford University. "They'll be stuck with the same amount of money anyway."

Perhaps the most sensitive part of the technological problems facing the Gulf countries is that the ultimate responsibility for them lies with the young Arabs who have returned with degrees from Harvard and the University of Southern California, but with no experience.

### A RELIANCE ON WESTERN ADVICE

They were immediately placed in charge of large-scale spending programs. They relied for advice on their former professors in the West who have little knowledge of the sociological makeup of the Bedouin societies that are to benefit from the spending. Critics also say that much of the responsibility lies with Western multinational companies seeking to contract for big projects regardless of their feasibility.

The Western companies say they are being made scapegoats. "Listen, I am getting tired of hearing this," said a senior executive of an American company that is supervising a $45 billion project in Saudi Arabia. "They are not children, you know. If they want this project, they can have it. We're in business to make money, not to preach."

Besides, most Western executives argue that it is too early to pass judgment on the huge petrochemical plants, the steel and aluminum factories, the ports, the airports and the dry-dock ship repair yards now under construction in the Gulf countries.

Some analysts note that even if much money has been wasted in the last five years, much was accomplished. "You can't say they've got nothing for that money," said David Shireff, an editor with Middle East Economic Digest who has followed Saudi Arabia for years. "A remarkable success has been scored on building up the infrastructure. Now they've got vast communications networks, sewage treatment plants, electric power generation, and a whole lot of housing. But they have paid a hell of a lot for it and they will pay a hell of lot more."

Some critics insist, however, that it is already obvious that many industrial projects will be either economically unprofitable, because they will cost more to run than they will earn, or redundant. The two international airports built by Dubai and Sharja, two of the United Arab Emirates, are a famous example of waste. The two emirates are 20 minutes apart by car. Dubai is also building a huge dry-dock ship repair yard that will only duplicate a similar facility in nearby Bahrain.

The greatest concern is that many of the large industrial projects are unrealistic. Many experts doubt that Saudi Arabia can successfully complete its huge industrial parks in Jubail and Yanbu. Several hundred thousand Saudis are expected to move by 1990 to these desert tracts, where only some Bedouins lived before. Critics doubt that many Saudis can be found to live there, or to run the huge projects.

The costs of the two projects have spiraled from an estimated $30 billion four years ago to close to $80 billion now. The Jubail project, believed to be the most vulnerable of the two, has been designed and built by the Bechtel Corporation of California. "Bechtel is on a cost-plus contract, which means they have a license to spend money," Mr. Shireff said.

The excessive spending on such ambitious industrial programs has also led to the neglect of traditional economic activities such as agriculture, cattle raising, fishing and boat construction. With that neglect came the disruption of the life style of large segments of the population, particularly of the Bedouins, who are the backbone of the gulf populations.

J. C. Wilkinson of the school of geography in Oxford, who has studied this change in Oman and Saudi Arabia, makes a comment on it that covers virtually all the Gulf countries:

"Unfortunately most Omanis in power today pay lip service to this past, but in fact are quite ignorant about it. Nor do they really want to know anything about it because for them the old and traditional are backward while the modern is progressive. So they continue to allow the collapse of the exising systems whilst pointing to the outward veneer of modernization as continuing development."●

## PUBLIC ATTITUDES ON GASOHOL

### HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. FITHIAN. Mr. Speaker, I am inserting today for the benefit of my colleagues a summary of a recent Harris poll concerning public attitudes on gasohol.

During the past few months we have discussed and debated the issue of Federal subsidies for the development of alcohol fuels on many occasions. The windfall profit tax and synthetic fuels bills now in conference contain several critically important gasohol provisions. These critically important provisions are in trouble today, largely because of a perceived lack of public support for them. The message the Harris poll gives to conferees on these bills is clear: the American people want prompt action to develop gasohol and other renewable liquid fuels.

The message contained in the poll should come as no great surprise. The support the public displayed for alcohol fuels to the pollsters has already been demonstrated at the gas pump. Gasohol sales have skyrocketed in recent months, with no slackening in consumer demand yet in sight.

There are a multitude of sound, practical reasons for supporting alcohol fuels. Now we in Congress have yet another reason for acting quickly and decisively: a firm public mandate.

### Harris Poll—Synfuels and Gasohol

### SOME FACTS ABOUT THIS SURVEY

This survey is based on a personal interview which lasted an average of one hour and nine minutes with a cross-section of 7,010 Americans aged 18 and over which was conducted by Louis Harris and Associates, Inc., between the dates of October 19 and November 21, 1979. As such, it represents the most comprehensive survey of public attitudes towards the conservation of renewable resources ever undertaken by the Department of Agriculture.

The sample employed is substantially larger than those customarily utilized by the Harris firm. This was to assure that the attitudes of specific demographic subgroups—such as farm familes and residents of rural areas—could be statistically analyzed with a high degree of accuracy. The expected sampling error on questions showing a 50/50 split is about 1 percentage point (+ or −). That is, in 95 out of 100 samples drawn in this manner, on a variable showing a 50/50 split, we could be assured that the results drawn from the sample would be within 1 percentage point of those which we would obtain were we to have interviewed every adult American aged 18 and over. Of course, for subgroups of the total sample, expected sampling errors will be somewhat higher.

The sample was weighted to guarantee that a minimum of 300 respondents would occur in each of the 16 cells representing the combination of geographical region of the country (East, South, Midwest, West) and type of place (urban, suburban, town, and rural). This enhanced the precision of the estimates for those groups (i.e., rural West) which would have been represented by smaller numbers in an unweighted sample, but which were of special analytical interest. In the final tabulations and analysis, all groups have been reweighted according to their true occurrence in the population of the United States. Such procedures are standard in good survey research, and serve to improve the overall efficiency of population samples.

For further information, contact Dr. John Boyle or Victor Fischer, Vice President for Washington Operations, at the telephone number listed above.

Summary: Americans exhibit a strong preference for gasohol over synfuels development as a means for increasing the supply of liquid fuels from domestic energy sources. Gasohol is seen as the more likely to help reduce foreign oil imports, to help keep down the cost of gasoline, and to do the least damage to the land. Consequently, by better than 2 to 1, the public prefers to see more federal support going to gasohol rather than synfuel development.

A. By a margin of better than 2 to 1 Americans believe that gasohol rather than synfuels should receive most Federal support (48-22%).

B. The gasohol alternative is perceived as the more likely to:

1. cause the least damage to the land used to produce the fuel (59-19%);
2. help keep gasoline costs down (50-19%);
3. more likely to reduce oil imports in the next five years (49-23%).

C. A plurality of the public is prepared to pay additional money at the gas pump to offset conservation costs stemming from additional agricultural production for gasohol

This willingness, however, is proportional to the expected costs of the program to the consumer.

1. 47% of the public is willing to pay an additional $25 per annum;

2. 22% of the public is willing to pay an additional $50 per annum;

3. 12% of the public is willing to pay an additional $100 per annum. Knowledge of soil conservation, belief in the conservation ethic, and income are all related to willingness to pay for soil conservation at the gas pump.

D. Recognition of the benefits of gasohol for energy production and the desirability of federal support for gasohol development is most pronounced in the Midwest and among farmers.

1. 53% of those living in the Midwest feel that gasohol should receive the most Federal support compared to 48% in the total public.

2. 59% of the farm owners or managers feel that gasohol should receive the most Federal support, compared to 48% in the total public.●

## SNIDER: THE DUKE OF THE DODGERS

## HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. SOLARZ. Mr. Speaker, just a few weeks ago the Baseball Writers Association exhibited good sense and wise judgment when they voted Edwin "Duke" Snider into the Baseball Hall of Fame.

As one who represents a district back in Brooklyn that is only the distance of a "Texas league single" from the site of old Ebbits Field, I can tell you that my constituents are enormously proud of Duke.

Wearing uniform No. 4 and batting third in the Brooklyn Dodgers lineup, Duke quickly became a leader of the "Boys of Summer" both on and off the playing field.

In a career spanning two decades and 1,425 games, Duke holds the Dodger record for home runs with 316 and is among the leaders in hits, runs batted in, and runs scored. Couple his brilliant batting ability with the graceful way he patrolled center field for the 5-time National League champions, he emerges as one of baseball's greatest competitors.

The "hot stove" pundits in the candy stores and street corners of my district still argue whether Snider, Mantle, or Mays was the best centerfielder in baseball, a decade after these three legends have retired. Those of us from Brooklyn know the answer, and we are at long last satisfied that Duke has assumed his rightful place in the Hall of Fame.

Duke now lives with his wife and family in Fallbrook, Calif., but those of us in Brooklyn still count him as one of our own. When Duke goes to Cooperstown to be inducted into the Hall of Fame later this year, he will not be alone. He will be joined by millions of New Yorkers who remember well the crack of Duke's bat and the crash of another broken window on Bedford Avenue.●

## COMMUTER COMPUTER AND RIDE SHARING

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. ANDERSON of California. Mr. Speaker, reducing and eventually eliminating our dependence on foreign oil will require a multifaceted approach by the people of this Nation. Some programs the Government will be entering into will require investments of hundreds of millions of dollars. Research into alternative energy sources is a must, but the price tag will be high. Similarly, we must look to the development of intercity rail transit, and new starts in fixed rail transit within metropolitan areas. But let no one think that such undertakings will be inexpensive. Proposals along these lines will save this Nation precious energy at some point in the future.

There are inexpensive ways for citizens in this country to help save energy right now. I would like to call our colleague's attention to the work being done in southern California—today—by Commuter Computer. The January 18, 1980 issue of "The Enterprise" points out that Commuter Computer is "the Nation's largest and most comprehensive ridesharing program."

Ridesharing is a concept that this Nation will be hearing more and more about. And it is a practice that more Americans will become involved in. Whether we are talking about three neighbors carpooling into the city, or coworkers sharing a company-purchased van to commute to work, ridesharing can help unclog our freeways and save gasoline.

Commuter Computer has taken the lead in the field of ridesharing. Certainly, this is due in some part to the fine work of Art Schreiber. Art, who is mentioned prominently in the article I am submitting, has recently resigned his position as President of the organization. I am sure his contributions will be missed. But I am equally certain that Commuter Computer will continue to grow. Because ridesharing is a concept that must grow.

The article follows:

### COMMUTER COMPUTER RIDE-SHARING PROGRAM UP

Central Cityers registered for ridesharing programs in record numbers during 1979 in a report just released by Commuter Computer, the nation's largest and most comprehensive ridesharing program.

"Local workers and residents and other all over Southern California demonstrated their determination to save gas, money and time by participating in share-the-ride programs last year," says Commuter Computer President Art Schreiber.

According to Schreiber, more than 293,000 persons registered with Commuter Computer last year, an increase of more than 325 over 1978.

"With gas lines, soaring gas prices, the worst smog in the past five years topped by a bus strike, 1979 was undoubtedly the worst year in history for Southern California commuters. People have turned to Commuter Computer and we have been providing relief," Schreiber says.

Currently the number of people carpooling as a direct result of Commuter Computer's efforts exceeds 28,500, Schreiber reports. By the end of 1980, he anticipates that more than 100,000 people will be in carpools.

"It's inevitable—people must rideshare. The problems we have seen during 1979 are going to be with us in 1980 and for the entire decade before us. The only immediate answer to eliminating commute-related problems is ridesharing," Schreiber said.

Commuter Computer is curently undertaking a major ridesharing marketing program through area employers, Schreiber reports. More than 1200 companies or employers at more than 1700 work sites have already established ridesharing programs for their employees.

"The cooperation of employers throughout the South Coast Air Basin has been gratifying, but we still have an enormous task ahead of us. There are still hundreds of firms who have not utilized our free services to establish ridesharing programs. We need their immediate cooperation," said Schreiber.

Individuals and employers interested in Commuter Computer's alternative transportation services are urged to contact Commuter Computer at 380-RIDE.●

## H.R. 529

## HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Ms. HOLTZMAN. Mr. Speaker, I support the removal of discriminatory trade status from the People's Republic of China. I am deeply concerned that this action does not become an excuse for neglecting the serious problem of repression of human rights in China.

Whatever minimal concessions to liberty the Chinese leaders were making have now apparently given way to a nasty crackdown on dissidents. The most prominent leader of the small but vocal dissident movement has been sentenced to 15 years in jail.

A woman dissident has been charged with organizing a peasant demonstration and with falsely accusing a party official of raping her, though substantial testimony supports her charge that she was raped. A student leader and a deputy party secretary involved in organizing a strike at People's University have been expelled.

The country's only established forum for free expression, Democracy Wall, has been removed from its prominent location and all but silenced.

Clearly, facilitation of American trade with China is to both countries' economic benefit. Just as clearly, our relationship to China is crucial in view of the Soviet Union's invasion of Afghanistan.

But we must not let our desire for economic gain nor our urge to "play the China card" in foreign affairs make us indifferent to human rights. Instead, let us take advantage of the increased contact with China to strengthen the fight for human rights there.

Let us try to insure that hope and freedom travel the channels of trade we are opening.●

## AVIATION SAFETY

### HON. BILL ROYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. ROYER. Mr. Speaker, we are all aware of the growing concern of the public for the safety of air travel. The Congress has responded recently with numerous hearings and important pieces of safety legislation.

My colleague from California, BARRY GOLDWATER, JR., made a speech yesterday on aviation safety which I believe deserves all of our consideration. This speech was given at a 2-day conference on the FAA response to aviation user groups' views and recommendations.

I would like to place in the RECORD this extremely important speech which I commend to all my colleagues. The speech follows:

#### CONFERENCE ON THE FAA RESPONSE TO USER CONSENSUS VIEWS AND RECOMMENDATIONS

Data from a recent public opinion survey shows that people killed in airplane crashes are 13.4 times more dead than people killed in automobile accidents.

Although this is nonsense, it accurately represents the way people feel. 50,000 people can die each year on our highways, and no one gets excited. Several hundred die each year in airline accidents and the public becomes alarmed. Despite this, the public has made it very clear to its elected representatives that they want air travel to be as safe as humanly possible. And they are willing to pay for it.

Ten years ago, in response to the public desires for increased levels of aviation safety, Congress passed the ADAP bill. The Aviation Trust Fund was set up to improve system safety. Since then all airline passengers have paid an 8% ticket tax to make their flights safer. All general aviation pilots have paid a 7 cent per gallon fuel tax to make their flights safer.

Everything went well with the Trust Fund for a few days until some unelected officials got in the act. The FAA Administrator and the OMB Director got together and decided to use the safety money to make the Federal budget deficit look smaller.

Since then they and their successors have succeeded to the point of amassing about $3 billion in uncommitted surplus. But in the process they amassed many enemies, some of whom are in Congress. Finally, the Administration noted that the size of the surplus was getting embarrassing, so they redoubled their efforts to unload it on day to day operations and maintenance expenses. Of course, this was not Congress' intended purpose for the Trust Fund. FAA also noted the rapidly rising prices in the fine arts market, and cleverly used $200,000 of safety money to invest in sculpture at Atlanta airport.

I questioned Langhorne Bond on all this at recent hearings. I said that I wished the FAA Administrator would be a leader in the fight for increased aviation sefety instead of a collaborator with OMB. I said it was sad that the agency charged with aviation safety had to be begged to spend safety money from a safety trust fund on safety projects.

I must admit, his response made sense. He is a member of the President's team. He must espouse the President's larger objectives. Although he didn't mention it, he obviously saw what happened to his former boss, Brock Adams, who apparently wasn't a team player. I can understand Mr. Bond's motives, although I don't necessarily agree with them.

Let's look now at what this "team playing" is doing to the FAA R&D budget request over the next 5 fiscal years. The Administration's proposed ADAP bill requests $90 million in 1981 increasing linearly to $110 million in 1985. But let's factor in inflation at 10% and talk in terms of constant 1979 dollars. In this frame of reference, the requests drop from $81 million in 1981 down to $58 million in 1985.

It appears, however, that in yesterday's Presidential budget the FAA R&D request dropped down to $85 million (from the $90 million in their earlier ADAP proposal). So perhaps I should lower all my estimates by $5 million. That would leave a little over $50 million in 1985 for R&D.

Now with this declining budget FAA must, of course, complete work on many ongoing projects like collision avoidance and post-crash safety. But they must also complete the development in the next 5 years for a new ATC computer system which will cost nearly $2 billion. To do this, Al Albrecht and company better start to practice walking on water.

Because of the extreme difficulty of fulfilling these existing commitments with a declining budget, I suggest that you change the name of this conference from "New Initiatives" to "No Initiatives". I don't want to demean the concept of FAA consultation with the users. I just feel that the next 5 years will see a lot more funds cut and programs scrubbed than new starts or new initiatives.

I turn now to two tactical errors which I think the users made in this so-called "New Initiatives" process. First, every manager knows that in years of shrinking budgets, you have to set priorities. The high priority programs are spared, and the others are axed. But the users went through the whole New Initiatives process without setting priorities. So who gets this powerful tool?—FAA. And since the users made many more recommendations than could possibly be funded, nearly everything FAA picked has been covered in one of the many user recommendations. This allows the FAA to pick and choose as they please and still claim the overall result has user support.

The second tactical error of the users involves the timing of today's FAA response to the user recommendations. Although the President's budget was released yesterday, FAA's response document was written prior to that in order to prepare for today's January conference date. So naturally no budget figures could be included in the written response. The result is a lot of words—some rather ambiguous—but no dollar figures. Personally, I'd rather have waited a month to see the dollar figures and how they changed as a result of user recommendations.

So the users made recommendations without priorities and received responses without funding information. In my opinion, this detracts from the usefulness of the exchange. I certainly want to see that funding information, and I plan to request it from FAA.

Now I'd like to make one observation from my position on both the Science and Technology Committee and the Public Works and Transportation Committee. As the flow of R&D products dries up, the flow of regulatory products increases. So it is today we see more rules; regulations, airspace restrictions, limitations, quotas, time slot allocations, and charges. I'd like to see this trend turned around.

What I propose to do, with the full cooperation of Chairman Tom Harkin of the Transportation, Aviation and Communications Subcommittee, is to derail FAA from its 5 year march downhill in real R&D dollars. We hope to obtain language in the ADAP bill requiring annual authorizations for R&D—rather than one 5-year authorization. These annual authorizations would come under the jurisdiction of our Subcommittee. Drawing from the $3 billion trust fund surplus, we would hope to authorize the amount required to get the safety job done—not the amount the OMB bean-counters feel like releasing. Tom Harkin and I hope you, the users, will support us in our efforts on this legislation.

In closing, I'd like to shift gears and say this to Al Albrecht, Neal Blake, Joe DelBalzo, Bob Wedan, and Sig Poritzky: I wouldn't try to get you more R&D money if I didn't think you could use it wisely.

Thank you.●

## ENERGY AWARENESS DAY

### HON. JON HINSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. HINSON. Mr. Speaker, last week I introduced a bill authorizing and requesting the President to proclaim Sunday, February 10, 1980, as "Energy Awareness Day." The resolution urges all Americans to: First, lower their thermostats to 65 degrees; second, eliminate all unnecessary travel; and third, curtail all unnecessary energy use. The energy situation, which is becoming increasingly critical in this country, demands a collective conservation effort by all Americans. The date of February 10 was selected in conjunction with the National Jaycees, who have launched a drive to make our Nation more energy conscious. The Jaycees have worked with 25 State governments, which by either gubernatorial or legislative proclamation have agreed to participate in an affirmative action day.

By conservation of our already dwindling energy resources, we can blunt the impact of high costs and diminishing supplies of energy which affect every facet of our daily lives.

As you know, all commemorative legislation must be cosponsored by a majority of the Members of the House, and February 10, is fast approaching. I would like to express my thanks to those colleagues who have already joined with me in cosponsoring House Joint Resolution 481; and urge any others who are interested to contact my office.●

## THE YEAR OF THE COAST—1980

## HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. STUDDS. Mr. Speaker, the Boston Globe recently carried a series of articles on the problems now threatening the vitality of our coastal environment. This series, written by Jack Thomas, accurately summarizes a great many of the conflicting pressures upon the coastal regions of this country and makes it clear why the designation of 1980 as "The Year of the Coast" is so important at this time.

The first article in this series focuses on five major areas of concern: Overdevelopment, Barrier Islands, fish and oil, pollution, and access to the sea. I would recommend it highly to my colleagues as an excellent source of background information on these subjects and on the challenges that lie ahead during "The Year of the Coast."

The article follows:

### ABUSING THE COAST: WHEN WILL IT STOP?

(By Jack Thomas)

European settlers in the New World were wonderstruck by the beauty and bounty of the North American coast.

The Pacific shore overwhelmed the explorer Sebastian Vizcaino, who described Monterey in such superlatives that those who came after him could not recognize it for 167 years.

The Gulf Coast was thought by the French to be the fairest, most fruitful and pleasant land in all the world.

The Atlantic Coast was delectable beyond imagination, said Verrazzano, and the new England coast so fertile the Pilgrims scooped haddock from the water by bucket and gathered lobsters from the beaches for fertilizer.

But that's all changed.

Today, 86 percent of the California coastline is undergoing significant erosion because of 30 years of unplanned, uncontrolled and uncoordinated development that has produced a helter-skelter of motels, hotels, condominiums, houses and high-rise apartment buildings, many built precariously close to the water.

The Gulf Coast is no longer the fairest, most fruitful and pleasant land in all the world either, not with a Mexican well disgorging thousands of barrels of oil into the water every day, blackening beaches, killing birds and threatening a way of life for people like Marcial Callais, 52, who fishes for shrimp from Bayou Lafourche an hour south of New Orleans, the way his fathers have for 150 years.

Neither would Verrazzano find the Atlantic Coast all that delectable these days, not if he knew about the millions of gallons of sulphuric acid and other chemical wastes dumped into New Jersey waters every day by Gulf & Western. He'd have to avoid eating fish caught in the Hudson River estuary, too, because some of them contain as much as 45 times the permissible level of PCB, an agent suspected of causing cancer.

And the Puritans who scooped haddock with a bucket would wonder why Boston has only 15 fishing vessels these days, compared with 265 in 1912, and why 70 percent of the fish consumed in the United States is imported, and why a man such as Harmon Tibbits of Boothbay Harbor, Maine, whose family has been lobstering for four generations, no longer can make a living at it.

America's 88,633-mile shoreline is in serious trouble—more serious than just another environmental crisis, or a struggle between oilmen and fishermen, or one more polluted harbor or one more oil-stained bird, more serious than the destruction of valuable wetlands, a dispute between industrial and recreational interests or a debate about one man's right to own a beach and another's right to use it.

All of this has combined in the past three decades to impair day-to-day existence for the six out of 10 Americans now living in coastal communities.

People are attracted to the coastline because of its more temperate climate and because of the potential for profit and pleasure. There may be another reason, though, one deeply rooted in man's primitive self.

Roger Revelle, former director of the Scripps Institution for Oceanography in La Jolla, Calif., describes it this way:

"Part of the spell of the ocean comes from its mystery, the four-fold mystery of the shoreline, the surface, the horizon, and the timeless motion of the sea. And part of the spell comes from outside the sense, the half-forgotten memories and images beyond imagination, deep below the surface of our consciousness . . .".

Whatever the reason, during the middle years of this century, coastal population grew at three times the national average and, by 1990, three out of four Americans will be living within 50 miles of the ocean.

As Shirley Taylor, an environmentalist from Tallahasee, puts it, "Everybody wants to live with a toe in the water."

As a result, at a stunning rate since World War II America has polluted her harbors, overfished her bays, overdeveloped her beaches, overbuilt on her sand dunes, overdrilled in her sea and overfilled her marshes so that now, at the beginning of the 1980s as the bills come due, we are finding that the price may be higher than we can afford.

Americans face five critical coastal problems related to growth—excessive development of fragile shoreline property, overpopulation of barrier islands, a distressed fishing industry, pollution of beaches and bays and a shortage of public access to the water.

#### OVERDEVELOPMENT

Without controls, a shoreline tends to be developed to excess, to become a tawdry jumble of too many houses, too many people, too many cars and too many businesses, from Whatburger fast-food stands to Disco Dolphin shows.

And in the last three decades, development in communities on the East, West and Gulf coasts has been rapid and without restraint.

"There's nothing left of the Southern California coast," says Sue Nelson, an environmentalist with the Friends of Santa Monica Mountains. "Take a good look at it. It ought to scare you because that's what the rest of the country's going to look like."

One result is that property values have multiplied over and over. In California, the La Jolla Light newspaper contains advertisements for half-acre lots on the beach for $325,000. A three-line classified advertisement offers a two-bedroom home with unsurpassed view for a half-million dollars. The same home in Des Moines would bring $47,500.

Jeffrey Frautchey of the Scripps Institution for Oceanography laughs when a visitor mentions that the asking price for Nelson Rockefeller's home at Seal Harbor, Maine, was $1 million.

"When we go out to the beach," he says, "you can look north to a house with a green roof high on a cliff. It's selling for $15 million."

Coastline development can mean tremendous profits quickly, and builders are zealous in their efforts to build on any vacant lot with access to or even just a view of the water.

When Gerald Kuhn, geologist at the Scripps Institution, suggested in a study that construction of homes be banned within a certain distance of the shore, he found threatening notes pinned to the door of his office, and a colleague with a similar name received two telephone death threats, one of them tape-recorded.

But environmentalists can be equally passionate in their efforts to block development and preserve the pristine nature of the coast.

A Newport Beach, Calif., couple Frank and Fran Robinson, spent 17 years and $15,000 in order to prevent a powerful construction company, the Irvine Corp., from building a mutli-million dollar housing development and marina on a 741-acre wetland and wildlife habitat near their home.

Too much development too close to the shore does more than threaten wildlife. It also endangers those who live in the houses.

In 1975, Hurricane Eloise, with winds of 130 miles an hour, wiped out homes along a 50-mile stretch of the Gulf east of Panama City.

But northeast Florida should have been able to withstand Eloise with ease, says Dr. Eugene Odum of the University of Georgia's Institute of Ecology, who faults man, not nature, for most of the $200 million damage.

"Because residents bulldozed the sand dunes and built within a few feet of the waterline," he said, "the hurricane was a disaster from Panama City to Fort Walton Beach. But 90 percent of the damage was within 300 feet of the beach. Back of that line," he said, "damage was minimal."

Intense coastal development is expensive to the taxpayers, who subsidize the cost of damage from hurricanes, blizzards and other storms to coastal homes.

Last winter in California, ocean waves alone caused $18 million damage. In Massachusetts, the blizzard of 1978 caused $300 million in flood and wind damage in the 46 coastal communities from Orleans on Cape Cod to New Castle, N.H.

"It's insanity," says Evelyn Murphy, former secretary of environmental affairs in Massachusetts. "Why should taxpayers subsidize development of dangerous sections of the coast through Federal flood insurance, disaster relief, bridge and highway construction and grants for wastewater treatment facilities?"

Nevertheless, on Friday, during a tour of the Alabama coast after Hurricane Frederic, President Carter promised to provide help with taxpayers' money for as long as it is needed.

#### BARRIER ISLANDS

As the pressure for coastal homes has increased, more people have built on so-called barrier islands such as Nahant, Fire Island, Atlantic City, Rehoboth Beach, Cumberland, Cape Canaveral and the Florida Keys.

The barrier islands make up a chain along the East and Gulf Coasts from Massachusetts to Texas. As a buffer they protect the mainland from ocean storms and waves, but they are extremely vulnerable themselves to adverse weather. Because their sandy shores are moving constantly under the force of storm, surf and currents, barrier islands are notoriously unstable, and they cannot bear the intensity of development common on higher land back from the sea.

Of 134 barrier islands, 26 are totally developed, 63 are partially developed and 45 are protected in their natural state.

Most development on barrier islands has occurred within the past 25 years and, as a report by the U.S. Department of Housing and Urban Development points out, "Those years have been remarkably quiet in terms of major hurricanes. The last major storms along the Atlantic Coast occurred in the '50s, and those in the Gulf in the '60s."

As a result, more than 80 percent of those living in coastal areas of the Atlantic and Gulf had not experienced a major hurricane until this year.

"If there's a hurricane, a bad one, you can write off most of the Florida Keys," says Shirley Taylor of Florida State University. "Most of the keys are densely populated with only a two-lane highway or bridge to them, and people just won't be able to get off. You get only so much notice, and if there's an accident on one of the two-lane roads, well, it's all over."

Sanibel Island in Florida is an example. Planners say the island can support a population of 18,000. But in the event of a hurricane, given the normal warning, no more than 6,000 people could evacuate Sanibel by bridge.

Why then do people build on barrier islands and barrier beaches?

On a late summer afternoon in Long Beach, Miss., Rev. Charles Mauro was finishing a day's work on the house he's building across the street from the Gulf of Mexico. There is no neighbor next door. Only a weed-covered foundation remains since Hurricane Camille blew through in 1969. Two hundred and fifty-six people were killed in that storm.

"I know it's dangerous," he said, "but I'm taking precautions. As you can see, the house is shaped octagonally so there is no wide front to take a broadside blow from the water. It's raised 17 feet off the ground—water level during Camille was 13 feet—and the cinder blocks are reinforced with iron and concrete. Maybe it's crazy, but I just couldn't stand being in the area and not living next to the water."

Still, because of excessive development along barrier beaches and barrier islands, weather officials warn that a strong hurricane hitting Florida full force could kill 50,000 people and cause $1.5 billion in damage.

"We are marching right along toward a potential catastrophe," says John Dolan, environmental science professor at the University of Virginia. "It's just a matter of time."

### FISH AND OIL

The major coastal issue of the 1980s in New England and along the Atlantic will be the same one faced 20 years ago in the Gulf of Mexico—oil versus fish.

Even before drilling begins in the fish-fertile Georges Bank off Nantucket, New England already is experiencing 10 percent of the nation's oil spills. In Massachusetts alone, for example, two million gallons were spilled last year.

Marine life is extremely sensitive to oil. The growth of oysters is retarded by as little as one part oil per million of water, which is the equivalent of one ounce of vermouth to 62,000 quarts of gin.

Georges Bank is important. One-eighth of the world's offshore fish harvest is caught there, and although larvae of familiar table fish such as haddock, cod, pollack and flounder develop in the surface water of Georges Bank, the waters are polluted by a high concentration of toxic hydrocarbons, the result of chronic oil spillage.

A federal environmental impact statement predicts that over a 20-year period, there will be 1900 to 2300 small oil spills off Georges Bank and a 90 percent chance of one or two spills of more than 1000 barrels.

Environmentalists want the government to declare Georges Bank a marine sanctuary so that the drilling of oil would be regulated to protect the fishing industry.

New England and the mid-Atlantic are not the only coastal areas trying to reconcile their fishing industries and the nation's need for more energy.

Santa Barbara, Calif., feels particularly victimized. Already afflicted with offshore oil wells in sight of land and the resultant spills, Santa Barbara is bristling because the federal government has decided to locate a nuclear plant at nearby Diablo Canyon and to locate a liquefied natural gas facility at nearby Point Conception.

"We're an energy dumping ground," said Charles Eckberg, of the Environmental Defense Council in Santa Barbara.

Residents of the Gulf Coast, who long ago adjusted to offshore oil, resent the reluctance of Northerners and Westerners to permit drilling off their coasts.

In Texas, radio stations play a country-and-western song that blames Sen. Edward M. Kennedy (D-Mass.) for blocking offshore oil in New England to protect his beach at Hyannis, and so, as the song goes, to hell with Northerners, let 'em freeze.

"We don't really want you to freeze up there in New England," said James Miller of Houston as he sat on the deck of a summer cottage in West Beach, Tex., sipping a drink and watching night fall over the Gulf of Mexico.

"We have oil rigs off our shore, but we have to pay high prices for gasoline because there's a shortage. And why is there a shortage? Because even though you use more oil than we do, you don't want any drilling off your shore. Now that isn't fair, is it?"

But oil is not the major reason that growth of the fish industry has slowed from 7 percent in the 1950s to 6 percent in the '60s to less than 1 percent in the '70s. Some experts say we're already extracting as much from the sea as we can.

"The capacity of the ocean to produce fish has simply leveled off," said Dr. Brad Brown of the Woods Hole Oceanographic Institute in Falmouth. The United Nations agrees, forecasting a growth of no more than 2 percent in the world's harvest through the end of the century.

Since the end of World War II, the United States has become more dependent on foreign nations for fish than it has on the Arabs for oil.

Imports have climbed from 25 percent in 1950 to 70 percent today, in part because foreign nations can catch and process fish, and freeze and export them to the United States for sale at up to $1 a pound less than Americans can catch the fish and sell them fresh.

For American fishermen, this has been a difficult decade.

Lubec, Maine, on the Canadian border, is an example. It was once a thriving fishing community. As recently as 1951, there were a dozen sardine factories in Lubec and 42 members of the merchants' association.

Today, membership is down to four. There are only two sardine factories working 10 to 12 weeks a year, and along the main street, as many as seven consecutive stores are boarded up.

"This is a ghost town," says Jim Simmons, owner of the Western Auto store. Indeed, at 4:30 on a weekday afternoon, a visitor can look up and down the main street of Lubec and not see another human being.

Adoption of the 200-mile zone in 1976 has not resulted in a burst of growth in the fishing industry as had been expected, but some government officials insist the oceans have not been fished to capacity, and that a resurgence is coming.

"In five years," says Richard Frank, administrator of the National Oceanographic and Atmospheric Administration, "the United States will be harvesting 80 to 90 percent of the fish within the 200-mile zone. I predict that in the 1980s, we will have a $1 billion trade surplus in seafood to Japan."

In addition, he said, the harvesting and processing of groundfish could increase the number of fishing jobs in the United States from 260,000 to 300,000 and the annual value from $7 billion to $8 billion.

### POLLUTION

Coastal pollution lingers like a dirty ring around the collar of the United States.

In Massachusetts, where the coast provides 20,000 jobs and $600 million a year from tourists, pollution has forced the closing of thousands of acres of shellfish flats.

Nine years after the barge "Florida" spilled oil in Falmouth Harbor, the shellfish beds there remain closed.

Noxious odors intrude on bathers in Boston Harbor—those bathers, that is, with the fortitude to swim in a polluted bay.

It's not that no one's been assigned to keep it clean.

Six agencies are responsible for water quality in Boston Harbor, but despite decades of study and the expenditure of millions of dollars, Boston Harbor remains embarrassingly dirty, and estimates are that it would now take $1 billion to clean it.

Environmentalists warn that continued pollution—human, thermal, chemical and industrial—threatens delicate estuaries such as the Chesapeake Bay, the mid-Atlantic's most prominent feature, which lies at the mouth of 10 major rivers and reaches 200 miles into Virginia and Maryland.

An estuary of awesome production, the Chesapeake Bay provides one-quarter of the nation's $80 million crab harvest, one-quarter of the nation's $22 million oyster harvest and half the nation's soft-shell crabs.

Several thousand people on Chesapeake Bay earn all or part of their income harvesting seafood there, and they are sensitive to anything that might threaten it.

In Mayo, Md., at the edge of the bay, several community organizations blocked construction this year of a huge sewage treatment plant, in part because in the event of the plant's failure—which experience suggests is highly likely—50 acres of oyster and clam beds would be destroyed.

"People outside don't realize what an impact this would have on the way we live," said Edna Schmitt, president of the civic association.

### ACCESS TO THE SEA

No coastal issue is strewn with more sharp shells than that of public access to the ocean.

Nationally, only 2 percent of the coast is owned publicly. In Florida, with the exclusion of Everglades National Park, less than 1 percent of the shore is devoted to public parks.

"Take a helicopter ride down the coast of Massachusetts," says Evelyn Murphy. "You'll see that most of the coast is just not available to the public, and helping people get to the water is one of our most important goals."

Anyone who has tried to reach the beach on a sunny Sunday in summer knows that the area along the water allotted to the public at times seems to be in danger of capsizing from the sheer volume of sunseekers, swimmers, fishermen, surfers, skindivers, sailors, photographers, ballplayers, frisbee enthusiasts, power-boaters, dune-buggy drivers, fast-food stands, picnickers and motorized buggies.

Public access to beaches is an agreeable concept to everyone except those who own property on the water. How, for example, do you explain to the man who has invested his wealth in a little cottage on Cape Cod that he must make his beach available to the other half-million people on the Cape?

The first state to open its beaches to the public was Oregon, where the legislature voted in 1969 to formalize the tradition that the state's 1410 miles of shore from Washington to California belonged to the public.

Texas followed with an Open Beaches Act that remains controversial because it permits motor vehicles on the beach.

To the average Texan, banning cars on the beach is equivalent to closing it. Environmentalists argue, on the other hand, that automobiles pack the sand, endangering burrowing creatures such as crabs, and that the volume of traffic uproots beach grasses that hold the dunes in place.

For young Texans, though, the beach is the place to be on a weekend.

They arrive Friday afternoon, park their vans or cars in a row at the high-water mark, pitch tents, perch two to four stereo speakers atop their car fenders and settle in for a weekend of eating, drinking, smoking, softball, volleyball, swimming, singing, and otherwise cavorting with the opposite sex.

"This is the equivalent of the old days when kids cruised up and down Broadway," said Steve Phinney, 20, of Overton, Texas, pausing in a game of catch with his brother at the beach at Freeport. "There are girls everywhere. See those three that just drove by in the Ford Granada? They've been by here three times now."

No other State has done more than California to loosen the padlock of private ownership of its shore.

Of California's 20 million residents, 84 percent live within 30 miles of the sea. Getting there, however, is not easy. Sixty percent of the shore is privately owned.

The symbol of resistance to open beaches is Malibu, where beaches are hidden behind the seaside homes of movie stars such as Linda Rondstadt, and public access—even a view of the water—is blocked by high walls, bolted gates and electronically operated doors.

The California strategy to open the beaches is simple. The State Coastal Commission exercises strong control over development within 1,000 yards of the water. Whenever a property owner applies for a permit to build or expand a home, he is asked to cede some form of access such as a path, a stairway or a parking lot.

Builders and property owners denounce the plan. "Demanding easements without offering to buy property is outright legal blackmail," said Joseph Mastroianni, a developer. "Extortion is extortion, no matter how noble the intent."

Although scores of lawsuits have been filed against the California concept, the courts generally have come down firmly on the side of the commission.

"The California coastline belongs to everybody, not just the rich," said coastal commission director Michael Fischer. "We're very tough about this."●

---

## THE ALL-VOLUNTEER FORCE IS WORKING

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

Mr. PAUL. Mr. Speaker, the autumn issue of the journal Commonsense featured an eloquent article on the volunteer military versus conscription by Dr. Martin Anderson. Dr. Anderson, senior fellow at the Hoover Institution, was one of the people responsible for the establishment of the volunteer armed forces, and this is only one of his many contributions to the cause of freedom. Because this issue will be coming up again very soon, I would like to call this excellent article to my colleagues' attention. As Dr. Anderson notes, and demonstrates in this article:

The experience of the last five years (has shown) beyond question that we can defend this country, and the principles on which it was founded, without resorting to methods of military manpower recruiting that violate the very principles we raise the force to defend.

THE ALL-VOLUNTEER FORCE IS WORKING

(By Martin Anderson)

The history of conscription in the United States suggests that Americans dislike to confront the idea at all, but when the issue is forced upon them the intensity of the debate is deep. Many times in the past, when faced with a perceived threat to our security, we were forced to raise large armed forces quickly—in the War of 1812, the Civil War, World War I, World War II, and more recently the Korean War and the Vietnam War.

Each time, we were faced with the question—should we conscript? Each time, except for the War of 1812, the United States adopted some form of conscription. Each time, there was an intense, protracted debate on the fundamental issues involved; the issues varied little although the debates in the early years of our Republic were clearly more eloquent and incisive. And each time, the nation had to relearn the arguments for and against conscription.

The primary issue in military manpower policy today is not whether or not we should have a military force (although there are some who do think that is an issue), or how large that force should be, but rather *how* we should go about raising that military force. The subject of military manpower policy and national security is a vast one—and a very important one. For not only does it involve the vital issue of the preservation of the United States as a free nation in a largely totalitarian and hostile world, but the manner in which we attempt to raise the military manpower necessary to accomplish that task has far-reaching social, economic, and political implications for our society.

Should we continue to rely on the all-volunteer force, as we have done since 1973? Or should we return to a draft similar to the one we had for over 25 years following World War II? In attempting to answer that question there are two fundamental criteria that must be kept in mind while judging any method of raising an armed force. The first is the effect on this nation's military capability. The second is the social, economic, and political effects on our society. In this regard the question of military manpower may be unique. It is difficult to think of any other issue which has both foreign policy and domestic policy implications to such a degree.

Most of us are familiar with the intense, sometimes bitter, debate that preceded the end of the draft in 1973. The opposition to ending the draft was extensive and powerful. The all-volunteer force was opposed by most senior military men, including the chairman of the Joint Chiefs of Staff; it was opposed by many Senators and Congressmen, by much of the National Security Council staff, by The New York Times, and by a substantial part of the public. There were serious warnings that our national security would be impaired, that we would have an armed force composed primarily of blacks, or of the poor, the ignorant, and the misfits of our society; that it would be enormously expensive; and that it would not work.

Since the end of the draft, the warnings have continued. With a few exceptions there has been a continual flow of reports in the media—from academicians, military personnel, reporters and columnists, and elected officials—questioning and attacking the all-volunteer force concept. Perhaps the most prominent critic today is the junior Senator from Georgia, Sam Nunn, who serves as the chairman of the Senate Armed Services Manpower and Personnel Subcommittee. Senator Nunn believes that "the All-Volunteer Force may be a luxury that the United States can no longer afford," and has seriously proposed a "minimally" coercive national service program as an alternative.

It's pretty clear that the question of whether or not we stay with the all-volunteer force is going to be around for some time, and that the policy debate is apt to intensify rather than abate. The pros and cons of the issue are many and complicated, and both the proponents and opponents are many, diverse, and influential.

QUALITY, QUANTITY, AND EQUALITY IN THE ALL-VOLUNTEER FORCE

One of the most persistent criticisms of the all-volunteer force has been the alleged decline in quality of our military manpower. There is no precise definition of quality but "traditionally, the numbers and percentages of marginally acceptable applicants—Category IV—and non-high school graduates" have been used to describe the quality of military personnel. (There are five mental Categories—I and II are above average, III is average, IV is below average but legally acceptable, and Category V is composed of those who are not legally eligible to join the armed forces.) Generally speaking, the smaller the percentages of Category IV personnel and non-high school graduates the higher the "quality" of our armed forces.

There are, of course, many other aspects that should be considered in assessing the overall quality of our armed forces. But if we consider only these two aspects, the results of the all-volunteer force are dramatic and clear.

At the upper end of the mental scale, the number of new people entering the armed forces who fall into Category I has dropped slightly from five percent during the period of the draft from 1970 to 1973 to four percent during the period from 1973 to 1976, the first four years of the all-volunteer force. During this same period the number in Category II increased slightly from 30 to 32 percent. Both changes are probably not statistically significant. The really dramatic changes occurred in Categories III and IV, where there was a significant shift from Category IV up to Category III. The number of enlistees in Category III increased from 45 to 58 percent, a gain of 13 percentage points, while the number in Category IV, the lowest mental category, declined from 22 percent to only six percent, a drop of 16 percentage points. Using only the criterion of mental tests, there has been an unmistakable increase in the quality of recruits into the armed forces of the United States.

In terms of educational background, however, there has been a decline in the percentage of new enlistees with college educations. The percentage of college graduates has decreased from four percent to one percent; those with some college education has decreased from 11 percent to five percent.

On the other hand, the percentage of high school graduates has increased from 51 to 59 percent, and those with the equivalent of a high school diploma increased from two percent to three percent.

Taken together, those with the equivalent of a high school diploma or better constituted 68 percent of the entrants into the drafted force during the period from 1970 to 1973. They also constituted 68 percent of the entrants into the all-volunteer force during the period from 1973 to 1976.

At the lower end of the educational scale, the number of entrants with less than a high school education declined from three percent to one percent, while those with only some high school education increased slightly from 28 to 31 percent.

Looking at mental categories and educational background together, there has been a slight decline in highly intelligent, college graduates, a modest increase in those of more average abilities and background, and a sharp decline in those with limited mental abilities. Overall, the mental capability of those entering the all-volunteer force is significantly higher than that of those who were drafted.

When one looks at the decline in the number of new recruits from mental Category IV broken down by the individual services, the results are even more interesting. Category IV for the Army dropped more than half from 23 percent to 11 percent. But the truly dramatic results were achieved in the other three services: in the Navy, the number in Category IV dropped from 22 percent to four percent; in the Marine Corps, from 22 percent to five percent; and in the Air Force, from 14 percent to one percent.

Although not usually considered in the quality issue, there is some evidence to suggest that the medical criteria currently being used may be unduly high. Between 14 and 17 percent of all applicants are rejected for medical reasons. Recent studies have found that our armed forces use higher physical standards for new recruits than those used by other nations. In fact, they are higher than the standards used by the armed forces for re-enlistment purposes. It has been estimated in a 1977 Rand Corporation study that a relaxation of physical standards, that would in no way impair force effectiveness, would increase the qualified number of individuals by five to 10 percent.

Another major factor in determining whether or not the all-volunteer force has worked is the number of volunteers. Have the armed forces attracted enough recruits without the threat of the draft? There are two aspects to the quantity issue: the number of new recruits coming in every year and the overall size of the armed forces, compared to the enlistment and overall strength targets.

Manpower targets in any organization are always subject to some degree of uncertainty, and it is always difficult to maintain the precise level of personnel desired and to keep the flows even and smooth. Switching over from the draft to the all-volunteer concept in 1973 was perhaps—when one considers the magnitude and difficulty of the problem—one of the largest personnel challenges in history. But even so, the performance of the armed services has been quite extraordinary. During the first four years of the all-volunteer force, the services cumulatively recruited 99 percent of their target number. And most of the tiny shortfall that did occur happened during the first year without the draft. Moreover, the armed forces have substantially exceeded their enlistment quotas for mental Categories I-III, the higher quality recruits. The shortfalls that have occurred have taken place primarily in Category IV, indicating that even these tiny shortfalls are "less a measure of inadequate supply than they are an indicator of unusually restrictive quality standards."

Overall force strengths are virtually 100 percent of stated objectives. When the draft was first abolished the armed forces had some difficulty for a time in meeting their overall strength objectives, but as the volunteer force became better establishd each of the services moved closer and closer to its end strength target.

Another issue that seems bothersome to many is the degree of "representativeness" of the armed forces. An armed force has never been, and can never be, literally representative of a society (mathematically it is impossible; socially there are certain groups of people, such as the elderly, the very young, mothers, etc. who could be assimilated only with difficulty, and the one group that is always exempt—elected officials—would impair true representativeness from the very start). But let us take a look at what has happened to the composition of our armed forces since 1973.

The number of blacks in our armed forces has been of particular concern. Some have even gone so far as to warn of the "dangers" of an all-black armed force. It should perhaps be noted that most of this concern seems to come from whites, not blacks. In any event, the so-called fears—though unjustified in the first place—of some of our more liberal social commentators have proved to be unfounded. Granted, the percentage of blacks in the armed forces is now slightly higher than that found in the general population. In 1979, 19 percent of the enlisted men in our armed forces were black. Nonetheless, the reasons for having apprehensions about "too many blacks" in the armed forces have always been a little vague, or perhaps we should say they have been stated vaguely. It is difficult to understand the complaint of "too many blacks" in an armed force whose enlisted ranks are over 80 percent white, and whose officer ranks are well over 90 percent white.

It is true that there has been an increased number of blacks in the armed forces during the past four or five years. But as Milton Friedman once put it, "Clearly, it is a good thing, not a bad thing, to offer alternatives to the currently disadvantaged . . . Our government should discriminate neither in the civil nor in the military services." Moreover, according to Richard Cooper of the Rand Corporation, in his 1977 study, Military Manpower and the All-Volunteer Force, the increase in the number of blacks in the armed forces seems to have come from three main sources: "(1) the increasing proportion of blacks found eligible for military service, (2) the relatively higher unemployment rate experienced by young black civilians, and (3) the lag in the earnings opportunities for full-time employed blacks." The increase would almost certainly have occurred even if we had not ended the draft.

Another concern often expressed is that the armed forces are increasingly being manned by those from low-income families. A survey taken in 1975 compared the distribution of incomes of recruits' parents with the distribution of all U.S. family earnings. In 1975, 26.3 percent of the families in the United States had earnings of less than $8,000 a year; 26.9 percent of the recruits had parents who earned less than $8,000 a year. In fact, the all-volunteer force is generally representative of all income groups.

As Cooper pointed out in his study:

"It has been assumed by some that all-volunteer force enlistments were coming largely from the poor and disadvantaged. However, the evidence shows that there has been little or no change in the distributions of enlisted accessions according to resident areas, as measured by a variety of socio-economic indicators. Individuals raised in middle- and high-income areas, for instance, are serving in almost the identical proportions under the volunteer force that they did under the draft. Indeed, even the very highest-income areas . . . are contributing just about the same proportion of enlisted accessions without the draft as they did with it . . . the American military is clearly not becoming an army of the poor."

### THE PRICE OF FREEDOM

The cost of maintaining the all-volunteer force is another area of serious concern. In time of a rising demand for military hardware, high rates of inflation, and massive federal budget deficits, the amount of money spent directly on manpower has taken on increased importance. Most estimates place the additional budget costs at several billion dollars a year.

However, Cooper's study argues that these costs are greatly overstated. It maintains, quite rightly, that the only valid way to estimate the cost of the all-volunteer force is to compare today's manpower costs "with what they would have been had the draft remained," not with what they were under the draft. Proceeding from this premise it is estimated that the maximum yearly cost that can be attributed to the all-volunteer force is about $1.8 billion a year. In fact, "if the 1971 first-term pay increase is not counted as an all-volunteer force cost, under the rationale that such a pay increase was necessary to offset at least part of the inequities created by having only a selective service draft," then the cost drops to less than $300 million a year. That is about one-fifth of one percent of the defense budget.

### RESERVATIONS ABOUT RESERVES

So far the armed forces have rather brilliantly managed to solve most of the problems associated with moving from a drafted force to an all-volunteer force. Perhaps the most serious problem remaining concerns our Reserve Forces. In the past it has been argued that an all-volunteer force lacks "flexibility" in time of crisis. The President's National Advisory Commission on Selective Service, headed by Burke Marshall, stated in 1967 that: "The sudden need for greater numbers of men would find the nation without the machinery to meet it" if the draft were to be abolished.

A draft in such a situation is virtually useless and reliance on it could place us in danger. The flexibility of an armed force is dependent on the speed with which the country can mobilize its manpower and resources to meet a sudden, serious threat to its national security. At the very least, drafting a man for military service takes weeks and, at a time when hundreds of thousands are required, it is likely to take many months. And the result would be a large group of hastily trained, inexperienced, unskilled men who would be difficult to assimilate into our armed forces.

What is required in time of extreme, sudden emergency is a large, active ready reserve force, composed of experienced, skilled, well-trained men and women who can be mobilized quickly and effectively.

Unfortunately, our Reserve Forces today appear to be deficient in quality and quantity. Both the Selective Reserve and the Individual Ready Reserve have significant shortfalls below their authorized strength levels—and the prospects are for things getting worse in the near future.

The Reserves have been low on our priority list for a long time now—including both the periods when we had a draft and when we did not. The situation can be corrected, but it will require the same kind of financial support and effective management that has made the all-volunteer force work. But if the Reserves are to be taken seriously we will first have to adopt a policy that they really will be called up in time of emergency—before we try to sharply increase the number of teenage volunteers and hastily train them and before we try to reinstitute a selective service system to draft them. In the past, of course, that has been somewhat difficult to do for political reasons.

#### PERSONAL FREEDOM

In summary, the all-volunteer force that President Nixon established in 1973 has worked. When compared with the performance of virtually any other federal government program, one could say that it has worked brilliantly.

The quality of the men and women serving in the armed forces—when measured by mental aptitude and educational background—has increased under the all-volunteer force.

The number of volunteers has been sufficient to maintain our force levels at virtually 100 percent of our target levels.

The percentage of blacks in the armed forces, for those who are concerned about such things, is only slightly higher than that for the population as a whole.

The proporation of new people entering the armed forces from middle- and high-income areas of the country is virtually the same as it was under the draft.

And the cost of doing all this has been relatively modest.

There is another important aspect of the all-volunteer force, and that is the question of personal freedom. The draft, when it was operating, essentially constituted two years of involuntary servitude to the State. The draft has always been inimical to the basic principles of freedom, and in the past has been tolerated primarily only because it was thought that it was absolutely necessary to have a military draft to maintain the national security of the United States. Some may still feel that an all-volunteer force is a "luxury," but that implies that freedom is a luxury. To many, the all-volunteer force is a necessity of a free society.

The experience of the last five years has demonstrated beyond question that we can defend this country, and the principles on which it was founded, without resorting to methods of military manpower recruiting that violate the very principles we raise the force to defend.

Let us end with a political footnote—for the issue of the draft vs. the all-volunteer force is, in the final analysis, a political issue. If Niccolo Machiavelli were giving advice to the Prince—the last thing he would advise him to do would be to try to introduce a compulsory military draft in a free society, in a time of peace. Especially when all the the evidence confirmed the successful operation of the all-volunteer force that was defending his kingdom.

---

## JOHN CAVANAUGH

### HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 29, 1980*

● Mr. HEFTEL. Mr. Speaker, John Cavanaugh is the caliber and quality of human being whom the Nation needs in the Congress and he will be missed. I hope for the benefit of his community, he decides to become a part of local government because he has a tremendous capacity to serve and to serve well. He is a young man of ideals, ethical standards, and motivations, all of which our country needs. He has been an effective Member of the Congress, emphasizing only that which was of meaning and significance in terms of legislation well done and not personal attribution or recognition. And so, to John and his family a note of thanks for having served in the Congress and a recognition that he is in fact young enough to one day return to the Congress where he will always be needed.●

---

## U.S. INTERESTS IN THE PACIFIC

### HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. DANNEMEYER. Mr. Speaker, I rise to address the House out of a concern for the increasingly diminished U.S. presence abroad. We seem to be living in a period when it is the self-appointed task of the President and the Department of State to dismantle our foreign institutions of trade and defense. The prime example of this, of course, was paying the Panamanians to accept the Panama Canal. This setback in our relations in Central America was exacerbated by the subsequent overthrow of our friend Somoza in Nicaragua. Recent months have seen our interests suffer badly in Iran and Afghanistan.

Now a further development has been brought to my attention by David B. Nolan of Canyon Country, Calif. In the following piece, Mr. Nolan places our activities in the Pacific in perspective. If these actions were an isolated instance of U.S. loss of influence they would not be of overwhelming concern. But this seems to be the order of the day, and I fear for the future of this Nation as it retreats before the growing threat of the Soviet bear throughout the world.

I ask unanimous consent that this be printed in the Record.

#### AMERICAN INTERESTS IN THE PACIFIC

After the giving away of the Panama Canal in which the U.S. even paid for the privilege, our State Department was hard pressed for an encore. It has now turned its attention to redefining American interests in the Pacific.

In 1980 the State Department will push for Senate ratification of two proposals which will turn over U.S. Sovereignty to eighteen Central Pacific Islands and hundreds of thousands of square miles of rich fishing waters. The direct beneficiaries of this largesse are two left leaning emerging nations, the island Republics of Tuvalu and Kiribati. The indirect beneficiary is the Soviet Union with increasing naval and economic clout in the strategic waters of Micronesia and Polynesia.

Our territorial claims being waived include islands in the Line, Phoenix and Ellice groups that have been American controlled since the 1800's. Some like Christmas Island and Hull Island (named after the War of 1812 Commander of the U.S.S. *Constitution*) have rich histories. Nine of these strategic islands have warranted U.S. military bases on them from World War II through the 1970's.

Each of the islands in these widespread groups command a radius of two hundred miles in territorial limits into rich fishing waters. Unfriendly control of these islands could spell economic disaster for the multi-million dollar tuna fishing and canning industry in nearby American Samoa. The Republics of Kiribati (formerly known as the Gilbert Islands) and Tuvalu have already indicated that each plans to charge a heavy "conservation fee" for the future privilege of U.S. fishing interests using what are in reality American waters.

The Island Republics of Tuvalu and Kiribati, both under British control until the 1970's, have combined populations of less than 60,000. Yet they clearly have more than enough clout to have the State Department buckle under to their demands.

They are active member states in the anti-American third world conference group called the South Pacific Forum. They have voted against U.S. entry into that organization and have made overtures in favor of the Red Chinese as well as Russians.

The Treaty with Kiribati which cedes fourteen of the eighteen islands in question was signed on 20 September 1979. It is ironic that this unmeritorious action occurred on the Island of Tarawa in which over 3500 Americans gave up their lives in protecting the interest of the United States in the Pacific in World War II.

The State Department hopes for Senate ratification of the Treaty of Friendship with Tuvalu in early 1980. The ratification of this treaty will expedite the further pact with Kiribati.

These current giveaway proposals give nothing in return for the U.S. In fact a power vacuum will be created which will engender further Soviet influence. Already, the Soviets were granted a fishing fleet base in the nearby island of Tonga. With our worldwide naval decline, the Pacific may never again be known as an American lake. The current giveaway in the South Pacific is only symptomatic of world-wide global retrenchment by the United States.●

---

## NO OLYMPIC GAMES IN MOSCOW

### HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. MAVROULES. Mr. Speaker, I join with my fellow colleagues in supporting the President's policy toward the cancellation, postponement, or removal of the Olympic games from Moscow.

The Union of Councils for Soviet Jews, which is a national, nonpartisan volunteer organization, composed of 27 local councils dedicated to helping Soviet Jews, also vehemently endorses the removal of the Olympics from Moscow. Mr. Robert Gordon, president of the UCSJ, has said:

> We strongly believe, given the current situation, our presence in Moscow will make a mockery of the ideals of international cooperation and sportsmanship.

I wholeheartedly concur with the UCSJ's beliefs that we must not allow the presence of American athletes and spectators in Moscow this year to legitimize the Soviet Union's oppressive regime.

The UCSJ proposed a "1980 Freedom Olympics," composed of those countries opposed to the Soviet aggression in Afghanistan, to be held in a free, democratic nation.

For the benefit of my colleagues, I present the text of their statement:

### STATEMENT OF UNION OF COUNCILS FOR SOVIET JEWS

"Our view of the document signed in Helsinki can be expressed very briefly and categorically: the Soviet Union stands for full implementation of all parts of the Final Act." Leonid Brezhnev, Time magazine, Jan. 22, 1979, p. 25.

"Is there anything worse than loneliness and separation? Is there a simpler desire than the desire to be together again?

"The letters our relatives [in the USSR] send us cry out for sympathy and help. These appeals are not only addressed to us, the immediate relations, but to all those who still cherish and share the basic principles of humankind—the principles of freedom and liberty." Relative in Israel of Armin Yakubovich, Mukachevo, USSR.

"Absolute arbitrary rule and lawlessness—that is what Soviet emigration policy actually is." Report from Kiev Jews, 1979.

Reconciling Russian rhetoric with reality has long been a dilemma for Soviet Jews. While the free world rejoiced in the recent liberation of prisoners from the Leningrad Trail I, it was noted by some astute observers that this was not simply the humanitarian gesture of a reformed police state. But rather, it was a calculated move to bypass the Jackson-Vanik legislation to advance Soviet interest in securing most-favored-nation status and trade concessions.

Congressman Dante B. Fascell, Chairman of the Commission on Security and Cooperation in Europe, described the situation clearly in an op-ed column for the *Baltimore Sun* on May 23, 1979. The following excerpts are from that article, "Soviet Emigration: Rights and Reality":

"The encouraging rise in the numbers of Jews being allowed to emigrate from the Soviet Union should not serve to cloud the West's perception of the still arbitrary and discriminatory practices employed by the Soviets which reveal the true nature of their emigration policy. . . .

"Statistics and gestures should not serve to obscure the actual situation. Substantiated evidence shows there is little correlation between the number of Soviet citizens who manage to get out and the numbers who would leave if they could. In the case of Jews, for exmple, the rate of emigration is not nearly keeping pace with the rate of applications. In January, 1979, alone, while 3,722 Soviet Jews were allowed to leave, more than 16,000 requested permission to emigrate and were sent invitations to live with relatives in Israel—the first step in applying to emigrate.

"It is no wonder so many Jewish citizens want to leave: Anti-Semitism is rampant in Soviet media, with noticeable increases in 1978. It is also becoming increasingly difficult for Jews to be accepted into any Soviet institutions of higher learning and there are numerous reports of the growing difficulties Jews encounter in obtaining professional employment.

"Soviet emigration policy is still arbitrary and bureaucratic. There are still no published regulations on how to apply to leave the country. The application process is still slow, arduous and costly. Those who actually do manage to apply are often the victims of reprisals including the loss of job or apartment, expulsion from university, conscription into the military or even imprisonment.

"Nor does the 'new wave' of emigration signify any substantial improvement in the treatment of so-called 'refuseniks,' those whose applications have been turned down. Some of them have been waiting for permission to leave for as long as 10 years. With the exception of the welcome resolution of a few well publicized cases, most of the recent emigrants are first-time applicants.

"We cannot ignore the fact that the Soviet authorities recognize family reunification—and no other social basis—as the only justification for emigration. The 1975 Helsinki Accord on security and cooperation in Europe is supposed to foster such reunions, yet in an ironic twist, authorities actually use its provisions to deem which relatives and families 'deserve' reunification. Some, such as the wife and daughter of 61-year-old Anatol Michelson, a Russian-born Floridian, have obviously been marked as ineligible for family reunification. Despite continuing and repeated efforts, this family has been separated for 23 years. . . .

"Soviet citizens, regardless of motivation, are not making unreasonable demands in their efforts to emigrate. They seek only to exercise their legal rights. These are rights guaranteed them under a number of multilateral documents to which the Soviet Union is committed, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Helsinki Accord. The Soviets are long overdue in honoring these international pledges to which they have long paid lip service."

Thus, in spite of a numerical increase in the visas granted, nothing really has changed for the long-time, long-suffering refusenik. The sparsity of information in this book's case histories reflects the increased repression and terror of the past year that followed the arrests of Anatoly Shcharansky, Ida Nudel, Vladimir Slepak, Iosif Begun, and others. Many refuseniks and their relatives have become more fearful of publicity and hence seem to have released less data about their situation.

Accordingly, we call upon President Carter, the U.S. Congress, and all signatories to the Helsinki Agreement to insist upon a truly meaningful alleviation of the plight of Soviet Jews and their emigration situation. This would include:

1. The release of the Prisoners of Conscience.

2. The immediate granting of visas to those refuseniks who have been waiting more than five years and review the remaining 1,000 hard-core refusenik cases.

3. An end to the punitive draft of young men who apply to emigrate.

4. Assured delivery of all invitations from abroad; these are required to begin the emigration process.

5. Standardization of the emigration procedure. This calls for written, not oral reasons, for refusal. Concurrently, there must be a reasonable, official time schedule specifying the expiration dates for the various classifications of "secrecy."

6. An end of harassment of Soviet Jews who apply to emigrate: loss of jobs, disconnecting telephones, non-delivery of mail, vilification in the Soviet media, intimidation of children in the schools, illegal house searches, detentions, interrogations and arrests.

7. An end to the cultural deprivation of Jews living in the Soviet Union: cessation of harassment of Hebrew teachers and those who wish to study Jewish religion, history and culture.●

## PERSIAN GULF POLICY?

## HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. RHODES. Mr. Speaker, President Carter's tough statement last week on the Persian Gulf region appears to be yet another loud blast on an uncertain trumpet. In his state of the Union speech, Mr. Carter asserted flatly that the United States will defend that area. He said:

> An attempt by any outside force to gain control of the Persian Gulf Region will be regarded as an assault on the vital interests of the United States. It will be repelled by use of any means necessary, including military force.

I have criticized that statement in the belief that it lacks credibility because we do not have the means at present to back it up. Now I understand that yesterday the President, during an interview with editors, essentially agreed with my contention that the United States cannot now defend the Persian Gulf. In response to a question, the President is reported as saying that:

> We never have claimed to have the ability unilaterally to defeat any threat to that region with ease. What is called for was an analysis by all nations who are there who might be threatened.

Mr. Speaker, is the President declaring that we will defend the Persian Gulf Region—or analyze it? Once again both our friends and our foes can only be puzzled and bewildered about the true intentions of this administration—a very dangerous circumstance. Will Jimmy Carter please have his real Persian Gulf policy stand up—and stay up? ●

## QUAGMIRE?

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. DERWINSKI. Mr. Speaker, much has been heard in the past month to the effect that the Soviet Union has begun to enmesh itself in its own "Vietnam" by its recent invasion of Afghanistan. More careful analysis, however, belies that view. John O'Toole, radio commentator and producer, has hit the nail on the head in an incisive article entitled, "Quagmire?". He points out that the crucial difference, as he says, is "not just between Afghanistan and Vietnam, but between the Soviet Union and the United States." It is a short title, but he makes some good points. Afghanistan is hardly likely to be Russia's Vietnam. The text of "Quagmire?", printed in the Washington Post on January 29, 1980, follows:

### QUAGMIRE?

One of the more interesting comments heard on the Soviet invasion of Afghanistan is that it may turn out to be the Soviet

Union's Vietnam. The Afghan guerrillas do, after all, control much of the countryside. They will probably continue to resist the puppet government and the Soviet divisions, neither of which have popular support.

Sound familiar? Well, unfortunately, there's a crucial difference, not just between Afghanistan and Vietnam, but between the Soviet Union and the United States. Put simply, the U.S.S.R. will smash the opposition by whatever means necessary, with none of the indecision, none of the qualms we suffered. A free society may do some fairly brutal things in an effort to stamp out armed resistance. Wars are brutal by definition. But we learned in Vietnam that war looks even more brutal if one side is a high-tech, heavyweight society and the other side wears pajamas.

The key word, of course, is "looks." Vietnam looked increasingly unacceptable as it came into the American living room night after night on the network news. But Soviet citizens won't ever see their tanks leveling Afghan villages. They won't see any atrocities or hear any criticism of Soviet foreign policy. If the prime minister of Sweden ever calls their actions in Afghanistan immoral, it'll never reach the home screen in Minsk or Pinsk. No politician in Moscow will rise to challenge publicly the leadership, no students will demonstrate in front of TV cameras, no Russian movie actress will visit the enemy and report back to her fans on how nice they really are.

So if we're wistfully hoping that the big, bad bear will be tamed by the Afghan experience, we've obviously been looking in a mirror. There's no ABC-ski, no Columbia Bolshevik System working on the Soviet conscience. It should be remembered that in the Soviet Union, they're still watching reruns of "Stalin Knows Best."●

---

## THE VISION OF JUSTICE WILLIAM DOUGLAS: HAMILTON POOL IN TEXAS

### HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. PICKLE. Mr. Speaker, the late William O. Douglas touched the lives of almost every American, directly or indirectly. As the longest serving Justice of the U.S. Supreme Court, he was a vigorous enforcer of individual rights and privacy. As a dedicated outdoorsman, he had a reverential respect for the land. He was an environmentalist even before the term was invented.

Just about everyone in the Washington, D.C., area who has walked down the C. & O. towpath knows about Justice Douglas' leadership in creating this park. And every Douglas aficionado knows about his love for the Pacific Northwest and Rockies. But not everyone knows about the Justice's love for Texas.

In 1967, Justice William Douglas wrote a book, describing his many hikes, boat trips, and general explorations around the Lone Star State. "Farewell to Texas" is a combination travel-log, natural history, and personality sketch of who Douglas met and what he saw during his travels across Texas.

One of the natural jewels of Texas caught Douglas' eye. The Justice "discovered" Hamilton Pool in the hill country near Austin. Hamilton Pool is a huge limestone sinkhole with some of the clearest water you can imagine. It is probably the most unique swimming hole on earth. Justice Douglas quoted our friend and former colleague, Hon. W. R. (Bob) Poague, who called Hamilton Pool "the most beautiful 3 acres in Texas." Hamilton Pool is a popular recreation spot. It is also the home of many varieties of fish. The pool and nearby stream nourish fertile pasture land.

For years, many people have known what Justice Douglas discovered about Hamilton Pool. Alas, the area is privately owned, and there have been some tentative attempts to persuade the State of Texas, with the assistance of the Bureau of Outdoor Recreation, to buy the land and make it a park. Such a designation would insure that Hamilton Pool would be preserved in its natural state, yet be accessible. Unfortunately, the State has never placed Hamilton Pool in a high enough priority. The efforts and desires of park advocates have been stalemated.

In "Farewell to Texas," Justice Douglas agreed that Hamilton Pool needs saving. His words are as applicable now as in 1967, when he described Hamilton Pool as "a sanctuary dominated by the soothing sound of falling water. Man needs this place of solitude as a refuge."

We are saddened at the passing of our friend and protector of rights and the environment. Perhaps a fitting and permanent legacy to Justice William Douglas would be the declaration of Hamilton Pool as a public park. Justice Douglas had the vision to realize the beauty and uniqueness of this scenic area. In that spirit, I hope Justice Douglas' vision is soon fulfilled. No man could realize a higher tribute.●

---

## 1980—FUTURE HOMEMAKERS OF AMERICA

### HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. NATCHER. Mr. Speaker, the adage; "home is where the heart is," carries a special meaning to the more than 450,000 young people who will celebrate the week of February 10 as National FHA/HERO Week. Future Homemakers of America stands today to improve the quality of family, individual and community life for its members take "homemaking to heart."

Since its founding in 1945, FHA has diverged into two separate, yet complementary chapters. FHA chapters focus their attention on homemaking, family life, and consumer education, coupled with job and career exploration. HERO—Home Economics Related Occupations—chapters place major emphasis on job and career preparation with the recognition that workers also fill multiple roles as homemakers and community leaders.

The young people in FHA have expressed a deep sense of commitment to their communities and to their future through the many and varied activities in which they participate. For example, each of the organization's 12,500 chapters will participate in the 1980 State impact project. This year's theme, "A Child's Rights in Today's World," corresponds to our nationally designated International Year of the Child. Each chapter will serve to emphasize the needs of children everywhere through special programs, lectures, and publications.

The Future Homemakers of America has had since its onset one permeating theme—to help youth become successful adults. FHA has not contrived a precise mold in this effort, for there is no typical future homemaker. Members come from divergent backgrounds—the farm, the town, the urban area. They bring with them varied concerns. Each is an individual. However, in spite of their disparate backgrounds, something is very right about this program. They represent the young men and women who appreciate the heritage of our great land, the high school students who grasp the needs of their home community and seek by constructive action to meet them. In essence, they exhibit the well-balanced, well-directed and caring citizen.

As an honorary member of FHA, I feel it a great distinction at being affiliated with this most reputable organization.

FHA/HERO chapters exist in every State, in every territory, and in each American school overseas; however, few seem more special to me than the 243 chapters found in my home State of Kentucky. It is, I hope, with becoming modesty that I tell you that the Commonwealth of Kentucky is the original charter association in the National Future Homemakers of America. It is with an unabashed pride that I salute Kentucky's current 14,088 FHA members.

I am extremely proud of these outstanding young men and women. The enthusiasm and community spirit generated by all FHA/HERO chapters is certainly an inspiration to us all, and carries promise for an even brighter future.●

---

## NUCLEAR PHYSICICST EDWARD TELLER

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. PAUL. Mr. Speaker, the January 23 issue of Review of the News has an interesting and important interview of Dr. Edward Teller, conducted by John Rees.

No one knows more about nuclear energy than Dr. Teller, and I would like to call his remarks to the attention of my colleagues. We would be in less energy trouble if we listened more to the Tellers of the world and less to the Naders and Fondas.

The article follows:

[From the Review of the News, Jan. 23, 1980]

### NUCLEAR PHYSICIST EDWARD TELLER

(By John Rees)

Dr. Edward Teller is the most widely known American nuclear physicist. Born in Hungary and educated in Germany, he came to the United States 45 years ago and has since worked on nuclear development projects in both the civilian and the military fields. He led the earliest efforts to ensure the safety of nuclear power reactors and to achieve clean power generation. Dr. Teller is Professor Emeritus at the University of California and a Senior Research Fellow of the Hoover Institution.

In his latest book, "Energy From Heaven And Earth" (W. H. Freeman, San Francisco, $15.00), Edward Teller urges that America utilize every feasible form of energy, including nuclear power. This witty, fact-filled, and very readable volume offers an unusually well-balanced look at energy issues and practical solutions. Edward Teller is one of the world's great problem solvers and should be read and listened to with great care.

Question. Dr. Teller, you are well known for your dedication, to the cause of liberty in the world, to the avoidance of war, and to maintaining a strong America. What do you see as the greatest dangers to the Free World today?

Answer. There are ominous danger signals. I need only say Iran and Afghanistan. What is apt to come could be very much more serious than what we see today. It is not improbable that the present moves by the Russians are only an introductory move in a strategy designed to gain decisive power in the Middle East; specifically to gain control of the Middle East oil with the rest of the world depending on the Kremlin for its delivery.

This would give the Soviets an immense influence on the United States, and even more on the rest of the world. That may not be far off.

We in the United States and in the Free World in general want peace much more than we want power. I am afraid that, in the Kremlin, power comes first. The result may be a catastrophe sooner and worse than we now can imagine.

Q. Is there really an energy crisis?

A. There certainly is. The oil reserves of the world are not evenly distributed. Mistaken regulation by our government interferes with the production of oil which used to be the lifeblood of our economy and the economy of the world. In the quarter of a century from 1950 to 1975, per capita energy consumption increased threefold in the developing world, and increased by a healthy 70 percent in the developed countries. Now this is at an end. There are real shortages.

Q. Recently there have been major oil and natural gas discoveries in northern Canada, in Mexico, and others that may be significant off the East Coast of the United States. Some believe that if developed these could provide substantial supplies in the future. Do you think they might alleviate the shortages?

A. They may. We must never give up trying to develop new oil fields. Remember that they take five years to develop, and in the sea and Arctic regions the time is more like 10 years. In addition, even what is found looks to be less and less to a world hungry for energy. That vastly growing need is a problem.

Q. What then is the answer?

A. For a dozen years I have probably given this question more of my time than I've given to any other problem, including even my scientific work. I have just finished a book, "Energy From Heaven And Earth," which treats this. The answer is simple: We must make use of every possible, reasonable, safe, economical way to produce energy; and we must exclude none for capricious, superficial, or mistaken reasons.

If we employ a rational policy, particularly if the full power of the technological capacity of the United States is utilized, then there is hope to avoid a terrible catastrophe. If it is delayed too long, then we will suffer a situation of real harm.

Q. Dr. Teller, do you believe that tax measures such as the Administration proposes can be useful in providing any energy answers, or in sensitizing the public to the problem?

A. Tax measures are a double-edged weapon. It is all too easy to legislate in a manner that will give short-term relief but will cause trouble in the long run. That has happened again and again. I am not against some influence by taxes, but consider them a tool and not a solution.

We have been subjected to unreasonable propaganda concerning the "great profits" of the oil companies, to the extent that our tax laws now make it more profitable for an oil company to invest in government bonds rather than drill needed oil wells in the United States. This delivers us more and more into the hands of the Arab states; and, in the end, maybe into the hands of a Soviet Union with the power to take over the oil fields.

Q. Why do you think there is so much opposition to nuclear power?

A. There are many reasons; but the main point is that the opposition to it is greatly overestimated. In every referendum on nuclear power, with the facts being thoroughly explained, those favoring nuclear power have won, approximately by a margin of two to one. A vocal minority is arguing against it. Their tune is rotgut. Yet the press is amplifying this protest so thoroughly that the average citizen who has no time to look into things gets frightened.

But there is one simple fact that everybody should know. In the Free World there are 200 big nuclear reactors. These could easily provide one-third of all the electricity of the United States and probably a little more. They have worked on the average almost 10 years. In this long working period, involving all of these big, carefully regulated nuclear reactors, not a single person was killed due to the nuclear nature of the reactor. Not a single person was even hurt. There have been accidents, but these have not been due to the reactors themselves. And we have paid for these accidents in dollars, not in human lives!

Q. Will you compare their safety with that of the conventional coal and oil-fueled generating plants?

A. There is no other method that produces energy which would be even nearly so safe as nuclear energy. Coal costs more lives. When dams have broken, even hydroelectric power has caused much damage and killed many people. Nuclear power is the safest energy we have. Remarkably enough, what is most safe is what people have been led most to fear!

Perhaps the relation should be looked at from the other end. Since we have been afraid of nuclear power, we have been very careful about how to apply it. We have introduced so many safety features that not a single person has been hurt. We must maintain our safeguards; and we shall, because in addition to the human factor any lapse costs big money. That guarantees careful implementation and increasing attempts to avoid errors by operators as happened at Harrisburg.

The reactors have been safe, and every indication is that they will become ever more safe.

Q. Dr. Teller, the safe disposal of nuclear waste has been made a public issue by the opposition. What can you say about nuclear waste to put us at ease?

A. There certainly are safe methods of disposing of radioactive waste. We already have great experience in disposing of such waste from our military nuclear programs. Very small amounts of radioactivity did get loose in the past, but again and again, no one was hurt.

We now have much better methods of controlling nuclear radiation. These have been studied and fully approved by the American Physical Society; and, incidentally, by the very careful British Parliament. The new procedure consists of this:

As the heat-producing fuel elements leave a nuclear reactor they are placed into a pool of water maybe 30 feet deep. These elements are still hot. They carry a lot of radioactivity. The pool cools the fuel elements by convection and also absorbs all the radiation so that you can safely stand at the border of the pool.

We leave these elements in the pool for a period of maybe 10 years. Then the plan is to reprocess the fuel elements and extract what is usable in them. We can extract plutonium that can be burned and give new fuel. And instead of its persistence for more than 20,000 years, we can burn up the plutonium effectively in two years.

Of the remaining elements, a lot can still be extracted and used. For instance, cesium, which emits penetrating radiation, can be incorporated in needles and one can use it to irradiate sludge. Sludge contains bacteria, biological poisons, dangerous substances. After being irradiated it is sterile. It does not become radioactive itself but is made safe; so safe that we can easily dispose of it without danger. In fact, in some cases, we may use the sterile sludge as animal fodder.

Q. And what about the other radioactive materials from the old fuel elements?

A. After we have extracted what can be salvaged from the remainder of the fuel elements, some fission products remain. These we can incorporate in solid, insoluble materials. And we plan to bury them several thousand feet deep in a dry and geologically stable layer. There is no chance that it will ever again be in contact with anything alive. In a few hundred years, this radioactivity will decay to a level below that which we find in natural uranium mines.

Q. Isn't there some wastage of valuable radioactive isotopes that could be used for medical, scientific, and technological work in letting the old fuel elements cool for so long and then burying them?

A. A lot is wasted; and, if we put it deep underground, it will be less accessible. Even so, the disposal method I described will cost less than one percent of the expense in producing electricity. But I am not worried about wasting these materials. The world is hungry for energy; it is hungry for nuclear energy. Whatever radioactivity we need for medical, scientific, and other purposes such as the sterilization of food is apt to be available at any time. For the time being, let's bury what we don't use; and let's thereby reassure people to pave the way for very complete public acceptance of peaceful nuclear energy. If need be, we could later dig up those materials.

Q. Could you give us some comparison of just how much radioactivity is emitted from the average functioning nuclear power plant?

A. What you get from a power plant under normal operation is much less than what you get in a dental X-ray; but I prefer to use another comparison. There was a good deal of talk about the small amount of radiation that escaped during the Harrisburg accident. This radiation was a little more than what had been planned. Even so, nobody outside the plant got as much radiation as every airplane hostess gets in the course of traveling across the country at high altitudes. And she is exposed to whole body radiation. I prefer that comparison because when radiation escapes we get whole body radiation as in an airplane, not just the exposure of one organ as in a dental X-ray.

I am traveling more by air than the average person; but, of course, very much less than an airline hostess. Yet, from my travel by air, I get much more radiation exposure than I would living opposite a normally operating nuclear power plant for a whole year.

Q. I think non-experts would be interested to know that even the stones of the U.S. Capitol emit enough background radiation naturally that it could not be licensed as a power-plant reactor.

A. Yes, it is true that the stones of which many of our public buildings are constructed, such as the granite of which Grand Central Station was built in New York, emit infinitesimal amounts of radioactivity which still is more than that permitted for nuclear power plants. And these minute amounts of radioactivity have been measured at one-millionth of what is really harmful.

Such facts are beginning to become known to our ordinary citizens; and that means the scare slogans of Nader and his ilk will not stand up very long. The people have come to understand that we need to use nuclear energy in order to work our way out of deep energy trouble.

Q. Dr. Teller, the chance that plutonium or other radioactive materials produced by power-plant reactors might be stolen by a terrorist group and used to produce a homemade bomb, or even thrown in the streets to intimidate people with the threat of radioactive contamination, is touted by the anti-nuclear groups as a reason to shut down the power reactors. In your opinion, is there much likelihood of that?

A. I would not worry about it. What is much more likely is that a country like Libya under Colonel Qaddafi will buy plutonium with all its petrodollars, hire scientists and technicians in full secrecy, and develop an atomic weapon which will be provided to terrorists.

Q. Certainly if Qaddafi had an A-bomb he might give it to the Irish Republican Army, to the Baader-Meinhof gang, or to either faction of the Palestine Liberation Organization, whether led by Arafat or Habbash.

A. Secret preparation by the big organization a state can put together might result in this. Habbash does not have such facilities and could not do it unless, for example, Iran were to establish them for him. In that case, many more than 50 Americans would be in danger.

The greatest danger is from secret nuclear proliferation, not from the seizure of a power plant. And we are not going to stop this proliferation easily. There are many ways in which materials for nuclear explosives can be had. They can be obtained from small, uncontrolled, and even secret nuclear reactors which are not used for producing electricity. And the materials for a nuclear explosive can be obtained by isotope separation, a procedure which is known around the world and which is becoming easier year by year.

The only way in which this danger can be diminshed is to create better relations between governments with the power to stop dangerous activity by those who will aid terrorists. The way to do this is to destroy terrorism wherever it exists. The danger is not nuclear power; the danger is the terrorists.

Q. Terrorists have done quite enough damage with non-nuclear weapons. Are there not far worse substances terrorists might obtain easier than radioactive materials?

A. Indeed, I have even more proof that the danger from terrorists is not dependent on nuclear power, because the worst things a terrorist could do may be done by biological means. By spreading disease. A terrorist can do immense damage, and international cooperation to stop terrorism is over due. I can not understand those politicians who would negotiate with terrorists even while they are performing their terrorist acts.

Q. Dr. Teller, you know the United Nations began back in 1972 or 1973 to try to define what terrorism is as a first step toward encouraging member countries to outlaw it. But the U.N. was unable to define terrorism because so many of its member states give aid and comfort to such criminals. The first political figure to give a good working definition of terrorism was Congressmen Larry McDonald of the Armed Services Committee. McDonald calls it a violent attack on the non-combatant, the civilian sector of the community, for the purpose of intimidation, in order to attain a military or political goal. The hostage situation in Iran and the invasion of Afghanistan are in this respect different, the one being terrorism and the other not. Both, however, are outrageous. Do you think these acts might tend to bring to their senses those countries which have been aiding terrorists and at the same time trusting the U.S.S.R.?

A. I am very happy to comment.

Some people cynically say that the one whom I like is a freedom fighter; and the one whom I dislike is a terrorist. I think that Congressman McDonald has given the right definition; but I would like to put it more drastically. Those who attack women and children, those who attack diplomats, those who attack negotiators—they are the terrorists. Those who attack military power are not terrorists.

Now, Afghanistan has little to do with the issue of terrorism. That is not terrorism; that is barefaced aggression which is perhaps even worse than terrorism, and harder to resist. But the Iranian hostage situation, that is indeed terrorism.

Certainly I cannot understand those who would deliver the West Bank to terrorists. It is remarkable that during the negotiations on how to establish Arab self-rule in Palestine the chief imam of the Gaza Strip, a man who was thoroughly anti-Israel, was stabbed to death by the Arafat terrorists. How can we even try to agree with such people who impede diplomacy by terrorist activity? I think the line must be drawn. After terrorism is exterminated, then we can work toward a more peaceful world; but that again calls for power in the hands of those who want peace and peaceful order.

Q. Do you think the expansion of nuclear power plants will increase the likelihood of nuclear weapons proliferation?

A. On the contrary, the peaceful use of reactors for the production of electricity, under present conditions with the supervision of the International Atomic Energy Commission, will lessen the likelihood of war. That is for two reasons. First these reactors are regulated and inspected, and so it is difficult to obtain nuclear explosive material from them without it being detected by the I.A.E.C. The second reason was contained in a statement by a Russian academician who said that Russia has embarked on building nuclear reactors and therefore need not participate in the fight for oil. Need not and will not are two different matters entirely, but it is an important point.

Energy abundance had been put to death. For the underdeveloped governments this not only means lack of energy that is needed for industrial development, it means lack of energy that is needed for irrigation, that is needed to produce fertilizer. Lack of energy means starvation and utter despair as the number of people in the world multiplies. As people despair, they are apt to turn to violence. The despair in Germany over the Great Depression brought Hitler to power. What despair in the Third World will do to the stability of our globe is hard to imagine.

More controlled nuclear energy is not only a peaceful instrument, it is an instrument to produce and ensure peace.

Q. We have been talking about the need for more use of peaceful nuclear power, but the anti-nuclear forces, particularly those controlled by the Soviet Union through its World Peace Council, lump everything nuclear under the dual slogan, "Ban the Bomb, Ban Nuclear Power." So two questions come to mind: Why does the Soviet Union want to block our development of nuclear power; and, secondly, why does the Kremlin want us to stop developing our strategic and conventional weapons?

A. The second question is easy. The Russians want power. They always did. The desire of power at present has taken the shape of an ideological movement called Communism, a movement for the "blessings" of Communism. Many of us do not want to be so "blessed." We must therefore be coerced. The Russians prefer to coerce by threats, by exhibiting superiority, rather than by war; but, if need be, even war. Maybe.

The Russians are going ahead in every form of military preparedness. At the same time, they are trying to prevent us from increasing our own preparedness. And that is the real and deceptive basis for SALT II. That is why the Russians want to "Ban the Bomb" under conditions which will enable their secret society to evade the ban as we in our open society cannot.

Your other question as to why and how the Russians are opposed to nuclear power is more involved.

In Russia they are not opposed to it. There are Communist groups outside Russia which are opposed to nuclear power and there may well be Communist groups outside Russia which are not opposed to nuclear power. At any rate, this much is clear: If anyone wants the United States to be weak, they can accomplish it by banning safe, economical, clean nuclear power.

I am not saying that all the people opposed to nuclear power want to hurt the United States. Some are mistaken; some want sensation; some may be honestly frightened. The more you tell scare stories, the more you are apt to have nightmares; and the less you understand the topic you are discussing, the more easily you may be scared. I do not want to say that the visit of Jane Fonda to Hanoi proves she is a Communist; I only want to say that I am a better actor than she is a nuclear engineer.

Q. In your judgment, Dr. Teller, which country now has the lead or edge in development of nuclear power?

A. A few years ago, clearly, it was the United States. But the fact that our government does not support nuclear power, that it indeed has given nuclear power the lowest priority, is bringing about a change. How far it has gone, I do not know. Unless there is a change in policies, our leadership will certainly be lost in a very short time. At the same time, the Russians are doing everything in their power to mass-produce nuclear power reactors and take over that leadership. I think a revision of our policy is in order.

Q. Will you summarize the benefits of nuclear-power development for America?

A. That I can do easily. A big, well-constructed nuclear power plant could each year save $500 million in present currency on the price of oil needed to generate the same amount of electricity. This means that a reactor could pay back its construction costs in three years.

We now take more than 10 years to build a reactor. Some nations do it, while observing all our safety regulations, in little more than five years. We could do this too; but we take so long to construct these plants because we encourage people not only to review our nuclear plans, but to bring in nontechnical people to criticize and criticize again. In short, we subject nuclear plants to interminable harassment. If we would streamline our procedure, if we would go ahead with a rational program, we could begin to affect oil production through nuclear power in a little more than five years.

Q. What steps can Americans take to ensure that the benefits of nuclear power are realized for the United States?

A. What is desperately needed is public education, public acceptance, and a man who has clearer views on nuclear energy than the incumbent nuclear engineer in the White House.

Q. Then you think that development of nuclear energy can provide the answer to the energy crisis we face?

A. Nuclear energy is an answer to the energy crisis. A massive and dangerous problem rarely if ever has one answer. We need nuclear power plants; we need to encourage people to drill for more oil and gas; we need methods to obtain coal in a clean manner and by means which will endanger fewer human lives. Although coal will remain more dangerous than nuclear power, we could for example gasify coal undergound. We are doing very little of this. We could do advanced research on solar power; which is encouraged, but again and again has been made a cause célèbre of premature hopes.

I have discussed these and many more approaches in my book, "Energy From Heaven And Earth."

But what we need more than anything else is greater public understanding, brought about with the help of an honest public press. Much of our problem results from the fact that the press has printed all these scare stories, while almost never publishing the refutation by trained and knowledgeable scientists. What gives me confidence is my belief that in the end the American people will see the reasonable solution. Let's hope that it's not too late.●

## STATEMENT FOR THE INTELLIGENCE REFORM ACT OF 1980

### HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. LUKEN. Mr. Speaker, today I am introducing a bill to improve the ability of our intelligence agencies to operate and to protect our intelligence officials.

The measure I am introducing, the Intelligence Reform Act of 1980, is identical to a bill introduced in the other Chamber by the distinguished Senator from New York, the Honorable DANIEL P. MOYNIHAN.

This bill decreases the number of congressional committees to which intelligence activities must be reported. Although I believe intelligence officials must be accountable to Congress, accountability should not be allowed to stifle effectiveness.

In addition, this bill protects officers, agents, informants, and sources of national security information. This provision will improve our ability to obtain necessary information.

Under this legislation the Director of Central Intelligence is given the responsibility of protecting intelligence personnel, sources, and methods.

Recent, unfortunate world events have dramatically reminded us of the importance of an effective intelligence system. It is time that we in the Congress took a good look at our intelligence operations to assure that they are designed to meet the needs of our country and the free world.

Abuses of power can never be condoned, and, likewise, the bondage of our intelligence community cannot be tolerated. We must take appropriate steps to protect our intelligence officials so that they may work to protect democracy.●

## SECRETARY GOLDSCHMIDT DISCUSSES BICYCLE USE

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. ANDERSON of California. Mr. Speaker, as you know, I have often used these pages to try and convince more of our colleagues that bicycling can be a viable and important mode of transportation. Some of our colleagues may be tired of hearing me talk about this, so today I would simply like to call their attention to an interview with Secretary Neil Goldschmidt that centered on this very subject. The interview was conducted by Tom Healy, bicycle columnist of the Indianapolis News, and appeared in the February 1980 issue of American Wheelmen.

AN INTERVIEW WITH NEIL GOLDSCHMIDT

(By Tom Healy)

The bicycle itself, of course, is not going to become a mass transit vehicle. But for transit to work effectively and efficiently in the suburbs, there must be a series of collection points where high-occupancy vehicles can pick up commuters. In some places, it seems to me, the bicycle might be an excellent personal choice for getting to the collection depot. As for the move to the suburbs, it's true that—according to forecasts—suburban populations will increase from today's 40 percent to about 43 percent by 1990. However, there is a countervailing move back to the cities—a trend that I believe may increase as gasoline prices rise and cities become more desirable places to live. As that occurs, bicycles should become more prevalent because of the shorter travel distances involved.

The bike is useful in expanding the effectiveness of mass transit by increasing the service radius of a given transit stop, as demonstrated by pilot projects in San Diego and Seattle. Do you feel this is to be encouraged and, if so, how?

Yes, as I mentioned a moment ago, there are good opportunities for transit and bicycles to complement each other. The cities you mention provide racks on some of their buses. Other metropolitan areas (San Francisco, Philadelphia, Washington, for example) provide bicycle parking at transit stations. These relatively low-cost measures are effective ways to improve the operation of our transportation systems, and both UMTA and FHWA encourage the use of federal funds for such projects.

What effect on bicycling will your proposal to combine the Urban Mass Transportation and Federal Highway Administrations have?

That was my predecessor's proposal and while it may have merit, I have put aside for the time being any plans to merge the two agencies.

How do you see the bicycle fitting into the current U.S. DOT transportation scheme?

I think the bicycle gives people another option and, very significantly today, a highly energy efficient option. Not everyone can use a bicycle for his or her major travel needs, but nearly everyone can use a bike to serve *some* transportation needs. I believe bicycles are destined to become more important in our transportation scheme, especially as a replacement for the car for short trips. More than half a million Americans already commute by bicycle. So it works. Our big problem, of course, is to persuade people that there are alternatives to the car.

What can DOT do to encourage the safe use of bikes on public roadways?

We are just completing a study of "Bicycle Transportation for Energy Conservation," to be submitted to the President and the Congress. The thrust of the study is to describe the obstacles to bicycle use and suggest a program for encouraging bicycle transportation. Unfortunately, there are few easy answers to the problem. The preliminary findings of the study are that more people will ride when they perceive the bicycle as a "legitimate" means of transportation, and when our streets and highways are designed for two-wheel as well as four-wheel traffic. We are working with other federal agencies and with state and local governments to gain greater recognition for the bicycle's advantages and for the needs of bicycle users, but unless the gasoline pumps suddenly run dry, I don't think we're going to see streets full of bikes overnight.

Congress is considering an appropriation for the bicycle program established last year by Section 141 of the Surface Transportation Assistance Act. At present, the bill calls for $4 million. For what types of projects would this money be available?

Section 141 authorizes DOT to make grants to state and local governments for construction or non-construction projects "which can reasonably be expected to enhance the safety and use of bicycles." That's a broad charter, and in my view should cover almost any kind of bicycle project a community might want to undertake. The actual funding program will be administered by the Federal Highway Administration.

How do you feel about allowing bicycles on the shoulders of Interstates? California, for example, has opened 550 miles of Interstate highway to bikes, while New Jersey has outlawed bicycles on Interstate routes.

The mix of bicycles and high-speed Interstate car/truck traffic is, at first glance, frightening. But the deliberate action by the California Department of Highways suggests that bike traffic on Interstate shoulders may be acceptable under certain circumstances. Personally, I would not encourage it as a general rule for safety reasons.

Many states (Wisconsin is perhaps the best example) have experimented with the idea of converting abandoned railroad rights-of-way to recreational uses—not only for bicyclists, but for joggers, hikers, cross-country runners, etc. The Department of Interior advocates the "rails to trails" concept in its forthcoming book. *Nationwide Outdoor Recreation Plan.* It proposes that Congress approve authorization of $25 million to fund the program. Would you favor such a program?

The Department of Transportation prepared a study in 1977 for Congress on the re-use of abandoned rail rights-of-way. That study strongly supported the idea of converting them to recreational trails. It's still a good idea.

Why is the bicycle short-changed in any official government policy statement?

If you mean, "Why aren't bicycles mentioned specifically and frequently," I think it's largely an attitude problem, not an intentional slight. The bike has been a plaything in America and it is difficult for people to think of it as a responsible, viable, competitive form of transportation. That attitude, I suggest, is changing and—I predict—will change more rapidly in the years ahead.

But the bicycle saves fuel, reduces air pollution, saves travelers money and—on top of that—is a proven mental and physical conditioner. Why, then, isn't it taken seriously?

I can only go back to what I said before. Most adults still associate bicycling with something they did as kids, and gave up when they were old enough to drive. And even though some have taken it up again, it has been primarily for recreation—for fun. For some reason, people are uneasy with the idea of having fun getting to work! And these personal perceptions undoubtedly have a lot to do with the actions taken by public officials.

With increased use of bicycles as transportation for commuters, what types of facilities will be provided?

The bicycle transportation study that I mentioned identifies the following facilities as most needed or useful: improvements to streets and highways, including wider curb lanes, paved shoulders and the elimination of hazards; maps and route signs; and secure bicycle parking at commercial and work locations.

Some futurists depict a scenario for America of policemen, postmen, meter maids, delivery persons and commuters riding bicycles at least part of the time. How realistic do you think that concept is?

I think it's a matter of degree. You can go to various places in our country today and see bicycles being used for all those purposes. As people become more energy-conscious, the utility of the bicycle will unquestionably loom larger and its use will almost certainly increase. But how soon or to what extent we will become a bicycle society is hard to predict.●

## CHICAGO MILL FOREST

### HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● **Mr. HUCKABY.** Mr. Speaker, currently wending its way through the Congress is a bill that would declare some 50,000 acres of bottomland hardwood in northeast Louisiana as a wildlife preserve. As many of my colleagues know, there is a tendency to clear such lands in order to make room for agricultural production.

I am not opposed to the production of agricultural products, indeed I think it is the backbone of the American way of life. But, at the same time we should make a commitment to our future generations that they will not be deprived of the natural beauty that abounds in this country. This particular area known as the Chicago Mill Forest has been termed the redwoods of the South. It is one of the last remaining areas containing these bottomland hardwoods and it should not be allowed to disappear.

Lynn Greenwalt, Director of the U.S. Fish and Wildlife Service has said that he considers this tract of land a treasure that compares with the redwood forest and sequoia forest of California.

I wanted to bring to my colleagues' attention an article printed in the Madison Journal in Tallulah, La. I feel that the article expresses the opinions of a majority of the people in the area involved. It also gives a good account of the history of the land. The article was written by Nate Durham.

The article follows:

### CHICAGO MILL FOREST—BEANS OR BUCKS OR BOTH

(By Nate Durham)

Pictures of the virgin tupelo and cypress trees of Coochie Brake and the virgin pines of Winn Parish, where lie the roots of our family, almost stagger the imagination. Trees 12 feet in diameter—in reality as tremendous as the redwoods and sequoias.

Even before I was born most of it had fallen to the saws of the lumbermen. By the time I started college, all the big pines were gone, and even their stumps were being dug out of the ground for the turpentine mills.

About 150 sq. miles of Winn Parish was within a massive flatwood forest of many different types of oak timber. This area, between my home on Saline Lake and the village of Atlanta, borders and includes Coochie Brake, and till last year was the largest single tract of hardwoods left in the whole of central Louisiana. The area teemed with game—deer and squirrels and turkeys and even an occasional bear or big cat would be seen.

In the 50s and 60s our family brought in 40 to 60 deer per season from this forest—from those pin oak and white oak flats. But now, most of it has been clear cut and burned. Even that remaining has been original hardwoods remain. This past year, our family, though larger in numbers, brought in only 2 deer.

Most of the land cleared belongs to private companies like Olin Matheson, but some was owned by private individuals or families. And in our free society, who can tell these companies or individuals what to do with their land. They wish to grow pine timber, to the exclusion of all other timber, regardless of what such exclusion does to game populations, and what can be done.

Even on National Forest land, areas have been cut and or thinned of all except yellow pines to the point that little game will be supported in the future.

If the present rate of clearcuttings and or thinning pine timber of the hardwoods continues, my grandson will not know forests full of game such as I have known. In my grandfather Joab Durham's lifetime all the virgin timber was cut—to the last tree—leaving no single area of Winn Parish for my generation to know and appreciate what God had given us as a heritage. Similarly, in my generation, it appears that those who own or manage the land and forests, even our national forests, care little if at all of our natural forests heritage.

I thank God for the John Muirs and others of vision who, just in time, saved a small portion at least of redwoods and sequois of California for future generations of us Americans.

In the past few years the bottom land hardwoods all up and down the Mississippi River valley have fallen at an ever accelerating rate to the saws of man—not for growing pine timber—but for growing soybeans and other agricultural products. At such a rate that only a small fraction of hardwood timber remains of the once vast river bottoms in N. E. Louisiana. This remainder is held by a few family groups, and by one corporation, the Chicago Mill and Lumber Co. of Chicago. This corporation owns 100,000 acres of hardwood timber in one solid block among the Tensas River in Madison, Tensas and Franklin parishes.

When the corporation a year ago announced it's intention to clear cut for agricultural purposes it's remaining timber lands, concerned sportsmen and conservationist like Dave Noreen began a concerted movement to preserve at least part of that one last large tract of hardwood forest.

At first much opposition was encountered—even from sportsmen—such as those whose hunting leases on company property would be lost—but finally, most people realized that only a real major effort would save that last big tract of wild game habitat. People from all walks of life joined sportsmen in closing ranks behind efforts of Congressman Jerry Huckaby to acquire at least half of the company lands for a federal wildlife preserve.

The owners of the land offered to sell the land to the government for the sum of $800 per acre, less than half of the cost of similar land thereabouts. A good investment possibility for us taxpayers.

But a tremendous investment of untold benefits to my grandsons and future generations. So much is at stake that we must not allow any detriment tax or wavering of resolve, or slowing of support, to hinder Congressman Huckaby's work for this and future generations.

Lets show Cong. Huckaby our continuing sincere support for his bill, H.R. 3107 (Tensas National Wildlife Preserve) by writing him in Washington, D.C., and by asking our neighbors to write, too.

Would that my grandfather's congressman and his generation of sportsmen had cared that much—to have saved some of our Winn Parish forests in their original state for my grandsons and ours to enjoy.●

## AMERICAN CITIZENS ABROAD

### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● **Mr. ALEXANDER.** Mr. Speaker, today I would like to begin inserting the issues dealing with American citizens living and working abroad as defined by the "American Citizens Abroad."

The article follows:

### Issue No. 1—Constitutional Rights of Children Born Abroad

#### SUMMARY OF THE PROBLEM

In 1971, in Rogers vs Bellei, the Supreme Court by a narrow majority of five-to-four ruled that American children born abroad have diminished Constitutional Rights as citizens of the United States. While the Congress can do nothing to arbitrarily deprive U.S. citizens born in the United States of their citizenship, no such prohibition impedes the actions of the Congress in dealing with Americans who were born abroad.

#### ACA'S QUESTION

ACA asked that the President address the issue of whether there should be two classes of citizens in the United States, those with full Constitutional rights, and those with only some of the Constitutional protections.

#### THE PRESIDENT'S REPLY

The President chose not to directly address the problem of second-class citizenship rights as defined by the Court in the Bellei case. The President merely restated the general findings of the Court.

#### ACA'S RENEWED QUESTION

The unanswered question remains. Should there be two classes of citizenship in the United States? Should some citizens have fewer Constitutional protections than others. We invite the President and the Congress to both reflect on the implications of this present situation.

ACA would like to also mention that taking umbrage in a decision of the Supreme Court to justify maintaining such discrimination against a certain class of American citizens has historically not been well justified. In the late 1800's the Supreme Court found it Constitutional to discriminate against some citizens on the grounds of race. In the early 1900's the Supreme Court found it Constitutional to discriminate against some citizens on the grounds of their sex. It is not surprising, therefore, that the Court may have found that the geographical location of a citizen's birth gives sufficient justification for diminishing an American's rights. What is needed is a clear recognition by the American people that such a tortured interpretation of our Constitution is not worthy of our great country.

We appeal for redress on this fundamental issue.

---

### Issue No. 2—Presidential Eligibility of Children Born Abroad

#### SUMMARY OF THE PROBLEM

The Constitution states that for a person to be eligible to run for the office of President of the United States he must be a natural born American citizen.

#### ACA'S QUESTION

Is a child born abroad to an American citizen parent a "natural born American citizen"?

#### THE PRESIDENT'S REPLY

The President stated that "the meaning of the term "natural born citizen" has never been definitively determined. Its meaning has been argued for years and legal authorities are divided on the issue. Because of the legal complexities inherent in this issue and the skills and judgement required to interpret relevant provisions of law, it is appropriate and advisable to look to the courts for its resolution."

#### ACA'S RENEWED QUESTION

The question remains, what is the presidential eligibility status of a child born abroad to American parents?

The President suggests that the appropriate forum for resolution of this definitional problem is in the Courts. We doubt that he seriously means what he says. Let us take a quick look at what such an action by the Courts would involve.

In the United States one cannot ask the Supreme Court for an advisory opinion on a basic Constitutional issue. There must be a case. And the case must be appropriate to raise the question that needs resolution. In the situation at hand, the President is suggesting a monumental institutional crisis.

To bring this question to the Supreme Court for ultimate resolution an American born abroad would have to have been nominated by one of the major political parties and been elected to the office of President. Only then could a suit be brought challenging his Constitutional eligibility to fill this office. Thus a President-elect, and a tense nation who had just elected him, would have to await the judgment of the Court as to whether he was Constitutionally entitled to fill this office. We doubt that the President seriously intended to suggest that this is how this question should be resolved. We doubt that there is any other way for the Courts to make a definitive finding.

We ask once again, therefore, for the President to consider recommending to the Congress an appropriate form of legislation to resolve this definitional problem. We recommend to the President that heed be taken of the action of the First Congress in 1791 when the first immigration legislation specifically used the terms "natural born citizens" to describe the status of some children born abroad to an American parent.

This issue is a Constitutional time-bomb that would be much better addressed prophylactically than left to create a situation of dire institutional crisis some day in the future. Failure to address the problem will also further complicate the political aspirations of the forty-thousand plus children born abroad with American citizenship each year.

We appeal for redress on this important issue.●

---

## HOPEFUL SIGN FROM SUPREME COURT DISSENT

## HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. PICKLE. Mr. Speaker, the following two stories which recently appeared in the Washington Star indicate that the Supreme Court is becoming more mindful of the problems that school busing creates. It is becoming increasingly apparent that we need a more reasonable approach to school integration. Congress has made clear through numerous statutes its belief that busing solely to accomplish integration should be abandoned, but these statutes are basically meaningless as long as the Federal courts say the Constitution requires busing.

These two articles indicate that the Supreme Court is becoming more concerned and even outspoken about the problem. This is an encouraging sign to me—that the Supreme Court is openly saying busing at any cost is actually counterproductive to racial integration. I think the record speaks for itself—where massive busing has been ordered, resegregation has occurred, and the school system has suffered. I agree with Justices Powell, Rehnquist, and Stewart that the U.S. Constitution does not require busing when it obviously leads to resegregation.

My own city of Austin, Tex., is now embroiled in court-ordered busing. Any segregation problem remaining in Austin could be handled better than by massive busing. We are law abiding citizens who are not going to disregard a Supreme Court decision, but we are bothered and troubled about the prospects of massive, forced busing.

These two articles indicate that at least three Supreme Court members are seeing the real-world contradictions court-ordered busing causes. The clearest message from the dissent seems to be in numbers. There are now three judges willing to temper the "bus at all costs" philosophy of the fifth circuit court of appeals. I personally think at least one other Justice shares similar views.

It is my sincere hope that in a short time there will be a Supreme Court majority opinion to end this busing impracticality. I still believe this is our best course.

Mr. Speaker, I insert the two articles at this point in the Congressional Record:

[From the Washington Star, Jan. 27, 1980]

### When School Busing Fails, a Double Dose Is No Remedy

(By Lewis F. Powell)

(Note.—The Supreme Court last week refused to hear the case of Estes v. Metropolitan Branch, Dallas NAACP. It thus left standing a Court of Appeals order that is likely to lead to a broadened school busing plan for the Dallas, Texas, public schools.

(Justice Lewis F. Powell, joined by Justices Stewart and Rehnquist, dissented. In arguing that the Supreme Court should have heard the case, he discussed the consequences of what he feels is excessive court-ordered busing in some cities. This is adapted from portions of that dissent.)

It is increasingly evident that use of the busing remedy to achieve racial balance can conflict with the goals of equal educational opportunity and quality schools. In all too many cities, well-intentioned court decrees have had the primary effect of stimulating resegregation.

The experience in Dallas presents a striking illustration of this problem. If the District Court orders substantial additional busing, as the Court of Appeals apparently thinks it should, recent history suggests that the Dallas school district will be well on the road to the "separate but equal" conditions mistakenly approved in Plessy v. Ferguson (1896). Such an outcome is no less real or less regrettable when caused by courts with benign motives. The promise of Brown v. Board of Education (1954) cannot be fulfilled by continued imposition of self-defeating remedies.

I believe that two rules provide the basic outline for responsible exercise of the courts' equitable powers in school desegregation cases. First, the nature of the desegregation remedy is to be determined by the nature and scope of the constitutional violation. The remedy must be related closely to the deprivation. Otherwise, a desegregation order may exceed both the power and the competence of the courts.

Second, the measure of any desegregation plan is its effectiveness. A court must act decisively to remove purposeful segregation, but it also must avoid the danger of inciting resegregation by unduly disrupting the public schools.

Unless courts carefully consider those issues, judicial school desegregation will continue to be a haphazard exercise of equitable power that can, like a loose cannon, inflict indiscriminate damage on our schools and communities.

Although this court's guidance in desegregation cases necessarily has been general, its emphasis on effectiveness and practicalities reflects an appreciation that perfect solutions may be unattainable in the context of the demographic, geographic and sociological complexities of modern urban communities. The imperfect nature of court action in school cases is evident in the phenomenon of self-defeating remedies, desegregation plans and continuing oversight so unacceptable that many parents seek to avoid the reach of the court's decree. The impact of such remedies may be seen in higher enrollment in private schools, in further migration to the suburbs, or in refusals to move into the school district.

The pursuit of racial balance at any cost is without constitutional or social justification. Out of zeal to remedy one evil, courts may encourage or set the stage for other evils. By acting against one-race schools, courts may produce one-race school systems.

Parents with school-age children are highly motivated to seek access to schools perceived to afford quality education. A desegregation plan without community support, typically one with objectionable transportation requirements and continuing oversight, accelerates the exodus to the suburbs of families able to move. The children of families remaining in the area affected by the court's decree are denied the opportunity to be part of an ethnically diverse student body. The general quality of the schools also tends to decline when substantial elements of the community abandon them.

### BROAD CONSEQUENCES

The effects of resegregation can be even broader, reaching beyond the quality of education in the inner city to the life of the entire community. When the more economically advantaged citizens leave the city, the tax base shrinks and all city services suffer. And students whose parents elect to live beyond the reach of the court decree lose the benefits of attending ethnically diverse schools, an experience that prepares a child for citizenship in our pluralistic society.

The District Court in this case was properly concerned over resegregation and community support for the Dallas schools. The facts before the court made that concern unavoidable. In the five years following the 1971 desegregation decree, the proportion of Anglo students in the Dallas public schools had dropped by almost half. The trend has continued. The futility of administering larger doses of a remedy that has failed is self-evident. In this situation, I can see no justification for reverting now to further studies with the goal of attaining increased racial balance through additional busing.

A desegregation remedy that does not take account of the social and educational consequences of extensive student transportation can be neither fair nor effective. The Court of Appeals seriously erred when it remanded this case with a mandate that seems certain to accelerate the destructive trend toward resegregation.

As this court should not tolerate this error, even by silence that might give rise to an inference of approval, I dissent from the court's failure to decide the case and reinstate the District Court's plan—a plan that does have promise for success.

---

[From the Washington Star, Jan. 24, 1980]

### "SELF-DEFEATING REMEDIES"

The Supreme Court this week revoked an earlier agreement to consider a Dallas school case. It called its earlier inclination "improvident," but it wasn't. As Justices Powell, Stewart and Rehnquist argue, the Court is evading an issue that cries out for guidance.

The issue is what the three justices call "self-defeating remedies" in school desegregation that promote *resegregation* and leave minority students even more isolated than before court intervention.

The Dallas case appears a classic instance. Since a U.S. District Court in 1971 imposed a "busing" remedy in Dallas (the nation's eighth largest school district, of 351 square miles) whites have fled the schools in vast numbers. When the Court first acted, "Anglo" students were 69 per cent of Dallas's enrollment. By 1975 they were 41 per cent. Last year, 33.5 per cent. Presumably white enrollment is still falling. In 1971, the District Court ordered 1,000 Anglo students bused to formerly all-black high schools. "Fewer than 50," says the court, "attend those schools today."

That sobering experience explains why the same District Court—and a substantial part of the Dallas community—are now at odds with the Fifth Circuit Court of Appeals about what further desegregation is workable. A revised Dallas plan, busing about 20,000 students, leaves 62 schools, a third of the system, as "one race" schools—where more than 75 per cent of the students are of one race.

The District Court tolerates this vestige of segregation because to alter the racial alignment further would mean busing young schoolchildren—and, further, because it is the court's experience that cross-busing high school students in 1971 failed entirely. The District Court approves so-called "magnet high schools," more likely to put a multi-racial clientele in the schools.

What brought all this to the Supreme Court's attention was Fifth Circuit Court disapproval. It has sent the case back to Dallas for further exploration of the 62 "one-race" schools remaining in the system.

As Justice Powell indicates, this is essentially an irrelevancy. The 62 one-race schools reflect practicalities perceived by everyone in Dallas, and are (in the case of the refusal to bus younger children) consistent with Supreme Court rulings.

The Court of Appeals needs to understand that the steps it insists upon probably will not improve, and may aggravate, the lot of minority students. But the message isn't getting through. In one Alabama case the same Fifth Circuit approved a desegregation plan while acknowledging that it would "probably result in an all-black student body, where nothing in the way of desegregation is accomplished and where neither the white students nor black students are benefited."

What is the aim of plans that cause so much disruption but benefit no one? Ostensibly, to enforce constitutional rights. But rights so nugatory are worthless.

On the evidence of the Alabama case, Fifth Circuit judges are not blind to the results of some of the remedies they impose. Why, then, do they persist? Justice Powell thinks the trouble may stem, in part, from a 12-year-old Supreme Court decision (*Green v. County School Board*) in which the Court called for systems "without a 'white school' or a 'Negro school.' "

From that ruling it followed that *all* one-race schools must go, regardless of whether a court had power to eliminate them. As Justice Powell notes, "this language was suitable to the small rural county . . . where there were only two schools and 1,300 schoolchildren of both races scattered throughout the county. But . . . in large cities, the principal cause of segregation in the schools is residential segregation, which results largely from . . . conditions over which school authorities have no control."

To go on pressing, in large cities, for an end to all one-race schools means stimulating white flight—as in Dallas, Boston, and other places—leaving minority students more isolated and sapping the vitality and tax base of the cities.

Congress, alas, lacks the resolution and leadership to establish, as it is empowered to do, a fair and *workable* national school policy. In its absence, prudent judgments still need to be made. When they are reasonably made by lower courts in consultation with the people affected they should not be casually set aside on old and often irrelevant precedents. In the Dallas case, Justice Powell observes, "the Court of Appeals failed to accord proper deference to the District Court's conscientious execution of this delicate task."

The Supreme Court should intervene. It should clear up old rulings that now render workable desegregation plans legally suspect. It should make room for prudence in school desegregation. There were three votes to do so this week. It is everyone's loss that there were only three.●

---

## IMPORTANT BUDGETARY ISSUES

## HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. EDGAR. Mr. Speaker, because of the grave importance of Federal budgetary issues, the Northeast Midwest Congressional Coalition created a task force on the budget. Under the energetic leadership of Representatives CARL PURSELL and TOM DOWNEY, the coalition has produced an analysis of the President's 1981 budget proposal. This is the part of the coalition's analysis on water supply and quality issues and the Department of Defense:

### BUDGET BRIEF NO. 1: WATER SUPPLY AND QUALITY

#### HIGHLIGHTS

The administration's water resources budget (Function 300) includes funding for the Army Corps of Engineers, the Water Power and Resources Service (formerly known as the Bureau of Reclamation), and the Environmental Protection Agency. Although outlays for this function increased dramatically (60 percent) from fiscal 1975 through fiscal 1979, the rate of these increases has been declining in recent years—from 29 percent in fiscal 1975 to 8 percent in fiscal 1979.

The fiscal 1981 budget requests an additional $300 million for the sewage treatment construction grants program and additional funds for hazardous waste management programs. The president, however, recommended no new construction starts for water projects this year.

Because of the structure of existing water resource programs mandated by Congress, the Northeast-Midwest region has never received levels of per capita funding in this function which approach those achieved by other regions. As a result, many of the region's water problems, including the repair and maintenance of urban water supply systems, continue to be neglected.

### *I. Water supply*

BUDGET SUMMARY

[In millions of dollars]

| | 1979 | 1980 | 1981 | Percent change, 1980–81 | |
|---|---|---|---|---|---|
| | | | | Actual | Adjusted for inflation |
| Army Corps by Engineers: | | | | | |
| Budget authority | 2,817 | 2,914 | 3,074 | 5.5 | −2.9 |
| Outlays | 2,933 | 3,185 | 3,081 | −3.3 | −10.9 |
| Water Power and Resources Service: | | | | | |
| Budget authority | 622 | 655 | 851 | 29.9 | 19.6 |
| Outlays | 727 | 783 | 804 | 2.7 | −5.4 |
| Soil Conservation Service: | | | | | |
| Budget authority | 199 | 196 | 197 | .5 | −7.4 |
| Outlays | 256 | 228 | 218 | −4.4 | −12.0 |

#### Background

According to the president's fiscal 1981 budget recommendations, outlays for water resource programs are estimated to decrease from $4.2 billion in fiscal 1980 to $4.1 billion in 1981. A major reason for this decline in outlays is the absence of new construction starts for water projects. As part of his June 1978 water policy message, the president recommended that the Water Resources Council conduct an independent review of all proposed water projects. Because this proposal still is awaiting congressional action, the fiscal 1981 budget contains no funding for new water resource construction projects. If this legislation is approved, the administration has indicated that it may propose funds for new construction.

While no money is provided for new construction starts, the fiscal 1981 budget does provide $2.5 billion in budget authority for continuing work on about 250 major projects already started by these agencies. Funds also are included for the planning programs of the Corps of Engineers and the Water and Power Resources Service.

The three major departments responsible for the construction of water projects—the Corps of Engineers, the Water Power and Resources Service, and the Soil Conservation Service—are concerned with many problems, including flood control, water supply, irrigation and drainage, transportation, and hydroelectric power. The funding levels for these agencies traditionally reflect a significant balance of outlays from previous year's budget authority. Inflation, especially when rising construction costs are considered, usually has a great impact on funding levels.

#### Regional Implications

Because of the structure of existing federal water resource programs, the Northeast and Midwest traditionally have been excluded from the debate over national water policy. The Water Power and Resources Service, for example, which represents 20 percent of the entire fiscal 1981 water resources budget, can legally operate only in certain Western states. Many of the problems in the Northeast and Midwest also are neglected by the Corps of Engineers. The repair and maintenance of urban water supply systems for example, is one of the greatest water resource problems in this region. Buffalo may need to invest almost $500 million to fully upgrade its water supply distribution system, while Boston continues to lose almost one-half of its water supply each day through leaky pipes. Yet because the Corps refuses to get involved in "single-purpose" projects, such as the repair of these systems, virtually no federal assistance is available to help communities deal with these problems.

The result of these policies is particularly evident in the regional spending pattern of the Corps of Engineers. Since 1824, less than 25 percent of this agency's funds have been directed to the Northeast-Midwest region, which currently has nearly one-half of the nation's population. When combined with the Bureau of Reclamation, this funding disparity is even greater. During fiscal 1970 and fiscal 1979, the national average for federal water resource appropriations by these two agencies was $7.49 per person. Yet during that period, the Northeast averaged only $1.89 per capita, and the Midwest averaged $2.73 per capita. Obviously, these policies must be revised if water needs in the Northeast-Midwest region are to be adequately addressed.

The federal government already recognizes the need to help certain communities maintain their water delivery systems. The Farmers Home Administration's rural water and waste disposal programs (Function 400), funded at $284 million for fiscal 1981, provide exactly this kind of assistance for localities with populations under 10,000. These communities have significant water and waste disposal needs, and it is imperative that larger cities, many of which face severe financial problems, be given equal treatment.

### *II. Water quality*

BUDGET SUMMARY

[In millions of dollars]

| Environmental Protection Agency | 1979 | 1980 | 1981 | Percent change, 1980–81 | |
|---|---|---|---|---|---|
| | | | | Actual | Adjusted for inflation |
| Regulatory and research program: | | | | | |
| Budget authority | 1,091 | 1,241 | 1,317 | 6.1 | −2.3 |
| Outlays | 938 | 991 | 1,106 | 11.6 | 2.8 |
| Oil and hazardous sdbstance liability fund (proposed): | | | | | |
| Budget authority | | | 250 | | |
| Outlays | | | 45 | | |
| Sewage treatment construction grants: | | | | | |
| Budget authority | 4,200 | 3,400 | 3,700 | 8.8 | 0.2 |
| Outlays | 3,756 | 3,900 | 3,950 | 1.3 | −6.7 |

#### Background

Authorized at $5 billion annually through 1982, the Environmental Protection Agency's construction grants program (Section 201) is the largest source of federal funding for water quality needs. This program, designed to help states and localities meet the objectives of the Clean Water Act, provides 75 percent federal funding for the construction of water and sewer treatment facilities. EPA estimates the national wastewater treatment requirements at $106 billion in 1978 dollars, approximately $80 billion of which will be federal funds. Inflation alone has caused these estimates to rise considerably: $13 billion between 1976 and 1978. Although the president has requested $3.7 billion in fiscal year 1981, congressional support for this program has been seriously undermined by past management difficulties and large unobligated state balances.

Perhaps the most significant increase in the Environmental Protection Agency budget request involves funds for hazardous waste regulatory and research programs. In February and April, EPA is scheduled to issue regulations under the 1976 Resource Conservation and Recovery Act (RCRA) to establish standards, criteria, and procedures to regulate hazardous waste. To implement these provisions, EPA has requested a 47 percent increase in budget authority for the solid waste program, from $100 million in fiscal 1980 to $147 million in fiscal 1981. To encourage the development of state programs to control the generation, transportation, and disposal of these wastes, $11.4 million of this increase is for state grants, from $18.6 million in fiscal 1980 to $30 million in fiscal 1981.

The fiscal 1981 EPA budget request also includes money for creation of a "superfund" to clean up oil spills and hazardous waste sites. This legislation, which still requires congressional approval, would provide 80 percent of the program costs through fees imposed on private firms; the remaining 20 percent would be federally funded. Starting with fiscal 1981, the president assumes that a $1.6 billion fund will be accumulated during the next four years. A budget of $250 million is proposed for the first year, with $200 million to be paid for through industry fees. The "superfund" legislation is designed to address past abuses, while implementation of the Resource Conservation and Recovery Act addresses problems of current and future hazardous waste production.

#### Regional Implications

According to the 1978 EPA Needs Survey, the Northeast-Midwest region has 56.4 percent of the national need for sewage treatment construction grants, at an estimated cost of $60 billion. Even though the allocation formula weighs new construction needs more heavily than replacement or rehabilitation needs, Northeastern and Midwestern states receive more funds per capita than any other region.

In view of the region's needs, it is particularly important that this program be adequately funded. In the past, the size of the state unobligated balances has not made this an easy task. Despite the president's 1980 budget request of $3.8 billion for the construction grants program, for example, Congress finally appropriated $3.4 billion—but only after a prolonged battle with the House Appropriations Committee staff, which had recommended no funds at all. So even though the fiscal 1981 budget is $300 million larger than the 1980 appropriations, it is clear that this funding will be subject to many changes.

Congress now is considering proposals to correct these distribution problems. During the first session, the House passed legislation (H.R. 4113) which would provide more construction grants to those states able to spend their regular allocations quickly. The Senate is considering more comprehensive reforms, including elimination of the state allotment formula and the state priority list. Successful resolution of these funding problems clearly is critical to Northeastern and Midwestern states.

As one of the most heavily industrialized sections of the nation, the Northeast-Midwest region also is particularly sensitive to the problems of hazardous waste disposal. It is estimated that Northeastern and Midwestern states will generate 54 percent of the nation's hazardous wastes by 1980. Despite this problem, there is not a single approved hazardous waste disposal site in New England, and few acceptable sites in other areas of the region.

In addition to health and safety consideration, it is increasingly apparent that because of initiatives like the RCRA regulations, industries also will have to consider the availability of disposal sites when deciding to locate, expand, or even close down a facility.

Several initiatives now before Congress will help the Northeast-Midwest region deal with these problems. In addition to the President's "superfund" proposal, which would create a $1.6 billion fund to clean up abandoned hazardous waste sites and toxic substances spills, Representative James J. Florio has introduced legislation to deal only with hazardous wastes (H.R. 5790). Senators Edmund S. Muskie and John C. Culver have sponsored S. 1480, which would cover both hazardous waste sites and spills of toxic substances. While the funding and liability questions surrounding these issues may remain difficult to resolve, it is clearly in the region's interest to develop a comprehensive solution to the problem of hazardous wastes.

### Budget Brief No. 2: Department of Defense

#### HIGHLIGHTS

The president's fiscal 1981 budget proposes $158.2 billion in budget authority to meet the needs of the Defense Department, an increase of $19.6 billion over fiscal 1980. The Defense Department received the third largest increase in budget authority, exceeded only by Health and International Affairs. Fiscal 1981 Defense Department outlays are estimated at $142.7 billion (an increase of $15.3 billion over fiscal 1980), representing a 3.3 percent increase in real dollars. The Defense Department budget represents 23.2 percent of the federal budget and 5.2 percent of the gross national product.

BUDGET SUMMARY

[In billions of dollars]

| | 1979 | 1980 | 1981 | Percent change, 1980–81 | |
|---|---|---|---|---|---|
| | | | | Actual | Adjusted for inflation |
| Payroll: | | | | | |
| Budget authority | 38.9 | 42.8 | 45.7 | 6.8 | −1.7 |
| Outlays | 38.6 | 42.5 | 45.3 | 6.6 | −1.9 |
| Military construction: | | | | | |
| Budget authority | 2.3 | 2.2 | 3.3 | 50.0 | 38.1 |
| Outlays | 2.1 | 2.1 | 2.1 | | −7.9 |
| Procurement: Estimated outlays [1] | 71.0 | 78.0 | 92.0 | 17.9 | 8.6 |

[1] These figures, not listed in the President's fiscal 1981 budget, are staff calculations based on estimates provided by the Office of Management and Budget.

#### *Background*

The president's fiscal 1981 budget proposed $158.2 billion in budget authority to meet the needs of the Defense Department, representing a real dollar growth of more than five percent (accounting for inflation). It is one of the few departments or agencies to receive a substantial increase in funding over fiscal 1980 levels. In addition, Defense Department outlays requested for fiscal 1981 will increase by more than 3 percent in real terms over the preceding year. Three components of defense spending most directly affect local, state, and regional economies: payroll, military construction, and procurement. These activities will amount to approximately $136 billion during the current fiscal year.

#### *Regional implications*

In August 1977, the Northeast-Midwest Institute and the Coalition of Northeastern Governors published a study titled "A Case of Inequity," which found that the Northeast-Midwest region was receiving a smaller share of defense spending than any other region in the country. Estimated military expenditures for 1980, compiled by the Department of Defense, show that Northeastern and Midwestern states, with 47 percent of the nation's population, will receive only 18 percent of the military payroll budget and 20 percent of the military construction budget. Although no fiscal 1979 or 1980 estimates are available. 1978 figures showed that the region received only 39 percent of the dollars spent for military procurement (purchases of goods and services). Moreover, recent figures show that only 13 percent of the nation's 1.4 million uniformed military personnel are stationed at bases within the Northeast-Midwest region. California alone has more troops than all Northeastern and Midwestern states combined.

Not only is the Defense Department the largest federal employer, it is the largest employer in the nation, with more than three million employees in 1980. At $92 billion, the Defense procurement budget is nearly six times larger than the total cost of the economic stimulus package President Carter proposed to Congress in the spring of 1977, and represents 72 percent of all federal procurement.

In 1952, a policy was established by Congress which sought to direct a part of the federal government's procurement budget to high-unemployment areas. Known as Defense Manpower Policy Number Four (DMP-4), this policy had been largely ignored until the Northeast-Midwest Congressional Coalition resurfaced the policy several years ago. Since that time, the Federal Preparedness Agency—now the Federal Emergency Management Agency (FEMA)—has rewritten the policy and removed the administrative obstacles which formerly inhibited wider use of the policy. In addition, Congress has enacted laws to give this policy a statutory base, and President Carter issued an executive order committing the government to full implementation of this policy.

One restrictive provision yet to be repealed is the Maybank amendment to the Defense Appropriations Bill. The Northeast-Midwest Congressional Coalition mounted a major effort in 1979 to repeal the Maybank amendment, which requires the Defense Department to purchase its goods and services at the lowest possible price and therefore prevents it from restricting the bidding on some contracts to firms in high-unemployment areas. On the floor of the House last September 28, the effort to repeal the Maybank amendment fell short by only 13 votes. The repeal of this amendment could result in a substantial increase in federal procurement dollars being targeted to the Northeast-Midwest region.

Only through collective congressional effort has the Northeast-Midwest region succeeded in calling attention to its declining share of the defense budget. Last year, the region received 20 percent of the 1980 military construction contracts, a 67 percent increase over its 1979 share of 14 percent. This increase was brought about by such efforts as the successful fight in Congress by the Philadelphia-area delegation and the Coalition to retain the overhaul of the U.S.S. Saratoga and three other aircraft carriers at the Philadelphia Naval Shipyard, a program expected to generate some 12,000 jobs and pump $938 million into the area's economy. Achieving some degree of regional equity in defense expenditures will require years of additional effort by a unified Northeast-Midwest leadership.●

## PERSONAL EXPLANATION

## HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. ROTH. Mr. Speaker, yesterday, during my absence, I missed two rollcall votes. Had I been in attendance, I would have voted the following way and for the record I would like to record it as such:

An amendment to the Water Resources Development Act, H.R. 4788, authorizing the construction of six additional water development projects.

Rollcall No. 9: "no".

An amendment to the Water Resources Development Act, H.R. 4788, deleting authorization for eight various water projects.

Rollcall No. 10: "yes."●

## AMERICANS FIRST, ATHLETES SECOND

## HON. GERALD B. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. SOLOMON. Mr. Speaker, the very real possibility that our athletes would not be participating in Olympic competition this summer is a potential disappointment for all Americans. but it is those young people who have trained long and hard for that special moment in the world's spotlight who have the most to lose. It is not easy telling those young athletes, as I, along with the Congress and the President have done, that there is no way that this Nation can legitimize the Moscow Olympics by the presence of American athletes. I think they deserve a thoughtful explanation.

Mr. Speaker, Joseph A. Cooley, editor of the Troy Times Record offers our young athletes the kind of reasoned explanation they deserve in a column, printed on January 27, 1980. I would like to offer this thoughtful piece for the consideration of my colleagues and of our great Olympic athletes:

### A Special Slogan for the Moscow Olympics

(By Joseph A. Cooley)

Formed after World War II, the Americans' Veterans Committee never achieved the size membership its slogan seemed to merit for it. That slogan, quite briefly, was "Citizens first, veterans second." It implied that the organization felt its first duty was to the nation and its second was to work for the interests of veterans.

The slogan comes to mind now with all the furor about whether or not the United States should participate in the Summer Olympic Games at Moscow. Some athletes who would be deprived of a trip to Moscow and of participation in the games object on the ground they have worked hard and should not be deprived of their chance for glory. Some may see a potful of commercial gold at the end of the Olympic rainbow. Whatever their motivation they might do well to revise the slogan of the American Veterans Committee to read "Americans first, athletes second."

One interesting explanation for the objections to a United States boycott of the Moscow Olympics is that we ought not to mix politics with sports. That is carrying naivete to an extreme. Memory searches hard for an Olympics that was not marked by politics, by some nation trying to use the games for its own political goals, and memory comes up empty after the search.

The Olympics are pure politics, and have been, for a very long time. After all, wasn't it Alcibiades, rated as one of Greece's most corrupt politicians, who got his start by winning an Olympic chariot race using somebody else's horses back in 416 BC?

It is difficult, in assessing the pros and cons of an Olympic boycott, to find very many cons.

While it may be debatable, there is a considerable feeling that the Olympics mean so much to the Soviet Union because they offer a chance to gain evidence of acceptance and legitimacy in the world. Long conscious of their image as revolutionary usurpers, the Russians see Moscow as a chance to gain respectability. It is difficult to find any reason why the United States, or other free nations, should aid them in the effort.

Speaking of politics, can the Olympics be free of politics when the Soviets have decided to ship young people out of Moscow so they won't mix with and be contaminated by contact with westerners? Is the decision to confine Alexander Sakharov to the closed city of Gorky based on the belief it would be dangerous to have him in contact with visitors to the summer games? Are these the signs how Russians view the Olympics as an opportunity to foster international friendship and the exchange of ideas?

Afghanistan should have taught us how low the Soviet Union places consideration of the rights of others on its list of priorities. It would be a mistake to risk conferring the slightest touch of respectability on the regime in Moscow. Neither the United States nor any other Western nation has anything to gain by participation.

The debate over whether the United States should boycott the Moscow Olympics can have several salutary results. We may find, for example, how many nations are willing to risk offending the Soviet Union by participating in a boycott. The Russians have reinforced in recent weeks the conviction that they have little or no regard for what the rest of mankind thinks when they are deciding on such matters as what they see as their own national interest in the future of Afghanistan. A boycott of the Olympics would remind them they can't play Russian Bear one day and Mr. Nice Guy the next.

Boycotting the Olympics certainly won't score any major triumph for this country. Neither will it force the Russians to change their philosophy. It will, however, show the world we will not forever play patsy to the Soviets.

NBC has a lot of money invested in the Olympics, 90 percent of it covered by insurance with Lloyds of London. Coca Cola is said to have paid $1.3 million for the rights to sell refreshments. And a great many athletes have invested lots of time in training. The Olympics have long since gone beyond the bounds of common sense in terms of the money required to stage them. If it does nothing else, perhaps a United States boycott, supported by those nations willing to express displeasure with the Soviet Union aggression, may help bring the Olympics back in perspective. Perhaps they can be restored to the status of friendly competition among athletes from the international community.

The Olympics will survive the effects of a boycott in Moscow next summer. After all, they survived the long shutdown between the time Theodosius the Great banned them in 393 AD for being too professional and their revival in 1896. The only serious disadvantage to be suffered if the United States boycotts the Moscow Olympics will be suffered by the Soviet Union. What's wrong with that?●

## BIG BROTHER AND THE AIRWAVES

---

## HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. PAUL. Mr. Speaker, my constituent and friend Dick Beecher, an energy expert from Houston, recently gave me an excellent editorial from Coal Age—November 1979 issue.

I would like to call this editorial to my colleagues attention, and associate myself with its call for extending private property rights—which are human rights—to the airwaves.

### BIG BROTHER AND THE AIRWAVES

You never heard these three commercials on TV. One was about energy:

"Some people are calling the energy crisis a hoax. Others say that at the rate we're using up our oil reserves we'll be down to our last drop in our children's lifetime. Whoever's right, one thing is clear. America needs an energy plan for the future now. One that uses all resources available from coal and nuclear power to solar. But we're only going to get it if people, one by one, demand it. Whatever your views, let your elected representative know now. There's not much we can do when the light goes out. A message from Kaiser Aluminum. One person can make a difference."

Another, which dealt with free enterprise, said in part:

"Is free enterprise an endangered species? How much government regulation is enough? Is business bad just because it's big? Or does a country like ours require a diversity of business—both big and small? Will excessive control over big business lead to control over all our business? The answers are up to you."

The third said this about red tape:

". . . In 1977, America spent $100 billion on federal paperwork alone. And in the end we all pay for it. But if people, one by one, start speaking out, we can begin untangling America's knottiest problem."

You never heard these commercials because when the sponsor—Kaiser Aluminum & Chemical Corporation—submitted them to the three major TV networks, the commercials were rejected. Although the Supreme Court recently acknowledged that corporations have the right of free speech, although Kaiser would have paid for the air time to run the commercials, and although the messages were clearly identified as company opinions, the networks refused to air them. "Not because they were untrue, or in any way inaccurate," reports Kaiser, "but simply because they were controversial or not acceptable material."

Have the networks gone crazy?

Of course not. The networks had no choice in the matter. Kaiser could not exercise its right of free speech because in effect TV networks don't have and never had the right of free speech. The same can be said of radio stations. The electronic media have no property rights over the airwaves.

To understand how this disgrace came about, bear in mind that the many myopic humanitarians who always preach that "human rights take precedence over property rights" have never grasped or have refused to admit that human rights cannot exist without property rights. It is impossible, for example, to have freedom of religion without the right to own churces and religious books. There can be no freedom of the press without your right to own paper, a printing press, and ink. And there can be no freedom of speech without the right to own picket signs, meeting halls, microphones, radio stations and TV stations—as well as the right to own airwaves that transmit a broadcast.

Herbert Hoover certainly was a great humanitarian. But he made his share of mistakes. In 1924, while he was Secretary of Commerce, Hoover advocated government takeover of the airwaves in the name of the "public interest." Other humanitarians supported this nationalization scheme on the grounds of the "argument from scarcity"—i.e., since the demand for broadcasting frequencies exceeded the supply, government [which neither discovered, developed or owned the radio spectrum] should confiscate the airwaves and then ration them via licensing to those broadcasters who would serve the "public interest." This is how the Federal Radio Commission, which later on became known as the Federal Communication Commission (FCC), was born in 1927.

In broadcasting, the "public interest" is whatever the FCC says it is, i.e., it changes according to the prevailing political-bureaucratic whim or power pull of the moment. For instance: "One network cited the Fairness Doctrine as a reason for rejecting our commercials." says Kaiser. "This doctrine was formulated by the FCC to insure that a fair balance of opinion is presented on television. We believe, too, that TV should present a fair balance of opinion. Even ours."

We will have a fair balance of opinion only when the airwaves become private property. Each frequency should be sold to the highest bidder. That will boost competition [which may not be welcomed by the major networks] and enrich the quality and diversity of views and programming. And the FCC, which now acts as a censor and violator of freedom of speech, should be restructured into a traffic cop of the airwaves and a protector of private property.

The "argument from scarcity" was invalid in 1924. It is even more so today when there are more than 8,000 radio stations, all sorts of TV stations, plus the virtually unlimited number of channels made possible through UHF (Ultra High Frequency), cable, and satellite transmission.

One last thought. What government has done to the broadcasting industry, government is now doing to coal and all other energy and mining industries—e.g., by smothering them in red tape, by withdrawing land from mineral exploration, by making noises about nationalizing oil or some other energy industry, and, as I will discuss next month, by continuing a disastrous moratorium on the leasing of coal lands. To repeat: without property rights no other rights are possible.●

---

## FISCAL YEAR 1981 BUDGET

---

## HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. HILLIS. Mr. Speaker, since the President submitted his fiscal year 1981 budget, we have all heard repeated claims from high ranking administration officials that the budget is stringent. The President claims his budget illustrates a continued strategy of restraint. The President also claims that the long decline in real spending for defense that began in 1969 has been reversed. Moreover, he states he is committed as a matter of fundamental policy to continue real increases in defense.

Unless one takes the time and effort to study the figures contained in the budget, the President's statements sound encouraging. Unfortunately, however, the truth of the matter is that the President has no real intention of slowing the tremendous growth of the Federal budget; nor do his planned increases in defense spending reflect a commitment to meet Soviet military spending.

The President's fiscal year 1981 budget recommends outlays of $615.8 billion, of which $146.2 billion goes for defense and $469.5 billion toward nondefense items. In studying the President's future budget estimates, it is extremely difficult to find any sign of restraint. For example, in fiscal year 1983—just 2 years from now—the President estimates total outlays of $774.3 billion—an increase of $158.5 billion. In other words, in just 2 years the President hopes to increase the budget by about 25 percent. In fiscal year 1983 the President anticipates defense spending to be $185.9 billion, or an increase of $39.7 billion. For nondefense spending the President anticipates the fiscal year 1983 budget to be $588.5 billion for an increase of $119 billion—three times the increase in defense spending.

The American people are more than willing to spend a few extra dollars to improve the defense capabilities of the United States. No American wants to see the United States become a second-rate country. However, the American people are tired of paying for poorly administered social programs designed to transfer wealth away from the middle class. We must take the burden of excessive government off the back of the working man instead of dreaming up programs designed to increase nondefense spending by $119 billion in just 2 years.

The American worker cannot afford for the Congress to be fooled by the rhetoric of a President seeking reelection. We must look closely at the figures in the budget. The President intends to keep defense spending well below what will be needed to respond to the Soviet's continued military buildup. It is quite obvious that the President plans to see nondefense spending continue to increase at astronomical rates.

If the Congress is to begin to reverse the trend which has been set by the President, we only need to refer to section 7 of Public Law 95-435 which states:

> Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

If we do not maintain an adequate military strength and balance the budget, all the subsidy programs in the world will not increase the standard of living or the quality of life for anyone in the United States. Inflation and the deteriorating international influence of the United States will more than offset the effects of those programs while spelling the end of the middle class.●

---

## TITLE I REVISION GAINS SUPPORT

## HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. RATCHFORD. Mr. Speaker, during the 1st session of the 96th Congress, the House took a historic step in reauthorizing the Higher Education Act. H.R. 5192, passed by the House on November 7, 1979, reflects a responsible approach to changing national needs in higher education, insuring both access to education for Americans of all incomes through student aid programs and preservation of standards of quality in our institutions of higher education through programs of institutional support. The House and the entire educational community are deeply indebted to BILL FORD, chairman of the Subcommittee on Postsecondary Education, for his tireless work in support of this important legislation.

One of the major and long overdue emphases of the House reauthorization bill is a reaffirmation of the Federal Government's commitment to equal educational opportunity through a new awareness of the needs of nontraditional students. With traditional student enrollments (age 18-22) rapidly declining and with adults attending college in record numbers, a recognition of the role of adults and other nontraditional students in Federal education policy is part of an essential response to the future of higher education in America.

The revisions of the Higher Education Act embodied in H.R. 5192 acknowledge the numerous barriers which still face adults and other nontraditional students in higher education, and places Federal education policy in the forefront of change in the 1980's.

As a member of the House Subcommittee on Postsecondary Education, I had the unique opportunity and honor to contribute to the reauthorization of the Higher Education Act by sponsoring a major revision of the title I program for continuing education and lifelong learning. As embodied in H.R. 5192, this revision focuses a currently diffuse and untargeted program, identifying the needs of nontraditional students and establishing new criteria for program grants which will increase accountability and effectiveness. These revisions have received broad support as an essential step toward equal educational opportunity for adults and for the disadvantaged, and I remain hopeful that the Senate will consider a similar emphasis in its reauthorization work later this spring.

Mr. Speaker, in light of the continuing interest surrounding the revision of title I and the needs of nontraditional students, I would like to take this opportunity to present to the House excerpts of a letter I recently received from Mr. Allan W. Ostar, president of the American Association of State Colleges and Universities, following AASCU's annual meeting late last year. At this annual meeting, the membership of the American Association of State Colleges and Universities unanimously approved a resolution endorsing the title I revisions of H.R. 5192, and the text of that resolution also follows:

[Excerpts of letter from Mr. Allan W. Ostar]

JANUARY 11, 1980.

Hon. WILLIAM R. RATCHFORD,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. RATCHFORD: I am pleased to forward a resolution supporting the reauthorization of Title I of the Higher Education Act as passed by the U.S. House of Representatives in H.R. 5192 which was adopted by the membership of the American Association of State Colleges and Universities at its 19th Annual Meeting held recently in San Antonio, Texas.

AASCU, through the leadership of its Committee on Career Education, has taken a keen interest in making the appropriate postsecondary educational services available to adults of all circumstances seeking to improve their occupational status or in other ways become more productive and useful citizens. Led by Chairman Robert Swanson, Chancellor of the University of Wisconsin-Stout, the Committee has developed a comprehensive statement defining the concept of career education and sponsored three national conferences to enhance the dialogue on this important topic.

We are pleased that the new Title I makes support for postsecondary continuing educational services explicit federal policy and hope to work with you for its final enactment.

Sincerely,

ALLAN W. OSTAR,
*President.*

### TEXT OF AASCU RESOLUTION ADOPTED ON NOVEMBER 20, 1979

Whereas, American Association of State Colleges and Universities has recognized the value of Career Education by Adoption of the statement on Career Education at its 16th Annual Meeting in 1976 and the sponsorship of three National Conferences on Career Education; and

Whereas, AASCU has accepted, by resolution, the concept that Career Education is a life-long process which can be aided by educational experiences throughout one's lifetime; and

Whereas, Federal support is necessary to promote access to postsecondary educational opportunities for adults who face barriers to participation in existing postsecondary programs; and

Whereas, the revision of the Higher Education Act of 1980 offers a unique opportunity to address the special needs of adults in postsecondary education and to create a comprehensive system of service delivery which complements existing federal initiatives for career education at elementary and secondary levels; therefore be it

Resolved, that the AASCU endorses the reauthorization of Title I of the Higher Education Act as passed by the U.S. House of Representatives in H.R. 5192, and urges the U.S. Senate to approve similar legislation addressing the needs of adults whose educational needs have been inadequately served; be it further

Resolved, that the AASCU expresses its support for a Title I revision which offers federal support only to education programs at the postsecondary level, and its interest in the promulgation of Federal regulations upon enactment of the Higher Education Act which are clearly consistent with this congressional intent; finally, be it

Resolved, that the AASCU strongly supports the development of postsecondary education initiatives to serve adults in cooperation with business, labor, and other organizations and institutions interested in the special needs of adults, and encourages state administration of the Title I program in a manner designed to promote and facilitate such cooperative relationships.●

---

## THE SOVIET INVASION OF AFGHANISTAN: QUESTIONS AND ANSWERS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 30, 1980, into the CONGRESSIONAL RECORD:

### THE SOVIET INVASION OF AFGHANISTAN: QUESTIONS AND ANSWERS

On my most recent visit to the Ninth District I spoke with scores of Hoosiers about the Soviet invasion of Afghanistan. People were angered by the invasion and wanted to know what it meant for the United States and the rest of the world. The following are just a few of the questions that Hoosiers are asking today:

#### WHY DID THE SOVIET UNION INVADE AFGHANISTAN?

The movement of Soviet troops into Afghanistan was based on a decision not to permit the nation to fall from the Soviet orbit. I really do not know whether the Kremlin acted solely for local reasons—so as not to lose Afghanistan—or whether it also acted for strategic reasons—so as to thrust closer to the oil of the Persian Gulf and avoid encirclement by hostile governments. It does seem to me, however, that with the oil at stake we must prudently acknowledge that the Soviets, by seizing Afghanistan, have positioned themselves to exert influence over Iran, a country presently on the verge of chaos. Experts on the Soviet Union have always wondered whether the Soviets seek to dominate the world through military conquest, or whether they seek only to achieve maximum security for their borders while exploiting "targets of opportunity." In my judgment, the Soviet Union hopes to dominate the world by military force but does not genuinely expect to do so. It maintains a healthy respect both for its own weaknesses and for the strengths of the United States and the West. In any event, a firm American response to the invasion is imperative.

#### IS THE INVASION RELATED TO OTHER EVENTS ON THE WORLD SCENE?

The invasion did not occur in a vacuum. Ties between the United States and the Soviet Union have been strained in recent months with the delay of Senate action on SALT II, American moves both to establish diplomatic relations with China and to give Peking economic concessions ahead of Moscow, the emphasis we have placed on violations of human rights in the Soviet Union, and the decision of our allies to deploy modern, nuclear-tipped missiles in Western Europe. For their part, the Soviets have maintained their own troops in Cuba and have sponsored Cuban expeditionary forces in Africa, among other things. My belief is that prior to the invasion the Soviet Union had reached fundamentally pessimistic conclusions about its relations with the United States. It was prepared to take the risks of intervention in Afghanistan. The Soviets may well have miscalculated the depth of our anger.

#### HOW WILL THE INVASION AFFECT U.S.-SOVIET RELATIONS?

The Soviet decision to intervene militarily in Afghanistan will send our relations with the Soviets into a protracted, downhill slide. It is probable that the two countries will allow a major freeze in relations that could last for an extended period. One certain result of the invasion is that the world has become a more dangerous place. The outlook is for large increases in military budgets and arsenals, a serious threat that small wars will involve the superpowers, and a greater likelihood that nuclear weapons will spread to nations in the Third World.

#### WILL WE NOW RETURN TO THE COLD WAR?

I do not believe that we are returning to the days of the Cold War, a period of intense conflict during which each superpower thought that its destiny could be determined apart from that of the other superpower. My guess is that we will move very slowly back toward detente, with some measure of collaboration between us and the Soviets. It may take us some time to lift U.S.-Soviet relations to the level of cautious dialogue that prevailed before the invasion, but sooner or later we will have to face the difficult tasks of getting along with the Soviet Union and forging economic, cultural, and political links to encourage restraint. Policy must aim to strike a balance between vigilance sufficient to curb aggression and collaboration sufficient to make peace more attractive than war. In my view, we should look on the invasion without exaggeration or panic. It is not the Apocalypse. We have gone through crises with the Soviet Union before, and we will go through them again. The Soviet Union has indeed augmented its power in Yemen, Ethiopia, and now Afghanistan, but the United States has shown that it can compete by improving its position in China, parts of the Middle East, Southern Africa, and Western Europe. A nuclear showdown is not at hand even though competition in recent days has escalated.

#### HOW SHOULD THE UNITED STATES REACT TO THE INVASION?

Our reaction to the invasion is of critical importance. If we take strong steps immediately, we will deter any Soviet move into Pakistan or Iran. Despite strong steps, however, the Soviet Union will probably consolidate its grip on Afghanistan and, in time, will launch a "peace offensive" to try to dampen American outrage. When the peace offensive comes, we must let the Soviets know that they have much to hope for and much to fear from us. The sanctions invoked by the President are intended to penalize Moscow by denying it many of the benefits of U.S.-Soviet cooperation. We are saying to the Soviet Union that the invasion will not be without cost even if the cost is an inconvenience to us. The sanctions can be effective only if the highly industrialized nations, as well as the grain-exporting nations, join us. The problem with sanctions is that almost anything we do will discomfort some Americans—farmers will be hurt by the grain embargo, businessmen by the ban on sales of technology, and athletes by the boycott of the Olympic Games.

NOTE.—I will continue to discuss the Soviet invasion of Afghanistan in subsequent newsletters.●

---

## COMMENDING THE COMMUNITY SERVICES DEPARTMENT

### HON. JIM LLOYD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. LLOYD. Mr. Speaker, the elimination of poverty in America will require the development and implementation of innovative/cost-effective programmatic approaches at the local level.

It is for this reason that I commend the Community Services Department—the War on Poverty Agency for San Bernardino County. CSD has achieved national recognition for its cost-effective, innovative programing.

The following is an article from a newspaper in my district that provides the specifics:

[From the Highlander Community News, Aug. 22, 1979]

### SAN BERNARDINO COUNTY COMMUNITY SERVICES DEPARTMENT—AN INTERVIEW WITH THE DIRECTOR

In 1964, the President of the United States signed into law the Economic Opportunity Act establishing the Office of Economic Opportunity—OEO. OEO's mandate was to "wage a war on poverty" through community action, advocacy, and the delivery of program services to the poor of this Nation.

The success of the war on poverty is dependent upon a national network of over 850 community action agencies. The Community Services Department of San Bernardino County is part of that national effort.

Rodolfo Castro has been executive director of the community services department since Dec. 1976 and this interview presents program information and assesses the progress of the department over the past two years.

Question. What is the community services department?

Answer. The community services department is the "war on poverty" agency for San Bernardino County. We are a public CAP under the administrative framework of the San Bernardino County board of supervisors, and consistent with federal guidelines, a community action board functions as the policymaking body for the department.

Question. What are the objectives of the community services department?

Answer. CSD's objectives are:

1. To plan, develop, and implement cost-effective human service programs designed to alleviate poverty in San Bernardino County.

2. To function as an advocate on behalf of San Bernardino County's poor people.

3. To build community self-sufficiency and dignity.

Question. What kind of programs is CSD operating?

Answer. The Community Services Department is currently administering a diverse combination of human service programs designed to deal with the complex problems of poverty—nutrition, transportation, energy conservation, food stamp outreach, youth opportunities, neighborhood projects, grassroots women, Indian opportunities, handicapped access, manpower, etc.

Question. How would you assess CSD's future?

Answer. Outstanding!

—Graciela Olivarez, national CSA director, visited CSD in order to review our programmatic accomplishments.

—CSD has received over a million dollars from San Bernardino County in CETA support.

—CSD has developed and marketed a totally integrated computerized fiscal system—the first in the CAP world.

—The Grassroot Women's Program is becoming a national model.

—We are holding the annual CAL/NEVA conference in San Bernardino next Spring.

The long hours put in by the CSD Administering Commission, management, and staff is producing results. CSD is considered one of the outstanding CAPs in the nation—we plan to continue to work hard to keep it that way.●

## AMERICAN PRODUCTIVITY FALLS

### HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

**●** Mr. CORCORAN. Mr. Speaker, I view with alarm yesterday's report by the Department of Labor that American productivity declined by 0.9 percent during 1979. This compares with an increase during 1978 of 0.5 percent. During the 1960's, the American productivity growth rate averaged 3.2 percent per year.

I have long felt that the best approach that could be taken by the private sector in terms of reducing inflation—now over 13 percent a year—would be to improve productivity. At the same time that we complain about the increasing levels of imports from foreign countries, we settle for declining rates of productivity in the United States. Not too long ago, those of us concerned about the status of productivity in the United States were expressing our concern about decreasing productivity growth rates. Now, however, it is not just a matter of decreasing productivity growth rates.

Rather, American productivity is actually declining. In the face of significant productivity growth in foreign countries, notably Japan and West Germany, is it any wonder that those countries can produce, transport, and pay duty on manufactured goods less expensively than we in the United States can produce and sell manufactured goods to ourselves without having to pay the costs of transportation and duty? The days of being able to blame our increasing level of imports on "slave labor" are over. Japan and West Germany, for instance, are not noted for having the low standards of living that the term "slave labor" implies. Until we begin to really focus our attention on the importance of productivity in this country, I believe that the poor performance of our economy will continue.

For the benefit of my colleagues, I include in the RECORD at this point a January 29 Washington Post article by Art Pine entitled, "American Productivity Falls."

AMERICAN PRODUCTIVITY FALLS

(By Art Pine)

The productivity of American workers slumped further last quarter, posting an 0.9 percent decline for 1979 as a whole—only the second yearly drop since just after World War II—the government reported yesterday.

Labor Department figures showed that output per workhour plunged at a 1.6 percent annual rate between October and December, following a series of declines ranging between rates of 1.3 percent and 3 percent.

The 0.9 percent drop for the year was the first since 1974, at the start of the last recession, when overall productivity plummeted 3 percent. The last yearly drop before that was in 1947.

At the same time, the department reported that first-year wage increases in major collective bargaining settlements averaged a moderate 7.4 percent in 1979, despite a staggering 13.3 percent inflation rate.

The performance of productivity is important to the nation's ability to dampen inflation. Without gains in output per workhour, business cannot easily absorb higher wage costs without also raising prices.

Yesterday's report showed the 0.9 percent drop in productivity helped push unit labor costs up a sharp 10.4 percent for 1979 as a whole—a factor that is likely to result in further upward pressure on prices later.

Economists have not been able to agree on precisely what is causing the decline in productivity. Explanations range from a lack of adequate investment to a shift in the economy away from manufacturing and more toward services.

The restraint reflected in the figures on major collective bargaining settlements was especially encouraging to administration economists. The White House had been fearful that the price surge might "spill over" into wage hikes.

The 7.4 percent average for 1979 actually was lower than that of the previous year, when first-year settlements average 7.6 percent. The figures do not include the impact of cost-of-living escalator clauses.

Moreover, analysts said the wage increases negotiated in 1979 were likely to serve as a pattern for settlements in 1980 and 1981 as well. Yesterday's data covered 3.3 million workers in 558 local units of 1,000 workers or more.

As has been the case for several quarters, productivity performance varied widely among sectors of the economy. Output per workhour in the nonfarm economy declined 1.2 percent last year, but manufacturing productivity rose 1.8 percent.

The 1.6 percent-rate decline for the fourth quarter of 1979 came in the face of a sharp increase in the number of hours worked and only a moderate rise in overall economic output.

The drop marked the fourth consecutive quarter that overall productivity has declined. In 1978, productivity edged up 0.5 percent after dipping in the first quarter of the year and then rebounding later on.

The marked slump in productivity is a relatively new phenomenon for the U.S. The average productivity gains here in the early 1960s used to be 3.2 percent a year.●

## MORE ON IOC POLITICS AND TAIWAN

### HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

**●** Mr. SOLOMON. Mr. Speaker, Jack Anderson's daily column in the January 30 Washington Post sheds a great deal of light on the perfidious conduct toward a good friend, the Republic of China, perpetrated by the chief of the International Olympic Committee, Lord Killanin. Killanin, while critical of President Carter's alleged political motivation in opposing Moscow as the site for the 1980 games, has certainly been, according to Anderson "up to his biceps in politics" in his handling, in 1977, of the Red Chinese demand to drive Taiwan from the games. Anderson's sleuths have uncovered and documented that sordid story, one that should be read by all of my colleagues who are truly interested in fair play.

The article follows:

IOC HEAD FLEXES POLITICAL MUSCLE

The sanctimonious stance taken by Lord Killanin, head of the International Olympic Committee, opposing as politically motivated President Carter's move to stymie the summer games in Moscow, smacks of sheer hypocrisy.

The IOC under Lord Killanin has been up to its biceps in politics.

"It is not the business of the IOC to get involved in politics," the Irish peer haughtily proclaimed when Carter advocated punishing the Soviet Union for its rape of Afghanistan by moving the huge sports spectacular from Moscow.

But Killanin is no simon-pure amateur when it comes to playing politics with the Olympic ideals. A confidential transcript shows that in 1977 he coached the Red Chinese sports commissars in plotting strategy to drive Taiwan out of the Olympics by imposing humiliating conditions on Taiwanese athletes.

Secret minutes of the six-day session in Peking reveal Killanin as a strong advocate of the communists' replacing the Nationalist Chinese in the 1980 Olympics. The mainland Chinese refused to participate if the Taiwanese were allowed to compete.

"I personally understand your views on one China, but this needs a lot more explanation and work," Killanin confided to Lu Chin-Tung, boss of the All China Sports Federation. The "work" he referred to was persuading the IOC's voting members to substitute Red China for Taiwan. "I believe an IOC vote would not be able to expel Taiwan tomorrow morning," Killanin cautioned. "As president, I will move as fast as I can, but it is really a matter of hastening slowly."

Wined and dined at epicurean Oriental banquets during his stay in Peking, Killanin obliged his hosts by giving them a copy of the Taiwanese argument "for your help if you want to make a counter reply."

When a Japanese official accompanying Killanin urged the Chinese to accept training films made by international athletic federations into their sports libraries, Killanin heartily seconded the motion. It would, he said, be a good device "to bring pressure to bear on those [federations] which do not recognize China."

For an avowed nonpolitical sportsman, Lord Killanin proposed an effective political strategy for his communist friends. In 1979, the IOC recognized the People's Republic of China as the official Chinese member of the competition, and ruled that Taiwanese athletes would be forbidden to fly their own flag or have their national anthem played at the 1980 games.

When the Taiwanese protested this humiliating decree, as Killanin knew they would, the IOC conducted a referendum by mail of its members. Accompanying the postal ballot was a misleading State Department letter—later disavowed—citing U.S. withdrawal of recognition from the Nationalist Chinese.

The mail balloting upheld Killanin's political power play, 62 to 17, and his decision is expected to be railroaded through a formal ratification at the IOC session to be held before the Lake Placid, N.Y., Winter Games open next month.

The Taiwanese have gone to court in Switzerland trying to block the outrageous surrender terms imposed on them by the holier-than-thou Olympic overlords. They lost the preliminary action but have appealed to a higher Swiss court.

Footnote: We called the International Olympic headquarters in Switzerland to ask for Lord Killanin's comments. But an IOC spokesman told my associate Sam Fogg that his lordship was unavailable.●

## SENATOR KENNEDY'S COMPELLING SPEECH

### HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. ASPIN. Mr. Speaker, I rise to commend Senator Kennedy for his compelling speech delivered Monday at Georgetown University, and to urge every Member to read it carefully. I agree with the Senator that we must have a full debate of the so-called Carter doctrine. Dissent is the essence of democracy, and if a policy cannot withstand public criticism, it is not worthy of public consensus.

Senator Kennedy naturally agrees with President Carter—as must we all—that the Soviet invasion of Afghanistan is a vile, inexcusable violation of all that is decent in international behavior. But one must also wonder, with the Senator, whether President Carter's own erratic, unreliable, zigzag diplomatic practices might have encouraged the Soviets to risk that final plunge across the border. And surely one must wonder whether President Carter's rapid and radical about-face in his attitude toward the Russians, toward military spending and toward détente might be premature and excessive, a hasty overreaction to what the President may consider an embarassing personal affront.

Senator Kennedy notes, correctly I think, that while we must deploy and maintain the necessary military forces to deter the Soviets from any further incursions in the gulf region, we must also keep open the door of détente. As President Carter himself said many times, SALT II is no favor to the Soviets; it is in our interests. Indeed, at times of crisis and tension, the degree of certainty and restraint provided by arms control treaties takes on heightened importance. While we must show the Soviets that we will not tolerate repeats of their recent behavior, we must also show them incentives to engage more actively in international cooperation.

The Senator also points out that in our rush to arm all potential foes of the Soviet Union in the Southwest Asian region, we must take care not to ignite regional conflict among those countries with whom we have made this convenient alliance. Conflicts in that region are age-old and unlikely to vanish simply because all parties will now receive their weapons from a single source, the United States. Just as important as short-term military aid is a long-term program of economic assistance and political cooperation, to minimize the sort of disunity and chaos that the Soviets are so adept at exploiting. The Carter doctrine says very little about this, even though it constitutes the most credible and dangerous threat in the Persian Gulf region.

The Persian Gulf is critical to our interests for two reasons: First, it harbors a hefty concentration of the Western world's oil supplies. Second, we consume a hefty percentage of those supplies. To deal with this problem, we can insure the continued supply or reduce the growing demand. Both are equally important. Yet the Carter doctrine says nothing about any commitment to go beyond the rather half-hearted gestures this administration has thus far made to reduce oil demand substantially.

This is particularly regrettable since the current atmosphere of crisis has led many politicians to realize that the American people are willing to sacrifice on behalf of larger interests and ideals. As Senator Kennedy said:

> President Carter may take us to the edge of war in the Persian Gulf. But he will not ask us to end our dependence on oil from the Persian Gulf.

Senator Kennedy's speech deals with the major issues of the day. His words reveal a capacity for leadership, for excavating the untapped resources of our Nation's citizens, for understanding the important distinction between symbolism and policy, for seeing the vital relationships between domestic and foreign policy, for making courageous decisions on both.

The same, regrettably, cannot be said for what has thus far been enunciated as the "Carter doctrine."●

## TRIBUTE TO WILLIAM O. DOUGLAS

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 22, 1980*

● Mr. DELLUMS. Mr. Speaker, William Douglas served on the Supreme Court during some of the most tumultuous years of our Nation's history. Throughout his tenure, he was a guardian of the Bill of Rights; an indomitable man who never let the phobias and paranoias of the time deter him from the path of justice. Douglas fully understood, perhaps more than any of the Justices of his time, that civil rights and liberties are the underpinnings of a democracy. Freedom was his passion and he made every effort to see that the freedom of all Americans was perceived and preserved.

Douglas started to make his mark in civil liberties during the McCarthy era. While many leaders were hysterical over an imagined red threat, Douglas dissented in Dennis against United States, a case which convicted members of the Communist Party for conspiring to teach Communist theories. The conviction was the result of what the Court had perceived as a "clear and present danger" to the country by the defendants' activities. Nearly 20 years later, Douglas wrote that in times of peace there was:

> no place in the regime of the First Amendment for any "clear and present danger" test. . . When one reads the opinions closely and sees where and how the . . . test has been applied great misgivings are aroused. First, the threats were often loud but always puny and made serious only by judges so wedded to the status quo that critical analysis made them nervous. Second, the test was so twisted and perverted in *Dennis* as to make the trial of the teachers of Marxism all all-out political trial which was part and parcel of the cold war that has eroded substantial parts of the First Amendment.

During the years of the Warren Court, Douglas was more often on the side of the majority. He was one of the first judges on the Court to want to grant review of the desegregation cases. Several of his previously written dissenting opinions formed the basis of the Warren Court's Miranda decisions which extended constitutional rights to prisoners and suspects. However, he opposed the Court's conviction of student demonstrators engaging in mass protest. His constant objective was to let the people be heard:

> Legislators may turn deaf ears; formal complaints may be routed endlessly through a bureaucratic maze; courts may let the wheels of justice grind very slowly. Those who cannot afford to advertise in newspapers or circulate elaborate pamphlets may have only a more limited type of access to public officials. Their methods should not be condemned as tactics of obstruction and harrassment as long as the assembly and petition are peaceable . . .

In more recent years, Douglas granted the defense a stay of the proceedings in the Ellsberg Pentagon Papers trial. He saw the Court overturn the death penalty, as he had advocated years before. He was one of the first public officials to speak out against the Vietnam war and to call for the recognition of the People's Republic of China. He formulated the concept that an individual "right to privacy" was inherent in the Constitution. This concept formed the basis of Court decisions which prevented or curtailed

Government intrusion into the areas of contraception and abortion.

Douglas was a conservationist long before it became fashionable. He was a strong and daring outdoorsman all of his life. He wrote extensively on his wilderness experiences and even promulgated a wilderness bill of rights. This part of him did not go unexpressed on the bench.

It is with great sorrow that we mark his passing. William Douglas made an immeasurable contribution to our public life and our private lives. Because many of his opinions remain as precedent, our Constitution is that much more powerful a document which protects us. We as a nation cannot afford to lose sight of the values for which he stood.●

## CRAZY AS A GOLD BUG

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. PAUL. Mr. Speaker, when a trendy liberal magazine like New York can carry a progold article, we know the forces of sound money are making progress.

And when that article is written by the eloquent Tom Bethell, Washington, editor of Harper's, we can be doubly grateful.

Mr. Bethell's shopping lists would be worth reading, such is his ability, but I would especially like to call this article to my colleagues' attention. We all need to pay attention to it, as the paper money machine starts to break down.

### CRAZY AS A GOLD BUG

(By Tom Bethell)

Gold bugs are people who believe that a worldwide financial disaster is imminent. Steven Beckner, author of The Hard Money Book, talks of a financial "Three Mile Island" in the offing. James Dines, the self-styled "original gold bug," says, "I'm looking for a tremendous financial crisis in this country, but Franz Pick [the dean of gold bugs] is looking for the end of the world." Gold is their fallout shelter.

Swiss bank accounts interest gold bugs, as do Liechtenstein Anstalten (even more private than Swiss accounts). Mountain hideaways, islands, and real estate with no mortgage attached are favorite topics of conversation when they gather at gold-bug conventions (many of them held "offshore," or beyond the reach of Treasury agents). So are water purifiers, dried food, and the shelf life of canned goods. Some gold bugs have a year's supply of food in storage, in accordance with the doctrine of Howard Ruff, the gold-bug author of "How to Prosper During the Coming Bad Years" (nearly 2 million copies in print). Quite a few gold bugs are called "colonel," and they log considerable flying time in their private planes. They are building up their gun collections.

Of course, pessimism is what made the gold bugs so rich to begin with. When the news is bad, when the dollar and the stock market go down, gold goes up. What depresses gold bugs even more than the thought of anarchy and mass starvation is the possibility that good news may send prices down again. Right now their major worry is the oil glut that Sheikh Yamani of Saudi Arabia has promised to deliver by spring.

If you think that the gold bugs are crazy, you are in good company. Many savants have been saying the same thing since gold sold for $35 an ounce. Paul Samuelson, the Nobel-prize-winning economist, wrote in his well-known textbook: "If it were not that gold has some monetary uses, gold's value as a metal would be much less than it is today." Congressman Henry Reuss, the chairman of the House Banking Committee, predicted that gold would drop to $6 an ounce when the United States Government stopped "supporting" its price at $35. They (and others) made the signal mistake of believing that it is the government that imparts value to gold. Gold bugs believe that gold makes people independent of the government.

I decided that I was on the side of the gold bugs the day I finally noticed the phrase "paper money." I realized I must have read it a hundred times in recent months without giving it a second thought. We have, after all, had paper money in America since the Continental dollar of 1775. But these became worthless in short order because too many of them were printed. A politician of the period explained why:

"Do you think, gentlemen, that I will consent to load my constituents with taxes, when we can send to our printer and get a wagon load of money?"

That's the situation we are in today, and that is why the price of gold is going so high. The political situation remains more or less as it was 200 years ago: When money is paper, politicians succumb to the temptation to print too much of it. "The price of gold has been bid up to such heights because inflation is expected to continue at even higher rates," says economist Arthur B. Laffer.

In 1971, the discipline of gold was completely abandoned worldwide for the first time in hundreds of years. Worldwide inflation followed. In August of that year, President Nixon closed the "gold window" of the U.S. Treasury, meaning that foreign governments were no longer permitted to exchange $35 for an ounce of the metal inside Fort Knox. Ownership of gold by U.S. citizens had been declared illegal in 1934. Before that date, citizens could exchange $20.67 of currency for an ounce of gold, or vice versa, whenever they felt like it. That convertibility is what is meant by the "gold standard."

Since 1971, money has expanded faster than economic activity. The problem with paper money is that it is infinite. William Rees-Mogg, a great hero among gold bugs because his respectable position—editor of the Times of London—is so reassuring to them, has written on this point: "One can write down $100 or $100 million . . . on the same piece of paper. There is no shortage of noughts." By contrast, "the quantity of gold is finite. . . . [It] belongs to the family of real economic resources whose exchange it is supposed to regulate."

Despite official disapproval and government attempts to demonetize it, gold made a rapid comeback after Nixon closed the gold window. A succinct explanation for this was given by Harry Browne, a leading gold bug, in his sound book "New Profits From the Monetary Crisis." "When the substitute [gold-backed currency] disappears, people turn to the real thing."

By 1975, U.S. citizens were allowed to own gold again, and more and more gold coins were issued by governments around the world. Overseas sale of the Krugerrand, a one-ounce gold coin issued by the South African government, had already begun in 1970. Other nations followed suit, most notably the Soviet Union, whose first leader had predicted that gold would eventually be used to plate lavatory walls. Lenin's successors had second thoughts and in 1975 issued the Chervonetz, a quarter-ounce gold coin. (One of the nicer ironies of the gold rush is that more than 80 percent of the world's gold is mined in these two unloved nations.)

The Soviet coin has not sold well, however, according to Leslie Deak, a vice-president of Deal-Perera, the coin and bullion dealer. Part of this is due to politics, part to the high premium (about 15 percent above the cost of gold). The Krugerrand accounts for about 90 percent of the gold-coin market, a testament to the power of advertising. "It has been very successfully promoted by the International Gold Corporation," Deak said.

Deak is bullish about gold, perhaps understandably. "It looks like it's going to go to a thousand before the Dow-Jones," he said. Gold supply is roughly constant. (The South Africans are not producing more in response to the higher price; instead they are using the extra money to mine hard-to-reach gold.) On the other hand, potential demand is huge. "Pension funds and even college kids are only beginning to invest in gold," Deak said.

I was glad to hear Deak's estimate of the market because I had bought a Kruggerand a few days earlier; it cost $612—that day's gold price plus an 8 percent premium. (Since then the market has grown more frenzied. Gold gained more than $100 in a single day to move above $800 an ounce. And in one day last week it dropped more than $100 to move back into the 600s.)

Before buying I consulted James Dines's newsletter. I was relieved to find, in his year-end issue, that the famous gold bug still had not transmitted his "much vaunted, one-and-only, all-out gold and silver sell signal," that "Major Top" still lay in the future. "Vow now to follow us out of the precious metals at that time," Dines added. (Into what, though? Not dollars, surely? Nevertheless, I vowed.)

Dines has been ridiculed, but you have to admit it takes nerve to tell people to buy gold at $35 (as he did), see the price go up past $600, and still counsel against selling. A persistent Dines critic has been Andrew Tobias, who told Esquire readers in November 1978 that to buy gold at that time you would have to be "a horse's ass, perhaps." Gold was then $227 an ounce. Dines won that bout, I believe.

The tremendous price run-up has nevertheless unnerved many gold bugs. Thomas W. Wolfe, the former director of the Treasury's Office of Gold and Silver Operations, who now puts out a newsletter himself, recalls attending an offshore (Acapulco) gold-bug convention last summer, when gold was still below $300. "Six out of seven gold bugs speaking from the platform warned that gold was due for a downward move," Wolfe recalls. Howard Ruff sent out a sell signal last September. "If you're going to be a gold bug, stick with it." Wolfe regards gold bugs as people with good instincts that tend to break down when they become analytical. He himself is bullish about gold, seeing it going into the thousands of dollars per ounce.

One of the things that really enrages gold bugs is the attempt by the Treasury to knock down the price by periodically selling off another slice of the U.S. gold reserve, which is currently measured at 265 million fine troy ounces, or more than 8,000 tons. It is by far the largest reserve in the world, although it was much larger in 1950 (21,000 tons).

About half of this reserve is kept in Fort Knox, and "a big chunk of it," according to Wolfe, in the New York Assay Office in Manhattan. The rest is in Denver and San

Francisco. Gold bugs worry that this stock may not really be as large as the government claims. Antony Sutton, who wrote "The War on Gold," notes that U.S. gold "is presumed to be in Fort Knox. There is skepticism about the existence of a U.S. gold stock which has not been physically audited in decades." This is something to think about.

The U.S. government's attempt to depress gold prices by selling off reserves has not worked because it has no effect on the cause of gold's resurgence—the weakness of the dollar. Even worse, the temporarily lower price gives gold bugs a chance to jump in and buy even more gold.

"The time to buy gold is on the day the Treasury holds a sale," Dr. Wray Krunkle, a vice-president of Wheat First Securities, told me. He believes that Arab investors have been "leaning on the Treasury" to hold more sales so that they can buy into the market again at a reduced price.

For such reasons, Thomas Wolfe considered it unlikely when I spoke to him that the Treasury would hold further gold sales in the immediate future. And Treasury Secretary G. William Miller indicated recently that no gold sales were imminent "in this very unsettled and rather uncharacteristic period."

In addition to being counterproductive, the gold sales have become politically unpopular. Senator Jesse Helms, for one, is hopping mad about the whole thing. He has introduced legislation to require congressional approval of Treasury gold sales.

I visited Helms's office on Capitol Hill one day to see his economic counsel, Howard Segermark, who perhaps knows as much about gold as anyone in Washington. (Nelson Bunker Hunt, recently in the news for having cornered a sizable portion of the world's silver market, was closeted with Helms at the time of my visit.) Last year Congress passed the Gold Medallion Act and this year will be putting on the market 1 million ounces of U.S. gold medallions. Segermark told me that this year there may be a change. "Legislation will be considered to revise the gold medallion into something more like an American Krugerrand," he said. Senator Helms is also expected to introduce a bill proposing a return to the gold standard. Such a bill almost certainly would not pass in this Congress, but it is a measure of the gold comeback that it can even be discussed.

I had wanted to meet Dr. Franz Pick ever since I heard that he had received a two-minute standing ovation at a recent gold-bug convention for saying that Michael Blumenthal, the former Treasury secretary, should be imprisoned for his crimes against the dollar. If nothing else, I could find out his opinion of G. William Miller ("An imbecile. Up to his elbows in manure. How can we have such a man as secretary of the Treasury?"). I called Dr. Pick, who said he would give me fifteen minutes of his time.

Pick publishes "Pick World Currency Report" out of an office at the southern tip of Manhattan. A wallpaper of his own design, reproducing defunct paper currencies from various nations and ages, covers his walls. When you meet Pick, you finally understand the phrase "gnome of Zurich." He is gnarled, grizzled, and small, and was born in Austria-Hungary in 1898. He was wearing a staid, well-cut banker's suit. An unfolded copy of Le Monde lay on his desk. His voice was soft, his accent Central European. Pick came to America in 1941, and he has watched things go downhill ever since.

"The destiny of every currency is devaluation," he whispered, explaining that he, perhaps alone in the United States, understands currency theory. "But gold has no master. It is invincible." He pointed to a reproduction of the Continental dollar on his wall. "It became almost valueless within four years. Then Mr. Franklin became ambassador to the court of Versailles, where he started to pussyfoot with Danton and Robespierre. 'You boys are going to start a revolution?' he said. 'Issue fraudulent currency as we did.' "

I asked him how high gold was going.

"You know I have underworld contacts?" he replied. "An underworld man told me: 'The federal government will let the gold price go to $1,000.' That corresponds with my ideas. Put down mini-dollars, please. One thousand mini-dollars."

The phone rang. Someone was keeping Pick up to date on the gold price that day. It had gone up to $645. "Forty-five," he repeated, and there was a ghostly gleam of pleasure in his eyes. "I told you it would go to $2,000, didn't I?"

He turned back to me and said: "I am in despair analyzing the trends month by month. Things will get much worse. We will have an elegant state bankruptcy. That is the plan. I wrote this pamphlet three years ago, and I did not get one write-up in the U.S. press." He handed me a copy of "The U.S. Dollar: An Advance Obituary." (He sells it for "42.22 paper dollars per copy," the outmoded price at which the Treasury still values each ounce of its gold reserves.)

"After 40 years of correct forecasts, all the U.S. Treasury wanted to do was put me in jail," he said.

I asked what for.

Pick waved a deprecating hand. "Monetary anarchy or something," he replied.

He told me he bought Krugerrands when they first came out—he happened to be in South Africa at the time—and he bought some more last week. "I am a very wealthy man," he allowed. "I have gold and silver, but I cannot be taxed on it because I have never sold." Another ghostly gleam.

Then he had to leave for a meeting uptown, but he offered me a ride in his limousine. He gave his chauffeur the good news about the gold price.

"What goes up must come down," the man said.

"No, no, never," said Pick as we settled into the backseat.

As we went bumping along the dilapidated streets toward midtown Manhattan, I suddenly thought: How strange! Here I am . . . limousine, chauffeur, sitting next to an elderly, convincing replica of a Zurich gnome, a proponent of gold, and these people are, considered crazy, called "gold bugs." . . . The gold standard: Doesn't that conjure up the Edwardian banker, sable-trimmed greatcoat, pillar of the community. . . . If gold bugs are "crazy," I reflected further, doesn't that tell us more about our topsy-turvy times than it does about . . .

Pick broke into my thoughts. "In 1941 already I predicted the end of the dollar," he said. "I was married to an American lady, and her family sent me to see a shrink because I said the dollar was going to go kaput." Then he listed the four paper currencies whose destruction he had lived through, beginning with the Austrian krone.

"The dollar today is worth 6 cents," he said, looking out of the window. "It will fade into nothing. This year probably." Then a brighter thought struck him. "You may not believe me," he said, "but one of my clients is a very senior Jesuit, sometimes called 'the black pope.' "

"And?"

Pick leaned over and whispered. "He's for gold. For God first, but also for gold." Gold, I felt, was in safe hands.●

## OMB/OPM FINAL REPORT CITES IMPORTANCE OF PRODUCTIVITY

---

## HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. CORCORAN. Mr. Speaker, a final report to the National Productivity Council entitled "Federal Actions To Support State and Local Government Productivity Improvement" was released earlier this month. This November 1979 report resulted from the efforts of a study team cochaired by the Office of Management and Budget and the Office of Personnel Management.

I am happy to note that one of the nine recommendations made closely corresponds with legislation I have introduced with Congressman PAUL SIMON. The Intergovernmental Productivity Improvement Act of 1979 was introduced as H.R. 2735 in the House on March 8, 1979, and S. 1155 in the Senate by Senator CHARLES PERCY on May 15, 1979.

Our legislation would amend the Intergovernmental Personnel Act of 1970 by authorizing this program to make grants in the area of productivity improvement. This expansion of authority would improve the way in which Federal grants are utilized in conjunction with State and local governments by emphasizing efforts which improve productivity. Productivity improvement offers a real opportunity for maintaining or increasing the level of services without necessarily increasing taxes.

The final report also recognizes the importance of the Federal grant-in-aid system and states:

> . . . the mechanics of the grant-in-aid system itself have a negative effect on State and local productivity.

The final report concludes that these two needs—improving the grants system and rationalizing existing and future productivity support activities—should receive priority attention.

Recognizing the importance of the grant-in-aid system, especially in terms of productivity, I joined Congressman LES AUCOIN in introducing H.R. 4504 on June 18, 1979. Companion legislation, S. 878, was introduced on April 4, 1979, by Senator WILLIAM ROTH. This legislation would streamline and simplify Federal grant programs.

I commend the final report's finding that—

> The Federal . . . has vested interest in State and local government productivity improvement. State and local governments play a vital role in accomplishing specific national objectives and carrying out federally mandated programs. It is incumbent on the Federal Government to see that these dollars are spent wisely, and that future requirements reflect the effective and efficient use of Federal tax dollars by State and local governments.

For the benefit of my colleagues, I include in the RECORD at this point the section of the report entitled, "More Effective Capacity Building Assistance." This section discusses the merits of H.R. 2735/S. 1155, the Intergovernmental Productivity Improvement Act of 1979. Following this excerpt, I include the conclusions and recommendations of the report. Listed among the nine recommendations is recommendation 2, which recommends that the nature of the IPA program be amended in a way similar to the proposal embodied in H.R. 2735/S. 1155.

The material follows:

### MORE EFFECTIVE CAPACITY BUILDING ASSISTANCE

In summary, current Federal programs that support State and local government management capacity building do not represent a comprehensive program effort, as they cover only a limited number of management responsibilities. The only activities currently supported by capacity building efforts are personnel management, financial management, labor-management relations, and planning.

Recent studies have noted this shortcoming and have recommended that the Federal Government take steps to strengthen its management capacity building assistance to State and local governments. Strengthening Federal support would involve—at a minimum—expanding support eligibility to all management activities. While there are several ways that this could be done, building on existing programs—particularly the IPA and HUD programs—would appear to be the most logical approach.

Amending the Intergovernmental Personnel Act to authorize grants and cooperative agreements for general management improvements is the approach most often recommended. The basic framework and characteristics of the IPA program would remain intact, except that the range of management areas eligible for IPA assistance would be expanded to include policy planning, organizational development, financial management, information systems, program evaluation, and other management activities.

Legislation has been introduced in the Congress (H.R. 2735 and S. 1155) that would authorize grants under the IPA for productivity improvement projects. It would appear to be more desirable to authorize IPA grants for general management improvements, which would include productivity improvement as well as other management projects. This would give maximum flexibility to the funding of projects. Giving priority to productivity-enhancing projects could result from OPM and State and local government determination of criteria for project assistance.

The legislation also would authorize Federal funding of 90 percent for projects. Federal funding at this level is not appropriate for the "seed money" approach currently used in the IPA program. Almost all the literature emphasizes the need for a high State and local match in such programs in order to assure State and local commitment to the project. A higher Federal contribution could be considered only if the IPA program were re-oriented to emphasize the testing of new management systems and techniques where the potential benefit could extend beyond a single jurisdiction.

Based on the March 1 workshop on State and local productivity and public comments received on the study, the current IPA program is strongly supported by State and local officials. The IPA can be used to support efforts that result in significant cost savings, while reducing the political and financial risks to the jurisdiction. The GAO report on State and local productivity supported the seed money concept, especially in fiscally troubled jurisdictions where Federal support is needed to underwrite start-up costs.

Nevertheless, there are those who feel that seed money projects for individual jurisdictions should be deemphasized in favor of demonstration projects that could have a payoff for a large number of jurisdictions. The arguments for this change revolve around the belief that the available Federal funds should be used in a manner that will benefit the most jurisdictions. In particular, it is pointed out that the $4 million in discretionary funds, now split 50-50 between projects selected by OPM headquarters and those selected by the ten OPM regional offices, could be much better spent on "national" research and development projects.

### CONCLUSIONS AND RECOMMENDATIONS

#### *Designation of lead agency*

Designation of a lead agency is a necessary first step in order to rationalize and plan existing and future Federal support of State and local government productivity improvement.

HUD and OPM would appear to be the most logical choices to be the lead agency. Both have existing support programs for State and local productivity and have established working relationships with State and local governments and their associations. As lead agency for the Federal workforce productivity program, OPM would be able to promote the exchange of ideas between the two efforts. Most of the literature and public comment support designating OPM as lead agency.

Recommendation 1: Designate OPM as lead agency.—It is recommended that OPM be designated as the lead Federal agency for State and local government productivity improvement. Two positions and $100,000 should be devoted to this activity. As lead agency, OPM would be responsible for:

Working with Federal agencies to develop a strategy for Federal support of State and local productivity improvement;

Promoting concern for State and local productivity in Federal programs;

Acting as a point of contact on State and local productivity matters for State and local jurisdictions and professional, public interest, and university-based organizations; and

Reporting annually to the National Productivity Council on Federal efforts to support State and local productivity improvement efforts, beginning in 1980.

#### *Management capacity building*

The Federal Government can make a valuable contribution to State and local government productivity improvement through a management capacity building program coverng all management areas. Amending and reorienting the Intergovernmental Personnel Act, as described in Chapter 3, would be a positive first step. The Office of Personnel Management, in its role as lead agency, could investigate opportunities for other agencies to participate in a capacity building program by taking a lead in a designated management area (e.g., the HUD program for financial management). Additional funding for management capacity building should not be considered until these opportunities and the experiences under the amended IPA program are assessed.

Recommendation 2: Change nature of IPA program.—The National Productivity Council should support an amendment to the Intergovernmental Personnel Act that would authorize grants and cooperative agreements in any management area, not just personnel management. More emphasis should be placed on the awarding of grants for test and demonstration projects whose results could be transferred to other jurisdictions. IPA discretionary funds, in particular, should be used for this purpose.

Recommendation 3: Assess management capacity building programs.—The Office of Personnel Management, in its role as lead agency, should prepare an assessment of management capacity building programs, including the opportunities for other agencies to participate, and experiences under the amended IPA program. This assessment should be included in the 1980 OPM report to the National Productivity Council.

#### *Productivity measurement*

Four possible initiatives in the productivity measurement area were identified: (1) development of new and improved measurement techniques; (2) development and publication of comparative statistics; (3) development and publication of a productivity index for State and local governments; and (4) direct assistance. Two of these initiatives—comparative statistics and a productivity index—would be very expensive and would represent a major new undertaking.

In the other two areas—measurement techniques and direct assistance—there is already significant work under way in the mission agencies. These efforts address the most immediate and basic measurement needs of State and local governments and should be continued and expanded wherever possible.

Recommendation 4: Encourage and assess current efforts.—The Office of Personnel Management, in its role as lead agency, should encourage the mission agencies to continue and, where possible within their own budget priorities, expand current support for measurement efforts in State and local governments. OPM also should work with the Office of Federal Statistical Policy and Standards, Department of Commerce, to consider conceptual problems and issues related to comparative statistics and a State and local government productivity index. The Office of Federal Statistical Policy and Standards would serve as the primary technical adviser to OPM, working closely with other Federal data collection and analysis agencies, such as the Bureau of Labor Statistics, the Bureau of the Census, and the Bureau of Economic Analysis.

Recommendation 5: Use IPA to provide cross-cutting support to measurement efforts.—The Intergovernmental Personnel Act should be used to test new/improved measurement techniques. The Office of Personnel Management, which also has responsibility for the Federal workforce productivity program, should identify "spinoffs" from the Federal program that could be adapted or evaluated for State and local government use through the IPA program.

#### *Improved methods and technologies*

Chapter 5 presented three areas of need for improved Federal support of State and local productivity improvement: (1) needs identification; (2) support for promising technology; and (3) information sharing.

The process for identifying the research needs of State and local governments and making these needs known to Federal departments and agencies should be established on a more permanent basis. The Intergovernmental Science, Engineering, and Technology Advisory Panel, in the Office of Science and Technology Policy, is the best vehicle for identifying research needs, but its level of resources should be made commensurate with its responsibilities. At the present time OSTP supports only one full-time professional staff member for the Advisory Panel. The rest of the ISETAP staff consists of two "detailees" from other Federal agencies.

Recommendation 6: Assign OSTP lead responsibility for research needs assessment.—It is recommended that the Office of Science and Technology Policy take the lead, through ISETAP, in identifying the research needs of State and local governments. An additional two positions and $100,000 should be devoted to this activity.

The Office of Personnel Management should use the results of the needs identification process to encourage the appropriate mission agencies to undertake needed research. This type of operational role would be inappropriate for OSTP. OPM also should encourage the mission agencies to do further testing and evaluation on promising technologies. It is unclear at this time if this effort can be funded through existing programs. A major concern is those State and local government activities—such as public works—that do not have Federal counterparts.

Recommendation 7: OPM working with OSTP, should encourage needed research.—The Office of Personnel Management, in its role as lead agency, should work with OSTP to encourage Federal agencies to undertake research that supports State and local government needs, particularly "breakthrough" technology that could lead to major improvements in productivity.

Recommendation 8: OPM should assess research support.—The Office of Personnel Management should include in its annual report to the National Productivity Council the results of the ISETAP needs identification process, information on programs to meet these needs that are being pursued in the mission agencies, identification of gaps in State and local government research and development support, and recommendations for improvement.

Transfer of information on improved methods and technologies is discussed in the next section.

### *Information sharing*

Improved information sharing is one of the most important actions the Federal Government could take to support State and local government productivity improvement. Since information sharing cuts across many areas, including management capacity building, productivity measurement, and improved methods and technologies, designation of a lead agency to assess current programs and identify opportunities for improvement appears to be essential. This responsibility could be lodged in the Productivity Clearinghouse at NTIS, or it could be assigned to OPM as part of its lead agency responsibilities. NTIS's existing responsibilities and activities argue in favor of building on this base; the program development and coordination aspects of the effort argue in favor of using OPM.

In either case, some additional resources would be required. These additional resources would run in the neighborhood of 2-3 positions and $400,000. This does not include permanent funding for the NSF information networks. An evaluation of future funding of these networks should be included in the overall assessment of Federal information sharing.

Recommendation 9: OPM should develop an information sharing program.—The Office of Personnel Management should take the lead in developing an information sharing program. Three positions and $400,000 are recommended to support this activity. Specific responsibilities would include:

Preparation of a plan for productivity information sharing that incorporates the resources of Federal and non-Federal groups:

Support of information networks for State and local productivity that emphasizes the availability of problem-solving information; and

Preparation of an assessment of Federal information sharing for State and local productivity improvement for inclusion in its report to the National Productivity Council.

### *Resource requirements*

Implementation of the study recommendations would involve five additional positions and $500 thousand for the Office of Personnel Management, and two positions and $100 thousand for the Office of Science and Technology Policy. We believe that the need for further resource increases can be precluded by the better utilization of resources currently devoted to productivity improvement, and by giving higher priority to State and local needs within existing program funding. Resource requests beyond those recommended in this report should be supported by fully documented cost-benefit analyses.

### *Public comments on the draft report*

The public comments received on the draft report primarily were concerned with the level of funding and nature of the IPA program. Most of those commenting felt that if the IPA were amended to include general management assistance as this report recommends, there should be a commensurate increase in funding. The general feeling was that an expanded mandate without a funding increase would adversely affect what is now seen as a successful program for personnel management improvement. Several organizations also objected to the proposed de-emphasis of seed money grants, citing examples of successful projects.

The basis for not recommending additional funding, primarily the need for program planning and experience under a re-oriented IPA, is discussed in Chapter 3. The proposal in that chapter for more funding of demonstration projects recognizes that there still will be a need for seed money grants for projects with high payoff potential for an individual jurisdiction.●

---

## PAUL HENZE'S EMPLOYMENT SHOULD BE TERMINATED

## HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Ms. HOLTZMAN. Mr. Speaker, I have already addressed the House regarding the unconscionable statements made by Mr. Paul Henze of the National Security Council staff about a Radio Free Europe broadcast of an interview with alleged Nazi war criminal Valerian Trifa. At that time, and in several letters to the President, I urged that Mr. Henze be dismissed from his position in the White House.

Several newspaper editorials and television and radio commentaries have also called for Mr. Henze's removal. I commend those following to my colleagues' attention:

[From the St. Petersburg Times, Dec. 16, 1979]

### A Government Blunder

Radio Free Europe is subsidized by the United States government as an outlet for anti-Soviet propaganda. Unlike the Voice of America, which strives for objective, balanced journalism, Radio Free Europe is intended to be, and is so regarded by the rest of the world, as a partisan U.S. voice. That being so, it ought to be very careful what it says.

Radio Free Europe blundered badly last May when it broadcast a 45-minute interview commemorating the 50th anniversary of the Romanian Orthodox Church in the United States. The person interviewed was Bishop Valerian Trifa, head of the church. The U.S. Justice Department is trying to have him stripped of his citizenship and deported on charges that he took part in the killing of 4,000 Jews in Europe during World War II. But Radio Free Europe put him on the air, in a broadcast aimed at Eastern Europe, as if no such allegations had been made.

The effect, of course, was to imply that the U.S. government doesn't really take the charges seriously and has no intention of deporting Trifa. The people of Eastern Europe could come to no other conclusion, accustomed as they are to the proposition that government radio speaks for government.

Responding to a Justice Department protest, a senior vice president of Radio Free Europe has agreed that the interview was a mistake.

There, the matter might rest—but for an event that compounded the blunder by raising serious questions about the judgment of one of the aides to President Carter's national security adviser, Zbigniew Brzezinski.

According to the Associated Press (AP), Paul Henze, the aide, defended Radio Free Europe during a closed meeting Aug. 15 of the Board for International Broadcasting, the agency which furnishes U.S. money to Radio Free Europe. In a transcript obtained by the AP, Henze defended the interview on grounds that Trifa "represents an important American ethnic group" and dismissed the controversy as "silly."

"* * * I think it's a very serious issue," disagreed Walter R. Roberts, the board's executive director.

"* * * It certainly isn't serious from the point of view of the White House," Henze replied.

If it isn't, it ought to be. If Henze isn't troubled at having the U.S. government made to look cozy with a suspected Nazi murderer, he ought to be fired. And if Brzezinski can't see that, he should be fired, too.

---

[From the Miami Herald, Dec. 14, 1979]

### Trifa Case: Fire White House Aide

Concern for human rights has been the centerpiece of Jimmy Carter's Presidency. How utterly unthinkable, then, that a White House aide so blithely insisted that U.S.-financed Radio Free Europe broadcast an interview with a man whose name is synonymous with the slaughter of Romanian Jews during World War II.

Paul Henze, an aide to the President's national-security adviser, Zbigniew Brzezinski, overrode others' objections and insisted that Radio Free Europe broadcast the interview with Romanian Orthodox Bishop Valerian Trifa. If Mr. Henze knew of the charges pending abainst Bishop Trifa, he sloughed them off. Objections to the broadcast were "silly," said Mr. Henze. The issue "certainly isn't serious from the point of view of the White House."

It ought to be. It ought to be so serious that Mr. Henze should be fired for gross stupidity if not for blatant insensitivity to human rights.

Mr. Henze knew full well that the Government has been trying since 1975 to revoke Bishop Trifa's citizenship, granted in 1956, because he lied on his application for naturalization. He knew full well that Bishop Trifa's case is being prosecuted by the Immigration and Naturalization Service's Nazi War Crimes Special Litigation Unit.

But that mattered little to Mr. Henze. He insisted that Radio Free Europe beam the interview back to Romania—where Bishop Trifa already has been sentenced *in absentia* to life in prison for pro-Nazi crimes—because the bishop represents a significant U.S. ethnic group, the million-member Romanian Episcopate of the Orthodox Church in America.

Before he became an ecclesiastic, Bishop Trifa was—in 1941—head of the pro-Nazi Romanian Iron Guard. He admits making a speech in Bucharest on Jan. 19, 1941, but he denies responsibility for what happened afterward.

What happened was that the Iron Guard, allegedly incited by the speech, rampaged through Bucharest's Jewish ghetto the next day. When the carnage was over, six thousand persons were dead. Romanian officials found 289 Jews literally slaughtered, hanging on meathooks in an abattoir, their throats slashed.

The Government's efforts to bring Bishop Trifa to trial have moved glacially because, after nearly 40 years, witnesses are difficult to locate. He denies any complicity in war crimes and says the charges against him are "a Communist plot." He is in fact only charged; he is innocent until proved guilty.

But innocent or not, Bishop Trifa is under a cloud. His broadcast outraged many Romanian-Americans and dismayed the Justice Department. Rep. Elizabeth Holtzman, Democrat of New York, wrote to President Carter and demanded that Mr. Henze be fired.

Firing Mr. Henze is the least the President can do. That would not undo the damage Mr. Henze has caused. But it would show that the man who occupies the White House knows, even if some who only work there do not, that human-rights concerns are not "silly."

---

### Commentary From WEAM Radio, December 19, 1979

This is Les Kinsolving with Capital Commentary:

Headline: White House aide Paul Henze should be fired—immediately

Three years ago this column provided the first nationally syndicated disclosure that Rumanian Archbishop Valerian Trifa of Detroit was for 20 years a member of the governing board of the National Council of Churches (NCC) which organization deliberatedly ignored evidence presented to them about his past.

Trifa has been charged by the Department of Justice with lying to obtain U.S. citizenship. He is charged with lying about his participation in the nazi murder of 4,000 jews. These included 200 whom he hanged on meathooks in a Bucharest slaughter house in January of 1941—and stamped their bodies "kosher meat."

The National Council of Churches retaliated when its agent, Tim Smith, circulated a letter around Washington implying I was a foreign agent. (A year-long investigation by the Department of Justice and the Senate Rules Committee resulted in my being cleared of the charges that I was under the direction or control of the governments of South Africa, Rhodesia or Israel.)

Trifa is still awaiting trial—after five years. Even more scandalous is the fact that last May 1, this mass murderer was interviewed for 45 minutes by the U.S. Government-financed Radio Free Europe.

Even more outrageous than this is the transcript of the remarks of White House staffer Robert Henze on August 15 to the Board of International Broadcasting.

"This is silly Trifa business, for example, gets everybody worked up."

In the transcript, which has been published by Associated Press, Walter Roberts, this Board's director replied, "It's not so silly."

Henze: It certainly isn't serious from the point of view of the White House.

Roberts: Well it's very serious from the point of view of this Board.

Henze: Let me state the White House position on this issue. Bishop Trifa, as an American citizen represents an important American ethnic group.

"Last week Rep. Elizabeth Holtzman wrote President Carter a letter, in which, quite appropriately she requested Henze's immediate removal from your staff."

If President Carter does not take precisely such action against this colossal fool who thinks the murder of 4,000 Jews is "silly business," the nation's Jewish community—as well as all christians not involved with NCC, ought to write, wire or telephone the White House and the democratic national committee. They should ask how in God's name any born-again baptist can be so unconcerned about 200 Jews who this creature hung on meathooks.

This is Les Kinsolving.

---

### Commentary of Jack Anderson, Good Morning America (ABC-TV), December 6, 1979

The last person who'd defend a Nazi war criminal, you might think, would be Jimmy Carter. He has ordered all war criminals deported from the United States if a case can be made against them. Yet behind closed doors, a White House aide has defended a notorious war criminal.

First, let me tell you about the war criminal. His name is Valerian Trifa. Documents on file with the Justice Department charge that he was personally responsible for the deaths of 4,000 Jews in 1941. One witness swore that Trifa led an execution squad into a cell full of helpless Jews.

Trifa committed these atrocities in his native Romania. He was a leader of the Romanian Iron Guard, which was aligned with the Nazis. He was sentenced to life in prison for his war crimes.

But he escaped to the United States. He took our citizenship papers. And today, this mass murderer is a bishop in Detroit. He wears the collar of the Romanian-American Orthodox Episcopate.

But he got his citizenship by lying about his background. So now the Justice Department is trying to denaturalize and deport him.

Last May, he used his credentials as a church leader to appear on Radio Free Europe. I revealed this on Good Morning America. Well, it caused an uproar. Now I've learned it was brought up at a closed session of the Board for International Broadcasting meeting.

There was a White House aide at the meeting. His name is Paul Henze. He said it was "silly" to be concerned over Trifa's appearance on Radio Free Europe. He also said that it "certainly isn't serious from the point of view of the White House."

But here's the kicker. My sources quote Henze as saying: "Let me state the White House position on this issue. Bishop Trifa, as an American citizen, represents an important ethnic group."

In other words, the war criminal is now a church leader, with a following. So the White House doesn't want to offend him.

New York Congresswoman Elizabeth Holtzman has led the fight to track down Nazi war criminals. She has written a private letter to President Carter, demanding that Henze be fired.●

## PERSONAL EXPLANATION

---

## HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. MOORE. Mr. Speaker, I was unavoidably absent on Monday, January 28, 1980, due to my presence at the funeral of the mayor of Zachary, La., the Hon. Jack Breaux, on that date.●

---

## AFTERMATH OF A WILDERNESS ACT

---

## HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. OBERSTAR. Mr. Speaker, during the 95th Congress, I urged my colleagues to fully consider the impact of pending legislation dealing with the Boundary Waters Canoe Area. In our extensive debates on this issue, I asked that the House not approve legislation which I knew would have an adverse impact on the people and the economy of the area around the Boundary Waters Canoe Area. In response to that concern the House did authorize programs to mitigate the law's impact. While I recognized the importance of those programs, I felt then that no programs could fully alleviate the damage to be done by the Boundary Waters Canoe Area Act of 1978.

For fiscal year 1980, Congress has provided almost $16 million to assist my constituents adjust to restrictions imposed upon the Boundary Waters Canoe Area by that act. I appreciated the support of my colleagues, and particularly that of the chairman of the Agriculture Appropriations Subcommittee (Mr. WHITTEN) and of the chairman of the Interior Appropriations Subcommittee (Mr. YATES) for their support of my request for that appropriation. I will be coming before those subcommittees again this spring to ask their help in seeing that the Federal Government continues to honor the promises made in the enactment of the boundary waters law.

The act has been in effect for 1 year now. The funds to mitigate its impact have only become available in the past weeks. As feared, the law has severely hurt the people and the businesses of the small communities on the fringe of the boundary waters.

I do not wish to review the history of that law or to revive the controversy surrounding its enactment. I would, however, very much like to share with all my colleagues an excellent column which appeared in the U.S. News & World Report of December 24, 1979. The column by News & World Report editor, Marvin Stone, provides an excellent overview of the impact of the new law on the local people:

### Wilderness—and People

Few will quarrel with the idea behind the 1964 Wilderness Act—to protect from over-zealous development the unspoiled gems of nature still remaining in this country. But when protecting the land brings hardship to people who live nearby, who use the land and depend on it for their livelihood, perhaps it is time to take another look.

A case in point is what is happening in Minnesota's Boundary Waters Canoe Area the largest—and most visited—officially protected wilderness area east of the Rocky Mountains.

Congress voted last year to ban the use of motorboats on all but 23 of the 1,060 lakes within the existing Boundary Waters. Environmentalists argued that this was necessary to protect the deep, clear lakes and forests of birch and pine from man's destruction. The sound of motorboats, they said, reverberates across the lakes, disturbing the habitat of such native wildlife as timber wolves, moose, loons and lynxes and destroying the "wilderness experience" for canoeists, hikers and campers.

Many of the 25,000 residents of northeastern Minnesota heatedly disagree. They insist that the environmentalists' concern about motorboat noise is largely a matter of aesthetics, rather than habitat damage. They say the new restrictions have had a devastating impact on tourism, the backbone of their economy.

"People just aren't coming back—especially older people and the handicapped," we are told by Frank Salerno, a real-estate agent in Ely, just outside the Boundary Waters. "Not everybody can paddle a canoe." At least 11 of the area's 45 resorts are being forced to close their doors permanently.

Congress foresaw these difficulties and took steps in last year's legislation to ease them. It mandated new boat landings, campsites and hiking trails outside the Boundary Waters, in the surrounding Superior National Forest, for those who do not wish to submit to the wilderness restrictions. And it offered to buy any resorts whose owners felt they could not operate under the new law.

It took a year for Congress to appropriate money to pay for these steps. The residents around the Boundary Waters, having waited and waited for the promised federal aid, are furious. Many of them have banded together, hired a lawyer and gone to court to have the new restrictions declared unconstitutional. Their chances of success are mixed at best, and in any case, the matter is likely to be in the courts for a long time.

The outcome is important—not only to local residents, but to the entire nation—as the government turns more and more public land into officially protected wilderness.

Already more than 19 million acres have been included in the National Wilderness System. Most of this land is in the sparsely populated West, where restrictions have had little impact on people.

This is about to change, however. The U.S. Forest Service has recommended that another 15 million acres be tacked on to the wilderness system and that 11 million acres more be set aside for further study. Many of these lands are in the heavily populated eastern United States.

If the wilderness system is expanded further by Congress, the Boundary Waters experience should suggest two things:

Before establishing any new wilderness area, Congress ought to make sure that the national interest involved is worth the inevitable burdens that the wilderness restrictions will impose on local residents.

When Congress decides to create a wilderness area, it must move quickly and adequately to minimize hardships.

America's very real need to preserve its precious wilderness need not compel the federal government to inflict damage on the citizens who live nearby, as appears to have happened in Minnesota.●

## PERSONAL EXPLANATION

## HON. LARRY P. McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. McDONALD. Mr. Speaker, on January 28, 1980, I unavoidably missed two votes. While I was paired on each vote missed, I did not receive a live pair on either vote. If I had been present I would have voted as follows:

"No" to the amendment to H.R. 4788, the Water Resources Development Act, authorizing the construction of six additional water development projects; and "Yes" to the amendment to H.R. 4788, the Water Resources Development Act, to delete authorizations for construction of certain water projects.●

## A MILITARY MESSAGE WOULD BE A MISTAKE

## HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. STARK. Mr. Speaker, a good part of the international community is outraged about the Soviet invasion of Afghanistan and the holding of Americans hostage in Iran.

Americans are even more upset at these events and these feelings can easily lead to inappropriate responses. While keeping our goals of world peace and prosperity in mind, it is crucial to our future, to the future of the Western world and to the future of our other friends that we carefully analyze all proposed reactions to these events.

I believe it is too easy to resort primarily to military responses. Our position in the world is changing, but it is not relatively any worse or any better than the position of the Soviet Union. Gene La Rocque of the Center for Defense Information has thoughtfully considered these same issues and I found his January 15, 1980, Los Angeles Times essay, "A Military Message Would Be a Mistake," to contain ideas that I fully endorse. The text follows:

### A MILITARY MESSAGE WOULD BE A MISTAKE

The temptation to fight irrationality with irrationality is strong. Hostages in the U.S. Embassy in Tehran and incredible increases in the price of oil have shocked many Americans. The massive Soviet military invasion of Afghanistan has added to our concerns. We know that we are a powerful nation, but the inability of our government to solve these problems makes many wonder whether we are powerful enough. Demands grow for more military spending, more weapons for intervention, and a tougher international posture. The call is for America to speak loudly and carry a bigger stick. And the government responds.

But a military response to the impasse in Iran and the oil crisis would be a mistake. Beefing up our armed forces and talking tough are ineffective and wasteful responses to the difficulties that we face. The search for the chimera of a military solution to domestic turmoil in foregin countries and the restructuring of international economic relations can only distract us from the search for more appropriate means of preserving our interests.

In the case of the American hostages in Iran, it has been clear from the beginning of this episode that there were no military means by which the United States could achieve the freeing of our citizens. More U.S. Marines in the Persian Gulf and more U.S. aircraft carriers in the Arabian Sea will make no difference. Not only is it true that Minutemen missiles mean nothing in the Middle East, but additions to our already substantial capability for military intervention around the world will not prevent or resolve future hostage situations.

For the immediate purpose of obtaining the release of the American hostages, the threat of future military reprisals by the United States is precisely the consideration that will most inhibit the Iranians from releasing them.

Neither our allies in the Middle East, such as Saudi Arabia, nor our friends in Europe and Asia are calling for U.S. military intervention or even expanded military presence. Most of our allies seem to believe that U.S. military actions will do more harm than good.

The U.S. military could readily defeat the armed forces of any Middle Eastern country or oil producer. But such a military victory could only bring disaster in its wake. Our own economy and those of our allies in Europe and Japan could not rely on supplies of oil in the face of inevitable widespread sabotage and reprisal. Unstable pro-Western governments in the Middle East would face revolution with the upsurge of outraged Islamic public opinion.

Alleged inadequacies of U.S. military power are not the cause of international instability. We could double our military budget and still have a continuing stream of unpredictable and unmanageable events. The Soviets have nothing to do with the rise in the price of oil. They have nothing to do with the recent trend of events in Iran, no matter how hard some search for the hand of the Kremlin. Their invasion of Afghanistan did not occur because of their perception of U.S. military weakness.

It is time that we face the harsh truth. The United States, which for many years was the most fortunate of nations, has come to be more like other countries. Our former invulnerability and position of privilege have been replaced by substantial military and economic vulnerability that we can do little or nothing about. Other countries, including the Soviet Union, are at least as vulnerable as we are, and at least as fearful of possible future disasters. We are far from being alone in facing great uncertainties. Our enormous and growing nuclear and conventional military capability plays only a small role in the unfolding of world events.

If in fact the expansion of military budgets and the threat of military attack served a useful purpose for the United States, one might want to embrace this return to traditional attitudes. But we have no reason to believe that more military activism is going to work. The declining utility of U.S. military power is not a mere slogan from the old days of the Vietnam War. It is a reality that no amount of bluster and budget appropriations can obscure.●

## TRIBUTE TO JIMMY DURANTE

## HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. MOAKLEY. Mr. Speaker, Jimmy Durante was truly an extraordinary entertainer. Boston was a favorite stop along the tour for Durante and I can remember many evenings of enjoyment watching him perform at Blinstrub's in South Boston.

Complete entertainers like Jimmy Durante enrich all our lives and I would like to share with my colleagues a Boston Globe article by Ernie Santosuosso entitled "A Legacy of Laughter":

### A LEGACY OF LAUGHTER

(By Ernie Santosuosso)

Jimmy Durante always left them laughing.

He left a public which delighted at his mangled English, the songs wistfully delivered in a solitary spotlight, his showstopping strut-away, the familiar "hot-cha-cha!," and the hundreds of charitable causes his presence bolstered.

"Lemme hear da music!"

"I got a million of 'em."

"So, I ups to him."

"Everybody wants ta get inta da act."

"Stop da music!"

These were the ingenuously uttered mispronunciations and malapropisms that endured as Durante's trademarks. He once told an interviewer his verbal gaffes wouldn't have been funny if he deliberately tried to fracture the language.

Once he told his tailor to cut for him a "chevrolet" suit instead of cheviot. Asked if he wished to retrace his boyhood haunts, Schnoz smiled wistfully.

"Why not," he said, "I got real neuralgia for da old place."

Discussing his reading habits: "I read but strictly nonfriction." Who was his favorite composer? That one was easy for Durante: "Faust." Instead of splitting infinitives, he broke them up in little pieces.

He spoke with US Presidents on a first-name basis. During a visit to the White House, President Harry Truman, who enjoyed a break at the piano, played a solo for the comedian. When Truman concluded his piece, Durante quipped: "Harry, don't ever give up your daytime job."

He also mingled with royalty. "But sometimes I didn't know what they was talkin' about," he was heard to observe. On another occasion, he was visited backstage by members of the prestigious Dublin theater company. The actors spent an hour in the dressing-room discussing relatively esoteric subjects with the uncomprehending Durante. Finally, when they left, he turned to his partner the Lou Clayton, and asked: "Was they knockin' me or praisin' me?"

Not only was he a soft touch for financially strapped friends and pure strangers, Durante unfailingly answered the calls of the needy. In 1966 he canceled a lucrative booking in Texas to perform in the Mayor's Charity Fund benefit at Hynes Auditorium. The kids were never happier at the Fernald State School for the retarded than when Durante, taking time off from his engagement at Blinstrub's in South Boston, dropped by. Earlier that day, Jimmy had done his act in a local candy factory for the candy-dippers who had written him they couldn't afford to see him at Blinstrub's. Wherever he played, Schnoz would devote much of his leisure time to visiting shut-ins.

In 1962, he literally halted traffic as 5000 persons gathered to see him as he gave Globe Santa a helping-hand outside the charity's headquarters at Washington and Milk streets. That day he made a pitch for Globe Santa's "toity-thousand kids."

A Boston visit always included a stopover at Richard Cardinal Cushing's residence where Durante would do his routine for the prelate, priests and nuns.

"You're the best comedian in the business," said the cardinal after Schnoz had them laughing for an hour or so.

"And the oldest," responded Durante, who was 74 at the time.

When the cardinal recalled they hadn't seen each other since Las Vegas, Durante broke him up.

"What was a man of the cloth doing in such a city?"●

---

## CONGRESSIONAL SALUTE TO THE PASSAIC COUNTY BOARD OF AGRICULTURE UPON THE CENTENNIAL ANNIVERSARY OF THE NEW JERSEY AGRICULTURAL EXPERIMENT STATION AT COOK COLLEGE, RUTGERS THE STATE UNIVERSITY 1880-1980

## HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. ROE. Mr. Speaker, on Friday, February 1 the residents of Passaic County, my congressional district and State of New Jersey will join together with the Passaic County Board of Agriculture in a commemorative salute to the New Jersey Agricultural Experiment Station at Cook College, Rutgers the State University upon the celebration of the 100th anniversary of the founding of the New Jersey Agricultural Experiment Station which was established by statute signed into law on March 10, 1980.

Mr. Speaker. It is indeed my privilege and honor to commend to you the following distinguished members of the board of governors who have served as directors throughout this past century at the helm of the New Jersey Agricultural Experiment Station:

### DIRECTORS, NEW JERSEY AGRICULTURAL EXPERIMENT STATION, 1880-1980

The Honorable:
George H. Cook 1880-1889
Edward B. Voorhees 1893-1910
Jacob G. Lipman 1911-1939
William H. Martin 1939-1960
Leland G. Merrill, Jr. 1961-1962
Ordway Starnes 1962-1965
Walter A. Maclinn 1965-1971
Charles E. Hess 1971-1975
Grant F. Walton 1975-

With pardonable pride, I also commend to you the officers of the Passaic County Board of Agriculture of my congressional district who have earned the respect and esteem of our people for their outstanding public service and administration of most important research and discovery food, nutritional, agricultural, science, and technology endeavors that have truly enriched, enhanced and preserved the integrity of our environment. The current officers of the Passaic County Board of Agriculture are, as follows:

### OFFICERS, THE PASSAIC COUNTY BOARD OF AGRICULTURE

The Honorable:
Fred Parrott, President;
Harry Meyer, Jr., Vice President;
Leonard Dujets, Secretary,
Roger Steiner, Treasurer; and
Bruce C. Van Duyne, Senior County Agent.

Mr. Speaker, with your permission I would like to insert at this point in our historic journal of Congress, a brief chronology and profile of the history of the New Jersey Agricultural Experiment Station presented to me by the Honorable Bruce C. Van Duyne, our senior county agent of the Passaic County Board of Agriculture, which most eloquently sets forth the dedication and sincerity of purpose of the men and women whose exemplary professional expertise have contributed to the goals and objectives of the New Jersey Agricultural Experiment Station in conserving and nurturing our land and natural resources for the benefit of all mankind. The history and development of the New Jersey Agricultural Experiment Station is inextricably intertwined with the leadership and good counsel of its founding director, the Honorable George Hammell Cook, and a host of other dedicated men and women throughout the past century devoted with the deepest of concern to the agricultural needs of people—ever seeking the highest standards of excellence in their personal commitment to the advancement of science and technology in the field of agriculture to help improve the quality of life for all of our people. This brief history reads, as follows:

### THE NEW JERSEY AGRICULTURAL EXPERIMENT STATION 1880-1980

#### A COMMITTED FUTURE FROM A COMMANDING PAST

The New Jersey Agricultural Experiment Station was founded by an act of the State Legislature, signed into law on March 10, 1880.

Its first director, and the person most responsible for obtaining the land grant from the federal government, for what was the Rutgers Scientific School, was George Hammell Cook, for whom Cook College is so appropriately named.

In keeping with the land-grant philosophy of higher education, that of the integration of teaching, research and Extension, the New Jersey Agricultural Experiment Station is today the research and Extension arms of Cook College.

The Station is known throughout the world as the home of both streptomycin and the Rutgers tomato, among many other significant developments.

Selman Waksman, a soil scientist who discovered the antibiotic, was awarded a Nobel Prize in Medicine for his significant contribution.

In New Jersey, the names of Lipman, Martin, Blake, Bartlett, Perry, Heukelekian, Nissley, Schermerhorn, Bear, Thompson and Beaudette are frequently heard. These were among the "Jersey Giants" of Rutgers' research and Extension, who helped to improve the quality of life for all New Jerseyans.

Over the past 100 years, the New Jersey Agricultural Experiment Station has responded to the needs of both the farmer and the consumer. Its mission—a century ago and today—is to conduct research and disseminate the results to those who can apply them to practical situations. Science and technology, put to the service of the public, are nowhere more evident than in agriculture. Efficiencies in food production have primarily benefitted the consumer with a greater variety of safe, nutritious foods and at relatively reduced costs.

Substations at New Brunswick, Centerton, Adelphia, Cream Ridge, Oswego and Bivalve are sites for a broad range of research projects, including field crops, vegetables, fruit and agriculture. Recently, this Station has been designated by the U.S.D.A. as the national center for blueberry and cranberry research.

The major concerns of our current work include the design of new ways to dispose of municipal wastes, new ways to control insects, new ways to make fuel and conserve energy, new ways to upgrade human nutrition, new ways to adapt to our changing environment.

As we embark on our 2nd century of service and discovery, we take this opportunity to thank the many cooperators, without whom much of the research would remain at the laboratory bench—untried in the field.

Publicly-supported research is an investment, not an expenditure. There is much to be done in the development of new and improved varieties of fruits, vegetables, ornamentals and turf—in post harvest food technology—in land use—in environmental sciences—in integrated pest management—in marine advisory service.

The Cooperative Extension Service conducts programs with resident county faculties of specialists in agriculture, resource management, consumer and home economics, and 4-H youth development. Educational assistance is available to all citizens, merely for the asking.

With public support and understanding, the New Jersey Agricultural Experiment Station will be contributing to the quality of life for the next 100 years for all those fortunate enough to live in what we trust will always remain "the Garden State."

Mr. Speaker, the story of the New Jersey Agricultural Experiment Station is the story of America. This prestigious scientific research and development service organization has borne the wonders of achievements of such "Jersey giants" as the Honorable George Hammell Cook, Jacob G. Lipman, Selman A. Waksman, Julius Nelson, and John D. Smith and others whose scientific research and inventive genius are of national and international renown—a great bulwark in strengthening our Nation's search for relevant new agricultural technologies and a major element in the record of achievements of America's agriculture which has attained preeminence, second to none, among all nations throughout the world.

Mr. Speaker, I appreciate the opportunity to look through the hourglass with our Passaic County Board of Agriculture at the New Jersey Agricultural Experiment Station during the past 100 years and reflect upon the great pride we all feel with the vast range of accomplishments and advanced technology they have achieved during a century of commitment to the agricultural needs of our people which have truly enriched our community, State, and Nation. We do indeed salute the administrators, faculty, and staff at Cook College, Rutgers the State University, as they celebrate the centennial anniversary of the New Jersey Agricultural Experiment Station.●

---

## THE LEADERSHIP OF GOV. AL QUIE

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. FRENZEL. Mr. Speaker, I am frequently asked by colleagues who knew Al Quie while he served with us, how he is doing as Governor of Minnesota.

The following memorandum from Governor Quie to his cabinet officers after his first year in office tells more about how he is doing than any report I could give. He is still the thoughtful, straightforward Al Quie we remember.

Incidentally, recent polls indicate that he is very popular with the people of Minnesota.

State of Minnesota,
Office of the Governor,
*St. Paul, Minn., October, 1979.*

#### Philosophy and Priority Issues To Guide the Administration

A Governor has the responsibility to explain where his administration is heading, why, and how he intends to lead it there.

Government is to serve the people. I was elected to represent all the people of Minnesota because, in large part, of the philosophy of government and specific issues reflected in the following paragraphs.

This document reflects the input of many, and should now be used as a major reference in the development of our daily work.

With common goals, the Administration will be able to handle the unexpected as well as the routine with greater effectiveness. State employees generally will feel a greater part of our team effort.

These statements of philosophy and priority issues should be widely shared throughout the State for three good reasons:

1. Taxpayers have the right to know how we intend to function as the trustees of their tax dollars.

2. People will be encouraged to join with us in the pursuit of our goals.

3. Feedback over time will allow us to refine these statements and more accurately reflect the needs of the people we serve.

#### THIS PHILOSOPHY WILL GUIDE OUR DECISIONS

1. Justice is a major goal of government . . . (i.e., we seek to be fair, ready to protect the rights of others, willing to be a mediator when competing interests endanger the common good).

2. When government action is necessary, it should be taken by the level of government that is closest to the people and best suited to handle the responsibility.

3. When people are given adequate information, they make wise decisions . . . (too often government imposes itself as "the first response" rather than as "a last resort").

4. Progress that is lasting more often comes through the reconciliation of differences than the premature imposition of government mandates.

5. History documents the fact that the basic social unit in a healthy society is a strong family.

6. Increased population and technology have required government to play an increasing role in balancing human needs and desires with the preservation of our natural environment.

7. A society should be graded on how well it treats those least able to help themselves . . . (the government role must be carried out with great sensitivity, not sapping people's identity and self-respect by doing what they could be helped to do for themselves).

8. Government should view people as individuals to be served . . . (and resist the attitude of grouping people into categories of "problems to be solved").

9. A strong sense of community results in more people accepting responsibility, for themselves and their neighbors.

10. The future is less something to forecast than something to shape for the better.

#### THESE CHARACTERISTICS SHOULD REFLECT OUR STYLE

1. We seek to be thoughtful . . . analytical . . . responsive.

2. Decision-making will be an open process . . . carried out within a framework based on sound long-range planning . . . involving early the people who will be most affected.

3. We are interested in the underlying spirit of human beings . . . the intangibles as well as the visible.

4. Bi-partisan cooperation will be encouraged . . . keeping political partisanship in its proper perspective . . . yet recognizing the responsibility of political leadership to develop and promote ideas.

5. We accept the views of others . . . always open to those with experience and wisdom different from our own.

6. We seek new partnerships with other public and non-government sectors for the public good.

7. Questions like "Why are we doing this in that way?" are welcomed to prevent bureaucratic "systems" from being the end rather than the means.

8. We will not over-promise . . . and we ask everyone to keep a sane estimate of government's ability to solve human problems.

9. New conditions and problems should encourage us to reevaluate the structure and process of government, not to become defensive about the way we do things today.

10. Inter-agency cooperation and coordination are necessary, since few of our biggest challenges fall neatly within the boxes of an organization chart.

These are the standards by which we and others will measure our success. I believe they reflect what people want to see demonstrated by government leaders.

My confidence in and respect for State employees are high. As we motivate and encourage one another to reach the ideals outlined above, Minnesota citizens will renew their trust in State government. This is our challenge . . . and we are ready to take it on!

#### THE PRIORITY ISSUES

The "what" of our administration plan is outlined in eight major issues we must address. These issues were determined after a great deal of input, especially that from the two-day department and agency head workshop in July.

The multitude of suggestions was encouraging—we identified well over 150 issues or problems to be addressed and we achieved considerable consensus on the general areas calling out for our best efforts. Later, I solicited advice from numerous non-government sources.

The problem we face is narrowing down the dozens of sub-issues ("specific examples") under each general issue to identify which should receive "priority" status.

What follows is a combination of the cabinet recommendations, other input and my own sense of priorities. Five considerations should be kept in mind as you review these:

(a) The list does not reflect all that State government is or will be doing during this administration.

(b) Issues are not listed in priority order.

(c) Resolution of these issues will not come easy; will not be achieved overnight; and will depend on more than State government alone.

(d) The list will be discussed regularly at cabinet meetings and other forums and, thus, open to modification.

(e) I expect to see in your own work plans specific objectives which address the priority issues related to your responsibilities.

### PRIORITY ISSUES FOR SPECIAL ATTENTION BY EXECUTIVE BRANCH

1. Energy problems require more comprehensive, realistic and well-understood policies that address both supply and demand as well as the human problems stemming from increased costs. Specific examples:

(a) Need more public information programs and incentives designed to increase energy conservation.

(b) Need an emergency assistance program for persons affected most adversely by high heating costs and spot shortages.

(c) Need additional incentives for efficient and effective alternative energy sources.

(d) Need better analysis of energy impact on state economy and people's lifestyles and the translation of findings into specific State actions.

2. State environmental and natural resource policies need to be clarified; implementation made less cumbersome; and a better balance achieved among the economic, environmental, recreational and energy needs of people. Specific examples:

(a) Need to increase the coordination, speed and certainty of the environmental regulation process.

(b) Need to reassess policies and procedures for public acquisition of private land.

(c) Need to plan for solid and hazardous waste disposal and resource recovery.

(d) Need to involve local government and citizens in achieving better management of the State's natural resources.

3. Human services must be coordinated to eliminate duplication and unproductive competition; organized to allow comprehensive analysis of human needs; and delivered in a way that maintains self-respect and considers family relationships. Specific examples:

(a) Need to clarify intergovernmental roles (the "who does what") of federal, state, local and private sector human service agencies in each area of need.

(b) Need to reduce extensive, often duplicative, reporting and record-keeping requirements that are limiting direct services to clients and demoralizing workers in human service agencies, both public and private.

(c) Need cooperative systems that allow human services to be delivered as direct and as close to those in need as possible.

(d) Need to discover preventive and rehabilitative programs for chemical dependency that are more effective for youth and adults.

4. Quality education needs to be encouraged and equitably financed during an era of declining enrollment and fiscal constraints. Specific examples:

(a) Need strategy to increase achievement levels of students.

(b) Need to plan further adjustments for expected 26-28% reduction of statewide public postsecondary enrollments between 1980 and 1995.

(c) Need to help already small elementary/secondary districts adjust to a continuing loss of students.

(d) Need new financing formulas that treat all educational institutions fairly during the next decade of enrollment drops and expected inflationary pressures.

5. Economic and community development needs to be enhanced through better planning and coordination of available resources from various levels of government and the private sector. Specific examples:

(a) Need method to plan and coordinate public and private investments in major new development projects.

(b) Need long-range program to deal with economically underdeveloped areas within the State, especially those with declining population.

(c) Need financial and tax policies to expand jobs in Minnesota.

(d) Need better system for the collection, analysis and dissemination of economic data for use by the public and the private sectors.

6. Government must be better organized and managed to respond to people's needs in a more sensitive and timely fashion, and in a manner that protects individual options, encourages effective participation and contributes to public confidence. Specific examples:

(a) People need better information about government actions/programs.

(b) Need to speed up and simplify processing of citizens' services.

(c) Laws and rules need more flexibility to respect unique personal and community situations.

(d) Government managers need more discretionary authority and performance incentives to lead their agencies toward the solution of major problems.

7. Minnesota's transportation systems must be planned, managed and financed to maximize limited funds; support economic development plans; reflect future energy constraints; and mesh with local and regional transportation plans and programs. Specific examples:

(a) Need stable financing programs for the maintenance to existing transportation systems.

(b) Need a coordinated investment strategy for developing new transportation systems.

(c) Minnesota citizens need to be involved in and know early of the State's plans for transportation in order to improve their own personal and economic decisions.

(d) Need to reassess regulatory policies to promote competition within transportation.

8. Government must evaluate the way it obtains and distributes financial resources to provide public services in an era characterized by changing needs and fiscal constraints. Specific examples:

(a) Need a contingency plan of action if biennial spending plans should exceed available revenues.

(b) Local aids formula changes need to be evaluated and related to 1980 census.

(c) State government needs to fund its fair share of the costs of State mandates for local government action.

(d) Need review of the philosophy of State revenue policies, followed by the elimination of inconsistencies and inequities in tax laws and rules.

Note on priority issues: Short statements do not allow the clarity or detail we will need to develop as we move along. But the public will now understand much more clearly the agenda we are pursuing.

### AGENCY WORK PLAN SUMMARIES

To move us from words to action, I have requested from each agency a summary of this fiscal year's work plan. I will review the specific objectives, and the means by which we can measure our achievement of them, for over thirty separate agencies. I expect to see the above philosophy, characteristics of style, and major administration priorities reflected in these work plans.

### CLOSING NOTE

As Lieutenant Governor Lou Wangberg observed at one of our meetings, we have the privilege of providing leadership to Minnesota's State government for only a brief speck of time in the course of history. Let's make the most of it. The work is as hard as any we will ever do. But the rewards can be even greater.

Thanks for being a part of my team! ●

---

## HUMAN CAPITAL FORMATION

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. KEMP. Mr. Speaker, the rapid decline in our national savings, investment, and productivity rates has concentrated Congress mind on the problem of capital formation. We have now reduced the capital gains tax rate. We have voted to repeal the carryover basis rule, and may soon exempt the first $100 of personal savings from the income tax. More than 250 Members of this House have cosponsored the Capital Cost Recovery Act, which would adjust capital depreciation schedules for inflation. I strongly support all these measures—indeed, I would go even further to restore incentives for savings and investment.

All the same, we are in danger of defining "capital" too narrowly. For capital means far more than just computers, or trucks, or new factories. Human beings possess great capital as well. They produce ideas. They invent and create. Until an individual sees how to use a tool, that piece of physical capital is worthless. And unlike physical capital, which is made of finite resources, human—or if you will metaphysical—capital is infinite.

But human capital formation, like physical capital formation, can be stifled by a repressive tax policy. Individuals work, create, and innovate for reward. Yet our steeply progressive marginal income tax rates, and the inflation that pushes people into higher and higher tax brackets, have fundamentally undermined the incentives for human capital formation by expanding the wedge between an individual's effort and his or her reward.

In a January 10, 1980, article for the Boston Herald American, Warren Brookes points up the extraordinary significance of human capital formation to continued economic growth. I commend this excellent article to my colleagues' attention:

### MASSACHUSETTS ECONOMY IN THE 1980'S: CAN WE JOIN THE GROWTH BELT?

(By Warren Brookes)

Twenty five years ago, a company we worked for installed a computer to handle payroll and billings. It cost $150,000 a year in rentals—took up 900 square feet in floor space and required eight full-time people just to keep it going.

Today, a Massachusetts company produces a computer that sells for less than $22,000; does up to four times as much work; is about the size of a small desk, and requires only one person to operate.

Ten years ago, an electronic desk calculator cost $280, and weighed nearly 20 pounds. Today, you can buy a hand calculator that does the same work quicker, for less than $20, and weighs only four ounces.

These two modest examples help to explain why most economists now spell America's economic future in two words: high technology.

Despite the fact that America's automobile and steel industries are steadily losing out to imports; despite the destruction of American textiles and leathers by Taiwan, South Korea, and Spain, and despite slowing productivity, compared to the rest of the free world, U.S. manufacturing exports are actually soaring, and our economy is now providing work for the highest percentage of our population in history.

The single most important reason for this is the boom, both domestically and internationally, in the products of American high technology, from computers to communications, and the reason for this boom is that they offer positive solutions to our most pressing economic problems:

Inflation—real costs of most high-technology products are actually declining, steadily.

Productivity—high technology products are fundamental to increasing it.

Energy use—most high-technology products require very low inputs of energy to produce them, and are intimately associated with energy conservation.

Environment: Most high technology industries are "non-invasive," that is, they do not pollute, and they make heavy use of plentiful resources.

Capital Costs: Most of all, high technology industries are not "capital intensive," but labor intensive, requiring, on average, about half the level of capital formation (plant and equipment) per worker as heavy durable goods, industries like autos and steel.

Indeed, the glory of the high technology boom is that the real capital for these industries is not in factories and machines, but creative and inventive people, and in their ideas.

As Buckminster Fuller has pointed out, while the physical components of our wealth (energy, material resources, etc.) are finite, the metaphysical components (ideas, invention, imagination, creativity, etc.) are infinite.

Thus the whole future of our country, with its narrowing base of material resources, lies in building up our "metaphysical capital" through high technology, and the sponsorship of the invention, it implies. And this "capital" is not machines, but motivated and educated people.

TABLE 1.—MASSACHUSETTS JOB GROWTH 1974–79

| | July 1974 | July 1979 | New jobs |
|---|---|---|---|
| Nonagricultural employment | 2,374,000 | 2,572,300 | 197,500 |
| Manufacturing jobs | 629,100 | 664,600 | 35,500 |
| High technology: [1] | | | |
| Direct | 122,100 | 174,300 | 52,000 |
| Indirect | 183,200 | 261,500 | 78,300 |
| Total | 305,300 | 435,800 | 130,500 |

[1] Percent of new jobs generated by high technology industry: 66 percent.

Note.—Based on TMA estimate 1.5 "service" jobs are created by every high technical job.

Source: DES.

As a recent study by Technical Marketing Associates of Concord, Mass. shows, each senior engineer generates 12 direct jobs at lower levels, in the industry—and another 18 jobs in related service enterprises.

Thus one $40,000-a-year senior engineer "creates" 30 other lesser jobs, at a "capital cost" that is miniscule, compared to building steel plants or textile mills—and at profit margins that would make the oil companies blush! (22–30 percent on equity.)

This is why high technology companies with their mind-boggling breakthroughs on costs, and soaring 20–40 percent growth rates, have the potential to accelerate U.S. economic growth, and employment, even as our traditional heavy industries falter.

If you don't believe this, consider the case of Massachusetts, where the state's basic industries (textiles, leather goods), have continued to decline, and where the state's capital formation has actually fallen (since 1970), from 2 percent of the nation, to only 1.3 percent, a calamitous drop.

In spite of this, during the past five years (1974–1979) Massachusetts' total manufacturing job growth has outstripped that of the nation, as a whole, 4.2 percent to 3.7 percent.

The sole reason for this has been the state's booming high technology industry, which has created, during that same period, some 52,000 new manufacturing jobs, and a grand total of 130,000 new jobs (including related service jobs). (See table 1)

Yet, in that same period, the state's total manufacturing job total increased only 35,500, which means that the rest of Massachusetts industry actually lost a net of about 17,000 jobs.

And, in the same period, the total increase in all state jobs was only 197,500, which means that high technology alone has accounted for 66 percent of all of the new jobs of the state over the past five years.

If you don't believe this, consider the record over the 20 years of Massachusetts job development:

1958-1978 MANUFACTURING JOB GROWTH

| | Percent |
|---|---|
| High technology | +98 |
| Textiles and leather | −44 |
| All other | −5 |
| Total manufacturing | −3 |

It is safe to say that the only thing that has saved this state from economic disaster has been the extraordinary growth of the state's 60 or so high-tech companies, especially since 1973.

It is also safe to say that the future of state's economy lies entirely in their hands.

As Table II shows, the industry is now in a position to add from 64,000 to 122,000 in direct new manufacturing jobs in this sector; and, since every high-tech direct job implies another 1.5 service-related jobs, this means a potential of from 154,000 to 300,000 new jobs by 1983. That's fully 60–80 percent of the state's future job growth from companies that are already here.

This is what makes Governor King's "social contract" with the Massachusetts High Technology Council (MHTC) so very important. If the two parties live up to its terms, by 1983 Massachusetts will have fully emerged from its long dark night of economic decline, and joined the "Growth Belt," in performance, if not in location.

Unfortunately, there are two very significant-related problems standing in the way: A serious labor shortage for this industry, and the state's high-tax burden.

It may come as a shock to many residents of this state, that at a time when our welfare payments are approaching $2 billion a year, the most serious impediment to high-tech expansion is the growing shortage of trained and willing workers.

At a time when advertisements are producing record-breaking sales of its products (computers, calculators, etc.), the help-wanted advertising sections in the back are bringing disappointing results, at all levels from clerks and production workers, to technicans and engineers.

Over the next 5 years, this industry is going to have to have from 19,000 to 37,000 new engineers, from 7000 to 12,000 new technicians, from 8500 to 18,000 new clerical people, and from 30,000 to 55,000 new production workers.

In tomorrow's column we shall show precisely how Massachusetts' high tax burden is making it almost impossible for high tech companies to compete for the most important "capital" of all, trained professional engineers.●

---

## TAX EXEMPTION FOR THE SMALL SAVER

## HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● **Mr. DASCHLE.** Mr. Speaker, tomorrow I will be testifying before the Ways and Means Committee on the subject of tax incentives for savings. I would like to insert the text of my testimony in the CONGRESSIONAL RECORD:

### TESTIMONY OF CONGRESSMAN TOM DASCHLE

Mr. Chairman, and members of the committee, I appreciate having the opportunity to be here today to testify on the subject of tax incentives for savings. Without question, this is an issue that must be addressed and I commend the committee for holding hearings in this area. I also commend the chairman for recommending that the Bentsen amendment be approved with the windfall profits tax. This amendment will allow a $201 exemption for individuals and a $400 exemption for couples in interest and dividend income. Statistics show that 83 percent of the families who have deposits in savings and loan institutions also have incomes below $25,000. Furthermore, 25 percent of the total income of persons 65 and older is derived from interest income. Thus, endorsement of the Bentsen interest and dividend exemption amendment will help those who need it most; the poor, middle class, and elderly. Although this is certainly a step in the right direction, I am advocating for legislation which calls for a $1,000 exemption which I will address further towards the end of my testimony.

There is no doubt that the low level of savings by American citizens is exacerbating the current economic problems our country is facing. The rate of savings as a proportion of disposable income in the United States according to the Wall Street Journal is a meager 4.5 percent as compared to 14 percent in Germany and over 20 percent in Japan. One must ask why is this so? A large part of the answer is that both the Japanese and German governments provide more incentives to private saving than the U.S. Government. The Deutsch Bundesbank stimulates savings through such techniques as cash bonuses for workers who save. Japan too encourages savings through bonuses as well as tax exemptions for funds saved through employee savings plans. But in the United States it is different. Interest income generated through savings are not only taxed, but the interest rate is held artificially low as prescribed by Regulation Q. When this already unfavorable savings climate is coupled with the ravaging effects of inflation, the net effect is a loss in purchasing power for any consumer foolish enough to save at the present time. There are four major problems that result from the present disincentive to save and they are for the most part interrelated.

One is that attempts to fight inflation are complicated. This occurs when consumers frantically rush to buy products which they correctly assume will only cost more in the future (diesel and other fuel savings automobiles for example), which in turn creates fierce competition for scarce resources among business and industry. This fact is borne out by credit card companies who report that credit buying is presently at an all time high.

Secondly, low savings rates decrease industrial ability to raise capital. The unavailability of cash in lending institutions forces companies to sell stock to raise money for capital improvements, instead of going through the lending company which is generally perceived as easier and more reliable.

This in turn affects productivity. As industry finds it more difficult to obtain cash maintenance schedules become neglected and plant improvements postponded or cancelled. This problem could become especially acute in South Dakota and other rural areas as banks simply do not have the available cash to finance equipment and supplies for farm and ranch operations. Farmers and ranchers cannot sell stock, and thus are forced to obtain cash from lending institutions. This nation can ill afford its agriculture sector losing productivity, as our balance of payments attest.

Furthermore, the lack of available capital depresses the housing market as buyers are unable to get loans, again due to the unavailability of cash which forces the Federal government to increase lending totals for the FmHA and VA loan programs. When coupled with a regressive Federal Reserve policy that has pushed home mortgage rates to 14 percent, the short-term outlook remains bleak for prospective home-owners. One also cannot overlook the ripple effect on employment figures, especially in the construction industry and the increased burden on welfare rolls.

There are many approaches that could be made to promote savings. Though it would be nice if we could offer cash bonuses for savings, as the Germans and Japanese, it certainly is not a practical approach considering our current budgetary problems. There is no question in my mind that the best approach is to allow an interest exemption for the inflation ravaged small saver, i.e. the poor and middle class American who is often sacrificed at the expense of special interest groups.

Specifically, H.R. 4761, as introduced by our colleagues Tom Foley and Dan Glickman, would exempt from federal income taxes the first $1,000 in interest income ($2,000 if filed jointly) earned by persons on accounts in which the total cumulative principal does not exceed $10,000. By restricting the applicability of the tax exemption to interest on accounts with less than $10,000 in principal, this bill focuses the tax break where it is most needed, and by targeting the exemption, it assures a minimal loss of revenue to the Treasury of money that would be pulled out of Treasury bonds by people seeking the more lucrative advantages of a tax exemption.

This proposal would increase the amount and quantity of deposits placed in lending institutions which would alleviate inflationary pressures, increase cash availability for capital formation in business and industry, spur the housing market, and in general increase productivity. The expected loss to the Treasury would total $21.7 billion over the next 6 years, averaging approximately $3.6 billion per year. Without question, these losses will complicate the budgetary process and desires to balance the budget, but I feel they would be offset by the gains made in the private sector, signaling to the taxpayer that the government will allow natural market forces to work with a minimum of interdiction from that dreaded beast, the Federal Government.●

## TO PROVIDE FOR INVESTMENT OF CONTRIBUTIONS RECEIVED BY THE AMERICAN BATTLE MONUMENTS COMMISSION

### HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. MONTGOMERY. Mr. Speaker, today I am introducing a bill, H.R. 6356, which will eliminate what I consider to be an absurdity in the law regarding moneys deposited with the American Battle Monuments Commission for flowers to be placed on the graves of loved ones in American overseas cemeteries.

Presently, moneys deposited with the American Battle Monuments Commission do not draw any interest. The law simply requires that funds given to the American Battle Monuments Commission to purchase flowers for graves be deposited with the Treasurer of the United States. The law does not state that the funds be invested in interest-bearing Government securities. Therefore, the Department of the Treasury is not authorized to do so, unless the law is changed.

The gentlelady from New Jersey (Mrs. Fenwick), has brought to my attention a situation which dramatically illustrates the necessity to change the law in this regard. A mother of two sons, both of whom were killed during World War II, has given moneys to the American Battle Monuments Commission so that flowers will be placed on the graves of her sons at specific times of the year. Because the deposits have not drawn any interest, such moneys will soon be exhausted. This would not be the case had the moneys been invested in interest-bearing U.S. notes or bonds.

As Mrs. Fenwick stated in her letter to me:

> It seems incredible to me that the American Battle Monuments Commission does not invest these deposits (to the American Battle Monuments Commission so that flowers would be placed on the graves of her sons) into a perpetual account which would collect interest. Certainly this money can be invested in U.S. Government securities or some fund which would provide for the perpetual care the relatives of deceased servicemen desire for their loved ones.

I agree. That is why I am introducing this bill today, to correct a situation which was never intended by Congress.

The text of my bill follows:

H.R. 6356

A bill to provide for the investment of contributions received by the American Battle Monuments Commission

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7 of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (36 U.S.C. 128), is amended by adding at the end thereof the following new sentence: "Funds received by the Commission and deposited with the Treasurer of the United States pursuant to the preceding sentence shall be invested by the Secretary of the Treasury [in such manner as the Secretary considers appropriate], and the proceeds of such investments shall be credited to the respective accounts from which the principal for such investments was drawn.".●

## SOUTH DAKOTA'S DELEGATION TO THE WHITE HOUSE CONFERENCE ON SMALL BUSINESS

### HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. DASCHLE. Mr. Speaker, based on firsthand reports I have received from members of South Dakota's delegation to the White House Conference on Small Business recently concluded here in the Nation's Capital, I am gratified with the overall success of the conference and the wisdom of the delegates expressed so succinctly in their recommendations.

Eleven industrious South Dakotans were included among the 1,573 participants in the conference, all of whom came here at their own expense, dedicated to the goal of speaking with a unified voice for the interests not only of small business, but the well-being of this Nation. Those South Dakotans are Kay Riordan, Steve Boyer, Roy Nyberg, Bill Dorsey, Earl Chesnik, Chris Roberts, Jack Rentschler, Beverly Bruce, Laurie Reiners, Tom Aman, and Ted Thoms.

From the regionally determined 12 subject area workshops at the conference came 15 priority recommendations which I am attaching for the information of my colleagues.

These recommendations will be examined in detail by the President, the Congress, and most definitely, by my office.

#### PRIORITY RECOMMENDATIONS OF WHITE HOUSE CONFERENCE ON SMALL BUSINESS

1. Replace the present corporate and individual income tax schedules with more graduated rate scales, specifying the graduated corporate tax scale up to $500,000.

2. Adopt a simplified accelerated capital cost recovery system to replace the present complex Asset Depreciation Range (ADR) regulations, with provisions such as (A) im-

mediately expensing capital costs less than a specified amount, (B) immediately expensing governments mandated capital costs, and (C) the creation of a maximum annual benefit that may be derived from the system.

3. Balance the Federal Budget by statute in Fiscal Year 1981 by limiting total Federal spending to a percentage of the GNP, commencing with 20 percent and declining to 15 percent.

4. Revise estate tax laws to ease the tax burden on family-owned businesses and encourage the continuity of family ownership.

5. Congress shall exercise its oversight function with the assistance of the General Accounting Office, instituting sunset reviews of all laws, regulations, and agencies, to ensure that none exceeds original congressional intent. Sunset reviews, in an appropriate time frame (not less than every five years) should include economic impact analysis and proposed agency budget reductions, leading to re-enactment of each agency's enabling legislation to permit its continued existence, or to reduce its size and cost.

(A) Establish a Regulatory Review Board composed of representatives from the Executive Branch, Congress and small business owners, with responsibility for impact statements and cost controls.

(B) Congress shall exercise line-item veto over regulations within a specified time through congressional oversight committees, with one-house floor vote.

6. Support and urge passage of S. 1860, the Small Business Innovation Act of 1979, and companion bill H.R. 5607, as presently drafted with flexibility for minor future amendments, covering: small business research and development set-asides; small business innovation and research programs (as already encompassed by H.R. 5126 and S. 1074); patents retention; amendments to the Internal Revenue Code; and regulatory flexibility.

7. Provide for a tax credit for initial investment in a small business, and permit deferral of taxes for roll-overs of investments affecting small business.

8. Reform the Social Security System by including, where constitutionally possible, all public and private sector employees as contributors and more closely tie benefits to contributions to move the system toward actuarial soundness. Limit benefits to the original old-age and survivors benefits. Freeze the tax base and tax rate at the January 1980 level. Eliminate double dipping.

9. Provide tax incentives in the form of a new security called a Small Business Participating Debenture (SBPD) to provide a source of capital for small businesses.

10. The Office of Advocacy must be maintained, reinforced and expanded so that activity be not less than 5 percent of the SBA salary and expense budget. The legislative mission of Advocacy must be considered the number one priority of SBA and the Office of Advocacy. The independence of that function of the Office of Advocacy must be protected so that it may continue to have the confidence of the small business community. SBA's Advocacy budget should be devoted to economic research and analysis, as well as small business advocacy. Small business advocates, under the direct supervision of the SBA Office of Advocacy, shall be assigned to OMB, Federal Reserve Board, Treasury, International Trade Committee and other regulatory agencies.

11. Private lending institutions should be required to provide equal access to commercial credit for women in business. The Federal Reserve Board should establish record keeping requirements for commercial loans to women which will permit effective monitoring of performance under the Equal Credit Opportunity Act. The Small Business Administration should make bank certification available to as many commercial banks and other lenders as possible and establish targets for increasing the dollar volume of loans made to minority-owned and women-owned businesses, as one of the criteria for recertification.

12. Small business should be eligible for magistrate review of agency civil penalties, and reimbursed for court costs, reasonable attorney's fees, and damages from administrative action, if successful in civil disputes with the Federal Government, including IRS.

(A) Such costs and fees to come from the operating budget of the agency.

(B) Magistrates will be appointed and be responsible to the judges in each Federal Judicial District.

(C) With burden of proof on the agency to defend its action.

13. Revise minimum wage standards by freezing standards at January, 1980 levels and establishing a two-tier minimum wage by exempting teenagers, seasonal workers and part-time workers.

14. The President, by Executive Order, and Congress, by legislation, shall establish mandatory goals for all Federal procurements and Federal funds or grants to states, localities, and public and private institutions, on a contract-by-contract or agency-wide basis for small businesses (35 percent); minority-owned (Black, Hispanic, Native American, Asian Pacific American, and other racial minorities) businesses (15 percent); and women in business (10 percent).

15. Require that all government agencies which develop fiscal, monetary, legislative and regulatory policies/practices shall submit small business "economic impact" statements that require the regulatory agencies to identify the anticipated benefits and to justify the costs of Federal regulatory requirements to small business. In addition, all regulatory policies shall be subject to sunset provisions to be reviewed every 5 years in order to insure that only cost effective regulations shall be maintained and retained in the future.●

## STATEMENT ON VETERANS' HEARING

### HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 30, 1980*

● Mr. BEDELL. Mr. Speaker, on December 17 I held an informal hearing in Sioux City on veterans issues for veterans in my district. In addition to the wide attendance by veterans, this hearing was also attended by Representative Bob Edgar, who serves on the Veterans' Affairs Committee, and representatives from the National and Des Moines Veterans' Administrations. Because this meeting highlighted many of the pressing veterans issues of the day it was of great benefit to those who participated. I would like to submit the testimony that was received at this hearing so my colleagues in Congress can also benefit from the comments of veterans in my district.

Following, in the second of a series of testimony I will be submitting to the Record this week. is the statement of Mr. Larry J. Jatho. Mr. Jatho is the supervisor of the Disabled American Veterans National Service Office in Des Moines.

The statement follows:

STATEMENT OF MR. LARRY J. JATHO

Mr. Chairman and members of the committee: On behalf of the 5,900 members of the Disabled American Veterans, Department of Iowa, I wish to thank you for your invitation to appear here today to exchange ideas on issues that affect veterans.

I am Larry J. Jatho, Supervisor of the DAV National Service Office in Des Moines, Iowa. I have served in the capacity of representing veterans, dependents and survivors in their claims before the Veterans Administration for the past six years.

Mr. Chairman, I would like to address the issue of VA health care provided veterans in terms of two surveys completed by the DAV. Attached you will find copies of these survey questionnaries. Permit me to address some of these findings.

Results show throughout the country increasing number of veterans, especially needy, non service connected veterans, being limited in or deprived of their medical care benefits and services, both in the inpatient and outpatient categories; morale of the VA's Department of Medicine and Surgery (DM&S) personnel, especially those involved in direct patient care, being at an all time low and dropping; increasing numbers of VA hospital beds, medical wards and specialized services being shut down or not "brought on line" due to stagnant levels of funding and DM&S personnel shortages. Another result is backlogs in compensation and pension examinations, adversely affecting the claims process in the VA's Department of Veterans Benefits. Since I've mentioned D.V.B. I would like to mention briefly what is happening right now at the Des Moines Regional Office. Hiring freezes have been imposed, no overtime can be used and to top things off, within a year 10 staff reductions must be made.

Mr. Chairman, I do want to convey to you that we feel all directors of the VA Medical Centers and the Director of the Regional Office here in Iowa are making very efficient use of available resources; but, what do you think will happen to VA facilities if the trend to cut personnel and resources is allowed to continue?

I do understand the severe fiscal restraint that has been placed upon all federal agencies and departments. However, spending in the area of veterans programs over the past 15 years has declined in terms of the percentage of the federal budget from a high of 5.6 percent then to 4.0 percent of all spending today. The funds appropriated to the VA have assisted millions of veterans and their families and, in terms of breakthroughs in research, have benefited all Americans. Still, for many veterans, the VA remains their only source of health care and income. For others, like myself we simply hope that system will be in order when we need it. What is needed here in Iowa is simply the funds and staffing in proportion so the VA system may return to the status it once enjoyed—that is, second to none.

With your permission, Mr. Chairman, I would like at this point to just highlight some of the more important legislative objectives that our organization will be pursuing in the upcoming 2nd Session of the 96th Congress. They are:

To provide a ten-year protection period for service connected disability evaluations:

The DAV believes that service connected

veterans in this category should at least be provided some measure of extra protection against reduction in benefits after a rating has been continuously in effect for ten years.

Liberalization of automotive adaptive equipment for certain veterans:

This mandate is sought as the result of a DAV survey which shows that most states require or restrict a veteran to use of specific adaptive equipment for the handicapped.

Increased dependency allowances for service connected veterans:

The DAV seeks a two-year phase-in of this benefit which would essentially equalize such payments for service connected veterans with similar benefits provided to non service connected veterans under the pension program.

Supporting a change in the effective date for reduction in VA benefits:

This change would allow the veteran 120 days instead of the current 60 days to adjust their standard of living. This change is called for in light of the time involved in processing appellant cases.

To increase the face value of national service life insurance to $20,000;

For those currently holding $10,000 NSLI policies an additional $10,000 could be purchased. Veterans currently on waiver of premiums would be eligible to purchase the additional insurance, however, a waiver of premiums would not be available.

We do have other legislative objectives but the last I am going to mention is:

To eliminate medical feasibility examinations under the VA specially adapted housing program:

The DAV finds that such examinations are essentially unnecessary. Evidence from an eligible veteran's claims folder is sufficient to grant the SAH benefits sought. Further, our investigation reveals that claims denied based upon medical feasibility are routinely overturned by the BVA. Elimination of such examinations would result also in some cost savings, both in examination expenses and costs of needless appeals.

This concludes my statement, Mr. Chairman, and I again wish to thank you for giving us this opportunity to express our views on these very important subjects.●

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, January 31, 1980, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

### FEBRUARY 1

10:00 a.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Health Services Administration.
S-128, Capitol

Banking, Housing, and Urban Affairs
Economic Stabilization Subcommittee
To hold oversight hearings on the impact of high interest rates on inflatic.
5302 Dirksen Building

Environment and Public Works
To resume hearings on S. 2080, proposed Public Buildings Act.
4200 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To resume joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances being released into the environment.
1318 Dirksen Building

Joint Economic
To hold hearings on the employment-unemployment situation for January.
457 Russell Building

10:30 a.m.

Joint Economic
To continue hearings on the state of the U.S. economy.
457 Russell Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold open and closed hearings to review programs administered by the Office of the Secretary of State.
S-146, Capitol

### FEBRUARY 4

9:00 a.m.

Armed Services
General Procurement Subcommittee
To resume hearings on the Soviet Union's defense expenditures and programs, and on the defense aspects of export licensing procedures.
1114 Dirksen Building

Environment and Public Works
Resource Protection Subcommittee
To hold hearings on S. 2181, proposed Fish and Wildlife Conservation Act; H.R. 4084, proposed Suisun Marsh Preservation and Restoration Act; H.R. 4887, authorizing funds through fiscal year 1983 for the San Francisco Bay National Wildlife Refuge; H.R. 4889, authorizing funds through fiscal year 1983 for the Great Dismal Swamp National Wildlife Refuge in the States of Virginia and North Carolina; and S. 2115, to establish the Bogue Chitto National Wildlife Refuge in the States of Louisiana and Mississippi.
4200 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings on the nomination of Marvin S. Cohen, of Arizona, to be a Member of the Civil Aeronautics Board.
235 Russell Building

Joint Economic
Economic Growth and Stabilization Subcommittee
To hold hearings on the economic impact of the Soviet grain embargo on rail and barge transportation.
5110 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs
To resume hearings on Amendment No. 398, proposed Monetary Policy Improvement Act to S. 85, and S. 85, 353, and H.R. 7, bills to strengthen the ability of the Federal Reserve Board to conduct monetary policy, to promote greater equality, enhance the safety and soundness of the banking system, and improve the efficiency of the Federal Reserve payments systems.
5302 Dirksen Building

Energy and Natural Resources
To review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, to hear officials from the Department of Energy.
3110 Dirksen Building

2:00 p.m

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Center for Disease Control.
S-128, Capitol

3:30 p.m.

Conferees
On H.R. 5235, to revise the pay provisions of certain medical personnel in the Armed Forces.
S-146, Capitol

### FEBRUARY 5

8:30 a.m.

Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:30 a.m.

Judiciary
Business meeting, to consider pending nominations and legislation.
2228 Dirksen Building

Labor and Human Resources
Employment, Poverty and Migratory Labor Subcommittee
To hold oversight hearings on the activities of the Legal Services Corporation.
4232 Dirksen Building

Select on Small Business
To hold hearings on the impact on communities and small businesses of the decision of the U.S. Steel Corporation to shut down several of its plants.
424 Russell Building

10:00 a.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Institutes of Health.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To review those programs administered by the Office of the Attorney General, Department of Justice.
S-146, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on Amendment No. 398, proposed Monetary Policy Improvement Act to S. 85, and S. 85, 353, and H.R. 7, bills to strengthen the ability of the Federal Reserve Board to conduct monetary policy, to promote greater equality, enhance the safety and soundness of the banking system, and improve the efficiency of the Federal Reserve payments systems.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To resume joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

Finance
International Trade Subcommittee
To hold hearings on the following tariff bills: H.R. 2492 and S. 1258, H.R. 2535, 2537, 3046 and S. 1004, H.R. 3317, 3591, 3755, 4309 and S. 1275, H.R. 4738, 6089, S. 1851 and 1852.
2221 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 1998, to provide for certain public lands to be held in trust by the United States for the Tule River Indian Tribe.
5110 Dirksen Building

Joint Economic
To resume hearings on the state of the U.S. economy.
2212 Rayburn Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Institutes of Health.
S-128, Capitol

### FEBRUARY 6

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act.
6226 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed authorizations for fiscal year 1981 for the National Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
Handicapped Subcommittee
To hold oversight hearings to examine current problems and programs of the hearing impaired, and to explore future technological developments designed to handle their problems.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Institutes of Health.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To review those programs administered by the Office of the Secretary of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on S. 2177, proposed Emergency Home Purchase Assistance Authority Amendments.
5302 Dirksen Building

Energy and Natural Resources
To resume hearings to review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, to hear officials from the Department of Agriculture.
3110 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To continue joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

Governmental Affairs
To resume consideration of S. 262, to require that all Federal agencies conduct a regulatory analysis before issuing regulations and to require the use of less time-consuming procedures to decide cases.
3302 Dirksen Building

Select on Intelligence
To hold a closed business meeting.
S-407, Capitol

Joint Economic
To continue hearings on the state of the U.S. economy.
2212 Rayburn Building

10:30 a.m.
Finance
Public Assistance Subcommittee
To hold hearings to examine the problems which welfare reform legislation should address.
2221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the National Institutes of Health.
S-128, Capitol

### FEBRUARY 7

8:30 a.m.
Energy and Natural Resources
To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on proposed authorizations for fiscal year 1981 for the National Aeronautics and Space Administration.
235 Russell Building

Judiciary
To resume hearings on S. 680, proposed Citizens' Right to Standing in Federal Courts Act.
2228 Dirksen Building

Judiciary
Criminal Justice Subcommittee
To hold hearings on S. 1482, to set forth certain pretrial, trial and appellate procedures for criminal cases involving classified information.
357 Russell Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Alcohol, Drug Abuse and Mental Health Administration.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Judiciary
S-146, Capitol

Banking, Housing, and Urban Affairs
To resume oversight hearings on the New York City federal loan guarantee program.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To Continue joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

Finance
Public Assistance Subcommittee
To continue hearings to examine the problems which welfare reform legislation should address.
2221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To resume hearings on S. 742, proposed Nuclear Waste Management Reorganization Act.
3302 Dirksen Building

Joint Economic
To continue hearings on the state of the U.S. economy.
2257 Rayburn Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1981 for the Health Resources Administration.
S-128, Capitol

Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on S. 1521, proposed Nuclear Waste Regulation Act, and to begin hearings on S. 1360, to establish a workable framework for Federal/State cooperation in the planning, siting, development, construction and operation of nuclear waste storage and disposal facilities.
4200 Dirksen Building

### FEBRUARY 8

10:00 a.m.
Banking, Housing and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution and Resource Protection Subcommittees
To continue joint markup of S. 1480, to provide for the adequate and safe treatment of hazardous substances released into the environment.
4200 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of the Assistant Secretary for Health, Scientific Activities Overseas, and Retirement Pay for Commissioned Officers.
S-128, Capitol

### FEBRUARY 13

10:00 a.m.

Energy and Natural Resources

To resume hearings to review those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, to hear officials from the Department of the Interior.

3110 Dirksen Building

### FEBRUARY 18

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To review those programs administered by the Department of Education.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Communications Commission.

S-146, Capitol

### FEBRUARY 19

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for Elementary and Secondary Education and Impact Aid programs.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Arms Control and Disarmament Agency, Commission on Civil Rights, Equal Employment Opportunity Commission, and the Legal Services Corporation.

S-146, Capitol

Banking, Housing, and Urban Affairs

To hold hearings on proposed legislation to renew the Home Mortgage Disclosure Act.

5302 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To resume hearings on S. 1938, proposed Federal Radiation Protection Management Act.

3302 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for Emergency School Aid, and Libraries and Learning Resources.

S-128, Capitol

Technology Assessment Board

Business meeting on pending Board business.

EF-100, Capitol

### FEBRUARY 20

9:00 a.m.

Veterans' Affairs

To hold hearings S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.

412 Russell Building

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the National Aeronautics and Space Administration.

235 Russell Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for Vocational Education, Student Assistance programs, and Student Loan Insurance Fund

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Commission on Security and Cooperation in Europe, International Communications Agency, and the Japan-U.S. Friendship Commission.

S-146, Capitol

Energy and Natural Resources

Business meeting, to consider proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

Labor and Human Resources

Health and Scientific Research Subcommittee

To hold hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.

4232 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for Education for the Handicapped, Rehabilitation Services and Handicapped Research, and Special Institutions.

S-128, Capitol

### FEBRUARY 21

8:30 a.m.

Energy and Natural Resources

To resume closed hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade.

S-407, Capitol

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for the National Aeronautics and Space Administration.

235 Russell Building

Veterans' Affairs

To hold hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment opportunities.

412 Russell Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for Higher and Continuing Education, Educational Activities Overseas, Higher Education Facilities Loan and Insurance, and College Housing Loans.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Small Business Administration.

S-146, Capitol

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for special projects of the Department of Education.

S-128, Capitol

### FEBRUARY 22

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on a proposed amendment to establish standards for developing a cost ratio trigger for burden of proof in rate cases, to S. 1946, to provide railroads with more pricing rate flexibility and contract provisions.

235 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To resume hearings on the U.S. embargo of grain and technology exports to the Soviet Union.

5302 Dirksen Building

### FEBRUARY 25

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings on the conduct of monetary policy.

5302 Dirksen Building

Energy and Natural Resources

To hold hearings on S. 1280, proposed Energy Management Partnership Act.

3110 Dirksen Building

Labor and Human Resources

Health and Scientific Research Subcommittee

To resume hearings on S. 1652, proposed Nutrition Labeling and Information Amendments of 1979 to the Federal Food, Drug, and Cosmetic Act.

4232 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for Human Development Services.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the administration of foreign affairs within the Department of State.

S-146, Capitol

### FEBRUARY 26

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Health Care Financing Administration.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for international organizations and conferences within the Department of State.

S-146, Capitol

Banking, Housing, and Urban Affairs

To continue oversight hearings on the conduct of monetary policy.

5302 Dirksen Building

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.

6202 Dirksen Building

Energy and Natural Resources

To continue hearings on S. 1280, proposed Energy Management Partnership Act.

3110 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To hold hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.

3302 Dirksen Building

Labor and Human Resources

To consider those matters and programs which fall within the committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

4232 Dirksen Building

Select on Indian Affairs

To hold hearings on S. 2066, to convey certain land in Colorado to the Ute Mountain Ute Indian Tribe.

5110 Dirksen Building

11:00 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1981 from Disabled American Veterans.

318 Russell Building

2:00 p.m.

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for International Commissions of the Department of State, and the Office of the U.S. Trade Representative.

S-128, Capitol

Budget

To continue closed hearings in preparation for reporting the first concurrent resolution on the fiscal year 1981 congressional budget.

6202 Dirksen Building

### FEBRUARY 27

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for the National Aeronautics and Space Administration.

235 Russell Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Social Security Administration.

S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the International Trade Commission, and the Federal Trade Commission.

S-146, Capitol

Banking, Housing, and Urban Affairs

Housing and Urban Affairs Subcommittee

To hold oversight hearings to examine the scope of rental housing.

5302 Dirksen Building

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.

3110 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.

3302 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Office of Inspector General, Office of Civil Rights, Policy Research, and Departmental Management.

S-128, Capitol

### FEBRUARY 28

9:00 a.m.

Veterans' Affairs

To hold hearings on the recruitment and retention qualified health-care professionals to staff the Veterans' Administration health-care facilities.

412 Russell Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Community Services Administration, and the Railroad Retirement Board.

Room S-128, Capitol

Appropriations

State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the Board for International Broadcasting, and the Securities and Exchange Commission.

S-146, Capitol

Banking, Housing, and Urban Affairs

Insurance Subcommittee

To hold hearings on proposed authorizations for fiscal year 1981 for the crime and riot-reinsurance program of the Federal Emergency Management Administration.

5302 Dirksen Building

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To continue hearings on S. 1934, proposed Municipal Solid Waste to Energy Act.

3110 Dirksen Building

Governmental Affairs

Energy, Nuclear Proliferation, and Federal Services Subcommittee

To continue hearings on proposed legislation to increase the authority of the President and Congress in postal operations and to provide a sound financial base for the future of the Postal Service.

3302 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for the National Commission on Libraries and Information Services, Corporation for Public Broadcasting, Occupational Safety and Health Review Commission, Mine Safety Review Commission, and the Soldiers' and Airmen's Home.

S-128, Capitol

### FEBRUARY 29

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for the National Aeronautics and Space Administration.

235 Russell Building

Labor and Human Resources

Employment, Poverty and Migratory Labor Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for the Legal Services Corporation.

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for domestic programs of ACTION, National Labor Relations Board, Federal Mediation and Conciliation Service, and the National Mediation Board.

S-128, Capitol

Banking, Housing, and Urban Affairs

Insurance Subcommittee

To continue hearings on proposed authorizations for fiscal year 1981 for the crime and riot-re-insurance program of the Federal Emergency Management Administration.

5302 Dirksen Building

### MARCH 3

10:00 a.m.

Banking, Housing, and Urban Affairs

To resume hearings on proposed legislation to renew the Home Mortgage Disclosure Act.

5302 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To review those programs administered by the Department of Labor.

S-128, Capitol

### MARCH 4

8:00 a.m.

Veterans' Affairs

To resume hearings on the Federal Government's efforts to assist Vietnam-era veterans in readjusting to society and finding employment and education opportunities.

412 Russell Building

9:30 a.m.

Labor and Human Resources

Handicapped Subcommittee

To hold oversight hearings on the implementation of the Education for All Handicapped Children Act (P.L. 94-142).

4232 Dirksen Building

10:00 a.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1981 for Public Service Jobs, Special Youth Programs, the Job Corps, and Jobs for the Elderly.

1223 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds through fiscal year 1985 for the Urban Mass Transportation program.

5302 Dirksen Building

Energy and Natural Resources
Business meeting, to resume consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

11:30 a.m.

Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from Veterans of Foreign Wars.

318 Russell Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for General Manpower Training programs, Private Sector Initiatives, State Employment Security Agencies.

1114 Dirksen Building

### MARCH 5

10:00 a.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, Occupational Safety and Health Administration, and the Mine Safety and Health Administration.

1114 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds through fiscal year 1985 for the Urban Mass Transportation program.

5302 Dirksen Building

Energy and Natural Resources
Business meeting, to continue consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Employment Standards Administration, Bureau of Labor Statistics, and President's Committee on Employment of Handicapped.

1114 Dirksen Building

### MARCH 6

9:30 a.m.

Veteran's Affairs
Business meeting, to consider those items in the President's budget for fiscal year 1981 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee by March 15.

412 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds through fiscal year 1985 for the Urban Mass Transportation program.

5302 Dirksen Building

Energy and Natural Resources
Business meeting, to continue consideration of proposed authorizations for fiscal year 1981 for the Department of Energy, and other pending calendar business.

3110 Dirksen Building

* Select on Indian Affairs
To hold hearings on S. 1507, to provide for the purchase of certain facilities, lands, and water rights in and around the San Luis Rey River, San Diego, California, to be held in trust for, and operated and maintained by certain boards of Mission Indians.

5110 Dirksen Building

### MARCH 7

10:00 a.m.

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on S. 864, 1499, 1663, 1744, bills to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies.

5302 Dirksen Building

### MARCH 10

10:00 a.m.

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for general administration and legal activities of the Department of Justice.

S-146, Capitol

### MARCH 11

10:00 a.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Bureau of Investigation, Department of Justice.

S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.

5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on S. 1699, proposed Energy Impact Assistance Act.

3302 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.

4232 Dirksen Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Immigration and Naturalization Service, Department of Justice.

S-146, Capitol

### MARCH 12

10:00 a.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Drug Enforcement Administration, Department of Justice.

S-146, Capitol

Banking, Housing, and Urban Affairs
Business, meeting, to consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget by March 15.

5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To continue hearings on S. 1699, proposed Energy Impact Assistance Act.

3302 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To continue hearings on S. 2144, proposed Health Professions Educational Assistance and Nurse Training Act.

4232 Dirksen Building

2:00 p.m.

Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Federal Prison System, and Office of Justice Assistance, Research and Statistics, Department of Justice.

S-146, Capitol

### MARCH 13

9:00 a.m.

Labor and Human Resources
Child and Human Development Subcommittee
To hold hearings on proposed legislation to establish Commissions on National Youth Service and Volunteerism.

4232 Dirksen Building

### MARCH 17

10:00 a.m.

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.

5302 Dirksen Building

### MARCH 18

10:00 a.m.

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on S. 2097, proposed Joint Export Marketing Assistance Act, and on the substance of S. 2040, proposed Small Business Export Expansion Act and S. 2104, proposed Small Business Export Development Act.

5302 Dirksen Building

### MARCH 20

9:00 a.m.
Veterans' Affairs
Business meeting, to consider S. 1188, to revise the vocational rehabilitation programs administered by the Veterans' Administration.
412 Russell Building

### MARCH 24

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Bureau of Census, general administration, and economic and statistical analysis, Department of Commerce.
S-146, Capitol

### MARCH 25

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Economic Development Administration, and Regional Planning Commissions, Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

### MARCH 26

9:00 a.m.
Labor and Human Resources
Child and Human Development Subcommittee
Business meeting, to mark up S. 1843 and H.R. 2977, proposed Domestic Violence Prevention and Services Act; and proposed legislation to establish Commissions on National Youth Service and Volunteerism.
4232 Dirksen Building

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Industry and Trade Administration, Minority Business Development Agency, and the U.S. Travel Service, Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce Subcommittee, the Judiciary and Related Agencies
To hold hearings on proposed budget estimates for fiscal year 1981 for the National Oceanic and Atmospheric Administration, Department of Commerce.
S-146, Capitol

### MARCH 27

9:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1981 from AMVETS, Paralyzed Veterans, Blinded Veterans, W.W.I. Veterans, and Military Order of the Purple Heart.
1202 Dirksen Building

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Patent and Trademark Office, National Telecommunications and Information Administration, and science and technical research, Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Maritime Administration, Department of Commerce.
S-146, Capitol

### MARCH 28

10:00 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To continue hearings on S. 1928, proposed Fair Financial Information Practices Act, and S. 1929, proposed Privacy of Electronic Fund Transfers Act.
5302 Dirksen Building

### MARCH 31

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.
S-146, Capitol

### APRIL 1

10:00 a.m.
Appropriations
State, Justice, Commerce, the Judiciary and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1981 for the Department of Commerce.
S-146, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building.

### APRIL 2

9:30 a.m.
Veterans' Affairs
To resume hearings on the Federal government's efforts to assist Vietnam-era veterans in readjusting to society, and the use of excepted appointments for disabled veterans.
412 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1981 for housing, community development programs, and the Urban Development Action Grant of the Department of Housing and Urban Development.
5302 Dirksen Building

### APRIL 15

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.
5302 Dirksen Building

### APRIL 16

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on proposed authorizations for fiscal year 1981 for the international affairs programs of the Department of the Treasury; and on proposed legislation to increase the U.S. quota in the International Monetary Fund.
5302 Dirksen Building

### APRIL 17

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the development of children who benefit from adoption by facilitating their placement in adoptive homes.
4232 Dirksen Building

MAY 1

10:00 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

To hold hearings on issues Congress might consider which would affect youth in the coming decades.

4232 Dirksen Building

MAY 22

9:30 a.m.

Labor and Human Resources

Child and Human Development Subcommittee

To hold oversight hearings to examine issues affecting infant mortality, and preventable birth defects.

4232 Dirksen Building

JUNE 11

9:30 a.m.

*Veterans' Affairs

To hold oversight hearings on the activities of the Inspector General of the Veterans' Administration.

412 Russell Building